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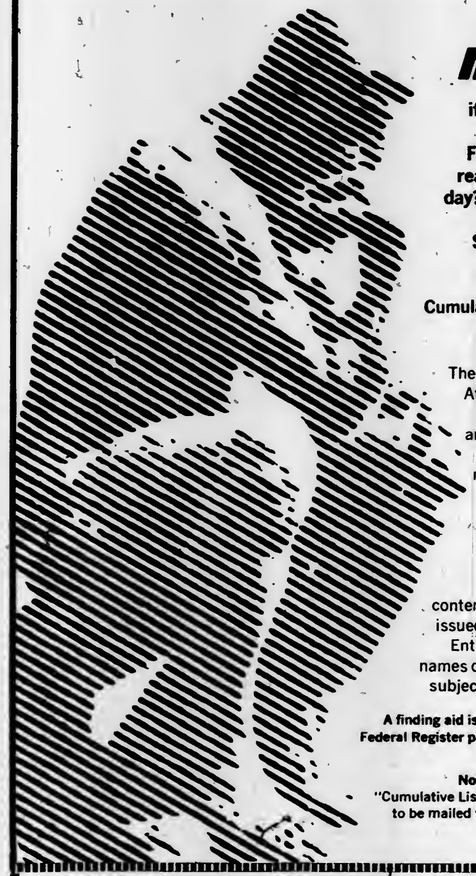
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This publication was prepared under the editorial direction of Rose Steinman, with Carol Blanchard and Loren Myers as Chief Editors. INQUIRIES, telephone 202–523–5227.

SUGGESTIONS concerning this and other publications of the Office will be welcomed by Fred J. Emery, Director, Office of the Federal Register, National Archives and Records Service, Washington, D.C. 20408.

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(i) added 24692
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(i) revised 12007
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(e) correctly added 32892
213.3342 (s) added 4881
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213.3348 (u) added 5394
213.3357 (d) added 30320
(e) added 34246
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752.304 (b)(2) revised 23667
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2.19 (a)(16) revised 4011
2.21 (d)(11), (12), (19), and (21) revised 14170
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2.27 (b)(13) added; (c)(3) removed 15322
2.31 (p) removed 27827
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2.47 Revised 16811
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202.9 (a)(1) and (2) revised; (b)(1) and (2) revised and redesignated as (b)(1)(i) and (ii); (a)(2)(i) and (ii) and (b)(2)(i) and (ii) added 20577
202.10 (c) revised; (f) added (eff. 5–13–76) 20577
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2.49 Added 32738
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2.57 Amended 26636
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2.121 (k) and (l) revised 14179
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121.1148 (a)(17) and (b)(3) added; (b) introductory text and (c)(1) revised; (c)(4) amended 21447
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Subtitle A—Office of the Secretary of Transportation

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1.49 (q) amended; (u) added △20680
1.50 (f) revised △25015
(j) added △35849
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1.54 (a) revised △1288
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1.56 (n) amended △20680
1.57 (d) added △35849
1.59 (c)(1) revised △1288
(l)(3) added △20680
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1.62 (h) amended △31535
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10 Added 45729
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10.12 Added △24822
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107.7 Added △7509
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107.111 (a) revised 56443
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107.113 (b) and (c) amended 56443
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173.30 Revised △16064
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173.125 Heading, (a) introductory text, and (a)(7) revised; (a)(3) and (4) removed ---------- △16068

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173.264 (a)(7) Note 4 and (b)(5) removed; (a)(8) Note 1 redesignated as (a)(8)(i); (a)(8)(ii) and (b)(2)(i) added; (a)(10) Note 3, (a)(8) and (b)(6) revised ---------- △16077
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Twelve agencies have agreed to a six-month trial period based on the assignment of two days a week beginning February 9 and ending August 6 (See 41 FR 5453). The participating agencies and the days assigned are as follows:

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Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this trial program are invited. Comments should be submitted to the Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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"THE FEDERAL REGISTER—WHAT IT IS AND HOW TO USE IT"

Weekly Briefings at the Office of the Federal Register

(For Details, See 41 FR 22997, June 8, 1976)

RESERVATIONS: BILL SHORT, 523–5282

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A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

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Table of Effective Dates and Time Periods—August 1976

This table is for use in computing dates certain in connection with documents which are published in the FEDERAL REGISTER subject to advance notice requirements or which impose time limits on public response.

Federal Agencies using this table in calculating time requirements for submissions must allow sufficient extra time for FEDERAL REGISTER scheduling procedures.

In computing dates certain, the day after publication counts as one. All succeeding days are counted except that when a date certain falls on a weekend or holiday, it is moved forward to the next Federal business day. (See 1 CFR 18.17)

A new table will be published monthly in the first issue of each month.

Dates of FR publication	15 days after publication	30 days after publication	45 days after publication	60 days after publication	90 days after publication
August 2	August 17	September 1	September 16	October 1	November 1
August 3	August 18	September 2	September 17	October 4	November 1
August 4	August 19	September 3	September 20	October 4	November 2
August 5	August 20	September 7	September 20	October 4	November 3
August 6	August 23	September 7	September 20	October 5	November 4
August 9	August 24	September 8	September 23	October 8	November 8
August 10	August 25	September 9	September 24	October 12	November 8
August 11	August 26	September 10	September 27	October 12	November 9
August 12	August 27	September 13	September 27	October 12	November 10
August 13	August 30	September 13	September 27	October 12	November 11
August 16	August 31	September 15	September 30	October 15	November 15
August 17	September 1	September 16	October 1	October 18	November 15
August 18	September 2	September 17	October 4	October 18	November 16
August 19	September 3	September 20	October 4	October 18	November 17
August 20	September 7	September 20	October 4	October 19	November 18
August 23	September 7	September 22	October 7	October 22	November 22
August 24	September 8	September 23	October 7	October 26	November 22
August 25	September 9	September 24	October 12	October 26	November 23
August 26	September 10	September 27	October 12	October 26	November 24
August 27	September 13	September 27	October 12	October 26	November 26
August 30	September 14	September 29	October 14	October 29	November 29
August 31	September 15	September 30	October 15	November 1	November 29

AGENCY ABBREVIATIONS USED IN HIGHLIGHTS AND REMINDERS

(This List Will Be Published Monthly In First Issue Of Month.)

USDA—AGRICULTURE DEPARTMENT

AMS—Agricultural Marketing Service
ARS—Agricultural Research Service
ASCS—Agricultural Stabilization and Conservation Service
APHIS—Animal and Plant Health Inspection Service
CCC—Commodity Credit Corporation
CEA—Commodity Exchange Authority
CSRS—Cooperative State Research Service
EMS—Export Marketing Service
ERS—Economic Research Service
FmHA—Farmers Home Administration
FCIC—Federal Crop Insurance Corporation
FAS—Foreign Agricultural Service
FNS—Food and Nutrition Service
FS—Forest Service
PSA—Packers and Stockyards Administration
RDS—Rural Development Service
REA—Rural Electrification Administration
RTB—Rural Telephone Bank
SCS—Soil Conservation Service

COMMERCE—COMMERCE DEPARTMENT

Census—Census Bureau
DIBA—Domestic and International Business Administration
EDA—Economic Development Administration
MA—Maritime Administration
MBE—Minority Business Enterprise Office
NBS—National Bureau of Standards
NOAA—National Oceanic and Atmospheric Administration
NSA—National Shipping Authority
NTIS—National Technical Information Service
Patent—Patent Office
TS—Travel Service

DOD—DEFENSE DEPARTMENT

AF—Air Force Department
Army—Army Department
DCPA—Defense Civil Preparedness Agency
DIA—Defense Intelligence Agency

DSA—Defense Supply Agency
Engineers—Engineers Corps
Navy—Navy Department

HEW—HEALTH, EDUCATION, AND WELFARE DEPARTMENT

ADAMHA—Alcohol, Drug Abuse, and Mental Health Administration
CDC—Disease Control Center
FDA—Food and Drug Administration
HDO—Human Development Office
HRA—Health Resources Administration
HSA—Health Services Administration
NIH—National Institutes of Health
OE—Education Office
PHS—Public Health Service
RSA—Rehabilitation Services Administration
SRS—Social and Rehabilitation Service
SSA—Social Security Administration

HUD—HOUSING AND URBAN DEVELOPMENT DEPARTMENT

CA&RF—Consumer Affairs and Regulatory Functions, Office of Assistant Secretary
FDAA—Federal Disaster Assistance Administration
FHEO—Fair Housing and Equal Opportunity, Office of Assistant Secretary
FHC—Federal Housing Commissioner, Office of Assistant Secretary for Housing
FIA—Federal Insurance Administration
GNMA—Government National Mortgage Association
HP&MC—Housing Production and Mortgage Credit, Office of Assistant Secretary
ILSRO—Interstate Land Sales Registration Office
NCDC—New Community Development Corporation

INTERIOR—INTERIOR DEPARTMENT

BPA—Bonneville Power Administration
BIA—Indian Affairs Bureau
BLM—Land Management Bureau
FWS—Fish and Wildlife Service
GS—Geological Survey
MESA—Mining Enforcement and Safety Administration
Mines—Mines Bureau
NPS—National Park Service
OHA—Hearings and Appeals Office
O & G—Oil and Gas Office
Reclamation—Reclamation Bureau

JUSTICE—JUSTICE DEPARTMENT

DEA—Drug Enforcement Administration
INS—Immigration and Naturalization Service
LEAA—Law Enforcement Assistance Administration

LABOR—LABOR DEPARTMENT

BLS—Labor Statistics Bureau
EBSO—Employee Benefits Security Office
ESA—Employment Standards Administration
ETA—Employment and Training Administration
FCCPO—Federal Contract Compliance Programs Office
LMSEO—Labor Management Standards Enforcement Office
OSHA—Occupational Safety and Health Administration
W&H—Wage and Hour Division

STATE—STATE DEPARTMENT

AID—Agency for International Development
FSGB—Foreign Service Grievance Board

DOT—TRANSPORTATION DEPARTMENT

CG—Coast Guard
FAA—Federal Aviation Administration
FHWA—Federal Highway Administration
FRA—Federal Railroad Administration
MTB—Materials Transportation Bureau
NHTSA—National Highway Traffic Safety Administration
OHMO—Hazardous Materials Operations Office
PSOO—Pipeline Safety Operations Office
SLS—Saint Lawrence Seaway Development Corporation
UMTA—Urban Mass Transportation Administration

TREASURY—TREASURY DEPARTMENT

AT&F—Alcohol, Tobacco and Firearms Bureau
Customs—Customs Service
Comptroller—Comptroller of the Currency
ESO—Economic Stabilization Office (temporary)
FS—Fiscal Service
IRS—Internal Revenue Service
Mint—Mint Bureau
RSO—Revenue Sharing Office

INDEPENDENT AGENCIES

CAB—Civil Aeronautics Board
CASB—Cost Accounting Standards Board
CEQ—Council on Environmental Quality
CFTC—Commodity Futures Trading Commission
CITA—Textile Agreements Implementation Committee
CPSC—Consumer Product Safety Commission
CRC—Civil Rights Commission
CSC—Civil Service Commission
EEOC—Equal Employment Opportunity Commission
EXIMBANK—Export-Import Bank of the U.S.
EPA—Environmental Protection Agency
ERDA—Energy Research and Development Administration
FCC—Federal Communications Commission
FCSC—Foreign Claims Settlement Commission
FDIC—Federal Deposit Insurance Corporation
FEA—Federal Energy Administration
FHLBB—Federal Home Loan Bank Board
FPC—Federal Power Commission
FTC—Federal Trade Commission
GSA—General Services Administration
GSA/ADTS—Automated Data and Telecommunications Service
GSA/FMPO—Federal Management Policy Office
GSA/FPA—Federal Preparedness Agency
GSA/FSS—Federal Supply Service
GSA/NARS—National Archives and Records Service
GSA/PBS—Public Buildings Service
ICC—Interstate Commerce Commission
ICP—Interim Compliance Panel (Coal Mine Health and Safety)
NASA—National Aeronautics and Space Administration
NCUA—National Credit Union Administration
NLRB—National Labor Relations Board
NRC—Nuclear Regulatory Commission
NTSB—National Transportation Safety Board
OFR—Federal Register Office
OMB—Management and Budget Office
OPIC—Overseas Private Investment Corporation
PRC—Postal Rate Commission
PS—Postal Service
RB—Renegotiation Board
RRB—Railroad Retirement Board
SBA—Small Business Administration
SEC—Securities and Exchange Commission
TVA—Tennessee Valley Authority
USIA—United States Information Agency
VA—Veterans Administration
WRC—Water Resources Council

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 1—General Provisions

CHAPTER I—ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

CFR CHECKLIST

1976 Issuances

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the revision date and price of the volumes of the Code of Federal Regulations issued to date for 1976. New units issued during the month are announced on the back cover of the daily FEDERAL REGISTER as they become available.

The rate for subscription service to all revised volumes issued for 1976 is $350 domestic, $75 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR Unit (Rev. as of Jan. 1, 1976):

Title	Price
1	$1.40
2 [Reserved]	
3A, 1975 Compilation	3.40
4	3.20
5	4.90
6	.95
7 Parts:	
0–45	5.80
46–51	3.80
52	5.70
53–209	5.50
210–699	6.20
700–749	3.80
750–899	1.70
900–944	3.90
945–980	2.70
981–999	2.40
1000–1059	4.00
1060–1119	4.50
1120–1199	2.80
1200–1499	4.50
1500–end	6.90
8	2.40
9	6.80
10 Parts:	
0–199	4.60
200–end	4.90
12 Parts:	
1–299	11.00
300–end	7.50
13	3.60
14 Parts:	
1–59	5.30
60–199	5.60
200–119	6.20
1200–end	2.00
15	5.40
16 Parts:	
0–149	6.50
150–end	6.80

CFR Unit (Rev. as of April 1, 1976):

Title	Price
17	6.00
18 Parts:	
1–149	$4.85
150–end	4.10
19	5.65
20 Parts:	
1–399	2.45
400–end	7.50
21 Parts:	
1–9	2.60
10–199	5.20
200–299	2.10
300–499	*5.95
500–599	3.75
600–1299	2.75
1300–end	1.90
24 Parts:	
0–499	6.65
500–end	6.90
26 Parts:	
1 (§§ 1.0–1—1.169)	5.95
1 (§§ 1.170–1.300)	3.90
1 (§§ 1.301–1.400)	3.30
1 (§§ 1.401 to 1.500)	3.55
1 (§§ 1.501–1.640)	4.05
1 (§§ 1.641–1.850)	4.45
1 (§§ 1.851–1.1200)	6.05
1 (§§ 1.1201 to end)	6.95
2–29	4.05
30–39	3.45
300–499	3.60
600–end	2.20
27	7.70

1975 CFR volumes previously announced are available from the Superintendent of Documents at the prices listed below:

CFR Unit (Rev. as of July 1, 1975):

Title	Price
28	$2.70
29 Parts:	
0–499	5.90
500–1899	6.85
1900–1919	7.35
1920–end	3.50
30	5.80
31	4.90
32 Parts:	
40–399	5.99
400–589	4.90
590–699	2.35
700–799	7.55
800–999	5.35
1000–1399	2.05
1400–1599	3.65
1600–end	1.80
32A	2.85
33 Parts:	
1–199	$5.95
200–end	4.60
34	1.70
35	3.90
36	3.55
37	2.10
38	7.10
39	3.10
40 Parts:	
0–49	2.90
50–69	6.90
70–99	$4.15
100–end	8.35
41 Chapters:	
1–2	6.75
3–6	6.05
7	1.80
8	1.80
9 (Rev. 11–1–75)	3.90
10–17	3.85
18 (Retain CFR Vol. Rev. 7–1–74)	7.60
19–100	3.25
101–end	6.20
General Index	3.05

*Previously announced price of $2.75 for this volume, listed on back of FEDERAL REGISTER dated May 7, 1976, was in error.

CFR Unit (Rev. as of Oct. 1, 1975):

Title	Price
42	$5.15
43 Parts:	
1–999	2.90
1000–end	7.10
44 [Reserved]	
45 Parts:	
1–99	3.25
100–199	6.80
200–499	3.55
500–end	4.90
46 Parts:	
1–29	2.20
30–40	2.15
41–69	4.40
70–89	2.05
90–109	1.95
110–139	1.90
140–149	7.50
150–165	3.75
166–199	2.60
200–end	6.50
47 Parts:	
0–19	4.25
20–69	5.25
70–79	4.60
80–end	5.60
48 [Reserved]	
49 Parts:	
1–99	1.85
100–199	6.30
200–999	5.99
1000–1199	3.55
1200–1299	7.65
1300–end	2.95
50	4.15

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 15966; Amdt. 13–11]

PART 13—ENFORCEMENT PROCEDURES

Redelegation of Hazardous Materials Enforcement Authority

The purpose of this amendment to Part 13 of the Federal Aviation Regulations (14 CFR 13) is to redelegate the Administrator's enforcement authority, with respect to the Hazardous Materials Transportation Act, concerning the transportation and shipment of hazardous materials by air, as delegated to him by the Secretary of Transportation.

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The Secretary of Transportation has delegated to the Federal Aviation Administrator authority to carry out functions vested in the Secretary by the Hazardous Materials Transportation Act (49 U.S.C. 1801 *et seq.*) concerning investigations, records, inspection, penalties, and specific relief so far as they apply to the transportation or shipment of hazardous materials by air (paragraph 1.47(k) of the Regulations of the Office of the Secretary of Transportation 49 CFR 1.47(k))). In order to further delegate this authority to the same officials who currently have responsibility under Part 13 with respect to the enforcement provisions of the Federal Aviation Act of 1958, this amendment redelegates the Administrator's enforcement authority with respect to the Hazardous Materials Transportation Act, and regulations issued under that Act, to the Chief Counsel, the Deputy Chief Counsel, each Assistant Chief Counsel, and to each Regional Counsel (as appropriate). This amendment adds new § 13.16, and affects §§ 13.1, 13.3, and 13.23 of Part 13. A conforming clarification is also made to § 13.19.

With respect to civil penalty actions, new § 13.16 deals solely with the Hazardous Materials Transportation Act and regulations issued under that Act. It is thus in addition to, and does not affect, the continuing authority, pursuant to § 13.15, to take civil penalty actions with respect to violations of the Federal Aviation Act of 1958, and regulations or orders issued under that Act, in cases involving transportation or shipment of hazardous materials, as delegated to the Administrator. This is made clear in § 13.16(c).

As this amendment merely redelegates authority within the FAA, and involves agency organization, procedure or practice only, notice and public procedure thereon are not required. Furthermore, in order to support timely enforcement of the Hazardous Materials Transportation Act, and in order to ensure uninterrupted enforcement with respect to regulations issued under that Act, this redelegation should be effective as soon as possible. I, therefore, find that good cause exists for making this amendment effective in less than 30 days after publication in the FEDERAL REGISTER.

AUTHORITY: [sections 302(f), 303(d), and 313(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1343(f), 1344(d), and 1354(a)); and § 1.47 of the regulations of the Office of the Secretary of Transportation (49 CFR 1.47)].

In consideration of the foregoing, Part 13 of the Federal Aviation Regulations is amended, effective August 2, 1976, as follows:

1. Paragraph (a) of § 13.1 is amended to read as follows:

§ 13.1 Reports of violations.

(a) Any person who knows of a violation of the Federal Aviation Act of 1958, or of any regulation or order issued under it, or any violation of the Hazardous Materials Transportation Act or of any regulation or order issued under it, relating to the transportation or shipment by air of hazardous materials, may report it to appropriate personnel of an FAA regional or district office.

* * * * *

2. Paragraph (a) of § 13.3 is amended by adding the following language at the end thereof:

3. In the first sentence of § 13.3(b), the word "Act" is deleted and the words "Federal Aviation Act of 1958" are inserted in place thereof.

4. Section 13.3 is amended by adding a new paragraph (c) reading as follows:

§ 13.3 Investigations.

(a) "Under § 1.47(k) of the Regulations of the Office of the Secretary of Transportation (49 CFR 1.47(k)), the Administrator may, with respect to the transportation or shipment by air of hazardous materials, conduct investigations, issue subpoenas, conduct hearings, require the production of relevant documents, records, and property, and take depositions as prescribed in Section 109 of the Hazardous Materials Transportation Act (49 U.S.C. 1808)."

(c) For the purpose of investigating alleged violations of the Hazardous Materials Transportation Act, or of any regulation or order issued under it, relating to the transportation or shipment by air of hazardous materials, the authority under Section 109 of that Act (49 U.S.C. 1808), as delegated to the Administrator, has been redelegated to the Chief Counsel, the Deputy Chief Counsel, each Assistant Chief Counsel, and each Regional Counsel.

5. A new § 13.16 is added to read as follows:

§ 13.16 Civil Penalties: Hazardous Materials Transportation Act.

(a) Section 110 of the Hazardous Materials Transportation Act (49 U.S.C. 1809) provides for civil penalties, for persons who knowingly commit acts that are violations of that Act, or of any regulation issued under it, of not more than $10,000 for each violation.

(b) The authority under § 110 of the Hazardous Materials Transportation Act to initiate, compromise, and assess civil penalties, and refer cases to the U.S. Attorney General for collection of such civil penalties for violations of that Act, or of regulations dealing with transportation or shipment of hazardous materials by air issued under that Act, as delegated to the Administrator, has been redelegated to the Chief Counsel, the Assistant Chief Counsel for Operations and Evaluation, and to each Regional Counsel.

(c) The redelegation in paragraph (b) of this section is in addition to the authority to take civil penalty action under § 13.15 of this Part with respect to violations of the Federal Aviation Act of 1958, and regulations or orders issued under that Act, involving transportation or shipment of hazardous materials, as delegated to the Administrator.

§ 13.19 [Amended]

6. Section 13.19 is amended by amending paragraph (b) by adding the following new sentence after the first sentence (which ends with the words "or air agency certificate") and before the second sentence (which begins with the words "this authority is"): "This authority may be exercised for remedial purposes in cases involving the Hazardous Materials Transportation Act (49 U.S.C. 1801 *et seq.*) or regulations issued under that Act."

7. § 13.23 is amended to read as follows:

§ 13.23 Criminal penalties.

(a) Sections 902 and 1203 of the Federal Aviation Act of 1958 (49 U.S.C. 1472 and 1523), provide criminal penalties for any person who knowingly and willfully violates specified provisions of that Act or any regulation or order issued under those provisions. Section 110(b) of the Hazardous Materials Transportation Act (49 U.S.C. 1809(b)) provides for a criminal penalty of a fine of not more than $25,000, imprisonment for not more than five years, or both, for any person who willfully violates a provision of that Act or a regulation or order issued under it.

(b) If an inspector or other employee of the FAA becomes aware of a possible violation of any criminal provision of the Federal Aviation Act of 1958 (except a violation of § 902(i) through (m) which is reported directly to the Federal Bureau of Investigation), or of the Hazardous Materials Transportation Act, relating to the transportation or shipment by air of hazardous materials, he shall report it to the Office of the Chief Counsel or the Regional Counsel concerned. If appropriate, that office refers the report to the Department of Justice for criminal prosecution of the offender. If such an inspector or other employee becomes aware of a possible violation of a Federal statute that is within the investigatory jurisdiction of another Federal agency, he shall immediately report it to that agency according to standard FAA practices.

Issued in Washington, D.C., on July 26, 1976.

JOHN L. MCLUCAS,
Administrator.

[FR Doc.76-22232 Filed 7-30-76;8:45 am]

[Docket No. 76-NW-13-AD; Amdt. 39-2678]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 727 Series Airplanes

It has come to the attention of the FAA that incompatible installations of the elevator balance panel aft hinges in bay number two and number five may have been made on in-service Boeing Model 727 series airplanes. In June 1974, the aft hinge for the bay number 5 elevator balance panel was changed from tungsten to aluminum-bronze. To maintain proper balance, the aft hinge of the bay number 2 elevator balance panel material was changed from aluminum to aluminum-bronze and the fixed weight material was changed from aluminum to steel. Some operators may have replaced the aft hinges only in bay number 5 or bay number 2 which results in the elevator system exceeding the balance limits. The combination of an aluminum hinge in bay number 2 and an aluminum-bronze hinge in bay number 5 would result in a critical shift of the elevator system center of gravity which degrades the established flutter margins. Although the probability is low, stabilizer flutter could occur if hydraulic pressure to both the system A and system B elevator power control units was turned off or lost. Boeing 727 Structural Repair Manual Temporary Revision TR 51-25, dated January 15, 1976 (Boeing SRM, July 1, 1976), contains instructions for replacement of the hinges. Due to the unsafe condition which exists, an airworthiness directive is being issued to require inspection of the elevator balance panel aft hinges in bays 2 and 5 on Boeing Model 727 series airplanes. Engineering for the material changes was released in August 1973, and the replacement hinges incorporating these changes became available from Boeing in June 1974. Therefore, if it can be shown through an operator's records or airplane's maintenance records that the elevator balance panel aft hinges are not of the combination of aluminum in bay number 2 and aluminum-bronze in bay number 5, the AD is not applicable.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BOEING: Applies to all Model 727 series airplanes, categorized as Group I and II in Boeing Service Bulletin No. 727-55-A65, or later FAA approved revisions, and certificated in all categories. Compliance required as indicated unless it can be shown that this AD is not applicable per paragraph B.

To prevent possible stabilizer flutter from mismatch of the elevator balance panel aft hinges in bays 2 and 5, accomplish the following:

A. Unless already accomplished, within the next 300 flight hours from the effective date of this AD, inspect the elevator balance panel aft hinges in bays 2 and 5, accomplish the right) for compatibility in accordance with Boeing Service Bulletin No. 727-55-A65, or later FAA approved revisions, or in an equivalent manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. If an aluminum hinge is installed in bay 2 and an aluminum-bronze hinge is installed in bay 5, replace in accordance with the service bulletin and physically rebalance in accordance with the Boeing 727 Structural Repair Manual prior to the next flight.

B. If it can be shown through an operator's records or airplane's maintenance records that the elevator balance panel aft hinges are not of the combination of aluminum in bay number 2 and aluminum-bronze in bay number 5, the AD is not applicable.

C. Airplanes requiring action prior to the next flight per paragraph A may be flown to the nearest maintenance base in accordance with FAR 21.197 and 21.199.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive, who have not already received these documents from the manufacturer, may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98108. The documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

This amendment becomes effective August 9, 1976.

(Secs. 313(a), 601, and 603 Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Seattle, Washington, July 19, 1976.

C. B. WALK, JR.,
Director,
Northwest Region.

NOTE: The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.

[FR Doc.76-22101 Filed 7-30-76;8:45 am]

[Airworthiness Docket No. 75-WE-3-AD; Amdt. 39-2681]

PART 39—AIRWORTHINESS DIRECTIVES

Rockwell International NA-265 Series Airplanes

Amendment 39-2161 (40 FR 16299), AD 75-08-11 requires a one-time test or replacement of the electrical generating system 100 ampere circuit breakers in certain airplanes, a placard near the aft cabin circuit breaker panel, and an Airplane Flight Manual (AFM) limitation which specifies that a check is to be made of the circuit breakers prior to the first flight of each day. After issuance of Amendment 39-2161, two additional instances of loss of all electrical power due to tripping of the five 100 ampere circuit breakers at fuselage station 333 in the cabin have occurred. Subsequently the agency has, with the cooperation of Rockwell International, determined that operational temperatures in the vicinity of the circuit breakers at fuselage station 333 exceed the temperatures at the front circuit breakers at fuselage station 143. This temperature differential causes the rear circuit breakers to be susceptible to tripping prior to the front breakers. To correct this situation, Rockwell International has issued Service Bulletin No. 11 dated March 12, 1976 and revised May 14, 1976. This service bulletin which is applicable to airplane models NA-265-40, -60, and -70, covers replacement of the 100 ampere circuit breakers at Station 333 with 140 ampere circuit breakers and improves convection cooling at this location.

Rockwell International has also developed for airplane models NA-265-40, -60 and -70 an "Essential Bus Circuit Breaker Out" indicating system, covered by Service Bulletin 75-20. This system provides a caution light in the cockpit, which monitors the condition of the rear Essential Bus circuit breakers. By a revision of May 24, 1976, Service Bulletin 75-20 also incorporates a press-to-test button in the cockpit.

To date there have been no reports of electrical system failures in models NA-265 (T-39A), NA-265-20 (T-39B), and NA-265-30 (T-39D) airplanes. There are certain differences in the electrical systems and load requirements for these airplanes as compared with models NA-265-40, NA-265-60 and NA-265-70. Therefore the AD requirements for these models are being amended at this time to increase the frequency of checking of the Essential Bus Circuit breaker, but not to require modifications to the aircraft electrical system.

Therefore, in view of the additional electrical system failures and the corrective measures available, the AD is being amended for all NA-265 Series airplanes to:

(1) Require a check of the Essential Bus circuit breakers prior to each flight after the shutdown of both engines.

(2) Incorporate new Airplane Flight Manual material which revises the Certificate Limitations applicable to the circuit breaker preflight check, and adds Emergency Procedures covering the failure of 28V DC Essential Bus system.

(3) Provide for removal of placard in cockpit concurrent with incorporation of AFM revision.

(4) Provide for optional placards at fuselage station 333.

For airplane models NA-265-40, -60 and -70, the following additional items are being required:

(1) The installation of five 140 ampere circuit breakers and improved ventilation at station 333.

(2) The installation of the Essential Bus Circuit Breaker Out indicating system.

Since a situation exists that requires immediate adoption of the regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-2161 (40 FR 16299), AD 75-08-11 is amended as follows:

(1) Revise compliance statement as follows:

For paragraphs (a) through (f), compliance required within the next 50 hours time in service or 30 days, whichever is sooner, after April 14, 1975 (the effective date of Amendment 39-2161, AD 75-08-11), unless already accomplished.

For paragraphs (g) through (i), compliance is required as indicated.

(2) Add a new paragraph (g) as follows:

(g) After August 5, 1976 (the effective date of Amendment 39-2681) the placard specified in paragraph (e), above, may be removed when:

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(1) A placard is installed on or immediately adjacent to the circuit breaker access cover:

'CIRCUIT BREAKER ACCESS', and

(2) A placard is installed on or immediately adjacent to the circuit breaker panel so that it is visible when the circuit breaker access cover is opened:

'CIRCUIT BREAKERS ON THIS PANEL ARE ESSENTIAL TO SAFETY AND MUST BE ACCESSIBLE FOR INSPECTION ON THE GROUND AND IN FLIGHT'

(3) Add a new paragraph (h) as follows:

(h) Before September 1, 1976, unless already accomplished, revise the FAA-approved Airplane Flight Manual (AFM) appropriate to the airplane model as listed below, by incorporating the AFM revision as dated, or later FAA-approved revision. (This revised manual material incorporates revised Certificate Limitations pertaining to the circuit breaker preflight check, and new Emergency Procedures covering the failure of the 28V DC Essential Bus system).

Model and AFM	*Date of AFM revision*
NA-265 (T-39A)—NA-61-3..	July 19, 1976.
NA-265-20 (T-39B)—NA-61-3.	Do.
NA-265-30 (T-39D)—NA-61-3.	Do.
NA-265-40(S/N 1-97)—NA-62-1300; (S/N 98-137)—NA-72-25.	Do.
NA-265-60—NA-66-1030	Do.
NA-265-70—NA-69-422	Do.

Concurrently with incorporating this AFM revision, remove AFM material specified in paragraph (c) and the placard specified in paragraph (d).

(4) Add a new paragraph (i) as follows:

(i) For models NA-265-40, NA-265-60 and NA-265-70

(1) Before October 15, 1976, unless already accomplished, comply with Part I of Rockwell International Service Bulletin No. 11 as revised May 14, 1976 or later FAA-approved revision, to provide improved circuit breaker cooling at Station 333.

(2) Before April 25, 1977, unless already accomplished:

(i) Comply with Part II (replacement of five 100 ampere circuit breakers with five 140 ampere circuit breakers at Station 333 and providing additional circuit breaker cooling), of Rockwell International Service Bulletin No. 11 as revised May 14, 1976, or later FAA-approved revision, and

(ii) Install an 'Essential Bus Circuit Breaker Out' caution light and test circuit system in accordance with Rockwell International Service Bulletin No. 75-20 as revised May 24, 1976 or later FAA-approved revision.

(iii) When the replacement of the five circuit breakers in accordance with subparagraph (i)(2)(i) is accomplished the requirements of Paragraph (b) no longer apply to the five circuit breakers located at station 333.

This amendment becomes effective August 5, 1976.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, California on July 21, 1976.

LYNN L. HINK,
Acting Director,
FAA Western Region.

[FR Doc.76-22102 Filed 7-30-76;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-962, Amdt. 52; Docket 29387]

PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Compensation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. July 27, 1976.

By ER-896, adopted January 17, 1975,[1] the Board amended Part 288 of the Economic Regulations (14 CFR Part 288) establishing minimum rates for foreign and overseas air transportation services performed by air carriers for the Department of Defense (DOD) and procured by the Military Airlift Command (MAC). On June 11, 1976, nine carriers[2] jointly filed a petition requesting that the Board institute a full-scale rate review for amendment of Part 288 of the Economic Regulations and § 399.16(b) of the Policy Statements to establish new minimum rates for foreign and overseas military charter air transportation. The carriers also request that, pending completion of the review, the Board take immediate action to establish interim final rates effective on and after July 1, 1976, consistent with past practice.[3] The petitioners request interim final rates reflecting increases of 7.64 percent for passenger services and 15.05 percent for cargo services over the rates established in ER-896, based on an analysis of CAB Form 243 reported data for MAC Category B operations during calendar year 1975 (excluding services with wide-body aircraft) allocated to passenger and cargo services. The joint MAC carriers also applied a 25 percent reduction factor for potential adjustments to the reported data.

Answers were timely filed by Northwest Airlines, Inc. (Northwest) and by the DOD.

Northwest supports the requests of the joint MAC carriers, citing cost increases it has experienced in performing MAC charter services since the adoption of ER-896.

The DOD does not object, on procedural grounds, to the request for interim final rates based on an analysis of Form 243 reports and the initiation of a full-scale rate review as long as the revised rates are set prospectively. However, the DOD does object to the interim final rate increases and the effective date of July 1, 1976, proposed by the joint MAC carriers. The DOD recommends interim final rate increases of 5.21 and 4.53 percent for round-trip and one-way passenger services, respectively, and 5.48 and 15.05 percent for round-trip and one-way cargo services, respectively, above the base rates established in ER-896. These recommendations are based on the DOD's analyses of the reported Form 243 data for calendar year 1975, exclusive of operations performed with wide-body equipment. The DOD has adjusted the investment and depreciation expense consistent with levels recognized in ER-896 (as modified for changes in daily utilization and revenue aircraft-miles per hour) and the indirect operating expense (except passenger service expense) to the amounts which are derived from application of the ratio for such expenses to the total of direct operating expenses plus passenger service expenses as set forth in the appendices to ER-896. Furthermore, the DOD takes exception to the joint MAC carriers' allocation of investment and expense amounts between passenger and cargo services. Finally, the DOD has, in addition to the adjustments mentioned above, applied the carriers' proposed 25 percent reduction factor to arrive at the recommended rate increases.

Based on the carriers' showing that the currently effective rates are inadequate coupled with the Department of Defense's concurrence, the Board is hereby instituting a full-scale review of Part 288 minimum rates for foreign and overseas transportation services performed by air carriers under contracts with the Military Airlift Command and establishing herein interim final rates for such services pending completion of the full-scale review.

As indicated above, the interim rate proposals of the carriers and of DOD are based on different methodologies, both of which represent departures from past practice which we believe produced fair and reasonable interim final rates. Moreover, the adoption at this time of a new rate-calculation methodology would unduly delay implementation of interim rate relief which both the joint petitioners and the DOD agree is clearly warranted. In these circumstances, the Board has concluded that, consistent with our established policy and practice, the interim final rates, as set forth herein, should be based on an analysis of the most recent available Form 243 reported data, the twelve months ended March 31, 1976. As set forth in the attached appendices, adjustments to the carriers' reported investment and operating expense data have been made on the same bases as in previous interim final rate determinations.[4] Also, consistent with our prior practice and for the same reasons, results of operations with wide-body equipment have not been included in the rate determinations.[5] An additional adjustment has been made to reflect for the base year's operations the current average prices of military and commercial fuel as of June 1, 1976; and, thus, the interim final rates established herein incorporate the current fuel surcharge rates established by ER-955, July 1, 1976.[6]

The adjusted reported returns on investment for the twelve months ended March 31, 1976, as set forth in Appendix B, were —2.59 and —5.00 percent for the long-range and short-range "all other" carriers, respectively. As set forth in Appendix A, the long-range and short-range "all other" carriers require $14.1 million and $128,000, respectively, to achieve the recognized level of return on investment, or, increases in the current final rates of 10.62 and 5.66 percent for the long-range and short-range "all other" carriers, respectively. On the basis of these results, we will amend the current final minimum MAC rates adopted in ER-896 and amended by ER-955 as follows: (1) increase the long-range Category B and Category A rates by 10.62 percent; [7] (2) increase the short-range Pacific interisland Category B rates by 5.66 percent; [8] and (3) increase the short-range "all other" Category B rates by 5.66 percent.

In accordance with past practice, we have eliminated the notice procedures and are establishing the amendments herein, on a final basis, to be effective seven calendar days after adoption of this rule. This procedure represents a reasonable balancing of the conflicting interests of the carriers in obtaining prompt rate relief and of the DOD in maintaining rate finality. In order to permit interested persons to make their views known, we will permit the filing of petitions for reconsideration of this rule. Any adjustment to the interim final rates adopted herein resulting from a review of such petitions will be effective prospectively. Twenty (20) copies of such petitions shall be filed with the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428 on or before August 13, 1976. Copies of any petition filed will be available in the Docket Section for inspection and copying by interested persons. The filing of petitions shall not operate to stay the effective date of the within-rule amendment.

In view of the carriers' need for prompt rate relief, we find good cause exists to make the amendments effective on less than thirty (30) days' notice. Also, for the reasons previously set forth, we find that notice and public proceeding herein are unnecessary.

In consideration of the foregoing, the Board hereby amends Part 288 of the Economic Regulations (14 CFR Part 288) effective August 3, 1976 as follows:

1. Revise § 288.7 (a) and (d) (1) and (2) to read as follows:

§ 288.7 Reasonable level of compensation.

• • • • • •

(a) • • •

(1) Performed with turbine-powered aircraft:

Amended Rates Effective August 3, 1976

Aircraft Type	Passenger rates, per passenger-mile		Cargo, per ton-mile		Convertible Rates 1/		Mixed passenger-cargo rates, per revenue plane-mile 2/3/	
	Round Trip	One Way	Round Trip	One Way	Passenger leg, per passenger-mile	Cargo leg, per ton-mile	Round Trip	One Way
Regular Turbojets:	3.180¢	5.715¢	12.244¢	18.427¢	3.180¢	14.114¢		
Passengers - Pallets								
165 and 0							$5.247	$ 9.430
117 and 3							5.021	8.644
105 and 4							4.964	8.447
93 and 5							4.907	8.250
81 and 6							4.851	8.053
69 and 7							4.766	7.759
51 and 8							4.703	7.540
0 and 12							4.469	6.726
DC-8-63/63F:	3.180 3/	5.715 3/	12.244 3/	18.427 3/	3.180 3/	14.114 3/		
Passengers - Pallets								
219 and 0							6.964	12.516
159 and 5							6.565	11.359
99 and 12							5.541	9.546
87 and 13							5.821	9.199
0 and 18							5.570	8.292
B-727 Pacific Interisland 4/	4.303	8.219	21.987	43.754	4.303	26.384		
Passengers - Pallets								
105 and 0							4.518	8.630
61 and 2							4.284	8.314
50 and 3							4.225	8.235
46 and 4							4.204	8.206
0 and 7							3.956	7.876
B-727 All Other: 4/	4.854	9.271	24.585	48.924	4.854	29.501		
Passengers - Pallets								
105 and 0							5.097	9.735
61 and 2							4.815	9.346
50 and 3							4.745	9.249
46 and 4							4.720	9.213
0 and 7							4.425	8.806

1/ Conversion rates shall apply only for flights that are converted a minimum of 10 days in advance of the performance of the service. Conversion charges for convertible flights or variable mixed flights shall be at the rate of $75 per seat changed on each segment. If a flight is converted with less than 10 days' notice, the one-way rates shall apply to each leg of the converted round trip.
2/ For the Coral Sea variable mixed operation the conversion charge shall be $207 per cargo pallet in lieu of a seat charge.
3/ Also applies to wide-bodied (B-747, DC-10, and L-1011) equipment.
4/ Shall also apply to the L-382/L-100-10/20/30 and CV-990 aircraft.

[1] ER-896 has been amended periodically for fuel surcharge rates; the currently effective rates were fixed by ER-955, July 1, 1976.

[2] Airlift International, Inc.; Capitol Airways, Inc.; The Flying Tiger Line Inc.; Overseas National Airways, Inc.; Pan American World Airways, Inc.; Saturn Airways, Inc.; Seaboard World Airlines, Inc.; Trans International Airlines, Inc.; and World Airways, Inc.

[3] The interim final rate procedure, adopted by the Board during the prior full-scale review, is intended to maintain prospective final rates, thereby minimizing retroactive MAC ratemaking.

[4] ER-819, ER-867, and ER-879.

[5] ER-867 and ER-879.

[6] Inasmuch as the rates herein incorporate the current fuel surcharges established by ER-955, the provisos to § 288.7 which specify those surcharges are unnecessary and have been eliminated.

[7] By PS-61, adopted January 17, 1975, the Board amended Part 399, specifically § 399.16 (b). By that amendment Category Z minimum charges were established to be the same as the Category B one-way passenger rate per mile set forth in § 288.7 of Part 288 of the Economic Regulations, thus eliminating the need for further amendments of § 399.16(b) whenever the rates in § 288.7 are adjusted.

[8] No short-range Pacific interisland services have been performed since the end of fiscal year 1975. However, in order to maintain this rate on a current basis in case of resumption of this service and since this service has been provided with the same aircraft type (B-727) as the short-range "all other" services, we are providing for the same increase in the current short-range Pacific interisland rates as determined for the short-range "all other" rates.

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(2) * * *

Provided, That subject to the provisions of § 288.8, the minimum rates set forth above shall not be applicable to passengers or cargo carried on a particular trip in excess of the amount that the contract calls for the DOD to supply and the carrier to provide space: *And provided further*, That if a carrier performs a one-way charter flight carrying nonmilitary traffic for a nonmilitary user, the carrier may charter the return flight of that aircraft to the DOD at a published one-way charter tariff rate that is in fact available to the general public for equivalent services.

* * * * *

(d) For Category A transportation services performed on and after August 3, 1976:

(1) Passengers, 5.715 cents per passenger-mile.

(2) Cargo, 18.427 cents per ton-mile.

* * * * *

(Secs. 204, 403, and 416 of the Federal Aviation Act of 1958 as amended; 72 Stat. 743, 758, and 771, as amended; 49 U.S.C. 1324, 1373, and 1386.)

Effective: August 3, 1976.

Adopted: July 27, 1976.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

Appendix A

MAC INTERNATIONAL CARRIERS
Required Rate Increase
Year Ended March 31, 1976
$(000)

	Adjusted Revenues1/	Adjusted Return and Taxes1/	Recognized Return and Taxes2/	Revenue Increase Required	Rate Increase Required3/
Long-Range	132,949	246	14,369	14,123	10.62%
Short-Range All Other	2,262	(31)	97	128	5.66 4/

1/ See Appendix B.
2/ See Appendix C.
3/ Relationship of required revenue increase on adjusted revenues computed at currently effective rates.
4/ Also applicable to the Pacific - interisland short-range rates being established herein.

MAC INTERNATIONAL CARRIERS
Adjusted Operating Results1/
Year Ended March 31, 1976
$(000)

Carriers	Computed Revenues2/	Adjusted Revenues3/	Reported Operating Expenses	Adjustment to Operating Expenses4/	Commercial Backhaul Expenses5/	Fuel Cost Adjustment6/	Adjusted Operating Expenses
Long-Range							
Combination							
Northwest	12,364	12,479	13,673	(194)	(43)	(121)	13,315
Pan American	23,772	23,575	28,461	-	(681)	(8)	27,772
Total	36,136	36,054	42,134	(194)	(724)	(129)	41,087
All-Cargo							
Airlift	5,828	5,938	5,533	(209)	-	(142)	5,182
Flying Tiger	21,860	21,530	22,025	-	(251)	(470)	21,304
Seaboard	12,382	12,497	13,639	(314)	-	(207)	13,118
Total	40,070	39,965	41,197	(523)	(251)	(819)	39,604
Supplemental							
Capitol	6,365	6,424	6,321	(200)	-	(23)	6,098
Overseas	10,117	10,193	10,514	-	-	324	10,838
Trans International	21,429	21,784	18,506	(620)	-	156	18,042
World	18,359	18,529	16,803	225	-	6	17,034
Total	56,270	56,930	52,144	(595)	-	463	52,012
Total Long-Range	132,476	132,949	135,475	(1,312)	(975)	(485)	132,703
Short-Range							
All-Other							
Eastern	2,272	2,262	2,338	(36)	-	(9)	2,293

NOTE: Minor arithmetic differences due to rounding.

Appendix B Page 1 of 2

1/ Based on carriers' reported Form 243 data. NOTE: Excludes wide-bodied operations.
2/ Revenue aircraft-miles as reported times appropriate rates established in ER-896, effective January 17, 1975.
3/ To correct computed revenues for difference between reported revenue-miles and contract-pay-miles. Mileage absorption factors, from ER-896 Appendix F, were applied on an individual carrier basis. Revenues are further adjusted for fuel surcharge pursuant to ER-955, effective July 1, 1976.
4/ The carriers' expenses have been adjusted: (a) to reflect Board policy with respect to the treatment for ratemaking purposes of aircraft depreciation lives and leased equipment, and (b) by application of a percentage factor derived from the relationship of adjustments (other than for depreciation and leased equipment) to total operating expenses per EDR-278, the last full-scale minimum MAC rate review.
5/ Derived from Form 243 on an economic cost-per-mile basis; commercial backhaul expenses are deducted from reported operating expenses.
6/ To reflect fuel prices, by active stations, as at June 1, 1976, applied to fuel consumption reported for the year ended March 31, 1976.

MAC INTERNATIONAL CARRIERS
Adjusted Operating Results1/
Year Ended March 31, 1976
$(000)

Carriers	Net Operating Income	Interest Expense	Net Income After Interest Expense	Income Taxes @ 48%	Net Income After Taxes & Before Interest	Return on Investment
Long-Range						
Combination						
Northwest	(836)	331	(1,167)	-	(836)	(9.59)%
Pan American	(4,197)	746	(4,943)	-	(4,197)	(25.73)
Total	(5,033)	1,077	(6,110)	-	(5,033)	(20.11)
All-Cargo						
Airlift	765	36	720	346	410	85.77
Flying Tiger	226	354	(128)	-	226	1.41
Seaboard	(621)	120	(741)	-	(621)	(6.80)
Total	361	510	(149)	346	15	0.06
Supplemental						
Capitol	326	74	252	121	205	5.72
Overseas	(645)	-	(645)	-	(645)	(9.36)
Trans International	3,742	950	2,792	1,340	2,402	14.23
World	1,495	-	1,495	718	777	7.69
Total	4,918	1,024	3,894	2,179	2,739	7.31
Total Long-Range	246	2,611	(2,365)	2,525	(2,279)	(2.59)
Short-Range						
All Other						
Eastern	(31)	30	(61)	-	(31)	(5.00)

1/ Based on carriers' reported Form 243 data. NOTE: Excludes wide-bodied operations.

Appendix B Page 2 of 2

MAC INTERNATIONAL CARRIERS
Recognized Return on Adjusted Investment1/
Year Ended March 31, 1976
$(000)

Carriers	Reported Owned Investment	Adjustment2/	Adjusted Owned Investment	Return On Owned Investment3/	Leased Investment4/	Return On Leased Investment5/	Total Owned & Leased	Total Recognized Return	Recognized Return & Taxes6/	Recognized Rate of Return
Long-Range										
Combination										
Northwest	8,715	-	8,715	915	-	-	8,715	915	1,454	10.50%
Pan American	17,579	(1,267)	16,312	1,713	-	-	16,312	1,713	2,605	10.50
Total	26,294	(1,267)	25,027	2,628	-	-	25,027	2,628	4,059	10.50
All-Cargo										
Airlift	478	-	478	50	-	-	478	50	63	10.50
Flying Tiger	16,403	(376)	16,027	1,683	-	-	16,027	1,683	2,909	10.50
Seaboard	9,134	-	9,134	959	-	-	9,134	959	1,734	10.50
Total	26,015	(376)	25,639	2,692	-	-	25,639	2,692	4,706	10.50
Supplemental										
Capitol	2,140	(46)	2,094	220	1,492	67	3,586	287	484	8.00
Overseas	2,409	-	2,409	253	4,484	202	6,893	455	874	6.60
Trans International	16,885	-	16,885	1,773	-	-	16,885	1,773	2,533	10.50
World	7,269	-	7,269	763	2,832	128	10,101	891	1,713	8.82
Total	28,703	(46)	28,657	3,009	8,808	397	37,465	3,406	5,604	9.09
Total Long-Range	81,012	(1,689)	79,323	8,329	8,808	397	88,131	8,725	14,369	9.90
Short-Range										
All-Other										
Eastern	688	(68)	620	65	-	-	620	65	97	10.50

NOTE: Minor arithmetic differences due to rounding.

Appendix C

1/ Based on carriers' reported Form 243 data. NOTE: Excludes wide-bodied operations.
2/ Adjusted by a percentage factor derived from the relationship of the carriers' reported investment to the adjusted investment recognized in EDR-278, the last full-scale minimum MAC rate review.
3/ Computed at 10.5 percent.
4/ Leased investment eligible for return is that portion in excess of the MAC carrier system average of leased to total owned and leased investment.
5/ Computed at 4.5 percent.
6/ Reflects provision for taxes after interest expense at 48 percent to yield recognized return.

[FR Doc.76-22326 Filed 7-30-76;8:45 am]

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Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. RM76-5; Order No. 553]

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT

Small Producer Regulation

JULY 27, 1976.

By Notice issued in Docket No. RM 76-5, August 28, 1975, pursuant to the Administrative Procedure Act, 5 U.S.C. 553 et seq. (APA) and sections 4, 5, 7 and 16 of the Natural Gas Act (Act)[1], the Commission proposed to amend § 157.40 of Part 157, Subchapter E of Chapter I, Title 18 of the Code of Federal Regulations to require small producers, making jurisdictional sales under § 157.40 at a rate in excess of the applicable just and reasonable ceiling established for small producers by the Commission in Opinion No. 742[2], to reduce such rate to the ceilings prescribed in Opinion No. 742.

It was proposed that paragraph (c) of § 157.40, relating to the rate a small producer may charge, and paragraph (f) of § 157.40, relating to purchases by a large producer from a small producer, be revised. Also proposed was the elimination of paragraph (e) of § 157.40 relating to the limitation on the right of a small producer to utilize certain contractual provisions and paragraph (i) of § 157.40 relating to pipeline purchases, inasmuch as there would be no need prospectively for such subparagraphs in the event the Commission required small producers to reduce their rates to the applicable level prescribed in Opinion No. 742, supra.

Numerous comments and replies thereto have been filed in this proceeding by small and large producers, pipelines and various associations. Some of the notices of intent to participate were filed after the September 17, 1975 deadline specified in the notice of proposed rulemaking, but the comments by these parties have been given full consideration by the Commission.

A number of persons filing comments[3] contend that they have relied on the Commission's proposed ceiling of 150 percent,[4] Order No. 428,[5] and the assurance therein that the provisions of their contracts would not be changed. These parties assert that any downward adjustment of their contract rates will violate the sanctity of their contracts, cause a loss of private investor confidence, result in decreased exploratory drilling and the abandonment of marginal wells. For the reasons stated hereinafter, these allegations are without merit.

The Commission, in its September 9, 1974 notice in Docket No. R-393, supra, n. 4, at 9, stated that the level of the rate differential might be "lesser or greater than 50 percent, or that no differential should be permitted."

Furthermore, the Supreme Court in F.P.C. *v.* Texaco, 417 U.S. 380, in reviewing Order No. 428, concluded that the just and reasonable standards of Sections 4 and 5 of the Natural Gas Act apply to all producers, including small producers. While the Court held that the Commission had authority under Section 4 to refrain from imposing a refund obligation on small producers, it also noted (Id. at 394):

> The Court of Appeals rejected what it apparently understood was "the Commission's basic contention all along that the just and reasonable rate standard was not mandatory and that the FPC can simply choose not to regulate rates." Whatever the position of the Commission heretofore has been it wisely does not challenge that aspect of the Court of Appeals judgment. Sections 4 and 5 of the Natural Gas Act require that all gas rates be just and reasonable; and the Court held in *Phillips* that this very prescription applies to the rates of *all* gas producers. (Emphasis added.)

In Opinion No. 742, we determined that the just and reasonable rate for small producer sales should be 130 percent above the applicable rate for a comparable large producer sale.[6] This conclusion was based on the risks of small producers, their relatively weaker credit standing and, consequently, higher borrowing costs, their higher equity financing, and the desirability of reversing the long-term decline in the number of producers in the industry. The Commission therein did not require the producers to reduce their contract rates to 130 percent of the applicable base rate, but instead chose to retain indirect regulation. However, with the adoption of just and reasonable rates for small producers in Opinion Nos. 742 and 742-A,[7] it is in the public interest to require the small producers to reduce their rates to the just and reasonable ceilings. If some marginal wells are threatened with abandonment because of a reduction of rate, the small producer may petition the Commission for special relief.

In their comments filed herein, Consolidated Gas Supply Corporation (Consolidated), National Fuel, Ohio Oil and Gas Association (Ohio) and Sulpetro International Ltd. (Sulpetro) argue that small producers in the Appalachian Area should not be required to reduce their contractual rates. They contend that the geological conditions, drilling costs and productivity levels are markedly different from those found in other producing areas and that, as a result, rates based on average nationwide cost data are inappropriate for gas produced in the Appalachian-Illinois Basin.

In both Opinion No. 639[8] and Opinion No. 699-H, supra n. 6, we refused to establish a separate rate for the Appalachian-Illinois Basin Area. We adhere to that determination. The Court held in Permian Basin Area Rate Cases, 390 U.S. 747 (1968), that the use of average nationwide costs to establish an area rate was a permissible means of rate regulation under the Constitution, *Id.* at 768-770, and the Act, *Id.* at 774-777.

Many of the comments filed herein oppose the proposed deletion of paragraph (i) of § 157.40 of the Commission's regulations. The proposed amendment would shift the burden of justifying a rate in excess of that allowed by Opinion No. 742 from pipeline purchasers to small producers. Abercrombie, Home Petroleum Corporation (Home) and National Fuel oppose this amendment because it eliminates indirect regulation of small producers and forces small producers to shoulder a regulatory burden which they believe they are not equipped to do.

Abercrombie and Columbia Gas Transmission Corporation (Columbia) have proposed alternatives to the blanket reduction of rates to the level established in Opinion No. 742 (and Opinion No. 742-A). Abercrombie suggests that small producers who file contract rates in excess of the 130 percent level should be allowed to collect such excess rates subject to refund pending investigation in pipeline rate cases. Columbia recommends that the price rollback question be reserved by the Commission and that small producers be allowed to come forward with evidence justifying their contract rates in excess of the ceiling established in Opinion No. 742 (and Opinion No. 742-A).

Contrary to this position, Interstate Natural Gas Association of America (INGAA), Panhandle Eastern Pipe Line Company and Trunkline Gas Company (Trunkline) and United Gas Pipe Line Company (United) argue that paragraph (i) of § 157.40 must be eliminated as an improper test of justness and reasonableness. They contend that Opinion No. 742 has already established the just

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[1] 52 Stat. 822, 823, 824, 825, 830; 56 Stat. 83, 84; 61 Stat. 459; 76 Stat. 72; 15 U.S.C. 717c, 717d, 717f, and 717o.

[2] "Opinion and Order Amending Section 157.40 Of The Regulations Under The Natural Gas Act," Docket No. R-393, issued August 28, 1975.

[3] J. S. Abercrombie Mineral Company, Cotton Oil Corporation, Coquina Oil Corporation, C&K Petroleum Inc., and Texasgulf, Inc. (Abercrombie); Lear Petroleum Corporation et al. (Lear); Mesa Petroleum (Mesa), National Fuel Gas Distribution Corporation (National Fuel); Northern Illinois Gas Company and Ni-Gas Supply, Inc. (Ni-Gas); Panhandle Producers and Royalty Owners Association (Panhandle Producers); Crown Central Petroleum Corporation, et al. (Crown); Yucca Petroleum Company (Yucca); Mr. and Mrs. Michael Grace (Grace); and Howard W. Jennings (Jennings).

[4] Notice of proposed rulemaking issued September 9, 1974, in Docket No. R-393 (39 FR 33241, September 16, 1974).

[5] 45 FPC 454 (1971).

[6] Such determination was based upon application of a 20 percent rate of return to the Opinion No. 699-H DCF analysis (aff'd sub nom National Rate Cases For New Gas (Shell Oil Co. v. F.P.C.), 520 F. 2d 1061 (5th Cir. 1975), cert. denied sub nom, The California Co. et al. v. F.P.C., U.S.L.W., Docket No. 75-1289, June 14, 1976).

[7] Opinion No. 742, supra; Opinion No. 742-A, "Opinion And Order Denying Rehearing And Reconsideration", issued July 27, 1976.

[8] Area Rates for the Appalachian and Illinois Basin Areas, 48 FPC 1269 (1972), affirmed sub nom, Shell Oil Co. et al. v. F.P.C. 491 F. 2d 82 (5th Cir. 1974).

and reasonable rate for small producers and that since the producer may not charge and the pipeline may not pay an amount in excess of that rate, this Subparagraph is no longer necessary.

Natural Gas Pipeline Company of America (Natural) urges the Commission to retain and modify paragraph (i) of § 157.40. Natural maintains that the pipelines should be responsible for justifying their costs in excess of the ceiling imposed by Opinion No. 742 but feels that the proper legal standard for prices paid by pipelines should be "prudently incurred" rather than "just and reasonable" costs.

Since the Commission is eliminating indirect regulation of small producer rates, the burden of seeking a higher rate is on the small producer. The establishment of the rate differentials in Opinion No. 742 and Opinion No. 742-A adequately takes into account the basic differences between small and large producers. As a result, there is no need for indirect regulation of small producers. Accordingly, we shall require all small producers to reduce their rates to the just and reasonable ceilings established in Opinion No. 742 and Opinion No. 742-A effective upon issuance of this order. As stated previously, to the extent a small producer believes it needs special relief in a specific situation, it may seek such relief, but, in such a case, the burden belongs on the small producer.

The Commission finds. (1) The notice and opportunity to participate in this rulemaking proceeding through the submission, in writing, of data, views, comments, and suggestions are in accordance with all procedural requirements therefore as prescribed in section 553, Title 5 of the United States Code.

(2) The action taken herein is necessary and appropriate for the administration of the Natural Gas Act.

(3) In view of the purpose, intent, and effect of the amendments herein ordered, good cause exists for making the amendments effective upon issuance of this order.

The Commission, acting pursuant to the provisions of the Natural Gas Act, as amended, particularly Sections 4, 5, 7, and 16 (52 Stat. 822, 823, 824, 825, and 830; 56 Stat. 83, 84; 61 Stat. 459; 76 Stat. 72; 15 U.S.C. 717c, 717d, 717f, and 717o) *orders:* (A) Section 157.40 in Part 157, Subchapter E of Chapter I, Title 18 of the Code of Federal Regulations is amended by eliminating paragraphs (e) and (i), and by revising paragraphs (c) and (f) to read as follows:

§ 157.40 Exemption of small producers from certain filing requirements.

* * * * *

(c) *Rate and certificate regulation under blanket certificate.* Small producers certificated hereunder shall be authorized to make small producer sales pursuant to existing and future contracts at the following rate levels:

(1) All sales of natural gas by small producers for resale in interstate commerce made in accordance with, and under the provisions of, Opinion Nos. 699, et seq., shall be made at a maximum rate of 130 percent of the applicable base ceiling rate established by the Commission in Opinion No. 699, et seq.

(2) All sales of natural gas by small producers for resale in interstate commerce made in accordance with, and under the provisions of, Opinion Nos. 749, et seq., shall be made at a maximum rate of 35.0¢ per Mcf except as provided for below:

(i) For gas produced in the Permian Basin Area, as defined by Opinion Nos. 662 and 662-A, and sold pursuant to contracts dated on or after October 1, 1968, small producers shall be entitled to collect a maximum rate of 40.5¢ per Mcf.

(ii) For gas produced in the Rocky Mountain Area, as defined in Section 154.109(b) of the Commission's Regulations and Opinion No. 699, et seq., small producers shall be entitled to collect a maximum rate of 40.5¢ per Mcf.

The above rates are subject to any adjustments permitted or required under the particular order of general applicability involved. Such rate may be charged and received by the small producer and paid by the purchaser, as the lawful, just and reasonable rate approved by the Commission pursuant to sections 4, 5, and 7 of the Act. However, no small producer shall be relieved from compliance with section 7(b) of the Natural Gas Act with respect to any small producer sale regulated hereunder. Rate regulation as prescribed herein shall not apply to any jurisdictional sales made by a small producer where the gas reserves relating thereto were acquired by the purchase of developed reserves in place from a large producer. Nothing done hereunder shall be recognized by the Commission as triggering any escalation clause in an existing contract involving a producer not covered by a small producer certificate, except as provided in paragraph (f) of this section.

* * * * *

(f) *Filings by large producers with respect to related resales.* A large producer may file for the price specified in its related contract for the resale of any natural gas sold to it by a small producer pursuant to the exemption authorized hereunder. In determining whether to accept or suspend such a filing, we shall be guided by the rate level sought and the size of the differential between the purchase and resale price. A large producer under an area rate clause in its resale contract may file for the rate paid by it for gas purchased from a small producer as long as the rate does not exceed the just and reasonable rate prescribed in paragraph (c) of this section.

* * * * *

(B) The Secretary shall cause prompt publication of this Order to be made in the FEDERAL REGISTER.

(C) The amendments adopted herein shall be effected on the date of the issuance of this order.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22329 Filed 7-30-76;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

[Docket No. 75N-0356]

PART 510—NEW ANIMAL DRUGS

Medicated Blocks

The Food and Drug Administration (FDA) is issuing a regulation that requires new animal drug approval for medicated blocks. Applications for approval are required on or before March 19, 1977. Certain allowance is made for continued interim marketing.

The Commissioner of Food and Drugs proposed in the FEDERAL REGISTER of November 7, 1973 (38 FR 30746), that Part 135 (now Part 510 pursuant to recodification published in the FEDERAL REGISTER of March 27, 1975 (40 FR 13802)) be amended by adding to Subpart B a new § 135.114 *Animal feed blocks; new animal drug requirements* (now designated § 510.455 of Subchapter E). The purpose of the proposal was to clarify the status of animal drugs when administered in block form.

Comments in response to the proposal were received from livestock producers, producer associations, a feed manufacturers' association, various individual feed manufacturers, several drug manufacturers, an association representing animal drug manufacturers, a university, several veterinarians, a consumer group, and a number of members of Congress. The comments submitted and the Commissioner's conclusions with respect to the comments are as follows:

1. Many comments stated that blocks are not a new means for administration of animal drugs. The comments outlined the use of mineral and salt blocks for many years. In general, the comments indicate that medicated blocks for administration of animal drugs have been in use for approximately 12 years.

In the proposal, it was stated that blocks are a relatively new means for administration of animal drugs. The questions raised appear to concern the words "relatively new." The Commissioner is of the opinion that, in comparison with the other methods of administration of animal drugs, the use of medicated blocks is relatively new. Therefore, the Commissioner is unable to conclude that such means of administration of drugs is generally recognized as safe and effective when considered solely on the basis of use for such a period of time.

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2. Comments from a livestock growers' association, several drug manufacturers, and others stated that use of blocks is an economical way to give drugs to cattle in open grazing areas, where access may be difficult. The comments contended that administration of drugs by other methods would pose many problems, and the proposed regulation would restrict these blocks and alter their economy.

The Food and Drug Administration is concerned with safe and effective use of animal drugs. The regulation is not intended to eliminate blocks for administration of drugs to animals, but to require submission of data consisting of adequate and well-controlled studies establishing safety and efficacy to comply with the requirements of the law. An even greater economic impact on the grower than may result from the proposed regulation would be the costs related to the use of drug products that have not been demonstrated to be safe and effective and that may not provide the benefits expected.

3. Comments stated that use of medicated blocks is one of the few techniques that ensures that timid and/or slow-eating animals receive an effective dose of orally administered drugs. It was suggested that labeling include data on average daily consumption per head, effective levels, harmful levels, stability, and warnings on the effects of overconsumption.

No data of adequate and well-controlled studies were submitted in support of these comments to establish the effectiveness of drugs administered in blocks for the treatment of livestock.

4. Many comments from associations, manufacturers, and others stated that there have been no complaints of ineffectiveness with regard to use of medicated blocks; safe and effective use of medicated blocks should be generally apparent; and antibiotics in blocks are the most economical and effective treatment of anaplasmosis, resulting in a considerable reduction in the high loss otherwise occurring from the disease. Elimination of this mode of administration of drugs would remove the only feasible method available for treating range cattle.

The comments were not supported by adequate and well-controlled studies to establish efficacy of medicated blocks for prevention or control of anaplasmosis and other diseases. The comments contained data that were testimonial and by themselves do not constitute substantial evidence of safety and efficacy that is needed to support approval of an application, as described in §§ 514.1(a)(8) and 514.111(a)(5) (21 CFR 514.1(a)(8) and 514.111(a)(5)) of the new animal drug regulations. The Commissioner concludes that submission of data is required to establish effectiveness of medicated blocks for the conditions recommended, suggested, or prescribed in their labeling.

5. Comments from block manufacturers and a block manufacturers' association stated that stability of chlortetracycline in blocks exceeds that in conventional forms of feeds. The comments also stated that manufacturing pellets and crumbles requires heat, steam, and high pressure, whereas less stress is required for manufacturing medicated blocks.

Due to the varying conditions of manufacture and use of medicated blocks, the Commissioner concludes that drug stability may vary, depending on the particular drug involved, the composition of the block, and the specific conditions under which the block is used, including exposure to weather during the variable time intervals that may be required for complete block consumption. It is the purpose of the regulation to assure safety and efficacy of medicated blocks under the specific conditions of use that will be encountered. Data are required to substantiate the claimed stability, including conditions of field exposure.

6. Comments from veterinarians, livestock growers, and block manufacturers and their associations pointed out the cost of obtaining the necessary data and the economic impact on continued use of medicated blocks. Objections stated that the time and expense of obtaining the necessary administrative clearances for use of medicated blocks would result in their becoming an uneconomical method of administering drugs, would limit their availability or even force them from the market, and would unnecessarily restrict the introduction of newer drugs in medicated blocks.

The kind of data required by the regulation is the same kind as required for other new animal drugs. The Federal Food, Drug, and Cosmetic Act requires the submission of data to establish substantial evidence of effectiveness and to establish safety by adequate and well-controlled studies for the marketing of new animal drugs. The requirement that medicated blocks be safe and effective is not inconsistent with economic considerations. The cost of obtaining the necessary data to establish safe and effective conditions of use could be exceeded by the economic loss to producers through use of unsafe or ineffective products.

7. Comments from a block manufacturers' association, a block manufacturer, and a drug manufacturer suggested that medicated blocks should be considered as medicated feeds and subject to approval pursuant to section 512(m) of the act (21 U.S.C. 360b(m)) rather than section 512(c) of the act (21 U.S.C. 360b(c)). They expressed the opinion that feed mills are not drug manufacturers and are not prepared at this time to develop the required information necessary to comply with the drug provisions of the act. They also requested that approvals be given on the basis of data for typical block formulations rather than specific formulations. Comment from a manufacturer of a drug used in medicated blocks stated that rather than delineating a specific type of block, the regulations should specify label requirements only.

The Commissioner concludes that composition, hardness, and drug concentration may influence stability and consumption rate, and therefore, the safety and effectiveness of medicated blocks may be affected. Accordingly, these factors will be evaluated by regarding medicated premixes for use in the manufacture of medicated blocks as new animal drugs under the provisions of section 512(b) of the act. Insufficient information is currently available to assure that all medicated blocks produced can be treated as a class. Also, data are not currently available to prescribe drug consumption rates of medicated blocks. Approval will be required for specific premix and medicated block formulations, unless data are adequate to support stability and consumption rates of drugs in general classes of block formulations. The manufacture of medicated blocks will be approved by one of two courses of action. A new animal drug application may be submitted under section 512(b) of the act for the manufacture of finished medicated blocks or such an application may be submitted for a premix to be used by holders of applications approved under section 512(m) of the act in producing finished medicated blocks. The manufacture of medicated blocks from premixes approved under section 512(c) of the act will require an approval pursuant to section 512(m) of the act. Alternatively, new animal drug applications (NADA's) submitted for approval pursuant to section 512(c) of the act for the manufacture of finished medicated blocks will be deemed oral dosage form drugs and will not provide a basis for approval of medicated feed applications.

8. Comment from a university suggested that more time be provided to acquire the necessary data regarding medicated blocks.

The Commissioner has considered this suggestion and concludes that 180 days should be provided for the submission of applications establishing the safety and efficacy of medicated blocks. Medicated blocks may be marketed for an interim period of 15 months after which marketing shall be only in accordance with an approved application for a premix to provide a basis for approval of applications pursuant to section 512(m) of the act or an approved application for the marketing of medicated blocks pursuant to section 512(c) of the act.

9. Comment from a manufacturer of drugs used in fabricating medicated blocks stated that the proposal would unnecessarily add to the Food and Drug Administration's current overload of mandated duties.

The Commissioner is of the opinion that use of medicated blocks is an important area of responsibility subject to the provisions of section 512 of the act and, therefore, must be given appropriate consideration under the law.

10. Comments from an animal drug and animal feed manufacturers' association suggested that the regulation be clarified to define medicated blocks and to set them apart from other forms of drug administration by describing the blocks as weighing over 2 pounds and generally 30 to 50 pounds in weight as currently defined by the Association of American Feed Control Officials.

The Commissioner advises that the regulation has been modified to include a definition for medicated blocks as agglomerated feed containing one or more drugs compressed into a solid mass, cohesive enough to hold its form, and of such size that they are not intended to be fully consumed at a single feeding. A weight limitation has not been included in the regulation since to do so would necessarily result in setting arbitrary limits. Medicated blocks weighing less than 2 pounds have been approved for administration to baby pigs. The term "medicated feed block" has been replaced by the term "medicated block" since, by definition, such articles are agglomerated feed.

11. Members of a consumer organization endorsed the proposal and adoption of the regulation; however, they were concerned that FDA had unnecessarily delayed proposing the regulation. They commented that the public was entitled to know why the proposal had been delayed and asked FDA to provide an explanation. They further commented that the proposed 90-day grace period for medicated blocks currently on the market is too long and unwarranted. They believe the manufacturers could and should be required to submit safety and efficacy data within 30 days after final promulgation; they opposed granting a 30-day period in which to file an NADA.

As stated above, use of medicated blocks is relatively new. Medicated animal blocks have always been subject to the requirements of the drug provisions of the act. The regulation is intended to clarify the status of animal drugs in blocks and require additional data further to ensure safe and effective use of said drugs. The Commissioner is not aware of any data indicating that present uses of medicated animal blocks constitute a hazard to consumers. The Commissioner, therefore, concludes that the interim periods for the submission of applications established by this regulation are justified.

The Commissioner concludes that the regulation, as proposed, should be issued with the following changes:

a. The section is codified in Part 510—New Animal Drugs, Subpart E—Requirements For Specific New Animal Drugs.

b. The title of the section is revised to refer to medicated blocks.

c. Medicated blocks are defined to differentiate them from other forms of feed.

d. An application approved pursuant to section 512(c) of the act for the manufacture of a premix bearing adequate directions for the subsequent manufacture of medicated blocks shall provide a basis for the approval of applications pursuant to section 512(m) of the act. Such medicated feed applications shall include, in addition to the other currently required information, a description of the manufacturing facilities, equipment, and controls that will be used to meet the specifications set forth for the finished medicated block.

e. An application may be submitted pursuant to section 512(b) of the act for approval for the manufacture of a finished medicated block. Approved applications of this kind do not provide a basis upon which an application can be approved pursuant to section 512(m) of the act.

f. The period of time for the submission of NADA's has been extended to 180 days after the effective date of the final regulation. A period of 12 months is provided after which marketing of a medicated premix intended for the manufacture of a medicated block shall only be in accordance with an approval application. A period of 15 months is provided after which marketing of a finished medicated block shall only be in accordance with an approved application.

The Commissioner has carefully considered the environmental effects of the regulation and, because the action would not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. A copy of the FDA environmental impact assessment is on file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 512, 701(a), 52 Stat. 1055, 82 Stat. 343-351 (21 U.S.C. 360b, 371(a))) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), Part 510 is amended by adding to Subpart E new § 510.455 to read as follows:

§ 510.455 New animal drug requirements for medicated blocks.

(a) For the purpose of this section, medicated blocks are agglomerated feed containing one or more drugs compressed into a solid mass, cohesive enough to hold its form, and of such size that they are not intended to be fully consumed at a single feeding. They are usually placed in feeding or grazing areas and consumed by animals as a free-choice supplemental source of nutrients to their diet.

(b) The Commissioner of Food and Drugs has concluded that there are questions regarding the safety and effectiveness of drugs when administered in medicated blocks. Therefore, it has been concluded that medicated blocks constitute a new animal drug, use for which approved applications are required.

(c) An application submitted for approval pursuant to section 512(c) of the act shall provide for either:

(1) The manufacture of a finished medicated block (such an approval will not provide a basis upon which an application can be approved pursuant to section 512(m) of the act); or,

(2) The manufacture of a medicated premix for use in the subsequent manufacture of a medicated block. (Such an approval will provide a basis upon which an application can be approved pursuant to section 512(m) of the act.)

(d) An application submitted for approval pursuant to section 512(m) of the act shall include in addition to the other required information, a description of the manufacturing facilities and controls that will be used to meet the specifications set forth for the finished medicated block.

(e) In order to provide an adequate period of time for manufacturers to obtain approved applications for use of specified drugs in specific types of blocks, the following transitional provisions shall apply:

(1) All persons interested in the continued marketing of a medicated block that is not produced from a medicated premix, or in the continued marketing of a medicated premix intended for use in the manufacture of a medicated block, shall submit a new animal drug application (NADA) requesting approval of such use pursuant to section 512(b) of the act on or before March 1, 1977.

(2) Any existing use of a specific animal drug in a specific type of medicated block (not produced from a medicated premix) marketed prior to March 1, 1977 for which a new animal drug application has been filed in accordance with paragraph (e)(1) of this section may continue on an interim basis until December 1, 1977, after which marketing shall be only in accordance with an application approved pursuant to section 512(c) of the act.

(3) Any existing use of a specific animal drug in a premix for use in the manufacture of medicated blocks marketed prior to March 1, 1977 for which a new animal drug application has been filed in accordance with paragraph (e)(1) of this section may continue on an interim basis until September 1, 1977, after which marketing shall be only in accordance with an application approved pursuant to section 512(c) of the act.

(4) Any existing use of a specific animal drug in a specific type of medicated block (manufactured from a premix) marketed prior to March 1, 1977 may continue on an interim basis until December 1, 1977, after which marketing shall be only in accordance with an application approved pursuant to section 512 of the act.

(5) No new medicated block not marketed prior to March 1, 1977 may be introduced into interstate commerce in the absence of an approved application. No medicated block marketed on an interim basis under paragraph (e)(2) and (3) of this section shall be introduced into interstate commerce unless subject to an application approved pursuant to section 512(c) or 512(m) of the act after December 1, 1977. Medicated blocks, or premixes intended for their manufacture, that are introduced into interstate commerce and are not in compliance with this section will be subject to regulatory action.

Effective date: This regulation shall be effective September 1, 1976.

(Secs. 512, 701(a), 52 Stat. 1055, 82 Stat. 343-351 (21 U.S.C. 360b, 371(a)).)

Dated: July 26, 1976.

JOSEPH P. HILE,
Acting Associate Commissioner for Compliance.

[FR Doc.76-22225 Filed 7-30-76;8:45 am]

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Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT-FEDERAL HOUSING COMMISSIONER (FEDERAL HOUSING ADMINISTRATION), DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-76-403]

DEBENTURE INTEREST RATES

The following amendments have been made to this chapter to change the debenture interest rate. The Secretary has determined that advance publication and notice and public procedure are unnecessary since the debenture interest rate is set by the Secretary of the Treasury in accordance with a procedure established by statute and that good cause exists for making this amendment effective on July 1, 1976.

Accordingly, Chapter II is amended as follows:

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart B—Contract Rights and Obligations

1. Section 203.405 is revised to read as follows:

§ 203.405 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semi-annually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the mortgage was endorsed for insurance, whichever rate is higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
6¼	Jan. 1, 1971	July 1, 1971
5¾	July 1, 1971	Jan. 1, 1972
5¾	Jan. 1, 1972	July 1, 1972
5½	July 1, 1972	Jan. 1, 1973
5¼	Jan. 1, 1973	July 1, 1973
6	July 1, 1973	Jan. 1, 1974
6¼	Jan. 1, 1974	July 1, 1974
6⅜	July 1, 1974	July 1, 1975
7	July 1, 1975	Jan. 1, 1976
7⅛	Jan. 1, 1976	July 1, 1976
7	July 1, 1976	

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

2. Section 203.479 is revised to read as follows:

§ 203.479 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the loan was endorsed for insurance, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
6¼	Jan. 1, 1971	July 1, 1971
5¾	July 1, 1971	Jan. 1, 1972
5¾	Jan. 1, 1972	July 1, 1972
5½	July 1, 1972	Jan. 1, 1973
5¼	Jan. 1, 1973	July 1, 1973
6	July 1, 1973	Jan. 1, 1974
6¼	Jan. 1, 1974	July 1, 1974
6⅜	July 1, 1974	July 1, 1975
7	July 1, 1975	Jan. 1, 1976
7⅛	Jan. 1, 1976	July 1, 1976
7	July 1, 1976	

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart B—Contract Rights and Obligations

In § 207.259 paragraph (e)(6) is revised to read as follows:

§ 207.259 Insurance benefits.

* * * * *

(e) Issuance of debentures. * * *

(6) Bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date of initial insurance endorsement of the mortgage, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
6¼	Jan. 1, 1971	July 1, 1971
5¾	July 1, 1971	Jan. 1, 1972
5¾	Jan. 1, 1972	July 1, 1972
5½	July 1, 1972	Jan. 1, 1973
5¼	Jan. 1, 1973	July 1, 1973
6	July 1, 1973	Jan. 1, 1974
6¼	Jan. 1, 1974	July 1, 1974
6⅜	July 1, 1974	July 1, 1975
7	July 1, 1975	Jan. 1, 1976
7⅛	Jan. 1, 1976	July 1, 1976
7	July 1, 1976	

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713)

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

Subpart D—Contract Rights and Obligations—Projects

Section 220.830 is revised to read as follows:

§ 220.830 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the loan was endorsed for insurance, whichever rate is higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
6¼	Jan. 1, 1971	July 1, 1971
5¾	July 1, 1971	Jan. 1, 1972
5¾	Jan. 1, 1972	July 1, 1972
5½	July 1, 1972	Jan. 1, 1973
5¼	Jan. 1, 1973	July 1, 1973
6	July 1, 1973	Jan. 1, 1974
6¼	Jan. 1, 1974	July 1, 1974
6⅜	July 1, 1974	July 1, 1975
7	July 1, 1975	Jan. 1, 1976
7⅛	Jan. 1, 1976	July 1, 1976
7	July 1, 1976	

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715k)

Effective date: These amendments are effective as of July 1, 1976.

JAMES L. YOUNG,
Assistant Secretary for Housing.

[FR Doc 76-22118 Filed 7-30-76;8:45 am]

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-2242]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Suspension of Community Eligibility

The purpose of this notice is to list communities wherein the sale of flood insurance as authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128) will be suspended because of noncompliance with the program regulations (23 CFR Part 1909 et seq.).

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program and insurance is purchased. Accordingly, for communities listed under this Part such restriction exists as of the effective date of suspension because insurance, which is required, cannot be purchased.

Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities suspended in this notice no longer meet that statutory requirement. Accordingly, the communities are suspended on the effective date in the list below:

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
Colorado	Arapahoe	Sheridan, city of	February 4, 1974, emergency; July 13, 1976, regular; Sept. 15, 1976, suspended.	May 3, 1974 Jan. 23, 1976	080018A

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, (34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974)

Issued: July 23, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-22119 Filed 7-30-76;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 76-036]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Danvers River, Massachusetts, Passaic River, New Jersey, Arkansas River, Arkansas, Coos Bay, Oregon and Isthmus Slouth, Oregon

This amendment revokes several temporary regulations for drawbridges because the repairs to the bridges have been completed.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations, is amended as follows:

§ 117.65a [Removed]

1. By revoking § 117.65a.

§ 117.200 [Amended]

2. By revoking § 117.200 (j) and (k).

§ 117.556 [Amended]

3. In § 117.556(b), by revoking the second sentence.

§ 117.720(a) [Removed]

4. By revoking § 117.720(a).

§ 117.722 [Removed]

5. By revoking § 117.722.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Effective date. This revision shall become effective on August 2, 1976.

Dated: July 27, 1976.

A. F. FUGARO,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.76-22313 Filed 7-30-76;8:45 am]

[CGD 76-152]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Siuslaw River, Oregon

This amendment revokes the regulations for the Oregon State Highway Commission bridge at Florence contained in § 117.730 because these regulations are now included in § 117.759b(f)(11).

§ 117.730 [Removed]

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by revoking § 117.730.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Effective date. This revision shall become effective on August 2, 1976.

Dated: July 27, 1976.

A. F. FUGARO,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.76-22312 Filed 7-30-76;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Counseling; Change or Reentrance

On page 20425 of the FEDERAL REGISTER of May 18, 1976, there was published a notice of proposed regulatory development to amend § 21.4106 to delete the requirement that the Veterans Administration counselor shall refer to the Vocational Rehabilitation Board recommendations for disapproving reentrance into training or changes of programs of a veteran or eligible person following discontinuance due to unsatisfactory progress or conduct.

Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulation.

One comment was received endorsing the proposed change. However, the person commenting may have misconstrued the actual effect of the proposed change. The individual endorses the change because he believes that the existing procedures result in unwarranted delay due to the lack of expeditious Veterans Administration scheduling of required counseling. It should be noted that the proposal will not have any effect in this regard because it does not in any way alter the counseling requirement. The only effect of the change, so far as case processing time is concerned, would be in those cases where the Veterans Administration counseling psychologist is unable to make a favorable recommendation that the veteran or other eligible person should be allowed to reenter training following unsatisfactory progress or conduct. Under the amended regulation the counselor will advise the adjudicative activity that such a student may not reenter training, and will not be required to refer the case to the Vocational Rehabilitation Board for final determination. By eliminating the necessity for the Vocational Rehabilitation Board to review and act on these cases following counseling, overall processing time in these instances will be reduced. The proposal is considered to be desirable and is, therefore, adopted without change.

Effective date: This VA Regulation is effective July 27, 1976.

Approved: July 27, 1976.

By direction of the Administrator.

ODELL W. VAUGHN,
Deputy Administrator.

In § 21.4106, paragraph (b) is revised to read as follows:

§ 21.4106 Counseling: change or reentrance.

* * * * * *

(b) *Approval.* The counselor will recommend approval of a change of program or reentrance into the same program, if he or she finds that the program which the veteran or eligible person proposes to pursue is suitable to his or her aptitudes, interests, and abilities; and where the veteran's or eligible person's program has been interrupted, or he or she has failed to progress in, his or her program due to his or her own misconduct, neglect or lack of application, the cause for the unsatisfactory conduct or progress has been removed and there exists a reasonable likelihood that there will not be a recurrenceof such an interruption or failure to progress. Subject to this approval criteria, approval for

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changes of program subsequent to the second change may be recommended.

[FR Doc.76-22246 Filed 7-30-76;8:45 am]

PART 36—LOAN GUARANTY

Mobile Home Loans; Increase in Maximum Guaranty

The Veterans Administration is amending the appropriate sections of Part 36, Title 38 of the Code of Federal Regulations to implement the Veterans Housing Amendments Act of 1976 (Pub. L. 94-324; 90 Stat. 720) which makes substantive changes in the Veterans Administration Loan Guaranty program.

The Administrator is now authorized to guarantee not in excess of 50 percent of a mobile home loan. The amendments to §§ 36.4205(a) and 36.4210 of this title will implement the statutory revision.

The eligibility requirements for veterans who served after January 31, 1955 are now set forth in the loan guaranty section of Title 38, United States Code (chapter 37), eliminating the need to incorporate by reference similar requirements of 38 U.S.C. 1652(a). The amendments to §§ 36.4301(gg) and 36.4501(o) of this title will implement the statutory revisions.

Section 10 of Public Law 91-584 (84 Stat. 1575), amending 38 U.S.C. 1652 (a)(2), rendered obsolete the Loan Guaranty definition in § 36.4501(p). Section 36.4501(p) is therefore revoked.

In addition minor editorial changes have been made in § 36.4504 (a) and (b)(2)(iii), to reflect agency policy of using precise terms to denote gender.

Compliance with the provisions of § 1.12 of this chapter is waived in this instance. The substantive changes implement statutory mandate. Those changes not required by statute are editorial rather than substantive. Compliance with § 1.12 would serve little purpose and would not be in the public interest.

1. In § 36.4205, paragraph (a) is revised to read as follows:

§ 36.4205 Computation of guaranty.

(a) The amount of the guaranty in respect to a loan guaranteed under 38 U.S.C. 1819 shall be fifty (50) percent of the loan. The amount of the guaranty is reduced or increased pro rata with any reduction or increase in the amount of the guaranteed loan.

* * * * *

2. Section 36.4210 is revised to read as follows:

§ 36.4210 Joint loans.

The joinder of the spouse of a veteran-borrower in the ownership of the property purchased with the loan proceeds shall not preclude issuance of guaranty based upon the entire amount of the loan. The amount or percentage of guaranty may not, however, be increased beyond the 50 percent maximum by reason of such spouse's eligibility for the mobile home loan benefit or by the joinder in ownership of the property of more than one eligible veteran.

3. In § 36.4301, paragraph (gg) is revised to read as follows:

§ 36.4301 Definitions.

* * * * *

(gg) *A period of more than 180 days.*—For the purposes of section 1818 of title 38, United States Code, the term "a period of more than 180 days" shall mean 181 or more calendar days of continuous active duty.

* * * * *

4. In § 36.4501, paragraph (o) is revised and paragraph (p) is revoked so that paragraph (o) reads as follows:

§ 36.4501 Definitions.

* * * * *

(o) *A period of more than 180 days.*—For the purposes of section 1818 of title 38, United States Code, the term "a period of more than 180 days" shall mean 181 or more calendar days of continuous active duty.

(p) [Revoked]

5. In § 36.4504, paragraphs (a) and (b)(2)(iii) are revised to read as follows:

§ 36.4504 Loan closing expenses.

(a) The Veterans Administration will designate a loan closer to represent the Veterans Administration at the closing and in advance thereof will agree with the loan closer upon the fee to be paid by the Veterans Administration for preparing the loan closing instruments and attendance at the closing of the loan. The loan closer as such is neither an agent nor employee of the Veterans Administration.

(b) * * *

(2) * * *

(iii) That portion of taxes, assessments, and other similar items for the current year chargeable to the borrower and the initial deposit (lump-sum payment) for the tax and insurance account;

* * * * *

It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with OMB Circular A-107.

Effective date: Sections 36.4205(a) and 36.4210 are effective July 1, 1976, §§ 36.4301(gg) and 36.4501(o) are effective June 30, 1976 and the revocation of § 36.4501(p) is effective July 27, 1976.

Approved: July 27, 1976.

By direction of the Administrator.

ODELL W. VAUGHN,
Deputy Administrator.

[FR Doc.76-22245 Filed 7-30-76;8:45 am]

Title 40—Protection of Environment

[FRL 591-4]

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

PART 420—IRON AND STEEL MANUFACTURING POINT SOURCE CATEGORY

Interim Final Rulemaking; Correction

Notice is hereby given that the Environmental Protection Agency (EPA) is correcting 40 CFR 420, Iron and Steel Manufacturing Point Source Category as set forth below. On March 29, 1976, the Agency published a notice of interim final rulemaking (41 FR 12990) establishing effluent limitations and guidelines for existing sources for the iron and steel manufacturing point source category.

The purpose of this notice is to correct errors in the preamble and Subparts O and Q. The corrections encompass typographical and computational errors and do not involve any substantive or policy issues.

Because the comment period has closed, the Agency will accept amendments to comments already filed where, and to the extent, such comments specifically relied upon numbers or words contained in the March 29 notice and corrected today. Amended comments must be received on or before September 1, 1976.

In FR Doc. 76-8351 appearing on pages 12990 through 13014 in the issue of March 29, 1976, the following corrections are being made:

1. On page 12997, paragraph (4)(b) is corrected to read:

(b) The best available technology economically achievable includes the best practicable control technology currently available and recycle to the sprays of 820 gpt (1180 gpt for alloy) of filter effluent, with a discharge of 25 gpt (40 gpt for alloy). The best available demonstrated control technology, processes, operating methods or other alternatives is limited water usage of 614 gpt (1230 gpt for alloy), in combination with best practicable control technology currently available and the best available control technology economically achievable to achieve a discharge blowdown rate of 10 gpt (20 gpt for alloy).

2. On page 13002, comment number 5, the second paragraph is corrected to read: "The applicability section of Subparts M through U and W through Z (the "operations" oriented subparts) all specify that the limitations apply only to the process wastewater discharges."

3. On page 13007, § 420.152(c), "Suspended solids____1.1280____0.3760" is corrected to read "Suspended solids____1.1718____0.3906".

4. On page 13007, § 420.152(c), "Oil and grease____1.1280____0.3760" is corrected to read "Oil and grease____1.1718____0.3906".

5. On page 13008, § 420.172(c), "* * * English units, 1b/1000 ob * * *" is corrected to read "* * * English units, 1b/1000 lb * * *".

6. On page 13008, § 420.172(c), "Dissolved iron '" is corrected to read "Dissolved iron".

7. On page 13008, § 420.172(c), "Oil ans grease" is corrected to read "Oil and grease".

Dated: July 21, 1976.

JOHN QUARLES,
Acting Administrator.

[FR Doc.76-22361 Filed 7-30-76;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 8—VETERANS ADMINISTRATION

PART 8-1—GENERAL

PART 8-3—PROCUREMENT BY NEGOTIATION

Minority Business Enterprises and Small Purchases

Federal Procurement Regulations Amendment 148 added Federal Procurement Regulations § 1-1.1302 which prescribes agency minority business enterprise program procedures which supersede certain information heretofore contained in § 8-1.1350. Redundant material in § 8-1.1350 is deleted and the section is renumbered accordingly.

Federal Procurement Regulations Amendment 153 amended Federal Procurement Regulations § 1-3.603-1 by prescribing that reasonable competition be obtained for small purchases in excess of $500. Consequently, § 8-3.603-1 is extraneous and is hereby deleted.

It is the general policy of the Veterans Administration to allow time for interested parties to participate in the rule making process (§ 1.12, Title 38, Code of Federal Regulations). However, the amendments herein concern agency practices and procedures. Therefore, the public rule making process is deemed unnecessary in this instance.

1. In Subpart 8-1.13, § 8-1.1302 is added to read as follows:

§ 8-1.1302 Agency programs.

The Administrator, in implementation of the desires of the President to enhance the sharing of the nation's minorities in the free enterprise system, has pledged the full participation of the Veterans Administration in achieving this goal. The VA Committee on Minority Business Enterprise establishes goals to be achieved by this agency in the award of contracts during each fiscal year. To achieve these goals, it is essential that contracting officers exercise their best efforts to determine which requirements can be channeled into this program.

§ 8-1.1350 [Revoked]

2. Section 8-1.1350 is revoked.

§ 8-3.603-1 [Revoked]

3. In Subpart 8-3.6, § 8-3.603-1 is revoked.

(72 Stat. 1114, sec. 205(c), 63 Stat. 390; 38 U.S.C. 210, 40 U.S.C. 486(c))

Effective date: This regulation is effective August 2, 1976.

It is hereby certified that the economic and inflationary impacts on this proposed regulation have been carefully evaluated in accordance with OMB Circular A-107.

Approved: July 27, 1976.

By direction of the Administrator.

ODELL W. VAUGHN,
Deputy Administrator.

[FR Doc.76-22244 Filed 7-30-76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20779; FCC 76-698]

PART 73—RADIO BROADCAST SERVICES

Report and Order

By the Commission: Chairman Wiley absent.

In the Matter of Amendment of Part 73 of the Commission's Rules Relating to Broadcasts by Legally Qualified Candidates for Public Office.

1. The Commission has before it the Notice of Proposed Rule Making (adopted April 14, 1976) in this proceeding and comments filed by the American Broadcasting Companies ("ABC"). No other filings were received.

2. The proceeding[1] deals with the definition in the Commission's rules of who is a legally qualified candidate for public office. This is a crucial point in those situations where "equal opportunities" questions are raised under Section 315 of the Communications Act or for whatever reason a station has to deal with questions in the realm of political broadcasting. The Commission's rules now contain a definition as follows:

"A 'legally qualified candidate' means any person who has publicly announced that he is a candidate for nomination by a convention of a political party or for nomination or election in a primary, special, or general election, municipal, county, State or national, and who meets the qualifications prescribed by the applicable laws to hold the office for which he is a candidate, so that he may be voted for by the electorate directly or by means of delegates or electors, and who:

(1) Has qualified for a place on the ballot, or

(2) Is eligible under the applicable law to be voted for by sticker, by writing in his name on the ballot, or other method, and (i) has been duly nominated by a political party which is commonly known and regarded as such, or (ii) makes a substantial showing that he is a bona fide candidate for nomination or office, as the case may be.

3. The Commission proposed to change this rule by striking the material under (i) in subparagraph (2), and by inserting in the beginning of subparagraph (2) "Has publicly committed himself to seeking election by the write-in method, and." The rule, as proposed, would read:

A "legally qualified candidate" means any person who has publicly announced that he is a candidate for nomination by a convention of a political party or for nomination or election in a primary, special, or general election, municipal, county, State or national, and who meets the qualifications prescribed by the applicable laws to hold the office for which he is a candidate, so that he may be voted for by the electorate directly or by means of delegates or electors, and who either:

(1) Has qualified for a place on the ballot, or

(2) Has publicly committed himself to seeking election by the write-in method, and is eligible under the applicable law to be voted for by sticker, by writing in his name on the ballot, or other method; and makes a substantial showing that he is a bona fide candidate for nomination or office.

4. The proposal was an outgrowth of the decision of the Seventh Circuit Court of Appeals in *Flory* v. *F.C.C.*, Case No. 74-2010, decided December 23, 1975. In that case the Court raised a question about the Commission's interpretation of the requirements which must be met before a candidate will be considered a legally qualified write-in candidate.[2] Although disputing the Commission's interpretation, the Court did not question the appropriateness of a Commission rule that limited the category of legally qualified candidates in such a way as to exclude potential candidates—see page 12 of the slip opinion. In issuing the Notice we emphasized the point recognized by the Court that the status of legally qualified candidate was not to be conferred on potential write-in candidates. To this end the rule proposed stated that to be considered as a legally qualified candidate, a write-in candidate was called upon to make a public commitment of his intention to seek election by the write-in method and to make a substantial showing that he is a bona fide candidate. No question has arisen on this point, and the only comment filed in this proceeding seeks only to add the phrase "or similar" to refer to a write-in candidacy. It is not entirely clear why ABC believes use of the phrase by the write-in "or similar method" would provide a clarification. The rule already recognizes the fact that write-in methods vary, and it mentions stickers, writing-in the name or other method. We believe ABC's suggestion might create doubt rather than resolve it and leave uncertain whether a particular write-in method could be considered "similar." For that reason, we do not intend to follow ABC's suggestion. As to the proposal itself, we are persuaded that it would respond to the need for clarification in this area and would be entirely consistent with the Court's opinion in *Flory, supra*. Accordingly the change will be made.

5. Therefore *It is ordered*, That pursuant to Sections 4(i), 303(r), and 315

[1] Amendments to Sections 73.120(a), 73.290(a), 73.590(a) and 73.657(a) were proposed. In a companion document in this proceeding, we are proposing a parallel amendment to the pertinent cable television rule, Section 76.5(y).

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(g) of the Communications Act of 1934, as amended, Sections 73.120(a), 73.290 (a), 73.590(a) and 73.657(a) are amended to read as set forth below, effective September 2, 1976.

(Secs. 4, 303, 315, 48 Stat., as amended, 1066, 1082, 1088; 47 U.S.C. 154, 303, 315.)

Adopted: July 20, 1976; Released: July 29, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

1. Section 73.120(a), 73.290(a), 73.590 (a) and 73.657(a) are identically amended to read as follows:

§ 73.____ Broadcasts by candidates for public office.

(a) *Definitions.*—A "legally qualified candidate" means any person who has publicly announced that he is a candidate for nomination by a convention of a political party or for nomination or election in a primary, special, or general election, municipal, county, State or national, and who meets the qualifications prescribed by the applicable laws to hold the office for which he is a candidate, so that he may be voted for by the electorate directly or by means of delegates or electors, and who either:

(1) Has qualified for a place on the ballot, or

(2) Has publicly committed himself to seeking election by the write-in method, and is eligible under the applicable law to be voted for by sticker, by writing in his name on the ballot, or other method; and makes a substantial showing that he is a bona fide candidate for nomination or office.

* * * * *

[FR Doc.76-22197 Filed 7-30-76;8:45 am]

[Docket No. 20729; RM-2648]

PART 73—RADIO BROADCAST SERVICES, KERNVILLE, CALIFORNIA

Table of Assignments, FM Broadcast Stations

In the Matter of Amendment of Section 73.202(b), Table of Assignments, FM Boadcast Stations. (Kernville, California).

By the Chief, Broadcast Bureau:

1. The Commission has under consideration its Notice of Proposed Rule Making, adopted February 25, 1976, 41 Fed. Reg. 9567, inviting comments on a proposal to assign FM Channel 272A to Kernville, California. Channel 272A was originally assigned to Kernville on May 9, 1973,[1] and was recently deleted by the Commission.[2] The Commission deleted the FM channel without prior public notice in view of the fact that no one had come forward to apply for the channel in the more than two years that it had remained assigned and unused. The current proceeding was instituted on the basis of a petition filed by Kern River Broadcasting Company ("KRB"). There were no oppositions to the proposal. Supporting comments were filed by the petitioner.

2. KRB states that, while Kernville is a very small unincorporated community, it is surrounded by other communities, including Lake Isabella, Weldon, Wofford Heights, and Bodfish, and that the total population in the area of service approaches 10,000. KRB adds that an FM signal could reach nearly all of these people and meet a need for the community. Kernville is located in Kern County (pop. 329,162) and is situated in central California, immediately north of Los Angeles County. It presently has no local broadcast transmission service of any type. Channel 272A could be assigned to Kernville in full compliance with our minimum mileage separation requirements. KRB affirms its intent to construct an FM facility immediately upon receipt of a construction permit.

3. We have given careful consideration to the proposal and believe that Channel 272A should be assigned to Kernville, California. An interest has been shown for its use and it would be in the public interest as it would provide Kernville with an FM channel for a first local broadcast station.

4. Authority for the adoption of the amendment contained herein appears in Sections 4(i), 5(d)(1), 303, and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules.

5. In view of the foregoing, *It is ordered*, That effective September 2, 1976, Section 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended to read as follows:

City:	Channel No.
Kernville, California	272A

6. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 5, 303, 307, 48 Stat., as amended, 1066, 1068, 1082, 1083; 47 U.S.C. 154, 155, 303, 307)

Adopted: July 20, 1976.

Released: July 22, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-22198 Filed 7-30-76;8:45 am]

[Docket No. 20083; FCC 76 693]

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Relaxation of Watch Requirements for Certain Tug Boats; Proceeding Termination

By the Commission: Chairman Wiley absent.

In the Matter of Amendment of Part 83 of the rules to relax the Channel 16 (156.8 MHz) listening watch requirements for certain tug boats.

1. A Notice of Proposed Rule Making in the above captioned matter was released on January 12, 1976, and was published in the FEDERAL REGISTER on January 22, 1976, (41 FR 3321). The time for filing comments and reply comments has expired.

2. In general, the proposed amendment was designed to relax the channel 16 listening watch requirements for certain tug boats operating in the new U.S. Coast Guard designated Vessel Traffic Service (VTS) areas. The Coast Guard intends to require that subject vessels operating in a VTS area maintain a listening watch on the specified VTS frequency. In most cases a listening watch on the designated bridge-to-bridge frequency is required as well. In addition, tug boats by the very nature of their operations find it necessary to guard a company working frequency ("house frequency"). We felt that in this limited case the requirement to watch the distress, safety and calling frequency (channel 16) could be relaxed without compromising the public interest and safety.

3. Comments were filed by:
(a) American Institute of Merchant Shipping (AIMS);
(b) American Petroleum Institute (API);
(c) Waterway Communications System, Inc. (WATERCOM);
(d) American Waterways Operators, Inc. (AWO);
(e) Sightseeing Yachts, Inc.;
(f) Upper Mississippi Towing Corporation;
(g) Shaver Transportation Company;
(h) Red Star Marine Services, Inc.; and
(i) William M. Riley, Radiotelephone Operator third class.

In addition, after the time for filing comments and reply comments expired, comments from the United New York Sandy Hooks Pilots' Benevolent Association and United New Jersey Sandy Hook Pilots' Benevolent Association were received. We have also included for appropriate consideration in this docket a copy of a letter, which is related to this matter, from the Commandant, U.S. Coast Guard, to the president of AIMS.

4. All of the comments received, except those of Mr. Riley, generally supported the proposed amendment. AIMS, API, AWO, Shaver Transportation, Red Star Marine Services and the Sandy Hook Pilots' Associations further suggested that the proposed amendment be extended to encompass all subject vessels operating in any designated VTS area. AWO additionally recommended that the words "towing vessel" be substituted for "tug boats". WATERCOM requested that the rule change proposed apply to all VTS areas also. Sightseeing yachts desired river passenger vessels in the New York VTS area be included as within the class of vessels exempted from the channel 16 watch. Mr. Riley, on the other hand, opposed the proposed amendment because of the need for a "universal" calling frequency which is only satisfied by the channel 16 listening watch requirements. He also pointed out that small independent tug operators may not gaurd a house frequency, which was one of the underlying assumptions our proposed rule making was based on.

5. In the Commandant's letter to the president of AIMS, the Coast Guard generally declined to assist AIMS in seeking to eliminate the channel 16 listening watch requirements for merchant vessels operating within VTS areas. The Commandant stated that the need for relief from additional radio watch requirements existed for those small vessels that are normally one man pilothouse operations, that vessels above 1600 gross tons normally have either a radio room or more than one person on the bridge, and that consequently the Coast Guard has no valid or germane reason to oppose the channel 16 listening watch for larger vessels. The Commandant further indicated that although the Coast Guard has no objection to assuming responsibility for the detection and response to distress communications on channel 16 within the designated VTS areas, it could not, however, assume responsibility for response to and relay of communications of a public correspondence nature on channel 16.

6. The comments received which indicated that limiting the applicability of the proposed amendment to "multisectored" VTS areas only would be unduly restricted are well taken. We have, therefore, deleted this restriction so that the exemption from the channel 16 watch will apply to subject tug boats in any VTS area rather than just in multisectored VTS areas. In addition, for clarification purposes, we have added the phrase "or other towing vessels" after "tug boats", thus substantively complying with AWO's recommendation. However, after further consultation with the Coast Guard, we do not feel that it is in the public interest to generally exempt all vessels operating in VTS areas from the channel 16 listening watch requirements. This amendment was conceived as a special accommodation for small towing vessels in the light of what we feel are extenuating circumstances. These vessels find it a business necessity to guard a "house frequency", no matter how many other listening watches are required. The small pilothouse and pace of activity make the maintenance of four listening watches only marginally beneficial, if not counterproductive. The capacity to generate an exchange of communications with these vessels on public correspondence or other frequencies is maintained via the house frequency, and distress and safety communications are adequately provided for in the VTS and bridge-to-bridge environment. Although other types of vessels may prefer to guard a working frequency rather than channel 16, no showing has been made in other cases sufficient to justify compromising the one "universal" safety and calling frequency in the maritime services. Furthermore, we have included herein another clause to make explicit our intent that only subject tug boats which guard a working frequency of a limited coast station ("house frequency") as directed by the commercial organization to which they are affiliated, are relieved of the requirement to maintain a listening watch on channel 16.

7. Accordingly, *It is ordered*, That, pursuant to the authority contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, Part 83 of the Commission's rules is amended, as set forth below, effective September 2, 1976.

8. *It is further ordered*, That this proceeding is *terminated*.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Adopted: July 20, 1976.

Released: July 29, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

Part 83 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. In Section 83.224, the headnote and text are amended to read as follows:

§ 83.224 Watch on 156.8 MHz.

Each ship station, or if more than one maritime mobile station is being operated from a vessel then at least one station, licensed to transmit by telephony on one or more frequencies within the band 156–162 MHz, shall, during its hours of service for radiotelephony in this band, maintain an efficient watch for the reception of F3 emissions on the frequency 156.8 MHz whenever such station is not being used for exchanging communications; Provided, however, that the watch is not required:

(a) When ship stations are operating only with single or dual channel bridge-to-bridge radio equipment pursuant to Section 83.106(a)(5) of the rules; or

(b) For tug boats, or other towing vessels, of less than 1600 gross tons when operating in a U.S. Coast Guard designated Vessel Traffic Service (VTS) area and maintaining a listening watch on the specified VTS frequency; and provided further that a watch is also maintained on a frequency assigned to a limited coast station as directed by the commercial organization to which the vessel is affiliated.

[FR Doc.76-22199 Filed 7-30-76;8:45 am]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

[Docket Nos. 75-07; 75-16; Notices 03, 09]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Republication of Brake System Standards

STANDARD NOS. 105–75 AND 121

Correction

In FR Doc. 76–20623 appearing at page 29629 in the issue of Monday, July 19, 1976, make the following corrections:

1. In the first column on page 29707, the first line following paragraph S6.1.10 should read as follows:

"S6.1.10.1 The control trailer conforms".

2. In the second column on page 29707, the third line from the bottom of the page should be deleted.

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Service Order No. 1249]

PART 1033—CAR SERVICE

Octoraro Railway, Inc., Authorized To Operate Over Portion of USRA Line No. 142, Former Octoraro Branch of Penn Central Transportation Co.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 28th day of July, 1976.

It appearing, that railroad service on the former Octoraro Branch of the Penn Central, (PC) identified in the Final System Plan of Reorganization of the Northeastern Railroads as USRA Line No. 142 between former PC milepost 18.0 and the end of the branch at Rising Sun, Maryland, has been discontinued; that that portion of this line between mileposts 18.0 and 54.2 at the Maryland-Pennsylvania state line south of Nottingham, Pennsylvania, has been purchased by the Southeastern Pennsylvania Transportation Authority, an agency of the Commonwealth of Pennsylvania (the Commonwealth); that the Commonwealth has designated the Octoraro Railway, Inc. (ORI), as its operator of rail service over this line and has entered into a rail service continuation payment operating agreement with ORI pursuant to Section 304(d)(1) of the Regional Rail Reorganization Act of 1973, as amended (the Rail Act); that by virtue of the Commonwealth's ownership of said line and the stated intention of ORI to provide service over this line so long as it can profitably do so with or without subsidy, the ORI is not eligible to receive a Certificate of Designated Operator pursuant to regulations issued by the Commission on March 17, 1976; that the ORI will apply to the Commission under Section 1(18) of the Interstate Commerce Act seeking permanent authority to operate this line on behalf of the Commonwealth; that unless service over this line is immediately required by the Commission to be continued until the ORI's application has been acted upon there may be a loss of rail service on or about July 29, 1976, in violation of the express requirements of Section 304(d)(3) of the Rail Act that the Commission act to prevent any disruption or loss of service under the circumstances presented herein; that operation by the ORI over the aforementioned tracks formerly operated by the PC is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

[1] At issue was the application of the rule to a candidate who had indicated an intention to pursue a write-in candidacy if his effort to be placed on the ballot were unsuccessful.

[2] Second Report and Order, 40 F.C.C. 2d 310 (1973).

[3] Memorandum Opinion and Order, 40 Fed. Reg. 55644, adopted November 17, 1975, effective December 1, 1975.

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§ 1033.1249 Octoraro Railway, Inc., authorized to operate over portion of USRA Line No. 142, former Octoraro Branch of Penn Central Transportation Company.

(a) The Octoraro Railway, Inc. (ORI) be, and it is hereby authorized to operate over certain tracks of USRA Line No. 142, formerly known as the Octoraro Branch of the Penn Central Transportation Company (PC) between former PC milepost 18.0 in the vicinity of Wawa, Pennsylvania, and milepost 54.2 at the Pennsylvania-Maryland state line south of Nottingham, Pennsylvania, pending disposition by the Commission of the application of ORI seeking permanent authority to operate over the aforementioned tracks.

(b) *Rates Applicable.* Inasmuch as this operation by the ORI over tracks formerly operated by the PC is deemed to be due to carrier disability, the rates applicable to traffic moved by the ORI over these lines shall be the rates which were formerly in effect on such traffic when routed via the PC until tariffs naming rates specifically applicable via the ORI become effective.

(c) *Station Conditions.* The cancellation of former PC Pennsylvania District Stations 7521, Chester Heights, Pennsylvania, to 7582, Nottingham, Pennsylvania, inclusive, published in the Supplement 13 to the Official List of Open and Prepay Stations No. 51, ICC No. A–55, issued by the Station List Publishing Company to become effective July 29, 1976, is hereby suspended until such stations are adopted by the ORI.

(d) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(e) In transporting traffic over these lines the ORI and all other common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date. This order shall become effective at 11:59 p.m., July 28, 1976.

(g) Expiration date. The provisions of this order shall expire at 11:59 p.m., November 15, 1976, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17 (2). Interprets or applies Secs. 1(10–17), 15 (4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2). Sec. 304 of Regional Rail Reorganization Act of 1973, as amended (45 U.S.C. 744): Pub. L. 95–236 and 94–210.)

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Lewis R. Teeple, Thomas J. Byrne and William J. Love.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–22351 Filed 7–30–76;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 33—SPORT FISHING

Opening of Cibola National Wildlife Refuge, Arizona and California to Sport Fishing

On June 4, 1976, there was published in the FEDERAL REGISTER (41 FR 22568) a notice of proposed rulemaking adding Cibola National Wildlife Refuge, Arizona and California to the list of refuge areas which are open for sport fishing. This list is published at 50 CFR 33.4. As a general rule most areas within the National Wildlife Refuge System are closed to sport hunting until officially opened by regulation.

Pursuant to the authority of 16 U.S.C. 668dd(d), as redelegated to the Director of the United States Fish and Wildlife Service at DM 242.1.1, the Director has determined that allowing sport fishing on Cibola National Wildlife Refuge would not be detrimental to the objectives for which the area was acquired.

The public was provided a 26-day comment period and was advised that an environmental assessment had been prepared on the proposal and was available for public inspection.

No comments were received on the proposed rulemaking.

Based on the preceding and an evaluation of the environmental assessment, it has been determined that sport fishing on Cibola National Wildlife Refuge, Arizona and California, is not a major Federal action which would significantly affect the quality of the human environment within the meaning of § 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. § 4332(2)(C). The preparation of an environmental impact statement on the proposed action is, therefore, not required.

Accordingly, the proposed rulemaking is hereby adopted without change and § 33.4 amended as set forth below:

§ 33.4 List of open areas; sport fishing.

ARIZONA AND CALIFORNIA

CIBOLA NATIONAL WILDLIFE REFUGE

Effective date: August 31, 1976.

Dated: July 23, 1976.

LYNN A. GREENWALT,
Director,
U.S. Fish and Wildlife Service.

[FR Doc.76–22195 Filed 7–30–76;8:45 am]

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTION, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Standards for Grades of Canned Dried Beans, Canned Pork and Beans, and Canned Baked Beans

This document revises the United States Standards for Grades of Canned Dried Beans by setting apart standards for grades of canned dried beans, canned pork and beans, and canned baked beans as separate standards. Notice of proposed rulemaking was published by the Department in the February 26, 1975; March 17, 1975; May 7, 1975; and October 29, 1975 issues of the FEDERAL REGISTER. This extended period of proposed rulemaking was necessary to enable review of the opinions, comments, and arguments which were submitted. Each subsequent FEDERAL REGISTER publications attempted to settle the differences of opinion between all parties that submitted comments regarding the proposed rulemaking.

NOTE: Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

Since 1934, the U.S. Standards for Grades of Canned Dried Beans were revised only once—in 1947. Today, many different kinds of canned dried beans are available in the marketplace. And manufacturers take into account the taste preferences of many different regions within the United States. The 1947 standards contain definitions that are too limited in context to cover adequately these many different kinds of canned dried beans. Canned pork and beans and canned baked beans differed most from the other kinds of canned dried beans. Thus, it was proposed that canned pork and beans and canned baked beans be set apart as separate standards.

Except for language clarification changes, a small number of changes to the context of a few definitions, and a provision for three classifications of "blemished" beans, the U.S. Standards for Grades of Canned Dried Beans and the U.S. Standards for Grades of Canned Pork and Beans are essentially as published in the FEDERAL REGISTER of October 29, 1975. However, the U.S. Standards for Grades of Canned Baked Beans are broader in definition than the October publication. These changes were made in "baked beans" to resolve the argument which originated with the definition of "baked beans" and to provide for three classifications of "blemished" beans.

These grade standards are issued under the authority of the Agricultural Marketing Act of 1946 (Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624) which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers, and consumers. Official grading services are also provided under this Act upon request of the applicant and upon payment of a fee to cover the cost of such services. The Act also specifies that among other things, standards are for the purpose of effecting an orderly marketing of food products.

STATEMENT OF CONSIDERATION LEADING TO THE REVISION

Four parties commented on the October 29, 1975, notice of proposed rulemaking published in the FEDERAL REGISTER. The comments were mainly directed at canned baked beans. Comments concerning canned dried beans and canned pork and beans were largely editorial in nature and suggested changes in language to improve reader understanding of the standards.

Two parties opposed the definition of "baked beans" as too restrictive and further stated that the definition was a regional interpretation of "baked beans" which required a special food processing technique. They argued that U.S. standards should cover all of the processes currently used to manufacture baked beans. It was suggested that any subsequent attempt to define "baked beans" should be channeled through an arbitrator, acquainted with food processing techniques, with all parties given the opportunity to present their viewpoint. The arbitrator would then recommend a definition of "baked beans" which would be fair to all manufacturers of the product. Arbitration failed. It was obvious that additional notices of proposed rulemaking would do little more than serve as an opportunity for all parties to restate their original stand.

Opposition to the definition of "baked beans" involved the point at which baking was actually to take place. Should beans be first baked in ovens and then transferred to market containers? Could beans be baked in the can? Could beans receive only a token bake and still be called "baked beans"? Also, descriptions of the quality characteristics (color, consistency, flavor, texture, and absence of defects) in the standards were challenged as being partial to specific regional preferences for canned baked beans.

In resolving the definition of "baked beans," the U.S. Standards for Grades of Canned Baked Beans published in this issue of the FEDERAL REGISTER require only that beans must be baked. The point at which baking is to occur is not stipulated. Any good commercial process, recognized as safe and suitable, may be used for baking beans. There is no minimum length of time required for baking. It is recognized that beans receiving only a token bake would not be expected to have the typical characteristics of baked beans and would receive a lower grade. The proposed descriptions of the quality characteristics of canned baked beans, published in the FEDERAL REGISTER of October 29, 1975, are retained in the final standards as meaningful, useful descriptions. Several editorial changes were made for language clarification purposes.

U.S. Standards for Grades of Canned Dried Beans contain two significant changes. The first change would allow "mixed" type (two or more varietal types of beans in any proportions) canned dried beans. Mixed beans are available in the marketplace today. Inclusion of mixed beans would make the standards responsive to currently marketable product. The second change would allow for three classifications of "blemished" beans.

One request to change the factor of consistency for the U.S. Standards for Grades of Canned Pork and Beans was denied. Originally, the February 26, 1975 issue of the FEDERAL REGISTER, proposed standards for canned pork and beans with a requirement for minimum weight of beans in any given container. Opposing comments indicated that this requirement was not realistic. In the second notice of proposed rulemaking, published in the FEDERAL REGISTER of October 29, 1975, the requirement was deleted. But a strict requirement was proposed for the factor of consistency as a safeguard against cans filled with too few beans and too much sauce (watery). There is no reason to change this requirement in the final standards. Another change in the U.S. standards for canned pork and beans would allow for three classifications of "blemished" beans.

Early in 1976, Department supervisory inspection personnel reported occurrences of "water-damaged" beans in market containers of canned dried beans. It was thought that these beans would be removed during sorting. "Water-damaged" beans affect critically the appearance and eating quality of canned dried beans, canned pork and beans, and canned baked beans. In the long run the expected frequency of occurrence of "water-damaged" beans is low, but during seasons of abnormally high rainfall, these beans may occur more frequently. "Water-damaged" beans are classified as "blemished" beans. However, the proposed tolerances for "blemished" beans did not take into account the increased occurrence of "water-damaged" beans. Thus, the tolerance was too liberal. To restrict the allowance for "water-damaged" beans in market containers, the final standards published in this issue of the FEDERAL REGISTER contain an expanded definition of "blemished" beans and a reduced allowance for "seriously blemished" beans.

The Department has considered each comment, suggestion, and argument carefully. Unless discussed in previous paragraphs, it is concluded that they are not substantial reasons to change the standards as proposed.

Accordingly, the United States Standards for Grades of Canned Dried Beans are revised; and United States Standards for Grades of Canned Pork and Beans and United States Standards for Grades of Canned Baked Beans are established as set forth in this issue of the FEDERAL REGISTER.

Effective date: These standards shall become effective September 1, 1976.

The revision is as follows:

Subpart—United States Standards for Grades of Canned Dried Beans

Sec.
52.411 Product description.
52.412 Types.
52.413 Styles.
52.414 Grades.
52.415 Sample unit size.
52.416 Determining the grade.
52.417 Determining the rating of the factors which are scored.
52.418 Color.
52.419 Absence of defects.
52.420 Character.
52.421 Determining the grade of a lot.
52.422 Score sheet for canned dried beans.

AUTHORITY: Agricultural Marketing Act of 1946, Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624.

Subpart—United States Standards for Grades of Canned Dried Beans

§ 52.411 Product description.

"Canned dried beans" is the product prepared from dry mature beans or peas used for canning; but not including soybeans, sweet peas, or early peas. Any safe and suitable ingredients permissible under the provisions of the Federal Food, Drug, and Cosmetic Act may be used. The product is prepared by washing, soaking, blanching, cooking, or other processing. It is packed in hermetically sealed containers and sufficiently processed by heat to assure preservation.

§ 52.412 Types.

(a) White beans.
(b) Lima beans.
(c) Red beans.
(d) Pinto beans.
(e) Pink beans.
(f) Garbanzos or chick-peas.
(g) Black beans.
(h) Yelloweye beans.
(i) Black-eye peas or field peas (Southern peas).
(j) Mixed beans (two or more varietal types of beans in any proportions).
(k) Beans of other colors or types (except soybeans, sweet peas, and early peas).

§ 52.413 Styles.

(a) "In tomato sauce" means packed with tomato pulp or a similar tomato product and any other safe and suitable ingredient(s). The sauce may be highly seasoned.

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(b) "In sweetened sauce" means packed with nutritive carbohydrate sweetening ingredient(s) and any other safe and suitable ingredient(s). The sauce may be highly seasoned.

(c) "In brine" means packed in brine and any other safe and suitable ingredient(s).

§ 52.414 Grades.

(a) "U.S. Grade A" is the quality of canned dried beans that has the following attributes:

(1) Practically similar varietal characteristics (except "mixed" type);

(2) At least a reasonably good consistency for the styles of "in tomato sauce" and "in sweetened sauce";

(3) Practically free from defects;

(4) Good character;

(5) Good flavor;

(6) Scores at least 17 points for color; and

(7) Totals not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade B" is the quality of canned dried beans that has at least the following attributes:

(1) Reasonably similar varietal characteristics (except "mixed" type);

(2) Reasonably good consistency for the styles of "in tomato sauce" and "in sweetened sauce";

(3) Reasonably free from defects;

(4) Reasonably good character;

(5) Reasonably good flavor;

(6) Reasonably good color; and

(7) Totals not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of canned dried beans that fails to meet the requirements of U.S. Grade B.

§ 52.415 Sample unit size.

Compliance with requirements for factors of quality is based on a sample unit consisting of the entire contents of one container, irrespective of container size.

§ 52.416 Determining the grade.

(a) *General.*—The grade of canned dried beans is determined by considering, in addition to the requirements of the respective grade, the following factors:

(1) *Factors not rated by score points.*

(i) Similar varietal characteristics;

(ii) Consistency; and

(iii) Flavor.

(2) *Factors rated by score points.* The relative importance of each factor is expressed numerically on the scale of 100. The maximum number of points that may be given each factor is:

Factors:	Points
Color	20
Absence of defects	40
Character	40
Total	100

(b) *Definitions.*

(1) Similar varietal characteristics:

(i) "Contrasting varieties" means dried beans of the same type or of other types that are of a noticeably different color, size, or shape from the dried beans of the predominating variety (such as red beans with white beans);

(ii) "Varieties that blend" means dried beans of the same type or of other types that are similar in color, size, or shape to the dried beans of the predominating variety (such as pea beans with small white beans);

(iii) "Practically similar varietal characteristics" means that the beans are practically alike in size, shape, color, general characteristics, and that there may be present not more than 0.5 percent, by weight, of contrasting varieties; and not more than 5 percent, by weight, of varieties that blend (not applicable to "mixed" type); and

(iv) "Reasonably similar varietal characteristics" means that the beans are reasonably alike in size, shape color, general characteristics, and that there may be present not more than 1 percent, by weight, of contrasting varieties; and not more than 10 percent, by weight, of varieties that blend (not applicable to "mixed" type).

(2) Consistency:

(i) "Reasonably good consistency" means that the sauce is reasonably smooth and may be slightly grainy or slightly lumpy. The product may have a thick consistency but is practically free from "matting" and when emptied on a flat surface may have practically no separation of liquid; or, the product may have a thin consistency with separation of liquid, but it shall not be watery (not applicable to "in brine" style) "Matting" means compaction to the extent that the beans cannot be removed from the container without causing damage or excessive mushiness.

(3) Flavor:

(i) "Good flavor" means that the product has a good, normal flavor and odor, characteristic of the style of pack, and is free from objectionable flavors and objectionable odors of any kind; and

(ii) "Reasonably good flavor" means that the product may be lacking in good flavor and odor, but is characteristic of the style of pack, and is free from objectionable flavors and objectionable odors of any kind.

§ 52.417 Determining the rating of the factors which are scored.

The essential variations within each factor which is scored are so described that the value is determined for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

§ 52.418 Color.

(a) "Good color" means that the beans have a color that is bright and reasonably uniform, typical of the type; and that the sauce or brine has a color typical of the style of pack. Canned dried beans that have a good color may be given a score of 18 to 20 points.

(b) "Reasonably good color" means that the beans have a color that is fairly uniform, typical of the type; may be dull but not off-color; and that the sauce or brine has a color typical of the style of pack. Canned dried beans that have a reasonably good color may be given a score of 16 or 17 points. Canned dried beans that score 16 points for color shall not be graded above "U.S. Grade B," regardless of the total score for the product (this is a partial limiting rule).

(c) "Substandard." Canned dried beans that fail to meet the requirements of grade B may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.419 Absence of defects.

(a) *General.*—The factor of absence of defects refers to the degree of freedom from extraneous vegetable material, loose skin, broken and mashed beans, and blemished beans; or any other defects that may affect the appearance or eating quality of the product.

(b) *Definitions.*

(1) "Loose skin" means a skin or portions of a skin which have become separated wholly from the cotyledons;

(2) "Broken" means a cotyledon or portions of a cotyledon which have become separated; or a bean or portions of a bean with the skin or portions of the skin missing;

(3) "Mashed" means a bean that is crushed or flattened to the extent that the appearance is seriously affected;

(4) "Blemished" means a bean that is affected or damaged by any means to the extent that its appearance or eating quality is adversely affected;

(i) Slightly;

(ii) Materially;

(iii) Seriously; and

(5) "Extraneous vegetable material" means vegetable material common to the bean plant or other plants that is harmless upon eating and includes, but is not limited to, peas, lentils, cereal grains, and corn.

(c) "Practically free from defects" means that the canned dried beans comply with the allowances in Table I. Canned dried beans that are practically free from defects may be given a score of 36 to 40 points.

(d) "Reasonably free from defects" means that the canned dried beans comply with the allowances in Table II. Canned dried beans that are reasonably free from defects may be given a score of 32 to 35 points and shall not be graded above "U.S. Grade B," regardless of the total score for the product (this is a limiting rule).

(e) "Substandard." Canned dried beans that fail to meet the allowances for grade B may be given a score of 0 to 31 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

TABLE I.—*Allowances for defects in canned dried beans—U.S. grade A*

Defects	Maximum amount of defects permitted	
	Sample unit	Sample average
	Percent of net weight	
Loose skin, broken, and mashed.	5	
Total blemished (slightly, materially, and seriously).	3	
Materially blemished	2	
Seriously blemished	1	
Extraneous vegetable material.	(1)	1 piece per 80 oz net weight.

[1] No limit.

TABLE II.—*Allowances for defects in canned dried beans—U.S. grade B*

Defects	Maximum amount of defects permitted	
	Sample unit	Sample average
	Percent of net weight	
Loose skin, broken, and mashed.	10	
Total blemished (slightly, materially, and seriously).	6	
Materially blemished	4	
Seriously blemished	2	
Extraneous vegetable material.	(1)	1 piece per 30 oz. net weight.

[1] No limit.

§ 52.420 Character.

(a) *General.*—The factor of character refers to the degree of freedom from hard beans, mushy beans, beans with tough skins; and the overall texture of the product.

(b) "Good character" means that the beans have a good, typical texture, that may be slightly soft or slightly firm; and that the skins are tender. Canned dried beans that have a good character may be given a score of 36 to 40 points.

(c) "Reasonably good character" means that the beans have a reasonably good, typical texture, that the beans may be firm or soft and that the presence of hard or mushy beans does not materially affect the eating quality; and that the skins may be slightly tough. Canned dried beans that have a reasonably good character may be given a score of 32 to 35 points and shall not be graded above "*U.S. Grade B,*" regardless of the total score for the product (this is a limiting rule).

(d) "Substandard." Canned dried beans that fail to meet the requirements of grade B may be given a score of 0 to 31 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.421 Determining the grade of a lot.

The grade of a lot of canned dried beans covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 to 52.83).

§ 52.422 Score sheet for canned dried beans.

Container size.....
Container code or identification.....
Label.....
Net weight.....
Vacuum.....
Type.....
Style.....

Factors		Score points	
Color	20	(A)	18-20
		(B)	[1] 16-17
		(SST1))	[2] 0-15
Absence of defects	40	(A)	36-40
		(B)	[2] 32-35
		(SST1))	[2] 0-31
Character	40	(A)	36-40
		(B)	[2] 32-35
		(SST1))	[2] 0-31
Total score	100		
Consistency			[3]
Flavor			[4]
Similar varietal characteristics			[4]
Grade			

[1] Indicates partial limiting rule.
[2] Indicates limiting rule.
[3] Not applicable for the style of "in brine."
[4] Not applicable for "mixed" type.

Subpart—United States Standards for Grades of Canned Pork and Beans

Sec.
52.6441 Product description.
52.6442 Types.
52.6443 Grades.
52.6444 Sample unit size.
52.6445 Determining the grade.
52.6446 Determining the rating for the factors which are scored.
52.6447 Consistency.
52.6448 Absence of defects.
52.6449 Character.
52.6450 Determining the grade of a lot.
52.6451 Score sheet for canned pork and beans.

AUTHORITY: Agricultural Marketing Act of 1946, Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624.

Subpart—United States Standards for Grades of Canned Pork and Beans

§ 52.6441 Product description.

"Canned pork and beans" (canned dried white beans with pork) is the product prepared from dry mature white beans of the species *Phaseolus vulgaris L.* with pork or pork fat; and with a packing medium or sauce consisting of water, tomato products, and any other safe and suitable ingredients permissible under the provisions of the Federal Food, Drug, and Cosmetic Act. The product is prepared by washing, soaking, blanching, or other processing. It is packed in hermetically sealed containers and sufficiently processed by heat to assure preservation.

§ 52.6442 Types.

(a) Pea beans (known also as Navy beans).

(b) Small white beans.

(c) Flat small white beans.

(d) Great northern beans.

(e) Other types of white beans (except white lima beans).

§ 52.6443 Grades.

(a) "U.S. Grade A" is the quality of canned pork and beans that has the following attributes:

(1) Practically similar varietal characteristics;

(2) At least a reasonably good consistency;

(3) Practically free from defects;

(4) Good character;

(5) Good flavor;

(6) Good color; and

(7) Totals not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade B" is the quality of canned pork and beans that has at least the following attributes:

(1) Reasonably similar varietal characteristics;

(2) Reasonably good consistency;

(3) Reasonably free from defects;

(4) Reasonably good character;

(5) Reasonably good flavor;

(6) Reasonably good color; and

(7) Totals not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of canned pork and beans that fails to meet the requirements of U.S. Grade B.

§ 52.6444 Sample unit size.

Compliance with requirements for factors of quality is based on a sample unit consisting of the entire contents of one container, irrespective of container size.

§ 52.6445 Determining the grade.

(a) *General.*—The grade of canned pork and beans is determined by considering, in addition to the requirements of the respective grade, the following factors:

(1) *Factors not rated by score points.*

(i) Similar varietal characteristics;

(ii) Color; and

(iii) Flavor.

(2) *Factors rated by score points.* The relative importance of each factor is expressed numerically on the scale of 100. The maximum number of points that may be given each factor is:

Factors:	Points
Consistency	20
Absence of defects	40
Character	40
Total	100

(b) *Definitions.*

(1) Similar varietal characteristics:

(i) "Contrasting varieties" means varieties of dried beans other than those specified in 52.6442 (such as red beans);

(ii) "Varieties that blend" means one or more of the varieties of dried beans specified in 52.6442 other than the predominating variety of white beans (such as pea beans with small white beans);

(iii) "Practically similar varietal characteristics" means that the beans are practically alike in size, shape, color, general characteristics, and that there may be present not more than 0.5 percent, by weight, of contrasting varieties; and not more than 5 percent, by weight, of varieties that blend; and

(iv) "Reasonably similar varietal characteristics" means that the beans are reasonably alike in size, shape, color, general characteristics, and that there

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may be present not more than 1 percent, by weight, of contrasting varieties; and not more than 10 percent, by weight, of varieties that blend.

(2) Color:

(i) "Good color" means that the beans have a color that is bright, typical and reasonably uniform; and that the sauce is reasonably bright and has the distinguishing color characteristics of the addition of tomato products; and

(ii) "Reasonably good color" means that the beans have a color that is fairly uniform, that may be slightly dull but not off-color; and that the sauce may be lacking in the distinguishing color characteristics of the addition of tomato products.

(3) Flavor:

(i) "Good flavor" means that the product has a good, characteristic flavor and odor, and is free from objectionable flavors and objectionable odors of any kind; and that the flavor of the sauce is rich, distinct and characteristic of the ingredients including but not limited to tomato products; and

(ii) "Reasonably good flavor" means that the product may be lacking in good flavor and odor, but is free from objectionable flavors and objectionable odors of any kind; and that the flavor of the sauce may be weak.

§ 52.6446 Determining the rating of the factors which are scored.

The essential variations within each factor which is scored are so described that the value is determined for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

§ 52.6447 Consistency.

(a) "Matting" means compaction to the extent that the beans cannot be removed from the container without causing damage or excessive mushiness.

(b) "Good consistency" means that the sauce is smooth and is neither grainy nor lumpy; the product is practically free from "matting"; and when emptied on a flat surface forms a slightly mounded mass of beans and sauce with not more than a slight separation of liquid. Canned pork and beans that have a good consistency may be given a score of 18 to 20 points.

(c) "Reasonably good consistency" means that the sauce is reasonably smooth and may be slightly grainy or slightly lumpy; the product may have a thick consistency but is reasonably free from "matting"; and when emptied on a flat surface may have practically no separation of liquid; or, the product may have a thin consistency with separation of liquid, but it shall not be watery. Canned pork and beans that have a reasonably good consistency may be given a score of 16 or 17 points.

(d) "Substandard." Canned pork and beans that fail to meet the requirements of grade B may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.6448 Absence of defects.

(a) *General.*—The factor of absence of defects refers to the degree of freedom from extraneous vegetable material, loose skin, broken and mashed beans, and blemished beans: or any other defects that may affect the appearance or eating quality of the product.

(b) *Definitions.*

(1) "Loose skin" means a skin or portions of a skin which have become separated wholly from the cotyledons;

(2) "Broken" means a cotyledon or portions of a cotyledon which have become separated; or a bean or portions of a bean with the skin or portions of the skin missing;

(3) "Mashed" means a bean that is crushed or flattened to the extent that the appearance is seriously affected;

(4) "Blemished" means a bean that is affected or damaged by any means to the extent that its appearance or eating quality is adversely affected;

(i) Slightly;

(ii) Materially;

(iii) Seriously; and

(5) "Extraneous vegetable material" means vegetable material common to the bean plant or other plants that is harmless upon eating and includes, but is not limited to, peas, lentils, field peas, cereal grains, and corn.

(c) "Practically free from defects" means that the canned pork and beans comply with the allowances in Table I. Canned pork and beans that are practically free from defects may be given a score of 36 to 40 points.

(d) "Reasonably free from defects" means that the canned pork and beans comply with the allowances in Table II. Canned pork and beans that are reasonably free from defects may be given a score of 32 to 35 points and shall not be graded above "U.S. Grade B," regardless of the total score for the product (this is a limiting rule).

(e) "Substandard" Canned pork and beans that fail to meet the allowances for grade B may be given a score of 0 to 31 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

TABLE I.—*Allowances for defects in canned pork and beans—U.S. Grade A*

Defects	Maximum amount of defects permitted	
	Sample unit	Sample average
	Percent of net weight	
Loose skin, broken and mashed.	5	
Total blemished (slightly, materially, and seriously).	3	
Materially blemished	2	
Seriously blemished	1	
Extraneous vegetable material.	(1)	1 piece per 80 oz net weight.

[1] No limit.

TABLE II.—*Allowances for defects in canned pork and beans—U.S. Grade B*

Defects	Maximum amount of defects permitted	
	Sample unit	Sample average
	Percent of net weight	
Loose skin, broken, and mashed.	10	
Total blemished (slightly, materially, and seriously).	6	
Materially blemished	4	
Seriously blemished	2	
Extraneous vegetable material.	(1)	1 piece per 20 oz net weight.

[1] No limit.

§ 52.6449 Character.

(a) *General.*—The factor of character refers to the degree of freedom from hard beans, mushy beans, beans with tough skins, and from granulation; and to the overall palatability and texture of the beans.

(b) "Good character" means that the beans have a good, typical texture, that may be slightly granular or slightly firm; and that the skins are tender. Canned pork and beans that have a good character may be given a score of 36 to 40 points.

(c) "Reasonably good character" means that the beans have a reasonably good, typical texture, that the beans may be firm or soft and that the presence of hard and mushy beans does not materially affect the eating quality; that the skins may be slightly tough; and that the beans may be granular or mealy. Canned pork and beans that have a reasonably good character may be given a score of 32 to 35 points and shall not be graded above "U.S. Grade B," regardless of the total score for the product (this is a limiting rule).

(d) "Substandard." Canned pork and beans that fail to meet the requirements of grade B may be given a score of 0 to 31 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.6450 Determining the grade of a lot.

The grade of a lot of canned pork and beans covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 to 52.83).

§ 52.6451 Score sheet for canned pork and beans.

Container size			
Container code or identification			
Label			
Net weight			
Vacuum			
Type			
Factors		**Score points**	
Consistency	20	(A)	18–20
		(B)	16–17
		(SSTD)	0–15
Absence of defects	40	(A)	36–40
		(B)	32–35
		(SSTD)	0–31
Character	40	(A)	36–40
		(B)	32–35
		(SSTD)	0–31
Total score	100		
Color			
Flavor			
Similar varietal characteristics			
Grade			

[1] Indicates limiting rule.

Subpart—United States Standards for Grades of Canned Baked Beans

Sec.
52.6461 Product description.
52.6462 Types.
52.6463 Styles.
52.6464 Grades.
52.6465 Sample unit size.
52.6466 Determining the grade.
52.6467 Determining the rating of the factors which are scored.
52.6468 Color.
52.6469 Consistency.
52.6470 Flavor.
52.6471 Character.
52.6472 Absence of defects.
52.6473 Determining the grade of a lot.
52.6474 Score sheet for canned baked beans.

AUTHORITY: Agricultural Marketing Act of 1946, Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624.

United States Standards for Grades of Canned Baked Beans

§ 52.6461 Product description.

"Canned baked beans" is the product prepared from dry mature beans used for canning; but not including soybeans. Any safe and suitable ingredients permissible under the provisions of the Federal Food, Drug, and Cosmetic Act may be used. The product is prepared by washing, soaking, and baking by the application of dry heat in open or loosely covered containers in a closed oven at atmospheric pressure for sufficient prolonged time to produce a typical texture and flavor. It is packed in hermetically sealed containers and sufficiently processed by heat to assure preservation.

§ 52.6462 Types.

(a) White beans.

(b) Red kidney beans.

(c) Yelloweye beans (including soldier beans).

(d) Beans of other colors or types suitable for baking (except soybeans).

§ 52.6463 Styles.

(a) "In brown sugar, molasses, or New England sauce" means packed with nutritive carbohydrate sweetening ingredient(s) and any other safe and suitable ingredient(s).

(b) "In tomato sauce" means packed with tomato pulp or a similar tomato product and any other safe and suitable ingredient(s).

§ 52.6464 Grades.

(a) "U.S. Grade A" is the quality of canned baked beans that has the following attributes:

(1) Practically similar varietal characteristics;

(2) Scores at least 17 points for consistency;

(3) Practically free from defects;

(4) Scores at least 17 points for character;

(5) Scores at least 17 points for flavor;

(6) Scores at least 13 points for color; and

(7) Totals not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade B" is the quality of canned baked beans that has at least the following attributes:

(1) Reasonably similar varietal characteristics;

(2) Reasonably good consistency;

(3) Reasonably free from defects;

(4) Reasonably good character;

(5) Reasonably good flavor;

(6) Reasonably good color; and

(7) Totals not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of canned baked beans that fails to meet the requirements of U.S. Grade B.

§ 52.6465 Sample unit size.

Compliance with requirements for factors of quality is based on a sample unit consisting of the entire contents of one container, irrespective of container size.

§ 52.6466 Determining the grade.

(a) *General.* The grade of canned baked beans is determined by considering, in addition to the requirements of the respective grade, the following factors:

(1) *Factor not rated by score points;*

(i) Similar varietal characteristics.

(2) *Factors rated by score points.* The relative importance of each factor is expressed numerically on the scale of 100. The maximum number of points that may be given each factor is:

Factors:	Points
Color	15
Consistency	20
Flavor	20
Character	20
Absence of defects	25
Total	100

(b) *Definitions.*

(1) Similar varietal characteristics:

(i) "Contrasting varieties" means dried beans of the same type or of other types that are of a noticeable different color, size, or shape from the dried beans of the predominating variety (such as red beans with white beans);

(ii) "Varieties that blend" means dried beans of the same type or of other types that are similar in color, size, or shape to the dried beans of the predominating variety (such as pea beans with small white beans);

(iii) "Practically similar varietal characteristics" means that the beans are practically alike in size, shape, color, general characteristics, and that there may be present not more than 0.5 percent, by weight, of contrasting varieties; and not more than 5 percent, by weight, of varieties that blend; and

(iv) "Reasonably similar varietal characteristics" means that the beans are reasonably alike in size, shape, color, general characteristics, and that there may be present not more than 1 percent, by weight, of contrasting varieties; and not more than 10 percent, by weight, of varieties that blend.

§ 52.6467 Determining the rating of the factors which are scored.

The essential variations within each factor which is scored are so described that the value may be determined for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

§ 52.6468 Color.

(a) "Good color"[1] means that the baked beans have a uniform color typical of the baked variety and style of pack. Canned baked beans that have a good color may be given a score of 14 or 15 points.

(b) "Reasonably good color" means that the baked beans have a reasonably uniform color typical of the baked variety and style of pack. Canned baked beans that have a reasonably good color may be given a score of 12 or 13 points. Canned baked beans that score 12 points for color shall not be graded above "U.S. Grade B," regardless of the total score for the product (this is a partial limiting rule).

(c) "Substandard." Canned baked beans that fail to meet the requirements of grade B may be given a score of 0 to 11 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.6469 Consistency.

(a) General. The factor of consistency is determined two minutes after the product, without prior stirring or shaking, is emptied on to a flat surface.

(b) "Good consistency" means that the product shall form a well-rounded mound when emptied from the container and that the sauce shall be of such quantity and character that it clings to the beans with not more than a reasonable separation from the mound. Canned baked beans that have a good consistency may be given a score of 18 to 20 points.

(c) "Reasonably good consistency" means that the product shall form a mound that may tend to take the shape of the container with little leveling or may level itself substantially with a

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fairly large amount of sauce separation from the beans. Canned baked beans that have a reasonably good consistency may be given a score of 16 or 17 points. Canned baked beans that score 16 points for consistency shall not be graded above "U.S. Grade B" regardless of the total score for the product (this is a partial limiting rule).

(d) "Substandard." Canned baked beans that fail to meet the requirements of grade B may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.6470 Flavor.

(a) "Good flavor" means that the product has a good baked bean flavor and odor which is characteristic of the variety of bean and style of pack with all flavor components in proper balance. The product is free from objectionable flavors and objectionable odors. Canned baked beans that have a good flavor may be given a score of 18 to 20 points.

(b) "Reasonably good flavor" means that the product has a reasonably good baked bean flavor and odor which is characteristic of the variety of bean and style of pack with all flavor components in reasonable balance. The product is free from objectionable flavors and objectionable odors. Canned baked beans that have a reasonably good flavor may be given a score of 16 or 17 points. Canned baked beans that score 16 points for flavor shall not be graded above "U.S. Grade B," regardless of the total score for the product (this is a partial limiting rule).

(c) "Substandard." Canned baked beans that fail to meet the requirements of grade B may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.6471 Character.

(a) General. The factor of character refers to the degree of freedom from hard beans, mushy beans, beans with tough skins; and the overall texture of the product.

(b) "Good character" means that the baked beans have a good, typical texture, that may be slightly soft or slightly firm; and that the skins are tender. Canned baked beans that have a good character may be given a score of 18 to 20 points.

(c) "Reasonably good character" means that the baked beans have a reasonably good, typical texture, that may be firm or soft but not hard or mushy; and that the skins may be slightly tough. Canned baked beans that have a reasonably good character may be given a score of 16 or 17 points. Canned baked beans that score 16 points for character shall not be graded above *"U.S. Grade B,"* regardless of the total score for the product (this is a partial limiting rule).

(d) "Substandard." Canned baked beans that fail to meet the requirements of grade B may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.6472 Absence of defects.

(a) General. The factor of absence of defects refers to the degree of freedom from extraneous vegetable material, loose skin, broken and mashed beans, and blemished beans; or any other defects that may affect the appearance or eating quality of the product.

(b) *Definitions:*

(1) "Loose skin" means a skin or portions of a skin which have become separated wholly from the cotyledons;

(2) "Broken" means a cotyledon or portions of a cotyledon which have become separated; or a bean or portions of a bean with the skin or portions of the skin missing;

(3) "Mashed" means a bean that is crushed or flattened to the extent that the appearance is seriously affected;

(4) "Blemished" means a bean that is affected or damaged by any means to the extent that its appearance or eating quality is adversely affected;

(i) Slightly;

(ii) Materially;

(iii) Seriously; and

(5) "Extraneous vegetable material" means vegetable material common to the bean plant or other plants that is harmless upon eating and includes, but is not limited to, peas, lentils, cereal grains, and corn.

(c) "Practically free from defects" means that the canned baked beans comply with the allowances in Table I. Canned baked beans that are practically free from defects may be given a score of 22 to 25 points.

(d) "Reasonably free from defects" means that the canned baked beans comply with the allowances in Table II. Canned baked beans that are reasonably free from defects may be given a score of 20 or 21 points and shall not be graded above "U.S. Grade B," regardless of the total score for the product (this is a limiting rule).

(e) "Substandard." Canned baked beans that fail to meet the allowances for grade B may be given a score of 0 to 19 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

TABLE I.—*Allowances for defects in canned baked beans—U.S. Grade A*

Defects	Maximum amount of defects permitted		
	Sample unit		Sample average
	Type (a)	Types (b), (c), (d)	
	Percent of net weight		
Loose skin, broken, and mashed	10	20	
Total blemished (slightly, materially, and seriously)	3	3	
Materially blemished	2	2	
Seriously blemished	1	1	
Extraneous vegetable material	(1)	(1)	1 piece per 50 oz net weight.

[1] No limit.

TABLE II.—*Allowances for defects in canned baked beans—U.S. grade B*

Defects	Maximum amount of defects permitted		
	Sample unit		Sample average
	Type (a)	Types (b), (c), (d)	
	Percent of net weight		
Loose skin, broken, and mashed	20	35	
Total blemished (slightly, materially, and seriously)	6	6	
Materially blemished	4	4	
Seriously blemished	2	2	
Extraneous vegetable material	(1)	(1)	1 piece per 20 oz net weight.

[1] No limit.

§ 52.6473 Determining the grade of a lot.

The grade of a lot of canned baked beans covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 to 52.83).

§ 52.6474 Score sheet for canned baked beans.

Container size.....
Container code or identification.....
Label.....
Net weight.....
Vacuum.....
Type.....
Style.....

Factors		Score points	
Color	15	(A)	14-15
		(B)	12-13
		(SSTD)	[2] 0-11
Consistency	20	(A)	18-20
		(B)	[2] 16-17
		(SSTD)	[2] 0-15
Flavor	20	(A)	18-20
		(B)	[2] 16-17
		(SSTD)	[2] 0-15
Character	20	(A)	18-20
		(B)	[2] 16-17
		(SSTD)	[2] 0-15
Absence of defects	25	(A)	22-25
		(B)	[2] 20-21
		(SSTD)	[2] 0-19
Total score	100		

Similar varietal characteristics.....
Grade.....

[1] Indicates partial limiting rule.
[2] Indicates limiting rule.

Dated: July 28, 1976.

IRVING W. THOMAS,
Acting Administrator.

[FR Doc.76-22228 Filed 7-30-76;8:45 am]

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

PART 331—PLANT PEST REGULATIONS GOVERNING INTERSTATE MOVEMENT OF CERTAIN PRODUCTS AND ARTICLES

Mediterranean Fruit Fly

EMERGENCY AND RELATED REGULATIONS; REVOCATION

• Purpose: To revoke the Mediterreanean fruit fly emergency regulations in Los Angeles County, California. •

The notice of existence of emergency and regulations related thereto with respect to the Mediterranean fruit fly, in 7 CFR 331.1 (40 FR 49784), are hereby revoked. However, such provisions shall be deemed to continue in full force and effect for the purpose of sustaining any action or other proceeding with respect to any right that accrued, liability that was incurred, or violation that occurred prior to said date.

Statement of Considerations.—An intensive eradication program was begun following the discovery in September 1975 of an infestation of the Mediterranean fruit fly in Los Angeles, California. Delimiting surveys utilizing traps indicated that the Mediterranean fruit fly infestation was limited to an area of approximately 100 square miles of Los Angeles County. Foliar spraying of citrus and related host trees and soil treatments were begun in October 1975. Because of the urban environment, however, the normal chemical treatments in the amounts needed to achieve eradication could not be utilized and, therefore, a sterile fly release program was instituted for the purpose of eradicating the Mediterranean fruit fly. Ground releases of sterile flies began in late October 1975, and aerial releases began in December. Ground and aerial releases ended the last of May 1976. The trapping program has continued since the pest was discovered. The last adult nonsterile fly was trapped on November 14, 1975. The Deputy Administrator has determined that eradication of the Mediterranean fruit fly has been achieved because enough time has elapsed for development of three complete life cycles without the detection of nonsterile flies, and a followup intensive surveillance has confirmed such finding.

Accordingly, the Mediterranean fruit fly-notice of existence of emergency and regulations related thereto in section 331.1 (7 CFR 331.1) are hereby revoked. Also, section 331.1 is reserved.

This revocation relieves restrictions heretofore imposed, and should be made effective promptly in order to be of maximum benefit to the persons subject to the restrictions that are being relieved. Also, it does not appear that public participation in rulemaking procedures concerning this action would make additional relevant information available to the Department. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that such pubic participation with respect to this action is impracticable, unnecessary, and contrary to the public interest and good cause is found for making the revocation effective less than 30 days after publication in the FEDERAL REGISTER.

(Secs. 105, 106, 107; 71 Stat. 32, 33, 34; (7 U.S.C. 150dd-150ff); 37 FR 28464, 28477, 38 FR 19141.)

The foregoing revocation of notice of existence of emergency and regulations related thereto shall become effective August 2, 1976.

Done at Washington, D.C. this 27 day of July 1976.

T. G. DARLING,
Acting Deputy Administrator Plant Protection and Quarantine Programs Animal and Plant Health Inspection Service.

[FR Doc.76-22231 Filed 7-30-76;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Valencia Orange Reg. 537, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation increases the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period July 23-29, 1976. The quantity that may be shipped is increased due to improved market conditions for California-Arizona Valencia oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674) and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of oranges available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Valencia Orange Regulation 537 (41 FR 30093). The marketing picture now indicates that there is a greater demand for Valencia oranges than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of Valencia oranges to fill the current demand thereby making a greater quantity of Valencia oranges available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling

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of Valencia oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1) (i), and (ii) of § 908.837 (Valencia Orange Regulation 537 (41 FR 30093) are hereby amended to read as follows:

§ 908.837 Valencia Orange Regulation 537.

* * * * *

(b) * * * (1) * * *

(i) District 1: 345,000 cartons;

(ii) District 2: 405,000 cartons.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Dated: July 28, 1976.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-22323 Filed 7-30-76;8:45 am]

PART 947—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES IN CALIFORNIA AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

Expenses, Rate of Assessment and Late Payment Charges

This document authorizes the Oregon-California Potato Committee to spend $32,375 for its operations during the fiscal period ending June 30, 1977, and to collect three-tenths cent per hundredweight on assessable potatoes handled by each handler to defray such expenses.

The committee is the administrative agency established under Marketing Agreement No. 114 and Order No. 947, both as amended (7 CFR Part 947), regulating the handling of Irish potatoes grown in Modoc and Siskiyou Counties in California and in all counties in Oregon except Malheur County. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Notice was published in the July 16 FEDERAL REGISTER (41 FR 29411) regarding the proposals. It afforded interested persons an opportunity to file written comments not later than July 26, 1976. None was received.

After consideration of all relevant matters, including the proposals in the notice, it is found that the following expenses and rate of assessment should be approved.

It is further found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because this part requires that the rate of assessment for a particular fiscal period shall apply to all assessable potatoes from the beginning of such period.

The regulation follows:

§ 947.229 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period ending June 30, 1977, by the Oregon-California Potato Committee for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate will amount to $32,375.

(b) The rate of assessment to be paid by each handler in accordance with this part shall be three-tenths cent ($0.003) per hundredweight or equivalent quantity of assessable potatoes handled by him as the first handler during the fiscal period except seed potatoes and potatoes for canning, freezing and "other processing" as defined in the amendment to the act (Pub. L. 91–196) shall be exempt.

(c) In accordance with the provisions of § 947.41, late payment charges of $1.00 per month or one percent per month, whichever is greater, shall be charged on the unpaid balance for each past-due account. An account is past-due 60 days after the billing date.

(d) Unexpended income in excess of expenses for the fiscal period ending June 30, 1977, may be carried over as a reserve to the extent authorized in § 947.41.

(e) Terms used in this section have the same meaning as when used in said marketing agreement and this part.

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Dated: July 28, 1976.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-22322 Filed 7-30-76;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 76–214]

PART 159—LIQUIDATION OF DUTIES

Countervailing Duties—Sugar Content of Certain Articles From Australia

JULY 13, 1976.

Net amount of bounty declared for the period January 1976 through June 1976 for products of Australia subject to the countervailing duty order published in T.D. 54582, Section 159.47(f), Customs Regulations, amended.

The Treasury Department is in receipt of official information that no bounties or grants were paid or bestowed by the Australian Government within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303), on the exportation during the period January 1976 through June 1976 of approved fruit products and other approved products containing sugar.

Accordingly, no additional duties on the above-described commodities, imported directly or indirectly from that country, shall be assessed and collected under section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303).

§ 159.47 [Amended]

The table in § 159.47(f) of the Customs Regulations (19 CFR 159.47(f)), under "Australia—Sugar content of certain articles" is amended (1) by deleting therefrom the reference to T.D. 74–133, and (2) by adding a reference to this Treasury Decision. As amended, the last four lines of the table under this commodity will read:

Country	Commodity	Treasury decision	Action
		55716	Certain articles exempted as to shipments exported on or after July 19, 1962.
		75–54	New rate.
		76–167	Do.
		76–214	Do.

(R.S. 251, as amended, secs. 303, 624, 46 Stat. 687, as amended(759; 19 U.S.C. 66, 1303, 1624).

VERNON D. ACREE,
Commissioner of Customs.

Approved: July 27, 1976.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76-22294 Filed 7-30-76;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 31]

EMPLOYMENT TAX, GROUP-TERM INSURANCE, WAGE CONTINUATION PAYMENTS, AND MOVING EXPENSES

Public Hearing on Proposed Regulations

Proposed regulations under section 3401 of the Internal Revenue Code of 1954, relating to group-term insurance, wage continuation payments, and moving expenses, appeared in the FEDERAL REGISTER for January 14, 1976 (41 FR 2087).

A public hearing on the provisions of such proposed regulations will be held on August 31, 1976, beginning at 1 p.m. in the George S. Boutwell Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to such public hearing. Copies of these rules may be obtained by a request directed to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C., 20224, or telephoning (Washington, D.C.) 202–964–3935. Under such § 601.601(a)(3) persons who have submitted written comments within the time prescribed in the notice of proposed rule making, and who desire to present oral comments at the hearing on such proposed regulations, should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by August 20, 1976. Such outlines should be submitted to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224. Under § 601.601(a)(3) (26 CFR Part 601) each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the Government and answers thereto.

Persons who desire a copy of such written comments or outlines and who desire to be assured of their availability on or before the beginning of such hearing should notify the Commissioner, in writing, at the above address by August 23, 1976. In such a case, unless time and circumstances permit otherwise, the desired copies are deliverable only at the above address. The charge for copies is ten cents ($.10) per page.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of this agenda will be available free of charge at the hearing, and information with respect to its contents may be obtained on August 30, 1976, by telephoning (Washington, D.C.) 202–964–3935.

JAMES F. DRING,
Director, Legislation and Regulations Division.

[FR Doc.76-22327 Filed 7-30-76;8:45 am]

DEPARTMENT OF DEFENSE

Defense Supply Agency

[32 CFR Part 1286]

[DSAR 5400.21: RCS DD(A&AR)1379]

PERSONAL PRIVACY AND RIGHTS OF INDIVIDUALS REGARDING THEIR PERSONAL RECORDS

Exempted Record Systems

On May 7, 1976, there was published in the FEDERAL REGISTER (41 FR 18836) (FR Doc 76–13337) the final adopted rules of the Defense Supply Agency pertaining to the Privacy Act of 1974.

The Defense Supply Agency proposes to amend Appendix C, Exempted Record Systems (41 FR 18844, May 7, 1976) of its final rules by adding the following paragraph D to Appendix C containing an additional exempted system:

APPENDIX C

EXEMPTED RECORD SYSTEMS

* * * * *

D. ID: S155.53 DCAS–NS. (Specific Exemptions)

Sysname: Industrial Personnel Security Clearance File.

Exemption: This system of records is exempt from the following provisions of title 5, United States Code, section 552a: subsection (d).

Authority: 5 U.S.C. 552a(k)(5).

Reasons: Investigatory material is exempt to the extent that the disclosure of such material would reveal the identity of a source who furnished the information to the Government under an express promise that the identity of the source would be held in confidence, or prior to 27 September 1975 under an implied promise that the identity of the source would be held in confidence. This exemption will protect the identities of certain sources who would be otherwise unwilling to provide information to the Government.

Interested parties are invited to submit written comments, suggestions or objections regarding the proposed amendment to Defense Supply Agency, ATTN: DSAH–XA, Cameron Station, Alexandria, Virginia 22314 on or before September 1, 1976.

All relevant material received will be considered. All written comments will be available for public inspection during normal business hours at the above address.

By order of the Director.

J. J. MCALEER, JR.,
Colonel, USA,
Staff Director, Administration.

JULY 28, 1976.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

[FR Doc.76-22251 Filed 7-30-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 47]

ADMINISTRATIVE DETERMINATION OF WHO IS A RESPONSIBLY CONNECTED PERSON

Proposed Rules of Practice

The Department of Agriculture is considering the promulgation of rules of practice governing the administrative determination as to whether a person is responsibly connected as defined under the Perishable Agricultural Commodities Act (7 U.S.C. 499a *et seq.*). Such rules would appear in Part 47 of Title 7 of the Code of Federal Regulations now in existence.

All applicants for a license under the Act are required to report the names of the owner, or, if a partnership, the names of all general partners, or, if an association or corporation, the names of all officers, directors, or holders of more than 10 percent of the outstanding stock.

In order to provide each individual a full opportunity to challenge an initial administrative determination that he is or was responsibly connected with a licensee, the proposed rules would establish a procedure under which such person may present evidence in an oral hearing before a Presiding Officer designated to conduct such hearings for the Agricultural Marketing Service, Department of Agriculture, that his status is not that which was previously determined. The Presiding Officer would then issue a report including his proposed findings of fact. Either party to the proceeding may, within 30 days, file objections to the proposed findings of fact with the Administrator. The Administrator will issue a final decision as to whether petitioner is, or was, responsibly connected.

In the event a licensee fails to satisfy a reparation order issued under the Act against it, or is found to have committed flagrant or repeated violations of the Act,

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or its license is otherwise suspended or revoked, the licensee and responsibly connected persons are subject to restrictions with respect to relicensing, or employment by another licensee.

There have been several instances where the person who has been reported to be responsibly connected with a licensee has challenged the Department's determination and records. These persons have requested formal hearings for the purpose of obtaining an official determination of their status. However, there are presently no provisions for such hearings, nor is there an established procedure to govern this type of proceeding.

It is proposed to establish rules of practice applicable only to the administrative determination of who is a responsibly connected person. These rules will appear in Part 7 of Title 7 of the Code of Federal Regulations now in existence.

Interested persons may file comments on the proposed rules not later than September 1, 1976. Comments should be filed in duplicate with the Hearing Clerk, Room 112 Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250. All comments submitted pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours.

These rules are proposed under the authority of Section 15 of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499o).

In consideration of the foregoing it is proposed to amend Title 7 Part 47 CFR as follows:

1. Under general provisions revise § 47.5 as follows:

§ 47.5 Scope and applicability of rules of practice.

Sections 47.6 through 47.25 shall be applicable to the procedure governing the filing and disposition of formal complaints in reparation proceedings. Sections 47.26 through 47.43 shall be applicable to the procedure governing the filing and disposition of formal complaints and other moving papers instituting disciplinary proceedings. Sections 47.47 through 47.68 shall be applicable to the proceedings for determining whether a person is responsibly connected with a licensee under the Perishable Agricultural Commodities Act. Sections 47.1 through 47.5 and Section 47.46 shall be applicable to all proceedings under parts 47.6 through 47.46 of these regulations in this part. Sections 47.1 and 47.2(a) through (h) shall be applicable to all proceedings under Sections 47.47 through 47.68 of the regulations in this part.

2. Add Sections 47.47 through 47.68 as follows:

RULES APPLICABLE TO THE DETERMINATION AS TO WHETHER A PERSON IS RESPONSIBLY CONNECTED WITH A LICENSEE UNDER THE PERISHABLE AGRICULTURAL COMMODITIES ACT

47.47 Additional definitions.
47.48 Scope and applicability.
47.49 Determinations.
47.50 Designation of parties.
47.51 Motions.
47.52 Consent orders.
47.53 Notice of hearing.
47.54 Appearances.
47.55 Order of proceeding.
47.56 Powers of presiding officer.
47.57 Who may act in absence of presiding officer.
47.58 Evidence.
47.59 Filing transcripts and exhibits.
47.60 Transcripts.
47.61 Proposed findings of fact, conclusions, and determination.
47.62 Presiding officer's report.
47.63 Exceptions; proposed determination; objection.
47.64 Final determination.
47.65 Filing; number of copies.
47.66 Service; proof of service.
47.67 Computation of time.
47.68 Extensions of time.

§ 47.47 Additional definitions.

(a) "Administrator" means the Administrator, Agricultural Marketing Service, U.S. Department of Agriculture.

(b) "Regulatory Branch" means the Regulatory Branch of the Fruit and Vegetable Division.

(c) "Chief" means the Chief of the Regulatory Branch, or any officer or employee to whom authority has heretofore lawfully been delegated or to whom authority may hereafter lawfully be delegated by the Chief, to act in his stead.

(d) "Presiding Officer" means any member of the Board of Contract Appeals, U.S. Department of Agriculture duly assigned upon the request of the Administrator, to preside at a hearing held pursuant to the rules of this part.

(e) "Chairman of the Board" means the Chairman of the Board of Contract Appeals.

(f) "Petitioner" means any person to whom notice of being responsibly connected has been given, and who files a petition with the Administrator contesting the Regulatory Branch's determination requesting a final determination that he is not responsibly connected.

(g) "Presiding Officer's Report" includes the Presiding Officer's proposed findings of fact and such other matters as may be pertinent to the hearing.

(h) "Decision" includes the Administrator's finding of fact, conclusions with respect to all material issues of fact and law, as well as the reasons or basis therefor; and order.

§ 47.48 Scope and applicability.

These rules shall govern the determination of whether a person is responsibly connected with licensees under the Perishable Agricultural Commodities Act, of 1930, as amended, or with persons whose license issued under the Act has been suspended, revoked, or terminated or with persons who transact business subject to the Act, but fail to obtain the required license.

§ 47.49 Determinations.

(a) An initial determination shall be made by the Regulatory Branch as to whether a person is responsibly connected with a licensee whose license is subject to suspension or revocation, or which is subject to having the facts and circumstances of violations of the Act published. Such initial determination shall be made on the basis of license records on file with the Regulatory Branch, and such other information as may be available.

(b) Upon determining that a person is or was responsibly connected with a licensee which is subject to the suspension or revocation of its license, or which is subject to having the facts and circumstances of violations of the Act published, and that the employment status and licensing of such person may be restricted, the Regulatory Branch shall notify the person of his status and of the employment and licensing restrictions.

(c) If a person believes he was not responsibly connected with a licensee at the time in issue, he may submit his reasons for such belief in written form, along with all pertinent documents, within 30 days of his receipt of such notification to the Chief of the Regulatory Branch, who will consider the matter and promptly advise the person of his final determination and the reason for reaching such determination.

(d) If a person disagrees with the determination of the Chief of the Regulatory Branch, he may file a petition with the Administrator of the Service, along with a statement as to why he believes the determination was incorrect, within 30 days of his receipt of notification of such final determination, and may if he so desires, request an oral hearing. Immediately upon notification of such petition, the Regulatory Branch shall forward the file to the Administrator or his representative for review.

(e) The Administrator shall make an administrative determination as to whether a person is or was responsibly connected with a licensee on the basis of the record before him. If he believes the record is incomplete, he may ask either the person, the Regulatory Branch, or any other source for further information and may direct the submission of written statements.

(f) The Administrator may order that an oral hearing be held at a convenient location, and shall do so if it is requested by the petitioner. Upon deciding that an oral hearing is necessary, or upon receipt of a request by petitioner that an oral hearing be held, the Administrator shall request the Chairman of the Board of Contract Appeals to assign a member of the Board to serve as Presiding Officer. The Presiding Officer shall require the petitioner to appear in person for the purpose of oral testimony and examination. Such hearing shall be reported verbatim in accordance with the following rules.

§ 47.50 Designation of parties.

(a) The person who has challenged the initial determination that he is responsibly connected shall be designated the petitioner.

(b) The United States Department of Agriculture shall be designated the "Agency."

§ 47.51 Motions.

(a) All motions and requests shall be filed with the Administrator prior to the designation of a Presiding Officer. The Administrator shall rule upon all motions and requests filed in cases in which there will be no oral hearing. The Presiding Officer shall rule upon all motions and requests where an oral hearing will be held.

(b) Motions entertained. Any motion will be entertained. All written motions shall state the particular order, ruling, or action desired and the grounds therefor.

(c) Answers to motions. Within 15 days after service of any written motion, or within any longer period fixed by the Administrator or the Presiding Officer, as the case may be, the opposing party shall file an answer to the motion or shall be deemed to have no objection to granting of the relief asked for in the motion. Unless permitted by the Administrator or Presiding Officer, the moving party shall have no right to reply to the answer.

§ 47.52 Consent Orders.

At any time after the institution of a proceeding, the petitioner may withdraw his petition. Such withdrawal shall be final, and have the effect of a consent to a determination that petitioner was responsibly connected during the time in issue.

§ 47.53 Notice of time and place of hearing.

Upon assignment of the matter for an oral hearing, the Presiding Officer shall notify the parties of the time and place for such hearing, and shall make the official file a part of the records of the proceeding. The parties will be notified as soon as possible of any change in the time and place of hearing.

§ 47.54 Appearances.

(a) The petitioner shall appear in person and may be accompanied by counsel.

(b) If any petitioner to a proceeding, after being duly notified, fails to appear at the hearing, he shall be deemed to have waived the right to present evidence and to have withdrawn his petition. Failure to appear at a hearing shall not be deemed to be a waiver of the right to be served with a copy of the Presiding Officer's report.

§ 47.55 Order of proceeding.

Except as may be determined otherwise by the Presiding Officer, the petitioner shall proceed first at the hearing.

§ 47.56 Powers of Presiding Officer.

The Presiding Officer shall have the power to:

(a) Rule upon motions and requests, and accept motions for withdrawal or dismissal of the petition;

(b) Set the time and place of hearing, adjourn the hearing from time to time, and change the time and place of hearing;

(c) Administer oaths and affirmations and take affidavits;

(d) Examine witnesses;

(e) Admit or exclude evidence;

(f) Hear oral argument on facts or law; and

(g) Do all acts and take measures necessary for the maintenance of order at the hearing and for the efficient, fair and impartial conduct of the proceeding.

§ 47.57 Who may act in the absence of the Presiding Officer.

In case of the absence of the Presiding Officer or his inability to act, the powers and duties to be performed by him under this part in connection with a proceeding assigned to him may, without abatement of the proceeding unless otherwise directed by the Administrator, be assigned to any other Presiding Officer.

§ 47.58 Evidence.

(a) General. The testimony of witnesses at a hearing shall be upon oath or affirmation and subject to cross-examination. Any witness may, in the discretion of the Presiding Officer, be examined separately and apart from all other witnesses, except those who may be parties to the proceeding. The Presiding Officer shall admit all relevant and material evidence, except evidence which is unduly repetitious.

(b) Objections. If a party objects to the admission or rejection of any evidence or to the limitation of the scope of any examination or cross-examination, he shall state briefly the grounds for such objection, whereupon an automatic exception will follow if the objection is overruled by the Presiding Officer. The transcript shall not include argument or debate thereon except as ordered by the Presiding Officer. The ruling of the Presiding Officer on any objection shall be a part of the transcript. Only objections made before the Presiding Officer may subsequently be relied upon in the proceeding.

(c) Records of the Department. A true copy of every written entry in the records of the Department, made by an officer or employee thereof in the course of his official duty and relevant and material to the issues involved in the hearing, shall be admissible as prima facie evidence of the facts stated therein, without the production of such officer or employee.

(d) Exhibits. Except where the Presiding Officer finds that the furnishing of copies is impracticable, copies of each exhibit, in addition to the original, shall be filed with the Presiding Officer for the use of the other parties to the proceeding.

(e) Official notice. Official notice may be taken of such matters as are judicially noticed by the courts of the United States and of any other matter of technical or scientific fact of established character: *Provided*, That the parties shall be given adequate notice, at the hearing or by reference in the Presiding Officer's report or otherwise, of matters so noticed, and shall be given adequate opportunity to show that such facts are erroneously noticed.

(f) Offer of proof. Whenever evidence is excluded from the record, the party offering such evidence may make an offer of proof which shall be included in the transcript. The offer of proof shall consist of a brief statement describing the evidence to be offered. If the evidence consists of a brief oral statement or of an exhibit, it shall be inserted into the transcript in toto. In such event, it shall be considered a part of the transcript if the Administrator decides that the Presiding Officer's ruling in excluding the evidence was erroneous. The Presiding Officer shall not allow the insertion of such evidence in toto if the taking of such evidence will consume a considerable length of time at the hearing. In the latter event, if the Administrator decides that the Presiding Officer's ruling excluding the evidence was erroneous, the hearing shall be reopened to permit the taking of such evidence.

§ 47.59 Filing the transcripts and exhibits.

As soon as practicable after the close of the hearing, the Presiding Officer shall certify an original and two copies of the transcript of testimony, and the original and copies of exhibits introduced in evidence at the hearing. He shall attach to the original transcript of the evidence a certificate stating that the transcript is a true transcript of the testimony offered or received at the hearing, except in such particulars as he shall specify, and that the exhibits are all the exhibits introduced at the hearing, with such exceptions as he shall specify. A copy of such certificate shall be attached to each of the copies of the transcript and exhibits.

§ 47.60 Transcripts.

Parties to the proceeding who desire a copy of the transcript of the hearing may place orders at the hearing with the reporter who will furnish and deliver such copies direct to the purchaser upon payment therefor at the rate per page provided by the contract between the reporter and the Department for such reporting service.

§ 47.61 Proposed finding of fact, conclusions, and determination.

Within such time as the Presiding Officer may prescribe, each party may file with the Presiding Officer proposed findings of fact and conclusions and a brief in support thereof. A copy of each such document filed by a party shall be served upon the party or parties by the Presiding Officer.

§ 47.62 Presiding Officer's Report.

The Presiding Officer, within a reasonable time after the filing of transcript of evidence, shall prepare a report containing his recommended findings of fact. A copy of such Report shall be served by the Presiding Officer upon each of the parties.

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§ 47.63 Exceptions; proposed determination; objection.

The Regulatory Branch and the petitioner, within 30 days after service of the Presiding Officer's Report, may take exception to any matter set out in such Report and in such case file exceptions in writing with the Administrator. Within the same period of time, each party shall file with the Administrator a brief statement in writing concerning each of the objections taken to the action of the Presiding Officer at the hearing, upon which the party wishes to rely, referring where relevant to the pages of the transcript. A party, if he filed exceptions or a statement of objections, may file a brief in support of his exceptions or objections. Within 20 days of service of such exceptions or objections, the opposing party shall file a reply.

§ 47.64 Final Determination.

Within a reasonable time after the expiration of the period for filing exceptions, proposed determination, and objections, the Administrator shall issue and cause to be served upon the parties his final Decision, including his ruling on any exceptions or objections filed by the parties.

§ 47.65 Filing; number of copies.

Except as is provided otherwise by these rules, all documents or papers required or authorized to be filed shall be filed in triplicate; *Provided*, That where there are more than two parties to the proceeding, a sufficient number of copies shall be filed so as to provide copies for service upon all the parties to the proceeding.

§ 47.66 Service; proof of service.

Copies of all documents or papers required or authorized by these rules to be served on any party to a proceeding shall be served by the Presiding Officer, or Administrator, or by some other employee of the Department. Except as is provided otherwise by these rules, service shall be made either by (a) delivering a copy of the document or paper to the person to be served, or to the attorney, or agent of record of such person; (b) by leaving a copy of the document or paper at the principal office or place of business of such person, or of his attorney or agent of record; (c) by registering or certifying and mailing a copy of the document or paper, addressed to such person or to his last known residence or principle office or place of business; or (d) in the case of service upon an attorney or agent of record, by mailing, by regular mail, a copy of the document or paper, addressed to him at his address of record. Proof of service hereunder shall be made by the affidavit of the person who actually made the service: *Provided*, That if service is made by the Administrator or Presiding Officer by regular mail, proof of service shall be made by certification of the Administrator or Presiding Officer, and if the service be made by registered or certified mail, proof of service shall be made by the return post office receipt. The affidavit or post office receipt contemplated hereby shall be filed with the Presiding Officer, or the Administrator after a Recommended Decision has been filed, and the fact of filing therof shall be noted in the record of the proceeding.

§ 47.67 Computation of time.

Saturday, Sundays, and holidays shall be included in computing the time allowed for the filing of any document or paper: *Provided*, That when such time expires on a Saturday, Sunday, or legal holiday, such period shall be extended to include the next following business day.

§ 47.68 Extensions of time.

The time for filing any document or paper required or authorized by these rules to be filed may be extended by the Administrator or the Presiding Officer, if request for such extension of time is made prior to or on the final date allowed for such filing, and if in the judgment of the Administrator or Presiding Officer, as the case may be, after notice to and consideration of the views of the other party, when practicable, there is good reason for the extension.

Done at Washington, D.C. July 28, 1976.

IRVING W. THOMAS,
Acting Administrator,
Agricultural Marketing Service.

[FR Doc 76-22229 Filed 7-30-76;8:45 am]

[7 CFR Part 909]

HANDLING OF GRAPEFRUIT GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Proposed Increase in Assessment Rate for 1976–76 Fiscal Year

This notice invites written comment relative to the proposed increase in the rate of assessment of one-half cent ($0.005) per carton of grapefruit to support the activities of the Administrative Committee for the 1975–76 fiscal period under Marketing Order No. 909. Under the proposal, the currently approved assessment rate of two and one-half cents would be increased to three cents per carton of grapefruit.

Consideration is being given to the following proposal submitted by the Grapefruit Administrative Committee, established under Order No. 909, as amended (7 CFR Part 909), regulating the handling of grapegruit grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof. The committee now estimates that due to a decrease in the projected grapefruit crop, 4 million cartons of assessable grapefruit will be shipped during 1975–76, down from the 5 million cartons estimated at the beginning of the year. Therefore, income from the currently approved rate of assessment is not sufficient to meet the expenses of the committee.

The proposal is that the provisions of paragraph (b) Rate of assessment of § 909.214 (40 FR 54236) be amended to read as follows:

§ 909.214 Expenses, rate of assessment, and carryover of unexpended funds.

* * * * *

(b) *Rate of assessment.*—The rate of assessment for such period, payable by each handler in accordance with § 909.41, is hereby fixed at three cents ($0.03) per carton, or equivalent quantity of grapefruit.

* * * * *

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, no later than August 18, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: July 28, 1976.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-22320 Filed 7-30-76;8:45 am]

[7 CFR Part 919]

FRESH PEACHES GROWN IN COLORADO

Redefinition of Districts

The proposed amendment would redefine the districts into which the production area is divided to reflect shifts in peach production within the area.

Notice is hereby given that the Department is considering an amendment, as hereinafter set forth, to the rules and regulations (Subpart—Rules and Regulations; 7 CFR 919.100–919.171) currently in effect pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 919, as amended (7 CFR Part 919), regulating the handling of fresh peaches grown in the County of Mesa in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The additional rules and regulations were proposed by the Administrative Committee, established under said amended marketing agreement and order as the agency to administer the terms and provisions thereof.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposal may file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than August 30, 1976. All written submissions made pursuant to this notice will be available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed amendment would redefine the districts into which the production area is divided by expanding district 3's boundaries to include portions of districts 2 and 4. Shifts of peach production within the production area, especially the removal of a large number of trees in district 3, has created the need for redefining the districts. It is desirable to have districts equal in peach production potential, because 1 producer member is selected for each district and peach producers should have equal representation on the committee. The amendment would be issued under § 919.32(1) which authorize redefinition of the districts to reflect shifts in peach production within the districts and the production area.

The proposal would establish a new § 919.111 Redefinition of districts, reading as follows:

§ 919.111 Redefinition of districts.

The districts into which the production area is divided are redefined as follows:

(a) "District No. 1" shall include all that portion of Mesa County lying north of the Colorado River and east of 37.3 Road and an extension thereof to the Mesa County line.

(b) "District No. 2" shall include all that portion of Mesa County lying south of the Colorado River, known as Vineland, on the floor of the valley and northeasterly which is to include the Rapid Creek Area.

(c) "District No. 3" shall include all that portion of Mesa County lying south of the Colorado River on the west of District No. 2, known as Orchard Mesa, to the natural barrier known as the Big Wash.

(d) "District No. 4" shall include all that portion of Mesa County lying south of the Colorado River bounded on the west by the Gunnison River and bounded on the east by natural barrier known as the Big Wash.

(e) "District No. 5" shall include all that portion of Mesa County west of 37.3 Road and an extension therof to the Mesa County line, north of the Colorado River to the junction of the Colorado River and the Gunnison River, and all of the rest of Mesa County west and north of the junction of the Colorado and Gunnison Rivers.

Dated: July 28, 1976.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-22321 Filed 7-30-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[45 CFR Part 73b]

STANDARDS OF CONDUCT

Proposed Supplement for the National Institutes of Health

In an effort to provide guidance to employees on Standards of Conduct, NIH proposes to adopt, in regulation form, a liberalized policy on outside work activities. This liberalized policy follows consultation with the U.S. Civil Service Commission. Authorization for this proposed supplementation is contained in 73.735–105 of Part 73 of the Department's Standards of Conduct.

The proposed regulations add a new part 73b to Title 45 of the Code of Federal Regulations and amplify the provisions of the existing DHEW Standards of Conduct regulations as they relate to the National Institutes of Health. This supplement is necessary to meet research responsibilities and assure full protection of the integrity of NIH and its employees. It recognizes the increasing demand for the services of NIH staff members by the community and by business and industrial organizations with which NIH maintains official relationships. Specifically, to prevent these relationships from being compromised by conflict of interest, or the appearance of conflict of interest, the following policy relating to outside work and activities is being proposed:

1. Top level operating officials may not accept remuneration for outside activities except in unusual circumstances. A teaching activity in their particular specialty may involve such an exception.

2. NIH officials holding positions which may enable them to influence a grant or contract award, may not accept an honorarium for any outside work activity from an institution that has recently negotiated, or in the near future may seek a grant or contract from their NIH organization.

3. Profession-oriented activities including private medical and dental practice; consultative services; teaching, lecturing and speechmaking; and, in certain circumstances, service to PHS contract or grant-assisted institutions may be performed by professional employees under new criteria.

Written comments concerning these proposed regulations are invited from interested persons. Inquiries may be addressed, and data, views and arguments relating to the regulations may be presented in writing in triplicate, to the Director, Division of Personnel Management, Office of the Director, National Institutes of Health, Building 1, Room 21, 9000 Rockville Pike, Bethesda, Maryland, 20014.

All comments received will be available for public inspection at said office on weekdays (Federal holidays excepted) on or before September 1, 1976. All relevant material received will be considered.

Dated: June 22, 1976.

JAMES F. DICKSON,
Acting Assistant Secretary for Health.

Approved: JULY 22, 1976.
DAVID MATHEWS,
Secretary.

Accordingly, NIH proposes to amend Title 45 of the Code of Federal Regulations by adding a new Part 73b, as follows:

Subpart A—General Provisions

Sec.
73b.735–101 Principles and purpose.

Subpart D—Outside Employment

73b.735–401 General provisions.
73b.735–402 Professional and consultative services.
73b.735–405 Teaching, lecturing, and speechmaking.

AUTHORITY: 45 CFR 73.735–105.

Subpart A—General Provisions

§ 73b.735–101 Principles and purpose.

(a) To assure that the functions of the National Institutes of Health are conducted effectively, objectively, and without improper influence or appearance thereof, all employees must be persons of integrity and observe the highest standards of conduct. This supplement recognizes the increasing demand for the services of NIH staff members by the community and by business and industrial organizations with which NIH maintains official relationships. These relationships must not be compromised by conflict of interest or the appearance of conflict of interest on the part of NIH employees.

(b) In order to meet NIH's research responsibilities and to otherwise assure full protection of the public confidence in the integrity of its employees, the DHEW Standards of Conduct need further supplementation. Therefore, for purposes of implementing the DHEW Standards of Conduct regulations within the National Institutes of Health, this supplement provides interpretive definitions and additional requirements. As further guidance to its employees and supervisory officials, NIH will issue internal procedural instructions in accordance with this supplement.

Subpart D—Outside Employment

§ 73b.735–401 General provisions.

(a) Each employee of the National Institutes of Health is expected to so regulate his outside activities that they do not interfere with performance on the job or constitute a real or apparent conflict with the requirements of his position. All responsibilities must be so organized that no NIH time or facilities will be committed. No NIH employees should engage in any outside activity which would:

(1) Constitute a real or apparent conflict of interest;

(2) Tend to damage the NIH appearance of objectivity in the eyes of the biomedical community, particularly those organizations whose products are tested by NIH or with which NIH participates through grants or contracts;

(3) Interfere with an employee's regularly assigned duties. "Regularly assigned duties" include the total set of obligations and responsibilities which characterize the performance of professional researchers and research administrators at the NIH.

(b) The employee is initially responsible for avoiding such activities. When there is doubt in an employee's mind about the propriety of contemplated ac-

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tivities, he should consult with his supervisor before undertaking the proposed outside activity. In any case where there is doubt or where the contemplated outside activity involves professional performance, HEW Form 520, Request for Approval of Outside Activity, should be submitted.

(c) Some NIH officials hold positions of such national prominence the most of their proposed outside work activity could reasonably be considered to fall within their official responsibilities for which they are already being compensated. These officials must be very circumspect about engaging in outside work for remuneration in order to avoid causing embarrassment to themselves and to NIH or creating an apparent conflict of interest. There may be occasions, however, when they may separate themselves from their official role and accept remuneration. In general a teaching activity in their particular specialty would constitute such a separation, and with approval the official may accept compensation.

(d) Some NIH officials hold positions that appear to enable them to influence a grant or contract award. They may not accept an honorarium for any outside work activity, from an institution that has recently negotiated, or in the near future may be expected to seek, a grant or contract from their NIH organization.

(e) On occasions, defined by the official travel regulations, it may be proper to accept payment from an outside institution, in lieu of Government funds, for travel expenses when the visit is on official time. However, when participating in an official role, it is preferable to travel on official funds, if available.

(f) Recognizing the increasing demands of professional participation in clinical research, basic research, and research administration, staff members so engaged will normally limit outside professional clinical and consultative work to a minimum except where such activities directly contribute to the professional growth of the staff member or to professional education.

(g) The NIH requires each professional employee to submit a formal written request (HEW Form 520) for approval before engaging in outside activities which require the use of professional qualifications readily identified with his NIH employment.

(1) The activity may utilize qualifications identified with the employee's professional training. As an example, a medical officer must submit an outside work form before practicing medicine whether he is currently a clinician or an administrator.

(2) The activity may utilize qualifications identified directly with the employee's current NIH assignment. As an example, an employee engaged in personnel management, regardless of his academic preparation for that position, must obtain prior approval before practicing outside in a personnel management field.

(h) Activities subject to this requirement include private medical and dental practice, consultative services, teaching, lecturing, and speechmaking, and the acceptance, from a "for-profit" organization, of any award. Each request will be judged on its individual merits against the criteria listed in paragraph (a) of this section. The requirements of individual assignments at the NIH vary sufficiently so that outside work appropriate for an employee in one assignment may not be appropriate for him in another assignment.

(i) Approved outside work and activities must be undertaken outside of officially scheduled work hours or during periods of approved annual leave. With the supervisor's consent, a special workweek may be scheduled by the approving official, on specific occasions or on a regular basis, when the contemplated outside work would serve the public interest and when neither performance of the outside work nor special rescheduling of the workweek would adversely affect performance of the employee's duties.

§ 73b.735–102 Professional and consultative services.

(a) In order to prevent an appearance of conflict each staff member requesting authority to engage in the private practice of medicine must agree that:

(1) No patient with whom he establishes a continuing physician-patient relationship in outside private practice will be referred to the NIH as either an inpatient or out-patient as a consequence of that relationship.

(2) He will never knowingly establish a physician-patient relationship in outside private practice with any current or recently discharged NIH patient.

(3) Additionally, no staff member with final responsibility for the admission of patients to the Clinical Center may receive a fee for service as a consultant to another physician where the condition of the patient would appear to make him eligible for Clinical Center admission in an area currently supervised by that staff member.

(b) The professional eminence of NIH staff members tends to create demands for their services by business and industrial organizations with which NIH maintains official relationships. These relationships must not be compromised by conflict of interest or the appearance of conflict of interest on the part of NIH employees. Therefore, it is imperative that the conflict of interest statutes and the Standards of Conduct regulations be scrupulously applied. The requirements and limitations of each employee's assignment must be weighted with care in making these determinations. In the past, two areas requiring the most careful review have been extramural program officials consulting with universities and staff members involved in clinical trials consulting with pharmaceutical houses.

(c) Acceptance of an award directly from a profit-making organization is permitted if there is no quid pro quo arrangement, and if the award has been made to other non-NIH scientists, or is one for which non-NIH scientists would be eligible.

(d) Remuneration may not be accepted for srevice of any kind to a PHS contract or grant-assisted project. This policy does not preclude remunerated service to an organization in its institutional capacity when some part of the organization is receiving a contract or grant. It does, however, preclude service to any specifically identified contract or grant-assisted project of such an organization.

(1) For example, if a university receiving a contract or grant for a specific project requests the services of an NIH staff member for such a project, the service may be authorized only as part of his official duties.

(2) However, if the requested service is for some other project of the university which is not assisted by a PHS contract or grant, this limitation does not apply as long as the service does not include participating in applying for contract or grant assistance.

(e) It is important that the application of this policy be understood by all who are concerned with arranging for or recommending approval of outside work. Each official who initiates a request for approval of service for which there will be remuneration must ascertain and identify whether or not the proposed remuneration is derived in whole or in part from a PHS grant or contract.

(f) NIH employees, including Commissioned Corps, Staff Fellows and members of the Visiting Program, may not hold PHS Fellowships (postdoctoral or special) or Traineeships (direct or indirect). Any employee who accepts such fellowship or traineeship must resign, or inactivate his commission, before beginning travel to his fellowship/traineeship institution. NIH is under no obligation to provide employment upon the completion of such training.

§ 73b.735–405 Teaching, lecturing, and speechmaking.

(a) Teaching, lecturing, and speechmaking activities with or without remuneration, are recognized as beneficial to NIH and staff members who are so engaged. Employees may participate in these activities only with prior approval to ensure that the outside activity does not infringe upon the employee's capacity to perform his official duties. If the employee wishes to accept responsibility for the conduct of a complete course, he should be encouraged to schedule this activity outside of the normal working day.

(b) When teaching as a Federal City College Instructor in NIH Upward Mobility College:

(1) Employees must follow guidelines in paragraph (a) above.

(2) Not receive remuneration if teaching is a part of regular duties.

(c) Employees may accept remuneration from Federal City College by agreeing to one of the following options:

(1) Teaching outside of working hours;

(2) Teaching while on scheduled annual leave or leave without pay; or

(3) Adjusting the work schedule. Any arrangement must have official prior approval.

This amendment was approved by the Civil Service Commission on October 23, 1974.

[FR Doc.76–22156 Filed 7–30–76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[24 CFR Part 2205]

[Docket No. R–76–282]

INDIVIDUAL AND FAMILY GRANTS

Advance of State Share

The Department promulgated the Final Regulations for Federal Disaster Assistance under the Disaster Relief Act of 1974 (88 Stat. 143 et seq.; 42 U.S.C. § 5121 note et seq.), in the FEDERAL REGISTER (40 FR 23252), May 28, 1975, as 24 CFR Part 2205.

Section 2205.48(h) contains the regulations governing Advance of State share for the Individual and Family Grant Program under Section 408 of the Act. This Paragraph provides that a State which is immediately unable to pay its 25 percent share of grants to be made under this Section may request an advance of funds from the Federal Government conditioned by the Governor's certification that the State will repay the advance when it is able to do so.

While this Paragraph prescribes that a failure to repay any advance ". . . may result in the withholding by the Federal Government of subsequent advances under this section.", there has been no other prescribed mechanism to recover unrepaid advances. To overcome this deficiency, the Department proposes to amend 24 CFR 2205.48 to provide that advances not repaid within two years may be recovered through an offset against other funds to which the State is entitled under the Act.

Interested persons may participate in this proposed rule making by submitting written data, views or arguments to the Rules Docket Clerk, Office of the Secretary, Room 10141, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410. Each person submitting a comment should identify this notice, and give reasons for any recommendations. Comments received on or before August 31, 1976, will be considered before final action is taken on this proposal. Copies of all written comments received will be available for examination by interested persons at the above address. This proposal may be changed in the light of the comments received.

The Administrator of the Federal Disaster Assistance Administration, with the concurrence of the appropriate Departmental officials, has issued a Finding of Inapplicability of Environmental Impact concerning this proposed amendment. It is the position of the signatories to the Finding that this amendment in itself would have no significant impact on the human environment. Interested parties may inspect this Finding of Inapplicability of Environmental Impact at the Office of the Rules Docket Clerk of the Department of Housing and Urban Development, Washington, D.C.

In consideration of the foregoing, it is proposed to amend 24 CFR Part 2205 by adding a new § 2205.48(h)(3), reading as follows:

§ 2205.48 Advance of State share.

(h) * * *

(3) Any advance of the State's share not repaid to the Federal Government within two years subsequent to the date on which the major disaster was declared may, at the discretion of the Administrator, be recovered by the offset of Federal funds to which the State would otherwise be entitled under other sections of this Act.

It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with OMB Circular A–107.

(Section 408, Pub. L. 93–288, 88 Stat. 156 (42 U.S.C. 5178), Executive Order 11795, 39 FR 25939, Delegation of Authority, 39 FR 28227)

Issued at Washington, D.C., July 23, 1976.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.76–22236 Filed 7–30–76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 93]

[CGD 76–080]

DAMAGE STABILITY STANDARDS FOR HOPPER DREDGES

Advance Notice of Proposed Rule Making

The Coast Guard is considering developing damage stability standards for hopper dredges that will improve their capability to withstand flooding caused by hull damage or damage to interior piping.

Interested persons are invited to submit written comments concerning this notice to the Executive Secretary, Marine Safety Council (G–CMC/81), U.S. Coast Guard, Washington, D.C. 20590. Each person submitting a comment should include his name and address, identify this notice (CGD 76–080) and the specific subject in this notice to which his comment applies, and give reasons in support of his comment. All comments received before September 16, 1976, will be considered before final action is taken on this notice. Copies of all written comments will be available for examination by interested persons in room 8117, Nassif Building, 400 Seventh St., SW., Washington, D.C. 20590.

If the Coast Guard determines after evaluating the comments received that it is in the public interest to proceed further with this rule making, a notice of proposed rule making will be issued.

Private marine interests are actively considering entering the dredging field and many hopper dredges may ultimately be built. The Coast Guard is studying the stability aspects of these commercial dredges and, accordingly, may propose damage stability standards that would apply to them. Possible regulations include limitations on draft and requirements for extra bulkheads to increase the number of compartments. The purpose of the regulations would be to prevent hopper dredges from sinking after damage or flooding.

Past experience of the U.S. Army Corps of Engineers (COE) in the use of hopper dredges has shown the need for having damage stability standards. Since 1902, the COE has been the principal builder and operator of hopper dredges in the United States. Most of their early designs were not built in accordance with any definite damage stability standards and several of these sunk as a result of flooding incidents. However, dredges built more recently have been designed to remain afloat after flooding in two compartments. None of these later designs have sunk in flooding incidents.

The following considerations also show the need for damage stability standards:

1. A hopper dredge generally operates in harbors and channels where vessel congestion poses a continual possibility of a collision and subsequent hull damage and flooding.

2. A hopper dredge often risks bottom damage and flooding when operating close to shoal areas.

3. A hopper dredge may be flooded if its pump or piping system is damaged by an object it dredges up.

Relevant comments, casualty data, and other information are requested to assist in the development of proposed damage stability standards for hopper dredges. Recommendations will be welcome concerning what standards should be imposed and concerning the type, size, and operational characteristics of hopper dredges that should be considered in the development of proposed standards.

In addition, information that will be helpful in addressing the following specific questions is requested:

1. What economic and environmental factors should be considered in the development of proposed damage stability standards?

2. Should the proposed damage stability standards apply only to hopper dredges or should they apply to all types of dredges?

3. Should different standards be developed depending on the type of dredge and area of operation?

The Coast Guard welcomes all relevant comments and suggestions concerning this advanced notice.

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(46 U.S.C. 375 416; 49 U.S.C. 1655(b); 49 CFR 1.46)

Dated: July 26, 1976.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 76-22316 Filed 7-30-76;8:45 am]

[33 CFR Part 117]

[CGD 76 139]

DODGE ISLAND, FLORIDA

Proposed Drawbridge Operation

At the request of Port of Miami, the Coast Guard is considering revising the regulations for the highway and railroad drawbridges across Biscayne Bay to the Port of Miami, mile 372.4, Atlantic Intracoastal Waterway. This revision would provide that from 7:15 a.m. to 5:45 p.m., Monday through Saturday, except legal holidays, the draw need open only on the quarter and three-quarter hour. The present regulations permit closed periods from 7:30 a.m. to 9 a.m., 11:30 a.m. to 1:30 p.m., and 4:30 p.m. to 6 p.m., Monday through Saturday. This change is being considered because of a significant increase in vehicular traffic during the period proposed.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Seventh Coast Guard District, 51 SW. First Avenue, Miami, Florida 33130. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Seventh Coast Guard District.

The Commander, Seventh Coast Guard District, will forward any comments received before September 7, 1976, with his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, Washington, D.C., who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by revising § 117.446(f) to read as follows:

§ 117.446(f) Dodge Island bridges.

(a) From 7:15 a.m. to 5:45 p.m., Monday through Saturday, except legal holidays, the draws need not open except on the quarter and three-quarter hour to allow any accumulated vessels to pass. At all other times the draws shall open on signal.

(b) The draws shall open at any time for the passage of public vessels of the United States, tugs with tows, cruise boats operated on a regular schedule, or vessels in distress. The opening signal from these vessels is four blasts of a whistle, horn, or by shouting.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Dated: July 27, 1976.

A. F. FUGARO,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.76-22315 Filed 7-30-76;8:45 am]

[33 CFR Part 117]

[CGD 76-135]

PRESUMPSCOT RIVER, MAINE

Proposed Drawbridge Operation

At the request of Maine Department of Transportation, the Coast Guard is considering revising the regulations for the highway drawbridge across the Presumpscot River, mile 0.0, between Portland and Falmouth. This revision would provide that from June 1 through September 30, Monday through Friday, except holidays, from 7 a.m. to 6 p.m., the draw shall open on signal if at least 6 hours notice is given. At all other times, the draw shall open on signal if at least 24 hours notice is given. Present regulations require that from April 1 through November 30 from 7 a.m. to 6 p.m., the draw open on signal. Timely previous notice is required at all other times. The reason this change is being considered is the decrease of the use of this waterway by vessels which require the opening of the draw (1969-57, 1970-7, 1971-6, 1972-7, 1973-13, 1974-4, and 1975-6).

Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments to the Commander (oan-1), First Coast Guard District, 150 Causeway Street, Boston, Mass. 02114. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, First Coast Guard District.

The Commander, First Coast Guard District, will forward any comments received before September 7, 1976, with his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, Washington, D.C., who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by revising § 117.15 to read as follows:

§ 117.15 Presumpscot River, Portland, Maine; highway bridge at Martin Point.

From June 1 through September 30, from Monday through Friday, except holidays, from 7 a.m. to 6 p.m., the draw shall open on signal if at least 6 hours notice is given. At all other times the draw shall open on signal if at least 24 hours notice is given. The opening signal is one long blast followed by one short blast.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; (33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4)))

Dated: July 27, 1976.

A. F. FUGARO,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.76-22314 Filed 7-30-76;8:45 am]

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 76-NE-28]

AIRWORTHINESS DIRECTIVE; PROPOSED

Pratt & Whitney Aircraft Model JT8D Engines

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to the Pratt & Whitney JT8D aircraft engines. There have been several fatigue failures of the eighth stage compressor disk, P/N 496908, on Pratt & Whitney JT8D aircraft engines. Since this condition is likely to exist or develop in other engines of the same type, the proposed airworthiness directive would require removal of the eighth stage compressor disk prior to reaching 6000 cycles in service after the effective date of this AD or by December 31, 1977, whichever comes later. The 6000 cycle limit is based upon crack initiation and propagation rates determined from service experience. The date was selected after careful review of the safety considerations, parts availability, and the shop capability of the industry to effect the change.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, Massachusetts 01803. All communications received on or before September 2, 1976 will be considered before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Office of the Regional Counsel, for examination by interested persons.

This amendment is proposed under the authority of Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

PRATT & WHITNEY AIRCRAFT. Applies to all Pratt & Whitney Aircraft JT8D-1, -1A, -1B, -7, -7A, -7B, -9A, and -11 turbofan engines containing eighth stage compressor disk, P/N 496908.

Compliance required as indicated.

To prevent possible failure, remove from service the eighth stage compressor disk, P/N 496908, prior to reaching 6000 cycles in service after the effective date of this AD or by December 31, 1977, whichever comes later. The established life limit of 11,000 cycles is not to be exceeded.

Issued in Burlington, Massachusetts on July 22, 1976.

QUENTIN S. TAYLOR,
Director, New England Region.

[FR Doc.76-22103 Filed 7-30-76;8:45 am]

[14 CFR Part 39]

[Docket No. 76-NE-29]

AIRWORTHINESS DIRECTIVE; PROPOSED

Pratt & Whitney Model JT8D Engines

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Pratt & Whitney JT8D aircraft engines. There have been numerous instances of failed second stage fan blade retaining straps from taper wear on certain Pratt & Whitney JT8D aircraft engines that have resulted in liberation of the second stage fan blade. Since this condition is likely to exist or develop in other engines of the same type design, an airworthiness directive is being proposed to require an inspection of the second stage fan blade retaining strap for excessive taper wear, and installation of blade bumpers to reduce strap taper wear.

The reported second stage fan blade failures have not been time related but rather have occurred at random service times. Therefore, the Notice proposes the utilization of a calendar date compliance time rather than the usual compliance time based on time in service. The proposal provides that all engines would have to be in compliance by June 30, 1978. The date was selected after careful review of the safety considerations, parts availability, and the shop capability of the industry to effect the change.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, Massachusetts 01803. All communications received on or before September 2, 1976 will be considered before taking action upon the proposed rule. The proposals cotnained in this Notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Office of the Regional Counsel for examination by interested persons.

This amendment is proposed under the authority of Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend 39.13 of Part 39 of the Federal Aviation Regulation by adding the following new airworthiness directive:

PRATT & WHITNEY AIRCRAFT. Applies to all Pratt & Whitney Aircraft JT8D-1, -1A, -B, -7, -7A, and -7B engines.

Compliance required prior to June 30, 1978, unless already accomplished.

To preclude liberation of second stage fan blades:

A. Inspect the blade retaining strap for taper wear in accordance with Section 72-33-1 of Pratt & Whitney Aircraft JT8D Series Engine Manual P/N 481672, Revision 78, or later FAA approved revision or equivalent method approved by the Chief, Engineering and Manufacturing Branch, FAA, New England Region. Remove from service second stage fan blades with taper wear in excess of .0025 inch before further flight.

B. Install second stage fan blade bumper, P/N 642409, in accordance with Pratt & Whitney Aircraft Service Bulletin 2406 or later FAA approved revision or equivalent method approved by the Chief, Engineering and Manufacturing Branch, FAA, New England Region.

The manufacturer's service bulletins identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Pratt & Whitney Aircraft, 400 Main Street, East Hartford, Connecticut 06108. These documents may also be examined at the Office of the Regional Counsel, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, and at Federal Aviation Administration Headquarters, 800 Independence Avenue, S.W., Washington, D.C. 20591. A historical file on this AD which includes the incorporated material in full is maintained by the Federal Aviation Administration at its headquarters in Washington, D.C., and at the New England Regional Office in Burlington, Massachusetts.

Issued in Burlington, Massachusetts, on July 22, 1976.

QUENTIN S. TAYLOR,
Director, New England Region.

NOTE: The incorporation by reference provision in this document was approved by the Director of the Federal Register on June 19, 1967.

[FR Doc.76-22104 Filed 7-30-76;8:45 am]

[14 CFR Part 39]

[Docket No. 76-NE-27]

PRATT AND WHITNEY AIRCRAFT MODEL JT9D ENGINES

Airworthiness Directive

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Pratt & Whitney Aircraft JT9D -3, -7, and -20 series turbofan engines containing certain fan blades. There have been several fatigue fractures of these blades, two of which released particles that severed fuel and hydraulic lines.

It has been determined that the fatigue originates at a shear crack caused by foreign object damage in a critical section of the fan blade leading and trailing edges.

Since this condition is likely to exist in all JT9D engines containing the subject fan blades, an airworthiness directive is being proposed that would require a repetitive inspection of the fan blade critical area for foreign object damage and provides a blade blending procedure if excessive damage is found. In addition, the AD would require a one-time inspection for blades that have been previously blended or reworked.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Department of Transportation, Federal Aviation Administration, Attention: Regional Counsel, Airworthiness Rules Docket, 12 New England Executive Park, Burlington, Massachusetts 01803. All communications received on or before September 1, 1976 will be considered before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Office of the Regional Counsel for examination by interested parties.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

PRATT & WHITNEY. Applies to all Pratt & Whitney Aircraft JT9D turbofan engines containing fan blades, part numbers 658931, 718431, 726221, 734721, 735831, 735841, 740421, 740431, 740441, 740521, 741131, 741141, 748231, 748321, 748931, 750621, 750631, 758031, 758181, 758191, 758221, 760631, 760641, 760721, 760731, 760831, 760841, 760941, 761041, 761121, 761131, and 761141.

Compliance required as indicated.

To preclude failure of fan blades due to fatigue originating from undetected foreign object damage inspect the blades in accordance with the procedures given in PWA ASB 4673, dated March 26, 1976, or later FAA approved revision, per the following schedule:

1. Visually inspect all fan blades within the next 600 hours time in service after the effective date of this AD, and every 600 hours time in service thereafter.

2. Eddy current inspect all fan blades that have been previously blended (except blades reworked per the requirements of PWA serv-

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ice bulletins 4124 and 4262) within the next 600 hours time in service after the effective date of this AD.

3. Eddy current inspect fan blades reworked per PWA service bulletins 4124 and 4262 within the next 3500 hours time in service after the effective date of this AD.

If foreign object damage with a depth of .005 inch or more is found, in the critical area, blend and inspect in accordance with Option 1 or Option 2 procedures given in PWA ASB No. 4573, dated March 26, 1976, or later FAA approved revision.

(NOTE.—The AD does not change the present fan blade blend limits given in the JT9D engine manual.)

Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA New England Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Pratt & Whitney Aircraft, Division of United Technologies Corporation, 400 Main Street, East Hartford, Connecticut 06108. These documents may also be examined at Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, and at FAA headquarters, 800 Independence Avenue, SW., Washington, D.C.

A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at New England Region.

Issued in Burlington, Massachusetts on July 20, 1976.

QUENTIN S. TAYLOR,
Director, New England Region.

NOTE: The incorporation by reference provisions in this document was approved by the Director of the Federal Register on June 19, 1967.

[FR Doc.76-22233 Filed 7-30-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-GL-25]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Peoria, Illinois.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon, Des Plaines, Illinois 60018. All communications received on or before September 1, 1976 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon, Des Plaines, Illinois 60018.

An instrument approach procedure has been developed to the Mt. Hawley Airport, Peoria, Illinois. Controlled airspace is required to protect the procedure. This will be combined with the Peoria transition area.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (41 FR 440), the following transition area is amended to read:

PEORIA, ILLINOIS

That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 40°54' N., longitude 89°59' W., to latitude 40°53' N., longitude 89°33' W., to latitude 40°49' N., longitude 89°29' W., to latitude 40°23' N., longitude 89°34' W., to latitude 40°26' N., longitude 90°07' W., to latitude 40°34' N., longitude 90°11' W., to latitude 40°47' N., longitude 90°08' W., to point of beginning.

(Sec. 307(a) Federal Aviation Act of 1958 (49 U.S.C. 1348, sec. 6(c) Department of Transportation Act [49 U.S.C. 1655(c)].)

Issued in Des Plaines, Illinois on July 16, 1976.

LEON C. DAUGHERTY,
Acting Director, Great Lakes Region.

[FR Doc.76-22105 Filed 7-30-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-EA-45]

CHAMPION, PA.

Proposed Designation of Transition Area

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Champion, Pa., Transition Area.

A VOR-A instrument approach procedure developed for Seven Springs Airport, Champion, Pa. requires designation of a transition area to provide controlled airspace protection for IFR arrivals and departures at Seven Springs Airport.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before September 1, 1976 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Champion, Pa. proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a Champion, Pa. Transition Area as follows:

CHAMPION, PA.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 40°00'35" N., 79°19'20" W., of Seven Springs Airport, Champion, Pa.; within 3.5 miles each side of the Indian Head, Pa. VORTAC 218° radial, extending from the 6-mile radius area to 11.5 miles southwest of the Indian Head VORTAC. This transition area is effective from sunrise to sunset, daily.

(Sec. 307(a) Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Jamaica, N.Y., on July 16, 1976.

L. J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.76-22234 Filed 7-30-76;8:45 am]

Federal Highway Administration

[23 CFR Part 658]

[Docket No. 75-4; Notice 6]

NATIONAL MAXIMUM SPEED LIMIT

Proposed Amendments to State Certification of Speed Limit Enforcement

This notice proposes clarifying amendments to the regulation on the national maximum speed limit.

The speed limit regulation, 23 CFR Part 658, was published and amended in the FEDERAL REGISTER September 9, 1975 (40 FR 41776) and September 11, 1975 (40 FR 42186). The Part implements those provisions of the Federal-Aid Highway Amendments of 1974. Pub. L. 93-643, relating to the establishment

of a 55 mph national maximum speed limit, to the enforcement of the speed limit on all public highways, and to the enforcement of the weight and size limitations on the Federal-aid highways.

23 CFR 658.7 requires the Governor of each State, or an official designated by the Governor, to certify annually that the State is enforcing the 55 mph speed limit and to provide certain supporting data. Review of State certifications by Department of Transportation officials has indicated certain weak points in § 658.7. In order to remedy these weaknesses, this notice proposes several amendments designed to clarify certain requirements and make others more precise.

The first amendment concerns § 658.7 (a). This section presently requires that a statement be supplied certifying that the State is enforcing the national maximum speed limit. However, many of the initial certification statements contained vague language such as "It is our opinion that we are enforcing the • • • limit," or "We believe we are in compliance." In order to reduce uncertainty and ambiguities in the certification statements, the Department proposes to amend § 658.7 to specify the language of the certifying statement.

Another proposed amendment concerns § 658.7(c)(1). This section presently requires that States provide information "on the number of miles of State highways having posted or allowable speeds of 55 mph." The Department intended that the States supply information on the total mileage of all roadways having a 55 mph limit in the State. However the term "State highways" proved to be ambiguous. Some States included interstate and U.S. route mileage in their certification while others excluded interstate and U.S. route mileage. Still others included U.S. routes but excluded interstate mileage. The Department's proposal is designed to clarify the language of § 658.7(c)(1) to ensure that the States provide information on the total mileage of all roads of all types having a 55 mph speed limit.

The Department is also proposing clarifying language for § 658.7(c)(2). This section presently requires States to provide information on the portion of road mileage, listed in § 658.7(c)(1), on which the State has "patrol responsibility." This passage has been read narrowly by some States and broadly by others. To remedy this confusion, the Department is proposing language which will indicate that the provision should be read broadly to include all roads on which the State has any traffic responsibility. The Department is also proposing that the information required in this section be broken down by types of road.

The final proposed amendment concerns § 658.7(c)(4). This section presently requires States to provide the Department with the number of citations issued by a State for violation of the speed limit. Evaluation of these submissions has been hampered by an inability to determine at what speed the citations have been issued. The Department is unable to determine whether citations are being issued at 60 mph or 80 mph. To remedy this situation, the Department is proposing that the information on the number of citations be broken down to indicate how many were given out at speeds from 56 to 65 mph, from 66 to 75 mph, and over 75 mph.

If these proposals are eventually adopted, the Department would propose that all but the last amendment be given immediate effective dates, requiring the State certifications due by January 1, 1977, to conform to the amendments. The revision concerning the speed limit citation would have an effective date of October 1, 1976, and States would be required to comply with its requirements in the certification due January 1, 1978.

In light of the foregoing, it is proposed that 23 CFR 658.7 be amended as set forth below:

In § 658.7, paragraphs (a), (c)(1), (c)(2), and (c)(4) are revised to read as follows:

§ 658.7 Certification of speed limit enforcement.

• • • • •

(a) A statement signed by the Governor, or by an official, designated by the Governor, certifying that the State is enforcing the national maximum speed limit. The certifying statement shall be worded as follows: I (name of certifying official), (position title), of the State of _____, do hereby certify that the State of _____ is enforcing the 55 mph National Maximum Speed Limit.

• • • • •

(c) • • •

(1) The number of miles of all roads of all types within the State having a posted or allowable maximum speed of 55 miles per hour, listed by type of roads. (For example, interstate rural, interstate urban, other multilane divided rural, other multilane divided urban, major non-divided urban.)

(2) The approximate portion of the mileage listed in (1) on which the State has police traffic responsibility, including portions on which the State shares responsibility with local law enforcement agencies, listed by type of road.

• • • • •

(4) The number of citations issued by State agencies for violation of the 55 mph speed limit, indicating the number issued at speeds of 56 mph to 65 mph, at speeds of 66 mph to 75 mph and at speeds over 75 mph, during each month of the 12-month period ending on the September 30 before the date by which certification is required.

• • • • •

Interested persons are invited to submit comments on the proposals. Comments should refer to the docket number and be submitted to: National Highway Traffic Safety Administration, Docket Section, Room 5108, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. Relevant material will continue to be filed as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: September 2, 1976.

(Secs. 106, 107, 114, Pub. L. 93-643, 80 Stat. 2281; 23 U.S.C. 127, 141, 154; 23 U.S.C. 315; delegations at 49 CFR 1.48 and 1.50)

Issued on: July 27, 1976.

NORBERT T. TIEMANN,
Federal Highway Administrator.

JOHN W. SNOW,
National Highway Traffic Safety Administrator.

[FR Doc.76-22350 Filed 7-30-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

OREGON IMPLEMENTATION PLAN

[FRL 591-7]

Approval and Promulgation of Implementation Plans

The purpose of this notice is to announce receipt of proposed revisions to the Oregon State Implementation Plan and to invite public comment as to whether the revisions should be approved by the Administrator of the Environmental Protection Agency (EPA).

On February 17, 1976 the State of Oregon Department of Environmental Quality (DEQ) submitted for EPA's approval revisions to the State Air Contaminant Discharge Permits regulation (Oregon Administrative Rules 20-033). The revisions to the regulation were adopted by the Oregon Environmental Quality Commission on December 12, 1975.

In a similar action, the DEQ submitted for EPA's approval revisions to Title 22—Permits of the Lane Regional Air Pollution Authority Rules on June 7, 1976. The revisions were adopted by the Board of the Lane Authority on February 9, 1976.

The revisions to both the State and Regional Authority regulations were adopted following notice to the public and public hearing, as required by 40 CFR 51.4.

The permit regulations require that an air contaminant discharge permit be obtained for certain sources of air contaminants. Source categories subject to the regulation are identified in each reg-

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ulation by Standard Industrial Classification Numbers.

The revisons to both regulations primarily represent changes in the fee schedules for permits, and do not alter attainment of air quality standards as indicated in the State plan. The three-part fee consists of a uniform $25 filing fee, an application processing fee and an annual compliance determination fee, the amounts of which are determined by category of source.

The revision to the State regulation was made after an increase in permit fees was approved by the State legislature in 1975. The revision to the Regional Authority regulation was made because of a State regulation which requires that regional authorities follow the same fee schedule as the DEQ.

The Administrator is required by Section 110 of the federal Clean Air Act to approve or disapprove any proposed revison to an implementation plan submitted by a State. Interested persons are invited to participate in this rulemaking by submitting written comments, preferably in triplicate, to the Regional Administrator, Environmental Protection Agency, Region X, 1200 Sixth Avenue, Seattle, Washington 98101. Attention: K. Higley, M/S 625. Relevant comments received on or before September 1, 1976 will be considered and will also be available for public review during normal working hours at the Region X Office and EPA Headquarters at the addresses noted below. Copies of the proposed revisions are available for public inspection during normal working hours at the following locations:

Environmental Protection Agency, Region X, 1200 Sixth Avenue, Seattle, Washington 98101.
State of Oregon, Department of Environmental Quality, 1234 S.W. Morrison Street, Portland, Oregon 97205.
Environmental Protection Agency, Public Information Reference Unit, Room 2922 (EPA Library), 401 M. Street S.W., Washington, D.C. 20460.
Lane Regional Air Pollution Authority, 16 Oakway Mall, Eugene, Oregon 97401.

This notice of proposed rulemaking is issued under the authority of Section 110(a) of the Clean Air Act as amended (42 U.S.C. 1857c-5(a)).

Dated: July 20, 1976.

DONALD P. DUBOIS,
Regional Administrator,
Region X.

[FR Doc. 76-22362 Filed 7-30-76;8:45 am]

[40 CFR Part 420]

[FRL 591-5]

IRON AND STEEL MANUFACTURING POINT SOURCE CATEGORY

Proposed Rulemaking; Correction

Correction

Notice is hereby given that the Environmental Protection Agency (EPA) is correcting 40 CFR 420, Iron and Steel Manufacturing Point Source Category as set forth below. On March 29, 1976, the Agency published a notice of proposed rulemaking (41 FR 13015) establishing effluent limitations and guidelines for existing sources, standards of performance for new sources and pretreatment standards for new and existing sources for the iron and steel manufacturing point source category.

The purpose of this notice is to correct errors in subparts N, O, Q, R, U, W, X, and Y. The corrections encompass primarily typographical errors with some calculation errors and do not involve any substantive or policy issues.

Because the comment period has closed, the Agency will accept amendments to comments already filed where, and to the extent, such comments specifically relied upon numbers or words contained in the March 29 notice and corrected today. Amended comments must be received on or before September 1, 1976.

In FR Doc. 76-8352 appearing on page 13015 through 13030 in the issue of March 29, 1976, the following corrections are being made:

1. On page 13018, § 420.143(a), the Oil and grease limitation which presently reads "Of2345" is corrected to read "0.2354".

2. On page 13019, § 420.153(d), the oil and grease limitations which read "Oil and grease ---- 1.7136 ---- 0.5712" are corrected to read "Oil and grease ---- 0.8568 ---- 0.2856".

3. On page 13021, § 420.174, the first sentence is corrected by inserting the words "and continuous" after the phrase "pickling-sulfuric acid-batch".

4. On page 13021, § 420.176, the first sentence is corrected by inserting the words "and continuous" after the phrase "pickling-sulfuric acid-batch".

5. On page 13021, § 420.176 line 11, which reads "• • • as set forth in 40 CFA 128 • • •", is corrected to read "• • • as set forth in 40 CFR 128 • • •".

6. On page 13022, § 420.186, which reads "• • • (and which 306 of the Act • • •" is corrected to read "• • • (and which would be a new source subject to section 306 of the Act • • •".

7. On page 13025, § 420.213(b), which reads "• • • in § 420.212(a) of this subpart • • •", is corrected to read "• • • in § 420.212 (a) or (b) of this subpart • • •".

8. On page 13027, § 420.234(a), the line which reads "pH—No limitation" should be deleted.

9. On page 13028, § 420.243(c), which reads "• • • § 42 (a) or (b) 0.242 of this subpart • • •" is corrected to read "• • • § 420.242 (a) or (b) of this subpart • • •".

10. On page 13029, § 420.253, which reads "Oil and grease" is corrected to read "Oil and grease'".

11. On page 13029, § 420.254, the pretreatment standard for dissolved chromium which reads "0.003" is corrected to read "0.0063".

12. On page 13029, § 420.256, the pretreatment standard for dissolved chromium which reads "0.003" is being corrected to read "0.0063".

13. On page 13029, § 420.256, the pretreatment standard for cyanide which reads "0.010" is being corrected to read "0.0010".

Dated: July 21, 1976.

JOHN QUARLES,
Acting Administrator.

[FR Doc.76-22360 Filed 7-30-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 87]

[Docket No. 20808; RM-2075; FCC 76-692]

TELEMETRY TRANSMITTERS EMPLOYED IN FLIGHT TEST STATIONS

Technical Standards

By the Commission: Chairman Wiley absent.

In the Matter of Amendment of Part 87 to provide technical standards for telemetry transmitters in the frequency band 1435–1535 MHz employed in flight test stations.

1. Notice is hereby given of rule making in the above entitled matter.

2. A flight test station may be operated by a manufacturer, person, or educational institution engaged in the design, development, modification and flight test evaluation of aircraft components. Such stations are authorized to transmit telemetry signals in the 1435–1535 MHz band for use in testing of manned or unmanned aircraft or missiles as well as in conjunction with launching, orbiting and re-entry of vehicles in the earth's atmosphere. A number of frequencies are also provided in the VHF and HF frequency band for communications in support of flight test programs.

3. The frequency band 1435–1535 MHz is a shared band allocated to both Government and non-Government users engaged in flight test operations. Shared usage is common in many portions of the frequency spectrum and normally presents few problems from a frequency management standpoint. However, the instant situation is complicated by the fact that different technical standards are applied to Government and non-Government users in this band. The Commission has received a petition requesting that the technical standards governing these stations be modified to facilitate and increase the spectrum utilization of the telemetry band used for flight test purposes.

THE AEROSPACE AND FLIGHT TEST RADIO COORDINATING COUNCIL PETITION

4. On October 10, 1972, the Aerospace and Flight Test Radio Coordinating Council (AFTRCC) filed a petition with the Commission requesting that a rule making proceeding be instituted to modify Part 87 of the rules concerning telemetry transmitters operating in the frequency band 1435–1535 MHz. A supplement to this petition was received January 26, 1976, in response to an FCC staff request[1] for additional information concerning clarification of certain matters raised in the AFTRCC petition. No statements in support or in opposition to the petition have been filed with the Commission.

[1] FCC letter, Safety and Special Radio Services Bureau, File Number 7210-7, dated December 5, 1974.

5. The Aerospace and Flight Test Radio Coordinating Council (AFTRCC)[2] was recognized by the Commission and public notice given (FCC 69–490, dated May 8, 1969) establishing the council as a frequency advisory committee pursuant to Section 87.334 of our rules. In this capacity AFTRCC provides recommendations to the Commission concerning pending applications for station authorizations in the following matters:

Probable interference to Government and non-Government stations,
Conditions to be placed on the authorization to reduce the possibility of interference, and
Frequency assignments.

6. AFTRCC in its petition points out that in the frequency band 1435–1535 MHz the Commission issues authorizations to non-Government entities while the Director of the Office of Telecommunications Policy (OTP) grants authorizations to Government users. In administering this band the Commission and OTP apply dissimilar technical standards to govern the operation of equipment used in flight test stations. Consequently, coordination between Government and non-Government users becomes essential at the field level to maximize spectrum utilization and minimize the probability of interference. AFTRCC, the vehicle by which such coordination is effected, states that the existence of a dual technical standard makes efficient use of the spectrum difficult and engenders administrative problems.

7. AFTRCC in its petition requests the Commission adopt technical standards similar to those developed by OTP to govern equipment used in the 1435–1535 MHz telemetry band. The petitioner states in support of his request that:

> • • • coordination is a practical necessity in this band and would not be unduly burdensome except for the fact that different, and in some cases inconsistent, technical characteristics are applicable to the two categories of users.

The petitioner states further that by virtue of the coordination required with Government frequency management personnel at the field level certain of the OTP technical and operational requirements are imposed on non-Government users, at least by implication, if not by legislative fiat.

8. The emission limitations recommended for adoption in the petition are generally more severe than the standards presently set out in the rules. The petitioner states that Section 87.71 currently provides less protection to the adjacent channel assignments than the rules recommended for adoption and consequently results in a greater bandwidth requirement than would be necessary for a comparable Government operation. While this additional bandwidth is almost always unnecessary, AFTRCC states that it cannot insist that the non-Government user comply with OTP standards and must protect the greater bandwidth requirement of Commission licensees even though such protection is wasteful of bandwidth.

9. The petitioner submits that the authorized bandwidth for this class of station is not defined with sufficient specificity in the rules. This is significant because the authorized bandwidth is the determining factor in establishing the emission limits that a transmitter is required to meet. It is further noted that in Section 87.67 the authorized bandwidth is not equal to the necessary bandwidth for the cases shown and the degree of difference between these bandwidths varies depending on the emission designator. AFTRCC suggests that because of this lack of definition "a user may conclude that there is no real limitation on his emission and feel that if the emission designator he requests is somewhere within the area of reasonableness, it may be properly used." In some cases, this may lead to over-protection or in other cases, under-protection—in either instance inefficient use of the spectrum is the result.

THE COMMISSION'S PROPOSAL

10. The Commission has studied the AFTRCC proposal with interest and as an aid in evaluating the requested rule changes concerning spurious emissions has made a comparison of the existing and recommended emission limits for a number of different cases. Appendix A attached hereto is included to describe these differences for a typical case; emission limitations based on the existing rules (§ 87.71) are shown by solid lines and limitations predicated on the requested rules are shown by dotted lines. The extent to which the proposed rules modify the existing technical standards is indicated by the shaded areas shown in Appendix A. The shaded region A of Appendix A describes the area close to the carrier frequency in which the proposed standard is 25 dB less severe than the present emission limits. This area primarily contains spurious emissions which are modulation related. Region B of Appendix A describes the area in which the proposed standard is more severe than the present emission limits. This area includes spurious emissions which are both modulation and non-modulation related depending on the magnitude of frequency separation from the center frequency. Certain close in modulation related spurious are as much as 35 dB more severe while nonmodulation related spurious, removed by more than 250 percent of the authorized bandwidth, are 12 dB lower than the present emission limits.

11. The Commission notes however that the proposed limitations may in some cases be much more severe than indicated in the AFTRCC petition because of the bandwidth specified for the measurement of spurious emissions. The Commission limits set out in § 87.71 apply to the level of spurious emissions on a discrete frequency while the proposed rules would require that the spurious signal level be measured in a 3 kHz band. This increased measurement bandwidth could result in more than an order of magnitude more spurious rejection than discussed in the AFTRCC Petition for both modulated and nonmodulated related spurious under certain conditions.

12. Generalizing in this matter, if there are N random spurious signals equal to a specified level in a 3 kHz measurement bandwidth, the measuring device will indicate a spurious energy level of N times the specified level. In this case, equipment required to meet this specified level would be rejected if more than one signal was present in the 3 kHz bandwidth. However, if the discrete frequency method presently specified in the Commission's rules were used the equipment would be considered acceptable. The Commission's concerns in this regard are diminished by the AFTRCC petition which states that equipment complying with the proposed standards are in use at many Government stations. Nevertheless, interested parties are requested to give careful consideration to this matter especially as it relates to spurious signals generated by modulation products.

13. The present Commission rules require that spurious emissions be measured relative to the mean output power; the petitioner has requested that this be modified to require rejection relative to the unmodulated carrier power. In the case of frequency modulated signals the mean output power is equal to the unmodulated carrier power and therefore the Commission is not disposed to modify the rules in this regard since no clear benefit is seen to be derived.

14. The Commission concurs with AFTRCC that rule modifications to define more clearly the bandwidth requirements and the emission designator applicable to FM transmitters in the 1435–1535 MHz band used for flight test stations should be considered. Therefore, the emission designator (F9) and information to compute the necessary bandwidth and authorized bandwidth have been included in the proposed modification of Section 87.67 of our rules. Additionally, the authorized bandwidth has been defined to be equal to the necessary bandwidth for these emissions; this definition permits a precise determination of the authorized bandwidth which is necessary to determine spurious limits for effective frequency management of flight test stations in this frequency band.

15. The proposed amendments to the rules as set forth below are issued pursuant to the authority contained in Sections 4(i), 303(b), (c), (f) and (r) of the Communication Act of 1934, as amended.

16. Pursuant to applicable procedures set forth in Section 1.415 of the Commission's rules, interested persons may file comments on or before September 28, 1976, and reply comments on or before October 28, 1976. All relevant and timely

[2] AFTRCC membership consists of twelve major entities in the aerospace industry.

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comments and reply comments will be considered by the Commission before final action is taken in the proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

17. In accordance with the provision of Section 1.419 of the Commission's rules, an original and 11 copies of all statements, briefs or comments filed shall be furnished to the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

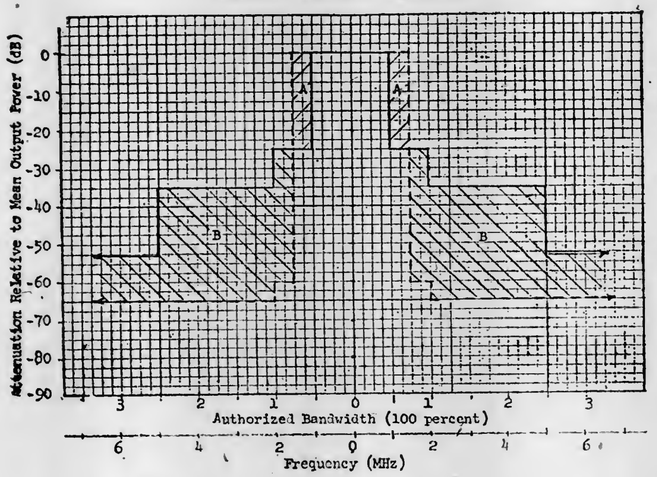
Adopted: July 20, 1976.

Released: July 29, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

APPENDIX A

Emission Limitation Comparison



Legend:
Present rules: ——— Attenuation Reduction:
Proposed rules: ----- Attenuation Increase:

Parameter description:

The emission limitation comparison shown above is based on an authorized bandwidth of 2.0 MHz and a mean output power of 10 watts.

Part 87 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 87.67(b) is amended by adding a new "class of emission" to the table and a new footnote 8 to read as follows:

§ 87.67 Types of emission.

(b) * * *

Class of emission	Emission designator	Authorized bandwidth: Below (megahertz)	50 above (megahertz)	50 frequency deviation
*	*	*	*	*
F9*	(8)	*	(8)	*
*	*	*	*	*

[8] The authorized bandwidth is equal to the necessary bandwidth for frequency modulated transmitters used in flight-test stations operating in the 1345–1535 MH band. The necessary bandwidth shall be computed in accordance with pt. 2 of this chapter.

2. Section 87.71(a) is amended to read as follows:

§ 87.71 Emission limitations.

(a) * * *

(1) When using transmissions other than single sideband (3A3A, 3A3H, 3A3J) as authorized frequency modulation (F9) in the frequency band 1435–1535 MHz:

(i) * * *

(ii) * * *

(3) On any frequency removed from the assigned frequency by more than 250 percent of the authorized bandwidth except for FM telemetry transmitters in the 1435–1535 MHz band:

(i) * * *

(ii) * * *

(4) [1] When using frequency modulated transmissions (F9) for telemetry at flight test stations in the 1435–1535 MHz frequency band with an authorized bandwidth equal to or less than 1 MHz:

(i) On any frequencies removed from the assigned frequency by more than 100 percent of the authorized bandwidth up to and including 100 percent of the authorized handwidth plus 0.5 MHz: at least 60 decibels or 25 decibels below a milliwatt, whichever is greater, when measured in a 3 kHz bandwidth.

(ii) On any frequencies removed from the assigned frequency by more than the authorized bandwidth plus 0.5 MHz: at least 55 plus 10 $\log_{10}$ (mean power output in watts) decibels when measured in a 3 kHz bandwidth.

(5) [1] When using frequency modulated transmission (F9) for telemetry at flight test stations in the 1435–1535 MHz frequency band with an authorized bandwidth greater than 1 MHz:

(i) On any frequencies removed from the assigned frequency by more than 50 percent of the authorized bandwidth plus 0.5 MHz up to and including 50 percent of the authorized bandwidth plus 1.0 MHz: at least 60 decibels or 25 decibels below a milliwatt, whichever is greater, when measured in a 3 kHz bandwidth.

(ii) On any frequencies removed from the assigned frequency by 50 percent of the authorized bandwidth plus 1.0 MHz at least 55 plus 10 $\log_{10}$ (mean output power in watts) measured in a 3 kHz bandwidth.

* * * * *

[FR Doc.76-22200 Filed 7-30-76;8:45 am]

GENERAL SERVICES ADMINISTRATION

[41 CFR Part 105–64]

[ADM 7900.4 CHGE]

REGULATIONS IMPLEMENTING THE PRIVACY ACT OF 1974

Proposed Rulemaking

The General Services Administration proposes to amend 41 CFR Part 105–64 to clarify or modify certain provisions of the GSA regulations implementing the privacy Act of 1974. Most of the proposed changes were requested by the Office of Management and Budget, which has oversight responsibility for implementation of the Act. Major proposed changes are outlined below.

Section 105–64.002 would be amended to add new definition for the terms "subject individual," "disclosure," "access," and "solicitation."

Subsection 105–64.101–1 would be revised to provide that an individual may be requested to disclose his social security number only if the disclosure is required by Federal statute or was required under statute or regulation adopted before January 1, 1975, to verify the identity of an individual and only after the individual is informed whether disclosure is mandatory of voluntary, the authority for solicitation, and what uses will be made of the number. This subsection would also provide that GSA should inform third parties who are requested to provide information about another individual for the purposes of which the information will be used.

Subsection 105–64.101–4 would be amended to provide that Official Personnel Folders, authorized personnel operating or work folders, and certain other personnel records, rather than all personnel records in paper files as specified by the current regulations, shall be stored in a lockable metal filing cabinet or an alternative storage system that furnishes an equivalent degree of physical security. The current provision in paragraph (b) of the subsection for special safeguards for ADP documents containing personnel information would be deleted. A new paragraph (b) would be added to provide that the system manager may designate additional records which require special safeguards.

Section 105–64.201a would be added to provide procedures for disclosing records permitted to be disclosed under § 105–64.201.

Subsection 105–64.301–1 would be amended to permit the system manager, at his discretion, to accept oral requests for access to records subject to verification of identity.

Subsection 105–64.301–2 would be amended to clarify those medical records which are subject to reivew by a Federal Medical Officer before access by the subject.

Subsection 105–64.301–3 would be amended to require an individual to identify himself by signature and to eliminate the requirement that an accounting of accesses be maintained. Currently, § 105–64.301–3(d) specifies several types of identification that may be used by the requester to identify himself and further allows the system manager to require a notarized statement of identity under certain circumstances.

Paragraph 105–64.301–4(f) of the current regulations would be deleted and a new § 105–64.301–5 would be added to provide procedures for making an administrative appeal of a denial of access within GSA.

Subsection 105–64.302–3 would be revised to provide a limit of 50 pages that will be made available without charge to a requester who is an employee of GSA. The current regulation provides that one copy of a record of an unspecified number of pages will be made available to such a requester.

A new subpart 105–64.7 provides an address to which requests may be made for assistance and referral to the responsible GSA system manager or operating official.

Any person interested in the amendment herein may participate in the proposed rulemaking by submitting written data, views, or arguments on the proposed amendments to the General Services Administration (LR), Washington, DC 20405, on or before September 1, 1976. Copies of all written comments received will be available for examination by interested persons in room 3101 of the GSA Building, 18th and F Streets, NW, Washington, DC 20405.

In consideration of the foregoing, it is proposed to amend Part 105–64 as follows:

Dated: July 21, 1976.

HERMAN W. BARTH,
Acting General Counsel.

[1] The requirements of paragraphs (a)(4) and (a)(5) of this section shall apply to transmitters type accepted after January 1, 1977, and to all transmitters first installed after January 1, 1983.

The table of contents for Part 105–64 is amended by adding the following entries:

105–64.201a. Procedure for disclosure.
105–64.301–5. Appeal of denial of access within GSA.

Subpart 105–64.7—Assistance and Referrals

105–64.701. Requests for assistance.

1. Section 105–64.002 is amended by adding new paragraphs (i) through (l) as follows:

§ 105–64.002 Definitions.

* * * * *

(i) The term "subject individual" means the individual named or discussed in a record or the individual to whom a record otherwise pertains.

(j) The term "disclosure" means a transfer of a record, a copy of a record, or the information contained in a record to a recipient other than the subject individual, or the review of a record by someone other than the subject individual.

(k) The term "access" means a transfer of a record, a copy of a record, or the information in a record to the subject individual, or the review of a record by the subject individual.

(l) The term "solicitation" means a request by an officer or employee of GSA that an individual provide information about himself.

Subpart 105–64.1—General Policy

1. Section 105–64.101–1 is revised to read as follows:

§ 105–64.101–1 Collection and use.

(a) *General.* Any information used in whole or in part in making a determination about an individual's rights, benefits, or privileges under GSA programs will be collected directly from the subject individual to the extent practicable. The system manager also shall ensure that information collected is used only in conformance with the provisions of the act and these regulations.

(b) *Solicitation of information.* System managers shall ensure that at the time information is solicited the solicited individual is informed of the authority for collecting that information, whether providing the information is mandatory or voluntary, the purposes for which the information will be used, the routine uses of the information, and the effects on the individual, if any, of not providing the information. Heads of Services and Staff Offices and Regional Administrators shall ensure that forms used to solicit information are in compliance with the act and these regulations.

(c) *Solicitation of social security number.* Before an officer or employee of GSA requests an individual to disclose his social security number, the officer or employee of GSA shall ensure that either:

(1) The disclosure is required by Federal statute, or;

(2) The disclosure of a social security number was required under statute or regulation adopted before January 1, 1975, to verify the identify of an individual, and the social security number will become a part of a system of records in

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existence and operating before January 1, 1975.

If solicitation of the social security number is authorized under paragraph (c) (1) or (2) of this section, the GSA officer or employee who requests an individual to disclose his social security account number shall first inform that individual whether that disclosure is mandatory or voluntary, by what statutory or other authority the number is solicited, and the uses that will be made of it.

(d) *Soliciting information from third parties.* An officer or employee of GSA shall inform third parties who are requested to provide information about another individual of the purposes for which the information will be used.

2. Section 105–64.104–4 is amended by revising paragraphs (a) and (b) to read as follows:

§ 105–64.101–4 Safeguarding systems of records.

* * * * *

(a) Official personnel folders, authorized personnel operating or work folders, and other records of personnel actions effected during an employee's Federal service or affecting the employee's status and service, including information on experience, education, training, special qualifications and skills, position descriptions, performance appraisals, and conduct, shall be stored in a lockable metal filing cabinet when not in use by an authorized person. A system manager may employ an alternative storage system providing that it furnishes an equivalent degree of physical security as storage in a lockable metal filing cabinet.

(b) The system manager, at his discretion, may designate additional records of unusual sensitivity which require safeguards similar to those described in paragraph (a) of this section.

* * * * *

Subpart 105–64.2—Disclosure of Records

§ 105–64.201 [Amended]

1. Section 105–64.201 is amended by replacing in paragraph (b) the words "Pursuant to" with the new words "Required by".

2. Section 105–64.201a is added as follows:

§ 105–64.201a Procedures for disclosure.

(a) Upon receipt of a request for disclosure, the system manager shall verify the right of the requester to obtain disclosure pursuant to § 105–64.201. Upon that verification, the system manager shall make the requested records available.

(b) If the system manager determines that the disclosure is not permitted under the provision of § 105–64.201, he shall deny the request in writing and shall inform the requester of his right to submit his request for review and final determination to the Director of Administration, General Services Administration.

Subpart 105–64.3—Individual Access to Records

1. Section 105–64.301–1(b) is amended to read as follows and a new paragraph (c) is added as follows:

§ 105–64.301–1 Form of requests.

* * * * *

(b) The request shall be in writing and shall bear the legend "Privacy Act Request" both on the request letter and on the envelope. The request letter should contain the complete name and identifying number of the system as published in the FEDERAL REGISTER; the full name and address of the subject individual; a brief description of the nature, time, place, and circumstances of the individual's association with GSA; and any other information which the individual believes would help the system manager to determine whether the information about the individual is included in the system of records. The system manager or applicable individual shall answer or acknowledge the request within 10 work days of its receipt by GSA.

(c) The system manager, at his discretion, may accept oral requests for access subject to verification of identity.

2. Section 105–64.301–2 (a) and (b) are amended to read as follows:

§ 105–64.301–2 Special requirements for medical records.

(a) A system manager who receives a request from an individual for access to those official medical records which belong to the U.S. Civil Service Commission and are described in Chapter 339, Federal Personnel Manual (medical records about entrance qualification or fitness for duty, or medical records which are otherwise filed in the Official Personnel Folder), shall refer the pertinent system of records to a Federal Medical Officer for review and determination in accordance with this section. If no Federal Medical Officer is available to make the determination required by this section, the system manager shall refer the request and the medical reports concerned to the U.S. Civil Service Commission for determination.

(b) If, in the opinion of a Federal Medical Officer, medical records requested by the subject individual indicate a condition about which a prudent physician would hesitate to inform a person suffering from such a condition of its exact nature and probable outcome, the system manager shall not release the medical information to the subject individual nor to any person other than a physician designated in writing by the subject individual, his guardian, or conservator.

* * * * *

3. Section 105–64.301–3 is amended by revising paragraphs (d) and (g) and deleting paragraph (h) as follows:

§ 105–64.301–3 Granting access.

* * * * *

(d) Records will be available for authorized access during normal business hours at the offices where the records are located. A requester should be prepared to identify himself by signature; i.e., to note by signature the date of access and/or to produce other identification verifying the signature.

* * * * *

(g) An individual who wishes to have a person of his choosing review, accompany him in reviewing, or obtain a copy of a record must, prior to the disclosure, sign a statement authorizing the disclosure of his record. The system manager shall maintain this statement with the record.

(h) [Reserved.]

* * * * *

§ 105–64.301–4 [Amended]

4. Section 105–64.301–4 is amended by deleting paragraph (f).

5. Section 105–64.301–5 is added to read as follows:

§ 105–64.301–5 Appeal of denial of access within GSA.

(a) A requester denied access, in whole or in part, to records pertaining to him, exclusive of those records for which the system manager is the Administrator, may file an administrative appeal of that denial. All appeals should be addressed to the Director of Information (AVI), General Services Administration, Washington, DC 20405, regardless whether the denial being appealed was made by a Central Office or a regional official.

(b) Each appeal to the GSA Director of Information shall be in writing. The appeal should bear the legend "Privacy Act—Access Appeal," on both the face of the letter and the envelope.

(c) Upon receipt of an appeal, the Director of Information shall consult with the system manager, the official who made the denial, legal counsel, and such other officials as may be appropriate. If the Director of Information, in consultation with these officials, determines that the request for access should be granted because the subject records are not exempt, he shall immediately either instruct the system manager in writing to grant access to the record in accordance with § 105–64.301–3, or shall grant access himself, and shall notify the requester of that action.

(d) If the Director of Information, in consultation with the officials specified in paragraph (c) of this section, determines that the appeal should be rejected, he shall submit the file on the request and appeal, including his findings and recommendations, to the Deputy Administrator for a final administrative determination.

(e) If the Deputy Administrator determines that access to the record should be granted, he shall immediately instruct the system manager in writing to grant access to the record in accordance with § 105–64.301–3. The Deputy Administrator shall send a copy of his instructions to the Director of Information, who shall notify the requester of that action.

(f) If the Deputy Administrator determines to reject the appeal, he immediately shall notify the requester in writing of that determination. This action shall constitute the final administrative determination on the request for access to the record and shall include:

(1) The reasons for the rejection of the appeal; and

(2) Notice of the requester's right to seek judicial review of the final administrative determination, as provided in § 105–64.408.

(g) The final agency determination will be made no later than 30 work days from the date on which the appeal is received by the Director of Information. The Deputy Administrator may extend this time limit by notifying the requester in writing before the expiration of the 30 work days. The Deputy Administrator's notification shall include an explanation for the extention.

6. Section 105–64.302–3 is revised to read as follows:

§ 105–64.302–3 Waiver of fee.

The system manager shall make one copy of a record, up to 50 pages, available without charge to a requester who is an employee of GSA. The system manager may waive the fee requirement for any other requester if the cost of collecting the fee is an unduly large part of, or greater than, the fee, or when furnishing the record without charge conforms to generally established business custom or is in the public interest.

Subpart 105–64.6—Exemptions

§ 105–64.602–1 [Amended]

1. Section 105–64.602–1 is revised by changing the designation of the Investigation and Personnel Security Case Files system of records from "GSA/QAD 25" to "GSA/OAD 24."

§ 105–64.602–2 [Amended]

2. Section 105–64.602–2 is revised by changing the designation of the Test Material system of records from "GSA/OAD 21" to "GSA/OAD 20."

1. A new Subpart 105–64.7 is added as follows:

Subpart 105–64.7—Assistance and Referrals

§ 105–64.701 Requests for assistance and referral.

Requests for assistance and referral to the responsible system manager or other GSA employee charged with implementing these regulations should be made to the Director of Information (AVI), General Services Administration, Washington, DC 20405.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 88 Stat. 1897; 5 U.S.C. 552a.)

[FR Doc. 76–22191 Filed 7–30–76;8:45 am]

VETERANS ADMINISTRATION

[38 CFR Part 1]

RELEASE OF INFORMATION FROM OTHER THAN CLAIMANT RECORDS

Schedule of Fees

Notice is hereby given that the Veterans Administration is considering amending Part 1, Title 38 of the Code of Federal Regulations to change the schedule of fees indicated in § 1.555(h) (2) pertaining to charges for document search. The proposed amendment is issued to eliminate the minimum search charge for the release of information from other than claimant records and to provide that there will be no charge for the first hour or fraction thereof.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration Central Office, 810 Vermont Avenue, NW., Washington, D.C. 20420. All relevant material received before September 1, 1976, will be considered. All written comments received will be available for inspection at the above address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any Veterans Administration field station will be informed that the records are available for inspection only in Central Office and furnished the address and above room number.

Notice is hereby given that it is proposed to make any regulations that are adopted effective on the date of final approval.

It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with OMB Circular A–10.

Approved: July 27, 1976.

By direction of the Administrator.

ODELL W. VAUGHN,
Deputy Administrator.

In § 1.555, paragraph (h) (2) is revised to read as follows:

§ 1.555 Fees.

* * * * *

(h) Schedule of fees: * * *

(2) Searching, per hour (No charge for the first hour or fraction thereof)	$3.50

* * * * *

[FR Doc.76–22247 Filed 7–30–76;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

CHASE MANHATTAN BANK

Acceleration of Registration

Whereas, The Chase Manhattan Bank, National Association, has filed, pursuant to Section 12(b) of the Securities Exchange Act of 1934, as amended, and the Comptroller's regulations thereunder, with the Comptroller and the New York Stock Exchange, Inc., an application on Form F-1 for registration on such Exchange of 8¾% Capital Notes due 1986; and

Whereas, the authorities of said Exchange have certified to the Comptroller, pursuant to Section 12(d) of said Act and the Comptroller's regulations thereunder, that such class of security has been approved for listing and registration on such Exchange; and

Whereas, it has been requested that registration of such class of security be accelerated by making it effective prior to the expiration of thirty days after the date of receipt by the Comptroller of such certification; and

Whereas, acceleration appears appropriate in the public interest and for the protection of investors:

Now therefore it is ordered that registration of such class of security shall become effective immediately on the New York Stock Exchange, Inc.

Dated: July 27, 1976.

JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.76-22243 Filed 7-30-76;8:45 am]

Comptroller of the Currency

REGIONAL ADVISORY COMMITTEE ON BANKING POLICIES AND PRACTICES FOR THE FOURTH NATIONAL BANK REGION

Meeting

A meeting of the Advisory Committee on Banking Policies and Practices for the Fourth National Bank Region will be held August 20, 1976, at the Gault House, Louisville, Kentucky. The meeting will begin at 9:00 a.m. and last until 12 noon, and reconvene at 1:30 p.m. until 4:30 p.m. The meeting will be open to the public and interested persons will be admitted on a first come basis. The topics to be discussed will include the progress on the implementation of the Haskins & Sells study, the National Bank Surveillance System and capital adequacy.

Persons or groups planning to make statements, please submit three copies to the Regional Administrator of National Banks, One Erieview Plaza, Celeveland, Ohio 44114 prior to August 15, 1976.

Dated: July 27, 1976.

JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.76-22356 Filed 7-30-76;8:45 am]

REGIONAL ADVISORY COMMITTEE ON BANKING POLICIES AND PRACTICES FOR THE THIRD NATIONAL BANK REGION

Meeting

A meeting of the Advisory Committee on Banking Policies and Practices for the Third National Bank Region will be held on August 18, 1976 at the Hershey Motor Lodge and Convention Center, Hershey, Pennsylvania. The morning session will begin at 9:00 a.m. and last until 12:00 noon. The meeting will be open to the public and interested persons will be admitted on a first come basis.

Topics to be discussed will include the implementation of the Haskins & Sells recommendations, electronic fund transfer systems, credit allocation, recent legislation affecting national banks, and other matters of regional and national interest.

Persons or groups planning to make statements please submit three copies to the Regional Administrator of National Banks, Three Parkway—Suite 1316, Philadelphia, Pennsylvania 19102, Attn: Ms. Phoebe Matthews prior to August 13, 1976.

Dated: July 27, 1976.

JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.76-22357 Filed 7-30-76;8:45 am]

Customs Service

ASSESSMENT OF COUNTERVAILING DUTIES ON LITHARGE AND RED LEAD FROM MEXICO

Petition Filed by American Manufacturer, Producer, or Wholesaler

JULY 13, 1976.

The Customs Service received on February 5, 1976, a petition filed on behalf of Hammond Lead Products, Inc., alleging that litharge and red lead from Mexico benefit from bounties or grants by virtue of the operation of the Mexican export tax and price control systems. By letter dated May 18, 1976, the petitioner was notified that:

After careful consideration, the Department has concluded that the information and allegations contained in this petition do not on their face describe a bounty or grant and are therefore insufficient to warrant initiation of formal investigation.

On June 17, 1976, notification was received by the Department that Hammond Lead Products, Inc., desired to contest the failure of the Department to assess countervailing duties.

In accordance with the provisions of section 516 of the Tariff Act of 1930, as amended by the Trade Act of 1974 (19 U.S.C. 1516), notice is hereby given that the Secretary of the Treasury has decided that the countervailing duties should not be assessed and that a domestic producer has given notice as contemplated by section 516 of the Tariff Act of 1930, as amended (19 U.S.C. 1516), that it desires to contest such decision.

VERNON D. ACREE,
Commissioner of Customs.

APPROVED: DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

JULY 26, 1976.

[FR Doc.76-22295 Filed 7-30-76;8:45 am]

Office of the Secretary

LARGE POWER TRANSFORMERS FROM SWEDEN

Tentative Termination of Antidumping Investigation

A "Notice of Discontinuance of Antidumping Investigation" with respect to large power transformers from Sweden was published in the FEDERAL REGISTER of January 21, 1972 (37 FR 961).

After due investigation, it has been determined, tentatively, that large power transformers manufactured and sold for export by Allmanna Svenska Elektriska Aktiebolaget of Vasteras, Sweden, the only Swedish manufacturer, have not been sold at less than fair value. This is in accordance with price assurances submitted by the company prior to the discontinuance of the fair value investigation.

STATEMENT OF REASONS ON WHICH THIS TENTATIVE DETERMINATION IS BASED

The investigation indicated that no sales at less than fair value of large power transformers by Allmanna Svenska Elektriska Aktiebolaget have been made for a period of 2 years from the discontinuance of the fair value investigation.

Accordingly, notice is hereby given that the Department of the Treasury intends to terminate the antidumping investigation with respect to large power transformers from Sweden.

In accordance with section 153.40, Customs Regulations (19 CFR 153.40), interested persons may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, N.W., Washington, D.C. 20229, in time to be received by his office not later than August 12, 1976. Such requests must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This notice is published pursuant to section 153.33(h) of the Customs Regulations (19 CFR 153.33(h)).

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

JULY 28, 1976.

[FR Doc.76-22297 Filed 7-30-76;8:45 am]

UNWROUGHT ZINC FROM SPAIN

Receipt of Countervailing Duty Petition and Initiation of Investigation

A petition in satisfactory form was received on June 17, 1976, alleging that payments or bestowals conferred by the Government of Spain upon the manufacture, production, or exportation of unwrought zinc constitute the payment or bestowal of a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303) (herein referred to as the Countervailing Duty Law).

Pursuant to section 303(a)(4) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(4)), the Department of the Treasury is required to issue a preliminary determination as to whether or not any bounties or grant is being paid or bestowed within the meaning of the Countervailing Duty Law within 6 months of the receipt, in satisfactory form, of a petition alleging the payment or bestowal of a bounty or grant. A final decision must be issued within 12 months of the receipt of such petition.

Therefore, a preliminary determination on this petition will be made no later than December 17, 1976, as to whether the alleged payments or bestowals conferred by the Government of Spain upon the manufacture, production, or exportation of unwrought zinc constitute the payment or bestowal of a bounty or grant within the meaning of the Countervailing Duty Law. A final determination will be issued no later than June 17, 1977.

This petition is published pursuant to section 303(a)(3) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(3)), and section 159.47(c) of the Customs Regulations (19 CFR 159.47(c)).

VERNON D. ACREE,
Commissioner of Customs.

Approved: DAVID R. MACDONALD
Assistant Secretary of the Treasury.

JULY 28, 1975.

[FR Doc.76-22296 Filed 7-30-76;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Meeting

JULY 22, 1976.

The USAF Scientific Advisory Board Aeronautical Systems Division Advisory Group, AFSC, will hold meetings on August 24 and 25, 1976 at Wright-Patterson Air Force Base, Ohio from 8:30 a.m. to 6:00 p.m. both days.

The Group will receive classified briefings and hold classified discussions concerning the B-1 propulsion system and vehicle performance.

The meetings concern matters listed in section 552(b) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly will be closed to the public.

For further information contact the Scientific Advisory Board Secretariat at (202) 697-4648.

JAMES L. ELMER,
Major, USAF, Executive, Directorate of Administration.

[FR Doc.76-22298 Filed 7-30-76;8:45 am]

USAF SCIENTIFIC ADVISORY BOARD

Meeting

JULY 22, 1976.

The USAF Scientific Advisory Board ad hoc Committee on Aeronomy will hold meetings on August 24, 1976 from 1:00 p.m. to 5:00 p.m. and on August 25, 1976 from 8:00 a.m. to 2:00 p.m. at the USAF Global Weather Center, Offutt Air Force Base, Nebraska

The Committee will receive classified briefings and hold classified discussions on Aeronomy.

The meetings concern matters listed in Section 552(b) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information contact the Scientific Advisory Board Secretariat at (202) 697-4648.

JAMES L. ELMER,
Major, USAF, Executive, Directorate of Administration.

[FR Doc.76-22299 Filed 7-30-76;8:45 am]

PRIVACY ACT OF 1974

Change to Systems Notice

In FR Doc. 75-21075 published in the FEDERAL REGISTER (40 FR 36045) of August 18, 1975 setting forth the systems of records prescribed by the Privacy Act of 1974 within the Defense Supply Agency, the following system of record is changed. Following the brief identification of the record system and the specific changes made therein, the complete revised record system, as changed, is published in its entirety. Any public comment, including written data, views or arguments concerning this system of records should be addressed to the system manager identified in the system notice on or before

S155.53DCAS-NS

System name: S155.53 Industrial Personnel Security Clearance File (40 FR 36050).

Changes:

Systems exempted from certain provisions of the Act: Delete the word "NONE" and insert "Information, contained in records, which would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to 27 Sept 1975, under an implied promise of confidentiality, is exempt from disclosure under the provisions of subsection (k)(5) of the Privacy Act of 1974. Also, information classified in the interest of national defense may be exempt from disclosure under the provisions of the aforementioned subsection."

S155.53DCAS-NS

System name: 155.53 Industrial Personnel Security Clearance File.

System location: Defense Industrial Security Clearance Office, Defense Construction Supply Center, P.O. Box 2499, Columbus, Ohio 43216.

Categories of individuals covered by the system: Employees of Government contractors who have been issued, now possess, or are in process for personnel security clearances, including Overseas Security Eligibilities.

Categories of records in the system: Information contained in each record in the automated portion of the system may include: name of the individual; aliases; maiden name; date of birth, place of birth; Social Security Account number; name and address of employer; level of security clearance granted; date security clearance granted; type of investigation; date of investigation; identity of investigating agency; file or case number; location of file; record of Communication Security (COMSEC) security clearance and sequential record of security clearance terminations, transfers and reinstatements.

Information contained in each record in the manual portion of the system may contain the original application for se-

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curity clearance (Personnel Security Questionnaire); a copy of the personal security investigation; a record of security clearance; record of COMSEC security clearance; Overseas Security Eligibility; foreign travel reports; all correspondence concerning the processing of the initial clearance, termination, reinstatement, transfer, emergency suspension, revocation or denial of security clearance; adverse information reports; security violation reports; and internal Government correspondence and interoffice memoranda relative to the security clearance process.

Authority for maintenance of the system: Presidential Executive Order 10865, Safeguarding Classified Information Within Industry.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The automated portion of the system is retained as a central record of industrial security clearances granted. Access to this record is restricted to authorized Defense Supply Agency employees. The Defense Industrial Security Clearance Office will verify Security clearance status only to cleared Department of Defense contractors and authorized Government agencies. Also on occasion, the clearance record may be used to reconcile security clearance records maintained by the individual's employer.

The manual portion of the system serves as a central repository for all hard copy material concerning an applicant for industrial security personnel clearance. All information contained in this record is used to back up the security clearance determination. The manual system also contains suspense records for cases in adjudication and Overseas Security Eligibility control records. Access to this record is permitted only to personnel of the Defense Industrial Security Office or authorized Federal Government investigative agency personnel during an official investigation.

Policies and practices in storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Automated Records are maintained in computer disc packs, magnetic tapes, and associated data processing files used to initially build or update the master file. The individual records in the manual part of the system are microfiche, 5 x 8 cards and hard copy paper records maintained in file folders.

Retrievability: Automated records are accessed by individual Social Security Account number. Computerized indices are required to retrieve records from the system. Manual Records are accessed by Social Security Account number or alphabetically by name.

Safeguards: In the automated part of the system special codes, available only to authorized Defense Supply Agency personnel, are required to access records by means of cathode ray tube readers located only in the Defense Industrial Security Clearance Office area. Access to the manual records is limited to authorized personnel of the Defense Industrial Security Clearance Office. The Defense Industrial Security Clearance Office area is on a military controlled installation and segregated from other Government operational areas. All visitors are badged and escorted. During nonworking hours the entire area is secured and protected by a perimeter alarm system and roving guard patrols, motorized an on foot.

Retention and disposal: The automated records are retained for 25 months following the termination of a security clearance. A record concerning an individual is retained, following termination, until the individual would reach the chronological age of 80 years in those cases where adverse information is existant or the clearance is terminated because of the death of the holder. Destruction is accomplished through degaussing the disc pack entry or magnetic tape. Retention of the manual records is authorized for 30 years after the date of the last action; however, records are purged 10 years after the date of the last action. Destruction is by burning. Microfiche records are updated at approximately 30-day intervals and superseded records are burned.

System manager(s) and address: The official responsible for policies an procedures governing this system is the Chief, Office of Industrial Security, Defense Contract Administration Services, Defense Supply Agency. Operational management of the system is exercised by the Chief, Defense Industrial Security Clearance Office.

Notification procedure: An individual who wishes to be notified if the system contains a record about him or her should direct the request to the Chief, Defense Industrial Security Clearance Office, Defense Construction Supply Center, P.O. Box 2499, Columbus, Ohio 43216. Requests must contain the full name, date and place of birth and Social Security Account number. An individual may also visit the Defense Industrial Security Clearance Office to determine if the system contains a record pertaining to him or her. For visits to the Defense Industrial Security Clearance Office the individual must present proof of identity such as birth certificate, driver's license, or employee identification card, and proof of Social Security Account number.

Record access procedures: An individual can obtain access to or a copy of any record pertaining to him or her, except for the personnel security investigation, by directing a request to the Chief, Defense Industrial Security Clearance Office, Defense Construction Supply Center, P.O. Box 2499, Columbus, Ohio 43216. Requests for personnel security investigations will be promptly referred to the appropriate investigative agency which is authorized to release the record. A record can be released at the Defense Industrial Security Clearance Office, Columbus, Ohio or through one of the 9 Regional Offices of Industrial Security or a Field Office of any Regional Office of Industrial Security. A release will take place at the Office of Industrial Security nearest the residence or place of employment of the requester. The 9 Regional Offices of Industrial Security are located in Atlanta, Boston, Chicago, Cleveland, Dallas, Los Angeles, New York, Philadelphia, and St. Louis.

Contesting record procedures: The Agency's rules for contesting contents and appealing initial determination by the individual concerned may be obtained from the System Manager, the Chief, Office of Industrial Security.

Record source categories: The sources of information contained in a record are the employer and the Defense Investigative Service which is responsible for conducting personnel security investigations.

Systems exempted from certain provisions of the act: Information contained in records, which would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to 27 September 1975, under an implied promise of confidentiality, is exempt from disclosure under the provisions of subsection (k)(5) of the Privacy Act of 1974. Also, information classified in the interest of national defense may be exempt from disclosure under the provisions of the aforementioned subsection.

Reason: Investigatory material is exempt to the extent that the disclosure of such material would reveal the identity of a source who furnished the information to the Government under an express promise that the identity of the source would be held in confidence, or prior to 27 September 1975, under an implied promise that the identity of the souree would be held in confidence. This exemption will protect the identities of certain sources who would be otherwise unwilling to provide information to the Government.

By order of the director, defense supply agency.

J. J. McALEER, Jr.,
Colonel, USA,
Staff Director, Administration.

MAURICE W. ROCHE,
Director, Correspondence and Directives, ASD (Comptroller).

JULY 28, 1976.

[FR Doc.76-22249 Filed 7-30-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP72-110 (PGA 76-11)]

ALGONQUIN GAS TRANSMISSION CO.

Rate Change; Purchased Gas Cost Adjustment

JULY 26, 1976.

Take notice that Algonquin Gas Transmission Company ("Algonquin Gas"), on July 12, 1976, tendered for filing Nineteenth Revised Sheet No. 10 to its FPC Gas Tariff, First Revised Volume No. 1.

This tariff sheet is being filed pursuant to Algonquin Gas' Purchased Gas Cost Adjustment Provision set forth in Section 17 of the General Terms and Conditions of its FPC Gas Tariff, First Revised Volume No. 1. The rate adjustment, amounting to a net decrease of $.0116 per MMBtu in Algonquin Gas' sales rates under applicable rate schedules, is being filed to amortize the balance in Algonquin Gas' Unrecovered Purchased Gas Cost Account.

The proposed effective date of the revised tariff sheet is September 1, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 Capitol Street, NE, Washington, DC 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 3, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76 22284 Filed 7-30-76;8:45 am]

[Docket No. ER76-799]

APPALACHIAN POWER CO.

Tariff Change

JULY 26, 1976.

Take notice that Appalachian Power Company (APCO) on July 21, 1976, tendered for filing proposed changes in its FPC Rate Schedule No. 23. Service to Kingsport Power Company, an affiliate. APCO states that the proposed changes would increase revenues from jurisdictional sales and service by $5,952,207, based on the 12-month period ending December 31, 1976. APCO proposes that the rates and charges and terms and conditions of service revised by this filing shall become effective August 20, 1976.

APCO states that the changes reflected in the Supplement primarily involve (i) increased demand and energy charges and (ii) a revised fuel adjustment clause prepared in conformity with Section 35.-14 of the Commission's Regulations. The proposed rate increase is occasioned by increases in the cost of providing electric service and increased capital costs, APCO asserts.

Copies of the filing were served upon the Kingsport Power Company and the Tennessee Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 9, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76 22285 Filed 7-30-76;8:45 am]

[Docket No. ER76-800]

APPALACHIAN POWER CO.

Tariff Change

JULY 26, 1976.

Take notice that Appalachian Power Company (APCO) on July 21, 1976, tendered for filing proposed changes in its FPC Rate Schedule No. 24, Service to Carolina Power & Light Company. APCO states that the proposed changes would increase revenues from jurisdictional sales and service by $1,949,555, based on the 12-month period ending December 31, 1976. APCO proposes that the rates and charges and terms and conditions of service revised by this filing shall become effective August 20, 1976.

APCO states that the changes reflected in the Supplement tendered for filing herewith primarily involve (i) increased demand and energy changes and (ii) a revised fuel adjustment clause prepared in conformity with Section 35.14 of the Commission's Regulations. The proposed rate increase is occasioned by increases in the cost of providing electric service and in the cost of capital, APCO asserts.

Copies of the filing were served upon the Carolina Power & Light Company, North Carolina Utilities Commission and the South Carolina Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 9, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22286 Filed 7-30-76;8:45 am]

[Docket No. RP71-122]

ARKANSAS LOUISIANA GAS CO.

Filing of Revised Tariff Sheets

JULY 27, 1976.

Take notice that on July 13, 1976 Arkansas Louisiana Gas Company (Arkla) filed revised tariff sheets in its FPC Gas Tariff, First Revised Volume No. 1. The sheets were filed in accordance with the Commission's order issued June 2, 1976 in Docket No. RP71-122. The sheets are designated as follows:

(1) Third Revised Sheet No. 3A, Superseding Second Revised Sheet No. 3A.
(2) Third Revised Sheet No. 3B, Superseding Second Revised Sheet No. 3B.
(3) Third Revised Sheet No. 3C, Superseding Second Revised Sheet No. 3C and Superseding First Revised Sheet No. 3D.

The filed tariff sheets contain the six priority of service plan outlined in the Commission order issued June 2, 1976 and eliminate the firm-interruptible distinction.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8, 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 13, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22338 Filed 7-30-76;8:45 am]

[Docket Nos. E-8137 and E-8217]

BOSTON EDISON CO. ET AL.

Certification of Proposed Settlement Agreement

JULY 26, 1976.

In the matter of: Boston Edison Co., New England Power Service Co. and Boston Edison Co.

Take notice that on June 30, 1976, Presiding Administrative Law Judge Levant certified to the Commission a proposed settlement in the above-entitled proceeding which, if approved, would resolve all the issues in the consolidated dockets.

Any person desiring to be heard or to protest said Settlement Agreement should file comments with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before August 10, 1976. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of the Agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22287 Filed 7-30-76;8:45 am]

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[Docket No. ER76-383]

CENTRAL MAINE POWER CO.

Filing

JULY 26, 1976.

Take notice that on July 2, 1976, Central Maine Power Company (CMP) revised its February 20, 1976, filing of a fuel adjustment clause applicable to its five wholesale customers: Rangely Power Company, Kennebunk Light & Power District, Squirrel Island Village Corporation, Carrabasset Light & Power Company and the Town of Madison, Maine. The instant filing is in response to deficiency letters from the Commission dated March 9, 1976, and May 11, 1976, and purports to comply with the requirements of Section 35.14 of the Commission's Regulations as revised by Order No. 517.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 4, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22288 Filed 7-30-76;8:45 am]

[Docket No. CP76-420]

CIG GAS SUPPLY CO.

Application

JULY 23, 1976.

Take notice that on June 30, 1976, CIG Gas Supply Company (Applicant), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP76-420 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale of natural gas in interstate commerce to Colorado Interstate Gas Company (CIG) produced by Texaco Inc. (Texaco) and Champlin Petroleum Company (Champlin) from the Madison or deeper formations in the Table Rock Unit in Sweetwater County, Wyoming, and purchased by Applicant, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that in order to meet its investment needs CIG will require substantial sums to be derived from external financng; however, CIG is said to be limited under the terms of its agreements with security holders as to the amounts of additional securities that can be issued.

It is said that CIG has been purchasing gas produced at the shallower depths in the Table Rock area since 1959 and that with the 1975 discovery of gas in the Madison formation at a depth of approximately 18,000 feet plans to exploit said formation were formulated. Applicant states that CIG executed advance payment agreements with Texaco and Champlin which provide for the drilling of our Madison wells in addition to those already contemplated. Under the agreements, it is stated, CIG agreed to advance to the producers up to $5,000,000 per well and up to a total of $20,000,000. Through these agreements Texaco and Champlin intend to drill four future wells to develop the Madison formation, the application states.

Applicant says that CIG agreed to make advance payments to the producers for their costs of drilling, equiping, and completing successful wells and drilling, plugging, and abandoning unsuccessful wells. The advances would be made on an individual well basis, allocated to expenditures incurred or to be incurerd applicable to each well. On or before 30 days prior to commencement of drilling of each well the producers might submit separate statements to CIG summarizing costs to be incurred in drilling such well, and no later than 30 days after receipt of such statements or spudding, whichever might be later, CIG might advance one-half of the amount indicated in the statements with the remainder to be advanced six months later. The advances would be repaid within five years from the date of initial deliveries on a well-by-well basis by CIG's retention of forty percent of seven-eights of the purchase price otherwise paid to the producers.

The application states that CIG has assigned to Applicant the advance payment agreements and the gas purchase agreements, insofar as the latter agreements pertain to the wells which are the subject to the instant application, and that Applicant proposes to sell the gas to CIG. It is said that because the advance payment agreements contain guaranteed repayment provisions and because of the high credit ratings of the producers, these agreements provide excellent collateral for bank credit, provided the repayment obligations can be assigned directly to the lenders through pledge of the advance payment agreements. Further, it is said that if CIG placed the financing for these advance payments, the particular lenders would be required under certain provisions of CIG's long-term debt instruments to share CIG's general credit security equally and ratably or behind CIG's debenture holders. Applicant states that these provisions would thus prevent the direct assignment of the guaranteed repayment obligations of the producers and CIG's new lenders would have to limit their security to the general credit worthiness of CIG. Applicant asserts that said method of financing would thus fail to utilize a valuable intangible asset which CIG presently holds which could otherwise provide significant benefits to CIG and its customers. Said benefits are stated to be probable lower interest rates and lower income taxes in cost of service and a preservation of CIG's financing capacity for other projects. Although it is to attain these benefits that Applicant proposes to finance the advance payments for CIG, it is said that should the instant proposal not be approved by the Commission the advance payments would be made in any case in order to obtain the expected additional gas supply.

Applicant proposes to charge CIG monthly the sum of the following:

A. Commodity Cost of gas charge: The actual cost of gas purchased by Applicant during the month.

B. Demand 1. Advance payment charge: A charge per month determined by the sum of the following:

(a) The debt cost incurred in financing the advance payment agreements as accrued by Applicant for the month.

(b) Return on equity determined by the application of the rate of return on equity reflected in CIG's tariff to the average equity rate base for the month. The equity rate base would consist of the difference between Applicant's average outstanding advance payments and the average debt outstanding during the month, but not less than zero.

(c) Income taxes for the month determined by the application of a Federal income factor of 92.308 applied to the return on equity determined in accordance with (b) above.

2. Other charges: All other costs net of miscellaneous revenues received during the month.

The application states that the assignment by CIG of the advance purchase agreements and gas purchase rights have been made to Applicant with the understanding that CIG would treat all payments as a cost of purchased gas and that such payments would be subject to the purchased gas cost adjustment provisions of CIG's tariff as though made to a certificated independent producer.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 16, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7

and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22279 Filed 7-30-76;8:45 am]

[Docket No. RP72-142 (PGA76-5)]

CITIES SERVICE GAS CO.

Proposed Purchased Gas Cost Adjustment; Order; Deferring Hearing and Requiring Submission of Information

JULY 22, 1976.

On June 7, 1976, Cities Service Gas Company (Cities) tendered for filing alternate proposed tariff sheets reflecting an increase in purchased gas costs. Cities requests that the proposed increase be made effective on July 23, 1976. For the reasons discussed in this order, the Commission will accept for filing the proposed tariff sheet reflecting the greater increase, suspend its effectiveness for one day, and permit it to become effective on July 24, 1976, subject to refund.

Cities' June 7, 1976, Purchased Gas Adjustment consists of a 3.92¢ per Mcf rate increase[1] or $11,088,260 annually to reflect increased purchased gas costs and the recovery of deferred purchased gas costs of $8,441,641. Anticipating a one day suspension due to the inclusion in the PGA rate increase of small producer purchases and emergency purchases at rates in excess of Opinion Nos. 742 and 699-H rate levels, Cities filed alternate rates[2] which reflect an increase of 3.52¢ per Mcf or $9,956,804 annually and which purportedly exclude the effect of the costs in excess of the applicable rate levels prescribed by Opinion Nos. 742 and 699-H. Cities proposes that if the higher tariff sheet is accepted and suspended for one day until July 24, 1976, the lower tariff sheet would become effective on July 23, 1976.

Public notice of Cities' filing was issued on June 7, 1976, with petitions to intervene or protests due on or before June 25, 1976.

The Commission's review of the lower alternate rates indicates that they also include purchases from small producers at rates in excess of the applicable rate levels prescribed in Opinion No. 742. Therefore, the lower alternate tariff sheet tendered by Cities shall be rejected.

The Commission's review of Cities' higher proposed tariff sheet indicates that the rates included therein are based in part on small producer and 60 day emegency purchases in excess of the rate levels prescribed in Opinion Nos. 742 and 699-H respectively. Therefore the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, the Commission shall accept the higher proposed tariff sheet for filing and suspend its effectiveness for one day until July 24, 1976, when it shall become effective subject to refund.

With regard to the issue of the small producer purchases described above other than those small producer purchases made pursuant to the Commission's 60 day emergency sales regulation, we shall defer establishing a hearing schedule for this matter pending Commission action on rehearing of Opinion No. 742[4] and the proposed rulemaking in Docket No. RM 76-5.[4]

Notwithstanding the deferral of a procedural schedule on the small producer issue, Cities shall file within 15 days of the date of this order, a list of the small producers, other than small producers making 60-day emergency sales, reflected in the instant filing in excess of the "130% formula" rates.

With regard to the 60-day emergency purchases, the Commission noted in Opinion No. 699-B[5] that a pipeline would be entitled to include in its purchased gas costs a rate for such purchases "which a reasonably prudent pipeline purchaser would pay for gas under the same or similar circumstances." To assist in Commission review of the 60-day emergency purchases and in determining whether a public hearing is necessary thereon, Cities shall be required to file and serve on all its customers and interested state commissions within thirty days of the issuance hereof the following information: (1) the pipeline's need for the gas, (2) the availability of other gas supplies, (3) the amount of gas purchased[6] under each 60-day transaction, (4) a comparison of each emergency purchase price with appropriate market prices in the same or nearby areas, and (5) the relationship between the purchaser and the seller. Upon receipt of this information, it will be duly noticed for receipt of comments with respect thereto. Should our review indicate that the information filed meets the criterion set forth in Opinion No. 699-B, we shall terminate the proceedings and relieve Cities of its refund obligation. Should our review of the information and any comments related thereto indicate that further proceedings are required as to any or all of the 60-day emergency purchases, they would be established by subsequent order.

Our review of Cities' claimed increased purchased gas costs other than those claimed increased costs associated with that portion of small producer and emergency purchases in excess of the rate levels prescribed by the "130% formula" in Opinion No. 742 and the rate levels prescribed by Opinion No. 699-H respectively, indicates that they comply with the standard set forth in Docket No. R-406. Accordingly, we shall permit Cities to file a revised tariff sheet to become effective July 23, 1976, to reflect the elimination of these costs.

The Commission finds: (1) It is necessary and appropriate to aid in the enforcement of the Natural Gas Act that hearing procedures on the issue of small producer purchases other than those small producer purchases made pursuant to the Commission's 60-day emergency sales regulation be deferred pending further Commission order and that Cities' Alternate Fifteenth Revised Sheet PGA-1 to its Second Revised Volume No. 1 of its FPC Gas Tariff be accepted for filing, suspended and permitted to become effective July 24, 1976, subject to refund, as hereinafter ordered.

(2) It is necessary and appropriate to aid in the enforcement of the Natural Gas Act that Cities' Fifteenth Revised Sheet PGA-1 to its Second Revised Volume No. 1 of its FPC Gas Tariff be rejected.

(3) It is necessary and appropriate to aid in the enforcement of the Natural Gas Act that Cities be permitted to file, to become effective July 23, 1976, a revised tariff sheet reflecting the elimination of purchased gas costs associated with that portion of small producer and emergency purchases in excess of the rate levels established in Opinion Nos. 742 and 699-H, as appropriate.

(4) The claimed increased costs, other than those associated with that portion of small producer and emergency purchases in excess of the rate levels established in Opinion No. 742 and Opinion 699-H as appropriate, have been reviewed and found to be in compliance with the standards set forth in Docket No. R-406.

The Commission orders: (A) Cities' proposed Fifteenth Revised Sheet PGA-1 to its Second Revised Volume No. 1 of its FPC Gas Tariff tendered in this docket on June 7, 1976, is hereby rejected.

(B) Cities' proposed Alternate Fifteenth Revised Sheet PGA-1 to its Second Revised Volume No. 1 of its FPC Gas Tariff tendered in this docket on June 7, 1976, is hereby accepted for filing and suspended for one day, until July 24, 1976, when it shall become effective, subject to refund.

(C) The hearing procedures on the issue of small producer purchases, other than small producer purchases made

[1] Alternate Fifteenth Revised Sheet PGA-1 to Second Revised Volume No. 1.

[2] Fifteenth Revised Sheet PGA-1 to Second Revised Volume No. 1.

[4] — FPC — issued August 28, 1975, in Docket No. R-393.

[4] Small Producers, Docket No. RM76-5, Notice of Proposed Rulemaking, issued August 28, 1975.

[5] — FPC — issued September 9, 1975, in Docket No. R-389-B.

[6] Cities' June 7, 1976, filing does not include the information required by Ordering Paragraph (D) of Opinion No. 699-B.

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pursuant to the Commission's 60-day emergency sales regulation, in excess of the rate levels prescribed by Opinion No. 742, are hereby deferred pending further Commission order.

(D) Within 15 days of the date of this order, Cities shall file with the Commission a list, including addresses, of the small producers other than small producers under 60-day emergency purchase sales, from whom it purchased at rates in excess of the rate level provided for by Opinion No. 742.

(E) Within 15 days of the date of issuance of this order, Cities may file a revised tariff sheet to become effective July 23, 1976, which reflects those claimed increased purchased gas costs contained in its PGA adjustment other than those claimed increased costs associated with that portion of small producer purchases in excess of the rate levels resulting from the "130% formula" prescribed by Opinion 742 and that portion of the 60-day emergency purchases from producers other than small producers in excess of the rate levels prescribed in Opinion 699-H.

(F) To assist in Commission review of the 60-day emergency purchases and in determining whether a public hearing is necessary thereon, Cities shall be required to file and serve on all its customers and interested state commissions within thirty days of the issuance hereof the following information: (1) the pipeline's need for the gas, (2) the availability of other gas supplies, (3) the amount of gas purchased under each 60-day transaction, (4) a comparison of each emergency purchase price with appropriate market prices in the same or nearby areas, and (5) the relationship between the purchaser and the seller. Upon receipt of this information, it will be duly noticed for receipt of comments with respect thereto. Should our review indicate that the information filed meets the criterion set forth in Opinion No. 699-B, we shall terminate the proceedings and relieve Cities of its refund obligation. Should our review of the information and any comments related thereto indicate that further proceedings are required as to any or all of the 60-day emergency purchases, they would be established by subsequent order.

(G) The Secretary shall cause prompt publication of this order to be issued in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22257 Filed 7-30-76;8:45 am]

[Docket No. CP76-415]

CITIES SERVICE GAS CO.

Application

JULY 22, 1976.

Take notice that on June 29, 1976, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP76-415 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing (1) the exchange of up to 100,000 Mcf of natural gas per day with Colorado Interstate Gas Company (Colorado Interstate),[1] (2) the sale of up to 25 percent of such gas to Colorado Interstate, and (3) the construction and operation of a pipeline tap which is required for such exchange, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application indicates that Applicant has entered into a Gas Purchase and Exchange Agreement, dated March 11, 1976, as amended April 9, 1976, with Colorado Interstate in order to enable it to receive much needed gas supplies which have been dedicated to Applicant by contract from producing reservoirs in the Greater Green River Basin in south central Wyoming. Applicant states that under the agreement, it would deliver to Colorado Interstate certain dedicated gas volumes (delivery volumes) up to 100,000 Mcf per day produced from the south central Wyoming area and Colorado Interstate would transport, exchange, and deliver or cause to be transported, exchanged and delivered to Applicant certain volumes (redelivery volumes) through Colorado Interstate's existing facilities into Applicant's system and into Kansas-Nebraska Natural Gas Company, Inc.'s (Kansas-Nebraska) system for the account of Applicant. It is proposed that Applicant would construct and operate the individual facilities necessary for gathering the delivery volumes to the points of delivery on Colorado Interstate's system pursuant to its current gas-purchase budget authorization in Docket No. CP76-115.

The application indicates that the redelivery volumes would be redelivered by Colorado Interstate at the following exchange points:

1. The Forgan exchange point located at a mutually agreeable point in Beaver County, Oklahoma.
2. The Lakin exchange point located at a mutually agreeable point near Colorado Interstate's Lakin compressor station in Kearny County, Kansas.
3. The Deerfield exchange point on Kansas-Nebraska's transmission line located at a mutually agreeable point in Kearny County, Kansas.

Applicant states that the sole facilities to be constructed by it at this time is a pipeline tap at the Forgan exchange point estimated to cost $1,530.

Applicant states that the presently estimated rate for the sale gas is $1.2814 per Mcf at 14.73 psia and that the transportation charge to be paid to Colorado Interstate is initially 17.35 cents per Mcf. It is asserted that Colorado Interstate has the right to predeliever to Applicant during any April 1 to September 30 period at uniform daily rates up to the aggregate of 20 percent of the redelivery volumes required to balance thermally the exchange and would have the right to recoup such predelivered volumes during the subsequent October 1 to March 31 period at a reasonably uniform daily rate up to a maximum daily rate of the thermal equivalent of 1 percent of the aggregate volumes of gas predelivered to Applicant during the previous April 1 to September 30 period.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 16, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22258 Filed 7-30-76;8:45 am]

[Docket No. CP76-422]

COLORADO INTERSTATE GAS CO.

Application

JULY 22, 1976.

Take notice that on July 1, 1976, Colorado Interstate Gas Company (Applicant), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP76-422 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities and the transportation and exchange of natural gas with Cities Service Gas Company (Cities Service),[1] all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is indicated that Applicant and Cities Service have entered into a gas purchase and exchange agreement, dated March 11, 1976, whereby Cities would deliver volumes of gas to Applicant from certain sources in south central Wyoming and Applicant would have the option of purchasing up to 25 percent of these volumes, with the remainder less applicable fuel and unaccounted-for volumes to be redelivered on a thermally equivalent basis to Cities Service at points located in Kansas and Oklahoma. It is said that to effectuate redeliveries, Applicant proposes herein to install and operate three meter stations at an estimated cost of $133,213 with all other jurisdictional connecting facilities required by Applicant being constructed under its effective budget authorization. Applicant states that to effectuate deliveries to it, Cities Service would install the necessary gathering facilities to connect the wells it controls to Applicant's system.

The application shows that to effectuate redeliveries to Cities Service, Applicant would construct and operate three delivery points on its southern system in Oklahoma and Kansas. It is asserted that redeliveries would initially be made from a point on Applicant's Garden City Lateral (Deerfield sales meter station), Kearny County, Kansas, to Kansas-Nebraska Natural Gas Company, Inc. (Kansas-Nebraska) for Cities Service's account and from a point on Applicant's Mocane-to-Morton 22-inch line (Floris sales meter Station) near Forgan, Oklahoma. It is indicated that redeliveries from the Lakin Cities Service sales meter station, Kearny County, Kansas, would not commence until Applicant is unable to make the required redeliveries from the Deerfield and Floris redelivery points.

The application shows that Applicant has the right to predeliver to Cities Service, from April 1 through September 30 of each of the first five years of operation, volumes of gas (swing gas) at a reasonably uniform rate up to the aggregate of 20 percent of the redelivery volumes otherwise required to balance thermally the exchange gas received by Applicant during such summer season. Further, it is said that during the succeeding period from October 1 through March 31, Applicant has the right to reduce the redelivery volumes otherwise required by an amount thermally equivalent to the volume of swing gas so predelivered, provided that on no one day would the volume reduction exceed the equivalent of 1 percent of the aggregate volume of swing gas predelivered.

It is indicated that for the gas purchased Applicant would reimburse Cities Service at a price per Mcf to reflect Cities Service's actual gas purchase cost plus costs attributable to gathering, compression, dehydration, taxes, and a reasonable return on the related investment. It is further indicated that Cities Service would reimburse Applicant for transportation of the redelivery volumes at a rate to reflect Applicant's transmission system cost of service, including a reasonable rate of return on investment. Applicant states that volumes of gas to be purchased from Cities Service would be used to meet the requirements of Applicant's existing customers, and no new or increased sales are contemplated by Applicant in the subject application.

Applicant asserts that granting of the authority requested would enable Cities Service to connect a supply source which is distant from its pipeline system without major facility additions and to obtain up to 100,000 Mcf of natural gas per day (less sale gas) which is vitally needed to overcome severe supply deficiencies on Cities Service's pipeline system. Additionally, it is asserted that the projected sale and exchange would enable Applicant to purchase critically needed volumes while at the same time enabling Applicant to utilize more effectively its existing pipeline facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 16, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22259 Filed 7-30-76;8:45 am]

[Docket No. RP73-65 (PGA76-5)]

COLUMBIA GAS TRANSMISSION CORP.

Revised Tariff Sheets

JULY 23, 1976.

Take notice that on July 16, 1976 Columbia Gas Transmission Corporation (Columbia) tendered for filing Twenty-ninth Revised Sheet No. 16 and Thirteenth Revised Sheet No. 64A to its FPC Gas Tariff, Original Volume No. 1. The rates contained in these revised sheets reflect current purchased gas costs, a surcharge adjustment and supplier rates underlying such revenue rates.

An effective date of September 1, 1976 is requested for these tariff sheets. Columbia states that copies of the filing have been served upon its jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 13, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22266 Filed 7-30-76;8:45 am]

[Docket No. CP76-439]

COLUMBIA GAS TRANSMISSION CORP.

Application

JULY 22, 1976.

Take notice that on July 13, 1976, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP76-439 an application pursuant to Section 7(c) of the Natural Gas Act and Section 2.79 of the Commission's Statement of General Policy and Interpretations (18 CFR 2.79) for a certificate of public convenience and necessity authorizing a transportation service for an initial two-year term for Anchor Hocking Corporation (Anchor Hocking), all as more full set forth in the application which is on file with the Commission and open to public inspection.

It is proposed that the gas would be received by Applicant at an existing point of delivery from Gas Transport, Inc. (Gas Transport), and delivered by Applicant to Baltimore Gas & Electric Company (BG & E), a wholesale customer of Applicant, at existing points of delivery near Baltimore, Maryland, for

[1] Colorado Interstate has filed its related application in Docket No. CP76-422.

[1] Cities Service has filed its related application in Docket No. CP76-415.

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redelivery to Anchor Hocking. The application indicates that the gas to be transported is part of Anchor Hocking's gas supply presently being transported by Applicant from Gravel Bank, Warren Township, Washington County, Ohio, to Lancaster, Fairfield County, Ohio, under an existing authorized transportation arrangement. It is stated that Anchor Hocking requests the transfer of a portion of existing gas supply from its Lancaster plant to its Carr-Lowrey Glass Company Division (Carr-Lowrey) in Baltimore, with volumes to be transported varying from 0 Mcf per day to a maximum of 800 Mcf per day depending upon the degree of curtailment imposed on Carr-Lowrey by BG & E.

The application shows that Gas Transport, a wholly-owned subsidiary of Anchor Hocking, was founded in 1941 for the sole purpose of purchasing natural gas for Anchor Hocking, its only customer. It is indicated that a March 1, 1976, amendment to the gas sale contract between Anchor Hocking and Gas Transport provides that for the months of March and April 1976, the first 75,000 Mcf delivered per month were to be billed at $1.50 per Mcf and any volumes over 75,000 Mcf per month were to be billed at the price established by a January 1, 1976, amendment which price was $1.25 per Mcf. It is stated that after the months of March and April 1976, the price for gas is to be in accordance with the January 1, 1976 amendment price of $1.25 Mcf. It is indicated that the gas is to be used for Priority 3 purposes that would have been Priority 2 uses had the gas been purchased on a firm basis.

It is proposed to charge a transportation rate of 21.99 cents per Mcf, with Applicant's retaining for company-use and unaccounted-for gas 3.6 percent of the volumes received for the account of Anchor Hocking.

The application shows the following information submitted by Applicant:

1. Applicant proposes to transport no gas for Anchor Hocking on a peak day, up to 800 Mcf on an average day and up to 292,000 Mcf on an annual basis.

2. The proposed transportation is expected to have no adverse impact on Applicant's ability to provide system-wide deliveries for Priority 1 requirements inasmuch as the transportation agreement is expressly subject to the limits of Applicant's pipeline capacity and its service obligations to its customers.

3. The gas to be transported hereunder is a transfer of existing gas supply, which has been under contract to Anchor Hocking since May 21, 1947.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 17, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22260 Filed 7-30-76;8:45 am]

[Docket No. E-8952]

CONNECTICUT LIGHT & POWER CO.

Certification of Settlement Agreement

JULY 27, 1976.

Take notice that on July 21, 1976, Presiding Administrative Law Judge William Jensen certified to the Federal Power Commission a Settlement Agreement between the Connecticut Light and Power Company and its municipal wholesale customers involving a wholesale rate increase application in the above captioned docket.

Copies of the Settlement Agreement are on file with the Commission and are available for public inspection. Any person desiring to comment on matters contained in the Settlement Agreement should file comments with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before August 16, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22339 Filed 7-30-76;8:45 am]

[Docket No. E-9435]

CONSUMERS POWER CO.

Filing of Letter Agreement

JULY 23, 1976.

Take notice that Consumers Power Company ("Consumers Power") on July 9, 1976 tendered for filing a letter dated July 1, 1976 from Consumers Power to the City of Petoskey ("Petoskey"). The letter informs Petoskey that a certain 15,000 kVA substation by means of which Consumers Power is to provide wholesale electric service to Petoskey was first placed into service on June 21, 1976. Under the terms of the Contract for Electric Service between the two parties, dated April 11, 1975, and filed with the Commission by letter dated May 7, 1975, June 21, 1976 is established as the effective date of the contract.

Consumers Power states that copies of the filing were served on Petoskey and on the Michigan Public Service Commission.

Any person desiring to be heard or to protest said Agreement should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before August 9, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this Agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22267 Filed 7-30-76;8:45 am]

[Docket No. E-8947]

DELMARVA POWER & LIGHT CO.

Electric Rates; Order Granting Petition To Intervene and Reopening Record

JULY 26, 1976.

On June 21, 1976, the Municipal Intervenors (Municipals) in this proceeding[1] filed a motion requesting, in part, that the Commission act on their amended petition to intervene that alleges an anticompetitive "price-squeeze" through an unjustified disparity between the retail and wholesale rates of Delmarva Power & Light Company (Delmarva), and reopen the record in this proceeding that is pending before the Presiding Administrative Law Judge. In light of the decision of the Supreme Court in *F.P.C. v. Conway Corp.*, No. 75-342, decided June 7, 1976, the Commission will grant the Municipals amended petition to intervene and reopen the record. However, the Municipal's alternative requests, that the subject rate filing by Delmarva be rejected or reduced, will be denied.

Delmarva's rate filing in this docket was tendered on August 1, 1974. Prior to the hearing ordered by the Commission, on June 10, 1975, the Municipals filed an amended petition to intervene and prepared testimony alleging and discussing an anticompetitive "price squeeze". After consideration of opposing responses by the Commission Staff and Delmarva, the Commission by order of July 2, 1976, deferred action on the amendment to the petition to intervene, pending final resolution of the *Conway* case, and struck the portion of the Municipal's prepared testimony relating to the price squeeze issue.

[1] Cities of Newark, Seaford, and Milford, Delaware, and the Board of Public Works of Lewes, Delaware.

The Municipals argue that grant of their petition and requests is necessary based upon the Commission's original deferral order of July 2, 1975, and the decision of the Supreme Court in *Conway, supra*. On July 6, 1976, Delmarva filed two pleadings, an opposition to the amended petition to intervene and a response opposing reopening of the record. Delmarva specifically denies the allegations of anticompetitive practices made in the Municipal's amended petition to intervene and argues that the Municipal's have shown only that some disparity exists in some instances between Delmarva's wholesale and retail rates. Delmarva further contends that the amended petition lacks specificity in detailing the practices challenged and the facts relied upon by the Municipals, and that the reopening of this record would unduly delay the resolution of this case and violate Delmarva's Constitutional rights.

The decision of the Supreme Court in *Conway* requires the reopening of this record to permit the development and presentation of evidence on the "price squeeze" issues. The Municipals petition presents a sufficient basis for the further evidentiary review of this issue; while Delmarva's response recites rebuttal argument that may properly be addressed in the proceedings herein established. Similarly, the Municipal's untested allegations will not support rejection of the rate filing or a summary reduction at this time of the rates being collected subjected to refund.

The Commission finds: (1) Good cause has been shown to grant the amended petition to intervene filed by the Municipal on June 10, 1975 and to reopen the record in this docket.

(2) Good cause has not been shown to reject or summarily dispose of Delmarva's rate filing in this docket.

The Commission orders: (A) The motion filed by the Municipals on June 21, 1976, in this docket is hereby granted, in part, as hereafter ordered.

(B) The amended petition to intervene filed by the Municipals on June 10, 1975, in this docket is hereby granted, subject to the conditions already attached to the grant of their original petition to intervene in this docket.

(C) The Presiding Administrative Law Judge shall fix a date for a further prehearing conference in this proceeding and shall thereafter establish such procedural dates for the admission of evidence on the "price-squeeze" issues and for further hearing and procedures, as may be appropriate and necessary.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22330 Filed 7-30-76;8:45 am]

[Docket No. E-8947]

DELMARVA POWER & LIGHT CO.

Electric Rates; Order Reopening Record

JULY 26, 1976.

On June 25, 1976, the Municipal Intervenors in this proceeding[1] filed a motion to reopen this record to require the submission of evidence concerning the impact on the filed rates of the settlement and cancellation of Delmarva Power and Light Company's (Delmarva) contract for the construction of the Summit Power Station (Summit Settlement), under which Delmarva has received $106,250,000. The motion will be granted, in part, herein; and the record will be reopened as requested.[2]

The instant rate increase was tendered for filing on August 1, 1974 and is based on a twelve month test period ended September 30, 1975. The record was closed in February 1976; and this case is awaiting decision by the Presiding Administrative Law Judge. During the hearings in this docket, on October 27, 1975, the Summit Settlement (Exhibit 53) was executed. It provided for the cancellation of the contract for the construction of the Summit Generation Station and for the payment to Delmarva of $106,250,000, which was received on November 3, 1975 and January 2, 1975.

The Municipals argue that the reopening of this record is necessary due to the "sheer magnitude" of this settlement, the lack of information about it available to the other parties during the hearing and briefing process, and the issuance of an order by the Delaware Public Service Commission on April 13, 1976, that addressed this issue. Delmarva, in an opposing response filed on July 9, 1976, argues chiefly that this issue should be considered in a later case, Docket No. ER76-494, since the settlement was reached after the end of the test period in this docket, and as a reopening of the record would delay an already extended proceeding and prejudice Delmarva's constitutional rights.

In a response filed on July 8, 1976, the Commission Staff supported the Municipal's motion, as did the Cooperative Intervenors[3] in an untimely response filed July 19, 1976. The Staff concedes that the Summit Settlement will have "little direct effect" on Delmarva's test year rate base. However, the Staff suggests that the cancellation of significant projected construction expenses and the receipt of a substantial amount of "cost free" capital should have an impact on Delmarva's capital structure and on the rate of return to be determined for this docket.

Although the Summit Settlement occurred after the end of the test period here and need not be reflected in the test period rate base, it cannot be concluded that these events will not have an effect on the determination of just and reasonable rates, and particularly on the proper rate of return. Further, the record in this docket is already being reopened for the adduction of evidence on "price squeeze" issues, pursuant to the decision of the Supreme Court in *F.P.C. v. Conway Corp.*, No. 75-342 decided June 7, 1976. Therefore, this second motion by the Municipals for reopening of the record will be granted. However, a further request by the Municipals that Delmarva be directed to file testimony justifying its treatment of the proceeds of the Summit Settlement will be left to the discretion of the Presiding Administrative Law Judge.

The Commission finds: Good cause has been shown to grant, in part, the motion filed by the Municipal Intervenors, on June 25, 1976, in this docket and to reopen the record herein.

The Commission orders: (A) The motion filed by the Municipal Intervenors in this docket on June 25, 1976, is hereby granted in part, and the record in this proceeding is hereby reopened.

(B) The Presiding Administrative Law Judge shall fix a date for a further prehearing conference in this proceeding and shall thereafter establish such procedural dates for the admission of evidence on the issues raised in the Municipal's Motion of June 25, 1976, and for further hearing and procedures, as may be appropriate and necessary.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22331 Filed 7-30-76;8:45 am]

[Docket No. ER76-151]

DELMARVA POWER & LIGHT CO.

Extension of Time

JULY 26, 1976.

On July 21, 1976, Staff Counsel filed a motion to extend the hearing date fixed by order issued October 31, 1975, as most recently modified by notice issued May 11, 1976, in the above-designated proceeding. The motion requests the extension because of an amended notice of intervention filed by the Delaware Public Service Commission which is pending before the Commission. The motion further states that no party objects to the requested extension.

Upon consideration, notice is hereby given that the hearing date in this proceeding is changed to August 27, 1976 (10:00 a.m., EDT).

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22332 Filed 7-30-76;8:45 am]

[1] Cities of Newark, Seaford, and Milford, Delaware, the Town of Smyrna, Delaware, and the Board of Public Works of the City of Lewes, Delaware.

[2] On June 21, 1976, the Municipals filed a motion in this docket requesting that this record be reopened to receive evidence on "price squeeze" issues. That motion is being granted by a separate order in this docket.

[3] Accomack-North Hampton Electric Cooperative, Choptank Electric Cooperative, Inc., Delaware Electric Cooperative, Inc., and Delmarva Electric Cooperative, Inc.

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[Docket No. ER76-494]

DELMARVA POWER & LIGHT CO.

Electric Rates; Order Permitting Amendment to Petition To Intervene

JULY 26, 1976.

On June 21, 1976, the Municipal Intervenors (Municipals)[1] in this proceeding filed an amended petition to intervene for the stated purpose of affording the Commission an opportunity "to inject the discriminatory price squeeze issues into the instant docket", in light of the decision of the Supreme Court in *F.P.C. v. Conway Corporation*, No. 75-342, decided June 7, 1976. This petition, as amended, will be granted; and our prior orders in this docket excluding "price squeeze" issues will be modified accordingly.

In their argual petition to intervene, filed on February 23, 1976, the Municipals alleged that:

> [N]otwithstanding the status of *Conway*, the Petitioners herein reallege and reassert that there exists a gross disparity between the Company's existing and proposed wholesale rates and its Rate Schedule "GS" under which the Company serves its industrial retail customers in the State of Delaware. There is no adequate justification for the disparity between the Company's wholesale and retail rate schedules and this existence of such disparity clearly violates the spirit and intendment of the antitrust laws.

By order issued February 27, 1976, the Commission, *inter alia*, suspended for one month the rate increase proposed by Delmarva Power & Light Company (Delmarva) and set the matter for hearing. The Municipals, in an application for rehearing filed on March 2, 1976, again alleged an anticompetitive price squeeze. That issue was specifically excluded from this docket by the Commission's order of April 1, 1976, that granted the Municipal's Petition To Intervene. On April 29, 1976, the Municipals filed a petition for reconsideration which was then denied by the Commission in an order issued June 1, 1976.

In an "Opposition" to the amended petition filed on July 6, 1976, Delmarva responds that the Municipals have not alleged any anti-trust violations with sufficient specificity and have presented only "sweeping generalizations without reference to any specific material fact demonstrating anticompetitive practice by Delmarva."

In the *Conway* decision, the Supreme Court held that this Commission has jurisdiction to consider allegations that wholesale rates are anti-competitive and discriminatory in comparison to retail rates. Given this most recent decision, the Municipals should be given an opportunity to develop and present evidence on the price squeeze issue as set forth in their amended petition to intervene.

The Commission finds: Good cause exists to permit the Municipals to amend their petition to intervene as filed on June 21, 1976.

The Commission orders: (A) The Municipal's petition to intervene, as amended on June 21, 1976, is hereby granted subject to the conditions already stated in the Commission order of April 1, 1976, in this docket.

(B) Ordering Paragraph (D) in the Commission's order of April 1, 1976, in this docket is hereby rescinded.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22333 Filed 7-30-76;8:45 am]

[1] Cities of Newark, Seaford, and Milford, Delaware, Town of Smyrna, Delaware, Board of Public Works Of The City Of Lewes, Delaware, And the Mayor And Council Of the City Of New Castle, Delaware.

[Project Nos. 2770, 2771, 2772, and 2775]

EAGLE-A/LINWEAVE DIVISION, BROWN CO.

Applications for Minor Licenses for Constructed Projects

JULY 27, 1976.

Public notice is hereby given that applications were filed on May 5, 14, 21, and 28, 1976, under the Federal Power Act, 16 U.S.C. §§ 791a-825r, by Eagle-A/Linweave Division, Brown Company (Correspondence to: Mr. C. L. Kirkpatrick, Vice President, Eagle-A/Linweave Division, Brown Company, 10 Eagle-A Avenue, Holyoke, Massachusetts 01040) for minor licenses for its constructed Crocker Mill (C Wheel), Nonotuck Mill, Linweave Warehouse (A Wheel), and Linweave Warehouse (D Wheel) Projects, FPC Nos. 2770, 2771, 2772, and 2775, respectively, located on the canal sytsem in the City of Holyoke, Hampden County, Massachusetts. The canal system, which is part of Holyoke Water Power Company's licensed Hadley Falls Project No. 2004, utilizes water diverted from the Connecticut River, a navigable waterway of the United States.

The Crocker Mill (C Wheel) Project, FPC No. 2770, which has an installed capacity of 240 kW, consists of: (1) a steel penstock approximately seven feet in diameter; (2) a 400 hp water wheel directly connected to a generator of 240 kW capacity located in Applicant's mill building; and (3) a brick tailrace.

The Nonotuck Mill Project, FPC No. 2771, which has an installed capacity of 400 kW, consists of: (1) a steel penstock approximately 10.5 feet in diameter; (2) a 585 hp water wheel directly connected to a generator of 400 kW capacity located in Applicant's mill building; and (3) a brick tailrace.

The Linweave Warehouse (A Wheel) Project, FPC No. 2772, which has an installed capacity of 460 kW, consists of: (1) a steel penstock approximately eight feet in diameter; (2) a 625 hp water wheel directly connected to a generator of 460 kW capacity located in Applicant's mill building; and (3) a brick tailrace.

The Linweave Warehouse (D Wheel) Project, FPC No. 2775, which has an installed capacity of 360 kW, consists of: (1) a steel penstock approximately 12 feet in diameter; (2) a 625 hp water wheel directly connected to a generator of 360 kW capacity located in Applicant's mill building; and (3) a brick tailrace.

Projects Nos. 2770, 2771, 2772, and 2775 utilize 152, 220, 253, and 161 cfs of water, respectively. This water is withdrawn from the second level canal in the City of Holyoke and discharged into the Connecticut River.

The power generated at these projects is used solely in Applicant's industrial plants, except to the extent that power may be made available to Holyoke Water Power Company pursuant to Article 16 of the license for Project No. 2004.

Applicant has requested the shortened procedures pursuant to Section 1.32(b) of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 1.32(b) (1975).

Any person desiring to be heard or to make any protest with reference to said applications should, on or before October 4, 1976, file with the Federal Power Commission, 825 N. Capitol St. NE., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10 (1975). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any hearing therein must file a petition to intervene in accordance with the Comimssion's Rules.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by Sections 308 and 309 of the Federal Power Act, 16 U.S.C. § 825g and 825h, and the Commission's Rules of Practice and Procedure, specifically Section 1.32(b), hearings on these applications may be held before the Commission without further notice if no issue of substance is raised by any request to be heard, protest, or petition filed subsequent to this notice within the time required herein. If an issue of substance is so raised, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will not be necessary for Applicant to appear or be represented at the hearings before the Commission.

The applications are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22340 Filed 7-30-76;8:45 am]

[Docket No. CP9596, et al]

EL PASO ALASKA CO. ET AL.

Order Granting Motion Setting Hearings, Establishing Prehearing Conference, Granting Interventions, and Deferring Determination et al.

JULY 23, 1976.

In the matter of: El Paso Alaska Company, Docket No. CP75-96, Western LNG Terminal Company, Docket No. CP75-83-1, Alaskan Arctic Gas Pipeline Company, Docket Nos. CP74-239-CP74-240, Pacific Gas Transmission Company, Docket Nos. CP74-241, CP74-242, CP71-182, Northern Border Pipeline Company, Docket Nos. CP74-290, CP74-291, Alcan Pipeline Company, Docket Nos. CP76-433, CP76-434, and Northwest Pipeline Corporation, Docket Nos. CP76-435, CP-76-436, CP76-437.

On July 9, 1976, Alcan Pipeline Company (Alcan) filed in Docket No. CP76-433 an application for a certificate of public convenience and necessity pursuant to Section 7(c) of the Natural Gas Act for authority to construct and operate a 42-inch diameter natural gas pipeline and related compression and other facilities extending from Prudhoe Bay on the North Slope of Alaska to the Alaskan-Yukon border, and for authority to transport natural gas for shippers which enter into contracts with Applicant for transportation service. Alcan simultaneously filed a related application in Docket No. CP76-434 for a Presidential Permit pursuant to Executive Order 10485 to construct, operate, connect and maintain facilities on the International Boundary between the United States and Canada, at a point of interconnection between the facilities of Alcan in Alaska and those of Foothills Pipe Lines Ltd. in the Yukon territory.

Also on July 9, 1976, Northwest Pipeline Corporation (Northwest) filed in Docket No. CP76-435 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of various pipeline facilities in the states of Oregon and Washington and for the transportation of natural gas through such facilities. Northwest also filed a related application in Docket No. CP76-436 for a Presidential Permit pursuant to Executive Order No. 10485 to construct, connect, and maintain facilities on the International Boundary between the United States and Canada, at a point of interconnection near Sumas, Washington to enable the importation of Alaskan natural gas from certain Canadian facilities. Also on July 9, 1976, Northwest filed in Docket No. CP76-437 an application pursuant to Section 3 of the Natural Gas Act requesting authorization to export natural gas from Alaska into Canada and to import such Alaska gas from Canada into the United States at a point near Sumas, Washington.

All five applications filed by Alcan and Northwest relate to components of a single comprehensive project proposal for the transportation of natural gas from the Prudhoe Bay field on the North Slope of Alaska into the lower forty-eight states. Accompanying these applications Alcan and Northwest filed on July 9, 1976, a motion for consolidation and comparative hearings with the ongoing comparative proceeding in Docket Nos. CP75-96, *et al.* in which two competing project applications for transportation of this same Alaskan gas are being adjudicated. On July 16, 1976, Alcan petitioned for leave to intervene out of time in Docket Nos. CP75-96, *et al.*

The Alaskan gas proceeding had its inception on March 21, 1974, with the filing of related applications of Alaskan Arctic Gas Pipeline Company (Alaskan Arctic).[1] A second and potentially competing Alaskan gas project was subsequently brought before the Commission by El Paso Alaska Company (El Paso).[2] Then by order of January 23, 1975, the Commission consolidated El Paso's application with those of Alaskan Arctic and related companies under the lead docket of *El Paso Alaska Company, et al.*, Docket Nos. CP75-96, *et al.* In reaching its conclusion to consolidate the Commission found that the El Paso and Alaskan Arctic applications may be mutually exclusive, involving common questions of law and fact.[3] A prehearing conference was held on April 8, 1975, with the full evidentiary hearing commencing on May 5, 1975, and continuing through the present.

According to its application in Docket No. CP76-433, Alcan, which is a wholly owned subsidiary of Northwest, would construct 731 miles of 42-inch pipeline within Alaska, consisting of 539 miles of pipeline from Prudhoe Bay to Delta Junction parallel to the Alyeska oil pipeline and 192 miles from Delta Junction following the Alcan Highway to the Alaska-Yukon border. This pipeline would allegedly have a capacity of 2.4 Bcf/d and would cost $2.3 billion. The Alaskan gas would be delivered at the border into a 42-inch pipeline which Foothills Pipe Lines Ltd. (Foothills) would construct from the border 509 miles following the Alcan Highway to the Yukon-British Columbia border at a point near Watson Lake, Yukon. The Alaskan gas would then be delivered by Foothills into a pipeline to be constructed by Westcoast Transmission Company Ltd. (Westcoast) from that point to the British Columbia-Alberta border at a point of interconnection with Alberta Gas Trunk Line (Canada) Ltd. (AGTL): 30% of this Alaskan gas transported by Westcoast would go into its existing or expanded pipeline at Fort Nelson, British Columbia for delivery to Northwest's existing pipeline at Sumas, Washington on the British Columbia-Washington border. The remaining 70% would continue on to the aforementioned interconnection with AGTL which would take delivery of this gas for transportation through a pipeline it would construct to a point of interconnection with its existing or expanded pipeline near Zama Lake, Alberta. The Alaskan gas would then be transported through this pipeline to a point near Caroline Junction, Alberta from which point a portion of the gas would continue through the existing or expanded pipeline of first AGTL and then Alberta Natural Gas Company Ltd. (ANG) for delivery to the existing facilities of PGT on the British Columbia-Idaho border at Kingsgate, British Columbia. The remainder of the gas would be transported by AGTL from Caroline Junction to the Alberta-Saskatchewan border near Empress, Alberta through an existing or expanded pipeline. Foothills would then take delivery at Empress and transport the gas through a pipeline it would construct to the Saskatchewan-Montana border at Monchy, Saskatchewan for delivery to Northern Border.

According to its application in CP76-435 Northwest would construct 359 miles of 30-inch pipeline and related facilities mainly in Washington. This construction would allegedly cost $246,390,000. Northwest would operate these new facilities along with existing facilities in Washington and Oregon to transport Alaskan gas received from Westcoast at Sumas, Washington for the account of Pacific Interstate Transmission Company (PITC) and PGT to Kent, Oregon where it will be delivered to PGT for ultimate delivery in California.

Alcan and Northwest preface their motion to consolidate by stating that they initiated consideration of their project when the Commission Environmental Staff and the Department of Interior Draft and Final Environmental Impact Statements were introduced into the record and cross-examined. They allege in particular that they found the hypothetical Fairbanks-Alcan alternative route analyzed therein appealing and that their proposed transportation system is substantially modelled after

[1] In Docket No. CP74-239 Alaskan Arctic filed an application for a Section 7(c) certificate for the construction and operation of a pipeline from Prudhoe Bay to the Alaska-Yukon border to render transportation service for various shippers of Alaskan gas. At the same time in Docket No. CP74-240 Alaskan Arctic filed an application for Presidential Permit to construct and operate facilities at the international border between Alaska and the Yukon Territory.

Applications for certificates and permits for additional facilities which are related components of the overall Alaskan Arctic project were filed by Pacific Gas Transmission Company (PGT) on March 21, 1974, in Docket Nos. CP74-241 and CP74-242 and by Northern Border Pipeline Corporation (Northern Border) on May 14, 1974, in Docket Nos. CP74-290 and CP74-291.

[2] On September 24, 1974, in Docket No. 75-96 El Paso filed an application for a Section 7(c) certificate for the construction and operation of a pipeline from Prudhoe Bay to Gravina Point, Alaska, along with the construction of a liquefaction and storage facility at Gravina Point. Thereafter on March 3, 1975, in CP75-83-1 Western LNG Terminal Company (Western) filed an application for a Section 7(c) certificate for the construction of an LNG termnal and regasification facility at Point Conception, California, along with certain pipeline facilities. All of Western's facilities were intended primarily to receive the liquefied Alaskan gas transported through El Paso's facilities, and by notice of March 19, 1975, CP75-83-1 was consolidated into the Alaskan gas proceeding.

[3] Although the Commission found therein that both sets of applications were deficient vis-a-vis the filing requirements of Section 157.14 of its Regulations under the Natural Gas Act, it nonetheless prescribed a hearing schedule because of importance of the Alaskan gas situation and exigent circumstances involved.

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that Fairbanks-Alcan alternative. They also noted that both El Paso and the Conservation Intervenors stated on the record (Tr. 27,589–27,590, and 27,602–27,603) that they do not oppose the motion to consolidate. Alcan and Northwest furthermore point out as a preliminary matter that no party has objected generally to the admission on June 9, 1976, and on future dates in July 1976 of evidence related to their project; therefore, they contend that even if consolidation is denied their alternative route will be before the Commission, and, if it is found to be superior, neither El Paso's nor Alaskan Arctic's project can be certificated.

The principal rationale upon which this motion is founded is that, since their application is allegedly mutually exclusive from either El Paso's or Alaskan Arctic's applications and non-frivolous, due process as per the *Ashbacker* Doctrine[4] requires a comparative hearing. Although Alcan and Northwest concede both the existence of a "cutoff" rule in the Commission's regulations[5] and also the validity of such a provision,[6] as well as the noncompliance of their filing therewith, they maintain that the public interest does in fact require consolidation and comparative hearing, as is provided by Section 157.11. In this latter regard they alleged that their applications and the evidence already in the record demonstrate the potential superiority of their proposal. They then advance *seriatim* alleged superiority of their project in terms of completion date, cost, environment, reliability, economic benefit to the nation, and compatibility with Canadian energy policy.

Alcan and Northwest attempt to minimize the delay to this proceeding resulting from consolidation by contending that other necessary preconstruction steps can be completed during the extended hearing period, that even with the delay of additional hearings their more rapid construction schedule will result in the earliest delivery of Alaskan gas, that even if consolidation were denied evidence would have to be received into the record on the project as an alternative route, that continuation of the expedited procedures utilized throughout this proceeding should reduce the delay, that the Court review of Commission refusal to consolidate would increase the delay, and that pending Congressional legislation[7] would mandate consolidation.

By notice issued July 12, 1976, any person wishing to do so was directed to respond to the applications and motion of Alcan and Northwest on or before July 19, 1976.

On July 9, 1976, Alaskan Arctic submitted a filing in which it opposes the motion for consolidation filed by Alcan and Northwest.[8] Initially, Alaskan Arctic observes that, accepting the validity of Section 157.11 of the Commission's Regulations under the Natural Gas Act, Alcan and Northwest have no right as a matter of law to an *Ashbacker* hearing, i.e. consolidation of their applications for hearing and decision with the applications made the subject of proceedings in Docket Nos. CP75–96, et al. Turning to the caveat in Section 157.11 which provides for waiver of the filing requirements contained therein when required by the public interest, Alaskan Arctic asserts that Alcan and Northwest have failed to make the requisite showing here. Alaskan Arctic advises that, because Northwest as a party intervenor will be free to present evidence in Docket Nos. CP75–96, et al. as to the efficacy of the Fairbanks corridor-Alcan Highway alternate route, there is nothing to be accomplished by permitting Alcan and Northwest into those proceedings as competing applicants, whereas, according to Alaskan Arctic, there is much to be gained from a contrary result. In the first place, denial of the motion to consolidate would assertedly serve to maintain the sanctity of Section 157.11. Second, Alaskan Arctic states that denial of the motion will remove any doubt as to the necessity of further Environmental Impact Statements, thereby saving precious time. Finally, Alaskan Arctic avers that denial of consolidation would avert serious infringement on the rights of other applicants who may be as well or better qualified to use the route proposed by Alcan and Northwest, should that route ultimately be found preferable by the Commission. Consequently, in addition to asking the Commission to deny the motion to consolidate, Alaskan Arctic recommends holding in abeyance the applications filed by Alcan and Northwest pending Commission decision in Docket Nos. CP75–96, et al. said applications to be processed only in the event the Commission finds the route proposed therein to be superior. In the interim, Alcan and Northwest would remain free to submit their alternate route evidence as party-intervenors.

In the event the Commission sees fit to grant consolidation, Alaskan Arctic suggests that we direct the Presiding Judge to prescribe a sharply expedited schedule for the tender of evidence by Alcan and Northwest, the Staff, and all other parties. Alaskan Arctic additionally urges us to direct Staff to dispense with the preparation and filing of a draft or final EIS reflecting the new applications. Alaskan Arctic insists that we are empowered to authorize such waiver under NEPA, pursuant to the decision in *Aberdeen and Rockfish R. Co. v. SCRAP*, 422 U.S. 289 (1975). Alaskan Arctic believes that the need for another EIS here is obviated in large part by the fact that Stag in Docket Nos. CP75–96 has already placed into evidence an EIS which discusses as an "alternate route" the route now proposed by Alcan and Northwest. In Alaskan Arctic's view, this EIS, considered in conjunction with other environmental evidence to be generated on the record by parties and representatives of other agencies, would constitute full compliance with NEPA. In effect, the "final EIS" would be subsumed within the Commission's own decision in the consolidated proceedings. These suggestions are allegedly offered by Alaskan Arctic in the interest of expedition.

Staff filed a response to the subject motion for consolidation on July 16, 1976. At the outset Staff echoes Alaskan Arctic's declaration that Alcan and Northwest have no legal *right* to a consolidated hearing. Notwithstanding this limitation, however, Staff believes that the public interest compels waiver of the requirements of Section 157.11 to permit the Commission to grant the instant motion to consolidate. Staff's reasons are essentially two-fold. First, Staff references the unprecedented effects which the selection of a system for the transportation of Alaskan gas will have on the nation and concludes that the public interest can best be served by development of the fullest record possible and simultaneous presentation to the Commission of various project proposals. Second, Staff indicates its belief that S.3521 will be passed into law and therefore finds it wise to do by administrative order what Congress will require by legislation. We find it unnecessary to consider the latter contention in deciding this motion.

Should consolidation occur, Staff recommends that the Commission establish dates for issuance of a supplemental EIS and for issuance of the initial decision the Presiding Judge to fashion a procedural schedule accordingly. Staff lists seven considerations which it believes should be addressed in a supplemental EIS and, based on certain assumptions, represents that a six-month period would be necessary for preparation thereof, although a less refined version could conceivably be introduced sooner, if necessary. To this end, Staff suggests the following procedures: Issuance of a notice prescribing a forty-five day comment period; issuance of a supplemental EIS thereafter; finally, the convening of a public hearing for the purpose of taking oral responses to said supplemental EIS.

[4] *Ashbacker Radio Company* v. *FCC*, 326 U.S., 327 (1945); *e.g.*, *Delta Airlines* v. *CAB*, 228 F.2d 17 (D.C. Cir. 1955); *Midwestern Gas Transmission Corporation* v. *FPC*, 258 F.2d 660 (D.C. Cir. 1958); and *Northeastern Gas Transportation* v. *FPC*, 195 F.2d 872 (3d Cir. 1952).

[5] Section 157.11 of the Commission's Regulations under the Natural Gas Act. (A mutually exclusive application will not be considered if filed less than fifteen days before the start of the hearing on the preexisting application unless the Commission finds that the public interest requires a comparative hearing despite the untimeliness).

[6] *e.g.*, *Valley Telecasting* v. *FCC*, 338 F.2d 278 (D.C. Cir. 1964).

[7] S. 3521, 94th Cong., 2d Sess., 122 Cong. Rec. 11356 (July 1, 1976).

[8] By petition filed July 19, 1976, Alaskan Arctic and the following related companies also sought leave to intervene in the proceedings in Docket Nos. CP76–43 *et al.*: Canadian Arctic Gas Pipeline Limited, Northern Border Pipeline Company, Michigan-Wisconsin Pipeline Company, Northern Natural Gas Company, Panhandle Eastern Pipe Line Company, Texas Eastern Transmission Corporation, Transwestern Pipeline Company and Natural Gas Pipeline Company of America.

El Paso Alaska filed a written response to the motion to consolidate on July 19, 1976 in which it, too, finds consolidation to be required by the public interest. El Paso Alaska would have the Commission attach the following conditions to its order of consolidation: (1) Require Alcan and Northwest to accept the record as it now stands and to avoid unnecessary duplication of evidence; and (2) require Alcan and Northwest to present all prepared direct evidence within a reasonable time. Regarding NEPA, El Paso Alaska follows Alaskan Arctic in asserting that the supplemental EIS can be incorporated into the Commission's final order and may be based upon evidence adduced by Staff and other parties on the record relating to the environmental impact of the Alcan and Northwest proposal. Unlike Alaskan, Arctic, however, El Paso Alaska would have the Commission refer the NEPA question to the Judge for an initial determination, with Commission review of the matter, if necessary.

Foothills also submitted a written response on July 19, 1976 in which it fully endorses the motion to consolidate.[9] Foothills therein represents that, once consolidation is approved, it and its sponsor companies, Wesctcoast and AGTL, will expeditiously submit appropriate filings with the NEB.

Written responses in support of the Alcan and Northwest motion to consolidate have also been received from the following parties: The State of Oregon and the Washington Utilities and Transportation Commission (which also petitions to intervene). Further support of the motion has been manifested in petitions to intervene filed by the following:

Cascade Natural Gas Corporation, Washington Natural Gas Company, Washington Water Power Company, and Intermountain Gas Company. The State of Utah has filed a Notice of Intervention in which it also supports the Alcan and Northwest.

During the public session of July 19, 1976, in Docket Nos. CP75–96, *et al.*, counsel for the Conservation Intervenors indicated his clients' wholehearted support of the Alcan and Northwest motion for consolidation. (Tr. 31,070).[10]

In addition to those mentioned above, the following entities have also petitioned for leave to intervene in Alcan's and Northwest's dockets:

Tucson Gas and Electric Company, Arizona Corporation Commission, Arizona Public Service Company, Pacific Gas and Electric Company, Tennessee Gas Pipeline Company, Pacific Gas Transmission Company, Public Service Commission of New York, Pacific Interstate Transmission Company, Western LNG Terminal Company (jointly with Pacific Gas LNG Terminal Company and Western LNG Terminal Associates), Southern California Gas Company (jointly with Pacific Lighting Service Company), United Gas Pipe Line Company, Utah Gas Service Company, Southwest Gas Corporation, Alaska Peoples Gas Light and Coke Company, North Shore Gas Company and Colorado Interstate Gas Company. All petitions will be hereinafter granted.

We find that Northwest's and Alcan's motion for consolidation should be granted, and accordingly expanded comparative hearings are ordered herein. Initially we note that Alcan's and Northwest's applications may be mutually exclusive to those of El Paso or Alaskan Arctic. In arriving at this conclusion we have had to cautiously weigh the crucial need to resolve this proceeding as expeditiously as possible against the enormous impact which our decision will have upon the nation, in light of the size, scope and complexity inherent in any system advanced to transport Alaskan gas to the lower forty-eight states.

In granting this motion we do not, however, subscribe to Northwest's and Alaskan's assertion that they have a right to enter this proceeding at this juncture as an applicant. To begin with, through enactment of its Regulations and during this proceeding the Commission has remained cognizant of the *Ashbacker* mandate; however, in the present context in which Northwest had been an active party-intervenor during an entire year of hearings before it first announced its intent to intervene as a competing applicant enforcement of our regulation requiring such a filing at least fifteen days before the commencement of hearings would normally be warranted. Notwithstanding this statement we are constrained to order consolidation in light of the dictates of the public interest.

Upon a review of Alcan's and Northwest's applications the Environmental Impact Statements in the record prepared by Commission Staff and the Department of the Interior, cross-examination related to these documents, and other record evidence, including *voir dire* examination of Northwest's policy witnesses (Tr. Vols. 149, 150, 150–A, and 151), we find that the applications presently before us present an alternative system for transporting natural gas from Prudhoe Bay to the lower forty-eight states which should be considered before our final decision is made. While we find that this alternative system is not frivolous and should be heard, we neither pass judgment upon the record evidence cited nor evaluate any of the three alternate and competing projects on their merits. Our order consolidating these applications for comparative hearing should in no way be read as indicating any Commission predilection towards one of the competing applicants.

While the public interest requires this requested consolidation, it also requires the most expeditious resolution possible of this Alaskan gas transportation proceeding. Accordingly, the effective and expedited hearing and briefing procedures already being followed in CP75–96, et. al., should be continued. In this regard we note from the pleadings presently before us that the several applicants all support this expedited approach to the expanded comparative hearings. We expect that all parties, and particularly Alcan and Northwest, will make every effort to comply with the evidentiary and procedural timetables prescribed by Administrative Law Judge Nahum Litt. As party-applicants, Alcan and Northwest will be required to accept the record as it now stands in Docket No. CP75–96, et al.

In this order we are deferring to a subsequent order several subsidiary questions, to-wit, the sufficiency of Alcan's and Northwest's applications as to the filing requirements set forth in our Regulations under the Natural Gas Act, the evidentiary and administrative procedures to be followed in satisfying the mandate of the National Environmental Policy Act, the establishment of a timetable for issuance of the initial decision and review thereof, and any other matters which require Commission consideration.

Finally, we direct the Presiding Administrative Law Judge to convene a prehearing conference for the purpose of establishing the procedures necessary to expeditiously commence and complete this newly expanded comparative hearing.

The Commission further finds: (1) It is necessary and appropriate that the proceedings relating to the transportation of natural gas from Prudhoe Bay to the lower 48 states should be further consolidated for hearing and decision as requested by applicants Alcan and Northwest.

(2) The petitioners mentioned in the body of this order should be granted intervention in Docket Nos. CP76–433, CP76–434, CP76–435, CP76–436, and CP 76–437. Alcan should be permitted to intervene in Docket Nos. CP75–96, et al.

The Commission orders: (A) The Presiding Administrative Law Judge is hereby directed to convene a prehearing conference at a time of his choosing.

(B) The petitioners named or referenced above are hereby permitted to intervene as requested subject to the Rules of the Commission, provided that the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in their petitions to intervene, and that the admission of such intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order issued by the Commission in this proceeding.

(C) Pursuant to Section 1.20(b) of the Commission's Rules of Practice and Procedure, the proceedings in *Alcan Pipeline Company*, Docket Nos. CP76–433 and CP76–434, and *Northwest Pipeline Corporation*, Docket Nos. CP76–435, CP76–436 and CP76–437, are hereby consolidated for hearing and decision with the

[9] In a separate document filed concurrently therewith, Foothills, Westcoast, and AGTL seek leave to intervene in Docket Nos. CP76–433, et al.

[10] This transcript was certified to us on July 20, 1976.

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previously consolidated proceedings in *El Paso Alaska Company*, et al., Docket Nos. CP75-96, et al.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22268 Filed 7-30-76;8:45 am]

[Docket No. G-103]

ENTEX, INC.

Order; Continuance of Jurisdictional Export Gas Service

JULY 23, 1976.

By orders issued September 10, 1940, 2 FPC 803, and January 26, 1945, 4 FPC 840, in Docket No. G-103, United Gas Corporation was authorized to sell gas for export, at or near the international boundary near Laredo, Texas, to Compania de Gas de Nuevo Laredo, S.A. (CGNL) for resale by CGNL in the City of Nuevo Laredo, Tamaulipas, Republic of Mexico. Entex, Inc. has succeeded to United Gas Corporation and is currently authorized to export gas to the City of Nuevo Laredo pursuant to Section 3 of the Natural Gas Act.

On July 22, 1976, CGNL filed a complaint with the Federal Power Commission alleging that Entex, Inc. has threatened to terminate the sale and delivery of natural gas to the City of Nuevo Laredo. The complainant alleges that Entex, Inc. is the sole supplier of gas to the City of Nuevo Laredo. Complainant avers that all of Nuevo Laredo hospitals need natural gas for sterilization purposes and that cutoff of gas threatens human life. In addition, complainant alleges that medical laboratories will be unable to conduct essential diagnostic tests, factories will be forced to shut down, restaurants and hotels will be forced to close and that people attempting to convert to electric energy will cause overloads resulting in multiple fires.

By telegram filed July 22, 1976, Entex, Inc. alleges that CGNL is delinquent in payments for gas and states that it did advise CGNL that gas deliveries would be suspended July 1, 1976, unless satisfactory arrangements were made to bring the account current. Entex, Inc. states that although the Fifth Circuit Court of Appeals' order temporarily enjoining Entex, Inc. from suspending deliveries expired by its own terms at 5:00 p.m. July 22, 1976,[1] Entex, Inc. has entered into an agreement with the Ministry of Industry and Commerce of the Republic of Mexico and will continue to sell and deliver gas until on or about August 11, 1976.[2]

[1] By order issued July 22, 1976, the Fifth Circuit Court of Appeals extended its temporary enjoinment order of July 12, 1976, an additional 11 days until 5:00 P.M. August 2, 1976, to allow the court time to review the matter.

[2] Entex, Inc. states that during this thirty day contract period, the Mexican government will extend PEMEX pipeline facilities to connect to CGNL's distribution system at which time such distribution system will have an alternate supply of gas.

Interruption of gas service to the City of Nuevo Laredo could have serious implications to life and property. CGNL has filed a complaint pursuant to Section 1.6 of the Commission's rules of practice and procedure which section provides time for Entex, Inc. to answer and for the Commission to evaluate both the complaint and answer before taking appropriate action. In light of the serious consequences which could result from interruption of service and this Commission's public interest mandate under the Natural Gas Act, we hereby order Entex, Inc. to continue to export natural gas to the City of Nuevo Laredo, pending our evaluation of the aforementioned complaint.

The Commission hereby instructs the General Counsel of the Federal Power Commission to institute legal proceedings in the Federal District Court for the District of Columbia in the event Entex, Inc. fails to conform to the directives of this order.

The Commission finds: The Commission finds that maintenance of service to CGNL pending evaluation of the complaint is not consistent with the public interest and that an order requiring Entex, Inc., to continue export service is necessary and appropriate to carry out the provision of this act.

The Commission orders: Entex, Inc., is directed to continue exporting as to CGNL pursuant to the authorization in Docket No. G-103 pending further order of this Commission.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22269 Filed 7-30-76;8:45 am]

[Docket No. RP76-97]

GULF ENERGY & DEVELOPMENT CORP.

Pipeline Rates; Order for Rehearing

JULY 23, 1976.

On June 25, 1976, Gulf Energy & Development Corporation (Gulf) filed an application for rehearing of the Commission's order issued in this docket on May 27, 1976. The Commission's order suspended for the maximum 5 month period Gulf's proposed rate increase herein and set the matter for hearing. In its application for rehearing Gulf requests the suspension period be reduced to not more than one day.

In support of its request for a reduction of the suspension period, Gulf alleges that under its presently effective rates, it will experience during the test period a negative rate of return of 11.21 percent and a negative rate of return on equity capital of 58.10 percent. Gulf further argues that the volume of deliveries made to its customer, Tennessee Gas Pipeline Company, is declining at a substantially faster rate than anticipated and as reflected in its filing in this docket.

The Commission is unable to accept the allegations of potential negative earnings contained in Gulf's application. Nevertheless, based upon a comparison of Gulf's actual costs and revenues for calendar year 1975, as contained in Gulf's initial filing herein, it appears that in 1975 Gulf earned less than one-half the 14.41 percent rate of return allowed by the Commission in Gulf's prior rate case in Docket No. RP74-86. It further appears in light of Gulf's declining deliveries that 1976 earnings under its existing rates would be deficient to an even greater extent.

Based upon a further review of the record in this proceeding, including the representations made in Gulf's application for rehearing and the actual 1975 cost and revenue comparisons cited above, the Commission finds that Gulf's application for rehearing is meritorious and should be granted to the extent herein permitted. Accordingly, the five-month suspension previously established is modified herein to permit the rate increase to become effective on the date of issuance of this order, July 21, 1976.

The Commissions finds: It is necessary and appropriate in the public interest and to aid in the enforcement of the Natural Gas Act that Gulf's application for rehearing be granted in part as permitted herein.

The Commission orders: (A) Gulf's application for rehearing is granted to reduce the five months' suspension period previously established by the Commission's order of May 27, 1976.

(B) Gulf's proposed rate increase is hereby permitted to become effective, following suspension, as of July 21, 1976, subject to refund.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22270 Filed 7-30-76;8:45 am]

[Docket No. ER76-795]

GULF STATES UTILITIES CO.

Filing of Agreement

JULY 27, 1976.

Take notice that on July 19, 1976, Gulf States Utilities Company (Gulf States) tendered for filing an agreement for wholesale service between it and the City of College Station, Texas.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 10, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervent. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22341 Filed 7-30-76;8:45 am]

[Docket No. E-9309]

INTERSTATE POWER CO.

Application

JULY 23, 1976.

Take notice that on July 19, 1976, Interstate Power Company (Applicant) filed its third supplemental application with the Commission seeking an order pursuant to Section 204 of the Federal Power Act for additional authorization authorizing an extension of authorization previously granted by the Commission in this Docket to authorize issuance of short-term promissory notes to lending banks and/or commercial paper, not to exceed an aggregate of $40 million outstanding at any one time, said short-term promissory notes to be issued on or before December 31, 1978 and to mature not later than December 31, 1979, and said commercial paper to be issued with not to exceed nine-month maturities and to mature on or before December 31, 1979.

Applicant is incorporated under the laws of the State of Delaware, with its principal business office in Dubuque, Iowa and is engaged principally in the electric utility business in northern and northeastern Iowa, in southern Minnesota and a few small communities in Illinois.

Applicant states that the requested additional authorization will provide additional funds for its 1976-78 construction expenditures estimated to be $143,700,000, and will enable it to maintain cash working funds at normal levels.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 20, 1976, file with the Federal Power Commission, Washington, D.C., 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The Application, as supplemented, is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22271 Filed 7-30-76;8:45 am]

[Docket No. CI74-319]

JAMES M. FORGOTSON, OPERATOR GULF COAST VENTURE

Order Denying in Part Application for Rehearing and Setting Matter for Hearing

JULY 23, 1976.

On May 26, 1976, the Commission issued an Order Adopting Initial Decision in this docket. That order denied Forgotson's application for abandonment pursuant to Section 7(b) of the Natural Gas Act. On June 25, 1976, Forgotson filed an Application for Rehearing and Submittal of Proposed Resolution on the Merits. In that application Forgotson challenges our determination that our order after statutory hearing in *O. G. McClain*, Docket Nos. CI73-452, is not controlling.

In making that determination we stated: "In [the McClain] proceeding there was evidence that the subject wells were not producing gas nor were they capable of such production." That is clearly distinguishable from the present circumstances where Forgotson's estimate that the reserves in the subject acreage may be as high as 1 Bcf.[1] In light of Forgotson's desire to rework the subject wells if abandonment were granted, the applicable test is set out in our Opinion No. 710, issued November 8, 1974. In that Opinion we quoted with approval language of the Court of Appeals for the District of Columbia Circuit:

"If [the applicant] wants to abandon service because it must now share that market, or because it prefers to use that gas for more profitable unregulated sales, or because it wants to be rid of what it considers a vexatious servitude, these are not reasons for granting his request. Abandonment may be allowed only if the "public convenience or necessity permit."[2]

The law requires that "the available supply of natural gas [be] depleted to the extent that the continuance of service is unwarranted, or that the present or future public convience and necessity permits such abandonment." Clearly, the public convenience and necessity will not be served by abandoning the potential recovery of up to 1 Bcf of natural gas for the interstate market. Accordingly, we will deny Forgotson's application for rehearing.

In the application for rehearing, however Forgotson set forth certain data related to estimated cost and estimated reserves supporting an application for special relief. His calculations show a unit cost of $1.72 per Mcf based upon his assumptions. His data are, however, inconclusive. Forgotson requests that the Commission give consideration to his various submittals filed when seeking special relief before. Insufficient data are available in our files to determine the merits of his present request. We will therefore order that a hearing be held before an Administrative Law Judge at which time Forgotson may present all of his supporting cost data as well as his reserve data which will allow this Commission to reach a determination of a just and reasonable rate for Forgotson's gas.

[1] Application at 4.

[2] Mimeo at 4.

The Commission finds: (1) The application for rehearing on Forgotson's abandonment application raises no new issues of law which were not considered by us prior to issuing our order of May 26, 1976.

(2) The application for rehearing on Forgotson's abandonment application should be denied in part.

(3) The cost and reserve data submitted by Forgotson in his application for special relief are insufficient for us to establish a just and reasonable rate.

The Commission orders: (A) That portion of the applicant's application for Rehearing and Submittal of Proposed Resolution on the Merits which seeks rehearing solely on his abandonment application is hereby denied.

(B) Pursuant to the authority of the Natural Gas Act, the Commission's Rules of Practice and Procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I) an initial conference shall be held on August 31, 1976 at 10 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

(C) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose [See the delegation of authority, 18 CFR, 3.5 (d)] shall preside at the initial conference in this proceeding, with authority to establish and change all procedural dates, and to rule on all motions (with the exception of petitions to intervene, motions to consolidate and sever, and motions to dismiss, as provided for in the Rules of Practice and Procedure).

(D) Within 20 days of the date of this order, Forgotson shall file its direct testimony and current cost and reserve evidence in support of its application. Forgotson's testimony and evidence filed herein shall be served upon the Presiding Administrative Law Judge, Commission Staff, and all other parties to the proceeding.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22272 Filed 7-30-76;8:45 am]

[Docket No. CP76-442]

MISSISSIPPI RIVER TRANSMISSION CORP.

Application

JULY 22, 1976.

Take notice that on July 15, 1976, Mississippi River Transmission Corporation (Applicant), P.O. Box 14521, St. Louis, Missouri 63178, filed in Docket No. CP 76-442 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon nat-

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ural gas service and metering facilities used therefor to Mobil Oil Corporation (Mobil) at its refinery in East St. Louis, Illinois, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that Mobil has closed its refinery and has cancelled the gas purchase contract. Deliveries of natural gas are said to have terminated on May 10, 1971, under a contract which provided for up to 300 Mcf of gas per day.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 17, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22261 Filed 7-30-76;8:45 am]

[Docket No. CP76-443]

MISSISSIPPI RIVER TRANSMISSION CORP.

Application

JULY 22, 1976.

Take notice that on July 15, 1976, Mississippi River Transmission Corporation (Applicant), P.O. Box 14521, St. Louis, Missouri 63178, filed in Docket No. CP 76-443 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon natural gas service and metering facilities used therefor to Walworth Company (Walworth) at its manufacturing plant in East St. Louis, Illinois, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that Walworth has closed its plant and has cancelled the gas purchase contract. Deliveries are said to have terminated on May 1, 1974, under a contract which provided for up to 350 Mcf of gas per day.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 18, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22262 Filed 7-30-76;8:45 am]

[Docket No. CP76-444]

MISSISSIPPI RIVER TRANSMISSION CORP.

Application

JULY 23, 1976.

Take notice that on July 15, 1976, Mississippi River Transmission Corporation (Applicant), P.O. Box 14521, St. Louis, Missouri 63178, filed in Docket No. CP76-444 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction during the 12-month period commencing October 8, 1976, and operation of facilities to take into its certificated pipeline system natural gas supplies to be purchased from independent producers and other similar sellers thereof, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this "budget-type" application is to augment Applicant's ability to act with reasonable dispatch in connecting the facilities of an independent producer or other similar seller, authorized by the Commission to sell natural gas for resale in interstate commerce, with the facilities of Applicant or of another natural gas company authorized to transport gas for the account of or to exchange gas with Applicant.

The application states that the total cost of the proposed facilities would not exceed $1,000,000 and that the cost of any single project would not $250,000. The facilities would be financed with available funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 17, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76 22280 Filed 7-30-76;8:45 am]

[Docket No. CP76-445]

MISSISSIPPI RIVER TRANSMISSION CORP.

Application

JULY 22, 1976.

Take notice that on July 15, 1976, Mississippi River Transmission Corporation (Applicant), P.O. Box 14521, St. Louis, Missouri 63178, filed in Docket No. CP76-445 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon natural gas service and metering facilities therefor to St. Louis Car Division, General Steel Industries, Inc. (Car Division), at its St. Louis, Missouri, manufacturing plant, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that Car Division has abandoned its operations at this location and has sold its plant, that the property has been restructured as an industrial park, and that the various tenants of the industrial park receive natural gas service from a distributor customer of Applicant. Deliveries are said to have been discontinued on December 13, 1974, under a contract which provided for up to 2,500 Mcf of gas per day.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 16, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22263 Filed 7-30-76;8:45 am]

[Docket No. CP76-446]

MISSISSIPPI RIVER TRANSMISSION CORP.

Application

JULY 23, 1976.

Take notice that on July 16, 1976, Mississippi River Transmission Corporation (Applicant), P.O. Box 14521, St. Louis, Missouri 63178, filed in Docket No. CP76-446 an application pursuant to Section 7 of the Natural Gas Act and Section 157.7 (g) of the Regulations thereunder (18 CFR 157.7(g)) for a certificate of public convenience and necessity authorizing the construction and for permission for and approval of the bandonment, for the 12-month period commencing August 16, 1976, and operation of field gas compression and related metering and appurtenant facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this "budget-type" application is to augment Applicant's ability to act with reasonable dispatch in the construction and abandonment of facilities which would not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of the proposed construction and abandonment would not exceed $1,000,000 and that the cost of any single project would not exceed $250,000. These costs would be financed with available funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 19, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10), and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22281 Filed 7-30-76;8:45 am]

MITCHELL ENERGY CORP. ET AL.

[Docket No. CI76-679]

Complaint and Request for Order to Show Cause

JULY 23, 1976.

Pursuant to Section 1.6 of the Commission's Rules of Practice and Procedure, on July 7, 1976, Mitchell Energy Corporation (Mitchell), 3900 One Shell Plaza, Houston, Texas, filed a complaint and a request for an order to show cause directed against Mr. C. C. (Charles) McClure, Jr., 1011 West Belknap, Jacksboro, Texas, and Mr. Robert S. McClure, 108 South Seventh Street, Jacksboro, Texas, avering that the McClures (Defendants) are attempting to cause Mitchell to unlawfully divert natural gas dedicated to the interstate market from that market and to cause Mitchell to partially abandon natural gas service now being made through jurisdictional facilities in contravention of Section 7(b) of the Natural Gas Act.

Mitchell asserts that it is the intent of Defendants to divert dedicated reserves from the interstate market without seeking approval from the Commission under Section 7(b). Mitchell therefore requests the Commission issue an order to show cause or to take such other action as may be necessary to prevent a violation of Section 7(b).

The facts, as presented by Mitchell in its filing of July 7, 1976, are as follows:

Mitchell is the operator of the Emma McClure Well No. 1 located on the Emma McClure Gas Unit No. 1 as described in that certain Declaration of Pool filed in the Deed Records of Jack County, Texas, at Volume 248, Page 97. All the natural gas production from this well has been and continues to be delivered through facilities operated by Mitchell and sold to Natural Gas Pipeline Company of America pursuant to Mitchell's FPC Rate Schedule No. 19.

The Messrs. McClure are successors in interest to one of the Mitchell entities' original lessor under an oil gas and mineral lease dated June 18, 1955, between Emma McClure, as lessor and

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Christie M. Mitchell and Mitchell Company, as lessee, recorded at Volume 202, at Page 42 of the Deed Records of Jack County, Texas, and to an oil gas and mineral lease dated April 28, 1970, between Emma McClure, lessor, and Christie Mitchell and Mitchell, a partnership as lessee, recorded in Volume 247, at Page 1 of the Deed Records of Jack County, Texas. Parts of the aforementioned leases form the unit on which the Emma McClure Well No. 1 is located.

On May 14, 1976, the Messrs. McClure filed suit against Mitchell and others in the District Court for the 235th Judicial District of the State of Texas (Cause Number 6316) alleging that Mitchell had no right to continue the sales of natural gas from these wells and demanding that Mitchell relinquish all rights in and to these leases. On June 7, 1976, Mitchell filed a petition to remove this cause of action to the Federal District for the Fort Worth Division of the Northern District of the State of Texas. In that petition, Mitchell specifically alleged that this matter is within the primary jurisdiction of the Federal Power Commission as the granting of the relief sought by the McClures' petition would result in the unauthorized abandonment of jurisdictional service and the loss of natural gas now flowing to the interstate consumer without any determination by this Commission pursuant to Section 7(b) of the Act that such a cessation of service is required by the public convenience and necessity. On June 8, 1976, the Messrs. McClure filed a Motion to Remand denying the Commission's jurisdiction and stating "there is no federal question in this controversy."

Any person desiring to be heard or to make any protest with reference to said complaint and/or request for an order to show cause should on/or before August 20, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22273 Filed 7-30-76;8:45 am]

[Docket No. CP73-262]

NATURAL GAS PIPELINE CO. OF AMERICA

Petition To Amend

JULY 22, 1976.

Take notice that on June 30, 1976, Natural Gas Pipeline Company of America (Petitioner), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP73-262 a petition to amend the order of the Commission issuing a certificate of public convenience and necessity in said docket pursuant to Section 7(c) of the Natural Gas Act, by which petition Petitioner requests that the authorization in the instant docket be conformed to the facilities actually installed by Petitioner, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioner states that in the instant docket it is authorized to construct and operate approximately 71.56 miles of 30-inch loop pipeline in Liberty and Jefferson Counties, Texas, and Cameron Parish, Louisiana, 8,000 brake horsepower of compression at Petitioner's compressor station No. 343, and other appurtenant facilities to expand Petitioner's Louisiana supply pipeline to permit the transportation of further increases in supply from onshore and offshore Louisiana areas. It is stated that subsequent to the filing of the certificate application in the instant docket, two compressor units consisting of a 3,000 bph and a 4,000 bhp unit became available as a result of the abandonment permitted and approved in Docket No. CP73-106 and that since the two units were surplus to Petitioner's needs at the time of abandonment, Petitioner determined that it would be advantageous to utilize the surplus units at compressor station No. 343.

The petition to amend states that Petitioner estimates an overall savings of approximately $600,000 in capital requirements with a material reduction in the cash requirements for work at compressor station No. 343 as a result of using the surplus compressor units. Further, it is stated, the units are of the same manufacturer and model as two other units presently installed and will thus permit savings in maintenance costs and spare parts inventory.

Petitioner states further that although it initially proposed to install 8,000 bhp of compression, the reduction to 7,000 bhp will not affect the operation of Petitioner's Louisiana pipeline because Petitioner estimated that it would have had an initial 1,280 horsepower surplus to its first year compression requirements and, based upon actual compressor operating performance curves, Petitioner will still have available 936 horsepower surplus to its first year compression needs. Petitioner also attributes the installation of 0.35 mile of pipeline looping at compressor station No. 343, over that initially estimated, as contributing to a lower horsepower requirement at the station.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 18, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22282 Filed 7-30-76;8:45 am]

[Docket No. CP76-447]

NATURAL GAS PIPELINE CO. OF AMERICA

Application

JULY 23, 1976.

Take notice that on July 19, 1976, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP76-447 an application pursuant to Section 7 of the Natural Gas Act and Section 157.7(g) of the Regulations thereunder (18 CFR 157.7(g)) for a certificate of public convenience and necessity authorizing the construction and for permission for and approval of the abandonment, during the 12-month period commencing October 1, 1976, and operation of field gas compression and related metering and appurtenant facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable disatch in the construction and abandonment of facilities which would not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of the proposed construction and abandonment would not exceed $3,000,000 and that the cost of any single project would not exceed $500,000. These costs would be financed with funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 16, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22284 Filed 7-30-76;8:45 am]

[Docket No. RP71-125 (PGA76-8)]

NATURAL GAS PIPELINE CO. OF AMERICA

Purchased Gas Cost Adjustment to Rates and Charges

JULY 26, 1976.

Take notice that on July 16, 1976, Natural Gas Pipeline Company of America (Natural) submitted for filing as part of its FPC Gas Tariff, Third Revised Volume, No. 1, the below listed tariff sheets, to be effective September 1, 1976:

Substitute Twenty-ninth Revised Sheet No. 5
Substitute Fourth Revised Sheet No. 5A

Natural states purpose of the filing is to track producer and pipeline supplier price changes and recover the accumulated deferred purchased gas costs as of May 31, 1976, through unit rate adjustments computed in accordance with Natural's revised PGA tariff provisions submitted to the Commission on July 14, 1976, in compliance with Opinion No. 762 issued May 21, 1976 at Docket No. RP74-96.

One of the conditions of Opinion No. 762 required that Natural change the effective date of its semi-annual PGA trackers from June 1 and December 1, to March 1 and September 1. Pending the Commission's acknowledgement of Natural's compliance filing submitted on July 14, 1976, it requested that the Commission's Regulations be waived to the extent necessary to permit the unit rate adjustment to become effective September 1, 1976.

Copies of this filing were mailed to Natural's jurisdictional customers and interested state regulatory agencies.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 16, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22334 Filed 7-30-76;8:45 am]

[Project No. 2291]

NEKOOSA PAPERS INC.

Application for Amendment of License

JULY 27, 1976.

Public notice is hereby given that an application was filed on May 19, 1976, by Nekoosa Papers Inc. (Correspondence to: Mr. Robert R. Johnson, Secretary, Nekoosa Papers, Inc., Wisconsin River Drive, Port Edwards, Wisconsin 54469) for an amendment of the license for the Port Edwards Project, FPC No. 2291, to reflect certain proposed changes in the generating facilities at the project. The Port Edwards Project is located near the Village of Port Edwards in Wood County, Wisconsin, on the Wisconsin River, a navigable waterway of the United States.

Applicant requests Commission authorization to make improvements on the existing hydroelecetric generating plant at the project, which contains four generating units with a combined installed capacity of 2,920 kW. Specifically, Applicant proposes to remove an existing 710 hp "S Morgan Smith" turbine from Flume No. 2 and rebuild and refurbish this unit to a capacity of 950 hp. This rebuilt turbine would be installed in Flume No. 6 and attached to generating Unit No. 5, which has a capacity of 670 kW. The installed capacity of the project following this work would be 3,590 kW. Applicant states that the construction would involve neither major structural work nor earth work of any kind.

Any person desiring to be heard or to make any protest with reference to said application should, on or before September 15, 1976, file with the Federal Power Commission, 825 N. Capitol St. NE., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10 (1975). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by Sections 308 and 309 of the Federal Power Act, 16 U.S.C. § 825g and § 825h, and the Commission's Rules of Practice and Procedure, specifically Section 1.32 (b), 18 C.F.R. § 1.32(b) (1975), a hearing on this application may be held before the Commission without further notice if no issue of substance is raised by any request to be heard, protest, or petition filed subsequent to this notice within the time required herein and if Applicant requests that the shortened procedure of Section 1.32(b) be used. If an issue of substance is so raised or Applicant fails to request the shortened procedure, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will not be necessary for Applicant to appear or be represented at the hearing before the Commission.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22342 Filed 7-30-76;8:45 am]

[Docket No. ER76-780]

NEVADA POWER CO.

Interconnection Agreement

JULY 23, 1976.

Take notice that on July 12, 1976, Nevada Power Company (Nevada) tendered for filing an Interconnection Agreement between it and the City of Pasadena (Pasadena) dated July 1, 1976. Nevada states the primary purpose of this Interconnection Agreement is to provide for the exchange of generating capacity and energy between the electric systems of the parties.

Nevada states that services may be provided under three Service Schedules:

1. Service schedule A—Emergency Assistance.
2. Service schedule B—Economy energy interchange.
3. Service schedule C—Banked energy.

Nevada requests an effective date of July 1, 1976, for this Agreement with an initial term of one year.

Nevada states that copies of this filing were served upon Nevada's jurisdictional customer, the California-Pacific Utilities Company, and upon the Public Service Commission of Nevada and the Public Utilities Commission of the State of California.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 9, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any

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person wishing to become a party must file a petition to intervene Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22274 Filed 7-30-76;8:45 am]

[Docket Nos. RP74-75 and RP75-89]

NORTHERN NATURAL GAS CO.

Pipeline Rates: Order Approving Stipulation; Agreement; Granting Consolidation

JULY 27, 1976.

The Presiding Administrative Law Judge certified to the Commission on February 6, 1976, the case record in the above-captioned proceeding. Northern Natural Gas Company (Northern) filed on February 23, 1976, a Petition to Reopen the Record for the purpose of placing the proposed stipulation and agreement into the record. The agreement filed on February 23, 1976, provides for settlement of the issues in this case on the basis of a modified cost of service treatment for Northern's "new gas production"[1] and results in approximately $8.3 million in refunds for certain locked-in periods. The Commission will approve the proposed stipulation and agreement for the reasons hereinafter stated.

The issue involved in this proceeding is "whether or not Northern has shown the requisite 'special circumstances' under Opinion No. 568 in order to receive cost of service treatment for expenditures relating" to its new gas production. (See Commission order issued January 4, 1974 in Docket Nos. RP71-107 (Phase II) and RP72-127). As the result of subsequent Commission orders, the new gas production issue was placed in Docket No. RP74-75 which covered locked-in periods from November 14, 1971, through October 26, 1975.[2] The record in this proceeding consists of the presentation and cross-examination of evidence by Northern and the Staff. Concurrently with the hearing, settlement discussions were held which resulted in the agreement now before the Commission. Summary of the essential sections of settlement follow:

Section I permits Northern to reflect in its rates a modified cost of service which prices Northern's new gas production on the basis of 75% of cost of service and 25% on average area/national rates. This section provides for adjustment to be made in Northern's cost of service as the Commission changes the area/national rates. Northern's ability to reflect the modified cost of service in its rates is limited to a ceiling based upon the unit cost of alternative fuels.

The cost of service for Northern's exploration program is defined in Section II. This section along with Section IV of the proposed agreement provides for the capitalization and amortization of unsuccessful exploration and development costs on the basis of the unit-of-production method. Northern will use the Commission's Uniform System of Accounts to record and account for its expenditures under this program. Tax normalization procedures will be followed in recording income taxes applicable to transactions creating timing differences for tax purposes.

The jurisdictional refunds for the locked-in periods of Docket No. RP74-75 from November 14, 1971 through October 26, 1975 amount to approximately $8.3 million based on the difference between Northern filed rates and the rates reached in this settlement. Under Section VI of the proposed agreement, this amount will be refunded along with 7% simple annual interest, equalling $8,321,126 for the locked-in periods, as a credit in Northern's next PGA filing following a final and nonappealable Commission approval of the agreement.

The Commission notes that Section IV of the proposed agreement provides for disposition of the new gas production issue in Docket No. RP75-89. This Section will be treated as a request for consolidation of this issue in both the referenced dockets. The Commission believes that consolidation is in the public interest because similar questions of fact and law on the new gas production issue are raised in both cases.

Section IV provides that the exploration program to be included provisionally in Docket No. RP75-89 will be approximately $5 million as developed on the basis of 75% cost of service and 25% average area/national rate and on use of the unit-of-production methodology. This provisional amount is subject to further modification for changes in Docket No. RP75-89 relating to items not covered by this settlement, e.g., determination of the proper rate of return and level of income taxes.

Section VII provides that none of the provisions become effective unless the Commission approves all the terms and conditions; Docket No. RP74-75 is terminated; and, the Commission order is final and nonappealable. Northern requests that the Commission "grant waivers and special permission . . . necessary to effectuate all the provisions of this Stipulation and Agreement." The two remaining provisions, Section VI and VIII, states that Northern's obligations in other agreements are neither diminished or enlarged by this agreement and that no party waives any claim or right to matters which are not provided for expressly in the proposed agreement.

The Commission's review of the proposed agreement leads to the conclusion that it reflects a just and reasonable resolution of the issues in this proceeding. The Commission notes that the agreement provides for the payment of 7% annual simple interest for the refunded amounts. The Circuit Court of Appeals for the District of Columbia decided in *American Public Gas Association. et al.* v. *FPC*, No. 75-1104 (May 19, 1976) that the 9% interest rate, made applicable by Order No. 513, Docket No. RP74-18 (issued December 10, 1974), should be applied to all excess amounts collected after October 9, 1974. Accordingly, Northern will be required to refund the approximately $8.3 million amount under this agreement with interest computed at a rate of 7% for the period prior to October 10, 1974 and at a rate of 9% for the period on and after October 10, 1974. This follows the Court's decision, and the Commission belief that it is in the public interest to allow the customers to receive the benefits of the interest rates which this Commission has held to be applicable for the periods involved.

The Commission finds: (1) Good cause exists to consolidate the issue of new gas production in Docket No. RP75-89 with Docket No. RP74-75.

(2) Good cause exists to accept and approve the proposed stipulation and agreement, as modified to provide 9% interest on the refunds for the period commencing October 10, 1974.

The Commission orders: (A) The issue of cost of service treatment for new gas production in Docket No. RP75-89 is hereby consolidated with Docket No. RP74-75 for purposes of decision.

(B) The stipulation and agreement offered as part of the certified record in this proceeding and, incorporated herein by reference, is hereby accepted and approved.

(C) In accordance with the decision in *American Public Gas Association, et al.* v. *FPC, supra*, Northern is ordered to pay 9% interest on the refunds resulting from the operation of the proposed agreements for the period commencing October 10, 1974.

(D) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, the Staff or any other party or person affected by this order in any proceeding now pending or hereinafter instituted by or against Northern or any other person or party.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22343 Filed 7-30-76;8:45 am]

[1] Northern's new gas production consists of Northern's production from (1) wells on leases acquired on or after October 7, 1969 and (2) wells commenced on or after January 1, 1973 on leases acquired prior to October 7, 1969, but excludes its $30.0 million program being conducted in the Permian-Rocky Mountain area under the settlement in Docket No. RP70-43 and a program now underway in Webb and Zapata Counties, Texas.

[2] The locked-in periods involved are:
(a) Docket No. RP71-107 (Phase II)—November 14, 1971 to December 2, 1972;
(b) Docket No. RP72-127—December 3, 1972 to October 26, 1974;
(c) Docket No. RP74-80—October 27, 1974 to October 26, 1975;
The new gas production issue in Docket No. RP74-80 was consolidated with Docket No. RP74-75 by Commission order issued February 13, 1975.

[Docket No. ER76-787]

PACIFIC POWER & LIGHT CO.

Filing of Amended Rate Schedule

JULY 26, 1976.

Take notice that Pacific Power & Light Company (Pacific) on July 15, 1976, tendered for filing, in accordance with Section 35.13 of the Commission's Regulations, Amendment #1 to Pacific's Rate Schedule FPC No. 35 for electric transmission service to the United States of America.

The amended rate schedule provides for an increase in the level of service to the United States Department of the Interior, Bureau of Reclamation, Columbia Basin Project in the State of Washington. Under the Amendment Pacific agrees to transfer additional electric energy to the project sufficient to serve an additional 100 horsepower pump motor. There is no change in the rate charged for service by the amendment, but the maximum charge limitation in the original agreement is removed.

Pacific requests waiver of the Commission's notice requirements to permit the rate schedule to become effective June 17, 1976, which it claims is the date of commencement of power sales under the rate schedule.

A copy of this filing has been supplied to the Washington Public Utilities Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 6, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22289 Filed 7-30-76;8:45 am]

[Docket No. ER76-788]

POTOMAC EDISON CO.

Tariff Change

JULY 26, 1976.

Take notice that The Potomac Edison Company, on July 15, 1976, tendered for filing a proposed Electric Service Agreement for application to Potomac Edison's service to the Borough of Chambersburg, Pennsylvania. The proposed Electric Service Agreement cancels and supersedes the Service Agreement between the Company and the Borough dated January 31, 1966. The changes proposed would produce an estimated overall increase in revenues from jurisdictional sales and service of approximately $333,352, based on the twelve-month period ending July 31, 1976. The proposed effective date for the increased rates is August 15, 1976.

The proposed rate is identifical to that presently on file and in effect, subject to refund, in Schedule WS-HV of FPC Electric Tariff First Revised Volume No. 1 of the Company.

Copies of the proposed Electric Service Agreement were served upon the Borough of Chambersburg.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 3, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22290 Filed 7-30-76;8:45 am]

[Docket No. R-393]

SMALL PRODUCER REGULATION

Opinion No. 742-A; Order Denying Rehearing and Reconsideration

JULY 27, 1976.

SMITH, Commissioner:

On August 28, 1975, the Commission issued Opinion No. 742 fixing small producer rates at 130% of the base ceiling rate for a comparable large producer sale. The Commission found that small producers incur greater costs than large producers and, therefore, should be accorded a higher rate of return.[1] Thus, the Commission applied a 20%, as compared to a 15%, rate of return to the Opinion No. 699-H[2] DCF analysis, and found that small producers should be allowed an increment of 30% over the nationwide or other base rate.

Although Opinion No. 742, for the most part, re-established direct regulation of small producer rates, any rate in excess of the 130% factor is to be indirectly regulated through a review of purchased gas costs in a pipeline rate proceeding. Simultaneous with the issuance of Opinion No. 742, the Commission, in Docket No. RM76-5, issued a Notice of Proposed Rulemaking wherein it proposed to prospectively reduce the rates of small producer sales to the 130% ceiling prescribed by Opinion No. 742.

Numerous applications for rehearing of Opinion No. 742 have been filed.[3] These applications raise the following issues.

The small producers (Yingling, Dougherty, Abercrombie) assert that the 20% rate of return is wholly inadequate. In support of this argument, the small producers assert that the overriding royalty that is paid by a small producer to a large producer in return for a farmout is frequently 12.5% or greater, thereby greatly reducing the 20% rate of return allowed by the Commission in Opinion No. 742. The small producers further argue that the 20% rate of return allowed does not offset the disadvantage to the small producers of the Commission's use of an average cost methodology because such methodology balances out costs experienced in both large and small fields of production, but small producers normally operate in the small fields with higher unit costs. The small producers also attack the average cost methodology asserting that they tend to experience costs at today's rate, not at an historical level.

Finally, the small producers argue that it is inequitable to require a pipeline to justify a purchase above the 130% level, since this requires cost justification.

The large producers (Shell, Union, Texaco, and Phillips) attack Opinion No. 742 on numerous grounds. They first assert that there is no record evidence to support the following findings made by the Commission (Opinion No. 742 at 3-5): (1) the lower productivity factor for small producers *vis a vis* large producers; (2) small producers drill more dry holes than large producers; (3) small producers account for less condensate than large producers, resulting in a lower

[1] As the Commission found in Opinion No. 742, these higher costs are partially the result of (1) less productivity, (2) a higher ratio of dry holes, (3) the production of less condensate, (4) the prominence of farmout arangements, (5) the high percentage of exploratory and wildcat drilling, and (6) a relative weaker credit standing.

[2] Opinion Nos. 699 *et seq.*, affirmed *sub nom., National Rate Cases For New Gas (Shell Oil Co.* v. *F.P.C.)*, 520 F.2d 1061 (5th Cir., 1975), *cert. denied sub nom., The California Co., et al.* v. *F.P.C.*, ____ *U.S.L.W.* ____ (Docket No. 75-1289, June 14, 1976).

[3] Applications for rehearing were filed by Shell Oil Company (Shell) on September 23, 1975; Northern Natural Gas Company (Northern) on September 25, 1975; Union Oil Company of California (Union) on September 25, 1975; Texaco Inc. (Texaco) on September 26, 1975; Phillips Petroleum Company (Phillips) on September 29, 1975; Interstate Natural Gas Association of America (INGAA) on September 29, 1975; Consolidated Gas Supply Corporation (Consolidated) on September 29, 1975; United Gas Pipe Line Company (United) on September 29, 1975; American Public Gas Association (APGA) on September 26, 1975; Dudley T. Dougherty, *et al.* (Dougherty) on September 29, 1975; J. S. Abercrombie Mineral Company, Bruce Anderson, Cotton Petroleum Corporation, Coquina Oil Corporation, C&K Petroleum, Inc., and Texasgulf, Inc. (Abercrombie) on September 29, 1975; and Yingling Oil, Inc. (Yingling) on October 28, 1975. The application of Yingling, having been filed outside the time limits prescribed by Section 19(a) of the Natural Gas Act, 15 U.S.C. 717R (a), will be treated as a motion for reconsideration.

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net liquid credit; (4) the prominence of farmout arrangements in the small producer segment of the industry which supports a higher royalty alowance; (5) the weaker credit standing of small producers; and (6) the fact that the capital structure of small producers results in higher debt costs to these producers than large producers. The large producers conclude that, without this record support, the Commission's conclusions regarding the higher operating risks and costs incurred by small producers, which justify allowance of a 20% rate of return, are erroneous.

The large producers also contend that the 130% rate differential unduly discriminates against large producers in violation of Section 4(b) of the Natural Gas Act and grants an undue preference to small producers in violation of Sections 4 and 5 of the Natural Gas Act. They further assert that the Commission erred in failing to justify the 10 Bcf per year differential between small and large producers.

The large producers also speculate that the 130% differential may cause royalty owners to assert that the small producer rate is the interstate price upon which royalties must be paid. Finally, the large producers argue that the Commission erred in not setting a formal hearing in this matter.

APGA contests the validity of Opinion No. 742 for essentially the same reasons as the large producers but raises two additional arguments. First, APGA argues that the opinion is deficient because it fails to discuss the impact that the 130% rate will have on interstate consumers. APGA also asserts the Commission erred in refusing to order refunds by small producers for sales made pursuant to Order No. 428 *et seq.*[4] above the just and reasonable level, *i.e.* the applicable area rate.

INGAA, Consolidated and Northern claim that the Commission erred in establishing a rate for small producers below the prevailing unregulated intrastate prices. INGAA and Consolidated also contend that the six factors to be used in determining the "justness and reasonableness of a rate in excess of the 130% standard are too vague to provide for meaningful indirect regulation. They further assert that these standards should not be applied retroactively to contracts executed prior to the issuance of Opinion No. 742. Northern, on the other hand, contends that having determined the "just and reasonable" rate for small producers to be 130% of the applicable area ceiling base rate, the Commission cannot lawfully permit collection of rates in excess thereof. Finally, INGAA, Northern and Consolidated argue that the institution of the proposed rulemaking in Docket No. RM76–5 was erroneous and totally unnecessary.

Phillips contends the Commission erred in failing to amend Section 157.40 (a) of its Regulations, 18 C.F.R. 157.40 (a) (1976), to allow resales of small producer gas under percentage purchases at the 130% rate level plus any reasonable increments.

United raises essentially the same issues as INGAA, *et al.*, with one addition. United asserts that its gas purchase contracts with small producers provide that the small producer is entitled to collect the "applicable area rate", which is defined as a rate "generally applicable to gas produced from an area". United contends that "since the Commission (in Opinion No. 742) did not determine a rate that is 'generally applicable,' it is not clear whether the Commission can lawfully permit a small producer to charge a rate 30% in excess of its entitlement under the contract area rate provision without violating the *Sierra* doctrine."

In response to the evidentiary arguments advanced by both the small and large producers, the Commission notes that the various factors used by the Commission in reaching its determination to allow small producers a 20% rate of return were discussed in detail in Opinion No. 742. Therein the Commission explicitly recognized that the record did not provide the most comprehensive statistical cost analysis[5], but that record did provide ample evidence to support a 20% rate of return. This conclusion was based on the increased risks inherent in small producer ventures and the higher costs incurred by this group of producers, and the record, as demonstrated below, fully supports the end result reached by the Commission.

In Opinion No. 699 *et seq.*, the Commission used a productivity range of 485 Mcf per foot to 552 Mcf per foot in calculating the cost of new gas supplies.[6] The comments filed by the parties in the instant proceeding indicates a much lower productivity level for small producers.

For example, the comments of Jerome P. McHugh and Associates and Consolidated Oil and Gas, Inc.[7] show that in 1974 McHugh's productivity per foot drilled was 241 Mcf per foot. The Response of Dudley T. Dougherty, *et al.* and W. B. Osborn, Operator,[8] indicates that Osborn's average productivity for the period 1960 through 1973 equaled 402 Mcf per foot drilled. Moreover, as the Commission noted in its initial opinion, small producers operate primarily onshore, and as the evidence indicates, the average onshore productivity is much lower than in offshore areas.[9] This supports adopting a lower productivity factor in establishing the "just and reasonable" rate for small producers in line with the four year productivity factor (1969–1972) of 336 Mcf per foot as set forth in Appendix C of Opinion No. 699.[10]

The comments filed also demonstrate that small producers are responsible for a majority of the exploratory and wildcat drilling in the U.S. In 1973, small producers accounted for over 76% of all exploratory well successes.[11] The Comments of the Office of Governor, State of Texas, indicate that in 1973 small producers accounted for 57% of the new gas discoveries in that State, and this figure rose to over 59% for the first nine months of 1974.[12] Available statistics indicate that in 1974, small producers drilled 76% of all wells in the U.S.[13]

These statistics bear directly on the ratio of allocated dry hole footage to successful gas well footage for small producers. The ratio for the industry as a whole is 1:1, and the ratio is obviously much higher for those producers responsible for a majority of all exploratory drilling that takes place. Accordingly, it becomes impossible not to assume that the dry hole drilling cost for small producers is higher than that allocated in the Opinion No. 699 series, and this coupled with a lower productivity factor means that the 3.72¢ per Mcf cost component in the Opinion No. 699 series

[4] See Order No. 428, 45 FPC 454 (1971); Order No. 428–A, 45 FPC 548 (1971); Order No. 428–B, 46 FPC 47 (1971). Order Nos. 428 *et seq.* were set aside in *Texaco Inc. et al.* v. *F.P.C.* 474 F.2d 416 (D.C. Cir. 1972); reversed and remanded in *F.P.C.* v. *Texaco Inc. et al.*, 417 U.S. 380 (1974).

[5] Although the evidentiary record cannot be used to support a comprehensive *independent* review of all cost components so as to establish a "just and reasonable" rate for small producers without any reliance upon the Opinion No. 699 series evidence, the record is sufficient to justify the higher rate of return allowed.

[6] The Commission relied upon a reserve additions for a ten-year period (1963–1972) to compute the low end of the reasonable cost range, and a seven-year period (1966–1972) to compute the high end of this range. The ten-year average resulted in a productivity factor of 552 Mcf per foot drilled, while the seven-year period resulted in a productivity factor of 485 Mcf per foot drilled.

[7] See Comments of Jerome P. McHugh and Associates And Consolidated Oil and Gas, Inc., On Notice Of Proposed Rulemaking, Docket No. R–393, filed October 22, 1974.

[8] See Response of Dudley T. Dougherty, *et al.* Co-Executors Of The Estate Of Mrs. James R. Dougherty And W. B. Osborn, Operator, Docket No. R–393, filed October 22, 1974.

[9] See Joint Response of Anderson Oil Company, *et al.*, Appendix A, "Average Annual Gas Well Productivity, 1974", Docket No. R–393, filed November 1, 1974.

[10] Based upon this productivity figure, the successful well cost component set forth in Opinion No. 699–H would equal 10.02¢ rather than the 6.15¢ chosen.

[11] See the Joint Response of Anderson Oil Company, *et al.*, *supra*, citing The Oil And Gas Journal, July 1, 1974, pp. 11–15, and the Comments of Anderson Oil Company, filed October 22, 1974. These Comments also note that small producers in the Appalachian area accounted for 141 out of 145 exploratory well successes.

[12] See also The Response of Dudley T. Dougherty, *et al.*, *supra*. Ironically, the State of Texas notes that despite the above statistics, only 11% of the producer sales to interstate pipelines during this period were made by small producers.

[13] See *World Oil*, February 15, 1975, "Independents Drilled 76% of 1974 Completions," p. 131. See also The Comments of Yucca Petroleum Company, filed October 21, 1974; The Comments of Panhandle Producers and Royalty Owners Association, filed October 21, 1974; The Comments of Texas Independent Producers and Royalty Owners Association, *et al.*, filed October 21, 1974.

(Op. No. 699–H, Appendix C) allocated for dry holes is wholly inadequate for small producers.[14]

Another factor which justifies a higher rate for small producers than that established in the Opinion No. 699 series is the fact that the net liquid credit for large producers is higher than what should be accorded for the small producers. The Commission has, on previous occasions, found that large producers account for an inordinately high share of industry condensate.[15] There is no evidence to indicate that this situation has changed, and we believe it is fair to presume, for purposes of this proceeding, that the large producers still account for a majority of condensate. Under this circumstance, if the Commission were to readjust each cost component in the Opinion No. 699 series in deriving the "just and reasonable" small producer rate, we would be compelled to apply a much lower net liquid credit for small producer sales, perhaps as much as a 50% reduction, as the comments on this point suggest.[16]

These factors previously enunciated in Opinion No. 742 justify a finding that the small producer segment of the industry is historically not only costlier but inherently riskier *vis a vis* large producer operations.[17] This in turn justifies a 20% rate of return for small producers.[18] This return selected by the Commission is well within the broad discretion afforded the Commission in establishing a rate structure[19] and fully supportable under the historic tests of the *Bluefield* and *Hope* decisions[20] for the "end result" of the Commission's orders is that known but unquantifiable costs and risks justify a higher rate of return for small producers. Moreover, affording the small producers this higher rate of return is the simplest and, at this time, the only available but still experimental method by which this Commission can adequately assure the small producers a "just and reasonable" rate.

We further observed in Opinion No. 742 that the higher rate of return would encourage new entrants into the production segment of the industry. Available statistics indicate that the Commission's regulatory treatment of small producers since the issuance of Order No. 428 *et seq.*, *supra*, has been a step in the right direction in this regard,[21] and our treatment of small producers herein should further this goal.[22] If we did not examine the arguments advanced by the large producers in this light, we would be derelict in our Congressionally mandated responsibility to examine the competitive effects of our regulatory actions.[23]

In response to the argument advanced by INGAA, Consolidated, and Northern that the small producer rate should equal the unregulated intrastate market rate, we note the Supreme Court's mandate in *F.P.C.* v. *Texaco*, *supra* at 397, that "* * * the prevailing price in the marketplace cannot be the final measure of 'just and reasonable' rates mandated by the Act * * *."

We also reject once again the allegations advanced by the large producers that our regulatory treatment herein constitutes undue discrimination and creates undue preferences between different segments of the industry. These matters have been settled long ago by the Supreme Court in the *Permian* and *Texaco* cases, where the Court endorsed the Commission's classification and separate regulatory treatment of small producers.

We again reject the large producers allegations that potential royalty problems may occur as a result of the rate structure herein. Such allegations are purely speculative at this time and any specific problem that arises in this regard can be remedied through the filing of a petition for special relief with the Commission.

In response to the arguments that the Commission should have set this entire matter for formal hearing, we note that the Commission's legal authority to establish rates under the Natural Gas Act by informal rulemaking, under Section 4, of the Administrative Procedure Act, 5 U.S.C. 553 (1970), has been firmly established.[24]

Phillips asserts the Commission erred in failing to amend Section 157.40(a) of its Regulations so as to permit large producers' resales of small producer gas under percentage sales agreements at the small producer rate plus a reasonable increment. Producers, large or small, are neither required nor permitted to file percentage sales contracts with this Commission.[25] The basic reason for this is that there is no need for the Commission to have on file a contract which allows a producer to collect only a percentage of a resale rate which is fully subject to Commission control. In other words, when the Commission regulates the resale rate, in effect, it also regulates the percentage rate. Consistent therewith, percentage sales by small producers[26] have never come within the provisions of small producer certificates.[27] As a result, a large producer reselling gas purchased from a small producer pursuant to a percentage sales arrangement is not entitled to file under Section 157.40(f) for such resale. No justification has been shown by Phillips either for the inclusion of sales by small producers under percentage sales contracts within the coverage of the small producer certificate or for the inclusion of resales relating thereto by the purchaser within the coverage of Section 157.40(f).[28] If Phillips

[14] The Comments of Bruce Anderson, *et al.*, filed October 22, 1974, asserted that the average dry hole foot per successful gas-well foot equals 2.86. Using the Opinion No. 699–H dry hole drilling cost of $16.69 per foot and the four year productivity factor for small producers of 336 Mcf would yield a cost component of 14.21¢ per Mcf for small producer dry hole expenditures compared to the 3.72¢ per Mcf allocated in Opinion No. 699–H.

[15] See, *e.g.*, Opinion No. 468, 34 FPC 159 (1965), *aff'd Permian Basin Area Rate Cases*, 390 U.S. 747 (1968).

[16] In Opinion No. 699, *supra*, the Commission adopted a net liquid credit of 3.89¢, noting that this figure may have been understated because of then recent increases in the prices being paid for condensate. The Comments of *Bruce Anderson, et al., supra* (p. 4, Appendix A, p. 3), calculate a net liquid credit of 2.0¢ for small producers.

[17] Perhaps the best description of the problems involved in the small producer segment of the industry is found in *Permian Basin Area Rate Cases*, 390 U.S. 747 (1969), where the Supreme Court stated (*id.* at 784–5):

[t]he difficulties of the small producers differ only in emphasis from those of the larger independent producers and the integrated producer-distributors; but these differences are not without relevant importance. Although the resources of the small producers are ordinarily more limited, their activities are characteristically financially more hazardous. It appears that they drill a disproportionately large number of exploratory wells and that these are frequently in areas in which relatively little exploration has previously occurred. Their contribution to the search for new gas reserves is therefore significant, but it is made at correspondingly greater financial risks and at higher unit costs. (Footnotes omitted.)

[18] Applying the 20% rate of return to the Opinion No. 699–H DCF analysis (aff'd *Shell Oil Co.* v. *F.P.C.*, *supra*) results in a rate of 67.67¢ per Mcf. Accordingly, the Commission determined to allow small producers 130% of the rate established by the Opinion No. 699 series.

[19] See *F.P.C.* v. *Texaco Inc.*, 417 U.S. 380, 388 (1974).

[20] *Bluefield Waterworks and Improvement Co.* v. *Public Service Commission*, 262 U.S. 679 (1923); *F.P.C.* v. *Hope Natural Gas Co.*, 320 U.S. 591 (1944).

[21] See Appendix A, and the 1975 Annual Report of the Federal Power Commission, Table 31, p. 92.

[22] As the Supreme Court stated in *F.P.C.* v. *Texaco*, *supra* at 388:

* * * encouraging the exploration for and development of new sources of natural gas was one of the aims of the Act and one of the functions of the Commission. The performance of this role obviously involved the rate structure and implied a broad discretion for the Commission.

[23] As the Supreme Court has observed on previous occasions, the purpose of Congress is subjecting producers to rate regulation was because of the anticompetitive conditions found in the industry. See *e.g.*, *F.P.C.* v. *Texaco*, *supra*, at 398–399.

[24] See, *e.g.*, *Phillips Petroleum Co.* v. *F.P.C.*, 475 F.2d 842 (10th Cir. 1973), *cert. denied sub nom, Chevron Oil Co.* v. *F.P.C.*, 414 U.S. 1146 (1974); *Mobil Oil Corp.* v. *F.P.C.*, 483 F.2d 1238, 1250–51 (D.C. Cir. 1973); *American Public Gas Association* v. *F.P.C.*, 498 F.2d 718 (D.C. Cir. 1974); *National Rate Cases For New Gas (Shell Oil Co.* v. *F.P.C.), supra.*

[25] See Section 154.91(e) of the Commission's Regulations under the Natural Gas Act. See also Order No. 174–B, 13 FPC 1576.

[26] Opinion No. 468, 34 FPC 159, 208–212.

[27] See Order No. 308 issued October 29, 1965, 34 FPC 1202, 1205; and Order No. 428 issued March 18, 1971, 45 FPC 454, 459.

[28] There is no apparent reason why small producers should be permitted to collect the just and reasonable ceiling established in Opinion No. 742 for sales under either existing or new percentage sales contracts. The purchaser is limited to the applicable area or national ceiling rate, or its contract rate, whichever is lower for the resale of such gas, and the small producer by contract is limited to a percentage thereof. Moreover, with respect to future contracts, there are other types of gas purchase arrangements purchasers may utilize with small producer, and, of course, such purchasers by contract can protect their rights adequately with respect to the resale of such gas to a pipeline.

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needs individual relief in this kind of situation, it may seek it pursuant to the appropriate special relief procedures.

In Opinion No. 742, the Commission stated that (p. 6): "• • • **an area rate** clause in a small producer contract does provide sufficient contractual authority for a small producer to collect a rate determined in accordance with the provisions of this order • • •" United argues that its area rate clauses do not comport with the above because area rate is defined in their contracts as a rate " 'generally applicable to gas produced from the area' as determined by the FPC." United avers that since the Commission did not determine, in Opinion No. 742, a "generally applicable" rate, small producers may not charge a rate 30% in excess of its entitlement under the area rate provisions of its contracts without a *Sierra* [29] finding. We disagree. The area rate clauses in United's contract comply with the findings in Opinion No. 742 since the Commission has established a rate "generally applicable" to a particular class of producers.

In conclusion, we reaffirm the application of a 20% rate of return to the Opinion No. 699-H DCF analysis. Accordingly, all sales of natural gas by small producers for resale in interstate commerce made in accordance with, and under the provisions of, Opinion No. 699 *et seq.*, shall be made at a rate of 130% of the applicable base ceiling rate established by the Commission in Opinion No. 699 *et seq.* The question now becomes whether to adjust prospectively the rate levels for small producer sales made pursuant to Commission Opinion Nos. 749 *et seq.* [30] by applying a 20% rate of return to the cost analysis set forth in that Opinion and whether to apply a 20% rate of return to the Opinion No. 770 [31] cost analysis.[32]

In Opinion No. 749 *et seq., supra*, the Commission prescribed "just and reasonable" rates for sales of natural gas in interstate commerce made prior to January 1, 1973. The cost studies and analyses relied upon by the Commission therein, in establishing the flowing gas rate, did not take into consideration small producers costs either individually or on a collective basis. Accordingly, the underlying rationale for affording small producers a rate differential, *i.e.* the fact that small producers have a higher risk factor and incur greater costs than large producers, applies to the Commission's rate structure established in Opinion Nos. 749 *et seq.* We, therefore, find it necessary to continue providing a differential for small producer sales covered by that Opinion. Recomputing the ceiling rate established therein, utilizing a 20% rate of return, results in a rate of 35¢ per Mcf (See Appendix B).

One final problem must be addressed regarding the flowing gas rates for small producers. In Opinion No. 749, the Commission provided (mimeo, p. 3) that the rates established therein would not "• • • supersede those area rates which are higher than this rate and which have found to be just and reasonable by the Commission in other proceedings." In recomputing the area rate ceilings, by applying a 20% rate of return to the cost computations set forth in our area rate opinions, it becomes necessary to adjust the rates, for small producer sales, made from the Permian and Rocky Mountain ares. For sales made under *Permain II*,[33] pursuant to contracts dated on or after October 1, 1968 (which are not covered by Opinion No. 699 *et seq., supra*), the just and reasonable small producer rate shall be 40.5 cents per Mcf. (See Appendix C.) For sales made from the Rocky Mountain Area, as defined in Section 154.109(b) of the Commission's Regulations and Opinion No. 699 *et seq., supra*, the just and reasonable small producer rate shall be 40.5 cents per Mcf. (See Appendix C.)[34]

We recognize that in taking such action, some parties (notably large producers) will assert that affording small producers a rate differential for flowing gas sales is not warranted because this class of producer still retains a percentage depletion allowance under the Tax Reduction Act of 1975 [35]. In our opinion, however, the retention of a depletion allowance is, at best, of minimal value to small producers insofar as their jurisdictional sales of flowing gas is concerned. The Tax Reduction Act of 1975 provides that an independent producer, as that term is defined in the Act, may elect to apply the percentage depletion allowance to either crude oil or natural gas.[36] It is fair to presume that a small producer, as defined by the Commission's regulations [37], who is also involved in the production of crude oil, will elect to apply a part of the allowance to the higher priced crude oil, thereby reducing the impact of the depletion allowance on gas production. Moreover, even assuming the small producer has no oil production, the maximum yearly depletable quantity of natural gas is not segregated between markets or price. Therefore, if a small producer has intrastate sales of natural gas, a portion of this production will constitute the daily depletable gas quantity used in calculating the allowance.[38] For these reasons, we conclude that the tax benefits that could be realized by a small producer as a result of the depletion allowance are so minimal that no change in the Opinion No. 749 rate, as adjusted with a 20% rate of return and a corresponding increase in the tax component, is warranted.

We have reviewed the evidentiary record in Docket No. RM75-14 and the results reached by us in establishing, in Opinion No. 770, the new nationwide gas ceiling for the 1975-76 biennium, for purposes of determining whether there is any justification for continuing to provide a rate differential between large producers and small producers for gas covered by that Opinion. We conclude that there is none. In theory it can be argued that a small producer should receive a 20% return for such sales. But we think the record developed in Docket No. RM-75-14, which led to the establishment of the rate level in Opinion No. 770, more accurately reflects *all* producers costs than any previous records developed in this regard, including Opinion No. 699 *et seq*, and Opinion No. 749 *et seq*. The conclusions which led us to establish a rate differential in previous rate opinions are reflected in the rate prescribed by Opinion No. 770, and we are confident that this rate will provide an adequate incentive for both large and small producers alike to search for and obtain new gas supplies. However, if these conclusions are incorrect as to a particular project, we encourage small producers to utilize the special relief or optional pricing procedures to obtain a "just and reasonable" rate.

Finally, in an order issued simultaneously herewith, the Commission is amending Section 157.40 of its Regulations prospectively reducing all small producer rates to the ceiling prescribed in Opinion No. 742 and Opinion No. 742-A. This action renders moot the various arguments regarding the propriety of indirectly regulating small producer sales and the standards for such indirect regulation. This action should not be construed as an abandonment of the concept of indirect regulation. However, having determined a "just and reasonable" rate for small producer sales, it would be administratively more convenient to directly regulate such sales.[39]

The Commission has, in numerous proceedings (See Appendix D), deferred establishment of a hearing schedule on the issue of the "justness and reasonableness" of small producer purchases in excess of the level prescribed by Opinion No. 742.[40] We determine here today that this issue should be deleted from those proceedings and disposed of in the instant proceeding. This determination is based upon our decision to prospectively reduce small producer sales to the Opinion Nos. 742 and 742-A level, and our decision not to require refunds for any past sales made above that level, including those sales made pursuant to Opinion Nos. 749 *et seq.* above the rate levels prescribed herein. This latter decision rests principally upon a balancing of the equities involved [41], and the equities in this proceeding do not require the ordering of refunds by the Commission. Although the rates in question may not have been, in all instances, "just and reasonable" rates, consumers have benefited from the supplies, a benefit realized during a period of severe curtailments where alternate fuel costs were higher than the cost of the gas in question. Moreover, to order refunds to be made by small producers would be contrary to our statements in Order No. 428, *et seq.* that pipelines would shoulder the responsibilities, through indirect regulation, of justifying small producer purchases. It would be inequitable to now penalize small producers who acted upon the reliances given by this Commission. Insofar as the pipeline's responsibilities are concerned, we find their actions, in purchasing supplies of gas above the levels prescribed herein to be prudent under the circumstances.

There is no question that the pipelines needed the supplies to offset deepening curtailment levels, and the availability of alternate sources of supply during this period is doubtful. Only the pipelines would be harmed if the rates were not approved and refunds were ordered. Accordingly, the Commission finds that the pipelines should be permitted to include these sales in their PGA increases.[42] Our decision herein is well within the Commission's discretionary authority regarding refund obligations.[43]

The Commission finds: The applications for rehearing and reconsideration present no facts or principles which warrant any changes or modification of Opinion No. 742.

The Commission orders: (A) The applications for rehearing and reconsideration are denied.

(B) From and after the issuance of this Opinion and the Commission's Order Amending Section 157.40 of its Regulations under the Natural Gas Act, small producers shall be authorized to make sales pursuant to existing and future contracts at the following rate levels:

(1) All sales of natural gas by small producers for resale in interstate commerce made in accordance with, and under the provisions of, Opinion Nos. 699, *et seq.*, shall be made at a maximum rate of 130% of the applicable base ceiling rate established by the Commission in Opinion No. 699, *et seq.*

(2) All sales of natural gas by small producers for resale in interstate commerce made in accordance with, and under the provisions of, Opinion Nos. 749, *et seq.*, shall be made at a maximum rate of 35.0¢ per Mcf except as provided for below:

(a) For gas produced in the Permian Basin Area, as defined by Opinion Nos. 662 and 662-A, and sold pursuant to contracts dated on or after October 1, 1968, small producers shall be entitled to collect a maximum rate of 40.5¢ per Mcf.

(b) For gas produced in the Rocky Mountain Area, as defined in Section 154.109(b) of the Commission's Regulations and Opinion No. 699, *et seq.*, small producers shall be entitled to collect a maximum rate of 40.5¢ per Mcf.

The above rates are subject to any adjustments permitted or required under the particular order of general applicability involved.

(C) Those proceedings involving the propriety of small producer purchases in excess of the levels prescribed by Opinion No. 742 are terminated as to that issue consistent with the terms of this order.

By the Commission.

KENNETH F. PLUMB,
Secretary.

APPENDIX A.—*Number of companies reporting and amount of gas sold in interstate commerce by large and small producers for the indicated years*

	Small producers	Large producers
1971		
Number of companies	6,848	92
Amount of gas sold (million cubic feet)	1,621,030	12,076,797
Percentage of total gas sold	11.10	88.90
1972		
Number of companies	6,119	92
Amount of gas sold (million cubic feet)	1,733,947	13,607,118
Percentage of total gas sold	11.76	88.24
1973		
Number of companies	6,186	92
Amount of gas sold (million cubic feet)	1,737,600	12,578,060
Percentage of total gas sold	12.03	87.97
1974		
Number of companies	7,118	92
Amount of gas sold (million cubic feet)	(1)	(1)
Percentage of total gas sold	(1)	(1)
1975 [1]		

[1] Final figures not available.

NOTE.—The small producer figures are from FPC form 314-B. Large producer figures were obtained using table H of FPC publication, "Sales by Producers" (the small producer amounts were deducted from the total sales to arrive at the large producer amounts).

COMPUTATION OF RETURN ON INVESTMENT AT A 20 PERCENT RATE FOR RETURN

Opinion No. 749

	Unit cost [1]
Production costs	
Cash expenses	3.71
Depletion, depreciation and amortization	4.21
Return	8.73
Subtotal	16.65
Exploration and development costs	
Expenses	6.26
Return	3.29
Subtotal	9.55
Total production and E&D costs	26.20
Add regulatory expenses to above total	
Production costs	16.65
Exploration and development costs	9.55
Regulatory expenses	.13
Total including regulatory expenses	26.33

[1] Cents per Mcf.

[29] *F.P.C.* v. *Sierra Pacific Power Company*, 358 U.S. 348 (1956).

[30] Opinion No. 749, "Opinion And Order Establishing Just And Reasonable Rates", Docket No. R-478, issued December 31, 1975; Opinion No. 749-A, "Interim Order Granting Rehearing For Purposes of Further Consideration, Revising Filing Requirements, Correcting Omissions, And Staying Refund Disbursements", issued February 27, 1976; Opinion No. 749-B, "Order Granting Reconsideration And Modifying Opinion No. 749-A", issued March 31, 1976; Opinion No. 749-C, "Opinion And Order On Rehearing", issued July 19, 1976.

[31] Opinion No. 770, "Opinion And Order Prescribing Uniform National Rate For Sales Of Natural Gas Dedicated To Interstate Commerce On Or After January 1, 1973, For The Period January 1, 1975 To December 31, 1976", Docket No. RM75-14, issued July 27, 1976.

[32] In Opinion No. 742, the Commission stated (p. 6) that the 130% differential determined therein would apply to the "• • • applicable base rate ceiling (*e.g.* flowing or new gas ceiling depending on the sale involved) established by the Commission in an order of general applicability (*e.g.*, an area or national rate order)." As we previously stated herein, however, any adjustments to large producer rate structures established by the Commission to insure small producers a "just and reasonable" rate shall be accomplished by applying a 20% rate of return to the methodolgy adopted and not be affording an automatic 130% differential to each rate structure. This also comports with Opinion No. 742 where the Commission stated (p. 3) that the percentage determined therein would not "• • • be necessarily a perpetual applicable determination • • •"

[33] *See*, Opinion No. 662, 50 FPC 390 (1973); Opinion No. 662-A, 50 FPC 932 (1973).

[34] In Opinion No. 699-H, *supra*, the Commission established a rate of 35 cents for the Rocky Mountain Area for contracts dated on or after October 1, 1968, where the sales would not qualify for the national rate. The rate was based upon the cost studies and analyses established in *Permian II* (Opinion Nos. 662 and 662-A). Accordingly, we find it appropriate to use in the *Permian II* cost analyses to calculate the small producer rate for the Rocky Mountain Area.

[35] *See*, Internal Revenue Code of 1954, § 613 A(b)(2), as added by the Tax Reduction Act of 1975, Pub. L. 94-12, 501.

[36] Section 613A(4) states in part:

• • • the depletable natural gas quantity of any taxpayer for any taxable year shall be equal to 6,000 cubic feet multiplied by the number of barrels of the taxpayers depletable oil quantity to which the taxpayer elects to have this paragraph apply. The taxpayers' depletable oil quantity for any taxable year shall be reduced by the number of barrels with respect to which an election under this paragraph applies.

The yearly quantity in barrels is 1,800 for 1976, and this figure drops by 200 each year until 1980 where it remains thereafter at 1,000 (§ 613A(3)). The applicable percentage is 22% for 1976-1980 but such percentage is reduced thereafter (§ 613A(3)).

[37] Section 157.40(a) of the Commission's Regulations Under The Natural Gas Act limits a small producer's sales to 10,000,000 Mcf or less each year.

[38] Assuming no oil production, the maximum yearly depletable quantity of natural gas for 1976 is 3,942,000 Mcf and 3,584,000 Mcf for 1977.

[39] Elimination of indirect regulation does not preclude a small producer from individually seeking special relief from the ceiling rate established in Opinion No. 742.

[40] The proceedings subject to stay involve purchases prior to and subsequent to the issuance of Opinion No. 742.

[41] As the Court of Appeals stated in *Consumer Federation of America* v. *F.P.C.*, 515 F. 2d 347 (D.C. Cir. 1975), *cert. denied*, 423 U.S. 906 (1975), on the issuance of refunds (*id.* at 359): "• • • [I]n matters of prospective and retroactive effect, there are large questions of equity and public interest. • • •"

[42] Our decision in this proceeding disposes of the issue of the propriety of small producer purchases in excess of 130% in all dockets listed in Appendix D, and in any other dockets in which this issue has arisen.

[43] See, *F.P.C.* v. *Tennessee Gas Transmission Co.*, 371 U.S. 145, 153 (1962); *Placid Oil Company* v. *F.P.C.*, 483 F.2d 880, 905 (5th Cir. 1973).

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SUMMARY OF COST ANALYSIS INCLUDING FEDERAL INCOME TAXES

Production costs	16.65
Exploration and development costs	9.55
Regulatory expenses	.13
Total	26.33
Federal income tax	8.55
Total	[2] 34.88

[1] Cents per 1,000 ft³ at 20 percent return.
[2] Rounded off at 35,000.

NOTE.—All calculations in this Appendix are based on methodology in Commission Opinion No. 749.

APPENDIX C

COMPUTATION OF RETURN ON INVESTMENT AT A 20 PERCENT RATE FOR RETURN

Permian Basin Area and Rocky Mountain Area

Cost classification	Unit cost [1]
Investment costs	
Successful wells	4.50
Recomp. and deeper drilling	0.20
Lease acquisitions	2.40
Other production facilities	1.00
Subtotal	8.10
Cost classification	Unit cost
Exploration and development costs	
Dry holes	2.50
Other exploratory costs	2.50
Subtotal	5.00
Production operating expense	3.05
Return at given percent	
On investment	17.60
On working capital	0.93
Subtotal	18.53
Liquid credit	(3.65)
Regulatory expense	0.20
Treating cost	0.60
Subtotal	31.56
Royalty at 16 percent	6.02
Royalty at 15 percent	-----
Subtotal at 14.65 psia	37.60
Production tax at 7.590	3.05
Total Permian rate	[2] 40.65

NOTE.—All calculations in this Appendix are based on methodology in Commission Opinion No. 662.

[1] Cents per 1,000 ft³ at 70 percent return.
[2] Rounded off at 40.5¢.

APPENDIX D.—*Proceedings presently subject to stay by orders issued prior to opinion No. 742*

Company	Docket No.	Order issued
Truckline Gas Co	RP72-23	Jan. 31, 1974
Natural Gas Pipeline Co. of America	RP71-125 et al	May 31, 1974
Oklahoma Natural Gas Gathering Corp	RP72-115	June 28, 1974
United Gas Pipe Line Co	RP72-133	Do.
Southern Natural Gas Co	RP73-64	Do.
Tennessee Gas Pipeline Co	RP73-114 et al	Do.
Texas Eastern Transmission Corp	RP72-98	Do.
Cities Service Gas Co	RP72-142	July 22, 1974
Texas Gas Transmission Corp	RP72-156	July 31, 1974
Mid-Louisiana Gas Co	RP73-43	Do.
Panhandle Eastern Pipe Line Co	RP73-36	Do.
Columbia Gas Transmission Corp	RP73-65	Aug. 30, 1974
Transwestern Pipeline Co	RP74-52	Sept. 27, 1974
Arkansas Louisiana Gas Co	RP74-61 (PGA75-1)	Oct. 31, 1974
Kansas-Nebraska Natural Gas Co., Inc	RP72-32 (PGA75-1)	Nov. 29, 1974
South Texas Natural Gas Gathering Co	RP73-57 (PGA75-1)	Do.
Natural Gas Pipeline Co. of America	RP74-96 et al. (PGA74-4 et al.)	Do.
Northern Natural Gas Co	RP71-107 et al. (PGA75-1)	Dec. 26, 1974
United Gas Pipe Line Co	RP72-133 (PGA75-1)	Dec. 31, 1974
Texas Eastern Transmission Corp	RP72-98 et al. (PGA75-3)	Do.
Oklahoma Natural Gas Gathering Corp	RP72-115 (PGA75-1)	Do.
Western Transmission Corp	RP72-41 (PGA75-1-A)	Jan. 10, 1975
Cities Service Gas Co	RP72-142	Jan. 22, 1975
Trunkline Gas Co	RP73-35 (PGA75-1)	Jan. 31, 1975
Panhandle Eastern Pipe Line Co	RP73-36 (PGA75-2)	Do.
Mid-Louisiana Gas Co	RP73-43	Do.
United Gas Pipe Line Co	RP72-133 (PGA75-1b)	Do.
Transwestern Pipeline Co	RP72-128	Mar. 31, 1975
McCulloch Interstate Gas Corp	RP75-91	Apr. 2, 1975
National Fuel Gas Supply Corp	RP74-100	Apr. 30, 1975
Michigan-Wisconsin Pipe Line Co	RP73-102 et al	Do.
Natural Gas Pipeline Co. of America	RP71-125 et al	May 30, 1975
United Gas Pipe Line Co	RP72-133 (PGA75-3)	June 30, 1975
Florida Gas Transmission Co	RP72-136 (PGA75-2)	Do.
Texas Eastern Transmission Corp	RP74-41 (PGA75-8)	Do.
Oklahoma Natural Gas Gathering Corp	RP72-115 (PGA75-2)	July 16, 1975
Cities Service Gas Co	RP72-142 (PGA75-5)	July 22, 1975
Texas Gas Transmission Corp	RP72-64 (PGA75-4)	July 25, 1975
Panhandle Eastern Pipe Line Co	RP73-36 et al	July 31, 1975
Mid-Louisiana Gas Co	RP73-43 (PGA75-5)	Do.
Colorado Interstate Gas Co	RP72-122 et al. (PGA76-1)	Sept. 29, 1975
El Paso Natural Gas Co	RP72-155 (PGA76-1)	Sept. 30, 1975
Transwestern Pipeline Co	RP74-52 (PGA76-1)	Do.
National Fuel Gas Supply Corp	RP74-100 (PGA76-2)	Oct. 17, 1975
Transcontinental Gas Pipeline Corp	RP73-3 et al. (PGA76-1)	Oct. 31, 1975
Kansas-Nebraska Natural Gas Co., Inc	RP72-32 (PGA76-1)	Nov. 28, 1975
Natural Gas Pipeline Co. of America	RP71-125 (PGA76-3)	Do.
South Texas Natural Gas Gathering Co	RP75-57 (PAG76-1)	Do.
Northern Natural Gas Co	RP71-107 (PGA76-1)	Dec. 24, 1975
Tennessee Gas Pipeline Co	RP73-114 (PGA76-1)	Dec. 30, 1975
Florida Gas Transmission Co	RP72-136 (PGA76-3)	Dec. 31, 1975
Montana-Dakota Utilities Co	RP74-97 (PGA76-1)	Do.
Oklahoma Natural Gas Gathering Corp	RP72-115 (PGA76-1)	Do.
Southern Natural Gas Co	RP73-64 (PGA76-1)	Do.
Texas Eastern Transmission Corp	RP74-41 (PGA76-1)	Do.
United Gas Pipe Line Co	RP72-133 (PGA76-1)	Do.
Valley Gas Transmission, Inc	RP73-94 (PGA76-1)	Do.
Colorado Interstate Gas Co	RP72-122 et al. (PGA76-1)	Jan. 15, 1976
Cities Service Gas Co	RP72-142 (PGA76-2a)	Jan. 22, 1976
Mid-Louisiana Gas Co	RP73-43	Jan. 30, 1976

Company	Docket No.	Order issued
Panhandle Eastern Pipeline Co	RP73-36 (PGA76-1) et al	Do.
Texas Gas Transmission Corp	RP72-156 (PGA76-1)	Do.
Tennessee Gas Pipeline Co	RP73-114 (PGA76-1)	Do.
Natural Gas Pipeline Co. of America	RP71-125 (PGA76-3)	Feb. 12, 1976
Columbia Gas Transmission Corp	RP73-65 (PGA76-3)	Feb. 27, 1976
Northwest Pipeline Corp	RP72-154 (PGA76-3) et al	Mar. 15, 1976
El Paso Natural Gas Co	RP72-155 et al. (PGA76-2)	Mar. 31, 1976
McCulloch Interstate Gas Corp	RP73-91 (PGA76-2)	Do.
National Fuel Gas Supply Corp	RP74-100 (PGA76-6)	Do.
Transwestern Pipeline Co	RP74-52 (PGA76-2)	Do.
Michigan Wisconsin Pipe Line Co	RP73-14 (PGA76-3) et al	Apr. 23, 1976
Arkansas Louisiana Gas Co	RP74-61 et al. (PGA76-2)	Apr. 30, 1976
Consolidated Gas Supply Corp	RP72-157 et al. (PGA76-6)	May 26, 1976
Natural Gas Pipeline Co. of America	RP71-125 (PGA76-6) et al	May 28, 1976
South Texas Natural Gas Gathering Co	RP73-57 (PGA76-2)	Do.
Tennessee Gas Pipeline Co	RP73-114 (PGA76-3) et al	June 28, 1976
Florida Gas Transmission Co	RP72-136 (PGA76-3)	June 30, 1976
Oklahoma Natural Gas Gathering Corp	RP72-115 (PGA76-4)	Do.
Southern Natural Gas Co	RP73-64 (PGA76-3)	Do.
Texas Eastern Transmission Corp	RP74-41 et al. (PGA76-5, DCA76-2)	Do.
United Gas Pipe Line Co	RP72-133 (PGA76-3)	Do.

[FR Doc.76-22328 Filed 7-30-76;8:45 am]

[Docket Nos. RP76-53 and RP76-60]

SOUTH TEXAS NATURAL GAS GATHERING CO.

Filing of Settlement Agreement

JULY 27, 1976.

Take notice that on July 16, 1976, South Texas Natural Gas Gathering Company (South Texas) filed a "Stipulation and Agreement in Settlement of Rate Proceedings" in this docket.

South Texas states that the proposed settlement agreement has been agreed to by all parties to the proceeding.

Any person desiring to be heard or to protest said settlement agreement should file comments with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before August 9, 1976. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22250 Filed 7-28-76;1:50 pm]

[Docket No. ER76-783]

SOUTHERN CALIFORNIA EDISON CO.

Filing of Initial Rate Schedule; Request for Waiver

JULY 26, 1976.

Take notice that on July 14, 1976, Southern California Edison Company (Edison) tendered for filing a May 17, 1976, Agreement with the City of Pasadena providing for the transmission by Edison on an interruptible basis of power purchased on a non-firm basis by Pasadena from sources in the Pacific Northwest and from Nevada Power Company. Edison will charge Pasadena for transmission, dispatching, and scheduling services, and for losses between the scheduling points of such non-firm energy and Edison's point of interconnection with Pasadena.

Edison states that Pasadena requests that service be initiated at the earliest possible date under this Agreement, and for that reason Edison requests that the notice provisions of the Commission's regulations be waived and the filing be permitted to become effective no later than August 12, 1976.

Copies of this filing were served upon the City of Pasadena, California, and the Public Utilities Commission of the State of California.

Any person desiring to be heard or to protest this application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 6, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to makes protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22291 Filed 7-30-76;8:45 am]

[Docket No. CP76-441]

SOUTHERN NATURAL GAS

Application

Take notice that on July 15, 1976, Southern Natural Gas Company (Applicant), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP76-441 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction, during the 12-month period commencing October 21, 1976, the operation of facilities to take into its certificated pipeline system natural gas supplies to be purchased from independent producers and other similar sellers thereof, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this "budget-type" application is to augment Applicant's ability to act with reasonable dispatch in connecting the facilities of an independent producer or other similar seller, authorized by the Commission to sell natural gas for resale in interstate commerce, with the facilities of Applicant or of another natural gas company authorized to transport gas for the account of or to exchange gas with Applicant.

The application states that the total cost of the proposed facilities would not exceed $12,000,000, that the cost of any single onshore project would not exceed $1,500,000, and that the cost of any single offshore project would not exceed $2,500,000. The facilities would be financed with cash on hand or which would be available from current operations.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 20, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22275 Filed 7-30-76;8:45 am]

[Docket No. ER76-778]

SOUTHWESTERN PUBLIC SERVICE CO.

Cancellation

JULY 23, 1976.

Take notice that on June 11, 1976, the Southwestern Power Service Company (Southwestern) tendered for filing a notice of cancellation of Southwestern's Rate Schedule FPC No. 33, under which

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Southwestern has supplied wholesale electric service to the Pioneer Cooperative Association (Pioneer). Southwestern states that no sales have been made to Pioneer in over seven years and none are contemplated at this time.

Southwestern effectively requests a waiver of the notice requirements of the Commission's Regulations so as to permit to proposed cancellation to become effective as of April 13, 1976. Southwestern states that Pioneer has been notified of this filing.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 6, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22283 Filed 7-30-76;8:45 am]

[Docket No. ER76-778]

SOUTHWESTERN PUBLIC SERVICE CO.

Cancellation

JULY 23, 1976.

Take notice that on June 11, 1976, the Southwestern Power Service Company (Southwestern) tendered for filing a notice of cancellation of Southwestern's Rate Schedule FPC No. 33, under which Southwestern has supplied wholesale electric service to the Pioneer Cooperative Association (Pioneer). Southwestern states that no sales have been made to Pioneer in over seven years and none are contemplated at this time.

Southwestern effectively requests a waiver of the notice requirements of the Commission's Regulations so as to permit the proposed cancellation to become effective as of April 13, 1976. Southwestern states that Pioneer has been notified of this filing.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 6, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22276 Filed 7-30-76;8:45 am]

[Docket Nos. CP70-185 and CP75-376]

TENNESSEE GAS PIPELINE CO., A DIVISION OF TENNECO INC.

Petition To Amend

JULY 22, 1976.

Take notice that on June 30, 1976, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Petitioner), P.O. Box 2511, Houston, Texas 77001, filed in Docket Nos. CP70-185 and CP75-376 a petition to amend the orders issued in said dockets pursuant to Section 7(c) of the Natural Gas Act, by which petition Petitioner requests authorization to continue the sales for resale of natural gas in interstate commerce pursuant to its Rate Schedule CD-6 under a single contract to Bay State Gas Company (Bay State), which sales were heretofore authorized to be made pursuant to said rate schedule under separate contracts to Bay State and Lawrence Gas Company (Lawrence), all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioner states that it is presently authorized in Docket No. CP70-185 to sell Bay State a contracted demand of 45,292 Mcf of gas per day under Rate Schedule CD-6 for delivery at the following points at the following daily volume limits:

Delivery point:	*Daily volume limit (1,000 ft³)*
Agawam	34,875
East Longmeadow	16,875
Northampton	4,567

Petitioner states further that it is presently authorized in Docket No. CP75-376 to sell Lawrence a contracted demand of 18,849 Mcf of natural gas per day under Rate Schedule CD-6, for delivery at one point with a daily volume of the same amount.

The petition to amend states that Bay State has been authorized to merge Lawrence and that Bay State has requested service from Petitioner under a single contract with a contracted demand of 64,141 Mcf of gas per day. Petitioner states that it is asserted by Bay State that the combining of the two contracts would help to ensure that all available pipeline natural gas would be utilized to help meet the requirements of the merged companies' high priority customers.

Petitioner proposes to render service under a single contract without change in the present daily volume limits. It is stated that the instant proposal would not permit Bay State to receive any more natural gas from Petitioner than Bay State and Lawrence are now permitted to receive under their separate contracts and that the proposed change would not increase or decrease the annual volumetric limitation imposed on Petitioner's system in Docket Nos. CP73-115 and CP74-27. Further, it is stated, the proposed change would not alter the end-use profile used by Petitioner in determining the level of curtailment of deliveries to the two companies. Accordingly, Petitioner concludes, there would be no impact on Petitioner's other customers as a result of the proposed change in service.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 19, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22265 Filed 7-30-76;8:45 am]

[Docket Nos. RP74-41 (PGA 76-1)]

TEXAS EASTERN TRANSMISSION CORP.

Tender of Emergency Purchases Information

JULY 26, 1976.

Take notice that on March 25, 1976, Texas Eastern Transmission Corporation (Texas Eastern) tendered for filing information requested by the Commission's order, issued February 27, 1976, ordering paragraph (C), with respect to the compliance with the criteria of Opinion No. 699-B of certain 60 day emergency purchases.

Any person wishing to do so may submit comments in writing concerning Texas Eastern's tender. All such comments should be submitted to the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before October 29, 1976. Texas Eastern's information is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22335 Filed 7-30-76;8:45 am]

[Docket Nos. RP74-41 (PGA76-1 and DCA 76-1)]

TEXAS EASTERN TRANSMISSION CORP.

Tender of Small Producer List

JULY 26, 1976.

Take notice that on January 15, 1976, Texas Eastern Transmission Corporation tendered for filing a list of small producers purchases at levels in excess of that prescribed in Opinion No. 742 pursuant to the Commission's Order issued December 31, 1975, ordering paragraph (B), in the above captioned dockets.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 11, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22336 Filed 7-30-76;8:45 am]

[Docket Nos. RP74-41, RP75-73 (PGA76-5, DCA76-2]

TEXAS EASTERN TRANSMISSION CORP.

Tender of Small Producer List

JULY 23, 1976.

Take notice that on July 9, 1976, Texas Eastern Transmission Corporation tendered for filing a list of small producers, from whom it purchased in excess of the rate levels provided for by Opinion No. 742, pursuant to Ordering Paragraph (F) of the Commission's order issued June 30, 1976, in the above-captioned dockets.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 10, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22277 Filed 7-30-76;8:45 am]

[Docket Nos. RP75-75 and AP76-10]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Tariff Filing

JULY 26, 1976.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) on July 16, 1976, tendered for filing certain revised tariff sheets to its FPC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2 to become effective September 1, 1976. Transco states that the purpose of the filing is to "track" advance payments made by Transco in accordance with Article V of the "Agreement as to Rates" in Docket No. RP75-75 which agreement was accepted by Commission Order issued January 30, 1976 in such docket.

The revised tariff sheets filed to be effective September 1, 1976 reflect a "tracking" increase of 0.3¢ per Mcf as a result of inclusion in rate base of $14,317,676 which amount represents the net increase in advance payment amounts not previously reflected in rates.

The Company states that copies of the filing have been mailed to each of its jurisdictional customers and interested State Commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 16, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22337 Filed 7-30-76;8:45 am]

[Docket Nos. RP73-3 (PGA76-2), RP73-69 and RP72-99 (EPGA76-3)]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Extension of Time

JULY 23, 1976.

On July 6, 1976, Staff Counsel filed a motion to extend the date for filing comments to Transcontinental Gas Pipe Line Corporation's filing of additional information as required by Commission order of April 30, 1976, in the above-designated proceeding.

Upon consideration, notice is hereby given that the date for filing comments is extended to and including August 9, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22278 Filed 7-30-76;8:45 am]

[Docket No. RP75-74 (PGA76-3a)]

TRANSWESTERN PIPELINE CO.

Proposed Changes in Gas Tariff

JULY 27, 1976.

Take notice that Transwestern Pipeline Company (Transwestern) on July 15, 1976, tendered for filing as part of its FPC Gas Tariff, Second Revised Volume No. 1, the following sheets:

Substitute Third Revised Sheet No. 5
Substitute Third Revised Sheet No. 6

These sheets are issued in substitution of sheets filed on May 28, 1976 by Transwestern pursuant to the Commission's Opinion Nos. 749 and 749-A. By letter order dated June 30, 1976 the Commission accepted Transwestern's May 28, 1976 filing effective August 1, 1976 subject to elimination of certain producer increases. Transwestern asserts that this substitute filing is in compliance with such letter order of June 30, 1976, and requests an effective date of August 1, 1976 for the above substitute sheets.

Copies of the filing were served upon the company's jurisdictional customers and the interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 6, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22292 Filed 7-30-76;8:45 am]

[Docket Nos. RP73-94; PGA 76-3]

VALLEY GAS TRANSMISSION, INC.

Purchased Gas Cost Adjustment Filing

JULY 27, 1976.

Valley Gas Transmission, Inc. ("Valley"), on July 9, 1976, submitted for filing as part of its FPC Gas Tariff, Original Volume No. 1, its proposed Substitute Seventh Revised Sheet No. 2A. The proposed effective date is July 1, 1976.

Valley states that this tariff sheet is filed pursuant to the Purchased Gas Cost Adjustment Provision ("PGA Clause") of its Tariff, and in response to the Commission's letter order dated June 30, 1976 which rejected the PGA filing (PGA 76-2) which had been submitted on May 14, 1976. In that order the Commission stated that Valley had failed to comply with the conditions of the Commission's acceptance of Valley's PGA filing of November 14, 1975 (PGA 76-1) which required an adjustment in Valley's next semi-annual PGA filing to give rate effect to the settlement of the reserve dedication issue concerning the Luby and Petronilla Fields in Docket Nos. G-19618, et al.

Valley states that no adjustment is required because Valley's PGA clause and several subsequent filings made pursuant thereto have already given complete recognition to the settlement, thereby

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eliminating the need for any additional adjustments. A detailed summary of the accrued purchased gas costs, which were the subject of the Commission's aforementioned conditions, and their amortization by means of later PGA filings is attached to the filing. Valley is therefore refiling as PGA 76–3 the same rates that it filed on May 14, 1976 in PGA 76–2.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 6, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22293 Filed 7-30-76;8:45 am]

[Docket No. RP75-89]

NORTHERN NATURAL GAS CO.

Tender of Stipulation and Agreement

JULY 27, 1976.

Take notice that on July 15, 1976, Northern Natural Gas Company (Northern) tendered for filing a Stipulation and Agreement together with a Motion for approval thereof to resolve the above-captioned docket.

Northern states that on April 11, 1975, Northern filed revised tariff sheets providing increased rates of approximately $69,822,000 annually to jurisdictional customers, based on adjusted sales for the twelve (12) months ended December 31, 1974. Northern states that an effective date of May 27, 1975 was requested, but the increase was suspended until October 27, 1975 by the Commission's suspension order issued May 16, 1975. Northern states that the increase as effectuated subject to refund, was reduced to approximately $52,364,000 annually to comply with certain conditions imposed by the Commission's suspension order of May 16, 1975, supra and the orders of July 15, 1975 and October 31, 1975. Northern states that the Stipulation and Agreement provides a total increase of approximately $40,115,000, which includes $3,567,600 attributable to the reserved issue relating to Northern's request for cost-of-service treatment for its exploration program which is pending Commission decision in Docket No. RP74–75.

Copies of this Stipulation and Agreement is on file with the Commission and is available for public inspection. Any person desiring to comment on matters contained therein should file comments with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before August 17, 1976. Any reply comments should be filed on or before August 27, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22344 Filed 7-30-76;8:45 am]

[Docket No. ER76-782]

NORTHERN STATES POWER CO.

Supplement to Transmission Service Agreement

JULY 27, 1976.

Take notice that Northern States Power Company (Northern States) on July 14, 1976, tendered for filing Supplement No. 2 to the Transmission Service Agreement between Northern States and The State Board of Higher Education for the University of North Dakota.

Northern States states that Supplement No. 2 provides a Second Revised Schedule A establishing a revised schedule of rates for electric transmission service. An effective date of August 20, 1976, is requested by Northern States.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before August 9, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22345 Filed 7-30-76;8:45 am]

[Docket No. ES76-61]

PENNSYLVANIA POWER & LIGHT CO.

Application

JULY 27, 1976.

Take notice that on July 21, 1976, the Pennsylvania Power & Light Company (Applicant) filed an application, pursuant to section 204 of the Federal Power Act, seeking authorization to issue unsecured promissory notes maturing in less than one year from the date of issuance. Applicant seeks authority to issue from time to time through September 30, 1977, and to have outstanding at any one time unsecured promissory notes, in the form of bank loans, loans from institutional investors, loans from trust departments of commercial banks, or commercial paper, in an aggregate amount up to but not exceeding (a) 25 percent of Applicant's revenues during the last preceding twelve months of operations, or (b) $180 million, whichever is less.

The interest rate applicable to the unsecured promissory notes will be the best rate obtainable by Applicant for the type of transaction involved. This generally will be, in the case of bank loans, the prime commercial bank rate; in the case of commercial paper issued to commercial paper dealers, the market rate (or discount rate for commercial paper of comparable quality and of the particular maturity sold to commercial paper dealers.

Applicant is incorporated under the laws of the state of Pennsylvania with its principal business office at Allentown, Pennsylvania and is engaged in the generation, transmission, distribution and sale of electrical energy in the State of Pennsylvania.

The principal purpose for which Applicant will issue and sell unsecured promissory notes are (1) to purchase and carry fuel inventories, (2) to carry account receivable, (3) to provide for periodic large cash needs, such as tax, dividend and investment payments, (4) to supplement temporary funds for unexpected cash requirements, and (5) to provide interim financing for the construction of additions to Applicant's generation, transmission and distribution facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 20, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application, as supplemented, is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22346 Filed 7-30-76;8:45 am]

[Docket No. RP73-89 (PGA76-2)]

SEA ROBIN PIPELINE CO.

Filing of Revised Tariff Sheet

JULY 27, 1976.

Take notice that on July 20, 1976, Sea Robin Pipeline Company (Sea Robin) tendered for filing Tenth Revised Sheet No. 4 to its FPC Gas Tariff, Original Volume No. 1 proposed to become effective July 2, 1976.

Sea Robin states that this filing is being made pursuant to Commission order issued June 30, 1976 to reflect the elimination from the purchased gas cost in Sea Robin's May 14, 1976 PGA filing, volumes and costs related to three new purchase contract which did not materialize by July 1, 1976.

Sea Robin further states that a copy of the revised tariff sheet with supporting data is being mailed to all of Sea Robin's jurisdictional customers and interested state commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 15, 1976. Protests will be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22347 Filed 7-30-76;8:45 am]

[Docket No. ER76-693]

UTAH POWER & LIGHT CO.

Termination of Filing

JULY 27, 1976.

Take notice that on July 21, 1976, the Utah Power & Light Company (Utah) tendered for filing a notice of termination of its filing in this proceeding. Utah states that the service schedule tendered herein on May 20, 1976, and declared deficient by Secretary's letter dated June 23, 1976, was predicated upon output from the company's Huntington Unit No. 2. As a result of an accident and fire, Utah states that it expects Huntington No. 2 to be out of service for a period of at least 18 months. Utah therefore requests permission to withdraw the proferred filing, intending to make a new filing at such time as Huntington No. 2 again becomes commercially operable.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 10, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22348 Filed 7-30-76;8:45 am]

[Docket No. ER76-790]

WEST PENN POWER CO.

Changes in Rates and Charges

JULY 27, 1976.

Take notice that Allegheny Power Service Corporation (APSC) on July 13, 1976 tendered for filing on behalf of West Penn Power Company (West Penn), one of the electric utilities which make up the integrated Allegheny Power System, and Duquesne Light Company (Duquesne), Amendment No. 5 to the Interchange Agreement dated February 1, 1968 between West Penn and Duquesne designated West Penn Rate Schedule FPC No. 24 and Duquesne Rate Schedule FPC No. 9.

Amendment No. 5 provides for an increase in the demand charge for short-term power from $0.45 to $0.50 per kilowatt week to become effective September 1, 1976. Applicants state that since short-term power transactions are scheduled from time to time as load capacity conditions on the systems of the parties dictate it is impossible to estimate the increase in revenues which would result from Amendment No. 5.

Any person desiring to be heard or protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 N. Capitol Street NE., Washington, D.C. 20426 in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure. All such petitions or protest should be filed on or before August 10, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22349 Filed 7-30-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA 632]

CALIFORNIA

Order Providing for Opening of Public Land; Correction

JULY 23, 1976.

In FR Doc. 76–19174, appearing on page 27405 of the issue of Friday, July 2, 1976, the following correction should be made:

1. Instead of "Proposed Withdrawal and Reservation of Land; Correction", the title should have read, "Order Providing for Opening of Public Land; Correction."

JOAN B. RUSSELL,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-22300 Filed 7-30-76;8:45 am]

[OR 8789]

OREGON

Order Providing for Opening of Public Land

JULY 26, 1976.

1. In an exchange of lands made under the provisions of the act of July 31, 1939 (53 Stat. 1144), the following land has been reconveyed to the United States:

WILLAMETTE MERIDIAN

T. 10 S., R. 1 E.,
Sec. 19, SE¼NW¼.
The area described contains 40 acres in Linn County.

2. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of law applicable to revested Oregon and California Railroad lands, the land is hereby open to operation of the public land laws, including the mining laws (Ch. 2, Title 30 U.S.C.), and the mineral leasing laws. All valid applications received at or prior to 10 A.M. August 31, 1976, shall be considered as simultaneous filed at that time. Those received thereafter shall be considered in the order of filing.

3. Inquiries concerning the land should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

HAROLD A. BERENDS,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-22301 Filed 7-30-76;8:45 am]

National Park Service

SLEEPING BEAR DUNES NATIONAL LAKESHORE ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Sleeping Bear Dunes National Lakeshore Advisory Commission will be held at 1 p.m. (e.d.t.), Friday, August 20, 1976, at the Sleeping Bear Dunes National Lakeshore Visitor Center, on State Route 109 at the junction of Welch Road, approximately five miles south of Glen Haven, Michigan.

The commission was established by Public Law 91–479 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Sleeping Bear Dunes National Lakeshore.

The members of the commission are as follows:

Mr. Noble D. Travis (Chairman)
Mr. John B. Daugherty
Mr. William B. Bolton
Mr. John D. Stanz
Mr. Charles H. Yeates
Mrs. C. R. Williams
Mr. Louis F. Twardzik
Mr. John H. Stahlin
Mr. Sam Eberly

The principal item of business will be the status of the Lakeshore land acquisition program.

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The meeting will be open to the public. Any member of the public may file with the commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact J. A. Martinek, Superintendent, Sleeping Bear Dunes National Lakeshore, 400½ Main Street, Frankfort, Michigan 49635, telephone 616 352-9611. Minutes of this meeting will be available for public inspection four weeks after the meeting at the office of the Superintendent.

Dated: July 23, 1976.

MERRILL D. BEAL,
Regional Director
Midwest Region.

[FR Doc.76-22242 Filed 7-30-76;8:45 am]

Office of the Secretary

[INT FES 42]

NEW RIVER GORGE

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, P.L. 91-190, the Department of the Interior has prepared a final environmental impact statement for the proposed New River Gorge National Wild and Scenic River.

The proposal involves the designation of 66 miles of the New River in West Virginia from Bluestone Lake near the town of Hinton to the town of Gauley Bridge as a federally administered component of the National Wild and Scenic Rivers System.

Copies are available for inspection at the Bureau of Outdoor Recreation, Northeast Regional Office, 600 Arch Street, Philadelphia, Pennsylvania 19106, and the Bureau of Outdoor Recreation, Office of Communications, Room 237, Interior South Building, 1951 Constitution Avenue, N.W., Washington, D.C. 20240.

A limited number of copies are also available and may be obtained by writing to the Regional Director, Northeast Regional Office at the address shown above.

Dated: July 23, 1976.

STANLEY D. DOREMUS,
Deputy Assistant
Secretary of the Interior.

[FR Doc.76-22302 Filed 7-30-76;8:45 am]

UPPER DELAWARE RIVER

[INT FES 41]

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, P.L. 91-190, the Department of the Interior has prepared a final environmental impact statement for the proposed Upper Delaware National Scenic and Recreational River.

The proposal involves the designation of 75.4 miles of the Upper Delaware River, New York and Pennsylvania, as a component of the National Wild and Scenic Rivers System.

Copies are available for inspection at the Bureau of Outdoor Recreation, Northeast Reigonal Office, 600 Arch Street, Philadelphia, Pennslyvania 19106, and the Bureau of Outdoor Recreation, Office of Communications, Room 237, Interior South Building, 1951 Constitution Avenue, N.W., Washington, D.C. 20240.

A limited number of copies are also available and may be obtained by writing to the Regional Director, Northeast Regional Office at the address shown above.

Dated: July 23, 1976.

STANLEY D. DOREMUS,
Deputy Assistant
Secretary of the Interior.

[FR Doc.76-22303 Filed 7-30-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

GRAIN STANDARDS

Maryland Grain Inspection Point

Notice is hereby given that the Maryland Department of Agriculture has requested that its designation to operate as an official inspection agency at Salisbury, Maryland, be suspended for a period of 1 year. The State of Maryland has provided grain inspection services at Salisbury, Maryland, for more than 20 years. In response to the request, the Department is suspending the designation of the Maryland Department of Agriculture for a period of 1 year to become effective August 1, 1976, without prejudice to the Maryland Department of Agriculture.

The Maryland Department of Agriculture has not performed any official inspections at Salisbury, Maryland, since January 1976. Therefore, under the administrative procedures provisions of 5 U.S.C. 553, it is found that good cause exists to implement the voluntary suspension of the Maryland Department of Agriculture without public notice and participation in rulemaking on such suspension and that good cause is found for making the proposed actions effective less than 30 days after the publication in the FEDERAL REGISTER.

Interested persons are hereby afforded the opportunity to submit written views and comments with respect to the suspension of the designation of the Maryland Department of Agriculture to operate as an official inspection agency at Salisbury, Maryland, in accordance with section 26.101(a) of the regulations under the U.S. Grain Standards Act.

Other interested persons are hereby given opportunity to make application for interm designation to operate as an official inspection agency at Salisbury, Maryland, pursuant to the requirements in section 26.96 of the regulations (7 CFR 26.96) under the U.S. Grain Standards Act.

NOTE.—Section 7(f) of the Act (7 U.S.C 79(f)) generally provides that not more than one inspection agency shall be operative at any one time for any one city, town, or other area.

All views and comments should be submitted in writing to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250. All materials submitted should be in duplicate and mailed to the Hearing Clerk not later than September 1, 1976. All materials submitted pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Done in Washington, D.C. on: July 28, 1976.

IRVING W. THOMAS,
Acting Administrator.

[FR Doc.76-22227 Filed 7-30-76;8:45 am]

OFFICE OF THE GENERAL COUNSEL

Statement of Organization, Functions, Delegations of Authority, and Availability of Information

The Statement of Organization, Functions, Delegations of Authority, and Availability of Information, of the Office of the General Counsel, appearing in 41 FR 5333, February 5, 1976, is amended as provided below to delete the reference to the Branch Office located at Juneau, Alaska, which is being closed. The functions formerly performed by the Juneau Office will be performed by the Portland, Oregon Regional Office.

The amendments are as follows:

1. In section 2(b) "Juneau, AK." is deleted.

2. In section 20(b) the words "Juneau, Alaska", "State of Alaska" and "FS region 10" are deleted.

No change is made in the responsibilities of the Portland, Oregon Regional Office since its area of responsibility includes Federal region 10 and Forest Service region 10 of which Alaska is a part.

These amendments are effective August 1, 1976.

Dated: July 26, 1976.

JAMES D. KEAST,
General Counsel.

[FR Doc.76-22190 Filed 7-30-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

PANEL ON REVIEW OF GENERAL HOSPITAL AND PERSONAL USE DEVICES

Availability of Panel Report

In accordance with the provisions of a notice to manufacturers concerning medical device classification procedures published in the FEDERAL REGISTER of May 19, 1975 (40 FR 21848), the Food and Drug Administration announces the availability of the report of the classification results of the Panel on Review of General Hospital and Personal Use devices. The findings in the report were completed prior to May 28, 1976, the date on which the Medical Device Amendments of 1976 (Pub. L. 94-295) became effective. The report contains the tentative classification conclusions of the panel and includes a list of the devices reviewed, the answers to the classification logic scheme questions, and the recommended classification for each device, pursuant to the provisions in the May 19, 1975 FEDERAL REGISTER notice.

The Panel on Review of General Hospital and Personal Use Devices may be reconvened to determine whether to affirm or change the tentative recommendations in the report and, concurrently, to revise the logic scheme set forth in the May 19, 1975 FEDERAL REGISTER notice, where needed, to conform to the classification criteria and other requirements prescribed in Pub. L. 94-295.

The report has been placed on public display at the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, and may be seen during working hours Monday through Friday. Copies of the report are available upon request from the above office.

Dated: July 26, 1976.

JOSEPH P. HILE,
Acting Associate Commissioner
for Compliance.

[FR Doc.76-22226 Filed 7-30-76;8:45 am]

National Institutes of Health

ADVISORY COMMITTEES

Open Meetings

Pursuant to Public Law 92-463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be entirely open to the public to discuss issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available. Meetings will be held at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland, 20014, unless otherwise stated.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the meetings and rosters of committee members upon request.

Other information pertaining to the meeting can be obtained from the Executive Secretary indicated.

Name of Committee: President's Cancer Panel.
Dates: September 8, 1976; 9:30 a.m.—adjournment.
Place: Building 31/C, Conference Room 7, National Institutes of Health.
Times: Open for the entire meeting.
Agenda: To hear reports from the Director, National Cancer Program, NCI; the Chairman, President's Cancer Panel and to review the budget.
Executive Secretary: Dr. Richard A. Tjalma. Address: Building 31, Room 11A46, National Institutes of Health. Phone 301/496-5854.

Name of Committee: Tobacco Working Group.
Dates: September 8, 1976; 9:00 a.m.—adjournment.
Place: Building 31A, Conference Room 4, National Institutes of Health.
Times: Open for the entire meeting.
Agenda: To review activities of the Smoking and Health Program of the National Cancer Institute.
Executive Secretary: Dr. Thomas B. Owen. Address: Building 31, Room 11A05, National Institutes of Health, Phone: 301/496-6271.
Name of Committee: Temporary Review Committee for Frederick Cancer Research Center.
Dates: September 16, 1976; 9:00 a.m.—adjournment.
Place: Building 31C, Conference Room 8, National Institutes of Health.
Times: Open for the entire meeting.
Agenda: To review the work scope for Research for Proposals for recompetition of the contract to operate the Frederick Cancer Research Center.
Executive Secretary: Dr. William W. Payne. Address: NCI FCRC, Ft. Detrick, Frederick, Maryland. Phone 301/663-7305.
Name of Committee: Cancer Control and Rehabilitation Advisory Committee.
Dates: September 23-24, 1976, 9:00 a.m.
Place: Building 31C, Conference Room 8, National Institutes of Health.
Times: Open for the entire meeting.
Agenda: To discuss current and projected programs of the Division of Cancer Control and Rehabilitation.
Executive Secretary: Dr. Veronica L. Conley. Address: Blair Building, Room 7A07, National Institutes of Health. Phone: 301/427-7941.
Name of Committee: Virus Cancer Program Advisory Committee.
Dates: September 30, 1976-October 1, 1976; 10:00 a.m.
Place: Building 31A, Conference Room 4, National Institutes of Health.
Times: Open for the entire meeting.
Agenda: To discuss the overall direction of the Virus Cancer Program.
Executive Secretary: Dr. Elke Jordan. Address: Building 37, Room 1A01, National Institutes of Health. Phone: 301/496-6927.

Dated: July 20, 1976.

R. W. LAMONT-HAVERS,
Deputy Director,
National Institutes of Health.

[FR Doc.76-22211 Filed 7-30-76;8:45 am]

BREAST CANCER WORKSHOP

Meeting

Notice is hereby given of a Breast Cancer Workshop sponsored by the Breast Cancer Task Force, National Cancer Institute, September 8, 1976, Holiday Inn, Versailles Rooms I and II, Bethesda, Maryland.

This meeting will be open to the public from 8:30 a.m. to adjournment on September 8, 1976, for discussion of a program of projects in experimental biology and treatment of breast cancer. Attendance by the public will be limited to space available.

For additional information, please contact Dr. D. Jane Taylor, Landow Building, Room A-422, Division of Cancer Biology and Diagnosis, National Cancer Institute, National Institutes of Health, Bethesda, Maryland 20014; (301) 496-6718.

Dated: July 26, 1976.

R. W. LAMONT-HAVERS,
Deputy Director,
National Institutes of Health.

[FR Doc.76-22212 Filed 7-30-76;8:45 am]

REVIEW OF RESEARCH CONTRACT PROPOSALS

Meetings

Pursuant to Public Law 92-463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be open to the public to discuss administrative details or other issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available.

These meetings will be closed to the public as indicated below in accordance with the provisions set forth in Sections 552(b)(4) and 552(b)(6) of Title 5, U.S. Code and Section 10(d) of P.L. 92-463 for the review, discussion and evaluation of individual research contract proposals as indicated. The proposals contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the meetings and rosters of committee members upon request. Other information pertaining to the meeting can be obtained from the Executive Secretary indicated. Meetings are at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014, unless otherwise stated.

Name of Committee: Diet and Cancer Scientific Review Committee.
Dates: September 1, 1976; 8:30 a.m.
Place: Building 31A, Conference Room 4, National Institutes of Health.
Times: Open September 1, 8:30 a.m.-9:30 a.m. Closed September 1, 9:30 a.m.-adjournment.
Closure Reason: To review research contract proposals.
Executive Secretary: Dr. Glo B. Gori. Address: Building 31, Room 11A03, National Institutes of Health. Phone: 301/496-6616.

(Catalog of Federal Domestic Assistance Number 13.393, National Institutes of Health)

Name of Committee: Cancer and Nutrition Scientific Review Committee.
Dates: September 2, 1976; 8:30 a.m.
Place: Building 31C, Conference Room 7, National Institutes of Health.
Times: Open September 2, 8:30 a.m.-9:30 a.m. Closed September 2, 9:30 a.m.-adjournment.
Closure Reason: To review research contract proposals.
Executive Secretary: Dr. Glo B. Gori. Address: Building 31, Room 11A03, National Institutes of Health. Phone: 301/496-6616.

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(Catalog of Federal Domestic Assistance Number 13.393, National Institutes of Health)
Name of Committee: Committee on Cancer Immunodiagnosis.
Dates: September 2, 1976; 1:00 p.m.
Place: Building 10, Conference Room 4B-14, National Institutes of Health.
Times: Open September 2, 1:00 p.m.–1:30 p.m. Closed September 2, 1:30 p.m.–adjournment.
Closure Reason: To review research contract proposals.
Executive Secretary: Mrs. Judith M. Whalen. Address: Building 10, Room 4B17, National Institutes of Health. Phone: 301/496–1791.
(Catalog of Federal Domestic Assistance Number 13.394, National Institutes of Health)
Name of Committee: Combined Modality Committee.
Dates: September 9, 1976; 1:00 p.m.
Place: Building 37, Conference Room 6B23, National Institutes of Health.
Times: Open September 9, 1:00 p.m.–1:30 p.m. Closed September 9, 1:30 p.m.–adjournment.
Closure Reason: To review research contract proposals.
Executive Secretary: Dr. Harry Handelsman. Address: Building 37, Room 6D28, National Institutes of Health. Phone: 301/496–1774.
(Catalog of Federal Domestic Assistance Number 13.395, National Institutes of Health)
Name of Committee: Breast Cancer Epidemiology Committee.
Dates: September 9, 1976; 8:30 a.m.
Place: Holiday Inn, New Jersey Room, Bethesda, Maryland.
Times: Open September 9, 9:30 a.m.–adjournment. Closed September 9, 8:30 a.m.–9:30 a.m. Agenda/Open Portion: To review the program and discuss possible future requests for proposals.
Closure Reason: To review research contract proposals.
Executive Secretary: Dr. Elizabeth P. Anderson. Address: Landow Building, Room A–406, National Institutes of Health. Phone: 301/496–6718.
(Catalog of Federal Domestic Assistance Number 13.394, National Institutes of Health)
Name of Committee: Breast Cancer Experimental Biology Committee.
Dates: September 9, 1976; 8:30 a.m.
Place: Landow Building, Room C–418, 7910 Woodmont Avenue, Bethesda, Maryland.
Times: Open September 9, 8:30 a.m.–12:30 p.m. Closed September 9, 1:30 p.m.–adjournment.
Agenda/Open Portion: To review programs and discuss new projects.
Closure Reason: To review research contract proposals.
Executive Secretary: Dr. D. Jane Taylor. Address: Landow Building, Room A–422, National Institutes of Health. Phone: 301/496–6718.
(Catalog of Federal Domestic Assistance Number 13.396, National Institutes of Health)
Name of Committee: Breast Cancer Treatment Committee.
Dates: September 9, 1976; 8:30 a.m.
Place: Building 31C, Conference Room 8, National Institutes of Health.
Times: Open September 9, 8:30 a.m.—10:30 a.m. Closed September 9, 11:00 a.m.—adjournment.
Closure Reason: To review research contract proposals.
Executive Secretary: Dr. Mary E. Sears. Address: Landow Building, Room A–404, National Institutes of Health. Phone: 301/496–6773.
(Catalog of Federal Domestic Assistance Number 13.395, National Institutes of Health)
Name of Committee: Breast Cancer Diagnosis Committee.
Dates: September 9, 1976; 8:30 a.m.
Place: Holiday Inn—Pennsylvania Room, 8120 Wisconsin Avenue, Bethesda, Maryland.
Times: Open September 9, 8:30 a.m.–12:30 p.m.; September 9, 2:30 p.m.–adjournment. Closed September 9, 1:30 p.m.–2:30 p.m. Agenda/Open Portion: To review project areas for fiscal year 1977–1978 program.
Closure Reason: To review research contract proposals.
Executive Secretary: Dr. Bernice T. Radovich. Address: Landow Building—Room B404, National Institutes of Health. Phone: 301/496–6773.
(Catalog of Federal Domestic Assistance Number 13.394, National Institutes of Health)
Name of Committee: Committee on Cancer Immunobiology.
Dates: September 9–10, 1976; 7:00 p.m.
Place: Landow Building, Room C418, 7910 Woodmont Avenue, Bethesda, Maryland.
Times: Open September 9, 7:00 p.m.–7:30 p.m. September 10, 8:30 a.m.—adjournment. Agenda/Open Portion: To generate new requests for proposals and review the immunobiology program. Closed: September 9, 7:30 p.m.—adjournment.
Closure Reason: To review research contract proposals.
Executive Secretary: Mrs. Judith M. Whalen. Address: Building 10, Room 4B17, National Institutes of Health. Phone: 301/496–1791.
(Catalog of Federal Domestic Assistance Number 13.396, National Institutes of Health)
Name of Committee: Committee on Cancer Immunotherapy.
Dates: September 14–15, 1976; 8:30 a.m.
Place: Landow Building, Room C–418, 7910 Woodmont Avenue, Bethesda, Maryland.
Times: Open September 14, 10:30 a.m.–5:00 p.m. Open September 15, 8:30 a.m.–adjournment. Agenda/Open Portion: To generate new requests for proposals and review the immunotherapy program. Closed: September 14, 8:30 a.m.–10:30 a.m.
Closure Reason: To review research contract proposals.
Executive Secretary: Dr. George M. Steinberg. Address: Building 10, Room 4B09, National Institutes of Health. Phone: 301/496–1791.
(Catalog of Federal Domestic Assistance Number 13.395, National Institutes of Health)
Name of Committee: Diagnostic Research Advisory Group.
Dates: September 15, 1976; 8:30 a.m.
Place: Building 31C, Conference Room 8, National Institutes of Health.
Times: Open September 15, 8:30 a.m.–12:00 noon. Agenda/Open Portion: To discuss the scientific aspects of the Diagnosis Program. Closed: September 15, 12:00 noon–adjournment.
Closure Reason: To review research contract proposals.
Executive Secretary: Mr. Louis P. Greenberg. Address: Building 31, Room 3A10, National Institutes of Health. Phone: 301/496–1591.
(Catalog of Federal Domestic Assistance Number 13.394, National Institutes of Health)
Name of Committee: Committee on Cytology Automation.
Dates: September 16–17, 1976; 9:00 a.m.
Place: Building 31C, Conference Room 7, National Institutes of Health.
Times: Open September 16, 9:00 a.m.–10:00 a.m. Closed September 16, 10:00 a.m.–5:00 p.m. Closed September 17, 9:00 a.m.–adjournment.
Closure Reason: To review research contract proposals.
Executive Secretary: Dr. Bill Bunnag. Address: Building 10, Room 1A21, National Institutes of Health. Phone 301/496–5282.
(Catalog of Federal Domestic Assistance Number 13.394, National Institutes of Health)
Name of Committee: Virus Cancer Program Scientific Review Committee B.
Dates: September 20, 1976; 9:00 a.m.
Place: Landow Building, Room C418, 7910 Woodmont Avenue, Bethesda, Maryland.
Times: Open September 20, 9:00 a.m.–9:30 a.m. Closed September 20, 9:30 a.m.–adjournment.
Closure Reason: To review research contract proposals.
Executive Secretary: Dr. Elke Jordan. Address: Building 37, Room 1A–01, National Institutes of Health. Phone: 301/496–6927.
(Catalog of Federal Domestic Assistance Number 13.393, National Institutes of Health)
Name of Committee: Diagnostic Radiology Committee.
Dates: September 22, 1976; 8:30 a.m.
Place: Building 31C, Conference Room 8, National Institutes of Health.
Times: Open September 22, 8:30 a.m.–12:00 noon. Closed September 22, 12:00 noon–adjournment.
Closure Reason: To review research contract proposals.
Executive Secretary: Dr. R. Quentin Blackwell. Address: Building 31, Room 3A10, National Institutes of Health. Phone: 301/496–1591.
(Catalog of Federal Domestic Assistance Number 13.394, National Institutes of Health)
Name of Committee: Virus Cancer Program Scientific Review Committee A.
Dates: September 27–28, 1976; 9:00 a.m.
Place: Building 37, Room 1B04, National Institutes of Health.
Times: Open September 27, 9:00 a.m.–9:30 a.m. Closed September 27, 9:30 a.m.–5:00 p.m. Closed September 28, 9:00 a.m.—adjournment.
Closure reason: To review research contract proposals.
Executive Secretary: Dr. Elke Jordan. Address: Building 37, Room 1A01, National Institutes of Health. Phone: 301/496–6927.
(Catalog of Federal Domestic Assistance Number 13.393, National Institutes of Health)
Name of Committee: Biometry and Epidemiology Contract Review Committee.
Dates: September 27–29, 1976; 7:00 p.m.
Place: Landow Building, 7910 Woodmont Avenue, Bethesda, Maryland.
Times: Open September 27; 7:00 p.m.–11:00 p.m. Open September 28; 8:30 a.m.–12:00 p.m. Closed September 28; 1:30 p.m.–5:00 p.m. Closed September 29; 8:30 a.m.—adjournment.
Closure Reason: To review research contract proposals.
Executive Secretary: Mr. Harvey Geller. Address: Landow Building, Room C519, National Institutes of Health. Phone: 301/496–6014.
(Catalog of Federal Domestic Assistance Number 13.393, National Institutes of Health)

Dated: July 26, 1976.

R. W. LAMONT-HAVERS,
Deputy Director,
National Institutes of Health.

[FR Doc.76–22210 Filed 7–30–76;8:45 am]

REVIEW OF RESEARCH GRANT APPLICATIONS

Meetings

Pursuant to Public Law 92–463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be open to the public to discuss administrative details or other issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available.

These meetings will be closed to the public as indicated below in accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5) and 552(b)(6) of Title 5, U.S. Code and Section 10(d) of P.L. 92–463, for the review, discussion and evaluation of individual initial pending, supplemental, and renewal grant applications. The closed portions of the meetings involve solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5708) will furnish summaries of the meetings and rosters of committee members upon request. Other information pertaining to the meeting can be obtained from the Executive Secretary indicated. Meetings are held at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014, unless otherwise stated.

Name of committee: National Bladder Cancer Working Cadre.
Dates: September 9–10, 1976; 8:30 a.m.
Place: Logan Hilton Hotel/Room 317, Logan International Airport, Boston, Massachusetts.
Times: Open: September 9; 1 p.m. to 5 p.m. Open: September 10, 8:30 a.m. to adjournment. Closed: September 9; 8:30 a.m. to 1 p.m.
Agenda Open portion: Program evaluation and planning.
Closure reason: To review research grant applications.
Executive secretary: Dr. Olga G. Joly, Address: Westwood Building, Room 853, National Institutes of Health. Phone: 301/496–7194.
(Catalog of Federal Domestic Assistance Numbers; 13.393; 13.394; 13.395, National Institutes of Health).
Name of committee: National Cancer Advisory Board Subcommittee on Centers and Construction.
Dates: September 12, 1976, 7:00 p.m.
Place: Building 31/C, Conference Room 10, National Institutes of Health.
Times:
Open: September 12, 7 p.m. to 9:30 p.m.
Closed: September 12, 9:30 p.m. to adjournment.
Agenda for open portion: To review centers for comprehensiveness; the status of American Association of Cancer Institutes Liaison to NCI, and the staff report on evaluation and planning for cancer centers program.
Closure reason: To review Research Centers and Construction Grant Applications.
Executive secretary: Dr. William A. Walter, Jr. Address: Westwood Building, Room 826, National Institutes of Health. Phone: 301/496–7427.
(Catalog of Federal Domestic Assistance Program No. 13.392, National Institutes of Health).
Name of Committee: Clinical Cancer Education Committee.
Dates: September 30–October 1, 1976; 8:30 a.m.
Place: Building 1, Wilson Hall, National Institutes of Health.
Times: Open: September 30; 8:30 a.m. to 9:30 a.m. Closed: September 30; 9:30 a.m. to 5:00 p.m. Closed: October 1; 8:30 a.m. to adjournment.
Closure reason: To review research grant applications.
Executive secretary: Dr. Margaret Edwards, Address: Westwood Building, Room 10A18, National Institutes of Health. Phone: 301/496–7762.
Catalog of Federal Domestic Assistance Number 13.398; National Institutes of Health.

Dated July 26, 1976.

R. W. LAMONT-HAVERS,
Deputy Director,
National Institutes of Health.

[FR Doc.76–22209 Filed 7–30–76;8:45 am]

ARTIFICIAL KIDNEY-CHRONIC UREMIA ADVISORY COMMITTEE

Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Artificial Kidney-Chronic Uremia Advisory Committee, National Institute of Arthritis, Metabolism, and Digestive Diseases, September 9, 1976. The meeting will be held in Building 31, Conference Room 7 at the National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public from 9 a.m. to 10 a.m. to discuss administrative reports. Attendance by the public will be limited to space available. In accordance with the provisions set forth in Sections 552(b)(4) and 552(b)(6), Title 5, U.S. Code and Section 10(d) of P.L. 92–463, the meeting will be closed to the public from 10 a.m. to 5 p.m. for the review, discussion and evaluation of individual contract proposals. The proposals contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals.

Messrs. James N. Fordham or Leo E. Treacy, Office of Scientific and Technical Reports, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Maryland 20014, (301) 496–3583, will provide summaries of the meeting and rosters of the committee members.

Dated: July 26, 1976.

R. W. LAMONT-HAVERS,
Deputy Director,
National Institutes of Health.

[FR Doc.76–22220 Filed 7–30–76;8:45 am]

CANCER CONTROL AND REHABILITATION ADVISORY COMMITTEE'S SUBCOMMITTEE ON COMMUNITY ACTIVITIES

Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Cancer Control and Rehabilitation Advisory Committee's Subcommittee on Community Activities, September 22, 1976, at the Holiday Inn, 8120 Wisconsin Avenue, Board Room #7, Bethesda, Maryland.

The entire meeting will be open to the public from 7:30 p.m. to 9:30 p.m. to consider strategies for the Division of Cancer Control and Rehabilitation coordina-

(Catalog of Federal Domestic Assistance Program No. 13.849, National Institutes of Health)

R. W. LAMONT-HAVERS,
Deputy Director,
National Institutes of Health.

[FR Doc.76–22219 Filed 7–30–76;8:45 am]

BOARD OF SCIENTIFIC COUNSELORS, NIAMDD

Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Arthritis, Metabolism, and Digestive Diseases, September 10–11, 1976, National Institutes of Health, Building 4, Room 336. This meeting will be open to the public from 9:30 a.m. to 4:30 p.m. on September 10 and from 9:00 a.m. to 11:00 a.m. on September 11. The open portion will be devoted to scientific presentations by various laboratories of NIAMDD intramural research. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552(b)(6), Title 5, U.S. Code and Section 10(d) of P.L. 92–463, the meeting will be closed to the public from 4:30 p.m. to adjournment on September 10 and from 11:00 a.m. to adjournment on September 11 for the review, discussion, and evaluation of individual programs and projects conducted by the National Institutes of Health, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Messr. James N. Fordham or Leo E. Treacy, Office of Scientific and Technical Reports, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Maryland 20014, (301) 496–3583 will provide summaries of the meeting and rosters of the committee members.

Dated: July 26, 1976.

R. W. LAMONT-HAVERS,
Deputy Director,
National Institutes of Health.

[FR Doc.76–22220 Filed 7–30–76;8:45 am]

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tion and integration of current control efforts into more effective community-based cancer control.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the meeting and a roster of committee members, upon request.

Dr. Robert F. Browning, Blair Building, Room 7A07, National Institute of Health, Bethesda, Maryland 20016 (301/427-7945) will provide substantive program information.

Dated: July 26, 1976.

R. W. LAMONT-HAVERS,
Deputy Director,
National Institutes of Health.

[FR Doc.76-22215 Filed 7-30-76;8:45 am]

CANCER CONTROL AND REHABILITATION ADVISORY COMMITTEE'S SUBCOMMITTEE ON COST REIMBURSEMENT

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Cancer Control and Rehabilitation Advisory Committee's Subcommittee on Cost Reimbursement, September 22, 1976, National Cancer Institute, Blair Building, Room 110, Silver Spring, Maryland.

The entire meeting will be open to the public from 1:00 p.m. to adjournment to consider various intervention strategies potentially applicable to supported-projects in the Division of Cancer Control and Rehabilitation. Attendance by the public will be limited to space available.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Rom 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the meeting and a roster of committee members, upon request.

Dr. Carlos Caban, Blair Building, Room 7A07, National Institutes of Health, Bethesda, Maryland 20016 (301/427-7941) will provide substantive program information.

Dated: July 26, 1976.

R. W. LAMONT-HAVERS,
Deputy Director,
National Institutes of Health.

[FR Doc.76-22216 Filed 7-30-76;8:45 am]

CARDIOLOGY ADVISORY COMMITTEE

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Cardiology Advisory Committee, National Heart, Lung, and Blood Institute, September 22, 1976, National Institutes of Health, Building 31, Conference Room 7.

The entire meeting will be open to the public from 8:30 A.M. to 5:00 P.M. The agenda will include a review of the report on the Artificial Heart Program as well as possible initiatives for the coming year. Attendance by the public will be limited to space available.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 5A03, National Institutes of Health, Bethesda, Maryland 20014, phone (301) 496-4236, will provide summaries of the meeting and rosters of the Committee members.

Peter L. Frommer, M.D., Associate Director for Cardiology, Division of Heart and Vascular Diseases, National Heart, Lung, and Blood Institute, Landow Building, Room A922, Bethesda, Maryland 20014, phone (301) 496-5421, will furnish substantive program information.

Dated: July 26, 1976.

R. W. LAMONT-HAVERS,
Deputy Director,
National Institutes of Health.

[FR Doc.76-22218 Filed 7-30-76;8:45 am]

HIGH BLOOD PRESSURE WORKING GROUP

Meeting

Notice is hereby given of the High Blood Pressure Working Group meeting, September 20, 1976 from 8:30 a.m. to 5:00 p.m. at the National Institutes of Health, Building 31, Conference Room 8, Bethesda, Maryland 20014. The meeting is being held to discuss recent developments in the National High Blood Pressure Education Program.

The entire meeting will be open to the public. Attendance will be limited to space available.

For detailed program information contact Mr. Graham Ward, Program Coordinator, National High Blood Pressure Education Program, Room D126, Landow Building, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014.

For the agenda, list of participants and meeting summary contact: Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, NIH, 9000 Rockville Pike, Bethesda, Maryland 20014 (Building 31, Room 5A03).

(Catalog of Federal Domestic Assistance Program No. 13.837, National Institutes of Health).

Dated: July 26, 1976.

R. W. LAMONT-HAVERS,
Deputy Director,
National Institutes of Health.

[FR Doc.76-22222 Filed 7-30-76;8:45 am]

NATIONAL ADVISORY ENVIRONMENTAL HEALTH SCIENCES COUNCIL

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Advisory Environmental Health Sciences Council, September 13-14, 1976, from 9:00 a.m. to 5:00 p.m., in Building 18, Conference Room, National Institute of Environmental Health Sciences, Research Triangle Park, North Carolina. This meeting will be open to the public from 9:00 a.m. to 12:00 noon on September 13, 1976, to discuss the National Institute of Environmental Health Sciences (NIEHS) contract review mechanism, the NIEHS mutagen screening system, administrative reports, recent legislation, interagency activities and other items of interest. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Public Law 92-463, the meeting of the Council will be closed to the public on September 13, from 1:00 p.m. to 5:00 p.m. and on September 14, from 9:00 a.m. to adjournment for the review, discussion and evaluation of individual initial pending and renewal grant applicaitons. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Leota B. Staff, Committee Management Officer, NIEHS, Westwood Building, Room 404, Bethesda, Maryland, 20014, (301) 496-7483, will furnish rosters of committee members, and a summary of the meeting. Dr. Cobert D. LeMunyan, Acting Associate Director for Extramural Programs, National Institute of Environmental Health Sciences, Research Triangle Park, North Carolina 27709, (919) 549-8411, extension 3353, will furnish substantive program information pertaining to the meeting.

Dated: July 19, 1976.

(Catalog of Federal Domestic Assistance Program Nos. 13.872, 13.873, 13.874, 13.875, and 13.876, National Institutes of Health.)

R. W. LAMONT-HAVERS,
Deputy Director,
National Institutes of Health.

[FR Doc.76-22221 Filed 7-30-76;8:45 am]

NATIONAL ADVISORY EYE COUNCIL

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Advisory Eye Council, National Eye Institute, on September 13-14, 1976, in Building 31, Conference Room #7, National Institutes of Health, Bethesda, Maryland. This meeting will convene at 9:00 a.m. on Monday, September 13 and remain open for the balance of the day, for opening remarks, discussion of procedural matters, and reports on various Institute and Council-related activities. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5), and 552(b)(6), Title 5, U.S. Code and

Section 10(d) of P.L. 92-463, the meeting will be closed from opening at 9:00 a.m. on Tuesday, September 14, until adjournment for the review, discussion, and evaluation of individual initial pending supplemental and renewal grant applications, and of 1 individual application under the National Research Service Awards. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data such as salaries; and personal information concerning individuals associated with the applications.

Mr. Julian Morris, Head, Scientific Reports and Program Planning Coordination, National Eye Institute, National Institutes of Health, Building 31, Room 6A-27, Bethesda, Maryland 20014, telephone (301) 496-5248, will furnish summary minutes of the meeting and a roster of committee members.

Substantive program information may be obtained from Dr. William F. Raub, Associate Director for Extramural and Collaborative Programs, National Eye Institute, Building 31, Room 6A-04, National Institutes of Health, Bethesda, Maryland 20014, telephone (301) 496-4903.

Dated: July 26, 1976.

(Catalog of Federal Domestic Assistance Program Nos. 13.867, 13.868, 13.869, 13.870, and 13.871, National Institutes of Health).

R. W. LAMONT-HAVERS,
Deputy Director,
National Institutes of Health.

[FR Doc.76-22217 Filed 7-30-76;8:45 am]

NATIONAL CANCER ADVISORY BOARD

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Cancer Advisory Board, National Cancer Institute, September 13-15, 1976, National Institutes of Health, Building 31, Conference Room 6. The Board Subcommittees on Diagnosis and Treatment and Carcinogenesis and Prevention will also meet September 12, 1976 at 4:00 p.m., National Institutes of Health, Building 31C, Conference Rooms 7 and 8, respectively.

The Board meeting will be open to the public on September 13 from 9:00 a.m. to 12:00 noon, for opening remarks and committee reports. On September 14, the meeting will be entirely open from 9:00 a.m. to 5:00 p.m. for review of the contract mechanism. The Board Subcommittees will be open to the public on September 12, from 4:00 p.m. to 4:30 p.m. to review administrative details. Attendance by the public at these meetings will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5), and 552(b)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92-463, the Board meeting will be closed to the public on September 13 from 1:30 p.m. to 5:00 p.m. and on September 15 from 9:00 a.m. to adjournment, and the Subcommittee meetings on September 12, from 4:30 p.m. to adjournment, for the review, discussion and evaluation of individual initial pending, supplemental, and renewal grant applications. The closed portions of the meetings involve solely the internal expression of views and judgments of Board members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Dr. Richard A. Tjalma, Assistant Director: NCI, Building 31, Room 11A46, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5854) will provide summaries of the meeting, substantive program information, and rosters of Board members.

Dated: July 26, 1976.

(Catalog of Federal Domestic Assistance Program Nos. 13.392 through 13.399, National Institutes of Health)

R. W. LAMONT-HAVERS,
Deputy Director,
National Institutes of Health.

[FR Doc.76-22214 Filed 7-30-76;8:45 am]

NEUROLOGICAL AND COMMUNICATIVE DISORDERS AND STROKE SCIENCE INFORMATION PROGRAM ADVISORY COMMITTEE

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Neurological and Communicative Disorders and Stroke Science Information Program Advisory Committee, National Institute of Neurological and Communicative Disorders and Stroke, September 16 and 17, 1976, at the National Institutes of Health, Building 31, Conference Room 9, Bethesda, Maryland 20014.

This meeting will be open to the public on September 16, 1976, from 9:30 a.m. to 2:00 p.m., and on September 17, 1976, from 9:00 a.m. until conclusion of the meeting, to discuss the status and plans for the Institute's science information program. Attendance by the public will be limited to space available. In accordance with the provisions set forth in Sections 552(b)(4) and 552(b)(6), Title 5, U.S. Code and Section 10(d) of P.L. 92-463, the meeting will be closed to the public on September 16, 1976, from 2:00 p.m. to 5:00 p.m., for the review, discussion, and evaluation of individual contract proposals. The proposals contain information of a proprietary or confidential nature, including financial data, such as salaries, and personal information concerning individuals associated with the proposals.

Mrs. Ruth Dudley, Chief, Office of Scientific and Health Reports, NINCDS, NIH, Building 31, Room 8A-06, Bethesda, Maryland 20014 (301) 496-5751, will provide summaries of the meeting and rosters of committee members.

Mr. Alfred Weissberg, Executive Secretary, NINCDS, NIH, Building 31, Room 8A-03, Bethesda, Maryland 20014, (301) 496-9271, will furnish substantive program information.

Dated: July 26, 1976.

(Catalog of Federal Domestic Assistance Program No. 13.854, National Institutes of Health.)

R. W. LAMONT-HAVERS,
Deputy Director,
National Institutes of Health.

[FR Doc.76-22223 Filed 7-30-76;8:45 am]

National Institute of Education

ADVISORY COMMITTEES

Meeting

Pursuant to the provisions of Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), notice is hereby given that the Panel on Education and Work of the National Institute of Education is scheduled to meet on August 17-19, 1976.

This meeting will be open to the public during the time indicated below to discuss administrative details or other issues related to committee business as described in the notice.

This meeting will be closed to the public as indicated below in accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5) and 552(b)(6) of Title 5, U.S.C. and Section 10(d) of P.L. 92-463, for the review, discussion and evaluation of individual grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

PANEL ON EDUCATION AND WORK

Date and Time: August 17-19, 1976-9:00 a.m.
Place: Sheraton National Hotel, Arlington, Virginia.
Open Session: August 17—9:00 to 10:30 a.m.
Closed Session: Otherwise.
Closure Reason: To review research grant applications.
Purpose: The Panel on Education and Work will review and evaluate proposals submitted for funding in the Education and Work grants competition of the National Institute of Education (NIE) and will recommend to the Director, NIE, which proposals should be funded. Final decisions will be made by the Director.
Agenda: The period from 9:00 a.m. to approximately 10:30 a.m. on August 17 will be devoted to discussion of the review criteria, panel procedures, and other matters of relevance to NIE's Education and Work program. From approximately 10:30 a.m. on August 17 until adjournment on August 19, the panel will review and discuss the applications that have been submitted for grant awards.

Dated: July 30, 1976.

RICHARD WERKSMAN,
Committee Management Officer,
National Institute of Education.

[FR Doc.76-22528 Filed 7-30-76;10:18 am]

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GRANTS PROGRAMS REVIEW PANELS

Establishment

After consultation with the Director, Office of Management and Budget, the Secretary of Health, Education, and Welfare has determined that the formation of the following review panels by the National Institute of Education under provisions of the Federal Advisory Committee Act is in the public interest in connection with performance of duties imposed on the Department by law, and that such duties can best be performed through the advice and counsel of such groups:

a. Panel on Education and Work.

b. Panel on School Capacity for Problem Solving.

These panels will be utilized to review, discuss, evaluate and rank proposals and to accomplish such external program reviews as shall be required by the Director, NIE. Meeting dates for each panel will be announced in the FEDERAL REGISTER.

Dated: July 29, 1976.

HAROLD L. HODGKINSON,
Director,
National Institute of Education.

[FR Doc.76-22529 Filed 7-30-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

COMBINED STATION/TOWER AT PUEBLO, COLORADO

Change in Designation

Notice is hereby given that on or about September 23, 1976, the station services will be separated from the Combined Station/Tower at Pueblo, Colorado, and the facility will be designated as the Pueblo, Colorado, Airport Traffic Control Tower. Station service to the aviation public of Pueblo, Colorado, formerly provided by this facility will be provided by the Denver, Colorado, Flight Service Station. This information will be reflected in the FAA Organization Statement the next time it is issued.

Issued in Aurora, Colorado, on June 28, 1976.

M. M. MARTIN
Director, Rocky Mountain Region.

[FR Doc.76-22235 Filed 7-30-76;8:45 am]

Urban Mass Transportation Administration

UMTA POLICY

Statement on Transbus

I. INTRODUCTION

The Transbus program was first conceived to serve two objectives: to bring into commercial use a new generation of transit buses that would provide better and more attractive transit service; and to encourage competition in the supply industry by providing equal opportunity to the three transit bus manufacturers to produce advanced bus designs. Since the issuance of the UMTA "Policy for Introducing Transbus Into Nationwide Service" on January 8, 1975, there have been a number of developments:

The market has seen a continued disturbing escalation in the purchase price of transit buses, estimated at 25 percent during the past two years and over 76 percent since 1971;

Prototype vehicles were successfully developed by each manufacturer, providing a useful test of new design techniques and transit industry and consumer reactions;

Based on these prototypes, a Transbus vehicle performance specification was developed in cooperation with the manufacturers and with the American Public Transit Association (APTA). While there has been a consensus on most elements of the specification and the accompanying standardized contract, quality assurance, and warranty documents, there is continued disagreement over the issues of bus floor height and whether the use of any standard performance specification should be mandated by the Federal Government;

Two manufacturers have announced their intention to produce "interim" or advanced design buses which incorporate most of the design features of the Transbus but which would have floor heights (29–32 inches) between those of current buses (34–35 inches) and the Transbus (22 inches or less). These interim buses would offer important operational cost savings, and a strong market demand has developed for their acquisition;

UMTA has issued final regulations on Transportation for Elderly and Handicapped Persons (41 FR 18234, issued April 30, 1976). These regulations mandate that service be provided to these groups of users, and further mandate that new buses to be acquired with UMTA financial assistance must have front step risers that do not exceed eight inches in height, have no more than eight inches in vertical distance from a standard six-inch curb to the first stair tread, and offer wheelchair accessibility packages (including lifts or ramps) which transit properties may order as an option. UMTA has taken a strong position in these regulations and in testimony, however, that the Federal Government should leave to local jurisdictions the choice of whether to use such wheelchair accessible transit buses or separate specialized services, or some combination, to meet the transit needs of wheelchair users and semi-ambulatory persons;

On May 5, 1976, the Administrator of UMTA held a day-long public hearing, announced in the FEDERAL REGISTER on April 14, 1976, on a number of bus design and procurement policy issues. The central issue had to do with whether the Federal Government should mandate or encourage the use of the Transbus performance specification and, if so, with what bus floor height specified. Another issue posed in that hearing was the date after which transit buses had to meet the eight-inch front step riser and wheelchair accessibility option requirements of the UMTA Elderly and Handicapped regulations. That date had been left open pending testimony from manufacturers and others on feasibility.

II. POLICY DECISIONS

UMTA has had the benefit of numermous meetings with manufacturers, transit operators, and public interest groups, as well as written submissions, Congressional testimony, and a special public hearing on these issues. Based on that body of information, UMTA makes the following determinations:

1. New transit buses to be purchased with UMTA financial assistance and advertised for bid after February 15, 1977, must have front step risers which do not exceed eight inches in height, and must offer a wheelchair level change device as an option which transit authorities can order. The UMTA regulation on Transportation for Elderly and Handicapped Persons will be amended to insert this February 15, 1977 effective date in the relevant provisions.

2. New transit buses to be acquired with Federal financial assistance and advertised for bid after February 15, 1977 must have effective floor heights of 24 inches or less after use of a "kneeling feature" on the bus. In other words, some combination of kneeling feature and lowered floor height must be capable of producing a net floor height of 24 inches or less. The aforementioned regulation will be amended to include the above requirement.

3. The purposes of the Transbus program have been largely fulfilled by the above mandate of an effective floor height of 24 inches, and with the introduction of newly designed, more efficient and more attractive transit buses into production in a competitive environment. It will remain an UMTA objective to continue to assist manufacturers to produce buses which are superior in a variety of respects, including having floor heights which do not exceed 22 inches. This floor height objective should be attained in an evolutionary fashion when the technical componentry is satisfactorily developed and when the prospective costs and benefits support a move to a lower floor height. Having in mind these necessary conditions, however, UMTA concludes that it is neither feasible nor appropriate to mandate a transit bus floor height of 22 inches or less at this time.

Finally, use of the quality assurance program and standard contract and warranty documents developed as part of the Transbus program will be strongly encouraged in the procurement of interim buses.

The reasons for these determinations are as follows:

1. *February 15, 1977 Effective Date of Front Step Riser and Wheelchair Access Option Requirements.* The policy decisions to require these items had been made in the context of the April 30, 1976 regulations; only the effective date had been left open pending information to be received in the May 5, 1976 hearing. At that hearing, one manufacturer testified

that these requirements could be met for actual bus deliveries within 14 months after publication of the rule; a second offered a proposed effective date of January 1, 1978 for deliveries; and the third suggested 18 month from the date of the hearing. The date of February 15, 1977 represents a compromise reflecting further discussions with the manufacturers, and backdating from delivery dates to the advertisement for bids.

2. *Effective Floor Height of 24 Inches or Less, With Kneeling Feature Mandated.* The mandate of an effective floor height of 24 inches is based upon UMTA's finding that such a result is technically possible through a combination of lowering the floor height of a bus and incorporating a kneeling feature. Both manufacturers currently planning interim or advanced design buses stated that they would be able to provide 29-inch floor heights on those buses within about one year. The third manufacturer said that he could bring the floor height of his improved current bus to about that level within 18 months. In all cases, the key technical hurdle appears to be the development of a bus tire of smaller diameter which can withstand the necessary loads. Such a tire is now being produced by a foreign manufacturer and its successful domestic production appears probable. Deflatable airbag devices which permit the front-end or front right corner of a bus to "kneel" down by four or five inches are now offered by all three manufacturers as an option on their current buses at an additional cost of $300–$400.

The benefits of mandating an effective floor height will be twofold. First, where the driver cannot draw up alongside a curb, he can use the kneeling feature to keep the first step from ground to front stair tread to eight inches or less, providing eased access for all riders. Second, a net 24-inch floor height, when combined with the further offset of a typical six-inch curb, may permit use of a ramp instead of a more expensive lift for wheelchair access (although assistance to the wheelchair user may be necessary, depending on the length of the ramp). Thus, for an increase in price of less than one percent per bus, features which substantially improve the accessibility of the vehicle for all riders, and especially for elderly and handicapped person, can be added.

In light of testimony received at the May 5, 1976 hearing, it is not practical to mandate rear step risers of eight inches or less.

3. *Continued Support of Improved Bus Design With Lowered Floor Heights, But Without a Federal Mandate of a 22-Inch Floor at This Time.* An important set of reasons militate against a 22-inch floor height mandate:

This would have the effect of delaying the introduction of newly designed transit buses into commercial use from three to five years. Manufacturers are likely to defer introduction of advanced design buses, which are available for delivery within a year, in order to develop tooling and production facilities for the lower floor vehicles. Yet, these more attractive and efficient buses are needed as soon as possible to meet current demand;

According to testimony from manufacturers and APTA, aspects of the 22-inch floor design (e.g., axles, tires, differentials) are not yet proven or production ready;

The additonal capital cost of the low-floor bus is variously estimated at seven to twenty-five percent above that of interim buses. Given the substantial concern at all levels of government with escalating bus prices, we believe that it is unwise to force up those prices even more at this time by Federal regulation. Further, the operating costs of the low-floor bus are likely to be slightly higher than those of the interim buses, and the low-floor bus would be less fuel efficient and would offer fewer seats;

At least two of the bus manufacturers do not currently have the financial capacity to retool for low-floor bus production. While they endorse a low-floor mandate, they want the Federal Government to finance all or most of the development costs of the vehicle, for example by paying for retooling costs through high cost negotiated contracts for initial vehicle production runs. UMTA believes such a procurement approach would be both unwise and probably unworkable at this time. Further, to mandate the low floor now would cause a wasteful discarding of some of the new tooling already developed for advanced design buses;

Most of the objectives of the Transbus program have been met: the market is supplying new products in a competitive fashion, and the advanced design buses include most of the design improvements put in motion by the Transbus investment (e.g., improved suspension, cantilevered seats, more easily maintainable exterior surfaces, etc.). An effective bus floor height of 24 inches is being mandated. As a matter of general policy, Federal regulatory mandates should be limited when the market is properly responding. Further, the public transit operator's association strongly opposes a Federal mandate.

It is certainly true that floor heights of 22 inches or less would offer some advantages: better ride quality (although at least one interim bus will include independent front suspension which will also provide a better ride than current buses); speedier passenger flow because of wider doors and one less step (although the interim buses will offer lower steps and a wide front or rear door); and greater accessibility to the elderly and handicapped (one less front step and easier accommodation to a less expensive ramp device for wheelchair access). UMTA concludes, however, that the marginal additional benefits in going from an effective 24-inch floor height (with kneeler) to a 22-inch floor height do not merit the substantial additional costs involved in any such Federal mandate imposed at this time.

Nevertheless, the lower bus floor height will continue to be a policy objective for the UMTA program. Any manufacturer who wishes to offer such a bus for purchase will be assisted through sole source procurement arrangements and progress payments. Further, in order to maintain progress toward achieving the low-floor objective, the UMTA Research and Development program will assist manufacturers to develop the reliable componentry which is still needed before the low floor can become a reality.

In summary, UMTA has determined that the major objectives of the Transbus program have been met. Permitting the advanced design buses to be produced and competitively marketed should permit the financial condition of manufacturers to stabilize, hold down development costs, and let the new buses be proven out and made operationally efficient. Under procurement guidelines already discussed with the manufacturers, interim bus purchases will be supported when performance specifications that do not unfairly restrict competition are used. Riders will see new and better buses within a year rather than having to wait for three to five more years.

Issued in Washington, D.C. on July 27, 1976.

ROBERT E. PATRICELLI,
Urban Mass Transportation Administration.

[FR Doc.76-22398 Filed 7-30-76;8:45 am]

[Order 76-7-93]

CIVIL AERONAUTICS BOARD

AIR CARRIERS AND THE UNITED KINGDOM FOREIGN AIR CARRIERS, ORDER

Order Granting Waiver

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 23rd day of July, 1976.

In the matter of charter trips between the United States and the United Kingdom by air carriers and United Kingdom foreign air carriers.

By an exchange of diplomatic notes concluded on April 28, 1976, the United States and the United Kingdom entered into an Understanding governing, inter alia, the charterworthiness of passenger charter trips operated by the carriers of both countries between their respective territories. The Understanding is effective from April 28, 1976, to December 31, 1976. In principal effect, the Understanding provides that:

1. Except as otherwise provided in the Understanding, the air transport authorities of each country will accept as charterworthy air charter traffic which originates in the territory of the other and which is organized and operated pursuant to the rules of the other air transport authority, or according to waivers of such rules granted for exceptional reasons;

2. The Parties will accept modifications or additions to charterworthiness rules of the other Party, subject to objection and a right, following consultations, not to accept charters pursuant to such changes after a 30-day period;

V 41 149 AUG 2 76 UMI

3. The Parties may object to a charter rate within 30 days after receipt of notice of the rate, with a right, following consultations, to take appropriate action to prevent the use of such charter rate;

4. There be limitations imposed on the administrative burden of filing requirements and on enforcement procedures;

5. The air transport authorities of the country where a passenger charter is originated have the primary responsibility for enforcement of charterworthiness rules;

6. Passenger charterworthiness rules will be applied and enforced in a nondiscriminatory manner;

7. Rights are granted to operate charters where points in the territories of both Parties are served on any flight leg, provided a stop of at least two nights is made in the homeland for charters originating in the territory of the other Party; and

8. Withholding of approval for such flights is permitted only after consultations, and only with regard to flights commencing more than 120 days after submission of a notice of objections with a request for consultations.

The Understanding represents the recognition by both the United Kingdom and the United States that if passenger charter operations between their territories are to be facilitated there must be an accommodation as to the differing rules governing charter operations in effect under the laws and regulations of the two countries. Both the U.K. charter rules and the U.S. charter rules are designed, inter alia, to insure that the necessary distinction between group charter travel and individually ticketed service is maintained and that charters do not in reality become simply a guise for the performance of individually ticketed service. Although the U.K. rules differ in various respects from the requirements of U.S. rules, the Board is satisfied that the U.K. charter regulations are sufficient to maintain that distinction between charter and individually ticketed services contemplated under the provisions of the Federal Aviation Act of 1958 (the Act).

Under current Board charter regulations, U.S. carriers are required to conform to the U.S. charter rules for U.K.-originating as well as U.S.-originating charters, in the absence of the grant of a waiver or other exception in the regulations. The same is true with respect to U.K. scheduled carriers. U.K. charter carriers have authority in their permits which provides for the application of U.K. rules for U.K.-originating inclusive tour charters, but not for other types of charters. Each of the Board's charter regulations provides, nevetheless, for waiver of the requirements contained therein upon a finding that such waiver is in the public interest and that there are special or unusual circumstances warranting the grant of such a waiver.[1]

The grant of appropriate waivers will, in accordance with section 1102 of the Act, permit implementation of the obligations assumed by the United States in the April 28, 1976, Understanding.

In view of the foregoing, and in consideration of the Understanding effectuated by the exchange of diplomatic notes concluded April 28, 1976, the Board's responsibilities under section 1102 of the Act, and the effect of the Understanding in providing assurance that the U.S.-originating public will have the opportunity to travel to the United Kingdom under charter rules found by the Board to be in the public interest, the Board finds that the provisions of the April 28, 1976, Understanding represent a special circumstance which warrants the grant of waivers of the Board's various charter regulations to the extent necessary to permit U.S. certificated carriers and U.K. foreign air carriers to operate charters originating in the United Kingdom pursuant to the U.K. charter rules, and that the grant of such waivers would be in the public interest. Similarly, the Board finds that it is in the public interest to exempt U.S. indirect air carriers, pursuant to section 101(3) of the Act, from the provisions of Title IV of the Act insofar as is necessary to permit any such direct air carrier to organize U.K.-originating charters operated under U.K. rules pursuant to the provisions of the Understanding.[2]

In light of the Understanding providing for acceptance as charterworthy of those U.K.-originating charters operated pursuant to U.K. charter regulations, no useful purpose would be served by requiring waiver applications with respect to individual charter flights or series of flights. Accordingly, the Board finds that it is in the public interest to grant a blanket waiver from the charter regulations for all U.S. certificated carriers, and for U.K. carriers holding foreign air carrier permits issued by the Board, extending for the duration of the Understanding (or the Understanding as it may be extended), the exemptions for indirect air carriers will extend for the same duration.[3]

Accordingly, it is ordered That:

1. To the extent respectively applicable, waivers of the provisions of sections 207.11, 208.6, 212.8, and 214.7 of the Board's Economic Regulations (except with respect to the provisions of such sections governing charters to direct air carriers and direct foreign air carriers for commercial traffic), and of such other provisions of the Board's charter regulations as would otherwise be inconsistent with the waivers granted herein, be and they hereby are granted to all U.S. air carriers authorized to provide charter service (including off-route charter service) between the United Kingdom and the United States,[4] and all foreign air carriers of U.K. nationality holding foreign air carrier permits authorizing charter service (including off-route charter service) between the United Kingdom and the United States, insofar as is necessary to permit such air carriers and foreign air carriers to operate charters originating in the United Kingdom and destined for the United States in accordance with rules governing the charterworthiness of such charters as applied by the U.K. aviation authorities: *Provided, however*, That such waivers shall apply only to the extent contemplated by the Understanding incorporated in the exchange of diplomatic notes between the United States and the United Kingdom, concluded April 28, 1976, (or such Understanding as it may be amended, modified, or extended); *And provided further*, That the waivers granted herein shall not relieve such carriers from the requirements contained in Parts 207, 208, 212, and 214 of the Board's Economic Regulations, other than those relating to the charterworthiness of charters performed pursuant to those regulations;

2. All U.S. indirect air carriers of passengers be and they hereby are relieved, pursuant to section 101(3) of the Act, from the provisions of Title IV of the Act, insofar as is necessary to permit any such indirect air carrier to organize U.K.-originating passenger charters pursuant to the rules governing the charterworthiness of such charters as applied by the U.K. aviation authorities in accordance with the provisions of the Understanding incorporated in the exchange of diplomatic notes between the United States and the United Kingdom concluded April 28, 1976;

3. This order may be modified, amended, or revoked by the Board without notice or hearing;

4. The waivers, exemptions, and authorization granted herein shall terminate uopn the expiration of the Understanding on Passenger Charter Air Services incorporated in an exchange of diplomatic notes between the United States and the United Kingdom concluded April 28, 1976, or such Understanding as it may be amended, modified, or extended; and

5. This order shall be served upon all U.S. air carriers holding a certificate of public convenience and necessity issued

[1] See secs. 207.16, 208.3a, 212.13, 214.3, 372.3, 372a.3, 373.30, 378.30, and 378a.3 of the Board's Economic and Special Regulations.

[2] The Board has declined to exercise jurisdiction over foreign indirect air carriers organizing foreign-originating charters. Accordingly, no additional authority is needed to permit U.K. indirect air carriers to organize U.K.-originating charters according to U.K. rules.

[3] Similar waivers have been granted by the Board with respect to Canadian-originating charters (order 75-5-37, dated May 8, 1974) and Swiss-originating charters (order 76-1-2, dated Jan. 2, 1976), pursuant to a charter Agreement and Understanding with these countries.

[4] Pursuant to sec. 401(e)(6) of the Act, and in the absence of any Board regulations precluding such operations, U.S. carriers holding certificates of public convenience and necessity issued by the Board pursuant to sec. 401(d)(1) of the Act are authorized to provide off-route charter service between the United Kingdom and the United States in accordance with Board regulations.

by the Board, all U.K. holders of, and applicants for, a foreign air carrier permit, the Departments of State and Transportation, and the Ambassador of Great Britain.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-22324 Filed 7-30-76;8:45 am]

[Order 76-7-100; Docket 27573, Agreement C.A.B. 25280, R-1 through R-8, R-10 through R-19, R-21]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Composite Cargo Rate Matters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 27th day of July, 1976.

In the Board's policy statement issued prior to the worldwide cargo conference of the members of the International Air Transport Association (IATA) held in Nice in May 1975, the Board expressed its concern about the erosion in revenue yields which occurs when the rates applicable to direct routings between foreign and U.S. points are applied over circuitous routings via higher-rated intermediate points. Not withstanding carrier claims of competitive necessity, the Board considered such matching of rates as questionable since the carriers would seek to compensate for such yield erosion by increasing point-to-point rates.

Despite the Board's request that the carriers address the issue, the Nice cargo rate agreement contained no provisions for routing control to prevent yield erosion. Those carriers who addressed the point in their comments to the Board contended that the absence of routing controls is clearly justified by cost considerations in allowing carrier flexibility in choice of the most efficient routing and the use of capacity in any given market and that routing controls are unnecessary since shippers generally select the better service that a direct routing offers. TWA, on the other hand, indicated its belief that routing flexibility should be restricted to those carriers certificated to provide direct service; however, it believed that intergovernment consultations were the proper forum to resolve the problem.

By Order 76-1-17, January 5, 1976, the Board conditioned its approval of IATA resolution 014b to preclude the carriers' filing rates between U.S. and foreign points at the direct routing level where the carriers' operating authority would require an actual routing through a higher-rated intermediate point.

Petitions for reconsideration of the Board's action have been filed by a number of carriers.[1] In general, the European carriers contend that as the IATA North Atlantic cargo rate agreement has not been implemented, the Board's condition is moot; that the Board failed to make legal findings and to justify the condition (a view also shared by Pan American World Airways, Inc.); that the Board's action is inconsistent and contrary to the powers conferred by the Federal Aviation Act, does not comply with the Administrative Procedure Act, disrupts present competitive relationships, and is unjustly discriminatory and unduly prejudicial.

National Airlines, Inc. alleges that the condition would impede Miami's growth as major gateway and suggests language to exclude Miami from the Board's condition while Seaboard World Airlines, Inc. objects to the alleged ambiguity in the language of the Board's condition, the adverse impact on intermodal air-truck transport, and the competitive burden on U.S. carriers whose route authority is not equal to foreign carriers. Both Seaboard and Pan American refer to possible unilateral action by foreign governments to alter the U.S. carriers' permits to make these carriers less competitive.

The Board has decided to grant the petitions for reconsideration to the extent of deferring the application of our proposed condition. While we are not convinced by the petitioners' arguments that our condition should be rescinded, we have decided to stay the condition in order that the carriers may have a further opportunity to address this issue within IATA in an effort to secure an agreement establishing cargo routing controls satisfactory to this Board. Depending on the outcome of that IATA review, the Board will consider what further action appears appropriate.

The Board, acting pursuant to sections 102, 204(a) and 412 of the Act, finds that implementation of the condition placed on IATA Resolution 014b in Order 76-1-17 dated January 5, 1976, should be deferred pending further order of the Board.

Accordingly, it is ordered, That: Implementation of the condition placed on IATA Resolution 014b, Construction Rule for Cargo Rates, by Order 76-1-17, dated January 5, 1976, be and hereby is deferred until further order of the Board.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-22325 Filed 7-30-76;8:45 am]

[1] Air France, Lufthansa German Airlines, Sabena Belgian World Airlines, Scandinavian Airlines System, Swiss Air Transport Company, Limited, National Airlines, Inc., Pan American World Airways, Inc. and Seaboard World Airlines, Inc.

COMMISSION ON CIVIL RIGHTS

ALABAMA ADVISORY COMMITTEE

Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Alabama Advisory Committee (SAC) to this Commission will convene at 1:30 p.m. and end at 5:30 p.m. on August 19, 1976, at 1:30 p.m. and end at 5:30 p.m. on August 19, 1976, at the Hyatt House, Room 1701, 901 21st Street, Birmingham, Alabama 35203.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Southern Regional Office of the Commission, Citizens Trust Bank Building, Room 362, 75 Piedmont Avenue, NE., Atlanta, Georgia 30303.

The purpose of this meeting is discussion of programs made by State of Alabama in complying with court orders regarding prison system discussion of work release programs for inmates; discussion of women and minorities in State Government.

This is a planning meeting to select the major area of investigation for the Alabama Advisory Committee for this fiscal year.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., July 26, 1976.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.76-22252 Filed 7-30-76;8:45 am]

MARYLAND ADVISORY COMMITTEE

Meeting Cancellation

Notice is hereby given, pursuant to the Rules and Regulations of the U.S. Commission Civil Rights, that the meeting scheduled for August 9, 1976, of the Maryland Advisory Committee (SAC) to the Commission published in the FEDERAL REGISTER on Wednesday, July 21, 1976, on page 30055 (FR Doc. 76-21092) is hereby cancelled.

Dated at Washington, D.C., July 26, 1976.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.76-22253 Filed 7-30-76;8:45 am]

MARYLAND ADVISORY COMMITTEE

Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Maryland Advisory Committee (SAC) to this Commission will convene at 10:00 a.m. and end at 4:00 p.m. on September 11, 1976, at 2404 Ken Oak Road, Baltimore, Maryland 21209.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission., 2120 L Street, NW., Room 510, Washington, D.C. 20037.

The purpose of this meeting are reports of subcommittee activities and project planning for SAC activities for next 12–18 months.

This meeting will be conducted, pursuant to the Rules and Regulations of the Commission.

V 41 149 AUG 2 76 UMI

Dated at Washington, D.C., July 26, 1976.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.76-22254 Filed 7-30-76;8:45 am]

MINNESOTA ADVISORY COMMITTEE

Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Minnesota Advisory Committee (SAC) to this Commission will convene at 1:30 p.m. and end at 5:00 p.m. on September 7, 1976, at 11 East Kellogg Blvd., St. Paul, Minnesota 55101.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mid-Western Regional Office of the Commission, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting: Followup (1) School Desegregation Hearing; (2) Native American Report; (3) New Project and (4) Time and scheduling of meetings.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., July 27, 1976.

ISAIAH T. CRESWELL, JR.,
Advisory Committee, Management Officer.

[FR Doc.76-22255 Filed 7-30-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

COASTAL STATES GAS CORP. ET AL.

Domestic Crude Oil Allocation Program; Public Hearings and Request for Comments

The Federal Energy Administration (FEA) hereby gives notice that a public hearing will be held on August 13, 1976, concerning the Applications for Exceptions from the provisions of § 211.67(d)(4) of the Mandatory Petroleum Allocation Regulations (10 CFR 211.67(d)(4)) filed by the following firms on the dates indicated below:

Coastal States Gas Corporation—June 9, 1976
Southwestern Refining Company—June 11, 1976
Standard Oil Company of Ohio—June 30, 1976
Energy Corporation of Louisiana Ltd.—July 19, 1976.

The FEA also invites written comments from any interested party with respect to these exception applications.

On March 29, 1976, the FEA issued amendments to the Domestic Crude Oil Allocation Program (41 FR 13899, April 1, 1976) as set forth in 10 CFR 211.67 by adopting 10 CFR 211.67 (a)(3) and 10 CFR 211.67(d)(4). Section 211.67(a)(3) provides in pertinent part as follows:

For each month • • • each eligible firm that has imported an eligible product in that month shall be issued a number of entitlements equivalent to thirty (30%) percent of the number of entitlements that would be received by a refiner (without giving effect to the provisions of § 211.67(e)) in that month with respect to inclusion of a number of barrels of crude oil in that refiner's crude oil runs to stills equal to the number of barrels of that eligible product imported by that eligible firm. • • •

Section 211.67(d)(4) provides in pertinent part as follows:

For purposes of the calculations [of entitlements] the volume in excess of the first 5,000 barrels per day of a refiner's crude oil runs to stills for a particular month attributable to production of residual fuel oil for sale (whether directly for consumption or resale) by that refiner in or into the East Coast market shall be reduced by fifty (50%) percent. • • •

The approval of exception relief to any of the above applicants would increase the entitlement benefits which the firms would realize with respect to the residual fuel oil which they produce and sell in the East Coast market. Furthermore, the relief requested in the exception applications, if granted, would affect all of the participants in the Domestic Crude Oil Allocation Program as well as those firms which refine, market, or purchase residual fuel oil. The exception applications also raise general questions as to the extent to which the applicants are affected in a disproportionately severe manner by 10 CFR 211.67(a)(3) and 10 CFR 211.67(d)(4). In addition, these exception applications present significant issues as to whether the implementation of 10 CFR 211.67(a)(3) and 10 CFR 211.67(d)(4) have an unduly adverse impact upon the effectuation of such important national energy goals as the expansion of domestic defining capacity. In view of these considerations, the FEA has determined that it is appropriate that a public hearing be held with respect to the four exception applications referred to above in order to afford interested parties an opportunity to present their views in the matter.

Comments are specifically invited with regard to the allegations advanced by the applicants that they are adversely affected in a disproportionately severe manner by the FEA regulatory program and the effect which the potential removal of import fees would have on the problems described in the exception applications.

The public hearing will be held beginning at 9:30 a.m., e.s.t., August 13, 1976, in Room 2105, 2000 M Street, N.W., Washington, D.C. Copies of the four exception applications referred to above from which confidential information has been deleted are available in the Public Docket Room of the Office of Private Grievances and Redress, FEA, Room B-210, 2000 M Street, N.W., Washington, D.C., between the hours of 1:00 p.m. and 5:00 p.m., e.s.t., Monday through Friday.

Interested persons are invited to participate by submitting data, views or arguments to Executive Communications, Room 3309, Federal Energy Administration, Box IF, Washington, D.C. 20461. Comments should be identified on the outside of the envelope and on documents submitted to FEA Executive Communications with the designation, "Applications for Exceptions to 10 CFR 211.67(d)(4)." All comments received by August 17, 1976 and all other relevant information will be considered by the Federal Energy Administration. Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

Any person who has an interest in the subject matter, or who is a representative of a group or class of persons that has such an interest, may make a written request for an opportunity to make an oral presentation. Such a request should be directed to Executive Communications, Room 3309, FEA, Box IF, Washington, D.C. 20461 and must be received before 4:30 p.m., e.s.t., August 11, 1976. Such a request may be hand delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he or she is a proper representative of a group or class of persons that has such an interest; and to give a concise summary of the proposed oral presentation and phone number where he or she may be contacted through August 12, 1976. Each person selected to be heard will be so notified by the FEA before 5:00 p.m., e.s.t., August 11, 1976, and must submit 50 copies of his or her statement to the Office of Allocation Regulation Development, FEA, Room 2105, 2000 M Street, N.W., Washington, D.C., by 9:00 a.m., e.s.t., August 13, 1976.

The FEA reserves the right to select the persons to be heard at these hearings, to schedule their respective presentations and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearings. These will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings, and there will be no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject matter of the hearings will be based on all information available to the FEA. At the conclusion of all initial oral statements, if time permits, each person who has made an oral statement will be given the opportunity, if he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested persons may submit questions, to be asked of any person making a statement at the hearings, to Executive Communications, FEA, Room

3309, Box IF, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C., before 4:30 p.m., e.s.t., August 12, 1976. Any person who wishes to ask a question at the hearings may submit the questions, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearings, will determine whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

A transcript of the hearings will be made and the entire record of the hearings, including the transcript, will be retained by the FEA and made available for inspection at the Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, other than Federal holidays. Any person may purchase a copy of the transcript from the reporter.

DAVID G. WILSON,
Acting General Counsel.

JULY 30, 1976.

[FR Doc.76-22530 Filed 7-30-76;10:28 am]

CONSUMER AFFAIRS/SPECIAL IMPACT ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Consumer Affairs/Special Impact Advisory Committee will meet Wednesday, August 11, 1976, at 9 a.m., Room 5041, FEA Headquarters, 12th and Pennsylvania Avenue, NW., Washington, D.C.

The Committee was established to provide the Administrator, FEA, with diversified information and experiences possessed by a wide range of highly qualified individuals who have been extensively involved in planning, development, and implementation of programs to remedy the problems of the consumer, the poor, the elderly, and the handicapped persons in rural and urban America.

The agenda for the meeting is as follows:

1. Policies for a restructured consumer affairs/special impact advisory committee.
2. Policy discussion and recommendation on continuing regulatory programs.
3. Policy discussion and recommendation on FEA conservation policies.
4. Policy discussion and recommendation on alternative energy sources.
5. Policy discussion and recommendation on consumer participation in the FEA decision-making process.
6. Staff report on actions completed and undertaken in response to CA/SI advisory committee requests.

Subcommittees may meet informally Washington, D.C. the preceding evening, at the discretion of the Subcommittee Chairmen; the meetings will be open to the public. For further information on Subcommittee activities, call Lois G. Weeks, Director, Advisory Committee Management at (202) 961-7022.

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform the Director, Advisory Committee Management, at least 5 days prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Less than the normal 15-day notice is being given for this meeting in order for the Committee to focus on priorities for the restructured Committee under the renewed Charter before the current charter expires on August 16, 1976, and to submit final recommendations to the Administrator.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C.

Issued at Washington, D.C. on July 28, 1976.

DAVID G. WILSON,
Acting General Counsel.

[FR Doc.76-22317 Filed 7-28-76;3:52 pm]

FEDERAL RESERVE SYSTEM

[H.2, 1976 No. 28]

ACTIONS OF THE BOARD

Applications and Reports

Received During the Week Ending July 10, 1976.

ACTIONS OF THE BOARD

The Board amended its Truth in Lending Regulation Z spelling out the way in which finance charges must be described, the action becomes effective August 6, 1976.

Accounting by Debtors and Creditors when Debt is Restructured, letter to the Financial Accounting Standards Board relating to the Discussion Memorandum.

State Street Financial Corporation, Boston, Massachusetts, extension of time to October 1, 1976, within which to acquire 100 percent of the voting shares of Chatham Trust Company, Chatham, Massachusetts.[1]

Manufacturers Hanover Trust Company, New York, New York, extension of time within which to establish a branch office at 5910 Clarendon Road, Brooklyn, New York.[1]

Evergreen State Bank, Seattle, Washington, proposed acquisition by City Bank, Lynnwood, Washington; report to the Federal Deposit Insurance Corporation on competitive factors.[1]

South Main & Richardson National Bank, Henderson, Texas, proposed merger with The First National Bank of Henderson, Henderson, Texas; report to the Comptroller of the Currency on competitive factors.[1]

Sun Bank of Seminole, Altamonte Springs, Florida, proposed merger with Sun Bank of Semoran, National Association, Fern Park, Florida; report to the Comptroller of the Currency on competitive factors.[1]

TO ESTABLISH A DOMESTIC BRANCH PURSUANT TO SECTION 9 OF THE FEDERAL RESERVE ACT

Approved

New Bank of Roanoke, Roanoke, Virginia. Branches to be established at the following locations: A. 5301 Williamson Road, N.W., Roanoke. B. Oak Grove Plaza Shopping Center on State Route 419, Roanoke County.[2]

Denied by State

The Wayne Trust Company, Cambridge, Indiana. Branch to be established at 1100 Chester Boulevard, Richmond.

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TO BECOME A MEMBER OF THE FEDERAL RESERVE SYSTEM PURSUANT TO SECTION 9 OF THE FEDERAL RESERVE ACT

Approved

W. D. Bank Company, Wheeling, West Virginia.

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TO MERGE PURSUANT TO SECTION 18(C) OF THE FEDERAL DEPOSIT INSURANCE ACT

Approved

Wheeling Dollar Savings & Trust Company, Wheeling, West Virginia, to merge with W. D. Bank Company, Wheeling, West Virginia.

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TO FORM A BANK HOLDING COMPANY PURSUANT TO SECTION 3(A)(1) OF THE BANK HOLDING COMPANY ACT OF 1956

Approved

Wesbanco, Inc., Wheeling, West Virginia, for approval to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Wheeling Dollar Savings & Trust Co., Wheeling, West Virginia.[2]

Central Bancorp. Inc., Owensboro, Kentucky, for approval to acquire 80.1 percent of the voting shares of Central Bank and Trust Company, Owensboro, Kentucky, Owensboro, Kentucky.[2]

Denied

Columbia Holding Corp., Chicago, Illinois, for approval to acquire 80 percent or more of the voting shares of

[1] Application processed on behalf of the Board of Governors under delegated authority.

[2] Application processed by the Reserve Bank on behalf of the Board of Governors under delegated authority.

NOTE.—The H.2 release is now published in the FEDERAL REGISTER. It will continue to be sent, upon request, to anyone desiring a copy.

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Columbia National Bank of Chicago, Chicago, Illinois.

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TO EXPAND A BANK HOLDING COMPANY PURSUANT TO SECTION 4(C)(8) OF THE BANK HOLDING COMPANY ACT OF 1956

Approved

Worcester Bancorp, Inc., Worcester, Massachusetts, for approval to engage *de novo* in the activity of providing management consulting advice to nonaffiliated commercial banks through Applicant's wholly-owned subsidiary, Empire Group, Inc., Natick, Massachusetts.

Delayed

Associated Bank Services, Inc., Green Bay, Wisconsin, notification of intent to engage in de novo activities (sale as agent or broker of credit life and credit disability insurance in connection with extensions of credit by banks or bank related firms in the holding company) at 214–A North Adams Street, Green Bay, Wisconsin, through its subsidary, Bank Services Mortgage Company, Inc. (7/7/76)[1]

Scribner Banshares, Inc., Scribner, Nebraska, for approval to continue to engage in general insurance agency activities through Scribner Insurance Agency, Scribner, Nebraska.

First International Bancshares, Inc., Dallas, Texas, notification of intent to engage in *de novo* activities (making or acquiring, for its own account unsecured loans, loans secured by personal property, loans secured by mortgages, deeds of trust or mechanics and materialmen's liens on real estate, including, but not limited to, interm construction financing; making or acquiring, for its own account consumer installment loans, purchasing installment sales finance contracts, making loans and other extensions of credit to small businesses; making or acquiring, for its own account loans secured by assignments, notes, accounts, contracts and other obligations, purchasing notes and other evidences of credit including commercial paper, issuing letters of credit, and accepting drafts; acquiring participations in loans and other extensions of credit and performing such incidental activities as are necessary to carry on the foregoing activities) at 1201 Elm Street, Dallas, Texas, through a subsidiary, First International Lending Corporation (7/9/76)[1]

Permitted

Merchants National Corporation, Indianapolis, Indiana, notification of intent to engage in *de novo* activities (leasing of capital goods and equipment to industry, and banks, or others, or acting as agent, broker, or adviser in leasing such personal property where at the inception of the initial lease the effect of the transaction will yield a return that will compensate the lessor for not less than the lessor's full investment in the property plus the estimated total cost of financing the property over the term of the lease) at 5410 Emerson Way, Indianapolis, Indiana, through a subsidiary, Circle Leasing Corp. (7/8/76)[1]

Mercantile Bancorporation Inc., St. Louis, Missouri, notification of intent to relocate de novo activities (making, acquiring, or servicing loans or other extensions of credit for personal, family, or household purposes such as are made by a finance company; and insurance agency or brokerage in connection with selling to consumer finance borrowers credit life insurance, credit accident and health insurance, and property damage insurance for collateral securing loans made to borrowers) from 4060 Pontoon Road, Granite City, Illinois to 3657D Nameoki Road, Granite City, Illinois, under the name of Granite City Reliable Loan Inc., a subsidiary of Franklin Finance Company (7/8/76)[1]

Security Pacific Corporation, Los Angeles, California, notification of intent to engage in de novo activities (making or acquiring, for its own account or for the account of others, loans and other extensions of credit in connection with the financing of personal property and equipment and real property; and the leasing of such real property or the acting as agent, broker, or adviser in the leasing and/or financing of such property provided the lease is to serve as the functional equivalent of an extension of credit to the lessee of the property, the property to be leased is acquired specifically for an earlier leasing transaction, the lease is on a non-operating basis and where at the inception of the initial lease the effect of the transaction (and with respect to governmental entities only, reasonably anticipated future transactions) will yield a return that will compensate the lessor for not less than the lessor's full investment in the property plus the estimated total cost of financing the property over the term of the lease, the servicing of such financings and/or leases of real or personal property) at 100 Oceangate, Long Beach, California, through its subsidiary, Security Pacific Leasing Corporation (7/10/76)[1]

Withdrawn

CB&T Bancshares, Inc., Columbus, Georgia, notification of intent to engage in *de novo* activities (writing and issuing credit life insurance policies and credit accident and health insurance policies in connection with the extensions of credit such as would be made by a second mortgage company) at 711 Pine Avenue, Albany, Georgia and 620 Shurling Drive, Macon, Georgia, through a subsidiary, CB&T Homeowners, Inc. (7/9/76)[1]

APPLICATIONS RECEIVED

TO ESTABLISH A DOMESTIC BRANCH PURSUANT TO SECTION 9 OF THE FEDERAL RESERVE ACT

United Jersey Bank Northwest, Dover, New Jersey. Branch to be established at Route 10, Township of Roxbury (Block 258, Lot 3, Zone B–2), Morris County.

First Trust and Deposit Company, Syracuse, New York. Branch to be established on Urban Renewal Parcel 27, Dill Street, Auburn, Cayuga County, as an adjunct to the branch office located at 110 Genesee Street.

Commonwealth Bank and Trust Company of Virginia, Sterling, Virginia. Branch to be established at Catoctin Circle near the Route 7 intersection in Leesburg, Loudoun County.

Bank of Utah, Ogden, Utah. Branch to be established in the vicinity of 4800 South 1900 West, Roy.

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TO FORM A BANK HOLDING COMPANY PURSUANT TO SECTION 3(a)(1) OF THE BANK HOLDING COMPANY ACT OF 1956

Agri-Bank Corporation, Webster City, Iowa, for approval to acquire 80.1 per cent of the voting shares of The Farmers National Bank of Webster City, Webster City, Iowa.

Sibley Bancorporation, Sibley, Iowa, for approval to acquire 96.5 per cent of the voting shares of The First National Bank of Sibley, Sibley, Iowa.

Milco Bancorporation, Inc., Iberia, Missouri, for approval to acquire 643 shares of the voting shares of Bank of Iberia, Iberia, Missouri.

Northwest Arkansas Bancshares, Inc., Bentonville, Arkansas, for approval to acquire 100 per cent (less directors' qualifying shares) of the voting shares of First National Bank, Rogers, Arkansas.

Lisco State Company Lisco, Nebraska, for approval to acquire 89 per cent of the voting shares of Lisco State Bank, Lisco, Nebraska.

TO EXPAND A BANK HOLDING COMPANY PURSUANT TO SECTION 3(a)(3) OF THE BANK HOLDING COMPANY ACT OF 1956

CB&T Bancshares, Inc., Columbus, Georgia, for approval to acquire 51 per cent or more of the voting shares of Commercial Bank, Thomasville, Georgia.

CB&T Bancshares, Inc., Columbus, Georgia, for approval to acquire 51 per cent or more of the voting shares of La Grange Banking Company, La Grange, Georgia.

The Royal Trust Company, Montreal, Quebec, Canada and Royal Trust Bank Corp., Miami, Florida, for approval to acquire 51 per cent or more of the voting shares of Worth Avenue National Bank, Palm Beach, Florida.

Falsbuilding, Inc., Columbia Falls, Montana, for approval to acquire an additional 18.7 per cent of the voting shares of Bank of Columbia Falls, Columbia Falls, Montana.

IB&T Corp., Pocatello, Idaho, for approval to acquire 80 per cent or more of the voting shares of First Bank of Troy, Troy, Idaho.

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TO EXPAND A BANK HOLDING COMPANY PURSUANT TO SECTION 4(C)(8) OF THE BANK HOLDING COMPANY ACT OF 1956

Fidelcor, Inc., Rosemont, Pennsylvania, notification of intent to relocate de novo activities (making and acquiring, consumer and mortgage loans to individuals including second mortgage loans, servicing these loans and possibly other loans secured by mortgages on properties in Florida where the loans are owned by direct or indirect subsidiaries of Fidelcor engaging in a general consumer finance business; purchasing installment contracts arising from the sale of personal property and services; and with respect to all of the above, selling credit life and credit accident and health insurance and mortgage life and disability insurance, and accidental death insurance and casualty insurance on the collateral through Master Life Insurance Company an indirect subsidiary of Fidelcor, reinsuring consumer type credit life insurance and credit accident and health insurance sold) from 2212 First Street, Bradenton, Florida to South Trail Shopping Center, 57th Avenue West and 14th Street West, Bradenton, Florida, through its direct and indirect subsidiaries including Fidelcor Financial Centers, Inc. (6/30/76)[1]

Equitable Bancorporation, Baltimore, Maryland, notification of intent to engage in *de novo* activities (leasing real property or acting as agent, broker, or adviser in leasing such property) at the Munsey Building, Calvert and Fayette Streets, Baltimore, Maryland, through its subsidiary, Equitable Bank Realty Corporation (7/6/76)[1]

Milco Bancorporation, Inc., Iberia, Missouri, for approval to acquire the assets of Tritten Insurance Company, Iberia, Missouri.

Mountain Financial Services, Inc., Denver, Colorado, notification of intent to engage in *de novo* activities (servicing, brokering, making or acquiring, for its own account or for the account of others, loans, mortgages, and other extensions of credit) at 3600 South Yosemite, Denver, Colorado (7/6/76)[1]

First International Bancshares, Inc., Dallas, Texas, notification of intent to engage in *de novo* activities (making or acquiring, for its own account unsecured loans, loans secured by personal property, loans secured by mortgages, deeds of trust or mechanics and materialmen's liens on real estate, including, but not limited to, interim construction financing; making or acquiring, for its own account consumer installment loans, purchasing installment sales finance contracts, making loans and other extensions of credit to small businesses; making or acquiring, for its own account loans secured by assignments, notes, accounts, contracts and other obligations, purchasing notes and other evidences of credit including commercial paper, issuing letters of credit and accepting drafts; acquiring participations in loans and other extensions of credit and performing such incidental activities as are necessary to carry on the foregoing activities) at 1201 Elm Street, Dallas, Texas, through a subsidiary, First International Lending Corporation (7/8/76)[1]

[1] 4(c)(8) and 4(c)(12) notifications processed by Reserve Bank on behalf of the Board of Governors under delegated authority.

REPORTS RECEIVED

CURRENT REPORT FILED PURSUANT TO SECTION 13 OF THE SECURITIES EXCHANGE ACT

Burlington Bank and Trust Company, Burlington, North Carolina. The Savings & Trust Company of Pennsylvania, Indiana, Pennsylvania. Southwest Bank of St. Louis, St. Louis, Missouri. Union Bank & Trust Company, Montgomery, Alabama.

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PETITIONS FOR RULEMAKING

None.

Board of Governors of the Federal Reserve System, July 26, 1976.

[SEAL] J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76-22358 Filed 7-30-76;8:45 am]

FEDERAL OPEN MARKET COMMITTEE

Domestic Policy Directive of June 22, 1976

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's Domestic Policy Directive issued at its meeting held on June 22, 1976.[1]

The information reviewed at this meeting suggests that growth in real output of goods and services, which had been vigourous in the first quarter, has moderated in the current quarter. In May retail sales declined from the March-April level and were near the monthly average of the first quarter. However, recovery in industrial production continued at about the average pace of the first 4 months of the year, and the gain in employment again was substantial. The unemployment rate declined from 7.5 to 7.3 percent. The rise in the wholesale price index for all commodities, which had been large in April, was moderate in May; average prices of farm products and foods rose much less than in April. Average prices of industrial commodities changed little in May, but in recent weeks price increases have been announced for some major industrial materials. The rise in consumer prices in May was somewhat faster than the average increase in earlier months of the year, owing to increases in prices of food and energy items. The advance in the index of average wage rates was larger in May than the gains in other recent months, owing in part to implementation of a new labor contract in a major industry.

The average value of the dollar against leading foreign currencies has been relatively steady in recent weeks. On June 7 a total of $5.3 billion of 6-month standby credits to the United Kingdom was announced, including $1 billion under the Federal Reserve System's swap line and $1 billion from the Exchange Stabilization Fund. Subsequently, the decline in the pound sterling was halted and partly reversed. In April the U.S. foreign trade deficit was at the same rate as in the first quarter.

Growth in monetary aggregates slowed substantially in May and early June from the exceptionally rapid rates recorded in April, mainly because of a sharp slackening in expansion of demand deposits at commercial banks; inflows of those time and savings deposits included in the broader aggregates were relatively well maintained. Market interest rates in general rose somewhat further in the latter part of May, but since then, short-term rates have fluctuated in a narrow range and long-term rates have edged down.

In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster financial conditions that will encourage continued economic expansion, while resisting inflationary pressures and contributing to a sustainable pattern of international transactions.

To implement this policy, while taking account of developments in domestic and international financial markets, the Committee seeks to achieve bank reserve and money market conditions consistent with moderate growth in monetary aggregates over the period ahead.

By order of the Federal Open Market Committee, July 23, 1976.

ARTHUR L. BROIDA,
Secretary.

[FR Doc.76-22310 Filed 7-30-76;8:45 am]

FIRST GUARANTY BANK

Order Approving Application for Merger of Banks

First Guaranty Bank, Hurt, Virginia (Applicant), a member state bank of the Federal Reserve System, has applied to the Board of Governors of the Federal Reserve System for prior approval pursuant to the Bank Merger Act (12 U.S.C. 1828(c)) to merge with Schoolfield Bank and Trust Company, Danville, Virginia (Schoolfield), the resulting bank to continue as a member state bank under the charter of Applicant with the name of First Virginia Bank-South. As an incident to the merger, the three existing offices of Schoolfield would become authorized branch offices of the resulting bank.

As required by the Bank Merger Act, notice of the proposed merger, in form approved by the Board of Governors, has been published and reports on competitive factors have been requested from the Attorney General, the Comptroller of the Currency and the Federal Deposit Insurance Corporation.

The Federal Reserve Bank of Richmond (Reserve Bank), acting under authority delegated by the Board of Governors of the Federal Reserve System (12 C.F.R. 265), has considered the application and all comments and reports re-

[1] The Record of Policy Actions of the Committee or the meeting of June 22, 1976 is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

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ceived in the light of the factors set forth in the Bank Merger Act.

Applicant and Schoolfield are both wholly owned subsidiaries of First Virginia Bankshares Corporation, the state's sixth largest banking organization. The two banks operate in adjacent banking markets which include for Applicant the northern portions of Pittsylvania County, the City of Lynchburg and the nearby Virginia counties of Amherst, Appomattox, Bedford and Campbell. Schoolfield's market includes the City of Danville, the remaining portions of Pittsylvania County and the northern portions of Caswell and Rockingham Counties, North Carolina. As of March 31, 1976, Applicant held deposits of $1.9 million representing approximately 0.3 percent of its market's total deposits. Schoolfield, with deposits of $27.6 million, ranked fourth in size in its market with approximately 9.6 percent of total bank deposits.

The merger of Schoolfield into Applicant would result in no change in First Virginia Bankshares' relative position in the state or in either of the banking markets involved and would have no adverse effects upon competition in the area. On the contrary, this reorganization within the parent holding company could result in increased competition since the resulting bank would be a more likely vehicle for expanding in Pittsylvania County than the Applicant. Schoolfield may establish branches only in the City of Danville and surrounding Pittsylvania County within a radius of five miles, while Applicant and the resulting bank may branch throughout Pittsylvania County and within the City of Danville.

The financial and managerial resources and future prospects of the two banks proposing to merge and of the resulting institution have been considered and are considered consistent with approval of the application. Considerations relating to the convenience and needs of the community to be served lend some weight in support of approval since the applicant, following merger, could offer [illegible] customers larger loans without resorting to participations with other subsidiaries of the holding company. In addition, there should be a pooling of resources within the merging banks and a reduction of duplicated services that would result in more efficient operations and improved customer services.

On the basis of the record in this case, the application is approved for the reasons summarized above. However, the transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the date of this Order, unless such period is extended for good cause by the Board of Governors of the Federal Reserve System or by the Federal Reserve Bank of Richmon pursuant to delegated authority.

By order of the Federal Reserve Bank of Richmond, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective July 20, 1976.

GEORGE C. RANKIN,
First Vice President.

[FR Doc.76-22307 Filed 7-30-76;8:45 am]

FIRST MISSOURI BANKS, INC.

Acquisition of Bank

First Missouri Banks, Inc., Creve Coeur, Missouri, has applied for the Board's approval under section 3(a) (3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of First Missouri Bank of West County, St. Louis County, Missouri. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

First Missouri Banks, Inc. is also engaged in the following nonbank activities none of them directly but by holding stock in various banks and nonbank subsidiaries which furnish accounting, purchasing, auditing and management services. In addition to the factors considered under § 3 of the Act (banking factors), the Board will consider the proposal in the light of the company's nonbanking activities and the provisions and prohibitions in § 4 of the Act (12 U.S.C. 1843).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than August 18, 1976.

Board of Governors of the Federal Reserve System, July 26, 1976.

J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76-22308 Filed 7-30-76;8:45 am]

NABACH, INC.

Formation of Bank Holding Company

Nabach, Inc., Farmer City, Illinois, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company through acquisition of 52 per cent of the voting shares of State National Bank of Lincoln, Lincoln, Illinois. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

Nabach, Inc., Farmer City, Illinois has also applied, pursuant to § 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR § 225.4(b)(2)), for permission to continue to engage in the activity of acting as investment or financial adviser to the extent of providing portfolio investment advice. Notice of the application was published on May 27, 1976 in The Farmer City Journal, a newspaper circulated in Farmer City, Illinois. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than August 24, 1976.

Board of Governors of the Federal Reserve System, July 26, 1976.

J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76-22309 Filed 7-30-76;8:45 am]

FEDERAL TRADE COMMISSION

CIGARETTE TESTING RESULTS

Tar and Nicotine Content

The latest results of cigarette testing were published in the FEDERAL REGISTER on Monday, April 26, 1976, 41 F.R. 17429. The results of retesting of three brands of reformulated cigarettes were published in the FEDERAL REGISTER on Monday, June 21, 1976, 41 F.R. 24937.

The below listed cigarettes have been resampled and retested pursuant to a request from The Tobacco Institute, Inc. The results are as follows:

[In milligrams per cigarette]

	TPM dry	Nicotine
Dawn, 120 mm, filter, soft pack	21	1.6
Dawn, 120 mm, filter, menthol soft pack	22	1.7
More, 120 mm, filter, soft pack	22	1.6
More, 120 mm, filter, menthol, soft pack	12	1.7

By direction of the Commission dated July 29, 1976.

JOHN D. MACOLL,
Acting Secretary.

[FR Doc.76-22500 Filed 7-30-76;8:45 am]

INTERNATIONAL TRADE COMMISSION

[AA1921-154]

ACRYLIC SHEET FROM JAPAN

Determination of Injury

JULY 26, 1976.

On April 26, 1976, the United States International Trade Commission received advice from the Department of the Treasury that acrylic sheet from Japan, other than that produced and sold by Mitsubishi Rayon Company, Ltd., is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). Accordingly, on May 4, 1976, the Commission instituted investigation No. AA1921-154 under section 201(a) of said act to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Notice of the institution of the investigation and of a public hearing to be held in connection therewith was published in the FEDERAL REGISTER on May 10, 1976, (41 F.R. 19163). Notice of amendment of the notice of investigation and hearing was published in the FEDERAL REGISTER on May 18, 1976 (41 F.R. 20454).

In arriving at its determination, the Commission gave due consideration to all written submissions from interested parties, evidence adduced at the hearing, and all factual information obtained by the Commission's staff from questionnaires, personal interviews, and other sources.

On the basis of the investigation, the Commission has determined by a vote of 3 to 3,[1] that an industry in the United States is being injured by reason of the importation of acrylic sheet from Japan that is being, or is likely to be sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

Statement of Reasons for Affirmative Determination of Commissioners George M. Moore, Catherine Bedell, and Joseph O. Parker.

In our opinion an industry in the United States is being injured by reason of the importation into the United States of acrylic sheet from Japan which is being, or is likely to be, sold at less than fair value (LTFV) within the meaning of the Antidumping Act, 1921, as amended. The reasons in support of this determination are set forth below.

THE PRODUCT

The imported product found to be sold at LTFV by the Department of the Treasury (Treasury) is acrylic sheet. Although there are some differences in the price and the physical properties of sheet made by different manufacturing processes, for most applications, sheet produced by one process is directly competitive with that produced by other processes. The term "acrylic sheet" for the purposes of our determination in this proceeding includes all such sheet irrespective of the method of manufacture.

THE INDUSTRY

In this determination we have considered the industry in the United States which is being injured by reason of sales at LTFV to consist of the facilities devoted to the production of acrylic sheet. Twelve firms produced acrylic sheet in the United States in 1975.

LTFV SALES

Treasury examined the sales during the period March–July 1975 of the two principal Japanese firms exporting to the United States. These two concerns supplied more than 70 percent of Japanese exports of acrylic sheet during that period. Although both firms were found to have sold at LTFV, Treasury discontinued its investigation of one producer, Mitsubishi Rayon Co., Ltd. (MRC), because the weighted average margin on that firm's sales was minimal and the firm satisfied other Treasury requirements for a discontinuance. The other Japanese producer, Kyowa Gas Chemical Industry Co., supplied about two-thirds of the sales examined by Treasury. It had a weighted average LTFV margin of almost 50 percent on its export sales to the United States. The Commission's investigation disclosed that this large LTFV margin more than equaled the amount by which these imports undersold domestically produced acrylic sheet.

MARKET PENETRATION

LTFV imports of acrylic sheet from Japan (total imports from Japan less those produced by MRC) increased by 300 percent between 1974 and 1975. It was in the period March-July 1975 that Treasury examined imports of acrylic sheet from Japan and found that it was being sold at LTFV. As a share of apparent U.S. consumption of acrylic sheet, the LTFV imports increased fourfold from about 1 percent of consumption in 1974, a year of shortages and exceptionally strong demand in the United States, to about 5 percent in the recession year 1975, when demand for the product declined sharply.

The 1975 surge in LTFV imports occurred at a time when U.S. producers' domestic shipments and U.S. consumption of acrylic sheet were declining by 22.3 and 20.5 percent, respectively, from the levels sustained in the years 1973–74. Thus, the increase in LTFV imports clearly exacerbated the injury that the U.S. industry was already experiencing as a result of the economic recession in 1975. The decline in U.S. consumption and the increase in LTFV imports caused U.S. producers to reduce production. The rate at which they operated their acrylic sheet facilities declined from 100 percent of capacity in 1973 to 60 percent in 1975.

PRICE DEPRESSION

LTFV imports of Japanese acrylic sheet undersold domestically produced acrylic sheet by amounts ranging from 2 to 18 cents per square foot on typical high-volume items during the 1974–75 period. This underselling was equal to as much as 24 percent of U.S. producers' prices. In late 1974 and 1975, the underselling and availability of large quantities of acrylic sheet from Japan resulted in Japanese suppliers of LTFV imports increasing their share of the U.S. market. This development contributed to the reductions (as much as 24 percent) in U.S. producers' prices to their largest customers.

The effect of LTFV imports in the U.S. market is further seen in a comparison of the price index for acrylic sheet with the price index for all rubber and plastic products. In April 1976 the index of U.S. producers' prices of 0.125-inch-thick cast acrylic sheet to each producer's three largest customers was only 12 percent above January 1973 levels, whereas the price index of all rubber and plastic products was 38.5 percent above January 1973 levels.

LOST SALES

Evidence obtained by the Commission from U.S. producers of acrylic sheet demonstrates that sales were lost to Japanese exporters. Purchasers verified that in late 1974 and 1975 they increased their purchases of acrylic sheet from Japanese suppliers, including suppliers of LTFV imports, at the expense of reducing their purchases from U.S. producers in order to take advantage of the lower prices of the Japanese material.

PROFIT AND LOSS

During the years 1971–74 the ratio of U.S. producers' net operating profit to net sales for their acrylic sheet operations ranged between 11.3 percent in 1971 and 18.3 percent in 1972 and averaged about 15 percent for the 4-year period. In 1975, the year in which Treasury found sales at LTFV, this ratio dropped to 1.7 percent.

It is recognized that in 1975 the domestic acrylic sheet industry was suffering from the economic recession. Therefore, the presence of LTFV imports and offers of large quantities of LTFV imports served to aggravate the injury caused by the recession. LTFV imports have an even greater impact under these conditions.

CONCLUSION

Accordingly, we have determined that an industry in the United States is being injured by reason of the importation of acrylic sheet from Japan found by Treasury to be, or likely to be, sold at LTFV.

STATEMENT OF REASONS FOR NEGATIVE DETERMINATION OF CHAIRMAN WILL E. LEONARD, VICE CHAIRMAN DANIEL MINCHEW AND COMMISSIONER ITALO H. ABLONDI

On April 26, 1976, the U.S. International Trade Commission instituted investigation No. AA1921-154 under section 201(a) of the Antidumping Act, 1921, as amended. The investigation was made to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation into the United States of acrylic sheet from Japan that the Department of the Treas-

[1] Commissioners Bedell and Parker found in the affirmative, and Commissioner Moore found in the affirmative by determining that an industry in the United States is being or is likely to be injured; Chairman Leonard, Vice Chairman Minchew, and Commissioner Ablondi found in the negative. Pursuant to section 201(a) of the Antidumping Act, 1921, as amended, the Commission is deemed to have made an affirmative determination if the Commissioners of the said Commission voting are evenly divided as to whether its determination should be n the affirmative or in the negative.

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ury (Treasury) has determined is being, or is likely to be, sold at less than fair value (LTFV) within the meaning of such act. In order to find affirmatively, the Commission must find two conditions satisfied in this investigation. First, there must be injury, or likelihood of injury, to an industry in the United States, or an industry in the United States must be being prevented from being established.[1] Second, such injury or likelihood of injury must be "by reason of" the importation into the United States of the class or kind of foreign merchandise which the Treasury has determined is being, or is likely to be, sold at LTFV.

On the basis of the information developed in the investigation, we have determined that any injury which the domestic industry may be experiencing or may be likely to experience is not by reason of LTFV imports. Therefore the second condition, that of causation, has not been satisfied, and we have made a negative determination.

THE PRODUCT

Acrylic sheet, more commonly known as plexiglas,[2] resembles glass in appearance. It is made by one of three processes (i.e., cell-casting, continuous-casting and extrusion) that are utilized to polymerize methyl methacrylate (MMA) into sheet form. More cell-cast sheet is produced in the United States than either continuous-cast or extruded sheet. Acrylic sheet is made in a number of thicknesses and sizes and is used in applications such as glazing, signs, lenses, diffusers, skylights, and floor- and chair-mats. Although acrylic sheet is available in a wide variety of colors, the bulk of production is clear and/or translucent white.

U.S. INDUSTRY

The U.S. industry most likely to be adversely affected by the LTFV imports with which this investigation is concerned consists of the facilities in the United States devoted to the production of acrylic sheet by the cell-cast, continuous-cast and/or extruded method. This is the only industry which will be considered herein; no evidence was presented to show that any other industry was possibly injured or threatened with injury by the subject LTFV imports, and it is extremely unlikely that another would be injured or threatened with injury if the industry most likely to be adversely affected is not so injured or threatened, as we find to be the situation in this investigation. Although the method used to manufacture acrylic sheet affects its properties and its cost, and hence to some extent its end-use applications, most sheet made by any of the three processes can be used for the same purpose, is directly competitive, physically interchangeable, and is sold through the same channels of distribution. The acrylic sheet industry here identified currently comprises 12 known manufacturers, 6 of which produce cast sheet (cell and/or continuous) and 6 of which produce extruded sheet.

NO INJURY BY REASON OF LTFV IMPORTS

Import penetration.—Total imports from Japan accounted for only 4.7 percent of domestic consumption during the period of Treasury's investigation. Imports from Japan sold at LTFV, i.e., imports other than those produced by Mitsubishi Rayon Co. (MRC), which was excluded from Treasury's LTFV determination, accounted for less than 3.5 percent in this same period. The LTFV import penetration ratio was about 5 percent for all of 1975, droping significantly to less than 2 percent in the period of January-April 1976. This relatively low import penetration throughout 1975, the only period where the industry may have been injured, occurred during the worst economic recession in the United States since the Great Depression. In light of this rather small import penetration during the period of great economic problems attributable to a recessionary period, it is difficult to attribute any identifiable injury to LTFV imports.[4]

Lost sales.—During 1974, the domestic industry began putting its regular acrylic sheet customers on allocation. Purchasers sought alternate suppliers, including Japanese sources, in an effort to assure themselves of a continuous source of supply. With this background, allegations of lost sales to LTFV imports in 1975 were made by the domestic industry. However, the Commission's investigation revealed that few lost sales could be documented, and that about half of the lost sales that could be documented were lost to non-LTFV imports from Mitsubishi Rayon Co. The number of documented LTFV lost sales were insignificant, and lost sales, given the allocation practices in 1974, cannot be shown to have been lost because of price discrimination.

Prices.—While the imported sheet sold at lower prices than the domestic product during 1975, the period of possible injury, part of this price difference is explained by circumstances of the sales. Domestic producers provide considerable technical assistance and are able to deliver acrylic sheet directly from inventory. In contrast, Japanese importers provide no technical assistance, and the time lapse between placing an order and delivery ranges between 30 and 90 days.

The end of the methyl methacrylate monomer shortage and a depressed demand for acrylic sheet in 1975 caused the market for sheet to become over supplied, thus forcing prices of both domestic and imported sheet to drop to their lowest levels since 1973. There has been no indication that any price depression or suppression experienced by the domestic industry is by reason of the importation of LTFV imports from Japan rather than as a result of the intense domestic price competition which usually accompanies a period of depressed demand for a product with rather limited uses and close substitutes. Indeed, for the years preceding 1975, a period in which the industry was doing well, Japanese imports undersold domestic sheet by significant amounts, to a large extent as a result of the different circumstances of sales referred to above. The only change in the situation in 1975 was the recession. Further, in January–April, 1976, when prices of the domestic product continued to fall compared to 1975 prices, LTFV imports declined from previous low levels, accounting for less than 2 percent of domestic consumption in that period and the prices of such imports were higher than those of the domestic product. Thus, we cannot conclude that any price suppression or depression with respect to the domestic product is "by reason of" LTFV sales.

Employment.—The ratio of man-hours involved in the production of acrylic sheet to man-hours involved in the production of all items produced by the same establishments increased steadily from 1971 to 1975, with a significant rise in the period January–April 1976. From 1971–1975, the trend of employment of production and related workers engaged in the production of acrylic sheet was similar to that of production and related workers engaged in the production of all items. In 1975, employment in both areas declined. From Jan.–April 1976, employment in both areas, including the acrylic sheet industry, increased. Thus, it can be seen that the trend of employment in the acrylic sheet industry paralleled that in production of all items in establishments producing acrylic sheet, indicating that imports had no effect on employment.

Profitability of domestic industry.—The acrylic sheet industry in the United States was rather profitable during the period 1971–1974 with net operating profits ranging from 11.3 percent to 18.3 percent of net sales. Although the ratio of net profits to net sales declined to 1.7 percent in 1975, the ratio increased dramatically in the first part of 1976 to 19.5 percent of net sales. In addition, no discernible difference in the profit pattern for acrylic sheet compared with that of the overall operations of the domestic producers was observed, indicating that any injury experienced by the acrylic sheet industry was not by reason of the LTFV imports, but rather as a result of the general economic conditions and the decreased demand for acrylic sheet.

NO LIKELIHOOD OF INJURY BY REASON OF LTFV IMPORTS

Although the Japanese acrylic sheet industry had substantial unused capacity in 1975, there is no reason to expect a sudden increase in import penetration. It is anticipated that economic recovery will result in greater utilization of capacity in both countries. While it is not expected that the Japanese will increase capacity for acrylic sheet production in the forseeable future, confidence in the future of the domestic industry is reflected by the fact that DuPont is scheduled to initiate production of acrylic sheet in August 1976 at a rated capacity of 30 million pounds annually.

Structural factors in the domestic industry indicate that imports will face difficulties in capturing a larger share of the domestic market. With the advent of DuPont's production of acrylic sheet, at least 75 percent of domestic production of acrylic sheet will have its own source of methyl methacrylate monomer, the primary raw material used in the production of acrylic sheet, making it difficult for imports to compete with this vertically structured industry. In addition, the current dominant U.S. producer has an exceptionally strong distributor network as well as a strong product image.

CONCLUSION

Because one of two conditions necessary for an affirmative determination, that any injury or likelihood of injury being experienced by a domestic industry be "by reason of" LTFV sales, is not satisfied, we conclude that an industry in the United States is not being and is not likely to be injured by reason of the importation of acrylic sheet from Japan that is being, or is likely to be, sold at LTFV within the meaning of the Antidumping Act, 1921, as amended.

By order of the Commission.

Issued: June 28, 1976.

KENNETH R. MASON,
Secretary.

[FR Doc.76-22311 Filed 7-30-76;8:45 am]

[1] Prevention of the establishment of an industry is not an issue in the instant case and will not be discussed further.

[2] The trade name for such sheet produced by Rohm and Haas.

[4] With respect to the identifiable causation standard, see Elemental Sulfur From Mexico: Determination of Injury in Investigation No. AA1921-92 • • •, TC Publication 484, 1972, at p. 9; Birch Three-Ply Door Skins From Japan: Determination of Injury in Investigation No. AA1921-150 • • •, USITC Publication 754, 1976, pp. 9-10; and Clear Polymethyl Methacrylate • • • From Japan: Determination of No Injury in Investigation No. AA1921-153 • • • USITC Publication 780, 1976, pp. 5-7.

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS; WORKING GROUP ON FIRE PROTECTION

Meeting; Change of Time

The August 11, 1976 meeting of the ACRS Working Group on Fire Protection, announced in FEDERAL REGISTER, Vol. 41, page 30748, Monday, July 26, 1976, will meet in Executive Session at 8:30 a.m. instead of 11 a.m., and the open session will follow at 9 a.m. instead of 11:30 a.m. and will continue until conclusion of business.

All other matters pertaining to this meeting remain the same.

Dated: July 28, 1976.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.76-22373 Filed 7-30-76;8:45 am]

[Docket No. 50-293]

BOSTON EDISON CO.

Proposed Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-35 issued to Boston Edison Company (the licensee) for operation of Unit No. 1 of the Pilgrim Nuclear Power Station (the facility), a boiling water reactor located near Plymouth, Massachusetts.

In accordance with the licensee's application for a license amendment dated November 17, 1975 and supplements thereto dated March 1, 1976, March 19, 1976 and April 12, 1976, the amendment would impose operating limits in the Technical Specifications for single loop operation based upon an evaluation of ECCS performance calculated in accordance with an acceptable evaluation model, modified to apply to single loop conditions, that conforms to the requirements of the Commission's regulations in 10 CFR 50.46.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By September 1, 1976 the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commisison's regulations. A petition for leave to intervene must set forth the interest of the petitoner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the proviisons of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commisison, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Mr. Dale G. Stoodley, Counsel, Boston Edison Company, 800 Soylston Street, Boston, Massachusetts 02199, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating conteptions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated November 17, 1975 and supplements thereto dated March 1, 1976, March 19, 1976 and April 12, 1976, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Plymouth Public Library on North Street in Plymouth, Massachusetts 02360. The license amendment and the Safety Evaluation, when issued, may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 23rd day of July 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.76-22370 Filed 7-30-76;8:45 am]

[Docket Nos. 50-369, 50-370]

DUKE POWER CO. (WILLIAM B. MCGUIRE NUCLEAR STATION, UNITS 1 AND 2)

Order Scheduling Prehearing Conference

Take notice, that in accordance with the "Notice of Hearing on Application for Facility Operating License" published by the Atomic Energy Commission in the FEDERAL REGISTER on October 7, 1974 (39 FR 36037), a second special prehearing conference will be held in the above-captioned proceeding on Wednesday, August 4, 1976, at 10 a.m., local time in the Mecklenburg County Administration Building, Fourth Floor Commissioners' Meeting Room, 720 East Fourth Street, Charlotte, North Carolina 28202.

The Prehearing Conference will deal with the establishment of a schedule for

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discovery and for the convening of an evidentiary hearing in this proceeding.

Members of the public are welcome to attend the conference of parties or their counsel, however no evidence will be received and no limited appearance statements will be accepted at the prehearing conference. Statements by members of the public making limited appearances will be received at the commencement of the evidentiary hearing which will be scheduled at a later date.

For the Atomic Safety and Licensing Board.

Issued at Bethesda, Maryland this 26th day of July, 1976.

ROBERT M. LAZO,
Chairman.

[FR Doc.76-22371 Filed 7-30-76;8:45 am]

[Docket Nos. 50-448, 50-449]

POTOMAC ELECTRIC POWER CO. (DOUGLAS POINT NUCLEAR GENERATING STATION, UNITS 1 AND 2)

Evidentiary Hearing on Environmental Issues

When it became apparent on Friday, July 23, 1976 that the evidentiary hearing on environmental issues would not conclude on that date, it was agreed that the proceeding would resume on August 9, 1976.

Take notice, the hearing will begin at 10:30 a.m. (local time) on August 9, 1976 in the auditorium of the Thomas Stone High School, Route 5, Waldorf, Maryland. It will continue throughout the week until concluded—commencing at 9:30 a.m. each day thereafter.

The public is invited to attend. Limited appearance statements will be accepted from individuals who have not previously made statements. Oral statements will be limited to five (5) minutes but written statements, without limitation on length, may be inserted into the docket file.

It is so ordered.

For the Atomic Safety and Licensing Board.

Dated at Bethesda, Maryland this 28th day of July, 1976.

ELIZABETH S. BOWERS,
Chairman.

[FR Doc.76-22372 Filed 7-30-76;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

[RECOMMENDATION A-47]

COMMISSION ON GOVERNMENT PROCUREMENT

Executive Branch Position

Notice is given that the executive branch does not accept Commission on Government Procurement Recommendation A-47 which is as follows:

Establish new standards for annually measuring the performance of procuring agencies and their prime contractors in using small business. Standards for measuring performance, including the sound use of set-aside techniques, should assess progress made in assisting small business to obtain a fair proportion of awards—not just statistical percentages.

The Commission on Government Procurement (COGP) stated in its Report that it was not satisfied with reliance on a percentage factor of total procurement awarded to small business firms as a measure of success—or lack of success—in proper utilization of small business firms. Two separate Interagency Task Groups examined this matter and attempted to develop new standards. They concluded that it is neither feasible nor economical to apply a new standard for annually measuring the performance of procuring agencies and their prime contractors in using small business. The Office of Federal Procurement Policy (OFPP) reviewed the work of the two Interagency Task Groups and further examined concepts for new standards. OFPP also concludes that new standards are not feasible or economical.

In recommending the establishment of new standards, the Commission intended that supervisory contract personnel, higher echelons of management, the Small Business Administration, and interested committees in Congress have access to the best possible information for determining that small business firms receive a fair share of total contract awards. The OFPP found that new standards are not essential to satisfy this need, as techniques and surveilance programs currently exist for providing this type of information. Examples of these are set-aside and breakout programs for small business; the Department of Defense Claimant Program which categorizes procurement into numerous groups within which the small business share or potential can be fully analyzed; and surveillance reviews by supervisory personnel of the agencies and by the Small Business Administration.

Notwithstanding the rejection of COGP Recommendation 47, its ultimate objective of full utilization of small business firms in contract performance is endorsed by OFPP. OFPP in concert with the procuring agencies and the Small Business Administration will work to fulfill the ultimate intent of the recommendation. Initial efforts will be directed toward uniform utilization of set-aside breakout and claimant programs in all agencies.

HUGH E. WITT,
Administrator for Federal Procurement Policy.

[FR Doc.76-22196 Filed 7-30-76;8:45 am]

PRIVACY ACT OF 1974

Reports on New Systems

The purpose of this notice is to list reports on new systems filed with the Office of Management and Budget to give members of the public the opportunity to make inquiries about them and to comment on them.

The Privacy Act of 1974 requires that agencies give advance notice to the Congress and the Office of Management and Budget of their intent to establish or modify systems of records subject to the Act (5 U.S.C. 552a(o)). During the period July 12 through July 23, 1976 the Office of Management and Budget received the following reports on new (or revised) systems of records.

DEPARTMENT OF DEFENSE

System names: Consolidation of new and revised systems (See FEDERAL REGISTER of July 26, 1976 Part IV (Section 1).

Report date: July 2, 1976.

Agency point of contact: William T. Cavaney, Executive Director, Defense Pravacy Board, 1000 Independence Ave., SW, Washington, D.C. 20314.

DEPARTMENT OF TRANSPORTATION

System names (1) Files of the Board for Correction of Military Records (BCMR) for the Coast Guard. (2) Honors Attorney Recruitment files.

Report date: July 19, 1976.

Agency point of contact: John McGruder, Department of Transportation, Room 10320, 400 7th Street, SW, Washington, D.C. 20590.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc.76-22240 Filed 7-30-76;8:45 am]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

CERTAIN BRANDY

Proposed Duty Increase

By Proclamation No. 3564 of December 4, 1963 the United States suspended the application of certain trade agreement concessions on certain brandy valued over $9 per gallon (TSUS items 168.20 and 168.22). The action resulted in the placing of an additional duty on such brandy, raising the tariff from $1.25 and $1.00 per gallon, respectively, to $5.00 per gallon. This action was one of a group of actions taken in response to unreasonable restrictions maintained by the European Community (EC) on imports of poultry from the United States.

On July 16, 1974, in order to encourage the resolution of trade disputes between the European Community and the United States, and to obtain the removal of unreasonable import restrictions maintained by the EC on poultry imported from the United States, the United States provisionally restored prior trade agreement concession rates of duty on imports of brandy valued at over $9 but not more than $17 per gallon (Proclamation No. 4304 of July 16, 1974). It was the intention of the United States to provide a temporary adjustment for a limited period of time during which a satisfactory solution to the problem of EC poultry import restrictions could be found.

No solution having been reached on this problem in the intervening period, notice is hereby given of a proposed action to restore the $17/gallon price-break (above which the $5/gallon duty has applied) to the $9 level set when the concessions were suspended in 1963. It is proposed that the tariff on brandy (provided for in TSUS items 168.28 and 168.32) valued at over $9 per gallon be increased to not less than $5.00 per gallon.

This action is proposed, pursuant to sections 125 or 301 of the Trade Act of 1974 or other authority, to restore the balance of benefits of trade agreement concessions.

Anyone wishing to appear at a public hearing on this issue must submit a request to testify and 20 copies of testimony to the Office of the Special Representative for Trade Negotiations, 1800 G Street, N.W., Washington, D.C., 20506, by Aug. 16, 1976. If requests for a hearing are received from interested persons, a public hearing on the proposed U.S. action will be held on Sept. 1, 1976, in room 730, Office of the Special Representative for Trade Negotiations, 1800 G Street, N.W., Washington, D.C. Written briefs may be submitted in addition to or in lieu of testimony. Written briefs must be received by Aug. 27, 1976 in the Office of the Special Representative for Trade Negotiations.

Further details concerning any such hearing will be published in the FEDERAL REGISTER.

ALAN WM. WOLFF,
Acting Deputy Special Representative for Trade Negotiations.

JULY 28, 1976.

[FR Doc.76-22306 Filed 7-30-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 19627; 70-5881]

INDIANA-KENTUCKY ELECTRIC CORP.

Proposed Agreement With Municipal Authority for Construction of Pollution Control Equipment

JULY 26, 1976.

In the matter of Indiana-Kentucky Electric Corporation, P.O. Box 468, Piketon, Ohio 45661.

Notice is hereby given that Indiana-Kentucky Electric Corporation ("IKEC"), an indirect electric utility subsidiary company of Allegheny Power System, Inc., American Electric Power Company, Inc., and Ohio Edison Company, all registered holding companies, has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Sections 9(a) and 12(d) of the Act and Rule 44(b)(3) promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Ohio Valley Electric Corporation ("OVEC") and its wholly owned subsidiary company, IKEC, were each organized in 1952 under the laws of the states of Ohio and Indiana, respectively, to provide the power requirements of the gaseous diffusion plant at Portsmouth, Ohio ("Portsmouth plant"), now owned and operated by the United States Energy Research and Development Administration ("ERDA"). Arrangements for OVEC to supply power to the Portsmouth plant exist under an Atomic Energy Commission Power Agreement ("AEC Agreement") as modified from time to time. Ten participating companies own the capital stock of OVEC and 15 sponsoring companies supply power to and purchase power from OVEC (including, in each case, the holding company systems named above).

It is stated that ERDA and OVEC have signed Modification No. 7 to the AEC Agreement providing for the payment by ERDA to OVEC and IKEC of the entire cost of certain replacements of property and plant. Modification No. 7 includes any replacement (a) where such replacement is ordered or required by any regulatory agency or court having jurisdiction over the emission of pollutants or the discharge of wastes or (b) where such replacement is reasonably required to enable OVEC or IKEC to limit the emission of pollutants or the discharge of wastes. Modification No. 7 will become effective upon receipt of requisite regulatory approvals which are in the process of being obtained.

Modification #7 also provides that OVEC agrees to use its best efforts to arrange financing of pollution control replacements from sources of capital other than ERDA, unless ERDA prefers to directly finance such investment. Under Modification #7, ERDA agrees to pay an amount equal to the principal and interest due under an installment sale agreement relating to the purchase by OVEC or IKEC of any pollution control replacement. The right to receive such principal and interest payments must have been validly assigned by the seller of the pollution control replacement to a trustee under an indenture pursuant to which bonds or other debt securities shall have been issued and sold.

To supply part of the Portsmouth Plant requirements, IKEC has constructed six generating units situated in the Clifty Creek Plant in Indiana. Compliance by the Clifty Creek Plant with the air quality standards of Indiana will require the investment of an estimated $110 million for precipitators and related facilities ("project"). When completed, the project will replace existing particulate emission control equipment and facilities. By resolution adopted August 6, 1974, the City of Madison, Indiana ("City") determined to authorize and issue one or more series of its pollution control revenue bonds ("bonds") to finance the cost of engineering, design, acquisition and construction of the project and to reimburse IKEC monies previously expended for such purposes.

IKEC proposes to enter into an agreement of sale ("agreement") providing for the construction and installation of the project by the City and the issuance by the City of bonds (a) in an initial principal amount of $50 million ("Series A Bonds") and (b) additional bonds in principal amounts estimated to exceed $60 million. Proceeds of the sale of the Series A Bonds will be deposited by the City with Lincoln National Bank and Trust Company of Fort Wayne, as Trustee ("Trustee"). The proceeds will be applied to payment of the cost of the project. The Series A Bonds will be issued and secured by an indenture between the City and the Trustee.

The agreement will also provide for the sale of the project to IKEC, the payment by IKEC of the purchase price of the project in semiannual installments over a term of years and the assignment by the City to the Trustee of its interest in amounts receivable under the agreement. The agreement will provide that th obligation of IKEC to make payments to the City of the purchase price for the project shall be deemed satisfied to the extent that payments are received by the Trustee from ERDA. Each installment payable by IKEC will be sufficient to enable the City to pay interest and principal due on the Series A Bonds, including amounts payable in connection with any mandatory redemption thereof, any additional bonds or any refunding bonds. IKEC is also obligated under the agreement to pay the fees and charges of the Trustee as well as certain expenses of the City.

IKEC has the option to prepay the purchase price of the project under certain circumstances. The purchase price of the project will be required to be prepaid in the event (a) the AEC Agreement is not extended on or before August 31, 1977, or (b) the AEC Agreement is extended but later ceases to be in full force and effect.

IKEC will take necessary action to release existing facilities, which are part of the project, from the lien of its mortgage. After release from the mortgage, IKEC will convey such existing facilities to the City and will receive, out of the proceeds of the bonds, an amount equal to IKEC's original cost of the existing facilities. The existing facilities will thereupon become a part of the project which IKEC will purchase from City under the agreement. Title to the project will pass to IKEC at the time of the execution and delivery of the agreement.

It is contemplated that the Series A Bonds will be sold by the City pursuant to arrangement with a group of underwriters represented by E. F. Hutton & Company, Inc. The interest rate on the Series A Bonds will be fixed by the governing board of the City. Although IKEC will not be a party to the underwriting arrangements for the Series A Bonds, IKEC will not enter into the agreement unless the terms of the Series A Bonds and their sale by the City are satisfactory to it. IKEC understands that interest on the Series A Bonds will be exempt from federal income taxation in certain cases. IKEC has been advised that the annual interest rates on such securities can be expected at the time of issuance to be 1½-2½% lower than rates of similar obligations fully subject to federal income tax.

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The Series A Bonds will be dated on or about the first day of the month in which they are issued, will bear interest semiannually, and will mature at a date or dates not later than October 14, 1992. It is expected that the Series A Bonds will not be redeemable at the option of the City within ten years from their issue date except under certain circumstances. The Series A Bonds will be subject to mandatory redemption under certain conditions.

It is stated that the Public Service Commission of Indiana has jurisdiction over certain aspects of the proposed transactions and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses to be incurred in connection with the proposed transactions will be supplied by amendment.

Notice is further given that any interested person may, not later than August 23, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, and reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant-declarant at the above-stated address and proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-22187 Filed 7-30-76;8:45 am]

[Release No. 34-12661; File No. SR-PSD-76-3]

PACIFIC SECURITIES DEPOSITORY TRUST CO.

Self-Regulatory Organizations

In the matter of proposed rule change by Pacific Securities Depository Trust Company.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on July 7, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Statement of the terms of substance of the proposed rule change: The rule change consists of interface agreements between Pacific Securities Depository Trust Company ("PSD") and Depository Trust Company ("DTC") and the operational procedures of the interface which formalize and activate the reciprocal arrangements between PSD and DTC. Three reciprocal agreements have been executed by PSD and DTC which are substantially identical.

The terms of substance of the interface agreements are as follows:

1. PSD makes DTC custodian with respect to certain securities held by PSD, and the custodian agrees to promptly deliver any such securities to PSD without asserting any lien against such securities.

2. PSD warrants to the custodian that it has authority to enter into the agreement with the custodian and deliver the securities to the custodian.

3. PSD agrees to indemnify the custodian against losses incurred as a result of following the instructions of PSD, and the custodian agrees that its liability with respect to securities deposited with it by PSD will be the same as its liability with respect to securities deposited with it by other depositors.

4. The agreements continue until terminated by mutual agreement, or terminated by either party on not less than sixty days written notice to the other.

Statement of Basis and Purpose: The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the PSD/DTC interface is to further advance the establishment of the National Depository System mandated by the Securities Acts Amendment of 1975.

The PSD/DTC interface increases the capacity of PSD and DTC to facilitate prompt and accurate clearance and settlement of securities transactions for a broader group of banks and brokers and, in doing so, helps perfect the mechanism for a national system for the prompt and accurate clearance and settlement of securities transactions.

Comments were not solicited from participants. Discussions, however, have been held, on occasion, with participants which indicated a strong interest by participants in establishing the PSD/DTC interface.

PSD is of the opinion that the PSD/DTC interface will not impose any burden on competition; rather, the interface will foster and encourage competition. It will do this by permitting banks and brokers in various parts of the country to clear and settle transactions made with securities markets in different regions of the country with the ease of bookkeeping movements of securities.

Within 35 days of the date of publication of this notice in the FEDERAL REGISTER, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its

reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection in the Public Reference Room, 1100 L. Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before August 23, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JULY 27, 1976.

[FR Doc.76-22188 Filed 7-30-76;8:45 am]

SMALL BUSINESS ADMINISTRATION

HARTFORD DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Hartford District Advisory Council will hold a public meeting at 9:30 a.m., Thursday, September 16, 1976, at the Hartford District Office, Room 134, in the Federal Building, 450 Main Street, Hartford, Connecticut 06103, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present. For further information, write or call Thomas E. Higgins at the above address. (203) 244-2000.

Dated: July 26, 1976.

ANTHONY S. STASIO,
Acting Assistant Administrator, Advocacy and Public Communications.

[FR Doc.76-22304 Filed 7-30-76;8:45 am]

UNITED STATES INFORMATION AGENCY

U.S. ADVISORY COMMISSION ON INFORMATION

Meeting

Pursuant to the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given of a meeting to be held on September 27, 1976. The session will commence at 9:15 a.m. in Room 600 at 1750 Pennsylvania Avenue, N.W., Washington, D.C. It will end at 12:15 p.m. and reconvene at 2:15 p.m. The Commission's agenda consists of: (a) Voice of America News and Current Affairs Programs; (b) The Bicentennial: USIA's Plans and Performance; and (c) Screening of Two USIA Films.

The session will be open to the general public. Persons wishing to attend the Commission's meeting should contact Mr. Louis T. Olom, Staff Director, U.S. Advisory Commission on Information, Room 1008, 1750 Pennsylvania Avenue, N.W., Washington, D.C. 20547, telephone 632-5210, so that adequate space will be assured. Written statements concerning the topics set forth in the agenda should also be submitted to Mr. Olom.

WALTER W. JONES,
Chief, Management Division.

JULY 26, 1976.

[FR Doc.76-22305 Filed 7-30-76;8:45 am]

VETERANS ADMINISTRATION

SPECIAL MEDICAL ADVISORY GROUP SUBCOMMITTEE ON ACADEMIC AFFAIRS

Meeting

The Veterans Administration gives notice pursuant to Public Law 92-463 that a meeting of the Subcommittee on Academic Affairs of the Special Medical Advisory Group authorized by 38 U.S.C. 4112(a) and 38 U.S.C. 5054, will be held at Chicago, Illinois, O'Hare Airport, Seven Continents Restaurant meeting room on August 13, 1976. The purpose of the Subcommittee on Academic Affairs is to advise the Administrator and the Chief Medical Director relative to care and treatment of disabled veterans, and other matters pertinent to the Veterans Adminisration's Department of Medicine and Surgery.

The meeting date of August 13, 1976 is established in order to meet scheduling requirements not within the direct control of the Veterans Administration.

Under the Veterans Administration's Exchange of Medical Information Program authority, this agency is planning to conduct a series of experiments in biomedical communications via the special purpose space vehicle Communications Technology Satellite (CTS). This technology poses distinct possibilities for pioneering cost effective advances in exchange of medical information for diagnostic, therapeutic, and educational purposes particularly to the benefit of VA hospitals, patients and medical communities located remote from medical teaching centers.

In order to begin broadcast on April 27, 1977 (the date approved by the National Aeronautics and Space Administration in contemplation of the VA's production contract) and to allow sufficient time for the VA's planned experiments during the official life of the satellite, it is essential that the contract for production of materials to be used via the satellite and the procurement cycle for earth station equipment begin by September 1, 1976. This requires that the meeting of the Subcommittee on Academic Affairs be conducted no later than August 13, 1976 to consider a proposal for such contract and thus allow sufficient time for its processing and also to allow for timely

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commencement of the aforementioned procurement cycle.

Dated: July 27, 1976.

R. L. ROUDEBUSH,
Administrator.

[FR Doc.76-22248 Filed 7-30-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 591-8]

ILLINOIS IMPLEMENTATION PLAN

Attainment and Maintenance of National Ambient Air Quality Standards; Approval and Promulgation of Implementation Plans; Required Revision

In this notice the EPA Regional Administrator for Region V provides a summary of his findings resulting from an assessment of the overall adequacy of the implementation plan for the State of Illinois. The findings of this assessment are basically reflected in three topical areas in which further actions are or may be required by the State or the EPA.

(1) A finding that certain aspects of the control strategy portion of the State Implementation Plan (SIP) are substantially inadequate for attainment and/or maintenance of the national ambient air quality standards (NAAQS). In such situations, the Regional Administrator is requesting that the State develop and submit plan revisions to correct plan deficiencies.

(2) A finding that adequate information is not currently available to allow a full determination that portions of the control strategy are substantially inadequate to provide for attainment or maintenance of the primary NAAQS. In such situations, the Regional Administrator is setting forth the schedule under which the State or the EPA should complete the necessary analyses.

(3) A finding that the State Implementation Plan is deficient in regulatory or procedural aspects other than the control strategy portion of the SIP. In this situation, appropriate requests for the submission of plan revisions are being made. In cases where a prior notice of SIP deficiencies has been made, that notice is referenced herein.

BACKGROUND

On May 31, 1972 (37 FR 10862) under Section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator substantially approved the control strategy for the attainment and maintenance of the national primary and secondary standards for total suspended particulates, sulfur dioxide, nitrogen dioxide, carbon monoxide, hydrocarbons, and photochemical oxidants for all Air Quality Control Regions (AQCR) in the State of Illinois. The implementation plan was originally designed to attain these national standards by mid-1975. Furthermore on March 8, 1973 (38 FR 6279), EPA disapproved all implementation plans with respect to maintenance of the national standards.

Following this action, on June 2, 1975, EPA identified Macon County in West-Central Interstate AQCR at the Decatur Air Quality Maintenance Area for total suspended particulates (TSP); the counties of Cook, DuPage, Kane, Lake, McHenry, and Will in Metropolitan Chicago Interstate AQCR as the Illinois-Indiana-Wisconsin Interstate Air Quality Maintenance Area (Illinois portion) for TSP, sulfur dioxide (SO_2), carbon monoxide (CO), photochemical oxidants, and nitrogen dioxide (NO_2); the counties of Peoria, Tazewell, and Woodford in Burlington-Keokuk Interstate AQCR as the Peoria Air Quality Maintenance Area for TSP and SO_2; and also the counties of Madison, Monroe, and St. Clair in Metropolitan St. Louis Interstate AQCR as the St. Louis Interstate Air Quality Maintenance Area (Illinois portion) for TSP, SO_2, and photochemical oxidants. The air quality maintenance area (AQMA) identification serves to specify those geographic areas that have a potential for failing to maintain one or more of the national air quality standards. These AQMAs were promulgated in 40 FR 23756, June 2, 1975, and published in 40 CFR 52.735.

SIP DEFICIENCIES DETERMINED

The Regional Administrator has determined that the SIPs for the States of Minneapolis, Wisconsin, Michigan, Ohio, Indiana, and Illinois are substantially inadequate to demonstrate attainment and maintenance of the oxidant NAAQS. However, the specific areas where hydrocarbon controls will be needed have not yet been determined. A letter to each of the Governors of the six States in Region V has been sent explaining the analysis of the oxidant problem now under way in each State and suggesting a regional approach to a solution. The Regional Administrator's determination is based upon three factors prevalent in Region V. (1) Monitored violations of the oxidant standard have occurred in all States in both rural and metropolitan sites. (2) States have generally gained as much hydrocarbon control as possible from the present SIPs. (3) The Federal Motor Vehicle Control Program gives only a portion of the hydrocarbon reduction needed to meet the oxidant standard.

Several studies were conducted during 1974 and 1975 which demonstrate widespread oxidant non-attainment problems throughout the Region. Summer studies conducted in the Cincinnati, Ohio and Indianapolis, Indiana metropolitan areas have indicated oxidant violations throughout the metropolitan areas at every monitoring site. Additionally, in 1974 a statewide study in Ohio, including 5 urban and 3 rural sites, has revealed numerous and substantial violations. An analysis of the urban and rural oxidant data in Region V shows that no state has escaped the pervasiveness of the oxidant problem.

Oxidant standard violations have been observed at rural and urban sites in Illinois with the 1975 high and highest second high reading of .223 ppm and .218 ppms, respectively, occurring in Cook County. The national ambient air quality standard for oxidants is .08 ppm, not to be exceeded more than one time per year.

It is well understood that oxidants form when hydrocarbon and nitrogen oxide emissions chemically react in the presence of sunlight. When this reaction takes place, high concentrations will tend to be downwind of urban centers. The fact that oxidant readings in one State or area are greater than in another state or area does not necessarily indicate that the solution to the oxidant problem must be applied more stringently in the first state or area. Therefore, as the above analysis suggests, the application of the solutions to the non-attainment of the oxidant standard may well need to be more widespread than in the past.

In addition to the air quality analysis presented above, the presently implemented oxidant control strategies were evaluated before making the determination that the oxidant SIPs are substantially inadequate. Utilizing Appendix J from 40 CFR Part 51 as a model which gives the percentage of hydrocarbon emission reduction needed to achieve the oxidant NAAQS as a function of measured oxidant concentrations, it has been determined that at least a 50% reduction in hydrocarbon emissions would be needed in at least one major metropolitan area in every State in Region V to achieve the oxidant standard. The emission reduction expected between 1975 and 1980 from an optimistic projection of the new motor vehicle controls, and the emission reduction expected from full implementation of the present State hydrocarbon emission limitations cannot provide the reduction needed to demonstrate attainment and maintenance of the oxidant standards.

Therefore, SIPs for the six states in Region V are judged to be substantially inadequate for attainment and maintenance of the oxidant standards. This is not to say, however, that a specific set of hydrocarbon controls at this time must be implemented for all areas for which air quality has been reported over the oxidant standard. The oxidant violations must be analyzed as a comprehensive problem. Since December 1975, representatives of the USEPA and the six Region V state air pollution control agencies have been meeting to discuss ways to analyze and solve the Region V oxidant situation.

On the basis of these discussions, the following schedule was set up for the purpose of evaluating the oxidant SIP revisions. By November 1, 1976, each State is to identify these geographic areas where oxidant SIP revisions should be instituted. The Regional Administrator will by December 31, 1976, comment on the November 1, 1976, submission and provide additional guidance concerning the types of controls and geographic areas where such controls should be instituted. The State is then required to prepare by July 1, 1977, where feasible, a plan revision for oxidants containing: (1) all achievable emission limitations that are needed to provide for the attainment and maintenance of the NAAQS, and (2) a quantitative estimate of the effect on air quality concentrations of such measures.

If additional control strategies such as land use and transportation measures are needed for attainment and maintenance of the national standards, the States should prepare and submit by July 1, 1978: (1) such measures for the attainment and maintenance of oxidant standards, and (2) a demonstration of the effect the control strategy will have on the air quality concentration.

The completed plan revision must demonstrate that the total control strategy will attain the standard as expeditiously as practicable but no later than three years after plan approval.

A number of reasonably available control measures for hydrocarbon emissions have already been identified. These measures will be evaluated in light of circumstances specific to those areas where oxidant related controls are determined to be needed. These potential control measures include: inspection/maintenance; vapor controls for organic solvents, petroleum refineries, chemical and other industries, and gasoline marketing; heavy duty vehicle retrofits; transit improvements; employer incentives (carpool programs); parking management; traffic management; and preferential bus and carpool treatment.

SIP DEFICIENCY DETERMINATION PENDING

The Division of Air Pollution Control (DAPC) of the Illinois Environmental Protection Agency (IEPA) is undertaking a detailed analysis of the TSP, SO_2, CO, and NO_2 air quality maintenance areas listed in 40 FR 23753 dated June 2, 1975. In addition to these areas, the State DAPC is also performing an analysis of Rock Island and Henry Counties in the Metropolitan Quad Cities Interstate Air Quality Control Region (AQCR), and Massac County in the Paducah-Cairo Interstate AQCR. The IEPA is developing a role document for the assignment of responsibilities of maintenance strategy development and its implementation. In the development of the role document, IEPA is to recognize and utilize the regional planning agencies in accordance with Section 51.58 in the May 3, 1976, FEDERAL REGISTER.

On April 21, 1976, the staff of the Region V Office met with the staff of the Illinois DAPC to discuss the plans of the DAPC for the completion of the AQMA analyses. Based on these discussions and the State Work Plan dated April 21, 1976, the Regional Administrator is in this notice requesting that the State complete the required analyses and submit them in accordance with the schedule listed below Both the Regional Administrator and the staff of the DAPC are concerned that the approved control strategy portion of the existing State Implementation Plan (SIP) may not be adequate to provide for attainment of the National Ambient Air Quality Standards for the pollutants listed. The State is incorporating into its maintenance analyses an analysis of the capability of the SIP to provide for attainment. The schedules are summarized below (Table I):

TABLE I

AQMA	Pollutant	Date analysis due for— Nonattainment	Maintenance
Burlington	TSP	December 1976	December 1976.
Keokuk No. 065	SO_2	do	Do.
Metro-Chicago No. 067	TSP	do	July 1977.
	SO_2	do	Do.
	CO	April 1977	Do.
	NO_2	do	Do.
Metro-Quad [1] Cities No. 069	TSP	November 1976	May 1977.
Metro-St. Louis No. 070	TSP	April 1977	January 1978.
	SO_2	do	Do.
Pedneah-Cairo [1] No. 072	TSP	do	Do.
	SO_2	do	Do.
W. Central No. 075	TSP	November 1976	November 1976.

[1] The study area in AQCR's No. 069 (Quad Cities), and No. 072 (Paducah-Cairo) were not originally listed as AQMA's in the June 2, 1975, FEDERAL REGISTER. These 2 areas are listed by the State of Illinois as additional study areas which will undergo a detailed analysis.

If the Regional Administrator determines, based on a review of the submitted analysis, that the SIP is substantially inadequate to provide for attainment and maintenance of the NAAQS, the State shall be required, where feasible, to prepare and submit a plan revision according to the schedule set forth in Column A of Table II containing: (1) all achievable emission limitations that are needed to provide for the attainment and maintenance of the national standards for TSP, SO_2, CO, and NO_2, and (2) a demonstration of the effect on air quality concentrations of such measures.

If additional control strategies such as land use and transportation measures are needed for attainment and maintenance of the national standards, the State shall prepare and submit according to the schedule set forth in Column B of Table II: (1) such measures for the attainment and maintenance of the standards for TSP, SO_2, CO, and NO_2, and (2) a demonstration that the control strategy will attain and maintain the primary and secondary standards for TSP, SO_2, CO, and NO_2.

TABLE II

AQMA	Pollutant	A	B
Burlington [1]	TSP	July 1977	July 1978.
Keokuk No. 065	SO_2	do	Do.
Metro-Chicago [2] No. 067	TS	do	Do.
	SO_2	do	Do.
	CO	do	Do.
	NO_2	do	Do.
Metro-Quad [3] Cities No. 069	TSP	do	Do.
Metro-St. Louis [4] No. 070	TSP	do	Do.
	SO_2	do	Do.
Paducah-Cairo [5] No. 079	SO_2	do	Do.
W. Central [6] No. 075	TSP	do	Do.

[1] Includes the counties of Peoria, Tazewell, and Woodford in Illinois.
[2] Includes Cook, Du Page, Kane, Lake, McHenry, and Will Counties in Illinois.
[3] Includes Rock Island and Henry Counties.
[4] Includes Madison, Monroe, and St. Clair Counties in Illinois.
[5] Massac County only.
[6] Macon County only.

The completed plan revision must demonstrate that the total control strategy will attain the primary standard as expeditiously as practicable but no later than three years after plan approval; and in the case of the secondary standards, the plan should specify a reasonable time for standards achievement.

OTHER SIP DEFICIENCES

The Illinois pollution control regulation which establishes short-term SO_2 emission limitations for all fuel combustion sources (Rule 204(e)) allows unlimited stack height credit in the calculation of source specific emission levels. On February 18, 1976, at 41 FR 7450, EPA published a tall stack policy which provides guidance with respect to allowable stack height credit in SIP strategies. The Illinois regulation does not provide for the proper stack height credit limitation and, therefore, the SIP is considered deficient.

In a recent ruling by the Illinois Supreme Court, certain provisions of the Illinois air pollution control regulations were remanded to the State for necessary demonstration of technological feasibility and economic reasonableness to support the existing regulations or the promulgation of substitute rules. The remanded portions, which are presently not enforceable, establish emission limitations for solid fuel combustion sources as follows: (1) TSP emission limitations for all existing sources, (2) SO_2 emission limitations for all new sources with actual heat input greater than 250 million BTU per hour, and (3) SO_2 emission limitations for existing sources located in the Chicago, St. Louis (Illinois), and the Peoria Major Metropolitan Areas.

The unenforceable portions of the Illinois regulations constitute a SIP deficiency. Accordingly, it is requested that a revision to the Illinois plan be devel-

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oped or other appropriate action taken to correct these deficient areas.

CONCLUSION

The Governor is requested to submit, within 60 days, a letter of intent to the Regional Administrator, EPA Region V, which identifies the various actions the State will take to develop the appropriate plan revisions in accordance with the requirements set forth in this notice. The State also needs to identify in the letter the agencies that have been given responsibility to prepare the plan revision. Failure by the State to submit a letter of intent within 60 days will be considered by EPA as an indication that no plan revision will be forthcoming from the State. In this case, EPA will begin to develop a Federal plan to attain and maintain national standards.

All of the current applicable implementation plan remains in effect until the plan revision is submitted by the State to EPA and is approved by EPA or until EPA promulgates substitutes or additional regulations.

This notice is not subject to rulemaking procedures. The need for a plan revision for photochemical oxidants for the total State of Illinois is based on technical findings of the Regional Administrator which shows that the control strategy for oxidants is substantially inadequate. There is also a need for corrective action regarding: (1) Rule 204(e) because it is inconsistent with EPA's recently published tall stack policy, and (2) Rules 203(g)(1), 204(a)(1), and (c)(1)(A) because of the Illinois Supreme Court's affirmation of the Appellate Court's remand of these rules—the State's action must be in terms of either supporting the existing rules or revising them. With respect to total suspended particulates, sulfur dioxide, carbon monoxide, and nitrogen dioxide, the need for a plan revision in the previously discussed areas will be operative when and if the Regional Administrator finds applicable control strategies to be substantially inadequate. Authority for such action is provided in Section 110(a)(2)(H) and 110(c) of the Clean Air Act. Ample opportunity for public comment on the Regional Administrator's determination of plan inadequacy will be provided during the public hearing that the State is required to hold on the plan revision before submission to EPA. If EPA must prepare and promulgate its own regulations, EPA will provide opportunity for written comments; or if the State held no hearing on the revisions, EPA will provide opportunity for a public hearing.

AUTHORITY: Section 110(a)(2)(H) of the Clean Air Act, as amended, 42 U.S.C. 1857c-5(a)(2)(H) and Section 110(c) of the Clean Air Act, as amended, 42 U.S.C. 1857c-5(c).

Dated: July 16, 1976.

GEORGE R. ALEXANDER,
Regional Administrator,
Environmental Protection Agency.

[FR Doc.76-22363 Filed 7-30-76;8:45 am]

[FRL 592-1]

INDIANA IMPLEMENTATION PLAN

Attainment and Maintenance of National Ambient Air Quality Standards; Approval and Promulgation of Implementation Plans; Required Revision

In this notice the EPA Regional Administrator for Region V provides a summary of his findings resulting from an assessment of the overall adequacy of the implementation plan for the State of Indiana. The findings of this assessment are basically reflected in three topical areas in which further actions are or may be required by the State or the EPA.

(1) A finding that certain aspects of the control strategy portion of the State Implementation Plan (SIP) are substantially inadequate for attainment and/or maintenance of the National Ambient Air Quality Standards (NAAQS). In such situations the Regional Administrator is requesting that the State develop and submit plan revisions to correct plan deficiencies.

(2) A finding that adequate information is not currently available to allow a full determination that portions of the control strategy are subsantially inadequate to provide for attainment or maintenance of the primary NAAQS. In such situations the Regional Administrator is setting forth the schedule under which the State or the EPA should complete the necessary analyses.

(3) A finding that the State Implementation Plan is deficient in regulatory or procedural aspects other than the control strategy portion of the SIP. In this situation, appropriate requests for the submission of plan revisions are being made. In cases where a prior notice of SIP deficiencies has been made, that notice is referenced herein.

BACKGROUND

On May 31, 1972 (37 FR 10863) and May 14, 1973 (38 FR 12698), under Section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved the control strategy for the attainment and maintenance of the national primary and secondary standards for total suspended particulates (TSP), sulfur dioxide (SO_2), nitrogen dioxide (NO^2), carbon monoxide (CO), hydrocarbons, and photochemical oxidants for all Air Quality Control Regions (AQCR) in the State of Indiana except for the TSP and SO_2 secondary standards in the Indiana portion of the Metropolitan Chicago Interstate AQCR and the Metropolitan Indianapolis Intrastate AQCR. The implementation plan was originally designed to attain those national standards approved by mid-1975. Furthermore, on March 8, 1973 (38 FR 6279), EPA disapproved all implementation plans with respect to maintenance of the national standards.

Following this action on June 2, 1975 (40 FR 23753, 40 CFR 52.792), EPA identified the county of Vanderburgh in the Evansville-Owensboro-Henderson Interstate AQCR as the Evansville Interstate Air Quality Maintenance Area for TSP and SO_2; the counties of Lake and Porter in the Metropolitan Chicago Interstate AQCR as the Illinois-Indiana-Wisconsin Interstate Air Quality Maintenance Area for TSP, SO_2 and photochemical oxidants; Marion County in the Metropolitan Indianapolis Intrastate AQCR as the Indianapolis Air Quality Maintenance Area for TSP, SO_2 and oxidants; and the counties of Clark and Floyd in the Louisville Interstate AQCR as the Louisville Interstate Air Quality Maintenance Area for TSP and SO_2. The air quality maintenance area (AQMA) identification serves to specify those geographic areas that have a potential for failing to maintain one or more of the national air quality standards.

The Division of Air Pollution Control of the Indiana Department of Health is undertaking detailed analyses of the identified AQMA counties in accordance with the requirements for such analyses as set forth in 40 CFR Subpart D (40 FR 18382, May 3, 1976). In the interest of attaining and maintaining the NAAQS, the State should recognize and build upon the accomplishments of locally responsive regional planning agencies in accordance with Section 51.58 in the May 3, 1976 FEDERAL REGISTER.

On April 23, 1976, staff of the Region V Office met with staff of the Indiana Division of Air Pollution Control to discuss the plans of the State of Indiana for the completion of the required AQMA analyses. Based on these discussions, which indicated that progress has been made by the Indiana Division of Air Pollution Control, the Regional Administrator is requesting in this notice that the State complete the required analyses and submit them by April 1977.

SIP DEFICIENCIES DETERMINED

The Regional Administrator has determined that the strategies in the SIPs for the States of Minnesota, Wisconsin, Michigan, Ohio, Indiana, and Illinois are substantially inadequate to attain and maintain the oxidant NAAQS. However, the specific areas where hydrocarbon controls will be needed have not yet been determined. A letter to each of the Governors of the six states in Region V has been sent explaining the analysis of the oxidant problem now under way in each State and suggesting a regional approach to a solution. The Regional Administrator's determination is based upon three factors in Region V. (1) Monitored violations of the oxidant standard have occurred in all States in both rural and metropolitan sites. (2) States have generally gained as much hydrocarbon control as possible from the present SIPs. (3) The Federal Motor Vehicle Control Program gives only a portion of the hydrocarbon reduction needed to meet the oxidant standard.

Several studies were conducted during 1974 and 1975 which demonstrate a widespread oxidant non-attainment problem throughout the region. Summer studies conducted in the Cincinnati, Ohio and Indianapolis, Indiana metropolitan areas have indicated oxidant violations throughout the metropolitan areas at every monitoring site. Additionally, in 1974 a statewide study in Ohio, including 5 urban and 3 rural sites, has revealed numerous and substantial violations. An analysis of the urban and rural oxidant data in Region V shows that no state has escaped the pervasiveness of the oxidant problem.

Oxidant standard violations have been observed at rural and urban sites in Indiana with the highest second high one hour reading in Marion County of 0.200 ppm. The national ambient air quality standard for oxidants is 0.08 ppm, not to be exceeded more than one time per year.

It is well understood that oxidants form when hydrocarbons and nitrogen oxide emissions chemically react in the presence of sunlight. When this reaction takes place, high concentrations will tend to be downwind of urban centers. The fact that oxidant readings in one State or area are greater than in another State or area does not necessarily indicate that the solution to the oxidant problem must be applied more stringently in the first State or area. Therefore, as the above analysis suggests, the application of the solutions to the problem of non-attainment of the oxidant standard may well need to be more widespread than in the past.

In addition to the air quality analysis presented above, the presently implemented oxidant control strategies were evaluated before make the determination that the oxidant SIPs are substantially inadequate. Utilizing Appendix J from 40 CFR Part 51 as a model which gives the percentage of hydrocarbon emission reduction needed to achieve the oxidant NAAQS as a function of measured oxidant concentrations, it has been determined that at least a 50% reduction in hydrocarbon emissions would be needed in at least one major metropolitan area in every State to achieve the standard. The emission reduction expected between 1975 and 1980 from an optimistic projection of the new motor vehicle controls and the emission reduction expected from full implementation of the present State hydrocarbon emission limitations cannot provide the reduction needed to demonstrate attainment and maintenance of the oxidant standards.

Therefore, the SIPs for the six States in Region V are judged to be substantially inadequate to attain and maintain the oxidant standards. This is not to say, however, that a specific set of hydrocarbon controls at this time must be implemented for all areas for which air quality has been reported over the oxidant standard. The oxidant violations must be analyzed as a comprehensive problem. Since December 1975, representatives of the USEPA and the six Region V State air pollution control agencies have been meeting to discuss ways to analyze and solve the Region V oxidant situation.

On the basis of these discussions, the following schedule was set up for the purpose of evaluating the SIP revisions. By November 1, 1976, each State is to identify those geographic areas where oxidant SIP revisions should be instituted. The Regional Administrator will, by December 31, 1976, comment on the November 1, 1976, submission and provide additional guidance concerning the types of controls and geographic areas where such controls should be instituted. The State is then required to prepare by July 1, 1977, a plan revision for oxidants containing: (1) all achievable emission limitations that are needed to provide for the attainment and maintenance of the primary NAAQS, and (2) a quantitative estimate of the effect on air quality concentrations of such measures.

If additional control strategies such as land use and transportation measures are needed for attainment and maintenance of the national standards, the States should prepare and submit by July 1, 1978: (1) such measures for the attainment and maintenance of oxidant standards, and (2) a demonstration of the effect the control strategy will have on the air quality concentration.

The completed plan revision must demonstrate that the total control strategy will attain the standard as expeditiously as practicable but no later than three years after plan approval.

A number of reasonably available control measures for hydrocarbon emissions has already been identified. These measures will be evaluated in light of circumstances specific to those areas where the states have determined the need for oxidant related controls. These potential control measures include: inspection/maintenance; vapor controls for organic solvents, petroleum refineries, chemical and other industries, and gasoline marketing; heavy duty vehicle retrofits; transit improvements; employer incentives (carpool programs); parking management; traffic management; and preferential bus and carpool treatment.

SIP DEFIENCY DETERMINATION PENDING

As mentioned previously, the State is completing an analysis of the designated air quality maintenance areas consistent with the requirements of 40 CFR 51, Subpart D. Based on monitored violations of the TSP and SO_2 air quality standards, both the Regional Administrator and the staff of the Indiana Division of Air Pollution Control are concerned that the approved control strategy portion of the SIP may not be adequate to provide for attainment of the NAAQS. Therefore, as indicated below, the State is also incorporating into its maintenance analyses an analysis of the ability of the SIP to provide for attainment. For the Chicago area, an analysis addressing attainment and maintenance for both TSP and SO_2 will be submitted in April 1977. For the Evansville area, an analysis addressing maintenance for both TSP and SO_2 will be submitted by April 1977. For the Louisville area, an analysis addressing both attainment and maintenance for TSP and maintenance only for SO_2 will be submitted by October 1976. For the Indianapolis area, an analysis addressing both attainment and maintenance for TSP, and maintenance only for SO_2 will be submitted by April 1977.

If the Regional Administrator determines, based on the review of the submitted analyses, that the SIP is substantially inadequate to provide for the attainment and maintenance of the NAAQS for total suspended particulate or sulfur dioxide, the State will be required, if feasible, to prepare and submit by July 1, 1977, a plan revision containing: (1) all achievable emission limitations that are needed to provide for the attainment and maintenance of the national primary and secondary air quality standards for total suspended particulates and sulfur dioxide, and (2) a demonstration of the effect on air quality concentrations of such measures.

If additional control strategies such as land use and transportation measures are needed for attainment and maintenance of the national standards, the State shall prepare and submit by July 1, 1978: (1) such measures for the attainment and maintenance of the secondary standards for total suspended particulates and sulfur dioxide, and (2) a demonstration that the total control strategies will attain and maintain the secondary standards for both pollutants.

OTHER DEFICIENCIES

On January 13, 1976, the U.S. Environmental Protection Agency released the "Legal Interpretation and Guidance to Implementation of Recent Court Decisions on the Subject of Stack Height Increases as a Means of Meeting Federal Ambient Air Quality Standards" otherwise known as the "tall stack policy." This policy was later published in the FEDERAL REGISTER on February 18, 1976 (41 FR 7450). The policy simply stated is that "* * * where constant emission limitations were employed to the maximum extent achievable, it would then be appropriate to permit the use of dispersion techniques where necessary to achieve ambient standards."

Indiana's APC-4R limits particulate emissions from the combustion of fuel in stationary equipment for indirect heating. Except in the Indiana portion of the Metropolitan Chicago Interstate Air Quality Control Region and in the Metropolitan Indianapolis Intrastate Air Quality Control Region, the emission limitation is based on a formula which allows emissions to increase with increasing stack height. This formula is not in accordance with the tall stack policy. The State should therefore revise APC-4R to comport with the tall stack policy as promulgated in the February 18, 1976, FEDERAL REGISTER by December 31, 1976, if feasible.

CONCLUSION

The Governor is requested to submit, within 60 days after any substantial plan inadequacy has been identified, a letter of intent to the Regional Administrator, EPA Region V, which identifies the various actions the State will take to develop the appropriate plan revision in accordance with the requirements set forth in this notice. The State also needs to iden-

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tify in the letter the agencies that have been given responsibility to prepare the plan revision. Failure by the State to submit a letter of intent within 60 days will be considered by EPA as an indication that no plan revision will be forthcoming from the State. In this case, EPA will begin to develop a Federal plan to attain and maintain the national standards.

All of the current applicable implementation plan remains in effect until the plan revision is submitted by the State to EPA and is approved by EPA or until EPA promulgates substitute or additional regulations.

This notice is not subject to rulemaking procedures. The need for a plan revision for photochemical oxidants for the total State of Indiana is based on technical findings of the Regional Administrator which shows that the control strategy for oxidants is substantially inadequate. With respect to total suspended particulates and sulfur dioxide, the need for a plan revision in the previously discussed area will be operative when, and if, the Regional Administrator finds the applicable control strategy to be substantially inadequate. Revisions to APC-4R are required by the tall stack policy.

Authority for such action is provided in Section 110(a)(2)(H) and 110(c) of the Clean Air Act. Ample opportunity for public comment on the Regional Administrator's determination of plan inadequacy will be provided during the public hearing that the State is required to hold on the plan revision before submission to EPA. If EPA must prepare and promulgate its own regulations, EPA will provide opportunity for written comments or, if the State held no hearing on the revisions, EPA will provide opportunity for a public hearing. Authority: Section 110(a)(2)(H) of the Clean Air Act, as amended, 42 U.S.C. 1857c-5(a)(2)(H) and Section 110(c) of the Clean Air Act, as amended, 42 U.S.C. 1857c-5(c).

Dated: July 16, 1976.

GEORGE R. ALEXANDER,
Regional Administrator,
Environmental Protection Agency.

[FR Doc.76-22364 Filed 7-30-76;8:45 am]

[FRL 592-2]

MICHIGAN IMPLEMENTATION PLAN

Attainment and Maintenance of National Ambient Air Quality Standards; Approval and Promulgation of Implementation Plans; Required Revision

In this notice the EPA Regional Administrator for Region V provides a summary of his findings resulting from an assessment of the overall adequacy of the implementation plan for the State of Michigan. The findings of this assessment are basically reflected in three topical areas in which further actions are or may be required by the State or the EPA.

(1) A finding that certain aspects of the control strategy portion of the State Implementation Plan (SIP) are substantially inadequate for attainment and/or maintenance of the national ambient air quality standards (NAAQS). In such situations the Regional Administrator is requesting that the State develop and submit plan revisions to correct plan deficiencies.

(2) A finding that adequate information is not currently available to allow a full determination that portions of the control strategy are substantially inadequate to provide for attainment or maintenance of the primary NAAQS. In such situations the Regional Administrator is setting forth the schedule under which the State or the EPA should complete the necessary analyses.

(3) A finding that the State Implementation Plan is deficient in regulatory or procedural aspects other than the control strategy portion of the SIP. In this situation, appropriate requests for the submission of plan revisions are being made. In cases where a prior notice of SIP deficiencies has been made, that notice is referenced herein.

BACKGROUND

On May 31, 1972, (37 FR 10842) under Section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator substantially approved the control strategy for the attainment and maintenance of the national primary and secondary standards for total suspended particulates, sulfur dioxide, carbon monoxide, hydrocarbons, and photochemical oxidants in the Metropolitan Detroit-Port Huron Intrastate and the Toledo Interstate Air Quality Control Regions (AQCR). The implementation plan was originally designed to attain these national standards by mid-1975. The Administrator on May 14, 1973, after further consideration of the adequacy of the nitrogen dioxide control strategy and the validity of the air quality data for nitrogen dioxide, approved the nitrogen dioxide strategies for all the AQCRs in Michigan. Furthermore, on March 8, 1973 (38 FR 6279) EPA disapproved all implementation plans with respect to maintenance of the national standards.

Following this action on June 2, 1975, EPA identified the Counties of Macomb, Oakland, and Wayne in Metropolitan Detroit-Port Huron Intrastate AQCR as the Detroit Air Quality Maintenance Area for total suspended particulates (TSP); and also identified Monroe County in the Toledo Interstate AQCR as part of the Toledo Interstate Air Quality Maintenance Area for TSP. The Air Quality Maintenance Area (AQMA) identification serves to specify those geographic areas that have a potential for failing to maintain one or more of the national air quality standards. These AQMAs were promulgated in 40 FR 23756, June 2, 1975, and published at 40 CFR 52.1178.

The Air Quality Division of the Michigan Department of Natural Resources is undertaking a detailed analysis of the identified counties in the Detroit AQMA in accordance with the requirements for such an analysis as set forth in 40 CFR Part 51 Subpart D (40 FR 18382, May 3, 1976). This analysis includes the AQMA County of Monroe. In the interest of attaining and maintaining the NAAQS, the State should recognize and build upon the accomplishments of locally responsive regional planning agencies in accordance with 40 CFR 51.58, as amended, in the May 3, 1976 FEDERAL REGISTER.

On April 28, 1976, staff of the Region V Office met with staff of the Michigan Air Quality Division to discuss the plans of the State of Michigan for the completion of the required AQMA analyses. Based on these discussions, which indicated that substantial progress has been made by the Air Quality Division, the Regional Administrator is requesting in this notice that the State complete the required analyses and submit them in August 1976.

SIP DEFICIENCY DETERMINATION

The Regional Administrator has determined that the SIPs for the States of Minnesota, Wisconsin, Michigan, Ohio, Indiana, and Illinois are substantially inadequate to attain and maintain the oxidant NAAQS. However, the specific areas where hydrocarbon controls will be needed have not yet been determined. A letter to each of the Governors of the six States in Region V has been sent explaining the analysis of the oxidant problem now underway in each State and suggesting a regional approach to a solution. The Regional Administrator's determination is based upon three factors prevalent in Region V: (1) Monitored violations of the oxidant standard have occurred in all States in both rural and metropolitan sites. (2) States have generally gained as much hydrocarbon control as possible from the present SIPs. (3) The Federal Motor Vehicle Control Program achieves only a portion of the hydrocarbon reduction needed to meet the oxidant standard.

Several studies were conducted during 1974 and 1975 which demonstrate widespread oxidant non-attainment problems throughout the Region. Summer studies conducted in the Cincinnati, Ohio and Indianapolis, Indiana metropolitan areas have indicated oxidant violations throughout these metropolitan areas at every monitoring site. Additionally, in 1974 a statewide study in Ohio, including 5 urban and 3 rural sites, has revealed numerous and substantial violations. An analysis of the urban and rural oxidant data in Region V shows that no state has escaped the pervasiveness of the oxidant problem.

Oxidant standard violations have been observed at urban sites in Michigan with the highest and highest second highest one-hour reading of 0.287 parts per million (ppm) and 0.271 ppm, respectively, occurring in Wayne County. The national ambient air quality standard for oxidants is 0.08 ppm, not to be exceeded more than one time per year.

It is well understood that oxidants form when hydrocarbon and nitrogen oxide emissions chemically react in the presence of sunlight. When this reaction takes place, high concentrations will tend

to be downwind of urban centers. The fact that oxidant readings in one state or area are greater than in another state or area does not necessarily indicate that the solution to the oxidant problem must be applied more stringently in the first state or area. Therefore, as the above analyses suggests, the application of the solutions to the oxidant non-attainment problem may well need to be more widespread than in the past.

In addition to the air quality analyses presented above, the presently implemented oxidant control strategies were evaluated before making the determination that the oxidant SIPs are substantially inadequate. Utilizing Appendix J from 40 CFR Part 51 as a model, which gives the percentage of hydrocarbon emission reduction needed to achieve the oxidant NAAQS as a function of measured oxidant concentrations, it has been determined that a minimum of 50% reduction in hydrocarbon emissions would be needed in at least one major metropolitan area in every state to achieve the standard. The emission reduction expected between 1975 and 1980, based on an optimistic projection of the new motor vehicle controls added to emission reduction expected from full implementation of the present state hydrocarbon emission limitation, cannot provide the reduction needed to demonstrate attainment and maintenance of the oxidant standards.

Therefore, SIPs for the six states in Region V are judged to be substantially inadequate to attain and maintain the oxidant standard. This is not to say, however, that a specific set of hydrocarbon controls at this time must be implemented in all areas for which air quality has been reported over the oxident standard. The oxidant violations must be analyzed as a comprehensive problem. Since December 1975, representatives of the USEPA and the six Region V State air pollution control agencies have been meeting to discuss ways to analyze and solve the Region V oxidant situation.

On the basis of these discussions, the following schedule was set up for the purpose of evaluating the SIP revisions. By November 1, 1976, each state is to identify those geographic areas where oxidant SIP revisions should be instituted. The Regional Administrator will by December 31, 1976, comment on the November 1 submission and provide additional guidance concerning the types of controls and the geographic areas where such controls should be instituted. Each state is then required to prepare by July 1, 1977, where feasible, a plan revision for oxidants containing: (1) all achievable emission limitations that are needed to provide for the attainment and maintenance of the primary NAAQS, and (2) a demonstration of the effect on the air quality concentrations of such measures.

If additional control strategies such as land use and transportation measures are needed for attainment and maintenance of the national standards, each state should prepare and submit by July 1, 1978, where feasible: (1) such measures for the attainment and maintenance of oxidant standards, and (2) a demonstration of the effect the control strategy will have on the air quality.

The completed plan revision must demonstrate that the total control strategy will attain the standard as expeditiously as practicable but no later than three years after plan approval.

A number of reasonably available control measures for hydrocarbon emissions have already been identified. These measures will be evaluated in light of circumstances specific to those areas where the states have determined the need for oxidant related controls. These potential control measures include: inspection/maintenance; vapor controls for organic solvents, petroleum refineries, chemical and other industries, and gasoline marketing; heavy duty vehicle retrofits; transit improvements; employer incentives (carpool programs); parking management; traffic management; and preferential bus and carpool treatment.

SIP DEFICIENCY DETERMINATION PENDING

Due to monitored violations of the TSP air quality standards in the Metropolitan Detroit area, both the Regional Administrator and the staff of the Michigan Air Quality Division are concerned that the approved control strategy portion of the SIP may not be adequate to provide for attainment of the NAAQS for TSP in Wayne County. The State is therefore incorporating into its maintenance analyses, an analysis of the capability of the SIP to provide for attainment.

If the Regional Administrator determines, based on a review of the submitted analyses, that the SIP is substantially inadequate to provide for the attainment or maintenance of NAAQS for total suspended particulates, the State shall be required to prepare and submit by July 1, 1977, where feasible, a plan revision containing: (1) all achievable emission limitations that are needed to provide for the attainment and maintenance of the national standards for total suspended particulates, and (2) a demonstration of the effect on the air quality of such measures.

If additional control strategies such as land use and transportation measures are needed for attainment and maintenance of the national standards, the State shall prepare and submit, where feasible, by July 1, 1978: (1) such measures for the attainment and maintenance of the standards for total suspended particulates, and (2) a demonstration that the control strategy will attain and maintain the primary and secondary standards for total suspended particulates.

The completed plan revision must demonstrate that the total control strategy will attain the primary standards as expeditiously as practicable but no later than three years after plan approval; and in the case of the secondary standards, the plan should specify a reasonable time for attainment of the standards.

OTHER SIP DEFICIENCIES

After the initial plan approval on May 31, 1972, a subsequent analysis of the Michigan State Implementation Plan surfaced a deficiency related to sulfur dioxide emission control regulations. Therefore, on May 28, 1976, the Regional Administrator indicated to the Governor that Michigan Department of Natural Resources Rule 336.49 does not comport with the U.S. Environmental Protection Agency tall stack policy as published on February 18, 1976, page 7450 of the FEDERAL REGISTER. The Regional Administrator requested the Governor to indicate within 30 days his intentions to submit a SIP revision correcting this deficiency.

CONCLUSION

The Governor is requested to submit, within 60 days, a letter of intent to the Regional Administrator, EPA Region V, which identifies the various actions the State will take to develop the appropriate plan revisions in accordance with the requirements set forth in this notice. The State also needs to identify in the letter the agencies that have been given responsibility to prepare a plan revision. Failure by the State to submit a letter of intent within 60 days will be considered by EPA as an indication that no plan revision will be forthcoming from the State. In this case, EPA will begin to develop a Federal plan to attain and maintain national standards.

All of the current State Implementation Plan remains in effect until the plan revision is submitted by the State to EPA and is approved by EPA, or until EPA promulgates substitute or additional regulations.

This notice is not subject to rulemaking procedures. The need for a plan revision for photochemical oxidants for the total State of Michigan is based on technical findings of the Regional Administrator that show that the control strategy for oxidants is substantially inadequate. With respect to total suspended particulates, the need for a plan revision in the previously discussed areas will be operative when and if the Regional Administrator finds applicable control strategies to be substantially inadequate. Authority for such action is provided in Section 110(a)(2)(H) and 110(c) of the Clean Air Act. Ample opportunity for public comment on the Regional Administrator's determination of a plan inadequacy will be provided during the public hearing that the State is required to hold on the plan revision before submission to EPA. If EPA must prepare and promulgate its own regulations, EPA will provide opportunity for written comments, or if the State held no hearing on the revisions, EPA will provide opportunity for a public hearing.

AUTHORITY: Section 110(a)(2)(H) of the Clean Air Act, as amended, 42 U.S.C. 1857c-5(a)(2(H) and Section 110(c) of the Clean Air Act, as amended, 42 U.S.C. 1857c-5(c).

Dated: July 16, 1976.

GEORGE R. ALEXANDER, Jr.,
Regional Administrator,
Environmental Protection Agency.

[FR Doc.76-22365 Filed 7-30-76;8:45 am]

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[FRL 592-3]

MINNESOTA IMPLEMENTATION PLAN

Attainment and Maintenance of National Ambient Air Quality Standards; Approval and Promulgation of Implementation Plans; Required Revision

In this notice the EPA Regional Administrator for Region V provides a summary of his findings resulting from an assessment of the overall adequacy of the implementation plan for the State of Minnesota. The findings of this assessment are basically reflected in three topical areas in which further actions are or may be required by the State or the EPA.

(1) A finding that certain aspects of the control strategy portion of the State Implementation Plan (SIP) are substantially inadequate for attainment and/or maintenance of the national ambient air quality standards (NAAQS). In such situations the Regional Administrator is requesting that the State develop and submit plan revisions to correct plan deficiencies.

(2) A finding that adequate information is not currently available to allow a full determination that portions of the control strategy are substantially inadequate to provide for attainment or maintenance of the primary NAAQS. In such situations the Regional Administrator is setting forth the schedule under which the State or the EPA should complete the necessary analyses.

(3) A finding that the State Implementation Plan is deficient in regulatory or procedural aspects other than the control strategy portion of the SIP. In this situation, appropriate requests for the submission of plan revisions are being made. In cases where a prior notice of SIP deficiencies has been made, that notice is referenced herein.

Background

On May 31, 1972 (37 FR 10874) under Section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved the control strategy for the attainment and maintenance of the national primary and secondary standards for total suspended particulates, sulfur dioxide, nitrogen dioxide, hydrocarbons, and photochemical oxidants in the State of Minnesota. The implementation plan was originally designed to attain these national standards by mid-1975. The carbon monoxide strategy was accepted on November 7, 1973 (38 FR 30832) and was also designed to attain the standards by mid-1975. However, on March 8, 1973 (38 FR 6279) EPA disapproved all implementation plans with respect to maintenance of the national standards.

Following this action on June 2, 1975, EPA identified the City of Duluth in the Duluth-Superior Interstate AQCR as the Duluth Air Quality Maintenance Area for total suspended particulates (TSP); and also identified all the counties in the Minneapolis-St. Paul Intrastate AQCR as part of the Minneapolis-St. Paul Air Quality Maintenance Area for particulate matter and sulfur dioxide. The air quality maintenance area (AQMA) identification serves to specify those geographic areas that have a potential for failing to maintain one or more of the national ambient air quality standards. These AQMAs were identified in 40 FR 23754, June 2, 1975, and published at 40 CFR 52.1229.

The Minnesota Pollution Control Agency is undertaking a detailed analysis of the identified AQMA city and counties in accordance with the requirements for such an analysis as set forth in 40 CFR Subpart D (40 FR 18382, May 3, 1976). In the interest of attaining and maintaining the NAAQS, the State should recognize and build upon the accomplishments of locally responsive regional planning agencies in accordance with Section 51.58 in the May 3, 1976, FEDERAL REGISTER.

On April 13, 1976, staff of the Region V Office met with staff of the Minnesota Pollution Control Agency to discuss the plans of the State of Minnesota for the completion of the required AQMA analyses. Based on these discussions, which indicated that progress has been made by the Agency, the Regional Administrator is in this notice requesting that the State complete the required analyses and submit them according to the following schedule. The non-attainment analyses for the Minneapolis-St. Paul AQMA are to be submitted not later than October 1, 1976, for total suspended particulates and sulfur dioxide. The analysis for the City of Duluth is required by July 1, 1976, for total suspended particulates.

SIP Deficiencies Determined

The Regional Administrator has determined that the SIPs for the States of Minnesota, Wisconsin, Michigan, Ohio, Indiana, and Illinois are substantially inadequate to attain and maintain the oxidant NAAQS. However, the specific areas where hydrocarbon controls will be needed have not yet been determined. A letter to each of the Governors of the six States in Region V has been sent explaining the analysis of the oxidant problem now under way in each State and suggesting a regional approach to a solution. The Regional Administrator's determination is based upon three factors prevalent in Region V. (1) Monitored violations of the oxidant standard have occurred in all States in both rural and metropolitan sites. (2) States have generally gained as much hydrocarbon control as possible from the present SIPs. (3) The Federal Motor Vehicle Control program gives only a portion of the hydrocarbon reduction needed to meet the oxidant standard.

Several studies were conducted during 1974 and 1975 which demonstrate widespread oxidant non-attainment problems throughout the Region. Summer studies conducted in the Cincinnati, Ohio and Indianapolis, Indiana metropolitan areas have indicated oxidant violations throughout the metropolitan areas at every monitoring site. Additionally, in 1974 a statewide study in Ohio, including 5 urban and 3 rural sites, has revealed numerous and substantial violations. An analysis of the urban and rural oxidant data in Region V shows that no State has escaped the pervasiveness of the oxidant problem.

Oxidant standard violations have been observed at rural and urban sites in Minnesota with the highest and second highest one-hour reading in Sherburne County of 0.195 parts per million (ppm) and 0.175 ppm, respectively. The national ambient air quality standard for oxidants is 0.08 ppm, not to be exceeded more than one time per year.

It is well understood that oxidants form when hydrocarbon and nitrogen oxide emissions chemically react in the presence of sunlight. When this reaction takes place, high concentrations will tend to be downwind of urban centers. The fact that oxidant readings in one State or area are greater than in another state or area does not necessarily indicate that the solution to the oxidant problem must be applied more stringently in the first state or area. Therefore, as the above analysis suggests, the application of the solutions to the problem of non-attainment of the oxidant standard may well need to be more widespread than in the past.

In addition to the air quality analysis presented above, the presently implemented oxidant control strategies were evaluated before making the determination that the oxidant SIPs are substantially inadequate. Utilizing Appendix J from 40 CFR Part 51 as a model which gives the percentage of hydrocarbon emission reduction needed to achieve the oxidant NAAQS as a function of measured oxidant concentrations, it has been determined that at least a 50% reduction in hydrocarbon emissions would be needed in at least one major metropolitan area in every State to achieve the standard. The emission reduction expected between 1975 and 1980 from an optimistic projection of the new motor vehicle controls and the emission reduction expected from full implementation of the present State hydrocarbon emission limitations cannot provide the reduction needed to demonstrate attainment and maintenance of the oxidant standards.

Therefore, the six Region V SIPs are judged to be substantially inadequate to attain and maintain the oxidant standard. This is not to say, however, that a specific set of hydrocarbon controls, at this time, must be implemented for all areas for which air quality has been reported over the oxidant standard. The oxidant violations must be analyzed as a comprehensive problem. Since December 1975 representatives of the USEPA and the six Region V State air pollution control agencies have been meeting to discuss ways to analyze and solve the Region V oxidant situation.

On the basis of these discussions, the following schedule was established for the purpose of evaluating the SIP revisions. By November 1, 1976, each State is to identify those geographic areas where oxidant SIP revisions should be instituted. The Regional Administrator will by December 31, 1976, comment on the November 1, 1976, submission and provide additional guidance concerning the types of controls and geographic areas where such controls should be instituted. The State is then required to prepare by July 1, 1977, where feasible, a plan revision for oxidants containing: (1) all achievable emission limitations that are needed to provide for the attainment and maintenance of the NAAQS, and (2) a quantitative estimate of the effect on air quality concentrations of such measures.

If additional control strategies such as land use and transportation measures are needed for attainment and maintenance of the national standards, the States should prepare and submit by July 1, 1978, where feasible: (1) Such measures for the attainment and maintenance of the oxidant standard, and (2) a demonstration of the effect the control strategy will have on the air quality.

The completed revision to the plan must demonstrate that the total control strategy will attain the standard as expeditiously as practicable but no later than three years after plan approval.

The number of "Reasonably Available Measures" for the control of hydrocarbon emission have already been identified. These measures will be evaluated in light of circumstance specific to those areas where the States have determined the need for oxidant related controls. These potential control measures include: inspection/maintenance; vapor controls for organic solvents, petroleum refineries, chemical and other industries, and gasoline marketing; heavy duty vehicle retrofits; transit improvements; employer incentives (carpool programs); parking management; traffic management; and preferential bus and carpool treatment.

SIP Deficiency Determination Pending

Due to monitored violations of the TSP and SO_2 air quality standards in the Minneapolis-St. Paul AQCR, both the Regional Administrator and the staff of the Minnesota Pollution Control Agency are concerned that the approved control strategy portion of the SIP may not be adequate to provide for attainment of the NAAQS for TSP and SO_2 in the Minneapolis-St. Paul AQCR. The State is therefore incorporating into its maintenance analyses a study of whether the SIP is capable of providing for attainment.

If the Regional Administrator determines, based on the review of the submitted analyses, that the SIP is substantially inadequate to provide for the attainment or maintenance of the NAAQS for total suspended particulate or sulfur dioxide, the State shall be required to prepare and submit by July 1, 1977, where feasible, a plan revision containing: (1) all achievable emission limitations that are needed to provide for the attainment and maintenance of the national primary and secondary air quality standards for total suspended particulates and sulfur dioxide, and (2) a demonstration of the effect on air quality concentrations of such measures.

If additional control strategies, such as land use and transportation measures, are needed for attainment and maintenance of the national standards, the State shall prepare and submit by July 1, 1978, where feasible: (1) such measures for the attainment and maintenance of the secondary standards for total suspended particulates and sulfur dioxide, and (2) a demonstration that the control strategy will attain and maintain the secondary standards for both pollutants.

The completed plan revision must demonstrate that the total control strategy will attain the primary standards as expeditiously as practicable but no later than three years after plan approval; and in the case of the secondary standards, the plan should specify a reasonable time for achievement of the standards.

Conclusion

The Governor is requested to submit, within 60 days after a substantial plan inadequacy has been identified, a letter of intent to the Regional Administrator, EPA Region V, which identifies the various actions the State will take to develop the appropriate plan revision in accordance with the requirements set forth in this notice. The State also needs to identify in the letter the agencies that have been given responsibility to prepare the plan revision. Failure by the State to submit a letter of intent within 60 days will be considered by EPA as an indication that no plan revision will be forthcoming from the State. In this case, EPA will begin to develop a Federal plan to attain and maintain national standards.

All of the current applicable implementation plan remains in effect until the plan revision is submitted by the State to EPA and is approved by EPA, or until EPA promulgates substitute or additional regulations.

This notice is not subject to rulemaking procedures. The need for a plan revision for photochemical oxidants for the total State of Minnesota is based on the technical findings of the Regional Administrator which show that the control strategy for oxidants is substantially inadequate. With respect to total suspended particulates and sulfur dioxide, the need for a plan revision in the previously discussed areas will be operative when, and if, the Regional Administrator finds the applicable control strategies to be substantially inadequate. Authority for such action is provided in Section 110(a)(2)(H) and 110(c) of the Clean Air Act. Ample opportunity for public comment on the Regional Administrator's determination of plan inadequacy will be provided during the public hearing that the State is required to hold on the plan revision before submission to EPA.

If EPA must prepare and promulgate its own regulations, EPA will provide opportunity for written comments, or if the State held no hearing on the revisions, EPA will provide opportunity for a public hearing. Authority: Section 110(a)(2)(H) of the Clean Air Act, as amended, 42 U.S.C. 1857c-5(a)(2)(H) and Section 110(c) of the Clean Air Act, as amended, 42 U.S.C. 1857-5(c).

Dated: July 16, 1976.

GEORGE R. ALEXANDER, JR.,
Regional Administrator,
Environmental Protection Agency.

[FR Doc.76-22366 Filed 7-30-76;8:45 am]

OHIO IMPLEMENTATION PLAN

Attainment and Maintenance of National Ambient Air Quality Standards; Approval and Promulgation of Implementation Plans; Required Revision

In this notice the EPA Regional Administrator for Region V provides a summary of his findings resulting from an assessment of the overall adequacy of the implementation plan for the State of Ohio. The findings of this assessment are basically reflected in three topical areas in which further actions are or may be required by the State or the EPA.

(1) A finding that certain aspects of the control strategy portion of the State Implementation Plan (SIP) are substantially inadequate for attainment and/or maintenance of the national ambient air quality standards (NAAQS). In such situations the Regional Administrator is requesting that the State develop and submit plan revisions to correct plan deficiencies.

(2) A finding that adequate information is not currently available to allow a full determination that portions of the control strategy are substantially inadequate to provide for attainment or maintenance of the primary NAAQS. In such situations the Regional Administrator is setting forth the schedule under which the State or the EPA should complete the necessary analyses.

(3) A finding that the State Implementation Plan is deficient in regulatory or procedural aspects other than the control strategy portion of the SIP. In this situation, appropriate requests for the submission of plan revisions are being made. In cases where a prior notice of SIP deficiencies has been made, that notice is referenced herein.

Background

On May 31, 1972 (37 FR 10886) under Section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator substantially approved the control strategy for the attainment and maintenance of the national primary and secondary standards for total suspended particulates, sulfur dioxide, nitrogen dioxide, carbon monoxide, hydrocarbons, and photochemical oxidants for all Air Quality Control Regions (AQCR) in the State of Ohio. The implementation plan was originally designed to attain these national standards by mid-1975. Furthermore on March 8, 1973 (38 FR 6279), EPA disapproved all implementation plans with respect to maintenance of the national standards.

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Following this action, on June 2, 1975, EPA identified the counties of Portage, Stark, and Summit in Greater Metropolitan Cleveland Intrastate AQCR as the Akron-Canton Air Quality Maintenance Area for total suspended particulate (TSP) and sulfur dioxide (SO_2); the counties of Cuyahoga, Geauga, Lake and Lorain in Greater Metropolitan Cleveland Interstate AQCR as the Ceveland Air Quality Maintenance Area for TSP and SO_2; Franklin County in Metropolitan Columbus Intrastate AQCR as the Columbus Air Quality Maintenance Area for TSP; the counties of Clark, Greene, and Montgomery in Dayton Intrastate AQCR as the Dayton Air Quality Maintenance Area for TSP and SO_2; Richland County in Mansfield-Marion Intrastate AQCR as the Mansfield Air Quality Maintenance Area for TSP; the counties of Lucas and Wood in Metropolitan Toledo Interstate AQCR as the Toledo Interstate Air Quality Maintenance Area (Ohio portion) for TSP and SO_2; and also the counties of Mahoning and Trumbull in Northwest Pennsylvania-Youngstown Interstate AQCR as the Youngstown Air Quality Maintenance Area for TSP. Subsequent to the June 2, 1975 identification, on September 9, 1975 EPA restated the original designations and also identified the counties of Butler, Clermont, Hamilton, and Warren in Metropolitan Cincinnati Interstate AQCR as the Cincinnati Interstate Air Quality Maintenance Area (Ohio portion) for TSP and photochemical oxidants; and the counties of Belmont, Columbiana, Jefferson, and Monroe in Steubenville-Weirton-Wheeling Interstate AQCR as the Steubenville Air Quality Maintenance Area. The air quality maintenance area (AQMA) identification serves to specify those geographic areas that have a potential for failing to maintain one or more of the national air quality standards. These AQMA's were promulgated at Section 52.1883 in 40 FR 41952, September 9, 1975.

The Office of Air Pollution Control of the Ohio Environmental Protection Agency is undertaking a detailed analysis of the identified AQMA counties in accordance with the requirements for such an analysis as set forth in 40 CFR Subpart D (40 FR 18382, May 3, 1976). The requirements of Sections 51.2(h) and 51.58 of the May 3, 1976 FEDERAL REGISTER on intergovernmental coordination related to maintenance area planning are not currently satisfied in Ohio. The State should recognize and build upon the accomplishments of locally responsive regional planning agencies.

SIP DEFICIENCIES DETERMINED

The Regional Administrator has determined that the SIPs for the States of Minnesota, Wisconsin, Michigan, Ohio, Indiana, and Illinois are substantially inadequate to demonstrate attainment and maintenance of the oxidant NAAQS. However the specific areas where hydrocarbon controls will be needed have not yet been detrmind. A letter to each of the Governors of the six States in Region V has been sent explaining the analysis of the oxidant problem now under way in each State and suggesting a regional approach to a solution. The Regional Administrator's determination is based upon three factors prevalent in Region V. (1) Monitored violations of the oxidant standard have occurred in all States in both rural and metropolitan sites. (2) States have generally gained as much hydrocarbon control as possible from the present SIPs. (3) The Federal Motor Vehicle Control Program (FMVCP) gives only a portion of the hydrocarbon reduction needed to meet the oxidant standard.

Several studies were conducted during 1974 and 1975 which demonstrate widespread oxidant non-attainment problems throughout the Region. Summer studies conducted in the Cincinnati, Ohio and Indianapolis, Indiana metropolitan areas have indicated oxidant violations throughout the metropolitan areas at every monitoring site. Additionally, in 1974 a statewide study in Ohio, including 5 urban and 3 rural sites, has revealed numerous and substantial violations. An analysis of the urban and rural oxidant data in Region V shows that no state has escaped the pervasiveness of the oxidant problem.

Oxidant standard violations have been observed at rural and urban sites in Ohio with both the high and highest second high one hour readings of 0.225 parts per million (ppm) and 0.210 ppm, respectively, occurring in the Cincinnati Metropolitan Interstate AQCR. The national ambient air quality standard for oxidants is .08 ppm not to be exceeded more than one time per year.

Several special studies have been conducted in Region V. Probably the most important was conducted by the USEPA in 1974 in four States, including the State of Ohio. Below is a table summarizing the air quality results.

City	Designation	Highest hourly value (parts per million)	Days exceeding standard (percent)	Number of hours in violation
Canton	Urban	0.14	44	148
Cincinnati	do	.18	44	54
Cleveland	do	.14	26	51
Columbus	do	.15	27	113
Dayton	do	.13	35	114
McConnelsville	Rural	.16	56	239
Wilmington	do	.18	58	259
Wooster	do	.17	55	262

It is well understood that oxidants form when hydrocarbon and nitrogen oxide emissions chemically react in the presence of sunlight. When this reaction takes place, high concentrations will tend to be downwind of urban centers. The fact that oxidant readings in one State or area are greater than in another state or area does not necessarily indicate that the solution to the oxidant problem must be applied more stringently in the first state or area. Therefore, as the above analysis suggests, the application of the solutions to the non-attainment of the Therefore, the six Region V SIPs are oxidant standard may well need to be more widespread than in the past.

In addition to the air quality analysis presented above, the presently implemented oxidant control strategies were evaluated before making the determination that the oxidant SIPs are substantially inadequate. Utilizing Appendix J from 40 CFR Part 51 as a model which gives the percentage of hydrocarbon emission reduction needed to achieve the oxidant NAAQS as a function of measured oxidant concentrations, it has been determined that at least a 50% reduction in hydrocarbon emissions would be needed in at least one major metropolitan area in every State in Region V to achieve the oxidant standard. The emission reduction expected between 1975 and 1980 from an optimistic projection of the new motor vehicle controls, and the emission reduction expected from full implementation of the present State hydrocarbon emission limitations cannot provide the reduction needed to demonstrate attainment and maintenance of the oxidant standards.

Therefore, the six Region V SIPS are judged to be substantially inadequate for attainment and maintenance of the oxidant standards. This is not to say, however, that a specific set of hydrocarbon controls at this time must be implemented for all areas for which air quality has been reported over the oxidant standard. The oxidant violations must be analyzed as a comprehensive problem. Since December 1975, representatives of the USEPA and the six Region V state air pollution control agencies have been meeting to discuss ways to analyze and solve the Region V oxidant situation.

On the basis of these discussions, the following schedule was set up for the purpose of evaluating the SIP revisions. By November 1, 1976, each State is to identify areas where oxidant SIP revisions should be instituted. The Regional Administrator will by December 31, 1976 comment on the November 1, 1976 submission and provide additional guidance concerning the types of controls and geographic areas where such controls should be instituted. The State is then required to prepare by July 1, 1977, where feasible, a plan revision for oxidants containing: (1) all achievable emission limitations that are needed to provide for the attainment and maintenance of the national primary NAAQS, and (2) a quantitative estimate of the effect on air quality concentrations of such measures.

If additional control strategies such as land use and transportation measures are needed for attainment and maintenance of the national standards, the States should prepare and submit by July 1, 1978: (1) such measures for the attainment and maintenance of oxidant standards, and (2) a demonstration of the effect the control stategy will have on the air quality concentration.

Carbon monoxide violations have been recorded in Ohio. The Regional Administrator has found the Ohio SIP substantially inadequate for the Metropolitan Dayton and Metropolitan Cleveland AQCRs. Dayton's second 8-hour concentration of 23.1 mg/m³ (compared to a

standard of 10 mg/m³) at 117 South Main Street was projected to 11.3 mg/m³ in 1980.

Similarly, three sites in Cleveland (East 22nd Street and Woodland Avenue, 107th Street and Euclid Avenue, and 1030 Euclid) had second high 8-hour concentrations of 15.1 mg/m³ (1974), 24.7 mg/m³ (1975), and 24.6 mg/m³ (1974). These values were projected to 10.1 mg/m³, 12.4 mg/m³ and 12.4 mg/m³ in 1980. Therefore, for at least two sites, the SIP has been shown to be substantially inadequate in Cleveland. In these analyses, the only control strategies assumed were the FMVCP and a ban on open burning. Any necessary stationary source measures for these two cities should be submitted as SIP revisions by July 1, 1977, while transportation and land use SIP revisions should be submitted by July 1, 1978. Where CO related transportation/land use SIP revisions are needed, they should be developed in coordination with any oxidant SIP revisions which are ultimately required.

A number of reasonably available control measures for hydrocarbon and CO emissions have already been identified. These measures will be evaluated in light of circumstances specific to those areas where oxidant and CO related controls are determined to be needed. These potential control measures include: inspection/maintenance; vapor controls for organic solvents, petroleum refineries, chemical and other industries, and gasoline marketing; heavy duty vehicle retrofits; transit improvements: employer incentives (carpool programs); parking management; traffic management; and preferential bus and carpool treatment.

SIP DEFICIENCY DETERMINATION

The Regional Administrator proposed to approve extending the TSP attainment date of May 31, 1975 approximately two years to April 15, 1977. Public comment on this proposed action were received and reviewed. Final rulemaking to approve the April 15, 1977 TSP attainment date, as proposed, is anticipated in the near future. The current TSP compliance status in Ohio is substantially worse than that of the other Region V states. Ohio is expected to undertake a major enforcement effort to assure statewide TSP attainment by April 1, 1977 with specific emphasis on those industrial areas boarding adjacent states. On June 2, 1975 (40 FR 23753) the Administrator identified several areas in the State of Ohio as air quality maintenance areas (AQMA) in that areas have the potential for failing to maintain the TSP national air quality standards due to projected growth in emissions. Therefore, the State is required to submit an air quality maintenance area analysis consistent with the requirements of 40 CFR Subpart D (40 FR 18382). The State is required to submit the AQMA analysis for TSP to the Regional Administrator by January of 1977.

If the Regional Administrator determines, based on a review of the submitted analysis, that the SIP is substantially inadequate to provide maintenance of the NAAQS, the State shall be required to prepare and submit by July 1, 1977, where feasible, a plan revision containing: (a) all achievable emission limitations that are needed to provide for the maintenance of the national standard for TSP, and (b) a demonstration of the effect on air quality concentrations of such measures.

If additional control strategy such as land use and transportation measures are needed for maintenance of the national standard, the State shall prepare and submit by July 1, 1978, where feasible: (a) such measures for maintenance of the standard for TSP, and (b) a demonstration that the control strategy will maintain the primary and secondary standards for TSP.

The completed plan revision must demonstrate that the total control strategy will maintain the national standards for no less than three years after attainment.

On November 10, 1975 (40 FR 52410), the Regional Administrator proposed substitute sulfur dioxide regulations designed to attain and maintain ambient standards for SO_2 in Ohio thereby correcting previously noted deficiencies in the Ohio Implementation Plan. The preamble to the November 10, 1975, proposal provides a concise history of the events leading up to and necessitating the substitute sulfur dioxide regulations. Since November of 1975 EPA has been conducting a review of the proposed rulemaking including a reanalysis in response to extensive interest expressed by the public. Promulgation of a substitute sulfur dioxide regulation is planned to take place in August 1976. Immediately upon promulgation the regulation will be enforced by EPA. However, the Clean Air Act clearly places upon the State the primary responsibility for attainment and maintenance of the national air quality standards. Therefore, the State of Ohio is requested to take the necessary steps to adopt a plan which is enforceable at the State level. On April 15, 1976, staff of the Region V Office of EPA met with staff of the Ohio EPA Office of Air Pollution Control to discuss, among other topics, the State's plans for adoption of an acceptable SO_2 plan. During that meeting it was determined that the most expeditious means for the State to adopt an acceptable plan was through adoption by reference of the Federal promulgation. Therefore, the State is urged to adopt by reference the Federally promulgated regulations within 180 days of their promulgation.

OTHER SIP DEFICIENCIES

The second EPA approval of the Ohio SIP was challenged in the 6th Circuit in *Buckeye Power Inc.* v. *Train*, 525 F. 2d 80 (CA 6, 1975). On brief, EPA acknowledged certain ambiguities in the Ohio regulations. With respect to the Fugitive Dust regulation (AP-3-09), EPA advised the court that it would request the State to revise the plan, or, if a revision were not forthcoming, clarify the plan itself. To date, the regulation has not been revised nor has a plan revision been submitted. Accordingly, the State of Ohio is requested to amend AP-3-09 by listing, rather than citing examples of, "reasonable precautions."

CONCLUSION

The Governor is requested to submit, within 60 days, a letter of intent to the Regional Administrator, EPA Region V, which identifies the various actions the State will take to develop the appropriate plan revisions in accordance with the requirements set forth in this notice. The State also needs to identify in the letter the agencies that have been given responsibility to prepare the plan revisions. Failure by the State to submit a letter of intent within 60 days will be considered by EPA as an indication that no plan revision will be forthcoming from the State. In this case, EPA will begin to develop a Federal plan to attain and maintain national standards.

All of the current applicable implementation plan remains in effect until the plan revision is submitted by the State to EPA and is approved by EPA or until EPA promulgates substitute or additional regulations.

This notice is not subject to rulemaking procedures. The need for plan revisions for photochemical oxidants for the total State of Ohio and CO for Dayton and Cleveland is based on technical findings of the Regional Administrator that show that the control strategies for oxidants and CO are substantially inadequate. With respect to total suspended particulates, the need for a plan revision in the previously discussed areas will be operative when and if the Regional Administrator finds applicable control strategies to be substantially inadequate. Authority for such action is provided in Sections 110(a)(2)(H) and 110(c) of the Clean Air Act. Ample opportunity for public comment on the Regional Administrator's determination of plan inadequacy will be provided during the public hearing that the State is required to hold on the plan revision before submission to EPA. If EPA must prepare and promulgate its own regulations, EPA will provide opportunity for written comments; or if the State held no hearing on the revisions, EPA will provide opportunity for a public hearing. Authority: Section 110(a)(2)(H) of the Clean Air Act, as amended, 42 U.S.C. 1857c-5(a)(2)(H) and Section 110(c) of the Clean Air Act, as amended, 42 U.S.C. 1857c-5(c).

Dated: July 16, 1976.

GEORGE R. ALEXANDER, Jr.,
Regional Administrator,
Environmental Protection Agency.

[FR Doc.76-22367 Filed 7-30-76;8:45 am]

[FRL 592-5]

WISCONSIN IMPLEMENTATION PLAN

Attainment and Maintenance of National Ambient Air Quality Standards; Approval and Promulgation of Implementation Plans; Required Revision

In this notice the EPA regional Administrator for Region V provides a summary of his findings resulting from an

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assessment of the overall adequacy of the Wisconsin State Implementation Plan. The findings of this assessment are basically reflected in three topical areas in which further actions are or may be required by the State or the EPA.

(1) A finding that certain aspects of the control strategy portion of the State Implementation Plan (SIP) are substantially inadequate for attainment and/or maintenance of the primary national ambient air quality standards (NAAQS). In such situations the Regional Administrator is requesting that the State develop and submit plan revisions to correct plan deficiencies.

(2) A finding that adequate information is not currently available to allow a full determination that portions of the control strategy are substantially inadequate to provide for attainment or maintenance of the primary NAAQS. In such situations the Regional Administrator is setting forth the schedule under which the State or the EPA should complete the necessary analyses.

(3) A finding that the State Implementation Plan is deficient in regulatory or procedural aspects other than the control strategy portion of the SIP. In this situation, appropriate requests for the submission of plan revisions are being made. In cases where a prior notice of SIP deficiencies has been made, that notice is referenced herein.

Background

On May 31, 1972 (37 FR 10842) under Section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved the control strategy for the attainment and maintenance of the national primary and secondary standards for total suspended particulates, sulfur dioxide, nitrogen dioxide, carbon monoxide, hydrocarbons, and photochemical oxidants in the Lake Michigan Intrastate and the Southeastern Wisconsin Intrastate Air Quality Control Regions (AQCR). The State Implementation Plan was originally designed to attain these national standards by mid-1975. Furthermore, on Mrach 8, 1973 (38 FR 6279) EPA disapproved all implementation plans with respect to maintenance of the national standards.

Following this action on June 2, 1975, EPA identified the counties of Winnebago, Outagamie, and Brown in the Lake Michigan Intrastate AQCR as the Lake Michigan Subregion Air Quality Maintenance Area for total suspended particulate (TSP); and also identified all the counties in Southeastern Wisconsin Intrastate AQCR as part of the Illinois-Indiana-Wisconsin Interstate Air Quality Maintenance Area for total suspended particulates (particulate matter), sulfur dioxide and photochemical oxidants. The Air Quality Maintenance Area (AQMA) identification serves to specify those geographic areas that have a potential for failing to maintain one or more of the national ambient air quality standards. These AQMAs were promulgated in 40 FR 23756, June 2, 1975, and published at 40 CFR 52.2580.

The Bureau of Air and Solid Waste Management of the Wisconsin Department of Natural Resources is undertaking a detailed analysis of the identified AQMA counties in accordance with the requirements for such an analysis as set forth in 40 CFR Part 51, Subpart D (40 FR 18382, May 3, 1976). It is recognized that in the interest of attaining and maintaining the NAAQS, the State is building upon the accomplishments of locally responsive regional planning agencies in accordance with 40 CFR 51.58 as amended by the May 3, 1976, FEDERAL REGISTER.

On April 8, 1976, staff of the Region V Office met with staff of the Wisconsin Bureau of Air and Solid Waste Management to discuss the plans of the State of Wisconsin for the completion of the required AQMA analyses. Based on these discussions, which indicated that substantial progress has been made by the Bureau, the Regional Administrator is in this notice requesting that the State complete the required analyses and submit them according to the following previously agreed to schedule. The analyses for the Southeast Wisconsin AQMA are to be submitted no later than July 1976 for total suspended particulates, and October 1976 for sulfur dioxide. The analysis for the Lake Michigan Subregion is due in January 1977 for total suspended particulates.

SIP Deficiences Determined

The Regional Administrator has determined that the SIPs for the States of Minnesota, Wisconsin, Michigan, Ohio, Indiana, and Illinois are substantially inadequate to attain and maintain the oxidant NAAQS. However, the specific areas where hydrocarbon controls will be needed have not yet been determined. A letter to each of the Governors of the six States in Region V has been sent explaining the analysis of the oxidant problem now under way in each State and suggesting a regional approach to a solution. The Regional Administrator's determination is based upon three factors prevalent in Region V. (1) Monitored violations of the oxidant standard have occurred in all States at both rural and metropolitan sites. (2) States have generally gained as much hydrocarbon control as possible from the present SIPs. (3) The Federal Motor Vehicle Control Program achieves only a portion of the hydrocarbon reduction needed to meet the oxidant standard.

Several studies were conducted during 1974 and 1975 which demonstrate widespread oxidant non-attainment problems throughout the Region. Summer studies conducted in the Cincinnati, Ohio and Indianapolis, Indiana metropolitan areas have indicated oxidant violations throughout these metropolitan areas at every monitoring site. Additionally, in 1974 a statewide study in Ohio, including 5 urban and 3 rural sites, has revealed numerous and substantial violations. An analysis of the urban and rural oxidant data in Region V shows that no state has escaped the pervasiveness of the oxidant problem.

Oxidant standard violations have been observed at rural and urban sites in Wisconsin, with the highest and second highest one hour readings of 0.291 parts per million (ppm) and 0.282 ppm, respectively, occurring in Racine County. The national ambient air quality standard for oxidants is 0.08 ppm, not to be exceeded more than one time per year.

It is well understood that oxidants form when hydrocarbon and nitrogen oxide emissions chemically react in the presence of sunlight. When this reaction takes place, high concentrations will tend to be downwind of urban centers. The fact that oxidant readings in one state or area are greater than in another state or area does not necessarily indicate that the solution to the oxidant problem must be applied more stringenly in the first state or area. Therefore, as the above analyses suggests, the application of the solutions to the oxidant non-attainment problem may well need to be more widespread than in the past.

In addition to the air quality analyses presented above, the presently implemented oxidant control strategies were evaluated before making the determination that the oxidant SIPs are substantially inadequate. Utilizing Appendix J from 40 CFR Part 51 as a model which gives the percentage of hydrocarbon emission reduction needed to achieve the oxidant NAAQS as a function of measured oxidant concentrations, it has been determined that a minimum of 50% reduction in hydrocarbon emissions would be needed in at least one major metropolitan area in every state to achieve the oxidant standard. The emission reduction expected between 1975 and 1980, based on an optimistic projection of the new motor vehicle controls added to the emission reduction expected from full implementation of the present state hydrocarbon emission limitations, cannot provide the reduction needed to demonstrate attainment and maintenance of the oxidant standard.

Therefore, the six Region V SIPs are judged to be substantially inadequate to attain and maintain the oxidant standard. This is not to say, however, that a specific set of hydrocarbon controls at this time must be implemented in all areas for which air quality has been reported over the oxidant standard. The oxidant violations must be analyzed as a comprehensive problem. Since December 1975 representatives of the USEPA and the six Region V State air pollution control agencies have been meeting to discuss ways to analyze and solve the Region V oxidant situation.

On the basis of these discussions, the following schedule was set up for the purpose of evaluating the SIP revisions. By November 1, 1976, each State is to provide an assessment of where oxidant SIP revisions should be instituted. The Regional Administrator will by December 31, 1976, comment on the November 1

submission and provide additional guidance concerning the types of controls and the geographic areas where such controls should be instituted. Each State will then be required to prepare by July 1, 1977, where feasible, a plan revision for oxidants containing: (1) all achievable emission limitations that are needed to provide for the attainment and maintenance of the primary NAAQS, and (2) a demonstration of the effect on air quality of such measures.

If additional control strategies such as land use and transportation measures are needed for attainment and maintenance of the national standards, each State should prepare and submit by July 1, 1978, where feasible: (1) such measures for the attainment and maintenance of oxidant standards, and (2) a demonstration of the effect the control strategy will have on the air quality.

The completed plan revision must demonstrate that the total control strategy will attain the standard as expeditiously as practicable but no later than three years after plan approval.

A number of reasonably available control measures for hydrocarbon emissions have already been identified. These measures will be evaluated in light of circumstances specific to those areas where the states have determined the need for oxidant related controls. These potential control measures include: inspection/maintenance; vapor controls for organic solvents, petroleum refineries, chemical and other industries, and gasoline marketing; heavy duty vehicle retrofits; transit improvements; employer incentives (carpool programs); parking management; traffic management; and preferential bus and carpool treatment.

SIP Deficiency Determination Pending

Due to monitored violations of the TSP air quality standards in the Southeastern Wisconsin Intrastate AQCR and an uneasiness about the adequacy of the SO_2 strategy, both the Regional Administrator and the staff of the Wisconsin Bureau of Air and Solid Waste Management are concerned that the approved control strategy portion of the SIP may not be adequate to proivde for attainment of the NAAQS for TSP in Milwaukee, Kenosha and Racine counties or for attainment of the NAAQS for SO_2 in Milwaukee and Waukesha counties. The State is therefore incorporating into its maintenance analyses an analysis of the capability of the SIP to provide for attainment.

If the Regional Administrator determines, based on the review of the submitted analyses, that the SIP is substantially inadequate to provide for the attainment or maintenance of the NAAQS for total suspended particulates or sulfur dioxide, the State will be required to prepare and submit by July 1, 1977, where feasible, a plan revision containing: (1) all achievable emission limitations that are needed to provide for the attainment and maintenance of the national primary and secondary air quality standards for total suspended particulate and sulfur dioxide, and (2) a demonstration of the effect on air quality of such measures.

If additional control strategies such as land use and transportation measures are needed for attainment and maintenance of the national standards, the State shall prepare and submit by July 1, 1978, where feasible: (1) such measures for the attainment and maintenance of the standards for total suspended particulates and sulfur dioxide, and (2) a demonstration that the control strategy will attain the standards for both pollutants.

The completed plan revision must demonstrate that the total control strategy will attain the primary standards as expeditiously as practicable but no later than three years after plan approval; and in the case of the secondary standards, the plan should specify a reasonable time for attainment of the standards.

Other SIP Deficiencies

After the initial plan approval on May 31, 1972, a subsequent analysis of the State Implementation Plan surfaced two deficiencies in the review procedures for permitting construction or modification of sources. First, Section 144.39(1) of the Wisconsin Statutes (Ch. 83, Laws of 1967) permits construction of new sources or modifications if the State Agency fails to issue a prohibition order regardless of whether or not such construction or modification would interfere with attainment or maintenance of national ambient air quality standards. Second, the requirements of 40 CFR 51.18 (h) are not met in that the State does not have approved procedures providing for a 30 day public comment period on the State's tentative approval or disapproval of permits to modify or construct. In the September 30, 1975, FEDERAL REGISTER, the Regional Administrator requested public comments on a proposed disapproval and on substitute regulations for these deficiencies. On March 9, 1976, the Regional Administrator announced in the FEDERAL REGISTER a public hearing on the proposed corrective regulations. However, the public hearing was cancelled because on April 15, 1976, the Governor signed into law provisions which appeared to correct the noted deficiencies. While official State submittal of the corrective legislation and implementing regulations has not yet been received by the Regional Office, EPA is satisfied that the State has addressed these deficiencies, and will take no further action at this time.

Conclusion

The Governor is requested to submit within 60 days after a substantial plan inadequacy has been identified, a letter of intent to the Regional Administrator EPA, Region V, which identifies the various actions the State will take to develop the appropriate plan revision in accordance with the requirements set forth in this notice. The State also needs to identify in the letter the agencies that have been given responsibility to prepare a plan revision. Failure by the State to submit a letter of intent within 60 days will be considered by EPA as an indication that no plan revision will be forthcoming from the State. In this case, EPA will begin to develop a Federal plan to attain and maintain national standards.

All of the current applicable implementation plan remains in effect until the plan revision is submitted by the State to EPA and is approved by EPA, or until EPA promulgates substitute or additional regulations.

This notice is not subject to rulemaking procedures. The need for a plan revision for photochemical oxidants for the total State of Wisconsin is based on technical findings of the Regional Administrator that show that the control strategy for oxidants is substantially inadequate. With respect to total suspended particulates and sulfur dioxide, the need for a plan revision in the previously discussed areas will be operative when, and if, the Regional Administrator finds applicable control strategies to be substantially inadequate. Authority for such action is provided in Section 110(a)(2)(H) and 110(c) of the Clean Air Act. Ample opportunity for public comment on the Regional Administrator's determination of plan inadequacy will be provided during the public hearing that the State is required to hold on the plan revision before submission to EPA. If EPA must prepare and promulgate its own regulations, EPA will provide opportunity for written comments; or if the State held no hearing on the revisions, EPA will provide opportunity for a public hearing. Authority: Section 110(a)(2)(H) of the Clean Air Act, as amended, 42 U.S.C. 1857c-5(a)(2)(H) and Section 110(c) of the Clean Air Act, as amended, 42 U.S.C. 1857c-5(c).

Dated: July 16, 1976.

GEORGE R. ALEXANDER, JR.,
Regional Administrator,
Environmental Protection Agency.

[FR Doc.76-22368 Filed 7-30-76;8:45 am]

[FRL 591-6, OPP-00029]

STATE-FEDERAL FIFRA IMPLEMENTATION ADVISORY COMMITTEE (SFFIAC) WORKING GROUP ON CERTIFICATION

Open Meeting

Pursuant to P.L. 92-463, notice is hereby given that a two-day meeting of the State-Federal FIFRA Implementation Advisory Committee's Working Group on Certification will be held on Wednesday and Thursday, August 18-19, at the New York Department of Environmental Conservation Conference Center, Saranac Lake, New York. The meeting will begin at 9:00 a.m.

This is the third meeting of the Working Group on Certification under SFFIAC auspices. The purpose of the meeting is to discuss current aspects of pesticide applicator certification with the intent of reporting to the full Committee, so that the latter will be able to advise EPA on certification at its next meeting, cur-

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rently scheduled to be held in September 1976.

This meeting is open to the public. For further details, please contact James H. White, Acting Chief, Certification and Regional Support Branch, Operations Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, S.W., Washington, DC 20460, (202) 755-8299.

Dated: July 26, 1976.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.76-22359 Filed 7-30-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 991]

ACTIONS IN RULE MAKING PROCEEDINGS FILED

Petitions for Reconsideration

JULY 26, 1976.

Docket or RM No.	Rule No.	Subject	Date received
RM-2604	Sec. 73.202(b)	Request amendment FM table of assignments to assign channel 288A to Murphy, North Carolina. Filed by Max M. Blakemore, trading as Cherokee Broadcasting Co.	July 8, 1976
18179	Pt. 73	Amendment of pt. 73 of the Commission's rules with respect to the availability of television programs produced by nonnetwork suppliers to commercial television stations and CATV systems. Filed by William M. Bernard, attorney for Gill Industries (KNTV-TV).	July 19, 1976
20619		Revision of FCC form 303, application for renewal of broadcast station license, and certain rules relating thereto. Filed by J. Roger Wollenberg, Sally Katten & Carol Drescher Weisman, attorneys for Capital Cities Communications, Inc., Kaiser Broadcasting Co., Poole Broadcasting Co., and The Times Mirror Co.	June 11, 1976
		Filed by Arthur B. Goodkind, attorney for McGraw-Hill Broadcasting Co., Inc., Storer Broadcasting Co., Swanco Broadcasting, Inc., and Taft Broadcasting Co.	Do.
		Filed by Joseph DeFranco, attorney for CBS, Inc.	Do.
		Filed by L. Mason Harter, James A. McKenna, Jr., Thomas N. Frohock, and Steven A. Lerman, attorneys for General Electric Broadcasting Co., Inc.	Do.
		Filed by James A. McKenna, Jr., Thomas N. Frohock, and Steven A. Lerman, attorneys for Forward Communications Corp. (KCAU-TV), et al.	Do.
		Filed by Everett H. Erlick, Robert J. Kaufman, Mark D. Roth, James A. McKenna, Jr., Thomas N. Frohock, and Steven A. Lerman, attorneys for American Broadcasting Cos., Inc.	Do.
		Filed by John B. Summers and Richard E. Wyckoff, attorneys for National Association of Broadcasters.	Do.
		Filed by Jay E. Gerber, Eleanor D. O'Hara, and Howard Monderer, attorneys for National Broadcasting Co., Inc.	Do.
		Filed by J. Laurent Scharff and William H. Fitz, attorneys for RKO General, Inc.	Do.
		Filed by Thomas J. Dougherty and Preston R. Padden, attorneys for Metromedia, Inc.	Do.

NOTE.—Oppositions to petitions for reconsideration must be filed within 15 d after publication to this public notice in the FEDERAL REGISTER. Replies to an opposition must be filed within 10 d after time for filing oppositions has expired.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary

[FR Doc.76-22207 Filed 7-30-76;8:45 am]

[FCC 76R-209; Docket Nos. 20691, 20692; File Nos. BP-19545, 19735]

BADLANDS BROADCASTING CO. AND ROUGHRIDER BROADCASTING CO.

Memorandum Opinion and Order

In re applications of Badlands Broadcasting Company, Dickinson, North Dakota; Roughrider Broadcasting Co., Dickinson, North Dakota, for construction permits.

1. By Memorandum Opinion and Order, 41 FR 7456, published February 18, 1976, the Commission designated the above-captioned mutually exclusive applications for consolidated hearing. Now before the Review Board is a petition to enlarge issues, filed March 4, 1976, by Badlands Broadcasting Company (Badlands),[1] requesting the addition of financial, ascertainment,[2] improper certification issues against Roughrider Broadcasting Co. (Roughrider).

FINANCIAL ISSUE

2. As the first ground for its requested financial issue, Badlands argues that numerous deficiencies with respect to the bank credit letters upon which several Roughrider shareholders rely for funds raise serious questions as to whether those shareholders will be able to meet their respective stock subscription commitments to the applicant.[5] Specifically, Badlands maintains that, contrary to the requirements of FCC Form 301, Section III, Question 4(e): a $12,500.00 loan commitment letter from the Dakota Northwestern Bank to Edward Bashus fails to specify the security required, the rate of interest, and terms of repayment; a $55,000.00 loan commitment letter from the American State Bank of Williston to Earl Bolinske fails to specify the terms of repayment, the rate of interest, and whether any security or collateral will be required; a $55,000.00 loan commitment letter from the First National Bank and Trust Company of Fargo to Duane Liffrig fails to indicate the terms of repayment, the rate of interest, and whether any security or collateral will be required; and a $12,500.00 loan commitment letter from the American State Bank of Williston to Ronald Reichert has expired and does not indicate the terms of repayment or whether any security or collateral will be required. In support, Badlands cites, *inter alia*, *Alvin L. Korngold*, 31 FCC 2d 39, 22 RR 2d 661 (Rev. Bd. 1971); *Jackson-Missouri Broadcasting Co.*, —FCC 2d—, 14 RR 2d 2145 (1968); and *Florida-Georgia Television Co., Inc.*, —FCC 2d—, 10 RR 2d 846 (1967). As a related matter, Badlands contends that the subscription agreements from the various Roughrider shareholders state that the corporation will not exercise the subscriptions unless a license is granted to the applicant. Consequently, Badlands concludes that, since the Commission requires that a facility must be constructed and tested prior to issuance of a license, the funds necessary to construct the station may not be available on the basis of the subscription agreements in question. Finally, Badlands argues that Roughrider has estimated zero costs for equipment installation and has made no provision for payment of the $5,400.00 grant fee, and that in view of all the deficiencies indicated, a general financial issue is warranted.

3. The Review Board will deny the requested issue.[6] Subsequent to the filing of the subject petition to enlarge, Roughrider filed a petition for leave to amend its application, dated March 26, 1976. The amendment, which was accepted by Order of the Presiding Law Judge, FCC 76M-464, released April 14, 1976, provides, *inter alia*, new notarized subscription agreements from Earl Bolinske, Duane Liffrig, Ronald Reichert subscription agreements from Earl Bolinske, Duane Liffrig, Ronald Reichert and Edward Bashus, which state that Roughrider may exercise the subscriptions after a construction permit is granted. In addition, the amendment provides new bank credit letters from the above-named banks to the four principals in question, which specify the security required, the rates of interest, and terms of repayment.[7] Accordingly, we agree with Roughrider that this amendment clearly and fully documents the obligation and capacity of Roughrider's stock subscribers to meet their commitments to the applicant and, therefore, satisfactorily resolves the questions raised concerning whether Roughrider has sufficient funds available to construct and operate for one year. Moreover, Badlands' challenge to Roughrider's cost estimates has also been rebutted. In its amendment, Roughrider estimates installation costs at $4,000, and claims that its surplus of available funds is sufficient to cover the Commission's grant fee of $5,400. We agree. By our calculations, Roughrider's first year construction and operating costs will total $137,804.[8] To meet these costs the applicant has $152,750.00 available, consisting of $17,750.00 on deposit and new capital of $135,000.00. Consequently, Roughrider has a resulting surplus of funds in the amount of $14,946.00, which is clearly sufficient to provide for the $4,000.00 in installation costs and the $5,400.00 added to miscellaneous costs to cover the grant fee, as allocated in the March 26 Roughrider amendment.

IMPROPER CERTIFICATION ISSUE

4. With regard to its requested improper certification issue, petitioner alleges that, while Roughrider's president Ray E. David certified and signed the Roughrider application on June 14, 1974, all exhibits and sections had not yet been prepared and attached, as required by Section I of FCC Form 301.[9] For example, petitioner states that the Articles of Incorporation for Roughrider were certified by the Secretary of State of North Dakota on June 24, 1974, 10 days after David's certification of the application; that the by-laws of Roughrider were certified by Ronald Reichert, its secretary-treasurer, on June 15, 1974, one day after David's certification and 10 days prior to the incorporation of Roughrider; and that the Roughrider balance sheet provided in exhibit No. 4 reflects a June 15, 1973 date. Petitioner also avers that subsequent Roughrider filings raise further questions concerning the applicant's compliance with the Commission's certification requirements. Specifically, Badlands asserts that while, on July 16, 1974, Roughrider's Washington counsel filed an amendment with the Commission which indicates that David signed and certified that amendment on the same date, David lives in Williston, North Dakota, and there is no indication that he was in Washington on July 16th. In support, petitioner refers to a letter, dated July 10, 1974, from Reichert to Roughrider's Washington counsel, which recites that David "will be forwarding" other information to Washington counsel. Furthermore, movant alleges that Roughrider's October 16, 1974 amendment, which adds six leaders to Roughrider's community leader survey, creates an even more obvious abuse of the Commission's certification requirements. In support, petitioner refers to a letter dated October 10, 1974, forwarded to Roughrider's Washington counsel by Reichert, which lists the names, occupations, and addresses of the six additional persons contacted and states:

• • • I am also enclosing a blank sheet of paper with my name signed on it for your amendment.

According to Badlands, since the amendment as field has a detailed listing of community problems determined as a result of the supplemental interviews, whereas the letter from Reichert contains no such list, Reichert did not "have the opportunity to review the amendment before it was filed."

5. In opposition, Roughrider incorporates by reference its "Opposition to motion to dismiss application," filed March 9, 1976.[10] Opponent argues that that pleading answers all of Badlands' allegations since it indicates that both David and Reichert were personally familiar with the contents of the application and amendments thereto prior to their filing with the Commission. Specifically,

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[1] Also before the Board for consideration are the following related pleadings: (a) opposition, filed March 17, 1976, by Roughrider; (b) supplemental opposition, filed March 26, 1976, by Roughrider; (c) comments, filed March 30, 1976, by the Broadcast Bureau; (d) reply, filed April 9, 1976, by Badlands; (e) request for leave to file supplement, filed June 2, 1976, by Badlands; (f) supplement to motion to enlarge, filed June 2, 1976, by Badlands; (g) comments on (e) and (f), filed June 16, 1976, by the Broadcast Bureau; (h) opposition to (e), filed June 16, 1976, by Roughrider; (i) supplement to (h), filed June 18, 1976, by Roughrider; and (j) opposition to (i), filed July 1, 1976, by Badlands. Roughrider's supplemental opposition will be accepted since that pleading is unopposed by the other parties to this proceeding and is designed to inform us of the filing and substance of an amendment to Roughrider's application, which was subsequently accepted by the Presiding Law Judge, see para. 3, *infra*. In addition, Badlands' request for leave to file supplement will be granted and the supplement to motion to enlarge accepted. In the Board's view, although the supplement is an unauthorized pleading, good cause for its acceptance has been shown. Specifically, we note that the supplement, filed June 2, 1976, contains new information that was discovered upon review of the transcripts of various depositions, which were received by counsel for Badlands "during the week of May 27, 1976", and that the supplement contains decisionally significant information consideration of which will not prejudice any party or unduly delay disposition of the petition at hand. Finally, since Roughrider's supplement to opposition to petition to enlarge, filed June 18, 1976, consists entirely of two affidavits, which Roughrider had previously indicated would be shortly forthcoming, we will also accept that supplement to opposition.

[2] In our view, since a general ascertainment issue has already been designated by the Commission, all aspects of Roughrider's ascertainment efforts may be examined by the parties at the hearing. *Big Country Radio, Inc.*, 50 FCC 2d 967, 32 RR 2d 119 (1975). Nevertheless, we believe it proper to point out that we agree with Badlands' allegation that a question is raised as to whether Art Kubick and/or Carol Kalnz, both of whom are listed as prospective Roughrider employees who conducted portions of Roughrider's general public survey are, in fact, proposed employees of Roughrider. See Q. and A. 11(b) of the *Primer on Ascertainment of Community Problems of Broadcast Applicants*, 27 FCC 2d 650, 21 RR 2d 1507 (1971). On the other hand, we do not believe a sufficient question has been raised as to whether Ronald Reichert was a Roughrider principal at the time he conducted the community leader surveys. See *KSIG Broadcasting Co., Inc.*, 54 FCC 2d 560 (Rev. Bd. 1975).

[3] Rule 1.65 requires applicants to advise the Commission of changes which may be of decisional significance within thirty days of their occurrence.

[4] In pertinent part, Rule 73.35(a) provides that: "No license for a standard broadcast station shall be granted to any party • • • if such party directly or indirectly owns, operates, or controls one or more standard broadcast stations and the grant of such license will result in any overlap of the • • • 1 mV/m • • • contours of the • • • stations. • • •"

[5] Badlands asserts that Roughrider's application estimates total first year construction and operating costs to be $176,000.00, and that available funds are represented to be $194,645.00, $135,000.00 of which consists of new capital to be provided from stock subscriptions.

[6] To the extent that petitioner raises allegations in its reply pleading concerning deficiencies in Roughrider's balance sheet and the unreasonableness of applicant's installation costs, we note that the clerical error in Roughrider's balance sheet has been corrected by Roughrider's March 26 amendment, *infra*, and now complies with the requirements of FCC Form 301, Section III, page 2, para. 2(a), and that petitioner's apparent allegation that Roughrider's equipment installation estimate is unreasonable is entirely unsupported.

[7] We also note that the letter upon which Ronald Reichert relies has been updated. Furthermore, while the bank credit letters all specify that the lines of credit will require the personal guarantees of the individuals in question, the amendment includes such a guarantee from each individual. Moreover, we disagree with the Broadcast Bureau that the figures in Reichert's balance sheet in and of themselves raise a serious question as to whether the bank could reasonably make such a loan.

[8] Roughrider has calculated total costs of $176,000; however, in the computation below, we have distributed the proposed equipment credit and figured actual first year costs. Thus, Roughrider's total equipment costs are $89,498.85, 25% of which is due in down payment, with the balance to be financed in 36 monthly payments at 8½% interest, and the first payment due 60 days after shipment of the transmitter. Accordingly, our calculations indicate that Roughrider's first year costs will consist of:

Down payment on equipment	$22,375
1st yr. payments on equipment and interest	25,429
Land	2,500
Building	2,000
Miscellaneous	21,000
1st yr. operating costs	64,500
Total	137,804

[9] Badlands notes that Section I of FCC Form 301 states that, "This Section should not be signed and dated until all of the following Sections and Exhibits have been prepared and attached."

[10] The certification issue raised by Badlands was also the basis for a motion to dismiss application, filed February 26, 1976, by Badlands. By Order, FCC 76M-327, released March 17, 1976, the Presiding Law Judge denied Badlands' motion to dismiss.

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Roughrider notes that its March 9 opposition contains a March 3, 1976 affidavit from David, who avers that the Articles of Incorporation submitted with Roughrider's application clearly stated that they were a duplicate copy; that the original articles were certified by the North Dakota Secretary of State on June 13, 1974, one day prior to his own certification of the Roughrider application; that, although the by-laws were certified by Ronald Reichert on June 15, 1974, the by-laws were adopted prior thereto at a corporate meeting on June 7, 1974; and that, although because of a lack of coordination with Reichert, he (David) inadvertently dated his certification of the application one day prior to Reichert's certification of the previously adopted by-laws, nevertheless, he was "fully familiar" with the by-laws, having discussed the matter "many times" previously with Reichert. With regard to the July 16, 1974 amendment, David avers that he was familiar with the contents of the amendment prior to filing, having previously discussed it with both Reichert and Washington countel. In addition, Roughrider refers to the February 29, 1976 affidavit of Ronald Reichert, which is contained in its March 9 opposition. Therein, Reichert avers that all of the information set forth in the amendments and application was reviewed by him personally and that, even though the October 16, 1974 amendment "may have been" reviewed by telephone rather than by mail, there is no rule which requires a completed amendment to be reviewed and then signed by a principal of an applicant. Furthrmore, with respect to the by-laws, Reichert avers that he prepared them in his capacity as Roughrider's local counsel several weeks prior to their certification on June 15, 1974; that all the information set forth in the by-laws was discussed at length, reviewed, and approved, albeit informally by David at an earlier meeting of corporation principals; that due to a lack of coordination, David assumed Reichert would certify the by-laws on June 14; and that there was no impropriety since David was fully familiar with the by-laws and could attest to their accuracy. Finally, affiant avers that June 15, 1974 is the proper date for the balance sheet and that the June 15, 1973 date was a typographical error.

6. The Review Board believes that an improper certification issue is required. In our view, a serious question has been raised by Badlands as to whether Roughrider has complied with the signature certification requirements of FCC Form 301. Ray David, Roughrider's president, signed the application on June 14, 1974, thereby acknowledging that he had familiarized himself with the instructions concerning signature requirements and certifying that the statements in the application were true, complete, and correct. Ronald Reichert concedes in his affidavit, however, that Roughrider's balance sheet was dated on June 15, 1974, and Roughrider offers no explanation for this discrepancy in its opposition. In addition, Reichert and David admit in their affidavits that Roughrider's corporate by-laws were certified on June 15, 1974, one day after David's certification of the application and their explanation that the by-laws were informally adopted on June 7, 1974, prior to actual incorporation of Roughrider, and that, therefore, David was "fully familiar" with their contents when he signed the subject application, does not satisfactorily explain the matter. In this regard, it is important to note that David never states in his affidavit that he ever personally reviewed by by-laws as proposed or in final form. Finally, we believe further inquiry into the preparation of the October 16, 1974 amendment is warranted since it appears that at the time Reichert signed and thereby certified the amendment to be accurate, he had not provided or reviewed all the material which is now contained therein. Reichert's explanation that the amendment "may have been" reviewed by telephone is not sufficient to dispel the doubts raised. Compare *Belo Broadcasting Corp.*, 56 FCC 2d 557, 35 RR 2d 839 (Rev. Bd. 1975). Consequently, an issue will be added inquiring into the above-noted circumstances surrounding the preparation of Roughrider's application and October 16, 1974 amendment thereto. See *United Broadcasting Company (KBAY)*, 58 FCC 2d 1346, —RR 2d — (1976); *Post Newsweek Stations, Florida, Inc.*, 54 FCC 2d 254, 34 RR 2d 676 (Rev. Bd. 1975).[11]

SECTIONS 1.65 AND 73.35 ISSUES

7. Turning to the requested Rule 1.65 issue, Badlands argues that the Roughrider application has never been amended to reflect the filing, on October 9, 1974, of an application for a new standard broadcast station at Beulah, North Dakota (File No. BP-18,808), by Mercer Broadcasting, Inc. (Mercer), in which Mr. and Mrs. William A. Bolinske[12] are shown as directors, 100% owners, and president and secretary-treasurer, respectively. This failure to amend is decisionally significant, continues movant, because Earl and William Bolinske have common business interests,[13] Beulah is 50 miles from Dickinson, and there is substantial overlap of the proposed 1 mV/m daytime contours of Roughrider and Mercer. Petitioner also contends that a Rule 1.65 issue is required since the applicant has failed to amend its application to reflect the fact that Ray David is an insurance broker and has been chief campaign aide for Senator Milton R. Young in the 1974 election and that he is currently a campaign coordinator in Bismarck, North Dakota, for gubernatorial candidate Robert Melland.[14] Finally, petitioner apparently bases its request for a Section 73.35 issue on the grounds that the commonality of Earl Bolinske's business interests with those of his brother and sister-in-law raises a presumption of common control which, when considered in light of the 1 mV/m overlap of the proposed daytime contours of Roughrider and Mercer, requires addition of the requested issue. In support, petitioner cites, *inter alia*, *Stuart W. Epperson*, 21 RR 675 (1961); *Four States Broadcasting Co.*, 18 RR 616 (1959); and *Southern Indiana Broadcasters, Inc.*, 14 RR 117 (1956).

8. In opposition to the requested Section 73.35 issue, Roughrider asserts that since the drug business interests of William and Earl Bolinske, which are located in communities 128 miles apart, are operated independently of each other and are unrelated to the broadcast stations each principal proposes, the mere fact that Earl and William are related does not raise any presumption of common control, citing, *inter alia*, *KTRB Broadcasting Co., Inc.*, 46 FCC 2d 605, 29 RR 2d 1578 (1974), and *Morris's Inc.*, 44 FCC 2d 321, 28 RR 2d 1723 (Rev. Bd. 1973). In support, opponent also relies on the affidavit of Earl Bolinske.[15] With regard to the failure to amend to reflect the filing of the Mercer application, Roughrider maintains that since Earl Bolinske was not "intimately involved" in the actual preparation of the Roughrider application, he was unfamiliar with the requirements of para. 21(b) of FCC Form 301 and, therefore, failed to notify counsel of his brother's business activities. However, Roughrider notes than an amendment reflecting this information will be shortly be filed.[16]

[11] However, an injury into the circumstances surrounding the preparation and certification of the July 16, 1974 Roughrider amendment is not warranted. Specifically, we note that Badlands' allegations are based entirely on speculation and surmize and, therefore, fail to meet the support and specificity requirements of Section 1.229(c) of the Commission's Rules.

[12] William Bolinske is the brother of Earl Bolinske, who is a director and proposed 25% stockholder of Roughrider. Badlands points out that the Roughrider application states in response to para. 21(b) of FCC Form 301, that no "member of the immediate family of any party to this application [has] any interest in or connection with any broadcast station or pending application."

[13] According to Petitioner, the Roughrider application indicates that Earl Bolinske is president and a director and 33⅓% owner of Interstate Drug, and a director and 33⅓% owner of Plaza Drug, and that Earl is associated with William Bolinske and another individual in both drug stores. In addition, movant alleges that the Mercer application shows that William is a 33⅓% investor in Plaza Drug.

[14] In support, Badlands attaches two newspaper articles and an affidavit, dated March 3, 1976, from Courtney Flatau, president of Badlands. Flatau avers that the articles in question appeared in the *Dickinson Press* on February 7 and 8, 1976.

[15] Earl Bolinske avers, in pertinent part, that, while he owns Interstate Drug with his brother and another individual, "we operate our stores as individuals and confer only during our annual meeting each year as to the operation of the company"; that with regard to his participation in radio broadcasting, "no inquiry was made of [his] partners [in] Interstate Drug"; that if the Roughrider application is granted his "partners in Interstate Drug will have no voice or input of any kind" in that operation; that if his brother's application for Mercer is granted "we will operate independent of one another"; that his brother had now knowledge of his plans for a broadcast station and that he was not aware of either his brother's intent to file the Mercer application, having first learned of those plans from the newspaper, or of the Commission's Rule requiring an amendment to reflect his brother's filing. Finally, affiant states that he had no intent to deceive, as Roughrider's application clearly indicates that William was his brother and partner in Interstate Drug.

9. The Board will deny both of the requested issues. We are of the view that petitioner has failed to allege facts sufficient to raise a question of violation of Section 73.35(a) of the Rules. Thus, petitioner has made no showing that Earl Bolinske, Roughrider's one-fourth owner, has an interest in that applicant that is tantamount to ownership or control. See *United Community Enterprises, Inc.*, 37 FCC 2d 953, 25 RR 2d 745 (Rev. Bd. 1972). And, we further believe that petitioner's allegations fail to raise any question of prohibited cross-interest. See *Farmville Broadcasting Company*, 47 FCC 2d 463, 40 RR 2d 726 (1974). Finally, the Board will also deny the requested Rule 1.65 issue. Petitioner has failed to show the potential decisional significance of either Ray David's past and present employment and political activities, or Roughrider's failure to timely amend its answer to question 21(b) of FCC Form 301 to reflect the filing of the Mercer application. Under these circumstances, we do not believe that an evidentiary inquiry into these matters is warranted.

10. Accordingly, it is ordered, That the supplemental opposition, filed March 26, 1976, by Roughrider Broadcasting Co., is accepted; and that the request for leave to file supplement, filed June 2, 1976, by Badlands Broadcasting Company is granted, and the supplement, filed June 2, 1976, is accepted; and that the supplement to opposition to request for leave to file supplement, filed June 18, 1976, by Roughrider Broadcasting Co., is accepted; and

11. It is further ordered, That the petition to enlarge issues, filed March 4, 1976, by Badlands Broadcasting Company is granted to the extent indicated herein, and is denied in all other respects; and

12. It is further ordered, That the issues in this proceeding are enlarged to include the following issue:

To determine whether the application of Roughrider Broadcasting Co., and the October 16, 1974 amendment thereto, were properly certified and executed by a principal thereof in accordance with FCC requirements, and in light of the evidence adduced, whether Roughrider Broadcasting Co. possesses the requisite and/or comparative qualifications to be a Commission licensee.

13. It is further ordered, That the burden of proceeding with the introduction of evidence under the issue added herein shall be on Badlands Broadcasting Company, and that the burden of proof shall be on Roughrider Broadcasting Co.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-22202 Filed 7-30-76;8:45 am]

[16] The March 26 amendment, see par 3, *supra*, indicates that Mr. and Mrs. William Bolinske filed an application for a new standard broadcast station at Beulah, North Dakota on October 9, 1974. In addition, the amendment reflects that as of February 1, 1976, Ray David became campaign coordinator for gubernatorial candidate Robert Melland, that Ray David worked as campaign coordinator for Senator Milton R. Young in the November 1974 election, and that Ray David became an independent insurance broker in May 1975.

[FCC 76-619, Docket No. 20859, File No. BAPCT-511, Docket No. 20860, File No. BSTV-15, Docket No. 20861, File No. BSTV-16]

CHANNEL 50 INC., ET AL.

Designated Applications for Hearing

In re applications of Lee W. Cowan, Trustee in Bankruptcy (Assignor) and Channel 50, Inc. (Assignee) for assignment of the construction permit for Station WGSP-TV, Washington, D.C.; Channel 50, Inc., Washington, D.C.; for subscription television authority; Channel 20, Incorporated (WDCA-TV); for subscription television authority.

The Memorandum Opinion and Order released this date FCC 76-619 is corrected as follows: CHANNEL 20, INC. (WDCA-TV); is changed to: CHANNEL 20, INCORPORATED (WDCA-TV).

Released: July 21, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-20203 Filed 7-30-76;8:45 am]

[FCC 76-686; Docket No. 19544, RM-1838]

COAST RADIOTELEGRAPH STATIONS

Order Staying Effectiveness of Memorandum Opinion and Order

In the matter of inquiry into problems of coast radiotelegraph stations.

1. The Commission has before it for consideration the following pleadings addressed to its Memorandum Opinion and Order (hereinafter referred to as "Order")[1] in this Docket released May 27, 1976:

(a) An Application for Stay Pending Judicial Review filed by TRT Telecommunications Corporation (TRT) on June 18, 1976, seeking a stay of the Commission's Order, insofar as it applies to TRT, pending completion of judicial review of the Order;[2]

(b) A Petition for Partial Reconsideration and Modification of the Commission's Order and a separate Request for Stay, both filed by RCA Global Communications, Inc. (RCA Globcom) on June 28, 1976;

(c) A Petition for Reconsideration and Clarification or Rule Waiver filed by Mobile Marine Radio (MMR) on July 1, 1976; and,

(d) An Application for Stay Pending Judicial Review filed by ITT World Communications Inc. (ITT Worldcom)[3] on July 8, 1976.

2. It appears from the pleadings filed in this matter that the intent of the Commission's Order, released May 27, 1976, is subject to misinterpretation. We therefore believe that the public interest will be served by Commission review of its Order to determine what, if any, clarification or modification of that Order is necessary and desirable. Therefore, we shall stay the effectiveness of that Order pending such review.

3. Accordingly, it is ordered that the effectiveness of the Commission's Memorandum Opinion and Order, released May 27, 1976, is stayed, pending further order of the Commission.

Adopted: July 15, 1976.

Released: July 26, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary,

[FR Doc.76-22201 Filed 7-30-76;8:45 am]

[1] FCC 76-454.

[2] On June 7, 1976, TRT filed a Petition for Review of the Commission's Order in the U.S. Court of Appeals for the District of Columbia Circuit. On June 25, 1976, TRT petitioned the Court of Appeals for stay of the Commission's Order pending completion of judicial review.

[3] On June 25, 1976, ITT filed a Petition for Review of the Commission's Order in the U.S. Court of Appeals for the District of Columbia Circuit. Thereafter, on June 30, 1976, ITT filed a Motion to Intervene in the review proceedings previously instituted by TRT in the same Court (see footnote 2, *supra*).

[Report No. I-255]

COMMON CARRIER SERVICES INFORMATION

International and Satellite Radio Applications Accepted for Filing

JULY 26, 1976.

By the Chief, Common Carrier Bureau:

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications if, upon further examination, it is determined they are defective and not in conformance with the Commission's Rules, Regulations or its policies. Final action will not be taken on any of these applications earlier than 31 days following the date of this notice. Section 309(d)(1).

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

SATELLITE COMMUNICATIONS SERVICES

419-DSE-P-76 The State of Alaska, Akhoik, Alaska. For authority to construct and establish channels of communications by means of a communications satellite earth station at this location. Lat. 56°56'45", Long. 154°10'06", Rec. freq: 3700-4200 MHz. Trans. freq: 5925-6425 MHz. Emission 25.7F9. With a 4.5 meter antenna.

420-DSE-P-76 The State of Alaska, Chitina, Alaska. For authority to construct and establish channels of communications by means of a communications satellite earth station at this location. Lat. 61°31'05", Long. 144°25'40". Rec. freq: 3700-4200

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MHz. Trans. freq: 5925–6425 MHz. Emission 25.7F9. With a 4.5 meter antenna.

421–DSE–P–76 The State of Alaska, Circle, Alaska. For authority to construct and establish channels of communications by means of a communications satellite earth station at this location. Lat. 65°49'36", Long. 144°03'34". Rec. freq: 3700–4200 MHz. Trans. freq: 5925–6425 MHz. Emission 25.7F9. With a 4.5 meter antenna.

422–DSE–P–76 The State of Alaska, Emmonak, Alaska. For authority to construct and establish channels of communications by means of a communications satellite earth station at this location. Lat. 62°46'34", Long. 164°31'36". Rec. freq: 3700–4200 MHz. Trans. freq: 5925–6425 MHz. Emission 25.7F9. With a 4.5 meter antenna.

423–DSE–P–76 The State of Alaska, Holy Cross, Alaska. For authority to construct and establish channels of communications by means of a communications satellite earth station at this location. Lat. 61°11'58", Long. 159°46'02". Rec. freq: 3700–4200 MHz. Trans. freq: 5925–6425 MHz. Emission 25.7F9. With a 4.5 meter antenna.

424–DSE–P–76 The State of Alaska, Hooper Bay, Alaska. For authority to construct and establish channels of communications by means of a communication satellite earth station at this location. Lat. 61°31'54", Long. 166°05'87". Rec. freq: 3700–4200 MHz. Trans. freq: 5925–6425 MHz. Emission 25.7F9. With a 4.5 meter antenna.

425–DSE–P–76 The State of Alaska, Larsen Bay, Alaska. For authority to construct and establish channels of communications by means of a communications satellite earth station at this location. Lat. 57°32'14", Long. 153°58'48". Rec. freq: 3700–4200 Mhz. Trans. freq: 5925–6425 MHz. Emission 25.7F9. With a 4.5 meter antenna.

426–DSE–P–76 The State of Alaska, Pilot Point, Alaska. For authority to construct and establish channels of communications by means of a communications satellite earth station at this location. Lat. 57°33'53", Long. 157°34'30". Rec. freq: 3700–4200 MHz. Trans. freq: 5925–6425 MHz. Emission 40F9. With a 4.5 meter antenna.

427–DSE–P–76 The State of Alaska, Port Alexander, Alaska. For authority to construct and establish channels of communications by means of a communications satellite earth station at this location. Lat. 56°14'34", Long. 134°38'41". Rec. freq: 3700–4200 MHz. Trans. freq: 5925–6425 MHz. Emission 40F9. With a 4.5 meter antenna.

428–DSE–P–76 The State of Alaska, Rampart, Alaska. For authority to construct and establish channels of communications by means of a communications satellite earth station at this location. Lat. 65°30'25", Long. 150°10'08". Rec. freq: 3700–4200 MHz. Trans. freq: 5925–6425 MHz. Emission 25.7F9. With a 4.5 meter antenna.

429–DSE–P–76 The State of Alaska, Saint Marys, Alaska. For authority to construct and establish channels of communications by means of a communications satellite earth station at this location. Lat. 62°03'01", Long. 163°09'57". Rec. freq: 3700–4200 MHz. Trans. freq: 5925–6425 MHz. Emission 25.7F9. With a 4.5 meter antenna.

430–DSE–P–76 The State of Alaska, Shageluk, Alaska. For authority to construct and establish channels of communications by means of a communications satellite earth station at this location. Lat. 62°39'25", Long. 159°31'44". Rec. freq: 3700–4200 MHz. Trans. freq: 5925–6425 MHz. Emission 25.7F9. With a 4.5 meter antenna.

431–DSE–P–76 The State of Alaska, Sleetmute, Alaska. For authority to construct and establish channels of communications by means of a communications satellite earth station at this location. Lat. 61°42'12", Long. 157°10'05". Rec. freq: 3700–4200 MHz. Trans. freq: 5925–6425 MHz. Emission 25.7F9. With a 4.5 meter antenna.

432–DSE–P–76 The State of Alaska, Tatitlek, Alaska. For authority to construct and establish channels of communications by means of a communications satellite earth station at this location. Lat. 60°51'51", Long. 146°40'38". Rec. freq: 3700–4200 MHz. Trans. freq: 5925–6425 MHz. Emission 25.7F9. With a 4.5 meter antenna.

437–DSE–P–76 Western Tele-Communications, Inc., Issaquah, Washington. For authority to constuct, own and operate a domestic communications satellite Receive-Only earth station at this location. Lat. 47°30'09", Long. 122°01'37". Rec. freq: 3700–4200 MHz. Emission (none listed). With a 10 meter antenna.

438–DSE–P–76 Gillis G. Conoley, Taylor, Texas. For authority to construct, own and operate a domestic communications satellite Receive-Only earth station at this location. Lat. 30°34'51", Long. 97°23'46". Rec. freq: 3700–4200 MHz. Emission 36000F9. With an 11 meter antenna.

439–DSE–P–76 Communications Service, Inc., Lake Charles, Louisiana. For authority to construct, own and operate a domestic communications satellite Receive-Only earth station at this location. Lat. 30°11'55", Long. 93°12'56". Rec. freq: 3700–4200 MHz. Emission 36000F9. With a 10 meter antenna.

440–DSE–ML–76 Micro-Cable Communications Corp., d/b/a Texas Cablevision (KB65), Ballinger, Texas. Modification of license to delete the General Provision 6(d) which prohibits service to a non-affiliated cable system, so that Television Enterprises will be able to receive earth station services.

441–DSE–ML–76 South Florida Cable Television, Corp. (WB45), Bonita Springs, Florida. Modification of license to delete the conditions in the license which prohibits the use of the earth stations facilities for common carrier operations.

442–DSE–TC–76 United Video, Inc. (WB82), Taylorville, Illinois. Consent to Transfer of Control from United Cable Television Corporation (Transferor) to Lawrence Flinn, Jr. (Transferee).

443–DSE–TC–76 United Wehco, Inc. (KB94), Trees, Louisiana. Consent to Transfer of Control from United Cable Television Corporation (Transferor) to Lawrence Flinn, Jr. (Transferee).

[FR Doc.76-22208 Filed 7-30-76;8:45 am]

[Docket No. 20881; FCC 76-670]

SWAN ANTENNA SYSTEMS

Memorandum Opinion and Order

By the Commission:

1. On February 24, 1976, in Oliver W. Swan, d.b.a. Swan Antenna Systems, Cochise County, Arizona, FCC 76–123, 57 FCC 2d 1265, the Commission ordered an evidentiary hearing on the applications for construction permits for new television translator stations filed by Oliver W. Swan, d.b.a. Swan Antenna Systems.[1] Nine issues were designated for hearing of which issue number 2 stated:

To determine whether the applicant operates or has operated cable television systems, as defined by Section 76.5(a) of the Commission's Rules, and, if so, whether such systems are being operated or have been operated, in violation of Section 76.11(a) of the Rules.[2]

2. By order of the Presiding Administrative Law Judge (FCC 76M–273), dates were set for the initiation of discovery and a prehearing conference. All parties to the proceeding, with the exception of Swan, initiated various forms of discovery. However, on April 12, 1976, Swan filed a "Request for Dismissal of Case". The Cable Television Bureau, Broadcast Bureau and Carleton Signal Corp. filed comments on that motion. By Order (76M–537), the Presiding Administrative Law Judge dismissed the applications with prejudice and terminated the proceeding stating in part:

Swan's two applications will be dismissed, and this proceeding terminated • • • Once those applications are dismissed, the jurisdictional res is gone. The only reason the Presiding Officer could or should take evidence in this case would be to ultimately grant or deny that which is before him; namely, the two translator applications • • • The Commission made it clear that it wanted evidence taken on Issue 2, inter alia, and that it was only if this evidence taken during the application stage warranted it that the show cause aspects would come to life.

3. While the action of the Administrative Law Judge adequately disposed of Swan's applications, it in no way resolved the issue as to whether Swan is or was operating cable television systems without having applied for or having obtained a certificate of compliance. The cable television component of the aforementioned proceeding began when Carleton Signal Corp. d.b.a. Bisbee CATV filed with the Broadcast Bureau's Translator Unit a petition to deny Swan's translator applications. Part of that petition stated:

• • • On February 18, 1975, the Commission wrote Swan concerning said [translator] applications and added 'you are required to advise the Commission whether you have any interest in, or connection with, any cable systems.' There is no reply to this letter in the FCC file. However, Swan's presently pending applications (BPTTV–5236 and BPTTV–5327) show that he now claims an interest in eight (8) alleged MATV systems, all of which systems were in operation in June, 1974, and at least one (1) of which was found by an FCC inspector, in May 1975, to have 75 subscribers.[3]

4. A copy of the pleading referred to in paragraph 3 supra was provided to the Cable Television Bureau by the Broadcast Bureau. Based on the information contained therein the Cable Bureau, on July 21, 1975, wrote Swan and requested information relevant to his cable television operations, including whether or not he operated a cable television system as defined by Section 76.5(a) of the Commission's Rules. On July 28, 1975, Swan responded, stating that he did not operate cable television systems as defined by Section 76.5(a). However, he also stated:

I am the owner and operator of separate and distinct community television facilities which come within the provision of the cases cited in your letter.[4]

5. In a further effort to clarify the nature and scope of Swan's cable operations the Commission's staff, on May 19, 1976, wrote Swan requesting specific information as to Swan's cable operations. That letter contained ten (10) questions to which Swan responded on May 28, 1976. That response indicated that Swan operated cable facilities in five communities of which none had in excess of 42 subscribers. However, Swan in no way indicated why he considers those "separate and distinct" communities and the franchises supplied by Swan do not aid the Commission in making that determination. Additionally, the Commission has received information from other sources which indicates that Swan may be operating in as many as 14 communities.[5] Again, however, the Commission is unable to determine the veracity of this information or if those are separate and distinct communities so as to comprise separate cable television operations.

6. As we previously stated in our order in Oliver W. Swan, supra, this matter before us raises serious questions. We are not persuaded that the "community television facilities" which Swan concedes that he operates are not cable television systems within the meaning of Section 76.5(a) of the Rules, and he may, therefore, be operating in violation of Section 76.11(a) of the Rules. Furthermore, the fact that Swan's translator applications have been dismissed and the hearing in Dockets 20715 and 20716 has been terminated does not alleviate our concern expressed in issue number 2 in that proceeding. However, for the reasons stated herein, we are unable to make a finding at this time that Swan operates a cable television system as defined by Section 76.5(a) of the Rules so as to sustain an Order to Show Cause. Yet, the matter raises a serious enough question so that we feel it is appropriate to order an evidentiary hearing. If it is determined that Swan's "community television facilities" are subject to the Commission's Rules, Swan will, by this order, be required to show cause why he should not be compelled to cease and desist from further violation of the rules.

Accordingly, it is ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended and Section 76.7(f) of the Commission's Rules, an evidentiary hearing is ordered, at a time and place and before an Administrative Law Judge to be specified in a subsequent order upon the following issue:

To determine if Oliver W. Swan d.b.a. Swan Antenna Systems operates or has operated cable television systems, as defined by Section 76.5(a) of the Commission's Rules and, if so, whether such systems are being operated or have been operated, in violation of Section 76.11(a) of the Rules.

It is further ordered, That the burden of going forward with the production of evidence will be on the Cable Television Bureau.

It is further ordered, That the Chief, Cable Television Bureau, Carleton Signal Corp., d.b.a. Bisbee CATV and Oliver W. Swan d.b.a. Swan Antenna Systems ARE MADE PARTIES to this proceeding. are made parties to this proceeding.

It is further ordered, pursuant to Section 312(b) and (c) of the Communications Act of 1934, as amended, that, if the issue, above, is resolved in the affirmative, Oliver W. Swan shall show cause if any he may have, why an order should not issue requiring him to cease and desist from further operation of cable television systems in violation of the Commission's Rules.

It is further ordered, That, to avail himself of the opportunity to be heard, Oliver W. Swan d.b.a. Swan Antenna Systems and Carleton Signal Corp., d.b.a. Bisbee CATV, pursuant to Section 1.221 (c) of the Commission's Rules, in person or by attorney, shall, within twenty (20) days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the Secretary of the Federal Communications Commission SHALL SEND copies of this Order by certified mail to Oliver W. Swan d.b.a. Swan Antenna Systems and Carleton Signal Corp., d.b.a Bisbee CATV.

Adopted: July 14, 1976.

Released: July 30, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-22204 Filed 7-30-76;8:45 am]

RCC—TELEPHONE INTERCONNECTION

Additional Meetings

JULY 26, 1976.

The Commission's Common Carrier Bureau has scheduled additional meetings concerning interconnection between the wireline telephone companies and the Radio Common Carriers (RCCs), which furnish two-way radiotelephone and one-way signaling service to the public.

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The meetings will be held on August 5 and 6, 1976, in the offices of American Telephone and Telegraph Company. Room 711, 2000 L Street, NW., Washington, D.C. The August 5th meeting will begin at 9:30 a.m. The August 6th meeting is scheduled to begin at 9:00 a.m.

Because of the possibility of last-minute room and time changes, participants should contact Mrs. Borthwick at 632–6400 on the morning of each meeting to verify the room location and time.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-22206 Filed 7-30-76;8:45 am]

[Docket No. 20842, FCC 76–590 File No. BPCT–4368; Docket No. 20843, File No. BSTV–1; Docket No. 20844, File No. BPCT–4486; Docket No. 20845, File No. BSTV–5]

VUE-METRICS, INC., ET AL.

Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Vue-Metrics, Inc. Philadelphia, Pennsylvania for a con-

[1] Files Nos. BPTTV–5326 and 5327A.

[2] If issue 2 were to be resolved in the affirmative, the Commission ordered Swan to Show Cause why he should not cease and desist from violation of Commission Rules.

[3] In this regard we note that the report we have from the engineer in charge of the Douglas, Arizona, monitoring station states, "It would be very difficult to confirm or disprove that Swan has 50 customers or less in any one community." If there is a report that states Swan has 75 subscribers on at least one cable television system, we do not possess it.

[4] The cases cited in our letter were Telerama, Inc. 3 FCC 2d 585 (1966) and Mission Cable TV, Inc., 4 FCC 2d 236 (1966). These cases bear on determining applicable communities for the purpose of establishing cable television systems and Swan's use of these cases in his reply indicates a lack of understanding of the applicability of our cable television rules to his operations.

[5] Bisbee CATV furnished the Commission a copy of the 1975 yellow pages ad of Swan Antenna Systems which lists "Cable TV Services" in 14 separate areas only three of which Swan listed in his response to the Commission's May 19, 1976 letter.

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struction permit for a new television station, Vue-Metrics, Inc., Philadelphia, Pennsylvania for subscription television authorization, Radio Broadcasting Company, Philadelphia, Pennsylvania, for a construction permit for a new television station, Radio Broadcasting Company, Philadelphia, Pennsylvania, for subscription television authorization.

By the Commission: Commissioner Lee absent.

1. The Commission has for consideration the applications of Vue-Metrics, Inc., for a construction permit for a new television broadcast station on channel 57 at Philadelphia, Pennsylvania (BPCT-4368) and for authority to conduct subscription television operations over the facilities of the proposed station (BSTV-1); and the application of Radio Broadcasting Company for a construction permit for a new television station on channel 57 at Philadelphia (BPCT-4486) and for authority to conduct subscription television operations over the proposed station (BSTV-5). The applications for construction permits are mutually exclusive in that, operating as proposed on the same channel in the same community, mutually destructive interference would result if both proposals were granted. Likewise, the subscription television applications are "mutually exclusive" in that, pursuant to section 73.642(a) of the Commission's rules, only one STV authorization may be granted in any single community. However, an STV authorization may be granted only to a television broadcast licensee or permittee. Thus, once one of the applicants receives the construction permit, the remaining applicant will be ineligible for an award of subscription television authority and its application may be dismissed. Therefore, while this Order will set the construction permit applications for comparative hearing in a consolidated proceeding, under the *Ashbacker*[1] doctrine, and consolidates the STV applications into the same proceeding for the purpose of trying specific issues concerning the STV applications, it is not intended (or necessary) to conduct a *comparative* hearing on the STV applications. Accordingly, no comparative evidence will be taken on the STV applications.

THE VUE-METRICS APPLICATIONS

2. To construct the proposed station and operate it for a period of one year, Vue-Metrics will require $955,264.[2] Of this amount, some $737,792 is apparently anticipated from the STV franchisee, American Subscription Television, Inc.[3] No source has been identified for the remaining $217,472, other than a letter dated March 24, 1975, to AST from Herbert, Sidney and Allen Kohl, declaring their willingness to contribute $2,200,000 for the Philadelphia station and STV operation. There is, however, no letter from AST to Vue-Metrics agreeing to supply the necessary additional funds or specifying the terms on which funds will be provided. Under the circumstances, a financial issue against Vue-Metrics would appear indicated to explore the availability and the amount of funds available for construction and operation of the station.

3. Certain of the discrepancies in Vue-Metrics application make it seem possible that the applicant has also underestimated its first-year expenses. It is assumed, because the item is separately provided for in its estimates, that Vue-Metrics' tower is not part of the equipment packaged to be leased from the equipment leasing company. Vue-Metrics has allocated $30,000 for the item, "Rent, Tower," but has not indicated from whom the tower will be leased, or the terms of the lease. Thus, there appears to be no basis for the allocation. Similarly there is no support for the $18,000 allocated to "Rent: Office and Studio." While Vue-Metrics has indicated a cost of remodeling and constructing buildings of $120,000, it is not clear whether the expenses are separate items, or whether the $18,000 rental figure includes partial repayment of construction expenses. Finally, Vue-Metrics has allocated only $4,000 to the rental of its transmitter site during the first year. A lease agreement (or, more correctly, a memorandum of agreement prior to execution of a lease) clearly provides for an annual lease payment of $7,500, commencing with the date on which construction begins. While Vue-Metrics' STV franchisee, AST, has made a $2,500 prepayment, it would appear that at least $1,000 more than Vue-Metrics has estimated will be due to the lessor during the period of construction and the first year of operation. Therefore, an issue will be specified to inquire into the cost of renting the tower, transmitter site and office and studio facilities, and the impact of any additional funds required on Vue-Metrics' financial qualifications.

4. A further financial issue will be necessary with regard to the Vue-Metrics' STV application. As support for the Kohl brothers' ability to advance $2,200,000, Vue-Metrics has submitted a joint balance sheet for the three brothers, and an individual schedule of assets for Allen Kohl. Both documents are deficient in several respects. The joint balance sheet is dated December 31, 1974 and, therefore, is of very limited value. "Securities Traded on Major Exchanges" have not been more specifically identified and their present market value, therefore, cannot be ascertained. We do not know the percentage composition of the item "Silver and Platinum" and thus cannot ascertain its current value. No appraisal has been submitted of "Oil and Gas Investments" or real estate.[4] Moreover, they do not indicate what sale price could be arranged if it were necessary to liquidate these properties at less-than-best terms in order to raise funds for the Philadelphia adventure. Most significantly, while indicating their "willingness" to provide funds for the project, the Kohls have not expressely stated their willingness to liquidate real property, if necessary, to fulfill their commitment. Under these circumstances, we have not considered these fixed assets available for the purpose of constructing and operating the station or the STV operation.

5. If none of the above items are considered available for financing the venture, we are left with, at most, $3,500,000 in current and liquid assets (including an income tax overpayment which, since the date of the balance sheet, most likely has been converted into cash). On the equity side of the balance sheet, the Kohls have failed to segregate current and long-term liabilities. Inasmuch as the Commission has no basis for allocating the single item "loans payable" into current and long-term portions, the entire amount must be treated as current. With more than $13,000,000 of such "current" liabilities, the Kohls have failed to demonstrate the availability of any current and liquid assets in excess of current liabilities and thus will be presumed, until it is proven otherwise, unable to fulfill their joint commitment to provide funds for Vue-Metrics' proposed station and STV operation.

6. The individual financial data of Allen Kohl does not clarify Vue-Metrics' financial situation. Although his financial statement, together with his personal schedule of assets, would, individually, indicate the availability of sufficient funds, the loan commitment from the three brothers states only that "we hereby declare our willingness to make available $2,200,000. This sort of language has been judicially construed to constitute a joint commitment,[5] and does not, we believe, create a several liability (although this may be a matter settled by state law[6]). In the absence of Allen Kohl's express statement of intent to create a several liability in the event his brothers are unable or choose not to fulfill their part of the commitment, we will not assume that he intends to finance the adventure single-handedly. In view of the foregoing, a financial issue with regard to Vue-Metrics' STV application appears to be in order.

THE RADIO BROADCASTING COMPANY APPLICATION

7. To construct and operate its proposed television station, RBC will require an estimated $581,166.[7] To meet this requirement, RBC relies on the cash flow from its existing operations in the radio common carrier and multi-point distribution services. While RBC has claimed after-tax profits for 1974 exceeding $64,000, and made certain projections concerning its cash flow for the current fiscal year, we conclude that these sources are not sufficiently documented to be considered available. Profits do not necessarily reflect increases in working capital available for operations. And there has been no verification of RBC's cash flow picture by a qualified accountant, or any information submitted concerning the manner in which it was computed. A financial issue, therefore, is in order. It will also be necessary to explore RBC's proposal to lease equipment for both the station and the STV operation from Firstmark Leasing Corp. RBC has assumed that equipment lease payments during the period of construction and first-year of operation will total $25,666, based upon the following assumptions: (a) a five-year lease; (b) an 8% add-on charge; and (c) a twelve-month deferral of all lease payments due under the lease. None of these assumptions is supported by the letter from Firstmark submitted by RBC. Therefore, a further issue will be specified to inquire into the availability and terms of the proposed lease agreement; the impact on the estimated expenses of construction and operation; and the implications for RBC's financial qualifications.

8. Similarly, in view of RBC's apparent lack of capital, a financial issue will be required with regard to its STV proposal. A further difficulty exists, however, in attempting to calculate the cost of encoding and decoding equipment. RBC intends to utilize its own STV system, but has not yet submitted details of its system to the Commission for advance technical approval, as required by section 73.644 of the rules. Therefore, there seems to be no basis for judging the validity of RBC's estimate for the cost of the equipment, if it is not known whether the equipment will be acceptable.[8] Therefore, a further issue will be specified concerning the reasonableness of RBC's estimates, and any consequential impact on its financial requirements and qualifications.

9. As mentioned above, Radio Broadcasting Company has not proposed to use any of the STV systems approved by the Commission's Chief Engineer. Approval of the applicant's proposed system is a prerequisite to any grant of subscription television authority. Section 73.644 of the rules. Failure to specify an approved system *or* request a waiver of the rule presumably would make RBC's application subject to dismissal without a hearing. U.S. v. Storer Broadcasting Co., 351 U.S. 192 (1956). However, practically speaking, the defect is not critical in this instance, because RBC is not even eligible for a grant until it is determined whether it will be a permittee of the Commission. Therefore, we will permit RBC to go to hearing on this portion of its application, thereby providing RBC with an opportunity to correct the deficiency by submitting an application for technical approval.

10. Finally with respect to Radio Broadcasting Company's application, we note that RBC is the licensee of a station in the multipoint distribution service (MDS) in Philadelphia. We take official notice that a common use of MDS is for the distribution of entertainment programs, principally movies, to apartment houses, and that the technology is developing for even wider distribution over this medium. While RBC's discretion in the carriage of programming on its MDS station is limited by its status as a common carrier, it is also clear that MDS is being used in many communities to provide a service to at least a segment of the market for which RBC, as a subscription television operator, will be expected to compete. While we have, in the past, limited our inquiry in cases of common ownership of common carrier and broadcast facilities, Alabama Microwave, Inc., 23 FCC 2d 792 (1970), where the two services actually compete, we believe a full inquiry is necessary to determine whether anticompetitive effects inimical to the public interest might result. Accordingly, an appropriate issue will be specified.

11. Accordingly, It is hereby ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of Vue-Metrics, Inc., and Radio Broadcasting Company for construction permits for new television broadcast stations are designated for comparative hearing, and that the above-captioned applications of Vue-Metrics, Inc., and Radio Broadcasting Company for subscription television authorization are designated for hearing, in a consolidated proceeding at a time and place to be fixed in a subsequent Order, upon the following issues:

(1) To determine, with respect to the application of Vue-Metrics, Inc., for subscription television authority:

(a) Whether, and in what amount, funds will be available to American Subscription Television, Inc., for subscription television operations; and

(b) Whether, in light of the evidence on the above issue, Vue-Metrics, Inc., and American Subscription Television, Inc., are financially qualified to implement the subscription television proposal

[1] *Ashbacker Radio Corporation* v. *FCC*, 326 U.S.O. 327, 66 S. Ct. 148, 90 L. Ed. 108 (1946).

[2] AST's financial proposal for the STV operation includes $530,000 for purchase of station time, and $207,792 for rental of station equipment. Other estimated expenses of the STV operation are: lease of encoding and decoding equipment, $184,284; pre-operating expenses, $164,000; promotions and advertising, $100,000; general and administrative expenses, $160,000; new subscriber costs, $15,000; and miscellaneous expenses, $25,000, for a total of $1,386,076.

[3] Itemized as follows: Equipment lease payments, $260,264; other (including legal, engineering, installation and miscellaneous) expenses, $50,000; buildings, $120,000; and working capital (first-year operating expenses), $525,000.

[4] An appraisal report has been submitted estimating the value of property in Fort Lauderdale at $4,500,000 "If a reasonable time is allowed to find a purchaser," and without disclosing whether the property is subject to any liens or encumbrances.

[5] *New Haven & Northhampton Co.* v. *Hayden*, 119 Mass. 361, 364 (1876).

[6] *See, Groves* v. *Sentell*, 153 U.S. 465, 476 (1894).

[7] Itemized as follows: Equipment lease payments, $25,666 (as noted in the text, below, we are adopting RBC's estimate, although the letter from the leasing company is deficiently imprecise); buildings, $5,000; other expenses, including installation, legal and engineering fees, and miscellaneous expenses, $29,000; FCC grant fee, $22,500; and working capital $499,000.

[8] Because lease payments on the STV equipment and the STV working capital requirement are included in the itemized expenses for construction and operation of the station, the only additional item of expense for the STV operation is $60,000 for promotion and advertising, for a total of $641,166.

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and continue subscription television operations for one year.

(2) To determine, with respect to the application of Vue-Metrics, Inc., for a construction permit:

(a) Whether, in light of the evidence on the above issue (1), and in what amount, funds will be available to Vue-Metrics, Inc., for the construction and operation of the proposed television station, and

(b) Whether Vue-Metrics, Inc., has reasonably estimated the cost of leasing its transmitter site, transmission tower, and office and studio facilities and, if not, whether additional funds will be required, and

(c) Whether, in light of the evidence on the above issues, Vue-Metrics, Inc., is financially qualified to construct the proposed station and operate the station for one year.

(3) To determine, with respect to the application of Radio Broadcasting Company for subscription television authority:

(a) Whether Radio Broadcasting Company's proposal for a subscription television system of encoding and decoding television broadcast signals can receive advance approval from the Commission, as provided in section 73.644 of the rules.

(b) Whether Radio Broadcasting Company has reasonably estimated the cost of encoding and decoding equipment necessary for the proposed subscription television operation.

(c) Whether equipment for the proposed subscription television operation can be leased from Firstmark Leasing Corporation, and on what terms.

(d) In light of the evidence on the above issues (b) and (c), the funds required for the implementation and continuation of the proposed subscription television operation.

(e) Whether, and in what amount, funds will be available to Radio Broadcasting Company for subscription television operations; and

(f) Whether, in light of the evidence on the above issues (b), (c), (d), (e), Radio Broadcasting Company is financially qualified to implement the proposed subscription television operation and continue subscription television operations for a period of one year.

(g) Whether, in light of Radio Broadcasting Company's ownership of a common carrier station in the multipoint distribution service, anti-competitive consequences could result, and, if so, the consequent impact on Radio Broadcasting Company's qualifications to be the holder of a subscription television authorization.

(4) To determine, with respect to the application of Radio Broadcasting Company for a construction permit for a new television station:

(a) Whether equipment for the proposed television station can be leased from Firstmark Leasing Corporation, and on what terms.

(b) In light of the evidence on the above issue, whether additional funds will be required.

(c) Whether, and in what amount, funds will be available to Radio Broadcasting Company for the construction and operation of the proposed station.

(d) Whether, in light of the evidence on the above issues, Radio Broadcasting Company is financially qualified to construct the proposed station and operate the station for one year.

(5) To determine, with respect to the applications of Vue-Metrics, Inc., and Radio Broadcasting Company for construction permits for new television stations:

(a) Which application, on a comparative basis, if granted, would better serve the public interest, convenience and necessity; and

(b) Which application, if either, in the light of the evidence on the above issues (2) and (4) and (5)(a), should be granted.

(6) To determine, with respect to the applications of Vue-Metrics, Inc., and Radio Broadcasting Company for subscription television authority, which application, if either, in the light of the evidence on issues (1) and (3), and the resolution of issue (5)(b), should be granted.

12. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to section 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days from the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

13. It is further ordered, That the applicants herein, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and section 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and manner prescribed in such rule, and shall advise the Commission of the publication of such notice, as required by section 1.594(g) of the rules.

Adopted: June 24, 1976.

Released: July 28, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-22205 Filed 7-30-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 104]

ASSIGNMENT OF HEARINGS

JULY 28, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 52793 (Sub 21), Bekins Van Lines Co., MC 15735 (Sub 27), Allied Van Lines, Inc., and MC 1931 (Sub 16), Vonder Ahe Van Lines, Inc. now being assigned November 2, 1976 (2 weeks), at Los Angeles, California in a hearing room to be later designated.

MC 110683 Sub 108, Smith's Transfer Corp., now being assigned September 23, 1976 (2 days), at Louisville, Ky., in a hearing room to be later designated.

MC-F 12679, C.T. Transport, Inc.—Purchase—B & S Transportation, Inc. now being assigned November 9, 1976 (2 weeks), at Buffalo, New York in a hearing room to be later designated.

MC 33446 (Sub-No. 3), Redifer Bus Company, now assigned October 27, 1976, at Cleveland, Ohio is canceled and application dismissed.

MC 135552 (Sub 3), Allied Underwriters, Inc., Extension-Charter and Special Operations now being assigned November 1, 1976 (1 week) at LaCrosse, Wisconsin in a hearing room to be later designated.

MC 119792 (Sub 53), Chicago Southern Transportation Company now being assigned October 26, 1976 (2 days) at Chicago, Illinois in a hearing room to be later designated.

MC 25869 (Sub 127), Nolte Bros. Truck Line, Inc. now being assigned October 27, 1976 (1 day) at Chigaco, Illinois in a hearing room to be later designated.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-22352 Filed 7-30-76;8:45 am]

[Notice No. 105]

ASSIGNMENT OF HEARINGS

JULY 28, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

Correction [1]

MC 127812 Sub 21, Tyson Truck Lines, Inc., now assigned August 16, 1976, at St. Paul, Minn., will be held at Court Room 2, U.S. Courthouse & Federal Bldg., 319 North Robert St.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-22353 Filed 7-30-76;8:45 am]

FINANCE APPLICATION

JULY 29, 1976.

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to sections 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with Special Rules 240(c) or 240(d) of the Commission's General rules of practice (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

No. MC-F-12882 (Correction), (BRIGGS TRANSPORTATION CO.,—CONTROL AND MERGE—I & S McDANIEL, INC.,) published in the FEDERAL REGISTER, July 16, 1976, on page 29526. Prior notice should read as follows: *Operating rights sought to be controlled and merged: General commodities* as a *common carrier* over regular routes between Paoli, Ind., and Cincinnati, Ohio; between Indianapolis, Ind., and Huntingburg, Ind., between Switz City, Ind., and Vincennes, Ind., between junction Indiana Highway 45 and Indiana Highway 56, and Indianapolis, Ind., between Washington, Ind., and Jasper, Ind., between Huntingburg, Ind., and Evansville, Ind., between Vincennes, Ind., and Lawrenceville, Ill. Service is authorized to and from all intermediate points on the above-specified routes; between Indianapolis, Ind., and Evansville, Ind. Service is authorized to and from the intermediate points of Sullivan, Vincennes and Princeton, Ind.; *General commodities*, except those of unusual value and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Terre Haute, Ind., and Freedom, Ind., between Worthington, Ind., and Hubbell, Ind. Service is authorized to and from all intermediate points. *Commodities generally*, between Princeton, Ind., and junction Indiana Highways 57 and 56; between junction Indiana Highways 67 and 58 and Freelandville, Ind., between junction Indiana Highway 56 and unnumbered highway and Dubois, Ind., between junction **Indiana Highways 37 and** 39 and junction Indiana Highways 39 and 67; between junction U.S. Highway 50 and Indiana Highway 1 and Milan, Ind., all intermediate points on the above-specified routes.

General commodities, except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and commodities requiring special equipment, over regular routes, between Oden and Brownstown, Ind., between Bloomington and Loogootee, Ind., between Bloomfield, Ind., and the junction of Indiana Highways 54 and 37; between Elnora, Ind., and the junction of Indiana Highways 58 and 67; *General Commodities*, except articles of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment, over a regular route, as an alternate route for operating convenience only, between Oakland City, Ind., and junction Indiana Highway 57 and U.S. Highway 41; *General commodities*, except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment, over regular routes. Service is authorized to and from the following intermediate or off route points in connection with said carrier's presently authorized regular route operations. (a) All points in Marion County, Ind.; St. Mary's of the Woods, West Terre Haute, and Hulman Air Field in Vigo County, Ind.; points in Indiana within five miles of Cincinnati in Hamilton County, Ohio; and (b) points within five miles of the following cities, Martinsville, Bloomington, Bedford, Paoli, Linton, Bicknell, Washington, Vincennes, within Indiana, Oakland City (except that portion of the area encompassed by the radius from Winslow), Winslow (except that portion encompassed by the radius from Oakland City and from Petersburg), Petersburg (except that portion encompassed by the radius from Winslow), Princeton, Boonville, Bloomfield (Greene County), Seymour, Lawrenceburg, Jasper (except that portion of the area encompassed by the radius from Huntingburg), and Huntingburg (except that portion encompassed by the radius from Jasper) in Indiana, between Vincennes, Ind., and Washington, Ind., (as an alternate route for operating convenience only in connection with said carrier's otherwise authorized regular route operations); between Loogootee, Ind., and junction U.S. Highway 50 and Indiana Highway 37, Service is authorized to and from the intermediate points of Shoals, Ind.

[1] This notice corrects the hearing date. August 16, 1976 instead of Sept. 8, 1976.

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General commodities, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, over alternate routes for operating convenience only, subject to the restriction that no service is to be rendered over these routes in connection with the transportation of traffic moving between Indianapolis, Ind., and Cincinnati, Ohio, or Louisville, Ky., and points beyond, between junction U.S. Highway 41 and Indiana Highway 54, on the one hand, and, on the other, Linton, Ind.; between Indianapolis, Ind., on the one hand, and on the other, Seymour, Ind.; between junction U.S. Highways 31 and 31A at or near Columbus, Ind., on the one hand, and, on the other, junction U.S. Highway 31 and U.S. Highway 50 at or near Seymour, Ind.; between junction Indiana Highway 7 and U.S. Highway 31A at or near Columbus, Ind., on the one hand and, on the other, junction Indiana Highway 7 and U.S. Highway 50 at or near North Vernon, Ind. *General commodities*, except those of unusual value, and except Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Southern Indiana Gas and Electric Company plant located on the Ohio River near Yankeetown, Ind., as an off-route point in connection with carrier's authorized regular route operations to and from Evansville, Ind. *General commodities*, except those of unusual value Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment; between junction U.S. Highway 50 and U.S. Highway 150 at or near Shoals, Ind., and junction U.S. Highway 150 and Indiana Highway 56 at or near Prospect, Ind., serving all intermediate points; Alternate or connecting routes for operating convenience only.

General commodities, except those of usual value, and except Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between junction U.S. Highway 50 and Indiana Highway 60 at or near Huron, Ind., and junction Indiana Highway 60 and Indiana Highway 37, at or near Mitchell, Ind., serving no intermediate points; between junction Indiana Highway 157 and Indiana Highway 54 at or near Bloomfield, Ind., serving no intermediate points between junction U.S. Highway 50 and U.S. Highway 31 near Seymour, Ind., and junction Indiana Highway 56 and Indiana Highway 135 at or near Salem, Ind., serving no intermediate points, between junction Indiana Highway 59 and Indiana Highway 246 at or near Clay City, Ind., and junction Indiana Highway 59 and Indiana Highway 67 at or near Sanborn, Ind., serving no intermediate points. *General commodities*, except those of unusual value Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, Serving Huron, Ind., as an intermediate point on carrier's regular route between Loogootee, Ind., and junction U.S. Highway 50 and Indiana Highway 37. Serving the plant site of the U.S. Gypsum Company, near Shoals, Ind., as an off-route point in connection with carrier's regular route operations in Indiana.

General commodities, with exceptions, serving the site of the Warrick Works of the Aluminum Company of America, plant, located near Newburgh, Warrick County, Ind., as an off-route point in connection with carrier's authorized regular route operations to and from Evansville, Ind., over Indiana Highway 62 and U.S. Highway 41, *General commodities*, with exceptions, serving the sites of the Indiana Michigan Electric Company and the Ayrshire Collieries Corporation, located in Curry Township, Sullivan County, Ind., as off-route points in connection with carrier's authorized regular-route operations over U.S. Highway 41 between Evansville, Ind., and Terre Haute, Ind., *General Commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between junction Indiana Highway 46 and Indiana Highway 59, and Bloomington, Ind., as an alternate route for operating convenience only, in connection with carrier's regular route operations, serving no intermediate points, *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment between Salem, Ind., and Borden, Ind., serving all intermediate points. *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between junction Indiana Highway 67 and Indiana Highway 57 and U.S. Highway 50 at or near Washington, Ind., serving no intermediate points; between junction Indiana Highway 56 and Indiana Highway 61 at or near Campbelltown, Ind., and junction Indiana Highway 61 and Indiana Highway 62 at or near Boonville, Ind., serving no intermediate points; between junction U.S. Highway 50 and Indiana Highway 60 at

General commodities, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Mitchell, Ind., and junction Indiana Highway 60 and Indiana Highway 56 near Salem, Ind., as an alternate route for operating convenience only, serving no intermediate points; *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment between Paoli, Ind., and English, Ind., serving all intermediate points, *General commodities*, with exceptions, between junction U.S. Highway 50 and Indiana Highway 235, and junction Indiana Highway 135 and Indiana Highway 235, serving the intermediate point of Medora, Ind., *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the facilities of the New York Central Railroad, known as the Big Four Yards, located generally in the territory east of Indiana Highway 267, south of U.S. Highway 36, and north of U.S. Highway 40 in Hendricks County, Ind., as an off-route point in connection with carrier's authorized regular-route operations to and from Indianapolis, Ind. with restriction. *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between English, Ind., and Louisville, Ky., serving the intermediate points of Temple and Marengo, Ind.; from Louisville, Ky., to Milltown, Ind., serving intermediate and off-route points within 5 miles of Milltown for delivery only; *Livestock*, from Milltown, Ind., to Louisville, Ky., serving intermediate and off-route points within 5 miles of Milltown for pickup only; *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment. Service is authorized to and from points within 10 miles of Crawfordsville, LaFayette, and Terre Haute, Ind., and those in Marion County, Ind., as intermediate or off-route points in connection with carriers regular-route operations authorized herein.

General commodities, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and those injurious or contaminating to other lading. Service is authorized to and from points within 5 miles of Danville, Ill., as off-route points in connection with carrier's regular-route operations to and from Danville authorized herein. *General commodities*, except those of unusual value, Classes A and B explosives, household goods, as defined by the Commission, commodities in bulk and those requiring

special equipment, between Terre Haute, Ind., and Indianapolis, Ind., between Indianapolis, Ind., and Danville, Ill., between points in Indiana as follows: From Veedersburg to Williamsport; from Veedersburg to Terre Haute; from Crawfordsville to Jamestown; from Crawfordsville to Lafayette; from Crawfordsville to Lafayette, service is authorized to and from off-route points of Mellott, Newton and New Richmond; from Crawfordsville to junction Indiana Highway 47 and U.S. Highway 41, service is authorized to and from off-route points of Marshall and Turkey Run State Park; from Danville to Bainbridge; from Bellmore to junction unnumbered highway and U.S. Highway 41 near Rockville; from junction U.S. Highway 41 and Indiana Highway 47 to Clinton; from junction U.S. Highway 41 and Indiana Highway 163 north of Lyford to Rockville, service is authorized to and from off-route point of Dana and to and from all intermediate points on above routes; from Crawfordsville to Indianapolis, service is authorized to and from the intermediate points of Lebanon, restricted to traffic moving to or from points west thereof, and Smartsburg and Shannondale, without restriction; from junction Indiana Highways 25 and 28 near Odell to Attica (as an alternate route); from Lebanon over U.S. Highway 52 to Lafayette (as an alternate route); from Williamsport to junction Indiana Highway 63 and U.S. Highway 136 (formerly Indiana Highway 34) (as an alternate route), service is authorized to and from the intermediate point of West Lebanon, between Jamestown, Ind., and Dover, Ind., between Terre Haute, Ind., and Fairbanks, Ind. Alternate routes for operating convenience only.

General commodities, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between junction Indiana Highway 63 and 234 at or near Cayuga, Ind., and junction Indiana Highway 63 and U.S. Highway 34), in connection with carrier's regular route operations authorized herein; between Morton, Ind., and Rockville, Ind., in connection with carrier's regular route operations authorized herein, between Groveland, Ind., and New Winchester, Ind., in connection with carrier's regular route operations authorized herein; between Crawfordsville, Ind., and junction Indiana Highway 43 and U.S. Highway 40, in connection with carrier's regular route operations authorized herein; between Brazil, Ind., and junction Indiana Highway 59 and U.S. Highway 36, in connection with carrier's regular route operations authorized herein; between New Winchester, Ind., and junction U.S. Highway 40 and Indiana 75, in connection with carrier's regular route operations authorized herein; between Lizton, Ind., and junction Indiana Highway 236 (formerly Indiana Highway 136) and Indiana Highway 39, in connection with carrier's regular route operations authorized herein. Alternate routes for operating convenience only; *General commodities*, except those of unusual value Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Paoli, Ind., and junction U.S. Highway 150 and Indiana Highway 66, in connection with carrier's authorized regular-route operations, serving no intermediate points; between Salem, Ind., and junction U.S. Highway 150 and Indiana Highway 135, in connection with carrier's authorized regular-route operations, serving no intermediate points; between Huntingburg, Ind., and English, Ind., in connection with carrier's authorized regular route operations serving no intermediate points; between Washington, Ind., and junction Indiana Highways 257 and 56, in connection with carrier's authorized regular-route operations, serving no intermediate points, between Oakland City, Ind., and junction Indiana Highways 257 and 64, in connection with carrier's authorized regular-route operations, serving no intermediate points; between Huntingburg, Ind., and junction U.S. Highway 40 and 231 and junction U.S. Highway 231 and Indiana Highway 67, in connection with carrier's authorized regular-route operations, serving no intermediate points.

General commodities, except those of unusual value Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, Serving the plant site of the Ford Motor Company, at the intersection of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., as an off-route point in connection with carrier's authorized regular-route operations to and from Louisville, Ky. *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, Chicago, Ill., and Lafayette, Ind., serving all intermediate points, and the off-route points of Lowell, Oxford, and Belshaw, Ind., those within 5 miles of Lafayette, and those within the Chicago, Ill., Commercial Zone, as defined by the Commission, between Chicago, Ill. and junction U.S. Highway 30 and 41, serving points in the Chicago, Ill., Commercial Zone as defined by the Commission, as intermediate and off-route points; between Chicago, Ill., and junction U.S. Highway 30 and Illinois Highway 394 (formerly U.S. Highway 30A), serving points in the Chicago, Ill., Commercial Zone, as defined by the Commission as intermediate and off-route points; between junction U.S. Highways 30 and 41, and Fowler, Ind., serving all intermediate points, and the off-route points of Lochiel, Wadena, and Barce, Ind., between junction U.S. Highway 30 and Indiana Highway 55, and Remington, Ind., serving all intermediate points, and the off-route point of Kniman, Ind.

Between Wolcott, Ind., and Montmorenci, Ind., serving all intermediate points, between junction U.S. Highway 41 and Indiana Highway 8, and Crown Point, Ind., serving no intermediate points, between junction U.S. Highway 41 and Indiana Highway 2, and junction Indiana Highway 2 and Indiana Highway 53 (U.S. Highway 231), serving no intermediate points, between junction U.S. Highway 41 and Indiana Highway 10, and junction Indiana Highway 10 and Indiana Highway 53 (U.S. Highway 231), serving all intermediate points; between junction Indiana Highway 10 and Indiana Highway 53 (U.S. Highway 231), and Lafayette, Ind., serving all intermediate points and the off-route points of San Pierre, Tefft, Wheatfield, and Kersey, Ind., between Enos., Ind., and junction Indiana Highway 14 and Indiana Highway 43 (U.S. Highway 421), serving all intermediate points, and the off-route of Newland, Ind., between Wheatfield, Ind., and Lewiston, Ind., serving all intermediate points; between Morocco, Ind., and junction Indiana Highway 43 (U.S. Highway 421) and Indiana Highway 114, serving all intermediate points between junction U.S. Highway 41 and Indiana Highway 16, and Monon, Ind., serving all intermediate points ,between Kentland, Ind., and Lafayette, Ind., serving all intermediate points, and the off-route point of Yeoman, Ind., between Fowler, Ind., and junction Indiana Highways 18 and 39, serving all intermediate points; between junction Indiana Highway 43 (U.S. Highway 421) and Indiana Highway 225, and junction Indiana Highways 25 and 225, serving all intermediate points; between Hammond, Ind., and junction U.S. Highway 41 and 6 and Indiana Highway 152, serving no intermediate points. Alternate route for operating convenience only: *General commodities*, except those of unusual value classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Indianapolis, Ind., and Louisville, Ky., in connection with carrier's authorized regular route operations between Indianapolis, Ind and Louisville, Ky.

General commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plant site of the Gibson County Generating Plant in Gibson County, Ind., as an off-route in connection with carrier's authorized regular route operations. Alternate route for operating convenience only; *General commodities*, except those of unusual value classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Louisville, Ky., and Cincinnati, Ohio, in connection with carrier's authorized regular route operations, serving no intermediate points. *Household goods*, as defined by the Commission, as a *common carrier* over irregular routes between points in Newton, Jasper, Pulaski, Starke, White, Benton, Tippecanoe, and Carroll Counties, Ind., those in that part of Porter County, Ind., on and west of Indiana Highway 53 (U.S. Highway 231), and those in that part of Lake County, Ind.

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on south and west of a line beginning at the Illinois-Indiana State line and extending eastward along U.S. Highway 30 to junction Indiana Highway 53 (U.S. Highway 231), and thence southwardly along Indiana Highway 53 (U.S. Highway 231) to the Lake County Jasper County line, on the one hand, and, on the other, points in Illinois. *General commodities*, except those of unusual value, and except dangerous explosives, commodities in bulk, and commodities requiring special equipment, between Vincennes, Ind., and St. Louis, Mo.; *General commodities*, except those of unusual value, dangerous explosives, commodities in bulk and those requiring special equipment, service is authorized to and from points in the St. Louis-East St. Louis Commercial Zone as defined in St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, 1 M.C.C. 656, as intermediate and off-route points in connection with carrier's presently authorized regular-route operations between Vincennes, Ind., and St. Louis, Mo.

General commodities, except those of unusual value, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment, service is authorized to and from points within five miles of Vincennes, Ind., as an intermediate or off-route point in connection with carrier's presently authorized regular route operations; *General commodities*, except those of unusual value, Classes A and B explosives, commodities in bulk and commodities requiring special equipment, serving the plant site of the Hussmann Refrigerator Company, located at Taussig Road and St. Charles Rock Road, Bridgeton, Mo., as an off-route point in connection with carrier's presently authorized regular-route operations. *General commodities*, except those of unusual value, and except dangerous explosives, commodities in bulk, and commodities requiring special equipment, serving the plant site of the Hussmann Refrigerator Company, located at Taussig Road and St. Charles Rock Road, Bridgeton, Mo., as an off-route point in connection with carrier's presently authorized regular-route operations. *General commodities*, except those of unusual value, dangerous explosives, commodities in bulk and those requiring special equipment. Service is authorized to and from points in the St. Louis-East St. Louis Commercial Zone as defined in St. Louis, Mo.-East St. Louis, Ill., *Commercial Zone*, 1 M.C.C. 656, as intermediate and off-route points in connection with said carrier's presently authorized regular-route operations between Vincennes, Ind., and St. Louis, Mo. *General commodities*, except those of unusual value, dangerous explosives, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment. Service is authorized to and from points within five miles of Vincennes, Ind., as an intermediate or off-route point in connection with said carrier's presently authorized regular-route operations. *General commodities*, except those of unusual value, Classes A and B explosives, commodities in bulk and commodities requiring special equipment, serving the plant site of the Hussmann Refrigerator Company, located at Taussig Road and St. Charles Rock Road, Bridgeton, Mo., as an off-route point in connection with carrier's presently authorized regular-route operations.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-22355 Filed 7-30-76;8:45 am]

[Notice No. 300]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission within 30-days after the date of this publication. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-76559, filed May 3, 1976. Transferee: HAROLD EDWARD MERVIN MEDLAND, doing business as, ERIE COACH LINES, London, N5W IJ5 Ontario, Canada. Transferor: All Star Tours Limited, 415 Hespeler Road, Cambridge, Ontario, Canada. Applicant's Representative: S. Harrison Kahn, Esquire, 733 Investment Building, Washington, DC 20005. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate No. MC-127027 Sub 1, issued August 21, 1970, as follows: Passengers and their baggage, in round-trip charter operations, beginning and ending at ports of entry on the United States-Canada Boundary line, and extending to all points in the United States (except Alaska and Hawaii). Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76560, filed May 3, 1976. Transferee: THE LAIGHTS LTD., Box 216, Hanover, Ontario, Canada. Transferor: LISHMAN COACH LINES LIMITED, 41 Fairway Road South, Kitchener, Ontario, Canada. Applicants' Representative: S. Harrison Kahn, Esquire, 733 Investment Building, Washington, D.C. 20005. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate No. MC-124990 issued February 12, 1965, as follows: Passengers and their baggage in the same vehicle with passengers, in round-trip charter operations, beginning and ending at ports of entry on the United States-Canada Boundary line located in Michigan and New York, and extending to all points in the United States, except those in Alaska and Hawaii. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76587, filed July 2, 1976. Transferee: SAFEGUARD TRANSPORT, INCORPORATED, P.O. Box 312, Fishersville, Virginia 22939. Transferor: LAMBERT & BANKS, INC., P.O. Box 277, Stuarts Draft, Virginia 24477. Applicants' Representative: Richard A. Scholes, Franklin and Franklin, P.O. Drawer 1140, Waynesboro, Virginia 22980. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Permit No. MC-139278, issued February 4, 1976, as follows: hides and scrap metal, from Harrisonburg, Stuarts Draft, and Warsaw, Va., to points as specified in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Vermont and West Virginia; animal and poultry feed, barn snow and oyster shells, from Baltimore, Md., to points in Virginia; wheat, bran and midds products, from Washington, D.C., to points in Virginia; milk replacer, from Lima, Ohio, to points in Virginia; vitamins and minerals used in animal and poultry feed, from Chicago, Ill., to points in Virginia; salt and salt products, from Rittman, Ohio, and Watkins Glen, N.Y., to Fairfield, Staunton, Waynesboro and Weyers Cave, Va., and from the facilities of Watkins Salt Company, at Watkins Glen, N.Y., White Marsh, Md., Akron, Ohio, and Wilmington, N.C., to points in Virginia and West Virginia; and lumber between points in Virginia, Maryland, North Carolina, Pennsylvania and West Virginia. Transferee presently holds no authority from this Commission. Application for temporary authority under Section 210a(b) was approved on June 7, 1976.

No. MC-FC-76595, filed May 21, 1976. Transferee: SHARON LEE MOTOR LINES, INC., P.O. Box 4085, Amarillo, TX 79105. Transferor: J. H. WARE TRUCKING, INC., P.O. Box 398, Fulton, MO 65251. Applicants' Representative: Larry D. Knox, Esquire, 900 Hubbell Building, Des Moines, IA 50309. Authority sought for purchase by transferee of a portion of the operating rights of transferor as set forth in Certificate No. MC-138375, issued May 31, 1974, and all of the operating rights of transferor as set forth in Permits Nos. MC-138375 Sub-5 and MC-138375 Sub-11, issued March 12, 1975, and February 25, 1975, respectively, as follows: Magazines, periodicals, printed matter and advertising and display materials, from the plantsite and warehouse facilities utilized by Triangle Publications, Inc., at or near Philadelphia, Pa., to Memphis, Tenn., and points in Missouri, Kansas, Arkansas, Louisiana, Texas, Oklahoma, New Mexico, Arizona, Colorado, Utah, California, Washington, Oregon, Idaho, Nevada, Wyoming, and Montana; and meats, meat products, and meat byproducts, from St. Joseph, Mo., to points in Pennsylvania, New York, Ohio, and Maryland. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76603, filed May 24, 1976. Transferee: HAUSMAN TRUCKING, INC., 912 Cutler Street, Waterloo, IA 50703. Transferor: LAWRENCE HAUSMAN, doing business as HAUSMAN TRUCKING, 912 Cutler Street, Waterloo, IA 50703. Applicants' Representative: Larry D. Know, Esquire, 900 Hubbell Building, Des Moines, IA 50309. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificates Nos. MC-55072 and MC-55072 Sub-11 issued June 24, 1966, and September 13, 1967, respectively, as follows: Washing machines, washing machine parts, creamery machinery and supplies, malt liquors, and bakery goods, from and to specified points in Wisconsin, Iowa, Illinois, and Michigan, varying with the commodity; meats, meat products, and meat byproducts and dairy products, from Waterloo, Iowa, to Peoria and Decatur, Ill.; and meats, meat products, and meat byproducts, dairy products and articles distributed by meat packinghouses, from Waterloo, Iowa, to Bloomington, Champaign, Galesburg, Springfield, and Urbana, Ill. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76610, filed July 19, 1976. Transferee: RAYMOND WALLER and R. STEPHEN WALLER, d/b/a WALLER TRANSFER, 207 Main Street, Malvern, Iowa 51551. Transferor: JOHN WALLER and RAYMOND WALLER, d/b/a WALLER TRANSFER, 207 Main Street, Malvern, Iowa 51551. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC-25932, issued February 26, 1969, as follows: *livestock*, between Malvern, Iowa, and points in Iowa and Nebraska within 25 miles of Malvern, on the one hand, and, on the other, St. Joseph and Kansas City, Mo., and Kansas City, Kans., and from Malvern, Iowa, and points in Iowa within 25 miles of Malvern, to Omaha and Nebraska City, Nebr.; *building materials*, between Malvern, Iowa, on the one hand, and, on the other, Nebraska City and Gretna, Nebr.; *household goods* and *emigrant movables*, between Malvern, Iowa, and points in Iowa within 25 miles of Malvern, on the one hand, and, on the other, points in Missouri and Nebraska within 50 miles of Malvern; and *general commodities*, with exceptions, from Omaha, Nebr., to Malvern, Iowa, and points in Iowa within 25 miles of Malvern. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76619, filed July 6, 1976. Transferee: STIMPSON & SON MOVERS, INC., 261 Main Street, Charlestown, Massachusetts 02129. Transferor: ALBERT J. STIMPSON, d/b/a B. STIMPSON & SON, 261 Main Street, Charlestown, Massachusetts 02129. Applicants' representative: Edward I. Masterman, 225 Franklin Street, Boston, Massachusetts 02110. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC-27555, issued September 20, 1955, as follows: household goods as defined by the Commission, between Boston, Mass., and points in Massachusetts within ten miles of Boston, on the one hand, and, on the other, points in Maine, Rhode Island, Connecticut, New York, and New Jersey. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76632 (Correction), filed July 7, 1976. Transferee: ALBERT L. RING, ANDREW C. RING, BERNARD J. RING, AND RONALD J. RING, a Partnership, doing business as FRANK RICHARD RING, P.O. Box 96, Neola, Iowa 51559. Transferor: LEONARD L. MADSEN, doing business as KROEGER TRANSFER, Box 104, Minden, Iowa 51553. Applicants' attorney: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, Nebraska 68106. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC-42194, issued February 13, 1967, as corrected, as follows: General commodities, with specified exceptions, between Minden, Iowa, and Omaha, Nebr., serving the intermediate points of Neola, Underwood, and Weston, Iowa, over specified highways. Transferee is presently authorized to operate as a common carrier under Certificate No. MC-62601 and as a contract carrier under Permit No. MC-135133 (Sub-No. 1). Application has not been filed for temporary authority under Section 210a(b). The purpose of this republication is to show that transferee presently holds both common and contract authority from this Commission. The date for filing protests will remain August 14, 1976.

No. MC-FC-76655 filed July 13, 1976. Transferee: ALDRICH TRUCKING, INC., 3420 N. E. 9th Avenue, Ocala, Florida 32670. Transferor: JAMES W. ALDRICH, 3420 N.E. 9th Avenue, Ocala, Florida 32670. Applicants' representatives: John R. Paquin, Aldrich Trucking, Inc., P.O. Box 32, Ocala, Florida 32670. Norman J. Bolinger—Attorney, 1729 Gulf Life Tower, Jacksonville, Florida 32207. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Permit No. MC-133962 (Sub-No. 3), issued September 15, 1972, as follows: Charcoal, charcoal briquets, vermiculite, and hickory chips, in bags, and charcoal lighter fluid, charcoal grilles and accessories, from the plant sites of Husky Industries, Inc., at Jacksonville, Ocala, and Romeo (Marion County), Fla., to points in Alabama, Arkansas, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia, and West Virginia. Restriction: The operations authorized are limited to a transportation service to be performed, under a continuing contract, or contracts, with Husky Industries, Inc., of Cody, Wyo. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76656 filed July 9, 1976. Transferee: KRIMBEL TRUCKING CO., INC., 3554 McReynolds Avenue, Modesto, California 95355. Transferor: PHIL LEROY KRIMBEL, doing business as KRIMBEL TRUCKING COMPANY, 607 Hill Road, Aberdeen, Washington 98550. Applicant's representative: Russell L. McFarland, P.O. Box 777, Lockeford, California 95237. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Permit No. MC-139313 (Sub-No. 1), issued March 5, 1976, as follows: Beer and wine, from Lodi, Los Angeles, Madera, Reedley, Modesto, San Francisco, and Saratoga, Calif., to Aberdeen, Olympia, and Everett, Wash. Restriction: The authority is limited to a transportation service to be performed, under a continuing contract, or contracts, with the following shippers: Crown Distributors, Inc., of Aberdeen, Wash.; Friendly Distributors, Inc., of Everett, Wash., and Cammarano Bros., Inc., of Olympia, Wash. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-76664, filed June 30, 1976. Transferee: C. M. BURNS, doing business as, WESTERN TRUCKING, 521 Lincoln, Baker, Montana 59313. Transferor: CHARLES E. WOLFE, doing business as EVERGREEN EXPRESS, 505 East Main, Laurel, Montana 59044. Applicant's attorney: John R. Davidson, Suite 805, Midland Bank Building, Billings, Montana

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59101. Authority sought for purchase by transferee of a portion of the operating rights of transferor, as set forth in Certificates Nos. MC-129350 (Sub-No. 1), MC-129350 (Sub-No. 4), MC-129350 (Sub-No. 5), MC-129350 (Sub-No. 6), MC-129350 (Sub-No. 11), MC-129350 (Sub-No. 17), MC-129350 (Sub-No. 19), MC-129350 (Sub-No. 23), MC-129350 (Sub-No. 26), MC-129350 (Sub-No. 28), MC-129350 (Sub-No. 36), MC-129350 (Sub-No. 38), MC-129350 (Sub-No. 48), MC-129350 (Sub-No. 49), and MC-129350 (Sub-No. 50), issued June 4, 1969, November 24, 1969, September 8, 1970, as corrected, January 12, 1971, December 17, 1971, January 10, 1973, September 10, 1973, November 7, 1973, April 3, 1974, August 30, 1974, June 17, 1975, January 28, 1975, December 30, 1975, December 5, 1975, and June 20, 1975, respectively, as follows: specified commodities, from to, or between specified points in Wyoming, Montana, Ohio, Washington, Illinois, Indiana, Iowa, Idaho, Kansas, Minnesota, Nebraska, North Dakota, South Dakota, Utah, Wisconsin, Colorado, Michigan, Missouri, Arizona, Texas, Arkansas, Oklahoma, Tennessee, New Mexico, and Nevada. Transferee presently holds no authority from this Commission. Application has been filed to temporary authority under Section 210a(b).

No. MC-FC-76665, filed July 19, 1976. Transferee: CHALMERS MOTOR FREIGHT, INC., 275 Langhorne Yardley Road, Langhorne, Pennsylvania 19047. Transferor: ALEX CHALMERS, 1330 Bridgewater Road, Cornwells Heights, Pennsylvania 19020. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC-5603 issued May 21, 1975, as follows: specified commodities, from, to, or between points in New Jersey, Delaware, Pennsylvania, New York, and Maryland. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Setcion 210a (b).

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-22354 Filed 7-30-76;8:45 am]

federal register

MONDAY, AUGUST 2, 1976

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

PART II:

NATIONAL DEFENSE

Department of the Army

REAL PROPERTY

Facilities Engineering, Natural Resources—Land, Forest and Wildlife Management (AR420-74)

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DEPARTMENT OF DEFENSE

Department of the Army

[32 CFR Part 642]

REAL PROPERTY

Facilities Engineering, Natural Resources—Land, Forest and Wildlife Management (AR 420–74)

Notice is hereby given that the Secretary of the Army, acting through the Chief of Engineers, is proposing a regulation to prescribe the policies, responsibilities, and procedures for the management of land, forest and wildlife on all Army installations. The regulation implements Department of Defense Directive 5500.5 and the policies and procedures of 32 CFR 650, "Environmental Protection and Enhancement." The proposed regulation is being published pursuant to the following authorities: Executive Order 11514, Protection and Enhancement of Environmental Quality; Title 10 U.S.C. 2671, Miliary Reservations and Facilities, Hunting, Fishing and Trapping; Pub. L. 86–797, Wildlife Conservation on Military Reservations; Pub. L. 90–465, Conservation Programs on Military Reservations; Pub. L. 93–452, Conservation and Rehabilitation Programs on Military and Public Lands; Pub. L. 93–629, Federal Noxious Weed Act of 1974; and Pub. L. 93–205, Endangered Species Act of 1973. This regulation applies to: Installations and activities in active use by the Regular Army, those held in inactive or standby condition for future active use by the Regular Army, and those in an excess category; Federally operated installations and activities, or portions thereof, which are in full-time or intermittent use by the National Guard, or which are being held by the Department of the Army for use by the National Guard; Installations and activities, or portions thereof, which are in full-time or intermittent use by the Army Reserve or ROTC. This regulation does not apply to: Installations and activities, or portions thereof, which have been licensed or transferred to the States, to the Commonwealth of Puerto Rico or to the Territory of the Virgin Islands for use by the National Guard; Civil Works functions of the Corps of Engineers; Facilities occupied by Army activities as tenants when responsibility for support is vested in another Government agency.

The proponent agency of this regulation is the Office of the Chief of Engineers. Prior to the adoption of this proposed regulation, consideration will be given to any comments, suggestions, or objections thereto which are submitted in writing to the Chief of Engineers, Forrestal Building, Washington, DC 20314, ATTN: DAEN–FEB–N on or before September 15, 1976.

DEAN R. PAQUETTE,
Colonel, Corps of Engineers, Acting Director of Facilities Engineering.

Dated: July 26, 1976.

This regulation provides general Department of the Army policy and guidance in the management of natural resources (land, forest, and wildlife). Local limited supplementation of this regulation is permitted but not required. If supplements are issued, Army staff agencies and major Army commands will furnish one copy of each to HQDA (DAEN–FEB) WASH. DC 20314; other commands will furnish one copy of each to the next higher headquarters.

This regulation superseded AR 420–74, 27 June 1966, and AR 420–77, 31 July 1970, including all changes.

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Appendix A Privacy Act of 1974.
Appendix B Installation Natural Resources Report.
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AUTHORITY: 10 U.S.C. 3012.

Subpart A—General

§ 642.1 Purpose.

This regulation sets forth policy, procedure and responsibilities for the maintenance, repair and improvement of land and the natural surface resources thereon in support of the military mission and in consonance with national policies. It implements DOD Directive 5500.5 and DOD Instructions 4170.6, 4170.7, 4170.8, 5000.13, and 7310.1. Supporting guidance and details are delineated in Department of Army Pamphlet 420–7. The scope includes, to the extent that it is compatible with the mission, the conservation, management and utilization of the soils, water areas, croplands, grasslands, rangelands, forests, and fish and wildlife species.

§ 642.2 Applicability.

(a) This regulation applies to all commanders of major Army commands (MACOMs), field operating agencies, installations and activities under control of the Department of the Army by ownership, lease, or similar instrument, under the following conditions of use:

(1) Installations and activities in active use by the Regular Army, those held in an inactive or standby condition for future active use by the Regular Army, and those in an excess category (see AR 405–90, for further guidance with respect to excess properties).

(2) Federally operated installations and activities, or portions thereof, which are in full-time or intermittent use by the National Guard, or which are being held by the Department of the Army for use by the National Guard.

(3) Installations and activities, or portions thereof, which are in full-time or intermittent use by the Army Reserve or ROTC.

(b) This regulation does not apply to:

(1) Installations and activities, or portions thereof, which have been licensed or transferred to the States, to the Commonwealth of Puerto Rico or to the Territory of the Virgin Islands for use by the National Guard.

(2) Civil Works functions of the Corps of Engineers.

(3) Facilities occupied by Army activities as tenants when responsibility for support is vested in another Government agency, such as the General Services Administration (GSA).

(c) Nothing contained in this regulation or in Cooperative Plan Agreements negotiated with State and Federal authorities shall modify any rights granted by treaty or otherwise to an Indian tribe or to members thereof.

§ 642.3 Objectives.

Objectives are to:

(a) Develop, initiate, and maintain progressive programs for land management and utilization.

(b) Maintain, protect and improve the environmental qualities, esthetic values and ecological relationships by:

(1) Protection of real estate investment from depreciation.

(2) Compliance with environmental protection and enhancement policies and procedures as outlined in AR 200–1.

(3) Protection and improvement of the natural beauty of the landscape.

(4) Improvement of the appearance of installations and facilities by appropriate landscape development.

(5) Prevention of damage and destruction of valuable natural resources from fire, insects and disease.

(6) Recognition of critical circumstances in plant and animal life cycles and their requirements for sustenance, especially endangered and/or threatened species.

(7) Responding to the increasing need for food, fiber and timber products and outdoor recreational opportunities by managing lands capable of producing these resources.

(8) Conducting training and field exercises in a manner which will least endanger the environment while still accomplishing training objectives.

§ 642.4 Responsibilities.

Responsibilities for the Natural Resources Management Program are assigned as follows:

(a) The Chief of Engineers:

(1) Provide staff supervision of the Department of the Army Natural Resources Program. Formulate HQDA policies, objectives, criteria, and standards for this program Army-wide.

(2) Conduct staff visits as prescribed in AR 420–10.

(3) Provide technical assistance to those commands not staffed with professional natural resources personnel.

(b) MACOM and field operating agency commanders:

(1) Provide command and technical supervision of the Natural Resources Management Program at installations under their command jurisdiction.

(2) Conduct staff visits as prescribed in AR 420–10.

(3) As determined by program requirements, staff with professional natural resources personnel who will:

(i) Review technical adequacy of installation natural resources plans, programs, projects, reports, environmental impact statements and the equitable allocation of manpower, materials, equipment and funding requirements.

(ii) Maintain surveillance over land utilization and management.

(iii) Appraise and initiate training programs essential to maintain technical capability of personnel engaged in natural resources management activities.

(iv) Approve proposals for use of nonstandard chemicals in vegetative management.

(v) Recommend for certification, installation personnel who have been found competent by examination and on-the-job training to use herbicides, fungicides, growth regulators and other chemicals used in vegetative management.

(vi) Provide technical assistance to installations.

(vii) Maintain professional proficiency by attendance and participation at professional meetings and keep abreast of new developments.

(viii) Coordinate with other agencies engaged in natural resources management.

(4) Approve timber available for harvest when not within the installation commander's authority.

(c) Installation Commanders:

(1) Provide for the funding, staffing, and resources required to effectively manage the natural resources on his installation.

(2) Plan land utilization to avoid or minimize adverse effects on environmental quality.

(3) Where applicable, enter into a Cooperative Plan Agreement with State and Federal conservation agencies for the conservation and development of fish and wildlife resources.

(4) Appoint and assure the functioning of a Natural Resources Advisory Committee where applicable.

(d) Facilities Engineer:

(1) Manage all phases of the Natural Resources Program on the installation.

(2) Provide for training of personnel.

(3) Coordinate with local, State and Federal governmental and civilian conservation agencies relative to the installation natural resources program.

Subpart B—Explanation of Terms

§ 642.11 General.

For the purpose of this regulation, the following explanation of terms will apply.

§ 642.12 Natural resources.

The viable products of nature and their environments of soil, air and water. Included are the plants and animals occurring on grasslands, rangelands, croplands, forests, lakes, and streams.

§ 642.13 Multiple use.

The integrated management of all natural resources, each with the other, to achieve the optimum use and enjoyment while maintaining the environmental qualities, ecological relationships and esthetic values in proper perspective.

§ 642.14 Land management.

The planning and execution of programs to improve, utilize and maintain all land and water areas for the greatest net public benefit while supporting the military mission. Included are subordinate land uses that are mutually compatible and consistent with maintaining environmental qualities.

§ 642.15 Forest management.

The science, the art and the practice of managing and using for human benefit the natural resources that occur on or in association with forest lands.

§ 642.16 Timber management.

The conduct of work necessary to produce and identify salable wood products on those forest areas that can be managed for profitable growing of sawtimber, pulpwood poles, ties, posts, piling and

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other timber products on a sustained yield basis.

§ 642.17 Wildlife management.

The practical application of scientific and technical principles to wildlife populations and habitats so as to maintain such populations essentially for ecological, recreational, and/or scientific purposes.

§ 642.18 Grounds.

All land and water acreage for which an installation commander has responsibility (including satellite areas). Grounds are grouped into the following three categories:

(a) Improved grounds. This category includes acreage on which intensive maintenance activities must be planned and performed annually as fixed requirements. Activities include mowing, irrigation, fertilization, cultivation, aerification, seeding, sodding, spraying, pruning, trimming, weed, dust and erosion control, drainage, planting for landscape effect, wind and sound abatement and other intensive practices.

(b) Semi-improved grounds. This category includes areas on which periodic recurring maintenance is performed but to a lesser degree than on improved grounds. Practices normally include such cyclic variables as soil sterilization, weed and brush control, drainage maintenance, and mowing for fire protection. Semi-improved grounds acreage may be combined with improved grounds acreage for reporting purposes when only two categories of grounds (improved and other than improved) are used.

(c) Unimproved grounds. All other acreage (including forest land, areas under buildings and surfaced areas), not classified as improved or semi-improved. Practices and intervals of attention are generally unpredictable such as might evolve from mission activities; soil, water and wildlife conservation, flood, fire, insects or disease epidemics.

§ 642.19 Commercial forest land.

Land which is capable of economically producing crops of industrial wood in excess of 20 cubic feet per acre per year under management and is not programmed for another use that would preclude future forest development. Acreage classification will also depend upon products produced and available markets. Normally, land areas of less than 100 acres total forest land for an installation will not be classified as commercial forest land.

§ 642.20 Environmental quality.

The development and maintenance of harmonious interaction between man and that part of the world in which living organisms can sustain their kind.

(a) Environmental Impact Assessment (EIA). An analysis of a proposed Federal action which serves as the basis for determining whether there will be a significant impact on the environment. Maintained in the installation files if determined that no significant impact will occur.

(b) Environmental Impact Statement (EIS). A formal document that describes the environmental considerations and possible alternatives of a major Federal action. A final EIS must be submitted by the decisionmaker through command channels to HQDA (DAEN–ZCE) WASH DC 20301 for review and filing with CEQ prior to the initiation of any action (Chapter 2, AR 200–1).

§ 642.21 Sustained yield.

The yield of renewable resources a land area can produce continuously at a given intensity of management.

§ 642.22 Economically productive forest.

Each effort must make a contribution to the timber management operations that will produce an eventual return commensurate with the effort.

§642.23 Endangered and threatened species.

(a) Endangered species. Those plants and animals which are in danger of extinction throughout a significant portion of their ranges as determined by the U.S. Department of the Interior and the Smithsonian Institution.

(b) Threatened species. Those plants and animals which are likely to become endangered within the foreseeable future throughout a significant portion of their ranges as determined by the U.S. Department of the Interior and the Smithsonian Institution.

§ 642.24 Land use capability.

The classification of land into use categories according to its ability to produce.

§ 642.25 Coastal Zone.

The coastal waters (including the lands therein and thereunder) strongly influenced by each other and in proximity to the shorelines of the several coastal states. Includes transitional and intertidal areas, salt marshes, wetlands, and beaches (PL 92–583).

§ 642.26 Coastal State.

A state of the United States in, or bordering on, the Atlantic, Pacific, or Arctic Ocean, the Gulf of Mexico, Long Island Sound, or one or more of the Great Lakes. The term also includes Puerto Rico, the Virgin Islands, Guam, and American Samoa (PL 92–583).

§ 642.27 Greenhouse.

A building designed for producing or protecting plants and normally provided with a heating unit.

§ 642.28 Lathhouse.

A structure which is constructed for the most part of spaced wood or metal lath, tropical leaves or fibers, or similar materials, and is designed for producing or protecting plants.

§ 642.29 Nursery.

An outdoor area where trees, shrubs, turf grass, or flowers are produced or held for transplanting.

§ 642.30 Controlled burning.

The planned application of fire with intent to confine it to a predetermined area.

§ 642.31 Prescribed burning.

Skillful application of fire to natural fuels under conditions of weather, fuel moisture, soil moisture, etc., that will allow confinement of the fire to a predetermined area and at the same time will produce the intensity of heat and rate of spread required to accomplish certain planned benefits to one or more objectives of silviculture, wildlife management, grazing, hazard reduction, etc. Its objective is to employ fire scientifically to realize maximum net benefits at minimum damage and acceptable cost.

§ 642.32 Cooperative plan agreement.

A plan for the management of fish and wildlife resources on an installation which has been mutually agreed upon by the Installation Commander, Regional Director, U.S. Fish and Wildlife Service, and the State Fish and Wildlife Agency (16 U.S.C. 670).

§ 642.33 Special State permit.

Prepared and issued by the installation in accordance with 16 U.S.C. 670 and the cooperative plan agreement to individuals participating in hunting, fishing, or trapping activities. Valid only on the installation where issued.

Subpart C—Land Management

§ 642.41 General.

Land management operations will be in harmony with modern conservation and land use practices which are continuously applied in an orderly and timely manner. Implementation of national land use and conservation policies is required on all Federal lands to the extent practicable and without affecting the assigned mission. Commanders will actively cooperate with local, State and Federal organizations in the application of national land use and conservation policies. All land management operations (grounds, forest, wildlife) will be conducted as a facilities engineering activity in accordance with accepted scientific and professional practices.

§ 642.42 Staffing.

(a) Since the natural resources disciplines encompassed within this regulation are sciences, commanders will establish the optimum staffing of professionally trained personnel (e.g., agronomist, forester, wildlife manager, landscape architect, soil conservationist, agricultural engineer, horticulturist) to insure necessary technical guidance in the planning and execution of the Natural Resources Program. Commanders will also seek supplementary aid from appropriate natural resource agencies (Federal, State and local) for technical assistance.

(b) Each major command and installation having jurisdiction over substantial acreage will provide technically qualified and experienced natural resources management personnel to act as a focus for all natural resources management activities. Major commands with both land and forest management programs should staff with a minimum of one agronomist and one forester. Number and discipline of installation personnel will be dependent upon scope of programs. Installations having 1000 acres or more of improved grounds and 5000 acres or more of remaining acreage will be responsive to the above criteria. Smaller installations may be responsive based on intensity of requirements. Qualifying experience will include broad academic training in plant sciences, soil, water and vegetative management and work experience commensurate with the circumstances. Personnel will keep abreast of current developments through coordination with local agencies involved in natural resources management and attendance at professional meetings.

§ 642.43 Training.

(a) The facilities engineer will provide for periodic and comprehensive technical instruction and training of personnel.

(b) Personnel engaged in poisonous plant and weed control operations (including control of objectionable trees, brush, and aquatic plants) require special training in handling toxic herbicides and associated equipment. Training programs will comply with DOD requirements and include oral and written instruction, demonstrations and examinations. Emphasis will be placed on identification of weeds; characteristics of plant growth; storage, selection, mixing, transporting, and application of herbicides; calibration, operation and maintenance of equipment; safety; record keeping and associated information. This training, periodic examination, and certification are required to safeguard personnel against accidents and protect property, animals, and beneficial vegetation. A Certificate of Training (DA Form 87 or equivalent, Appendix C–1) will be issued by the MACOM to each trainee successfully completing a herbicide training course. Certificates of training will be valid for 3 years only and will be surrendered at termination of employment.

(c) Maximum utilization will be made of locally available training (e.g., extension service, university, professional and trade organizations, government, commercial) and that offered by the armed services.

§ 642.44 Contracting.

Frequently work by installation forces must be supplemented by contracts. Typical work which can be performed by contract when qualified contractors are available includes grass mowing, application of herbicides, lime and fertilizer, seeding and sodding, landscaping, and reforestation. Determinations made on methods of performance (in-house versus contract) must adhere to the requirements of AR 235–5. Contracts will be utilized when economically beneficial to the government or beyond the capability of in-house forces.

§ 642.45 Mission requirements for the land.

The installation commander will plan land utilization with an understanding of the potential environmental environmental effects of proposed actions. Whenever possible, mission requirements for the land will avoid or minimize adverse effects and restore or enhance environmental quality.

§ 642.46 Memorandums of understanding.

Memorandums of understanding have been established between the Department of Defense and the Departments of Agriculture (27 March 1963) and Interior (11 July 1960). The memorandums authorize execution of cooperative agreements in attainment of mutual conservation objectives. The installation commander may develop cooperative agreements with:

(a) Department of Agriculture functioning through the Agriculture Research Service, the Soil Conservation Service, and the Forest Service for the development, protection and conservation of forest and other vegetative cover resources, for soil and water conservation, and for research relating thereto.

(b) The Department of the Interior functioning through the U.S. Fish and Wildlife Service for the conservation of fish and wildlife resources.

(c) When required, assistance may be obtained from other government agencies not specifically included in the above memorandums of understanding (e.g., Agricultural Extension Service, Bureau of Outdoor Recreation, Bureau of Land Management, National Park Service).

§ 642.47 Installation Natural Resources Advisory Committee.

Installation commanders having active programs or the potential for programs within the concept of this regulation will appoint a Natural Resources Advisory Committee.

(a) The Committee functions are for the purpose of:

(1) Assuring continuous planning and balanced application of the natural resources program.

(2) Planning, promoting, and fostering natural beauty and environmental protection and enhancement programs both on base and in cooperation with local communities.

(b) The Committee will include, but not be limited to the commander, the facilities engineer, the natural resource management personnel (agronomist, wildlife manager, forester, landscape architect, soil conservationist), environmental coordinator, entomologist, provost marshal/security officer, operations, safety, legal, medical, recreation services; and veterinarian personnel; and a representative of the installation rod and gun club. When feasible, representatives of Federal and State natural resources agencies, and local civilian conservation groups, will be invited to attend committee meetings as guests.

§ 642.48 Access to military lands and waters.

(a) By the public.

(1) Installation commanders will provide for controlled public access at Department of the Army installations and facilities containing land and water areas suitable for the recreational use and enjoyment of the public. Such access will be within manageable quotas, subject to safety requirements and military security, and at such times as such access can be granted without bona fide impairment of the military mission, as determined by the installation commander. Opportunities for recreational use by the public of military lands and waters must be equitably distributed by impartial selection devices, such as a system based on drawings or lots, or a system based on the principle of first come, first served.

(2) When all public access must be withheld, the reasons must be substantiated by a statement incorporated in the Cooperative Plan Agreement required between the installation commander, the State fish and wildlife authorities, and the U.S. Fish and Wildlife Service.

(b) By Federal and State conservation officials.

(1) Installation commanders will provide installation access, subject to safety requirements and military security, for:

(i) Designated State fish and wildlife or conservation officials at such times and under such conditions as mutually agreed between the installation commander and the governor of the state in which the installation is located.

(ii) Accredited conservation representatives of Federal agencies furnishing professional advice and technical assistance under this regulation, in accordance with appropriate arrrangements.

(2) Federal and State conservation officials provided installation access will be issued an Identification Card and Pass Permit (DD Form 1221) by the installation commander for use under terms specified in the Cooperative Plan Agreement. Preparation of photographs, lamination, accountability, loss, surrender, and disposition will be in accordance with the general procedure in AR 606–5. Provisions of the Privacy Act of 1974 (5 U.S.C. 552a) will be complied with (see Appendix A).

§ 642.49 Military use.

In applying the multiple use concept, special attention will be given to environmental factors, recreation, land use capability, and the incorporation of conservation measures in the development, design, construction, and maintenance of installations. Consideration will be given to all demands for use of the land and water resources with optimum use being made when consistent with the military mission and sound conservation and environmental concerns. Areas required to support the military mission can often concurrently be used for forest, fish and wildlife, agricultural outleases and recreational programs. Areas will not be set aside for an exclusive use (e.g., wildlife

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preserve, forest preserve, natural areas) unless concurred in by the MACOM and affected Federal and State agencies.

§ 642.50 Inventory and classification.

The initial step to be taken in the development of a multiple use natural resources management program requires an inventory and classification of the resources present and their status. The inventory shall identify and evaluate the condition and potential of wetlands, marine and estuarine areas, fresh water, forest land, grasslands, scenic and natural areas, aesthetics and any other significant environmental element. When in-house capability is not adequate to accomplish this task, maximum use should be made of assistance from the MACOM and cooperating local agencies.

§ 642.51 Land use limitations.

Determination of the most environmentally acceptable land use is dependent upon such factors as soil, water, vegetation, climate, and topography. Each of these factors, alone or in combination, can limit the use of an area and must be considered during the assessment of operations, maintenance, development, and construction activities. Interpretation of soil capability and climatic data by experienced, professional personnel will provide information for determining land use limitations and capability for timber production, wildlife habitat, recreation, agricultural outleasing, military operations, and construction. Commanders may request the assistance of the local soil conservation district regarding soil information and surveys. Land uses which have a detrimental effect on natural resources, or the potential for such an effect, will be avoided. When operations require a land use which is not compatible with the environment, measures will be taken to protect adjacent land and water resources.

§ 642.52 Land productivity.

On lands controlled by or owned by the United States or any of its agencies, it is the declared national policy to:

(a) Reduce exploitation, wasteful and unscientific use of the natural resources.

(b) Preserve and improve soil productivity.

(c) Where feasible, to contribute to the social needs and a continuous and stable supply of food, fiber and timber products through economic use and conservation of the land.

§ 642.53 Agricultural leases.

(a) Military land will be constantly examined, to determine what areas, if any, can be made available for outleases. In accordance with the concept of multiple land use, areas which are required to support the military mission may also be outleased for agricultural purposes. The installation commander will:

(1) Prepare reports of availability of land for outleasing in accordance with procedures given in AR 405–80.

(2) Include with the report of availability appropriate portions from the natural resources management plan which pertain to the management of the area made available. Also include any other technical provisions outlining conservation measures and practices to be performed by the lessee on the area to be leased which will assure the maintenance and/or improvement of soil productivity and the associated environment.

(3) Insure that outleased areas are available to the maximum extent practicable for concurrent compatible uses.

(4) Inspect outleased lands to insure compliance with maintenance and conservation requirements and report noncompliance to the District Engineer for enforcement.

(5) Insure that consideration is given to exclude economically productive hardwood timber stands from livestock grazing.

(6) Provide for the maintenance, protection, repair and restoration by the lessee of the area leased.

(b) The MACOM agronomist will review all technical provisions outlining land use and conservation practices to assure their compliance with good agricultural and environmental concepts.

(c) Changes and amendments to existing leases which affect the conservation and management practices, including services performed, will be a thoroughly coordinated procedure involving the installation, the MACOM agronomist, and the District Engineer.

(d) Where applicable, outlease specifications will contain provisions for lessees to assume full responsibility for the application of pesticides and animal damage control on their leases in accordance with the provisions of the National Environmental Policy Act and other applicable Federal laws and directives (see AR 420–76). Supplemental agreements to existing leases should be negotiated to amend them so as to comply with this provision.

§ 642.54 Dust and erosion control.

Installation sources of dust, runoff, silt, and erosion debris will be controlled to prevent damage to land and facilities including adjacent property. A protective cover (e.g., vegetation, gravel, mulch, pavement) will be maintained at all times unless bare ground is essential for mission requirements. When bare ground is necessary, other measures (check dams, diversions, etc.) will be used to control dust and erosion.

§ 642.55 Fire protection.

Installation land and facilities will be cleared of fire hazards and the vegetative growth controlled to the degree essential to the safety of the installation and its natural resources. Blading of firebreaks to mineral soil will be avoided if excessive erosion results from such action. Control of vegetation by mowing or use of herbicides will be used as an alternative to mineral soil firebreaks where possible. Controlled burning is an effective and efficient means to reduce or prevent the accumulation of hazardous fuels and will be used where it is recognized land management practice for natural resources management and fire protection. The decision to use prescribed or controlled burning will be based on the safety hazard involved, the hazard that will develop if burning is not accomplished, and local regulations. Installation activities making use of the land (e.g., testing, training, maneuvers) will be constantly aware of fire hazards and adjust their programs, including suspension of activities, to avoid high hazard areas and/or periods.

§ 642.56 Weed control.

(a) Objectional plant growth will be controlled by mowing, use of EPA registered and approved herbicides, cultivation, or other means. Special precautions will be taken in the application of toxic pesticides to safeguard personnel from contact and prevent indirect contact and/or windswept contamination of livestock browse areas, agricultural crops, or ornamental plants. For safety precautions see TMs 5–629 and 5–630 and AR 385–10. Herbicides will only be applied by or under the supervision of a trained and certified competent applicator.

(b) The MACOM agronomist/forester is responsible for the technical supervision and monitoring of the weed control program. Use of herbicides will be in accordance with the guidance principles given for pesticides in ARs 420–76 and 200–1.

(c) Technical provisions of all proposed contracts for herbicide applications will be reviewed and approved by the MACOM agronomist/forester. Supervision of contracts will be by certified personnel.

§ 642.57 Management records.

Installation records of land management activities will be developed and maintained on an annual (fiscal year) basis (e.g., pesticides, plantings, lime and fertilizer, timber harvest, etc.).

§ 642.58 Inspections and technical assistance.

MACOM and field operating agency commanders will make scheduled and special visits to installations to insure compliance with this program and provide technical assistance relative to natural resources (AR 420–10).

§ 642.59 Program evaluation.

Appropriate Headquarters, Department of the Army natural resource management personnel will make scheduled visits to MACOM, field operating agency commands and appropriate installations to ascertain degree of conformity with technical policies, standards, and procedures, and to provide on-site technical consultant service in resolving technical problems relative to natural resources.

Subpart D—Grounds Maintenance

§ 642.71 General.

Grounds will be maintained at the levels and intensities necessary to meet the designated use criteria, protect the natural resources, and insure a pleasing appearance in harmony with the natural landscape. Designated turf areas will be seeded, renovated fertilized, and irrigated

to the degree required to maintain a permanent vegetative cover of desirable plants. Guidance available from local agricultural agencies and universities will be used in determining the most adapted species of vegetation and the maintenance practices necessary to meet the designated use. Improved grounds will be maintained at a level comparable with similar public facilities in the area.

§ 642.72 Ground maintenance responsibilities.

(a) Government-owned facilities. Except as specified in (1) and (2) below, grounds maintenance services are facilities engineering responsibilities:

(1) Family Housing. See Chapter 3, AR 210–50 for command and occupant responsibility for Government-owned family quarters.

(2) Bachelor Housing.

(i) Separate Lawns. For Government-owned quarters having separate lawns (e.g., separate dwellings or side-by-side duplexes), occupants will mow lawns with power or hand-pushed mowers, irrigate lawns and shrubs, cultivate shrubs, edge adjacent to paved surfaces and flower or shrub beds, and remove leaves, paper, bottles, stones and other litter. Boundaries should be established which clearly delineate the extent of grounds assigned to each occupant for use and maintenance. Boundaries shall correspond to the limits of the logical yard of each dwelling but will normally be not more than 50 feet from the dwelling. Grounds maintenance outside these boundaries may be performed by the installation. (For "Self-Help Program" criteria, see AR 420–22.)

(ii) Communal lawns. For other Government-owned housing having lawns common to more than one occupant (e.g., barracks, BOQ's and apartments), occupants will perform grounds maintenance services as in (i) above; if impracticable, these services will be performed as a facilities engineering activity.

(b) Leased Facilities. Except as specified in (1) and (2) below, grounds maintenance services are lessor responsibilities.

(1) Family housing leases. See Chapter 15, AR 210–50 for command and occupant responsibility for leased quarters.

(2) Other leases.

(i) In the United States.

(A) Separate lawns. For Government-leased housing and quarters having separate lawns (e.g., separate dwellings or side-by-side duplexes), occupants will preform grounds maintenance services as set forth in § 642.72(a)(2)(i), using tools furnished by the Government.

(B) Communal lawns. For other Government-leased housing having lawns common to more than one occupant (e.g., BOQ's and apartments), lease instruments will delineate lessor and Government responsibilities.

(ii) In oversea areas. Responsibilities for grounds maintenance of Government-leased housing facilities will be predicated upon the customs and practices of the country; lease instruments will specifically delineate lessor and U.S. Government responsibilities.

§ 642.73 Cemeteries.

The installation commander has jurisdiction over post, private, and prisoner-of-war cemeteries located on Army installations, and is responsible for maintenance and operation as follows:

(a) At active installations.

(1) Post cemeteries. (See AR 210–190).

(i) Standard of maintenance will be equal to those authorized for other intensively maintained grounds. Areas will be protected as required by fencing, and will be kept orderly. Care will be taken to prevent damage to monuments, markers, and headstones. These will be kept clean and will be reset and realined when necessary.

(ii) As required, graves will be opened and closed, temporary headboards provided and placed, and permanent headstones set.

(2) Private cemeteries. It is Department of the Army policy to aquire title to all private cemeteries within boundaries of installations owned in fee by the United States. For the purpose of this regulation, a private cemetery is any cemetery or burial plot on the installation which, regardless of present ownership, was initially owned by a person or agency other than the United States.

(i) When the deed of conveyance is silent with respect to maintenance or access to a private cemetery, or separate agreements with private parties have not been made, the installation commander will be responsible for maintenance, as follows: excessive shrubs and trees will be removed; fencing for protection when required; headstones destroyed or seriously damaged by military activity will be replaced; and grounds will be kept clean and orderly. Public access will be allowed when consistent with safety and military security.

(ii) When the deed of conveyance or separate agreement with private parties requires the United States to provide maintenance or access, standards of maintenance in (2)(i) above apply.

(3) Prisoner-of-war cemeteries. Standards of maintenance in (2)(i) above apply.

(b) At inactive installations. For the three types above minimum standards of maintenance apply. Included is a periodic mowing, removal of brush, repair of fences, and resetting of headstones and markers, as required to maintain a neat appearance. These standards will also apply to cemeteries that remain after real estate disposal action has been completed for the remainder of the installation.

(c) Pet cemeteries. Maintenance of pet cemeteries is not a facilities engineering responsibility.

§ 642.74 Gardens.

Preparation (plowing, harrowing and discing) of a community type garden in excess of one-quarter acre in size may be performed as a facilities engineering function. Preparation of smaller garden plots and the cultivation, maintenance, harvesting, and clean-up of vegetable gardens will not be accomplished as a facilities engineering responsibility.

§ 642.75 Greenhouses and lathhouses.

(a) The maintenance of greenhouses and lathhouses designated by The Surgeon General for therapeutic purposes, and by The Provost Marshal General for vocational training purposes at United States disciplinary barracks, is a facilities engineering activity (including the provision of utilities necessary for operation). Furnishing of operating (including supervisory) personnel is the responsibility of the using service.

(b) Appropriated funds will be used for maintenance and operational support of only those greenhouses and lathhouses designated as set forth in (a) above.

§ 642.76 Irrigation.

(a) Irrigation will be accomplished where supplemental water is essential to establish and support lawns and other improved types of vegetation.

(b) Irrigation water will be limited to that necessary to provide minimum requirements to support vegetation planting in an acceptable condition. State university recommendations will be utilized in determining the amount of water necessary to meet these standards.

(c) Underground irrigation systems will comply with guidance in TM 5–813–1.

§ 642.77 Nurseries.

Expenditure of appropriated funds is not authorized for the operation of nurseries. Trees and shrubs will be obtained from commercial nurseries and Federal and State agencies when available. If economical, plants from natural wooded areas may be used providing they can be dug with sufficient roots and soil to meet commercial nursery standards (TM 5–630).

§ 642.78 Landscape plantings.

(a) All planting, pruning, cultivation, and other maintenance by whomsoever done, will conform to criteria in TM 5–630.

(b) Trees and shrubs will be removed if they have become crowded, or, if they are not: essential for shade, windbreaks, screening of unsightly objects, or erosion control; complementary to architectural features of the building area; adapted to the locale.

(c) Existing and new foundation plantings will be limited to the minimum needed to complement the building design. Normally not more than one-fourth of an individual foundation perimeter will be planted with shrubs or trees.

(d) The expenditure of appropriated funds for shearing hedges and ornamental plants into formal or decorative designs is not authorized except as specifically prescribed in the approved planting plan.

(e) Climing vines, shrubs, and trees which block or damage windows, eaves, gutters or other construction components will be eliminated.

(f) Plantings which reduce sight distances or otherwise constitute a traffic

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hazard near street intersections, walks, and drives will not be permitted.

(g) Non-essential plantings which result in excessive lawn maintenance will be removed. Painting or whitewashing of tree trunks is not authorized.

(h) Planting and maintenance of flowerbeds, rose gardens, and nut or fruit trees for their edible products, except for wildlife food purposes, are not facilities engineering responsibilities.

Subpart E—Forest Management

§ 642.91 General.

Effective forest management provides for the sustained production of timber and related natural resources values such as natural beauty, recreation, wildlife, watershed protection, and the yield of high quality water. The optimum production of each of these forest products on the same area is compatible provided appropriate adjustments are made in the Natural Resources Management Plan. Forest Management activities will, when pertinent, include:

(a) Cultural treatment designed to improve timber quality and quantity which are within the realm of economic feasibility.

(b) Use of harvesting or treatment specifications designed to attain sustained yield and improve troop training areas, watersheds, wildlife habitat and to compliment natural beauty values along scenic corridors.

§ 642.92 Objectives.

Forest management objectives are included in DA Pam 420–7.

§ 642.93 National forest land.

On those installations which contain National Forest land, nonmilitary utilization of that land will comply with U.S. Department of Agriculture policy (36 CFR 261).

§ 642.94 Funding.

(a) Forest management financial support is derived primarily from funded reimbursement from proceeds of sales and direct appropriated funds. Reimbursable expenses that are directly related to economic production of timber products and its harvest include: timber management, reforestation, timber stand improvement, inventories, fire protection, construction and maintenance of timber area access roads, purchase of equipment and supplies, erosion control, disease and insect control, planning, timber marking, inspections, sales preparation and training of personnel in lumber and timber operations and sales. Such expenses will be distributed to AR 37–100–XX account code 728012.23000 "Maintenance of Forest Areas." Command budget documents pertaning to this account should be coordinated with appropriate natural resources personnel.

(b) Costs related to purposes other than timber production and disposal do not qualify for reimbursement; e.g., costs of roads and trails for traffic or recreation, training area improvement, beautification projects, screens or buffer zones, drainage, fire protection on non-commercial forest land and other costs that would normally be incurred even if there were no timber production and harvest activities.

(c) Expenses eligible for reimbursement on non-commercial forest land are limited to that directly related to timber sales; e.g., marking, preparation of declaration of availability, and sales inspection.

(d) Guidance relating to management plans, declaration of timber availability, staffing, and additional information and guidance on budgeting and financing, including the annual work plan, is contained in DA Pam 420–7.

§ 642.95 Forest inventories.

(a) Volume Inventories will be made and kept current for all installation forest lands managed for timber production. This will be accomplished by technically qualified forestry personnel.

(b) Inventory systems will be submitted to the MACOM for approval prior to implementation.

§ 642.96 Harvesting timber.

(a) Approval authority

(1) The MACOM will approve timber available for harvest in any amount not within the installation commander's authority.

(2) Installation commanders are authorized to:

(i) sell small volumes of standing timber that have an estimated value of not more than $1,000 and are in conformity with the installation Forest Management Plan. The total of such sales in any one calendar year will not exceed $10,000.

(ii) Sell small volumes of forest products remaining after harvest and/or forest management operations (e.g., tops, fuelwood, greens) and from dead, dying, damaged or fallen trees resulting from fires, insects, disease or storms.

(iii) Sell pulpwood, sawlogs or other wood products from trees removed from new construction sites (e.g., utility lines, rights-of-way, building construction areas or training areas) when time does not permit or volume does not justify disposal by formal declarations of availability. Coordination must be accomplished with the construction contract to assure timeliness and to avoid conflict with contract specifications.

(b) Disposal Action

(1) Installation commanders will submit to the MACOM reports of availability for all timber planned to be harvested. See DA Pam 420–7 for preparation of reports of availability.

(2) The MACOM will take action within authority in preceding § 642.96 (a) (1) and submit approved reports of availability to the appropriate division engineer for disposal action (AR 405–90).

(3) Procedures for selling small volumes of timber by the installation commander are contained in DA Pam 420–7.

(4) Disposal of merchantable timber by destriuction (e.g., burning, burying, natural decay, etc.) may be accomplished only after all sources of sale have been investigated.

(5) Timber or forest products may not be exchanged as reimbursement for services.

§ 642.97 Installation sawmills.

Installation sawmills and the logging operations incident thereto are not authorized except:

(a) To the degree required to train troops in specialized construction activities.

(b) When necessary to prevent the compromise of security information.

Subpart F—Fish and Wildlife Management

§ 642.111 General.

(a) The Fish and Wildlife Management program will provide habitat control and improvements, which comply with accepted scientific practices and are consistent with the total natural resources program. Emphasis will be placed on the development of native habitat favorable to the production of fish and wildlife.

(b) Installation commanders with potential for a fish and wildlife program will:

(1) Program for funds to conduct an effective program.

(2) Require the optimum use and staffing of professionally trained personnel (e.g., wildlife manager) at installation having program potential.

(3) Authorize and control fishing, hunting, and trapping in conformance with established regulations and approved management plans.

(4) Establish a Fish and Wildlife Law Enforcement Program under the supervision of the installation/activity provost marshal/security officer and provide for enforcement in accordance with applicable directives and insure:

(i) Enforcement of all hunting, fishing, and trapping laws, regulations and directives.

(ii) Against unauthorized entry of individuals into restricted areas,

(iii) Control of predators as requested by the facilities engineer.

(iv) Personnel and equipment resources are available to the provost marshal/security officer for conduct of the enforcement program.

(c) Program guidance to installation commanders is contained in DA Pam 420–7.

§ 642.112 Authority to hunt, fish, and trap.

(a) All hunting, fishing or trapping on a military installation or facility under the control of the Department of the Army shall be in accordance with the fish and game laws of the State, commonwealth, or territory in which it is located.

(b) Any individual who desires to hunt, fish or trap on a military reservation must obtain a license or permit either;

(1) From the State, in which the installation is located, or

(2) From the commander of said installation or his designee (16 U.S.C. 670a).

(c) Whoever violates a requirement prescribed under subsections (a) or (b) above is guilty of an offense under 10 U.S.C. 2671(c).

(d) The commander of the installation, or person designated by him, will collect fees, where applicable, for permits they issue and will enforce such permits.

§ 642.113 Installation permits and fees.

(a) Special State Hunting, Fishing and Trapping Permits.

(1) Installation commanders will issue special State permits to individuals only when such are in possession of a valid State, territorial, or county hunting, fishing, or trapping license, as applicable except as set forth in § 642.113(a) (3) below.

(2) These special State permits do not apply to National Forest Lands under control of the Department of Agriculture and will so state.

(3) An exception to the license requirement can be made when State laws do not grant equality of treatment to military personnel by not waivering residency requirements as specified in 10 USC 2671. Commander will make written application to HQDA (DAEN–FEB) WASH DC 20314, through appropriate channels, for authorization to issue permits to military personnel to hunt, fish or trap on the installation without securing an appropriate State, territorial, or county license.

(b) Fees.

(1) The annual demand for operation and maintenance funds frequently has a negative effect on installation efforts to fulfill obligations to foster sound fish and wildlife management programs. As a consequence other fund sources must be considered.

(2) Pursuant to 16 USC 670 a–f, installation commanders:

(i) Should discuss funding aspects with the State agencies formally cooperating with the installation with a view toward amending the cooperative agreement to:

(A) Establish fees for hunting, fishing, or trapping, or

(B) Raising existing fees to levels comparable to facilities within the civilian community.

(ii) May, if agreeable to the cooperative plan agreement, issue special State permits to individuals for fishing, hunting, or trapping on that installation or facility, and require the payment of a nominal fee therefore. (These special permits are in addition to the State license and Federal stamps as required.)

(A) Such fees are to be used on the installation from which collected for the protection, conservation, and management of fish and wildlife, including habitat improvement and related activities, as may be stipulated in the cooperative plan, but for no other purpose.

(B) Collections and disbursements of these fees will be accounted for and reported in accordance with AR 37–100 and AR 37–108.

(iii) Will issue special State permits subject to the following criteria:

(A) Persons holding hunting, fishing or trapping permits will stand at par with each other for use privileges, except that participation of the general public will be within manageable quotas.

(B) A sliding scale of fees may be established for enlisted personnel to encourage participation.

(C) Fee charges should not exceed those prices for comparable facilities within the civilian community.

(D) Will ascertain that the cooperative plan specifically provides, as required by 16 U.S.C. 670b, that the possession of a special permit for hunting migratory game birds will not relieve the permittees of the requirements of the Migratory Bird Hunting Stamp Act, as amended, nor of the requirements pertaining to State Law as set forth in 10 U.S.C. 2671.

§ 642.114 Cooperative plan agreement.

Cooperative Plan Agreements for Conservation and Development of Fish and Wildlife Resources will be prepared and implemented for all Category I installations (those having land and water areas suitable for the conservation and management of fish and wildlife). The Cooperative Plan Agreement will be prepared and amended as appropriate in coordination with appropriate State and Federal fish and wildlife conservation agencies and will be in agreement with the approved Natural Resources Management Plan. Guidelines for the Plan Agreement are contained in DA Pam 420–7. A copy of each Cooperative Plan Agreement, revision or amendment will be forwarded through command channels to HQDA (DAEN–FEB–N) WASH DC 20314. These plans are exempt from reports control under paragraph 7–2a, AR 335–15.

§ 642.115 Introduction of new species.

Species of fish and wildlife which are foreign to the United States will not be introduced on Army land unless approved by the US Fish and Wildlife Service, the State, and DAE–FEB–N. Introduction of species native to the United States or reintroduction of formerly indigenous species will be accomplished only upon the approval of the US Fish and Wildlife Service, the State, and the MACOM and will be made a part of the Cooperative Plan Agreement. All introduction or reintroduction of wildlife species will be thoroughly assessed to determine the impact on existing flora and fauna and the installation mission before accomplished.

§ 642.116 Population control.

The objective of population control will be to maintain the wildlife population within the carrying capacity of the land and prevent health and safety hazards. Wildlife populations will be continually monitored to detect overpopulations and the potential for such. Coordination with Federal and States natural resources agencies will be accomplished regarding wildlife overpopulation determinations and control measures. Such control measures will be in accordance with applicable Federal, State and local laws. When species overpopulations cannot be redued adequately by normal harvest measures, management practices will be changed or initiated which discourage propagation of that particular species.

§ 642.117 Habitat management.

All habitat improvements will be accomplished in a manner to preserve or enhance the esthetic values and quality of the environment. Activities will be directed towards the development of native habitats and perennial plantings. Planting of annual food plots will be avoided as a major activity. First consideration will be given to the management of habitat utilized by threatened and/or endangered species and those species which are indigenous to the installation.

Subpart G—Environmental Management

§ 642.131 General.

(a) Special consideration will be given to soil and vegetation characteristics, surface and subsurface water, unique archeological and geological sites, and wildlife in the development, design, construction and maintenance of an installation and the performance of its mission. All possible efforts will be made to protect the land and water resources so that none will be lost, degraded or destroyed. Measures will be taken to control sources of pollutants harmful to the land and its resources.

(b) Personnel will comply with the environment quality policies and procedures specified in AR 200–1 and those standards established by applicable Federal, State, interstate, or local authority.

(c) The Natural Resources Management Program will be a specific element of the assessment of continuing and planned programs as required by AR 200–1.

§ 642.132 Endangered species.

The Endangered Species Act of 1973, Public Law 93–205, requires all Federal departments and agencies to carry out programs for the conservation of endangered and threatened species. Installation commanders will assure that actions authorized, funded, or carried on do not jeopardize the continued existence of such endangered and threatened species. Coordination will be accomplished with appropriate staff elements for the development of programs for avoiding interference by military activities with both "on base" and "off installations" threatened or endangered species and their habitat. Cooperative agreements for the conservation and development of fish and wildlife and other natural resources will be expanded to include assistance in the development of endangered species programs. Where applicable, an inventory of endangered or threatened flora or fauna and their habitat which are indigenous to or dependent upon the installation will be developed. Consideration will be given to species protected by both Federal and State laws. Introduction or reintroduction of threatened or endangered species will be accomplished only after a thor-

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ough assessment of its impact on the military mission and operation of the installation, and concurrence by appropriate Federal and State agencies.

§ 642.133 Predators.

Concurrence by appropriate State or Federal natural resources officials must be obtained prior to performance of predator control measure. Control of predators or other animals considered to be of sanitary or health significance will be coordinated with the installation medical officer. Consideration will be given to the National Environmental Policy Act and EIA/EIS requirements (AR 200–1) in any predator control operations.

§ 642.134 Poisonous and noxious plants.

Poisonous plants will be controlled only where they present a health hazard to personnel. Many plants contain poisonous parts or are poisonous during certain stages of growth. Destruction or eradication of these plants would not be practicable or in compliance with good conservation principles. Education of personnel to become aware of potential hazards should be accomplished in place of widespread destruction programs. Control of plants designated as noxious by Federal or State agencies will be in accordance with environmental policies and in harmony with local community programs and adjacent property owners.

§ 642.135 Pesticides.

Use of chemical pesticides for the protection and control of vegetation is permitted when other methods of control are not feasible. Pesticide application and handling will be in accordance with applicable guidance given in AR's 200–1, 420–76, TM's 5–629, 5–630, 5–632 and § 642.56 of this regulation. Aerial applications will also conform to guidance in AR 40–574. All uses of pesticides will be in strict compliance with a currently approved Environmental Protection Agency label, unless approved otherwise by the MACOM professional pest management personnel. Only pesticides registered by EPA will be used on an installation. They will also be limited to standard items, those listed in the DOD section of Federal Supply Catalogs, unless approved by the MACOM professional pest management personnel.

§ 642.136 Coastal Zone management.

Public Law 92–583, Coastal Zone Management Act, provides National policy and a program whereby coastal states can develop and establish a Coastal Zone Management Plan. All Federal lands are excluded by the Federal land exclusion provision in the Act and that exclusion encompasses all lands used by the United States without regard to the ownership or the jurisdictional status of the land. However, Federal actions in or affecting a coastal zone must, to the extent practicable, be consistent with the coastal states approved plan. Activities will ensure that a State's Coastal Zone Management Plan recognizes the existence and impact of all military installations, facilities and lands, and excludes provisions for mandatory application over same. Commanders shall cooperate and coordinate with the Coastal States during all phases of Coastal Zone Management Plan formulation and implementation. Coordination will be accomplished through the Army Coastal State representative and will be limited to necessary unclassified and releasable information such as inventory and mission data, master plans, and the like.

§ 642.137 Base attractiveness and scenic values.

The "Base Attractiveness Program" gives increased attention to the enhancement of the attractiveness of military installations. The emphasis of this program is to make service life more attractive, while at the same time increase the overall value of the Army physical establishment. New construction projects will include provisions essential to base attractiveness with adequate design and funding considerations. This will include landscaping, buffer zones, screening, parks, and recreational areas as appropriate. Commanders will include the resources essential to support base attractiveness in budget estimates, projects estimates and other resource justifications. Both day-to-day type operations and maintenance and project type work will be performed in a way to contribute to base attractiveness and environmental improvement. Consideration should be given to the protection of areas which have scenic, archaeological, geological, or historical significance.

§ 642.138 Beach protection.

Protection of beaches on Army land is required to prevent water from flooding shore developments, military installations, inland cities, and other improved lands during storms in coastal areas. Natural and/or constructed barriers will be considered as requirements dictate. Plans for barrier construction and for any proposed alterations will be carefully studied by specially qualified experts. Consideration will be given to requirements of State Coastal Zone Management Plans.

Subpart H—Outdoor Recreation

§ 642.151 General.

Objectives and guidance relative to the Outdoor Recreation Program are provided in AR 28–1. The facilities engineer is responsible for the maintenance of recreation facilities and will be actively involved in developing the General Recreation Plan for the installation. Guidance in the planning and design of recreational facilities is found in TM's 5–803–10, 5–803–11, and 5–803–12.

§ 642.152 Land use designation.

Recreation facilities will be based upon formal design in accordance with the Installation Master Plan. Development of the General Recreation Plan portion of the Installation Master Plan (AR210–20) will give attention to land use capability and limitations when determining recreation activities to be conducted.

§ 642.153 Maintenance of recreational facilties.

(a) General. Maintenance responsibilities of the facilities engineer on recreational facilities (golf, courses; badminton, tennis, and volleyball courts; baseball diamonds; football fields; playgrounds; and similar outdoor facilities) will include protection and replacement of playing surfaces, backstops, posts, fences, fixed playground equipment and other fixed items, and the measuring and original permanent marking of diamonds, fields, courts, and similar playing areas. Maintenance of remote facilities may be performed by recreation services when more economical and agreed to by the facilitles engineer and recreation services. Provision and maintenance of nets and other removable items, rolling, temporary marking and detailed treatment of playing areas, and similar services will not be accomplished as a facilities engineering responsiiblity.

(b) Golf courses. Golf courses will be maintained at a standard equivalent to other improved grounds, subject to the provisions of (1) and (2) below. The MACOM may authorize the use of water for irrigation to the extent that existing facilities permit without interference to the normal domestic requirements of the installation. The extent of maintenance to be performed will be as follows:

(1) Unrestricted courses. Maintenance of golf courses for use of all military personnel may be performed by the facilities engineer on the roughs, fairways, and other areas and facilities not requiring specialized equipment or skills. Maintenance of greens, bunkers, traps, tee boxes, and the payment of salary for a professional greenkeeper or general superintendent is not a facilities engineering responsibility.

(2) Restricted courses.

(i) Golf courses at memorially named Army hospitals restricted entirely to the training, rehabilitation, and recreation of patients may be maintained in their entirety as a facilities engineering responsibility. If the golf courses are not restricted to patients, a proportionate share of the costs, based upon the use made by patients, may be financed from appropriated funds available for maintenance of facilities.

(ii) Other golf courses restricted to club members or officers, operated as nonappropriated fund activities and for which a use fee is charged, will be maintained as a facilities engineering activity only to the extent that other improved grounds are maintained. Cost of water used for irrigation will be charged in accordance with AR 420–41.

§ 642.154 Off-road vehicles.

Use of off-road vehicles on Army lands will be in accordance with AR's 210–9 and 28–1. Soil capability and affected land and water resources will be of prime concern when areas are evaluated for use by off-road vehicles. Land and water areas designated for off-road vehicle use will be included in the installation Natural Resources Management Plan and

the Installation Master Plan. The facilities engineer is responsible for determining suitability of trails and areas and monitoring for damage, over-use, and the need for corrective action. The recreational aspects of off-road vehicle use is the responsibility of recreation services.

Subpart I—Plans

§ 642.161 General.

(a) An installation Natural Resources Management Plan will be prepared and implemented for all active and inactive installations in CONUS, Alaska, and Hawaii, meeting the criteria set forth below. The Plan will include, as appropriate, four separate parts: I Land Management; II Landscape Plantings; III Forest Management; and IV Fish and Wildlife Management. The annual work plans will be developed and maintained as the installation record of planning and approved activities and should not require additional detailed cost collection effort during the year.

(b) Cooperative Plan Agreements for Conservation and Development of Fish and Wildlife Resources will be prepared and implemented for all Category I installation (those having land and water area suitable for the conservation and management of fish, wildlife and other natural resources as determined by consultation with appropriate Federal and State fish and wildlife agencies).

§ 642.162 Criteria for the Installation Natural Resources Management Plan.

(a) Part I will be prepared by installation having 500 or more acres of improved, semi-improved and unimproved grounds combined, or 50 or more acres of improved grounds.

(b) Part II will be prepared for all installations listed in Appendix A of AR 210–20 which require preparation of complete master plans. Other installation performing landscaping will prepare detailed plans to cover the work intended when other than replacement planting of like species is involved.

(c) Part III will be prepared by installations having 100 or more acres of commercial forest land.

(d) Part IV will be prepared by installations having land and water areas suitable for the management of fish and wildlife resources. Suitability will be based upon consultation with appropriate Federal and State fish and wildlife conservation agencies. Determinations of unsuitability will be submitted to the MACOM for waiver of requirement to prepare this part. This plan will complement the Cooperative Plan Agreement.

§ 642.163 Preparation.

(a) Guidelines and formats to be used in the preparation of plans are contained in DA Pam 420–7.

(b) The Installation Natural Resources Management Plan will be prepared and kept current by qualified specialist personnel. The formats given in DA Pam 420–7 will be used when completing major revisions to existing plans or in preparing new ones.

(c) The Cooperative Plan Agreement provided for under 16 USC 670 will be prepared and amended as appropriate in coordination with appropriate State and Federal fish and wildlife conservation agencies.

§ 642.164 Revisions.

The Installation Natural Resources Management Plan will be reviewed annually and revised as necessary, utilizing binders which facilitate page changes. Major revisions of Parts I, III, and IV will be accomplished at least every 5 years. Landscape Planting Plans (Part II) will be revised as needed. Information such as that relating to soils, natural vegetation and environmental data, not requiring revision, should be retained in the Plan.

§ 642.165 Approval.

Each Installation Natural Resources Management Plan and major revision thereof will be forwarded to the MACOM for approval. The approved plans, together with TM's 5–630 and 5–631 will be the technical basis for installation implementation. Review, approval, and distribution of annual revisions (e.g., work plans) will be in accordance with provisions established by the MACOM.

§ 642.166 Distribution.

(a) A copy of Parts I, III, and IV of each approved Natural Resource Management Plan and a copy of each Cooperative Plan Agreement will be forwarded through command channels to HQDA (DAEN–FEB–N) WASH DC 20314.

(b) A copy of each approved major revision to Parts I, III and IV of the Natural Resources Management Plan and copy of each amendment to the Cooperative Plan Agreement will be forwarded, as above, when revisions are made.

§ 642.167 Reports control exemption.

These plans are exempt under paragraph 7–2a, AR 335–15.

Subpart J—Conservation Awards

§ 642.171 The Secretary of Defense Conservation Award.

The Secretary of Defense will annually present an award to the installation of the Army, Navy or Air Force that conducted the most outstanding Natural Resources Conservation Program during the three preceding calendar years. Plaques will be presented annually to the two runner-up installations. Special recognition awards, or citations, may as appropriate be presented to additional installations for conducting meritorious natural resources conservation programs.

§ 642.172 Chief of Staff Conservation Award.

The Chief of Staff, U.S. Army, will annually present silver plaques to the two installations (one small, one large) that conducted the most outstanding natural resources conservation programs during the three preceding calendar years.

§ 642.173 Preparation.

Details regarding entry requirements, submission instructions, nomination procedure, and description of the awards, are contained in DA PAM 420–7. All applicable installations are encouraged to submit nominations through command channels.

§ 642.174 Submission of installation nominations.

Nominations will be submitted to HQDA (DAEN–FEB–N) WASH DC 20314 by 15 March of each years for the award period ending the previous 31 December.

(a) Headquarters, FORSCOM, TRADOC, and DARCOM may each submit four nominations from installations in CONUS, Hawaii and Alaska.

(b) Other MACOMS in CONUS may submit a maximum of two nominations each.

Subpart K—Installation Natural Resources Report (Reports Control Symbol DD–I&L (A)670)

§ 642.181 Purpose and scope.

(a) The report is designed to provide HQDA (DAEN–FEB–N) with data relative to the execution of integrated natural resources programs involving:

(1) Management of grounds, fish and wildlife, and forest areas.

(2) Development and conservation of natural beauty values and outdoor recreation potentials.

(3) Enhancement of environmental quality.

(b) The report is basis for:

(1) Performance evaluation and management analysis.

(2) Technical studies.

(3) Development of policies, standards and programs.

(4) Providing higher authority with information pertinent to implementation of integrated natural resources programs.

(c) The report consists of three parts, with each part on a separate sheet, as follows:

Part I—Land Use and Conservation, DA Form 2785–R (App. B–1). Part II—Forest Management, DA Form 2785–1–R (App. B–2). Part III—Fish and Wildlife Mangement, DA Form 2785–2–R (App. B–3). These forms will be prepared locally on 8 x 10½ inch paper.

§ 642.182 Frequency, routing and due date.

The report will be prepared at the end of each fiscal year and dispatched through command channels, in triplicate, to reach HQDA (DAEN–FEB–N) WASH DC 20314, within 45 days after the close of the fiscal year.

§ 642.183 Instructions for Parts I and II.

(a) Part I will be prepared by each Army installation in the U.S., Puerto Rico, and Panama, required to prepare the Land Management part of the Installation Natural Resources Management Plan.

(b) Part II will be prepared by each Army installation in the U.S., Puerto Rico and Panama required to prepare

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the Forest Management part of the Installation Natural Resources Management Plan.

§ 642.184 Instructions for Part III.

(a) Criteria. The criteria for submission of Part III will be established after consultation with appropriate Regional Director of the U.S. Fish and Wildlife Service and the State official(s) designated by the governor of the state concerned. Based upon this consultation, installations will be classified under one of the four following categories. (Note: All installations are currently classified. Category classification will be changed when installation program potential is determined (by consultation as above) to warrant such changes):

(1) Category I. Installations having land and water areas suitable for the conservation and mangement of fish, wildlife, and other natural resources.

(2) Category II. Installations for which a decision is pending as to program suitability within the meaning of (1) above.

(3) Category III. Installations which are classified, due to lack of adequate land or water areas, as unsuitable for a program of conservation and management of fish and wildlife and other natural resources, such classification being determined after the consultation prescribed in (a) above.

(4) Category IV. Installations which obviously do not have land or water areas (e.g., recruiting centers, armories, cemeteries, hospitals, city office building headquarters, and the like) which would provide the program potential for the conservation and management of fish and wildlife and other natural resources within the meaning of this regulation.

(b) Reporting.

(1) Category I installations will complete Part III of the report annually.

(2) Category II installations will complete applicable portions of Part III of the report annually.

(3) Installations classified in Category III or IV are excused from reporting unless or until the acquisition of additional land and water areas provides a program potential within the meaning of this regulation. Newly established installations classified in Category III or IV will be excused from further reporting after submission of their initial report which will consist of a signed statement attesting to their category designation.

[FR Doc.76-22192 Filed 7-30-76;8:45 am]

federal register

MONDAY, AUGUST 2, 1976



PART III:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

Reimbursement of Other Agencies

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Title 24—Housing and Urban Development

CHAPTER XIII—FEDERAL DISASTER ASSISTANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-76-282]

PART 2205—FEDERAL DISASTER ASSISTANCE

Reimbursement of Other Agencies

On April 19, 1976, the Federal Disaster Assistance Administration of the Department of Housing and Urban Development published proposed regulations in the FEDERAL REGISTER (41 FR 16476) to establish certain procedures and criteria for reimbursement, to other Federal agencies providing disaster assistance under the Disaster Relief Act of 1974, (Pub. L. 93-288, 42 U.S.C. 5121 note) by adding a new Subpart H to Part 2205. Section 302(a) of the Act authorizes the President to direct any Federal agency, with or without reimbursement, to utilize its available personnel, equipment, supplies, facilities, and other resources in support of State and local disaster assistance efforts. The authority to implement this section was delegated by the President to the Secretary of Housing and Urban Development pursuant to E.O. 11795, 39 FR 25939, July 15, 1974, and by the Secretary to the Administrator, Federal Disaster Assistance Administration, pursuant to a Delegation of Authority, 39 FR 28227, August 5, 1974.

Subpart H supersedes previous regulations on this subject, 24 CFR 2201, adopted pursuant to the Disaster Relief Act of 1970 (Pub. L. 91-606, 42 U.S.C. 4401 et seq.). Section 2205.82(a) of Subpart H sets forth with greater specificity certain expenditures not eligible for reimbursement. Except as noted below, there are no other major substantive changes from the previous regulations.

Interested persons were given until June 3, 1976, to submit written data, views or arguments concerning the proposed regulations. No written comments or objections have been received.

Since publication of the proposed regulations, the HUD Office of Inspector General has recommended that these regulations specifically require other agencies to keep detailed records relating to disaster work and emphasize that costs claimed by reimbursements are subject to audit by HUD and the General Accounting Office. Accordingly, paragraph (e) has been added to Section 2205.83, as shown below.

A Finding of Inapplicability of Section 102.26, National Environmental Policy Act of 1969, has been made in regard to Subpart H in accordance with HUD procedures set forth in HUD Handbook 1390.1 (38 FR 19182). A copy of this Finding of Inapplicability is available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Room 10141, Department of Housing and Urban Development, Washington, D.C.

In consideration of the foregoing, 24 CFR Part 2205 is amended by adding a new Subpart H as set forth below.

Subpart H—Reimbursement of Other Agencies

Sec.
2205.80 Purpose.
2205.81 Procedures for obtaining or authorizing the provision of services or use of resources of other Federal agencies.
2205.82 Eligibility of certain expenditures for reimbursement.
2205.83 Procedures for requesting reimbursement.

AUTHORITY: Sec. 7(d) Department of HUD Act; 42 U.S.C. 3535(d).

Subpart H—Reimbursement of Other Agencies

§ 2205.80 Purpose.

The regulations in this part prescribe the procedures for obtaining or authorizing the provision of services or use of resources of other Federal agencies in providing assistance under the authorities of Public Law 93-288, and are effective for such assistance obtained or authorized in emergencies or major disasters declared after the date of publication of these regulations.

§ 2205.81 Procedures for obtaining or authorizing the provision of services or use of resources of other Federal agencies.

(a) The Administrator or Regional Director, in determining the nature and extent of assistance required to implement his authorities under the Act, will take into consideration the types of assistance available from other Federal agencies. Either the Administrator or the Regional Director may request or direct other Federal agencies to provide such available assistance as is determined to be necessary.

(b) All such directives or requests shall be in writing or, if oral, shall subsequently be confirmed in writing and shall contain a specific clause with reference to the anticipated level of reimbursement.

§ 2205.82 Eligibility of certain expenditures for reimbursement.

(a) The Administrator or the Regional Director may not approve reimbursement of costs incurred while performing work under an agency's own authority.

(b) The Administrator or the Regional Director may approve reimbursement of the following costs which are incurred in providing requested assistance:

(1) Overtime, travel and per diem of permanent Federal agency personnel.

(2) Wages, travel and per diem of temporary Federal agency personnel assigned solely to performance of services requested by the Administrator or the Regional Director in the major disaster or emergency area designated by the Administrator.

(3) Travel and per diem of Federal military personnel assigned solely to performance of services requested by the Administrator or the Regional Director in the major disaster or emergency area designated by the Administrator.

(4) Cost of work, services, and materials procured under contract for the purpose of providing assistance requested by the Administrator of the Regional Director.

(5) Cost of materials, equipment, and supplies (including transportation, repair and maintenance) from regular stocks which are utilized or consumed in providing requested assistance.

(6) All costs incurred which are paid from trust, revolving, or other funds, the full reimbursement of which is required by law.

(7) Such other costs as the Administrator may approve, based upon written justification, submitted by the agency concerned, or as otherwise agreed to in writing between the Administrator and the agency.

§ 2205.83 Procedures for requesting reimbursement.

(a) Requests for reimbursement of amounts greater than $1,000 may be submitted at any time. Requests for lesser amounts will be submitted quarterly. Final accounting for expenditures will be submitted within 90 days after completion of an agency's work under each request for assistance. Billings totaling less than $1,000 are not to be submitted more often than quarterly.

(b) Requests for reimbursement will be accompanied by documentation which specifically details personnel services, travel and all other expenses by object class as specified in OMB Circular A-12 and by any sub-object classification used in the agency's accounting system. In addition, where contracts constitute a significant portion of the billings, a listing of the individual contracts and their associated cost will be provided.

(c) Reimbursement requests will cite the specific directive or request for assistance under which the work was performed, and the disaster identification number. Requests for reimbursement of costs incurred under more than one directive or request will not be combined for billing purposes.

(d) Unless otherwise agreed, all requests for reimbursement shall be directed to the FDAA Regional Director of the region in which the costs were incurred.

(e) All Financial records, supporting documents, statistical records, and other records pertinent to the provision of services or use of resources of other Federal agencies shall be retained and shall be accessible to duly authorized representatives of HUD and the U.S. Comptroller General for the purpose of making audits, excerpts, and transcripts for a period of three years starting from the date of submission of the final billing.

Effective Date: This regulation shall be effective August 2, 1976.

It is hereby certified that the economic and inflationary impact of this regulation has been carefully evaluated in accordance with OMB Circular A-107.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.76-22237 Filed 7-30-76;8:45 am]

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federal register

MONDAY, AUGUST 2, 1976



PART IV:

OFFICE OF THE FEDERAL REGISTER

PRIVACY ACT OF 1974

Publication Guidelines

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OFFICE OF THE FEDERAL REGISTER

PRIVACY ACT OF 1974

Publication Guidelines

STATEMENT OF PURPOSE

The purpose of this guideline is to announce the publication of the first Annual Compilation of rules and notices issued under the Privacy Act of 1974 and to advise agencies of procedures developed for preparing the Compilation.

The Privacy Act (Public Law 93-579, section 552(e)(4)) requires that all agencies shall publish "* * * in the FEDERAL REGISTER at least annually a notice of the existence and character of systems of records * * *". The Act also requires that the FEDERAL REGISTER "* * * shall annually compile and publish the rules promulgated under subsection (f) and agency notices published under subsection (e)(4) in a form available to the public at low cost." (Section 552(f)).

The Office of the Federal Register (OFR) has developed these procedures to help agencies to meet their responsibilities under the Act and to minimize the printing costs involved in reissuing and reprinting all the Privacy Act notices.

ANNUAL COMPILATION

The Annual Compilation will consist of the system notices and rules submitted to the OFR under the Privacy Act of 1974 by August 30, 1976. (This is the annual republication date prescribed in OMB Circular A-108, 40 FR 28963).

AGENCY PROCEDURES

In order to meet the requirements of Section 552(e)(4), each agency must submit a document by August 30, 1976, for publication in the FEDERAL REGISTER. This document should reflect one of the following alternatives:

(a) Announce that there have been no changes in the systems of records as previously published in the FEDERAL REGISTER and cite the appropriate FEDERAL REGISTER page and date of publication (see example in Appendix A). OFR will then compile these notices for publication.

(b) By prior arrangement with the OFR, itemize and describe substantive changes to the records systems and announce submittal of an updated tape which reflects such changes for inclusion in the Compilation.

(c) Submit a document containing the full text of the systems of records maintained by the agency.

PUBLICATION SCHEDULES

Current estimates are that the Compilation will consist of four volumes plus finding aids. Prospects are that two of these volumes can be printed and distributed before September 30, 1976. Agencies contained in the Compilation volumes to be distributed in September will be in compliance with Section 552(e)(4). For agency notices which are scheduled to appear in volumes of the Compilation that cannot be ready by September 30th, OFR will provide full text publication in the FEDERAL REGISTER by that date so that those agencies also will be in compliance with section 552(e)(4). Agencies are urged to act promptly and contact OFR representatives so that publication schedules can be established and maintained.

MANNER OF SUBMISSION

Whenever possible, the FEDERAL REGISTER will use an agency's magnetic tape of previously published notices of systems of records to produce the Compilation. For those agencies which have previously published notices, this will eliminate the need to resubmit for FEDERAL REGISTER publication those systems which have remained unchanged.

Notices of new systems submitted for publication in the FEDERAL REGISTER must be submitted in machine readable format in order to be published in the 1976 Compilation. All Privacy Act notice documents should be submitted in either Optical Character Recognition (OCR) Type or on magnetic tape in accordance with the specifications in Appendix B to these guidelines.

If an agency's previously published systems of notices are, or have been, revised extensively, it may be possible for the agency to submit an updated magnetic tape to the OFR for inclusion in the Compilation without republishing the full text of the tape in the daily FEDERAL REGISTER. In such a case, the agency should consult with the OFR before submitting a document.

AGENCY OVERRUNS

Before final printing of the Compilation volumes agencies will be given the opportunity to order overruns from the Government Printing Office for only those sections of interest to the agency.

FOR FURTHER INFORMATION

Any questions or problems with regard to these guidelines or publication of the Annual Compilation should be directed to the Privacy Act Coordinator by calling 523-5240, or by writing the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C., 20408. The Office is located in Room 8401 at 1100 L Street, NW., Washington, D.C.; Office hours are from 8:45 a.m. to 5:15 p.m.

FRED J. EMERY,
Director of the Federal Register.

APPENDIX A

MODEL DOCUMENT CITING EXISTENCE AND CONTINUED EFFECTIVENESS OF SYSTEMS OF RECORDS

The purpose of this document is to give notice that the systems of records identified in notices published in the FEDERAL REGISTER at 40 FR 111110, 112001, 114711, and 41 FR 110112, continue in effect. This notice is published in compliance with the requirements of 5 U.S.C. 552a(e)(4) as added by section 3 of the Privacy Act of 1974.

APPENDIX B

INPUT REQUIREMENTS FOR FR PRIVACY ACT EDIT PROGRAM UTILIZING OCR SCANNABLE COPY

Typing Requirements

Typewriters must have 10 character per inch pitch, OCR-A size I type font with 85 characters and/or symbols and space bar which conform to FIPS PUB 32.

The following FIPS PUB 32 symbols will not be used:

| long vertical mark (field identifier) fig. II-24.
Ψ symbol fork, figure II-22.
— group erase, figure II-96.

The symbol hook (ʃ) figure II-21 will occasionally be used to indicate special functions.

The character erase (■) figure II-95, will be used to correct typing errors, as follows:

■ delete previous letter
■■ delete all characters, back to, but not including, previous space
■■■ delete entire line, back to the left hand margin.

Corrections on copy will not be made by erasing, white-out, or striking out. Only clean copy, with the exception of the character erase used for correcting errors, will be acceptable.

Copy must be typed double space at a 5 or 6 lines per inch pitch.

Spacing between words or sentences will be restricted to 2 spaces.

Operator must distinguish between figure one (1) and lower case letter ell (l) and between figure zero and capital letter O. These characters are not interchangeable.

Hyphens must never appear at the end of a line. If a hyphenated word must extend beyond the image area, use 2 erase symbols and start a new line. Strikes over previously typed letters are acceptable for this function only when the insertion of the two erase symbols would fall outside the right side margins.

Quotation marks—(") for single open quotes; ("") for double open quote; (') for single close quote and apostrophe, ('') for double close quote.

A one-time carbon ribbon that is equivalent to an IBM 3121 Black Ribbon Part No. 1136108 or 1136390 is normally adequate to meet requirements.

Paper Requirements

Paper will be made available through the Office of the Federal Register and will have preprinted on it, in non-OCR readable ink, margins, alinement and first character positions. Indents for 3, 6, and 9 spaces are also marked and are referred to in these specifications.

Margins and alinement are critical and must be followed.

Data Identifiers (Keyword Indicators)

The codes listed following these paragraphs must be placed immediately in front of the data they refer to. These codes will cause the correct function code and heading to be added by the edit program.

1. Data entries are to be preceded by a keyword indicator, the character (ㅁ), and a letter as assigned.
2. The keyword indicators and the subsequent letter causes the edit program to generate the proper headings as they appear on the following list.
3. Data may reflect either a textual paragraph or column/list format. The start of each paragraph is a new line, with a 3-space indent. When names, addresses, etc., require a column list format, each individual line will be a new line with a 6-space indent. It is advisable, where possible, to enter names, addresses, etc., in paragraph form.

Keyword and letter	Paragraph title
ㅁA	(NONE)*
ㅁB	System name:
ㅁC	Security classification:
ㅁD	Security location:
ㅁE	Categories of individuals covered by the system:
ㅁF	Categories of records in the system:
ㅁG	Authority for maintenance of the system:
ㅁH	Routine uses of records maintained in the system, including categories of users and the purposes of such uses:
ㅁI	Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:
ㅁJ	Storage:
ㅁK	Retrievability:
ㅁL	Safeguards:
ㅁM	Retention and disposal:
ㅁN	System manager(s) and address:
ㅁO	Notification procedure:
ㅁP	Record access procedures:
ㅁQ	Contesting record procedures:
ㅁR	Record source categories:
ㅁS	Systems exempted from certain provisions of the act:

*Unique system number assigned by the submitting department. To be used in creating an index. First position after ㅁA must be either a blank or alphabetic character. 20 characters maximum.

For further information on scanner input contact the Privacy Act Coordinator at the Office of the Federal Register.

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INPUT REQUIREMENTS FOR FR PRIVACY ACT EDIT PROGRAM

1. All files will be submitted on ½ inch wide magnetic tape whose recording mode is 9 track. Acceptable recording densities are 800 or 1600 CPI.
2. Files are to be devoid of equipment-oriented identification label records, i.e., unlabeled.
3. Files are comprised of blocks of data not to exceed 3000 characters.
4. Data entries are to be preceded by a keyword indicator, the character "+", and a number as assigned. See attachment I.
5. The keyword indicators and the subsequent number causes the edit program to generate the proper headings as they appear on attachment I.
6. Data may reflect either a textual paragraph or column/list format. The start of each paragraph is preceded by the character "$". When names, addresses, etc., require a column list format, each individual line will be preceded by the character "%". It is advisable, where possible, to enter names, addresses, etc., in paragraph form.
7. The character set indicated in attachment II provides for upper and lower case letters, the numbers zero through nine, and the normally used punctuation, e.g., period, comma, colon, semicolon, hyphen, em dash, shil, exclamation mark, question mark, quote, apostrophe, ampersand, asterisk, and open and close parens.

These codes represent the characters to be called by the composition program in composing the submitted data. Any fractions, math signs, etc., are to be spelled out.

ATTACHMENT I

Keyword and number	Paragraph title
+1	(NONE)*
+2$	System name:
+3$	Security classification:
+4$	System location:
+5$	Categories of individuals covered by the system:
+6$	Categories of records in the system:
+7$	Authority for maintenance of the system:
+8$	Routine uses of records maintained in the system, including categories of users and the purposes of such uses:
+9$	Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:
+9A$	Storage:
+9B$	Retrievability:
+9C$	Safeguards:
+9D$	Retention and disposal:
+10$	System manager(s) and address:
+11$	Notification procedure:
+12$	Record access procedures:
+13$	Contesting record procedures:
+14$	Record source categories:
+15$	Systems exempted from certain provisions of the act:
+16	**

*Unique system number assigned by the submitting department. To be used in creating an index. First position after +1 must be either a blank or alphabetic character. 20 characters maximum.

**End description indicator. For use by DOD. Positions 20-24 contain record count for checking. Files will be in blocked records with control records in front of entry records.

ATTACHMENT II

PART I

Hex 0	Character	Hex 1	Character	Hex 2	Character	Hex 3	Character	Hex 4	Character	Hex 5	Character	Hex 6	Character	Hex 7	Character
00	By pass	10		20		30		40		50	&	60	hyphen	70	
01		11		21		31		41		51		61	/ shil	71	
02		12		22		32		42		52		62		72	
03		13		23		33		43		53		63		73	
04		14		24		34		44		54		64		74	
05		15		25		35		45		55		65		75	
06		16		26		36		46		56		66		76	
07		17		27		37		47		57		67		77	
08		18		28		38		48		58		68		78	
09		19		29		39		49		59		69		79	
0A		1A		2A		3A		4A		5A	!	6A		7A	: colon
0B		1B		2B		3B		4B	period	5B	$ para-graph	6B	comma	7B	
0C		1C		2C		3C		4C		5C		6C	% list	7C	
0D		1D		2D		3D		4D	(open paren	5D	close paren)	6D	— em dash	7D	apos
0E		1E		2E		3E		4E	+ key word	5E	; semi-colon	6E		7E	
0F		1F		2F		3F		4F		5F		6F	?	7F	" quote

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ATTACHMENT II

PART II

Hex 8	Character	Hex 9	Character	Hex A	Character	Hex B	Character	Hex C	Character	Hex D	Character	Hex E	Character	Hex F	Character
80		90		A0		B0		C0		D0		E0		F0	0
81	a	91	j	A1		B1		C1	A	D1	J	E1		F1	1
82	b	92	k	A2	s	B2		C2	B	D2	K	E2	S	F2	2
83	c	93	l	A3	t	B3		C3	C	D3	L	E3	T	F3	3
84	d	94	m	A4	u	B4		C4	D	D4	M	E4	U	F4	4
85	e	95	n	A5	v	B5		C5	E	D5	N	E5	V	F5	5
86	f	96	o	A6	w	B6		C6	F	D6	O	E6	W	F6	6
87	g	97	p	A7	x	B7		C7	G	D7	P	E7	X	F7	7
88	h	98	q	A8	y	B8		C8	H	D8	Q	E8	Y	F8	8
89	i	99	r	A9	z	B9		C9	I	D9	R	E9	Z	F9	9
8A		9A		AA		BA		CA		DA		EA		FA	
8B		9B		AB		BB		CB		DB		EB		FB	
8C		9C		AC		BC		CC		DC		EC		FC	
8D		9D		AD		BD		CD		DD		ED		FD	
8E		9E		AE		BE		CE		DE		EE		FE	
8F		9F		AF		BF		CF		DF		EF		FF	

When submitting magnetic tape to OFR for publication, an agency should submit the tape itself as printer's copy, and two printouts for use as an original document and public inspection copy. One of the printouts must be signed by the issuing official, the other may be "certified to be a true copy of the original," or both may be signed.

In the case of a large group of notices, for example, when an agency submits all of its notices at one time, a signed covering letter may be included, so that the issuing official may sign just one letter, rather than each systems notice.

Sample Notice II illustrates how a system notice will look with the codes required by the specifications appearing above. Note that the actual headings, "System Name," "Location," etc., should not be printed or typed but only the symbols. The program developed by the Government Printing Office will insert the headings where appropriate.

+1 DOD 412.07.

+2$ Research Clearance Files 412.07—DOD/Navy.

+4$ Records Management Division, Administrative Management Directorate, the Adjutant General Center Office of the Secretary of the Army.

+5$ U.S. citizens, doing unofficial research, who apply for access to Army classified files.

+6$ Individual's application for related processing papers and access authorization and extension; correspondence between the Records Management Division and (1) applicant, (2) records custodians, (3) other Government agencies; retained copies of research notes and manuscript and selected documents.

+7$ Section 12, Executive Order 11652, "Classification and Declassification of National Security Information and Material."

+8$ Records are used to obtain clearance for access to classified information by applicant; to obtain approval of research subject matter; to determine location, availability and classification of records desired by the researchers; to request and coordinate the review of manuscript; and to enable discussion of proposed or ongoing research when problems arise. Primary users are the Office of the Secretary of the Army, and Offices of the Department of the Army Staff and major commands.

+9$

+9A$ Paper records in file folders.

+9B$ Filed alphabetically by last name of researcher.

+9C$ Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained.

+9D$ Records are permanent. They are retained in active file until end of calendar year in which research project is completed, held an additional year in inactive file, and subsequently retired to the Washington National Records Center.

+10$ The Secretary of the Army, thru his designated representative, The Adjutant General, Headquarters, Department of the Army, the Pentagon, Washington, D.C.

+11$ Information may be obtained from:

% Hq DA (DAAG–AMR–S)
% Room GA 084
% Forrestal Building
% Washington, D.C. 20314
% File. Area Code 202/693–1847.

+12$ Requests from individuals should be addressed to: Same address as stated in the notification section above.

+13$ The Departments' rules for access to records and for contesting contents and appealing initial determinations by the individual concerned appear in the rules section of the FEDERAL REGISTER.

+14$ Application and related forms from the individual researcher Department of the Army Staff agencies and other federal agencies.

+15$ None.

+16 (Record count)

APPENDIX C

AGENCY ABBREVIATIONS-IDENTIFIERS

Following is the list of abbreviations for Federal agencies assigned by OFR. Any agency that still needs an identifier should call the Privacy Publications Coordinator.

USDA—AGRICULTURE DEPARTMENT

ADS—Automated Data Systems
AMS—Agricultural Marketing Service
ARS—Agricultural Research Service
ASCS—Agricultural Stabilization and Conservation Service
APHIS—Animal and Plant Health Inspection Service
CCC—Commodity Credit Corporation
CEA—Commodity Exchange Authority
COMM—Ofc. of Communications
CSRS—Cooperative State Research Service
EMS—Export Marketing Service
EMSC—Economic Management Support Center
ERS—Economic Research Service
ES—Extension Service
FCS—Farmer Cooperative Service
FmHA—Farmers Home Administration
FCIC—Federal Crop Insurance Corporation
FAS—Foreign Agricultural Service
FNS—Food and Nutrition Service
FS—Forest Service
OA—Ofc. of Audit
OEO—Ofc. of Equal Opportunity
OGC—Ofc. of General Counsel
OI—Ofc. of Information
OMF—Ofc. of Management and Finance
OO—Ofc. of Operations
OP—Ofc. of Personnel
OS—Ofc. of Secretary
PSA—Packers and Stockyards Administration
RDS—Rural Development Service
REA—Rural Electrification Administration
RTB—Rural Telephone Bank
SCS—Soil Conservation Service
SRS—Statistical Reporting Service

COMMERCE—COMMERCE DEPARTMENT

Census—Census Bureau
DIBA—Domestic and International Business Administration
EDA—Economic Development Administration
MA—Maritime Administration
MBE—Minority Business Enterprise Office
NBS—National Bureau of Standards
NOAA—National Oceanic and Atmospheric Administration
NSA—National Shipping Authority
NTIS—National Technical Information Service
Patent—Patent Office
SESA—Social and Economic Statistics Administration
TS—United States Travel Service

DOD—DEFENSE DEPARTMENT

Corps of Engineers (Engineers)
Department of Defense (DOD)—D
Defense Advanced Research Projects Agency (DARPA)—E
Central Security Service (CSS)—Q
Defense Civil Preparedness Agency (DCPA)—C
Defense Communications Agency (DCA)—K
Defense Contract Audit Agency (DCAA)—R
Defense Intelligence Agency (DIA)—L
Defense Investigative Service (DIS)—V
Defense Mapping Agency (DMA)—B
Defense Nuclear Agency (DNA)—H
Defense Security Assistance Agency (DSAA)—T
Defense Supply Agency (DSA)—S
Department of the Air Force (AF)—F
Department of the Army (Army)—A
Department of the Navy (Navy)—N
National Security Agency (NSA)—G
Office of the Secretary of Defense (OSD)—D
Organization of the Joint Chiefs of Staff (JCS)—J
United States Coast Guard (USCG)—P
United States Marine Corps (USMC)—M
Uniformed Services University of the Health Sciences (USUHS)—W

HEW—HEALTH, EDUCATION, AND WELFARE DEPARTMENT

ADAMHA—Alcohol, Drug Abuse, and Mental Health Administration
CDC—Disease Control Center
FDA—Food and Drug Administration
HDO—Human Development Office
HRA—Health Resources Administration
HSA—Health Services Administration
NIH—National Institutes of Health
OE—Education Office
PHS—Public Health Service
RSA—Rehabilitation Services Administration
SRS—Social and Rehabilitation Service
SSA—Social Security Administration

HUD—HOUSING AND URBAN DEVELOPMENT DEPARTMENT

CA & RF—Consumer Affairs and Regulatory Functions, Office of the Assistant Secretary
FDAA—Federal Disaster Assistance Administration
FHEO—Fair Housing and Equal Opportunity, Office of the Assistant Secretary
FIA—Federal Insurance Administration
GNMA—Government National Mortgage Association
HP & MC—Housing Production and Mortgage Credit, Office of the Assistant Secretary
ILSRO—Interstate Land Sales Registration Office
NCDC—New Community Development Corporation

INTERIOR—INTERIOR DEPARTMENT

BPA—Bonneville Power Administration
BIA—Indian Affairs Bureau
BLM—Land Management Bureau
FWS—Fish and Wildlife Service
GS—Geological Survey
MESA—Mining Enforcement and Safety Administration
Mines—Mines Bureau
NPS—National Park Service
OHA—Hearings and Appeals Office
O & G—Oil and Gas Office
Reclamation—Reclamation Bureau

JUSTICE—JUSTICE DEPARTMENT

DEA—Drug Enforcement Administration
INS—Immigration and Naturalization Service
LEAA—Law Enforcement Assistance Administration

LABOR—LABOR DEPARTMENT

BLS—Labor Statistics Bureau
EBSO—Employee Benefits Security Office
ESA—Employment Standards Administration
ETA—Employment and Training Administration
FCCPO—Federal Contract Compliance Programs Office
LMSEO—Labor Management Standards Enforcement Office
OSHA—Occupational Safety and Health Administration
W&H—Wage and Hour Division

STATE—STATE DEPARTMENT

AID—Agency for International Development
FSGB—Foreign Service Grievance Board

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DOT—TRANSPORTATION DEPARTMENT

CG—Coast Guard
FAA—Federal Aviation Administration
FHA—Federal Highway Administration
FRA—Federal Railroad Administration
MTB—Materials Transportation Bureau
NHTSA—National Highway Traffic Safety Administration
OHMO—Hazardous Material Operations Office
PSOO—Pipeline Safety Operations Office
SLS—Saint Lawrence Seaway Development Corporation
UMTA—Urban Mass Transportaiton Administration

TREASURY—TREASURY DEPARTMENT

AT&F—Alcohol, Tobacco and Firearms Bureau
Customs—Customs Service
Comptroller—Comptroller of the Currency
ESA—Economic Stabilization Office (temporary)
FS—Fiscal Service
IRS—Internal Revenue Service
Mint—Mint Bureau
RSO—Revenue Sharing Office

INDEPENDENT AGENCIES

Action
CAB—Civil Aeronautics Board
CASB—Cost Accounting Standards Board
CEQ—Council on Environmental Quality
CFTC—Commodities Futures Trading Commission
CITA—Textile Agreements Implementation Committee
CPSC—Consumer Product Safety Commission
CRC—Civil Rights Commission
CSC—Civil Service Commission
EEOC—Equal Employment Opportunity Commission
EXIMBANK—Export-Import Bank
EPA—Environmental Protection Agency
ERDA—Energy Research and Development Administration
FCC—Federal Communications Commission
FCSC—Foreign Claims Settlement Commission
FDIC—Federal Deposit Insurance Corporation
FEA—Federal Energy Administration
FHLBB—Federal Home Loan Bank Board
FMCS—Federal Mediation and Conciliation Service
FPC—Federal Power Commission
FTC—Federal Trade Commission
GSA—General Services Administration
GSA/ADTS—Automated Data and Telecommunciations Service
GSA/FMPO—Federal Management Policy Office
GSA/FPA—Federal Preparedness Agency
GSA/FSS—Federal Supply Service
GSA/NARS—National Archives and Records Service
GSA/PBS—Public Buildings Service.
ICC—Interstate Commerce Commission
NASA—National Aeronautics and Space Administration
NCUA—National Credit Union Administration
NLRB—National Labor Relations Board
NRC—Nuclear Regulatory Commission
NTSB—National Transportation Safety Board
OFR—Federal Register Office
OMB—Management and Budget Office
OPIC—Overseas Private Investment Corp.
PRC—Postal Rate Commission
PS—Postal Service
RB—Renegotiation Board
RRB—Railroad Retirement Board
SBA—Small Business Administration
SEC—Securities and Exchange Commission
TVA—Tennessee Valley Authority
USIA—United States Information Agency
VA—Veterans Administration
WRC—Water Resources Council

federal register

MONDAY, AUGUST 2, 1976

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

PART V:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

■

LOW INCOME HOUSING

Modernization Program
PHA–Owned Projects

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing-Federal Housing Commissioner

[24 CFR Part 868]

[Docket N. R-76-404]

LOW INCOME HOUSING

Modernization Program PHA-Owned Projects

Notice is hereby given that the Department of Housing and Urban Development (HUD) proposes to amend Chapter VIII of Title 24 by adding a new Part 868.

This proposed rule codifies previously uncodified requirements and procedures for participation by Public Housing Agencies (PHAs) in the Low-Income Housing Modernization Program. The Modernization Program provides funds to PHAs to finance capital improvements in PHA-owned, low-income housing projects (including conveyed Lanham and Public Works Administration (PWA) projects) that appreciably extend their useful life, increase their value or utility, or make the projects more suitable for their intended use. The proposed rule does not apply to Section 23 and Section 10(c) Leased Housing Programs, the Section 23 Housing Assistance Payments Program, the Section 8 Housing Assistance Payments Program, the Low-Rent Housing Homeownership Opportunities Program (Turnkey III), the Mutual Help Homeownership Opportunities Program, or to Modernization of low-income housing projects undertaken with funds derived from the Community Development Block Grant Program under Title I of the Housing and Community Development Act of 1974.

The proposed rule sets forth eligibility requirements for an allocation of Modernization Funds to PHAs. These requirements include the presentation of evidence of the need for the proposed capital improvements, management capability to complete the proposed capital improvements, compliance with civil rights statutes, executives orders, and regulations, and a PHA agreement to correct deficiencies in management practices. The proposed rule prescribes the procedures to be followed by PHAs in applications for funding. The proposed rule also sets forth requirements for modernization contracts, including labor and civil rights provisions, and HUD reporting requirements.

The proposed rule primarily codifies existing requirements and procedures to make them available in one place without imposing new obligations. In instances where requirements have been modified, such as HUD review and approval of bidding documents and contract awards and the allowance of Major Repairs as Work Items, comments are particularly solicited. Interested persons are invited to submit written comments, suggestions, objections, or views with respect to final regulations concerning the subject matter of the proposed rule to the Rules Docket Clerk, Office of the Secretary, Room 10141, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410. Each person submitting a comment should include the docket number and reasons for any recommendations.

All relevant material received by September 2, 1976, will be considered before final action is taken on this proposal. A copy of each written communication will be available for public inspection during regular business hours at the above address.

The Department has determined that this proposed rule does not have a substantial environmental impact and a finding of inapplicability is available for public inspection in the office of the Rules Docket Clerk at the above address.

It is hereby certified that the economic and inflationary impacts of this proposed rule have been carefully evaluated in accordance with the OMB Circular A-107.

It is therefore proposed to amend Title 24 of the Code of Federal Regulations by adding a new Part 868, Modernization Program—PHA-Owned Projects, to read as follows:

PART 868—MODERNIZATION PROGRAM—PHA-OWNED PROJECTS

Sec.

868.1 Purpose and scope.
868.2 Definitions.
868.3 Types of modernization.
868.4 Eligibility requirements for an allocation of modernization funds.
868.5 Resident participation.
868.6 Procedures for obtaining approval of modernization program.
868.7 Contracting requirements.
868.8 Labor provisions.
868.9 Requests for modernization funds.
868.10 Monitoring and evaluation.
868.11 Revisions of the modernization program budget.
868.12 Revisions of the modernization work program.
868.13 Completion of modernization programs.

AUTHORITY: United States Housing Act of 1937, (42 U.S.C. 1437 et seq); sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d))

§ 868.1 Purpose and scope.

The purpose of this part is to prescribe requirements and procedures for Modernization by Public Housing Agencies (PHAs) of PHA-owned, low-income housing projects, including conveyed Lanham and Public Works Administration (PWA) projects, to upgrade living conditions, correct physical deficiencies, and achieve operating efficiency and economy. This part does not apply to the Section 23 and Section 10(c) Leased Housing Programs, the Section 23 Housing Assistance Payments Program, the Section 8 Housing Assistance Payments Program, the Low-Rent Housing Homeownership Opportunities Program (Turnkey III), the Mutual Help Homeownership Opportunities Program, or to Modernization of low-income housing projects undertaken with funds derived from the Community Development Block Grant Program under Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301-5316).

§ 868.2 Definitions.

As used in this part:

"Act" means the United States Housing Act of 1937, as amended (42 U.S.C. 1430–1437j).

"Annual Contributions Contract" (ACC) means a contract under the Act between the Secretary of the Department of Housing and Urban Development (HUD) and the PHA, containing the terms and conditions under which the Secretary makes loans and annual contributions to assist PHAs in providing decent, safe, and sanitary housing for families of low-income and provides Modernization Funds to PHAs to modernize PHA-owned, low-income housing projects.

"Force Account Labor" means labor employed directly by the PHA on a permanent or a temporary basis.

"Major Repairs" means Work Items that are usually not recurrent, are substantial in scope, involve expenditures that would otherwise materially distort the level trend of maintenance expense, are not the result of PHA failure to perform adequate maintenance during the period after April 1, 1975, and may include the replacement of structural elements due to normal wear and tear by items of substantially the same kind.

"Modernization" means capital improvements, such as alterations, betterments, additions, replacements or Major Repairs that appreciably extend the useful life of the property (site, structures, or nonexpendable equipment), increase its value or utility, or make it more suitable for its intended use.

"Modernization Funds" means funds derived from an allocation of contract authority under Section 5 of the Act to increase the total development cost of the project for the purpose of financing capital improvements under an approved modernization program.

"Operating Funds" means all project revenues (dwelling rentals, interest income received during the operation of the project, etc.), operating reserves, and HUD operating subsidies as shown on the PHA's approved operating budget.

"Work Item" means any separately identifiable unit of work constituting a part of a modernization program.

§ 868.3 Types of modernization.

There are two types of Modernization, as follows:

(a) Comprehensive modernization is a modernization program for an individual project that contains Work Items to upgrade the entire project, correct physical deficiencies, and achieve operating efficiency and economy so that upon completion of the program, the project will not require and is not eligible for Modernization for the Work Items funded under the comprehensive modernization program for at least ten years from the date of completion.

(b) Limited modernization is a modernization program for selected parts of an individual project that includes Work Items to correct serious physical deficiencies and improve operating efficiency and economy. Work Items relating to energy conservation, compliance with Federal, State, and local laws relating to health and safety, preservation of the basic integrity of the structures and systems, and immediate and demonstrable cost-savings to the PHA are priority Work Items.

health and safety; preservation of the basic integrity of the structures and systems, and immediate and demonstrable cost-savings to the PHA are priority Work Items.

§ 868.4 Eligibility requirements for an allocation of Modernization Funds.

To be eligible for an allocation of Modernization Funds, the PHA shall:

(a) Present evidence of the actual need for the proposed Work Items;

(b) Propose the most economical way of accomplishing needed Work Items;

(c) Provide accurate cost estimates;

(d) Limit proposed modernization expenditures to eligible Work Items;

(e) Limit proposed Work Items to Work Items that cannot be funded from current Operating Funds;

(f) Present a report on any previously approved modernization programs;

(g) Present evidence of management capability to complete the proposed modernization program within a two-year period;

(h) Agree to correct any deficiencies in management practices for:

(1) Routine maintenance operations;

(2) Preventive maintenance;

(3) Services and support from local and State government and community organizations for the project, including the ongoing operation of any recreational and community facilities;

(4) Rent collection policies and practices;

(5) Tenant selection policies;

(6) PHA progress in achieving resident employment where the PHA operates more than 500 dwelling units; or

(7) Other PHA management practices specifically identified by HUD.

(i) Present evidence, satisfactory to HUD:

(1) In the case of Indian Housing Authorities (IHAs):

(i) Of compliance with Title II of the Civil Rights Act of 1968 (Indian Civil Rights Act) (25 U.S.C. 1301–1303) or with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d–2000d–4) and Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601–3619), as applicable. The Indian Civil Rights Act is applicable (Title VI and Title VIII are inapplicable) to IHAs established by exercise of a tribe's powers of self-government. In the case of an IHA established under State law, the applicability of the Indian Civil Rights Act (or of Title VI and Title VIII) shall be determined by HUD on a case-by-case basis in accordance with 24 CFR 805.105; and

(ii) Of compliance with Section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e (b)), Executive Order 11246 (30 FR 12319), and Section 3 of the Housing and Urban Development Act of 1968, as amended, (12 U.S.C. 1701u) in accordance with 24 CFR 805.106 and 805.204.

(2) In the case of all other PHAs, of compliance with Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Orders 11063 (27 FR 11527) and 11246, and Section 3 of the Housing and Urban Development Act of 1968, as amended.

(j) Propose no modernization program to correct construction and design deficiencies in projects completed less than five years previously if additional development funds can be made available;

(k) Present evidence of compliance with HUD regulations and requirements under the Flood Disaster Protection Act of 1973;

(l) Agree to resident participation in identifying needed Work Items under § 868.5; and

(m) Obtain HUD clearance under the National Environmental Policy Act, where applicable.

§ 868.5 Resident participation.

The PHA shall notify the residents of the project to be modernized and the resident organization, if any, of the proposed modernization program, afford residents an opportunity to present their views, and consider resident recommendations. Resident participation is advisory only. The PHA shall provide HUD with an evaluation of resident recommendations, indicating the reasons for acceptance or rejection, consistent with the PHA's own determination of efficiency, economy, and need, under § 868.6(c)(7). After HUD approval of the modernization program, the PHA shall inform the residents and the resident organization, if any, of the approved Work Items. The provisions of this section do not apply where only priority Work Items, as explained in § 868.3(b) are proposed because of the nature of these Work Items.

§ 868.6 Procedures for obtaining approval of a modernization program.

(a) *Informal consultation.*—The PHA shall consult with the appropriate HUD Office to discuss its modernization needs; to obtain information and advice on HUD policies and procedures, and to explore the availability of Modernization Funds.

(b) *Preliminary application.*—The PHA shall submit to the appropriate HUD Office a preliminary application in letter form which shall contain:

(1) The reason comprehensive or limited modernization or both is being proposed;

(2) A brief description of each Work Item proposed for each project and the estimated amount of Modernization Funds needed to finance each Work Item;

(3) The reasons the Work Items proposed cannot be financed from current Operating Funds:

(4) A brief description of modernization Work Items previously approved, but not completed, for each project, including the current status and any significant problems;

(5) A listing of total Modernization Funds previously approved by HUD, monies previously provided to the PHA, and monies expended by the PHA to date;

(6) An estimate of additional Modernization Funds, if any, needed to complete previously approved modernization programs;

(7) A brief description of resident participation in identifying needed Work Items; and

(8) A report on the status of the PHA's tenant selection and assignment plan and whether the PHA has any outstanding complaints or lawsuits against the PHA alleging violations of civil rights statutes, executive orders, and regulations.

(c) *HUD-PHA joint review.*—The PHA shall participate in an on-site review with the appropriate HUD Office to develop a mutual agreement on the scope of the proposed modernization program and the details of the final application. The joint review shall include:

(1) On-site inspection of the proposed Work Items for each project, the time for completion, the method of accomplishment (by contract or Force Account Labor), cost estimates, and the method of PHA inspection of the work;

(2) PHA need for the technical services of a professional architect/engineer in planning, designing, and implementing all or part of the proposed modernization program;

(3) PHA plan for organizing and staffing the modernization program;

(4) PHA performance in administering previously approved modernization programs;

(5) PHA compliance with civil rights statutes, executive orders, and regulations, as applicable, under § 868.4(i);

(6) Determination of the applicability of § 868.4(j);

(7) Resident participation;

(8) Determination of the applicability of HUD regulations and other published requirements under the National Environmental Policy Act;

(9) PHA management practices; and

(10) Project characteristics, including:

(i) Occupancy rate for the project over the last five years and the anticipated occupancy rate after completion of the proposed modernization program;

(ii) Relationship of the projects to the adjacent neighborhood;

(iii) General physical condition of the project's systems and structures; and

(i) Availability of community services.

(d) *Final application.*—Upon notification from HUD, the PHA shall submit to the appropriate HUD office the final application which shall contain:

(1) A program budget, in a form prescribed by HUD, describing each Work Item, amount of Modernization Funds requested, method of accomplishment, estimated dates for starting and completing work, and a summary of Work Items by project;

(2) A work program, in a form prescribed by HUD, stating the estimated amount of Modernization Funds to be expended and the estimated work to be completed for each Work Item by quarter

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for eight quarters (a two-year period);

(3) An organization and staffing plan, stating the proposed organization, staffing, and inspection of the program;

(4) A management plan, describing any management Work Items and estimated progress by quarter for eight quarters (a two-year period) where management deficiencies have been identified by HUD;

(5) A PHA report on compliance by the local governing body with the terms of the Cooperation Agreement and any additional services or facilities that the PHA plans to request from the local governing body;

(6) A resolution by the PHA Board of Commissioners:

(i) Approving the program budget, the work program, the organization and staffing plan, and the management plan; and

(ii) Certifying that:

(A) The PHA will comply with all policies, procedures, and requirements, prescribed by HUD for the modernization program;

(B) The estimated costs of the modernization program cannot be funded from current Operating Funds;

(C) The proposed Work Items are eligible for modernization funding;

(D) The amount of Modernization Funds requested represent the PHA's best estimate of the costs of the modernization program described in the final application;

(E) The PHA will comply with civil rights statutes, executive orders, and regulations, as applicable, under § 864.4 (i); and

(F) The PHA has complied with HUD regulations and requirements under the Flood Disaster Protection Act of 1973 or that such regulations and requirements are not applicable.

(7) Environmental data, in a form prescribed by HUD, under procedures to be developed by HUD.

(e) *ACC amendment.*—After HUD approval of the PHA's final application, the PHA shall enter into an ACC amendment or an ACC to obtain Modernization Funds.

§ 868.7 Contracting requirements.

(a) *Compliance with State and local law.*—The PHA shall comply with State and local law applicable to bidding and contract award.

(b) *PHA agreement with architect/engineer.*—The PHA shall submit the proposed agreement, if any, in a form prescribed by HUD, with an architect/engineer for technical services to the appropriate HUD office for review and approval before executing the agreement.

(c) *Bidding documents.*—The PHA shall submit complete plans, drawings, specifications, and other related documents for each proposed modernization contract over $5,000 to the appropriate HUD office for review and approval before inviting bids.

(d) *Contract award.*—The PHA shall submit all documents relating to the proposed award of modernization construction and equipment contracts to the appropriate HUD office for review and approval before making an award, if the amount of the contract exceeds $10,000 or the amount included in the latest approved modernization program budget, whichever is lower. The Director of the HUD office with which the PHA normally transacts its low-income housing business may waive the requirements of this paragraph (d) of this section for an individual PHA that has demonstrated satisfactory performance.

(e) *Contract Changes and time extensions.*—The PHA shall submit to the appropriate HUD office for review and approval all proposed contract changes which increase the original contract amount, extend the date for completing work by more than 30 days, or change the approved scope of the work by adding new Work Items or lowering the work quality before issuing changes to the contractor.

(f) *Contract settlement.*—Regardless of the amount of the contract, the PHA shall submit all documents for final payment of the contractor to the appropriate HUD office for review and approval before making the payment.

§ 868.8 Labor provisions.

(a) *Technical wage rates.*—Under Section 12 of the Act, the PHA and its contractors shall pay not less than the wages prevailing in the locality, as determined or adopted (subsequent to a determination under applicable State or local law) by the Secretary, to all architects, technical engineers, draftsmen, and technicians employed by the PHA itself or by an architect/engineer or other contractor engaged by the PHA, for a modernization program.

(b) *Davis-Bacon Act.*—Under Section 12 of the Act, the PHA and its contractors shall pay not less than the wages prevailing in the locality, as predetermined by the Secretary om Labor, under the Davis-Bacon Act, to all laborers and mechanics employed by the PHA itself or by a contractor engaged by the PHA for modernization work or contracts over $2,000.

§ 868.9 Requests for Modernization Funds.

To request Modernization Funds against the approved modernization program, the PHA shall:

(a) Consult informally with the appropriate HUD office as to the amount of Modernization Funds needed for the time period in question, the immediacy of need, and the method of financing;

(b) Submit a request to the appropriate HUD office for only the amount of Modernization Funds needed for the time period in question and support the request with a written justification, in a form prescribed by HUD; and

(c) Submit the latest required progress reports under § 868.10(b), unless the first required report is not yet due.

§ 868.10 Monitoring and evaluation.

(a) *On-site physical inspections.*—The PHA shall provide, by contract or otherwise, adequate and competent supervisory and inspection personnel during Modernization, whether the work is performed by contract or Force Account Labor and with or without the services of an architect/engineer, to assure work quality and progress.

(b) *Progress reporting.*—For each quarter until completion of the modernization program, the PHA shall submit, in a form prescribed by HUD, to the appropriate HUD office:

(1) A modernization quarterly progress report, showing the PHA's actual performance in comparison with its planned performance contained in the modernization work program, by Work Item for each project, including the planned and actual expenditures during the preceding quarter and cumulatively, and the work planned but not accomplished.

(2) An explanation, including the reasons for the deficiency and the corrective actions which the PHA has planned or taken, where the modernization quarterly progress report indicates:

(i) An overrun of 10% or more in actual cumulative expenditures in comparison with planned cumulative expenditures; or

(ii) Any work planned but not accomplished during any previous quarter.

(3) A narrative report, describing the PHA's actual performance in comparison with its planned performance contained in the modernization management plan, including the current status of each management Work Item and an explanation if no progress has been made.

(c) *Conversion of previously approved modernization programs to progress reporting.*—By January 1, 1977, any PHA with an incomplete modernization program approved before July 1, 1974, shall submit, in a form prescribed by HUD, to the appropriate HUD office:

(1) A modernization work program for each project in an incompleted modernization program; and

(2) Progress reports, under paragraph (b) of this section, until program completion.

§ 868.11 Revisions of the modernization program budget.

The PHA shall not incur any modernization cost in excess of the total approved modernization budget. The PHA shall submit a revision of the modernization program budget, in a form prescribed by HUD, to the appropriate HUD office for review and approval if the PHA plans (within the total approved modernization budget) to:

(a) Delete or substantially revise approved Work Items;

(b) Add new Work Items; or

(c) Incur modernization costs in excess of:

(1) 10% of the approved budget amount of a Work Item; or

(2) The approved budget amount for any project.

§ 868.12 Revisions of the modernization work program.

The PHA shall submit a revision of the modernization work program, in a form prescribed by HUD, to the appropriate HUD office for review and approval where there is:

(a) A revision of the modernization program budget;

(b) HUD approval of an extension of contract time, extending the date for completing work by more than 30 days; or

(c) A HUD determination that the PHA is not properly administering the modernization program, is not exhibiting sufficient progress toward completion and by reason thereof is so far behind schedule that work cannot be completed within the two-year period.

§ 868.13 Completion of modernization programs.

Upon completion of modernization programs, the PHA shall submit the actual modernization cost certificate, in a form prescribed by HUD, to the appropriate HUD office for review, audit verification, and approval. If the audited modernization cost certificate indicates that excess funds have been provided, the PHA shall dispose of the excess funds as directed by HUD. If the audited modernization cost certificate discloses unauthorized expenditures, the PHA shall take any action that HUD may direct.

Issued at Washington, D.C., July 26, 1976.

JAMES L. YOUNG,
Assistant Secretary for Housing, Federal Housing Commissioner.

[FR Doc.76-22318 Filed 7-30-76;8:45 am]

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federal register

MONDAY, AUGUST 2, 1976



PART VI:

OFFICE OF MANAGEMENT AND BUDGET

■

BUDGET RESCISSIONS AND DEFERRALS

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OFFICE OF MANAGEMENT AND BUDGET

BUDGET RESCISSIONS AND DEFERRALS

TO THE CONGRESS OF THE UNITED STATES:

In accordance with the Impoundment Control Act of 1974, I herewith propose four rescissions totalling $126.4 million in budget authority provided in the Second Supplemental Appropriations Act, 1976. In addition, I am reporting four new deferrals totalling $334 million in budget authority.

Three of the proposed rescissions are for education programs of the Department of Health, Education, and Welfare. The other rescission proposal affects the child nutrition program of the Department of Agriculture. These funds are either not needed to accomplish program objectives or, in the case of $3 million which would fund State school financing programs, would be used inappropriately to fulfill a State responsibility rather than a Federal responsibility.

Approval of these rescission proposals would (1) reduce Federal spending by $126.4 million over the transition quarter, 1977, and 1978, and (2) provide the Congress with an opportunity to demonstrate its willingness to prevent unnecessary Federal spending even if this involves reconsidering earlier funding decisions.

One of the deferrals consists of $4 million in construction funds for the Rogers Memorial Hospital in the District of Columbia. This deferral is reported to give Congress time to consider a request to reprogram the funds. The reprogramming that I will propose would allow all eligible medical facilities construction projects in the country an equal opportunity to compete for the funds. The other three deferrals are reported because there will be delays in the use of available funds.

THE WHITE HOUSE, July 28, 1976.

Gerald R. Ford

CONTENTS OF SPECIAL MESSAGE
(In thousands of dollars)

Rescission #	Item	Budget Authority
	Agriculture	
	Food and Nutrition Service	
R76-46	Child nutrition program	9,350
	Health, Education, and Welfare	
	Office of Education	
R76-47	Elementary and secondary education (State equalization)	3,000
R76-48	School assistance in federally affected areas	24,000
R76-49	Education for the handicapped (State grant program)	90,000
	Subtotal, rescissions	126,350
Deferral #		
	Funds Appropriated to the President	
D76-114	United States Emergency Refugee and Migration	15,000
	Health, Education, and Welfare	
	Health Resources Administration	
D76-115	Health resources (special medical facilities)	4,000
	Energy Research and Development Administration	
D76-116	Operating expenses	16,000 1/
	Other Independent Agencies	
	Federal Energy Administration	
	Strategic Petroleum Reserve Office	
D76-117	Strategic petroleum reserve	299,000 2/
	Subtotal, deferrals	334,000
	Total, rescissions and deferrals	460,350

1/ These funds were made available on July 22, 1976.
2/ This deferral was reduced to $167,500,000 on July 1, 1976. Even though only a portion of the initial deferral is still being withheld, the Impoundment Control Act requires that we report the full amount of the initial withholding.

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SUMMARY OF SPECIAL MESSAGES
FOR FY 1976 AND THE TRANSITION QUARTER

(Amounts in thousands of dollars)

	Rescissions	Deferrals
Eighteenth special message:		
New Items	126,350	334,000
Changes to amounts previously submitted	---	---
Effect of the eighteenth special message	126,350	334,000
Previous special messages	3,328,964	7,806,128
Adjustments to eliminate double counting	---	-242,023
Total amount proposed in special messages	3,455,314 (in 49 rescission proposals)	7,898,105 (in 117 deferrals)

NOTE: All amounts listed represent budget authority except for $114,828,220 consisting of two general revenue sharing deferrals (of outlays only). Supplementary reports for these deferrals (D76-25F and D76-67A) are included in the seventeenth special message.

Rescission Proposal No: R76-46

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency: U.S. Department of Agriculture	New budget authority (P.L. 94-303): $419,500,000
Bureau: Food and Nutrition Service	Other budgetary resources: 20,000,000
Appropriation title & symbol: 12X3539--Child Nutrition Programs	Total budgetary resources: 439,500,000
	Amount proposed for rescission: $9,350,000
OMB identification code: 05-84-3539-0-1-604	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification

This proposal would rescind the following amounts provided for the transition quarter in the Second Supplemental Appropriations Act, 1976:

(1) for school food service equipment, $7 million
(2) for State administrative expenses, $2.4 million

The President requested no transition quarter funds for school food service equipment grants but did request a total of $4.1 million that would be used for State administrative expenses.

Nonfood assistance funds

Large amounts of nonfood assistance funds (school food service equipment grants) were furnished to the States in past years in order to increase participation by schools in the National School Lunch program. Nonfood assistance funds have served to draw as many schools into the National School Lunch program as possible. The schools that are not now participating in the National School Lunch program either have other types of food service, do not wish to have food service, or have impediments preventing participation in the national program that go beyond a lack of food service equipment. There is no evidence that this program will continue to increase the number of schools participating in the National School lunch program. The Administration believes that the block grant approach as specified in the proposed Child Nutrition Reform Act would provide States with the flexibility to design programs that would reach the needy children not now participating in the National School Lunch program.

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State administrative expenses

This program subsidizes State administration expenses incurred in carrying out State responsibilities related to the National School Lunch program. The supplemental request of $4.1 million for the transition period compares with $6.4 million provided by the enacted supplemental. The budget estimates include both $1.7 million for the transition quarter provided under the traditional direct appropriation and approximately $2.4 million for the Summer Feeding Program provided under the new section 13(k) of the National School Lunch Act, as amended by P.L. 94-105. Current estimates indicate that the original budget request is sufficient to meet anticipated needs and that consideration of additional increases cannot be justified pending completion of the on-going State Staffing study in the fall of 1976.

Estimated effects

The rescission proposal would result in no funding for nonfood assistance grants in the transition quarter. Since the Administration believes that the basic objective of the program--increasing the number of schools participating in the National School Lunch program--will no longer be accomplished by this program, no programmatic effect is anticipated by the rescission. In addition, authority for an annual level of $3 million will be in effect for future grants under the recently expanded Child Care Food program (Section 17 of the National School Lunch Act). While the rescission would reduce direct appropriation outlays for State administrative expenses by $2.4 million in the transition quarter, the resulting program level (which includes funding under the Summer feeding program) would result in a substantial increase over fiscal 1975 levels. This level is sufficient to provide for the increased workload resulting from recently enacted amendments to the National School Lunch Act and the Child Nutrition Act and should not affect the overall administration of the National School Lunch and Child Nutrition programs.

Outlay Effect (estimated in millions of dollars)

Comparison with President's 1977 Budget:

1. Budget outlay estimate for the transition quarter	326.1
2. Outlay savings, if any, included in the budget estimate	-0-

Current Outlay Estimates for the Transition Quarter

3. Without rescission	331.4
4. With rescission	329.1
5. Current outlay savings (line 3 - line 4)	2.4
Outlay Savings for 1977	-0-
Outlay Savings for 1978	7.0

R76-46

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

CHILD NUTRITION PROGRAMS

Funds appropriated under this head in the Second Supplemental Appropriations Act, 1976, for the period July 1, 1976, through September 30, 1976, in the amount of $9,350,000 are rescinded.

V 41 1 149 AUG 2 76 UMI

Rescission Proposal No: R76-47

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Health, Education, and Welfare	New budget authority (P.L. 94-303) $ 3,000,000
Bureau Office of Education	Other budgetary resources ---
Appropriation title & symbol Elementary and Secondary Education (State Equalization) 7560279	Total budgetary resources 3,000,000
	Amount proposed for rescission $ 3,000,000
OMB identification code: 09-40-0279-0-1-501	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification

The $3,000,000 being proposed for rescission represents funds appropriated in the Second Supplemental Appropriations Act, 1976 (P.L. 94-303). These funds would be used to reimburse States for the development of State school financing programs that conform with equity guidelines established by the Federal Government. The Administration did not request funds for this activity because this is a responsibility that States themselves should support. Financial support for specific State activities such as the development of equitable school financing mechanisms is a State -- not Federal -- responsibility.

Estimated Effects

The closing date for submission of State plans and applications under Section 842 of the Education Amendments of 1974 (P.L. 93-380) is July 1, 1977. Because of the wide variance in stages of development of approvable State school plans, it has not been accurately determined how many States would submit approvable plans. However, it is estimated that most States will go forward with equalization efforts without regard to Federal funding for support. Consequently, little negative impact is anticipated on State efforts toward equalization.

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Outlay Effect: (estimated in millions of dollars)

Comparison with President's 1977 Budget	
1. Budget Outlay estimate for the Transition Quarter ..	-0-
2. Outlay savings, if any, included in the budget outlay estimate	-0-
Current Outlay Estimates for the Transition Quarter	
3. Without rescission	$ 2.0
4. With rescission	-0-
5. Current outlay savings	$ 2.0
Outlay Savings for 1977	$ 1.0
Outlay Savings for 1978	-0-

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R76-47

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education
ELEMENTARY AND SECONDARY EDUCATION

Funds appropriated under this head in the Second Supplemental Appropriations Act, 1976, for the period July 1, 1976 through September 30, 1976, in the amount of $3,000,000 to carry out section 842 of Public Law 93-380 are rescinded.

Rescission Proposal No: R76-48

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency Dept. of Health, Education and Welfare	New budget authority P.L. 94-94 $55,000,000; P.L. 94-303 24,000,000
Bureau Office of Education	Other budgetary resources 11,000,000
Appropriation title & symbol School Assistance in Federally Affected Areas (Savings Provisions) 7560280 75X0280	Total budgetary resources 90,000,000
	Amount proposed for rescission $24,000,000
OMB identification code: 09-04-0280-0-1-501	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year _____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification

The combination of appropriations from the regular 1976 Education Appropriations Act (P.L. 94-94) and the Second Supplemental Appropriations Act, 1976 (P.L. 94-303) is $90 million, which would fully fund the discretionary "hold harmless" provisions. There is a total of four discretionary "hold harmless" provisions (contained in P.L. 87-874) that function to:

(1) insure that each district receives 80% of the previous fiscal year's payment if the impact aid payment is less than 10% of the school district's budget. If this payment is 10% or more of the school district's budget, they are guaranteed 90% of the previous year's payment;
(2) provide that if there was a decline during FY 1974 and FY 1975 of 10% or more in the impact aid eligible students, a district is assured that its payment will be at least 90% of the previous year's payment;
(3) "hold harmless" at 90% of the previous fiscal year's amount a district's payment if 10% of the average daily attendance in the district are "b" category pupils who attend school in the district, but reside outside of the State or county in which the district is located;
(4) provide that no district will receive less money as a result of the introduction of funding for "c" category pupils (those whose parents either live or work on low cost public housing) than they would without funding for these "c" category students.

The proposed rescission of $24,000,000, appropriated in the Second Supplemental Appropriations Act, 1976, would reduce "hold harmless" payments to school districts. To a great extent, the "hold harmless" provisions negate the programmatic reforms of the Education Amendments of 1974 (P.L. 93-380). Variously, they provide aid to school districts for children who are either not eligible (except for the "hold harmless" provisions) or not using the school districts' services.

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Estimated Effects

The proposed rescission would reduce "hold harmless" payments to school districts from approximately 100% of the previous year's entitlement to approximately 75%. Such proration is consistent with the partial funding of other sections in the current appropriation.

Outlay Effect (estimated in millions of dollars)

Comparison with President's 1977 Budget	
1. Budget outlay estimate for the transition quarter	7.7
2. Outlay savings, if any, included in the budget outlay estimate	-0-
Current Outlay Estimates for the transition quarter	
3. Without rescission	58.7
4. With rescission	46.2
5. Current outlay savings (line 3 - line 4)	12.5
Outlay savings for 1977	11.5
Outlay savings for 1978	-0-

R76-48

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education
SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

Funds appropriated under this head in the Second Supplemental Appropriations Act, 1976, for the fiscal year 1976, amounting to $24,000,000 for payments under subparagraphs (A), (B), (C), and (D) of section 305 of the Education Amendments of 1974 are rescinded.

V 41 I 149 AUG 2 76 UMI

Rescission Proposal No: R76-49

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency: Department of Health, Education, and Welfare	P.L. 94-94 New budget authority: $110,000,000
Bureau: Office of Education	(P.L. P.L. 94-303) Other budgetary resources: 90,000,000
Appropriation title & symbol: Education for the Handicapped (State Grant Program) 7560282 756/70282	Total budgetary resources: 200,000,000
	Amount proposed for rescission: $90,000,000
OMB identification code: 092-40-0282-0-1-501	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Grant program: ☒ Yes ☐ No	
Type of account or fund: ☐ Annual ☒ Multiple-year 9-30-77 (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification

The President's 1976 Budget included a request of $50 million for the State Grant Program. An amount of $110 million was appropriated for this program in P.L. 94-94, and an additional $90 million was appropriated in the Second Supplemental Appropriations Act, 1976 (P.L. 94-303), resulting in a total of $200 million for academic year 76/77. P.L. 94-303 limited the duration of availability of the $90 million supplemental to September 30, 1976, whereas the $110 million appropriated in P.L. 94-94 is available through September 30, 1977.

This action would result in a funding level for this program of $110 million, which exceeds the program level of $100 million for academic year 1975/76 by $10 million. These funds are for State grants for diagnostic and prescription services, direct support, and other services.

In the past the late availability of appropriations made it difficult for States to program large additional Federal funds effectively. In addition, States must take a number of preliminary steps to implement the new education for the handicapped law which will limit their ability to immediately effect major expansion of services. Further, the rescission of $90 million would result in a funding level for this program of $110 million, which exceeds the original request by $60 million. While the Administration recognizes the priority of serving handicapped children, it also recognizes that the present Federal deficit mandates fiscal restraint in order to meet as many educational priorities as possible in a fiscally responsible manner. The Administration views the appropriation of $110 million for academic year 1976-77 as adequate to meet the priority placed on Federal special education.

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The rescission is being proposed in order to preclude the excess obligation of funds to States which they might not be able to spend effectively and to maintain a Federal financing level consistent with the Administration's priority for this program within the bounds of fiscal responsibility.

Estimated Effects

The proposed rescission of $90,000,000 for this program would require States to provide additional funds for the special education and related services and comprehensive planning activities mandated by the Education for All Handicapped Children Act of 1975 including systems to locate and identify handicapped children, individualized education plans, and a comprehensive system of inservice training for instructional and support personnel.

The remaining level would be $110 million.

Outlay Effect: (estimated in millions of dollars)

Comparison with President's 1977 Budget	
1. Budget outlay estimate for the transition quarter	26.7
2. Outlay savings, if any, included in the budget outlay estimate	-0-
Current Outlay Estimates for the transition quarter	
3. Without rescission	37.6
4. With rescission	26.8
5. Current outlay savings	10.8
Outlay Savings for 1977	79.2
Outlay Savings for 1978	-0-

NOTE: The estimated effects stated above would be modified in the event of potential congressional action. The full Senate Committee has proposed in H.R. 14232 that the language in the Second Supplemental Appropriations Act (P.L. 94-303) be changed as follows:

> "Sums appropriated for "Education for the handicapped" under P.L. 94-303 are for use in school year 1976-77 and are to become available on July 1, 1976 and remain available through September 30, 1977."

If this proposal is enacted into law, the $90,000,000 supplemental funds for the State Grant program will be advance-funded and bring the total appropriated for the State Grant program, available during fiscal year 1977, to $200,000,000.

If the $90.0 million is changed to advance funding as noted above, the outlay effect of a rescission of that amount would be as follows:

Current Outlay Estimated for the transition quarter

3. Without rescission 37.6

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4. With rescission	26.8
5. Current outlay savings	10.8
Outlay Savings for 1977	37.4
Outlay Savings for 1978	41.8

R76-49

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education
EDUCATION FOR THE HANDICAPPED

Funds appropriated under this head in the Second Supplemental Appropriations Act, 1976, for fiscal year 1976 amounting to $90,000,000 to carry out part B of the Education of the Handicapped Act are rescinded.

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Deferral No: D76-114

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Funds Appropriated to the President	New budget authority PL94-330: $ 5,000,000 PL94-303: 10,000,000
Bureau	Other budgetary resources
Appropriation title & symbol Emergency Refugee and Migration Assistance Fund 1160040 11X0040	Total budgetary resources 15,000,000
	Amount to be deferred: Part of transition quarter $ 15,000,000 Entire transition quarter ____
OMB identification code: 04-30-0040-0-1-801	Legal authority *(in addition to sec. 1013)*: [X] Antideficiency Act
Grant program [ ] Yes [X] No	[ ] Other ____
Type of account or fund: [X] Annual [ ] Multiple-year ____ *(expiration date)* [X] No-year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other ____

Justification Section 501(a) of the Foreign Relations Authorization Act, Fiscal Year, 1976, P.L. 94-141, amended section 2(c) of the Refugee and Migration Assistance Act by authorizing a fund not to exceed $25 million to enable the President to provide emergency assistance for unexpected, urgent refugee and migration needs. The fund was authorized in lieu of the President's previous authority under section 2(c) to transfer up to $10 million of foreign assistance funds in any fiscal year to meet similar needs.

Budget authority has been provided to the fund as follows: (1) the Second Supplemental Appropriation Act, 1976, (P.L. 94-303) provides $10 million in funds available until expended, and (2) the Foreign Assistance and Related Agencies Appropriation Act, 1976, (P.L. 94-330) provides $5 million in funds available until September 30, 1976, for a combined total of $15 million.

All authorities of the amended section 2(c) are vested in the President. In Executive Order No. 11922, the President allocated all funds appropriated under authority of section 2(c) to the Secretary of State, but he retained the authority to determine which refugee and migration needs are to be provided assistance. In keeping with this reservation of authority and to achieve the most economical use of appropriations (31 U.S.C. 665 (C)(1)), the full availability of the fund is deferred. Reapportionments will be made case-by-case during 1976 and the transition quarter as the President determines the refugee assistance needs to be financed by the fund.

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Estimated Effects None

Outlay Effect (estimated in millions of dollars)

Comparison with President's 1977 Budget:

1. Budget outlay estimate for 1976	3.0
2. Outlay savings, if any, included in the budget outlay estimate	0
Current Outlay Estimate for 1976	
3. Without deferral	0
4. With deferral	0
5. Current outlay savings (line 3 - line 4)	0
Outlay savings for the Transition Quarter	0
Outlay savings for 1977	0
Outlay savings for 1978	0

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Deferral No: D76-115

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Health, Education, and Welfare	New budget authority (P.L. ____) $ /
Bureau Health Resources Administration	Other budgetary resources 20,209,000
Appropriation title & symbol Health Resources (Special Medical Facilities) 75X0712	Total budgetary resources 20,209,000
	Amount to be deferred: Part of transition quarter $ ____ Entire transition quarter 4,000,000
OMB identification code: 09-35-0712-0-1-550	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☐ Other ____
Grant program ☒ Yes ☐ No	
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification

The deferral of $4 million for the expansion and modernization of Rogers Memorial Hospital is proposed pending consideration by Congress of a reprogramming request so that all eligible construction projects in the country will have an equal opportunity to compete for this medical facilities construction financial assistance.

The Second Supplemental Appropriations Act (P.L. 94-303) appropriated these funds under the authority of Section 305(b)(3) of the Public Health Service Act. This is a specialized authority intended to be used in supporting research, evaluation, and demonstration projects in the design, construction, utilization, organization, and cost of facilities and equipment. In addition, the appropriation language for these funds in P.L. 94-303 contains a waiver of the provisions of Section 308 of the Public Health Service Act which sets forth the requirements governing the use of funds appropriated under Section 305. By means of the waiver, this project has been exempted from the peer review process and national competition among similar projects throughout the country.

The intent of Congress as expressed in the report of the full Senate Committee accompanying this appropriation act was to have this project the sole recipient of the funds. The Administration opposes inequitable and preferential treatment of institutions through the legislative award of grants. Moreover, the direct award of $4 million to the Rogers Memorial Hospital is contrary to the National Health Planning and Resources

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Development Act of 1974 (P.L. 93-641). That Act sets as a goal the funding and development of area and State-wide health planning agencies that have the responsibility for determining the resource development for their respective areas/States.

Estimated Effects

The $4 million was appropriated for the explicit purpose of assisting the Rogers Memorial Hospital in expansion and modernization of its physical plant and is intended to provide new operating rooms, an intensive care unit, a coronary care unit, and help bring the existing structure into conformance with the Federal Life Safety Code. The Federal Government has already provided $18,324,684 to this project. This represents 82% of the cost of the facility to date. The $4 million will increase the Federal share of the project to $22 million or 85% of the total project costs.

Allowing the $4 million to be available for national competition will permit States and institutions which have determined their medical facility resource needs to compete for these funds.

Outlay Effect (estimated in millions of dollars) 1/

Comparison with President's 1977 Budget:	
1. Budget outlay estimate for the transition quarter	$1.2
2. Outlay savings, if any, included in the budget outlay estimate	---
Current Outlay Estimates for the transition quarter:	
3. Without deferral	1.2
4. With deferral	-0-
5. Current outlay savings (line 3 - line 4)	1.2
Outlay savings for 1977	1.2
Outlay savings for 1978	1.1

1/ There will be no overall outlay savings to the Health Resources Account. Outlays will be postponed to later years, however, as a result of the use of these funds for the medical facilities construction grants.

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Deferral No: D76-116

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Energy Research & Development Administration

Bureau:

Appropriation title & symbol:

Operating Expenses

89 X 0100

CMB identification code:
19-00-0100-0-1-999

Grant program: ☐ Yes ☒ No

Type of account or fund:
☐ Annual
☐ Multiple-year _____ (expiration date)
☒ No-year

New budget authority (P.L. 94-303) $22,522,000
Other budgetary resources 4,887,962,215
Total budgetary resources 4,910,484,215

Amount deferred: (until July 22, 1976)
Part of transition quarter $16,000,000
Entire transition quarter *

Legal authority (in addition to sec. 1013):
☒ Antideficiency Act
☐ Other

Type of budget authority:
☒ Appropriation
☐ Contract authority
☐ Other

Justification

This action deferred funding for Fossil Energy research and development contained in the "Second Supplemental Appropriations Act, 1976." The funds were deferred temporarily while consideration was given to how they would be used. The deferral was terminated on July 22, 1976.

Estimated Effects

None.

Outlay Effect (Estimated in millions of dollars)

Comparison with President's 1977 Budget:
1. Budget outlay estimate for transition quarter.....1,151.
2. Outlay savings included in budget outlay estimate..... 0

Current outlay estimate for transition quarter:
3. Without deferral.....1,151.
4. With deferral.....1,151.
5. Current outlay savings (line 3 - line 4)..... 0

Outlay Savings for 1977..... 0
Outlay Savings for 1978..... 0

Deferral No: D76-117

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Federal Energy Administration

Bureau: Strategic Petroleum Reserve Office

Appropriation title & symbol:

92X1501 Strategic Petroleum Reserve

CMB identification code:
30-66-1501-0-1-305

Grant program: ☐ Yes ☒ No

Type of account or fund:
☐ Annual
☐ Multiple-year _____ (expiration date)
☒ No-year

New budget authority (P.L. _____)
Other budgetary resources
Total budgetary resources (See coverage section below)

Amount to be deferred:

Legal authority (in addition to sec. 1013):
☒ Antideficiency Act
☐ Other

Type of budget authority:
☒ Appropriation
☐ Contract authority
☐ Other

Coverage

This action covers the fourth quarter of FY 1976 and the transition quarter as follows:

	Fourth Quarter Fiscal 1976	T.Q.
New budget authority (P.L. 94-303)	313,375,000	600,000
Unobligated balance	—	299,000,000
Total	313,375,000	299,600,000
Amount deferred	299,000,000	167,500,000

Justification

This action defers the obligation of $299,000,000 through June 30, 1976, and the obligation of $167,500,000 through September 30, 1976. The program is authorized by the Energy Policy and Conservation Act (P.L. 94-163). The deferred amount was appropriated in the Second Supplemental Appropriations Act, 1976 (P.L. 94-303), which was signed into law on June 1, 1976.

A portion of the funds, appropriated on a no-year basis, is being deferred until 1977 while environmental impact studies, site appraisals, and site configuration studies are being completed and reviewed and plans are being prepared on a site by site basis for construction, materials acquisition, and other steps needed to implement the program. These tasks will insure the efficient, effective, and timely implementation of the program. The Federal Energy Administration plans to complete these tasks at the earliest possible date.

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Estimated Effects

There is no effect from this deferral since the funds will not be used until completion of environmental impact and other studies.

Outlay Effect (estimated in millions of dollars)

Comparison with President's 1977 Budget:	
1. Budget outlay estimate for the transition quarter.....	0.1
2. Outlay savings, if any, included in the budget outlay estimate.....	0
Current Outlay Estimate for the transition quarter:	
3. Without deferral.....	4.6
4. With deferral.....	4.6
5. Current outlay savings (line 3 - line 4).....	0
Outlay savings for 1977.....	0
Outlay savings for 1978.....	0

[FR Doc.76-22423 Filed 7-29-76;2:59 pm]

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Twelve agencies have agreed to a six-month trial period based on the assignment of two days a week beginning February 9 and ending August 6 (See 41 FR 5453). The participating agencies and the days assigned are as follows:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
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DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this trial program are invited. Comments should be submitted to the Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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Executive Order 11930 • July 30, 1976

Performance by the Federal Energy Office of Energy Functions of the Federal Energy Administration

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including the Energy Policy and Conservation Act (89 Stat. 871, 42 U.S.C. 6201 *et seq.*), the Emergency Petroleum Allocation Act of 1973, as amended (15 U.S.C. 751 *et seq.*), the Energy Supply and Environmental Coordination Act of 1974 (88 Stat. 246, 15 U.S.C. 791 *et seq.*), the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 *et seq.*), the Energy Reorganization Act of 1974 (88 Stat. 1233, 42 U.S.C. 5801 *et seq.*), Section 202 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 581c), Section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862), Section 301 of Title 5 of the United States Code, and section 3301 of Title 5 of the United States Code, and consistent with the provisions of 5 CFR 351.301, and as President of the United States of America, it is hereby ordered as follows:

SECTION 1. There is hereby established in the Executive Office of the President a Federal Energy Office, which shall be under the immediate supervision and direction of an Administrator of the Federal Energy Office, hereinafter referred to as the Administrator, who shall be appointed by the President. The Administrator shall be compensated at the rate now or hereafter prescribed by law for level II of the Executive Schedule.

SEC. 2. Within the framework of the Energy Resources Council, the Administrator shall advise the President with respect to the establishment and integration of domestic and foreign policies relating to the production, conservation, use, control, distribution, and allocation of energy and with respect to all other energy matters, and shall perform such other functions as may be delegated to him pursuant to law.

SEC. 3. There shall be in the Federal Energy Office the following officers each of whom shall be appointed by the President and each of whom shall receive compensation at the rate now or hereafter prescribed by law for that level of the Executive Schedule indicated: Two deputy administrators (level III); six assistant administrators (level IV); a general counsel (level IV); and a director of intergovernmental, regional and special relations (level V).

SEC. 4. The Administrator is hereby designated, pursuant to section 14 of the Energy Supply and Environmental Coordination Act of 1974, as the Federal Energy Administrator for purposes of the Energy Supply and Environmental Coordination Act of 1974, and section 119 of the Clean Air Act, as amended (42 U.S.C. 1857).

SEC. 5. The Federal Energy Office established by this order is designated the agency to carry out all functions vested in the Administrator of the Federal Energy Administration under the Energy Policy and Conservation Act.

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SEC. 6. There is hereby delegated to the Administrator all the authority that was delegated to the Administrator of the Federal Energy Administration pursuant to Executive Order No. 11790 of June 25, 1974 and Executive Order No. 11912 of April 13, 1976.

SEC. 7. The Administrator is designated a member of the Energy Resources Council established by the Energy Reorganization Act of 1974 and Executive Order No. 11814 of October 11, 1974, as amended, and shall perform the functions assigned by the President and by the Chairman of the Council, who is the Secretary of Commerce, to the Administrator of the Federal Energy Administration.

SEC. 8. The Administrator shall exercise the functions of the Administrator of the Federal Energy Administration under Proclamation No. 3279, as amended.

SEC. 9. (a) All orders, rules, regulations, rulings, interpretations, or other directives issued or pending, all rule making, judicial or administrative proceedings commenced or pending, all voluntary agreements, plans of action, and all other actions commenced or taken by, under the authority of or ratified by the Administrator of the Federal Energy Administration prior to the effective date of this order that would be valid under the authority delegated or transferred by this order, are hereby continued, confirmed, ratified and made effective under this order and shall remain in full force and effect, unless or until altered, amended, or revoked by the Administrator or by such competent authority as he may specify.

(b) All personnel, property, records, contracts, obligations, cooperative agreements, rights, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available, in connection with functions of the Administrator of the Federal Energy Administration are hereby transferred to the Federal Energy Office.

(c) The Administrator is authorized to exercise the authority of the President under the Defense Production Act of 1950, as amended, to establish not more than eight positions and to appoint individuals to such positions compensated at the rate now or hereafter prescribed by law for level V of the Executive Schedule.

(d) All individuals who, immediately prior to the effective date of this order, are serving in or have been nominated to positions under the Federal Energy Administration Act of 1974, which correspond to the positions established in the Federal Energy Office by sections 1 and 3 of this order are, on the effective date of this order, appointed to the positions established in the Federal Energy Office by sections 1 and 3 of this order.

(e) All individuals appointed to and serving in positions in grades GS–16, 17 and 18 pursuant to the Federal Energy Administration Act of 1974, which appointments have been approved as to classification and qualifications by the Civil Service Commission, shall be continued in such grade unless any such position is determined by the Civil Service Commission to involve responsibilities substantially less than those responsibilities involved when originally established pursuant to the Federal Energy Administration Act of 1974. Continuation in such grades shall also be subject to allotment by the Civil Service Commission of available positions in grades GS–16, 17 and 18. The Civil Service Commission shall discharge its responsibilities with respect to the allotment of positions in grades GS–16, 17 and 18 by providing, consistent with law, the efficiency of the Civil Service, and the provisions of this order, for the allotment of sufficient positions in grades GS–16, 17 and 18 to carry out the first sentence of this subsection (e) and to provide for such additional positions as the Administrator and the Civil Service Commission deem necessary.

(f) Nothing in the order shall affect rights to reemployment under the provisions of section 5(a)(1)(B) of the Emergency Petroleum Allocation Act of 1973, as amended, or section 212(g) of the Economic Stabilization Act of 1970, as amended. Any employee transferred pursuant to subsection (b) of this section having a right to reemployment under the provisions of section 28 of the Federal Energy Administration Act of 1974 shall retain that right during the period of his employment with the Federal Energy Office established by this order. Any employee of the Federal government appointed, without a break in service of one or more work days, to any position in the Federal Energy Office established by this order shall have the rights of reemployment provided by subpart B of Part 352 of title 5 of the Code of Federal Regulations.

SEC. 10. The Administrator shall, before promulgating proposed rules, regulations, or policies affecting the quality of the environment, provide a period of not less than five working days from receipt of notice of the proposed action during which the Administrator of the Environmental Protection Agency may provide written comments concerning the impact of such rules, regulations, or policies on the quality of the environment. Such comments shall be published along with public notice of the proposed action. The review required by this section may be waived for a period of 14 days if there is an emergency situation which, in the judgment of the Administrator, requires immediate action.

SEC. 11. The Administrator of General Services shall provide, on a reimbursable basis, such administrative support as may be needed by the Federal Energy Office. All departments and agencies of the Executive branch shall, to the extent permitted by law, provide assistance and information to the Administrator of the Federal Energy Office.

SEC. 12. This order shall become effective on July 31, 1976.

Gerald R. Ford

THE WHITE HOUSE,
July 30, 1976.

[FR Doc.76–22709 Filed 8–2–76;10:56 am]

EDITORIAL NOTE: For the text of the President's statement, dated July 30, 1976, on signing Executive Order 11930, see the Weekly Compilation of Presidential Documents (vol. 12, no. 32).

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Memorandum of July 19, 1976

Determination Under Section 103(d)(3) of the Agricultural Trade Development and Assistance Act of 1954, as Amended (Public Law 480)—Portugal

[Presidential Determination No. TQ1]

Memorandum for the Secretary of State, the Secretary of Agriculture

THE WHITE HOUSE,
Washington, July 19, 1976.

Pursuant to the authority vested in me under the Agricultural Trade Development and Assistance Act of 1954, as amended (hereinafter "the Act"), I hereby:

Determine that for Portugal the waiver of the exclusion provided for by Section 103(d)(3) of the Act, for the purpose of selling up to $5 million of agricultural commodities under Title I, is in the national interest of the United States.

Gerald R. Ford

STATEMENT OF REASONS THAT A WAIVER UNDER SECTION 103(d)(3) OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954, AS AMENDED (PUBLIC LAW 480), IS IN THE NATIONAL INTEREST

In response to current Portuguese import needs, it is proposed to export to that country an additional five million dollars of agricultural commodities bringing the total assistance provided in fiscal year 1976 and the transitional quarter under Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended (P.L. 480), to $25 million.

The United States has consistently supported the efforts of the moderate Pinheiro Azevedo government to restore political stability to Portugal. Beset with enormous economic problems, exacerbated by the influx of thousands of refugees, Portugal needs urgent economic assistance. Concessional sales of agricultural commodities to Portugal constitute a tangible demonstration of our willingness to help provide this assistance.

Portuguese nationalized firms exported to Cuba in 1975, and it is likely they will do so again this year. Therefore, in order to enter into an agreement with the Government of Portugal for such a sale under Title I, it is necessary that the President determine that such sales to Portugal would be in the national interest of the United States. Section 103(d)(3) of P.L. 480 excludes from eligibility for concessional sales under Title I any country which sells or furnishes or permits ships or aircraft under its registry to transport to or from Cuba or North Vietnam any equipment, materials, or commodities, so long as those countries are governed by Communist regimes. However, under Section 103(d)(3), as amended by Section 203 of P.L. 94-161, the President is authorized to waive this exclusion if he determines that such a waiver is in the national interest.

The considerations noted above make the proposed sale of agricultural commodities to Portugal and the necessary waiver important to the national interest of the United States.

[FR Doc.76-22589 Filed 7-30-76;2:41 pm]

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—CHILD NUTRITION PROGRAMS

PART 220—SCHOOL BREAKFAST AND NONFOOD ASSISTANCE PROGRAMS AND STATE ADMINISTRATIVE EXPENSES

PART 235—STATE ADMINISTRATIVE EXPENSE FUNDS

Redesignation

Regulations governing a program for the payment of State Administrative Expense Funds, formerly contained in Part 220 of this chapter, are hereby redesignated as Part 235.

Sections 220.1–220.3 and §§ 220.24–220.29 are superseded insofar as they refer to State Administrative Expense Funds and §§ 220.19–220.23 are deleted.

Since this part has been removed from Part 220, with the primary changes being of an editorial nature to conform the regulations to the revised child nutrition program regulations necessitated by Pub. L. 94–105 and a minor change in the allocation formula, the Department finds that proposed rulemaking and public participation procedure is impracticable and unnecessary.

Accordingly, the regulations governing State Administrative Expense Funds are amended and reissued, as follows:

Part 235 is added to read as follows:

Sec.

235.1 General purpose and scope.
235.2 Definitions.
235.3 Administration.
235.4 Allocation of funds to States.
235.5 Payments to States.
235.6 Use of funds by State agencies.
235.7 Records and reports.
235.8 Management evaluations and audits.
235.9 Procurement standards.
235.10 Property management requirements.
235.11 Other provisions.

AUTHORITY: Secs. 7 and 10, Pub. L. 89–642, 80 Stat. 888, 889 (42 U.S.C. 1776, 1779).

§ 235.1 General purpose and scope.

This part announces the policies and prescribes the regulations necessary to carry out the provisions of section 7 of the Child Nutrition Act of 1966, as amended. It prescribes the methods for making advances of funds to State agencies for use for administrative expenses incurred in supervising and giving technical assistance in connection with additional activities undertaken by them under the special assistance phase of the National School Lunch Program (7 CFR Part 210), the Child Care Food Program (7 CFR Part 226), the School Breakfast Program (7 CFR Part 220), and the Nonfood Assistance Program (7 CFR Part 230).

§ 235.2 Definitions.

For the purpose of this part, the term:

(a) "Act" means the Child Nutrition Act of 1966, as amended.

(b) "CND" means the Child Nutrition Division of the Food and Nutrition Service of the U.S. Department of Agriculture.

(c) "Department" means the U.S. Department of Agriculture.

(d) "Distributing agency" means a State, Federal, or private agency which enters into an agreement with the Department for the distribution of commodities pursuant to Part 250 of this chapter.

(e) "Expendable personal property" means all tangible personal property other than nonexpendable property.

(f) "FNS" means the Food and Nutrition Service of the U.S. Department of Agriculture.

(g) "FNSRO" means the appropriate Food and Nutrition Service Regional Office of the Food and Nutrition Service of the U.S. Department of Agriculture.

(h) "Fiscal year" means a period of 12 calendar months beginning October 1, 1976, and October 1 of each calendar year thereafter and ending with September 30 of the following calendar year.

(i) "Institution" means a child care center or a sponsoring organization as defined in Part 226 of this chapter.

(j) "Nonexpendable personal property" means tangible personal property having a useful life of more than one year and an acquisition cost of $300 or more per unit. The State agency may use its own definition of nonexpendable personal property provided that such definition would at least include all tangible personal property as defined herein.

(k) "OA" means the Office of Audit of the Department.

(l) "OI" means the Office of Investigation of the Department.

(m) "Personal property" means property of any kind except real property. It may be tangible—having physical existence—or intangible having no physical existence—such as patents, inventions, and copyrights.

(n) "Real property" means land, land improvements, structures and appurtenances thereto, excluding movable machinery and equipment.

(o) "School" means (1) An educational unit of high school grade or under operating under public or nonprofit private ownership in a single building or complex of buildings. The term "high school grade or under" includes classes of preprimary grade when they are conducted in a school having classes of primary or higher grade, or when they are recognized as a part of the educational system in the State, regardless of whether such preprimary grade classes are conducted in a school having classes of primary or higher grade. (2) With the exception of residential summer camps which participate in the Summer Food Service Program for Children and private foster homes, any distinct part of a public or nonprofit private institution or any public or nonprofit private child care institution which (i) maintains children in residence, (ii) operates principally for the care of children, and (iii) if private, is licensed to provide residential child care services under the appropriate licensing code by the State or a subordinate level of government. The term "child care institution" includes, but is not limited to: homes for the mentally retarded, the emotionally disturbed, the physically handicapped, and unmarried mothers and their infants; group homes; halfway houses; orphanages; temporary shelters for abused children and for runaway children; long-term care hospitals for chronically ill children; and juvenile detention centers. (3) With respect to the Commonwealth of Puerto Rico, nonprofit child care centers certified as such by the Governor of Puerto Rico.

(p) "School Food Authority" means the governing body which is responsible for the administration of one or more schools and which has the legal authority to operate a breakfast or a lunch program therein. The term "School Food Authority" also includes a nonprofit agency or organization to which such governing body has delegated authority to operate the lunch or breakfast program in schools under its jurisdiction, provided the governing body retains the responsibility to comply with breakfast or lunch program regulations.

(q) "Secretary" means the Secretary of Agriculture.

(r) "State" means any of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, or the Trust Territory of the Pacific Islands.

(s) "State agency" means (1) the State educational agency or (2) such other agency of the State as has been designated by the Governor or other appropriate executive or legislative authority of the State and approved by the Department to administer programs under Part 210, Part 220, Part 226, or Part 230 of this chapter.

(t) "State educational agency" means, as the State legislature may determine, (1) the chief State school officer (such as the State Superintendent of Public Instruction, Commissioner of Education, or similar officer), or (2) a board of education controlling the State department of education.

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§ 235.3 Administration.

(a) Within the Department, FNS shall act on behalf of the Department in the administration of the program for payment to States of State Administrative Expense Funds covered by this part. Within FNS, CND shall be responsible for administration of the program.

(b) Each State agency desiring to receive payments under this part shall enter into a written agreement with the Department. Each agreement shall cover the operation of the Program during the period specified therein and may be extended at the option of the Department.

§ 235.4 Allocation of funds to States.

(a) For the period beginning July 1, 1976, and ending September 30, 1976, FNS shall determine the amount of State Administrative Expense Funds payable to each State as follows: To the extent that funds are available, FNS shall establish a tentative allocation for each State agency which shall include: (1) A basic amount related to the number of man-years required to establish, maintain and expand the programs for needy children, including the State's outreach effort. This amount shall be determined by FNS on the basis of information available as to the salary level of State food service personnel; and (2) an additional amount determined by dividing 2 per centum of the remaining funds among Guam, Puerto Rico, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands on the basis of the number of children, aged 3 to 17, inclusive, in each State and by dividing the balance of 98 per centum of such remaining funds among other States on the basis of the number of children, aged 3 to 17, inclusive, in each State in families with incomes of less than $6,000 per annum. Information as to the program or programs for which these funds are available for each State shall be supplied by FNS to each State agency. Appropriate reductions from or additions to the tentative allocation so computed shall be made by FNS for any State where FNS determines that the scope and size of the State's child nutrition programs warrant such changes.

(b) Beginning with the fiscal year ending September 30, 1977, FNS shall determine the amount of State Administrative Expense Funds for each State each fiscal year as follows: To the extent that funds are available, FNS shall establish a tentative allocation which shall include: (1) A basic amount related to the number of man-years required to establish, maintain and expand the programs for needy children, including the State's outreach effort. This amount shall be determined by FNS on the basis of information available on an application form prescribed by FNS that conforms with Attachment M (Standard Form for Applying for Federal Assistance) of Federal Management Circular 74–7 (34 CFR Part 256). (2) An amount determined by dividing the remaining available funds among the States on the basis of the estimated total number of meals served free or at reduced price the previous fiscal year under the National School Lunch Program, the School Breakfast Program and the Child Care Food Program. FNS shall inform each State agency as to the child nutrition program or programs for which allocated funds are available. Appropriate reductions from or additions to the tentative allocation so computed shall be made by FNS for any State where FNS determines that the scope and size of the State's child nutrition programs warrant such changes.

§ 235.5 Payments to States.

State Administrative Expense Funds allocated to any State shall be made available by means of Letters of Credit issued by FNS in favor of the State agency. The basic amount of funds based on man-years may be made available to each State agency upon receipt of the application. Additional funds shall not be made available before approval of the State Plan of Child Nutrition Operations provided for under 7 CFR 210.4a or the State Plan of Child Care Food Program Operations provided for under 7 CFR 226.7 (the "State Plan").

§ 235.6 Use of funds by State agencies.

(a) State Administrative Expense Funds paid to any State shall be used by State agencies to employ additional personnel, as approved in the applicable State Plan, to supervise and give technical assistance to School Food Authorities and to institutions in their initiation, expansion, and conduct of any program for which the funds are made available. State agencies may also use these funds, in an amount approved by FNSRO in the application form, for their general administrative expenses in connection with any such program, including travel and related expenses. Additional personnel or part-time personnel hired to give assistance to any such program are expected to meet professional qualifications and to be paid at salary scales of positions of comparable difficulty and responsibility under the State agency. Personnel may be used on a man-year equivalent basis, thus permitting new personnel and existing staff to be cross-utilized for most effective and economical operation under existing and new programs.

(b) State Administrative Expense Funds shall be used consistent with the cost principles and constraints on allowable and unallowable costs and indirect cost rates as prescribed in Federal Management Circular 74–4 (7 CFR Part 255).

(c) State Administrative Expense Funds may also be used by the State agency to pay administrative expenses of a distributing agency (when such agency is an agency other than the State agency) to employ additional personnel relating to supervisory and technical assistance provided by such distributing agency to School Food Authorities and to institutions in the initiation, expansion, and conduct of any program for which State Administrative Expense Funds are made available.

(d) The amount of State Administrative Expense Funds paid to a distributing agency shall be based on the amount of additional funds needed to perform such supervisory and technical assistance deemed necessary by the State agency: *Provided, however,* That the total amount paid to a distributing agency in any fiscal year shall not exceed 10 percent of the total amount of the State Administrative Expense Funds made available to the State agency for that fiscal year, unless specific written approval is obtained from FNSRO. Requests for State Administrative Expense Funds for a distributing agency which exceed the 10 percent limitation shall be submitted to FNSRO, with the State Plan, for approval.

(e) Where State Administrative Expense Funds are used to acquire personal property or services the provisions of § 235.9 and § 235.10 must be observed.

(f) Each State agency shall release to FNS any Federal funds made available to it under this part which are unobligated at the end of each fiscal year. Release of funds by the State agency shall be made as soon as practicable, but in any event not later than 30 days following demand by FNSRO and shall be reflected by related adjustment in the State agency's Letter of Credit.

(g) Each State agency shall adequately safeguard all assets and assure that they are used solely for authorized purposes.

§ 235.7 Records and reports.

(a) Each State agency shall keep records on administrative expenses conforming with the applicable State Plan, and shall make such records available, upon a reasonable request, to FNS, OA, OI, or the U.S. Comptroller General and shall maintain current accounting records of State Administrative Expense Funds which shall adequately identify fund authorizations, obligations, unobligated balances, assets, liabilities, outlays, and income. The records may be kept in their original form or on microfilm, and shall be retained for a period of three years after the date of the submission of the final Financial Status Report, subject to the exceptions noted below:

(1) If audit findings have not been resolved, the records shall be retained beyond the three-year period as long as required for the resolution of the issues raised by the audit.

(2) Records for nonexpendable property acquired with State Administrative Expense Funds shall be retained for three years after its final disposition.

(b) Each State agency shall submit information on State Administrative Expense Funds on forms provided by FNS and shall continue to report information on the use of State Administrative Expense Funds after the end of the fiscal year to which they pertain until all unpaid obligations have been liquidated at which time the next report made should be marked "Final" and submission discontinued for that fiscal year.

§ 235.8 Management evaluations and audits.

(a) Each State agency shall provide for audits of State agency operations under this part to be made with reasonable frequency, but beginning in fiscal year 1978 once every two years. The audits shall determine the fiscal integrity of financial transactions and reports, and the compliance with applicable laws and regulations and with the administrative requirements set forth in Attachment H of Federal Management Circular 74–7 (34 CFR Part 256). Audits may be made by State Auditors General, by State Controllers, or other comparable State audit groups, or by Certified Public Accountants or State licensed public accountants.

(b) Each State agency shall develop a plan for the conduct of such audits which shall be incorporated into the State Plan where applicable. The State Plan shall: (1) State the frequency of audits of the State agency and delineate the positive action to be taken during fiscal years 1976 and 1977 to achieve audit frequency of not less than once every two years as set forth in paragraph (a) of this section; (2) provide a description of the State agency in adequate detail to demonstrate the independence of the audit organization; and (3) provide a systematic method to assure timely and appropriate resolution of audit findings and recommendations.

(c) While OA shall rely to the fullest extent feasible upon State sponsored audits, it shall, whenever considered necessary, (1) perform on-site test audits, and (2) review audit reports and related working papers of audits performed by or for State agencies.

(d) Use of audit guides available from OA is encouraged. When these guides are utilized, OA will coordinate its audits with State sponsored audits to form a network of intergovernmental audit systems.

(e) Each State agency shall provide FNS with full opportunity to conduct management evaluations of all operations of the State agency under this part and shall provide OA with full opportunity to conduct audits of all such operations. Each State agency shall make available its records, including records of the receipt and expenditure of funds, upon a reasonable request by FNS, OA, or the U.S. Comptroller General.

§ 235.9 Procurement standards.

(a) *General purpose and scope.* This section provides standards for use by State agencies in establishing procedures for the procurement of supplies, equipment, and other services with State Administrative Expense Funds. These standard are furnished to ensure that such materials and services are obtained in an effective manner and in compliance with the provisions of applicable Federal law and Executive Orders. State agencies may use their own procurement regulations which reflect applicable State law, rules, and regulations, provided that procurement adheres to the standards set forth in this section.

(b) The standards contained in this section do not relieve the State agency of the responsibilities arising under its contracts. The State agency is the responsible authority regarding the settlement and satisfaction of all contractual and administrative issues arising out of procurements entered into with State Administrative Expense Funds. This includes, but is not limted to: disputes, claims, protests of award, source evaluation, or other matters of a contractual nature. Matters concerning violations of law, are to be referred to the State or Federal authority that has proper jurisdiction.

(c) Each State agency shall maintain a code or standard of conduct which shall govern the performance of its officers, employees, or agents in contracting with and expending State Administrative Expense Funds. The State agency's officers, employees, or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or potential contractors. To the extent permissible under State law, rules, or regulations, such standards shall provide for appropriate penalties, sanctions, or other disciplinary actions to be applied for violations of such standards either by the State agency's officers, employees, or agents, or by contractors or their agents.

(d) All procurement transactions of the State agency, regardless of whether negotiated or advertised and without regard to dollar value, shall be conducted in a manner so as to provide maximum open and free competition. The State agency should be alert to organizational conflicts of interest or noncompetitive practices among contractors which may restrict or eliminate competition or otherwise restrain trade.

(e) The State agency shall establish procurement procedures which comply with the provisions of this section.

(f) Proposed procurement actions shall be reviewed by appropriate officials of the State agency to avoid purchasing unnecessary or duplicative items. Where appropriate, an analysis shall be made of lease and purchase alternatives to determine which would be the most economical, practical procurement.

(g) Invitations for bids or requests for proposals shall be based upon a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. "Brand name or equal description may be used as a means to define the performance or other salient requirements of a procurement and, when so used, the specific features of the named brand which must be met by offerors should be clearly specified.

(h) Positive efforts shall be made by the State agency to utilize small business and minority-owned business sources of supplies and services. Such efforts should allow these sources the maximum feasible opportunity to compete for contracts to be performed with State Administrative Expense Funds.

(i) The type of procuring instruments used (e.g., fixed-price contracts, cost reimbursable contracts, purchase orders, incentive contracts, etc.) shall be appropriate for the particular procurement and for promoting the best interest of the Federal program involved. The "cost-plus-a-percentage-of-cost" method of contracting shall not be used.

(j) Formal advertising, with adequate purchase description, sealed bids, and public openings shall be the required method of procurement unless negotiation pursuant to paragraph (j) 4 of this section is necessary to accomplish sound procurement. However, procurements of $10,000 or less need not be so advertised unless otherwise required by State law or regulations. When formal advertising is employed:

(1) The awards shall be made to the responsible bidder whose bid is responsive to the invitation and is most advantageous to the State agency, price and other factors considered. Factors such as discounts, transportation costs, and taxes may be considered in determining the lowest bid.

(2) Invitations for bids shall clearly set forth all requirements which the bidder must fulfill in order for his bid to be evaluated by the State agency.

(3) Any or all bids may be rejected when it is in the State agency's interest to do so, and such rejections are in accordance with applicable State law, rules, and regulations.

(4) Procurements may be negotiated by the State agency if it is not practicable or feasible to use formal advertising. Notwithstanding the existence of circumstances justifying negotiations, competition shall be obtained to the maximum extent practicable. Generally, procurements may be negotiated if one or more of the following conditions prevail:

(i) The public exigency will not permit the delay incident to advertising;

(ii) The material or service to be procured is available from only one person or firm; all contemplated sole source procurements where the aggregate expenditure is expected to exceed $5,000 shall be referred to FNS for prior approval;

(iii) The aggregate amount involved does not exceed $10,000;

(iv) The contract is for personal or professional services, or for any service to be rendered by a university, college, or other educational institution;

(v) No acceptable bids have been received after formal advertising;

(vi) The purchases are for highly perishable materials or medical supplies, for materials or services where the prices are established by law, for technical items or equipment requiring standardization and interchangeability of parts with existing equipment, for experimental, developmental or research work, for supplies purchased for authorized resale, and for technical or specialized supplies requiring substantial initial investment for manufacture; or

(vii) Negotiation is otherwise authorized by law, rules, or regulations.

(k) Contracts shall be made by State agencies only with responsible contractors who possess the potential ability to perform successfully under the terms and conditions of a proposed procurement. Consideration shall be given to such matters as contractor integrity, record of past performance, financial and techni-

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cal resources, and accessibility to other necessary resources.

(l) The procurement records or files of State agencies for negotiated purchases in amounts in excess of $10,000 shall provide at least the following pertinent information: (1) Justification for the use of negotiation in lieu of advertising, (2) contractor selection, (3) the basis for the cost or price negotiated.

(m) A system for contract administration shall be maintained by the State agency to assure contractor compliance with terms, conditions, and specifications of the contract or order, and to assure adequately and timely follow-up of all purchases.

(n) The State agency shall include provisions to define a sound and complete agreement in all contracts which it awards when the contract costs are to be borne by State Administrative Expense Funds.

(o) In awarding contracts the State agency must comply with the following requirements:

(1) The State agency's contracts shall contain contractual provisions or conditions which will allow for administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate.

(2) All contracts awarded by State agencies in excess of $10,000 shall contain suitable provisions for termination by the State agency, including the manner by which it will be effected and the basis for settlement. In addition, such contracts shall set forth the conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the contractor.

(3) Where applicable, all contracts awarded by State agencies in excess of $2,500 which involve the employment of mechanics or laborers shall include a provision for compliance with section 103 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327–330) as supplemented by Department of Labor regulations (29 CFR Part 5). Under section 103 of the act, each contractor shall be required to compute the wages of every mechanic and laborer on the basis of a standard work day of 8 hours and a standard work week of 40 hours. Work in excess of the standard work day or work week is permissible provided that the worker is compensated at a rate of not less than 1½ times the basic rate of pay for all hours worked in excess of 8 hours in any calendar day or 40 hours in the work week. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market or contracts for transportation.

(4) Contracts awarded by State agencies, the principal purpose of which is to create, develop, or improve products, processes or methods; or for exploration into fields which directly concern public health, safety, or welfare; or contracts in the field of science or technology in which there has been little significant experience outside of work funded by Federal assistance, shall contain a notice to the effect that matters regarding rights to inventions, and materials generated under the contract or agreement are subject to the regulations issued by the Department. The contractor shall be advised as to the source of additional information regarding these matters.

(5) All negotiated contracts (except those of $10,000 or less) awarded by State agencies shall include a provision to the effect that the State agency, the Department, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers and records of the contractor which are directly pertinent to State Administrative Expense Funds, for the purpose of making audit, examination, excerpts, and transcriptions.

(6) Contracts in excess of $100,000 shall contain a provision which requires compliance with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act of 1970, as amended (42 U.S.C. 1857b et seq.). Suspected violations shall be reported by the State agency in writing to the Regional Office of the United States Environmental Protection Agency, with a copy to the Department.

(p) State agencies shall observe their regular requirements and prices with respect to bonding and insurance.

§ 235.10 Property management requirements.

(a) *General purpose and scope.* This section prescribes policies and procedures governing title, use, and disposition of personal property obtained by the State agency, whose cost was borne in whole or in part with State Administrative Expense Funds. State agencies may follow their own property management policies and procedures provided they observe the requirements of this section.

(b) *Nonexpendable personal property.* The following requirements shall be observed in the acquisition, use and disposition of nonexpendable personal property:

(1) *Title.* When nonexpendable personal property is acquired by a State agency, in whole or in part with Federal funds, title shall be vested in the State agency.

(2) *Use.* The State agency shall retain such property as long as there is a need for such property to accomplish the purpose for which it was acquired whether or not the State agency continues to receive Federal funds for programs administered by the Department.

(3) *Disposition.* When there is no longer a need for such property to accomplish the purpose for which it was acquired, the State agency shall use the property in connection with other Federal programs it administers. Priority shall be given to Federal programs administered by the Department over the programs administered by other Federal agencies. When the State agency no longer has need for such property in any of its federally assisted programs, the property may be used for the State agency's own official activities. In such situations, the State agency may use the property without reimbursement to the Department or sell the property and retain the proceeds if the property had an acquisition cost of less than $500 per unit and has been used 4 years or more. In the case of other property, the State agency may retain the property for its own use, provided that a fair compensation is made to the Department for the Federal share of the property. The amount of compensation shall be computed by applying the percentage of Federal participation in the cost of the property to the current fairmarket value of the property. If the State agency has no need for the property, disposition shall be made as follows:

(i) Except for property having an acquisition cost of less than $500 per unit which has been used for 4 years or more, the State agency shall sell property having an acquisition cost of $1,000 or less per unit and reimburse the Department in accordance with paragraph (a)(3)(ii) of this section.

(ii) If the property had an acquisition cost of over $1,000 per unit, the State agency shall request disposition instructions from the Department. If the Department has no need for the property, the availability of the property shall be reported to the General Services Administration (GSA) by the Department to determine whether a requirement for the property exists in other Federal programs. The Department shall issue instructions to the State agency within 120 days following the receipt of the request. If the State agency is instructed to ship the property elsewhere, the State agency shall be reimbursed by the Department with an amount which is computed by applying the percentage of the State agency's participation in the cost of the property to the current fair market value of the property, plus any shipping or interim storage costs incurred. If the State agency is instructed to otherwise dispose of the property, the State agency shall be reimbursed by the Department for the costs incurred in the disposition. If disposition instructions are not issued within 120 days after reporting, the State agency shall sell the property and reimburse the Department an amount which is computed by applying the percentage of Federal participation in the cost of the property to the sales proceeds. Further, the State agency may be permitted to retain $100 or 10 percent of the proceeds, whichever is greater, for the State agency's selling and handling expenses.

(iii) *Special property.* When the Department determines that nonexpendable personal property with an acquisition cost of $1,000 or more and financed solely with Federal funds is unique, or difficult or costly to replace, the Department may reserve the right to require the State agency to transfer title to the property to the Department, or to another party subject to the following provisions:

(A) The right to require the transfer of title may be reserved only by means of an express special condition in the grant or contract, or, if approval for the acquisition of the property is given after the grant is awarded, by means of a written stipulation at the time the approval is given.

(B) The property shall be appropriately identified in the award document or otherwise made known to the State agency.

(C) The Department shall not exercise this right until the State agency no longer needs the property for the purpose for which it was acquired. That need shall be deemed to end on the date of completion or termination of the grant or contract unless the State agency continues to conduct a program or programs administered by the Department after that date and demonstrates to the Department a continued need for the property in the program or programs.

(D) The Department shall issue disposition instructions within 120 days after the completion of the need for the property under the program for which it was acquired. If instructions are not issued within such 120-day period, the Department's right shall lapse, and the State agency shall apply the applicable standards contained in paragraphs (b)(2) and (b)(3) of this section.

(E) The State agency shall be entitled to reimbursement for any shipping and interim storage costs it incurs pursuant to the Department's disposition instructions.

(4) *Property management standards.* The State agency property management standards for nonexpendable personal property shall also include the following procedural requirements:

(i) Property records shall be maintained accurately and provide for: (A) A description of the property; (B) manufacturer's serial number or other identification number; (C) acquisition date and cost; (D) source of the property; (F) location, use, and condition of the property; and (G) ultimate disposition data including sales price or the method used to determine current fair market value if the State agency reimburses the Department for its share.

(ii) A physical inventory of property shall be taken and the results reconciled with the property records at least once every 2 years to verify the existence, current utilization, and continued need for the property.

(iii) A control system shall be in effect to ensure adequate safeguards to prevent loss, damage, or the theft of the property. Any loss, damage, or the theft of nonexpendable property shall be investigated and fully documented. The State agency shall be responsible for replacing or repairing (with funds of the State agency) property which is lost, damaged, or destroyed due to the negligence of the State agency.

(iv) Adequate maintenance procedures, recommended by the manufacturer, shall be implemented to keep the property in good condition.

(v) Proper sales procedures shall be established for unneeded property which would provide for competition to the extent practicable and result in the highest possible return.

(c) *Expendable personal property.* The State agency may at its option either retain or sell items of expendable personal property when no longer needed for any federally sponsored activity (including activities sponsored by other Federal agencies). Compensation to the Department is required if the aggregate fair market value of all of those items acquired under the grant or contract exceeds $500 when no longer needed for any federally sponsored activity. The amount of compensation shall be computed by applying the percentage of Federal participation in the cost of the original property to the current fair market value of items retained and to the sales proceeds of items sold.

(d) *Intangible personal property.* (1) *Patents and inventions.* If any program activity produces patents, patent rights, processes or inventions in the course of work aided by the Department, such fact shall be promptly and fully reported to the Department. Unless there is prior agreement between the State agency and the Department on disposition of such items, the Department shall determine whether protection of such invention or discovery will be sought and how the rights in the invention or discovery—including rights under any patent issued thereon—shall be disposed of and administered in order to protect the public interest consistent with "Government Patent Policy" (President's Memorandum for Heads of Executive Departments and Agencies. August 23, 1971), and "Statement of Government Patent Policy" (36 FR 16889).

(2) *Copyrights.* When a program activity results in a book or other copyrightable material, the author or State agency is free to copyright the work, but the Department reserves a royalty-free, nonexclusive and irrevocable license to reproduce, publish or otherwise use and to authorize others to use the work for government purposes.

(e) *Publications.* Any publication or presentation resulting from or primarily related to Federal financial assistance shall contain the following acknowledgement:

The activity which is the subject of the report was supported in whole or in part by the U.S. Department of Agriculture, Food and Nutrition Service. However, the opinions expressed herein do not necessarily reflect the position or policy of the U.S. Department of Agriculture, and no official endorsement by the U.S. Department of Agriculture should be inferred.

§ 235.11 Other provisions.

(a) *State funds.* Expenditures of funds from State sources for the administration of food programs for children shall not be diminished as a result of funds received under this part.

(b) *Termination for cause.* FNS may terminate a State agency's participation in the program for payment of State Administrative Expense Funds in whole, or in part, whenever it is determined that the State agency has failed to comply with the conditions under this part. FNS shall promptly notify the State agency in writing of the termination, together with the effective date. When the program for payment of State Administrative Expense Funds has been terminated for cause, any further payments made to the State agency or any recoveries by FNS from the State agency shall be in accordance with the legal rights and liabilities of the parties.

(c) *Termination for convenience.* FNS and the State agency may terminate the State agency's participation under this part in whole, or in part, when both parties agree that continuation would not produce beneficial results commensurate with the further expenditure of funds. The two parties shall agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated. The State agency shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. FNS shall allow full credit to the State agency for the Federal share of the noncancellable obligations, properly incurred by the State agency prior to termination.

(d) *State requirements.* Nothing contained in this part shall prevent a State agency from imposing additional operating requirements which are not inconsistent with the provisions of this part.

NOTE.—The reporting and/or recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Effective date: This part becomes effective August 1, 1976.

Dated: July 29, 1976.

JOHN DAMGARD,
Deputy Assistant Secretary.

[FR Doc.76-22472 Filed 8-2-76;8:45 am]

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

PART 331—PLANT PEST REGULATIONS GOVERNING INTERSTATE MOVEMENT OF CERTAIN PRODUCTS AND ARTICLES

Subpart—Mediterranean Fruit Fly

REVOCATION OF NOTICE OF EXISTENCE OF EMERGENCY AND REGULATIONS RELATED THERETO

• Purpose: To revoke the Mediterranean fruit fly emergency regulations in Los Angeles County, California. •

The notice of existence of emergency and regulations related thereto with respect to the Mediterranean fruit fly, in 7 CFR 331.1 (40 FR 49784), are hereby revoked. However, such provisions shall be deemed to continue in full force and effect for the purpose of sustaining any action or other proceeding with respect to any right that accrued, liability that was incurred, or violation that occurred prior to said date.

Statement of Considerations.—An intensive eradication program was begun

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following the discovery in September 1975 of an infestation of the Mediterranean fruit fly in Los Angeles, California. Delimiting surveys utilizing traps indicated that the Mediterranean fruit fly infestation was limited to an area of approximately 100 square miles of Los Angeles County. Foliar spraying of citrus and related host trees and soil treatments were begun in October 1975. Because of the urban environment, however, the normal chemical treatments in the amounts needed to achieve eradication could not be utilized and, therefore, a sterile fly release program was instituted for the purpose of eradicating the Mediterranean fruit fly. Ground releases of sterile flies began in late October 1975, and aerial releases began in December. Ground and aerial releases ended the last of May 1976. The trapping program has continued since the pest was discovered. The last adult nonsterile fly was trapped on November 14, 1975. The Deputy Administrator has determined that eradication of the Mediterranean fruit fly has been achieved because enough time has elapsed for development of three complete life cycles without the detection of nonsterile flies, and a followup intensive surveillance has confirmed such finding.

§ 331.1 [Reserved]

Accordingly, the Mediterranean fruit fly notice of existence of emergency and regulations related thereto in § 331.1 (7 CFR 331.1) are hereby revoked. Also, § 331.1 is reserved.

This revocation relieves restrictions heretofore imposed, and should be made effective promptly in order to be of maximum benefit to the persons subject to the restrictions that are being relieved. Also, it does not appear that public participation in rulemaking procedures concerning this action would make additional relevant information available to the Department. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that such public participation with respect to this action is impracticable, unnecessary, and contrary to the public interest and good cause is found for making the revocation effective less than 30 days after publication in the FEDERAL REGISTER.

(Secs. 105, 106, 107; 71 Stat. 32, 33, 34 (7 U.S.C. 150dd–150ff); 37 FR 28464, 28477, 38 FR 19141.)

The foregoing revocation of notice of existence of emergency and regulations related thereto shall become effective August 2, 1976.

Done at Washington, D.C. this 27th day of July 1976.

T. G. DARLING,
Acting Deputy Administrator, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service.

NOTE: This document is reprinted without change from the issue of Monday, August 2, 1976.

[FR Doc.76–22231 Filed 7–30–76;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 916—NECTARINES GROWN IN CALIFORNIA

Expenses and Rate of Assessment for the 1976–77 Fiscal Period

This document authorizes $765,380 of Nectarine Administrative Committee expenses, under Marketing Order No. 916, for the 1976–77 fiscal period and fixes a rate of assessment of $0.065 per No. 22D standard lug box of nectarines handled in such period to be paid to the committee by each first handler as his pro rata share of such expenses.

On July 7, 1976, notice of proposed rulemaking was published in the FEDERAL REGISTER (41 FR 27844) regarding proposed expenses and the proposed rate of assessment for the period March 1, 1976, through February 28, 1977, pursuant to the marketing agreement, as amended, and Order No. 916, as amended (7 CFR Part 916) regulating the handling of nectarines grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The notice provided that all written data, views, or arguments in connection with said proposals be submitted not later than July 23, 1976. None were received. After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Nectarine Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 916.215 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Nectarine Administrative Committee during the period March 1, 1976, through February 28, 1977, will amount to $765,380.

(b) *Rate of Assessment.* The rate of assessment for said period, payable by each handler in accordance with § 916.41, is fixed at $0.065 per No. 22D standard lug box of nectarines, or equivalent quantity of nectarines in other containers or in bulk.

(c) *Terms.* Terms used in the marketing agreement, as amended, and order, as amended, shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order, and "No. 22D standard lug box" shall have the same meaning as set forth in section 1380.19 of the California Code of Food and Agriculture.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of nectarines grown in California are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable nectarines handled during the aforesaid period; and (3) such period began on March 1, 1976, and said rate of assessment will automatically apply to all such nectarines beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 29, 1976.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76–22402 Filed 8–2–76;8:45 am]

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Peach Commodity Committee Expenses, Rate of Assessment, and Carryover of Unexpended Funds

This document authorizes $686,409 of Peach Commodity Committee expenses, under Marketing Order No. 917, for the 1976–77 fiscal period and fixes a rate of assessment of $0.065 per No. 22D standard lug box of peaches handled in such period to be paid to the committee by each first handler as his pro rata share of such expenses. It also authorizes the carryover, as a committee reserve, of unexpended assessment income from fiscal 1975–76.

On July 13, 1976, notice of rulemaking was published in the FEDERAL REGISTER (41 FR 28794) regarding proposed expenses and the related rate of assessment for the fiscal year beginning March 1, 1976, and ending February 28, 1977, and the carryover of unexpended 1975–76 assessment income pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917; 41 FR 17528), regulating the handling of fresh pears, plums, and peaches grown in California. The notice invited interested persons to submit written data, views, or arguments through July 26, 1976. No such material was submitted. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Peach Commodity Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 917.216 Peach Commodity Committee expenses, rate of assessment, and carryover of unexpended funds.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred during the fiscal period March 1, 1976, through February 28, 1977, will amount to $686,409.

(b) *Rate of Assessment.* The rate of assessment for such fiscal period payable by each handler in accordance with § 917.37 is fixed at six and five-tenths cents ($0.065) per No. 22D standard lug box of peaches, or its equivalent in other containers or in bulk.

(c) *Reserve.* Unexpected assessment funds in excess of expenses incurred during the fiscal period ended February 29, 1976, be carried over as a reserve in accordance with the applicable provisions of § 917.38.

(d) *Terms.* Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order, and "No. 22D standard lug box" shall have the same meaning as set forth in Section 1380.19 of the California Code of Food and Agriculture.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of peaches are currently underway; (2) the relevant provisions of said amended marketing agreement and this part require that the rate of assessment fixed for a particular season be applicable to all fresh peaches handled from the beginning of such fiscal period; and (3) the fiscal period began March 1, 1976, and the rate of assessment herein fixed will automatically apply to all such peaches beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 29, 1976.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76–22401 Filed 8–2–76;8:45 am]

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Pear Commodity Committee Expenses and Rate of Assessment for the 1976–77 Fiscal Period

This document authorizes expenses of $541,625 of the Pear Commodity Committee, under Marketing Order No. 917, for the 1976–77 fiscal period and fixes a rate of assessment of $0.125 per box of pears. This assessment is to be paid to the committee by each handler as his pro rata share of expenses. It also authorizes the carryover, as a committee reserve, of unexpended assessment income from fiscal 1975–76.

A notice of rulemaking on this matter was published in the FEDERAL REGISTER (41 FR 26703) on June 29, 1976, regarding proposed expenses and the rate of assessment for the fiscal period beginning March 1, 1976, and ending February 28, 1977. The notice afforded interested persons opportunity to submit written data, views, or arguments on the proposal. None were received. This action is taken under the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917; 41 FR 17528), regulating the handling of fresh pears, plums, and peaches grown in California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

After consideration of all relevant matter presented, including that in the notice, the information and recommendation submitted by the Pear Commodity Committee (established under the marketing agreement and Order No. 917), and other available information, it is found and determined that the expenses and rate of assessment for that committee for the 1976–77 fiscal period and authorization to carryover unexpended assessment income from fiscal 1975–76 as a reserve shall be contained in a new § 917.214, hereinafter set forth.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of pears are currently underway; (2) the relevant provisions of the amended marketing agreement and this part require that the rate of assessment fixed for a particular season be applicable to all fresh pears from the beginning of such fiscal period; and (3) the fiscal period began March 1, 1976, and the rate of assessment herein fixed will automatically apply to all such pears beginning with that date.

§ 917.214 Pear Commodity Committee expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred during the fiscal period March 1, 1976, through February 28, 1977, will amount to $541,625.

(b) *Rate of Assessment.* The rate of assessment for such fiscal period payable by each handler in accordance with § 917.37 is fixed at twelve and one-half cents ($0.125) per No. 29B special lug box of pears, or its equivalent in other containers or in bulk.

(c) *Reserve.* Unexpended assessment funds in excess of expenses incurred during the fiscal period ended February 29, 1976, shall be carried over as a reserve in accordance with the applicable provisions of § 917.38.

(d) *Terms.* Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 29, 1976.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76–22400 Filed 8–2–76;8:45 am]

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Plum Commodity Committee Expenses and Rate of Assessment for the 1976–77 Fiscal Period

This document authorizes expenses of $813,650 of the Plum Commodity Committee, under Marketing Order No. 917, for the 1976–77 fiscal period and fixes a rate of assessment of $0.08 per lug box of plums. This assessment is to be paid to the committee by each handler as his pro rata share of expenses. It also authorizes the carryover by the committee, as a reserve, of unexpended assessment income from fiscal 1975–76.

A notice of rulemaking on this matter was published in the FEDERAL REGISTER (41 FR 25017) on June 22, 1976, in which expenses of $848,650 and an assessment rate of $0.075 per lug box of plums was proposed. On July 6, 1976, a notice of rulemaking was published in the FEDERAL REGISTER (41 FR 27735), to amend the original proposal so as to recommend expenses of $813,650 and a rate of assessment of eight cents ($0.08) per lug of plums. The notices afforded interested persons opportunity to submit written data, views, or arguments on the proposals. None were received.

This action is taken under the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917; 41 FR 17528), regulating the handling of fresh pears, plums, and peaches grown in California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

After consideration of all relevant matter presented, including that in the notices, the information and recommendations submitted by the Plum Commodity Committee (established under the marketing agreement and Order No. 917), and other available information, it is found and determined that the expenses and rate of assessment for that committee for the 1976–77 fiscal period and authorization to carry over the unexpended assessment income from fiscal 1975–76 as a reserve shall be contained in a new § 917.215, hereinafter set forth.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) Shipments of the current crop of plums are now underway; (2) the relevant provisions of the amended marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period be applicable to all fresh plums from the beginning of such fiscal period, and (3) the fiscal period began March 1, 1976, and the rate of assessment herein fixed will automatically apply to all such plums beginning with that date.

§ 917.215 Plum Commodity Committee expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred during the fiscal period March 1, 1976, through February 28, 1977, will amount to $813,650.

(b) *Rate of Assessment.* The rate of assessment for such fiscal period payable by each handler in accordance with § 917.37 is fixed at eight cents ($0.08) per No. 22D standard lug box of plums, or its equivalent in other containers or in bulk.

(c) *Reserve.* Unexpended assessment funds in excess of expenses incurred

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during the fiscal period ended February 29, 1976, shall be carried over as a reserve in accordance with § 917.38.

(d) *Terms.* Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 29, 1976.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-22399 Filed 8-2-76;8:45 am]

[Docket No. AO–198–A8]

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Order Amending Order

FINDINGS AND DETERMINATIONS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each previously issued amendment thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed amendment of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California.

Upon the basis of the record it is found that:

(1) The order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The order, as amended, and as hereby further amended, regulates the handling of raisins produced from grapes grown in the production area in the same manner as, and is applicable only to persons in the respective classes of commercial and industrial activity specified in, the marketing agreement and order [1] upon which hearings have been held;

(3) The order, as amended, and as hereby further amended, is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

[1] Text of the marketing agreement filed as part of the original document.

(4) There are no differences in the production and marketing of raisins produced from grapes grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of raisins produced from grapes grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order, as amended, effective not later than August 4, 1976. Any delay beyond that date would tend to disrupt the orderly marketing of raisins produced from grapes grown in California. The amendatory order moves the beginning date of the crop year from September 1 to August 1. Thus, the 1976–77 crop year begins August 1, 1976. The provisions of this amendatory order should become effective as soon as practicable following their publication in the FEDERAL REGISTER (which will occur after August 1, 1976) so that they are applicable before raisins are handled in volume during the 1976–77 crop year. Some provisions of the amendatory order may require rulemaking and, therefore, should be made effective in time to enable the Raisin Administrative Committee to make such considerations before active raisin harvesting starts.

In view of the foregoing, it is hereby found and determined that good cause exists for making this order effective August 4, 1976, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559).

(c) *Determinations.* It is hereby determined that:

(1) The "Marketing Agreement, as Amended, Regulating the Handling of Raisins Produced from Grapes Grown in California" upon which the aforesaid public hearing was held has been signed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping raisins covered by the said order, as amended, and as hereby further amended who, during the period August 1, 1975 through April 30, 1976, handled not less than 50 percent of the volume of such raisins covered by the said order, as amended, and as hereby further amended, and

(2) The issuance of this amendatory order, amending the aforesaid order, as amended, is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who during the period August 1, 1975 through April 30, 1976 (which has been deemed to be a representative period), have been engaged within the State of California, in the production of grapes which were sundried or dehydrated by artificial means until they became raisins for market, such producers having also produced for market at least two-thirds of the volume of such commodity represented in the referendum.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of raisins, shall be in conformity to and in compliance with the terms and conditions of the said order, as amended, and as hereby further amended, as follows:

1. Section 989.18 is revised to read:

§ 989.18 Committee.

"Committee" means the Raisin Administrative Committee established under § 989.26.

2. Section 989.19 is revised to read:

§ 989.19 Executive Operations Committee.

"Executive Operations Committee" means the Executive Operations Committee established under § 989.43.

3. Section 989.21 is revised to read:

§ 989.21 Crop year.

"Crop year" means the 12-month period beginning with August 1 of any year and ending with July 31 of the following year.

4. Section 989.22 is amended to read:

§ 989.22 District.

"District" means any one of the geographical areas referred to in §§ 989.26 or 989.43, and specified in § 989.96.

5. The center heading, "Raisin Advisory Board" appearing between §§ 989.25 and 989.26 is changed to read, "Raisin Administrative Committee".

6. Section 989.26 is amended to read:

§ 989.26 Establishment and membership.

A Raisin Administrative Commitee is hereby established consisting of 47 members, of whom 35 shall represent producers, nine shall represent handlers, one shall represent dehydrators, one shall represent the cooperative bargaining association(s), and one shall be a public member. The producer members shall be selected in the number and for the districts as designated in § 989.96, or as such number or districts may be authorized pursuant to § 989.26a. The handler members shall include the following:

(a) One member selected from and representing handlers doing business as cooperative marketing associations or cooperative marketing organizations engaged in the business of packing raisins, each of which acquired not less than 10 percent of the total raisin acquisitions during the 12-month period preceding the then current crop year;

(b) Two members selected from and representing the three handlers, other than cooperatives, who acquired the largest percentages of the total raisin acquisitions during the 12-month period preceding the then current crop year;

(c) Two members selected from and representing the three handlers, other than cooperatives, who acquired the next largest percentages of the total raisin

acquisitions during the 12-month period preceding the then current crop year;

(d) Two members selected from and representing the four handlers, other than cooperatives, who acquired the next largest percentages of the total raisin acquisitions during the 12-month period preceding the then current crop year; and

(e) Two members selected from and representing all other handlers, including cooperatives, each of which acquired less than 10 percent of the total raisin acquisitions during the 12-month period preceding the then current crop year, and including all processors.

The dehydrator member shall be selected from dehydrators as provided in § 989.29(b)(4). The bargaining association member shall be selected from the cooperative bargaining association(s). The public member shall be nominated by the committee and selected by the Secretary as a public member. For each member of the committee there shall be an alternate member who shall have the same qualifications as the member for whom he is an alternate.

7. Section 989.26a is amended to read:

§ 989.26a Changes in producer representation.

The Secretary, on recommendation of the committee, may change the total number of producer members on the committee, may change the number of districts designated in § 989.96, may redefine such districts into which the production area is divided, or may change the number of producer members which shall be selected to represent particular districts. In making any such change consideration shall be given to such factors as geographical shifts in the numbers of producers and in raisin production within the area.

8. Section 989.26b is amended to read:

§ 989.26b Changes in handler representation.

The Secretary, on recommendation of the committee, may change the total number of handler members on the committee, the handler size groups set forth in § 989.26 from which handler members shall be selected, the number of handlers comprising any such size group, or the number of handler members to represent any such size group. In making any such change, consideration shall be given to such factors as changes in the numbers of handlers, relative raisin acquisition positions of handlers, and their similarity of interests in the handling of raisins.

9. Section 989.26c is amended to read:

§ 989.26c Changes in dehydrator representation.

The Secretary, on recommendation of the committee, may change the number of dehydrator members on the committee or may discontinue dehydrator representation on the committee. In making any such change or discontinuing dehydrator representation, consideration shall be given to such factors as total number of dehydrators currently operating, the number of dehydrators operated by raisin packers, and the extent to which the interest of dehydrators is adequately served by other members on the committee.

10. Section 989.27 is amended to read:

§ 989.27 Eligibility.

No person shall be selected or continue to serve as a member or alternate member of the committee who is not actively engaged in the business of the group which he represents, either in his own behalf, or as an officer, agent, or employee of a business unit engaged in such business: Provided, That, any handler eligible to represent a particular size group shall continue to represent for the entire term the size group for which he was selected. The committee shall certify during April of each crop year each member's and alternate member's eligibility to continue to serve on the committee.

11. Section 989.28 is amended to read:

§ 989.28 Term of office.

(a) *Producer members.* The term of one-third or approximately one-third of the producer members and producer alternate members of the committee shall end on April 30 each year, but each such member and alternate member shall continue to serve until his respective successor is selected and has qualified. The producer members and producer alternate members of the committee shall serve for terms of 3 years beginning May 1 and ending April 30 of the third following year.

(b) *Handler, dehydrator, cooperative bargaining association and public members.* The handler, dehydrator, cooperative bargaining association and public members, and their respective alternates, shall each serve for terms of 1 year, beginning May 1 and ending April 30 of the following year, but each shall continue to serve until his respective successor is selected and has qualified.

12. Section 989.29 is amended to read:

§ 989.29 Initial members and nomination of successor members.

(a) *Initial members.* Members and alternate members of the Raisin Advisory Board serving immediately prior to the effective date of this amended subpart shall, if thereafter they are also eligible, serve on the committee for their specified terms of office and until their respective successors have been selected and have qualified.

(b) *Nomination for successor members.* Nominations for successor members and alternate members of the committee shall be made as set forth in subparagraphs (1) to (6) of this paragraph.

(1) The committee shall give reasonable publicity of a meeting or meetings of producers, handlers and dehydrators, and if applicable, cooperative bargaining association(s), for the purpose of making nominations for member and alternate member positions to be filled on the committee: *Provided,* That with respect to producer members and producer alternate members, a meeting or meetings shall be held in each district for which nominations are to be made to fill producer member and producer alternate member positions on the committee: *And provided further,* That member and alternate member nominations of handlers, dehydrators, and cooperative bargaining association(s) may be made to the committee by mail in lieu of meetings.

(2) Only producers as defined in § 989.11, engaged as such with respect to the most recent grape crop in the particular districts for which nominations are to be made, may nominate, or vote for, any producer member or producer alternate member for such district. Any producer so engaged with respect to the most recent grape crop in the particular district for which nominations are to be made, may be nominated to represent said district as a producer member or producer alternate member of the committee; in the event any of such nominees are engaged as producers in more than one district, he may be a nominee for only one district. One or more eligible producers for each producer member position to be filled on the committee may be proposed for nomination and one or more eligible producers for each alternate member position to be filled may be proposed for nomination. Each producer shall cast only one vote with respect to each position for which nomination is to be made. The person receiving a majority of the votes with respect to each producer member or producer alternate member position shall be the person to be certified to the Secretary as the nominee for each such position. In the event no person receives a majority, there shall be a runoff vote between the two persons receiving the largest number of votes. The eligibility of each producer voting in a nomination meeting shall be certified by the committee, during or after the meeting, and, in the event one or more who voted was not eligible and this may have affected the result of any nomination vote, another meeting with respect to such nomination shall be held.

(3) Only handlers who packed or processed raisins during the then current crop year may nominate, or vote for, handler members or handler alternate members. One or more eligible handlers for each handler member position to be filled may be proposed for nomination and one or more eligible handlers for each alternate member position to be filled on the committee may be proposed for nomination. Nominations by each of the handler groups specified in § 989.26 or pursuant to § 989.26b, shall be made by and from handlers, or employees, representatives, or agents of handlers falling within such groups. Each handler shall cast only one vote with respect to each position for which nomination is to be made: *Provided,* That only handlers coming within the particular group, as specified in § 989.26 or pursuant to § 989.26b, as applicable, for which nomination is to be made, shall vote. The per-

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son receiving the most votes with respect to each handler member or handler alternate member position shall be the person to be certified to the Secretary as the nominee for each such position.

(4) Only dehydrators who produced raisins by dehydrating grapes during the then current crop year may nominate, or vote for, dehydrator members or dehydrator alternate members. One or more eligible dehydrators for each dehydrator member position to be filled on the committee may be proposed for nomination, and one or more eligible dehydrators for each alternate member position may be proposed for nomination. Each dehydrator shall cast only one vote with respect to each position for which nomination is to be made. The person receiving the most votes with respect to each dehydrator member or dehydrator alternate member position shall be the person to be certified to the Secretary as the nominee for each such position.

(5) Each vote cast shall be on behalf of the person voting, his agents, subsidiaries, affiliates, and representatives. Voting at each meeting shall be in person. The result of each ballot at each such meeting shall be announced at that meeting. Voting at each meeting of producers shall be by secret ballot, and at each meeting of handlers, and dehydrators, voting may be by secret ballot.

(6) Each such nomination shall be certified by the committee to the Secretary on or before April 5 immediately preceding the commencement of the term of office of the member or alternate member position for which the nomination is certified.

13. Section 989.30 is amended to read:

§ 989.30 Selection.

The Secretary shall select producer, handler, dehydrator, cooperative bargaining association and public members and alternate members in the numbers specified in § 989.26 or pursuant to §§ 989.26a, 989.26b, or 989.26c, as applicable, and with the qualifications specified in § 989.27. Such selections may be made from nominations certified pursuant to § 989.29 or from other eligible producers, handlers, dehydrators, or cooperative bargaining association officers or employees.

14. Section 989.31 is amended to read:

§ 989.31 Failure to nominate.

In the event nomination for a member or alternate member position on the committee is not certified pursuant to and within the time specified in § 989.29, the Secretary may select an eligible person to fill such position without regard to nomination.

15. Section 989.32 is amended to read:

§ 989.32 Acceptance.

Each person selected by the Secretary as a member or as an alternate member of the committee shall, prior to serving on the committee qualify by filing with the Secretary a written acceptance within 10 calendar days after being notified of his selection.

16. Section 989.33 is amended to read:

§ 989.33 Alternate members.

The alternate for a member of the committee shall act in the place and stead of such member (a) during his absence, and (b) in the event of his removal, resignation, disqualification, or death, until a successor for such member's unexpired term has been selected and has qualified.

17. Section 989.34 is amended to read:

§ 989.34 Vacancies.

To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the committee to qualify, or in the event of the removal, resignation, disqualification, or death of any member or alternate member, a successor for such person's unexpired term shall be nominated and selected in the manner set forth in §§ 989.29 and 989.30, insofar as such provisions are applicable. If nomination to fill any vacancy is not filed within 40 calendar days after such vacancy occurs, the Secretary may select an eligible person to fill such vacancy without regard to nomination.

18. Section 989.35 is amended to read:

§ 989.35 Powers.

The committee shall have the following powers:

(a) To administer the terms and provisions of this part;

(b) To make rules and regulations to effectuate the terms and provisions of this part; and

(c) To recommend to the Secretary amendments to this part.

19. Section 989.36 is amended to read:

§ 989.36 Duties.

The committee shall have, among others, the following duties:

(a) To act as intermediary between the Secretary and any producer, packer, dehydrator, processor or cooperative bargaining association;

(b) To keep minutes, books, and other records, which shall clearly reflect all of its acts and transactions, and such minutes, books, and other records shall be subject to examination by the Secretary at any time;

(c) To investigate and assemble data on the production, handling and market conditions with respect to raisins;

(d) To submit to the Secretary such available information with respect to raisins and grapes as he may request, and such other information as the committee may deem desirable and pertinent;

(e) To select from among its members a chairman and other officers, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(f) To appoint or employ such other persons as it may deem necessary, and to determine the salaries and define the duties of each such person;

(g) To cause the books of the committee to be audited by certified public accountants at least once each year, or at such other times as the committee may deem necessary or as the Secretary may request, and the report of each such audit shall show, among other things, the receipts and expenditures of funds, and at least two copies of each such audit shall be submitted to the Secretary;

(h) To prepare quarterly statements of its financial operations and make such statements, together with the minutes of its meetings, available at the office of the committee for inspection by producers, handlers and dehydrators;

(i) To give reasonable advance notice of the times, places, and purposes of its meetings by mail or other appropriate means to each member and alternate member and such notice shall be given as widespread publicity as is practicable.

(j) To conduct meetings for the purpose of making nominations for membership on the committee and the certifying of nominations made for such purposes to the Secretary, and the making of nominations to the Secretary for member and alternate member positions on the Executive Operations Committee; and

(k) To establish, with the approval of the Secretary, such rules and procedures relative to administration of this subpart as may be consistent with the provisions contained in this subpart and as may be necessary to accomplish the purposes of the act and the efficient administration of this subpart.

20. Section 989.37 is revised to read:

§ 989.37 Obligation.

Upon the removal, resignation, disqualification, or expiration of the term of office of any member or alternate member, such member or alternate member shall account for all receipts and disbursements and deliver to his successor, to the committee, or to a designee of the Secretary all property (including, but not limited to, all books and records) in his possession or under his control as member or alternate member, and he shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor, committee, or designee full title to such property and funds, and all claims vested in such member or alternate member. Upon the death of any member or alternate member of the committee, full title to such property, funds, and claims vested in such member or alternate member shall be vested in his successor or, until such successor has been selected and has qualified, in the committee.

21. The center heading "Raisin Administrative Committee" appearing between §§ 989.37 and 989.39 is deleted.

22. A new § 989.38 is added, reading as follows:

§ 989.38 Procedure.

The committee shall meet at the call of its chairman or its vice-chairman when acting as chairman, or at the call of any three members. Except as otherwise provided in § 989.45, all decisions of the committee reached shall be by majority vote of the members present. All votes shall be cast in person and a quorum must be present. The presence of 25 members shall be required to constitute a quorum. The Secretary, on recommendation of the committee, may change the quorum requirements if warranted by a change made pursuant to § 989.26a in the total number of producer members on the committee or by a change made pursuant to § 989.26b in the total number of handler members on the committee, or by a change made pursuant to § 989.26c in the total number of dehydrator members on the committee. The committee shall give to the Secretary the same notice of meetings of the committee as it gives to its members.

23. Section 989.39 is revised to read:

§ 989.39 Compensation and expenses.

The members of the Committee and the Executive Operations Committee, and the alternate members when acting as members, shall serve without compensation but shall be allowed their necessary expenses as approved by the committee. Whenever specifically authorized in advance by the committee, or when requested to attend due to the anticipated absence of a member, an alternate member of the committee shall be reimbursed for reasonable expenses incurred by him in attending not to exceed three committee meetings per crop year when the committee member for whom he serves, as alternate also attends such meetings.

§§ 989.39a—989.42 [Deleted]

24. Section 989.39a is deleted.
25. Section 989.39b is deleted.
26. Section 989.39c is deleted.
27. Section 989.40 is deleted.
28. Section 989.41 is deleted.
29. Section 989.42 is deleted.

30. A center heading "Executive Operations Committee" is added between §§ 989.42 and 989.43.

31. Section 989.43 is revised to read:

§ 989.43 Establishment and membership.

An Executive Operations Committee is hereby established to receive, investigate, and report to the Secretary, complaints of violations of this part and to perform such functions as assigned by the committee. Any action of the Executive Operations Committee is subject to disapproval by the committee. The Executive Operations Committee shall consist of 15 members, of whom eight shall represent producers, five shall represent handlers, one shall represent dehydrators and one shall represent the cooperative bargaining association(s). The producer members shall be selected to represent such district or group of districts as the committee may establish with the approval of the Secretary. Of the five handler members, one shall be selected from and represent each of the following divisions:

(a) The handlers doing business as cooperative marketing associations, or cooperative marketing organizations engaged in the business of packing raisins, each of which acquired not less than 10 percent of the total raisin acquisitions during the 12-month period preceding the then current crop year;

(b) The three handlers, other than cooperatives, who acquired the largest percentages of total raisin acquisitions during the 12-month period preceding the then current crop year;

(c) The three handlers, other than cooperatives, who acquired the next largest percentages of total raisin acquisitions during the 12-month period preceding the then current crop year;

(d) The four handlers, other than cooperatives, who acquired the next largest percentages of total raisin acquisitions during the 12-month period preceding the then current crop year; and

(e) All other handlers, including cooperatives, each of which acquired less than 10 percent of the total raisin acquisitions during the 12-month period preceding the then current crop year, and including all processors. For each member of the Executive Operations Committee, there shall be an alternate member who shall have the same qualifications as the member for whom he is an alternate.

32. A new § 989.43a is added, reading as follows:

§ 989.43a Changes in producer representation.

The Secretary, on recommendation of the committee, may change the total number of producer members on the Executive Operations Committee and may change the number of producer members which shall be selected to represent particular districts or groups of districts. In making any such change consideration shall be given to such factors as changes in producer and handler membership on the committee, representation of the several producing districts, maintenance of producer positions as majority of the Executive Operations Committee, and geographical shifts in the number of producers and in raisin production within the area.

33. A new § 989.43b is added, reading as follows:

§ 989.43b Changes in handler representation.

The Secretary, on recommendation of the committee, may change the total number of handler members on the Executive Operations Committee, the handler size groups set forth in § 989.43 from which handler members shall be selected, the number of handlers comprising any such size group, or the number of handler members to represent any such size group. In making any such change, consideration shall be given to such factors as changes in the numbers of handlers, relative raisin acquisition position of handlers, and their similarities of interest in the handling of raisins.

34. A new § 989.43c is added, reading as follows:

§ 989.43c Changes in dehydrator representation.

The Secretary, on recommendation of the committee, may change the number of dehydrator members on the Executive Operations Committee or may discontinue dehydrator representation on the Executive Operations Committee. In making any such change or discontinuing dehydrator representation, consideration shall be given to such factors as total number of dehydrators currently operating, the number of dehydrators operated by raisin packers, and the extent to which the interest of dehydrators is adequately served by other members on the Executive Operations Committee.

35. Section 989.44 is revised to read:

§ 989.44 Term of office.

Members and alternate members of the Executive Operations Committee shall each serve for terms of one year, beginning on June 1, and ending on May 31 of the following year but each such member and alternate member shall continue to serve until his respective successor is selected and has qualified.

36. Section 989.45 is revised to read:

§ 989.45 Nomination.

(a) *Producer members.* The producer members of the committee, and producer alternate members when acting as members, shall nominate from among the producer members and producer alternate members of the committee the required number of persons for producer member positions on the Executive Operations Committee and an alternate for each person.

(b) *Handler members.* The handler members of the committee and handler alternate members when acting as members, shall nominate from among the handler members and alternate members of the committee, the required number of persons for handler member positions on the Executive Operations Committee, and an alternate for each such person. Nomination for such handler members shall be made by and from handlers, employees, representatives or agents of handlers falling within each such group.

(c) *Dehydrator member.* The dehydrator member and alternate member on the committee shall be the dehydrator nominees for member and alternate member on the Executive Operations Committee.

(d) *Cooperative bargaining association member.* The cooperative bargaining association(s) member and alternate member on the committee shall be the association nominees for member and alternate member of the Executive Operations Committee.

(e) *Initial members.* Members and alternate members of the Raisin Administrative Committee serving immediately prior to the effective date of this amended subpart shall, if thereafter they are also eligible, continue to serve on the Executive Operations Committee as the initial members and alternate members for their specified terms of office and until their respective successors have been selected and have qualified.

(f) *Successor members.* Nominations for successor members and alternate members of the Executive Operations Committee shall be certified by the com-

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mittee to the Secretary annually within 30 days following the selection by the Secretary of committee members.

37. Section 989.46 is revised to read:

§ 989.46 Selection.

The Secretary shall select producer, handler, dehydrator, and cooperative bargaining association members and alternate members of the Executive Operations Committee in the numbers specified in § 989.43. Such selections may be made from the nominations certified pursuant to § 989.45, or from any other eligible producers, handlers, dehydrators, or cooperative bargaining association officers or employees.

38. Section 989.47 is revised to read:

§ 989.47 Failure to nominate.

In the event nomination for a member or alternate member position on the Executive Operations Committee is not certified pursuant to and within the time specified in § 989.45, the Secretary may select an eligible person to fill such position without regard to nomination.

39. Section 989.48 is revised to read:

§ 989.48 Acceptance.

Each person selected by the Secretary as a member or as an alternate member of the Executive Operations Committee shall, prior to serving, qualify by filing with the Secretary a written acceptance within 10 calendar days after being notified of such selection.

40. Section 989.49 is revised to read:

§ 989.49 Alternate members.

An alternate for a member of the Executive Operations Committee shall act in the place and stead of such member (a) during his absence, and (b) in the event of his removal, resignation, disqualification, or death until a successor for such member's unexpired term has been selected and has qualified.

41. Section 989.50 is revised to read:

§ 989.50 Vacancies.

To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the Executive Operations Commitee to qualify, or in the event of the removal, resignation, disqualification, or death of any member or alternate member, a successor for such person's unexpired term shall be nominated and selected in the manner set forth in §§ 989.45 and 989.46, insofar as such provisions are applicable. If nomination to fill any such vacancy is not filed within 40 calendar days after such vacancy occurs, the Secretary may select an eligible person to fill such vacancy without regard to nomination.

42. Section 989.51 is revised to read:

§ 989.51 Powers.

The Executive Operations Committee shall have the power to receive, investigate, and report to the Secretary, complaints of violations of this part.

43. Section 989.52 is revised to read:

§ 989.52 Duties.

The Executive Operations Committee shall have the following duties: (a) To investigate compliance with and to use means available to it to prevent violation of the provisions of this part; and (b) to perform such other functions as assigned by the committee.

44. Section 989.54 is revised to read:

§ 989.54 Marketing policy.

(a) *Free tonnage.* On or before August 15 of each crop year, the committee shall review shipment data, inventory data, and other matters relating to the quantity of raisins of all varietal types. For any varietal type for which a free tonnage percentage may be recommended, the quantity of free tonnage shall be 90 percent of the prior crop year's free tonnage shipments for that varietal type, adjusted by the physical year-end carryin inventory. The desirable carryin inventory on August 1 for natural Thompson Seedless raisins shall be a minimum of 35,000 tons. This free tonnage quantity shall be made known by the committee in accordance with paragraph (f) of this section. In years following limited free tonnage shipments, the committee may use the highest shipments of any one of the prior three years as a base to determine the free tonnage.

(b) *Free and reserve percentages.* On or before October 5 of each crop year (except that this date may be extended by the committee not more than 5 days if warranted by a late crop) the committee shall submit to the Secretary an estimate of raisin production of any varietal type for which a free tonnage quantity has been computed by the committee. If the committee determines that a field price is firmly established on any varietal type of raisin for which a free tonnage has been computed, it shall recommend a preliminary free tonnage percentage to the Secretary which, when applied to the estimated production of that varietal type, would release 85 percent of the free tonnage for such varietal type. If the committee determines that a field price is not firmly established, it shall recommend a preliminary free tonnage percentage to the Secretary which would release 65 percent of the free tonnage for such varietal type. No later than February 15, the committee shall recommend to the Secretary a free tonnage percentage which will tend to release the full free tonnage for any varietal type. Prior to February 15, interim changes of percentages may be recommended by the committee to the Secretary to release less than the full free tonnage for any varietal type. The difference between any free tonnage percentage designated and 100 percent shall be the reserve tonnage percentage. In developing its free and reserve percentages for any varietal type, the committee shall consider and report to the Secretary on the following factors:

(1) The estimated tonnage held by producers, handlers, and for the account of the committee at the beginning of the crop year;

(2) The expected general quality and any modifications of the minimum grade standards;

(3) The estimated tonnage of standard and offgrade raisins which will be produced;

(4) If different than the free tonnage, the estimated trade demand for raisins in free tonnage outlets;

(5) An estimated desirable carryout at the end of the crop year for free tonnage and, if applicable, for reserve tonnage;

(6) The estimated market requirements for raisins outside free tonnage outlets, considering the estimated world raisin supply and demand situation;

(7) Current prices being received and the probable general level of prices to be received for raisins by producers and handlers;

(8) The trend and level of consumer income;

(9) Any prohibition of trade practices, pursuant to § 989.62, intended for the crop year; and

(10) Any other pertinent factors bearing on the marketing of raisins including the estimated supply of and demand for other varietal types and regulations applicable thereto.

(c) *Modification.* In the event the committee subsequently deems it advisable to modify its marketing policy on any crop, because of national emergency, crop failure or other major change in economic conditions, it shall hold a meeting for that purpose, and file a report thereof with the Secretary within 5 days (exclusive of Saturdays, Sundays, and holidays) after the holding of such meeting, which report shall show such modification, the basis therefor, as well as the recommendation of the committee.

(d) *Reserve tonnage to sell as free tonnage.* On or before November 15 of the crop year, the committee shall offer to handlers a quantity of reserve tonnage raisins. One offer shall consist of a quantity equal to 10 percent of the prior year's shipments of free tonnage to equate the current year's supply with the prior year's shipments. This offer shall be allocated to handlers on the basis of their prior year's acquisitions. At the same time, the second offer shall consist of a quantity equal to 10 percent of the prior year's shipments of free tonnage for market expansion. The offer shall be allocated to handlers on the basis of their prior year's shipment of free tonnage. Each offer shall be open to handlers not more than five business days, and subsequently, two reoffers of any tonnage unsold in the original offers open not more than two business days each, may be made. The reoffer tonnage shall be allocated to handlers who purchase 100 percent of their allocation in preceding offers and shall be on the basis of the quantity each handler purchased as a

percentage of the total allocation of all handlers eligible to participate. At the close of the second reoffer any remaining tonnage may be offered to handlers purchasing all of their previous allocations on a first-come, first-served basis and such offer shall be open to handlers for two business days. Any handler who had no shipments or acquisitions of raisins during the prior crop year would be allocated raisins under these offers on the basis of his acquisitions (up to the time the first offer is made) of raisins in the current crop year. If field prices are not established on or before November 15, the offers shall be made not more than 15 days following such establishment. The price of reserve tonnage raisins offered to handlers to sell as free tonnage under this section shall be the established field price for free tonnage raisins of the applicable varietal type, plus estimated costs to equity holders incurred by the committee, plus 3 percent of the established field price for free tonnage raisins of the applicable varietal type.

(e) *Verbatim record.* The committee shall file with its report to the Secretary a verbatim record of that portion of its meeting or meetings relating to its marketing policy.

(f) *Publicity.* The committee shall promptly give reasonable publicity to producers, dehydrators, handlers, and the cooperative bargaining association(s) of each meeting to consider a marketing policy or any modification thereof, and each such meeting shall be open to them. Similar publicity shall be given to producers, dehydrators, handlers, and the cooperative bargaining association(s) of each marketing policy report or modification thereof, filed with the Secretary and of the Secretary's action thereon. Copies of all marketing policy reports shall be maintained in the office of the committee, where they shall be made available for examination by any producer, dehydrator, handler, or cooperative bargaining association representative. The committee shall notify handlers, dehydrators, and cooperative bargaining association(s) of the Secretary's action on percentages by registered or certified mail.

§ 989.66 [Amended]

45. The word "desirable" appearing in the first sentence of § 989.66(g) is deleted.

46. Paragraph (a), the second sentence of paragraph (c), the first sentence of paragraph (d)(1), the first sentence of paragraph (f), and the first sentence of paragraph (j) of § 989.67 are amended to read:

§ 989.67 Disposal of reserve raisins.

(a) At the time the committee meets to consider free and reserve percentages for a crop year, the committee shall consider the marketing of reserve tonnage raisins for the subsequent 12-month period. The committee shall dispose of all reserve tonnage in such manner as to achieve, as nearly as may be practicable, maximum disposal of such raisins by the time reserve tonnage raisins from the subsequent crop year are available. Any reserve tonnage raisins held unsold by the committee on May 1 of the subsequent crop year shall be physically disposed of promptly in any available outlet not competitive with normal market channels for free tonnage raisins or sales of new crop reserve tonnage raisins in export: *Provided*, That, whenever the Secretary finds, based upon a recommendation of the committee, or on the basis of information otherwise available to him that because of national emergency, crop failure, an insufficient supply of reserve tonnage raisins for export, or other change of economic or marketing conditions, retention of reserve tonnage raisins carried over is warranted, the foregoing requirements as to disposal shall not apply and such raisins may be disposed of in any outlet recommended by the committee and approved by the Secretary.

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(c) * * * The list of countries shall be reviewed by the committee annually when it reviews matters relating to the free tonnage, and shall recommend any changes in the list to the Secretary for approval. * * *

(d)(1) Reserve tonnage raisins shall be sold to handlers at prices and in a manner intended to maximize producer returns and achieve maximum disposition of such raisins by the time reserve tonnage raisins from the subsequent crop year are available. * * *

* * * * * *

(f) Whenever the committee concludes that the orderly disposition of reserve tonnage would be promoted by the committee replacing any portion or all of handlers' export shipments of free tonnage raisins, to other than free tonnage outlets, made prior to the committee's first offer to sell reserve tonnage, it may do so and may specify such requirements and conditions as are necessary to carry out the replacement consistent with the objectives of this amended subpart. * * *

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(j) The committee shall not sell reserve tonnage raisins of any varietal type to handlers to provide them with raisins to sell as free tonnage, other than as provided in § 989.54, unless it files with the Secretary complete information and receives from the Secretary notice that he does not disapprove of such sale and that because of: National emergency, crop failure; change of economic or marketing conditions; free tonnage shipments during the then current crop year exceeding shipments of a comparable period of the prior crop year by more than 5 percent: *Provided*, That, such sale of reserve tonnage shall be limited to the quantity exceeding 105 percent of shipments for the first 10 months of the prior crop year; and/or an inadequate carryover, the free tonnage outlets cannot be reasonably well supplied by the tonnage released to the industry as a whole by the committee's marketing policy for that varietal type. * * *

47. The first sentence of § 989.79 is amended to read:

§ 989.79 Expenses.

The committee is authorized to incur such expenses (other than those specified in § 989.82) as the Secretary finds are reasonable and likely to be incurred by it during each crop year, for the maintenance and functioning of the committee and for such purposes as he may, pursuant to this subpart, determine to be appropriate. * * *

48. Section 989.85 is revised to read:

§ 989.85 Personal liability.

No member or alternate member of the committee or any employee or agent thereof and no member or alternate member of the Executive Operations Committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or any person, for errors in judgment, mistakes, or other acts either of commission or omission, as such member, alternate member, employee, or agent, except for acts of dishonesty.

§ 989.91 [Amended]

49. The date contained in the proviso in § 989.91(c) is changed from "August 31" to "July 31".

50. Section 989.95 is amended to read:

§ 989.95 Right of Secretary.

The members of the committee and the Executive Operations Committee (including alternates and successors) and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary, in his discretion, at any time. Every decision, determination, or other act of the committee or of the Executive Operations Committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee or the Executive Operations Committee shall be deemed null and void.

§ 989.96 [Amended]

51. Section 989.96 Exhibit A is amended as follows:

(a) The heading is amended to read "§ 989.96 Producer members of the Raisin Administrative Committee".

(b) The reference to § 989.26b in paragraph (h) is changed to read "§ 989.26a".

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: August 4, 1976.

Signed at Washington, D.C., on: July 29, 1976.

JOHN M. DAMGARD,
Deputy Assistant Secretary.

[FR Doc.76–22475 Filed 8–2–76;8:45 am]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS: MILK) DEPARTMENT OF AGRICULTURE

[Milk Order No. 1012]

PART 1012—MILK IN THE TAMPA BAY MARKETING AREA

Order Suspending Certain Provisions

This order of suspension is issued pursuant to the provisions of the Agricul-

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tural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Tampa Bay Marketing Area.

It is hereby found and determined that for the months of July and August 1976 the following provisions of the order do not tend to effectuate the declared policy of the Act:

Paragraphs (2) and (3) of § 1012.13(b).

STATEMENT OF CONSIDERATION

This action suspends for July and August 1976, provisions limiting diversions of milk to nonpool plants to not more than 25 percent of member and nonmember milk, respectively, that is physically received at pool plants during the month. Diversions in excess of that quantity are not producer milk.

The suspension was requested by Suncoast Milk Producers Cooperative in order to maintain pool status for milk of its member producers in July and August.

The cooperative unexpectedly lost a substantial part of its business with one pool handler. Since other fluid outlets are not immediately available, the cooperative now must move to nonpool outlets for surplus disposition the milk formerely moved to this handler. As a result, during July the cooperative's movements of milk from members' farms directly to nonpool manufacturing outlets will exceed 25 percent of its member producer milk physically received at pool plants during the month. It is expected that this situation will continue in August. However, the association expects that seasonally declining production along with seasonally increasing Class I sales will remedy the situation after September 1.

Absent the suspension, the cooperative's diversions of milk in excess of the 25 percent limit would lose pool status. This would result in substantially reduced returns to certain of the cooperative's member producers regularly associated with the fluid market, thus disrupting the orderly marketing of milk in the Tampa Bay market.

No such problem is indicated with respect to milk of nonmember producers. Nevertheless, should the need arise the suspension action also will allow greater diversions of nonmember milk.

Statements supporting the requested suspension were received from other cooperatives representing the vast majority of producers regularly supplying the market.

Accordingly, it is hereby found and determined that notice of proposed rulemaking, public procedure thereon, and thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that substantial quantities of milk of producers who regularly supply the fluid market otherwise would be excluded from the marketwide pool, thereby causing a disruption in the orderly marketing of milk; and

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date.

Therefore, good cause exists for making this order effective August 3, 1976.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of July and August 1976.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: August 3, 1976.

Signed at Washington, D.C., on July 29, 1976.

JOHN DAMGARD,
Deputy Assistant Secretary.

[FR Doc.76-22473 Filed 8-2-76;8:45 am]

[Milk Order No. 124]

PART 1124—MILK IN THE OREGON-WASHINGTON MARKETING AREA

Order Suspending Certain Provisions

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Oregon-Washington marketing area.

It is hereby found and determined that for the month of August 1976 the following provisions of the order do not tend to effectuate the declared policy of the Act and are therefore suspended:

1. In § 1124.11(a), "and from whom at least three deliveries are received at a pool plant during the month", and

2. In § 1124.11(b), "and from whom at least three deliveries are received during the month at his pool plant(s)".

STATEMENT OF CONSIDERATION

This action suspends for August 1976 the requirement that three deliveries of a producer's milk be received at a pool plant during the month to qualify his milk (as producer milk) for diversion to a nonpool plant. This action continues for an additional month an earlier suspension of identical provisions for the months of April through July 1976 (41 FR 15398).

The basis of this action and the earlier action cited above is the record of a public hearing held March 10–11, 1976, for the Oregon-Washington order market (Docket No. AO–368–A9, Hearing Notice 41 FR 8189). At this hearing, eligibility requirements for diversion were fully reviewed.

A decision issued by the Deputy Administrator, Program Operations, on July 1, 1976 (41 FR 27844), based upon record evidence, recommended that the eligibility requirements for diversion be limited to only a single delivery of a producer's milk each month of September, October, and November. If delivery is made in all three such months, no further diversion eligibility requirements need be met through August. The diversion terms proposed by the Department under such circumstances, if adopted, would not require any pool plant delivery of a producer in August solely for the purpose of qualifying his milk for diversion that month.

Cooperative handlers in the market have found it difficult at times to qualify all their members for producer status under the order because of the 3-delivery diversion requirement. As a result, unnecessary hauling costs are incurred in connection with meeting the 3-delivery requirement, particularly during the months of heavy milk production when a greater quantity of market reserves must be moved for manufacture. This period of heavy production extends into the month of August and warrants the same interim action, pending the outcome of the amendatory proceeding, as was effectuated for the months of April–July 1976 by the earlier suspension.

This suspension action is the only means available to the Department for reasonably ensuring that the diversion provisions, now at issue in the aforementioned proceeding, may not be a contributing factor to market disorder in August this year.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area since, under the circumstances described herein, the most efficient method of handling the market's reserve milk supply is by diversion direct from producers' farms to milk manufacturing plants. This suspension will permit greater flexibility in the movement of market reserves to manufacturing plants pending the outcome of a public hearing held March 10–11, 1976, at which a proposal to reduce the number of pool plant deliveries required to qualify for diversion was reviewed for this order. Producers requested this suspension at the public hearing. Interim action is necessary pending amendatory procedures. A decision issued by the Deputy Administrator, Program Operations, on July 1, 1976 (41 FR 27844), based upon record evidence, recommended that the eligibility requirements for diversion be limited to only a single delivery of a producer's milk each month of September, October, and November.

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date, therefore, good cause exists for making this order effective with respect to producer milk deliveries during August 1976.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the month of August, 1976.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: August 3, 1976.

Signed at Washington, D.C., on: July 29, 1976.

JOHN DAMGARD,
Deputy Assistant Secretary.

[FR Doc.76-22474 Filed 8-2-76;8:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

[File No. CO 845–P]

PART 100—STATEMENT OF ORGANIZATION

Closing of Port of Entry at Coral Bay, St. John, Virgin Islands

Reference is made to the notice of proposed rule making which was published in the FEDERAL REGISTER of June 11, 1976 (41 FR 23718) pursuant to section 553 of Title 5 of the United States Code (80 Stat. 383) and in which there was set forth the proposed amendment to § 100.4(c)(2) of Title 8 of the Code of Federal Regulations pertaining to the proposal to close the port of entry at Coral Bay, St. John, Virgin Islands.

No representations were received concerning the proposed rule of June 11, 1976. No change has been made in the proposed rule and it is hereby adopted as set forth below.

As amended, § 100.4(c)(2) reads in pertinent part as follows:

§ 100.4 Field Service.

* * * * *

(c) *Suboffices.* * *

(2) *Ports of entry for aliens arriving by vessel or by land transportation.* * * *

DISTRICT NO. 27—SAN JUAN, P.R.

CLASS A

Aguadilla, P.R.
Ensenada, P.R.
Fajardo, P.R.
Humacao, P.R.
Jobos, P.R.
Mayaguez, P.R.
*Ponce, P.R.
San Juan, P.R.
*Christiansted, St. Croix, V.I.
Frederiksted, St. Croix, V.I.
*Cruz Bay, St. John, V.I.
*Charlotte Amalie, St. Thomas, V.I.

* * * * *

(Sec. 103, 66 Stat. 173 (8 U.S.C. 1103))

The basis and purpose of the regulation prescribed herein is to close the port of entry at Coral Bay, St. John, Virgin Islands because only three or four inspections are performed there each month, mostly of United States citizens returning from adjacent British islands. These inspections can readily be performed without inconvenience to the public at the port of entry located at Cruz Bay, St. John, Virgin Islands.

Effective date: The amendment to the regulation contained in this order shall become effective September 2, 1976.

Dated: July 28, 1976.

L. F. CHAPMAN, JR.,
Commissioner of Immigration and Naturalization.

[FR Doc.76-22380 Filed 8-2-76;8:45 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 76-520]

PART 561—DEFINITIONS

Scheduled Items

JULY 28, 1976.

The Federal Home Loan Bank Board considers it desirable to amend Part 561 of the rules and regulations for Insurance of Accounts (12 CFR Part 561) by revising §561.15 thereof as described below.

Prior to this amendment, paragraph (g) of § 561.15, which defines "scheduled items", appeared by implication to require that a security acquired in exchange for a scheduled item be classified as a scheduled item, and the provision was so interpreted as to securities not qualifying as "liquid assets" under § 523.10(g) of this chapter. The purpose of this amendment is to implement the Board's determination that such a requirement is unnecessarily stringent and that securities so exchanged should not be categorized as scheduled items if they (1) qualify as liquid assets under § 523.10 (g) of this chapter or (2) have a market value at least equal to their par value.

The Board also takes this opportunity to make technical amendments to paragraphs (d)(1)(i) and (d)(2)(i) of § 561.15 by changing the references therein to "paragraph (i)" to read "paragraph (1)", to conform to the redesignation of § 561.15(i) as § 561.15(1).

The Board finds that notice and public procedure are unnecessary under 12 CFR 508.11 and 5 U.S.C. 553(b), since the amendments relieve restriction or clarify and conform existing regulations, and that publication of said amendments for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(a) prior to effective date is unnecessary for the same reason.

Accordingly, the Board hereby amends § 561.15 by amending paragraphs (d)(1)(i), (d)(2)(i), and by revising paragraph (g) thereof, as set forth below, effective August 6, 1976.

§ 561.15 [Amended]

1. Paragraphs (d)(1)(i) and (d)(2)(i) of § 561.15 are amended by changing the references therein to "paragraph (i)" to read "paragraph (1);" and 2. Section 561.15(g) is revised to read as follows:

* * * * *

(g) Real estate acquired in exchange for any of the scheduled items described above or securities so acquired unless (1) the market value of such securities when they are acquired at least equals their par value or (2) such securities qualify as liquid assets under § 523.10(g) of this chapter.

* * * * *

(Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended; (12 U.S.C. 1725, 1726, 1730). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. FINN,
Secretary.

[FR Doc.76-22487 Filed 8-2-76;8:45 am]

[No. 76-521]

PART 563—OPERATIONS

Loans to One Borrower

JULY 28, 1976.

The following summary of the amendment adopted by this Resolution is provided for the reader's convenience and is subject to the full explanation in the following preamble and to the specific provisions of the regulation.

I. *Previous Regulation.* Limited the amount that an insured institution could loan on the security of real estate to one borrower.

II. *Proposed Amendment.* Would have extended the limitation to include all types of loans by an insured institution.

III. *Final Amendment.* Same as proposed except the limitation is not extended to include loans by an insured institution on the security of its savings accounts.

The Federal Home Loan Bank Board, by Resolution No. 76–347, dated May 14, 1976, proposed to amend § 563.9–3 of the Rules and Regulations for Insurance of Accounts (12 CFR 563.9–3) for the purpose of extending the limitation on the amount an insured institution may loan on the security of real estate to one borrower to include all types of loans. Notice of such proposed rulemaking was published in the FEDERAL REGISTER on May 21, 1976 (41 FR 20895–20896), with an invitation to interested persons to submit written comments by June 21, 1976.

On the basis of its consideration of all relevant material presented by interested persons and otherwise available to it, the Board deems it advisable to adopt the amendment as proposed, with one modification: the limitation is not extended to include loans on the security of an insured institution's savings accounts. This change reflects the Board's view that the unique character of such loans makes it unnecessary to apply the § 563.9–3 limitation to them.

Accordingly, the Board hereby amends § 563.9–3 to read as set forth below, effective September 6, 1976.

§ 563.9–3 Loans to one borrower.

(a) *Definition of terms.* For the purposes of this section the term "one bor-

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rower" means (1) any person or entity that is, or that upon the making of a loan will become, obligor on a loan, (2) nominees of such obligor, (3) all persons, trusts, partnerships, syndicates, and corporations of which such obligor is a nominee or a beneficiary, partner, member, or record or beneficial stockholder owning 10 percent or more of the capital stock, and (4) if such obligor is a trust, partnership, syndicate, or corporation, all trusts, partnerships, syndicates, and corporations of which any beneficiary, partner, member, or record or beneficial stockholder owning 10 percent or more of the capital stock, is also a beneficiary, partner, member, or record or beneficial stockholder owning 10 percent or more of the capital stock of such obligor; and the term "total balances of all outstanding loans" means the original amounts loaned by an insured institution plus any additional advances and interest due and unpaid, less repayments and participating interests sold and exclusive of any loan on the security of such institution's savings accounts or real estate the title to which has been conveyed to a bona fide purchaser of such real estate.

(b) *Limitations.* No insured institution shall have outstanding any loan to one borrower, as defined in paragraph (a) of this section, if the sum of (1) the amount of such loan and (2) the total balances of all outstanding loans owed to such institution and its service corporation affiliates by such borrower exceeds an amount equal to 10 percent of such institution's withdrawable accounts or an amount equal to such institution's net worth, whichever amount is less: *Provided,* That, notwithstanding any other limitation of this sentence, any such loan may be made if the sum of subparagraphs (1) and (2) of this paragraph does not exceed $100,000 or if such loan is secured by a first lien on low-rent housing.

(c) *Determination by institution; maintenance of records.* If an insured institution or service corporation affiliate thereof makes a loan to any one borrower, as defined in paragraph (a) of this section, in an amount which, when added to the total balances of all outstanding loans owed to such institution and its service corporation affiliates by such borrower, exceeds $250,000 or 2 percent of the net worth of such institution, whichever is greater, but in all cases where such outstanding loans exceed $1,000,000, the records of such institution or its service corporation affiliate with respect to such loan shall include documentation showing that such loan was made within the limitations of paragraph (b) of this section; for the purpose of such documentation such institution or service corporation affiliate may require, and may accept in good faith, a certification by the borrower identifying the persons, entities, and interests described in the definition of one borrower in paragraph (a) of this section.

(Sec. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended; (12 U.S.C. 1725, 1726, 1730). Reorg Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. FINN,
Secretary.

[FR Doc.76-22488 Filed 8-2-76;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C-2826]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Benton & Bowles, Inc.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.135 Nature of product or service; § 13.170 Qualities or properties of product or service; 13.170–63 Non-toxic; 13.170–64 Nutritive; § 13.195 Safety; 13.195–60 Product; § 13.205 Scientific or other relevant facts. Subpart—Misrepresenting oneself and goods—Goods: § 13.1685 Nature; § 13.710 Qualities or properties; § 13.1740 Scientific or other relevant facts. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1870 Nature. Subpart—Using deceptive techniques in advertising: § 13.2275 Using deceptive techniques in advertising; 13.2275–70 Television depictions.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45, 52)

In the Matter of Benton & Bowles, Inc., a corporation.

Consent order requiring a New York City advertising agency for General Foods Corporation, among other things to cease misrepresenting that a plant, or any part thereof, is suitable for human consumption in its raw state, where the plant is depicted growing in its natural, uncultivated environment. Further, respondent is prohibited from representing, through depictions, descriptions, etc., anything commonly recognized as food or lawful food additive which tends to influence behavior creating imminent risk or physical harm to viewers.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

ORDER

For the purposes of this order, the following definitions apply:

1. The term "commerce" means commerce as defined by the Federal Trade Commission Act, as amended.

2. The term "plant" means any whole plant or any constituent part thereof,

3. The term "suitable for human consumption" shall not apply to the sole depicting or sole act of picking a plant or any constituent part thereof in its raw state.

[1] Copies of the Complaint, Decision and Order filed with the original document.

I

It is ordered, That respondent Benton & Bowles, Inc., a corporation (hereinafter referred to as respondent), its successors and assigns, and its officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution in or affecting commerce of any product, forthwith cease and desist from, directly or indirectly:

A. Representing, through depictions, descriptions, or otherwise, that a plant is suitable for human consumption in its raw state in an advertisement containing a visual depiction of (1) the plant in its growing state or natural surroundings which depiction is not a clear portrayal of conditions of domestic cultivation for human consumption or (2) the consumption of a raw plant, described in the advertisement as wild.

B. Representing, through depictions, descriptions, or otherwise, that a plant is suitable for human consumption in its raw state in an advertisement containing a visual depiction of the plant in its growing state or natural surroundings where said plant is not the advertised product or an ingredient, or characterizing flavor, or source thereof, in the advertised product.

C. Representing, through depictions, descriptions, or otherwise, that any given thing or things, other than things that are commonly recognized as foods or lawful food additives, are suitable for human consumption as a food where it is reasonably foreseeable, through reasonable inquiry, that such representation has the tendency and capacity to influence members of the audience in reasonably good health to engage in behavior which creates an imminent risk of physical harm to those persons or to others.

D. Provided, however, that paragraph B shall not prohibit the representation, through depictions, descriptions, or otherwise, that a plant is suitable for human consumption in its raw state where the provisions of paragraphs A and C are met, and said plant:

(1) Is nontoxic in its raw state; and

(2) Does not have the tendency and capacity to be confused with a plant, which if consumed in its raw state, is toxic.

II

It is further ordered, That respondents shall forthwith distribute a copy of this Order to each of its operating divisions.

It is further ordered, That respondent notify the Commission at least thirty (30) days prior to any proposed change such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the Order.

It is further ordered, That respondent shall, within sixty (60) days after service upon it of this Order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this Order.

The Decision and Order was issued by the Commission July 6, 1976.

JOHN D. MACOLL,
Acting Secretary.

[FR Doc.76-22384 Filed 8-2-76;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 76-215]

PART 153—ANTIDUMPING

Tuners (of the Type Used in Consumer Electronic Products) From Japan

On May 24, 1976, there was published in the FEDERAL REGISTER (41 FR 21207) a "Notice of Tentative Determination to Modify or Revoke Dumping Finding" with respect to tuners (of the type used in consumer electronic products) from Japan produced and sold for export to the United States by Sanyo Electric Co., Ltd., and Sanyo Electric Trading Co., Ltd.

Finding of dumping

Merchandise	Country	T.D.	Modified by—
Tuners (of the type used in consumer electronic products), except: (I) Those produced and sold by Matsushita Electric Industrial Co., Ltd., and Matsushita Electric Trading Co., Ltd.; (II) those sold by Victor Co. of Japan Ltd.; (III) those sold by Tokyo Shibaura Electric Co., Ltd.; and (IV) those produced and sold by Sanyo Electric Co., Ltd., and Sanyo Electric Trading Co., Ltd.	Japan	70-257	75-80, 76-143, 76-215

This determination is published pursuant to § 153.44(d), Customs Regulations (19 CFR 153.44(d)).

(Secs. 201, 407, 42 Stat. 11, as amended, 18 (19 U.S.C. 160, 173))

DONALD R. MCDONALD,
Assistant Secretary of the Treasury.

July 29, 1976.

[FR Doc.76-22430 Filed 8-2-76;8:45 am]

Title 25—Indians

CHAPTER I—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

SUBCHAPTER F—ENROLLMENT

PART 43h—ENROLLMENT OF ALASKA NATIVES

Applications, Preparation and Approval of Roll

The authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9).

Beginning on page 22566 of the FEDERAL REGISTER of June 4, 1976 (41 FR 22566), there was published a notice of proposed rulemaking to amend Part 43h, Subchapter F, Chapter I of Title 25 of the Code of Federal Regulations. The amendment was proposed pursuant to the authority contained in Section 25 of the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 688, Pub. L. 92–203, as amended and supplemented by the Act of January 2, 1976, 89 Stat. 1145, Pub. L. 94–204. The purpose of amending the regulations governing the preparation of the roll of Alaska Natives was to permit the filing and review of applications for enrollment pursuant to the Act of January 2, 1976, supra.

Other revisions and amendments were proposed to include in the regulations necessary revisions and amendments to make the regulations conform with the provisions of the Act of January 2, 1976, supra.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections.

Suggested changes were submitted by The 13th Regional Corporation on July 7, 1976. Although not timely received the comments and suggestions were carefully considered. The three suggested modifications, if adopted, would provide for the enrollment of eligible nonresident Natives in the 13th region unless the applicant affirmatively elected to be enrolled in another region. The 13th Regional Corporation argues that, based on the court order establishing the 13th region, it is appropriate to assume an eligible nonresident Native who fails to indicate his or her preference for being enrolled in one of the 12 regions in Alaska or the 13th region prefers to be enrolled in the 13th region.

In its order establishing the 13th region the Court addressed itself primarily to the manner in which the Interior Department counted the votes for enrollment in or out of the 13th region in determining whether the 13th region would be established; i.e., counting the abstaining enrollees in the total number of voters to determine a majority of votes. By excluding the number of abstaining enrollees in computing the total number of voters, a majority of actual votes cast were in favor of establishing the 13th region. The Court did not order that the abstaining enrollees be counted as votes in favor of the 13th region. Had it been the Court's intent to assume the presumption offered by The 13th Regional Corporation we believe it would not have provided for a final election for nonresident enrollees to indicate their preference for enrollment in or out of the 13th region.

Section 5 of the 1971 Act specifies as an exception to the priorities for determining in which of the 12 regions in Alaska a nonresident Native is to be enrolled, that such an enrollee may elect to be enrolled in the 13th region. We interpret this provision as requiring affirmative action by the ehrollee to elect enrollment in the 13th region.

In the original enrollment nonresident enrollees were not specifically advised that if they failed to indicate their preference they would be enrolled in the appropriate region in Alaska. But such was the actual result, implicitly approved by the Court, of their abstention from voting. This information is now contained in the amendment to the regulations and in the instructions which will be provided with each application.

We believe The 13th Regional Corporation's suggested modifications would not reflect the intent of the Congress or the Court, and therefore, they have not been adopted.

The only changes made in the text of the regulations are corrections of printing errors. Accordingly, with those corrections, the proposed amendment is hereby adopted and is set forth below.

Since the January 2, 1976 Act set a statutory deadline for applying for enrollment and the filing period is now running, the 30-day deferred effective date would further reduce the filing period. Therefore, the 30-day deferred effective date is dispensed with under the exception provided in subsection (d)(3) of 5 U.S.C. 553 (1970). Accordingly, these regulations will become effective on August 3, 1976.

THOMAS S. KLEPPE,
Secretary of the Interior.

JULY 30, 1976.

Part 43h of Subchapter F, Chapter I, Title 25 of the Code of Federal Regulations is amended as follows:

1. By revising paragraphs (a) and (j) of § 43h.1 and adding a new paragraph (o) to § 43h.1 to read as follows:

§ 43h.1 Definitions.

(a) "Act" means the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 688, Public Law 92–203, as amended and supplemented by the Act of

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January 2, 1976, 89 Stat. 1145, Public Law 94–204.

• • • • •

(j) "Region" means the geographic area covered by the operation of one of the 12 Native associations recognized in Section 7(a) of the Act, or its successor regional corporation, and includes the 13th region.

• • • • •

(o) "Adopted person" means a person whose natural parents' parental rights have been terminated by court order and given to others to exercise.

2. By revising paragraphs (a) and (b) of § 43h.4 to read as follows:

§ 43h.4 Enrollment in regions.

(a) Permanent residents of Alaska: A Native permanently residing in Alaska on April 1, 1970, shall be enrolled in the region and village or other place in which he or she was a permanent resident on that date.

(b) Nonresidents of Alaska: A Native who is 18 years of age or older at the time of filing his or her application for enrollment and who, on April 1, 1970, was not a permanent resident of one of the regions in Alaska shall be enrolled according to the following order of priority:

(1) In the 13th region, if he or she so elects, or

(2) In the region where he or she resided on April 1, 1970, if he or she had resided there without substantial interruption for 2 or more years, or

(3) In the region where he or she previously resided for an aggregate of 10 years or more, or

(4) In the region where he or she was born, or

(5) In the region from which an ancestor came.

• • • • •

3. By revising § 43h.5 to read as follows:

§ 43h.5 Enrollment in the 13th region.

A Native eligible for enrollment who is 18 years of age or older and who, on April 1, 1970, was not a permanent resident of Alaska shall on the date he or she files an application for enrollment, elect whether to be enrolled in the 13th region or in the region determined pursuant to § 43h.4(b). Such election shall apply to all dependent members of his or her household who are less than 18 years of age on the date of such election, but shall not affect the enrollment of anyone else. Eligible Natives, entitled to make such an election but who abstain from indicating their preference when they file their applications, shall be enrolled in the appropriate region in Alaska pursuant to paragraphs (2) through (5) of § 43h.4(b).

4. By revising § 43h.6 and adding a new paragraph (h) to read as follows:

§ 43h.6 Applications for enrollment.

(a) All applications for enrollment shall be in writing on forms provided by the Bureau of Indian Affairs and shall be signed by or for the head of each household, spouse, and/or the dependent members of his or her household under 18 years of age. A separate application shall be completed and signed by or for other members of a household 18 years of age or older.

(b) Applications for adopted children or other minors not living with their parents, mentally incompetent persons, members of the Armed Services and/or any eligible members of their immediate families stationed outside the Continental United States, or persons who have died since December 18, 1971, may be filed by a sponsor on or before the deadline specified in this section. Applications for adopted children should be supported by copies of decrees of adoption, if available. Applications for deceased persons should be supported by copy of death certificate or other document which establishes the date of death.

(c) The application shall contain, among other information, the applicant's Social Security number, name, address, sex, date and place of birth, degree of Alaska Native Blood, permanent residence as of April 1, 1970, the village from which his or her ancestors came, and for a nonresident of Alaska, his or her election regarding enrollment in the 13th region. Social Security numbers and cards will be issued by the Social Security Administration to those persons who do not have them.

(d) Completed applications must be submitted to the Enrollment Coordinating Office (Kaloa Building, 16th & "C" Streets), Pouch 7–1971, Anchorage, Alaska 99510, within one year from January 2, 1976.

(e) Residents of Alaska: An enumerator shall be assigned temporarily to each of the 12 Regional Corporations in Alaska to assist in the completion and submission of applications. Upon the request of a Village Corporation, provided there are five or more applications to be filed, an enumerator shall be sent to the village to assist in the completion and submission of applications. They shall also visit centers in urban areas to furnish assistance in completion and submission of applications. Persons who are missed by the enumerators may apply to the Enrollment Coordinating Office by mail or in person.

(f) Nonresident of Alaska: (1) Enumerators shall be assigned or detailed temporarily to the following places to assist in completion and submission of applications by persons residing outside the State of Alaska:

(i) One enumerator to The 13th Regional Corporation;

(ii) One enumerator to the Bureau of Indian Affairs Seattle Liaison Office;

(iii) Enumerators in various urban localities where there is a heavy concentration of Natives.

(2) Persons who are missed by an enumerator or who reside in an area not served by an enumerator may apply to the Enrollment Coordinating Office by mail or in person.

(g) Notice to regional and village corporations: Each regional corporation shall be notified of the name, date, and place of birth, and claimed residence of every applicant for enrollment, including dependents, within the region. Each village corporation shall be notified of the name, date, and place of birth, and claimed residence of every applicant for enrollment, including dependents, within the village. The provisions of this section shall not be applied to the application of an adopted person.

(h) Use of address of record: All notices of action shall be sent to the most current name and address of record in an applicant's file. It is the responsibility of the applicant to advise the Enrollment Coordinating Office of any change of name or address.

5. By revising § 43h.7 to read as follows:

§ 43h.7 Determination of eligibility.

(a) Determination of eligibility shall be made by decision of the Coordinator on the basis of information set forth in the application, records of the Bureau of Indian Affairs, village and tribal rolls and such other evidence as is available, including the submissions, if any, of the regional or village corporations.

(b) Each applicant shall be notified in writing of the decision. If such decision is favorable, the name of the applicant shall be placed on the roll. If the decision is adverse as to enrollment or as to the region or village in which enrolled, the applicant or sponsor shall be notified by certified mail, return receipt requested, of the decision together with the reasons for the decision and of his or her right of appeal.

(c) Each regional corporation shall be notified by certified mail, return receipt requested, of the Coordinator's decisions with respect to persons enrolled or denied enrollment with that region. Each village corporation shall be notified by certified mail, return receipt requested, of the Coordinator's decisions with respect to persons enrolled or denied enrollment in that village. Except with respect to adopted persons, the regional and village corporations shall be further notified of their rights to appeal such decisions and the reasons for acceptance or rejection of the enrollment application.

• • • • •

6. By revising § 43h.8 to read as follows:

§ 43h.8 Appeals.

(a) Appeals by individuals from adverse decisions must be in writing and filed with the Enrollment Coordinating Office not later than 30 days after the date of receipt by certified or registered mail, return receipt requested, of the notice of the adverse decision or not later than 37 days after the date of mailing of such notice where certified or registered mail service to the individual is not available or where any notice is returned to the Coordinator in accordance with postal regulations. Appeals by regional and village corporations from the Coordinator's decisions must be in writing and filed with the Enrollment Coordinating Office not later than 30 days after receipt of the notice sent by certified or registered mail, return receipt requested, or not later than 37 days after the date of mailing of such notice where certified or registered mail service is not available or where any notice is returned to the Coordinator in accordance with postal regulations. A decision of the Coordinator on the application of an adopted person, as defined in § 43h.1(o), will not be subject to appeals by regional or village corporations, leaving such decisions subject to appeal only by the adopted person or his or her guardian or sponsor, if such adopted person is a minor.

(b) Each appeal from a decision on an application for enrollment shall be by petition, which shall state the bases and reasons for the appeal, and which shall include or be accompanied by all arguments, briefs, records, or other evidence which the appellant urges as grounds for reversal. No additional presentation will be allowed except upon a showing satisfactory to the Regional Solicitor.

(c) A copy of each appeal petition and its supporting documents filed by an applicant shall be served by the Coordinator upon the regional and/or village corporation whose region or village names appear on the decision appealed from. A copy of each appeal petition and its supporting documents filed by a regional corporation shall be served by the Coordinator upon the applicant for enrollment and upon the village corporation whose village name appears on the decision appealed from. A copy of each appeal petition and the supporting documents filed by a village corporation shall be served by the Coordinator upon the applicant for enrollment and upon the regional corporation for the region whose name appears on the decision appealed from.

(d) Service as provided for in paragraph (c) of this section shall be made by the Coordinator at the time an appeal is filed with the Enrollment Coordinating Office by delivering a copy of the appeal petition and supporting documents either in person or by certified or registered mail, return receipt requested. If certified or registered mail service to an addressee is not available, service may be made on that addressee by sending to that addressee a copy of the appeal petition and supporting documents by first class mail which is neither certified nor registered. Service will be considered to have been made at the time: (1) Of acknowledgment; (2) of personal service; (3) of delivery by certified or registered mail, return receipt requested; (4) seven (7) days after the date of mailing by first class mail which is neither certified nor registered; or (5) seven (7) days after the date of mailing by certified or registered mail, return receipt requested, which is returned by the Postal Service undelivered. Within 15 days of filing the appeal petition with the Enrollment Coordinating Office, proof of service must be furnished to the Regional Solicitor by the Coordinator. This proof may be made by informing the Regional Solicitor in writing of the names of the parties served; whether service was made personally or by certified, registered, or first class mail which was neither certified nor registered; and the address, if mailed, to which copies of the appeal petition and supporting documents were sent.

(e) A party served with a copy of an appeal petition and supporting documents shall have 20 days from the date of service in which to file written views on the appeal with the Regional Solicitor.

(f) Upon receipt of an appeal petition, the Coordinator will forward the petition, with all records pertaining thereto, to the Regional Solicitor. Determination on appeals will be made by the Regional Solicitor on behalf of the Secretary and shall be final. The applicant and the appropriate village and regional corporation shall be notified in writing of the determination of the Regional Solicitor.

7. By revising § 43h.9 to read as follows:

§ 43h.9 Preparation, certification, approval and amendment of the roll.

(a) The Alaska Native Roll shall be prepared by the Enrollment Coordinating Office, and shall contain for each enrollee his or her name, Social Security number, last known address, sex, date of birth, degree of Alaska Native blood or other basis for determining eligibility, permanent residence as of April 1, 1970, and the village and/or region in which he or she is enrolled.

(b) The roll approved December 17, 1973, subject to appeals and the legal determinations shall be maintained by the Enrollment Coordinating Office, and shall be amended from time to time as necessary to correct errors to show changes in names, addresses, place of enrollment, or other information entitled to recognition, to reflect determinations of eligibility and ineligibility, and for such other purposes as may be required.

8. By revising § 43h.10 to read as follows:

§ 43h.10 Establishment of a 13th Region.

(a) Effective October 1, 1975, by Secretarial Order No. 2980, there was established a 13th region for the benefit of Alaska Natives who are not permanent residents of Alaska and who elected to be enrolled therein. Order No. 2980 was issued pursuant to an order entered on December 30, 1974, in the consolidated cases entitled *Alaska Native Association of Oregon, et al.*, v. *Morton, et al.*, and *Alaska Federation of Natives International, et al.*, v. *Morton, et al.*, Civil Nos. 2133–73 and 2141–73, in the United States District Court for the District of Columbia, and as provided by Section 7(c) of the Act.

(b) Nonresidents of Alaska who are eligible for enrollment pursuant to applications submitted under authority of Section 1 of the Act of January 2, 1976, 89 Stat. 1145, Pub. L. 94–204, may be enrolled in the 13th region or in the appropriate region in Alaska as provided in § 43h.4.

9. By revising § 43h.11 to read as follows:

§ 43h.11 Metlakatla Community members.

No person who was enrolled in the Metlakatla Indian Community of the Annette Islands Reserve as of April 1, 1970, shall be eligible for enrollment under this Part.

§ 43h.13 [Reserved]

10. By revoking and reserving § 43h.13.

11. By revising § 43h.14 to read as follows:

§ 43h.14 Deadlines for amending enrollment applications.

Amendments to enrollment applications or amended applications filed pursuant to the Act of January 2, 1976, will not be considered originally or on appeal unless filed (received by the Enrollment Coordinating Office) on or before April 2, 1977. All such amendments or amended applications received subsequent to April 2, 1977, will be returned to the applicant without action.

[FR Doc.76–22582 Filed 8–2–76;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 659–76]

PART 16—PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION

Subpart E—Exemption of Record Systems Under the Privacy Act

ADOPTION OF REGULATIONS EXEMPTING A CRIMINAL DIVISION SYSTEM OF RECORDS

On June 9, 1976, the Department of Justice published in the FEDERAL REGISTER (41 FR 23206) a proposed regulation amending subpart E to 28 CFR Part 16 exempting a system of records maintained by the Criminal Division of the Department of Justice from provisions of the Privacy Act of 1974 (5 U.S.C. 552a). Interested persons were invited to submit written comments not later than July 9, 1976. No comments were received.

Pursuant to the authority vested in me by 5 U.S.C. 552a, and as Attorney General of the United States, the amendment to Subpart E of Part 16 of Chapter I of Title 28, Code of Federal Regulations, is adopted as published in the FEDERAL REGISTER of June 9, 1976 (41 FR 23206).

Dated: July 23, 1976.

EDWARD H. LEVI,
Attorney General.

§ 16.91 Exemption of Criminal Division Systems—Limited access, as indicated.

• • • • •

(s) The following system of records is exempted pursuant to the provisions of 5 U.S.C. 552a(j)(2) from subsections (c)(3) and (4), (d), (e)(1), (2) and (3), (e)(4)(G), (H) and (I), (e)(5) and (8), (f), and (g) of 5 U.S.C. 552a; in addition, the following system of records is exempted pursuant to the provisions of 5 U.S.C. 552a(k)(1) and (k)(2) from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) of 5 U.S.C. 552a:

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(1) Freedom of Information/Privacy Act Records (JUSTICE/CRM–024).

(2) These exemptions apply only to the extent that the records contained in this system have been obtained from other systems of records maintained by the Criminal Division for which exemptions from one or more of the foregoing provisions of the Privacy Act of 1974 have been promulgated. The exemption claimed for this system of records applies only to records obtained from such other Criminal Division systems and only to the same extent as the records contained in such other systems have been exempted.

(t) The system of records listed under paragraph (s) of this section is exempted for the following reasons:

(1) In the course of processing requests for records pursuant to the Freedom of Information Act (5 U.S.C. 552) or for access or correction of records pursuant to the Privacy Act (5 U.S.C. 552a), it is frequently necessary to search for records in systems of records for which exemptions have been claimed pursuant to 5 U.S.C. 552a (j) or (k). When records are located in said systems, it is frequently necessary to prepare copies for the purpose of consulting with agency personnel or with other agencies, either with regard to determining whether or to what extent the records should be disclosed, or access provided, or correction made or denied, or for review in the event of administrative appeal or judicial review.

(2) If records otherwise exempt pursuant to published rules should lose their exempt character when taken from such exempt systems for the purpose of compliance with the Freedom of Information Act and the Privacy Act in reviewing such records and making determination with regard to disclosure, access, and correction, the purpose of the Privacy Act in providing such exemptions, and of the Department of Justice in claiming such exemptions would be defeated and nullified. The proper, efficient, and timely processing of citizens' requests pursuant to said Acts would be hindered and impeded.

[FR Doc.76-22404 Filed 8-2-76;8:45 am]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

South Carolina; Certification of Completion of Developmental Steps

1. *Background.* Subpart D of Part 1902 of Title 29, Code of Federal Regulations (40 FR 54780) sets out procedures under which the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter referred to as the Assistant Secretary) will make a determination under section 18(e) of the Occupational Safety and Health Act of 1970 (hereinafter referred to as the Act) whether, on the basis of actual operations under a State plan, the criteria of section 18(c) of the Act are being applied under the plan. Such a determination may not be made until at least three years after commencement of operations under the plan and, in the case of a developmental plan, until the State has satisfactorily completed all developmental steps and the Assistant Secretary has had at least one additional year to evaluate the plan on the basis of actual operations. Upon making a determination under 18(e) that the 18(c) requirements are being applied, Federal enforcement of standards and Federal standards (except with regard to on-going cases) cease to apply in the State with respect to any occupational safety and health issue covered under the determination.

Section 1902.34 of Subpart D provides that the evaluation of a State's fully operational program, preparatory to an 18(e) determination, shall commence upon publication in the FEDERAL REGISTER of a certification that all developmental steps have been completed. Such certification must list the developmental steps, including approved amendments thereto, and the dates their approvals were published in the FEDERAL REGISTER; approved substantive changes in the State plan and dates published in the FEDERAL REGISTER; documentation that the State merit system has been approved and found acceptable; and a description of the occupational safety and health issues covered by the certification. If the Assistant Secretary finds that the State has completed all the developmental steps specified in the plan, he shall give notice of same by publishing the certification in the FEDERAL REGISTER and amend the appropriate Subpart of Part 1952 of this Chapter to reflect this finding.

On December 6, 1972, notice was published in the FEDERAL REGISTER (37 FR 25932) of the approval of the South Carolina plan as a developmental plan and adoption of Subpart C of Part 1952 containing the decision and describing the plan. During the three year period, ending December 31, 1975, following commencement of State operations (three years from the date of the State's first 23(g) grant award), Edgar L. McGowan, Commissioner, South Carolina Department of Labor, submitted documentation attesting to the completion of each State developmental commitment for review and approval as provided in 29 CFR Part 1953. Following Departmental review, opportunity for public comment, and subsequent modification of the State's submissions, as deemed appropriate, the Assistant Secretary has approved the completion of all individual South Carolina developmental steps.

2. *Notice of certification of completion of developmental steps under the South Carolina Plan.* In accordance with the provisions of 29 CFR 1902.34, notice is given that the South Carolina occupational safety and health plan is hereby certified, effective August 3, 1976, as having completed all the developmental steps specified in the plan as approved November 30, 1972, on or before December 31, 1975 (see Subpart C of 29 CFR Part 1952) as follows:

(a) All developmental steps specified in the plan and amendments thereto have been completed:

(1) Legislative amendments required to bring the South Carolina occupational safety and health statute (§ 40–257.1 through § 40–274, South Carolina Code of Laws, 1962) into conformity with Federal requirements were enacted effective June 12, 1973, and approved by the Secretary of Labor on September 22, 1975 (40 FR 44132, September 25, 1975);

(2) South Carolina occupational safety and health standards identical to Federal standards have been promulgated, subsequently amended to reflect changes in Federal standards and approved by the Regional Administrator for Occupational Safety and Health (hereinafter referred to as the Regional Administrator) on February 27, 1975 (40 FR 16257, April 10, 1975), September 10, 1975 (40 FR 50584, October 30, 1975), October 22, 1975 (40 FR 55405, November 28, 1975), and April 26, 1976 (41 FR 23809, June 11, 1976);

(3) A management information system has been developed. Documentation was submitted on July 10, 1975, and approved by the Assistant Secretary on April 20, 1976 (41 FR 17547, April 27, 1976);

(4) A voluntary compliance program, including on-site consultation services, has been developed and implemented by South Carolina. Documentation on completion of this developmental step was approved by the Secretary of Labor on September 22, 1975 (40 FR 44132, September 25, 1975);

(5) A program to provide coverage of State and local government employees in a manner identical to that of employees in the private sector has been developed and implemented. Documentation on completion of this developmental step was initially submitted on May 23, 1974, resubmitted with amendments on June 24, 1975, and approved by the Assistant Secretary on April 20, 1976 (41 FR 17547, April 27, 1976);

(6) Coverage of agricultural workers was initiated directly by the South Carolina Department of Labor on July 1, 1973. Documentation on completion of this developmental step was approved by the Secretary of Labor on September 22, 1975 (40 FR 44132, September 25, 1975);

(7) Merit system coverage was extended to South Carolina Department of Labor, Division of Occupational Safety and Health employees effective May 31, 1973. Agreement with the Department of Health and Environmental Control requires that all health personnel cooperating in the State occupational safety and health program be likewise covered by the State merit system. Documentation on the completion of this developmental step was approved by the Secretary of Labor on September 22, 1975 (40 FR 44132, September 25, 1975);

(8) A revised South Carolina compliance manual has been developed. Documentation was initially submitted on July 24, 1974, resubmitted with amendments on November 20, 1975, and approved by the Assistant Secretary on July 20, 1976 (41 FR 31204, July 27, 1976);

(9) Regulations establishing procedures for the review of contested cases (Article IV) were revised and promulgated by the State on June 5, 1975, submitted on June 6, 1975, and approved by the Assistant Secretary on April 20, 1976 (41 FR 17547, April 27, 1976);

(10) An Affirmative Action plan to promote equal employment opportunity was submitted on October 10, 1975, and approved as a completed developmental step by the Assistant Secretary on May 19, 1976 (41 FR 21774, May 28, 1976);

(11) The South Carolina Safety and Health poster which informs both private and public employees of their rights and obligations under the South Carolina plan and is to be displayed in all workplaces in the State was submitted on October 20, 1975, and approved by the Assistant Secretary on February 19, 1976 (41 FR 9547, March 5, 1976);

(12) Amendments to State administrative regulations in response to previous commitments and to achieve compatibility with revised enabling legislation were submitted by the State during the period May 23 through November 8, 1974, and approved by the Secretary of Labor on September 22, 1975 (40 FR 44132, September 25, 1975):

(i) Temporary variance procedures (Article II, sec. 2.06);

(ii) Permanent variance procedures (Article II, sec. 2.07);

(iii) Employee complaint procedures (Article V, sec. 5.08);

(iv) Employee walkaround procedures (Article V. sec. 5.06);

(v) Prohibition of advance notice of inspection (Article V, sec. 5.04); and

(vi) Recording and Reporting of Occupational Injuries and Illnesses (Article III).

Further minor regulatory amendments were submitted during the period January 15, through November 26, 1975, and approved by the Assistant Secretary on March 19, 1976 (41 FR 12654, March 26, 1976):

(i) Definition of person expanded to include "organization of employees" in Article I, General (Section 1.02G); Article II, Variances (Section 2.01G); Article III, Recordkeeping and Reporting (Section 3.01G); and Article V, Inspections (Section 5.01G).

(ii) Article I, General: Section 1.08—Incorporation by Reference (standards), Section 1.12—General Duty Clause.

(iii) Article II, Variances: Section 2.21—Public Notice of Petition for a Variance and Interim Order, Section 2.22—Variance from Recordkeeping Requirements (available only through U.S. Secretary of Labor), Section 2.23—Variances Granted by Secretary of Labor (honored upon employer filing with South Carolina Commissioner of Labor).

(iv) Article V, Inspections: Section 5.01D—New section reflecting South Carolina legislative provision prohibiting employee loss of wages or other benefits during participation in walkaround with State inspector.

(13) As a result of certain administrative actions the following changes in the South Carolina plan narrative were submitted during the period May 23 through November 8, 1974, and approved by the Secretary of Labor on September 22, 1975 (40 FR 44132, September 25, 1975):

(i) South Carolina Department of Labor to assume responsibility originally intended to be delegated to the State Fire Marshal (secs. 7.03 and 8.02–3);

(ii) South Carolina Department of Labor to assume responsibility originally intended to be delegated to the State Liquefied Petroleum Gas Board (secs. 7.04, 8.01–3, and 8.02–4);

(iii) South Carolina Department of Labor to assume responsibility originally intended to be delegated to the State Department of Agriculture (secs. 7.06 and 11.02);

(iv) Standards Advisory Council disbanded as unnecessary since the State is adopting Federal standards; and

(v) Total number of safety inspectors reduced to twenty-nine (29) and industrial hygienists to six (6) (Appendix 7–a).

(14) A description of the State's occupational health program as performed by the Division of Occupational Health, Department of Health and Environmental Control, together with a formal agreement were submitted as an amendment to the plan during the period May 1974, through April 1975 and approved by the Secretary of Labor on September 22, 1975 (40 FR 44132, September 25, 1976).

(b) The personnel operations of the South Carolina Department of Labor, Occupational Safety and Health Division and the servicing merit system agency have been found to be in substantial conformity with the "Standards for a Merit System of Personnel Administration" by the U.S. Civil Service Commission by letter dated January 22, 1976 (See section (7) above.)

(c) This certification covers all occupational safety and health issues covered under the Federal program except for the longshoring and maritime standards found in 29 CFR Parts 1915, 1916, 1917, and 1918 (longshoring, ship repairing, shipbuilding, shipbreaking), which are excluded from coverage under the plan, and the State program covering State and local government employees.

3. *Location of the plan and its approved supplements for inspection and copying.* A copy of the approved supplements along with the approved plan may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Room N–3112, 200 Constitution Avenue, N.W., Washington, D.C. 20210; Office of the Regional Administrator, Occupational Safety and Health Administration, Suite 587, 1375 Peachtree Street, N.E., Atlanta, Georgia 30309; and Office of the Commissioner of Labor, South Carolina Department of Labor, 3600 Forest Drive, Columbia, South Carolina 29206.

4. *Effect of certification.* The operation of the South Carolina occupational safety and health program will be monitored and evaluated for a period of not less than one year after publication of this certification, to determine whether the State program in operation is at least as effective as operations under the Federal program in order to make a determination under section 18(e) of the Act that Federal enforcement authority and standards should cease to apply in issues under the plan.

In accordance with 29 CFR 1902.35 Federal enforcement authority under sections 5(a)(2), 8, 9, 10, 13 and 17 of the Act (29 U.S.C. 654(a)(2), 657, 658, 659, 662 and 666) and Federal standards authority under section 6 (29 U.S.C. 655) of the Act will not be relinquished during this evaluation period. However, under the terms of the operational agreement entered into with South Carolina on May 9, 1975, (40 FR 27024, June 26, 1975), the exercise of this authority by the U.S. Department of Labor will continue to be limited to, among other things: Complaints filed with the U.S. Department of Labor about violations of the discrimination provisions of section 11(c) of the Act; enforcement of new Federal standards, such as emergency temporary standards, promulgated under section 6 of the Act where necessary to protect employees until such time as the State shall have promulgated equivalent standards; enforcement of Federal standards in the maritime and longshoring issues of 29 CFR Parts 1915, 1916, 1917 and 1918 which issues have been specifically excluded from coverage under the South Carolina plan; and investigations and inspections for the purpose of the evaluation of the South Carolina plan under section 18 (e) and (f) of the Act.

In accordance with this certification 29 CFR 1952.104 is hereby amended to reflect successful completion of the developmental period by changing the title of the section and by adding a paragraph (m) as follows:

§ 1952.104 Completion of developmental steps and certification.

* * * * * *

(m) In accordance with § 1902.34 of this chapter, the South Carolina occupational safety and health plan was certified, effective August 3, 1976, as having completed all developmental steps specified in the plan as approved on November 30, 1972, on or before December 31, 1975.

(Sec. 18, Pub. L. 91–596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Washington, D.C. this 28th day of July 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-22444 Filed 7-29-76;8:45 am]

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Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[PP1F1134/R105; (FRL 589-4)]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

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Correction

In FR Doc. 76-21743, appearing on page 31207 in the issue of Tuesday, July 27, 1976; in the table to § 180.367, the second entry under the commodity heading reading "Costs, fat" should read "Goats, fat".

Title 41—Public Contracts and Property Management

CHAPTER 28—DEPARTMENT OF JUSTICE

PART 28–1—GENERAL

Procurement Regulations; Initial Issue

This is the initial portion of the Department of Justice Procurement Regulations published under the authority of the Federal Property and Administrative Services Act of 1949, as amended and §§ 0.75(j) and 0.76(j) of Title 28, Code of Federal Regulations. This portion establishes the Department of Justice Procurement Regulations as Chapter 28 of the Federal Procurement Regulations System, and provides for the delegation of contracting authority within the Deparment.

Chapter 28, is added to Title 41 of the Code of Federal Regulations to read as follows:

Part 28–1 is added to read as follows:

Subpart 28–1.1—Introduction

Sec.
28–1.101 Scope of Subpart.
28–1.102 Purpose.
28–1.103 Authority.
28–1.104 Applicability.
28–1.105 Exclusions.

Subpart 28–1.2—Definition of Terms

28–1.205 Procuring activities.
28–1.206 Head of the procuring activity.

Subpart 28–1.3 [Reserved]

Subpart 28–1.4—Procurement Responsibility and Authority

28–1.404–50 Delegation of contracting officers.
28–1.404–51 Redelegation of contracting officer authority.
28–1.404–52 Modification of contracting officer's delegation.
28–1.404–53 Contracting officer's representatives to contractors.
28–1.404–54 Contracting officer's representative—receipt of supplies, equipment or services.
28–1.405 Ratification of unauthorized contract awards.

AUTHORITY: 40 U.S.C. 486(c); 28 CFR 0.75 (j) and 0.76(j).

Subpart 28–1.1—Introduction

§ 28–1.101 Scope of Subpart.

This subpart establishes the Department of Justice Procurement Regulations (JPR) as Chapter 28 of the Federal Procurement Regulations System (41 CFR Ch. 28) and states the relationship of the JPR to the Federal Procurement Regulations (FPR), 41 CFR Ch. 1.

§ 28–1.102 Purpose.

The purpose of these regulations is to provide direction, control and uniformity in the Department's procurement of personal property and nonpersonal services (including construction).

§ 28–1.103 Authority.

JPR are issued under the Federal Property and Administrative Services Act of 1949, as amended and §§ 0.75(j) and 0.76(j) of Title 28, Code of Federal Regulations.

§ 28–1.104 Applicability.

The FPR as implemented and supplemented by the JPR apply to the procurement operations of all Department of Justice procuring activities. However, nothing in those regulations shall impair or affect the authority of the Federal Prison Industries with respect to any program conducted for the purpose of rehabilitation, *Provided*, That the Federal Prison Industries shall, to the maximum extent practicable, consistent with the fulfillment of the purposes of the program and the effective and efficient conduct of its business, coordinate its operations with the requirements of the regulations prescribed by the FPR and JPR. Therefore, the Federal Prison Industries shall comply with those regulations except for reasons peculiar to the operation of the Federal Prison Industries. Where compliance with a specific regulation would be inconsistent with Federal Prison Industries programs, a deviation shall be requested in accordance with § 28–1.109–2(b).

§ 28–1.105 Exclusions.

(a) Certain Department of Justice procurement policies and procedures which come within the scope of this Chapter 28 may nevertheless be excluded under special circumstances such as the following:

(1) The subject matter has a security classification.

(2) The policy or procedure is expected to be effective for a period of less than 6 months.

(3) The policy or procedure is being instituted on an experimental basis for a reasonable period.

(4) The policy or procedure must be implemented in less time than is required to incorporate it as a part of this Chapter 28.

(b) Policies and procedures issued under paragraph (a)(4) of this section will be codified into Chapter 28 not later than 6 months from the date of issue.

Subpart 28–1.2—Definition of Terms

§ 28–1.205 Procuring activities.

(a) "Procuring activity" means any of the following elements of the Department of Justice:

(1) Office of Management and Finance, Operations Support Staff.

(2) Drug Enforcement Administration.

(3) Federal Bureau of Investigation.

(4) Federal Prison Industries.

(5) Law Enforcement Assistance Administration.

(6) U.S. Marshals Service.

(7) Immigration and Naturalization Service.

(8) Bureau of Prisons.

§ 28–1.206 Head of the procuring activity.

"Head of the procuring activity" means those officials identified in § 28.1.404–50(a) having the responsibility for supervision and direction of the procuring activities identified in § 28–1.205.

Subpart 28–1.3 [Reserved]

Subpart 28–1.4—Procurement Responsibility and Authority

§ 28–1.404–50 Delegation of contracting officers.

(a) Pursuant to 28 CFR 0.139(a), the authority vested in the Attorney General to execute, award and administer contracts, including purchase orders, Government bills of lading and other agreements for the expenditure of funds in the acquisition of supplies, nonpersonal services, personal services negotiated under the authority of FPR 1–3.204, for the sale of personal property and to take such actions specifically designated as the responsibility of the contracting officer by the FPR and JPR is hereby delegated to those employees appointed, designated to or acting in the following positions:

(1) Director, Operations Support Staff, Office of Management and Finance.

(2) Director, Federal Bureau of Investigation.

(3) Director, Bureau of Prisons.

(4) Commissioner, Federal Prison Industries.

(5) Commissioner, Immigration and Naturalization Service.

(6) Administrator, Drug Enforcement Administration.

(7) Administrator, Law Enforcement Assistance Administration.

(8) Director, U.S. Marshals Service.

(b) In addition to the authority delegated by the Attorney General in paragraph (a) of this section, the LEAA derives procurement authority from the Omnibus Crime Control and Safe Streets Act of 1968; however, the Department-wide procurement policy of the Attorney General must be adhered to by the LEAA.

§ 28–1.404–51 Redelegation of contracting officer authority.

(a) The contracting officers listed in § 28–1.404–50(a) may redelegate authority to one or more of their subordinates to act as contracting officers. Such delegated authority shall be without power of further redelegation except as follows:

(1) Contracting authority delegated by the Director, Bureau of Prisons; Commissioner, Federal Prison Industries; and the Director, U.S. Marshals Service to Regional Office heads and heads of offices of individual field installations may be further delegated to subordinate individuals at the respective regional offices and installations without power of redelegation.

(2) Contracting authority delegated by the Commissioner, Immigration and Naturalization Service to Heads of Regional Offices may be further delegated to (i) subordinate individuals to provide supply support for the Regional Office, without power of redelegation and (ii) heads of District and/or Sector Offices who may redelegate such authority to subordinate individuals without power of further redelegation.

(b) Contracting authority to other than those positions expressly identified in paragraph (a) of this section shall be redelegated only to subordinate individuals who (1) are actively engaged in procurement, (2) must function as contracting officers in the performance of their duties and (3) meet the qualification requirements of FPR 1–1.404. However, authority to make individual small purchases by the imprest funds (petty cash) method (FPR 1–3.604) may be delegated to subordinate individuals not actively engaged in procurement, *Provided*, (i) That the office(s) they serve would otherwise be without supply support for their immediate needs and (ii) that they have been adequately instructed in the regulations concerning small purchases. The redelegation of contracting authority directly to specific persons without regard for intermediate organizational levels only establishes authority to represent the Government in its commercial business dealings. It is not intended to affect the organizational relationship between the contracting officers and higher administrative and supervisory levels in the performance of their duties.

(c) Designations to other than those positions expressly identified in paragraph (a) of this section shall be made only to individuals. Designations, whether to individuals or by position, shall be in writing and shall specifically state the scope and limitation of the designated contractual authority. A copy of each designation shall be forwarded to the Assistant Attorney General for Administration, Office of Management and Finance.

(d) When exercising delegated contracting authority, a designated employee shall be identified as the contracting officer and shall function within the limits prescribed by law, the FPR and JPR.

(e) A contracting officer shall maintain evidence of his delegation and scope of authority and while functioning as a contracting officer shall make such evidence available upon request by anyone.

§ 28–1.404–52 Modification of contracting officer's delegation.

Designation documents shall not be modified. To effect modification, the current delegation shall be revoked and a new delegation issued.

§ 28–1.404–53 Contracting officer's representatives to contractors.

(a) Contracting officers, other than those delegated authority to purchase only by the imprest fund (petty cash) method under § 28–1.404–51(b), may designate other Government employees to act as their authorized representative to the contractor for specified purposes of contract administration. Such designation shall contain specific instructions as to the extent to which the representative has been delegated authority to take action for the contracting officer. The designation shall state that it does not include authority to sign contractual documents or to otherwise make commitments or issue changes which will affect the price, quantity, quality or performance terms of the contract as these rights are reserved to the contracting officer. The designation may include authority such as the following:

(1) To act as liaison and to coordinate contractor/government activities.

(2) To arrange for and coordinate the use of government resources (personnel, space, documents, etc.).

(3) To provide technical guidance in the performance of the contract.

(4) To receive, review and approve, (but not reject or deny), progress reports, invoices, final reports or other functions of a technical nature.

(b) Designations shall be in writing to the designee and a copy shall be furnished to the contractor. This may be accomplished by inclusion in the contract or by a separate document.

§ 28–1.404–54 Contracting officer's representative—receipt of supplies, equipment or services.

(a) A contracting officer, other than those delegated authority to purchase only by the imprest fund (petty cash) method under § 28–1.404–51(b), may, without notice to the contractor, designate other competent Government personnel, by name or by position and location, to represent him in receiving and inspecting supplies, equipment or services. Duties such as, but not limited to, the following may be performed by these designees:

(1) The inspection and certification as to compliance with quality and quantity requirements; and

(2) Inspection of supplies and equipment for condition and quantity and the acceptance of supplies, equipment or services based on quality inspections made by other authorized representatives.

(b) Designation shall be accomplished by a written notice and as may be otherwise prescribed by the head of the procuring activity.

(c) Representatives shall not advise contractors as to either acceptable or unacceptable contract performance. Findings and recommendations shall be provided to the contracting officer as appropriate. Notices to contractors concerning receipt of unacceptable supplies, equipment or services shall be made only by the contracting officer.

§ 28–1.405 Ratification of unauthorized contract awards.

In each instance where an unauthorized contract award occurs (including small purchases), whether ratified or not, the head of the procuring activity shall report the following data to the Assistant Attorney General for Administration, Office of Management and Finance:

(a) Circumstances regarding the unauthorized contract.

(b) Vendor.

(c) Product or service.

(d) Value.

(e) Action taken by procuring activity.

Effective date: This regulation is effective October 1, 1976.

Dated: July 21, 1976.

GLEN E. POMMERENING,
Assistant Attorney General for Administration.

[FR Doc.76-22393 Filed 8-2-76;8:45 am]

Title 43—Public Lands: Interior

CHAPTER 1—BUREAU OF RECLAMATION, DEPARTMENT OF THE INTERIOR

PART 419—ADMINISTRATIVE CLAIMS UNDER PUBLIC WORKS APPROPRIATION ACT FOR TETON DAM

On July 14, 1976 final regulations were published in the FEDERAL REGISTER (41 FR 29084) governing the processing of claims for actual damages to or loss of property, income, personal injury or for death directly resulting from the failure on June 5, 1976, of Teton Dam of the Lower Teton Division of the Teton Basin Federal Reclamation Project. The regulations were intended to provide payment to the victims of the tragic flood as soon as possible. Interested persons were given 30 days to comment to the Commissioner, Bureau of Reclamation. In addition the Secretary of the Interior reserved the right to modify the regulations from time to time.

While the 30 day comment period has not yet expired, the Secretary of the Interior has recognized through experience with actual claims program administration that in order to compensate flood victims fairly and expeditiously, three immediate changes are necessary in the regulations. First, due to the nature of flood damage, damage to or loss of property, income or personal injury may not be discovered for some time. For example, a building foundation which seems to be sound today may collapse after a claim has been paid due to undetected water seepage caused by the floodwaters. In order to consider fairly such claims a sentence has been added to § 419.1–0(b) providing that an additional claim may be submitted if the claimant had not discovered and by the exercise of reasonable diligence could not have discovered the damage or injury prior to the authorized officer's determination of the claimant's single original claim.

Second, § 419.1–1(a)(5) has been deleted. It required the claimant to certify that if the claim was withdrawn, the claimant would refund or repay to the Treasury all amounts received as partial or emergency payments. Corresponding references to § 419.1–1(a)(5) have been omitted in § 419.3 and § 419.4. The repayment provision could cause serious hardship to individuals, be viewed as a possible penalty for participating in the ad-

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ministrative claims program and have a detrimental effect on the administration of the program. The interest of the Federal government is adequately protected by other provisions in the regulations and other legal remedies.

Third, an addition has been made to § 419.7. Section 419.7 governs release of the United States, its agents and employees upon acceptance by the claimant of the payment voucher. In many cases disputes may arise as to the adequacy of the authorized officer's determination. In order to carry out the purpose of these regulations that is to provide payment to the flood victims as soon as possible so they may rebuild their lives and communities, a new paragraph (d) has been added to § 419.7. This new paragraph provides that if the claimant is unwilling to release the United States, its agents and employees from liability for damages caused by the incident, the claimant may elect to accept payment of 50 percent of the amount determined by the authorized officer. If the claimant files a timely request for reconsideration, the remaining 50 percent, or whatever amount is determined by the Office of Hearings and Appeals, will be paid upon final decision by the Office of Hearings and Appeals. If the Office of Hearings and Appeals decides that an amount less than 50 percent of the amount initially determined by the authorized officer and paid to the claimant under this provision is due, the claimant must repay the excess to the Treasury. If the claimant fails to file a timely request for reconsideration, the authorized officer will send the claimant a payment voucher for the remaining 50 percent of the amount determined by the authorized officer. The claimant must execute and return the payment voucher within 45 days or no payment will be made for the remaining 50 percent and the claimant shall be considered to have waived any claim to further payment under these regulations. This waiver does not affect any other rights of the claimant. Acceptance of payment for the final 50 percent of the amount determined by the authorized officer or of the amount decided upon by the Office of Hearings and Appeals shall release the United States, its agents and employees from all possible liability caused by the incident.

Finally, one additional change in the regulations is necessary. Section 419.9(f) only was meant to exclude payment of interest based on any payments authorized or made under these regulations. Direct interest on loans to flood victims made by public or private entities may be claimed under these regulations. Some confusion has arisen about this provision, therefore the last clause of § 419.9 (f) has been deleted.

The Secretary of the Interior has determined that due to the need to provide expeditious relief for disaster victims, public notice and hearings on these regulations are contrary to the public interest and such proceedings shall not be followed. For the same reason, these regulations shall be effective immediately, rather than 30 days following publication. (See 5 U.S.C. 553.)

In consideration of the administrative problems and inequities discussed above and pursuant to the authority contained in the Annual Public Works Appropriation Act of 1976, Pub. L. 94–180, 89 Stat. 1035, and the Act of July 12, 1976, 90 Stat. 889, 43 CFR Part 419 is amended as follows, effective immediately.

Dated: July 28, 1976.

KENT FRIZZELL,
Acting Secretary of the Interior.

1. 43 CFR Part 419 is amended by revising § 419.1–0(b) to read as follows:

§ 419.1–0 When presented.

* * * * *

(b) Single claim. All claims for actual damages to or loss of property, income, personal injury or death, by a single claimant shall be submitted by the claimant as and in a single claim, except as otherwise provided in this section, and each claim shall designate clearly that it is being submitted under the provisions of the Public Works Appropriation Act of 1976, Pub. L. 94–180, 89 Stat. 1035, and the Act of July 12, 1976, 90 Stat. 889. An additional claim may be submitted by the claimant if the claimant had not discovered and by the exercise of reasonable diligence could not have discovered the damage to or loss of property, income or personal injury prior to determination of the claimant's single original claim by the authorized officer.

* * * * *

2. In § 419.1, paragraph (a) is revised to read as follows:

§ 419.1–1 Eligibility.

(a) In order to qualify for payment under these regulations the claimant must certify at the time of submitting his claim, that:

(1) The loss or injury being claimed has not been compensated for by any assistance from other means.

(2) Should the claimant subsequently receive assistance from other means the claimant will refund or repay to the Treasury any payments made under these regulations, to the extent they are duplicated by such subsequent assistance from other means.

(3) The damage, injury, or loss for which a claim is made occurred within the major disaster area as a direct result of the incident.

(4) Upon payment of claims under the provisions of these regulations, with the exception of payment of emergency claims under § 419.3 or partial payments under § 419.4, the claimant shall release the United States, its agents and employees from all possible liability arising from the incident. (See § 419.7)

* * * * *

3. Section 419.3 is revised to read as follows:

§ 419.3 Emergency claim.

(a) The claims officer may in his discretion and upon request of the claimant refer any claim filed under these regulations or portion thereof, to the authorized officer prior to final completion of the investigative report if the claim or portion thereof is for an item or service essential to the claimant to prevent personal hardship or injury.

(b) The authorized officer may, under the authority of this section of these regulations, make payment to the claimant; however, such payment shall not exceed $10,000.

(c) Payment of emergency claims under this section shall be made in accordance with the provisions of § 419.6.

4. Section 419.4 is revised to read as follows:

§ 419.4 Partial payment of claim.

(a) The claims officer may in his discretion and upon request of the claimant refer a portion of any claim filed under these regulations to the authorized officer upon completion of the investigation of such portion of the claim. Only logically severable portions of the claim, as determined by the claims officer, shall be referred to the authorized officer.

(b) Upon receipt of the claims officer's partial investigative report under paragraph (a) of this section, the authorized officer shall make a determination of the claim under the procedures of § 419.2–1. If the authorized officer finds that partial determination is inappropriate, the authorized officer shall return the partial investigative report to the claims officer.

(c) Notice of determination of each partial claim shall be sent in accordance with § 419.2–1(b). Payment of partial claims under this section shall be made in accordance with the provisions of § 419.6.

5. A new paragraph (d) is added to 43 CFR 419.7 to read as follows:

§ 419.7 Release.

* * * * *

(d) If the claimant is unwilling to release the United States, its agents and employees from liability for damages caused by the incident under paragraphs (a) and (b) of this section, the claimant may elect to accept payment of 50 percent of the amount determined by the authorized officer. The acceptance of such payment shall not constitute a release of the United States, its agents and employees under these regulations. If the claimant files a timely request for reconsideration under § 419.5 of these regulations after receiving payment under this paragraph, the remaining 50 percent of the amount determined by the authorized officer, or whatever amount is determined by the Office of Hearings and Appeals, will be paid to the claimant under § 419.6 upon final decision of the Office of Hearings and Appeals decides that an amount less than 50 percent of the amount initially determined by the authorized officer and paid to the claimant under this provision is due, the claimant must promptly repay or refund to the Treasury the amount by which the payment made to the claimant exceeds the amount found by the Office of Hearings and Appeals to have been due. If the claimant fails to file a timely request for reconsideration under § 419.5 after receiving payment under this paragraph or, after filing a timely request for reconsideration withdraws the request or fails to prosecute the request for any reason, the authorized officer will send the claimant a payment voucher under § 419.6 for the remaining 50 percent of the amount determined by the authorized officer. The claimant must execute and return the payment voucher within 45 days or no payment will be made for the remaining 50 percent of the amount determined by the authorized officer and the claimant shall be considered to have waived any claim to further payment under these regulations as to the claim determined by the authorized officer for which the claimant elected to accept payment of 50 percent of the amount determined. Acceptance of payment for the final 50 percent of the amount determined by the authorized officer or for the amount decided upon by the Office of Hearings and Appeals shall release the United States, its agents and employees from all possible liability for damages caused by the incident to the extent provided in under paragraphs (a) and (b) of this section, whichever is applicable.

6. Section 419.9 is revised to read as follows:

§ 419.9 Limitation of damages.

(a) *General.* Claims shall be paid only for damages directly resulting from the incident and which occurred within the major disaster area. No claims shall be paid for punitive damages. The burden of proof on all claims shall be on the claimant.

(b) *Death.* Death claims shall be paid only if the death was directly caused by the incident including, but not limited to, drowning or injuries caused by floodwaters. The measure of damages in the case of a death shall be the actual pecuniary loss suffered by the heirs as would be determined under the laws of the State of Idaho.

(c) *Personal injury.* Claims based on personal injury shall be paid only if the injuries claimed were directly caused by the incident. The measure of damages in the case of a personal injury shall be actual special damages as recoverable under the laws of the State of Idaho.

(d) *Property damage.* Claims based on property damage shall be paid only if the damage claimed was directly caused by the incident, such as, but not limited to, floodwaters or Federal agency activities undertaken as a part of disaster relief activities. No claims shall be paid in excess of whichever of the following constitutes equitable compensation for loss as determined by the authorized officer: (1) The replacement cost of the property, (2) the cost of repairing the property to its condition prior to June 5, 1976, or (3) the amount determined necessary to replace or repair the property under the rules of the Federal agency which has made a disaster loan for such damage.

(e) *Loss of income.* Claims for loss of income whether resulting from personal injury, property damage or death will be paid to the extent such damages would be determined under the laws of the State of Idaho.

(f) *Interest.* No interest shall be paid any claimant based on any payments authorized or made under these regulations.

[FR Doc.76–22379 Filed 8–2–76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20189; RM 1735]

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST, AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

Remote Broadcast Stations; Correction

In the matter of amendment of Part 74, Subpart D (Remote Pickup Broadcast Stations) of the Commission's rules and regulations, Docket No. 20189; RM–1735.

In the "Report and Order" in the above-entitled proceeding, FCC 76–624, Mimeo No. 41243, released July 12, 1976, (41 FR 29681; July 19, 1976) in the table of authorized bandwidth and emissions following § 74.462(b) on page 29692, the figure "450.95" in the ninth line under the column for frequencies should read "450.05".

Released: July 28, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc 76–22425 Filed 8–2–76;8:45 am]

PART 76—CABLE TELEVISION SERVICES
PART 78—CABLE TELEVISION RELAY SERVICES

Miscellaneous Amendments

Order regarding Editorial amendment of Parts 76 and 78 of the Commission's rules and regulations.

1. Preparatory to the edition of a new Volume XI of the Commission's rules and regulations, numerous editorial changes were made in Part 76 Cable Television Service, and Part 78 Cable Television Relay Service.

2. Adoption of these changes is desirable in order to clarify the rules, make them uniform as to usage and terminology, delete obsolete material, and otherwise improve them from an editorial standpoint. Since the changes are editorial in nature, the prior notice and effective date provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 553) are not applicable. The changes below will be included in the new edition of Volume XI which will be available from the Superintendent of Documents, U.S. Government Printing Office, in the near future.

3. *Accordingly, it is ordered,* Pursuant to authority contained in sections 4(i), 5(d), and 303(r) of the Communications Act of 1934, as amended, and §0.231(d) of the Commission's rules and regulations, That effective August 18, 1976, Parts 76 and 78 are amended as set forth below.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; (47 U.S.C. 154, 155, 303).)

Adopted: July 26, 1976.

Released: July 28, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
R. D. LICHTWARDT,
Executive Director.

§ 76.13 [Amended]

1. In § 76.13(a)(1) amend the reference, 76.61(b)(2)(ii), appearing twice to read: § 76.61(b)(2).

§ 76.54 [Amended]

2. In § 76.54(b), in the first sentence, delete "On or after March 31, 1973, and begin paragraph (b): Significant viewing * * *; and delete note at end of paragraph (d).

§ 76.311 [Amended]

3. In § 76.311(c)(1)(i) delete "not later than June 30, 1972," and insert comma after the word "program".

4. Section 78.3 is revised to read as follows:

§ 78.3 Other pertinent rules.

Other pertinent provisions of the Commission's rules and regulations relating to the Cable Television Relay Service (CARS) are included in the following parts of this chapter:

Part 0—Commission organization.
Part 1—Practice and procedure.
Part 2—Frequency allocations and radio treaty matters; general rules and regulations.
Part 17—Construction marking and lighting of antenna structures.
Part 76—Cable television service.

§ 78.15 [Amended]

5. In § 78.15(b) "CAR" is amended to read: "CARS".

§ 78.18 [Amended]

6. In § 78.18(a)(4) "cable television relay" is deleted and "CARS" inserted; in paragraph (g) "cable television relay (CAR)" is deleted and CARS inserted.

[FR Doc.76–22426 Filed 8–2–76;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[R.S.O.N. 1210, Corrected Amdt. 3]

PART 1033—CAR SERVICE

Providence and Worcester Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 7th day of April, 1976.

Upon further consideration of Revised Service Order No. 1210, (40 FR 7452, 19478 and 41 FR 4929), and good cause appearing therefor:

It is ordered, That: § 1033.1210 *Revised Service Order No. 1210* Providence and Worcester Company authorized to operate over tracks of Penn Central Transportation Company, Robert W. Blanch-

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ette, Richard C. Bond and John H. McArthur, trustees; Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond and John H. McArthur trustees, authorized to operate over tracks of Providence and Worcester Company. (Revised Service Order No. 1210) be, and it is hereby, amended by changing the name Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond and John H. McArthur, Trustees, wherever it appears in this order, to Consolidated Rail Corporation (ConRail).[1]

Effective date: This amendment shall become effective at 12:01 a.m., April 8, 1976.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Lewis R. Teeple, Thomas J. Byrne, and William J. Love.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-22479 Filed 8-2-76;8:45 am]

[Rev. S.O. No. 1210, Amdt. 4]

PART 1033—CAR SERVICE

Providence and Worcester Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 28th day of July, 1976.

Upon further consideration of Revised Service Order No. 1210, (40 FR 7452, 19478, 41 FR 4929 and 15414), and good cause appearing therefor:

It is ordered, That: § 1033.1210 *Revised Service Order No. 1210* Providence and Worcester Company authorized to operate over tracks of Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond and John H. McArthur, trustees; Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond and John H. McArthur, trustees, authorized to operate over tracks of Providence and Worcester Company (Revised Service Order No. 1210) be, and it is hereby, amended by substituting the following paragraph (h) for paragraph (h) thereof:

[1] Correction of order designation.

(h) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., January 31, 1977, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date: This amendment shall become effective 11:59 pm, July 31, 1976.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Lewis R. Teeple, Thomas J. Byrne and William J. Love.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-22478 Filed 8-2-76;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Browns Park National Wildlife Refuge, Colo.

The following special regulation is issued and is effective on August 3, 1976.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

COLORADO

BROWNS PARK NATIONAL WILDLIFE REFUGE

Public hunting of deer is permitted on the Browns Park National Wildlife Refuge, Colorado, for the 1976 seasons except in those areas designated by signs as closed to hunting. Archery deer season is August 21 through September 24, 1976, inclusive. Muzzle loading deer season is September 11 through September 19, 1976, inclusive. General deer season is October 30 through November 5, 1976, inclusive.

Hunting will be in accordance with all applicable State regulations covering the hunting of deer.

The provisions of this special regulation supplement the regulations which govern hunting of wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 6, 1976.

HERBERT G. TROESTER,
Refuge Manager, Browns Park National Wildlife Refuge, Vernal, Utah.

JULY 21, 1976.

[FR Doc.76-22420 Filed 8-2-76;8:45 am]

PART 32—HUNTING

J. Clark Salyer National Wildlife Refuge, North Dakota

The following special regulation is issued and is effective August 3, 1976.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NORTH DAKOTA

J. CLARK SALYER NATIONAL WILDLIFE REFUGE

Public hunting of deer with bow and arrow on the J. Clark Salyer National Wildlife Refuge, North Dakota, is permitted from August 27 through November 7 and November 22 through December 12, 1976, only on the area designated by signs as open to hunting. This open area, comprising 31,542 acres, is delineated on a map available at the refuge headquarters, Upham, North Dakota 58789 and from the office of the Area Manager, U.S. Fish and Wildlife Service, P. O. Box 1897, Bismarck, North Dakota 58501. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer with bow and arrow, subject to the following conditions:

Hunting is by foot only. Vehicles are to remain on established refuge roads only.

All hunters must exhibit their hunting licenses, game and vehicle contents to Federal and State officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32 and are effective through December 12, 1976.

JON M. MALCOLM,
Refuge Manager, J. Clark Salyer National Wildlife Refuge.

JULY 20, 1976.

[FR Doc.76-22389 Filed 8-2-76;8:45 am]

PART 32—HUNTING

J. Clark Salyer National Wildlife Refuge, North Dakota

The following special regulation is issued and is effective August 2, 1976.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NORTH DAKOTA

J. CLARK SALYER NATIONAL WILDLIFE REFUGE

Public hunting of deer on portions of the J. Clark Salyer National Wildlife Refuge, North Dakota, is permitted from 12:00 noon to sunset November 12, 1976, and from sunrise to sunset November 13, 1976 through November 21, 1976, on the entire refuge except the headquarters area posted as closed to hunting. This open area is delineated on a map available at the refuge headquarters, Upham, North Dakota 58789, and from the Area Office, U.S. Fish and Wildlife Service, P.O. Box 1897, Bismarck, North Dakota 58501. Hunting shall be in accordance with all applicable State regulations cov-

ering the hunting of deer subject to the following conditions:

(1) A Special Federal Refuge permit is required and may be obtained by applying to the North Dakota Game and Fish Department, 2121 Lovett Avenue, Bismarck, North Dakota 58505.

(2) All hunters must exhibit their Special Federal Refuge permit, hunting license, deer tag, game and vehicle contents to Federal and State officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 21, 1976.

JON M. MALCOM,
Refuge Manager, J. Clark Salyer National Wildlife Refuge.

JULY 27, 1976.

[FR Doc.76-22390 Filed 8-2-76;8:45 am]

PART 32—HUNTING

Ouray National Wildlife Refuge, Utah

The following special regulation is issued and is effective on August 3, 1976.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

UTAH

OURAY NATIONAL WILDLIFE REFUGE

Public hunting of deer is permitted on the Ouray National Wildlife Refuge, Utah, for the 1976 archery and rifle seasons except in those areas designated by signs as closed to hunting. This open area, comprising 9,500 acres, is delineated on maps available at refuge headquarters, Vernal, Utah, and from the Area Manager, U.S. Fish and Wildlife Service, Federal Building, Room 2215, 125 South State Street, Salt Lake City, Utah 84111. Archery deer season is August 21 through September 6, 1976, inclusive. Rifle deer season is October 23 through November 2, 1976, inclusive.

Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special conditions:

(1) Hunting on Indian lands east of Green River, as posted, requires the possession of a Ute Tribal Permit.

(2) Every deer killed must be checked out at refuge headquarters before hunters leave the area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 12, 1976.

HERBERT G. TROESTER,
Refuge Manager, Browns Park National Wildlife Refuge, Vernal, Utah.

JULY 21, 1976.

[FR Doc.76-22421 Filed 8-2-76;8:45 am]

PART 32—HUNTING

Valentine National Wildlife Refuge, Nebraska

The following special regulation is issued and is effective August 3, 1976.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

NEBRASKA

VALENTINE NATIONAL WILDLIFE REFUGE

The public hunting of prairie grouse and pheasants on the Valentine National Wildlife Refuge, Nebraska, shall be permitted only on areas designated by signs as open to hunting. The open areas are delineated on maps available at refuge headquarters, Valentine, Nebraska 69201, and from the office of the Area Manager, U.S. Fish and Wildlife Service, P.O. Box 250, Pierre, South Dakota 57501.

Hunting shall be in accordance with all applicable State regulations governing the hunting of prairie grouse and pheasants, subject to the following special conditions:

(1) The refuge will be open to prairie grouse during the regular State prairie grouse season. The open area shall include 40,765 acres or 57 percent of the refuge.

(2) The open season for hunting pheasants on the refuge will be the same as the regular State pheasant season. The open areas shall include 70,085 acres or 98 percent of the refuge. If the State pheasant and prairie grouse season run concurrently at any time, pheasant hunting will be prohibited east of Highway 83 until the grouse season closes.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through the close of the regular State 1976–77 pheasant and prairie grouse hunting season.

ROBERT E. NAGEL,
Acting Refuge Manager, Fort Niobrara-Valentine Complex.

JULY 21, 1976.

[FR Doc.76-22388 Filed 8-2-76;8:45 am]

PART 32—HUNTING

Valentine National Wildlife Refuge, Nebraska

The following special regulation is issued and is effective August 3, 1976.

§ 32.32 Special regulations; big game, for individual wildlife refuge areas.

NEBRASKA

VALENTINE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Valentine National Wildlife Refuge, Nebraska, is permitted only on the area designated by signs as open to hunting. This open area, comprising 70,085 acres, is delineated on maps available at refuge headquarters, Valentine, Nebraska and from the office of the Area Manager, U.S. Fish and Wildlife Service, P.O. Box 250, Pierre, South Dakota 57501.

Hunting shall be in accordance with all applicable state regulations governing the hunting of deer.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32 and are effective through December 31, 1976.

ROBERT E. NAGEL,
Acting Refuge Manager, Fort Niobrara—Valentine Complex.

JULY 21, 1976.

[FR Doc.76-22387 Filed 8-2-76;8:45 am]

PART 33—SPORT FISHING

Valentine National Wildlife Refuge, Nebraska

The following special regulations is issued and is effective August 3, 1976.

§ 33.5 Special regulations; sport fishing for individual refuge areas.

NEBRASKA

VALENTINE NATIONAL WILDLIFE REFUGE

Sport fishing on the Valentine National Wildlife Refuge, Nebraska is permitted only on the areas designated by signs as open to fishing. These open areas comprising 2,392 acres of water on the refuge, are delineated on maps available at the refuge headquarters and from the office of the Area Manager, U.S. Fish and Wildlife Service, P.O. Box 250, Pierre, South Dakota 57501.

Sport fishing shall be in accordance with all applicable State regulations subject to the following special regulations:

(1) The open season for sport fishing on the refuge during daylight hours only, will be from January 1, 1977 through December 31, 1977.

(2) Hook and line, bow and arrow, and hand spear fishing only are permitted.

(3) Boats with or without electric-type outboard motors are permitted on lakes open to sport fishing in accordance with State boating regulations. Internal combustion type motors are prohibited.

(4) The use or possession of live or dead minnows or whole fish for bait, or the possession of any seine or net for capturing live minnows is prohibited. Parts of dead fish or minnows may be used as bait.

The provisions of this special regulation supplement the regulations which govern sport fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1977.

ROBERT E. NAGEL,
Acting Refuge Manager, Fort Niobrara-Valentine Complex.

JULY 21, 1976.

[FR Doc.76-22386 Filed 8-2-76;8:45 am]

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Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 83—SCREWWORMS

Entire State of Texas Designated Area of Recurring Infestation

• Purpose. The purpose of this amendment is to designate the entire State of Texas as an area of recurring infestation. •

Statement of considerations. During the present calendar year, screwworm infestations have occurred in more than one-half of the 254 counties in Texas. Historically, screwworm infestations in that State, as in other States, have been heaviest from August through November of each year. Recent heavy rainfall in Texas has provided an ideal environment for a rapid increase in the screwworm population and for the resulting spread of screwworms throughout that State. Under existing regulations, the large number of livestock moving interstate from those Texas counties which are not currently included in the designated areas of recurring infestation, are not required to undergo inspection and treatment for screwworms as a prerequisite for such movement. However, many of the animals, from the Texas counties not included, have wounds or disease conditions which may harbor screwworms, and are, when moved interstate without any restrictions, the primary means of spreading this disease interstate.

Because of these conditions, the unrestricted movement of livestock from the entire State of Texas, without compliance with the inspection and certification requirements, and treatment when found necessary, constitutes a threat to the livestock of the United States. In order to prevent this threat, the entire State of Texas is being designated as an area of recurring infestation because of screwworms. As is the case with all other regulations which are in effect to prevent the interstate spread of livestock diseases, the additional restrictions imposed by this amendment will remain under continuing review, and will be revoked upon a determination that they are no longer deemed necessary to prevent the interstate spread of screwworms.

Accordingly, Part 83, Title 9, Code of Federal Regulations, is amended by revising § 83.2 as follows:

§ 83.2 Notice relating to existence of screwworms.

Notice is hereby given that screwworm infestations exist, usually from April 15 through November 30 of each year, in the entire State of Texas and in portions of the States of Arizona, California, and New Mexico, as designated in paragraphs (a), (b), (c), and (d) of this section. Therefore, the following areas are hereby designated as areas of recurring infestation.

(a) *Arizona.* Cochise, Gila, Graham, Greenlee, Maricopa, Pima, Pinal, Santa Cruz, Yavapai, and Yuma Counties.

(b) *California.* Imperial, Orange, Riverside, and San Diego Counties

(c) *New Mexico.* Dona Ana, Grant, Hidalgo, Luna, and Otero Counties.

(d) *Texas.* The entire State.

(Sec. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; (21 U.S.C. 111, 112, 115, 117, 120, 121); 37 FR 28464, 28477; 38 FR 19141.)

Effective date. The foregoing amendment shall become effective August 3, 1976.

The amendment imposes certain further restrictions necessary to prevent the spread of screwworms, and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 30th day of July 1976.

J. M. HEJL,
Deputy Administrator,
Veterinary Services.

[FR Doc.76-22666 Filed 8-2-76;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 26]

PUBLIC ENTRY AND USE

Johnston Atoll National Wildlife Refuge

The Fish and Wildlife Service proposes to issue Special Regulations for the protection and conservation of the natural resources and fish and wildlife of Johnston Atoll National Wildlife Refuge. These regulations were promulgated by the Commander, Field Command, Defense Nuclear Agency, the Defense Nuclear Agency, and the Department of Defense in accordance with a Memorandum of Understanding dated May 27, 1976 between the United States Fish and Wildlife Service and the Defense Nuclear Agency. The Fish and Wildlife Service proposes to adopt these regulations by the issuance of Special Regulations under 50 CFR 26.

Johnston Atoll, consisting of Johnston, Sand, North, and East Islands, together with the surrounding reefs is a strategic military installation under the administration of the Department of Defense. Johnston Atoll is also designated as a National Wildlife Refuge, administered for that purpose by the United States Fish and Wildlife Service of the Department of the Interior.

It is the policy of the Department of Defense and the Department of the Interior to act responsibly and effectively in conservation management, including the duty to restore, improve, develop, and conserve, through wise use, the renewable natural resources of the lands and waters under military control. It has been determined that the following regulations will permit both agencies to discharge their responsibilities on Johnston Atoll in accordance with the Internal Security Act of 1950 (64 Stat. 1005, 50 U.S.C. 1005), the National Wildlife Refuge System Administration Act of 1966 (80 Stat. 927, 16 U.S.C. 668dd) and the Endangered Species Act of 1973 (87 Stat. 884, 16 U.S.C. 1531).

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions or objections, with respect to the proposed rulemaking, to the Regional Director, Fish and Wildlife Service, Box 3737, Portland, Oregon 97208 by September 1, 1976.

In consideration of the foregoing, the following special regulation is proposed:

§ 26.34 Special regulations concerning public access, use and recreation for individual national wildlife refuges.

JOHNSTON ATOLL NATIONAL WILDLIFE REFUGE

a. General Restrictions for Entire Atoll Area.

(1) It is prohibited for any person to hunt, trap, capture, willfully disturb, or kill any bird of any kind whatever, or take the eggs of such bird, except as specifically authorized by the Manager.

(2) It is prohibited for any person to hunt, trap, capture, or kill any member of a species which has been designated as threatened or endangered pursuant to the Endangered Species Act of 1973 (P.L. 93–205, 87 Stat. 884, 16 U.S.C. 1531).

(3) No molesting or harvesting of turtles or seals is permitted.

b. Additional Restrictions for Certain Areas.

(1) Sand Island: No animals of any kind are permitted upon this Island, except for a reasonable number of domesticated dogs which personnel may keep as pets; however, any such domesticated dogs must be restricted from entering the nesting areas on the Island.

(2) East Island:

(a) No animals of any kind are permitted on this Island.

(b) There shall also be no human visitation to the nesting areas during the nesting season (February 1–September 1), except for:

(1) Purposes of maintenance and repair of facilities on this Island; and

(2) Reasonable use of the unvegetated beach and dock areas shall also be permitted during the nesting season incident to recreational fishing and diving activities.

(3) Lagoon areas within the reef:

(a) Fishing is limited to sport fishing for recreational purposes and for authorized scientific purposes only.

(b) Diving and shell and coral collecting are limited to recreational and scientific purposes only. No commercial activity is permitted.

(c) Harvesting of mature lobsters is permitted for personal consumption only and on a noncommercial basis. The lobster season shall be closed during the period June 1 to August 31, and no lobster harvesting shall be permitted during such closed season. Harvesting of lobsters of less than mature age (approximately one pound) is not permitted at any time.

(d) The use of nets within the lagoon area is prohibited, except for throw nets with a minimum mesh size of one and one-half inches stretched diagonal measure.

The provisions of this special regulation supplement the regulations which govern public entry and use on natural wildlife refuges generally, which are set forth in Title 50 Code of Federal Regulations, Part 26, and are effective until revoked or amended.

DONALD HANKLA,
Acting Regional Director.

[FR Doc.76–22385 Filed 8–2–76;8:45 am]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[7 CFR Part 1701]

RURAL TELEPHONE PROGRAM

Proposed Revision in REA Specification PE–60 for Trunk Carrier Equipment

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to revise REA Bulletin 345–50 to announce the addition of new requirements in REA Specification PE–60 for trunk carrier equipment. On issuance of REA Bulletin 345–50, Appendix A to Part 1701 will be modified accordingly.

Persons interested in the revision to the specification may submit written data, views or comments to the Director, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, on or before September 2, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Telephone Operations and Standards Division during regular business hours.

A copy of the revised page 14 of REA Specification PE–60 may be secured in person or by written request from the Director, Telephone Operations and Standards Division.

The text of revised REA Bulletin 345–50 announcing the revision of the specification is as follows:

REA BULLETIN 345–50

REA SPECIFICATION PE–60 FOR TRUNK CARRIER EQUIPMENT

I. *Purpose.* To announce issuance of revised page 14 of REA Specification PE–60 for Trunk Carrier Equipment.

II. *General.* There has been a definite need for a trunk carrier system which would be especially useful in low density areas of the United States and which would be fully com-

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patible with station carrier in the same cable. The new requirements reflected in the enclosed sheet are intended to cover low density trunk carrier equipment. Page 14 of REA Specification PE-60 dated April 1975 should be removed and replaced by the enclosed page dated July 1976. This change becomes effective upon its issuance.

III. *Availability of specifications.* Copies of the revised page 14 of PE-60 will be furnished by REA upon request. Questions concerning the revised page may be referred to the Chief, Transmission Branch, Telephone Operations and Standards Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, telephone number 202 447-3917.

Dated: July 28, 1976.

C. R. BALLARD,
Assistant Administrator,
Telephone.

[FR Doc.76-22471 Filed 8-2-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 500]

[Docket No. 75N-0372]

ANIMAL DRUGS

Hexachlorophene

Correction

In FR Doc. 76-18206 appearing on page 25911 in the issue for Wednesday, June 23, 1976, make the following correction:

In the third column of page 25911, in the 5th line of the second full paragraph, the words "same and effective" should have read "safe and effective".

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 13, 81, 83]

[Docket No. 20813]

RADIOTELEGRAPHY USE IN MARITIME SERVICES

Frequencies, Operating Procedures, Technical Standards and Other Criteria; Extension of Comment Period

Order. In the matter of amendment of Parts 2, 13, 81 and 83 to implement changes in frequencies, operating procedures, technical standards and other criteria relating to the use of radiotelegraphy in the maritime services adopted at the ITU World Maritime Administrative Radio Conference, Geneva, 1974,[1] Docket No. 20813.

1. The American Institute of Merchant Shipping (AIMS) has requested that the time for filing comments and reply comments in this docket be extended from July 26 and August 10, 1976, respectively, to August 6 and August 23, 1976, respectively.

2. AIMS states that its Director of Telecommunications, who is responsible for soliciting and coordinating industry comments regarding the subject docket, will be attending the Inter-Governmental Martime Consultative Organization's (IMCO) Subcommittee on Radiocommunications meeting in London from July 19 to July 23, 1976, and will not return to the United States until July 25, 1976. In that this leaves but one day to finalize an industry submission prior to the comment deadline, an extension of the filing period is requested.

3. For good cause shown, we find the public interest will be served by an extension of the comment and reply comment filing periods as requested by AIMS.

4. Accordingly, pursuant to the authority contained in §§ 0.331 and 1.46 of the Commission's rules, the request of AIMS is granted and the dates for filing comments and reply comments in this proceeding are extended to August 6 and August 23, 1976, respectively.

Adopted: July 26, 1976.

Released: July 27, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
CHARLES A. HIGGINBOTHAM,
Chief, Safety and Special Radio Services Bureau.

[FR Doc.76-22427 Filed 8-2-76;8:45 am]

[47 CFR Part 73]

[Docket No. 20834]

FM BROADCAST STATIONS IN MUNCIE, INDIANA

Table of Assignments; Order Extending Time for Filing Comments and Reply Comments

In the matter of Amendment of § 73.202(b), FM Broadcast Stations (Muncie, Indiana), Docket No. 20834, RM-2413.

1. On June 1, 1976, the Commission adopted a notice of proposed rulemaking and order to show cause in the above-entitled proceeding (41 FR 24186). The date for filing comments has expired (July 15) and the date for filing reply comments is presently July 26, 1976.

2. On July 20, 1976, Twin Cities Broadcasting, Inc., licensee of Radio Station WXUS(FM), Lafayette, Ind. (WXUS), by counsel, filed a petition for extension of time for filing comments and reply comments to July 30 and August 10, 1976, respectively. WXUS was also requested to file comments by July 15, showing cause why its license should not be modified. A petition for acceptance of the late-filed request for extension was also filed. Counsel states that Donald R. Walters, Vice-President of Twin Cities Broadcasting, Inc., with no prior legal training, attempted to research, prepare and file comments on behalf of WXUS. WXUS, counsel adds, chose to forego the assistance of Washington counsel because the marginal financial condition of the station left it with an inadequate source of funding for professional services. He states that Mr. Walters was unable to file timely comments, since as a layman he admitted he was overwhelmed by the procedures involved. Counsel notes also that on June 30, the Station Manager of WXUS resigned, requiring Mr. Walters to devote a substantial amount of his time to the day-to-day internal operation of the station. On July 19, WXUS requested Bilger and Blair, its counsel, to provide legal assistance on this matter.

3. Pursuant to the provisions of § 1.46 of the rules, motions for extension of time are to be filed seven days prior to the filing date to afford the Commission sufficient time to act on the request and give timely notice of the action to interested persons. Late-filed requests will be considered in cases of last minute emergencies which could not have been anticipated by the party requesting the extension. Since the Commission has ordered Station WXUS to show cause why its license should not be modified, and since we would be hesitant to imply WXUS's consent to the proposed modification, an extension of time should be granted in our opinion.

4. *Accordingly, it is ordered,* That the dates for filing comments and reply comments in Docket No. 20834, are extended to and including July 30, and August 10, 1976, respectively.

5. This action is taken pursuant to authority found in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

Adopted: July 23, 1976.

Released: July 28, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
NEAL K. MCNAUGHTEN,
Acting Chief, Broadcast Bureau.

[FR Doc.76-22428 Filed 8-2-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1109]

[Ex Parte No. 327]

RATE INCENTIVES FOR CAPITAL INVESTMENT

Proposed Rulemaking and Order

JULY 27, 1976.

Congress has declared as its purpose in enactment of the Railroad Revitalization and Regulatory Reform Act of 1976, Pub. L. 94-210, (4 R Act) "to provide the means to rehabilitate and maintain the physical facilities, improve the operations and structure, and restore the financial stability of the railway system of the United States, and to promote the revitalization of such railway system, so that this mode of transportation will remain viable in the private sector of the economy and will be able to provide energy-efficient, ecologically compatible transportation services with greater efficiency, effectiveness, and economy." In order to encourage capital investment and thus assist in the rehabilitation and revitalization of the railway system, Congress has enacted section 206 of the 4 R Act. This new section governs the publication of railroad rates based on a capital investment of $1,000,000 or more, individually or collectively, by a carrier, or by a shipper, receiver, agent thereof, or an interested third party. The full text of section 206, amending the Interstate Commerce Act by adding a new provision, section 15(19), is set forth below.

To promote the filing of rates based on capital investment of $1,000,000 or more, it appears preferable to adopt regulations under the new section 15(19) of the Act rather than permit uncertainty to exist for an extended period of time while rules, standards and procedures are developed on a case by case basis. Accordingly, the regulations here proposed for adoption are designed to encourage the filing of capital incentive rates by facilitating publication and by establishing expedited procedures to resolve controversies associated with the filing of rates based on a capital investment of a $1,000,000 or more.

DISCUSSION OF THE PROPOSED REGULATIONS

The provisions of section 15(19) of the Act have limited applicability. New railroad rate filings that do not involve a capital investment of a million dollars or more are subject to other sections of the Act. Only those railroad tariff proposals based on a capital investment of a million dollars or more are subject to the special requirements of section 15(19) of the Act. For this reason, the first regulation proposed for adoption § 1109.20(a), limits the application of the remainder of the regulations here proposed for adoption to rates based on a capital investment of a million dollars or more. A finding under section 15(19) and the proposed procedures is optional; a carrier may elect to take advantage of the new statutory provision or it may file a capital incentive rate under section 15(8), subject to normal investigation and suspension procedures.

Although Congress could have provided that capital incentive rates might be filed with the Commission 30 days in advance of their effective dates, as is the usual procedure for rate changes pursuant to section 6 of the Act, Congress instead provided that the actual filing of a capital incentive rate must be preceded by the filing of a "notice of intention to file a schedule stating a new rate * * *" This notice must be filed so as to allow the Commission a "180-day period following the filing of such notice of intention" to determine whether "the proposed schedule, or any part thereof, would be unlawful." To assure that a decision on the merits, in the event of protest, can be rendered in the 180-day period the proposed regulation §1109.20(b) provides:

(1) That two copies of the proposed tariff be submitted with the notice of intention to file, one copy of which will be placed on file and remain available for public inspection in the Public Tariff File, Room 6217, of the Interstate Commerce Commission, Washington, D.C.;

(2) That a sworn affidavit setting forth in detail the anticipated capital investment accompany the notice; and

(3) That the carrier prepare and submit a summary, suitable for publication in the FEDERAL REGISTER, containing relevant data upon which a concerned person can form an informed judgment on whether to protest the proposal.

Proposed regulation § 1109.20(c) provides that notice of a carrier's proposal to file a capital incentive rate shall be given to concerned persons by publication of a summary of the proposal in the FEDERAL REGISTER.

Protests, if any, must be filed 25 days after the date of publication of the summary in the FEDERAL REGISTER [proposed regulation §1109.20(d)]. Section 15(19) directs that, if a protest is filed, the Commission must conduct a hearing. This requirement of a mandatory hearing, in the event of protest, is implemented by proposed regulation § 1109.20(e).

Proposed regulation § 1109.20(e)(2) places the burden of proof on protestant. Section 15(19) states, "[u]nless * * * the Commission determines * * * that the proposed schedule, or any part thereof, would be unlawful, such carrier may file the schedule * * *" Thus, a capital incentive rate cannot be prevented from being filed unless the Commission makes a definite finding of unlawfulness based on substantial evidence on the record as a whole.

Section 556 of the Administrative Procedure Act (5 U.S.C. 556), establishes the general rule that the proponent of a rule or order has the burden of proof. Since a proposed captal incentive rate will become effective automatically absent a prior Commission finding of unlawfulness, it must be the protestant which is seeking an order from the Commission. Consequently, the protestant must have the burden of proof.

The remaining proposed regulations provide that, with respect to all filings under section 15(19), the Commission will enter an order either authorizing or prohibiting the publication of capital incentive rates, [proposed regulation § 1109.20(f)] and for the reopening to consider going concern value [§ 1109.20(h)(1)] and to consider violations of sections 2, 3 or 4 of the Act after the incentive rate has been in effect for a 5 year period, [proposed regulations § 1109.20(h)(2).]

The regulations [proposed regulation § 1109.20(g)] require that a tariff provision implementing a capital incentive rate must indicate that the rate has been established in accord with these special procedures [proposed regulations 49 CFR 1109.20(a) et seq.] and make reference to the Commission order authorizing the publication of that capital incentive rate.

Wherefore, in order to provide opportunity for full consideration of the proposed rules previously discussed and set forth in Appendix B hereto, and any related matters:

It is ordered, That a proceeding be, and it is hereby, instituted under the authority of section 206 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Pub. L. 94-210), the Interstate Commerce Act (49 USC 15(19)), and the Administrative Procedure Act (5 USC 553 and 559) with the objective of encouraging capital investment in railroad facilities by facilitating the publication of new rates based on capital investment of a million dollars or more, individually or collectively, by a carrier, shipper, receiver, agent, or interested third party.

It is further ordered, That all common carriers by railroad subject to Part I of the Interstate Commerce Act, be, and they are hereby, made respondents in this proceeding.

It is further ordered, That any person interested in this proceeding shall notify this Commission by filing with the Office of Proceedings, Interstate Commerce Commission, Room 5342, Washington, D.C. 20423, on or before August 23, 1976, the original and one copy of a statement of intent to actively participate. The Commission shall then prepare and make available to all such persons a list containing the names and addresses of all parties desiring to participate in this proceeding and upon whom copies of all statements must be filed. No oral hearing will be scheduled for the receiving of testimony unless a need therefor should later appear.

It is further ordered, That following the preparation of the service list, a procedural order will be entered designating due dates for submission of evidence and arguments.

And it is further ordered, That a copy of this notice be served on each respondent, that a copy be deposited in the office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and that statutory notice of the institution of this proceeding, be given to the general public by delivery of a copy thereof to the Director, Office of the Federal Register for publication therein.

By the Commission.[1]

ROBERT L. OSWALD,
Secretary.

Section 15 of the Interstate Commerce Act is amended by adding at the end thereof the following new paragraph:

RATE INCENTIVES FOR CAPITAL INVESTMENT

(19) Notwithstanding any other provision of law, a common carrier by railroad subject to this part may file with the Commission a notice of intention to file a schedule stating a new rate, fare, charge, classification, regulation, or practice whenever the implementation of the proposed schedule would require a total capital investment of $1,000,000 or more, individually or collectively, by such carrier, or by a shipper, receiver, or agent thereof, or an interested third party. The filing shall be accompanied by a sworn affidavit setting forth in detail the anticipated capital investment upon which such filing is based. Any interested person may request the Commission to investigate the schedule proposed to be filed, and upon such request the Commission shall hold a hearing with respect to such schedule. Such hearing may be conducted without answer or other formal pleading, but reasonable notice shall be provided to interested parties. Unless, prior to the 180-day period following the filing of such notice of intention, the Commission determines, after a hearing, that the proposed schedule, or any part thereof, would be unlawful, such carrier may file the

[1] (Commissioner MacFarland did not participate.)

[1] See 41 FR 24155, Tuesday, June 15, 1976.

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schedule at any time within 180 days thereafter to become effective after 30 days' notice. Such a schedule may not, for a period of 5 years after its effective date, be suspended or set aside as unlawful under section 2, 3, or 4 of this part, except that the Commission may at any time order such schedule to be revised to a level equaling the variable costs of providing the service, if the rate stated therein is found to reduce the going concern value of the carrier.

It is proposed to amend 49 CFR 1109 by adding § 1109.20 as set forth below:

§ 1109.20 Requirements and special procedures relating to rate incentives for capital investment.

(a) *Applicability.* The provisions of this part apply to railroad proposals for a new rate, fare, charge, classification, regulation, or practice that requires a total capital investment of $1,000,000 or more, individually or collectively, by such carrier, or by a shipper, receiver, or agent thereof, or an interested third party. These proposed rates are hereinafter referred to as capital incentive rates.

(b) *Notice of intention.* A notice of intention to file a schedule containing a capital incentive rate must be filed in advance of the filing of the actual tariff by the carrier (or its agent) electing to use the special procedures adopted pursuant to section 15(19). This notification, an original and 7 copies, shall make reference to Ex Parte No. 327, and shall be accompanied by the following documents:

(1) Two copies of the proposed tariff, one copy of which will be received and remain available for public inspection in the Public Tariff File, Room 6217, of the Interstate Commerce Commission, Washington, D.C.

(2) A sworn affidavit setting forth in detail the anticipated capital investment upon which such filing is based.

(3) *A summary suitable for publication in the* FEDERAL REGISTER. The summary shall include the name of the entity proposing to make the capital investment, the anticipated amount of the capital investment, the nature of the railroad facility to be augmented, improved or constructed, the commodity or commodities to be transported, the proposed duration of the capital incentive rate, the name and address of the responsible carrier official or representative to whom inquiries and request for documents relating to the proposal should be addressed, and a statement that a copy of the proposed tariff is available for public inspection in the Public Tariff File, Room 6217, of the Interstate Commerce Commission, Washington, D.C.

(c) FEDERAL REGISTER *publication.* The Commission will, as soon as practicable cause a summary of the proposal to be published in the FEDERAL REGISTER.

(d) *Protest.* Within 25 days from date of publication in the FEDERAL REGISTER, any interested person, herein referred to as protestant seeking a hearing on the proposed capital incentive rate must so inform the Commission and the carrier official or representative identified in the FEDERAL REGISTER. An original and 7 copies of this notification, hereinafter referred to as a protest, must be filed with the Commission and shall make reference to Ex Parte No. 327, the date of publication of the summary in the FEDERAL REGISTER, and the grounds for the requested investigation.

(e) *Hearing.* Upon the receipt of a protest, the Commission by order will immediately schedule a hearing to commence 30 days from service of the order.

(1) *Burden of proof.* In any hearing pertaining to a capital incentive rate the burden of proof shall be upon the protestant.

(2) *Procedural dates.* Protestant's initial presentation, in written form under modified procedure (unless oral hearing is directed), shall be due 30 days from service of the Commission order instituting the proceeding. The reply statement of the carrier (respondent) or any interested party shall be due 20 days thereafter. Complainant's rebuttal statement shall be due 20 days after the filing of the reply statement.

(3) *Postponement of procedural dates.* In view of the statutory requirement that hearings be concluded within a 180-day period following the notice of intention to file a capital incentive rate, postponement of the procedural dates established by these regulations is not contemplated. Request for postponement, if received later than 10 days before the due date, will not be accepted for filing.

(f) *Orders authorizing or prohibiting the publication of capital incentive rates.* With respect to every capital incentive rate proposal, the Commission shall enter an order either authorizing the publication of the actual tariff on 30 days' notice or prohibiting the publication of such rate.

(1) *Non-investigated proposals.* An order shall be entered 35 days after publication of the summary in the FEDERAL REGISTER authorizing the tariff publication on 30 days' notice of the non-investigated capital incentive rate. This authorization order shall be valid for a 180-day period and, if not exercised within that period, the order shall be of no further force or effect.

(2) *Investigated proposals.* (i) If, after hearing, the Commission finds that the capital incentive rate proposal is lawful, it will enter an order or report and order giving reasons for its conclusion and authorizing the filing on 30 days' notice of a tariff incorporating the proposal. This authorization, if not exercised, shall expire 180 days after service of the order.

(ii) If, after hearing, the Commission finds that the capital incentive rate proposal is unlawful, it will enter an order or report and order giving reasons for its conclusions prohibiting the publication of a tariff implementing the proposal.

(g) *Notation in tariffs or schedules.* Tariff provisions implementing capital incentive rates shall contain the following notation:

Provisions named herein authorized by Commission order served ——————, 19—, and in conformity with 49 CFR 1109.20.

(h) *Reopening.* (1) The Commission shall retain jurisdiction to order that the capital incentive rate be increased to a variable cost level in the event the capital incentive rate is found to reduce the going concern value of the carrier.

(2) For a period of 5 years following the date a capital incentive rate becomes effective, the proceeding shall not be reopened for consideration of alleged violations of sections 2, 3, or 4 of the Act. Similarly, the schedules may not be set aside in a complaint proceeding as unlawful under sections 2, 3, or 4 within 5 years after the effective date of the incentive rate publication.

[FR Doc.76-22480 Filed 8-2-76;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Fiscal Service

ADVISORY COMMITTEE ON FEDERAL CONSOLIDATED FINANCIAL STATEMENTS

Meeting

The second meeting of the Advisory Committee on Federal Consolidated Financial Statements is scheduled for Wednesday September 8, 1976, at 10:00 a.m. in Room 4121, Department of the Treasury, 15th & Pennsylvania Avenue, NW., Washington, D.C.

As announced in the Federal Register on February 20, 1976, the Secretary of the Treasury has approved a plan which calls for development and publication of consolidated financial statements for the Government on an accrual basis. There are major conceptual issues which need to be studied and resolved before a useful and reasonably reliable set of consolidated financial statements can be prepared in accordance with generally accepted accounting principles applicable to the Federal Government. Accordingly, the Advisory Committee on Federal Consolidated Financial Statements was formed to advise, recommend and lend vital staff assistance to the Secretary in the development of consolidated financial statements for the Federal Government.

For this second meeting, the members will be requested to formulate recommendations on the following conceptual issues:

Objectives of the Statements
Format of the Statements
Pension Fund Liabilities
Contingencies (Commitments)

Due to time constraints, no oral presentations by the public will be allowed at this meeting. However, anyone desiring to comment on the above issues should submit a written statement not later than September 1, 1976. All written statements received by this date will be considered by the Committee in determining its recommendations.

The meeting will be open to the public. It is to be held in a room accommodating 39 people in addition to members of the Committee and Treasury officials. Since the meeting is in a restricted admittance area, persons interested in attending are asked to call Mr. Michael Smokovich on (202) 964-8543 not later than 5 p.m. September 7, so that confirmation of space and access procedures can be provided.

Persons who want to submit written statements or desire further information should write to Mr. Michael Smokovich, Bureau of Government Financial Operations, Government Accounting Systems Staff, Treasury Annex No. 1, Room 412, Pennsylvania Avenue and Madison Place, NW., Washington, D.C. 20226. The minutes of the meeting will be available for public inspection. Copies may be obtained upon written request to Mr. Smokovich.

Dated: July 29, 1976.

DAVID MOSSO,
Fiscal Assistant Secretary.

[FR Doc.76-22415 Filed 8-2-76;8:45 am]

Office of the Secretary

[Public Debt Series No. 20-76]

TREASURY BONDS OF 1996-2001

Invitation To Bid

JULY 29, 1976.

I. INVITATION FOR TENDERS

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites tenders on a yield basis for $1,000,000,000, or thereabouts, of bonds of the United States, designated Treasury Bonds of 1996-2001 (CUSIP No. 912810 BW 7). The interest rate for the bonds will be determined as set forth in Section III, paragraph 3, hereof. Additional amounts of these bonds may be issued at the average price of accepted tenders to Government accounts and to Federal Reserve Banks for themselves in exchange for maturing Treasury securities held by them and as agents of foreign and international monetary authorities for new cash only. Tenders will be received up to 1:30 p.m., eastern daylight saving time, Friday, August 6, 1976, under competitive and noncompetitive bidding, as set forth in Section III hereof. The 7½ percent Treasury Notes of Series C-1976 and 6½ percent Treasury Notes of Series G-1976 maturing August 15, 1976, will be accepted at par in payment, in whole or in part, to the extent tenders are allotted by the Treasury.

II. DESCRIPTION OF BONDS

1. The bonds will be dated August 16, 1976, and will bear interest from that date, payable on a semiannual basis on February 15 and August 15, 1977, and thereafter on February 15 and August 15 in each year until the principal amount becomes payable. They will mature August 15, 2001, but may be redeemed at the option of the United States on and after August 15, 1996, in whole or in part, at par and accrued interest on any interest day or days, on 4 months' notice of redemption given in such manner as the Secretary of the Treasury shall prescribe. In case of partial redemption, the bonds to be redeemed will be determined by such method as may be prescribed by the Secretary of the Treasury. From the date of redemption designated in any such notice, interest on the bonds called for redemption shall cease.

2. The income derived from the bonds is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000. Book-entry bonds will be available to eligible bidders in multiples of those amounts. Interchanges of bonds of different denominations and of coupon and registered bonds, and the transfer of registered bonds will be permitted.

5. The bonds will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing United States bonds.

III. TENDERS AND ALLOTMENTS

1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to the closing hour, 1:30 p.m., Eastern Daylight Saving time, Friday, August 6, 1976. Each tender must state the face amount of bonds bid for, which must be $1,000 or a multiple thereof, and the yield desired, except that in the case of noncompetitive tenders the term "noncompetitive" should be used in lieu of a yield. In the case of competitive tenders, the yield must be expressed in terms of an annual yield with two decimals, e.g., 7.11. Fractions may not be used. Noncompetitive tenders from any one bidder may not exceed $500,000.

2. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, may submit tenders for account of customers provided the names of the customers are set forth in such tenders. Others will not be permitted to submit tenders except for their own account. Tenders will be received without deposit from banking institutions for their own account, Federally-insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension

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and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, and Government accounts. Tenders from others must be accompanied by payment (in cash or the notes referred to in Section I which will be accepted at par) of 5 percent of the face amount of bonds applied for.

3. Immediately after the closing hour tenders will be opened, following which public announcement will be made by the Department of the Treasury of the amount and yield range of accepted bids. Those submitting competitive tenders will be advised of the acceptance or rejection thereof. In considering the acceptance of tenders, those with the lowest yields will be accepted to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted a coupon rate will be determined at a ⅛ of one percent increment that translates into an average accepted price close to 100.000 and a lowest accepted price above 94.000. That rates of interest will be paid on all of the bonds. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price corresponding to the yield bid. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders, in whole or in part, including the right to accept tenders for more or less than the $1,000,000,000 of bonds offered to the public, and his action in any such respect shall be final. Subject to these reservations, noncompetitive tenders for $500,000 or less without stated yield from any one bidder will be accepted in full at the average price[1] (in three decimals) of accepted competitive tenders.

IV. PAYMENT FOR AND DELIVERY OF BONDS

1. Settlement for accepted tenders in accordance with the bids must be made or completed on or before August 16, 1976, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt. Payment must be in cash, notes referred to in Section I (interest coupons dated August 15, 1976, should be detached), in other funds immediately available to the Treasury by August 16, 1976, or by check drawn to the order of the Federal Reserve Bank to which the tender is submitted, or the United States Treasury if the tender is submitted to it, which must be received at such Bank or at the Treausry no later than: (1) Wednesday, August 11, 1976, if the check is drawn on a bank in the Federal Reserve District of the Bank to which the check is submitted, or the Fifth Federal Reserve District in the case of the Treasury, or (2) Monday, August 9, 1976, if the check is drawn on a bank in another district. Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at a Federal Reserve Bank. Payment will not be deemed to have been completed where registered bonds are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. In every case where full payment is not completed the payment with the tender up to 5 percent of the amount of bonds allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. When payment is made with notes, a cash adjustment will be made to or required of the bidder for any difference between the face amount of notes submitted and the amount payable on the bonds allotted.

2. Delivery of bonds in bearer form will be made on or about August 19, 1976. Purchasers of bearer bonds may elect to receive interim certificates on August 16, 1976, which will be exchangeable for the bonds when available at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

V. ASSIGNMENT OF REGISTERED NOTES

1. Registered notes tendered as deposits and in payment for bonds allotted hereunder are not required to be assigned if the bonds are to be registered in the same names and forms as appear in the registrations or assignments of the notes surrendered. Specific instructions for the issuance and delivery of the bonds, signed by the owner or his authorized representative, must accompany the notes presented. Otherwise, the notes should be assigned by the registered payees or assignees thereof in accordance with the general regulations governing United States securities, as hereinafter set forth. Bonds to be registered in names and forms different from those in the inscriptions or assignments of the notes presented should be assigned to "The Secretary of the Treasury for Treasury Bonds of 1996–2001 in the name of (name and taxpayer identifying number)." If bonds in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon Treasury Bonds of 1996–2001 to be delivered to _____." Notes tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The notes must be delivered at the expense and risk of the holder.

VI. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of bonds on full-paid tenders allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

GEORGE H. DIXON.
Acting Secretary of the Treasury.

[FR Doc.76-22636 Filed 7-30-76;3:53 pm]

[Public Debt Series No. 18-76]

TREASURY NOTES OF SERIES J–1979

Invitation To Bid

JULY 29, 1976.

I. INVITATION FOR TENDERS

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites tenders on a yield basis for $2,000,000,000, or thereabouts, of notes of the United States, designated Treasury Notes of Series J–1979 (CUSIP No. 912827 FV 9). The interest rate for the notes will be determined as set forth in Section III, paragraph 3, hereof. Additional amounts of these notes may be issued at the average price of accepted tenders to Government accounts and to Federal Reserve Banks for themselves in exchange for maturing Treasury securities held by them and as agents of foreign and international monetary authorities for new cash only. Tenders will be received up to 1:30 p.m., eastern daylight saving time, Tuesday, August 3, 1976, under competitive and noncompetitive bidding, as set forth in Section III hereof. The 7½ percent Treasury Notes of Series C–1976 and the 6½ percent Treasury Notes of Series G–1976, maturing August 15, 1976, will be accepted at par in payment, in whole or in part, to the extent tenders are allotted by the Treasury.

II. DESCRIPTION OF NOTES

1. The notes will be dated August 16, 1976, and will bear interest from that date, payable on a semiannual basis on February 15 and August 15, 1977, and thereafter on February 15 and August 15 in each year until the principal amount becomes payable. They will mature August 15, 1979, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $5,000, $10,000, $100,000 and $1,000,000. Book-entry notes will be available to eligible bidders in multiples of those amounts. Interchanges of notes of different denominations and of coupon and registered notes, and the transfer of registered notes will be permitted.

5. The notes will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing United States notes.

III. TENDERS AND ALLOTMENTS

1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to the closing hour, 1:30 p.m., eastern daylight saving time, Tuesday, August 3, 1976. Each tender must state the face amount of notes bid for, which must be $5,000 or a multiple thereof, and the yield desired, except that in the case of noncompetitive tenders the term "noncompetitive" should be used in lieu of a yield. In the case of competitive tenders, the yield must be expressed in terms of an annual yield, with two decimals, e.g., 7.11. Fractions may not be used. Noncompetitive tenders from any one bidder may not exceed $500,000.

2. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, may submit tenders for account of customers provided the names of the customers are set forth in such tenders. Others will not be permitted to submit tenders except for their own account. Tenders will be received without deposit from banking institutions for their own account, Federally-insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, and Government accounts. Tenders from others must be accompanied by payment (in cash or the notes referred to in Section I, which will be accepted at par) of 5 percent of the face amount of notes applied for.

3. Immediately after the closing hour tenders will be opened, following which public announcement will be made by the Department of the Treasury of the amount and yield range of accepted bids. Those submitting competitive tenders will be advised of the acceptance or rejection thereof. In considering the acceptance of tends, those with the lowest yields will be accepted to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be determined at a ⅛ of one percent increment that translates into an average accepted price close to 100.000 and a lowest accepted price above 99.500. That rate of interest will be paid on all of the notes. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price corresponding to the yield bid. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders, in whole or in part, including the right to accept tenders for more or less than the $2,000,000,000 of notes offered, and his action in any such respect shall be final. Subject to these reservations, noncompetitive tenders for $500,000 or less without stated yield from any one bidder will be accepted in full at the average price[1] (in three decimals) of accepted competitive tenders.

IV. PAYMENT

1. Settlement for accepted tenders in accordance with the bids must be made or completed on or before Monday, August 16, 1976, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt. Payment must be in cash, notes referred to in Section I (interest coupons dated August 15, 1976, should be detached), in other funds immediately available to the Treasury by August 16, 1976, or by check drawn to the order of the Federal Reserve Bank to which the tender is submitted, or the United States Treasury if the tender is submitted to it, which must be received at such Bank or at the Treasury no later than: (1) Wednesday, August 11, 1976, if the check is drawn on a bank in the Federal Reserve District of the Bank to which the check is submitted, or the Fifth Federal Reserve District in case of the Treasury, or (2) Monday, August 9, 1976, if the check is drawn on a bank in another district. Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at a Federal Reserve Bank. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. In every case where full payment is not completed, the payment with the tender up to 5 percent of the amount of notes alloted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. When payment is made with notes, a cash adjustment will be made to or required of the bidder for any difference between the face amount of notes submitted and the amount payable on the notes allotted.

V. ASSIGNMENT OF REGISTERED NOTES

1. Registered notes tendered as deposits and in payment for notes allotted hereunder are not required to be assigned if the new notes are to be registered in the same names and forms as appear in the registrations or assignments of the notes surrendered. Specific instructions for the issuance and delivery of the new notes, signed by the owner or his authorized representative, must accompany the notes presented. Otherwise, the notes should be assigned by the registered payees or assignees thereof in accordance with the general regulations governing United States securities, as hereinafter set forth. When the new notes are to be registered in names and forms different from those in the inscriptions or assignments of the notes presented the assignment should be to "The Secretary of the Treasury for Treasury Notes of Series J–1979 in the name of (name and taxpayer identifying number)." If notes in coupon form are desired, the assignment should be to "The Secretary of the Treasury for Coupon Treasury Notes of Series J–1979 to be delivered to _____." Notes tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The notes must be delivered at the expense and risk of the holder.

VI. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid tenders allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

GEORGE H. DIXON.
Acting Secretary of the Treasury.

[FR Doc.76-22634 Filed 7-30-76;3:53 pm]

[Public Debt Series No. 19-76]

8 PERCENT TREASURY NOTES OF SERIES B–1986

Offering of Notes

I. OFFERING OF NOTES

JULY 29, 1976.

1. The Secretary of the Treasury pursuant to the authority of the Second Liberty Bond Act, as amended, offers $4,000,000,000, of notes of the United States, designated 8 percent Treasury Notes of Series B–1986 (CUSIP No.

[1] Average price may be at, or more or less than 100.000.

[1] Average price may be at, or more or less than 100.000.

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912827 FW 7), at par. On the basis primarily of the level of subscriptions received accompanied by the 20 percent deposit, as hereinafter provided in Section III, paragraph 4, the Secretary of the Treasury expressly reserves the right to increase the amount of the offering. It is not expected that the amount of the increase would be substantially in excess of $2,000,000,000. Additional amounts of these notes may be issued to Government accounts and to Federal Reserve Banks in exchange for maturing Treasury securities held by them. The 7½ percent Treasury Notes of Series C–1976 and 6½ percent Treasury Notes of Series G–1976, maturing August 15, 1976, will be accepted at par in payment, in whole or in part, to the extent subscriptions are allotted by the Treasury. The books will be open through Wednesday, August 4, 1976, for the receipt of subscriptions.

II. DESCRIPTION OF NOTES

1. The notes will be dated August 16, 1976, and will bear interest from that date, payable on a semiannual basis on February 15 and August 15, 1977, and thereafter on February 15 and August 15 in each year until the principal amount becomes payable. They will mature August 15, 1986, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000. Book-entry notes will be available to eligible subscribers in multiples of these amounts. Interchanges of notes of different denominations and of coupon and registered notes, and the transfer of registered notes will be permitted.

5. The notes will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing United States notes.

III. SUBSCRIPTIONS AND ALLOTMENTS

1. Subscriptions accepting the offer made by this circular will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, through Wednesday, August 4, 1976. Each subscription must state the face amount of notes subscribed for, which must be $1,000 or a multiple thereof.

2. All subscribers are required to agree not to purchase or to sell, or to make any agreements with respect to the purchase or sale or other disposition of any notes of this issue at a specific rate or price, until after midnight August 4, 1976.

3. Commercial banks, which for this purpose are defined as banks accepting demand deposits and dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, may submit subscriptions for account of customers provided the names of the customers are set forth in such subscriptions, and accompanied by the deposits prescribed below. Others will not be permitted to submit subscriptions except for their own account.

4. Under the Second Liberty Bond Act, as amended, the Secretary of the Treasury has the authority to reject or reduce any subscription, to allot more or less than the amount of notes applied for, and to make different percentage allotments to various classes of subscribers when he deems it to be in the public interest; and any action he may take in these respects shall be final. Subject to the exercise of that authority, subscriptions for $500,000, or less, will be allotted in full provided that 20 percent of the face value of the notes for each subscriber is submitted as a deposit (in cash or the notes referred to in Section I which will be accepted at par). Such deposits must be submitted to the Federal Reserve Bank or Branch, or to the Bureau of the Public Debt, with the subscriptions, including those submitted for the account of customers. Guarantees in lieu of deposits will not be accepted. Allotment notices will not be sent to subscribers submitting subscriptions in accordance with this paragraph.

5. Subscriptions not accompanied by the deposit, as set forth in the preceding paragraph, will be received subject to a percentage allotment. Subscriptions will be received without deposit from commercial and other banks for their own account, Federally-insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, Federal Reserve Banks and Government accounts. Subscriptions from others must be accompanied by a deposit of 5 percent of the face amount of notes applied for, or by a guarantee of such deposit by a commercial bank or dealer as described in paragraph 3 above. Allotment notices will be sent out promptly upon allotment to subscribers submitting subscriptions in accordance with this paragraph. Following allotment, any portion of the 5 percent payment in excess of 5 percent of the amount of notes allotted may be released upon the request of the subscriber.

6. Subscribers may submit subscriptions under the provisions of paragraph 4 with a 20 percent deposit, and paragraph 5 with a 5 percent deposit. Each subscription will be treated as a separate subscription.

IV. PAYMENT FOR AND DELIVERY OF NOTES

1. Payment at par for notes allotted hereunder must be made or completed on or before August 16, 1976, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt. Payment must be in cash, notes referred to in Section I (interest coupons dated August 15, 1976, should be detached), in other funds immediately available to the Treasury by August 16, 1976, or by check drawn to the order of the Federal Reserve Bank to which the subscription is submitted, or the United States Treasury if the subscription is submitted to it, which must be received at such Bank or at the Treasury no later than: (1) Wednesday, August 11, 1976, if the check is drawn on a bank in the Federal Reserve District of the Bank to which the check is submitted, or the Fifth Federal Reserve District in case of the Treasury, or (2) Monday, August 9, 1976, if the check is drawn on a bank in another district. Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at a Federal Reserve Bank. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. In every case where full payment is not completed, the payment with the subscription up to 5 percent of the amount of notes alloted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States.

2. Delivery of notes in bearer form will be made on August 16, 1976, except that if adequate stocks of the notes are not available on that date, the Department of the Treasury reserves the right to issue interim certificates on that date which will be exchangeable for the notes when available at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. If a subscriber elects to receive an interim certificate, the certificate must be returned at his own risk and expense.

V. ASSIGNMENT OF REGISTERED NOTES

1. Registered notes tendered as deposits and in payment for notes allotted hereunder are not required to be assigned if the new notes are to be registered in the same names and forms as appear in the registrations or assignments of the notes surrendered. Specific instructions for the issuance and delivery of the new notes, signed by the owner or his authorized representative, must accompany the notes presented. Otherwise, the notes should be assigned by the registered payees or assignees thereof in accordance with the geneeral regulations governing United States securities, as hereinafter set forth. When the new notes are to be registered in names and forms different from those in the inscriptions or assignments of the notes presented the assignment should be to "The Secretary of the Treasury for 8 percent Treasury Notes of Series B–1986 in the name of (name and taxpayer identifying number)." If notes in coupon form are desired, the assignment should be to "The Secretary of the Treasury for 8 percent coupon Treasury Notes of Series B–1986 to be delivered to ------ ------." Notes tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Dept, Washington, D.C. 20226. The notes must be delivered at the expense and risk of the holder.

VI. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

GEORGE H. DIXON,
Acting Secretary of the Treasury.

[FR Doc.76-22635 Filed 7-30-76;3:53 pm]

DEPARTMENT OF DEFENSE

Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE ON "ELECTRONIC TEST EQUIPMENT"

Advisory Committee Meeting

Pursuant to the provision of Pub. L. 92–463, notice is hereby given that the Defense Science Board Task Force on Electronic Test Equipment will meet in open session on 5 and 6 October 1976 in Room 9W67, National Center Building No. 1, 2511 Jefferson Davis Highway, Arlington, Virginia. Each session will commence at 9 a.m. The meeting on the second day will adjourn at noon.

The mission of the Defense Science Board is to advise the Secretary of Defense and Director of Defense Research and Engineering on overall research and engineering and to provide long-range guidance in these areas to the Department of Defense.

The primary responsibility of the Task Force is to examine the greater use by the Department of Defense of privately developed, commercially available off-the-shelf electronic test equipment, including modifications thereof, with the goal of achieving economy and reliability benefits for the several armed services to recommend policies and procedures which will maximize these benefits.

This will be the first meeting of the Task Force to review implementation of the Task Force recommendations.

Telephone inquiries should be directed to Mr. Rudolph J. Sgro, Task Force Executive Secretary at (202) 695–7915.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

JULY 28, 1976.

[FR Doc.76-22381 Filed 8-2-76;8:45 am]

DEFENSE SCIENCE BOARD TASK FORCE ON SPECIFICATIONS AND STANDARDS IMPROVEMENT

Advisory Committee Meeting

Pursuant to the provisions of Pub. L. 92–463, effective January 5, 1973, notice is hereby given that the Defense Science Board Task Force on Specifications and Standards Improvement will meet in open session at 0900 hours, Thursday and Friday, September 16 and 17, 1976, in Room 1 E801 #2, the Pentagon, Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and Director of Defense Research and Engineering and to provide long-range guidance in these areas to the Department of Defense.

The primary responsibility of the Task Force is to provide an evaluation of current DoD Specifications and Standards and the related DoD organization, system and procedures to serve as a basis for DoD policy decisions to reduce costs in systems/equipment design and application.

At this meeting, the Task Force will discuss its findings to date; summarize actions taken and projected; relate specifications and standards impact on weapon system design, production; consider cost impact on systems and equipment of specifications and standards governing rellability, maintainability, quality, configuration control and the like; identify specifications and standards application problems and initiatives required for solution and consider related subjects that may come before the group.

Attendees outside of Task Force membership will be admitted as observers to the proceedings. With time permitting and at the discretion of the Chairman, a specified but limited time will be allotted so as to permit observers to comment, make recommendations, take issue, or otherwise speak with respect to the subjects.

Due to the limited time and space availability, it is requested that persons interested in attending the DSB Task Force meeting provide written notice to the address listed below by September 9, 1976. Notice should include information with respect to interest and degree of participation.

Mr. Lester Fox, Director, Defense Materiel Specifications and Standards Office, Cameron Station, Alexandria, Virginia 22314.

Telephone inquiries may also be made to Mr. Fox at (202) 274–7061.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

JULY 28, 1976.

[FR Doc.76-22382 Filed 8-2-76;8:45 am]

DEPARTMENT OF JUSTICE

Antitrust Division

UNITED STATES V. N. V. NEDERLANDSCHE COMBINATIE VOR CHEMISCHE INDUSTRIE ET AL.

Proposed Consent Judgment; Comments

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16, the following written comments on the proposed judgment filed with the United States District Court for the Southern District of New York in Civil Action No. 70 Civ. 2079 (D.N.E.), United States of America v. N. V. Nederlandsche Combinatie Voor Chemische Industrie, et al., were received by the Department of Justice and are published herewith, together with Justice's response to the comments.

Dated: July 28, 1976.

CHARLES F. B. MCALEER,
Assistant Chief, Judgments and Judgment Enforcement Section, Antitrust Division.

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

United States of America, Plaintiff, against N. V. Nederlandsche Combinatie Voor Chemische Industrie, et al., Defendants. (D.N.E.) Civil No. 70 Civ. 2079).

PLAINTIFF'S SECOND RESPONSE TO COMMENTS UPON THE PROPOSED CONSENT JUDGMENT BETWEEN THE UNITED STATES AND DEFENDANTS BOEHRINGER MANNHEIM GMBH AND VEREINIGTE CHININFABRIKEN ZIMMER & CO. GMBH

This response is directed to the second group of comments upon the proposed consent judgment between the United States and defendants Boehringer Mannheim GmbH and Vereinigte Chininfabriken Zimmer & Co. GmbH ("consenting defendants"), which was received following May 29, 1976 and prior to June 30, 1976 (attached hereto as Exhibit A). This response is made and filed in accordance with the provisions of the Antitrust Procedures and Penalties Act (15 U.S.C. 16 (b) and (d)). The proposed consent judgment and a Competitive Impact Statement were filed with the Court on April 30, 1976 and published in the FEDERAL REGISTER on May 3, 1976 (41 Fed. Reg. 18328–34 (1976)). Comments received as of May 29th and the response of the United States thereto ("First Response to Comments," attached hereto as Exhibit B), dated June 16, 1976, were published in the FEDERAL REGISTER on July 1, 1976 (41 F.R. 27090–95 (1976)). This response and the comments to which it is directed will also be published together in the FEDERAL REGISTER.

During this second comment period the Department of Justice received ten comments upon the proposed consent judgment. Most of these comments either were limited to a request for copies of the settlement papers or were addressed to the issues to which the

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plaintiff responded in the First Response to Comments. Two comments were received which raise additional issues to which plaintiff responds below.

I. *This proceeding is not intended to be punitive.* M. Ehrenberg has suggested that the proposed consent judgment provides for insufficient punishment for the acts alleged in the complaint and believes that some financial sanction should be charged against these defendants, including rebates to persons who use quinine and quinidine products. Plaintiff brought this proceeding for the purpose of enjoining and restraining the violations of the Sherman Act alleged in the complaint. Consenting defendants and others were charged with fixing prices, allocating markets, rigging bids, establishing quotas and allocating supplies. Relief in civil injunctive proceedings brought by the Government under the Sherman Act is directed to restoring competition by terminating the illegal practices alleged in the complaint and by preventing their recurrence in the future rather than by punishment for past acts. Persons can be punished for violations of the antitrust laws by fine and imprisonment if they are charged with criminal violations of the Sherman Act in a criminal proceeding. Such a proceeding was brought by the United States in this Court on October 25, 1968 (*U.S. v. Nederlandsche Combinatie Voor Chemische Industrie, et al.*, 68 Cr. 870 (S.D.N.Y.)). On July 3, 1969, defendant Boehringer entered a plea of nolo contendere to these charges and was fined $80,000. Boehringer's subsidiary, Zimmer, was dismissed from the case at that time.

In addition, the United States sued these defendants for civil damages it suffered as a result of the same violations alleged in the complaint in this action. That suit, *United States v. Nederlandsche Combinatie Voor Industrie, et al.*, 70 Civ. 2080 (S.D.N.Y.), was filed simultaneously with this action. Defendant Boehringer paid $100,000 to the United States in settlement of that suit.

These defendants were also sued in two class actions, one brought by retail druggists and the other by individual consumers of quinine, quinidine and other cinchona products. These actions, which provided for "rebates" to those members of the class included as plaintiffs in such actions, are discussed at Section 2 of the First Response to Comments which is attached hereto as Exhibit B.

Thus, while this proceeding is not directed at criminal punishment of defendants for the violations of the Sherman Act that were alleged, defendants have been punished in a criminal proceeding and have paid damages in three civil proceedings, one action brought by the United States and two class actions brought by private persons.

It also should be noted that the proposed consent judgment represents a settlement rather than a judicial determination that defendants have violated the antitrust laws. The proposed consent judgment specifically recites that there has been no testimony taken and no trial or adjudication of any issue of fact or law in the case. (See page 2 of the proposed consent judgment)

II. *The Availability of Intervention in this Proceeding.* Glen N. W. McNaughton, an attorney representing Peter Marmion, inquires as to the procedures available for intervention in this proceeding and for obtaining damages against defendants for the activities alleged in the complaint. He states that his client attempted to enter the quinine and quinidine manufacturing industry in the early 1960's.

Initially, it must be stated that this proceeding offers no opportunity for the redress of private damage claims against defendants. The purpose of this proceeding is to determine whether the proposed consent judgment agreed to between the United States and consenting defendants is in the public interest and should be entered. Persons wishing to intervene in this lawsuit for the purpose of participating in this decision may be authorized to intervene by the Court pursuant to and in accordance with the requirements of Section 2(f) of the Antitrust Procedures and Penalties Act (15 U.S.C. § 16 (f)(3)). Parties seeking to participate in that manner should make their application directly to the Court and serve notice of such an application upon plaintiff and consenting defendants.

The recourse available to persons claiming to have been damaged by the actions of the defendants alleged in the complaint has been discussed at Section 4 of the Competitive Impact Statement filed in this case and referred to above. Further discussion appears at Section 2 of the First Response to Comments. It can be noted, however, that since it does not appear that Mr. McNaughton's client was either claiming damage as a consumer or as a retail pharmacist, the two class actions discussed in the Competitive Impact Statement and the First Response to Comments do not affect any potential action he may have against consenting defendants.

Dated: July 26, 1976.

Respectfully submitted,

DONALD A. KAPLAN.
JULIE BROOKS MURRAY.

EXHIBIT A

NEW YORK, N.Y.
May 20, 1976.

Hon. DAVID N. EDELSTEIN,
Chief Judge United States District Court, Southern District of New York.

YOUR HONOR: I do not understand the legal language of the public notice in the New York Times, regarding "Proposed Quinine Settlement".

I was awarded some money and I am inquiring if some additional amount is due me.

I would appreciate an early reply and remain.

Sincerely yours,

WALTER BLUM.

BOSTON, MASS.
May 25, 1976.

Ref. Proposed Quinine Settlement Public Notice—Boston Globe, May 24, 1976.

Mr. JOEL DAVIDSON,
Chief Foreign Commerce Section, Antitrust Division, Department of Justice, Washington, D.C.

DEAR SIR: On page five of the Boston Globe for Monday, May 24, 1976, there is a public notice requesting comments from the public.

Does "Quinine, quindine and cinchona" refer to the illegal importation of drugs into the United States?

Does "U.S. v. N.V." mean United States versus New York, New Hampshire or Nevada?

Does the prevalence of German-Dutch in the names of the companies involved indicate a monopoly?

Does "Chininfabriken" indicate manufacture in Red China or Nationalist China? Or does it indicate another product? Opium or Poppy seeds?

Does "consenting defendants" mean that the defendants were aware they were involved in an illegal operation before the operation got off the ground? Did these companies (mentioned above) propose to import the raw material (cinchona) refine/it, manufacture it and distribute it to the public in markets of their own choosing?

Does "sales quotas" and "fix prices" mean that sales have been, are or will be confined to certain segments of the public under prices which make the product available to any person having the wherewithal to buy? Do our antitrust laws concern themselves with only material considerations or may a person denied just recognition sue for grievance under those laws?

Preceding the public notice on page five (ref above) there is a news release continued from page one which occupied the public media for some days. Were all the passengers, hostages?

Is "13" made to appear as "18"?

Do you believe either of the explanations offered res. the method by which the hijackers smuggled the guns and grenades into the plane?

Having read the news release, are you inclined to believe that the "ten bodies" found in the "gutted fuselage" are probably the ten hi-jackers alive and well and the "captured three" under-cover agents working for the United States?

The news release ends with a government statement.

I would like a copy of the information offered in the public notice and any information I may need in order to secure said copy.

Sincerely Yours,

AMELIA ANNA WILSON.

NEW YORK, N.Y.,
May 28, 1976.

Re: Proposed Quinine Settlement.
Mr. JOEL DAVIDOW,
Chief, Foreign Commerce Section, Antitrust Division, Department of Justice, Washington, D.C.

DEAR MR. DAVIDOW: I refer to a notice that has been published in the New York Times of May 7, under above-captioned heading.

I would appreciate it if you could kindly send me the text of the proposed settlement. I would also appreciate being appraised of my rights under this settlement given the fact that I have been, due to my health condition, a heavy user of quinine products since 1954 up until today.

Any information and assistance in this matter will be very highly appreciated.

Looking forward to your reply, I remain
Very sincerely.

MARC BREUER.

GENNEVILLIERS.
May 31, 1976.

Mr. JOEL DAVIDOW,
Chief, Foreign Commerce Section, Antitrust Division, Department of Justice, Washington, D.C.

DEAR MR. DAVIDOW: Our Company started on March 1974 in the field of fine chemicals production. We are now entering the quinine and quinidine market, starting from Cinchona bark purchased in Africa and South America.

We have read in the "Chemical Marketing Reporter" about the proposed quinine settlement, and we would be grateful to receive copies of the proposal and the CIS, if available.

We thank you for your much valued comments.

Sincerely yours,

DIDIER WIRTH,
Président Directeur Général,
Isochem S. A

BROOKLYN, N.Y.
June 1, 1976.

DEAR MR. DAVIDOW: I am very much interested in the Proposed Quinine Settlement case now before Hon. Chief Judge David N. Edelstein. In particular Item No. 4 of the competitive impact statement. As I am still using quinidine for heart irregularities.

Sincerely Yours,

HARRY SCHLOSSBERG.

BROOKLYN, N.Y.
June 1, 1976.

Hon. DAVID N. EDELSTEIN

I am interested in Item No. 4 of the competitive impact statement, of the proposed Quinine settlement case now before you. I am still taking their pills for my heart irregularities, and I am thankful someone is riding check on these drug manufacturers.

Sincerely yours,

HARRY SCHLOSSBERG.

2 JUNE 1976.

Mr. JOEL DAVIDOW,
Chief, Forcign Commerce Section, Antitrust Division, Department of Justice, Washington, D.C.

DEAR MR. DAVIDOW: In pursuance of the advertisement in the New York Times of the "Proposed Quinine Settlement", would you please send me a copy of the proposed judgment itself.

I want to intervene in this matter on behalf of Caribe Pharmaceutical Corporation.

In the early sixties, my client, Peter Marmion, incorporated a company under the name of Caribe Pharmaceutical Corporation and expended a huge amount of money in securing sources of Cinchona Park and in arranging for a supply of same, he also erected a plant in Puerto Rico for the manufacture of quinine and quinidine.

He installed machinery and acquired the necessary help, and started the manufacture of quinine and quinidine in Puerto Rico in the early 1960s.

When he commenced the operation, it seemed financially viable considering the price at that time of quinine and quinidine on the market. However, because of the cartel and its ramifications, the defendants in the above case, in order to drive my client out of business and make it impossible for him to manufacture and sell quinine and quinidine at a profit, reduced the price of quinine and quinidine to such a price that my client could not compete and was forced to discontinue his operation, disband his business, dispose of his plant, all to his detriment, to the extent of over two million dollars.

We would like to intervene and set forth more at length the details of my client's loss caused by the cartel. What is our next step?

Yours faithfully,

GLEN N. W. McNAUGHTON.

JAMAICA, N.Y., *June 4, 1976.*

DEAR SIR: As per the article in the New York Times, "Proposed Quinine Settlement," I have been a large user of Quinidine for the past 20 years. Would I be entitled to any settlement in the above litigation?

I would appreciate a reply from your office.

Sincerely yours,

ROSE ZACKIN.

NEW ROCHELLE, N.Y., *June 7, 1976.*

JOEL DAVIDOW,
Chief, Foreign Commerce Section, Antitrust, Division, Dcpt. of Justice, Washington, D.C.

DEAR MR. DAVIDOW: I recently heard of a proposed Quinine settlement entitled Civil Action No. 70 Civ. 2079 filed May 21, 1970 U.S. v. N.V. Nederlandsche Combinatie Voor Chemische Industries et al. regarding Quinine products between the years 1958 to 1966. Since my now deceased father had such products prescribed to him in great quantity during those years does this action mean that I may recover overcharges for which I paid? If so, how may I go about recovering same?

Yours truly,

SEYMOUR KURTZMAN.

COLONIA, N.J.

In Re: Civil Action 70, Civ. 2079.

Judge EDELSTEIN,
U.S. District Court,
New York, N.Y.

SIR: We are one of the families victimized by the companies that controlled the import prices of the Cinchona products.

My mother has been living on the Quinidine medication for approximately 20 years. During that time we have spent a small fortune, literally, on the drug. It is not fair to allow the Co's. to go unpunished with a mere verbal slap on the wrists and no more. Some financial sanctions should be charged against them and perhaps some rebates made to those people who used the medications continuously, and of course, suffered the greatest financial damage. The U.S. Govt. is far too lenient in this matter.

Respectfully,

M. EHRENBERG.

EXHIBIT B

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

United States of America, Plaintiff, against N. V. Nederlandsche Combinatie Voor Chemische Industrie, et al., Defendants. ((D.N.E.) Civil No. 70 Civ. 2079.)

PLAINTIFF'S RESPONSE TO COMMENTS UPON THE PROPOSED CONSENT JUDGEMENT BETWEEN THE UNITED STATES AND DEFENDANTS BOEHRINGER MANNHEIM GMBH AND VEREINIGTE CHININFABRIKEN ZIMMER & CO. GMBH

This response to comments upon the proposed consent judgment between the United States and defendants Boehringer Mannheim Gmbh and Vereinigte Chininfabriken Zimmer & Co. Gmbh ("Consenting Defendants") is made and filed in accordance with the provisions of the Antitrust Procedures and Penalties Act (15 U.S.C. § 16 (a) and (d)). The proposed consent judgment and a Competitive Impact Statement were filed with the Court on April 30, 1976 and published in the FEDERAL REGISTER on May 3, 1976 (41 Fed. Reg. 18328–18334 (1976)). Comments received as of May 29, 1976 will be published simultaneously with this response and typewritten copies of the comments are attached hereto as Exhibit A.

As of May 29, 1976 the Department of Justice has received 32 comments upon the proposed consent judgment. Other than simple requests for copies of the settlement papers, these comments with one exception (discussed below) are concerned with three topics: (1) the sharp increase in price for quinidine-based drugs in the post 1966 period; (2) the availability of private remedies for supposed overcharges for quinidine-based drugs related to these price increases; and (3) the effect of the proposed consent judgment on the present prices to the consumer of quinine and quinidine-based products. One additional comment raises a number of different questions which will be discussed separately below.

I. The Extreme Price Increase for Quinidine-based Products in the Post 1966 Period. Almost all of the comments upon the proposed consent judgment are directed at the substantial increase in retail prices for quinidine-based drugs which has occurred mainly in the early 1970's. While the complaint in this action, which was filed on May 21, 1970, alleges a conspiracy beginning in 1958 and ending in 1966, the proposed judgment is designed to prevent these consenting defendants from engaging in any illegal price fixing, customer or market allocation or bid rigging in the future. Unfortunately, factors not within control of these consenting defendants and, thus, beyond the power of this consent judgment to remedy, have undoubtedly contributed to the recent price increases.

In order to determine reasons for recent price increases, the Department of Justice conducted interviews with leading United States pharmaceutical manufacturers, importers and government officials of nations which produce the raw material (cinchona bark). These inquiries indicate several factors other than illegal private collusion may, in part, explain the price increases.

A significant factor affecting current prices is the involvement of governments in the production, pricing and export of raw cinchona bark. For instance, Indonesia, the largest producer of cinchona bark, has nationalized almost all of the cinchona plantations and controls the export of cinchona products through a government-owned company. In addition, Indonesian law forbids the export of the raw bark, requiring that it be processed initially in Indonesia. One result is that prices charged for quinine sulphate by the Indonesian government-owned company to United States importers rose from approximately $70 per kilogram (2.2 pounds) to approximately $190 per kilogram between June 1974 and June 1975. Another example of government involvement is found in Zaire, the only other major producer of cinchona bark. Although both public and private ownership of cinchona planations exists in Zaire, the export price of cinchona bark is controlled by the government. Price increases that are a result of regulation by foreign governments within their borders may be beyond the reach of the antitrust laws of the United States.

According to all sources interviewed, another major factor contributing to the price increases is an unprecedented and unanticipated increase in the demand for quinidine heart medicine and for quinidine anti-malarial agents. The problem of increased demand is compounded by the fact that it takes at least seven years, and more often 14 years, before cinchona trees mature enough to be commercially useful. Even then, the bark may be stripped only at seven-year intervals. Therefore, it would normally take nearly a decade for the supply of raw material to respond to a dramatic increase in demand as is presently occurring.

Adding to the problem are international currency fluctuations and the devaluation of the United States dollar that have occurred in the past several years, which put United States purchasers of West German and Dutch products (whose currencies are among the strongest) at a disadvntage. As most cinchona products are processed by West German and Dutch businesses (consenting defendants are West German corporations), these currency fluctuations and devaluations are probably reflected in quinine prices. Still another factor contributing to the price increases is the pervasive world-wide inflation, which has pushed up cost at every stage of production of the product. This inflation has generally been more pronounced outside the United States; thus, products imported into the United States such as quinine and quinidine reflect these higher rates of inflation.

In summary, many significant factors, other than conduct by consenting defendants and other private persons and firms subject to attack under our antitrust laws, may be among the causes for the recent price increases for guinidine based drugs. Nonetheless, the Department of Justice will continue to monitor the situation for evidence of illegal practices, not only as part of its continuing

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specific responsibility for supervision under the proposed consent judgment, but also pursuant to its general responsibility to protect the American consumer against violations of the antitrust laws.

II. Private remedies available to users of quinidine-based drugs related to recent price increases. If users of quinidine-based drugs believe that the recent price increases are the result of violations of the antitrust laws, they retain their full rights to bring antitrust civil damage actions against consenting defendants or any of the original defendants in the above entitled action. Section 4 of the Clayton Act (15 U.S.C. § 15) provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages such person has suffered. The entry of the proposed final judgment will not have any effect on the right of any potential private plaintiffs claiming they have been damaged as a result of post 1966 conduct to sue for monetary damages or any other legal or equitable remedies.

However, with respect to persons believing they have been overcharged for quinidine products or otherwise damaged as a result of the activities during the 1958 to 1966 period which were the subject of the complaint in this action, their rights to sue under Section 4 of the Clayton Act may be foreclosed as a result of two antitrust class actions brought on behalf of consumers of cinchona bark derivative products and wholesalers and retailers of these same products in the United States District Court for the Eastern District of Pennsylvania. A class action entitled *Mary Cusick, Executrix of the Estate of Richard J. Cusick, Deceased, et al.* v. *N. V. Nederlandsche Combinatie Voor Chemische Industrie, et al.*, Civil Action No. 68-2457 (the "Cusick action"), was filed on November 6, 1968 on behalf of individual consumers of quinine, quinidine, other cinchona products and any other related products or substances, who would have suffered as a result of the same violations alleged in the complaint in this action. A second class action entitled *Sol S. Turnoff Drug Distributors, Inc., et al.* v. *N. V. Nederlandsche Combinatie Voor Chemische Industrie, et al.*, Civil Action 69-1883 (the "Turnoff action"), was brought on August 14, 1969 on behalf of wholesalers and retailers of the same products, suffering as a result of the same alleged violations. Boehringer was named as a defendant in both actions and contributed $180,000 to a joint settlement pool, which totaled $1,300,000. The plaintiff makes no comment with respect to the effect of these settlements on Boehringer's wholly-owned subsidiary, Zimmer, which was named in the complaints but not in the settlements.

Against the total settlement pool all injured members of the two classes were entitled to file claims. An order establishing the classes for settlement purposes and providing for notice to class members was signed by the United States District Court for the Eastern District of Pennsylvania on April 10, 1973. The terms of the settlement and notices of opportunity to file claims or to request exclusion from the settlement pursuant to Rule 23(c)(2) of the Federal Rules of Civil Procedure were printed in English or Spanish newspapers throughout the United States. The individual druggists and wholesalers each received a similar notice by direct mail. Approximately 750 consumer claims and 750 wholesaler and retailer claims were filed. A final order approving the settlement was signed by the same court on June 25, 1973.

As a consequence of these settlements, all potential users, retailers or wholesalers of cinchona bark products, except for those requesting exclusion from the two classes, had an opportunity to receive relief based upon the same antitrust violations by consenting defendant Boehringer alleged in the complaint in this action. All other potential private plaintiffs who might have been damaged by the alleged violations retain their rights to sue for monetary damages and any other legal and equitable relief based on the 1958–1966 period. However, this proposed consent judgment, when approved by the Court, may not be used as prima facie evidence in private litigation pursuant to Section 5(a) of the Clayton Act (15 U.S.C. § 16(a)).

III. Effect of the Proposed Consent Judgment on the Present Prices to the Consumer of Quinine and Quinidine-based Products. The effects of the proposed consent judgment are described in detail beginning at Section 3 of the Competitive Impact Statement, entitled "The Proposed Consent Judgment And Its Anticipated Effects On Competition." The comments, however, are generally addressed to what effect the proposed consent judgment will have upon persons who are paying present prices for quinidine-based drugs. To the extent these prices are the result of the factors described under Section I above, the proposed consent judgment will have little effect on such prices, and will offer little opportunity for redress to consumers. However, the proposed consent judgment will prevent and restrain consenting defendants from taking any action of a nature similar to that alleged in the complaint, such as fixing prices, allocating markets, rigging bids, establishing quotas and allocating supplies, which might have contributed to the recent sharp price increase. The goal of this final judgment is a more diverse and competitive industry in quinine and quinidine drugs at both the manufacturing and the refining stage (at least with respect to private persons and firms).

IV. Response to Additional Questions and Comments Raised by James Morgan Scott, Jr. In addition to inquiries similar to those raised by other persons commenting upon the proposed judgment, Mr. James Morgan Scott, Jr. raises several additional questions and puts forward several additional comments which are dealt with below.

Mr. Scott inquires as to the total damage to the United States public caused by the known and suspected illegal practices of consenting defendants. There has been no determination of the total damage to the United States public resulting from the practices alleged to have been committed by consenting defendants during the period of the conspiracy, 1958 to 1966. However, to the extent that damages to the United States as a quinine purchaser and seller and damages to members of the quinine-product consuming public or to sellers of these products make up part of the total damage to the United States public, some figures are available. Defendant Boehringer has paid $100,000 in settlement of a damage suit brought by the United States based upon the allegations similar to those in this action, *United States* v. *N. V. Nederlandsche Combinatie Voor Chemische Industrie, et al.*, 70 Civ. 2080 (S.D.N.Y., filed May 21, 1970). Defendant Boehringer also contributed $180,000 to the settlement of the two private treble damage class actions referred to in Section II above. Of course, these amounts do not necessarily represent the total damage to the United States Government or to the members of the private treble damage class allegedly sustained at the hands of consenting defendants for their actions during the period 1958 to 1966 any more than does any other settlement of a damage action.

Mr. Scott next poses three questions as to the wisdom and propriety of the settlement and why no damages were recovered. The United States does not, by this proposed consent judgment, concede the innocence of consenting defendants, nor do consenting defendants concede any wrongdoing under the antitrust laws. The essence of a consent judgment is that the parties have seen fit to avoid the cost and uncertainties of full litigation in favor of this proposed consent judgment which, as stated in the Competitive Impact Statement, provides for relief which fully prohibits and corrects the violations alleged in the complaint.

In Section 4 of the Competitive Impact Statement, the Government's position with respect to the alternative of full trial on the merits is stated fully. Furthermore, the sole purpose of this action was to enjoin and restrain consenting defendants from continuing or renewing any of the violations of the antitrust laws alleged in the complaint. No damages were sought in this action. A separate damage action brought on behalf of the United States (described in Section 3 of the Competitive Impact Statement) was settled for $100,000.

Mr. Scott inquired as to the cost to United States taxpayers of this lawsuit thus far. This action was filed on May 21, 1970 and was part of a larger investigation by the Department of Justice that began in 1966 with Grand Jury hearings. During the early Grand Jury stages of the investigation, two or three attorneys from the Antitrust Division were devoting nearly full time to the investigation. This lasted approximately one and one half to two years. Subsequent to indictments by the Grand Jury in 1968, a much smaller amount of time was expended, since most of the activity in the case was related to the settlement agreements reached with various defendants. Thus, in total, approximately three to five person-years in attorneys' time have been spent in the investigation, litigation and settlement of all aspects of the criminal, civil injunctive and civil damage cases involving the quinine cartel of the 1958 to 1966 period. Mr. Scott also inquired as to the number of active cases in the Antitrust Division and how many cases have been filed. As of April 30, 1976, there were 150 pending cases in which the Antitrust Division of the Department of Justice presently has responsibility. Since July 1, 1969, the Antitrust Division has initiated 464 civil and criminal cases.

Mr. Scott also inquired as to the percentage of complaints to the Antitrust Division which result in the filing of a case and what portion of filed cases result in settlements. There is no way to determine what percentage of complaints by members of the public result in the filing of cases by the Antitrust Division. Very often investigations are commenced before any complaint is received. On the other hand, many complaints do not involve violations of the antitrust laws. The great majority of all cases filed by the Antitrust Division result in settlement, either by a consent judgment in civil cases or by pleas of nolo contendere or guilty in criminal cases.

Mr. Scott requests further explanation of the statement, following Section 6 of the Competitive Impact Statement, that no materials and documents of the type described in Section (b) of the Antitrust Procedures and Penalties Act (15 U.S.C. § 16(b)) were considered determinative in formulating this proposed consent judgment. Such statement simply means that no one particular document or group of documents alone convinced the Department of Justice to enter into the proposed consent judgment presented to the Court for its approval. The Department was, of course, aware of the numerous documents produced in this action and the testimony of witnesses before the Grand Jury. It was the totality of this evidence rather than any particular part of it or any document subsequently furnished to the Department of Justice which was determinative in formulating the proposed consent judgment. Consequently, Mr. Scott's next comment, where he suggested that it would be more truthful to say that several hundred pounds of material were considered determinative in reaching the settlement, is not entirely incorrect. Within the meaning of the statutory requirements, however, no such documents in and of themselves were "determinative", but it is correct to assume that the substantial evidence upon which the original lawsuit was based was considered by attorneys for the Department of Justice in connection with this proposed consent judgment.

Mr. Scott's final inquiry concerns the volume of the pleadings and transcripts in this case. With respect to consenting defendants, the only documents filed are the complaint, proposed consent judgment, Competitive Impact Statement, two orders by the Court related to the procedures under the Antitrust Procedures and Penalties Act and a statement pursuant to section 2(g) of the Act (15 U.S.C. § 16(g)) filed by consenting defendants. There was one hearing in court related to the settlement, on December 9, 1974. The transcript of that proceeding contains 42 pages.

Dated: June 18, 1976.

Respectfully submitted,
DONALD A. KAPLAN.
JULIE BROOKS MURRAY.

[FR Doc.76-22395 Filed 8-2-76;8:45 am]

UNITED STATES V. UNITED ARTISTS THEATRE CIRCUIT, INC. ET AL.

Proposed Consent Judgment and Competitive Impact Statement Thereon

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16 that a proposed consent judgment and a competitive impact statement as set out below have been filed with the United States District Court for the Eastern District of New York in Civil Action No. 71 C609, *United States of America* v. *United Artists Theatre Circuit, Inc.* and *United Artists Eastern Theatres, Inc.* The complaint in the case alleges that the acquisition of the Prudential Theatres Co., Inc., by the United Artists Theatre Circuit (UATC) substantially lessened competition in the purchase of licenses to exhibit feature motion pictures in Suffolk, Nassau and Queens counties and throughout the New York Metropolitan Area. The proposed judgment requires UATC to divest certain theatres which it acquired from Prudential. It also enjoins UATC, for 10 years, from acquiring any operating motion picture theatre in Suffolk, Nassau or Queens counties without the approval of the Government or the Court and requires UATC to give the Government 60 days prior nottice of its intention to acquire any operating motion picture theatre elsewhere in the New York Metropolitan Area. Public comment is invited on or before October 8, 1976. Such comments and responses thereto will be published in the FEDERAL REGISTER and filed with the Court. Comments should be directed to Bernard Wehrmann, Chief, New York Office, Antitrust Division, Department of Justice, 26 Federal Plaza, New York, New York 10007.

Dated: July 27, 1976.

CHARLES F. B. MCALEER,
Assistant Chief, Judgments and Judgment Enforcement Section.

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK

United States of America, Plaintiff, v. United Artists Theatre Circuit, Inc., and United Artists Eastern Theatres, Inc., Defendants. 71 Civ. 609, stipulation; Filed: July 26, 1976.

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. A Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. § 16), and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendants and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this stipulation, this stipulation shall be of no effect whatever and the making of this stipulation shall be without prejudice to plaintiff and defendants in this way and any other proceeding.

Dated: July 26, 1976.

For Plaintiff: Thomas E. Kauper, Assistant Attorney General; William E. Swope, Charles F. B. McAleer, Bernard Wehrmann, Ralph T. Giordano, Erwin L. Atkins, Charles W. Brooks, Attorneys, Department of Justice.

For defendants: Wachtell, Lipton, Rosen & Katz, Attorneys for United Artists Theater Circuit, Inc., and United Artists Eastern Theatres, Inc.

By HERBERT M. WACHTELL,
A Member of the Firm.

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA, plaintiff, v. UNITED ARTISTS THEATRE CIRCUIT, INC. and UNITED ARTISTS EASTERN THEATRES, INC., Defendants. 71 Civ. 609 *final Judgment*, Filed: July 26, 1976.

Plaintiff, United States of America, having filed its complaint herein on May 20, 1971, and the defendants United Artists Theatre Circuit, Inc. and United Artists Eastern Theatres, Inc., having appeared and filed their answer to the complaint denying the material allegations thereof and raising certain affirmative defenses, and the plaintiff and the defendants, by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting any evidence or admission by any party with respect to any such issue;

Now, Therefore, before the taking of any testimony and without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting any evidence or admission by any party with respect to any such issue and upon the consent of the parties, it is hereby

Ordered, Adjudged and Decreed as follows:

I. This Court has jurisdiction of the subject matter of this action and of the parties hereto. The complaint states a claim upon which relief may be granted against the defendants under Section 7 of the Act of Congress of October 15, 1914 (15 U.S.C. § 18), commonly known as the Clayton Act, as amended.

II. As used in this Final Judgment:

(A) "UATC" means defendants United Artists Theatre Circuit, Inc. and United Artists Eastern Theatres, Inc., and each of their subsidiaries.

(B) "Eligible Purchaser" means any person or persons, proposing to purchase, lease or sublease any theatre for theatre purposes, to which the plaintiff, after notice, does not object, or if the plaintiff does object, of which the Court approves.

(C) "person" means any individual, partnership, corporation or other business or legal entity other than UATC or its subsidiaries.

(D) "Non-theatre purpose" means that the proposed use of a theatre will be for other than the exhibition of feature motion pictures except on a possible temporary interim basis.

(E) "New York Metropolitan Area" means the five Counties of the City of New York, the Counties of Westchester, Rockland, Nassau and Suffolk in the State of New York, the Counties of Bergen, Essex, Hudson, Passaic and Union in the State of New Jersey and the County of Fairfield in the State of Connecticut.

III. The provisions of this Final Judgment shall apply to UATC, its subsidiaries, successors and assigns, to each of their respective officers, directors, agents and employees, and to all other persons in active concert or participation with any of them who receive actual notice of this Final Judgment by personal service or otherwise. Any Eligible Purchaser who acquires any assets by means of a divestiture pursuant to this Final Judgment shall not be considered a successor or assign of UATC.

IV. (A) UATC is ordered and directed to divest to Eligible Purchasers, within 60 months from the date of entry of this Final Judgment, each of the theatres listed in Appendix A to this Final Judgment.

(B) Divestiture of the theatres listed in Appendix A shall be accomplished in the following ways:

(1) UATC may sell or, subject to the provisions of Section IV(C) of this Final Judgment, lease any such theatre owned by it in fee;

(2) UATC may assign the lease of any such theatre of which it is the lessee or, subject to the provisions of Section IV(E) of this Final Judgment, sublease such theatre.

(C) With respect to any theatre which is divested by lease (hereinafter "Lease"):

(1) The term of the Lease shall be not less than 20 years for any theatre listed in Group 1 of Appendix A, except that the Lease shall grant the lessee the right to terminate the Lease effective as of the end of the tenth year of the term; not less than 10 years for any theatre listed in Group 2; and not less than 5 years for any theatre listed in Group 3. (Such periods of 20, 10 and 5 years are

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referred to hereinafter as the "Minimum Lease Term".)

(2) UATC may, during the Minimum Lease Term, sell, lease, or otherwise dispose of its fee in any such theatre to any person for any use, provided that such sale, lease or other disposition is made subject to the Lease and the rights of the lessee under the Lease continue until the termination of the Lease.

(3) The Lease for any theatre listed in Group 1 or Group 2 of Appendix A, which is entered into prior to the appointment of a trustee pursuant to Section V of this Final Judgment, may provide that if the fee is purchased by an Eligible Purchaser during the Minimum Lease Term, such Lease may be terminated at the option of the Eligible Purchaser. No such provision, however, may be contained in any Lease negotiated by a trustee pursuant to Section V of this Final Judgment.

(4) The Lease for any theatre listed in Group 3 of Appendix A, which is entered into prior to the appointment of a trustee pursuant to Section V of this Final Judgment, may provide that UATC may terminate the Lease during the Minimum Lease Term if UATC accepts a bona fide offer by a third person to purchase the fee for non-theatre purposes or to lease the fee for non-theatre purposes for a term of not less than 20 years and such a sale or lease is consummated. UATC may, however, exercise its right of termination under such a provision only to the extent permitted by paragraph D of this Section IV. No such provision may be contained in any Lease negotiated by a trustee pursuant to Section V of this Final Judgment.

(5) The Lease shall grant the lessee an option as provided for in the Lease to purchase the fee at any time during the term of the Lease, provided that such option shall terminate if the lessee, within 60 days after written notice to it by UATC of receipt of a bona fide offer by a third person to purchase the fee, including any offer contemplated by subparagraphs (2), (3), or (4) of this Section IV(C), shall refuse to purchase the fee upon the same economic terms offered by the third person. Such option, however, shall be reinstated if the sale to the third person is not consummated.

(D) As to not more than 2 of the theatres listed in Group 3 of Appendix A, UATC, at any time after the entry of this Final Judgment and whether before or after the making of a Lease as to such theatre, shall have the right to accept a bona fide offer to purchase the fee for non-theatre purposes or to lease the fee for non-theatre purposes for a term of not less than 20 years, and UATC may terminate the Lease of any such theatre upon the consummation of such sale or lease if the Lease was entered into prior to the appointment of a trustee pursuant to Section V of this Final Judgment. In no event may UATC, pursuant to the provisions of this paragraph D, sell or lease for non-theatre purposes, the fee of more than 2 of the theatres listed in Group 3 of Appendix A, but nothing herein shall be construed to abrogate any rights of UATC to dispose of its fee ownership in any such theatre pursuant to the provisions of subparagraph (2) of Section IV(C), and subparagraphs (2) and (3) of Section VII(C) of this Final Judgment.

(E) With respect to any theatre which is divested by sublease (hereinafter "Sublease"), such Sublease shall be for the entire remaining present term of the master lease less one day provided that if the remaining term of the master lease is in excess of 10 years the Eligible Purchaser may, at its option, enter into a Sublease for a period of not less than 10 years, with a right effective as of the end of the Sublease term to renew for the remaining term of the master lease less one day, or any portion thereof (such periods are hereinafter referred to as the "Minimum Sublease Term").

(F) UATC shall make known the availability of the theatres listed in Appendix A by customary and usual means, including appropriate advertising. UATC shall furnish, on an equal and nondiscriminatory basis, to all bona fide prospective purchasers who so request, all necessary information regarding said theatres and shall permit them to make such inspection of the facilities and operations of the theatres as is reasonably necessary for a prospective purchaser to advise itself properly.

(G) Ninety days after the date of entry of this Final Judgment and every 90 days thereafter until UATC has divested each of the theatres listed in Appendix A, UATC shall submit written reports to the plaintiff, describing the steps which have been taken to comply with this Section IV. Each report shall include the name and address of each person who, during the preceding 90 days, had made an offer, expressed a desire, or entered into negotiations to purchase, lease or sublease any theatre, together with full details of same. Each report shall also include the name and address of each person who, during the preceding 90 days, UATC has sought to interest in the purchase, lease or sublease of any theatre, together with full details of same.

(H) At least 60 days before the consummation, pursuant to this Section IV, of a divestiture to a proposed Eligible Purchaser of any theatre listed in Appendix A, UATC shall furnish in writing to the plaintiff the name and address of the proposed Eligible Purchaser, together with the terms and conditions of the proposed divestiture. At the same time, UATC shall list the name and address of each person not previously reported who offered or expressed a desire to purchase, lease or sublease such theatre, together with full details of same. Within 20 days of the receipt of this information, the plaintiff may request in writing additional information concerning the transaction and parties thereto. If no request is made for additional information, the plaintiff shall advise UATC in writing no later than 20 days prior to the scheduled consummation date whether it has any objections to the proposed divestiture. If a request for additional information is made, the plaintiff shall advise UATC in writing within 30 days after receipt of all such information or within 30 days after receipt of a statement in writing from UATC that it does not have the requested information, whether it has any objections to the proposed divestiture. If the plaintiff does not object within the periods specified, then the divestiture may be consummated. If the plaintiff does so object, the proposed divestiture shall not be consummated unless UATC obtains approval from the Court or the plaintiff's objection is withdrawn.

V. If UATC does not divest itself, in accordance with the provisions of this Final Judgment, of each of the theatres listed in Appendix A within 60 months from the date of entry of this Final Judgment, the Court shall on application of the Plaintiff appoint a trustee for the purpose of divesting the remaining theatres in accordance with the provisions of this Final Judgment. The trustee shall dispose of each of the remaining threatres by sale, assignment, Lease or Sublease. Any such Lease or Sublease shall be for the applicable Minimum Lease or Sublease Term. The trustee shall act with all deliberate speed to dispose of each of the remaining threatres. Each divestiture by the trustee shall be in accordance with the provisions of this Final Judgment and subject to prior approval of the Court after the parties have had an opportunity to be heard with respect to each such proposed divestiture and the price and terms thereof. The trustee shall serve, at the cost and expense of UATC, on such terms and conditions as the Court sees fit. The appointment of a trustee by the Court shall not preclude UATC itself from divesting any of the remaining theatres in accordance with the provisions of this Final Judgment.

VI. (A) Any contract of sale, assignment, Lease, or Sublease to an Eligible Purchaser of a theatre listed in Appendix A shall require the Eligible Purchaser to file with this Court its representation that it proposes to operate the theatre for the exhibition of feature motion pictures.

(B) No Lease or Sublease shall contain any rental provisions based upon a share of the profits of the theatre covered by the Lease or Sublease or of any other theatre, provided, however, that rental provisions may be based upon a percentage of the gross receipts of the leased or subleased theatre.

VII. (A) UATC shall be in full control of the operations and management of each theatre listed in Appendix A until the theatre has been divested in accordance with the provisions of this Final Judgment. Pending initial divestiture, UATC shall continue to operate each theatre for the exhibition of feature motion pictures and shall not close or curtail its operations without the prior written consent of the plaintiff or, if such consent is refused, upon the approval of the Court.

(B) UATC shall not participate in any way, directly or indirectly, in the management, operation or control of any theatre listed in Appendix A after it has been divested pursuant to this Final Judgment, nor shall UATC book or buy feature motion pictures for any such theatre after it has been divested. Where a theatre has been divested by Lease or Sublease, these prohibitions shall be expressly set forth in the Lease or Sublease.

(C) Notwithstanding the provisions of paragraph (B) of this Section VII:

(1) UATC may accept and enforce a bona fide lien, mortgage or other form of security received by it to secure full payment of any unpaid portion of the purchase price. UATC may also enforce the terms and conditions of any Lease or Sublease in accordance with its provisions or as provided by law, and may exercise the rights of a lessor or sublessor in the event of a default. If two or more theatres are divested to a single Eligible Purchaser, such Lease, Sublease, lien, mortgage, or other form of security may not provide that a default by the lessee or mortgagor with respect to one such theatre shall constitute a default with respect to all such theatres, provided, however, that such provision may be contained in any such Lease, Sublease, lien, mortgage, or other form of security, if reasonably necessary to the security of UATC.

(2) If UATC, by enforcement of any bona fide lien, mortgage or any other form of security interest reacquires ownership, possession or control of any divested theatre or in the event of reacquisition or repossession by UATC prior to the expiration of the Minimum Lease or Sublease Term of a leased or subleased theatre divested hereunder, UATC shall promptly notify the plaintiff in writing and shall divest such theatre by sale, assignment, Lease or Sublease to an Eligible Purchaser within 12 months of reacquisition or repossession in accordance with the provisions of this Final Judgment. The minimum duration of any such subsequent Lease or Sublease shall be the applicable Minimum Lease or Sublease Term less the period of time such theatre was operated by an Eligible Purchaser prior to reacquisition or repossession by UATC. If UATC is unable to

divest any such theatre to an Eligible Purchaser within 12 months of reacquisition or repossession, UATC may, with the prior written consent of the plaintiff, or, if such consent is refused, upon approval of the Court, sell, lease or otherwise dispose of such theatre to any person for non-theatre purposes. In no event may UATC, directly or indirectly, operate such theatre for more than 18 months after reacquisition or repossession by UATC without the prior written consent of the plaintiff or, if such consent is refused, upon approval of the Court.

(3) If UATC reacquires or repossesses any divested theatre after the expiration of the applicable Minimum Lease or Sublease Term, or if it reacquires or repossesses any theatre disposed of by sale or lease pursuant to Section IV(D) of this Final Judgment, UATC may sell, lease or otherwise dispose of any such theatre to any person for any purpose, but in no event may UATC, directly or indirectly, operate such theatre for more than 18 months after such reacquisition or repossession without the prior written consent of the plaintiff or, if such consent is refused, upon approval of the Court.

VIII. (A) UATC is enjoined and restrained for a period of 10 years from the date of entry of this Final Judgment from acquiring any part of the assets or stock of any operating motion picture theatre in the Counties of Queens, Nassau and Suffolk in the State of New York, other than the Whitman Theatre located in Huntington, New York, except with the prior written consent of the plaintiff, or if such consent is refused, then upon the approval by this Court after a determination by this Court that the effect of any such acquisition of assets or stock will not be to substantially lessen competition or tend to create a monopoly in the exhibition of feature motion pictures in any section of the country.

(B) For a period of 10 years from the date of entry of this Final Judgment, UATC is ordered and directed to give the plaintiff written notice of its intention to acquire any part of the assets or stock of any operating motion picture theatre in any of the Counties of the New York Metropolitan Area, other than the Counties of Queens, Nassau and Suffolk, at least 60 days before the closing of any such acquisition.

IX. (A) For the purpose of determining or securing compliance with this Final Judgment and for no other purpose, UATC shall permit duly authorized representatives of the Department of Justice on written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice, subject to any legally recognized privilege:

(1) Access during the business hours of UATC, who may have counsel present, to those books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession, custody or under the control of UATC which relate to any matters contained in this Final Judgment;

(2) Subject to the reasonable convenience of UATC and without restraint or interference from it, to interview officers or employees of UATC, any of whom may have counsel present, regarding such matters.

(B) UATC shall submit such reports in writing, with respect to the matters contained in this Final Judgment, as may from time to time be requested in writing by the Attorney General or the Assistant Attorney General in charge of the Antitrust Division.

(C) No information obtained by the means provided in this Section IX of this Final Judgment shall be divulged by a representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the plaintiff except in the course of legal proceedings to which the United States is a party for the purpose of determining or securing compliance with this Final Judgment or as otherwise required by law.

X. Jurisdiction of this action is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders or directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of the provisions thereof, and for the enforcement of compliance therewith and punishment of violations thereof.

XI. Entry of this Final Judgment is in the public interest.

Dated: ----------

United States District Judge.

APPENDIX A

Amityville, 221 Broadway, Amityville, NY.
Bedford, Route 22, Bedford Village, NY.
Brookhaven, Patchogue Rd., Port Jefferson, NY.
Commack Drive-In, Veterans Hway., Commack, NY.
Farmingdale, 356 Main St., Farmingdale, NY.
Flanders Drive-In, Flanders Rd., Riverhead, NY.
Gables, 173 E. Merrick Rd., Merrick, NY.
Hampton Drive-In, Montauk Hway., Bridgehampton, NY.
Islip, Main and South Streets, Islip, NY.
Johnny All-Weather Drive-In, Sunrise Hway. & Bayview Ave., Copiague, NY.
*Oakdale, Montauk Hway, Oakdale, NY.
Rialto, 104 South Ocean, Patchogue, NY.
Rocky Point Drive-In, Rt. 25A, Rocky Point, NY.
Sag Harbor, Main St., Sag Harbor, NY.
Sayville, 107 Railroad Ave., Sayville, NY.
Southampton, 3743 Hill St., Southampton, NY.
Suffolk, 118 E. Main St., Riverhead, NY.
One of *Centereach, 1970 Middle Country Rd., Centereach, NY, Smithtown, 2 E. Main St., Smithtown, NY, or *Brentwood, Avenue P and Brentwood Rd., Brentwood, NY.
One of Patchogue, 69 E. Main St., Patchogue, NY, or Plaza, 393 E. Main St., Patchogue, NY.
One of Babylon, 34 W. Main St., Babylon, NY, or *North Babylon, 1130 Deer Park Ave., N. Babylon, NY.
One of Bayshore, 200 W. Main St., Bayshore, NY, or Bayshore Cinema, 1881 Sunrise Hway., Bayshore, NY.
One of *Mid-Island, Hempstead Tpke. & Rt. 107, Bethpage, NY, or Pequa, Sunrise Hway. & Ocean Ave., Massapequa, NY.
One of Casino, 113–18 Liberty Ave., Richmond Hill, NY, or Lefferts, 122–02 Liberty Ave., Richmond Hill, NY.

All alternatives to be at UATC's election.

*The theatres designated with an asterisk (*) are leased by UATC and are not owned by it in fee.

Group 1

Amityville
Babylon
Bayshore Cinema
Islip
Patchogue
Plaza
Rialto
Sag Harbor
Sayville
Smithtown
Southampton
Suffolk

Group 2

Bayshore
Bedford
Brookhaven
Casino
Farmingdale
Gables
Lefferts
Pequa

Group 3

Commack Drive-In
Flanders Drive-In
Hampton Drive-In
Johnny All-Weather Drive-In
Rocky Point Drive-In

UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF NEW YORK

United States of America, Plaintiff, v. United Artists Theatre Circuit, Inc., and United Artists Eastern Theatres, Inc., Defendants. 71 Civ. 609. Competitive impact statement relating to proposed consent judgment, filed: July 26, 1976.

This Competitive Impact Statement is filed by the Government pursuant to the requirements of Section 2 of the Act of Congress of December 21, 1974 (15 U.S.C. § 16), commonly known as the Antitrust Procedures and Penalties Act. It relates to the proposed consent judgment submitted for entry against the defendants in this civil antitrust suit.

NATURE AND PURPOSE OF THE PROCEEDING

On May 20, 1971, the Government filed a civil antitrust suit against United Artists Theatre Circuit, Inc., New York, New York, charging that its acquisition in July 1968 of the assets of Prudential Theatres Co., Inc. (Prudential), Long Island, New York, might substantially lessen competition or tend to create a monopoly in the purchase of licenses to exhibit feature motion pictures in the New York Metropolitan Area, in violation of Section 7 of the Clayton Act. In November 1971 United Artists Eastern Theatres, Inc., Long Island, New York, a wholly-owned subsidiary of United Artists Theatre Circuit, Inc., was added as a defendant in the action. (Both are referred to collectively herein as UATC.)

In its complaint the Government asked the Court to declare the acquisition to be violative of Section 7 of the Clayton Act and to order UATC to divest itself of all of the assets acquired from Prudential.

EVENTS GIVING RISE TO THE ALLEGED VIOLATION

This suit concerns the purchase of licenses to exhibit feature motion pictures. Such licenses are purchased from distributors by exhibitors or operators of motion picture theatres, in competition with other exhibitors in the same area.

At the time of the acquisition, Prudential and UATC were among the four largest exhibitors of feature motion pictures in the New York Metrolopitan Area, which includes the 5 counties of New York City, the counties of Westchester, Rockland, Suffolk and Nassau in the State of New York, the counties of Bergen, Essex, Hudson, Passaic and Union in the State of New Jersey and the county of Fairfield in the State of Connecticut. Prudential operated 56 theatres in this area, including 40 theatres in Suffolk county, 7 in Nassau county and 2 in Queens county. UATC operated 60 theatres in the New York Metropolitan Area, including 11 in Nassau county and 8 in Queens county. At the time of the acquisition, UATC did not operate any theatres in Suffolk county.[1]

[1] At the time of the acquisition, Prudential also operated 21 theatres in Wisconsin and 1 theatre in western New Jersey. UATC was (and remains) one of the largest exhibitors in the nation, operating several hundred theatres throughout the United States.

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The Government's principal theory of illegality is that the acquisition of Prudential's theatres in the New York Metropolitan Area has significantly increased UATC's bargaining power with distributors to the detriment of smaller theatre circuits and independent exhibitors in the area. That is, UATC may now offer distributors substantially greater and more extensive theatre coverage in the New York Metropolitan Area thereby enhancing its bargaining power, especially for licenses to the more desirable films. This increased bargaining power is derived primarily from Prudential's block of 40 theatres in Suffolk county which, at the time of the acquisition, accounted for approximately 60% of all of the theatres located there. Smaller theatre circuits and independent exhibitors, unable to offer such broad and extensive coverage to distributors, are placed at a competitive disadvantage in negotiating for film licenses.

The Government also claims, as secondary theories of illegality, that the acquisition eliminated actual competition for film licenses between Prudential and UATC in Nassau and Queens counties, and potential competition between them in Suffolk county. Although UATC did not operate any theatres in Suffolk county prior to the acquisition, it most likely would have expanded its operations into that area had it not acquired Prudential.

THE PROPOSED CONSENT JUDGMENT AND ITS ANTICIPATED EFFECTS ON COMPETITION

Under the proposed consent judgment UTAC must divest 23 designated theatres located (with some alternates) in the New York Metropolitan Area, including 18 in Suffolk county, 3 in Nassau county, 1 in Queens county and 1 in Westchester county. Together with 7 former Prudential theatres already voluntarily divested by UATC during the pendency of this suit (5 in Suffolk county and 1 each in Nassau and Fairfield counties), this will represent a total divestiture of 30 of 56 or over 53% of all of the former Prudential theatres in the New York Metropolitan Area and 23 of 40 or over 57% of those in Suffolk county. The proposed judgment will, thus, significantly reduce the number of former Prudential theatres in the New York Metropolitan Area which UATC may make available to distributors, especially in Suffolk county. This, in turn, will substantially lessen the additional bargaining power which UATC obtained as a result of the acquisition. The divestitures in Suffolk, Nassau and Queens counties will also increase competition in these areas.

The proposed judgment requires UATC to divest each of the designated theatres by sale, lease, sublease or assignment to persons and under terms and conditions approved by the Government or the Court. Where divestiture is by lease, the minimum lease periods range from 5 to 20 years depending on the potential of the underlying real estate for more useful non-theatre development. For similar reasons, UATC would have the option of divesting any 2 of the 5 designated drive-in theatres for non-theatre purposes. All other theatres, however, must be divested for theatre purposes. The proposed judgment protects against UATC ever reacquiring permanent operating control of any of the theatres which it divests.

Under the proposed judgment UATC would be obliged to make reports to the Government every 90 days setting forth the steps taken to accomplish the divestitures. In order to assure to the extent possible that the designated theatres will be successfully divested, the proposed judgment provides for the appointment of a trustee by the Court if UATC has not divested all of the theatres within 60 months. The trustee would be appointed to divest the remaining theatres and would serve at the cost and expense of UATC.

The proposed judgment prohibits UATC, for 10 years, from acquiring any operating theatre in Suffolk, Nassau and Queens counties except with the approval of the Government or the Court.[2] This provision protects against acquisitions by UATC in these areas which would be detrimental to competition. The proposed judgment also requires UATC, for 10 years, to give the Government 60 days prior written notice of its intention to acquire any operating theatre in any other part of the New York Metropolitan Area. In addition, the Government would have visitation rights to inspect documents and interview officers and employees of UATC in order to determine and secure compliance with the judgment.

REMEDIES AVAILABLE TO POTENTIAL PRIVATE PLAINTIFFS

Any potential private plaintiffs who might have been damaged by the alleged violation will retain the same right to sue for monetary damages and any other legal and equitable remedies that they would have had were the proposed consent judgment not entered. However, pursuant to Section 5(a) of the Clayton Act (15 U.S.C. Section 16(a)), as amended, this judgment may not be used as prima facie evidence in private litigation.

PROCEDURES AVAILABLE FOR MODIFICATION OF THE PROPOSED CONSENT JUDGMENT

The proposed consent judgment is subject to a stipulation between the Government and UATC which provides that the Government may withdraw its consent to the proposed judgment any time before the Court has found that entry of the proposed judgment is in the public interest. By its terms, the proposed judgment provides for the Court's retention of jurisdiction of this action in order, among other reasons, to permit any of the parties to apply to the Court for such orders as may be necessary or appropriate for the modification of the final judgment.

As provided by Section 2 of the Antitrust Procedures and Penalties Act (15 U.S.C. Section 16), any person wishing to comment upon the proposed judgment may, for a 60-day period prior to the effective date, submit written comments to the United States Department of Justice, Attention Bernard Wehrmann, Chief, New York Office, Antitrust Division, 26 Federal Plaza, New York, New York 10007. Such comments and the Government's response to them will be filed with the Court and published in the FEDERAL REGISTER. The Government will evaluate all such comments to determine whether there is any reason for withdrawal of its consent to the proposed judgment.

DETERMINATIVE DOCUMENTS

There are no materials or documents which the Government considered determinative in formulating the proposed consent judgment. Therefore, none is being filed with this competitive impact statement.

[2] The Whitman Theatre in Huntington, New York, which is owned jointly by UATC and another exhibitor, is excluded from this prohibition to allow the joint ownership arrangement to be dissolved.

ALTERNATIVES TO THE PROPOSED JUDGMENT ACTUALLY CONSIDERED BY THE GOVERNMENT

An alternative to the proposed consent judgment considered by the Government was a full trial on the merits in order to obtain full divestiture by UATC of all of the theatres acquired from Prudential. The Government determined that the additional relief which might be obtained at trial did not justify the commitment of manpower and resources. The divestitures required by the proposed judgment will substantially reduce UATC's additional bargaining power, thereby dissipating the primary anticompetitive consequence of the acquisition. Therefore, there is a real possibility that the Court would order relief no greater than that provided for in the proposed judgment.

The Government also considered various alternative provisions in negotiating the proposed judgment with counsel and officials of UATC. Thus, a number of different groupings of theatres was considered in determining which theatres would be divested. The theatres finally chosen represent a balanced cross-section of the former Prudential theatres in the New York Metropolitan Area, having been selected on the basis of film runs, performance, location and neighborhood competitive conditions. After some consideration, none of the former Prudential theatres in Wisconsin were included in the divestitures. These theatres do not relate to the Government's theories of illegality and form no real part of its case.

After considering various methods of divestiture, the Government determined that the proposed judgment should provide for divestiture by sale, lease, sublease or assignment in order to interest as many potential purchasers as possible and increase the likelihood of successful divestiture. Similarly, in recognition that 23 separate theatres must be divested, the proposed judgment allows UATC 60 months within which to complete the divestitures.

The Government considered extending the prohibition against future theatre acquisitions by UATC to include the entire New York Metropolitan Area. It determined, however, that a prohibition limited to Suffolk, Nassau and Queens counties would be sufficient since these are the counties most central to the theories of the case. In addition, the provision in the judgment requiring UATC to give 60 days notice of any theatre acquisition in the remainder of the New York Metropolitan Area will enable the Government to move, in a separate suit, to enjoin and restrain any such acquisition which it believes to be significantly anticompetitive.

Dated: July 26, 1976.

RALPH T. GIORDANO,
JUDITH S. ZISS,
ERWIN L. ATKINS,
Attorneys, Department of Justice.

[FR Doc.76-22394 Filed 8-2-76;8:45 am]

Office of the Attorney General

[Order No. 658-76]

PRIVACY ACT OF 1974

System of Records

On June 9, 1976 the Department of Justice published in the FEDERAL REGISTER (41 FR 23215), in accordance with 5 U.S.C. 552a(e)(4) and (11), a notice of a proposed new system of records to be maintained by the Criminal Division of the Department of Justice. Interested persons were invited to submit written comments on those portions of the notice which described the routine uses of the proposed system of records, not later than July 9, 1976. No comments were received and the proposed routine uses are hereby adopted.

Dated: July 23, 1976.

EDWARD H. LEVI,
Attorney General.

JUSTICE/CRM-024

System name: Freedom of Information/Privacy Act Records.

System location: U.S. Department of Justice, Criminal Division, 10th & Constitution Avenue, N.W., Washington, D.C. 20530.

Categories of individuals covered by the system: Persons who request disclosure of records pursuant to the Freedom of Information Act; persons who request access to or correction of records pertaining to themselves contained in Criminal Division systems of records pursuant to the Privacy Act; and, where applicable, persons about whom records have been requested or about whom information is contained in requested records.

Categories of records in the system: The system contains copies of all correspondence and internal memorandums related to Freedom of Information and Privacy Act requests, and related records necessary to the processing of such requests received on or after January 1, 1975.

Authority for maintenance of the system: This system is established and maintained pursuant to 44 U.S.C. 3101 and is maintained to implement the provisions of 5 U.S.C. 552 and 552a and the provisions of 28 CFR 16.1 et seq. and 28 CFR 16.40 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: A record maintained in this system may be disseminated as a routine use of such record as follows: (1) a record may be disseminated to a Federal agency which furnished the record for the purpose of permitting a decision as to access or correction to be made by that agency, or for the purpose of consulting with that agency as to the propriety of access or correction; (2) a record may be disseminated to any appropriate Federal, State, local, or foreign agency for the purpose of verifying the accuracy of information submitted by an individual who has requested amendment or correction of records contained in systems of records maintained by the Criminal Division.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: A record contained in this system is stored manually in alphabetical order in file cabinets.

Retrievability: A record is retrieved by the name of the individual or person making a request for access or correction of records.

Safeguards: Access to physical records is limited to personnel of the Freedom of Information/Privacy Act Unit of the Criminal Division and known Department of Justice personnel who have a need for the record in the performance of their duties. The records are safeguarded and protected in accordance with applicable Departmental rules.

Retention and Disposal: Currently there are no provisions for disposal of records contained in this system.

System manager and address: Assistant Attorney General, Criminal Division, U.S. Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

Notification procedures: A part of this system is exempted from this requirement under 5 U.S.C. 552a(j)(2), (k)(1), or (k)(2). Inquiry concerning this system should be directed to the system manager listed above.

Record access procedures: A part of this system is exempted from this requirement under 5 U.S.C. 552a(j)(2), (k)(1), or (k)(2), to the extent that this system of records is not subject to exemption, it is subject to access and contest. A determination as to exemption shall be made at the time a request for access is received. A request for access to a record contained in this system shall be made at the time a request for access is received. A request for access to a record contained in this system shall be made in writing, with the envelope and the letter clearly marked "Privacy Access Requests". Include in the request the name of the individual involved, his birth date and place, or any other identifying number or information which may be of assistance in locating the record, the name of the case or matter involved, if known, and the name of the judicial district involved, if known. The requester shall also provide a return address for transmitting the information. Access requests shall be directed to the system manager listed above.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager listed above, stating clearly and concisely what information is being contested, the reason for contesting it, and the proposed amendment to the information sought.

Record source categories: Sources of information contained in this system are the individuals and persons making requests, the systems of records searched in the process of responding to requests, and other agencies referring requests for access to or correction of records originating in the Criminal Division.

Systems exempted from certain provisions of the Act: Records secured from other systems of records have been exempted from the provisions of the Privacy Act to the same extent as the systems of records from which they were obtained. Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(c), and (e) and have been published in the FEDERAL REGISTER.

[FR Doc.76-22403 Filed 8-2-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Utah—U-33700]

UTAH

Application

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corporation has applied for a 4½-inch natural gas pipeline right-of-way across the following lands:

SALT LAKE MERIDIAN, UTAH

T. 17 S., R. 24 E.,
Sec. 6, SW¼SE¼.

The right-of-way needed is for a portion of applicant's gas gathering system located in Grand County, Utah.

The purpose of this notice is to inform the public that the Bureau will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved, and if so, under what terms and conditions.

Interested persons should express their interest and views to the Moab District Manager, Bureau of Land Management, P.O. Box 970, Moab, Utah 84532.

PAUL L. HOWARD,
State Director.

JULY 26, 1976.

[FR Doc.76-22417 Filed 8-2-76;8:45 am]

[Utah—U-34063]

UTAH

Application

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corporation has applied for a 4½-inch natural gas pipeline right-of-way across the following lands:

SALT LAKE MERIDAN, UTAH

T. 20 S., R. 24 E.,
Sec. 31, SW¼NE¼NE¼, SE¼NW¼NE¼.

The right-of-way needed is for a portion of applicant's gas gathering system located in Grand County, Utah.

The purpose of this notice is to inform the public that the Bureau will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved, and if so, under what terms and conditions.

Interested persons should express their interest and views to the Moab District Manager, Bureau of Land Management, P.O. Box 970, Moab, Utah 84532.

PAUL L. HOWARD,
State Director.

JULY 26, 1976.

[FR Doc.76-22418 Filed 8-2-76;8:45 am]

UTAH

Order Providing for Opening of Public Lands

U-087819 National Park Service Application for withdrawal of lands for Canyonlands National Park.

V 41 150 AUG 3 76 UMI

By letter dated March 20, 1973, to the Utah State Director, Bureau of Land Management, the National Park Service requested that this application be canceled as the majority of the lands described in the application have been included in the Canyonlands National Park or the Glen Canyon National Recreation area.

The purpose of this order is to restore to the operation of applicable public land laws the unreserved national resource land.

Under the authority delegated by Bureau of Land Management Order No. 701 dated July 23, 1964 (29 FR 10526), as amended, it is ordered as follows:

The following described national resource lands are hereby restored to disposition under applicable public land laws, subject to valid existing rights:

SALT LAKE MERIDIAN, UTAH

T. 26 S., R. 18 E.,
Sec. 31, all South of Lat. 38°30' excluding Canyonlands Nat'l. Park;
Sec. 32, SW¼SW¼ excluding Canyonlands Nat'l. Park;
Secs. 33, 34, and 35, all South of Lat. 38°30' excluding Canyonlands Nat'l. Park.
T. 27 S., R. 18 E.,
Sec. 1, N½ excluding Canyonlands Nat'l. Park;
Sec. 2, lots 3, 5, and 6, S½NE¼ excluding Canyonlands Nat'l. Park;
Sec. 3, lots 7 and 8, S½ excluding Canyonlands Nat'l. Park;
Sec. 4, all excluding Canyonlands Nat'l. Park;
Sec. 5, all excluding Canyonlands Nat'l. Park.
T. 31 S., R. 18 E.,
Secs. 25–31, and 33–35, all.
T. 26 S., R. 19 E.,
Secs. 31, 33, 34, and 35, South of Lat. 38°30' excluding Canyonlands Nat'l. Park;
Sec. 36, W½NW¼ excluding Canyonlands Nat'l. Park.
T. 27 S., R. 19 E.,
Sec. 5, NW¼NE¼, N½NW¼, SW¼NW¼ excluding Canyonlands Nat'l. Park;
Sec. 6, N½ excluding Canyonlands Nat'l. Park.
T. 31 S., R. 19 E.,
Secs. 27, 28, 29, 30, 31, 33, and 34, all.
T. 27 S., R. 20 E.,
Sec. 7, lots 3 and 4, E½SW¼, SE¼;
Sec. 8, S½;
Sec. 9, SW¼;
Sec. 16, lots 1, 2, 7, 8, 9, and 10, SE¼SW¼;
Sec. 17, all;
Sec. 18, all;
Sec. 19, lots 1 and 6, NE¼NE¼;
Sec. 20, lots 1–10, inclusive, 13 and 14, SE¼NE¼, N½SE¼;
Sec. 21, W½;
Sec. 28, lots 1, 3, 4, 5, and 7, E½NW¼, SE¼SW¼;
Sec. 29, lots 1 and 7.

Containing approximately 23,186 acres in San Juan County.

JULY 26, 1976.

PAUL L. HOWARD,
State Director.

[FR Doc.76-22419 Filed 8-2-76;8:45 am]

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

Additions, Deletions, and Corrections

By notice in the FEDERAL REGISTER of February 10, 1976, Part II, there was published a list of the properties included in the National Register of Historic Places. Further notice is hereby given that certain amendments or revisions in the nature of additions, deletions, or corrections to the previously published list are adopted as set out below.

It is the responsibility of all Federal agencies to take cognizance of the properties included in the National Register as herein amended and revised in accordance with section 106 of the National Historic Preservation Act of 1966, 80 Stat. 16 U.S.C. 470 et seq. (1970 ed.), and the procedures of the Advisory Council on Historic Preservation, 36 CFR Part 800.

REX L. WILSON,
Acting Director, Office of Archeology and Historic Preservation.

The following properties have been added to the National Register since July 6, 1976. National Historic Landmarks are designated by NHL; properties recorded by the Historic American Buildings Survey are designated by HABS; and properties recorded by the Historic American Engineering Record are designated by HAER.

ALABAMA

Cleburne County

Heflin, *Cleburne County Courthouse*, Vickory St. (6–22–76).

Jefferson County

Birmingham, *Vulcan*, Vulcan Park. U.S 31 (7–6–76).

ARIZONA

Apache County

Adamana vicinity, *Flattop Site*, S of Adamana off U.S. 180 on Petrified Forest National Park (7–12–76).
Adamana vicinity, *Newspaper Rock Petroglyphs Archeological District*, SE of Adamana on Petrified Forest National Park (7–12–76).
Adamana vicinity, *Puerco Ruin and Petroglyphs*, E of Adamana on Petrified Forest National Park (7–12–76).
Adamana vicinity, *Twin Buttes Archeological District*, S of Adamana on Petrified Forest National Park (7–12–76).

Navajo County

Holbrook vicinity, *Painted Desert Petroglyphs and Ruins Archeological District*, NE of Holbrook off I40 (6–24–76).

Yuma County

Yuma, *Southern Pacific Railroad Depot*, Gila St. (6–22–76).

ARKANSAS

Cleburne County

Heber Springs, *Cleburne County Courthouse*, Courthouse Sq. (7–12–76).

Desha County

Arkansas City, *Desha County Courthouse*, Robert S. Moore Ave. (7–12–76).

Lincoln County

Star City vicinity, *Crow House*, 7 mi. SE of of Star City (6–29–76).

Lonoke County

Scott vicinity, *Ashley-Alexander House*, N of Scott (6–18–76).

Madison County

Alabam vicinity, *Alabam School*, S of Alabam at jct. of AR 68 and AR 127 (7–14–76).

Perry County

Perryville, *Perry County Courthouse*, Main and Pine Sts. (7–6–76).

Poinsett County

Harrisburg, *Modern News Building*, 216 N. Main St. (6–18–76).

Searcy County

Silver Hill vicinity, *Calf Creek Site, (3SE33)*, about 2 mi. NW of Silver Hill (6–29–76).

Van Buren County

Choctaw vicinity, *Stobaugh House*, 0.5 mi. SW of Choctaw on AR 9 (7–6–76).

CALIFORNIA

San Francisco County

San Francisco, *Alcatraz*, Alcatraz Island (6–23–76) HABS.

COLORADO

Denver County

Denver, *Ford, Barney L., Building*, 1514 Blake St. (6–24–76).

Montrose County

Cimarron vicinity, *D&RG Narrow Gauge Trestle*, NE of Cimarron (6–18–76).

Otero County

LaJunta, *U.S. Post Office*, 4th and Colorado Ave. (7–12–76).

Pueblo County

Pueblo, *Orman-Adams House*, 102 W. Orman Ave. (7–13–76).

CONNECTICUT

Hartford County

Collinsville, *Collinsville Historic District*, CT 179 (6–23–76).

New Haven County

Guilford, *Guilford Historic Town Center*, bounded by West River, I–95, East Creek and Long Island Sound (7–6–76) HABS.

New Haven County

North Stonington vicinity, *Miner, Samuel, House*, N of North Stonington off CT 2 on Hewitt Rd. (6–18–76).

DELAWARE

Kent County

Sandtown vicinity, *Cow Marsh Old School Baptist Church*, NE of Sandtown on DE 10 (6–24–76).

New Castle County

Wilmington, *Rockwood*, 610 Shipley Rd (7–12–76).

Sussex County

Clarksville vicinity, *Blackwater Presbyterian Church*, W of Clarksville on DE 54 (7–9–76).

FLORIDA

Duval County

Jacksonville, *La Villa Boarding Houses*, 830

Leon County

832, 836 Houston St. (6–21–76) HABS.
Tallahassee, *Walker, David S., Library*, 209 E. Park Ave. (6–22–76).

Manatee County

Bradenton, *Manatee County Courthouse (original)*, Manatee Ave. and 15th St. (6–29–76).

Monroe County

Key West, *West Martello Tower*, Monroe County Beach between Reynolds and White Sts. (6–24–76).

GEORGIA

Atkinson County

Willacoochee vicinity, *McCranie's Turpentine Still*, W of Willacoochee on U.S. 82 (6–28–76).

Fulton County

Atlanta, *Atlanta University Center District*, roughly bounded by transit right-of-way, Northside Dr., Walnut, Fair, Roach, W. End Dr., Euralee and Chestnut Sts. (7–12–76).
Atlanta, *Techwood Homes Historic District*, roughly bounded by North Ave., Parker, Williams, and Lovejoy Sts. (6–29–76).

Glynn County

Brunswick vicinity, *Hofwyl-Broadfield Plantation*, N of Brunswick on U.S. 17 (7–12–76).

Ware County

Waycross, *Waycross Historic District*, roughly bounded by Plant Ave., Williams, Lee, Chandler, and Stephens Sts. (6–29–76).

IDAHO

Ada County

Murphy vicinity, *Swan Falls Dam and Power Plant*, E of Murphy at Snake River (7–6–76) (also in Owyhee County).

Lewis County

Culdesac vicinity, *St. Joseph's Mission*, S of Culdesac off U.S. 95 (6–24–76).

Owyhee County

Swan Falls Dam and Power Plant. Reference—see Ada County.

ILLINOIS

Cook County

Chicago, *Lakeside Press Building*, 731 S. Plymouth Court (6–23–76) HABS.

LaSalle County

Streator, *Williams, Silas, House*, 702 E. Broadway (6–23–76).

Peoria County

Peoria, *Grand Army of the Republic Memorial Hall*, 416 Hamilton Blvd. (7–13–76).

INDIANA

Lawrence County

Bedford, *Norton, C. S., Mansion*, 1415 15th St. (6–22–76).

Porter County

Valparaiso, *Heritage Hall*, Campus Mall, S. College Ave. (7–12–76).
Valparaiso, *Porter County Jail and Sheriff's House*, 153 Franklin St. (6–23–76).

IOWA

Cedar County

Downey, *Downey Savings Bank, Front St.* (7–12–76).

Clayton County

Elkader, *Davis, Timothy, House*, 405 1st St., NW (6–22–76).

Davis County.

Troy, *Troy Academy*, off IA 2 (6–23–76).

Worth County

Grafton, *Chicago, Milwaukee, St. Paul and Pacific Railroad Depot*, IA 337 (6–23–76).

KANSAS

Greeley County

Tribune, *Greeley County Courthouse*, Harper and 3rd Sts. (7–12–76).

Lincoln County

Lincoln, *Lincoln County Courthouse*, 3rd and Lincoln Ave. (7–13–76).

Marshall County

Oketo, *Moore, Z. H., Store*, State and Center Sts. (6–24–76).

KENTUCKY

Breckinridge County

Addison vicinity, *Holt, Joseph, House and Chapel*, SE of Addison on KY 144 (7–12–76).

Fayette County

Lexington, *Episcopal Burying Ground and Chapel*, 251 E. 3rd St. (6–24–76).
Lexington, *Lexington Cemetery and Henry Clay Monument*, 833 W. Main St. (7–12–76).

Hancock County

Hawesville vicinity, *Beauchamp, Robert C., House*, NW of Hawesville on U.S. 60 (7–6–76).

Jefferson County

Louisville, *Cherokee Triangle Area Residential District*, roughly bounded by Bardstown Rd., Sherwood Rd., Broadway, E to jct of Grinstead Dr. and Cherokee Pkwy. (6–30–76).
Louisville, *Oxmoor*, 7500 Shelbyville Rd. (7–13–76).
Louisville, *University of Louisville Belknap Campus*, 2301 S. 3rd St. (6–25–76).

Logan County

Russellville, *Russellville Historic District*, roughly bounded by 2nd, 9th, Caldwell, and Nashville Sts. (7–14–76).

Mercer County

Salvisa vicinity, *Millwood (Lambert Brewer House)*, S of Salvisa off U.S. 127 (7–6–76).

Nelson County

Bardstown vicinity, *St. Thomas Roman Catholic Church and Howard-Flaget House*, 3 mi. S of Bardstown off U.S. 31E (7–12–76).

Powell County

Clay City, *Clay City National Bank Building*, 6th Ave. (7–13–76).

LOUISIANA

Caddo Parish

Shreveport, *Tally's Bank*, 525 Spring St. (7–14–76).

Natchitoches Parish

Natchitoches vicinity, *Narcisse Prudhomme Plantation*, SE of Natchitoches on Cane River Rd. (7–13–76).

Ouachita Parish

Monroe, *Garrett, Isaiah, Law Office*, 520 S. Grand St. (7–12–76).

Rapides Parish

Alexandria, *Bailey's Dam Site*, Red River S of U.S. 71/165/167 (6–29–76).

Sabine Parish

Many vicinity, *Stoker House*, NE of Many (6–23–76).

St. John the Baptist Parish

LaPlace vicinity, *Bayou Jasmine Archeological Site*, N of LaPlace (7–12–76).

MAINE

Washington County

Eastport, *Central Congregational Church*, Middle St. (6–23–76).
Machiasport vicinity, *Libby Island Light Station*, S of Machiasport on Libby Island (6–18–76).

MARYLAND

Somerset County

Princess Anne vicinity, *Manokin Historic District*, SW of Princess Anne at Manokin River (6–29–76) HABS.

Washington County

Hagerstown vicinity, *Ditto Knolls*, E of Hagerstown on Landis Rd. (7–12–76).
Hagerstown vicinity, *McCauley, Henry, Farm*, E of Hagerstown on Mt. Eatna Rd. (6–29–76).

MASSACHUSETTS

Bristol County

Norton, *Clarke, Pitt, House*, 42 Mansfield Ave. (7–13–76) HABS.

Essex County

Peabody, *Foster, Gen. Gideon, House*, 35 Washington St. (6–23–76).

Hampden County

Chicopee, *Kendall Block*, 6–20 Springfield St. (6–26–76).

Middlesex County

Concord, *Thoreau-Alcott House*, 255 Main St. (7–12–76).
Lowell, *Bowers, Jonathan, House (Round House)*, 58 Wannalancit St. (6–18–76).
Sudbury, *Sudbury Center Historic District*, Concord and Old Sudbury Rds. (7–14–76).
Weston, *Harrington House*, 555 Wellesley St. (6–22–76).

Plymouth County

Hull, *Telegraph Hill.* (7–12–76).

Worcester County

Lancaster, *Thayer, Nathaniel, Estate*, 438 S. Main St. (7–6–76).

MICHIGAN

St. Clair County

Port Huron, *Huron (lightship)*, Pine Grove Park on St. Clair River (7–12–76).

MINNESOTA

Ramsey County

St. Paul, *Spangenberg, Frederick, House*, 375 Mt. Curve Blvd. (6–22–76).

MISSOURI

Jackson County

Kansas City, *Mineral Hall (Roland E. Bruner House)*, 4340 Oak St. (7–12–76).

St. Louis County

Florissant, *Casa Alverez*, 289 rue St. Denis (6–18–76).

NEBRASKA

Gage County

Beatrice, *Beatrice City Library*, 220 N. 5th St. (7–12–76).

Otoe County

Nebraska City, *Otoe County Courthouse*, 10th St. and Central Ave. (6–18–76) HABS.

V 41 150 AUG 3 76 UMI

NEW JERSEY

Atlantic County

Brigantine City vicinity, *U.S. Coast Guard Station*, about 3 mi. NNE of Brigantine City (6–23–76).

Mercer County

Trenton vicinity, *Abbott-DeCou House*, 58 Soloff Dr. (7–1–76).

Middlesex County

New Brunswick, *Bishop, James, House*, College Ave. near Bishop St. (7–12–76). HABS.

Monmouth County

Allentown vicinity, *Walnford*, S of Allentown off CR 539 (6–29–76).

Red bank vicinity, *Union Schoolhouse*, W of Red Bank on Middletown Rd. (6–23–76).

Passaic County

Newfoundland vicinity, *Clinton Furnace*, off NJ 23 at Clinton Reservoir (6–18–76).

NEW MEXICO

Taos County

Taos vicinity, *La Morada de Nuestra Senora de Guadalupe*, E of Taos off U.S. 64 (6–29–76).

NEW YORK

Albany County

Albany, *Albany Institute of History and Art*, 135 Washington Ave. (7–12–76).

Bronx County

Bronx, *Fort Schuyler*, Throgs Neck at East River and Long Island Sound (6–29–76).

Montgomery County

Fonda vicinity, *Butler, Walter, Homestead*, NE of Fonda on Old Trail Rd. (6–23–76).

New York County

New York, *American Museum of Natural History*, Central Park West and 77th St. (6–24–76).

New York, *Harlem Fire Watchtower*, Marcus Garvey Park at E. 122nd St. (6–21–76) HAER.

Onondaga County

Syracuse, *Hanover Square Historic District*, 101–203 E. Water, 120–200 E. Genesee, 113 Salina, 109–114 S. Warren Sts. (6–22–76).

Saratoga County

Gansevoort, *Gansevoort Mansion*, off NY 32 (6–23–76).

NORTH CAROLINA

Buncombe County

Asheville, *First Baptist Church*, Oak and Woodfin Sts. (7–13–76).

Franklin County

Youngsville vicinity, *Jeffreys, William A., House*, SE of Youngsville on SR 1101 (6–23–76).

NORTH DAKOTA

Burleigh County

Bismarck, *U.S. Post Office and Courthouse*, 304 E. Broadway (6–23–76).

OHIO

Belmont County

Bellaire, *B & O Railroad Viaduct (Bellaire Viaduct)*, 31st St. (6–22–76) HAER.

Brown County

Fayetteville vicinity, *Ursuline Center*, NE of Fayetteville off OH 251 (6–29–76).

Butler County

Oxford, *Langstroth cottage*, 303 Patterson Ave. (6–22–76).

Clark County

Springfield, *St. Raphael Church*, 225 E. High St. (6–22–76).

Clermont County

Bethel vicinity, *Salt House*, SW of Bethel on OH 222 (6–22–76).

Cuyahoga County

Cleveland, *St. Stanislaus Church*, Forman and E. 65th Sts. (6–22–76).

Cleveland, *Shaker Square*, Shaker Blvd. and Moreland Blvd. (7–1–76).

Independence vicinity, *South Park Site*, E of Independence (6–22–76).

Knox County

Fredericktown, *Tuttle House*, 33 E. College St. (7–12–76).

Lake County

Perry, *Green, Lucius, House*, 4160 Main St. (7–12–76).

Lorain County

Columbia Center, *Columbia Baptist Church*, 25514 Royalton Rd. (7–12–76).

Vermilion vicinity, *Mill Hollow House*, SE of Vermilion on N. Ridge Rd. (6–29–76).

Medina County

Lester, *Cook, Zimri, House*, 6994 Spieth Rd. (6–22–76).

Stark County

Uniontown vicinity, *Lake Township School*, E of Uniontown at 1101 Lake Center St. (6–22–76).

Wilmot, *Wilmot United Brethren Church*, Massillon St. (6–22–76).

OKLAHOMA

Cherokee County

Tahlequah, *Indian University at Tahlequah*, 320 Academy (7–6–76).

Cleveland County

Norman, *President's House, University of Oklahoma*, 401 W. Boyd St. (7–6–76).

Okmulgee County

Beggs vicinity, *Isparhecher House and Grave*, about 4 mi. W of Beggs off OK 16 (7–12–76).

OREGON

Yamhill County

Dayton, *Smith, Andrew, House*, 306 5th St. (6–23–76).

PENNSYLVANIA

Allegheny County

Pittsburgh, *Dollar Savings Bank*, 4th Ave. and Smithfield St. (7–14–76).

Franklin County

Chambersburg, *Masonic Temple*, 74 S. 2nd St. (6–18–76).

Philadelphia County

Philadelphia, *Marine Barracks*, Building 100, Naval Base, Broad St. (7–13–76).

RHODE ISLAND

Bristol County

Barrington, *Belton Court*, Middle Highway (6–30–76).

Kent County

West Warwick, *Phenix Baptist Church*, 10 Fairview Ave. (6–30–76).

Providence County

Central Falls, *Central Falls Congregational Church*, 376 High St. (7–12–76).

Pawtucket, *Pitcher-Goff House*, 56 Walcott St. (6–24–76).

Pawtucket, *Slater Park*, Armistice Blvd. (6–30–76).

Providence, *Christ Episcopal Church*, 909 Eddy St. (6–30–76).

Woonsocket, *Stadium Building*, 329 Main St. (6–30–76).

Washington County

Narragansett, *Greene Inn*, 175 Ocean Rd. (6–24–76).

Narragansett, *Narragansett Pier Life Saving Station*, 40 Ocean Rd. (6–30–76).

SOUTH CAROLINA

Aiken County

Aiken vicinity, *Dawson-Vanderhorst House*, NE of Aiken at jct. of Wire and New Bridge Rd. (6–29–76).

Bamberg County

Bamberg, *Bamberg, Gen. Francis Marion, House*, N. Railroad Ave. and N. Carlisle St. (6–29–76).

Calhoun County

Fort Motte vicinity, *Zante Plantation*, SE of Ft. Motte off SC 601 (6–29–76).

Darlington County

Hartsville, *Hartsville Passenger Station*, 114 S. 4th St. (6–29–76).

Hampton County

Brunson vicinity, *Oak Grove*, SW of Brunson (7–12–76).

McCormick County

McCormick, *Dorn's Flour and Grist Mill*, SC 28 (7–12–76).

Orangeburg County

Eutawville vicinity, *Rocks Plantation*, 7 mi. E of Eutawville off SC 6 (7–13–76).

Spartanburg County

Spartanburg, *Bon Haven*, 728 N. Church St. (6–29–76).

Spartanburg, *Duncan, Bishop William Wallace, House*, 249 N. Church St. (7–12–76).

Union County

Union, *Meng House*, 117 Academy St 12–76).

SOUTH DAKOTA

Codington County

Watertown, *Carnegie Free Public Library*, 25 1st Ave. SE (6–18–76).

TENNESSEE

Bradley County

Charleston, *Henegar House*, Market St. (7–6–76).

TEXAS

Bexar County

San Antonio, *San Antonio Loan and Trust Building*, 235 E. Commerce St. (7–12–76) HABS.

Bowie County

Texarkana, *Draughn-Moore House*, 420 Pine St. (6–29–76).

Texarkana vicinity, *Roseborough Lake Site (41BW5)*, NW of Texarkana (7–6–76).

Brazoria County

East Comumbia, *Underwood, Ammon, House*, Main St. (6–24–76).

Colorado County

Columbus, *Colorado County Courthouse*, bounded by Milam, Spring, Travis, and Walnut (7–12–76).

DeWitt County

Yorktown, *Eckhardt Stores*, Eckhardt and Main Sts. (6–29–76).

El Paso County

El Paso, *Trost, Henry C., House*, 1013 W. Yandell Dr. (7–12–76).

Fayette County

La Grange, *St. James Episcopal Church*, Monroe and Colorado Sts. (6–18–76).

Galveston County

Texas City, *Davison, Frank B., House*, 109 3rd Ave. N. (6–29–76).

Goliad County

Goliad, *Goliad County Courthouse Historic District*, roughly bounded by E. Franklin, S. Washington, E. Fannin and S. Chilton Sts. (6–29–76).

Grayson County

Denison, *Kohl, Ernst Martin, Building*, 300 E. Main St. (7–12–76).

Kendall County

Boerne, *Kendall Inn*, off U.S. 87 (6–19–76).

Medina County

D'Hanis, *D'Hanis Historic District*, 7 mi. W of Hondo on U.S. 90 (6–24–76) HABS.

Nueces County

Corpus Christi, *Nueces County Courthouse*, Mesquite and Belden (6–24–76).

Panola County

Carthage, *Panola County Jail*, 110 N. Shelby St. (6–29–76).

Runnels County

Miles, *Thiele, J., Building*, Robinson and 2nd Sts. (6–29–76).

Rusk County

Tatum vicinity, *Musgano Site*, SW of Tatum (6–24–76).

Tarrant County

Fort Worth, *Fort Worth Stockyards Historic District*, roughly bounded by 23, Houston, 28th Sts., and RR tracks (6–29–76).

Taylor County

Abilene, *Sayles, Henry, House*, 642 Sayles Blvd. (6–24–76).

Travis County

Austin, *Austin Moonlight Towers* (7–12–76).

Austin, *Clarksville Historic District*, bounded by W. Lynn, Waterston, W. 10th and Mo-Pac Expressway (7–12–76).

Austin, *Paramount Theatre*, 713 Congress Ave. (6–23–76).

Austin, *Sheeks-Robertson House*, 610 W. Lynn (6–24–76).

Washington County

Brenham, *Giddings-Stone Mansion*, 204 E. Stone St. (6–24–76) HABS.

Independence vicinity, *Hoxey, Asa, House*, W. of Independence (6–29–76).

UTAH

Salt Lake County

Salt Lake City, *Oregon Shortline Railroad Company Building*, 126–140 Pierpont Ave. (6–23–76).

VERMONT

Windsor County

Bridgewater, *Bridgewater Woolen Mill*, U.S. 4 (7–6–76).

VIRGIN ISLANDS

St. Croix Island

Christiansted vicinity, *Diamond School*, W of Christiansted on Centerline Rd. (7–1–76) HABS.

Christiansted vicinity, *Friendenfeld, Midlands Moravian Church and Manse*, W of Christiansted (7–1–76) HABS.

Christiansted vicinity, *Great Pond Archeological Site*, E of Christiansted (7–12–76).

Christiansted vicinity, *La Grande Princesse School*, NE of Christiansted (7–12–76) HABS.

Christiansted vicinity, *Lower Granard Archeological District*, S of Christiansted (7–1–76).

Frederiksted vicinity, *Aklis Archeological Site*, S of Frederiksted (7–1–76).

Frederiksted vicinity, *Prosperity Archeological Site*, N of Frederikstead (7–12–76).

Frederiksted vicinity, *River Archeological Site*, NE of Frederiksted (7–1–76).

St. John Island

Cruz Bay, *Enighed*, Cruz Bay Quarter (7–1–76).

Curz Bay, *Keating's Inn*, (7–6–76).

St. Thomas Island

Charlotte Amalie vicinity, *Botany Bay Archeological District*, W of Charlotte Amalie (7–1–76).

Charlotte Amalie vicinity, *Tutu Plantation House*, 3 mi. NE of Charlotte Amalie (7–12–76).

VIRGINIA

Alexandria (independent city)

Lloyd House, 220 N. Washington St. (7–12–76) HABS.

Fairfax County

Fairfax Station, *St. Mary's Church*, 5605 Vogue Rd. (7–1–76).

Page County

Hamburg, *Mauck's Meetinghouse*, off U.S. 211 (6–18–76).

WASHINGTON

King County

Seattle, *Ballard Avenue Historic District*, Ballard Ave. from NW Market to NW Dock Sts. (7–1–76).

Seattle, *Storey, Ellsworth, Cottages Historic District*, 1706–1816 S. Lake Washington Blvd. and 1725–1729 S. 36th Ave. (7–6–76).

Pierce County

Sumner, *Ryan House*, 1228 Main St. (6–30–76).

Snohomish County

Everett, *U.S. Post Office and Customshouse*, 3006 Colby Ave. (6–22–76).

Spokane County

Spokane, *Finch House*, W. 2340 1st Ave. S. 104 Poplar (7–12–76).

WISCONSIN

Ozaukee County

Cedarburg, *Hamilton Historic District*, Hamliton and Green Bay Rds. (7–1–76).

WYOMING

Laramie County

Cheyenne, *Nagle-Warren Mansion*, 222 E. 17th St. (7–12–76).

Lincoln County

Kemmerer, *Penney, J. C., House*, Railroad Park (6–18–76).

The following is a list of corrections to properties previously listed in the Federal Register:

IOWA

Cerro Gordo County

Mason City, *City National Bank Building*, 4 S. Federal Ave. (9–14–72).

UTAH

Salt Lake County

Salt Lake City, *Council Hall (Old City Hall)*, Capitol Hill at head of State St. (5–14–71) NHL.

The following properties have been either demolished or removed from the National Register of Historic Places.

NEW JERSEY

Passaic County

Mountain View, *Van Duyne House*, 636 Fairfield Rd.

PENNSYLVANIA

Crawford County

Little's Corners, *Mosier, Dr. J. R., Office*, PA 198.

The following property was omitted from the February 10, 1976, listing of properties in the "Federal Register."

DISTRICT OF COLUMBIA

Washington

Meridian Hill Park, bounded by 16th, Euclid, 15th, and W Sts., N.W. (10–25–74).

The following properties have been determined to be eligible for inclusion in the National Register. All determinations of eligibility are made at the request of the concerned Federal Agency under the authorities in section 2(b) and 1(3) of Executive Order 11593 as implemented by the Advisory Council on Historic Preservation, 36 CFR Part 800. This listing is not complete. Pursuant to the authorities discussed herein, an Agency Official shall refer any questionable actions to the Director, Office of Archeology and Historic Preservation, National Park Service, Department of the Interior, for an opinion respecting a property's eligibility for inclusion in the National Register.

Historical properties which are determined to be eligible for inclusion in the National Register of Historic Places are entitled to protection pursuant to the procedures of the Advisory Council on Historic Preservation, 36 CFR Part 800. Agencies are advised that in accord with the procedures of the Advisory Council on Historic Preservation, before an agency of the Federal Government may undertake any project which may have an effect on such a property, the Advisory Council on Historic Preservation shall be given an opportunity to comment on the proposal.

ALABAMA

Green County

Gainesville vicinity, *Archeological Sites in Gainesville Project*, Tombigbee Waterway (also in Pickens and Sumter counties).

V 41 150 AUG 3 76 UMI

Jefferson County

Site 1Je36, Project I-459-4(4).

Madison County

Huntsville, *Lee House*, Red Stone Arsenal.

Maricopa County

Site U:1:30 (ASU).
Site U:1:31 (ASU).

Washington County

Sunflower vicinity, *Dr. Williams Home*, AL project RF-98(7).

ALASKA

Northwestern District

Little Diomede Island, *Iyapana, John, House.*

ARIZONA

Apache County

Grand Canyon National Park, *Old Post Office.*

Coconino County

House Rock Springs, Upper Houserock Valley *Paria Plateau Archeological District*

Graham County

Foote Wash—No Name Wash Archeological District.

Mohave County

Colorado City vicinity, *Short Creek Reservoir Sites NA 13,257*, and *NA 13,258.*

Maricopa County

Cave Creek Archeological District.
New River Dams Archeological District.
Site T:4:6.
Site U:1:30(A.S.U.)
Site U:1:31(A.S.U.)
Skunk Creek Archeological District.

Navajo County

Polacca vicinity, *Walpi Hopi Village*, adjacent to Polacca.

Pima County

Tucson, *Armory Park Historic District.*
Tucson, *Convento Site.*
Tucson vicinity, *Old Santan*, NW of Tucson.

Yavapai County

Copper Basin Archeological District, Prescott National Forest.

Yuma County

Eagle Tail Mountains Archeological Site.
Yuma, *Southern Pacific Depot.*

ARKANSAS

Archeological Sites, Black River Watershed.

Clay County

Site 3CY34, Little Black River Watershed.

Faulkner County

Site 3WH145, E fork of Cadron Creek Watershed (also in White county).
Sites 3VB49–3VB51, N fork Cadron Creek Watershed.

Hempstead County

Archeological Sites in Ozan Creeks Watershed

Ouachita County

Camden, *Old Post Office*, Washington St.

CALIFORNIA

Point Lobos Archeological Sites, Golden Gate National Recreation Area.

Benito County

Chalone Creek Archeological Sites, Pinnacles National Monument.

Calaveras County

New Melones Historical District, New Melones Lake Project area, Stanislaus River (also in Tuolumne County).

Colusa County

Stoney ford vicinity, *Upper and Lower Letts Valley Historical District*, 12 mi. SW of Stoneyford.

Del Norte County

Chimney Rock, Six Rivers National Forest.
Doctor Rock, Six Rivers National Forest.
Peak No. 8, Six Rivers National Forest.

El Dorado County

Site Eld–58.
Giebenhahn House and Mountain Brewery Complex.

Fresno County

Gamlin Cabin, King's Canyon National Park.
Helms Pumped Storage Archeological Sites, Sierra National Forest.
Muir Hut, Kings Canyon National Park.

Glenn County

Willows vicinity, *White Hawk Top Site*, Twin Rocks, Ridge Road Reconstruction project.

Imperial County

Glamis vicinity, *Chocolate Mountain Archeological District.*
Lake Cahuilla, *Lot 1.*
Lake Cahuilla, *Lot 5.*

Inyo County

Scotty's Castle, Death Valley National Monument.
Scotty's Ranch, Death Valley National Monument.

Lassen County

Archeological Site HJ–1 and HJ–5.

Los Angeles County

Big Tujunga Prehistoric Archeological Site, I 210 Project.
Los Angeles, *Fire Station No. 26*, 2475 W. Washington Blvd.
Van Norman Reservoir, Site CA–LAN 646, CA–LAN 643, Site CA–LAN 490, and a cluster made up of Sites CA–LAN, 475, 491, 492, and 493.

Madera County

Bass Lake Archeological Sites.
CA–MAD 176–185.
Lower China Crossing.
New Site.

Marin County

Point Reyes, *Olema Lime Kilns*, Point Reyes National Sea Shore.
Point Reyes, *Point Reyes Light Station.*

Modoc County

Alturas vicinity, *Rail Spring*, about 30 mi. N of Alturas in Modoc National Forest.
Tulelake vicinity, *Lava Bed National Monument Archeological District*, S of Tulelake (also in Siskiyou County).

Mono County

Archeological Site CA–MNO–584.

Monterey County

Big Sur, *Point Sur Light Station.*
Pacific Grove, *Point Pinos Light Station.*

Napa County

Archeological Sites 4–Nap–14, 4–Nap–261, Napa River Flood Control Project.

Riverside County

Twentynine Palms, *Cottonwood Oasis (Cottonwood Springs)*, Joshua Tree National Monument.

Twentynine Palms, *Lost Horse Mine*, Joshua Tree National Monument.

Sacramento County

Sacramento River Bank Protection Project, Site 1, Sacramento River.
Sacramento, *Tower Bridge*, M St. over Sacramento River (also in Yolo County).

San Bernardino County

Twentynine Palms, *Keys, Bill, Ranch*, Joshua Tree National Monument.
Twentynine Palms, *Twentynine Palms Oasis*, Joshua Tree National Monument.

San Diego County

North Island, *Camp Howard, U.S. Marine Corps*, Naval Air Station.
North Island, *Rockwell Field*, Naval Air Station.
San Diego, *Marine Corps Recruit Depot*, Barnett Ave.

San Francisco County

San Francisco, *Fire Department High Pressure Pumping Station, No. 2*, Golden Gate National Recreation Area.

San Luis Obispo County

New Cuyana vicinity, *Caliente Mountain Aircraft Lookout Tower*, 13 mi. NW of New Cuyana off Rte. 166.
San Luis Obispo, *San Luis Obispo Light Station.*

San Mateo County

Ano Nuevo vicinity, *Pigeon Point Light Station.*
Hillsborough, *Point Montara Light Station.*

Santa Barbara County

Santa Barbara, *Site SBa–1330*, Santa Monica Creek.

Santa Clara County

Sunnyvale, *Theuerkauf House*, Naval Air Station, Moffett Field.

Shasta County

Redding vicinity, *Squaw Creek Archeological Site*, NE of Redding.
Whiskeytown, *Irrigation System (165 and 166)*, Whiskeytown National Recreation Area.

Sierra County

Archeological Site HJ–5 (Border Site 26WA–1676).
Properties in Bass Lake Sewer Project.

Siskiyou County

Thomas-Wright Battle Site, Lava Beds National Monument.

Sonoma County

Dry Creek-Warm Springs Valley Archeological District.
Petaluma, *Farrell Home*, 500 E. Washington St.
Santa Rosa, *Santa Rosa Post Office.*

Tehama County

Los Molinos vicinity, *Ishi Site (Yahi Camp)*, E of Los Molinos in Deer Creek Canyon.

Tulare County

Atwell's Mill, Sequoia National Park.
Cattle Cabin, Sequoia National Park.
Quinn River Station.
Tharp's Log.
Smithsonian Institution Shelters.
Squatter's Cabin.

COLORADO

Denver County

Denver, *Eisenhower Memorial Chapel*, Building No. 27, Reeves St., on Lowry AFB.

Douglas County

Keystone Railroad Bridge, Pike National Forest.

El Paso County

Colorado Springs, *Alamo Hotel*, corner of Tejon and Cucharras Sts.
Colorado Springs, *Old El Paso County Jail*, corner of Vermijo and Cascade Ave.

Larimer County

Sites 5–LR–257 and 5–LR–263, Boxelder Watershed Project.

Moffat County

White Indian Contact Site.

CONNECTICUT

Fairfield County

Norwalk, *Washington Street—S. Main Street Area.*

Hartford County

Hartford, *Houses on Charter Oak Place.*
Hartford, *Houses on Wethersfield Avenue*, between Morris and Wyllys Sts., particularly Nos. 97–81, 65.
Southington, *Lewis, Sally, House*, 500 N. Main St.

New London County

New London, *Williams Memorial Institute Building*, 110 Broad St.

DELAWARE

Sussex County

Lewes, Delaware Breakwater. Harbor of Refuge Breakwater.

DISTRICT OF COLUMBIA

Auditors' Building, 201 14th St. SW.
Brick Sentry Tower and Wall, along M St. SW, between 4th and 6th Sts. SW.
Central Heating Plant, 13th and C Sts. SW.
1700 Block Q Street NW, 1700–1744, 1746, 1748 Que St. NW.; 1536, 1538, 1540, 1602, 1604, 1606, 1608, 17th St. NW.

FLORIDA

Broward County

Hillsboro Inlet, *Coast Guard Light Station.*

Collier County

Marco Island, *Archeological Sites on Marco Island.*

Monroe County

Knights Key Moser Channel—Packet Channel Bridge (Seven Mile Bridge)
Long Key Bridge
Old Bahia Honda Bridge

Pinellas County

Bay Pines, *VA Center*, Sections 2, 3, and 11 TWP 31–S, R–15E.

GEORGIA

Bibb County

Macon, *Vineville Avenue Area*, both sides of Vineville Ave. from Forsyth and Hardman Sts. to Pio Nono Ave.

Chatham County

Archeological Site, end of Skidway Island.
Savannah, *516 Ott Street.*
Savannah, *908 Wheaton Street.*
Savannah, *914 Wheaton Street.*
Savannah, *920 Wheaton Street.*
Savannah, *828 Wheaton Street.*
Savannah, *930 Wheaton Street.*

Chatooga County

Archeological Sites in area of Structure 1–M, and Trion Dikes 1 and 2, headwaters of Chatooga Watershed (also in Walker County).

Clay County

Archeological Site WGC–73, downstream from Walter F. George Dam.

De Kalb County

Atlanta, *Atkins Park Subdivision*, St. Augustine, St. Charles, and St. Louis places.
Decatur, *Sycamore Street Area.*

Fulton County

Atlanta, *Downtown Atlanta Historic District*, beginning at jct. Atlanta St. and Central Ave.

Gordon County

Haynes, Cleo, House and Frame Structure, University of Georgia.
Moss—Kelly House, Sallacoa Creek area.

Gwinnett County

Duluth, *Hudgins, Scott, Home (Charles W. Summerour House)*, McClure Rd.

Heard County

Philpott Homesite and Cemetery, on bluff above Chattahoochee River where Grayson Trail leads into river.

Richmond County

Augusta, *Blanche Mill.*
Augusta, *Enterprise Mill.*
Augusta, *Green Street.*

Stewart County

Rood Mounds, Walter F. George Dam and Reservoir.

Sumter County

Americus, *Aboriginal Chet Quarry*, Souther Field.

HAWAII

Hawaii County

Hawaii Volcanoes National Park, *Mauna Loa Trail.*

Maui County

Hana vicinity, *Kipahulu Historic District*, SW of Hana on Rts. 31.

Oahu County

Moanalua Valley.

IDAHO

Ada County

Boise, *Alexanders*, 826 Main St.
Boise, *Falks Department Store*, 100 N. 8th St.
Boise, *Idaho Building*, 216 N. 8th St.
Boise, *Simplot Building (Boise City National Bank)*, 805 Idaho St.
Boise, *Union Building*, 712½ Idaho St.

Clearwater County

Orofino vicinity, *Canoe Camp—Suite 18*, W. of Orofino on U.S. 12 in Nez Perce National Historical Park.

Gem County

Marsh and Ireton Ranch, Montour Flood project.
Town of Montour, Montour Flood project.

Idaho County

Kamiah vicinity, *East Kamiah—Suite 15*, SE of Kamiah on U.S. 12 in Nez Perce National Historical Park.

Lemhi County

Tendoy, *Lewis and Clark Trail, Pattee Creek Camp.*

Nez Perce County

Lapwai, *Fort Lapwai Officer's Quarters*, Phinney Dr. and C St. in Nez Perce National Park.
Lapwai, *Spalding.*
Lewiston, *Fiz Building*, 211–213 Main St.
Lewiston, *Lower Snake River Archeological District*
Lewiston, *Morley Building*, 215 Main St.
Lewiston, *Scully Building*, 209 Main St.

Power County

Snake River, *Old Island Power Plant*, American Falls Dam project.

ILLINOIS

Carroll County

Savanna vicinity, *Spring Lake Cross Dike Island Archeological Site*, 2 mi. SE of Savanna.

Cook County

Chicago, *Ogden Building*, 180 W. Lake St.
Chicago, *Oliver Building*, 159 N. Dearborn St.
Chicago, *Springer Block (Bay, State, and Kranz Buildings)*, 126–146 N. State St.
Chicago, *Unity Building*, 127 N. Dearborn St

De Kalb County

De Kalb, *Haish Barbed Wire Factory*, corner of 6th and Lincoln Sts.

Lake County

Fort Sheridan, *Museum Bldg. 33*, Lyster Rd.
Fort Sheridan, *Water Tower*, Bldg. 49, Leonard Wood Ave.

Williamson County

Wolf Creek Aboriginal Mound, Crab Orchard National Wildlife Refuge.

INDIANA

Marion County

Indianapolis, *Lockfield Gardens Public Housing Project*, 900 Indiana Ave.

Monroe County

Bloomington, *Carnegie Library.*

Orange County

Cox Site, Lost River Watershed.
Half Moon Spring, Lost River Watershed.

St. Joseph County

Mishawaka, *100 NW Block*, properties fronting N. Main St. and W. Lincoln Way.

Vermillion County

Houses in SR 63/32 Project, jct. of SR 32 and SR 63 and 1st rd. S. of Jct.

IOWA

Boone County

Saylorville Archeological District (also in Polk and Dallas counties).

Johnson County

Indian Lookout.

Muscatine County

Muscatine, *Clark, Alexander, Property*, 125–123 W. 3rd and 307, 309 Chestnut.

KANSAS

Douglas County

Lawrence, *Curtis Hall (Kiva Hall)*, Haskell Institute.

Pottawatomie County

Coffey Archeological Site, 14 PO 1.

KENTUCKY

Louisa County

Fort Ancient Archeological Site.

Trigg County

Golden Pond, *Center Furnace*, N of Golden Pond on Bugg Spring Rd.

V 41 150 AUG 3 76 UMI

LOUISIANA

East Baton Rouge Parish

Baton Rouge, *Spanish Town*, Baton Rouge.

St. Martins Parish

Site 16, Sm–45, Atchafalaya Basin Floodway.

Washington County

Machiasport, *Libby Island Light Station*.

MARYLAND

Allegany County

Flintstone vicinity, *Martin Gordon Farm*, Breakneck Rd. (Rte. 1).
Flintstone vicinity, *Martins Mountain Farm*, Breakneck Rd. (Rte. 1).

Anne Arundel County

Claiborne, *Bloody Point Bar Light*, on Chesapeake Bay.
Skidmore, *Sandy Point Shoal Light*, on Chesapeake Bay.

Baltimore County

Fort Howard, *Craghill Channel Upper Range Front Light*, on Chesapeake Bay.
New Owings Mills Railroad Station, W of Reisterstown Rd.
Old Owings Mills Railroad Station, Reisterstown Rd.
Sparrows Point, *Craighill Channel Range Front Light*, on Chesapeake Bay.

Carroll County

Bridge No. 1–141 on Hughes Road.

Cecil County

Sassafras Elk Neck, *Turkey Point Light*, at Elk River and Chesapeake Bay.

Dorchester County

Hoppersville, *Hooper Island Light*, Chesapeake Bay-Middle Hooper Island.

St. Marys County

Piney Point, *Piney Point Light Station*.
St. Inigoes, *St. Inigoes Manor House*, Naval Electronic System Test and Evaluation Detachment.
St. Marys City, *Point No Point Light*, on Chesapeake Bay.

Talbot County

Tilghman Island, *Sharps Island Light*, on Chesapeake Bay.

MASSACHUSETTS

Barnstable County

North Eastham, *French Cable Hut*, jct. of Cable Rd. and Ocean View Dr.
Rider, Samuel House, Gull Pond Rd. off Mid-Cape Hwy. 6.
Truro, *Highland Gold Course*, Cape Cod Light area.
Truro, *Highland House*, Cape Code Light (Highland Light) area.
Wellfleet vicinity, *Atwood—Higgins House*, Boundbrook Island.

Berkshire County

Adams, *Quaker Meetinghouse*, Maple Street Cemetery.

Bristol County

New Bedford, *Fire Station No. 4*, 79 S. 6th St.

Hampden County

Holyoke, *Caledonia Building (Crafts Building)*, 185–193 High St.
Holyoke, *Cleary Building (Stiles Building)*, 190–196 High St.

Middlesex County

Wayland, *Old Town Bridge (Four Arch Bridge)*, Rte. 27, 1.5 mi. NW of Rte. 126 Jct.

Worcester County

Leiceester, *Shaw Site (Sites 4, 5, and 6)*, Upper Quaboag River Watershed project.
North Brookfield, *Meadow Site No. 11*, Upper Quaboag River Watershed.
Worcester, *Oxford-Crown Streets District*, Chatham, Congress, Crown, Pleasant, Oxford Sts., and Oxford Pl.

MICHIGAN

Little Forks Archeological District.

MINNESOTA

St. Louis County

Duluth, *Morgan Park Historic District.*

Winona County

Winona, *Second Street Commercial Block.*

MISSISSIPPI

Tishomingo County

Tennessee—Tombigbee Waterway

MISSOURI

Buchanan County

St. Joseph, *Hall Street Historic District*, bounded by 4th St. on W. Robidoux on S. 10th on E., and Michel, Corby, and Ridenbaugh on N.

Dent County

Lake Spring, *Hyer, John, House.*

Franklin County

Leslie, *Noser's Mill and adjacent Miller's House*, Rural Rte. 1.

Henry County

La Due, *Batschelett House*, near Harry S. Truman Dam and Reservoir.
Little Black River Watershed (also in Ripley County).

MONTANA

Big Horn County

Fort Smith, *Big Horn Canal Headgate.*

Carbon County

Hardin, *Pretty Creek Site (Hough Creek Site)*, Big Horn Canyon National Recreation Area.

Custer County

"Old Fort" at Fort Keogh.

Fergus County

Lewis & Clark, Campsite, May 23, 1805.
Lewis & Clark, Campsite, May 24, 1805.

Lewis and Clark County

Marysville, *Marysville Historic District.*

NEBRASKA

Cherry County

Valentine vicinity, *Fort Niobrara National Wildlife Refuge.*
Valentine vicinity, *Newman Brothers House.*

NEVADA

Clark County

Indian Springs vicinity, *Tim Springs Petroglyphs*, N of Indian Springs.
Las Vegas vicinity, *Blacksmith Shop*, Desert National Wildlife Range.
Las Vegas vicinity, *Mesquite House*, Desert National Wildlife Range.
Las Vegas vicinity, *Mormon Well Corral*, NE of Las Vegas.

Elko County

Carlin vicinity, *Archeological Sites 26EK1669—26EK1672.*

Nye County

Las Vegas vicinity, *Emigrant's Trail*, about 75 mi. NW of Las Vegas on U.S. 95.

Pershing County

Lovelock vicinity, *Adobe in Ruddell Ranch Complex.*
Lovelock vicinity, *Lovelock Chinese Settlement Site.*

Storey County

Sparks vicinity, *Derby Diversion Dam*, on the Truckee River 19 mi. E of Sparks, along I 80 (also in Washoe County).

NEW HAMPSHIRE

Rockingham County

Portsmouth, *Pulpit Rock Observation Station*, Portsmouth Harbor.

NEW JERSEY

Hudson County

S.S. Newton, midway between Ellis and Liberty islands.

Mercer County

Hamilton and West Windsor Townships, *Assunpink Historic District.*

Middlesex County

New Brunswick, *Delaware and Raritan Canal*, between Albany St. Bridge and Landing Lane Bridge.

Monmouth County

Long Branch, *The Reservation*, 1–9 New Ocean Ave.

Ocean County

Holmes, John, Mill (The Mill Site), SW corner of Mill and Parker Sts. in Ocean County Central Service area.

Sussex County

Old Mine Road Historic District (also in Warren County).

NEW MEXICO

Chaves County

Cites LA11809—LA11822, Cottonwood-Walnut Creek Watershed (also in Eddy County).

Dona Ana County

Placitas Arroyo, *Sites SCSPA 1—8.*

Lea County

Laguna Plata Archeological District.

McKinley County

Zuni Pueblo Watershed, *Oak Wash Sites N.M.G.:13:19—N.M.G.:13:37.*

Otero County

Three Rivers Petroglyphs.

Rio Arriba County

Cerrito Recreation Site Archeological District.

NEW YORK

Albany County

Guilderland, *Nott Prehistoric Site.*
Tetilla Peak Site.

Bronx County

New York, *Bronx Post Office.*
New York, *North Brothers Island Light Station*, in center of East River.

Broome County

Vestal, *Vestal Nursery Site*, Vestal Project (also in Union County).

Chautauqua County

Dunkirk, *Properties in the city of Dunkirk.*
Loomis Archeological Site, South and Central Chautauqua Lake

Greene County

New York, *Hudson City Light Station*, in center of Hudson River.

Nassau County

Greenvale, *Toll Gate House*, Northern Blvd.
Long Island, *Seaford Park Archeological Site.*

New York County

New York, *Harlem Courthouse*, 170 E. 121at St.

Orange County

Port Jervis, *Church Street School*, 55 Church St.
Port Jervis, *Farnum, Samuel, House*, 21 Ulster Pl.

Richmond County

New York, *Romer Shoal Light Station*, located in lower bay area of New York Harbor.

Saratoga County

Schuylerville, *Archeological Site*, Schuylerville Water Pollution Control Facility.

Schoharie County

Breakabeen, *Breakabeen Historic District*, between village of North Blenheim and Breakabeen.

Staten Island

Tottenville, *Ward's Point*, Oakwood Beach Project

Suffolk County

Janesport vicinity, *East End Site.*
Janesport vicinity, *Hallock's Pond Site.*
New York, *Fire Island Light Station*, U.S. Coast Guard Station.
New York, *Little Gull Island Light Station*, off North Point of Orient Point, Long Island.
New York, *Plum Island Light Station*, off Orient Point, Long Island.
New York, *Race Rock Light Station*, S. of Fishers Island, 10 mi. N. of Orient Point.
Northville Historic District, houses along Sound Ave.

Ulster County

Kingston vicinity, *Esopus Meadows Light Station*, middle of Hudson River.
New York, *Rondout North Dike Light*, center of Hudson River at Jct. of Rondout Creek and Hudson River.
New York, *Saugerties Light Station*, Hudson River.

Washington County

Greenwich, *Palmer Mill (Old Mill)*, Mill St.

Westchester County

Port Washington vicinity, *Execution Rocks Light Station*, lower SW portion of Long Island Sound.
Yorktown, *Yorktown Railroad Station.*

NORTH CAROLINA

Alamance County

Burlington, *Southern Railway Passenger Depot*, NE corner Main and Webb Sts.

Brunswick County

Southport, *Fort Johnston*, Moore St.

Caswell County

Archeological Sites CS–12, County Line Creek Watershed Project (also in Rockingham County).
Womack's Mill, in County Creek Watershed Project (also in Rockingham County).

Cleveland County

Archeological Resources in Second Brood River Watershed Project (also in Rutherford County).

Cumberland County

Fayetteville, *Veterans Administration Hostital Confederate Breastworks*, 23 Ramsey St.

Dare County

Buxton, *Cape Hatteras Light*, Cape Hatteras National Seashore.

Durham County

Durham, *St. Joseph's A.M.F. Church*, Fayetteville St. at the Durham Expwy.

Hyde County

Ocracoke, *Ocracoke Lighthouse.*

NORTH DAKOTA

Burleigh County

Bismarck, *Fort Lincoln Site.*

OHIO

Clermont County

Neville vicinity, *Maynard House*, 2 mi. E of Neville off U.S. 52.

Pickaway County

Williamsport vicinity, *The Shack (Daugherty, Harry, House)*, 5.5 mi. NW of Williamsport.

Seneca County

Tiffin, *Old U.S. Post Office*, 215 S. Washington St.

Warren County

Corwin, *Shafer Mound*, S of New Burlington Rd.
Harveysburg, *E. L. Anderlee Mound*, S of New Burlington Rd. in Caesar Creek Lake Project.

OKLAHOMA

Atoka County

Estep Shelter, Lower Clear Boggy Watershed.
Graham Site, Lower Clear Boggy Watershed.

Comanche County

Fort Sill, *Blockhouse on Signal Mountain* off Mackenzie Hill Rd.
Fort Sill, Camp Comanche Site, E range on Cache Creek.
Fort Sill, *Chiefs Knoll, Post Cemetery*, N of

Haskell County

Keota vicinity, *Otter Creek Archeological Site*, SW of Keota.

Kay County

Newkirk vicinity, *Bryson Archeological Site*, NE of Newkirk.

OREGON

Baker County

Baker vicinity, *Virtue Flat Mining District*, 10 mi. E of Baker off Hwy. 86.

Columbia County

Scappose vicinity, *Portland and Southwestern Railroad Tunnel*, 13 mi. NW of Scappose.

Coos County

Charleston, *Cape Arago Light Station.*

Curry County

Port Orford, *Cape Blanco Light Station.*

Douglas County

Winchester Bay, *Umpqua River Lighthouse.*

Gilliam County

Arlington vicinity, *Four Mile Canyon Area (Oregon Trail)*, 10 mi. SE of Arlington.
Crum Gristmill, Ghost Camp Reservoir area.
Old Wagon Road, Ghost Camp Reservoir area.
Olex School, Ghost Camp Reservoir Area.
Steel Truss Bridge, Ghost Camp Reservoir area.

Klamath County

Crater Lake National Park, *Crater Lake Lodge.*

Lane County

Roosevelt Beach, *Heceta Head Lighthouse.*
Roosevelt Beach, *Heceta Head Light Station.*

Lincoln County

Agate Beach, *Yakuina Head Lighthouse.*

Tillamook County

Tillamook, *Cape Meares Lighthouse.*

Wasco County

Memaloose Island, River Mile 177.5 in Columbia River.

Wheeler County

Antone, *Antone Mining Town*, Barite 1901–1906.

PENNSYLVANIA

Adams County

Gettysburg, *Barlow's Knoll*, adjacent to Gettysburg National Military Park.

Allegheny County

Bruceton, *Experimental Mine*, U.S. Bureau of Mines, off Cochran Mill Rd.

Berks County

Mt. Pleasant, *Berger-Stout Log House*, near jct. of Church Rd. and Tulephocken Creek.
Mt. Pleasant, *Conrad's Warehouse*, near jct. of Rte. 183 and Powder Mill Rd.
Mt. Pleasant, *Heck-Stamm-Unger Farmstead*, Gruber Rd.
Mt. Pleasant, *Miller's House*, jct. of Rte. 183 and Powder Mill Rd.
Mt. Pleasant, *O'Bolds-Billman Hotel and* Store, Gruber Rd. and Rte. 183.
Mt. Pleasant, *Pleasant Valley Roller Mill*, Gruber Rd.
Mt. Pleasant, *Reber's Residence and Barn*, on Tulephocken Creek.
Mt. Pleasant, *Union Canal*, Blue Marsh Lake Project area.

Chester County

Lock Aeric.
Nature Center of Charleston, State Rd. Charleston township.

Clinton County

Lockhaven, *Apsley House*, 302 E. Church St.
Lockhaven, *Harvey Judge, House*, 29 N. Jay St.
Lockhaven, *McCormick, Robert, House*, 234 E. Church St.
Lockhaven, *Mussina, Lyons, House*, 23 N. Jay St.

Dauphin County

Middletown, *Swatara Ferry House (Old Fort)*, 400 Swatara, St.

Delaware County

I 476 Historic Sites (20 Historic Sites) Mid-County Expwy. (also in Montgomery County.)

Huntingdon County

Brumbaugh Homestead, Raystown Lake Project.

Lackawanna County

Carbondale, *Miners and Mechanics Bank* Bldg 13N., Main St.

V 41 150 AUG 3 76 UMI

Lehigh County

Colesville vicinity, *Site 1: Farmhouse, barn, and outbuildings*, I-78.
Dorneyville, *King George Inn and two other stone houses*, Hamilton and Cedar Crest Blvds.

Lycoming County

Williamsport, *Faxon Co., Inc.*, Williamsport Beltway.

Northampton County

Lehigh Canal.
Site 3: Farmhouse, barn, and outbuildings, I-78.
Site 4: Farmhouse, barn, and outbuildings, I-78.

Philadelphia County

Philadelphia, *Bridge on "I" Street*, over Tacony Creek.
Philadelphia, *Tremont Mills*, Wingonocking St. and Adams Ave.
U.S. Naval Base, *Quarters "A" Commandant's Quarters.*

Washington County

Charleroi, *Ninth Street School.*
Cross Creek Village, Cross Creek watershed.
Somerset Township, *Wright No. 22 Covered Bridge.*

SOUTH CAROLINA

Beaufort County

Parris Island, *Marine Corps Recruit Depot.*

Charleston County

Charleston, *139 Ashley St.*
Charleston, *69 Barre St*
Charleston, *69r Barre St.*
Charleston, *316 Calhoun St.*
Charleston, *316r Calhoun St.*
Charleston, *268 Calhoun St.*
Charleston, *274 Calhoun St.*
Charleston, *Old Rice Mill*, off Lockwood Dr.

SOUTH DAKOTA

Pennington County

Rapid City, *Rapid City Historic Commercial District*, portions of 612-632 Main St.

TENNESSEE

Davidson County

Nashville, *Ancient Indian Village and Burial Ground*, section 203(b).

Trousdale County

Dixon Springs, *McGee House.*

TEXAS

Bexar County

Fort Sam Houston, *Eisenhower House*, Artillery Post Rd.

Concho County

Middle Colorado River Watershed, *Prehistoric Archeology in the Southwest Laterals Subcatershed* (also in McCulloch County).

Denton County

Hammons, George, House, between Sangers and Pilot Point.

El Paso County

Castner Range Archeological Sites.

Galveston County

Galveston, *U.S. Customhouse*, bounded by Avenue B, 17th, Water, and 18th Sts.

Hardeman County

Quanah, *Quanah Railroad Station*, Lots 2, 3, and 4 in Block 2.

Uvalde County

Leona River Watershed Archeological Sites.

Webb County

Laredo, *Bertani, Paul Prevost House*, 604 Iturbide St.
Laredo, *De Leal, Viscaya, House*, 620 Zaragoza St.
Laredo, *Garza, Zoila De La, House*, 500 Iturbide St.
Laredo, *Leyendecker/Salinas House*, 702 Iturbide St.
Laredo, *Montemayor, Jose A., House (Carols Vela House)*, 601 Zaragosa St.

UTAH

Emery County

Site ML-2145. Manti-LaSal National Forest.

Salt Lake County

Salt Lake City, *Lollin Block*, 238-240 S. Main St

VERMONT

Windsor County

Windsor, *Post Office Building.*

WASHINGTON

Benton County

Richland vicinity, *Hanford Island Archeological Site*, 18 mi. N of Richland.
Richland vicinity, *Hanford North Archeological District*, 22 mi. N of Richland.
Richland vicinity, *Paris Archeological Site*, Hanford Works Reservation.
Richland vicinity, *Snively Canyon Archeological District*, 25 mi. NW of Richland.
Richland vicinity, *Wooded Island Archeological District*, N of Richland.

Clallam County

Cape Alava vicinity, *White Rock Village Archeological Site*, S of Cape Alava.
Olympic National Park Archeological District, Olympic National Park (also in Jefferson County).
Segium, *New Dungeness Light Station.*

Franklin County

Richland vicinity, *Savage Island Archeological District*, 15 mi. N of Richland.

Grays Harbor County

West Port, *Grays Harbor Light Station.*

King County

Burton, *Point Robinson Light Station.*
Seattle, *Alki Point Light Station.*
Seattle, *West Point Light Station.*

Kitsap County

Hansville, *Point No Point Light Station.*

Pacific County

Ilwaco, *North Head Light Station.*

Pierce County

Fort Lewis Military Reservation, *Captain Wilkes, July 4, 1841, Celebration Site.*
Longmire, *Longmire Cabin*, Mount Rainier National Park.

San Juan County

San Juan Islands, *Patos Island Light Station.*

Skamania County

North Bonneville, *Site 44SA11*, Bonneville Dam Second Powerhouse Project.

Snohomish County

Mukilteo, *Mukilteo Light Station.*

WEST VIRGINIA

Barbour County

Covered Bridge across Rooting Creek, Elk Creek Watershed (also in Harrison County).

Cabell County

Huntington, *Old Bank Building*, 1208 3rd Ave.

Kanawha County

Charleston, *Kanawha County Courthouse.*
St. Albans, *Chilton House*, 439 B St.

Wood County

Parkersburg, *Wood County Courthouse.*
Parkersburg, *Wood County Jail.*

WISCONSIN

Ashland County

Ashland vicinity, *Madeline Island Site 7302.*

Fond du Lac County

Fond du Lac, *Aetna Station No. 5*, 193 N. Main St.

LaCrosse County

LaCrosse, *LaCrosse Post Office.*

WYOMING

Fremont County

Pilot Butte Powerplant, Wind River Basin.

Natrona County

Casper, *Cantonment Reno.*
Casper, *Castle Rock Archeological Site.*
Casper, *Dull Knife Battlefield.*
Casper, *Middle Fork Pictograph-Petroglyph Pancls.*
Casper, *Portuguese Houses.*

Park County

Mammouth, *Chapel at Fort Yellowstone*, Yellowstone National Park.

PUERTO RICO

Mona Island, *Sardinero Site and Ball Courts.*

[FR Doc.76-21965 Filed 8-2-76;8:45 am]

NATIONAL REGISTER OF HISTORIC PLACES

Notification of Pending Nomination

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before July 23, 1976. Pursuant to § 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240. Written comments or a request for additional time to prepare comments should be submitted by August 13, 1976.

JERRY L. ROGERS,
Acting Director, Office of Archeology and Historic Preservation.

ALASKA

Skagway-Yakutat Division

Haines vicinity, *Porcupine District*, W of Haines at Mile 35, Haines Highway.

ARKANSAS

Jackson County

Newport, *Jackson County Courthouse*, U.S. 67.

Pulaski County

Little Rock, *MacArthur Park Historic District*, roughly bounded by Main, E. 16th, McGowan, and E. 5th Sts.

CALIFORNIA

Colusa County

Colusa, *Colusa High School and Grounds*, 745 10th St.

DELAWARE

New Castle County

Greenville, *St. Joseph's On the Brandywine*, 10 Barley Mill Rd.
Wilmington, *Brandywine Park*, roughly bounded by Augustine, 18th, Market Sts., and Lovering Ave.
Wilmington, *Rockford Park*, roughly bounded by Rockford and Red Oak Rds., Church and Rising Sun Lanes, and the Brandywine River.

GEORGIA

Hancock County

Devereux vicinity, *Roe-Harper House*, about 2 mi. W of Devereux off GA 2133.

Jasper County

Monticello vicinity, *Roach House*, W of Monticello off GA 16 at Ocmulgee River.

KENTUCKY

Madison County

Richmond, *Breck, Judge Daniel, House*, 312 Lancaster Avenue.

Mercer County

Harrodsburg, *Dorcham (Stagg-Haggin-Stephenson House)*, 409 N. College St.

Spencer County

Taylorsville vicinity, *Bourne-Anderson House and Distillery Site*, 0.5 mi. N of Taylorsville on KY 55.

MARYLAND

Baltimore County

Oella, *Mt. Gilboa Chapel*, Oella and Westchester Aves.

Caroline County

West Denton, *Neck Meetinghouse and Yard*, MD 404

MASSACHUSETTS

Essex County

Lawrence, *Grace Episcopal Church*, Common and Jackson Sts.

Middlesex County

Woburn, *Woburn Public Library*, Pleasant St.

Plymouth County

Lakeville, *Town Hall*, Bedford St.
Wareham, *Tremont Nail Factory District*, 21 Elm St.

MINNESOTA

Ramsey County

St. Paul, *Historic Hill District*, irregular pattern extending from Pleasant and Grand Aves. on S to Holly and Marshall Aves. on N; from Lexington Pkwy. on W to 4th and Pleasant Ave. on E.

MISSISSIPPI

Adams County

Natchez, *Rosalie*, 100 Orleans St. HABS.

NORTH CAROLINA

Alleghany County

Piney Creek vicinity, *Weaver, William, House*, SW of Piney Creek on SR 1302.

Ashe County

Crumpler vicinity, *Pierce, John M., House*, N of Crumpler on SR 1559.
Crumpler vicinity, *Thompson's Bromine and Arsenic Springs*, W of Crumpler on SR 1542.
Grassy Creek vicinity, *Waddell, William, House*, W of Grassy Creek off NC 16 on SR 1532.
Helton vicinity, *Baptist Chapel Church and Cemetery*, E of Helton on SR 1527.
Scottville vicinity, *Bower-Cox House*, SW of Scottville on SR 1595.
Scottville vicinity, *Cox, Samuel, House*, SW of Scottville off U.S. 221 on SR 1636

Chowan County

Edenton, *Pembroke Hall*, W. King St

Gates County

Gatesville, *Gates County Courthouse*, Court St.

NORTH DAKOTA

Billings County

Medora vicinity, *Initial Rock*, SE of Medora on Custer National Forest.

OKLAHOMA

Oklahoma County

Oklahoma City, *Heritage Hills Historic District*, L-shaped district bounded by Robinson Ave., 13th, Western Ave., 16th, Walker Ave., and 27th St.

Tulsa County

Tulsa, *McBirney, James H., House*, 1414 S Galveston.

TENNESSEE

Loudon County

Loudon vicinity, *Higgs Archeological Site*, 2 mi. W of Loudon.

TEXAS

Bosque County

Mosheim vicinity, *Hog Creek Archeological District*, NW of Mosheim off FM 182 (also in Coryell County).

WYOMING

Converse County

Ross vicinity, *Brown Springs*, about 20 mi S of Ross.

Fremont County

Atlantic City vicinity, *Miners Delight*, N of Atlantic City.
South Pass City vicinity, *Burnt Ranch (Last Crossing)*, S of South Pass City.

Johnson County

Buffalo, *Carnegie Public Library*, 90 N. Main.
Buffalo, *Johnson County Courthouse*, 76 N. Main.
Buffalo, *St: Luke's Episcopal Church*, 178 S. Main.

Lincoln County

Kemmerer vicinity, *Johnston Scout Rocks*, NE of Kemmerer.

Natrona County

Casper vicinity, *Emigrant Gap*, W. of Casper.
Muddy Gap vicinity, *Split Rock*, NW of Muddy Gap off U.S. 287.

[FR Doc.76-21964 Filed 8-2-76;8:45 am]

Office of the Secretary

LEGAL REVIEW OF PROCUREMENT ACTIONS

Procedures

Pursuant to the Department of the Interior Procurement Regulations, 41 CFR 14-1.352, the Office of Aircraft Services has issued procedures regarding the legal review of procurement actions.

It shall be the policy of the Office of Aircraft Services to obtain a legal review from the local Office of the Field Solicitor for the following procurement instruments:

1. All proposed procurement contracts, and amendments thereto, prior to execution thereof (including supporting documentation) anticipated to exceed $200,000.

2. All procurement contracts regardless of amount which involve the interpretation of contractling authority which has not previously been approved by the Solicitor's Office.

3. Any procurement contract or amendment thereto may be submitted for legal review, if in the judgment of the contracting officer such review is desirable.

4. All determinations and findings to be issued pursuant to the disputes clause of the contract.

5. All proposed cure notices, show cause letters, and notices of termination of procurement contracts, whether for default or convenience.

6. All proposed determinations or recommendations related to bid protests and mistakes in bids.

7. Legal review shall be accomplished within a reasonable time.

The procedures described herein may be modified by written agreement between the Director, OAS, and the Regional Solicitor.

Any communications regarding this notice should be addressed to the Chief, Division of Contracting and General Services, Office of Aircraft Services, Boise, Idaho 83705.

Dated: July 27, 1976.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

[FR Doc.76-22392 Filed 8-2-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

ADMINISTRATIVE ACTION TO DESIGNATE TYPES OF TRAVEL PERMITTED, RESTRICTED OR PROHIBITED ON TRAILS & AREAS OF THE OLYMPIC NATIONAL FOREST

Availability of Final Environmental Statement

Pursuant to section 102 (2)(C) of the National Environmental Policy Act of 1969, the Forest Service: Department of Agriculture, has prepared a final environmental statement for An Administrative Action to Designate Types of Travel Permitted, Restricted or Prohibited on Trails and Areas of the Olympic National Forest, USDA-FS-R6-FES (Adm) 76-4.

V 41 150 AUG 3 76 UMI

The environmental statement concerns a proposed action to prohibit motor vehicle use on approximately 60 miles of trail and prohibit livestock use on 28 miles of trail. Use of motorized vehicles for cross-country (off trail) travel to permit passing and overnight camping are defined.

This final environmental statement was transmitted to CEQ on July 27, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3210, 12th St. and Independence Ave., S.W., Washington, D.C. 20250.

USDA, Forest Service, Multnomah Bldg., 319 SW Pine St., Portland, Oregon 97208.

Olympic National Forest, Federal Bldg., 801 South Capitol Way, Olympia, Washington 98507.

A limited number of single copies are available upon request to:

Richard D. Beaubien, Forest Supervisor, Olympic National Forest, P.O. Box 2288, Olympia, Washington 98507.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

JULY 27, 1976.

GEORGE E. JANSEN,
Acting Forest Supervisor.

[FR Doc.76-22416 Filed 8-2-76;8:45 am]

GALLINA LAND USE PLAN

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Gallina Land Use Plan, USDA–FS–R3–DES–Adm 76–06.

The environmental statement considers a proposed plan of management for 59,780 acres of National Forest in the vicinity of Gallina, New Mexico, Rio Arriba and Sandoval Counties.

The draft environmental statement was transmitted to CEQ on July 27, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, So. Agriculture Bldg., Rm. 3230, 14th and Independence Ave., SW., Washington, D.C. 20250.

USDA, Forest Service, Southwestern Region, 517 Gold Avenue, SW., Albuquerque, New Mexico 87102.

Santa Fe National Forest, P.O. Box 1689, Santa Fe, New Mexico 87501.

A limited number of single copies are available upon request to the Forest Supervisor, Santa Fe National Forest, P.O. Box 1689, Santa Fe, New Mexico 87501.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor, Santa Fe National Forest, P. O. Box 1689, Santa Fe, New Mexico, 87501. Comments must be received by September 27, 1976 in order to be considered in the preparation of the final environmental statement.

W. R. FALLIS,
Acting Regional Forester, Region 3.

JULY 27, 1976.

[FR Doc.76-22383 Filed 8-2-76;8:45 am]

Office of the Secretary

LIVESTOCK FEED

Feed Grain Donations for the Crow Creek and Lower Brule Indian Lands in South Dakota and the Lake Traverse Indian Lands in South Dakota and North Dakota

Pursuant to the authority set forth in section 407 of the Agricultural Act of 1949 as amended (7 U.S.C. 1427) and Executive Order 11336, I have determined that:

1. The chronic economic distress of the needy members of the Crow Creek and Lower Brule Indian Lands in South Dakota and the Lake Traverse Indian Lands in South Dakota and North Dakota has been materially increased and become acute because of severe and prolonged drought creating a serious shortage of livestock feeds. These reservations are designated for Indian use and are utilized by members of the Indian tribes for grazing purposes.

2. The use of feed grain or products thereof made available by the Commodity Credit Corporation for livestock feed for such needy members of the tribes will not displace or interfere with normal marketing of agricutural commodities.

3. Based on the above determinations, I hereby declare the reservations and grazing lands of these tribes to be acute distress areas and authorize the donation of feed grain owned by the Commodity Credit Corporation to livestockmen who are determined by the Bureau of Indian Affairs, Department of the Interior, to be needy members of the tribe utilizing such lands. These donations by the Commodity Credit Corporation may commence upon signature of this notice and shall be made available through the duration of the existing emergency or to such other time as may be stated in a notice issued by the Department of Agricuture.

Signed at Washington, D.C. on July 29, 1976.

EARL L. BUTZ,
Secretary.

[FR Doc.76-22476 Filed 8-2-76;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

PERMANENT CAPITAL CONSTRUCTION FUND AGREEMENT APPLICATIONS

Possible Public Availability Under Freedom of Information Act

In the course of administering the Capital Construction Fund (CCF) program under section 607, Merchant Marine Act, 1936, as amended (46 U.S.C. 1177), the Maritime Administration has received applications and supporting information for permanent agreements. The application form for permanent CCF Agreements has been reviewed, and it is tentatively determined that, unless such submissions (or specific parts thereof) can be shown to come within one of the enumerated exemptions, all information received therein and in the course of administering the program, is subject to disclosure upon request under the Freedom of Information Act (FOIA) (5 U.S.C. 552).

The Maritime Administration recognizes that some applicants may take the position that, because of the nature of the maritime industry, release of such information could cause substantial competitive injury to the applicant submitting such information. If this position is accepted, information could be held to be exempt from public disclosure under the fourth exemption of the FOIA (5 U.S.C. 552(b)(4)). It is noted that a number of applicants have attempted to claim exemption in response to part XI of the application for establishment of a CCF (41 F.R. 4264, Appendix I at 4272). Some applicants requested that all information be exempt, others that some information be exempt and still others stated that part XI was "not applicable" or made no response at all. All of the requests made in the former two instances may be insufficient as to content. Therefore, all applicants who, in one form or another, have already requested exemption under subsection (b)(4) of the FOIA are instructed to submit justification of their claimed exemption, in the manner set forth below, on or before September 7, 1976. Applicants for permanent CCF Agreements, whether or not they had interim CCF agreements are hereby notified that these guidelines are to apply to their applications.

Any justification submitted in response to this notice must: (1) precisely specify item-by-item the information the applicant asserts is within particular parts of subsection (b)(4) of the FOIA (namely, whether trade secret or financial information or commercial information); (2) state whether each such item is treated as confidential by the applicant and the steps taken to assure its confidentiality; and (3) explain how release of each such item would cause substantial competitive injury to the applicant, and the exact nature of that competitive injury. Mere general and unexplained statements that an item is a trade secret or confidential information or financial information will be insufficient justification.

The Maritime Administration is responsible for the determination that an item of information is subject to exemption under the FOIA and that the exemption will be asserted with respect thereto. In the event that it is determined that no exemption is applicable to or will be asserted for an item of information, the applicant will be given a statement of the determination and the reason therefor. If it is determined that an exemption is applicable and will be asserted for an item of information, the applicant will be so notified and every effort will be made to honor that determination within the provisions of the FOIA.

If a claim of exemption is not accepted, the applicant shall have a period of 30 calendar days in which to decide whether to withdraw the item(s) of information from the Maritime Administration's records. If such withdrawal removes critical information from the progam staff, it is possible that the applicant's CCF application would not be granted. Should the applicant decide not to withdraw the item(s) of information, it must be understood that such item(s) of information will be disclosed upon receipt of a proper request under the FOIA. The right to make similar determinations with respect to additional information submitted in the course of administering the CCF program is reserved.

Responses to this notice should be addressed to the Secretary, Maritime Administration, Room 3099–B, U.S. Department of Commerce, Washington, D.C. 20230.

Dated: July 27, 1976.

Authority by order of the Assistant Secretary for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.76-22489 Filed 8-2-76;8:45 am]

RECONSTRUCTION OF FOUR ROLL-ON/ROLL-OFF CONTAINERSHIPS, MA DESIGN C5–S–78a

Computation of Foreign Costs; Intent

Notice is hereby given of the intent of the Maritime Subsidy Board, pursuant to the provisions of section 502(b) of the Merchant Marine Act, 1936, as amended, to compute the estimated foreign cost for the reconstruction of four roll-on/roll-off containerships, MA Design C5–S–78a, to increase capacity from 834 to 1,100 containers by the inserting of a 100 foot midbody, upgrading of deck container lashing/securing system and the addition of a bow thruster.

Any person, firm or corporation having any interest (within the meaning of section 502(b)) in such computations may file written statements by the close of business on August 27, 1976, with the Secretary, Maritime Subsidy Board, Maritime Administration, Room 3099B, Department of Commerce Building, 14th & E Streets NW., Washington, D.C. 20230.

Dated: July 29, 1976.

By order of the Maritime Subsidy Board Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.76-22490 Filed 8-2-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 75N–0262; DESI 9698 and 12301]

MEPROBAMATE AND CHLORDIAZEPOXIDE

Drugs for Human Use: Drug Efficacy Study Implementation; Amended Notice

Correction

In FR Doc. 76–21307 appearing on page 30376 in the issue for Friday, July 23, 1976 make the following correction:

In column three of page 30376, in the 8th line of the first paragraph under the heading "Usage in Pregnancy and Lactation" the words "also always" should have read "almost always"

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

NEW YORK

[Docket No. NFD–352 FDAA–515–DR]

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of New York, dated July 21, 1976, is hereby amended to include the following counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 21, 1976:

The Counties of:

Herkimer Washington

Dated: July 27, 1976.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.76-22406 Filed 8-2-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

URBAN SYSTEM STUDY

Meeting

Notice is hereby given that the Federal Highway Administration and the Urban Mass Transportation Administration will hold a meeting on the Urban System Study being conducted pursuant to section 149 of the Federal-Aid Highway Act of 1976, Pub. L. 94–280.

The purpose of the meeting is to receive comments on the study from several national organizations. The study covers the various factors involved in the planning, selection, programing, and implementation of Federal-aid urban system routes.

The meeting will be held on August 12, 1976, beginning at 8:30 a.m. at the Department of Transportation Headquarters Building, Room 4200, 400 7th St., SW., Washington, D.C. 20590.

Further information concerning this meeting may be obtained by contacting the Office of Highway Planning, Federal Highway Administration, 400 7th St., SW., Washington, D.C. 202/426–2961.

WILLIAM A. MERTZ,
Associate Administrator for Planning, Federal Highway Administration.

ROBERT E. GALLAMORE,
Associate Administrator for Transportation Planning, Urban Mass Transportation Administrator.

[FR Doc.76-22387 Filed 8-2-76;8:45 am]

Urban Mass Transportation Administration

URBAN SYSTEMS STUDY

Meeting

CROSS REFERENCE.—For a document issued jointly by the Urban Mass Transportation Administration and the Federal Highway Administration on the subject of a meeting on the Urban Systems Study, see FR Doc. 76–22397 appearing in the notices section of this issue.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

EXECUTED MEMORANDA OF AGREEMENT

Pursuant to § 800.6(a) of the Advisory Council's "Procedures for the Protection of Historic and Cultural Properties" (36 CFR Part 800), notice is hereby given that the following Memoranda of Agreement were executed during the months of June and July, 1976. The Memoranda of Agreement were executed in fulfillment of Federal agencies' responsibilities for protection of properties on or eligible for inclusion in the National Register of Historic Places in accordance with section 106 of the National Historic Preservation Act of 1966 and Executive Order 11593, May 13, 1971.

Carefree Archeological Sites, Tonto National Forest, Arizona, affected by a land exchange between the Forest Service and the Transamerican Corporation which would result in the loss of two archeological sites (6/3/76);

Obolds-Billman Hotel/Pleasant Valley Rolling Mill, Reading, Pennsylvania, affected by demolition as part of the Blue Marsh Lake Project of the Army Corps of Engineers (6/3/76);

Walter F. George Dam Mound, Clay County, Georgia, affected by excavation and data recovery undertaken by the Army Corps of Engineers (6/4/76);

Lovelock Cultural Resources, Lovelock, Nevada, affected by construction and operation of a segment of four-lane highway, a

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project of the Nevada State Highway Department assisted by the Federal Highway Administration (8/6/76);

Canyon Lakes, Lubbock, Texas, affected by the Canyon Lakes Project through the Land and Water Conservation Project, an undertaking assisted by the Department of Interior, Bureau of Reclamation (6/8/76);

Santa Fe Depot, San Diego, California, affected by acquisition and renovation as an intermodal transportation center by the City of San Diego, assisted by the Urban Mass Transportation Administration (6/8/76);

East New Market Historic District, Dorchester County, Maryland, affected by the construction of the East New Market Post Office undertaken by the United States Postal Service (6/15/76);

Emigration Canyon, Salt Lake City, Utah, affected by the construction of a metallurical research facility for use by the Department of Interior, Department of Mines, undertaken by the General Services Administration (6/15/76);

Chambers Creek, Tacoma, Washington, affected by Stage 1 of the Pierce County ULID 70-3 sewerage project, an undertaking assisted by the Environmental Protection Agency (6/16/76);

Napa River Archeological Sites, Napa, California, affected by the construction of the Napa River Flood Control Project, assisted by the Army Corps of Engineers (6/16/76);

San Felipe Cultural Resources, Merced County, California, affected by the construction of a water diversion tunnel as part of the San Felipe Division, Central Valley Project, a project of the Department of the Interior, Bureau of Reclamation (6/16/76);

Hovenweep National Monument, States of Colorado and Utah, affected by an archeological research program undertaken by San Jose State University with the permission of the Department of the Interior, National Park Service (6/28/76);

Old Post Office Building, LaCrosse, Wisconsin, affected by construction of the new Post Office/Federal Building undertaken by the United States Postal Service (6/28/76);

Archeological Sites, Tishomingo County, Mississippi, affected by construction of the northern eight-mile portion of the Divide Section of the Tennessee-Tombigee Waterway from the crossing of Mississippi Highway 25 over the Yellow Creek Arm of Pickwick Reservior Southward, undertaken by the Army Corps of Engineers (7/1/76);

Hancock County Courthouse/Sparta Historic District, Hancock County, Georgia, affected by renovation undertaken by the county with a grant from the Department of Justice, Law Enforcement Assistance Administration (7/1/76);

Lake Wister Locality Archeological District, Latimer and Leflore Counties, Oklahoma, affected by changes in operational procedures at Wister Lake, Leflore County, an undertaking of the Army Corps of Engineers (7/1/76);

Central Heating Plant, District of Columbia, affected by the renovation undertaken by the General Services Administration (7/6/76);

Old Shovel Shop, Cheltenham Township, Pennsylvania, affected by restoration undertaken by Cheltenham Township with 1975-1976 Community Development Funds Grant monies funded by the Department of Housing and Urban Development (7/6/76);

Rood Mound Site, Stewart County, Georgia, affected by the continued operation of the Walter F. George Lake Project of the Army Corps of Engineers (7/6/76);

Archeological Sites, Johnson and Morgan Counties, Kentucky, affected by continued construction of the Paintsville Reservoir undertaken by the Army Corps of Engineers (7/12/76);

Archeological Sites, Imperial County, California, affected by leasing two parcels of land for commercial extraction of sand and gravel, an undertaking of the Department of the Interior, Bureau of Reclamation (7/17/76);

Grand Canyon Railroad Station, Grand Canyon National Park, Arizona, affected by installation of a temporary parking area and requiring an amendment to the Memorandum of Agreement ratified 4/9/74 because of delay in installation (Amended 7/21/76);

Union Street Historic District/Mill Street Historic District/Vassar Home for Aged Men, Poughkeepsie, New York, affected by the Community development Project termed "Elimination of Blight, Lower Main Street," an undertaking of the City of Poughkeepsie, funded by the Department of Housing and Urban Development (7/21/76);

The Memoranda are available for inspection at the Advisory Council offices, Suites 430 and 1030, 1522 K Street, NW., Washington, D.C. 20005. Further information is available from the Director, Office of Review and Compliance, Advisory Council on Historic Preservation, at the above address.

ROBERT R. GARVEY, Jr.,
Executive Director.

[FR Doc.76-22485 Filed 8-2-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 29580]

ALLEGHENY AIRLINES, INC.

Application for Amendment of Certificate of Public Convenience and Necessity

JULY 29, 1976.

Notice is hereby given that the Civil Aeronautics Board on July 28, 1976, received an application, Docket 29580, from Allegheny Airlines, Inc. for amendment of its certificate of public convenience and necessity for route 97 to provide Cincinnati-Cleveland nonstop authority.

The applicant requests that its application be processed under the expedited procedures set forth in Subpart M of Part 302 (14 CFR Part 302).

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-2441 Filed 8-2-76;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Title Change in NonCareer Executive Assignment

By notice of August 21, 1970, FR Doc. 70-11068 the Civil Service Commission authorized the Department of Health, Education, and Welfare to fill by noncareer executive assignment the position of Associate Administrator for Planning, Research, and Training, Social and Rehabilitation Service. This is notice that the title of this postion is now being changed to Associate Administrator for Planning, Research, and Evaluation, Social and Rehabilitation Service.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-22238 Filed 8-2-76;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CONTROLLING COTTON TEXTILES AND COTTON TEXTILE PRODUCTS IMPORTED FROM INDIA

Limitation

JULY 29, 1976.

On August 6, 1974, the Government of the United States, in furtherance of the objectives of, and under the terms of, the Arrangement Regarding International Trade in Textiles, done at Geneva on December 20, 1973, concluded a comprehensive bilateral cotton textile agreement with the Government of India, concerning exports of cotton textiles and cotton textile products from India to the United States over a four-year period beginning on October 1, 1973. The agreement was amended by an exchange of notes between the two governments, dated January 22, 1976, to provide, inter alia, for an aggregate ceiling of 138,182,000 square yards equivalent for the agreement year which began on October 1, 1975. As provided under paragraph 7 of the bilateral agreement, the aggregate ceiling has been adjusted to a level of 152,000,200 square yards equivalent by the addition of 13,818,200 square yards equivalent, representing the carryover of shortfalls from the previous agreement year. The U.S. Government will control imports at 152,000,200 square yards equivalent for the remainder of the agreement year.

Accordingly, there is published below a letter of July 29, 1976, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that for the twelve-month period beginning on October 1, 1975 and extending through September 30, 1976, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1 through 64 be limited to a total of 152,000,200 square yards equivalent, adjusted to account for: (1) Imports amounting to 98,089,987 square yards equivalent charged during the period, October 1, 1975 through May 31, 1976, to the group ceiling which includes Categories 1-27; and (2) imports charged to the group limits established for Categories 28-38 and 64 and 39-63, amounting, respectively, to 12,000,000 square yards equivalent and 19,670,561 square yards equivalent for the period, October 1, 1975 through July 15, 1976, leaving a balance of 22,239,652 square yards equivalent for the remainder of the year. When the data are available, this level will be further adjusted to account for imports entered from June 1, 1976 or July 16, 1976, as applicable, through the effective date of this action.

Effective date: August 2, 1976.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance U.S. Department of Commerce.

JULY 29, 1976.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

DEAR MR. COMMISSIONER:—Under the terms of the Arrangement Regarding International Trade in Textiles, done at Geneva on December 20, 1973, pursuant to the Bilateral Cotton Textile Agreement of August 6, 1974 as amended, between the Governments of the United States and India, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed, effective on August 2, 1976, and for the twelve-month period beginning on October 1, 1975 and extending through September 30, 1976, to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1 through 64 in excess of an adjusted twelve-month level of restraint of 22,239,652 square yards equivalent.[1] Apparel products of cotton textiles covered by the elephant-shaped certification shall not be subject to this directive. The directive of October 1, 1975 and the amended directive of March 16, 1976 shall remain in effect until further notice.

Cotton textiles and cotton textile products in Categories 1 through 27, produced or manufactured in India, and which have been exported prior to October 1, 1975, shall not be subject to this directive.

Cotton textiles and cotton textile products in Categories 1 through 27 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of the categories in terms of T.S.U.S.A. numbers and factors for converting category units into equivalent square yards was published in the FEDERAL REGISTER on February 1, 1975 (40 FR 5010), as amended on December 30, 1975 (40 FR 60220).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of India and with respect to imports of cotton textiles and cotton textile products from India have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

[FR Doc.76-22414 Filed 8-2-76;8:45 am]

[1] The level of restraint has been adjusted to include carryover of shortfalls from the previous agreement year and to reflect entries in Categories 1 through 27 for the period October 1, 1975 through May 31, 1976. Entries in Categories 28 through 64 have been included for the period October 1, 1975 through July 15, 1976.

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN EL SALVADOR

Termination of Agreement

JULY 30, 1976.

On April 22, 1976, there was published in the FEDERAL REGISTER (41 FR 16861) a letter dated April 19, 1976 from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton textiles and cotton textile products produced or manufactured in El Salvador and exported to the United States during the twelve-month period beginning on April 1, 1976, pursuant to the Bilateral Cotton Textile Agreement of April 19, 1972, as amended, and extended, between the Governments of the United States and El Salvador. The purpose of this notice is to announce that the two governments have agreed to terminate this agreement, effective on July 15, 1976.

Accordingly, there is published below a letter of July 30, 1976 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs cancelling the directive of April 19, 1976.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C.

JULY 30, 1976.

DEAR MR. COMMISSIONER: This directive cancels and supersedes, effective on July 15, 1976, the directive of April 19, 1976 from the Chairman of the Committee for the Implementation of Textile Agreements which directed you to prohibit, effective on April 1, 1976 and for the twelve-month period extending through March 31, 1977, entry into the United States for consumption and withdrawal from warehouse for consumption of certain cotton textiles and cotton textile products, produced or manufactured in El Salvador, in excess of certain specified levels of restraint.

The actions taken with respect to the Government of El Salvador and with respect to imports of cotton textiles and cotton textile products from El Salvador have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

[FR Doc.76-22677 Filed 8-2-76;8:45 am]

COMMODITY FUTURES TRADING COMMISSION

REGISTRATION AS ASSOCIATED PERSON

Adoption of Changes to Form 4-R

On July 27, 1976, the Commodity Futures Trading Commission amended an existing instruction to, added information to, and made certain minor changes in the language and format of, the registration form for associated persons under section 4k(2) of the Commodity Exchange Act, as amended.

The amended instruction, which prefaces page two of Form 4-R, provides the new address of the Commission's Chicago regional office, to which the completed application must be sent. The added language is in the form of a legend contained in item 1A. and states that the submission of the applicant's Social Security number is voluntary.

Certain alterations in the format of Form 4-R were made in order to allow for computer preprinting of information in registration renewals. Minor language changes include corrections to the title of the Commission, repagination, and other such modifications.

Copies of the amended Form 4-R, for use beginning August 2, 1976, are available from the Commodity Futures Trading Commission, 233 South Wacker Drive, Chicago, Illinois 60606.

Issued in Washington, D.C., on July 27, 1976.

For the Commission,

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.76-22408 Filed 8-2-76;8:45 am]

COUNCIL ON WAGE AND PRICE STABILITY

INFLATION IMPACT STATEMENT PROGRAM

Intention To Appraise

This notice is intended to announce that the Council on Wage and Price Stability (CWPS) and the Office of Management and Budget (OMB) are jointly undertaking an appraisal of the Inflation Impact Statement (IIS) program initiated in November 1974 by Executive Order 11821. As explained in greater detail below, interested individuals and organizations are requested by August 30, 1976

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to provide information called for in this notice and to submit additional comments on the IIS program to CWPS.

In an address to Congress on October 8, 1974, President Ford announced that Executive-branch agencies would be required to consider the possible inflationary implications of their major actions. To this end, the President issued Executive Order 11821 on November 27, 1974, directing Executive-branch agencies to prepare IIS's before proposing major legislation and before issuing proposals for major rules and regulations. The Executive Order also empowered the Director of OMB to develop criteria and procedures for implementing this directive. Accordingly, OMB issued Circular A-107 on January 28, 1975, specifying in more detail guidelines for the development of criteria and the procedures agencies were to follow. The Circular also delegated certain responsibilities for the IIS program with respect to rules and regulations to CWPS.

A major objective of the IIS program is to improve the quality of agency regulatory and legislative decisions. While the IIS requirement applies to major legislative and regulatory proposals, it does not apply to existing rules, regulations, and legislation, nor does it apply to proposals with minor consequences. Moreover, the independent regulatory agencies have interpreted the Executive Order as not applying to them.

Responsibility for developing and implementing the requirements of Executive Order 11821 was delegated to department and agency heads in order to allow each agency to adopt procedures that would match the nature of its mission and its organization. According to the OMB Circular, agency heads were made responsible for developing criteria to determine when a proposal is major. These criteria were to take into account: (1) Cost impact on consumers, businesses, markets, or Federal, State, or local government; (2) effect on productivity of wage-earners, businesses, or government; (3) effect on competition; (4) effect on supplies of important materials, products, or services; (5) effect on employment; (6) effect on energy supply or demand. Each agency's criteria were submitted to OMB for approval. Agencies that do not propose major rules, regulations, or legislation were exempted from the program.

According to the OMB Circular, if a proposal is identified as major under the approved criteria, the agency is responsible for preparing an IIS which includes: (1) An analysis of the principal cost and, where practical, secondary cost and price effects; (2) a comparison of the anticipated benefits and estimated costs; and (3) a review of alternatives to the proposed action. When major legislative proposals are submitted to OMB for review and clearance, agencies, upon OMB request, are required to furnish the appropriate IIS data and analysis. When major proposals for rules and regulations are announced in the FEDERAL REGISTER, agencies are required to submit to CWPS a brief summary of the possible inflationary impact.

Recently implemented modifications in the IIS program require agencies to: (1) State in the FEDERAL REGISTER announcement that proposals which are minor have been reviewed and do not require an IIS; (2) provide upon request from CWPS, a brief justification for determining a proposal to be minor; and (3) upon announcement of major proposals for rules or regulations, submit to CWPS a complete IIS analysis rather than a summary.

Because the IIS is an attempt to improve agency decision-making with a new, previously untried mechanism, an expiration date of December 31, 1976, was included in the Executive Order. Thus, opportunity was provided for appraisal of the effectivness of the IIS program, and provision was made for its termination unless a specific decision were made to extend or modify the Executive Order.

The Council and OMB are evaluating the IIS program and will submit recommendations based on this evaluation to the President. This joint CWPS-OMB evaluation, to be completed this fall, will include an examination of the following issues, among others:

1. Quality of IIS analyses. (For example, do analyses compare costs with anticipated benefits, and are alternatives appropriately analyzed? Has the quality of the analyses improved over time?)

2. Are all important legislative and regulatory proposals being analyzed? (For example, are the criteria thresholds established at levels which permit identification of all proposals with major economic impacts, are the criteria being used effectively, and are agencies preparing the analyses?)

3. Should IIS analyses be made available for public inspection, to what degree have they been, to what use have they been put by the general public, and what effect, if any, has their being made public (or not being made public) had on the quality of agency decisions?

4. What impact, if any, has the IIS program had on the process of drafting legislation and of developing and implementing new regulations? (For example, has it generated significant delays?)

5. What impact, if any, has the IIS program had on the quality of agency legislative proposals and regulatory decision-making?

6. What are the direct costs of the IIS program over and above those expenses government agencies would have incurred otherwise?

7. What alternatives to the IIS program exist for improving the quality of legislative proposals and regulatory decision-making, and how do they compare with the IIS program? (Alternatives might include, for example, a legislative mandate for agencies to review costs and benefits.)

8. Should the IIS program be: (1) Terminated, (2) extended in its present form, or (3) modified (and if so, how)?

Interested individuals and organizations are requested to provide information on the effectiveness of the IIS program by responding specifically to the above questions and by submitting any additional comments on the program they may care to make. Such communications should be addressed by August 30, 1976 to:

Thomas D. Hopkins, Deputy Assistant Director for Government Operations and Research, Council on Wage and Price Stability, Room 4005, 726 Jackson Place, NW., Washington, D.C. 20506. Telephone: 202-456-6510.

WILLIAM LILLEY III,
Acting Director.

[FR Doc.76-22486 Filed 8-2-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 592-7; OPP-00025]

PESTICIDE PROGRAMS

Nominations to the Scientific Advisory Panel Under the Federal Insecticide, Fungicide, and Rodenticide Act

This notice provides the names, addresses, professional affiliations, and selected biographical data of persons nominated to serve on the Scientific Advisory Panel established under Section 25(d) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, [86 Stat. 973 and 89 Stat. 751; 7 U.S.C. 136 et seq.]. Public comment on the nominations is invited.

BACKGROUND

FIFRA amendments enacted November 28, 1975, added, among other things, a requirement set forth in section 25(d) that notices of intent to cancel or reclassify pesticide registrations pursuant to section 6(b)(1) and notices of intent to hold hearings to determine whether to cancel or reclassify registrations pursuant to section 6(b)(2), as well as proposed and final forms of rulemaking pursuant to section 25(a), be submitted to a Scientific Advisory Panel prior to being made public or issued to a registrant. In accordance with section 25(d), the Scientific Advisory Panel is to have an opportunity to comment on the health and environmental impacts of such actions.

As to the membership of the Scientific Advisory Panel, Section 25(d) provides that it shall consist of seven members appointed by the Administrator from a list of 12 nominees, six nominated by the National Institutes of Health and six by the National Science Foundation. Publication of the name, addresses, and professional affiliation of each member is required. FIFRA does not require that an opportunity be provided for public comment on the nominations, but the Environmental Protection Agency (EPA) believes that public participation in the selection process is desirable. Accordingly, public comment is invited; see below for instructions on submitting comments.

CHARTER

A charter for the FIFRA Scientific Advisory Panel has been issued in accordance with the requirements of section 9 (c) of the Federal Advisory Committee Act, Pub. L. 92-463, 86 Stat. 770 (5 U.S.C. App. I). A copy of the Charter is provided as an appendix to this notice to aid interested parties in commenting.

With respect to the requirement of section 25(d) that the Administrator promulgate regulations regarding conflicts of interest, the charter provides that EPA's existing regulations applicable to special governmental employees (which include advisory committee members) will apply to the members of the Scientific Advisory Panel. These regulations appear at 40 CFR Part 3, Subpart F. In addition, the charter provides for open meetings with opportunities for public participation.

NOMINEES

The following are the names, addresses, professional affiliations, and selected biographical data on nominees to the FIFRA Scientific Advisory Panel:

NATIONAL INSTITUTES OF HEALTH

John E. Davies, M.D., M.P.H., Department of Epidemiology and Public Health, School of Medicine, University of Miami, P.O. Box 520875, Biscayne Annex, Miami, Florida 33152. *Born:* February 1921. *Educational Background* (Epidemiology and Microbiology): Radley College, United Kingdom, 1939 (premedical education); M.B.B.S. University of London, 1944; M.R.C.S., L.R.C.P., Royal College of Physicians and Surgeons, University of London, 1944; M.D. University of London, 1957; M.P.H. Harvard School of Public Health, 1961. *Employment History:* Private practice in South Wales, 1948-1957; Assistant Health Officer, Winnipeg, Canada, 1958-1962; Consultant Epidemiologist, Winnipeg Children's Hospital, 1959-1962; Director, Division of Research and Epidemiology, Dade County Department of Public Health, Miami, Florida, 1963-1965; Director, Community Studies on Pesticides of Dade County, Miami, Florida, 1965 to present; Associate Professor, Department of Medicine, University of Miami School of Medicine, 1967 to present; Chairman, Department of Epidemiology and Public Health, 1972 to present. *Societies:* Dade County Medical Association; Florida Medical Association; American Public Health Association, Florida Public Health Association; Research Committee—Society of Teachers of Family Medicine. *Research Interests:* Broad studies on all aspects of the effects of pesticides on man; environmental studies with special reference to human health; total health effects on migrant workers; heroin addiction.

John Doull, M.D., Ph.D. Department of Pharmacology, University of Kansas Medical Center, College of Health Sciences and Hospital, Rainbow Boulevard at 39th, Kansas City, Kansas 66103. *Born:* September 1923. *Educational Background* (Pharmacology and Medicine): B.S. Montana State College, 1944; Ph.D., University of Chicago, 1950; M.D., University of Chicago, 1953. *Employment History:* University of Chicago, 1946-1967: Research Assistant, Toxicity Laboratory, 1946-1951; Research Associate (instructor), Toxicity Laboratory, 1951-1953; Research Associate (Assistant Professor) Department of Pharmacology and U.S. Air Force (USAF) Radiation Laboratory, 1953-1956; Assistant Director, USAF Radiation Laboratory, 1954-1967; Assistant Professor, Department of Pharmacology, 1956-1957; Research Associate (Associate Professor), Department of Pharmacology, 1957-1967; University of Kansas Medical School, 1967 to present: Professor of Pharmacology and Toxicology; Co-Director, Pharmacology-Toxicology Center. *Societies:* American Association for the Advancement of Science (A.A.A.S.); Society of Experimental Biology and Medicine; American Society of Pharmacology and Experimental Therapeutics; American Chemical Society; Radiation Research Society; American Industrial Hygiene Association; Sigma Xi. *Research Interests:* Hibernation; biological aspects of ionizing radiation; toxicology.

Robert A. Neal, Ph.D., Department of Biochemistry, Center in Toxicology, Vanderbilt University School of Medicine, Nashville, Tennessee 37232. *Born:* April 1928. *Educational Background* (Toxicology and Biochemistry): B.S. University of Denver 1949; Ph.D. Vanderbilt University 1963. *Employment History:* National Institutes of Health Research Fellow, Toxicology, University of Chicago 1963-1964; Assistant Professor of Biochemistry, School of Medicine, Vanderbilt University 1964-1967; Associate Professor, Biochemistry, School of Medicine, Vanderbilt University 1967-1974; Director, Center in Environmental Toxicology, Vanderbilt University School of Medicine 1973 to present; Professor of Biochemistry, Vanderbilt University, School of Medicine 1975 to present. *Societies:* Sigma Xi; A.A.A.S.; Society of Toxicology; American Institute of Nutrition; American Society of Biological Chemists, American Society for Pharmacology and Experimental Therapeutics. *Research Interests:* Natural product chemistry; isolation and identification of natural products; detoxification mechanisms.

Robert W. Riseborough, Ph.D., Bodega Marine Laboratory, University of California, Bodega Bay 94923. *Born:* February 1935. *Educational Background* (Zoology and Molecular Biology: A.B., Cornell University, 1956; Ph.D., Harvard University, 1962. *Employment History:* International Geophysical Year Expedition to the Indian Ocean and Red Sea, *R. V.* Atlantis, Woods Hole Oceanographic Institution, 1958; International Indian Ocean Expedition, *R. V.* Atlantis II, Woods Hole Oceanographic Institution, 1963-1965; Associate Specialist, Institute of Marine Resources, University of California, Berkeley and Davis, 1965-1971; President, Bodega Bay Institute of Pollution Ecology, 1971 to present; Research Scientist, Department of the Environment, Canadian Wildlife Service, Ottawa, 1972-1975; Consultant, Department of the Environment, Canadian Wildlife Service, Ottawa, 1975 to present; Associate Research Ecologist, Bodega Marine Laboratory, University of California, 1971 to present. *Research Interests:* Pesticides as environmental pollutants, bioaccumulation of chlorinated hydrocarbons, pollution biology.

Carl M. Shy, M.D., M.P.H., D.P.H., Department of Epidemiology, Institute for Environmental Studies, School of Public Health, University of North Carolina, Chapel Hill, North Carolina 27514. *Born:* October 1931. *Educational Background* (Medicine and Epidemiology): A.B., St. Louis University, 1956; M.D. Marquette University, 1962; M.P.H. and D.P.H., University of Michigan School of Public Health, 1965 and 1967, respectively. *Employment History:* Chief Epidemiology Branch, Division of Health Effects Research, National Air Pollution Control Administration, Research Triangle Park, N.C., 1967-1971; Adjunct Assistant Clinical Professor of Epidemiology, Duke University, 1969 to present; Deputy Director, Division of Health Effects Research, U.S. Environmental Protection Agency, Research Triangle Park, N.C., 1971-1972; Director, Human Studies Laboratory, U.S. Environmental Protection Agency, Research Triangle Park, N.C., 1972-1973; Director, Institute for Environmental Studies and Research Professor, Department of Epidemiology, University of North Carolina, 1973 to present. *Societies:* A.A.A.S., Society of Epidemiological Research, International Epidemiological Association, Society of Occupational and Environmental Health, American Public Health Association, American Thoracic Society, Alpha Omega Alpha, Delta Omega. *Research Interests:* Epidemiologic studies of the consequences of environmental pollution on human health.

Edward A. Smuckler, M.D., Ph. D. Department of Pathology, School of Medicine, University of Washington, Seattle, Washington 98185. *Born:* February 1931. *Educational Background* (Experimental Pathology and Biochemistry): A.B. Dartmouth College, 1952; M.D., Tufts University, School of Medicine, 1956; Ph. D. University of Washington, 1963. *Employment History:* Assistant Pathologist, U.S. Naval Hospital, Bremerton, Washington, 1957; Senior Medical Officer, U.S. Naval Ship (U.S.N.S.) Frederick Funston and U.S.N.S. M.M. Patrick, 1958; Assistant to Senior Medical Officer, Naval Dispensary, Seattle, Washington, 1959; Postdoctoral Trainee, U.S. Public Health Service, Department of Pathology, University of Washington, 1959-1961; Attending Physician, University Hospital, University of Washington, 1961 to present; Associate Professor, Department of Pathology, University of Washington, School of Medicine, 1966-1969; Professor of Pathology, Department of Pathology, University of Washington School of Medicine, 1969 to present. *Societies:* American Chemical Society; A.A.A.S.; American Society for Cell Biology; American Society for Experimental Pathology; Histochemical Society; American Association of Pathologists and Bacteriologists; Biochemical Society (London); Sigma XI; Swedish Biochemical Society; American Society for Cancer Research; American Association for Study of Liver Disease; American Association of University Professors of Pathology; American Society of Biological Chemists; American Society for Microbiology; Society of Toxicology. *Research Interests:* Cellular alteration in disease; biology of cancer.

NATIONAL SCIENCE FOUNDATION

David E. Davis, Ph.D. Professor Emeritus, Former Head Department of Zoology, North Carolina State University, 366 El Cielito Road, Santa Barbara, California 93105. *Born:* July 1913. *Educational Background (Zoology):* B.A., Swarthmore, 1935; M.S. Harvard, 1936; Ph.D., Harvard, 1939. *Employment History:* Harvard Travelling Fellowship (Argentina), 1940; University of Chicago (postdoctoral), 1941; Rockefeller Foundation (Brazil), 1942-1943; U.S. Public Health Service, 1943-1945; Associate Professor, Johns Hopkins University, 1946-1949; Professor of Zoology, Pennsylvania State University, 1959-1967; Head Department of Zoology, North Carolina State University, 1967-1975; Consultant on Starling Control, University of California (Davis), 1976 to present. *Societies:* A.A.A.S.;

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American Institute of Biological Sciences; American Society of Zoologists; American Society of Mammalogists; America Ornithologists Union; Ecological Society of America; Wildlife Society; Wildlife Disease Association (Distinguished Service Award 1975). *Research Interests:* Management of vertebrate populations; nesting habits of birds; endocrine basis of behavior; mammals and insects in relation to disease.

Robert Lee Metcalf, Ph.D. Department of Entomology, University of Illinois, Urbana, Illinois 61801. *Born:* November 1916. *Educational Background* (Entomology, Biochemistry): B.A. University of Illinois, 1939; M.A. University of Illinois, 1940; Ph.D., Cornell University, 1943. *Employment History:* Associate Entomologist, Division of Health and Safety, U.S. Tennessee Valley Authority, 1943–1946; Faculty, University of California, Riverside, 1946–1968: Professor of Entomology 1952–1968; Chairman, Department of Entomology, 1951–1963; Faculty, Research Lecturer, 1959; Vice Chancellor, 1963–1936; Professor of Entomology, Biology, Environmental Studies, Agricultural Entomology, and Veterinary Pharmacology, University of Illinois, 1968 to present. *Societies:* Member, U.S. National Academy of Sciences; American Chemical Society; Entomological Society of America; Fellow, American Academy of Arts and Sciences; A.A.A.S.; American Mosquito Control Association; Phi Beta Kappa; Sigma Xi. *Research Interests:* Investigations of organic compounds as insecticides; development of model ecosystem technology for early warning in environmental toxicology; use of radioisotopes for study of fate and toxicology of insecticides; insect nervous system and its susceptibilities to action of insecticides.

John M. Neuhold, Ph.D. Utah State University Ecology Center, Utah State University, Logan, Utah 84322. *Born:* May 1928. *Educational Background* (Wildlife Management, Ecology): University of Utah: B.S., 1952; M.S. 1954; Ph.D., 1959. Radioecology, Oakridge Institute of Nuclear Studies, 1963. *Employment History:* Faculty, University of Utah 1956 to present: Assistant Professor, 1958; Associate Professor, 1963; Professor, 1966; Chairman-elect, Interdepartmental Curriculum in Toxicology, 1967 to 1970; Acting Head, Department of Wildlife Resources, 1966 to 1968; Acting Director, Utah State Ecology Center, 1966 to 1968; Director, Utah State Ecology Center, 1968 to present; Director, the Institute of Ecology, 1974 to present. *Societies:* A.A.A.S.; American Fisheries Society; American Society of Limnology and Oceanography; Ecological Society of America; American Association of University Professors; Utah Academy of Arts and Sciences; Bonneville Chapter of American Fisheries Society; American Institute of Biological Sciences; Sigma Xi; Fellow, American Institute of Fishery Research Biologists; Xi Sigma Pi; Fellow A.A.A.S. *Research Interests:* Aquatic physiological ecology; effects of pollution on fish and wildlife; metabolism of ecosystems; pesticides and ecology.

Hugh D. Sisler, Ph. D. Department of Botany, University of Maryland, College Park, Maryland 20742. *Born:* November 1922. *Educational Background* (Plant Pathology): University of Maryland: B.S., 1949; M.S., 1951; Ph. D., 1953. National Institutes of Health Fellow, University of Utrecht (6 months), 1966. *Employment History:* University of Maryland 1953 to present: Research Associate 1953 to 1955; Assistant Professor, 1955–1960; Associate Professor, 1960–1964; Professor, 1964 to present; Chairman Department of Botany, 1973 to present. *Societies:* American Phytopathological Society; A.A.A.S.; Sigma Xi; Phi Kappa Phi; Alpha Zeta. *Research Interests:* Fungicidal mode of action; fungus physiology; viruses; pesticide monitoring.

Ray F. Smith, Ph.D. Department of Entomological Sciences, University of California, Berkeley, California 94720. *Born:* January 1919. *Educational Background* (Entomology): University of California, Berkeley: B.S., 1940; M.S., 1941; Ph.D., 1946. D. Agr. Sc. (h.c.), College van DeKanen, Wageningen, The Netherlands, 1976. *Employment History:* Field Entomologist, Balfour-Guthrie Investment Company, 1940; Department of Entomology and Parasitology, University of California, Berkeley, 1940 to present: Field and Lab. Assistant, 1940–1942; Senior and Principal Lab Technician, 1943–1946; Instructor in Entomology and Junior Entomologist, 1946–1948; Assistant Professor of Entomology and Assistant Entomologist in Experiment Station, 1948–1954; Associate Professor and Associate Entomologist in Experiment Station, 1954–1959; Professor of Entomology and Entomologist in Experiment Station, 1960 to present; Chairman, Department of Entomology and Parasitology, Berkeley—Davis, 1959–1963; Chairman, Department of Entomology and Parasitology (name changed in 1972 to Department of Entomological Sciences), Berkeley, 1959–1973; Project Director for University of California/AID Pest Management and Related Environmental Project, 1973 to present. *Societies:* Entomological Society of America; A.A.A.S.; California Academy of Science; Entomological Society of Canada; Ecology Society. *Research Interests:* Integrated pest management; insect ecology.

Dewayne C. Torgeson, Ph.D. Boyce Thompson Institute for Plant Research, Inc., 1086 North Broadway, Yonkers, N.Y. 10701. *Born:* October 1925. *Educational Background* (Plant Pathology, Chemistry): B.S., Iowa State University, 1949; Ph.D., Oregon State University, 1953. *Employment History:* U.S. Army 1945–1946; Graduate Research Fellow, Oregon State Agricultural Experiment Station, 1949–1952; Boyce Thompson Institute, 1952 to present: Plant Pathologist, 1952–1963; Program Director, Bioregulant Chemicals, 1963–1973; 1976 to present; Corporate Secretary 1973 to present. *Societies:* American Institute of Biological Sciences; A.A.A.S.; Torrey Botanical Club; American Phytopathological Society; Sigma Xi; Phi Kappa Phi; Phi Sigma. *Research Interests:* Biodegradation of pesticides in the soil; development of new agricultural pesticides; bark beetle pheromone research.

Public comment regarding the qualifications of the nominees relative to the charter of the Scientific Advisory Panel is invited. Comments will be used to assist the Agency in selecting seven of the twelve nominees to comprise the Panel and should be so oriented. To be assured of consideration, such comments should reach EPA on or before August 18, 1976. All comments should bear the identifying notation OPP–00025 and be addressed to the Federal Register Section, Office of Pesticide Programs, Environmental Protection Agency, room 401, East Tower, 401 M Street, S.W., Washington, D.C. 20460. All written comments will be available for public inspection in Room 401 from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: July 28, 1976.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

APPENDIX

[ENVIRONMENTAL PROTECTION AGENCY ORDER No. 1130.43]

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT SCIENTIFIC ADVISORY PANEL

1. *Purpose.* This Order dated March 23, 1976, provides a charter for the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel in accordance with the requirements of Section 9 (c) of the Federal Advisory Committee Act, Public Law 92–463, 86 Stat. 770 (5 U.S.C. App. I).

2. *Authority.* The Panel was created November 28, 1975, pursuant to Section 25(d) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended by Public Law 94–140.

3. *Objectives and Scope of Activity.* In accordance with Section 25(d) of FIFRA, the Panel will comment as to the impact on health and the environment of the following regulatory actions:

a. Notices of intent to cancel or reclassify registrations under Section 6(b)(1) of FIFRA;

b. Notices of intent to hold a hearing to determine whether or not to cancel or reclassify registrations under Section 6(b)(2) of FIFRA; and

c. Regulations to be issued under Section 25(a) of FIFRA.

4. *Functions.* The fundamental purpose of FIFRA is to ensure that pesticides do not generally cause "unreasonable adverse effects on the environment." This phrase is defined in Section 2(bb) of FIFRA as "any unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide." Within the context of these provisions of FIFRA and the regulations promulgated thereunder (40 CFR Part 162), the Panel will be expected to comment as to the impact on health and the environment of matters arising under Sections 6(b) and 25(a) of FIFRA. Analyses prepared by staff of the Environmental Protection Agency will be provided for the Panel's consideration.

The Deputy Assistant Administrator for Pesticide Programs will initiate all requests for comment by the Panel. Section 25(d) of FIFRA requires that consultation with the Panel take place in accordance with the following timetable: Notices of intent under Section 6(b) of FIFRA and regulations in the form of proposed rulemaking under Section 25(a) of FIFRA will be forwarded to the Panel at least 60 days prior to their issuance to a registrant for publication in the FEDERAL REGISTER; regulations in the form of final rulemaking will be forwarded to the Panel at least 30 days in advance of publication. The Panel's comments, if any, will be submitted in writing to the Deputy Assistant Administrator for Pesticide Programs. If comments on notices of intent under Section 6(b) of FIFRA and proposed rulemaking under Section 25(a) of FIFRA are submitted within 30 days after the Panel's receipt of the request for comment, or if comments on final rulemaking are submitted within 15 days after the Panel's receipt of the request, such comments will be published in the FEDERAL REGISTER, together with the Environmental Protection Agency's response, at the time that such notices of intent or proposed or final rulemaking are published in the FEDERAL REGISTER. The foregoing timetable will be followed unless the Panel and the Deputy Assistant Administrator for Pesticide Programs agree on a different timetable. In any particular case, the Panel may waive comment.

5. *Composition.* In accordance with Section 25(d) of FIFRA, the Panel will be composed of seven members, including the Chairman, selected and appointed by the Administrator from twelve nominees—six nominated by the National Institutes of Health and six by the National Science Foundation. Members will be scientists who have had sufficient professional qualifications, including training and experience, to be capable of providing expert comments as to the impact on health and the environment of regulatory actions under Sections 6(b) and 25(a) of FIFRA. No person shall be ineligible to serve on the Panel by reason of his membership on any other advisory committee to a Federal department or agency or his employment by a Federal department or agency (except the Environmental Protection Agency).

Panel members will be subject to the provisions of Title 40, CFR, Part 3, Subpart F—*Standards of Conduct for Special Government Employees*, which include rules regarding conflicts-of-interest. An officer and/or employee of an organization producing, selling, or distributing pesticides and any other person having a substantial financial interest (as determined by the Administrator) in such an organization, as well as an officer or employee of an organization representing pesticide users shall be excluded from consideration as a nominee for membership on the Panel. Each nominee selected by the Administrator shall be required to submit a Confidential Statement of Employment and Financial Interests, EPA Form 3120–2, which shall fully disclose the nominee's sources of research support, if any, before being formally appointed.

In accordance with Section 25(d) of FIFRA, the Administrator shall require all nominees to the Panel to furnish information concerning their professional qualifications, including information on their educational background, employment history, and scientific publications. Section 25(d) of FIFRA requires the Administrator to publish in the FEDERAL REGISTER the name, address, and professional affiliations of each nominee.

Each member of the Panel will serve for one year and may be reappointed for additional one-year terms. In the event that a member resigns or is otherwise unable to serve, a successor will be selected and appointed by the Administrator with the advice of the National Institutes of Health, and the National Science Foundation. The Administrator has the right to remove a member of the Panel at any time for good cause, as set forth in writing to such Panel member.

The estimated annual operating cost of the Panel during its first two years of operation is $100,000 which includes an allowance for 1.0 man-year of staff support. The Office of Pesticide Programs will provide the necessary staff and support for the Panel.

6. *Meetings.* The Panel will meet either at the request of the Deputy Assistant Administrator for Pesticide Programs or at the request of the Chairman with the concurrence of the Deputy Assistant Administrator for Pesticide Programs. It is anticipated that the Panel will meet for a minimum of two days each month until October 1977, and less often thereafter. Panel meetings will be called, announced, and held in accordance with the Environmental Protection Agency's Manual on Committee Management, which, among other things, provides for open meetings of advisory committees; requires that interested persons be permitted to file written statements before or after meetings; and provides for oral statements by interested persons to the extent that time permits. Any such written or oral statements will be taken into consideration by the Panel in formulating its comments or in deciding whether to waive comment. Each meeting will be conducted in accordance with an agenda approved in advance of the meeting by the Executive Secretary. The Deputy Assistant Administrator for Pesticide Programs or his designee will serve as Executive Secretary and will attend all meetings.

7. *Subcommittees.* The Panel may form subcommittees composed entirely of Panel members for any purpose consistent with this charter. No subcommittee will be authorized to submit comments on behalf of the Panel unless all members of the Panel have had an opportunity to review such comments and append their own views. In all other respects, all activities of subcommittees shall be conducted in accordance with this charter.

8. *Duration.* Section 25(d) sets no termination date for the Panel; moreover, the actions which the Panel is required to review will continue indefinitely. Nevertheless, in accordance with Section 14 of the Federal Advisory Committee Act, the Panel will terminate on November 27, 1977, unless extension beyond that date is authorized; it is anticipated that such extension will be authorized.

[FR Doc.76-22491 Filed 8-2-76,8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 816]

COMMON CARRIER SERVICES INFORMATION

Applications Accepted for Filing

JULY 26, 1976.

By the Chief, Common Carrier Bureau.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's rules and regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (see section 309(c) of the Communications Act), applications filed under Part 68, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and section 214 applications within 30 days of the date of this notice and within 20 days for Part 68 applications.

In order for an application filed under Part 21 of the Commission's rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. [See section 1.227(b)(3) and 21.30(b) of the Commission's Rules.]

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

21748–CD–P–76, Metrotec, Inc. (KTS283), Resubmitted, C.P. for additional facilities to operate on 35.22 MHz at a new Loc. No. 4: 1 Levis Square Fiberglass Building, Toledo, Ohio.

22195–CD–P–(4)–76, Southwestern Bell Telephone Company (KAA819), C.P. for additional facilities to operate on 152.69, 454.475 and 454.650 MHz, Base located at 1425 Oak Street, Kansas City; and 459.475, 459.650 and 157.95 MHz Test facilities located at 6213 Holmes Street, Kansas City, Missouri.

22457–CD–P–76, Ray Andrew Fields d/b/a Autofone Co. (KOP257) C.P. to relocate facilities operating on 152.21 MHz at Loc. No. 4: 1109 North Baker Street, McMinnville, Oregon.

22458–CD–TC–(2)–76, Pattersonville Telephone Co. Consent to Transfer of Control from Pearl A. Dowling, Transferor, to Robert A. Dowling, Transferee. Stations: KED351 and KTS207, Rotterdam Junction, New York.

22459–CD–TC(2)–76, Kankakee Telephone Answering Service, Inc. Consent to Transfer of Control from Jack N. Syfert, Transferor, to Doris R. Syfert and First Trust & Savings of Kankakee, Co-Executors of Estate of Jack N. Syfert, Deceased, Transferee. Stations: KSJ750 and KWH301, Kankakee, Illinois.

22460–CD–TC–(4)–76, Radio & Electronic Service Company, Inc. d/b/a Mobilfone Consent to Transfer of Control from Flora D. Mead, Executrix of the Last Will and Testament of George E. Mead, Deceased, Transferor, to Flora D. Mead, Transferee. Stations: KIF649 and KLF640, Pensacola, Florida; KIY593 and KLF639, Fort Walton Beach, Florida.

22461–CD–TC–(2)–76, Business Service Center, Inc. Consent to Transfer of Control from Robert L. Stevens, Transferor, to June E. Stevens, Transferee. Stations: KTS230, Mosinee Hill; and KTS 231, Rothschild, Wisconsin.

22462–CD–P–76, Grants Pass Answering Service (New), C.P. a new station to operate on 454.225 MHz located at The Alberts Ranch, 1188 Ausland Drive, Grants Pass, Oregon.

22463–CD–P–76, ATS Mobile Telephone, Inc. (New), C.P. for a new 1-way station to operate on 35.58 MHz located at Woodmen Tower Building, 1700 Farnam Street, Omaha, Nebraska.

22464–CD–P–76, Answering, Inc. (New), C.P. for a new 1-way station to operate on 35.22 MHz located at 100 Broadway, Oklahoma City, Oklahoma.

22465–CD–P–76, RCC of Virginia, Inc. (KUO622) C.P. to relocate facilities and change antenna system operating on 72.04 MHz, Control at Loc. No. 3: Monticello Avenue, Williamsburg Virginia.

22466–CD–P–76, RCC of Virginia, Inc. (KLF629 (C.P. to relocate facilities operating on 158.70 MHz to new Loc. No. 2: SE side of Old Bon Air Road, 1.5 miles SW of Bon Air, Virginia.

22467–CD–P–(5)–76, ATS Mobile Telephone, Inc. (KBM512) C.P. for additional facilities to operate on 152.15, 454.075, 454.200, 454.225 and 454.125 MHz. at Loc. No. 2: Woodmen Tower Building, 1700 Farnam Street, Omaha, Nebraska.

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22468–CD–MP–76, Rogers Radio Communication Service, Inc. (KTS204) C.P. to relocate facilities and change antenna system operating on 152.24 MHz. at Loc. No. 7: 3.1 miles NNE of Lake Zurich, Illinois.

22469–CD–P–76, Electronic Engineering Co. (KLF554) C.P. for additional facilities to operate on 454.275 MHz. located 1.25 miles west of Napier, Iowa.

22470–CD–P–(3)–76, Associated Telephone Answering Services (NeW), C.P. for a new station to operate on 152.12 MHz, Base and 459.125 MHz, Repeater at Loc. No. 1: Tesuque Peak, 11.5 mi NE of Santa Fe; and 454.125 MHz, Control at Loc. No. 2: 915 Cerrillos Road, Santa Fe, New Mexico.

22471–CD–P–76, RCC of Virginia, Inc. (NeW), C.P. for a new station to operate on 152.21 MHz located Rt. 47, approximately 600 feet East of the western city limits, South Hill, Virginia.

22472–CD–P/L–76, Adams Telephone Cooperative (KSJ820) C.P. to reinstate expired facilities operating on 152.72 MHz. located 0.5 Mile West of Golden, Illinois.

22473–CD–P–(4)–76, Mobilfone Service, Inc. (KKA341) C.P. to relocate facilities and change antenna system operating on 454.175, 454.225, 454.275 and 454.350 MHz. at Loc. No. 4: 4111 South Darlington, Tulsa, Oklahoma.

22474–CD–P–76, Telephone Answering Service of Fayetteville, Inc. (KUC909) C.P. to change antenna system operating on 152.24 MHz located at 727 McGilvary Street, Fayetteville, North Carolina.

22475–CD–P–76, The Mountain States Telephone and Telegraph Company (KOH275) C.P. to change antenna system operating on 152.69 MHz. located 4.6 miles East of Cheyenne, Wyoming.

22476–CD–P/L–(2)–76, Southwestern Bell Telephone Company (KKC267) C.P. for additional facilities to operate on 152.81 MHz. located 11 miles South of Abilene, Texas and additional Test facilities operating on 158.07 MHz located at 366 Cypress Street, Abilene, Texas.

22477–CD–P–(2)–76, Telephone Answering Service of Fayetteville, Inc. (KIY778) C.P. to change antenna system operating on 152.06 MHz; and to consolidate facilities operating on 152.03 MHz of KIE363 with KIY778, to be located at 727 McGilvary Street, Fayetteville, North Carolina.

Major Amendment

Gabriel Communications Corp. d/b/a Boca Mobilphone, File No. 1262–C2–P–73, C.P. for additional channel for Station KFQ941 on base frequency 454.025 MHz. Amended to change transmitter location to 351 S.W. First Avenue, Boca Raton, Florida. All other particulars remain unchanged.

Commercial Communications, Inc. (New), FN: 22116–CD–P–76. Amend to change the base station frequency to 158.75 MHz. All other particulars are to remain as reported on PN No. 808 dated June 1, 1976.

Corrections

File No. 22426–CD–TC–76, Evans Telephone Company Correct to show Transferor as John H. Evans, Sr., Deceased. All other particulars are to remain as reported on PN No. 815, dated July 19, 1976.

File No. 22419–CD–MP–76, Answerphone of Lake Worth, Inc. Correct Call Sign to read KWU206 instead of KWO206. All other particulars are to remain as reported on PN No. 815, dated July 19, 1976.

File No. 22417–CD–AL–76, Aircall New York Corporation (KWU253) New York, New York; Correct location to read Houston, Texas instead of New York and read as an Assignment of Construction Permit instead of License. All other particulars are to remain as reported on PN No. 815, Dated July 19, 1976.

Point to Point Microwave Radio Service

4519–CF–P–76, RCA Alaska Communications, Inc. (WBP70) Point Lena Loop Road, Lena Point, Alaska. Lat. 58°23'29" N. Long 134° 46'00" W. C.P. to change frequencies 4050V/4130V MHz to 2124.8V MHz toward Hoonah AFS, Alaska, on azimuth 233.3°; replace transmitters and antennas.

4520–CF–P–76, Same (WAH457 pending), Hoonah AFS, 1.9 Km NNE of Hoonah, Alaska. Lat. 58°07'40" N., Long. 135°25'49" W. C.P. to change frequencies 3810H 3730V MHz to 2174.8V MHz toward Lena Point, Alaska, on azimuth 52.7°, and replace transmitters and antennas; add 2168.4V MHz toward Adolphus, Alaska, on azimuth 303.6°, and 2162.0V MHz toward Sisters Island, Alaska, on azimuth 63.1°.

4521–CF–P–76, Same (New), Adolphus, 17 Km South of Gustavus, Alaska. Lat. 58° 15'42" N. Long. 135°48'49" W. C.P. for a new station on frequencies 2118.4V MHz toward Hoonah AFS, Alaska, on azimuth 123.3°, 2128.0V toward Cape Spencer, Alaska, on azimuth 262.1°, and 2112.0V MHz toward Gustavus, Alaska, on azimuth 19.7°.

4522–CF–P–76, Same (New), Coast Guard Lighthouse, Cape Spencer, Alaska. Lat. 58°11'56" N. Long. 136°38'16" W. C.P. for a new station on frequency 2178.0V MHz toward Adolphus, Alaska, on azimuth 81.4°.

4523–CF–P–76, Same (New), 2.4 Miles NE of Gustavus, Alaska. Lat. 58°25'09" N. Long. 135°42'22" W. C.P. for a new station on frequency 2162.0V MHz toward Adolphus, Alaska, on azimuth 199.8°.

4524–CF–P–76, Same (New), Center of Sisters Island, Alaska. Lat. 58°10'28" N. Long. 136°15'23" W. C.P. for a new station on frequency 2112.0V MHz toward Hoonah AFS, Alaska, on azimuth 243.2°.

4573–CF–P–76, Same (WAT986), Warm Springs, 1.2 Miles East of Baranof, Alaska. Lat. 57°07'16" N. Long. 134°48'07" W. C.P. to increase height of Baranof Passive Reflector.

4578–CF–R–76, Illinois Bell Telephone Company (WAN84). Location: Within the State of Illinois. Application for Renewal of Radio Station License (Developmental) expiring 26, 1976. Term: August 26, 1976 to August 26, 1977.

4592–CF–AL–(12)–76, The Norfolk and Carolina Telephone and Telegraph Company. Application for Consent to Assignment of Radio Station Licenses from The Norfolk and Carolina Telephone and Telegraph Company, Assignor, to Norfolk Carolina Telephone Company, Assignee, for the following stations:

KJG96—Elizabeth City, North Carolina
KJG97—Coinjock, North Carolina
KJG98—Mamie, North Carolina
KJG99—Kill Devil Hills, North Carolina
KJH20—Manteo, North Carolina
KSV95—Edenton, North Carolina
KSV96—Hertford, North Carolina
KVI24—Buxton, North Carolina
KVI25—Waves, North Carolina
WGH94—Carolla, North Carolina
WGI41—Welch, North Carolina
WBB369—Nags Head, North Carolina

"Pro Forma 14 Day Notice."

4512–CF–P–76, Southwestern Bell Telephone Company (KKB53), Spring RS, 2.2 Miles SSW of Spring, Texas. Lat. 30°02'54" N. Long. 95°25'54" W. C.P. to add frequency 6404.8V MHz toward Willis RS, Texas, on azimuth 359.6°.

4513–CF–P–76, Same (WJL75), Willis RS, 3 Miles ENE of Willis, Texas. Lat. 30°26'39" N. Long. 95°26'11" W. C.P. to add frequencies 6152.8H MHz toward Spring RS, Texas, on azimuth 179.4°, and 6152.5V MHz toward Huntsville, Texas, on azimuth 340.3°.

4514–CF–P–76 Same (WJL74), Huntsville RS, south edge of Huntsville, Texas. Lat. 30° 41'55" N. Long. 95°32'30" W. C.P. to add frequency 6404.8H MHz toward Willis RS, Texas, on azimuth 160.3°.

4515–CF–P/ML–76, Southern Bell Telephone and Telegraph Company (KIU56), 45 North Magnolia Street, Orlando, Florida. Lat. 28° 32'34" N. Long. 81°22'38" W. C.P. and Mod. of License to change polarization from Horizontal to Vertical on frequency 11405 MHz toward WSWB–TV, Florida on azimuth, 81.1°.

4545–CF–P–76, The Mountain States Telephone and Telegraph Company (KLC49), 120 4th Street NW., Albuquerque, New Mexico. Lat. 35°05'06" N. Long. 106°39' 03" W. C.P. to replace frequencies 3830V 3990V MHz with 10935V 11095V 11095H MHz toward Sandia Crest, New Mexico, on azimuth 51.5°; replace transmitters and antennas.

4546–CF–P–76, Same (KLS35), Sandia Crest, 5.8 Miles NW of Sandia Park, New Mexico. Lat. 35°12'56" N. Long. 106°27'03" W. C.P. to change frequencies 3790V 3950V MHz to 1154V 11305V 11305H MHz toward Albuquerque, New Mexico, on azimuth 231.6° and replace transmitters; add 11545V 11305V 11305H MHz toward Stanley, New Mexico, on azimuth 85.8°, and delete Rowe, New Mexico as a point of communication.

4547–CF–P–76, Same (New), 6.5 Miles North of Stanley, New Mexico. Lat. 35°14'37" N. Long. 105°58'02" W. CV.P. for a new station on frequencies 10935V 11095V 11095H MHz toward Sandia Crest, New Mexico, on azimuth 266.1°, and 10935V 11095V 11095H MHz toward Rowe, New Mexico, on azimuth 49.5°.

4548–CF–P–76, Same (KLS36), 2.4 Miles SSE of Rowe, New Mexico. Lat. 35°27'43" N. Long. 105°38'16" W. C.P. to correct coordinates; change frequencies 11545V 11305V 11305 MHz toward Stanley, New Mexico, on azimuth 229.7°; change 3830V 3990V MHz to 11545V 11305V 11305H MHz toward Apache Springs, New Mexico, on azimuth 99.1°, and replace transmitters; delete Sandia Crest, New Mexico, as a point of communication.

4549–CF–P–76, Same (KLS37), 4.5 Miles NNW of Apache Springs, New Mexico. Lat. 35°24'01" N. Long. 105°11'21" W. C.P. to change frequenices 3790V 3950V MHz to 10935V 11035V 11095H MHz toward Rowe, New Mexico, on azimuth 279.3°, and replace transmitters; change 3790V 3950V 10755V 10995V to 10935V 11095V MHz toward Las Vegas, New Mexico, on azimuth 353.3°, and replace transmitters; add frequencies 10795V 11115V MHz toward Santa Rosa, New Mexico, on azimuth 149.9°, delete Colonias, New Mexico as a point of communication.

4550–CF–P–76, The Mountain States Telephone and Telegraph Company (KLS38), 715 7th Street, Las Vegas, New Mexico. Lat. 35°35'45" N., Long. 105°13'02" W. C.P. to correct coordinates; change frequencies 3830V 3930V 11445V 11685H MHz to 11305V 11545V MHz toward Apache Springs, New Mexico, on azimuth 173.2°, and replace transmitters.

4552–CF–P–76, Same (New), 16 Miles NW of Santa Rosa, New Mexico. Lat. 35°03'04" N., Long. 104°56'34" W. C.P. for a new station on frequencies 11245V 11565V MHz toward Apache Springs, New Mexico, on azimuth 330.0°, and 11245V 11565V MHz toward Alcor, New Mexico, on azimuth 96.6°.

4553–CF–P–76, Same (KLU41), Alcor, 4.3 Miles WSW of Cuervo, New Mexico. Lat. 35°00'25" N., Long. 104°29'13" W. C.P. to correct coordinates, replace antennas and increase structure height; add frequencies 10795V 11115V MHz toward Santa Rosa, New Mexico, on azimuth 276.9°; change 10705V 10955H MHz to 10795V 11115 MHz toward Montoya, New Mexico, on azimuth 54.3°; change receive location data for Montoya, and delete Colonias, New Mexico as a point of communication.

4554–CF–P–76, Same (KLU42), 9.6 Miles NW of Montoya, New Mexico. Lat 35°12'05" N., Long. 104°09'25" W. C.P. to correct coordinates, replace antennas and increase structure height; change frequencies 11405H 11645V MHz to 11245V 11565V MHz toward Alcor, New Mexico, on azimuth 234.5°; and 11445V 11685H MHz to 11245V 11565V MHz toward Tucumcari, New Mexico, on azimuth 94.4°; replace transmitters.

4555–CF–P–76, Same (KLU43), 610 South First Street, Tucumcari, New Mexico. Lat. 35°10'24" N., Long. 103°43'27" W. C.P. to correct coordinates, replace antennas and decrease structure height; change frequencies 10755H 10995V MHz to 10795V 11115V MHz toward Montoya, New Mexico, on azimuth 274.6°, and replace transmitters.

4556–CF–P–76, United Telephone Company of the Northwest (New), south edge of town, adjacent to Hwy 395, Seneca, Oreg. Lat. 44°08'00" N, Long. 118°58'16" W. C.P. for a new station on frequency 2112.4V MHz toward Fall Mountain, Oregon, on azimuth 342.7°.

4557–CF–P–76, Same (KPJ93) Fall Mountain, Oregon. Lat. 44°17'39" N., Long. 119°02'26" W. C.P. to add a point of communication on frequency 2152.4V MHz toward Seneca, Oregon, on azimuth 162.6°.

4579–CF–TC–(102)–76, United Video, Inc. Application for transfer of control of United Cable Television Corporation, Transferor, to Lawrence Flinn, Jr., Transferee, for the following stations in the Point to Point Microwave Radio Service.

KEZ 51—Schram City, Illinois
KSI 55—Norway, Illinois
KSP 97—Vandalia, Illinois
KSV 40—Streator, Illinois
KSV 42—Amboy, Illinois
KXQ 33—Dallas City, Illinois
KXQ 46—Monmouth, Illinois
KYO 25—Olney, Illinois
WAH 446—Minier, Illinois
WAH 571—Springfield, Illinois
WAH 611—Moline, Illinois
WPX 22—Gridley, Illinois
KFL 76—Mt. Pleasant, Iowa
WAH 573—Ottumwa, Iowa
WAH 575—Chariton, Iowa
WAH 542—Donaldsonville, Louisiana
WAU 270—Vacherie, Louisiana
WDE 80—Port Neches, Texas
WIV 66—Jennings, Louisiana
WIV 71—Crowley, Louisiana
WQR 28—Bayou Sorrel, Louisiana
WAH 543—Lafayette, Louisiana
WAH 437—Jackson, Missouri
WAH 440—New Madrid, Missouri
WAH 443—Blytheville, Arkansas
WAH 581—Blytheville, Arkansas
WAH 583—Ramsey, Tennessee
KGC 21—Waynesville, Missouri
WAD 73—Belle, Missouri
WAN 80—Marshfield, Missouri
WAN 82—Phelps, Missouri
WCZ 32—Urbana, Missouri
WCZ 35—Sedalia, Missouri
WAS 405—Labadie, Missouri
WPG 26—Warrensburg, Missouri
WSL 50—High Ridge, Missouri
WAH 442—Mulhall, Oklahoma
WAH 577—Ardmore, Oklahoma
KEZ 53—Taylorville, Illinois
KSJ 62—Plainfield, Illinois
KSP 98—Effingham, Illinois
KSV 41—Peru, Illinois
KXQ 32—Princeton, Illinois
KXQ 36—Kewanee, Illinois
KXQ 54—Galesburg, Illinois
WAH 445—Bloomington, Illinois
WAH 570—Lincoln, Illinois
WAH 572—Mt. Olive, Illinois
WOJ 38—Osco, Illinois
WAH 545—Gibson City, Illinois
KFL 98—Fairfield, Iowa
WAH 574—Albia, Iowa
WAH 576—Leslie, Iowa
WAU 217—West Winnie, Texas
WDD 97—LaBelle, Texas
WDE 81—Cameron Falls, Louisiana
WIV 68—Lake Charles, Louisiana
WPE 94—Lacassine, Louisiana
WQR 29—Catahoula, Louisiana
WAH 436—Perryville, Missouri
WAH 439—Sikeston, Missouri
WAH 441—Caruthersville, Missouri
WAH 444—Lakeview, Arkansas
WAH 582—Grider, Arkansas
KGB 96—Rolla, Missouri
WAD 72—Union, Missouri
WAN 79—Lebanon, Missouri
WAN 81—Springfield, Missouri
WAY 25—Joplin, Missouri
WCZ 33—Warsaw, Missouri
WAS 399—Ionia, Missouri
WBP 59—Odessa, Missouri
WPG 33—Raytown, Missouri
KYO 89—McKiddyville, Oklahoma
WAH 577—Mulhall, Oklahoma
WAH 578—Loco, Oklahoma
WAH 579—Duncan, Oklahoma
WAS 472—Tulsa, Oklahoma
WBO 89—Mt. Springs, Texas
WKS 22—Muskogee, Oklahoma
WOE 67—Mannsville, Oklahoma
WOE 69—Henryetta, Oklahoma
WOE 83—Ada, Oklahoma
WOP 38—Woods, Oklahoma
WQO 52—Bold Hill, Oklahoma
WAS 400—Miami, Oklahoma
WAS 402—Nowata, Oklahoma
WAH 448—Niota, Tennessee
WAH 548—Waleska, Georgia
WAH 580—Lawton, Oklahoma
WBA 773—Sand Springs, Oklahoma
WBO 90—Thackerville, Oklahoma
WKS 23—Marble City, Oklahoma
WOE 68—Scullin, Oklahoma
WOE 70—Holdenville, Oklahoma
WOP 37—Byara, Oklahoma
WOP 39—Britton, Oklahoma
WAS 473—Avant, Oklahoma
WAS 401—Centralia, Oklahoma
WAS 403—Avant, Oklahoma
WAH 449—Dixie Lee Junction, Tennessee
WAH 550—Snow Hill, Tennessee
WBP 46—Temporary fixed

4590–CF–TC–(16)–76, United Wehco, Inc. Application for transfer of control of United Cable Television Corporation, Transferor, to Lawrence Flinn, Jr., Transferee, for the following stations in the Point to Point Microwave Radio Service.

KEX 58—Goodman Mtn., Texas
KEX 75—Walkers Mill, Texas
KFA 44—Marshall, Texas
KEV 51—Trees, Texas
KEV 52—Black Diamond, Arkansas
WPE 60—Moore Lake, Arkansas
WPE 61—Hope, Arkansas
WPE 62—Gurdon, Arkansas
WPE 63—Manning, Arkansas
WPE 64—Leola, Arkansas
WPE 65—Malvern, Arkansas
KEW 40—Bruce, Arkansas
KEW 55—England, Arkansas
KEV 59—Camden, Arkansas
WAT 948—El Dorado, Arkansas
WAT 949—Farmerville, Louisiana

4516–CF–P–76, General Telephone Co., of Florida (KIO 65), Pine Place and Bamboo' Lane, Sarasota, Florida. (Lat. 27°20''06' N. Long. 82°32'10" W.): Construction permit to add 6286.2H MHz toward Nokomis, Florida, on azimuth 154.3°.

4517–CF–P–76, General Telephone Co. of Florida. (KPP 64), 1.8 mile east of Laurel, Nokomis, Florida. (Lat. 27°08'15" N. Long. 82°25'45" W.): Construction permit to add 6034.2V MHz toward Port Charlotte, Florida, on azimuth 117.8°.

4525–CF–P–76, Sierra Microwave, Inc. (KPY 35), 12 miles NW of Carson City, Nevada. (Lat. 39°18'49" N. Long. 119°53'00" W.): Construction permit to add 11405.V and 11645.V MHz toward Al Tahoe, via passive repeater, in Nevada, on azimuth 185.6°.

4526–CF–P–76, American Television Relay, Inc. (KNK 38), 2.1 miles SE of Wrightwood, California. (Lat. 34°21'09" N. Long. 117° 40'26" W.): Construction permit to add 5960.OH MHz toward Victorville, and Barstow, both in California, on azimuths 60.2 and 43.8°, respectively.

4527–CF–P–76, United Video, Inc. (WOE 70), 1 mile NE of Holdenville, Oklahoma (lat. 35°06'27" N. Long. 92°23'54" W.): Construction permit to add 6226.9V and 6286.2V MHz toward Wewoka, Oklahoma, on azimuth 304.5°.

4585–CF–P–76, Western Tele-Communications, Inc. (New), 1.95 mile South of Issoquah, Washington. (Lat. 47°30'09" N Long. 122°01'37" W.): Construction permit to add 10815.H and 11055.H MHz toward Seattle RIS, Washington via passive reflecttor, on azimuth 72.2°.

4540–CF–P–76, United States Transmission Systems, Inc. (WAH 497), 5.0 miles N. of West Chester, Pennsylvania. (Lat. 40°02'-50" N. Long. 75°35'11" W.): Construction permit to add 6226.9V MHz toward Gap Hill, Pennsylvania, on azimuth 269.3°.

4541–CF–P–76, United States Transmission Systems, Inc. (New), 1.7 mile North of Christiana, Pennsylvania. (Lat. 39°59'17" N. Long. 75°59'22" W.): Construction permit for new station—5945.2H MHz toward Lancaster and 5945.2V MHz toward West Chester, both in Pennsylvania, on azimuths 281.7° and 79.1°, respectively.

4542–CF–P–76, United States Transmission Systems, Inc. (New). W. King and N. Queen Streets, Lancaster, Pennsylvania. (Lat. 40°-02'17" N. Long. 76°16'22" W.): Construction permit for new station—6226.8H toward Deodate and Gap Hill, beth in Pennsylvania, on azimuths 308.0° and 101.5°, respectively.

4543–CF–P–76, United States Transmission Systems, Inc. (New), 3.4 miles SSE of Hershey, Pennsylvania. (Lat. 40°14'00" N.—76°37'59" W.): Construction permit for new station—6063.8V toward Harrisburg and 5945.2H MHz toward Lancaster, both in Pennsylvania, on azimuths 278.1 and 127.8°.

4544–CF–P–76, United States Transmission Systems, Inc. (New), 3d and Chestnut Street, Harrisburg, Pennsylvania. (Lat. 40°-15'36" N. Long. 76°52'45" W.): Construction permit for new station—6315.8H MHz toward Deodate, Pennsylvania, on azimuth 98.0°.

Corrections

4462–CF–MP–76, RCA Global Communications, Inc., as Trustee (WBB 390), 5 miles NW of Huffman, Texas. (Lat. 30°06'01" N. Long. 95°07'48" W.). This entry appearing in Public Notice of July 19, 1976 is corrected to show 6271.4V MHz toward Houston, Texas. All other particulars remain the same.

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Major Amendments

3350–CF–P–76, Bib Bend Telephone Company (New, Alpine CO, 808 N. 5th Street, Alpine, Texas. Amend application to change Latitude to 30°21'52" N., azimuth toward Alpine Passive Reflector to 223.5°, passive reflector coordinates to Lat. 30°18'31" N., Long. 103°42'27" W., azimuth from passive toward Elephant Mtn. to 150.6°.

3351–CF–P–76, Same (New), Elephant Mountain, 25 miles South of Alpine, Texas. Amend application to change azimuth toward Nine Point to 170.5°, azimuth toward Alpine passive reflector to 330.7° and azimuth from passive toward Alpine CO to 43.5°.

3352–CF–P–76, Same (New), Cienega Mountain, 20 Miles NNE of Presidio, Texas. Amend application to change coordinates to Lat. 29°46'02" N. Long. 104°09'46" W., azimuth toward Presidio Passive Reflector to 224.5°, from passive to Presidio to 127.0°, azimuth toward Redford CO to 186.7°; delete Alamito Passive Reflector and add frequency 2162.0V MHz to Alamito, Texas, on azimuth 14.7°.

3353–CF–P–76, Same (New), Alamito, 11 Miles SSW of Marfa, Texas. Amend application to change coordinates to Lat. 30°09'26" N. Long. 104°02'43" W.; delete Passive Reflector and add 2112.0V MHz toward Cienega Mountain, Texas on azimuth 194.7°.

3354–CF–P–76, Same (New), 102 5th Street, Presidio, Texas. Amend application to change coordinates to Lat. 29°33'35" N. Long. 104°23'13" W., azimuth toward Presidio Passive Reflector to 307.0°, passive reflector coordinttes to Lat. 29°33'47" N. Long. 104°23'13" W., azimuth from passive toward Cienega Mountain to 44.4°.

3355–CF–P–76, Same (New), ¼ Mile West of Redford, Texas. Amend application to change coordinates to Lat. 29°27'39" N. Long 104°12'15" W., azimuth toward Cienega Mountain to 6.7°.

3356–CF–P–76, Same (New), Nine Point, 50 Miles South of Alpine, Texas. Amend application to change coordinates to Lat. 29°39'16" N. Long. 103°27'46" W., azimuth toward Elephant Mountain to 350.5°, azimuth toward Calamity Creek to 346.2°, and azimuth toward Big Bend Park to 146.1°.

3357–CF–P–76, Same (New), Calamity Creek, 23 Miles South of Alpine, Texas. Amend application to change Longitude to 103°34'37" W.

3358–CF–P–76, Same (New), Big Bend Park, 72 Miles South of Marathon, Texas. Amend application to change Latitude to 29°19'20" N.

3361–CF–P–76, Same (New), Wolf Camp, 10 Miles NNE of Marathon, Texas. Amend application to change azimuth toward Big Canon Repeater to 101.8°.

Major Amendments

3362–CF–P–76, Big Bend Telephone Company (New), Big Canyon Repeater, 7 Miles North of Sanderson, Texas. Amend application to change coordinates to Lat. 30°14'38" N. Long. 102°25'04" W., azimuth toward Wolf Camp to 282.2°; reroute frequency 2115.2H MHz toward Big Canyon Passive Reflector, on azimuth 71.5°, and from passive reflector toward Big Canyon, Texas, on azimuth 11.8°.

3363–CF–P–76, Same (New), Big Canyon, 18 Miles NNE of Sanderson, Texas. Amend application to change Longitude to 102°16'46" N.; reroute frequency 2165.2H MHz toward Big Canyon Passive Reflector, on azimuth 191.8°, and from passive reflector toward Big Canyon Repeater, on azimuth 251.6°.

[FR Doc.76-22429 Filed 8-2-76;8:45 am]

FEDERAL MARITIME COMMISSION

[No. 76-39]

CATERPILLAR OVERSEAS, S.A. V. SOUTH AFRICAN MARINE CORPORATION (N.Y.)

Filing of Complaint

JULY 29, 1976.

Notice is hereby given that a complaint filed by Caterpillar Overseas, S.A. against South African Marine Corporation was served July 29, 1976. The complaint alleges that complainant has been subjected to the payment of rates and charges for transportation in excess of those lawfully applicable in violation of section 18(b)(3) of the Shipping Act, 1916.

Hearing in this matter shall commence on or before January 29, 1977.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-22443 Filed 8-2-76;8:45 am]

PACIFIC COAST EUROPEAN CONFERENCE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y. New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before August 23, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

MODIFICATION OF AGREEMENT

Notice of agreement filed by:

David C. Nolan, Esq., Graham & James, One Maritime Plaza, San Francisco, California 94111.

Agreement No. 5200-31, among the member lines of the above-named conference, (1) extends the present scope to include port area points in Alaska, Washington, Oregon and California, (2) specifies that the application of the agreement is to cargo moving by both intermodal and direct all-water routes, and (3) provides that a member can maintain a regular service as required for membership by either providing a sailing every three months or by carrying a minimum of 1500 tons of cargo during a three month period.

Dated: July 29, 1976.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-22442 Filed 8-2-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. ER76-659]

ALABAMA POWER CO.

Order Denying Motion for Summary Disposition and Denying in Part and Granting in Part Motion To Reject

JULY 27, 1976.

On May 28, 1976, the Commission issued an order which accepted for filing and suspended until October 1, 1976, certain changes in rates charged by Alabama Power Company (Alabama) to 26 municipal and electric cooperative customers served under its FPC Electric Tariff, Original Volume No. 1, and to the Utilities Board of the City of Foley, and changes in its Interconnection Agreement with Alabama Electric Cooperative, Inc., FPC Rate Schedule No. 133. In the May 28 order the Commission deferred action on certain issues raised by Intervenors concerning, inter alia, the use of comprehensive interperiod tax allocation and the validity of the filing under the rule of "Mobile-Sierra."[1] For the reasons stated hereinafter the Commission will deny Intervenors' motion for summary disposition to eliminate comprehensive interperiod tax allocation and will grant in part and deny in part Intervenors' motion to reject Alabama's filing for violation of "Mobile-Sierra."

The petition to intervene filed May 19, 1976, by 12 municipalities and municipal utilities boards[2] and by Municipal Electric Utility Association of the State of Alabama (collectively, Municipalities) alleges, inter alia, that section 5 of the General Terms and Conditions proposed by Alabama, which permits the Company to terminate the service agreement if the bill for service supplied thereunder is not paid within a certain time, provides for unlawful abandonment of service in violation of § 35.15 of the Commission's regulations under the Act. Municipalities further allege that Alabama's proposed rates are predicated on comprehensive interperiod tax allocation, but that the Company has not made the requisite showing of a tax deferral as required by Order No. 530–A, nor even supplied evidentiary support for its "net of taxes" method for developing an AFUDC (Allowance for Funds Used During Construction) rate.

[1] United Gas Pipe Line Co. v. Mobile Gas Service Corp., 350 U.S. 332 (1956); FPC v. Sierra Pacific Power Co., 350 U.S. 348 (1956).

[2] City of Alexander City, City of Dothan, City of Fairhope, The Utilities Board of the City of Foley, City of LaFayette, City of Lanett, City of Luverne, City of Opelika, City of Piedmont, The Utilities Board of the City of Sylacauga, City of Troy, Utilities Board of the City of Tuskegee.

The petition to intervene filed May 20, 1976, by eight distribution cooperatives[3] and Alabama Electric Cooperative, Inc. (AEC) (collectively, Cooperatives) raises a number of objections, including the issue of interperiod tax allocation. In addition, Cooperatives allege that Alabama's tendered filing must be rejected, because Alabama has unilaterally changed the reserve requirement provisions of the Interconnection Agreement with AEC (FPC Rate Schedule No. 133), in violation of the "Mobile-Sierra" rule.

Alabama on May 24, 1976, responded to the allegations of Municipalities and Cooperatives. The Company notes that the language of section 5 of the general terms and conditions of the Company's tariff is unchanged from the language which was allowed to become effective by the Administrative Law Judge's Initial Decision, issued May 25, 1973, in Docket No. E–7674, "Alabama Power Company," 50 FPC 1882 (1973) "rehearing granted," 51 FPC 1315 (1974). Alabama further asserts that it has met the requirements established by Order No. 530–A and has presented evidence (in the testimony of Richard W. Walker) that the deferred tax accounting practiced by the Company constitutes a tax deferral and not a permanent tax saving. Alabama also states that its use of a "net of tax" AFUDC rate is self-evident, and that discussion of such use is more appropriate in a full-fledged evidentiary hearing.

In response to Cooperatives' allegation of violation of the "Mobile-Sierra' rule, Alabama asserts that the terms of the Interconnection Agreement with AEC give Alabama the right to change unilaterally the reserve levels required to be maintained by AEC, subject to the Commission's approval. The Company also responds to the remaining allegations by the intervenors, and concludes that a resolution of the issues thus raised should be pursued in the context of a full evidentiary hearing.

Review of the filing indicates that Alabama's proposed rate is based, in part, on the utilization of comprehensive interperiod tax allocation, in support of which the Company has provided testimony. On March 18, 1976, the Commission issued an order which accorded a "Petition • • • For Rehearing of Order No. 530–A" filed by sixteen (16) public utilities the status of a motion for reconsideration of Order No. 530–A, granted such motion solely for purposes of further consideration, and provided for the filing of responses to said motion. On July 6, 1976, the Commission issued Order No. 530–B, in which the original decision in Order No. 530 was readopted. Pursuant to Order No. 530–B, normalization will be permitted where the difference in the recognition of an item for tax and book purposes is only a timing difference and not a permanent difference. Accordingly, we shall deny the motions for summary disposition as to this issue.

Regarding Municipals' allegation that section 5 of the General Terms and Conditions of Alabama's tariff constitutes an unlawful abandonment of service, the Commission notes that, regardless of the language of section 5, the parties are required to act in accordance with § 35.15 of the Commission's Regulations, which states:

> Section 35.15 *Notices of cancellation or termination.* When a rate schedule or part thereof required to be on file with the Commission is proposed to be cancelled or is to terminate by its own terms and no new rate schedule or part thereof is to be filed in its place, each party required to file the schedule shall notify the Commission of the proposed cancellation or termination on the form indicated in § 131.53 of this chapter at least thirty days but not more than ninety days prior to the date such cancellation or termination is proposed to take effect. A copy of such notice to the Commission shall be duly posted. With such notice each filing party shall submit a statement giving the reasons for the proposed cancellation or termination, and a list of the affected purhasers to whom the notice has been mailed. For good cause shown, the Commission may by order provide that the notice of cancellation or termination shall be effective as of a date priore to the date of filing or prior to the date the filing would become effective in accordance with these rules.

Cooperatives contend that Alabama violates the "Mobile-Sierra" doctrine by filing unilaterally a proposed revision in the minimum reserve generation capacity AEC is obligated to provide under the Interconnection Agreement and by proposing to eliminate § 5.06 of the Agreement, which provides for sale to AEC of Protective Capacity. Section 1.01 (Term) of the Agreement states in pertinent part: "This Agreement shall continue in effect for the initial term ending May 31, 1982, subject to the provisions for adjustments in rates and charges provided for in § 2.01." Section 2.01 (Regulation of Rates and Charges) states in pertinent part:

> Notwithstanding the rates and charges specified herein for the various services to be provided pursuant to this Agreement, Company and Cooperative shall have the right (except for the limitations of such right contained in §§ 5.06 and 6.02) at any time to initiate proceedings through appropriate regulatory filings to change the rates and charges for such services.

Section 5.06 (Protective Capacity), which Alabama proposes to eliminate, provides that the "Company shall not make any effort to put into effect an increase in" the $4/kilowatt per year rate specified for protective capacity "except upon fifteen months prior written notice to Cooperative." Section 6.02 (Purchase Capacity) provides that the initial rate for purchase capacity "shall remain in effect for the term of this Agreement unless such rate is changed in accordance with the provisions of § 2.01 hereof, provided however, such rate may not be changed by either party until May 31, 1976."

Section 5.04 (Generating Capacity Reserve Requirements) provides in pertinent part:

> Cooperative shall provide as part of its reserve generating capacity for each Contract Year an amount equal to no less than fifteen percent (15 percent) of its maximum estimated integrated peak-hour demand for the Contract Year.
>
> • • • • •
>
> Such requirement of fifteen percent (15%) shall be adjusted from time to time as determined to be appropriate by the Operating Committee to reflect changes in practice in the industry.

The function of the Operating Committee, comprised of one representative each from the Company and the Cooperative, is set forth in Article IV of the Agreement.

Both the caption and content of § 2.01 make clear that this clause provides for unilateral changes in rates and charges only. Consonant therewith, the limitations of such right contained in §§ 5.06 and 6.02 also refer only to rates and charges. Nowhere in § 2.01 or in any other section of the Agreement is there a provision specifying the right to terminate unilaterally the service terms in question of the Agreement. Therefore, the sale of Protective Capacity provided for in § 5.06 shall continue in effect until May 31, 1982, and thereafter, subject to five years' prior notice of termination, as provided in § 1.01. However, upon fifteen months' prior written notice to AEC, Alabama can file an increase in the rate for this service.

Section 5.04 gives the Operating Committee established in Article IV the authority to adjust periodically the Cooperative's required reserve generating capacity. Section 4.02 provides that, "should the Operating Committee fail to reach agreement upon any matter for which it is responsible, such matter shall be referred to the respective managements of the parties for disposition." In their petition the Cooperatives and AEC state that AEC's management does not support the reserve generating capacity which Alabama proposes shall be required of AEC.

The Commission need not at this point explore the merits of various methods of calculating required reserve capacity in light of current industry practice. It is sufficient to note that the parties to the Interconnection Agreement do not agree on the proposed revised reserve generating capacity and that the Agreement does not provide for unilateral change of this item. The Commission rejects Ala-

[3] Baldwin County Electric Membership Corporation, Clarke-Washington Electric Membership Corporation, Coosa Valley Electric Cooperative, Inc., Dixie Electric Cooperative, Inc., Pea River Electric Cooperative, Inc., Pioneer Electric Cooperative, Inc., Tallapoosa River Electric Cooperative, Inc., and Wiregrass Electric Cooperative, Inc.

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bama's reasoning (pp. 4–7) that, since the Company has the right to file unilateral changes for rates and charges incorporated in the Interconnection Agreement, it therefore follows that Alabama can file unilateral changes in the terms of the reserve provisions to which those rates and charges apply. This reasoning controverts the clear language of the Agreement.

Therefore, for the reasons stated above, the Commission finds that Alabama's proposed revised AEC reserve generating capacity requirement under § 5.04 and proposed elimination of § 5.06 providing for Protective Capacity sales are filed in violation of the "Mobile-Sierra" rule. Accordingly, the Commission shall require Alabama to file revised tariff sheets reflecting the elimination of these two proposed changes in the terms of the Interconnection Agreement.

As regards Intervenors' remaining objections to the instant filing, the Commission believes that these issues may be developed as necessary at the proceedings provided for by the Commission's Order issued May 28, 1976, in this docket.

In light of the Commission's disposition of the questions herein, the various pleadings of the parties which request relief inconsistent with the present disposition are hereby denied.

The Commission finds. (1) Motion of Municipal and Cooperative Intervenors for summary disposition excluding comprehensive interperiod tax allocation from the jurisdictional rate increase should be denied.

(2) Motion of Cooperative Intervenors to reject Alabama's entire filing should be denied. However, Alabama's proposed revised AEC reserve generating capacity under § 5.04 and proposed elimination of § 5.06 of the Interconnection Agreement providing for protective capacity sales should be rejected as violative of the "Mobile-Sierra" rule.

The Commission orders. (A) Motion of Municipal and Cooperative Intervenors for summary disposition to exclude comprehensive interperiod tax allocation is hereby denied.

(B) Cooperatives' motion to reject Alabama's entire filing is denied. However, that part of Alabama's filing which purports to revise AEC's reserve requirement under § 5.04 of the Interconnection Agreement and to eliminate § 5.06 of the Agreement is rejected. Alabama shall file within thirty days a revised rate schedule reflecting elimination of these portions of its filing.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22433 Filed 8-2-76;8:45 am]

[Docket No. RP71-122]

ARKANSAS LOUISIANA GAS CO.

Petition for Special Relief

JULY 27, 1976.

Take notice that on July 15, 1976, Arkansas Louisiana Gas Company (Arkla) filed in Docket No. RP71-122 a petition for special relief seeking to defer until June 2, 1977 (a nine month grace period) the implementation of that portion of the June 2, 1976 Commission order in the instant docket as requires elimination of the distinction that formerly existed between firm and interruptible service, all as more fully set forth in the application on file with the Commission and open to public inspection.

Arkla requests authorization to continue to firm and interruptible distinctions as they previously existed for one more winter. Arkla states this is necessary in order to give those direct industrial customers in the middle priorities enough time to complete conversion efforts to enable them to absorb the level of curtailment which is going to be necessitated by the elimination of the firm and interruptible distinction. Arkla further states the only customer who will get more gas under the Arkla curtailment plan as the result of the elimination of the firm-interruptible distinction is Cities Service Gas Company (Cities), a large sale for resale customer. Practically all of Arkla's other sales are sales for consumption, so the additional gas going to Cities will have to be diverted from many other Arkla direct sales customers. This will mean that curtailments to certain classes of customers on the Arkla system will be significantly deeper than had been projected for next winter. Arkla also states that the grant of its special relief petition will avoid a large number of petitions for extraordinary relief by the customers.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 13, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22434 Filed 8-2-76;8:45 am]

[Docket Nos. E-9521, E-9522]

GEORGIA POWER CO.

Further Extension of Time

JULY 27, 1976.

On May 13, 1976, Staff Counsel filed a motion to extend the procedural dates fixed by order issued October 29, 1975 as most recently modified by notice issued February 18, 1976, in the above-designated proceeding. The motion states that no party objects to the proposed schedule.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, July 30, 1976.
Service of Intervenor Testimony, August 27, 1976.
Service of Company Rebuttal, September 30, 1976.
Hearing, October 19, 1976 (10:00 a.m., e.d.t.)

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22435 Filed 8-2-76;8:45 am]

[Docket No. RP72-140, (PGA76-3)]

GREAT LAKES GAS TRANSMISSION CO.

Proposed Changes in Gas Tariff Under Purchased Gas Adjustment Clause Provisions

JULY 27, 1976.

Take notice that Great Lakes Gas Transmission Company (Great Lakes), on July 14, 1976, tendered for filing the following tariff sheets to its FPC Gas Tariff, proposed to be effective September 10, 1976:

First Revised Volume No. 1

Second Revised Sheet No. 54
Eighteenth Revised Sheet No. 57

Original Volume No. 2

Third Revised Sheet No. 53-B
First Revised Sheet No. 53-C

Great Lakes states that its sole supplier of natural gas, TransCanada Pipeline Limited (TransCanada), will increase the rates for gas purchased by Great Lakes effective September 10, 1976. The increase is the result of the National Energy Board of Canada's orders issued June 24, 1976, amending TransCanada's licenses for the export of natural gas to Great Lakes by establishing that the price to be received for the gas to be exported shall be not greater than and not less than $1.80 in Canadian currency per Mcf of one thousand British Thermal Units per cubic foot equivalent gas at a temperature of 60 degrees Fahrenheit and a pressure of 14.73 pounds per square inch absolute adjusted on the ratio of the actual BTU content per cubic foot to 1000 BTU per cubic foot.

Great Lakes proposes in this filing to change the factors which allocate the purchased gas cost change between the resale and the T-4 rate schedule customers. The proposed change would replace specific factors, presently included in Great Lakes' FPC Gas Tariff, with a formula which would reflect actual operating conditions within the Determination Period. The proposed allocation formula complies with the provisions of Article V of a Stipulation and Agreement of Rate Proceedings in Docket Nos. RP75-94 and RP72-140 (PGA75-5) filed by Great Lakes with the Commission on June 17, 1976.

Great Lakes is also providing for adjustments in the current PGA rate reflecting the effect of currency conversion based on $1.0376 United States equivalent to $1.00 Canadian and a BTU adjustment reflecting an average content of 1004 BTU per Mcf of gas purchased during the Determination Period.

Great Lakes also states that copies of this filing have been served upon its customers, the Public Service Commissions of Minnesota, Wisconsin and Michigan and other parties who have intervened in Docket No. RP75-94.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 12, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22436 Filed 8-2-76;8:45 am]

[Docket No. RM74-8]

NATIONWIDE FUEL EMERGENCY

Order Prescribing Revision to Order No. 498

JULY 27, 1976.

On December 21, 1973 the Commission issued Order No. 498 imposing certain reporting requirements on all Class A and Class B natural gas pipeline companies. Provision A of Order No. 498 provides:

All Class A and B natural gas pipeline companies shall report to the Commission on January 1 and July 1 of each year beginning with 1974 what actions have been taken by them and their customers to conserve natural gas; the quantities of natural gas; estimated to be conserved by such actions during twelve months following the report date; and an estimate of the volume of gas actually conserved during the twelve months prior to the report date.

In addition, Provision B of Order No. 498 provided that all Class A and Class B natural gas pipeline companies were to report to the Commission by February 1 and March 1, 1974 what actions had been taken by them and their customers to conserve natural gas in order to reduce the impact of the Nation's energy emergency for the 1973–1974 winter.

The Commission has determined, after considering the data which have been collected under Order No. 498, that the requirement for periodic reports from all Class A and Class B natural gas pipeline companies should be terminated. The benefits from the reporting requirement are no longer commensurate with the burden on those required to file the reports.

The Commission finds: (1) Modifying the rulemaking in Docket No. RM74-8 is appropriate and necessary for carrying out the provisions of the Natural Gas Act.

(2) Compliance with the notice, public procedure and effective date provisions of Section 553 of Title 5, United States Code is unnecessary.

(3) Good cause exists that the revision adopted herein become effective upon issuance of this order.

The Commission, acting pursuant to authority granted by the Natural Gas Act, as amended, particularly by sections 8, 10, and 16 thereof, (52 Stat. 825, 826, 830; 15 U.S.C. 717g, 717i, 717o) orders:

(A) Effective upon the issuance of this order, Provision A of Order No. 498 is hereby repealed.

(B) Effective upon the issuance of this order, Provision B of Order No. 498 is hereby repealed.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22431 Filed 8-2-76;8:45 am]

[Docket No. RP76-52, etc.]

NORTHERN NATURAL GAS CO.

Order Permitting Withdrawal of Tariff Sheets, Accepting for Filing Revised Tariff Sheets, Suspending Revised Tariff Sheets, Denying Motion To Reject and Granting Intervention

JULY 28, 1976.

On December 31, 1975, Northern Natural Gas Company (Northern) filed with the Commission the following revised tariff sheets to its F.P.C. Gas Tariff, Third Revised Volume No. 1.

Fourth Revised Sheet Nos. 59, 59a and 59b
Second Revised Sheet Nos. 59c, 59d, 59e, and 59f
First Revised Sheet Nos. 59g, 59h, 59i and 59j
Substitute First Revised Sheet Nos. 59g, 59h, 59i and 59j
Original Sheet No. 59K

Northern requested that the tariff sheets, which proposed a revision of Northern's presently effective curtailment plan, be effective on September 26, 1976. By order issued March 10, 1976, in the above-referenced docket, the Commission accepted the proposed tariff sheets for filing and suspended them for one day until September 27, 1976. The Commission also consolidated the curtailment filing with an order to show cause issued to Northern on July 7, 1975 in Docket No. RP74-102 (volumetric limitations) with regard to the imposition of volumetric limitations. Hearings on the consolidated proceeding commenced on May 3, 1976.

On March 18, 1976, Northern filed with the Commission a motion to withdraw the tariff sheets submitted on December 31, 1975 and accepted on March 10, 1976 and to substitute, as part of its F.P.C. Gas Tariff, Third Revised Volume No. 1, the following tariff sheets:

Substitute Fourth Revised Sheet Nos. 59, 59a and 59b
Substitute Second Revised Sheet Nos. 59c, 59d, 59e and 59f

Northern requests that these tariff sheets be suspended for one day to become effective on September 27, 1976, in conformance with the Commission's order of March 10, 1976.

Northern's March 18 revisions concern two separate changes in its curtailment filing. First, proposed Paragraph 9.2 of the December 31, 1975 filing provided that all deliveries of gas to those gas utilities purchasing gas pursuant to Rate Schedule PL-1 (Pipe Line Service) would be placed in Priority Category 2 for purposes of curtailment. Northern states that the placement of deliveries to pipe line customers in Category 2 was predicated on the assumption that an annual volumetric limitation would have been put in effect prior to September 27, 1976. Northern states that since no volumetric limitation will be put into effect prior to September 27, 1976, the pipe line customers would not experience any curtailment during the 1976–1977 heating season or during the summer of 1977. Northern, therefore, proposes to curtail the pipeline customers on an annual basis in accordance with the provisions of a new Paragraph 9.4.

Second, in the December 31, 1975 filing Northern stated that it would propose for Commission approval the termination of all firm deliveries for electric generation use. Northern now states that this proposal can best be effectuated by inclusion of firm deliveries for electric generation in the curtailment plan. Northern proposes to place "EG Plant Sales" made on a firm basis in a new Priority (11A) of Paragraph 9.2.

On May 7, 1976, the Flambeau Paper Company (Flambeau) filed a petition for leave to intervene and a motion to reject the revised tariff sheets submitted by Northern on March 18, 1976.[1] Flambeau states that under § 145.66(a) and (b) of the Commission's regulations, Northern cannot file any substitution or change of suspended tariff sheets without "special permission of the Commission upon application therefor and for good cause shown." Flambeau states that Northern has not established good cause for "a major and radical substantive change of the December 31, 1975 tariff sheet filing" with respect to the treatment of firm "E.G. Plant Sales." Flambeau further states that the relegation of firm "E.G. Plant Sales" to a low curtailment priority would permit Northern to effectively terminate such sales without the necessity of a section 7(b) application which would have been required under the December 31, 1975 filing.

Flambeau next argues that although section 4(e) of the Natural Gas Act may be an appropriate procedural mechanism to enable a natural gas company to effect a change in a presently effective

[1] Flambeau Paper Company is the successor in interest to the Kansas City Star-Flambeau Paper Division, which had previously been granted intervention in this proceeding.

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curtailment plan, the portion of section 4(e) which permits a natural gas company to effect the proposed change subject to refund, after the suspension period, was not intended to apply to changes in curtailment provisions. Flambeau alleges that the refund provisions of section 4(e) only apply in instances where the change in "rate, charge, classification or service" is measurable in dollars and cents and the "amounts received by reason of such increase" and the amounts "paid" may be determined with precision.

Flambeau, therefore, argues that the law precludes any superseding change in an effective curtailment plan which the Commission had found to be just and reasonable without specific findings and conclusions supported by and based on substantial evidence that (1) the presently effective curtailment plan is not just and reasonable, or is unreasonably or unduly preferential, unduly disadvantageous or prejudicial and (2) the curtailment plan to be made effective and to supersede the currently effective curtailment plan is just and reasonable, not unreasonably or unduly preferential and not unreasonably prejudicial or disadvantageous. Flambeau states that the requisite findings and conclusions cannot be made without an evidentary hearing. Flambeau concludes that until the Commission's final order prescribing a new curtailment plan, the presently effective just and reasonable interim plan must continue in effect.

On May 3, 1976, Lake Superior District Power Company (Lake Superior) filed comments on the revised tariff sheet.[2] Lake Superior states that it objects to the waiver of § 154.66 of the Commission's regulations for the following reasons:

(a) There is no compelling reason why a new curtailment plan must be made effective after a one day suspension when the presently effective interim plan was found to be just and reasonable and in the public interest,

(b) The provisions of section 4(e) of the Natural Gas Act can apply only to rate increases,

(c) The proposed tariff revisions which place firm electric generation use in the lowest use categories are arbitrary and involve unreasonable discrimination,

(d) The changes to Northern's proposed curtailment plan which were filed on March 18, 1976, were not minor but were major changes in the curtailment plan as originally filed on December 31, 1975.

(e) Northern has not established the standard of "good cause" required for a waiver of § 154.66 of the Commission's regulations.

On May 10, 1976, the Public Service Commission of Wisconsin (Wisconsin) filed comments on the revised tariff sheets. Wisconsin states that the effect of March 18, 1976 filing would be to place the Flambeau Steam and Electric Generating Station of the Lake Superior District Power Company in the general overall category of electric generation. Wisconsin states that the Federal Power Commission should not grant the request for waiver of Section 154.66 and should not permit the revised tariff sheets to become effective on an interim basis prior to completion of this proceeding.

On May 3, 1976, Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) filed a protest to the tariff sheets filed by Northern on March 18, 1976. Michigan Wisconsin states that the revised tariff sheets constitute an unjustifiable and discriminatory method of curtailing Northern's pipeline customers. Michigan Wisconsin states that pipe line customers would have deliveries reduced in proportion to the percentage decline in total system sales since 1973, whereas Northern's distribution customers would be curtailed from the level of contract demand in accordance with proposed end-use priorities. Michigan Wisconsin states that all of Northern's customers should be curtailed on the basis of end-use requirements which reflect the volumes of gas received during a fixed, historical base period.

On May 26, 1976, Northern filed its response to the objections and the motion to reject. Northern states that it has established good cause to permit the substitution of the March 18 tariff sheets. Northern argues that the pipeline customers will receive no curtailment during the 1976–1977 heating season unless the March 18, 1976 filing is accepted. With regard to the classification of firm electric generation volumes, Northern states that that issue is more properly put in the content of a curtailment proceeding rather than an abandonment proceeding. Northern further argues that, technically, Section 154.66 of the Commission's Regulations would not have to be waived since the tariff sheets filed on December 31, 1975 are not presently under suspension. Finally, Northern states that the Supreme Court's decision in "FPC v. Louisiana Power and Light Company," 406 U.S. 621 (1972) wholly rejects the contention that the Commission should await full hearing and decision prior to implementing changes to Northern's currently-effective curtailment plan.

On May 26, 1976, the Northern Distributor Group[3] filed an answer to the motions to reject. The Northern Distributor Group states that the decision in "FPC v. Louisiana Power and Light Company," 406 U.S. 621 at 645 (1972) does not require that the curtailment plan filed by a pipeline be held in abeyance pending conclusion of the hearing process. The Northern Distributor Group further states that the decision of the D.C. Circuit in "Consolidated Edison Company v. FPC," 512 F. 2d 1332 at 1338 n16 prohibits the Commission from rejecting a proposed filing. The Northern Distributor Group also concludes that § 154.66 is inapplicable since the December 31, 1975 tariff sheets are not under suspension. Finally the Northern Distributor Group states that Flambeau will have full opportunity to present its case in the pending curtailment proceeding and/or in a petition for extraordinary relief under § 2.78(b).

We turn first to the arguments that the Commission should not permit any new curtailment plan to go into effect until a determination has been made that the existing interim plan is unjust and unreasonable.[4] We addressed the specific issue of the justness and reasonableness of Northern's interim curtailment plan in our June 17, 1975 order in Docket No. RP74–102. In that order we stated that:

> We confess that we are not particularly pleased with the hybrid nature of the Northern curtailment plan. Yet, while we do not condone it as a plan for the future, we believe that, with the changes described in the proposal as modified herein, the resulting interim plan provides a just and reasonable approach to the need for curtailment on the Northern System through September 1976.

We conditioned our approval of the settlement in Docket No. RP74–102 upon a termination date of September 26, 1976, noting that Northern had imposed upon itself a deadline of December 31, 1975 for the filing of proposed tariff revisions.

As Northern and the Northern Distributor Group state in their responses to the motions to reject, the Supreme Court in "FPC v. Louisiana Power & Light Company," 406 U.S. 621 (1972) held that the Commission could and should process curtailment plans under sections 4(c), (d) and (e). The Court in "Louisiana Power and Light" stated that:

> Under these provisions (§§ 4(c), (d) and (e)) a pipeline's tariff amendments filed with the FPC go into effect in 30 days unless suspended by the Commission. If a filing is challenged or the FPC of its own motion deems it appropriate, it may suspend the amended tariff for up to five months, at the end of which time the amended tariff becomes effective pending the completion of the hearings. In these hearings, the pipeline has the burden of proving that its plan is reasonable and fair.

The Supreme Court in "Louisiana Power and Light" further noted that a curtailment plan placed into effect by the pipeline could serve as a "working guideline while hearings continue". Furthermore, the Supreme Court recognized "each pipeline's unique knowledge of its customers' needs, ability to substitute other fuel sources, and other relevant considerations."

It is, therefore, obvious that it is not only permitted but mandatory that the Commission allow a pipeline company the option of implementing its proposed curtailment plan at any time, commencing upon either the date of the acceptance of the tariff filing or upon the conclusion of the designated suspension period, whichere is applicable. Given the fact that our June 17, 1975 order in Docket No. RP74–102 found that Northern's interim plan was just and reasonable through September, 1976, it was necessary and appropriate that we suspend the filing for only one day rather than the full five months. This one day suspension will thus give Northern the option of implementing its new curtailment plan during the 1976–1977 heating season.

We do note, however, that Flambeau and Lake Superior are correct in their conclusion that the suspended tariff sheets are not subject to refund under section 4(e). In our May 28, 1976 order in United Gas Pipe Line Company, Docket No. RP71–29 et al. (Phase II), we stated that:

> Finally, several of the Movants have requested that United be allowed to implement its filing only upon the condition that it be subject to a refund obligation sufficient to protect their customers from the unlawful preferences of that plan. While the imposition of a refund obligation is left to the Commission discretion by section 4(e) of the Natural Gas Act, such imposition here is problematic. First, section 4(e) envisions the imposition of a refund obligation in cases where increased rates or charges are thus made effective. This raises a question of the propriety of a refund in connection with the filing of a curtailment plan, wherein the main concern is a change in the rules governing allocation of gas among its customers during periods of shortage. Secondly, the quantification of the allegedly illegal preferences is a difficult matter due to the lack of a base from which to measure the extent of the preferences. In view of these difficulties, it is our conclusion that United's filing should be accepted without condition as to the payment of a money refund.

During the interim between possible implementation of the proposed curtailment plan by Northern and a final Commission determination on the appropriate plan for the system, Flambeau or any other consumer may, through an application filed by its distributor and/or state commission, seek extraordinary relief from curtailment. Such an application, filed in conformity with § 2.78(b) of the Commission's rules of practice and procedure, would determine whether a given consumer is entitled to an assured volume of natural gas. Furthermore, we note that by following the procedure we set down in the June 17, 1975 order in Docket No. RP74–102, Northern has cut the time lag significantly between possible implementation of the proposed plan and final Commission determination. Thus, Northern and its customers have the advantage of making significant progress in the proceeding prior to September 26, 1976, while at the same time being able to evaluate the effects of the proopsed plan before the close of the record, should Northern elect to implement the plan.

Thus, having established that Northern must be given the option of implementing its curtailment filing at the close of the appropriate suspension period, we are left with the question of whether Northetrn should be permitted to substitute the tariff sheets filed on March 18, 1976 for the tariff sheets filed on December 31, 1975, accepted on March 10, 1976 and suspended for one day, until September 27, 1976.

We would agree that Northern and the Northenr Distibutor Group are correct in their argument that a waiver of § 154.66 of the Commission's regulations is not technically required. Section 154.66 comtemplates a proposed change to a tariff under suspension. In the instant proceeding, the tariff sheets accepted for filing on March 10, 1976 are not presently under suspension. Despite the fact that § 154.66 of the regulations is not technically applicable, we do believe that Northern should be required to meet the standard of good cause prior to acceptance of the March 18, 1976 filing.

It was Northern's position in its March 18, 1976 filing and in its May 26, 1976 response to the motion to reject that the inclusion of pipeline deliveries in priority 2 was predicated upon the imposition of volumetric limitations prior to September 26, 1976. Northern now states that since no limitations will exist on September 26, 1976,[5] the pipeline customers must be subject to annual pro-rata curtailment. While we leave the issue of the ultimate propriety of pro-rata curtailment to the curtailment proceeding itself, we note that to permit the pipelines to remain in Priority 2 would be tantamount to exempting the pipelines from curtailment. We conclude, therefore, that Northern has established good cause to permit the substitution of tariff sheets relating to the annual curtailment of pipeline deliveries.

With regard to the classification of firm sales for electric generation, we note that Northern, in its December 31, 1975 filing, voiced an intention to seek abandonment of these sales. The March 18, 1976 filing would seek to classify such deliveries in Priority 11A, the second lowest priority, thus permitting service when gas is available. The only distinction between the December 31, 1975 filing and the March 18, 1976 filing is that the issue of firm sales for electric generation will be litigated in the course of a curtailment proceeding rather than an abandonment proceeding. We would agree with Northern that the issue is more properly litigated in a curtailment case. Therefore, good cause exists to permit Northern to file substitute tariff sheets relating to classification of sales for electric generation.

The Commission finds: (1) Good cause exists to permit Northern to withdraw the tariff sheets accepted for filing on March 10, 1976 in Docket No. RP76–52.

(2) Good cause exists to accept for filing the proposed tariff sheets tendered by Northern on March 18, 1976 in Docket No. RP76–52.

(3) Good cause exists to suspend the tariff sheets tendered by Northern on March 18, 1976 in Docket No. RP76–52, for one day, until September 27, 1976 as hereinafter ordered.

(4) The motion to reject filed by Flambeau should be denied.

(5) The petition to intervene filed by Flambeau, as successor in interest to The Kansas City Star, Flambeau Paper Division, may be in the public interest.

The Commission orders: (A) Northern is herein permitted to withdraw the tariff sheets tendered, on December 31, 1975 by Northern in Docket No. RP76–52 and accepted for filing on March 10, 1976.

(B) The tariff sheets tendered by Northern in Docket No. RP76–52 on March 18, 1976 are herein accepted for filing.

(C) The tariff sheets tendered by Northern in Docket No. RP76–52 on March 18, 1976 are herein suspended for one day until September 27, 1976. The presently effective interim plan approved in Docket No. RP74–102 shall be extended until the curtailment plan proposed by Northern in this proceeding is placed into effect by appropriate filing.

(D) The motion to reject is herein denied.

(E) Flambeau is permitted to intervene subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervener shall be limited to matters affecting asserted rights and interests as specifically set forth in said petition to intervene: *And provided, further,* That the admission of such intervener shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22439 Filed 8-2-76;8:45 am]

[Docket No. CP76–428]

SEA ROBIN PIPELINE CO.

Application

JULY 27, 1976.

Take notice that on July 7, 1976, Sea Robin Pipeline Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP76–428 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public con-

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[2] Lake Superior's filing also contains a supplemental petition for leave to intervene. Since the March 10, 1976 order stated that all parties to the interim curtailment plan were deemed parties to the consolidated proceeding, we deem the supplemental petition moot.

[3] The Northern Distributor Group consists of Interstate Power Company, Iowa Electric Light and Power Company, Iowa Illinois Gas and Electric Company, Iowa Power and Light Company, Iowa Public Service Company, Iowa Southern Utilities Company, Metropolitan Utilities District of Omaha, Minnesota Gas Company, North Central Public Service Co., and Northern States Power Company.

[4] Technically, this issue should have been initially raised by a petition for rehearing of the March 10, 1976 order, which gave Northern the option of filing a motion to effect the December 31, 1975 filing on or after September 27, 1976.

[5] The March 10, 1976 order consolidated the volumetric limitations issue in Docket No. RP74–102 (volumetric limitations) with the instant curtailment proceeding.

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venience and necessity authorizing the construction and operation of facilities offshore Louisiana and the transportation of natural gas in interstate commerce, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to construct and operate the following facilities offshore Louisiana:

1. 14.4 miles of 24-inch pipeline from Platform "A", Block 128, South Marsh Island Area, to Platform "A", Block 330, Eugene Island Area.
2. 0.75 mile of 12-inch pipeline from Platform "A", Block 333, South Marsh Island Area, to the 24-inch pipeline described above.
3. A 6-inch dual turbine meter station on Platform "A", Block 333, Eugene Island Area, and a 10-inch dual line orifice meter station on Platform "A", Block 128, South Marsh Island Area.
4. 21.0 miles of 30-inch pipeline from Block 265, East Cameron Area, to Platform "B", Block 334, East Cameron Area.
5. 1.75 miles of 20-inch pipeline from Platform "B", Block 334, East Cameron Area, to Platform "A", Block 335 East Cameron Area.
6. A 10-inch dual orifice meter station on Platform "B", Block 884, East Cameron Area.
7. A 12-inch dual orifice meter station on Platform "A", Block 335, East Cameron Area.

The facilities are estimated to cost $37,045,200, which would be financed with cash on hand and generated through operations, and, as required, by interim bank borrowings.

Applicant states that the expansion of its system as proposed in the instant application is required in order to connect new gas supplies which are anticipated to be purchased by Applicant and to provide pipeline capacity for the transportation of gas for others. Applicant estimates that it would add 241,000,000 Mcf of gas to its system reserves by the implementation of the proposed expansion and states that in all likelihood an equal amount of reserves would be added to this proposed expansion on account of future Applicant purchases and/or existing and potential transportation arrangements.

The application states that Applicant has acquired the right to purchase all gas attributable to Pennzoil Offshore Gas Operator's (POGO) interest in Block 334, East Cameron Area, and gas attributable to 50 percent of POGO's 70 percent interest in Block 335, East Cameron Area. It is also stated that Applicant has acquired through an advance payment agreement the right to purchase gas attributable to Exxon Corporation's (Exxon) interest in Block 334, East Cameron Area. Further, it is stated, Applicant is negotiating with POGO and Pennzoil Louisiana and Texas Offshore (PLATO) for the contractual commitment of gas attributable to POGO's 6.67 percent interests and PLATO's 26.67 percent interests in each of Block 128, South Marsh Island Area, and Block 333, Eugene Island Area.

Applicant requests authorization to transport natural gas for United Gas Pipe Line Company (United). It is stated that United has acquired from POGO the right to purchase one-half of the gas attributable to POGO's 70 percent interest in Block 335, East Cameron Area and that Applicant has agreed to transport up to 56,200 Mcf of gas per day from said block for delivery to United onshore at a point near Erath, Vermilion Parish, Louisiana. Applicant would transport the gas for a monthly demand charge of $1.27 per Mcf of contract demand and a commodity charge of 20.51 cents per Mcf of gas actually transported.

Applicant requests authorization to transport natural gas for Mid Louisiana Gas Company (Mid Louisiana). It is stated that Mid Louisiana has acquired the right to purchase 20 percent of the gas attributable to Exxon's 30 percent interest in the gas produced in Block 335, East Cameron Area, and that Applicant has agreed to transport up to 10,000 Mcf of gas per day from said block for Mid Louisiana for delivery to United for the account of Mid Louisiana onshore at Erath. Applicant would transport the gas for a monthly demand charge of $1.27 per Mcf of contract demand and a commodity charge of 20.51 cents per Mcf of gas actually transported.

Applicant requests authorization to transport natural gas for Columbia Gas Transmission Corporation (Columbia). It is stated that Columbia has acquired the right to purchase 40 percent of the gas attributable to Exxon's 30 percent interest in Block 335, East Cameron Area, Texaco's interest in Block 313, Eugene Island Area, and Columbia Gas Development Company's, Forest Oil Company's, Felmont Oil Corporation's, and Case Pomeroy Oil Corporation's interests in Blocks 142 and 143, South Marsh Island Area, and that Applicant and Columbia have entered into a memorandum of understanding for Applicant to transport such gas onshore to Erath. Applicant states that Columbia has advised that it would require 34,300 Mcf of contract demand.

Applicant requests authorization to transport natural gas for Northern Natural Gas Company (Northern). It is stated that Northern has acquired the right to purchase 40 percent of the gas attributable to Exxon's 30 percent interest in the gas produced in Block 335, East Cameron Area, and has requested Applicant to transport such gas onshore to Erath. Applicant states that Northern has advised that it would require 19,300 Mcf of contract demand.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 18, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22437 Filed 8-2-76;8:45 am]

[Project No. 199]

SOUTH CAROLINA PUBLIC AUTHORITY

Application for Use of Project Lands and Waters

JULY 27, 1976.

Public notice is hereby given that an application was filed on March 4, 1976, under the Federal Power Act (16 U.S.C. 791a–825r) by South Carolina Public Service Authority (Correspondence to: Mr. J. B. Thomason, General Manager, South Carolina Public Service Authority, 223 North Live Oak Drive, Moncks Corner, South Carolina 29461; and Mr. Benjamin Harrison, Rt. 2, Box 514, West Columbia, South Carolina 29169), for Commission approval to excavate a slough at the Calhoun subdivision in Lake Marion, South Carolina.

The proposed excavation is intended to improve the appearance and usage of an existing slough at the Calhoun Subdivision. Approximately 1000 cubic yards of material would be excavated from a channel approximately 30 feet wide, 2 feet deep, and 450 feet long. This excavation would permit boat access to 5 subdivision plots now without boat access to the lake.

Any person desiring to be heard or to make any protest with reference to said application should, on or before September 20, 1976, file with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure, 18 CFR 1.8 or 1.10 (1975). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties

to the proceeding. Any person wishing to become a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by sections 308 and 309 of the Federal Power Act, 16 U.S.C. 825g and 825h, and the Commission's rules of practice and procedure, specifically § 1.32(b), a hearing on this application may be held before the Commission without further notice if no issue of substance is raised by any request to be heard, protest, or petition filed subsequent to this notice within the time required herein. If an issue of substance is so raised, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will not be necessary for Applicant to appear or be represented at the hearing before the Commission.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22438 Filed 8-2-76;8:45 am]

NATIONAL CREDIT UNION ADMINISTRATION

NATIONAL CREDIT UNION BOARD

Meeting and Agenda

Pursuant to the provisions of the Federal Advisory Committee Act, Pub. L. 92–463, 86 Stat. 770, notice is hereby given that the National Credit Union Board will hold a special meeting on August 12–13, 1976, at the offices of the National Credit Union Administration, 2025 M Street, NW., Washington, D.C. 20456. The meetings will commence at 9 a.m. daily in Room 4210.

The agenda for this meeting will consist of a discussion of reassignment of responsibilities among members of the Board and matters incidental thereto.

This meeting of the National Credit Union Board will be open to the public. Members of the public may file written statements with the Board either before or after the meeting. To the extent that time permits, interested persons may be permitted to present oral statements to the Board only on items listed in the aforementioned agenda. Requests to present such oral statements must be approved in advance by the Chairman of the Board. Such requests should be directed to the Chairman, National Credit Union Board, National Credit Union Administration, Washington, D.C. 20456.

C. AUSTIN MONTGOMERY,
Administrator.

JULY 22, 1976.

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on July 26, 1976 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the clearance office, Office of Management and Budget, Washington, D.C. 20503, (202–395–4529), or from the reviewer listed.

NEW FORMS

U.S. CIVIL SERVICE COMMISSION

Survey of Compensation Practices for Unusual Work Conditions, single-time, different types of industries, Caywood, D.P., 395–3443.

REVISIONS

VETERANS ADMINISTRATION

Application and Enrollment Certification Individualized Tutorial Assistance, VA22–1990T, on occasion, veterans, Caywood, 395–3443.

DEPARTMENT OF COMMERCE

Bureau of Census, Survey of Residential Alterations and Repairs, initial and subsequent forms, QHS 730, QHS 731, quarterly, owners or managers of rental properties in QHS, Sunderhauf, M.B., 395–6140.

DEPARTMENT, OF HEALTH, EDUCATION, AND WELFARE

Office of Human Development, Annual Financial Report for Vocational Rehabilitation SRS–RSA–2, annually, state agencies, Caywood, D.P., 395–3443.

EXTENSIONS

UNITED STATES INFORMATION AGENCY

Participation Agreement (U.S. National Exhibits), IAP–12, on occasion, individuals, Warren Topelius, 395–5872.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Community Planning and Development, Community Development Funding Survey, HUD 4709, single-time, Community and Veterans Affairs Division, 395–3532.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76-22637 Filed 8-2-76;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on July 28, 1976 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the clearance office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF LABOR

Bureau of International Labor Affairs, Questionnaire for Producers of Plant Hangers, ILAB–78, single-time, producers of plant hangers, Laverne V. Collins, 395–5867.

REVISIONS

GENERAL SERVICES ADMINISTRATION

Contract Delivery Status Record, GSA 1678, monthly, Federal supply contractors, Warren Topelius, 395–5872.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service, application for permit, VS 16–3, on occasion, research scientists, Warren Topelius, 395–5872.

Food and Nutrition Service, Food Stamp Program, on occasion, State agencies, Human Resources Division, C. Louis Kincannon, 395–3532.

Agricultural Marketing Service, Regulations Governing the Inspection of Eggs and Egg Products, on occasion, egg products processors shell egg handlers, Warren Topelius, 395–5872.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Production and Mortgage Credit Allocation of Mortgage Receipts and Disbursements, FHA2744A, on occasion, Mortgagee, Community and Veterans Affairs Division, 395–3532.

EXTENSIONS

FOOD AND NUTRITION SERVICE

Civil Rights Compliance Review Institutions and Nonprofit Private Schools, FNS–86, on occasion, institutions, C. Louis Kincannon, 395–3211.

FEDERAL AVIATION ADMINISTRATION

Airport Operating Certificates, FAA–528–2, on occasion, airport owners, Caywood, D. P., 395–3443.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service, Supplemental Application for Label Approval—Poultry Processing, MP–132–1, on occasion, meat and poultry establishments, Warren Topelius, 395–5872.

Agricultural Marketing Service, Financial Statement (Warehousemans Report of Assets Requirements), TW–51, Semiannually,

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public, commercial warehouseman, Warren Topelius, 395-5872.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76-22638 Filed 8-2-76;8:45 am]

POSTAL SERVICE

PRIVACY ACT OF 1974

Transfer of System of Records

The purpose of this document is to announce the transfer of a system of records previously maintained by the Postal Service to the General Services Administration.

Effective April 15, 1976, the responsibility of the Postal Service for monitoring the compliance of contractors with Equal Employment Opportunity requirements has been transferred to the General Services Administration, which will perform this function through its regional offices. All case files and records of contract compliance investigations have been transferred to the General Services Administration, which will be responsible for maintaining these records in accordance with its own regulations and procedures implementing the Privacy Act of 1974.

Accordingly, Postal Service maintenance of records concerning employee discrimination complaints and investigations involving contractors is no longer relevant and necessary to the accomplishment of a purpose of the Postal Service. The Postal Service has therefore determined under 5 U.S.C. 552a(e)(1), effective immediately, to delete from its original list of systems of records published on August 28, 1975 (40 FR 39810), as amended on January 15, 1976 (41 FR 2287), and on January 29, 1976 (41 FR 4504), system USPS 030.005, Equal Employment Opportunity—Contract Employee Discrimination Complaints/Investigation. This document constitutes final notice of this deletion.

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.76-22422 Filed 8-2-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-12656; File No. SR-Amex-76-17]

AMERICAN STOCK EXCHANGE, INC.

Self-Regulatory Organizations

In the matter of proposed rule change by American Stock Exchange, Inc.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on July 20, 1976, American Stock Exchange, Inc. (the "Amex") filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The Amex proposes to amend its Constitution by deleting the following provisions:

ARTICLE V, SECTION 4(g)

Dealings on another exchange:

(g) Whenever it is adjudged in a proceeding under this Article that a member or member organization is connected, either through a partner or otherwise, with another exchange or similar organization in the City of New York which permits dealings in any securities dealt in on this Exchange, or deals directly or indirectly upon such other exchange or organization in securities listed or admitted to unlisted trading on this Exchange, such member or member organization may be suspended or expelled from membership.

ARTICLE XI, SECTION 2

Securities admitted by New York Stock Exchange:

Sec. 2. Whenever any security listed or admitted to unlisted trading upon this Exchange is admitted to dealings upon the New York Stock Exchange, dealings therein upon the Floor or this Exchange shall cease.

In addition, the Amex proposes to adopt a policy pursuant to which (a) a security admitted to trading on the Amex and which becomes registered and listed on another national securities exchange in New York City would continue to be traded on the Amex where the issuer thereof elects to retain its Amex listing, (b) the Amex will not oppose an application to the Commission by an issuer to withdraw its securities from listing and registration on the Amex where such issuer has made application to be registered and listed on another national securities exchange in New York City and such delisting from the Amex is to become effective simultaneously with the registration and listing on such other exchange, and (c) the Amex will not for the present apply for unlisted trading privileges in any security.

AMEX'S STATEMENT OF BASIS AND PURPOSE

The purpose of the proposed rule changes is to permit the Amex to continue the trading of securities listed on the Amex when such securities also become registered and listed on another exchange in New York City.

Pursuant to the proposed policy, an Amex listed company which becomes registered and listed on another exchange in New York City will have a choice as to whether its securities continue to be traded on the Amex. If it elects to retain its Amex listing, such trading will be continued. However, if it applies to the Commission to have its securities withdrawn from registration and listing on the Amex simultaneously with its registration and listing on such other exchange, the Amex will not interpose any opposition. The determination by the Amex not to apply for unlisted trading privileges in any security for the present is aimed at protecting its source of revenues from listing fees and to assure appropriate regulatory controls over issuers whose securities are traded on the Amex.

The proposed rule changes are designed to conform the rules of the Amex with the provisions of the Securities Exchange Act of 1934, as amended by the Securities Act Amendments of 1975, specifically Section 6(b)(8) thereof, which provides that the rules of an exchange may not "impose any burden on competition not necessary or appropriate in furtherance of the purposes of this title."

No comments were solicited or received with respect to the proposed rules changes.

The Amex has determined that the proposed rule changes will not impose any burden on competition. To the contrary, the Amex believes that the proposed rule changes will enhance competition by permitting its members to continue making markets on the Amex in securities which become listed on another exchange in New York City.

Within 35 days of the date of publication of this notice in the FEDERAL REGISTER, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the Amex. All submissions should refer to the file number referenced in the caption above and should be submitted within on or before September 2, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JULY 26, 1976.

[FR Doc.76-22412 Filed 8-2-76;8:45 am]

BOSTON STOCK EXCHANGE

Application for Unlisted Trading Privileges and of Opportunity for Hearing

JULY 27, 1976.

In the matter of Application of the Boston Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the security of the company as set forth below, which security

is listed and registered on one or more other national securities exchanges:

Bankamerica Corporation, File No. 7-4847

Upon receipt of a request, on or before August 12, 1976 from any interested person, the Commission will determine whether the application with respect to the company named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to the application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-22409 Filed 8-2-76;8:45 am]

[Release No. 19625; 70-5879]

GULF POWER CO.

Proposed Agreement With County for Construction of Pollution Control Equipment Financed by Sale of Revenue Bonds; Sale to Counties of Existing Pollution Control Facilities

JULY 23, 1976.

Notice is hereby given that Gulf Power Company ("Gulf"), 75 North Pace Boulevard, P.O. Box 1151, Pensacola, Florida 32520, an electric utility subsidiary company of The Southern Company, a registered holding company, has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, 9(a), and 12(d) of the Act and Rules 44(b)(3) and 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to said application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Gulf owns an electric generating plant located in Bay County, Florida ("County"). In order to comply with environmental control standards with respect to air and water quality, Gulf has and will undertake to construct certain facilities ("Project") at this plant solely for this purpose. The total cost of the Project is presently estimated not to exceed $15 million.

To finance the Project, Gulf proposes to enter into an Installment Sales Agreement ("Agreement") with the County which will provide for the acquisition, construction and equipping of the Project by the County, and the issuance by the County, pursuant to an indenture ("Indenture") to be entered into between the County and an indenture trustee ("Trustee"), of its pollution control revenue bonds ("Pollution Bonds"), in an amount not to exceed $15 million. The proceeds of the sale of Pollution Bonds will be deposited by the County with the Trustee and will be applied to the payment of the cost of construction (as defined in the Agreement) of the Project.

It is further proposed, and the Agreement provides, that the Project will be sold to Gulf, the purchase price to be paid in semi-annual installments over a term of years. The purchase price shall be in an amount sufficient to pay the principal and interest on the Pollution Bonds as such amounts become due and payable. Gulf may prepay the purchase price (a) in whole or in part, at Gulf's option, at any time on or after ten years from the date of issuance of the Pollution Bonds, subject to payment of a premium equal initially to 3 percent of the principal amount and declining thereafter by ½ of 1 percent per year, and (b) in whole, at Gulf's option in certain other specified instances, without premium. It is proposed that the Pollution Bonds will mature 30 years from the first day of the month in which they are initially issued and that the Pollution Bonds will be entitled to the benefit of serial maturities and/or a mandatory redemption sinking fund calculated to retire not less than 25 percent of the aggregate principal amount of the issue prior to maturity.

In order to obtain the benefit of a rating for the Pollution Bonds equivalent to the rating enjoyed by the first mortgage bonds outstanding under Gulf's bond indenture ("Mortgage"), Gulf proposes to obtain the authentication of a series of such first mortgage bonds ("Collateral Bonds") under the Mortgage, pursuant to a supplemental indenture ("Supplemental Mortgage") dated as of October 1, 1976. The Collateral Bonds, to be delivered in a principal amount equal to the principal amount of the Pollution Bonds, will be deposited with the Trustee as security for Gulf's obligations under the Agreement. The Collateral Bonds will have a stated interest rate equal to the interest rate per annum to be borne by the Pollution Bonds, will mature on the maturity date of such Pollution Bonds, and will be nontransferable. The Supplemental Mortgage will provide, however, that until the Trustee shall have demanded mandatory redemption of the Collateral Bonds, no interest in respect of the Collateral Bonds shall be payable; and that upon acceleration of Pollution Bonds then outstanding by the Trustee, he may demand the mandatory redemption of the Collateral Bonds at a price equal to the principal amount thereof plus accrued interest, if any, to the date fixed for redemption.

The Supplemental Mortgage will also provide that upon the optional redemption of the Pollution Bonds, in whole or in part, at any time after they have been outstanding for ten years, an equal principal amount of the Collateral Bonds will be redeemed at an initial premium of 3 percent declining by ½ percent every year.

The Indenture will provide that, upon deposit of funds with or direction to the Trustee by Gulf to apply available funds, or upon delivery of outstanding Pollution Bonds sufficient to pay or redeem all or any part of the Pollution Bonds, the Trustee will be obligated to deliver to Gulf Collateral Bonds in an aggregate principal amount equal to that amount of Pollution Bonds for the payment or redemption of which such funds have been deposited or applied or which shall have been so delivered.

It is stated that the Pollution Bonds are expected to be marketed pursuant to an arrangement between the County and a group of underwriters represented by an underwriter whose name will be supplied by amendment. In accordance with the laws of the State of Florida, the interest rate thereon will be fixed by the County, and the terms and sale of the Pollution Bonds must be satisfactory to Gulf, although Gulf will not be a party to the underwriting arrangement. Gulf further states that it is expected that the interest payable on the Pollution Bonds will be exempt, by ruling of the Internal Revenue Service, from federal income taxation. It is not possible to ascertain in advance precisely the interest rate which may be obtained in connection with the issuance of the Pollution Bonds, but Gulf is advised that tax-exempt bonds of like quality and tenor have historically carried an annual interest rate approximately one and one-half to two and one-half percent lower than comparable taxable long-term corporate bonds.

In order to comply with provisions of Florida law authorizing the County to issue its revenue bonds for the purposes heretofore described, Gulf will be obligated to convey to the County such existing pollution control facilities as are now owned by Gulf, subject to the Mortgage. The Agreements provide that Gulf will receive, out of the proceeds of the Pollution Bonds, an amount equal to Gulf's original cost for such existing facilities, which, upon conveyance to the County, will become a part of the Project which Gulf proposes to purchase as provided in the Agreement.

For financial and accounting reporting purposes, the indebtedness of Gulf under the Collateral Bonds will be capitalized. A statement of the fees, commissions and expenses paid or incurred, or to be paid or incurred, in connection with the proposed transaction will be supplied by amendment. It is stated that the Florida Public Service Commission has jurisdiction over the issuance of Gulf's Collateral Bonds and the assumption by Gulf of its obligations under the Agreement. No other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Gulf submits that the issuance and delivery of its Collateral Bonds to the County should be exempted from the competitive bidding requirements of Rule

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50 by reason of clause (a)(5) thereof inasmuch as they are to be issued and delivered solely to secure Gulf's obligations to the County and no public offering by Gulf is to be made.

Notice is further given that any interested person may, not later than August 17 1976, request in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-22410 Filed 8-2-76;8:45 am]

[Rel No. 9365; 812-3971]

NATIONAL MUNICIPAL TRUST, FIRST COMBINED INTERMEDIATE/DISCOUNT SERIES AND SUBSEQUENT AND SIMILAR SERIES

Application for Order Granting Exemption

JULY 23, 1976.

In the matter of National Municipal Trust, Special Trusts, First Combined Intermediate/Discount Series and Subsequent and Similar Series. c/o Thomson & McKinnon Auchincloss, Kohlmeyer Inc., One New York Plaza, New York, New York 10004.

Notice is hereby given that National Municipal Trust, Special Trusts, First Combined Intermediate/Discount Series and Subsequent and Similar Series ("Applicant"), a unit investment trust registered under the Investment Company Act of 1940 ("Act"), filed an application on June 22, 1976, pursuant to section 6(c) of the Act for exemption from the provisions of sections 14(a) and 22(d) of the Act and Rules 19b–1 and 22c–1 under the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant is a registered unit investment trust, to be organized under the laws of the State of New York. It is presently intended that the United States Trust Company of New York will act as Trustee of Applicant ("Trustee")-pursuant to a trust agreement ("Trust Agreement") between the Trustee and Thomson & McKinnon Auchincloss Kohlmeyer Inc. and Piper, Jaffray & Hopwood Incorporated as Sponsors, or with additional or succeeding Sponsors ("Sponsors"), and that Standard & Poor's Corporation will serve as Evaluator with respect to each Series of Applicant (all of which Series are hereinafter sometimes collectively referred to as the "Funds" or individually as a "Fund").

Pursuant to the Trust Agreement for each Series of Applicant, the Sponsors will deposit with the Trustee not less than $3,000,000 principal amount of tax-free municipal bonds ("Bonds"), which the Sponsors shal have accumulated for such purpose. The Bonds will be depsoited in one or more trusts (the "Trusts") created under the Trust Agreement, units of beneficial interests of which Trusts will be offered to the public pursuant to the prospectus. Simultaneously with such deposit the Sponsors will receive from the Trustee registered certificates representing not less than 3,000 Units allocated among the Trusts in propostion to the aggregate principal amount of Bonds in each, which will represent the entire ownership of the Trusts and the Series.

Each Trust in each Fund will consist of Bonds, such bonds as may continue to be held from time to time in exchange or substitution for any of the Bonds upon certain refundings, accrued and undistributed interest and undistributed cash. Certain of the Bonds may from time to time be sold under the special circumstances set forth in the Trust Agreement or may be redeemed or may mature in accordance with their terms. The proceeds from such dispositions will be distributed to Unit holders and not reinvested. There is no provision in the Trust Agreement for the Fund or any of the Trusts created thereunder, and there will be no provision in the Trust Agreement for any future Series, for the sale and reinvestment of the Bonds, and such activity will not take place. Reference is made to the Trust Agreement and to the Prospectus for the Fund for a full explanation of the operation of the Fund.

Each Unit for a particular Trust of any Fund will represent a fractional undivided interest in that Trust of that Fund. Units will be redeemable. In the event that any Units shall be redeemed, the denominator of the fraction will be reduced and the fractional undivided interest represented by each Unit increased. Units will remain outstanding until redeemed or until the termination of the Trust Agreement. The Trust Agreement may be terminated with respect to any Trust by agreement of a specified percentage of the holders of Units of the Trust, or, in the event that the value of the Bonds in a Trust shall fall below a specified amount, either upon direction of the Sponsors to the Trustee or by the Trustee without such direction, respectively. There is no provision in the Trust Agreement for the Fund, and there will be no provision in the Trust Agreements for future Funds, for the issuance of any Units of any Trust after the initial offering of Units (except to the extent that the secondary trading by the Sponsors in the Units is deemed the issuance of Units under the Act) and such activity will not take place.

Following the deposit of Bonds for each Fund by the Sponsors with the Trustee, and following the declaration of effectiveness of that Fund's registration statement under the Securities Act of 1933 and clearance by the securities authorities of various States, the Sponsors will offer the Units of the Trusts comprising that Fund to the public at the public offering prices set forth in the prospectus. The public offering prices are based upon the aggregate offering side evaluation of the underlying Bonds in the Trust porfolio, plus a sales charge. The amount of the sales charge will vary from Trust to Trust.

Combined Units (composed of equal portions of Units from each Trust) will be offered during the initial offering period at a Combined Units Public Offering Price which is computed by adding to the sum of the per unit offering side evaluation of the Bonds in the portfolios of each Trust a sales charge which is slightly less than the average of the sales charges applicable to the Units of the Trusts if purchased separately. Combined Units will not be offered beyond the initial offering period.

It is the purpose of each Fund to provide a diversified investment. The Applicant alleges that the multiple trust concept is utilized to permit investors to select different maturities and portfolios and/or diversify among maturities and portfolios. In the opinion of counsel, none of the Trusts of the Funds will be associations taxable as corporations under the Internaal Revenue Code and to the extent that income of any Fund consists of interest excludable from gross income under the Internal Revenue Code such income is excludable from the gross income of the Unit holders when distributed to them.

All of the Bonds will be tax-free municipal Bonds. For the First Combined Intermediate/Discount Series, Applicant will purchase Bonds for the Discount Trust portion at prices which will result in the portfolio for the Discount Trust as a whole being purchased at a deep "market" discount. Applicant intends in the future to offer Units of a Series for sale to the public separately or, at reduced sales charges, on an underwritten basis in conjunction with shares of American Mutual Fund, Inc., a registered open-end management company. For these purposes, an application for exemption from the provisions of Section 22(d) of the Investment Company Act of 1940 was previously filed and an order granting the exemption was

issued on December 30, 1975 (IC Rel. No. 9105).

While the Sponsors are not obligated to do so, it is their present intention to maintain a secondary market for Units of the Applicant and continuously to offer to purchase such Units at prices in excess of the redemption prices as set forth in the Trust Agreement. In the absence of such a market, investors may be able to dispose of their Units only by redemption.

Section 14(a). Section 14(a) of the Act, in substance, provides that no registered investment company and no principal underwriter for such a company shall make a public offering of securities of which such company is the issuer unless (1) the company has a net worth of at least $100,000; (2) at the time of a previous public offering it had a net worth of $100,000; or (3) provision is made that a net worth of $100,000 will be obtained from not more than twenty-five responsible persons within ninety days, or the entire proceeds received, including sales charge, will be refunded.

Applicant asserts that section 14(a) of the Act is intended to limit the formation of undercapitalized investment companies. Applicant states that it is intended that each Series, at the date of deposit and before any unit is offered to the public, will have a net worth far in excess of $100,000, that the Sponsors intend to sell all Units to the public at offering prices disclosed in the prospectus for such Series, that it is intended that a secondary market for the Units be maintained, and that interest rates and other applicable information concerning the underlying Bonds will be disclosed in the prospectus.

The Sponsors have agreed to the requested exemption being subject to the condition that they will refund, on demand and without deduction, all sales charges paid by purchasers of Units in the initial public offering of a Series if, within 90 days from the time that the Registration Statement relating to such Series becomes effective, either (i) the net worth of such Series shall be reduced to less than $100,000, or (ii) such Fund shall have been terminated. The Sponsors have further agreed to instruct the Trustee on the date of deposit of each Series that in the event that redemption by the Sponsors of Units constituting a part of the unsold Units of a Trust of any Series shall result in that Trust having a net worth of less than $500,000, the Trustee shall terminate such Trust in the manner provided in the Trust Agreement and distribute any municipal bonds or other assets deposited with the Trustee in connection with such Trust pursuant to the Trust Agreement as provided therein.

Section 22(d). Section 22(d), in pertinent part, prohibits registered investment companies, underwriters and dealers from selling redeemable securities other than at a current public offering price described in the prospectus. Applicant seeks an exemption from the provisions of section 22(d) to the extent that the offering price for Combined Units of Units of the Trust of a Fund during the initial offering period as described above and in the prospectus may be in conflict with such section.

Applicant asserts that the reduction in net sales charge applicable to the purchaser of Combined Units results in a savings to such purchaser over the cost of such Units purchased separately, is fully disclosed and available to all purchasers of Units during the initial offering period, and represents sound business practice on the part of the Sponsors. Applicant represents that the granting of the aforesaid exemption is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Rule 19b–1. Rule 19b–1(b) provides, in part, that no registered investment company which is not a "regulated investment company" as defined in section 851 of the Internal Revenue Code shall make more than one distribution of long-term capital gains in any one taxable year of such investment company.

Applicant proposes to make monthly distributions of principal and interest to Unit holders of a Series. Distributions of principal constituting capital gains to Unit holders may arise in two instances: (1) if an issuing authority calls or redeems an issue held in the portfolio, the sums received by Applicant will be distributed to Unit holders on the next distribution date; and (2) if bonds are sold in order to provide funds necessary to meet redemptions.

Applicant states that the dangers against which Rule 19b–1 is intended to guard will not exist in connection with any Series of Applicant, because neither Applicant nor the Sponsors has control over the events which could trigger capital gains. Applicant seeks to make a combined distribution of principal, including capital gains, and interest each month, and states that any capital gains in such distribution will be clearly indicated as such in accompanying reports to Unit holders. In addition, it is alleged that the amounts involved in a normal distribution of principal will be relatively small in comparison to the normal interest distribution.

Paragraph (b) of Rule 19b–1 provides that a unit investment trust may distribute capital gain dividends received from a "regulated investment company" within a reasonable time after receipt. Applicant states that the purpose behind such provision is to avoid forcing unit investment trusts to accumulate valid distributions received throughout the year and distribute them only at year end. Applicant further alleges that its situation places it squarely within the purpose of such provision. In order to comply with the literal requirements of the Rule, however, Applicant would be forced to hold any monies which would constitute capital gains upon distribution until the end of its taxable year. Applicant contends that such a practice would cleary be to the detriment of the Unit holders.

Rule 22c–1. Rule 22c–1 provides, in part, that redeemable securities of registered investment companies may be sold, redeemed, or repurchased at a price based on the current net asset value (computed on each day during which the New York Stock Exchange is open for trading not less frequently than once daily as of the time of the close of trading on such Exchange) which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Applicant states that the Rule has two purposes: (1) To eliminate or to reduce any dilution of the value of outstanding redeemable securities of registered investment companies which would occur through the redemption or repurchase of such securities at a price above their net asset value or the sale of such securities at a price based on a previously established net asset value which would permit a potential investor to take advantage of an upswing in the market and the accompanying increase in the net asset value of the securities; and (2) to minimize speculative trading practices in the securities of registered investment companies.

Applicant represents that the Sponsors, while not obligated to do so, intend to maintain a market for the Units and continuously to offer to purchase Units at prices in excess of redemption prices. For purposes of the secondary market transactions, an evaluation will only be made once each week.

Applicant asserts that the sale and repurchase of Units of the Applicant in the secondary market cannot dilute the value of outstanding securities. Such sales and repurchases will be made only by the Sponsors and not the Trustee and in no way involve the assets of any Fund. Applicant also asserts that, because of the nature of the bonds in the portfolios, price changes are limited. Thus, the movement in the municipal bond market is not sufficient to make speculation in an interest in a group of bonds ordinarily profitable.

Applicant claims that public Unit holders benefit from the Sponsors' pricing procedure in the secondary market, because they receive a normally higher repurchase price for their units without the cost burden of daily evaluations of the Unit redemption value. Moreover, the application states that the Sponsors have undertaken to adopt a procedure whereby the Evaluator, without a formal evaluation, will provide the Sponsors with estimated evaluations on trading days.

Section 6(c) of the Act provides, in part, that the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provisions of the Act or of any rule or regulation under the Act, if and to the extent such ex-

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emption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than August 17, 1976, at 5:30 p.m., submit to the Commission in writing a request for hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

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[Release No. 34-12655; File No. SR-PSE-76-25]

PACIFIC STOCK EXCHANGE INC.

Self-Regulatory Organizations

In the matter of proposed rule change by Pacific Stock Exchange Incorporated.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on July 21, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

A. STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

Pacific Stock Exchange Incorporated ("PSE") hereby requests to amend Section 4 of Rule XIII of the Rules of its Board of Governors by adding the word "dually" to subparagraph (xii) as follows:

(xii) Any purchase or sale of a dually listed security by a member or member organization with a professional non-member customer (i.e., broker-dealer in securities or commodities, insurance company, investment company, investment advisor, investment manager, bank, trust company, foundation, professional trustee, or one engaged in any closely allied activity) provided the member or member organization is a market maker in the security involved;

B. STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule change is to clarify that the exemption to PSE's off-board trading rule contained in subpargaraph (xii) of section 4 of Rule XIII applies only to dually listed securities. This language is a carry-over from PSE's prior Rule XIII, but the word "dually" was inadvertently omitted at the time PSE revised the Rule to comply with Rule 19c-1 of the Commission.

The proposed rule change is consistent with Securities and Exchange Commission Rule 19c-1.

Comments have not been solicited from members on the proposed rule change.

Any burden which the proposed rule change will impose on competition would be minimal and is consistent with the provisions of Commission Rule 19c-1.

* * * * * *

Within thirty-five (35) days of the date of publication of this notice in the FEDERAL REGISTER, or within such longer period (i) as the Commission may designate up to ninety (90) days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing.

Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before September 2, 1976 after the date of this publication. For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JULY 26, 1976.

[FR Doc.76-22413 Filed 8-2-76;8:45 am]

DEPARTMENT OF LABOR

Office of Federal Contract Compliance Programs

NEW FORMAT FOR FEDERAL EQUAL EMPLOYMENT OPPORTUNITY BID CONDITIONS FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Contracts and Subcontracts in Selected Areas

On April 3, 1975, there was published in the FEDERAL REGISTER (40 FR 14953) a notice and opportunity for comment concerning the intention of the Department of Labor to adopt New Model Federal EEO Bid Conditions for inclusion in Federal and federally assisted construction contracts and subcontracts in selected areas.

The following Model Federal EEO Bid Conditions are issued to carry out the purposes of Executive Order 11246, as amended. The Model Federal EEO Bid Conditions reflect changes which were made as a result of comments received on the proposed Model Federal EEO Bid Conditions. The comments received were equally distributed between those favorable and unfavorable. In general those favorable felt that deletion of the Bidder's Certification will eliminate undue and costly delays resulting from contractors and subcontractors being declared nonresponsive because of their failure to fill in a form correctly. Those opposed to the elimination of the Bidders' Certification felt that a pre-award certification is essential in establishing the contractors' and subcontractors' commitment to affirmative action.

The Department has carefully considered all the comments and has determined that the format developed in the new Model Federal EEO Bid Conditions adequately apprises prospective contractors and subcontractors, prior to bid opening, of the importance of the Federal affirmative action requirements and is compatible with procurement principles. Under Comptroller General opinions and the decisions in Northeast Construction Company v. Romney, 485 F. 2d 752 (D.C. Cir. 1973) and Rossetti Contracting Co. v. Brennan, 508 F. 2d 1039 (7th Cir. 1975), the failure of a bidder to specify its goals for minority employment as required by imposed plans or the failure of a bidder to complete and submit a Bidders' Certification form as required by the Bid Conditions in hometown plan areas requires the contracting agency to declare the bid nonresponsive. This has caused the loss of hundreds of thousands of dollars because defective low bids were discarded in favor of the new low bid.

The original reason for requiring the submission of a properly executed Bidder's Certification was that it was thought to be helpful in informing contractors of their obligations and eliminated inattentive bidders. However it is now an opinion that contractors are reasonably aware of their EEO obligations so as to obviate the need for the certification. Therefore, the amendment of the Bid Conditions would eliminate the signature and fill-in-the-blank requirements. Instead, the Federal EEO Bid Conditions clearly notify prospective bidders that they will be committed to the goals contained therein by submitting a properly signed bid. This amendment does not diminish the government's enforcement ability or applicable EEO requirements yet permits contracting agencies to award contracts to the lowest responsive and responsible bidder.

It is for this reason that the new Model Federal EEO Bid Conditions make the affirmative action requirements binding on all bidders who submit signed bids.

Accordingly, effective September 1, 1976, all contracting and administering agencies are directed to adopt the new Model Federal EEO Bid Conditions for inclusion in all future invitations for bids on all non-exempt Federal and federally assisted construction contracts and subcontracts awarded in areas covered by hometown plans (Part I) and Part II EEO requirements. Further, all other forms of Federal EEO bid conditions containing hometown plans and Part II EEO bid condition requirements now in use for such areas are not to be included in Invitations for Bid after adoption of the new Model Federal EEO Bid Conditions.

This new format has been coordinated through the Office of Federal Procurement Policy of the Office of Management and Budget in accordance with Pub. L. 93-400, the Office of Federal Procurement Policy Act.

Set forth below are the new Model Federal EEO Bid Conditions:

BID CONDITIONS; AFFIRMATIVE ACTION REQUIREMENTS; EQUAL EMPLOYMENT OPPORTUNITY

For all Non-Exempt Federal and Federally-Assisted Construction Contracts to be Awarded in [ ].

NOTICE

EACH BIDDER, CONTRACTOR OR SUBCONTRACTOR (HEREINAFTER THE CONTRACTOR) MUST FULLY COMPLY WITH EITHER PART I OR PART II, AS APPLICABLE, OF THESE BID CONDITIONS AS TO EACH CONSTRUCTION TRADE IT INTENDS TO USE ON THIS CONSTRUCTION CONTRACT AND ALL OTHER CONSTRUCTION WORK (BOTH FEDERAL AND NON-FEDERAL IN THE [ ] AREA DURING THE PERFORMANCE OF THIS CONTRACT OR SUBCONTRACT. THE CONTRACTOR COMMITS ITSELF TO THE GOALS FOR MINORITY MANPOWER UTILIZATION IN EITHER PART I OR PART II, AS APPLICABLE, AND ALL OTHER REQUIREMENTS, TERMS AND CONDITIONS OF THESE BID CONDITIONS BY SUBMITTING A PROPERLY SIGNED BID.

THE CONTRACTOR SHALL APPOINT A COMPANY EXECUTIVE TO ASSUME THE RESPONSIBILITY FOR THE IMPLEMENTATION OF THE REQUIREMENTS, TERMS AND CONDITIONS OF THESE BID CONDITIONS.

Part I: The provisions of this Part I apply to contractors which are party to collective bargaining agreements with labor organizations which together have agreed to the [ ] Area Construction Program (hereinafter the [ ] Plan) for equal opportunity and have jointly made a commitment to specific goals of minority and, where applicable, female utilization. The [ ] Plan is a tripartite voluntary agreement between [ ]. The [ ] Plan, together with all implementing agreements that have been and may hereafter be developed pursuant thereto, are incorporated herein by reference.

Any contractor using one or more trades of construction employees must comply with either Part I or Part II of these Bid Conditions as to each such trade. A contractor may therefore be in compliance with Part I of these Bid Conditions by its participation with the labor organization which represent its employees in the [ ] Plan as to one trade provided there is set forth in the [ ] Plan a specific commitment by both the contractor and the labor organization to a goal of minority utilization for that trade. Contractors using trades which are not covered by Part I (See Part II, Section A) must comply with the commitments contained in Part II including goals for minorities and female utilization set forth in Part II.

If a contractor does not comply with the requirements of these Bid Conditions, it shall be subject to the provisions of Part II.

Part II: A. Coverage. The provisions of this Part II shall be applicable to those contractors who:

1. Are not or hereafter cease to be signatories to the [ ] Plan incorporated by reference in Part I hereof;

2. Are signatories to the [ ] Plan but are not parties to collective bargaining agreements;

3. Are signatories to the [ ] Plan but are parties to collective bargaining agreements with labor organizations which are not or hereafter cease to be signatories to the [ ] Plan;

4. Are signatories to the [ ] Plan and are parties to collective bargaining agreements with labor organizations but the two have not jointly executed a specific commitment to goals for minority utilization and incorporated the commitment in the [ ] Plan; or

5. Are participating in an affirmative action plan which is no longer acceptable to the Director, OFCCP, including the [ ] Plan.

6. Are signatories to the [ ] Plan but are parties to collective bargaining agreements with labor organizations which together have failed to make a good faith effort to comply with their obligations under the [ ] Plan and, as a result, have been placed under Part II of the Bid Conditions by the Office of Federal Contract Compliance Programs.

B. *Requirement—An Affirmative Action Plan.* Contractors described in paragraphs 1 through 6 above shall be subject to the provisions and requirements of Part II of these Bid Conditions including the goals and timetables for minority[1] utilization, and specific affirmative action steps set forth in Sections B.1 and 2 of this Part II. The contractor's commitment to the goals for minority utilization as required by this Part II constitutes a commitment that it will make every good faith effort to meet such goals.

1. *Goals and Timetables.* The goals of minority utilization required of the contrator are applicable to each trade used by the contractor in the [ ] Plan area and which is not otherwise bound by the provisions of Part I.

For all such trades the following goals and timetables shall be applicable.

Until [ ]	[ ]	[ ]
From [ ] to [ ]	[ ]	[ ]
From [ ] to [ ]	[ ]	[ ]
From [ ] to [ ]	[ ]	[ ]
From [ ] to [ ]	[ ]	[ ][2]

[2] In the event that any work which is subject to these Bid Conditions is performed in a year later than the latest year for which goals of minority utilization have been established, the goals for the last year of the Bid Conditions will be applicable to such work.

The goals of minority and female utilization above are expressed in terms of hours of training and employment as a proportion of the total number of hours to be worked by the contractor's aggregate work force, which includes all supervisory personnel, in each trade on all projects (both Federal and non-Federal) in the [ ] Plan area during the performance of its contract (i.e., the period beginning with the first day of work on the Federal or federally assisted construction contract and ending with the last day of work.)

The hours of minority employment and training must be substantially uniform throughout the length of the contract in each trade and minorities must be employed evenly on each of a contractor's projects. Therefore, the transfer of minority employees or trainees from contractor to contractor or from project-to-project for the purpose of meeting the contractor's goals shall be a violation of Part II of these Bid Conditions.

If the contractor counts the nonworking hours of trainees and apprentices in meeting the contractor's goals, such trainees and apprentices must be employed by the contractor during the training period; the contractor must have made a commitment to employ the trainees and apprentices at the comple-

[1] "Minority" is defined as including Blacks, Spanish Surnamed Americans, Orientals and American Indians, and includes both minority men and minority women.

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tion of their training subject to the availability of employment opportunities; and the trainees must be trained pursuant to training programs approved by the Bureau of Apprenticeship and Training for "Federal Purposes" or approved as supplementing the ( ) Plan.

2. *Specific Affirmative Action Steps.* No contractor shall be found to be in noncompliance with Executive Order 11246, as amended, solely on account of its failure to meet its goals, but shall be given an opportunity to demonstrate that the contractor has instituted all the specific affirmaive action steps specified in this Part II and has made every good faith effort to make these steps work toward the attainment of its goals within the timetables, all to the purpose of expanding minority utilization in its aggregate work force in the ( ) Plan area. A contractor subject to Part I which fails to comply with its obligations under the Equal Opportunity clause of its contract (including failure to meet its fair share obligation if provided in the ( ) Plan) or subject to Part II which fails to achieve its commitments to the goals for minority utilization has the burden of proving that it has engaged in an affirmative action program directed at increasing minority utilization and that such efforts were at least as extensive and as specific as the following:

a. The contractor should have notified minority organizations when employment opportunities were available and should have maintained records of the organizations' response.

b. The contractor should have maintained a file of the names and addresses of each minority referred to it by any individual or organization and what action was taken with respect to each such referred individual, and if the individual was not employed by the contractor, the reasons therefor. If such individual was sent to the union hiring hall for referral and not referred back by the union or if referred, not employed by the contractor, the file should have documented this and the reasons therefor.

c. The contractor should have promptly notified the contracting or administering agency and the Office of Federal Contract Compliance Programs when the union or unions with which the contractor has collective bargaining agreements did not refer to the contractor a minority sent by the contractor, or when the contractor had other information that the union referral process has impeded efforts to meet its goals.

d. The contractor should have disseminated its EEO policy within its organization by including it in any employee handbook or policy manual; by publiciizng it in company newspapers and annual reports, and by advertising such policy at reasonable intervals in union publications. The EEO policy should be further disseminated by conducting staff meetings to explain and discuss the policy; by posting of the policy; and by review of the policy with minority employees.

e. The contractor should have disseminated its EEO policy externally by informing and discussing it with all recruitment sources; by advertising in news media, specifically including minority news media; and by notifying and discussing it with all subcontractors.

f. The contractor should have made both specific and reasonably recurrent written and oral recruitment efforts. Such efforts should have been directed at minority, organizations, schools with substantial minority enrollment, and minority recruitment and training organizations within the contractor's recruitment area.

g. The contractor should have evidence available for inspection that all tests and other selection techniques used to select from among candidates for hire, transfer, promotion, training or retention are being used in a manner that does not violate the OFCCP Testing Guidelines in 41 CFR Part 60–3.

h. The contractor where reasonable should have developed on-the-job training opportunities and participated and assisted in all Department of Labor funded and/or approved training programs relevant to the contractor's employee needs consistent with its obligations under this Part II.

i. The contractor should have made sure that seniority practices and job classifications do not have a discriminatory effect.

j. The contractor should have made certain that all facilities were not segregated by race.

k. The contractor should have continually monitored all personnel activities to ensure that its EEO policy was being carried out including the evaluation of minority employees for promotional opportunities on a quarterly basis and the encouragement of such employees to seek those opportunities.

l. The contractor should have solicited bids for subcontracts from available minority subcontracts engaged in the trades covered by these Bid Conditions, including circulation of minority contractor associations.

NOTE—The Assistant Regional Administrator of the Office of Federal Contract Compliance Programs and the compliance agency staff will provide technical assistance on questions pertaining to minority recruitment sources, minority community organizations and minority news media upon receipt of a request for assistance from a contractor.

3. *Subsequent Signatory to the [ ] Plan.* Contractors that are subject to the requirements of Part II at the time of the submission of their bids which, together with labor organizations with which they have collective bargaining agreements, subsequently become signatory to the [ ] Plan, either individually or through an association, will be deemed bound to their commitments to the [ ] Plan from that time until and unless they once again become subject to the requirements of Part II pursuant to Section A.1–6.

4. *Non-discrimination.* In no event may a contractor utilize the goals and affirmative action steps required by this Part II in such a manner as to cause or result in discrimination against any person on account of race, color, religion, sex or national origin.

Part III: *Compliance and Enforcement.* In all cases, the compliance of a contractor will be determined in accordance with its obligations under the terms of these Bid Conditions. Therefore, contractors who are governed by the provisions of either Part I or Part II shall be subject to the requirements of that Part regardless of the obligations of its prime contractor or lower tier subcontractors.

All contractors performing or to perform work on projects subject to these Bid Conditions hereby agree to inform their subcontractors in writing of their respective obligations under the terms and requirements of these Bid Conditions, including the provisions relating to goals of minority employment and training.

A. *Contractors Subject to Part I.* 1. A contractor covered by Part I of these Bid Conditions shall be in compliance with Executive Order 11246, as amended, the implementing regulations and its obligations under Part I, provided the contractor together with the labor organization or organizations with which it has a collective bargaining agreement meet the goals for minority utilization to which they committed themselves in the [ ] Plan, or can demonstrate that every good faith effort has been made to meet the goal. In that event, no formal sanctions or proceedings leading toward sanctions shall be instituted unless the Office of Federal Contract Compliance Programs determines that the contractor has violated a substantial requirement in the [ ] Plan or Executive Order 11246, as amended, and its implementing regulations, including the failure of such contractor to make a good faith effort to meet its fair share obligation if provided in the [ ] Plan or has engaged in unlawful discrimination. Such violations shall be deemed to be noncompliance with the Equal Opportunity clause of the contract, and shall be grounds for imposition of the sanctions and penalties provided for in Executive Order 11246, as amended.

2. The OFCCP shall review Part I contractors' employment practices during the performance of the contract. Further, OFCCP shall be solely responsible for any final determination that the [ ] Plan is no longer an acceptable affirmative action program and the consequences thereof. The OFCCP may, upon review and notice to the contractor and any affected labor organization, determine that the [ ] Plan no longer represents effective affirmative action. In the event it shall be solely responsible for any final determination of that question and the consequences thereof.

3. Where OFCCP finds that a contractor has failed to comply with the requirements of the [ ] Plan and its obligation under Part I of these Bid Conditions, it shall take such action and/or impose such sanctions as may be appropriate under the Executive Order and its regulations. When the OFCCP proceeds with such formal action it has the burden of proving that the contractor has not met the requirements of these Bid Conditions. The failure of the contractor to comply with its obligations under the Equal Opportunity clause shall shift to it the requirement to come forward with evidence to show that it has met the good faith requirements of these Bid Conditions by instituting at least the specific affirmative action steps listed in Part II, Section 2. The contractor must also provide evidence of its steps toward the attainment of its trade's goals within the timetables set forth in the [ ] Plan. The pendency of such formal proceedings shall be taken into consideration by Federal agencies in determining whether such contractor can comply with the requirements of Executive Order 11246, as amended, and is therefore a "responsible prospective contractor" within the meaning of basic principles of Federal procurement law.

B. *Contractors Subject to Part II.* In regard to Part II of these Bid Conditions, if the contractor meets the goals set forth therein or can demonstrate that it has made every good faith effort to meet these goals, the contractor shall be presumed to be in compliance with Executive Order 11246, as amended, the implementing regulations and its obligations under Part II of these Bid Conditions. In that event, no formal sanctions or proceedings leading toward sanctions shall be instituted unless the contracting or administering agency otherwise determines that the contractor is violating the Equal Opportunity clause.

Where the agency finds that the contractor failed to comply with the requirements of Executive Order 11246, as amended, the implementing regulations and the obligations under Part II of these Bid Conditions, the agency shall take such action and impose such sanctions, which include suspension, termination, cancellation, and debarment, as may be appropriate under the Executive Order and its regulations. When the agency proceeds with such formal action it has the burden of proving that the contractor has not met the goals contained in Part II of these Bid Conditions. The contractor's failure to meet its goals shall shift to it the requirement to come forward with evidence to show that it has met the good faith requirements of these Bid Conditions by instituting at least the specific affirmative action steps listed in Part II, Section 2. The pendency of such proceedings shall be taken into consideration by Federal agencies in determining whether such contractor can comply with the requirements of Executive Order 11246, as amended, and is therefore, a "responsible prospective contractor" within the meaning of the basic principles of Federal procurement law.

C. *Obligations Applicable to Contractors Subject to Either Part I or Part II.* It shall be no excuse that the union with which the contractor has a collective bargaining agreement providing for exclusive referral failed to refer minority employees. Discrimination in referral for employment, even if pursuant to provisions of a collective bargaining agreement, is prohibited by the National Labor Relations Act, as amended, and Title VII of the Civil Rights Act of 1964, as amended. It is the policy of the Office of Federal Contract Compliance Programs that contractors have a responsibility to provide equal employment opportunity if they wish to participate in federally involved contracts. To the extent they have delegated the responsibility for some of their employment practices to a labor organization and, as a result, are prevented from meeting their obligations pursuant to Executive Order 11246, as amended, such contractors cannot be considered to be in compliance with Executive Order 11246, as amended, its implementing rules and regulations.

Part IV: *General Requirements.* 1. Contractors are responsible for informing their subcontractors in writing regardless of tier, as to their respective obligations under Parts I and II hereof, as applicable. Whenever a contractor subcontracts a portion of the work in any trade covered by these Bid Conditions, it shall include these Bid Conditions in such subcontracts and each subcontractor shall be bound by these Bid Conditions to the full extent as if it were the prime contractor. The contractor shall not, however, be held accountable for the failure of its subcontractors to fulfill their obligations under these Bid Conditions. However, the prime contractor shall give notice to the Assistant Regional Administrator of the Office of Federal Contract Compliance Programs of the Department of Labor and to the contracting or administering agency of any refusal or failure of any subcontractor to fulfill its obligations under these Bid Conditions. A subcontractor's failure to comply will be treated in the same manner as such failure by a prime contractor.

2. Contractors hereby agree to refrain from entering into any contract or contract modification subject to Executive Order 11246, as amended, with a contractor debarred from, or who is determined not to be a "responsible" bidder for Government contracts and federally-assisted construction contracts pursuant to the Executive Order.

3. The Contractor shall carry out such sanctions and penalties for violation of these Bid Conditions and the Equal Opportunity clause including suspension, termination and cancellation of existing subcontracts and debarment from future contracts as may be imposed or ordered pursuant to Executive Order 11246, as amended, and its implementing regulations by the contracting or administering agency and the Office of Federal Contract Compliance Programs. Any contractor who fails to carry out such sanctions and penalties shall also be deemed to be in noncompliance with these Bid Conditions and Executive Order 11246, as amended.

4. Nothing herein is intended to relieve any contractor during the term of its contract from compliance with Executive Order 11246, as amended, and the Equal Opportunity clause of its contract with respect to matters not covered in the [ ] Plan or in Part II of these Bid Conditions.

5. The procedures set forth in these Bid Conditions shall not apply to any contract which the head of the contracting or administering agency determines is essential to the national security and its award without following such procedures is necessary to the national security. Upon making such a determination, the agency head will notify, in writing, the Director of the Office of Federal Contract Compliance Programs within thirty days.

6. Requests for exemptions from these Bid Conditions must be made in writing, with justification, to the Director, Office of Federal Contract Compliance Programs, U.S. Department of Labor, Washington, D.C. 20210, and shall be forwarded through and with the endorsement of the head of the contracting or administering agency.

7. Contractors must keep such records and file such reports relating to the provisions of these Bid Conditions as shall be required by the contracting or administering agency or the Office of Federal Contract Compliance Programs.

For the information of bidders, a copy of the [ ] Plan may be obtained from the contracting officer.

A list of trades which are currently participating in the [ ] Plan may be obtained from OFCCP, or the contracting or administering agency. Signed this 28th day of July, 1976.

W. J. USERY, Jr.,
Secretary of Labor.

JOHN C. READ,
Assistant Secretary for Employment Standards.

LAWRENCE LORBER,
Director, Office of Federal Contract Compliance Programs.

[FR Doc.76–22369 Filed 8–2–76;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

[TA–W–988]

APECO CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On July 16, 1976 the Department of Labor received a petition dated July 12, 1976 which was filed under section 221 (a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of APECO Corporation, Evanston, Illinois (TA–W–988). Accordingly, the Director, Office of Trade Adjustment

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Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with photocopying machines produced by APECO Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 13, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 13, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd Street and Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 16th day of July 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-22445 Filed 8-2-76;8:45 am]

[TA-W-866]

BRAINARD RIVET CO.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents results of TA-W-866; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on April 30, 1976 in response to a worker petition received on that date which was filed by the United Steelworkers of America on behalf of workers and former workers producing cold-headed solid fasteners at the Brainard Rivet Company, Girard, Ohio, a subsidiary of Textron, Inc., Providence, Rhode Island.

The notice of investigation was published in the FEDERAL REGISTER on May 21, 1976 (41 FR 20969). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Brainard Rivet Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although the first two criteria have been met, the third and fourth criteria have not been met.

Significant total or partial separations. Employment of production workers of the Brainard Rivet Company declined 28 percent from 1974 to 1975 and decreased 6 percent in the first quarter of 1976 compared to the first quarter of 1975.

Sales or production, or both, have decreased absolutely. Production by the Brainard Rivet Company decreased in quantity by 33 percent in 1975 compared to 1974. Production increased 13 percent in the first quarter of 1976 compared to the first quarter of 1975. Sales by the company also decreased from 1974 to 1975 and increased in the first quarter of 1976 compared to the same period in 1975.

Production of standard and specialty rivets comprises approximately 83 percent of total production at the Brainard Company. The remainder of production consists of standard and specialty clevis pins, screws, and miscellaneous specialty fasteners.

Increased imports. Imports of rivets declined in value absolutely and relative to U.S. production from 1974 to 1975. Imports of rivets fell from $4.1 million in 1974 to $2.7 million in 1975. Throughout the entire 1971-1975 period the value of imported rivets at no time amounted to more than 3.3 percent of the value of domestic production of rivets.

Contributed importantly. Customers who reduced purchases from the Brainard Rivet Company in 1975 did not increase purchases of imported fasteners. The customers attributed the reduction in their purchases to unfavorable economic conditions.

Product areas such as the automotive industry were affected to a great extent by poor economic conditions. This resulted in reduced demand for Brainard's products as component parts for their finished goods.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with cold-headed solid fasteners produced at the Brainard Rivet Company did not contribute importantly to the total or partial separation of the workers of that firm.

Signed at Washington, D.C. this 23rd day of July 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76 22446 Filed 8-2-76;8:45 am]

[TA-W-791]

C. F. HATHAWAY COMPANY, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-791: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on April 9, 1976 in response to a worker petition received on April 9, 1976 which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers engaged in the production of men's dress shirts at the C. F. Hathaway Company, Incorporated, Lowell, Massachusetts.

The notice of investigation was published in the FEDERAL REGISTER on April 23, 1976 (41 FR 17029). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the C. F. Hathaway Company, its customers, the Amalgamated Clothing Workers of America, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above critreia have been met.

Significant total or partial separations. Employment of production workers declined 67.7 percent in 1975 compared to 1974 and declined 40.3 percent in the first six months of 1975 compared to the like period in 1974. The plant closed in August 1975.

Sales or production, or both, have decreased absolutely. Company sales declined 10.8 percent in 1974 compared to 1973 and declined 54.7 percent in the first six months of 1975 compared to the like period of 1974.

Increased imports. Imports of men's knit and woven dress, business and sport shirts increased absolutely from 90,516,000 units in 1974 to 97,004,000 units in 1975.

Contributed importantly. The evidence developed during the Department's investigation reveals that imports of men's shirts have increased in recent years. Only a small portion of Hathaway's customers have increased purchases of imported dress shirts in recent years. However, a majority of Hathaway's customers have stated that due to a shift in consumer preferences, they have increased their purchases of imported sport shirts and have reduced their purchases of dress shirts from Hathaway. A sport shirt is competitive with a dress shirt in that their construction is basically identical and the materials used in the construction of the respective styles are identical.

Conclusion. After careful review of facts obtained in the investigation I conclude that imports like or directly competitive with men's dress shirts have contributed importantly to the total or partial separation of workers at the C. F. Hathaway Company, Inc., Lowell, Massachusetts. In accordance with the provisions of the Act, I make the following certification.

All employees at the C. F. Hathaway Company, Inc., Lowell, Massachusetts, who have become totally or partially separated from employment on or after April 1, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 23rd day of July 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-22447 Filed 8-2-76;8:45 am]

[TA-W-674]

CHICO SPORTSWEAR INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade of 1974 the Department of Labor herein presents the results of TA-W-674: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 19, 1976 in response to a worker petition received on March 19, 1976 which was filed by the Amalgamated Clothing Workers Union on behalf of workers and former workers producing men's outerwear at Chico Sportswear Inc., Elizabeth, New Jersey.

The notice of investigation was published in the FEDERAL REGISTER on April 2, 1976 (41 FR 14229). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Chico Sportswear Inc. its customers, the U.S. International Trade Commission, the U.S. Department of Commerce, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all the above criteria have been met.

Significant total or partial separations. The average number of production workers declined 6.2 percent in 1974 compared to 1973, and 27 percent in 1975 compared to 1974. From the fourth quarter of 1974 through the first quarter of 1976, employment fell compared to the same quarter of the previous year. Average weekly hours for production workers fell .9 percent from 1973 to 1974 and 16 percent from 1974 to 1975. Hours worked fell 32.7 percent in the first quarter of 1976 from the first quarter of 1975.

Sales or production, or both, have decreased absolutely. Sales of leisure jackets declined 7.0 percent in 1974 compared to 1973. In the first three quarters of 1975, sales fell 65.6 percent from the same period in 1974. Chico ceased production of leisure jackets in the third quarter of 1975. Chico commenced production of men's outercoats and jackets in the second quarter of 1975. Sales of men's outercoats and jackets declined 10.2 percent from the third quarter of 1975 to the fourth quarter of 1975, and 93.2 percent from the fourth quarter of 1975 to the first quarter of 1976.

Since production is based on orders received, production is equivalent to sales.

Increased imports. Imports of men's and boys' tailored dress coats and sportcoats increased both absolutely and relatively in each year from 1971 to 1973. Imports increased relatively from 1973 to 1974 and then increased absolutely and relatively from 1974 to 1975. The ratio of imports to domestic production and consumption increased from 21.2 percent and 17.5 percent, respectively, in 1974 to 28.2 percent and 22.0 percent, respectively, in 1975.

Imports of men's and boys' outercoats and jackets increased absolutely and relative to domestic production from 1971 to 1973. Imports decreased absolutely and relatively from 1973 to 1974 and then increased relatively from 1974 to 1975. The ratio of imports to domestic production and consumption increased from 29.8 percent and 22.9 percent, respectively, in 1974 to 30.6 percent and 23.4 percent, respectively, in 1975.

Contributed importantly. The Department's investigation indicated that retail customers of the manufacturers for whom Chico did contract work decreased purchases of domestically produced men's leisure jackets and outerwear and increased purchases of lower priced imports.

Additionally, an OTAA survey of the retail clothing industry showed that imports of leisure jackets, and men's and boys' overcoats increased 1011.7 percent and 183.7 percent, respectively, in the first six months of 1975 compared to the first six months of 1974. The ratio of imports to domestic production of leisure jackets increased from 4.0 percent in the first six months of 1974, to 21.1 percent in the first six months of 1975. The ratio of imports to domestic production of men's and boys' overcoats decreased from 17.0 percent in the first six months of 1974, to 16.5 percent in the first six months of 1975.

Conclusion. After careful review of the facts obtained in the investigation I conclude that increases of imports like or directly competitive with men's leisure jackets and outerwear produced at the Elizabeth, New Jersey plant of Chico Sportswear contributed importantly to the total or partial separations of the workers at that plant. In accordance with the provisions of the Trade Act of 1974, I make the following certification:

All workers engaged in employment related to the production of men's leisure jackets and outerwear at the Elizabeth, New Jersey plant of Chico Sportswear Incorporated who became totally or partially separated from employment on or after February 17, 1975 be certified as eligible to apply

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for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 21st day of July 1976.

JAMES D. HOOVER,
Acting Executive Assistant to the Deputy Under Secretary.

[FR Doc.76-22448 Filed 8-2-76;8:45 am]

[TA-W-899]

ENFLO CORP.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-899: investigation regarding certification of eligibility to apply for adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on May 27, 1976 in response to a worker petition received on that date which was filed by the Teamsters Union Local 115 on behalf of former workers producing TFE basic shapes at Enflo Corporation, Maple Shade, New Jersey.

The notice of investigation was published in the FEDERAL REGISTER on June 18, 1976 (41 FR 24799). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Enflo Corporation, the Department of Commerce, the International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (3) has not been met.

Although TFE basic shapes are not separately identified in the Tariff Schedules of the United States Annotated, they are included in the data that have been compiled for the basket category of plastic and rubber basic (profile) shapes. The value of the imports of plastic and rubber basic (profile) shapes increased from 1971 through 1974 and declined 25 percent from 1974 to 1975. The ratio of imports to domestic production for plastic and rubber basic (profile) shapes declined from 4.6 percent in 1974 to 4.2 percent in 1975.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that articles like or directly competitive with those produced by the Enflo Corporation plant located in Maple Shade, New Jersey are not being imported in increased quantities, either actual or relative to domestic production, and therefore workers at that plant are not eligible to apply for adjustment assistance under the Trade Act of 1974.

Signed at Washington, D.C. this 22nd day of July 1976.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for International Affairs.

[FR Doc.76-22449 Filed 8-2-76;8:45 am]

[TA-W-896]

ENGELHARD MINERAL AND CHEMICALS CORP.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-896; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on May 27, 1976 in response to a worker petition received on May 27, 1976 which was filed on behalf of workers formerly producing precious metal contacts at the H.A. Wilson Department of the Engelhard Industries Division of Engelhard Mineral and Chemicals Corporation, Union, New Jersey.

The notice of investigation was published in the FEDERAL REGISTER on June 18, 1976 (41 FR 24799). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Engelhard Industries Division of Engelhard Mineral and Chemicals Corporation, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (3) has not been met. The evidence developed in the Department's investigation revealed that importation of electrical contacts is negligible. The H. A. Wilson Department of the Engelhard Industries Division of the Engelhard Mineral and Chemical Corporation in Union, New Jersey was closed in November 1975. H. A. Wilson's parent company, Engelhard Industries Division, produces metal contacts outside the United States. The Department's investigation found that none of the foreign produced metal contacts are imported into the United States.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that articles like or directly competitive with precious metal contacts produced at Engelhard Mineral and Chemical Corporation, Engelhard Industries Division, H. A. Wilson Department are not being imported in increased quantities, either actual or relative to domestic production, as required in section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 21st day of July 1976.

JAMES D. HOOVER,
Acting Executive Assistant to the Deputy Under Secretary.

[FR Doc.76-22450 Filed 8-2-76;8:45 am]

[TA-W-703]

FOREST HILLS SPORTSWEAR

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-703: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 19, 1976 in response to a worker petition received on March 19, 1976 which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's suit slacks and dress slacks at the Lawrenceburg, Tennessee plant of Forest Hills Sportswear, a subsidiary of the Chromalloy American Corporation, Clayton, Missouri.

The notice of investigation was published in the FEDERAL REGISTER on April 2, 1976 (41 FR 14230). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Forest Hills Sportswear, the Chromalloy Clothing Group, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although criteria one, two and three have been met, criterion four has not been met.

Significant total or partial separations. The average number of workers increased 11.5 percent from 1973 to 1974 and then declined 15.2 percent from 1974 to 1975.

Average weekly hours increased 2.1 percent from 1973 to 1974 and then declined 11.6 percent from 1974 to 1975.

Sales or production, or both, have decreased absolutely. Forest Hills manufactures men's suit and dress slacks. The quantity of pants produced by Forest Hills increased 14.7 percent from 1973 to 1974 and then declined 27.2 percent from 1974 to 1975. In each quarter of 1975, production declined when compared to the same quarter of 1974.

Increased imports. Imports of men's and boys' tailored suits increased each year from 1971 through 1975. Imports increased 26.9 percent from 1974 to 1975. Domestic production of men's and boys' tailored suits declined 9.3 percent during the same period. The ratios of imports to domestic production and consumption increased from 12.2 percent and 10.9 percent, respectively, in 1974 to 17.2 percent and 14.6 percent, respectively, in 1975.

Imports of men's and boys' trousers increased from 39.8 million pairs in 1971 to 55.3 million pairs in 1972. Imports then declined in 1973 and 1974. Imports increased 39.4 percent from 1974 to 1975. Domestic production of men's and boys' trousers declined 18.9 percent during the same period. The ratios of imports to domestic production and consumption increased from 18.2 percent and 15.4 percent, respectively, in 1974 to 31.4 percent and 23.8 percent, respectively, in 1975.

Contributed importantly. The Department's investigation indicated that changing consumer tastes and declining consumer demand resulted in reduced purchases from the Chromalloy Clothing Group. Customers who reduced purchases of men's suits and slacks from Chromalloy did not switch to imports.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with suit slacks and dress slacks produced at the Lawrenceburg, Tennessee plant of Forest Hills Sportswear, did not contribute to the total or partial separation of workers of that plant.

Signed at Washington, D.C. this 21st day of July 1976.

JAMES D. HOOVER,
Acting Executive Assistant to the Deputy Under Secretary.

[FR Doc.76-22451 Filed 8-2-76;8:45 am]

[TA-W-695]

GROSS GALESBURG CO.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-695: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 19, 1976 in response to a worker petition received on March 19, 1976 which was filed on behalf of workers formerly producing work garments and grass catchers at the Galesburg, Illinois, plant of Gross Galesburg Company.

The notice of investigation was published in the FEDERAL REGISTER on April 2, 1976 (41 FR 14230). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Gross Galesburg Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although criteria one and two have been met for all products, criterion three has not been met for grass catchers and criterion four has not been met for work clothing and grass catchers.

Significant total or partial separations. The average number of work clothing production workers increased 14.3 percent from 1973 to 1974 and then decreased 31.8 percent from 1974 to 1975. Employment declined in each quarter of 1975 from the same quarter of 1974. Average hours worked increased 2.0 percent in 1974 compared to 1973 and then declined 15.7 percent in 1975 compared to 1974.

Employment of grass catcher production workers declined 16.7 percent from 1973 to 1974 and 16.7 percent in the first two quarters of 1975 compared to the same two quarters of the previous year.

Average hours worked increased 2.6 percent from 1973 to 1974 and then declined 35.5 percent in the first two quarters of 1974 compared to the same two quarters of 1974. All employment related to grass catcher production was terminated in June 1975.

Sales or production, or both, have decreased absolutely. Sales of work jackets declined 20.8 percent from 1973 to 1974 and 51.2 percent from 1974 to 1975. Quarterly sales declined in each quarter of 1975 from the same quarter of the previous year.

Sales of overalls began in June 1973. Sales increased 193.6 percent in the period June 1974 through December 1974 compared to the same time period of the previous year and then declined 78.4 percent from 1974 to 1975. Quarterly sales declined in each quarter of 1975 from the same quarter of the previous year.

Gross Galesburg began selling vests in July 1974. Sales of vests increased 26.9 percent during the last two quarters of 1975 compared to the same two quarters of the previous year.

Sales of grass catchers declined by 13.1 percent from 1973 to 1974 and by 54.2 percent from 1974 to 1975. Quarterly sales declined in each quarter of 1975 compared to the same quarter of the previous year.

Production of work jackets increased 21.0 percent from 1973 to 1974 and then declined 25.5 percent from 1974 to 1975.

Production of overalls began in June 1973. Production increased 298.6 percent in the period June 1973 through Decem-

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ber 1973 compared to the same time period of the previous year and then declined 89.4 percent in 1975 compared to 1974. Quarterly production declined in each quarter of 1975 compared to the same quarter of 1974.

Production of vests began in June 1974. Production declined 37.5 percent in the period June 1975 through December 1975 compared to the same time period of the previous year.

Production of grass catchers declined 13.1 percent from 1973 to 1974 and 45.6 percent in the first two quarters of 1975 compared to the same two quarters of the previous year. Production of grass catchers was discontinued in June 1975.

Increased imports. Imports of men's and boys' nontailored outer jackets including work jackets declined relatively from 1971 to 1972 and then increased both absolutely and relatively from 1972 to 1973. Imports decreased both absolutely and relatively from 1973 to 1974. Imports decreased absolutely by 14.1 percent from 1974 to 1975. The ratios of imports to domestic production and consumption increased from 48.4 percent and 32.6 percent, respectively, in 1974 to 58.9 percent and 37.1 percent, respectively, in 1975.

Imports of men's and boys' woven cotton and man-made fiber trousers and one-piece suits including overalls and work vests, increased absolutely from 1971 to 1972 and then decreased absolutely from 1972 to 1973. Imports increased absolutely and relatively from 1973 to 1974 and from 1974 to 1975. The ratio of imports to domestic production and consumption increased from 2.3 percent and 2.2 percent, respectively, in 1974 to 3.5 percent and 3.4 percent, respectively, in 1975.

A survey conducted by Department of Labor analysts found no imports of grass catchers.

Contributed importantly. Evidence developed during the Department's investigation indicated that customers accounting for 100 percent of sales in 1975 of Gross Galesburg work clothing do not carry imports. Customers who reduced purchases cited the shift in consumers' preferences from work clothes to jeans and jean jackets, which can be worn for both work and leisure. Such substitute products were not purchased from offshore manufacturers.

Gross Galesburg's only customer for grass catchers indicated that they did not buy imports.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with work clothing or grass catchers produced at Gross Galesburg Company, Galesburg, Illinois did not contribute importantly to the total or partial separation of the workers at such plant.

Signed at Washington, D.C. this 26th day of July 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-22452 Filed 8-2-76;8:45 am]

[TA-W-636]

GTE SYLVANIA, INC.

Revised Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor issued a notice of negative determination regarding eligibility to apply for adjustment assistance on May 13, 1976 applicable to former workers producing color picture tubes at GTE Sylvania, Inc., Seneca Falls, New York. The Notice of Negative Determination was published in the FEDERAL REGISTER on May 28, 1976 (41 FR 21886).

At the request of an official of the United Steelworkers of America, a further investigation was instituted by the Director of the Office of Trade Adjustment Assistance. The further investigation revealed that imports of color television sets were more indicative of the influence of imports on employment and production at the Seneca Falls plant than were imports of color picture tubes. A substantial portion of the GTE Sylvania, Inc., Seneca Falls plant's production of color television picture tubes was sent to the GTE Sylvania television assembly plants where they were incorporated into television sets which carry the Sylvania label. The GTE Sylvania, Inc., Seneca Falls plant is an integral part of the production of color television sets at GTE Sylvania's television assembly plants.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales of production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

Significant total or partial separations. The average annual employment of production workers declined 20.9 percent in 1975 compared to 1974 and declined 32.5 percent in the first quater of 1975 compared to the first quater of 1974.

Sales or production, or both, have decreased absolutely. Company production of color television picture tubes declined 39.2 percent in 1975 compared to 1974 and declined 60.2 percent in the first quarter of 1975 compared to the first quarter of 1974.

Company production of color television sets declined 43.6 percent in 1975 compared to 1974.

Increased imports. The ratio of imports of color television sets to domestic production and consumption increased in quantity in each year from 18.8 percent and 16.1 percent, respectively, in 1972 to 23.4 percent and 19.5 percent, respectively, in 1975.

Contributed importantly. The evidence developed during the Department's investigation indicates that imports of color television sets have increased in recent years and that the imports of color television sets are responsible for the production and employment declines of color television picture tubes at the Seneca Falls plant. GTE Sylvania was the major purchaser of color picture tubes from the Seneca Falls plant. The Seneca Falls plant is an integral part of the production of color television sets at GTE Sylvania's Inc., television assembly plants. The color picture tubes purchased by GTE Sylvania Inc., from the Seneca Falls plant are incorporated into finished sets which carry the Sylvania label.

Imported television picture tubes are not interchangeable with tubes produced by GTE Sylvania without modification. Picture tubes are imported as replacement parts for imported television sets. For the above reason and due to the fact that the Seneca Falls plant participates in an integrated production process where the end product is a color television set, imports of color television sets are considered to be more indicative of the influence of imports upon the production and employment at the Seneca Falls plant.

Customers of GTE Sylvania's color televisions have increased purchases of imported color television sets and have reduced purchases from GTE Sylvania.

The revised determination applicable to TA-W-636 is hereby issued as follows:

All workers at the Seneca Falls, New York plant of GTE Sylvania, Inc., who became totally or partially separated from employment on or after February 4, 1975 are eligible to apply for adjustment assistance benefits under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 21st day of July 1976.

JAMES D. HOOVER,
Acting Executive Assistant to the Deputy Under Secretary.

[FR Doc.76-22453 Filed 8-2-76;8:45 am]

[TA-W-882]

HOOVER-SENG CO.

Notice of Negative Determination Regarding Eligibility To Apply for Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-882: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on May 19, 1976, in response to a worker petition received on May 19, 1976, which was filed on behalf of workers and former workers assembling metal frames for sofa beds at the Hoover Seng Company, Los Angeles, California, a subsidiary of Hoover Ball & Bearing Co., Saline, Michigan.

The notice of investigation was published in the FEDERAL REGISTER on July 6, 1976 (41 FR 27802). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Hoover-Seng Company, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion three (3) has not been met.

The evidence developed during the Department's investigation reveals that imports of convertible sofas have declined absolutely, in value in each year from 371,900 dollars in 1972 to 267,000 dollars in 1975. The import category referred to above, i.e. convertible sofas, is a basket category and includes convertible sofas, mattresses for convertible sofas and convertible sofa frames. The above described import category therefore overstates the actual level of imports of metal frames for convertible sofas. Furthermore, imports of convertible sofas are negligible in that the ratios of imports of convertible sofas to domestic production and consumption were 0.11 percent and 0.11 percent, respectively, in 1975.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increased imports of metal frames for convertible sofas have not contributed importantly to the total or partial separation of workers at the Hoover-Seng Company, Los Angeles, California as required in section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 23rd day of July 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-22454 Filed 8-2-76;8:45 am]

[TA-W-902]

LEWIS WEINER INDUSTRIES, INC.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-902: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on May 27, 1976 in response to a worker petition received on that date which was filed on behalf of workers and former workers producing metal and plastic zipper chain and complete zippers at Lewis Weiner Industries, Inc., Long Island City, New York.

The notice of investigation was published in the FEDERAL REGISTER on June 18, 1976 (41 FR 24801). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Lewis Weiner Industries, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separation, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although the first two criteria have been met, the third and fourth criteria have not been met.

Significant total or partial separations. The average number of production workers at Lewis Weiner Industries declined 13 percent in 1974 from 1973 and declined 25 percent in 1975 from 1974. All production related employment was terminated February 1976.

Sales or production, or both, have decreased absolutely. Sales declined 5 percent in 1974 compared to 1973 and declined 13 percent in 1975 compared to 1974. Inventories declined 8 percent in 1974 from 1973 and declined 36 percent in 1975 from 1974.

Increased imports. Imports of slide fasteners and parts increased from 98.2 million units in 1971 to 147.7 million units in 1972, and then remained nearly unchanged annually through 1974. Imports declined 29 percent in 1975 compared to 1974.

The single firm which had been responsible for over 75 percent of all imported slide fasteners prior to 1974 became a major domestic producer in early 1974.

Contributed importantly. The evidence developed in the Department's investigation indicates that the decline in sales by Lewis Weiner Industries was due to factors other than increased import competition. Customers of Lewis Weiner Industries do not purchase imported zipper chain or complete zippers; the customers indicated that reduced purchases from Lewis Weiner resulted primarily from increased competition from other domestic manufacturers.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with metal and plastic zipper chain and complete zippers produced at Lewis Weiner Industries, Inc., did not contribute importantly to the total or partial separations of the workers at that firm.

Signed at Washington, D.C. this 27th day of July 1976.

JAMES D. HOOVER,
Acting Executive Assistant to the Deputy Under Secretary.

[FR Doc.76-22455 Filed 8-2-76;8:45 am]

[TA-W-720]

MAYFLOWER COAT MANUFACTURING COMPANY, INC.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-720; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 26, 1976 in response to a worker petition received on March 26, 1976 which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's all-weather coats and liners at the Brock-

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ton, Massachusetts plant of the Mayflower Coat Manufacturing Company, Inc.

The notice of investigation was published in the FEDERAL REGISTER on April 13, 1976 (41 FR 15491). No public hearing has been requested to date.

The information upon which the determination was made was obtained principally from officials of Mayflower Coat Manufacturing Company, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have beetn met, criterion (3) has not been met.

Imports of men's raincoats declined relatively from 1971 to 1972, then increased absolutely and relatively from 1972 to 1973. Imports decreased both absolutely and relatively in each year from 1973 to 1975. The ratio of imports to domestic production declined from 11.5 percent and 10.4 percent, respectively, in 1974 to 8.1 percent and 7.5 percent respectively in 1975.

The evidence developed during the Department's investigation indicated that the decline in sales and production at Mayflower is attributable to the general downturn in the economy.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's all-weather coats produced by the Brockton, Massachusetts plant of Mayflower Coat Manufacturing Company Inc. did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C. this 26th day of July 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-22456 Filed 8-2-76;8:45 am]

[TA-W-673]

MODERN SLACK CREATIONS, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-673: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 19, 1976 in response to a worker petition received on March 19, 1976 which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's trousers at the Northampton plant of Modern Slack Creations, Inc., Allentown, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER on April 2, 1976 (41 FR 14223). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Modern Slack Creations, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely; and

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation reveals that all of the above criteria have been met.

Significant total or partial separations. The average number of production workers declined 4 percent from 1973 to 1974 and declined 30 percent from 1974 to 1975. In each quarter of 1975, employment declined compared to the like quarter in 1974.

Sales or production, or both, have decreased absolutely. Production of men's trousers at the Northampton plant declined 11 percent from 1973 to 1974 and 19 percent from 1974 to 1975. In each quarter of 1975, production declined when compared to the same quarter of 1974.

Increased imports. Imports of men's and boys' trousers increased absolutely and relatively from 1971 to 1972 and then fell absolutely and relatively in each year from 1972 to 1974. Imports increased 39.4 percent from 1974 to 1975. U.S. production of men's and boys' trousers declined 18.9 percent during the same period. The ratios of imports to domestic production and consumption increased from 18.2 percent and 15.4 percent, respectively, in 1974 to 31.4 percent and 23.8 percent, respectively, in 1975.

Contributed importantly. The Department's investigation revealed that one of the manufacturers for whom the Northampton plant produced trousers switched to a foreign manufacturer. Additionally, customers of the manufacturers reduced purchases of men's trousers produced at the Northampton plant from 1974 to 1975 and increased purchases of lower-priced imports.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's trousers produced at Northampton, Pa. plant of Modern Slack Creations, Inc. contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of men's trousers at the Northampton plant of Modern Slack Creations, Inc., Allentown, Pennsylvania who became totally or partially separated from employment on or after March 9, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Trade Act of 1974.

Signed at Washington, D.C. this 21st day of July 1976.

JAMES D. HOOVER,
Acting Executive Assistant to the Deputy Under Secretary.

[FR Doc.76-22457 Filed 8-2-76;8:45 am]

[TA-W-858]

NYANZA, INC.

Revised Notice of Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 221(a) of the Trade Act of 1974 the Department of Labor published a Notice of Investigation Regarding Certification of Eligibility to Apply for Worker Adjustment Assistance relating to Nyanza, Incorporated, Ashland, Massachusetts (TA-W-858). The Notice of Investigation was published in the FEDERAL REGISTER on May 21, 1976 (41 FR 20956).

The Notice of Investigation is hereby corrected to read:

On February 16, 1976 the Department of Labor received a petition dated January 16, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Nyanza, Incorporated, Ashland, Massachusetts (TA-W-858).

Signed at Washington, D.C. this 22 day of July 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-22458 Filed 8-2-76;8:45 am]

[TA-W-859]

SCOVILL MANUFACTURING COMPANY, INC.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-859: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on April 30, 1976 in response to a worker petition received on that date which was filed by the International Union of Electrical, Radio and Machine Workers on behalf of former workers producing slide fasteners and parts at the Newark, New Jersey plant of Scovill Manufacturing Co., Inc., Waterbury, Connecticut.

The notice of investigation was published in the FEDERAL REGISTER on May 21, 1976 (41 FR 20964). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Scovill Manufacturing Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although the first two criteria have been met, the third and fourth criteria have not been met.

Significant total or partial separations. The average number of production workers at the Newark plant declined 19 percent in 1974 compared to 1973, and declined 58 percent in the first nine months of 1975 compared to the same period of 1974. All employment at the Newark plant was terminated by the end of October 1975.

Sales or production, or both, have decreased absolutely. Sales of slide fasteners and parts at the Newark, New Jersey plant declined 12 percent in 1974 compared to 1973 and declined 37 percent in the first nine months of 1975 compared to the same period of 1974.

Production of slide fasteners and parts at the Newark plant declined 12 percent in 1974 compared to 1973 and declined 39 percent in the first nine months of 1975, compared to the same period of 1974. All production at the Newark plant ceased in September 1975.

Increased imports. Imports of slide fasteners and parts increased from 98.2 million units in 1971 to 147.7 million units in 1972, and then declined annually to 104.0 million units in 1975. The ratio of imports to domestic production decreased from 8.5 percent in 1974 to 6.5 percent in 1975.

Contributed importantly. Customers of Scovill indicated that purchases of imported slide fasteners were not a factor in their decisions to reduce purchases from the Newark plant. Customers of Scovill indicated that they do not purchase imported slide fasteners. Those customers who decreased purchases did so primarily due to lower prices offered by another domestic manufacturer.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with slide fasteners and parts produced at the Newark, New Jersey plant of Scovill Manufacturing Company, Incorporated, Waterbury, Connecticut did not contribute importantly to the total or partial separation of workers at that plant.

Signed at Washington, D.C. this 26th day of July 1976.

JAMES F. TAYLOR,
Director Planning and Evaluation Staff.

[FR Doc.76-22459 Filed 8-2-76;8:45 am]

[TA-W-826]

SOUTHERN SCREW CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-826: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on April 30, 1976 in response to a worker petition received on April 30, 1976 which was filed by the United Steelworkers of America, AFL-CIO, on behalf of workers and former workers producing screws at the Statesville, North Carolina plant of the Southern Screw Company.

The notice of investigation was published in the FEDERAL REGISTER on May 21, 1976 (41 FR 20964). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Southern Screw Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

Significant total or partial separations. Employment of production workers declined 34.6 percent in 1975 compared to 1974 and declined 5.3 percent in the second quarter of 1975 compared to the same quarter in 1974.

Sales or production or both, have decreased absolutely. Plant sales (in quantity) of screws declined 54.3 percent in 1975 compared to 1974. Plant sales (in quantity) declined 55.5 percent in the second quarter of 1975 compared to the same quarter in 1974.

Plant production (in quantity) declined 41.8 percent in 1975 compared to 1974 and declined 27.6 percent in the second quarter of 1975 compared to the same quarter in 1974.

Increased imports. U.S. imports increased in each year from 1971, when imports totaled 160,772 thousand pounds, through 1974, when U.S. imports were 382,795 thousand pounds. U.S. imports declined in 1975 when the total was 250,589 thousand pounds.

While imports decreased in absolute terms in 1975 compared to 1974, the ratio of imports to domestic production and consumption increased to its highest level of the five year period. The ratio of imports (in quantity) of screws (iron or steel) to domestic production increased in each year from 1971, when the ratio was 19.6 percent, through 1975 when the ratio was 38.2 percent. The ratio of imports (in quantity) to domestic consump-

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tion increased in each year from 1971, when the ratio was 17.1 percent, through 1975 when the ratio was 29.9 percent.

Contributed importantly. The Department's investigation indicated that customers of screws manufactured by the Southern Screw Company, have increased their purchases of screws from foreign sources due to price competition.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with screws produced at the Southern Screw Company contributed importantly to the total or partial separation of the workers of the Statesville, North Carolina plant. In accordance with the provisions of the Act, I make the following certification:

All employees at the Southern Screw Company, Statesville North Carolina who became totally or partially separated from employment on or after April 15, 1975, are eligible to apply for adjustment assistance benefits under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 26th day of July 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-22460 Filed 8-2-76;8:45 am]

[TA-W-797]

SPERRY UNIVAC

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-797: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on April 16, 1976 in response to a worker petition received on that date which was filed by three workers on behalf of workers and former workers of the Utica, New York plant of Sperry Univac.

The notice of investigation was published in the FEDERAL REGISTER (41 FR 20047) on May 14, 1976.

The information upon which the determination was made was obtained from officials of Sperry Univac, the U.S. Department of Commerce, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although the first criterion has been met, the second, third and fourth criteria have not been met.

Significant total or partial separations. Employment of production workers declined 19.1 percent in 1975 compared to 1974.

Sales or production, or both, have decreased absolutely. Production increased 1.2 percent in 1975 compared to 1974.

Increased imports. Sperry Univac is the sole source of equipment compatible with its electronic data processing systems. Imports by Sperry Univac, Utica of electronic data processing equipment and parts, excluding power supplies, decreased 44.1 percent in 1975 compared to 1974. The ratio of imports to plant production decreased from 4.8 percent in 1974 to 2.3 percent in 1975.

Contributed importantly. The investigation revealed that the decline in employment is attributable to reduced order input, product transfers to other domestic Univac manufacturing operations and technological changes that have increased the capital intensity of the industry.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that sales or production, or both, of Sperry Univac, Utica, New York have not decreased absolutely; that articles like or directly competitive with those produced by the firm are not being imported in increased quantities, either actual or relative to domestic production; and that such imports have not contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

Signed at Washington, D.C. this 14th day of July 1976.

JAMES D. HOOVER,
Acting Executive Assistant to the Deputy Under Secretary.

[FR Doc.76-22461 Filed 8-2-76;8:45 am]

[TA-W-853]

STANDARD LOCKNUT AND LOCKWASHER INC.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-853; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on April 30, 1976 in response to a worker petition received on April 30, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing locknuts, lockwashers and bearings at the Carmel, Indiana plant of Standard Locknut and Lockwasher, Incorporated.

The notice of investigation was published in the FEDERAL REGISTER (41 FR 20965) on May 21, 1976. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Standard Locknut and Lockwasher, the Employment Security Division of the Indiana Department of Labor, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard as to whether or not the second, third and fourth criteria have been met, the first criterion has not been met.

Significant total or partial separations. Standard Locknut and Lockwasher did not layoff or reduce the number of working hours of any of its employees during the period January 1, 1974 to the present nor has it announced plans to do so.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with locknuts, lockwashers, and bearings produced at the Carmel, Indiana plant of Standard Locknut and Lockwasher Incorporated did not contribute importantly to the total or partial separations of the workers at that plant.

Signed at Washington, D.C. this 23rd day of July 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-22462 Filed 8-2-76;8:45 am]

[TA-W-694]

STAR SPORTSWEAR MANUFACTURING CORP.

Certification Regarding Eligibiliey To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the result of TA-W-694; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 19, 1976 in response to a worker petition received on March 19, 1976 which was filed by the Amalgamated Clothing Workers Union on behalf of workers and former workers producing men's leather coats at the Star Sportswear Manufacturing Corporation. Lynn, Massachusetts.

The notice of investigation was published in the FEDERAL REGISTER on April 2, 1976 (41 FR 14223). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Star Sportswear Manufacturing Corporation, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with articles produced by such workers' firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

Significant total or partial separations. Employment at the Lynn, Massachusetts plant of Star Sportswear decreased 9.2 percent from 1973 to 1974, and then increased 9.5 percent from 1974 to 1975. Average quarterly employment fell in the third and fourth quarters of 1975, from the previous quarter. Labor turnover data indicated that approximately 27 percent of the work force was laid off in the fourth quarter of 1975. Average number of weekly hours worked rose 1.9 percent from 1973 to 1974, and then fell 2.7 percent from 1974 to 1975.

Sales or production or both have decreased absolutely. Sales of men's leather coats declined 11.4 percent in quantity from 1973 to 1974 and declined 3.8 percent from 1974 to 1975. Production of men's leather coats declined 1.7 percent in value from 1973 to 1974 and then increased 4.2 percent from 1974 to 1975.

Increased imports. Imports of men's and boys' leather coats and jackets increased absolutely in every year from 1971 to 1975. Imports declined relatively from 1971 to 1972, and then increased relatively every year from 1973 to 1975. The ratios of imports to domestic production and consumption increased 58.6 percent and 37.2 percent, respectively, in 1974 to 67.1 percent and 40.4 percent, respectively, in 1975.

Contributed importantly. Evidence developed during the Department's investigation indicated that customers surveyed reduced purchases from Star Sportswear from 1974 to 1975 and increased purchases of lower priced imports.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's leather coats produced at the Lynn, Massachusetts plant of the Star Sportswear Manufacturing Corporation contributed importantly to the total or partial separations of the workers at the plant. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of men's leather coats at the Lynn, Massachusetts plant of the Star Sportswear Manufacturing Corporation who became totally or partially separated from employment on or after September 30, 1975 be certified as eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 21st day of July 1976.

JAMES D. HOOVER,
Acting Executive Assistant to the Deputy Under Secretary.

[FR Doc.76-22463 Filed 8-2-76;8:45 am]

[TA-W-916]

TOWN AND COUNTRY SHOES, INC.

Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on June 7, 1976 in response to a worker petition received on that date which was filed by the workers and former workers producing women's footwear at Town and Country Shoes, Incorporated, St. Louis, Missouri.

Notice of the investigation was published in the FEDERAL REGISTER on June 25, 1976 (41 FR 26299). No public hearing was requested and none was held.

During the course of the investigation, it was established that all workers at the St. Louis office of Town and Country Shoes, Inc. were previously certified eligible to apply for adjustment assistance on December 10, 1975 (See TA-W-224).

A new investigation would serve no purpose. Therefore, the investigation has been terminated.

Signed at Washington, D.C. this 13th day of July 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-22464 Filed 8-2-76;8:45 am]

[TA-W-814]

TRACEY FASHIONS

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-814: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on April 26, 1976 in response to a worker petition received on that date which was filed by the International Ladies Garment Workers Union on behalf of workers and former workers engaged in the production of pantsuits, dresses, skirts and jumpsuits at Tracey Fashions, Chamberburg, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER on May 14, 1976 (41 FR 20047). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Jonathon Logan, Inc., the parent firm of Tracey Fashions, the National Cotton Council of America, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

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The investigation has revealed that although the first and third criteria have been met, the second and fourth criteria have not been met.

Significant total or partial separations. The average number of workers decreased 2 percent in the fiscal year 1976 (March 1, 1975 to February 29, 1976), compared to the previous year.

Sales or production, or both, have decreased absolutely. Production increased 1 percent in the fiscal year 1976, (March 1, 1975 to February 29, 1976) compared to the previous fiscal year.

Increased imports. Import data on women's misses' and juniors' pantsuits including jumpsuits are unavailable for the years 1971 thru 1973 because at that time the Department of Commerce did not specifically identify these products. Imports of women's, misses' and juniors' pantsuits including jumpsuits increased 3 percent in 1975 compared to 1974. The ratio of imports to domestic production increased from 16.1 percent in 1974 to 18.8 percent in 1975.

Imports of women's, misses', children's and infants' knit and woven dresses decreased every year from 1971 thru 1974, but increased 2 percent in 1975 compared to 1974. The ratio of imports to domestic production rose from 6.5 percent in 1974 to 7.4 percent in 1975.

Imports of women's, girls' and infants' knit and woven skirts decreased every year from 1971 thru 1974, but increased 112 percent in 1975 compared to 1974. The ratio of imports to domestic production increased from 5.0 percent in 1974 to 9.3 percent in 1975.

Contributed importantly. The parent corporation receives the entire production of Tracey Fashions and therefore may be regarded as Tracey Fashions' only customer. The parent corporation does not import any women's pantsuits, dresses, skirts and jumpsuits, the products produced at Tracey Fashions.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with pantsuits, dresses, skirts and jumpsuits produced at Tracey Fashions, Chambersburg, Pa. did not contribute importantly to the total or partial separation of the workers of that plant.

Signed at Washington, D.C. this 27th day of July 1976.

JAMES D. HOOVER,
Acting Executive Assistant to the Deputy Under Secretary.

[FR Doc.76-22465 Filed 8-2-76;8:45 am]

[TA-W-941]

UNIVERSAL CYCLOPS SPECIALTY STEEL CO.

Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on June 16, 1976 in response to a worker petition received on that date which was filed by the plant's Manager of Industrial Relations on behalf of workers and former workers producing stainless steel strip at Universal Cyclops Specialty Steel Company, Coshocton, Ohio.

Notice of the investigation was published in the FEDERAL REGISTER on July 6, 1976 (41 FR 27805). No public hearing was requested and none was held.

During the course of the investigation it was established that the most recent involuntary separations at the Coshocton plant occurred prior to June 1975. Section 223(b) of the Trade Act of 1974 provides, in substance, that a certification shall not apply for any worker whose last total or partial separation from the firm or an appropriate subdivision of the firm occurred more than one year before the date of the petition on which such certification is granted.

The date of the petition in this case is June 8, 1976 and, thus, workers laid off prior to June 8, 1975 could not be eligible for program benefits under Title II, Chapter 2, Subchapter B of the Trade Act of 1974. Therefore, this investigation has been terminated.

Signed at Washington, D.C. this 15th day of July 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-22466 Filed 8-2-76;8:45 am]

[TA-W-700]

WEAR WELL TROUSER CO.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-700: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 19, 1976 in response to a worker petition received on the same date which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's and boys' dress slacks at the Wear Well Trouser Company, Worcester, Massachusetts.

The notice of investigation was published in the FEDERAL REGISTER on April 2, 1976 (41 FR 14224). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Wear Well Trouser Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although the first three criteria have been met, the fourth criterion has not been met.

Significant total or partial separations. The average number of production workers decreased 22 percent from 1973 to 1974 and 31 percent from 1974 to 1975. Average weekly hours worked by production workers fell 14 percent from 1973 to 1974 and 6 percent from 1974 to 1975.

Sales or production, or both, have decreased absolutely. Total sales at the Wear Well Trouser Company declined 12 percent in value from 1973 to 1974 and 31 percent from 1974 to 1975.

Production of dress slacks fell 26 percent from 1973 to 1974 and 39 percent from 1974 to 1975.

Increased Imports. Imports of men's and boys' trousers increased both absolutely and relatively from 1971 to 1972. Imports declined absolutely and relatively from 1972 to 1973 and from 1973 to 1974. From 1974 to 1975, imports increased from 39,816 thousand units to 55,508 thousand units. The ratio of imports to domestic production and consumption increased from 18.2 percent and 15.4 percent, respectively, in 1974 to 31.4 percent and 23.8 percent, respectively, in 1975.

Contributed importantly. The evidence developed during the Department's investigation indicated that customers of the Wear Well Trouser Company surveyed by OTAA do not carry imported dress slacks. The decrease in sales of dress slacks by Wear Well is attributable to the recessionary period and the trend from conservative style slacks to more casual styles.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's dress trousers produced at the Worcester, Massachusetts plant of the Wear Well Trouser Company did not contribute importantly to the total or partial separation of the workers of that plant.

Signed at Washington, D.C. this 23rd day of July 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-22467 Filed 8-2-76;8:45 am]

[TA-W-837]

WILLIAM H. HASKELL MANUFACTURING CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-837: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on April 30, 1976 in response to a worker petition received on April 30, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing stainless and heat resistant standard and special fasteners at the William H. Haskell Manufacturing Company, in Pawtucket, Rhole Island, a subsidiary of Easco Corporation, Baltimore, Maryland.

The notice of investigation was published in the FEDERAL REGISTER on May 21, 1976 (41 FR 20971). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the William H. Haskell Manufacturing Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

Significant total or partial separations. Average weekly employment of production workers at William H. Haskell increased 5.6 percent in 1974 compared to 1973. Employment declined 12.0 percent from 1974 to 1975.

Sales or production, or both, have decreased absolutely. Annual production of stainless steel fasteners by the William H. Haskell Manufacturing Company increased 34.3 percent in quantity from 1973 to 1974. Production declined 28.6 percent from 1974 to 1975.

Annual production of alloy fasteners increased 4.0 percent in quantity from 1973 to 1974. Production declined 21.4 percent from 1974 to 1975.

Increased imports. Imports of stainless steel fasteners declined 13.0 percent from 1971 to 1972. Imports increased 47.5 percent from 1972 to 1973 and further increased 11.9 percent from 1973 to 1974. Imports declined 28.8 percent from 1974 to 1975. The ratio of imports to domestic production and consumption increased from 36.3 percent and 28.3 percent, respectively, in 1974 to 41.6 percent and 32.6 percent, respectively, in 1975.

Contributed importantly. The Department's investigation revealed that customers of William H. Haskell have indicated that they have reduced purchases from Haskell and increased purchases of imported stainless steel fasteners. The price differential between domestic and imported fasteners was the factor cited most frequently as the reason that customers switched from domestic to foreign suppliers.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with stainless steel fasteners produced by the William H. Haskell Manufacturing Company contributed importantly to the total or partial separations of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the William H. Haskell Manufacturing Company in Pawtucket, Rhode Island who became totally or partially separated from employment on or after April 15, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 23rd day of July 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-22468 Filed 8-2-76;8:45 am]

[TA-W-869]

WROUGHT WASHER MFG., INC.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-869: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on April 30, 1976 in response to a worker petition received on April 30, 1976 which was filed by the United Steelworkers of America, AFL-CIO on behalf of workers and former workers producing steel washers at the Milwaukee, Wisconsin plants of Wrought Washer Mfg., Inc., Milwaukee, Wisconsin.

The notice of investigation was published at the FEDERAL REGISTER on May 21, 1976 (41 FR 20971). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Wrought Washer Mfg., Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although criteria one, two and three have been met, criterion four has not.

Significant total or partial separations. The average number of production workers declined 35.5 percent in 1975 compared to 1974. The average number of salaried workers declined 15.7 percent in 1975 compared to 1974.

Sales or production, or both, have decreased absolutely. Production (in quantity) declined 29.5 percent in 1975 compared to 1974. Sales (in quantity) declined 36.9 percent in 1975 compared to 1974.

Increased imports. Imports of steel washers declined from 22 million pounds in 1974 to 21 million pounds in 1975. The ratios of imports to domestic production and consumption increased from 5.9 and 5.7 percent, respectively, in 1974 to 7.3 and 6.9 percent, respectively, in 1975.

Contributed importantly. The Department's investigation revealed that customers of Wrought Washer Manufacturing surveyed who purchase imported steel washers either purchased only minor amounts of imported washers or else decreased purchases of imported washers in 1975.

Conclusion. After careful review of the facts, I conclude that increases of imports like or directly competitive with washers produced at the Milwaukee, Wisconsin plant of Wrought Washer Mfg., Inc. did not contribute importantly to the total or partial separation of the workers at the above mentioned location.

V 41 150 AUG 3 76 UMI

Signed at Washington, D.C. this 21st day of July 1976.

JAMES D. HOOVER,
Acting Executive Assistant to the Deputy Under Secretary.

[FR Doc.76-22470 Filed 8-2-76;8:45 am]

[TA-W-828]

WROUGHT WASHER MFG., INC.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-828: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on April 30, 1976 in response to a worker petition received on April 30, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing steel washers at the Wheatland, Pennsylvania plant of Wrought Washer Mfg., Inc. Milwaukee, Wisconsin.

The notice of investigation was published in the FEDERAL REGISTER on May 21, 1976 (41 FR 20971). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Wrought Washer Mfg., Inc. its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely,

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although criteria one, two and three have been met, criterion four has not.

Significant total or partial separations. The average number of production workers declined 42.9 percent in 1975 compared to 1974. The average number of salaried workers declined 18.8 percent in 1975 compared to 1974.

Sales or production, or both, have decreased absolutely. Production, in quantity, declined 51.0 percent in 1975 compared to 1974. Sales (in quantity) declined 36.9 percent in 1975 compared to 1974.

Increased imports. Imports of steel washers rose from 14 million pounds in 1971 to 21 million pounds in 1972. Imports declined in 1973 to 16 million pounds. Imports increased to 22 million pounds in 1974 then declined to 21 million pounds in 1975.

The ratio of imports to domestic production increased from 4.8 percent in 1971 to 6.6 percent in 1972. In 1973, the ratio of imports to production declined to 4.4 percent. The ratio of imports to production increased to 5.9 percent and 7.3 percents, respectively, in 1974 and 1975.

Contributed importantly. The Department's investigation indicated that the customers surveyed who purchased steel washers manufactured at the Wheatland, Pennsylvania plant of Wrought Washer Mfg., Inc. have not shifted purchases of washers to foreign sources.

The investigation has also revealed that declines in purchases of the high carbon washers produced at the Pennsylvania plant were attributed to the sharp decline in housing starts.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with washers produced at the Wheatland, Pennsylvania plant of Wrought Washer Mfg., Inc. did not contribute importantly to the total or partial separation of the workers at the above mentioned location.

Signed at Washington, D.C. this 23rd day of July 1976.

JAMES D. HOOVER,
Acting Executive Assistant to the Deputy Under Secretary.

[FR Doc.76-22469 Filed 8-2-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 106]

ASSIGNMENT OF HEARINGS

JULY 29, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

AB 109, Quanah, Acme and Pacific Railway Company Abandonment Between Acme and Floydada, in Hardeman, Cottle, Motley, and Floyd Counties, Texas, now being assigned November 8, 1976 (1 week), at Paducah, Texas, in a hearing room to be later designated.

MC 83835 (Sub 130), Wales Transportation, Inc., now being assigned November 4, 1976 (2 days), at Dallas, Texas, in a hearing room to be later designated.

MC 119988 (Sub 91), Great Western Trucking Co., Inc., now being assigned November 3, 1976 (1 day), at Dallas, Texas, in a hearing room to be later designated.

MC 105984 (Sub 16), John B. Barbour Trucking Company and MC 43867 (Sub 28), A. Leander McAlister Trucking Company now being assigned November 2, 1976 (1 day), at Dallas, Texas, in a hearing room to be later designated.

MC-F-10795, International Utilities of the U.S. Inc.—Control—Pacific Intermountain Express Co., now being assigned November 1, 1976, at Washington, D.C., will be held in the Office of the Interstate Commerce Commission.

MC-F-12780, Gross Common Carrier, Inc.—Purchase—Willard Graese Transport Service, Inc., now being assigned October 27, 1976 (3 days), at Milwaukee, Wis., in a hearing room to be later designated.

MC 105269 Sub 61, Graff Trucking Company, Inc., now being assigned November 1, 1976 (1 Wk), at Chicago, Ill., in a hearing room to be later designated.

MC 64832 (Sub-No. 6), Magnolia Truck Line, Inc., now assigned September 27, 1976, at Baton Rouge, La., is canceled and reassigned for September 27, 1976, at the Ramada Inn, 2211 MacArthur Drive, Alexandria, Louisiana.

MC 127303 (Sub 19), Henry Zellmer, dba Zellmer Truck Lines, now assigned September 23, 1976 (2 days), at Chicago, Illinois, and will be held in Room 417, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 51146 (Sub 441), Schneider Transport, Inc., now assigned September 8, 1976 (3 days), at Chicago, Illinois, and will be held in Room 1319, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 123407 (Sub 277), Sawyer Transport, Inc., now assigned September 13, 1976 (1 day), at Chicago, Illinois, and will be held in Room 1319, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 126030 (Sub 96), The Stout Trucking Co., Inc., now assigned September 14, 1976 (2 days), at Chicago, Illinois, and will be held in Room 1319, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 141703, Byko Motor Service, Inc., now assigned September 16, 1976 (2 days), at Chicago, Illinois, and will be held in Room 1319, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC-C-9027, Valdez Transfer, All-State Moving & Storage, Inc., and Colonial Moving & Storage, Inc.—Investigation of Operation and Practices—now assigned September 16, 1976 (2 days), at Phoenix, Arizona, and will be held in Room 235, Federal Building and Post Office, 522 North Central Avenue.

MC 126273 (Sub-No. 203), Midwestern Distribution, Inc., now assigned September 14, 1976, at Chicago, Ill., will be held in Room 417, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC-F-12650, General Transportation, Inc.—Control and Merger—FOPA Transport, Inc. and MC 116457 (Sub-No. 15), General Transportation, Inc., now assigned September 20, 1976, at Phoenix, Ariz., will be held in Room 235, Federal Building & Post Office, 522 N. Central Avenue.

MC 126276 (Sub-No. 139), Fast Motor Service, Inc., now assigned September 16, 1976, at Chicago, Ill., will be held in Room 417, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 126276 (Sub-No. 127), Fast Motor Service, Inc., now assigned September 16, 1976, at Chicago, Ill., will be held in Room 417, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 123407 (Sub-No. 271), Sawyer Transport, Inc., now assigned September 20, 1976, at Chicago, Ill., will be held in Room 417, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 114026 (Sub-No. 20), Rowley Interstate Transportation Company, Inc., and MC 114026 (Sub-No. 23), Rowley Interstate Transportation Company, Inc., now assigned Chicago, Ill., will be held in Room 417, Everett McKinley Dirksen Building, 219 South Dearborn Street.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-22483 Filed 8-2-76;8:45 am]

[AB 43 (Sub-No. 16)]

ILLINOIS CENTRAL GULF RAILROAD CO.

Abandonment of Lines

JULY 26, 1976.

The Interstate Commerce Commission hereby gives notice that its Environmental Affairs Staff has concluded that the proposed abandonment of the Illinois Central Gulf Railroad Company of its line between Elco and Murphysboro, a distance of 36 miles, all in Alexander, Union, and Jackson Counties, Illinois, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. § 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, there will be negligible changes in the ambient environmental conditions of the affected corridor as a result of the diversion of the annual 3 to 8 cars of rail traffic to motor carrier. Additionally, there are no community economic, or industrial development plans for the general area of the proposed action. An adverse effect on community or rural development is thus not expected.

It has been noted that the right-of-way is suitable for public use and the Shawnee National Forest has expressed an interest in its acquisition. With this in mind, a condition has been suggested giving public agencies first right of purchase for 120 days following actual abandonment.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423, on or before September 8, 1976.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-22484 Filed 8-2-76;8:45 am]

[Notice No. 96]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 28, 1976.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2226 (Sub-No. 110TA), filed July 20, 1976. Applicant: RED ARROW FREIGHT LINES, INC., P.O. Box 1897, San Antonio, Tex. 78297. Applicant's representative: Phillip Robinson, P.O. Box 2207, Austin, Tex. 78768. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), from Victoria, Tex., over U.S. Highway 59 to Fannin, Tex., and thence over F.M. Road 2987 to the site of the Coleta Creek Power Station of Central Power and Light Company and return, serving no intermediate points. Applicant intends to tack its existing authority with MC 2226 and subs. Applicant also intends to interline at Dallas, Fort Worth, Houston, and San Antonio, Tex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: R. I. Ross, Jr., Traffic Manager, Central Power and Light Company, P.O. Box 2121, Corpus Christi, Tex. 78403. Send protests to: Richard H. Dawkins, District Supervisor, Interstate Commerce Commission, Room B-400 Federal Bldg., San Antonio, Tex. 78206.

No. MC 4943 (Sub-No. 34TA), filed July 19, 1976. Applicant: CENTRAL EXPRESS INC., 5601 West Waco Drive, P.O. Box 238, Waco, Tex. 76703. Applicant's representative: Phillip Robinson, 1806 Rio Grande, P.O. Box 2207, Austin, Tex. 78768. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), from Victoria, Tex., over U.S. Highway 59 to Fannin, Tex., and thence over F.M. Road 2987 to the site of the Coleta Creek Power Station of Central Power and Light Company and return, serving no intermediate points. Applicant intends to tack its existing authority with MC 4943. Applicant also intends to interline at Houston and San Antonio, Tex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Central Power & Light Company, R. I. Ross, Jr., Traffic Manager, P.O. Box 2121, Corpus Christi, Tex. 78403. Send protests to: H.C. Morrison, Sr., District Supervisor, Interstate Commerce Commission, Room 9A27, Federal Bldg., 819 Taylor St., Fort Worth, Tex. 76102.

No. MC 8535 (Sub-No. 57TA), filed July 21, 1976. Applicant: GEORGE TRANSFER AND RIGGING COMPANY, INCORPORATED, P.O., Box 500, Parkton, Md. 21120. Applicant's representative: Charles J. McLaughlin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper articles, paperboard and paperboard articles* (except commodities in bulk), from Lynchburg, Va., to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shippers: Joseph D. Sharpe, Asst. G.T.M., Weyerhaeuser Company, 201 Dexter St., West, Chesapeake, Va. 23324. R. R.

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Groves, Traffic Manager-Motor, The Mead Corporation, 118 W. First St., Dayton, Ohio 45402. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814–B Federal Bldg., Baltimore, Md. 21201.

No. MC 107487 (Sub-No. 7TA), filed July 20, 1976. Applicant: COLUMBIA CITY FREIGHT LINES, INC., P.O. Box 328, Columbia City, Ind. 46725. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), serving Bristol, Ind., as an off-route point in connection with carrier's otherwise authorized operations between Middlebury, Ind., and Fort Wayne, Ind. Applicant intends to tack. Applicant also intends to interline at Fort Wayne, Ind., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Bristol Products Co., Bristol, Ind. Eastern Express, Inc., Ft. Wayne, Ind. Windsor Mobile Homes, Inc., Bristol, Ind. Marksill Specialties, Inc., Bristol, Ind. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 107727 (Sub-No. 26TA), filed July 20, 1976. Applicant: ALMO EXPRESS, INC., 51 Essex St., Hackberry Station, San Antonio, Tex. 78218. Applicant's representative: Phillip Robinson, P.O. Box 2207, Austin, Tex. 78768. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), from Victoria, Tex., over U.S. Highway 59 to Fannin, Tex., and thence over F.M. Road 2987 to the site of the Coleta Creek Power Station of Central Power and Light Company and return, serving no intermediate points. Applicant intends to tack its existing authority with MC 107727 and subs. Applicant also intends to interline at Houston and San Antonio, Tex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: R. I. Ross, Jr., Traffic Manager, Central Power and Light Company, P.O. Box 2121, Corpus Christi, Tex. 78403. Send protests to: Richard H. Dawkins, District Supervisor, Interstate Commerce Commission, Room B–400, Federal Bldg., San Antonio, Tex. 78206.

No. MC 107934 (Sub-No. 26TA), filed July 19, 1976. Applicant: BYRD MOTOR LINE, INC., P.O. Box 787, Lexington, N.C. 27292. Applicant's representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St., N.W., Washington, D.C. 20004. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *New furniture and returned furniture*, from Lawrenceville, Ga., to points in Arkansas, Louisiana, Mississippi, Missouri, Oklahoma, Ohio, North Carolina, South Carolina, and Wisconsin and returned furniture, from the above destinations to Lawrenceville, Ga. Applicant intends to interline at points in North Carolina to the destination states of Arizona, Colorado, New Mexico, Oklahoma, Pennsylvania, Texas, West Virginia, and Minnesota, for 180 days. Supporting shipper: American Charms, Incorporated, P.O. Box 46, Lawrenceville, Ga. 50245. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Charlotte, N.C. 28205.

No. MC 114281TA, filed July 16, 1976. Applicant: OCCIDENTAL COATING CO., 14533 Keswick St., Van Nuys, Calif. 91405. Applicant's representative: William J. Monheim, 15942 Whittier Blvd., P.O. Box 1756, Whittier, Calif. 90609. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic coated metal conduit and fittings*, from Van Nuys, Calif., to points in the United States; (2) *Returned shipments* of the commodities described in (1) above, from points in the United States to Van Nuys, Calif.; and (3) Materials, equipment, and supplies used in the manufacture, sales and distribution of the commodities described in (1) above, from points in the United States to Van Nuys, Calif. Restriction: The operations authorized are to be restricted to a transportation service to be performed under a continuing contract with Occidental Coating Company of Van Nuys, Calif., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Occidental Coating Co., 14533 Keswick St., Van Nuys, Calif. 91405. Send protests to: Mary A. Francy, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, Room 1321 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 118038 (Sub-No. 14TA), filed July 15, 1976. Applicant: EASLEY HAULING SERVICE, INC., P.O. Box 1261, Gun Club Road, Yakima, Wash. 98907. Applicant's representative: Charles C. Flower, Suite 2, 303 East D St., Yakima, Wash. 98901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty cans, can ends, can manufacturing materials and supplies*, from Salem and Astoria, Oreg., to Bellingham, Cashmere, Chelan Falls, Dayton, Everson, Ferndale, Grandview, Kennewick, La Connor, Moses Lake, Prosser, Seattle, Selah, Sunnyside, Spokane, Tacoma, Tukwila, Walla Walla, Waitsburg, Wapato, Wenatchee, Yakima and Mount Vernon, Wash.; from Walla Walla, Wash., to American Falls, Buhl, Burley, Caldwell, Nampa, Pocatello, Weiser, Idaho and Albany, Eugene, Hood River, Junction City, Milton-Freewater, Portland, and Salem, Oreg.; from Pocatello, Idaho to Walla Walla, Moses Lake, and Yakima, Wash., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Continental Can Co., P.O. Box 03220, Portland, Oreg. 97203. Send protests to: W. J. Huetig, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 129032 (Sub-No. 22TA), filed July 19, 1976. Applicant: TOM INMAN TRUCKING, INC., 6015 40th West, P.O. Box 9667, Tulsa, Okla. 74107. Applicant's representative: Martin J. Rosen, 256 Montgomery St., 5th Floor, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Newsprint paper and groundwood paper* (except in bulk), from the plantsite of Bowater Southern Paper Corporation, at Calhoun, Tenn., to points in Arkansas, Arizona, Illinois, Iowa, Kansas, Michigan, Missouri, Minnesota, Nebraska, New Mexico, Oklahoma, and Wisconsin, for 180 days. Supporting shipper: Bowater Southern Paper Corporation, Calhoun, Tenn. 37309. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 Northwest Third St., Oklahoma City, Okla. 73102.

No. MC 135379 (Sub-No. 8TA), filed July 22, 1976. Applicant: EASTERN TRANSPORT, INC., 320 Stiles Ave., Linden, N.J. 07036. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, chain grocery, department stores, and food business houses (except commodities in bulk), and in connection with *equipment, materials and supplies* used in the conduct of such business (except commodities in bulk), between points in Alabama, Connecticut, Delaware, Florida, Georgia, Louisiana, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia. Restriction: Limited to a transportation service to be performed under a continuing contract with Food Fair Stores, Inc., J. M. Fields, Inc., and Ideal Shoe Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Food Fair Stores, Inc., 3175 J. F. Kennedy Blvd., Philadelphia, Pa. 19101, and subsidiaries: J. M. Fields, Inc., Ideal Shoe Co. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 136275 (Sub-No. 20TA), filed July 19, 1976. Applicant: WHITFIELD ASSOCIATED TRANSPORT, INC., 28 San Marcos Drive, El Paso, Tex. 79922. Applicant's representative: H. B. Dudley

(same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, on flat-bed semi trailers which requires special unloading equipment, from Sunland Park, N. Mex., and El Paso, Tex., between points in Texas, New Mexico, Arizona, and Nevada, for 180 days. Supporting shippers: Del Norte Masonry Products, 4560 Ripley, El Paso, Tex. 79922. El Paso Brick Company, P.O. Box 12336, El Paso, Tex. 79912. Send protests to: Haskell E. Ballard, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box H–4395 Herring Plaza, Amarillo, Tex. 79101.

No. MC 138003 (Sub-No. 11TA), filed July 19, 1976. Applicant: ROBERT F. KAZIMOUR, 1200 Norwood Drive, SE., P.O. Box 2011, Cedar Rapids, Iowa 52403. Applicant's representative: A. J. Swanson, P.O. Box 81849, Lincoln, Neb. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Appliances and air conditioners*, (1) from Louisville, Ky., to points in California, Nevada, Utah, Washington, Oregon and Idaho; (2) from Louisville, Ky., to Clearfield, Utah; and (3) from Clearfield, Utah, to points California, Nevada, Utah, Washington, Oregon, and Idaho, restricted to the transportation of traffic moving to or from the Regional Warehouse facilities at Clearfield, Utah, under a continuing contract with The General Electric Company, for 180 days. Supporting shipper: The General Electric Company, Building 10, Appliance Park, Louisville, Ky. 40225. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 138496 (Sub-No. 26TA), filed July 19, 1976. Applicant: DONCO CARRIERS, INC., 641 North Meridian, P.O. Box 75345, Oklahoma City, Okla. 73107. Applicant's representative: Jack H. Blanshan, Suite 200, 205 W. Touhy Ave., Park Ridge, Ill. 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Toilet preparations, household and industrial cleaning products, brooms, mops, insect repellents, grooming aids, clothes hangers, medicated sprays and promotional materials* (except commodities in bulk), from Great Bend, Kans., to Riverside, Calif.; Worcester, Mass.; Missoula, Mont.; Tyrone, Pa.; and New York City, N.Y.; and (2) *Cleaning compounds* (except commodities in bulk), from Joliet, Ill., to Great Bend, Kans., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Fuller Brush Company, 7400 North Caldwell Ave., Niles, Ill. 60648. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 Northwest Third St., Oklahoma City, Okla. 73102.

No. MC 139182 (Sub-No. 2TA), filed July 15, 1976. Applicant: ATLAS DELIVERY CO., INC., 340 Cole Ave., Dallas, Tex. 75207. Applicant's representative: E. Larry Wells, 4645 N. Central Expressway, Dallas, Tex. 75205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Appliances and ventilating hoods*, from Nashville, Tenn., to points in California, Arizona, New Mexico, Texas, Oklahoma, Arkansas, Louisiana, and Mississippi, under a continuing contract with The Tappan Company, for 180 days. Supporting shipper: The Tappan Company, Tappan Park, Mansfield, Ohio 44901. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75242.

No. MC 139579 (Sub-No. 2TA), filed July 6, 1976. Applicant: GEORGE H. GOLDING, INC., 5879 Marion Drive, Lockport, N.Y. 14094. Applicant's representative: William J. Hirsch, Suite 1125, 43 Court St., Buffalo, N.Y. 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salad dressing and sauce* (except in bulk) for the account of Pfeiffer's Foods, Inc., from Wilson, N.Y., to points in Alabama and Indiana; *materials, supplies and equipment* used in the manufacture or distribution of salad dressing and sauce (except in bulk), for the account of Pfeiffer's Foods, Inc., from points in Alabama and Indiana, to Wilson, N.Y., under a continuing contract with Pfeiffer's Foods, Inc., for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Pfeiffer's Foods, Inc., 683 Lake St., Wilson, N.Y. 14172. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 910 Federal Bldg., 111 West Huron St., Buffalo, N.Y. 14202.

No. MC 140421 (Sub-No. 5TA), filed July 14, 1976. Applicant: ACTION MOTOR EXPRESS, INC., P.O. Box 29102, New Orleans, La. 70189. Applicant's representative: Harold R. Ainsworth, 2307 American Bank Bldg., New Orleans, La. 70130. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, in bags, packages and condiments, in individual servings, from New Orleans, La.; Arabi, La.; and consignment warehouse, Kenner, La., to points in Arkansas, Alabama, Mississippi and Tennessee, under a continuing contract with Amstar Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Amstar Corporation, 7417 North Peters St., Arabi, La. 70032. Send protests to: Ray C. Armstrong, District Supervisor, 701 Loyola Ave., 9038 Federal Bldg., New Orleans, La. 70113.

No. MC 142274TA, filed July 19, 1976. Applicant: ADMIRAL DELIVERY SYSTEM, Inc., 2436 Hamilton Ave., Cleveland Ohio 44114. Applicant's representative: Robert E. McFarland, 999 West Big Beaver Road, Suite 1002, Troy, Mich. 48084. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, limited to individual articles, not exceeding 100 pounds in weight, moving in shipments not exceeding 500 pounds in weight, from one consignor to one consignee in a single day, on bills of lading of surface, interstate freight forwarders, between points in Ohio; Beaver and Allegheny Counties, Pa.; Campbell, Boone and Benton Counties, Ky.; Allen and Wayne Counties, Ind.; and Monroe County, Mich., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: American Delivery Systems, Inc., 300 East Seven Mile Road, Detroit, Mich. 48203. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Bldg., 1240 East Ninth St., Cleveland, Ohio 44199.

No. MC 142282TA, filed July 20, 1976. Applicant: FLEET SERVICE CORP., P.O. Box 4112, Whittier, Calif. 90607. Applicant's representative: William J. Lippman, Suite 550, 1819 H St., NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber* intended for use in the manufacture of furniture, from points in Washington and Umatilla County, Oreg., to points in California; and (2) Metal folding mechanisms for furniture and bedding, bed springs, bed frames and bed rails, from Whittier, Calif., to points in Washington, Oregon, Idaho, Montana, Utah, Nevada, and Arizona, under a continuing contract with Bedline Mfg. Co., and Maher Forest Products, Ltd., for 180 days. Supporting Shippers: Bedline Mfg. Co., P.O. Box 4956, Whittier, Calif. 90607. Maher Forest Products, Ltd., P.O. Box 387, Medina, Wash. 98039. Send protests to: Mary A. Francy, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, Room 1321 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–22481 Filed 8–2–76;8:45 am]

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TRANSPORTATION OF "WASTE" PRODUCTS FOR REUSE OR RECYCLING

Special Certificate Letter Notice(s)

The following letter notices request participation in a Special Certificate of Public Convenience and Necessity for the transportation of "waste" products for reuse or recycling in furtherance of a recognized pollution control program under the Commission's regulations (49 CFR 1062) promulgated in "Waste" Products, Ex Parte No. MC–85, 124 MCC 583 (1976).

An original and one copy of protests against applicant's participation may be filed with the Interstate Commerce Commission within 20 days from the date of this publication. A copy must also be served upon applicant or its representative. Protests against the applicant's participation will not operate to stay commencement of the proposed operation.

If the applicant is not otherwise informed by the Commission, operations may commence within 30 days of the date of its notice in the FEDERAL REGISTER, subject to its tariff publication effective date.

P–3–76 (Special Certificate—Waste Products), filed July 23, 1976. Applicant: INDUSTRIAL HEAVY TRANSPORT, 12636 Los Nietros Road, Santa Fe Springs, Calif. 90603. Applicant's representative: John P. Fudgen, Esq., 700 South Third Street, Las Vegas, Nev. 89101. Authority sought to operate pursuant to a certificate of public convenience and necessity authorizing operations in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, in the transportation of *scrap automobiles, scrap metal, ferrous and non-ferrous waste,* between points in the United States (except Alaska and Hawaii), in furtherance of a recognized pollution control program sponsored by City Towing, Inc., and Nevada Recycling Corporation of Las Vegas, Nev., for the purpose of recovery of scrap automobiles, scrap metal, ferrous and non-ferrous waste.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–22482 Filed 8–2–76;8:45 am]

federal register

TUESDAY, AUGUST 3, 1976

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

PART II:

DEPARTMENT OF LABOR

Office of Employee Benefits Security

EMPLOYEE RETIREMENT INCOME SECURITY

Annual Reporting Requirements

V 41 150 AUG 3 76 UMI

Title 29—Labor

CHAPTER XXV—OFFICE OF EMPLOYEE BENEFITS SECURITY, DEPARTMENT OF LABOR

SUBCHAPTER C—REPORTING AND DISCLOSURE UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

PART 2520—RULES AND REGULATIONS FOR REPORTING AND DISCLOSURE

Annual Reporting Requirements

The purpose of these amendments to Chapter XXV of the Department of Labor regulations is to provide guidance in the preparation of Annual Return/Report Forms and attachments thereto which must be filed with the Department of Labor and summary annual reports which must be furnished to plan participants and beneficiaries by employee benefit plans under the Employee Retirement Income Security Act of 1974 (hereinafter "the Act"), to defer the annual report requirements and to establish certain exemptions or alternative methods of compliance for annual reporting requirements provided under section 103 of the Act.

On September 30, 1975, notice was published in the FEDERAL REGISTER (40 FR 45134) of proposed Annual Return/Report Forms to be filed by an employer or plan administrator of a pension or welfare benefit plan as required by section 104 of the Act. On November 19, 1975, notice was published in the FEDERAL REGISTER (40 FR 53710) of proposed regulations concerning the preparation of the annual return/report forms and the summary annual report.

Because of the confusion and duplication of requirements prescribed under the statutory annual reporting provisions of section 103 of the Act, the Department has developed a limited exemption for welfare plans and alternative method of compliance for pension plans for annual reporting by all plans as well as group insurance arrangements. Many of the regulations contained herein are a part of the limited exemption and alternative method of compliance prescribed to ease the burden and expense to plans which would result from the application of the statutory annual reporting provisions. Specifically, §§ 2520.103–1(b) and 2520.103–2(b) detail the contents of an annual report for plans electing the limited exemption or alternative method of compliance and for certain trusts or other entities involved in group insurance arrangements, respectively. Other regulations, including §§ 2520.103–6 and 2520.103–7(c)(1), are applicable only to plans electing the exemption/alternative method of compliance.

The regulations contained in this document are both temporary regulations effective immediately and proposed regulations for final adoption. The primary reason for making these regulations effective immediately on a temporary basis is that plans are required to file their initial annual report within 11½ months after the close of the plan year which begins in 1975, or December 15, 1976, whichever is later. Consequently, many plans must complete the preparation of their annual reports as soon as possible in order to meet this filing requirement. These regulations establish the guidelines and exemptions or alternative methods of compliance which these plans may follow in complying with the annual reporting requirements. Plans which must start preparing their annual reports and summary annual reports immediately must be given the assistance and certainty of regulations on which they may rely in complying with the Act.

For the foregoing reasons, the undersigned finds that good cause exists for making these regulations temporarily effective without advance publication as specified in the Administrative Procedure Act (5 U.S.C. 553(d)(3)).

These regulations are temporary and shall be in effect for plan years beginning in 1975. Interested persons have been afforded an opportunity to participate in the making of many of these regulations by the notice of proposed rulemaking published on November 19, 1975 (40 FR 53710). Due consideration has been given to all comments received in response to the notice insofar as they relate to matters within the scope of the notice and this final rulemaking. As a consequence of these comments, many significant changes have been made in these regulations, and a number of new sections have been added, so that it is appropriate to offer another opportunity for public comment. Therefore, the regulations in this document are also proposed, and comments concerning these regulations will be received for consideration in the preparation of final annual report regulations. Interested persons are invited to submit written data, views, or arguments concerning any or all of the proposed regulations contained in this document on or before December 31, 1976. Such data, views, and arguments should be submitted to the "Annual Report Regs., Division of Regulatory Standards and Exceptions, Office of Employee Benefits Security, U.S. Department of Labor, Washington, D.C. 20216." All comments should be clearly referenced to the numbers of the sections to which the comments are directed.

Section 2520.103–1

Section 2520.103–1, a new regulation not published in the November 1975 proposed annual reporting regulations, prescribes the content of the annual report. A limited exemption for welfare plans and an alternative method of compliance for pension plans has been promulgated in response to numerous comments received by the Department which requested that the Department provide relief from the voluminous and duplicative annual reporting requirements of section 103 of the Act.

This regulation permits employee benefit plans with 100 or more participants to file an annual report in accordance with the provisions of section 103 of the Act, or in accordance with a limited exemption or alternative method of compliance authorized under sections 104(a)(3) and 110, respectively, of the Act. The content of the annual report for plans electing the limited exemption or alternative method of compliance is described in paragraph (b) of the regulation. Under the authority of section 104(a)(2)(A) of the Act, the regulation provides that plans with fewer than 100 participants must file only an annual report consisting of a Form 5500–C or 5500–K and any schedules required by the instructions to the forms, in accordance with § 2520.104–41.

The limited exemption or alternative method of compliance for plans with 100 or more participants permits such plans to fulfill their annual reporting obligation under section 103 of the Act by filing an annual report containing the following: A form 5500 and any schedules of insurance or actuarial information required by the instructions to Form 5500, financial statements and accompanying notes with all valuations at current value (except as provided in § 2520.103–7), separate financial schedules described in Item 24(b) of Form 5500 and § 2520.103–10, and an accountant's report.

Plans electing the exemption/alternative must engage an accountant to prepare a report on the financial statements and schedules required to be included in the annual report in accordance with §§ 2520.103–1(b) and 2520.103–10. The accountant's report must state whether the audit was made in accordance with generally accepted auditing standards, and must designate any auditing procedures deemed necessary by the accountant which have been omitted and the reasons for their omission. In addition, the accountant's report must contain the opinion of the accountant in respect to the financial statements and schedules covered by the report and the accounting principles and practices reflected therein, as well as the opinion of the accountant as to the consistency of the application of the accounting principles, or as to any changes in such principles which have a material effect on the financial statements. Lastly, the accountant's report must identify any matters to which the accountant takes exception, and to the extent practicable, the effect of each such exception on the financial statements. The exception must further indicate whether the exceptions are the result of Department of Labor rules and regulations.

The following findings are made with respect to the promulgation of § 2520.103–1 as an alternative method of compliance under section 110 of the Act:

1. The alternative method of compliance is consistent with the purposes of Title I of the Act, and provides adequate disclosure to plan participants and beneficiaries and adequate reporting to the Secretary. The essential information required by section 103 of the Act is reported and disclosed under the alternative method of compliance, while duplicative requirements are merged to provide a clearer portrayal of the financial activity and status of employee benefit plans.

2. The alternative method of compliance relieves plans subject to the annual reporting requirements from increased

costs and unreasonable administrative burdens. The alternative frees plans which elect it from duplicative auditing requirements and simplifies the content of the annual report in general.

3. Finally, the alternative method of compliance is not adverse to the interests of participants and beneficiaries in the aggregate, because the alternative preserves all of the basic financial reporting features of section 103 of the Act, while at the same time restructuring the content to produce a more efficient and understandable report.

In accordance with the authority to promulgate a limited exemption for employee welfare benefit plans under section 104(a)(3) of the Act, the Secretary has found that the reporting and disclosure requirements of section 103 of the Act are inappropriate as applied to welfare benefits plans.

Section 2520.103–2

Under § 2520.104–43, plans participating in a group insurance arrangement may be exempted from filing an annual report provided that the trust, trade association or other entity which owns the insurance contracts and acts as a conduit for the insurance premiums files an annual report for the entire arrangement. Section 2520.103–2, a new regulation which was not published as a proposal in the November 1975 annual reporting regulations, prescribes the contents of the annual report to be filed by the trust, trade association or other entity in order for a plan to be eligible for the exemption described in § 2520.104–43.

The limited exemption requires such entities to fulfill the annual reporting conditions imposed under § 2520.104–43 by filing an annual report containing the following: A Form 5500 and any schedules required by the instructions to Form 5500, financial statements and accompanying notes with all valuations at current value (except as provided in § 2520.103–7), separate financial schedules described in item 24(b) of Form 5500, and an accountant's report. The § 2520.103–2 content requirements parallel the limited exemption or alternative method of compliance prescribed for plans with 100 or more participants in § 2520.103–1.

Reporting entities described in § 2520.104–43 preparing an annual report under this section must engage an accountant to prepare a report on the financial statements and schedules required to be included in the annual report in accordance with §§ 2520.103–2(b) and 2520.103–10. The accountant's report must state whether the audit was made in accordance with generally accepted auditing standards, and must designate any auditing procedures deemed necessary by the accountant which have been omitted and the reasons for their omission. In addition, the accountant's report must contain the opinion of the accountant in respect to the financial statements and schedules covered by the report and the accounting principles and practices reflected therein, as well as the opinion of the accountant as to the consistency of the application of the accounting principles, or as to any changes in such principles which have a material effect on the financial statements. Lastly, the accountant's report must identify any matters to which the accountant takes exception, and to the extent practicable, the effect of each such exception on the financial statements. The exception must further indicate whether the exceptions are the result of Department of Labor rules and regulations.

Sections 2520.103–3 and 2520.103–4

Sections 2520.103–3 and 2520.103–4 (formerly, proposed §§ 2520.103–1 and 2) provide an exemption from certain annual reporting requirements relating to plan assets held in either a common or collective trust maintained by a bank or a pooled separate account maintained by an insurance carrier. Under these regulations, plans with assets in such trusts or accounts need only include the following financial information with respect to those assets in the annual report: the value of the plan's units of participation in the trust or account, transactions involving the acquisition and disposition by the plan of units of participation in the trust or account, if otherwise required to be reported, and the most recent annual statement of the assets and liabilities of the trust or account. A plan administrator is not required to report any information with respect to transactions engaged in by the bank or insurance carrier involving the assets of the trust or account.

Proposed § 2520.103–1 adopted certain portions of the regulations of the Comptroller of the Currency at 12 CFR 9.18 for purposes, inter alia, of defining "common or collective trust". However, comments pointed out that certain of these rules are inappropriate as applied to State banks and would require a restructuring of their operations in order for the exemption to apply. Therefore, the regulation has been modified to delete these provisions. A broad definition of the terms "common or collective trust" has been provided. Section 2520.103–3 also specifies that a controlled group of corporations, as defined in section 1563(a) of the Internal Revenue Code of 1954, shall be considered a single participant in a common or collective trust. As a result, a common or collective trust consisting solely of the assets of a plan or plans of a controlled group of corporations would not qualify for the exemption provided in § 2520.103–3.

Numerous comments stated that it would be burdensome and duplicative to require each plan participating in a pooled fund to file the statement of assets and liabilities of the pooled fund. Plans can be relieved of the requirement to file duplicative statements of assets and liabilities if one financial statement of a common or commingled trust or a pooled separate account is filed for all participating plans. Therefore, the regulation has been modified to exempt a plan from filing the statement of assets and liabilities required under section 103(b)(3)(G) of the Act and §§ 2520.103–3 and 103–4 if the bank or insurance carrier which maintains the common or collective trust or pooled separate account files the required statement of assets and liabilities. (See § 2520.103–9).

It should be noted that paragraph (c)(2) of both sections has been changed. In the proposed regulation, these paragraphs established specific rules for the content of the statement of assets and liabilities of the pooled funds. Because many banks and insurance companies may not be currently in compliance with these content requirements for the most recent annual statement of assets and liabilities, these specifications have been deleted.

The final regulations have also been changed from the proposed to include in the information required for the annual report the value of a plan's assets held in the common or collective trust fund or pooled separate account.

Section 2520.103–5

Section 2520.103–5 implements section 103(a)(2) of the Act. Section 103(a)(2) of the Act requires an insurance carrier or other organization which provides some or all of the benefits under a plan or holds plan assets, a bank or similar institution which holds plan assets, or a plan sponsor, to transmit and certify to the accuracy and completeness of such information as is needed by the plan administrator to comply with the requirements of Title I of the Act. This regulation modifies the November 1975 proposed regulations to make it clear that its requirements apply only to certification of information for purposes of preparing the annual report.

Under section 103(a)(2) of the Act, such information must be transmitted within 120 days of the close of the plan year or within such other period of time as may be prescribed by the Secretary. However, because the Department of Labor is extending the initial annual report filing period from 210 days to 11½ months (see § 2520.104a–5), the time permitted for the transmittal of annual report information by an insurance carrier, bank or similar institution or plan sponsor to a plan administrator is extended from 120 days to 9 months for the annual report filed for the 1975 plan year.

The proposed regulation has been modified to remove any limitation on the information which must be transmitted and certified to the plan administrator by banks and insurance carriers. Except in the case of loans and leases in default, the proposed regulation did not require banks and insurance carriers to identify any of the specific transactions required to be included in the separate financial schedules of the annual report. However, this section now requires that banks and insurance carriers provide any information they may have regarding the transactions required to be listed in the schedules including party-in-interest transactions with persons known by the bank or insurance company to be a party-in-interest to the plan.

One comment stated that the certification by the bank or insurance company required upon transmittal of the information may be too broad in scope to en-

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able compliance. It suggests that more flexible language be permitted by the regulation. However, the language suggested in the regulation for the certification is only an example. Any other signed statement which assures the accuracy and completeness of the facts transmitted may be used. The certification need not be sworn to or notarized.

Section 2520.103–6

The substance of § 2520.103–6 was originally issued in proposed form as § 2520.103–4 and was applicable to all plans required to prepare a schedule of 3 percent reportable transactions. This section is now limited in application to the schedule of reportable transactions required by item 24(b) of Form 5500 as described in § 2520.103–10(b)(5). However, plans which use the alternative method of compliance or limited exemption prescribed in §§ 2520.103–1(b) or 2520.103–2(b) must use the definitions in this section for purposes of preparing the schedule required by §§ 2520.103–1(b)(4) or 2520.103–2(b)(4).

Reportable transactions as defined in this regulation consist of four separate categories of transactions: first, a single transaction in excess of 3 percent of the current value of plan assets; second, a series of transactions with or in conjunction with the same person, involving property other than securities, which amount in the aggregate to more than 3 percent of the current value of plan assets; third, a series of transactions with respect to securities of the same issue which amount in the aggregate to more than 3 percent of the current value of total plan assets; and fourth, any transaction with respect to securities with or in conjunction with a person if a prior or subsequent single transaction has occurred with respect to securities with or in conjunction with that same person in an amount in excess of 3 percent of the current value of plan assets.

The proposed regulation included a definition of current value for valuation of plan assets as of the beginning of the plan year. Comments directed at this definition of current value stated that the definition was ambiguous because the term "current value" was used in two different contexts: the current value of plan assets at the beginning of the plan year and the current value of an asset acquired or disposed of during the plan year. The regulation has been clarified by distinguishing between the current value at time of acquisition or disposition of an asset and the current value of all plan assets at the beginning of the year. Also, new § 2520.103–7 exempts plans using the alternative/exemption provided in §§ 2520.103–1(b) or 2520.103–2(b) for the 1975 plan year from the requirement to display at current value the statement of assets and liabilities of the plan, trust or other entity as of the end of the previous plan year. Therefore, a new paragraph (b)(ii) has been added to this section providing that for such plans the "current value" as of the beginning of the plan year shall be the amount shown on line 13 (h) or (i) of the Form 5500, as appropriate.

This section also previously defined "transaction with respect to securities" in terms of the execution of a buy or sell order. Comments received pointed out the practical difficulties of defining a transaction on this basis and suggested use of the trade date or settlement date for purposes of determining when a transaction involving securities has occurred. The plan administrator may use either the trade date or settlement date to report 3 percent transactions provided that either date is applied consistently throughout the plan year.

This section previously required aggregation of transactions in a series involving securities on the basis of the issuer of such securities. Comments received indicated that the aggregation for purposes of reporting assets held for investment and for determining 3 percent series transactions involving securities should be based on issue rather than issuer, because banks and other financial institutions maintain their records on the basis of issue rather than issuer. Furthermore, the comments pointed out that differing investment considerations among the various securities of the same issuer would make aggregation on the basis of issuer less informative and useful than aggregation on the basis of the issue. Because the aggregation of this securities transaction information on the basis of issue would be more useful to the Department of Labor for purposes of monitoring plan activity under the Act, as well as less burdensome to plans and investment institutions, the regulation has been amended to require aggregation on the basis of issue.

The regulation also contains other changes in the method of aggregation of securities transactions for purposes of a 3 percent series. The proposed regulation prescribed a method of aggregating securities transactions on the basis of a 3 percent difference in the holdings of the same security at any time during the plan year, as compared to any other point in time within the plan year. Comments on this proposed method of aggregation indicated that the requirement was too complex and difficult to apply. The regulation changes the method of aggregation of securities to require aggregation of all sales and purchases of securities of the same issue at any time throughout the plan year for purposes of determining when a series of transactions involving securities exceeds 3 percent of the current value of plan assets.

For example, Plan ABC acquires XYZ common stock in an amount equal to 2 percent of the value of the plan assets; later, the plan sells 1 percent worth of XYZ common, and still later buys another 3 percent worth of XYZ common. This section requires that all the percentage changes—acquisitions and dispositions—be aggregated, and if the total figure exceeds 3 percent, all transactions involving XYZ common are reportable as part of a series. Thus, 2 percent plus 1 percent plus 3 percent aggregates to 6 percent and the whole series, including both purchases and the sale, is reportable as a series of transactions with respect to securities in excess of 3 percent of plan assets.

The information required to be reported regarding a series of transactions involving securities has been modified. The proposed regulation required each transaction in the series to be listed and identified in the same manner as other types of reportable transactions in this section. However, the final regulation now requires only certain aggregate information relevant to the series of securities transactions to be included in the separate schedule to the annual report. The specific information to be provided includes the total number of purchases of a security made by the plan within the plan year, total number of sales, total dollar value of purchases, total value of sales, and the net gain or loss as a result of these transactions. This approach is simpler and less burdensome while providing information which is specifically relevant.

Finally, many comments received stated that short-term money market instruments (e.g., short-term certificates of deposit, Treasury Bills, "weekend" notes) should be exempted from 3 percent transactions, or lumped together and treated as a single category of securities rather than as individual transactions. Many plans engage in numerous short-term transactions throughout a plan year so that plan assets will be invested for the benefit of participants and beneficiaries at all times. The comments stated that the reporting of each of these transactions would be burdensome and would produce voluminous amounts of information that could obscure other plan transactions of greater importance. However, changing the definition of a transaction in securities to mean an individual purchase or sale, narrowing the aggregation rule from issuer to issue, and requiring the information on 3 percent series transactions to be reported on a summary basis will radically reduce, if not nearly eliminate, the problems raised by the comments. For these reasons, the regulation accords no special treatment to short-term money market instruments.

Section 2520.103–7

Section 2520.103–7, establishing special accounting rules for certain plans filing an annual report under the Act for the first time, substantially amends the proposed regulation. The special accounting rules prescribed by the regulation vary according to the type of plan. Plans with 100 or more participants and trusts filing an annual report for a group insurance arrangement in accordance with §§ 2520.104–43 and 2520.104a–6 which are filing an annual report for the plan year beginning in 1975, may only use the special accounting rules described in this regulation if the plan has adopted the limited exemption/alternative method of compliance of § 2520.103–1(b) or § 2520.103–2(b). Such plans are not required to: (1) Display at current value plan assets and liabilities in comparative form as of the end of the previous plan year or the beginning of the plan year subject to the initial annual report, (2) engage an accountant to examine the plan's financial statements for the preceding plan year, or (3) provide an accountant's opinion regarding the consistency of the initial plan year's financial statements with the preceding plan year's financial statements.

All plans with fewer than 100 participants which are filing an annual report for the plan year beginning in 1975, are not required to display at current value plan assets and liabilities in comparative form as of the end of the previous plan year or the beginning of the plan year subject to the initial annual report. (Plans with fewer than 100 participants are exempt under § 2520.104–46 from the requirement to engage an accountant to examine the plan's financial statements and prepare an accountant's report.)

The following findings are made with respect to the promulgation of § 2520.103–7 as an alternative method of compliance under section 110 of the Act for pension plans which cover fewer than 100 participants at the beginning of the plan year:

1. The special accounting rules are consistent with the purposes of Title I of the Act, and provide adequate disclosure to plan participants and beneficiaries and adequate reporting to the Secretary. Because plans filing an initial annual report for the plan year beginning in 1975 may not have previously maintained their financial books and records on the basis of current value, a requirement to include a statement of assets at current value as of the beginning of the plan year would be unduly burdensome.

2. Requiring small plans to obtain a current valuation of all plan assets for the beginning of the 1975 plan year would result in increased costs for appraisal. These increased costs and the administrative burden of preparing beginning of the year balances at current value would be adverse to the interests of participants and beneficiaries in the aggregate.

The final regulation, unlike the proposed, does not apply to plans now in existence, but not currently covered by ERISA, which may become covered in the future.

The special accounting rules exempt plans from the requirement of including beginning of the year balances at current value in the annual report. Beginning of the year balances may be stated on the basis of the valuation method used at the beginning of the year rather than at current value. However, because participants could be confused by attempting to compare end of year balances stated at current value to beginning of year balances stated on a different basis, §§ 2520.104b–10 and 2520.104b–11 do not require that plans include the beginning of year balances for the 1975 plan year in the initial summary annual report.

The second special accounting rule relieves plans from having an audit performed for the prior year in addition to the audit required for the initial reporting year. In most cases, an audit of the financial information for the previous plan year would be burdensome and expensive for plans, particularly in the case of plans which were not previously audited. Therefore, under the authority of section 104(a)(3) and 110 of the Act, § 2520.103–7 establishes a special rule relieving plans from this requirement.

The third special accounting rule, regarding the accountant's opinion, maintains consistency with the second rule. Because no audit of the plan's financial statement for the previous plan year is required for plans with 100 or more participants which elect the alternative/exemption, no opinion can be provided regarding the consistency with the accounting principles and practices used in the previous year.

Section 2520.103–8

Section 2520.103–8, which interprets section 103(a)(3)(C) of the Act, is a new regulation which was not included in the proposed regulations published on November 19, 1975.

Under this rule, the examination and report of the independent qualified public accountant need not address any statement or information regarding plan assets held by a bank or insurance carrier, which is regulated and supervised and subject to periodic examination by a State or Federal agency, provided that the statement or information is transmitted and certified to the plan administrator in accordance with § 2520.103–5 of these regulations. Plan assets held in any type of bank or insurance carrier trust or account, including separate trusts, common or collective trusts, custodial accounts and pooled or individual separate accounts, are included.

Section 2520.103–9

Section 2520.103–9 implements section 103(b)(4) of the Act, which authorizes the Secretary to relieve plans with assets held in whole or in part in a common or collective trust fund or a pooled separate account from filing a statement of assets and liabilities of such trust or account as required under section 103(b)(3)(G) of the Act if the bank or insurance carrier files a statement of assets and liabilities of the trust or pooled separate account directly with the Secretary.

Comments pointed out the needless burden on plans and the duplication of statements of assets and liabilities which would be filed if each plan participating in a common or collective trust fund or pooled separate account were required to file such a statement with the Secretary of Labor. For this reason, § 2520.103–9 establishes a procedure for banks, trust companies and similar institutions, and insurance carriers to file with the Secretary one statement of assets and liabilities on behalf of all plans participating in such pooled funds or accounts.

The direct filing procedure established by the regulation requires that the bank or insurance carrier filing the statement identify the trust or account with the employer identification number (EIN) of the trust or account. In addition, if the bank or insurance carrier has assigned the same EIN to more than one trust or account, the trusts or accounts shall also be sequentially numbered to specifically identify the common or collective trust or pooled separate account in which the plan is participating. The bank or insurance carrier must file with the Secretary the statement of assets and liabilities of the trust or account, and a list of the EIN's and names of plan sponsors of participating plans. The bank or insurance carrier must send to each participating plan a copy of the statement of assets and liabilities, the EIN and any additional identification number of the trust or account, and a certification that the statement of assets and liabilities has been filed with the Secretary on or before the date upon which the annual report of the plan is required to be filed in accordance with §§ 2520.104a–5 or 2520.104a–6.

Each plan choosing to take advantage of the direct filing procedure must include in its annual report the EIN and any additional identification number of the trust or account in which it is a participant and a certification that it has received a copy of the statement of assets and liabilities.

Section 2520.103–10

Section 2520.103–10 details the format and content of the schedules which are required by Item 24(b) of Form 5500, and required to be included with the annual report pursuant to the limited exemption and alternative method of compliance prescribed in §§ 2520.103–1(b) and 2520.103–2(b). The format and content of the schedules are prescribed in § 2520.103–10 pursuant to the authority of section 109(c) of the Act. The format has been standardized in tabular form to permit easier processing and filing by the Department.

Although not noted in the instructions to the form, the party-in-interest schedule of transactions is not required to include any transactions for which there is an applicable statutory or administrative exemption. Therefore plans are relieved of the potential burden of listing large numbers of transactions, such as securities transactions, for which an exemption has been granted.

Section 2520.104–41

Section 2520.104–41 provides for simplified annual reporting for plans with fewer than 100 participants. The proposed version of this regulation limited simplified annual reporting to only Keogh plans, but numerous comments indicated the desirability of extending simplified annual reporting to all small employee benefit plans with fewer than 100 participants.

EMPLOYEE BENEFIT PLANS WITH FEWER THAN 100 PARTICIPANTS

Simplified annual reporting is prescribed for employee benefit plans that have fewer than 100 participants at the

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beginning of the plan year, none of whom is an owner-employee as defined in section 401(c)(3) of the Internal Revenue Code of 1954. Such a plan must file a Form 5500–C "Annual Return/Report of Employee Benefit Plan (with fewer than 100 participants, none of whom is an owner-employee)" in the manner prescribed in § 2520.104a–5. Although the instructions to the annual report forms prescribe simplified forms only for plans covering fewer than 100 participants at all times during the plan year, this requirement could be overly burdensome for plans unable to maintain records of the number of participants at all times during the year. Therefore, this regulation supersedes the instructions to the forms and prescribes simplified reporting for plans covering fewer than 100 participants as of a fixed date, the beginning of the plan year.

KEOGH PLANS

Simplified annual reporting is prescribed for certain Keogh pension plans required to file an annual report under section 104(a)(1)(A) of the Act. This method of simplified annual reporting is available only to Keogh plans with fewer than 100 participants at the beginning of the plan year, at least one of whom is an owner-employee as defined in section 401(c)(3) of the Internal Revenue Code of 1954. Such a pension plan must file a Form 5500–K "Annual Return/Report of Employee Pension Benefit Plans" in the manner prescribed in § 2520.104a–5.

Neither a Keogh plan which covers more than 100 participants nor a plan which covers only shareholder-employees (Subchapter S plan) is eligible for this simplified annual reporting method. Instructions to the annual report forms indicate that both shareholder-employee plans and Keogh plans with more than 100 participants must file the full Form 5500 "Annual Return/Report" which provides for more complete and detailed financial information.

Section 2520.104–42

Under the authority of section 104(a)(2)(A) of the Act, the Secretary of Labor may waive the requirement that actuarial information on the annual report include the present value of the plan's liabilities for nonforfeitable pension benefits allocated by termination priority category, as set forth in section 4044 of Title IV of the Act, and the actuarial assumptions used in these computations. In order to waive this requirement, however, the Secretary must make findings as required under section 104(a)(2)(A) as to first, whether the interests of plan participants are not harmed thereby, and second, whether the expense of compliance with the specific requirements of section 103(d)(6) is not justified by the needs of the participants, the Pension Benefit Guaranty Corporation (PBGC) and the Department of Labor.

Section 2520.104–42 provides that the plan administrator of an employee pension benefit plan, required under section 103(d) of the Act to include actuarial information as part of the annual report, is not required to include in the annual report for the 1975 plan year a statement of the present value of all the plan's liabilities for nonforfeitable pension benefits as set forth in § 4044 of Title IV of the Act is not required to provide the actuarial assumptions used in these computations. The waiver is based upon preliminary findings that the requirements of section 103(d)(6) are overly burdensome and would add considerable expense and time to the preparation of the actuarial statement of the annual report. In addition, the information required under section 103(d)(6) is primarily important to a plan which is terminating and would be of little relevance to participants or the Secretary in the case of an ongoing plan. PBGC has expressed no need for such information on an annual basis.

Comments received on the proposed regulation generally supported the waiver. The strongest argument in favor of the waiver is cost, especially in the case of small plans. However, comments opposed to the waiver point to the unsettled nature of reporting for plans. In addition, section 103(b)(2) of the Act provides that disclosure concerning "a general description of priorities upon termination of the plan" is to be considered by the accountant with respect to the notes to the financial statements. From the participant's point of view, the termination priority information would be of little use unless the participant knows how his own accrued benefits are allocated among the various section 4044 priority categories.

Therefore, the final regulation provides only a temporary waiver. The waiver of termination priorities information is effective only for those plan years beginning after December 31, 1974, and before January 1, 1976 (i.e., primarily 1975 plan years). If PBGC develops a need for such annual information, or if the Department determines that this information should be made available to participants and beneficiaries, the waiver will not be extended.

The waived information is solicited on an optional basis, however. Those plans that have developed the requisite data covering the termination priority categories are requested to submit this information to the Department of Labor, though there is no requirement that they do so. This data will assist the Department in making a final determination as to the usefulness of this information to the PBGC and participants and beneficiaries.

Section 2520.104–43

Under § 2520.104–43, a welfare plan participating in a trade association or other group insurance arrangement which meets all the requirements of § 2520.104–21 except the limitation to fewer than 100 participants is exempt from the requirements to file an annual report with the Secretary of Labor if the trust or trade association that acts as an intermediary between the plan and the insurance company files a report containing the information specified in § 2520.103–2. This section is designed to obtain annual financial information from the central trust or trade association, which may hold plan assets for a period of time before transmitting them to the insurance company. A participating plan, regardless of the number of participants, does not have the financial data relevant to the group insurance arrangement.

It is the trust or trade association rather than the plan which is able to provide the most relevant financial information regarding a group insurance arrangement, because it is only at the trust or trade association level that any plan assets are held in a form other than premium payments or insurance contracts. The trust or trade association may, for example, maintain a contingency or reserve fund which is a proper object of financial reporting in the case of group insurance arrangements.

Section 2520.104–43 provides an exemption which makes it possible to avoid multiple filings, one for each participating plan, if one annual report is filed on behalf of the entire group insurance arrangement or trade association.

This section is not substantively changed from its proposed form. Comments on the proposed regulation supported extension of the regulation to include certain multiple employer plans as well as plans of controlled groups, pointing out that the filing instructions D, 4 and D, 5 of the Form 5500 "Annual Return/Report" could be construed to include these types of plans. This regulation does not extend the exemption, but exempts only a category of group insurance arrangement plans, i.e., plan which meet the requirements of § 2520.104–21, other than the requirement that such plans have fewer than 100 participants—insured welfare, group insurance or trade association arrangements.

Section 2520.104–44

Section 2520.104–44, which is a consolidation of proposed §§ 2520.104–44 and 2520.104–45 published on November 19, 1975, exempts unfunded and insured plans from completing the financial information items of the annual report. Under the authority of section 104(a)(3) of the Act, the Secretary may exempt welfare plans from any or all of the reporting and disclosure requirements of Title I. Under section 110 of the Act, the Secretary may prescribe an alternative method of compliance for pension plans subject to Part I, Title I of the Act.

The financial statements and schedules required to be included in the annual report are in large measure irrelevant for an unfunded plan or an insured plan. Unfunded and insured plans exempt from completing certain financial portions of the annual report are not exempt from completing other annual report items such as the listing of plan fiduciaries and parties receiving compensation from the plan.

One comment requested an extension of the exemption to plans which invest funds solely in the savings accounts of certain financial institutions. However,

because such a plan has assets subject to the annual reporting requirements, the exemption does not apply to such a plan.

Another comment pointed out that the exemption should apply to employee benefit plans which are partly unfunded and partly insured with assets held in the general account so that part of the plan would meet the exemption proposed in § 2520.104–44 and part would meet the exemption proposed in § 2520.104–45. Welfare plans with fewer than 100 participants which combine these two financial arrangements are presently exempted from certain other reporting and disclosure regulations under § 2520.104–20. The exemption has been revised to include such a combined financial arrangement. In doing so, the two proposed regulations, §§ 2520.104–44 and 2520.104–45, are combined into one regulation.

Because of the limited exemptions of §§ 2520.104–20, 104–23, 104–24, and 104–25, many employee benefit plans are already exempt from the annual reporting requirements. Many more plans will be affected by § 2520.104–44. Unfunded or insured (or combination) welfare plans which cover fewer than 100 participants are exempt from the annual reporting requirements under § 2520.104–20. Unfunded or insured pension and welfare plans maintained by an employer for a select group of management or highly compensated employees ("top hat" plans) are also exempt under §§ 2520.104–23 and 104–24. Welfare plans which are established only to provide for day care centers are exempt from all reporting and disclosure requirements, including the annual reporting requirements under § 2520.104–25. In effect, the only plans which are affected by the exemption under § 2520.104–44 are unfunded or insured (or combination) welfare plans covering 100 or more participants and insured pension plans of any size.

The following findings are made with respect to the promulgation of § 2520.104–44 as an alternative method of compliance under section 110 of the Act:

1. The use of the alternative method of compliance set forth below is consistent with the purposes of Title I of the Act, and provides adequate reporting to the Secretary and adequate disclosure to plan participants and beneficiaries. The Act requires an employee benefit plan to include certain financial information which is inapplicable to insured and unfunded plans. Because a wholly insured or unfunded plan, or a partly insured-partly unfunded plan, has no assets or liabilities other than insurance contracts or past due insurance premiums in the case of an insured plan, the provisions of the Act requiring financial statements are irrelevant. Consequently, the alternative method of compliance does not exempt insured or unfunded plans from reporting and disclosing any information which they would otherwise be able to report and disclose.

2. If an insured or unfunded plan were not clearly exempt from including certain financial information in the annual report, such plan would incur the needless expense of hiring an independent qualified public accountant. The regulation makes it clear that an insured or unfunded plan is not required to hire an independent qualified public accountant.

3. The unnecessary expense of an audit and the preparation of irrelevant financial statements would be adverse to the interests of plan participants in the aggregate.

With respect to the promulgation of § 2520.104–44 as an exemption under section 104(a)(3) of the Act the annual reporting provisions requiring insured or unfunded plans to include certain financial information are found inappropriate for the reasons listed above.

Section 2520.104–45

Section 2520.104–45, a new section not included in the November 19, 1975 proposed regulations, exempts insured plans with fewer than 100 participants as of the beginning of the plan year from reporting, in the initial annual report filed for the 1975 plan year, the names and addresses of the brokers, agents, or other persons to whom commissions or fees were paid by the plan, the amount paid to each, and the purpose of the payment, otherwise required by sections 103 (c) and (e) of the Act.

Comments received by the Department of Labor on the proposed annual reporting regulations stated that insurance commission information is not presently maintained by insurance carriers on a plan-by-plan basis in some cases, but is instead retained on the basis of the agent handling the insurance contract. Under the Welfare and Pension Plans Disclosure Act (29 U.S.C. 301), plans with fewer than 100 participants were not subject to the reporting requirements, and for the relatively few individual policy plans with over 100 participants, insurance carriers produced the data manually.

Under ERISA, insurance carriers must establish systems for retrieving this information for under-100 plans on a plan-by-plan basis. Because this process is both expensive and time-consuming, insurance carriers will require another year's lead time, and have requested a one year exemption from the requirement that insurance fees and commissions be included in the annual report for these small plans.

Therefore, the following findings are made with respect to the promulgation of § 2520.104–45 as an alternative method of compliance under section 110 of the Act:

1. The alternative method of compliance is consistent with the purposes of Title I of the Act, and provides adequate disclosure to plan participants and beneficiaries and adequate reporting to the Secretary. The information regarding the insurance fees and commissions paid by insurance carriers of small insured pension plans will be reported to the Secretary and disclosed to the participants and beneficiaries for plan years beginning in 1976.

2. Requiring small insured plans to report and disclose insurance fees and commissions information in the initial annual report under ERISA would increase the costs to plans and would impose unreasonable administrative burdens with respect to the operation of the plan. Small insured plans cannot obtain commission information from insurance carriers, until data systems which compile this information on a plan-by-plan basis have been established. To require these plans to report and disclose this information for the initial annual report would impose an unreasonable and potentially impossible burden of retrieving and collecting this data manually.

3. Requiring small insured plans to report and disclose insurance fees and commissions information would be adverse to the interests of plan participants in the aggregate. Such requirement would have the consequence of greatly increasing the insurance carriers costs and thereby resulting in possibly increased premium or administration charges.

Therefore, the inclusion in the annual report of information regarding insurance fees and commissions for plans with fewer than 100 participants is deferred for one year by this regulation, pursuant to the authority of sections 104(a)(3) and 110 of the Act.

Section 2520.104–46

Section 2520.104–46 waives the requirement to engage an independent qualified public accountant for both pension and welfare plans with fewer than 100 participants as of the beginning of the plan year. The waiver for pension plans is based on the statutory authority of sections 103(a)(3)(A) and 104(a)(2) of the Act, while the waiver for welfare plans is based on the broad exemption authority of section 104(a)(3) of the Act. Both sections 103(a)(3)(A) and 104(a)(2) evidence a specific intent to provide small plans with relief from burdensome and expensive reporting requirements.

Although the proposed annual reporting regulations issued in November 1975, contained no proposed waiver, a great many comments have been submitted in support of a waiver of the audit requirement for small plans. The overwhelming majority of the comments pointed out the excessive burden to small plans of the requirement of hiring an independent qualified public accountant, asserting that in many cases such a cost would effectively double the administrative costs of a small plan or possibly result in termination of many such small plans.

Section 2520.104a–5

Proposed § 2520.104a–5 has been amended to provide a deferral for the filing of the first annual report, as authorized by section 104(a)(1)(A) of the Act. The deferral will allow the first annual report filing to be eleven and one-half months after the end of the plan year beginning in 1975.

By a press release dated March 2, 1976, the Department announced that the due date of the annual report for the 1975 plan year would be extended to nine and one half months after the end of the plan year. This regulation therefore adds two months to the previously announced extension.

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Applying this rule, plans which changed their plan years during 1975 would have had to file an initial annual report prior to December 15, 1976. Because this would not allow such plans sufficient time to prepare their annual reports, the rule provides that no plan is required to file the initial annual report earlier than December 15, 1976.

Section 2520.104a–6

Section 2520.104a–6 prescribes the annual report filing date requirements to be met by trusts, trade associations or other entities filing under the provisions of §§ 2520.103–2 and 2520.104–43. The trust or trade association which files the annual report described in § 2520.103–2 within eleven and one half months after the end of the fiscal year of the trust, trade association, or other entity which begins in 1975 satisfies the requirements of the exemption. Because the trust or trade association, rather than the participating employers, is the primary source of financial information for the plan, it is appropriate to link the annual reporting date to the fiscal year of the trust or trade association, rather than a participating employer's taxable year or the plan year. No comments were received on this or any other feature of this section. To insure that all trusts or trade associations have sufficient time to prepare their annual reports for the initial annual filing, the rule provides that no annual report is required to be filed prior to December 15, 1976.

Section 2520.104b–10

Section 2520.104b–10 prescribes the content, style and format of the summary annual report which must be furnished to participants and beneficiaries of a plan under section 104(b)(3) of the Act.

Numerous comments indicated that the requirements for the summary annual report were burdensome, counterproductive, and not in the best interests of the participants. Therefore, this final regulation simplifies the summary annual reporting requirements while apprising plan participants of the most significant aspects of the plan's financial status.

Except for unfunded plans with over 100 participants (which are exempted), the requirements for the contents of the summary annual report for plans filing annual report Form 5500 are determined by either the statutory provisions of section 104(b)(3) or the limited exemption alternative method of compliance of § 2520.103–1(a)(2).

The contents of the summary annual report for plans filing Form 5500 and using the limited exemption or alternate method of compliance under § 2520.103–1(b) must include:

(1) A statement of assets and liabilities, presented at current value (with the exception stated in § 2520.103–7), (2) separate or combined statements of income and expenses, and changes in net assets, (3) notes to the financial statements, and (4) a notice that the complete annual report is available upon request for a reasonable charge and available for examination at the plan administrator's office and certain employer establishments and union offices or meeting halls, as prescribed in § 2520.104b–1. The notice is not required to include a complete listing of addresses where documents must be made available for examination in accordance with § 2520.104b–1; however, reasonable guidance should be provided, identifying locations where the full annual report may be examined and supplying other pertinent information such as hours during which documents will be available.

Plans filing Form 5500–C or Form 5500–K are required to include in the summary annual report a copy of the appropriate Form (5500 –C or –K) and a notice of availability of the complete annual report including the schedule of party-in-interest transactions. The statement of assets and liabilities which must be included in the summary annual report is the statement in items 13 of Form 5500–C and 12 of Form 5500–K, with the exception stated in § 2520.104 b–10.

Because unfunded plans with over 100 participants are exempt from filing any financial information on Form 5500, totally unfunded plans are exempt from the summary annual report requirement.

Several comments took the position that the accountant's opinion called for in the proposed regulations was unnecessary for the summary because the opinion was, in effect, only a verification of the accuracy and completeness of the financial information which did not specifically contribute to the summary annual report. The provisions of the proposed regulations which would have required a copy of the accountant's opinion on the full annual report to be included in the summary annual report have been deleted.

In addition, there is no requirement to provide certain actuarial information in the summary as was required under the proposed regulation. Such information, while relevant to defined benefit plans, is not essential to a summary of the financial status of the plan.

The final regulation also changes the requirements contained in the proposed regulation for insured plans, so that all the information required by Schedule A—"Insurance Information" need not be included in the summary. Only insurance information relevant to the particular type of plan and contract is required.

The foreign language provision of the regulation requires that oral assistance in understanding the summary be offered to participants who are literate only in a language other than English. The proposal would have required a plan which covers 500 or more participants all of whom are literate only in the same foreign language, or which covers any employer establishment in which 50 percent or more of the participants are literate only in the same foreign language, to include the offer of assistance. The provision in this regulation requires oral assistance in the case of a plan which covers fewer than 100 participants as of the beginning of the plan year, where 25 percent or more are literate only in the same non-English language, and, in the case of a plan which covers 100 or more participants, where 500 or more, or 10 percent or more of all plan participants (whichever is less), are literate only in the same non-English language.

Although plans are not required to include any information in the summary annual report which is not specified in the regulation, the plan administrator may choose to add further relevant information or explanatory material. However, the items required to be included in the summary annual report must not be presented in a manner which will have the effect of misleading or misinforming the participant and any supplementary information must be written in a manner calculated to be understood by the average participant. Thus a summary annual report should not highlight a narrative explanation of the plan's financial status, while presenting the financial statements and schedules in fine print at the end of the summary.

The regulation requires, as a general rule, that a summary annual report be furnished to plan participants and beneficiaries within 9 months after the close of the plan year, which is 2 months after the date upon which the annual report must be filed with the Secretary. Because the annual report for the 1975 plan year is not required to be filed until 11½ months after the close of the plan year, the initial summary annual report disclosure requirement has been similarly deferred until 13½ months after the close of the 1975 plan year.

Pursuant to section 110 of the Act, the following findings are made with respect to the application of the deferral to pension plans:

1. The deferral is consistent with the purposes of Title I of the Act, and provides adequate disclosure to plan participants and beneficiaries and adequate reporting to the Secretary. The deferral will allow sufficient time after filing the annual report so that plan administrators may select and prepare for distribution the documents required for distribution to plan participants and beneficiaries in a manner calculated to give a clear and understandable report for these purposes.

2. Application of the statutory requirement of 7 months to distribute the summary annual report (or the 11½ month deferred filing date for 1975 plan year reporting) would impose unreasonable administrative burdens with respect to the operation of pension plans. If the distribution period were not extended 2 months beyond the annual report filing date, administrators of pension plans would be faced with the difficult task of presenting appropriate data and distributing the summary annual report in an unreasonably short period of time. The deferral will facilitate preparation of the summary annual report.

3. The unreasonable burden which would be placed on administrators of pension plans by the application of the statutory 7 month period (or the 11½ month deferred filing date for 1975 plan year reporting) would be adverse to the interests of pension plan participants in the aggregate. Failure to defer the summary annual report requirement could result in hastily prepared disclosure documents which might be incomplete, difficult to understand or factually inaccurate or misleading.

Pursuant to section 110 of the Act, the following findings are made with respect to the alternative method of compliance for the contents of summary annual reports by pension plans:

1. Use of the alternative method of compliance set forth in § 2520.104b–10 is consistent with the purposes of Title I of the Act and provides adequate disclosure to plan participants and beneficiaries and adequate reporting to the Secretary. Section 104(b)(3) of the Act specifies two statements which must be included in the summary annual report: the statement of assets and liabilities and the statement of receipts and disbursements. The alternative method of compliance requires that a statement of assets and liabilities and income and expenses be included in the summary annual report. The alternative provides plan participants and beneficiaries with sufficient financial information upon which an initial appraisal of the plan's performance can be based, while the notice of the availability of other plan documents alerts participants to their right to obtain more detailed information about the plan's financial status if an individual desires clarification or a more detailed analysis of the plan's financial status.

2. If the statutory requirements for the contents of the summary annual report were maintained many pension plans would be subject to increased costs and to unreasonable administrative burdens with respect to their operation. In addition, requiring a plan which does not list assets and liabilities at the beginning of the year at current value would in many instances require an audit of the previous year's books and records as well as possibly costly appraisal procedures. Requiring such plans to include current value information in the summary annual report would subject the plan to substantial administrative burdens and costs.

3. Imposition of the summary annual report statutory requirements would be adverse to the interests of participants and beneficiaries in the aggregate. Requiring plans to include different information in the summary annual report than is included in the annual report would provide no assurance to participants and beneficiaries that the financial information contained in the summary is the same information filed with the Secretary in the full annual report. In addition, the inclusion of beginning of the year balances of assets and liabilities at a valuation other than current value, such as cost, could mislead and confuse participants as to any actual appreciation or depreciation in the value of plan assets and liabilities.

Section 2520.104b–11

Section 2520.104b–11 prescribes the contents of the summary annual report for group insurance arrangements. The prescribed disclosure date is 9 months after the close of the fiscal year of the trust, trade association, or other entity, except for fiscal years beginning in 1975, in which case the disclosure date is 13½ months after the close of the fiscal year or February 15, 1977, whichever is later.

The requirements for the content of the summary annual report for group insurance arrangements have been changed from the requirements of the proposed regulation.

A group insurance arrangement complying with the limited exemption of § 2520.104–43 for the filing of the annual report must also follow the requirements of this section relating to summary annual report. The summary annual report must include: (1) A statement of assets and liabilities at current value (except as provided in § 2520.103–7), and (2) separate or combined statements of income and expenses, and changes in net assets, (3) notes to the financial statements, and (4) a notice that the complete annual report and accompanying statements and schedules are available upon request for a reasonable charge and available for examination at the plan administrator's office and certain employer establishments and union offices or meeting halls, as prescribed in § 2520.104b–1.

The content and format of the statements and notes are prescribed in § 2520.103–2(b) (2) and (3). A trust that does not list assets and liabilities at current value at the beginning of the year as permitted by § 2520.103–7(c)(1) shall not include the value of assets and liabilities of the trust as of the beginning of the plan year.

Several comments objected to the inclusion of the accountant's opinion in the summary annual report. This requirement has been removed for all summary annual reports.

Other comments addressed the disclosure burden placed on small plans participating in group insurance arrangements. Although responsibility lies with the plan administrator to furnish the summary annual report to plan participants and beneficiaries in accordance with § 2520.104b–1, all the financial information required to be included in the summary is the same information that must be filed by the trust, trade association or other entity in the annual report.

Accordingly, 29 CFR Part 2520 is amended by adding §§ 2520.103–1 through 2520.103–10, 2520.104–41 through 2520.104–46, 2520.104a–5, 2520.104a–6, 2520.104b–10, and 2520.104b–11 to read as follows:

Subpart C

Sec.	
2520.103–1	Content of annual report.
2520.103–2	Content of annual report for a group insurance arrangement.
2520.103–3	Exemption from certain annual reporting requirements for assets held in a common or commingled trust fund.
2520.103–4	Exemption from certain annual reporting requirements for assets held in an insurance company pooled separate account.
2520.103–5	Transmittal and certification of information to plan administrator for annual reporting purposes.
2520.103–6	Definition of reportable transaction for purposes of annual return/report.
2520.103–7	Special accounting rules for plans filing the initial annual report.
2520.103–8	Limitation on scope of accountant's examination.
2520.103–9	Direct filing rules for bank common and commingled trusts and insurance carrier pooled separate accounts.
2520.103–10	Format and contents of annual report/return financial schedules.
	Subpart D
2520.104–41	Simplified annual reporting requirements for plans with fewer than 100 participants.
2520.104–42	Waiver of certain actuarial information in the annual report.
2520.104–43	Exemption from annual reporting requirement for certain group insurance arrangements.
2520.104–44	Limited exemption and alternative method of compliance for annual reporting by unfunded or insured welfare and pension plans.
2520.104–45	Temporary exemption from reporting insurance fees and commissions for insured plans with fewer than 100 participants.
2520.104–46	Waiver of examination and report of an independent qualified public accountant for employee benefit plans with fewer than 100 participants.
	Subpart E
2520.104a–5	Annual report filing requirements.
2520.104a–6	Annual reporting for plans which are part of a group insurance arrangement.
	Subpart F
2520.104b–10	Summary annual report.
2520.104b–11	Summary annual report for plans which are part of a group insurance arrangement.

AUTHORITY: Secs. 101, 102, 103, 104, 109, 110, 111(b)(2), 111(c), 505, Pub. L. 93–406, 88 Stat. 840–52, 894 (29 U.S.C. 1021–24, 1029–31, 1135); Secretary of Labor's Order No. 13–76.

Subpart C

§ 2520.103–1 Contents of the annual report.

(a) *General.* The administrator of a plan required to file an annual report in accordance with section 104(a)(1)(A) of the Act shall include with the annual report the information prescribed in paragraph (a)(1) of this section or in the limited exemption or alternative method of compliance described in paragraph (a)(2) of this section.

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(1) The annual report shall contain the information prescribed in section 103 of the Act.

(2) Under the authority of sections 104(a)(3) and 110 of the Act, a limited exemption or alternative method of compliance is prescribed for employee welfare and pension benefit plans, respectively, which cover 100 or more participants at any time during the plan year. A plan electing the limited exemption or alternative method of compliance shall file an annual report containing the information prescribed in paragraph (b) and shall furnish a summary annual report as prescribed in § 2520.104b–10(c)(1)(v) or § 2520.104b–11.

(b) *Contents of the annual report for plans with 100 or more participants electing the limited exemption or alternative method of compliance.* Except as provided in §§ 2520.104–44 and 2520.103–2, the annual report of an employee benefit plan covering 100 or more participants at any time during the plan year which elects the limited exemption or alternative method of compliance described in paragraph (a)(2) shall include:

(1) A DOL/IRS Form 5500 "Annual Return/Report of Employee Benefit Plan" and any schedules (Schedule A "Insurance Information" or Schedule B "Actuarial Information") required to be attached according to the instructions to the form.

(2) The following financial statements:

(i) Except as provided in § 2520.103–7, a statement of assets and liabilities at current value presented in comparative form for beginning and end of year. The statement of plan assets and liabilities shall include the assets and liabilities listed in columns *a* and *d* of item 13 of Form 5500; however, the assets and liabilities may be aggregated into categories in a manner other than that used on the Form 5500.

(ii) Separate or combined statements of all plan income and expenses and of changes in net assets which include the categories of income, expense, and changes in assets shown in item 14 of Form 5500; however the income, expense, and changes in net assets may be aggregated into categories in a manner other than that used on the Form 5500.

(iii) The financial statements required by this paragraph may be presented in a format which may include the following:

(iv) Separate typewritten or printed statements as described in paragraphs (b)(2)(i) and (ii) of this section, typewritten or printed statements which are reproductions of items 13 and 14 of Form 5500 or a statement incorporating by reference items 13 and 14 of Form 5500.

(3) Notes to the financial statements described in paragraph (b)(2) of this section which contain a description of the accounting principles and practices reflected in the financial statements, and, if applicable, variances from generally accepted accounting principles; a description of the plan including any significant changes in the plan made during the period and the impact of such changes on benefits; the funding policy (including policy with respect to prior service cost), and any changes in such policies during the year; a description of material lease commitments, other commitments, and contingent liabilities; a description of agreements and transactions with persons known to be parties in interest; a general description of priorities upon termination of the plan; information concerning whether or not a tax ruling or determination letter has been obtained; and any other matters necessary to fully and fairly present the financial statements of the plan.

(4) The separate financial schedules listed in Item 24(b) of Form 5500 and described in § 2520.103–10.

(5) *Information regarding common or collective trusts or pooled separate accounts.* In the case of a plan some or all of the assets of which are held in a pooled separate account maintained by an insurance carrier, or a common or collective trust maintained by a bank or similar institution, the annual report shall include a copy of the most recent annual statement of assets and liabilities of such separate account or trust as required under § 2520.103–3 or § 2520.103–4. See § 2520.103–9 for direct filing with the Secretary of such statements by banks or insurance companies.

(6) *Report of an independent qualified public accountant.* (i) *Technical requirements.* The accountant's report—

(A) Shall be dated;

(B) Shall be signed manually;

(C) Shall indicate the city and state where issued; and

(D) Shall identify without detailed enumeration the financial statements and schedules covered by the report.

(ii) *Representations as to the audit.* The accountant's report—

(A) Shall state whether the audit was made in accordance with generally accepted auditing standards; and

(B) Shall designate any auditing procedures deemed necessary by the accountant under the circumstances of the particular case which have been omitted, and the reasons for their omission. Authority for the omission of procedures which independent accountants might ordinarily employ in the course of an audit made for the purpose of expressing the opinions required by paragraph (iii) is contained in § 2520.103–8.

(iii) *Opinion to be expressed.* The accountant's report shall state clearly:

(A) The opinion of the accountant in respect of the financial statements and schedules covered by the report and the accounting principles and practices reflected therein; and

(B) The opinion of the accountant as to the consistency of the application of the accounting principles, or as to any changes in such principles which have a material effect on the financial statements. Authority for changes in accounting principles is contained in § 2520.–103–7.

(iv) *Exceptions.* Any matters to which the accountant takes exception shall be clearly identified, the exception thereto specifically and clearly stated, and, to the extent practicable, the effect of each such exception on the related financial statements given. The exception shall be further identified as a (A) those that are the result of DOL rules and regulations, and (B) all others.

(c) *Contents of the annual report for plans with fewer than 100 participants.* (1) Except as provided in §§ 2520.104–43 and 2520.104a–6, the annual report of an employee benefit plan which covers fewer than 100 participants at the beginning of the plan year shall be DOL/IRS Form 5500–C "Annual Return/Report of Employee Benefit Plan (with fewer than 100 participants none of whom is an owner-employee)" or 5500–K "Annual Return/Report of Employee Pension Benefit Plan for Sole Proprietorships and Partnerships (with fewer than 100 participants and at least one owner-employee)".

§ 2520.103–2 Contents of the annual report for a group insurance arrangement.

(a) *General.* (1) A trust or other entity described in § 2520.104–43(b) that files an annual report for purposes of § 2520.–104–43 shall include in such report the items set forth in paragraph (b) of this section.

(b) *Contents.* (1) A DOL/IRS Form 5500 "Annual Return/Report of Employee Benefit Plan" and any Schedule A "Insurance Information" required to be attached according to the instructions to the form.

(2) The following financial statements:

(i) Except as provided in § 2520.103–7, a statement of all trust assets and liabilities at current value presented in comparative form for the beginning and end of year. The statement of trust assets and liabilities shall include the assets and liabilities listed in Columns *a* and *d* of Item 13 of Form 5500; however, the assets and liabilities may be aggregated into categories in a manner other than that used on the Form 5500.

(ii) Separate or combined statements of all trust income and expenses and changes in net assets which includes the categories of income, expense, and changes in assets shown in item 14 of Form 5500; however, the income, expense, and changes in assets may be aggregated into categories in a manner other than that used on the Form 5500. The financial statements required by this paragraph may be presented in a format which may include the following—Separate typewritten or printed statements as described in paragraph (b)(2)(i) and (ii) of this section, typewritten or printed statements which are reproductions of items 13 and 14 of Form 5500 or a statement incorporating by reference items 13 and 14 of Form 5500.

(3) Notes to the financial statements described in paragraph (b)(2) of this section which contain a description of the accounting principles and practices reflected in the financial statements, and, if applicable, variances from generally accepted accounting principles; a description of the group insurance arrangement including any significant changes in the group insurance arrangement made during the period and the impact

of such changes on benefits; a description of material lease commitments, other commitments, and contingent liabilities; a description of agreements and transactions with persons known to be parties in interest; a general description of priorities upon termination of the plan; and any other matters necessary to fully and fairly present the financial statements of the plan.

(4) The separate financial schedules listed in Item 24(b) of Form 5500 and described in § 2520.103–10.

(5) Information regarding common or collective trusts or pooled separate accounts. In the case of a group insurance arrangement some or all of the assets of which are held in a pooled separate account maintained by an insurance carrier, or a common or collective trust maintained by a bank, the annual report shall include a copy of the most recent annual statement of assets and liabilities of such separate account or trust as required under § 2520.103–3 or § 2520.103–4. See also § 2520.103–9 for direct filing with the Secretary of Labor such statements by banks or insurance companies.

(6) Report of an independent qualified public accountant. (i) *Technical requirements.* The accountant's report—

(A) Shall be dated;

(B) Shall be signed manually;

(C) Shall indicate the city and state where issued; and

(D) Shall identify without detailed enumeration the financial statements and schedules covered by the report.

(ii) *Representations as to the audit.* The accountant's report—

(A) Shall state whether the audit was made in accordance with generally accepted auditing standards; and

(B) Shall designate any auditing procedures deemed necessary by the accountant under the circumstances of the particular case, which have been omitted, and the reasons for their omission. Authority for the omission of procedures which independent accountants might ordinarily employ in the course of an audit made for the purpose of expressing the opinions required by paragraph (b)(6)(iii) of this section is contained in § 2520.103–8.

(iii) *Opinion to be expressed.* The accountant's report shall state clearly:

(A) The opinion of the accountant in respect of the financial statements and schedules covered by the report and the accounting principles and practices reflected therein; and

(B) the opinion of the accountant as to the consistency of the application of the accounting principles, or as to any changes in such principles which have a material effect on the financial statements. Authority for changes in accounting principles is contained in § 2520.–103–7.

(iv) *Exceptions.* Any matters to which the accountant takes exception shall be clearly identified, the exception thereto specifically and clearly stated, and, to the extent practicable, the effect of each such exception on the related financial statements given. The exception shall be further identified as to (A) those that are the result of DOL rules and regulations and (B) all others.

§ 2520.103–3 Exemption from certain annual reporting requirements for assets held in a common or collective trust fund.

(a) *General.* Under the authority of section 103(b)(3)(G) of the Act, a plan whose assets are held in whole or in part in a common or collective trust maintained by a bank, trust company, or similar institution which meets the requirements of paragraph (b) of this section shall include as part of the annual report required to be filed under § 2520.104a–5 or § 2520.104a–6 the most recent annual statement of assets and liabilities of the common or collective trust and other information as described in paragraph (c) of this section. Such plan is not required to include in the annual report any information concerning the individual transactions of the common or collective trust. This exemption has no application to assets not held in such trusts.

(b) *Application.* This provision applies only to a plan some or all of the assets of which are held in a common or collective trust maintained by a bank, trust company, or similar institution regulated and supervised and subject to periodic examination by a State or Federal agency. For purposes of this section, a common or collective trust is a trust which consists of the assets of two or more participating entities and is maintained for the collective investment and reinvestment of assets contributed thereto by the bank in its capacity as trustee, executor, administrator, or guardian. For purposes of this section, a controlled group of corporations, as defined in section 1563(a) of the Internal Revenue Code of 1954, shall be deemed to be a single participant in a common or collective trust.

(c) *Contents.* (1) A plan which meets the requirements of paragraph (b) of this section shall include in the Form 5500 Annual Return/Report and in the separate statements and schedules of the annual report prescribed in § 2520.103–1 or § 2520.103–2, information regarding the value of the units of participation in the common or collective trust held by the plan and transactions involving the acquisition and disposition by the plan of units of participation in the common or collective trust. However, the annual report is not required to include any information regarding the individual transactions of the common or collective trust.

(2) The annual report of such plan shall also include the most recent annual statement by the bank, trust company, or similar institution of the assets and liabilities of the common or collective trust.

(3) The statement of assets and liabilities of the common or collective trust is not required to be attached to the annual report filed by the administrator pursuant to § 2520.104a–5 or § 2520.104a–6 if the administrator meets the requirements of § 2520.103–9 regarding direct filing of the statement of assets and liabilities of the common or collective trust by the bank, trust company or similar institution.

§ 2520.103–4 Exemption from certain annual reporting requirements for assets held in an insurance company pooled separate account.

(a) *General.* Under the authority of section 103(b)(3)(G) of the Act, a plan whose assets are held in whole or in part in a pooled separate account of an insurance carrier which meets the requirements of paragraph (b) of this section shall include as part of the annual report required to be filed under § 2520.104a–5 or § 2520.104a–6 the most recent annual statement of assets and liabilities of the pooled separate account and other information as described in paragraph (c) of this section. Such plan is not required to include in the annual report any information concerning the individual transactions of the pooled separate account. This exemption has no application to assets not held in such pooled separate account.

(b) *Application.* This provision applies only to a plan some or all of the assets of which are held in a pooled separate account of an insurance carrier regulated and supervised and subject to periodic examination by a State agency.

(c) *Contents.* (1) A plan which meets the requirements of paragraph (b) of this section shall include in the Form 5500 Annual Return/Report and in the separate statements and schedules of the annual report, prescribed in § 2520.103–1 or § 2520.103–2, information regarding the value of the units of participation in the pooled separate account held by the plan and transactions involving the acquisition and disposition by the plan of units of participation in the pooled separate account. However, the annual report is not required to include any information regarding the individual transactions of the pooled separate account.

(2) The annual report of such plan shall also include the most recent annual statement by the insurance carrier of the assets and liabilities of the pooled separate account.

(3) The statement of assets and liabilities of the pooled separate account is not required to be attached to the annual report filed by the administrator pursuant to § 2520.104a–5 or § 2520.104a–6 if the administrator meets the requirements of § 2520.103–9, regarding direct filing of the statement of assets and liabilities of the pooled separate account by an insurance carrier.

§ 2520.103–5 Transmittal and certification of information to plan administrator for annual reporting purposes.

(a) *General.* In accordance with section 103(a)(2) of the Act, an insurance carrier or other organization which provides benefits under the plan or holds plan assets, a bank or similar institution which holds plan assets, or a plan sponsor, as described in paragraph (b)(3) of this section, shall transmit and certify such information as needed by the ad-

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ministrator to file the annual report under section 104(a)(1)(A) of the Act and § 2520.104a-5:

(1) Within 9 months after the close of the plan year which begins in 1975 or September 30, 1976, whichever is later, and

(2) Within 120 days after the close of any plan year which begins after December 31, 1975.

(b) *Application.* This requirement applies with respect to—

(1) An insurance carrier or other organization which:

(i) Provides benefits under a plan, or

(ii) Holds assets of a plan in a separate account;

(2) A bank, trust company, or similar institution which holds assets of a plan in a common or collective trust, separate trust, or custodial account; and

(3) A plan sponsor as defined in section 3(16)(B) of the Act.

(c) *Contents.* The information required to be provided to the administrator shall include—

(1) In the case of an insurance carrier or other organization which—

(i) Provides benefits under a plan, upon request of the plan administrator, such information as is contained within the ordinary business records of the insurance carrier or other organization and is needed by the plan administrator to comply with the requirements of section 104(a)(1)(A) of the Act and § 2520.104a-5;

(ii) Holds assets of a plan in a pooled separate account which is exempted from certain reporting requirements under § 2520.103-4, a copy of the most recent annual statement of assets and liabilities of the separate account and a statement of the value of the plan's units of participation in the separate account; and

(iii) Holds assets of a plan in an individual separate account,

A listing of all transactions of the separate account, and, upon request of the plan administrator, such information as is contained within the ordinary business records of the insurance carrier and is needed by the plan administrator to comply with the requirements of section 104(a)(1)(A) of the Act and § 2520.104a-5.

(2) In the case of a bank, trust company, or similar institution holding assets of a plan—

(i) In a common or collective trust which is exempted from certain reporting requirements under § 2520.103-3, a copy of the most recent annual statement of assets and liabilities of the common or collective trust, and a statement of the value of the plan's units of participation in the common or collective trust.

(ii) In a separate trust, a listing of all transactions of the separate trust and, upon request of the plan administrator, such information as is contained within the ordinary business records of the bank, trust company, or similar institution and is needed by the plan administrator to comply with the requirements of section 104(a)(1)(A) of the Act and § 2520.104a-5.

(iii) In a custodial account, upon request of the plan administrator, such information as is contained within the ordinary business records of the bank, trust company, or similar institution and is needed by the plan administrator to comply with the requirements of section 104(a)(1)(A) of the Act and § 2520.104a-5.

(3) In the case of a plan sponsor, a listing of all transactions directly or indirectly involving plan assets engaged in by the plan sponsor and such information as is needed by the plan administrator to comply with the requirements of section 104(a)(1)(A) of the Act and § 2520.104a-5.

(d) *Certification.* (1) An insurance carrier or other organization, a bank, trust company, or similar institution, or plan sponsor, as described in paragraph (b) of this section, shall certify to the accuracy and completeness of the information described in paragraph (c) of this section by a written declaration which is signed by a person authorized to represent the insurance carrier, bank, or plan sponsor. Such certification will serve as a written assurance of the truth of the facts stated therein.

(2) Example. The XYZ Bank (Insurance Carrier) hereby certifies that the foregoing statement is complete and accurate.

(S) _____

§ 2520.103-6 Definition of reportable transaction for Annual Return/Report.

(a) *General.* For purposes of preparing the schedule of reportable transactions described in § 2520.103-10(b)(5), a reportable transaction includes any transaction or series of transactions described in paragraph (c) of this section.

(b) *Definitions.* (1) (i) Except as provided in paragraph (b)(1)(ii) and in paragraphs (c)(2) and (d)(1)(vi) of this section (relating to assets acquired or disposed of during the plan year), "current value" shall mean the current value, as defined in section 3(26) of the Act, of plan assets as of the beginning of the plan year, or the end of the previous plan year.

(ii) With respect to schedules of reportable transactions for plan years beginning in 1975, the current value of plan assets for the beginning of the plan year, or the end of the previous plan year, shall be the amount shown on line 13(h) of Form 5500 Annual Return/Report.

(2) A "transaction with respect to securities" is any purchase, sale, or exchange of securities. A transaction with respect to securities for purposes of this section occurs on either the trade date or settlement date of a purchase, sale, or exchange of securities, provided that either the trade date or settlement date is used consistently during the plan year for purposes of this section. For purposes of this section, "security" includes a unit of participation in a common or commingled trust or a pooled separate account.

(3) A transaction is "with or in conjunction with a person" for purposes of this section if that person benefits from, executes, facilitates, participates in, promotes, or solicits a transaction or part of a transaction involving plan assets.

(c) *Application.* (1) This provision applies to—

(i) A transaction within the plan year, with respect to any plan asset, involving an amount in excess of 3 percent of the current value of plan assets;

(ii) Any series of transactions (other than transactions with respect to securities) within the plan year with or in conjunction with the same person which, when aggregated, regardless of the category of asset and the gain or loss on any transaction, involves an amount in excess of 3 percent of the current value of plan assets;

(iii) Any transaction within the plan year involving securities of the same issue if within the plan year any series of transactions with respect to such securities, when aggregated, involves an amount in excess of 3 percent of the current value of plan assets; and

(iv) Any transaction within the plan year with respect to securities with or in conjunction with a person if any prior or subsequent single transaction within the plan year with such person with respect to securities exceeds 3 percent of the current value of plan assets.

(2) For purposes of determining whether any 3 percent transactions occur, the "current value" of an asset acquired or disposed of during the plan year is the current value, as defined in section 3(26) of the Act, at the time of acquisition or disposition of such asset.

(d) *Contents.* (1) The schedule of transactions shall include the following information as to each transaction or series of transactions:

(i) The name of each party, except that in the case of a transaction or series of transactions involving a purchase or sale of a security on the market, the schedule need not include the person from whom it was purchased or to whom it was sold. A purchase or sale on the market is a purchase or sale of a security through a registered broker-dealer acting as a broker under the Securities Exchange Act of 1934;

(ii) A brief description of each asset;

(iii) The purchase or selling price in the case of a purchase or sale, the rental in the case of a lease, and the amount of principal, interest rate, payment schedule (e.g., fully amortized, partly amortized with balloon) and maturity date in the case of a loan;

(iv) Expenses incurred, including, but not limited to, any fees or commissions;

(v) The cost of any asset;

(vi) The current value of any asset acquired or disposed of at the time of acquisition or disposition; and

(vii) The net gain or loss.

(2) The schedule of transactions with respect to a series of transactions described in subparagraph (c)(1)(iii) may include the following information for each issue in lieu of the information prescribed in paragraphs (d)(1)(i)–(vii):

(i) The total number of purchases of such securities made by the plan within the plan year;

(ii) The total number of sales of such securities made by the plan within the plan year;

(iii) The total dollar value of such purchases;

(iv) The total dollar value of such sales;

(v) The net gain or loss as a result of these transactions.

(e) *Examples.* (1) At the beginning of the plan year, XYZ plan has 10 percent of the current value of its plan assets invested in ABC common stock. Halfway through the plan year, XYZ purchases ABC common stock in a single transaction in an amount equal to 5 percent of the current value of plan assets. At about this time, XYZ plan also purchases a commercial development property in an amount equal to 4 percent of the current value of plan assets. Under paragraph (c)(1)(i) of this section, the 5 percent stock transaction is a reportable transaction for the plan year because it exceeds 3 percent of the current value of plan assets. The 4 percent land transaction is also reportable under paragraph (c)(1)(i) because it exceeds 3 percent of current value of plan assets.

(2) During the plan year, AAA plan purchases a commercial lot from ZZZ corporation at a cost equal to 2 percent of the current value of plan assets. Two months later, AAA plan loans ZZZ corporation an amount of money equal to 1.5 percent of the current value of plan assets. Under the provisions of paragraph (c)(1)(ii), the plan has engaged in a reportable series of transactions with or in conjunction with the same person, ZZZ corporation, which, when aggregated, involves 3.5 percent of plan assets.

(3) At the beginning of the plan year, ABC plan has 10 percent of the current value of plan assets invested equally in a combination of XYZ Corporation common stock and XYZ preferred stock. One month into the plan year, ABC sells some of its XYZ common in an amount equal to 2 percent of the current value of plan assets.

(i) Six weeks later the plan sells XYZ preferred stock in an amount equal to 2 percent of the current value of plan assets. A reportable series of transactions has not occurred because only transactions involving securities of the same issue are to be aggregated under paragraph (c)(1)(iii) of this section.

(ii) Two weeks later when the ABC plan purchases XYZ common stock in an amount equal to 2.5 percent of the current value of plan assets, a reportable series of transactions under paragraph (c)(1)(iii) of this section has occurred. The sale of XYZ common stock worth 2 percent of plan assets and the purchase of XYZ common stock worth 2.5 percent of plan assets aggregate to exceed 3 percent of the total value of plan assets. Purchases and sales should be aggregated; a net calculation should not be made. Both the purchase and sale of XYZ common stock are part of the reportable series under paragraph (c)(1)(iii) of this section.

(4) At the beginning of the plan year, Plan X purchases from broker-dealer Y common stock of Able Industries in an amount equal to 4 percent of the current value of plan assets. This purchase is a reportable transaction under paragraph (c)(1)(i) of this section. Six months later, Plan X sells broker-dealer Y, the same broker-dealer involved in the previous 4 percent transaction, preferred stock of the Baker Corporation in an amount equal to 0.5 percent of the current value of plan assets. This sale is a reportable transaction under the provisions of paragraph (c)(1)(iv) of this section. Three months later, Plan X purchases from the same broker-dealer Y certain short term debt obligations of Charley Company in the amount of 0.2 percent of the current value of plan assets. This purchase is also a reportable transaction under the provisions of paragraph (c)(1)(iv) of this section.

§ 2520.103-7 Special accounting rules for plans filing the initial annual report.

(a) *General.* (1) The administrator of an employee benefit plan which meets the requirements described in paragraph (b)(1) of this section and elects to file an annual report containing the items prescribed in § 2520.103-1(b) or § 2520.103-2(b) is not required to comply with the accounting requirements described in paragraph (c)(1) of this section.

(2) Under the authority of sections 110 and 104(a)(3) of the Act, the administrator of any employee benefit plan which meets the requirements described in paragraph (b)(2) is not required to comply with the accounting requirements described in paragraph (c)(2) of this section.

(b) *Application.* With respect to the annual report described in § 2520.103-1 or § 2520.103-2, filed in accordance with § 2520.104a-5 or § 2520.104a-6 for the plan year beginning in 1975,

(1) The administrator of a plan which covers 100 or more participants or the trust or other entity which files an annual report in accordance with § 2520.-104-43 is not required to comply with the accounting requirements described in paragraph (c)(1) of this section; and

(2) The administrator of a plan which covers fewer than 100 participants is not required to comply with the accounting requirements described in paragraph (c)(2) of this section.

(c) *Excepted requirements.* (1) In the case of a plan which covers 100 or more participants as of the beginning of the plan year,

(i) To display at current value the statement of the assets and liabilities of the plan, as of the end of the previous plan year;

(ii) To engage an independent qualified public accountant to conduct an examination of the plan's financial statements for the plan year immediately preceding the plan year or trust year covered by the initial annual report; and

(iii) To include within the initial annual report the opinion of an independent qualified public accountant as to whether the financial statements for the close of the initial plan year are presented on a basis consistent with that of the preceding year.

(2) In the case of a plan which covers fewer than 100 participants at the beginning of the plan year, to display at current value the statement of the assets and liabilities of the plan displayed in Item 13 of Form 5500-C or Item 12 of Form 5500-K as of the end of the previous plan year or as of the beginning of the plan year subject to the initial annual report.

§ 2520.103-8 Limitation on scope of accountant's examination.

(a) *General.* Under the authority of section 103(a)(3)(C) of the Act, the examination and report of an independent qualified public accountant need not extend to any statement or information prepared and certified by a bank or similar institution or insurance carrier. A plan, trust or other entity which meets the requirements of paragraph (b) of this section is not required to have covered by the accountant's examination or report any of the information described in paragraph (c) of this section.

(b) *Application.* This section applies to any plan, trust or other entity some or all of the assets of which are held by a bank or similar institution or insurance carrier which is regulated and supervised and subject to periodic examination by a State or Federal agency.

(c) *Excluded information.* Any statements or information certified to by a bank or similar institution or insurance carrier described in paragraph (b) of this section, provided that the statements or information regarding assets so held are prepared and certified to by the bank or insurance carrier in accordance with § 2520.103-5.

§ 2520.103-9 Direct filing for bank or insurance carrier trusts and accounts.

(a) *General.* Under the authority of section 103(b)(4) of the Act, the Secretary may relieve any employee benefit plan whose assets are held in whole or in part in a common or collective trust or a pooled separate account described in section 103(b)(3)(G) of the Act and §§ 2520.103-3 and 2520.103-4 from including in the annual report the statement of assets and liabilities of the common or collective trust or pooled separate account in accordance with section 103(b)(3)(G) of the Act and § 2520.103-1 or § 2520.103-2 if the bank or insurance carrier which maintains such trust or account files such statement of assets and liabilities directly with the Secretary. An employee benefit plan which meets the requirements of paragraph (b)(1) is relieved from including a statement of assets and liabilities of the common or collective trust or pooled separate account, provided that the bank or insurance carrier which holds the plan's assets meets the requirements of paragraph (b)(2) of this section.

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(b) *Application.* A plan required to include a statement of assets and liabilities of a common or collective trust or pooled separate account in the annual report in accordance with section 103(b)(3)(G) of the Act and §§ 2520.103–3 and 2520.103–4 is relieved from including such statement in the annual report if the plan administrator files with the annual report the information described in paragraph (1) and the bank or insurance carrier files the information described in paragraph (b)(2) of this section in the manner described therein.

(1) The plan administrator shall include in the annual report:

(i) A certification that the plan has received from the bank or insurance carrier a copy of the most recent annual statement of assets and liabilities of any common or collective trust or pooled separate account in which any plan assets are held and

(ii) The Employer Identification Number (EIN) of such common or collective trust or pooled separate account and any additional identification number assigned to the trust or account for purposes of this section pursuant to paragraph (b)(2)(i)(C) of this section.

(2) The bank or insurance carrier which maintains the common or collective trust or pooled separate account in which assets of the plan are held—

(i) Shall file the following information with the Secretary:

(A) The most recent annual statement of the assets and liabilities of the common or collective trust fund or pooled separate account in which assets of the plan are held,

(B) A list of all plans, assets of which are held in the common or collective trust or pooled separate account identified by the Plan number as on the Annual Return/Report Form, name and EIN of the plan sponsor, and

(C) The EIN of the common or collective trust or pooled separate account; if the same EIN designates more than one trust or account, the bank or insurance carrier shall sequentially number the trusts or accounts for purposes of this section and report the sequential numbers together with the EIN; and

(ii) Shall furnish the following items to the plan administrator:

(A) The most recent annual statement of assets and liabilities of the common or collective trust or pooled separate account in which the plan is a participant (See § 2520.103–5);

(B) The EIN of the common or collective trust or separate account and any other identification number assigned to the trust for purposes of this section; and

(C) A certification that a copy of the most recent annual statement of assets and liabilities of the trust or account has been filed with the Secretary on or before the date upon which the annual report of the plan is required to be filed in accordance with § 2520.104a–5 or 2520.104a–6.

(c) *Filing address.* See § 2520.104a–5(b).

§ 2520.103–10 Format and contents of annual report financial schedules.

(a) *General.* Under the authority of section 103(c)(5) of the Act, the separate financial schedules required by item 24(b) of Form 5500 Annual Return/Report shall include the information presented in the formats prescribed in paragraph (b) of this section.

(b) *Format and Content of schedules.* (1) *Assets held for investment.* A schedule of all assets held for investment purposes aggregated and identified by issue, maturity date, rate of interest, collateral, par or maturity value, cost, and current value and in the case of a loan, the payment schedule (e.g. fully amortized, partly amortized with balloon) in the format set forth below:

a.	b. Identity of issue, borrower, lessor or similar party	c. Description of investment including maturity date, rate of interest, collateral, par or maturity value	d. Cost	e. Current value

(2) *Party-in-interest transactions.* Except in the case of a transaction to which a statutory exemption under Part 4 of Title I or an administrative exemption under section 408(a) of the Act is applicable, a schedule of each transaction involving a person known to be a party in interest, the identity of such party in interest and his relationship or that of any other party in interest to the plan or trust, a description of each asset to which the transaction relates, the purchase or selling price (in case of a sale or purchase) or the rental (in case of a lease) or the interest rate and maturity date (in the case of a loan), the expenses incurred by the plan or trust in connection with the transaction, the cost of the asset, the current value of the asset, and the net gain (or loss) on each transaction; in the format set forth below:

a. Identity of party involved	b. Relationship to plan, employer or other party-in-interest	c. Description of transactions including maturity date, rate of interest, collateral, par or maturity value	d. Purchase price	e. Selling price	f. Lease rental	g. Expenses incurred in connection with transaction	h. Cost of asset	i. Current value of asset	j. Net gain or (loss) on each transaction

(3) *Obligations in default.* A schedule of all loans or fixed income obligations which were in default as of the close of the plan or trust fiscal year or were classified during the year as uncollectable, and the following information with respect to each loan on such schedule (including a notation as to whether parties involved are known to be parties in interest): the original principal amount of the loan, the amount of principal and interest received during the reporting year, the unpaid balance, the identity and address of the obligor, a detailed description of the loan (including date of making and maturity, interest rate, the type and value of collateral, and other material terms), the amount of principal and interest overdue (if any) and an explanation thereof; in the format set forth below:

a.	b. Identity of party involved	c. Original amount of loan	Amount received during reporting year		f. Unpaid balance at end of year	g. Detailed description of loan including dates of making and maturity, interest rate, the type and value of collateral, any renegotiation of the loan and the terms of the renegotiation and other material terms	Amount overdue	
			d. Principal	e. Interest			h. Principal	i. Interest

(4) *Leases in default.* A schedule of all leases which were in default or were classified during the year as uncollectable and the following information with respect to each lease on such schedule (including a notation as to whether parties involved are known to be parties in interest): The type of property leased and, in the case of fixed assets such as land, buildings, leasehold, and so forth, the location of the property, the identity of the lessor or lessee from or to whom the plan is leasing, the relationship of such lessors and lessees (if any) to the trust, the employer, employee organization, or any other party in interest, the terms of the lease regarding rent, taxes, insurance, repair, expenses, and renewal options, the date the leased property was purchased and its cost, the date the property was leased and its approximate value at such date, the gross rental receipts during the reporting period, expenses paid for the leased property during the reporting period, the net receipts from the lease, the amount in arrears, and a statement as to what steps have been taken to collect amounts due or otherwise remedy the default; in the format set forth below:

a.	b. Identity of lessor/lessee	c. Relationship to plan, employer, employee organization or other party-in-interest	d. Terms and description (type of property, location and date it was purchased, terms regarding rent, taxes, insurance, repairs, expenses, renewal options, date property was leased)	e. Original cost	f. Current value at time of lease	g. Gross rental receipts during the plan year	h. Expenses paid during the plan year	i. Net receipts	j. Amount in arrears

(5) *Reportable transactions.* A schedule of any reportable transactions as defined in § 2520.103–6, in the format set forth below:

a. Identity of party involved	b. Description of asset (include interest rate and maturity in case of a loan)	c. Purchase price	d. Selling price	e. Lease rental	f. Expense incurred with transaction	g. Cost of asset	h. Current value of asset	i. Net gain or (loss)

Subpart D

§ 2520.104–41 Simplified annual reporting requirements for plans with fewer than 100 participants.

(a) *General.* (1) Under the authority of section 104(a)(2)(A), the Secretary of Labor may prescribe simplified annual reporting for employee pension benefit plans with fewer than 100 participants.

(2) Under the authority of section 104(a)(3), the Secretary of Labor may provide a limited exemption for any employee welfare benefit plan with respect to certain annual reporting requirements.

(b) *Application.* The administrator of an employee pension or welfare benefit plan which covers fewer than 100 participants at the beginning of the plan year and is required to file an annual report under section 104(a)(1)(A) of the Act and § 2520.104a–5 shall file the simplified annual report described in paragraph (c) of this section.

(c) *Contents.* (1) The administrator of an employee benefit plan which covers fewer than 100 participants none of whom is an owner-employee, as defined in section 401(c)(3) of the Internal Revenue Code of 1954, shall file a Form 5500–C "Annual Return/Report of Employee Benefit Plan (with fewer than 100 participants, none of whom is an owner employee)" in the manner prescribed in § 2520.104a–5.

(2) The administrator of an employee pension Keogh plan which covers fewer than 100 participants, at least one of whom is an owner-employee, as defined in section 401(c)(3) of the Internal Revenue Code of 1954, shall file a Form 5500–K "Annual Return/Report of Employee Pension Benefit Plan for Sole Proprietorships and Partnerships (with fewer than 100 participants one of whom is an owner-employee)" in the manner prescribed in § 2520.104a–5.

§ 2520.104–42 Waiver of certain actuarial information in the annual report.

(a) *Scope and application.* Under the authority of 104(a)(2)(A) of the Act, the Secretary of Labor may waive the requirement that the annual report include as part of the actuarial statement (Schedule B) the present value of all of the plan's liabilities for nonforfeitable pension benefits allocated by the termination priority categories, as set forth in section 4044 of Title IV of the Act, and the actuarial assumptions used in these computations. In accordance with this authoirity, the plan administrator of any employee pension benefit plan required under sections 103(c)(5) and 103(d) of the Act to include actuarial information as part of the annual report is not required to include a statement of the present value of all of the plan's liabilities for nonforfeitable pension benefits allocated by termination priority categories, as set forth in section 4044 of Title IV of the Act, and the actuarial assumptions used in these computations.

(b) *Limitation.* This section applies only to the annual report required to be filed for plan years beginning in 1975.

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§ 2520.104–43 Exemption from annual reporting requirement for certain group insurance arrangements.

(a) *General.* Under the authority of section 104(a)(3) of the Act, the administrator of an employee welfare benefit plan which meets the requirements of paragraph (b) of this section is not required to file an annual report with the Secretary of Labor as required by section 104(a)(1)(A) of the Act.

(b) *Application.* (1) This exemption applies only to a welfare plan for a plan year in which (i) such plan meets the requirements of § 2520.104–21, except the requirement that the plan have fewer than 100 participants, and (ii) an annual report containing the items set forth in § 2520.103–2 has been filed with the Secretary of Labor in accordance with § 2520.104a–6 by the trust or other entity which is the legal owner of the insurance contracts by which plan benefits are provided and the conduit for payment of premiums for such policies.

(2) For purposes of this section, the term "trust or other entity" shall be used in place of the term "plan" or "plan administrator" as applicable, in §§ 2520.103–3, 2520.103–4, 2520.103–6, 2520.103–7(b)(1), 2520.103–8, 2520.103–9, 2520.103–10, and 2520.104–45.

(c) *Limitation.* This provision does not exempt the administrator of an employee benefit plan which meets the requirements of paragraph (b) from furnishing a copy of a summary annual report to participants and beneficiaries of the plan, as required by section 104(b)(3) of the Act.

§ 2520.104–44 Limited exemption and alternative method of compliance for annual reporting by unfunded and insured plans.

(a) *General.* (1) Under the authority of section 104(a)(3) of the Act, the Secretary of Labor may exempt an employee welfare benefit plan from any or all of the reporting and disclosure requirements of Title I. An employee welfare benefit plan which meets the requirements of paragraph (b)(1) of this section is not required to comply with the annual reporting requirements described in paragraph (c) of this section.

(2) Under the authority of section 110 of the Act, an alternative method of compliance is prescribed for certain employee pension benefit plans subject to Part 1, Title I of the Act. An employee pension benefit plan which meets the requirements of paragraph (b)(2) of this section is not required to comply with the annual reporting requirements described in paragraph (c) of this section.

(b) *Application.* This section applies only to:

(1) An employee welfare benefit plan under the terms of which benefits are to be paid—

(i) Solely from the general assets of the employer or employee organization maintaining the plan,

(ii) The benefits of which are provided exclusively through insurance contracts or policies issued by an insurance company or similar organization which is qualified to do business in any State, the premiums for which are paid directly by the employer or employee organization from its general assets or partly from its general assets and partly from contributions by its employees or members, provided that any plan assets held by the insurance company are held solely in the general account of such company, contributions by participants are forwarded by the employer or employee organization within three months of receipt and, in the case of a plan that provides for the return of refunds to contributing participants, such refunds are returned to them within three months of receipt by the employer or employee organization, or

(iii) Partly in the manner specified in (b)(1)(i) and partly in the manner specified in (b)(1)(ii) of this section; and

(2) A pension benefit plan the benefits of which are provided exclusively through insurance contracts or policies issued by an insurance company or similar organization which is qualified to do business in any State, the premiums for which are paid directly by the employer or employee organization from its general assets or partly from its general assets and partly from contributions by its employees or members, provided that any plan assets held by the insurance company are held solely in the general account of such company, contributions by participants are forwarded by the employer or employee organization within three months of receipt and, in the case of a plan that provides for the return or refunds to contributing participants, such refunds are returned to them within three months of receipt by the employer or employee organization.

(c) *Contents.* An employee benefit plan described in paragraph (b) of this section is exempt from complying with the following annual reporting requirements:

(1) Competing items 13, 14, and 24 of Form 5500 in the case of a plan required to file Form 5500 pursuant to § 2520.104a–5; items 13, 14, and 16 in the case of a plan required to file Form 5500–C in accordance with § 2520.104–41, or items 12 and 14 in the case of a plan required to file Form 5500–K in accordance with § 2520.104–41;

(2) Including in the annual report the financial statements and schedules described in section 103(b) of the Act and § 2520.103–1 or § 2520.103–2;

(3) Engaging an independent qualified public accountant pursuant to section 103(a)(3)(A) of the Act and § 2520.103–1(b) to conduct an examination of the financial statements and schedules of the plan; and

(4) Including in the annual report a report of an independent qualified public accountant concerning the financial statements and schedules required to be a part of the annual report pursuant to section 103(b) of the Act and § 2520.103–1(b).

(d) *Limitation.* This section does not exempt any plan from filing an annual report form with the Secretary in accordance with section 104(a)(1)(A) of the Act and § 2520.104a–5.

(e) *Example.* An insured welfare plan which meets all the requirements for coverage under § 2520.104–20 except that it covers 100 or more participants is not exempt from the annual reporting requirements under § 2520.104–20. Under this section, such a welfare plan should file Form 5500, including Schedule A "Insurance Information." However, the plan is not required to engage an independent qualified public accountant and items 13, 14, and 24 of Form 5500 need not be completed.

§ 2520.104–45 Temporary exemption from reporting insurance fees and commissions for insured plans with fewer than 100 participants.

(a) *General.* (1) Under the authority of section 104(a)(3) of the Act, the Secretary of Labor may exempt an employee welfare benefit plan from any or all of the reporting and disclosure requirements of Title I. The administrator of an employee welfare benefit plan which meets the requirements of paragraph (b) is exempt from complying with the annual reporting requirements described in paragraph (c) of this section.

(2) Under the authority of section 110 of the Act, the Secretary of Labor may prescribe an alternative method of compliance for employee pension benefit plans subject to Part 1, Title I, of the Act. The administrator of an employee pension benefit plan which meets the requirements of paragraph (b) of this section is not required to comply with the annual reporting requirements described in paragraph (c) of this section.

(b) *Application.* (1) The provisions of this section apply only to welfare and pension plans which cover fewer than 100 participants at the beginning of the plan year and which provide benefits in whole or in part through insurance contracts or policies issued by an insurance company or similar organization which is qualified to do business in any State.

(c) *Contents.* A plan which meets the requirements of paragraph (b) of this section is not required to include in the annual report filed in accordance with section 104(a)(1)(A) of the Act and § 2520.104a–5 or § 2520.104a–6 the following information described under sections 103 (c) and (e) of the Act:

(1) The name and address of any insurance agent, broker or other person to whom insurance commissions, salaries or fees are paid;

(2) The amount paid to each; and

(3) The purpose for which such payment is made.

(d) *Limitation.* The provisions of this section apply only to the annual report required to be filed for the plan year beginning in 1975.

§ 2520.104–46 Waiver of examination and report of an independent qualified public accountant for employee benefit plans with fewer than 100 participants.

(a) *General.* (1) Under the authority of section 103(a)(3)(A) of the Act, the Secretary may waive the requirements of section 103(a)(3)(A) in the case of a plan for which simplified annual reporting has been prescribed in accordance with section 104(a)(2) of the Act.

(2) Under the authority of section 104(a)(3) of the Act the Secretary may exempt any employee welfare benefit plan from certain annual reporting requirements.

(b) *Application.* (1) The administrator of an employee pension plan for which simplified annual reporting has been prescribed in accordance with section 104(a)(2)(A) of the Act and § 2520.104–41 is not required to comply with the annual reporting requirements described in paragraph (c).

(2) The administrator of an employee welfare benefit plan that covers fewer than 100 participants at the beginning of the plan year is not required to comply with annual reporting requirements described in paragraph (c).

(c) *Waiver.* The administrator of a plan described in paragraph (b) (1) or (2) of this section is not required to:

(1) Engage an independent qualified public accountant to conduct an examination of the financial statements of the plan;

(2) Include within the annual report the financial statements and schedules prescribed in section 103(b) of the Act and §§ 2520.103–1, 2520.103–2, and 2520.103–10 and

(3) Include within the annual report a report of an independent qualified public accountant as prescribed in section 103(a)(3)(A) of the Act and § 2520.103–1.

(d) *Limitation.* The waiver described in this section does not affect the obligation of a plan described in paragraph (b) (1) or (2) of this section to file a Form 5500 –C or –K and all schedules called for therein. See § 2520.104–41.

Subpart E

§ 2520.104a–5 Annual report filing requirements.

(a) *Filing obligation.* Except as provided in § 2520.104a–6, the administrator of an employee benefit plan required to file an annual report pursuant to section 104(a)(1)(A) of the Act shall file an annual report containing the items prescribed in § 2520.103–1 within:

(1) Eleven and one half months after the close of the fiscal year of the trust or other entity described in § 2520.104–43(b) that files an annual report in accordance with the terms of paragraphs (b) and (c) of this section shall be deemed to have filed such report in accordance with § 2520.104a–6 for purposes of § 2520.104–43.

(b) *Date of filing.* The annual report shall be filed within:

(1) Eleven and one half months after the close of the fiscal year of the trust or other entity described in § 2520.104–43 which begins in 1975 or December 15, 1976, whichever is later; and

(2) Seven months after the close of any trust year which begins after December 31, 1975.

(c) *Filing address.* The annual report prescribed in § 2520.103–2 shall be filed with the Secretary of Labor by mailing it to OEBS Annual Report, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, or by delivering it during normal working hours to Room N–4635, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C.

Subpart F

§ 2520.104b–10 Summary annual report.

(a) *Obligation to furnish.* Under the authority of sections 104(a)(3) and 110 of the Act, the administrator of an employee benefit plan subject to Part 1, Title I of the Act shall furnish a summary annual report containing the information prescribed in paragraph (c) of this section to plan participants and beneficiaries within 9 months after the close of the plan year or the date prescribed in paragraph (b), in accordance with § 2520.104b–1.

(b) *Deferral of initial disclosure requirements.* (1) Under the authority of section 104(a)(3) of the Act, the Administrator of an employee welfare benefit plan required to furnish a summary annual report for the plan year beginning in 1975 to plan participants and beneficiaries may defer compliance with the requirement to furnish a summary annual report in accordance with section 104(b)(3) of the Act within 13½ months after the close of the plan year which begins in 1975 or February 15, 1977, whichever is later.

(2) Under the authority of section 110 of the Act, an alternative method of compliance is prescribed for employee pension benefit plans required to furnish a summary annual report for the plan year beginning in 1975 to plan participants and beneficiaries. Such a pension plan may defer compliance with the requirement to furnish a summary annual report in accordance with section 104(b)(3) of the Act within 13½ months after the close of the plan year which begins in 1975 or February 15, 1977, whichever is later.

(c) *Contents.* Except as provided in paragraph (d) of this section and § 2520.104b–11, the summary annual report furnished to participants and beneficiaries shall contain the items listed below. Statements, schedules, and other items of information included in these items which are a part of the annual report form and attachments required to be filed with the Secretary of Labor in accordance with §§ 2520.104a–5 and 2520.103–1 shall be reproduced accurately and in full. The summary annual report shall include:

(1) *Requirements for plans filing Form 5500.* (i) The name of the plan and, if different, the name by which the plan is commonly known to its participants and beneficiaries;

(ii) (A) The name and address of any employer having employees covered by the plan, (B) the name and address of any labor organization maintaining the plan, or (C) in the case of a plan established or maintained by two or more employers or by one or more employers and one or more employee organizations, the name and address of the association, committee, joint board of trustees, parent, or most significant employer of a group of employers contributing to the same plan;

(iii) The name, business address, and business telephone number of the plan administrator; and

(iv) The items prescribed in section 104(b)(3) of the Act; or

(v) For a plan which elects the limited exemption or alternative method of compliance described in § 2520.103–1(b):

(A) The financial statements and accompanying notes prescribed under § 2520.103–1(b), except that a plan which does not list assets and liabilities at the beginning of the year at current value, as permitted by § 2520.103–7(c)(1), shall not include the beginning-of-the-year value of assets and liabilities of the plan as prescribed in § 2520.103–1(b)(2)(i), and

(B) A notice which reads as follows: "Plan participants and beneficiaries may obtain copies of the following more detailed annual report information for a reasonable charge, or inspect it without charge: The latest full annual report, or any of parts of the report including a list of any assets held for investment; a list of certain party-in-interest transactions, a list of any loans or obligations in default; a list of any leases in default; and a list of transactions involving more than 3 percent of plan assets. To obtain a copy of any documents listed, write to the administrator asking for what you want. The administrator will state the charge for specific documents on request, so that you can find out the cost before ordering. All the documents listed can be examined at [state locations where documents may be examined]."

(2) *Requirements for plans filing Form 5500–C.* Under the authority of sections 104(a)(3) and 110 of the Act, a plan filing Form 5500–C, as prescribed in § 2520.104–41, shall include the following items in the summary annual report:

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(i) A copy of Form 5500–C, except that a plan which does not list assets and liabilities at the beginning of the year at current value, as permitted by § 2520.103–7(c)(2), shall not include the value of assets and liabilities of the plan as prescribed in item 13 of Form 5500–C; and

(ii) A notice which reads as follows: "Plan participants and beneficiaries may obtain copies of the following more detailed annual report information for a reasonable charge or inspect without charge: the latest, full annual report, including a list of certain party-in-interest transactions. To obtain a copy of any documents listed, write to the administrator asking for exactly what you want. The administrator will state the charge for specific documents on request, so that you can find out the cost before ordering. All documents listed can be examined at [state locations where documents may be examined]."

(3) *Requirements for plans filing Form 5500–K.* Under the authority of section 110 of the Act, a pension plan filing Form 5500–K, as prescribed in § 2520.104–41, shall include the following items in the summary annual report:

(i) A copy of Form 5500–K, except that a plan which does not state net assets at current value at the beginning of the plan year, as permitted by § 2520.103–7(c)(2), shall not include an amount for net assets at the beginning of the plan year in item 12 of Form 5500–K and

(ii) A notice which reads as follows: "Plan participants and beneficiaries may obtain copies of the following more detailed annual report information for a reasonable charge or inspect without charge: the latest full annual report, including a list of certain party-in-interest transactions. To obtain a copy of any documents listed, write to the administrator asking for what you want. The administrator will state the charge for specific documents on request, so that you can find out the cost before ordering. All the documents listed can be examined at [state locations where documents may be examined]."

(4) *Additional requirements for insured plans described in paragraphs (1), (2), or (3).* (i) In the case of a pension plan funded in part or in whole through insurance contracts, the summary annual report shall also include items 5, 6, and 7 of Schedule A (Insurance Information) of the Annual Return/Report Form.

(ii) In the case of a welfare plan funded in part or in whole through an insurance contract, the summary annual report shall also include items 9 and 10 of Schedule A (Insurance Information) of Annual Return/Report Form.

(5) *Unfunded plans.* Under the authority of sections 104(a)(3) and 110 of the Act, a totally unfunded plan described in § 2520.104–44 is exempt from the requirement to furnish a summary annual report under section 104(b)(3) of the Act.

(d) *Style and format.* (1) The plan administrator may add explanatory text and other relevant information to the list of items described in paragraph (c) of this section. However, the format of the summary annual report shall not have the effect of misleading, misinforming, or failing to inform participants and beneficiaries of the plan. For example, a summary annual report which prominently displays information other than that prescribed in paragraph (c) of this section and prints the information prescribed in paragraph (c) of this section in small, inconspicuous print will not satisfy the requirements of this section. Any additional or explanatory information shall be written in a manner calculated to be understood by the average plan participant, taking into account factors such as the level of comprehension and education of typical participants in the plan and the complexity of the items required under this section to be included in the summary annual report. Inaccurate or misleading explanatory material will fail to meet the requirements of this section.

(2) Foreign languages. In the case of either—

(i) A plan which covers fewer than 100 participants at the beginning of a plan year in which 25 percent or more of all plan participants are literate only in the same non-English language, or

(ii) A plan which covers 100 or more participants in which 500 or more participants or 10 percent or more of all plan participants, whichever is less, are literate only in the same non-English language, so that a summary annual report in English would fail to inform these participants of the financial status of the plan the plan administrator for such plan shall provide these participants with an English-language summary annual report which prominently displays a notice, in the non-English language common to these participants, offering them assistance. The assistance provided need not involve written materials, but shall be given in the non-English language common to these participants. The notice offering assistance shall clearly set forth the procedures participants must follow to obtain such assistance.

§ 2520.104b–11 Summary annual report for plans which are part of a group insurance arrangement.

(a) *Obligation to furnish.* In accordance with section 104(b)(3) of the Act, the administrator of an employee welfare benefit plan which is part of a group insurance arrangement described in § 2520.104–43 shall furnish a summary annual report containing the information prescribed in paragraph (b) of this section for fiscal years beginning after December 31, 1974 in accordance with the requirements of § 2520.104b–1 within nine months after the close of the fiscal year of the trust or other entity which is filing the annual report with the Secretary pursuant to § 2520.104a–6, except that for fiscal years beginning in 1975, the administrator shall furnish the summary annual report within thirteen and one half months after the close of the fiscal year or February 15, 1977, whichever is later.

(b) *Contents.* The summary annual report furnished to participants and beneficiaries in accordance with paragraph (a) of this section shall include:

(1) The name of the plan and, if different, the name by which the plan is commonly known to its participants and beneficiaries;

(2)(i) The name and address of any employer having employees covered by the plan, (ii) the name and address of any labor organization maintaining the plan, or (iii) in the case of a plan established or maintained by two or more employers or by one or more employers and one or more employee organizations, the name and address of the association, committee, joint board of trustees, parent, or most significant employer of a group of employers contributing to the same plan;

(3) The name, business address, and business telephone number of the plan administrator; and

(4) The financial statements and accompanying notes prescribed under § 2520.103–2(b). A trust which does not list assets and liabilities at current value at the beginning of the year, as permitted by § 2520.103–7(c)(1), shall not include the value of assets and liabilities of the trust as prescribed in the first column of item 13 of Form 5500.

(5) A notice which reads as follows: "Plan participants and beneficiaries may obtain copies of the following more detailed annual report information for a reasonable charge, or inspect it without charge: The latest full annual report, or any of parts of the report including a list of any assets held for investment; a list of certain party-in-interest transactions; a list of any loans or obligations in default; a list of any leases in default; and a list of transactions involving more than 3% of trust assets. To obtain a copy of any documents listed, write to the administrator asking for what you want. The administrator will state the charge for specific documents on request, so that you can find out the cost before ordering. All the documents listed can be examined at [state locations where documents may be examined]."

(c) *Style and format.* See § 2520.104b–10(h).

Signed at Washington, D.C., this 29th day of July, 1976.

JAMES D. HUTCHINSON,
Administrator of Pension and Welfare Benefit Plans.

[FR Doc.76–22440 Filed 7–30–76;3:33 pm]

federal register

TUESDAY, AUGUST 3, 1976

PART III:

SECURITIES AND EXCHANGE COMMISSION

FORMS FOR REGISTRATION STATEMENTS

Proposed Amendments and Rescission

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SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 239]

[Release Nos. 33-5728 and 34-12654; File No. S7-646]

FORMS FOR REGISTRATION STATEMENTS

Proposed Amendments and Rescission

The Securities and Exchange Commission today published for comment proposed amendments to Form S-7 (17 CFR 239.26) and Form S-16 (17 CFR 239.27), which would make these forms available to a larger number of issuers, and a proposal to rescind Form S-9 (17 CFR 239.22), under the Securities Act of 1933 ("Securities Act") (15 U.S.C. 77a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)). The proposed amendments to Form S-7 also would expand the availability of that form to issuers presently registering securities on Form S-9, making the latter form unnecessary.

This release contains a general discussion of the background, purpose and effect of the proposed amendments and a brief description of certain significant aspects of the proposals. Attention is directed to the attached text of the proposals for a more complete understanding.

BACKGROUND AND PURPOSE

In Securities Act Release No. 5613 (September 11, 1975) (40 FR 44584), the Commission published for comment proposed amendments to Form S-7 which would substantially relax the conditions to use of that form, as well as Form S-16.[1] At that time, the Commission announced that Forms S-7 and S-16 would be available to issuers which met the then-proposed amended conditions to use of the forms while the proposals were pending. Comments received on those proposals, as well as experience with the use of Forms S-7 and S-16 pursuant to the proposed amendments, have been favorable. Accordingly, the Commission is republishing those proposals for comment, together with additional proposals which would further relax the conditions to use of Forms S-7 and S-16, thus making these short registration forms available to a larger number of issuers and making Form S-7 available for the registration of securities to be offered in exchange for other securities, as well as for cash. In developing the present proposals, the Commission has carefully considered the comments received on the earlier proposals.

Issuers eligible to use Forms S-7 and S-16 for the registration of securities are permitted to omit from the Form S-7 prospectus, or to incorporate by reference in the Form S-16 prospectus, substantial information already provided to security holders or available to investors in reports filed with the Commission pursuant to the Securities Exchange Act of 1934 ("Exchange Act") (15 U.S.C. 78a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)). As a result, a Form S-7 or S-16 prospectus generally is much simpler and shorter than one prepared pursuant to other available forms and the burden and expense to registrants of preparing the registration statement is reduced.

The present proposals would make Forms S-7 and S-16 available to a larger number of those issuers which are subject to the reporting requirements of the Exchange Act, thus reflecting recent improvements in the nature and extent of the information required to be included in reports filed with the Commission and provided to security holders under the proxy requirements of that Act and the increased availability of such information to the investing public.

The Commission also proposes, if the amendments to Form S-7 are adopted substantially as proposed, to rescind Form S-9, a form presently available for registration under the Securities Act of non-convertible, fixed interest debt securities by issuers subject to the reporting requirements of section 13 or 15(d) of the Exchange Act and which meet certain other conditions. In recent years, Form S-9 has been used by a continually decreasing number of issuers, and a survey of registration statements on Form S-9 filed during the past three years indicates that almost all issuers who have used the form during this period would be eligible to use Form S-7, as proposed to be amended, for the registration of debt securities.

These proposals are a part of the Commission's continuing efforts to further integrate the corporate disclosure requirements under the federal securities laws by permitting information provided to investors pursuant to the continuous disclosure requirements of the Exchange Act, to be relied upon in lieu of disclosures which otherwise would be required in registration statements under the Securities Act.

PROPOSAL TO MODIFY REQUIREMENT THAT ISSUER HAVE A CLASS OF SECURITIES REGISTERED UNDER SECTIONS 12(b) OR 12(g) OF THE EXCHANGE ACT

The Rule as to Use of Form S-7 presently requires that an issuer have a class of equity securities registered pursuant to section 12(b) of the Exchange Act or be a domestic issuer with a class of equity securities registered pursuant to section 12(g) of that Act. The amendments proposed today would make the form available to any issuer with a class of securities (debt or equity) registered pursuant to section 12(b) of the Exchange Act, as well as to any domestic issuer with a class of equity securities registered under section 12(g) of that Act.[2] This proposed amendment is intended to reflect the fact that through reports filed with the Commission pursuant to section 13 of the Exchange Act the information available to the investing public concerning issuers with a class of debt securities listed on a national securities exchange is substantially similiar to the information available concerning issuers with a class of equity securities listed on an exchange.[3]

PROPOSAL TO MODIFY REQUIREMENT RELATING TO COMPLIANCE WITH SECTIONS 13 AND 14 OF THE EXCHANGE ACT

In order to meet the present conditions to use of Forms S-7 and S-16, an issuer must have complied in all respects, including timeliness, with the requirements of sections 13 and 14 of the Exchange Act for three fiscal years prior to the filing of the registration statement.

The amendments proposed today would modify this provision to require that the issuer have been subject to Sections 13 and 14 of that Act and have filed all reports required thereunder for at least three calendar years prior to the filing of the registration statement. This proposal would make Forms S-7 and S-16 available to a wider range of issuers and, at the same time, should assure that sufficient information about issuers using the forms is available to the investing public through the Exchange Act reporting system.

In addition, the period during which all such reports must have been timely filed would be reduced from three fiscal years to twelve calendar months.[4] This is intended to reduce the hardship (that is, the loss of the right to use Forms S-7 and S-16 for a period of time) which may result from an issuer's failure to meet the timeliness requirement and, at the same time, to provide sufficient incentive to issuers to timely file all required reports. Generally, the staff will strictly enforce this condition to use of Forms S-7 and S-16, since the timely filing of required reports under the Exchange Act is essential to maintain the availability to the public of current and adequate information concerning registrants.[5]

PROPOSAL TO ELIMINATE CONTINUITY OF MANAGEMENT REQUIREMENT

The Commission proposes to eliminate as a condition to the use of Form S-7 or S-16 the requirement that a majority of the existing board of directors of the issuer has held that office for the last three fiscal years.

In recent years, the staff has received and granted numerous requests for waivers of this condition in circumstances where issuers have been unable to meet this requirement because, for example, of recent increases in the size of the board of directors or because of turnover on the board due to the death or retirement of directors. In light of this experience, the Commission believes that the requirement is unnecessarily restrictive and that issuers should not be precluded from using Form S-7 or S-16 simply because there has been a change in the majority of the board of directors.

Nevertheless, where there has been a recent change in control of the issuer within the meaning of Securities Act Rule 405(f) (17 CFR 230.405(f)), the Commission believes that current information concerning the issuer's management and the principal holders of its securities, including their remuneration and interests in transactions with the issuer, may not be publicly available and should be included in the Form S-7 or S-16 prospectus. Accordingly, as described below, the Commission also is proposing to add a new Item 10 to Form S-7 and to amend Item 9 of Form S-16 to require disclosure of such information where there has been a change of control.

PROPOSAL TO MODIFY REQUIREMENT RELATING TO DEFAULTS

The proposals published for comment today would reduce from ten years to three years the period during which the issuer and its subsidiaries may not have defaulted in the payment of any dividend or sinking fund installment on preferred stock, or in the payment of any principal, interest or sinking fund installment on any indebtedness or borrowed money, or in the payment of rentals under long term leases, as a condition to use of these forms. In addition, the Rule as to Use of Form S-7 would be amended to make clear that this condition relates to defaults on any indebtedness, whether for borrowed money or for any other purpose.[6] It also should be noted that the term "default" as used herein has been, and will continue to be, interpreted to include the failure to pay a dividend on preferred stock. Such a "default" cannot be remedied for purposes of this requirement by a subsequent payment of the missed dividend.

PROPOSAL TO MODIFY MINIMUM EARNINGS REQUIREMENT

The present Rule as to Use of Form S-7 requires that the issuer and its subsidiaries have had a net income, after taxes but before extraordinary items, of at least $500,000 for each of the last five fiscal years. The amendments proposed today would reduce the minimum earnings required to $250,000 for three of the last four fiscal years, including the most recent fiscal year.[7] In response to public comments received concerning the September, 1975 proposal to amend Form S-7, the amendments provide that the cumulative effect of a change in accounting principle shall be excluded in determining net income.

PROPOSAL TO ELIMINATE REQUIREMENT RELATING TO EARNED DIVIDENDS

The Rule as to Use of Form S-7 presently requires that if the securities to be registered are common stock or are convertible into common stock, the registrant shall have earned, in each of the 1st five fiscal years, any dividends paid in such years. The Commission is proposing to eliminate this requirement as a condition to the use of Forms S-7 and S-16.[8]

The above-outlined proposals would increase the number of issuers eligible to use Forms S-7 and S-16. The Commission believes that it is appropriate in the public interest and for the protection of investors to expand the availability of these forms, which are shorter and less expensive to use than other forms for the registration of securities under the Securities Act, to more of those issuers which are providing current and adequate information to investors through the continuous disclosure system under the Exchange Act.

PROPOSAL TO PERMIT THE USE OF FORMS S-7 AND S-16 BY A SUCCESSOR TO AN INSURER

The amendments proposed today would provide that an issuer shall be deemed to have met the conditions to use of Forms S-7 and S-16 relating to Exchange Act reports, defaults and net income if its predecessor and it, taken together, do so and if (1) the succession was primarily for the purpose of changing the state of incorporation of the predecessor or forming a holding company and (2) the assets and liabilities of the successor at the time of succession were substantially the same as those of the predecessor. This proposal would codify existing staff interpretative positions.

PROPOSAL TO MAKE FORM S-7 AVAILABLE FOR USE IN CONNECTION WITH EXCHANGE OFFERS

Presently, Form S-7 may be used only to register securities to be offered for cash. The Commission is proposing, however, to make the form available for the registration of securities to be offered in exchange for other securities of the issuer or securities of any other person.[9] A new Instruction G is proposed to be added to Form S-7 which would require additional information to be included in the prospectus covering securities of the issuer to be offered in exchange for securities of any other person. This additional information would relate to the management of the issuer and its principal security holders, their transactions with the issuer, their interest in the other person, and the issuer's interest in such other person. Public comments are specifically requested with respect to the necessity and materiality of such additional disclosure.

Proposed new Instruction G also would require that the prospectus include information concerning the person whose securities are the subject of the exchange offer identical to that required by Items 6 to 10 and 12 to 15 of Form S-1 (17 CFR 239.11), except in cases where such other person also is eligible to use Form S-7. If such other person is eligible to use Form S-7, the prospectus would include the information concerning it called for by Items 5 to 10 and 12 of Form S-7.

In addition, proposed new Instruction G refers to Item 11(d) of Form S-7, which requires financial statements concerning the other person identical to those which would be required in a regis-

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[1] The Rule as to Use of Form S-16 provides that the form is available for registration under the Securities Act of certain securities of issuers which meet the requirements for the use of Fom S-7 at the time the registration statement is filed. Thus, the present proposals to amend the Rule as to Use of Form S-7 automatically would amend the Rule as to Use of Form S-16. See General Instruction A to Form S-16 (17 CFR 239.27 (a)).

[2] It should be noted that issuers who wish to do so may voluntarily register any class of equity security pursuant to section 12(g)(1) of the Exchange Act by filing an appropriate registration statement pursuant to the provisions of that section.

[3] This is particularly so in light of the information concerning the management and principal shareholders of an issuer required to be included in Part II of reports on Form 10-K [17 CFR 249.310] which have not filed proxy or information statements pursuant to Regulation 14A [17 CFR 240.14a-1 to 240.-14a-103] or 14C. [17 CFR 240.14c-1 to 240.-14c-101].

[4] A report filed within the time granted pursuant to a request for an extension of time under Exchange Act Rule 12b-25 [17 CFR 240.12b-25] shall be considered timely filed.

[5] In this connection, the Commission wishes to remind issuers that Exchange Act Rule 0-3 [17 CFR 240.0-3] provides that the "date on which papers are actually received by the Commission shall be the date of filing • • •" The Commission recognizes, however, that, on rare occasions, a document sent to the Commission in a timely fashion may arrive shortly after the required filing date because of circumstances beyond the control of the issuer. In such cases, the staff may, in its discretion, grant an exception to this requirement where to do so is consistent with the public interest and the protection of investors. Cf., Securities Act Rule 401 [17 CFR 230.401].

[6] This proposal was previously published for comment in Securities Act Release No. 5613 (September 11, 1975) (40 FR 44584).

[7] In Securities Act Release No. 5613 (September 11, 1975) (40 FR 44584), the Commission proposed to reduce the net income requirement to $250,000 for each of the last three fiscal years.

[8] Elimination of this requirement was previously proposed in Securities Act Release No. 5613 (September 11, 1975) (40 FR 44584).

[9] This proposal would implement one of the recommendations of the Commission's Industrial Issuers Advisory Committee. See "Report of the Industrial Issuers Advisory Committee to the Securities and Exchange Commission" 19-20 (1972).

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tration statement on Form S–1. However, if such other person also meets the conditions as to use of Form S–7, only those financial statements called for by Form S–7 would be required for such other person. Language presently contained in the Instructions as to Financial Statements of Form S–1 relating to future successions to other businesses is proposed to be added to Items 11(d) (2) and (3) of Form S–7 since the latter would be available for use in exchange offers under the present proposals.

PROPOSED AMENDMENTS TO DISCLOSURE REQUIREMENTS OF FORMS S–7 AND S–16

PROPOSED AMENDMENT TO ITEM 5 (BUSINESS) OF FORM S–7

Item 5(b) of Form S–7 presently calls for disclosure of information concerning lines of business of the registrant or classes of similar products or services of the registrant for each of the past five fiscal years. In light of the amendments to the Rule as to Use of Form S–7 proposed today, certain issuers eligible to use the form may not have been engaged in business for that period of time. Accordingly, the Commission proposes to amend Item 5(b) to require disclosure of such information for the last five fiscal years or for each fiscal year the registrant and its predecessors have been engaged in business, whichever is less.

PROPOSED AMENDMENT TO ITEM 6 (STATEMENTS OF INCOME) OF FORM S–7

Item 6 of Form S–7 presently calls for audited income statements of the registrant for each of the last five fiscal years. The Commission proposes to amend Item 6 and Instruction 1 to that item to require income statements for each of the last five fiscal years, or for each year the registrant and its predecessors have been in existence, whichever is less, and to require audited income statements only for the three most recent fiscal years and for any subsequent interim period for which an audited balance sheet is included in the prospectus. This proposal would conform the Form S–7 requirements for audited income statements to the requirements of Form S–1.

PROPOSED NEW ITEM 10 (MANAGEMENT AND OTHERS) OF FORM S–7 PROPOSAL TO AMEND ITEM 9 (ADDITIONAL INFORMATION) OF FORM S–16

As was discussed above, the Commission is proposing to eliminate the present continuity of management condition to use of Form S–7 and Form S–16 and to require instead that additional information concerning management of the registrant and its principal security holders be included in the prospectus in the event of a recent change in control of the registrant.

Accordingly, if there has been a change in control of the registrant within the past three years, proposed new Item 10 of Form S–7 would require that the information called for by Items 16 to 20 of Form S–1 be included in the S–7 prospectus. Items 16 to 20 of Form S–1 call for information concerning the registrant's directors and executive officers and their remuneration and options to purchase securities; principal holders of the registrant's securities; and the interest of management and others in certain transactions with the registrant.

Proposed Item 9(b) of Form S–16 would require similar disclosure if the change of control has not been "previously reported," as defined in Exchange Act Rule 12b–2 (17 CFR 240.12b–2).

To reflect these changes, present Items 10 and 11 of Form S–7 would be renumbered as Items 11 and 12, respectively, and present Item 9(b) of Form S–16 would be renumbered as Item 9(c). Also, it is proposed to indicate in renumbered Item 12(b) of Form S–7 and Item 9(c) of Form S–16 that reports, proxy statements and other information filed by the registrant can be inspected and copied at the Commission's Regional Offices in New York, Chicago and Los Angeles as well as at its office in Washington.

PROPOSAL TO RESCIND FORM S–9

Form S–9 is a form for the registration under the Securities Act of non-convertible, fixed interest debt securities by issuers required to file reports pursuant to Section 13 or 15(d) of the Exchange Act and which meet certain other conditions, including minimum fixed charges coverage standards. As indicated above, however, Form S–9 has been used only by a very small number of issuers in recent years, in part because recent increases in interest rates have made it difficult for many issuers to meet the minimum fixed charges coverage standards.[10]

In addition, on the basis of a survey of registration statements filed on Form S–9 during the past three years, it appears that almost all issuers eligible to use Form S–9 would be eligible to use Form S–7 as proposed to be revised. In light of the otherwise limited differences between Forms S–7 and S–9, as well as the present proposals to expand the availability of Form S–7, the Commission is proposing to rescind Form S–9 if amendments to Form S–7 substantially as proposed today are adopted.

STATUTORY AUTHORITY FOR PROPOSED AMENDMENTS

The amendments to Forms S–7 and S–16 and the rescission of Form S–9 are proposed pursuant to the Securities Act of 1933, particularly Sections 6, 7, 10 and 19(a) thereof. All interested persons are invited to submit their written views and comments on these proposals, in triplicate, to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549 on or before September 27, 1976. Such communications should refer to File No. S7–646. All such communications will be available for public inspection.

The text of the proposed amendments to Forms S–7, S–16, and S–9 follows.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

JULY 26, 1976.

PROPOSED AMENDMENTS

ATTENTION

The text of the following proposed amendments use ► ◄ arrows to indicate additions and [ ] brackets to indicate deletions.

TEXT OF PROPOSED AMENDMENTS TO FORM S–7

Form S–7 (17 CFR 239.26) is proposed to be amended to read as follows:

§ 239.26 Form S–7, for registration under the Securities Act of 1933 of securities of certain issuers [to be offered for cash].

* * * * *

GENERAL INSTRUCTIONS

A. *Rule as to Use of Form S–7.*

Any registrant which meets the following conditions may use this form for registration under the Securities Act of 1933 of any securities which are offered for cash by or on behalf of the registrant or any other person, in a rights offering or otherwise, ►or which are offered in exchange for any securities◄:

(a) The [registration meets either of the following conditions:] ►registrant◄ (1) has a class of [equity] securities registered pursuant to Section 12(b) of the Securities Exchange Act of 1934; or (2) is organized under the laws of the United States or any State or Territory or the District of Columbia, has its principal business operations in the United States or its Territories and has a class of equity securities registered pursuant to Section 12(g) of the above Act.

(b) The registrant has been subject to [and has complied in all respects, including timeliness, with] the requirements of Sections 13 and 14 of the Securities Exchange Act of 1934 ►and has filed all the reports required to be filed thereunder◄ for a period of at least three [fiscal] years immediately preceding the filing of the registration statement on this form ►and has filed in a timely manner all reports required to be filed during the twelve calendar months preceding the filing of the registration statement.◄

[(c) A majority of the existing board of directors of the registrant have been directors of the registrant or a predecessor of the registrant from the beginning of the registrant's last three fiscal years to the date of filing the registration statement on this form.]

[(d) ►(c)◄ The registrant and its subsidiaries have not during the past [ten] ►three◄ years defaulted in the payment of any dividend or sinking fund installment on preferred stock, or in the payment of any principal, interest or sinking fund installment on any indebtedness [for] ►or◄ borrowed money, or in the payment of rentals under long term leases.

[(e) ►(d)◄ The registrant and its consolidated subsidiaries had a net income, after taxes but before extraordinary items ►and cumulative effect of a change in accounting principle◄ net of tax effect, of at least [$500,000] ►$250,000◄ for [each of the last five fiscal years] ►three of the last four fiscal years, including the most recent fiscal year.◄

[(f) If the securities to be registered are common stock or securities convertible into common stock, the registrant earned in each of the last five fiscal years any dividends, including the fair market value of any stock dividends, paid in each such year on all classes of securities. If the registrant paid a stock dividend in any of such fiscal years, the aggregate amount transferred from additional capital to capital in respect of each such dividend was charged only to retained earnings account and was equal to the aggregate fair market value of the stock issued as such dividend.]

►(e) A registrant shall be deemed to have met conditions (b), (c) and (d) above if its predecessor and it, taken together, do so, provided that the succession was primarily for the purpose of changing the State of Incorporation of the predecessor or forming a holding company and that the assets and liabilities of the successor at the time of succession were substantially the same as those of the predecessor.◄

B.–F. (No change from the present General Instructions).

G. ►*Exchange Offers.*◄

►(a) If any of the securities being registered are offered in exchange for securities of any other person, the prospectus shall include the information concerning the registrant called for by Items 16 to 20, inclusive, of Form S–1 (17 CFR 239.11). Describe any substantial interest in the other person, direct or indirect, by security holdings or otherwise, held within the past three years by the registrant or by any officer, director or security holder of the registrant named in answer to Item 19(a) of Form S–1 (17 CFR 239.11).◄

►(b) Except as stated below, the prospectus shall also include the information concerning the other person which would be required by Items 6 to 10 and 12 to 15, inclusive, of Form S–1 (17 CFR 239.11) if such securities of such other person were being registered on that form. Reference is made to Item 11(d) of this form for information concerning the necessity of furnishing financial statements of such other person. In the event the other person also meets the conditions set forth in General Instruction A to this form, the prospectus may include, in lieu of the above information concerning such other person, the information which would be required by Items 5 to 10, inclusive, and Item 12 of this form if such securities of such other person were being registered on this form. In this event, Item 11(d) may be complied with by furnishing only those financial statements concerning such other person which would be required if it were registering securities on this form. In connection with this instruction, reference is made to Rules 409 (17 CFR 230.409) and 434B (17 CFR 230.434b).◄

[G.] ►H.◄ (No change from present General Instruction G).

PART I. INFORMATION REQUIRED IN PROSPECTUS

Item 1.–Item 4. (No change from present Items).

Item 5. Business.

(a) (No change from present Item 5(a)).

(b)(1) *Information as to lines of business.* If the registrant and its subsidiaries are engaged in more than one line of business, state, for each of the registrant's last five fiscal years, or for [each fiscal year ending after December 31, 1966] ►each fiscal year the registrant and its predecessors have been engaged in business◄, whichever period is less, the approximate amount or percentage of (i) total sales and revenues, and (ii) income (or loss) before income taxes and extraordinary items, attributable to each line of business which during either of the last two fiscal years accounted for—

(A) 10 percent or more of the total of sales and revenues,

(B) 10 percent or more of income before income taxes and extraordinary items computed without deduction of loss resulting from operations of any line of business, or

(C) a loss which equalled or exceeded 10 percent of the amount of income specified in (B) above: *provided*, That if total sales and revenues did not exceed $50,000,000 during either of the last two fiscal years, the percentages specified in (A), (B) and (C) above shall be 15 percent, instead of 10 percent.

If it is impracticable to state the contribution to income (or loss) before income taxes and extraordinary items for any line of business, state the contribution thereof to the results of operations most closely approaching such income, together with a brief explanation of the reasons why it is not practicable to state the contribution to such income or loss.

(No further change in present Item 5)

Item 6. Statements of Income. . .

Furnish in comparative columnar form statements of income for the registrant, or for the registrant and its subsidiaries consolidated, or both, as appropriate, for—

(a) each of the last five fiscal years of the registrant ►(or for the life of the registrant and its predecessors, if less)◄, and

(b) any interim period between the end of the most recent fiscal year and the date of the most recent balance sheet being filed pursuant to Item [10(a)] ►11(a)◄ and for the corresponding interim period of the preceding fiscal year, and

(c) any additional fiscal years necessary to keep the statements from being misleading.

Where necessary, include information or explanation of material significance to investors in appraising the results shown, or refer to such information or explanation set forth elsewhere in the prospectus. A statement of source and application of funds shall be furnished for each fiscal year or other period for which a statement of income is required to be furnished.

Instructions. 1. The statements required shall be prepared in compliance with the applicable requirements of Regulation S–X [17 CFR Part 210] and shall be audited [to the date of the respective] ►for each of the three fiscal years and the subsequent interim periods, if any, preceding the date of the most recent◄ audited balance sheet(s) included in the prospectus. Regulation S–X [17 CFR Part 210 [governs the examination and the form and content of such statements, including the basis of consolidation and prescribes the statements of retained earnings and other stockholders' equity and the schedules to be filed.

2.–9. (No change from present Instructions).

10. Statements of income and source and application of funds conforming with the foregoing and statements of retained earnings and other stockholders' equity shall be furnished, here or elsewhere in the prospectus, for each subsidiary or group of subsidiaries or 50 percent or less owned persons for which a balance sheet is furnished in response to Item [10(b)] ►11(b).◄

Item 7.–Item 9. (No change from present Items).

Item 10. ►*Management and Others.*◄

►If there has been a change in control of the registrant within the past three years, provide the information called for by Items 16 to 20, inclusive, of Form S–1 (17 CFR 239.11).◄

[*Item 10.*] ►*Item 11.*◄ *Other Financial Statements and Schedules.*

(a)–(c) (No change from present paragraphs (a) to (c))

(d) *Future Successions to Other Businesses.*

(1) (No change from present (d)(1))

(2) The acquisition of securities shall be deemed to be the acquisition of a business if such securities give control of the business or combined with securities already held give such control. ►In addition, the acquisition of securities which will extend the registrant's control of a business shall be deemed the acquisition of the business if any of the securities being registered hereunder are offered in exchange for the securities to be acquired.◄

(3) No financial statements need be filed, however, for any business acquired or to be acquired, or for any business in which an investment acquired or to be acquired is required to be accounted for by the equity method, from a totally held subsidiary. In addition, the statements of any one or more such businesses may be omitted if the business, considered in the aggregate, would not meet the test of a significant subsidiary ►; provided that the statements of any business may not be omitted where any of the securities being registered are offered in exchange for securities representing such business or for assets of such business.◄

(e) (No change from present paragraph (e))

[*Item 11.*] ►*Item 12.*◄ *Statement of Available Information.*

(a) (No change from present Item 11(a))

(b) The statement shall also indicate that such reports, proxy statements and other information can be inspected ►and copied◄ at the [principal office] ►offices◄ of the Commission at [500 North Capitol Street, NW., Washington, D.C.] ►Room 6101, 1100 L Street, NW., Washington, D.C.; Room 1228, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, Illinois; Room 1700, Federal Building, 26 Federal Plaza, New York, New York; and Suite 1710, Tishman Building, 10960 Wilshire Boulevard, Los Angeles, California◄ and that copies of such material can be obtained from the ►principal office of the◄ Commission ►at 500 North Capitol Street, Washington, D.C., 20549◄ at prescribed rates. In addition, any national securities exchange on which the registrant's securities are listed, and where reports, proxy [material] ►statements◄ and other information concerning the registrant can be inspected, shall be named.

TEXT OF PROPOSED AMENDMENTS TO FORM S–16

(NOTE.—The Rule as to Use of Form S–16 incorporates by reference the requirements for use of Form S–7. Accordingly, the proposed amendments to the Rules as to Use of Form S–7 set forth above, if adopted, would be incorporated in the Rule as to Use of Form S–16.)

Form S–16 (17 CFR 239.27) is proposed to be amended to read as follows:

§ 239.27 Form S–16, optional form for registration of certain offerings of outstanding securities and for offerings to holders of certain convertible securities or for offerings to holders of certain outstanding warrants.

* * * * *

GENERAL INSTRUCTIONS

A. *Rule as to Use of Form S–16.*

(a) (No change from present paragraph (a)).

(b)(1)–(b)(2) (No change from present (b)(1) and (b)(2)).

(b)(3) meets the requirements of paragraphs (c) through [(f)] ►(e)◄ of the Rule as to the use of the Form S–7 [17 CFR 239.26].

[10] In 1972, the Commission's Industrial Issuers Advisory Committee recommended that the Commission reconsider the minimum fixed charges coverage standard required as a condition to use of Form S–9, and determine whether a standard other than fixed charges coverage would be appropriate. "Report of the Industrial Issuers Advisory Committee to the Securities and Exchange Commission" 21 (1972).

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B.–C. (No change from present General Instructions).

PART I. INFORMATION REQUIRED IN PROSPECTUS

Item 1.–Item 8. (No change from present Items).

Item 9. Additional Information.

(a) (No change from present paragraph (a)).

(b) ►If there has been a change in control of the registrant within the past three years which has not been "previously reported" as defined in Rule 12b–2 (17 CFR 240.12b–2) under the Securities Exchange Act of 1934, provide the information called for by Items 16 to 20, inclusive, of Form S–1 (17 CFR 239.11).◄

[(b)] ►(c)◄ State that reports, proxy statements and other information filed by the registrant can be inspected ►and copied◄ at the [principal office] ►offices◄ of the Commission at [500 North Capitol Street, NW., Washington, D.C., and at the office of any national securities exchange on which securities of the registrant are listed and registered, naming such exchange or exchanges.] ►Room 6101, 1100 L Street, NW., Washington, D.C.; Room 1228, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, Illinois; Room 1100, Federal Building, 26 Federal Plaza, New York, New York; and Suite 1710, Tishman Building, 10960 Wilshire Boulevard, Los Angeles, California◄ and that copies of such material can be obtained from the ►principal office of the◄ Commission ►at 500 North Capitol Street, Washington, D.C., 20549◄ at prescribed rates. ►In addition, any national securities exchange on which the registrant's securities are listed, and where reports, proxy statements and other information concerning the registrant can be inspected, shall be named.◄

PROPOSED RESCISSION OF FORM S–9

Form S–9 (17 CFR 239.22), for the registration of certain debt securities, is proposed to be rescinded in its entirety.

(Secs. 6, 7, 10, 19(a), 48 Stat. 78, 81, 85; secs. 205, 209, 48 Stat. 906, 908; sec. 8, 68 Stat. 685; sec. 1, 79 Stat. 1051; 15 U.S.C. 77f, 77g, 77j, 77s(a))

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TUESDAY, AUGUST 3, 1976



PART IV:

INTERSTATE COMMERCE COMMISSION

STANDARDS FOR DETERMINING COMMUTER RAIL SERVICE CONTINUATION SUBSIDIES AND EMERGENCY OPERATING PAYMENTS

Report and Order

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Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER B—PRACTICE AND PROCEDURE

[Ex Parte No. 293 (Sub No. 8)]

PART 1127—STANDARDS FOR DETERMINING COMMUTER RAIL SERVICE CONTINUATION SUBSIDIES AND EMERGENCY OPERATING PAYMENTS

Report and Order

The Rail Services Planning Office (the Office) presently has under consideration the above-captioned rulemaking proceeding to develop regulations for the continuation under subsidy of commuter rail service in the Northeast and Midwest Region and for the computation of emergency operating payments for certain commuter services which, under the Final System Plan (FSP) of the United States Railway Association (USRA) dated July 25, 1975, might have been discontinued in the absence of financial assistance.

Congress authorized $125,000,000 in emergency operating assistance to sustain the operations over a 2½ year period (Section 17(f) of the Urban Mass Transportation Act of 1964) and directed the Office to issue regulations containing:

(A) Standards for the computation of subsidies for rail passenger service (except passenger service compensation disputes subject to the jurisdiction of the Commission under section 402(a) of the Rail Passenger Service Act (45 U.S.C. 562(a)), which are consistent with the compensation principles described in the final system plan and which avoid cross subsidization among commuter, intercity, and freight rail services; and

(B) Standards for the determination of emergency commuter rail passenger service operating payments pursuant to section 17 of the Urban Mass Transportation Act of 1964 [Section 205(d)(5) of the Regional Rail Reorganization Act of 1973, Pub. L. 93-236 (the RRR Act) as amended by the Railroad Revitalization and Regulatory Reform Act of 1976, P.L. 94-210 (the Rail Act)].

The Office published an initial notice of proposed rulemaking on February 20, 1976 (41 FR 7793), a further notice on May 14, 1976 (41 FR 20104), and a second notice on June 30, 1976 (41 FR 26936). Interested parties were invited to express their views on the proposed regulations and in all some 40 comments were received from 21 parties including the Consolidated Rail Corporation (ConRail) and other commuter railroads, the National Railroad Passenger Corporation (AMTRAK), state transportation departments, commuter authorities, local and regional governmental bodies, the United States Department of Transportation (DOT), and the Office of Public Counsel. (The participants are listed at the end of this report.)

The Office has carefully considered the pertinent legislation and legislative history, the views of the parties, the consultants' reports and other filings of record (see 41 FR at 20104). The final standards appended to this report are effective August 3, 1976.

SUMMARY

Legislative mandate. Section 804 of the Rail Act amended section 304 of the RRR Act to assure the continuation of commuter rail service in the 17-State Midwest and Northeast Region upon the offer of a compensatory subsidy equal to the railroad's net avoidable loss and reasonable return on value. Specifically, section 304(c) of the RRR Act directs ConRail (or a profitable railroad) to continue all commuter rail service in the Region, irrespective of FSP designations until September 27, 1976 (180 days after the April 1, 1976, conveyance date) in consideration for the commuter authorities paying at the same level of financial assistance as they paid prior to conveyance. ConRail must further continue to provide commuter service under sections 304(c)(2) and 304(e)(4)(A) after September 27, 1976—

> If a financially responsible person (including a government entity) offers—(A) To provide a rail service continuation payment which is designed to cover the difference between the revenue attributable to [the] rail properties and the avoidable costs of providing rail service on such properties, together with a reasonable return on the value of such properties . . . under regulations issued by the Office pursuant to section 205(d)(5) of this Act. * * *

Congress further directed the Secretary of the Department of Transportation to reimburse ConRail (under regulations issued by the Office) for "any loss" and the commuter authorities for "additional costs" incurred by them in continuing commuter service over the 2½ year period from April 1, 1976, through September 27, 1978 (section 304(e)(5) of the RRR Act). The amount of reimbursement is equal to 100 percent of the "additional costs" the first 360 days (April 1, 1976–March 26, 1977), 90 percent for the next 12 months (March 27, 1977–March 31, 1978) and 50 percent for the last 180 days (April 1, 1978–September 27, 1978). The Secretary may not provide such emergency operating assistance for the last six months unless he receives adequate assurance from the subsidizer that the service will be continued after September 27, 1978. The assistance program will be administered for the Secretary by the Urban Mass Transportation Administration (UMTA).

Notice of intention. Under the regulations, a prospective subsidizer must notify ConRail (or a profitable railroad) no later than August 18, 1976, that it intends to offer financial assistance for the continuation of commuter rail service after September 27, 1976. The notice will contain proposed modifications in the fares to be charged; in the existing level of service, including changes in routes, schedules, train seating capacity, performance standards, equipment units, and such other dimensions of service as the subsidizer may specify; and in the length of the subsidy period.

Subsidy estimate. ConRail must provide the prospective subsidizer with a subsidy estimate within 30 days of receiving the notice but no later than September 17, 1976. The estimate will be based upon the revenues attributable to the commuter service, the avoidable costs of providing such service, and the reasonable value of the avoidable properties used in providing the service, computed in accordance with the standards, for the base period (June 1, 1975–June 30, 1976). The railroad may base its initial estimate on the best data available.

Offer of financial assistance. The prospecive subsidizer must serve a firm offer of subsidy on ConRail no later than September 27, 1976, to avoid discontinuation of service. The offer will contain a subsidy estimate in conformity with the standards; evidence of the offeror's authority to subsidize; an indication of its financial resources; and the first monthly interim subsidy payment.

Negotiation of subsidy agreement. The parties should proceed expeditiously to develop a facilities utilization plan and a manpower utilization plan and to negotiate a subsidy agreement. The facilities utilization plan will identify the road and equipment properties used in providing the commuter service and assign to such properties the percentage devoted to the commuter service. The plan should be "site-specific"; that is, it should be developed in the field in consultation with general and supervisory personnel responsible for utilizing and maintaining the properties. Similarly, the manpower utilization plan will identify the labor forces used in providing the commuter service and the percentage of time devoted to such duties. The parties may agree to provisions which vary from the standards subject to their review by the Office. The variances must be the product of arms-length negotiations and not be designed to disadvantage third parties, e.g., UMTA, AMTRAK, etc. The subsidy agreement must be in place by March 26, 1977. The Office will be available to mediate disputes regarding the facilities utilization plan, the manpower utilization plan, the subsidy agreement and the application of the standards.

Assignment of costs. The facilities and manpower utilization plans will be the primary tools for assigning costs. Other costs may be assigned as the parties agree. They may decide to rely on historical data, conduct special studies, develop apportionment formulae, or adopt a combination of the foregoing. The Office will be available to mediate disputes regarding cost methodology. If mediation proves inconclusive, costs still subject to dispute will be assigned in accordance with the apportionment methodology set forth in the standards, subject, however, to the condition that either the railroad or the subsidizer may request a special study. The party requesting the study will be responsible for its design. The Office will arbitrate disputes regarding the design and conduct of the study. The study results will be binding on the parties unless they agree to disregard them.

Flexible (but fail-safe) guidelines. The commuter subsidy standards are guidelines which permit the subsidized and the railroad to establish a relationship uniquely suitable to them. The parties are not obliged to adhere inflexibly to RSPO rules. To the contrary the emphasis in the commuter standards, as in the freight standards (49 CFR 1125), is on arm's-length, good faith negotiations. The parties are expected to work together to minimize sources of conflict by developing comprehensive facilities plans and manning tables. The Office believes that time and effort devoted to these cost development techniques will materially reduce the potential for conflict. In remaining cost areas, the parties will be free to apply their own expertise and experience. The Office will assist in resolving cost and other disputes through mediation. It is only when these efforts fail that the apportionment formulae come into play. Even then, the apportionment formulae are subject to a safety-valve—if one party feels the formulae are unjust, it may insist upon a special study, the results of which will be binding unless the parties mutually agree to disregard them.

The Office believes that these flexible (but fail-safe) procedures are more likely to produce reasonable and equitable agreements and practices than would mandatory regulations. Similarly, the Office believes its role as honest broker rather than binding arbitrator is more likely to result in reasonable compromise. (Should experience demonstrate the contrary, the rules may be amended to provide for compulsory arbitration.) Lastly, the Office is striving to minimize Federal intrusion in local transportation affairs by restricting its reviewing function to circumstances where variations from the standards appear unreasonable or patently adverse to the interests of third parties.

Emergency operating assistance. UMTA will reimburse ConRail 100 percent for the losses it incurred in providing commuter service during the 180-day mandatory operation period. UMTA will also reimburse subsidizers for a percentage (100 percent, 90 percent, 50 percent) of the additional costs incurred by them for the succeeding two-year subsidy period. The subsidizers may vary existing service (as distinguished from service on new routes) from pre-conveyance levels and receive full reimbursement so long as UMTA's total obligation is not increased. They may also be reimbursed for additional costs arising from wage and price increases or equipment purchases necessary to sustain service at preconveyance levels, if no party (or predecessor) had agreed to pay for them. The subsidizers may also reduce service below pre-conveyance levels, where UMTA's obligation is decreased proportionately. And they will receive the entire credit for fare increases after the April 1, 1976, conveyance date, provided only that UMTA shall be liable for no more than "additional costs".

DISCUSSION OF ISSUES

APPLICATION OF THE STANDARDS

New Jersey Department of Transportation (NJDOT), Metropolitan Transportation Authority (MTA), and New York Department of Transportation (NYDOT) take issue with the Office's tentative views (41 FR at 20105) as to the applicability of the standards to services now being provided under section 303(b)(2) of the RRR Act. They point out that some of the agreements for these services contain clauses which permit termination upon due notice by one or both of the parties. MTA apparently is considering the possibility of exercising its rights to terminate certain agreements and switching to offers of subsidy pursuant to section 304(c)(2)(A) of the RRR Act, should study of the final standards issued in this proceeding indicate that course to be financially advantageous to it. NJDOT is concerned that ConRail may terminate the former Erie Lackawanna agreement, using the threat of service discontinuance as a lever to extract "a level of compensation far in excess of the Office's standards".

DOT is concerned not only with the application of the standards to services covered by section 303(b)(2) agreements, but also with their application to services not conducted pursuant to pre-existing agreements. AMTRAK and Chicago Area Commuter Railroads (CACR) also have raised questions concerning the applicability of the standards.

Some of the issues thus posed may become material. The discussion of them involves three considerations: the jurisdiction of the Office to rule upon the issues; the application of the subsidy standards in the circumstances described; and the effects of certain changes on the eligibility of the services for emergency operating assistance.

Jurisdiction. NYDOT takes the position that "RSPO is not authorized herein to make any rule or regulation as to the applicability of the standards; it is merely charged with formulating the standards". Public Counsel urges that issues involving post-mandatory levels of service be left to arbitration under section 304(e)(5)(C) of the RRR Act.

The Office does not concur with the apparent belief of these parties that the proper discharge of its duties under the RRR Act involves the promulgation of regulations without consideration either of the nature, scope, location, and circumstances of the commuter rail services to be affected by them, or of the circumstances to which the standards are not applicable. DOT, as noted above, has requested the Office's views on certain issues affecting the disbursement by it of emergency operating assistance. NJDOT's response to the second notice requests the Office's guidance as to how certain issues should be handled under the standards. Although decision as to some issues may, as Public Counsel infers, be premature, it does not appear that the interests of the parties would be advanced by the Office's preserving silence as to all of them.

CACR, in contrast to the views of NYDOT and Public Counsel, renews its concern that the standards "will serve as a precedent for costing procedures in cases which do involve the railroads outside the Northeast and Midwest Region." CACR urges that the standards be revised to account for conditions in the Chicago area and that the Office "not allow the time constraints imposed upon it to result in regulations containing many improper and impossible rules which would plague the railroad industry for years to come." The suggestions of the six Chicago area railroads are welcome, and have been considered insofar as they contribute to improving the feasibility, fairness, or equity of the standards. The Office does not intend, however, to broaden the standards or the scope of the rulemaking to encompass possible disputes with respect to commuter services not subject to the RRR Act.

Similarly, AMTRAK expresses concern that the Commission may "follow the lead of RSPO" and order AMTRAK to make payments based on the standards to railroads for the operation of its intercity services outside the Northeast Corridor. It requests an acknowledgment that the standards do not measure "incremental costs, at least not in the sense that that phrase is used in section 402(a) of the AMTRAK Act." The commuter standards do not purport to apply to the intercity rail passenger service provided by AMTRAK.

Applicability of the subsidy standards to the extension of section 303(b)(2) services. NJDOT and MTA inquire whether, if a section 303(b)(2) agreement is terminated, either by mutual consent or by exercise by one party of termination rights recited in the agreement, the services must be continued upon the offer of subsidy payments in conformance with the standards. Or could ConRail, as NJDOT intimates, insist upon compensation exceeding the levels called for in the standards?

The legislative history does not indicate that, in enacting section 17 of the UMT Act, Congress contemplated the eventuality that section 303(b)(2) agreements might be terminated. The House Report No. 94-729 of December 15, 1975, accompanying H.R. 10731, at p. 4, lists the services which could be curtailed or discontinued if no contracts were entered into with ConRail or other railroads. This list does not include the Erie Lackawanna services in New York and New Jersey or the Penn Central services provided in New York for MTA. The report (p. 5) does state that "the Committee does not intend to furnish assistance for those services ConRail is obligated to provide under section 303(b)(2) of the RRR Act".

ConRail has not intimated an intention on its part to terminate any section 303(b)(2) agreements, which the FSP (Vol. I, p. 45) contemplated it would assume. Actual termination of any such agreement is, thus, conjectural, so that it is not necessary to make a specific ruling; but section 304(e)(4) of the RRR Act appears to require service continuance under terms conforming to the subsidy standards following such termination unless it occurs as a result of failure to make timely payments of

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amounts due. That section provides that if a rail service continuation subsidy conforming to the standards is offered and if compensation for operations conducted during the 180-day mandatory period is made, ConRail shall continue to provide the service after the end of such period, "except as otherwise provided in this subsection". The exception is the discontinuance permitted under subsections 304(e)(2)(C) and (D) in the case of non-payment. Moreover, it would seem inconsistent with the purposes of the RRR Act if ConRail were permitted unilaterally to discontinue these services or if, to insure continuance, the commuter authorities were compelled to provide a higher level of financial assistance than is required under the subsidy standards for the continuance of services not subject to section 303(b)(2) agreements.

Eligibility for emergency operating assistance. As noted above, the legislative history of section 17 of the UMT Act suggests that Congress did not contemplate furnishing assistance for those services ConRail is obligated to provide under section 303(b)(2) of the RRR Act, and that the appropriation authorization of section 17(f) does not include any amounts for such services.

As a practical matter, under the notice requirements of the Erie Lakawanna agreement with NJDOT, apparently ConRail could not unilaterally terminate the agreement before June 30, 1978, when only three months of the 50 percent emergency operating assistance program would then remain. The MTA agreements could, it is understood, be unilaterally terminated early in 1978; and of course earlier termination could be mutually agreed upon. Nevertheless, the question of MTA's eligibility for emergency operating assistance would not arise unless it agreed to terms more costly than under the existing agreement.

Consequently, the Office does not presently perceive a material question involving the eligibility for emergency operating assistance of service presently conducted under section 303(b)(2) of the RRR Act. Should such a question arise in the future, the parties may, if they desire, request a ruling in the light of the applicable facts and circumstances.

Termination of service. In the Second Notice (41 FR at 26939), the Office alluded to the possibility of ConRail's incurring losses should it be obliged to continue service for 60 days beyond the 180-day mandatory period for which no continuing subsidy is offered and expressed the view that ConRail should be compensated for losses substained as a result of enforced service continuance. The commuter authorities could mitigate such losses by agreeing to waive the 60-day extension requirement as to services for which it is known that a continuation subsidy will not be offered, and if they do not do so, could be expected to continue their assistance payments for the duration of any extension required for an orderly service termination. The standards have been revised to provide that the railroad will be compensated by UMTA for losses reasonably and necessarily incurred through extension of the mandatory period beyond 180 days, less any payments the subsidizer would have been obligated to make had it tendered an offer of subsidy. In its comments on the Second Notice, DOT has acknowledged that the railroad should be compensated for the losses incurred in the operation of commuter service during the 60-day termination period; however, it "wish[ed] to make clear that DOT can bear only that portion of such losses which DOT would be obligated to pay if the service was not being discontinued."

In some instances, the commuter authorities and ConRail may agree to terminate or reduce service before the close of the 180-day mandatory period. In such circumstances, the standards contemplate that both the payments by the subsidizer and the emergency operating assistance would be correspondingly reduced.

Reduction in service. In the second notice (41 FR 26939), the Office also discussed the effect on subsidy payments of reductions in service on one or more routes not wholly offset by increased services on other routes subsidized by the same authority. Under the final standards, the financial assistance provided by the subsidizer and UMTA's reimbursement of additional costs would be reduced in proportion to their respective contributions to the total of the rail service continuation payment as computed prior to such reduction in service level.

The following illustrative example applies to a service which is reduced during a subsidy period ending March 31, 1978 (when 90 percent of additional costs are reimbursable). Had the service not been reduced, attributable revenues would have been $10 million and avoidable costs plus return on the value would have been $12 million, resulting in a rail service continuation payment of $2 million. The financial assistance the subsidizer was obligated to provide under section 304(e)(2) of the Act was $1.5 million, so that the additional cost to him would have been $500,000, of which UMTA would have reimbursed 90 percent, or $450,000. Thus the contribution of the subsidizer would have been $1.55 million, or 77.5 percent of the $2 million rail service continuation payment; and UMTA's contribution would have been 22.5 percent.

If the service reduction in this example causes attributable revenues to decline to $9 million and avoidable cost plus return on the value to $10 million, the required rail service continuation payment would be $1 million. In this instance, the subsidizer's financial assistance would be reduced to $775,000 (77.5 percent of the total) and the emergency operating assistance to $225,000 (22.5 percent of the total).

Negotiated Service Continuances. DOT agrees that the standards should not override an agreement between the parties on the total level of subsidy. However, it urges the Office to clarify what the level of UMTA payment will be in the event that the parties agree on a level of subsidy different than that which would be required by the standards. Its position is that if the parties agree to a lower subsidy level than required by the standards, UMTA's payments should also be reduced; but if the parties agree to a higher level, UMTA would not share in any payments over and above the amounts resulting from the standards.

The aim throughout the development of these regulations is to encourage maximum arm's-length bargaining between the parties, with the standards serving as a reference point and a fail-safe procedure in case of impasse. Therefore, the final standards provide that the emergency operating assistance shall be based on the difference between the payments actually required under the subsidy agreements as negotiated and the level of financial assistance required under section 304(e)(2) of the Act.

The Office believes this approach is likely to result in a lower overall burden on the emergency operating assistance funds than would result from encasing the negotiators in the rigidities of iron-clad adherence to the standards. UMTA is to share in the benefits of agreements resulting in lower costs than the standards and it will also share in those which are higher. Variations from the standards will be reviewed by the Office for reasonableness; thus, UMTA may be assured that it will not have to reimburse the parties for unreasonable costs.

AVOIDABLE COSTS-RATIONALE

The terms "incremental costs", "decremental costs", "additional costs", "fixed or constant cost base", "solely related costs", "directly attributable costs", "indirect costs", "overhead costs", "fully-distributed costs", "cross-subsidization", "fair and equitable share of the total costs", "allocated costs", "sunk costs", "out-of-pocket costs", "cash costs", "short-term avoidable costs", and "long-term avoidable costs" recur throughout the parties responses interspersed with discussions of relative use. NJDOT undertakes to provide definitions to clarify the concepts embodied in some of these terms, and suggests that the Office should avoid confusion by a careful selection of terminology. In contrast, MTA believes the legislative mandate is inherently contradictory; that the contradiction is mirrored in the proposed standards; and that the cure is not clarification but remedial legislation.

The Office does not preceive the need for amendatory legislation, although the parties are at liberty to seek such a remedy should that course appear to them desirable. The Office does believe that the final standards fulfill Congressional intent as to the costs to be borne by the commuter services in relation to those borne by other services. The Office has, however, striven to apply essential terminology accurately and will undertake to explain in detail its avoidable cost rationale.

At the outset, it should be recognized that in a joint-cost enterprise such as a railroad the separate costs of performing each element of the service cannot be determined with finite precision; that all

of the users benefit from lower costs than they would obtain if only one service used the facilities; and that, collectively, the payments by all users must cover all of the costs. In the absence of regulation, the charges for each service would tend to be heavily affected by considerations unrelated to cost, particularly demand, the bargaining power of the users, and their ability to pay. Congress has concluded that the charges to be paid for continuation of commuter services should not be left to the naked bargaining power of the parties and has designated the Office to develop standards for determing them.

In fulfilling its mandate, the Office places special reliance on the legislative intent expressed in Senate Report No. 94-499, accompanying S. 2718 (at 114):

> The standards promulgated by the Commission must be consistent with the compensation principles described in the Final System Plan relative to the concept of "dominant user" and "avoidable cost" and must avoid "cross-subsidization." While the Commission would have discretion as to whether long-term avoidable costs or short-term avoidable costs are the appropriate measure in any given situation, [the legislation] does require reference to compensation principles described in the Final System Plan. Therefore, the standards will reflect the relative use of any line by the type of service being provided thereon and will also provide that the costs will be shared equitably by the users of any individual line. For the most part, the services receiving assistance under this section will be continued after the assistance provided herein is ended. Since the compensation principles set forth in the Final System Plan were formulated from the long range cost perspective, they are most appropriately used for determining the level of assistance required to continue service.

(The Senate bill delegated to the Commission the responsibility for developing the standards; the Rail Act assigned this duty to the Office.)

Congress thus recognized the significant difference between the short-term and long-term avoidable costs associated with continuing commuter service. In the short term, avoidable costs approach what are sometimes called "out-of-pocket" costs;[1] in the longer term, they approach fully-distributed costs.[2] This is so because, over a sufficiently long period, all costs may become variable—including those which are considered fixed or constant costs in the near or intermediate term. Experience shows, for example, that current roadway maintenance expenditures, sometimes considered as constant costs in the near and intermediate term, do vary not only with usage, but also with the availability of funds. Capital costs tend, over a sufficiently long period, to be reduced by one means or another to a level supportable by available income.

[1] The AAR Guide referred to by NJDOT states "In its literal sense, the term out-of-pocket costs implies an immediate cash expenditure, a characteristic that is not germane to the incremental cost concept."

[2] NJDOT defines fully distributed costs as "the variable cost plus a statistical apportionment of the constant or fixed costs."

Paradoxically, it may be observed that no costs, once incurred, are truly avoidable in the long term; some parties may be able to evade them, but the costs themselves cannot be completely avoided. Thus, roadway maintenance, though it may be deferred, must eventually be performed if service is to continue. If debt is defaulted, as in the case of the Northeast bankrupts, the costs may appear to have been shifted to investors; but in time investors as a class will seek to recover their losses through higher charges for future railroad financing. If they are unsuccessful, the financing will not be forthcoming, and the costs will have to be assumed by the taxpayers.

Congress obviously intended that the standards apply to a service and costing horizon extending beyond the term of the Federal assistance provided by section 17 of the UMT Act. In developing the standards and the procedures for implementing them, the Office has endeavored to steer a reasonable course between the near-term extremity of out-of-pocket costs and the ultimate of long-range fully-distributed costs. It does not expect either the buyers or the suppliers of commuter rail services to be completely satisfied with the results.

Positions of the parties. AMTRAK would have the standards go further toward the long-term extreme and assign to the commuter services a "significant body of costs (the constant cost base) which do not vary with the level of use, but rather are constant so long as the entity operates at all" (whether with or without commuter service). On the other hand, AMTRAK is concerned that if the principles of the standards were applied to its services outside the Corridor, it might be required to assume a larger portion of the common costs of the railroads over which these services operate.

NJDOT relies upon various handbooks and publications dealing with railroad cost finding procedures, including an article from the University of Chicago "Journal of Business" for October 1962 entitled "The Role of Cost in the Minimum Pricing of Railroad Services". It desires the standards to exclude from consideration certain common costs, which it believes to be fixed, but which the Office believes are variable within the contemplated time period. Other commuter authorities are associated in varying degrees with this view.

Fixed and variable costs. As noted supra, NJDOT evidently considers some costs to be fixed which the standards treat as variable (and thus avoidable) costs, of which the commuter services should be expected to bear their appropriate portion. Apparently it believes that the costing methodology should be approached from the viewpoint of a near-term time horizon and limited increments of change. "Fixed costs", by its definition, are "those costs which, for a given size of plant, do not vary in total with changes in output". It would disallow depreciation charges (discussed in a later section of this report) because "it is not an avoidable *cash* item and does not represent an *out-of-pocket expense.* (Emphasis supplied). The Office's costing approach is based on the belief that substantial changes in the level of commuter services or complete discontinuance would result in changes in the size of the plant.

NJDOT rests its position largely upon reference to "A Guide to Railroad Cost Analysis" published by the Bureau of Economics, Association of American Railroads, in December 1964 (the AAR Guide). That guide ranks certain major categories of expense (maintenance of fixed facilities, including depreciation, retirements, and dismantling; maintenance superintendence; signal and interlocker operations; crossing protection; "associated"; traffic and general; property taxes; capital cost and "return") as largely fixed.

The AAR Guide was designed as a tool for cost analysis related to competitive minimum pricing of particular freight movements or commodities; it does not purport to relate to purposes such as the standards are to accomplish under the RRR Act: The determination of avoidable costs to be borne by a distinct and entire category of passenger services. The Act does not instruct the Office to base the standards on minimum pricing concepts, nor to address them to determining the prices to be paid by individual users of the commuter services. Moreover, NJDOT evidently does not allege that any category of expense is completely and interminably "fixed" (i.e., invariable even if all commuter services were discontinued). For example, it agrees with the adoption of the Speed Factored Gross Tons formula for measuring the avoidable (variable) portion of common track and roadway maintenance costs, including maintenance associated with such fixed facilities as tunnels, bridges, trestles and culverts.

Costs associated with the value of the properties. The standards treat certain inter-related costs associated with the values of properties as variable or avoidable, only to the extent that such facilities or properties are used by the commuter services and could be disposed of upon discontinuance of the services. These costs include the return on the value of the properties, depreciation, retirements, and dismantling costs. The reason for this treatment is that such costs, to the extent that they are associated with properties which could not be disposed of upon the discontinuance of commuter services, are not variable in the near and intermediate term, and could be reduced by the railroad only if it discontinued other services or, alternatively, defaulted on its obligations.

USAGE TERMINOLOGY

NJDOT remarks that although the compensation principles of the FSP identify the conceptual approach for assigning costs to each given type of user, they do not define the terms "dominant", "minority", and "equal". NJDOT itself does not suggest any definitions.

Actually, the first three of the four "principles" which the FSP states (Volume I, p. 41) guided the USRA in its

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discussions with AMTRAK and the commuter authorities do not contain any of these terms. The fourth principle contains an additional term: "Exclusive user"; it states that "the exclusive or dominant user of a facility or in some special cases a state or public agency should be its owner." From the four "principles" flow the five "policies" recited and discussed in detail in the further notice (41 FR at 20106) and again in the second notice (41 FR at 26937). The Office concluded, and the standards so provide that the commuter authorities should bear some portion of common costs, where commuters make significant use of the rail properties. The RRR Act required the Office to issue standards which are consistent with the compensation principles described in the FSP and which avoid cross subsidization among commuter, intercity, and freight rail services. It is believed that this has been done. The Act does not require the Office to define terms employed in the FSP and not defined therein.

CONRAIL-AMTRAK NEGOTIATIONS

AMTRAK objects to the Office's finding in the second notice (41 FR at 26938) that "the assignment of fixed costs (those which AMTRAK would incur irrespective of whether commuter service is operated over its properties) as a direct pass through to the commuter authorities would result in cross subsidization of intercity service by commuter service." To force one of the three users of the Corridor, it states, to bear the "entire fixed cost base", irrespective of the "magnitude and impact" of its use, would violate both the plain Congressional intent and the language of the statute itself. AMTRAK suggests that unless the Office corrects its "dicta" the unfortunate effect could be prevention of an arm's-length negotiated solution to the Corridor compensation issues, since only a Commission order under section 402(a) of the Rail Passenger Service Act requiring ConRail to pay AMTRAK on a fully-allocated basis can assure ConRail's right to full reimbursement (presumably on a fully-allocated basis) from the commuter authorities.

The standards do not require any of the three users of the Corridor to bear the "entire fixed cost base". They require the commuter services to bear those fixed costs (return on the value, depreciation, retirements, and dismantling) identified with properties used by them and which could be disposed of if the commuter services were discontinued. The reasons for this are discussed elsewhere in this report. As stated in the second notice (41 FR at 26938), the Office believes that the primary measure of the reasonableness of the compensation by commuter authorities for use of the Corridor should be the standards issued herein; it places special reliance on ConRail's assurances that it will represent commuter interests in its negotiations with AMTRAK; and expects that if the parties cannot agree to follow the Office's costing methodology, they will submit the matter to the Commission. The standards admittedly do not embrace fully-allocated costing.

COMMUTER SERVICE COMMON REVENUES AND COSTS

The apportionment of costs of subsidy payments when a commuter service traverses State boundaries or when more than one State is involved in a service area was discussed in both the further notice (41 FR at 20107) and the second notice (41 FR at 26940). Rhode Island Department of Transportation believes it is imperative that there be a "fallback" methodology for dividing the costs (such as the car-miles basis suggested by the Office) "to cover the very likely situations where various commuter agencies could not agree on the allocation of common costs". ConRail also supports passenger car-miles as the basis of apportionment and believes that, except in extraordinary circumstances, the apportionment formula throughout the region should be uniform, so that an operator is not required to develop different information and prepare varied cost apportionments for the several inter-jurisdictional commuter services. SEPTA believes that the only standard necessary for determining the relative costs payable is the avoidable cost method. Pennsylvania Department of Transportation (PennDOT) notes that more SEPTA cars are kept overnight at Wilmington than are required to accommodate the passengers generated in Delaware, and that an apportionment on the basis of car-miles would be unfair to Delaware. It suggests the use of five factors, some of which are collinear.

The Office anticipates that in most instances, as in the case of Pennsylvania and Delaware, the commuter authorities will be able to negotiate equitable sharing of the subsidy burden. However, as a "fallback" requested by Rhode Island and ConRail, the final standards provide that attributable revenues and avoidable costs common to two or more commuter services shall be apportioned between them on the basis of car-miles. The Office reiterates its recommendation that representatives of each State involved in bi-State services begin discussions immediately with their counterparts in adjoining States, to the end that before August 18, a decision will be reached as to whether either or both of them will file a notice of intention and an offer of financial assistance.

VALUE OF THE PROPERTIES

This subject was discussed in the further notice (41 FR at 20108) and in the second notice (41 FR at 26939). However, in light of the responses to the Second Notice, some further consideration appears desirable.

Deficiency judgment adjustment. ConRail and NJDOT observe that the standards should provide for the contingency that in the valuation proceedings the special court may modify the values of the considerations payable by ConRail for the rail properties acquired by it. Section 303(c)(5) of the RRR act protects ConRail against deficiency judgments as to the properties which it transferred to AMTRAK, States, or commuter authorities. Under section 303(c)(2)(C), ConRail is exposed to a possible deficiency judgment as to properties acquired and retained by itself, provided such a judgment "would not endanger the viability or solvency of the Corporation". Considerable time may elapse before the special court's valuation findings become final; and since the deficiency judgment protection is not absolute, some adjustment of ConRail's property accounts may ultimately be required.

Therefore, the final standards provide that if the book values of road or equipment property are adjusted either upward or downward as a result of final orders of the special court, such adjustment shall be reflected in future subsidy payments without retroactive effect. Neither ConRail nor NJDOT expressly urged a retroactive adjustment of the values and the Office believes such an adjustment—downward or upward would be impractical. In either case, the value of the properties used in providing the commuter service would be one ingredient in determining the fares to be charged, and the commuter authorities would have no means of retroactively adjusting such fares, years after the service was provided.

Incremental annual increases of value. ConRail renews its plea that the value of the properties for the purposes of determining the return should be subject to annual escalation at the rates set forth in the FSP (pages 154–155). It asserts that unless this is done the obligation of the United States for redemption of the certificates of value, as well as the interests of ConRail security holders, will be adversely affected.

Were the annual escalation proposed by ConRail to be allowed, and the 7.5 percent return prescribed in the standards applied to the escalated values, the return in the 12th year (when redemption of the certificates is mandatory) would be 28.77 percent on the original base; and the average annual compound return over the 12-year period would be 14.42 percent. This compares with the 8 percent compound rate employed in computing the base value of the certificates at redemption under section 306(c)(4) of the Act. Computation of the certificates' base value also involves subtraction from net liquidation value of the value of other benefits provided by the Act plus the fair market value of the Series B preferred and the common shares and any cash dividends thereon, and addition of any compensable unconstitutional interim erosion. The result of those computations is conjectural until the final determinations of the special court are known, although if the projections of the FSP are realized it will be zero. Moreover, since the certificates are obligations of the United States, the results of the court's determinations in respect to them will have no effect on the property accounts of either ConRail or AMTRAK.

The Office thus does not perceive that the certificates of value have any relevance to the reasonable return on the

value of the properties for the purposes of determining the rail service continuation payments. The adoption of ConRail's position as to annual escalation of the values would impose an unreasonable and unconscionable burden on the commuter services and the concept is rejected.

Additions and betterments. NJDOT urges that the parties should agree as to who will be responsible for making "capital replacements" in each category and treat depreciation accordingly; that commuter authorities should not pay a return on that portion of the value of rail properties which have been built or rehabilitated with funds provided by the commuter authorities or government grants; and that the value of rail properties should be adjusted to exclude those properties where ConRail is bound by agreements entered into between the railroads in reorganization and the commuter authorities, under which a railroad in reorganization was precluded from charging a subsidizer a rate of return on investment financed but not owned by the subsidizer.

The Office believes that these details should be dealt with in the individual subsidy agreements, with the understanding that in the event of impasse between the parties a ruling, if requested, will be issued based on the facts and circumstances of the individual case. Certainly the standards do not purport to supersede or invalidate the terms by which ConRail may be contractually bound. The properties conveyed on April 1, 1976, to AMTRAK and ConRail may well include many which were obtained by predecessor companies through grants or contributions by cities, counties, States, or other governmental entities in the distant past, but for the values of which the transferors must be compensated under the RRR Act. The Act does not appear to authorize a blanket exclusion of the values of such properties from the base on which the return is computed.

REASONABLE RETURN

The return element of the subsidy payment was previously discussed in the further notice (41 FR at 20108) and in the second notice (41 FR 26938). SEPTA agrees that the proper rate of return on ConRail and AMTRAK properties is 7.5 percent. However, it believes that the regulations should permit a system whereby the subsidizer would make penalty deductions from this 7.5 percent for poor operational performance by ConRail. Since the avoidable cost standard provides for the treatment of penalty and incentive payments, there is no need to incorporate such provision in the return element of the compensation.

DOT urges that the Office should make clear in the regulations that the "double return" prohibited by section 304(c)(2) of the RRR Act will not be paid. This is accomplished by excluding from the valuation base in § 1127.6(b) the properties owned by the trustees of debtor estates. These properties were excluded since the estates are being compensated under the regional freight standards (49 CFR 1125).

OTHER COSTS RELATED TO PROPERTY VALUES

NJDOT urges that "depreciation relates to a sunk cost. It is not an avoidable cash item and does not represent an out-of-pocket expense." It considers that "in terms of present service and service in the future, depreciation is relevant only insofar as it provides a means of accumulating funds to replace facilities and equipment as they physically wear out or become technologically obsolete". PennDOT argues that road property depreciation is a sunk cost, and is not affected by the operation of commuter trains.

The Office disagrees; the depreciation allowed under Commission prescribed accounting rules does not purport to provide for the replacement of facilities or equipment, but merely for the recovery, through current charges, of a portion of past capital expenditures. In fact, present accounting practices make no provision for recovery through current charges of any decline in the values of major portions of the roadway investment resulting from obsolescence, leaving this cost to be borne by future users or by investors. Were the present investors in ConRail properties to be denied the opportunity to recover from the users even the sharply written-down acquisition costs of these properties, as NJDOT and PennDOT urge, the effects would be not only unjust to them, but would increase the costs of future capital.

AMTRAK's position is at the opposite extreme. It would assign to the commuter services depreciation (and return on the value) costs "which do not vary with the level of use, but rather are constant so long as the entity operates at all". DOT supports this view to the extent that it believes commuters should share in the return on (and presumably depreciation of) properties which would continue to be required in the absence of commuter service.

For reasons discussed above, the Office believes that assignment to the commuter services of costs which would not diminish with discontinuance of such services, but instead would continue so long as intercity passenger or freight services are operated would result in cross subsidization of those services by the commuters. The same considerations apply to the costs of retirements, dismantling, and property taxes. Sections 1127.5(e)(11)–(13), (f)(5), and (m) provide that there shall be no apportionments of common costs under these subsections, and that the charges to commuter services shall be those identified with properties used in such services which could be disposed of if the services were discontinued, as determined under § 1127.6.

NJDOT also raises a question respecting credits to avoidable costs related to the impact of passenger service eliminations on real estate tax exemptions, although it offers no specific suggestion. Section 402(a)(2) of the RRR Act directs the Secretary, within one year of enactment, to promulgate standards and procedures by which the State share of rail service continuation assistance under that section may be provided through in-kind benefits such as forgiveness of taxes, trackage rights, and facilities which would not otherwise be provided. Section 5(g) of the Department of Transportation Act contains a similar provision as to the local rail service assistance under that section, but there is no such provision in section 17 of the UMT Act. This would indicate that Congress did not intend the State share of commuter service continuation payments to be offset by in-kind benefits. The standards do, however, provide latitude for the parties to negotiate terms of the subsidy agreements, and there is no reason why the value of any tax reduction by the States in consideration of commuter service continuance could not enter into the negotiations.

EMERGENCY OPERATING ASSISTANCE

Level of service. If a valid subsidy offer is made, section 304(e) of the RRR Act obligates the railroad to continue to provide the same level of commuter service after September 27, 1976, as was "provided immediately prior to conveyance." The proposed standards construed the quoted phrase to embrace the first quarter of 1976. Several parties properly observed that such a construction fails to allow for seasonal fluctuations in service. Their point is well taken and the final standards define level of service provided immediately prior to conveyance as embracing the period April 1, 1975, through March 31, 1976. If the subsidy offer is for less than 12 months, e.g., October 1976–March 1977, the level of service should be predicated upon the corresponding months prior to conveyance, e.g., October 1975–March 1976.

Fare increases. The second notice (41 FR at 26939–40) invited the comments of interested parties with respect to four alternative methods of treating revenues from fare increases in the computation of emergency operating assistance. ConRail recommended alternative No. 1—inclusion of all fare increase revenue in attributable revenues for this purpose, believing that this approach creates the greatest likelihood that subsidizing entities will make rational decisions respecting the establishment of fares and the necessity for fare increases. SEPTA and NJDOT express a preference for the second alternative, which was to credit no revenues from fare increases to attributable revenues for this purpose, since this approach provides the commuter authorities with control over policy with respect to fare structure. DOT believes that emergency operating assistance should be unaffected by increases in revenue until those increases result in the Federal share of additional costs to the subsidizers being greater than the rail service continuation payment.

The Office concurs with the views expressed by DOT, which are not dissimilar from those of NJDOT and SEPTA. The

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commuter authorities should have dis-whether resulting from application of the cretion to meet any additional costs, standards or from other factors, either by adjusting fares or by increased subcreases had the effect of reducing emersidy payments; if revenues from fare ingency operating assistance, the incentive to adjust fares would be diminished. On the other hand, emergency operating assistance should not serve to reduce the financial assistance the commuter authorities are obligated to provide under section 304(e)(2) of the Act. Section 1127.8(e) of the standards therefore provides that separate records shall be maintained segregating the amounts of revenues yielded by fare increases from other passenger revenues; that these segregated amounts shall be excluded from attributable revenues in computing emergency operating assistance; but that the emergency operating assistance shall not thereby be caused to exceed the rail service continuation payment.

Pass riders allowance. CACR objected to the provision in § 1127.4(c) of the proposed standards (41 FR at 20111) that an allowance for pass riders should be credited to the attributable revenues of the commuter service because, in the case of the Chicago commuter railroads, pass riders are required to stand if no seats are available. The Office disagrees, since in many instances fare-paying passengers also are required to stand when seats are not available.

SEPTA urged that the proposed section be revised to provide that the commuter service revenues would be credited with the difference between fares specified by applicable tariffs and fares collected from pass riders and other passengers who receive "employment-related discount fares". The Office does not believe that the allowance should encompass passes or reduced-fare privileges issued by the commuter authorities or by other public bodies. The final standards, therefore, provide for crediting attributable passenger revenues of the commuter service with an allowance for passengers using passes or reduced-fare tickets issued by the railroad or its predecessors, based on the currently applicable fares charged revenue commuter passengers. The parties may, if they wish, continue existing practices for crediting these allowances.

Notice deadline. Under the proposed standards, a commuter authority must serve its initial notice of intention to offer subsidy on the operator by August 18, 1976. The operator in turn must provide the authority with a subsidy estimate within 30 days or no later than September 17, 1976, and the authority must tender to the operator its offer of financial assistance by September 27, 1976, to avoid the discontinuance of service.

SEPTA takes exception to the limited amount of time (ten days) provided to "analyze, comment upon, and approve ConRail's estimate" and requests that ConRail be required to furnish its estimate by September 13, to afford SEPTA an additional four days to respond.

The deadlines recited above are minimum time periods necessitated by statute. SEPTA could alleviate the time pressures by serving its notice of intention in advance of the August 18 deadline. That is, if it were to serve its notice on August 14, ConRail would be obliged to provide its subsidy estimate by September 13.

The parties would also be afforded additional time to complete the notice/subsidy estimate/offer process, were ConRail persuaded to waive the September 27 deadline for making the subsidy offer. Section 304(e)(2)(B) authorizes but does not require ConRail to discontinue service if a subsidy offer is not received by the end of the 180-day mandatory operation period. ConRail might be amenable to extending the September 27 deadline were it to receive appropriate assurances of compensation for continuing service.

Subsidy estimate and financial status report. NJDOT would require the railroad to provide more detail when estimating and reporting on the avoidable costs for maintenance of way and structures, maintenance of equipment, and transportation. SEPTA and NJDOT believe financial status reports should be rendered monthly rather than quarterly. SEPTA says the reports should include information on passengers carried, rides sold and car miles operated, which it deems useful in persuading taxing authorities to provide subsidies.

The Subsidy Estimate (Appendix I) and Financial Status Report (Appendix II) are patterned after the regional freight standards (49 CFR 1125) and are intended to summarize the base period, actual, and projected figures for attributable revenues, avoidable costs and return on value. The appendices have been revised to include traffic and operating data and require the minimum information believed necessary to formulate the offer of financial assistance and to monitor actual performance. Further detail may be obtained by inspecting the railroad's books and records.

The final rules specify quarterly financial reports to minimize the railroads reporting obligations and since ConRail anticipates that it will take more than 30 days to assemble the data. The Office does encourage the railroad to accommodate reasonable requests by the subsidizer for more frequent and detailed status reports.

Best available data. The proposed standards require the railroad to formulate its subsidy estimate on "base period" data, i.e., "a minimum of three months and a maximum of twelve months for which the latest traffic, revenue and cost data are available." ConRail advises that the minimum base period (April, May, June, 1976) expense data cannot be "provided in usable form until the end of July [which] will preclude furnishing the initial subsidy estimate within 30 days" and recommends that it be permitted to use the "best data available". In all likelihood, ConRail will not have to complete its initial subsidy estimate for any commuter service until September 17, 1976, or some 48 days after the April–June data are available. In any event, ConRail's recommendation conforms with the intent of the standards. Its initial estimate should be based upon the best 3–12 months data available for the period July 1, 1975, through June 30, 1976. The estimate should also be adjusted to allow for any actual or projected variations in service, i.e., seasonal fluctuation in traffic or extraordinary events affecting service levels. The final rules so provide.

Management fees and incentive payments. ConRail and AMTRAK advocate while DOT opposes the inclusion of a management fee in the standards. AMTRAK believes such a fee is justified to cover the hidden cost of corporate overhead not ordinarily billed to commuter users. ConRail asserts that incentive payments for superior performance, which the standards do allow, are "inappropriate vehicles for compensating [it] for the elements designed to be reimbursed by the management fee.". It argues that the failure of Congress to expressly authorize a management fee does not limit the Office's discretion to provide for a fee or prohibit Federal reimbursement therefor. DOT supports incentives for superior performance but does not believe that Congress intended that a management fee be paid.

The Office continues to endorse the concept of a reasonable management fee to be paid the operator and it encourages commuter authorities to accede to such provisions. However, the Office adheres to its prior conclusion that it would be impermissable for it to require the payment of a management fee or to provide for the reimbursement of voluntary payments out of emergency assistance funds.

Congress expressly provided that railroads be paid a fee for managing freight services on light-density lines [section 304(d) of the RRR Act]. The House similarly called for a fee for managing commuter services, but this provision was deleted by the Committee of Conference (see Conference Report 94–781, on S. 2718, pp. 226–27). Therefore, Congress evidently did not deem it desirable to require commuter authorities to compensate operators for management services.

DOT is concerned that the parties may be reluctant to negotiate incentive and penalty clauses and recommends that "negotiations for [such] clauses consistent with general practices in the industry should, therefore, be made mandatory." Penalty and incentive clauses may not be necessary or appropriate for every commuter service subject to these standards, and particularly in light of the severe time constraints, it does not appear practical to mandate negotiation of such clauses. However, UMTA is establishing eligibility criteria (e.g., compliance with Federal policy regarding non-discrimination, etc.) in its guidelines for making application for emergency operating assistance. We would not deem it inappropriate for UMTA to also require a showing that the applicant made affirmative efforts to negotiate penalty and incentive clauses in its subsidy negotiations.

Speed factored gross ton formula. PennDOT is apparently opposed to the use of a speed factored gross ton formula (SFGT) to allocate maintenance of running track expenses. It advocates that commuter services be charged for track maintenance on the basis of gross-ton miles. NJDOT and SEPTA endorse the SFGT formula proposed by the Office. ConRail is not opposed to the SFGT concept, but prefers an alternative formula based upon DeLeuw Cather methodology. It points out that the formula proposed by the Office is "based on long-term average costs previously incurred, while for the next ten years most of the subsidized railroads will be undergoing an exceptional period of high program maintenance costs of roadway and track which obviates the use of historical cost averages."

The final standards retain the SFGT formula for the reasons stated in the further notice (41 FR at 20108). Appendix III has, however, been revised to indicate that the parties may conduct special studies to update the constants used in the formula without approval of the Office.

Insurance-reserve for liability. The further notice provided (41 FR at 20112–13) that the railroad should determine from its underwriters the difference in the premiums under account 414 if commuter service were discontinued and that a casualty reserve account should be established for costs incurred under Accounts 415–417, 419 and 420. NJDOT comments that the commuter authority should be named as an insured under the railroad's policies; that it should be entitled to obtain its own insurance if it so desires; and that determination of the insurance costs from others than the railroad's underwriters should be permitted.

ConRail responds that insurance and liability expenses are incurred by a railroad directly as a result of providing certain transportation services. These expenses are therefore directly related to commuter services and must be considered as costs which are properly the responsibility of the subsidizer. It is endeavoring to obtain from its underwriters segregations of the premiums resulting from operation of the commuter services, but such segregations may not be possible for all policies. ConRail self-insures against risks of less than $2,000,000, and believes it would be unduly costly to completely eliminate the self-insurance. It suggests that the railroad should determine from its underwriters not only the difference in the premium if all the commuter services were discontinued, but also the additional premium to hold both the railroad and the subsidizer harmless from any liability arising out of the commuter operations. The avoidable premium costs as so determined would then be apportioned among all the subsidizers on the basis of passenger miles operated for each subsidizer.

ConRail further suggests that, to cover liabilities coming within normal deductible amounts, a casualty reserve account be established, into which each subsidizer initially would pay amounts equal to 6 percent of the total costs billed by the railroad. After five years of experience had been accumulated, appropriate adjustments would be made in the percentage rate for payments into the reserve.

The Office agrees that the subsidizers should be responsible for any costs reasonably and necessarily sustained under Accounts 414, 415–417, 419 and 420 arising out of the operation of the commuter services. It believes that it will be possible to obtain from underwriters segregated premiums for the commuter services to the extent that there is any additional premium attributable to the continuance of these services. It agrees also with NJDOT that the subsidizers should be entitled to obtain premium quotations from other sources than the railroad's underwriters, and to furnish the insurance themselves, provided that the railroad is named as an insured and is adequately protected against risks arising from the commuter operations.

Because of the high costs of insuring against all risks with no deductible, the interests of the subsidizers will probably best be served by a common casualty reserve in which all subsidizers participate, along the lines ConRail suggests. The insurance costs also presumably will be lower if insurance is provided under common policies. However, ConRail should provide substantiation for the amounts to be paid by the subsidizers into the reserve. Also, to provide for the contingency that some commuter services may be terminated, it would appear that the payments into the reserve should be reviewed at the close of each subsidy period. The parties of course may agree upon any contractual arrangements which provide the necessary liability protection, but § 1127.5(h) (12) and (13) will apply in the event of disagreement.

Administrative costs. Both the railroad and the commuter authorities will necessarily incur costs in order to comply with the standards adopted herein and with the application procedures issued by UMTA. These costs include the legal, technical and other out-of-pocket expenses incurred in formulating the notice of intention, the subsidy estimate, and the offer of financial assistance; in developing the facilities and manpower utilization plans and negotiating the subsidy agreements; in maintaining, reporting and auditing the actual revenue and cost data; and in making application to UMTA for emergency operating assistance.

The regional standards (49 CFR 1125.5(e)) compensate the railroad .5 percent of total annual revenues attributable to the subsidized light-density line to cover all costs of administering freight subdsidy programs. A similar allowance is not provided in the commuter standards, since unlike the freight standards, the railroad may assign as avoidable costs the actual general expenses, including salaries and legal, that are directly attributable to the commuter service. These accounts may properly include the railroad's actual costs of administering the subsidy program. Similarly, the final standards authorize the subsidizer to seek reimbursement from UMTA for the additional costs incurred by them in participating in the subsidy program.

It should be emphasized that the railroad and subsidizers may not allocate these general expenses on estimates of time expended or arbitrary formulae. Rather these expenses must be predicated on detailed records of time spent by the persons administering the program and on invoices for services performed. Moreover, the cost of participating in this rulemaking should not be considered avoidable under the subsidy standards or for purposes of seeking Federal reimbursement.

Interest. The treatment of working capital and interest on overdue payments was discussed in both the further notice (41 FR at 20108) and the second notice (41 FR at 26939). SEPTA argues that it would unduly restrict local governmental flexibility to require that interest be paid on late payments and questions the Office's statutory authority to mandate payment of interest in such a situation. ConRail states that its experience during its first several months, as well as that of its predecessors, reflects the difficulties encountered by railroads in collecting contractually or statutorily required subsidy payments. It urges that interest on delayed subsidy payments continue to accrue, irrespective of a decision to initiate discontinuance procedures.

The standards contemplate that the railroad will not be compelled to commit its working capital to the commuter services; therefore, no working capital component is included in the investment base on which a reasonable return is allowed. Conversely, the railroad should not be permitted to amass interest-free working capital for its other services by overestimating the amounts of required advance payments from the subsidizers. In view of these considerations, the standards provide that interest shall accrue at 100 basis points over current prime with respect both to delayed subsidy payments and to refunds of interim subsidy payments to the subsidizer.

Accounting periods. Several of the comments addressed problems which may arise because the deadline dates in the standards do not coincide with the termination of normal accounting periods. For the most part, the dates set forth in the standards are dictated by the terms of the statute, which the Office lacks the authority to change. However, the potential for unnecessary expense resulting from rigid application of some dates is recognized, and it is intended that appropriate prorations of revenues, costs, and return be made where necessary to avoid duplicative recordkeeping or inconvenient accounting cut-off dates.

Advertising-notice. The National Newspaper Association (NNA) urges that commuter authorities which notify railroads of their intention to provide financial assistance be required to publish such notice in considerable detail once a week for three consecutive weeks in a

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newspaper of general circulation in each county of each State within the Northeast Corridor, "or similarly, future areas affected by such changes". NNA urges also that opportunity be provided for the public to respond to proposed payment plans promulgated by transportation officials.

The statute provides for public notice of proposed abandonment of rail properties and discontinuance of rail service (Section 1a of the Interstate Commerce Act). It does not provide for public notice regarding the continuance under subsidy of commuter service. The Office would, however, expect the commuter authorities, ConRail, and AMTRAK to furnish the press and other communications media with timely releases to keep the interested public informed of all developments affecting the continuance of commuter rail services.

PARTICIPANTS

Government

FEDERAL

Congressman James J. Florio
Congressman James J. Howard
Office of Public Counsel
Senator Harrison A. Williams, Jr.
U.S. Department of Transportation
Urban Mass Transportation Administration

STATE

Maryland Department of Transportation
New Jersey Department of Transportation
New York State Department of Transportation
Pennsylvania Department of Transportation
Rhode Island Department of Transportation

REGIONAL

Delaware Transportation Authority
Massachusetts Bay Transportation Authority
Metropolitan Transportation Authority, New York
Northwestern Indiana Regional Planning Commission
Southeastern Pennsylvania Transportation Authority

CITY

Philadelphia, Pennsylvania

Association

National Newspaper Association

Railroad

Chicago Area Commuter Railroads:
Burlington Northern, Inc.
Chicago & North Western Transportation Company
Chicago, Milwaukee, St. Paul & Pacific Railroad Company
Chicago, Rock Island and Pacific Railroad Company
Chicago, South Shore & South Bend Railroad Company
Illinois Central Gulf Railroad Company
Consolidated Rail Corporation
National Railroad Passenger Corporation

Accordingly, *it is ordered*, That Part 1127 of Chapter X of Title 49 of the Code of Federal Regulations appended to this report is hereby adopted effective August 3, 1976.

Issued July 29, 1976, by Alan M. Fitzwater, Director, Rail Services Planning Office.

By the Commission.

ROBERT L. OSWALD,
Secretary.

Part 1127 is added to 49 CFR Ch. X to read as follows:

Sec.
1127.1 Definitions.
1127.2 Purpose and scope.
1127.3 Subsidy agreement.
1127.4 Revenues attributable to commuter rail service.
1127.5 Avoidable costs of providing service.
1127.6 Valuation of rail properties.
1127.7 Reasonable return on the value of the properties.
1127.8 Emergency operating assistance.
1127.9 Access to records, audit and inspection.
Appendix I—Subsidy estimate.
Appendix II—Financial status report.
Appendix III—Speed factored gross tons formula.

AUTHORITY: Sec. 205(d) (5) and (6) of the Regional Rail Reorganization Act of 1973, Pub. L. 93-236, 87 Stat. 985, 994, as amended by Section 309 of the Railroad Revitalization and Regulatory Reform Act of 1976, Pub. L. 94-210, 90 Stat. 31, 57.

§ 1127.1 Definitions.

Unless otherwise required by the context, the following definitions apply in this Part:

"Account" means an account in the Commission's Uniform System of Accounts for Railroad Companies (49 CFR Part 1201).

"Act" means the Regional Rail Reorganization Act of 1973 (45 U.S.C. 701 et seq.) as amended by the Rail Revitalization and Regulatory Reform Act of 1976 (Pub. L. 94-210 (90 Stat. 31 et seq.)).

"Base period" means a minimum of three months and a maximum of twelve months for which the latest traffic, revenue and cost data are available.

"Common costs" means charges in the railroad's accounts for facilities, properties and services in the designated area which are incurred by the subsidizer and other users and which are not solely for the benefit of a particular service.

"Commuter service" means the specific service for which the subsidizer has offered or agreed to make continuation payments.

"Corporation" means the Consolidated Rail Corporation.

"Designated area" means a portion of the railroad's facilities, such as track segments, buildings and yards, for which costs are collected and apportioned between commuter and other services.

"Facilities Utilization Plan" means a document identifying and itemizing the road and equipment properties used in providing commuter passenger service.

"Form R-1" means the railroad's annual report filed with the Commission in accordance with the requirements of section 20 of the Interstate Commerce Act.

"Manpower Utilization Plan" means a document identifying the railroad forces used in providing commuter passenger service.

"Office" means the Rail Services Planning Office established by section 205 of the Act.

"Rail Act" means the Railroad Revitalization and Regulatory Reform Act of 1976, Pub. L. 94-210 (90 Stat. 31).

"Railroad" means a common carrier by railroad, as defined in section 1(3) of the Interstate Commerce Act (49 U.S.C. 1(3)), including the Consolidated Rail Corporation and the National Railroad Passenger Corporation.

"Secretary" means the Secretary of Transportation or his designated representative.

"Subsidizer" means a State or a local or regional transportation authority which offers to make or makes a payment to continue commuter rail service pursuant to sections 304(c) and 304 (e) of the Act.

"Subsidy period" means the term for which a subsidy agreement has been negotiated and is in operation.

"UMT Act" means the Urban Mass Transportation Act of 1964, as amended (90 Stat. 143).

§ 1127.2 Purpose and scope.

(a) Section 304(e)(1) of the Act requires the Corporation (or a profitable railroad) to provide commuter rail service for a period of 180 days commencing April 1, 1976, on all rail properties over which a railroad in reorganization in the Northeast and Midwest Region, or a person leased, operated, or controlled by such a railroad, was providing service as of the date regardless of whether or not the properties were designated in the Final System Plan of the United States Railway Association as rail properties over which rail service is required to be operated.

(b) Section 304(c)(2)(A) and section 304(e)(4) of the Act provide that no commuter rail service may be discontinued, and no rail properties may be abandoned, if a subsidizer offers financial assistance in the form of a rail service continuation payment which is designed to cover the difference between the avoidable costs of providing commuter rail service on the rail properties and the revenues attributable to such properties, together with a reasonable return on the value of the properties. If such an offer is made on or before September 27, 1976, the Corporation (or profitable railroad) shall continue to provide such service thereafter.

(c) Section 205(d)(6) of the Act authorizes the Office to determine and publish standards for defining (1) the "revenue attributable to the rail properties", (2) the "avoidable cost of providing service", and (3) a "reasonable return on value", as those phrases are used in section 304 of the Act.

(d) Section 205(d)(5) of the Act directs the Office to determine and publish standards for the computation of subsidies for commuter rail service (except passenger service compensation disputes subject to the jurisdiction of the Commission) which are consistent with the compensation principles described in the Final System Plan and which avoid cross subsidization among commuter, intercity, and freight rail services.

(e) This part sets forth a method for establishing an estimated subsidy payment, which will enable a prospective subsidizer to formulate a subsidy offer within the context of section 304 of the Act and provide a basis for subsidy payment pending the negotiation of a subsidy agreement. When an agreement is concluded, subsequent payments shall be based on the negotiated subsidy. The final payment shall be adjusted to reflect the actual revenues derived, avoidable costs incurred and value of the properties used in the subsidy period.

(f) Section 304(e)(5)(A) of the Act and section 17(a)(1) of the UMT Act direct the Secretary to reimburse the Corporation, the National Railroad Passenger Corporation, other railroads, and, if applicable, the trustee or trustees of a railroad in reorganization in the Midwest and Northeast region for 100 percent of the losses incurred in the 180-day mandatory operation period not otherwise paid by subsidizers which would have been payable had these standards been in effect on April 1, 1976.

(g) Section 304(e)(5)(B) of the Act and section 17(a)(2) of the UMT Act direct the Secretary to reimburse subsidizers for the additional costs incurred by them for commuter operation during the 180-day mandatory operation period and for commuter rail service continuation payments made by them after September 27, 1976. The amount of reimbursement shall be 100 percent for the period April 1, 1976, through March 26, 1977; 90 percent for the period March 27, 1977, through March 31, 1978; and 50 percent for the period April 1, 1978, through September 27, 1978. The Secretary may not provide emergency operating assistance after March 31, 1978, unless the prospective subsidizer provides adequate assurances to the Secretary that the commuter service for which such assistance is sought will be continued after September 27, 1978.

(h) Section 205(d)(5)(B) of the Act directs the Office to determine the standards under which the Secretary will provide the emergency operating assistance authorized in section 17(a) of the UMT Act.

(i) This part also establishes the criteria which will govern the reimbursement by the Secreary of: (1) The losses incurred by the Corporation, other railroads or trustees for continuing commuter service during the mandatory operation period; and (2) the additional costs incurred by subsidizers for subsidizing commuter service from April 1, 1976, through September 27, 1978.

§ 1127.3 Subsidy agreement.

(a) *Notice of intention.* A prospective subsidizer shall notify the railroad of its intention to offer financial assistance for the continuation of commuter service no later than 40 days before the offer is to be tendered. The Notice shall specify:

(1) All modifications in the fares to be charged and in the existing level of service, including changes in routes, schedules, train seating capacity, performance standards, equipment units, and such other dimensions of service as the subsidizer may specify;

(2) The length of the subsidy period; and

(3) The name and address of the prospective subsidizer.

A copy of the Notice shall be served concurrently on the Office and the Secretary.

(b) *Subsidy estimate.* The railroad shall compute a subsidy estimate predicated on the information contained in the Notice and the revenues attributable, avoidable costs of providing service, and reasonable return on value for the base period in accordance with the methodology prescribed in §§ 1127.4-7 and in the form called for in Appendix I. The estimate shall be adjusted as necessary to allow for any actual or projected variations in service, e.g., seasonal fluctuations in traffic or extraordinary events affecting service levels. The bases of any adjustments shall be stated with particularity. The railroad's estimate and the general terms it proposes for an agreement shall be served on the prospective subsidizer (with copies to the Office and the Secretary) as soon as possible but no later than 30 days after the Notice is received. The railroad's initial estimate (which must be served 30 days after the notice is received but no later than September 17, 1976) may be based on the best data available.

(c) *Offer of financial assistance.* The prospective subsidizer must formulate an offer of subsidy predicated on the railroad's estimate, but may propose modifications which are consistent with these standards. The initial offer of subsidy must be served on the railroad (with copies to the Office and the Secretary) no later than September 27, 1976, to avoid the discontinuance of service. Subsequent offers of subsidy must be served not less than 60 days before the end of the subsidy period. The offer shall contain:

(1) A subsidy estimate in the form prescribed in Appendix I;

(2) A resolution, authorization or other evidence that the prospective subsidizer has, or within a reasonable time will have, the authority to execute and fulfill an agreement to subsidize the service;

(3) Information demonstrating that the prospective subsidizer has or will have the financial resources to subsidize the service and otherwise fulfill its contractual obligations; and

(4) A subsidy payment for the first month of service.

(d) *Negotiations.* (1) *General.* The railroad and the prospective subsidizer shall negotiate an initial subsidy agreement as soon as possible after September 27, 1976, but in no event later than March 26, 1977. The parties may agree in arm's-length negotiations to provisions which modify the standards, subject to review of such modifications by the Office. The Office would not expect to disapprove variations from the standards which are the product of arms-length negotiations and which are shown to be reasonable in the light of the pertinent facts and circumstances. When an agreement has been reached, a copy shall be promptly filed with the Office for its review.

(2) *Significant use.* Unless the parties agree otherwise, the subsidizer shall be deemed a significant user of the rail properties in the areas designated on the facilities utilization plan, and shall be assigned the directly identifiable and common costs of providing the commuter passenger service.

(3) *Insignificant use.* A subsidizer proposing incidental use of rail properties in the designated area may be assigned the directly identifiable costs incurred in providing the commuter passenger services, plus an allowance for overhead as negotiated by the parties. If the parties are unable to agree on an overhead allowance, the methodology for apportioning common costs specified in § 1127.5 shall apply.

(4) *Mediation.* Upon request of either party, the Office will mediate disagreements concerning the facilities utilization plan, the manpower utilization plan, the subsidy agreement, and the application of these standards.

(e) *Subsidy payments.* The subsidizer shall make subsidy payments monthly in advance, based either upon the negotiated estimate or, in the absence of a subsidy agreement, upon the subsidizer's offer of financial assistance. The payment shall be determined by dividing the total subsidy by the number of months in the subsidy period. Interest on overdue subsidy payments shall accrue, at a rate of 100 basis points (1 percentage point) above the prime rate currently quoted at a principal bank in the commuter service area, for such period as they remain unpaid and the railroad has not terminated the service. The final subsidy payment shall be adjusted retroactively within 60 days of the filing of the final Financial Status Report required by subsection (f) to reflect the actual revenues derived, avoidable costs incurred and value of the properties used in providing rail commuter service during the subsidy period. The railroad shall establish a system to collect the data necessary to make the adjustment. If the subsidizer is entitled to a refund, the railroad shall pay interest on the overpayment, at a rate of 100 basis points (1 percentage point) above the prime rate currently quoted at a principal bank in the commuter service area, accruing from the end of the subsidy period until the refund is made.

(f) *Financial status report.* The railroad shall submit to the subsidizer and the Office a Financial Status Report in the form prescribed in Appendix II to this Part within 60 days after the end of each three months of the subsidy period. Significant deviations from the subsidy estimate must be explained. Unless the parties otherwise agree, the second-to-last report will be the basis for negotiating the subsequent subsidy agreement. The final report will be the basis of the subsidy payment adjustment.

§ 1127.4 Revenues attributable to commuter rail service.

The revenues attributable to commuter rail service shall be the total of the revenues, rentals and allowances assigned in accordance with this section. Where a third party controls revenues or

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rents attributable to the commuter service, the railroad shall credit the commuter service with the amounts of such revenues or rents credited to it by the third party, and shall use its best efforts to negotiate equitable apportionments. Revenues attributable to two or more commuter services shall be apportioned between them on the basis of car-miles operated under the respective offers of financial assistance or subsidy agreements. The revenues, rentals and allowances assigned shall be derived from the following accounts.

(a) *Revenue accounts.* (1) *Account 101—Freight (mail portion only); Account 102—Passenger; Account 103—Baggage; Account 105—Parlor and chair car; Account 108—Other passenger train; Account 131—Dining and buffet.* The revenues assigned to these accounts shall be the actual revenues attributable to commuter service that are directly identified with the operation of commuter trains, excluding rail service continuation payments [Account 108(d)].

(2) *Account 132—Hotel and restaurant; Account 133—Station, train, and boat privileges; Account 142—Rents of buildings and other property; Account 143—Miscellaneous.* The revenues assigned to these accounts earned on commuter trains shall be credited directly to the commuter service. The commuter service portion of revenues generated at fixed facilities used in common with other services shall be determined from the relative passenger on-off counts (including pass riders) at those facilities. Special studies of on-off counts may be substituted for continuous records of such counts where desired.

(3) *Account 151—Joint facility—Cr.; Account 152—Joint facility—Dr.* To the extent that the terms of joint facility agreements yield apportionments of revenues to commuter services, the amounts so yielded shall be credited or debited directly to the commuter service. If the terms of the agreements do not yield such apportionments, passenger on-off counts (including pass riders) shall be the basis of apportionment at joint facilities where passengers are boarded or discharged; and at other facilities counts of cars handled as developed from special studies or continuous records shall be the basis of apportionment.

(b) *Rentals.* (1) *Account 508—Joint facility rent income; Account 541—Joint facility rents.* Rentals in these accounts shall be credited or debited to commuter services on the same bases specified in § 1127.4(a)(3).

(2) *Account 504—Rent from locomotives—Cr.; Account 537—Rent for locomotives—Dr.; Account 505—Rent from passenger-train cars—Cr.; Account 533—Rent for passenger-train cars—Dr.; Account 150—Miscellaneous rent income.* The rentals credited or debited to these accounts to the commuter services shall be the actual amounts derived from the rental of commuter service equipment or other property.

(c) *Pass rider allowance.* Attributable revenues of the commuter service shall be credited with an allowance for passengers using passes or reduced fare tickets issued by the railroad (or predecessor companies). The parties may continue existing practices for crediting such allowances. In the absence of an agreement, the amount of such credit shall be determined on the basis of currently applicable fares charged revenue commuter passengers.

§ 1127.5 Avoidable costs of providing service.

(a) *Assignment of costs.* To the maximum extent practicable, the directly identifiable and common costs assigned to the commuter service shall be developed from a facilities utilization plan and a manpower utilization plan, with the assistance of available and appropriate cost and accounting records such as time sheets, material requisitions, charge cards, vouchers, and the like. [All accounts shall be separated between labor and material (non-labor) charges.] Otherwise, costs may be assigned to the commuter service in a manner agreed to by the parties. The parties may rely on historical data; conduct special studies; develop their own apportionment formulae based on use; or agree on a combination of the foregoing. Upon request of either party, the Office will mediate disputes concerning the proper methodology for assigning costs. Any costs which are not assigned under the foregoing procedures shall be assigned in accordance with the methodology prescribed in subsections (e)–(n) below, subject to the condition that either party may request a special study. The requesting party will be responsible for designing the study and obtaining the other party's approval of the design. The results of the study will be binding on both parties unless they mutually agree to disregard them. Avoidable costs common to two or more commuter services shall be apportioned between them on the basis of car-miles operated under the respective offers of financial assistance or subsidy agreements.

(b) *Facilities utilization plan.* The parties shall develop a facilities utilization plan which identifies and itemizes the road and equipment properties of the railroad used in providing the commuter service and assigns to each property or group of properties the agreed percentage of use devoted to the commuter service. The plan shall also identify those road properties which are avoidable upon discontinuance of the commuter service for the purposes of determining road depreciation, retirement and dismantling charges [§§ 1125.7(e)(11)–(13)] and value of road properties [§ 1127.6(b)]. The roadway properties and facilities should be divided into areas or segments consisting of stretches of property where operations or use remain fairly constant and pinpointing those places where the operations or use change (e.g., number of tracks change, branch lines enter or diverge, and other similar changes). Properties and equipment normally covered in a facilities utilization plan include: trackage; signal system; electrification system; interlocking plants; bridges and drawbridges; stations and platforms; rail-highway crossings; yards; power plants; shops, enginehouses, and servicing facilities; storehouses; land; rolling stock; and other facilities or equipment. Source data normally includes equipment rosters, track diagrams or maps of the properties in the above categories, and usage measures for each class of facility and equipment by specific facility or segment (e.g., track density charts, train sheets, timetables, blocking records, yarding programs, station workloads, etc.) to determine the percentage of use of facilities or equipment in providing the commuter service.

(c) *Manpower utilization plan.* The parties shall also develop a manpower utilization plan which identifies the railroad forces used in providing the commuter service by listing the persons employed according to job title, work location, account and percentage of time devoted to commuter service duties.

(d) *Special studies.* All special studies shall be conducted jointly by the railroad and the subsidizer. The length and frequency of the studies and the standardized measurement procedures utilized in the studies shall be negotiated by the parties. In the event of impasse, either party may submit the dispute to the Office for resolution and its decision will be final. The cost of studies which are prescribed by these standards or which the parties voluntarily agree to perform shall be attributed to the commuter service. The cost of studies performed at the request of only one party shall be borne exclusively by that party and shall not be attributed to the commuter service.

(e) *Maintenance of way and structures.* (1) Yard and way switching tracks—*Account 202—Roadway maintenance; Account 206—Tunnels and subways; Account 208—Bridges, trestles and culverts; Account 210—Elevated structures; Account 212—Ties; Account 214—Rails; Account 216—Other track material; Account 218—Ballast; Account 220—Track laying and surfacing.* The common costs assigned to these accounts shall be apportioned on the ratio of the commuter service cars dispatched in the designated area to the total cars dispatched in the designated area.

(2) Running tracks—*Account 202—Roadway maintenance; Account 206—Tunnels and subways; Account 208—Bridges, trestles and culverts; Account 210—Elevated structures; Account 212—Ties; Account 214—Rails; Account 216—Other track material; Account 218—Ballast; Account 220—Track laying and surfacing; Account 507—Rent from work equipment-CR.; Account 540—Rent from work equipment-Dr.* The common costs assigned to these accounts shall be apportioned on the ratio of the commuter service Speed Factored Gross Tons (SFGT) for the designated area to the total SFGT for all traffic in the designated area. The commuter service SFGT shall be derived by subtracing the SFGT for freight and/or intercity passenger from the total SFGT for all traffic. The SFGT shall be calculated in accordance

with the formula set forth in Appendix III.

(3) *Account 227—Station and office buildings.* The common costs assigned to these accounts shall be first apportioned on the ratio of total square feet devoted to passenger service to the total used square feet in the facility. The passenger portion shall then be apportioned on the ratio of the commuter service on-off passenger count (including pass riders) in the designated area to the total on-off passenger count (including pass riders) in the designated area.

(4) *Account 221—Fences, snowsheds and signs; Account 229—Roadway buildings; Account 265—Miscellaneous structures; Account 269—Roadway machines; Account 271—Small tools and supplies; Account 272—Removing snow, ice and sand; Account 273—Public improvements-maintenance; Account 281—Right-of-way expense.* The common costs assigned to these accounts shall be apportioned on the ratio of the amounts in Accounts 202–220 assigned to commuter service to the railroad's total in Accounts 202–220 for the designated area.

(5) *Account 231—Water stations.* The common costs assigned to this account shall be apportioned on the ratio of the locomotive unit miles (diesel and electric) generated from commuter service using these facilities in the designated area to the railroad's total locomotive unit miles in the designated area (diesel and electric) for all service.

(6) *Account 233—Fuel stations.* The common costs assigned to this account shall be apportioned on the ratio of the amount of fuel dispensed in commuter service to the total amount of fuel dispensed for all services using these facilities.

(7) *Account 235—Shops and engine houses.* The common costs assigned to this account shall be apportioned on the ratio of the labor charges expended servicing commuter service equipment in the designated area to the railroad's total labor charges expended servicing all equipment in the designated area.

(8) *Account 249—Signals and interlockers.* The common costs assigned to this account shall be apportioned on the ratio of the number of commuter service train movements through these facilities to the total of all train movements through these facilities.

(9) *Account 253—Power plants.* The common costs assigned to this account shall be apportioned on the ratio of the commuter service amounts in Accounts 227 and 235 in the designated area to the railroad's total of these accounts in the designated area.

(10) *Account 257—Power-transmission systems.* The common costs assigned to this account shall be apportioned on the ratio of the kilowatt hours consumed by the commuter service to the total kilowatt hours consumed by all services in the designated area.

(11) *Account 266—Road property-depreciation.* There shall be no apportionment of common costs under this account. Road property depreciation charges to commuter service shall be computed by applying the railroad's composite rates of depreciation reported in Schedule 211B of Form R–1 to the undepreciated book values of the road properties determined in accordance with § 1127.6(b).

(12) *Account 267—Retirements-Road.* There shall be no apportionment of common costs under this account. The charges to commuter service in the designated area shall be the actual amounts reported in Schedule 324 of Form R–1, which are identified with the retirement of road properties the value of which is assigned to commuter service under § 1127.6(b).

(13) *Account 270—Dismantling retired road property.* There shall be no apportionment of common costs under this account. The charges to commuter service in the designated area shall be actual costs of dismantling the road property identified in § 1127.5(e)(12).

(14) *Account 278—Maintaining joint tracks, yards and other facilities-Dr.; Account 279—Maintaining joint tracks, yards and other facilities-Cr.* The charges or credits to commuter service costs assigned to these accounts shall be determined on the same basis specified in § 1127.4(a)(3).

(15) *Account 201—Superintendence; Account 274—Injuries to persons; Account 275—Insurance; Account 276—Stationery and printing; Account 282—Other expenses.* The common costs assigned to these accounts shall be apportioned on the ratio of the commuter service amounts in Accounts 202–265, 269–273, 278, 279 and 281 in the designated area to the railroad's total for these accounts in the designated area.

(16) *Account 247—Communication Systems.* The common costs assigned to this account shall be apportioned on the ratio of the commuter service amounts in Accounts 201, 301, 351, 371, 372 and 377 in the designated area to the railroad's total for these accounts in the designated area.

(f) *Maintenance of equipment.* (1) *Account 311—Locomotive-Repairs.* This account shall be separated between yard and other (road) with a further separation between diesel and other (electric). The common costs assigned to this account for yard locomotives shall be based on the results of the special study described in § 1127.5(h)(4). The costs assigned to this account for other locomotives (road) shall be the actual costs that are directly attributable to the commuter service.

(2) *Account 317—Passenger train car-Repairs.* The costs assigned to this account shall be the actual costs of repairs to commuter service equipment.

(3) *Account 326—Work equipment-Repairs.* The common costs assigned to this account shall be apportioned on the ratio of the commuter service amounts in Accounts 202–220 to the railroad's total for these accounts in the designated area.

(4) *Account 328—Miscellaneous equipment-Repairs.* The common costs assigned to this account shall be apportioned on the ratio of the hours devoted to commuter service in the designated area to the total hours used in the designated area. A special study may be conducted to develop the hours of use of such equipment.

(5) *Account 329—Dismantling retired equipment; Account 330—Retirements-Equipment; Account 331—Equipment-Depreciation.* There shall be no apportionment of common costs under these accounts. The charges to commuter service shall be amounts directly identified with the equipment, the values of which are assigned to commuter services under § 1127.6(a).

(6) *Account 336—Joint maintenance of equipment expenses-Dr.; Account 337—Joint maintenance of equipment expenses-Cr.* The charges or credits to commuter service shall be the amounts which can be directly identified with commuter service equipment under the terms of the related joint facility agreements.

(7) *Account 301—Superintendence; Account 302—Shop machinery; Account 304—Power-plant machinery; Account 305—Shop and power-plant machinery-Depreciation; Account 306—Dismantling retired shop and power-plant machinery; Account 332—Injuries to persons; Account 333—Insurance; Account 334—Stationery and printing; Account 339—Other expenses.* The common costs assigned to these accounts shall be apportioned on the ratio of the commuter service amounts in Accounts 311–329, 336, 337 to the railroad's total for these accounts in the designated area.

(g) *Traffic. Account 351—Superintendence; Account 352—Outside agencies; Account 353—Advertising; Account 354—Traffic associations; Account 357—Insurance; Account 358—Stationery and printing; Account 360—Other expenses.* There shall be no apportionment of common costs under these accounts. The costs assigned to commuter service shall be those amounts directly identified with such services.

(h) *Transportation.* (1) *Account 372—Dispatching trains.* The common costs assigned to this account shall be apportioned on the ratio of the commuter train hours in the designated area to total train hours in the designated area.

(2) *Account 373—Station employees.* The common costs assigned to this account shall be subdivided into 4 categories: (i) Ticket sales and service; (ii) other station costs; (iii) station master; and (iv) mail and baggage. The common costs in these subaccounts shall be apportioned on the ratio of commuter service units in the designated area to the total units in the designated area for the respective units: (v) Weighted ticket sales; (vi) passenger on-off count (including pass riders); (vii) trains stopping at stations in the designated area; and (viii) units of mail and baggage handled.

(3) *Account 376—Station supplies and expenses.* The common costs assigned to this account shall be apportioned on the ratio of the commuter service amounts in Account 373 to the railroad's total for this account in the designated area.

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(4) *Account 377—Yardmasters and yard clerks; Account 378—Yard conductors and brakemen; Account 379—Yard switch and signal tenders; Account 380—Yard enginemen; Account 382—Yard switching fuel; Account 383—Yard switching power produced; Account 384—Yard switching power purchased; Account 388—Servicing yard locomotives; Account 389—Yard supplies and expenses.* A special study shall be conducted to determine the ratio of the commuter service (diesel, electric) yard locomotive unit hours in the designated area to the railroad's total (diesel, electric) yard locomotive unit hours in the designated area. The common costs assigned to these accounts shall be amounts in the railroad's accounts for the designated area multiplied by the ratio determined from the study. For this purpose, the term "locomotive" shall include motor cars. In conducting such a study, the railroad should recognize the variances of: (i) weekend versus weekday demand, (ii) required yard crew manning to perform the switching services for various users, and (iii) the effect of peak service on yard manning.

(5) *Account 390—Operating joint yards and terminals-Dr.; Account 391—Operating joint yards and teminals-Cr.; Account 412—Operating joint tracks and facilities-Dr.; Account 413—Operating joint tracks and facilities-Cr.* The charges or credits to commuter service under these accounts shall be determined on the basis specified in § 1127.4(a)(3).

(6) *Account 392—Train enginemen; Account 394—Train fuel; Account 401—Trainmen.* There shall be no apportionment of common costs under these accounts. The costs assigned to these accounts shall be the actual costs that are directly attributable to commuter service.

(7) *Account 395—Train power produced; Account 396—Train power purchased.* There shall be no apportionment of common costs under these accounts. The costs assigned to these accounts shall be the actual costs of the kilowatt hours (KWH) consumed for commuter service in the designated area. These KWH shall be weighted to reflect the peak period power demands, i.e., time of day and volume of power demanded.

(8) *Account 400—Servicing train locomotives.* The common costs assigned to this account shall be apportioned on the ratio of the total locomotive units (road) serviced in commuter service in the designated area to the railroad's total locomotive units (road) serviced in the designated area.

(9) *Account 402—Train supplies and expenses.* The common costs assigned to this account shall be apportioned on the ratio of commuter cars dispatched in the designated area to the railroad's total cars dispatched in the designated area. Commuter cars shall include passenger cars and motor cars.

(10) *Account 404—Signal and interlocker operation; Account 405—Crossing protection.* The common costs assigned to these accounts shall be apportioned on the ratio of the number of commuter service train movements in the designated area to the total train movements in the designated area.

(11) *Account 411—Other expenses.* There shall be no apportionment of common costs under this account. The costs assigned to this account shall be the actual costs that are directly attributable to commuter service.

(12) *Account 414—Insurance.* The costs assigned to this account for commuter service shall be determined by ascertaining from the railroad's underwriters: (i) The difference in the current premium if commuter service were not operated and (ii) the additional premium required to hold the railroad and the subsidizers harmless from any liability. Such amounts shall be apportioned between the several commuter services operated by the railroad on the basis of the relative numbers of passenger miles (including pass riders).

(13) *Account 415—Clearing wrecks; Account 416—Damage to property; Account 417—Damage to livestock on right-of-way; Account 419—Loss and damage-baggage; Account 420—Injuries to persons.* The subsidizers shall be responsible for any costs incurred under these accounts resulting from the operation of the commuter service. The railroad shall, if the subsidizer agrees, establish a reserve for the purpose of holding the subsidizer harmless from any liabilities under these accounts arising out of the operation of commuter services on its properties, and each commuter service participating in the reserve shall bear a proportion of the costs of the reserve equal to its proportion of the total passenger miles (including non-revenue passenger miles) generated by participating services.

(14) *Account 371—Superintendence; Account 407—Communication system operation; Account 410—Stationery and printing.* The common costs assigned to these accounts shall be apportioned on the ratio of the commuter service amounts in all other transportation accounts except Account 409 to the railroad's total for these accounts in the designated area.

(l) *Miscellaneous operations.* (1) *Account 441—Dining and buffet service; Account 446—Other miscellaneous operations.* There shall be no apportionment of common costs under these accounts. The costs assigned to these accounts shall be the actual costs that are directly attributable to commuter service.

(2) *Account 447—Operating joint miscellaneous facilities-Dr.; Account 448—Operating joint miscellaneous facilities-Cr.* The charges or credits to commuter service under these accounts shall be determined on the same basis specified in § 1127.4(a)(3).

(j) *General.* (1) *Account 451—Salaries and expenses of general officers; Account 452—Salaries and expenses of clerks and attendants; Account 453—General office supplies and expenses; Account 454—Law expenses; Account 455—Insurance; Account 457—Pensions; Account 458—Stationery and printing; Account 460—Other expenses.* There shall be no apportionment of common costs under these accounts. The costs assigned to these accounts shall be the actual costs that are directly attributable to commuter service. These costs may include the actual expenses incurred in administering the subsidy program.

(2) *Account 461—General facilities-Dr.; Account 462—General joint facilities-Cr.* The charges or credits to commuter service under these accounts shall be determined on the same basis specified in § 1127.4(a)(3).

(k) *Fringe benefits.* Fringe benefits shall be assigned on a basis of a percentage of total wages. The percentage shall be developed by using data from the railroad's latest Form R–1. The total of all health and welfare accounts (Accounts 277, 335, 359, 409, 449, and 465) taken from Sch. 320, Col. (b) shall be added to the total of payroll taxes, old-age retirement and unemployment insurance, taken from Sch. 350, and divided by the total employee compensation taken from Sch. 320, Col. (b). The resulting percentage shall be applied to the labor costs in each account chargeable to commuter service.

(l) *Revenue taxes.* There shall be no apportionment of revenue taxes. The commuter service shall be assigned those revenue taxes directly attributable to commuter revenues.

(m) *Property taxes.* There shall be no apportionment of property taxes. The property taxes chargeable to a commuter service shall be those identified with properties used in such service, as determined under § 1127.6(b).

(n) *Performance standards-penalties and incentives.* The subsidy agreements may include reasonable provisions as agreed by the parties for penalties for service inferior to stipulated performance standards and incentive payments for superior performance. Penalties withheld from subsidy payments by the subsidizer under such agreements shall be treated as reductions of avoidable costs and incentive payments shall be treated as additions to avoidable costs.

§ 1127.6 Value of rail properties.

The value of rail properties on which a reasonable return is allowed shall consist of:

(a) The net book value of equipment furnished by the contracting carrier for commuter service, after deduction of accrued depreciation; and

(b) The net book value of those roadway and structures properties which are used in commuter services and which could be disposed of if commuter services were discontinued. Such net book value shall include the net liquidation values of properties acquired April 1, 1976, by the Corporation or National Railroad Passenger Corporation, plus the value of additions and betterments after that date for commuter service, less accrued depreciation. It shall not include the value of properties owned by public bodies or the trustees of debtor estates.

(c) If the book values of road or equipment property are adjusted upward or downward as a result of final orders of the special court, such adjusted values shall be reflected in future subsidy payments, but without retroactive effect.

§ 1127.7 Reasonable return on the value of the properties.

The reasonable return shall be 7.5 percent per annum on the sum of the two elements of the investment based computed in accordance with § 1127.6.

§ 1127.8 Emergency operating assistance.

(a) *Mandatory period-losses.* The railroad shall be entitled to reimbursement by the Secretary for 100 percent of the losses reasonably and necessarily incurred by it for continuing during the mandatory period (from April 1, 1976, through September 27, 1976, or any extension of such period resulting from the application of Federal law), the same level of commuter rail service as was provided during the 12-month period ended March 31, 1976. The reimbursement shall be an amount equal to the railroad's actual net avoidable loss and reasonable return on the value of properties, as determined in accordance with § 1127.3–7, minus such financial assistance as it received or was entitled to receive (whichever is greater) under section 304(e)(2) of the Act from a subsidizer during the mandatory operation period. Should the service be terminated by agreement of the railroad and the subsidizer prior to the close of the mandatory operation period, the reimbursement under this paragraph shall be proportionately reduced.

(b) *Mandatory period—additional costs.* A subsidizer shall be entitled to reimbursement by the Secretary for 100 percent of the additional costs reasonably and necessarily incurred by it, during the period April 1, 1976, through September 27, 1976, in preparing the offer of financial assistance or negotiating the subsidy agreement. Payments by the Secretary under this subsection shall not be duplicative of amounts disbursed under paragraphs (a) and (c) of this section.

(c) *Post mandatory period—additional costs.* A subsidizer which makes subsidy payments for the continuance of commuter rail service, during the period from September 28, 1976, through September 27, 1978, shall be entitled to be reimbursed by the Secretary for the additional costs reasonably and necessarily incurred by it to sustain the same level of service being provided during the 12-month period ended March 31, 1976. The amount of reimbursement shall be 100 percent of additional costs for the period September 28, 1976, through March 26, 1977; 90 percent of such costs for the period March 27, 1977, through March 31, 1978; and 50 percent of such costs for the period April 1, 1978, through September 27, 1978. The appropriate percentage for each subsidy period shall be applied to the difference between the actual net avoidable losses and reasonable return incurred in continuing the service, as determined in accordance with §§ 1127.3–7, and the financial assistance the subsidizer was obligated to pay under section 304(e)(2) of the Act during the mandatory period, plus the amounts of any additional administrative costs reasonably and necessarily incurred in complying with these standards.

(d) *Level of service.* The same level of service includes the routes, schedules, train seating capacity, performance standards, and equipment units provided during the 12-month period ended March 31, 1976, and any modifications thereof which do not increase the net avoidable loss and reasonable return on the value of the properties as determined in accordance with §§ 1127.3–7 in excess of the amount which would have resulted from the service level provided during the 12-month period ended March 31, 1976. The railroad or subsidizer may be reimbursed for additional costs necessary to sustain the same level of service arising from wage or price increases or equipment purchases to the extent that the railroad (or its predecessor) had not agreed to absorb, nor the subsidizer to pay, such cost increases. The railroad or subsidizer may not be reimbursed for losses incurred in providing service on new routes; but the level of service on existing routes may be adjusted to the extent that the total of the net avoidable losses and the reasonable return, as determined in accordance with §§ 1127.3–7, based on the level of service provided in the 12-month period ended March 31, 1976, is not thereby exceeded.

(e) *Reductions in service.* If a rail continuation payment is decreased because service is reduced below the level provided during the 12-month period ended March 31, 1976, the financial assistance provided by the subsidizer and the reimbursement of additional costs by the Secretary under § 1127.8(c) shall be reduced in proportion to their respective contributions to the total of the rail service continuation payment as computed prior to such reduction in the level of service.

(f) *Fare increases.* The railroad shall maintain records for each subsidy period segregating the amounts of passenger revenues included in Account 102 resulting from fare increases initiated on or after April 1, 1976. For the purpose of determining the reimbursement by the Secretary of additional costs under § 1127.8(c), such amounts shall be deducted from the attributable revenues computed under § 1127.4. Under no circumstances, however, shall the application of this subsection result in reimbursement by the Secretary of an amount exceeding the subsidy payment determinod pursuant to §§ 1127.3–7.

(g) *Interest on overdue payments.* The amounts of interest accrued on overdue payments under § 1127.3(e) shall be excluded from avoidable costs determined under § 1127.5 for the purposes of determining the reimbursement by the Secretary of additional costs under § 1127.8(c).

(h) *Advance payments.* To assist the subsidizer in making the monthly interim subsidy payments required under § 1127.3(e), the Secretary shall pay monthly in advance to the subsidizer the estimated amounts for reimbursement of additional costs under § 1127.8(c) as modified by §§ 1127.8(e), (f), and (g). The final payment of such reimbursement shall be adjusted retroactively within 60 days of the filing of the last Financial Status Report for each subsidy period to reflect the actual amounts of attributable revenues, avoidable costs, and return on the value of the properties, and the financial assistance the subsidizer was obligated to provide during that subsidy period. The receipt by the subsidizer of any estimated or final payment for reimbursement of additional costs shall be conditioned upon the furnishing by the recipient of such certification or documentation at such times as the Secretary may by regulation require.

(i) *Arbitration.* Under section 304(e)(5)(c) of the Act, the railroad, the subsidizer, and the Secretary may submit any disputes regarding the application of this section to arbitration by a disinterested third person. If the parties are unable to agree upon an arbitrator, the Chairman of the Interstate Commerce Commission or his designated representatice shall serve in that capacity.

§ 1127.9 Access to records, audit and inspection.

(a) The subsidizer, the Office, and the Secretary shall have reasonable access to the records, accounts, working papers, and other documents and to the properties and equipment of any railroad, which provides commuter passenger service or whose properties and equipment are used in providing commuter passenger service for the following purposes:

(1) To verify the accuracy and completeness of the subsidy estimate, the facilities utilization plan, the manpower utilization plan, and the Financial Status Reports;

(2) To audit the actual revenues derived, costs incurred and service units maintained during the subsidy period;

(3) To inspect the properties and equipment used in providing the commuter passenger service and to measure the performance of the railroad under the offer of financial assistance and the subsidy agreement; or

(4) To confirm facts and representations made or to be made in applications for emergency operating assistance.

(b) The properties and records described in paragraph (a) of this section shall be made available for inspection and examination by the subsidizer, the Office, and the Secretary during regular business hours at a time and place mutually agreeable to the parties. The railroad shall also reproduce such records, provided the requesting party pays the reasonable cost thereof.

APPENDIX I—SUBSIDY ESTIMATE

The following information is required to be furnished under § 1127.3(b) in accordance with the methodology set forth in §§ 1127.3–7. The base period data shall be shown for each item.

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	Base period
Revenues attributable for:	
1. Passenger	
2. Dining and buffet	
3. Rentals	
4. All other	
5. Total revenues attributable (lines 1 through 4)	
Avoidable costs for:	
6. Maintenance of way and structures	
7. Maintenance of equipment	
8. Traffic	
9. Transportation	
10. Miscellaneous operations	
11. General	
12. Fringe benefits	
13. Taxes	
14. Casualty reserve account	
15. Performance standards	
16. Total avoidable costs lines 6 through 15)	
Return on value for:	
17. Valuation of property (lines 17a and 17b)	
a. Book value of equipment	
b. Book value of roadway and structures	
18. Rate of return	
19. Total return on value (line 17 times line 18)	
20. Subsidy estimate (line 5 minus lines 16 and 19)	
21. Financial assistance from subsidizer	
22. Estimated emergency operating assistance from the secretary (line 20 minus line 21)	
Traffic and operating data:	
1. Number of passengers carried	
2. Total car miles	

APPENDIX II—FINANCIAL STATUS REPORT

A railroad entering into a subsidy agreement shall compile the information prescribed below in accordance with the standards set forth in §§ 1127.3–7. The actual data for the period to date and a projecttion to the end of the subsidy period shall be shown for each item.

	Actual	Projected
REVENUES ATTRIBUTABLE FOR—		
1. Passenger		
2. Dining and buffet		
3. Rentals		
4. All other		
5. Total revenues attributable (lines 1 through 4)		
AVOIDABLE COSTS FOR—		
6. Maintenance of way and structures		
7. Maintenance of equipment		
8. Traffic		
9. Transportation		
10. Miscellaneous operations		
11. General		
12. Fringe benefits		
13. Taxes		
14. Casualty reserve account		
15. Performance standards		
16. Total avoidable costs (lines 6 through 15)		
RETURN ON VALUE FOR—		
17. Valuation of property (lines 17a and 17b)		
a. Book value of equipment		
b. Book value of roadways and structures		
18. Rate of return		
19. Total return on value (line 17 times line 18)		
SUBSIDY PAYMENT		
20. Subsidy payment (line 5 minus lines 16 and 19)		
21. Financial assistance from subsidizer		
22. Emergency operating assistance from the secretary (line 20 minus 21)		
TRAFFIC AND OPERATING DATA		
1. Number of passengers carried		
2. Total car miles		

APPENDIX III
SPEED FACTORED GROSS TONS FORMULA

The following formula is required to calculate the SFGT to be used under Section 1127.5(e)(2) of this part.

$$SFGT = Y(.4+.5N)\left[1.088+.490\sqrt{GT}+.032\,GTF+.016\,GTP+.029\,J\,GT\left(\frac{V}{83}+\frac{V^2}{6{,}250}\right)\right]$$

Where:

GT = Total gross tons of traffic (in millions) per track mile per year
GTF = Gross tons of freight traffic (in millions) per track mile per year
GTP = Gross tons of passenger traffic (in millions) per track mile per year
N = Number of tracks per route mile
V = Speed factor (the larger of freight speed or 0.8 times passenger speed)
J = 1 for welded rail
= 2 for bolted rail
Y = As shown below

FRA class of tracks and type of operation	Value of Y: Line main	Line branch	Yard and switch
Class 1, 2, 3; freight only up to 10 MGT per mile per year	1.00	0.51	0.14
Class 1, 2; passenger, or class 1, 2, 3; freight more than 10 MGT per mile per year	1.16	.63	
Class 3; passenger, or class 4, 5, 6; all traffic	1.20		

The speed factors used shall be governed by the highest authorized speed in the designated area for the respective types of service.

Special studies may be conducted from time to time to update the constants used in the formula.

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federal register

TUESDAY, AUGUST 3, 1976

THE NATIONAL ARCHIVES OF THE UNITED STATES
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1934

PART V:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

■

COMBINATION AND MOBILE HOME LOT LOANS

Insurance of Financial Institutions

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

[24 CFR Part 201]

[Docket No. R-76-405]

COMBINATION AND MOBILE HOME LOT LOANS

Insurance of Financial Institutions

The Department of Housing and Urban Development is considering amending subtitle B of Title 24 of the Code of Federal Regulations, Chapter II, subchapter B, Part 201, "Property Improvement and Mobile Home Loans," by adding a new subpart D, "Combination and Mobile Home Lot Loans." The proposed regulations implement sections 309(b) (2) and (d) of the Housing and Community Development Act of 1974, Pub. L. 93-383, which amended Title I of the National Housing Act, 12 U.S.C. 1703, to provide for insurance of financial institutions that make loans to finance the purchase of mobile home lots by present owners of mobile homes, and loans for the purchase of a mobile home lot and a mobile home in combination.

The maximum loan for the purchase of an undeveloped mobile home lot would be $5,000 and the maximum term for repayment would be 10 years and 32 days.

The maximum loan for the purchase of a single-wide mobile home and a developed lot would be $20,000 and the maximum term would be 12 years and 32 days.

The maximum dollar amount that could be allocated for the purchase of a developed mobile home lot is $7,500, and the maximum term for repayment would be 10 years and 32 days.

The maximum loan for the purchase of a mobile home consisting of two or more modules and a developed lot is $27,500. The maximum term would be 15 years and 32 days. Mobile homes acquired pursuant to this subpart will be required to be built in accordance with the standards required by the regulations and procedures implementing the National Mobile Home Construction and Safety Standards Act of 1974, Pub. L. 93-383, 42 U.S.C. 5401 et seq.

Mobile home lots acquired will be appraised by an agent of the Secretary and insured lending institutions will be required to determine that marketable title is vested in the borrower or borrowers.

Insured lenders will be required to obtain a first lien on the mobile home and the mobile home lot where both are secured with proceeds of the loan but only on the mobile home lot where only a mobile home lot is acquired by a present owner of a mobile home. The first lien on the mobile home and the mobile home lot where state law permits may be obtained in a single instrument. Where a chattel security and a real estate mortgage are necessary to obtain the requisite first lien or security interest both instruments will be required. For purposes of these regulations where more than one legal instrument is necessary in order to effect a first lien on a mobile home and a mobile home lot, the transactions will nevertheless be considered to be a single loan transaction. The maximum interest rate that will be permitted may not exceed 10½ percent per annum.

Insurance afforded to lending institutions under the proposed regulations is subject to co-insurance as required by Title I of the National Housing Act. The Secretary's insurance liability is limited to no more than 10% of the original net amount of loans properly reported for insurance and 90% of the insured lender's loss on an individual loan.

Interested persons are invited to participate in the making of the proposed rule by submitting written data, views, or statements. Communications should be addressed to the Rules Docket Clerk, Office of the Secretary, Room 10141, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. All relevant material received on or before September 6, 1976, will be considered by the Secretary before adoption of a final rule. Copies of comments submitted will be available during business hours, both before and after the specified closing date, at the above address, for examination by interested persons.

The Department has made a determination that the program will not have a substantial environmental impact. A Finding of Inapplicability has been filed with the Rules Docket Clerk, at the above address, and is available for inspection during regular business hours.

The proposed amendments are as follows:

Subpart A—Property Improvement Loans

1. In § 201.12 paragraph (b) is proposed to be amended to read as follows:

§ 201.12 Insurance reserve.

* * * * * *

(b) There shall be maintained for each insured a general insurance reserve which shall equal 10 percent of the aggregate amount advanced on all eligible loans originated by such insured pursuant to the provisions of the regulations in Subpart A * * *, D * * * of this part on or after March 1, 1950, and prior to the expiration of the Commissioner's authority to insure under the provisions of this Act, less the amount of all claims approved for payment by the Commissioner in connection with such loans and less the amount of any adjustment made pursuant to paragraph (c) of this section.

* * * * * *

2. In Part 201 a new subpart D is proposed to be added to read as follows:

Subpart D—Combination and Mobile Home Lot Loans

Sec.
201.1500 Incorporation by reference.
201.1501 Purpose.
201.1502 Definitions.

LOAN REQUIREMENTS

201.1503 Eligibility requirements.
201.1504 Maximum loan amounts and terms.
201.1505 Combination loans for the purchase of a mobile home and a developed or undeveloped lot.
201.1506 Loans for the purchase or acquistion of a lot.
201.1507 Title and lien requirements.
201.1508 Waived title objections.
201.1509 Fees and charges.
201.1510 Borrower's minimum investment.
201.1511 Financing charges.
201.1512 Mobile home lot certification.

INSURANCE REQUIREMENTS

201.1513 Insurance reserve.
201.1514 Rate of insurance charge.

DEFAULT UNDER MOBILE HOME OBLIGATION

201.1515 Definition of default.
201.1516 Date of default.
201.1517 Notice of default.
201.1518 Acquisition of property.
201.1519 Notice of foreclosure.
201.1520 Deed in lieu of foreclosure.
201.1521 Notice of acquisition of title.
201.1522 Disposition of property.

CLAIMS

201.1525 Claim application.
201.1526 Amount of claim.
201.1527 Incontestability of claim payment.

EXTENSION OF TIME

201.1528 Actions to be taken by insured lender.

AMENDMENTS

201.1530 Effect of amendments.

AUTHORITY: Sec. 7(d), 79 Stat. 670 (42 U.S.C. 3535(d)); sec. 2, 48 Stat. 1246 (12 U.S.C. 1703), as amended by Pub. L. 93-383, and Pub. L. 94-173.

Subpart D—Combination and Mobile Home Lot Loans

§ 201.1500 Incorporation by reference.

All of the provisions of Subpart B of this part concerning insurance of institutions making mobile home loans shall be applicable to insurance of institutions making mobile home lot loans and combination loans pursuant to this subpart except the following provisions:

Sec.
201.501(b)(1)(j) and (1) Definitions.
201.505 Purpose of subpart.
201.525 Mobile home location standards.
201.530 Maximum loan amount.
201.535 Borrower's minimum investment.
201.540 Financing charges.
201.625 Rate of insurance.
201.560 Maturity provisions.
201.585 Refinancing.
201.595(e) Dealer investigation approval and control.
201.665 Claim application.
201.675 Insurance reserve.
201.900 Amendment and effect.

§ 201.1501 Purpose.

The provisions of this subpart contain the requirements under which an approved financial institution may obtain insurance of combination loans (mobile home and lot) and mobile home lot loans.

§ 201.1502 Definitions.

As used in the regulations in this subpart the term—

(a) "Combination loan" means a loan for the purchase of a mobile home and a mobile home lot, in a single transaction.

(b) "Mobile home lot" means a parcel or portion of land acceptable to the Commissioner as a mobile home site. The parcel or portion of land may be unplatted or may be in a mobile home park, a new subdivision or planned unit development but does not include a lot subject to a condominium agreement.

(c) "Repossession" means a lawful foreclosure, recovery or acquisition of title to property (pursuant to provisions of a security agreement or mortgage) such as to enable the insured lender to convey marketable title to a third party.

(d) "Borrower" means a natural person who applies for and receives a loan for the purchase of a mobile home and a developed or undeveloped lot, or only a developed or undeveloped mobile home lot.

(e) "Owner" means a borrower who presently owns a mobile home and a loan is made under this subpart for the purchase of a lot upon which to place that mobile home, or a borrower who is purchasing a mobile home and a lot under the provisions of this subpart.

(f) "Developed lot" means a lot with water and utility connections, sanitary facilities, appropriate driveways, concrete pad, provision for anchoring, and other improvements which are necessary to make the lot suitable as a mobile home site.

(g) "Undeveloped lot" means a lot with water and utility connections, sanitary facilities, ingress and egress to the property.

(h) "Actuarial method" means the method of allocating payments made on a debt between the amount financed and the finance charge pursuant to which a payment is applied first to the accumulated finance charge and any remainder is subtracted from, or any deficiency is added to, the unpaid balance of the amount financed.

(i) "Manufacturer's invoice" means a document which is officially issued by the manufacturer stating the true wholesale price of a mobile home and its equipment excluding furniture and furnishings. The document shall be on a form which is in general use in the industry.

(j) "Mobile home" means a transportable structure which is ten body feet or more in width and is forty body feet or more in length, and which is built on a permanent chassis, and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. Where a mobile home is composed of two or more modules or sections, each module or section shall have a minimum floor space area of at least 400 square feet.

LOAN REQUIREMENTS

§ 201.1503 Eligibility requirements.

(a) Loans shall be made only for financing in combination, the purchase of a mobile home and a developed or undeveloped mobile home lot or a developed or undeveloped mobile home lot by the owner of a mobile home which mobile home is the principal residence of that owner. Furniture or furnishings may not be included in the loan, or financed with the proceeds of the loan.

§ 201.1504 Maximum loan amounts and terms.

(a) Maximum permissible loan amounts and terms shall not exceed:

(1) $17,500 for 12 years and 32 days in the case of the purchase of a mobile home and an undeveloped lot (but not to exceed $12,500 for the mobile home).

(2) $20,000 for 12 years and 32 days in the case of the purchase of a mobile home and a suitably developed lot (but not to exceed $12,500 for the mobile home).

(3) $25,000 for 15 years and 32 days in the case of a purchase of a mobile home composed of two or more modules and an undeveloped lot (but not to exceed $20,000 for the mobile home).

(4) $27,500 for 15 years and 32 days in the case of a purchase of a mobile home composed of two or more modules and a suitably developed lot (but not to exceed $20,000 for the mobile home).

(b) Maximum permissible loan amounts and terms for a lot purchased or acquired shall not exceed:

(1) $5,000 for 10 years and 32 days for the purchase of an undeveloped lot on which to place a mobile home owned by the borrower.

(2) $7,500 for 10 years and 32 days for the purchase of a suitably developed lot on which to place a mobile home owned by the borrower.

§ 201.1505 Combination loans for the purchase of a mobile home and a developed or undeveloped lot.

(a) A loan to purchase a mobile home and a developed or undeveloped lot on which such mobile home is placed shall be eligible for insurance: *Provided*, That—

(1) The borrower will acquire title to such lot, which shall meet the requirements of § 201.1507 of this subpart;

(2) The loan is secured by a first lien;

(3) The lot is determined by the Commissioner to be an acceptable mobile home site;

(b) Notwithstanding that the borrower's obligation for purchase or acquisition of the lot is evidenced and secured separately from his obligation for the purchase of the mobile home, the instruments evidencing both obligations shall constitute one loan for the purpose of this part.

(c) The cost of the home and lot and the cost of improvements to the home or lot which will not be paid from the proceeds of the loan must be paid by the borrower in cash from his or her own resources.

§ 201.1506 Loans for the purchase or acquisition of a lot.

(a) A loan to finance the purchase or acquistion by the borrower of a lot on which to place a mobile home owned by the borrower shall be eligible, provided, that:

(1) The borrower will acquire title to such lot, which shall meet the requirements of § 201.1507 of this part;

(2) The loan is secured by a first lien;

(3) The cost of the purchase or acquisition of the lot which will not be paid from the proceeds of the loan is paid by the borrower in cash from his or her own resources.

(4) The borrower certifies that he or she owns a mobile home which is the borrower's principal residence.

(5) The borrower certifies that he or she will place his or her mobile home on the lot within six months after the date the loan is made.

(b) For the purposes of this subpart, acquisition or purchase of a mobile home lot includes:

(1) The refinancing of the balance owed by the borrower as purchaser under an existing real estate installment contract; or

(2) The refinancing of existing mortgage loans or other items which are secured of record on a mobile home lot owned by the borrower.

§ 201.1507 Title and lien requirements.

(a) The interest in the realty constituting a mobile home lot purchased or acquired by the borrower wholly or in part with the proceeds of a loan, shall not be less than a fee simple estate;

(b) The title to the realty shall be a marketable title such as is generally acceptable to informed buyers, title companies, and attorneys in the community in which the property is situated.

(c) It shall be the responsibility of the lender to assure that the borrower obtains or has an estate in the land constituting the mobile home lot that meets the requirements of this section and § 201.1508.

§ 201.1508 Waived title objections.

Title shall not be objected to by reason of the following matters:

(a) Violations of a restriction based on race, color or creed, even where such restrictions provide for a penalty of reversion or forfeiture of title or a lien for liquidated damage.

(b)(1) Customary easements for public utilities, party walls, driveways, and other purposes.

(2) Easements for public utilities along one or more of the property lines and extending not more than 10 feet therefrom and for drainage or irrigation ditches along the rear 10 feet of the property, provided the exercise of the rights thereunder do not interfere with any of the buildings or improvements located on the subject property.

(c) Easements for underground conduits which are in place and do not extend under any buildings on the subject property;

(d) Mutual easements for joint driveways constructed partly on the subject property and partly on adjoining property, provided the agreements creating such easements are of record;

(e) Encroachments on the subject property by improvements on adjoining property where such encroachments do not exceed 1 foot, provided such encroachments do not touch any buildings or interfere with the use of any improvements on the subject property;

(f) Encroachments on adjoining property by eaves and overhanging projections attached to improvements on

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subject property where such encroachments do not exceed 1 foot.

(g) Encroachments on adjoining property by hedges, wooden or wire fences belonging to the subject property;

(h) Encroachments on the adjoining property by driveways belonging to subject property where such encroachments do not exceed 1 foot, provided there exists a clearance of at least 8 feet between the buildings on the subject property and the property line affected by the encroachment;

(i) Variations between the length of the subject property lines as shown on the application for insurance and as shown by the record or possession lines, provided such variations do not interfere with the use of any of the improvements on the subject property and do not involve a deficiency of more than 2 percent with respect to the length of the front line or more than 5 percent with respect to the length of any other line;

(j) Encroachments by garages or improvements other than those which are attached to a portion of the main dwelling structure over easements for public utilities, provided such encroachment does not interfere with the use of the easement or the exercise of the rights of repair and maintenance in connection therewith;

(k) Violations of cost or set back restrictions which do not provide a penalty of reversion or forfeiture of title, or a lien for liquidated damages which may be superior to the lien of the insured mortgage. Violations of such restrictions which do provide for such penalties, provided such penalty rights have been duly released or subordinated to the lien of the insured mortgage, or provided that the borrower has been furnished with a policy of title insurance expressly insuring the borrower against loss by reason of such penalties.

(l) Customary building and use restrictions which:

(1) Are coupled with a reversionary clause, provided there has been no violation prior to the date of the deed to the borrower; or

(2) Are not coupled with a reversionary clause and have not been violated to a material extent.

(m) Outstanding oil, water or mineral rights (or damage caused by the exercise of such rights) which are customarily waived by prudent lending institutions and leading attorneys in the community.

§ 201.1509 Fees and charges.

(a) Fees and charges incident to the origination of a loan which may be paid by the borrower shall be limited to reasonable and customary amounts for the following:

(1) Appraisal fees.

(2) Recording fees and recording taxes.

(3) Credit report.

(4) That portion of taxes, assessments, and other similar items for the current year chargeable to the borrower and his initial deposit (lump-sum payment) for any tax and insurance account.

(5) Survey, if required, by the lender or borrower.

(6) Title examination and title insurance, if any.

(7) Such other items as may be authorized in advance by the Commissioner as appropriate for inclusion under this paragraph.

(b) Fees and charges specified in this section may not be included in the loan.

§ 201.1510 Borrower's minimum investment.

The borrower shall make a minimum cash downpayment of at least 5 percent of the first $10,000 of purchase price of the mobile home and lot plus 10 percent of any amount in excess of $10,000. Where only a mobile home lot is being financed, the borrower shall make a minimum cash downpayment of at least 10 percent of the purchase price of the mobile home lot.

§ 201.1511 Financing charges.

(a) *Maximum financing charges.* The maximum permissible financing charge which may be directly or indirectly paid to, or collected by, the insured in connection with a combination mobile home and lot loan or mobile home lot loan transaction shall not exceed:

(1) 10½ percent per annum.

(2) No points or discounts of any kind may be assessed or collected in connection with the loan transaction except that a one percent origination fee calculated on the net proceeds of the loan, may be collected from the borrower. If assessed, this fee must be included in the finance charge. Finance charges on individual loans shall be made in accordance with tables of calculation issued by the Commissioner.

(b) *Prepayment rebate.* If an obligation is paid in full prior to maturity, the insured shall rebate the full unearned charge according to the actuarial method, where such rebate is $1 or more.

§ 201.1512 Mobile home lot certification.

(a) Prior to disbursement of loan proceeds for purchase of a mobile home lot, the insured shall obtain a certificate on a form prescribed by the Commissioner, signed by the seller and borrower, establishing that:

(1) The lot meets the requirements established by the Commissioner, and has been appraised by him;

(2) The borrower has not been paid or offered, as an inducement for consummation of the transaction, any cash payment or rebate, nor has it been represented to the borrower that he or she will receive a cash bonus payment or commission on future sales;

(3) That if the loan is solely for the purchase of a mobile home lot by the present owner of a mobile home, which is the principal residence of the borrower, the borrower shall certify that he will place his mobile home on the lot acquired with such loan within six months after the date of such loan.

(b) If the insured has information to the contrary with regard to the statements in the mobile home lot certification he shall not disburse the loan proceeds. In absence of such contrary information he may disburse the loan proceeds in reliance upon the statements in the certification.

INSURANCE REQUIREMENTS

§ 201.1513 Insurance reserve.

All of the provisions of § 201.12 with respect to the maintenance for each insured lender of a general insurance reserve shall apply with respect to loans reported for insurance under this subpart. The aggregate amount of loans advanced by an insured lender, for the purposes of determining its general insurance reserve, shall include loans reported for insurance under all subparts of this part.

§ 201.1514 Rate of insurance charge.

The insured shall pay to the Commissioner an insurance charge equal to fifty-four one hundredths (0.54) of 1 per cent per annum of the net proceeds of any eligible loan reported and acknowledged for insurance. In computing the insurance charge, no charge shall be made for a period of 14 days or less, and a charge for a month shall be made for a period of more than 14 days.

DEFAULT UNDER MOBILE HOME OBLIGATION

§ 201.1515 Definition of default.

If the mortgagor fails to make any payment, or to perform any other duty under the mobile home security device or mobile home lot mortgage and such failure continues for a period of 30 days, the obligation shall be considered in default for the purposes of this subpart.

§ 201.1516 Date of default.

For the purposes of this subpart, the date of default shall be considered as 30 days after:

(a) The first uncorrected failure to perform any duty under the mobile home obligation or mobile home lot mortgage; or

(b) The first failure to make a monthly payment which is not covered by subsequent payments made by the borrower when such subsequent payments are applied to the overdue monthly payments in the order in which they became due.

(c) If after default and prior to completion of foreclosure or repossession proceedings the borrower shall cure the default, the lender shall reinstate the loan as if a default had not occurred: *Provided,* The borrower pays to the insured lender such expenses as the lender has incurred in connection with the foreclosure or repossession proceedings.

§ 201.1517 Notice of default.

The insured lender shall, within 60 days after the date of default as defined in this part, give written notice thereof to the Commissioner on a form prescribed by him, unless such default has been cured or unless the Commissioner has been notified of a previous default which remains uncured.

§ 201.1518 Acquisition of property.

At any time within one year from the date of default, or such additional period of time as may be approved by the Commissioner, the lender, at its election, shall either:

(a) Commence foreclosure or repossession; or

(b) Acquire possession of, and title to, the mortgaged property by means other than foreclosure.

§ 201.1519 Notice of foreclosure.

The insured lender shall give written notice to the Commissioner on a form prescribed by him within 30 days after the institution of foreclosure or repossession proceedings and shall exercise reasonable diligence in prosecuting such proceedings to completion.

§ 201.1520 Deed in lieu of foreclosure.

(a) In lieu of instituting or completing a foreclosure or repossession, the lender may acquire property by voluntary conveyance from the mortgagor. Conveyance of the property by deed in lieu of foreclosure is approved subject to the following requirements:

(1) The loan is in default at the time the deed is executed and delivered;

(2) The credit instrument is cancelled and surrendered to the mortgagor;

(3) The mortgage and security agreement is satisfied of record as a part of the consideration for such conveyance; and

(4) The deed from the borrower contains a covenant which warrants against the acts of the grantor and all claiming by, through, or under him and conveys good marketable title.

§ 201.1521 Notice of acquisition of title.

The lender shall give written notice to the Commissioner on a form prescribed by him within 15 days of acquisition of good marketable title to the property.

§ 201.1522 Disposition of property.

(a) The insured lender shall take possession of, preserve and repair the property, and within six months after the date of acquisition of marketable title, shall sell the property for the best price obtainable. Repairs shall not exceed those required by local law. No other repairs shall be made without the specific advance approval of the Commissioner.

(b) The insured lender shall not enter into a contract for the preservation, repair or sale of the property with any officer, employee, owner of ten percent or more interest in the insured lender or with any other person or organization having an identity of interest with the insured lender or with any relative of such officer, employee, owner or person.

CLAIM

§ 201.1525 Claim application.

(a) *How to file.* Claim for reimbursement for loss on any eligible loan shall be made on a form provided by the Commissioner and executed by a qualified officer of the insured lender. The claim shall be accompanied by the insured lender's complete file, including copies of appraisals made by appraisers acceptable to the Commissioner, pertaining to the transaction. Where the insured is required by law to keep an original document in its possession, a copy of the original document shall be deemed acceptable.

(b) *When to file.* Claim shall not be filed by the insured lender until after default, repossession, and resale of the mobile home and lot or mobile home lot. Where a mobile home and lot have been financed, the mobile home and lot shall be sold in a single transaction. The mobile home may not be removed from the lot without the prior approval of the Commissioner. Claim shall be filed no later than 12 months and 31 days after the due date of the earliest fully unpaid installment provided for in the obligation, unless an extension is requested and approved by the Commissioner.

§ 201.1526 Amount of claim.

An insured lender may be reimbursed for losses on loans made in accordance with the regulations under this part, up to the amount of its general insurance reserve. The amount of reimbursement is determined by following the computation steps prescribed in paragraphs (a), (b), and (c) of this section.

(a) Deduct from the unpaid amount of the obligation (net unpaid principal and the earned portion of the financing charge, calculated according to the actuarial method), at the time of default:

(1) The actual sales price obtained after lawful repossession and resale of the mobile home and lot, or mobile home lot, or the appraised value, whichever amount is the greater. The appraised value shall be determined by an appraiser acceptable to the Commissioner;

(2) All amounts received by the lender on account of the loan from any source relating to the property on account of rent or other income after deducting reasonable expenses incurred in handling the property;

(3) All cash retained by the lender including amounts held or deposited for the account of the borrower or to which it is entitled under the loan transaction that has not been applied in reduction of the borrower's indebtedness.

(b) Add to 90 percent of the amount determined under paragraph (a) of this section 90 percent of the interest at 7 percent per annum on the amount determined under paragraph (a) of this section computed from the date of default:

(1) To either the date of claim application or for a period of 12 months and 31 days following such default date, whichever period of time is the lesser or:

(2) To the date of certification of the claim for payment in a case where an otherwise eligible claim has been held in suspense by the Commissioner pending a determination of the eligibility for insurance of other claims or loans, or by an investigation of the insured's loan or claim activities.

(c) Add to the amount obtained under paragraph (b) of this section 90 percent of the following allowances for expenditures made by the insured:

(1) Taxes, ground rent and water rates, which are liens prior to the mortgage, prorated to the date of disposition of the property;

(2) Special assessments, which are noted on the application for insurance of which become liens after the insurance of the mortgage, prorated to the date of disposition of the property;

(3) Hazard insurance on the mortgaged property, prorated to the date of disposition of the property;

(4) Taxes imposed upon any deeds or other instruments by which said property was acquired by the mortgagee;

(5) Foreclosure costs or costs of acquiring the property otherwise actually paid by the insured lender and approved by the Commissioner, in an amount not in excess of two-thirds of such costs or $75, whichever is the greater.

(6) Reasonable payments made by the insured lender for:

(i) Preservation and maintenance of the property;

(ii) Repairs required by local law, and such additional repairs as may be specifically approved in advance by the Commissioner;

(iii) Expenses in connection with the sale of the property including a sales commission at the rate customarily paid in the community;

(iv) Appraisal fee not to exceed $45.00.

§ 201.1527 Incontestability of claim payment.

Any payment for loss made to an insured lender shall be final and incontestable after two years from the date the claim was certified for payment in the absence of fraud or misrepresentation on the part of the lender, unless a demand for repurchase of the obligation shall have been made on behalf of the United States prior to the expiration of such two-year period.

EXTENSION OF TIME

§ 201.1528 Actions to be taken by insured lender.

The Commissioner may extend any time period respecting any action required of an insured which is prescribed by this subpart.

AMENDMENTS

§ 201.1530 Effect of amendments.

The regulations in this subpart may be amended by the Commissioner at any time and from time to time, in whole or in part, but such amendment shall not adversely affect the insurance coverage of a lender under its contract of insurance on any loan previously made or in the process of being made.

(It is hereby certified that the economic and inflationary impacts of this proposed rule have been carefully evaluated in accordance with OMB Circular A-107)

Issued at Washington, D.C., July 23, 1976.

JAMES L. YOUNG,
Assistant Secretary for Housing, Federal Housing Commissioner.

[FR Doc.76-22407 Filed 8-2-76;8:45 am]

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federal register

TUESDAY, AUGUST 3, 1976



PART VI:

OFFICE OF MANAGEMENT AND BUDGET

■

LEGAL SERVICES CORPORATION

Proposed Budget Rescission

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OFFICE OF MANAGEMENT AND BUDGET

LEGAL SERVICES CORPORATION

Proposed Budget Rescission

To The Congress of The United States:

In accordance with the Impoundment Control Act of 1974, I herewith propose rescission of $45 million in budget authority appropriated for payment to the Legal Services Corporation.

Approval of this rescission proposal will reduce Federal spending by $45 million over 1977 and 1978. The proposed rescission would prevent unneeded expansion of Legal Services Corporation activities and delay greater geographic coverage until program evaluations are completed.

The details of the proposed rescission are contained in the attached report.

Gerald R. Ford

The White House, *July 29, 1976.*

CONTENTS OF SPECIAL MESSAGE
(in thousands of dollars)

Rescission #	Item	Budget Authority
	Other Independent Agencies	
	Legal Services Corporation	
R77-1	Payment to the Legal Services Corporation	45,000

* *

Summary of Special Messages
for FY 1977
(Amounts in thousands of dollars)

	Rescissions	Deferrals 1/
First special message	45,000	---

1/ Deferrals for fiscal 1977 cannot be proposed until October 1, 1976, in accordance with section 1013 of P.L. 93-344.

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Rescission Proposal No: R77-1

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency: Legal Services Corporation	New budget authority (P.L. 94-362): $125,000,000
Bureau:	Other budgetary resources: ———
Appropriation title & symbol: Payment to the Legal Services Corporation - 8160501	Total budgetary resources: 125,000,000
	Amount proposed for rescission: $45,000,000
OMB identification code: 31-22-0501-0-1-751	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program: ☒ Yes ☐ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year _____ (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification

A rescission of appropriation authority under Section 1012 of the Impoundment Control Act of 1974 (P.L. 93-344) is proposed for $45 million for the Legal Services Corporation (LSC). The funds for LSC were appropriated in the Departments of State, Justice, Commerce, the Judiciary, and Related Agencies Appropriation Act, 1977 (P.L. 94-362).

For fiscal year 1977 LSC requested, independent of the Administration, a $60.3 million budget increase (above the $80 million Administration request) primarily to fund higher grantee attorney salaries and administrative expenses and expand the legal services programs' geographic coverage. The Administration's budget request for LSC was made in the context of other competing priorities within the 1977 Budget.

This rescission for the additional amount appropriated over the Budget reflects the following considerations:

(1) In its first year of existence (1976) the Corporation received a 29% increase in its appropriation level over the previous year's funding for the legal services program. The 1977 add-on represents another 35% increase over the 1976 appropriation. 1/

(2) Factors which should reduce the 1977 funding level below the 1976 appropriated level include:

1/ Prior to 1976, the legal services program was administered by the Community Services Administration.

(a) One-time costs in 1976 which will not need to be incurred in 1977, such as start-up organizational costs, special projects (e.g., back-up center study), and non-recurring supplemental funding for certain grantees.

(b) Savings which should be achieved in 1977 by directly conducting activities formerly handled by back-up centers.

(c) Reduced administrative costs for grantees due to the greater availability of well-qualified lawyers in the labor market.

(3) Administrative overhead costs are projected by LSC to rise by over 80% in only two years at a time when reductions in such costs for regular Federal agencies have been urged by the President and within the Congress.

(4) Consideration by the Congress should be given to other sources of legal services for those who cannot afford private counsel. For example, under authority of Section 308 of Title III of the Older Americans Act of 1965, as amended, $1,125,000 of fiscal year 1977 funds have been reserved for the development of State level legal services activities for the aging. In addition, legal services programs can be sponsored by State and local governments through the Social Services (Title XX) and General Revenue Sharing programs. Private sponsorship of legal services (e.g., State and local legal aid societies, foundations, donated legal assistance, reduced fees for low income clients, etc.) should also be reviewed before major funding increases are approved for LSC.

(5) The Administration has urged that prior to any significant expansion of the legal services program, LSC evaluate its existing legal services grantees. Such evaluations, subject to public comment and review, should use standardized criteria and appraise grantees' quality, determine their needs, and assess the resources available from alternate providers. Furthermore, LSC's mandated studies on the existing staff-attorney program and alternative methods of delivery of legal services should also be completed in fiscal year 1977 before additional programs are funded.

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Estimated Effects

This rescission proposal for $45 million will prevent increased grantee staff salaries and an expansion of LSC's administrative staff. Greater geographic coverage for the program will be delayed until evaluations based on standardized criteria are completed by LSC for all of its existing legal services grantees.

Outlay Effect (estimated in millions of dollars)

Comparison with President's 1977 Budget:

1. Budget outlay estimate for 1977	82.8
2. Outlay savings, if any, included in the budget outlay estimate	-0-
Current Outlay Estimates for 1977:	
3. Without rescission	125.7
4. With rescission	85.7
5. Current outlay savings (line 3-line 4)	40.0
Outlay Savings for 1978	5.0
Outlay Savings for 1979	-0-

RELATED AGENCIES

Legal Services Corporation

PAYMENT TO THE LEGAL SERVICES CORPORATION

Of the funds appropriated under this head in the Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1977, to enable the Department of the Treasury to make payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974 (P.L. 93-355), $45,000,000 are rescinded.

[FR Doc.76-22632 Filed 7-30-76;3:38 pm]

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Twelve agencies have agreed to a six-month trial period based on the assignment of two days a week beginning February 9 and ending August 6 (See 41 FR 5453). The participating agencies and the days assigned are as follows:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
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DOT/OPSO	LABOR		DOT/OPSO	LABOR

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this trial program are invited. Comments should be submitted to the Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

[Milk Order No. 99; Docket No. AO-183-A34]

PART 1099—MILK IN THE PADUCAH, KENTUCKY, MARKETING AREA

Order Amending Order

FINDINGS AND DETERMINATIONS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.*—Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Paducah, Kentucky, marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Determinations.*—It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in Sec. 608c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Paducah, Kentucky, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. In § 1099.61, paragraph (h) is revised to read as follows:

§ 1099.61 Computation of uniform price (including weighted average price).

* * * * *

(h) For each of the months of September, October, November, and December, add one-fourth of the total amount subtracted pursuant to paragraph (g) of this section;

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: September 1, 1976.

Signed at Washington, D.C., on: July 30, 1976.

JOHN DAMGARD,
Deputy Assistant Secretary.

[FR Doc.76-22560 Filed 8-3-76;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

[FmHA Instruction 443.2]

PART 1821—FARM PURCHASE AND DEVELOPMENT LOANS TO INDIVIDUALS

Farm Ownership Loan Policies, Procedures and Authorizations

Section 1821.55 of Subpart A of Part 1821, Title 7, Code of Federal Regulations (31 FR 14165) is amended. The purpose of the amendment is to change a reference as a result of the rewriting, consolidating and relocating of material on voluntary conveyances and foreclosure into the new Part 1955, Subpart A, of this Chapter, which is published as an agency rule this date. Since this amendment involves only internal administrative changes and has no effect on the public, publication for notice and public procedure is unnecessary.

In § 1821.55, paragraph (g)(3) is amended to add a reference to 1955–A and reads as follows:

§ 1821.55 Special requirements.

* * * * *

(g) * * *

* * * * *

(3) To an applicant whose debts have been settled pursuant to Part 1864 of this Chapter or who has been released from personal liability under Part 1872 or Part 1955, Subpart A, of this Chapter, as reflected by the County Office records, or where settlement under such regulations is contemplated unless the applicant's failure to pay his loan indebtedness was the result of circumstances beyond his control; the conditions which necessitated the debt settlement or release, other than weather hazards, disasters, or price fluctuations, have been or will be removed by making of the loan; and the borrower's operations will be sound and afford him a reasonable prospect of repaying the loan and meeting his other obligations. Before requesting an appraisal or causing the applicant to incur any expense in connection with the loan, the County Supervisor, if he determines that the applicant should be considered for a loan, should complete Form FmHA 431–2, "Farm and Home Plan," and send it, together with the application, any available case folders, and his recommendation, to the State Office for a determination as to whether to proceed with development of the loan docket.

Effective date: These amendments are effective on August 4, 1976.

(7 U.S.C. 1989; 42 U.S.C. 1480; 42 U.S.C. 2942; 5 U.S.C. 301; sec. 10 Pub. L. 93-357, 88 Stat. 392; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70; delegations of authority by Dir., OEO, 29 FR 14764, 33 FR 9850)

Dated: July 14, 1976.

FRANK W. NAYLOR, JR.,
Acting Administrator,
Farmers Home Administration.

[FR Doc.76-22565 Filed 8-3-76;8:45 am]

[FmHA Instruction 441.1]

PART 1831—OPERATING LOANS

Operating Loan Policies and Authorizations

Section 1831.10 of Subpart A of Part 1831, Title 7, Code of Federal Regulations (38 FR 14154), is amended. The

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amendment is for the purpose of changing a reference as a result of the rewriting, consolidating and relocating of material on voluntary conveyance and foreclosure in the new Part 1955, Subpart A, which is published as an agency rule this date. Since this amendment involves only internal administrative changes for the purpose of properly referencing another regulation, publication for notice and public procedure is unnecessary.

In § 1831.10, paragraph (e) is revised to add a reference to Part 1955, Subpart A and as amended reads as follows:

§ 1831.10 Special requirements and loan limitations.

* * * * *

(e) *Debt settlement cases.*—A loan will not be made to an applicant whose debts have been settled pursuant to Part 1864 of this Chapter, or who has been released from personal liability under Subpart A of Part 1872 or Subpart A of Part 1955 of this Chapter, as reflected by the County Office records, or where settlement or release under such requirements is contemplated, unless the applicant's failure to pay his loan indebtedness was the result of circumstances beyond his control, the conditions which necessitated the debt settlement or release, other than weather hazards, disasters, or price fluctuations, have been removed and the borrower's operations will afford him a reasonable prospect of repaying the loan and meeting his other obligations. Prior to approval of the loan, the loan docket and any available case folders, including the County Supervisor's justification for making the loan, will be submitted to the State Office for a determination as to whether the loan should be made.

* * * * *

Effective date. These amendments are effective on August 4, 1976.

(7 U.S.C. 1989; 42 U.S.C. 1480; 42 U.S.C. 2942; 5 U.S.C. 301; sec. 10, Pub. L. 93-357, 88 Stat. 392; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70; delegations of authority by Dir., OEO, 29 FR 14764, 33 FR 9850)

Dated: July 14, 1976.

FRANK W. NAYLOR, JR.,
Acting Administrator,
Farmers Home Administration.

[FR Doc.76-22563 Filed 8-3-76;8:45 am]

[FmHA Instructions 451.3 and 451.5]

PART 1861—ROUTINE

Servicing and Supervision of Association and Organization Loans and Security and Community Program Loans and Grants

Sections 1861.47, 1861.83 and 1861.91 of Subparts C and F of Part 1861, Title 7, Code of Federal Regulations (32 FR 8064, 37 FR 15562), are revised and §§ 1861.86 and 1861.87 are deleted and reserved. Section 1861.47 is revised to make reference to new Subpart A of Part 1955 of this Chapter, which deals with liquidation by voluntary conveyance of real estate and related security, conveyance of property to FmHA by trustee in bankruptcy, foreclosure of loans secured by real estate, and acquisition of chattels. The material formerly contained in §§ 1861.86 and 1861.87 has been revised and transferred to new §§ 1955.1 through 1955.6, §§ 1955.10 and 1955.11, and § 1955.15 of this Chapter. Sections 1861.83 and 1861.91 are revised to change references to new Subparts A, B and C of Part 1955 of this Chapter.

Since these changes serve to update property management regulations in accordance with new Part 1955, which is published as an agency rule this date, notice and public procedure thereon are unnecessary. Accordingly, §§ 1861.86 and 1861.87 are deleted and reserved; §§ 1861.47, 1861.83 and 1861.91 as revised, read as follows:

§ 1861.47 Default and liquidation.

Liquidation will be recommended to and approved by the National Office only after all efforts by FmHA officials have failed to effect a satisfactory solution whereby the borrower will comply with its obligations under the note and all related agreements and security and other instruments. Specific instructions as to handling of the case and delegation of authority will be issued by the National Office. For liquidation by voluntary conveyance or foreclosure, see 1955-A.

§ 1861.83 Liquidation of security.

When the County Supervisor believes that continued servicing will not accomplish the objectives of the loan, he will complete the form, "Report on Association Loan Problem Case (Association-Type Projects)", and submit it along with the County Office file to the State Office. If the State Director determines the account should be liquidated, he will encourage the borrower to voluntarily sell the property and remit the proceeds to FmHA. He will give the borrower a specified period of time not to exceed 180 days to accomplish such action. If the voluntary sale cannot be accomplished, the loan will be liquidated in accordance with § 1861.85 or Subpart A of Part 1955 of this Chapter.

§ 1861.86 [Reserved]

§ 1861.87 [Reserved]

§ 1861.91 Care, management and disposal of acquired property.

Property acquired by FmHA will be handled in accordance with Subparts B and C of Part 1955 of this chapter.

Effective date: These amendments are effective on August 4, 1976.

(7 U.S.C. 1989; 42 U.S.C. 1480; 42 U.S.C. 2942; 5 U.S.C. 301; sec. 10 Pub. L. 93-357, 88 Stat. 392; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70; delegations of authority by Dir., OEO 29 FR 14764, 33 FR 9850)

Dated: July 14, 1976.

FRANK W. NAYLOR, JR.,
Acting Administrator,
Farmers Home Administration.

[FR Doc.76-22566 Filed 8-3-76;8:45 am]

[FmHA Instruction 462.1]

PART 1871—CHATTEL SECURITY

Servicing Chattel Security

Section 1871.14 of Subpart A of Part 1871, Title 7, Code of Federal Regulations, is amended. The purpose of the amendment is to make a reference change as a result of the rewriting, consolidating and relocating of material on voluntary conveyances and foreclosure into the new Part 1955, Subpart A, which is published as an agency rule this date. Since this amendment involves only internal administrative changes, publication for notice and public procedure is unnecessary.

The introductory paragraph of § 1871.14 is revised to change a reference from § 1872.20 (a) to 1955.6 and is amended to read as follows:

§ 1871.14 Assignment of notes and security instruments including financing statements.

State Directors are authorized hereby to accept from third parties payment in full of a borrower's notes held by FmHA and to assign such notes to such third parties without recourse against FmHA and to assign related security instruments including financing statements without warranty by FmHA in the situations set forth below.

See § 1955.6 of this chapter for special provisions on assigning insured loans. The OGC will review each proposed assignment as to the legal matters involved and will approve the form of assignment.

Effective date. This amendment is effective on August 4, 1976.

(7 U.S.C. 1989; 42 U.S.C. 1480; 42 U.S.C. 2942; 5 U.S.C. 301; sec. 10 Pub. L. 93-357, 88 Stat 392; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70; delegations of authority by Dir., OEO 29 FR 14764, 33 FR 9850)

Dated: July 14, 1976.

FRANK W. NAYLOR, JR.,
Acting Administrator,
Farmers Home Administration.

[FR Doc.76-22568 Filed 8-3-76;8:45 am]

[FmHA Instruction 455.1]

PART 1871—CHATTEL SECURITY

Liquidation of Chattel Property and Related Actions

Various sections of Subpart B of Part 1871, Title 7, Code of Federal Regulations are revised. The text in § 1871.21 is revised to delete reference to the disposition of acquired property; §§ 1871.31(a) and 1871.32(d) are deleted and reserved. The material in these paragraphs has been revised and transferred to § 1955.20 of this Chapter. Section 1871.32(a) is revised to delete the sentence referring to the Farmers Home Administration as the successful bidder at a public sale. Sections 1871.36 and 1871.37 are deleted and reserved. The material formerly in these sections has been revised and transferred to new §§ 1955.67 and 1955.121 of this Chapter.

Since these changes serve to update procedure concerning acquired real estate and chattels, foreclosure and sale, and since these procedures have been revised and transferred to the new Part 1955 of this Chapter, which was published as a proposal on March 23, 1976, (41 FR 12041), notice and public procedure for these revisions is unnecessary. Accordingly, §§ 1871.31(a), 1871.32(d), 1871.36 and 1871.37 are deleted and reserved; and the introductory paragraph of § 1871.21, and § 1871.32(a) as revised, reads as follows:

§ 1871.21 General.

This subpart is supplemented by Subpart A of Part 1872 of this Chapter. This subpart establishes the policies, procedures and authorities for liquidating chattel security and Economic Opportunity (EO) property and handling civil actions, bankruptcy and similar proceedings, probate or administration proceedings, and alleged criminal violations.

§ 1871.31 Liquidation of security property by other parties.

(a) [Reserved]

* * * * *

§ 1871.32 Sale of repossessed property by FmHA.

(a) *Manner of sale.*—Repossessed property may be sold by FmHA at public or private sale under: Form FmHA 455-4; Form FmHA 441-19, "Loan Agreement"; the power of sale in security agreements under the UCC; the power of sale in crop and chattel mortgages and similar instruments if authorized by regulations issued by the State Office. Also, repossessed property may be sold at private sales when the borrower executes Form FmHA 455-11, "Bill of Sale 'B' (Sale by Private Party)." Private and public sales will be made for cash. The sale will be made as follows:

* * * * *

(d) [Reserved]

* * * * *

§§ 1871.36-1871.37 [Reserved]

Effective date: These amendments are effective on August 4, 1976.

(7 U.S.C. 1989; 42 U.S.C. 1480; 42 U.S.C. 2942; 5 U.S.C. 301; sec. 10 Pub. L. 93-357, 88 Stat. 392; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70; delegations of authority by Dir., OEO. 29 FR 14764, 33 FR 9850)

Dated: July 14, 1976.

FRANK W. NAYLOR, JR.,
Acting Administrator,
Farmers Home Administration.

[FR Doc.76-22567 Filed 8-3-76;8:45 am]

[FmHA Instruction 465.1]

PART 1872—REAL ESTATE SECURITY

Servicing and Liquidation of Real Estate Security for Loans to Individuals and Certain Note-Only Cases

Sections 1872.1, 1987.2, 1872.15 and 1872.17 of Subpart A of Part 1872, Title 7, Code of Federal Regulations (40 FR 15066) are amended. Section 1872.19 and § 1872.20 are deleted and reserved. These amendments are made for the purpose of updating these regulations in line with the new Subpart A of Part 1955 of this Chapter which deals with liquidation by voluntary conveyance of real estate and related security, conveyance of property to FmHA by trustee in bankruptcy, foreclosure of loans secured by real estate, and acquisition of chattels. Since these changes merely serve to update regulations relating to property management, primarily to correct references, in accordance with newly issued Part 1955 which is published as an agency rule this date, public procedures are unnecessary.

1. Section 1872.1(e)(1) is revised to change the reference from §§ 1872.19 and 1872.20 to § 1955.6. The paragraph now reads:

§ 1872.1 General.

* * * * *

(e) *Servicing insured loans.*—(1) *Servicing actions.*—Servicing actions for insured loans will be the same as for direct loans except that in voluntary conveyance and foreclosure cases when the insured note is not held in the County Office, the Finance Office will be requested to obtain assignment of the insured loan to the insurance funds as provided in § 1955.6, and when an insured Farm Ownership (FO) mortgage running to the lender as mortgagee is not held by the FmHA under trust assignment, or declaration or trust, or in the insurance fund (called insured FO mortgage held by the lender in this subpart) and a written subordination or partial release of other servicing documents is requested, the document will be executed by the holder on a form prepared or approved by the OGC. In such cases, contacts with the holder will be made by the State Director and the holder's execution of the document will constitute his consent.

* * * * *

2. Section 1872.2 is revised to include the use of other forms in paragraph (b) and the last sentence of (b)(1) and to add a new reference paragraph (b)(5) and to change a reference in paragraphs (c)(1), (c)(1)(i), and (c)(1)(iv)(A). Paragraphs (b), (b)(1), (b)(5), (c)(1), (c)(1)(i), and (c)(1)(iv)(A) read as follows:

§ 1872.2 Preservation of security property and protection of liens.

* * * * *

(b) *Action by FmHA for account of borrower.*—When necessary to protect the interest of the Government, actions will be taken by FmHA for the account of the borrower as provided below. Any advances made for such purposes will be paid by Standard Form 1034, "Public Voucher for Purchases and Services Other Than Personal," or other approved voucher and charged to the borrower's account.

(1) *Operation of security by lessee or caretaker.* * * * Lease agreements will be entered into on Form FmHA 465-2, "Lease of Security Property," or other form approved by OGC and caretaker's agreements on Form FmHA 465-3, "Caretaker's Agreement (Real Property Only)."

* * * * *

(5) *Management of abandoned property or property after approval of foreclosure.* See § 1955.55 of this chapter.

* * * * *

(c) * * *

* * * * *

(1) *Sale under prior lien foreclosure.* When a prior lien foreclosure sale is to be held and the State Director determines that a substantial net recovery on the Government's interest can be made by acquiring and reselling the security, he will authorize a bid in accordance with § 1955.15(d) (8) and (9). * * *

(i) *Lienholder debt.*—The prior lienholder will be contacted to determine the amount of his indebtedness including the cost of foreclosure sale and whether payment by SF 1034 is acceptable to him if the Government is the successful bidder at the sale. If the prior lienholder requires a cash payment, SF 1034 will be processed in sufficient time for the County Supervisor to receive a U.S. Treasury check before the sale. Requesting the check, payment of the bid, and payment of any other costs by using SF 1034 will be in accordance with the applicable portions of § 1955.15 of this chapter. The costs will be charged to the borrower's account.

* * * * *

(iv) *Final reporting.* (A) When FmHA enters a bid or is the successful bidder at the foreclosure sale, reporting actions will be in accordance with § 1955.15(d)(1) of this chapter.

* * * * *

3. Section 1872.15(a) is revised to change the reference from "§ 1872.20(b)(4)(vi) and (vii)" to "§ 1955.15(d)(8) and (9)." As amended, the last sentence of § 1872.15(a) reads as follows:

§ 1872.15 Servicing note-only cases.

* * * * *

(a) * * * In case of a judgment sale, the State Director with the advice of the OGC and the U.S. Attorney will authorize an employee to attend the sale and, if appropriate, enter a bid on behalf of the Government in accordance with § 1955.15(d)(8) and (9) of this chapter.

* * * * *

4. The first sentence of §1872.17(a) is revised to change the reference from "§ 1872.19" to "Subpart 1955-A." Section 1872.17(b) is revised to delete the last sentence. The material formerly in §1872.17(c) has been relocated in § 1955.15(d)(2) of this chapter. The new paragraph (c) serves as a reference. Section 1872.17(d) is amended including a new title. Section 1872.17(f) has been revised to include a reference to Exhibit C of Subpart 1955-A and to include a reference to the new § 1872.17(d). The title of § 1872.17(g) is changed from "Acceleration Agreement" to "Accelerated Repayment Agreement." As amended, § 1872.17 (a), (b), (c), (d), (f) and (g) read as follows:

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§ 1872.17 Liquidation action.

• • • • •

(a) *General.*—When the borrower is willing to voluntarily liquidate the account immediately by selling the property and paying the account in full, transferring the total security with an assumption of all or the appropriate portion of the debt under § 1872.18, selling the property for not less than its present market value under §1872.17(h), or conveying the security to the FmHA under Subpart 1955–A, the County Supervisor may give him 60 days to accomplish such action. • • •

(b) *Problem case report.*—If the borrower is unwilling to take any of the actions specified in § 1872.17(a) or fails to carry out any such actions within 60 days, the County Supervisor will complete Form FmHA 465–7 and send it to the State Office through the District Director so that the District Director's recommendations may be attached. In cases involving only a section 502 or 504 RH loans, the County Committee's recommendation on Form FmHA 465–7 will not be obtained. If the State Director agrees that forced liquidation is appropriate, he should approve such liquidation.

(c) *Acceleration of account.*—When the State Director approves forced liquidation, the account should be accelerated and the borrower notified in accordance with §1955.15(d)(2) of this chapter.

(d) *Voluntary liquidation after acceleration.*—If after the notice of acceleration has been sent to the borrower as outlined in § 1955.15, paragraph (d)(2) of this chapter, arrangements are made to have the account voluntarily liquidated, then the State Director may give the borrower time beyond the date listed in the notice of acceleration to accomplish voluntary liquidation. The State Director will inform the borrower of this decision in a separate letter. The State Director should place a time limit on the borrower which should not exceed three months from the date of the letter agreeing to allow the borrower to attempt to voluntarily liquidate. The original period fixed by the State Director plus any extensions determined necessary by the State Director should in no case exceed one year without prior concurrence of the National Office. Prior to granting any extension after the original period fixed by him, the State Director will require the County Supervisor to report the steps taken by the borrower to liquidate the account. If a sale is involved, the County Supervisor's report should indicate whether the borrower's asking price is reasonable and whether the asking price is delaying the sale unreasonably. Acceleration or granting time for voluntary liquidation as provided for above will not preclude exercise of the authority in § 1872.17(g). However, the above authority should never be used for the purpose of extending the correction period under § 1872.17(f). If the borrower has not taken steps to voluntarily liquidate within the time period (including any extensions thereof) granted him by the State Director, then the State Director should proceed with foreclosure in accordance with Section 1955.15(d) of this chapter.

• • • • •

(f) *Requirement.* • • • If the borrower is not available for personal contact or definite agreements cannot be reached or consent to a lease is not authorized, the County Supervisor will write to the borrower at his last known address, notifying him of the violation and advise him that, because of the violation, it will be necessary to liquidate the account. A notice such as that set forth as Exhibit C of FmHA Instruction 1955–A will not be used for this purpose. The County Supervisor may authorize the borrower a reasonable period of time (60 to 90 days) in which to correct the violation. If during such period the borrower fails to remove the violation or take appropriate action for liquidation of the account in full, the case will be handled in accordance with § 1872.17 (b), (c) and (d).

(g) *Accelerated repayment agreement.* • • •

• • • • •

5. The texts of §§ 1872.19 and 1872.20 are deleted. This material has been revised and relocated in Subpart 1955–A. Sections 1872.19 and 1872.20 are reserved.

§§ 1872.19–1872.20 [Reserved]

Effective date: These amendments are effective on August 4, 1976.

(7 U.S.C. 1989; 42 U.S.C. 1480; 42 U.S.C. 2942; 5 U.S.C. 301; sec. 10 Pub. L. 93–357, 88 Stat 392; delegation of authority by the Sec. of Agri, 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70; delegations of authority by Dir., OEO, 29 FR 14764, 33 FR 9850)

FRANK W. NAYLOR, JR.,
Acting Administrator,
Farmers Home Administration.

JULY 14, 1976.

[FR Doc.76–22569 Filed 8–3–76;8:45 am]

[FmHA Instruction 465.2]

PART 1872—REAL ESTATE SECURITY

Management and Sale of Acquired Real Estate; Deletion of Subpart

§§ 1872.61–1872.67 [Removed]

Subpart C of Part 1872, "Management and Sale of Acquired Real Estate," (38 FR 19204), is deleted from Chapter XVIII, Title 7, Code of Federal Regulations.

The material in this Subpart has been revised and transferred to new Subparts B and C of Part 1955 of this Chapter, which is published as an agency rule this date.

(7 U.S.C. 1989; 42 U.S.C. 1480; 42 U.S.C. 2942; 5 U.S.C. 301; sec. 10 Pub. L. 93–357, 88 Stat. 392; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70; delegations of authority by Dir., OEO, 29 FR 14764, 33 FR 9850)

Effective date: This deletion shall become effective on August 4, 1976.

FRANK W. NAYLOR, JR.,
Acting Administrator,
Farmers Home Administration.

[FR Doc.76–22570 Filed 8–3–76;8:45 am]

[FmHA Instruction AL–843(440)]

PART 1890c—LOANS SECURED BY REAL ESTATE ON RECLAMATION PROJECTS

Amendment

The first sentence in § 1809c.1 of Part 1890c, Chapter XVIII, Title 7, Code of Federal Regulations (35 FR 13977) is amended to delete the supplementing reference to Subpart C of Part 1872 of this Chapter and insert in its stead Subparts A, B and C and Part 1955. Subpart C of Part 1872 is now obsolete and regulations for the management and sale of acquired real estate are now contained in the new Subparts A, B and C of Part 1955 of this Chapter which are published as an Agency rule this date. Since this amendment involves only a reference change, notice and public procedure thereon are unnecessary.

Accordingly, the first sentence in § 1890c.1 is amended as follows:

§ 1890c.1 General.

This part supplements Part 1807, Subparts A and B of Part 1821, Subparts A and C of Part 1822, Subpart A of Part 1831, Subpart A of Part 1832, Subpart A of Part 1871, Subpart A of Part 1872, and Subparts A, B, and C of Part 1955, all of this chapter. • • •

• • • • •

(7 U.S.C. 1989; 42 U.S.C. 1480; 42 U.S.C. 2942; 5 U.S.C. 301; Sec. 10 Pub. L. 93–357, 88 Stat. 392; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70; delegations of authority by Dir., OEO 29 FR 14764, 33 FR 9850)

Effective date: This amendment is effective on August 4, 1976.

Dated: July 14, 1976.

FRANK W. NAYLOR, JR.,
Acting Administrator,
Farmers Home Administration.

[FR Doc.76–22564 Filed 8–3–76;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 217—INTEREST ON DEPOSITS

CFR Correction

The 1976 edition of 12 CFR omitted several sentences from § 217.4(d) on page 562. In its entirety § 217.4(d) should read as follows:

§ 217.4 Payment of time deposits before maturity.

• • • • •

(d) *Penalty for early withdrawals.* Where a time deposit, or any portion thereof, is paid before maturity, a member bank may pay interest on the amount withdrawn at a rate not to exceed that currently prescribed in § 217.7 for a savings deposit: *Provided*, That the depositor shall forfeit three months of interest payable at such rate. If, however, the amount withdrawn has remained on deposit for three months or less, all interest shall be forfeited. Where necessary to comply with the requirements of this paragraph, any interest already paid to or for the account of the depositor shall be deducted from the amount requested to be withdrawn. However, upon the death of any person whose name appears on the time deposit passbook or certificate, a member bank may pay such time deposit before maturity without a reduction of forfeiture of interest as prescribed by this paragraph.[5a] Any amendment of a time deposit contract that results in an increase in the rate of interest paid or in a change in the maturity of the deposit constitutes a payment of the time deposit before maturity. *Provided further*, That Investment Certificates issued in negotiable form by a member bank pursuant to subparagraph (3) of § 217.7(b) may not be paid before maturity. This provision does not present a member bank from arranging the sale or purchase of such a certificate on behalf of the holder or prospective purchaser of a certificate issued under that subparagraph. A member bank may not, however, repurchase such certificates for its own account. Where a time deposit representing funds contributed to an Individual Retirement Account established pursuant to 26 U.S.C. (I.R.C. 1954) § 408 is paid before maturity when the individual for whose benefit the account is maintained attains age 59½ or is disabled (as defined in 26 U.S.C. (I.R.C. 1954) 72(m)(7)) or thereafter, a member bank may pay all or a portion of such time deposit without a reduction or forfeiture of interest as prescribed by this paragraph.

• • • • •

Board of Governors of the Federal Reserve System, July 28, 1976.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.76–22603 Filed 8–3–76;8:45 am]

[5a] The provisions of this paragraph apply to all time deposit contracts entered into after July 5, 1973 and to all existing time deposit contracts that are extended or renewed (whether by automatic renewal or otherwise) after such date, and to all time deposit contracts that are amended after such date so as to increase the rate of interest paid. All contracts not subject to the provisions of this paragraph shall be subject to the restrictions of § 217.4(d) in effect prior to July 5, 1973, which permitted payment of a time deposit before maturity only in an emergency where necessary to prevent great hardship to the depositor, and which required the forfeiture of accrued and unpaid interest for a period of not less than 3 months on the amount withdrawn if an amount equal to the amount withdrawn had been on deposit for 3 months or longer, and the forfeiture of all accrued and unpaid interest on the amount withdrawn if an amount equal to the amount withdrawn had been on deposit less than 3 months.

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Reg. PR–153, Amdt. 9]

PART 310—INSPECTION AND COPYING OF BOARD OPINIONS, ORDERS, AND RECORDS

Written Requirement for Freedom of Information Act Requests

Adopted by the Civil Acronautics Board at its office in Washington, D.C., July 29, 1976.

Part 310 of the Civil Aeronautics Board's Procedural Regulations (14 CFR Part 310) sets forth the procedures for inspection and copying of Board opinions, orders, and records pursuant to the Freedom of Information Act (FOIA), (5 U.S.C. 552). Section 310.6 sets forth the procedure for requesting records and provides for requests to be made in person, by telephone, or in writing. Requests for records listed in Appendix A of Part 310 are to be made to the office listed there as the location of the records and all other requests are to be directed to the Public Reference Room.

The Board has experienced an increase in the number of FOIA requests made orally. It has become apparent that a more efficient method of handling FOIA requests is necessary to assure a complete, accurate, and timely record of requests and responses, thereby obviating disputes as to dates or the contents of oral conversations. A requirement that all FOIA requests be written would serve these purposes as well as better allocate staff resources to respond to FOIA requests thoroughly and systematically.

We believe that the most appropriate approach would be one which allows oral inquiries at the Public Reference Room but requires all requests made pursuant to the FOIA to be made in writing. We have therefore determined to amend § 310.6 to eliminate the possibility of oral FOIA requests and to require specific information which will be helpful in answering written FOIA requests.

FOIA requests for records listed in Appendix A of Part 310 will continue to be made to the office there listed as the location of the records. All other requests will be directed to the Office of the Secretary rather than the Public Reference Room. The Secretary is the official custodian of all Board records and will be better able to direct the request to the appropriate staff unit. So that the staff may readily identify FOIA requests, we are requiring that FOIA requests be captioned "Freedom of Information Act Request" on the envelope and the request itself. Requests not so captioned will be deemed to be received on the date it is determined that the request is in fact an FOIA request and the requester will be advised of that date. We continue to require that known identifying information for each document requested be provided. We also require that the individual specify whether inspection, or copies, or both are being requested.

Finally, we are amending § 310.9, Refusal to make record available, by requiring that all refusals to FOIA requests be in writing.

Because the amendments being adopted herein are rules of agency practice and procedure intended to assure systematic responses to FOIA requests and to avoid undue disruption of other ongoing Board activities, the Board finds that notice and public procedure are not required and for good cause shown that the rule may be effective on August 4, 1976.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 310 of its Procedural Regulations (14 CFR Part 310) effective August 4, 1976, as follows:

1. Amend § 310.6 to read as follows:

§ 310.6 Procedure for requesting records.

(a) All requests for Board records made pursuant to the Freedom of Information Act (FOIA) shall be in writing and conform to the requirements of this section. Oral requests will not be accepted as FOIA requests unless they are reduced to writing and conform to the requirements of this section.

(b) FOIA requests for records listed in Appendix A hereto shall be made to the office listed in Appendix A as the location of the record, and all other FOIA requests shall be made to the Office of the Secretary. Requests shall be mailed to the appropriate office, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428 or delivered in person to that office during the Board's regular business hours.

(c) FOIA requests shall be captioned "Freedom of Information Act Request." This caption shall appear on the request and on the envelope if one is used. Such request shall be dated, shall list the address of the person making the request, and, for each document requested, shall set out all information known to the person making the request which would be helpful in identifying and locating the document, and any known relevant dates or form/report numbers. At the requester's option, a telephone number may be included. The requester shall specify whether personal inspection or copies of the record(s) or both are desired.

(d) Failure to address or mark the envelope and the request in accordance with paragraphs (b) and (c) of this section will result in the request being deemed to have been received on the date the request is determined to be in fact an FOIA

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request. In such cases, the requester shall be advised of the actual date of receipt.

(e) Where a requested file or record does contain exempt information, a file or a copy of the record will be made available with appropriate deletions whenever this can be done without revealing the exempted information. Although the Board's staff need not honor blanket or generalized requests for records, it will endeavor to do so if compliance would not unduly burden or interfere with Board operations because of the staff time consumed or the resulting disruption of files.

2. Amend § 310.9 to require written refusals to make records available to read as follows:

§ 310.9 Refusal to make record available.

* * * * *

(b) Where the material requested is not a record, is an exempted record, or is otherwise unavailable, the person making the request will be so informed in writing by the office to which the request was made. The notification shall include a reference to the specific exemption under this regulation and the Freedom of Information Act authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld and contain a description of the appeal procedure within the agency and of the ultimate availability of judicial review as set forth in paragraph (e) of this section. A copy of all denial letters and all written statements explaining why exempt records have been withheld will be collected and maintained for public inspection in the Public Reference Room.

* * * * *

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, (49 U.S.C. 1324), and the Freedom of Information Act, 81 Stat. 54, (5 U.S.C. 552).)

By the Civil Aeronautics Board.

Effective: August 4, 1976.

Adopted: July 29, 1976.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-22643 Filed 8-3-76;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[Docket No. 75F-0011]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

SANITIZING SOLUTIONS

The Commissioner of Food and Drugs is amending § 121.2547 *Sanitazing solutions* (21 CFR 121.2547) to provide for safe use of aqueous solutions containing di-*n*-alkyl(C_8-C_{10}) dimethyl ammonium chlorides and isopropyl alcohol as sanitizing solutions; effective August 4, 1976; objections by September 3, 1976.

A notice was published in the FEDERAL REGISTER of June 4, 1975 (40 FR 24040) announcing that a food additive petition (FAP 4H3006) had been filed by Lonza, Inc., Fair Lawn, N.J. 07410, proposing that § 121.2547 be amended to provide for safe use of di-*n*-alkyl(C_8-C_{10}) dimethyl ammonium chlorides and isopropyl alcohol as sanitizing solutions for food processing equipment and utensils.

The Commissioner, having evaluated the data in the petition and other relevant material, concludes that § 121.2547 should be amended as set forth below.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), § 121.2547 is amended by adding new paragraphs (b)(17) and (c)(12) to read as follows:

§ 121.2547 Sanitizing solutions.

* * * * * *

(b) * * *

(17) An aqueous solution containing di-*n*-alkyl(C_8-C_{10}) dimethyl ammonium chlorides and isopropyl alcohol, having average molecular weights of 332–361. In addition to use on food-processing equipment and utensils, this solution may be used on food-contact surfaces in public eating places.

* * * * * *

(c) * * *

(12) Solutions identified in paragraph (b)(17) of this section shall provide, when ready to use, a level of 150 parts per million of the active quaternary compound.

* * * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before September 3, 1976, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections, shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Six copies of all documents shall be filed and should be identified with the Hearing Clerk docket number found in brackets in the heading of this order. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective on August 4, 1976.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)).)

Dated: July 30, 1976.

JOSEPH P. HILE,
Acting Associate Commissioner for Compliance.

[FR Doc.76-22706 Filed 8-3-76;8:45 am]

SUBCHAPTER D—DRUGS FOR HUMAN USE

[Docket No. 75N-0345]

PART 310—NEW DRUGS

PART 330—OVER-THE-COUNTER (OTC) HUMAN DRUGS GENERALLY RECOGNIZED AS SAFE AND EFFECTIVE AND NOT MISBRANDED

Marketing Status of Ingredients Recommended for Over-the-Counter Use

The Food and Drug Administration (FDA) is amending the regulations to clarify the marketing status of ingredients recommended for OTC (over-the-counter) use, effective September 3, 1976.

In the FEDERAL REGISTER of December 4, 1975 (40 FR 56875), the Commissioner of Food and Drugs proposed to amend Part 310 (21 CFR Part 310) to clarify that the OTC drug review process is another procedure for transferring an ingredient from prescription to OTC status and Part 330 (21 CFR Part 330) to set forth FDA policy regarding the marketing of OTC drug products containing an active ingredient (a) that is at a dosage level higher than that currently available in an OTC drug product, or (b) that is currently limited to prescription use, but that is regarded by an OTC drug advisory review panel as suitable for OTC use. Interested persons were invited to submit comments on the proposal by February 2, 1976.

The Commissioner is now issuing a final regulation setting forth the following policies:

1. Any OTC drug product containing an active ingredient previously limited to prescription use for the indication and route of administrative under consideration by an OTC drug advisory review panel, or containing any active ingredient at a dosage level higher than that available in an OTC drug product on December 4, 1975, which ingredient and/or dosage level is classified by a panel in category I (generally recognized as safe and effective and not misbranded, shall be considered a new drug if marketed before the date of publication in the FEDERAL REGISTER of a proposed monograph for the ingredient.

2. Any such drug product may be marketed after the date of publication of a proposed monograph in the FEDERAL REGISTER, but before the effective date of a final monograph, subject to the risk that the Commissioner may not accept a panel's recommendation but adopt a different position that could require relabeling, recall, or other regulatory action.

3. Any OTC drug product containing an active ingredient previously limited to prescription use for the indication and route of administration under consideration by an OTC drug advisory review panel, or containing any active ingredient at a higher dosage level than that available in any OTC drug product on December 4, 1975, which ingredient and/or dosage level is classified by a panel in category II (not generally recognized as safe and effective or is misbranded), shall be considered to be a new drug requiring an approved new drug application before marketing.

4. Any OTC drug product containing an active ingredient previously limited to prescription use for the indication and route of administration under consideration by an OTC advisory review panel, or containing any active ingredient at a higher dosage level than that available in any OTC drug product on December 4, 1975, which ingredient, and/or dosage level is classified by a panel in category III (insufficient data to permit final classification at this time), may be marketed only after the ingredient or dosage level is determined by the Commissioner to be generally recognized as safe and effective and not misbranded in an appropriate OTC drug monograph or a new drug application for the product for OTC use has been approved.

These policies reflect current FDA enforcement policies, and the regulations embodying them are therefore effective immediately.

In response to the proposal, comments were received from three manufacturers, one trade association, and one Federal agency. A summary of the comments and the Commissioner's conclusions thereon are as follows:

1. One comment was in response to that part of the preamble which stated that the Commissioner may indicate in the preamble to a proposed monograph his disagreement with a panel's recommendation regarding specific ingredients proposed for classification in category I, e.g., ingredients having manufacturing or formulation problems or unresolved questions concerning a potential for abuse or misuse. The comment argued that, in this final order, the agency should clearly state that, if the Commissioner dissents from a panel's category I product classification, he will (a) specifically state the basis for that disagreement, (b) cite the data or other information upon which he relies, and (c) specify his reasons for distinguishing between the drug in question and other drugs in the same general therapeutic class that are considered to be generally recognized as safe and effective for OTC use. The comment expressed the opinion of disagreement would be final agency action because of its immediate impact on drug manufacturers, and thus should be fully supported to facilitate judicial review if sought.

The Commissioner advises that a decision to disagree with a panel's recommendation regarding specific ingredients proposed for classification in category I will be based on material contained in the applicable administrative record as defined in § 330.10(a)(10)(iv) (21 CFR 330.10(a)(10)(iv)) and/or other data and information available to him. The preamble to the proposed monograph or, when appropriate, a separate notice in the FEDERAL REGISTER, will contain a comprehensive statement of the basis for the Commissioner's decision including, where appropriate, the specific reason for his decision to disagree with the panel's classification of a particular drug in a therapeutic category and not all drugs in that category. All data and information on which the Commissioner's decision is based will be put on public display in the office of the Hearing Clerk, Food and Drug Administration, except to the extent that the person submitting it to FDA demonstrates that it falls within the confidentiality provisions of 18 U.S.C. 1905, 5 U.S.C. 552(b), or section 301(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(j)).

The Commissioner will ordinarily announce his tentative decision not to accept a panel's recommendation regarding specific ingredients or dosage levels of ingredients proposed for classification in category I at the time the proposed monograph is published in the FEDERAL REGISTER. This announcement will be included in the preamble to the proposed monograph or in a separate notice in the FEDERAL REGISTER. In some instances, the Commissioner may not announce his decision not to accept a panel's recommendation until after the date of publication of the proposed monograph, as stated in § 330.13(b)(2) (21 CFR 330.13(b)(2)). The wording of paragraph (b)(2) has been revised to clarify this. In either case, his decision will be fully documented in the administrative record. The Commissioner emphasizes, however, that his tentative decision not to accept a panel's recommendation does not mean that he may not subsequently agree with the panel when a final monograph is published. In any event, persons marketing a drug product not in compliance with the Commissioner's tentative decision not to accept a panel's recommendation will be subject to regulatory action and the Commissioner's determination will therefore effectively be reviewable in the context of any proceeding brought by FDA pursuant to this policy.

2. One comment questioned whether an FDA warning that regulatory action will be taken against drug products that are reformulated in keeping with anticipated recommendations of an OTC drug advisory review panel and marketed pending completion of the OTC drug review is the most effective way to protect consumers. The comment urged that for such reformulated drugs, as well as those unreformulated drugs for which no monograph is yet final and for category III drugs, FDA require the product label to inform consumers that regulations assuring the safety and/or effectiveness of the ingredients of the drug in question are not yet final. It was suggested that this alternative would enable FDA to avoid taking regulatory action against reformulations intended to improve drug products that a panel has found unsafe, ineffective, or otherwise misbranded as currently marketed, but for which monographs are not yet final. The comment added that such a labeling requirement should be coordinated with the Federal Trade Commission (FTC) to assure that consumers are similarly notified in any advertising of reformulated OTC drug products.

The Commissioner is sympathetic with the intent of this comment, but notes that it misapprehends the purpose and extends far bevond the limited scope of the proposal. In this document the Commissioner is setting forth the policy he intends to enforce with respect to prescription drug products that are marketed for OTC use before the establishment of a final OTC drug monograph; he is not establishing a new policy for all OTC drug products reformulated during the pendency of the OTC drug review. The comment suggests requiring a labeling statement indicating that no final judgment has been made regarding safety and effectiveness of all drug products reformulated in anticipation of a final monograph, whether previously prescription or OTC, as well as in the labeling of all drug products containing category III ingredients or making category III claims. Early in the OTC drug review, the Commissioner considered the need for information in drug product labeling to indicate the status of ingredients and labeling claims that had not been finally resolved. He may reconsider this issue, and, if he does, he will coordinate his decision with the FTC. Any change from the current policy will be the subject of a separate FEDERAL REGISTER document.

3. One comment noted that in the procedures promulgated in the FEDERAL REGISTER of May 11, 1972 (37 FR 9464), the Commissioner recognized that it was the duty of OTC drug advisory review panels to recommend what drugs should be sold OTC and, further, that any interested person could submit data and views suggesting that a prescription drug be moved to OTC status. The comment therefore urged the Commissioner to instruct the panels to review, either on their own initiative or at the request of others, those prescription drugs within the therapeutic categories for which each is responsible and recommend whether any of these prescription drugs should be marketed as nonprescription drugs.

In the preamble to the December 4 proposal, the Commissioner described the two procedures by which a prescription drug ingredient may lawfully be marketed for OTC use. Ingredients limited to prescription use under section 503(b)(1)(C) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(b)(1)(C)) may acquire OTC status by a petition submitted pursuant to the procedures set forth in § 310.200 (21 CFR 310.200); the OTC drug review process provides another procedure.

The Commissioner notes that OTC drug advisory review panels were directed to review and make recommendations concerning OTC drug ingredients as well as certain prescription drug ingredients that could be used safely and

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effectively by laymen. Several panels have made such recommendations regarding prescription drug ingredients. It is, however, impractical and it was never intended that these panels evaluate all prescription drug ingredients within the therapeutic category under their review. The Commissioner advises that any interested person may, as the comment indicated, submit data and views to a panel suggesting that a prescription drug be moved to OTC status. Any interested person may also file a petition with FDA requesting a change from prescription to OTC status for a specific drug product.

4. Two comments objected to making the enforcement policy effective immediately without considering comments from interested persons.

The Commissioner advises that in the interest of the public health it was necessary that the proposal constitute the FDA enforcement policy pending promulgation of the final regulation. The enforcement policy was announced to prevent precipitous marketing of OTC drug products that may not have been demonstrated safe and effective and to clarify for all interested persons the regulatory status of drug products containing ingredients currently limited to prescription use, or dosage levels of ingredients above those currently available OTC, even though a panel may regard such ingredients or dosage levels as appropriate for classification in category I. The Commissioner notes that some manufacturers were in fact commencing OTC marketing of drug products containing prescription ingredients and this in part necessitated the immediate action.

5. One comment stated that proposed § 330.13 consistently refers to OTC drug products available on December 4, 1975, or currently available, but that the proposal does not indicate whether mere presence in the marketplace or "legal" presence is necessary to satisfy that requirement. The comment requested clarification of the applicable standard.

The Commissioner intends the terms "currently available" and "available on December 4, 1975" to apply to any drug product that was in fact marketed for OTC use on December 4, 1975, except for drug products that were limited to prescription use on or after May 11, 1972 (the date on which the OTC drug review officially commenced), and were not thereafter exempted from such a limitation pursuant to § 310.200. The regulation has been revised to delete the terms "previously available" and "currently available" and substitute the more precise terms, as appropriate.

6. In addition to the changes noted in comments 1 and 5 above, the Commissioner has also added references to the appropriate paragraphs in § 330.10 to clarify the terms "category I," "category II," and "category III."

7. The Commissioner points out that the ingredients diphenhydramine, oxymetazoline, and chlorpheniramine, which were cited in the December 4 proposal, will be dealt with in the proposed monograph for OTC cold, cough, allergy, bronchodilator, and antiasthmatic products to be published in a future issue of the FEDERAL REGISTER.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 701(a), 52 Stat. 1050–1053, as amended, 1055 (21 U.S.C. 352, 355, 371(a))) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), Chapter I of Title 21 of the Code of Federal Regulations is amended as follows:

1. In Part 310, § 310.200 is amended by revising paragraphs (a) and (c) and adding new paragraph (e) to read as follows:

§ 310.200 Prescription-exemption procedure.

(a) *Duration of prescription requirement.* Any drug limited to prescription use under section 503(b)(1)(C) of the act remains so limited until it is exempted as provided in paragraph (b) or (e) of this section.

* * * * * *

(c) *New drug status of drugs exempted from the prescription requirement.* A drug exempted from the prescription requirement under the provisions of paragraph (b) of this section is a "new drug" within the meaning of section 201(p) of the act until it has been used to a material extent and for a material time under such conditions except as provided in paragraph (e) of this section.

* * * * * *

(e) *Prescription-exemption procedure of OTC drug review.* A drug limited to prescription use under section 503(b)(1)(C) of the act may also be exempted from prescription-dispensing requirements by the procedure set forth in § 330.13 of this chapter.

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2. In Part 330, a new § 330.13 is added to read as follows:

§ 330.13 Conditions for marketing ingredients recommended for over-the-counter (OTC) use under the OTC drug review.

(a) Before the publication in the FEDERAL REGISTER of an applicable proposed monograph, an OTC drug product that contains: (1) An active ingredient limited, on or after May 11, 1972, to prescription use for the indication and route of administration under consideration by an OTC advisory review panel, and not thereafter exempted from such limitation pursuant to § 310.200 of this chapter, or

(2) An active ingredient at a dosage level higher than that available in an OTC drug product on December 4, 1975, shall be regarded as a new drug within the meaning of section 201(p) of the act for which an approved new drug application is required.

(b) (1) An OTC drug product that contains: (i) An active ingredient limited, on or after May 11, 1972, to prescription use for the indication and route of administration under consideration by an OTC advisory review panel, and not thereafter exempted from such limitation pursuant to § 310.200 of this chapter, or

(ii) An active ingredient at a dosage level higher than that available in an OTC drug product on December 4, 1975, which ingredient and/or dosage level is classified by the panel in category I (conditions subject to § 330.10(a)(6)(i)) shall be regarded as a new drug within the meaning of section 201(p) of the act for which an approved new drug application is required if marketed for OTC use prior to the date of publication in the FEDERAL REGISTER of a proposed monograph.

(2) An OTC drug product covered by paragraph (b)(1) of this section which is marketed after the date of publication in the FEDERAL REGISTER of a proposed monograph but prior to the effective date of a final monograph shall be subject to the risk that the Commissioner may not accept the panel's recommendation and may instead adopt a different position that may require relabeling, recall, or other regulatory action: The Commissioner may state such position at any time by notice in the FEDERAL REGISTER, either separately or as part of another document; appropriate regulatory action will commence immediately and will not await publication of a final monograph. Marketing of such a product with a formulation or labeling not in accord with a proposed monograph or tentative final monograph also may result in regulatory action against the product, the marketer, or both.

(c) An OTC drug product that contains: (1) An active ingredient limited, on or after May 11, 1972, to prescription use for the indication and route of administration under consideration by an OTC advisory review panel, and not thereafter exempted from such limitation pursuant to § 310.200 of this chapter, or

(2) An active ingredient at a dosage level higher than that available in any OTC drug product on December 4, 1975, which ingredient and/or dosage level is classified by the panel in category II (conditions subject to § 330.10(a)(6)(ii)), shall be regarded as a new drug within the meaning of section 201(p) of the act for which an approved new drug application is required for marketing.

(d) An OTC drug product that contains: (1) An active ingredient limited, on or after May 11, 1972, to prescription use for the indication and route of administration under consideration by an OTC advisory review panel, and not thereafter exempted from such limitation pursuant to § 310.200 of this chapter, or

(2) An active ingredient at a dosage level higher than that available in any OTC drug product on December 4, 1975 which ingredient and/or dosage level is classified by the panel in category III (conditions subject to § 330.10(a)(6)(iii)), may be lawfully marketed only after either the ingredient is determined by the Commissioner to be generally recognized as safe and effective, or a new drug application for the product has been approved.

Effective date: This regulation shall become effective on September 3, 1976.

(Secs. 502, 505, 701(a), 52 Stat. 1050–1053, as amended, 1055 (21 U.S.C. 352, 355, 371(a)))

Dated: July 26, 1976.

SHERWIN GARDNER,
Deputy Commissioner of Food and Drugs.

[FR Doc.76-22534 Filed 8-3-76;8:45 am]

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Orgotein for Injection

The Food and Drug Administration approves supplemental new animal drug application 45–863V filed by Diagnostic Data, Inc., 518 Logue Ave., Mountain View, CA 94043, proposing safe and effective use of orgotein for injection for dogs for treating inflammatory conditions. The approval is effective September 3, 1976.

The Commissioner of Food and Drugs is amending Part 522 (21 CFR Part 522) to reflect this approval.

In accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, a summary of the safety and effectiveness data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), Part 522 is amended in § 522.1620 by revising paragraph (c) to read as follows:

§ 522.1620 Orgotein for injection.

* * * * * *

(c) *Conditions of use—(1) Horses.*—(i) It is used in the treatment of soft tissue inflammation associated with the musculoskeletal system.

(ii) It is administered by deep intramuscular injection at a dosage level of 5 milligrams every other day for 2 weeks and twice weekly for 2 to 3 more weeks. Severe cases, both acute and chronic, may benefit more from daily therapy initially. Dosage may be continued beyond 5 weeks if satisfactory improvement has not been achieved.

(iii) Not for use in horses intended for food.

(2) *Dogs.* (i) It is used for the relief of inflammation associated with ankylosing spondylitis, spondylosis, and disc disease. When severe nerve damage is present, response will occur much more slowly, if at all.

(ii) It is administered by subcutaneous injection at a dosage level of 5 milligrams every day for 6 days, and thereafter, every other day for 8 days. In less severe conditions, shorter courses of therapy may be indicated.

(3) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date: This amendment shall be effective on September 3, 1976.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: July 29, 1976.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.76-22532 Filed 8-3-76;8:45 am]

PART 555—CHLORAMPHENICOL DRUGS FOR ANIMAL USE

Chloramphenicol Tablets

The Food and Drug Administration approves new animal drug application 55–051V filed by Parke, Davis & Co., Joseph Campau Avenue at the River, Detroit, MI 48232, proposing safe and effective use of 100-, 250-, and 500-milligram chloramphenicol tablets for dogs for oral treatment of bacterial pulmonary infections, bacterial infections of the urinary tract, bacterial enteritis, and bacterial infections associated with canine distemper caused by susceptible organisms. The approval is effective on September 3, 1976.

The Commissioner of Food and Drugs is amending Part 555 (21 CFR Part 555) to reflect this approval.

In accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, a summary of the safety and effectiveness data information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (41 FR 24262)), Part 555 is amended in in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262), Part 555 is amended in § 555.110a by revising paragraph (c)(1)(i) and (ii) to read as follows:

§ 555.110a Chloramphenicol tablets.

* * * * * *

(c) *Conditions of marketing*—(1)(i) *Specifications.*—Chloramphenicol tablets contain 100, 250, or 500 milligrams of chloramphenicol and confrom to the certification requirements of paragraph (a) of this section.

(ii) *Sponsor.* See No. 000071 in § 510.600(c) of this chapter for 100-, 250-, and 500-milligram tablets; see No. 017030 in § 510.600(c) of this chapter for 100-milligram tablets.

* * * * * *

Effective date: This amendment shall be effective on September 3, 1976.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: July 29, 1976.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.76-22533 Filed 8-3-76;8:45 am]

SUBCHAPTER G—COSMETICS

[Docket No. 75N-0005]

PART 701—COSMETIC LABELING

Hypoallergenic Cosmetic Products; Revocation of Stay of Effective Date

The Food and Drug Administration is revoking the stay, published in the FEDERAL REGISTER of July 28, 1975 (40 FR 31606), of the effective date of § 701.100(a) through (j) (21 CFR 701.100(a) through (j)), which concerns the conditions under which a cosmetic may be labeled as "hypoallergenic." This revocation is effective on September 3, 1976, for all cosmetics initially introduced into interstate commerce on or after such date.

The Commissioner of Food and Drugs issued in the FEDERAL REGISTER of June 6, 1975 (40 FR 24442) a regulation establishing the conditions under which a cosmetic may be designated in its labeling by words that state or imply that the product or any ingredient thereof is hypoallergenic. The regulation requires dermatological testing to confirm the validity of such a claim. Paragraph (h) of § 701.100 requires that any cosmetic product that is designated in labeling as hypoallergenic or for which claims are made that one or more ingredients are hypoallergenic or for which hypoallergenicity is implied through the use of other terms shall comply with the requirements of the regulation before such claims are made if it was not in commercial distribution on June 6, 1975, and shall comply by June 6, 1977, if it was in commercial distribution on June 6, 1975.

McMurray and Pendergast, as attorneys for Clinique Laboratories, Inc., and Almay, Inc., petitioned the Commissioner to stay the regulation pending the outcome of litigation, which those companies had instituted in the United States District Court for the District of Columbia to challenge the validity of the regulation. (Almay, Inc. v. Weinberger, Civil Action No. 75–1135.)

The Commissioner stayed the regulation "until further notice" pending the lawsuit. In an order filed June 30, 1976, the United States District Court for the District of Columbia upheld the validity of the regulation in full. On July 9, 1976, the plaintiffs filed a notice of appeal to the United States Court of Appeals for the District of Columbia. The plaintiffs also requested the Commissioner to continue the stay during the appeal in a letter on file in the office of the Hearing Clerk.

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The Commissioner believes that any further delay in the effectiveness of the regulations is not justified in light of the important public interest served by the regulation of eliminating consumer confusion about claims of hypoallergenicity and of requiring documentation of the claims. Moreover, the plaintiffs have had an opportunity for judicial review by the District Court and have not been successful. Accordingly, the Commissioner finds a continuation of the stay to be no longer justified under the criteria considered in evaluating requests for stay; the criteria are reflected in 21 CFR 2.9, as proposed in the FEDERAL REGISTER of September 3, 1975 (40 FR 40722–23).

The Commissioner, in order to permit an orderly transition, is revoking the stay effective on September 3, 1976, for all cosmetics initially introduced into interstate commerce on or after that date. Accordingly, cosmetics with a hypoallergenic claim not in commercial distribution, i.e., not on the market, on June 6, 1975, may not be shipped in interstate commerce by the cosmetic firm marketing the product to a wholesaler, retailer or other party on or after September 3, 1976, unless the claim is justified in accordance with the regulation. Cosmetics shipped in interestate commerce by the cosmetic firm marketing the product to a wholesaler, retailer or other party before September 3, 1976, need not be recalled. Cosmetics with a hypoallergenic claim which were in commercial distribution on June 6, 1975, still have until June 6, 1977, to justify their claims in accordance with the regulation.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 602(a), 701(a), 52 Stat. 1041 as amended, 1054, 1055 (21 U.S.C. 321(n), 362(a), 371(a))) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), the stay of 21 CFR 701.100(a) through (j) published in the FEDERAL REGISTER of July 28, 1975 (40 FR 31606) is hereby revoked effective September 3, 1976, for all cosmetics initially introduced into interstate commerce on or after such date.

Dated: July 30, 1976.

JOSEPH P. HILE,
Acting Associate Commissioner For Compliance.

[FR Doc.76-22705 Filed 8-3-76;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-932]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Notice of Final Flood Elevation Determinations for the Town of Longboat Key, Florida

On March 11, 1976, at 41 FR 10431, the Federal Insurance Administrator published a notification of modification of the base (100-year) flood elevations in the Town of Longboat Key, Florida. Since that date, ninety days have elapsed; and the Federal Insurance Administrator has evaluated requests for changes in the base flood elevations, and after consultation with the Chief Executive Officer of the community, has determined no changes are necessary. Therefore, the modified flood elevations are effective as of February 20, 1976 and amend the Flood Insurance Rate Map which was in effect prior to that date.

The modifications are pursuant to section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448) 42 U.S.C. 4001-4128, and 24 CFR Part 1916.

For rating purposes, the new community number is 125126A and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the final flood elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The numerous changes made in the base flood elevations on the Longboat Key Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the Longboat Key map.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 2, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-22573 Filed 8-3-76;8:45 am]

[Docket No. FI-2134]

PART 1916—HOUSING AND URBAN DEVELOPMENT

Notice of Changes Made in Determinations of Jefferson Parish, Louisiana

On June 25, 1976, at 41 FR 26415, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas. The list included Flood Insurance Rate Maps for portions of Jefferson Parish, Louisiana.

The Federal Insurance Administration, after consultation with the Chief Executive Officer of the community, has determined that it is appropriate to modify the base (100-year) flood elevations of some locations in Jefferson Parish. These modified elevations are currently in effect and amend the Flood Insurance Rate Map, which was in effect prior to this determination. A revised rate map will be published as soon as possible. The modifications are made pursuant to section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448) 42 U.S.C. 4001-4128, and 24 CFR Part 1916.

For rating purposes, the new community number is 225199B, and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

From the date of this notice, any person has 90 days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data. All interested parties are on notice that until the 90-day period elapses, the Administrator's new determination of elevations may itself be changed.

Any persons having knowledge or wishing to comment on these changes should immediately notify:

Mr. Hugh Ford, Director of Planning, Jefferson Parish, 3300 Metairie Road, Metairie, Louisiana 70001.

Also, at this location is the map showing the new base flood elevations. This map is a copy of the one that will be printed. The numerous changes made in the base flood elevations on the Jefferson Parish Flood Insurance Rate Map make it administratively infeasible to pubish in this notice all of the base flood elevation changes contained on the Jefferson Parish map.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 2, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-22572 Filed 8-3-76;8:45 am]

[Docket No. FI-2134]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Notice of Changes Made in Determinations of the Borough of Highlands, New Jersey, Base Flood Elevations

On June 25, 1976, at 41 FR 26415, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas. The list included Flood Insurance Rate Maps for portions of the Borough of Highlands, New Jersey.

The Federal Insurance Administration, after consultation with the Chief Executive Officer of the Community, has determined that it is appropriate to modify the base (100-year) flood elevations of some locations in the Borough of Highlands. These modified elevations are currently in effect and amend the Flood Insurance Rate Map, which was in effect prior to this determination. A revised rate map will be published as soon as possible. The modifications are made pursuant to section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448) 42 U.S.C. 4001-4128, and 24 CFR Part 1916.

For rating purposes, the new community number is 345297A, and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

From the date of this notice, any person has 90 days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data. All interested parties are on notice that until the 90-day period elapses, the Administrator's new determination of elevations may itself be changed.

Any persons having knowledge or wishing to comment on these changes should immediately notify:

Mayor Cornelius J. Guiney, Borough Hall, 171 Bay Avenue, Highlands, New Jersey 07732.

Also, at this location is the map showing the new base flood elevations. This map is a copy of the one that will be printed. The numerous changes made in the base flood elevations on the Borough of Highlands, New Jersey Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the Borough of Highlands, New Jersey map.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 14, 1976.

R. W. KRIMM,
Acting Federal Insurance Administrator.

[FR Doc.76-22577 Filed 8-3-76;8:45 am]

[Docket No. FI-2134]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Notice of Changes Made in Determinations of the City of Winston-Salem, North Carolina, Base Flood Elevations

On June 25, 1976, at 41 FR 26415, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas. The list included Flood Insurance Rate Maps for portions of the City of Winston-Salem, North Carolina.

The Federal Insurance Administration, after consultation with the Chief Executive Officer of the community, has determined that it is appropriate to modify the base (100-year) flood elevations of some locations in the City of Winston-Salem. These modified elevations are currently in effect and amend the Flood Insurance Rate Map, which was in effect prior to this determination. A revised rate map will be published as soon as possible. The modifications are made pursuant to section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448) 42 U.S.C. 4001-4128, and 24 CFR Part 1916.

For rating purposes, the new community number is 37630D, and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

From the date of this notice, any person has 90 days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data. All interested parties are on notice that until the 90-day period elapses, the Administrator's new determination of elevations may itself be changed.

Any persons having knowledge or wishing to comment on these changes should immediately notify:

Mr. Orville Powell, City Manager, City Hall, P.O. Box 2511, Winston-Salem, North Carolina 27102.

Also, at this location is the map showing the new base flood elevations. This map is a copy of the one that will be printed. The numerous changes made in the base flood elevations on the City of Winston-Salem Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the City of Winston-Salem, North Carolina map.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 13, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-22579 Filed 8-3-76;8:45 am]

[Docket No. FI-2145]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Notice of Changes Made in Determinations of the City of Tulsa, Oklahoma, Base Flood Elevations

On June 25, 1976, at 41 FR 26402 the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas. The list included Flood Insurance Rate Maps for portions of the City of Tulsa, Oklahoma.

The Federal Insurance Administration, after consultation with the Chief Executive Officer of the community, has determined that it is appropriate to modify the base (100-year) flood elevations of some locations in the City of Tulsa, Oklahoma. These modified elevations are currently in effect and amend the Flood Insurance Rate Map, which was in effect prior to this determination. A revised rate map will be published as soon as possible. The modifications are made pursuant to section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448) 42 U.S.C. 4001-4128, and 24 CFR Part 1916.

For rating purposes, the new community number is 405381C, and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National

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Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

From the date of this notice, any person has 90 days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data. All interested parties are on notice that until the 90-day period elapses, the Administrator's new determination of elevations may itself be changed.

Any persons having knowledge or wishing to comment on these changes should immediately notify:

Mayor Robert J. La Fortune, City Hall, Tulsa, Oklahoma 74103.

Also, at this location is the map showing the new base flood elevations. This map is a copy of the one that will be printed. The numerous changes made in the base flood elevations on the City of Tulsa Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the City of Tulsa, Oklahoma map.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 22, 1976.

H. B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-22578 Filed 8-3-76;8:45 am]

[Docket No. FI-2134]

PART 1916—HOUSING AND URBAN DEVELOPMENT

Notice of Changes Made in Determinations of Portsmouth, Rhode Island

On June 25, 1976, at 41 FR 26415, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas. The list included Flood Insurance Rate Maps for portions of Portsmouth, Rhode Island.

The Federal Insurance Administration, after consultation with the Chief Executive Officer of the community, has determined that it is appropriate to modify the base (100-year) flood elevations of some locations in Portsmouth. These modified elevations are currently in effect and amend the Flood Insurance Rate Map, which was in effect prior to this determination. A revised rate map will be published as soon as possible. The modifications are made pursuant to section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448) 42 U.S.C. 4001–4128, and 24 CFR Part 1916.

For rating purposes, the new community number is 445405B, and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

From the date of this notice, any person has 90 days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data. All interested parties are on notice that until the 90-day period elapses, the Administrator's new determination of elevations may itself be changed.

Any persons having knowledge or wishing to comment on these changes should immediately notify:

Town Administrator, Town of Portsmouth, 2200 East Main Road, Portsmouth, Rhode Island 02871.

Also, at this location is the map showing the new base flood elevations. This map is a copy of the one that will be printed. The numerous changes made in the base flood elevations on the Portsmouth Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the Portsmouth map.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: July 26, 1976.

H. B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-22575 Filed 8-3-76;8:45 am]

[Docket No. FI-2134]

PART 1916—HOUSING AND URBAN DEVELOPMENT

Notice of Changes Made in Determinations of the City of Nassau Bay, Texas

On June 25, 1976, at 41 FR 26415, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas. The list included Flood Insurance Rate Maps for portions of the City of Nassau, Bay, Texas.

The Federal Insurance Administration, after consultation with the Chief Executive Officer of the community, has determined that it is appropriate to modify the base (100-year) flood elevations of some locations in Nassau Bay, Texas. These modified elevations are currently in effect and amend the Flood Insurance Rate Map, which was in effect prior to this determination. A revised rate map will be published as soon as possible. The modifications are made pursuant to section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448) 42 U.S.C. 4001–4128, and 24 CFR Part 1916.

For rating purposes, the new community number is 485491 D, and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

From the date of this notice, any person has 90 days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data. All interested parties are on notice that until the 90-day period elapses, the Administrator's new determination of elevations may itself be changed.

Any persons having knowledge or wishing to comment on these changes should immediately notify:

Mr. Howard L. Ward, City Manager, City of Nassau Bay, 18100 Upper Bay Road, Suite 102, Houston, Texas 77058.

Also, at this location is the map showing the new base flood elevations. This map is a copy of the one that will be printed. The numerous changes made in the base flood elevations on the Nassau Bay, Texas Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the Nassau Bay, Texas map.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: June 30, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-22574 Filed 8-3-76;8:45 am]

[Docket No. FI-2134]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Notice of Changes Made in Determinations of the City of Seguin, Texas

On June 25, 1976, at 41 FR 26415, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas. The list included Flood Insurance Rate Maps for portions of the City of Seguin, Texas.

The Federal Insurance Administration, after consultation with the Chief Executive Officer of the community, has determined that it is appropriate to modify the base (100-year) flood elevations of some locations in Seguin. These modified elevations are currently in effect and amend the Flood Insurance Rate Map, which was in effect prior to this determination. A revised rate map will be published as soon as possible. The modifications are made pursuant to section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448) 42 U.S.C. 4001–4128, and 24 CFR Part 1916.

For rating purposes, the new community number is 485508 B, and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

From the date of this notice, any person has 90 days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data. All interested parties are on notice that until the 90-day period elapses, the Administrator's new determination of elevations may itself be changed.

Any persons having knowledge or wishing to comment on these changes should immediately notify:

The Honorable Alfred H. Koeblg, Mayor, City of Seguin, P.O. Box 591, Seguin, Texas 78155.

Also, at this location is the map showing the new base flood elevations. This map is a copy of the one that will be printed. The numerous changes made in the base flood elevations on the Seguin Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the Seguin map.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 14, 1976.

R. W. KRIMM,
Acting Federal Insurance Administrator.

[FR Doc.-76-22576 Filed 8-3-76;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

[FRL 589-6]

PART 416—PLASTICS AND SYNTHETICS MANUFACTURING POINT SOURCE CATEGORY

Revocation and Suspension of Regulations

On April 5, 1974 effluent limitations guidelines, new source performance standards and new source pretreatment standards were promulgated pursuant to sections 301, 304(b), 306 and 307(c) of the Federal Water Pollution Control Act (the Act), 33 U.S.C. 1311, 1314(b), 1316 and 1317(c), for thirteen subcategories of the Plastics and Synthetics point source category, (40 CFR 416, subparts A through M) (the "Phase I" regulation). On January 23, 1975, 40 CFR 416 was amended to add effluent limitations guidelines, new source performance standards and new source pretreatment standards for eight additional subcategories of the point source category, (40 CFR 416, subparts N through U) (the "Phase II" regulation). Pretreatment standards for existing sources pursuant to section 307(b) of the Act were proposed for subparts A through M on April 5, 1974 and for subparts N through U on January 23, 1975. On May 19, 1975 subpart M (the Acrylics subcategory) was suspended until further notice.

On March 10, 1976 the United States Court of Appeals for the Fourth Circuit rendered its decision concerning petitions for review of the Phase I regulations in *FMC Corporation, et al.* v. *Train*, No. 74–1386. The Court remanded the Phase I effluent limitations guidelines and new source performance standards to the Administrator for reconsideration. The principal defect in the regulations which the Court found to exist concerned the hydraulic flows used to calculate all parameters whose effluent limitations and standards were set in terms of mass. Therefore, the limitations and standards for all such parameters for all Phase I subcategories are being revoked. The pH limitations and standards were not challenged by the petitioners in *FMC Corporation* v. *Train* nor is anything in the Court's opinion inconsistent with their validity. However, because all other limitations and standards are being revoked it is appropriate to suspend the pH limitations and standards pending reconsideration of these other parameters.

Sufficient similarity exists between the hydraulic flows used to calculate all parameters whose effluent limitations and standards were set in terms of mass in the Phase I and Phase II regulations to cast doubt on the validity of the Phase II limitations and standards. Therefore, the Phase II limitations and standards are being revoked and suspended in the same manner as the Phase I regulation. Proposed pretreatment standards for existing sources for all Phase I and Phase II subcategories must similarly be rescinded. The Agency intends to repromulgate the portions of the regulations revoked today and to terminate the suspension of those portions suspended, as soon as the inadequacies noted by the Court of Appeals can be remedied. In the interim, effluent limitations and guidelines and new source performance standards for the Plastics and Synthetics Manufacturing Point Source Category shall be considered to be not implemented for purposes of section 402(a)(1) of the Act.

Specifically, the following changes are made in 40 CFR Part 416:

(Subparts A through M were promulgated April 5, 1974.)

Subpart A—Polyvinyl Chloride Subcategory

§ 416.12 [Amended]

The limitations for all parameters except pH are revoked; the limitations for pH are suspended.

§ 416.13 [Amended]

The limitations for all parameters except pH are revoked; the limitations for pH are suspended.

§ 416.15 [Amended]

The standards of performance for all parameters except pH are revoked; the standards of performance for pH are suspended.

§ 416.16 [Amended]

The pretreatment standards for new sources are revoked.

Subpart B—Polyvinyl Acetate Subcategory

§ 416.22 [Amended]

The limitations for all parameters except pH are revoked; the limitations for pH are suspended.

§ 416.23 [Amended]

The limitations for all parameters except pH are revoked; the limitations for pH are suspended.

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§ 416.25 [Amended]

The standards of performance for all parameters except pH are revoked; the standards of performance for pH are suspended.

§ 416.26 [Amended]

The pretreatment standards for new sources are revoked.

Subpart C—Polystyrene Subcategory

§ 416.32 [Amended]

The limitations for all parameters except pH are revoked; the limitations for pH are suspended.

§ 416.33 [Amended]

The limitations for all parameters except pH are revoked; the limitations for pH are suspended.

§ 416.35 [Amended]

The standards of performance for all parameters except pH are revoked; the standards of performance for pH are suspended.

§ 416.36 [Amended]

The pretreatment standards for new sources are revoked.

Subpart D—Polypropylene Subcategory

§ 416.42 [Amended]

The limitations for all parameters except pH are revoked; the limitations for pH are suspended.

§ 416.43 [Amended]

The limitations for all parameters except pH are revoked; the limitations for pH are suspended.

§ 416.45 [Amended]

The standards of performance for all parameters except pH are revoked; the standards of performance for pH are suspended.

§ 416.46 [Amended]

The pretreatment standards for new sources are revoked.

Subpart E—Polyethylene Subcategory

§ 416.52 [Amended]

The limitations for all parameters except pH are revoked; the limitations for pH are suspended.

§ 416.53 [Amended]

The limitations for all parameters except pH are revoked; the limitations for pH are suspended.

§ 416.55 [Amended]

The standards of performance for all parameters except pH are revoked; the standards of performance for pH are suspended.

§ 416.56 [Amended]

The pretreatment standards for new sources are revoked.

Subpart F—Cellophane Subcategory

§ 416.62 [Amended]

The limitations for all parameters except pH are revoked; the limitations for pH are suspended.

§ 416.63 [Amended]

The limitations for all parameters except pH are revoked; the limitations for pH are suspended.

§ 416.65 [Amended]

The standards of performance for all parameters except pH are revoked; the standards of performance for pH are suspended.

§ 416.66 [Amended]

The pretreatment standards for new sources are revoked.

Subpart G—Rayon Subcategory

§ 416.72 [Amended]

The limitations for all parameters except pH are revoked; the limitations for pH are suspended.

§ 416.73 [Amended]

The limitations for all parameters except pH are revoked; the limitations for pH are suspended.

§ 416.75 [Amended]

The standards of performance for all parameters except pH are revoked; the standards of performance for pH are suspended.

§ 416.76 [Amended]

The pretreatment standards for new sources are revoked.

Subpart H—Acrylonitrile-Butadiene-Styrene (ABS) and Styrene-Acrylonitrile (SAN) Resin Copolymers Subcategory

§ 416.82 [Amended]

The limitations for all parameters except pH are revoked; the limitations for pH are suspended.

§ 416.83 [Amended]

The limitations for all parameters except pH are revoked; the limitations for pH are suspended.

§ 416.85 [Amended]

The standards of performance for all parameters except pH are revoked; the standards of performance for pH are suspended.

§ 416.86 [Amended]

The pretreatment standards for new sources revoked.

Subpart I—Polyester Subcategory

§ 416.92 [Amended]

The limitations for all parameters except pH are revoked; the limitations for pH are suspended.

§ 416.93 [Amended]

The limitations for all parameters except pH are revoked; the limitations for pH are suspended.

§ 416.95 [Amended]

The standards of performance for all parameters except pH are revoked; the standards of performance for pH are suspended.

§ 416.96 [Amended]

The pretreatment standards for new sources are revoked.

Subpart J—Nylon 66 Subcategory

§ 416.102 [Amended]

The limitations for all parameters except pH are revoked; the limitations for pH are suspended.

§ 416.103 [Amended]

The limitations for all parameters except pH are revoked; the limitations for pH are suspended.

§ 416.105 [Amended]

The standards of performance for all parameters except pH are revoked; the standards of performance for pH are suspended.

§ 416.106 [Amended]

The pretreatment standards for new sources are revoked.

Subpart K—Nylon 6 Subcategory

§ 416.112 [Amended]

The limitations for all parameters except pH are revoked; the limitations for pH are suspended.

§ 416.113 [Amended]

The limitations for all parameters except pH are revoked; the limitations for pH are suspended.

§ 416.115 [Amended]

The standards of performance for all parameters except pH are revoked; the standards of performance for pH are suspended.

§ 416.116 [Amended]

The pretreatment standards for new sources are revoked.

Subpart L—Cellulose Acetate Subcategory

§ 416.122 [Amended]

The limitations for all parameters except pH are revoked; the limitations for pH are suspended.

§ 416.123 [Amended]

The limitations for all parameters except pH are revoked; the limitations for pH are suspended.

§ 416.125 [Amended]

The standards of performance for all parameters except pH are revoked; the standards of performance for pH are suspended.

§ 416.126 [Amended]

The standards of performance for all parameters except pH are revoked; the standards of performance for pH are suspended.

Subpart M—Acrylics Subcategory

§ 416.132 [Amended]

The limitations for all parameters except pH are revoked; the limitations for pH are suspended.

§ 416.133 [Amended]

The limitations for all parameters except pH are revoked; the limitations for pH are suspended.

§ 416.135 [Amended]

The standards of performance for all parameters except pH are revoked; the standards of performance for pH are suspended.

§ 416.136 [Amended]

The pretreatment standards for new sources are revoked.

(Subparts N through U were promulgated January 23, 1975.)

Subpart N—Ethylene-Vinyl Acetate Copolymers Subcategory

§ 416.142 [Amended]

The limitations for all parameters except pH are revoked; the limitations for pH are suspended.

§ 416.143 [Amended]

The limitations for all parameters except pH are revoked; the limitations for pH are suspended.

§ 416.145 [Amended]

The standards of performance for all parameters except pH are revoked; the standards of performance for pH are suspended.

§ 416.146 [Amended]

The pretreatment standards for new sources are revoked.

Subpart O—Polytetrafluoroethylene Subcategory

§ 416.152 [Amended]

The limitations for all parameters except pH are revoked; the limitations for pH are suspended.

§ 416.153 [Amended]

The limitations for all parameters except pH are revoked; the limitations for pH are suspended.

§ 416.155 [Amended]

The standards of performance for all parameters except pH are revoked; the standards of performance for pH are suspended.

§ 416.156 [Amended]

The pretreatment standards for new sources are revoked.

Subpart P—Polypropylene Fiber Subcategory

§ 416.162 [Amended]

The limitations for all parameters except pH are revoked; the limitations for pH are suspended.

§ 416.163 [Amended]

The limitations for all parameters except pH are revoked; the limitations for pH are suspended.

§ 416.165 [Amended]

The standards of performance for all parameters except pH are revoked; the standards of performance for pH are suspended.

§ 416.166 [Amended]

The pretreatment standards for new sources are revoked.

Subpart Q—Alkyds and Unsaturated Polyester Resins Subcategory

§ 416.172 [Amended]

The limitations for all parameters except pH are revoked; the limitations for pH are suspended.

§ 416.173 [Amended]

The limitations for all parameters except pH are revoked; the limitations for pH are suspended.

§ 416.175 [Amended]

The standards of performance for all parameters except pH are revoked; the standards of performance for pH are suspended.

§ 416.176 [Amended]

The pretreatment standards for new sources are revoked.

Subpart R—Cellulose Nitrate Subcategory

§ 416.182 [Amended]

The limitations for all parameters except pH are revoked; the limitations for pH are suspended.

§ 416.183 [Amended]

The limitations for all parameters except pH are revoked; the limitations for pH are suspended.

§ 416.185 [Amended]

The standards of performance for all parameters except pH are revoked; the standards of performance for pH are suspended.

§ 416.186 [Amended]

The pretreatment standards for new sources are revoked.

Subpart S—Polyamide (Nylon 6/12) Subcategory

§ 416.192 [Amended]

The limitations for all parameters except pH are revoked; the limitations for pH are suspended.

§ 416.193 [Amended]

The limitations for all parameters except pH are revoked; the limitations for pH are suspended.

§ 416.195 [Amended]

The standards of performance for all parameters except pH are revoked; the standards of performance for pH are suspended.

§ 416.196 [Amended]

The pretreatment standards for new sources are revoked.

Subpart T—Polyester Resins (Thermoplastic) Subcategory

§ 416.202 [Amended]

The limitations for all parameters except pH are revoked; the limitations for pH are suspended.

§ 416.203 [Amended]

The limitations for all parameters except pH are revoked; the limitations for pH are suspended.

§ 416.205 [Amended]

The standards of performance for all parameters except pH are revoked; the standards of performance for pH are suspended.

§ 416.206 [Amended]

The pretreatment standards for new sources are revoked.

Subpart U—Silicones Subcategory

§ 416.302 [Amended]

The limitations for all parameters except pH are revoked; the limitations for pH are suspended.

§ 416.303 [Amended]

The limitations for all parameters except pH are revoked; the limitations for pH are suspended.

§ 416.305 [Amended]

The standards of performance for all parameters except pH are revoked; the standards of performance for pH are suspended.

§ 416.306 [Amended]

The pretreatment standards for new sources are revoked.

Because of the order issued by the United States Court of Appeals for the Fourth Circuit and the nature of the action taken, the Agency finds that public participation in this rulemaking is unnecessary and impractical. This amendment as set forth shall become effective immediately.

Dated: July 28, 1976.

RUSSELL E. TRAIN,
Administrator.

[FR Doc.76-22492 Filed 8-3-76;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

APPENDIX—PUBLIC LAND ORDERS

(Public Land Order 5592; I-9100)

IDAHO

Withdrawal for Protection of Recreational and Other Natural Resource Values

Correction

In FR Doc. 76-20268 appearing on page 28954 in the issue for Wednesday, July 14, 1976 make the following correction:

In the middle column of page 29855, in the 4th line under the heading "Stock Driveway No. 112 (Partial)" the numbers now reading "Secs. 1, 11, 12, 14, 15, 12, 22, 28, 33." should have read "Secs. 1, 11, 12, 14, 15, 21, 22, 28, 33."

Title 46—Shipping

CHAPTER II—MARITIME ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 252—OPERATING-DIFFERENTIAL SUBSIDY FOR BULK CARGO VESSELS ENGAGED IN WORLDWIDE SERVICES

Foreign-Flag Competition

On September 22, 1975, Notice was published in the FEDERAL REGISTER (39

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FR 20383) announcing adoption of a new Part 252 to Title 46 of the Code of Federal Regulations, setting forth regulations governing the payment of operating-differential subsidy (ODS) to bulk cargo vessels engaged in worldwide services pursuant to Title VI of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1171–1083).

Notice is hereby given that § 252.22 of Part 252 is amended.

Section 252.22 of Title 46 provides procedures for determining the substantiality and extent of foreign flag competition for bulk carriers engaged in world-wide services. Under this procedure foreign flag competition is determined as of January 1 of each year by surveying a data file known as "Merchant Fleets of the World" and calculating the percentage weight of each competing flag within the applicable vessel type and deadweight tonnage range. The principal competitive foreign flags are those that have the greatest deadweight tonnage of the vessels in a specified range, not to exceed five foreign flags.

The purpose of this amendment is to remove from consideration in the determination of the substantiality and extent of foreign-flag competition those foreign-flag vessels which are engaged in foreign trades from which U.S.-flag vessels are excluded. This is necessary in order that the true foreign-flag vessel competition may be accurately determined.

This amendment to 46 CFR Part 252 has been reviewed pursuant to E.O. 11821 and OMB Circular A107 and it has been determined that it will have no major inflationary impact.

Accordingly, paragraph (d) of § 252.22 of Part 252 of Title 46 of the Code of Federal Regulations is amended to read as follows:

§ 252.22 Substantiality and extent of foreign-flag competition.

* * * * *

(d) *Principal Competitive foreign-flags.* The principal competitive foreign-flags shall be those foreign-flags that have the greatest total tonnage of vessels deemed competitive with the subsidized vessel that, when combined, aggregate at least 60 percent of the total tonnage of the competitive vessels not to exceed the five foreign-flags with the greatest total tonnage. For the purposes of this paragraph, foreign-flag vessels engaged in foreign trades from which U.S.-flag vessels are excluded are deemed not competitive with the subsidized vessel.

* * * * *

Effective date: This amendment shall be effective as of January 1, 1974.

(Sec. 204(b), Merchant Marine Act, 1936, as amended (46 U.S.C. 1114), Reorganization Plans No. 21 of 1950 (64 Stat. 1273) and No. 7 of 1961 (75 Stat. 840) as amended by Pub. L. 91–469 (84 Stat. 1036, Department of Commerce Organization Order 10–8 (38 FR 19707, July 23, 1973)).)

It is hereby certified that the economic and inflationary impacts of this amendment have been carefully evaluated in accordance with OMB Circular A–107.

By Order of the Maritime Subsidy Board.

Dated: JULY 28, 1976.

JAMES S. DAWSON, Jr.,
Secretary,
Maritime Subsidy Board.

[FR Doc.76–22654 Filed 8–3–76;8:45 am]

CHAPTER IV—FEDERAL MARITIME COMMISSION

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[Docket No. 72–19; General Order 13]

PART 536—FILING OF TARIFFS BY COMMON CARRIERS BY WATER IN THE FOREIGN COMMERCE OF THE UNITED STATES AND BY CONFERENCES OF SUCH CARRIERS

Further Postponement of Effective Date

In order to permit additional time to evaluate petitions for reconsideration of final rules in this proceeding (40 FR 47770; October 10, 1975), it has been determined that further postponement of their effective date is warranted. *Accordingly, it is ordered,* That the "August 2, 1976" effective date incorporated in the first sentence of § 536.16 of Part 536, 46 CFR is amended to read "October 1, 1976".

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76–22641 Filed 8–3–76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 76–708; Docket No. 20746]

PART 15—RADIO FREQUENCY DEVICES

Receiver Certification Program; Technical Specifications

In the matter of revision of Part 15 to extend the receiver certification program, to revise the technical specifications for receivers, and to make other changes.

1. A Notice of Proposed Rule Making in this proceeding was adopted on March 19, 1976 and released on March 29, 1976.[1] This Notice specified that comments be submitted on or before May 3, 1976 and reply comments on or before May 13, 1976. These dates were extended to May 26, 1976 and June 10, 1976 by orden of the Commission on April 16, 1976 in response to a petition from Electronic Industries Association, Citizens Radio Section, filed April 13, 1976 and from Jerrold Electronics Corp., filed April 16, 1976.

2. This First Report deals only with the problem of the Citizen Band Class D[2] receiver which will be referred to herein as the CB receiver. This term includes a CB receiver sold as a separate unit of equipment, the receiver portion of a CB Class D transceiver and the CB converter commonly marketed as an attachment to the AM receiver in a car which permits listening to CB Class D transmissions on the car radio.

3. The Utilities Telecommunications Council (UTC)[3] brought to the attention of the Commission, a serious interference problem to operations of Power Radio Stations on frequencies in the 37 MHz band which are allocated to the Power Radio Service. UTC had investigated this problem and found that the interference was due to emissions from CB receivers using a form of frequency synthesis which involves the use of a 37 MHz oscillator.[4] Pointing out that FCC regulations currently in effect[5] to control receiver radiation, apply only to receivers that operate above 30 MHz and do not apply to CB receivers which operate below 30 MHz, UTC urges the Commission to extend the scope of these regulations to include CB receivers. Subsequently, on March 15, 1976, UTC filed a petition to amend Part 15 to provide for reduced radiation interference limits for a CB receiver operating in the 27 MHz band.[6]

4. The interference reported by UTC arises from the particular type of frequency synthesis used by many of the CB receivers. With conventional techniques, 23 crystals—one for each channel—are required in a CB receiver designed to receive each of the 23 CB Class D channels. By combining the outputs of two oscillators—one using crystals at 37.6, 37.65, 37.7, 37.75, 37.8 and 37.85 MHz and one using 4 crystals at 10.180, 10.170, 10.160 and 10.140 MHz—all the 23 Class D channels can be obtained with a total of 10 crystals.[7] It should be noted that the frequencies 37.6, 37.7 and 37.8 MHz are precisely those used by the Power Radio Service and that the frequencies 37.65, 37.75 and 37.85 MHz are only 50 kHz removed from the Power Radio frequencies.

5. The UTC findings were verified by tests on 15 CB Class D transceivers by the FCC Laboratory[8] which showed that emissions from many of these CB receivers were in fact capable of causing

[1] 41 FR 13375; 58 FCC 2nd 5, Page 839.

[2] Citizens Radio Class D stations operate on frequencies between 26.96–27.23 and on 27.255 MHz. Effective January 1, 1977, Citizens Radio Class D stations operate on frequencies between 26.96 and 27.41 MHz.

[3] The Utilities Telecommunication Council is the national representative on telecommunications matters of electric, gas, water and steam utilities—the entities eligible under FCC Rules in the Power Radio Service.

[4] See Appendix A for a tabulation of the frequencies involved in this type of synthesizer.

[5] 47 CFR 15.63.

[6] This petition was received a few days before the Notice in Docket 20746 was adopted. Since the regulations proposed in this Notice would provide the relief sought by UTC, the petition was filed as a comment in Docket 20746.

[7] See Appendix A.

[8] "Strength of Emissions from Citizens Radio Service Transmitters," FCC Laboratory Division Report FCC/OCE Lab 76–01, April 1976. This report is available from the Office of the Chief Engineer, FCC Washington, D.C. 20554. A copy has been filed in this Docket.

harmful interference to land mobile communications in the 30 MHz band. It was concluded that to provide reasonable protection to the land mobile service, it was necessary to keep the spurious energy at the antenna terminals of the CB receiver below 0.2 nanowatts (nW).

RESPONSE TO THE NOTICE OF PROPOSED RULE MAKING

6. In response to this Notice, comments were received from many parties. Only those comments related to CB receivers are discussed herein. The other aspects of this proceeding will be considered in a subsequent report. None of the comments objected to the proposal that CB receivers be certificated, or that spurious emissions be measured at the antenna terminals. Objections were raised against the 0.2 nW level and against the chassis radiation specification of 15 μV/m at 1 meter which make up the two parts of the Commission proposal.

7. FAA supported the Commission's proposal, pointing out that the 3rd harmonic of the CB receiver oscillator falls in the aeronautical services band and should be reduced 10dB. In its comment, the Forestry Conservation Communications Association (FCCA) pointed out Forestry Conservation licensees are suffering interference on 151.205 and 151.400 MHz from radiation from CB receivers.[9] FCCA urges early implementation of the proposed rules.

8. The R.L. Drake Co. (Drake) supported the proposal to extend the certification requirement to CB receivers, but did not comment on the technical specifications proposed for these receivers. Although not addressing the CB receiver problem, GTE Sylvania calls attention to the lack of a measurement procedure to measure chassis radiation at 1 meter. Since a procedure exists for making such measurements at 3 meters, GTE Sylvania suggests a chassis radiation specification of 5 μV/m at 3 meters instead of 15 μV/m at 1 meter. GTE Sylvania also points out that 0.2 nW does not correlate to the radiation interference limits in §§ 15.63(a) or 15.64(c). The chassis radiation measurement at 1 meter is also questioned by the Land Mobile Communications Section of the Electronic Industries Association (EIA/Land Mobile) which points up the difficulties in making such a measurement. In addition, EIA/Land Mobile maintains that 15 μV/m at 1 meter is an unrealistically severe specification.

9. The transceiver export committee of Electronic Industries Association of Japan (EIA Japan) took no position with respect to the instant proposal, but it questioned the suitability of measuring at 1 meter due to practical difficulties. It also pointed out that the 0.2 nW limit is out of touch with current practice, and called attention that Canada and Japan both impose a limit of 20 nW.

10. Collins Division of Rockwell International Corp. (Collins) points out that the regulations proposed for CB receivers would also apply to a number of professional communication receivers. Collins states that the Commission has not demonstrated a need to apply the CB regulations across the board to all receivers that operate in the band 26–30 MHz and requests that the proposed regulations be limited to CB receivers. Mr. David Bentley, speaking as an individual amateur, makes a similar request that amateur receivers that operate in this band likewise be excluded from the proposed regulations.

11. The Consumer Electronics Group of Electronic Industries Assn. (EIA/CEG) questions the accuracy of chassis radiation measurements made at 1 meter and urges the Commission to adopt a more appropriate measurement distance, but makes no recommendations as to what such a distance should be. EIA/CEG also questions the sweeping nature of the Commission's proposal with respect to the 26–30 MHz, alleging that many multi-band home entertainment-type receivers will be eliminated from the market if the severe regulations proposed for this band are adopted and implies that these regulations be limited to CB receivers. Zenith Radio Corp. supports EIA/CEG on the latter point and urges that multi-band receivers be excluded from the new regulations.

12. General Electric Co., Audio Electronics Product Department (GE) supports the proposal to require certification of CB receivers and favors the measurement of spurious power at the antenna terminals as more accurate than open field radiation measurements. However, it believes the specifications proposed are overly stringent and impose unreasonable constraints on the manufacture of CB equipment, or dramatically increase the cost of such equipment. GE points out that the 0.2 nW limit translates into a field strength of 6.5 μV/m at 30 meters which is 5 times more severe than the limit imposed on other receiver emissions in the frequency range 25–30 MHz[10] and recommends that the limit be set at 5 nW.

13. GE also objects to the chassis radiation limit in proposed Section 15.59(c) as being excessively severe and points out that this specification is in conflict with the 100 μV/m at 3 meter requirement proposed in Docket 20780.[11] As a more reasonable requirement, GE proposes a limit of 35 μV/m at 3 meters which it says is approximately 10 percent of the power limit. GE also calls attention to the fact that many CB receivers and multi-band receivers which include a CB reception capability are housed in plastic cabinets and will not be able to meet the chassis radiation limit. GE urges that such receivers be permitted to employ open field measurements and to comply with § 15.63(a).

14. Tram/Diamond Corp. does not question the Commission's proposal to require certification but raises objections to the technical specifications proposed. Tram/Diamond argues that since the rule making is designed to minimize radiation in the 37 MHz band, the same objective can be achieved by prohibiting the use of local oscillator frequencies above 30 MHz. Alternatively, Tram/Diamond suggests that the proposed rules be applied only to CB receivers using a local oscillator above 30 MHz, thereby permitting the manufacturer to determine whether using such an oscillator has sufficient technical advantage to warrant the effort and expense of meeting the proposed requirement. Tram/Diamond also points out that the 6 month lead time set out in the proposal is not sufficient and suggests that the new regulations be applied only to CB receivers which are first placed in production more than 6 months following the adoption of new rules and that the manufacture of non-certificated CB receivers be terminated within two years.

15. Vector, Inc., acknowledges the Commission's concern concerning the CB receiver problem, but alleges that the Commission is proposing unnecessarily severe, difficult and costly performance criteria and proposes their implementation within an unreasonable short time (six months). Vector submitted computations based on theoretical considerations to show that 0.2 nW at the CB receiver antenna terminals will theoretically deliver a signal of 1 μV to a land mobile receiver at 105 meters as a worst case condition. In practice, Vector says, this will be reduced by a factor of ten and the protection distance will be reduced to 11 meters. Vector suggests that the CB limit be set at 2.0 nW to give a theoretical protection distance of 1000 meters and a real life distance of 100 meters. In agreement with the above, Vector suggests that the chassis radiation specification be increased to 150 μV/m at 1 meter.

16. The Academy of Model Aeronautics (Academy)[12] filed its comment late and petitioned the Commission to accept this late filing.[12] The Academy estimates that some 450,000 persons operate radio controlled model aircraft and that many of these use equipment that operates in the 27 MHz band. The Academy points out

[9] That a CB receiver is capable of causing such interference was verified by the measurements made by the FCC Laboratory discussed in paragraph 5 above. See also footnote 8 above.

[10] Section 15.63(a), 47 CFR 15.63(a) requires subject receivers to limit emissions in the frequency range 25–70 MHz to 32 μV/m at 30 meters.

[11] In the Matter of: Amendment of Part 15 to redefine and clarify the rules governing restricted radiation devices and low power communication devices. Notice of Proposed Rule Making, adopted April 14, 1976, released April 23, 1976 (41 FR 23723).

[12] The Academy of Model Aeronautics is the governing body for model aircraft activities in the USA. At the end of 1975 its membership was about 60,000, of which 75 percent are said to regularly fly model aircraft under Class C Citizens Radio station licenses issued by the Commission.

[12] The petition filed by Academy is hereby granted and its late filing is accepted.

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that these equipments, both transmitters and receivers, have not been shown to be a cause of interference. Moreover, the 27 MHz receiver is so simple that it has no antenna terminals and the measurements required to demonstrate compliance with the Commission's proposed regulation cannot be made. The Academy requests that 27 MHz radio control CB receivers be exempt from the proposed regulations and not be made subject to a needless financial burden. The Radio Control Equipment Manufacturers Association supports the position of the Academy stating that the CB radio control receiver (Class C) cannot be a source of interference since it cannot emit radiation of the magnitude that is emitted by the higher powered Class D equipment although no data is submitted to show the actual level of energy emitted by CB radio control receivers.

17. The Citizens Radio Section of the Electronic Industries Association (EIA/Citizens Section) fully endorses the Commission's program to extend certification to CB receivers, but contends that the technical specifications proposed single out CB receivers for treatment that is different in kind than that applied to other devices capable of causing similar interference problems. It argues that an orderly approach—requiring certification to the present Part 15 limits with a second look at some future date at the need for a more stringent limit will best achieve the Commission's objective at the lowest cost to the public.

18. EIA/Citizens Section contends that the frequency synthesis scheme that is creating the interference problem in the 37 MHz is being replaced by designs using a phase lock loop (PLL) digital technique which will provide relief more effectively than the stringent regulations proposed, but submits no data to show what levels of emission is given off by a CB receiver using the PLL technique. Moreover EIA/Citizens Section alleges that the Commission in its report [14] does not reveal whether the 15 CB receivers that were measured are a statistically significant sample of CB receivers on the market and suggests that the Commission's conclusions may be severely skewed.

19. Although EIA/Citizens Section endorses the concept of antenna terminal measurements, it states that it cannot endorse such a specification combined with a chassis radiation measurement at 1 meter. The antenna terminal measurement, it agrees, gives accurate and repeatable results. But this is not true for chassis radiation measurements at 1 meter. It concludes by urging the Commission to require certification under the present Part 15 limits and review this requirement after the Commission and industry have had sufficient time to observe the operation of CB receivers using the PLL technique to see whether the strict requirements proposed at this time are in fact required. It maintains that the concept of protection should be applied uniformly without regard to the nature or use of the subject equipment, and that there is no need to impose a special set of more stringent limitations on CB receivers.

20. Larry Hirsch, an individual, who has been "in the CB business for approximately 20 years" alleges that the Commission's proposal for a 0.2 nW limit is not in the public interest. It would increase the cost of a CB radio by at least $100 and people would not be able to afford to buy CB radios. He suggests that a limit of 40 nW would be adequate, although no data is submitted to support this suggestion.

21. In addition to its petition discussed in paragraph 3, UTC submitted a comment in which it calls attention to its petition and the survey it had made of Power Service licensees operating on 37.6, 37.7 and 37.8 MHz. Of the 53 licensees surveyed 80% responded and 38 percent indicated they were receiving interference from CB operations which in many cases blocked out reception of their own signals. UTC notes that its petition had recommended a 6dB tightening up of the radiation limit for CB receivers from 32 μ/Vm at 30 meters to 16 μV/m at 30 meters. It strongly supports the Commission proposal and urges that it be finalized as soon as possible.

22. Fanon/Courier Corp. supports in principle the application of certification to CB receivers. It points out that only about one half of all crystal controlled heterodyne synthesizer designs use the offending frequencies (37 MHz). As industry converts to PLL circuitry, effective relief will be provided without the need for the stringent regulations proposed. Fanon/Courier endorses the concept of antenna terminal measurements but not when required in conjunction with a one meter radiation test. In essence it suggests that the radiation measurement be abandoned and only the terminal measurement be required.

23. EIA/CEG is the only entity that filed a reply comment. It points out the discrepancy between the limits proposed for CB receivers in this proceeding and those proposed in Docket No. 20780.[15] The limits in these two proceedings, EIA/CEG contends, should be consistent as far as practicable and a common measurement procedure should be made available for all near-field measurements.

The 0.2 Nanowatt Specification

24. All parties objected to the limit of 0.2 nW proposed by the Commission. The comments claimed that this limit is unnecessarily severe and singles out CB receivers for special treatment which places an unreasonable burden on the CB receiver manufacturer and user. Very little factual data was submitted to show that the 0.2 nW limit was not necessary or how much of a burden in the form of increased cost would be imposed, although several of the parties did present some theoretical calculations to support their contentions. Many of the parties urged that CB receivers be required to meet the limit now in § 15.63(a) which requires emissions in the frequency range 25 to 30 MHz to be kept below 32 μV/m at 30 m.

25. The Commission cannot accept this point of view. The CB receiver does have a special characteristic that requires special treatment. These receivers are found in millions of vehicles on the highways where they are intimately associated with vehicles carrying land mobile equipment. The probability that a vehicle carrying a CB receiver will be adjacent to a vehicle using a land mobile equipment is quite high. On the other hand an FM or TV receiver or other devices regulated by Part 15 (for which revised regulations have been proposed in Docket No. 20780) are not likely to be adjacent to a vehicle carrying a land mobile installation. In view of the large numbers of CB installations in vehicles and the high probability that the CB receiver will be close to the land mobile installation and in order to minimize the probability of interference due to this proximity effect, stringent specifications must be imposed on the CB receiver.

26. However, to ease the burden this proposal would place on manufacturers, the Commission has decided to implement its proposal in two steps. Accordingly the regulations adopted herein provide that all CB receivers whose manufacture is begun after January 1, 1977 must be certificated to meet a limit of 2.0 nW at the antenna. On and after January 1, 1978 this limit will be 0.2 nW.

The One Meter Measurement Problem

27. Nearly all the parties commenting objected to making measurements at 1 meter to check chassis (or cabinet) radiation. Sylvania proposed that measurements be made at 3 meters. EIA suggested that a more suitable distance be specified but did not indicate what this distance should be. The Commission is aware of the problems inherent in measurements at 1 meter but is satisfied that such measurements can be made with sufficient accuracy to show that chassis radiation will not be a problem.[16] In response to the request to ease the chassis radiation measurement problem, the Commission is revising its proposal and is adopting a limit of 5μV/m at 3 meters for chassis radiation.

The Effective Date for Certification

28. Considerable objection was raised against requiring certification to the 0.2 nW limit within 6 months after final rules are adopted. The Commission must insist on this requirement. We find that it is contrary to the public interest to permit continued production of CB receivers to designs that yield relatively high levels of spurious emissions. Accordingly the rules adopted herein provide that all receivers whose manufacture is first begun after January 1, 1977 must be certificated to meet the revised limit of 2 nW and a chassis radiation limit of 5 μV/m at 3 meters. CB receivers whose initial production was begun prior to January 1, 1977 must be terminated not later than August 1, 1977 unless such CB receivers are certificated to meet the limits adopted herein. In addition, the sale or other form of marketing of non-certificated CB receivers must be terminated not later than January 1, 1978. Applications for certification under the revised regulations adopted herein will not be accepted prior to September 10, 1976.

[14] Paragraph 5 of this report and footnote 8.

[15] See footnote 11 supra.

[16] Attention is invited to the Commission's rules or Class I TV devices (home video games). These rules, 47 CFR 15.401 et seq., impose a chassis radiation specification of 15 μV/m at 1 meter and such measurements are regularly made at the Commission's Laboratory during type approval testing of the Class I TV Devices.

Rules Limited to CB Receivers

29. The Commission had proposed that all receivers in the 26–30 MHz band be certificated to meet the same limits. None of the parties that commented objected to certification per se. Objections were raised however against certificating other (i.e. non-CB) receivers to the same limits as those proposed to resolve the interference problem posed by CB receivers. Since this report is limited to the CB receiver problem, the regulations adopted herein will apply only to CB receivers. The question of technical specifications for non-CB receivers is reserved for later consideration.

Commission Order

30. The Commission finds that it is in the public interest to adopt the rules set out in Appendix C. In view of the foregoing and pursuant to the authority contained in sections 4(i), 302 and 303(r) of the Communications Act of 1934, as amended, *It is ordered*, That effective September 10, 1976, Part 15 is amended in the manner set forth below.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082, sec. 302, 82 Stat. 290; 47 U.S.C. 154, 302, 303)

Federal Communications Commission,
Vincent J. Mullins,
Secretary.

Appendix A.—*Citizen band class D frequencies*

CB channel No.	Frequency (megahertz)	Frequency of oscillator 1 (megahertz)	Frequency of oscillator 2 (megahertz)
1	26.965	37.60	10.180
2	26.975	37.60	10.170
3	26.985	37.60	10.160
4	27.005	37.60	10.140
5	27.015	37.65	10.180
6	27.025	37.65	10.170
7	27.035	37.65	10.160
8	27.055	37.65	10.140
9	27.065	37.70	10.180
10	27.075	37.70	10.170
11	27.085	37.70	10.160
12	27.105	37.70	10.140
13	27.115	37.75	10.180
14	27.125	37.75	10.170
15	27.135	37.75	10.160
16	27.155	37.75	10.140
17	27.165	37.80	10.180
18	27.175	37.80	10.170
19	27.185	37.80	10.160
20	27.205	37.80	10.140
21	27.215	37.85	10.180
22	27.225	37.85	10.170
23	27.255	37.85	10.140

Appendix B

I. Comments in this proceeding regarding the rules proposed for a CB receiver were received from:

Federal Aviation Administration (FAA)
Forestry Conservation Communications Assn. (FCCA)
Larry Hirsch—(an individual)
R. L. Drake Co.
Utilities Telecommunications Council (UTC)
GTE Sylvania Inc. (Sylvania)
Electronic Industries Association of Japan, Transceiver Export Committee
Electronic Industries Association, Citizens Radio Section (EIA/Citizens Radio)
Electronic Industries Association, Land Mobile Communications Section
General Electric Company
Electronic Industries Association, Consumer Electronics Group
Zenith Radio Corp.
Tram/Diamond Corp.
Fanon/Courier Corp.
Vector, Inc.
Academy of Model Aeronautics
Radio Control Equipment Mfrs Assn.

II. Comments directed to other aspects of this proceeding were also received from:

Oak Industries Inc., CATV Division
Jerrold Electronics Corp.
National Cable Television Association, Inc.
Electronic Industries Association of Japan, Engineering Committee of Mfrs of Radio and TV receivers
Rockwell International Corp., Collins Divisions
David Bentley—an individual

III. Reply comments were received from:

Electronic Industries Assn., Consumer Electronics Group

Appendix C

Part 15 is amended by adding a new § 15.59 immediately after the heading Subpart C—Radio Receivers.

§ 15.59 Interference requirement for a CB receiver.

(a) For the purpose of this regulation, a CB receiver is defined as any receiver that operates in the Citizens Radio Service on frequencies allocated for Class D stations. A CB receiver includes a receiver or converter which is sold as a separate unit of equipment or the receiver portion of a CB transceiver.

(b) A CB receiver model which is initially placed in production after January 1, 1977 shall be certificated pursuant to Subpart B of this part and Subpart J of Part 2 of this chapter, to meet all the requirements of this section.

(c) With the antenna terminals of the CB receiver connected to a resistor equal to the manufacturer's rated input impedance, the power at the antenna terminals at any frequency in the range 25–500 MHz shall comply with the following

(1) For a CB receiver model initially placed in production after January 1, 1977 ---------- 2.0 nanowatts.

(2) For a CB receiver model initially placed in production after January 1, 1978 ---------- 0.2 nanowatts.

(d) With the antenna terminals of the CB receiver connected to a shielded resistor equal to the manufacturer's rated input impedance, the emission on any frequency in the range 25 to 500 MHz shall not exceed 5 uV/m at a distance of 3 meters from the surface of the receiver initially placed in production after January 1, 1977. Measurements shall be made with microphone and all other options attached.

(e) If the CB receiver is intended to be connected to the power lines of a public utility, the conducted interference fed back into the power lines shall not exceed 100 uV at any frequency in the range 0.45–25 MHz. This requirement shall also apply to a battery operated CB receiver which has the capability of being connected to the power lines through a battery charger.

(f) The manufacture of a CB receiver model that has not been certificated to meet all the requirements of this section shall be terminated as soon as possible but in no event later than August 1, 1977.

(g) The marketing of non-certificated CB receivers shall be terminated not later than January 1, 1978.

[FR Doc.76-22606 Filed 8-3-76;8:45 am]

[Docket No. 20189; FCC 76-624]

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST, AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

Remote Pickup Broadcast Stations

Correction

In FR Doc. 76–20538, appearing at page 29681, in the issue for Monday, July 19, 1976, make the following changes:

1. Change the letter designation for the last paragraph of § 74.431 from "e" to "f".

2. In the second line of § 74.432(a) insert the word "system" in between the words "station" and "will".

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[OST Docket 45]

PART 81—RECOMMENDATIONS TO THE PRESIDENT UNDER SECTION 801 OF THE FEDERAL AVIATION ACT OF 1958

Establishment of Part

Section 801 of the Federal Aviation Act of 1958 ("the Act") makes certain decisions of the Civil Aeronautics Board ("Board") concerning overseas or foreign air transportation subject to the approval of the President. By Executive Order 11920 (June 10, 1976, 41 FR 23605), the President established procedures to be followed in the Executive Branch for the purpose of facilitating Presidential review under Section 801 of the Act. Section 5 of that executive order requires "Departments and agencies outside of the executive office of the President which regularly make recommendations to the President in connection with the Presidential review pursuant to section 801 * * *" to establish procedures gov-

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erning communications between government employees and persons not employed by the Federal government in connection with the preparation of recommendations to the President on pending section 801 cases. The procedures of the United States Department of Transportation ("DOT") are established herein.

DOT believes that all persons with an interest in a case subject to section 801 review should have an equal opportunity to present their views to DOT and that all comments made by such persons to DOT should be available to the public. For these reasons and to comply with the requirements of Executive Order 11920, § 81.7 of this part establishes a public docket for receipt of all communications between persons not employed by the Federal government and an official or employee of DOT concerning pending Presidential review under section 801 of a Board decision. All such communications are required, whenever possible, to be made in writing. If oral communication is necessary, the communication is required to be summarized and the summary placed in the public docket.

All comments submitted to the Department on matters arising under section 801 will be maintained in one docket which will be divided into subdockets as appropriate. Each subdocket will bear the same number as the Board's docket to which it relates. Normally, public announcement will not be made of the opening of a subdocket on a particular matter. A subdocket will be opened automatically upon receipt under this part of a comment. Comments submitted to the Department should reference OST Docket No. 45, subdocket No. ____ (same number as the Board's docket number).

Since this regulation relates to Departmental procedures, practices, and management, notice and public procedure thereon are unnecessary and it may be made effective in fewer than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, subtitle A of title 49 of the Code of Federal Regulations is amended by adding a new Part 81, to read as appears below.

Effective date: This regulation is effective July 29, 1976.

Issued in Washington, D.C., on July 29, 1976.

WILLIAM T. COLEMAN, Jr.,
Secretary of Transportation.

Sec.
81.1 Purpose.
81.3 Applicability.
81.5 Submission of comments.
81.7 Docket.

AUTHORITY: The provisions of this Part 9 issued under sec. 9, 80 Stat. 944, 49 U.S.C. 1657; EO 11920 (June 10, 1976, 41 FR 23665).

§ 81.1 Purpose.

The purpose of this part is to set forth procedures for the receipt by the Department of Transportation of comments from persons not employed by the Federal government on possible recommendations by the Department to the President on decisions of the Civil Aeronautics Board submitted for the President's approval under section 801 of the Federal Aviation Act of 1958, which relates to overseas and international air transportation.

§ 81.3 Applicability.

(a) This part applies to all communications between persons not employed by the Federal government and officials or employees of the Department of Transportation on matters set forth in § 81.1 of this part.

(b) This part applies, with respect to any particular proceeding before the Civil Aeronautics Board, from the time that the Board's decision has been submitted to the President for consideration until the President has issued a final decision with respect to that proceeding.

§ 81.5 Submission of comments.

(a) All communications with Departmental officials or employees concerning a Presidential decision under section 801 of the Federal Aviation Act shall, whenever possible, be made in writing. Any such communication which is not made in writing shall be summarized by the official or employee of the Department who receives the communication.

(b) All such summaries and written communications except those relating to matters that are specifically authorized under criteria established by Executive Order to be kept secret in the interest of national defense or foreign policy are placed in a public docket and available for public inspection and copying, and responsive comment.

§81.7 Docket.

(a) All comments submitted under this part shall reference OST Docket No. 45 and, as a subdocket number, the number of the Civil Aeronautics Board docket relating to the proceeding which is the subject of the comment.

(b) The original and four copies of such comments may be mailed to the Docket Clerk, Office of The General Counsel, TGC, Department of Transportation, Washington, D.C. 20590, or delivered to the Docket Clerk in the Office of the Assistant General Counsel for Operations and Legal Counsel, room 10100 Nassif building, 400 Seventh Street, SW, Washington, D.C., 9 am to 5:30 pm local time, Monday through Friday except Federal holidays. Written comments submitted to Department officials other than the Docket Clerk and summaries of oral communications prepared in accordance with § 81.5(a) of this part shall be placed in the appropriate subdocket of OST Docket No. 45.

(c) All comments submitted under this part are available for public inspection and copying, and responsive comment, at the address and times specified in paragraph (b) of this section.

[FR Doc.76-22536 Filed 8-3-76;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. 284]

PART 1038—PERFORMANCE STANDARDS FOR THE TRANSPORTATION OF PERISHABLE COMMODITIES

Investigation Into Need for Defining Reasonable Dispatch (Perishable Commodities)

Present: George M. Stafford, Chairman, to whom the matter which is the subject of this order has been assigned for action thereon.

Upon consideration of the record in the above-entitled proceeding, and of the petition of Association of American Railroads, filed July 6, 1976, for (A) extension to August 16, 1976, of the date on or before which statements showing cause, if any there may be, why the regulations (49 CFR Part 1033) conditionally adopted in the report and order of April 8, 1976 (351 I.C.C. 812) should not become effective; (B) postponement of the effective date of the regulations; and (C) an opportunity to submit replies to any show cause statement as may be filed herein; and good cause appearing therefor:

It is ordered, That the request in (A) above be, and it is hereby, granted, and the order entered April 8, 1976, be, and it is hereby, modified by extending the due date for such statements to August 16, 1976.

It is further ordered, That the request in (B) above be, and it is hereby, granted, and the date on which the regulations should, in the absence of good cause to the contrary, become effective be, and it is hereby, fixed as October 1, 1976.

It is further ordered, That the request in (C) above be, and it is hereby, denied.

It is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

Dated at Washington, D.C., this 23d day of July 1976.

By the Commission, Chairman Stafford.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-22656 Filed 8-3-76;8:45 am]

SUBCHAPTER C—ACCOUNTS, RECORDS, AND REPORTS

[No. 36299]

UNIFORM SYSTEMS OF ACCOUNTS

Elimination of Self-Insurance Reserves

Certain revised accounting regulations governing all carriers subject to our accounting rules are adopted to be effective January 1, 1976.[1]

REPORT OF THE COMMISSION

In March 1975, the Financial Accounting Standards Board (FASB) issued Statement No. 5, "Accounting for Contingencies," establishing standards of financial accounting and reporting for loss contingencies.

The FASB stated that a loss must be both (1) probable, either an asset impaired or liability incurred, and (2) the amount of the loss reasonably estimable before the loss should be accrued by a charge to income. Appropriate disclosures of details of the loss contingency should be made when necessary to prevent misleading financial statements.

The FASB concluded that absence of insurance on fire, explosions, and other similar risks does constitute a contingency, but does not satisfy the conditions necessary for accrual. The loss should only be charged to income upon actual occurrence of the event causing either impairment of an asset or incurrence of a liability. Self-insurance cannot be considered as a basis to accrue a liability since the enterprise cannot assume a contractual obligation with itself for reimbursement in case of possible loss. However, self-carried insurance risks for losses sustained by others, including liability claims and cargo loss and damage claims, must be accrued in the accounts when a loss has occurred which the carrier is aware of or a previous experience enables it to estimate that a loss was incurred and reasonable estimate of the loss can be made.

Many carriers subject to our accounting rules choose not to insure their plant and equipment, either in whole or in part, against possible future losses from fire, theft, explosion, or other contingencies. These carriers are often referred to as "self-insured." In accord with FASB statement No. 5, a loss should only be charged to income when an event occurs causing an impairment to an asset or incurrence of a liability.

We believe the standards set forth in FASB Statement No. 5 will improve financial reporting to the Commission and we have amended the uniform systems of accounts for all modes subject to our regulations in accordance with those standards. These changes clarify the texts of certain accounts as they relate to FASB Statement No. 5, and align our accounting rules with generally accepted accounting principles (GAAP).

The amendments are minor technical changes in the regulations which require no additional recordkeeping and conform to generally accepted accounting principles announced in FASB Statement No. 5. Many companies which prepare financial statements to stockholders have therefore made the reclassification. Therefore, a rulemaking proceeding under sections 553 and 559 of the Administrative Procedure Act (5 U.S.C. 553 and 559) is not necessary.

FINDINGS

We find that Parts 1201 through 1210 of Chapter X of Title 49 of the Code of Federal Regulations should be amended as detailed in the appended statement of changes; and that such rules are reasonable and necessary to the effective enforcement of the provisions of Parts I, II, III, and IV of the Interstate Commerce Act, as amended; that such rules are otherwise lawful and, to the extent so found in this report, consistent with the public interest and the national transportation policy; that for good cause notice and public procedure are unnecessary under the Administrative Procedure Act, 5 U.S.C. 553 (b)(B); and that this decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

An appropriate order will be entered.

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 9th day of June 1976.

Consideration having been given to the matters and things involved in this proceeding, and the Commission, on the date hereof, having made and filed a report herein containing its findings and conclusions, which report is hereby made a part hereof:

It is ordered, That Parts 1201 through 1210 of Title 49 of the Code of Federal Regulations be, and they are hereby, revised to read as shown below.

It is further ordered, That the prescribed amendments shall be effective January 1, 1976.

And it is further ordered, That service of the order shall be made on all affected carriers; and to the Governor of every State and to the Public Utilities Commissions or Boards of each State having jurisdiction over transportation; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and by filing a copy with the Director, Office of the Federal Register for publication in the FEDERAL REGISTER.

This decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 and that for good cause notice and public procedure are unnecessary under the Administrative Procedure Act, 5 U.S.C. 553(b)(B).

(49 U.S.C. 12, 20, 304, 913, 1012.)

By the Commission.

ROBERT L. OSWALD,
Secretary.

PART 1201—RAILROAD COMPANIES

Amend Part 1201—Uniform System of Accounts for Railroad Companies as follows:

List of Instructions and Accounts

772 [Deleted]

Railway Operating Expense Accounts. Maintenance of Roadway and Structures

The text of account 275, "Insurance," is revised to read as follows:

275 Insurance.

(a) This account shall include premiums for insuring the carrier against loss through injuries to persons or damage to or destruction or loss of property whether caused by fire, accident, or other cause, when such loss to the carrier would be chargeable to maintenance of way and structures; also premiums on fidelity bonds of employees whose pay is chargeable to maintenance of way and structures.

(b) This account shall also include amounts estimated to settle claims by others for the classes of risks cited above which are not covered by commercial insurance and which are not provided for elsewhere. The carrier shall not accrue amounts to cover risk of loss or damage to its property from fire, theft, or similar loss contingencies.

The text of account 333, "Insurance," is revised to read as follows:

333 Insurance.

(a) This account shall include premiums for insuring the carrier against loss through injuries to persons or damage to or destruction or loss of property, whether caused by fire, accident, or other cause, when such loss to the carrier would be chargeable to maintenance of equipment; also premiums on fidelity bonds of employees whose pay is chargeable to maintenance of equipment.

(b) This account shall also include amounts estimated to settle claims by others for the classes of risks cited above which are not covered by commercial insurance and which are not provided for elsewhere. The carrier shall not accrue amounts to cover risks of loss or damage to its property from fire, theft, or similar loss contingencies.

The text of account 357, "Insurance," is revised to read as follows:

357 Insurance.

(a) This account shall include premiums for insuring the carrier against loss through injuries to persons or damage to or destruction or loss of property, whether caused by fire, accident, or other cause, when such loss to the carrier would be chargeable to Traffic; also premiums on fidelity bonds of employees whose pay is chargeable to Traffic.

(b) This account shall also include amounts estimated to settle claims by others for the classes of risks cited above which are not covered by commercial insurance and which are not provided for elsewhere. The carrier shall not accrue amounts to cover risks of loss or damage to its property from fire, theft, or similar loss contingencies.

The text of account 414, "Insurance," is revised to read as follows:

414 Insurance.

(a) This account shall include premiums for insuring the carrier against loss through injuries to persons or damage to or destruction or loss of property, whether caused by fire, accident, or other cause, when such loss to the carrier

[1] Dissenting Statement of Commissioner Murphy filed as part of the original document.

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would be chargeable to rail line transportation; also premiums on fidelity bonds of employees whose pay is chargeable to rail line transportation.

(b) This account shall also include amounts estimated to settle claims by others for the classes of risks cited above which are not covered by commercial insurance and which are not provided for elsewhere. The carrier shall not accrue amounts to cover risk of loss or damage to its property from fire, theft, or similar loss contingencies.

The text of account 455, "Insurance," is revised to read as follows:

455 Insurance.

(a) This account shall include premiums for insuring the carrier against loss through injuries to persons or damage to or destruction or loss of property, whether caused by fire, accident, or other cause, when such loss to the carrier would be chargeable to general account 450, "General"; also premiums on fidelity bonds of officers and employees whose pay is chargeable to general account 450, "General."

(b) This account shall also include amounts estimated to settle claims by others for the classes of risks cited above which are not covered by commercial insurance and which are not provided for elsewhere. The carrier shall not accrue amounts to cover risk of loss or damage to its property from fire, theft, or similar loss contingencies.

General Balance Sheet Accounts

772 [Deleted]

Account 772, "Insurance Reserves," number, title and text are deleted.

799 [Amended]

Within account 799, "Form of General Balance Sheet Statement," the subaccount 772, "Insurance Reserves," number and title are deleted.

PART 1202—ELECTRIC RAILWAYS

Amend Part 1202—Uniform System of Accounts for Electric Railways as follows:

List of Instructions and Accounts

441 [Deleted]

Line item 441, 'Insurance reserves," is deleted.

Operating Expense Accounts

The text of account 93, "Insurance," is revised to read as follows:

93 Insurance.

This account shall include premiums paid for fire, fidelity, boiler, casualty, burglary, workmen's compensation, and other insurance.

This account shall also include amounts estimated to settle claims by others for the classes of risks cited above which are not covered by commercial insurance and which are not provided for elsewhere. The carrier shall not accrue amounts to cover risk of loss or damage to its property from fire, theft, or similar loss contingencies.

NOTE A. • • •

In General Balance Sheet, 05 General instructions, within instruction 05–8, "Form of general balance sheet statements," line item 441, "Insurance reserves," is deleted.

General Balance Sheet Accounts

441 [Deleted]

The account 441, "Insurance reserves," number, title and text are deleted.

PART 1203—EXPRESS COMPANIES

Amend Part 1203—Uniform System of Accounts for Express Companies as follows:

Balance Sheet Account Classifications

Line item 241, "Accumulated provision for self-insurance," is revised to read:

241 Estimated liabilities.

General Instructions

Within General Instruction 1–2, "Accounting scope," line item 241, "Accumulated provision for self-insurance," is amended to read:

241 Estimated liabilities.

General Instruction 1–11, "Insurance," is amended to read as follows:

1–11 Insurance.

(a) Secondary operating expense account 12—Insurance, shall be used for recording monthly write-off of amounts of prepaid premiums paid to commercial insurance companies and charges for the purposes of estimating losses sustained by others not covered by commercial insurance and representing liabilities to the carrier. Amounts payable by the carrier in settlement of cargo loss and damage claims not recoverable from insurance companies or others, shall be charged to the appropriate account.

(b) Fire, theft and collision and other insurance costs are to be charged to secondary operating expense account 12—Insurance. Inasmuch as such risks represent losses that may be sustained by the carrier rather than claims against it by others, coverage by commercial insurance is not a mandatory requirement. Losses from fire, theft or collision not covered by commercial insurance shall be charged to the appropriate expense accounts if owned or leased property is repaired, or if retired from service, handled in accordance with carrier property instruction 3–3. However, the carrier shall not accrue amounts to cover risk of loss or damage to its property from fire, theft or similar loss contingencies.

(c) Accumulated provisions for estimated cargo loss and damage and other loss and damage claims shall be included in account 241–04—Surface cargo loss, and account 241–05—Air cargo loss, as the case may be.

Monthly charges to expense accounts for the purpose of estimating losses shall be determined currently by the carrier from its best source of information and the rates used may be based on percentage of revenue, mileage of vehicles, or other equitable bases.

(d) Amounts payable by the carrier in settlement of cargo and other loss and damage claims, including those paid by the carrier for which it will be reimbursed wholly or in part by insurance companies, connecting carriers or others, shall be charged to either account 241–04—Surface cargo loss, or account 241–05—Air cargo loss, as the case may be. Parts of such claims that are payable by insurance companies or others, less any adjustment for salvage recovered, when their liability is determined, be credited to the accounts previously charged.

• • • • • •

Secondary Operating Expense Accounts

The text of account 12, "Insurance," is amended to read as follows:

12 Insurance.

(a) This expense account includes the cost of all insurance and charges for the estimated liability for losses sustained by others not covered by commercial insurance, i.e., cargo loss and damage, personal injury and property damage, etc. The carrier shall not accrue amounts to cover risk of loss or damage to its property from fire, theft, or similar loss contingencies.

• • • • • •

Balance Sheet Account Classifications

Account 241, "Accumulated provision for self-insurance," is revised to read as follows:

241 Estimated liabilities.

• • • • • •

(c) The carrier shall not accrue amounts to cover risk of loss or damage to its property from fire, theft or similar loss contingencies.

299 [Amended]

Within account 299, "Form of balance sheet" line item 241, "Accumulated Provision for Self-Insurance," is revised to read 241, "Estimated Liabilities."

Income Accounts

In the text of account 522, "Line haul transportation," secondary operating expense account 12, "Insurance," is revised to read:

522 Line haul transportation.

• • • • • •

12 Insurance

• • • • • •

The carrier shall not accrue amounts to cover risk of loss or damage to its property from fire, theft, or similar loss contingencies.

• • • • • •

In the text of account 523, "Pickup and delivery transportation," secondary operating expense account 12, "Insurance," is revised to read:

523 Pickup and delivery transportation.

• • • • • •

12 Insurance

• • • • • •

The carrier shall not accrue amounts to cover risk of loss or damage to its property from fire, theft, or similar loss contingencies.

• • • • • •

In the text of account 524, "Air transportation," secondary operating expense account 12, "Insurance," is revised to read:

524 Air transportation.

• • • • • •

12 Insurance

• • • • • •

The carrier shall not accrue amounts to cover risk of loss or damage to its property from fire, theft, or similar loss contingencies.

• • • • • •

In the text of account 525, "Railroad transportation," secondary operating expense account 12, "Insurance," is revised to read:

525 Railroad transportation.

• • • • • •

12 Insurance

• • • • • •

The carrier shall not accrue amounts to cover risk of loss or damage to its property from fire, theft, or similar loss contingencies.

• • • • • •

In the text of account 531, "Terminal management," secondary operating expense account 12, "Insurance," is revised to read:

531 Terminal management.

• • • • • •

12 Insurance

• • • • • •

The carrier shall not accrue amounts to cover risk of loss or damage to its property from fire, theft, or similar loss contingencies.

• • • • • •

In the text of account 584, "Terminal management—exclusive air," secondary operating expense account 12, "Insurance," is revised to read:

584 Terminal management—exclusive air.

• • • • • •

12 Insurance

Net cost (that is, the amounts of premiums less the amounts of dividends or refunds), of commercial insurance to protect the carrier against loss from fire and other perils to structures and improvements. The carrier shall not accrue amounts to cover risk of loss or damage to its property from fire, theft, or similar loss contingencies.

• • • • • •

PART 1204—PIPELINE COMPANIES

Amend part 1204—uniform system of accounts for pipeline companies as follows:

Operating Expenses—General

Account 560, "Insurance," is revised to read:

560 Insurance.

(a) This account shall include the cost of commercial insurance to protect the carrier against losses and damages in its pipeline operations such as injuries to or deaths of employees and other persons, damages to or destruction of carrier property or the property of others, and other business risks and hazards pertaining to transportation operations.

(b) The carrier shall not accrue amounts for the purpose of estimating risk of loss or damage to its property from fire, theft, or similar loss contingencies not covered by commercial insurance.

NOTE. • • •

PART 1205—REFRIGERATOR CAR LINES

Amend Part 1205—Uniform System of Accounts for refrigerator car lines as follows:

List of Instructions and Accounts

772 [Deleted]

Line item 772, "Insurance reserves," is deleted.

Operating Expense Accounts Texts

The text of account 222, "Insurance," is revised to read:

222 Insurance.

This account shall include premiums for insuring the carrier against loss through injuries to persons or damage to or destruction or loss of property, whether caused by fire, accident, or other cause, when such loss to the carrier would be chargeable to car service; also premiums on fidelity bonds of employees whose pay is chargeable to car service.

This account shall also include amounts estimated to settle claims by others for the classes of risks cited above which are not covered by commercial insurance and which are not provided for elsewhere. The carrier shall not accrue amounts to cover risk of loss or damage to its property from fire, theft, or similar loss contingencies.

The text of account 257, "Insurance," is revised to read:

257 Insurance.

This account shall include premiums for insuring the carrier against loss through injuries to persons or damage to or destruction or loss of property, whether caused by fire, accident, or other cause, when such loss to the carrier would be chargeable to icing operations; also premiums on fidelity bonds of employees whose pay is chargeable to icing operations.

This account shall also include amounts estimated to settle claims by others for the classes of risks cited above which are not covered by commercial insurance and which are not provided for elsewhere. The carrier shall not accrue amounts to cover risk of loss or damage to its property from fire, theft, or similar loss contingencies.

The text of account 286, "Insurance," is revised to read:

286 Insurance.

This account shall include premiums for insuring the carrier against loss through injuries to persons or damage to or destruction or loss of property, whether caused by fire, accident, or other cause, when such loss to the carrier would be chargeable to icing service operations; also premiums on fidelity bonds of employees whose pay is chargeable to such service.

This account shall also include amounts estimated to settle claims by others for the classes of risks cited above which are not covered by commercial insurance and which are not provided for elsewhere. The carrier shall not accrue amounts to cover risk of loss of damage to its property from fire, theft, or similar loss contingencies.

The text of account 308, "Insurance," is revised to read:

308 Insurance.

This account shall include premiums for insuring the carrier against loss through injuries to persons or damage to or destruction or loss of property, whether caused by fire, accident, or other cause, when such loss to the carrier would be chargeable to mechanical protective service maintenance and operations; also premiums on fidelity bonds of employees whose pay is chargeable to such service.

This account shall also include amounts estimated to settle claims by others for the classes of risks cited above which are not covered by commercial insurance and which are not provided for elsewhere. The carrier shall not accrue amounts to cover risk of loss or damage to its property from fire, theft, or similar loss contingencies.

The text of account 372, "Insurance," is revised to read:

372 Insurance.

This account shall include premiums for insuring the carrier against loss through injuries to persons or damage to or destruction or loss of property, whether caused by fire, accident, or other cause, when such loss to the carrier would be chargeable to heater service; also premiums on fidelity bonds of employees whose pay is chargeable to heater service.

This account shall also include amounts estimated to settle claims by others for the classes of risks cited above which are not covered by commercial insurance and which are not provided for elsewhere. The carrier shall not accrue amounts to cover risk of loss of damage of its property from fire, theft, or similar loss contingencies.

The text of account 460, "Insurance," is revised to read:

460 Insurance.

This account shall include premiums for insuring the carrier against loss through injuries to persons or damage to or destruction or loss of property, whether caused by fire, accident, or other cause, when such loss to the carrier would be chargeable to general expenses; also premiums on fidelity bonds of em-

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ployees whose pay is chargeable to general expenses.

This account shall also include amounts estimated to settle claims by others for the classes of risks cited above which are not covered by commercial insurance and which are not provided for elsewhere. The carrier shall not accrue amounts to cover risk of loss or damage to its property from fire, theft, or similar loss contingencies.

General Balance Sheet Accounts

772 [Deleted]

The number, title, and text of account 772, "Insurance reserves," are deleted.

799 [Amended]

Within account 799, "Form of general balance sheet statement," line item 772, "Insurance reserves," is deleted.

PART 1206—COMMON AND CONTRACT MOTOR CARRIERS OF PASSENGERS

Amend Part 1206—Uniform System of Accounts for Common and Contract Motor Carriers of Passengers as follows:

List of Instructions and Accounts

2660 [Deleted]

Line item 2660, "Insurance reserves," is deleted.

Line item 4546, "Workmen's compensation—Self insurer," is amended to read:

4546 Workmen's compensation—Provision for claims.

Instructions

Instruction 2–27, "Insurance," is revised to read as follows:

2–27 Insurance.

(a) • • •

(b) Carriers authorized by the Commission to accrue charges for the purpose of estimating losses sustained by others not covered by commercial insurance and representing liabilities to the carrier, such as bodily injury and property damage insurance and cargo loss and damage insurance, shall record periodic charges to the appropriate expense accounts in amounts sufficient to cover estimated losses based on the carrier's experience.

(c) The following accounts have been provided under Operation and Maintenance Expenses for the purpose of estimating amounts sufficient to settle claims by others for the classes of risks cited above which are not covered by commercial insurance:

4530 Injuries and Damages.
4546 Workmen's Compensation—Provision for Claims.
4560 Baggage and Express Loss and Damage.
4570 Fire and Theft Insurance.
4580 Other Insurance.

Accruals for estimated claims from injuries and damages, workmen's compensation and baggage and express loss and damage shall be included in account 2680, Injuries, Loss and Damage Reserves. The carrier shall not accrue amounts to cover risk of loss or damage to its property from fire, theft, or similar loss contingencies.

Periodic charges to expense accounts for the purpose of creating accruals for the estimated liability for losses sustained by others not covered by outside insurance shall be determined currently by the carrier from its best source of information and the rates used may be based on percentage of revenue, mileage of busses, amount of payrolls or other equitable basis.

Balance Sheet Accounts

2660 [Deleted]

The number, title and text of account 2660, "Insurance reserves," are deleted.

Account 2680, "Injuries, loss and damage reserves," is amended to read:

2680 Injuries, loss and damage reserves.

(a) This account shall be credited with amounts charged to accounts 4530, Injuries and damages, 4546, Workmen's Compensation—Provision for Claims. Baggage and Express • • •

• • • • •

2999 [Amended]

Within account 2999, "Form for balance sheet statement," line item 2660, "Insurance Reserves," is deleted.

Operation and Maintenance Expenses

4520 [Amended]

Account 4520, "Public liability and property damage insurance," is amended by striking the words "self-insurance" in Note B and inserting the words "estimated accruals for claims" in their place.

Account 4530, "Injuries and damages," is revised to read as follows:

4530 Injuries and damages.

This account shall be charged each period with amounts estimated to settle claims by others for injuries to persons (other than employees—see account 4546, Workmen's Compensation—Provision for Claims) or damage to or destruction of loss of property, whether caused by fire, accident, or other cause, which are not covered by commercial insurance and which are not provided for elsewhere. (See Instruction 27.) The carrier shall not accrue amounts to cover risk of loss or damage to its property from fire, theft, or similar loss contingencies.

This account shall also be charged with amounts payable in settlement of claims for injuries to persons and damage to property of others which are not recoverable from insurance companies or for which estimates have not been provided.

NOTE. • • •

4541 [Amended]

Account 4541, "Workmen's Compensation—Insurance," is revised by changing the reference to account 4546, "Workmen's Compensation—Self Insurer," in the Note to read 4546, "Workmen's Compensation—Provision for Claims."

Account 4546, "Workmen's compensation—Self Insurer," is revised to read:

4546 Workmen's compensation—Provision for claims.

This account shall be charged each period with amounts estimated to settle claims by others for injuries to and death of employees arising under the workmen's compensation acts. (See Instruction 27.) This account shall also be charged with amounts payable in settlement of claims which are not recoverable from insurance companies or for which estimates have not been provided.

NOTE. • • •

Account 4550, "Baggage and express insurance," is revised to read:

4550 Baggage and express insurance.

This account shall include premiums payable to outside insurance companies to indemnify the carrier against costs and expenses incurred through loss of and damage to express matter and baggage entrusted to the carrier for transportation or storage. (See Instruction 27.)

NOTE.—Amounts payable in settlement of claims for loss of or damage to property entrusted to the carrier for transportation or storage which are not recoverable from insurance companies and for which the carrier has not provided estimates shall be included in account 4560, Baggage and Express Loss and Damage.

Account 4560, "Baggage and express loss and damage," is revised to read:

4560 Baggage and express loss and damage.

This account shall be charged each period with amounts estimated to settle claims by others for loss, damage, destruction or delay to express matter, baggage, parcels, etc., entrusted to the carrier for transportation or storage. (See Instruction 27.) The carrier shall not accrue amounts to cover risk of loss or damage to its property from fire, theft, or similar loss contingencies. This account shall also be charged with amounts payable in settlement of claims which are not recoverable from insurance companies or for which estimates have not been provided.

NOTE. • • •

Account 4570, "Fire and theft insurance," is revised to read as follows:

4570 Fire and theft insurance.

(a) • • •

(b) This account shall be charged with losses arising under the classes of risks enumerated in paragraph (a) which are not recoverable from insurance companies. The carrier shall not accrue amounts to cover risk of loss or damage to its property from fire, theft, or similar loss contingencies.

Account 4580, "Other insurance," is revised to read as follows:

4580 Other insurance.

(a) • • •

(b) This account shall be charged with losses arising under the classes of risks enumerated in paragraph (a) of this section, which are not recoverable from insurance companies. The carrier shall not accrue amounts to cover risk of loss or damage to its property from fire, theft, or similar loss contingencies.

NOTE. • • •

PART 1207—CLASS I AND CLASS II COMMON AND CONTRACT MOTOR CARRIERS OF PROPERTY

Amend Part 1207—Uniform System of Accounts for Class I and II Common and Contract Motor Carriers of Property as follows:

Class I and Class II Motor Carriers Instructions

Instruction 21, "Retirement of property," is revised by amending paragraph (a) (1) (ii) to read:

21 Retirement of property.

(a) • • •

(1) • • •

(ii) The clearing account shall be credited with the value of salvage recovered in the case of property dismantled; the amount received from the sale or trade-in of the retired property; or with the amount of insurance recovered; and with the amount of depreciation accumulated to date of retirement with a concurrent charge to the appropriate accumulated depreciation and amortization account.

• • • • •

Instruction 22, "Insurance," is revised to read as follows:

22 Insurance.

(a) The following accounts shall include premiums payable by Instruction 27 and 28A carriers to commercial insurance companies for risks covering claims against others:

4430 Workmen's Compensation (classes I and II).
4810 Public Liability and Property Damage Insurance (classes I and II).
4820 Cargo Loss and Damage Insurance (classes I and II).

Instruction 28B carriers shall include such premiums in the following accounts:

5030 Workmen's Compensation.
8620 Public Liability and Property Damage—Premiums Paid.
8610 Cargo Loss and Damage Insurance—Premiums Paid.

The accounts indicated above for instruction 27 and 28A carriers shall also include any related estimates to settle claims by others against loss through injuries to persons or damage to or destruction or loss of property whether caused by fire, accident, or other cause and which are not covered by commercial insurance. Instruction 28B carriers shall use the following accounts for such estimates:

5030 Workmen's Compensation.
8720 Provision for Claims—Public Liability and Property Damage.
8710 Provision for Claims—Cargo Loss and Damage.

Amounts payable or paid by the carrier in settlement of claims for risks set out in the above accounts, not recoverable from insurance companies or others, shall be charged to the appropriate estimated liability account.

(b) The following accounts shall include premiums payable by instruction 27 and 28A carriers to commercial insurance companies for risks covering losses of owned property.

4830 Fire, Theft, and Collision Insurance (classes I and II).
4840 Insurance on Buildings and Structures (classes I and II).
4890 Other Insurance (classes I and II).

Instruction 28B carriers shall include such premiums in the following accounts:

8640 Fire, Theft, and Collision Insurance—Premiums Paid.
8660 Insurance on Buildings and Structures.
8690 Other Insurance Expense.

Inasmuch as such risks represent losses that may be sustained by the carrier rather than claims against it by others, coverage by commercial insurance is not a mandatory requirement. Losses from fire, theft or collision not covered by commercial insurance shall be charged to the appropriate expense accounts if owned or leased property is repaired. (see paragraph (f) of this section.) If the property is removed from service, retirement accounting shall be performed as provided in instruction 21. However, the carrier shall not accrue amounts to cover risk of loss or damage to its property from fire, theft, or other similar loss contingencies.

Estimates to settle claims by others for injuries or damages, and workmen's compensation, shall be credited to Account 2172—Personal Injuries, Property Damage Claims, and Workmen's Compensation Claims (estimated liabilities; accrued) (class I).

Estimates to settle claims by others for cargo loss and damage shall be credited to Account 2173—Cargo Loss and Damage Claims (estimated liabilities; accrued) (class I). All other estimated liabilities not included in any of the preceding accounts, shall be recorded in Account 2175—Other Estimated Liabilities (estimated liabilities; accrued) (class I), with concurrent charges to the appropriate expense account. Class II carriers shall credit Account 2130—Other Current and Accrued Liabilities, for any liability created for claims by others.

Periodic charges to expense accounts for the purpose of estimating liability shall be determined currently by the carrier from its best source of information, and the rates used may be based on percentage of revenue, mileage of vehicles, amounts of payrolls, or other equitable bases. A schedule of the risks covered by each estimated liability shall be maintained, giving a description of the property involved, the character of the risks covered, and the rates used.

• • • • •

28 [Amended]

Instruction 28, "Distribution of expenses to activities: Other than Instruction 27 carriers," Section B, "Carriers of household goods," is amended by (1) revising line item "8720—Provision for Claims—Self-Insured Portion—Public Liability and Property Damage," to read "8720—Provision for Claims—Public Liability and Property Damage," and (2) deleting line item "8740—Provision for Claims — Self-Insured Portion — Fire, Theft, and Collision."

Class I and Class II Motor Carriers, Chart of Accounts

2171 [Deleted]

Under the column entitled "Class I Accounts," line item 2171, "Self-Insurance," is deleted.

Class I and Class II Motor Carriers Balance Sheet Account Explanations

The text of account 1451, "Special Funds (classes I and II)," paragraph (e), is revised to read:

1451 Special Funds (classes I and II).

• • • • • •

(e) This account shall also include amounts set aside to settle claims by others estimated in accounts 2172 through 2175 which are not covered by commercial insurance.

• • • • • •

Account 4890, "Other Insurance," is amended by revising the second paragraph to read:

4890 Other Insurance.

This account group includes • • •

This account group shall also be charged, and Account 2130—Other Current and Accrued Liabilities (class II) or Account 2175—Other Estimated Liabilities (estimated liabilities; accrued) (class I) shall be credited with the estimated liability for losses sustained by others, and related legal fees, which are not covered by commercial insurance for the classes of risks set out above.

The amounts in • • •

• • • • •

CLASSIFICATION OF REVENUES AND EXPENSES FOR CLASS I AND CLASS II CARRIERS OF HOUSEHOLD GOODS (INSTRUCTION 28B CARRIERS).—Class I and Class II carriers of household goods—Chart of Accounts—Matrix of operating revenues and expenses.

Line item 870, "Provision for claims—self-insured portion," is revised to read:

870 Provision for claims.

Control account 8740, "Provision for claims — Self-insured portion — Fire, Theft, and Collision," and line item numbers 8741, 8742, 8743, 8746, 8747, and 8749 are deleted.

Class I and Class II Carriers of Household Goods. Account Explanations—Operating Expenses

Account 8660, "Insurance on Buildings and Structures," is revised by deleting the entire second paragraph and adding a Note A to read:

8660 Insurance on Buildings and Structures.

• • • • • •

NOTE A: The carrier shall not accrue amounts to cover risk of loss or damage to

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its property from fire, theft, or similar loss contingencies.

• • • • •

Account 8690, "Other Insurance Expense," is revised to read:

8690 Other Insurance Expense.

This account includes • • •

This account group shall also be charged and Account 2130—Other Current and Accrued Liabilities (class II) or Account 2175—Other Estimated Liabilities (Estimated Liabilities; Accrued) (class I) shall be credited with the estimated liability for losses sustained by others and related legal fees which are not covered by commercial insurance.

ITEMS (SEE INSTRUCTION 6)

• • • • •

Account 8700, "Provision for Claims—Self-Insured Portion," is revised to read:

8700 Provision for claims.

This account may be used as a control account for all accounts in the 8700 series. Class II carriers shall include in this account group the expenses includable in accounts 8710 and 8720.

Such expenses shall be distributed to the following accounts in accordance with instruction 28B:

Account 2171—"Self-Insurance (estimated liabilities; accrued) (class I)," number, title and text are deleted.

Account 2511—"Estimated Liabilities (classes I and II)" is revised to read:

2511 Estimated Liabilities (classes I and II).

This account shall include the noncurrent portion of the amounts included in accounts 2172, 2173, 2174, and 2175.

CLASS I AND II MOTOR CARRIERS—OPERATING EXPENSE ACCOUNT EXPLANATIONS—Instruction 27 and 28A Carriers.

In the text of account 4810, "Public Liability and Property Damage Insurance," the second paragraph is revised to read:

4810 Public Liability and Property Damage Insurance.

• • • • •

This account group shall also be charged, and Account 2130—Other Current and Accrued Liabilities (class II), or Account 2172—Personal Injuries Property Damage Claims and Workmen's Compensation Claims (estimated liabilities; accrued) (class I) shall be credited with the estimated liability for claims and related legal fees not covered by commercial insurance, for the classes of risks set out above.

The total of • • •

• • • • •

In the text of account 4820, "Cargo Loss and Damage Insurance," the second paragraph is revised to read:

4820 Cargo Loss and Damage Insurance.

• • • • •

This account group shall also be charged, and Account 2130—Other Current and Accrued Liabilities (class II), or Account 2173—Cargo Loss and Damage Claims (estimated liabilities; accrued) (class I) shall be credited with the estimated liability and related legal fees, which are not covered by commercial insurance for the classes of risks set out above.

The total of • • •

• • • • •

Account 4830, "Fire, Theft, and Collision Insurance," is amended by deleting the entire second paragraph in the account text and by adding Note D to read:

4830 Fire, Theft, and Collision Insurance.

• • • • •

NOTE D: The carrier shall not accrue amounts to cover risk of loss or damage to its property from fire, theft, or similar loss contingencies.

Account 4840, "Insurance on Buildings and Structures," is amended by deleting the entire second paragraph in the account text and by adding Note B to read:

4840 Insurance on Buildings and Structures.

• • • • •

NOTE B: The carrier shall not accrue amounts to cover risk of loss or damage to its property from fire, theft, or similar loss contingencies.

Class I and Class II Motor Carriers Conversion Tables

TABLE I–A—CLASS I MOTOR CARRIERS BALANCE SHEET ACCOUNT NUMBERS CONVERSION TABLE

Under the column entitled "System of accounts effective January 1, 1974":

Line item 2171, "Self Insurance (Estimated Liabilities; Accrued)," is deleted.

TABLE III—CLASS I HOUSEHOLD GOODS CARRIERS—REVENUE AND EXPENSE ACCOUNT NUMBERS CONVERSION TABLES

Under the column entitled "System of accounts effective January 1, 1974":

Line item 8721, "Provision for claims—self-insured portion—public liability and property damage—interstate moving," is revised to read:

8721 Provision for claims—public liability and property damage—interstate moving.

Line item 8722, "Provision for claims—self-insured portion—public liability and property damage—intrastate moving," is revised to read:

8722 Provision for claims—public liability and property damage—intrastate moving.

Line item 8723, "Provision for claims—self-insured portion—public liability and property damage—local moving," is revised to read:

8723 Provision for claims—public liability and property damage—local moving.

Line item 8724, "Provision for claims—self-insured portion—public liability and property damage—indirect operating—carrier only," is revised to read:

8724 Provision for claims—public liability and property damage—indirect operating—carrier only.

Line item 8711, "Provision for claims—self-insured portion—cargo loss and damage—interstate moving," is revised to read:

8711 Provision for claims—cargo loss and damage—interstate moving.

Line item 8712, "Provision for claims—self-insured portion—cargo loss and damage—intrastate moving," is revised to read:

8712 Provision for claims—cargo loss and damage—intrastate moving.

Line item 8713, "Provision for claims—self-insured portion—cargo loss and damage," is revised to read:

8713 Provision for claims—cargo loss and damage.

Line items 8741, "Provisions for claims—self-insured portion—fire, theft, and collision—interstate moving," 8742, "Provision for claims—self-insured portion—fire, theft, and collision—interstate moving," and 8743, "Provision for claims—self-insured portion—fire, theft, and collision—local moving," number, title and text are deleted.

TABLE III—CLASS I HOUSEHOLD GOODS CARRIERS—APPENDIX A—CONVERSION OF NONCARRIER EXPENSES

Line items 874–8746, 8747, 8749, "Claims for loss and damage—public liability and property damage," are deleted.

8701 Provision for claims—interstate moving.
8702 Provision for claims—Intrastate moving.
8703 Provision for claims—local moving.
8704 Provision for claims—Indirect operating—carrier only.
8706 Provision for claims—packing and crating.
8707 Provision for claims—warehousing.
8708 Provision for claims—overseas import and export.
8709 Provision for claims—indirect operating—noncarrier.

Account 8710, "Provision for Claims—Self-Insured Portion—Cargo Loss and Damage," is revised to read:

8710 Provision for Claims—Cargo Loss and Damage.

This account shall be charged, and account 2130—Other Current and Accrued Liabilities (class II) or Account 2173—Cargo Loss and Damage Claims (Estimated Liabilities; Accrued) (class I) shall be credited with the estimated liability and related legal fees, which are not covered by commercial insurance for the classes of risks set out in Account 8610. This includes for example, company protection against liability for claims resulting from loss or damage to, or delay of property entrusted to it for transportation or storage. The total of such amounts shall be distributed to the following activities in accordance with instruction 28B:

8711 Provision for claims—cargo loss and damage—interstate moving.
8712 Provisions for claims—cargo loss and damage—intrastate moving.
8713 Provision for claims—cargo loss and damage—local moving.
8716 Provision for claims—cargo loss and damage—packing and crating.
8717 Provision for claims—cargo loss and damage—warehousing.
8718 Provision for claims—cargo loss and damage—overseas import and export.
8719 Provision for claims—cargo loss and damage—indirect operating—noncarrier.

NOTE A.—Class II carriers shall use account 8700 to record provisions for cargo loss and damage claims.

NOTE B.— • • •

Accounts 8720, "Provision for Claims—Self-Insured Portion—Public Liability and Property Damage," is revised to read:

8720 Provision for Claims—Public Liability and Property Damage.

This account shall be charged, and account 2130—Other Current and Accrued Liabilities (class II) or Account 2172—Personal Injuries Property Damage Claims and Workmen's Compensation Claims (Estimated Liabilities; Accrued) (class I) shall be credited with the estimated liability and related legal fees, not covered by commercial insurance for the classes of risks set out in account 8620. This includes, for example, company protection against liability for deaths of or injuries to persons (other than company employees) and damages to the property) of others (except entrusted to the company for transportation or storage), resulting from the operation of owned or leased vehicles. The total of such amounts shall be distributed to the following activities in accordance with instruction 28B:

8721 Provision for claims—public liability and property damage—interstate moving.
8722 Provision of claims—public liability and property damage—intrastate moving.
8723 Provision for claims—public liability and property damage—local moving.
8724 Provision for claims—public liability and property damage—indirect operating—carrier only.
8726 Provision for claims—public liability and property damage—packing and crating.
8729 Provision for claims—public liability and property damage—indirect operating—noncarrier.

Account 8740, "Provision for Claims—Self-Insured Portion—Fire, Theft, and Collision," number, title and text are deleted.

TABLE IV—CLASS II HOUSEHOLD GOODS CARRIERS—REVENUE AND EXPENSE ACCOUNT NUMBER CONVERSION TABLE

Under the column entitled "System of accounts effective January 1, 1974":

Line items 8701, "Provision for claims—self-insured portion—interstate moving," are revised to read:

8701 Provision for claims—interstate moving.

Line items 8702, "Provisions for claims—self-insured portion—intrastate moving," are revised to read:

8702 Provision for claims—intrastate moving.

Line items 8703, "Provisions for claims—self-insured portion—local moving," are revised to read:

8703 Provision for claims—local moving.

TABLE IV—CLASS II HOUSEHOLD GOODS CARRIERS—APPENDIX A—CONVERSION OF NONCARRIER OPERATING EXPENSES

Line item 870, "Provision for claims—self-insured portion," is revised to read:

870 Provision for claims.

PART 1208—MARITIME CARRIERS

Amend Part 1208—Uniform System of Accounts for Maritime Carriers as follows:

Balance Sheet Accounts

Account 570, "Estimated allowances for insurance," is amended by revising paragraph (b) to read:

570 Estimated allowances for insurance.

(a) • • •

(b) This account shall also iinclude amounts estimated to settle claims by others, such as workmen's compensation and public liability insurance, which are not covered by commercial insurance and which are not provided for elsewhere. The carrier shall not accrue amounts to cover risk of loss or damage to its property from fire, theft, or similar loss contingencies. At the end of each accounting year, any balance in this account applicable to voyages terminated during the preceding accounting year, in those instances where the records indicate that all claims have been settled, shall be transferred to the appropriate insurance expense account.

• • • • •

Operating Expenses

Account 730, "Insurance-hull and machinery," is revised to read:

730 Insurance-hull and machinery.

This account shall include premiums for hull and machinery insurance.

The carrier shall not accurue amounts to cover risk of loss or damage to its property from fire, theft, or similar loss contingencies.

Account 732, "Insurance-protection and indemnity," is revised to read:

732 Insurance-protection and indemnity.

This account shall include premiums for protection and indemnity insurance, such as personal injury claims, illness claims, cargo claims and Second Seaman's insurance.

This account shall also include amounts estimated to settle claims by others for the classes of risks cited above which are not covered by commercial insurance and which are not provided for elsewhere. The carrier shall not accure amounts to cover risk of loss or damage to its property from fire, theft, or similar loss contingencies.

PART 1209—INLAND AND COASTAL WATERWAYS CARRIERS

Amend Part 1209—Uniform System of Accounts for Inland and Coastal Waterways Carriers as follows:

General Instructions

General instruction 5, "Insurance," paragraph (b), is revised to read:

5 Insurance.

• • • • •

(b) The following provisions apply if the carrier does not have commercial insurance coverage:

(1) • • •

(2) Accruals for estimated losses shall not be made for insurance expense for fire and other casualty loss contingencies sustained by the enterprise. Only provisions for claims by others and representing liabilities to the carrier, such as bodily injury and property damage and cargo loss and damage may be estimated for herein.

(3) Schedules of risks covered by the reserve shall be maintained giving a description of the property or the character of risks covered.

• • • • •

Balance Sheet Accounts

Account 166, "Claims pending," is revised to read:

166 Claims pending.

This account shall include claims in litigation and insurance claims in process of compilation or adjustment. After adjustment of claims, this account shall be cleared and the amounts receivable included in account 108, "Claims receivable."

Account 221, "Insurance reserves," is revised to read:

221 Insurance reserves.

(a) This account shall include amounts estimated to settle claims by others which are not covered by commercial insurance and which are not provided for elsewhere. Amounts shall be charged for each voyage or period to the appropriate expense account and the corresponding credit included in this account. When the amount of deductible losses chargeable against each voyage or period is determined, it shall be cleared from account 166, "Claims pending," by a charge to this account.

The carrier shall not accrue amounts to cover risk of loss or damage to its property from fire, theft, or similar loss contingencies.

(b) This account shall also be used for equalization of other insurance risks, such as estimated workmen's compensation, public liability insurance, and loss and damage claims. This account shall also include amounts estimated to be sufficient to meet the probable liability of the carrier for unaudited expenses applicable thereto, except that it is not required to anticipate items which would not appreciably affect the account.

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NOTE A.—The records supporting the entries in this account shall be kept to show separately the transactions with respect to cargo, and liability insurance estimates, and each class of other insurance risks for which reserves have been created.

NOTE B: • • •

Operating Expenses

Account 473, "Hull insurance and damage," is revised to read:

473 Hull insurance and damage.

This account shall include the cost of insurance to protect the carrier against loss or damage sustained in the operation of floating equipment in line service or terminal service due to marine accidents, perils of the sea, fire and other losses covered by usual hull insurance policies.

This account also shall include the cost of repairs to floating equipment arising from such causes borne by the carrier under the deductible provisions of insurance policies or otherwise not collectible from underwriters or others. The carrier shall not accrue amounts to cover risk of loss or damage to its property from fire, theft, or similar loss contingencies.

Account 477, "Other insurance," is revised to read:

477 Other insurance.

This account shall include premiums for insuring the carrier against loss through injuries to persons or damage to or destruction or loss or property, whether caused by fire, accident, or other cause, when not provided elsewhere, such as fire, theft, collision, public liability and property damage insurance on motor vehicles; fire insurance on structures, machinery, and equipment, and burglary, fidelity, and holdup insurance. The carrier shall not accrue amounts to cover risk of loss or damage to its property from fire, theft, or similar loss contingencies.

PART 1210—FREIGHT FORWARDERS

General Balance Sheet Accounts

Amend Part 1210—Uniform System of Accounts for Freight Forwarders as follows:

Account 220, "Insurance reserves," is revised to read:

220 Insurance reserves.

(a) This account shall include amounts estimated to settle claims by others for fire, fidelity, casualty, burglary, and other insurance which are not covered by commercial insurance and which are not provided for elsewhere. The carrier shall not accrue amounts to cover risk of loss or damage to its property from fire, theft, or similar loss contingencies.

(b) This account shall also be used for equalization of other insurance risks, such as estimated workmen's compensation, and public liability insurance.

NOTE.—• • •

Account 220, "Other reserves," is amended by adding the following Note:

222 Other reserves.

• • • • •

NOTE.—The carrier shall not accrue amounts to cover risk of loss or damage to its property from fire, theft, or similar loss contingencies.

Account 617, "Insurance," is revised to read:

617 Insurance.

This account shall include premiums for insuring the carrier against loss through injuries to persons or damage to or destruction or loss of property, whether caused by fire, accident, or other cause; also premiums on fidelity bonds of employee.

This account shall also include amounts estimated to settle claims by others for the classes of risks cited above which are not covered by commercial insurance and which are not provided for elsewhere. The carrier shall not accrue amounts to cover risk of loss or damage to its property from fire, theft, or similar loss contingencies.

NOTE.—Amounts charged to this account for estimated risk shall be credited to account 220, "Insurance reserves."

[FR Doc.76-22657 Filed 8-3-76;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 28—PUBLIC ACCESS, USE AND RECREATION

Charles M. Russell National Wildlife Range, Montana

The following special regulation is issued and is effective on August 4, 1976.

§ 28.25 Special regulations.

MONTANA

CHARLES M. RUSSELL NATIONAL WILDLIFE RANGE

Portable icehouses and other structures expressly used for ice fishing are permitted within the Charles M. Russell National Wildlife Range only from December 1 through March 31 of the following year. These structures must be removed from the Wildlife Range entirely by March 31 each year. In addition, each structure must be labeled with the owner's name and permanent address in a prominent location on an outside sidewall.

Violations of this regulation will be treated under the provisions of §§ 26.18 and 26.22 of Title 50 of the Code of Federal Regulations dealing with unauthorized private structures and abandoned property. Penalties described in Part 27 will be applicable.

The provisions of this special regulation supplement the regulations which govern public access, use and recreation on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through August 31, 1977.

Dated: July 26, 1976.

LARRY L. CALVERT,
Refuge Manager, Charles M. Russell National Wildlife Range, Lewistown, Montana.

[FR Doc.76-22524 Filed 8-3-76;8:45 am]

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Charles M. Russell National Wildlife Range, Montana

The following special regulation is issued and is effective on August 4, 1976.

§ 28.25 Special regulations.

MONTANA

CHARLES M. RUSSELL NATIONAL WILDLIFE RANGE

Camping on the Charles M. Russell National Wildlife Range is permitted year-round. All forms of camping are limited to 14 days within any 30 day period, except in state parks where state regulations apply. These special regulation areas are delineated on maps available at refuge headquarters, Lewistown, MT, and from the area office headquarters, U.S. Fish and Wildlife Service, 711 Central Avenue, Billings, MT 59102.

The provisions of this special regulation supplement the regulations which govern public access, use, and recreation on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through August 31, 1977.

Dated: JULY 26, 1976.

LARRY L. CALVERT,
Refuge Manager.

[FR Doc.76-22525 Filed 8-3-76;8:45 am]

PART 32—HUNTING

Charles M. Russell National Wildlife Range, Montana

The following special regulation is issued and is effective on August 4, 1976.

§ 32.12 Special regulations; migratory game birds, for individual wildlife refuge areas.

MONTANA

CHARLES M. RUSSELL NATIONAL WILDLIFE RANGE

Migratory game birds may be hunted on the Charles M. Russell National Wildlife Range in accordance with all applicable state regulations. These hunting areas comprising approximately 700,000 acres are delineated on maps available at refuge headquarters, Lewistown, Montana, and from the area office headquarters, U.S. Fish and Wildlife Service, 711 Central Avenue, Billings, MT 59102.

The provisions of this special regulation supplement the regulations which govern migratory game bird hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through August 31, 1977.

Dated: July 26, 1976.

LARRY L. CALVERT,
Refuge Manager, Charles M. Russell National Wildlife Range, Lewistown, Montana.

[FR Doc.76-22520 Filed 8-3-76;8:45 am]

PART 32—HUNTING

Charles M. Russell National Wildlife Range, Montana

The following special regulation is issued and is effective on August 4, 1976.

§ 32.22 Special regulations; upland game birds, for individual wildlife refuge areas.

MONTANA

CHARLES M. RUSSELL NATIONAL WILDLIFE RANGE

Sage grouse, sharp-tailed grouse, ring-necked pheasants, and gray partridge may be hunted on the Charles M. Russell National Wildlife Range in accordance with all applicable state regulations. These hunting areas comprising approximately 700,000 acres are delineated on maps available at refuge headquarters, Lewistown, MT, and from the area office headquarters, U.S. Fish and Wildlife Service, 711 Central Avenue, Billings, MT 59102.

The provisions of this special regulation supplement the regulations which govern upland game bird hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through August 31, 1977.

Dated: July 26, 1976.

LARRY L. CALVERT,
Refuge Manager, Charles M. Russell National Wildlife Range, Lewistown, Montana.

[FR Doc.76-22521 Filed 8-3-76;8:45 am]

PART 32—HUNTING

Charles M. Russell National Wildlife Range, Montana

The following special regulation is issued and is effective on August 4, 1976.

§ 32.22 Special regulations; upland game birds, for individual wildlife refuge areas.

MONTANA

CHARLES M. RUSSELL NATIONAL WILDLIFE RANGE

Hunting of Merriam's turkey is permitted in two areas of the Charles M. Russell National Wildlife Range in accordance with all applicable State regulations. The only areas open to turkey hunting are that portion of Garfield County, Montana, inside the Charles M. Russell National Wildlife Range, lying west of Hell Creek State Park and that portion of Fergus County, Montana, inside the Charles M. Russell National Wildlife Range. The spring turkey hunt is limited to males (gobblers).

These hunting areas comprising approximately 160,000 acres, are delineated on maps available at refuge headquarters, Lewistown, MT, and from the area office headquarters, U.S. Fish and Wildlife Service, 711 Central Avenue, Billings, MT 59102.

The provisions of this special regulation supplement the regulations which govern upland game bird hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through August 31, 1977.

Dated: July 26, 1976.

LARRY L. CALVERT,
Refuge Manager, Charles M. Russell National Wildlife Range, Lewistown, Montana.

[FR Doc.76-22522 Filed 8-3-76;8:45 am]

PART 32—HUNTING

Charles M. Russell National Wildlife Range, Montana

The following special regulation is issued and is effective on August 4, 1976.

§ 32.32 Special regulations; big game, for individual wildlife refuge areas.

MONTANA

CHARLES M. RUSSELL NATIONAL WILDLIFE RANGE

Antlered elk, antlered mule deer, and either sex white-tailed deer may be hunted with firearms on the Charles M. Russell National Wildlife Range in accordance with all applicable state regulations. In addition, either sex elk, mule deer, and white-tailed deer archery hunting is permitted from September 19, 1976 to October 10, 1976. These hunting areas comprising approximately 950,000 acres are delineated on maps available at refuge headquarters, Lewistown, MT, and from the area office headquarters, U.S. Fish and Wildlife Service, 711 Central Avenue, Billings, MT 59102.

The provisions of this special regulation supplement the regulations which govern big game hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through August 31, 1977.

Dated: July 26, 1976.

LARRY L. CALVERT,
Refuge Manager, Charles M. Russell National Wildlife Range, Lewistown, Montana.

[FR Doc.76-22523 Filed 8-3-76;8:45 am]

PART 33—SPORT FISHING

Charles M. Russell National Wildlife Range, Montana

The following special regulation is issued and is effective on August 4, 1976.

§ 33.5 Special regulations; sport fishing, for individual wildlife refuge areas.

MONTANA

CHARLES M. RUSSELL NATIONAL WILDLIFE RANGE

Sport fishing by rod, reel, pole and set lines on the Charles M. Russell National Wildlife Range, Montana, is permitted year-round on all waters of the Missouri and Musselshell Rivers and the Fort Peck Reservoir. These fishing areas, comprising approximately 250,000 acres, are delineated on maps available at refuge headquarters in Lewistown, Montana, and from the area office headquarters, U.S. Fish and Wildlife Service, 711 Central Avenue, Billings, MT. 59102. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through August 31, 1977.

Dated: JULY 26, 1976.

LARRY L. CALVERT,
Refuge Manager, Charles M. Russell National Wildlife Range, Lewistown, Montana.

[FR Doc.76-22526 Filed 8-3-76;8:45 am]

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER H—TUNA FISHERIES

PART 285—ATLANTIC TUNA FISHERIES

Atlantic Bluefin Tuna Regulatory Area Extension

On July 8, 1976, the Director, National Marine Fisheries Service, announced in § 285.9 of Title 50 CFR (41 FR 27953) that certain States had waived their right to a hearing upon a determination by the Director that those States had not enacted laws or promulgated regulations for the conservation of Atlantic bluefin tuna, and that as a consequence, the regulatory area for the conservation and management of bluefin tuna was extended under the authority of Section 9 (d) of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971) into the territorial sea of the United States adjacent to those States. 50 CFR 285.9 was amended on July 20, 1976 (41 FR 29820) following a similar determination with respect to, and waivers by, additional States.

The Director has determined that neither the Virgin Islands nor Puerto Rico has enacted laws or promulgated regulations for the conservation and management of bluefin tuna. Therefore, § 285.9 of Title 50 CFR is further amended to extend the regulatory area to include the territorial sea adjacent to the Virgin Islands and Puerto Rico.

The Director further finds and determines that while the State of Maine has enacted laws and/or promulgated regulations for the conservation and manage-

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ment of Atlantic bluefin tuna, that those laws and/or regulations are less restrictive than Federal laws or regulations, and that certain portions of the Federal regulations as set out below will, therefore, become effective in the territorial sea adjacent to the State of Maine. Accordingly, § 285.9 is hereby amended to read as follows:

§ 285.9 Extensions of regulatory area into territorial seas.

Pursuant to section 9(d) of the Atlantic Tunas Convention Act (16 U.S.C. 971) and § 285.8 of this Title 50 CFR, the Director has determined that the territorial sea of the United States adjacent to the States of Florida, Georgia, South Carolina, North Carolina, Virginia, Maryland, Delaware, New Jersey, New York, Massachusetts, New Hampshire and Puerto Rico and Virgin Islands are included in the regulatory area for Atlantic bluefin tuna. The Director further finds that the following provisions of Title 50 CFR as amended, shall be effective in the territorial waters of the United States adjacent to the State of Maine: Sections 285.1 through 285.11, inclusive, § 285.12, except paragraph (a) and paragraph (b) (2), § 285.13, except paragraph (a), and §§ 285.14 through 285.17, inclusive.

Effective: 0001 hours, August 4, 1976.

Issued at Washington, D.C. and dated July 30, 1976.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

[FR Doc.76-22597 Filed 8-3-76;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Fiscal Service

[31 CFR Part 210]

FEDERAL RECURRING PAYMENTS THROUGH FINANCIAL ORGANIZATIONS BY MEANS OTHER THAN BY CHECK

Proposed Collection Procedures

On October 9, 1975, there was published in the FEDERAL REGISTER (40 FR 47492) an amendment to Title 31 of the Code of Federal Regulations, adding a new Part 210 entitled "Federal Recurring Payments Through Financial Organizations By Means Other Than By Check." Notice is hereby given that the Department of the Treasury proposes to amend § 210.7 (e), add a new § 210.10 to that part, and renumber the present § 210.10 to § 210.11.

Section 210.7(e) now provides that a financial organization shall credit the account indicated by the depositor account number in the credit payment, whether or not it is the proper account, so long as the account indicated is an existing account. In most cases the crediting process in the financial organization will be automated, and an incorrect depositor account number would not come immediately to the financial organization's attention unless the depositor account number in the credit payment did not correspond to any existing account with the financial organization. If the depositor account number information included in the credit payment does not correspond to an existing account with the financial organization, the financial organization has two options. It can either return the credit payment, or, based on other payment information in the credit payment, credit the proper account. However, in the latter case, if the wrong account is credited, the financial organization will be liable for any loss sustained. Inquiries have indicated that some financial organizations, detecting an erroneous account number in a credit payment which corresponds to an existing account, are uncertain of appropriate action when these errors are discovered, pointing out that § 210.7(e) apparently requires that the incorrect account be credited. The proposed § 210.7(e) would clarify this point, by recognizing that some financial organizations will detect these errors (credit payments directed to an incorrect but existing account), and that when such an error is detected, the financial organization can either return the payment to the Federal Reserve Bank, or, at its own risk, attempt to credit the proper account from other information in the credit payment.

The proposed § 210.10 is new, and prescribes the procedure for collection of amounts for which a financial organization is accountable under § 210.9(a). That subsection provides that financial organizations are accountable for the total amount of credit payments received for an account after the death or legal incapacity of the recipient, or death of the beneficiary. The financial organization can, however, limit its liability to a lesser amount (equal to the amount in the account plus the amount recovered by the financial organization and the amount equal to credit payments received within 45 days subsequent to the date of death or legal incapacity) if the three conditions in § 210.9(a) (1), (2), and (3) are satisfied. The collection procedure of the new § 210.10 will begin with a first notice to the financial organization demanding the immediate return to the Department of the Treasury of monies in the account up to the amount received after the event of death or legal incapacity, and, if the amount returned is less than the amount of accountability, the name and address of any person who withdrew monies from the account after the event of death or legal incapacity. If the financial organization has not complied with the first notice within 30 days from the date of the notice, a follow-up notice will be sent to the financial organization. If it does not comply with the follow-up notice within 15 days from the date of the notice, the financial organization will be sent a second notice demanding return of the total amount of unreturned credit payments received after the event of death or legal incapacity. The financial organization can comply with the second notice by returning the full amount demanded, or a lesser amount, if the conditions in § 210.9(a) (1), (2) and (3) are satisfied and the financial organization furnishes evidence to this effect.

If the financial organization complies with the first notice within the prescribed period, the program agency will attempt to collect any additional money due, and this attempt will include setting off this amount against any money due the person(s) who withdrew money from the account. If the program agency is unable to collect the remaining amount due, a second notice will be sent to the financial organization demanding the outstanding amount. The financial organization can comply with this demand by returning the total outstanding amount, or a lesser amount equal to the amount of credit payments received within 45 days subsequent to the event of death or legal incapacity and the amount, if any, which the financial organization recovered pursuant to § 210.9(a) (3). If the amount returned is less than the remaining amount due, the financial organization shall provide a statement to the effect that it has met the conditions of § 210.9(a) (2) and (3).

If the amount required by the second notice is not returned within thirty days from the date of the second notice, the Treasury will instruct the Federal Reserve Bank to debit the account being maintained or utilized at the Federal Reserve Bank by the financial organization for receipt of credit payments, and to credit the amount to the account of the United States. The proposed subsection provides that the financial organization or its designated correspondent, by its action in handling credit payments or in authorizing its Federal Reserve account to be utilized for the handling of credit payments, is deemed to authorize the Federal Reserve Bank to effect such debits.

Interested persons are invited to submit comments on the proposed amendments in writing to the Fiscal Assistant Secretary of the Treasury, Department of the Treasury, Washington, D.C. 20220, for a period ending September 3, 1976. Copies of comments received will be available for public inspection and copying upon request in accordance with the Treasury's rules regarding Access to Records (31 CFR Part 1, Subpart A).

1. The proposed amended § 210.7(e) would read as follows:

§ 210.7 Financial organization.

* * * * *

(a) A financial organization receiving credit payment shall credit the amount a credit payment shall credit the amount of such credit payment to the account information specified in the credit payment. If the financial organization is unable to credit the amount of a credit payment to the account indicated by the depositor account number information in the credit payment because such an account does not exist on its books, or because in processing the cerdit payment it has reason to believe that the account indicated by the depositor account number information in the credit payment is not the account designated by the recipient, it shall either:

(1) Return the credit payment to the Federal Reserve Bank with a statement identifying the reason therefor, or

(2) Credit the amount of the credit payment to the account designated by the recipient.

* * * * *

2. The existing § 210.10 is renumbered as § 210.11 and the following is the proposed text of the new § 210.10.

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§ 210.10 **Collection procedures.**

The amount for which a financial organization is accountable under § 210.9 shall be collected as follows:

(a) The Department of the Treasury shall send a written notice ("first notice") to the financial organization specifying the name of the recipient and beneficiary (if any), the depositor account number, type of account, the date of death or legal incapacity, and a list of credit payments which have payment dates after the event of death or legal incapacity and which have not been returned pursuant to § 210.7(f)(3). On receipt of this notice, the financial organization shall immediately return to the Treasury Department the amount remaining in the account up to the total amount of credit payments listed in the notice. If the amount returned is less than the total amount listed in the notice, the financial organization shall provide the name and address of any person who withdrew funds from the account, subsequent to the date of credit of the first payment listed in the notice.

(b) Based on the information received pursuant to paragraph (a) of this section, the program agency shall attempt to collect the difference between the amount returned and the aggregate amount of all credit payments listed in the first notice from the person(s) who withdrew any monies from the account subsequent to the date of credit of the first payment listed in the first notice. To the extent permitted by law, this attempt shall include setting off this amount against any funds to be paid to such person(s) by the program agency.

(c)(1) If a financial organization has not complied with paragraph (a) of this section within 30 days from the date of the first notice, the Treasury Department shall send a follow-up notice to the first notice to such financial organization demanding that the first notice be complied with.

(2) If the financial organization has not complied with paragraph (a) of this section within 15 days from the date of the follow-up notice the Department of the Treasury shall send a second notice to such financial organization demanding prompt payment of the total amount of credit payments listed in the first notice. To comply with this demand, the financial organization shall return to the Department of the Treasury either the full amount demanded, or a lesser amount equal to its liability pursuant to § 210.9(a)(3)(i) and (ii), with evidence that the conditions in § 210.9(a)(1), (2) and (3) have been complied with.

(d) If a financial organization has complied with paragraph (a), but the total amount of credit payments listed in the first notice has not been returned by the financial organization pursuant to paragraph (a) of this section, or collected by the program agency pursuant to paragraph (b) of this section, the Department of the Treasury shall send a second notice to such financial organization demanding the prompt payment of the amount listed in the first notice less the amount returned and collected. To comply with this demand the financial organization shall return to the Department of the Treasury either the amount demanded or a lesser amount equal to the total amount of credit payments received within 45 days after the event of death or legal incapacity plus the amount, if any, recovered pursuant to § 210.9(a)(3). If the lesser amount is returned the financial organization shall also provide a statement to the effect that it has met the conditions of § 210.9(a)(2) and (3).

(e) If the amount demanded pursuant to paragraph (c) or (d) of this section is not returned within 30 days from the date of the second notice issued thereunder, the Department of the Treasury will instruct the appropriate Federal Reserve Bank that such amount is to be debited to the account on the Federal Reserve Bank's books maintained or utilized by the financial organization for the purpose of receiving credit payments under this Part, and is to be credited to the general account of the United States Treasury. By its action in receiving credit payments under this part, a financial organization shall be deemed to authorize such debit to the account it maintains or utilizes on the books of the Federal Reserve Bank for the purpose of receiving credit payments, as provided in the foregoing sentence. A designated correspondent, in authorizing a financial organization to utilize such designated correspondent's account on the books of the Federal Reserve Bank for the purpose of receiving the amount of credit payments under this part, shall be deemed to authorize the aforesaid debit to its account as provided herein.

Dated: July 29, 1976.

DAVID MOSSO,
Fiscal Assistant Secretary.

[FR Doc.76-22605 Filed 8-3-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 930]

HANDLING OF CHERRIES GROWN IN MICHIGAN, NEW YORK, WISCONSIN, PENNSYLVANIA, OHIO, VIRGINIA, WEST VIRGINIA, AND MARYLAND

Approval of Expenses and Fixing of Rate of Assessment for the 1976–77 Fiscal Period

This notice invites written comments relative to proposed expenses of $94,245 and a rate of assessment of $1.50 per ton of first handled cherries to cover expenses of the Cherry Administrative Board for administration of Marketing Order 930 for the 1976–77 fiscal period. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Consideration is being given to the following proposals submitted by the Cherry Administrative Board, established under Marketing Order No. 930 (7 CFR Part 930) which regulates the handling of cherries grown in Michigan, New York, Wisconsin, Pennsylvania, Ohio, Virginia, West Virginia, and Maryland:

(1) Expenses that are reasonable and likely to be incurred by the Cherry Administrative Board, during the period May 1, 1976, through April 30, 1977, will amount to $94,245.

(2) The rate of assessment for such period, payable by each first handler in accordance with § 930.41 be fixed at $1.50 per ton of cherries.

Terms used in the order shall, when used herein, have the same meaning as is given to the respective term in said order and "ton of cherries" shall mean 2,000 pounds.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than August 20, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: July 29, 1976.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-22561 Filed 8-3-76;8:45 am]

[7 CFR Part 1207]

[Amdt. 1]

POTATO RESEARCH AND PROMOTION PLAN

Proposed Increase in Expenses

Consideration is being given to a $260,000 increase in expenses recommended by the National Potato Promotion Board.

The Potato Board was established pursuant to the Potato Research and Promotion Plan (7 CFR Part 1207) issued under the Potato Research and Promotion Act (7 U.S.C. 2611–2627).

All persons who desire to submit written data, views, or arguments in connection with this proposal may file the same in duplicate with the Hearing Clerk, Room 112–A, U. S. Department of Agriculture, Washington, D.C. 20250, not later than August 20, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Statement of consideration. On May 25, 1976, the Secretary approved Potato Board expenses of $2,109,000 for the fiscal period ending June 30, 1977 (41 FR 22072).

On July 23, 1976, the Administrative Committee voted to budget an additional $260,000 for a potato value advertising campaign to market the expected plentiful supplies of fall crop potatoes, by informing consumers that potatoes are a bargain as an economical source of nutrients.

This proposed increase would result in a Potato Board budget of $2,369,000 for the fiscal period ending June 30, 1977.

The proposal is as follows:

Revise § 1207.405 (41 FR 22072) as follows:

§ 1207.405 **Expenses and rate of assessment.**

(a) The reasonable expenses that are likely to be incurred during the fiscal period ending June 30, 1977, by the National Potato Promotion Board for its maintenance and functioning and for such purposes as the Secretary determines to be appropriate will amount to $2,369,000.

Dated: July 30, 1976.

DONALD E. WILKINSON,
Administrator.

[FR Doc.76-22653 Filed 8-3-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

[41 CFR Part 3–3]

PROCUREMENT BY NEGOTIATION

Noncompetitive Procurement

Notice is hereby given that the Office of the Secretary is considering an amendment to 41 CFR, Chapter 3, by revising Subsection 50, Noncompetitive Procurement, to § 3–3.802, Preparation for Negotiation, of Subpart 3–3.8, Price Negotiation Policies and Techniques.

The purpose of the proposed amendment is to strengthen the Department's rules against unnecessary noncompetitive procurement. It (a) sets forth revised illustrative definitions of circumstances that constitute availability of services or supplies from only a single source, (b) requires that where a test of the market is an appropriate method of ascertaining whether such circumstances exist the market be tested at an early stage of the procurement process, (c) requires that where a number of procurements totaling $100,000 or more conceived as an entity for planning and budgetary purposes is planned as including any noncompetitive procurement the whole project be reviewed at the outset for appropriateness of the contemplated noncompetitive aspects and (d) requires that justifications for sole-source procurements of $100,000 or over be approved by a chief administrative official or by a sole-source review board consisting of a chief administrative official, a key procurement official and two program officials.

More precise definitions of circumstances that constitute availability of services or supplies from only a single source. The present HEW rule on justification for noncompetitive procurement (41 CFR 3–3.802–50(c)) requires that the justification document reflect the degree of consideration given to other sources than the proposed contractor and the reasons why they lack the capability evidenced by the proposed one. It identifies as illustrative of the factors to be considered, as appropriate, such factors as unique capability or highly specialized experience of the proposed contractor; existence of patent rights, copyrights, secret processes or other proprietary information; continuation of previous effort performed by the proposed contractor; predominant expertise of the proposed contractor's personnel; specialized and vital facilities or equipment of the proposed contractor; the proposed contractor's substantial investment which another would have to duplicate at government expense; and involvement of Government owned facilities. In the proposed regulation, circumstances constituting availability of services or supplies from only a single source are illustrated and treated as follows:

(1) Only one source exists which can perform the contract. This criterion may not be used prior to testing the marketplace by issuance of a sources sought synopsis.

(2) One source controls copyrights, patent rights, trade secrets, technical data, secret processes or other proprietary data essential to performance. This criterion is substantially limited and made more precise than in the present regulation. In case of doubt a sources sought synopsis should be issued. Legal advice is required.

(3) One source has a truly unique idea, approach or equipment. (This does not include unsolicitated research and development proposals covered by 41 CFR 3–4.52.) Except in cases convincingly supported by a panel opinion or a consensus of experts, a sources sought synopsis, formulated so as not to compromise the unique idea or data, should be issued.

(4) A specific item or equipment must be obtained because of the agency's responsibility to test and evaluate certain kinds and types of equipment. Legislation citations and technical rationale should be provided in this case.

(5) Only one source has complex or specialized physical facilities or equipment, on which the success of the contract objective is critically dependent. A sources sought synopsis should be issued.

(6) Essential Government owned facilities are available to only one source. In this case efforts should be made to determine from the Government agency whether the facilities can be made available to more than one source.

(7) Full and free competition is precluded because of geographic, socioeconomic or epidemiologic considerations. This criterion may be used only where it can be shown that only one source can perform.

(8) The required services must be procured from a certain State, interstate or local government unit, or from a nonprofit organization composed of representatives of such, which is uniquely able to meet the contract requirements.

(9) Time is of the essence and only one known source can meet the Government's need in time or time would not permit the testing of another source's product. This criterion may not be used without a showing that a limited competition (at least) is impossible and that the proposed contractor is the only one able to perform the work on time.

(10) There is existing equipment which for reasons of capability and interchangeability requires an item which is manufactured by only one source. This criterion may not be used where an "or equal" will meet the Government's requirement or where other manufacturers may be able to produce acceptable items even though their products might require adjustments and modifications.

(11) The segments of the projects are so intertwined that success is not possible unless one contractor performs the whole project. This criterion cannot be used where segments of the project can be competed separately.

Requirement that where a test of the market is appropriate the market be tested at an early stage of the procurement process. The Federal Procurement Regulations provide (41 CFR 1–1.1003–2) that, with certain exceptions, all proposed civilian agency procurement actions of $5,000 and above be synopsized. That is, for each nonexcepted procurement, whether competitive or sole-source, a synopsis of the scope of work or description of the supplies being procured must be published in the "Commerce Business Daily", published by the Department of Commerce, before or at the time when a request for proposals is issued. Where the procurement is intended to be noncompetitive the synopsis, by so notifying possible sources other than the one intended, gives them opportunity, if they consider themselves able to fill the Department's need, to inform the Department of that fact for the purpose of having the procurement opened to competition. This procedure tests the market for availability of more than one source at a relatively late stage in the procurement process, and, in intended sole-source cases, after a determination that sole-source procurement is necessary has been made. It seems that this procedure may be inherently unconducive to transforming noncompetitive procurements into competitive ones in doubtful cases; by the time the initial determination in favor of sole-source procurement has been made and agency plans have progressed for a time on that basis, there probably is a disinclination to make the technical and planning changes that might be necessary to exploit a dubious possibility of competition. In preparing the present amendment the Department has taken these considerations into account and, accordingly, is requiring in the amended regulation that, where testing of the market is appropriate, a synopsis be published for this purpose before any determination is made that sole-source procurement is necessary. The synopsis to be used is a sources sought synopsis or field of interest synopsis. Such synopses inform potential suppliers of the Department need and invite them to notify the Department of their interest and to provide information about their ability to furnish the needed services or supplies. With the aid of such information the Department will, it is expected,

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be able to judge more accurately whether more than one source is in fact available. Sources sought synopsis or field of interest synopsis, when used for this purpose, is to be used only where the Department believes that only one source exists and therefore expects noncompetitive procurement to be appropriate but there is some doubt that this is the case. The proposed amendment makes no change in the standard procedures for using such synopses to increase expected competition in the Department's procurement programs.

Requirements that where a number of procurements totaling $100,000 or more conceived as an entity for planning and budgeting purposes are planned as including any noncompetitive procurement the whole project be reviewed at the outset for appropriateness of the contemplated noncompetitive aspects. A substantial proportion in dollar amount of HEW procurements consists of noncompetitively negotiated renewal, follow-on, continuation or extension contracts. Noncompetitive negotiations of such a contract may be necessary where the initial contract is for part of a large project and skills, techniques, understanding or approaches to solution of problems involved, or investments in facilities, equipment or learning, cannot be satisfactorily and economically transferred from the initial contractor to another. However, in some cases the necessity for noncompetitive, i.e., sole source, contracting for these reasons does not arise inevitably from the nature of the project or, at least, applies inevitably to only some part of the project that is susceptible of being separated from other parts for which competitive contracting is feasible. The Department believes that, in order to keep noncompetitive procurement at a minimum, projects that may appear originally to involve inevitable sole-source procurements at either their beginning or later stages should be examined in the procurement planning stage to see if the portions affected by transferability impediments can be isolated or if such impediments can be avoided by means of contract provisions. The proposed amendment uses the term "whole project buy" to denote a project consisting of any number of procurements which is conceived as a single entity for planning and budgetary purposes. Accordingly, in keeping with the thinking outlined above, the proposed amendment requires that any whole project buy which exceeds $100,000 in the aggregate and which contemplates any noncompetitive procurement during the project life shall be submitted to a noncompetitive review board, or to the agency official empowered to approve noncompetitive procurements over $100,000, for approval regardless of whether the initial procurement is to be competitive or noncompetitive. The board or official may approve those noncompetitive procurement actions explicitly contained in the submission, and procurement actions so approved need not be subsequently approved, except that whole project buys may not be approved in excess of three years before a subsequent review is required.

Requirement that justifications for sole-source procurements of $100,000 or over be approved by a chief administrative official or by a sole-source review board consisting of a chief administrative official, a key procurement official and two program officials. The HEW Procurement Regulations now require that justifications for sole-source procurements be approved at one or another organizational level depending on the dollar amount of the procurement. For procurements in excess of $100,000 the justification must be reviewed and approved at a level not lower than that of an assistant head of the procuring activity. The proposed amendment, however, reflects a view that, while such relatively high level review and approval is desirable, a more important consideration is that the proposed sole-source procurement over $100,000 be reviewed by the chief official of the agency who is responsible for administration (typically the deputy commissioner, director or administrator for administrative management) or, in the case of regional office procurements, the asssistant regional director for administration. That is because proposed decisions to procure on a sole source basis almost invariably originate with personnel responsible for the substantive aspects of the project in question rather than with procurement personnel and the question presented for review is, therefore, in essence, not whether approval of sole-source procurement would be consistent with substantive objectives but whether it would be consistent with good procurement management. Accordingly, the proposed amendment alters the review and approval requirement for justification of sole-source procurements in excess of $100,000 by substituting, for review and approval by an assistant head of the procuring activity, either of the following at the option of the HEW agency involved:

(a) Review and approval by the agency's chief official responsible for administration or, in the case of a regional office procurement, by the assistant regional director for administration and management or (b) review and approval, by majority vote, by a board appointed by the head of the principal operating component (an organizational component of the Department at a level at least as high as the agency level) and consisting of the chief official responsible for administration or the assistant regional director for administration and management, the chief of the contract office or procurement staff of the agency and two program officials. By "program officials" is meant officials at the agency level who have responsibility for program policy or operations, program planning and evaluation, scientific affairs, research and the like or from the program divisions of the agency that sponsor contract projects. They are to be selected on the basis of their knowledge of a program as a whole but should not ordinarily be involved in the initiation and management of particular or single projects.

The proposed revision results from work done by the Secretary's Task Force on Grant and Contract Management which was established to increase the efficiency, effectiveness, economy, and integrity of the Department's processes for management of grant and procurement programs.

Any person who wishes to submit written data, views, or objections pertaining to the proposed amendment may do so by filing them in duplicate with the Deputy Assistant Secretary for Grants and Procurement Management, OASAM, Room 513 D2, South Portal Building, 200 Independence Avenue, SW., Washington, D.C. 20201, on or before September 20, 1976. All comments submitted pursuant to this notice will be available for public inspection during business hours in the Office of Grants and Procurement Management.

Dated: July 23, 1976.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

As proposed, the revised section will read as follows:

§ 3–3.802–50 Noncompetitive procurements.

(a) *Purpose.*—This subsection states the policies and procedures applicable to all noncompetitive procurements. It describes the criteria for use in determining whether a procurement may be made noncompetitively, describes the justification documents required, and prescribes review and approval requirements.

(b) *Policy.*—(1) All negotiated procurements will be conducted competitively as required by FPR 1–1.301–1, 1–1.302–1(b), and 1–3.101(d) unless there are compelling and convincing reasons and/or circumstances which justify a noncompetitive procurement. Procurements should be conducted competitively to obtain the benefits of competitive prices and to stimulate bidders, offerors, and current contractors who desire contracts to exert their best efforts to deliver high quality physical and conceptual products. Although competition is the rule, it is recognized that there are certain instances where a noncompetitive procurement may be necessary. Where a noncompetitive procurement can be justified, affirmative action must be taken whenever possible to avoid the need for subsequent or continuing noncompetitive procurements.

(2) Submission of an unsolicited proposal can also lead to a noncompetitive procurement. In this circumstance, the initiating program office may recommend, for approval by the appropriate authority listed in paragraph (i) of this section, that a noncompetitive procurement be made to only one organization or individual to perform the required work or services. This recommendation shall be in writing and prepared as a document entitled "Justification for Acceptance of Unsolicited Proposal" that shall set forth information required by § 3–4.5203–3. A solicitation for a noncompetitive procurement shall not be issued,

and negotiations with a source that submitted an acceptable unsolicited proposal shall not be undertaken, in advance of approval in accordance with § 3–3.802–50(i).

(c) *Exceptions.*—The provisions of this subsection will apply to all negotiated procurements except:

(1) Procurements of $500, or less (see § 3–3.603–50(a));

(2) Procurements of professional services, e.g., for physician veterinarian, dentist, or legal services negotiated under the authority of 41 U.S.C. 252(c)(4), or where the foregoing kinds of services are for $10,000 or less and are negotiated under 41 U.S.C. 252(c)(3) (see § 3–3.603–50(b)(4));

(3) Procurement of architect-engineer services (see §§ 1–4.10 and 3–4.10);

(4) Procurements of utility services where the services are available from only one source;

(5) Acquisitions from or through other Federal Government agencies, e.g., interagency agreements, contracts with the Small Business Administration pursuant to section 8(a) of the Small Business Act.

(d) *Competitive Procurement.*—A procurement is competitive when the Government provides the opportunity to more than one source to submit bids, offers, or quotations. If a procurement is announced in a presolicitation synopsis which states where copies of solicitations may be obtained, provides the opportunity for interested sources to submit bids, offers, or quotations, provides adequate time for requests for solicitations and submission of responses, and describes the procurement requirement without restrictions which would unavoidably result in only one source being responsive, the procurement will be classified as competitive.

(e) *Classification of procurements.*—(1) The issuance of a sources sought synopsis does not require classification of a procurement as competitive or noncompetitive. The data resulting from the sources sought synopsis must be evaluated to determine whether there is more than one source which can adequately perform the contract requirement. If there is more than one source, the procurement should be classified as competitive and a presolicitation synopsis making solicitations available should be issued. If there is only one source resulting from the sources sought synopsis, this data may be used to support a justification for noncompetitive procurement. (The term "sources sought synopsis" includes advance notices in accordance with § 1–1.1003–3, and other similar types of notices which are used to determine the availability of interested potential sources. A sources sought synopsis does not permit potential sources to request solicitations and therefore is merely an opportunity for the marketplace to indicate its interest in submitting bids, offers, or quotations for a future procurement.)

(2) The decision to classify a specific procurement as competitive should be made at the point in the procurement process prior to issuance of a presolicitation synopsis where required, or solicitation(s) where a presolicitation synopsis is not required. This classification is fixed throughout the procurement's life and may not be subsequently altered even though only one offer is received.

(f) *Criteria.*—Criteria are provided below for use in deciding whether a proposed noncompetitive procurement is justified. The critical question to be answered in each justification is why the opportunity to meet a procurement requirement cannot be made available to more than one source. It is critical to justify a noncompetitive procurement that reasonable, informed opinions supported by available facts be provided. Each of the criteria is illustrative of possible reasons. Short of giving the marketplace an opportunity to speak for itself with respect to its capabilities and available sources, the value of the supporting statements and opinions in a justification must be judged by the extent to which the opinions reflect accurate and knowledgeable judgments about the marketplace. The more facts that are offered and the more knowledgeable the opinions about the marketplace are, the greater is the support to conclude that a noncompetitive procurement is justified. If the contracting officer or approving officials conclude that support offered to justify a noncompetitive procurement is not convincing, or where there is some unresolved doubt, the doubt should be settled by permitting the marketplace to speak for itself by issuing a sources sought synopsis. As each justification for noncompetitive procurement is reviewed against these criteria, the reviewer should ask why the procurement cannot be completed, are there sufficient grounds for excluding all other actual or potential offerors, what action can be taken to obtain competition in the instant procurement, and what action is needed to avoid the need for a subsequent or a continued noncompetitive procurement?

(1) There is only one source in existence which can perform the contract requirements. The existence of one source for the purposes of this regulation should be a matter of fact, and not a matter dependent upon the relative and limited knowledge of sources known by the project or contracting officers. This criterion may not be used to justify a noncompetitive procurement prior to testing the marketplace by issuing a sources sought synopsis. Such a sources sought synopsis should state that the Government knows of only one source who can do the work, state the name of the source, and the work required. If only one source submits a response to the sources sought synopsis, this data may be used to support a justification for noncompetitive procurement.

(2) One source controls copyrights, patent rights, trade secrets, technical data, secret processes, or other proprietary data which are essential to the performance of the contract requirements and the sources refuses to license or otherwise make the foregoing data available to other sources, and the requirement cannot be revised to allow other sources to compete who do not have access to the foregoing data. Factual information should be provided to support the use of this criterion such as the citation of copyrights, exactly what is covered by the copyright or other data which is necessary to the contract performance, and why the requirement cannot be revised to permit competition. The mere existence of such rights does not in and of itself justify noncompetitive procurement. It must be shown that the Government cannot meet its requirement(s) without the use of the proprietary data. Any doubts should be resolved by summarizing the procurement requirement and issuing a sources sought synopsis. When this criterion is to be utilized the approving official will obtain legal advice from the OGC (BAL).

(3) One source or individual has a truly unique idea, approach, or equipment which has no like or equal and is the only known item which can meet the Government's needs. Unsolicited proposals are excluded from the provisions of this paragraph and shall be processed in accordance with § 3–4.52. Except in very rare cases, the fact that a prosper submits a proposal containing a unique idea or approach does not, in itself, justify a noncompetitive procurement. Mere claims of uniqueness must not be pointed to in justifications for departures from regulatory requirements for cocmpetitive procurements. There may be other potential sources with equally suitable approaches or ideas which could accomplish the same end results. Except in cases which are convincingly supported by a panel opinion or a consensus of experts who are very familiar with the sources available in the marketplace, the opinion of uniqueness should be tested. The claim that the unique item is the only one which can meet the Government's needs should be based on the objective requirements of the Government not the personal preferences of the originator. Where a test of the claim of uniqueness becomes appropriate, the project officer should draft a description of the agency's requirement that does not compromise the unique idea or proprietary data of the proposer, and the procurement office shall issue a sources sought synopsis. If the only acceptable response to the sources sought synopsis is the organization or individual which the Government originally believed had a unique offering, this data may be used to support a justification for noncompetitive procurement.

(4) A specific item or equipment must be obtained as part of an agency's program responsibility to test and evaluate certain kinds and types of products. This criterion is limited to testing and evaluation purposes only and may not be used for initial outfitting or repetitive procurements. Project officers should support the use of this criterion with citations from their agency's legislation and

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the technical rationale for the item or equipment required.

(5) Only one source has complex or specialized physical facilities or equipment which by reason of exclusive use, access or ownership, or by reason of clear superiority to facilities and equipment available to other sources is capable of adequately meeting the technical requirements of the contract. The success of the contract objective is critically dependent upon the use of the facilities and equipment of this one source. Specific details should be provided as to why the facilities or equipment are mandatory for the contract performance and why the facilities and equipment of other contractors cannot meet the contract requirements. This criterion should not be used to justify a noncompetitive procurement without first defining what equipment or facilities is needed and issuing a sources sought synopsis asking for sources with comparable equipment and facilities. If no other qualified sources respond, then this data may be used to support the justification of a noncompetitive procurement.

(6) Government - owned facilities which are essential to performance of the contract are available to only one source. Efforts should be made to determine from the cognizant Government agency whether the Government-owned facilities can be made available to more than one source. Then a noncompetitive procurement may be justified.

(7) Full and free competition is precluded because of geographic, socio-economic, or epidemiologic considerations necessarily associated with the procurement. This criterion is intended to recognize certain limits to achieving full and free competition which sometimes follow from certain program legislation and special program requirements. This criterion may not be used in the absence of such established limits and only where it can be shown that there is only one source which can perform the particular procurement.

(8) The required services must be procured from a certain State, interstate, or local government unit, or from a nonprofit organization comprised of representatives of such governmental units or of their officers, which organizations or units are unique bodies without like or equal in being able to meet the contract requirements. This criterion is intended to recognize that in certain cases where dealing with governmental entities or their representatives, there is in fact only one entity available to perform and/or the entity has a unique ability to accomplish the work. This criterion should not be used to obtain supplies or services which are or can be provided from the commercial marketplace. Where there is more than one such unit or organization which can meet the contract requirements, a noncompetitive procurement cannot be justified, unless a Federal or State statute dictates the source. The fact that the government units or other nonprofit organizations may offer a lower price or agree to cost share, is not adequate reason to justify a noncompetitive procurement to the exclusion of others.

(9) *Time is of the essence* and only one known source can meet the Government's needs within the required time frame or time would not permit the testing of a product offered by a source other than a sole source to meet the delivery schedule. However, the recognized extreme of public exigency in § 1–3.202 is not to be taken lightly. It contemplates a need which is compelling and of unusual urgency, as when the Government would be seriously injured financially or otherwise, if the property or services to be purchased or contracted for were not furnished by a certain time, and when they could not be procured by that time by means of formal advertising. This applies irrespective whether that urgency could or should have been foreseen. Examples are when property or services are needed at once because of a fire, flood, explosion, or other disaster. Public exigency or other reasons causing situations where time is of the essence, may not be used to justify noncompetitive procurement without first showing that a limited competition using abbreviated procedures is impossible. If a limited competition is impossible, it must be shown that the recommended contractor possesses the unique capability to perform the required work on time to the exclusion of all other firms. The considerable latitude of the contracting officer to determine the method best suited to satisfy the urgent need is limited by the need to try and achieve a limited competition if at all possible and, if not, to determine that one contractor is uniquely able to meet the Government's requirements in time.

(10) There is existing equipment which for reasons of compatibility and interchangeability, requires an item which is manufactured only by one source. This criterion is for use in procurements where a particular brand name item is required and an "or equal" will not meet the Government's requirements. This criterion may not be used where there are other manufacturers available who may be able to produce acceptable items even though their products might require some adjustments and modifications. Such other manufacturers must be given the opportunity to compete.

(11) The segments of the project are so intertwined that it is impossible to successfully accomplish the project objectives if all segments are not procured from the same contractor. This criterion is intended for use under research and development procurements as well as studies. It can only be used where there is a necessity to procure the project as a whole package in order to successfully complete the project. This criterion can not be used where segments of the project can be completed separately. The possibility, by itself, that additional work may be done more conveniently or even at less expense by the original contractor is not sufficient reason to justify a noncompetitive procurement using this criterion.

(g) *Procedure.*—(1) Program offices should discuss prospective noncompetitive procurement requests with the procurement offices as early as possible during the procurement planning stage (see § 3–3.50), preferably before submitting the requisition or request for contract. Such discussions may resolve uncertainties, provide program offices with names of other sources, allow proper scheduling of the procurement, and avoid delays which might otherwise occur should it be determined that noncompetitive procurement is unjustified.

(2) When a program office desires to obtain certain goods or services by contract without competition, it shall, at the time of forwarding the request for contract furnish the procurement office a "Justification for Noncompetitive Procurement" prepared in accordance with this subsection. All justifications shall be submitted initially to the contracting officer.

(3) A contracting officer who receives a justification for processing shall ascertain whether the document is complete; shall request advice from pricing, audit, legal, and other staff offices as appropriate; shall forward the justification including his recommendation and/or concurrence to the appropriate approving official. If noncompetitive procurement is disapproved, he shall promptly so notify the program office concerned.

(4) All required approvals shall be obtained prior to issuing a solicitation to, or commencement of contract negotiations with the proposed contractor. Preliminary arrangements or agreements with the proposed contractor not made by the contracting officer will have not effect or influence on the rationale to support a noncompetitive procurement.

(5) It is the responsibility of the approving official to determine whether a contract may properly be awarded without competition. Program offices and project officers are responsible for furnishing contracting officers and other approving officials with pertinent factual information and opinions necessary to make such determinations. Other staff offices shall advise the contracting officer and approving official as requested.

(h) *Format.*—(1) The justification for noncompetitive procurement in excess of $10,000 will be a separate, self-contained document. Justifications for noncompetitive procurements of $10,000 or less may be a statement in the requisition or request for contract.

(2) Justifications for noncompetitive procurement whether over or under $10,000 shall fully express what is to be procured and the reason why the requirement should not be competed. Justifications must offer reasons which go beyond inconvenience and must explain why it is impossible to obtain competition. The justification will be documented only with information that is based on facts rather than untested and unsubstantiated conclusions or opinions. Documentation in the justification should be sufficient to permit an individual with technical competence in the area to follow the rationale.

(3) Justifications have two parts.

(i) Part I contains background information about the program and a description of the procurement. The following information should be included:

(A) Date.

(B) Agency, program office, and project officer (name, address, and telephone number).

(C) Project identification (Program legislation including citations or other internal program identification data such as title, contract number, etc.)

(D) Descriptive title of the project. Attach a full description of the contract requirement. This may be a specification, purchase description, or statement of work. If the "whole project buy" (see § 3–3.820–50(j) for explanation of "whole project buy" concept) as contemplated at the outset is expected to exceed $100,000, a procurement plan as required by § 3–3.50 shall be prepared by the project officer and attached to the justification. The description of the whole project buy must include what is being bought, the estimated cost of the whole or component parts, phases, options, continuations, etc., and the periods of time involved. The description is critical to the approving official's understanding of what he is being asked to approve, and subsequent use of the approval by the procurement or project offices.

(E) Explain whether the instant procurement is an entity in itself, whether it is one in a series, or part of a related group of procurements.

(F) Proposed contractor (name and address).

(ii) Part II includes the facts and reasons to justify a noncompetitive procurement. Part II should begin with the statement:

I recommend that this procurement be noncompetitively negotiated with _____ in the amount _____ (Name of proposed contractor) _____ for the following reasons: (Amount)

Each of the applicable criteria listed in § 3–3.802–50(f) must be addressed and specific support for its use must be included.

At the end of Part II signatory lines should be provided as follows:

Recommended _____ Date _____
Project Officer

Concur _____ Date _____
Project Officer's Immediate Supervisor

Concur _____ Date _____
Contracting Officer

Approved _____ Date _____
Approving Officer

(i) *Review and Approvals.*—Justifications for noncompetitive procurement shall be reviewed as follows:

(1) For small purchases over $500, but not over $10,000, the "justification", which must address the criteria in § 3–3.802–50(f), may be in the form of a statement within the requisition or request for contract. The contracting officer may approve or disapprove the justification. If the contracting officer awards the contract or purchase order up to $10,000 as requested, such award shall constitute the contracting officer's approval of the justification.

(2) For procurements over $10,000, but not over $25,000, the justification shall be submitted to the contracting officer for approval.

(3) For procurements over $25,000, but not over $100,000 the justification shall be submitted through the contracting officer who will add a recommendation and forward to the chief of the procurement office for approval. Where the chief of the procurement office and the contracting officer are the same individual, the approval level will be at one administrative level above the chief of the procurement office.

(4) All procurements $100,000 or over shall be submitted through the contracting officer for approval by a Noncompetitive Procurement Review Board as described in § 3–3.802–50(k) unless the Head of the POC's, Agency Heads, or Regional Directors, as appropriate determine that the activity will not utilize a Noncompetitive Procurement Review Board. If a review board is not utilized, the justifications for $100,000 or over shall be submitted through the contracting officer for approval by the chief official of the agency responsible for administration or the Assistant Regional Director for Administration.

(5) Agencies may prescribe board reviews for procurements under $100,000, if reduced levels for review would be more consistent with the dollar ranges of contracts awarded.

(j) *Whole Project Buys.*—(1) A "whole project buy" is a project consisting of any number of procurements which is conceived as a single entity for planning and budgetary purposes. The whole project buy concept should not be limited to only that part of the whole project which is the subject of the current contract when contracts to be awarded in the future are part of the same project.

(2) Any whole project buy which exceeds $100,000 in the aggregate which contemplates any noncompetitive procurement actions of any dollar value at any time during the project life shall be submitted to the review board or approving official for approval.

(3) This requirement applies even if the first of a series of related procurements in a whole project buy is less than $100,000. This includes projects with several related procurement actions where the first part of the project is competitively or noncompetitively awarded, and there are to be subsequent noncompetitive procurements with the original contractor. This requirement applies to all procurements regardless of whether the noncompetitive procurement is called a renewal, follow-on, continuation, extension or the like, or is effected by means of a contract modification or is a new start.

(4) Justifications of whole project buys submitted to the review board or approving official shall fully describe what the whole requirement is, how the requirement will be divided into procurement actions, the total estimated cost of the project whole and each individual procurement action, the total period of time for the project whole and each procurement action, and whether all or only part of the project whole will be procured noncompetitively. For certain projects, as in the case of basic research, where an end point cannot be forecast with certainty, the whole project buy will be the circumscribed amount of time which the program office presently intends to continue a certain effort.

(5) If the review board or approving official clearly approves the noncompetitive procurement action(s) at the outset of a whole project buy, and the whole project buy results in an original contract followed by either a noncompetitive new contract, or noncompetitive modifications to the original contract for work, dollars, and time approved by the board or approving official at the outset, these subsequent noncompetitive procurement actions will not have to be resubmitted for approval. Once the noncompetitive procurement actions for the whole project buy are approved, no subsequent approvals of the individual procurement actions are required. Whole project buys may not be approved in excess of 3 years before a subsequent review is required. Approval is limited to that explicitly contained in the justification. If a part of the "whole project buy" is not included in the justification or there are changes in the project which change the whole project buy as approved, the excluded part and/or changes will require separate review and approval. Doubts as to what was approved shall be submitted to the review board or approving official for clarification. Noncompetitive increases for new work to contracts in effect at the time this regulation becomes effective which are part of a whole project buy exceeding $100,000 shall be submitted to the review board or approving official for approval prior to taking the noncompetitive action.

(k) *Noncompetitive Procurement Review Boards*—(1) *Purpose.* The purposes of the Noncompetitive Procurement Review Board, hereinafter referred to as "the Board," are to review the reasons given in certain justifications for noncompetitive procurement against the criteria in this section, and to make judgments as to the applicability of the policy requiring competition to specific procurements. If it is determined by the Head of the POC, Agency Head, or Regional Director, as appropriate, to utilize a board, such board shall comply with the requirement of this paragraph. The Board by virtue of its members being senior technical and administrative officials, with expertise at high levels within the agency, will ensure the making of balanced and responsible dicisions.

(2) *Establishment of Boards.* Boards shall be established at an organizational level not lower than agency head. The heads of the POC's: The Assistant Sec-

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retaries for Health, Human Development, Education; the Administrator of the Social and Rehabilitation Service; and the Commissioner of the Social Security Administration are responsible for establishing Boards as needed in their POC's and their respective agencies. The Assistant Secretary for Administration and Management is responsible for establishing a Board in the Office of the Secretary. A Board shall be established in each Regional Office by the Regional Director. The number, geographical location, and organizational location in the POC and/or Agency level of Boards will be decided by the Heads of the POC's based upon the volume of noncompetitive procurements to be reviewed and the need for timely decisions.

(3) *Authority and responsibility.* The Board members shall be appointed by the Head of the POC's, Agency Heads, or Regional Directors as appropriate. The Board shall be established and delegated the authority by the appointing official to represent and make decisions on behalf of the appointing official with respect to approving or disapproving certain justifications for noncompetitive procurement.

(i) *Chairperson.* There will be a permanent chairperson of the Board who shall be the chief agency official responsible for administration. In the regional offices, the Assistant Regional Director for Administration will be the chairperson. The Board chairperson should represent the appointing official and be able to review actions submitted to the Board from an agency-wide point of view. The chairperson will designate which of the alternate members will attend individual board meetings and shall assure that the proceedings of each meeting are recorded.

(ii) *Procurement official.* There will be a key procurement official appointed to the Board. This official will be the chief of the contract office or procurement staff of the agency, whichever is organizationally higher. Where the agency has more than one contracting office, the chiefs of the respective contracting offices will be designated alternate members. In this case, a contracts chief will serve on the Board to review proposed noncompetitive procurements expected to be assigned to his office for procurement action. Whenever the chief of the contract office and the contracting officer are the same individuals, the official one administrative level above the chief of the contract office shall represent the procurement office in such Board actions.

(iii) *Program official(s).* Two representatives will be selected from officials at the agency level which have responsibility for program policy or operations, program planning and evaluation, scientific affairs, research and the like and/or from the program divisions of the agency that sponsor contract projects. The members should be selected on the basis of their knowledge of a program as a whole, but should not ordinarily be involved in the initiation and mangement of particular or single projects.

(iv) *Contracting Officer.* The contracting officer responsible for the procurement to which the justification for noncompetitive procurement relates shall serve as a nonvoting member. When Board meetings consider justifications for procurements involving more than one contracting officer, each contracting officer may attend and offer opinions on the justification pertinent to him.

(v) *Project Officer.* The project officer is that individual in the program office who originated the justification and will be responsible for project mangement of the contract project. The project officer is not a member of or alternate member of the Board. The project officer may be invited by the chairperson to the Board meeting during which the justification will be discussed. The project officer should be prepared to answer questions raised by the Board.

(4) *Meetings.* (i) If the estimated amount of the procurement is more than $500,000, a formal meeting of the Board is required. If the estimated amount of the procurement is $500,000 or less, a formal meeting of the Board need not be held if the chairperson, procurement official and the contracting officer concur that a noncompetitive procurement is justified. If any one of these three persons is of the opinion that a noncompetitive procurement is not justified, a formal meeting must be held. Formal meetings will include all appropriate members and will be convened by the chairperson. No action shall be considered by the Board unless the chairperson, procurement official, and two program officials are present. Decisions of the Board will be by majority rule. In case of a tie vote the action will be resolved in favor of seeking competition.

(ii) The chairperson may seek independent counsel from any source inside or outside of the agency if he feels that additional advice is necessary for the Board to reach a sound decision.

(iii) The Board shall maintain a written record of the justifications reviewed and the decision made on each. If a justification is approved, only Board approval need be indicated. If a justification is disapproved, the reasons should be stated in writing and forwarded to the originator of the justification. The written decision of the Board should be made a part of the contract file.

(l) *Implementation.*—Each POC, Agency Head, and Regional Director is responsible for implementing this regulation. Implementing instructions and subsequent changes shall be furnished to the Deputy Assistant Secretary, Office of Grants and Procurement Management, OS, for review and approval prior to implementation.

[FR Doc.76-22642 Filed 8-3-76;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 223]

[EDR-302; Docket 29587; Dated July 29, 1976]

FREE AND REDUCED RATE TRANSPORTATION

Notice of Proposed Rulemaking

Notice is hereby given that the Civil Aeronautics Board has under consideration an amendment to Part 223 of its Economic Regulations (14 CFR Part 223) which would expand the categories of FAA personnel eligible for free air transportation.

The principal features of the proposed amendment are described in the attached Explanatory Statement and the proposed amendment is set forth in the Proposed Rule. The amendment is proposed under the authority of sections 204 (a), 301-314, 403, 404, 601-610, and 701 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 744, 747, 749, 750, 751, 752, 754, 758, 760, 775, 776, 778, 779, 780, and 781; (49 U.S.C. 1324, 1341-1355, 1373, 1374, 1421-1430, and 1441)) and the Department of Transportation Act (80 Stat. 931, (49 U.S.C. 1651)).

Interested persons may participate in the proposed rulemaking through the submission of twenty (20) copies of written data, views, or arguments pertaining thereto, addressed to the Docket 29587, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before September 3, 1976, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711 Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., upon receipt thereof.

Individual members of the general public who wish to express their interest as consumers by participating informally in this proceeding may do so through submission of comments in letter form to the Docket Section at the address indicated above, without the necessity of filing additional copies thereof.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

EXPLANATORY STATEMENT

Part 223 of the Board's Economic Regulations sets out our rules regarding free and reduced-rate air transportation. Under § 223.23, air carriers are permitted to provide free air transportation to traffic controllers and aircraft communicators of the Federal Aviation Administration (FAA) and to aviation weather forecasters of the National Weather Service. Such free transportation is authorized so that these persons may better acquaint themselves with inflight problems and procedures affecting their respective duties.

The FAA has requested that Part 223 be amended to make two additional categories of persons eligible for free transportation: engineering flight test pilots and aeronautical procedures specialists. Enginering flight test pilots are the FAA employees principally responsible for the development and conveyance to crewmembers of all operating limitations and operating information necessary for the safe operation of an aircraft. The FAA states that the most effective way for the enginering flight test pilot to obtain information necessary during the certification process is to periodically observe the aircraft while in flight.

Aeronautical procedures specialists are responsible for the design, development, and approval of flight procedures and aeronautical charts essential to the safe and efficient movement of aircraft. According to the FAA, the procedures specialist needs to periodically observe inflight operations during revenue flights in order to best acquaint himself with the problems associated with the use of aeronautical charts and instrument approach procedures. The agency adds that since the pfocedures specialist will be flying as an observer without enforcement responsibility, he will be in an environment conducive to the exchange of information with flight crews on the adequacy of the instrument procedures and on ways to improve the effectiveness of aeronautical charts.

We propose to grant the FAA request for aircraft access by these two classes of employees by amending § 223.23. We believe that the FAA has made an adequate showing that the requested free transportation will greatly facilitate the performance of these employees' official duties and thus serve to improve aviation safety. Moreover, we do not believe that significant burdens will be imposed on any carrier. There are only approximately 50 engineering flight test pilots and 100 aeronautical procedures specialists who would become eligible for the free transportation. And each individual would be restricted to one request for free transportation per calendar year on any given air carrier, unless the FAA, pursuant to § 223.24(c), certifies that additional free transportation is essential to the performance of its functions.

It is proposed to amend Part 223 of the Economic Regulations (14 CFR Part 223) as follows:

1. Amend the Table of Contents of Part 223, by revising the title of § 223.23 to read as follows:

Sec.
223.23 Traffic controllers, aircraft communicators, engineering flight test pilots, aeronautical procedures specialists, and aviation weather forecasters.

2. Amend § 223.23, to read as follows:

§ 223.23 Traffic controllers, aircraft communicators, engineering flight test pilots, aeronautical procedures specialists, and aviation weather forecasters.

Any air carrier may carry without charge on any aircraft which it operates any traffic controller, aircraft communicator, engineering flight test pilot or aeronautical procedures specialist of the Federal Aviation Administration or any aviation weather forecaster of the National Weather Service (including supervising officers of such persons) for the purpose of more fully and adequately acquainting such persons with inflight problems and procedures bearing on their official duties: *Provided, however,* That no request for free transportation under this section shall be made for the same individual upon any one air carrier more than once in each calendar year (round trips are regarded as one trip for the purposes of this section) unless the individual is an air traffic controller who is a member of the Washington or Regional Air Traffic Service Evaluation Staff of the Federal Aviation Administration or unless the request for such additional transportation is accompanied by the statement in writing prescribed in § 223.24 (c).

[FR Doc.76-22651 Filed 8-3-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 416]

[FRL 589-7]

PLASTICS AND SYNTHETICS POINT SOURCE CATEGORY

Withdrawal of Notice of Proposed Rulemaking

In consideration of the matters discussed in the preamble to the Revocation and Suspension of Effluent Limitation Guidelines and New Source Standards published today elsewhere in this issue, the proposed pretreatment standards for existing sources published in the FEDERAL REGISTER on April 5, 1974 (39 FR 12523), and on January 23, 1975 (40 FR 3730), are hereby withdrawn.

Dated: July 28, 1976.

RUSSELL E. TRAIN,
Administrator.

[FR Doc.76-22493 Filed 8-3-76;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Federal Law Enforcement Training Center

PRIVACY ACT OF 1974

Proposed Establishment of a New System of Records

In accordance with the requirements of the Privacy Act of 1974, subsection (o), 5 U.S.C. 552a(o), the Federal Law Enforcement Training Center (FLETC) proposes the establishment of a new system of records titled "Treasury/FLETC 00.004", containing information on employees and certain persons under contract to the Center.

The purpose of establishing this new system of records is to maintain records on employees and contract personnel beyond those required and provided by the Civil Service Commission. The reason for proposing the system is that the Center finds it necessary to maintain its own records on health services, personnel management and career development, equal employment opportunity, vehicle access and registration, equipment accountability, and personnel identification. Some records, such as vehicle registration, health, and personnel identification records, are needed because FLETC now conducts its operations on a large, campus-like, installation at Glynco, Georgia, instead of in an office building as it did before relocation in September, 1975. Other records, such as personnel, career development, equal employment, locator, and equipment control records, are standard for Federal agencies.

Notice of this proposal as required by subsection (o) of the Act, 5 U.S.C. 552a (o), was filed on March 12, 1976, with the Senate, the House of Representatives, the Office of Management and Budget, and the Privacy Protection Study Commission.

Any interested person may submit written data, views, objections, or arguments on this proposed amendment to the Acting Departmental Disclosure Officer, Office of Administrative Programs, United States Department of the Treasury, 1331 G Street NW, 3rd floor, Washington, D.C. 20220 on or before September 5. All written comments received from the public by then will be considered by the Department before taking action on a final notice of adoption. Comments received will also be available for public inspection at the above address between the hours of 9:00 a.m. and 5:30 p.m., Mondays through Fridays, except public holidays. Further information is available by telephone at (202) 964-2792.

Dated: July 29, 1976.

ARNOLD J. LAU,
Acting Director, Federal Law Enforcement Training Center.

PROPOSED NEW SYSTEM NOTICE

TREASURY/FLETC 00.004

System name: FLETC Employee Records—Treasury/FLETC

System location: FLETC, Office of Administration, Administration Building, Glynco, Georgia 31520

Categories of individuals covered by the System: Employees, Past Employees, Employee Prospects, Contract Personnel.

Categories of records in the System: Personnel, Health, Training, Vehicle Registration, Equal Employment Opportunity, Locator Cards, Identification Records, and Equipment Control Rosters, consisting of records other than those described and reported by the Civil Service Commission on behalf of all agencies.

Authority for maintenance of the System: 5 U.S.C. 301, 5 U.S.C. 4101 et seq., Executive Order No. 11348, April 20, 1967, Treasury Order 217 (Revision 1), dated July 1, 1970.

Routine uses of records maintained in the System and the purposes of such uses: Personnel recruitment and management, management of health unit, vehicle control, equipment control, equal employment opportunity program. Disclosure to the individual himself and the individual's parent agency. Health records to the U.S. Department of Labor and the U.S. Department of Health, Education, and Welfare as required by regulation. To the Civil Service Commission concerning pay, leave, benefits, retirement deductions, and other information necessary for the Commission to carry out its government-wide personnel management functions. For additional routine uses, see Appendix AA, 40 FEDERAL REGISTER 56419–56420, December 2, 1975.

Policies and practices for storing, retrieving, and disposing of records in the System:

Storage: Paper files.

Retrievability: Name.

Safeguards: Physical security, personnel screening and security check lists are all used to prevent unauthorized disclosure of records.

Retention and disposal: Disposition as prescribed by the schedules attached to Treasury Directives Manual chapter TD 80, Section 05.B, 5–12–76, except for health records covered by the General Service Administration's General Records Schedule 1 (GRS 1):

Personnel records	Schedule 1	Item 9	1 yr.
Health records	GRS 1	Item 21	6 yr.
Training records	Schedule 1	Item 25c	1 yr.
Vehicle records	Schedule 11	Item 4a	3 mo.
Equal employment opportunity records	Schedule 1	Item 20b	1 yr.
Locator records	Schedule 11	Item 4a	3 mo.
Identification records	Schedule 11	Item 4a	Do.
Equipment control records:			
Property pass files	Schedule 18	Item 10	3 mo.
Lost, stolen, and found files	Schedule 18	Item 13b	1 yr.
Key files	Schedule 18	Item 14b	3 mo.

System manager and address: Assistant Director for Administration, Office of Administration, Administration Building, FLETC, Glynco, Georgia 31520.

Notification Procedure: The individual must provide full name, date of birth, and dates of employment with the Center to the system manager.

Record access procedures: By written request to the system manager.

Contesting record procedures: By written request to the system manager.

Record source categories: The employee on whom the record is maintained, prior employers, and FLETC.

[FR Doc.76–22590 Filed 8–3–76;8:45 am]

PRIVACY ACT OF 1974

Proposed Change to a System of Records

On December 2, 1975, in accordance with the requirements of the Privacy Act of 1974 at 5 U.S.C. 552a(e)(4), a system of records maintained by the Federal Law Enforcement Training Center titled "Treasury/FLETC 00.002", and describing trainee records, was adopted by notice published in the FEDERAL REGISTER (40 FR 56017, 56419). The Center now proposes to amend this system of records.

The purpose of amending this system of records is to achieve greater administrative efficiency by combining certain instructor records with trainee records in order to provide a single electronic data processing capability. Computerizing trainee and instructor records at the Center will facilitate the preparation of trainee rosters and the scheduling of dormitory space, classes, classroom space, and instructors. Further, the trainee and instructor history files will be used to identify the curriculum and grades of trainees for purposes of college credit, to provide information for use at court trials, and to prepare statistical reports for training evaluation.

Notice of this proposal as required by subsection (o) of the Act, 5 U.S.C. 552a (o), was filed on March 12, 1976, with the Senate, The House of Representatives, the Office of Management and Budget, and the Privacy Protection Study Commission.

Any interested person may submit written data, views, objections, or arguments on this proposed amendment to the Acting Departmental Disclosure Officer, Office of Administrative Programs, United States Department of the Treasury, 1331 G Street NW, 3rd floor, Washington, D.C. 20220 on or before August. All written comments received from the public by then will be considered by the Department before taking action on a final notice of adoption. Comments received will also be available for public inspection at the above address between the hours of 9:00 a.m. and 5:30 p.m., Mondays through Fridays, except public holidays. Further information is available by telephone at (202) 964-2792.

Dated: July 29, 1976.

ARNOLD J. LAU,
Acting Director, Federal Law Enforcement Training Center.

PROPOSED REVISED SYSTEM NOTICE

TREASURY/FLETC 00.002

System name: FLETC Trainee Records and FLETC Instructor Records-Treasury/FLETC.

System location: FLETC Office of Administration, Administration Building, Glynco, Georgia 31520.

Categories of individuals covered by the System: Any person who officially attends a formal FLETC training program and all instructors engaged in teaching the FLETC training programs.

Categories of records in the System: Trainee records: personal background information supplied by the trainee; grades and performance evaluation, student advisory form and relevant public health records. Instructor records: personal background information supplied by the instructor, and teaching qualifications. All records described in this system are other than records described and reported by the Civil Service Commission on behalf of all agencies.

Authority for maintenance of the System: 5 U.S.C. 301, 5 U.S.C. 4101–4118, Executive Order 11348, Treasury Order No. 217 (Revision 1) dated July 1, 1970, and Memorandum of Understanding for the Sponsorship and Operation of the Consolidated Federal Law Enforcement Training Center, dated September 30, 1970.

Routine uses of records maintained in the System, including categories of users and the purposes of such uses: Disclosure upon request to the individual himself, the individual's parent agency, and to any other agency or organization at the request of the individual.

To the Civil Service Commission concerning pay leave, benefits, retirement deductions, and other information necessary for the Commission to carry out its government-wide personnel management functions. For additional routine uses, see Appendix AA, 40 *Federal Register* 56419–56420, December 2, 1975.

Policies and practices for storing, retrieving, accessing, retaining and disposing of records in the system:

Storage: Magnetic disc storage except for health records which are maintained on paper files.

Retrievability: Name and class number.

Safeguards: Access to these systems of records will be controlled by software and hardware procedures. Software will be used to ensure, in all technically feasibleways, that data cannot be made available to unauthorized persons. User—identifiers and passwords will be used where feasible to protect the data. Physical security will protect all terminals and magnetic disc files from access by unauthorized persons. Offices will be locked except when authorized persons are present.

Retention and disposal: Disposition not yet authorized by the National Archives and Records Service. A formal request is in progress, proposing destruction in annual increments five years from the end of the calendar year in which the record was created. Should the disposition ultimately approved be materially different from the one outlined here, further notice will be made in this publication.

System manager's address: Assistant Director for Administration, Office of Administration, Administration Building, FLETC, Glynco, Georgia 31520.

Notification procedure: The individual must provide full name, date of birth, parent agency, type of course and approximate dates of attendance to the system manager.

Record access procedures: By written request to the system manager.

Contesting record procedures: By written request to the system manager.

Record source categories: Trainees: The trainee himself and members of the staff responsible for grading, rating or evaluating the trainee. *Instructors:* The instructor himself and staff members responsible for upgrading the instructor's teaching qualifications.

[FR Doc.76–22591 Filed 8–3–76;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

ROCKY MOUNTAIN ARSENAL, DENVER, COLORADO

Filing of Final Environmental Impact Statement

In compliance with the National Environmental Policy Act of 1969, the Army on July 27, 1976, provided the Council on Environmental Quality, with a final environmental impact statement concerning the sale of Carbonyl Chloride at Rocky Mountain Arsenal, Denver, Colorado.

Copies of the statement have been forwarded to concerned Federal, State, and local agencies. Interested organizations or individuals may obtain copies from the Project Manager for Chemical Demilitarization and Installation. Restoration, Aberdeen, Proving Ground, Maryland 21010.

In the Washington area, inspection copies may be seen, during normal duty hours, in the Environmental Office, Office of the Assistant Chief of Engineers, Room 1E676, Pentagon, Washington, DC 20310 (phone (202) 694–1163).

Dated: July 27, 1976.

CHARLES R. FORD,
Deputy Assistant Secretary of the Army (Civil Works).

[FR Doc.76–22613 Filed 8–3–76;8:45 am]

DEPARTMENT OF JUSTICE

Antitrust Division

UNITED STATES V. ADDISON-WESLEY PUBLISHING COMPANY, ET AL.

Proposed Consent Judgment and Competitive Impact Statement Thereon

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b) through (h), that a proposed consent judgment and a competitive impact statement as set out below have been filed with the United States District Court for the Southern District of New York in Civil Action No. 74 Civ. 5176, *United States of America* v. *Addison-Wesley Publishing Company, et al.* The complaint charged that the defendants and co-conspirators engaged in a combination and conspiracy to divide illegally world markets among themselves for the sale of English-language books. The proposed judgment enjoins the defendants from all the activities alleged to have been carried out by the conspiracy. Public comment is invited on or before October 8, 1976. Such comments and responses thereto will be published in the FEDERAL REGISTER and filed with the Court. Comments should be directed to Joel Davidow, Chief, Foreign Commerce Section, Antitrust Division, Department of Justice, Washington, D.C. 20530.

Dated: July 28, 1976.

CHARLES F. B. MCALEER,
Assistant Chief, Judgments and Judgment Enforcement Section, Antitrust Division.

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

United States of America, plaintiff, v. Addison-Wesley Publishing Company; Bantam Books, Inc.; Columbia Broadcasting System, Inc.; Dell Publishing Co., Inc.; Doubleday & Company, Inc.; Grosset & Dunlap, Inc.; Harcourt Brace Jovanovich, Inc.; Harper & Row Publishers, Inc.; Houghton Mifflin Company; Intext, Inc.; Litton Educational Publishing, Inc.; Macmillan, Inc.; McGraw-Hill, Inc.; Oxford University Press, Inc.; Penguin Books, Inc.; Prentice-Hall, Inc.; Random House, Inc.; Simon & Schuster, Inc.; The Times Mirror Company; The Viking Press, Inc.;

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and John Wiley & Sons, Inc. defendants. (Civil Action No. 74 Civ. 5176 (CES). Filed: July 27, 1976.)

Stipulation

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. A final judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16, and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed final judgment by serving notice thereof on defendants and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed final judgment is not entered pursuant to this stipulation, this stipulation shall be of no effect whatever and the making of this stipulation shall be without prejudice to plaintiff and defendants in this and any other proceeding.

Dated July 27, 1976.

For the Plaintiff: Thomas E. Kauper, Assistant Attorney General; William E. Swope, Charles F. B. McAleer, Elliott H. Moyer, Joel Davidow, Douglas E. Rosenthal, Stephen P. Kilgriff, *Attorneys, Department of Justice.*

For the Defendants: Addison-Wesley Publishing Company, Seward & Kissel. By Anthony R. Mansfield, a Member of the Firm, 63 Wall Street, New York, New York 10005.

Bantam Books, Inc., Weil, Gotshal & Manages. By Peter D. Standish, a member of the firm, 767 Fifth Avenue, New York, New York 10022.

Columbia Broadcasting System, Inc., by W. Mallory Rintoul, 51 West 52nd Street, New York, New York 10019. By Ronald E. Guttman, 51 West 52nd Street, New York, New York 10019.

Dell Publishing Co., Inc., Kaye, Scholer, Fierman, Hays & Handler. By Allan M. Pepper, a member of the firm, 425 Park Avenue, New York, New York 10022.

Doubleday & Company, Inc. Satterlee & Stephens. By George C. Shively, a member of the firm, 277 Park Avenue, New York, New York 10017.

Grosset & Dunlap, Inc. Engel & Miller. By Paul N. Hodys, a member of the firm, One Dag Hammarskjold Plaza, New York, New York 10017.

Harcourt Brace Jovanovich, Inc. Linden & Deutsch. By Edward Klagsburn, a member of the firm, 110 East 59th Street. New York, New York 10022.

Harper & Row, Publishers, Inc. By Edward A. Miller, General Cousel, 10 East 53rd Street, New York, New York 10022.

Houghton Mifflin Company. Cadwalader, Wickersham & Taft. By John Boyer, a member of the firm, One Wall Street, New York, New York 10005.

Intext, Inc. Greenbaum, Wolff & Ernst. By R. Andrew Boose, a member of the firm, 437 Madison Avenue, New York, New York 10022.

Litton Educational Publishing, Inc. By Theodore F. Craver, 369 North Crescent Drive, Beverly Hills, California 90210.

MacMillan, Inc. Linden & Deutsch. By Edward Klagsburn, a member of the firm, 110 East 59th Street, New York, New York 10022.

McGraw-Hill, Inc. By Robert N. Landes, Senior Vice President and General Counsel, 1221 Avenue of the Americas, New York, New York 10020. White & Case. By Edward Wolfe, a member of the firm, 14 Wall Street, New York, New York 10005.

Oxford University Press, Inc. Cravath, Swaine & Moore. By David Boles, a member of the firm, One Chase Manhattan Plaza, New York, New York 10005.

Penguin Books, Inc. Botein, Hays, Sklar & Herzberg. By Harry I. Rand, a member of the firm, 200 Park Avenue, New York, New York 10017.

Prentice-Hall, Inc. Townley, Updike, Carter & Rodgers. By Ronald S. Daniels, a member of the firm, 220 East 42nd Street, New York, New York 10017.

Random House, Inc. Schnader, Harrison, Segal & Lewis. By Arthur Kahn, a member of the firm, 1719 Packard Building, Philadelphia, Pennsylvania 19102.

Simon & Schuster, Inc. By Selig J. Levitan, 630 Fifth Avenue, New York, New York 10020.

The Times Mirror Company. Weil, Gotshal & Manges. By Peter D. Standish, a member of the firm, 767 Fifth Avenue, New York, New York 10022.

The Viking Press, Inc. Botein, Hays, Sklar & Herzberg. By Harry I. Rand, a member of the firm, 200 Park Avenue, New York, New York 10017.

John Wiley & Sons, Inc. Paskus, Gordon & Hyman. By Phillip H. Schaeffer, a member of the firm, 733 Third Avenue, New York, New York 10017.

Stipulation Approved For Filing.

Dated: July 27, 1976.

CHARLES E. STEWART, JR.,
United States District Court Judge.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

United States of America, Plaintiff, v. Addison-Wesley Publishing Company; Bantam Books, Inc.; Columbia Broadcasting System, Inc.; Dell Publishing Co., Inc.; Doubleday & Company, Inc.; Grosset & Dunlap, Inc.; Harcourt Brace Jovanovich, Inc.; Harper & Row, Publishers, Inc.; Houghton Mifflin Company; Intext, Inc.; Litton Educational Publishing, Inc.; MacMillan, Inc.; McGraw-Hill, Inc.; Oxford University Press, Inc.; Penguin Books, Inc.; Prentice-Hall, Inc.; Random House, Inc.; Simon & Schuster, Inc.; The Times Mirror Company; The Viking Press, Inc.; and John Wiley & Sons, Inc.; Defendants. (Civil Action No. 74 Civ. 5176 (CES). Filed: July 27, 1976.)

Final Judgment

Plaintiff, United States of America, having filed its Complaint herein on November 25, 1974; defendants, having appeared by their respective attorneys and filed answers; and the plaintiff and consenting defendants, by their respective attorneys, having consented to the entry of this Final Judgment, without trial or adjudication of any issue of fact or law herein, and without this Final Judgment constituting evidence or an admission by any party with respect to any such issue:

NOW, THEREFORE, before the taking of any testimony and without trial or adjudication of any issue of fact or law herein, and upon the consent of the plaintiff and consenting defendants, it is hereby ORDERED, ADJUDGED AND DECREED as follows:

I

This Court has jurisdiction of the subject matter of this action and of the parties hereto. The Complaint states claims upon which relief may be granted against the defendants under Section 1 of the Act of Congress of July 2, 1890, as amended, entitled "An Act to protect trade and commerce against unlawful restraints and monopolies" (15 U.S.C. § 1), commonly known as the Sherman Act.

II

As used in this Final Judgment:

(A) "Book" means a copyrighted, English language book;

(B) "Series of Books" means a set of Books with a similar or uniform format and interrelated on the basis of authorship or theme;

(C) "British Market Agreement" means the agreement executed by certain British members of the British Publishers Association, and any amendments or modifications thereof, which defines the British Traditional Market and which expresses the commitment generally to refrain from acquiring publication rights for Books, unless these include exclusive rights of publication for the British Traditional Market;

(D) "Publishers Association" means a membership association of publishing houses maintaining offices in the United Kingdom with its principal office located presently at 19 Bedford Square, London, England, and any successors thereof;

(E) "British Traditional Market" means that group of approximately seventy (70) countries, as defined in the British Market Agreement, comprising present and former members of the British Commonwealth;

(F) "Person" means any individuals, partnership, firm, association, corporation, or other business or legal entity;

(G) "United States" means the United States, any territory thereof, the District of Columbia and any insular possession or other place under the jurisdiction of the United States.

III

The provisions of this Final Judgment applicable to any consenting defendant shall apply to each of its officers, directors, agents and employees, its subsidiaries, successors and assigns, and also to all other Persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise. For the purpose of this Final Judgment, each consenting defendant, its subsidiaries and companies under common control with such consenting defendant, and the officers, directors, agents and employees thereof, when acting in such capacity, shall be deemed to be one Person. Except for sales of Books to the plaintiff or any agency or public instrumentality thereof, this Final Judgment shall not apply to activities outside the United States which do not affect the foreign or domestic commerce of the United States.

After the date of entry of this Final Judgment, with regard to the acquisition, grant or other transfer of copyright rights thereafter between a consenting defendant and a United Kingdom publisher, such consenting defendant is enjoined and restrained, directly or indirectly, from entering into, adhering to, cooperating with, maintaining, enforcing or claiming any rights under:

(A) Any agreement or understanding, including the British Market Agreement, with any association, or group comprising two or more publishers of Books, to allocate, divide or assign territories or customers for the publication, sale or distribution of Books, or to assign or conform to exclusive or allocated territories or customers among pubishers; provided that two or more publishers either under common control, or engaged in a bona fide joint arrangement for the publication of a specified Book or a specified Series of Books for a specified country or countries, shall be deemed one publisher under this Subsection (A) of this Section IV; provided further that acquisitions, grants or other bona fide transfers of copyright licenses between a consenting defendant and each of two or more publishers with respect to a specified Book or a specified Series of Books shall not constitute an agreement or understanding within the meaning of this Subsection (A) of this Section IV;

(B) Any agreement or understanding that the acquisition, grant or other transfer of territorially exclusive copyright rights for

a Book for an agreed, understood or specified group of countries be in return for a reciprocal agreement or understanding that the acquisition, grant or other transfer, of territorially exclusive copyright rights for any future Book not in the same Series be for an agreed, understood or specified group of countries.

V

Each defendant is enjoined and restrained, directly or indirectly, from preventing or restricting any purchaser of a lawfully published Book from importing or exporting such Book to or from the United States or such purchaser from selling, distributing or providing for the resale of such Book to customers in United States interstate or foreign commerce.

VI

Nothing in this Final Judgment shall prevent any defendant, in and of itself, from acquiring, granting, or otherwise transferring exclusive or non-exclusive copyright rights, or from exercising or authorizing the exercise of such rights under the copyright law of any country, including the United States, or from the assertion of such other statutory rights as such defendant may have, provided that no foreign copyright law or other foreign statutory right may be used by any defendant to exclude or restrict the importation or resale in the United States of a lawfully published Book.

VII

Defendant is ordered and directed, for a period of two years from the date of entry of this Final Judgment, to furnish a copy of this Final Judgment to each publisher or literary agent to whom it transfers or from whom it receives exclusive rights to the publication or distribution of any Book in any country within the British Traditional Market.

VIII

For the purposes of securing or determining compliance with this Final Judgment and for no other purpose, and subject to any legally recognized privilege:

(A) Any authorized representative of the Department of Justice shall, upon written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, or of an authorized representative of either, and on reasonable notice to any defendant made to its principal office, be permitted:

(1) Access, with defendant having a right to have counsel present, during office hours of such defendant to all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or control of the defendant relating to any matters contained in this Final Judgment; and

(2) Subject to the reasonable convenience of such defendant and without restraint or interference from it, to interview officers, employees and agents of the defendant, who may have counsel present, regarding any such matters.

(B) Upon the written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, or of an authorized representative of either, made to such defendant's principal office, the defendant shall submit such written reports, under oath if requested, with respect to any of the matters contained in this Final Judgment as may, from time to time, be requested.

No information obtained by the means provided in this Section VIII shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the plaintiff except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

IX

Jurisdiction is retained for the purpose of enabling the parties consenting to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction, carrying out or modification of any of the provisions of this Final Judgment and for the enforcement of compliance therewith and the punishment of the violation of any of the provisions contained herein.

X

Entry of this Final Judgment is in the public interest.

Dated:

United States District Judge.

UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF NEW YORK

United States of America, plaintiff, v. Addison-Wesley Publishing Company; Bantam Books, Inc.; Columbia Broadcasting System, Inc.; Dell Publishing Co., Inc.; Doubleday & Company, Inc.; Grosset & Dunlap, Inc.; Harcourt Brace Jovanovich, Inc.; Harper & Row, Publishers, Inc.; Houghton Mifflin Company; Intext, Inc.; Litton Educational Publishing, Inc.; Macmillan, Inc.; McGraw-Hill, Inc.; Oxford University Press, Inc.; Penguin Books, Inc.; Prentice-Hall, Inc.; Random House, Inc.; Simon & Schuster, Inc.; The Times Mirror Company; The Viking Press, Inc.; and John Wiley & Sons, Inc.; defendants. (Civil Action No. 74–5176 (CES); filed: July 27, 1976.)

COMPETITIVE IMPACT STATEMENT

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act [15 U.S.C. § 16 (b)–(h) P.L. 93–528 (December 21, 1974)], the United States of America hereby files this competitive impact statement relating to a proposed consent judgment in the above entitled action to be entered against all the named defendants.

(1) *Nature and purpose of the proceeding.* This action was filed on November 25, 1975, against twenty-one major American publishing houses charging that the defendants and certain co-conspirators engaged in an unlawful combination and conspiracy to restrain foreign and interstate trade and commerce in the distribution and sale of books in violation of Section 1 of the Sherman Act (15 U.S.C. § 1). Named as co-conspirators were The Publishers Association, a British organization whose membership includes virtually all major United Kingdom publishing houses, and the members of the Association.

The defendants and many members of the Publishers Association publish copyrighted, English-language hardboard and paperback books, professional books, elementary, high school and college textbooks, religious books and mass market paperback books. Whenever the term "books" is used in this statement it refers to any of these categories of books. Sales in the United States of such books total more than two billion dollars a year, less than ten percent of which are imported from foreign sources. United States book exports are estimated to exceed $250 million dollars in sales. Most English-language books are published in the United States or in the United Kingdom, although other publishers are located throughout the world, especially in the larger English-language nations.

Most published books are copyrighted. A copyright protects the property interest of an author, or the one to whom he assigns his property interest, against the unauthorized publication of the work. Pursuant to international agreements, a copyright granted in one country is recognized in all other countries which are signatories to such agreements. Most countries of the world, including all or virtually all English-language countries, have signed such agreements. In current practice, many authors whose books are published secure a copyright in their home country and license or assign that copyright to a so-called prime publisher together with all rights to excerpt, translate, perform and sub-license.

The defendants are all publishers who often obtain copyright licenses from authors, usually Americans, for whom they act as prime publishers. Each such publisher either distributes or arranges for others to publish and distribute the books pursuant to licenses throughout the United States and in foreign countries. In some instances the defendants export books from the United States to foreign countries. In other instances, especially where there is a significant anticipated market for a particular book, foreign distribution is left to a foreign publishing house, which usually produces its own edition for the licensed book. Under current practice these license agreements usually provide that the licensee shall have the exclusive right to publish and distribute the licensed book in a defined market and, accordingly, that the licensor will neither itself distribute the licensed book in that market nor license any other publisher to do so. In return, the licensee agrees not to publish or sell the licensed book in the United States, and certain other markets the licensor wishes to retain for itself.

The publishing houses which belong to the Publisher's Association perform generally the same functions in the United Kingdom that the defendants perform in the United States. For many years American publishers have entered into license agreements with British publishers both as licensors and licensees of books. The books of many popular authors are published both in an American and a British edition.

When American and British editions of the same book are published pursuant to a license, American publishers are generally granted exclusive publication and selling rights for the United States and certain other markets, and British publishers are given exclusive publication and selling rights within a "British Traditional Market," a group of approximately 70 English-speaking countries comprising virtually all of the present and former members of the British Commonwealth. In its complaint, the Government alleged that this pattern or practice was the result of combinations and agreements—over and above the individual license agreements for particular books—entered into by certain American and British publishing houses with the purpose and effect of suppressing competition in the sale of books in United States interstate and foreign commerce.

One of the principal elements of the conspiracy charged in the complaint was an agreement of The Publishers Association, called the British Market Agreement (formerly the British Publishers' Traditional Market Agreement), whereby members agreed not to accept a copyright license for a book from a foreign author or publisher unless the license included the exclusive rights for publication and distribution of the book in the "British Traditional Market." This agreement was, in effect, an undertaking to boycott non-complying foreign publishers and authors, including those of the United States. Although the Publishers Association and its

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members were named as co-conspirators in the complaint, most were not named as defendants because of issues of personal jurisdiction.

The defendants, responding to the Government's complaint, asserted that so long as the British Market Agreement remained in effect that they had little choice but to grant licenses to members of the Publishers Association pursuant to the terms of that agreement, because otherwise they would be unable effectively to penetrate the Commonwealth markets with which the British were much more familiar and because they would be foreclosed from competing as licensees publishing the works of British authors for the United States market. The Department of Justice concluded that, indeed, effective termination of the illegal market allocation arrangement which had been established between American and British publishers required either of two measures: termination of the British Market Agreement, or a prohibition against any defendant dealing in exclusive licenses with any member of the British Publishers Association so long as the British Market Agreement remained in effect. This latter measure would impose heavy enforcement burdens on the Department and would not necessarily terminate the British Market Agreement, since other United States publishers and literary agents not named as defendants would not be enjoined from dealing with the British publishers unless they were added as defendants or sued in another action. Additionally, this rather draconian measure appeared less desirable in light of consideration of comity between the United States and the United Kingdom.

With these considerations as background, the Department opened negotiations with the Publishers Association to determine the possibility of a voluntary revocation of the British Market Agreement. Beginning in February, 1975, and continuing through June, 1976, a series of approximately eight meetings and numerous telephone conversations were held between Government staff attorneys and representatives of the Association or their United States counsel. Officials of the British Embassy attended two of these meetings and held one independent meeting with the Assistant Attorney General to express the concern of the British Government that British subjects not be treated in a discriminatory manner and that this case not be prosecuted in such a way as to encroach upon British sovereignty. These British officials were assured that the Government had no such intentions.

The Department emphasized during negotiations with the Publishers Association that the complaint and relief sought in this case in no way interfered with the legitimate exercise of specific copyright rights, but were aimed solely at certain abuses which go beyond the proper scope of the copyright grant. Proposed drafts of a consent judgment outlining the parameters of relief the Government would seek from defendants if the British Market Agreement were withdrawn were submitted to the Association. On September 24, 1975, the members of the Association adopted a resolution granting the Executive Council of the Association the authority to rescind the British Market Agreement upon notification by the Department of Justice that a significant number of defendants had agreed to the filing of a consent judgment substantially similar to the Department's proposed draft given to the Association in July, 1975. During the winter and early spring, counsel for defendants held several meetings with Government attorneys to negotiate mutually satisfactory terms within the parameters of relief discussed with the Publishers Association.

On May 14, 1976, the Publishers Association was notified that the Department and the defendants had agreed to a proposed consent judgment substantially similar to the one submitted to the Association. On July 6, 1976, the Department was officially notified that the British Market Agreement had been withdrawn, effective July 11, 1976. This proposed final judgment, along with this competitive impact statement, has now been filed with the Court.

(2) *Practices and events giving rise to the alleged violation of the antitrust laws.* The complaint alleges that from 1947 to the time of the filing of the complaint a combination and conspiracy existed among the defendants and co-conspirators to divide world markets among themselves for the publication and sale of books. The Government would have contended at trial that the defendants and co-conspirators:

(a) Entered an agreement that whenever a copyrighted book published in the United States by a defendant or co-conspirator company was also to be licensed for publication or distribution in any of the countries included in the "British Traditional Market," a group of countries comprising virtually all present and former members of the British Commonwealth, the American company would grant a license to a publishing house in the United Kingdom granting the exclusive right to publish or distribute the book in all the countries included in the British Traditional Market. In return, the United Kingdom publisher would agree not to publish or distribute the book in the American Market, consisting of the United States and certain other countries, usually the Dominion of Canada and the Philippine Republic.

(b) Entered an agreement that whenever a copy-righted book published in the United Kingdom by one of the co-conspirator companies was also to be licensed for publication or distribution in the American Market, the United Kingdom company would grant a license to a defendant or co-conspirator company in the United States to publish or distribute the book exclusively in the American Market. In return, the defendant or co-conspirator would agree not to publish or distribute the book in the British Traditional Market.

(c) Cooperated and participated in the monitoring, reporting and attempts to stop actual and attempted breaches of the aforesaid agreements.

(3) *The proposed consent judgment and its anticipated effects on competition.* As was the Complaint in this case, the proposed judgment is primarily directed to arrangements, exemplified by the so-called British Marketing Agreement, which constitute an overall pre-determination for the allocation of countries and markets between American and British publishers in connection with contracts and copyright licenses for the publication of English-language books.

The proposed judgment prohibits adherence to such group pre-determinations by each defendant in dealing with British publishers. Otherwise, except for injunctions against restrictions on resales and against certain reciprocal licensing practices, the judgment does not attempt to regulate comprehensively future bilateral dealings between individual publishers for the licensing of particular books nor to reach purely United States activities. Activities not prohibited by the judgment including exempted activities, of course, remain subject to the antitrust laws.

The proposed consent judgment enjoins the defendants from all the activities alleged to have constituted the conspiracy. It is anticipated that the conduct prohibited by the judgment and the affirmative duties imposed on the defendants will enhance competition and promote export trade in the sale and distribution of books.

If the proposed consent judgment is approved by the Court, the defendants will be enjoined in the future from agreeing with two or more publishers to allocate territories or customers for the publication, sale or distribution of English-language books in connection with any copyright licensing arrangement with a United Kingdom publisher. There are two exceptions to this broad injunction which apply to licensing practices involving a specific book or a specific "Series of Books." "Series of Books" is defined in the judgment to mean "a set of books with a similar format and interrelated on the basis of authorship or theme." The first exception exempts from the injunction a "bona fide joint arrangement" of two or more publishers for the publication or distribution of a specific book or series of books. This provision allows the defendants to enter into a valid joint venture in the publishing industry for the publication of a particular book or series of books. The second exception allows an agreeemnt among two or more publishers to transfer copyright rights when the agreement pertains solely to a specific book or series of books. This exemption will permit insofar as the judgment is applicable, a defendant publisher to license both a British publisher and, for example, an Australian publisher for the same book or series of books. Since the alleged conspiracy involved the allocation of world markets for English-language books among British and United States publishers, the licensing of publishers in other countries is to be encouraged as a means to eliminate the effects of the conspiracy.

Defendants are also enjoined from entering into any bilateral agreement with a British publisher which conditions the present grant of an exclusive copyright license to the British publisher upon a reciprocal grant by the British publisher to the defendant of an exclusive copyright license for a future book, or vice versa. This provision prohibits a classic form of cross-licensing or reciprocity whereby a publisher could agree to license exclusive rights for a book only if his licensee agreed to license the former on an exclusive basis for another book in the future. It does not, however, prohibit a defendant from entering an agreement whereby he conditions the acceptance of a copyright license for one book at the present time on the grant of the right to be licensed for another book at some future time. If such an arrangement in a particular instance constituted an antitrust violation it would be subject to a separate suit. It was inappropriate to spell out in this judgment permissible and impermissible conduct in this area, since this type of conduct was not alleged in the complaint as part of the conspiracy.

Defendants are also prohibited from enforcing any restriction on the resale of lawfully published books. Once a book has been sold to a purchaser, that purchaser cannot be restrained under United States law from reselling the work wherever he chooses. It is the position of the Department that the book publication copyright right is exhausted after the first sale of the work, and the copyright holder has no right to restrict resale of the books thereafter. See *United States* v. *Arnold, Schwinn & Co.* 383 U.S. 365 (1967). However, there is a limited exception to this prohibition contained in the United States copyright law. The so-called "Manufacturing Clause" (17 U.S.C. § 16), with certain exceptions, requires all copies of a work by a United States author to be printed from type set or plates made within the limits of the United States.

Under Section 107 of the Copyright Act (17 U.S.C. § 107), importation into the United States of copies of any work which have not been produced in accordance with the Manufacturing Clause is prohibited. Defendants are still free to exercise this right and any other statutory right they may have to exclude lawfully published books from abroad. However, under the present copyright law, they may not sue for infringement nor may they enforce contractual rights which contain resale restraints with respect to lawfully published books from abroad. Their remedy is limited to an in rem proceeding under the Manufacturing Clause against the books themselves, or any other statutory right they may have.[1]

The decree also orders the defendants, for a period of two years, to furnish a copy of the final judgment to each publisher or literary agent to whom it transfers or from whom it receives exclusive copyright rights for a book in any country within the British Traditional Market. The judgment also affirms the right of the defendants to exercise their copyright rights granted to them by law.

The consent judgment affords the Government methods of determining compliance with the judgment by interviewing employees, by securing reports or by inspection of documents and records in control of defendants. Such documents, reports and records are required to be made available upon the Government's request.

The District Court retains jurisdiction of the case and may modify the provisions of the consent judgment. The District Court also retains jurisdiction for the purpose of enforcing compliance with the judgment or punishing violations of it.

(4) *Remedies available to potential private plaintiffs.* Any potential private plaintiffs who might have been damaged by the alleged violations will retain the same right to sue for monetary damages and any other legal equitable relief which they would have had, were the proposed judgment not entered. However, this judgment may not be used as prima facie evidence in private litigation pursuant to Section 5(a) of the Clayton Act, as amended, 15 U.S.C. § 16(a).

(5) *Procedures available for modification of the proposed consent judgment.* The proposed consent judgment is subject to a stipulation between the United States and the consenting defendants which provides that the United States may withdraw its consent to the proposed consent judgment at any time before the Court has found that entry of the judgment is in the public interest. By its terms, the proposed judgment provides for retention of jurisdiction of this action in order, among other things, to permit any of the parties to apply to the Court for such orders as may be necessary or appropriate for its modification.

As provided by the Antitrust Procedures and Penalties Act, any person believing that the proposed judgment should be modified may, for the sixty-day period prior to the effective date of the proposed judgment, submit written comments to the United States Department of Justice, Joel Davidow, Chief, Foreign Commerce Section, Antitrust Division, Washington, D.C. 20530, which will file with the Court and publish in the FEDERAL REGISTER such comments and its response to them. The Department of Justice will thereafter evaluate any and all such comments and determine whether there is any reason for withdrawal of its consent to the proposed judgment.

(6) *Alternatives to the proposed judgment considered by the United States.* In view of the fact that the consent judgment provides for relief which does not differ from that sought in the complaint, full trial on the merits was not considered an appropriate alternative to settlement. In addition to considering provisions substantially similar to those contained in the proposed judgment, proposals considered by the Government and then rejected included the following:

(a) A provision prohibiting any defendant from granting or accepting from a member of the British Publishers Association any exclusive copyright license so long as the British Market Agreement remained in force. This provision was formulated prior to any negotiations with the Publishers Association when it was thought that the British would continue to adhere to the British Market Agreement. After negotiations with the British, the Government received assurances that the Publishers Association would terminate the agreement if an appropriate judgment not including this provision could be negotiated with the defendants, and thus this provision became unnecessary. The Government received formal notification that the British Market Agreement had been revoked prior to the filing of this proposed consent judgment.

(b) A provision prohibiting any defendant for a period of three years from agreeing with any other person to grant or acquire an exclusive license for a particular country, which was conditioned on the grant or acquisition of exclusive rights for another country, provided that an agreement could be made for more than one country if each country was independently bargained for and specified in the agreement. This was an attempt to force country-by-country negotiations of copyright rights to help break up established territorial marketing patterns. The proposal was dropped because with the termination of the British Market Agreement, it was judged inappropriate at the present time to impose the administrative burdens involved in enforcing and complying with such a provision.

(c) A provision which would have allowed the Government the right to petition the Court to "reopen" the judgment and grant further relief if the basic territorial market allocation patterns persisted even as a result of parallel, independent action by the defendants and co-conspirators. Defendants resisted this notion as exposing them to an open-ended liability with little recourse once the initial judgment was filed. They insisted that they had to know the full parameters of the relief to which they were agreeing in order to settle. After reconsideration, the Department decided to drop this concept because of the opposition of the defendants and the enforcement options open to the Government even without such a provision. If the marketing patterns of the alleged conspiracy persist, the Department has the options of a contempt action if it can show violative conduct, possible modification of the judgment, or an independent suit. The Department believes the availability of these options is sufficient to discourage continuation of the market allocation patterns; if not, its freedom of action is preserved.

(d) The Department's original proposal made the major injunctive provisions of Section IV applicable to all licenses entered into by defendants. Later proposals limited the application of this Section to licenses between any defendant and a United Kingdom publisher. Since the complaint did not allege the existence of any conspiracy involving licensing with non-British publishers, the scope of relief is considered sufficiently broad for this case. Of course, a broader conspiracy would itself be subject to independent attack under the antitrust laws, and any aspect of such a conspiracy enjoined by this judgment could be held a contempt of court.

(7) *Determinative documents.* There are two documents which may be considered determinative in this case. Attached as Appendix A to this competitive impact statement is a resolution of The Publishers Association, dated September 24, 1975, directing the Council of the Association to withdraw the British Publishers Traditional Market Agreement as soon as the Department of Justice notifies the Council that the Department has obtained written agreement of a significant number of the defendants in this case to entry of a consent judgment in a form substantially similar to the one shown to them at that meeting. This enabled the Department to go forward with negotiations with the defendants with the knowledge that the element of the conspiracy represented by the British Market Agreement would be terminated.

The second document, attached as Appendix B to this competitive impact statement is the official notice of The Publishers Association that the Agreement has in fact been withdrawn and that notice of withdrawal has been sent to its members. It was understood between the defendants and the Department that this proposed final judgment would not be filed until such notification was received.

JOEL DAVIDOW,
DOUGLAS E. ROSENTHAL,
STEPHEN P. KILGRIFF,
Attorneys, Department of Justice.

This is the resolution referred to in the Statutory Declaration of Ronald Ernest Barker made this 25th day of September 1975 before me

L. J. ROSE,
A Commissioner for Oaths.

This Special General Meeting of members of the Publishers Association, held in London on 24 September 1975,

Recalling that the British Publishers' Market Agreement, sometimes referred to as the British Publishers' Traditional Market Agreement, consists of undertakings by individual members of the Association to observe the recommendation of the Council of the Association, conveyed in the Association's Secretary's circular letter to the membership, ref: 77/66, dated 14 June 1966, and subsequently published as Appendix VIII of the Association's Guide To Royalty Agreements (5th edition, 1972) pp. 63–65;

Taking Account of the Complaint filed by the United States Department of Justice, Antitrust Division, against twenty-one American publishers, on 25 November 1974;

Accordingly resolve, That the Council of the Association be and is hereby directed to withdraw the aforementioned recommendation of the Council and to release Members from their undertaking to observe said recommendation, such action by the Council to take place as soon as the United States Department of Justice advises the Council that the Department has obtained the written agreement of a significant number of the defendants (approximately two-thirds

[1] The Department of Justice, in Congressional testimony, has opposed the continued existence of the Manufacturing Clause. See Statement of the Deputy Assistant Attorney General, Civil Division, before the Subcommittee on Courts, Civil Liberties and the Administration of Justice of the House Judiciary Committee concerning H.R. 2223 on May 8, 1975. The inclusion of this restriction in our copyright law, he stated, is unnecessary and inappropriate today in light of the competitive strength of the United States and our nation's commitment to eliminate nontariff barriers to international trade and to ensure vigorous competition.

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thereof) in *United States* v. *Addison-Wesley Publishing Co., et al.* Civil Action No. 74 Ci 5176 (United States District Court for the Southern District of New York) to entry of a consent decree which the Council considers to be in a form substantially similar to that presented to the Members at a meeting of Members held on 10 September 1975, as altered by any clarifications deemed necessary. The Council and the Officers of the Association are also hereby directed to circulate notice of the withdrawal of the aforementioned recommendation to all Members of the Association and to publish notice of such withdrawal in the Bookseller.

I certify that this is the Resolution referred to in the covering declaration.

R. E. BARKER,
Secretary, Publishers Assn.

25 September 1975.

EXHIBIT A

RESOLUTION

U.S. of America v. *Addison-Wesley Publishing Co. and others* Civil Action No. 74 Civ. 5176 (CES).

Whereas a Special General Meeting of the members of the Publishers Association (hereafter called 'the Association') held in London on 24 September 1975 approved a resolution to the effect that the Council of the Association should be directed to withdraw the recommendation of the Council known as the British Publishers' Market Agreement as soon as the United States Department of Justice advises the Council that a significant number (approximately two-thirds) of the defendants in the case of *U.S.* v. *Addison-Wesley Publishing Co. et al* have given their written agreement to the entry to the United States District Court for the Southern District of New York of a consent decree for the settlement of the action in a form substantially similar to that presented to members at a meeting held on 10 September 1975 (a certified true copy of the minutes of which Special General Meeting with the full text of the resolution are attached hereto);

And whereas the Council of the Publishers Association has been advised that all the defendants in the aforementioned case have given their written stipulation to the entry of the consent decree;

And whereas the Council of the Association has received a copy of the revised consent decree dated 21 April 1976, being the decree to which the defendants have given their written stipulation, which in the opinion of the Council is substantially similar to the draft decree presented to the meeting of members held on 10 September 1975;

Now it is resolved by the Council of the Publishers Association, meeting in London on 6 July 1976, in pursuance of the resolution of the Special General Meeting held in London on 24 September 1975, that the recommendation of the Council known as the British Publishers' Market Agreement is revoked with effect from 11 July 1976 and that the members of the Association are released from their undertakings to observe this recommendation, so that the recommendation is of no further force or effect;

And the Council instructs the Secretary of the Association to attest in writing to the U.S. Department of Justice that this resolution has been made by the Council in valid form such attestation to be sworn before a solicitor of the Supreme Court of England and Wales;

And further instructs the Secretary of the Association to circulate notice of the revocation of the agreement and of the release of members from their undertakings with regard to that agreement to all members of the Association and to publish notice of the revocation and release in the first edition of the Bookseller in which such notice can practicably be published, and to notify the U.S. Department of Justice in writing that such notices have been issued;

And further instructs the President of the Association to attest in writing to the U.S. Department of Justice that Mr. Clive Bradley has been appointed by the Council as Secretary of the Association;

EXHIBIT B

[FR Doc.76-22618 Filed 8-3-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

THREATENED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 4(d), 16 USC 1533(d), of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Joseph M. Kulina, South Lake, RD 3, Carmel, New York 10512.

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

OMB NO. 42-R1670

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☑ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
To BE ABLE to buy + SELL + TRADE PALAWAN PEACOCK PHEASANTS AND to BE ABLE to buy other ENDANGERED Species. To propagate to INSURE their survival in captivity

3. APPLICANT, (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Joseph M. KULINA
South LAKE. R.D.3.
CARMEL, N.Y. 10512
PH. 914-225-3159

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☑ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT 5'8" WEIGHT 170
DATE OF BIRTH March 2. 1916 COLOR HAIR Blonde COLOR EYES BLUE
PHONE NUMBER WHERE EMPLOYED SOCIAL SECURITY NUMBER 112-03-6095
OCCUPATION SELF EMPLOYED
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
Does not apply

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Does not apply
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
Does not apply
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
Does not apply

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
a/Breeding PALAWANS, ALSO other species of PHEASANTS at MY AVIARY South LAKE, CARMEL, N.Y.
B/Buying AND selling ENDANGERED PHEASANTS INTERSTATE. Primarily New York to West Coast + TEXAS

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☑ YES ☐ NO
(If yes, list license or permit numbers)
A Valid FEDERAL permit issued By the State of NEW York

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☑ YES ☐ NO
(If yes, list jurisdictions and type of documents)
to possess

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF

10. DESIRED EFFECTIVE DATE June 15-1976

11. DURATION NEEDED as ALONG 2yrs as possible

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
50 CFR part 17.22 Permits for propagation purposes, for the ENHANCEMENT + Survival

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (Do not sign) Joseph Kulina DATE 5/24-1976

3-200 (6/74)

Information Requested by Section 17.33
File No. PRT 2/23-07

1. Mainly Palawan Peacock pheasant, Polyplectron Emphanum or Polyplectron Napoleonis. Would like to be able to buy and sell to get new blood for propagation purposes.

2. Drawing of the building, where Palawan Peacock pheasants are housed is included.

3. More than 10 years experience raising all kinds of pheasants, namely Palawan Peacock pheasants.

4. Applicant will fully cooperate in breeding and stud program, and to keep accurate records, it is the only way to save the species.

5. The containers in shipping are crates with 1" foam padding on the top, lined with burlap, and water and feed

containers are securely placed in each crate. Duration; the birds would stay in the crates, perhaps 24 hours.

6. I have lost very few birds, mostly of old age. My birds seem very hardy and happy. They get once a week medication in the drinking water. The whole building with pens are completely disinfected before and after the breeding season.

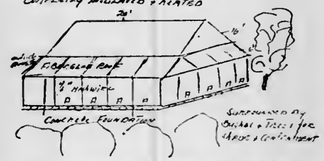
7. The only reason as I stated before is to get new blood to my breeding stock.

8. I plan on keeping, breeding, buying and selling Palawan Peacock Pheasants for propagation purposes only.

(ii), (iii) I'll supply good housing, loving care to insure this beautiful bird long life in captivity, to save this bird for the future generation.

(iv) If I should decide to quit raising birds, I would sell them only to the dedicated breeders, who are capable of raising them and to give them the same loving care, I have given them. However, since my love for the bird is great, I feel, that this is a very remote possibility.

BUILDING where PALAWAN PEACOCK PHEASANT resides. 20' x 10' x 8', x 6' outside is completely insulated + HEATED



Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. This application has been assigned File Number PRT 2-231-25; please refer to this number when submitting comments. All relevant comments received on or before September 3, 1976, will be considered.

Dated: July 28, 1976.

LOREN K. PARCHER,
Deputy Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76-22581 Filed 8-3-76;8:45 am]

Bureau of Land Management

[Utah—U-33869]

UTAH

Application

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corporation has applied for a 4½-inch natural gas pipeline right-of-way across the following lands:

SALT LAKE MERIDIAN, UTAH

T. 17 S., R. 23 E.,
Sec. 34;
Sec. 35.
T. 18 S., R. 23 E.,
Sec. 3.
T. 17 S., R. 24 E.,
Sec. 19.

The right-of-way needed is for a portion of applicant's gas gathering system located in Grand County, Utah.

The purpose of this notice is to inform the public that the Bureau will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved, and if so, under what terms and conditions.

Interested persons should express their interest and views to the Moab District Manager, Bureau of Land Management, P.O. Box 970, Moab, Utah 84532.

PAUL L. HOWARD,
State Director.

JULY 26, 1976.

[FR Doc.76-22615 Filed 8-3-76;8:45 am]

[NM 28417]

NEW MEXICO

Application

JULY 28, 1976.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for one 4½-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 30 N., R. 8 W.,
Sec. 24, SE¼SE¼.

This pipeline will convey natural gas across 0.039 of a mile of national resource land in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-22616 Filed 8-3-76;8:45 am]

Office of Hearings and Appeals

[Docket No. M 76-513]

CHIPPEWA COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Chippewa Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its Mine No. 2, Feds Creek, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

• • • Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. • • •

The substance of Petitioner's statement is as follows:

1. In its mine described below, operations are proceeding in seams of coal of heights which, when mined, do not permit clearances between the top of operated equipment and the roof adequate to allow installation of canopies for protection of operators without the creation of additional hazards. In this mine, seam height varies significantly within all entries and from section to section, and within each section. Therefore, hazards from roof contact exist in all sections covered by this petition at areas where low seams, or rolls, dips, and other seam variations drop to the vicinity of equipment height. Petitioner has installed canopies on all equipment where repeated contact with the roof does not occur, and has re-equipped sections where possible.

2. Petitioner has consulted with MESA Technical Support Center, and continues to experiment with canopy installations. In this regard, Petitioner's greatest problem in extending use of canopies has been operator acceptance, and it has been able to gain no significant experience with

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prototype canopies at the mine covered by this petition because of refusal of miners to operate the equipment. This subjective reaction is predictable in situations of seams 42 inches in height and under, but is extremely difficult to deal with because of the provisions of Article III, section (i) of the National Bituminous Coal Wage Agreement of 1974, which allows individual miners to withdraw from conditions which he believes to be abnormal and dangerous by following certain procedures.

3. Chippewa Mine No. 2 is located at Feds Creek, Kentucky. The mine operates with one working section, in seam heights of 38 to 41 inches, using conventional equipment with associated roof bolters.

4. Petitioner submits that the application of the aforementioned provisions of the regulations, if applied to Petitioner's mines, will result in a diminution of safety and is impossible to apply, as described herein below.

a. Petitioner is constantly encountering undulations in the height of its coal seam.

b. As a result of the undulations in seam height the likelihood of jamming the canopy against the roof is increased. Moreover, safe clearance from the roof is not assured in that roof bolts have been and will continue to be sheared or dislodged thereby creating a greater risk of roof fall and injury to operator, by dislodged material and uncontrolled equipment.

c. Technology in the industry is not available to design and install canopies on existing (most equipment has been in operation for over 20 years) equipment which will protect the operators in the conditions described above, insure visability and safe operability, and prevent the hazards described herein. Instead, results of attempts to do so have included the following:

1. Cramped and awkward operator positions cause operators to leave cabs more frequently, and in situations which expose him to hazards of mining equipment.

2. Obstructed vision causes operator to put his head outside of the equipment, thus exposing himself to habards of moving equipment and collision with other objects.

3. Changes in conditions after installations of canopies, caused by variations in seam height and undulations causes equipment clearance to be inadequate and causes collisions with the top, shearing roof bolts, damaging cross beams, destroying equipment and roof support.

d. In an effort to solve problems of equipment modification, Petitioner knows of consultations with MESA Technical Support Center, which it believes to be considering the type of problems described herein. Petitioner does not know of results from such consultations. In addition, Petitioner, as is common in the industry, is in repeated and frequent consultations with vendors on equipment problems, and knows that vendors with whom it has consulted are unable to solve the problems described herein.

e. Existance of the cab itself becomes a hazard in seams, or in portions of seams in which the Petitioner as described above, because present equipment known to the Petitioner limits the paths of escape to an operator faced with a roof or rib fall in a confined space.

f. The mine covered by petition is in an area which has been in operation for thirty (30) years and most of the equipment was not manufactured or designed for the installation of canopies, and Petitioner has been unable to construct or purchase suitable canopies without encountering all of the foregoing problems.

g. In petitioning for modification of the mandatory standard herein, Petitioner is forced to request relief from all time limits set forth in 30 CFR 75.1710–1, as applied to date because of the variations described above within each section. The standard prescribes time limits for use of canopies based upon maximum height within a mine. If the standard becomes immediately applicable throughout the mine, Petitioner is being forced to install canopies in the lower reaches of coal before other coal mine operators in like situations. If the different time limits are to apply to the separate mining sections or other areas in the mines, then Petitioner is faced with a vague situation as mining uncovers new conditions and it is forced with little time to comply, or where compliance is impossible as described herein, its mine may be rendered worthless.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before September 3, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

JULY 27, 1976.

[FR Doc.76-22617 Filed 8-3-76;8:45 am]

[INT FES 76-44]

GREENLEE COUNTY, ARIZONA TO EL PASO, TEXAS, 345 KV TRANSMISSION LINES

Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the proposed rights-of-way for construction of two (2) 345 KV transmission lines from Greenlee County, Arizona to El Paso, Texas.

The proposal involves approximately 158 miles of 300 ft. wide right-of-way which will contain both lines and two separate 150 ft. wide rights-of-way each being approximately 46 miles long. A total construction route of approximately 250 miles is proposed.

Copies are available for inspection at the following locations:

Office of Information, Bureau of Land Management, Interior Building, 18th and C Streets, NW., Washington, D.C. 20240, Telephone: (202) 343–5717.

New Mexcio State Office, Bureau of Land Management, U.S. Post Office Building, North Federal Place, Santa Fe, New Mexico 87501, Telephone: (505) 988–6214.

Las Cruces District Office, Bureau of Land Management, 1705 North Valley Drive, Las Cruces, New Mexico 88001, Telephone: (505) 523–5571.

A limited number of single copies may be obtained from the New Mexico State Director, P.O. Box 1449, Santa Fe, New Mexico 87501.

Dated: July 30, 1976.

STANLEY D. DOREMUS,
Deputy Assistant Secretary
of the Interior.

[FR Doc.76-22535 Filed 8-3-76;8:45 am]

DEPARTMENT OF COMMERCE

Bureau of the Census

Correction to Determinations Under Title III of the Voting Rights Act Amendments of 1975

The Director of the Bureau of the Census has determined that the list of political subdivisions covered under Section 203 of the Voting Rights Act of 1965 (42 U.S.C. 1973, et seq., as modified by the Voting Rights Act Amendments of 1975, Pub. L. 94–73) should be amended. Revisions to the list published in the FEDERAL REGISTER on September 9, 1975 (40 FR 41827) and September 18, 1975 (40 FR 43044) are shown in the attached table. For reference to other listings of States and/or political subdivisions that meet the coverage requirements for Section 203 (Title III), see the FEDERAL REGISTER of March 1, 1976 (41 FR 8817).

Dated: July 30, 1976.

VINCENT P. BARABBA,
Director,
Bureau of the Census.

Corrections to listing of Political Subdivisions covered under Title III of the Voting Rights Act Amendments of 1975:

Political subdivision	*Specified language minority*
MAINE:	
Delete:	
Perry Town, Washington County.	American Indian.
Add:	
Passamaquoddy Pleasant Point Indian Reservation, Washington County.	Do.
MINNESOTA:	
Delete:	
Mahnomen County-------	Do.

WASHINGTON:
Delete:
Ferry County---------- Do.

[FR Doc.76-22562 Filed 8-3-76;8:45 am]

Domestic and International Business Administration

SEMICONDUCTOR MANUFACTURING AND TEST EQUIPMENT TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. IV, 1974), notice is hereby given that a meeting of the Semiconductor Manufacturing and Test Equipment Technical Advisory Committee will be held on Friday, September 17, 1976, at 9:30 a.m. in Room 3817, Main Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C.

The Semiconductor Manufacturing and Test Equipment Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee for two additional years, pursuant to Section 5 (c) (1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) (Supp. IV, 1974) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to semiconductor manufacturing and test equipment, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The Committee meeting agenda has six parts:

General Session

(1) Opening remarks by the Chairman, Mr. Larry L. Hansen.

(2) Presentation of papers or comments by the public.

(3) Progress reports from the Subcommittee Chairmen:

(a) Pattern Generation and Image Transfer and Inspection Subcommittee—Aubrey C. Tobey, Chairman.

(b) Wafer Processing Subcommittee—George A. Stephan, Chairman.

(c) Assembly, Packaging and Test Subcommittee—William K. Russell, Chairman.

(d) Materials Preparation Subcommittee—Larry L. Hansen, Acting Chairman.

(4) Comments by other Committee members.

(5) Establishment of time schedules for completion of our program.

Executive Session

(6) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The public will be permitted to attend the General Session, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statement to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (6), the Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on November 25, 1975, pursuant to Section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b)(1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of the national security. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under the Executive Order. All Committee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written report addressed to the Freedom of Information Officer, Room 3100, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202–377–4196.

The complete Notice of Determination to close portions of the series of meetings of the Semiconductor Manufacturing and Test Equipment Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER on January 30, 1976 (41 Fed. Reg. 4623).

Date: July 30, 1976.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.76-22592 Filed 8-3-76;8:45 am]

COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

The meeting of the Computer Systems Technical Advisory Committee scheduled for Thursday, August 12, 1976, has been rescheduled for Wednesday, August 25, 1976. The agenda and other information relating to the Committee meeting, as published in the FEDERAL REGISTER, (41 Fed. Reg. 29457), on Friday, July 16, 1976, remain unchanged.

Date: July 30, 1976.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.76-22593 Filed 8-3-76;8:45 am]

National Oceanic and Atmospheric Administration

NORTHWEST FISHERIES SERVICE

Issuance of Marine Mammal Permit

On April 12, 1976, notice was published in the FEDERAL REGISTER (41 FR 15356), that an application had been filed by the Northwest Fisheries Center, National Marine Fisheries Service, Seattle, Washington 98112, for a permit to take by killing, 100 ice breeding harbor seals (*Phoca vitulina largha*), 100 Pacific harbor seals (*Phoca vitulina richardii*), 100 ringed seals (*Pusa hispida*), 100 bearded seals (*Erignathus barbatus*), 250 northern sea lions (*Eumetopias jubatus*), and 100 ribbon seals (*Histriophoca fasciata*); and to capture, tag, and release 2,500 harbor seals (*Phoca vitulina richardii*) and 2,500 northern sea lions (*Eumetopias jubatus*), over a period of five years.

Notice is hereby given that, on July 28, 1976, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a permit for the above taking and importing to the Northwest Fisheries Center subject to certain conditions set forth therein. The permit is available for review by interested persons in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Northwest Region, Lake Union Building, 1700 Westlake Avenue North, Seattle, Washington 98109.

Dated: July 28, 1976.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

[FR Doc.76-22537 Filed 8-3-76;8:45 am]

MRS. DIANNA WILSON ALLEN

Issuance of Permit To Take Marine Mammals

On April 12, 1976, notice was published in the FEDERAL REGISTER (41 FR 16676) that an application had been filed with the National Marine Fisheries Service by Mrs. Dianna Wilson Allen, P.O. Box 971, Donna, Texas 78537, for a permit to take two California sea lions (*Zalophus californianus*) for the purpose of public display.

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Notice is hereby given that, on July 28, 1976, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a permit for the above taking to Mrs. Allen, subject to certain conditions set forth therein. The permit is available for review by interested persons in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.;
Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702; and
Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: July 28, 1976.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

[FR Doc.76–22538 Filed 8–3–76;8:45 am]

BALTIMORE ZOO

Issuance of Permit To Take Marine Mammals

On April 21, 1976, notice was published in the FEDERAL REGISTER (41 F.R. 16676) that an application had been filed with the National Marine Fisheries Service by Baltimore Zoo, Druid Hill Park, Baltimore, Maryland 21217, for a permit to take five (5) Atlantic harbor seals (*Phoca vitulina concolor*) for the purpose of public display.

Notice is hereby given that, on July 28, 1976, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a permit for the above taking to Baltimore Zoo, subject to certain conditions set forth therein.

The Permit is available for review by interested persons in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C. 20235; and
Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

Dated: July 28, 1976.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

[FR Doc.76–22539 Filed 8–3–76;8:45 am]

POINT REYES BIRD OBSERVATORY

Issuance of Permit To Take Marine Mammals

On May 21, 1976, notice was published in the FEDERAL REGISTER (41 F.R. 20903) that an application had been filed with the National Marine Fisheries Service by Point Reyes Bird Observatory, Mesa Road, Bolina, California 94924, for a permit to conduct scientific research on California sea lions (*Zalophus californianus*) on Southeast Farallon Island, California. The project will cause a minimum of disturbance to the animals while collecting naturally regurgitated material remains.

Notice is hereby given that on July 26, 1976, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a permit for the above described research to Point Reyes Bird Observatory, subject to certain conditions set forth therein.

The Permit is available for review by interested persons in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and
Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: July 26, 1976.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

[FR Doc.76–22540 Filed 8–3–76;8:45 am]

DR. BRUCE MATE

Permit To Take Marine Mammals

On April 21, 1976, notice was published in the FEDERAL REGISTER (41 F.R. 16676), as amended on May 10, 1976 (41 F.R. 20605), that an application had been filed with the National Marine Fisheries Service by Dr. Bruce Mate, Oregon State University, Newport, Oregon 97365, to take eighty (80) California sea lions (*Zalophus Californianus*) and forty (40) Pacific harbor seals (*Phoca vitulina richardii*) over a 2½ year period, with no more than forty (40) sea lions and twenty (20) harbor seals to be taken annually, in order to study the feeding habits of these species.

Notice is hereby given that on July 22, 1976, and as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a permit to Dr. Bruce Mate to take 20 harbor seals and 80 sea lions over a period of two years, subject to certain conditions set forth therein.

The permit is available for review in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington; and
Regional Director, National Marine Fisheries Service, Northwest Region, 1700 Westlake Avenue North, Seattle, Washington 98109.

Dated: July 22, 1976.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

[FR Doc.76–22541 Filed 8–3–76;8:45 am]

LOS ANGELES COUNTY MUSEUM OF NATURAL HISTORY

Permit To Take and Import Marine Mammals

On June 3, 1976, notice was published in the FEDERAL REGISTER (41 F.R. 22394) that an application had been filed with the National Marine Fisheries Service by the Los Angeles County Museum of Natural History, 900 Exposition Boulevard, Los Angeles, California 90007, for a permit to take and import marine mammal specimen materials for the purpose of scientific research.

Notice is hereby given that on July 26, 1976, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a permit for the above taking to the Los Angeles County Museum of Natural History subject to certain conditions set forth therein.

The permit is available for review by interested persons in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and
Regional Director, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: July 26, 1976.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

[FR Doc.76–22542 Filed 8–3–76;8:45 am]

AMERICAN TUNABOAT ASSOCIATION

Receipt of Application for a General Permit

Notice is hereby given that the following applicant has applied in due form for a General Permit to take marine mammals incidental to the course of commercial fishing operations during 1977 as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407) and the regulations thereunder.

The American Tunaboat Association, 1 Tuna Lane, San Diego, California, has applied for a general permit, category 2, "Encircling Gear, Yellowfin Tuna Purse Seining."

Copies of the application are available for review as follows:

Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235 (telephone 202/634–7283); Office of the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Interested parties may submit written data or views on this application or request a hearing in connection therewith, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The views or hearing requests may be submitted to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, who within sixty days following the date of publication of this notice, may afford

such parties an opportunity for such a hearing.

Dated: July 27, 1976.

ROBERT J. AYERS,
Acting Associate Director for Resource Management, National Marine Fisheries Service.

[FR Doc.76–22543 Filed 8–3–76;8:45 am]

DR. JAMES H. W. HAIN

Marine Mammals and Endangered Species Permit

On June 11, 1976, notice was published in the FEDERAL REGISTER (41 F.R. 23741) that Dr. James H. W. Hain, Sea Education Association, Box 6, Woods Hole, Massachusetts 02543, had applied for a Permit for Scientific Research under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and for Scientific Purposes under the Endangered Species Act of 1973 (16 U.S.C. 1531–1543) to take all species of cetaceans and pinnipeds (except walruses), including the following species listed under the Endangered Species Act of 1973: blue whale (*Balaenoptera musculus*), fin whale (*Balaenoptera physalus*), sei whale (*Balaenoptera borealis*), humpback whale (*Megaptera novaeangliae*), right whale (*Eubalaena* spp.), sperm whale (*Physeter catodon*), and gray whale (*Eschrichtius robustus*).

The research project will be conducted on the above mentioned species by means of aerial, surface vessel, and underwater surveys, which may involve harassment to individual animals of the population stocks. Also, the collection and importation of an unspecified number of dead marine mammals, or parts thereof, found stranded, will be taken from all parts of the world.

Notice is hereby given that, on July 28, 1976, the National Marine Fisheries Service issued a Permit for Scientific Research as authorized by the Marine Mammal Protection Act of 1972, and for Scientific Purposes as authorized by the Endangered Species Act of 1973, to Dr. James H. W. Hain for the above described taking and importing, subject to certain conditions set forth therein. Issuance of the Permit is based, as required by the Endangered Species Act of 1973, on a finding that such permit (1) was applied for in good faith; (2) if granted and exercised, will not operate to the disadvantage of the endangered species sited under the Permit application; and (3) will be consistent with the purposes and policies set forth in Section 2 of the Endangered Speries Act of 1973.

The Permit is available for review by interested persons in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.;
Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930; and
Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702.

Dated: July 28, 1976.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

[FR Doc.76–22544 Filed 8–3–76;8:45 am]

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for U.S. and possibly foreign licensing, in accordance with the policies of the agency sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications, either paper copy (PC) or microfiche (MF), can be purchased at the prices cited from the National Technical Information Service (NTIS), Springfield, Virginia 22161. Requests for copies of patent applications must include the PAT–APPL number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator.

U.S. DEPARTMENT OF THE AIR FORCE, AF/JACP, Washington, DC 20314.

Patent 3,933,034: Hydrostatic Stress Gauge System; filed 25 March 1974; patented 20 January 1976; not available NTIS.

Patent 3,933,615: Fluid Flow Stripping and Plating System; filed 9 June 1969; patented 20 January 1976; not available NTIS.

Patent 3,934,846: Device to Reduce Flow Induced Pressure Oscillations in Open Cavities; filed 8 October 1974; patented 27 January 1976; not available NTIS.

U.S. DEPARTMENT OF AGRICULTURE, Research Agreements and Patent Mgmt. Branch, General Services Division, Federal Bldg., Agricultural Research Service, Hyattsville, MD 20782.

Patent application 598,493: In-Field Boll Weevil Trap; filed 23 July 1975; PC $3.50/MF $2.25.

Patent application 604,851: Chicken Coop Lifting Device; filed 14 August 1975; PC $3.50/MF $2.25.

Patent application 604,853: Improved Durable Press Treatment by Addition of Sodium Dihydrogen Phosphate to Aluminum Sulfate Catalyst; filed 14 August 1975; PC $3.50/MF $2.25.

Patent application 611,373: Polyester Grafts and Crosslinks to Cotton by Reaction with Heterocyclic Carbonate, Glycol, and Dibasic Acid; filed 8 September 1976; PC $3.50/MF $2.25.

Patent application 611,460: Tris(Ureidomethyl)Phosphine Oxides and Their Use in Flame Retarding Cellulosic Materials; filed 8 September 1975; PC $3.50/MF $2.25.

Patent application 614,994: Durable Press Finishing with Catalysis by Triazaphosphaadamantane Derivatives; filed 19 September 1976; PC $3.50/MF $2.25.

Patent application 615,015: 2,4,6-Tris(Carbamoylmethylamino)-1,3,5-s-Triazine; filed 19 September 1975; PC $3.50/MF $2.25.

Patent application 615,034: Process for Producing Gelled and Textured Cottonseed Protein Products; filed 19 September 1975; PC $3.50/MF $2.25.

Patent application 615,035: Air Dropped Bait Dispensers for Attracting and Killing the Cotton Boll Weevil; filed 19 September 1975; PC $3.50/MF $2.25.

Patent application 615,039: Centrifugal Filtration Tube for Removal of the Mother Liquor from the Crystals in the Purification of a Chemical Compound by Recrystallization; filed 19 September 1975; PC $3.50/MF $2.25.

Patent application 618,188: Flame Retardant Blend Materials; filed 30 September 1975; PC $3.50/MF $2.25.

Patent application 618,971: Furrow Opener and Apparatus for No-Tillage Transplanters and Planters; filed 2 October 1975; PC $4.00/MF $2.25.

Patent application 625,722: Cellulose Reagents Incorporating t-Amino Groups; filed 23 October 1975; PC $3.50/MF $2.25.

Patent application 627,325: Milk-Like Products from Peanuts; filed 30 October 1975; PC $3.50/MF $2.25.

Patent application 629,478: Flame Retarded Textiles via Deposition of Polymers from Oligomeric Vinylphosphonate and Polyamino Compounds; filed 5 November 1975; PC $3.50/MF $2.25.

Patent application 633,067: Durable-Press Properties in Cotton Containing Fabrics Via Polymeric N-Methylol Reagents; filed 18 November 1975; PC $3.50/MF $2.25.

Patent application 633,069: Textiles Flame Retarded with Hydroxymethylphosphorus Compounds in Combination with Poly (Ethyleneureas) and Poly(N-Methylolethyleneureas); filed 18 Novemebr 1975; PC $3.50/MF $2.25.

Patent application 656,033: Aluminum Chlorhydroxide-Phosphoric Acid Catalyst System for Flash Cure Treatments to Give Improved Durable-Press Properties in Cellulose Containing Textiles; filed 6 February 1976; PC $3.50/MF $2.25.

Patent application 656,038: A Single-Treatment Process for Imparting Durable Soil-Release Properties to Cotton and Cotton-Polyester Blend Fabrics of Several Constructions and Compositions; filed 6 February 1976; PC $4.00/MF $2.25.

Patent application 660,882: Imparting Paramagnetic Susceptibility to Cotton Fibers; filed 4 February 1976; PC $3.50/MF $2.25.

Patent 3,877,818: Photo-Optical Method for Determining Fat Content in Meat; filed 28 January 1974; patented 15 April 1975; not available NTIS.

Patent 3,902,224: Fiber Distribution and Ribbon Forming System; filed 10 October 1973; patented 2 September 1975; not available NTIS.

Patent 3,914,106: Process for Treating Organic Textiles with Flame Retardant Polymers Made from Hydroxymethylphosphorus Compounds and Guanazoles; filed 31 January 1973; patented 21 October 1975; not available NTIS.

V 41 151 AUG 4 76 UMI

Patent 3,926,709: Glassy Materials from Plumbites and Cellulosics; filed 22 August 1974; patented 16 December 1975; not available NTIS.

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, National Institutes of Health, Chief, Patent Branch, Westwood Bldg., Bethesda, MD 20014.

Patent application 663,127: Laminated Carbon-Containing Silicone Rubber Membrane for Use in Membrane Artificial Lung; filed 1 March 1976; PC $4.00/MF$2.25.

Patent 3,914,400: Stable Antigen-Erythrocytes for Measuring Antibodies against Toxoplasma Organism; filed 21 May 1973; patented 21 October 1975; not available NTIS.

U.S. DEPARTMENT OF THE INTERIOR, BRANCH OF PATENTS, 18TH AND C STREETS, NW, WASHINGTON, DC 20240.

Patent application 652,347: Receiver System for Locating Transmitters; filed 26 January 1976; PC $3.50/MF $2.25.

Patent application 657,894: Eelctrodeposition of Copper; filed 13 February 1976; PC $3.50/MF $2.25.

Patent application 660,192: Undervoltage Release with Electrical Reset for Circuit Breaker; filed 23 February 1976; PC $3.50/MF $2.25.

Patent application 660,942: Desorption of Gold from Activated Carbon; filed 24 February 1976; PC $3.50/MF $2.25.

Patent 3,940,265: Recovery of Lead from Battery Scrap; filed 25 June 1975; patented 24 February 1976; not available NTIS.

U.S. DEPARTMENT OF THE NAVY, ASSISTANT CHIEF FOR PATENTS, OFFICE OF NAVAL RESEARCH, CODE 302, ARLINGTON, VA 22217.

Patent 2,996,946: Optical Device Including Gating Circuits, Adjustable in Time and Duration; filed 20 January 1956; patented 22 August 1961; not available NTIS.

Patent 3,783,258: FFT Processor Utilizing Variable Length Shift Registers; filed 3 November 1971; patented 1 January 1974; not available NTIS.

Patent 3,866,234: Shaped Ceramic Dielectric Antenna Lens; filed 26 December 1973; patented 11 February 1975; not available NTIS.

Patent 3,909,297: Lithium-Chlorine Battery Design; filed 10 May 1968; patented 30 September 1975; not available NTIS.

Patent 3,910,190: Hand-Held Signaling Device Having Manual Firing Means; filed 22 April 1974; patented 7 October 1975; not available NTIS.

Patent 3,913,094: County Sequence Test Set for a Disc Type Digital Encoder; filed 20 March 1974; patented 14 October 1975; not available NTIS.

Patent 3,917,412: Advanced Helmet Tracker Using Lateral Photodetection and Light-Emitting Diodes; filed 11 April 1972; patented 4 November 1975; not available NTIS.

Patent 3,931,589: Perforated Wall Hollow-Cathode Ion Laser; filed 21 March 1974; patented 6 January 1976; not available NTIS.

TENNESSEE VALLEY AUTHORITY, Division of Law, Muscle Shoals, AL 35660.

Patent 3,928,015: Manufacture of Urea-Ammonium Sulfate from Sulfuric Acid, Ammonia, and Urea; filed 9 June 1975, patented 23 December 1975; not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA Code GP-2, Washington, DC 20546.

Patent application 390,049: Hydrogen Rich Gas Generator; filed 20 August 1973; PC $3.50/MF $2.25.

Patent application 462,424: Improved Method of Making Reinforced Composite Structurers; filed 19 April 1974; PC $3.50/MF $2.25.

Patent application 553,687: Improved Hydrogen-Rich Gas Generator; filed 27 December 1975; PC $3.50/MF $2.25.

Patent application 643,895: Insulation for Piping; filed 23 December 1975; PC $3.50/MF $2.25.

Patent application 645,500: Method and Apparatus for Controlling the Contrast of a Photographic Transparency; filed 30 December 1975; PC $3.50/MF $2.25.

Patent application 645,503: Pyrolysis System and Process; filed 30 December 1975; PC $3.50/MF $2.25.

Patent application 645,510: Pseudo Noise Code and Data Transmission Method and Apparatus; filed 30 December 1975: PC $4.00/MF $2.25.

Patent application 645,571: Miniature Biaxial Strain Transducer; filed 30 December 1975; PC $3.50/MF $2.25.

Patent 3,924,068: Low Distortion Receiver for Bi-Level Baseband PCM Waveforms; patented 2 December 1975; not available NTIS.

Patent 3,924,176: Magnetometer Using Superconducting Rotating Body; patented 2 December 1975; not available NTIS.

Patent 3,924,183: Frequency Measurement by Coincidence Detection with Standard Frequency; patented 2 December 1975; not available NTIS.

Patent 3,924,267: Scan Converting Video Tape Recorder; patented 2 December 1975; not available NTIS.

Patent 3,928,708: Transparent Fire Resistant Polymeric Structures; patented 23 December 1975: not available NTIS.

Patent 3,929,364: Clock Setter; patented 30 December 1975· not available NTIS.

Patent 3,930,628: Deploy/Release System; patented 6 January 1976; not available NTIS.

Patent 3,931,132: Utilization of Oxygen Difluoride for Syntheses of Fluoropolymers; patented 6 January 1976; not available NTIS.

Patent 3,931,447: Fused Silicide Coatings Containing Discrete Particles for Protecting Niobium Alloys; patented 6 January 1976; not available NTIS.

Patent 3,931,456: High Voltage Distributor; patented 6 January 1976; not available NTIS.

Patent 3,931,516: Moving Particle Composition Analyzer; patented 6, January 1976; Thermoelectric Power System; patented 6, January 1976; not available NTIS.

[FR Doc.76-22546 Filed 8-3-76;8:45 am]

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for U.S. and possibly foreign licensing, in accordance with the policies of the agency sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for $0.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications, either paper copy (PC) or microfiche (MF), can be purchased at the prices cited from the National Technical Information Service (NTIS), Springfield, Virginia 22161. Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Request for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator

U.S. DEPARTMENT OF AGRICULTURE, Research Agreements and Patent Mgmt. Branch, General Services Division, Federal Bldg., Agricultural Research Service, Hyattsville, MD 20782.

Patent application 665,588: Doctoring Apparatus and System; filed 10 March 1976; PC $3.50/MF $2.25.

U.S. DEPARTMENT OF THE AIR FORCE, AF/JACP, Washington, D.C. 20314.

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[FR Doc.76-22547 Filed 8-3-76;8:45 am]

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Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for U.S. and possibly foreign licensing, in accordance with the policies of the agency sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for $0.50 each. Requests for copies of patents must include the patent number.

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Copies of the patent applications, either paper copy (PC) or microfiche (MF), can be purchased at the prices cited from the National Technical Information Service (NTIS), Springfield, Virginia 22161. Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

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Patent Program Coordinator.

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[FR Doc.76-22548 Filed 8-3-76;8:45 am]

GOVERNMENT-OWNED INVENTIONS

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The inventions listed below are owned by the U.S. Government and are available for U.S. and possibly foreign licensing, in accordance with the policies of the agency sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications, either paper copy (PC) or microfiche (MF), can be purchased at the prices cited from the National Technical Information Service (NTIS), Springfield, Virginia 22161. Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator.

U.S. DEPARTMENT OF THE AIR FORCE, AF/JACP, Washington, D.C. 20314

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[FR Doc.76-22549 Filed 8-3-76;8:45 am]

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for U.S. and possibly foreign licensing, in accordance with the policies of the agency sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications, either paper copy (PC) or microfiche (MF), can be purchased at the prices cited from the National Technical Information Service (NTIS), Springfield, Virginia 22161. Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator.

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[FR Doc.76-22550 Filed 8-3-76;8.45 am]

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for U.S. and possibly foreign licensing, in accordance with the policies of the agency sponsors.

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Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

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Patent Program Coordinator
U.S. DEPARTMENT OF THE AIR FORCE, AF JACP,
WASHINGTON, D.C. 20314

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[FR Doc.76-22551 Filed 8-3-76;8:45 am]

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Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for U.S. and possibly foreign licensing, in accordance with the policies of the agency sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for $0.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications, either paper copy (PC) or microfiche (MF), can be purchased at the prices cited from the National Technical Information Service (NTIS), Springfield, Virginia 22161. Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

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Patent Program Coordinator.

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U.S. ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION, Assistant General Counsel for Patents, Washington, DC 20545.

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Patent 3,913,102: Bistable Frequency Fuze System for VT Fuze; filed 21 June 1963; patented 14 October 1975; not available NTIS.

Patent 3,913,103: Device for Range Cut-Off by Frequency Selection in Multiple Modulation Fuzes; filed 27 January 1959; patented 14 October 1975; not available NTIS.

Patent 3,914,731: Acoustic Wavefront Processor; filed 3 July 1974; patented 21 October 1975; not available NTIS.

Patent 3,916,697: Accelerometer Tilt Error Compensator; filed 15 October 1974; patented 4 November 1975; not available NTIS.

Patent 3,918,059: Chaff Discrimination System; filed 6 March 1959; patented 4 November 1975; not available NTIS.

Patent 3,918,113: Surface Tracker for an Underwater Vehicle; filed 24 January 1975; patented 11 November 1975; not available NTIS.

Patent 3,921,122: Track Generator; filed 9 July 1973; patented 18 November 1975; not available NTIS.

Patented 3,921,945: Train Resonant-Car-Body Rocking Detector System; filed 25 July 1974; patented 25 November 1975; not available NTIS.

Patent 3,922,691: Polarization Rotation Technique for Use with Two Dimensional Tem Mode Lenses; filed 18 October 1974; patented 25 November 1975; not available NTIS.

Patent 3,922,812: Porpoise Stranding Device; filed 3 February 1975; patented 2 December 1975; not available NTIS.

Patent 3,923,118: Acoustic Baffle for Deep Submergence; filed 19 June 1972; patented 2 December 1975; not available NTIS.

Patent 3,924,125: Activated Aluminum Tracer Tag; filed 20 June 1974; patented 2 December 1975; not available NTIS.

Patent 3,924,953: Helix Pitch Monitor; filed 18 December 1974; patented 9 December 1975; not available NTIS.

Patent 3,925,088: Thermally Sensitive Ink; filed 20 July 1973; patented 9 December 1975; not available NTIS.

Patent 3,926,137: Deep Ocean Parachute Release; filed 3 March 1975; patented 16 December 1975; not available NTIS.

Patent 3,926,367: Complex Filters, Convolvers, and Multipliers; filed 27 September 1974; patented 16 December 1975; not available NTIS.

Patent 3,930,255: Analog to Digital Conversion by Charge Transfer Device; filed 6 February 1974; patented 30 December 1975; not available NTIS.

Patent 3,930,718: Electro-Optic Modulator; filed 12 April 1974; patented 6 January 1976; not available NTIS.

Patent 3,931,395: Process for Generating Hydrogen Gas; filed 28 June 1974; patented 6 January 1976; not available NTIS.

Patent 3,932,823: Microstrip to Waveguide Adapter; filed 23 April 1975; patented 13 January 1976; not available NTIS.

Patent 3,932,835: Towable VLF Sonar Projector; filed 25 September 1974; patented 13 January 1976; not available NTIS.

Patent 3,932,872: Core Design for Flexible H-Sensor for ELF; filed 23 December 1974; patented 13 January 1976; not available NTIS.

Patent 3,932,928: Method of Insulating Stator Coils; filed 2 January 1974; patented 20 January 1976; not available NTIS.

Patent 3,933,542: Rocket Propellant with Acrylate Binder and Difluoroamino Plasticizer; filed 16 June 1972; patented 20 January 1976; not available NTIS.

Patent 3,934,082: Post Detection Device for Eliminating Backscatter; filed 12 August 1974; patented 20 January 1976; not available NTIS.

Patent 3,935,563: Computer Footprint File; filed 24 January 1975; patented 27 January 1976; not available NTIS.

Patent 3,936,895: Benthic Bobbing Buoy; filed 14 January 1975; patented 10 February 1976; not available NTIS.

PB 252 860 2: The Effects of Patent and Antitrust Laws: Regulations, and Practices on Innovation; volume I: A State-Of-The-Art Review; February 1976; PC $10.00/MF $2.25.

PB 252 861 0: The Effects of Patent and Antitrust Laws; Regulations, and Practices on Innovation; volume II: Executive Summary; February 1976; PC $3.50/MF $2.25.

PB 252 862 8: The Effects of Patent and Antitrust Laws; Regulations, and Practices on Innovation; volume III: Annotated Bibliography; February 1976; PC $9.25/MF $2.25.

[FR Doc.76-22552 Filed 8-3-76;8:45 am]

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for U.S. and possibly foreign licensing, in accordance with the policies of the agency sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for $0.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications, either paper copy (PC) or microfiche (MF), can be purchased at the prices cited from the National Technical Information Service (NTIS), Springfield, Virginia 22161. Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademarks Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator.

U.S. DEPARTMENT OF THE ARMY, Office of Judge Advocate General, Patent Division, Room 2C-455, Pentagon, Washington, DC 20310.

Patent 8,830,652: Hot Pressed, High Strength Silicon Nitride; filed 28 June 1973; patented 20 August 1974; not available NTIS.

Patent 8,870,526: Electroless Deposition of Copper and Copper-Tin Alloys; filed 20 September 1973; patented 11 March 1975; not available NTIS.

Patent 3,871,607: Collapsible Tripod Support: filed 2 October 1973; patented 18 March 1975; not available NTIS.

Patent 3,879,025: Flat Element Spring; filed 6 November 1973; patented 22 April 1975; not available NTIS.

Patent 3,892,491: Comparator, Optical Inspection; filed 2 July 1974; patented 1 July 1975; not available NTIS.

Patent 3,896,450: Hardened Antenna Element Cover; filed 23 September 1974; patented 22 July 1975; not available NTIS.

Patent 3,916,161: Hexidecimal to Binary Conversion Devise; filed 12 March 1974; patented 28 October 1975; not available NTIS.

U.S. DEPARTMENT OF THE AIR FORCE, AF/JACP, Washington, DC 20314.

Patent 3,927,349: Zero Crossing SCR Light Dimmer; filed 11 April 1974; patented 16 December 1975; not available NTIS.

Patent 3,928,816: Far Infrared Waveguide Laser; filed 12 June 1974; patented 23 December 1975; not available NTIS.

Patent 3,928,817: Multiple-Selected-Line Unstable Resonator; filed 29 August 1974; patented 23 December 1975; not available NTIS.

Patent 3,928,819: Laser Power Supply; filed 20 November 1974; patented 23 December 1975; not available NTIS.

Patent 3,928,822: Thermal Differential Compensator; filed 9 July 1974; patented 23 December 1975; not available NTIS.

Patent 3,929,557: Periodically and Alternately Accelerating and Decelerating Rotation Rate of a Feed Crystal; filed 11 June 1973; patented 30 December 1975; not available NTIS.

Patent 3,929,832: 2,3,7,8-Tetraaminodizenzothiophene 5,5-Dioxide and Process Therefor; filed 22 November 1974; patented 30 December 1975; not available NTIS.

Patent 3,930,000: Tubular Regenerator for a Cryogenic Refrigerator; filed 6 February 1975; patented 20 January 1976; not available NTIS.

U.S. DEPARTMENT OF AGRICULTURE, Research Agreements and Patent Mgmt. Branch, General Services Division, Federal Bldg., Agricultural Research Service, Hyattsville, MD 20782.

Patent 3,901,984: Solvent Vapor Fiberset Process for Durable Press Finishing of Cellulosic Fabrics; filed 20 June 1973; patented 26 August 1975; not available NTIS.

Patent 3,903,677: Opening and Gripping Mechanism for Automatic Produce-Bagging Machine that Uses Factory Roll Polyethylene Net Tubing; filed 28 June 1974; patented 9 September 1975; not available NTIS.

Patent 3,903,678: Spreader Mandrel for Automatic Produce-Bagging Machine that Uses Factory-Roll Polyethylene Net Tubing; filed 28 June 1974; patented 9 September 1975; not available NTIS.

Patent 3,909,199: Catalyst Assist Agents Using Leaving Group Effects; filed 6 April 1973; patented 30 September 1975; not available NTIS.

Patent 3,910,504: Air Jet Nozzle Assembly; filed 4 June 1974; patented 7 October 1975; not available NTIS.

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Patent 3,910,948: 1,3-Diacyl Derivatives of Imidazolidine; filed 4 March 1974; patented 7 October 1975; not available NTIS.

Patent 3,911,120: Phosphonated N,N-Disubstituted Fatty Amides as Bactericidal and Fungicidal Agents; filed 26 February 1973; patented 7 October 1975; not available NTIS.

Patent 3,911,148: Method for Coloring Fruits and Vegetables, filed 9 October 1974; patented 7 October 1975; not available NTIS.

Patent 3,911,151: Method for Coloring Fruits and Vegetables; filed 9 October 1974; patented 7 October 1975; not available NTIS.

Patent 3,911,152: Method for Coloring Fruits and Vegetables; filed 9 October 1974; patented 7 October 1975; not available NTIS.

Patent 3,914,108: Process for Increasing Receptivity to Flourescent Whitening Agents in Resin-Treated Cellulosic Textiles; filed 15 December 1972; patented 21 October 1975; not available NTIS.

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Patent 3,920,391: Flame-Retardant Textiles by Reaction of Cellulose with the Adduct of Phosphorus Trichloride and N,N-Dimethylformamide; filed 28 January 1974; patented 18 November 1975; not available NTIS.

Patent 3,926,549: Cellulose Terpolymer Textiles; filed 10 October 1973; patented 16 December 1975; not available NTIS.

Patent 3,929,755: Pyrolyzed Rosin Products as Synthetic Rubber Trackifiers; filed 1 June 1973; patented 30 December 1975; not available NTIS.

Patent 3,935,099: Method of Reducing Water Content of Emulsions, Suspensions, and Dispersions with Highly Absorbent Starch-Containing Polymeric Compositions; filed 3 April 1974; patented 27 January 1976; not available NTIS.

U.S. DEPARTMENT OF COMMERCE, Assistant General Counsel for Administration, Washington, DC 20230.

Patent application 657,918: Satellite Controlled Digital Clock System; filed 13 February 1976; PC$3.50/MF$2.25.

U.S. DEPARTMENT OF THE INTERIOR, Branch of Patents, 18th and C Streets, NW, Washington, DC 20240.

Patent application 605,395: Removal of Trace Copper Ions from Water; filed 19 January 1976; PC$3.50/MF$2.25.

Patent application 653,314: Method and System for a Continuous Radon Gas Monitor; filed 29 January 1976; PC$3.50/MF$2.25.

Patent application 653,615: Continuous Process for Purification of Gases from Thermal Decomposition of Carbonaceous Matter; filed 30 January 1976; PC$3.50/MF$2.25.

Patent 3,933,608: Method for the Decomposition of Hydrogen Sulfide; filed 27 August 1974, patented 20 January 1976; not available NTIS.

Patent 3,933,635: Method for Removing Soluble Selenium from Acidic Waste Water; filed 15 July 1975, patented 20 January 1976; not available NTIS.

Patent 3,935,172: Regular Copolymides as 1974; patented 27 January 1976; not available NTIS.

Patent 3,942,524: Emergency Breather Apparatus, filed 8 November 1974; patented 9 May 1976; not available NTIS.

U.S. DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, VA 22217.

Patent application 516,540: Frequency Multiplier Circuit; filed 21 October 1974; PC $3.50/MF$2.25.

Patent application 519,312: Controlled Generation of Cool Hydrogen from Solid Mixtures; filed 30 October 1974; PC$3.50/MF $2.25.

Patent application 530,259: Gas Dynamic—Transfer Chemical Laser; filed 6 December 1974; PC$3.50/MF$2.25.

Patent application 530,260: Carbon Dioxide Laser Fuels; filed 6 December 1974; PC $3.50/MF$2.25.

Patent application 562,716: Gas Generating Compositions; filed 27 March 1975; PC $3.50/MF$2.25.

Patent application 571,152: Corner Fed Electric Microstrip Dipole Antenna; filed 24 April 1975; PC$4.00/MF$2.25.

Patent application 571,153: Notch Fed Electric Microstrip Dipole Antenna; filed 24 April 1975; PC$4.00/MF$2.25.

Patent application 571,154: Diagonally Fed Electric Microstrip Dipole Antenna, filed 24 April 1975; PC$4.00/MF$2.25.

Patent application 571,155: Coupled Fed Electric Microstrip Dipole Antenna, filed 24 April 1975; PC$3.50/MF$2.25.

Patent application 571,157: Offset Fed Electric Microstrip Dipole Antenna; filed 24 April 1975; PC$4.00/MF$2.25.

Patent application 571,158: Asymmetrically Fed Electric Microstrip Dipole Antenna; filed 24 April 1975; PC$4.00/MF$2.25.

Patent application 598,896: Reticle-Lens System and Method; filed 24 July 1975; PC$3.50/MF$2.25.

Patent application 599,254: Low Reflectance Reticle Coatings; filed 25 July 1975; PC$3.50/MF$2.25.

Patent application 616,795: Square Wave Light Generator; filed 25 September 1975; PC$3.50/MF$2.25.

Patent application 623,697: No-Voltage Meter; filed 20 October 1975; PC$3.50/MF$2.25.

Patent application 635,201: Square Wave to Sine Wave Converter; filed 25 November 1975; PC$3.50/MF$2.25.

Patent application 636,233: Light Emitting Diode; filed 28 November 1975; PC$3.50/MF$2.25.

Patent application 639,031: Digital Signal Synthesis System; filed 9 December 1975; PC$3.50/MF$2.25.

Patent application 640,504: Means for Near Real Time C-W Laser Source Characterization; filed 15 December 1975; PC$3.50/MF$2.25.

Patent application 640,523: Means for Real-Time Laser Source Characterization; filed 15 December 1975; PC$3.50/MF$2.25.

Patent application 643,263: Optical Coupler for Single Fiber Optic Filament; filed 22 December 1975; PC$3.50/MF$2.25.

Patent application 643,271: Compound and Method; filed 22 December 1975; PC$3.50/MF$2.25.

Patent application 643,961: Method for Machining Ceramics; filed 24 December 1975; PC$3.50/MF$2.25.

Patent application 643,982: Method for Removing Oxidized Iron From Ferrous Metal Surfaces; filed 24 December 1975; PC$3.50/MF$2.25.

Patent application 644,289: Television Tracking Symbol Generator; filed 24 December 1975; PC$3.50/MF$2.25.

Patent application 644,410: Critical Parameter Receiver Tester; filed 29 December 1975; PC$3.50/MF$2.25.

Patent application 644,485: Overlay Line Coupler; filed 29 December 1975; PC$3.50/MF$2.25.

Patent application 647,828: Multibeam Adaptive Array; filed 9 January 1976; PC$3.50/MF$2.25.

Patent 3,900,870: Electronic Countermeasures System for Employment Against Enemy Jamming; filed 5 August 1965; patented 19 August 1975; not available NTIS.

Patent 3,900,875: FM–CW Fuze System; filed 29 March 1961; patented 19 August 1975; not available NTIS.

Patent 3,902,172: Infrared Gated Radio Fuzing System; filed 29 March 1962; patented 26 August 1975; not available NTIS.

Patent 3,906,493: Autocorrelation Type Spectral Comparison Fuze System; filed 27 March 1959; patented 16 September 1975; not available NTIS.

Patent 3,917,408: Navigation Aid; filed 12 February 1973; patented 4 November 1975; not available NTIS.

Patent 3,917,773: Method for Fabricating a Shaped Dielectric Antenna Lens; filed 3 October 1974; patented 4 November 1975; not available NTIS.

Patent 3,918,045: Apparatus for Testing the Resolution of an Analog to Digital Converter; filed 15 April 1974; patented 4 November 1975; not available NTIS.

Patent 3,919,012: Propellant Composition; filed 24 November 1970; patented 11 November 1975; not available NTIS.

Patent 3,924,130: Body Exposure Indicator; filed 12 February 1968; patented 2 December 1975; not available NTIS.

Patent 3,926,840: Tracking System for Underwater Objects; filed 19 April 1974; patented 23 December 1975; not available NTIS.

Patent 3,931,581: High-Efficiency, Switching, Power Amplifier; filed 30 September 1974; patented 6 January 1976; not available NTIS.

Patent 3,931,589: Perforated Wall Hollow-Cathode Ion Laser; filed 21 March 1974; patented 6 January 1976; not available NTIS.

Patent 3,931,598: Normal Reflective Array Compressor and Method; filed 17 December 1974; patented 6 January 1976; not available NTIS.

TENNESSEE VALLEY AUTHORITY,
Division of Law,
Muscle Shoals, AL 35660.

Patent 3,912,802: Ammonium Polyphosphates; filed 5 December 1973; patented 14 October 1975; not available NTIS.

[FR Doc.76-22545 Filed 8-3-76;8:45 am]

Office of the Secretary

BUREAU OF INTERNATIONAL ECONOMIC POLICY AND RESEARCH

Guide for Exporters and Investors

Official U.S. & International Financing Institutions: A Guide for Exporters & Investors has been issued by the Department of Commerce to provide information on sources of financing, insurance, and procurement for U.S. exports and investments. Included are the Export-Import Bank and affiliates, the Overseas Private Investment Corporation, the Agency for International Development, the Department of Agriculture, the World Bank Group, and regional development banks. The *Guide* contains information on program purpose and eligibility, supported export and investment values, interest rates and charges, procedures and contact points. Booklets are available at no charge and may be obtained from the U.S. Department of Commerce, International Finance Division, room 4424, Washington, D.C. 20230, (202) 377-4434, or from any Commerce District Office.

Dated: July 30, 1976.

S. STANLEY KATZ,
Deputy Assistant Secretary, Bureau of International Economic Policy and Research.

[FR Doc.76-22527 Filed 8-3-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 76F-0260]

UNIROYAL CHEMICAL

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 6B3200) has been filed by Uniroyal Chemical, Division of Uniroyal, Inc., Elm St., Naugatuck, CT 06770, proposing that § 121.2566 *Antioxidants and/or stabilizers for polymers* (21 CFR 121.2566) be amended to provide for the safe use of 2,6-di(α-methyl benzyl)-4-methyl phenol as an antioxidant and/or stabilizer in olefin copolymers complying with § 121.2501(c), item 3.4 in the tubular listing.

The environmental impact analysis report and other relevant material have been reviewed, and its has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, during working hours Monday through Friday.

Dated: July 28, 1976.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.76-22531 Filed 8-3-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. D-76-452]

DEPUTY ASSISTANT SECRETARY FOR HOUSING—DEPUTY FEDERAL HOUSING COMMISSIONER

Delegation of Authority

By delegation of June 18, 1976, all of the authority and functions formerly exercised by the Assistant Secretary for Housing Production and Mortgage Credit-Federal Housing Commissioner and the Assistant Secretary for Housing Management, with respect to programs and other matters, were delegated and assigned to the Assistant Secretary for Housing-Federal Housing Commissioner, (41 FR 24755).

Section B of that delegation order continued in effect certain delegations and redelegations. The new Office of Housing, referred to in that delegation, is being reorganized and the positions of the Deputy Assistant Secretaries named in Section B of the June 18, 1976 delegation and their functions are being substantially modified. A new position of Deputy Assistant Secretary for Housing-Deputy Federal Housing Commissioner has been created. Thus, it is necessary to modify the authority reserved to the Deputy Assistant Secretaries referred to in Section B and effect a redelgation of certain authority to the Deputy Assistant Secretary for Housing-Deputy Federal Housing Commissioner.

Accordingly, the Secretary of Housing and Urban Development takes action as follows:

SECTION A. *Authority delegated.* The Deputy Assistant Secretary for Housing-Deputy Federal Housing Commissioner is authorized to exercise the power and authority of the Assistant Secretary for Housing-Federal Housing Commissioner, including the authority to issue rules and regulations.

SEC. B. *Supersedure.* The authority of the Deputy Assistant Secretary for Housing Production and Mortgage Credit-Deputy Federal Housing Commissioner and the Deputy Assistant Secretary for Housing Management to issue rules and regulations, which was continued in effect pursuant to Section B of the delegation order of June 18, 1976 (41 F.R. 24755), is terminated.

(Sec. 7(d), Department of HUD Act, (42 U.S.C. 3535(d)).)

Effective date: This delegation shall be effective July 30, 1976.

CARLA A. HILLS,
Secretary of Housing and Urban Development.

[FR Doc.76-22663 Filed 8-3-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 27573; Agreements CAB 25811, CAB 25903 R-1 through R-4, CAB 25904 R-2, R-3, R-8; Order 76-7-121]

INTERNATIONAL AIR TRANSPORT ASSOC.

Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of July, 1976.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreements were adopted at the April 1976 Geneva Composite Cargo Traffic Conference, by mail vote, at the 8th Meeting of the Cargo Traffic Procedures Committee, respectively, and have been assigned the above CAB agreement numbers.

Agreement CAB 25811 would amend IATA Resolution 507b (Use of Surface Transportation) now effective only within the TC3 (intra-Pacific) area, to make clear that the various circumstances permitting a member carrier to substitute surface transportation for air transportation at the through air rate relate to the inability of the carrier originally entitled to carry the shipment to move such shipment over its air services. Also, it stipulates that in addition to shipment size, the "weight or nature of the consignment" can be one of the considerations in any such determination.[1] In addition, the agreement would permit substitution to continue for a period of up to 12 months on sectors within the United States (Guam and American Samoa only) once a member carrier experiences the "frequent occurrence" of the circumstances defined in the resolution which prompted the initial substitution without further reference to the circumstances permitting that substitution.

Agreement C.A.B. 25903 would readopt for effect October 1, 1976 through September 30, 1977 that portion of the Nice North Atlantic cargo rates package establishing rates between U.S. points and points in the Middle East/Africa, thus closing rates which are now open in the affected markets.[2]

Finally, Agreement C.A.B. 25904 would make editorial and clarifying changes to existing resolutions governing airwaybill preparation charges and use of unit load devices as well as adopt a new resolution permitting a shipper to request changes in the method of shipment charges collection from prepaid to collect and vice versa.

We will approve Agreements C.A.B. 25903 and 25904 which in general either clarify existing resolutions or reflect agreements previously approved by the Board. We will likewise approve the changes in Resolution 507b set forth in Agreement C.A.B. 25811 since they would affect air transportation only insofar as traffic between American Samoa/Guam and other points in the Pacific is concerned and thus their impact would be minimal.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the following resolutions, incorporated in the agreements indicated, to be adverse to the public interest or in violation of the Act, subject, where applicable, to conditions previously imposed by the Board:

[1] The agreement was initially proposed to revalidate, as well as amend, Resolution 507b for use within the Western Hemisphere and over the North, Central, and South Pacific, but was tied to final carrier action in other remaining world areas. Due to several carrier negative votes and to the tie-in provision, the instant agreement will affect TC3 only.

[2] The Nice North Atlantic rates package was approved, with conditions, by the Board in Order 75-12-147, December 30, 1975, but has never been declared effective by IATA, with the result that North Atlantic rates remain open.

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IATA No.		Title	Application
Agreement CAB 25811.	507b	Use of surface transportation (amending)	3

Agreement CAB 25903:	IATA resolution
R-1	JT12 (mail 29)002aa (North Atlantic-Middle East/Africa).
R-2	JT12 (mail 29)002bb (North Atlantic-Africa).
R-3	JT12 (mail 29)01rr.
R-4	JT12 (mail 29)001y.

IATA No.		Title	Application
Agreement CAB 25904:			
R-2	512c	Charge for preparation of air waybill (amending)	2; 3
R-3	520a	General rule for the use of unit load devices (amending)	1; 2; 3; 1/2; 2/3; 3/1; 1/2/3
R-8	612	Changes to transportation charges (new)	1; 2; 3

Accordingly, *it is ordered that:*

Agreements C.A.B. 25811; C.A.B. 25903, R–1 through R–4; and C.A.B. 25904, R–2, R–3, and R–8 be and hereby are approved, subject, where applicable, to conditions previously imposed by the Board.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76–22648 Filed 8–3–76;8:45 am]

[Docket 29478; Order 76–7–115]

AMERICAN AIRLINES INC. AND EASTERN AIR LINES, INC.

Order Dismissing Complaint

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 29th day of July, 1976.

By Order 76–6–115, the Board suspended a proposal by American Airlines, Inc. (American) and Eastern Air Lines, Inc. (Eastern) to increase fares in the New York–San Juan market by three percent effective June 18, 1976, because such an increase produced a combined, adjusted return on investment (ROI) for the New York–San Juan subentity of 13.05 percent, and an ROI for the entire mainland U.S.–Puerto Rico/Virgin Islands ratemaking entity of 12.69 percent.

By tariff revisions [1] marked to become effective August 1, 1976, American and Eastern propose to increase fares in the New York–San Juan market by 1.6 percent. Using the same base period (year ended March 1976) and methodology employed by the Board in Order 76–6–115, updated to reflect May 1976 fuel costs and cost inflation to the tariff effective date, the carriers calculate the adjusted, combined ROI for the New York–San Juan subentity to be 11.68 percent with the requested increase, and 12.12 percent for the entire ratemaking entity.

The Commonwealth of Puerto Rico has complained against the proposal, asserting that there is no reason to permit a fare increase that results in an entity ROI exceeding 12.00 percent. It further alleges that fuel prices have been on the down trend through May 1976, and this trend should be recognized when computing the inflation factor to the tariff effective date.

Upon consideration of the filings, the complaint and answers thereto, and all other relevant matters, the Board has determined that the complaint does not set forth facts sufficient to warrant investigation and the request therefor, and consequently the request for suspension, will be denied and the complaint dismissed.

The Board's computations, which reflect May 1976 fuel prices (which were below April 1976 prices) and cost inflation from the base year to August 1, 1976, indicate an adjusted ROI of 11.68 percent for the New York-San Juan subentity, and an ROI of 12.11 percent for the entire ratemaking entity with the requested 1.6 percent fare increase. See Appendix A.[2] We are satisfied that the proposed increase will not produce an excessive rate of return. The carriers have indicated in their answers to the complaint that they have incurred increases in the cost of fuel beginning in June which are not reflected in the cost-inflation factor used in our computations.[3] The fuel increases would have the effect of increasing the expense level at the tariff effective date, and of lowering the ROI of both the ratemaking entity and the New York–San Juan subentity below 12 percent.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404 and 1002 thereof,

It is ordered that:

1. The complaint in Docket 29478 be and hereby is dismissed; and

2. A copy of this order be served upon American Airlines, Inc., Eastern Air Lines, Inc., and the Commonwealth of Puerto Rico.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 76–22649 Filed 8–3–76;8:45 am]

[Docket No. 29514; Order 76–7–122]

FLYING TIGER LINE, INC.

Order Dismissing Complaint [1]

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 30th day of July 1976.

By tariff revisions filed July 1, 1976 and variously marked for effectiveness August 15 and November 1, 1976,[2] The Flying Tiger Line Inc. (Tiger) proposes to establish new billing and collection periods for its domestic and international air freight customers, as detailed in Appendix A hereto. In its statement of justification accompanying its filings, Tiger states that its present 10-day billing plus 10-day-credit rule is unworkable and unrealistic; that the proposed 60-45-day rules are more in keeping with general business practices; and that it has not joined the recently developed industry Agreement [3] on these matters for the reasons that (a) international traffic is excluded; (b) only domestic shippers with annual billings of $250,000 or more are included; and (c) various administrative details and procedures are considered by Tiger to be highly questionable as a matter of law.

United Air Lines, Inc. (United) has filed a complaint against Tiger's domestic filing requesting suspension and investigation. In support of its request, United states that Tiger's proposed rules would not be subject to the self-enforcement embodied in Agreement CAB 24277; that Tiger is proposing an initial 60-day credit period (until November 1, 1976) and 45 days thereafter, as compared to a 25-day period in the cited Agreement; and that such a marked competitive advantage would probably spell the death knell of said Agreement. In response to United's complaint, Tiger has filed an answer alleging, inter alia, that United has not challenged the merits of its proposal but focused instead on the difference between that proposal and the industrywide credit agreement which is now before the Board.

Tiger characterizes this as nothing more than an attempt to persuade the Board to use its tariff suspension powers to coerce Tiger into adopting a position which it could not be persuaded to accept during prolonged industry negotiations. Tiger recognizes that the terms of its proposal are more liberal than existing tariff rules, but contends that they are substantially more restrictive than current carrier practices and that to suspend such proposal will only result in perpetuating a situation that the Board recognizes as unacceptable.[4]

Upon consideration of the proposed rules, the complaint and answer, and other relevant matters, the Board will dismiss United's complaint and permit Tiger's tariff rules to become effective.

The need for improved rules was clearly established in the Board's order on the initial industry Agreement, supra, e.g., a problem of sufficient magnitude exists with respect to all freight receivables as to have a potentially adverse economic impact upon carriers, and the carriers are not uniformly enforcing their present 10-day rules. Although Tiger's proposed rules may differ somewhat from the industry plan, they nevertheless constitute an acceptable response to the needs previously expressed by the Board.

We are not persuaded that even the difference between the 30- vs. 60/45-day credit extension periods in the Agreement versus the Tiger rule will affect to any appreciable degree the competitive balance in the limited number of markets served by Tiger compared to the markets served by the 23 carriers in the Agreement. Additionally, Tiger's rule appears reasonable in light of its credit experience which shows that Tiger has experienced an ageing of accounts receivable in the neighborhood of 65 to 78 days, or a 12-month ending March 1976 average of 70 days. In view of all of these considerations, the complaint will be dismissed.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered that:

1. The complaint of United Air Lines, Inc. in Docket 29514 be and it hereby is dismissed; and

2. This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76–22650 Filed 8–3–76;8:45 am]

[Dockets Nos. 26412 and 26413; Order 76–7–119]

FRONTIER AIRLINES, INC.

Certificate Amendment and Exemption

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 29th day of July, 1976.

Application of Frontier Airlines, Inc., for amendment of its certificate of public convenience and necessity for route 73—Docket 26412.

Application of Frontier Airlines, Inc., for exemption authority to provide service between Missoula and Kalispell, Mont.—Docket 26413.

ORDER TO SHOW CAUSE AND GRANTING TEMPORARY EXEMPTION

By order 74–7–11, dated July 24, 1974, the Board authorized Frontier Airlines to provide service between Missoula and Kalispell, Mont., subject to certain conditions.[1] The authority was to be effective for a period of 2 years.

On April 28, 1976, Frontier applied for an extension of the exemption granted in order 74–7–111 for a period of 2 years or until final action is taken on its certificate amendment application (docket 26412).[2] In support of its renewal request, Frontier states that: during the first stabilized year of operations, Frontier's Kalispell services benefited nearly 13,000 passengers; [3] Frontier's ability to improve its service at Bozeman and Missoula was enhanced by the short extension to Kalispell which has provided valuable traffic support and permitted more rapid service improvements for the western Montana cities; [4] during the 12 months ended April 30, 1976, Frontier's Kalispell service resulted in an operating profit of $153,000 and a gain of $76,000 after provision for return and taxes; and for the year ending June 1977, Frontier forecasts a $222,000 operating profit and a $146,000 gain after a full return and tax allowance.

The Flathead County Municipal Airport Authority filed an answer in support of Frontier's renewal application. No other answers have been received.

Upon consideration of the pleadings and all the relevant facts, we have decided to (a) extend the authority granted in order 74–7–111 until 60 days after Board action on the carrier's certificate amendment application in docket 26412, and (b) issue an order to show cause which proposes to grant the requested amendment to route 73. We note that no person has objected to the exemption renewal request. Moreover, the carrier's services to Kalispell pursuant to its exemption authority have provided significant public benefits with revenues sufficient to cover expenses and allow for return on investment and tax. Finally, the authority has permitted the carrier to improve service at other points on its system, with prospects for further improvement in the future. Accordingly, we find that enforcement of section 401 of the Act, to the extent that it would otherwise prevent the carrier from providing the services authorized herein, would be an undue burden on Frontier by reason of the limited extent of and unusual circumstances affecting its operations, and is not in the public interest. [5]

In addition, we tentatively find and conclude that the public convenience and necessity require the amendment of Frontier's certificate for route 73 so as to add Kalispell, Mont., as an intermediate point on said eoute. In support of our ultimate conclusion, we make the following tentative findings and conclusions. The Kalispell airport is located in the Flathead Valley, which provides a variety of tourist attractions and leisure activities. Glacier National Park is located only 25 miles from tne airport and is the largest such attraction.[6] Several lakes in the area offer water sports of all types.[7] In addition, there are national and state forest areas, and summer as well as winter activities are abundant.[8] Airwest is certificated to serve Kalispell on its route 76, and presently provides direct service from that point to the west and south. However, Frontier's experience in providing service to the point by exemption indicates that there exists a need for direct service between Kalispell and points to the south and east,[9] which need

[1] Revisions to American Airlines, Inc., Tariff C.A.B. No. 244; and Eastern Air Lines, Inc., Tariff CAB No. 417.

[2] Appendix A filed as part of original.

[3] On July 1, 1976, American's fuel price at New York increased 1.04 cents per gallon. Its fuel supplier at San Juan has notified the carrier of the following price increases: 1.5 cents June 26; 1.5 cents July 13; and 1.0 cents August 1. Eastern's system fuel prices were 1.03 percent higher in June than May, 1976.

[1] Appendices A and B filed as part of original.

[2] The tariffs are marked to expire with February 15, 1978.

[3] See Order 75–12–149, Agreement CAB No. 24277. Amendment A–1 thereto was filed with the Board on July 7, 1976. See also Appendix B hereto.

[4] The balance of Tiger's answer consists of a detailed outline of the reasons why it did not participate in the industrywide agreement and has not been summarized.

[1] The original application, filed in February 1974, was opposed by Hughes Airwest and was denied by the Board in order 74–4–136, April 26, 1974. However, in petitions for reconsideration Frontier and the Kalispell Parties stated that discussions with Airwest had resulted in agreement on conditions under which Airwest would not object to grant of exemption authority to Frontier, namely, that Frontier be prohibited from providing air transportation between Kalispell, on the one hand, and points in Arizona, California, and Nevada, on the other hand. In a consolidated answer to the petitions, Airwest stated that it would also want a condition requiring two intermediate stops between Kalispell and Salt Lake City. The Board therefore granted the petitions for reconsideration and authorized Frontier to serve Kalispell subject to the conditions requested by Airwest.

[2] Frontier has invoked the automatic extension provisions of 5 U.S.C. 558(c).

[3] Since Oct. 27, 1974, Frontier has operated a daily round-trip jet flight at Kalispell providing single-plane service to Missoula, Bozeman, Salt Lake City, Denver, and St. Louis with on-line connecting services to the major Frontier points of Dallas/Fort Worth, Albuquerque, Kansas City, and Omaha.

[4] Frontier states that it intends to continue providing improvements in its western Montana service as traffic develops. The carrier is considering a future flight whose itinerary might be over a Kalispell-Missoula-Bozeman-Denver routing.

[5] Flights between Kalispell and Salt Lake City will be required to make on intermediate stop. Airwest's realigned certificate gives that carrier unrestricted authority in the market; therefore, Frontier's authority will be improved from two-stop to one-stop.

[6] Frontier indicates that Glacier National Park is visited by over 1 million persons annually.

[7] Flathead Lake is the largest natural freshwater lake in the western section of the United States and offers swimming, boating, water skiing, and fishing, plus numerous resort accommodations. Several other large bodies of water are located within close proximity of the airport, including Whitefish Lake, Tally Lake, Ashley Lake, and Swan Lake.

[8] The ski area at Big Mountain has been the site of national ski championships on several occasions.

[9] The traffic Frontier carried to and from Kalispell during the first stabilized year of operations amounted to an average of 35 passengers per day.

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cannot be met by the certificated services of Airwest. Furthermore, civic support for the proposed services indicates that such services result in significant public benefits. Finally, grant of the requested authority will provide increased revenues for Frontier, will give the carrier additional operating flexibility in providing service to other Montana points on its system,[10] and will require only a limited expenditure of additional resources.[11]

We also tentatively find and conclude that the proposed certificate amendment should be unrestricted. The conditions that were imposed on the exemption authority granted to Frontier in order 74-7-111 were designed to eliminate the possibility of diversion from Airwest. However, since we are proposed to add Kalispell to Frontier's route system, we believe that the same guidelines for determination of market restrictions that are applied in route alignments should be utilized here. Thus, there are several Kalispell markets in which both Airwest and Frontier will have single-carrier authority,[12] but in no case is the number of passengers involved significant. The Kalispell-Salt Lake City market, the largest of the competitive Kalispell markets, in which Frontier presently operates under its exemption authority with a two-stop restriction, generated less than 10 passengers per day during the 12 months ended September 30, 1975. Had Kalispell been a certificated point on Frontier's system at the time of its route realignment, no restrictions would have been placed on its authority to serve that point. Therefore, in keeping with our recent policy in route realignments of liberalizing route authority in monopoly markets or in small competitive markets by show-cause procedures, we tentatively find and conclude that Frontier's authority to serve Kalispell as an intermediate point on route 73 should be unrestricted.

Finally, Frontier has requested a waiver from the provisions of Part 312 of the Board's Procedural Regulations insofar as they would otherwise require it to file an environmental evaluation regarding the proposed services. In view of our tentative findings and conclusions herein, we will not grant the carrier's request for a waiver, and we will require Frontier to file the information set forth in Part 312 within 30 days of the date of adoption of this order.

[10] Frontier's "skip-stop" authority at Kalispell will permit the carrier to overfly the point after having provided one round trip 7 days per week.

[11] We further tentatively find that Frontier is a citizen of the United States within the meaning of the Act and is fit, willing, and able properly to perform the transportation pursuant to the amended certificate proposed and to conform to the provisions of the Act and the Board's rules, regulations, and requirements thereunder. We also tentatively find that the proposed new authority should be granted on a subsidy-ineligible basis.

[12] These markets are as follows: Kalispell—Great Falls, Las Vegas, Phoenix, Salt Lake City, Tucson.

Interested persons will be given 30 days following the date of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to support their objections, if any, with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If any evidentiary hearing is requested, the objector should state in detail what he would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.

Accordingly, it is ordered, That:

1. Frontier Airlines, Inc., be and it hereby is temporarily exempted from the provisions of section 401 of the Act, insofar as they would otherwise prevent Frontier from providing service beyond Missoula, Mont., to Kalispell, Mont., on route 73: *Provided,* That Frontier may not engage in the air transportation of passengers traveling between Kalispell, on the one hand, and points in Arizona, California, and Nevada, on the other hand; *and Provided further,* That on flights between Kalispell and Salt Lake City, Utah, Frontier must schedule a minimum of one intermediate stop;

2. The portion of the flights between Kalispell and Missoula, Mont., shall be ineligible for subsidy;

3. The authority granted in 1 above shall be effective on the date of service of this order and shall continue in effect until 60 days after final Board decision in docket 26412;

4. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein, and amending Frontier Airlines' certificate of public convenience and necessity for route 73 so as to add Kalispell, Mont., as an intermediate point thereto;

5. Any interested persons having objections to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth herein shall, within 30 days after the date of this order, file with the Board and serve upon all persons listed in paragraph 9 below a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections; [13]

6. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

7. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein;

8. Frontier Airlines, Inc., shall file an environmental evaluation pursuant to section 312.12 of the Board's Procedural Regulations within 30 days of this order;

9. A copy of this order shall be served on Frontier Airlines, Inc.; Hughes Airwest; Northwest Airlines, Inc.; Mayor, City of Kalispell; Mayor, City of Missoula; Governor, State on Montana; The Montana Aeronautics Commission; Airport Manager, Glacier Park International Airport (Kalispell); Airport Manager, Johnson-Bell Airport (Missoula); and the Flathead County Municipal Airport Authority; and

10. The exemption authorized herein may be amended or revoked at any time in the discretion of the Board without hearing.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-22646 Filed 8-3-76;8:45 am]

[13] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections, and no further such motions, requests, or petitions for reconsideration of this order will be entertained.

[Docket 29586; Order 76-7-120]

SURF-AIR, INC.

COD Minimum Charge: Order of Suspension and Investigation

Adopted by the Civil Aeronatutics Board at its office in Washington, D.C. on the 29th day of July, 1976.

By tariff revision [1] issued July 6 and marked to become effective August 6, 1976, Surf-Air, Inc. (Surf-Air), an air freight forwarder, proposes, inter alia, to increase its C.O.D. collection service minimum charge from $2.50 to $5.00 per shipment.

In support of its proposal, Surf Air asserts, inter alia, that since the last time C.O.D. charge was increased it has experienced an increase in labor cost of 51 percent and postage and handling cost increases of 62 percent while the number of such shipments has increased approximately 25 percent, and that in order to continue to offer such service it must recover some of these increased costs. However, the forwarder has not supported its cost increase estimates nor shown that the cost increases would justify the $5.00 charge proposed. The Board has consistently suspended increases in C.O.D. charges proposed by both direct and indirect carriers in the absence of adequate justification, e.g., Order 76-6-9, June 2, 1976. Furthermore, Surf-Air's proposal would result in C.O.D. minimum charges significantly above those currently in effect for other freight forwarders, as well as direct carriers.

Upon consideration of the foregoing and all other relevant factors, the Board finds that the increased C.O.D. minimum charge proposed by Surf-Air may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that the proopsal should be suspended pending investigation.

[1] Revision to Surf-Air, Inc., Tariff C.A.B. No. 9.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered that: 1. An investigation be instituted to determine whether the charges and provisions in Rule No. 100 (C) on 4th Revised Page 7 of C.A.B. No. 9 issued by Surf-Air, Inc., and rules, regulations, or practices affecting such charges and provisions, are, or will be, unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to determine and prescribe the lawful charges and provisions and rules, regulations, or practices affecting such charges and provisions;

2. Pending hearing and decision by the Board, Rule No. 100(C) on 4th Revised Page 7 of C.A.B. No. 9 issued by Surf-Air, Inc., is suspended and its use deferred to and including November 3, 1976, unless otherwise ordered by the Board; and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding herein designated Docket 29586, be assigned for hearing before an administrative law judge of the Board at a time and place hereafter to be designated; and

4. Copies of this order shall be filed with the tariff and served upon Surf Air, Inc., which is hereby made a party to Docket 29586.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-22647 Filed 8-3-76;8:45 am]

[Dockets 25989 and 26838; Order 76-7-124]

WIEN AIR ALASKA, INC.

Air Freight Rates; Order of Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of July, 1976.

By tariff revisions [1] issued July 1 and marked to become effective August 1, 1976, Wien Air Alaska, Inc. (Wien), proposes to increase all general and specific commodity bulk and container rates and charges, except the bulk minimum charge per shipment, by approximately 6 percent. Corresponding priority reserved general commodity rates are to be increased by an equal percentage.[2]

In support of its proposal, Wien asserts, inter alia that continued cost pressures have eroded its ability to maintain a reasonable and healthy financial posture; that its return on investment for the year ended March 1976, was 10.5 percent; that the impact of contracted-labor cost increases, applied to the same period, would reduce the return to 7.9 percent; that if a cost-inflation factor of 4.7 percent is applied to costs other than fuel, labor, depreciation, and B-737 rent expense, the rate of return is reduced to 7.2 percent; that the amount payable under Workmen's Compensation have been increased to such high levels that its insurance carrier will be charging substantially higher premiums, estimated to be about $300,000 per year; and that the State of Alaska is currently negotiating with all carriers using airport facilities at Anchorage and Fairbanks, to increase fees paid for landing and fuel estimated to amount to between $50,000 and $370,000 additional expense. In addition, the carrier asserts that as a result of labor negotiations it faces labor increases in excess of $2,000,000 over the next twelve months; that, beginning in January 1975, it has been required to buy fuel at a rate per gallon 62 percent higher than during the previous year; and that the carrier has not had a freight rate increase since December 15, 1973. The proposed increase will amount to about $685,000 in added revenues annually.

Based upon Wien's actual financial results for the year ended March 1976, reconstructed to include a full year's effect of both the proposed freight and passenger rate increases, and the most recent experienced or contracted costs, the carrier's regulatory ROI (including subsidy) would be about 11.8 percent, below the 12.35 percent found by the Board to be reasonable for local service carriers.[3]

The proposed priority rates and charges come within the scope of the Priority Reserved Air Freight Rates Investigation (PRAFRI), Docket 26838, and their lawfulness will be determined in that proceeding. The remaining rates are not currently under investigation. Upon consideration of all relevant factors, the Board finds that the proposal to increase bulk general commodity rates and charges as they relate to exception-rated traffic, may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and should be investigated. Furthermore, the Board concludes that the aforementioned proposal as well as the proposed increase in priority reserved rates where they result in premiums in excess of 30 percent over the otherwise applicable rate should be suspended pending investigation.

Wien currently has effective exception ratings to the general commodity rates ranging between 200 and 250 percent on such commodities as aircraft, automotive vehicles, boats, snow machines, and human remains. In the lower 48 states, most carriers do not publish premium ratings on aircraft, automobiles, or boats (none have rates on snow machines), and the few carriers that do generally publish lower ratings than Wien. The other carriers' premiums on human remains are also lower. The high premiums charged by Wien have not been justified and consequently the increased rates will be suspended.[4]

Although the Board permitted Wien (as well as certain other carriers) to establish priority general commodity rates including minimum charges reflecting the 100-pound weightbreak priority rate, the Board subsequently decided that a 30 percent premium over the applicable rates (whether general or specific commodity rates) was the highest level that should be permitted pending decision in *PRAFRI.*[5] Wien's proposed priority rates and charges, however, exceed 130 percent of the regular general commodity minimum charges, or, as applicable, specific commodity rates and charges. Furthermore, we believe that Wien should publish an under-100 pound rate applicable to its priority freight service to help eliminate inequities in its current minimum charge structure.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered that: 1. An investigation is instituted to determine whether the rates, charges, and provisions described in Appendix A hereto, and rules, regulations, and practices affecting such provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to determine and prescribe the lawful provisions and rules, regulations, or practices affecting such provisions;

2. Pending hearing and decision by the Board, the rates, charges, and provisions described in Appendices A and B hereto are suspended and their use deferred to and including October 29, 1976, unless otherwise ordered by the Board; and that no changes be made therein during the period of suspension; except by order or special permission of the Board;

3. The proceeding herein designated Docket 25989, be assigned for hearing before an administrative law judge of the Board at a time and place hereafter to be designated; and

4. Copies of this order shall be filed with the tariffs and served upon Wien Air

[1] Revisions to Airline Tariff Publishing Company, Agent, Tariffs C.A.B. Nos. 169 and 227.

[2] The carrier is also proposing a 6-percent increase in passenger fares to become effective on August 1.

[3] It should be noted that the Board, by Order 76-3-147, dated March 23, 1976, instituted an investigation to determine whether a revised subsidy mail rate should be established for Wien since the carrier's currently effective rate may have become excessive.

[4] If Wien can demonstrate that there are considerations peculiar to Alaskan operations which can justify such premiums, Wien is of course free to refile.

[5] Order 76-7-10, July 6, 1976; Order 76-2-108, February 27, 1976; Order 75-12-98, December 19, 1975; Order 75-12-28, December 5, 1975; and previous orders.

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Alaska, Inc., which is hereby made a party to Docket 25989.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

APPENDIX A—TARIFF C.A.B. No. 169, ISSUED BY AIRLINE TARIFF PUBLISHING COMPANY, AGENT

All increased rates and provisions applicable thereto on the following pages insofar as they would be used in determination of rates and minimum charges in conjunction with exception ratings to general commodity rates in Item Nos. 10, 240, 280, 340 and 390 on behalf of WC

13th Revised Page 1426
29th Revised Page 1427
29th Revised Page 1428
11th Revised Page 1429
11th Revised Page 1430
8th Revised Pages 1431
8th Revised Page 1432
16th Revised Page 1433
16th Revised Page 1434
11th Revised Page 1435
11th Revised Page 1436
10th Revised Page 1437
10th Revised Page 1438
6th Revised Page 1439
6th Revised Page 1440
5th Revised Page 1441
5th Revised Page 1442

APPENDIX B—TARIFF C.A.B. No. 169, ISSUED BY AIRLINE TARIFF PUBLISHING COMPANY, AGENT

1. The increased rates and charges as described on the following pages:

13th Revised Page 1426:

From Anchorage to Aniak, Barrow and Bethel, all increased priority reserved general commodity (PRF) rates and the increased minimum charges in connection therewith.

29th Revised Page 1427:

From Anchorage to Dillingham, Galena, King Salmon, Kodiak, and St. Mary's, all increased priority reserved general commodity (PRF) rates and the increased minimum charges in connection therewith; from Anchorage to Fairbanks, Kotzebue, and Nome, the increased priority reserved general commodity (PRF) rates, subject to a minimum weight of 100 pounds, and the increased minimum charges in connection therewith; from Anchorage to Homer, the increased priority reserved general commodity (PRF) rate, subject to a minimum weight of 100 pounds; and from Anchorage to Prudhoe Bay, the increased minimum charge shown in connection with the priority reserved general commodity (PRF) rate.

29th Revised Page 1428:

From Anchorage to Unalakleet, the increased priority reserved general commodity (PRF) rate, subject to a minimum weight of 100 pounds and the increased minimum charge in connection therewith; and to Barrow from Fairbanks, the increased minimum charge shown in connection with the priority reserved general commodity (PRF) rate.

16th Revised Page 1433:

From Fairbanks to Galena, Juneau and Prudhoe Bay and between Fairbanks and Whitehorse, the increased minimum charge shown in connection with the priority reserved general commodity (PRF) rates; and from Fairbanks to Kotzebue and Nome, the increased priority reserved general commodity (PRF) rates, subject to a minimum weight of 100 pounds, and the increased minimum charge in connection therewith.

[FR Doc.76-22645 Filed 8-3-76;8:45 am]

[Docket 29278]

STAFF TASK FORCE REPORT

Service to Small Communities

JULY 30, 1976.

On May 18, 1976, the Civil Aeronautics Board announced that public comment on the Staff Task Force Report on Service to Small Communities should be received at the Board on or before June 18, 1976. By notice dated June 4, 1976, the Board extended the date for the submission of public comments on the report until July 19, 1976.

A number of public comments on the report have been received. Notice is hereby given that any member of the public who wishes to respond to any comments filed in this docket may do so. Reply comments should be received at the Board on or before August 18, 1976.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-22644 Filed 8-3-76;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

BUSINESS ADVISORY COUNCIL ON FEDERAL REPORTS

Public Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Business Advisory Council on Federal Reports to be held in Room 4203, New Executive Office Building, 726 Jackson Place, NW., Washington, D.C., on September 16, 1976, at 10 a.m.

The purpose of the meeting is to conduct Council business such as the Treasurer's Report, Council budget, and reports of various committees; to hear remarks from the Deputy Associate Director for Statistical Policy; and to receive reports of recent actions by the Office of Management and Budget which affect the reporting of business firms to Federal agencies. The meeting will be open to public observation and participation.

Anyone wishing to participate should contact the Deputy Associate Director for Statistical Policy, Room 10202, New Executive Office Building, Washington, D.C., 20503, Telephone 202-395-3730.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc.76-22639 Filed 8-3-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 592-8; OPP-180072A]

CALIFORNIA DEPARTMENT OF HEALTH

Issuance of Specific Exemption To Use DDT To Suppress Flea Vectors of Plague

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), notice is hereby given that the Environmental Protection Agency (EPA) has granted a specific exemption to the California Department of Health (hereafter referred to as the "Applicant") to use five (5) or ten (10) percent DDT dust in a program to suppress fleas vectoring plague on wild rodents. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, issued December 3, 1973 (38 FR 33303), which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the application on file with the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., SW., Room E-315, Washington, D.C. 20460.

According to the Applicant, there is a strong possibility that situations will arise in California during 1976 necessitating the use of DDT to control flea vectors of plague. This concern stems from the apparent failure of carbaryl to suppress flea populations vectoring plague in Plumas County, California, in 1975 and in April 1976. In view of the low level of control exercised by carbaryl, the Applicant promulgated a crisis exemption under section 18 of the amended FIFRA, and applied forty-seven (47) pounds of a ten percent DDT dust to rodent burrows on 80 acres of two affected campgrounds. Notice of this crisis exemption was published in the FEDERAL REGISTER on June 8, 1976 (41 FR 22979). A comparison of pre- and post-treatment flea indices (No. fleas/No. rodents) indicated that plague vectoring flea populations were reduced on chipmunks, white-footed deer mice, and golden-mantled ground squirrels to a level which was adequate to protect the public health.

The scope of the public health problem is the plague endemic area of California, which generally encompasses the mountains and foothills of the State. When plague epizootics occur among rodents, infected fleas may transmit the plague bacillus to people. Epizootics occur most frequently during the spring, summer, and fall. Flea control must be initiated promptly to protect human health. Current evidence indicates carbaryl dust to be reasonably efficacious in controlling fleas of the ground squirrel (*Spermophilus beecheyi*), but to be undependable in controlling fleas of chipmunks and other rodents of similar habits. The Applicant stated that DDT was available and is of demonstrated efficacy against fleas of wild rodents.

The maximum amount of actual DDT required will be less than fifty (50) pounds to be used throughout California until the end of November, according to the Applicant. The areas treated with DDT will be limited to those situations where, without flea control, the public health would be endangered. All applications will be made by public health biologists in the Applicant's Vector Control Section, all of whom possess a minimum of a baccalaureate in the biological sciences and several years of professional experience. In instances where other persons might be called upon to assist the Vector Control Section staff, they will work under the direct supervision of a public health biologist.

The Applicant stated that no significant adverse effects on the environment are anticipated from the DDT application, because the dosage rate will be about 0.1 pound of actual DDT per acre or less, and the pesticide will be carefully introduced into the burrows by hand-operated dusters, as was the procedure in Plumas County, California.

This application was endorsed by the Center for Disease Control (CDC) of the Department of Health, Education, and Welfare. The Chief of the Plague Branch, CDC, located in Fort Collins, Colorado, has advised EPA that widespread but localized plague epizootics are presently sweeping through wild rodent populations in Colorado and New Mexico. He stated that a potentially serious threat of a plaque epizootic exists also in Arizona and California.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of fleas vectoring plague has or is about to occur; (b) there is no pesticide presently registered and available for use to control the flea populations in California; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant health problems may result if the fleas vectoring plague are not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until November 30, 1976, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. A pesticide product containing either five (5) or ten (10) percent DDT as the active ingredient may be used;

2. The total amount of DDT used may not exceed fifty (50) pounds actual insecticide;

3. The DDT will be applied directly to wild rodent burrows with hand-powered dusting equipment;

4. Areas of California to be treated are limited to those where, without flea control, the public health will be endangered;

5. Personnel of the Vector Control Section, California Department of Health, will supervise all pesticide applications;

6. Dr. Allan M. Barnes, Chief, Plague Branch, CDC, Fort Collins, Colorado, will be kept advised of all flea population suppression activities;

7. Areas treated with DDT should be surveyed to ensure that no endangered species that could be adversely affected are present;

8. Every precaution will be taken to avoid adverse effects on the American peregrine falcon; and

9. Liaison will be established with the California Fish and Game Department prior to applying DDT in any area.

Dated July 28, 1976.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.76-22494 Filed 8-3-76;8:45 am]

[FRL 593-2; OPP—30106A]

PESTICIDE PROGRAMS

Application To Register Pesticide Product Containing New Active Ingredient

On February 27, 1976, the Environmental Protection Agency announced (40 FR 8532) that Fisons Corp., Agricultural Division, 2 Preston Court, Bedford MA 01730, had submitted an application to register the pesticide product NORTRON HERBICIDE (EPA File Symbol 10065-L), containing 19% of the active ingredient 2-ethoxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl methanesulfonate, which has not been included in any previously registered pesticide product. The application proposed that the product be classified for general use in the selective control of weeds in sugar beets. Fisons Corp. has amended this application to include the product's use in the selective control of weeds in grass seed crops.

Application was made pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136 et seq.), and the regulations thereunder (40 CFR 162). Notice of receipt of this application and subsequent amendment does not indicate a decision by the Agency on the application. Specific questions concerning the application should be directed to Product Manager (PM) 24, Registration Division (WH-567), Office of Pesticide Programs, at the address below, or by telephone at 202/755-2196.

Any Federal agency or other interested persons are invited to submit written comments on the application, as amended, to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room 401 M St. SW, Washington DC 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments must be received on or before September 3, 1976 and should bear the EPA File Symbol 10065-L. Comments received within the specified time period will be considered before a final decision is made with respect to the pending application. Comments received after the specified time period will be considered only to the extent possible without delaying of processing of the application. Notice of approval or denial of the application to register NORTRON HERBICIDE will be announced in the Federal Register. The labels furnished by the applicant as well as all written comments filed pursuant to the February 27 notice and this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: July 28, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.76-22496 Filed 8-3-76;8:45 am]

[FRL 593-5; OPP—50212]

S. B. PENICK AND CO.

Issuance of Experimental Use Permit and Solicitation of Public Views

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to S. B. Penick & Company, Orange, New Jersey 07050. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 432-EUP-32) allows the use of 240 pounds of an insecticide which is a mixture of (5-benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate, related compounds, and aromatic petroleum hydrocarbons applied at ultra-low-volume applications outdoors to control various species of adult mosquitoes in recreational and residential areas, swamps, marshes, roadsides, and overgrown waste areas. A total of 34,284 acres is involved, which provides for 5,000 acre blocks of land in Minnesota, Louisiana, Texas, and California, and smaller blocks of land in the States of Florida, New Jersey, Delaware, Massachusetts, Connecticut, and Maryland. The experimental use permit is effective from July 15, 1976, to July 15, 1977.

There has been considerable interest shown recently on the subject of mosquito abatement programs similar to this one. Accordingly, all parties interested in such programs are invited to submit written comments pertinent to the general subject to the Federal Register Section, Room E-401, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, 401 M St., SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting the submissions. The comments must be received on or before September 3, 1976 and should bear the identifying notation OPP-50212. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division

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(WH-569), Office of Pesticide Programs, EPA, at the same address mentioned above. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated July 28, 1976.

JOHN B. RITCH, JR.,
Director,
Registration Division.

[FR Doc.76-22497 Filed 8-3-76;8:45 am]

AMERICAN CYANAMID CO.

[FRL 593-3; PP6G1740/T74]

Establishment of a Temporary Tolerance N - (1 - Ethylpropyl) - 3,4 - Dimethyl - 2,6 - Dinitrobenzenamine

American Cyanamid Co., PO Box 400, Princeton NJ 08540, has submitted a pesticide petition (PP 6G1740) to the Environmental Protection Agency (EPA). This petition requests that a temporary tolerance be established for residues of the herbicide N-(1-ethylpropyl)-3,4-dimethyl-2,6-dinitrobenzenamine and its metabolite 4-[(1-ethylpropyl)amino]-2-methyl-3,5-dinitrobenzyl alcohol in or on the raw agricultural commodities peanuts, peanut forage, and peanut hay at 0.1 part per million (ppm).

Establishment of this temporary tolerance will permit the marketing of the above raw agricultural commodities when treated in accordance with an experimental use permit that is being issued concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act.

An evaluation of the scientific data reported and other relevant material has shown that the requested tolerance is adequate to cover residues resulting from the proposed experimental use, and it has been determined that the temporary tolerance will protect the public health. The temporary tolerance is established for the pesticide, therefore, with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. American Cyanamid Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires July 28, 1977. Residues not in excess of 0.1 ppm remaining in or on peaunts and peanut forage and peanut hay after this expiration date will not be considered to be actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerance. This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health.

Dated: July 28, 1976.

STATUTORY AUTHORITY: Section 408(j) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(j)].

JOHN B. RITCH, JR.,
Director,
Registration Division.

[FR Doc.76-22498 Filed 8-3-76;8:45 am]

[FRL 593-4; OPP 33000/441]

NOTICE OF RECEIPT OF APPLICATION FOR PESTICIDE REGISTRATION

Data To Be Considered In Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (39 FR 31862) its interim policy with respect to the administration of Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended ["Interim Policy Statement"]. On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Pesticide Product—Consideration of Data by the Administration in Support of an Application" [41 FR 3339]. This document described the changes in the Agency's procedures for implementing Section 3(c)(1)(D) of FIFRA, as set out in the Interim Policy Statement, which were effectuated by the enactment of the recent amendments to FIFRA on November 28, 1975 [P.L. 94-140], and the new regulations governing the registration and re-registration of pesticides which became effective on August 4, 1975 [40 CFR Part 162].

Pursuant to the procedures set forth in these FEDERAL REGISTER documents, EPA hereby gives notice of the applications for pesticide registration listed below. In some cases these applications have recently been received; in other cases, applications have been amended by the submission of additional supporting data, the election of a new method of support, or the submission of new "offer to pay" statements.

In the case of all applications, the labeling furnished by the applicant for the product will be available for inspection at the Environmental Protection Agency, Room 209, East Tower, 401 M Street, SW., Washington DC 20460. In the case of applications subject to the new Section 3 regulations, and applications not subject to the new Section 3 regulations which utilize either the 2(a) or 2(b) method of support specified in the Interim Policy Statement, all data citations submitted or referenced by the applicant in support of the application will be made available for inspection at the above address. This information (proposed labeling and, where applicable, data citations) will also be supplied by mail, upon request. However, such a request should be made only when circumstances make it inconvenient for the inspection to be made at the Agency offices.

Any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after January 1, 1970, is being used to support an application described in this notice, (c) desires to assert a claim under Section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data or the status of such data under Section 10 must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Product Control Branch, Registration Division (WH-567), Office of the Pesticide Programs, Environmental Protection Agency, 401 M St. SW, Washington DC 20460. Every such claimant must include, at a minimum, the information listed in the Interim Policy Statement of November 19, 1973.

Specific questions concerning applications made to the Agency should be addressed to the designated Product Manager (PM), Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone as follows:

PM 11, 12, & 13—202/755-9315
PM 21 & 22—202/426-2454
PM 24—202/755-2196
PM 31—202/426-2635
PM 33—202/755-9041
PM 15, 16, & 17—202/426-9425
PM 22—202/755-1397
PM 25—202/755-7012
PM 32—202/426-9486
PM 34—202/426-9490

The Interim Policy Statement requires that claims for compensation be filed on or before October 4, 1976. With the exception of 2(c) applications not subject to the new Section 3 regulations, and for which a sixty-day hold period for claims is provided, EPA will not delay any registration pending the assertion of claims for compensation or the determination of reasonable compensation. Inquiries and assertions that data relied upon are subject to protection under Section 10 of FIFRA, as amended, should be made within 30 days subsequent to publication of this notice.

Dated: July 28, 1976.

JOHN B. RITCH, JR.,
Director,
Registration Division.

APPLICATIONS RECEIVED (OPP-33000/441)

EPA Reg. No. 8590-321. Agway, Inc., Fertilizer-Chemical Div., Box 1333, Syracuse NY 13201. KAPCO NO-WEED TURF FOOD. Active Ingredients: Sodium 2,4-Dichlorophenoxyacetate, Monohydrate 0.40%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 1145-129. Amoco Oil Co., 200 E. Randolph Dr., Chicago IL 60601. AMOCO 2,4-D LV6-M. Active Ingredients: Isooctyl ester of 2,4-Dichlorophenoxyacetic acid 94.4%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM 23

EPA Reg. No. 5481-144. Amvac Chemical Corp., 4100 E. Washington Blvd., Los Angeles CA 90023. TECHNICAL ISOPROPYL ESTER OF 2,4-D. Active Ingredients: Isopropyl Ester of 2,4-Dichlorophenoxyacetic Acid 98.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM23

EPA Reg. No. 14775-9. Asgrow Florida Co., Subsidiary of the Upjohn Co., PO Drawer "B", Plant City FL 33566. ASGROW METHOMYL DUST NO. 1. Active Ingredients: S - Methyl-N-[(methylcarbamoyl) oxy] thioacetimidate 2%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM12

EPA Reg. No. 7969-28. BASF Wyandotte Corp., Agricultural Chemicals Dept., 100 Cherry Hill Rd., Parsippany NJ 07054. U-46 D6 B ESTER HERBICIDE 2,4-D HIGH VOLATILE ESTER. Active Ingredients: 2,4-Dichlorophenoxyacetic Acid, Butyl Ester 79.2%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 7969-26. BASF Wyandotte Corp. U-46 D4-ESTER-LV HERBICIDE 2,4-D LOW-VOLATILE ESTER. Active Ingredients: 2,4-Dichlorophenoxyacetic Acid, Isooctyl Ester 69.7%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 7969-25. BASF Wyandotte Corp. U-46 D6 HERBICIDE 2,4-D NON-VOLATILE AMINE SALT. Active Ingredients: Dimethylamine Salt of 2,4-Dichlorophenoxyacetic acid 69.5%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA File Symbol 7969-UT. BASF Wyandotte Corp. U-46 D6-RR HERBICIDE 2,4-D NON-VOLATILE AMINE SALT. Active Ingredients: Dimethylamine Salt of 2,4-Dichlorophenoxyacetic acide 69.5%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 7969-24. BASF Wyandotte Corp. U-46 D-4 ESTER LV-BP HERBICIDE 2,4-D LOW-VOLATILE ESTER. Active Ingredients: 2,4-Dichlorophenoxyacetic Acid, Butoxypropyl esters 72.8%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 7969-17. BASF Wyandotte Corp. U-46 D-ESTER-LV HERBICIDE 2,4-D LOW-VOLATILE ESTER. Active Ingredients: 2,4-Dichlorophenoxyacetic Acid, Isooctyl Ester 94.4%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 7969-22. BASF Wyandotte Corp. U-46 D ACID MANUFACTURERS CONCENTRATE. Active Ingredients: 2,4-Dichlorophenoxyacetic acid 100%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 5719-38. Chacon Chemical Corp., 2600 Yates Ave., City of Commerce CA 90040. BROAD-LEAF WEED KILLER. Active Ingredients: 2,4-Dichlorophenoxyacetic Acid, Propylene Glycol Butyl Ether Esters 30.0%; 2,4-Dichlorophenoxyacetic Acid Equivalent 12.3%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 239-2334. Chevron Chemical Co., Ortho Div., 940 Hensley St., Richmond CA 94804. ORTHO WEED-3-GON JET WEEDER. Active Ingredients: Diethanolamine salt of 2,4-Dichlorophenoxyacetic acid 0.75%; Diethanolamine salt of 2-(2-Methyl-4-chlorophenoxy) propionic acid 0.75%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 239-2335. Chevron Chemical Co. ORTHO POISON IVY CONTROL. Active Ingredients: Diethanolamine salt of 2,4-Dichlorophenoxyacetic acid 0.75%; Diethanolamine salt of 2-(2-Methyl-4-chlorophenoxy) propionic acid 0.75%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 239-1257. Chevron Chemical Co. ORTHO 2,4-D AMINE 4. Active Ingredients: Dimethylamine sale of 2,4-dichlorophenoxyacetic acid 49.6%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 4715-349. Colorado International Corp., 5321 Dahlia St., Commerce City CO 80022. BEST 4 SERVICE BRAND 2,4-D ISOOCTYL ESTER TECHNICAL. Active Ingredients: Isooctyl ester of 2,4-Dichlorophenoxyacetic Acid 99.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 4715-170. Colorado International Corp. BEST 4 SERVICE BRAND LO-VOL 400 2,4-D WEED KILLER. Active Ingredients: Mixed octyl ester of 2,4-Dichlorophenoxyacetic Acid 69.7%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 4715-169. Colorado International Corp. BEST 4 SERVICE BRAND LO-VOL 600 2,4-D WEED KILLER. Active Ingredients: Mixed octyl ester of 2,4-Dichlorophenoxyacetic acid 94.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 33108-2. Continental Peat Co., PO Box 7368, Toledo OH 43617. TURF TREATMENT 12-4-4 WITH 2,4-D STOPS WEEDS FEEDS GRASS TREATS 5,000 SQ. FT. Active Ingredients: Dimethylamine Salt of 2,4-Dichlorophenoxyacetic Acid 1.00%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM 23

EPA Reg. No. 7273-90. Crown Chemicals, 4995 N. Main St., Rockford IL 61101. FLORA TOX 4 LB. LV 2,4-D WEED KILLER. Active Ingredients: Isooctyl Ester of 2,4-Dichlorophenoxyacetic Acid 69.70%. Method of Support: Application proceeds under 2(b) of interim policy. Applications for reregistration. PM23

EPA File Symbol 13437-T. Du Cor Chemical Y Corp., PO Box 13298, Orlando FL 32809. DU COR CHINCH BUG E-RAD. Active Ingredients: O,O-diethyl O-(2-isopropyl-4-methyl-6-pyrimidinyl phosphorothioate) 12.18%; Aromatic Petroleum Derivative solvent 81.26%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM15

EPA Reg. No. 3770-187. Economy Products Co., Inc., PO Box 427, Shenandoah IA 51601. 2,4-D Isooctyl Ester 4-E. Active Ingredients: Isooctyl Ester of 2,4-Dichlorophenoxyacetic Acid 68.4%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 3770-283. Economy Products Co. 2,4-D ISOOCTYL ESTER 6-E LOW VOLATILE WEED KILLER. Active Ingredients: Isooctyl Ester of 2,4-Dichlorophenoxyacetic Acid 93.00%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 912-52. Farmers Union Central Exchange, Inc., PO Box "G", St. Paul MN 55165. L.V. 6 ESTER WEED KILLER. Active Ingredients: 2,4-Dichlorophenoxyacetic Acid, Isooctyl Ester 94.4%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 912-34. Farmers Union Central Exchange, Inc. L.V. 4 ESTER WEED KILLER. Active Ingredients: 2,14-Dichlorophenoxyacetic Acid, Butoxy Propyl 72.8%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 279-2862. FMC Corp., Agricultural Chemical Div., 100 Niagara St., Middleport NY 14105. FURADAN 75 BASE INSECTICIDE. Active Ingredients: Carbofuran 75.00%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM12

EPA Reg. No. 279-2712. FMC Corp. FURADAN 10 GRANULES INSECTICIDE-NEMATICIDE. Active Ingredients: Carbofuran 10.0% Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM12

EPA File Symbol 279-GNRR. FMC CORP. CORN BORER GRANULES INSECTICIDE. Active Ingredients: Carbofuran 10.00% Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM12

EPA Reg. No. 32802-3. Howard Johnson's Enterprises, Inc., Box 67, Railroad Ave., Viroqua WI 54665. WEED & FEED. Active Ingredients: Dimethylamine salt of 2,4-Dichlorophenoxyacetic Acid 1.20%. Method of Support: Application proceeds under 2(b) of interim policy. PM23

EPA File Symbol 1182-EL. Hubman Chemicals, 1123 W. Goodale Blvd., Columbia OH 43212. IOLEX. Active Ingredients: alpha-(p-Nonylphenyl) - omega - hydroxypoly (oxyethylene)-iodine complex 18.05%; Phosphoric Acid 16.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 1182-EU. Hubman Chemicals. SOMADINE. Active Ingredients: Butoxy polypropoxy polyethoxy ethanol-iodine complex 12.47%; Polyethoxy polypropoxy polyethoxy ethanol-iodine complex 0.37%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA Reg. No. 8378-5. Knox Fertilizer & Chemical Co., Inc., PO Box 116, Knox IN 46534. GRO-FINE HI N WEED & FEED 22-6-6 KILLS WEEDS & FEEDS GRASS. Active Ingredients: Diethanolamine Salt of (2-(2-Methyl-4-Chlorophenoxy propionic acid) 0.86%; Dimethylamine Salt of 2,4-Dichlorophenoxyacetic acid 1.00%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 8378-6. Knox Fertilizer & Chemical Co., Inc. SHAW'S PREMIUM WEED & FEED WITH 2,4-D AND MCPP 23-4-9. Active Ingredients: Dimethylamine salt of 2,4-dichlorophenoxyacetic acid 0.75%; Diethanolamine Salt of (2-(2-Methyl-4-Chlorophenoxy) propionic acid) 0.86%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

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EPA Reg. No. 1180–19. Midland Cooperatives, Inc., 2021 E. Hennepin Ave., Minneapolis MN 55413. LOW-VOLATIVE 2,4-D WEED KILLER. Active Ingredients: Isooctyl Ester of 2,4-Dichlorophenoxyacetic Acid 70.1%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 524–260. Monsanto Co., Agricultural Products, 800 N. Lindberg Blvd., St. Louis MO 63166. TECHNICAL GRADE 2,4-D ISOBUTYL ESTER. Active Ingredients: Isobutyl Ester of 2,4-Dichlorophenoxyacetic Acid 99.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 524–03. Monsanto Co. 2,4-D ACID. Active Ingredients: 2,4-Dichlorophenoxyacetic Acid 100%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 358–142. Nott Co., Pleasant Valley, NY 12569. SUPER CHEW-NOT ANIMAL REPELLENT. Active Ingredients: Thiram (Tetramethylthiuram Disulfide) 50.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM11

EPA Reg. No. 2217–633. PBI/Gordon Corp., 300 S. Third St., Kansas City, KS 66118. AMINE 2,4-D TURF HERBICIDE. Active Ingredients: Dimethylamine Salt of 2,4-Dichlorophenoxyacetic acid 49.3%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 2217–632. PBI/Gordon Corp. AUS 90 WET TECHNICAL 2,4-DICHLOROPHENOXYACETIC ACID. Active Ingredients: 2,4-Dichlorophenoxyacetic Acid 90%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 2217–621. PBI/Gordon Corp. DM-MIX #1 TURF HERBICIDE. Active Ingredients: 2,4-Dichlorophenoxyacetic acid 26.90%; 2-(2-Methyl-4-chlorophenoxy) propionic acid 26.97%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 2217–468. PBI/Gordon Corp. 600 LV 2,4-D WEED KILLER A LOW VOLATILE ESTER. Active Ingredients: Mixed octyl ester of 2,4-Dichlorophenoxyacetic acid 94.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 2217–354. PBI/Gordon Corp. LAWN WEED KILLER GRANULES. Active Ingredients: Mixed Octyl Ester of 2,4-Dichlorophenoxyacetic Acid 30.17%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 2217–314. PBI/Gordon Corp. 20% GRANULAR 2,4-D LOW VOLATILE. Active Ingredients: Mixed Octyl Ester of 2,4-Dichlorophenoxyacetic acid 30.17%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 2217–85. PBI/Gordon Corp. BUTYL ESTER 600 2,4-D WEED KILLER. Active Ingredients: Butyl Ester of 2,4-Dichlorophenoxyacetic Acid 77.48%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 2217–77. PBI/Gordon Corp. LV 400 2,4-D. Active Ingredients: Mixed octyl ester of 2,4-Dichlorophenoxyacetic acid 69.7%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 2217–76. PBI/Gordon Corp. BUTYL ESTER 400 2,4-D WEED KILLER. Active Ingredients: Butyl Ester of 2,4-Dichlorophenoxyacetic acid 57.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 2217–41. PBI/Gordon Corp. LAWN WEED KILLER (AMINE TYPE). Active Ingredients: Dimethylamine Salt of 2,4-Dichlorophenoxyacetic acid 26.6%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 2217–3. PBI/Gordon Corp. BUTYL ESTER 40% 2,4-D WEED KILLER. Active Ingredients: Butyl Ester of 2,4-Dichlorophenoxyacetic acid 40.1%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 2217–2. PBI/Gordon Corp. AMINE 400 2,4-D WEED KILLER. Active Ingredients: Dimethylamine Salt of 2,4-Dichlorophenoxyacetic acid 49.3%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA File Symbol 10444–A. Super-Mol Div., Huco, Inc., Route 3, Box 498, Tampa FL 33619. SUPER FLI BLOCK. Active Ingredients: 2-Chloro-1-(2,4,5-trichlorophenyl) Vinyl dimethyl phosphate. 0.498%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA Reg. No. 449–86. Techne Corp., c/o Regulatory Affairs Dept., Farmland and Industries, Inc., PO Box 7305, Kansas City MO 64116. TECHNE NO. 4 BUTYL ESTER WEED KILLER. Active Ingredients: 2,4-Dichlorophenoxyacetic acid, Butyl Ester 58.6%. Method of Support:. Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 449–138. Techne Corp. TECHNE LOW-VOL 2,4-D. Active Ingredients: 2,4-Dichlorophenoxyacetic acid, isooctyl ester 70.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 449–17. Techne Corp. TECHNE 40% BUTYL ESTER WEED KILLER. Active Ingredients: 2,4- Dichlorophenoxyacetic acid, Butyl Esters 42.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

[FR Doc.76–22499 Filed 8–3–76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 20871, 20872; FCC 76–647]

MAHAFFEY MESSAGE RELAY INC. AND MEMPHIS MOBILE TELEPHONE, INC.

Designating Applications for Consolidated Hearing on Stated Issues; Memorandum Opinion and Order

In the matter of Mahaffey Message Relay, Inc., Memphis, Tennessee, Docket No. 20871, File No. 8331–C2–P–(8)–73, 8557–C2–P–(4)–73, 21635–CD–P–75; Memphis Mobile Telephone, Inc., Memphis, Tennessee, Docket No. 20872, File No. 20003–CD–P–76; for construction permits for facilities in the Domestic Public Land Mobile Radio Services to operate in Memphis, Tennessee.

1. The Commission has under consideration the above-captioned mutually exclusive applications of Mahaffey Message Relay, Inc., (Mahaffey) and Memphis Mobile Telephone, Inc. (MMT) for construction permits in the Domestic Public Land Mobile Radio Service (DPLMRS) in the Memphis, Tennessee metropolitan area. Also before the Commission are various pleadings filed by MMT directed against Mahaffey [1] and two of the other applicants [2] for frequencies in this area; a "Motion for Reconsideration" filed by MMT August 28, 1975; and an "Application for Review" filed by MMT November 3, 1975.

2. MMT alleges that during the spring of 1973—soon after it informed Mahaffey of its intention to seek state certification to provide radio common carrier service—Mahaffey and Otis Hale d/b/a Mobilfone filed applications for the available 450 MHz frequencies in the Memphis service area,[3] and that both applicants knew that before MMT could receive state certification the 60-day cut-off provisions of our rules [4] would prevent it from filing any subsequent competing 450 MHz applications. MMT alleges further that Mahaffey's motivation and lack of good faith in filing its applications is evidenced by a subsequent agreement among all of the other Memphis applicants for radio common carrier frequencies which eliminated frequency conflicts while still blocking MMT's possibility of applying for 450 MHz frequencies. In that agreement, Mahaffey abandoned six of the twelve 450 MHz frequencies applied for in its original applications but maintained its later-filed one-way applications for the only remaining spectrum space available for radio common carrier use in the Memphis area. Finally, MMT alleges that all of Mahaffey's filings did not satisfy the need provisions

[1] Petition for Leave to Intervene, Petition to Deny and Petition for Waiver of the Cut-Off Rules filed by MMT May 19, 1975; Complaint, Petition to Deny and Motion to Dismiss Applications filed by MMT October 21, 1975; Mahaffey's Oppositions and MMT's Replies. MMT's various pleadings do not fully satisfy our procedural rules and have been challenged on this ground; however, as indicated in our subsequent discussion, they treat matters of concern. Consequently, we accept them as informal objections pursuant to Section 1.41 of the Commission's Rules, and will deal with them on their merits.

[2] Against AAA Anserphone, Inc.—Jackson, a Complaint, Petition to Deny and Motion to Dismiss Applications filed November 8, 1975, and against Airsignal International, Inc., a Motion to Dismiss as amended March 18, 1976. Both respondents filed timely oppositions.

[3] Mahaffey currently operates both a one-way paging facility (KRS–656), and a two-way facility (KDT–223) in Memphis, Tennessee, as well as two-way facilities in Munford (KUO–621) and Collierville (KUC–870), Tennessee. It appears that all of Mahaffey's stations provide service primarily to Memphis metropolitan area subscribers.

[4] Sections 21.30(b) and 1.227(b)(3) of the rules provide essentially that in DPLMRS, no application will be considered mutually exclusive with another application unless such application is tendered for filing within 60 days after the public notice listing the first prior-filed application, with which subsequent applications are in conflict, as having been accepted for filing.

of § 21.516 of the rules,[5] and should therefore be rejected without a hearing.

3. For reasons set forth below, we are concerned that Mahaffey may have filed applications to protect and benefit its existing licenses. Therefore, the evidentiary hearing required by the mutually exclusive applications will be expanded to include an appropriate issue (issue 2) relating to Mahaffey. Questions have also been raised about the possible involvement of other applicants in this area. Accordingly, we will make the other Memphis-area applicants (Otis Hale d/b/a Mobilfone; AAA Anserfone, Inc.—Jackson; and Airsignal International, Inc.) [6] respondents to this proceeding (issue 1). We assume that these applicants will take advantage of this opportunity to participate in the present hearing. In the event that they do not participate, it would be difficult to avoid drawing adverse inferences about the bonafides of their applications.

The Conflicting Applications

4. Between May and July, 1973, Mahaffey, Otis Hale, AAA and Airsignal filed 450 MHz applications proposing new and additional facilities to serve areas contiguous to the Memphis metropolitan service area; additionally, AAA filed for a low-band paging frequency (33.58 MHz) in the same general area. In December, 1975, the applicants requested that various proposals for conflicting frequencies be deleted from their applications (see para. 6 below). Meanwhile, on May 4, 1975, MMT had received its Tennessee state certification, and on May 19, 1975, Mahaffey filed two applications for the only remaining frequencies in the service area (43.58 and 43.22 MHz). On July 1, 1975, MMT filed a competing application for 43.58 MHz. Airsignal also filed an application for this frequency, but dismissed it in December, 1975.

5. On May 19, 1975, MMT tendered an application for four of the 450 MHz frequencies Mahaffey had applied for in May, 1973. At the same time, MMT Petitioned for Leave to Intervene, to Deny Mahaffey's 450 MHz applications, and requested a waiver of the cut-off rules. MMT's application was returned as untimely filed after preliminary staff review (see footnote 4). On August 28, 1975 MMT resubmitted its 450 MHz application with a "Petition for Reconsideration". The application was again returned, and on November 3, 1975, MMT submitted an "Application for Review" apparently under the misconception that the second return of its application was the dismissal by delegated authority of its reconsideration request.[7] Because we grant part of the relief requested in MMT's May 19, 1975 "Petition to Intervene", it is included in our discussion of MMT's other informal pleadings directed at Mahaffey's filings. Other than this, there is no reason to grant MMT's requests and they will therefore be denied.

The Agreement

6. On December 8, 1975, AAA, Airsignal, and Mahaffey amended their pending applications by deleting various frequency conflicts in order to avoid a Commission hearing. On February 4, 1976, MMT filed an informal protest which questioned whether these amendments were "major" amendments requiring Public Notice pursuant to § 21.26(c) of the rules. The amended applications were not placed on Public Notice nor were they treated as "major" amendments by our staff. We affirm this ruling since these amendments did not materially alter the nature of the service proposed by the amending applicants, and are not otherwise "major" within the terms of § 21.23 of the rules.

7. We have been concerned that predesignation agreements between mutually exclusive applicants to withdraw one or more competing applications could be improperly motivated. As we stated in the notice of proposed rulemaking in Docket No. 19905.[8]

> Close review of such agreements is considered important in discouraging the filing of 'strike' applications or unreasonable 'buy outs' of competition. Consequently, we propose to dismiss an application withdrawn pursuant to an agreement and to continue processing the remaining application only if the withdrawal agreement is found to be consistent with the public interest.[9]

The applicants participating in the present agreement submitted a recitation of the circumstances leading to the agreement; nonetheless, the circumstances which require hearing to examine the anti-competitive questions raised by MMT necessarily concern any agreements between Mahaffey and the other radio common carrier applicants. And the consideration of avoiding a hearing voiced by the 450 MHz applicants must be considered in the context of MMT's allegations regarding their alleged cooperation in blocking MMT's possibility of entry into this market. Accordingly, we are adding an appropriate issue to explore the background of the agreement.

AAA

8. On November 5, 1975, MMT filed a "Petition to Deny" AAA's application stating that although AAA's application represents that it intends to locate and serve the residents of DeSoto County from Southaven, Mississippi, AAA in fact intends to extend its marketing efforts into the Memphis service area in violation of Tennessee law and its Mississippi Public Service certification. Further, MMT contends, AAA does not show a need for four new 450 MHz frequencies and its proposed one-way paging frequency on the basis of the small service area of DeSoto County, Mississippi. AAA opposed the MMT filing as untimely since it came nearly two years after acceptance of AAA's applications for filing. Further, AAA contends that it intends to serve only the Northern Mississippi service area (the population of which is approximately 42,000). If AAA decides to serve any other state, it contends, it will obtain the necessary certificates to ensure compliance. MMT's filing is procedurally defective; moreover, the contemplated hearing will investigate AAA's participation in alleged anti-competitive conduct. Accordingly, we will deny MMT's "Petition to Deny" in all other respects.

Airsignal

9. On March 18, 1976, MMT filed an amended "Petition to Deny" Airsignal's application. MMT contends that Airsignal misrepresented its intended service area when it filed for frequencies at West Memphis, Arkansas, since it fully intended to serve Western Tennessee and Memphis; that Airsignal has sought by filing competing applications to restrain trade in this service area; and that Airsignal did not have an Arkansas Public Service Commission (APSC) certificate when it filed its application in June, 1973, and that a subsequent application before the APSC has been dismissed for failure to prosecute. Airsignal relies upon its original representation that it would provide two-way service to the Memphis-West Memphis service area on a non-interconnect basis, which does not require Arkansas state certification, and states that the dismissal of its application by APSC was the result of its decision not to prosecute the application rather than an attempt to defraud this Commission. MMT's petition is insufficient to raise character issues against Airsignal; however, as with AAA, we desire a further investigation into Airsignal's participation in the alleged anti-competitive conduct. Therefore, we will deny MMT's "Petition to Deny" except to the extent indicated above.

Mahaffey

10. MMT filed protests against both Mahaffey's paging and 450 MHz applications. MMT states that Mahaffey, in collusion with other radio common carrier applicants, has persistently blocked the entry of any potential competition into the Memphis metropolitan market by

[5] Section 21.516 requires an applicant for additional facilities to show that there is an unsatisfied need for the additional service, and that the applicant's present facilities are inadequate to serve that need.

[6] The applications are: AAA—F.C.C. File No. 20032–C2–P–(4)–74; Airsignal—F.C.C. File No. 20076–C2–P–(4)–74; Otis Hale—F.C.C. File No. 8942–C2–P–(2)–73.

[7] Section 21.28(d) of the Rules provides for the return without prejudice of applications received after the dates prescribed in Section 21.30(b) of the Rules. This application will be eligible for refiling only after a final decision is rendered by the Commission with respect to the present applications or after the dismissal or removal of the present applications from this hearing.

[8] 44 F.C.C. 2d 556 (1973).

[9] *Id* at 558.

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using the cut-off provisions of the Commission's rules in conjunction with the Commission's requirement that an applicant obtain a valid state authorization before filing. MMT alleges that Mahaffey violated § 21.516 of the Commission's Rules which requires justification for the additional applications by providing a valid channel loading survey and evidence of need for the additional service. MMT contends Mahaffey has not done this, and that the only basis for the Mahaffey filings was to block MMT. MMT requests denial of Mahaffey's applications or, in the alternative, that it be allowed intervention pursuant to § 1.223 (d) of the rules[10] as a competing applicant with Mahaffey's 450 MHz applications by granting its request for a waiver of the cut-off provisions of the rules. MMT complains further that Mahaffey's applications also violate § 1.726 of the rules[11] and deliberately committed acts of discrimination and unreasonable preference. Moreover, MMT urges that Mahaffey disregarded § 21.516 of the rules when it filed for the two additional one-way frequencies for Collierville and Munford with so few subscribers using those channels.

11. Aside from the limited intervention we are allowing with regard to Mahaffey's 450 MHz applications (see footnote 9), MMT's pleadings have not shown good cause to justify either the denial of Mahaffey's applications or a waiver of the cut-off provisions of the rules. MMT's request essentially rely upon alleged violations of § 21.516 of the rules, and Mahaffey's participation in the alleged anticompetitive activity. As indicated, these matters will be explored in the hearing ordered herein, and MMT will be able to participate thereon. Finally, we will deny MMT's request for a waiver of the cut-off provisions of the rules since we are not as yet satisfied that MMT has been the victim of anti-competitive conduct. Moreover, if we granted MMT's request it in turn would be cut off from other possible applications, and thereby could obtain an unjustified preferred position. Compare "Fort Harrison Telecasting Corporation v. Federal Communications Commission", 297 F. 2d 779. (D.C. Cir. 1961)

CONCLUSIONS

12. We agree with MMT that Mahaffey's channel-loading surveys should be scrutinized in the hearing and if they are found insufficient, the applications should be denied. In light of the small number of subscribers on its existing two-way facilities and the events MMT alleges which preceded the Mahaffey filings, we will require Mahaffey under issue (3) to support further the need for additional two-way facilities.

Empire Communications Co., 40 F.C.C. 2d 329 (Rev. Bd. 1974).

13. Additionally, we are not persuaded that sufficient need exists for the additional low-band one-way facility proposed at Collierville, Tennessee by Mahaffey. And we note that Mahaffey, has been granted the additional use of one-way facilities in the same general service area.[12] Therefore, we will require that Mahaffey under issue (3) support the need for this additional one-way facility and demonstrate the incapability of the existing one-way and two-way facilities to provide the proposed service.

14. We question Mahaffey's good faith in originally filing for nearly all the 450 MHz frequencies available, and especially the filing of the two additional applications for the only remaining RCC spectrum space available immediately after MMT obtained its required state authorization. Consequently, we will include an issue to determine the facts and circumstances surrounding Mahaffey's filing of additional applications for nearly all of the available 450 MHz frequencies and the lowband one-way frequencies in the Memphis metropolitan market.

15. In view of the foregoing, the Commission finds that Mahaffey Message Relay, Inc., and Memphis Mobile Telephone, Inc., are legally, technically, financially, and otherwise qualified to receive a grant of their above-captioned applications except for the issues set forth below.

16. *Accordingly, it is ordered*, That pursuant to sections 309(d) and (e) of the Communications Act of 1934, as amended, the above-captioned applications of Mahaffey Message Relay, Inc., and Memphis Mobile Telephone, Inc., are designated for hearing in a consolidated proceeding upon the following issues:

(1) To determine whether Mahaffey Message Relay, Inc., AAA Anserphone-Jackson, Airsignal International, Inc., and Otis Hale d/b/a Mobilephone have jointly engaged in conduct intended to prevent the filing of competing applications for radio common carrier frequencies in the greater Memphis, Tennessee metropolitan area.

(2) To determine the facts and circumstances surrounding Mahaffey's filing of applications for 450 MHz and lowband one-way frequencies in the Memphis metropolitan market subsequent to January 1, 1973.

(3) To determine the nature and extent of the services now rendered by Mahaffey Message Relay, Inc., and the capacity of its existing facilities in light of § 21.516(b) of the Commission's rules and regulations.

(4) To determine the nature and extent of the services proposed by Mahaffey Message Relay, Inc., and Memphis Mobile Telephone, Inc.

(5) To determine the total area and population to be served by Mahaffey Message Relay, Inc., and Memphis Mobile Telephone, Inc., within the 43 dbu contour of each proposed station based upon the standards set forth in § 21.504 of the Commission's rules and regulations, and to determine the need for the proposed service in that area.

(6) To determine, in light of the evidence adduced pursuant to issues (1), (2) and (3) above, whether the public interest, convenience and necessity will be served by a grant of any or all of the applications of Mahaffey Message Relay, Inc., in whole or in part.

(7) To determine, in consideration of all the evidence adduced under the proceeding issues, whether the public interest, convenience or necessity will be served by a grant of either the application of Mahaffey Message Relay, Inc., or the application of Memphis Mobile Telephone, Inc., for authority to operate on 43.58 MHz.

17. *It is further ordered*, That the burden of proof on issues (1), (2) and (3) is placed on the respective parties named therein, and on issues (4) and (5) the burden of proof is placed jointly on the competing applicants named under those issues.

18. *It is further ordered*, That the hearing ordered herein shall be held at a place and time to be specified in a subsequent order of the Chief Administrative Law Judge.

19. *It is further ordered*, That the Chief, Common Carrier Bureau is made a party to the proceeding.

20. *It is further ordered*, That AAA-Answerphone Inc.—Jackson; Airsignal International, Inc.; and Otis Hale d/b/a Mobilephone ARE MADE respondents to this hearing for the purpose of participating with respect to issue (1) above.

21. *It is further ordered*, That the parties herein may avail themselves of an opportunity to be heard by filing with the Commission pursuant to § 1.221(e) of the rules within twenty (20) days of the release date of this Memorandum Opinion and Order, a written notice stating an intention to appear on the date set for hearing and present evidence on the issues specified.

Adopted: July 7, 1976.

Released: August 4, 1976.

FEDERAL COMMUNICATIONS COMMISSION,[13]
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-22607 Filed 8-3-76;8:45 am]

[10] Section 1.223(d) applies to intervention by parties in interest after applications have been designated for hearing. Rather than require MMT to request formal intervention after this Order is released, we will waive the requirement and allow MMT to intervene and present evidence relating to Mahaffey's 450 MHz applications.

[11] Section 1.726 requires that formal complaints alleging such matters as discrimination or unreasonable preference must specify the carrier and a description of the particular acts relied upon which constitute a violation of the Communications Act.

[12] Mahaffey was granted potential shared use of frequency 158.72 MHz with Airsignal in Docket 19801 (FCC 75M-1605, released October 3, 1975, recon. denied FCC 75R-434, released Nov. 25), and its application for 43.22 MHz at Munford was granted July 8, 1975 (RNT-893).

[13] Commissioner Robinson absent.

FEDERAL ENERGY ADMINISTRATION

OFFICE OF EXCEPTIONS AND APPEALS

Cases Filed During the Week of June 14 Through June 18, 1976

Notice is hereby given that during the week of June 14 through June 18, 1976, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Exceptions and Appeals of the Federal Energy Administration. The following summary also contains a list of submissions which were dismissed by the Office of Exceptions and Appeals and the basis for the dismissal.

APPEALS

Larkin, Hoffman, Daly & Lindgren, Ltd.; Minneapolis, Minn.; FEA–0852; Freedom of Information

The law firm of Larkin, Hoffman, Daly & Lindgren, Ltd. (Larkin) appealed from an Order issued to it by the Information Access Officer of the FEA which denied in part a Request for Information which the firm had filed under the Freedom of Information Act, 5 U.S.C. 552. In its Request for Information, Larkin sought certain documents pertaining to the manner in which the Union Oil Company of California had applied customary price differentials and the class of purchaser doctrine in its sales of motor gasoline. In previous decisions, the FEA has held that an appeal must identify with particularity the alleged errors in fact or in law which occurred in the determination being appealed, and that specific arguments must be advanced by the appellant in support of those contentions. Since Larkin's Appeal failed to satisfy these requirements, it was dismissed. The firm was however given an opportunity to file an amended Appeal which conformed to the FEA Procedural Regulations within 15 days.

Naph-Sol Refining Co.; Washington, D.C.; FEA–0811; Motor Gasoline; No. 2 Fuel Oil

The Naph-Sol Refining Company (Naph-Sol) appealed from a Decision and Order which the FEA issued denying the firm's Application for Exception. Naph-Sol Refining Co., 3 FEA Par. 83,134 (March 19, 1976). The Appeal, if granted, would result in the assignment of a new supplier to replace the Koch Refining Company and the Osceola Refining Company as Naph-Sol's base period suppliers of motor gasoline and fuel oil. In considering Naph-Sol's Appeal, the FEA noted that despite repeated explicit requests from the FEA, Naph-Sol had failed to provide the factual material which was essential to an assessment of the impact of the FEA Regulations on the firm. In the absence of this data the FEA had properly denied the firm's exception request. The FEA also determined that there was no merit to Naph-Sol's contention on Appeal that the data which it had previously submitted was sufficient to enable the FEA to conclude that exception relief was warranted. After analyzing the firm's further contention that specific factual errors occurred in the prior analysis, the FEA concluded that any such error resulted from Naph-Sol's failure to provide appropriate data. However even if the corrections which Naph-Sol contends should be made were in fact made there would still be no proper basis for concluding that a significant price disparity existed which warranted exception relief. Accordingly, Naph-Sol's Appeal was denied.

Northern Illinois Gas Co.; Aurora, Ill.; FEA–0778—General Motors Corp.; Detroit, Mich.; FEA–0779—Petrochemical Energy Group; Washington, D.C.; FEA–0777; Natural Gas Liquids

Northern Illinois Gas Company (NI-Gas), General Motors Corporation (GM) and the Petrochemical Energy Group (PEG) filed Appeals from a Decision and Amended Order which the FEA Assistant Administrator for Regulatory Programs issued to NI-Gas on February 5, 1976. In that determination the FEA assigned NI-Gas an allocation of natural gas liquids for use during the period February 5, 1976 through March 31, 1977 as a feedstock in its Aux Sable, Illinois synthetic natural gas (SNG) plant. As a prerequisite to receiving an SNG feedstock allocation for a period subsequent to March 31, 1977, NI-Gas was required to furnish data to the FEA as to (i) the customers which it serves that have alternate fuel capability on a continuing basis; (ii) its efforts to implement an incremental pricing program for the SNG it supplies; and (iii) the growth in service, if any, which it has experienced subsequent to February 1, 1976. Since the three Appeals involved similar issues, they were consolidated into the current proceeding. In considering the Appeals, the FEA made the following findings:

(i) contrary to NI-Gas' assertions that the Amended Order contains various factual errors, the Order has ample factual support in the record;

(ii) the FEA in accordance with Special Rule No. 1 and the accompanying Statement of Policy properly included provisions in the Amended Order which require NI-Gas to take steps to implement incremental pricing and to provide certain data to the FEA;

(ii) the amended Order did not violate Special Rule No. 1 or the Statement of Policy by failing to include provisions requiring the immediate implementation of incremental pricing or the immediate curtailment of NI-Gas' customers. The Regulations governing the allocation of SNG feedstocks do not require that SNG be incrementally priced on an immediate basis, nor do they categorically prohibit allocated feedstocks from being used to produce SNG which is then used by persons who do have alternate fuel capability;

(iv) neither the manner in which the FEA defined the term "alternate fuel capability on a continuing basis" for purposes of the Amended Order, nor the FEA's failure to provide for curtailment of service to NI-Gas' customers which use SNG as boiler fuel, was unreasonable;

(v) contrary to PEG's assertions, the approval of an allocation of SNG feedstock to NI-Gas is supported by the record;

(vi) all appellants were provided a meaningful opportunity to participate at all stages of the proceeding and existing procedural standards had therefore been adequately observed by the FEA; and

(vii) certain issues raised by the appellants, including the FEA's statutory authority to regulate natural gas liquids and compliance with the National Environmental Policy Act of 1969, have already been raised by the parties and addressed by the FEA in a similar case, Consumers Power Company, 3 FEA Par. 80,624 (April 30, 1976), and the determinations made in that case are controlling.

On the basis of these findings, the FEA affirmed the February 5 Order insofar as it concerned the decision to allocate sufficient feedstocks to NI-Gas to permit it to operate its SNG plant at capacity during 1976 while simultaneously requiring that NI-Gas gather data as to incremental pricing, alternate fuel capability and growth. However, in accordance with a recent decision issued by the United States District Court for the Eastern District of Michigan, the FEA deleted and modified certain provisions of the February 5 Order regarding the information which NI-Gas was required to obtain from customers which might be subject to eventual curtailment. In all other respects, the FEA denied the Appeals.

Port Arthur Towing Co.; Palmer Midstream Service, Inc.; Houston, Tex.; FEA–0823; Refined Petroleum Products

Port Arthur Towing Company and its subsidiary, Palmer Midstream Service, Inc., appealed from a denial by the FEA Region VI of a Motion to Quash or Modify a Subpoena issued to Port Arthur. In considering the Appeal, the FEA determined that neither the issuance of a subpoena nor the denial of a Motion to Quash or Modify a Subpoena is an FEA action from which a formal administrative appeal may be taken pursuant to the FEA procedural regulations. However, the FEA concluded that if Port Arthur had made a prima facie showing in its submission that FEA Region VI had abused its investigatory authority or had imposed an inordinate or unreasonable burden on the firm, the Office of Private Grievances and Redress would have reviewed the firm's submission and considered it on its merits as a Petition for Special Redress. The FEA found that Port Arthur had failed to make even a preliminary showing that the issuance to it if the subpoena constituted an abuse of the FEA's discretion. In the subpoena the FEA sought only information relevant to the prices which Port Arthur has charged for covered petroleum poducts. The information is of a type which it is reasonable and proper to require a firm which is subject to federal pricing regulations to provide in order to determine whether it has in fact complied with those regulatory requirements. The FEA also found that Port Arthur should experience no significant inconvenience in assembling the requested information and that there was no basis for the firm's contention that the subpoena violated its procedural rights to due process of law. On the basis of these findings, the FEA dismissed Port Arthur's Appeal.

PRC Computer Center, Inc.; McLean, Va.; FEA–0841; Freedom of Information

PRC Computer Center, Inc. (PRC) appealed from an Order issued to it by the Information Access Officer of the FEA which denied in part a Request for Information filed by the firm under the Freedom of Information Act, 5 U.S.C. 552 (the Act). The Information Access Officer stated that he was withholding two documents from public disclosure as exempt material under the Act. The two documents which were withheld, a March 12, 1976 memorandum and Attachment V to that memorandum, set forth various findings of an intra-agency board regarding the performance of a firm which had previously received a "cost plus award fee contract" and the firm's eligibility to receive a subsequent contract. In considering PRC's Appeal, the FEA determined that Attachment V to the March 12 memorandum and certain portions of the memorandum itself were pre-decisional, intra-agency materials which were intended to assist the FEA's contracting officer in making his final, independent award fee determination. The FEA therefore concluded that these materials were exempt from public disclosure under Section 552(b)(5) of the Act. However, the FEA also determined that the March 12 memorandum contained statements which embodied the agency's effective policy with respect to the evaluation of firms which had received cost plus award fee contracts and other statements of a factual nature which merely described certain attachments to the memorandum. These portions of the March 12 memorandum were held not to be within

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the purview of Section 552(b)(5) or otherwise exempt from public disclosure under the Act, and PRC's Appeal with respect to these portions was granted. The Appeal was denied in all other respects.

West Penn Power Co.; Greensburg, Pa.; FEA–0755; No. 2 Fuel Oil

West Penn Power Company (West Penn) filed an Appeal from a Decision and Order issued to it by the Federal Energy Administration. West Penn Power Company, 2 FEA Par. 83,272 (August 29, 1975). In that determination the FEA denied West Penn's request for a permanent exception from the provisions of 10 CFR 215.3, but granted the firm temporary exception relief which permitted it to burn No. 2 fuel oil in the electrical generating units of its Milesburg plant for a period of one year. West Penn's Appeal, if granted, would reverse the August 29, 1975 Decision and grant West Penn permanent exception relief from the requirements of Section 215.3. In considering West Penn's Appeal, the FEA determined that the firm had demonstrated that it was unable to obtain a variance to use coal at its Milesburg plant, and that if it were required to shut that plant down, West Penn and its customers would experience severe adverse consequences. Accordingly, the FEA concluded that West Penn had made the threshold showing with respect to the inequity and unfair distribution of burdens criteria set forth in Iowa Southern Utilities Company; West Penn Power Company, 3 FEA Par. 80,510 (November 17, 1975). The FEA then considered the additional costs which West Penn would experience if its request for permanent exception relief were denied. The FEA determined that West Penn would incur costs in excess of $4.5 million for pollution control equipment if the Milesburg plant were converted to utilize coal as a fuel in compliance with State air pollution regulations. Based on the firm's projections that it would save 311,238 barrels of oil under these circumstances, the incremental cost to West Penn of each barrel of oil saved would be approximately $14.67 per barrel. The FEA concluded that when this cost was viewed in relation to the short remaining life of the Milesburg plant, West Penn's size and resources and the nature of the firm's operations, the costs involved were so disproportionate to the benefits obtained in furthering national energy policy objectives that a gross inequity resulted. On the basis of these findings, the FEA granted West Penn permanent exception relief from the provisions of 10 CFR 215.3 and permitted it to burn No. 2 fuel oil at its Milesburg plant through 1985.

REQUESTS FOR EXCEPTION

Anadarko Production Co.; Houston, Tex., FEE–2376; Crude Oil

Anadarko Production Company (Anadarko) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. Its request, if granted, would permit Anadarko to sell at upper tier ceiling prices the crude oil produced from the Herrin-Burson Harris Sand Unit located in Creek County, Oklahoma. In considering the exception application, the FEA determined that: (i) due to the rapidly declining production from the Unit, the operating cost per barrel of crude oil produced has increased significantly between 1973 and 1975 and now exceeds the lower tier ceiling price which Anadarko is permitted to charge; (ii) consequently, Anadarko lacks an economic incentive to continue secondary recovery operations at the Unit; (iii) if Anadarko abandons secondary operations at the Unit, approximately 56,900 barrels of crude oil otherwise recoverable from the reservoir would be lost. On the basis of previous precedents involving similar factual situations, the FEA concluded that the application of the lower tier ceiling price rule to Anadarko resulted in a gross inequity and that exception relief should be granted in this case. An analysis of the specific financial and operating data which Anadarko submitted led to the further conclusion that Anadarko should be permitted to sell at upper tier ceiling prices, 41.116 percent of the crude oil which it produces for the benefit of the working interest owners.

R. A. Campbell Co.; Vidalia, La.; FEE–2399; Crude Oil

The R. A. Campbell Company (Campbell) filed an Application for Exception from the provisions of 10 CFR 210.32 which, if granted, would retroactively permit the Nolan-Henderson No. 1 Unit which Cambell operates to be classified as a stripper well lease. In considering Campbell's exception request, the FEA noted that on the basis of a preliminary audit of Campbell's pricing activities FEA auditors have stated to the firm that it may be required to refund $4,997.96 to its customers to compensate for overcharges which resulted from Campbell's classification of its Nolan-Henderson Unit as a stripper well lease. The FEA pointed out, however, that the preliminary data which Campbell submitted to the FEA suggests that there is a substantial question as to whether the auditors applied the appropriate definition of stripper well lease in making calculations for the period prior to November 27, 1973, and the initial conclusions of the FEA compliance staff might therefore be revised. Nevertheless, the financial and operating data which Campbell submitted in support of its exception application indicates that even if the firm is required to remit the full $4,997.96 to its customers it will not significantly affect the firm's operations or cause it to experience an irreparable injury. The FEA therefore denied Campbell's application for retroactive exception relief.

Fletcher Oil & Refining Co.; Wilmington, Calif.; FEE–2432; Crude Oil

Fletcher Oil and Refining Company (Fletcher) filed an Application for Exception from the provisions of 10 CFR 211.67 (the Old Oil Entitlements Program) which, if granted, would relieve the firm of any obligation to purchase entitlements during the months of June, July and August 1976 to account for its crude oil runs and receipts of old oil during the period April through June 1976. In support of its exception request, Fletcher submitted financial statements for its fiscal year ended April 30, 1976, and specified the volumes of crude oil runs to stills and receipts of old, new and imported crude oil which the firm experienced for the month of April 1976. On the basis of this information, Fletcher requested exception relief for a three month period while it gathered data for its current fiscal year in support of a new exception application which the firm intends to file. In considering Fletcher's exception request the FEA determined that the firm's entitlement purchase obligations in June produced a situation in which Fletcher will not be able to achieve its historic profit margin or return on invested capital for its fiscal year ending April 30, 1976. Pursuant to the criteria set forth in Delta Refining Company, 2 FEA Par. 83,275 (September 11, 1975), and Beacon Oil Company, 3 FEA Par. ---- (June 8, 1976), exception relief was therefore approved in order to relieve Fletcher of its entitlement purchase obligation in June 1976. The financial and operating material which Fletcher submitter and the firm's prior experience under the Entitlements Program led to the further conclusion that it was very likely that Fletcher would qualify for exception relief in the months of July and August 1976. In order to avoid any disruption in the firm's business activities, additional exception relief was approved relieving Fletcher of any obligation to purchase entitlements during July and August as well. However, the FEA noted that the relief granted to Fletcher for June 1976 will be reviewed in the very near future and the relief approved for July and August will be reevaluated if the firm requested an extension of the exception relief beyond August 1976. In addition, as is the case with all Entitlemen's Program exception decisions, the relief granted to Fletcher will be reevaluated as a matter of course at the conclusion of the firm's fiscal year and appropriate adjustments will be made to correct any discrepancy between the firm's financial projections and the actual financial results which it achieves.

Good Hope Industries, Inc.; Springfield, Mass.; FEE–2369; Crude Oil

Good Hope Industries, Inc. (Good Hope) filed an Application for Exception from the provisions of 10 CFR 211.67 (the Old Oil Entitlements Program) which, if granted, would relieve the firm of any obligation to purchase entitlements beginning with the month of April 1976. In support of its exception request, Good Hope submitted projected financial statements for its current fiscal year ending July 31, 1976 and projected monthly crude oil runs to stills and receipts of old, new and imported crude oil for the fiscal year. In considering Good Hope's exception request the FEA determined that a substantial showing has been made that the firm's entitlement purchase obligations would prevent it from achieving either its historic profit margin or return on invested capital during the current fiscal year. Pursuant to the criteria set forth in Delta Refining Company, 2 FEA Par. 83,275 (September 11, 1975) and Beacon Oil Company, 3 FEA Par. ---- (June 8, 1976), exception relief was therefore warranted. Accordingly, the FEA granted Good Hope's Application for Exception relieving the firm of any obligation to purchase entitlements during the six month period June through November 1976 to account for its crude oil runs to stills and old oil receipts during the period April through September 1976. However, the FEA noted in the decision which it issued that the relief approved to Good Hope would be reevaluated if the firm requested an extension of exception relief beyond November 1976 and at the conclusion of the firm's fiscal year. The decision further noted that an adjustment will be made and Good Hope will be required to purchase entitlements if it receives excess benefits because of a discrepancy between the financial projections it submitted and the actual financial results which it achieves.

Husky Oil Co. of Delaware, Inc.; Denver, Colo.; FEE–2442; Crude Oil

Husky Oil Company of Delaware, Inc. (Husky) filed an Application for Exception from the provisions of 10 CFR 211.67 (the Old Oil Entitlements Program) which, if granted, would have relieved the firm of any obligation to purchase entitlements. After reviewing the financial and operating data which Husky provided, the FEA determined that Husky will be a net seller of entitlements during the final three quarters of its fiscal year ending December 31, 1976. In view of the fact that Husky will obtain significant benefits under the Entitlements Program the FEA concluded that the firm had failed to substantiate its contention that the Program will produce a serious hardship. The Husky exception request was therefore denied.

Kern County Refinery, Inc.; Bakersfield, Calif.; Fee–2454; Crude Oil

Kern County Refinery, Inc. (Kern) filed an Application for Exception from the provisions of 10 CFR 211.67 (the Old Oil Entitlements Program) which, if granted, would relieve the firm of any obligation to purchase entitlements beginning with the month of April, 1976. In support of its exception request, Kern submitted projected financial statements for its fiscal year which ends on December 31, 1976, as well as projected monthly crude oil runs to stills and receipts of old, new and imported crude oil for the fiscal year. The FEA found that because of the unusual factors that were present in this case as a result of the fact that Kern purchased the refinery which it operates from the Charter Oil Company (Charter) effective January 1, 1976, the determination of whether exception relief is appropriate should be based solely on a profit margin analysis. On the basis of the refinery's contribution to the total financial and operating results of its former owner during the fiscal years 1972 through 1975, the FEA determined an historic profit margin for the firm and compared that historic profit margin with the profit margin which the firm projected it would achieve for the current fiscal year in the absence of exception relief. The comparison indicated that the firm's current profit margin would be significantly below its historic profit margin as a direct result of its substantial entitlement purchase obligations. Accordingly, Kern was granted an exception which relieved the firm of a portion of its entitlement purchase obligations. The exception relief was granted for the six month period June through November 1976 to account for the firm's crude oil runs to stills and old oil receipts during the period April through September 1976. The FEA noted, however, that the relief approved to Kern would be reevaluated if the firm requested an extension of the exception beyond November 1976 and at the conclusion of the firm's fiscal year. The Decision further noted that an adjustment will be made which will require the firm to purchase entitlements if it receives excess benefits because of a discrepancy between the financial projections it submitted and the actual financial results which it achieves. On the basis of that reevalaution, adjustments may also be made permitting Kern to sell additional entitlements.

Little America Refining Co.; Evansville, Wyo.; FEE–2455; Crude Oil

Little America Refining Company (Little America) filed an Application for Exception from the provisions of 10 CFR 211.67 (the Old Oil Entitlements Program) which, if granted, would relieve the firm of any obligation to purchase entitlements beginning with the month of April 1976. In support of its exception request, Little America submitted projected financial statements for its current fiscal year ending September 30, 1976 and projected monthly crude oil runs to stills and receipts of old, new and imported crude oil for the fiscal year. In considering Little America's exception request the FEA determined that a substantial showing has been made that the firm's entitlement purchase obligations would prevent it from achieving either its historic profit margin or return on invested capital during the current fiscal year. Pursuant to the criteria set forth in Delta Refining Company, 2 FEA Par. 83,275 (September 11, 1975) and Beacon Oil Company, 3 FEA Par. ---- (June 8, 1976), exception relief was therefore warranted. Accordingly, the FEA granted Little America's Application for Exception relieving the firm of any obligation to purchase entitlements during the six month period June through November 1976 to account for its crude oil runs to stills and old oil receipts during the period April through September 1976. However, the FEA noted in the decision which it issued that the relief approved to Little America would be reevaluated if the firm requested an extension of exception relief beyond November 1976 and at the conclusion of the firm's current fiscal year. The decision further noted that an adjustment will be made and Little America will be required to purchase entitlements if it receives excess benefits because of a discrepancy between the financial projections it submitted and the actual financial results which it achieves.

Lunday-Thagard Oil Co.; South Gate, Calif.; FEE–2434; Crude Oil

Lunday-Thagard Oil Company (Lunday-Thagard) filed an Application for Exception from the provisions of 10 CFR 211.67 (the Old Oil Entitlements Program) which, if granted, would relieve the firm of any obligation to purchase entitlements beginning with the month of April 1976. In support of its exception request, Lunday-Thagard submitted projected financial statements for its current fiscal year ending June 30, 1976 and projected monthly crude oil runs to stills and receipts of old, new and imported crude oil for the fiscal year. In considering Lunday-Thagard's exception request the FEA determined that the firm's entitlement purchase obligations would prevent it from achieving either its historic profit margin or return on invested capital during its current fiscal year. Pursuant to the criteria set forth in Delta Refining Company, 2 FEA Par. 83,275 (September 11, 1975) and Beacon Oil Company, 3 FEA Par. ---- (June 8, 1976), exception relief was therefore warranted for the firm's fiscal year ending June 30, 1976. The FEA also determined that the financial material which Lunday-Thagard submitted indicated that it would be entitled to exception relief during the early part of its 1977 fiscal year. In accordance with the FEA's previous determination that exception relief from the provisions of the Old Oil Entitlements Program would be generally granted for a period of six months (41 Fed. Reg. 20394), the FEA granted Lunday-Thagard's Application for Exception relieving the firm of any obligation to purchase entitlements during the six month period June through November 1976 to account for its crude oil runs to stills and old oil receipts during the period April through September 1976. The FEA noted, however, that the relief granted to Lunday-Thagard would be reevaluated if the firm requested an extension of the exception beyond November 1976 and at the conclusion of the firm's current fiscal year. The decision further noted that an adjustment will be made and Lunday-Thagard will be required to purchase entitlements if it receives excess benefits because of a discrepancy between the financial projections it submitted and the actual financial results which it achieves.

Midland Cooperatives, Inc.; Cushing, Okla.; FEE–2452; Crude Oil

Midland Cooperatives, Incorporated (Midland) filed an Application for Exception from the provisions of 10 CFR 211.67 (the Old Oil Entitlements Program) which, if granted, would relieve the firm of any obligation to purchase entitlements. After reviewing the financial and operating data which Midland provided, the FEA determined that Midland will be a net seller of entitlements during the final two quarters of its current fiscal year ending December 31, 1976. In view of the fact that Midland will obtain significant benefits under the Entitlements Program the FEA concluded that the firm had failed to substantiate its contention that the Program will produce a serious hardship. Midland's exception request was therefore denied.

Mohawk Petroleum Corp., Inc.; Los Angeles, Calif.; FEE–2433; Crude Oil

Mohawk Petroleum Corporation, Inc. (Mohawk) filed an Application for Exception from the provisions of 10 CFR 211.67 (the Old Oil Entitlements Program) which, if granted, would relieve the firm of any obligation to purchase entitlements beginning with the month of April 1976. In support of its exception request, Mohawk submitted projected financial statements for its current fiscal year ending December 31, 1976 and projected monthly crude oil runs to stills and receipts of old, new and imported crude oil for the fiscal year. In considering Mohawk's exception request the FEA determined that a substantial showing has been made that the firm's entitlement purchase obligation would prevent it from achieving either its historic profit margin or return on invested capital during the current fiscal year. Pursuant to the criteria set forth in Delta Refining Company, 2 FEA Par. 83.275 (September 11, 1975) and Beacon Oil Company, 3 FEA Par. ---- (June 8, 1976), exception relief was therefore warranted. Accordingly, the FEA granted Mohawk's Application for Exception relieving the firm of any obligation to purchase entitlements during the six month period June through November 1976 to account for its crude oil runs to stills and old oil receipts during the period April through September 1976. However, the FEA noted in the decision which it issued that the relief approved to Mohawk would be reevaluated if the firm requested an extension of exception relief beyond November 1976 and at the conclusion of the firm's fiscal year. The decision further noted that an adjustment will be made and Mohawk will be required to purchase entitlements if it receives excess benefits because of a discrepancy between the financial projections it submitted and the actual financial results which it achieves.

OKC Corp.; Dallas, Tex.; FEE–2365; Crude Oil

OKC Corporation (OKC) filed an Application for Exception from the provisions of 10 CFR 211.67 (the Old Oil Entitlements Program) which, if granted, would relieve the firm of any obligation to purchase entitlements. After reviewing the financial and operating data which OKC provided, the FEA determined that OKC will be a net seller of entitlements during the final two quarters of its current fiscal year ending September 30, 1976. In view of the fact that OKC will obtain significant benefits under the Entitlements Program the FEA concluded that the firm had failed to substantiate its contention that the Program will produce a serious hardship. OKC's exception request was therefore denied.

Pasco, Inc.; Denver, Colo.; FEE–2441; Crude Oil.

Pasco, Inc. (Pasco) filed an Application for Exception from the provisions of 10 CFR 211.67 (the Old Oil Entitlements Program) which, if granted, would relieve the firm of any obligation to purchase entitlements beginning with the month of April 1976. In support of its exception request, Pasco submitted projected financial statements for its current fiscal year ending December 31, 1976 and projected monthly crude oil runs to stills

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and receipts of old, new and imported crude oil for the fiscal year. In considering Pasco's exception request the FEA determined that a substantial showing has been made that the firm's entitlement purchase obligations would prevent it from achieving either its historic profit margin or return on invested capital during the current fiscal year. Pursuant to the criteria set forth in Delta Refining Company 2 FEA Par. 83,275 (September 11, 1975) and Beacon Oil Company, 3 FEA Par. ---- (June 8, 1976), exception relief was therefore warranted. Accordingly, the FEA granted Pasco's Application for Exception relieving the firm of a portion of its obligation to purchase entitlements during the six month period June through November 1976 to account for its crude oil runs to stills and old oil receipts during the period April through September 1976. However, the FEA noted in the decision which it issued that the relief approved to Pasco would be reevaluated if the firm requested an extension of exception relief beyond November 1976 and at the conclusion of the firm's fiscal year. The decision further noted that an adjustment will be made and Pasco will be required to purchase entitlements if it receives excess benefits because of a discrepancy between the financial projections it submitted and the actual financial results which it achieves. At that time a further determination will also be made as to whether sufficient exception relief was approved for the prior period. On the basis of that determination further adjustments may be made and Pasco may be permitted to sell additional entitlements.

Rock Island Refining Corp.; Indianapolis, Ind.; FEE–2431; crude oil.

Rock Island Refining Corporation (Rock Island) filed an Application for Exception from the provisions of 10 CFR 211.67 (the Old Oil Entitlements Program) which, if granted, would relieve the firm of any obligation to purchase entitlements beginning with the month of April 1976. In support of its exception request, Rock Island submitted projected financial statements for its current fiscal year ending November 30, 1976 and projected monthly crude oil runs to stills and receipts of old, new and imported crude oil for the fiscal year. In considering Rock Island's exception request the FEA determined that a substantial showing has been made that the firm's entitlement purchase obligations would prevent it from achieving either its historic profit margin or return on invested capital during the current fiscal year. Pursuant to the criteria set forth in Delta Refining Company, 2 FEA Par. 83,275 (September 11, 1975) and Beacon Oil Company, 3 FEA Par. ---- (June 8, 1976), exception relief was therefore warranted. Accordingly, the FEA granted Rock Island's Application for Exception relieving the firm of a portion of its obligation to purchase entitlements during the six month period June through November 1976 to account for its crude oil runs to stills and old oil receipts during the period April through September 1976. However, the FEA noted in the decision which it issued that the relief approved to Rock Island would be reevaluated if the firm requested an extension of exception relief beyond November 1976 and at the conclusion of the firm's fiscal year. The decision further noted that an adjustment will be made and Rock Island will be required to purchase entitlements if it receives excess benefits because of a discrepancy between the financial projections it submitted and the actual financial results which it achieves. At that time a further determination will also be made as to whether sufficient exception relief was approved for the prior period. On the basis of that determination further adjustments may be made and Rock Island may be permitted to sell additional entitlements.

San Joaquin Refining Co.; Oildale, Calif.; FEE–2356; crude oil.

San Joaquin Refining Company (San Joaquin) filed an Application for Exception from the provisions of 10 CFR 211.67 (the Old Oil Entitlements Program) which, if granted, would relieve the firm of any obligation to purchase entitlements beginning with the month of April 1976. In support of its exception request, San Joaquin submitted financial statements for its current fiscal year which ends April 30, 1976. The firm also submitted data showing its actual crude oil runs to stills and receipts of old, new and imported crude oil for April 1976, and projected monthly crude oil runs to stills and receipts of old, new and imported crude oil for its 1977 fiscal year. In considering San Joaquin's exception request the FEA determined that a substantial showing has been made that the firm's entitlement purchase obligations would prevent it from achieving either its historic profit margin or return on invested capital during the current fiscal year. Pursuant to the criteria set forth in Delta Refining Company, 2 FEA Par. 83,275 (September 11, 1975) and Beacon Oil Company, 3 FEA Par. ---- (June 8, 1976), exception relief was therefore warranted. Accordingly, the FEA granted San Joaquin exception relief from that portion of its entitlement purchase obligations for the months of May through September 1976 which would otherwise preclude it from achieving its historic profit margin during its 1977 fiscal year. The FEA noted, however, that the relief granted to San Joaquin would be reevaluated if the firm requested an extension of the exception beyond November 1976 and at the conclusion of the firm's fiscal year when actual financial data is available. The Decision further noted that an adjustment will be made and the firm will be required to buy entitlements if San Joaquin receives excess benefits because of a discrepancy between the financial projections it submitted and the actual financial results which it achieved. On the basis of the reevaluation, adjustments may also be made permitting San Joaquin to sell additional entitlements.

Southland Oil Company; Jackson, Miss.; FEE–2438; crude oil.

Southland Oil Company (Southland) filed an Application for Exception from the provisions of 10 CFR 211.67 (the Old Oil Entitlements Program) which, if granted, would relieve the firm of any obligation to purchase entitlements beginning with the month of April 1976. In support of its exception requests, Southland submitted projected financial statements for its current fiscal year which ends December 31, 1976. The firm also submitted projected monthly crude oil runs to stills and receipts of old, new and imported crude oil for its 1976 fiscal year. In considering Southland's exception request the FEA determined that a substantial showing has been made that the firm's entitlement purchase obligations would prevent it from achieving either its historic profit margin or return on invested capital during the current fiscal year. Pursuant to the criteria set forth in Delta Refining Company, 2 FEA Par. 83,275 (September 11, 1975) and Beacon Oil Company, 3 FEA Par. —— (June 8, 1976), exception relief was therefore warranted. Accordingly, the FEA granted Southland's Application for Exception relieving the firm of a portion of its entitlement purchase obligations during the months of June through November 1976. The FEA noted, however, that the relief approved to Southland would be reevaluated if the firm requested an extension of exception relief beyond November 1976 and at the conclusion of the firm's fiscal year. The Decision further noted that an adjustment will be made and the firm will be required to buy entitlements if Southland receives excess benefits because of a discrepancy between the financial projections it submitted and the actual financial results which it achieves. At that time a determination will also be made as to whether Southland has received sufficient exception relief. On the basis of that determination further adjustments may be made and Southland may be permitted to sell additional entitlements.

Sunland Refining Co.; Los Angeles, Calif.; FEE–2456; crude oil.

Sunland Oil Company (Sunland) filed an Application for Exception from the provisions of 10 CFR 211.67 (the Old Oil Entitlements Program) which, if granted, would relieve the firm of any obligation to purchase entitlements beginning with the month of April 1976. In support of its exception request, Sunland's submitted projected financial statements for its current fiscal year ending December 31, 1976 and projected monthly crude oil runs to stills and receipts of old, new and imported crude oil for the fiscal year. In considering Sunland's exception request the FEA determined that a substantial showing has been made that the firm's entitlement purchase obligations would prevent it from achieving either its historic profit margin or return on invested capital during the current fiscal year. Pursuant to the criteria set forth in Delta Refining Company 2 FEA Par. 83,275 (September 11, 1975) and Beacon Oil Company, 3 FEA Par. —— (June 8, 1976), exception relief was therefore warranted. Accordingly, the FEA granted Sunland's Application for Exception relieving the firm of any obligation to purchase entitlements during the six month period June through November 1976 to account for its crude oil runs to stills and old oil receipts during the period April through September 1976. The FEA noted, however, that the relief granted to Sunland would be reevaluated if the firm requested an extension of exception relief beyond November 1976 and at the conclusion of the firm's fiscal year. The decision further noted that an adjustment will be made and the firm will be required to purchase entitlements if it receives excess benefits because of a discrepancy between the financial projections it submitted and the actual financial results which it achieves.

Warrior Asphalt Co. of Alabama, Inc.; Tuscaloosa, Ala.; FEE–2439; crude oil.

Warrior Asphalt Company of Alabama, Inc. (Warrior) filed an Application for Exception from the provisions of 10 CFR 211.67 (the Old Oil Entitlements Program) which, if granted, would relieve the firm of any obligation to purchase entitlements beginning with the month of April 1976. In support of its exception request, Warrior submitted projected financial statements for its current fiscal year ending March 31, 1977 and projected monthly crude oil runs to stills and receipts of old, new and imported crude oil for the fiscal year. In considering Warrior's exception request the FEA determined that a substantial showing has been made that the firm's entitlement purchase obligations would prevent it from achieving either its historic profit margin or return on invested capital during the current fiscal year. Pursuant to the criteria set forth in Delta Refining Company, 2 FEA Par. 83,275 (September 11, 1975) and Beacon Oil Company, 3 FEA Par. —— (June 8, 1976), exception relief was therefore warranted. Accordingly, the FEA granted Warrior's Application for Exception relieving the firm of any obligation to purchase entitlements during the six month period June through November 1976 to account for its crude oil runs to stills and old oil receipts during the period April through September 1976. The FEA noted, however, that the relief granted to Warrior would be reevaluated if the firm requested an extension of exception relief beyond November 1976 and at the conclusion of the firm's fiscal year. The decision further noted that an adjustment will be made and Warrior will be required to purchase entitlements if it receives excess benefits because of a discrepancy between the financial projects it submitted and the actual financial results which it achieves.

West Coast Oil Co.; Oildale, Calif.; FEE–2235; crude oil.

West Coast Oil Company (West Coast) filed an Application for Exception from the provisions of 10 CFR 211.67 (the Old Oil Entitlements Program) which, if granted, would relieve the firm of any obligation to purchase entitlements. After reviewing the financial and operating data which West Coast provided, the FEA determined that West Coast will be a net seller of entitlements during the final three quarters of its current fiscal year ending December 31, 1976. In view of the fact that West Coast will obtain significant benefits under the Entitlements Program the FEA concluded that the firm had failed to substantiate its contention that the Program will produce a serious hardship. West Coast's exception request was therefore denied.

Young Refining Co.; Douglasville, Ga.; FEE–2364; crude oil.

Young Refining Company (Young) filed an Application for Exception from the provisions of 10 CFR 211.67 (the Old Oil Entitlements Program) which, if granted, would relieve the firm of any obligation to purchase entitlements beginning with the month of April 1976. In support of its exception request, Young submitted projected financial statements for its current fiscal year ending March 31, 1977 and projected monthly crude oil runs to stills and receipts of old, new and imported crude oil for the fiscal year. In considering Young's exception request the FEA determined that a substantial showing has been made that the firm's entitlement purchase obligations would prevent it from achieving either its historic profit margin or return on invested capital during the current fiscal year. Pursuant to the criteria set forth in Delta Refining Company, 2 FEA Par. 83,275 (September 11, 1975) and Beacon Oil Company, 3 FEA Par. ----- (June 8, 1976), exception relief was therefore warranted. Accordingly, the FEA granted Young's Application for Exception relieving the firm of any obligation to purchase entitlements during the six month period June through November 1976 to account for its crude oil runs to stills and old oil receipts during the period April through September 1976. The FEA noted, however, that the relief granted to Young would be reevaluated if the firm requested an extension of exception relief beyond November 1976 and at the conclusion of the firm's fiscal year. The decision further noted that an adjustment will be made and Young will be required to purchase entitlements if it receives excess benefits because of a discrepancy between the financial projections it submitted and the actual financial results which it achieves.

REQUEST FOR STAY

Farmers Union Central Exchange, Inc.; St. Paul, Minn.; FES–2570; motor gasoline.

The Farmers Union Central Exchange, Inc. (CENEX) requested that the application to it of the provisions of 10 CFR 211.9 be stayed pending a determination on its Application for Exception from those same regulatory provisions. The stay if granted, would have relieved CENEX of its obligation to supply three of its base period purchasers with their allocation entitlements of motor gasoline, from July 1, 1976 until the effective date of the FEA's decision with respect to the CENEX Application for Exception. In considering the application, the FEA determined that CENEX had not provided sufficient evidence that it would experience a hardship or irreparable injury in the absence of a stay, nor did it claim that it otherwise met the criteria stated in 10 CFR 205.125(b) which govern the approval of stay relief. The FEA therefore denied CENEX's Application for Stay.

DISMISSALS

The following submissions were dismissed following a statement by the applicant indicating that the relief requested was no longer needed:

K.L.M. Oil Co.; Long Beach, Calif.; FEE–2479—Phillips Petroleum Co.; Bartlesville, Okla.; FEE–2414—South Hampton Co.; Silsbee, Tex.; FEE–2362—Thriftway Co.; Farmington, N. Mex.; FEE–2333—V–I Oil Co.; Washington, D.C.; FEE–2353.

The following submissions were dismissed for failure to correct deficiencies in the firm's filing as required by the FEA Procedural Regulations:

Chemplex Co.; Washington, D.C. FEE–2495—Small's LP Gas Co.; Wyatt, Mo.; FEE–2418.

TEMPORARY STAY

The following Application for Temporary Stay was approved on the grounds that the applicant made a compelling showing that temporary stay relief was necessary to prevent an irreparable injury:

Kern County Refinery, Inc.; Bakersfield, Calif.; FST–0007.

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Private Grievances and Redress, Room B–120, 2000 M Street, NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.s.t., except Federal holidays. They are also available in Energy Management: Federal Energy Guidelines, a commercially published loose leaf reporter system.

Dated: July 30, 1976.

DAVID G. WILSON,
Acting General Counsel.

[FR Doc.76–22585 Filed 7–30–76;1:38 pm]

OFFICE OF EXCEPTIONS AND APPEALS

Cases Filed During the Week of June 21 Through June 25, 1976

Notice is hereby given that during the week of June 21 through June 25, 1976, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Exceptions and Appeals of the Federal Energy Administration. The following summary also contains a list of submissions which were dismissed by the Office of Exceptions and Appeals and the basis for the dismissal.

APPEALS

National Oil Jobbers Council; Washington, D.C.; FEA–0845; Freedom of Information

The National Oil Jobbers Council (NOJC) appealed from an Order in which the FEA denied in part a Request for Information which the NOJC had submitted under the Freedom of Information Act, 5 U.S.C. 552. In its Request, the NOJC had sought a copy of the entire FEA Compliance Manual (the Manual). The Manual is primarily designed to provide guidance to staff members of the FEA Office of Compliance. In response to the NOJC's request, the FEA Information Access Officer released a large portion of the Manual. However, the Information Access Officer deleted from the copy of the Manual which was released certain material which he found was sensitive law enforcement material which would enable potential violators to circumvent the law and escape detection. In its Appeal, the NOJC contended that the Information Access Officer erroneously concluded that certain of the deleted sections of the Manual are exempt from mandatory public disclosure. In considering the NOJC's Appeal, the FEA noted that in a recent decision, the United States District Court for the District of Columbia held that agency manuals which discuss sensitive investigatory strategy are properly within the scope of the second exemption to the Freedom of Information Act, i.e., 5 U.S.C. 552(b)(2). Ginsburg, Feldman & Bress v. Federal Energy Administration, ---- Supp. ----, Civil Action No. 76–27 (D.D.C. June 18, 1976). Since substantially all of the material which the NOJC sought consisted of investigatory techniques and procedures which could alert a law violator to the most effective means of evading detection or frustrating legitimate investigations, the FEA held that the material involved was therefore properly withheld from public disclosure. The FEA also found that Section 3.108.00 of the Manual did not contain investigatory techniques or procedures and was therefore subject to mandatory disclosure. Consequently, the NOJC Appeal was granted in part, and an order was entered directing that a copy of Section 3.108.00 of the Manual be released.

Superior Oil Co.; Houston, Tex.; FEA–0796 (Cymric); FEA–0797 (Elk City); FEA–0798 (Kettleman Hills); FEA–0799 (Levelland); FEA–0800 (Okeene); FEA–0801 (Portilla); natural gas liquids

Superior Oil Company (Superior) filed six Appeals from a Decision and Order which the FEA issued to it on February 27, 1976. Superior Oil Co., 3 FEA Par. 83,118 (February 27, 1976). In the previous decisions, the FEA denied exception relief with respect to two gas processing plants which have incurred non-product cost increases of a de minimus nature. Superior's Appeals, if granted, would result in a determination that the FEA's de minimum standards should be changed from a threshold level of $.005 to $.001 per gallon. In considering Superior's Appeals, the FEA determined that the firm had presented no data which indicates that the $.005 per gallon de minimus standard for exception relief lacks a rational basis, nor had the firm substantiated its contention that the FEA acted in an arbitrary or capricious manner in developing that standard. However,

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the FEA also held that, in analyzing the previous application for the Kettleman Hills plant, the FEA improperly adjusted the relief provided to reflect a decrease in the unit cost for depreciation. The FEA concluded that this adjustment was not appropriate since depreciation expense is a non-cash item which should have been excluded from the computation of Superior's non-product costs. Accordingly, the FEA granted Superior's Appeal with respect to the Kettleman Hills plant, but denied the firm's other Appeals.

REQUESTS FOR EXCEPTION

Edgington Oil Co.; Long Beach, Calif.; FEE–2457; crude oil.

Edgington Oil Company filed an Application for Exception from the provisions of 10 CFR 211.67 (the Old Oil Entitlements Program) which, if granted, would relieve the firm of any obligation to purchase entitlements beginning with the month of April 1976. In support of its exception request, Edgington submitted projected financial statements for its current fiscal year ending June 30, 1976, and projected monthly crude oil runs to stills and receipts of old, new and imported crude oil for the fiscal year. In considering Edgington's exception request, the FEA determined that a substantial showing had been made that the firm's entitlement purchase obligation would prevent it from achieving either its historic profit margin or return on invested capital during the current fiscal yer. Pursuant to the criteria set forth in Delta Ref. Co., 2 FEA Par. 83,275 (September 11, 1975) and Beacon Oil Co., 3 FEA Par. ---- (June 8, 1976), exception relief was therefore warranted for the current fiscal year. Based on the material which Edgington submitted, a further determination was made that exception relief was also appropriate for the initial months of the firm's 1977 fiscal year beginning on July 1, 1976. Accordingly, the FEA granted Edgington's exception application relieving the firm of sufficient entitlement purchases during the months of June through November 1976, to permit Edgington to achieve its historic profit margin during the current fiscal year and the initial three months of the firm's 1977 fiscal year. However, the FEA noted in the Decision which it issued that the relief approved would be reevaluated if the firm requested an extension of exception relief beyond November 1976 and also at the conclusion of the firm's fiscal year. The Decision further noted that an adjustment will be made and Edgington will be required to purchase entitlements if it receives excess benefits because of a discrepancy between the financial projections it submitted and the actual financial results which it achieves.

GARY OPERATING CO.; Englewood, Colo.; FEE–2499. Natural gas liquid products

Gary Operating Company (Gary) requested an extension of the exception relief which was granted to it by the FEA on September 29, 1975. Gary Operating Co., 2 FEA Par. 83,311 (September 29, 1975). In that Decision, the FEA determined that Gary's non-product cost increases were substantially in excess of the amount which it was permitted to pass through under the provisions of Section 212.165 and that Gary should therefore be granted exception relief which permits it to increase its selling prices to reflect increased non-product costs. In the present proceeding, Gary requested that the exception relief granted on September 29 be extended for an additional period on the basis of the current cost data which it provided. In reviewing Gary's submission, the FEA determined that Gary's non-product cost increases remained substantially in excess of the $.005 per gallon passthrough permitted under the provisions of Section 212.165. The FEA therefore granted Gary's request and permitted the firm to increase its selling prices of natural gas liquid products by an amount which reflects its actual unrecovered non-product cost increases.

Navajo Refining Co.; Artesia, N. Mex.; FEE–2440; crude oil

Navajo Refining Company filed an Application for Exception from the provisions of 10 CFR 211.67 (the Old Oil Entitlements Program) which, if granted, would relieve the firm of any obligation to purchase entitlements beginning with the month of April 1976. In support of its exception request, Navajo submitted projected financial statements for its current fiscal year which ends on July 31, 1976, and projected monthly crude oil runs to stills and receipts of old, new and imported crude oil for the fiscal year. In considering Navajo's exception request, the FEA determined that a substantial showing had been made that the firm's entitlement purchase obligation would prevent it from achieving either its historic profit margin or return on invested capital during the current fiscal yer. Pursuant to the criteria set forth in Delta Ref. Co., 2 FEA Par. 83,275 (September 11, 1975) and Beacon Oil Co., 3 FEA Par. ---- (June 8, 1976), partial exception relief was therefore warranted for the current fiscal year. Based on the material which Navajo submitted a further determination was made that exception relief was also appropriate for the initial months of the firm's 1977 fiscal year. Accordingly, the FEA granted Navajo's exception application relieving the firm of sufficient entitlement purchases during the months of June through November 1976 to permit it to attain its historic profit margin in the current fiscal year, and the first two months of its 1977 fiscal year. However, the FEA noted in the Decision which it issued that the relief approved would be reevaluated if the firm requested an extension of exception relief beyond November 1976 and also at the conclusion of the firm's fiscal year. The Decision further noted that an adjustment will be made and Navajo will be required to purchase entitlements if it receives excess benefits because of a discrepancy between the financial projections it submitted and the actual financial results which it achieves.

Racine Commercial Airport Corp.; Racine, Wis., FEE–2321, aviation gasoline

Racine Commercial Airport Corporation (Racine) filed an Application for Exception from the provisions of 10 CFR, Part 211, which, if granted, would increase its base period use of aviation gasoline from 80,600 gallons to 173,000 gallons per year. In considering the exception request, the FEA found that Racine was experiencing an increased demand for aviation gasoline as a result of a significant increase in air traffic at the Racine Airport subsequent to the 1972 base period. The FEA also found that Racine was unable to purchase surplus product and that its inability to obtain an increased supply of aviation gasoline would frustrate the goals specified in Section 4(b)(1) of the Emergency Petroleum Allocation Act of 1973, as amended, by frustrating economic expansion in the Racine area and encouraging economic distortions and inefficiencies. The FEA therefore concluded that Racine qualifies for exception relief under the criteria established in previous FEA decisions. *See*, e.g., Bowen Service Station; Winninghoff Motors, Inc., 2 FEA Par. 83,058 (March 13, 1975). However, the FEA determined that a portion of the additional quantity of aviation gasoline requested by the firm (approximately 44,400 gallons) was intended for civil air carriers. Since those firms may obtain additional fuel through existing administrative procedures which do not involve the exceptions process, the increased base period use requested by Racine was reduced by 44,400 gallons. On the basis of these findings exception relief was approved increasing Racine's base period use of aviation gasoline to 128,600 gallons per year.

Sound Refining, Inc.; Tacoma, Wash.; FEE–2344, unfinished distillates

Sound Refining, Inc. filed an Application for Exception which, if granted, would permit the firm to determine its maximum allowable selling prices for refined petroleum products without regard to the ten percent limitation set forth in Section 212.83(e)(6). That regulatory provision relates to the amount of unrecouped crude oil cost increases which a firm may reflect in the selling prices of the products it refines and applies to any month after the two month period immediately following the month in which the cost increases were incurred. Sound contended that its operations are seasonal in nature and, as a consequence, the application to it of the ten percent limitation prevents it from recouping a substantial portion of its crude oil cost increases. In evaluating the exception application, the FEA determined that Sound purchases crude oil in only four or five months of each year and sells almost all of the covered products it produces, principally unfinished distillates, in the months of May through October. Since Sound does not sell refined petroleum products within the two month period following the month in which it purchases crude oil, the application of the ten percent price limitation set forth in Section 212.83(c)(6) prevents the firm from increasing its prices during the period in which it markets most of its covered products. The data submitted by Sound showed that the ten percent limitation contained in Section 212.83(e)(6) has resulted in drastic fluctuations in the prices which Sound is permitted to charge for its covered products and will have a significant adverse impact on its financial position during 1976. The FEA held that it was not intended that these extreme price fluctuations would occur when the ten percent limitation was promulgated. The FEA concluded that under these circumstances a gross inequity exists which warrants exception relief. Sound was therefore granted an exception which permits it to treat its February 1976 crude oil cost increases as having been incurred in four equal portions during the months of February, March, April and May 1976.

State of Hawaii; Honolulu, Hawaii; FEE–2480; motor gasoline diesel fuel

The Director of the Department of Planning and Economic Development of the State of Hawaii filed an Application for Exception from the provisions of the Mandatory Petroleum Price Regulations on behalf of the State. The exception request, if granted, would permit refiners, resellers and retailers of motor gasoline and diesel fuel in the State to increase their selling prices to reflect an increase in the license tax imposed by the State on distributors of those fuels. In considering the exception request, the FEA determined that the tax, which is regarded as a non-product cost under FEA Regulations which distributors cannot automatically pass through to the ultimate consumer, was similar in nature to a tax imposed by the State of Oregon. In a previous proceeding involving the State of Oregon, the FEA granted exception relief, permitting distributors of motor fuel in Oregon to pass through a proposed license tax increase. State of Oregon, 2 FEA Par. 83,320 (October 3, 1975). In that Decision, the FEA determined that the burden to the State of either foregoing the proposed tax increase or revamping its tax structure so outweighted any benefits from the continued application of the FEA Regulations in the particular case as to result in a gross inequity. Since the circumstances presented in the State of Hawaii's request for exception were similar to those presented by the State of Oregon, the FEA granted exception relief on the basis of the previous precedent.

Thirty-One Service Plaza, Inc.; Greenwood, Ind.; FEE–2308; motor gasoline middie distillates

Thirty-One Service Plaza, Inc. (Service Plaza (filed an Application for exception from the provisions of 10 CFR 211.9 which, if granted, would have resulted in the issuance of Orders by the FEA (i) assigning a new supplier of motor gasoline and middie distillates to Service Plaza to replace its current base period supplier, the Campbell Oil Company, and (ii) directing the new supplier to furnish Service Plaza with its adjusted base period usea of motor gasoline and middie distillates. In its exception request, Service Plaza stated that it was presently purchasing surplus motor gasoline and diesel fuel from the Standard Oil Company of Indiana (Amoco) and has been permitted to use the Amoco brand name. Service Plaza contended, however, that it could not continue to rely indefinitely on its arrangement with Amoco. The firm claimed that, if it were unable to purchase surplus product from Amoco and instead purchased its petroleum product requirements from Campbell, a nonbranded independent marketer, it would lose a substantial volume of credit card sales and, as a result, would be unable to repay a large amount of debt incurred in the construction of its retail sales outlet. In considering Service Plaza's exception request, the FEA noted that since November 1975, Service Plaza had purchased its entire supply requirements from Amoco and neither Service Plaza nor Amoco provided any substantive evidence as to why that situation might be altered in the foreseeable future. In fact, Amoco indicated that it would probably be able to continue to supply Service Plaza with surplus product. The FEA therefore determined that Service Plaza had failed to demonstrate that it was currently experiencing any difficulties as a result of its base supplier/purchaser relationship with Campbell and accordingly denied the firm's exception request.

Warrior Asphalt Co. of Alabama; Tuscaloosa, Ala.; FEE–2366; Middle Distillates

Warrior Asphalt Company of Alabama filed an Application for Exception from the provisions of 10 CFR 212.83. Warrior's exception request, if granted, would permit the firm to retain certain revenues which it realized during the period April 1, 1974 through December 31, 1975 by charging prices for Middle distillates which were in excess of the maximum levels permitted by Section 212.83. In considering Warrior's request, the FEA determined that although Warrior may have relied on erroneous advice from a public accounting firm in computing its maximum lawful price levels for covered products, the firm nevertheless failed to meet its affirmative obligation to be cognizant of the correct application of FEA Regulations to its operation. The FEA also held that the fact that Warrior priced its products competitively does not in any way establish that the firm is entitled to retroactive exception relief. In addition, the FEA noted that the firm as a whole realized record levels of 1974 through December 31, 1975 when the pre-tax profit during the period April 1, alleged price increases had been implemented. Finally, the FEA held that a conclusion as to the financial impact on the firm of possible remedial action was inappropriate at the present time because a preliminary audit of the amount of possible overcharges had not even been completed and the firm itself was unsure as to the total amount involved. Cf. Raymond M. Jones, 3 FEA Par. 80,620 (April 19, 1976). Warrior's exception application was accordingly denied.

Win-Air Aviation Services; Falls City, Nebr.; FEE–2367; aviation gasoline

Win-Air Aviation Services filed an Application for Exception from the provisions of 10 CFR 211.12. The exception request, if granted, would result in the issuance of Orders by the FEA increasing Win-Air's base period use of aviation gasoline from 25,316 to 50,600 gallons, and directing the firm's base period supplier to furnish it with the increased volume. In considering the exception application, the FEA determined that Win-Air failed to provide any data to substantiate the nature and extent of the increased fuel requirements which it claimed to be experiencing or any material which supported its assertion that the policy objectives of the Emergency Petroleum Allocation Act of 1973, as amended, would be frustrated unless its base period use of aviation gasoline were increased. Moreover, the information which Win-Air did furnish appeared to indicate that some of its customers are priority users who are already entitled under the present FEA regulatory program to receive 100 percent of their current fuel requirements. The firm's exception request was therefore denied.

REQUEST FOR STAY

General Crude Oil Co.; Houston, Tex.; FES–0855; Crude Oil.

General Crude Oil Company (General Crude) requested that a Remedial Order issued to the firm on May 21, 1976 be stayed pending a final determination of the firm's Appeal from that Order. In the Remedial Order, the FEA determined that General Crude had improperly determined its selling price for certain crude oil by using the provisions of the FEA Price Regulations which apply to refiners rather than those applicable to producers of crude oil. The FEA Remedial Order directed General Crude to reduce its prices of crude oil and to make refunds for previous overcharges. In considering the contentions raised by General Crude, the FEA concluded that the firm could suffer an irreparable injury if it were required to immediately refund previous overcharges. It was noted that in previous cases the FEA had generally stayed the provisions of Remedial Orders requiring immediate refunds and had required certain appellants to place the contested funds into an escrow account pending a determination of their Appeals from the Remedial Orders. The FEA indicated that it would adhere to that procedure in similar cases in the future. Thus, as a general rule, where a showing is made that substantial issues concerning the propriety of a Remedial Order having been or will be raised in an Appeal and a further showing is made that it is likely that if a stay is not granted the firm may be irreparably injured, the refund requirements of the Remedial Order will be stayed pending a decision on the firm's Appeal. However, the stay will be contingent on the establishment of an irrevocable escrow account into which the disputed funds are placed unless the applicant makes a strong and convincing showing that the procedure is not appropriate in view of the particular facts presented in the case. In considering General Crude's application, the FEA concluded that the firm had made a preliminary showing that a stay should be issued with respect to refunds for previous overcharges. Consequently, the stay was approved on the condition that an escrow account be established into which the disputed funds are placed. With respect to the requirement that General Crude immediately reduce its prices to a lawful level, the FEA stated that it would generally deny a request for a stay of a requirement specified in a Remedial Order that the appellant immediately reduce its prices to lawful levels unless the appellant demonstrates that strong countervailing factors exist which warrant the approval of a stay. The FEA concluded that General Crude had not shown that any such factors were present in this proceeding and therefore declined to stay this requirement of the Remedial Order.

REQUESTS FOR MODIFICATION OR RESCISSION

Beacon Oil Co.; Hanford, Calif.; FMR–0051, refined products.

Beacon Oil Company (Beacon) filed a Request for Modification or Rescission of a Decision and Order which the FEA issued to it on March 16, 1976. Beacon Oil Co., 3 FEA Par. 80,599 (March 16, 1976). In that Decision and Order, the FEA denied Beacon's earlier request for exception relief from the provisions of 10 CFR 212.83(a). Beacon Oil Co., 3 FEA Par. 83,306 (December 8, 1976). If granted, the firm's present request would result in the issuance of an Order by the FEA modifying the December 8 Decision and permitting Beacon to pass through its crude oil cost increases which it had allegedly incurred on May 4, 1973 but which it had not reflected in its selling prices by May 15, 1973. Beacon also requested retroactive relief from any obligation to refund to its customers $2.5 million in previous overcharges. In considering Beacon's request, the FEA found that the firm's submission failed to demonstrate the existence of significantly changed circumstances since the March 16 Decision and Order was issued. Beacon's reliance upon newly submitted documents was found to be misplaced, since those documents were available to the firm during the prior proceedings. The FEA therefore denied the firm's request.

Texaco, Inc., New York, N.Y.; FMR–0050; motor gasoline.

Texaco, Inc. (Texaco) filed an Application for Modification of an Assignment Order issued to it by FEA Region V on March 3, 1975. In the Order which it issued, Region V found that during the 1972 base period Texaco supplied motor gasoline to the Arrow Petroleum Company, Inc. (Arrow), and that Texaco was therefore required under the provisions of 10 CFR 211.9(a)(1) to continue to do so. On the basis of these findings, Region V ordered Texaco to furnish Arrow with its adjusted annual base period use of 10,930,668 gallons of motor gasoline. The present Texaco application, if granted, would result in a determination that Arrow's base period use of motor gasoline should be adjusted downward to 3,742,341 gallons per year. In considering the Application for Modification, the FEA determined that, contrary to Texaco's assertions, Arrow's currently reduced level of gasoline purchases does not constitute a showing under Section 205.135(b)(1) of the FEA Regulations that there has been a substantial change in the factual situation upon which the March 3, 1975 Assignment Order was based. The FEA therefore denied Texaco's Application.

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SUPPLEMENTAL ORDERS

Atlantic Richfield Co.; Los Angeles, Calif.; FEX–0055; motor gasoline

On April 28, 1976, the Federal Energy Administration issued a Decision and Order to the Atlantic Richfield Company (Arco) staying certain refund requirements specified in a Remedial Order which the Director of the Compliance Division of the FEA, Region IX had issued to the firm. Atlantic Richfield Co., 3 FEA Par. 85,030 (April 28, 1976). The approval of the stay was conditioned on Arco placing the disputed funds into an irrevocable escrow account. Subsequent to the issuance of that Decision, Arco indicated that it had refunded a substantial portion of the disputed funds and requested that the Stay Order be modified to relieve Arco of the requirement that it place the sum already refunded in the escrow account. The Director of the Compliance Division of Region IX confirmed that the refund satisfied in part the requirements of the Remedial Order. Under the factual situation presented the FEA concluded that there was no reason to require that the sum which Arco already refunded continue to be held in the escrow account. A Supplemental Order was therefore issued directing the escrow agent to remit to Arco a sum which was equivalent to the refunds which Arco made.

Husky Oil Co. of Delaware, Inc.: Denver, Colo.; FEX–0052; Crude Oil

On June 14, 1976, the Federal Energy Administration issued a Decision and Order to the Husky Oil Company of Delaware, Inc. (Husky) denying the firm's Application for Exception from the provisions of 10 CFR 211.67 (the Old Oil Entitlements Program). The exception request, if granted, would have relieved Husky of any obligation to purchase entitlements on the basis of its crude oil runs to stills in April 1976 and succeeding months. The determination reached in the June 14 Decision was based on the financial data which Husky had submitted indicating that the firm would be a net seller of entitlements and would thereby realize substantial benefits from the Entitlements Program. Subsequent to the issuance of the June 14 Decision and Order, Husky filed a further petition in which it provided new financial data and stated that, contrary to the determination previously reached, the firm would be a net buyer of entitlements. In view of the fact that the new financial material made a prima facie showing that Husky would be seriously and adversely affected by the Entitlements Programs, the FEA reevaluated the June 14 determination. In considering Husky's submission, the FEA found that as a result of the rescission of Special Rule No. 6 and Husky's crude oil runs and receipts during the current fiscal year, the firm would in fact be required to purchase entitlements at a substantial cost commencing with the June Entitlitment Notice. As a result of the projected entitlements costs which Husky would incur during its current fiscal year, the firm's profit margin and return on invested capital would be below historic levels. Pursuant to the criteria set forth in Delta Ref. Co., 2 FEA Par. 83,275 (September 11, 1975) and Beacon Oil Co., 3 FEA Par. ---- (June 8, 1975), exception relief was therefore warranted. Accordingly, the FEA relieved the firm of any obligation to purchase entitlements during the period June through November 1976 to account for its crude oil runs to stills and old oil receipts during the period April through September 1976. However, the FEA noted in the Decision which it issued that the relief approved would be reevaluated if the firm requested an extension of exception relief beyond November 1976, and that a further evaluation would be conducted at the conclusion of the firm's current fiscal year.

OKC Corp.; Dallas, Tex.: FEX–0051; Crude Oil.

On June 14, 1975, the FEA issued a Decision and Order to the OKC Corporation denying an Application for Exception which OKC had filed from the provisions of 10 CFR 211.67 (the Old Oil Entitlements Program). OKC Corp., 3 FEA Par. ---- (June 14, 1976). The determination reached in that Decision was based on the finding that OKC would be a net seller of entitlements during the final six months of the firm's fiscal year ending September 30, 1976. Subsequent to the issuance of the June 14 Decision, OKC filed a supplemental petition in which it stated that even though the firm would be a net seller of entitlements, it would nevertheless incur a serious financial hardship as a result of its entitlement purchase obligations during its current fiscal year. In considering the request, the FEA found that during the period April through June 1976, OKC will purchase a substantial quantity of old oil from the United States Geological Survey (USGS royalty oil). Effective July 1, 1976, OKC's allocation of USGS royalty oil will be sharply reduced and the firm's purchases of new domestic crude oil will be increased proportionately. Consequently, while OKC will in fact be a net seller of entitlements during the period April through September 1976, its purchase obligations will fall exclusively in the April–June quarter and its sales obligations will be concentrated exclusively in the July–September quarter. The FEA found that although OKC would otherwise realize a profit in the April–June quarter, as a result of its entitlement obligations it will instead sustain a loss. The FEA concluded that such a sudden change in OKC's entitlement position would have an unnecessary disruptive effect on the firm's cash flow and operating posture. In order to minimize those distortions, the FEA determined that the firm's entitlement purchase obligation during the period June through August should be stayed and one-third of the total dollar amount of the entitlement purchase obligation thus stayed should be applied against OKC's monthly entitlement sales obligations during the period September through November 1976.

The Eagle Oil Co.; Columbus, Ohio; FEX–0053; petroleum products

On April 14, 1976, the Federal Energy Administration granted an exception to the Eagle Oil Company on the grounds that the application of the provisions of 10 CFR, Part 211, requiring adherence to the base period supplier/purchaser relationship resulted in a serious hardship to the firm. The Eagle Oil Co., 3 FEA Par. 80,523 (April 14, 1976). In that Order the Regional Administrator for FEA Region V was directed to assign Eagle a supplier for 65 percent of the firm's base period use for the months of April, May, and June 1976 whose prices for motor gasoline, No. 2 fuel oil, diesel fuel and kerosene were within the range of prices paid for those products by non-independent marketers in the area in which Eagle operates. The Order further provided that the Regional Administrator shall (i) make a determination for any month subsequent to June 1976 as to whether Eagle is continuing or will continue to incur a serious hardship if it does not receive petroleum products refined from domestic sources, and (ii) then make a recommendation to the FEA Office of Exceptions and Appeals regarding the need for an additional assignment. Based upon the data which Eagle submitted to the Regional Administrator and the recommendation of the Regional Administrator, the FEA determined that adherence to the base period supplier/purchaser relationship required by the Regulations would continue to result in a serious hardship to the firm. The FEA therefore extended the exception relief previously granted for the months of July, August, and September.

Whitco, Inc., Dallas, Tex., FEX–0048; motor gasoline

On March 26, 1976, the Federal Energy Administration granted an exception to Whitco, Inc. on the grounds that the application to Whitco of the provisions of 10 CFR 211.25 (the supplier substitution rule) results in a gross inequity to the firm Whitco, Inc., 3 FEA Par 87,005 (March 26, 1976). As a result of the March 26 Order, the Sun Oil Company was prevented from supplying Whitco through a substitute supplier in the months of April through June 1976. In the Order which was issued in that proceeding, the Regional Administrator of FEA, Region VI, was directed to make a further determination as to whether Whitco was continuing or would continue to experience a gross inequity unless it received additional exception relief and to then make a recommendation to the FEA Office of Exceptions and Appeals as to whether exception relief should be extended. Based on the data submitted by the firm and the recommendation of the Regional Administrator, the FEA determined that unless Whitco received additional relief it would continue to experience a serious hardship and gross inequity. The exception relief previously granted was therefore extended through September 30, 1976.

Saveway Gas & Appliance, Inc.; Dexter, Mo.; FEX–0049; propane

On March 31, 1976, the Federal Energy Administration granted an exception to Saveway Gas & Appliance, Inc. (Saveway) on the grounds that the application of the provisions of 10 CFR, Part 211, requiring adherence to the base period supplier/purchaser relationship results in a serious hardship to the firm. Saveway Gas & Appliance, Inc., 3 FEA Par. 83,150 (March 31, 1976). In that Order the Regional Administrator for FEA Region VII was directed to assign to Saveway for the months of April, May and June 1976, a supplier or suppliers for its adjusted base period use of propane whose wholesale price for propane was within the range of prices paid for those products by major marketers in Saveway's marketing area. The Order further provided that the Regional Administrator shall (i) make a determination for any month subsequent to June 1976 as to whether Saveway will continue to experience a serious hardship in the absence of further exception relief, and (ii) then make a recommendation to the National Office of Exceptions and Appeals regarding the need for an additional assignment. Based upon the data which Saveway submitted to the Regional Administrator and the recommendation of the Regional Administrator, the FEA determined that adherence to the base period supplier/purchaser relationship required by the Regulations would continue to result in a serious hardship to the firm. The FEA therefore extended the exception relief previously granted for the months of July, August and September.

DISMISSALS

The following submissions were dismissed following a statement by the applicant indicating that the relief requested was no longer needed:

Brea Canon Oil Co.; Los Angeles, Calif.; FEE–2426—Rock Island Refining Corp.; Indianapolis, Ind.; FES–0864

The following submissions were dismissed for failure to correct deficiencies in the firm's filing as required by the FEA Procedural Regulations:

BP Oil, Inc.; Cleveland, Ohio; FEE–2487—Peters Fuel Corp.; Oakland, Md.; FEE–2390

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Private Grievances and Redress, Room B–120, 2000 M Street NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.s.t., except Federal holidays. They are also available in "Energy Management: Federal Energy Guidelines," a commercially published loose leaf reporter system.

Dated: July 30, 1976.

DAVID G. WILSON,
Acting General Counsel.

[FR Doc.76–22586 Filed 7–30–76;1:38 pm]

OFFICE OF EXCEPTIONS AND APPEALS

Cases Filed During the Week of June 28 Through July 2, 1976

Notice is hereby given that during the week of June 28 through July 2, 1976, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Exceptions and Appeals of the Federal Energy Administration. The following summary also contains a list of submissions which were dismissed by the Office of Exceptions and Appeals and the basis for the dismissal.

APPEALS

Atlantic Richfield Co.; Dallas, Tex.: FEA–0807; Natural Gas Liquids

The Atlantic Richfield Company (Arco) appealed from a Decision and Order which the FEA issued to the Superior Oil Company (Superior) on February 27, 1976. Superior Oil Co., 3 FEA Par. 83,118 (February 27, 1976). In the February 27 Decision, the FEA denied a request for exception which Superior had submitted with respect to the non-product cost increases incurred at its Okeene natural gas processing plant. The FEA denied the Superior request for relief on the grounds that the cost increases which Superior had incurred at the plant were not materially in excess of the maximum levels permitted to be passed through under Section 212.165. The determination reached in that Decision was applicable only to Superior's interest in the Okeene plant. Arco's Appeal, if granted, would result in the issuance of an order reversing the previous Decision and would permit Superior to pass through all of its non-product cost increases incurred at the Okeene plant. In considering the Appeal, the FEA observed that the determination involved applied only to Superior's operations. While Arco is a part owner of the Okeene plant and sole purchaser of the natural gas liquids processed at the plant, Arco failed to demonstrate that it was in any way aggrieved by the February 27 Decision and Order issued to Superior. The Appeal was therefore denied.

Batzell, Nunn & Bode; Washington, D.C.; FEA–0851; Freedom of Information

The law firm of Batzell, Nunn & Bode (Batzell) appealed from an Order issued to it under the Freedom of Information Act, 5 U.S.C. 552, which denied it access to copies of working papers prepared by the FEA in connection with the issuance of FEA Ruling 1975–14. In that Order, the FEA Information Access Officer determined that the documents requested were "intra-agency memoranda" and exempt from mandatory disclosure pursuant to Section 552(b)(5) of the Act. In considering Batzell's Appeal, the FEA noted that the exemption which protected intra-agency memoranda from mandatory disclosure applied to those documents which represented the agency's group thinking and pre-decisional deliberations in working out its policy and law. The FEA determined that substantially all of the documents withheld from Batzell were correctly found to be exempt from mandatory disclosure pursuant to Section 552(b)(5) of the Act since they are pre-decisional intra-agency documents which set forth issues, discuss alternatives, and offer recommendations reflecting the "group thinking" process of the FEA, and do not reflect the agency's effective law and policy. The FEA also noted, however, that the preamble of one of the documents requested contained a summary of facts which was reasonably segregable from the deliberative portion of the document. Since the exemption in Section 552(b)(5) does not apply to factual material which is reasonably segregable, it was ordered that the preamble be released.

Exxon Co., U.S.A.: Houston, Tex.; FEA–0832; propane

Exxon Company, U.S.A. (Exxon) appealed from a Decision and Order which the FEA issued to Saveway Gas & Appliance, Inc. (Saveway). Saveway Gas & Appliance, Inc., 3 FEA Par. 83,150 (March 31, 1976). In that Decision, Saveway was granted an exception from the provisions of 10 CFR 211.9 and assigned a new, lower-priced supplier of propane for the period April 1, 1976 through June 30, 1976. The Appeal, if granted, would result in the issuance of an order rescinding the prior decision. The FEA determined, however, that Exxon is not adversely affected in any way by the March 31 Decision and Order, and is therefore not an aggrieved party for purposes of the FEA Procedural Regulations. The Exxon Appeal was therefore denied.

New England Petroleum Corp.; New York, N.Y.; FEA–0781—Mobil Oil Corp.; New York, N.Y.; FEA–0786—Exxon Co., U.S.A.; Houston, Tex.; FEA–0790 residual fuel oil

New England Petroleum Corporation (NEPCO), Mobil Oil Corporation and Exxon Company, U.S.A. filed Appeals from a Decision and Order which the FEA issued to NEPCO on February 12, 1976. That Order approved exception relief from the provisions of 10 CFR 211.67 (the Old Oil Entitlements Program) and permitted NEPCO to sell entitlements in the months of February and March 1976 on the basis of its residual fuel oil imports during the months of December 1975 and January 1976 up to a maximum of 3 million barrels, as adjusted for supplemental import fees. New England Petroleum Corp., 3 FEA Par. 83,101 (February 12, 1976). In its Appeal, NEPCO contended that the February 12 Order was arbitrary and capricious because the FEA limited the applicability of the exception relief which it approved to 3 million barrels of residual fuel oil imports per month, and failed to issue entitlements for sale by NEPCO during the months of December and January. In considering NEPCO's Appeal, the FEA noted that when the February 12 Order was issued NEPCO was not eligible to receive benefits under the Entitlements Program, and the exception relief was not designed to permit NEPCO to attain a favorable competitive position. The FEA found that NEPCO had furnished no data in support of its Appeal which demonstrated that the relief granted in the February 12, 1976 Order was not sufficient for the limited purpose for which it was intended, viz., to temporarily alleviate the adverse impact of those aspects of the FEA regulatory program which threatened NEPCO's viability in the immediate future. In considering the Appeals filed by Mobil and Exxon, the FEA found that the firms had essentially restated the arguments which they had presented in their Appeals of previous NEPCO exception Orders and which were ultimately rejected. Exxon Co., U.S.A.; Mobil Oil Corp., 3 FEA Par. 80,590 (March 3, 1976). Accordingly, each of the three Appeals was denied.

Petrochemical Energy Group; Washington, D.C.; FEA–0788; naphtha

The Petrochemical Energy Group (PEG) appealed from an Assignment Order issued to the Algonquin Gas Transmission Company (Algonquin) on August 29, 1975. In that Order, the FEA approved Algonquin's request for an allocation of naphtha for use as feedstock in a synthetic natural gas (SNG) plant which the firm operates in Freetown, Massachusetts. In considering certain procedural issues raised by Algonquin, the FEA determined that: (i) PEG did have standing to file an Appeal from the Algonquin Order; (ii) PEG was entitled to be served with a copy of the Algonquin Order when it was issued; and (iii) although PEG's Appeal was filed almost six months after the Algonquin Order was issued, the Appeal was nevertheless filed within thirty days of service of the Assignment Order under PEG and was therefore filed in a timely manner. In considering the merits of the PEG Appeal, the FEA found that the August 29 Order did not contain adequate findings with respect to certain important criteria which the FEA is required by 10 CFR 211.29 and Special Rule No. 1 to take into account in connection with any SNG feedstock allocation. In particular, the FEA found that: (i) the Order failed to make any finding with regard to the amount of service which Algonquin currently provides and will in the future provide to firms which have alternate fuel capability on a continuing basis; (ii) the Order failed to consider the extent to which Algonquin and its customers have implemented a program for incremental pricing of the SNG produced at the Freetown plant and the effect any such efforts will have on the feedstocks allocated to Algonquin; and (iii) the Order failed to consider the nature of any expansion of natural gas service contemplated by Algonquin. The August 29 Order was therefore remanded to the Assistant Administrator for Regulatory Programs for further consideration of those issues.

Sumrall Oil Services, Inc.; Bay Springs, Miss.; FEA–0819; motor gasoline

Sumrall Oil Services, Inc. (Sumrall) appealed from a Decision and Order issued to the firm on March 31, 1976. Sumrall Oil Services, Inc., 3 FEA Par. 83,152 (March 31, 1976). In that Decision, the FEA denied Sumrall's request for an exception which, if granted, would have resulted in the issuance of an Order by the FEA assigning Sumrall a new base period supplier for that portion of the firm's base period use of motor gasoline which had been supplied by Good Hope Refineries, Inc. In the March 31 Decision, the FEA determined that Sumrall had failed to demonstrate that its operating or financial position had been impaired as a direct result of Good Hope's failure to make motor gasoline available. On Appeal, the firm again refused to provide data which would permit the FEA to evaluate Sumrall's claim that it had been adversely affected in any way by its inability to purchase motor gasoline from Good Hope.

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In view of the firm's continued failure to substantiate its claim that it was incurring a serious hardship and gross inequity as a result of the FEA regulatory program, the FEA concluded that Sumrall had not demonstrated that the prior Decision was erroneous. The firm's Appeal was therefore denied.

T. W. Phillips Oil and Gas Co.; Butler, Pa.; FEA–0803; natural gas

T. W. Phillips Oil and Gas Company (Phillips) appealed from a Decision and Order in which the FEA denied its request for exception relief from the requirement that it file a form entitled "Underground Gas Storage Report" (FEA Form G318–M–O). T. W. Phillips Oil and Gas Co., 3 FEA Par. 83,130 (March 6, 1976). In its Appeal, Phillips contended that it does not presently have the capability of providing the data specified on the Form and that in order to do so the firm would be forced to make extensive and costly changes in its physical plant and operating procedures. Those changes, according to the Phillips submission, included the installation of an additional pipeline to permit the segregation of natural gas storage wells from producing wells and the installation of metering equipment. Phillips also contended that its operation would be materially impaired in certain respects, including its ability to deliver gas to its customers without interruption and its ability to continue to operate low pressure marginal wells, if it were to make the changes necessary to provide the information specified on the Form. In considering the Phillips Appeal, the FEA determined that Phillips is apparently the only firm subject to the reporting requirement which is unable to provide the information specified on the Form without extensively modifying its physical plant and operating procedures at considerable expense. The FEA also determined that these modifications could significantly impede that portion of Phillips' operations which allows it to extract gas from marginal wells that it might otherwise be forced to abandon and that Phillips would encounter a considerable burden in making the necessary modifications in its system, solely for the purpose of developing data which would be unlikely to have any appreciable effect upon the data already available to the FEA. On the basis of these findings, the FEA concluded that Phillips was adversely affected by the FEA regulatory requirements in such a disproportionate manner that a gross inequity existed. The FEA therefore granted exception relief which relieves Phillips of the obligation to submit the data specified on the Form. However, the FEA determined that a requirement that Phillips report its volume of sales from natural gas storage and production combined would not create any undue burden for the firm. Phillips was therefore directed to report that figure to the FEA on an annual basis.

Texaco, Inc.; Los Angeles, Calif.; FEA–0848; motor gasoline

Texaco, Inc. appealed from an Assignment Order issued to Fisher-Coe, Inc. on April 13, 1976. The Assignment Order designated Fisher-Coe, a branded Texaco jobber, to supply Tri-Par Combustion Corporation with sufficient motor gasoline to enable the firm to meet its supply obligations to the Defense Fuel Supply Center (DFSC). In considering the Appeal, the FEA determined that: (i) Texaco is Fisher-Coe's base period supplier of motor gasoline; (ii) consequently, under the provisions of 10 CFR 211.13(c), Fisher-Coe is entitled to receive an adjustment in its base period use of motor gasoline from Texaco which is equal to the quantity which it has been assigned to supply Tri-Par; and (iii) although Texaco was readily identifiable by the FEA as a party which would be adversely affected by the April 13 Order directing Fisher-Coe to supply Tri-Par, the FEA failed to notify Texaco of the assignment proceeding. The FEA therefore determined that the April 13 Order was invalid and granted Texaco's Appeal by vacating the Assignment Order. However, the FEA also found that Tri-Par and its DFSC customers could be affected in a serious and substantial manner if Tri-Par were unable to meet its supply obligations to the DFSC during the period of time necessary to reconsider the issuance of an Assignment Order. See Tri-Par Combustion Corp., 3 FEA Par. 83,056 (December 23, 1975). The FEA therefore directed that a Temporary Assignment Order be issued to Tri-Par in accordance with the provisions of 10 CFR 205.39.

Union Carbide Caribe, Inc.; Hato Rey, P.R.; FEA–0844; Naphtha

Union Carbide Caribe, Inc. (Caribe) appealed from a Decision and Order which the Federal Energy Administration issued to Commonwealth Oil Refining Company, Inc. (CORCO) on May 4, 1976. Commonwealth Oil Ref. Co., Inc., 3 FEA Par. 83,178 (May 4, 1976). In that Decision, the FEA found that as a result of the Entitlements Program, CORCO, a small and independent refiner which operates a petrochemical plant in Puerto Rico, was operating at a significant competitive disadvantage in relation to mainland competitors and was experiencing a serious hardship. The FEA therefore granted exception relief which permitted CORCO to earn entitlements for the naphtha which it imports for use as a feedstock in its petrochemical plant. In its Appeal, Caribe did not contend that the action taken by the FEA in the May 4 Order was arbitrary or capricious or erroneous in fact or law. Rather, Caribe indicated that it filed an Appeal in order to encourage the FEA to promptly initiate a rulemaking proceeding which would result in similar relief being granted to all petrochemical plant operators in Puerto Rico, and to preserve its appellate rights while awaiting the outcome of that proceeding. The FEA found that neither of these reasons constitutes valid grounds for an Appeal. The FEA observed that adequate procedures are already available under which a firm may petition the FEA to initiate rulemaking proceedings. The FEA further noted that, since it is desirable that administrative proceedings be concluded in an expeditious manner, it is not sound administrative practice to permit a firm to delay filing or processing a substantive appeal merely because it wishes to do so for its own tactical reasons. Since the Appeal filed by Caribe was defective on its face, it was summarily denied.

REQUESTS FOR EXCEPTION

Braden-Deem, Inc.; Wichita, Kans.; FEE–2424; crude oil.

Braden-Deem, Inc. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, which, if granted, would extend the exception relief granted to the firm on January 19, 1976 and March 11, 1976 and permit Braden-Deem to sell crude oil produced from the Cooper Cove Muddy-Dakota Unit at prices which are in excess of the lower tier ceiling price. See Braden-Deem, Inc., 3 FEA Par. 83–072 (January 15, 1976); Braden-Deem, Inc., 3 FEA Par. 80,597 (March 11, 1976). In considering Braden-Deem's Application, the FEA determined that the cost of producing crude oil from the Cooper Unit exceeds the lower tier ceiling price which Braden-Deem is permitted to charge under the provisions of Subpart D, and as a consequence the firm has no economic incentive to continue operating the Unit. Since Braden-Deem demonstrated that the economic situation which was described in previous decisions issued to the firm continued to exist, the FEA determined that an extension of exception relief was warranted. An analysis of the specific financial and operating data which Braden-Deem submitted led to the conclusion that Braden-Deem should be permitted to sell at upper tier ceiling prices 76.73 percent of the crude oil produced and sold for the benefit of the working interest owners for a period of six months.

Chesapeake Pure Fuels, Inc.; Chesapeake, Va.; FEE–2337; motor gasoline.

Chesapeake Pure Fuels, Inc. (Chesapeake) filed an Application for Exception from the provisions of 10 CFR 211.9 which, if granted, would result in the issuance of orders by the FEA assigning Chesapeake a new supplier of motor gasoline which would provide the firm with a leaded regular grade of motor gasoline. Chesapeake's Application indicated that its base period supplier, the Union Oil Company (Union), had discontinued the sale of leaded regular gasoline to Chesapeake in May 1974. Chesapeake alleged that it incurred a serious hardship because it lost many of its customers who operated commercial truck fleets and could not use regular motor gasoline. In considering Chesapeake's request, the FEA determined that the firm's financial and operating data indicated that its overall sales volume of motor gasoline and gross profits had increased dramatically subsequent to the time Union discontinued its sale of leaded regular motor gasoline. Consequently, even if Chesapeake did lose some of its customers because it could not supply them with a leaded regular grade of motor gasoline, there was no evidence that Chesapeake incurred any financial hardship as a result of the FEA regulatory program. Chesapeake's exception application was therefore denied.

City of Long Beach, Calif.; Long Beach, Calif.; Fee–2701; crude oil.

The City of Long Beach (Long Beach) filed an Application for Exception from the provisions of 10 CFR 212.73 which, if granted, would permit it to sell the crude oil which it recovers as a result of a special pilot project in the Wilmington Field at a price which exceeds the lower tier ceiling price. According to the Long Beach submission, the City is contemplating entering into an agreement with the Energy Research and Development Administration (ERDA) pursuant to which the City will conduct a project applying an experimental, tertiary recovery technique to the production of crude oil from a reservoir whose substantial reserves can no longer be economically recovered by primary or secondary recovery methods. Because the technique involved could be of major significance in enhanced recovery of crude oil, ERDA has stated that it is willing to partially sponsor the Long Beach project as a pilot demonstration. However, on the basis of Long Beach's estimates, the FEA found that the investment by the City which the project will require will significantly exceed the revenues which will be generated if the anticipated production must be sold at lower tier ceiling prices. In view of the risks involved and the margin between the investment required and the expected revenues to be obtained, the FEA determined that it was reasonable to accept the City's statement that it could not feasibly enter into the project unless it could charge upper tier ceiling prices for the crude oil which it recovers. In view of the importance of the pilot project, the direct participation of the federal energy agency which is primarily responsible for energy research and development, and the economic difficulties which the FEA Price Regulations present to the project, the FEA concluded that exception relief should be granted which permits Long Beach to sell the crude oil produced from the tertiary recovery project at upper tier ceiling prices.

Coastal States Gas Corp.; Houston, Tex.; FEE–2315; petroleum products

Coastal States Gas Corporation (Coastal States) filed an Application for Exception from the provisions of the Mandatory Petroleum Price Regulations (10 CFR, Part 212). In its Application, Coastal States requested that it be permitted to charge prices for various petroleum products refined at its newly acquired Pacific refinery which are in excess of the levels established pursuant to the provisions of 10 CFR 212.111(c)(1). The firm contended that in the absence of exception relief the gross refinery margins which it would realize would be insufficient to ensure the economic viability of the Pacific facility. In making a determination on the Coastal States submission, the FEA concluded that the pro-forma financial statements which the firm submitted for the refinery's first operating year underestimated the return on invested capital (ROIC) which Coastal States is likely to realize. When certain assumptions in the Coastal States projections were altered, it was evident that when the refinery is fully operational Coastal States will achieve an ROIC in the absence of exception relief which is well within the range of the average ROIC which other small refiners have historically realized. Since the Coastal States' allegations were not substantiated, the firm's exception application was denied.

Dasher-Harris Gas Co.; Valdosta, Ga.; FEE–2383; propane

Dasher-Harris Gas Company (Dasher-Harris) filed an Application for Exception from the provisions of 10 CFR 211.9. The exception request, if granted would result in the assignment of a new, lower-priced supplier of propane to replace the firm's base period supplier, Wanda Petroleum Company (Wanda). In considering the Dasher-Harris exception request, the FEA determined that: (i) the average cost of the propane which Dasher-Harris is entitled to receive from its base period supplier is significantly higher than the average price paid by its competitors; (ii) Dasher-Harris is currently selling propane at prices which are higher than the average price in its marketing area, and its mark-up on sales of propane is substantially lower than the mark-up it is permitted to apply under the FEA Regulations; (iii) Dasher-Harris' May 15, 1973 mark-up was at a low level due to the firm's recent entry into the marketplace; and (iv) as a result of this situation, the firm has experienced substantial financial difficulties since its inception. On the basis of these findings, the FEA concluded that the application to Dasher-Harris of the provision of 10 CFR 211.9, which require the firm to maintain its base period relationship with Wanda, results in a serious hardship to Dasher-Harris. Accordingly, the firm was granted exception relief which permits it to receive 57.09 percent of its base period use of propane from a new, lower-priced supplier for the July through September 1976 allocation quarter.

Energy Reserves Group, Inc.; Wichita, Kans.; FEE–2375; crude oil

Energy Reserves Group, Inc., (ERG) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, which if granted, would permit ERG to sell crude oil produced from the Kimball Unit at upper tier ceiling prices. In considering ERG's exception request, the FEA determined that: (i) The costs of producing crude oil from the Kimball Unit have increased significantly since 1972; (ii) as a result of these cost increases, ERG's production costs exceed the price which the firm is permitted to charge for the crude oil which it sells; and (iii) consequently, ERG does not have an economic incentive to continue to operate the Kimball Unit. The FEA also found that if ERG abandons production activities at the Kimball Unit, the nation's recoverable supply of domestic crude oil would be reduced by approximately 68,000 barrels. On the basis of previous precedents involving similar factual findings, the FEA concluded that the application of the lower tier ceiling price rule in this case resulted in a gross inequity. Accordingly, ERG was granted exception relief which permits the firm to sell at upper tier ceiling prices 43.63 percent of the crude oil produced and sold for the benefit of the working interest owners.

H. L. Mills Petroleum Products; Hagerstown, Md.; FEE–2574; motor gasoline

H. L. Mills Petroleum Products (Mills) filed an Application for Exception from the provisions of 10 CFR, Part 211, which, if granted, would result in the issuance of an order assigning Mills a new, lower-priced supplier of motor gasoline to replace its base period suppliers, the Ashland Oil Company and the Petroleum Marketing Corporation. Mills also requested that the assignment be of a permanent rather than a temporary duration. In considerating Mills' request, the FEA determined that Mills is selling motor gasoline at prices which are higher than the average price in its marketing area. In addition, the FEA found that the cost to Mills of the motor gasoline purchased from its base period supplier is so high that the markup which Mills is able to realize on its sales of motor gasoline is substantially below the firm's historical markup. As a result of this situation, the firm incurred substantial financial losses during the first 10 months of its 1976 fiscal year. The FEA therefore concluded that the application of Section 211.9 to Mills results in a serious hardship and granted the firm exception relief which permits it to receive its base period use of motor gasoline from a new, lower-priced supplier for the months of July, August, and September 1976. The FEA also found that Mills had not presented any convincing arguments as to why the FEA should deviate from its customary practice of granting relief on a temporary basis in order to permit a periodic review of the necessity of continuing exception relief to the firm. The FEA therefore denied Mills' request that the assignment be made on a permanent basis.

Lee-Gunn Drilling Partnership; Adams County, Miss.; FEE–2411; crude oil

The Lee-Gunn Drilling Partnership (Lee-Gunn) filed an Application for Exception from the provisions of 10 CFR, Part 212, which, if granted, would permit Lee-Gunn to sell the crude oil produced from the Breaux lease in Adams County, Mississippi at upper tier ceiling prices. In considering Lee-Gunn's Application, the FEA noted that Ruling 1975–12 specifies a procedure to be used in adjusting actual production from a property to account for significant curtailments in production such as those experienced by Lee-Gunn because of frequent flooding at the Breaux lease. The FEA determined that the formula used in Ruling 1975–12 indicates that under normal conditions the production from the Breaux property would have exceeded ten barrels per day per well and the property would not qualify as a stripper well lease. Consequently, Lee-Gunn had failed to show that application of the definition of "average daily production" as used in Section 212.74(c) to the Breaux lease results in a serious hardship or gross inequity to the working interest owners. However, the FEA also determined that: (i) The cost of producing crude oil from the Breaux lease had increased significantly since 1973 and now exceeds the lower tier ceiling price which Lee-Gunn is permitted to charge; (ii) consequently, Lee-Gunn does not currently have an economic incentive to continue to operate the Breaux lease; and (iii) if Lee-Gunn abandons the property, a considerable amount of otherwise recoverable crude oil would be lost. On the basis of previous precedents involving similar factual situations, the FEA concluded that the application of the lower tier ceiling price rule to the working interests of the Breaux property resulted in a gross inequity and that exception relief should therefore be approved. An analysis of the specific financial and operating data which Lee-Gunn submitted led to the further conclusion that Lee-Gunn should be permitted to sell at upper tier ceiling prices 59.84 percent of the crude oil produced and sold for the benefit of the working interest owners.

Marvin E. Boyer Oil Co., Inc.; Iola, Kans.; FEE–2560; crude oil.

Marvin E. Boyer Oil Company, Inc. (Boyer) filed an Application for Exception which, if granted, would result in an extension of the relief granted to Boyer in a January 30, 1976 Decision and Order and would permit Boyer to resell crude oil at prices in excess of the maximum permissible levels determined pursuant to 10 CFR 212.93. In considering the Application, the FEA found that Boyer's crude oil reselling division has incurred substantial non-product cost increases since May 15, 1973 which it is not currently permitted to reflect in its selling prices under FEA Regulations. As a result of this situation, the division was encountering significant financial difficulties. The FEA therefore concluded that an extension of the exception relief previously granted was warranted. Accordingly, Boyer was permitted to increase its current selling prices of crude oil during the period July 1 to December 31, 1976 to reflect the non-product cost increases which it has incurred since May 15, 1973.

McCulloch Gas Processing Corp.; Washington, D.C.; FEE–2422 (Tule Creek); FEE–2445 (Hilight); FEE–2446 (Gillette); FEE–2447 (Oedekoven); FEE–2448 (Jamison Prong); FEE–2449 (Belle Fourche); FEE–2450 (Fatview); FEE–2451 (Well Draw); natural gas liquids.

McCulloch Gas Processing Corporation (MGPC) filed eight Applications for Exception in which it requested that the exception relief granted to the firm by the FEA on February 27, 1976, be extended for an additional period of time. McCulloch Gas Processing Corp., 3 FEA Par. 83,113 (February 27, 1976). In the February 27 Decision, the FEA determined that MGPC would experience a gross inequity as a result of the pricing provisions of 10 CFR, Part 212, Subpart K, and that exception relief should therefore be granted which would permit the firm to increase its prices for natural gas liquid products produced at its eight natural gas processing plants above the maximum permissible levels determined pursuant to the provisions of Subpart K by an amount not to exceed $.0257 per gallon during the period March 1, 1976 through May 31, 1976. In con-

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sidering MGPC's requests for an extension of exception relief, the FEA determined that the firm continued to incur non-product cost increases in the first quarter of 1976 at seven of the eight plants which substantially exceed the $.005 per gallon passthrough permitted under the provisions of Section 212.165 and that based upon the criteria set forth in Sun Oil Co., 3 FEA Par. 83,102 (February 13, 1976); Shell Oil Co., 3 FEA Par. 83,049 (December 15, 1975); and Superior Oil Co., 2 FEA Par. 83,271 (August 29, 1975); continued exception relief is warranted. The FEA therefore granted the exception requests with respect to those seven plants for the period June 1, 1976 through September 30, 1976. However, the FEA denied exception relief with respect to the Hilight plant because the adjusted non-product unit cost increase experienced at that plant amounted to less than $.005 per gallon and was therefore not material for purposes of the exceptions process. See Sun Oil Co., supra.

Petroleum Management, Inc.; Wichita, Kans.; FEE–2329; crude oil

Petroleum Management, Inc. (PMI) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit PMI to increase the price of certain crude oil produced from the Kuhn Lease during February and May of 1975. In its exception application, PMI alleged that because the KAW Pipe Line Company negligently failed to deliver 278 barrels of crude oil produced from the Kuhn lease during February and May 1975, that quantity of crude oil could not be sold by PMI at new oil prices. PMI claimed that this situation resulted in a gross inequity to the firm. In considering PMI's request, the FEA found that PMI failed to show that KAW's alleged negligence was solely responsible for the delay in the sale of the 278 barrels of crude oil. Moreover, the FEA determined that the material submitted by PMI in connection with its exception application failed to demonstrate that the firm's inability to sell the 278 barrels of crude oil in question at higher prices would significantly impair its operations in any manner. PMI's exception request was therefore denied.

Service Enterprises; Cape Girardeau, Mo.; FEE–2401; motor gasoline

Service Enterprises filed an Application for Exception from the provisions of 10 CFR 211.9 which, if granted, would result in the issuance of orders by the FEA (i) assigning Service Enterprises a new supplier of motor gasoline to replace its base period supplier, the Rhodes Companies, and (ii) directing the new supplier to furnish Service Enterprises with its base period use of motor gasoline. Service Enterprises requested that Mobil Oil Corporation be designated as its new supplier. In considering the Application, the FEA noted that in previous cases exception relief had generally been denied where the applicant was able to purchase adequate quantities of surplus product from a supplier other than its base period supplier and therefore was not adversely affected by the requirements of Section 211.9. With respect to the situation encountered by Service Enterprises, the FEA determined that the firm had been able to purchase its total current supply requirements from Mobil. The FEA also found that Service Enterprises and Mobil had signed a supply contract for a period of two years and there was no reason to believe that Service Enterprises' supply situation might be altered in the foreseeable future. The exception application was therefore denied.

Shell Oil Co.; Houston, Tex.; FEE–2522 (Bayou Goula); FEE–2523 (Camargo); FEE–2524 (Chalkley); FEE 5252 (Elk City); FEE 2526 (Goodwater); FEE–2527 (Iowa); WEE–2528 (KNCU); FEE–2529 (Mermantua); FEE–2530 (Norco); FEE–2531 (Person); FEE–2532 (Prentice); FEE–2533 (Red Fish Bay); FEE–2534 (Van); FEE–2535 (W. Seminole); FEE–2536 (Molino); FEE–2537 (Tallahala); FEE–2538 (Ventura); FEE–2544 (Selling); natural gas liquids.

Shell Oil Company (Shell) filed Applications for Exception from the provisions of 10 CFR 212.165 which, if granted, would permit the firm to increase the total non-product costs which it calculates pursuant to Section 212.165 based on increases in non-product costs which the firm contends it has experienced at eighteen of its natural gas processing plants. In considering the Applications, the FEA noted that, as a general rule, exception relief will be granted to any gas processing plant which can demonstrate that the non-product costs which it has experienced since May 1973 have increased substantially in excess of the $.005 per gallon passthrough permitted under Section 212.165. *See* Superior Oil Co., 2 FEA Par. 80,271 (August 29, 1975). The FEA found that Shell had made such a showing with respect to 16 of the 18 plants and granted Shell exception relief with respect to those plants for the period July 1, 1976 through September 30, 1976. However, the FEA denied exception relief for the Goodwater and Red Fish Bay plants on the grounds that the non-product cost increases experienced at those plants amounted to less than $.005 per gallon in excess of the $.005 passthrough already permitted under 10 CFR 212.165 and were therefore not considered material for the purposes of the exceptions process. *See* Sun Oil Co., 3 FEA Par. 83,129 (March 12, 1976).

Supervisor Oil Com.; Levelland, Tex.; FEE–2489 (Cymric); FEE–2490 (Elk City); FEE–2491 (Kettleman Hills); FEE–2492 (Levelland); FEE–2493 (Portilla); Natural gas liquids

Superior Oil Company (Superior) filed five Applications for Exception in which it requested an extension of the exception relief granted by the FEA on February 27, 1976, with respect to its Cymric, Elk City, Kettleman Hills, and Portilla natural gas processing plants. Superior Oil Co., 3 FEA Par. 83,118 (February 27, 1976). Superior also requested that exception relief be granted with respect to its Levelland plant. In the February 27 Decision, the FEA determined that Superior was experiencing a gross inequity as a result of the pricing provisions of 10 CFR, Part 212, Subpart K, and that exception relief should therefore be granted which would permit the firm to increase its prices for natural gas liquid products produced at its Cymric, Elk City, Kettleman Hills, and Portilla natural gas processing plants above the maximum permissible levels determined in accordance with the provisions of Subpart K for the period March 1, 1976 through May 31, 1976. However, the FEA denied exception relief with respect to the Levelland plant because the adjusted non-product unit cost increase experienced at that plant amounted to less than $.005 per gallon and was therefore not material for purposes of the exceptions process. In considering Superior's requests for an extension of exception relief for its Cymric, Elk City, Kettleman Hills, and Portilla plants, as well as the request for prospective exception relief for its Levelland plant, the FEA determined that the firm incurred non-product cost increases in the first quarter of 1976 at those plants which substantially exceed the $.005 per gallon passthrough permitted under the provisions of Section 212.165. Based upon the criteria set forth in Sun Oil Co., 3 FEA Par. 83,102 (February 13, 1976); Shell Oil Co., 3 FEA Par. 83,049 (December 15, 1975); and Superior Oil Co., 2 FEA Par. 83,271 (August 29, 1975), the FEA determined that exception relief should be granted for all five plants.

Tipperary Corp.; Midland, Tex.; FEE–2415; Crude Oil

The Tipperary Corporation (Tipperary) filed an Application for Exception from the provisions of 10 CFR 211.65(b). The exception request, if granted, would permit Tipperary to immediately apply for an allocation of crude oil under the Buy/Sell Program for a refinery which the firm proposes to build in Corpus Christi, Texas, and require that the allocation application be reviewed by the FEA as if the refinery were to be operational within 90 days of the date on which the application was filed. In considering Tipperary's Application, the FEA determined that the firm's ability to obtain the financing necessary to build its proposed refinery was dependent upon its ability to secure an adequate supply of crude oil. Under the provisions of Section 211.65(b)(1) Tipperary was precluded from even applying for an allocation of crude oil under the Buy/Sell Program until its refinery is within 90 days of completion. The FEA further found that the firm had taken significant preparatory steps in connection with its refinery construction project. In addition, the products to be produced at the refinery would be readily marketable and the proposed refinery therefore represented a long-term profitable investment for the firm. On the basis of these findings, the FEA determined that the application of the 90 days provisions of Section 211.65(b)(1) created a significant and unwarranted barrier to the construction of the Tipperary refinery and thus to the expansion of the nations refinery capacity. The FEA therefore concluded that exception relief was warranted based upon the precedent established in Gulf Energy and Development Corp., 2 FEA Par. 80,516 (January 29, 1975), and permitted the firm to immediately apply for an allocation of crude oil under the Buy/Sell Program.

William H. Player & Associates; Natchez, Miss.; FEE–2443; crude oil

William H. Player and Associates (Player) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, which, if granted, would result in an extension of the exception relief granted to Player on April 9, 1976 and would permit Player to sell crude oil produced from the James-Bridwell VUA No. 1 well at prices in excess of the lower tier ceiling price. William H. Player and Associates, 3 FEA Par. 83,161 (April 9, 1976). In considering Player's Application for an extension of exception relief, the FEA determined that Player is no longer experiencing the operating losses upon which the previous exception relief was founded. As a consequence, the FEA determined that there was no basis for an extension of exception relief. Accordingly, the exception request was denied.

REQUEST FOR STAY

United Refining Co., Warren, Pa.; FES–2404; crude oil

United Refining Company (United) requested a stay of an FEA Order which

changed the designation of the firm's refinery at West Branch, Michigan, from a "first priority refinery" to a "second priority refinery" under the Mandatory Canadian Crude Oil Allocation Program (10 CFR, Part 214). The stay, if granted, would result in the issuance of an order by the FEA allocating an additional 1,142 barrels per day of crude oil to United from Canadian sources pending a final determination of an exception application which the firm intends to file. In its Application for Stay, United contended that if it were required to rely on non-Canadian sources of crude oil it would incur substantially higher purchase and transportation costs resulting in significant operating losses, and that it would consequently be forced to cease operations at its West Branch refinery. In considering United's Application, the FEA determined that the firm had failed to provide sufficient financial and operating data to demonstrate that the costs which it would incur in continuing to operate the refinery pending a determinaton on its exception request will significantly affect the firm's overall financial posture or seriously impair any aspect of the firm's operations. In addition, if exception relief were ultimately granted, the FEA could mitigate any possible injury which United might sustain during the pendency of its Application for Exception by fashioning appropriate exception relief. The FEA also noted that, if the stay were approved, all other firms subject to the provisions of the Mandatory Canadian Crude Oil Allocation Program would be immediately deprived of the quantity of crude oil which would be allocated to United. The FEA held that it would not be appropriate to grant a stay which would produce that result on the basis of United's speculation as to possible injury which it would incur. Accordingly, the Application for Stay was denied.

SUPPLEMENTAL ORDERS

Mid-Michigan Truck Service, Inc.; Grand Rapids, Mich.; FEX–0054; motor gasoline

On February 13, 1976, the Federal Energy Administration issued a Decision and Order to Mid-Michigan Truck Service, Inc. (Mid-Michigan) which approved the firm's Application for Exception from the provisions of 10 CFR 211.25. Mid-Michigan Truck Service, Inc., 3 FEA Par. 83,100 (February 13, 1976). As a result of the approval of that Application, during the period February 13 through June 30, 1976, the Gulf Oil Corportaion (Gulf) was ordered to supply Mid-Michigan with its base period use of petroleum products directly, rather than through a substitute supplier. In the Order which was issued in that proceeding, the Regional Administrator of the FEA, Region V, was directed to make a further dtermination as to whether Mid-Michigan was continuing or would continue to experience a serious hardship unless it received additional exception relief and to then make a recommendation to the FEA Office of Exceptions and Appeals as to whether exception relief should be extended beyond the month of June 1976. Based on the date submitted by the firm and the recommendation of the Regional Administrator, the FEA determined that unless Mid-Michigan received additional relief, it would continue to experience a serious hardship. Exception relief was therefore extended through September 30, 1976.

Readygas Propane Service, Inc.; Eldon, Mo.; FEX–0050; propane

On April 2, 1976, the Federal Energy Administration granted an exception to Readygas Propane Service, Inc. (Readygas) on the grounds that the application to it of the provisions of 10 CFR, Part 211, which require that the base period supplier/purchaser relationship be maintained results in a serious hardship to the firm. Readygas Propane Service, Inc., 3 FEA Par. 83,149 (April 2, 1976). The April 2 Order directed the Regional Administrator for the FEA, Region VII, to assign to Readygas for the months of April, May, and June 1976, a supplier or suppliers for 26.26 percent of its adjusted base period use of propane whose wholesale price for propane was within the range of prices paid for that product by Readygas' competitors. The Order further provided that the Regional Administrator, upon receiving a written request from Readygas, shall (i) make a determination for any month subsequent to June 1976 as to whether Readygas will continue to experience a serious hardship without the approval of further exception relief, and (ii) make a recommendation to the National Office of Exceptions and Appeals regarding the need for additional assignments to Readygas. Based upon the data which Readygas submitted to the Regional Administrator, the recommendation of the Regional Administrator, and the data which was submitted in support of its previous Applications for Exception filed with the FEA, the FEA determined that adherence to the base period supplier/purchaser relationship required by the Regulations would continue to result in a serious hardship to the firm during the months of July, August, and September 1976 and therefore granted Readygas an exception for those months under the terms and conditions specified in the April 2, 1976 Order.

DISMISSALS

The following submissions were dismissed following a statement by the applicant indicating that the relief requested was no longer needed:

Sun Gas Co.; Dallas, Tex.; FEA–0827; FEA–0828

The following submissions were dismissed for failure to correct deficiencies in the firm's filing as required by the FEA Procedural Regulations:

Bay City Airport; Bay City, Mich.; FEE–2476—Dikdan Auto Service; Paterson, N.J.; FEE–2565—Reeves Trading, Inc.; Houston, Tex.; FPI–0100

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Private Grievances and Redress, Room B–120, 2000 M Street, NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.s.t., except Federal holidays. They are also available in Energy Management: Federal Energy Guidelines, a commercially published loose leaf reporter system.

Dated: July 30, 1976.

DAVID G. WILSON,
Acting General Counsel.

[FR Doc.76–22587 Filed 7–30–76;1:38 pm]

ENERGY FINANCE ADVISORY COMMITTEE

Charter Amendment

Following consultation with the Office of Management and Budget, notice is hereby given to advise of a revision in the Charter of the Energy Finance Advisory Committee. The Charter was published in the April 5, 1976, issue of the Federal Register (41 FR 14430).

This amendment will revise Section B(9), to read as follows:

"9. Subcommittees—the Energy Finance Advisory Committee shall have subcommittees as follows:

a. Subcommittee on Electric Utility (Finance).

b. Subcommittee on Nuclear Fuels.

c. Subcommittee on Oil.

d. Subcommittee on Natural Gas and SYNGAS.

e. Subcommittee on Coal.

f. Subcommittee on Technology and Conservation.

The objective of these Subcommittees is to make recommendations to the parent Committee with respect to the following areas: the projected capital needs of the domestic energy industries; the characteristics, conditions, and projected changes in the money and capital markets; the financial disincentives to domestic energy development; and the effectiveness of Federal financial incentive programs to enhance domestic energy supply.

The Subcommittees shall be comprised of such members of the parent Committee as may be determined by the Chairman of the parent Committee.

All actions of the Subcommittees shall be consistent with the provisions of B–1 through B–8."

The above amendment is effective immediately.

Issued at Washington, D.C. on July 30, 1976.

FRANK G. ZARB,
Administrator.

[FR Doc.76–22683 Filed 7–30–76;3:38 pm]

FEDERAL MARITIME COMMISSION

MALAYSIA—PACIFIC RATE AGREEMENT

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, NY, New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before August 24, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of descrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a vio-

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lation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

D. D. Day, Jr., Secretary, Malaysia-Pacific Rate Agreement, 635 Sacramento Street, San Francisco, California 94111.

Agreement No. 9836-6, entered into by the member lines of the Malaysia-Pacific Rate Agreement, modifies the approved basic agreement by amending (1) the first paragraph of the "Witnesseth" clause to permit the lines to engage in intermodal service; (2) Article 1 to permit the lines to "confer, discuss and agree jointly or severally with indivjdual carriers of other modes of transportation or associations, conferences or bureaus thereof" tariff matters necessary to provide intermodal service in the trade; (3) the first clause of Article 2 to conform to the changes made in Article 1; and (4) Article 3 to provide that the parties may join in and maintain more than one common tariff.

Dated: July 30, 1976.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary

[FR Doc.76-22640 Filed 8-3-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP75-80]

ALABAMA-TENNESSEE NATURAL GAS CO.

Notice of Revised Tariff Sheet

JULY 27, 1976.

Take notice that on July 16, 1976, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee), P.O. Box 918, Florence, Alabama 35630, tendered for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, Substitute Sixteenth Revised Sheet No. 3-A, Alabama-Tennessee requests that this revised tariff sheet be effective for the period from May 1, 1976 through June 30, 1976.

Alabama-Tennessee states that the sole purpose of such revised tariff sheet is to adjust Alabama-Tennessee's rates to accord with the rate settlement in Docket No. RP75-80 approved by the Commission's Order of June 18, 1976.

Alabama-Tennessee states that the revised tariff sheet provides for the following rates:

Rate Schedule:	
G-1:	
Demand	$1.63
Commodity	79.83¢
SG-1:	
Commodity	91.74¢
I-1:	
Commodity	85.19¢

Alabama-Tennessee states that copies of the filings have been mailed to all of its jurisdictional customers and affected State regulatory Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 9, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc 76-22501 Filed 8-3-76;8:45 am]

[Docket No. RP72-110 (PGA76-11)]

ALGONQUIN GAS TRANSMISSION CO.

Notice of Rate Change Pursuant to Purchased Gas Cost Adjustment Provision

JULY 28, 1976.

Take notice that Algonquin Gas Transmission Company ("Algonquin Gas"), on July 12, 1976, tendered for filing Nineteenth Revised Sheet No. 10 to its FPC Gas Tariff, First Revised Volume No. 1.

This tariff sheet is being filed pursuant to Algonquin Gas' Purchased Gas Cost Adjustment Provision set forth in Section 17 of the General Terms and Conditions of its FPC Gas Tariff, First Revised Volume No. 1. The rate adjustment, amounting to a net decrease of $.0116 per being MMBtu in Algonquin Gas' sales rates under applicable rate schedules, is being filed to amortize the balance in Algonquin Gas' Unrecovered Purchased Gas Cost Account.

The proposed effective date of the revised tariff sheet is September 1, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, DC 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 5, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22503 Filed 8-3-76;8:45 am]

[Docket No. CP76-417]

CITIES SERVICE GAS CO.

Notice of Application

JULY 28, 1976.

Take notice that on June 29, 1976, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP76-417 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline, taps, measuring, regulating facilities and appurtenant facilites to enable Applicant to render natural gas service to The Gas Service Company (Gas Service) for resale to 31 rural domestic customers pursuant to right-of-way easements and agreements heretofore entered into between Applicant and said customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that right-of-way grantors have requested domestic rural service for which Applicant proposes to construct and operate the following facilities:

Item 1: A tap on Applicant's Falls City 8-inch transmission pipeline in Atchison County, Kansas, and measuring, regulating and appurtenant facilities at the James S. Barnett resale mainline domestic meter site.

Item 2: A tap on Applicant's Sedalia 20-inch loop transmission pipeline in Miami County, Kansas, and measuring, regulating and appurtenant facilities at the Oren Bishop resale mainline domestic meter site.

Item 3: A tap on Applicant's Carrollton 12-inch transmission pipeline in Johnson County, Missouri, and measuring, regulating and appurtenant facilities at the Richard Brant resale mainline domestic meter site.

Item 4: A tap on Applicant's Wineteer 2-inch transmission pipeline in Sedgwick County, Kansas, and measuring, regulating and appurtenant facilities at the Louis C. Brown resale mainline domestic meter site.

Item 5: A tap on Applicant's Shebester 4-inch gathering pipeline in Comanche County, Oklahoma, and measuring, regulating and appurtenant facilities at the Ronnie Curry resale mainline domestic meter site.

Item 6: A tap on Applicant's Lexington 10-inch transmission pipeline in Lafayette County, Missouri, and measuring, regulating and appurtenant facilities at the Kenneth Diestelkamp resale mainline domestic meter site.

Item 7: A tap on Applicant's Topeka 20-inch pipe line in Douglas County, Kansas, and measuring, regulating and appurtenant facilities at the William Elkins resale mainline domestic meter site.

Item: A tap on Applicant's Carlyle 2-inch pipeline in Allen County, Kansas, and measuring, regulating and appurtenant facilities at the John Galemore resale mainline domestic meter site.

Item 9: A tap on Applicant's Bonner Springs 8-inch transmission pipeline in Johnson County, Kansas, and measuring, regulating and appurtenant facilities at the Edward O. Garrett resale mainline domestic meter site.

Item 10: A tap on Applicant's Welda 20-inch transmission pipeline in Franklin County, Kansas, and measuring, regulating and appurtenant facilities at the Lex E. Gislar resale mainline domestic meter site.

Item 11: A tap on Applicant's Cherryvale 6-inch transmission pipeline in Montgomery County, Kansas and measuring, regulating and appurtenant facilities at the R. E. Goodwin resale mainline domestic meter site.

Item 12: A tap on Applicant's Cambridge-Caney 12-inch transmission pipeline in Chautauqua County, Kansas, and measuring, regulating and appurtenant facilities at the Mrs. George Green resale mainline domestic meter site.

Item 13: A tap on Applicant's Barber County 8-inch gathering pipeline in Barber County, Kansas, and measuring, regulating and appurtenant facilities at the Mrs. Lee Winter Gress resale mainline domestic meter site.

Item 14: A tap on Applicant's Smith Center 6-inch transmission pipeline in Jewell County, Kansas, and measuring, regulating and appurtenant facilities at the Evan Hanson resale mainline domestic meter site.

Item 15: A tap on Applicant's Ottawa-Hund Junction 16-inch transmission pipeline in Leavenworth County, Kansas, and measuring, regulating, and appurtenant facilities at the Roland L. Hatlock resale mainline domestic meter site.

Item 16: A tap on Applicant's Canadian-Blackwell 26-inch transmission pipeline in Kay County, Oklahoma, and measuring, regulating and appurtenant facilities at the Gene Hedrick resale mainline domestic meter site.

Item 17: A tap on Applicant's Overbrook 4-inch transmission pipeline in Osage County, Kansas, and measuring, regulating and appurtenant facilities at the James R. Hesseltine resale mainline domestic meter site.

Item 18: A tap on Applicant's Luray 2-inch transmission pipeline in Lincoln County, Kansas, and measuring, regulating and appurtenant facilities at the Dennis Koster resale mainline domestic meter site.

Item 19: A tap on Applicant's Weir 4-inch transmission pipeline in Cherokee County, Kansas, and measuring, regulating and appurtenant facilities at the Monzell Larson resale mainline domestic meter site.

Item 20: A tap on Applicant's Southern Trunk 20-inch transmission pipeline in Montgomery County, Kansas, and measuring regulating, and appurtenant facilities at the Charles M. Long resale mainline domestic meter site.

Item 21: A tap on Applicant's East Kansas City 20-inch transmission pipeline in Cass County, Missouri, and measuring, regulating and appurtenant facilities at the John W. McCush resale mainline domestic meter site.

Item 22: A tap on Applicant's Woods 12-inch transmission pipeline in Grady County, Oklahoma, and measuring, regulating and appurtenant facilities at the John M. Nelson resale mainline domestic meter site.

Item 23: A tap on Applicant's Sedalia 20-inch loop transmission pipeline in Cass County, Missouri, and measuring, regulating and appurtenant facilities at the John Pihl resale mainline domestic meter site.

Item 24: A tap on Applicant's Plattsburg 6-inch transmission pipeline in Buchanan County, Missouri, and measuring, regulating and appurtenant facilities at the Calvin Robinson, Jr., resale mainline domestic meter site.

Item 25: A tap on Applicant'a Neosho'a 6-inch transmission pipeline in Newton County, Missouri, and measuring, regulating and appurtenant facilities at the John Schumaker resale mainline domestic meter site.

Item 26: A tap on Applicant's Sedalia 20-inch loop transmission pipeline in Cass County, Missouri, and measuring, regulating and appurtenant facilities at the Kenneth C. Simons resale mainline domestic meter site.

Item 27: A tap on Applicant's Sedalia 20-inch loop transmission pipeline in Cass County, Missouri, and measuring, regulating and appurtenant facilities at the Harrel Speer resale mainline domestic meter site.

Item 28: A tap on Applicant's Oskaloosa 4-inch transmission pipeline in Jefferson County, Kansas, and measuring, regulating and appurtenant facilities at the James F. Turner resale mainline domestic meter site.

Item 29: A tap on Applicant's Southern Trunk 20-inch transmission pipeline in Cherokee County, Kansas, and measuring, regulating and appurtenant facilities at the Larry C. Westervelt resale mainline domestic meter site.

Item 30: A tap on Applicant's Arkla 20-inch transmission pipeline in Newton County, Missouri, and measuring, regulating and appurtenant facilities at the Donald R. Whiteman resale mainline domestic meter site.

Item 31: A tap on Applicant's Welda-Ottawa 30-inch loop transmission pipeline in Anderson County, Kansas, and measuring, regulating and appurtenant facilities at the Lloyd L. Zentner resale mainline domestic meter site.

Applicant estimates that the total cost of the facilities proposed to serve the right-of-way grantors would be approximately $14,730, which costs Applicant would finance from treasury cash. Applicant estimates that the gas required annually by each customer would be approximately 221 Mcf.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 19, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22504 Filed 8-3-76;8:45 am]

[Docket No. CP76-421]

COLORADO INTERSTATE GAS CO.

Notice of Application

JULY 28, 1976.

Take notice that on July 1, 1976, Colorado Interstate Gas Company (Applicant), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP76-421 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation for and exchange of natural gas with Northern Natural Gas Company, operating as Peoples Natural Gas Division (Peoples), all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that Applicant and Peoples have executed an agreement dated April 20, 1976, for the purchase and exchange of natural gas under control of Peoples in the Kendall Field area of Kearny and Hamilton Counties, Kansas. It is said that the agreement of April 20, 1976, supersedes an agreement between Applicant and Peoples dated June 1, 1972, pursuant to which service is said to be authorized in Docket Nos. CP72-275 and CP72-291, and provides for increased volumes of exchange gas, additional delivery points, an extended term, and the right of Applicant to purchase gas.

Applicant states that Peoples would deliver gas to Applicant at two points of interconnection on Applicant's gathering system in Kearny County, Kansas, at aggregate delivery rates of not less than 3,000 Mcf on an average day and not more than 7,500 on any day. Applicant would have a continuing option to purchase 25 percent of the gas delivered by Peoples which might be in excess of 37,500 Mcf per month. Applicant would pay to Peoples for purchased gas the average price Peoples pays for gas it purchases in the area from wells contracted for and connected on or after January 1, 1973. Applicant would also reimburse Peoples for its gathering costs, for which the initial rate is said to be 6.32 cents per Mcf.

Applicant proposes to redeliver to Peoples, from April 1 through April 15, thermally equivalent volumes, less the volumes purchased from Peoples. For all gas deliveries by Peoples to Applicant which would be in excess of 37,500 Mcf per month and not purchased by Applicant, Peoples would pay Applicant an initial rate of 4.5 cents per Mcf for compression and transportation. The exchange account would be balanced each December 31. Applicant states that redeliveries would be made by Applicant to Peoples on a best efforts basis at a sales point in Moore County, Texas, said to be installed under authorization in Docket No. CP65-40, at a sales point in Baca County, Colorado, said to be installed under authorization in Docket No. CP67-290, and at two exchange points in Baca County, Colorado, and one exchange point in Bent County, Colorado.

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said to be installed under authority in Docket Nos. CP72-275 and CP72-291.

It is stated in the application that gas would be delivered to Applicant by Peoples on a generally uniform basis throughout the year at an expected rate of approximately 3,000 Mcf per day. Applicant would redeliver gas only from April 1 through October 15. Applicant expects to purchase approximately 161,250 Mcf of gas annually.

The application states that the instant proposal would permit Peoples to make gas controlled in an area remote from its system available to its customers with only minimal facilities and cost. Further, it is stated, the gas would be used almost exclusively for agricultural irrigation purposes which usage peaks during the warmer months. Applicant states that since its peak usage occurs during the winter months because of residential and small commercial heating loads on its customers' distribution systems, the fact that Applicant would receive but not deliver gas during the colder months is a benefit to Applicant.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 20, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22905 Filed 8-3-76;8:45 am]

[Docket No. CP76-177]

COLORADO INTERSTATE GAS CO.

Notice of Amendment to Application

JULY 28, 1976.

Take notice that on July 1, 1976, Colorado Interstate Gas Company (Applicant), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP76-177 an amendment to its application filed in said docket for a certificate of public convenience and necessity pursuant to Section 7(c) of the Natural Gas Act, by which amendment Applicant requests authorization to construct and operate facilities in addition to those for which authorization was initally requested, all as more fully set forth in the amendment on file with the Commission and open to public inspection.

In its initial application Applicant requests authorization to construct and operate a 450 horsepower compressor station at the tailgate of the Spindle gasoline plant operated by Amoco Production Company in Weld County, Colorado, to maintain gas flow from the Spindle plant and other sources in the Spindle area into Applicant's Wyoming pipeline. Applicant states that it constructed the facilities pursuant to a temporary certificate.

By the instant amendment Applicant requests authorization (1) to construct and operate a 1,200 horsepower addition, consisting of two 600 horsepower units, at the Spindle compressor station to provide a total of 1,650 horsepower at the station, (2) to increase the size of the meter runs to increase the capacity of the existing Spindle purchase meter station, and (3) to install approximately 7 miles of 8-inch pipeline loop adjacent to Applicant's existing 6-inch Spindle lateral which runs from the compressor station site to Applicant's 22-inch Wyoming mainline. The estimated cost of the additional facilities for which authorization is sought in the instant amendment is $948,654.

Applicant states that the volumes of gas to be available to Applicant in the immediate future from the Spindle area have increased from the original estimate of 18,200 Mcf per day to an anticipated 53,150 Mcf per day by the end of 1976. Further, Applicant states, the facilities proposed in the instant amendment would provide a design capacity of 52,589 Mcf of gas per day and a maximum capacity of 65,250 Mcf of gas per day.

It is stated that most of the gas is casinghead production or gas produced in association with oil and that new oil wells are being continuously added. The gas volume increase is said to be attributable to the size of the production area which has proven to be larger than anticipated, to the execution of gas purchase contracts covering wells that were uncommitted when the initial application was prepared, and to a decrease by the Colorado Oil and Gas Conservation Commission of allowable well spacing from 80 acres to 40 acres.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before August 20, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22506 Filed 8-3-76;8:45 am]

[Docket No. CP73-237]

COLORADO INTERSTATE GAS CO.

Notice of Petition To Amend

JULY 28, 1976.

Take notice that on July 1, 1976, Colorado Interstate Gas Company (Petitioner), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP73-237 a petition to amend the Commission's order, issued August 29, 1973, in said docket (50 FPC 588) pursuant to Section 7(c) of the Natural Gas Act by authorizing an increase in the maximum reservoir stabilized shut-in pressure of the Boehm Field from 1,441 psia to 1,730 psia, all as more fully set forth in the subject petition which is on file with the Commission and open to public inspection.

Applicant states that the order of August 29, 1973, authorized it to acquire, construct, and operate certain facilities necessary to develop, maintain, and operate the Boehm Field in Morton County, Kansas, as an underground gas storage reservoir. Said order limited the reservoir stabilized shut-in pressure to 1,441 psia and the maximum reservoir volume to 29,500,000 Mcf, it is stated. Petitioner has determined that the maximum capacity of the reservoir is less than originally anticipated and that at a pressure of 1,441 psia, the reservoir has a capacity of only 20,750,000 Mcf which substantially reduces the withdrawal capability.

Petitioner asserts that in order to realize the much needed winter season withdrawal volumes projected to be available during the 1976-77 heating season, it would be necessary to increase the maximum storage inventory by increasing the maximum reservoir shut-in pressure. It is said that the proposed increase in pressure would result in approximately 4,150,000 Mcf more storage gas inventory to be withdrawn during the heating season than could be obtained at the currently authorized reservoir pressure and that without this requested increase in pressure, Petitioner would fall far short of meeting its 1976-77 designed heating season withdrawal amounts. Applicant states that no facilities, other than those currently certificated, would be required to reach the pressure proposed.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 19, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22507 Filed 8-3-76;8:45 am]

[Docket No. ER76-784]

CONSUMERS POWER CO.

Notice of Termination

JULY 28, 1976.

Take notice that on July 14, 1976, Consumers Power Company (Company) tendered for filing copies of its notice of intent to terminate its existing contract for electric service with:

City of Coldwater, Michigan, contract dated February 14, 1972, rate schedule FPC No. 29, proposed termination date: July 10, 1978.

The Company states that this termination notice was sent in accordance with contract provisions, the commitment of the Company to place its wholesale for resale customers on the Schedule of Rates Governing Wholesale for Resale Electric Service, and consistent with the order of the Federal Power Commission in Docket No. ER76-45 dated August 29, 1975. The Company states that it intends to submit the Standard Service Agreement for the supply of wholesale energy to the City of Coldwater at an early date for consideration.

The Company states that the contract termination is caused only by the Company's desire to have one standard Rate Schedule for wholesale service.

The company states that copies of the filing were served on the City of Coldwater, its counsel and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protest should be filed on or before August 9, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22508 Filed 8-3-76;8:45 am]

[Docket No. CP76-425]

EL PASO NATURAL GAS CO.

Notice of Application

JULY 28, 1976.

Take notice that on July 6, 1976, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP76-425 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon the exchange of natural gas with Northern Natural Gas Company (Northern) and facilities used therefor, all as more fully set forth in the application on file with the Commission and open ot public inspection.

Applicant proposes to abandon its Gomez exchange tap on its 16-inch Gomez-Waha pipeline in Pecos County, Texas, used to receive natural gas from Northern for treatment by Applicant at its Waha treating plant in Reeves County, Texas. The quantities of gas delivered by Northern at said tap are said to have been in excess of the capacity of Northern's Gomez treating plant. In exchange, Applicant states, it caused the delivery of natural gas by Mobil Oil Corporation (Mobil) to Northern for the account of Applicant at Mobil's Coyanosa plant in Pecos County, Texas. The application states that Northern has advised Applicant that sufficient treating capacity now exists at Northern's Gomex plant to handle Northern's Gomez supply. Accordingly, Applicant proposes to abandon the exchange of gas and to abandon in place the Gomez exchange tap used therefor.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 19, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22509 Filed 8-3-76;8:45 am]

[Docket No. ER76-733]

GULF POWER CO.

Notice of Tariff Filing

JULY 28, 1976.

Take notice that on June 4, 1976, Gulf Power Company (Gulf) filed herein a supplement to its FPC Electric Tariff providing for a new delivery point for service by Gulf to Gulf Coast Electric Cooperative, Inc., at Gaskin in Bay County Florida. The tariff supplement is proposed to be effective for service commencing on June 1, 1976.

Any person desiring to be heard and to make any protest with reference to said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before August 16, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Gulf's filing is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22510 Filed 8-3-76;8:45 am]

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[Docket Nos. ER76-469 and ER76-508]

IDAHO POWER CO.

Notice of Settlement Conference

JULY 28, 1976.

Take notice that on August 6, 1976, a conference of all parties to intervene in these proceedings, Idaho Power Company, and the Commission Staff will be held in a Commission Hearing Room at 825 North Capitol Street, NE., Washington, D.C., at 10:00 a.m.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, attendance at the conference will not be deemed to authorize intervention as a party in the proceedings.

All parties will be expected to come fully prepared to discuss the merits of all issues concerning the lawfulness of the proposed rate increase and any procedural matters preparatory to a full evidentiary hearing or to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22511 Filed 8-3-76;8:45 am]

[Docket No. CP76-426]

KENTUCKY WEST VIRGINIA GAS CO.

Notice of Application

JULY 28, 1976.

Take notice that on July 6, 1976, Kentucky West Virginia Gas Company (Applicant), Second National Bank Building, Ashland, Kentucky 41101, filed in Docket No. CP76-426 an application pursuant to Section 7(c) of the Natural Gas Act, and in compliance with the Commission's order issued May 28, 1976, in Docket No. RP76-93, for a certificate of public convenience and necessity authorizing the continued sale of natural gas and identical service to distribution systems (collectively referred to as Distribution Systems) owned by (1) Ohio-Kentucky Utilities, Incorporated (Ohio-Kentucky), serving the towns of Allen and Dwale and vicinities in Floyd County, Kentucky; (2) Ohio-Kentucky, serving the gas system operated by the purchaser on the Right Fork of Middle Creek in Floyd County; (3) Mountain Utilities, Incorporated (Mountain Utilities), serving the town of Staffordsville and vicinity in Johnson County, Kentucky; and (4) Equitable Gas Company (Equitable), successor to Kentucky West Virginia Gas Company in Docket No. G-272, serving gas at retail to scattered customers along Applicant's pipeline right of way in eastern Kentucky, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is indicated that by order issued May 28, 1976, in Docket No. RP76-93, the Commission exerted jurisdiction over Applicant's city gate service to various distribution customers located in Kentucky including the Distribution Systems which are the subject of the instant application.

Applicant submits that in Docket No. RP76-93, it described the services covered by its "Grandfather certificate" issued in Docket No. G-272, but that three city gate customers for whom service agreements were filed in Docket No. RP76-93 cannot be specifically identified in Docket No. G-272 or any other docket. Applicant states that these customers are: (1) Ohio-Kentucky service for Allen, Kentucky; (2) Ohio-Kentucky service for Right Fork of Middle Creek, Floyd County, Kentucky; and (3) Mountain Utilities service for Staffordsville, Kentucky. It is indicated that these are small systems whose ownership has changed often over the years and that some or all of these systems may be or have been covered under the certificate issued in Docket No. G-272.

Applicant states that the order of May 28, 1976, in Docket No. RP76-93 provided, as to city gate sales not specifically covered by existing certificates, that Applicant file within 90 days of the date of said order applications for certificate authority to continue such sales. Applicant asserts that the subject application constitutes its compliance with the order of May 28, 1976.

It is asserted that all of the gas sold by Applicant from its integrated system to its Kentucky resale customers is and has been commingled with gas moving out of Kentucky for resale and supplemented by a substantial volume of gas from outside of Kentucky.

Applicant notes that its application in Docket No. G-272 states that gas was sold at wholesale to Langley Supply Company, Inland Steel Company, the City of Paintsville, and Prestonsburg Gas Company for resale to the public within the Cities of Maytown, Wheelwright, Paintsville, and Prestonsburg, Kentucky. Taking the purchasers in order, Applicant indicates that the service to Langley Supply Company for Maytown, Kentucky, is now operated by the Mike Little Gas Company, Incorporated; the service to Inland Steel Company for Wheelwright, Kentucky, is now operated by Mountain Investment, Inc.; the service to the City of Paintsville has remained the same; and the service to the Prestonsburg Gas Company for Prestonsburg is now operated by the City of Prestonsburg. It is indicated that while not mentioned in the narrative of the application in Docket No. G-272, Exhibit B to that application indicates service to Prestonsburg Gas Company at Middle Creek; however, Applicant states that whether this is the Right Fork of Middle Creek now operated by Ohio-Kentucky, it has no way of knowing.

Finally, Applicant asserts that the application in Docket No. G-272 stated that Applicant has also sold gas at retail to scattered customers along its pipeline right of way in eastern Kentucky. Applicant states that this is the domestic retail service now rendered by Equitable in Kentucky under the service agreement, dated August 15, 1958, and that this service was transferred to Equitable and that Applicant has supplied Equitable with all of its requirements for resale since that date.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 20, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22512 Filed 8-3-76;8:45 am]

[Docket No. ER76-786]

MINNESOTA POWER & LIGHT CO.

Notice of Filing of Agreement

JULY 28, 1976.

Take notice that on July 15, 1976, Minnesota Power & Light Company (Minnesota) tendered for filing a Sectionalizing Switch Agreement between it and United Power Association. Minnesota states that the agreement provides for installation, operation and maintenance of certain sectionalizing switches and related equipment as part of a transmission service agreement between it and United Power Association.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and

Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 6, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22513 Filed 8-3-76;8:45 am]

[Docket No ER76-400]

MONONGAHELA POWER CO.

Order Granting Intervention and Granting Petition To Reject

JULY 28, 1976.

Before Commissioners: Richard L. Dunham, Chairman; Don S. Smith, John H. Holloman III, and James G. Watt.

On December 29, 1975, Allegheny Power Service Corporation filed on behalf of Monongahela Power Company (Monongahela) a petition for waiver of the Section 35.14 requirement of the Commission's Regulations under the Federal Power Act to file a conformed fuel adjustment provision as part of the rates for service to Preston County Coke Company (now Preston Electric Company), stating that its contract is a fixed rate contract. Preston Electric Company (Preston) filed petitions to intervene and to reject Monongahela's petition for waiver. For the reasons hereinafter discussed, we shall grant Preston's petitions.

Public notice of Monongahela's filing was issued January 13, 1976, with protests or petitions to intervene due on or before January 23, 1976. On January 16, 1976 Preston filed a timely petition to intervene and a petition to reject Monongahela's petition for waiver. As grounds for rejection, Preston argues that Section 35.14(8) of the Commission's Regulations promulgated by Order No. 517 does not apply to the subject Monongahela Rate Schedule No. 30 since it is a fixed rate contract between Preston and Monongahela and waiver is neither necessary nor appropriate for the continuing effectiveness of the fuel adjustment clause as presently on file with the Commission.

In Opinion No. 760 issued on April 29, 1976, the Commission found that the fuel adjustment formula in the "fixed rate" contracts between Kentucky Utilities and the subject Cities was

"entitled to the protection of the Mobile-Sierra rule and may not be changed by a unilateral filing by either party to the contract except upon a show(ing) that the total rate under the contract 'is so low as to adversely affect the public interest' or so high as to exceed a just and reasonable rate." (citations omitted)

We therefore find that because, as both parties agree, the service contract between Monongahela and Preston is a fixed rate contract, the fuel clause contained therein is subject to the protection of Mobile-Sierra and Monongahela need not file a fuel adjustment clause to conform to Section 35.14. Because conformance is not required, a waiver of conformance is unnecessary, and Preston's petition to reject Monongahela's request for waiver shall be granted.

The Commission finds:

(1) Good cause exists to grant Preston's petition to reject Monongahela's request for waiver of Section 35.14 of the Regulations under the Federal Power Act.

(2) Preston Electric Company should be permitted to intervene.

The Commission orders:

(A) Preston's petition to reject Monongahela's request for waiver of Section 35.14 of the Regulations under the Federal Power Act is hereby granted and Docket No. ER76-400 is hereby terminated.

(B) Preston Electric Company is hereby permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission; *Provided, however,* That participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(C) The Secretary shall cause prompt publication to this order to be made in the Federal Register.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22514 Filed 8-3-76;8:45 am]

[Docket No. ER76-789]

MONONGAHELA POWER CO. ET AL.

Notice of Changes in Rates and Charges

JULY 28, 1976.

Take notice that Allegheny Power Service Corporation (APSC) on July 15, 1976 tendered for filing on behalf of Monongahela Power Company (Monongahela), The Potomac Edison Company (PE), and West Penn Power Company (West Penn), the electric utilities which make up the integrated Allegheny Power System, Amendment No. 5 dated June 28, 1976 to the Interconnection Operating Agreement dated February 1, 1973 between Monongahela, PE, and West Penn and Virginia Electric Power Company (Vepco) designated Monongahela Rate Schedule FPC No. 32, PE Rate Schedule FPC No. 33 and West Penn Rate Schedule FPC No. 31.

Amendment No. 5 provides for an increase in the demand charge for short-term power and energy from $0.45 to $0.50 per kilowatt week and an increase in demand charge for limited-term power and energy from $2.50 to $2.75 per kilowatt month to become effective September 1, 1976. Applicants state that since short-term power and energy transactions and limited-term power and energy transactions are scheduled from time to time as load capacity conditions on the systems of the parties dictate it is impossible to estimate the increase in revenues which would result from Amendment No. 5.

Any person desiring to be heard or protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 N. Capitol Street NE., Washington, D.C. 20426 in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protest should be filed on or before August 10, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22515 Filed 8-3-76;8:45 am]

[Docket No. ER76-785]

MONONGAHELA POWER CO.

Notice of Tariff Change

JULY 28, 1976.

Take notice that Monongahela Power Company, on July 15, 1976 tendered for filing Second Revision Sheet Nos. 11, 14 and 15 to FPC Electric Tariff Original Volume No. 1. The changes proposed would produce an estimated overall increase in revenues from jurisdictional sales and service of approximately $258,307, based on the twelve-month period ending December 31, 1975. The proposed effective date for the increased rates is August 14, 1976.

The changes proposed are for the purpose of recovering increased costs incurred by the Company.

Copies of the filing were served upon the jurisdictional customers and the West Virginia Public Service Commission and the Virginia State Corporation Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 3, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to be-

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come a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22516 Filed 8-3-76;8:45 am]

[Docket No. ER76-739]

PUBLIC SERVICE COMPANY OF INDIANA, INC.

Notice of Termination of Kentucky-Indiana Pool Planning and Operating Agreement

JULY 28, 1976.

Take notice that on June 7, 1976, Public Service Company of Indiana, Inc. (PSCI) filed a notice terminating the Kentucky-Indiana Pool Planning and Operating Agreement (KIP) and all amendments and supplements thereto as of July 1, 1976. The KIP Agreement is presently on file as PSCI Rate Schedule FPC No. 225. The notice of termination terminates only the contractual planning functions of the Agreement. PSCI plans to submit notices of termination of rate schedules attached to the Agreement at appropriate times in accordance with Commission Regulations.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before August 20, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22516 Filed 8-3-76;8:45 am]

[Docket Nos. RP76-53 and RP76-60]

SOUTH TEXAS NATURAL GAS GATHERING CO.

Notice of Filing of Settlement Agreement

JULY 27, 1976.

Take notice that on July 16, 1976, South Texas Natural Gas Gathering Company (South Texas) filed a "Stipulation and Agreement in Settlement of Rate Proceedings" in this docket.

South Texas states that the proposed settlement agreement has been agreed to by all parties to the proceeding.

Any person desiring to be heard or to protest said settlement agreement should file comments with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before August 9, 1976. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22502 Filed 8-3-76;8:45 am]

[Docket No. RP72-121; PGA 76-5]

SOUTHWEST GAS CORP.

Notice of Filing of Tariff Sheet

JULY 28, 1976.

Take notice that on July 19, 1976, Southwest Gas Corporation (Southwest) tendered for filing Sixteenth Revised Sheet No. 3A, constituting Original PGA-1 in its FPC Gas Tariff, Original Volume No. 1. According to Southwest, the purpose of this filing is to increase the rates of Southwest under its Purchased Gas Adjustment Clause in Section 9 of its General Terms and Conditions contained in its FPC Volume No. 1.

Southwest states the instant notice of change in rates is occasioned solely by an increase in the cost of purchased gas which will become effective on September 10, 1976, applied to the volumes purchased for the twelve-month period ended May 31, 1976.

Southwest further states that copies of the filing have been mailed to the Nevada Public Service Commission, the California Public Utilities Commission, Sierra Pacific Power Company and the California-Pacific Utilities Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 9, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22518 Filed 8-3-76;8:45 am]

[Docket No. CP75-295]

TEXAS GAS TRANSMISSION CORP.

Order Setting Matter for Hearing, Establishing Procedures and Granting Intervention

JULY 28, 1975.

Before Commissioners: Richard L. Dunham, Chairman; Don S. Smith, John H. Holloman III, and James G. Watt.

On March 21, 1975, Texas Gas Transmission Corporation (Texas Gas), P.O. Box 1160, Owensboro, Kentucky 42301, filed in Docket No. CP75-295 a petition for a declaratory order asserting that at all times during the period from August 30, 1968, to March 5, 1975, all of the gas produced from acreage in the "C" Sand Unit A of the Edwin L. Cox No. 1 Intercoastal Shipyard Well in the Ramos Field, St. Mary Parish, Louisiana, was delivered and sold for resale in interstate commerce to Texas Gas pursuant to Edwin L. Cox, et al. (Cox, et al.) FPC Gas Rate Schedule Nos. 77, 78, and 79, and, accordingly, that subsequent diversion of any portion of such gas for sale in interstate commerce commencing on or about March 5, 1975, under contract with Louisiana Intrastate Gas Corporation was tantamount to an abandonment, permission for which is first required to be obtained, after due hearing, under Section 7(b) of the Natural Gas Act. Texas Gas seeks relief in the form of a cease and desist order issued by the Commission prior to issuance of a final order and that Cox, et al. be further ordered to make redelivery of equivalent volumes of gas to Texas Gas previously delivered to an intrastate purchaser, Louisiana Intrastate.

On April 21, 1975, Edwin L. Cox et al. filed concurrently a petition for leave to intervene and an answer in response to Texas Gas' petition filed March 21, 1975. By answer Cox et al. assert that following creation of the unitized "C" Sand Unit of August 6, 1968, by the Louisiana Department of Conservation, deliveries of gas production from the committed or dedicated portion of the unitized Unit (approximately 80% of the properties) commenced on or about August 30, 1968, to Texas Gas under certificated authority in Docket No. CI69-630. No deliveries were made, according to Cox et al., from the uncommitted portion of such Unit (approximately 20% of the properties) and the unit was therefore produced out of balance. Subsequently a temporary certificate was issued by the Commission authorizing sale and delivery of gas production to Texas Gas from uncommitted acreage contained in said Unit under contract dated February 13, 1970; however, by letter order dated July 28, 1971, Cox et al. were permitted to withdraw the application due to their cancellation of the contract. On March 5, 1975, Cox et al. by contract dated October 9, 1974, commenced intrastate deliveries of gas production from the uncommitted portion of the Unit to Louisiana Intrastate Gas Corporation. Accordingly, Cox et al. assert that from August 30, 1968, or the commencement of gas production deliveries to Texas Gas, to March 5, 1975, or the commencement of gas production deliveries to Louisiana Intrastate, the said Unit was produced out of balance insofar as Texas Gas received all gas production from such Unit while holding contract or certificated authority covering only a portion of such acreage. In support of their position Cox et al. contend that prior delivery of the full wellstream to Texas Gas would not include uncommitted gas since no authority existed to deliver such gas. Respondent Cox et al. therefore request that the petition be dismissed for failure to state a claim for which relief may be granted, or alternatively, that such petition be denied.

Notice of Texas Gas' petition was issued April 15, 1975, and appeared in the FEDERAL REGISTER on April 21, 1975, at 40 FR 17643. Michigan Wisconsin Pipe Line Company filed a petition to intervene one day beyond the filing deadline and requested it be allowed to participate in any hearing which may be convened. Gulf Oil Corporation filed a timely petition to intervene and requests it be made a party to this proceeding including but not limited to right to notice of and appearance at all hearings. The State of Louisiana, by its Commissioner of Conservation, filed a timely notice of intervention.

In the light of the factual and legal issues raised by Texas Gas' petition, this proceeding should be set for hearing in order to provide Texas Gas and other interested parties an opportunity to present evidence on the issues raised and on any other matters considered to be relevant to the proceeding.

The Commission finds: (1) It is necessary and in the public interest that the above-docketed proceeding be set for hearing.

(2) Good cause exists to grant the petitions to intervene of Edwin L. Cox et al., Michigan Wisconsin Pipe Line Company, and Gulf Oil Corporation.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4, 5, 7, 14, 15 and 16 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act (18 CFR Chapter 1), a public hearing shall be held in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, to resolve the issues raised by Texas Gas' petition.

(B) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR § 3.5(d)) shall preside at the hearing in this proceeding, with authority to establish and change all procedural dates, and to rule on all motions (with the sole exception of petitions to intervene, motions to consolidate and sever, and motions to dismiss, as provided for in the Rules of Practice and Procedure).

(C) Texas Gas and Edwin L. Cox, et al. shall file their direct testimony and evidence on or before August 18, 1976 including but not limited to copies of all division orders executed by Edwin L. Cox, et al. in connection with the sale of gas production from the unitized "C" San Unit A of the Edwin L. Cox No. 1 Intercoastal Shipyard Well together with such other documentation as is determinative of Edwin L. Cox et al. 20 percent uncommitted interest in the said unitized Unit to be submitted by Edwin L. Cox, et al.

(D) The Presiding Administrative Law Judge shall preside at a pre-hearing conference to be held on September 2, 1976, at 9:30 a.m., in hearing room at the address noted in Ordering Paragraph (A).

(E) Edwin L. Cox et al., Michigan Wisconsin Pipe Line and Gulf Oil Corporation are permitted to intervene in the above-entitled proceeding, subject to the rules and regulations of the Commission; *Provided, however,* That their participation shall be limited to matters affecting asserted rights and interests specifically set forth in their petitions for leave to intervene; and *Provided, further,* That the admission of Edwin L. Cox et al., Michigan Wisconsin Pipe Line and Gulf Oil Corporation in the manner provided shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders entered in this proceeding, and that they agree to accept the record as it now stands.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22519 Filed 8-3-76;8:45 am]

[Docket No. RP75-96]

MICHIGAN-WISCONSIN PIPE LINE CO.

Extension of Time

JULY 27, 1976.

On July 15, 1976, Staff Counsel filed a motion to extend the procedural dates fixed by order issued May 19, 1975, as most recently modified by notice issued June 7, 1976, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Hearing, September 7, 1976, (10:00 a.m., e.d.t.).

By direction of the Commission.

LOIS D. CASHELL,
Assistant Secretary.

[FR Doc.76-22614 Filed 8-3-76;8:45 am]

NATIONAL GAS SURVEY

Cancellation of Meeting

Notice is hereby given of the cancellation of the meeting of the National Gas Survey Curtailment Strategies Technical Advisory Committee of August 17, 1976, which was published in the FEDERAL REGISTER June 16, 1976, 41 FR 24425.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22608 Filed 7-30-76;3:13 pm]

NATIONAL GAS SURVEY

Cancellation of Meeting

Notice is hereby given of the cancellation of the Drafting Committee meeting of the National Gas Survey's Supply-Technical Advisory Task Force-Regulatory Aspects of Substitute Gas of August 13, 1976, which was published in the FEDERAL REGISTER July 23, 1976, 41 FR 30401.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22609 Filed 7-30-76;3:13 pm]

NATIONAL GAS SURVEY

Curtailment Strategies-Technical Advisory Committee-Editorial Group[1]

Conference Room 5200, Federal Power Commission, Union Center Plaza Building, 825 North Capitol Street, NE., Washington, D.C. 20426, September 9, 1976, 9 a.m.

Presiding: Mr. Franklin W. Lipshultz, FPC Coordinating Representative and Secretary, Bureau of Natural Gas.

1. Call to order—Mr. Lipshultz.
2. Discussion of reports received—Mr. John F. O'Leary, TAC chairman.
3. Preparation of draft report—Mr. John F. O'Leary.
4. Selection of next meeting date.
5. Other business.
6. Adjournment—Mr. Lipshultz.

KENNETH F. PLUMB,
Secretary.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, of if oral, at the time and in the manner permitted by the committee.

[FR Doc.76-22610 Filed 7-30-76;3:13 pm]

NATIONAL GAS SURVEY

Supply-Technical Advisory Task Force-Regulatory Aspects of Substitute Gas (Drafting Committee)[1]

Conference Room 5200, Federal Power Commission, Union Center Plaza Building, 825 North Capitol Street NE., Washington, D.C. 20426, August 23, 1976, 9:30 a.m.

Presiding: Mr. William J. McCabe, FPC Coordinating Representative and Secretary, National Gas Survey.

1. Call to order—Mr. William J. McCabe.
2. Introductory remarks—Mr. Earl V. Fisher, Texas Eastern Transmission Corporation, Houston, Texas.
3. Review of report to task force—Mr. Earl V. Fisher.
4. Other business.
5. Adjournment—Mr. William J. McCabe.

KENNETH F. PLUMB,
Secretary.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the

[1] Only members of the Editorial Group are expected to attend this meeting.
[1] The announced August 13, 1976 meeting of the Drafting Committee was cancelled.

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meeting, or if oral, at the time and in the manner permitted by the committee.

[FR Doc.76-22611 Filed 7-30-76;3:13 pm]

NATIONAL GAS SURVEY

Supply-Technical Advisory Task Force-Regulatory Aspects of Substitute Gas

Conference Room 5200, Federal Power Commission, Union Center Plaza Building, 825 North Capitol Street, NE., Washington, D.C. 20426, August 24, 1976, 9 a.m.

Presiding: Mr. William J. McCabe, FPC Coordinating Representative and Secretary, National Gas Survey.

1. Call to order—Mr. William J. McCabe.
2. Review of task force work completed. Mr. Frank F. Jestrab, Bjella & Jestrab, Williston, North Dakota, TF Chairman; and Mr. Martin N. Erck, Senior Counsel, Exxon Company, U.S.A., Houston, Texas, TF Vice Chairman.
3. Discussion of draft TF report—Mr. Frank F. Jestrab and Mr. Earl V. Fisher.
4. Comments of task force members on TF draft report.
5. Assignment of additional work to task force members—Mr. Frank F. Jestrab.
6. Assignment of additional instructions to the drafting committee—Mr. Frank F. Jestrab.
7. Selection of next meeting date.
8. Discussion of other matters.
9. Adjournment—Mr. William J. McCabe.

KENNETH F. PLUMB,
Secretary.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the Committee.

[FR Doc.76-22612 Filed 7-30-76;3:13 am]

FEDERAL RESERVE SYSTEM

CITICORP

Proposed De Novo Expansion of Gateway Life Insurance Company

Citicorp, New York City, New York, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to expand de novo the activity of Gateway Life Insurance Company ("Gateway"), Phoenix, Arizona. Notice of the application was published on July 19, 1976 in The Arizona Republic, a newspaper circulated in Phoenix, Arizona; and on July 20, 1976 in The New York Times, a newpaper circulated in New York City, New York.

Gateway is a subsidiary of Citicorp's consumer finance subsidiary, Nationwide Financial Services Corporation ("Nationwide"), and presently engages in the underwriting in a reinsurance capacity of credit life and credit accident and health insurance sold in connection with extensions of credit by Nationwide in 13 states, as approved by the Board in its Order of September 14, 1973. Applicant proposes that Gateway be permitted to expand the underwriting of credit life and credit accident and health insurance to those additional states which were not included in the Board's Order of 1973, but in which Nationwide now operates through subsidiaries, or where entry is anticipated in the coming year. Applicant states that Gateway will initially act as a reinsurer in each proposed state. Gateway will act as a direct underwriter in states previously approved and, subsequent to operational preparation and satisfaction of state regulatory provisions, will so act in certain proposed states.

Gateway would underwrite credit related life insurance purchased by customers of Citicorp's New York banking subsidiaries in New York State and credit life and accident and health coverage of customers of other Citicorp subsidiaries engaged in making consumer credit directly available (or the equivalent thereof) to the consumer sector in selected states. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than August 26, 1976.

Board of Governors of the Federal Reserve System, July 28, 1976.

J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76-22598 Filed 8-3-76;8:45 am]

FIRST CITY BANCORPORATION OF TEXAS, INC.

Acquisition of Bank

First City Bancorporation of Texas, Inc., Houston, Texas has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)), to acquire 100 percent (less director's qualifying shares) of the voting shares of First City Bank-Northeast, N.A., Houston, Texas. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 26, 1976.

Board of Governors of the Federal Reserve System, July 28, 1976.

J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76-22599 Filed 8-3-76;8:45 am]

FIRST WEWOKA BANCORPORATION, INC.

Formation of Bank Holding Company; Correction

In FR Doc. 76-20310 appearing at page 29039 of the issue for Wednesday, July 14, 1976, the location of the bank to be acquired is Wewoka, Oklahoma.

Board of Governors of the Federal Reserve System, July 27, 1976.

J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76-22600 Filed 8-3-76;8:45 am]

HORIZON BANCORP

Proposed Acquisition of Mortgage Investment Securities, Inc. and M.I.S.I., Inc.; Correction

In FR Doc. 76-21348 appearing at page 30401 of the issue for Friday, July 23, 1976, the location of M.I.S.I. should read Clearwater, Florida.

Board of Governors of the Federal Reserve System, July 27, 1976.

J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76-22601 Filed 8-3-76;8:45 am]

INDIAN HEAD BANKS INC.

Order Approving Acquisition of Shares of Bank

Indian Head Banks Inc., Nashua, New Hampshire, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 67 per cent or more of the voting shares of Community National Bank of Rochester, Rochester, New Hampshire.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received, including those submitted by Strafford National Bank,

Dover, New Hampshire ("Protestant"), in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the largest banking organization in New Hampshire, controls 8 banks with aggregate deposits of approximately $255 million, representing 15.4 per cent of total deposits in commercial banks in New Hampshire.[1] Acquisition of Bank (deposits of approximately $7 million) would increase Applicant's share of Statewide deposits by .4 of one per cent. Consummation of the proposed transaction would not result in a significant increase in the concentration of banking resources in New Hampshire.

Bank is the 6th largest of 10 commercial banking organizations in the Dover-Rochester banking market (the relevant banking market for purposes of this proposal)[2] and controls 9.4 percent of deposits in commercial banks in the market. A subsidiary of Applicant, Indian Head National Bank of Exeter ("Exeter Bank"), Exeter, New Hampshire, operates a branch in Newmarket, New Hampshire, located in the relevant banking market. That branch holds deposits of approximately $6.3 million[3] representing 8.4 percent of total deposits in commercial banks in the market, and thus Applicant is the eighth largest banking organization in the relevant banking market. As a result of consummation of the proposed transaction, Applicant would become the largest banking organization in the relevant market with 17.8 percent of deposits in commercial banks. Thus the proposed transaction would have the effect of increasing somewhat the concentration of banking resources in the relevant market. However, even after consummation of the proposed transaction, the market would not be highly concentrated as the four largest banking organizations would control 60.7 percent of deposits in the market. The effect of the proposal on concentration in the relevant market is mitigated by the facts that Bank and Exeter Bank are among the smaller organizations in the market and that, because Bank is in less than satisfactory condition, it is not currently a meaningful competitor in the market. Indeed, affiliation with Applicant should enable Bank to become a competitive factor in the market. Accordingly, it is the Board's judgment that the proposal would be consistent with the public interest despite its effects on concentration in the market.

To the extent that Bank and Exeter Bank's Newmarket branch operate in the Dover-Rochester banking market, some amount of existing competition would be eliminated as a result of consummation of this proposal. However, on the basis of the facts of record, including the facts that Bank and Exeter Bank's Newmarket branch are 18 miles apart and that a number of banks compete in the market, it does not appear that any meaningful competition between Bank and Exeter Bank would be eliminated as a result of the proposal, particularly in view of the current financial condition of Bank. Applicant's other subsidiaries also have five banking offices located outside the relevant market that derive some deposits from Bank's service area. The amount of such deposits, however, is not significant nor does Bank derive a significant amount of deposits from the service areas of these subsidiaries of Applicant. After consummation of the proposal, several independent banks would remain available for acquisition by holding companies not represented in the market. Accordingly, the Board concludes that consummation of the proposal would not eliminate any significant existing competition or foreclose the development of potential competition.

The financial condition and managerial resources of Applicant and its subsidiaries are considered satisfactory and their future prospects appear favorable. Bank's financial condition, managerial resources and future prospects, absent consummation of the instant proposals, are less than satisfactory. However, Applicant has agreed to inject needed capital of approximately $200,000 into Bank and intends to revamp the management of Bank. Thus, banking factors lend some weight toward approval of the application. Affiliation with Applicant should enable Bank to provide more effectively services it has been forced by its weakened financial condition to reduce. In addition, as a result of the proposal, Bank will offer accounts subject to negotiable orders of withdrawal (so-called "NOW accounts") paying interest on balances in excess of $500, free checking accounts for individuals over 62 years of age, expanded savings and retirement account services, dealer floor planning services and accounts receivable financing. Therefore, considerations relating to convenience and needs of the community to be served lend weight toward approval of the application and, in the Board's view, outweigh any slight adverse competitive effects that might result from consummation of the proposal.

In its consideration of the subject application, the Board has considered the comments submitted by Protestant. Protestant has asserted that consummation of the proposal would result in adverse competitive effects that are not outweighed in the public interest by the effects the proposal would have on the convenience and needs of the community. Specifically, Protestant contends, first, that Applicant should have chosen to establish a de novo office rather than to acquire an existing institution and, second, that there exist less anticompetitive alternatives for the affiliation of Bank with another viable banking organization. With regard to possible de novo entry by Applicant, Protestant disregards the fact that Applicant's subsidiaries are precluded by New Hampshire law from opening branches in the town of Rochester.[4] Furthermore, the ratio of deposits per banking office in the relevant market is already considerably below the Statewide average. Introduction of an additional banking office would further reduce that average. With regard to the possible affiliation of Bank with an organization, the effects of which affiliation would be less anticompetitive, it is noted that State law requires that the principal offices of merging banks be within 30 miles of each other.[5] Thus, the merger of Bank with any other institution would likely have at least some adverse effect on competition.[6] Besides Applicant, there are only three other bank holding companies in New Hampshire. Two do not appear to possess sufficient resources to acquire the shares of Bank sought by Applicant, and any such acquisition by the third would present essentially the same competitive consequences as the instant proposal. The Board is of the view that the mere existence of other institutions with which Bank could conceivably become affiliated, does not warrant denial of the subject application.

In the course of its consideration of the subject application, the Board has also noted the existence of a bank management consulting agreement between a subsidiary of Applicant, Indian Head Bank Services Corporation ("IHBS"),[7] and Bank. According to that agreement, IHBS provides Bank with a full-time on-site consultant who is authorized to initiate new loans of less than $5,000, "to do all things appropriate to the collection of loans charged off or past due" and "to do all things necessary to administer the day-to-day operation of (Bank) but not including the execution of contracts on behalf of (Bank) or the hiring or removal of personnel." It appears that IHBS may be providing Bank with services on a daily or continuing basis contrary to the proscription contained in Footnote 9 to § 225.4(a)(12) of Regulation Y which provides in pertinent part:

[1] Unless otherwise indicated, banking data are as of December 31, 1975.

[2] The Dover-Rochester banking market is approximated by all of Strafford County, New Hampshire, the towns of Nottingham and Newmarket in Rockingham County, New Hampshire, the towns of Brookfield and Wakefield in Carroll County, New Hampshire, and the towns of Lebanon, Berwick and South Berwick in York County, Maine.

[3] As of June 30, 1974.

[4] See New Hampshire RSA, 384–B:2(I).

[5] See New Hampshire RSA, 384–B:2(II).

[6] Protestant, currently the largest banking organization in the market, previously entered into merger negotiations with Bank, and secured regulatory approval to merge with Bank. That merger, which was never consummated, would have produced a banking organization holding 26.6 per cent of the market's deposits.

[7] On October 25, 1974, the Board approved Applicant's application to acquire IHBS (39 FR 39107), a company which engages in the permissible nonbanking activity of providing management consulting advice to nonaffiliated banks (§ 225.4(a)(12) of Regulation Y, 12 CFR 225.4(a)(12)).

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"In performing this activity (bank management consulting) bank holding companies are not authorized to perform tasks or operations or provide services to client banks *either on a daily or continuing basis*, except as shall be necessary to instruct the client bank on how to perform such services for itself" (emphasis added). The Board has scrutinized the circumstances of Applicant's involvement with Bank including the financial and managerial resources of Bank, the fact that the Federal Reserve Bank of Boston was consulted by Applicant prior to its entering into the agreement with Bank and the fact that Applicant entered into the agreement at the insistence of Bank, and has concluded that the facts surrounding Applicant's involvement with Bank do not warrant denial of the subject application. Accordingly, the Board has proceeded to consider the subject application on its merits and, on that basis, concludes that approval of the proposal would be consistent with the public interest.

The Board, nevertheless, believes it appropriate to set forth for the record its view that transactions of the type described above may justify a finding that a company has violated the Bank Holding Company Act. Bank holding companies engaging directly or indirectly in the activity of providing management consulting advice to nonaffiliated banks, should avoid entering into relationships with client banks that exceed the scope of § 225.4(a)(12), even when such bank may be experiencing financial or managerial difficulties. Particular caution should be exercised where a bank holding company contemplates the subsequent acquisition of the client bank.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Boston pursuant to delegated authority.

By order of the Board of Governors,[1] effective July 28, 1976.

J. P. GARBARINI,
Assistant Secretary of the Board.

[FR Doc.76-22602 Filed 8-3-76;8:45 am]

INTERNATIONAL TRADE COMMISSION

[TA-201-15]

PLANT HANGERS

Time and Place of Los Angeles Hearing

Notice is hereby given that the public hearing scheduled for August 24, 1976, in Los Angeles, California, in connection with investigation No. TA-201-15, Plant Hangers, will be held at 10 a.m., p.d.t., on the above date in the Los Angeles County Employee Relations Hearing Room, Hall of Administration, 500 West Temple Street, Los Angeles, California 90012.

Requests for appearances at the Los Angeles hearing or at the previously scheduled August 31, 1976, Washington, D.C., hearing should be filed, in writing with the Secretary of the Commission at his office in Washington, D.C., by no later than noon of the fifth calendar day preceding the hearing.

The notice of the institution of this investigation and of the scheduling of hearings was published in the FEDERAL REGISTER of July 2, 1976 (41 F.R. 27449).

By order of the Commission.

Issued: July 30, 1976.

KENNETH R. MASON,
Secretary.

[FR Doc.76-22594 Filed 8-3-76;8:45 am]

[Investigation No. 337-TA-19]

AMERICAN CYSTOSCOPE MAKERS, INC.

Memorandum and Order Terminating Investigation

In the Matter of: Glass Fiber Optic Devices and Instruments Equipped with Glass Fiber Optic Devices.

On March 8, 1976, the presiding officer in this matter, Administrative Law Judge Myron R. Renick, certified to the Commission the joint motion of complainant American Cystoscope Makers, Inc. (ACMI); and respondents Olympus Optical Co., Ltd., and Olympus Corp. of America (which respondents are together hereafter referred to as Olympus) to terminate this investigation, together with a recommended order granting the motion.[1] The basis for the motion was a "license agreement" between ACMI, which allegedly manufactures and sells in the United States certain articles made in accordance with the claims of, and under license from, the owners of U.S. patent No. 3,582,793 (the '793 patent), and Olympus Corp. of America, which had allegedly been importing such articles without ACMI's license.[2] The basis of ACMI's complaint to the Commission in this matter was Olympus' allegedly infringing importation of articles made under the '793 patent. Although ACMI and Olympus have filed copies of their license agreement, they have failed to provide the Commission with all the terms of the license agreement, and have supplied certain terms on the condition that they be accorded confidential treatment.[3]

The license agreement dispenses with the investigation instituted as No. 337-TA-19. That investigation was essentially directed to patent infringement. Given the existence of the license agreement, which covers all respondents, we find that at this time there is no patent infringement and, therefore, determine that there is no violation of section 337 in the terms alleged by complainant. The elimination of the alleged patent infringement by the license agreement does not, however, resolve any other possible violations or unfair acts not alleged in the complaint.

Accordingly, it is ordered:

1. Investigation No. 337-TA-19; Glass Fiber Optic Devices and Instruments Equipped With Glass Fiber Optic Devices, is hereby terminated without prejudice; and

2. The Secretary will publish this Order in the FEDERAL REGISTER and serve upon the parties copies of this Order. The Secretary will also serve copies of this Order upon the Department of Health, Education, and Welfare, the Department of Justice, and the Federal Trade Commission; and

3. The parties' motion to have their abridged license agreement accorded confidential status is granted.

By order of the Commission:

Issued: July 29, 1976.

KENNETH R. MASON,
Secretary.

[FR Doc.76-22595 Filed 8-3-76;8:45 am]

[AA1921-155]

HOLLOW OR CORED CERAMIC BRICK AND TILE

Determination of No Injury or Likelihood Thereof

On April 30, 1976, the United States International Trade Commission received advice from the Department of the Treasury that hollow or cored ceramic brick and title, not including refractory or heat insulating articles, from Canada are being, or are likely to be, sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). The term "hollow or cored ceramic brick and title" was defined to mean "unglazed hollow brick, including bond beam units. Such brick ranges from approximately 25 to 40 percent void." Accordingly, on May 7, 1976, the Commission instituted investigation No. AA1921-155 under section 201?(a) of said act to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States. Subsequently, on June 21, 1976, the Department of the Treasury amended its determination so that the term "hollow or cored ceramic brick and title" means "unglazed hollow ceramic brick, including bond beam units. Such brick is of greater than 25 percent void." The Commission, therefore, on July 1, 1976, amended the scope of its investigation to make it correspond with the advice received.

Notice of the institution of the investigation and of the public hearing and amendments to the original notice were published in the FEDERAL REGISTER (41 F.R. 19383, May 12, 1976; 41 F.R. 20454, May 18, 1976; 41 F.R. 21224, May 24, 1976, and 41 F.R. 27877, July 7, 1976). The hearing was held on June 15 and 16, 1976.

In arriving at its determination, the Commission gave due consideration to written submissions from interested parties, evidence adduced at the hearing, and all factual information obtained by the Commission's staff from questionnaires, personal interviews, and other sources.

On the basis of its investigation, the Commission has unanimously determined that an industry in the United States is not being and is not likely to be injured, and is not prevented from being established, by reason of the importation of hollow or cored ceramic brick and title, not including refractory or heat insulating articles, as defined by the Department of the Treasury, from Canada that are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

Statement of Reasons of Commissioners George M. Moore, Joseph O. Parker, Catherine Bedell, and Italo H. Ablondi

This investigation was made to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation into the United States of hollow or cored brick and tile (hereinafter referred to as hollow brick), not including refractory or heat insulating articles, from Canada which the Department of the Treasury (hereinafter referred to as Treasury) has determined are being, or are likely to be, sold at less than fair value (hereinafter referred to as LTFV). The Commission, in order to find affirmatively, must find two conditions satisfied in this investigation. First, there must be injury, or likelihood of injury, to an industry in the United States, or an industry in the United States must be being prevented from being established.[1] Second, such injury or likelihood of injury must be "by reason of" the importation into the United States of the class or kind of foreign merchandise which Treasury has determined is being, or is likely to be, sold at LTFV.

On the basis of the information developed in the investigation, we have determined that there is no injury or likelihood of injury to an industry in the United States by reason of imports sold at less than fair value. Therefore, neither condition, injury or causation, has been satisfied, and we have made a negative determination.

The product

Hollow brick are ceramic brick that contain over 25 percent voids. They are used to construct reinforced masonry walls, as specified by the Uniform Building Code for seismic zones 1, 2, and 3. Hollow brick, produced by both extrusion and dry-press processes, are used as load-bearing walls, predominantly in the construction of buildings other than single family dwellings, such as hotels, motels, apartment buildings, churches, and schools.

The U.S. industry[2]

In making this determination we considered the industry to consist of the ceramic-brick-manufacturing facilities in the United States engaged in the production of hollow brick. No evidence was developed during the investigation which showed that any other industry in the United States was adversely affected by the LTFV hollow brick imports.

No injury by reason of LTFV imports

Imports of hollow brick from Canada, the only foreign source of hollow brick, increased in 1973 and 1974 and then decreased in 1975, which year covers the period in which Treasury found there were imports at LTFV.

The Pacific Northwest area (Washington, Oregon, Idaho, Utah, Montana, and Wyoming) is the principal hollow-brick-consuming area in the United States, accounting for 50 to 76 percent of total U.S. hollow brick consumption and 81 to 88 percent of Canadian imports of hollow brick during 1972-75.

Domestic shipments of all ceramic brick delivered in the Pacific Northwest increased during 1972-74 from 124 million standard brick equivalents to 159 million, and totaled 158 million in 1975. Shipment data of all ceramic brick producers in the United States for the first quarter of 1976 indicate increased shipments for the full year. During the period of Treasury's investigation, import penetration of articles found by Treasury to have been sold at LTFV did not increase.

U.S. and Canadian producers' prices for all ceramic brick and hollow brick in the Pacific Northwest area increased each successive year during the 1973-76 period. The price history during this period indicates that there was no connection between domestic prices and LTFV import prices. In fact, an examination of sales of hollow brick to the building trades in the Pacific Northwest region revealed that in almost all cases domestically produced hollow brick sold at prices below those of imported hollow brick. The Commission investigation found that quality, architectural specifications, and other factors, not price, were the dominant reasons why the imported hollow brick was purchased. Therefore, there is no basis to conclude that prices were suppressed by reason of LTFV imports. Furthermore, the record does not establish that sales were lost by domestic producers because of LTFV sales.

U.S. producers of hollow brick provided the Commission with financial data on their total ceramic brick operations. These producers reported increasing profits during 1971-73, with the ratio of annual aggregate net operating profit to net sales increasing from 5 to 14 percent. The ratio decreased to 10 percent in 1974, but then increased to 12 percent in 1975, the year in which Treasury found LTFV imports.

The number of workers engaged in the production of ceramic brick in plants producing hollow brick in the United States increased substantially in 1972 compared with the number in 1971, chiefly because of the opening of a large new brick plant in 1972 in Utah. A much smaller increase in the number of workers was reported for 1973. The decreases in employment reported for 1974 and 1975 resulted from increased mechanization designed to offset increasing costs of production. During the same period shipments increased. Thus, the decline in employment which occurred in 1974 and 1975 can be attributed to increased productivity.

No likelihood of injury by reason of LTFV imports

The reasons outlined above in support of our determination that an industry is not being injured by reason of LTFV sales of imported hollow brick from Canada are also applicable to the question of likelihood of injury. Both Canadian producers are presently operating their hollow-brick-producing facilities at capacity, and the evidence presented during the Commission's investigation indicates that the only expansion of hollow-brick-producing facilities these producers have under consideration is the possible construction of a plant in the United States. The evidence also indicates that the Canadian producers may switch some part of their present hollow-brick-producing facilities to the production of refractor since the latter yields higher returns.

Conclusion

We therefore conclude that an industry in the United States is not being and is not likely to be injured by reason of the importation of hollow brick from Canada found by Treasury to be sold, or likely to be sold, at LTFV.

Concurring Statement of Reasons of Chairman Will E. Leonard.

On the basis of the evidence developed during the course of investigation No. AA1921-155 by the U.S. International Trade Commission (Commission), I determine, as do my fellow Commissioners, that an industry in the United States is not being nor likely to be injured by reason of imports from Canada of hollow

[1] Voting for this action: Chairman Burns and Governors Gardner, Wallich, Partee, and Lilly. Absent and not voting: Governors Coldwell and Jackson.

[1] The motion was docketed as M-168.

[2] ACMI has the exclusive right to grant such incenses under the '793 patent.

[3] This was requested in a letter from counsel dated Dec. 22, 1975, and docketed as M-177.

[1] Prevention of the establishment of an industry is not an issue in the instant case and will not be discussed further.

[2] Commissioners Bedell and Parker determine, irrespective of whether "an industry" in this investigation is considered as including all ceramic brick producers or is limited to hollow brick producers in the Pacific Northwest, that the statutory requirements of injury or likelihood of injury by reason of LTFV imports are not satisfied.

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or cored ceramic brick and tile (as described in the Commission's notice of investigation) sold or likely to be sold at less than fair value (LTFV) as determined by the Department of the Treasury (Treasury). I generally concur in the statement of reasons made by Commissioners Moore, Bedell, Parker, and Ablondi in the investigation and in this concurring statement wish primarily to discuss my views as to the relevant industry in the United States (domestic industry) for the purpose of the investigation.

I find the relevant domestic industry for the purpose of the investigation to consist of the facilities in the United States devoted to the production of ceramic brick. This is the industry most likely to be affected by the subject LTFV imports, since it produces an article like or competitive with such imports.[8] This is the only industry which will be considered herein. No evidence was presented to show that any other industry was possibly injured or threatened with injury by the subject LTFV imports. Further, absent unusual circumstances not present in this investigation, another industry would not be injured or threatened with injury if the industry most likely to be adversely affected is not so injured or threatened, as I find to be the situation in this investigation.

The above-described industry represents a unit in terms of both use of productive processes and resources and production of competitive products. Such description avoids an artificial delineation of "an industry" which does not take production and competitive realities into account. Various types of ceramic brick, including the hollow or cored type (hollow brick), may be produced in the same plant with basically the same equipment and by the same labor. In fact, in the Pacific Northwest marketing and production area, a number of plants producing hollow brick also produce other ceramic brick in such a fashion. Further, one type of ceramic brick is often competitive with another type; for example, builders do substitute "brick on block" (concrete block with a facing-brick veneer system) for a hollow brick system.

As indicated above, the domestic industry that I find relevant is a national industry. In investigations under the Antidumping Act, 1921, which involved questions of regional impact of LTFV imports, the Commission has defined "an industry" in terms of a national industry.[4]

The practice of the Commission of looking at national industries under the Antidumping Act was alluded to in the report of the Senate Committee on Finance, wherein, in commenting on certain concepts unaffected by the amendments which the bill would make in the Antidumping Act, it was stated (at pp. 179–180):

> (2) *Industry.*—The Antidumping Act refers to "an industry in the United States." There are no qualifications as to the kind of industry or the number of industries that might be adversely affected by the less-than-fair-value imports under consideration. Although the Commission's investigations have usually been concerned with an industry consisting of the domestic-producer facilities engaged in the production of comparable articles (i.e., articles like the imported articles), a number of investigations have been concerned with the domestic facilities engaged in the production of articles which, although unlike the imports, are nevertheless competitive therewith in domestic markets. In any case, the industry is a national industry involving all domestic facilities engaged in the production of the domestic articles involved.

While the relevant domestic industry for me is a national industry, as I have stated before, "injury to an establishment or regional segment of an industry may constitute injury to an industry as a whole."[5] This concept of looking at the impact of LTFV imports upon a particular marketing area of a national industry supplied by domestic producers located regionally and supplying predominantly such marketing area in order to see if a national industry has been injured has been followed by the Commission for over a decade.[6] The Senate Finance Committee report referred to above has also commented upon this practice of the Commission (at p. 180):

> A hybrid question relating to injury and industry arises when domestic producers of an article are located regionally and serve regional markets predominately or exclusively and the less-than-fair-value imports are concentrated in a regional market with resultant injury to the regional domestic producers. A number of cases have involved this consideration, and *where the evidence showed injury to the regional producers, the Commission has held the injury to a part of the domestic industry to be injury to the whole domestic industry*. The Committee agrees with the geographic segmentation principle in antidumping cases. However, the Committee believes that each case may be unique and does not wish to impose inflexible rules as to whether injury to regional producers always constitutes injury to an industry. [Emphasis supplied.]

As indicated previously, I have concurred with the statement of reasons presented by Commissioners Moore, Bedell, Parker, and Ablondi. Their statement considers the impact of the subject LTFV sales on various groups of producers of ceramic brick in the United States, including producers in the Pacific Northwest marketing area or segment of the national industry. Since neither injury to the producers in that area or segment by reason of the subject LTFV sales, nor the likelihood thereof, can be found, and because that area or segment is most heavily impacted by the LTFV imports, it is unnecessary to consider the matter further, as the impact of the LTFV sales on an even larger number of producers would be even less than upon producers in the Pacific Northwest.

Statement of Reasons of Vice Chairman Daniel Minchew

On May 7, 1976, the U.S. International Trade Commission (Commission) instituted an investigation under section 201 (a) of the Antidumping Act, 1921, as amended, to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation into the United States of hollow or cored ceramic brick and tile not including refractory or heat insulating articles (hereinafter referred to as hollow brick), from Canada that the Department of the Treasury (Treasury) has determined are being, or are likely to be, sold at less than fair value (LTFV) within the meaning of such act.

In order to find in the affirmative, the Commission must find that each of the following conditions is satisfied:

(1) There must be injury, or likelihood of injury, to an industry in the United States, or an industry in the United States must be being prevented from being established;[7] and

(2) Such injury or likelihood of injury must be "by reason of" the importation into the United States of the class or kind of foreign merchandise which the Secretary of Treasury has determined is being, or is likely to be, sold at less than fair value (LTFV) within the meaning of the Antidumping Act, 1921, as amended.

Determination

On the basis of the information developed in the present investigation, I have determined that an industry in the United States is not being or likely to be injured by reason of the importation into the United States of hollow brick from Canada that the Department of the Treasury has determined are being, or are likely to be, sold at LTFV.

The product

Hollow brick are ceramic brick containing over 25 percent voids. In the wall, hollow brick do not appear to differ from facing brick, except in the face area of the individual brick. Hollow brick were developed because of the need for an economical clay product suitable for use in reinforced masonry walls in areas prone to earthquakes. The brick is used for load-bearing walls, predominantly in the construction of buildings other than single family dwellings, such as hotels, motels, apartment buildings, churches, and schools.

The U.S. industry

In making this determination I have concluded that the proper definition of the U.S. industry is all the ceramic brick production facilities in the United States of those companies that produce hollow brick.

The Senate Finance Committee addresses the question of "industry" when it states:

> The Antidumping Act refers to "an industry in the United States." There are no qualifications as to the kind of industry or the number of industries that might be adversely affected by the less-than-fair-value imports under consideration.
>
> Although the Commission's investigations have usually been concerned with an industry consisting of the domestic-producer facilities engaged in the production of comparable articles (i.e., articles like the imported articles), a number of investigations have been concerned with the domestic facilities engaged in the production of articles which, although unlike the imports, are nevertheless competitive therewith in domestic markets. In any case, the industry is a national industry involving all domestic facilities engaged in the production of the domestic articles involved.[8]

While it is arguable that all ceramic brick produced in the United States are "comparable" or "competitive" with the hollow brick coming into the United States at LTFV, I have concluded that the use to which the articles are put tends to differentiate hollow brick from other ceramic brick. The hollow brick were developed for a specific purpose, i.e., for use in reinforced masonry walls and, in my opinion, are not truly competitive with other ceramic brick.

The Commission is required to consider the industry as a national industry but may consider a regional segment of an industry for purpose of evaluating injury. The rationale behind this approach is that an injury to a regional segment may constitute an injury to the entire industry. I generally accept this view but think that a showing of injury to a regional segment, in itself, is not sufficient to show an injury to the national industry. It will be necessary to show that any injury to a regional segment has the effect of injuring the national industry before I can find in the affirmative.

No injury by reason of LTFV imports

Taking the information most favorable to the domestic industry, i.e., looking for injury to the Pacific Northwest production facilities which produce hollow brick, I am still unable to find that there is injury by reason of the importation into the United States of hollow brick from Canada that the Department of the Treasury has determined are being, or are likely to be, sold at LTFV.

In addressing the purpose of the Antidumping Act, the Senate Finance Committee report stated:

> Conceptually, the Antidumping Act is not directed toward forcing foreign suppliers to sell in the U.S. market at the same prices that they sell at in their home markets. Rather, the Act is primarily concerned with the situation in which the margin of dumping contributes to *underselling* the U.S. product in the domestic market, resulting in injury or likelihood of injury to a domestic industry. (Emphasis added.)

The facts developed in the present case indicate that instead of underselling the U.S. product, the imported product was selling at prices higher than those of the domestic product. Furthermore, an examination of the allegations of lost sales made by certain representatives of the domestic industry showed that price was of little consequence; and that Clayburn (the company which had been importing at LTFV) would have made the sales if the brick had been sold at fair value.

The Pacific Northwest area (Washington, Oregon, Idaho, Utah, Montana, and Wyoming) is the principal hollow-brick-consuming area in the United States, accounting for 50 to 76 percent of total U.S. consumption and 81 to 88 percent of Canadian imports of hollow brick during 1972–75. Domestic shipments of all ceramic brick in the Pacific Northwest increased during 1972–74 from 124 million standard brick equivalents to 159 million, and totaled 158 million in 1975. The generally upward trend in domestic shipments indicates that the economic recession was not materially affecting the ceramic brick market in this area. Shipment figures for the first quarter of 1976 indicate increased shipments for the full year.

U.S. and Canadian producers' prices of all ceramic brick and hollow brick in the Pacific Northwest area increased each year during the 1973–76 period. No substantial evidence was submitted that prices were suppressed by reason of LTFV imports. The price history during this period indicates that there was no connection between prices and LTFV sales.

U.S. producers of hollow brick provided the Commission with financial data on their total ceramic brick operations. These producers reported increasing profits during 1971–73, with the ratio of annual aggregate net operating profit to net sales increasing from 5 to 14 percent. The ratio decreased to 10 percent in 1974, but then increased to 12 percent in 1975, the year that Treasury found LTFV imports. There was no decline in profitability that could be attributed to LTFV imports.

The number of workers engaged in the production of ceramic brick in plants producing hollow brick in the United States increased substantially in 1972 compared with the number in 1971, chiefly because of the opening of a large new brick plant in 1972 in Utah. A much smaller increase in the number of workers was reported for 1973; the decreases reported for 1974 and 1975 resulted from increased mechanization designed to help alleviate the increasing cost of production. Shipment data did not show corresponding decreases. Thus, the decline in employment which occurred in 1974 and 1975 can be attributed to increased productivity and not to imports of hollow brick from Canada.

No likelihood of injury by reason of LTFV imports

The finding above with respect to the role of the subject LTFV imports in any injury being experienced by the domestic industry under consideration leads to the conclusion that such imports are also not an identifiable cause of any likelihood of injury which may exist. The two Canadian producers are operating their facilities at capacity, and evidence was presented indicating future decreased Canadian exports of hollow brick and decreased import penetration. Several of the domestic producers are also operating at their rated capacities. There has been no indication of any plans by the Canadian producers to expand their Canadian capacities. The outlook is for continued growth in the ceramic brick industry in the Pacific Northwest, which should result in additions to the present facilities in that area.

Conclusion

I, therefore, conclude that an industry in the United States is not being and is not likely to be injured by reason of the importation of hollow or cored ceramic brick and tile, not including refractory or heat insulating articles from Canada.

By order of the Commission.

Issued: July 30, 1976.

KENNETH R. MASON,
Secretary.

[FR Doc.76-22596 Filed 8-3-76;8:45 am]

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[8] See *Trade Reform Act of 1974*, S. Rept. No. 93–1298 (93d Cong., 2d sess.), 1974, pp. 179–180. This is the Senate Finance Committee report on the bill which became the Trade Act of 1974; the report discusses various practices which the Commission has developed in proceedings under the Antidumping Act, 1921.

[4] See, for example, *Chromic Acid From Australia: Determination • • • in Investigation No. AA1921–32 • • •*, TC Publication 121, 1964, pp. 2–4; and *Elemental Sulfur From Mexico: Determination • • • in Investigation No. AA1921–92 • • •*, TC Publication 484, 1972, pp. 3 and 9.

[5] *Clear Sheet Glass and Clear Plate and Float Glass From Japan: Determination • • • in Investigation No. AA1921–69/70 • • •*, TC Publication 382, 1971, p. 14.

[6] See cases cited in note 1, p. 10 supra. See also *Steel Reinforcing Bars from Canada: Determination • • • in Investigation No. AA1921–33*, TC Publication 122, 1964, pp. 6–7; and *Steel Bars, Reinforcing Bars, and Shapes From Australia: Determination • • • in Investigation No. AA1921–62 • • •*, TC Publication 314, 1970, pp. 3–4.

[7] Prevention of the establishment of an industry is not an issue in the instant case and will not be discussed further.

[8] *Trade Reform Act of 1974: Report of the Committee on Finance • • •*, S. Rept. No. 93–1298 (93d Con., 2d Sess.), pp. 179–180.

NATIONAL SCIENCE FOUNDATION

INTERNATIONAL DECADE OF OCEAN EXPLORATION PROPOSAL REVIEW PANEL AD HOC SUBPANEL FOR INTERNATIONAL SOUTHERN OCEAN STUDIES PROJECT

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: International Decade of Ocean Exploration Proposal Review Panel Ad Hoc Subpanel for International Southern Ocean Studies Project.

Date & time: August 26 and 27, 1976—9 a.m. to 5 p.m. each day.

Place: National Center for Atmospheric Research (NCAR)—Boulder, CO.

Type of meeting: Closed.

V 41 151 AUG 4 76 UMI

Contact person: Dr. Curtis Collins, Program Manager, Environmental Forecasting, Office for the International Decade of Ocean Exploration, Room 606, National Science Foundation, Washington, DC telephone (202) 632-7356.

Purpose of subpanel: To provide for IDOE Proposal Review Panel members with additional expertise in the review and evaluation of proposals relating to oceanographic research of the Southern Oceans.

Agenda: Review and evaluation of renewal proposals for support of the International Southern Oceans Project (ISOS).

Reason for closing: The proposals and projects being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals and projects. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(b), Freedom of Information Act. The rendering of advice by the panel is considered to be a part of the Foundation's deliberative process and is thus subject to exemption (5) of the Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make determinations by the Director, NSF, on February 11, 1976.

M. REBECCA WINKLER,
Acting Committee Management Officer.

JULY 30, 1976.

[FR Doc.76-22604 Filed 8-3-76;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on July 29, 1976 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20530 (202-395-4529), or from the reviewer listed.

REVISIONS

DEPARTMENT OF DEFENSE

Departmental and other: Report of Government (DOD) Facilities (ASPR B-311, C-311), DD 1662, semiannually, DOD contractors, Warren Topelius, 395-5872.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Veteran's Administration: Request for Determination of Loan Guaranty Eligibility, Unmarried Surviving Spouses, VA 26-1817, on occasion, unmarried widows and widowers, Warren Topelius, 395-5872.

Office of Education: Application for Federal Assistance (Non-Construction Program) for the Follow-Through Program—Instructions and Supplementary Questionnaire, OE 4473, annually, educational agencies and insti. of higher education, Warren Topelius, 395-5872.

DEPARTMENT OF LABOR

Employment Standards Administration: Monthly Employment Utilization Report, SF 257, monthly, construction contractors, Strasser, A., 395-5867.

EXTENSIONS

DEPARTMENT OF COMMERCE

Economic Development Administration: Financial Report, Title III Technical Assistance Grants, ED 325, quarterly, all in areas of substantial economic distress, Warren Topelius, 395-5872.

Identification or Responsible Agent on Designated Project, ED-739, on occasion, title X PWEDA grantees (sample), Warren Topelius, 395-5872.

Request for Excess Property, ED-733, on occasion, Indian tribal govt. and dev. districts, Warren Topelius, 395-5872.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration: Primary Practice Profile (PE Reimbursement Study), SSA 9761, single time, physicians and phys. extenders in primary care practices, Lowry, R. L., 395-3772.

Request for Workman's Compensation Information, SSA-1709, on occasion, State workmen's compensation boards and WC carriers, Warren Topelius, 395-5872.

Office of Education: Application for Special Community Service and Continuing Education Project, OE 1280, on occasion, accredited institutions of higher education, Warren Topelius, 395-5872.

Application for Grant Under College Library Resources Program, Title II, Part A, HEA 1965—PL 89-329, OE-3118, annually, institutions of post-secondary education, Warren Topelius, 395-5872.

ENVIRONMENTAL PROTECTION AGENCY

Environmental Protection Agency, Health Implications of Sewage Treatment Facilities, on occasion, ind. and households W/N 5 KMS of new waste water treatm. plant, Lowry, R. L., 395-3772.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.70-22769 Filed 8-3-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 107]

ASSIGNMENT OF HEARINGS

JULY 30, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 138607 Sub 6, P & N Truck Service, Inc., now being assigned November 2, 1976 (3 days), at Olympia, Wash., in a hearing room to be later designated.

MC 130370, Lillian Hofmeister, DBA Hofmeister Tours, now being assigned November 8, 1976 (1 week), at Baltimore, Md., in a hearing room to be later designated.

FD 28207, Southern Railway Company—Discontinuance of Trains Nos. 5 and 6 The "Piedmont" between Washington, D.C. and Charlotte, North Carolina, now being assigned September 13, 1976, at the Offices of the Interstate Commerce Commission, September 14, 1976, in Room B-67, Federal Building, 220 7th Street NE., Charlottesville, Virginia, September 15, 1976, at the U.S. Courtroom, 2nd floor, U.S. Post Office & Federal Building, Church Street in Lynchburg, Virginia, September 16, 1976, in the GSA Conference Room B-25, Federal Courthouse & Post Office Building, 324 West Market Street, Greensboro, North Carolina, and September 17, 1976, in the Public Library Auditorium, 310 North Tryon Street, Charlotte, North Carolina.

MC 4405 (Sub-No. 531), Dealers Transit, Inc., now assigned September 28, 1976, at Chicago, Ill., will be held in Room 835, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 114211 (Sub-No. 259), Warren Transport, Inc., now assigned September 29, 1976, at Chicago, Ill., will be held in Room 835, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 116273 (Sub-No. 201), D & L Transport, Inc., now assigned September 30, 1976, at Chicago, Ill., will be held in Room 835, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 124090 (Sub-No. 5), Transportes Azteca, now assigned October 4, 1976, at Chicago, Ill., will be held in Room 1319, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 73165 (Sub-No. 387), Eagle Motor Line, Inc., now being assigned September 30, 1976 (2 days), at Dallas, Texas, in a hearing room to be later designated.

MC 123407 (Sub 283), Sawyer Transport, Inc., now assigned September 21, 1976, at Chicago, Illinois, and will be held in Room 1319, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 114632 (Sub 84), Apple Lines, Inc., now assigned September 23, 1976 at Chicago, Illinois, and will be held in Room 1319, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 10761 (Sub-Nos. 184, 240, 246, 247, 253, 254, 256, 257, 259, 260, 266, 268, and 274), now assigned September 27, 1976, at Chicago, Illinois, and will be held in Room 1319, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 140615 (Sub-No. 6), Dairyland Transport, Inc., now assigned September 27, 1976, at St. Paul, Minn., is canceled and application dismissed.

MC 105501 Sub 16, Terminal Warehouse Company, now being assigned October 7, 1976 (2 days), at St. Paul, Minn., in a hearing room to be later designated.

MC 123407 Sub 289, Sawyer Transport, Inc., now being assigned October 18, 1976 (1 Week), at Portland, Oreg., in a hearing room to be later designated.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-22658 Filed 8-3-76;8:45 am]

[Notice No. 1]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 4, 1976.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-76675. By application filed July 27, 1976, MILKO-AMERICAN FARMS, INC., 1225 W. Main, Norman, OK 73069, seeks temporary authority to transfer the operating rights of GOVAN EXPRESS, INC., 103 SW. 6th, Oklahoma City, OK 73106, under section 210a(b). The transfer to MILKO-AMERICAN FARMS, INC., of the operating rights of GOVAN EXPRESS, INC., is presently pending.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-22659 Filed 8-3-76;8:45 am]

[Notice No. 2]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 4, 1976.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-76678. By application filed July 26, 1976, L.B.D., Inc. (proposing to d/b/a ASSOCIATED FREIGHT LINES), 841 Folger Avenue, Berkeley, CA 95710, seeks authority to transfer the operating rights of ASSOCIATED FREIGHT LINES (proposing to do business under a non-conflicting name), 841 Folger Avenue, Berkeley, CA 94710, under section 210a(b). The transfer to L.B.D., Inc. (proposing to d/b/a ASSOCIATED FREIGHT LINES), of the operating rights of ASSOCIATED FREIGHT LINES (proposing to do business under a non-conflicting name), is presently pending.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-22660 Filed 8-3-76;8:45 am]

[Notice No. 3]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 4, 1976.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132;

No. MC-FC-76679. By application filed July 28, 1976, EXPRESSWAY, INC., 1105 St. Louis, Louisville, KY 40201, seeks authority to transfer the operating rights of OUR OWN DELIVERIES, INC., d/b/a THOMAS C. STEPHENS AND THE TRUSTEE IN BANKRUPTCY, WALLACE H. SPALDING, JR., 600 Starks Building, Louisville, KY 40202, under section 210a(b). The transfer to EXPRESSWAY, INC., of the operating rights of OUR OWN DELIVERIES, INC., d/b/a THOMAS C. STEPHENS AND THE TRUSTEE IN BANKRUPTCY, WALLACE H. SPALDING, JR., is presently pending.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-22661 Filed 8-3-76;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

JULY 30, 1976.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carreirs named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before August 19, 1976.

FSA No. 43203—*Joint Water-Rail Container Rates—Far Eastern Shipping Company.* Filed by Far Eastern Shipping Company (No. 3), for itself and interested rail carriers. Rates on general commodities, from rail carriers terminals on the U.S. Atlantic and Gulf Coast, to ports in Hong Kong, Japan, and Australia.

Grounds for relief—Water competition.

Tariffs—Far Eastern Shipping Company Eastbound tariff I.C.C. No. 3, F.M.C. No. 21, and Westbound tariff I.C.C. No. 4, F.M.C. 16. Rates are published to become effective on August 22, 1976.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-22662 Filed 8-3-76;8:45 am]

V 41 151 AUG 4 76 UMI

federal register

WEDNESDAY, AUGUST 4, 1976



PART II:

FEDERAL COMMUNICATIONS COMMISSION

Class D Stations in the Citizens Radio Service

Operating Rules Revision

V41I151 AUG 4 76 UMI

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket 20120; RM-1508, 1592, 1733, 1751, 1841, 1905, 1991, 2053, 2084, 2132, 2300, 2317, 2318; FCC-76-707]

REVISION OF OPERATING RULES FOR CLASS D STATIONS IN THE CITIZENS RADIO SERVICES

By the Commission: 1. A Notice of Proposed Rule Making in the above-captioned matter was released on July 31, 1974, and published in the FEDERAL REGISTER on August 5, 1974, (39 FR 28167). A First Report and Order was released on August 7, 1975, and published in the FEDERAL REGISTER on August 11, 1975, (40 FR 33667). A Notice of Inquiry and Further Notice of Proposed Rule Making was released on March 29, 1976, and published in the FEDERAL REGISTER on April 6, 1976, (41 FR 14527).

2. In the combined Notice of Inquiry and Further Notice of Proposed Rule Making, the Commission requested comment on several matters integrally related to the issue of Class D Citizens Radio Service channel expansion. Specifically, comments and recommendations relative to the following issues were solicited: (1) Possible intermodulation (IM) interference between CB transceivers operating at certain frequency spacings; (2) Possible difficulty in coupling Class D transmitters and antennas over a wide frequency range; and (3) Severity of, and possible remedies for, harmonic radiation from Class D transmitters causing interference to TV channels 2 and 5. These issues were not addressed in the earlier Notice. However, because of their potential impact on the feasibility of Class D channel expansion, they merit due consideration in this proceeding.

3. Several thousand comments and reply comments were filed in response to the Notice of Inquiry and Further Notice of Proposed Rule Making. Citizens Radio Service licensees, licensee organizations, manufacturers, and distributors of CB equipment and accessories, as well as many others, filed formal comments generally supporting expansion of the number of channels available to the Class D Service. One notable exception was the broadcast industry, which strongly objected to any channel expansion. Existing Class C licensees strongly objected to the reallocation of the 27 MHz Class C frequencies to the Class D service. Several comments contained detailed analyses of tests conducted to determine the extent of the intermodulation problem. In addition, in a report released in June 1976, FCC/OCE LAB 76-02, the FCC, Office of the Chief Engineer, detailed the results of experiments concerning possible interference problems associated with the expansion of the Class D Service.

4. All comments have been carefully considered. We believe the weight of the evidence supports the conclusion that additional frequencies are needed to relieve the often times severe Class D frequency congestion found in various parts of the country. As of May 31, 1976, there were over 5 million Class D licensees, and that number is increasing at the rate of approximately ½ million per month. With respect to the exact number and choice of frequencies to be involved in the expansion, there has been much comment, and disagreement, as to what the best alternatives would be. Clearly, with the enormous number of Class D licensees active in the present 23 channel allocation, no plan is workable which would involve the dislocation of these licensees. Other factors which must be considered in choosing an expansion plan include: (1) Provisions for relocation of licensees in other radio services displaced by frequency reallocation; (2) Provisions for the Class C Citizens Radio Service; and (3) Exclusive channels for single sideband (SSB) use.

5. We have closely examined the severity and extent of the intermodulation (IM) phenomenon, and are convinced that they are such that no expansion is desirable which would involve a separation of more than 440 kHz between the lowest and highest channels. All parties seriously investigating this matter have come to the same general conclusion, namely, that the generation of intermodulation products is a certainty if the width of the Class D band exceeds 440 kHz. While it is clear that not all receivers would be affected by IM products, the nature of the IM products generated is such that reception of signals on all channels in susceptible receivers could be impaired. No reliable measure of the probability of this phenomenon is at hand, but given the millions of CB transmitters now in use, we believe it likely that IM interference in major metropolitan areas could significantly impede communications.

6. We have, therefore, determined to proceed with the expansion in the following manner: the frequencies presently available to the Class D Service will remain intact. To these, we will add the frequencies between 27.230 and 27.410 MHz, which are now allocated to the land mobile services. The new channels will begin at 27.235 MHz and proceed through 27.405 MHz, with a uniform spacing of 10 kHz between available channels. A total of 17 additional channels will be made available by this reallocation, giving the Class D Service 40 channels overall.[1] All channels will be available for shared AM/SSB use.

7. The channel reserved for emergency use will remain 27.065 MHz. As proposed, we are deleting our designation of 27.085 MHz as a calling channel. It will henceforth be available for general use. While there was some opposition to our proposal to redesignate 27.085 MHz, it was generally supported by the comments. We believe that because only 40 channels are to be made available for Class D use, as many frequencies as possible should be available for general communications. We are also adopting as proposed the deletion from the rules of all references to channel numbers. We will hereinafter identify each channel only by its authorized frequency center.

8. No channels have been set aside exclusively for single sideband (SSB) use. There was opposition in the comments to "splitting" the present channels, which would have placed SSB and AM signals approximately 5 kHz apart. Some comments supported the type of SSB channel expansion proposed in our earlier Notice, in which exclusive SSB channels on 5 kHz centers were allocated above the channels on 10 kHz centers available for shared AM/SSB use. This configuration avoids the interference problems of the "split" channels; however, because the total expansion is limited by IM interference to frequencies below 27.410 MHz, any allocation of channels for exclusive SSB use would reduce the number of channels available for AM use to an unacceptably low number. All channels made available in this expansion, as well as all present channels, will be available for shared AM/SSB use. Either upper or lower sideband may be used.

9. With respect to our proposal to reallocate present 27 MHz Class C channels to the Class D Service, we believe such an action is unwarranted at this time. Comments filed by the Academy of Model Aeronautics, as well as hundreds of individual radio control operators, indicate that significant use is presently being made of the 27 MHz Class C channels. We believe that, eventually, alternate frequencies must be found to supplant the present 27 MHz Class C allocation because of the increasing problem of interference by Class D users to Class C radio control operations. However, in as much as no such alternate frequencies are presently available, and because of the significant investment in 27 MHz radio control equipment by modelers, a reallocation as proposed in our Further Notice is premature.

10. As proposed in our Further Notice, we are not allocating an exclusive frequency for equipment amortization by land mobile users displaced by Class D licensees. All non-Citizens Radio Service licensees operating on the re-allocated frequencies will be permitted to continue such operations until December 31, 1979. During this period of shared CB/land mobile use, land mobile licensees will be accorded no interference protection from Class D users. We believe this date will allow adequate time for all affected licensees to shift their operations to other frequencies. We are keenly aware that some 4,000 land mobile licensees will be displaced by this reallocation, but this must be contrasted with the much greater number of Class D licensees who could be accommodated on each reallocated channel.

11. The degree to which CB transmitter harmonic frequency radiation is suppressed is integrally related to the problem of interference to television reception. In the Further Notice, we proposed to require attenuation of the second and higher order harmonic radiation by a minimum of 70 dB below first harmonic output. Comments filed by the Association of Maximum Service Telecasters (AMST) and other broadcast groups stated that such radiation should be suppressed on the order of 100 dB. The Citizens Radio Section, Communications Division, of the Electronic Industries Association (the "Section") recommended that the harmonic suppression limit be set at 60 dB. The Section states that a higher figure would make the cost of Class D transceivers prohibitively high, and that the use of an external low-pass filter on the CB transmitter would cause a substantial reduction in television interference. We are acutely aware of the magnitude of the present television interference problem. The FCC Field Operations Bureau receives thousands of complaints each month from television viewers alleging interference from Class D transmitters. We are convinced that some increase in the harmonic suppression standard is imperative; however, we do not believe that the 70 dB figure is realistic at this time considering the present state-of-the-art of Class D transmitters. We will, therefore, require that second and higher order harmonic radiation be suppressed by at least 60 dB for all transmitters type accepted for use at Class D Citizens Radio Service stations. Compliance with this requirement must be demonstrated both with and without the connection of all attachments permissible for use with such transmitters. This includes such things as external speakers, microphones, power cords and antennas. We believe that further tightening of the harmonic suppression limit in the future will be necessary. In the meantime, if an individual licensee causes interference to a neighbor's television reception on television channels 2, 5, or 6 because of insufficient harmonic attention, he will have to obtain additional suppression by the insertion of a low-pass filter between the transmitter RF output connector and the antenna feedline.

12. We are not adopting the proposal to require a frequency tolerance of 25 Hertz for all SSB transmitters. In the present environment, where all channels are shared by the AM and SSB emissions, no valid need exists for the more stringent tolerance. We are also not adopting our proposal to require informational labels on Class D units. The comments generally noted that the proposed labels would have little value as a deterrent to persons desiring to violate the rules. We are, however, adopting our proposal to require the engraving of a serial number each new Class D transmitter sold. We believe this requirement will help alleviate the present difficulties in identifying stolen CB equipment. We also encourage, but are not requiring, the engraving of additional designators, such as drivers license number or station call sign, as aids in recovering stolen units. We are also adopting our proposal to require that a copy of Part 95 of the Rules and Regulations, plus FCC forms 505 and 555-B, be furnished with each Class D unit sold.

13. The proposal in the Further Notice that prohibited the manufacture, sale, or attachment of any device, whether internal or external to the transmitter, the function of which is to extend the frequency coverage of a Class D transmitter beyond its original frequency range, is being adopted. Absent this prohibition, we believe that the proliferation of such devices, whether provided in kit form and installed by a technician or installed at the factory, would inevitably result in widespread use of transmitters not meeting type acceptance standards. This would not prohibit the sale, however, of 23 channel units modified before sale to cover the additional frequencies. Such modified sets would, of course, have to be type accepted for this modification. We are removing the restriction in § 95.56(c)(2) of the Rules which limits the frequency selector in a Class D transmitter to a single control. Given the greater number of channels which will become available for Class D use, as well as the variety of frequency selection mechanisms which may be developed for new Class D equipment, we see no useful purpose to be served by retention of this provision.

14. Since the release of the original Docket 20120 Notice of Proposed Rule Making, there has been much speculation on the issue of exactly what form the Class D expansion would take and what the implementation timetable would be. We are aware that some manufacturers have Class D equipment in various stages of development and/or production which is capable of operation on frequencies falling roughly in the range included in the expansion, and that if the expansion frequencies were made available immediately, there would shortly be some units available for such use. We do not believe, however, that it would be in the overall best interest of the public or our licensees if we were to proceed in this fashion. On the contrary, in order to insure an orderly and efficient expansion into the additional frequencies, we are convinced that a sufficient delay should be introduced before the effective date of the expansion to allow all interested parties to make adequate preparation for development of the new spectrum. We have therefore determined to set the effective date for use of the expansion channels at January 1, 1977 and equipment which is capable of operation on the expansion frequencies may not be sold before that date. We will not accept applications for type acceptance of such equipment before September 10, 1976. All applications for type acceptance submitted before November 1, 1976, will be assigned an effective date of January 1, 1977. Applications submitted after November 1, 1976, will be given an effective date in order of grant.

15. A subject addressed in our earlier Notice was antenna type acceptance. We proposed to require the filing of radiation patterns, and we set forth various technical parameters for directional antennas used at Class D stations. The comments were almost unanimously opposed to this proposal, and, after careful consideration of the arguments advanced, we have decided to discontinue any further rulemaking action in this area at this time. We may again confront the issue of antenna type acceptance/approval at a later date, but with present manpower limitations, we believe other, more pressing matters should receive our attention. With respect to the potential antenna bandwidth problem raised in our Notice, those few comments discussing it agreed that no real impedance matching problem exists. We therefore are not taking any action in this area.

16. Another matter proposed in the earlier Notice was the lowering of the age requirement for the Class D Service from 18 to 16 years of age. Although a number of comments supported this proposal, the recent tremendous influx of Class D applications has rendered the Commission unable to spare the manpower necessary to process additional applications. Further, the utility of such a change is doubtful, since under the present rules all persons under age 18 residing in the same household may operate under a single license held by a parent.

17. In the Further Notice we also addressed the present rule which requires that an individual must hold two separate licenses in order to obtain both Class C and Class D operating privileges. We proposed to combine the privileges of the Class C and Class D licenses and issue no new Class C licenses. The age requirement for the new combined license would have been 18. In its comments, the Academy of Model Aeronautics (AMA) strongly opposed this proposed change. They contended that the operations of Class C licensees are distinct from Class D licensees, and that a "separate identity" is essential. All Citizens Radio Service application processing procedures are currently under review, however, and we are, for this reason, not prepared to reach a final decision in this matter at the present time.

18. The final proposal in the Further Notice involved changing the names of the Citizens Radio Service and its subdesignations. Such changes received support in the comments, and we believe the proposed names to be more descriptive of the character of the service. However, because such changes would result in the obsolescence of millions of application forms, license documents, and other printed material, we are not adopting the proposed changes at this time. We hope, at a more opportune future date, to implement these name changes with a minimum of dislocation.

19. As we emphasized in the Further Notice, the channel expansion adopted herein is only an interim measure. The problem of long distance "skip" propagation at 27 MHz due to the influence of the sunspot cycle is minimal at this time; however, in the next several years, the solar cycle will peak, and it is predicted that much long distance interference will occur. A study into the subject of personal communications is underway by the FCC Office of Plans and Policy. Additionally, the Personal Use Radio Ad-

[1] The channel centered on 27.255 MHz is currently available to the Class D Service.

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visory Committee (PURAC) has begun studying the area of personal radio. Both of these groups will consider alternative spectrum for the Citizens Service, such as the 220 MHz or 900 MHz ranges, which propagates radio waves only over short "line-of-sight" distances and is unaffected by the solar cycle.

20. We have received a request for oral argument in this proceeding from Representative Herbert E. Harris II. We do not believe, however, that such a prolongation would serve any useful purpose. All pertinent aspects of Docket 20120 have been fully explored in the several thousand comments and reply comments filed, and we do not believe that further delay in the allocation of additional frequencies for the Class D service would be in the public interest.

21. In view of the foregoing, we are of the opinion that the amended rules as discussed above are in the public interest, convenience, and necessity. Accordingly, pursuant to authority contained in Sections 4(i), 302, and 303 of the Communications Act of 1934, as amended, *It is ordered*, That Parts 2, 89, 91, 93, and 95 of the Commission's Rules are amended as set forth below. *It is further ordered*, That the request of Herbert E. Harris II for oral argument is denied and that this proceeding is continued. These amendments become effective September 10, 1976.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082, Sec. 302, 82 Stat. 290; 47 U.S.C. 154, 302, 303)

Adopted: July 27, 1976.

Released: July 29, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

Parts 2, 89, 91, 93, and 95 of Chapter 1 of Title 47 of the Code of Federal Regulations are amended as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

1. Section 2.106 is amended to read as follows:

§ 2.106 Table of frequency allocations.

United States		Federal Communications Commission				
Band (megahertz)	Allocation	Band (megahertz)	Service	Class of station	Frequency (megahertz)	Nature of services and of stations
5	6	7	8	9	10	11
•	•	•	•	•	•	•
26.95–27.54	NG	26.95–26.96	Fixed	Fixed	26.955	International fixed public.
		26.96–27.28 (225) (n.s.1)	Citizens	Mobile	27.12	Industrial, scientific, and medical equipment.
		27.28–27.41	do	do		Citizens.
		27.41–27.54	Land mobile	Base mobile		Industrial.
•	•	•	•	•	•	•

PART 89—PUBLIC SAFETY RADIO SERVICES

2. In § 89.101, a new paragraph, (d) (3), is added, as follows:

§ 89.101 Frequencies.

• • • • •

(d) • • •

(3) Effective September 10, 1976, station authorizations for the use of 27.235, 27.245, 27.255, 27.265, and 27.275 MHz will be issued only to applicants in the Citizens Radio Service. Licenses in the Public Safety Radio Services authorizing the use of these frequencies shall remain valid until December 31, 1979, or, if such licenses expire prior to December 31, 1979, they may be renewed and will be given expiration dates of December 31, 1979. Licenses issued under this subpart for frequencies between 26.96 and 27.41 MHz should be modified prior to December 31, 1979 to permit operation on other authorized frequencies.

• • • • • •

PART 91—INDUSTRIAL RADIO SERVICES

3. In § 91.254, the frequency table in paragraph (a) is amended, and new limitation (5) to par. (b) added to read as follows:

§ 91.254 Frequencies available.

• • • • • •

Frequency or band	Class of station(s)	Limitations
•	•	•
Megahertz		
27.235	Base, mobile, or fixed	2, 5, 8
27.245	do	2, 5, 8
27.255	do	2, 5, 8
27.265	do	2, 5, 8
27.275	do	2, 5, 8
•	•	•

(b) • • •

(5) Effective September 10, 1976 station authorizations for the use of frequencies between 26.96 MHz and 27.41 MHz will be issued only to applicants in the Citizens Radio Service. Licenses issued under this subpart shall remain valid until December 31, 1979, or, if such licenses expire prior to December 31, 1979, they may be renewed and will be given expiration dates of December 31, 1979. Licenses issued under this subpart for frequencies between 26.96 MHz and 27.41 MHz should be modified prior to December 31, 1979, to permit operation on other authorized frequencies.

• • • • • •

4. In § 291.304, the frequency table in paragraph (a) is amended, and new limitation (7) to par. (b) added to read as follows:

§ 91.304 Frequencies available.

• • • • • •

Frequency or band	Class of station(s)	Limitations
•	•	•
27.235	Base, mobile, or fixed	6, 7, 13
27.245	do	6, 7, 13
27.255	do	6, 7, 13
27.265	do	6, 7, 13
27.275	do	6, 7, 13
•	•	•

(b) • • •

(7) Effective September 10, 1976 station authorizations for the use of frequencies between 26.96 MHz and 27.41 MHz will be issued only to applicants in the Citizens Radio Service. Licenses issued under this subpart shall remain valid until December 31, 1979, or, if such licenses expire prior to December 31, 1979, they may be renewed and will be given expiration dates of December 31, 1979. Licenses issued under this subpart for frequencies between 26.96 MHz and 27.41 MHz should be modified prior to December 31, 1979, to permit operation on other authorized frequencies.

• • • • • •

5. In Section 91.354, the frequency table in paragraph (a) is amended, and limitation (3) to par. (b) added to read as follows:

§ 91.354 Frequencies available.

• • • • • •

Frequency or band	Class of station(s)	Limitations
•	•	•
Megahertz		
27.235	Base, mobile, or fixed	3, 6, 14
27.245	do	3, 6, 14
27.255	do	3, 6, 14
27.265	do	3, 6, 14
27.275	do	3, 6, 14
•	•	•

(b) • • •

(3) Effective September 10, 1976 station authorizations for the use of frequencies between 26.96 MHz and 27.41 MHz will be issued only to applicants in the Citizens Radio Service. Licenses issued under this subpart shall remain valid until December 31, 1979, or, if such licenses expire prior to December 31, 1979, they may be renewed and will be given expiration dates of December 31, 1979. Licenses issued under this subpart for frequencies between 26.96 MHz and 27.41 MHz should be modified prior to December 31, 1979, to permit operation on other frequencies.

• • • • • •

6. In § 91.404, the frequency table in paragraph (a) is amended, and new limitation (8) added to par. (b) to read as follows:

§ 91.404 Frequencies available.

• • • • • •

Frequency or band	Class of station(s)	Limitations
•	•	•
Megahertz		
27.235	Base, mobile, or fixed	5, 6, 8
27.245	do	5, 6, 8
27.255	do	5, 6, 8
27.265	do	5, 6, 8
27.275	do	5, 6, 8
•	•	•

(b) • • •

(8) Effective September 10, 1976 station authorizations for the use of frequencies between 69.96 MHz and 27.41 MHz will be issued only to applicants in the Citizens Radio Service. Licenses issued under this subpart shall remain valid until December 31, 1979, or, if such licenses expire prior to December 31, 1979, they may be renewed and will be given expiration dates of December 31, 1979. Licenses issued under this subpart for frequencies between 26.96 MHz and 27.41 MHz should be modified prior to December 31, 1979, to permit operation on other authorized frequencies.

• • • • • •

7. In § 91.454, the frequency table in paragraph (a) is amended, and limitation (6) to par (b) added to read as follows:

§ 91.454 Frequencies available.

• • • • • •

Frequency or band	Class of station(s)	Limitations
•	•	•
Megahertz		
27.235	Base, mobile, or fixed	2, 4, 6
27.245	do	2, 4, 6
27.255	do	2, 4, 6
27.265	do	2, 4, 6
27.275	do	2, 4, 6
•	•	•

(b) • • •

(6) Effective September 10, 1976, station authorizations for the use of frequencies between 26.96 MHz and 27.41 MHz will be issued only to applicants in the Citizens Radio Service. Licenses issued under this subpart shall remain valid until December 31, 1979, or, if such licenses expire prior to December 31, 1979, they may be renewed and will be given expiration dates of December 31, 1979. Licenses issued under this subpart for frequencies between 26.96 MHz and 27.41 MHz should be modified prior to December 31, 1979, to permit operation on other authorized frequencies.

• • • • • •

8. In § 91.504, the frequency table in paragraph (a) is amended, and limitation (5) to par (b) added to read as follows:

§ 91.504 Frequencies available.

• • • • • •

Frequency or band	Class of station(s)	General reference	Limitations
•	•	•	•
Megahertz			
27.235	Base, mobile, or fixed	ISM general use	2, 5, 8
27.245	do	do	2, 5, 8
27.255	do	do	2, 5, 8
27.265	do	do	2, 5, 8
27.275	do	do	2, 5, 8
27.29	Base or mobile	General use	5
27.31	do	do	5
27.33	do	do	5
27.35	do	do	5
27.37	do	do	5
•	•	•	•

(b) • • •

(5) Effective September 10, 1976 station authorizations for the use of frequencies between 26.96 MHz and 27.41 MHz will be issued only to applicants in the Citizens Radio Service. Licenses issued under this subpart shall remain valid until December 31, 1979, or, if such licenses expire prior to December 31, 1979, they may be renewed and will be given expiration dates of December 31, 1979. Licenses issued under this subpart for frequencies between 26.96 MHz and 27.41 MHz should be modified prior to December 31, 1979, to permit operation on other authorized frequencies.

• • • • • •

9. In § 91.554, the frequency table in paragraph (a) is amended, and limitation (5) to paragraph (b) added to read as follows:

§ 91.554 Frequencies available.

• • • • • •

Frequency or band	Class of station(s)	General reference	Limitations
•	•	•	•
Megahertz			
27.235	Base, mobile, or fixed	ISM general use	2, 5, 8
27.245	do	do	2, 5, 8
27.255	do	do	2, 5, 8
27.265	do	do	2, 5, 8
27.275	do	do	2, 5, 8
27.30	Base or mobile	General use	5
27.41	do	do	5
27.43	do	Permanent use	5, 10, 11
27.45	do	do	5, 10, 11
27.47	do	do	5, 10, 11
27.49	do	Itinerant use	5, 10, 12
27.51	Mobile	Low power general use	5, 13
27.53	do	do	5, 13
•	•	•	•

(b) • • •

(5) Effective September 10, 1976 station authorizations for the use of frequencies between 26.96 MHz and 27.41 MHz will be issued only to applicants in the Citizens Radio Service. Licenses issued under this subpart shall remain valid until December 31, 1979, or, if such licenses expire prior to December 31, 1979, they may be renewed and will be given expiration dates of December 31, 1979. Licenses issued under this subpart for frequencies between 26.96 MHz and 27.41 MHz should be modified prior to December 31, 1979, to permit operation on other authorized frequencies.

• • • • • •

10. In § 91.730, the frequency table in paragraph (a) is amended, and limitation (9) to par (b) added to read as follows:

§ 91.730 Frequencies available.

• • • • • •

Frequency or band	Class of station(s)	Limitations
•	•	•
Megahertz		
27.235	Base, mobile, or fixed	2, 3, 9
27.245	do	2, 3, 9
27.255	do	2, 3, 9
27.265	do	2, 3, 9
27.275	do	2, 3, 9
•	•	•

(b) • • •

(9) Effective September 10, 1976 station authorizations for the use of frequencies between 26.96 MHz and 27.41 MHz will be issued only to applicants in the Citizens Radio Service. Licenses issued under this subpart shall remain valid until December 31, 1979, or, if such licenses expire prior to December 31, 1979, they may be renewed and will be given expiration dates of December 31, 1979. Licenses issued under this subpart for frequencies between 26.96 MHz and 27.41 MHz should be modified prior to December 31, 1979, to permit operation on other authorized frequencies.

• • • • • •

11. In § 91.754, the frequency table in paragraph (a) is amended, and limitation (1) to par (b) is added to read as follows:

§ 91.754 Frequencies available.

• • • • • •

Frequency or band	Class of station(s)	Limitations
•	•	•
Megahertz		
27.235	Base, mobile, or fixed	1, 2, 3
27.245	do	1, 2, 3
27.255	do	1, 2, 3
27.265	do	1, 2, 3
27.275	do	1, 2, 3
•	•	•

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(b) • • •

(1) Effective September 10, 1976 station authorizations for the use of frequencies between 26.96 MHz and 27.41 MHz will be issued only to applicants in the Citizens Radio Service. Licenses issued under this subpart shall remain valid until December 31, 1979, or, if such licenses expire prior to December 31, 1979, they may be renewed and will be given expiration dates of December 31, 1979. Licenses issued under this subpart for frequencies between 29.96 MHz and 27.41 MHz should be modified prior to December 31, 1979, to permit operation on other authorized frequencies.

• • • • •

PART 93—LAND TRANSPORTATION RADIO SERVICES

§§ 93.254, 93.356 and 93.404 [Amended]

12. In Part 93, new §§ 93.254(d), 93.356(d), 93.404(d), and 93.504(d) are added, as follows:

• • • • •

(d) Effective September 10, 1976, station authorizations for the use of frequencies between 26.96 MHz and 27.41 MHz will be issued only to applicants in the Citizens Radio Service. Licenses issued under this subpart shall remain valid until December 31, 1979, or, if such licenses expire prior to December 31, 1979, they may be renewed and will be given expiration dates of December 31, 1979. Licenses issued under this subpart for frequencies between 26.96 MHz and 27.41 MHz should be modified prior to December 31, 1979 to permit operation on authorized frequencies.

PART 95—CITIZENS RADIO SERVICE

13. In § 95.3(b) the definition of a Class D station is revised to read as follows:

§ 95.3 Definitions.

• • • • •

(b) Definitions of stations.

• • • • •

Class D station. A station in the Citizens Radio Service licensed to be operated for radiotelephony, only, on authorized frequencies in the 26.96 MHz to 27.41 MHz band.

• • • • •

14. Section 95.41, paragraph (d), is amended to read as follows:

§ 95.41 Frequencies available.

• • • • •

(d) The frequencies listed in the following paragraphs are available for use by Class D stations and are subject to no protection from interference resulting from the operation of industrial, scientific, or medical devices in the 26.96 MHz to 27.28 MHz band.

(1) The following frequencies may be used for communications between Class D stations:

MHz	MHz
26.965	27.115
26.975	27.125
26.985	27.135
27.005	27.155
27.015	27.165
27.025	27.175
27.035	27.185
27.055	27.205
27.075	27.215
27.085	27.225
27.105	27.255

(2) Effective January 1, 1977, the following frequencies may be used for communications between Class D stations:

MHz	MHz
26.965	27.225
26.965	27.235
26.985	27.245
27.005	27.255
27.015	27.265
27.025	27.275
27.035	27.285
27.055	27.295
27.075	27.305
27.085	27.315
27.105	27.325
27.115	27.335
27.125	27.345
27.135	27.355
27.155	27.365
27.165	27.375
27.175	27.385
27.185	27.395
27.205	27.405
27.215	

(3) The frequency 27.065 MHz shall be used solely for:

(i) Emergency communications involving the immediate safety of life of individuals or the immediate protection of property, or

(ii) Communications necessary to render assistance to a motorist.

NOTE.—A licensee, before using 27.065 MHz must make a determination that his communication is either or both (a) an emergency communication or (b) is necessary to render assistance to a motorist. To be an emergency communication, the message must have some direct relation to the immediate safety of life or immediate protection of property. If no immediate action is required, it is not an emergency. What may not be an emergency under one set of circumstances may be an emergency under different circumstances. There are many worthwhile public service communications that do not qualify as emergency communications. In the case of motorist assistance, the message must be necessary to assist a particular motorist and not, except in a valid emergency, motorists in general. If the communications are to be lengthy, the exchange should be shifted to another frequency, if feasible, after contact is established. No nonemergency or nonmotorist assistance communications are permitted on 27.065 MHz even for the limited purpose of calling a licensee monitoring a frequency to ask him to switch to another frequency. Although 27.065 MHz may be used for marine emergencies, it should not be considered a substitute for the authorized marine distress system. The Coast Guard has stated it will not "participate directly in the Citizens Radio Service by fitting with and/or providing a watch on any Citizens Band Channel. (Coast Guard Commandant Instructions 2302.6)"

The following are examples of permitted and prohibited types of communications. They are guidelines and are not intended to be all inclusive.

Permitted	Example message
Yes	A tornado is sighted six miles north of town.
No	This is observation post number 10. No tornados sighted.
Yes	I am out of gas on Interstate 95.
No	I am out of gas in my driveway.
Yes	There is a four-car collision at Exit 10 on the Beltway. Send police and ambulance.
No	Traffic is moving smoothly on the Beltway.
Yes	Base to Unit 1, the Weather Bureau has just issued a thunderstorm warning. Bring the sailboat into port.
No	Attention all motorists. The Weather Bureau advises that the snow tomorrow will accumulate 4 to 6 inches.
Yes	There is a fire in the building on the corner of 6th and Main Streets.
No	This is Halloween patrol unit number 3. Everything is quiet here.

The following priorities should be observed in the use of 27.065 MHz:

1. Communications relating to an existing situation dangerous to life or property, i.e., fire, automobile accident.
2. Communications relating to a potentially hazardous situation, i.e., car stalled in a dangerous place, lost child, boat out of gas.
3. Road assistance to a disabled vehicle on the highway or street.
4. Road and street directions.

• • • • •

15. A new section 95.42 is added, as follows:

§ 95.42 Special provisions.

Effective September 10, 1976 station authorizations for the use of frequencies between 26.96 MHz and 27.41 MHz will be issued only to applicants in the Citizens Radio Service. Any license in a radio service other than the Citizens Radio Service authorizing the use of frequencies between 26.96 MHz and 27.41 MHz shall remain valid until December 31, 1979.

16. In § 95.49, paragraphs (c) and (d)(3) are revised, and new paragraphs (d)(4) and (d)(5) and a Note are added, as follows:

§ 95.49 Emission limitations.

• • • • •

(c) The authorized bandwidth of the emission of any transmitter employing amplitude modulation shall be 8 kHz for double sideband and 4 kHz for single sideband. The authorized bandwidth of the emission of any transmitter employing frequency or phase modulation (Class F2 or F3) shall be 20 kHz. The use of F2 and F3 emissions in the frequency band 26.96 MHz–27.41 MHz is not authorized.

(d) • • •

(3) On any frequency removed from the center of the authorized bandwidth by more than 250 percent of the authorized bandwidth: at least $43+10\log_{10}$ (mean power in watts) decibels, for Class D transmitters type accepted before September 10, 1976 and all Class A transmitters.

(4) On any frequency removed from the center of the authorized bandwidth by more than 250 percent of the authorized bandwidth up to a frequency of twice the fundamental frequency; at least $53+10\log_{10}$ (mean power in watts) decibels, for Class D transmitters type accepted after September 10, 1976.

(5) On any frequency twice or greater than twice the fundamental frequency: at least 60 decibels (mean power in watts) for Class D transmitters type accepted after September 10, 1976.

NOTE.—The requirements of paragraph (d) must be met both with and without connection of all attachments acceptable for use with such transmitters. External speakers, microphones, power cords, and antennas are among the devices included in this requirement. Additionally, if it is shown that a licensee causes interference to television reception because of insufficient harmonic attenuation, he may be required to insert a low pass filter between the transmitter RF output terminal and the antenna feedline.

• • • • •

17. In § 95.55, paragraph (c)(4) is revised and new paragraph (c)(5) and a Note are added, as follows:

§ 95.55 Acceptability of transmitters for licensing.

• • • • •

(c) • • •

(4) Prior to January 1, 1977 transmitters which are equipped to operate on any frequency not included in § 95.41(d) (1) may not be installed at, or used by, any Class D station unless there is a station license posted at the transmitter location, or a transmitter identification card (FCC Form 452–C) attached to the transmitter, which indicates that operation of the transmitter on such frequency has been authorized by the Commission.

(5) Effective January 1, 1977 transmitters which are equipped to operate on any frequency not included in § 95.41 may not be installed at or used by any Class D station unless there is a station license posted at the transmitter location, or a transmitter identification card (FCC Form 452–C) attached to the transmitter, which indicates that operation of the transmitter on such frequency has been authorized by the Commission.

NOTE.—A "transmitter" is defined to include any radio frequency (RF) power amplifier.

• • • • •

18. In § 95.58, paragraphs (c)(2) and (c)(3) are amended, and new paragraphs (f) and (g) are added, as follows:

§ 95.58 Additional requirements for type acceptance.

• • • • •

(c) • • •

(2) Multi-frequency transmitters shall be capable of operation only on those frequencies authorized by § 95.41.

(3) All transmitter frequency determining circuitry (including crystals), other than the frequency selection mechanism, employed in Class D station equipment shall be internal to the equipment and shall not be accessible from the exterior of the equipment cabinet or operating panel. Add-on devices, whether internal or external to the equipment, the function of which is to extend the frequency coverage capability of a Class D unit beyond its original frequency coverage capability, shall not be sold, manufactured, or attached to any transmitter capable of operation on Class D Citizens Radio Service frequencies.

• • • • •

(f) A Class D Citizens Radio Service application form (FCC Form 505), a Temporary Permit, Class D Citizens Radio Station (FCC Form 555–B), and a copy of Part 95 of the Commission's Rules and Regulations, each to be current at the time of packing of the transmitter, shall be furnished with each transmitter sold after January 1, 1977.

(g) The serial number of each new Class D unit sold after January 1, 1977 shall be engraved on the unit's chassis.

[FR Doc.76-22424 Filed 8-3-76;8:45 am]

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federal register

WEDNESDAY, AUGUST 4, 1976



PART III:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

■

LOW INCOME HOUSING

Section 8 Housing Assistance Payments Program and Special Allocations; Additional Assistance

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Title 24—Housing and Urban Development

CHAPTER VIII—LOW INCOME PUBLIC HOUSING, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R76-378]

PART 886—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—SPECIAL ALLOCATIONS

Additional Assistance

The Department of Housing and Urban Development (HUD) gave notice on March 31, 1976, at 41 FR 13603, that it was amending Title 24 of the Code of Federal Regulations by adding a new Part 886, Subpart B to Chapter VIII, effective immediately on an interim basis, with opportunity for public comment. The comment period closed April 16, 1976.

The name of Part 886 is being changed from "Section 8 Housing Assistance Payments Program—Additional Assistance Program for Projects Insured or Formerly Insured by HUD" to "Section 8 Housing Assistance Payments Program—Special Allocations."

The name of Subpart B is being changed from "Additional Assistance Program for HUD-Owned Projects to be Disposed of and Rehabilitated with Section 8 Assistance" to "Additional Assistance Program for the Disposition of HUD-Owned Projects."

HUD has received six responses to the March 31, 1976, publication. These comments were carefully considered, and changes have been made to the regulations, based on these comments and comments from within HUD. A discussion of the principal comments and changes is set forth below:

1. It was suggested that the site and neighborhood standards found in § 881.112 (c), (e), (f), and (g) are inappropriate for this program because the projects are presently occupied by families requiring housing assistance payments and, without section 8 assistance, a sale of these properties could result in extreme hardship to or displacement of these lower income families. Since the provision of section 8 assistance under these circumstances would merely be a continuation or increase of HUD subsidy, these projects are made subject only to those standards in § 881.112 which are consistent with their qualifying as decent, safe, and sanitary housing, i.e., § 881.112 (a), (b), (d), (h), and (i).

2. One comment suggested that the Department should not permit use of high-rise elevator structures for families with children under this program. The restriction regarding use of high-rise structures for such families is found in § 881.111 of the Substantial Rehabilitation regulations and is applicable to this program because no provision to the contrary is contained in this Subpart (see § 886.201(c)). Nevertheless, in the interest of clarity, a new § 886.203(g) has been added to include, as one of the selection factors, the likelihood that a property selected will result in a Proposal which meets the requirements set forth in Part 881, except as modified by this Subpart.

3. A new § 886.203(h) has been added to include as one of the selection factors, whether another available disposition alternative, including sale of the project for use as condominium or cooperative housing without section 8 assistance, would result in the best use of the property.

4. It was determined that more definite criteria should be given in § 886.204, which states that a HUD purchase money mortgage may be utilized as a last resort. Since HUD's policy is to limit the use of purchase money mortgages, § 886.204 has been modified to specify that the amount of the purchase money mortgage may not exceed the "as-is" sales price nor may it exceed 90 percent of the HUD-estimated value of the rehabilitated project used in the computation of the "as-is" sales price. The use of purchase money mortgages must still be authorized by the Regional Administrator.

5. One comment suggested that § 886.211 be revised to indicate that the field office director is empowered to execute the Housing Assistance Payments Contract, regulatory agreement, note and mortgage as well as the Contract of Sale and Purchase. Authorization for the execution of such documents, as well as the Agreement to Enter Into Housing Assistance Payments Contract, is contained in the appropriate regulations and issuances for the Section 8 Substantial Rehabilitation Program and for the particular HUD mortgage insurance or other program involved.

6. Comments suggested that more specific previsions were needed for purposes of sales of properties which are to be converted to cooperatives with section 8 assistance. Accordingly, a new § 886.212 has been added to provide that where HUD has determined that such a cooperative would result in the best use of the property, the Notification of Fund Availability shall be limited to Proposals for such cooperative ownership.

7. Comments indicated that the maximum 5-year Contract term for properties for which the estimated cost of rehabilitation is less than 15 percent is inadequate. In the Substantial Rehabilitation program under Part 881, the Contract term for such projects is limited to 5 years because the primary objective of that program is to induce rehabilitation, rather than sales as such. Such a limitation, however, is not appropriate for the program under this Subpart because here the primary purpose is to induce sales of HUD-owned properties. Accordingly, § 886.213 has been added to eliminate the 5-year limitation and to replace it with a 15-year maximum total Contract term when the relative amount of rehabilitation is less than 15 percent.

8. One comment suggested that specific mention be made of requirements for historic preservation. § 881.114(e), which is made applicable to this Subpart by § 886.201(c), makes specific reference to historic preservation requirements, so that no specific mention in this Subpart is necessary.

9. It was suggested that invitations for proposals should be made on a nationwide basis because HUD's Office of Property Disposition in Washington maintains a nationwide mailing list for the sale of multifamily properties. HUD believes that the interests of the program can best be served by utilizing the section 8 procedures in use in the HUD field offices pursuant to 24 CFR Part 881 concerning advertising. Prospective purchasers should contact the HUD office in the locality in which they are interested to determine the availability of projects for sale pursuant to this subpart.

10. One comment expressed concern as to the possibility of a Purchaser failing to complete required work in accordance with the Agreement, which would thus have possible serious adverse effect on the status of the occupants. In this connection, it should first be noted that every Preliminary Proposal involving rehabilitation must comply with the provisions of § 881.205(o) concerning relocation of site occupants. In addition, provisions have been added in § 886.206 (c) and (d) indicating that the Purchaser shall be obligated to complete the rehabilitation; that if he fails to do so he shall be obligated to provide site occupants with continued occupancy on a basis no less favorable than as of the date of his acquisition of the property; and that his Preliminary Proposal shall include a feasible plan for meeting these obligations.

11. It was suggested that this Program could deprive a community of section 8 assistance that might otherwise be available and that HUD should seek additional funds to compensate for such deprivation. The section 8 assistance being utilized for this program is being allocated by the Department in conformance with section 213(d) of the Housing and Community Development Act of 1974 (HCD Act). This section is the controlling statutory provision for allocation of section 8 as well as other housing assistance. To the extent that it is determined that a given community is entitled to additional housing assistance, whether by way of section 8 or other assistance that would meet the low income needs of the community, such assistance will be allocated.

12. It was also suggested that the local government should be asked for its comment as to consistency with the housing assistance plan prior to the solicitation of proposals. This would not be in accordance with the requirements of section 213(a) of the HCD Act, which provides that it is the application for housing assistance which shall be sent to the local government for comment. There is no application for housing assistance until after a Notification of Fund Availability has been published inviting the submission of Proposals which constitute applications for housing assistance.

13. This subpart has also been updated to comply with the revised 24 CFR Part 881 published in the FEDERAL REGISTER on April 26, 1976.

A Finding of Inapplicability with respect to the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A Finding of Inapplicability with respect to an Inflation Impact Statement has also been made in accordance with HUD procedures. Copies of these findings are available for public inspection during regular business hours in the office of the Rules Docket Clerk, Room 10141, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C.

The Secretary of Housing and Urban Development has determined that the public interest would be best served by making these regulations effective immediately to avoid unnecessary delay in its implementation. Therefore, the Secretary finds that good cause exists for making these regulations effective on August 4, 1976.

Accordingly, 24 CFR Part 886, Subpart B is hereby amended and made final to read as follows:

Subpart B—Additional Assistance Program for the Disposition of HUD-Owned Projects

Sec.
886.201 Applicability and scope.
886.202 Allocations of contract authority to field offices.
886.203 Selection of properties.
886.204 Special financing.
886.205 Notification of fund availability.
886.206 Contents of purchaser's program packet.
886.207 Contents of Preliminary proposals.
886.208 Proposals involving HUD-FHA mortgage insurance.
886.209 Final proposals.
886.210 Notification of approval of final proposal.
886.211 Execution of contract of sale and purchase and closing.
886.212 Cooperative conversions.
886.213 Term of housing assistance payments contracts.

AUTHORITY: Sec. 7(d) Department of HUD Act, (42 U.S.C. 3535(d)); Sec. 5(b) of U.S. Housing Act of 1937 (42 U.S.C. 1437c(b)); Sec. 8 of U.S. Housing Act of 1937 (42 U.S.C. 1437f).

Subpart B—Additional Assistance Program for the Disposition of HUD-Owned Projects

§ 886.201 Applicability and scope.

(a) The purpose of this subpart is to permit the use or section 8 housing assistance to facilitate the sale of multifamily properties owned by HUD (HUD-owned properties). This program will help to meet the shelter needs of lower-income families, preserve and improve the housing stock available to such families, and contribute to the long term stability of HUD-assisted projects for lower income families.

(b) Projects assisted with the contract authority allocated pursuant to § 886.202 shall be subject to the provisions of this subpart. However, this Subpart shall not apply to the use of HUD-owned properties in projects assisted under other allocations of contract authority under the United States Housing Act of 1937.

(c) Except as specifically modified by this subpart, the provisions of Subparts A and B of the section 8 Substantial Rehabilitation Regulations (24 CFR Part 881) apply.

(d) 24 CFR § 881.101, Applicability and scope, shall not apply to projects under this subpart.

§ 886.202 Allocations of contract authority to field offices.

HUD may allocate to field offices contract authority reserved for use with HUD-owned properties to be sold pursuant to this subpart.

§ 886.203 Selection of properties.

The field office director shall select the properties for sale pursuant to this Subpart on the basis of the following factors:

(a) The number of properties in the inventory of HUD-owned properties in the field office jurisdiction which are suitable for use under this Subpart, including properties with HUD-insured or HUD-held mortgages where a mortgage assignment or mortgage foreclosure is anticipated. However, a property must be acquired by HUD before it is included in a Notification of Fund Availability pursuant to § 886.205.

(b) Compliance with site and neighborhood standards stated in 24 CFR 881.112 (a), (b), (d), (h), and (i);

(c) Results of appropriate environmental review conducted in compliance with HUD requirements implementing the National Environmental Policy Act of 1969, as amended; and, if applicable, the likelihood of compliance with A-95 requirements;

(d) The extent to which the use of the property under this subpart will help to meet the needs of lower income families.

(e) The likelihood that the use of the property under this subpart will not be objected to by the unit of local government under section 213(a) of the Housing and Community Development Act of 1974 (HCD Act); and

(f) The contents of any local public or private plans for upgrading or preserving the neighborhood in which a property is located.

(g) The likelihood that selection of a property for use under this subpart will result in a proposal which meets the requirements set forth in Part 881 except as modified by this Subpart B.

(h) Whether another available disposition alternative, including sale of the project for use as condominium or cooperative housing without section 8 assistance, would result in the best use of the property.

§ 886.204 Special financing.

In addition to the types of financing mentioned in 24 CFR 881.115, HUD purchase money mortgages may be utilized as a last resort with written approval of the Regional Administrator, but the amount of the purchase money mortgage may not exceed the "as-is" sales price nor may it exceed 90 percent of the HUD-estimated value of the rehabilitated project used in the computation of the "as-is" sales price.

§ 886.205 Notification of fund availability.

The director of a field office to which contract authority has been allocated pursuant to § 886.202 shall implement a program under this Subpart by publishing a Notification of Fund Availability for the sale of HUD-Owned Properties in accordance with 24 CFR 881.203(a). In addition to the contents required by 24 CFR 881.203(c), the Notification shall include a statement that certain HUD-owned property(ies) is available for sale for use with assistance under the section 8 program. If the field office director deems it necessary in marketing the property, the following information shall also be included in the Invitation; the specific address(es) of the property(ies), the HUD determined "as-is" sales price, the number of units in each property, and any other relevant information. Where this information is included in the Notification the statement of the geographic area of the housing and the approximate number of units the available contract authority is expected to assist shall be omitted.

§ 886.206 Contents of purchaser's program packet.

The contents of the Purchaser's Program Packet shall be as provided in 24 CFR 881.204 for the Rehabilitation Program Packet, except that the Purchaser's Program Packet shall include:

(a) A statement of limitations on type of occupancy, if any (e.g. predominantly for elderly, conversion to cooperative).

(b) A statement of the HUD-determined "as-is" sales price for each property, its address, and the number of units contained therein.

(c) The Contract of Sale and Purchase for each property. This Contract shall include a provision that the Purchaser shall be obligated to complete any required rehabilitation in accordance with the agreement so that a Housing Assistance Payments Contract can be executed, and that in the event of failure to achieve such completion the Purchaser shall be obligated to provide occupants of the project with continued occupancy on a basis no less favorable than as of the date of his acquisition of the property.

(d) A statement that the Preliminary Proposal shall include a feasible plan for meeting the Purchaser's obligations mentioned in paragraph (c) of this section.

(e) A statement that, in addition to meeting other applicable requirements, the execution of a section 8 agreement or contract is contingent upon approval of the final proposal and on the purchaser meeting the closing date specified in the contract of sale and purchase.

§ 886.207 Contents of preliminary proposals.

(a) Except for the following modifications, the information required by 25 CFR 881.205 shall be included in the preliminary proposal.

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(b) The provisions of 24 CFR 881.205 (b) and (c) shall not apply.

§ 886.208 Proposals involving HUD–FHA mortgage insurance.

Submission of proposals involving HUD–FHA mortgage insurance shall be in accordance with 24 CFR 88.07, except that paragraph (a) shall not apply.

§ 886.209 Final proposals.

(a) Except for the following modifications, the information required by 24 CFR 881.209 shall be included in the final proposal.

(b) The provisions of 24 CFR 881.209 (a) (1) shall not apply.

§ 886.210 Notification of approval of final proposal.

The notification of approval of final proposal pursuant to 24 CFR 881.210(c) shall instruct the purchaser to return to the field office the executed contract of sale and purchase together with his acceptance of the notification.

§ 886.211 Execution of contract of sale and purchase and closing.

On receipt of the executed Contract of Sale and Purchase from the purchaser, the field office director shall execute that Contract and arrange for sales closing.

§ 886.212 Cooperative conversions.

When the field office Director determines, in the selection of a property pursuant to this Subpart and after consideration of all available disposition alternatives, that the best use of the property would result from cooperative housing ownership, the Notification of Fund Availability shall be limited to proposals for such cooperative ownership. The Purchaser's Program Packet shall include a statement that the total of the carrying charges to be paid by a member-occupant of a dwelling unit under the occupancy agreement between him and the cooperative shall be treated as the rent for the unit, and that the occupancy agreement shall be treated as the lease, for all purposes of the provisions of this Subpart B and 24 CFR Part 881.

§ 886.213 Term of housing assistance payments contracts.

Except as modified by this section, the term of the Contract shall be as specified in 24 CFR 881.109. The provisions of 24 CFR 881.109(a) shall not apply; in lieu thereof, where the HUD-estimated relative cost of the rehabilitation is less than 15 percent of the HUD-estimated value of the project after completion of the rehabilitation, the Contract shall be for an initial term of not more than 5 years, with provision for automatic renewal (unless agreed otherwise) for additional terms of not more than 5 years each, for a total Contract term not to exceed 15 years.

(NOTE: It is hereby certified that the economic and inflationary impact of this regulation has been carefully evaluated in accordance with OMB Circular A–107.)

Effective date. These regulations are effective on August 4, 1976.

JAMES L. YOUNG,
Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc.76–22664 Filed 8–3–76;8:45 am]

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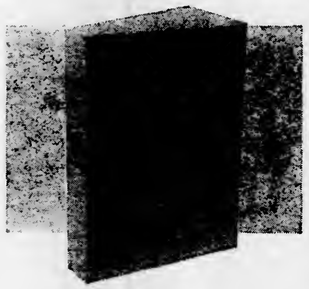
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NOTE: There were no items eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

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NOTE: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

Twelve agencies have agreed to a six-month trial period based on the assignment of two days a week beginning February 9 and ending August 6 (See 41 FR 5453). The participating agencies and the days assigned are as follows:

Monday	Tuesday	Wednesday	Thursday	Friday
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DOT/OPSO	LABOR		DOT/OPSO	LABOR

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this trial program are invited. Comments should be submitted to the Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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Weekly Briefings at the Office of the Federal Register

(For Details, See 41 FR 22997, June 8, 1976)

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Title 3—The President

Executive Order 11931 • August 3, 1976

Extending Diplomatic Privileges and Immunities to Permanent Observers to the Organization of American States and to Members of Their Diplomatic Staffs

By virtue of the authority vested in me by the Act of November 7, 1973 (87 Stat. 560; 22 U.S.C. 288g), and as President of the United States of America, I extend to Permanent Observers to the Organization of American States, and to the members of the diplomatic staffs of such Permanent Observers, the same privileges and immunities, subject to corresponding conditions and obligations, as are enjoyed by diplomatic envoys accredited to the United States.

This Executive order shall be effective as of November 7, 1973. The enjoyment of privileges and immunities extended hereunder shall be subject to any Agreements entered into between the Government of the United States and the Organization of American States after that date.

Gerald R. Ford

THE WHITE HOUSE,
August 3, 1976.

[FR Doc.76-22978 Filed 8-3-76;4:50 pm]

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Executive Order 11932 August 4, 1976

Classification of Certain Information and Material Obtained From Advisory Bodies Created To Implement the International Energy Program

The United States has entered into the Agreement on an International Energy Program of November 18, 1974, which created the International Energy Agency. This program is a substantial factor in the conduct of our foreign relations and an important element of our national security. The effectiveness of the Agreement depends significantly upon the provision and exchange of information and material by participants in advisory bodies created by the International Energy Agency. Confidentiality is essential to assure the free and open discussion necessary to accomplish the tasks assigned to those bodies. I have consulted with the Secretary of State, the Attorney General and the Administrator of the Federal Energy Administration concerning the handling and safeguarding of information and material in the possession of the United States which has been obtained pursuant to the program, and I find that some of such information and material requires protection as provided in Executive Order No. 11652 of March 8, 1972, as amended.

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes of the United States, and as President of the United States, it is hereby ordered as follows:

SECTION 1. Information and material obtained pursuant to the International Energy Program and which requires protection against unauthorized disclosure in the interest of the national defense or foreign relations of the United States shall be classified pursuant to Executive Order No. 11652 of March 8, 1972, as amended. The Secretary of State shall have the responsibility for the classification, declassification and safeguarding of information and material in the possession of the United States Government which has been obtained pursuant to:

(a) Section 252(c)(3), (d)(2) or (e)(3) of the Energy Policy and Conservation Act (89 Stat. 871; 42 U.S.C. 6272(c)(3), (d)(2), (e)(3)), or

(b) The Voluntary Agreement and Program relating to the International Energy Program (40 F.R. 16041, April 8, 1975), or

(c) Any similar Voluntary Agreement and Program entered into under the Energy Policy and Conservation Act after the date of this Order.

SEC. 2. Information or material classified pursuant to Section 1 of this Order may be exempted from the General Declassification Schedule established by Section 5 of Executive Order No. 11652 if it was obtained by the United States on the understanding that it be kept in confidence, or if it might otherwise be exempted under Section 5(B) of such Order.

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SEC. 3. (a) Within 60 days of the date of this Order, the Secretary of State shall promulgate regulations which implement his responsibilities under this Order.

(b) The directives issued under Section 6 of Executive Order No. 11652 shall not apply to information and material classified under this Order. However, the regulations promulgated by the Secretary of State shall:

(1) conform, to the extent practicable, to the policies set forth in Section 6 of Executive Order No. 11652; and

(2) provide that he may take such measures as he deems necessary and appropriate to ensure the confidentiality of any information and material classified under this Order that may remain in the custody or control of any person outside the United States Government.

Gerald R. Ford

THE WHITE HOUSE,
August 4, 1976.

[FR Doc.76-23043 Filed 8-4-76;10:57 am]

Directive of July 30, 1976

Amending the National Security Council Directive of May 17, 1972, Governing the Classification, Downgrading, Declassification and Safeguarding of National Security Information

The President has directed that the National Security Council Directive Governing the Classification, Downgrading, Declassification and Safeguarding of National Security Information dated May 17, 1972 (37 FR 10053), be amended as follows:

Delete the last sentence of Paragraph B, Departmental Committee, in Section X, DEPARTMENTAL IMPLEMENTATION AND ENFORCEMENT.

This Directive shall be published in the FEDERAL REGISTER and become effective August 1, 1976.

BRENT SCOWCROFT,
Assistant to the President
for National Security Affairs

July 30, 1976

[FR Doc.76-23053 Filed 8-4-76;11:27 am]

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Valencia Orange Reg. 539]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period August 6–12, 1976. It is issued pursuant to the Agricultural Marketing Agreement of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.839 Valencia Orange Regulation 539.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the respective quantities of Valencia oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges is easing. Prices f.o.b. for the week ending July 29 were $3.57 a carton on 638 cars as compared with $3.46 per carton on 676 cars during the prior week. Track and rolling supplies at 360 cars were up 15 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Valencia oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 3, 1976.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period August 6, 1976, through August 12, 1976, are hereby fixed as follows:

(i) District 1: 259,000 cartons;

(ii) District 2: 316,000 cartons;

(iii) District 3: Unlimited.

(2) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 4, 1976.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-22306 Filed 8-4-76;12:30 pm]

PART 947—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES IN CALIFORNIA AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

Handling Regulation

This regulation, designed to promote orderly marketing of Oregon-California potatoes, requires inspection of fresh market shipments to keep undesirable low quality potatoes from being shipped to consumers.

Notice of rule making with respect to a proposed handling regulation, to be effective under Marketing Agreement No. 114 and Marketing Order No. 947, both as amended (7 CFR Part 947), regulating the handling of Irish potatoes grown in the designated production area, was published in the July 12, 1976, FEDERAL REGISTER (41 FR 28529). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons through July 23, 1976, to file written data, views or arguments pertaining to that proposal. None was filed.

The recommendations of the Oregon-California Potato Committee reflect its appraisal of the composition of the 1976 crop and prospective market conditions and are consistent with the marketing policy it unanimously adopted. Shipments are expected to begin July 15 so the proposed regulation should become effective as near that date as possible.

Total supplies in 1976–77 may be slightly more than in 1975–76. Intended planted fall acreage is forecast at 1,117,200 acres, about 4 percent more than in 1975. Prospective plantings in Oregon excluding Malheur County are 50,500 acres, 16 percent more than the acreage planted in 1975. Estimated prospective plantings in Modoc and Siskiyou Counties in California are 18,600 acres or 1 percent more than in 1975.

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The grade, size, quality, maturity, pack and inspection requirements herein are necessary to prevent potatoes of low quality, or undesirable sizes from being distributed into fresh market channels. They will benefit producers and consumers by standardizing and improving the quality of the potatoes shipped from the production area, thereby promoting orderly marketing and effectuating the declared policy of the act.

The committee recommends that potatoes grown in District No. 5 be a minimum of 2 inches or 4 ounces. All handlers in District 5 desired this requirement because it makes size requirements in their district conform to those in effect under Marketing Order 946 regulations for their direct competitors in Washington, just across the State line over which potatoes move both ways.

Exceptions are provided to certain of these requirements to recognize special situations in which such requirements may be inappropriate or unreasonable.

A specified quantity of potatoes are exempt from maturity requirements in order to permit growers to make test diggings without loss of the potatoes so harvested.

Shipments are permitted to certain special purpose outlets without regard to minimum grade, size, cleanliness, maturity, pack and inspection requirements, provided that safeguards are met to prevent such potatoes from reaching unauthorized outlets. Certified seed is so exempt, subject to the safeguard provisions only when shipped outside the district where grown.

Shipments for use as livestock feed within the production area or to specified adjacent areas are exempt; a limit to the destinations of such shipments is provided so that their use for the purpose specified may be reasonably assured. Shipments of potatoes between Districts 2 and 4 for planting, grading, and storing are exempt from requirements because these two areas are homogenous and have no natural division. Other districts are more clearly separated and do not have this problem. For the same reason, potatoes grown in District 5 may be shipped without regard to the aforesaid requirements to the Counties of Adams, Benton, Franklin, and Walla Walla in the State of Washington, and Malheur County, Oregon, for grading and storing. Since no purpose would be served by regulating potatoes used for charity purposes, such potatoes are exempt. Also potatoes for most processing uses are exempt under the legislative authority for this part.

Requirements for export shipments differ from those for domestic markets. While the standard quality requirements are desired in foreign markets smaller sizes are more acceptable. Therefore, different size requirements for export shipments are provided.

Findings. After consideration of all relevant matter presented, including the proposal set forth in the aforesaid notice which was recommended by the Oregon-California Potato Committee, established pursuant to the marketing order, it is hereby found that the handling regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this section until 30 days after its publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of potatoes grown in the production area will begin on or before the effective date specified herein, (2) to maximize benefits to producers, this regulation should apply to as many shipments as possible during the marketing season, (3) compliance with this regulation will not require any special preparation on the part of handlers which cannot be completed before the effective date of this regulation, and (4) information regarding the committee's recommendation has been made available to producers and handlers of potatoes in the production area.

The regulation is as follows:

§ 947.334 [Revoked]

1. *Termination of regulations:* Handling regulation § 947.334 effective August 5, 1975, through October 15, 1976 (40 F.R. 29727 and 32730) shall be terminated upon the effective date of this section.

2. Section 947.335 is added to read as set forth below.

§ 947.335 Handling regulation.

During the effective period herein through October 15, 1977, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a), (b), (c), (d), (e), and (f) of this section or unless such potatoes are handled in accordance with paragraphs (g), (h), or (i) of this section.

(a) *Grade requirements.* All varieties—U.S. No. 2, or better grade.

(b) *Size requirements.* All varieties—1⅞ inches minimum diameter except potatoes from District No. 5 shall be 2 inches minimum diameter or 4 ounces minimum weight. However, potatoes for export may be 1½ inches minimum diameter.

(c) *Cleanliness requirements.* All varieties and grades—As required in the United States Standards for Grades of Potatoes, except that U.S. Commercial may be no more than "slightly dirty."

(d) *Maturity (skinning) requirements.* (1) All varieties—no more than "moderately skinned."

(2) Not to exceed a total of 100 hundredweight of potatoes may be handled during any seven day period without meeting these maturity requirements. Prior to shipment of potatoes exempt from the above maturity requirements, the handler shall obtain from the committee a Certificate of Privilege.

(e) *Pack.* Potatoes packed in 50-pound cartons shall be U.S. No. 1 grade or better, except that potatoes that fail to meet the U.S. No. 1 grade only because of hollow heart and/or internal discoloration may be shipped provided the lot contains not more than 10 percent damage by hollow heart and/or internal discoloration, as identified by U.S.D.A. Color Photograph E (Internal Discoloration—U.S. No. 2—Upper Limit), POT-CP-9, May 1972, or not more than 5 percent serious damage by internal defects.

(f) *Inspection.* (1) Except when relieved by paragraphs (g), (h), or (i) of this section, no person shall handle potatoes without first obtaining inspection from an authorized representative of the Federal-State Inspection Service.

(2) For the purpose of operation under this part, unless exempted from inspection by the provisions of this section, each required inspection certificate is hereby determined, pursuant to § 947.60 (c) to be valid for a period of not to exceed 14 days following completion of inspection as shown on the certificate. The validity period of an inspection certificate covering inspected and certified potatoes that are stored in mechanically refrigerated storage within 14 days of the inspection shall be 14 days exclusive of the number of days that the potatoes were held in refrigerated storage.

(3) Any lot of potatoes previously inspected pursuant to § 947.60(a) is not required to have additional inspection under § 947.60(b) after regrading, resorting, or repacking such potatoes, if the inspection certificate is valid at the time of regrading, resorting, or repacking of the potatoes.

(g) *Special purpose shipments.* The minimum grade, size, cleanliness, pack, maturity and inspection requirements set forth in paragraphs (a), (b), (c), (d), (e), and (f) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(1) Certified seed, subject to applicable safeguard requirements of paragraph (h) of this section.

(2) Livestock feed: However, potatoes may not be handled for such purposes if destined to points outside of the production area, except that shipments to the Counties of Benton, Franklin, and Walla Walla in the State of Washington and to Malheur County, Oregon, may be made, subject to the safeguard provisions of paragraph (h) of this section.

(3) Planting in the district where grown, except that potatoes for this purpose grown in District No. 2 or District No. 4 may be shipped between those two districts.

(4) Grading or storing, under the following provisions:

(i) Between districts within the production area for grading or storing if such shipments meet the safeguard requirements of paragraph (h) of this section.

(ii) Potatoes grown in District No. 2 or District No. 4 may be shipped for grading or storing between those two Districts without regard to the safeguard requirements of paragraph (h) of this section.

(iii) Potatoes grown in District No. 5 may be shipped for grading and storing to points in the Counties of Adams, Benton, Franklin, and Walla Walla in the State of Washington, or to Malheur County, Oregon, without regard to the safeguard provisions of paragraph (h) of this section.

(5) Charity. *Provided,* That shipments for charity may not be resold if they do not meet the requirements of the marketing order, and *Further Provided,* That shipments in excess of 5 hundredweight per charitable organization shall be subject to the safeguard provisions of paragraph (h) of this section.

(6) Starch manufacture.

(7) Canning, freezing, prepeeling, and "other processing," as hereinafter defined (including storage for such purposes).

(h) *Safeguards.* (1) Each handler making shipments of certified seed outside the district where grown pursuant to paragraph (g) shall obtain from the committee a Certificate of Privilege, and shall furnish a report of shipments to the committee on forms provided by it.

(2) Each handler making shipments of potatoes pursuant to subparagraphs (2), (4) (i), and (5) of paragraph (g) of this section shall obtain a Certificate of Privilege from the committee, and shall report shipments at such intervals as the committee may prescribe in its administrative rules.

(3) Each handler making shipments pursuant to subparagraph (7) of paragraph (g) of this section may ship such potatoes only to persons or firms designated as manufacturers of potato products by the committee, in accordance with its administrative rules.

(i) *Minimum quantity exemption.* Any person may handle not more than 19 hundredweight of potatoes on any day without regard to the inspection requirements of § 947.60 and to the assessment requirements of § 947.41 of this part except no potatoes may be handled pursuant to this exemption which do not meet the requirements of paragraphs (a), (b), (c), (d), and (e) of this section. This exemption shall not apply to any part of a shipment which exceeds 19 hundredweight.

(j) *Definitions.* (1) The terms "U.S. No. 1," "U.S. Commercial," "U.S. No. 2," and "moderately skinned" shall have the same meaning as when used in the U.S. Standards for Grades of Potatoes (§§ 51.1540–51.1566 of this title) including the tolerances set forth therein.

(2) The term "slightly dirty" means potatoes that are not damaged by dirt.

(3) The term "prepeeling" means the commercial preparation in a prepeeling plant of clean, sound, fresh potatoes by washing, peeling or otherwise removing the outer skin, trimming, sorting, and properly treating to prevent discoloration preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 United States Standards for Grades of Peeled Potatoes (§§ 52.2421–52.2433 of this title).

(4) The term "other processing" has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, or starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, or dicing, or applying material to prevent oxidation does not constitute "other processing."

(5) Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 114, as amended, and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.)

Dated: July 30, 1976 to become effective August 5, 1976.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76–22741 Filed 8–4–76;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—LOANS PRIMARILY FOR PRODUCTION PURPOSES

[FmHA Instruction 441.3]

PART 1831—OPERATING LOANS

Subpart B—Operating Loan Processing

Section 1831.32(v) (10) (i) of Subpart B of Part 1831, Title 7, Code of Federal Regulations (37 FR 14858; 38 FR 14155) is amended. The amendment establishes the requirements for taking a new security agreement on loans to paid-in-full borrowers. This revision insures the existence of a security interest for FmHA in making these loans. The amendment is being published without notice of proposed rulemaking. Since the change concerns agency procedure and does not affect the public's interest, such notice is not necessary.

Accordingly, § 1831.32(v) (10) (i) as amended, reads as follows:

§ 1831.32 Loan forms and routines.

* * * * * * *

(v) * * *

(10) * * *

(i) *Future advance provisions.* A properly prepared, executed, and filed or recorded FmHA financing statement and a properly prepared and executed FmHA security agreement give FmHA a security interest in the property described thereon to secure any Operating or Emergency loan indebtedness owed by the debtor, including any such loans, advances, or expenditures, and any other FmHA debts evidenced by notes and any advances or expenditures made in connection with the debts evidenced by such notes. However, when a borrower's Operating loan and Emergency loan indebtedness is paid-in-full, a new security agreement must be taken in all cases to secure an initial Operating loan or Emergency loan made following the payment-in-full.

* * * * * * *

(7 U.S.C. 1989; 42 U.S.C. 1480; 42 U.S.C. 2942; 5 U.S.C. 301; Sec. 10 Pub. L. 93–357, 88 Stat. 392; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70; delegations of authority by Dir., OEO, 29 FR 14764, 33 FR 9850)

Dated: July 27, 1976.

FRANK W. NAYLOR, JR.,
Acting Administrator, Farmers Home Administration.

[FR Doc.76–22386 Filed 8–4–76;8:45 am]

SUBCHAPTER F—SECURITY SERVICING AND LIQUIDATIONS

[FmHA Instruction 462.1]

PART 1871—CHATTEL SECURITY

Subpart A—Servicing Chattel Security

Section 1871.4, paragraphs (f) (1) (ii), and (f) (2) and §1871.9 (a) and (c) of Subpart A, Part 1871, Title 7, Code of Federal Regulations (36 FR 1110) are amended. These amendments set forth the requirements for taking a new Security Agreement on loans to paid-in-full borrowers; remove references to Forms FmHA 462–6, "Affidavit of Extension and Renewal" and FmHA 462–2, "Statement of Conditions on Which Lien Will Be Released"; and adds language specifying the form to be used by the County Supervisor or his delegate when granting written consent to sell security property. Since the changes are procedural in nature, and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary.

The following procedural changes are being made:

1. In § 1871.4, a new sentence is added at the beginning of paragraph (f) (1) (ii) for taking a new Security Agreement on loans to paid-in-full borrowers; paragraph (f) (2) is amended to remove reference to Form FmHA 462–6. The amendments read as follows:

§ 1871.4 Keeping security instruments current and taking additional security.

* * * * * * *

(f) * * *

(1) * * *

(ii) *Security agreements.* When an initial Operating loan or Emergency loan is made to an applicant, including a paid-in-full Operating loan or Emergency loan borrower, a new Security Agreement will be taken in all cases. * * *

(2) *Chattel mortgages.* Extension or renewal of chattel mortgages may be accomplished either by: Obtaining new chattel mortgages as provided in paragraph (c) of this section; or, the use of a form approved for this purpose by the OGC. However, it is preferable to renew or extend chattel mortgages by obtaining new ones unless such action is inadvisable because of intervening liens or other legal reasons.

* * * * * * *

2. In § 1871.9, paragraph (a) is amended by adding the following sentence to the end of this paragraph to read as follows:

§ 1871.9 Accounting for security property.

* * * * * * *

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(a) *Accounting by the borrower.* * * * Form FmHA 462–2, "Written Consent to Sell and Statement of Conditions on Which Lien Will Be Released," may be used by the County Supervisor or his delegate to give written consent to sell when borrowers or purchasers request such statement prior to the date of sale.

* * * * *

3. In § 1871.9, paragraph (c) is amended by deleting the last sentence reading, "Form FmHA 462–2, "Statement of Conditions on Which Lien Will Be Released," may be used when borrowers or purchasers request such statement prior to the date of sale."

(7 U.S.C. 1989; 42 U.S.C. 1480; 42 U.S.C. 2942; 5 U.S.C. 301; Sec. 10 Pub. L. 93–357, 88 Stat. 392; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70; delegations of authority by Dir., OEO, 29 FR 14764, 33 FR 9850.)

Effective date: These amendments are effective August 5, 1976.

Dated: July 27, 1976.

FRANK W. NAYLOR, JR.,
Acting Administrator,
Farmers Home Administration.

[FR Doc.76–22855 Filed 8–4–76;8:45 am]

SUBCHAPTER K—PROPERTY MANAGEMENT

PART 1955—REAL ESTATE AND CHATTEL PROPERTIES

Redesignation, Consolidation, and Revision

There is hereby established under Chapter XVIII, Title 7, a new Subchapter K, "Property Management," Part 1955, "Real Estate and Chattel Properties," Subparts A through D, in the Code of Federal Regulations.

On March 23, 1976, there was published a notice of proposed rulemaking in the FEDERAL REGISTER (41 FR 12041). The proposed changes were to clarify, consolidate and revise the regulations concerning Property Management. Most of the new sections were taken from various units and sections of Subpart F of Part 1861; Subpart B of Part 1871; and Subparts A and C of Part 1872 of this Chapter XVIII. Interested persons were given the opportunity to submit, not later than April 22, 1976, written comments, suggestions, data or arguments regarding the proposed regulations. Numerous responses have been received and were given due consideration. They have resulted in editorial changes for clarification and in the substantive changes hereinafter mentioned.

The changes are as follows:

1. In § 1955.10, paragraphs (d) and (f) are revised to provide for a financial statement from the borrower and information about present income when the debt exceeds the value during voluntary conveyance. If this information is not obtained, the District Director must approve the transaction prior to acceptance.

2. In § 1955.10(i), determination of suitability of property has been clarified.

3. In § 1955.11(b), the Administrator's approval in a bankruptcy case must be obtained before paying a fee for a trustee's deed.

4. In § 1955.15, paragraph (d)(2) is expanded to provide additional instructions for acceleration of the entire account, including the mailing of an acceleration notice which offers the borrower an opportunity for a meeting to present his side prior to foreclosure.

5. In § 1955.15, a new paragraph (d)(3) is added to describe how such a meeting will be conducted. Subsequent paragraphs have been renumbered accordingly.

6. In § 1955.15, paragraph (d)(6)(iv) is revised to provide that the State Director may, in nonjudicial foreclosure cases, forward an additional copy of the notice of sale to the borrower at an address other than officially shown in FmHA records.

7. In § 1955.15, paragraph (d)(10) is clarified and provides that when FmHA is not the senior lienholder, the State Director may authorize the Agency representative to make incremental bids at foreclosure sales in competition with other bidders.

8. As provided in the revision of §§ 1955.55(c) and 1955.63(a)(1)(i), other approved forms may be used in place of Form FmHA 465–2, "Lease of Security Property," or Standard Form 1034, "Public Voucher for Purchases and Services Other Than Personal." An additional revision in § 1955.63(a)(1)(i) includes clarification that the lessee be informed of any redemption rights when leasing property.

9. Section 1955.102 is revised and clarified to show that all offers to purchase acquired property will be documented on Form FmHA 465–10.

10. In § 1955.103, paragraph (b) is revised to include the provision that above-moderate income rural housing applicants can be considered for an eligible credit sale.

11. Section 1955.105 is revised to show that the instrument of conveyance for property subject to Title VI of the Civil Rights Act of 1964 will contain a statement to that effect.

12. Section 1955.107 is revised to clarify that real estate property taxes will be prorated between FmHA and the purchaser as of the date of sale closing.

13. In § 1955.108, paragraph (c) is deleted, which thereby removes any reference to restrictions in the deed for property located in a flood or mudslide hazard area.

14. In § 1955.116, paragraph (b)(1) is revised pertaining to interest rate on sales of surplus property.

15. In § 1955.117, paragraph (a)(1) is revised to include statements on nondiscrimination and, if applicable, presence of a flood plain in advertising for the sale of rural housing property.

16. Section 1955.151 is revised to include appraisals and inspections.

Although these amendments become effective immediately, due to the possible effect of additional changes made in § 1955.15(d)(2) and (3) of this Chapter, interested persons are invited to submit written comments or suggestions on these particular paragraphs to the Office of the Chief, Directives Management Branch, Farmers Home Administration, United States Department of Agriculture, Room 6316, South Building, Washington, DC 20250, on or before September 7, 1976. All written submissions pursuant to this notice will be considered when this document is next revised and such written submissions will be made available for public inspection at the Office of the Chief, Directives Management Branch, during regular business hours (8:15 a.m.–4:45 p.m.).

Accordingly, Subparts A, B, C, and D are set forth below.

Effective date: This regulation shall become effective on August 5, 1976.

Dated: July 14, 1976.

FRANK W. NAYLOR, JR.,
Acting Administrator,
Farmers Home Administration.

Subpart A—Liquidation of Loans and Acquisition of Property

Sec.

1955.1 Purpose.
1955.2 Policy.
1955.3 Definitions.
1955.4 [Reserved]
1955.5 Authorities and responsibilities.
1955.6 General actions.
1955.7–1955.9 [Reserved]
1955.10 Voluntary conveyance of real estate and related security.
1955.11 Conveyance of property to FmHA by trustee in bankruptcy.
1955.12–1955.14 [Reserved]
1955.15 Foreclosure of loans secured by real estate.
1955.16–1955.19 [Reserved]
1955.20 Acquisition of chattel security and Economic Opportunity (EO) loan property.
1955.21–1955.50 [Reserved]

Exhibit A—Report on Association Problem Case (Association-Type Projects).
Exhibit B—Report on Association Loan Problem Case (Additional Information for Recreation Loans).
Exhibit C—Notice of Acceleration of Your Debt to the Farmers Home Administration, Demand for Payment of that Debt, and Notice of Your Opportunity to Have a Meeting Concerning this Action.

AUTHORITY: 7 USC 1989, 42 USC 1480, 42 U.S.C. 2942, 5 U.S.C. 301, Sec. 10 Pub. L. 93–357, 88 Stat. 392, delegation of authority by the Sec. of Agrl., 7 CFR 2.23, delegation of authority by Asst. Sec. for Rural Development, 7 CFR 2.70, delegations of authority by Dir., OEO, 29 FR 14764, 33 FR 9850.

Subpart A—Liquidation of Loans and Acquisition of Property

§ 1955.1 Purpose.

This subpart delegates authority and prescribes procedures for the liquidation of Farmers Home Administration (FmHA) loans and acquisition of property by voluntary conveyance to the Government, or by foreclosure of security instruments.

§ 1955.2 Policy.

Loans will be liquidated when continued servicing will not accomplish the objectives of the loan or when further servicing cannot be justified in accordance with servicing instructions for the loan. Cash sales or transfer of real estate and chattel property and assumption of loans will be considered as servicing actions.

§ 1955.3 Definitions.

The following definitions apply to this Part 1955.

(a) *Acquired real estate.* Real estate and any growing crops, improvements, appurtenances, and rights that pass with the land; inventory acquired as part of a business; and other property that is necessary to the efficient operation of the real estate or business and that is usually sold with the real estate.

(b) *Loans to individuals.* For purposes of Part 1955, the following loans will be considered loans to individuals: Farm Ownership (FO), Soil and Water (SW), Recreation (RL), Land Conservation and Development (LCD), Economic Opportunity (EO), Operating (OL) whether to groups or individuals, Emergency (EM) whether to groups or individuals, sections 502 and 504 Rural Housing (RH), Rural Rental Housing (RRH) loans without a loan agreement, and Labor Housing (LH) loans without a loan agreement.

(c) *Loans to organizations.* For purposes of this Part 1955 the following loans will be considered loans to organizations: Community Facility (CF); Water and Waste Disposal; Association Recreation; Watershed (WS); Resource Conservation and Development (RC&D); loans to associations for Shift-in-land-use; loans to associations for Irrigation and Drainage and other Soil and Water Conservation measures; loans to Indian Tribes and Tribal Corporations; Timber Development (TD); RRH except to individuals without a loan agreement; Rural Housing Site (RHS); LH except to individuals without a loan agreement; and Rural Cooperative Housing Property Management Real Estate and Chattel Properties.

§ 1955.4 [Reserved]

§ 1955.5 Authorities and responsibilities.

(a) *Line authority.* This authority is from the Administrator to State Director, District Director, and County Supervisor. Assistance, guidance, and counsel are available from the Property Management Specialist and Program Staff in the State Office and from appropriate program divisions and Property Management staff in the National Office. Full use will be made of these resources.

(b) *Redelegation of authority.* FmHA will redelegate authorities to the maximum extent possible consistent with program requirements and available resources.

(1) The State Director is authorized to redelegate, in writing, any authority delegated to the State Director in this subpart, except where specifically excluded, to the Chief, Property Management; Chief, Rural Housing; Chief, Farmer Programs; Chief, Community Programs; Chief, Business and Industry; Rural Housing Specialist; Farmer Programs Specialist; Property Management Specialist; Community Programs Specialist; and Business and Industry Specialist.

(2) The County Supervisor is authorized to redelegate, in writing, any authority delegated to the County Supervisor in this subpart to any employee in the County Office determined by him or her to be qualified.

§ 1955.6 General actions.

(a) *Assignment of notes of FmHA.* If voluntary conveyance or foreclosure is approved and the insured note is not held in the insurance fund or the County Office, the approval official will request the Director, Finance Office, to have the note assigned to the insurance fund. Voluntary conveyance may be closed and the deed recorded before assignment of the note to the insurance fund.

(b) *Execution of documents.* After liquidation has been approved by the appropriate official, the County Supervisor is authorized to execute all necessary forms, satisfactions, releases, and other documents required to complete any transaction in this subpart.

(c) *Payment by voucher.* Any cost related to a loan account paid, under this part, by SF 1034 or other approved voucher while the property is owned by the borrower will be charged to the borrower's account when authorized in the security instrument or agreed to by the borrower, except where otherwise indicated.

§§ 1955.7–1955.9 [Reserved]

§ 1955.10 Voluntary conveyance of real estate and related security.

Voluntary conveyance is a method of liquidation by which title to security property is transferred to the Government. Voluntary conveyance should be considered only after all efforts to sell or transfer the security in accordance with the servicing instructions for the loan have been exhausted.

(a) *Authority*—(1) *Loans to individuals.* The County Supervisor, District Director, and State Director are authorized to approve voluntary conveyance, provided the total debts against the security do not exceed the following amounts (these monetary limits may not be redelegated by the State Director to the District Director or County Supervisor or by the District Director to the County Supervisor.):

(i) $100,000—County Supervisor.

(ii) $160,000—District Director.

(iii) Above $160,000 and for any amount if the County Supervisor or District Director requests assistance—State Director.

(2) *Loans to organizations.* (i) The State Director is authorized to approve voluntary conveyance of property securing RRH, RCH, LH, RHS, Shift-in-land-use, Irrigation and Drainage, and Indian Tribes and Tribal Corporation loans, if the total principal and interest owed (including the indebtedness owed to prior and junior lienholders) to FmHA do not exceed his approval authority for the type of loan involved.

(ii) The State Director is authorized to approve voluntary conveyance of property securing EOC loans, regardless of the amount.

(iii) Offers to convey property securing loans other than those mentioned in paragraphs (a)(2)(i) and (ii) of this section will be submitted to the Administrator for approval, Attention: (insert appropriate title) Program Loan Division. The State Director will forward Form FmHA 465–4, "Offer to Convey Security," the County Office docket, the "Report on Association Problem Case," a statement of essential facts, and his recommendations.

(b) *Problem case report and documentation.* (1) In situations in which the County Supervisor does not have the authority to approve voluntary conveyance, he will complete a problem case report using Form FmHA 465–7, "Report on Real Estate Problem Case," for loans to individuals, or "Report on Association Problem Case (Association-Type Projects)," for loans to organizations (see Exhibit A) and, for Association Recreation loans, "Report on Association Loan Problem Case (Additional Information for Recreation Loans)," (see Exhibit B) as appropriate. The report will be submitted to the appropriate approval official as a part of the voluntary conveyance docket.

(2) A problem case report will not be prepared for loans to individuals that are within the County Supervisor's approval authority. However, the County Supervisor will record in the case file the circumstances of the conveyance.

(c) *Prior and junior liens.* (1) The Government will pay prior liens in full if:

(i) A substantial recovery on the Government's secured indebtedness plus the amount of any prior liens can be obtained; and

(ii) The holder of the prior lien will not agree to the Government accepting voluntary conveyance, unless it is paid in full, and the concurrence of the holder of the prior lien is required.

(2) Prior liens will be paid by Standard Form 1034, "Public Voucher for Purchases and Services Other Than Personal." If the property is acquired subject to prior liens, payment of installments on these liens may be made while title to the property is held by the Government.

(3) The borrower, to the extent of his ability, must satisfy all junior liens on the property, (except FmHA liens) and taxes and assessments which are or will become liens on the property. However, the State Director may determine that payment by FmHA of the junior liens will better protect the Government's financial interests, considering all factors including the results of any delay from foreclosure. Consideration will be given to factors such as costs accruing during foreclosure, delay in ability to sell, and vandalism.

(4) If a mortgage has been taken on the property to further secure other FmHA loans, the borrower must sell all security not to be conveyed to FmHA and apply sales proceeds to the secured debts in order of their priority before the conveyance is closed. The word "property" as used in this paragraph (c) includes:

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(i) Items which are considered real estate,

(ii) Items which customarily pass with the real estate in the change of ownership, and

(iii) Any irrigation or other equipment such as bulk milk tanks, feed storage facilities, association equipment, or household furnishings which are normally considered chattel security if they are necessary for the successful operation of the farm or facility, will enhance the sale of the property, and are a part of the security for the loan involved in the conveyance.

(d) *Offer of voluntary conveyance.*—(1) *Documents required from borrowers.* Borrowers who offer to voluntarily convey property to FmHA should execute Form FmHA 465–4. In addition, a warranty deed on an FmHA-approved form or a deed meeting the requirements of § 1807.2(e) of this chapter (FmHA Instruction 427.1, paragraph II E) should be completed and signed at the same time as Form FmHA 465–4. However, it will not be recorded until voluntary conveyance is accepted. When the debt exceeds the value, a financial statement and information about present income is also required.

(i) If water rights are not fully conveyed in the deed, any assignments or transfers to the Government of water stock, membership certificates, or other water rights documents will be obtained when Form FmHA 465–4 is executed if possible, but not later than the recordation of the deed. These documents will be recorded, if required, in connection with closing the transaction.

(ii) A bill of sale in favor of the Government listing personal property items to be conveyed will be obtained.

(2) *Taxes.* If the offer on Form FmHA 465–4 does not obligate the borrower to pay taxes and assessments which are a lien or will become a lien on the property, or water assessments or charges to protect the right to receive water, the County Supervisor will complete Standard Form 1034 to pay such costs and submit it with the voluntary conveyance docket to the approval official. If voluntary conveyance is approved, the approval official will forward Standard Form 1034 to the Finance Office.

(3) *Acceptance of offer and release from liability.* If a borrower indebted for any loan offers to convey the property securing the loan to FmHA, the approval official will make or request an appraisal of the property to be conveyed to establish its present market value. This value is the amount for which the property in its existing condition would sell if put on the open market and sold in the way property is ordinarily sold in the community in which it is located. The present market value of the security property will be determined by an appraisal made by a qualified FmHA employee. If a qualified FmHA employee is not available to appraise property securing a loan other than farm and housing, the State Director may obtain an appraisal from a qualified appraiser outside FmHA; for property securing farm or housing loans, the Administrator must authorize an appraisal from a source outside FmHA. Offers made on Form FmHA 465–4 may be accepted as follows:

(i) *Section 502 or 504 RH loans to individuals under the Housing Act of 1949.* (A) The approval official will immediately accept the offer in full satisfaction of the FmHA debt, and will not consider the present market value as established by the appraisal of the property, after determining that the borrower has cooperated in good faith; used due diligence to maintain the property against loss; farmed in a workmanlike manner if engaged in a farming operation; and otherwise fulfilled the covenants of the loan to the best of his or her ability.

(B) The borrower's account will be satisfied in accordance with paragraph (j)(4) of this section after the transaction has been closed.

(C) If the approval official accepts the conveyance but determines that the borrower and any cosigner should not be released from personal liability for the balance owed on debts secured by the property being conveyed, the account will graph (j)(5) of this section after the transaction is closed. Borrowers will not be released from liability unless the cosigners and guarantors can also be released.

(ii) *Loans to individuals under the Consolidated Farm and Rural Development Act.* If the amount of the FmHA debt secured by a lien on the property, plus any prior liens, exceeds the present market value of the property, the County Committee must determine whether the borrower should be released from liability for any balance owed on the debt. In such cases, the recommendation of the County Supervisor and the Committee certification set forth in paragraph (d)(3)(ii)(C) of this section will be submtted with the borrower's loan docket and Form FmHA 465–4 to the approval official for consideration.

(A) If the present market value of the property is equal to or exceeds the FmHA debts and any prior liens against the security property, the borrower will be released from liability and the account satisfied in accordance with paragraph (j)(4) of this section.

(B) If the present market value of the property being conveyed is less than the FmHA debts plus any prior liens and the County Committee does not recommend a release from liability, the account will be handled as an unsatisfied account in accordance with paragraph (j)(5) of this section.

(C) If the present market value of the property being conveyed is less than the FmHA debts plus any prior liens, the County Committee must make the following certification if it is to recommend that the borrower and any cosigner be released from liability. The certification will be made on Form FmHA 440–2, "County Committee Certification or Recommendation," in the blank space following item No. 10:

> In our opinion (Name of Borrower(s)) and any cosigner) does not have reasonable ability to pay all or a substantial part of the balance of the debt owed after the voluntary conveyance, taking into consideration his or her assets and income at the time of the conveyance. The borrower has cooperated in good faith, used due diligence to maintain property against loss, and has otherwise fulfilled the covenants incident to the loan to the best of his or her ability. Therefore, we recommend that the borrower and any cosigner be released from personal liability for any balance due on the secured indebtedness upon conveyance of the property to the Government.

(iii) *Loans to organizations.* Release from liability for these loans will be in accordance with the following:

(A) If the present market value of the property being conveyed less the amount of the prior lien(s) is equal to or exceeds the total FmHA debt, the borrower will be released from liability and the account satisfied in accordance with paragraph (j)(4) of this section.

(B) If the present market value of the property less the amount of prior liens is less than the total FmHA debt, the State Director will determine whether the borrower is to be released from liability. This determination will be based upon the reasonable debt-paying ability of the borrower and recommendation of the County Committee. In determining the reasonable debt-paying ability of the borrower, the State Director will consider its assets and income at the time of the proposed conveyance. To recommend a release from liability, the County Committee must make a certification similar to the following which will be recorded on Form FmHA 440–2 in the blank space following item No. 10.

> In our opinion (Name of Borrower(s)) has no reasonable debt-paying ability taking into consideration its (his, her) assets and income at the time of the conveyance. The borrower has cooperated in good faith, used due diligence to maintain the security property against loss, and otherwise fulfilled the covenants incident to the loan to the best of its (his, her) ability. Therefore, we recommend that the borrower be released from personal liability due on the secured indebtedness upon conveyance of the property to the Government.

(e) *Unused loan funds and statement of account.* Any funds remaining in the supervised bank account will be applied as a refund on the loan before accepting the offer to convey. Form FmHA 451–10, "Request for Statement of Account" will be used to obtain a statement of account when a current transaction record or monthly payment account status report is not available.

(f) *Voluntary conveyance docket.* (1) The following tabulation will be used as a guide in distributing forms that apply to voluntary conveyance. These forms will be used as applicable for the type of loan involved.

FmHA No. and name of form	No. of copies	Signed by borrower	Voluntary conveyance docket
422–1, appraisal report (farm tract)	1		1—Original.
422–3, map of property	1		Do.
422–7, appraisal report for multiunit housing	1		Do.
422–8, property information and appraisal report—rural housing nonfarm tract.	1		Do.
431–2, farm and home plan	1	1—original	Do.
431–3, family budget	1	do	Do.
440–2, County committee certification or recommendation.	1		Do.
442–3, Balance sheet	2	2—original and copy	2—original and copy.
442–f0, appraisal report—water and waste disposal systems.	1		1
451–10, Request for statement of account	2		1—copy (original to finance office).
451–11, Statement of account	2		2—original and 1 copy.
465–2, Lease of security property	3		3—original and 2 copies
465–4, Offer to convey security	2	2—original and copy	2—original and copy.
465–8, Release from personal liability	2		Do.
Exhibit A, report on association problem case (association-type projects).	2		Do.
Exhibit B, report on association loan problem case (additional information for recreation loans).	2		Do.
Borrower's deed or other instruments of conveyance	2	2—original and copy	Do.
Water rights evidence	2	2—original and copy	Do.
Copy of resolution of the governing body authorizing the conveyance to the Government.			

(2) If the present market value of security property does not equal or exceed the total FmHA debt, and if the voluntary conveyance involves a release from liability, the County Supervisor will obtain a current financial statement and information about the present income of the borrower and any cosigner. If financial information cannot be obtained, the voluntary conveyance offer must be reviewed and approved by the District Director prior to acceptance. The County Supervisor will execute Form FmHA 465–8 after voluntary conveyance has been approved and the determination made to release the borrower from personal liability.

(3) For multiple housing facilities, the County Supervisor will, whenever possible, obtain a statement from the borrower as to any income or expenses related to the property which are due but unpaid for such as rent or lease proceeds, security deposits, and utility bills.

(g) *Title examination and closing instructions.*—(1) *Loans secured by real estate to individuals.* On accepting the borrower's offer, the County Supervisor will determine whether title clearance and closing of conveyance will be completed with the assistance of a designated attorney, title insurance company, or by another method, as outlined in a State Supplement. The County Supervisor will notify either the designated attorney or title insurance company to furnish title services in accordance with Part 1807 of this chapter, (FmHA Instruction 427.1). If the borrower is unable to pay the closing costs they may be paid by voucher (SF 1034) and charged to the borrower's account.

(i) Any title defects or encumbrances must be removed by the borrower except those stated in the FmHA mortgage or subsequently approved or waived by FmHA. If the borrower agrees to remove title defects or encumbrances as required, the title evidence will be submitted to the designated attorney or title insurance company by memorandum. The memorandum will contain a request for the preparation of necessary legal instruments, including any separate instruments of assignment (which will become effective when the deed is recorded) according to Form FmHA 465–4, and a request for a closing date. Form FmHA 465–4, the deed of conveyance, any water rights documents, the original or a conformed copy of the FmHA mortgage, any assignment instruments, and conformed copies of any remaining encumbrances such as mineral leases, agricultural leases, easements, rights-of-way, and partial releases will be attached.

(ii) The designated attorney or title insurance company will determine how any necessary notices of assignment of leases will be given to the lessees. When needed, the assistance of the Office of the General Counsel (OGC) will be obtained.

(2) *Loans to organizations.* (i) If the borrower's offer is accepted, title examination will be completed in accordance with the advice of OGC. The borrower will remove title defects and encumbrances except those stated in the FmHA mortgage or subsequently approved by FmHA.

(ii) When title defects and encumbrances have been removed or waived, the State Director will send the voluntary conveyance docket including the title examination information to OGC for review and issuance of closing instructions. The State Director's transmittal memorandum will include information as to expenses incident to conveyance of title which have been paid by FmHA but are not shown on the statement of accounts. It also will show expenses to be paid by FmHA, a statement as to whether the account is to be fully satisfied, and a request for preparation of necessary legal instruments that have not been prepared by the borrower.

(h) *Closing of conveyance.*—(1) *Individual loans secured by real estate.* (i) The State Director will issue a State Supplement with general guidelines when it will expedite closing voluntary conveyances. The voluntary conveyance will be closed in accordance with Part 1807 of this chapter (FmHA Instruction 427.1).

(ii) After the designated attorney, title insurance company, or OGC determines that the transaction has been properly closed, all documents will be returned to the County Supervisor with the notation of date when title to the property was vested in the Government. The County Supervisor will forward copies of Form FmHA 465–6 to the State Director and to the Finance Office. The County Supervisor will notify the District Director of completion of any conveyance which the District Director approved.

(2) *Loans to organizations.* The conveyance transaction will be closed in accordance with closing instructions issued by OGC. Expenses authorized to be paid by FmHA will be handled in accordance with FmHA Instruction 322.1, available in FmHA Offices. After the transaction is closed, all appropriate items will be returned to OGC for review. After OGC determines that the transaction has been properly closed, it will return all documents to the State Director indicating the date when title to the property was vested in the Government. The State Director will send this information to the Finance Office.

(3) *Property insurance.* Property insurance will be handled in accordance with § 1806.5(d) of this Chapter (FmHA Instruction 426.1, paragraph V D). Ordinarily fidelity bond coverage will be dropped. However, in individual cases such as when a manager will continue to operate the facility under a management agreement contract in accordance with § 1955.63(a)(2) and will be handling a substantial amount of revenue, the State Director may require a performance bond as a contract provision.

(i) *Determination of suitability of property.* Based on the recommendation of the County Supervisor, the approval official will make a written determination at the time of acquisition if such property is not suitable for sale to eligible applicants under he terms and conditions of Subpart C of this part.

(j) *Indebtedness and inventory records.*—(1) *Crediting borrower's account.* The credit to be entered on the borrower's loan records will be either:

(i) The total amount of the debt owed after all expenses have been charged to the account when the property is accepted in full satisfaction of the debt, or

(ii) The present market value of the security conveyed when the debt is not satisfied and the borrower is not released from personal liability for the remaining balance owed on the debt.

(2) *Completing Form FmHA 465–6, "Advice of Mortgaged Real Estate Acquired."* Immediately after the transaction is closed in accordance with the closing instructions and the amount of credit to be allowed on the account is determined, the County Supervisor will complete and send Form FmHA 465–6, top portion completed, to the Finance Office with a copy to the State Director. The value of acquired real property entered into the inventory account in all cases will be the present market value. The County Supervisor will inventory and appraise acquired personal property and submit a list of this property to the Finance Office with Form FmHA 456–6.

(3) *Leases.* (i) The County Supervisor will send a copy of any assigned agricul-

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ture, mineral, or other lease on the property to the Finance Office with Form FmHA 465–6. If an oral lease on the property or on a portion of it existed, a new lease will be executed in writing on Form FmHA 465–2, "Lease of Security Property" or other form approved by OGC. The lessee and the County Supervisor (form FmHA lessor) will execute the form. The County Supervisor will assign a number to the lease. This number for an individual will consist of the FmHA State and County Codes, the last digit of the fiscal year, and a sequential number beginning with 001, e.g., 48–71–6001. Each fiscal year the sequential number will begin again with 001. For an organization or business it will be the FmHA State and County Code and Internal Revenue Service employer number. The County Supervisor will send a copy of the lease to the Finance Office. After assigning an advice number to Form FmHA 465–6, the Finance Office will advise the County Supervisor by memorandum, with a copy to the State Director, of such identification of the inventory property and lease.

(ii) The County Supervisor will collect payments due and payable after the Government inventory conveyance is closed and forward them to the Finance Office as miscellaneous collections in accordance with the FMI for Form FmHA 451–2. Receipts for collections made in accordance with this subpart will be issued to: "Lease proceeds from property formerly owned by (borrower's name and case number) and lease to (name of lessee)."

(4) *Satisfied account.* The Finance Office or the County Supervisor, as appropriate, will stamp the borower's note "Satisfied by surrender of security and release from liability," when the account is fully satisfied. The County Supervisor will release the lien of record and deliver the satisfied note to the borrower.

(5) *Unsatisfied account.* When the account is not satisfied and the debt cannot be settled according to Part 1864 of this Chapter, the borrower will be classified as "collection-only" by processing Form FmHA 404–1, "Case Reclassification," and Form FmHA 450–10, "Advice of Borrower's change of Address or Name," and submitting them to the Finance Office with Form FmHA 465–6. The remaining amount will be accelerated by written notice. The Finance Office will send the county Supervisor a current transaction record. The loan record card will be reconciled with the transaction record or Form FmHA 451–11 and the account serviced for collection in accordance with § 1861.1(b) of this chapter (FmHA Instruction 451.1, paragraph I B). In such cases, the FmHA mortgage will be released of public record, but not satisfied. The type of release will be prescribed by a State Supplement approved by OGC.

§ 1955.11 Conveyance of property to FmHA by trustee in bankruptcy.

(a) *Authority.* With the advice of OGC, the State Director is authorized to accept a conveyance of property to the Government by the borrower's trustee in bankruptcy: *Provided,*

(1) The conveyance will permit a substantial recovery on the FmHA debt.

(2) FmHA will acquire title free of all liens and encumbrances except FmHA liens.

(b) *Fees and deeds.* (1) FmHA may pay any necessary and proper fees, except a fee to the trustee for a deed, in connection with the conveyance. Before paying a fee for a trustee's deed, prior approval of the Administrator must be obtained. The State Director will use Standard Form 1034 to pay such fees.

(2) Conveyance may be by a trustee's deed instead of a warranty deed. If required by OGC, a deed from the borrower also will be obtained.

§§ 1955.12–1955.14 [Reserved]

§ 1955.15 Foreclosure of loans secured by real estate.

Foreclosure will be recommended when liquidation has been decided upon; all reasonable attempts to liquidate the loan through sale, transfer, or voluntary conveyance have been exhausted; and either a net recovery can be obtained on the FmHA account or failure to foreclosure would adversely affect the FmHA program in the area, (e.g.) by providing example of nonenforcement of obligations to FmHA.

(a) *Authority*—(1) *Individual loans.* The State Director is authorized to approve foreclosures and to execute any necessary documents except when the amount of the secured debt exceeds the loan approval authority of the State Director.

(2) *Organization loans.* (i) The State Director is authorized to approve all foreclosures of EOC loans. He may also approve foreclosure of RRH, RCH, RHS, LH, Shift-in-land-use, Irrigation and Drainage, and Indian Tribes and Tribal Corporations loans when the amount of the secured debt does not exceed his loan approval authority.

(ii) For all other organization loans, foreclosure will not be started without prior authorization of the Administrator. The State Director will forward the docket, a Report on Association Problem Case (Association-Type Projects) and a Report on Association Loan Problem Case (Additional Information for Recreation Loans), a copy of the OGC opinion outlining steps necessary to foreclose the loan if appropriate, a statement of essential facts, and his recommendation to the Administrator, Attention: (insert appropriate title) Program Loan Division, requesting authority to begin foreclosure.

(b) *Problem case report.* If foreclosure is recommended Form FmHA 465–7, "Report on Real Estate Problem Case," or Exhibit A of this subpart, as appropriate, will be completed. The problem case report or attachment to the report will contain the County Supervisor's recommendations as to the suitability of the property for retention in FmHA programs. It will also contain the County Committee recommendations for foreclosing FO, SW, RL, LCD, OL, EM, and Economic Opportunity (EO) loans. If chattel security is involved, Form FmHA 455–1, "Request for Legal Action," and Form FmHA 455–2, "Evidence of Conversion," when appropriate, providing necessary supplementary information, will be attached to the problem case report.

(1) *Appraisal report.* The County Supervisor will submit a current appraisal report with the problem case report if the existing report cannot be relied on for determining the present market value of the security property. For organization loans, the County Supervisor will request assistance from the State Office in completing the report.

(2) *Recommendation for deficiency judgment.* If it appears that proceeds from the foreclosure sale will not fully satisfy the debts secured by the property, the County Supervisor will review the borrower's situation to determine if there is a possibility of making a further recovery on the account. The facts revealed by this review should be included in or attached to the problem case report. When judicial or nonjudicial foreclosure does not automatically result in a deficiency judgment and there are other assets from which a substantial recovery can be made, the State Director will request OGC to obtain such judgment if legally permissible. No deficiency judgment may be sought if the borrower has received a moratorium on payments as provided for in § 1861.10 of this chapter (FmHA Instruction 451.1, paragraph X) when that moratorium was obtained on the Section 502 or 504 RH loan being foreclosed and the borrower has faithfully tried to meet loan obligations.

(3) *Submission of file to State Director.* The County Supervisor will submit the problem case report, the County Office case file, and recommendations, to the State Director through the District Director. The District Director will attach his recommendation and forward the file to the State Director.

(c) *Foreclosure not approved.* The State Director or other employee authorized to act for the State Director in his absence may disapprove a foreclosure request. This authority may not be redelegated. If foreclosure is not approved, the State Director will instruct the County Supervisor on future servicing of the account. The original of the problem case report will be forwarded to the County Supervisor, a copy retained in the State Office, and a copy sent to the District Director.

(d) *Approval of foreclosure.* The State Director or other employee authorized to act for the State Director in his absence may approve a foreclosure request. This authority may not be redelegated. When foreclosure is approved, the State Director will forward to the County Supervisor any title information or evidence of ownership of water rights held in the State Office. The foreclosure will be completed as follows:

(1) *Prior lienholders.* If there is a prior lien(s) and foreclosure is determined necessary, the State Director will contact the prior lienholder, either directly or through the County Supervisor, and give the prior lienholder an opportunity to foreclose.

(i) If the prior lienholder is unable or unwilling to foreclose, FmHA will foreclose, either subject to the prior lien or paying the prior lien in full. Factors such as the rights of the prior lienholder under State law and the action or inaction of the prior lienholder will determine whether the FmHA mortgage may be foreclosed subject to the prior lien. The condition of the prior lien account and the amount of the prior lien debt in relation to the total debt are factors to consider in determining whether FmHA foreclosure should be subject to the prior lien or whether the prior lien should be paid in full.

(ii) If the prior lienholder agrees to foreclose, the State Director will contact the prior lienholder to determine whether a cash payment is required on the date of the sale, or whether a Standard Form 1034 may be processed on the date of the sale for payment at a later date if the Government is successful bidder. If the prior lienholder requires a cash payment, the State Director will process Standard Form 1034 for the amount of the prior lien debt including the cost of foreclosure, in sufficient time for the County Supervisor to receive a U.S. Treasury check before the sale.

(2) *Acceleration of account.* When the State Director approves forced liquidation, the account should be accelerated immediately and the borrower notified through use of a notice of acceleration substantially similar to the one shown as Exhibit C to this subpart. This notice not only accelerates the account but also gives the borrower an opportunity to meet with the District Director before any foreclosure procedures are commenced. It should be used regardless of whether the foreclosure contemplated will be judicial or nonjudicial. State Supplements may be issued to specifically set forth the exact contents of the notice to be used in a particular State if State laws require different or additional language.

(i) Accelerations involving monetary defaults will be handled as follows:

(A) The borrower will be given at least 20 calendar days but not more than 40 calendar days from the date the notice of acceleration is prepared and mailed by the State Director to make full payment of his account.

(B) The notice of acceleration should be sent by certified mail with a return receipt requested and should be addressed to the borrower at his latest address as shown in the official records of the Finance Office as well as to his last known address, if different than the one in his official records.

(C) The State Director will also forward a conformed copy of the notice to the County Supervisor along with any necessary instructions. One conformed copy should also be sent to the District Director because he is designated to hold the meeting with the borrower if the borrower requests one.

(D) A copy of Form FmHA 465–7 will be retained in the State Office and a copy will be forwarded to the District Director. Thereafter, regardless of any State law to the contrary, the County Supervisor will not accept payment of less than the full amount of the indebtedness after acceleration but will notify the State Director of any such offer and ask for instructions. The State Director may then request OGC for advice on how to proceed. If any payments insufficient to pay the entire indebtedness, or insufficient to comply with any arrangements agreed to between the FmHA and the borrower, are mistakenly accepted and credited to the borrower's account, no waiver or prejudice to any rights which the United States may have for breach of any promissory note or covenant in the real estate instruments will result and the Farmers Home Administration may proceed as though no such payment had been made.

(ii) For all types of defaults other than monetary defaults, the account will not be accelerated until reviewed by OGC. In such cases a State Supplement will prescribe the information to be assembled and sent to OGC. If OGC advises that there is an adequate ground for the acceleration, then the State Director should proceed as outlined above.

(iii) When the borrower is presently in the Armed Forces of the United States and FmHA has not received a waiver from the borrower waiving his rights under the Soldiers and Sailors Relief Act, but was not when the loan was closed, the acceleration notice will not be prepared until clearance is obtained from OGC.

(3) *Opportunity for a meeting after the notice of acceleration is received.* Any borrower who has received the notice of acceleration provided for in paragraph (d)(2) of this section may dispute the acceleration of his account and the decision to foreclose by writing to the District Dirtctor as outlined in the notice of acceleration. The borrower may also request a meeting with the District Director to discuss the matter, providing the borrower requests a meeting before the date stated in the acceleration notice when payment was due. The procedure for such a meeting will be as follows:

(i) The District Director, upon receipt of the borrower's request for a meeting, will promptly arrange a mutually convenient time for such a meeting. He will request the case folder from the State Director. He will also inform the borrower of the location of the meeting. It will either be in the County Office or the District Office.

(ii) The meeting will be an informal proceeding. The borrower will be given an opportunity to demonstrate why he believes the United States is in error in accelerating his account and deciding to foreclose. The borrower may be represented by counsel at the meeting.

(iii) The meeting will not include the presentation of evidence by FmHA. Technical rules of evidence shall not apply.

(iv) The record of the meeting shall include the acceleration notice as well as accelerated repayment agreement, if any, the borrower's written request for the meeting, any written evidence in the possession of the Government or adduced by the borrower and bearing on the acceleration issue, and a summary of any oral evidence presented at the meeting. The summary will be prepared by FmHA.

(v) After considering the borrower's position as presented, the District Director will submit the record of the meeting and the case folder along with his findings and recommendations as to whether or not FmHA should proceed with the foreclosure to the State Director. This submission should be made as soon after the meeting as possible but no later than 15 calendar days after that date.

(A) If the State Director decides that the decision to accelerate was incorrect, he will inform the borrower in writing no later than 30 calendar days after the date the meeting was held and as set forth in paragraph (d)(17) of this section. The State Director will then have the borrower's loan account reinstated and so inform the Finance Office.

(B) If the State Director decides that the acceleration is justified, he will inform the borrower in writing no later than 30 calendar days after the date the meeting was held. The foreclosure process will then continue and the borrower will be advised that foreclosure will be immediately commenced.

(C) The State Director's decision in either regard is final.

(vi) If the borrower fails to appear at the meeting after being duly notified of the time and place for it and if he does not have reasonable cause for this failure, he shall be deemed to have waived the right to a meeting.

(4) *Unused loan funds.* The State Director will forward an order through the County Supervisor to the bank for withdrawal of any funds remaining in the supervised bank account in accordance with § 1803.11 of this chapter (FmHA Instruction 402.1, paragraph XI). The County Supervisor will apply these funds in accordance with § 1861.5 of this chapter (FmHA Instruction 451.1, paragraph V).

(5) *Statement of account.* When a current transaction record is not available or a statement of account is required for foreclosure, Form FmHA 451–10 will be forwarded to the Finance Office to obtain a statement of account for each account to be included in the foreclosure. The Finance Office will not apply any payments to the account until further notice. If any payments are mistakenly applied to the account, the effect of the application will be as outlined in paragraph (d)(2)(i)(D) of this section.

(6) *Forwarding docket to OGC.* If a borrower fails to satisfy the account during the period provided in the acceleration notice, the State Director will:

(i) Request the Director, Finance Office, if the note is not held in the County Office, to send the original note, a photocopy, or statement that the note is held in the insurance fund, as appropriate, to the State Director.

(ii) Forward the borrower's case folder, including a photocopy of each FmHA note, any assumption or cosigner agreements, and such additional information and copies as appropriate, to OGC for instructions to complete foreclosure or, with prior approval of the Administrator, handle the matter as provided in a State Supplement approved by

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OGC. The expiration date of the property insurance will be indicated so that OGC will know that an additional cost will be incurred if the sale is not completed before the expiration date. Also, any title evidence required by OGC will be submitted at that time so that they can give an opinion as to whether FmHA will obtain a title merchantable in fact if it is the successful bidder. On receiving advice from OGC, the County Supervisor will prepare and submit Standard Form 1034 to the Finance Office for payment of all real estate taxes and assessments, including water assessments, which are due and payable. When required by OGC, request a current statement of account or transaction record which reflects the amount of vouchers processed in connection with the foreclosure. A copy of the account or transaction record will be sent to the State Director.

(iii) Ordinarily, take no curative action with respect to title defects before foreclosure sale. However, the State Director may authorize necessary curative action if he determines, with the advice of OGC, that it would be in the best interest of FmHA to cure certain defects before the sale.

(iv) In nonjudicial foreclosure cases, the State Director will send the notice of sale to the borrower in the same manner and to the same address(es) as the notice of acceleration. If the State Director has learned of a new address at which the borrower may be residing, he will also send a copy of the notice of sale to that address.

(v) Request, through OGC, in judicial foreclosure cases, that the U.S. Attorney petition the court to enforce the provision in the mortgage in which the borrower waives redemption rights.

(7) *Nondiscrimination.* Title VI of the Civil Rights Act of 1964 applies to any real property that was subject to this title when Federal financial assistance was extended and that continues to be used for the same or similar purposes. The advertisement of foreclosure sale for such property should include a statement that the property is subject to Title VI of the Civil Rights Act of 1964 and that the purchaser will be required to sign Form FmHA 400–4, "Nondiscrimination Agreement," if he intends to use the property for its original or similar purposes.

(8) *Expenses.* Expenses which OGC recommended for payment by FmHA will be paid in accordance with FmHA Instruction 121.3, FmHA Instruction 121.6, and FmHA Instruction 322.1 (available in FmHA Offices), as appropriate.

(9) *Maximum bid.* The State Director will establish the maximum amount of the FmHA bid. Such bid will be either the present market value of the security or FmHA gross investment, whichever is less.

(i) The present market value of the security property will be determined by an appraisal made by a qualified FmHA employee. If a qualified FmHA employee is not available to appraise property securing a loan other than farm and housing, the State Director may obtain an appraisal from a qualified appraiser outside FmHA; for property securing farm and housing loans, the Administrator must authorize an appraisal from a source outside FmHA.

(ii) In establishing the present market value, the State Director will consider:

(A) The effect that any outstanding mineral rights, easements, other interests, or title defects will have on the resale of the property;

(B) Any prior liens that will remain outstanding after the foreclosure sale; and

(C) The appraisal report, the County Supervisor's recommendation concerning suitability of the property for FmHA programs, and any other pertinent information affecting or indicating the value.

(iii) Gross investment means the amount of the FmHA secured debt including all advances made or to be made by FmHA and charged to the account. It also includes the amount of any prior liens or other costs which OGC advises must be paid from proceeds of the foreclosure sale before paying the FmHA secured debts.

(10) *Bidding.* The State Director or a person designated by him is authorized to bid on behalf of FmHA. In appropriate cases the State Director may request through OGC that the U.S. Marshall be designated. The State Director will inform the County Supervisor by memorandum as to the maximum amount to be bid and the name of the person authorized to bid. The State Director will also indicate whether the property is suitable for retention in the FmHA program. A copy of this memorandum will be sent to OGC. An employee of FmHA may not bid for himself nor have someone bid for him.

(i) Ordinarily, the State Director will designate the County Supervisor to bid on behalf of FmHA unless circumstances make it necessary or desirable to designate another person. In judicial foreclosure, OGC will be requested to inform the U.S. Attorney of the maximum amount recommended by FmHA to be bid and in appropriate cases that an FmHA employee will be available at the sale to make the bid.

(ii) Where FmHA is the senior lienholder, the person authorized by FmHA will make only one bid and that will be for the authorized maximum bid. This bid will be made when no other party makes a bid or when the last bid made will result in the property being sold for less than the authorized maximum bid.

(iii) When FmHA is not the senior lienholder, the State Director may authorize the person bidding on behalf of FmHA to make incremental bids in competition with other bidders. The State Director will inform the person bidding of the openning entry bid, bidding increments, and maximum bid.

(11) *Reports on sale.* Immediately after a foreclosure sale at which FmHA bids, the person authorized to bid will furnish the State Director a report about the sale. The State Director will send a copy of the report to OGC. When OGC receives this report or a report from the U.S. Attorney in judicial foreclosure, this report will serve as request to OGC to send to the County Supervisor through the State Director instructions for completing the transactions or a final title opinion, as appropriate.

(12) *Completion of Form FmHA 465–6.* If FmHA is the successful bidder at the foreclosure sale, the County Supervisor will complete and forward the top portion of Form FmHA 465–6 to the Finance Office. The form will be completed without waiting for the final report on acquired property from OGC and will be dated as of the day of the sale.

(13) *Appraising personal property.* The County Supervisor will inventory and appraise personal property acquired at the foreclosure sale with the real estate and submit a list of such items to the Finance Office with Form FmHA 465–6. A copy of the list will be sent to the State Director.

(14) *Leases.* If the sale is made subject to an agricultural, mineral, or other lease in which the lessor's interest is acquired by FmHA through the sale, the County Supervisor will submit a copy of the lease to the Finance Office with Form FmHA 465–6. If a lease terminated on act of sale, a new lease may be considered as provided by § 1955.63(a)(1). For lease numbering see § 1955.10(j)(3).

(i) Any oral lease in effect at the time the Government acquires the property will be reduced to writing on Form FmHA 465–2 or other form approved by OGC. If a written lease cannot be obtained, request assistance from OGC. The lessee and County Supervisor (for FmHA lessor) will execute the form. The County Supervisor will notify any lessee in writing that the Government has acquired the former lessor's rights under any lease and will direct the lessee to remit all payments to the County Supervisor.

(ii) Payments to FmHA under a lease which were due and payable before the date of the foreclosure sale will be applied first on any balance remaining on the debt after foreclosure and then on any other FmHA claim against the borrower. Any surplus remaining will be remitted to the borrower.

(iii) The County supervisor will collect payments due and payable after the date of foreclosure and forward them to the Finance Office as miscellaneous collections in accordance with the FMI for Form FmHA 451–2.

(iv) Receipts for collections made in accordance with this subpart will be issued to: "Lease proceeds from property formerly owned by (borrower's name and case number) and leased to (name of lessee)."

(15) *Deficiency judgment.* (i) If a deficiency judgment is obtained in accordance with paragraph (b)(2) of this section, the account will be classified as a judgment case and the County Supervisor will send Form FmHA 455–20, "Notice of Judgment," to the Finance Office. The account will be serviced in accordance with § 1871.35(d) of this chapter (FmHA Instruction 455.1, paragraph XV D). When action to obtain a deficiency judgment is pending at the time Form FmHA 465–6 is sent to the Finance Office, the action will be indicated on the form.

(ii) If a deficiency judgment is not obtained and the debt cannot be settled under Part 1864 of this chapter (FmHA Instruction 456.1), the County Supervisor will submit Forms FmHA 404–1 and FmHA 450–10 to the Finance Office to reclassify the account to collection only in accordance with FmHA Instruction 450.5, available in FmHA Offices.

(16) *Property insurance.* Property insurance will be handled in accordance with Subpart A of Part 1806 of this chapter, (FmHA Instruction 426.1).

(17) *Cancellation of foreclosure action.* If the State Director determines that circumstances have changed and foreclosure is no longer necessary, he may stop foreclosure and reinstate the loan account if the case has not been sent to OGC. If the case has been sent to OGC, he may request OGC to stop foreclosure. The State Director will reinstate the loan account after he is notified that foreclosure has been stopped. In either case, the borrower, County Supervisor, Finance Office, and OGC, if previously consulted, will be informed of any actions taken.

§§ 1955.16–1955.19 [Reserved]

§ 1955.20 Acquisition of chattel security and Economic Opportunity (EO) loan property.

(a) *Acquiring chattel property.* Acquired chattel property is former FmHA chattel security or EO loan property that FmHA has acquired title to through bidding at any of the following types of sales or by simple conveyance from the borrower.

(1) Execution sales conducted by marshals, sheriffs, or other parties acting under court orders to satisfy judgment liens.

(2) FmHA foreclosure sales conducted by U.S. Marshals (or local sheriffs in those States in which State Supplements provide for sales to be conducted by them).

(3) Sales by trustees in bankruptcy and other officials under court orders.

(4) Public sales conducted by prior lienholders.

(5) Public sales conducted under the terms of Form FmHA 455–4, "Agreement for Voluntary Liquidation of Chattel Security," Form FmHA 441–19, "Loan Agreement," the power of sale in security agreements, or the power of sale in crop and chattel mortgages, and similar instruments if authorized by State Supplement.

(b) *Attending sales.* The County Supervisor will:

(1) Attend all sales set forth in paragraph (a)(5) of this section.

(2) Attend public sales described in paragraph (a)(4) of this section when he determines the present market value of the chattel property is significantly more than the amount of the prior liens.

(3) Obtain the advice of the State Director on attending sales described in paragraphs (a) (1), (2), and (3) of this section.

(c) *Appraising chattel property.* The County Supervisor will determine the present market value of chattel property. Form FmHA 440–21, "Appraisal of Chattel Property," may be used to make the appraisal.

(d) *Bidding.* The County Supervisor is authorized to bid at sales described in paragraph (a) of this section. The County Supervisor will make one bid, which will not exceed the present market value of the property or the unpaid balance of the FmHA debt, whichever is less. This bid will be made only when no other party bids or when it appears that the bidding will stop and result in the property being sold for less than its present market value or the unpaid balance of the FmHA debt, whichever is less.

(1) The County Supervisor will not bid on any chattel property under prior lien(s) when the present market value of the property is not significantly more than the amount of the prior lien(s).

(2) In complicated cases such as those in which FmHA holds a junior lien on several items of chattel property, or a lien on fixtures, etc., the County Supervisor may obtain advice from the State Director about the procedure to follow in bidding.

(3) The County Supervisor will not bid after sufficient chattel property has been sold and/or acquired to repay the FmHA debt, prior lien(s), and costs of sale.

(4) Under no circumstances will any FmHA employee bid on or acquire property at sales except in behalf of FmHA.

(5) The County Supervisor will not bid at:

(i) Sales held by junior lienholders.

(ii) Private sales.

(iii) Sales conducted under the provisions of Form FmHA 455–3, "Agreement for Public Sale by Borrower".

(e) *Reporting acquisition of chattel property.* Parts I and II of Form FmHA 455–13, "Report of Sale of Chattel Security" will be completed in accordance with the Forms Manual Insert.

§§ 1955.21–1955.50 [Reserved]

EXHIBIT A – REPORT ON ASSOCIATION PROBLEM CASE
(Association-Type Projects)

Name of Borrower: State County Case No.

Address: Type of Assistance: Loan Insured Direct; Grant

Date Loan Closed Date Facility Placed in Operation

1. Financial Status – FmHA Debt(s)

Initial Loan	$	Sub. Loan(s)	$ Total $
Initial Grant	$	Sub. Grant(s)	$ Total $
Balance Owed – Prin.	$	Interest	$
Account Status–Amt Del.	$	Ahead	$
Net Worth	$		
Liquid Assets	$		

2. Other Debts Owed:

To Whom Owed	Amount	Amt. Delinquent	Purpose of Loan	How Secured

3. Were Outside Debts Authorized by FmHA? _____

4. Present Market Value of Facilities: Appraised Estimated Other

a. Land	$	d. Equipment	$
b. Nonmovable Buildings	$	e. Furnishings	$
c. Movable Buildings	$	f. Total	$

5. Membership (Users)
a. Number Required for Closing ____ Present ____ If Present Number is Less – Why? _____
b. What Actions Have Been Taken to Increase Members (Users)? _____
c. Number Delinquent on Dues (Charges) _____
d. Total Amount of Delinquency $ _____
e. Cost of Initial Fee $ _____ Due (Annual) $ _____
Mo. Minimum $ _____ Mo. Average $ _____
f. Can Membership be Assessed? ___ If Yes, When? _____

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FmHA Instruction 1955-A
Exhibit A

6. Management
   a. Is Board of Directors carrying out responsibilities? _____
   b. Has Board of Directors delegated responsibility and provided appropriate guidance for the manager? _____
   c. Is the manager doing adequate job? _____ Explain: _____
   d. Does the management try to promote cooperation among the membership? _____ Explain: _____
   e. Are records, bookkeeping, and reports being maintained properly? __
   f. Are records and reports being used to improve management and operation? _____ How? _____
   g. Did changes to Bylaws, rules, and regulations, or management practices, which were made without FmHA's consent contribute to the problem? __ If so, explain: _____
   h. Is membership adequately informed about the problem _____ How: ___
   i. Will manager and Board of Directors accept supervision? _____ Explain: _____
   j. Condition of Facilities:
      (1) Buildings _____
      (2) Equipment _____
      (3) Water System (Well- Lines-Treatment Plant-Storage, etc.) _____
      (4) Sewer System (Lines-Manholes-Lagoons-Treatment Facilities) _____
      (5) Other _____

7. What is the problem? _____

8. Action taken to solve problem: _____

9. Additional information for Recreation Loans will be submitted on Exhibit B.

10. Alternatives (The alternatives considered should give first priority to furthering the objectives for which the laon was made.)
    A. Will these management improvement practices help? _____
       (1) New management _____
       (2) New governing body _____
       (3) Promoting membership (users) campaign _____
       (4) Better records, audits, reports _____

FmHA Instruction 1955-A
Exhibit A

10 A (Con.)
   (5) Closing out unprofitable and/or unpopular enterprises _____
   (6) Lowering or raising fees and/or rates _____
   (7) Reamortization _____

B. If it is determined that voluntary conveyance to or foreclosure by the Government is the only alternative, then definite recommendations will be made as to:
   (1) Plans for care and maintenance of property taken in inventory:
      (a) Will caretaker be needed: _____
      (b) Who will it be? _____
      (c) How will he be paid? _____
   (2) How will the property be used while in inventory? _____
      (a) Who will manage and operate the facility and under what arrangement? _____
      (b) If the property will be leased, give details of lease arrangement: _____
      (c) What present and future maintenance is needed and how will it be accomplished? _____
      (d) Detail plans for disposing of property from inventory: _____
   (3) Recommendations for Release of Liability: _____
   (4) Recommendations for maximum Bid for Foreclosure Sale: _____

11. Comments and Recommendations of Employees:
    a. County Supervisor

    _____ Date _____ Signature

    b. District Director

    _____ Date _____ Signature

    c. State Director

    _____ Date _____ Signature

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Exhibit B - REPORT ON ASSOCIATION LOAN PROBLEM CASE
(Additional Information for Recreation Loans)

Name _____ Case No. _____

State _____ County _____ Amount of Loan _____

1. Enterprise Analysis (Last operating year).

a. Enterprise	Income	Expenses	Profit or Loss
	Total		

2. Condition of Facilities and Maintenance needed.

Golf Course _____

Swimming Pools _____

Club House _____

Equipment _____

Other _____

3. Can Facility be used on a Daily Fee Basis? Yes No
Amount of:
a. Daily Fee $_____
b. Annual Membership, Full Family $_____
c. Annual Membership, Single $_____
d. Summer Membership $_____
e. Other Membership $_____

4. Special Efforts Made to Interest (Youth, Women, Retirees) (Additional Use Users) etc.

_____

_____

5. What other Facilities in the Area Compete with This? _____

_____

6. Will the Population of the Area Support the Facility? _____

_____

7. Is the Board willing to close out enterprise which is losing money or causing unsavory reputation? _____
Explain: _____

FmHA Instruction 1955-A
Exhibit B

8. Are facilities adequately and accurately advertised? _____ How? _____

_____

9. Attitude:

a. What reputation does facility have in the community? _____

_____

b. Is there a sincere desire to retain this facility by the - (Explain)

Board _____

Manager _____

Membership _____

Community _____

County Governing Body _____

City or Town Governing Body _____

c. What is the attitude of community leaders, such as Mayor, City Council, Board of County Commissioner, etc. (Explain in detail)

_____

_____

_____

_____

d. Results of meetings with Civic Clubs, School Officials, Industry or Union Leaders, Newspaper Editors, Minority Group Leaders, concerning attitude toward facility _____

_____

_____

_____

_____

e. Is there any general consensus among these interviewed on the need for any specific charges in the policies or practices of the project? For example, do the think the charges are too high or too low, certain phases should be eliminated, or certain services be added? (Explain)

_____

_____

_____

_____

_____ Date

_____ County Supervisor

CERTIFIED MAIL RETURN RECEIPT REQUESTED

SUBJECT: NOTICE OF ACCELERATION OF YOUR DEBT TO THE FARMERS HOME ADMINISTRATION, DEMAND FOR PAYMENT OF THAT DEBT, AND NOTICE OF YOUR OPPORTUNITY TO HAVE A MEETING CONCERNING THIS ACTION

DEAR _____: Please take note that the entire indebtedness due on the following Promissory Note(s) dated _____ which you signed and gave to the United States of America in exchange for loan funds received by you from the United States of America, acting through the Farmers Home Administration, United States Department of Agriculutre, and which is (are) secured by your Real Estate _____ dated _____, recorded in Book _____, Page _____, is now declared immediately due and payable.

The reason(s) for this acceleration of your indebtedness is (are) as follows:

This acceleration of your indebtedness is made in accordance with the authority granted in the above-described real estate instrument.

The indebtedness due amount to $_____ unpaid principal, and _____ unpaid interest, as of _____ 19—, plus additional interest accruing at the rate of $_____ per day thereafter, plus any advances to be made by the United States for the protection of its security, plus interest accruing on any such advances.

Unless full payment of your indebtedness is received on or before _____, the United States will take action to foreclosure the above-described real estate instrument and to pursue any other available remedies.

Payment should be made by cashier's check, certified check, or postal money orders, to the County Supervisor of the Farmers Home Administration.

If you submit to the United States any payment insufficient to pay the entire indebtedness or insufficient to comply with any arrangements agreed to between the Farmers Home Administration and yourself,

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such payments will not cancel the effect of this notice. If such insufficient payments are received and credited to your account, no waiver or prejudice to any rights which the United States may have for breach of any promissory note or covenant in the real estate instrument will result and the Farmers Home Administration may proceed as though no such payment had been made.

[The above-described real estate instrument provides that the United States may foreclose without Court action by selling the real estate at public sale after

The Government intends to sell the property in this manner. No further notice is required to be given you concerning this foreclosure.]

However, you have the opportunity to have a meeting before this foreclosure takes place. If you wish to make use of this opportunity to meet because you believe that the United States is in error in accelerating your account(s) and proceeding with the foreclosure, you should immediately contact the District Director of the Farmers Home Administration in writing at the following address:

You should set out all the information you believe should be considered by the Farmers Home Administration. You may also request to appear in person to present your information. The District Director will arrange a mutually convenient time for such a meeting. The District Director will also inform you of the location of the meeting. It will either be in the County Office or the District Office.

Please remember that if you wish to take advantage of this opportunity to be heard, you may immediately contact the District Director because the United States plans to proceed with the foreclosure proceedings shortly after

UNITED STATES OF AMERICA,
by _____
State Director (_____)
Farmers Home Administration,
U.S. Department of Agriculture.

Subpart B—Management of Property

Sec.

1955.51 Purpose.
1955.52 Policy.
1955.53 Definitions.
1955.54 Authorities and responsibilities.
1955.55 Management of real estate after approval of foreclosure.
1955.56–1955.59 [Reserved]
1955.60 Acquired real estate subject to redemption.
1955.61 Property in flood or mudslide hazard area.
1955.62 Removal and disposition of nonsecurity personal property not acquired by FmHA.
1955.63 Management of acquired real estate.
1955.64 Utilization of property by Federal Disaster Assistance Administration (FDAA).
1955.65–1955.66 [Reserved]
1955.67 Management of acquired chattel property.
1955.68–1955.100 [Reserved]
EXHIBIT A—Memorandum of Understanding Between Federal Disaster Assistance Administration and Farmers Home Administration.

AUTHORITY: 7 U.S.C. 1989, 42 U.S.C. 1480, 5 U.S.C. 301, 42 U.S.C 2942, Sec. 10 Pub. L. 93–357, 88 Stat. 392, delegation of authority by the Sec. of Agri., 7 CFR 2.23, delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70, delegations of authority by Dir., OEO, 29 FR 14764, 33 FR 9850.

Subpart B—Management of Property

§ 1955.51 Purpose.

This subpart delegates authority and prescribes policies and procedures for management of acquired real estate, related rights, and chattels and management of real estate after approval of foreclosure but before it is acquired.

§ 1955.52 Policy.

The Farmers Home Administration (FmHA) will manage acquired property and abandoned property pending completion of foreclosure to preserve its value and protect FmHA's financial interest. Acquired property will be sold in accordance with Subpart C of this Part 1955. Contracts for services may be made as needed in the management of property not to exceed the limitations under this subpart, when the services cannot be performed by FmHA personnel.

§ 1955.53 Definitions.

(a) *Definitions found in § 1955.3.* The definitions for "acquired real estate," "loans to individuals," and "loans to organizations" also apply to this subpart.

(b) *Contracting officer.* The FmHA employee who signs the contract.

§ 1955.54 Authorities and responsibilities.

(a) *Line authority.* This authority is from the Administrator to State Director, District Director, and County Supervisor. Assistance, guidance, and counsel are available from the Property Management Specialist and Program Staff in the State Office and from appropriate program divisions and Property Management Staff in the National Office. Full use will be made of these resources.

(b) *Redelegation of authority.* FmHA will redelegate authorities to the maximum extent possible consistent with program requirements and available resources.

(1) The State Director is authorized to redelegate, in writing, any authority delegated to the State Director in this subpart except where specifically excluded to the Chief, Property Management; Chief, Rural Housing; Chief, Farmer Programs; Chief, Community Programs; Chief, Business and Industry; Rural Housing Specialist; Farmer Programs Specialist; Property Management Specialist; Community Programs Specialist; and Business and Industry Specialist.

(2) The County Supervisor is authorized to redelegate, in writing, any authority delegated to the County Supervisor in this subpart to any employee in the County Office determined by him or her to be qualified.

§ 1955.55 Management of real estate after approval of foreclosure.

After foreclosure has been approved and if the borrower has abandoned or is not maintaining the security property, the County Supervisor will report the facts to the State Director immediately.

(a) *No prior lienholders.* If there are no prior liens and the State Director determines that foreclosure proceedings will be lengthy, the State Director may authorize the County Supervisor to take possession of the property, make necessary repairs, and enter into a lease, management agreement, or caretaker's agreement for the account of the borrower when necessary to protect the interest of the Government. The State Director will obtain prior authorization from the Office of the General Counsel (OGC) if the case has been submitted to them for foreclosure, or if there is a question as to whether or not the property has, in fact, been abandoned, or if the borrower is on the property but not maintaining it.

(b) *Prior lienholders.* If there are prior liens, the County Supervisor will contact the prior lienholder to determine what the lienholder plans to do to protect the security. If the prior lienholder does not respond or will not protect the property, the State Director may authorize the County Supervisor to take appropriate steps as set forth in paragraph (a) of this section, and in accordance with the security instrument.

(c) *Costs and income.* Any cost for protective advance (e.g., emergency repairs or other expenses made to protect the Government's interest as provided in the security instrument) FmHA has undertaken not paid by a prior lienholder will be paid by Standard Form 1034, "Public Voucher for Purchases and Services Other Than Personal," or other approved voucher, and charged as an expense to the borrower's account. Income to the extent of protective advances or income not claimed by a prior lienholder will be applied to the borrower's account as an extra payment.

§§ 1955.56–1955.59 [Reserved]

§ 1955.60 Acquired real estate subject to redemption.

If acquired real estate is subject to redemption rights, the State Director, with the advice of OGC, will instruct County Supervisors in the care and management of such property during the redemption period. These instructions may be given in a State Supplement or in individual cases, and will provide guidance concerning the former borrower's rights to possess the property or to obtain any lease proceeds during the redemption period. They will also cover action such as payment of taxes, maintenance, and repairs. If the former borrower under redemption rights possesses the property or has a right to lease proceeds, the Government will not enter into any lease until the redemption period has expired unless the State Director obtains prior authorization from OGC.

§ 1955.61 Property in flood or mudslide hazard area.

Acquired property located in areas identified by the Federal Insurance Administration of the Department of Housing and Urban Development as special flood or mudslide hazard areas will not be leased or operated under a management agreement without prior written notice of such hazard to the prospective lessees. The written notice will be completed and signed by the County Supervisor and the prospective lessee or the manager and any prospective lessee if the property is operated under a management agreement in accordance with § 1955.63(a)(2) at least 1 day before the

lease is signed. The written notice will be attached to the lease.

§ 1955.62 Removal and disposition of nonsecurity personal property not acquired by FmHA.

If the Government has acquired title to the real estate and the former borrower has vacated the property but left items that did not pass with the real estate such as furniture, personal effects, or chattels not included in the FmHA or any other mortgage, the County Supervisor will, except as amplified by an applicable State Supplement, handle the case as follows:

(a) If the former borrower is available in the area, the County Supervisor will notify the former borrower informally (in person or by telephone) that the personal property should be removed from the premises within a specified time, usually 10 days. The County Supervisor will keep a written record including date of notification, and the former borrower's response.

(b) If the former borrower or someone authorized to act for him does not remove the personal property within the specified period, the County Supervisor will check the appropriate public records to determine if a creditor has a lien on any of the personal property. The County Supervisor will notify any lienholder by certified letter, return receipt requested, that the property will be impounded and disposed of by FmHA if it is not removed from the premises in 5 days from receipt of letter. The notice should contain a request that the lienholder notify the County Supervisor whether the lienholder will take possession of the property.

(c) In all cases, either following informal notice to the former borrower or formal notice to the lienholder, or both, the County Supervisor will notify the former borrower by certified letter, return receipt requested, that the property, unless it is removed within 5 days from receipt or refusal of letter, will be disposed of by FmHA.

(d) If no response is received from the former borrower or the lienholder after notification by certified mail in accordance with paragraphs (b) and (c) of this section, the County Supervisor will prepare a list of items showing their complete description, estimated value, and any lienholder of record and submit it to the State Director recommending removal and disposal of the property. Based on advice from OGC, the State Director will provide instructions for the removal and disposal of the property. If approved by OGC, the property may be disposed of by the County Supervisor as follows:

(1) If a reasonable amount can likely be realized from the sale of the property, the property may be sold at public sale and the net proceeds up to the amount of the prior lien, after deducting all expenses incurred by the Government, will be paid to the lienholder with a statement listing items sold and their sale price. If there is no lienholder, the amount will be applied to the deficiency. Also, any excess after payment to the lienholder will be applied to the deficiency on the borrower's account. If there is no deficiency, the amount will be paid to the former borrower. A statement listing the items sold, the sale price, and the distribution or proceeds will be mailed to the borrower at his or her last known address.

(2) If the property is not worth selling, a mover may be authorized to take the property in exchange for his removing cost, or, if necessary, payment by voucher can be made for removing the property.

(e) The County Supervisor will allow the former borrower or lienholder to reclaim the personal property before its disposal by paying all expenses incurred by the Government in caring for the property.

§ 1955.63 Management of acquired real estate.

Acquired real estate includes real estate and any growing crops, improvements, appurtenances, and rights that customarily pass with the land; inventory acquired as part of a business; and other property that is necessary to the efficient operation of the real estate or business and that is usually sold with the real estate.

(a) *Methods of managing property.* Acquired real estate will be sold promptly pursuant to Subpart C of this Part 1955. If the property cannot be sold promptly, it may be leased or operated under a management agreement or protected under a caretaker's agreement, as appropriate, to best protect the interests of the Government. In certain cases such as when there are no buildings on the property or they have been adequately secured, the County Supervisor may require no outside services. The State Director will select the best method of managing property previously securing organization or multiple housing loans; the County Supervisor will select the best method for managing property that formerly secured single-family housing and all other loans to individuals.

(1) *Lease.* Criteria to consider in selecting a lessee will be: potential as an eligible applicant, ability to preserve the property, affect on future sales value of property, and rental income.

(i) *Lease form.* Form FmHA 465–2, "Lease of Security Property," or other form approved by OGC will be used to approve the leasing of inventory property. If the property is subject to redemption rights, the lessee must be so advised and must so acknowledge in writing prior to signing the lease. The County Supervisor will assign a contract number to the lease. For an individual, it will consist of the FmHA State and County Codes, the last digit of the fiscal year, and a sequential number beginning with 001, e.g. 48–71–6–001. Each fiscal year the sequential number will begin with 001. For an organization or business it will be the FmHA State and County Codes, the last digit for the fiscal year, and the Internal Revenue Service employer number of the lessee. The lease form will be completed and distributed in accordance with the Forms Manual Insert (FMI).

(A) *Single family and multiple housing property.* The County Supervisor may approve the leasing of single family dwellings. In leasing living units of multiple housing facilities, the County Supervisor will submit Form FmHA 465–2 and recommendations for leasing the property to the State Director for approval. The terms of the lease will provide for cancellation by the lessee or the Government on 30-day notice in writing. The State Director must approve the leasing of multiple housing property. After approval, the County Supervisor may sign individual leases for living units.

(B) *Farm property.* The County Supervisor may approve the leasing of farm property on Form FmHA 465–2. The terms of the lease will provide that the Government may terminate for purposes of sale of property, but in that event the lessee will retain the right to harvest existing crops. Rental payment will be prorated between the Government and the purchaser of the property. The County Supervisor will report all leased land to the local Agricultural Stabilization and Conservation Service (ASCS) County Office. The report will be in sufficient detail to permit ASCS to identify the property and to preserve its allotments. Any change in ownership or in the lease will be reported to ASCS during the month in which it occurs.

(C) *Organization property (property previously securing Organization loans).* The State Director will approve the lease of organization property. The County Supervisor will forward a complete report and recommendation to the State Director along with Form FmHA 465–2 or other lease form approved by OGC. The lease will provide for cancellation by the lessee or the Government by written notice. The lease period will be up to 1 year and can contain provisions for not more than two renewal periods of like length. Leases of utility property may require concurrence or approval by State regulatory agencies. Consult OGC for advice.

(ii) *Costs.* (A) Costs such as real estate taxes if appropriate and repairs will be paid by the Government and not the lessee. Such costs will be considered in establishing the rents payable under the lease.

(B) The Government will not pay operating costs for leased property. If it is customary in the area for the landlord to pay a portion of the operating costs of the property, rents payable to the Government under the lease may be reduced to compensate for the additional costs paid by the lessee.

(iii) *Lease Income.* All lease income will be credited to the lease account.

(2) *Management agreement.* A management agreement is a contract and must be approved by the State Director. Such an Agreement may be used for managing property such as rental housing units, groups of single family housing units, manufacturing facilities, recrea-

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tion complexes, and water and waste disposal systems: *Provided*, The property is in usable condition.

(i) *Advertising for managerial services.* The County Supervisor will submit a list of all known sources of management services within a reasonable radius of the site of the work to the State Director. The State Director will solicit management services in accordance with Subpart D of this Part 1955.

(ii) *Specifications of services.* The agreement may provide that it may be terminated at any time on 30 days' written notice by either party. The agreement also will provide that the services of the contractor will be terminated immediately upon the sale or lease of the property or if the contractor fails to perform satisfactorily, as determined in accordance with the terms of Form FmHA 120–10, the responsibilities set forth in the agreement. The agreement will provide for the contractor to:

(A) Manage and maintain the property in a professional and businesslike manner, including day-to-day operation of the facility; rent individual rental units; authorize, make or pay for minor repairs and take care of normal maintenance as limited by paragraph (a) (2) (ii) (C) of this section.

(B) Prepare and deliver a written notice to prospective lessees for property located in a flood or mudslide area in accordance with § 1955.61.

(C) Pay all operating costs of the project. In addition, the contractor may be permitted to authorize, make, or pay for minor repairs and take care of normal maintenance not to exceed $100 for each repair or a total of $300 each month without prior approval of the contracting officer. Such costs may be paid from income received from operation of the property. If income is not sufficient, costs will be reimbursed monthly on receipt of contractor's invoice.

(D) Collect and remit to the contracting officer any fees, rents, or other income from the operation of the property after deducting authorized costs.

(E) Prepare and forward an itemized report to the contracting officer not later than the 10th of each month showing all income received and costs for the past month. The statement also will show the costs that remain unpaid.

(F) Obtain a performance bond in an amount equal to the highest estimated gross monthly income from operation of the property, rounded to the next highest $1,000. Bonds may be waived when the monthly income is expected to total less than $2,000.

(G) Not discriminate against any person in connection with the contract or property because of race, religion, color, sex, age, national origin, or marital status.

(iii) *Additional provisions of management agreement for multiple housing property.* In addition to the requirements in paragraph (a) (2) (ii) of this section, the management agreement will provide that:

(A) The contracting officer will establish the amount of rent for all units. (The monthly rent usually will remain unchanged for families occupying housing when the management agreement is executed.)

(B) Each tenant will be asked to provide a copy of the existing lease with the borrower. If there is no existing written lease, a new lease will be entered into using Form FmHA 465–2 or other form approved by OGC.

(C) All units will be offered first for lease to occupants eligible under the applicable loan program. Units may be offered for lease to ineligible occupants if eligible occupants cannot be located and the written approval of the contracting officer is given.

(D) The contractor, with the prior concurrence of the contracting officer, will have persons peaceably removed from the units for nonpayment of rent or for other violations of the lease. The contracting officer will request advice from OGC through the State Director before beginning eviction action. OGC will be requested to take any legal action necessary.

(iv) *Additional agreements.* Management agreements for acquired community facilities and business and industrial properties will be written on a case-by-case basis with the prior approval of the Administrator.

(v) *Fees.* The fee paid for management services will not exceed the usual fee for similar services in the area. The management agreement will contain the fee schedule.

(3) *Caretaker's agreement.* A caretaker is a contractor who, under contract with FmHA, agrees to protect and preserve acquired property. Specific services will be set forth in the agreement.

(i) A caretaker's agreement will cover the shortest feasible period, usually one month, and will provide for termination by the caretaker or FmHA with 7 days' written notice. FmHA will terminate the agreement when the services of the caretaker are no longer needed, or the property is sold, leased, or to be operated under a management agreement. Caretaker services will be paid in accordance with the terms of the contract. See Subpart D of this Part 1955.

(ii) Caretaker service fees must not exceed the usual charge for similar services in the area.

(iii) For Rural Housing (RH) property, the caretaker's agreement will be used only for vacant property.

(iv) The County Supervisor may approve the use of caretaker's agreements for farm and single family housing property. State Directors will approve the use of caretakers' agreements for multiple housing and organization property.

(b) *Posting.* The County Supervisor will display, as appropriate, "Warning," "No Trespassing," "For Sale," and other suitable signs on the real estate.

(c) *Reporting vandalism or theft.* The County Supervisor will report vandalism or theft in accordance with FmHA Instruction 110.1, available in FmHA Offices.

(d) *Eviction of persons.* Advice in evicting persons from acquired property will be requested from OGC through the State Director.

(e) *Payment of liens.* (1) If real estate is acquired subject to a lien, the State Director will authorize the County Supervisor to pay installments that may include advances made by the prior lienholder for taxes, if the property is taxable (see § 1955.63(f)), and insurance premiums.

(2) If the State Director determines that paying the lien in full would be in the best interest of the Government, he will obtain the advice of OGC with respect to the procedures for paying the lien in full and getting the mortgage released or assigned to the Government. The County Supervisor will obtain a receipt for payment of such items from the lienholder and send it to the Finance Office with the voucher.

(f) *Taxes.* (1) Property acquired pursuant to the Consolidated Farm and Rural Development Act (see § 1955.116 for those properties) is subject to taxation by State, territory, district, and local public subdivisions in the same manner and to the same extent as other property, unless State law specifically exempts taxation of real estate owned by the Federal Government. The County Supervisor will notify the appropriate taxing authority in writing when title to real estate has been acquired by the Government, and that claims for taxes during the Government's ownership will be billed to FmHA at the County Office address. If taxes become due and payable while the Government owns the property, and are not paid by a prior lienholder, the County Supervisor will pay taxes by using Standard Form 1034.

(2) Property acquired pursuant to the Housing Act of 1949 (all housing properties not included under paragraph (f) (1) of this section) is not subject to State or local taxes. Inform the tax collector of Government ownership upon acquisition. Do not pay any taxes on such property. Payment for assessments for property improvements is permitted.

(3) If both paragraphs (f) (1) and (f) (2) of this section apply (e.g., if the acquired property had secured both FO and RH loans), pay taxes as indicated in paragraph (f) (1) of this section.

(g) *Insurance.* Any insurance in force when property is acquired by the Government will not be canceled. However, no additional premiums will be paid for fire and extended coverage insurance. Continue to carry workmen's compensation and other types of insurance required by Part 1806 of this chapter (FmHA Instruction 426.1, and FmHA Instruction 426.2) if ongoing activities continue on the property. On receipt of notification of cancellation from the insurance company, the original policy should be returned to the borrower unless there is an outstanding claim which FmHA may collect. Any outstanding claim will be handled in accordance with Part 1806 of this chapter (FmHA Instruction 426.1– and, as appropriate, FmHA Instruction 426.2). If title to real estate is acquired subject to a prior lien, the County Supervisor will advise the lienholder that the Government will not carry insurance on the property, and will not pay premiums for any insurance carried by the lienholder, unless required by the prior lienholder's security instrument.

(h) *Securing, maintaining, and repairing acquired property.*—(1) *General.* When property is acquired, the County Supervisor will inspect the property to be sure it is secured and protected.

(i) In no case should expenditures be made, except when needed to secure and protect the property, until the final title opinion showing Government ownership of the property has been received.

(ii) Prior authorization from the State Director is required for any repairs or renovations if redemption rights are involved.

(iii) If the property has been determined to be suitable for retention in FmHA programs, the County Supervisor will determine the nature, extent, and estimated cost of any needed repairs or renovation, and maintenance needed to sell or rent the property immediately, and will take steps to obtain the services as described in paragraphs (h) (2), (3), (4), and (5) of this section.

(iv) Ordinarily, unsuitable property will be sold in the condition in which it is acquired. However, if the property cannot be sold as is, improvements needed to sell the property may be made. Such improvements must increase the value of the property by an amount at least equal to their cost, unless prior approval of the State Director is obtained.

(v) The County Supervisor is authorized to pay all costs authorized under this paragraph (h) in accordance with Subpart D of this Part 1955. All costs will be charged as expenses to the inventory account.

(2) *Securing and protecting property.* The County Supervisor is authorized to approve and execute agreements for expenditures not to exceed $500 for work such as installing locks, doors, windows, and gates; repairing a leaky roof; winterizing; and removing fire and safety hazards when necessary to secure and protect the property. Services will be obtained in accordance with Subpart D of this Part 1955. Costs exceeding $500 must be authorized by the State Director.

(3) *Maintenance.* The County Supervisor is authorized to approve and execute agreements for expenditures not to exceed $500 for total maintenance of single family dwellings or farm property and $1,000 for other property. Prior authorization from the State Director, without redelegation, will be obtained for larger amounts. Maintenance may include mowing lawns and golf course fairways and greens, trimming shrubs and hedges, removing trash and debris, cleaning windows, walls, ceilings, and floors, etc. Procurement of services will be done in accordance with Subpart D of this Part 1955.

(4) *Repairs and renovation.* The County Supervisor is authorized to approve and execute agreements for repairs and renovation if the cost for each acquired property does not exceed $2,000. If the cost exceeds $2,000, the County Supervisor will submit complete information to the State Director for consideration. If the State Director authorizes repairs costing more than $2,000, he will forward a request for contract action to the Administrator. Procurement of services will be obtained in accordance with Subpart D of this Part 1955.

(5) *Inspection of property.* The County Supervisor will inspect property at a frequency he determines necessary. Inspections should be made in connection with usual travel plans and noted in the case file.

(i) *Operating expenses.* The County Supervisor is authorized to approve and pay up to $500 of monthly operating expenses for any acquired property operated by FmHA. The State Director is authorized to approve monthly operating expenses up to $5,000 for any acquired property. A plan of operation must be submitted to the Administrator, for approval, when monthly operating expenses are expected to exceed $5,000. Procurement shall be in accordance with Subpart D of this Part 1955.

§ 1955.64 Utilization of property by Federal Disaster Assistance Administration (FDAA).

By a memorandum of understanding between FmHA and FDAA, acquired real estate not under lease or agreement to sell may be utilized to shelter victims in an area that has been designated a major disaster area by the President (see Exhibit A). The authority of the Administrator to implement the Memorandum of Understanding is delegated to the State Director who may redelegate this authority.

§§ 1955.65–1955.66 [Reserved]

§ 1955.67 Management of acquired chattel property.

Immediately after chattel property is acquired, the County Supervisor will arrange for its care.

(a) *Care of acquired chattel property.* In all cases, a new custody agreement will be executed by the County Supervisor and caretaker on Form FmHA 455–6, "Agreement for Temporary Custody of Property." Acquired chattel property will be sold in accordance with Subpart C of this Part 1955 as quickly as possible. The State Director must approve the holding of acquired chattel property for more than 120 days.

(b) *Payment of costs.* The County Supervisor will pay charges for the care, custody, and transportation of acquired chattel property using Standard Form 1034 or certified invoice.

(c) *Reports of inventory transactions.*—(1) *Reporting losses.* The County Supervisor will report all losses of inventory immediately to the Finance Office on Form FmHA 455–16, "Statement of Loss of Acquired Security Property."

(2) *Reporting increases.* The County Supervisor will report to the Finance Office increases resulting from the birth of livestock as "natural increase" on Form FmHA 455–14, "Invoice," at the time of their sale or in the annual inventory report on Form FmHA 455–15, "Report of Inventory Transactions (Acquired FmHA and Corporation Security Property)" on June 30, whichever occurs first following their birth.

(3) *Annual inventory report.* The County Supervisor will prepare Form FmHA 455–15 by County Office unit as of June 30 of each year for acquired chattel property. The report will be sent to the Finance Office by July 10 of each year.

(4) *Reporting change of custody.* Whenever acquired chattel property will become the responsibility of a new FmHA official, the outgoing official will prepare Form FmHA 455–15. The new official will verify the accuracy of the report by signing Form FmHA 455–15 and distributing it in accordance with the FMI.

(5) *Reporting inventory differences.* In July of each year the Finance Office will send the State Office a schedule of inventory differences, if any, between the inventory records of the Finance Office and each County Office unit as reported on Form FmHA 455–15. On receiving copies of Form FmHA 455–15 from County Offices and the schedules of inventory differences from the Finance Office, the State Office will analyze the inventories and take action to correct differences.

§§ 1955.68–1955.100 [Reserved]

EXHIBIT A

MEMORANDUM OF UNDERSTANDING BETWEEN FEDERAL DISASTER ASSISTANCE ADMINISTRATION AND FARMERS HOME ADMINISTRATION

Purpose.—This Memorandum of Understanding and attachment establishes authorities and procedures whereby the Federal Disaster Administration, an Agency of the Department of Housing and Urban Development, hereinafter referred to as FDAA, may utilize both single family and multiple housing units which are habitable and to which the Farmers Housing Administration, an Agency of the Department of Agriculture, hereinafter referred to as FmHA, has title and possession. The housing units assigned to FDAA by FmHA are to provide temporary housing to victims of major disaster or emergencies declared by the President, in accordance with sections 302(a) and 404(a) of Pub. L. 93–288, the Disaster Relief Act of 1974.

Effective date of this memorandum.—This memorandum shall be effective on the date of the last signature hereto.

Duration of agreement.—This memorandum shall continue to be in effect for a period coinciding with the authority under which it is entered.

Modifications.—This Memorandum of Understanding and Attachment No. 1, a guide letter for "FDAA–FmHA Letter of Assignment," may be modified in writing by mutual consent of the parties.

Responsibilities.—FmHA shall make available to FDAA on request all habitable single family and multiple housing units in its inventory that are located in designated disaster areas and that are not under leases or under agreement of sale. FDAA will reimburse FmHA for authorized expenses

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resulting from utilization of assigned housing units.

Implementation.—This memorandum shall be implemented in accordance with the following general procedures. FDAA and/or FmHA may prepare other detailed operating procedures as necessary for internal use of the agencies. These procedures will be in compliance with the provisions of this Memorandum of Understanding.

(a) *Delegation of authority.* FDAA and FmHA will delegate authority to their respective employees, in writing, and identify contractors (agents) and/or employees authorized to implement the appropriate provisions of this Memorandum of Understanding and other, if any, FDAA and/or FmHA detailed operating procedures. FDAA and FmHA will exchange a list containing names, addresses, and telephone numbers of contractors (agents) and/or employees designated to assist in providing temporary housing assistance to victims of a designated major disaster area. Other references to FDAA and FmHA in the following paragraphs will be interpreted to include contractors (agents) and employees designated to implement the provisions of this Memorandum of Understanding.

(b) *Assignment of FmHA housing units by FDAA.* (1) In the event of a major disaster or emergency described by authorizing legislation, FDAA shall request from the appropriate FmHA State Director a list of all habitable housing units available in designated disaster areas indicating the county or counties where housing is needed.

(2) FmHA shall furnish to FDAA a list of FmHA borrowers who have become displaced because of the emergency. These borrowers will be given first priority to buy or lease properties owned by FmHA. This list may be updated during the course of the emergency.

(3) At the time of ocupancy or during the occupancy of a housing unit by an FmHA borrower or other disaster victim, FDAA, if it determines that the occupant will require permanent new housing, will inform the occupant that FmHA lending assistance may be available for purchase of the housing unit. FDAA also shall notify FmHA of the permanent housing need of the applicant.

(4) Before occupancy by a disaster victim, the housing unit will be inspected jointly by FDAA and FmHA. These agencies will then execute a Letter of Assignment (Attachment No. 1—Guide Letter) for each habitable housing unit assigned to FDAA. An inspection report shall be attached to a Letter of Assignment for each unit assigned to FDAA and contain the following minimum information:

(A) FmHA advice number.

(B) Complete address. Attach map or narrative description if rural route.

(C) General description of the housing unit and appliances, etc., included with the property.

(D) General condition of the property.

(E) Date and names of FDAA and FmHA authorized agents and/or employees conducting the inspection.

(5) FmHA will remove all FmHA signs, such as "no trespassing," "for sale," etc. for housing units assigned to FDAA.

Management of housing units.—(a) FDAA is responsible for the management, maintenance, and repairs of housing units assigned to them by FmHA.

(b) FDAA shall furnish to FmHA the names, mailing addresses of FmHA occupants, and FmHA property designation, also including beginning occupancy date and changes in occupancy.

(c) During business hours, FmHA authorized employees may inspect housing units. Housing units also may be shown to prospective purchasers. Advance notice of forty eight (48) hours will be given FDAA, who will, in turn, advise the occupant.

(d) FDAA shall not permit a disaster victim to occupy a housing unit beyond the time required to reestablish the occupant in his or her own housing.

(e) There shall be no rental charge to FDAA by FmHA for assigned housing units for twelve (12) months from the date of the letter of assignment. If an occupant is in a housing unit for more than one (1) year, FDAA shall pay to FmHA the fair rental value as determined by FmHA for each month of occupancy after one (1) year.

(f) If an occupant fails to vacate a housing unit, it is the responsibility of FDAA to evict the occupant and his or her possessions.

(g) If during occupancy and the first year of assignment to FDAA, FmHA enters into an agreement of sale for a housing unit to other than the occupant, FDAA shall relocate the occupant to other suitable temporary housing at FmHA expense. If the occupant has been in the housing for more than one (1) year, FDAA shall bear the relocation expense.

Return of housing units to FmHA.—(a) When a housing unit is vacated and FDAA determines that it is no longer required, FDAA shall notify FmHA.

(b) FDAA and FmHA authorized employees or contractors (agents) will jointly inspect the housing unit to determine maintenance, cleanup, and repairs required to return the housing unit to a physical condition comparable to that when first utilized by FDAA. Necessary repairs shall be performed by FDAA at their expense in accordance with the latest edition of the Minimum Property Standards (MPS) as published by the Department of Housing and Urban Development.

(c) FDAA shall return the keys, custody, and responsibility to FmHA when needed repairs are completed. FmHA shall prepare a receipt with copies for FDAA and FmHA.

Approvals.—This agreement is executed by the Administrator of the Farmers Home Administration and the Administrator of the Federal Disaster Assistance Administration by virtue of their general authorities to do so.

Dated: February 5,1976.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

ATTACHMENT NO. 1 TO EXHIBIT A—GUIDE LETTER

FEDERAL DISASTER ASSISTANCE ADMINISTRATION AND FARMERS HOME ADMINISTRATION, FDAA-FMHA LETTER OF ASSISTANT

State: _____
County: _____

Under the Memorandum of Understanding between the Federal Disaster Assistance Administration (FDAA) and the Farmers Home Administration (FmHA) dated this February 5, 1976, the habitable housing unit identified on the attached inspection report is made available for use as temporary housing for victim(s) located within the following described designated disaster area and who are eligible for such assistance under the provisions of the Disaster Relief Act of 1974:

This Letter of Assignment shall become effective on the date signed by the authorized employees or contractors (agents). This assignment is for the housing unit identified by the attached inspection report and having the following FmHA advice number: _____

FDAA	FmHA
Name: _____	_____
Title: _____	_____
Date: _____	_____

Subpart C—Disposal of Acquired Property

Sec.
1955.101 Purpose.
1955.102 Policy.
1955.103 Definitions.
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1955.105 Nondiscrimination.
1955.106 Loss or damage to acquired property.
1955.107 Taxes.
1955.108 Real property located in flood or mudslide hazard area.
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1955.110 Property subject to redemption rights.
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1955.112 Sale in parcels.
1955.113 Selling price.
1955.114–1955.115 [Reserved.]
1955.116 Sale of real estate that was acquired pursuant to the Consolidated Farm and Rural Development Act (CONTACT).
1955.117 Sale of real estate that secured Rural Housing (RH) loans.
1955.118 Selection and use of real estate brokers.
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1955.121 Sale of acquired chattels.
1955.122 Report on property not sold.
1955.123 Disposal of surplus property to or through other agencies.
1955.124–1955.150 [Reserved.]
Exhibit A—Notice of flood or Mudslide Hazard Area

AUTHORITY: 7 U.S.C. 1989, 42 U.S.C. 1480, 42 U.S.C. 2942, 5 U.S.C. 301, Sec. 10 Pub. L. 93–357, 88 Stat. 392, delegation of authority by the Sec. of Agri., 7 CFR 2.23, delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70, delegation of authority by Dir., OEO, 29 FR 14764, 33 FR 9850.

Subpart C—Disposal of Acquired Property

§ 1955.101 Purpose.

This subpart delegates authority and prescribes policies and procedures for the sale of acquired real estate and related rights and acquired chattels. It also covers the granting of easements and rights-of-way on acquired property and the disposal of surplus property to or through other agencies.

§ 1955.102 Policy.

(a) Acquired property will be sold for its present market value as soon as practicable. Form FmHA 465–10 is used to document offers to purchase acquired property.

(b) Priority will usually be given an applicant who proposes to use the property for the same purpose for which the loan was made. However, sales may be authorized for different program purposes if it is in the best interest of the Government. For example, association or farm real estate may be subidivided into Rural Housing (RH) nonfarm tracts; detached Labor Housing (LH) or Rural Rental Housing (RRH) units may be sold as individual dwellings; LH projects may be sold as RRH projects.

§ 1955.103 Definitions.

In addition to the following definitions, those in §§ 1955.3 and 1955.53 apply to this subpart.

(a) *Credit sale.* A sale in which financial assistance is given to an applicant for the purchase of inventory property.

(b) *Eligible applicant.* One who meets the legal and administrative requirements for obtaining the particular FmHA program loan applied for. For Section 502 RH loans, an eligible applicant includes one who otherwise meets loan criteria but whose income may exceed the moderate income limit.

(c) *Ineligible applicant.* One who does not meet the legal and administrative requirements for obtaining the particular FmHA program loan applied for, but who may be given financial assistance under more stringent terms and conditions.

(d) *Market value.* The amount for which property in its existing condition would sell if put on the open market and sold in the way property is ordinarily sold in the community in which it is located.

(e) *Suitable property.* Property that could be used by a borrower to carry out the objectives of a Farmers Home Administration (FmHA) loan program.

(f) *Surplus property.* Real estate acquired pursuant to the Consolidated Farm and Rural Development Act (CON ACT) that is not suitable for sale to eligible applicants. It also includes suitable property acquired pursuant to the CON ACT which is not sold within three years.

(g) *Unsuitable property.* Property acquired pursuant to the Housing Act that is unfit for a borrower to carry out the objectives of an FmHA loan program; e.g., a dilapidated house requiring extensive repairs to make it safe and sanitary or a house that is no longer in a rural area.

§ 1955.104 Authorities and responsibilities.

(a) *Line authority.* This authority is from the Administrator to State Director, District Director, and County Supervisor. Assistance, guidance, and counsel are available from the Property Management Specialist and Program Staff in the State Office and from appropriate program divisions and Property Management Staff in the National Office. Full use shall be made of these resources.

(b) *Redelegation of authority.* FmHA will redelegate authorities to the maximum extent possible consistent with program requirements and available resources.

(1) The State Director is authorized to redelegate, in writing, any authority delegated to the State Director in this subpart, except when specifically excluded, to the Chief, Property Management; Chief, Rural Housing; Chief, Farmer Programs; Chief, Community Programs; Chief, Business and Industry; Rural Housing Specialist; Farmer Programs Specialist; Property Management Specialist; Community Programs Specialist; and Business and Industry Specialist. The State Director will redelegate authorities to his immediate staff in order to assist, in particular, the County Supervisor to a greater degree.

(2) The County Supervisor is authorized to redelegate, in writing, any authority delegated to the County Supervisor in this subpart to any qualified employee in the County Office determined by him or her to be qualified.

§ 1955.105 Nondiscrimination.

If the property to be sold secured a loan that was subject to Title VI of the Civil Rights Act of 1964, and the property will be used for its original or similar purpose, or if Government financial assistance is provided and the property then becomes subject to Title VI, the buyer will sign form FmHA 400–4, "Nondiscrimination Agreement." The instrument of conveyance will contain the following statement: "The property described herein was obtained or improved through Federal financial assistance. This property is subject to the provisions of Title VI of the Civil Rights Act of 1964 and the regulations issued pursuant thereto for so long as the property continues to be used for the same or similar purposes for which the Federal financial assistance was extended."

§ 1955.106 Loss or damage to acquired property.

If a sales contract has been signed by the Government and the purchaser and loss or damage occurs before closing the transaction, the State Director may either have the loss replaced or damage repaired or adjust the sale price in accordance with terms specified in Form FmHA 465–10, "Invitation, Bid and Acceptance—Sale of Real Property by the United States." However, if the loss or damage is the result of negligence by a prospective buyer, the sale price will not be adjusted. The Government does not provide any warranty on property that it sells.

§ 1955.107 Taxes.

For property that is taxable while owned by FmHA (see § 1955.63(f)), the County Supervisor will process a 1034 voucher to pay taxes as they become due and payable. Taxes will be prorated between the Government and the purchaser as of the date the title is conveyed in accordance with the general conditions of Form FmHA 465–10, "Invitation, Bid and Acceptance; Sale of Real Property by the United States." The purchaser will be responsible for paying all taxes due and payable after the title is conveyed. The County Supervisor will advise the taxing authority of the sale and the purchaser's name, and describe the property sold. Taxes will not be paid on property that is not taxable while owned by FmHA. Only assessments for property improvements due and payable as of the date property is sold will be paid for all types of inventory property.

§ 1955.108 Real property located in flood or mudslide hazard area.

(a) *Notice of hazards.* Acquired real property located in an identified special flood or mudslide hazard area as defined in Subpart B of Part 1806 of this chapter, (FmHA Instruction 426.2) will not be sold without prior written notice of such hazard to prospective buyers. The notice will be prepared in accordance with the following:

(1) *Property offered for sale by FmHA.* The County Supervisor will inform prospective buyers at the time of the first inquiry and in any notice of public sale that the property is located in a special flood or mudslide hazard area. The County Supervisor will also prepare and deliver a written notice to the prospective buyer at the time the option to purchase and Form FmHA 465–10 or other agreement for purchase is signed. The prospective buyer will acknowledge in writing the receipt of the notice. Exhibit A of this subpart may be used as a guide for preparing the notice and the acknowledgment. The acknowledgement will be placed in the County Office case file.

(2) *Property offered for sale through real estate brokers.* If real estate brokers are engaged to sell acquired property, the broker must notify prospective buyers in writing that the property is located in a special flood or mudslide hazard area.

(i) When sending Form FmHA 1955 C–3, "Notice of Property for Sale," to the brokers listing such property for sale, the County Supervisor will attach a written notice and acknowledgment for use by the broker as a guide in meeting this requirement (see Exhibit A).

(ii) After the prospective buyer signs the acknowledgment, the agent will forward it to the County Supervisor.

(b) *Limitations placed on financial assistance.* Financial assistance (credit sale) is limited to property located in areas where flood insurance is available (and the insurance must be obtained and maintained as a condition of sale) unless the flood hazard area was identified less than 1 year before the date of the sale and the approval official determines that the property would not be excessively damaged in the event of flooding. In such cases, the applicant must agree to purchase flood insurance on the property when it becomes available. Appraisals of property in these areas will reflect this condition and restrictions upon use.

§ 1955.109 National Historic Preservation Act.

Any acquired real estate property that is listed or is likely to be listed in the National Register of Historic Places under the National Historic Preservation Act of 1966 (Pub. L. 89–665) will be sold in accordance with directions from the Administrator.

§ 1955.110 Property subject to redemption rights.

(a) If under applicable law the Government's interest may be sold during a redemption period, the State Director is authorized to sell the Government's interest in accordance with the following:

(1) The sale price of the property is at least equal to the amount bid by FmHA at the foreclosure sale.

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(2) The sale would not result in a financial loss to the Government if redemption was made.

(3) There is no apparent likelihood of the property being redeemed during the redemption period.

(4) No subsequent loan may be approved during the redemption period except those needed to protect the security interest of the Government.

(b) Each purchaser will sign a statement acknowledging that:

(1) The property is subject to redemption rights (the terms will be set forth in the statement), and

(2) If the property is redeemed, ownership and possession of the property would revert to the previous owner and likely result in loss of any additional investment in the property not recoverable under provisions of redemption.

(c) The signed original statement will be filed in the purchaser's County Office case folder.

(d) If real estate brokers are engaged to sell the property, the County Supervisor will inform such brokers about the redemption rights of the borrower and the conditions under which the property may be sold.

§ 1955.111 Disposition of perishable items and crops, and property rights.

(a) *Perishable items and crops.* The State Director may authorize the sale of any perishable items and crops, except timber, for the best cash price, either by public sale or negotiations in accordance with applicable law. Request advice from the Office of the General Counsel (OGC). (A State Supplement will be issued.) Copy of the sale instrument will be kept in the County Office case file. Sales proceeds will be handled in accordance with Part 1862 of this chapter (FmHA Instruction 451.2).

(b) *Easements or rights-of-way.* The State Director is authorized to convey easements or rights-of-way as follows:

(1) Easements or rights-of-way may be conveyed to public bodies if such conveyance is in the public interest and will not adversely affect the value of the real estate. Compensation (even nominal) must be received.

(2) Easements or rights-of-way may be sold for adequate cash consideration through negotiation to any purchaser without giving public notice if such conveyance would not make otherwise suitable property unsuitable. Sales proceeds will be handled in accordance with Part 1862 of this chapter (FmHA Instruction 451.2).

(3) A copy of the conveyance instrument will be kept in the County Office case file.

(c) *Mineral and water rights, and mineral, agricultural, or other leases.* (1) Mineral and water rights, mineral lease interests, mineral royalty interests, and agricultural and other lease interests will be sold with the surface land and will not be sold separately. If the land is to be sold in separate parcels, any rights or interests that apply to each parcel will be included with the sale.

(2) When property is sold, lease or royalty interests not passing by deed will be assigned to the purchaser. The County Supervisor will notify the lessee or payor of the assignment. A copy of this notice will be furnished to the purchaser.

§ 1955.112 Sale in parcels.

Property may be offered for sale as a whole or in parcels as determined by the State Director. The State Director may permit subdivision of the land or separate sales of portions of the property, such as timber, growing crops, inventory for small business enterprises, buildings, facilities, and similar items if a better price for the property can be obtained in this manner: *And provided,* The subdivision does not change the character of the property from suitable to unsuitable or surplus. Environmental effect should also be considered pursuant to Part 1824 of this chapter.

§ 1955.113 Selling price.

The selling price of the property will be established on the basis of the appraisal information at the time the appraisal is made. When it is determined that the property requires no repairs or maintenance before being offered for sale, the selling price will be the established present market value. When property requires repairs or maintenance before it can be sold comparable to property in good condition, then the selling price will reflect the value after the repairs and maintenance are finished.

§§ 1955.114–1955.115 [Reserved]

§ 1955.116 Sale of real estate that was acquired pursuant to the Consolidated Farm and Rural Development Act (CONACT).

This is property which secured any of the following loans: Farm Ownership; Recreation; Soil and Water; Operating; Emergency; Economic Opportunity; Community Facility; Water and Waste Disposal; Resource Conservation and Development; Watershed; Association Recreation; Economic Opportunity Cooperative; Rural Renewal; Water Facility; Business and Industrial; Irrigation and Drainage; Shift-in-Land Use (Grazing Association); Timber Development; and loans to Indian Tribes and Tribal Corporations. It also includes property which secured RRH Rural Cooperative Housing (RCH), LH, and Rural Housing Site (RHS) loans acquired by voluntary conveyance when the present market value at time of conveyahce was less than the debt and the borrower was released from personal liability.

(a) *Sale of suitable property.* Real estate that was acquired pursuant to the CONACT and that has been declared suitable for sale to eligible applicants will be offered for sale in accordance with the subparts that apply to the type of loan being made under the credit sale.

(1) The State Director may use real estate brokers to sell such property to eligible applicants after determining that the use of these brokers will be in the best interest of the Government. Selection of these brokers will be in accordance with § 1955.118.

(2) The credit sale to eligible applicants will be processed as follows:

(i) The current interest rate for the type of loan being made will apply.

(ii) The credit sale will be identified as an initial loan on the docket forms. However, if the applicant is presently indebted for the same type of loan, the credit sale will be identified as a subsequent loan. If the applicant obtains another similar loan simultaneously with the credit sale, the loan also will be identified as a subsequent loan. The docket forms also will show the inventory advice number. The appropriate promissory note for the type of loan being closed will be used. These forms will be made a part of the docket.

(iii) The County Supervisor will handle any downpayment collected on or before the date the sale is closed with all other payments for the day. The collection will be identified by the inventory advice number.

(iv) The loan and debt limits for the type of loan being made apply to a credit sale to an eligible applicant.

(v) Loan closing and title clearance for the credit sale and any subsequent loan to be closed at the same time with the credit sale will be the same as for an initial loan except that:

(A) A Quitclaim Deed, as developed or approved by OGC, will be used instead of a warranty deed. The State Director will execute the deed, and his signature will be acknowledged. This authority may not be redelegated.

(B) The buyer will pay attorney's fees and title insurance costs, recording fees, and other customary fees unless they are included in a subsequent loan made for other than loan closing purposes.

(b) *Sale of surplus property.* Acquired real estate will be declared surplus immediately if it is determined not suitable for sale to eligible applicants. Property that has been declared suitable and is not sold within 3 years from the date of acquisition must be declared surplus. Property should be offered for public sale in accordance with paragraph (b)(2) of this section within 10 days after it has been declared surplus and made available for sale. However, if property is offered for sale as surplus and an eligible applicant is the successful purchaser, the County Supervisor for property which secured a loan to an individual and the State Director for organization property may reclassify it from surplus to suitable property, if it is in fact suitable. This determination must be documented in the case file. Suitable property may be reclassified to surplus if there is physical damage or a change in economic conditions which makes it unfeasible to maintain the property for program purposes.

(1) *Rates and terms for surplus property*—(i) *Property which secured a loan to an individual.* Such property will be offered for cash or terms of not less than a 10 percent downpayment with the remaining balance amortized over a period not to exceed 10 years. In no case, however, will the terms be longer than the period for which this property will serve as adequate security. The interest rate will be the current rate charged for operating loans plus ½ percent. When it has been determined that the property cannot be sold on terms of 10 years or less because of economic or other conditions in the area, the State Director will stop any negotiations (under paragraph (b)(3)(iii) of this section) and readvertise the property for public sale on a longer term not to exceed 15 years.

(ii) *Organization property.* If OGC advises that it is legally permissable under State statutes, organization property will be offered for cash or terms of not less than 10 percent downpayment with the remaining balance payable over not more than 15 years. The amount of each of the first 14 annual installments will not be less than the amount that would be required to be repaid annually if the outstanding balance was amortized over the maximum repayment period for the type of loan that the property originally secured. The remaining balance will be due and payable at the end of the 15th year. The interest rate will be the current rate charged for operating loans plus ½ percent. If the State Director determines that more liberal rates and terms are needed, justification for such rates and terms will be submitted to the Administrator for his decision. However, the repayment period will not exceed the maximum repayment period for the type of loan that the property originally secured or the period for which the property will serve as adequate security whichever is the shorter period.

(2) *Sale by public notice.* Surplus property other than perishable items or growing crops, not including timber, must first be offered for sale by public notice.

(i) *Form of public notice.* Public notice includes posters, and advertising in newspapers, periodicals, or other media. The State Director, with the advice and approval of OGC, will develop a standard form of notice to be used in the State. The notice will include the following:

(A) A description of the property including its location and conveniences.

(B) Terms of sale, deposit required, and time when the property may be inspected by prospective bidders.

(C) A statement, if sealed bids are to be obtained, that the opening of the bids is to be public; also the place, date, and time that the bids will be opened.

(D) If sale is by public auction, the place, date, and time of sale.

(E) A statement that the Government reserves the right to reject any or all bids.

(F) A statement that the property will be sold without regard to race, color, religion, sex, age, national origin or marital status.

(G) If property is located in a flood plain, a statement indicating such.

(ii) *Determining kind of notice*—(A) *Property valued in excess of $5,000.* Notices to adequately inform interested parties of the sale will be placed in newspapers or periodicals, or both. Posted notices will be used when they will assist in the sale.

(B) *Property valued at $5,000 or less.* Notices will be posted to adequately inform interested parties of the sale. If the State Director determines that more advertising is needed, periodicals and newspapers also may be used.

(iii) *Advertising costs.* These costs will be paid in accordance with FmHA Instruction 121.6, available in any FmHA Office.

(3) *Method of sale.* The State Director will decide whether the sale will be by sealed bids or public auction. If no acceptable bid is received by sealed bids or public auction, the State Director may negotiate the sale of the property or, if he determines that FmHA does not have adequate resources to sell the property, authorize it to be offered for sale by real estate brokers.

(i) *Sealed bids.* Sealed bids will be made on Form FmHA 465–10. Each bidder will execute a form and attach to it a deposit of not less than 5 percent of the bid in the form of cash, cashier's check, certified check, postal money order, bank draft, or purchaser's check made payable to FmHA. Third party checks are not acceptable.

(A) *Opening bids.* Sealed bids will be held in a secured file before opening them at the place and time specified in the notice. The bid opening will be public and held at an FmHA office. The State Director or his designee will open the bids with at least one other FmHA employee present. When opened, each bid will be tabulated showing the name and address of the bidder, the amount of the bid, the amount and form of the deposit, and any conditions of the bid. The tabulation will be signed by the State Director or his designee and kept in the County Office files.

(B) *Successful bids.* If the State Director or his designee determines that the highest qualified bid represents the best price obtainable, the bid will be accepted by signing Form FmHA 465–10. The State Director will give this executed form to the successful bidder or his representative. If the bidder or his representative is not present at the bid opening, the form will be sent by certified mail, return receipt requested, to the bidder. The State Director will send the deposit of the successful bidder to the Finance Office along with the name and case number of the former borrower and the inventory advice number so the deposit can be processed.

(C) *Unsuccessful bids.* The deposit of each unsuccessful bidder will be returned promptly by certified mail with a letter of explanation. If there were no acceptable bids, the letter will advise each bidder about any anticipated negotiations for the sale of the property.

(D) *Disqualified bids.* Any bid that does not comply with the terms of the offer will be disqualified. Minor deviations and defects in bid submission may be waived by the State Director. However, a disqualified bid may indicate the probability of obtaining a higher price than offered in qualified bids and may justify rejection of other bids.

(ii) *Auction sale.* Before the auction, the State Director will determine the minimum sale price, and the auctioneer will be so advised. Ordinarily an FmHA employee will conduct the auction sale. The State Director may utilize a professional auctioneer if the value of the property and the complexity of the sale will require such action, and no qualified FmHA employee will be available.

(A) The professional auctioneer's fee cannot exceed the fee that is customary for the area and for the type of property to be sold. It will be a fixed fee, or a percentage of sale price, negotiated prior to the sale. Services will be procured in accordance with Subpart D of this Part 1955.

(B) Successful bidders will be required to make a deposit of not less than 5 percent of their bid in the form of cash, a cashier's or certified check, or postal or bank money order, bank draft or purchaser's check payable to FmHA. The bid will be put in writing on Form FmHA 465–10, and will be accepted as provided in paragraph (b)(3)(i)(B) of this section.

(iii) *Negotiated sale.* If no acceptable bid is received either from sealed bids or at a public auction, the State Director may sell the property at the best price obtainable without further public notice by negotiating with interested parties including all previous bidders. In addition to price, the amount of downpayment and term of repayment, but not interest rate, may be negotiated. A satisfactory offer received under such negotiations will be put in writing on Form FmHA 465–10, and will be accepted as provided in paragraph (b)(3)(i)(B) of this section.

(A) In negotiating a sale, offers may be solicited orally and in writing. Such sales may be advertised in local newspapers. In some instances it may be possible to assemble the persons interested in purchasing the property for open competitive bidding. If offers are solicited, the invitation to negotiate will include the minimum price at which the Government will negotiate and the place, date, and time when offers will be considered.

(B) If a satisfactory offer is received at that time, the State Director will accept it immediately. If an acceptable offer is not made on that date, a new date may be set for further negotiations. Other acceptable methods of negotiation may be followed, but each prospective purchaser must be given equal opportunity to make an offer. The amount offered by one interested party should not be disclosed to any other interested party except when negotiation is by open competitive bidding. No offer on the basis of a specified sum above the best offer made will be considered.

(C) In connection with such negotiations, reasonable administrative expenses including the cost of advertising, postage, and similar items to complete the sale are authorized. Advertising costs will be paid using Standard Form

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1143 "Advertising Order." Standard Form 1034 will be used to pay for other purchases and services.

(iv) *Real estate brokers.* The State Director may authorize the use of real estate brokers to sell surplus farm and organization property to ineligible applicants in accordance with § 1955.118 only after the following conditions have been met:

(A) The property has been declared surplus.

(B) The State Director has determined that the property cannot be sold by FmHA employees.

(C) The property has been advertised for sale by public notice, and no acceptable bids or offers have been received through public notice or subsequent negotiation.

(D) Negotiations have been discontinued.

(4) *Processing*—(i) *Determining repayment ability.* If a credit sale is involved, the applicant must furnish necessary information to assist in determining repayment ability. Forms FmHA 431–2, "Farm and Home Plan," or FmHA 431–3, "Family Budget," if housing is included should be used unless the applicant has furnished all required information in another format.

(ii) *Form of payment.* Payments for the property will be made in the form of cash, cashier's check, certified check, postal or bank money order, bank draft, or purchaser's check made payable to FmHA. Third party checks are not acceptable.

(iii) *Farm property.* On accepting a bid or offer, the County Supervisor will provide the escrow agent, designated attorney or title insurance company the necessary information and instructions for closing the sale. The County Supervisor will complete the quitclaim deed and forward it to the State Director for execution and acknowledgment. Deed execution may not be redelegated. The County Supervisor will send the original of Form FmHA 465–10 or other appropriate form, and a copy of Form FmHA 440–16 if the sale is a credit sale to the Finance Office. The County Supervisor will advise the State Director by memorandum when the transaction is closed.

(iv) *Organization property.* On accepting a bid or offer, the State Director will forward the original Form FmHA 465–10, the names and legal description to be placed in the deed, the amount and terms of note and mortgage, and other pertinent material to OGC requesting that they provide appropriate legal instruments and instructions for closing the transaction. When the transaction is closed, the State Director will send the originals of Form FmHA 465–10, and, if the sale is a credit sale, a copy of Form FmHA 440–22 to the Finance Office. The State Director will sign the quitclaim deed. This authority to sign the deed may not be redelegated.

§ 1955.117 Sale of real estate that secured Rural Housing RH loans.

This includes property that secured sections 502 and 504 loans. It also includes RRH, RCH, LH, and RHS loans except those acquired by voluntary conveyance when the present market value was less than the debt, at time of conveyance, and the borrower was released from personal liability.

(a) *Method of sale.* The State Director will determine whether acquired RH property will be offered for sale by FmHA employees or by licensed real estate brokers.

(1) *Sale by FmHA employees.* If a prospective purchaser eligible to buy the property is not available, the County Supervisor will post notices and signs to adequately inform interested parties of the property for sale. The property also may be advertised in newspapers having general circulation in the area when the State Director determines that such advertisment will assist in the sale. See FmHA Instruction 121.6 available in any FmHA Office.

(i) The advertisement or notice will be in display type but not legal notice style, can include pictures of property and will contain sufficient information to readily identify the property including:

(A) A brief description of each property, its location, and conveniences,

(B) Terms of the sale,

(C) Time the property may be inspected by prospective buyers,

(D) Place where additional information can be obtained,

(E) A statement that the Government reserves the right to reject any or all offers,

(F) Nondiscrimination statement, and

(G) Flood Plain statement.

(ii) The State Director, with the advice and approval of OGC, will develop a standard form of advertisement and notice to be used in the State.

(iii) The County Supervisor, if unable to sell acquired property, may submit a detailed report to the State Director documenting his efforts to sell the property and requesting authority to offer the property for sale by real estate brokers.

(2) *Sale by real estate brokers.* (i) If the State Director determines that the County Supervisor is unable to sell either certain acquired RH property or all acquired RH property to best protect the financial interest of the Government, the State Director may authorize the listing of RH property for sale with real estate brokers. The State Director will document this determination and send a copy to the general operational "465 Real Property" file in the County Office.

(ii) In such cases, FmHA employees will not attempt to sell the property unless a prospective buyer has indicated an interest in buying a specific property before it is listed, but will list the property immediately after it is readied for sale with brokers that have signed a listing agreement. Real estate brokers will be selected in accordance with § 1955.118.

(b) *Sale of suitable property.* Suitable property will be offered for sale to eligible and ineligible applicants as follows:

(1) All housing properties of two units or less will be offered only to eligible applicants for the first 15 days after they are offered for sale.

(2) Multiple housing property of more than two units and housing site property will be offered only to eligible applicants for the first 30 days after it is offered for sale.

(3) Property not sold to eligible applicants in the periods authorized by paragraphs (b) (1) and (2) of this section may then be offered to the general public. A sale to a person or organization ineligible for an FmHA loan, however, must be for cash or at rates and terms in accordance with paragraph (c) of this section.

(4) Sale to persons or organizations eligible for FmHA financing will be made in accordance with the subparts pertaining to the type of loan being made.

(c) *Sale of unsuitable property.* (1) Unsuitable property will be offered for sale for cash or not less than a 10 percent cash downpayment and usually not more than 10 amortized annual payments or 120 amortized monthly payments for the balance of the purchase price. If terms of more than 10 years are necessary because of the location of the property or conditions in the area, the State Director may authorize individual RH dwellings to be sold on longer terms, but not to exceed 15 years, and multiple housing properties on terms not to exceed 20 years. In no case, however, may the be longer than the period for which the property will serve as adequate security.

(2) The interest rate will be the rate set for above-moderate Section 502 RH loans.

(d) *Processing sale to eligible applicants.* The following provisions will apply to all credit sales to eligible applicants:

(1) The FmHA subpart pertaining to the type of loan being made will be followed in making credit sales to eligible applicants. RRH credit sales may be made for up to 100 percent of the current market value of the security less any prior lien, except that 90 percent financing is the maximum for limited profit organizations.

(2) The docket form will show the inventory advice number and identify the credit sale as an initial loan unless the applicant is already indebted for the same type of loan. A loan of the same type made simultaneously with the credit sale will be a subsequent loan.

(3) A cash downpayment collected at the time the credit sale is closed will be identified by the inventory advice number and handled in accordance with Part 1862 of this chapter (FmHA Instruction 451.2).

(4) The current interest rate for the type of loan being made will apply.

(5) The appropriate promissory note for the type of loan being closed will be used.

(6) Loan closing and title clearance for the credit sale and any additional loan closed simultaneously with the credit sale will be the same as for an initial loan except that:

(i) The property will be conveyed by a Quitclaim Deed. The State Director, with the assistance of OGC, will develop a Quitclaim Deed for use in the State. The State Director will execute the deed, and his signature will be acknowledged. Authority to sign the deed may not be redelegated.

(ii) The buyer will pay any loan closing costs from personal funds unless they are included in a subsequent loan made for other than loan closing purposes.

(e) *Processing sale to ineligible applicants.* The following provisions will apply:

(1) The Section 502 RH above-moderate interest rate will be charged in all credit sales of housing property to ineligible applicants. The approval official must determine that the applicant has repayment ability for the requested credit.

(2) The repayment period for credit sales will be in accordance with paragraph (c) of this section.

(3) The property will be conveyed by Quitclaim Deed and the buyer will pay closing costs.

(4) For loans to individuals, the County Supervisor will advise the escrow agent, designated attorney, or title company representative to give a final title opinion or, if an insurance company, a title insurance policy; to prepare and record the mortgage and deed; and to prepare the note. Closing instructions for organization loans will be requested from OGC.

(5) Payments will be made by cash, cashier's check, certified check, postal or bank money order, bank draft, or purchaser's check. Such payments will be handled in accordance with Part 1862 of this chapter (FmHA Instruction 451.2).

(6) After the transaction is closed, the County Supervisor will distribute Forms FmHA 465–10 and a copy of the promissory note when appropriate, in accordance with the Forms Manual Insert.

(7) Form FmHA 444–3 will be used for all loans to individuals, and Form FmHA 440–22 will be used for loans to organizations. In addition, Form FmHA 440–9 will be signed when the borrower receives income throughout the year.

§ 1955.118 Selection and use of real estate brokers.

If property is to be offered for sale by licensed real estate brokers, the State Director will determine whether their solicitation will be by public notice or by direct mailing to licensed real estate brokers.

(a) *Public notice.* Real estate brokers may be invited to participate in selling property on a County Office term listing or individual case basis.

(1) *County Office term listing.* A public notice will be published at least once every 12 months inviting licensed real estate brokers to participate in selling properties. The notice will be published in newspapers having general circulation in the area in which the properties are located and will read substantially as follows:

PUBLIC NOTICE

The Farmers Home Administration has for sale, from time to time, farm, residential, business, recreation and/or other properties. Any licensed real estate broker interested in listing these properties should contact the Farmers Home Administration at _____

_____

Telephone _____.

The notice will be paid for by using Standard Form 1143 and charged as a nonrecoverable cost to the Salaries and Expenses account.

(2) *Individual case basis.* For a specific property, the notice will be published in newspapers having general circulation in the area in which the property is located. The State Director may authorize the notice to be placed in trade journals, magazines, and other publications having wider circulation and may contact real estate brokers that specialize in selling particular kinds of property (e.g. golf courses, business enterprises, multiple housing facilities) if he determines that such action is necessary to protect the interest of the Government. The notice describing the property offered for sale will be similar to the following:

PUBLIC NOTICE

The Farmers Home Administration has for sale the following properties:

1. 18-hole golf course with clubhouse and other facilities located at the north edge of Anytown, Virginia.
2. 80-acre farm located 3 miles west of Anytown, Virginia.
3. Dwelling 3 miles east of Anytown, Virginia.

Licensed real estate brokers who are interested in listing these properties should contact the farmers home administration office at _____

_____

Telephone _____.

(b) *Direct mailing to licensed real estate brokers.* If the State Director selects this method of solicitation, he will obtain a listing showing the names and addresses of all licensed real estate brokers in the State. The list should be obtained from the office of State Government which issues real estate licenses. The State Director may issue a State Supplement listing the real estate brokers in the State by County Office jurisdictional areas. Real estate brokers will be solicited from this list. However, all brokers within the County Office jurisdiction must be contacted if any one is contacted. They will be solicited by notices similar to those shown in paragraphs (a) (1) and (2) of this section. Newly licensed real estate brokers or those who previously declined to participate may be added to the list during the calendar year.

(c) *Listing agreements.* Any real estate broker who agrees to list acquired property for sale will execute Form FmHA 1955C–2, "Nonexclusive Real Property Master Listing Agreement." The County Supervisor or the State Director within their contracting authority are authorized to executive listing agreements on behalf of the Government.

(1) Brokers solicited on a term basis may execute a listing agreement at any time during the year. Such listing agreement will be reviewed prior to December 31 of the year of its effective date, and, if appropriate, may be renewed for a period not to exceed 1 year. Renewals will be made if there is the necessity for continued use of real estate brokers.

(2) A listing agreement on an individual case basis will be executed at the time a property is offered for sale.

(3) A uniform fee or fees will be established by FmHA within a sales area, and will not exceed those for similar services provided to other sellers of real property. No fee will be due or payable if the broker or salesperson purchases the property for his or her own, a relative's, or an affiliate's account.

(d) *Advising real estate brokers of property for sale.* As acquired property becomes available for sale, Form FmHA 1955C–3 (a), "Notice of Real Property for Sale (Single Family Residence)," and Form FmHA 1955C–3 (b), "Notice of Real Property for Sale (Farm Commercial or Special Property)," will be used to advise the brokers who have signed listing agreements. When the property is sold, or other change in the listed property occurs, all brokers will be notified using Form FmHA 1955C–4, "Notice to Brokers—Status Change of Listed Property."

(e) *Conditions for sale by real estate brokers.* (1) The property will be placed on an open listing.

(2) The real estate broker's fee will be that established pursuant to § 1955.118 (c) (3) and will be paid from proceeds of the sale if sufficient funds are available. Otherwise, Standard Form 1034 or other approved voucher will be processed to pay such fees. The cost will be charged to the appropriate insurance fund as a nonrecoverable cost. The broker's fee will not be paid until the transaction is closed. No fee will be paid if the broker or salesperson purchases the property for his or her own, a relative's or an affiliate's account.

(3) No offer from any prospective buyer for less than the listed price will be accepted.

(4) The County Supervisor will not accept any downpayment collected from a prospective buyer by a real estate broker before closing the transaction. Such money must be returned to the prospective buyer by the broker if the offer submitted is not accepted or if the prospective buyer applies as an eligible applicant but is determined ineligible for the requested loan. If, however, an offer is accepted and the prospective buyer refuses to close the transaction, the broker and the prospective buyer will agree on the amount of the fee to be paid by the prospective buyer.

(f) *Processing offers obtained by real estate brokers.* Such offers will be accepted or rejected in the order received in the County Office. Offers will be reviewed for compliance with price, repayment ability of buyer, and terms of sale if credit is involved. The first acceptable offer received will be accepted regardless of whether a higher offer is received later.

§§ 1955.119–1955.120 [Reserved]

§ 1955.121 Sale of acquired chattels.

(a) *Authority.* County Supervisors are authorized to sell acquired chattels for

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the best cash price obtainable. Sale will be by one of the following methods:

(1) *Established public auction.* When practical, acquired chattels will be sold at a public auction held on a regularly scheduled basis.

(2) *Other public auction.* The contractual services of a professional auctioneer may be obtained to sell acquired chattels if it is not practical to sell such chattels at an established public auction. Services will be contracted in accordance with Subpart D of this Part 1955.

(3) *Private negotiated sale.* The County Supervisor may negotiate the sale of acquired chattels if it is not practical to sell the chattels by auction sale.

(4) *Sealed bid.* Items such as golf carts, recreation equipment and other specialty chattels may be sold through sealed bids if the County Supervisor determines that such method of sale will be in the best financial interest of the Government.

(5) *Sale with acquired real estate.* Chattels may be sold with acquired real estate if a higher price can be obtained. Proceeds from a joint sale will be applied to the respective loan accounts based on the value of the property sold. Form FmHA 440–21, "Appraisal of Chattel Property," will be used for appraising the chattels.

(b) *Public notice.* If sale is to be by any method other than established public auction, the County Supervisor will post notice of the sale in at least 5 public places not less than 5 days before the sale date, so that the public will be adequately informed of the planned sale. Form FmHA 455–8, "Notice of Sale," will be used. Newspaper advertising may be used if necessary to provide notice to potential buyers.

(c) *Transferring title.* The County Supervisor will complete Form FmHA 455–10, "Bill of Sale 'A' (Sale of Government Property)," and deliver it to the purchaser when payment for the chattels is received. Payment will be by cash, a cashier's or certified check, or postal or bank money order, or purchaser's check made payable to FmHA. Third party checks are not acceptable.

(d) *Reporting sale.* The County Supervisor will complete Form FmHA 455–14, "Invoice," covering all the property sold to each purchaser at the time of the sale. The original and one copy will be sent to the Finance Office, and one copy will be kept in the County Office operational files. Sales proceeds will be handled with other collections for the day.

§ 1955.122 Report on property not sold.

Any property not disposed of in accordance with this subpart should be readvertised in newspapers and publications not previously used to get larger coverage. If such advertising does not result in disposal of the property, the State Director will send the inventory file, advertisements, and a summary of the facts covering the efforts to sell the property to the Administrator, Attention: Property Management Staff, for further instructions.

§ 1955.123 Disposal of surplus property to or through other agencies.

If surplus real or chattel property cannot be sold, the State Director will forward all essential facts to the Administrator for consideration in disposing of such property to or through other Federal agencies such as the General Services Administration.

§§ 1955.124–1955.150 [Reserved]

EXHIBIT A—NOTICE OF FLOOD OR MUDSLIDE HAZARD AREA

To: Date: _____

This is to notify you that the property located at _____

_____

is in an area identified by the Federal Insurance Administration of the Department of Housing and Urban Development as having special (flood) (mudslide)[1] hazards. This identification means that the area has at least a one-percent chance of being (flooded) (affected by mudslide)[1] in any given year.

_____
(County Supervisor or Real Estate Broker)

Acknowledgment Date: _____

I hereby acknowledge receipt of the notice that the property located at _____

_____

is in a special (flood) (mudslide)[1] hazard area as identified by the Federal Insurance Administration of the Department of Housing and Urban Development. (Also if I purchase the property through a credit sale, I agree to insure the property against loss from (floods) (mudslides)[1] in accordance with requirements of the Farmers Home Administration.)

_____
(Prospective Buyer)

Subpart D—Purchasing of Services for Program Property

Sec.
1955.151 Purpose.
1955.152 [Reserved].
1955.153 Publicizing the requirements.
1955.154 Preparation of solicitation.
1955.155 Receiving, opening, and evaluation of quotations.
1955.156–1955.160 [Reserved].
1955.161 Issuance of purchase order and notice to proceed.
1955.162 Control of material and work.
1955.163 Acceptance of work.
1955.164 [Reserved].
1955.165 Payment.
1955.166–1955.169 [Reserved].
1955.170 Term contracts.
1955.171–1955.200 [Reserved].

Exhibit:
A—Typical specifications for repair-type contracts.
B–1—Example of maintenance of caretakers services
B–2—Example of invoice cost spread.
C–1—Example of security services.
C–2—Example of security services—continued.
D—Example of repair services.
E—Example of request for contract action.
F—Example of quotation tabulation.
G—Example of contract modification.
H–1—Example of management services.
H–2—Example of management services—continued.

AUTHORITY: 7 U.S.C. 1989, 42 U.S.C. 1480, 42 U.S.C. 2942, 5 U.S.C. 301, Sec. 10 Pub. L. 93–357, 88 Stat 392, delegation of authority by the Sec. of Agri., 7 CFR 2.23, delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70, delegation of authority by Dir., OEO, 29 FR 14764, 33 FR 9850.

[1] Delete the hazard that does not apply.

Subpart D—Purchasing of Services for Program Property

§ 1955.151 Purpose.

This subpart describes procedures for purchasing goods and services for appraisal, inspection, maintenance, management, repair, and disposal of property. The monetary limit of a contract signed by a County Supervisor is $2,000. The monetary limit of a contract signed by the State Director or Property Management Specialist is $5,000. The monetary limit of a contract signed by the Director, Property Management Staff is $10,000. A contract entered into through this subpart for alteration or repair of property may not exceed $2,000. Requirements aggregating more than the foregoing limitations shall not be broken down into several purchases which are less than the limiting amount merely for the purpose of utilizing this method of purchase. This information pertains only to the systems of purchasing. Program approval must be first determined in accordance with the delegation of program authority.

§ 1955.152 [Reserved]

§ 1955.153 Publicizing the requirements.

(a) *Policy.* It is the policy of the Farmers Home Administration (FmHA) to seek maximum competition for all purchases consistent with local conditions and prudent business practices. The sources of potential suppliers will normally not extend beyond a 25-mile radius of the site of work; *Provided,* That there are suppliers within the area. Placing orders with small business concerns and minority business enterprises is specifically encouraged. Solicitations will not be limited to only well known suppliers. The area of competition must never be designed to exclude a particular potential supplier. Although adequate competition is sought, excess competition is not particularly desired for small dollar volume work. There is no prescribed number of potential suppliers to be solicited. If only two plumbing contractors are in the area of work, and both do bid work, solicit both.

(b) *Oral vs. written solicitations.* (1) Oral solicitations may be used for any contract when the estimated value of work does not exceed $2,000. A contract awarded from an oral solicitation will be reduced to writing.

(2) Written solicitations may be used for contracts of any value and must be used for all work when extensive specifications are required. Written solicitations normally will require written quotations. However, lump sum quotations given orally are sufficient in many instances. When oral quotations are acceptable, the solicitation must clearly state this information.

(c) *Solicitation announcement.*—(1) *Places of public notices.* When using written solicitations, in addition to sending them to prospective suppliers, copies of the solicitation will be posted on bulletin boards in public or semipublic places such as post offices, county courthouses, municipal buildings, libraries, and community buildings. Before posting, secure permission of the person in charge of the bulletin board.

(2) *Oral solicitations.* Oral solicitations are announced either by telephone or in person. The specifications, terms and conditions, and other pertinent information are announced by reading the information previously written in items 1 through 7 of Form FmHA 120–10, "Solicitation, Quotation, Purchase Order, Inspection and Invoice." (Available in FmHA County Offices.)

(3) *Length of publicizing period.* Solicitations should be publicized for sufficient time to permit prospective suppliers to examine the site, compute the price quotation, and deliver the response. The following is a guide to length of publicizing: Emergency work—no minimum period, Oral solicitations—3 workdays minimum, 7 workdays maximum, Written solicitations—1 week minimum, 3 weeks maximum.

§ 1955.154 Preparation of solicitation.

(a) *Oral solicitations.* Prepare an original and three written copies of Form FmHA 120–10 (Items 1 through 7 specifications—See Exhibit A for typical specifications for repair services. See Exhibits B, C, D, and H for examples of services. Exhibit E shows a request for contract action to be used when the estimated cost exceeds $2,000).

(b) *Written solicitations.* Prepare original and sufficient copies of Form FmHA 120–10 for the following: 2 copies for each prospective supplier, 3 copies for execution of purchase order, and additional copies for posting in public places.

§ 1955.155 Receiving, opening, and evaluation of quotations.

(a) *Receiving quotations.*—(1) *Oral quotations.* As oral quotations are received, either by telephone or in person, the FmHA employee receiving the response will record the supplier's name, address, telephone number, and the amount of the quotation including any unit prices that may be required. Care must be taken to preserve secrecy of the quotation until the deadline for submission arrives. Do not receive quotations in the presence of clients or potential suppliers.

(2) *Written quotations.* As written quotations are received, place them in a container which can be locked until opening time. If a supplier brings the quotation in person and does not have it in an envolope, furnish the supplier a blank envelope in which to place the quotation. Advise the supplier to be sure to include his name and address and to date the quotation before delivering it.

(b) *Opening of quotation.* At the precise time and date set for opening, open the quotations and if suppliers are present, read aloud the names and addresses of the suppliers and the amounts of the quotations.

(c) *Recording.* An employee other than the one announcing the quotations will record the tabulation information on Form FmHA 120–11, "Solicitation, Quotation, Purchase Order Continuation Sheet No. _____." Oral responses are recorded at the time they are received, but are announced at opening time if there are any prospective contractors present. (See Exhibit F for typical tabulation.)

(d) *Evaluation of quotations after opening.*—(1) *Do not make any pen or pencil marks or notations on written quotations.* Verify that the supplier's name, address, and quotation date have been listed. Then verify the mathematics of the computations, particularly when there are several units of work and unit prices. If there is an error, the corrected total should be entered on the recording sheet.

(2) *Do not correct figures on the written quotation.* If there is a discrepancy between the prices as extended and the unit price (which was multiplied by the number of units), the unit price is considered to be correct. On the recording sheet, correct the extensions and the total price.

(3) *Compare the supplier's prices with your own estimate of the work.* If the low price is within 15 percent of your estimate and also within the limit approved for expenditure, the purchase order may be executed on block 9 of Form FmHA 120–10 without further review. If the low quotation is an amount lower than your estimate by more than 15 percent, have this supplier verify the amount before signing the purchase order to be sure that an error was not made.

§§ 1955.156–1955.160 [Reserved]

§ 1955.161 Issuance of purchase order, acceptance, and notice to proceed.

(a) *Issuance of purchase order.* The purchase order is normally issued to the low responsive and responsible supplier by executing block 9 of Form FmHA 120–10, in an original and two copies. The word "responsive" means that the supplier has caapcity to do the work and has entered a realistic price. The word "responsible" means that the supplier has demonstrated the ability to perform an acceptable standard of work. A quotation that contains changes in the specifications made by the supplier is nonresponsive unless such change provides for an equal or better product or service. Nonresponsive quotations will be rejected.

(b) *Notification.* (1) The successful supplier may be initially notified by telephone that a purchase order is being issued to him. If there is no urgency, mail the original and two copies of Form FmHA 120–10 with block 9 completed.

(2) After the successful supplier has accepted the purchase order (see paragraph (c) of this section), notify unsuccessful suppliers of the name of the contractor and the amount of the contract. This notification is not mandatory, but is good business practice in order to retain the interest of suppliers.

(c) *Acceptance of purchase order.* Have the successful supplier (contractor) indicate acceptance of the purchase order by completing block 10 (date and signature) of the original and one copy of Form FmHA 120–10, and returning these forms to the issuing office.

(d) *Notice to proceed.* Notify the contractor at the time of receipt of the fully executed purchase order if he is to proceed with the work immediately, or if deferred the date to begin wlon the service or work.

§ 1955.162 Control of material and work.

(a) *Inspections.* Depending on the volume and complexity of the work and the authorized length of time of performance, from one to three or more inspections will be required. These inspections may be performed by the Contracting Officer or other FmHA employee. If the inspection involves many details, Form FmHA 424–12, "Inspection Report," may be used to record information and inform the contractor of deficiencies.

(1) *Category of inspections*—(i) *Final.* Always required after completion of all contract work.

(ii) *Prefinal.* An inspection made as completion nears, the purpose of which is to make a list of missing or defective work which must be accomplished or corrected before acceptance. This inspection is usually performed when extensive or complex work in involved.

(iii) *Interim.* One or more inspections made during the progress of work to ascertain compliance with material and workmanship requirements. These inspections are normally reserved for contracts containing complex specifications.

(b) *Contract modifications.* During the course of the contract it may be necessary to amend the contract as onsite conditions are uncovered or changed. Some modifications will involve changes in cost, or time of performance, or both. It is recommended that the Contracting Officer and the contractor agree to all terms of the modification before it is started. (See Exhibit G for examples of contract modifications.)

(c) *Government furnished property.* To repair or service Government owned property, the contractor may be required to reinstall or repair certain existing components and, at the same time, may also have to furnish or supply items. The contractor is responsible for the Government property under his control and this responsibility continues until work is completed and accepted by the Government. Obtain a receipt from the contractor at the time Government furnished property is turned over to him.

§ 1955.163 Acceptance of work.

This is the acknowledgment by the Contracting Officer that the contract work has been completed in accordance with the terms and conditions of the contract. Acceptance relieves the contractor of responsibility for Government prop-

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erty, and it permits FmHA to proceed with program actions.

§ 1955.164 [Reserved]

§ 1955.165 Payment.

Payment to the contractor follows acceptance. (Exhibit B–2 shows partial payment.)

(a) *Partial payment.* A partial payment is made for a completed separable unit of contract work; e.g. maintenance is to be performed each month and the first month's work is finished.

(b) *Progress payment.* A progress payment is made when a percentage of the total contract work is attained. Only one progress payment is made each month. A progress payment must not exceed 90 percent of the value of accumulated work.

(c) *Final payment.* If there have been previous partial payments or progress payments, final payment is only for the last and unpaid separate unit of work or the unpaid percentage of the total work.

§§ 1955.166–1955.169 [Reserved]

§ 1955.170 Term contracts.

A term contract is written for service during a specific period, generally a fiscal or calendar year. The distinguishing characteristic of this contract from others is that while the specification is definite, the quantity of services and location of performance may be unknown at the time the procurement is started.

(a) *Single award term contract.* This type of procurement is typified by management or maintenance services. It is used when it is expected that there will be several security properties during the 1-year period of performance. Examples of use would be "Provide property management services in accordance with specifications at all assigned properties in Smith County during fiscal year 1976," or "Provide trash removal in accordance with specifications at assigned properties in magisterial districts A and B in calendar year 1975." Follow the solicitation and award procedures set forth in prior sections of this Subpart. The total amount paid for services under a single award term contract cannot exceed the specific contract limitations of § 1955.151.

(b) *Multiple award term agreements.* A multiple award term agreement is one where several suppliers agree to participate in a needed service activity; but for any specific instance of service, the function is performed by only one of the suppliers. The best example of this type of agreement is that where open listing agreements are entered into with all interested real estate brokers in a given geographical area. Each is given the same opportunity to find purchasers of inventory property in accordance with the terms and conditions set forth in the listing agreement. The service is performed and a payment made in each individual completed service to that contractor who provided the service. The amount paid for each individual completed service (the sale of one property) cannot exceed the specific limitations of § 1955.151.

§§ 1955.171–1955.200 [Reserved]

EXHIBIT A—TYPICAL SPECIFICATIONS FOR REPAIR TYPE CONTRACTS

Introduction—This is an example set of specifications for the repair of a hypothetical dwelling. The format and divisions follow the order of the 1973 HUD-MPS and contains only typical divisions. Each case must have its own specifications. The MPS is used as a basis for determining acceptable materials and construction methods in Chapters 5 and 6 and Site Conditions in Divisions 310 and 311 of Chapter 3.

EXAMPLE DWELLING SPECIFICATIONS REPAIR TYPE

DIVISION I—GENERAL REQUIREMENTS

101 *Scope of work under this contract.* All material, equipment, and construction must comply with all National, State, and Local codes and regulations and must be equal or better in quality and standards to the requirements contained in DHUD Minimum Property Stadards. The work shall consist of removing existing flooring, cabinets, sink, and hot water heater, and kitchen back door and rebuilding to the enclosed Drawings and Specifications.

102 *Government occupancy.* Where the dwelling is occupied by a tenant, work must be coordinated and scheduled so it does not leave the family without electrical, water, or heating service for a period in excess of 4 hours. Utility service shall not be interrupted during cold weather when it would cause temperature within the building to drop below 55 F. The occupant shall remove all personal items, etc., from the work areas prior to contractor beginning work. Water heater shall be reinstalled and placed in service within one working day.

103 *Removal of existing fixtures and cabinets.* All electrical, plumbing, cabinets, and flooring scheduled to be removed shall become property of the contractor and shall be removed from the site. Any fixtures scheduled to be removed and reinstalled shall be handled in such a manner as to prevent damage.

104 *Repair and refinishing.* Contractor shall repair or replace existing structural members or finishes damaged while performing the work required in this contract.

105 *Samples and shop drawings.* Before painting begins, the contractors shall furnish samples of the paint for approval of quality and color. Furnish samples before ordering for approval of color and quality of any finish materials. Shop Drawings are required of custom-built cabinets. All manufactured factory finished cabinets shall comply with ANSI A161.1 as required by the MPS.

105.1 Contractor shall furnish samples and materials for equipment brochures for approval before or during any color and quality of any finish materials or equipment.

105.1.1 Before painting begins, the contractor shall furnish samples of the paint, including the label indicating lead content, if any.

105.2 Shop drawings are required of all custom-built cabinets. All manufactured factor finished cabinets shall comply with ANSI A161.1 standards as required by the MPS.

106 *Incidental work.* Incidental work which is inherent in remodeling work, auch as repairing cracks in wall board, patching holes left from removal of items, etc., shall be considered a subsidiary item for which no additional payment will be made.

107 *Method of measurement and basis for payment.* The unit of measurement shall be lump sum for all work required in the contract. Upon completion and acceptance the contractor shall be paid at the contract lump sum price.

DIVISION II—SITE WORK

201 *Main entrance walk repair.*

201.1 Carefully remove to reduce uncontrolled cracking about 12 linear feet of concrete walk in front of dwelling at 1234 Main Street, Yourton; being those three 4-foot sections that have become raised from original level by tree roots and the freeze-thaw cycle.

201.1.1 Cut all roots which are above base grade back at least 1 foot on both sides of walk and remove.

201.2 Provide sand to form a new base for concrete walk. Compact sand by hand tamping. Level to original base grade.

201.3 Reinstall and mortar in place the three 4-foot concrete sections removed to provide a true and continuous level walkway as if original walk.

DIVISION III—CONCRETE

301 *Carport concrete slab floor replacement.*

301.1 Remove existing broken concrete slab in carport and remove from site.

302 Place new carport concrete slab of nominal dimensions of 20 feet by 12 feet by 4 inch thickness. Provide ¾-inch by 4-inch expansion joint between dwelling and carport. Concrete shall be designed to acquire 7-day strength of 2,000 psi and a 28-day strength of 3,000 psi. The slab shall have a light broom finish. Concrete shall be properly moisture cured for first 7 days. Slab shall slope away from dwelling at rate between 1 inch and 2 inches in 12 feet.

303 Clean up concrete spillage and remove forms from premises returning surrounding grade to near original shape providing slope away from carport to match dwelling slope at about 6 inches in 10 feet to a drainage swale.

DIVISION IV—MASONARY

401 Remove cracked mortar in the masonary material to a depth of not less than 1 inch in existing exterior walls as follows:

a. The zig-zag crack in the west wall at the North wall from top to bottom, approximately 16 feet total length.

b. The zig-zag crack in the west wall at the North end under the window, approximately 8 feet total length.

c. The two zig-zag cracks in the South wall from top to bottom, approximately 16 feet total length.

d. The horizontal crack at floor level in the carport on the East wall.

402 Repoint all cracks in the masonry mortar. Existing cracked mortar dust shall be cleaned out of cracks by air pressure and dampened to provide slower setting time of mortar.

403 New mortar of a mix or one part portland cement, type I, II or III, one part hydrated lime, five parts clean washed sand and sufficient water for plasticity shall be used. Place mortar in cracks and thoroughly compact. Finish shall be concave matching existing undamaged mortar.

DIVISION V—METALS

501 The two existing damaged wooden columns shall be removed from the front of the storage area. Provide temporary adequate support for the beam above during construction.

502 Install two 4-inch ID steel structural columns having a 3/16-inch integral steel base plate and top plate of not less than 64 square inch surface.

503 Concrete floor shall be cut to a depth of 2 inches below the surface in dimensions to fit the base plates. Base plate shall be embedded in mortar struck flush with floor surface. After 28-day moisture curing, seal the shrinkage crack around steel column with coal-tar pitch carefully applied so as to prevent water entrance and neat appearance with no spillage on concrete surface. Top plates shall be drilled and secured to beam with four ¼-inch by 3-inch lag screws.

DIVISION VI—CARPENTRY

601 Install ⅜-inch minimum thickness exterior grade plywood exterior covers over all first floor windows and basement windows. Installation shall be accomplished by bolting covers to 2 x 4 cross bars on the inside of the building. Windows shall be lowered or raised as required. At least two ¼-inch carriage bolts per cross bar shall be used. See detail drawing.

DIVISION VII—THERMAL AND MOISTURE PROTECTION

701 Provide positive exterior foundation drainage. Finish grade slope from 8 inches below bottom wooden members to a drainage swale at a rate of about 6 inches in 10 feet to carry ground water away from building and the site.

702 Provide additional blown-in glass fiber insulation in the attic. The total R value of the ceiling and insulation shall be brought up to a minimum of R20. Provide Certification of type. Provide protection against edge blowing of loose insulation by use of a baffle which allows a 2-inch positive air flow between insulation and underside of roof sheathing in the rafter spaces. Method must have prior approval of the FmHA Contractor Officer.

DIVISION VIII—DOORS, WINDOWS AND GLAZING

801 Replace existing front entrance door frame with equal or better quality wooden material.

802 Furnish and install new solid core Type I hardwood slab exterior front entrance door with new approved lock. Use existing 3 butt hinges from damaged door.

803 Provide and apply exterior and interior finish for entrance door matching colors as approved by FMHA. Provide new weather stripping for exterior front entrance door. Prime seal top and bottom of door before installation of new weather stripping.

804 Replace 12 broken window panes including picture window. Provide SSB in sizes smaller than 36 by 24 inches and DSB for larger sizes up to 36 by 36 inches. Picture window approximate size 48 inches by 48 inches shall be crystal plate or approved equal.

DIVISION IX—FINISH MATERIALS

901 Exterior Finishes.

901.1 Repair built-up roof matching undamaged areas.

901.2 Clean exterior wood siding for preparation of new paint. Remove loose scales and feather sand paper edges of paint.

901.2.1 Provide and apply one coat of exterior vinyl acrylic paint when temperature will not reach below 50 degrees Fahrenheit for 24 hours.

DIVISION X—EQUIPMENT

1001 Provide and install new kitchen base cabinet with new counter top as approved by FmHA.

DIVISION XII—FURNISHINGS

1101 Provide and install new inlaid sheet linoleum in kitchen. Color and pattern as approved by FmHA.

1102 Relay loose vinyl asbestos tiles in bathrooms.

DIVISION XV—MECHANICAL

1501 Remove damaged electric water heater.

1502 Replace water heater with electric water heater and install according to N.E.C. Capacity shall be 40-gallon glass lined tank with 18 gallons per hour recovery and a minimum 5-year warranty.

1503 Water heater connection pipes shall be of electrically inert materials.

1504 Replace missing water closet and stool in bathroom with approved fixture.

1505 Replace missing submersible pump in water well with deep well 4-inch submersible pump unit, 110V AC, capacity of 20 GPM at 60-foot lift.

DIVISION XVI—ELECTRICAL

1601 Check Electrical Service Entrance panel. Replace or repair circuit breakers as necessary.

1602 Repair as necessary and Reset Dining Room Ceiling light fixtures.

1603 Replace cover plates on (number) convenience outlets and switches.

1604 Provide and install approved smoke detector on separate electrical circuit. Locate detector in Bedroom Hall ceiling near opening to Dining Room.

Form FmHA 120-10 (11-5-75) EXAMPLE OF MAINTENANCE OR CARETAKER SERVICES EXHIBIT B-1

SOLICITATION, QUOTATION, PURCHASE ORDER, INSPECTION, AND INVOICE

1. ISSUING OFFICE AND RECEIVING OFFICE	2. CASE NUMBER	3. DATE OF SOLICITATION
Farmers Home Administration 358 E. Washington Street Greenville, South Carolina 29602	multiple	June 10, 1976
	4. ADVICE NUMBER multiple	5. SOLICITATION NUMBER 46-23-6-18

6. QUOTATIONS will be received at the Receiving Office until 3:00 P.M. local time. DATE: June 17, 1976

6. a. This is a request for information and quotations furnished are not offers. This request does not commit the Government to pay any costs incurred in the preparation or the submission of this quotation, or to procure or contract for supplies or services. When submitting a quotation DO NOT EXECUTE BLOCK 10. If FmHA determines to issue a purchase order on the basis of your quotation, Block 9 will be completed by the Government (constituting an offer) and the form returned to you for your acceptance by the execution of Block 10.

7. SPECIFICATION - Articles or Services			QUOTATION
All work to be completed within N/A calendar days after receipt of notice to proceed Now the grass to a height of approximately two (2") inches within the entire property boundaries of the below listed addresses. THREE MOWINGS for EACH PROPERTY are required; one during the first week of the months of July, August, and September, 1976.			$ /
ORAL QUOTATIONS ARE ACCEPTABLE	Price Each Mowing	Quantity	
24 Melody Lane, Sun Subdivision, Greenville (Case#987-65-4321)	$4.50	.3	$13.50
26 Melody Lane, Sun Subdivision, Greenville (Case#876-54-3219)	$5.25	3	$15.75
128 South Branch Road, Yourtown, S.C. Advice #12345 (Case#765-43-2198)	$6.75	3	$20.25
*			-
8a. This Section to be completed by Supplier – DATE SUBMITTED: 6-16-76			8b. $ 49.50

8c. Name and Address of Supplier (Street, City, State, Zip (Type or Print.))
John B. Worker
38 Melody Lane
Greenville, S. C.

9. PURCHASE ORDER (This section for Government only)
PURCHASE ORDER AMOUNT $ 49.50
☒ You are directed to proceed with the work upon acceptance of this order in writing (Block 10) and its return to the issuing office.
☐ Notice to proceed will be issued by Separate Letter.
By A. B. Jones 6-19-76 (Contracting Official) DATE
A. B. Jones, County Supervisor (Name and Title)

10. ACCEPTANCE OF ORDER (Contractor)
The undersigned agrees to complete all work specified in strict accordance with the terms, specifications and the General Provisions on the reverse hereof, within the stated calendar days after receipt of notice to proceed
John B. Worker 6-19-76
CONTRACTOR DATE

11. CONTRACT WORK INSPECTION AND ACCEPTANCE

Date Completed	All Specifications were met when inspected by me on (Date)	SIGNATURE	TITLE
July 10	July 20, 1976	A. B. Jones	C.O.

12. CONTRACTORS INVOICE and 13. APPROVAL OF PAYMENT

I certify that this invoice is correct and just and that payment thereof has not been received, and in consideration of the receipt of final payment sent to the Name and Address in 8c.
I hereby release the United States of America from any and all obligations whatsoever arising under said contract, except as specifically reserved.

13a. PAYMENT: Partial No. 1 ☒ Final ☐

12a. DATE	12b. SIGNATURE (Payee or his representative)	12c. TITLE	AMOUNT DUE
7-30-76	John B. Worker	Prop.	Cost spread Attached
PAYMENT RECOMMENDED	13a. DATE	13b. SIGNATURE OF COR	
PAYMENT APPROVED	13c. DATE 7-30-76	13d. SIGNATURE OF CONTRACTING OFFICER A. B. Jones	$ 16.50

REMARKS
* NOTE: MONTHLY PAYMENTS WILL BE MADE.
NOTE: WORK SHALL BE TERMINATED FOR A PROPERTY WHEN IT IS SOLD. FmHA 120-10 (11-5-75)

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USDA FmHA
Form FmHA 120-11
(11-5-75)

EXAMPLE OF INVOICE COST SPREAD — EXHIBIT B-2

SOLICITATION, QUOTATION, PURCHASE ORDER CONTINUATION SHEET NO. ____

1. ISSUING OFFICE AND RECEIVING OFFICE	2. CASE NUMBER	3. DATE OF SOLICITATION
Farmers Home Administration 300 E. Washington Street Greenville, South Carolina 29602	multiple	June 10, 1976
	4. ADVICE NUMBER multiple	5. SOLICITATION NUMBER 46-23-6-18

6. QUOTATIONS will be received at the Receiving Office until 3:00 P. M. local time, DATE:

7. SPECIFICATION - Articles or Services	QUOTATION

PARTIAL PAYMENT NO. 1 COST SPREAD

Case No.	Advice No.	
987-65-4321	N/A	$4.50
876-54-3219	N/A	$5.25
765-43-2198	12345	$6.75
	Total Payment No. 1	$16.50

NAME OF SUPPLIER	Enter TOTAL Amount This Sheet and also carry Total to Line 8b Form FmHA 120-10.	$

FmHA 120-11 (11-5-75)

Form FmHA 120-10
(11-5-75)

EXAMPLE OF SECURITY SERVICES — EXHIBIT C-1

SOLICITATION, QUOTATION, PURCHASE ORDER, INSPECTION, AND INVOICE

1. ISSUING OFFICE AND RECEIVING OFFICE	2. CASE NUMBER	3. DATE OF SOLICITATION
Farmers Home Administration Room 220 - Court House Elkins, West Virginia 26241	202-18-1456	December 17, 1975
	4. ADVICE NUMBER 54321	5. SOLICITATION NUMBER 57-42-6-1

6. QUOTATIONS will be received at the Receiving Office until 3:00 P.M. local time, DATE: Dec. 23, 1975

6. a. This is a request for information and quotations furnished are not offers. This request does not commit the Government to pay any costs incurred in the preparation or the submission of this quotation, or to procure or contract for supplies or services. When submitting a quotation DO NOT EXECUTE BLOCK 10. If FmHA determines to issue a purchase order on the basis of your quotation, Block 9 will be completed by the Government (constituting an offer) and the form returned to you for your acceptance by the execution of Block 10.

7. SPECIFICATION - Articles or Services	QUOTATION
All work to be completed within 20 calendar days after receipt of notice to proceed At the dwelling (formerly owned by A.A. Owner) located on the South side of County Road #28, Duck Run Road, 3/8 mile East of the intersection of County Road #33, Bell Road: Furnish and install 3/8" minimum thickness plywood exterior grade, covers over the exterior of fourteen (14) first floor windows, and four (4) basement windows. Plywood to be primed with shellac and then painted one coat on all six surfaces with white exterior latex paint. Covers to be fastened to 2" by 4"s placed horizontally across the interior of the window openings by means of carriage bolts. INSTALLATION DETAILS ON ATTACHED DRAWING (Continuation Sheet No. 1) BASIS OF PAYMENT - LUMP SUM FOR THE JOB	$

8a. This Section to be completed by Supplier - DATE SUBMITTED: — 8b. $

8c. Name and Address of Supplier (Street, City, State, Zip (Type or Print))

9. PURCHASE ORDER (This section for Government only)

PURCHASE ORDER AMOUNT $

☐ You are directed to proceed with the work upon acceptance of this order in writing (Block 10) and its return to the issuing office.

☐ Notice to proceed will be issued by Separate Letter.

10. ACCEPTANCE OF ORDER (Contractor)

The undersigned agrees to complete all work specified in strict accordance with the terms, specifications and the General Provisions on the reverse hereof, within the stated calendar days after receipt of notice to proceed

By _____ (Contracting Officer) DATE

CONTRACTOR DATE (Name and Title)

11. CONTRACT WORK INSPECTION AND ACCEPTANCE

Date Completed	All Specifications were met when inspected by me on (Date)	SIGNATURE	TITLE

12. CONTRACTORS INVOICE and 13. APPROVAL OF PAYMENT

I certify that this invoice is correct and just and that payment thereof has not been received, and in consideration of the receipt of final payment sent to the Name and Address in 8c. I hereby release the United States of America from any and all obligations whatsoever arising under said contract, except as specifically reserved.

13e. PAYMENT Partial No. ☐ Final ☐

12a. DATE	12b. SIGNATURE (Payee or his representative)	12c. TITLE	AMOUNT DUE
PAYMENT RECOMMENDED	13a. DATE	13b. SIGNATURE OF COR	
PAYMENT APPROVED	13c. DATE	13d. SIGNATURE OF CONTRACTING OFFICER	$

REMARKS

FmHA 120-10 (11-5-75)

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FmHA FmHA 120-11
(11-5-75) EXAMPLES OF SECURITY SERVICES - CONTINUED EXHIBIT C-2

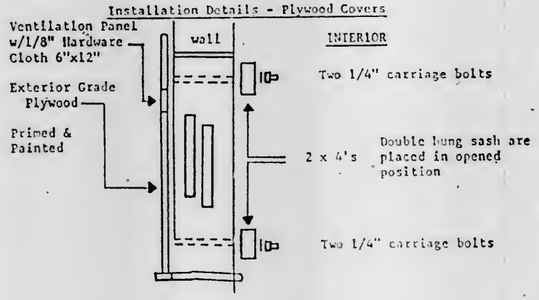
SOLICITATION, QUOTATION, PURCHASE ORDER CONTINUATION SHEET NO. 1

1. ISSUING OFFICE AND RECEIVING OFFICE	2. CASE NUMBER	3. DATE OF SOLICITATION
Farmers Home Administration Room 220 - Courthouse Elkins, West Virginia 26241	292-18-1454	December 17, 1975
	4. ADVICE NUMBER 5432I	5. SOLICITATION NUMBER 57-42-6-1

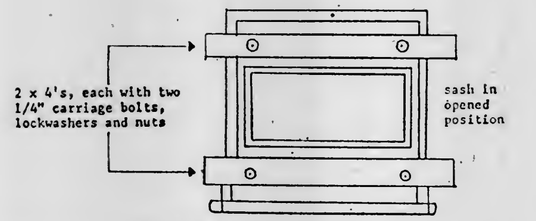
6. QUOTATIONS will be received at the Receiving Office until 3:00 P. M. local time, DATE:

7. SPECIFICATION - Articles or Services	QUOTATION

Installation Details - Plywood Covers



SECTION



INTERIOR VIEW

NAME OF SUPPLIER	Enter TOTAL Amount This Sheet and also carry Total to Line 8b Form FmHA 120-10.	$

FmHA 120-11 (11-5-75)

USDA FmHA
Form FmHA 120-10 EXAMPLE OF REPAIR SERVICES EXHIBIT D
(11-5-75)

SOLICITATION, QUOTATION, PURCHASE ORDER, INSPECTION, AND INVOICE

ISSUING OFFICE AND RECEIVING OFFICE	2. CASE NUMBER	3. DATE OF SOLICITATION
Farmers Home Administration 1019 S. Willow Street Effingham, Illinois 62401	120-11-7451	December 4, 1975
	4. ADVICE NUMBER 8888	5. SOLICITATION NUMBER 13-25-6-4

6. QUOTATIONS will be received at the Receiving Office until 3:00 P.M. local time, DATE: 12-19-75

6, a. This is a request for information and quotations furnished are not offers. This request does not commit the Government to pay any costs incurred in the preparation or the submission of this quotation, or to procure or contract for supplies or services. When submitting a quotation DO NOT EXECUTE BLOCK 10. If FmHA determines to issue a purchase order on the basis of your quotation, Block 9 will be completed by the Government (constituting an offer) and the form returned to you for your acceptance by the execution of Block 10.

7. SPECIFICATION - Articles or Services	QUOTATION
All work to be completed within 45 calendar days after receipt of notice to proceed At the four (4) unit apartment building located at 1234 Main Street, Thistown, prepare the existing exterior wall surfaces and trim, and paint the exterior wall surfaces and trim with one coat of exterior vinyl acrylic paint. Main surfaces to be white, trim surfaces to be light green. Furnish color chip of trim color before application. ORAL QUOTATIONS ARE ACCEPTABLE.	$

This Section to be completed by Supplier - DATE SUBMITTED 12-18-75 Bid $ 1125.00

8. Name and Address of Supplier (Street, City, State, Zip [Type or Print.])	9. PURCHASE ORDER (This section for Government only)
Big Dipper Painting Co. 500 Industrial Avenue Mytown, Illinois	PURCHASE ORDER AMOUNT $ 1125.00 ☐ You are directed to proceed with the work upon acceptance of this order in writing (Block 10) and its return to the issuing office. ☐ Notice to proceed will be issued by Separate Letter. By A. P. Newman 12-23-75 (Contracting Officer) DATE A. P. Newman, Supervisor (Name and Title)

10. ACCEPTANCE OF ORDER (Contractor)

The undersigned agrees to complete all work specified in strict accordance with the terms, specifications and the General Provisions on the reverse hereof, within the stated calendar days after receipt of notice to proceed

Prime Splatter 12-23-75
CONTRACTOR DATE

11. CONTRACT WORK INSPECTION AND ACCEPTANCE

Date Completed	All Specifications were met when inspected by me on (Date)	SIGNATURE	TITLE
1-25-76	1-27-76	A. P. Newman	Cont. Officer

12. CONTRACTORS INVOICE and 13. APPROVAL OF PAYMENT

I certify that this invoice is correct and just and that payment thereof has not been received, and in consideration of the receipt of final payment sent to the Name and Address in 8c. I hereby release the United States of America from any and all obligations whatsoever arising under said contract, except as specifically reserved.

12a. DATE	12b. SIGNATURE (Payee or his representative)	12c. TITLE	13a. PAYMENT	AMOUNT DUE
2-4-76	Prime Splatter	Partner	Partial No. ☐ Final ☒	Less 1125.00 partial 555.00 Payment NET DUE 570.00

PAYMENT COMMENCED	13a. DATE	13b. SIGNATURE OF COR
PAYMENT APPROVED	13c. DATE 2-4-76	13d. SIGNATURE OF CONTRACTING OFFICER A. P. Newman

REMARKS

FmHA 120-10 (11-5-75)

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Form FmHA 120-10 (11-5-75) — EXAMPLE OF REQUEST FOR CONTRACT ACTION — EXHIBIT E

SOLICITATION, QUOTATION, PURCHASE ORDER, INSPECTION, AND INVOICE

1. ISSUING OFFICE AND RECEIVING OFFICE	2. CASE NUMBER	3. DATE OF SOLICITATION
Farmers Home Administration 921 Moss Street Lake Charles, Louisiana 70601	Multiple	November 19, 1975
	4. ADVICE NUMBER Multiple	5. SOLICITATION NUMBER 22-10-6-3

6. QUOTATIONS will be received at the Receiving Office until 3:00 P.M. local time, DATE: _____

6a. This is a request for information and quotations furnished are not offers. This request does not commit the Government to pay any costs incurred in the preparation or the submission of this quotation, or to procure or contract for supplies or services. When submitting a quotation DO NOT EXECUTE BLOCK 10. If FmHA determines to issue a purchase order on the basis of your quotation, Block 9 will be completed by the Government (constituting an offer) and the form returned to you for your acceptance by the execution of Block 10.

7. SPECIFICATION - Articles or Services	QUOTATION
All work to be completed within _____ calendar days after receipt of notice to proceed	$ Government Estimate
Repairs to Five Dwellings as per attached specifications: (as per Exhibit A)	
Bid Item 1. (address) (Case number) (advice number)	$2,150
Bid Item 2. " " " " "	2,800
Bid Item 3. " " " " "	2,650
Bid Item 4. " " " " "	3,200
Bid Item 5. " " " " "	4,800
Note: In actual practice, the true addresses, case numbers and advice numbers if known would be used. Lists of prospective Bidders would also be included.	
8a. This Section to be completed by Supplier — DATE SUBMITTED:	8b. $15,600

8c. Name and Address of Supplier (Street, City, State, Zip (Type or Print))

9. PURCHASE ORDER (This section for Government only)

PURCHASE ORDER AMOUNT $ _____

☐ You are directed to proceed with the work upon acceptance of this order in writing (Block 10) and its return to the issuing office.

☐ Notice to proceed will be issued by Separate Letter.

By _____ (Contracting Officer) DATE

10. ACCEPTANCE OF ORDER (Contractor)

The undersigned agrees to complete all work specified in strict accordance with the terms, specifications and the General Provisions on the reverse hereof, within the stated calendar days after receipt of notice to proceed

CONTRACTOR DATE (Name and Title)

11. CONTRACT WORK INSPECTION AND ACCEPTANCE

Date Completed	All Specifications were met when inspected by me on (Date)	SIGNATURE	TITLE

12. CONTRACTORS INVOICE and 13. APPROVAL OF PAYMENT

I certify that this invoice is correct and just and that payment thereof has not been received, and in consideration of the receipt of final payment sent to the Name and Address in 8c. I hereby release the United States of America from any and all obligations whatsoever arising under said contract, except as specifically reserved.

13a. PAYMENT Partial No. ☐ Final ☐

12a. DATE	12b. SIGNATURE (Payee or his representative)	12c. TITLE	AMOUNT DUE
PAYMENT RECOMMENDED	13b. DATE	13b. SIGNATURE OF COR	
PAYMENT APPROVED	13c. DATE	13d. SIGNATURE OF CONTRACTING OFFICER	$
REMARKS			

FmHA 120-10 (11-5-75)

Form FmHA 120-11 (11-5-75) — EXAMPLE OF QUOTATION TABULATION — EXHIBIT F

SOLICITATION, QUOTATION, PURCHASE ORDER CONTINUATION SHEET NO. _____

1. ISSUING OFFICE AND RECEIVING OFFICE	2. CASE NUMBER	3. DATE OF SOLICITATION
Farmers Home Administration 808 Pines Altos Street Silver City, New Mexico 88061	070-16-6666	December 2, 1975
	4. ADVICE NUMBER -2435	5. SOLICITATION NUMBER 36-09-6-12

6. QUOTATIONS will be received at the Receiving Office until 3:00 P. M. local time, DATE:

7. SPECIFICATION - Articles or Services		
CONTRACTOR AND ADDRESS	QUOTATION Dated	QUOTATION
Expert Construction Co. Silver City	Yes	$1755.00
Home Repairs and Remodeling Box 40 Route #1 Silver City	No	$1452.33
Community Development Inc. Deming, New Mexico	No	Nonresponsi
Santa Rita Builders Santa Rita, New Mexico	Yes	$1525.00
FmHA Estimate $1500.00		
NAME OF SUPPLIER	Enter TOTAL Amount This Sheet and also carry Total to Line 8b Form FmHA 120-10.	$

FmHA 120-11 (11-5-75)

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USDA-FmHA
Form FmHA 120-11 (11-5-75)

EXAMPLES OF CONTRACT MODIFICATIONS — EXHIBIT G

SOLICITATION, QUOTATION, PURCHASE ORDER CONTINUATION SHEET NO.

1. ISSUING OFFICE AND RECEIVING OFFICE	2. CASE NUMBER	3. DATE OF SOLICITATION
Farmers Home Administration 32 Garden Valley Shopping Center Roseburg, Oregon 97470	301-12-5708	
	4. ADVICE NUMBER 7528	5. SOLICITATION NUMBER 43-10-6-3

6. QUOTATIONS will be received at the Receiving Office until 3:00 P. M. local time, DATE:

7. SPECIFICATION - Articles or Services		QUOTATION
1	Change Order No. 1 Install the used submersible water well pump instead of purchasing a new one. Note: The sheriff recovered the pump which had been stolen and it may now be installed. Net Decrease in Contract Price.	-$85.00
2	Suspend Work Order No. 1 Effective with the close of business January 29, 1976, stop all work of painting the exterior of the buildings. Severe winter storm has precluded work. Count of contract time is suspended.	
3	Resume Work Order No. 1 Effective with beginning of business December 31, 1975, all work may be resumed now that you have complied with my order to have your employees wear hard hats during demolition work.	
4	Change Order No. 5 Substitute 1/4" masonite wood-grained panels in lieu of 1/2" plywood panels, since plywood is not available because of strike. As both type panels have the same cost of materials and installation, there is no change in contract price or time of performance.	
5	Change Order No. 16. Date: January 20, 1976 Properties removed from assignment 567 Main Street, your town Advice #12479 Properties added to assignment 34 Elmwood Drive, Countryside Town Advice #14852 124 Seventh Street, That town Advice #15011	
NAME OF SUPPLIER	Enter TOTAL Amount This Sheet and also carry Total to Line 8b Form FmHA 120-10.	

FmHA 120-11 (11-5-75)

Form FmHA 120-10 (11-5-75)

EXAMPLE OF MANAGEMENT SERVICES — EXHIBIT H-1

SOLICITATION, QUOTATION, PURCHASE ORDER, INSPECTION, AND INVOICE

1. ISSUING OFFICE AND RECEIVING OFFICE	2. CASE NUMBER	3. DATE OF SOLICITATION
Farmers Home Administration Your Street and town including zip	multiple	Follow Instruction
	4. ADVICE NUMBER multiple	5. SOLICITATION NUMBER Follow instruction

6. **QUOTATIONS** will be received at the Receiving Office until 3:00 P.M. local time, DATE: Follow instruction

6. a. This is a request for information and quotations furnished are not offers. **This request does not commit the Government to pay any costs incurred in the preparation or the submission of this quotation, or to procure or contract for supplies or services.** When submitting a quotation DO NOT EXECUTE BLOCK 10. If FmHA determines to issue a purchase order on the basis of your quotation, Block 9 will be completed by the Government (constituting an offer) and the form returned to you for your acceptance by the execution of Block 10.

7. SPECIFICATION - Articles or Services	QUOTATION
All work to be completed within N/A calendar days after receipt of notice to proceed In accordance with specifications, terms and conditions shown on Continuation Sheet No. 1, provide management services, including rental, rent collection, tenant eviction, maintenance and minor repairs at all assigned single family Government dwellings in Alpha County during the period July 1, 1976, through June 30, 1977. Quotation per dwelling per month of service. ORAL QUOTATIONS ARE ACCEPTABLE	$ Quotation per dwelling per month of service.

8a. This Section to be completed by Supplier — DATE SUBMITTED: | 8b. $

8c. Name and Address of Supplier (Street, City, State, Zip (Type or Print))

9. PURCHASE ORDER (This section for Government only)
PURCHASE ORDER AMOUNT $
☐ You are directed to proceed with the work upon acceptance of this order in writing (Block 10) and its return to the issuing office.
☐ Notice to proceed will be issued by Separate Letter.
By (Contracting Officer) DATE

10. ACCEPTANCE OF OFFER (Contractor)
The undersigned agrees to complete all work specified in strict accordance with the terms, specifications and the General Provisions on the reverse hereof, within the stated calendar days after receipt of notice to proceed
CONTRACTOR DATE
(Name and Title)

11. CONTRACT WORK INSPECTION AND ACCEPTANCE

Date Completed	All Specifications were met when inspected by me on (Date)	SIGNATURE	TITLE

12. CONTRACTORS INVOICE and 13. APPROVAL OF PAYMENT

I certify that this invoice is correct and just and that payment thereof has not been received, and in consideration of the receipt of final payment sent to the Name and Address in 8c. I hereby release the United States of America from any and all obligations whatsoever arising under said contract, except as specifically reserved.

13e. PAYMENT
Partial No. ☐
Final ☐

12a. DATE	12b. SIGNATURE (Payee or his representative)	12c. TITLE	AMOUNT DUE
PAYMENT RECOMMENDED	13a. DATE	13b. SIGNATURE OF COR	
PAYMENT APPROVED	13c. DATE	13d. SIGNATURE OF CONTRACTING OFFICER	$

REMARKS

FmHA 120-10 (11-5-75)

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Form FmHA 120-11 (11-5-75) EXAMPLE OF MANAGEMENT SERVICES-CONTINUED EXHIBIT H-2

SOLICITATION, QUOTATION, PURCHASE ORDER CONTINUATION SHEET NO. 1

1. ISSUING OFFICE AND RECEIVING OFFICE	2. CASE NUMBER multiple	3. DATE OF SOLICITATION Same as 120-10
	4. ADVICE NUMBER multiple	5. SOLICITATION NUMBER Same as 120-10

6. QUOTATIONS will be received at the Receiving Office until 3:00 P. M. local time, DATE:

7. SPECIFICATION - Articles or Services	QUOTATION

SPECIFICATIONS

1. Use diligent efforts to place tenants without descrimination in all unoccupied properties on a month-to-month basis at monthly rates set forth in the assignment of properties notices. Obtain rental agreement from each tenant.

2. Collect all rents and remit to FmHA monthly.

3. Cause the peaceable eviction without court action of persons for nonpayment of rent or other significant violations of rental agreements.

4. Prepare and submit a monthly business report.

5. Cut grass monthly and remove any accumulated trash monthly on all unoccupied properties.

6. Inspect all properties monthly for security and condition.

7. Make minor repairs (not to exceed $25.00 per building). Include invoice for repairs with monthly statement for reimbursement.

8. Advise County Supervisor immediately of any needed repairs estimated in excess of $25.00. Proceed with repair work for that authorized. Submit invoices for reimbursement.

TERMS

For properties assigned between the 1st and 15th of any month, the full monthly fee will be paid for that month. For properties assigned after the 15th, 1/2 fee will be paid. For properties removed from assignment between the 1st and 15th of a month, no fee will be paid for that month. For properties removed after the 15th, a 1/2 fee will be paid.

NAME OF SUPPLIER	Enter TOTAL Amount This Sheet and also carry Total to Line 8b Form FmHA 120-10.	$

© U. S. Government Printing Office: 1975—665-864/1196 Region No. 6 FmHA 120-11 (11-5-75)

[FR Doc.76-22571 Filed 8-4-76;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 76-GL-8; Amdt. 39-2685]

PART 39—AIRWORTHINESS DIRECTIVES

Airborne Vacuum Pump Models 113A, 200CC, 200CW, 220CC, 220CW, 221CC, 222CW

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring that all Airborne engine driven vacuum pump models 113A, 200CC, 200CW, 220CC, 220CW, 221CC, and 222CW (certain early serial numbers only), manufactured prior to January 1966, be removed and another serviceable approved air pump installed, was published in 41 FR 14894 and 14895.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

§ 39.13 [Amended]

AIRBORNE MANUFACTURING COMPANY. Applies to Models 113A, 200CC, 200CW, 220CC, 220CW, 221CC, 222CW engine driven pumps.

Compliance is required within the next 25 hours time in service, or by next annual inspection, whichever occurs first, after the effective date of this AD, unless already accomplished.

To prevent loss of vacuum pressure with the accompanying loss of directional or attitude gyro function accomplish the following:

Remove from service and replace with another serviceable approved vacuum pump all Airborne engine driven vacuum pumps manufactured prior to 1966 for which the model and serial numbers are listed below:

Model	Year	Serial Nos.
113A	1960	1D1 through 12D1199 inclusive.
	1961	1E1 through 12E2288 inclusive.
	1962	1F1 through 12F3411 inclusive.
	1963	1G1 through 12G4230 inclusive.
	1964	1H1 through 12H1683 inclusive.
	1965	1J1 through 12J210 inclusive.
200CC, 200CW	1963	5G43 through 12G903 inclusive.
	1964	1H1 through 12H5623 inclusive.
	1965	1J1 through 12J9397 inclusive.
220CC, 220CW	1964	2I11 through 12I1680 inclusive.
	1965	1J1 through 4J303 inclusive.
221CC, 222CW	1965	3J1 through 12J371 inclusive.

Airborne Manufacturing Company Service Letter No. 16, dated January 29, 1976, also pertains to this subject.

This amendment becomes effective August 11, 1976.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655 (c)).)

Issued in Des Plaines, Illinois on July 28, 1976.

LEON C. DAUGHERTY,
Acting Director,
Great Lakes Region.

[FR Doc.76-22681 Filed 8-4-76;8:45 am]

[Airworthiness Docket No. 74-WE-52-AD; Amdt. 39-2683]

PART 39—AIRWORTHINESS DIRECTIVES

Certain AiResearch Model TPE331 -1, -2, -3, -5, and -6 Series Engines

Amendment 39-2054 (39 F.R. 44439), AD 74-26-11, as amended by Amendments 39-2092 (40 F.R. 6771), 39-2214 (40 F.R. 22126), 39-2254 (40 F.R. 28605), 39-2367 (40 F.R. 42740), and 39-2383 (40 F.R. 48499) requires inspection and modification to the oil supply system for the high speed pinion gear bearing assembly. This action was required due to numerous reported instances of loose carrier bolts and oil transfer tube failures on certain TPE331 -1, -2, -3, -5, and -6 series engines. Field experience indicated that bolts part number MS21279-07 securing the bearing carrier part number 896734 loosened allowing the bearing carrier to also become loose. In addition, the attaching bracket on oil transfer tube part number 3101187-1 breaks which contributes to tube failure and subsequent loss of engine oil pressure. The corrective actions in this AD were effective in reducing bearing carrier loosening and lubricating tube failures.

However, recent field experience reflects journal bearing failures which have been attributed to a broken lubricating adapter part number 3101210-1. For this reason, the agency has now determined that the terminating action required by Amendment 39-2383 of AD 74-26-11 was not a completely effective means of eliminating the unsafe condition.

Therefore, AD 74-26-11, as amended, is being superseded by a new AD that requires replacement of the original aluminum lubricating adapter, part number 3101210 -1 or -2, with a new steel lubricating adapter. This new adapter is secured by the addition of a key washer and a new bolt. This modification is required on all Model TPE331 -1, -2, -3, -5, and -6 engines which have the high speed pinion journal bearing configuration and should be accomplished in accordance with the AiResearch Service Bulletin TPE331-72-0092 Revision 5, dated June 8, 1976, or later approved revisions, notwithstanding prior compliance with AD 74-26-11.

The borescope inspection for cracks in the oil transfer tube part number 3101187-1, required at 100-hour intervals by AD 74-26-11, will continue to be required.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

AIRESEARCH MANUFACTURING COMPANY OF ARIZONA. Applies to the following groups of Model TPE331 series engines:

Group A: TPE331-1-101B, S/N 93058 through 93061; TPE331-1-151A, S/N 92249 and 92336 through 92354; TPE331-1-151K, S/N 26001 through 26014; TPE331-1-151G, S/N 91193 through 91198; TPE331-2-201A, S/N 90218 through 90278, TPE331-3U-303G or TPE331-3UW-303G, S/N 03108, 03109, and 03112 through 03180 and 05031 through 05042; TPE331-3U-307G, S/N 03001 and 03009; TPE331-5-251C, S/N 22006 through 22057; TPE331-5-251K, S/N 06113, 06190 through 06442 and 06444 through 06454; TPE331-6-251M or TPE331-6-252M, S/N 20144 and 20182 through 20467 and 20469 through 20533; TPE331-6-252B, S/N 27001 and 27002, and any Model TPE331-1, -2, -3, -5, or -6 engines which have been modified in accordance with AiResearch Service Bulletin TPE331-72-0064 dated February 1, 1974 or subsequent revisions.

Group B: TPE331-1-101B, S/N 93062, 93063; TPE331-1-151A, S/N 92355 through 92357; TPE331-1-151K, S/N 26015 through 26023; TPE331-2-201A, S/N 90279 through 90296; TPE331-3U-303G or TPE331-3UW-303G, S/N 03181 through 03197, 05043 through 05052; TPE-5-251C, S/N 22058 through 22119; TPE-331-5-251K, S/N 06443, 06455 through 06556; TPE 331-6-251M or TPE331-6-252M, S/N 20534 through 20577.

Group C: TPE331-1-101F, S/N 98017 through 98019; TPE331-1-151K, S/N 91194 and 91195; TPE331-2-201A, S/N 90297 through 90303; TPE331-3U-303G or TPE331-3UW-303G, S/N 05053 through 05058, S/N 95016, S/N 03001, S/N 03010, S/N 03011, and S/N 03198 through 03205; TPE331-5-251K, S/N 06557 through 06576; TPE331-5-251C, S/N 22120 through 22139, TPE331-5-251M, S/N 28001 through 28005; TPE331-6-251M, S/N 20488, S/N 20017, and S/N 20018; TPE-331-6-252B, S/N 27003 and S/N 27004, and any Model TPE331 -1, -2, -3, -5, or -6 engines which have been modified in accordance with AiResearch Service Bulletin TPE-331-72-0064, dated February 1, 1974, or subsequent revisions.

NOTE.—Operators of airplanes incorporating the engines affected by this airworthiness directive are advised to examine the applicability section, Configuration Identification, Table 1, of AiResearch Service Bulletin TPE331-72-0092, Revision 5, dated June 8, 1976, or later FAA-approved revision, to identify the extent of work required by this airworthiness directive which may have been previously performed.

Compliance required as indicated.

To detect and prevent fatigue failures of the high speed pinion (HSP) bearing oil transfer tube, supply tube, and lubricating adapter, and to detect, correct, and prevent loosening of the HSP bearing carrier bolts, accomplish the following:

(a) For engines in Group A, above, within the next 100 hours time in service after December 30, 1974 (the effective date of Amendment 39-2054, AD 74-26-11), unless already accomplished, accomplish the following in accordance with AiResearch Service Bulletin TPE331-72-0092, dated December 9, 1974, or later FAA-approved revision:

(1) Replace the two high speed pinion bearing carrier bolts, P/N MS21279-07, with two bolts, P/N MS9489-07, and lockplate, P/N 3101483-1.

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(2) Inspect to insure proper torque on bolt, P/N MS21279–10, securing lube nozzle, P/N 3101209, and

(3) If aluminum lube adapter, P/N 3101210, is not replaced as described in paragraph (d) of this directive, inspect to insure proper torque on bolt, P/N MS21297–07, securing this lube adapter.

(b) For engines in Group A and Group B, above, which incorporate the oil transfer tube, P/N 3101187–1, within the next 100 hours time in service after December 30, 1974, unless already accomplished within the last 100 hours time in service prior to December 30, 1974, and thereafter at intervals not to exceed 200 hours time in service from last inspection, until the modifications of paragraph (c) are accomplished, accomplish the following in accordance with AiResearch Service Bulletin TPE331–72–0092, dated December 9, 1974, or later FAA-approved revision:

(1) Inspect the integral support bracket on oil transfer tube, P/N 3101187–1, for cracks or separation, and

(2) If the oil transfer tube bracket is cracked or separated, before further flight, replace both the oil transfer tube and oil supply tube with new tubes, oil transfer tube, P/N 3101475–1, and oil supply tube, P/N's 3101473–1 or 3101473–2, and associated hardware.

(c) For engines in Group A and Group B, above, which incorporate the oil transfer tube, P/N 3101187–1, before accumulating a total of 1800 hours time in service after December 30, 1974, unless already accomplished, replace the oil transfer tube, P/N 3101187–1, with one of the following serviceable oil transfer tubes in accordance with AiResearch Service Bulletin TPE331–72–0092, Revision 1, dated, January 1, 1975, or later FAA-approved revision:

(1) P/N 3101187–2 which has been heat-treated and reidentified as P/N 3101187–3,

(2) P/N 3101187–3, or

(3) P/N 3101475–1.

(d) For engines in Group A, Group B, and Group C, above, within the next 200 hours time in service after the effective date of this AD, unless already accomplished, accomplish the following in accordance with AiResearch Service Bulletin TPE331–72–0092, Revision 5, dated June 8, 1976, or later FAA-approved revision:

(1) Replace the aluminum main journal bearing lubricating adapter, P/N's 3101210–1 or 3101210–2, with a new steel lubricating adapter, P/N's 3101474–1 or 3101474–2, and

(2) If two carrier bolts, P/N MS9489–07, and lockplate, P/N3101483–1, are not replaced, inspect these carrier bolts manually for any indication of looseness. If loose bolts are found, before further flight install a new lockplate, P/N 3101483–1, and retorque the two carrier bolts, P/N MS9489–07.

(e) Equivalent procedures, inspections, modifications, or parts may be used when approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(f) Aircraft may be flown to a base for accomplishment of inspections and modifications required by this AD per FAR's 21.197 and 21.199.

This supersedes Amendment 39–2054 (39 F.R. 4439), AD 74–26–11, as amended by Amendments 39–2092 (40 F.R. 6771), 39–2214 (40 F.R. 22126), 39–2254 (40 F.R. 32605), 39–2367 (40 F.R. 42740), and 39–2382 (40 F.R. 48499).

This amendment becomes effective August 6, 1976.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Los Angeles, California, on July 23, 1976.

ROBERT H. STANTON,
Director, FAA Western Region.

[FR Doc.76–22378 Filed 8–4–76;8:45 am]

[Docket No. 15970; Amdt. 39–2689]

PART 39—AIRWORTHINESS DIRECTIVES

Hawker Siddeley Aviation Limited Model DH–114 "Heron" Airplanes

There have been reports of cracks found in the center lug of the left and right hand side of the upper carry through boom, P/N 14FS345, which affect the structural integrity of the wing to fuselage attachment and could result in separation of the wing in flight on Hawker Siddeley Aviation Ltd. Model DH–114 "Heron" airplanes. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require repetitive inspection of the upper carry through boom and replacement, if necessary, on Model DH–114 airplanes.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

HAWKER SIDDELEY AVIATION LIMITED. Applies to DH–114 "Heron" airplanes, all series and approved variants, certificated in all categories.

Compliance required as indicated.

To prevent possible failure of the wing to fuselage attachment and loss of the wing in flight, accomplish the following:

(a) Within the next 10 hours time in service after the effective date of this AD, unless already accomplished, inspect the upperlugs of the left and right hand side of the upper carry through boom, P/N 14FS 345, for cracks using an ultrasonic method of inspection, in accordance with Appendix 1 of Hawker Siddeley Aviation Ltd., Technical News Sheet TNS F.19, Issue 1, dated July 26, 1976, or an FAA approved equivalent.

NOTE.—This inspection can be conducted with the wing installed.

(b) If no cracks are found during the inspection specified in paragraph (a) of this AD, repeat the inspection at intervals not to exceed 1200 flight hours or two calendar years, whichever occurs sooner, until the wings are overhauled in accordance with Hawker Siddeley Aviation Ltd., Technical News Sheet TNS W.9, Issue 5, dated July 12, 1971, and thereafter inspect the area in accordance with paragraph (a) of this AD at intervals not to exceed 3 calendar years.

(c) If cracks are found during any of the inspections specified in paragraphs (a) or (b) of this AD, remove the wing and further inspect by ultrasonic and dye penetrant method in accordance with Appendix 2 of Hawker Siddeley Aviation Ltd., Technical News Sheet TNS F.19, Issue 1, dated July 26, 1976, or an FAA-approved equivalent.

(d) If during any inspection required by this AD, cracking is found in only one of the three lugs per side of the aircraft and exists on only one side of the bolt hole in a horizontal direction outboard of the bolt hole, remove the wing and inspect the lug for crack propagation or further cracking in either of the two remaining lugs by ultrasonic and dye penetrant method, in accordance with Appendix 2 of Hawker Siddeley Aviation Ltd., Technical News Sheet TNS F.19, Issue 1, dated July 26, 1976, or an FAA-approved equivalent at intervals not to exceed 300 flight hours or 3 months, whichever occurs sooner.

(e) If, during any inspection specified in this AD, cracking is found in more than one lug per side or the cracking of any one lug extends to both sides of the bolt holes, before further flight, replace the carry-through boom with a serviceable part of the same part number and continue to inspect in accordance with paragraphs (b), (c), and (d) of this AD.

(f) Report the findings of the inspection specified in paragraph (a) of this AD to Chief, Aircraft Certification Staff, FAA, c/o American Embassy, APO New York, N.Y. 09667.

(Reporting approved by OMB No. 04–R–0174).

This amendment becomes effective August 16, 1976.

Issued in Washington, D.C., on July 30, 1976.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.76–22701 Filed 8–4–76;8:45 am]

[Airspace Docket No. 76–AL–10]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone at Anchorage, Alaska

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the description of the Anchorage, Alaska, control zone by eliminating the control zone extension southwest of the Campbell Lake nondirectional radio beacon (NDB).

On July 15, 1976, the Campbell Lake NDB was relocated to latitude 61°10'18" N., longitude 150°02'44" W., and the NDB–A instrument approach procedure to Anchorage International Airport was canceled. The Anchorage control zone extension to the southwest of Campbell NDB which was designated for the protection of this approach procedure is no longer needed. This amendment deletes the Anchorage control zone southwest extension.

Since this alteration deletes a portion of the Anchorage control zone not needed for the protection of instrument flight procedures, and therefore imposes less

of a burden upon the public than previously existed, notice and public procedure hereon is unnecessary. In order to provide sufficient time for the change to be made an aeronautical charts, this amendment will be effective on September 9, 1976.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 9, 1976, as hereinafter set forth.

§ 71.171 [Amended]

In § 71.171 (41 FR 355) the Anchorage, Alaska, (Anchorage International Airport) control zone is amended by deleting "within 2.5 miles each side of the Campbell Lake RBN 209° bearing extending from the 5-mile radius zone to 8.5 miles southwest of the RBN;"

(Sec. 307(a), Federal Aviation Act of 1958, (49 U.S.C. 1328(a)); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)))

Issued in Anchorage, Alaska, on July 26, 1976.

LYLE K. BROWN,
Director, Alaskan Region.

[FR Doc.76–22555 Filed 8–4–76;8:45 am]

[Airspace Docket No. 76–SO–71]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Selma, Ala., control zone.

The Selma control zone is described in § 71.171 (41 FR 355). It is necessary to amend the description by correcting the coordinates of Craig Air Force Base, by deleting two existing extensions, and by increasing the size of the control zone from 5 to 6 miles to provide adequate controlled airspace for Category E type aircraft. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., November 4, 1976, as hereinafter set forth.

§ 71.171 [Amended]

In § 71.171 (41 FR 355), the Selma, Ala., control zone is amended to read:

Within a 6-mile radius of Craig AFB (Lat. 32°20'32" N., Long. 86°59'15" W.). This control zone is effective from 0600 to 1800 hours, local time, Monday through Thursday; 0600 to 2000 hours, local time, Friday; 0900 to 1600 hours, local time, Saturday; 1000 to 1600 hours, local time, Sunday; and closed on holidays.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Issued in East Point, Ga., on July 26, 1976.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.76–22554 Filed 8–4–76;8:45 am]

[Airspace Docket No. 76–SO–70]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Monroe, N.C., transition area.

The transition area is described in § 71.181 (41 FR 440). The description includes an extension 14 miles wide and 18.5 miles long which was designated for protection of aircraft executing an NDB instrument approach to Monroe Airport. The RBN upon which the extension was predicated has been relocated and it is necessary to revoke the existing extension and replace it with a new extension which will be approximately 2.5 miles in length and 6 miles in width. It is also necessary to correct the geographical coordinates of the RBN and the airport. Since this amendment is less restrictive in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., November 4, 1976, as hereinafter set forth.

§ 71.181 [Amended]

In § 71.181 (41 FR 440), the Monroe, N.C., transition area is amended to read:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Monroe Airport (Lat. 35°01'13" N., Long. 80°37'08" W.); within 3 miles each side of the 057° bearing from the Wesley RBN (Lat. 35°01'25" N., Long. 80°37'01" W.), extending from the 6.5-mile radius to 8.5 miles northeast of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Issued in East Point, Ga., on July 26, 1976.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.76–22553 Filed 8–4–76;8:45 am]

[Docket No. 15967; Amdt. No. 1032]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 8260–3, 8260–4, or 8260–5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97–696 (35 F.R. 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Information Center, AIS–230, 800 Independence Avenue, SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR–VOR/DME SIAPs, effective September 23, 1976.

Walnut Ridge, AK—Walnut Ridge Regional Arpt., VOR–A, Amdt. 10
Walnut Ridge, AK—Walnut Ridge Regional Arpt., VOR/DME Rwy 22, Amdt. 6

* * * effective September 16, 1976.

Plant City, FL—Plant City Muni. Arpt., VOR Rwy 27, Amdt. 1
Marshfield, MA—Marshfield Arpt., VOR–A, Amdt. 2
International Falls, MN—Falls International Arpt., VOR Rwy 31, Amdt. 10
Fayetteville, NC—Fayetteville Muni./Grannis Field, VOR Rwy 21, Amdt. 2, cancelled
Willoughby, OH—Lost Nation Arpt., VOR Rwy 5, Amdt. 1
Willoughby, OH—Lost Nation Arpt., VOR Rwy 23, Amdt. 1
Willoughby, OH—Lost Nation Arpt., VOR Rwy 27, Amdt. 1
Madison, WI—Dane County Regional/Truax Field, VOR Rwy 13, Amdt. 11
Madison, WI—Dane County Regional/Truax Field, VOR Rwy 18, Amdt. 10
Madison, WI—Dane County Regional/Truax Field, VOR Rwy 31, Amdt. 12

* * * effective September 9, 1976.

Salt Lake City, UT—Salt Lake City Int'l Arpt., VORTAC Rwy 34L, Amdt. 3

* * * effective August 19, 1976.

Hickory, NC—Hickory Muni. Arpt., VOR Rwy 24, Amdt. 16
Houghton Lake, MI—Roscommon County Arpt., VOR Rwy 27, Original

* * * effective July 21, 1976.

Sault Ste. Marie, MI—Sault Ste. Marie City-County Arpt., VOR Rwy 32, Amdt. 11

2. Section 97.25 is amended by originating, amending, or canceling the fol-

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lowing SDF-LOC-LDA SIAPs, effective September 16, 1976.

International Falls, MN—Falls International Arpt., LOC/DME(BC) Rwy 13, Amdt. 2
Fayetteville, NC—Fayetteville Muni./Grannis Field, LOC(BC)Rwy 21, Amdt. 1, cancelled
Fayetteville, NC—Fayetteville Muni./Grannis Field, LOC/DME(BC)Rwy 21, Original

• • • effective August 19, 1976.

San Juan, PR—Puerto Rico Int'l Arpt., LOC Rwy 10, Amdt. 2, cancelled
Hickory, NC—Hickory Muni. Arpt., LOC Rwy 24, Original

• • • effective August 12, 1976.

Hawthorn, CA—Hawthorne Muni. Arpt., LOC Rwy 25, Original

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective September 16, 1976.

Jesup, GA—Jesup-Wayne County Arpt., NDB Rwy 10, Amdt. 2
International Falls, MN—Falls International Arpt., NDB Rwy 31, Amdt. 4
Willoughby, OH—Lost Nation Arpt., NDB Rwy 9, Amdt. 6
Willoughby, OH—Lost Nation Arpt., NDB Rwy 27, Amdt. 9
Appleton, WI—Outagamie County Arpt., NDB Rwy 2, Amdt. 4
Appleton, WI—Outagamie County Arpt., NDB Rwy 11, Amdt. 4
Appleton, WI—Outagamie County Arpt., NDB Rwy 20, Amdt. 2
Appleton, WI—Outagamie County Arpt., NDB Rwy 29, Amdt. 5
Madison, WI—Dane County Regional/Truax Field, NDB Rwy 36, Amdt. 20

• • • effective September 9, 1976.

Salt Lake City, UT—Salt Lake City Int'l Arpt., NDB Rwy 34L, Amdt. 1, cancelled
Salt Lake City, UT—Salt Lake City Int'l Arpt., NDB/DME Rwy 34L, Original

• • • effective August 19, 1976.

Brunswick, GA—Brunswick-Golden Isles Muni. Arpt., NDB Rwy 7, Original
Hannibal, MO—Hannibal Muni. Arpt., NDB Rwy 34, Original
San Juan, PR—Puerto Rico Int'l Arpt., NDB Rwy 10, Amdt. 1
Chesterfield, VA—Chesterfield County Arpt., NDB Rwy 33, Original

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, effective September 16, 1976.

International Falls, MN—Falls International Arpt., ILS Rwy 31, Amdt. 4
Appleton, WI—Outagamie County Arpt., ILS Rwy 2, Amdt. 5

• • • effective September 9, 1976.

Salt Lake City, UT—Salt Lake City Int'l Arpt., ILS Rwy 34L, Amdt. 34

• • • effective August 19, 1976.

San Juan, PR—Puerto Rico Int'l Arpt., ILS Rwy 10, Original

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, effective September 16, 1976.

Charleston, SC—Charleston AFB/Muni. Arpt., RADAR-1, Amdt. 9
Madison, WI—Dane County Regional/Traux Field, RADAR-1, Amdt. 4

• • • effective September 9, 1976.

Salt Lake City, UT—Salt Lake City Int'l Arpt., RADAR-2, Amdt. 2, cancelled
Salt Lake City, UT—Salt Lake City Int'l Arpt., RADAR-1, Amdt. 12

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510, and Sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c).)

Issued in Washington, D.C., on July 29, 1976.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

NOTE.—Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the Federal Register on May 12, 1969, (35 FR 5610).

[FR Doc.76-22680 Filed 8-4-76;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-12659]

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Delegation of Authority to Directors of the Division of Market Regulation and Office of Reports and Information Services

Under Section 17A(c)(3)(C) of the Securities Exchange Act of 1934 (the "Act"[1]), a transfer agent registered with the Commission may, upon such terms and conditions as the Commission deems necessary or appropriate in the public interest, for the protection of investors, or in furtherance of the purposes of Section 17A, withdraw from registration by filing a written notice of withdrawal with the Commission. Furthermore, under that Section, if the Commission finds that any transfer agent, which is registered with it or which has an application for registration pending with it, is no longer in existence or has ceased to do business as a transfer agent, the Commission, by order, shall cancel the registration or deny the application.

The regulations of the Commission relating to general organization are being amended to delegate authority to the Directors of the Division of Market Regulation and the Office of Reports and Information Services: (1) To set terms and conditions upon which transfer agents registered with the Commission may withdraw from registration as a transfer agent by filing a written notice of withdrawal and (2) to issue orders cancelling registrations of transfer agents registered with the Commission or denying applications for registration as a transfer agent with the Commission, if such transfer agents are no longer in existence or have ceased to do business as transfer agents.

[1] 15 U.S.C. 78a *et seq.*, as amended by Pub. L. No. 94-29 (June 4, 1975).

The text of the amendments pertaining to the Commission's regulations with respect to delegated authority follows:

Section 200.30-3 is amended by adding two new paragraphs (a)(22) and (a)(23) thereto and 17 CFR 200.30-11 is amended by adding two new paragraphs (a)(4) and (a)(5), respectively as follows:

§ 200.30-3 Delegation of authority to Director of Division of Market Regulation.

• • • • • •

(a) • • •

(22) Pursuant to Section 17A(c)(3)(C) of the Act (15 U.S.C. 78q-1(c)(3)(C)), to set terms and conditions upon which transfer agents registered with the Commission may withdraw from registration as a transfer agent by filing a written notice of withdrawal.

(23) Pursuant to Section 17A(c)(3)(C) of the Act (15 U.S.C. 78q-1(c)(3)(C)), to authorize the issuance of orders cancelling registrations of transfer agents registered with the Commission or denying applications for registration as a transfer agent with the Commission, if such transfer agents are no longer in existence or have ceased to do business as transfer agents.

§ 200.30-11 Delegation of authority to Director, Office of Reports and Information Services.

• • • • • •

(a) • • •

(4) Pursuant to Section 17A(c)(3)(C) of the Act (15 U.S.C. 78q-1(c)(3)(C)), to set terms and conditions upon which transfer agents registered with the Commission may withdraw from registration as a transfer agent by filing a written notice of withdrawal.

(5) Pursuant to Section 17A(c)(3)(C) of the Act (15 U.S.C. 78q-1(c)(3)(C)), to authorize the issuance of orders cancelling registrations of transfer agents registered with the Commission or denying applications for registration as a transfer agent with the Commission, if such transfer agents are no longer in existence or have ceased to do business as transfer agents.

The Commission finds, in accordance with Sections 5 U.S.C. 553(b)(3)(B) and 553(d)(3) of the Administrative Procedure Act, that the foregoing action is related solely to agency organization, procedure or practice and should be effective immediately in order to provide an orderly procedure for the handling of withdrawals, cancellations and certain denials. Accordingly, notice and public procedure are not necessary with respect to the foregoing action.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

JULY 26, 1976.

[FR Doc.76-22739 Filed 8-4-76;8:45 am]

[Release Nos. 33-5730, 34-12663, 35-19630, AS-194]

PART 210—FORM AND CONTENT OF FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, AND INVESTMENT COMPANY ACT OF 1940

Reporting Disagreements With Former Accountants; Adoption of Amendments of Requirements

In Securities Act Release No. 5701 issued on April 29, 1976 [41 FR 19132] the Commission proposed an amendment of Regulation S-X [17 CFR Part 210] which modifies previously existing requirements for disclosure in a note to the financial statements of certain disagreements with former accountants regarding accounting and financial disclosure matters. Nine letters of comment, all favorable, were received in response to the proposal. The Commission has determined to adopt the amendments substantially as proposed.

BACKGROUND

In Accounting Series Release (ASR) No. 165, December 20, 1974 [40 FR 1010] the Commission announced adoption of certain amendments of Form 8-K [17 CFR 249.308] Regulation S-X [17 CFR Part 210] and Schedule 14A [17 CFR 240.14A-101] of the proxy rules. The amendments then adopted were originally proposed on October 11, 1974, in Securities Act Release No. 5534 [39 FR 37999].

Among other matters, Rule 3-16(s) of Regulation S-X [17 CFR 210.3-16(s)] was adopted by that release. That rule called for disclosure in a note to financial statements of two distinct matters, as follows:

1. The *fact* of a reported disagreement. The first sentence of the rule stated:

> If, within the twenty-four months prior to the date of the most recent financial statements, a Form 8-K has been filed reporting a change of accountants and included in such filing there is a reported disagreement on any matter of accounting principles or practices or financial statement disclosure, and if such disagreement, if differently resolved, would have caused the financial statements to differ materially from those filed, state the existence and nature of the disagreement.

In connection with this portion of the rule, the text of ASR 165 states:

> This disclosure is believed necessary to put readers of the financial statements on notice that such a disagreement existed which could have significantly affected the statements.

2. The *effect on financial statements* of changing accountants as regards a reported disagreement. The second sentence of the rule stated:

> In addition, if during the fiscal year in which the change in accountants took place or during the subsequent fiscal year there have been any transactions or events similar to those which involved a reported disagreement and if such transactions are material and were accounted for or disclosed in a manner different from that which the former accountants apparently concluded was required, state the effect on the financial statements if the method which the former accountant apparently concluded was required had been followed.

In connection with this portion of the rule, the text of ASR 165 states, in part:

> This disclosure will make investors aware of situations where alternative accounting approaches may be followed and are favored by at least one professional accountant, and the effect of such alternative approaches. In addition, it is believed that such disclosure requirements may have the effect of discouraging shifts in accountants simply to obtain approval of an alternative accounting approach.

It should be noted that the *fact* of a disagreement with a former accountant is required to be reported in connection with rules of the Commission other than Rule 3-16(s) of Regulation S-X [17 CFR 210.3-16(s)]—Specifically in Form 8-K following the resignation or dismissal of the former accountant or the engagement of a new accountant, and under Item 8 of Schedule 14A of the proxy rules. On the other hand, disclosure of the *effect on financial statements* of changing accountants as regards a disagreement reported in Form 8-K is required only by Rule 3-16(s) of Regulation S-X [17 CFR 210.3-16(s)].

OBJECTIONS TO EXISTING RULE

Several objections had been raised to continuing the requirement for disclosure in financial statements of the fact of disagreement in circumstances where disclosure regarding the effect on financial statements is not required.

1. In the vast majority of cases, disagreements regarding matters of accounting principles or practices or financial statement disclosure are resolved to the satisfaction of the former accountant and the same kind of transactions or events continue to be accounted for or disclosed consistent with what the former accountant apparently concluded was required. In such circumstances, the financial statements have not been affected by a treatment different from that which the former accountant apparently concluded was required. Thus, while a different resolution of the matter of disagreement could have affected the financial statements, the statements have not been so affected.

2. Many believe the requirements of Form 8-K and the proxy rules provide adequate notification to those users of financial statements who may deem the disclosure material to their considerations.

3. Disclosure of only the fact of a disagreement in a note to financial statements was intended only to inform readers that the financial statements might have been prepared differently if the matters of disagreement had been resolved differently and not to raise questions about the adequacy or fairness of the statements presented. This may be misunderstood.

4. Auditor changes that precipitate the reporting of disagreements on Form 8-K are not numerous and only a small portion of those cases is expected to involve circumstances where the successor accountant deems accounting principles or practices or financial statement disclosures acceptable which the former accountant found unacceptable. Thus, if the vast majority of notes to financial statements regarding "disagreements on accounting and financial disclosure matters" do not require any disclosure of the effect on the financial statements, there may be a tendency for readers to give less attention than warranted to those which do contain disclosures about the effects.

AMENDMENT OF RULE 3-16(s) [17 CFR 210.3-16(s)]

The Commission has concluded that these objections have substantial validity. Accordingly, it is adopting the amendment to Rule 3-16(s) of Regulation S-X [17 CFR 210.3-16(s)] to require disclosure in a note to the financial statements of the existence and nature of a previously reported disagreement only when disclosure is also required of the effect on financial statements if the method which the former accountant apparently concluded was required had been followed, i.e., only in those cases when the successor accountant found acceptable what the former accountant found unacceptable.

Pursuant to section 23(a)(2) of the Exchange Act the Commission has carefully considered the impact which the foregoing rule amendment would have upon competition and has concluded that, to the extent the amendment imposes burdens on competition, such burdens are necessary and appropriate in furtherance of the purposes of the securities laws.

1. Section 210.3-16 is amended by adding a new paragraph (s).

§ 210.3-16 General notes to financial statements. (See Release No. AS-1.)

• • • • • •

(s) *Disagreements on accounting and financial disclosure matters.* If, (1) within the twenty-four months prior to the date of the most recent financial statements, a Form 8-K has been filed reporting a change of accountants, (2) included in the Form 8-K there was a reported disagreement on any matter of accounting principles or practices or financial statement disclosure, (3) during the fiscal year in which the change of accountants took place or during the subsequent fiscal year there have been any transactions or events similar to those which involved the reported disagreement, and (4) such transactions or events were material and were accounted for or disclosed in a manner different from that which the former accountants apparently would have concluded was required, state the existence and nature of the disagreement and also state the effect on the financial statements if the method had been followed which the former accountants apparently would have concluded was required. These disclosures need not be made if the method asserted by the former accountants ceases to be

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generally accepted because of authoritative standards or interpretations subsequently issued.

* * * * * *

(Secs. 5, 7, 8, 10 and 19(a) [15 U.S.C. 77f, 77g, 77h, 77j, 77s] of the Securities Act of 1933; Sections 12, 13, 15(d) and 23(a) [15 U.S.C. 78l, 78m, 78o(d), 78w] of the Securities Exchange Act of 1934; and Sections 5(b), 14 and 20(a) [15 U.S.C. 79e, 79n, 79t] of the Public Utility Holding Company Act of 1935)

This amendment shall be effective with respect to financial statements filed after August 31, 1976.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

JULY 28, 1976.

[FR Doc.76-22738 Filed 8-4-76;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER A—GENERAL

[Docket No. 76N-0204]

PART 2—ADMINISTRATIVE PRACTICES AND PROCEDURES

Advice on Public Participation in Formal Evidentiary Hearings; Designation of Agency Contact

The Food and Drug Administration (FDA) is establishing a procedure for notifying the public concerning the manner of obtaining information about formal evidentiary hearings and designating an agency contact to advise on public participation; effective August 5, 1976.

The actions of FDA affect all members of the public. The agency recognizes an obligation to respond to inquiries from members of the public and to assist them in learning about, or participating in, its decisionmaking processes. In particular, the agency wants to be responsive to inquiries about the conduct of, or manner of participating in, formal hearings before an administrative law judge. This notice addresses the manner in which FDA will respond to such inquiries. In a subsequent issue of the FEDERAL REGISTER, the agency will invite comments on a petition it has received to provide attorneys' fees and other assistance to certain participants in formal agency proceedings.

In recent months, FDA has conducted hearings on special dietary foods, tolerances for polychlorinated biphenyls (PCB's) in paper food-packaging material, the denial of approval of a new drug application, and the withdrawal of approval for the use of methadone. The agency expects to hold a hearing on the proposal to withdraw approval of diethylstilbestrol (DES) as a growth promotant in food-producing animals and has recently published a notice of hearing on the approvability of FD&C Red No. 2. There are pending before the agency requests for hearings on the proposed withdrawal of approvals for several human and animal drugs.

To assist persons who have questions regarding attendance at or participation in formal evidentiary hearings, the Commissioner of Food and Drugs is designating the Associate Commissioner for Compliance as the person in the agency who may be contacted.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), Part 2 is amended in Subpart B by adding new § 2.49 to read as follows:

§ 2.49 Advice on public participation in formal evidentiary hearings.

(a) *Designated agency contact.* All inquiries from the public about scheduling, location, and general procedures should be addressed to the Associate Commissioner for Compliance. The staff of the Associate Commissioner for Compliance will attempt to respond promptly to all inquiries from members of the public, as well as to simple requests for information from participants in formal hearings. Such inquiries or requests should be addressed to the Office of the Associate Commissioner for Compliance (HFC-10), Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852, or telephone (301) 443-3480.

(b) *Hearing schedule changes.* Requests by hearing participants for changes in the schedule of a hearing or in the dates for filing documents, briefs, or other pleadings related to the hearing should be made in writing directly to the Administrative Law Judge. All such correspondence should be addressed to the Administrative Law Judge (HF-3), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

(c) *Legal advice to individuals.* The Food and Drug Administration does not have the resources to provide individual legal advice to members of the public concerning participation in such proceedings. Furthermore, to do so would compromise the independence of the Commissioner's office and invite charges of improper interference in the hearing process. Accordingly, the Associate Commissioner for Compliance will decline to entertain inquiries about the strengths or weaknesses of any party's position at a hearing, litigation strategy, or other similar matters.

(d) *Role of the Office of the Chief Counsel.* Under no circumstances will the Office of the Chief Counsel, Food and Drug Administration, directly provide advice on the subject of any formal hearing to any person who is participating or may participate in the hearing. In every such hearing, certain attorneys in the office are designated to represent the bureau or bureaus whose action is the subject of the hearing. Other members of the office, including ordinarily the Chief Counsel, are designated to advise the Commissioner on any final decision in the matter. It is not compatible with these functions, nor would it be professionally responsible, for the attorneys in the Office of the Chief Counsel also to advise other participants in a hearing, or for any attorney who may be called on to advise the Commissioner to respond to inquiries from other participants in the hearing, for such participants may be urging views contrary to those of the bureau involved or to what may ultimately be the final conclusions of the Commissioner. Accordingly, members of the staff of the Office of the Chief Counsel, other than those attorneys responsible for representing the bureau or bureaus whose action is the subject of the hearing, will decline to respond to inquiries from any participant or potential participant relating to the content or conduct of any formal hearing.

(e) *Communication between participants and attorneys.* Participants in a hearing may communicate with the attorneys who are responsible for representing the bureau or bureaus whose action is the subject of the hearing, in the same way that they may communicate with counsel for any other party in interest about the presentation of matters at the hearing. It would be inappropriate to bar discussion of such matters as stipulations of fact, joint presentation of witnesses, or possible settlement of hearing issues. Members of the public, including participants at hearings, are advised, however, that all such communications, including those by telephone, will be recorded in memoranda that can be filed with the Hearing Clerk, Food and Drug Administration.

Effective date: This regulation shall be effective August 5, 1976.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)).)

Dated: July 30, 1976.

JOSEPH P. HILE,
Acting Associate Commissioner for Compliance.

[FR Doc.76-22707 Filed 8-4-76;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-2246]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Suspension of Community Eligibility

The purpose of this notice is to list communities wherein the sale of flood insurance as authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128) will be suspended because of noncompliance with the program regulations (24 CFR Part 1909 et seq.).

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain

area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program and insurance is purchased. Accordingly, for communities listed under this Part such restriction exists as of the effective date of suspension because insurance, which is required, cannot be purchased.

Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities suspended in this notice no longer meet that statutory requirement. Accordingly, the communities are suspended on the effective date in the list below:

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
•	•	•	•	•	•
Pennsylvania	Bedford	Union, township of	Apr. 29, 1975, emergency; Jan. 3, 1975 Sept. 11, 1976, suspension.		421352

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, (34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974)

Issued: July 29, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-22795 Filed 8-4-76;8:45 am]

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. 2243]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Determination of Minimal Special Flood Hazard Areas

The Federal Insurance Administrator, after consultation with local officials of the communities listed below, has determined, based upon analysis of existing conditions in the special flood hazard areas, that it is appropriate at this time to convert these communities to the Regular Program of the National Flood Insurance Program, without determining base flood elevations.

Community	*County and State*
City of Haleyville	Winston, Ala.
Town of Sulligent	Lamar, Ala.
Town of Benson	Cochise, Ariz.
Town of Springerville	Apache, Ariz.
City of Boonville	Logan, Ark.
City of Buckner	Lafayette, Ark.
City of College City	Lawrence, Ark.
City of Cotter	Baxter, Ark.
City of Emmet	Nevada, Ark.
Town of Knobel	Clay, Ark.
City of Leachville	Mississippi, Ark.
City of McRae	White, Ark.
City of Osceola	Mississippi, Ark.
Town of Rudy	Crawford, Ark.
Town of Sherrill	Jefferson, Ark.
City of Wilson	Mississippi, Ark.
City of Auburn	Placer, Calif.
City of Campbell	Santa Clara, Calif.
City of Colusa	Colusa, Calif.
City of La Mesa	San Diego, Calif.
Town of Bushnell	Sumter, Fla.
City of Wauchula	Hardee, Fla.
City of Fort Valley	Peach, Ga.
Town of Hephzibah	Richmond, Ga.
City of Pinehurst	Dooly, Ga.
City of Woodland	Talbot, Ga.
City of American Falls	Power, Idaho.
City of Worley	Kootenai, Idaho.
Village of Smithton	St. Clair, Ill.
Town of Fishers	Hamilton, Ind.
City of Countryside	Johnson, Kans.
City of Roeland Park	Do.
City of Westwood	Do.
City of Jamestown	Russell, Ky.
City of Maysville	Mason, Ky.
Village of Cankton	St. Landry, Parish, La.
Town of Grand Coteau	Do.
Town of Mansura	Avoyelles Parish, La.
Village of Maurice	Vermilion Parish, La.
Village of Pine Prairie	Evangeline Parish, La.
City of Petersburg	Monroe, Mich.
City of Vadnais Heights	Ramsey, Minn.
Town of Beulah	Bolivar, Miss.
City of Gunnison	Do.
Town of Lyon	Coahoma, Miss.
City of Wardell	Pemiscot, Mo.
City of Wyatt	Mississippi, Mo.
Borough of Hasbrouck Heights	Bergen, N.J.
Borough of Pennington	Mercer, N.J.
Village of Blasdell	Erie, N.Y.
Village of Highland Falls	Orange, N.Y.
Village of Newark	Wayne, N.Y.
Town of Osceola	Lewis, N.Y.
Village of Woodridge	Sullivan, N.Y.
Town of Carrboro	Orange, N.C.
City of Creedmoor	Granville, N.C.
Town of Enfield	Halifax, N.C.
City of Cleveland Heights.	Cuyahoga, Ohio.
City of Montgomery	Hamilton, Ohio.
Town of Gage	Ellis, Okla.
Town of Butte Falls	Jackson, Oreg.
City of Carlton	Yamhill, Oreg.
City of Detroit	Marion, Oreg.
City of Estacada	Clackamas, Oreg.
City of Gervais	Marion, Oreg.
City of Mt. Angel	Do.
City of Powers	Coos, Oreg.
Borough of Boyerstown	Berks, Pa.
Borough of Clarks Green	Lackawanna, Pa.
Borough of Coplay	Lehigh, Pa.
Borough of East Greenville.	Montgomery, Pa.
Borough of Ebensburg	Cambria, Pa.
Borough of Elizabethville.	Dauphin, Pa.
Township of Elk	Warren, Pa.
Borough of Emlenton	Venango, Pa.
Borough of Fawn Grove	York, Pa.
Borough of Girard	Erie, Pa.
Township of Girard	Do.
Township of Greene	Mercer, Pa.
Township of Hanover	Lehigh, Pa.
Borough of Harrisville	Butler, Pa.
Township of Jackson	Cambria, Pa.
Borough of Jacobus	York, Pa.
Township of Jefferson	Washington, Pa.
Township of Knox	Clearfield, Pa.
Township of Lackawannock.	Mercer, Pa.
Township of Lafayette	McKean, Pa.
Borough of Lake City	Erie, Pa.
Borough of Littlestown	Adams, Pa.
Township of Mifflin	Dauphin, Pa.
Borough of Montrose	Susquehanna, Pa.
Township of Mount Lebanon.	Allegheny, Pa.
Borough of Pen Argyl	Northampton, Pa.
Borough of Ringstown	Schuylkill, Pa.
Borough of Southwest Greensburg.	Westmoreland, Pa.
Borough of State College	Centre, Pa.
Borough of Swissvale	Allegheny, Pa.
Borough of Thompson	Susquehanna, Pa.
Borough of Warrior Run	Luzerne, Pa.
Borough of West View	Allegheny, Pa.
Town of Denmark	Bamberg, S.C.
Town of Great Falls	Chester, S.C.
Town of Greeleyville	Williamsburg, S.C.
City of Johnsonville	Florence, S.C.
Town of Liberty	Pickens, S.C.
Town of McCormick	McCormick, S.C.
City of New Ellenton	Aiken, S.C.
Town of Pickens	Pickens, S.C.
City of Norris	Anderson, Tenn.
City of Elkhart	Anderson, Tex.
Town of Corinth	Orange, Vt.
City of Newport	Pend Oreille, Wash.
City of Prosser	Benton, Wash.
City of Zillah	Yakima, Wash.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Adminis-

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trator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974))

Issued: July 12, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-22560 Filed 8-4-76;8:45 am]

Title 29—Labor

CHAPTER XXVI—PENSION BENEFIT GUARANTY CORPORATION

PART 2602—PAYMENT OF PREMIUMS

On June 9, 1976, the Pension Benefit Guaranty Corporation (the "PBGC") published in the FEDERAL REGISTER (41 FR 23212) notice of a proposal to revise the PBGC's regulation on the payment of premiums (Part 2602, Chapter XXVI, Title 29, Code of Federal Regulations), as well as the premium payment and annual report form prescribed thereunder (Form PBGC–1).

Interested persons were given the opportunity to participate in this proposed rulemaking by submitting written comments. As discussed more fully below, the comments on the proposed revisions generally endorsed the PBGC's proposals and the revised regulation and form have been adopted substantially as proposed.[1]

The comments strongly endorsed the PBGC's proposal to base the premium rate on the number of participants on the last day of a plan's preceding plan year rather than "at any time during the plan year." As one comment letter explained, the PBGC, by utilizing the "snapshot" approach to counting participants, "has significantly simplified the annual premium computation and reporting process."

Some comments, although supporting the PBGC's intent, expressed concern with respect to the proposed revision of the regulation's definition of "participant" no longer to include therein, for plan years beginning on or after September 2, 1975, any retiree or former employee for whom a fully paid-up immediate or deferred annuity has been purchased "if such individual retains a legal claim against the plan for benefits or if the plan retains a participating interest in the annuity policy." This element of the definition of "participant" had been contained in previous versions of the premium regulation, and is being retained in the regulation *only* with respect to plan years beginning before September 2, 1975.

Some comments also asked what the PBGC intended by the term "fully guaranteed" in the new definition with respect to an annuity. This term has been changed to "irrevocable commitment" to make clear the PBGC's intention to describe an irrevocable insurance company commitment to pay the benefits provided for under the plan.

Thus, the new rule for counting a former employee with vested rights to benefits or a retired person is that such individuals are not to be counted unless: he or she is receiving or is eligible to receive benefits from the plan, an insurance company has not made an irrevocable commitment to pay the benefits to which he or she is entitled under the plan or he or she is defined as a "participant" under the terms of the plan. Benefits otherwise subject to an irrevocable commitment by an insurance company to pay the benefits to which an individual is entitled under a plan, but which can be adjusted in circumstances where recipients are not entitled to them because of fraud or mistake, still are considered subject to an irrevocable commitment for premium payment purposes.

Some comments asked the PBGC to further clarify the status, for premium payment purposes, of an individual who has incurred a break-in-service under the terms of a plan. Inasmuch as some plans, especially negotiated plans, have break-in-service rules more liberal than the one year standard contained in the Act, the definition of participant has been modified to provide that a non-vested former employee is not to be counted as a participant if, on the last day of the plan year, such individual has incurred a break-in-service of the greater of one year or the break-in-service period specified in the plan. Thus, a non-vested former employee with a break in service, although he may have past service restored under the "rule of parity" if he later returns to work, is not to be counted as a participant only if on the last day of the plan year such individual has had a break in service of the greater of one year or the break-in-service period specified in the plan.

One comment indicated that in certain circumstances, the same individual could be counted twice for premium payment purposes when, for example, that individual transfers from one plan to another plan maintained by the same employer or by another employer in the same controlled group, and retains credited service in the first plan while accruing benefits in the second plan. The PBGC agrees with this observation; therefore, an individual who has credited service in more than one plan maintained by the same employer or by a controlled group of employers need be counted for premium purposes only by the plan or plans in which such individual currently is accruing benefits.

Finally, it should be noted that subject to the above paragraph, any individual defined as a participant under the terms of a plan must be counted for premium purposes irrespective of whether that person fits within any of the specific elements of the definition of participant.

In consideration of the foregoing, Part 2602, Chapter XXVI, Title 29, Code of Federal Regulations, is hereby revised, as set forth below, effective August 5, 1976.

[1] Form PBGC–1 and Instructions have been filed as part of the original document. Copies of the Form and Instructions, and additional copies of this regulation, may be obtained at the PBGC's Office of Communications, Suite 7100, 2020 K Street, NW., Washington, D.C., between the hours of 9:00 a.m. and 4:00 p.m.

Sec.

2602.1 Purpose and scope.
2602.2 Definitions.
2602.3 Filing requirement.
2602.4 Coverage for guaranteed basic benefits.
2602.5 Premium rate.
2602.6 Form.
2602.7 Late payment interest charges.
2602.8 Late payment penalty charges.
2602.9 Waivers.
2602.10 Date of filing.
2602.11 Computation of time.
2602.12 Mailing address.

AUTHORITY: Secs. 4002, 4006, 4007; 88 Stat. 1004, 1010, 1013; 29 U.S.C. 1302, 1306, 1307.

§ 2602.1 Purpose and scope.

(a) The purpose of this part is to impose the premiums applicable to plan years in progress on and beginning on or after September 2, 1974.

(b) This part applies to all covered plans, as provided by § 4021 of the Act.

§ 2602.2 Definitions.

As used in this part:

"Act" means the Employee Retirement Income Security Act of 1974.

"Multiemployer Plan" means a plan defined in § 4001(a)(3) of the Act.

"Participant" means: (a) an individual currently accruing benefits or retaining or earning credited service under the terms of the plan (but does not include a non-vested former employee who has incurred a break-in-service of the greater of one year or the break-in-service period specified in the plan); (b) a former employee with vested rights to immediate or deferred benefits or a retiree who is receiving or is eligible to receive benefits from the plan (but does not include such a former employee or retiree to whom an insurance company has made an irrevocable commitment to pay the benefits to which the individual is entitled under the plan); (c) a deceased participant whose survivors are receiving or are eligible to receive benefits from the plan; (d) any other individual who is defined as a participant under the terms of the plan; and, (e) for plan years beginning before September 2, 1975, a retiree or former employee for whom a fully paid-up immediate or deferred annuity has been purchased if such individual retains a legal claim against the plan for benefits or if the plan retains a participating interest in the annuity policy.

"PBGC" means the Pension Benefit Guaranty Corporation.

"Plan Year" means the calendar, policy or fiscal year on which the records of the plan are kept.

§ 2602.3 Filing requirement.

(a) No later than October 2, 1974, the plan administrator of each covered plan shall file in accordance with the instructions contained therein the premium declaration form prescribed by this part and any estimated premium payments due for any plan year beginning before and in progress on September 2, 1974.

(b) No later than 30 days after the beginning of any plan year beginning on or after September 2, 1974, the plan administrator of each covered plan shall

file in accordance with the instructions contained therein the premium declaration form prescribed by this part and any premium payments due for such plan year.

(c) No later than 2 years and 30 days after the beginning of any plan year beginning before September 2, 1976, the plan administrator of each covered plan shall file in accordance with the instructions contained therein the premium declaration form prescribed by this part to enable the PBGC to reconcile premium payments paid, with the actual premium payment due, for such plan year.

(d) No later than the last date prescribed for the payment of premiums for any plan year beginning on or after September 2, 1977, the plan administrator of each covered therein the premium declaration form prescribed by this part to enable the PBGC to reconcile the premium payments paid, with the actual premium payment due, for any plan year beginning on or after September 2, 1976.

(e) The date prescribed for payment of premiums for plans not previously covered by § 4021 of the Act is 30 days after the later of the date of the plan's adoption or the date of the plan's effectiveness with respect to the accrual of future benefits.

(f) Any premium declaration not filed in accordance with this part, not filed in accordance with the instructions contained in the form, not accompanied by the required premium payment or otherwise incomplete, may, in the discretion of the PBGC, be returned in whole or in part to the plan administrator and treated as not having been filed.

§ 2602.4 Coverage for guaranteed basic benefits.

(a) The failure by a plan administrator to pay the premiums due under this part will not result in that plan's loss of coverage for basic benefits guaranteed under § 4022(a) of the Act.

(b) The payment of the premiums imposed by this part will not result in coverage for basic benefits guaranteed under § 4022(a) of the Act for plans not covered under § 4021 of the Act.

§ 2602.5 Premium rate.

(a) For plan years beginning before September 2, 1976, the premium rate for basic benefits guaranteed under § 4022(a) of the Act shall be as follows:

(1) Plans which are not multiemployer plans shall pay a premium of one dollar for each individual who is a participant in such plan at any time during the plan year;

(2) Multiemployer plans shall pay a premium of fifty cents for each individual who is a participant in such plan at any time during the plan year.

(b) For plan years beginning on or after September 2, 1976, the premium rate for basic benefits guaranteed under § 4022(a) of the Act shall be as follows:

(1) Plans which are not multiemployer plans shall pay a premium of one dollar for each individual who is a participant in such plan on the last day of the preceding plan year;

(2) Multiemployer plans shall pay a premium of fifty cents for each individual who is a participant in such plan on the last day of the preceding plan year.

(3) For plans not previously covered by § 4021 of the Act, the premium rate shall be one dollar for each participant or fifty cents for each participant, as is appropriate in accordance with paragraphs (1) and (2) of § 2602.5(b), in such plan on such plan's effective date.

§ 2602.6 Form.

The form prescribed by this part for the declaration, payment and reconciliation of premiums is Form PBGC–1 (Rev. August 1976).

§ 2602.7 Late payment interest charges.

(a) If any premium payment due under this part is not paid by the last date prescribed for payment in § 2602.3, an interest charge shall be imposed on the unpaid amount at the rate of 6 percent per annum through June 30, 1975, 9 percent per annum through January 31, 1976 and 7 percent per annum thereafter, for the period from the date payment is due to the date the payment is made.

(b) PBGC bills for interest assessed by § 2602.7 will be deemed paid when due if paid no later than 30 days after the date of such bills.

(c) PBGC bills for premium payments necessary to reconcile the premiums paid with the actual premium due, will be deemed paid when due if paid no later than 30 days after the date of such bills.

§ 2602.8 Late payment penalty charges.

If any premium payment due under this part is not paid by the last date prescribed for payment in § 2602.3, a late payment charge shall be assessed on the unpaid amount at the rate provided in the following tables.

LATE PAYMENT PENALTY CHARGES

Premium due date prior to October 2, 1975

Days late from due date:	*Late payment charge (percent)*
1 to 60	0
61 to 90	25
91 to 120	50
121 to 180	75
More than 180	100

Premium due date on or after October 2, 1975

Days late from due date:	*Late payment charge (percent)*
1 to 30	5
31 to 60	10
61 to 90	20
91 to 120	40
121 to 150	60
151 to 180	80
More than 180	100

§ 2602.9 Waivers.

The late payment penalty charges imposed by § 2602.8 will not be assessed in whole or in part:

(a) With respect to any premium payment made within 60 days after the last date prescribed for payment in § 2602.3 if, before such last date, the PBGC grants a waiver upon:

(1) a showing of substantial hardship arising from the timely payment of the premium and a showing that the premiums will be paid within such 60 day period; or,

(2) any other demonstration of good cause;

(b) if the PBGC, on its own motion, waives the application of § 2602.8, or

(c) with respect to any PBGC bills for the premium payments necessary to reconcile the premiums paid with the actual premium due, if such bills are paid no later than 30 days after the date of such bills.

§ 2602.10 Date of filing.

(a) Any form required to be filed under the provisions of this part and any payment required to be made under the provisions of this part shall be deemed to have been filed or made on the date on which it is mailed.

(b) A form or payment shall be presumed to have been mailed on the date on which it is postmarked by the United States Postal Service or three days prior to the date on which it is received by the PBGC if not postmarked by the United States Postal Service.

§ 2602.11 Computation of time.

In computing any period of time prescribed by this part, the first day shall not be included and the last day shall be included.

§ 2602.12 Mailing address.

The mailing address of the Pension Benefit Guaranty Corporation is P.O. Box 7119, Washington, D.C. 20044.

Issued in Washington, D.C. this 28th day of July 1976.

W. J. USERY, JR.,
Chairman, Board of Directors, Pension Benefit Guaranty Corporation.

Issued on the date set forth above, pursuant to a resolution of the Board of Directors approving these regulations and authorizing its Chairman to issue same.

HENRY ROSE,
Secretary.

[FR Doc.76-22678 Filed 8-4-76;8:45 am]

PART 2606—ANNUAL REPORT

On September 17, 1975, the Pension Benefit Guaranty Corporation (hereinafter the "PBGC") published in the FEDERAL REGISTER (40 FR 42877) a notice of final rulemaking in which it announced the adoption of a new Part 2606, Chapter XXVI, Title 29, Code of Federal Regulations. Part 2606 prescribed for use as the Annual Report required by § 4065 of the Employee Retirement Income Security Act of 1974 (hereinafter the "Act"), the same form prescribed for the payment of premiums.

On June 9, 1976, the PBGC published in the FEDERAL REGISTER (41 FR 23212) a notice of proposed rulemaking in which it proposed to revise the regulation relating to the payment of premiums (Part 2602, Chapter XXVI, Title 29, Code of Federal Regulations.) The PBGC proposed, inter alia, to modify the form used

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both for the payment of premiums and for the Annual Report. Form PBGC–1 (Rev. August 1976) has been modified to provide for the reporting to the PBGC, for Annual Report purposes, of all of the "reportable events" listed in § 4043(b) of the Act, rather than the more limited number provided for in the existing Form PBGC–1. The amendment to Part 2606 adopted by the PBGC at this time also conforms the designation of the Form PBGC–1 prescribed by this regulation to that prescribed by the premium regulation.[1]

Because Form PBGC–1 (Rev. August 1976), which includes the Annual Report, already has been made available for public review and comment in connection with the PBGC's proposal to amend its premium payment regulation, the PBGC has determined that there is no need to provide additional opportunity for comment with respect to the amendment of this regulation. Thus, the PBGC finds that good cause exists for making this regulation effective less than 30 days after publication.

In consideration of the foregoing, Part 2606, Chapter XXVI, Title 29, Code of Federal Regulations, is amended as set forth below, effective August 5, 1976.

Sec.
2606.1 Purpose and scope.
2606.2 Definitions.
2606.3 Filing requirement.
2606.4 Form.
2606.5 Mailing address.

AUTHORITY: Sec. 4002, 4065, 88 Stat. 1004, 1032, 29 U.S.C. 1302, 1365.

§ 2606.1 Purpose and scope.

(a) The purpose of this part is to specify the form and content of the Annual Report required by § 4065 of the Act.

(b) This part applies to all covered plans, as provided by § 4021 of the Act.

§ 2606.2 Definitions.

As used in this part:

"Act" means the Employee Retirement Income Security Act of 1974.

"PBGC" means the Pension Benefit Guaranty Corporation.

"Plan Year" means the calendar, policy or fiscal year on which the records of the plan are kept.

§ 2606.3 Filing requirement.

No later than six months after the end of any plan year beginning on or after September 2, 1974, plan administrators shall file with the PBGC the Annual Report on the form prescribed by this part, in accordance with the instructions therein.

§ 2606.4 Form.

The form prescribed by this part is Form PBGC–1 (Rev. August 1976).

[1] Form PBGC–1 and Instructions have been filed as part of the original document. Copies of the Form and Instructions, and additional copies of this regulation, may be obtained at the PBGC's Office of Communications, Suite 7100, 2020 K Street, NW., Washington, D.C., between the hours of 9:00 a.m. and 4:00 p.m.

§ 2606.5 Mailing address.

The mailing address of the Pension Benefit Guaranty Corporation is P.O. Box 7119, Washington, D.C. 20044.

Issued in Washington, D.C. this 28th day of July 1976.

W. J. USERY, JR.,
Chairman, Board of Directors, Pension Benefit Guaranty Corporation.

Issued on the date set forth above, pursuant to a resolution of the Board of Directors approving these regulations and authorizing its Chairman to issue same.

HENRY ROSE,
Secretary.

[FR Doc.76–22879 Filed 8–4–76;8:45 am]

Title 32—National Defense

CHAPTER VI—DEPARTMENT OF THE NAVY

PART 725—DISPOSITION OF CASES INVOLVING PHYSICAL DISABILITY

Miscellaneous Amendments; Correction

In FEDERAL REGISTER Document 76–20855, appearing at 41 FR 29813, July 20, 1976, the following changes should be made:

1. On page 29813, first paragraph, 8th line, the date "June 14, 1975" is corrected to "June 24, 1975."

2. On page 29813, second paragraph, the 10th line is corrected by deleting the word "Review."

Dated: July 27, 1976.

JOHN S. JENKINS,
Captain, JAGC, U.S. Navy, Assistant Judge Advocate General (Civil Law).

[FR Doc.76–22713 Filed 8–4–76;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 9–76–01]

PART 127—SECURITY ZONES

Establishment

Notice is hereby given that Lieutenant Commander K. A. LUCK, United States Coast Guard, Captain of the Port, Muskegon, Michigan, has issued the following order establishing a Security Zone on the Grand River at Grand Haven, Michigan:

This amendment to the Coast Guard's Security Regulations establishes the Grand River from the Grand Haven, Michigan Pierheads in Lake Michigan to the entrance to the South Channel as a Security Zone. This Security Zone is established to prevent interference with the safe navigation of the Norwegian Sail Training Ship CHRISTIAN RADICH.

This Amendment is issued without publication of the notice of proposed rulemaking and this amendment is effective in less than 30 days from the date of publication because good cause exists and public procedures on this amendment are impracticable due to the short period between notification of intent and actual arrival of the T/S CHRISTIAN RADICH (No.) in Grand Haven, MI.

In consideration of the foregoing, Part 127 of Title 33 of the Code of Federal Regulations is amended by adding § 127.-900 to read as follows:

§ 127.900 Grand River, Grand Haven, Michigan.

The waters of the Grand River from the Grand Haven, Michigan Pierheads in Lake Michigan to the entrance to the South Channel is a Security Zone.

(40 Stat. 220, as amended, (1, 63 Stat. 503,) 6(B), 80 Stat. 937; 50 U.S.C. 191, (14 U.S.C. 91,) 49 U.S.C. 1655(B); E.O. 10173, E.O. 10352, E.O. 11249; 3 CFR, 1949–1953 Comp. 356, 778, 873, 3 CFR 1964–1965 Comp. 349, 33 CFR Part 6, 49 CFR 1.46(B)).

Effective date: This amendment is effective from one half hour prior to the arrival of the T/S CHRISTIAN RADICH (No.) at the Grand Haven, Michigan Pierheads to the time the vessel is moored at Escanaba Park and from one half hour prior to the departure of the T/S CHRISTIAN RADICH (No.) from Escanaba Park, Grand Haven, Michigan to the time the vessel clears the Grand Haven Pierheads in Lake Michigan. The vessel is scheduled to arrive Grand Haven approximately 3:00 p.m. e.d.s.t., 5 August 1976 and depart 9:00 p.m. e.d.s.t. 5 August 1976.

Dated: July 29, 1976.

A. F. FUGARO,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.76–22804 Filed 8–4–76;8:45 am]

Title 39—Postal Service

CHAPTER III—POSTAL RATE COMMISSION

[Docket No. RM76–6; Order No. 132]

PART 3002—ORGANIZATION

Reorganization of Office of Planning and Operations

JULY 30, 1976.

The Postal Rate Commission has determined that an internal reorganization of the Office of Planning and Operations is necessary and desirable in order to conduct Commission business more expeditiously and efficiently. The amendment to our rules of organization (39 CFR Part 3002) provided herein will accomplish this modification.

The existing Office of the Special Assistant, Office of the Chief Economist, and Office of the Chief Accountant, currently under the direction of the Director of the Office of Planning and Operations, are hereby abolished. In their place, there are established the Rates and Classification Division, the Economics and Market Research Division, and the Finance and Reporting Systems Division of the Office of Planning and Operations. The Director of Planning and Operations will be responsible for supervising and coordinating the work of these three divisions, as well as formulating policy recommendations with respect to technical, but not legal, matters.

Since the amendment herein made involves matters of agency organization and procedure, the notice requirements of the Administrative Procedure Act do not apply. (5 U.S.C. § 553.) Accordingly, pursuant to § 3603 of the Postal Reorganization Act (39 U.S.C. § 3603), it is ordered that, effective July 30, 1976, Part 3002 of the Commission's Regulations (39 CFR Part 3002) is hereby amended to read as follows:

Section 3002.4 is revised to read as follows:

§ 3002.4 Office of the Director of Planning and Operations.

(a) *The Director of Planning and Operations.* The Director of Planning and Operations is responsible for the formulation of policy recommendations with respect to technical, but not legal, matters, and for coordinating and supervising the work of the Rates and Classification, Division, the Economics and Market Research Division, and the Finance and Reporting Systems Division. In accordance with § 3001.8 of the rules of practice in this chapter, personnel of the Office of the Director of Planning and Operations do not appear as witnesses in hearings in any proceeding before the Commission and take no part in the preparation of evidence or argument presented in such hearings.

(b) *Rates and Classification Division.* The Rates and Classification Division assists the Commission in determining rate changes to meet the revenue requirements of the Postal Service and in developing rate structures and a mail classification system which are consistent with the criteria of 39 U.S.C. § 3622 and 3623. In cooperation with other staff offices, the Division gathers data and conducts research and analysis to identify relevant criteria appropriate for use in establishing mail classifications and rates. In accordance with § 3001.8 of the rules of practice in this chapter, personnel of the Rates and Classification Division do not appear as witnesses in any proceeding before the Commission and take no part in the preparation of evidence or argument presented in such hearings, unless designated for duty with the Office of Technical Staff by formal action of the Commission.

(c) *Economics and Market Research Division.* The Economics and Market Research Division conducts economic, statistical, and marketing research and analysis with respect to the operations of the United States Postal Service and the requirements of those it serves. Areas of investigation pursued by this Division include such subjects as the supply and demand relationships which characterize the provision of postal services, the impact of external forces and developments (such as alternative delivery systems) upon postal operations and users of postal services, and the use of computer systems for accumulation and retrieval of information relating to postal revenue, costs, and rates. In accordance with § 3001.8 of the rules of practice in this chapter, personnel of the Economics and Market Research Division do not appear as witnesses in any proceeding before the Commission and take no part in the preparation of evidence or argument presented in such hearings, unless designated for duty with the Office of Technical Staff by formal action of the Commission.

(d) *Finance and Reporting Systems Division.* The Finance and Reporting Systems Division provides comprehensive financial analyses of and recommendations concerning revenue needs of the Postal Service, costing methods, and the attribution of costs to each class of mail and type of mail service. The Division also collects, analyzes, and periodically summarizes financial and statistical information obtained from Postal Service accounting and information systems, and studies the current status and possible future development of accounting and information systems and reporting formats used by the Postal Service. In accordance with § 3001.8 of the rules of practice in this chapter, personnel of the Finance and Reporting Systems Division do not appear as witnesses in any proceeding before the Commission and take no part in the preparation of evidence or argument presented in such hearings, unless designated for duty with the Office of Technical Staff by formal action of the Commission.

By the Commission.

JAMES R. LINDSAY,
Secretary.

[FR Doc.76–22684 Filed 8–4–76;8:45 am]

Title 40—Protection of Environment

CHAPTER 1—ENVIRONMENTAL PROTECTION AGENCY

[FRL 592–6]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Approval of Revision to South Dakota State Implementation Plan

On May 31, 1972 (37 FR 10893), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved (with certain exceptions) South Dakota's plan for implementation of national ambient air quality standards.

On December 4, 1975, South Dakota submitted to EPA certain amendments to its air pollution control regulations. These revisions were submitted pursuant to the procedural requirements of 40 CFR 51.6 after appropriate notice and public hearings conducted in accordance with 40 CFR 51.4. Included in these amendments were changes in the State regulations governing control strategy, prevention of air pollution emergency episodes, and review of new sources and modifications.

Accordingly, the Regional Administrator submitted these amendments as proposed rulemaking in the April 21, 1976 FEDERAL REGISTER, 41 FR 16662. After that submittal, a correction of the original was published on May 14, 1976, 41 FR 19975. The proposed rulemaking provided for public inspection of the State's submittal and a 30-day comment period. No comments concerning these revisions were submitted.

After initial approval of the State's plan, but before their submittal on December 4, 1975, the State of South Dakota recodified all its regulations. The emission limitations themselves were not changed.

In this promulgation, the numbering sequence, which became effective in July 1974, is used. Pertinent rule chapters and descriptive titles are listed as follows:

Chapter No.:	*Chapter title*
34:10:01	General Requirements and Procedures.
34:10:02	Ambient Air Quality Standards and Pollution Episode Criteria.
34:10:03	Control of Visible Emissions.
34:10:04	Open Burning Regulations.
34:10:05	Sampling and Testing Methods.
34:10:06	Control of Particulate Emissions.
34:10:07	Control of Sulfur Compound Emissions.
34:10:12	New Source Standards.

The amendments to those portions of the South Dakota Plan concerning prevention of emergency episodes and new source reviews are principally clarifications of existing procedures. Similar amendments in the regulations were made in enforcement and variance processing procedures. The revised enforcement and variance procedures are merely further explanations of the procedures developed and discussed as part of the original plan submittal in May 1972. The revised emergency episode procedures satisfy the requirements of 40 CFR 51.16 as they relate to particulates and sulfur dioxide and the new source review regulations satisfy the requirements of 40 CFR 51.18 for direct sources. Since EPA's own indirect source regulation has been indefinitely suspended (40 FR 28064, July 3, 1975), South Dakota is under no obligation to regulate indirect sources under its Plan.

The revisions of the State's control strategy result from certain additional amendments to the regulations. New source standards for twelve source categories were adopted, ten of which are similar to EPA's Standards of Performance for New Stationary Sources (40 CFR Part 60). The ambient air standards for sulfur dioxide, carbon monoxide, photochemical oxidants and hydrocarbons were revised to correspond more closely with the national ambient air quality standards. Open burning regulations were clarified and source sampling procedures were updated. Particulate emission limitations were revised for incinerators, wood waste burners, and portable emission sources. Emission limitations for nitrogen oxide emissions from stationary sources were deleted from the

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regulations, as were emission limitations for motor vehicles. Such changes in the regulations should not substantially alter or delay attainment or maintenance efforts now underway in any of the State's air quality control regions and are thus consistent with the requirements of 40 CFR 51.12, .13, and .14.

Since more than one interpretation of the sentence: "A rule in this chapter (Chapter 34:10:12, New Source Standards) shall supersede any rule in another chapter to the extent that such rules conflict.", in § 34:10:12:01, has surfaced, the Administrator wants to remove any doubt about the acceptable meaning of the sentence. It is the Administrator's intent that the sentence in question could not be used to override any other rule dealing with a new source seeking to locate in a given area. Such other rules include national ambient air quality standards, prevention of significant air quality deterioration, air quality maintenance requirements, etc.

Copies of EPA's evaluation statements and the materials submitted by the State in connection with these revisions may be examined by the public during normal office hours at the following locations:

Department of Environmental Protection, Joe Foss Building, Pierre, South Dakota 57501.
Environmental Protection Agency, Region VIII, Office of Public Affairs, 1860 Lincoln Street, Denver, Colorado 80203.
Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

As the State's submittal complies with the requirements of the Clean Air Act, section 110(a)(2)(A–H), and 40 CFR Part 51, the Administrator approves these revisions to the State's Implementation Plan pursuant to 40 CFR 51.8. This action is effective immediately, as the plan revisions are already in effect under State law and regulation and the Administrator's approval action imposes no additional burden on anyone.

This rulemaking is promulgated pursuant to the authority of section 110 of the Clean Air Act of 1970 as amended, 40 U.S.C. 1857c–5.

Dated: July 30, 1976.

JOHN QUARLES,
Acting Administrator.

In § 52.2170, paragraph (c)(4) is revised to read as follows:

§ 52.2170 Identification of plan.

• • • • • •

(c) • • •

(4) On December 4, 1975, the Governor of South Dakota submitted revisions and additions to the air pollution control regulations (Article 34:10 of the Administrative Rules of South Dakota). The submittal updated rules and regulations; review procedures for new and modified direct sources; variance and enforcement procedure revisions; episode procedure changes; and the addition of new source performance standards similar to those of EPA.

[FR Doc.76–22841 Filed 8–4–76;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 76–004]

PART 91—INSPECTION AND CERTIFICATION

Emergency Carriage of Additional Persons

These amendments implement the provisions of Pub. L. 94–85, an amendment to paragraph 1 of section 26 of the Merchant Marine Act of 1920 (46 USC 882). Pub. L. 94–85 provides that documented vessels not engaged in international voyages may carry in excess of 16 persons in addition to the crew when the Secretary of the Department in which the Cost Guard is operating finds that an emergency situation so requires, and subject to such regulations as he may prescribe.

The standards in § 91.01–25(b) (1), (2), and (3) are substantive and are the minimum requirements for safety purposes. They are so basic that further simplification is impossible and since the statute and implementing regulations apply only to emergency situations, it would not be reasonable to expand and complicate the substantive standard, in response to any public comment. Therefore, under 5 USC 553(b)(3)(B), the Coast Guard finds that notice and public procedure thereon are impracticable, unnecessary, and contrary to the public interest.

Since these amendments do not create any additional burdens on any vessel owner or operator and relieve a restriction, it is appropriate to make them effective immediately. These rules are effective on August 5, 1976.

Accordingly, Part 91 of Title 46 of the Code of Federal Regulations is amended by the addition of § 91.01–25 to read as follows:

§ 91.01–25 Emergency carriage of more than 16 persons in addition to the crew on vessels not engaged in international voyages.

(a) When a District Commander finds that an emergency situation exists, he authorizes the local Officer in Charge, Marine Inspection, to issue amendments to vessels' certificates of inspection authorizing the carriage of more than 16 persons in addition to the crew.

(b) Upon receipt of an application from a vessel's owner or operator, the local Officer in Charge, Marine Inspection, amends the vessel's certificate of inspection after—

(1) additional lifesaving and firefighting equipment found necessary by the OCMI has been provided;

(2) a stability evaluation has been performed; and

(3) any other conditions considered necessary by the OCMI have been satisfied.

(46 USC 882, 49 CFR 1.46)

Effective date: These amendments are effective on August 5, 1976.

Dated: August 2, 1976.

O. W. SILER,
Admiral, U.S. Coast Guard, Commandant.

[FR Doc.76–22802 Filed 8–4–76;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 322]

PART 1109—REQUIREMENTS AND PROCEDURES RELATING TO RAILROAD REVITALIZATION AND REGULATORY REFORM ACT OF 1976

Expeditious Handling of Divisions of Revenue Cases

On April 19, 1976, a notice appeared in the FEDERAL REGISTER (41 CFR 16482) instituting a proceeding under the authority of section 201 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Pub. L. 94–210), the Interstate Commerce Act (49 U.S.C. 15 (6)(b)), and the Administrative Procedure Act (5 U.S.C. 553 and 559) for the purpose of adopting procedures to expedite the resolution of railroad divisions of revenue disputes.

Set forth in the notice were proposed requirements and procedures pertaining of divisions of revenue proceedings. All interested persons were invited to participate in this proceeding. Provisions were made for notifying the Interstate Commerce Commission of intent to participate. Additionally, a procedural schedule was established for submission for initial statements and replies.

Pleadings were received from the Commonwealth of Pennsylvania, the Southern Governors Conference and Southeastern Association of Regulatory Utility Commissioners, Farmland Industries, Inc., the National Industrial Traffic League and various railroad interests. Although the final regulations are based on the original version in form, scope, and goals, the statements and replies submitted by the participants were used extensively in developing the final regulations.

The prescribed procedures will provide adequate notice to carriers and the public of the minimum evidence required by the Interstate Commerce Commission to render a decision in furtherance of the public interest, enhance the probability of shortening the time necessary to handle divisions of revenue cases, and achieve greater uniformity and reliability of data submitted.

ORDER

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 29th day of July 1976.

It appearing, That the Commission, by notice and order served April 13, 1976, instituted this rulemaking proceeding under authority of section 201 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Pub. L. 94–210), the Interstate Commerce Act (49 U.S.C. 15 (6)(b)), and the Administrative Procedure Act (5 U.S.C. 553 and 559) to develop rules providing for the expeditious handling of divisions of revenue cases;

It further appearing, That by said notice of proposed rulemaking all interested parties were invited to make representations with regard to the proposed rules; and that notice to all interested parties was given through publication in the Federal Register of April 19, 1976;

It further appearing, That various parties submitted their views and suggestions regarding the proposed regulations, and the Commission has considered such representations and, on the date hereof, has made and filed its report setting forth its conclusions, findings, reasons therefor, and its decision that the regulations set forth in Appendix D thereof should be adopted, which report is hereby referred to and made a part hereof;

Wherefore, and for good cause:

It is ordered, That the Commission hereby adopts the regulations as set forth in said Appendix D.

It is further ordered, That part 1109 of Title 49 of the Code of Federal Regulations, be and it is hereby, amended by adding the regulations as set forth in said Appendix D;

It is further ordered, That this order shall become effective on August 15, 1976.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of this Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission.[1]

ROBERT L. OSWALD,
Secretary.

Part 1109, Title 49 of the Code of Federal Regulations is amended by addition of rules, standards and procedures for the conduct of proceedings for the adjustment of divisions of joint rate or fares as set forth below:

§ 1109.5 Expeditious handling of divisions of revenue cases.

(a) Prior to: (1) The filing of a notice of intent to file a complaint or (2) The filing of a formal complaint in a divisions case, it must be shown that the complainant or prospective complainant, during the 6-month period immediately prior to filing, willingly sought to negotiate the divisions arrangement in issue but failed, and as proof thereof such party must submit to the Commission a verified statement summarizing the negotiations.

Failure to submit such a verified statement may result in dismissal of a notice of intent to file a complaint or denial of a formal complaint. Any part of the 6-month period may be waived by the Commission on motion of the complainant or prospective complainant if it can be shown that other parties to a divisional dispute have failed to meet and conduct meaningful negotiations with the complainant or prospective complainant.

(b) The original of each notice of intent to file a formal complaint or amendment thereto must be accompanied by copies in sufficient number to enable the Commission to serve one upon each party, including when bankrupt lines are involved each receiver or trustee, and retain six copies in addition to the original. The Commission will serve notices of intent to file formal complaints and amended notices thereof in the same manner as provided for service of formal complaints under rule 34 of the Commission's general rules of practice.

(c) The notice of intent to file a complaint shall specify in general terms, subject to modification as the evidence is developed: (1) The traffic and joint rates concerning which an adjustment of divisions is sought; (2) The territorial scope of the traffic involved; (3) The railroads which partcipate in such joint rates; and (4) The present and proposed divisional bases.

(d) The party filing a notice of intent shall: (1) Indicate when the filing of a formal complaint is contemplated, (2) Exercise due diligence to meet such filing date, and (3) File a formal complaint within a reasonable period of time after the filing of a notice of intent. In no event shall the filing of a formal complaint be greater than 18 months after the filing of a notice of intent unless the Commission shall first order extension of time upon good cause shown.

(e) The party filing a notice of intent shall every 3 months, with copies to potential defendants, advise the Commission of the anticipated date for the filing of a formal complaint. Letter replies by potential defendants will be permitted. Repeated postponements of the anticipated date for filing a formal complaint may establish a lack of due diligence and in that event the Commission may enter an order dismissing the notice of intent to file a complaint.

(f) A party served with a notice of intent to file a formal complaint shall within 30 days of such notice advise the Commission in the manner set forth in paragraph (b) of this section of its intent to file a cross complaint. If a party served with a notice to file a formal complaint does not intend to file a cross complaint no action under this rule need be taken.

(g) Notice of intent to file cross complaints shall be subject to the same rules applicable to notice to file a formal complaint.

(h) Cross complaints shall be subject to the same rules applicable to formal complaints.

(i) Notice of intent to file a cross complaint shall be consolidated with a notice to file a complaint. The cross complaint must be filed within 30 days of the filing of the formal complaint. Failure to submit the cross complaint when due shall result in its dismissal and the affirmative relief sought may not be reinstituted until after the pending formal complaint is decided.

(j) Discovery should be utilized to assemble evidence of the type referred to in the Appendix hereto.

(1) A party filing a notice of intent to file a complaint shall be accorded the right of discovery applicable to orally heard cases. The same right of discovery shall be accorded the opposing party, provided that the opposing party has notified the Commission within 30 days of being served with the notice of intent to file a complaint that it intends to exercise its right of discovery.

(2) Parties to a formal complaint instituted after the notice of intent to file a complaint procedure has been followed, may upon petition and demonstration of good cause and order by the Commission exercise their rights of discovery.

(3) If a formal complaint is filed by a party that did not utilize the notice of intent to file procedures, the right of discovery shall only be granted to the opposing party. This right may be exercised by the opposing party within 6 months of the filing of the complaint.

(k) Joint traffic studies shall be conducted under the "notice of intent to file a complaint" procedure in those instances where the opposing party has either notified the Commission of its intent: (1) To file a cross complaint or (2) To exercise its right of discovery. A joint study of the traffic in issue shall commence 30 days after either of the above options has been elected and shall be completed within 6 months, unless otherwise ordered by the Commission.

(l) Cost studies shall be prepared individually by the parties, and shall be completed within 6 months after the preparation of the joint traffic study, unless otherwise ordered by the Commission. Absent a more reliable method, the cost studies should be developed in accordance with Rail Form A properly adjusted to reflect the characteristics of the traffic in issue in accordance with the guidelines suggested in the appendix hereto and properly updated to a current level. However, other methods of cost allocation may also be used to the extent that more accurate or reliable cost data results.

(m) Special studies shall be governed by the following procedure:

(1) Within 30 days of the commencement of the cost study set forth in paragraph (1) of this section, a party desiring to conduct a special study shall notify the party on the other side of the controversy, in writing with a copy to the Commission, of the purpose of the special study and the cost and time such special study will entail.

(2) If the party so notified is willing to conduct a similar special study or cooperate in the conducting of a joint special study, the parties may proceed with the special study after first advising the Commission of the additional time, if any, needed to complete the project.

[1] Commissioner Corber did not participate.

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(3) If the party so notified is unwilling to conduct a similar special study, that party shall so inform the party on the other side of the controversy, in writing with a copy to the Commission, of the reason for not performing similar special studies.

(4) Either party or both parties, jointly may request the Commission to hold a prehearing conference to determine the need for the special study.

(n) Prehearing conferences may be scheduled to resolve the validity of discovery requests. Prehearing conferences may also be used to expedite the procedures and to determine the need for special studies. If it is determined that special studies should be conducted and a party fails to conduct such special study or studies, in the absence of valid evidence to the contrary, prima facie, status will be accorded the special study conducted by the other party in the ensuing formal complaint proceeding.

(o) Complainant must submit its case-in-chief at the time the formal complaint is filed and formally docketed. All underlying papers in support of a case-in-chief shall be made available to the other side, upon request.

(p) Defending carrier or carriers must within 30 days of service of the formal complaint file an answer. Extensions of time to file an answer will be granted by order of the Commission upon the filing of a petition which demonstrates good cause.

(q) If the formal complaint was preceded by a notice to file a complaint, then the case-in-rebuttal must be filed with the answer. All underlying papers in support of a case-in-rebuttal shall be made available to the other side, upon request.

(r) If the formal complaint was not preceded by a notice of intent to file a complaint, then defending carrier or carriers must submit their case-in-rebuttal within 6 months of the filing of the complaint.

(s) Unless otherwise ordered by the Commission, divisions cases will be handled under the modified procedure, and oral hearing, if any, will be held only for cross examination.

(t) Once the formal complaint and both case-in-chief and in rebuttal have been submitted, the parties may thereafter submit only reply evidence unless otherwise directed by order of the Commission. In any event, the complainant must go forward with its case in an expeditious manner or otherwise the Commission may dismiss the complainant for lack of prosecution. Dilatory tactics by either party will not be tolerated.

(u) The following procedural rules and evidentiary presumptions are established: (1) Matters involving elements of profit and income tax, passenger, commuter and LCL deficits shall no longer be treated as proper items of expense in developing fully allocated costs (see *Rules to Govern Assembling & Presenting Cost Evidence*, 337 I.C.C. 298 (1970)), but shall be treated solely under the issue of revenue need; (2) All passenger, commuter or freight subsidies should be disclosed in accordance with the guidelines contained in the appendix hereto; (3) The same divisional basis should apply uniformly on all "border point" traffic, which is defined as traffic originated or terminated at one point on the territorial border, interchanged at another border point, and then transported into the interior of either territory; and (4) Absent valid evidence to the contrary, the appropriate territorial or system average origin and destination terminal costs shall be deemed to be applicable to origin and destination terminal services.

APPENDIX—EX PARTE NO. 322

GUIDELINES FOR PREPARATION AND SUBMISSION OF RELEVANT DATA BY THE PARTIES

General

It is the intent of the Commission that the opposing parties will cost out traffic studies and file the results in summary form showing comparisons with the revenues on both an 'as settled basis' and an 'as proposed basis'. Set fforth below are guidelines for the preparation of traffic and cost studies. These guidelines should not be construed as imposing limitations as to additicnal data which may be required to develop a complete record in any particular proceeding; but should be utilized to the extent it is reasonably practicable to do so and as agreed upon by the parties, or as ordered by the Commission. The detailed traffic and cost information resulting from such studies need not be filed with the Commission, but must be made available in the offices of the Commission on request.

Traffic study

All railroads making a joint study shall develop their joint study of the issue traffic for the most current calendar year available or another appropriate period agreed upon by the parties as representative. The study shall include a probability sampling of the actual traffic handled during identical time periods for each study carrier or group of carriers.

The study carriers shall consist of all railroads which derive operating revenues from the issue traffic. The issue traffic consists of those shipments[1] on which the freight rates or charges will be affected by a change in the percentage used to divide and through revenue. From the traffic study, the total through revenue and the revenue as settled under the present basis of divisions, and as proposed should be developed and submitted into evidence. Any accessorial charges which are divided on a basis other than that used to determine the present division percentages shall be separated and shown as a separate item. The present method of dividing these accessorial charges also must be explained.

The railroads must take their sample of the issue traffic handled by the study carriers according to acceptable standards of probability sampling principles and practices and shall explain and evaluate the probability sample from the standpoint of purpose, sample design (including explanation of estimation procedure and disclosure of sampling errors for derived characteristics), quality control aspects involved in processing and tabulating data and statistical analyses performed on the sampled data. Although not adopted by the Commission, attention is called to a staff report, "Guidelines for the Presentation of the Results of Sample Studies," February 1, 1971, available from the Superintendent of Documents.

The traffic study shall develop the following characteristics, as appropriate:

(1) Commodity or commodities;
(2) Types of car and trailer;
(3) Weight of lading, billed or actual, as appropriate;
(4) Short line mileages to and from interchange points or territorial gateways;
(5) Types of traffic separated by directional flow by originating, intermediate or terminating line or such other basis as may be appropriate;
(6) Transit or non-transit;
(7) TOFC by plan number; and
(8) Accessorial services.

The traffic study shall include collection of divisions and other revenue data for each sample carload on a railroad by railroad basis. An individual railroad total and/or a territorial total, as applicable, shall be aggregated for each type of traffic referred to in (5) above.

The following additional information, as appropriate, shall be obtained for the sample traffic:

(1) Loaded route of movement mileages in average or way and through trains, separately for each involved carrier, including mileages over Class II and switching and terminal companies;
(2) Tare weight of cars and trailers;
(3) Number and identification of interchange, intertrain and intratrain switching points for each carrier involved in the through movements;
(4) Trailing weight of the trains;
(5) Number of locomotive units in trains;
(6) Identification of accessorial services;
(7) Loaded and empty car days at origin, destination and intermediate points and loaded and empty car days running service;
(8) Empty route of movement mileage in average or way and through trains;
(9) Identification of switching absorptions; and,
(10) Identification of platform and other special services where service is performed under the line-haul rate.

Cost study

Each Class I railroad or groups of Class I railroads, as appropriate which participates in the joint rates also should prepare a cost study. Rail Form A, Public Statement 1F1-73, entitled *Formula for use in Determining Rail Freight Service Costs*, published by the Commission's Bureau of Accounts, may be used to develop freight service unit costs. Also, Rail Form A, modified as necessary, may be used to develop service unit costs for each Class II line-haul railroad, the modifications maintaining the same basic separations of expenses between terminal and line-haul as set forth in Rail Form A. Costs of switching and terminal companies shall be excluded from Rail Form A service unit costs and the actual line-haul absorptions substituted therefor. If adjustments are made to the Rail Form A service unit costs, special studies used to support such adjustments shall be submitted so that the procedures employed in these studies may be readily evaluated. The cost studies should reflect the railroads expenses and statistics for the most recent calendar year, or for the latest available 12 months. The cost studies should be conducted for identical time periods by all of the parties. The final adjusted service costs shall then be applied to the traffic study service units on a railroad by railroad basis. Totals shall then by aggregated for each railroad and/or territory for each of the types of traffic, as appropriate, subject to the affected divisions.

The individual railroad's or groups of railroads' traffic service units as developed from the study of its traffic shall be used in the cost analyses by all railroads or groups of railroads in developing costs at the variable and fully allocated cost levels with the constant costs distributed on a uniform basis agreed upon by the parties.

Terminal costs for the sample traffic, shall reflect, as appropriate:

(1) Type of car;
(2) Actual or billed weight, appropriately explained;
(3) Route of movement mileage (loaded
(4) Car days at origin or destination plus allowances for empty time;
(5) Trailer days at origin and destination plus allowances for empty time;
(6) Switching costs; and
(7) Station clerical costs.

Line-haul costs for the sample traffic shall reflect, as appropriate:

(1) Type of car;
(2) Actual or billed weight, as appropriately explained;
(3) Route of movement mileage (loaded and empty) in average or way and through trains, including loaded backhaul mileage as required;
(4) Tare weight of cars;
(5) Trailing weight of trains;
(6) Number of locomotive units;
(7) Helper services;
(8) Car days in running service for the loaded movement plus allowance for empty time;
(9) Trailer days in running service for the loaded movement plus allowance for empty time;
(10) Exclusion of car days and trailer days attributable to accessorial service not included in the line-haul rate; and
(11) Exclusion of platform and other special service costs where the revenue is collected as a separate charge and such service is not included as a portion of the line-haul rate.

Line-haul switching costs for the sample traffic shall reflect, as appropriate:

(1) The number of interchanges of rail cars;
(2) The number of highway interchanges of trailers;
(3) The number of intertrain and intratrain switches;
(4) Car days at interchange, intertrain and intratrain switching points plus allowances for empty time; and
(5) Trailer days at interchange, intertrain and intratrain switching points plus allowance for empty time.

Additional cost considerations

Accessorial revenues and associated costs shall be excluded to the extent these services are not included in the line-haul rate.

Accounting and operating records of each such study carrier as obtained from the annual report to the Interstate Commerce Commission, operating reports and special studies shall be used in the development of the unit costs for each participating carrier.

Unit costs for interchange services shall be applied per interchange rather than on a car-mile basis. Where sample traffic originates or terminates on a connecting line-haul or switching and terminal company that receives an absorption for its switching services, the line-haul carrier shall apply its interchange unit cost per car plus the absorption at that point and eliminate the origination or termination switching cost, as applicable.

Unit costs for intertrain and intratrain switching shall be applied on a per switch basis rather than a car-mile basis.

Train mile unit costs shall reflect the actual number of locomotive units in the trains associated with the sample traffic. Train mile unit costs should also reflect the trailing weight of the trains associated with the sample traffic.

Marine-operation costs shall be excluded from computation of the unit costs and applied on a direct basis including appropriate departmental and general overheads.

Revenue need evidence

Each railroad or group of railroads which participates in the joint rates or fares should submit evidence of system revenue needs. For this purpose, the following specific data and information, combined where appropriate into applicable carrier groups, shall be submitted:

(1) Selected financial data of the kind prescribed for the Schedule A filings, as prescribed and defined in Ex Parte No. 290, *Procedures Governing Rail General Increase Proceedings* (351 ICC 619 and 620).

(2) Income and sum of money data of the kind prescribed and defined for Schedule B (Part I, column (a) through (c) only) in Ex Parte No. 290, *supra*.

For the purpose of compiling these data "base year-actual" shall be the same annual period utilized in developing the traffic and cost study data suggested herein. If relevant, the carriers may, at their option, provide, in addition to these data, cost of capital studies or any other evidence having a direct bearing on their revenue needs to earn a fair return on rail property held for and used in the service of the interline traffic at issue. Also, in instances where the system revenue needs of the opposing parties are markedly different, the carriers may wish to allocate a portion of such overall revenue need to the traffic at issue. In such cases, the allocation scheme employed should be fully explained, and where necessary, supported by a detailed, independent study of the revenue contributions to system revenues generated by the issue traffic. In instances where facilities and/or operations of passenger, commuter or freight services are subsidized, such facts and attendant circumstances should be fully disclosed, including a detailed accounting of the subsidies relative to total revenue.

Evidence on efficiency and public importance

Each railroad or group of railroads or any other participant should submit evidence pertaining to the "efficiency with which the carriers concerned are operated" and "the importance to the public of the transportation services of such carriers," as required by section 15(6)(a). Recommended evidence of efficiency should include, but not be limited to, data concerning existing duplication of facilities, slow orders, speed of movements, plans for track abandonment, plans for rehabilitation and modernization of yards and other facilities, deferred maintenance, accidents and equipment utilizations. Recommended evidence of public importance should include, but not be limited to, data concerning the availability of alternative transportation modes for issue traffic, impact of service deterioration or of increased rates with respect to issue traffic on the economies of affected regions, and the extent to which lines and facilities used in connection with the issue traffic have been are or will be subsidized by federal, state or local governments. Joint studies to produce evidence on efficiency and public importance are encouraged.

[FR Doc.76-22635 Filed 8-4-76;8:45 am]

[1] The term "shipments" shall be construed to include "passengers" insofar as applicable to divisions disputes involving transportation of passengers. In such cases, the traffic study shall include the number of revenue passengers and revenue passenger miles.

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Benton Lake National Wildlife Refuge

The following regulations are issued and are effective on August 5, 1976.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

MONTANA

BENTON LAKE NATIONAL WILDLIFE REFUGE

Public hunting of geese, ducks, coot, mergansers and Wilson's snipe on the Benton Lake National Wildlife Refuge, Montana, is permitted only on areas designated by signs as open to public hunting. This open area is delineated on maps available at refuge headquarters.

Hunting shall be in accordance with all applicable state and federal regulations governing the hunting of the aforementioned species subject to the following special conditions:

1. The refuge migratory game bird hunting program will terminate on November 30, 1976. The refuge will be closed to hunting on and after December 1, 1976.

2. Refuge roads and dike areas are closed to hunting.

3. Hunters are prohibited from constructing blinds on the refuge. Hunting blinds are provided by the refuge. Daily occupancy of blinds will be on a first come—first served basis.

4. Vehicle use and parking shall be confined to gravelled roads and designated parking areas.

5. Boats without motors may be used in conjunction with waterfowl hunting activities.

6. Hunters are granted access to the area opened to hunting on and after September 15, 1976, for purposes of selecting hunting sites and training retrievers. Boats without motors may be used.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through March 31, 1976.

JULY 29, 1976.

LYLE A. STEMMERMAN,
Refuge Manager.

[FR Doc.76-22719 Filed 8-4-76;8:45 am]

PART 32—HUNTING

Certain National Wildlife Refuges in Alaska

The following regulations are issued and are effective August 5, 1976. These regulations apply to public hunting on portions of certain national wildlife refuges in Alaska.

General conditions. Hunting shall be in accordance with applicable State regulations. Information relative to hunting and use of refuge lands may be obtained from Refuge Managers addressed to respective refuges.

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§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Big game animals may be hunted on the following refuge areas:

ALEUTIAN ISLANDS NATIONAL WILDLIFE REFUGE

Eastern Aleutians—Pouch #2, Cold Bay, Alaska 99571.
Western Aleutians—P.O. Box 5251, Adak, Alaska 98791.

Special conditions. (1) Species permitted to be taken: Caribou on the islands of Unimak and Adak; brown bear on the island of Unimak.

(2) A federal permit is required to take brown bear on Unimak Island. Permits may be obtained from the Refuge Manager, Izembek National Wildlife Range, Pouch #2, Cold Bay, Alaska 99571.

(3) Landing of aircraft on Unimak Island or taking aircraft off from Unimak Island, while transporting big game or big game hunters, is restricted to the following areas:

Area No. 1. The airstrip situated at the village of False Pass.
Area No. 2. The airstrip situated at Cape Sarichef.
Area No. 3. The waters of all lakes, bays and lagoons on or adjacent to Unimak Island.

Arctic National Wildlife Range, 1412 Airport Way, Fairbanks, Alaska 99701.

Special conditions. Hunting for Brown Bear or Grizzly Bear is not permitted after October 10, 1976.

Bering Sea National Wildlife Refuge, P.O. Box 346, Bethel, Alaska 99559.
Izembek National Wildlife Range, Pouch No. 2, Cold Bay, Alaska 99571.

Special conditions. (1) The landing of aircraft is prohibited except in the event of emergency.

(2) The use of motorized vehicles is restricted to the established road system.

Kenai National Moose Range, P.O. Box 500, Kenai, Alaska 99611.

Special conditions. (1) The use of dogs as an aid in big game hunting is not authorized.

(2) The use of aircraft, boats, and other motorized vehicles is restricted to certain designated areas and periods of use. Information relative to hunting and use of refuge lands may be obtained from the Refuge Manager, Kenai, Alaska.

Kodiak National Wildlife Refuge, P.O. Box 825, Kodiak, Alaska 99615.

Special conditions. (1) Except in the event of an emergency, the landing and operation of aircraft on the Kodiak National Wildlife Refuge is restricted to lakes, streams, and other bodies of water.

(2) Brown bear hunting shall be only by permit issued by the Alaska Department of Fish and Game.

Nunivak National Wildlife Refuge, P.O. Box 346, Bethel, Alaska 99559.

Special conditions. (1) Muskox hunting shall be by permit issued by the Alaska Department of Fish and Game, and permittees must check out with the Refuge Manager or his representative on Nunivak Island after hunting is completed and prior to leaving Nunivak Island.

(2) Motorized vehicles (except boats) are prohibited on Nunivak Island National Wildlife Refuge—

a. Except during periods of complete snow cover, as determined and posted by the Refuge Manager at Mekoryuk, Alaska.

b. Within one mile of any shoreline.

c. Within one mile of any muskox or area known to be occupied by any muskox as determined through normal visual means, and

d. Nothing in this section shall prohibit the use of motorized snow vehicles during periods of complete snow cover to remove legally harvested muskox.

(3) Landing of aircraft on Nunivak National Wildlife Refuge for transporting muskox hunters or harvested muskox is restricted to the airstrip situated near the village of Mekoryuk.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1977.

JAN E. RIFFE,
Acting Area Director, U.S. Fish & Wildlife Service, Anchorage, Alaska.

JULY 26, 1976.

[FR Doc.76-22814 Filed 8-4-76;8:45 am]

PART 32—HUNTING

Certain National Wildlife Refuges in Alaska

The following regulations are issued and are effective August 5, 1976. These regulations apply to public hunting on portions of certain national wildlife refuges in Alaska.

General conditions. Hunting shall be in accordance with applicable State regulations. Information relative to hunting may be obtained from Refuge Managers addressed to the respective refuges.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

Upland game may be hunted on the following refuge areas:

ALEUTIAN ISLANDS NATIONAL WILDLIFE REFUGE

Eastern Aleutians—Pouch No. 2, Cold Bay, Alaska 99571.
Western Aleutians—P.O. Box 5251, Adak, Alaska 98791.

Special conditions. (1) Hunting permitted only on Atka, Attu, Adak, Unimak, Shemya, and Great Sitkin Islands.

(2) Landing of aircraft on Unimak Island or taking aircraft off from Unimak Island, while transporting upland game or upland game hunters, is restricted to the following areas:

Area No. 1. The airstrip situated at the village of False Pass.
Area No. 2. The airstrip situated at Cape Sarichef.
Area No. 3. The waters of all lakes, bays, and lagoons on or adjacent to Unimak Island.

Arctic National Wildlife Range, 1412 Airport Way, Fairbanks, Alaska 99701.
Cape Newenham National Wildlife Refuge, P.O. Box 346, Bethel, Alaska 99559.
Clarence Rhode National Wildlife Range, P.O. Box 346, Bethel, Alaska 99559.
Izembek National Wildlife Range, Pouch No. 2, Cold Bay, Alaska 99571.

Special conditions. (1) The landing of aircraft is prohibited except in the event of emergency.

(2) The use of motorized vehicles is restricted to the established road system.

Kenai National Moose Range, P.O. Box 500, Kenai, Alaska 99611.

Special conditions. The use of aircraft, boats, and other motorized vehicles is restricted to certain designated areas and periods of use. Information relative to hunting and use of refuge lands may be obtained from the Refuge Manager, Kenai National Moose Range.

Kodiak National Wildlife Refuge, P.O. Box 825, Kodiak, Alaska 99615.

Special condition. Except in the event of an emergency, the landing and operation of aircraft on the Kodiak National Wildlife Refuge is restricted to the lakes, streams, and other bodies of water.

Nunivak National Wildlife Refuge, P.O. Box 346, Bethel, Alaska 99559.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuges areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1977.

JAN E. RIFFE,
Acting Area Director, U.S. Fish and Wildlife Service, Anchorage, Alaska.

JULY 23, 1976.

[FR Doc.76-22813 Filed 8-4-76;8:45 am]

PART 32—HUNTING

Certain National Wildlife Refuges in Alaska

The following regulations are issued and are effective August 5, 1976. These regulations apply to public hunting on portions of certain national wildlife refuges in Alaska.

General conditions. Hunting shall be in accordance with applicable State regulations. Information relative to hunting may be obtained from Refuge Managers addressed to respective refuges.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Migratory game birds may be hunted on the following refuge areas:

ALEUTIAN ISLANDS NATIONAL WILDLIFE REFUGE

Eastern Aleutians—Pouch #2, Cold Bay, Alaska 99571.
Western Aleutians—P.O. Box 5251, Adak, Alaska 98791.

Special condition. Hunting permitted only on Unimak, Adak, Attu, Shemya, Atka, and Great Sitkin Islands.

Arctic National Wildlife Range, 1412 Airport Way, Fairbanks, Alaska 99701.

Cape Newenham National Wildlife Refuge, P.O. Box 346, Bethel, Alaska 99559.
Clarence Rhode National Wildlife Range, P.O. Box 346, Bethel, Alaska 99559.
Izembek National Wildlife Range, Pouch #2, Cold Bay, Alaska 99571.

Special condition. The landing of aircraft is prohibited except in the event of emergency.

Kenai National Moose Range, P.O. Box 500, Kenai, Alaska 99611.

Special conditions. Parts of the Kenai National Moose Range are closed to the operation of aircraft and motor boats. These regulations and maps are available at the Refuge office, Kenai, Alaska.

Kodiak National Wildlife Refuge, P.O. Box 825, Kodiak, Alaska 99615.

Special condition. Except in the event of an emergency, the landing and operation of aircraft on the Kodiak National Wildlife Refuge is restricted to lakes, streams, and other bodies of water.

Nunivak National Wildlife Refuge, P.O. Box 346, Bethel, Alaska 99559.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1977.

JAN E. RIFFE,
Acting Area Director, U.S. Fish & Wildlife Service, Anchorage, Alaska.

JULY 23, 1976.

[FR Doc.76-22816 Filed 8-4-76;8:45 am]

PART 32—HUNTING

Certain National Wildlife Refuges in Idaho

The following regulations are issued and are effective on September 1, 1976. These regulations apply to public hunting on portions of certain National Wildlife Refuges in Idaho.

General Conditions: Hunting shall be in accordance with applicable State and Federal regulations. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps. Special conditions applying to individual refuges are listed on the reverse side of the refuge hunting maps. No vehicle travel is permitted except on maintoined roads and trails. Maps are available at refuge headquorters and from the office of the Regional Director, P.O. Box 3737, Portland, Oregon 97208.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Migratory game birds, except pigeons and doves, may be hunted on the following refuge area:

Kootenai National Wildlife Refuge, Star Route No. 1, Box 160, Bonners Ferry, Idaho 83805.

Special Conditions: 1. Hunting permitted only Sundays, Tuesdays, Thursdays, and Saturdays.

2. The use of soft iron shot shells is required.

Migratory game birds except snipe, pigeons, and doves may be hunted on the following refuge areas:

Grays Lake National Wildlife Refuge, P.O. Box 837, Soda Springs, Idaho 83276.

Special Conditions: 1. The use of air-thrust boats is prohibited. Other boats are permitted only from the opening of migratory waterfowl hunting until the close of the season.

2. Entry to hunting area is by foot travel only.

Minidoka National Wildlife Refuge, Route 4, Rupert, Idaho 83350.

Bear Lake National Wildlife Refuge, P.O. Box 837, Soda Springs, Idaho 83276.

Special Condition: Air-thrust boats are prohibited. Other boats are permitted only from one week prior to the opening of migratory waterfowl hunting until the close of the season.

Camas National Wildlife Refuge, Hamer, Idaho 83425.

Deer Flat National Wildlife Refuge, Route 1, Box 1457, Nampa, Idaho 83651.

Special Conditions: 1. Snipe, pigeons and doves may be hunted in the Snake River Island sector only.

2. No goose hunting permitted in the Lake Lowell sector.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

Upland game birds may be hunted on the following refuge areas:

Minidoka National Wildlife Refuge, Route 4, Rupert, Idaho 83350.

Special Conditions: 1. Cottontail rabbit may also be hunted.

2. Upland game hunting permitted only during waterfowl hunting season.

Kootenai National Wildlife Refuge, Star Route No. 1, Box 160, Bonners Ferry, Idaho 83805.

Special Condition: Pheasants may be hunted only on Sundays, Tuesdays, Thursdays and Saturdays during the regular State season.

Bear Lake National Wildlife Refuge, P.O. Box 837, Soda Springs, Idaho 83276.

Camas National Wildlife Refuge, Hamer, Idaho 83425.

Deer Flat National Wildlife Refuge, Route 1, Box 1457, Nampa, Idaho 83651.

Special Condition: Upland gam mammals may be hunted on the Snake River Islands sector only.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Big game animals may be hunted on the following refuge areas:

Deer Flat National Wildlife Refuge, Route 1, Box 1457, Nampa, Idaho 83651.

Special Condition: Deer may be hunted on the Snake River Island sector only.

Grays Lake National Wildlife Refuge, P.O. Box 837, Soda Springs, Idaho 83276.

Special Conditions: 1. Deer and moose only may be hunted.

2. Entry to hunting area is by foot travel only.

3. Horses may be used only to retrieve big game animals.

Kootenai National Wildlife Refuge, Star Route #1, Box 160, Bonners Ferry, Idaho 83805.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1977.

DONALD J. HANKLA,
Acting Regional Director, Fish and Wildlife Service.

[FR Doc.76-22694 Filed 8-4-76;8:45 am]

PART 32—HUNTING

Certain National Wildlife Refuges in Nevada

The following regulations are issued and are effective August 21, 1976. These regulations apply to public hunting on portions of certain National Wildlife Refuges in Nevada.

General conditions: Hunting shall be in accordance with applicable State and Federal regulations. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps. No vehicle travel is permitted except on designated roads and trails. Special conditions applying to individual refuges are listed on the reverse side of maps available at refuge headquarters and from the office of the Regional Director, Fish and Wildlife Service, P.O. Box 3737, Portland, Oregon 97208.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Migratory game birds may be hunted on the following refuges:

Fallon National Wildlife Refuge, P.O. Box 592, Fallon, Nevada 89406.

Stillwater Wildlife Management Area P.O. Box 592, Fallon, Nevada 89406.

Pahranagat National Wildlife Refuge, P.O Box 232, Alamo, Nevada 89001.

Special Conditions: 1. The use of motors on boats is not permitted.

2. Refuge closed to goose and snipe hunting.

Ruby Lake National Wildlife Refuge, Ruby Valley, Nevada 89833.

Special Condition: Migratory birds, except doves and pigeons, may be hunted.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

Upland game may be hunted on the following refuge areas:

Fallon National Wildlife Refuge, P.O Box 592, Fallon, Nevada 89406.

Pahranagat National Wildlife Refuge, P.O Box 232, Alamo, Nevada 89001.

Special Condition: Quail and rabbit only may be hunted.

Charles Sheldon Antelope Range, Nevada (Headquarters: P.O. Box 111, Lakeview, Oregon 97630).

Special Conditions: 1. Cottontail rabbit may be hunted only during the deer hunting season.

2. Trapping is prohibited.

Stillwater Wildlife Management Area, P.O Box 592, Fallon, Nevada 89406.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Big game animals may be hunted on the following refuge areas:

Desert National Wildlife Range, 1500 North Decatur Boulevard, Las Vegas, Nevada 89108.

Special Condition: Desert bighorn sheep only may be hunted.

Charles Sheldon Antelope Range, Nevada (Headquarters: P.O. Box 111, Lakeview, Oregon 97630).

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1977.

DONALD J. HANKLA,
Acting Regional Director, Fish and Wildlife Service.

[FR Doc.76-22696 Filed 8-4-76;8:45 am]

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PART 32—HUNTING

Certain National Wildlife Refuges in Oregon

The following regulations are issued and are effective on August 28, 1976. These regulations apply to public hunting on portions of certain National Wildlife Refuges in Oregon.

General conditions: Hunting shall be in accordance with applicable State and Federal regulations. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps. No vehicle travel is permitted except on maintained roads and trails. Special conditions applying to individual refuges are listed on the reverse side of maps available at refuge headquarters and from the office of the Regional Director, Fish and Wildlife Service, P.O. Box 3737, Portland, Oregon 97208.

§ 32.32 Special regulations; big game; for individual wildlife areas.

Big game animals may be hunted on the following refuge areas:

Deer Flat National Wildlife Refuge, Snake River Sector (Headquarters: Deer Flat National Wildlife Refuge, Route 1, Box 1457, Nampa, Idaho 83651).

Hart Mountain National Antelope Refuge, P.O. Box 111, Lakeview, Oregon 97630.

Deer may be hunted on the following refuge areas:

Malheur National Wildlife Refuge, P.O. Box 113, Burns, Oregon 97720.

Special Conditions: 1. That portion of the refuge in the Blitzen Valley west of Highway 205 will be open as posted to deer hunting in accordance with regular State season.

2. The special archery area (bow and arrow only) will be opened for hunting from September 8 through September 19, 1976.

William L. Finley National Wildlife Refuge, Route 2, Box 208, Corvallis, Oregon 97330.

Special Conditions: 1. No hunting permitted after November 2, 1976.

2. All hunters must check in and out of the refuge daily by use of self-service permits.

3. The use of rifles is prohibited.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1977.

DONALD J. HANKLA,
Acting Regional Director,
Fish and Wildlife Service.

[FR Doc.76-22695 Filed 8-4-76;8:45 am]

PART 32—HUNTING

Certain National Wildlife Refuges in Oregon

The following regulations will be effective September 1, 1976. These regulations apply to public hunting on portions of certain National Wildlife Refuges in Oregon.

General conditions: Hunting shall be in accordance with applicable State and Federal regulations. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps. No vehicle travel is permitted except on maintained roads and trails. Special conditions applying to individual refuges are listed on the reverse side of maps available at refuge headquarters and from the office of the Regional Director, Fish and Wildlife Service, P.O. Box 3737, Portland, Oregon 97208.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Migratory birds may be hunted on the following refuge areas:

Deer Flat National Wildlife Refuge, Snake River Sector (Headquarters: Deer Flat National Wildlife Refuge, Route 1, Box 1457, Nampa, Idaho 83651).

Ducks, geese, and coots may be hunted on the following refuge areas:

Ankeny National Wildlife Refuge, Route 1, Box 198, Jefferson, Oregon 97532.

Special Conditions: 1. Hunting is permitted on Wednesdays, Saturdays, and Sundays from opening shooting time each day until 12 noon during the authorized season only.

2. A Federal permit is required and will be issued on an advance reservation basis. Application for reservation will be accepted between September 15 and October 15, 1975.

3. Steel shot only may be possessed or used on the refuge hunting area.

4. Hunters are limited to the possession and use of twenty (20) shells per day.

Baskett Slough National Wildlife Refuge, Route 1, Box 709, Dallas, Oregon 97338.

Special Conditions: 1. Hunting is permitted on Wednesdays, Saturdays, and Sundays from opening shooting time each day until 12 noon during the authorized season only.

2. A Federal permit is required and will be issued on an advance reservation basis. Application for reservation will be accepted between September 15 and October 15, 1975.

3. Steel shot only may be possessed or used on the refuge hunting area.

4. Hunters are limited to the possession and use of twenty (20) shells per day.

William L. Finley National Wildlife Refuge, Route 2, Box 208, Corvallis, Oregon 97330.

Special Conditions: 1. Hunting is permitted on Wednesdays, Saturdays, and Sundays from opening shooting time each day until 12 noon, during the authorized season only.

2. A Federal permit is required and will be issued on an advance reservation basis. Application for reservation will be accepted between September 15 and October 15, 1975.

3. In the designated goose hunting area "A" hunters may shoot from assigned blind sites only and are limited to the use of ten (10) shells per day.

4. Hunters are limited to the possession and use of twenty (20) shells per day on area "B."

5. The use of steel shot will be mandatory.

Ducks, geese, coots and common snipe may be hunted on the following refuges:

Klamath Forest National Wildlife Refuge, (Headquarters: Klamath Basin National Wildlife Refuges, Route 1, Box 74, Tulelake, California 96134).

Special Conditions: 1. Boats with or without motors are permitted. Air-thrust and inboard water-thrust boats are prohibited.

2. All decoys, boats and other personal property must be removed from the refuge at the close of each day.

Upper Klamath National Wildlife Refuge (Headquarters: Klamath Basin National Wildlife Refuges, Route 1, Box 74, Tulelake, California 96134).

Special Conditions: 1. Boats with or without motors are permitted. Air-thrust and inboard water-thrust boats are prohibited.

2. All decoys, boats, and other personal property must be removed from the refuge at the close of each day.

Lower Klamath National Wildlife Refuge (those portions located in Oregon) Headquarters: Klamath Basin National Wildlife Refuges, Route 1, Box 74, CA 96134.

Special Conditions: 1. Posted retrieving zones are established on certain hunting units. Possession of firearms in thse retrieving zones is prohibited, except, unloaded firearms may be taken through these zones when necessary to reach or leave hunting areas. Decoys may not be set in retrieving zones.

2. Boat with or without motors are permitted. Air-thrust and inboard water-thrust boats are prohibited.

3. All decoys, boats, and other personal property must be removed at the close of each day.

Cold Springs National Wildlife Refuge, Hermiston, Oregon (Headquarters: Umatilla National Wildlife Refuge, P.O. Box 239, Umatilla, Oregon 97882).

McKay Creek National Wildlife Refuge, Pendleton, Oregon (Headquarters: Umatilla National Wildlife Refuge, P.O. Box 239, Umatilla, Oregon 97882).

Special Condition: Hunting will be permitted on Wednesday, Saturdays, Sundays, and State holidays.

Lewis and Clark National Wildlife Refuge, Route 1, Box 376C, Cathlamet, Washington 98612.

Special Condition: Posted portions of the Lewis and Clark National Wildlife Refuge in Clatsop County will be closed to waterfowl hunting.

Umatilla National Wildlife Refuge, P.O. Box 239, Umatilla, Oregon 97882.

Special Conditions: 1. Waterfowl hunting is permitted during open hours each Wednesday, Saturday, Sunday and State holidays (except December 25) during waterfowl season.

2. Hunting by permit only. Successful applicants may bring one unnamed guest and must arrive at the checking station no later than one hour before shooting time or the reservation is cancelled. Checking station will open 1½ hours before shooting time. "No-show" vacancies will be filled from a waiting line after reservations have been accommodated and just prior to shooting time.

3. Applications will be accepted during two sign-up periods. Permits are non-transferable.

4. The use of steel shot will be mandatory. Shells will not be sold at the check stand and should be obtained from a commercial source well before hunt day.

5. Waterfowl hunting will be from blinds only. Details will be available at the check stand.

Malheur National Wildlife Refuge, P.O. Box 113, Burns, Oregon 97720.

Special Condition: Use of motors on boats is prohibited.

Mourning doves and band-tailed pigeons may be hunted on the following refuge areas:

Ankeny National Wildlife Refuge, Box 198, Jefferson, Oregon 97352.

Special Condition: All hunters must check in and out of the refuge daily by use of self-service permits.

Malheur National Wildlife Refuge, P.O. Box 113, Burns, Oregon 97720.

Special Condition: That portion of the refuge in Blitzen Valley west of Highway 205 south of Diamond Lane will be open to hunting as posted.

William L. Finley National Wildlife Refuge, Route 2, Box 208, Corvallis, Oregon 97330.

Special Condition: All hunters must check in and out of the refuge daily by use of self-service permits.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

Upland game birds may be hunted on the following refuge areas:

Deer Flat National Wildlife Refuge, Snake River Sector (Headquarters: Deer Flat National Wildlife Refuge, Route 1, Box 1457, Nampa, Idaho 83651).

Hart Mountain National Antelope Range, P.O. Box 111, Lakeview, Oregon 97630.

Special Condition: Quail and partridge only may be hunted.

Pheasant, quail, and partridge may be hunted on the following refuge areas:

Cold Springs National Wildlife Refuge, Hermiston, Oregon (Headquarters: Umatilla National Wildlife Refuge, P.O. Box 239, Umatilla, Oregon 97882).

Malheur National Wildlife Refuge, P.O. Box 113, Burns, Oregon 97720.

Special Condition: Hunting will be permitted during the last 9 days of the State season on the upland game hunting area and during State seasons running concurrently with the waterfowl season on the waterfowl hunting area, and that portion of the refuge in the Blitzen Valley west of Highway 205 as posted.

McKay Creek National Wildlife Refuge, Pendletaon, Oregon (Headquarters: Umatilla National Wildlife Refuge, P.O. Box 239, Umatilla, Oregon 97882).

Special Condition: Hunting is permitted on Wednesdays, Saturdays, Sundays and State holidays.

Umatilla National Wildlife Refuge, P.O. Box 239, Umatilla, Oregon 97882.

Special Conditions: 1. Hunting will be permitted from 12:00 noon until closing time on Wednesdays, Saturdays, Sundays and State holidays.

2. Pheasant hunters must check in and out of the refuge daily at the refuge check station.

Pheasant and quail may be hunted on the following refuge areas:

Ankey National Wildlife Refuge, Route 1, Box 198, Jefferson, Oregon 97352.

Special Conditions: 1. No hunting permitted after November 2, 1976.

2. All hunters must check in and out of the refuge daily by use of self-service permits.

3. Hunters on the area served by each registration station will be limited to 50 at any one time.

Baskett Slough National Wildlife Refuge, Route 1, Box 709, Dallas, Oregon 97338.

Special Conditions: 1. No hunting permitted after November 2, 1976.

2. All hunters must check in and out of the refuge daily by use of self-service permits.

3. Hunters on the area served by each registration station will be limited to 50 at any one time.

William L. Finley National Wildlife Refuge, Route 2, Box 208, Corvallis, Oregon 97330.

Special Conditions: 1. No hunting permitted after November 2, 1976.

2. All hunters must check in and out of the refuge daily by use of self-service permits.

3. Hunters on the area served by each registration station will be limited to 100 at any one time.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1976.

DONALD J. HANKLA,
Acting Regional Director,
Fish and Wildlife Service.

[FR Doc.76-22692 Filed 8-4-76;8:45 am]

PART 32—HUNTING

Certain National Wildlife Refuges in Washington

The following regulations will be effective September 1, 1976. These regulations apply to public hunting on portions of certain National Wildlife Refuges in Washington.

General conditions. Hunting shall be in accordance with applicable State and Federal regulations. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps. No vehicle travel is permitted except on maintained roads and trials. Special conditions applying to individual refuges are listed on the reverse side of maps available at refuge headquarters and from the office of the Regional Director, Fish and Wildlife Service, P.O. Box 3737, Portland, Oregon 97208.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Migratory game birds may be hunted on the following refuge area:

Conboy Lake National Wildlife Refuge, Box 5, Glenwood, Washington 98619.

Special Condition: No Canada goose hunting permitted.

Migratory game birds except doves and pigeons may be hunted on the following refuge areas:

Columbia National Wildlife Refuge, P.O. Drawer F, Othello, Washington 99344.

Special Condition: Hunters using field 226-227 near Royal Lake must register before hunting and may shoot from designated sites only.

Toppenish National Wildlife Refuge, Route 1, Box 1300, Toppenish, Washington 98948.

Umatilla National Wildlife Refuge, P.O. Box 239, Umatilla, Oregon 97882.

Columbian White-Tailed Deer National Wildlife Refuge, Route 1, Box 276C, Cathlamet, Washington 98612.

Ridgefield National Wildlife Refuge, P.O. Box 467, Ridgefield, Washington 98642.

Special Conditions: 1. Hunting will begin on Saturday, October 30, 1976 and thereafter will be permitted on Wednesdays, Saturdays (except Dec. 25), Sundays, November 11, 1976 and November 25, 1976 to the close of season.

2. A Federal permit, available from the refuge office, is required to enter the public hunting area. Permits will be issued by mail, only on a first-come, first-served basis. Only one regular permit may be held by a hunter at any one time.

3. Hunters may shoot only from blinds assigned by drawing at the checking station. A recreational use fee of $3.00 will be charged for each hunter's use of a blind. Fee for holders of Golden Age Passport is $1.50.

4. Steel shot only may be possessed or used on the refuge hunting area.

5. Hunters may possess and use not more than twenty (20) shells on the north hunting area or twelve (12) shells on the south hunting area per hunter per day.

Migratory game birds except snipe and pigeons and doves may be hunted on the following refuge areas:

McNary National Wildlife Refuge, P.O. Box 19, Burbank, Washington 99383.

Special Conditions: 1. Hunters are required to park vehicles in designated parking areas only.

2. On Burbank Slough hunting will be permitted on Wednesday, Saturday, Sunday and Thanksgiving Day only. No additional hunting will be permitted during the State extended goose hunting season. In the north and south one-thirds of hunting area, hunting is from marked sites only. Reservations are required for use of goose hunting sites in fields 5 and 6.

3. On the Hanford Island Division hunting is permitted only on the five upstream islands from opposite the Hanford 300 area-Sagemoor Road upstream to BPA power line crossing. The Hanford Island offshore from the Graduate Center, Sprout Road is closed to hunting.

4. All public use on the Strawberry Island Division is prohibited.

Willapa National Wildlife Refuge, Ilwaco, Washington 98624.

Lewis and Leadbetter Point Units.

Special Condition: Hunter registration is required. Leadbetter Point is the only refuge unit open to black brant hunting after close of general season.

Riekkola Unit.

Special Conditions: 1. Hunter registration required.

2. Hunting will be permitted on Wednesdays and Saturdays only.

3. Hunting will be from designated blinds only with no more than three (3) hunters per blind. Blind selection is by drawing each hunt morning at check station.

4. Hunters may possess and use not more than ten (10) shells per hunter per day.

5. This area closes at the end of the regular waterfowl season. No extension of the season is provided for the hunting of black brant.

§ 32.33 Special regulations; upland game; for individual wildlife refuge areas.

Upland game birds may be hunted on the following refuge areas:

Columbia National Wildlife Refuge, P.O. Drawer F, Othello, Washington 99344.

Special Conditions: 1. Open to the hunting of rabbits in addition to game birds.

2. Upland game birds may be hunted during State seasons running concurrently with the waterfowl season.

3. Hunters using field 226-227 near Royal Lake must register before hunting and may shoot from designated sites only.

Umatilla National Wildlife Refuge, P.O. Box 239, Umatilla, Oregon 97882.

Special Condition: Only those areas posted "Public Hunting Area" are open to upland game bird hunting.

Conboy Lake National Wildlife Refuge, Box 5, Glenwood, Washington 98619.

Special Condition: Cottontail rabbit and snowshoe hare may also be hunted during the State season concurrent with the waterfowl season.

Toppenish National Wildlife Refuge, Route 1, Box 1300, Toppenish, Washington 98948.

Special Condition: Rabbits and upland game may only be hunted during that part of the State season concurrent with the waterfowl hunting season.

Willapa National Wildlife Refuge Ilwaco, Washington 98624.

Long Island Unit

Special Conditions: 1. Archery hunting only.

2. Permits for the opening weekend will be limited and obtained in advance. Applications are available from the Refuge Manager.

3. After opening weekend hunters must possess regular hunting permit available at refuge headquarters and at the Nahcotta dock.

4. Raccoon and coyote may also be hunted.

McNary National Wildlife Refuge, P.O. Box 19, Burbank, Washington 99323.

Special Conditions: 1. Pheasants only may be hunted during the first half of the state's split season or through November 6, whichever is earliest.

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2. Pheasant hunting will be restricted to Wednesdays, Saturdays, and Sundays.
3. Hunters are required to park vehicles in designated parking areas only.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Big game hunting is permitted on the following refuge area:

Little Pend Oreille National Wildlife Refuge, Route 1, Colville, Washington 99114.

Deer hunting only is permitted on the following refuge areas:

Columbia National Wildlife Refuge, P.O. Drawer F, Othello, Washington 99344.

Conboy Lake National Wildlife Refuge, Box 5, Glenwood, Washington 98619.

Umatilla National Wildlife Refuge, P.O. Box 239, Umatilla, Oregon 97882.

Bear, deer and elk may be hunted on the following refuge area:

Willapa National Wildlife Refuge, Ilwaco, Washington 98624.

Long Island Unit.

Special Conditions: 1. Archery hunting only is permitted.
2. Permits for opening weekend will be limited and obtained in advance. Applications are available from the Refuge Manager.
3. After opening weekend hunters must possess regular hunting permit available at refuge headquarters and at the Nahcotta dock.
4. Use of bait/or baiting for bears is prohibited.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50 Code of Federal Regulations, Part 32, and are effective through June 30, 1977.

DONALD J. HANKLA,
Acting Regional Director,
Fish and Wildlife Service.

[FR Doc.76-22693 Filed 8-4-76;8:45 am]

PART 32—HUNTING

National Wildlife Refuges in Certain States

The following special regulations are issued and are effective on August 28, 1976.

§ 32.22 Special regulations; upland game; for individual refuge areas.

ALABAMA

WHEELER NATIONAL WILDLIFE REFUGE

Public hunting of gray squirrels, foxes, raccoons, and opossums is permitted only on the areas designated by signs and/or delineated on maps which are available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, NE., Atlanta, Georgia 30329. Hunting shall be in accordance with all State and Federal regulations subject to the following special conditions:

(1) Hunting shall be by permit only. Permits may be obtained from the Refuge Manager under prescribed conditions.

(2) Foxes may be hunted with dogs, but without guns, during the period October 1, 1976 through February 15, 1977, under conditions set forth in permits obtainable from the Refuge Manager.

(3) Gray squirrels and rabbits may be hunted October 15–19, 1976, excluding Sunday, October 17, 1976.

(4) Raccoons and opossums may be hunted February 14–19, 1977.

(5) Rabbits may be hunted February 22–26, 1977.

(6) Shotguns, .22 rimfire rifles, non-powder burning rifles and bows and arrows may be used for squirrel hunting, but .22 rimfire rifles may not be used for other species listed. Raccoon and opossum hunting is limited to use of shotguns only.

(7) Legal hours for entering upon and hunting on the refuge for raccoons and opossums shall be 7 p.m. to 6 a.m. inclusive; for rabbits 8 a.m. to 5 p.m. inclusive; and squirrels all daylight hours.

(8) No hunting is allowed within 100 yards of buildings on the refuge boundary. No hunting is permitted within the Triana Recreation Area. On the south side of the Tennessee River and west of Interstate 65, squirrels and rabbits only may be hunted, but only with bows and arrows or non-powder burning rifles.

(9) Each hunter under age 17 must be under the close supervision of an adult. For safety reasons, the ratio should be one adult to one juvenile but in no case should one adult have more than two juveniles under his/her supervision.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through February 26, 1977.

ARKANSAS

BIG LAKE NATIONAL WILDLIFE REFUGE

Public hunting of squirrels and raccoons on Big Lake National Wildlife Refuge, Arkansas, is permitted on the entire refuge except for areas which may be designated as closed by marking with "Closed Area" signs. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of upland game subject to the following special conditions:

(1) Squirrel hunting permitted in accordance with State regulations, except season closes on the refuge the day duck season in the State opens. Dogs are not permitted.

(2) Raccoon hunting permitted from October 14, 1976, until opening day of the duck hunting season in the State. Hunting will open at 12:00 noon on October 14. Hunting permitted 24 hours per day. No limit on the number of coons that can be taken per day. Dogs required during night hunts.

(3) Shotguns or rifles not larger than .22 caliber rimfire may be used.

(4) Persons are prohibited from possessing, while on the refuge, either on their person or in their vehicle, game for which there is not an open season on the refuge.

(5) Fires and cutting of trees are not permitted.

(6) A special permit is required for hunts held on the refuge.

(7) Each hunter under age 17 must be under the close supervision of an adult. For safety reasons, the ratio should be one adult to one juvenile but in no case should one adult have more than two juveniles under his/her supervision.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 30, 1976.

FLORIDA

ST. MARKS NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the St. Marks National Wildlife Refuge, Florida, is permitted only on the area designated by signs as open to hunting. This open area, comprising approximately 1,200 acres, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, N.E., Atlanta, Georgia 30329. Hunting shall be in accordance with all State and Federal regulations governing the hunting of upland game. A refuge permit is required.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1977.

ST. VINCENT NATIONAL WILDLIFE REFUGE

Hogs (minimum 15 inch shoulder height), raccoon, and opossum shall be taken incidental to and governed by regulations of the annual deer hunt.

GEORGIA

BLACKBEARD ISLAND NATIONAL WILDLIFE REFUGE

Raccoon shall be taken incidental to and governed by regulations of the annual deer hunt.

PIEDMONT NATIONAL WILDLIFE REFUGE

Public hunting of bobwhite quail and squirrels on the Piedmont National Wildlife Refuge, Georgia, is permitted only on the area designated by signs as open to hunting. The open area, comprising approximately 32,000 acres, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, NE., Atlanta, Georgia 30320. Hunting shall be in accordance with all applicable State regulations covering the hunting of bobwhite quail and squirrels subject to the following special conditions:

(1) Species permitted to be taken: Bobwhite quail and gray squirrels only.

(2) Open season: Quail—November 20, 1976–February 28, 1977, on Tuesdays, Saturdays, and National holidays only. Squirrels—November 20, 1976–February 28, 1977, on Tuesdays, Saturdays, and National holidays only. Hunters are permitted on areas open to quail and squirrel hunting from 30 minutes before sunrise until 30 minutes after sunset on the above cited hunting days.

(3) No vehicular or horseback travel except on State and county roads.

(4) Each hunter under age 17 must be under the close supervision of an adult. For safety reasons, the ratio should be one adult to one juvenile but in no case should one adult have more than two juveniles under his/her supervision.

(5) Camping and fires are prohibited.

(6) Dogs permitted for quail hunting, and one dog per party authorized for squirrel hunting.

(7) Firearms limited to .22 caliber rimfire rifles and shotguns.

(8) A refuge permit is required. An unlimited number of permits for the quail and squirrel hunts will be available at refuge headquarters Monday through Friday 8 a.m.–4:30 p.m. during the respective hunt periods. Permits are valid for entire hunt period. Questionnaire on permit must be completed and returned to refuge office at close of season.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through February 28, 1977.

WASSAW ISLAND NATIONAL WILDLIFE REFUGE

Raccoon shall be taken incidental to and governed by regulations of annual deer hunt.

KENTUCKY

REELFOOT NATIONAL WILDLIFE REFUGE

Public hunting of squirrels and raccoons on the Reelfoot National Wildlife Refuge, Kentucky, is permitted only on the area designated by signs as open to hunting. This open area, comprised of 2,034 acres, is delineated on maps available at refuge headquarters, Samburg, Tennessee and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, NE., Atlanta, Georgia 30329. Hunting shall be in accordance with all applicable State regulations covering the hunting of squirrels and raccoons subject to the following special conditions:

Squirrels: (1) Squirrels may be hunted on the refuge from August 28–September 30, 1976.

(2) Only shotguns incapable of holding more than three shells and .22 caliber rimfire rifles are permitted.

(3) Dogs are not permitted.

(4) A free Federal permit is required to enter the public hunting area. Permits available from the refuge manager by mail or in person.

Raccoons: (1) Raccoons may be taken without limit, on the Long Point refuge unit during the periods of September 20–25, 1976 and September 27–October 2, 1976.

(2) Hunting hours shall be from 7:30 p.m. to 12 midnight.

(3) The use of dogs and guns is permitted.

(4) No axes, saws, or other cutting implements will be permitted.

(5) A Federal permit is required. Permits available at check station. All hunters will be required to check in and check out at the designated check station, the location of which may be obtained from the Refuge Manager, Reelfoot National Wildlife Refuge, Samburg, Tennessee.

(6) Each hunter under age 17 must be under the close supervision of an adult. For safety reasons, the ratio should be one adult to one juvenile but in no case should one adult have more than two juveniles under his/her supervision.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 2, 1976.

LOUISIANA

CATAHOULA NATIONAL WILDLIFE REFUGE

Public hunting of squirrels on the Catahoula National Wildlife Refuge is permitted on the timbered portions of the refuge. Permits are required and may be obtained at refuge headquarters or by writing the Refuge Manager, Catahoula National Wildlife Refuge, P.O. Drawer LL, Jena, Louisiana 71342. Hunting shall be in accordance with State and Federal regulations governing the hunting of squirrels subject to the following special conditions:

(1) The season extends from October 2–17, 1976.

(2) Hunters may enter the area 30 minutes prior to legal shooting time (30 minutes before sunrise) and must be out of the refuge 30 minutes after legal shooting hours (30 minutes after sunset).

(3) Unmarked feral hogs may be taken.

(4) No vehicles with tires larger than 9.00 x 16" can be used on the refuge. All vehicles must remain on established roads and trails.

(5) Each hunter under age 17 must be under the close supervision of an adult. For safety reasons, the ratio should be one adult to one juvenile but in no case should one adult have more than two juveniles under his/her supervision.

(6) Dogs are not permitted.

(7) Firearms limited to shotguns and .22 caliber rimfire rifles.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 17, 1976.

MISSISSIPPI

NOXUBEE NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Noxubee National Wildlife Refuge, Mississippi, is permitted on the area designated by signs as open to hunting. This open area is delineated on a map available at refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, NE., Atlanta, Georgia 30329. Hunting shall be in accordance with all State and Federal regulations subject to the following special conditions:

(1) Squirrels and rabbits may be hunted October 18–29, 1976 in that portion of the refuge located in Winston County west of Dummy Line Road and south of the Louisville Road. Squirrels and rabbits may be hunted October 30–November 13, 1976 on all areas of the refuge (except closed areas). Only shotguns and .22 caliber rimfire weapons may be used.

(2) Quail may be hunted January 17–February 22, 1977. Rabbits may be hunted as an incidental species during the quail hunt. Only shotguns permitted during this hunt.

(3) Raccoons and opossums may be hunted January 1–31, 1977 with .22 caliber rimfire weapons only.

(4) Turkey (Gobblers only) may be hunted March 26–April 7, 1977 and April 9–April 20, 1977.

(5) Sunday hunting is prohibited.

(6) Dogs are permitted during the quail, raccoon and opossum hunts only.

(7) Turkeys killed must be checked at refuge headquarters.

(8) Permits are required for all hunts and may be obtained at refuge headquarters.

(9) Each hunter under age 17 must be under the close supervision of an adult. For safety reasons, the ratio should be one adult to one juvenile but in no case should one adult have more than two juveniles under his/her supervision.

(10) The use of any Citizen's Band Radio devices to aid in the pursuit or taking of any game species is prohibited.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through April 20, 1977.

YAZOO NATIONAL WILDLIFE REFUGE

Public hunting of squirrels, raccoons, and opossums on the Yazoo National Wildlife Refuge, Mississippi, is permitted only in wooded areas not designated by signs as closed to hunting. These areas, comprising about 10,500 acres, are delineated on a map available at refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, NE., Atlanta, Georgia 30329. Hunting shall be in accordance with all applicable State regulations governing the hunting of squirrels, raccoons and opossums subject to the following special conditions:

(1) *Squirrels* may be hunted October 2–9, 1976, Sundays excluded. *Raccoons and opossums* may be hunted November 27 through December 11, 1976, Sunday excluded.

(2) *Squirrels* may be hunted one-half hour before official sunrise to official sunset. *Raccoons and opossums* may be hunted from sunset to 12 midnight.

(3) No dogs permitted during the squirrel hunt; however, dogs may be used in the taking of raccoons and opossums.

(4) Weapons: Shotguns, 10-gauge or smaller, and .22 caliber rimfire rifles only.

(5) One-day free permits are required. All hunters must check in and check out at refuge office.

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(6) Carrying of loaded firearms in vehicles prohibited. Shooting or spotlighting from vehicles or any paved roads is prohibited. No firearms may be discharged within 250 yards of the refuge headquarters or residences.

(7) Each hunter under age 17 must be under the close supervision of an adult. For safety reasons, the ratio should be one adult to one juvenile but in no case should one adult have more than two juveniles under his/her supervision.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 11, 1976.

SOUTH CAROLINA

CAPE ROMAIN NATIONAL WILDLIFE REFUGE

Rabbits, squirrels and raccoons shall be taken incidental to and governed by regulations of the annual deer hunt.

TENNESSEE

HATCHIE NATIONAL WILDLIFE REFUGE

The public hunting of squirrels and raccoons on the Hatchie National Wildlife Refuge is permitted only on the area designated by signs as open to hunting. This open area, comprising 11,220 acres, is delineated on maps available at the refuge headquarters, Brownsville, Tennessee 38012 and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, NE., Atlanta, Georgia 30329. Hunting shall be in accordance with all applicable State and Federal Regulations subject to the following special conditions:

(1) All persons hunting on the refuge must possess a Special Hunting Permit.

(2) Seasons: Squirrels—Open with State season, close September 30, 1976. Raccoons—Open with State season, close November 14, 1976.

(3) Each hunter under age 17 must be under the close supervision of an adult. For safety reasons, the ratio should be one adult to one juvenile but in no case should one adult have more than two juveniles under his/her supervision.

(4) Weapons: Only shotguns incapable of holding more than three shells and .22 caliber rimfire rifles are permitted.

(5) The hunting hours for raccoons are from sunset to midnight.

(6) Camping is prohibited.

(7) Dogs are prohibited during the squirrel hunt, but are required during the raccoon hunt.

(8) No axes, saws or other cutting implements will be permitted during the raccoon hunt.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 14, 1976.

LAKE ISOM NATIONAL WILDLIFE REFUGE

Public hunting of squirrels and raccoons on the Lake Isom National Wildlife Refuge, Tennesse is permitted only on the area designated by signs as open to hunting. This open area, comprised of 1,850 acres, is delineated on maps available at refuge headquarters, Samburg, Tennessee and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, NE., Atlanta, Georgia 30329. Hunting shall be in accordance with all applicable State regulations covering the hunting of squirrels and raccoons, subject to the following special conditions:

Squirrels: (1) Squirrels may be hunted on the refuge during the period from August 28 until September 30, 1976.

(2) Only shotguns incapable of holding more than three shells and .22 caliber rimfire rifles are permitted.

(3) Dogs are not permitted.

(4) A free Federal permit is required to enter the public hunting area. Permits available from Refuge Manager by mail or in person.

(5) Each hunter under age 17 must be under the close supervision of an adult. For safety reasons, the ratio should be one adult to one juvenile but in no case should one adult have more than two juveniles under his/her supervision.

Raccoons: (1) Raccoons may be taken, without limit, on the refuge during the period of September 27–October 2, 1976.

(2) Hunting hours shall be from 7:30 p.m. to 12 midnight.

(3) The use of dogs and guns is permitted.

(4) No axes, saws, or other cutting implements will be permitted.

(5) A Federal permit is required. Permits available at check station. All hunters will be required to check in and check out at the designated checking station, the location of which may be obtained from the Refuge Manager, Reelfoot National Wildlife Refuge, Samburg, Tennessee 38254.

(6) Each hunter under age 17 must be under the close supervision of an adult. For safety reasons, the ratio shoul bdoneeatdul safety reasons, the ratio should be one adult to one juvenile but in no case should one adult have more than two juveniles under his/her supervision.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 2, 1976.

REELFOOT NATIONAL WILDLIFE REFUGE

Public hunting of squirrels and raccoons on the Reelfoot National Wildlife Refuge, Tennessee is permitted only on the area designated by signs as open to hunting. This open area, comprised of 9,585 acres, is delineated on maps available at refuge headquarters, Samburg, Tennessee, and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, NE., Atlanta, Georgia 30329. Hunting shall be in accordance with all applicable State regulations covering the hunting of squirrels and raccoons subject to the following special conditions:

Squirrels: (1) Squirrels may be hunted on the refuge during the period from August 28 until September 30, 1976.

(2) Only shotguns incapable of holding more than three shells and .22 caliber rimfire rifles are permitted.

(3) Dogs are not permitted.

(4) A free Federal permit is required to enter the public hunting area. Permits available from Refuge Manager by mail or in person.

(5) Each hunter under age 17 must be under the close supervision of an adult. For safety reasons, the ratio should be one adult to one juvenile but in no case should one adult have more than two juveniles under his/her supervision.

Raccoons: (1) Raccoons may be taken, without limit, on the refuge during the period of September 27–October 2, 1976.

(2) Hunting hours shall be from 7:30 p.m. to 12 midnight.

(3) The use of dogs and guns is permitted.

(4) No axes, saws, or other cutting implements will be permitted.

(5) A Federal permit is required. Permits available at check station. All hunters will be required to check in and check out at the designated check station, the location of which may be obtained from the Refuge Manager, Reelfoot National Wildlife Refuge, Samburg, Tennessee 38254.

(6) Each hunter under age 17 must be under the close supervision of an adult. For safety reasons, the ratio should be one adult to one juvenile but in no case should one adult have more than two juveniles under his/her supervision.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 2, 1976.

TENNESSEE NATIONAL WILDLIFE REFUGE

Hunting of upland game on the Tennessee National Wildlife Refuge is suspended for the 1976–77 season.

KENNETH E. BLACK,
Regional Director.

JULY 29, 1976.

[FR Doc.76-22697 Filed 8-4-76;8:45 am]

PART 32—HUNTING

Seedskadee National Wildlife Refuge

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

WYOMING

SEEDSKADEE NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves on the Seedskadee National Wildlife Refuge, Wyoming, is permitted. All of the refuge area, comprising 14,284 acres, and so designated by signs, is open to hunting. Maps of the area are available at the refuge office, Room 118, Courthouse, Green River, Wyoming, and from the Area Manager, U.S. Fish and Wildlife Service, 2215 Federal Building, Salt Lake City, Utah 84111. Hunting shall be in accordance with all applicable State regulations governing the hunting of mourning doves.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 30, 1976.

H. J. JOHNSON,
Seedskadee National Wildlife Refuge, Green River, Wyoming.

JULY 27, 1976.

[FR Doc.76-22714 Filed 8-4-76;8:45 am]

PART 32—HUNTING

Seedskadee National Wildlife Refuge

The following special regulation is issued and is effective August 5, 1976.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

WYOMING

SEEDSKADEE NATIONAL WILDLIFE REFUGE

Public hunting of sage grouse on the Seedskadee National Wildlife Refuge is permitted. All of the refuge area, comprising 14,284 acres, and so designated by signs, is open to hunting. Maps of the area are available at the refuge office, Room 118, Courthouse, Green River, Wyoming, and from the Area Manager, U.S. Fish and Wildlife Service, 2215 Federal Building, Salt Lake City, Utah 84111. Hunting shall be in accordance with all applicable State regulations governing the hunting of sage grouse.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 6, 1976.

H. J. JOHNSON,
Refuge Manager, Seedskadee National Wildlife Refuge, Green River, Wyoming.

JULY 27, 1976.

[FR Doc.76-22718 Filed 8-4-76;8:45 am]

PART 32—HUNTING

Seedskadee National Wildlife Refuge

The following special regulation is issued and is effective August 5, 1976.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

WYOMING

SEEDSKADEE NATIONAL WILDLIFE REFUGE

Public hunting of cottontail rabbits on the Seedskadee National Wildlife Refuge, Wyoming, is permitted. All of the refuge area, comprising 14,284 acres, and so designated by signs, is open to hunting. Maps of the area are available at the refuge office, Room 118, Courthouse, Green River, Wyoming, and from the Area Manager, U.S. Fish and Wildlife Service, 2215 Federal Building, Salt Lake City, Utah 84111. Hunting shall be in accordance with all applicable State regulations governing the hunting of cottontail rabbits.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1976.

JULY 27, 1976.

H. J. JOHNSON,
Refuge Manager, Seedskadee National Wildlife Refuge, Green River, Wyoming

[FR Doc.76-22716 Filed 8-4-76;8:45 am]

PART 32—HUNTING

Seedskadee National Wildlife Refuge

The following special regulation is issued and is effective August 5, 1976.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

WYOMING

SEEDSKADEE NATIONAL WILDLIFE REFUGE

Public hunting of antelope on the Seedskadee National Wildlife Refuge, Wyoming, is permitted. All of the refuge area, comprising 14,284 acres, and so designated by signs is open to hunting. Maps of the area are available at the refuge office, Room 118, Courthouse, Green River, Wyoming, and from the Area Manager, U.S. Fish and Wildlife Service, 2215 Federal Building, Salt Lake City, Utah 84111. Hunting shall be in accordance with all applicable State regulations governing the hunting of antelope.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 30, 1976.

H. J. JOHNSON,
Refuge Manager, Seedskadee National Wildlife Refuge, Green River, Wyoming.

JULY 27, 1976.

[FR Doc.76-22715 Filed 8-4-76;8:45 am]

PART 32—HUNTING

Seedskadee National Wildlife Refuge

The following special regulation is issued and is effective August 5, 1976.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

WYOMING

SEEDSKADEE NATIONAL WILDLIFE REFUGE

Public hunting of mule deer on the Seedskadee National Wildlife Refuge, Wyoming, is permitted. All of the refuge area, comprising 14,284 acres, and so designated by signs, is open to hunting. Maps of the area are available at the refuge office, Room 118, Courthouse, Green River, Wyoming, and from the Area Manager, U.S. Fish and Wildlife Service, 2215 Federal Building, Salt Lake City, Utah 84111. Hunting shall be in accordance with all applicable State regulations governing the hunting of mule deer.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 31, 1976.

H. J. JOHNSON,
Refuge Manager, Seedskadee National Wildlife Refuge, Green River, Wyoming.

JULY 27, 1976.

[FR Doc.76-22717 Filed 8-4-76;8:45 am]

PART 33—SPORT FISHING

Certain National Wildlife Refuges in Alaska

The following special regulations are issued and are effective August 5, 1976.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

General condition. Fishing shall be in accordance with applicable State regulations.

ALASKA

ALEUTIAN ISLANDS NATIONAL WILDLIFE REFUGE

Eastern Aleutians—Pouch No. 2, Cold Bay, Alaska 99571.

Western Aleutians—P.O. Box 5251, Adak, Alaska 98791.

Arctic National Wildlife Range, 1412 Airport Way, Fairbanks, Alaska 99701.

BERING SEA NATIONAL WILDLIFE REFUGE

Clarence Rhode National Wildlife Range, P.O. Box 346, Bethel, Alaska 99559.

CAPE NEWENHAM NATIONAL WILDLIFE REFUGE

Clarence Rhode National Wildlife Range, P.O. Box 346, Bethel, Alaska 99559.

Clearance Rhode National Wildlife Range, P.O. Box 346, Bethel, Alaska 99559.

Izembek National Wildlife Range, Pouch No. 2, Cold Bay, Alaska 99571.

Kenai National Moose Range, P.O. Box 500, Kenai, Alaska 99611.

Special conditions. Parts of the Kenai National Moose Range are closed to the operation of aircraft and motor boats. These regulations are available at the Refuge office, Kenai, Alaska.

Kodiak National Wildlife Refuge, Box 825, Kodiak, Alaska 99615.

NUNIVAK NATIONAL WILDLIFE REFUGE

Clarence Rhode National Wildlife Range, P.O. Box 346, Bethel, Alaska 99559.

The provisions of these special regulations supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through August 31, 1977.

JAN E. RIFFE,
Acting Area Director, U.S. Fish and Wildlife Service, Anchorage, Alaska.

JULY 23, 1976.

[FR Doc.76-22815 Filed 8-4-76;8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[21 CFR Part 1301]

COMPLIMENTARY SAMPLING OF CONTROLLED SUBSTANCES

Advance Notice of Proposed Rulemaking

On May 19, 1976, the American College of Neuropsychopharmacology (ACNP) petitioned the Administrator of the Drug Enforcement Administration to initiate proceedings for the amendment of 21 CFR 1301.74(d). That section permits distribution of controlled substances as complimentary samples subject to certain limitations. Section 1301.74(d) reads as follows:

(d) The registrant shall not distribute any controlled substance listed in schedules II through V as a complimentary sample to any potential or current customer, (1) without the prior written request of the customer, (2) to be used only for satisfying the legitimate medical needs of patients of the customer, and (3) only in reasonable quantities. Such request must contain the name, address, and registration number of the customer and the name and quantity of the specific controlled substance desired. The request shall be preserved by the registrant with other records of distribution of controlled substances. In addition, the requirements of Part 1305 of the chapter shall be complied with for any distribution of a controlled substance listed in Schedule II. For purposes of this paragraph, the term "customer" includes a person to whom a complimentary sample of a substance is given in order to encourage the prescribing or recommending of the substance by the person.

The ACNP proposal which is being considered by DEA as an amendment to § 1301.74(d) reads as follows:

§ 1301.74 Other security controls for nonpracticioners; narcotic treatment programs and compounders for narcotic treatment programs.

* * * * *

(d) The registrant shall not distribute any controlled substance listed in schedules II through V as a complimentary sample or supply to any potential or current customer.

* * * * *

DEA is now engaged in reassessing its position on sampling in the light of questions raised by the petition. For example, we are considering the extent that sampling practices result in diversion of controlled substances; the position on sampling of various State authorities; the uses to which samples are put by physicians; the percentage of legitimately produced drugs used for sampling purposes.

The ACNP proposal has been reported in the trade press and various individuals, companies, and associations have requested opportunity to comment. The purpose of this FEDERAL REGISTER notice is to provide that opportunity.

It is recognized that the proposal collides with a long standing practice in the marketing of drugs. Therefore, any radical change in that practice must be based on clear evidence that sampling creates an existing danger to the public health and safety or has a potential for so doing in the reasonably foreseeable future.

DEA invites the comments of interested parties on such questions as the agency itself is now considering and which are outlined above. Further, we know that interested parties including physicians, manufacturers, pharmacists, wholesalers, and their respective associations, are in a better position than DEA to address certain aspects of the subject. For example:

1. Why do manufacturers sample their products to physicians? Is this the best or the cheapest way to introduce new products or to maintain awareness of products long on the market? Is advertising in recognized medical journals preferable to sampling or are both methods (advertising and sampling) necessary? Is complimentary prescription sampling preferable to direct delivery of samples to physicians?

2. DEA especially invites comments on whether sampling provides economic advantages to consumers. Here we posit the situation in which the patent on Drug X (nationally known and highly regarded by physicians) comes to an end and another manufacturer is authorized to produce an equivalent to Drug X. If the new manufacturer is prepared to market his equivalent drug at a price lower than the price of Drug X, does he require the sampling method to break down the advantages accruing to the original drug? If this be the case would it be appropriate to amend the ACNP proposal to permit sampling of a drug during a limited period after its introduction on the market? If so, what would be a reasonable time for such sampling?

3. Do physicians consider that sampling of drugs provides them with a valid method for testing drugs? Do physicians rely on this method or are they more likely to rely on the medical literature or advertising in recognized publications? Are samples often used by physicians to supply indigent patients?

4. What is the role of detail men in the sampling process? Is this activity in the public interest?

5. Is is necessary for DEA to adopt a preemptive regulation on sampling to insure a unified regulatory approach by the Federal government and State governments? (On this point ACNP notes that the legislative history of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Pub. L. 91–513) calls for a unified approach to dangerous drug control.)

6. Should drugs in Schedule II be treated differently from drugs in Schedules III, IV, or V?

The specific questions listed are, of course, not intended to limit comments. Obviously, physicians and the various elements of the drug industry will perceive important aspects of the questions raised by the ACNP proposal but not raised in this notice.

Interested parties are invited to participate in the making of the proposed rule by submitting their comments in quintuplicate to the Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 Eye Street, NW., Washington, D.C. 20537, Attention DEA Federal Register Representative, on or before October 29, 1976.

This advance notice of proposed rulemaking is issued under the authority vested in the Attorney General by 21 U.S.C. section 821 and section 871(a) and delegated to the Administrator, Drug Enforcement Administration, by regulations of the Department of Justice (28 CFR Part 0).

Dated: July 29, 1976.

PETER B. BENSINGER,
Administrator,
Drug Enforcement Administration.

[FR Doc.76–22837 Filed 8–4–76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 41]

PREPARATION OF ROLLS OF INDIANS

Qualifications for Enrollment and Deadline for Filing Applications

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

Notice is hereby given that it is proposed to amend § 41.3, Part 41, Subchapter F, Chapter I of Title 25 of the Code of Federal Regulations by adding a new paragraph designated (bb). The new paragraph establishes requirements for enrollment and a deadline for filing applications for enrollment with the Cherokee Band of Shawnee Indians of Oklahoma.

The purpose of the amendment is to carry out the provisions of the Indian Judgment Fund Act of October 19, 1973 (87 Stat. 466), which requires that plans for the use and distribution of judgment funds awarded Indian Tribes by the Court of Claims or the Indian Claims Commission be submitted to the Congress. Plans for the use and distribution of the judgment funds awarded the Absentee Shawnee Tribe of Oklahoma (on behalf of the Shawnee Nation) became effective on March 5, 1976, (and appeared on page 17582 of the FEDERAL REGISTER of April 27, 1976 (41 FR 17582).

The purpose of the amendment is to establish procedures to govern preparation of a roll to distribute that portion of the judgment funds to be paid to individuals of Cherokee Shawnee ancestry who meet the requirements for enrollment set out in the plan.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions or objections regarding these proposed regulations to the Director, Office of Indian Services, Attention: Tribal Government Services, Bureau of Indian Affairs, 1951 Constitution Avenue, NW., Washington, D.C. 20245, on or before September 7, 1976.

The new paragraph designated (bb) proposed to be added to § 41.3 of Part 41, Subchapter F, Chapter I of Title 25 of the Code of Federal Regulations reads as follows:

§ 41.3 Qualifications for enrollment and the deadline for filing applications.

* * * * *

(bb) *Cherokee Band of Shawnee Indians.* (1) All persons of Cherokee Shawnee ancestry born on or prior to and living on March 5, 1976, who are lineal descendants, except members of the Absentee Shawnee Tribe of Oklahoma, of the Shawnee Nation as it existed in 1854, shall be entitled to have their names placed on the roll, based on the roll of Cherokee Shawnee compiled pursuant to the Act of March 2, 1899 (25 Stat. 994), and any other records acceptable to the Commisioner, to be prepared and used as the basis to distribute that portion of the judgment funds awarded the Absentee Shawnee Tribe of Oklahoma (on behalf of the Shawnee Nation) in Indian Claims Commission docket 334–B, which have been set aside for the Cherokee Band of Shawnee Indians of Oklahoma.

(2) Applications for enrollment must be filed with the Area Director, Muskogee Area Office, Bureau of Indian Affairs, Muskogee, Oklahoma 74401, and must be received by close of business six months from the date of publication of the final regulations in the Federal Register. Applications received after that date will be denied for failure to file in time regardless of whether the applicant otherwise meets the requirements for enrollment.

No further change is proposed to be made in the text of Part 41.

Dated: July 26, 1976.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.76–22691 Filed 8–4–76;8:45 am]

[25 CFR Part 221]

TRIBAL AND TRUST PATENT INDIAN LANDS OF SAN CARLOS PROJECT, ARIZONA

Proposed Revisions Regarding Irrigation and Maintenance Assessments

Pursuant to the authority vested in the Secretary of the Interior for issuance of irrigation operation and maintenance orders fixing per acre assessments against lands included in Indian Irrigation Projects, delegated to the Commissioner of Indian Affairs by Order No. 2508 (10 BIAM 2.1, Section 15a) and redelegated to the Area Directors, by 10 BIAM 4.1, notice is here by given that it is proposed to modify § 221.110 Basic Charge, of Title 25, Code of Federal Regulations, dealing with irrigation operation and maintenance assesments against tribal lands and trust patent Indian lands of the San Carlos Irrigation Project, Arizona, by changing the basic charge on Indian owned and land leased and operated by non-Indians from $18.00 per acre to $24.00 per acre. The rate increase is the result of the increase of $5.85 per acre in the charges assessed by the San Carlos Irrigation Project for operation and maintenance of the Joint Works. The revised section will read as follows:

§ 221.110 Basic charge.

Pursuant to section 5 of the Act of June 7, 1924 (43 Stat. 476) and in accordance with the public notice issued on December 1, 1932, operation and maintenance charges are assessable against 50,000 acres of tribal lands and trust patent Indian lands of the San Carlos Indian Irrigation Project within the boundaries of the Gila River Indian Reservation, Arizona. For the calendar year 1977 and subsequent years, unless changed by further order, the basic rate assessed Indian owned land leased and operated by non-Indians is hereby fixed at $24.00 per acre. The basic charge shall entitle each acre of such leased land to have delivered for use thereon two (2) acre-feet of water per acre or its proportionate share of the available water supply. The assessment for those lands leased will be payable as provided in §§ 221.111 and 221.112. Charges for project operation and maintenance costs on account of Indian owned land used by Indians shall not be imposed on the Indian owners of such land. (See Interlocutory Order of the Indian Claims Commission dated January 10, 1974, Gila River Pima-Maricopa Indian Community et al. v. The United States of America, Docket No. 236–E.)

It is the policy of the Department of the Interior whenever practicable to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections, with respect to the proposed amendments, to John H. Artichoker, Area Director, Phoenix Area Office, P.O. Box 7007, Phoenix, Arizona 85011, on or before September 7, 1976.

JOHN ARTICHOKER, JR.,
Area Director.

[FR Doc.76–22812 Filed 8–4–76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 931]

HANDLING OF FRESH BARTLETT PEARS GROWN IN OREGON AND WASHINGTON

Proposed Rulemaking

This notice invites written comment relative to a proposed amendment that would continue Bartlett Pear Regulation 11 (§ 941.311; 41 FR 30094) through June 30, 1977.

Said regulation will expire on September 16, 1976, unless extended. This regulation specifies grade and size requirements for fresh Bartlett pears shipped from Oregon and Washington. The requirements are that Bartlett pears grade at least U.S. No. 1 and be not smaller than 165 size except such pears of the 150 size or larger must be at least U.S. No. 2 grade. Red Bartlett pears shall grade at least U.S. No. 1 and be not smaller than 180 size except such pears of the 165 size or larger must be at least U.S. No. 2 grade. Pears in specified containers shall grade at least U.S. No. 2 and be not smaller than 2¼ inches or 2⅛ inches in diameter as specified for the particular container. Several containers and packs are authorized. The proposed extension of the effective period of Bartlett Pear Regulation 11 is designed to maintain orderly marketing conditions and provide consumers with an ample supply of acceptable quality fruit. Industry reports indicate that fresh shipments of Washington-Oregon Bartlett pears will total about 56,684 tons in 1976, compared to 68,200 tons in 1975 and 49,300 tons in 1974. The proposed amendment is consistent with the quality and size composition of the estimated crop of Washington-Oregon Bartlett pears.

The proposed amendment was submitted by the Northwest Fresh Bartlett Pear Marketing Committee, established pursuant to the marketing agreement and Order No. 931 (7 CFR Part 931) regulating the handling of fresh Bartlett pears grown in Oregon and Washington. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

All persons who desire to submit written data, views, or arguments for consideration in connection with Bartlett Pear Regulation 11, as published in the FEDERAL REGISTER on July 22, 1976 (41 FR 30094), or the proposed amendment published herein, shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112A, Washington, D.C. 20250, not later than August 30, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the office of the

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Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is to amend § 931.311 by changing the date from "September 15, 1976" to "June 30, 1977" where it appears in § 931.311(a) preceding subparagraph (1). As amended said § 931.311 would read as follows:

§ 931.311 Bartlett Pear Regulation 11.

(a) During the period August 1, 1976, through June 30, 1977, no handler shall handle • • •

• • • • • •

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.)

Dated: August 2, 1976.

G. H. GOLDSBOROUGH,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76–22822 Filed 8–4–76;8:45 am]

[7 CFR Part 946]

IRISH POTATOES GROWN IN WASHINGTON

Proposed Expenses and Rate of Assessment

Consideration is being given to authorizing the State of Washington Potato Committee to spend $16,200 for its operations during the fiscal period ending June 30, 1977, and to collect one-tenth cent per hundredweight on assessable potatoes handled by first handlers under the program.

The committee is the administrative agency established under Marketing Agreement No. 113 and Order No. 946, both as amended, regulating the handling of Irish potatoes grown in Washington. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with this proposal should file the same, in duplicate, with the Hearing Clerk, Room 112–A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than August 20, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposals are as follows:

§ 946.229 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period ending June 30, 1977, by the State of Washington Potato Committee for its maintenance and functioning and for such other purposes as the Secretary may determine to be appropriate will amount to $16,200.

(b) The date of assessment to be paid by each handler in accordance with this part shall be one-tenth cent ($0.001) per hundredweight, or equivalent quantity, of potatoes handled by him as the first handler thereof during the fiscal period, except potatoes for canning, freezing, and "other processing" as defined in the act shall be exempt.

(c) Unexpended income in excess of expenses for the fiscal period may be carried over as a reserve to the extent authorized in § 946.42(a).

(d) Terms used in this section have the same meaning as when used in the marketing agreement and this part.

Dated: July 30, 1976.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76–22742 Filed 8–4–76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 161]

[CGD 75–112]

NEW ORLEANS VESSEL TRAFFIC SERVICE

Extension of Comment Period

This notice extends the period for comment on the advance notice of proposed rulemaking published June 17, 1976 (41 FR 26604, 24605, 24606 and 24607), proposing operating regulations for the New Orleans Vessel Traffic Service (VTS) from August 2, 1976, to September 3, 1976.

Industry representatives and other individuals requested an extension of the comment period. The following reasons were given:

1. The American Waterways Operators regional meeting in New Orleans was held on July 16. Two weeks is an inadequate time to evaluate the discussions and to prepare a response to the docket.

2. The New Orleans Vessel Traffic Service steering committee is scheduled to meet on August 18, two weeks after the closing date for comments. It would be helpful to have the benefit of this meeting in preparing the response.

In consideration of these requests, the comment period on Coast Guard notice CGD 75–112 is extended to September 3, 1976.

Dated: July 26, 1976.

A. F. FUGARO,
Rear Admiral, U.S. Coast Guard; Chief, Office of Marine Environment and Systems.

[FR Doc.76–22803 Filed 8–4–76;8:45 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 76–SO–73]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Morganton, N.C., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before September 21, 1976, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 645, 3400 Whipple Street, East Point, Ga.

The Morganton transition area described in § 71.181 (41 FR 440) would be amended by deleting the present description and substituting the following therefor:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Morganton-Lenoir Airport (Lat. 35°49'20" N., Long. 81°36'50" W.); within 3 miles each side of the 205° bearing from Morganton RBN (Lat. 35°42'36" N., Long. 81°40'17" W.), extending from the 8.5 mile-radius area to 8.5 miles southwest of the RBN; excluding the portion that coincides with the Hickory transition area.

The proposed alteration is required for the following reasons:

1. Increase basic radius area from 8 miles to 8.5 miles to provide additional controlled airspace for IFR departures.

2. Revoke an extension predicated on the Morganton RBN at its present location.

3. Designate an extension predicated on the Morganton RBN which is being relocated from on the airport to a site 6.9 miles southwest of the airport.

It is anticipated that the name of the RBN will be changed when it is relocated, as it is FAA policy that only navigational aids located on an airport will carry the same name as the airport. The new name will be reflected in the final airspace rule.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on July 26, 1976.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.76–22559 Filed 8–4–76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76–SO–72]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Ahoskie, N.C., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before September 21, 1976, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 645, 3400 Whipple Street, East Point, Ga.

The Ahoskie transition area described in § 71.181 (41 F.R. 440) would be amended by deleting the present description and substituting the following therefor:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Tri-County Airport (Lat. 36°17'56" N., Long. 77°10'26" W.); within 3 miles each side of the 171° bearing from the Ahoskie RBN (Lat. 36°17'57" N., Long. 77°10'33" W.), extending from the 6.5-mile radius area to 8.5 miles south of the RBN.

The proposed alteration is required for the following reasons:

1. Increase basic radius area from 5 miles to 6.5 miles to provide additional controlled airspace for IFR departures.

2. Revoke an extension predicated on the Cofield VORTAC as it will not be required if the basic radius area is enlarged.

3. Establish an extension predicated on the Ahoskie RBN (nonfederal) which is to be installed on the airport for IFR operations.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1938 (49 U.S.C. 1348(a)) of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on July 26, 1976.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.76–22558 Filed 8–4–76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76–SO–55]

VOR AIRWAYS

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the VOR airway structure in the vicinity of Alma, Ga.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before September 7, 1976, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC–24, 800 Independence Avenue, S.W., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Request for copies of this notice of proposed rulemaking should be addressed to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–230, 800 Independence Avenue, S.W., Washington, D.C. 20591.

The proposed amendment would:

1. Realign V–5 and V–51 in part from Jacksonville, Fla.; INT Jacksonville 318°T (318°M) and Alma, Ga., 150°T (150°M) radials; Alma; INT Alma 342°T (342°M) and Dublin, Ga., 167°T (168°M) qradials; Dublin.

2. Realign V–243 in part from Jacksonville, Fla.; INT Jacksonville 318°T (318°M) and Waycross, Ga., 126°T (126°M) radials; Waycross.

3. Realign V–267 in part from Jacksonville, Fla.; INT Jacksonville 333°T (333°M) and Dublin, Ga., 152°T (153°M) radials; Dublin.

4. Realign V–5W in part from Alma, Ga.; INT Alma 311°T(311°M) and Vienna, Ga., 124°T (123°M) radials; Vienna; Macon, Ga.

5. Delete the present V–5W airway segment between Dublin, Ga., and Macon, Ga.

6. Delete the present V–51E airway segment between Jacksonville, Fla., and Alma, Ga.

7. Delete the present V–243E airway segment between Waycross, Ga., to Vienna, Ga., via Alma, Ga.

The airway structure in this area has not been changed in recent years. Therefore, there are some airway segments which are no longer needed due to changes in procedures and traffic flow. At the present time there are no VOR airways aligned to accommodate aircraft requesting direct routing from over Alma to Macon. Radar coverage from about thirty miles north of Alma to the Jacksonville/Atlanta Centers' boundary below $8,000 feet is very limited. Due to this restricted radar coverage, it is difficult to provide radar services and separation to aircraft operating at lower altitudes.

Improved airborne navigational equipment and the pilot's desire to conserve fuel, make direct routes more desirable. Although a direct route between Alma and Macon is desired, such a route would create operational problems in the Warner Robins/Macon terminal area. We propose to realign V–5W from Alma to Macon via Vienna to resolve most of the operational problems in this area.

The radar coverage southeast of Alma is very good and radar procedures are used almost exclusively. The requirement to retain V–51E between Jacksonville and Alma no longer exists. V–243E was established to provide routing around the Moody AFB ISJTA No. 3 area. This training area has been cancelled; thus, the justification of the present alignment of V–243E is no longer valid.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on July 29, 1976.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76–22556 Filed 8–4–76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76–GL–26]

VOR AIRWAYS

Proposed Revocation

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the VOR airway structure between Bradford and Capital, Ill.

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon, Des Plaines, Ill. 60018. All communications received on or before September 7, 1976, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the

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Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Request for copies of this Notice of Proposed Rule Making should be addressed to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-230, 800 Independence Avenue SW., Washington, D.C. 20591.

The proposed amendment would revoke that segment of V-127 presently established between Bradford, Ill., and Capital, Ill.

The increase in radar services in this area would allow air traffic control to provide more direct routing for the few aircraft that file for this airway, thereby eliminating the need for this airway segment.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on July 29, 1976.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76-22557 Filed 8-4-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 270]

[Release Nos. 33-5724, IC-9347, File No. S7-644]

RETROACTIVE SHARES

Proposal To Permit Certain Registration

The Securities and Exchange Commission today published for public comment a proposed Rule 24f-2 [17 CFR 270.24f-2] under the Investment Company Act of 1940 ("Investment Company Act") [15 U.S.C. 80a-24(f)] for registration under the Securities Act of 1933 ("Securities Act") [15 U.S.C. 77a et seq.] of an indefinite number of securities of certain investment companies. One purpose of the proposed rule is to allow the registration fee paid on such securities to be based upon actual sales in certain circumstances, rather than on estimates of the amount of securities to be sold. In addition, the proposed rule might relieve certain investment companies and indirectly their security holders of certain costs associated with the monitoring of the amounts of securities sold and the triple filing fee presently required for retroactive registration of shares. The Commission also published for comment a conforming amendment to Rule 24f-1 [17 CFR 270.24f-1] under the Investment Company Act to require the filing of an opinion of counsel with respect to the legality of the issuance of securities registered retroactively under that rule.

BACKGROUND AND PURPOSE

In 1970, Section 24(f) of the Investment Company Act [15 U.S.C. 80a-24(f)] was amended to permit the Commission to adopt rules concerning the retroactive registration of securities under the Securities Act, where the number of shares sold exceeded the number of shares registered. Pursuant to this authority, the Commission has adopted Rule 24f-1 allowing the retroactive registration of securities if: (1) the securities are retroactively registered within six months of their sale; (2) a filing fee three times the usual fee is paid and (3) a current prospectus was delivered to persons purchasing the oversold shares.

The amendment to Section 24(f) also empowered the Commission to adopt rules to allow the registration of an indefinite number of securities offered by certain investment companies. The Commission believes in view of its experience with Rule 24f-1 that it would be appropriate to propose a rule allowing the registration of an indefinite number of shares. Under both Rule 24f-1 and proposed Rule 24f-2, investors would have the protections afforded under the Securities Act since they would receive a current prospectus with respect to the security and would have the remedies available specified in the Act.

SYNOPSIS OF THE PROVISIONS OF PROPOSED RULE 24f-2

PROPOSED RULE 24f-2(a)

Proposed Rule 24f-2(a) would allow the registration statement of an open-end investment company filed under the Securities Act, either in the initial filing or in a post-effective amendment, to declare on the facing page that an indefinite number of shares or amount of securities are being registered. As to such indefinite number or amount, a fee of $2,000.00 is require to be paid. If a definite number or amount also were being registered, the fee as to such securities would be computed in the usual way in accordance with Section 6(b) of the Securities Act [15 U.S.C. 77f(b)]. This declaration would have to be made only once for each registration statement. The declaration would not be operative until the registration statement, or amendment thereto, in which it is included were effective; once operative, the declaration would remain in effect as to that registration statement until terminated through a statement on the facing page of a post-effective amendment, or pursuant to paragraph (b)(4) of Rule 24f-2.

PROPOSED RULE 24f-2(b)

If a registrant chose to avail itself of paragraph (a) of proposed Rule 24f-2, proposed Rule 24f-2(b) would require that, as to each registration statement in which the declaration is operative, a notice be filed within 120 days after the close of any fiscal year during which such declaration was operative. This notice would disclose: (i) the number of shares or amount of securities of the same class or series which had been registered under the Securities Act other than pursuant to the proposed rule, but which remained unsold at the beginning of the issuer's most recent fiscal year; (ii) the number of such shares or amount of securities, if any, registered during such fiscal year other than pursuant to the proposed rule; (iii) the number of such shares or amount of securities sold during such fiscal year; and (iv) the number of shares or amount of securities sold in reliance on the registration statement pursuant to Rule 24f-2. If the required notice were not timely filed, sales of securities pursuant to the registration statement would have to cease. Sales could not resume until the issuer filed a new registration statement which thereafter became effective. Proposed paragraph (b)(2) of Rule 24f-2 also requires that the follow-up notice be accompanied by an opinion of counsel relative to the legality of the issuance of the securities the registration of which the the notice makes definite in number.

Under proposed paragraph (b)(3) of Rule 24f-2, at the time the registration of an indefinite number of shares or amount of securities is made definite as to such number or amount, pursuant to a notice filed under proposed Rule 24f-2(b)(1), the filing fee to be paid would be computed in accordance with Section 6(b) of the Securities Act. For purposes of computing this fee, the proposed rule requires that the calculation be based upon the actual aggregate sale price of all such shares.

Proposed paragraph (b)(4) of Rule 24f-2 states that if a registrant has in effect a declaration to register an indefinite number of shares, and if such registrant proposes to cease its separate operations pursuant to a dissolution, liquidation, merger or otherwise, the registrant would file the notice described in paragraph (b) of Rule 24f-2 prior to the cessation of operations. In addition to any other required information, the notice would describe the registrant's status relative to its proposal to cease operations and the notice would terminate the declaration described in Rule 24f-2(a)(1) without the need for the filing of a separate post-effective amendment.

It is intended that the notice would be effective immediately upon proper filing. Accordingly, proposed paragraph (b)(5) of Rule 24f-2 states that such is the result, even though the notice is filed as a part of a post-effective amendment. However, the amendment itself would not be effective until specified by the Commission pursuant to Section 8(c) of the Securities Act [15 U.S.C. 77h(c)].

PROPOSED RULE 24f-2(c)

Proposed Rule 24f-2(c) provides that the registration fees to be paid pursuant to the rule would be by United States postal money order, certified bank check or cash, and that there would be no refund once the statement is filed. The proposed rule also specifies that the $2,000.00 fee paid at the time of the filing of the declaration called for by Rule 24f-2(a)(2) cannot be credited against registration fees required to be paid pursuant to Rule 24f-2(b)(3) so long as the declaration remains in effect, but provides that upon the express termination of the declaration or termination pursuant to paragraph (b)(4) of the rule, the fee would be applied toward the payment of a fee called for in any final notice. Any amount in excess of the final payment will not be refunded.

PROPOSED AMENDMENT TO RULE 24f-1

One of the requirements of proposed Rule 24f-2 is that the notice to make the number of shares definite must be filed with an opinion of counsel with respect to the legality of the issuance of the securities which are the subject of the notice. Rule 24f-1 presently does not contain any such requirement when securities are retroactively registered under the rule. Accordingly, to conform Rule 24f-1 with proposed Rule 24f-2, the Commission is proposing to amend the former rule to require a similar opinion of counsel.

OTHER MATTERS

It should be noted that any failure by an issuer to file the notice required by proposed Rule 24f-2(b)(1) may cast doubt on whether securities theretofore sold were properly registered. If securities are registered on an indefinite basis, and if the registration is not made definite as to the amount, full compliance with the registration requirements of the Securities Act may be questioned. In particular, the full filing requirements of Sections 6 (b) and (c) of the Securities Act [15 U.S.C. 77f(b), 77f(c)] may not have been met.

It is also recognized that the proposed rule may be used in many instances in lieu of the procedure for retroactive registration of securities under Rule 24f-1. In order to obtain the views of interested persons on this matter, the Commission also invites public comment on the desirability of retaining or repealing Rule 24f-1.

The Commission hereby publishes for comment proposed Rule 24f-2 and an amendment to Rule 24f-1 pursuant to Section 24 of the Investment Company Act of 1940 [15 U.S.C. 80a-24] and Sections 6(b), 7 and 19(a) of the Securities Act of 1933 [15 U.S.C. 77f(b), 77(g), 77s(a)].

All interested persons are invited to submit their views and comments on the foregoing proposals to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549 on or before September 15, 1976. All such communications will be available for public inspection and should refer to File No. S7-644. The text of proposed Rule 24f-2 and the proposed amendment to Rule 24f-1 follows.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

JULY 8, 1976.

I. Section 270.24f-2 is added to read as follows:

§ 270.24f-2. Registration under the Securities Act of 1933 of an indefinite number of certain investment company securities.

(a)(1) In the case of securities issued by a face amount certificate company or redeemable securities issued by an open-end management company or unit investment trust, the issuer may declare that it elects to register an indefinite number of shares or amount of securities under the Securities Act of 1933 [15 U.S.C. 77a et seq.] by specifying on the facing page of such registration statement that an indefinite number of shares or amount of its securities is being registered by such registration statement, or if a registration statement is in effect as to such securities, may amend such registration statement to specify on the cover page that the number of shares or amount of securities of the same class or series being registered is increased to an indefinite number or amount. The declaration described in this section shall not be operative until the filing in which it is included is declared effective; subject to Rule 24f-2(b)(4), such declaration, once operative, shall remain in effect as to such registration statement until expressly terminated in a statement on the facing page of a post-effective amendment thereto.

(2) At the time of filing such registration statement or amendment there shall be paid to the Commission a fee of $2,000.00, which is not refundable, but may be credited as provided by paragraph (c) of this section.

(3) If the amount of the fee in paragraph (a)(2) of this section is thereafter increased, each issuer then having in effect a declaration under paragraph (a)(1) of this section shall pay as an additional fee with respect to such declaration the difference between the total fee previously paid pursuant to paragraph (a) of this section and the amount of the amended fee. Such additional fee shall be paid within ninety days after the date upon which the increased fee of paragraph (a)(3) of this section is in effect.

(4) If such registration statement or amendment, in addition to specifying an indefinite number of shares or amount of securities, also registers a definite number of shares or a definite amount of securities, there shall also be paid to the Commission with respect to such definite amount of securities a registration fee calculated in the manner specified in Section 6(b) of the Securities Act of 1933 [15 U.S.C. 77f(b)] and the rules and regulations thereunder.

(b)(1) If an issuer has filed the declaration described in paragraph (a)(1) of this section, it shall, with respect to such registration statement and within 120 days after the close of any fiscal year during which such declaration was in effect, file a notice containing the information specified in paragraph (b)(2) of this section, to be accompanied by the additional filing fee, if any, specified in paragraph (b)(3). Unless such notice is filed within the specified time, the registrant shall discontinue sales of securities pursuant to such registration statement. Such notice may but need not be filed as part of a post-effective amendment to the registration statement.

(2) The notice described in paragraph (b)(1) of this section shall state: (i) the number of shares or amount of securities of the same class or series, if any, which had been registered under the Securities Act of 1933 other than pursuant to this rule but which remained unsold at the beginning of the issuer's most recent full fiscal year; (ii) the number of such shares or amount of securities, if any, registered during such fiscal year other than pursuant to this rule; (iii) the number of such shares or amount of securities sold during such fiscal year; and (iv) the number of shares or amount of securities sold in reliance on the registration pursuant to this Rule 24f-2. There shall also be filed with the notice an opinion of counsel as to the legality of the securities the registration of which the notice makes definite in number; the opinion shall indicate whether the securities were legally issued, fully paid and non-assessable.

(3) When the registration of an indefinite number of shares or amount of securities is made definite as to such number or amount, in a notice filed pursuant to Rule 24-2(b)(1), the filing fee to be paid as to such securities or amount shall be the fee, if any, calculated in the manner specified in section 6(b) of the Securities Act of 1933 and the rules and regulations thereunder. Such fee shall be based upon the actual aggregate sale price for such securities.

(4) If a registrant has in effect a declaration described in paragraph (a)(1) of this section, and if such registrant proposes to cease its separate operations, such registrant shall file the notice described in this paragraph (b) after the termination of sales of securities pursuant to this rule and prior to its cessation of operations. In addition to the other required information and fees, such notice shall be deemed as terminating the declaration described in paragraph (a)(1).

(5) If a notice is properly filed under paragraph (b) of this section, including the payment of the filing fee, it shall be effective immediately upon filing, notwithstanding that it is filed with or as part of a post-effective amendment to the registration statement; any such amendment shall not be effective until the Commission acts pursuant to section 8 (c) of the Securities Act of 1933 [15 U.S.C. 77h(c)].

(c) Payment of fees to the Commission pursuant to this Rule 24f-2 shall be by United States postal money order or certified bank check or cash. There will be no refund once the statement is filed. Fees paid pursuant to paragraph (a) of this section cannot be credited against registration fees which become payable pursuant to paragraph (b)(3) of this section while the declaration required by

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this rule remains in effect. If a notice required by paragraph (b)(3) is filed with respect to the fiscal year during which such declaration is expressly terminated, or pursuant to paragraph (b)(4), the fee required to be paid with such filing may be reduced by the amount of the fee paid pursuant to paragraph (a). Amounts in excess of the fee required to be paid pursuant to paragraph (b)(3) are not refundable.

2. Section 270.24f-1(b)(3) is revised to read as follows.

§ 270.24f-1. Retroactive registration under the Securities Act of 1933 of certain investment company shares sold in excess of number of shares included in an effective registration statement.

* * * * *

(b) * * *

(3) The notification shall include as an exhibit a certified copy of a resolution of the board of directors of the issuer authorizing the filing of the notification and shall be signed for the issuer by a duy authorized officer thereof. Five copies of the notification shall be filed, at least one of which shall be manually signed. The other copies may have facsimile or typed signatures. The notification shall also include an opinion of counsel as to the legality of the securities being registered, indicating whether they were legally issued, fully paid and non-assessable.

* * * * *

[FR Doc.76-22675 Filed 8-4-76;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice CM-6173]

SHIPPING COORDINATING COMMITTEE; SUBCOMMITTEE ON TONNAGE MEASUREMENT

Meeting

The Subcommittee on Tonnage Measurement of the Shipping Coordinating Committee will hold an open meeting at 10 a.m. on Monday, August 30, 1976, in Room 8236 of the Department of Transportation, 400 Seventh Street SW., Washington, D.C.

The purpose of the meeting will be to review a position on matters related to the impact of the 1969 Tonnage Measurement Convention on special types of ships for the U.S. Delegation to the 35th Session of the Maritime Safety Committee of the Intergovernmental Maritime Consultative Organization (IMCO).

For further information on the meeting, those interested should contact Mr. Phillip S. Stitt, United States Coast Guard. He may be reached by telephone on (area code 202) 426-1292.

The Chairman will entertain comments from the public as time permits.

RICHARD K. BANK,
Chairman, Shipping Coordinating Committee.

July 27, 1976.

[FR Doc.76-22818 Filed 8-4-76;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

ADVISORY COMMITTEE ON REFORM OF THE INTERNATIONAL MONETARY SYSTEM

Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972, (Public Law 92-463, 86 Stat. 770-776, 5 U.S.C. App. I, Supp. II) the Department of the Treasury announces the renewal of the following advisory committee:

Title: The Advisory Committee on Reform of the International Monetary System.

Purpose: The Committee, composed of representatives from industry and banking, as well as former government officials, discusses major issues concerning the effective functioning of the international monetary system now and in the future, and potential areas for improvement or reform, advising the Secretary of the Treasury on U.S. strategy and substantive positions on these questions in the International Monetary Fund and in other forums.

Statement of Public Interest: The formal negotiations on monetary reform conducted within the International Monetary Fund were concluded on April 30, 1976 with the adoption of a decision by the IMF Board of Governors approving the proposed Second Amendment to the Articles of Agreement of the Fund. However, during the period of transition from the existing legal structure to the new structure proposed in the amended Articles, careful consideration of issues related to the appropriate evolution of the international monetary system will be especially important. In particular, the proposed amendment to the IMF Articles will require decisions by the IMF Executive Board for its effective implementation. It is important that the Secretary of the Treasury continue to be able to receive the advice and recommendations of the Advisory Committee in this period. The depth and breadth of the members' experience in international monetary affairs cannot be duplicated from sources within the Treasury nor from another existing advisory committee.

Authority for this committee will expire August 21, 1978 unless the Secretary of the Treasury formally determines that continuance is in the public interest.

Dated: July 30, 1976.

EDWIN H. YEO III,
Under Secretary for Monetary Affairs.

[FR Doc.76-22711 Filed 8-4-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Colorado 24124]

NORTHWEST PIPELINE CORP.

Application

JULY 29, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Northwest Pipeline Corporation, P.O. Box 1526, Salt Lake City, Utah 84110, has applied for right-of-way for a 200 feet by 200 feet site for a field compressor covering approximately 0.918 acres of the following National Resource Land in Rio Blanco County, Colorado:

T. 2 S., R. 101 W., 6th P.M.,
Section 4: SW¼SE¼.

The facility will enable applicant to add to its natural gas gathering system in Rio Blanco County, Colorado.

The purposes of this notice are: to inform the public that the Bureau of Land Management will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved and, if so, under what terms and conditions; to allow interested parties to comment on the application, and to allow any persons asserting a claim to the lands or having bona fide objections to the proposed compressor site right-of-way to file their objections in this office. Any person asserting a claim to the lands or having bona fide objections must include evidence that a copy thereof has been served on the applicant.

Any comment, claim, or objections must be filed with the Chief, Branch of Land Operations, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, as promptly as possible after publication of this notice.

ALAN D. CAMPBELL,
Acting Chief, Branch of Land Operations.

[FR Doc.76-22722 Filed 8-4-76;8:45 am]

[Colorado 24129]

NORTHWEST PIPELINE CORP.

Application

JULY 29, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Northwest Pipeline Corporation, P.O. Box 1526, Salt Lake City, Utah 84110, has applied for right-of-way C-24129 for a 4½ inch o.d. natural gas gathering pipeline crossing approximately 0.762 miles of the following described National Resource Land in Rio Blanco County:

T. 4 S., R. 102 W., 6th P.M.,
Section 3: Lots 7 and 8.
T. 3 S., R. 102 W., 6th P.M.,
Section 34: SW¼SW¼,NW¼SW¼, SW¼NW¼.

The facility will enable applicant to construct, operate and maintain the subject natural gas gathering pipeline and meet applicant's customer requirements for additional natural gas.

The purposes of this notice are: to inform the public that the Bureau of Land Management will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved and, if so, under what terms and conditions; to allow interested parties to comment on the application, and to allow any persons asserting a claim to the lands or having bona fide objections to the proposed natural gas gathering pipeline right-of-way to file their objections in this office. Any person asserting a claim to the lands or having bona fide objec-

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tions must include evidence that a copy thereof has been served on the applicant.

Any comment, claim, or objections must be filed with the Chief, Branch of Land Operations, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, as promptly as possible after publication of this notice.

ALAN D. CAMPBELL,
Acting Chief,
Branch of Land Operations.

[FR Doc.76-22721 Filed 8-4-76;8:45 am]

[Colorado 24022]

ROCKY MOUNTAIN NATURAL GAS COMPANY, INC.

Application

JULY 29, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Rocky Mountain Natural Gas Company, P.O. Box 700, Glenwood Springs, Colorado 81601, has applied for a right-of-way for a 2-inch natural gas gathering line totaling approximately 3.5 miles in length across the following lands:

T. 2 S., R. 98 W., 6th P.M.,
Through Sections 22, 21, 28, 29, 20, and 19.

The proposed gathering line will convey natural gas into Rocky Mountain Natural Gas Company's existing Black Sulphur Creek gathering system in Rio Blanco County, Colorado. The pipeline will help provide needed additional natural gas in applicant's service area.

The purposes of this notice are: to inform the public that the Bureau of Land Management will be proceeding with the preparation of environmnetal and other analyses necessary for determining whether the application should be approved and, if so, under what terms and conditions; to allow interested parties to comment on the application, and to allow any persons asserting a claim to the lands or having bona fide objections to the proposed natural gas gathering pipleine right-of-way to file their objections in this office. Any person asserting a claim to the lands or having bona fide objections must include evidence that a copy thereof has been served on the applicant.

Any comment, claim, or objections must be filed with the Chief, Branch of Land Operations, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, as promptly as possible after publication of this notice.

ALAN D. CAMPBELL,
Acting Chief,
Branch of Land Operations.

[FR Doc.76-22690 Filed 8-4-76;8:45 am]

[Colorado 24004]

WESTERN SLOPE GAS CO.

Application

JULY 29, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Western Slope Gas Company, P.O. Box 840, Denver, Colorado 80201, has applied for a right-of-way for a 4½", 6⅝", and 8⅝" o.d. natural gas transmission and gathering pipelines crossing approximately 14.07 miles of the following National Resource Land in Rio Blanco County, Colorado:

T. 3 S., R. 101 W., 6th P.M.
Sections 5, 7, 8, 16, 17, 18, 20, 21, 30 and 31
T. 3 S., R. 102 W., 6th P.M.
Sections 24, 25, and 36
T. 4 S., R. 101 W., 6th P.M.
Section 6
T. 4 S., R. 102 W., 6th P.M.
Section 1.

The facility will enable applicant to construct, operate and maintain the proposed pipelines and convey natural gas from various gas wells in the South Douglas Natural Gas Field to the Grand Junction, Colorado, market area for residential, commercial and industrial uses.

The purposes of this notice are: to inform the public that the Bureau of Land Management will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved and, if so, under what terms and conditions; to allow interested parties to comment on the application, and to allow any persons asserting a claim to the lands or having bona fide objections to the proposed natural gas gathering pipeline right-of-way to file their objections in this office. Any person asserting a claim to the lands or having bona fide objections must include evidence that a copy thereof has been served on applicant.

Any comment, claim, or objections must be filed with the Chief, Branch of Land Operations, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, as promptly as possible after publication of this notice.

ALAN D. CAMPBELL,
Acting Chief,
Branch of Land Operations.

[FR Doc.76-22720 Filed 8-4-76;8:45 am]

CEDAR CITY DISTRICT MULTIPLE USE ADVISORY BOARD

Meeting

Notice is hereby given in accordance with Pub. L. 92-463, that a meeting of the Cedar City District Multiple Use Advisory Board will be held on September 23, 1976, at 9:30 a.m. at the District Office, 1579 North Main Street, Cedar City, Utah.

The advisory board was established to advise the District Manager on matters relating to the use, management, protection and disposition of lands and resources administered within the Cedar City District.

The agenda for the meeting will include introductory and orientation items including a review of the Advisory Board Charter, review of duties, election of officers and organization of the Board, introduction of District staff and duties, BLM program orientation, Status of District planning efforts, and a review of items "in progress" prior to formation of the Board. Topics will include the Bureau's grazing program and Hot Desert range environmental statement, Southern Utah Coal Fields regional environmental statement, and wild horse plans.

The meeting is open to the public. Interested persons can make oral presentations to the Board or file written statements; however, requests for oral presentations before this Board should be made to the official listed below at least two days prior to the meeting. The Chairman or Authorized Federal Official may limit public attendance to the extent that available facilities and time require limitation.

Further information concerning this meeting may be obtained from Morgan S. Jensen, District Manager, Bureau of Land Management, 1579 North Main Street, Cedar City, Utah 84720, telephone number (801) 586-2401. Minutes of the meeting will be available for public inspection and copy two weeks after the meeting at the Cedar City District Office, 1579 North Main Street, Cedar City, Utah.

Dated: July 28, 1976.

MORGAN S. JENSEN,
District Manager.

[FR Doc.76-22810 Filed 8-4-76;8:45 am]

[Serial Number A 9602]

ARIZONA

Proposed Withdrawal and Reservation of Lands; Correction

The name of the site and the 5th line of the land description appearing in FEDERAL REGISTER Vol. 41, N. 137, pages 29190-91, of the issue of July 15, 1976, is hereby corrected to read:

BRAZALETES PUEBLO SITE

T. 7 N., R. 6 E., Unsurveyed

. . . . . .

6,600 ft. to Corner No. 2; thence S. 26° 20'

. . . . . .

Dated: July 27, 1976.

ROBERT O. BUFFINGTON,
State Director.

[FR Doc.76-22811 Filed 8-4-76;8:45 am]

Office of the Secretary

[INT FES 76-40]

ESTABLISHMENT OF BIG THICKET NATIONAL PRESERVE, TEXAS

Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared a final environmental statement relating to the establishment of and land acquisition for Big Thicket National Preserve.

The environmental statement describes development restrictions, land uses, and the boundaries, legislative constraints, priorities and procedures of land acquisiton.

Copes are on file and available upon request at the following locations: Southwest Regional Office, National Park Service, P.O. Box 728, Santa Fe, New Mexico 87501; Big Thicket National Preserve, P.O. Box 7408, Beaumont, Texas 77706; and National Park Service, Room 10-G-3, Fritz G. Lanham Federal Center, 819 Taylor Street, Fort Worth, Texas 76102.

Dated: July 23, 1976.

STANLEY D. DOREMUS,
Deputy Assistant
Secretary of the Interior.

[FR Doc.76-22700 Filed 8-4-76;8:45 am]

[INT FES 76-43]

PROPOSED MASTER PLAN FOR KNIFE RIVER INDIAN VILLAGES NATIONAL HISTORIC SITE, NORTH DAKOTA

Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act, a final environmental statement has been prepared for the proposed Master Plan for Knife River Indian Villages National Historic Site, North Dakota.

The environmental statement considers the social, economic and ecological effects of the proposal to purchase 1252 acres of land from 12 owners in Mercer County, North Dakota, to be added to the National Park System.

Copies of the final statement are available from, or for inspection at, the following locations:

Superintendent, Theodore Roosevelt National Memorial Park, Medora, North Dakota 58645.

Superintendent, State Historical Society of North Dakota, Liberty Memorial Building, Bismarck, North Dakota 58501.

Rocky Mountain Regional Office, National Park Service, 655 Parfet Street, Post Office Box 25287, Denver, Colorado 80225.

Dated: July 27, 1976.

STANLEY D. DOREMUS,
Deputy Assistant
Secretary of the Interior.

[FR Doc.76-22699 Filed 8-4-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

BEARTOOTH PLATEAU UNIT FOR THE SHOSHONE, CUSTER, AND GALLATIN NATIONAL FORESTS

Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Beartooth Plateau Unit for the Shoshone, Custer, and Gallatin National Forests. The Forest Service report number is USDA-FS-R2-DES(Adm).

This draft environmental statement was transmitted to CEQ on July 22, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. and Independence Ave., SW., Washington, D.C. 20250.
USDA, Forest Service, Shoshone National Forest, West Yellowstone Highway, P.O. Box 961, Cody, Wyoming 82414.
USDA, Forest Service, Custer National Forest, 2602 1 Avenue North, P.O. Box 2556, Billings, Montana 59103.
USDA, Forest Service, 11177 West 8th Avenue, P.O. Box 25127, Denver, Colorado 80225.
USDA, Forest Service, Region 1, Federal Building, Missoula, Montana 59801.
USDA, Forest Service, Gallatin National Forest, Federal Building, P.O. Box 130, Bozeman, Montana 59715.

A limited number of single copies are available upon request to John W. Mumma, Forest Supervisor, Shoshone National Forest, P.O. Box 961, Cody, Wyoming 82414; Daniel C. MacIntyre, Custer National Forest, P.O. Box 2556, Billings, Montana 59103; and Lewis E. Hawkes, P.O. Box 130, Bozeman, Montana 59715.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to John W. Mumma, Forest Supervisor, USDA, Forest Service, West Yellowstone Highway, P.O. Box 961, Cody, Wyoming 82414. Comments must be received by September 30, 1976, in order to be considered in the preparation of the final environmental statement.

Dated: July 22, 1976.

JOHN W. MUMMA,
Forest Supervisor.

[FR Doc.76-22682 Filed 8-4-76;8:45 am]

LAND USE PLAN MAGPIE-CONFEDERATE PLANNING UNIT

Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Land Use Plan — Magpie-Confederate Planning Unit, Forest Service Report Number USDA-FS-R1(12)-DES-Adm-76-19.

The environmental statement concerns the proposed implementation of a revised Land Use Plan for the Magpie-Confederate Planning Unit, Canyon Ferry and Townsend Ranger District, Helena National Forest, Broadwater and Lewis and Clark Counties, Montana. About 83,733 acres of National Forest land are affected. The planning unit is divided into five management units, with different resource potentials and management limitations. Significant values, management direction, and specific statements to guide land management have been developed for each management unit.

This draft environmental statement was transmitted to CEQ on July 28, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. and Independence Ave. SW., Washington, D.C. 20250.
USDA, Forest Service, Northern Region, Federal Building, Missoula, MT 59801.
USDA, Forest Service, Helena National Forest, 616 Helena Avenue, Helena, MT 59601.
USDA, Forest Service, Townsend Ranger Station, Townsend, MT 59644.
USDA, Forest Service, Canyon Ferry Ranger Station, 2001 Poplar, Helena, MT 59601.

A limited number of single copies are available upon request to:

USDA, Forest Service, Helena National Forest, 616 Helena Avenue, Helena, MT 59601.
USDA, Forest Service, Townsend Ranger Station, Townsend, MT 59644.
USDA, Forest Service, Canyon Ferry Ranger Station, 2001 Poplar, Helena, MT 59601.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and request for additional information should be addressed to Forest Supervisor James R. Jordan, Helena National Forest, 616 Helena Avenue, Helena, MT 59601. Comments must be received by September 28, 1976 in order to be con-

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sidered in the preparation of the final environmental statement.

JAMES R. JORDAN,
Forest Supervisor,
Helena National Forest.

JULY 28, 1976.

[FR Doc.76-22704 Filed 8-4-76;8:45 am]

MULTIPLE USE PLAN, NINEMILE-MILL PLANNING UNIT

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Multiple Use Plan Ninemile-Mill Planning Unit, USDA-FS-R1(16)DES-Adm-76-20.

The environmental statement concerns a proposed action to implement a revised Multiple Use Plan for the Ninemile-Mill Planning Unit, located on the Ninemile and Missoula Ranger Districts, Lolo National Forest in Missoula, Mineral, Lake, and Sanders Counties, Montana. The action affects 120,950 acres of National Forest land of which 96 percent is in Missoula County. The plan recommends that the area be managed in various combinations for recreation, esthetics, fisheries, wildlife, watershed, timber and range. An area of 19,920 acres which will remain unroaded will be managed for recreation, esthetics, wildlife, and watershed.

The primary environmental effects involve the modification of natural conditions on 33,400 acres that are presently roadless. The major changes will be in the vegetative patterns and tree species resulting from management of the vegetative resources; the availability of products, employment, and services provided; and in the natural condition of vegetation, soil, water, and wildlife.

This draft environmental statement was transmitted to CEQ on July 29, 1976. Copies are available for inspection during regular working hours at the following locations.

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St., & Independence Ave., SW., Washington, D.C. 20250.

USDA, Forest Service, Northern Region, Federal Building, 340 N. Pattee, Missoula, MT 59801.

USDA, Forest Service, Lolo National Forest, Building 24, Fort Missoula, Missoula, MT 59801.

USDA, Forest Service, Ninemile Ranger District, Huson, MT 59846.

USDA, Forest Service, Missoula Ranger District, 2801 Russell, Missoula, MT 59801.

University of Montana, University Library, Documents Division, Missoula, MT 59801.

University of Montana, Forestry School Library, Room 411, Science Complex, Missoula, MT 59801.

Missoula City—County Library, Washington & East Main, Missoula, MT 59801.

A limited number of single copies are available upon request to Orville L. Daniels, Forest Supervisor, Lolo National Forest, Building 24, Fort Missoula, Missoula, Montana 59801.

Copies of the environmental statement have been sent to various federal, state and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public and from the State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor, Orville L. Daniels, Lolo National Forest, Building 24, Fort Missoula, Missoula, Montana 59801.

Comments must be received by September 28, 1976, in order to be considered in the preparation of the Ninemile-Mill final environmental statement.

ORVILLE L. DANIELS,
Forest Supervisor.

[FR Doc.76-22805 Filed 8-4-76;8:45 am]

SANTA CATALINA LAND PLANNING UNIT

Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Santa Catalina Planning Unit, Arizona, USDA-FS-FES(Adm) R3-75-03.

The environmental statement considers probable environmental effects of the proposed project.

The final environmental statement was transmitted to CEQ on July 30, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, So. Agriculture Bldg., Rm. 3230, 14th and Independence Ave. SW., Washington, D.C. 20250.

USDA, Forest Service, Southwestern Region, 517 Gold Avenue SW., Albuquerque, New Mexico 87102.

Coronado National Forest, Federal Building, 301 W. Congress, Tucson, Arizona 85701.

Single copies are available upon request to Forest Supervisor, Coronado National Forest, Federal Building, 301 West Congress, Tucson, Arizona 85701. Please refer to the name and number of the environmental statement when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Dated: July 30, 1976.

WILLARD R. FALLIS,
Acting Regional Forester, Region 3.

[FR Doc.76-22683 Filed 8-4-76;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

UNIVERSITY OF TEXAS, ET AL.

Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially Section 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00358. Applicant: University of Texas Health Sciences Center at Dallas, 5323 Harry Hines Blvd., Dallas, Texas 75235. Article: Electron Microscope, Model JEM-100S.

Manufacturer: JEOL, Japan. Intended use of article: The article is intended to be used in the following experiments to determine at a structural level the physiological phenomena which occur at these tissues and where applicable to determine the etiologic agent causing the cellular dysfunction:

(1) Studies of liver biopsy material from patients with non-A,B hepatitis to determine the identity of this new virus.

(2) Studies of the liver disease which occurs with high frequency in patients who have undergone renal transplantation.

(3) Investigation of channels formed by groups of microtubules within the axon.

The article will also be used for educational purposes in several educational courses which include: General pathology for sophomore medical students, residency, training in pathology, and graduate training in comparative pathology and microbiology. Application received by Commissioner of Customs: March 29, 1976. Advice submitted by the Department of Health, Education, and Welfare on June 23, 1976. Article ordered: May 6, 1976.

Docket number: 76-00368. Applicant: Regents of the University of California, Department of Botany, Davis, California 95616. Article: Electron Microscope, Model JEM-100S and accessories.

Manufacturer: JEOL, Japan. Intended use of article: The article is intended to be used to examine botanical material after it has been fixed, dehydrated, embedded in plastic, and thin sectioned. Some botanical material prepared by freeze-etch techniques will also be examined. The experiments to be conducted will be designed to determine the fine structure of male and female gametophytes of conifers, of somatic and reproductive structures of fungi, and of blue green and green algae. Other experiments will be conducted to determine the effects of various chemicals and environmental conditions on plant cell structure. In addition, the article will be used in the course Botany 231L Biological Electron Microscopy an introductory course to biological microscopy which emphasizes specimen preparation and transmission electron microscope operation. Application received by Commissioner of Customs: April 7, 1976. Advice submitted by the Department of Health, Education, and Welfare on: June 24, 1976. Article ordered: March 12, 1976.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, is being manufactured in the United States.

Reasons: Each foreign article provides distortion free micrographs over a magnification range 100 to 200,000× without a pole-piece change. The most closely comparable domestic instrument available is the Model EMU-4C electron microscope manufactured by the Adam David Company (Adam David). When each article was ordered the Model EMU-4C with its standard pole-piece, had a specified range from 1,400 to 240,000 magnifications. For survey and scanning, the lower end of this range could be reduced to 400 magnifications or less. But the continued reduction of magnification induced an increasingly greater distortion. The domestic manufacturer suggests in its literature on the Model EMU-4C that for highest quality, low-magnification electron micrographs, an optional low-magnification pole-piece providing 500-70,000× should be used. It is noted that changing the pole-piece on the Model EMU-4C requires a break in the vacuum of the column that induces the danger of contamination which would very likely lead to the failure of the experiment.

The Department of Health, Education, and Welfare (HEW) advises in the respectively cited memoranda that each article's low distortion in the magnification range is pertinent to each applicant's purposes. HEW also advises that the domestic Model EMU-4C does not provide a magnification range without a pole-piece change which is equivalent to that of each foreign article for each applicant's intended use.

We, therefore, find that the Model EMU-4C was not of equivalent scientific value to any of the foreign articles to which the foregoing applications relate for such purposes as these articles are intended to be used, which was being manufactured in the United States at the time the articles were ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Special Import
Programs Division

[FR Doc.76-22702 Filed 8-4-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 76N-0302; DESI 8867]

CERTAIN RAUWOLFIA SERPENTINA, RESERPINE, ALSEROXYLON, AND RESCINNAMINE PREPARATIONS

Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice and Opportunity for Hearing

The Food and Drug Administration is reclassifying the less-than-effective indications for certain antihypertensive drugs, offering an opportunity for a hearing on the reclassification, and announcing the conditions under which the drugs may be marketed for the indications for which they continue to be regarded as effective. Persons who wish to request a hearing may do so by September 7, 1976.

In a notice (DESI 8867; Docket No. FDC-D-256 (now Docket No. 76N-0302)) published in the FEDERAL REGISTER of April 28, 1971 (36 FR 7984), the Food and Drug Administration classified the drugs described below as follows:

ALSEROXYLON

(1) Effective for the treatment of mild essential hypertension alone or as adjunctive therapy with other antihypertensive agents in the more severe forms of hypertension; (2) possibly effective as an antianxiety agent for use in the hypertensive nervous patient and in patients with angina pectoris; and (3) lacking substantial evidence of effectiveness for its other labeled indications.

RAUWOLFIA SERPENTINA

(1) Effective for treatment of mild essential hypertension; as adjunctive therapy with other antihypertensive agents in the more severe forms of hypertension; for relief of symptoms in agitated psychotic states, e.g., schizophrenia—primarily in those individuals unable to tolerate phenothiazine derivatives or those who also require antihypertensive medication; (2) possibly effective as a tranquilizing agent in the management of anxiety and tension states associated with tachycardia, palpitations and angina pectoris; in conjunction with more potent hypotensive agents for the management of hypertension associated with toxemia of pregnancy; and (3) lacking substantial evidence of effectiveness for its other labeled indications.

RESCINNAMINE IN NON-CONTROLLED-RELEASE FORM

(1) Effective for treatment of mild essential hypertension; (2) probably effective as an adjunct with other antihypertensive agents in the treatment of more severe forms of hypertension; (3) possibly effective as an antianxiety agent; for tranquilizing and calming effects, generally without hypnosis; for conditions in which barbiturates have been commonly prescribed, such as anxiety, tension, nervousness; for management of patients with psychiatric disorders such as schizophrenia; for tachycardia and palpitations; as initial therapy for more severe forms of hypertension; and for angina pectoris; and (4) lacking substantial evidence of effectiveness for its other labeled indications.

ORAL RESERPINE IN POTENCIES OF 1 MILLIGRAM OR LESS (NOT IN CONTROLLED RELEASE FORM)

(1) Effective in the treatment of mild essential hypertension; as adjunctive therapy with other antihypertensive agents in the more severe forms of hypertension; for the relief of symptoms in agitated psychotic states, e.g., schizophrenia—primarily in those individuals unable to tolerate phenothiazine derivatives or those who also require antihypertensive medication; (2) possibly effective as an antianxiety agent in chronic anxiety, tension, mild anxiety states, and management of anxiety and tension associated with neurodermatitis and other dermatoses; as a tranquilizer for psychotherapy in paranoid and manic states or as adjunctive therapy for the treatment of various psychoneuroses, nervous conditions, and hyperemotionalism; for tension headache; for menopausal symptoms; for general paresis; for hypertension of toxemia; tachycardia and palpitations; for conditions in which barbiturates have been commonly prescribed, such as anxiety, tension, nervousness; and for angina pectoris; and (3) lacking substantial evidence of effectiveness for its other labeled indications.

PARENTERAL RESERPINE

(1) Effective for treatment of hypertensive emergencies, such as acute hypertensive encephalopathy, in which it is desired to reduce the blood pressure promptly; for only initiating treatment in psychiatric conditions in those patients unable to accept oral medication or to control symptoms of extreme agitation. (2) possibly effective for treatment of psychiatric conditions such as paranoia, manic states, and the manic phase of manic depressive psychosis; for the treatment of tachycardia; and for the treatment of anxiety and tension; (3) lacking substantial evidence of effectiveness for its other labeled indications.

The notice also offered an opportunity for a hearing concerning those indications concluded at that time to lack substantial evidence of effectiveness. No person has submitted any data in support of the probably effective and possibly effective indications and those indications are now reclassified as lacking substantial evidence of effectiveness.

The notice that follows does not pertain to the indications stated in the April 28, 1971, notice to lack substantial evidence of effectiveness. No person requested a hearing concerning them and they are no longer allowable in labeling. Any such product labeled for those indications is subject to regulatory action.

ALSEROXYLON PREPARATIONS

NDA 8-867; Rauwiloid Tablets; Riker Laboratories, Inc., Subsidiary 3M, 19901 Nordhoff St., Northridge, CA 91324.

NDA 9-215; Rautensin Tablets; Dorsey Laboratories, Division Sandoz Inc., N.E., U.S. 6 and Interstate 80, Lincoln, NE 68501.

RAUWOLFIA SERPENTINA PREPARATIONS

NDA 8-842; Raudixin Tablets; Squibb Pharmaceutical Co., Division of E. R. Squibb & Sons, Inc., Box 4000, Princeton, NJ 08540.

NDA 9-108; Rauval Tablets; The Vale Chemical Co., Inc., 1201 Liberty St., Allentown, PA 18102.

NDA 9-159; Rauwolfia Serpentina; USV Pharmaceuticals Corp., 1 Scarsdale Rd., Tuckahoe, NY 10707.

NDA 9-241; Serfia Tablets; Westerfield Laboratories, Inc., Division O'Neal, Jones & Feldman, Inc., 3941 Brotherton Rd., Cincinnati, OH 45209.

NDA 9-255; Wolfina Tablets; Westerfield Laboratories, Inc.

NDA 9-272; Evraserp Tablets; Evron Pharmaceutical Co., Inc., 7475 North Rogers Ave., Chicago, IL 60626.

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NDA 9-273; Rauwolfia Serpentina Tablets; Richlyn Laboratories, Inc., 3725 Castor Ave., Philadelphia, PA 19124.

NDA 9-276; Hiwolfia Tablets; Bowman Pharmaceuticals, Division Bowman, Inc., 119 Schroyer Ave., S.W., Canton, OH 44702.

NDA 9-277; Serpentin Tablets; Gold Leaf Pharmacal Co., Inc., Division Ormont Drug & Chemical Co., 520 S. Dean St., Englewood, NJ 07631.

NDA 9-278; Koglucold Tablets; Panray, Division of Ormont Drug & Chemical Co., Inc., P.O. Box 150, Englewood, NJ 07631.

NDA 9-299; Hyperiold Tablets; Person & Covey, Inc., 616 Allen Ave., Glendale, CA 91201.

NDA 9-443; Rauwolfia Serpentina Tablets; Direct Laboratories, 377 Genesse St., Buffalo, NY 14204.

NDA 9-454; Rauwolfia Serpentina Tablets; S. F. Durst & Co., Inc., Division O'Neal, Jones & Feldman, Inc., 1633 Winchester Rd., Philadelphia, PA 19020.

NDA 9-462; Rautotal Tablets; Phillips Roxanne Laboratories, 330 Oak St., Columbus, OH 43216.

NDA 9-464; Rauwolfia Serpentina Tablets; American Pharmaceutical Co., P.O. Box 448, Passaic, NJ 07055.

NDA 9-477; Rauwolfia Serpentina Tablets; The C. M. Bundy Co., 329 Perry St., Cincinnati, OH 45202.

NDA 9-481; Hyserp Tablets; Moore Kirk Laboratories, Inc., Division The Zemmer Co., 231 Hulton Rd., Oakmont, PA 15139.

NDA 9-490; Rauwolfia Serpentina Tablets; Rexall Drug Co., P.O. Box 7189, St. Louis, MO 63115.

NDA 9-577; Rauja Tablets; Table Rock Laboratories, Inc., P.O. Box 1968, Greenville, SC 29602.

NDA 9-668; Rauwolfia Serpentina Tablets; Strong Cobb Arner, Inc., 11700 Shaker Blvd., Cleveland, OH 44120.

NDA 9-725; Rauwolfia Serpentina Tablets; Kirkman Laboratories, Inc., P.O. Box 3929, Portland, OR 97208.

NDA 9-912; Rauw-Tina Tablets; Walker Corp., & Co., Inc., Easthampton Pl. and N. Collingwood Ave., Syracuse, NY 13206.

NDA 9-926; Rauserpin Tablets; Ferndale Laboratories, Inc., 780 West Eight Mile Rd., Ferndale, MI 48220.

NDA 10-050; Rauwolfia Serpentina Tablets; S. F. Durst & Co., Inc.

NDA 10-170; Serfolia Tablets; Mallard, Inc., 3021 Wabash, Detroit, MI 48216.

NDA 10-408; Ekans Tablets; Haag, Inc., 5 South 15th St., Richmond, VA 23219.

NDA 10-427; Rautina Tablets; Fellows Medical Division, Chromalloy Pharmaceuticals, Inc., 12741 Capital Ave., Oak Park, MI 48237.

NDA 11-038; Rauwolfia Serpentina Tablets; Stanley Drug Products, Inc., Division Sperti Drug Corp., P.O. Box 3108, Portland, OR 97208.

Rescinnamine Preparations

NDA 10-686; Moderil Tablets; Pfizer Laboratories, Division of Pfizer, Inc., 235 East 42d St., New York, NY 10017.

NDA 10-686; Cinnaloid Tablets, Pfizer Laboratories.

NDA 11-024; Cinatabs Tablets; Table Rock Laboratories, Inc.

Reserpine Preparations

That part of NDA 9-115 pertaining to Serpasil Elixir and Tablets containing reserpine in potencies of 1 milligram or less; Ciba Pharmaceutical Co., Division of Ciba-Geigy Corp., 556 Morris Ave., Summit, NJ 07901.

NDA 9-347; Reserpoid Tablets; The Upjohn Co., 7171 Portage Rd., Kalamazoo, MI 49002.

NDA 9-357; Rau-Sed Tablets; Squibb Pharmaceutical Co.

NDA 9-376; Sandril Tablets and Elixir; Eli Lilly & Co., Box 618, Indianapolis, IN 46206.

That part of NDA 9-391 pertaining to Serpanray Tablets containing reserpine in potencies of 1 milligram or less; Panray.

NDA 9-434; Serpasil Injection; Ciba Pharmaceutical Co.

NDA 9-453; Serpate Tablets; The Vale Chemical Co., Inc.

NDA 9-463; Serfin Tablets; Parke, Davis & Co., Joseph Campau Ave. at the River, Detroit, MI 48232.

That part of NDA 9-573 pertaining to Reserpine Alkaloid Tablets containing reserpine in potencies of 1 milligram or less; USV Pharmaceuticals Corp.

NDA 9-593; Key-Serpine Tablets; Lemmon Pharmacal Co., Sellersville, PA 18960.

NDA 9-623; Reserpine Tablets; American Pharmaceutical Co.

That part of NDA 9-627 pertaining to Reserpine Tablets containing reserpine in potencies of 1 milligram or less; Richlyn Laboratories, Inc.

NDA 9-631; Hiserpia Tablets; Bowman Pharmaceutical Corp.

NDA 9-632; Rauwoleaf Tablets; Gold Leaf Pharmacal Co., Inc.

NDA 9-635; Reserpine Tablets; Wyeth Laboratories, Inc., P.O. Box 8299; Philadelphia, PA 19101.

NDA 9-639; Raurine Tablets; Westerfield Laboratories, Inc.

NDA 9-645; Reserpine Tablets; Bryan Pharmaceutical Corp., 70 S. MacQuesten Pkwy., Mt. Vernon, NY 10550.

NDA 9-661; Alkarau Tablets; Ferndale Laboratories, Inc.

NDA 9-663; Reserpine Tablets; The C. M. Bundy Co.

NDA 9-667; Reserpine Tablets; Strong Cobb Arner, Inc.

NDA 9-720; Reserpine Tablets; S. F. Durst & Co., Inc.

NDA 9-726; Sertabs Tablets; Bell Pharmacal Corps., P.O. Box 1968, Greenville, SC 29602.

NDA 9-758; Reserpine Tablets; Morton Pharmaceuticals, Inc., 1625 N. Highland St., Memphis, TN 38103.

NDA 9-765; Reserpine Tablets; Hance Bros. & White Co., 12th and Hamilton Sts., Philadelphia, PA 19123.

NDA 9-771; Reserpine Alkaloid Tablets; Invenex Pharmaceuticals, 2303 Schuetz Rd., St. Louis, MO 63141.

NDA 9-826; Reserpine Tablets; Dumas-Wilson & Co., Division Mallinckrodt, Inc., 2d and Mallinckrodt Sts., St. Louis, MO 63147.

NDA 9-838; Lemiserp Tablets; Lemmon Pharmacal Co.

NDA 9-850; Reserpoid Elixir; The Upjohn Co.

NDA 9-859; Rausingle Tablets; Philips Roxanne Laboratories.

NDA 9-879; Sertina Tablets; Fellows Medical Division.

NDA 9-882; R-E-S Tablets; Cole Pharmacal Co., Inc., P.O. Box 14404, St. Louis, MO 63178.

NDA 10-012; Sandril Injection; Eli Lilly & Co.

NDA 10-045; Vio-Serpine Tablets; Rowell Laboratories, Inc., Baudette, MN 56623.

NDA 10-165; Resine Tablets; Kirkman Laboratories, Inc.

NDA 10-182; Serpibite Injection; The Vitarine Co., Inc., 227-15 N. Conduit Ave., Springfield Gardens, NY 11413.

NDA 10-263; Reserpine Tablets; E. W. Heun Co., Division of Mogul Corp., 2303 Schuetz Rd., St. Louis, MO 63141.

NDA 10-378; Resercen Tablets; The Central Pharmacal Co., 116-128 E. Third St., Seymour, IN 47274.

NDA 10-441; Reserpine Tablets; Stanley Drug Products, Inc.

NDA 10-632; Serpena Tablets; Haag, Inc.

NDA 10-678; Reserpine Tablets; Mallard, Inc.

NDA 10-751; Reserpine Tablets; Horton & Converse Laboratories, Inc., 2200 S. Figueroa St., Los Angeles, CA 90007.

NDA 10-883; Serpanray Injection; Panray.

NDA 11-554; Reserpine Tablets; Rexall Drug Co.

Other drugs included in the initial notice as well as reserpine in potencies of more than 1 milligram are not affected by this notice. The classification of some of these drugs has already been resolved and the others will be dealt with in subsequent FEDERAL REGISTER notices.

The following new drug applications were not included in the initial notice, but are affected by this notice.

NDA 9-274; Rauwolfia Serpentina Tablets; Keith-Victor Pharmacal Co., 2503 S. Tanley Rd., St. Louis, MO 63144.

NDA 9-407; Rauserpa Tablets, and Rauwolfia Serpentina Tablets, both containing rauwolfia serpentina; Tutag Pharmaceuticals, 2599 W. Midway Blvd., Broomfield, CO 80020.

NDA 10-581; Hyserpin Tablets containing rauwolfia serpentina; The Purdue Frederick Co., 50 Washington St., Norwalk, CT 06856.

NDA 11-301; Rauwolfia Serpentina Tablets; Lafayette Pharmacal, Inc., 522-26 E. Earl Ave., Lafayette, IN 47902.

NDA 11-521; Rauwolfia Serpentina Tablets; Zenith Laboratories, Inc., 140 LeGrand Ave., Northvale, NJ 07647.

That part of NDA 9-572 pertaining to Reserpine Tablets containing reserpine in potencies of 1 milligram or less; Keith-Victor Pharmacal Co.

That part of NDA 9-591 pertaining to Reserpine Tablets containing reserpine in potencies of 1 milligram or less; Pfizer Laboratories.

NDA 9-745; Raupesine Tablets containing reserpine; George N. Bell Mfg., 1417 Cornell Ave., Indianapolis, IN 46200.

NDA 9-812; Reserpine Tablets; Boyle & Co., 6330 Chalet Dr., Los Angeles, CA 90040.

NDA 10-191; Alkarau Elixir containing reserpine; Ferndale Laboratories, Inc.

NDA 11-185; Reserpine Tablets; Zenith Laboratories, Inc.

NDA 11-753; Reserpine Tablets; Philadelphia Ampoule Laboratories, Inc., Division Philadelphia Pharmaceutical & Cosmetic Co., 9815 Roosevelt Blvd. and Grass Rd., Philadelphia, PA 19114.

(Approval of the following new drug applications, which were also listed in the April 28, 1971 notice, was later withdrawn on the ground of failure to submit required reports under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355 (j)). At the time the notices of withdrawal were published, no final conclusions concerning the products' possibly effective and probably effective indications had been reached. Those conclusions have now been reached, and the purpose of including these new drug applications in this notice is to inform all interested persons of the conclusions and offer them the opportunity to request a hearing concerning all issues relating to the legal status of the products. In the listing that follows, the date and FEDERAL REGISTER citation identify the notice of withdrawal.)

NDA 9-150; Abten and Abten Double Strength Tablets and Capsules; Lemmon Pharmacal Co., October 27, 1971 (36 FR 20619).

NDA 9-204; Rauwistan Tablets; M. R. Thompson, Inc. 767 Fifth Ave., New York, NY 10022; October 27, 1971 (36 FR 20619).

NDA 9-345; Rauwolfia Serpentina Tablets; Meer Corp., 9412 Railroad Ave., North Bergen, NJ 07047; August 8, 1972 (37 FR 15948).

NDA 9-398; Rauwolfia Serpentina Tablets; Bryant Pharmaceutical Corp.; February 8, 1972 (37 FR 2852).

NDA 9-419; Rauvitine Tablets; The Vitarine Co.; February 8, 1972 (37 FR 2852).

NDA 9-447; Rauwolfia Serpentina Tablets; Cooper Laboratories, 300 Fairfield Rd., Wayne, NJ 07470; August 4, 1971 (36 FR 14342).

NDA 9-566; Reserpine Tablets; High Chemical Co., 1760 North Howard St., Philadelphia, PA 19122; February 8, 1972 (37 FR 2851).

NDA 9-626; Reserpine Tablets; Cooper Laboratories; August 4, 1971 (36 FR 14342).

NDA 9-680; Evraloid Tablets; Evron Pharmaceutical Co., Inc.; February 8, 1972 (37 FR 2852).

NDA 9-749; Serpivite Tablets; The Vitarine Co., Inc.; February 8, 1972 (37 FR 2852).

NDA 9-755; Reserpine Tablets; Shaw Pharmacal Co., 2700 Wagner Pl., Maryland Heights, MO 63042; January 2, 1974 (39 FR 23).

NDA 9-960; Reserpine Tablets; Mell Bowman & Co., 1334 Howard St., Harrisburg, PA 17104; January 2, 1974 (39 FR 23).

NDA 10-068; Rauwolfia Serpentina Tablets; Shaw Pharmacal Co.; January 2, 1974 (39 FR 23).

NDA 10-197; Repold Tablets; Mericon Industries, Inc., 420 S.W. Washington St., Peoria, IL 61602; January 2, 1975 (39 FR 23).

NDA 10-221; Raw-Ten Tablets; Mericon Industries, Inc., January 2, 1974 (39 FR 23).

NDA 10-360; Reserpine Tablets; Halsey Drug Co., Inc., 1827 Pacific St., Brooklyn, NY 11233; March 18, 1972 (37 FR 5711).

NDA 10-409; Rauwolfia Serpentina Tablets; Halsey Drug Co., Inc.; March 18, 1972 (37 FR 5711).

NDA 10-430; Hypersine Tablets; Don Hall Laboratories, 1935 N. Argyle St., Portland, OR 97217; February 8, 1972 (37 FR 2852).

NDA 10-552; Reserpine Injection; Cooper Laboratories; February 8, 1972 (37 FR 2852).

NDA 10-887; Rescinnamine Tablets; USV Pharmaceuticals Corp., July 18, 1973 (38 FR 19147).

NDA 10-974; Reserpine Tablets; Bates Laboratories, Inc., Division LTC Pharmaceuticals Corp., 2312 W. Main St., Evanston, IL 60202; January 2, 1974 (39 FR 23).

NDA 11-242; Rauwolfia Serpentina Tablets; Bates Laboratories, Inc.; January 2, 1974 (39 FR 23).

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update approved applications providing for such drugs. An approved new drug application is a requirement for marketing such drug products.

In addition to the holder(s) of the new drug application(s) specifically named above, this notice applies to all persons who manufacture or distribute a drug product, not the subject of an approved new drug application, that is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD-310), 5600 Fishers Lane, Rockville, MD 20852.

A. *Effectiveness classification.* The Food and Drug Administration has reviewed all available evidence and concludes that the drugs are effective for the indications listed in the labeling conditions below. The drugs now lack substantial evidence of effectiveness for the indications evaluated as probably effective and possibly effective in the April 28, 1971 notice.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* Alseroxylon, rauwolfia serpentina, and rescinnamine are in tablet form suitable for oral administration. Reserpine is in tablet or elixir form, in potencies of 1 milligram or less per dosage unit, suitable for oral administration. Reserpine is also in sterile aqueous solution form suitable for parenteral administration.

2. *Labeling conditions.* a. The labels bear the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drugs are labeled to comply with all requirements of the act and regulations, and the labeling bears adequate information for safe and effective use of the drug. The indications are as follows:

Alseroxylon

For the treatment of mild essential hypertension alone or as adjunctive therapy with other antihypertensive agents in the more severe forms of hypertension.

Rauwolfia Serpentina

For the treatment of mild essential hypertension. It is also useful as adjunctive therapy with other antihypertensive agents in the more severe forms of hypertension.

For the relief of symptoms in agitated psychotic states, e.g., schizophrenia—primarily in those individuals unable to tolerate phenothiazine derivatives or those who also require antihypertensive medication.

Rescinnamine

For the treatment of mild essential hypertension.

Reserpine

Oral reserpine: For the treatment of mild essential hypertension. It is also useful as adjunctive therapy with other antihypertensive agents in the more severe forms of hypertension.

For the relief of symptoms in agitated psychotic states, e.g., schizophrenia—primarily in those individuals unable to tolerate phenothiazine derivatives or those who also require antihypertensive medication.

Parenteral reserpine: For the treatment of hypertensive emergencies, such as acute hypertensive encephalopathy, in which it is desired to reduce the blood pressure promptly.

The parenteral route has been used in psychiatric conditions only to initiate treatment in those patients unable to accept oral medication or to control symptoms of extreme agitation.

3. *Marketing status.* a. Marketing of such drug products that are now the subject of an approved or effective new drug application may be continued provided that, on or before October 4, 1976, the holder of the application submits, if he has not previously done so, (i) a supplement for revised labeling as needed to be in accord with the labeling conditions described in this notice, and complete container labeling if current container labeling has not been submitted, and (ii) a supplement to provide updating information with respect to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD-356H (21 CFR 314.1(c)) to the extent required in abbreviated applications (21 CFR 314.1(f)).

b. Approval of an abbreviated new drug application (21 CFR 314.1(f)) must be obtained prior to marketing such product. Marketing prior to approval of a new drug application will subject such products, and those persons who caused the products to be marketed, to regulatory action.

C. *Notice of opportunity for hearing.* On the basis of all the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111 (a)(5), demonstrating the effectiveness of the drug(s) for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice.

Notice is given to the holder(s) of the new drug application(s), and to all other interested persons, that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application(s) (or, if indicated above, those parts of the application(s) providing for the drug product(s) listed above) and all amendments and supplements thereto providing for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have all the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. An order withdrawing approval will not issue with respect to any application(s) supplemented, in accord with this notice, to delete the claim(s) lacking substantial evidence of effectiveness.

In addition to the ground for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6), e.g., any contention

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that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201 (p) of the act, or pursuant to section 107 (c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310, 314), the applicant(s) and all other persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above (21 CFR 310.6), are hereby given an opportunity for a hearing to show why approval of the new drug application(s) providing for the claim(s) involved should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and all identical, related, or similar drug products.

If an applicant or any person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before September 7, 1976, a written notice of appearance and request for hearing, and (2) on or before October 4, 1976, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this proposal to withdraw approval. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing are contained in 21 CFR 314.200.

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of such drug product. Any such drug product labeled for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drugs products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice of opportunity for hearing shall be filed in quintuplicate. Such submissions, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk (address given below) during working hours, Monday through Friday.

Communications forwarded in response to this notice should be identified with the reference number DESI 8867, directed to the attention of the appropriate office named below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

Supplements (identify with NDA number): Division of Cardio-Renal Drug Products (HFD–110), Rm. 16B–30, Bureau of Drugs.

Original abbreviated new drug applications (identify as such): Division of Generic Drug Monographs (HFD–530), Bureau of Drugs.

Request for Hearing (identify with Docket number appearing in the heading of this notice): Hearing Clerk, Food and Drug Administration (HFC–20), Rm. 4–65.

Requests for the report of the National Academy of Sciences-National Research Council: Data Preparation Branch (HFD–614), Division of Drug Information Resources, Bureau of Drugs.

Other communications regarding this notice: Drug Efficacy Study Implementation Project Manager (HFD–101), Bureau of Drugs.

(Secs. 502, 505, 52 Stat. 1050–1053, as amended (21 U.S.C. 352, 355)) and under the authority delegated to the Director of the Bureau of Drugs (21 CFR 5.31) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)).)

Dated: July 28, 1976.

CARL M. LEVENTHAL,
Acting Director, Bureau of Drugs.

[FR Doc.76-22708 Filed 8-4-76;8:45 am]

ADVISORY COMMITTEES

Meetings

This notice announces forthcoming meetings of the public advisory committees of the Food and Drug Administration. It also sets out a summary of the procedures governing the committee meetings and the methods by which interested persons may participate in the open public hearings conducted by the committees. The notice is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)). The following advisory committee meetings are announced:

Committee name	Date, time, and place	Type of meeting and contact person
1. Panel on review of neurology devices.	Aug. 20 and 21, 9 a.m., Crystal City Marriott Hotel, Arlington, Va.	Open public hearing Aug. 20, 9 to 10 a.m.; open committee discussion Aug. 20, 10 a.m. to 5 p.m.; Aug. 21, 9 a.m. to 5 p.m.; James R. Veale (HFK–450), 8757 Georgia Ave., Silver Spring, Md. 20910, 301–427–7226.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to classification of the devices listed in this announcement to James R. Veale, Executive Secretary. Submission of data relative to tentative classification findings is also invited.

Open committee discussion. Classification of aneurysm clips; aneurysm thrombo-emboli; vessel occluding catheters; burhole discs; cranioplasty materials and mounting accessories; formable cranioplasty materials; dura substitutes; preformed skull plates; skull plate screws; vertebral replacements; vertebral struts; tissue adhesives for general neurosurgical use; hemostatic and dural clips, scalp clips; electroconvulsive therapy systems; cerebellar stimulators; diaphragmatic/phrenic nerve stimulators; intercerebral/subcortical stimulators; organ stimulators; peripheral nerve stimulators; spinal cord stimulators; implantable induction coagulation seeds; cranial tongs for skeletal traction; rheoencephalographs.

The following devices will be reviewed for final panel approval of the classifications recommended at the last meeting: CSF shunts and components; tissue adhesives for aneurysmorrhaphy; methyl methacrylate for aneurysmorrhaphy; arterial clamp systems and accessories; electroanesthesia stimulators; transcutaneous electrical nerve stimulators (for pain relief).

Committee name	Date, time, place	Type of meeting and contact person
2. Panel on review of vitamin, mineral, and hematinic drug products.	Aug. 25, 26, and 27, 9 a.m., room 1409, FB–8, 200 C St. SW., Washington, D.C.	Open public hearing Aug. 25, 9 to 10 a.m.; closed committee deliberations Aug. 25, 10 a.m. to 4:30 p.m.; August 26 and 27, 9 a.m. to 4:30 p.m.; Gary P. Trosclair (HFD–510), 5600 Fishers Lane, Rockville, Md 20852, 301–443–4960.

General function of the committee. Reviews and evaluates data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. Any interested person may present data, information or views, orally or in writing, on issues pending before the panel.

Closed committee deliberations. The panel will review data submitted in confidence pursuant to the OTC review's call for data for this panel (see also 21 CFR 330.10(a)(2)). This will include product names, formulas and formulation process data, sales data and, in some cases, portions of pending or approved new drug applications (NDA's). Also, discussions relating to labeling, drug class standards, and testing will often be intermixed with discussion of formulas, sales data, or NDA material in such a way that the two discussions cannot be separated without seriously impeding the progress of the panel's deliberations.

The panel will be reviewing, voting upon, and modifying the content of summary minutes and categorization of ingredients and claims.

The panel will be reveiwing, voting upon, and modifying draft 4 of its final report in preparation for submission to the Commissioner.

This portion of the meeting will be closed to permit discussion of trade secret data and for formulation of recommendations (5 U.S.C. 552(b) (4) and (5)).

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this FEDERAL REGISTER notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. Both the Federal Advisory Committee Act and 5 U.S.C. 552(b) permit such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed shall, however, be closed for the shortest time possible consistent with the intent of the cited statutes.

Generally, FDA advisory committees will be closed because the subject matter is exempt from public disclosure under 5 U.S.C. 552(b) (4), (5), (6), or (7), although on occasion the other exemptions listed in 5 U.S.C. 552(b) may also apply. Thus, a portion of a meeting may be closed where the matter involves a trade secret; commercial or financial information that is privileged or confidential; personnel, medical, and similar files, disclosure of which could be an unwarranted invasion of personal privacy; and investigatory files compiled for law enforcement purposes. A portion of a meeting may also be closed if the Commissioner determines: (1) That it involves interagency or intra-agency memoranda or discussion and deliberations of matters that, if in writing would constitute such memoranda, and which would, therefore, be exempt from public disclosure; and (2) That it is essential to close such portion of a meeting to protect the free exchange of internal views and to avoid undue interference with agency or committee operations.

Examples of matters to be considered at closed portions are those related to the review, discussion, evaluation or ranking of grant applications; the review, discussion, and evaluation of specific drugs or devices; the deliberation and voting relative to the formation of specific regulatory recommendations (general discussion, however, will generally be done during the open committee discussion portion of the meeting); review of trade secrets or confidential data; consideration of matters involving FDA investigatory files; and review of medical records of individuals.

Examples of matters that ordinarily will be considered at open meetings are those related to the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices, consideration of labeling requirements for a class of marketed drugs and devices, review of data and information on specific investigational or marketed drugs and devices that have previously been made public, and presentation of any other data or information that is not exempt from public disclosure.

Dated: August 2, 1976.

JOSEPH P. HILE,
Acting Commissioner of Food and Drugs.

[FR Doc.76-22891 Filed 8-4-76;8:45 am]

Office of Human Development

REHABILITATION RESEARCH AND EVALUATION STRATEGY

Availability

Notice is hereby given that pursuant to the authority contained in numerous sections of the Rehabilitation Act, 1973, as amended (29 USC 701), the Rehabilitation Services Administration has prepared a Research and Evaluation Strategy for Fiscal Year 1976. This year a limited number (100 copies) were printed for the express purpose of being made available to prospective researchers and to rehabilitation educators.

THE REHABILITATION RESEARCH AND EVALUATION STRATEGY

The strategy suggests the types of research and evaluations the agency will be conducting. The strategy may ultimately lead to the awarding of grants or contracts. The state-of-the-art studies upon which many decisions are predicated are offered to the general public. The studies available are listed here and have letter identifiers.

RESEARCH AND EVALUATION ISSUE AREAS

A. Universe of needs.
B. Administration (includes consumer involvement, referral in and intake, eligibility determination, information and referral out, and administration and control).
C. Manpower development and utilization.
D. Facilities management.
E. Interagency linkages.
F. Evaluation.
G. Research and evaluation utilization.
H. Policy promulgation in the State-Federal system.
I. Telecommunications.

RESEARCH AND EVALUATION ISSUE AREAS

J. Counseling.
K. Spinal cord injury.
L. Cardiovascular diseases.
M. Neurological disabilities.
N. Chronic-obstructive pulmonary disease.
O. Sensory disabilities.
P. End-stage renal disease.
Q. Mental illness.
R. Mental retardation.
S. Most severely handicapped (including homebound).
T. Rehabilitation engineering.
U. Employment opportunities (includes client work readiness and employment opportunity development and placement).
V. Barrier removal.
W. Community alternatives.

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Because there are so few copies available for distribution, they will be provided on a first-come basis until the supply is depleted. Please request the issues by letter and title with a statement of intended use. A maximum of five different issue papers will be sent.

METHOD OF INQUIRY

All inquiries for copies of the strategy issues should be made in writing by September 1, 1976. Send your inquiries to Mr. James E. Taylor, Office of Rehabilitation Research and Demonstrations, Room 3062, Mary E. Switzer Building, 330 C Street, SW., Washington, D.C. 20201. Mr. Taylor's telephone number is (202) 245–0907.

This same announcement has also been placed in the Commerce Business Daily on or about the same date.

(Catalog of Federal Domestic Assistance Number 13.746, Rehabilitation Services and Facilities—Basic Support)

Dated: July 22, 1976.

ANDREW S. ADAMS,
Commissioner of Rehabilitation Services.

[FR Doc.76–22723 Filed 8–4–76;8:45 am]

Office of the Assistant Secretary for Health

POLYSILOXANE MEMBRANE LUNG

Proposed Issuance of Exclusive Patent License

Pursuant to § 6.3, 45 CFR, Part 6, notice is hereby given of intent to issue a limited-term, revocable, exclusive patent license in and to an invention of Theodor Kolobow, Fusakazu Hayano, and Paul Weathersby entitled "Polysiloxane Membrane Lung," limited in scope to use for the components of extracorporeal gas exchange circuits and to blood and platelet storage containers.

Any objection thereto, together with request for opportunity to be heard, if desired, should be directed to Theodore Cooper, M.D., Assistant Secretary for Health, Department of Health, Education, and Welfare, 330 Independence Avenue, SW., Washington, D.C. 20201, within on or before September 7, 1976. Interested parties may obtain a copy of the patent application directed to this invention upon request in writing to the party hereinabove named.

(45 CFR 6.3)

Dated: July 29, 1976.

THEODORE COOPER,
Assistant Secretary for Health.

[FR Doc.76–22819 Filed 8–4–76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD–353; FDAA–3014–EM]

WISCONSIN

Amendment to Notice of Emergency Declaration

Notice of Emergency for the State of Wisconsin, dated June 17, 1976, is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of June 17, 1976:

The Counties of:

Adams	Oneida
Clark	Portage
Forest	Shawano
Langlade	Vilas
Lincoln	Waupaca
Marathon	Waushara
Marquette	Wood

Dated: July 29, 1976.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.76–22796 Filed 8–4–76;8:45 am]

Office of the Secretary

[Docket No. D–76–453]

ASSISTANT REGIONAL ADMINISTRATOR FOR EQUAL OPPORTUNITY, NEW YORK REGION II

Redelegation of Authority With Respect to Fair Housing

SECTION A. *Authority with respect to fair housing.* The Assistant Regional Administrator for Equal Opportunity, Region II, New York, is authorized to exercise the power and authority of the Secretary of Housing and Urban Development under Title VIII (Fair Housing) of the Civil Rights Act of 1968, Pub. L. 90–284 (42 U.S.C. 3601—3619), except the authority to:

1. Make studies and publish reports under Section 808(e) of the Act (42 U.S.C. 3608(d)).
2. Issue rules and regulations.

SEC. B. *Authority to redelegate.* The Assistant Regional Administrator for Equal Opportunity is authorized to redelegate to subordinate employees any of the authority redelegated under Section A except the authority to issue a subpena or interrogatory under Section 811 of the Act (42 U.S.C. 3611) shall remain with the Assistant Regional Administrator for Equal Opportunity.

SEC. C. *Supersedure.* This redelegation of authority supersedes the redelegation published at 35 FR 8755, June 5, 1970.

(Redelegation of Authority by Assistant Secretary for Fair Housing and Equal Opportunity published at 41 FR 14208, April 2, 1976, effective April 2, 1976.)

Effective date: This redelegation of authority shall be effective July 30, 1976.

S. WILLIAM GREEN,
Regional Administrator, Region II, New York.

[FR Doc.76–22794 Filed 8–4–76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[Docket No. 76–156]

CHEMICAL TRANSPORTATION INDUSTRY ADVISORY COMMITTEE

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Chemical Transportation Industry Advisory Committee's Subcommittee on Chemical Vessels to be held September 2, 1976, 8:30 a.m., Room 8334, Nassif Bldg., 400 7th St. S.W., Washington, D.C. 20590. The agenda for this meeting is as follows: To discuss the public comments on the NPRM for 46 CFR Part 153 (CGD 73–96).

Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the hearing. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from, Mr. W. E. McConnaughey, Commandant (G–MHM), U.S. Coast Guard, Washington, D.C. 20590, (202) 426–2306. Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C., on August 3, 1976.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.76–23040 Filed 8–4–76;10:54 am]

National Highway Traffic Safety Administration

YOUTH HIGHWAY SAFETY ADVISORY COMMITTEE

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Youth Highway Safety Advisory Committee to be held on August 27, 1976, from 9 a.m. to 5 p.m. and August 28, 1976, from 9 a.m. to noon, at the DOT Headquarters Building, 400 7th St. S.W., Room 5332–5334, Washington, D.C.

The agenda for this meeting is as follows:

Swearing-in by Administrator, NHTSA.
Orientation and Selection of Chairperson.
Briefing on Organization of DOT.
Evaluation of Youth Committee's Accomplishments.
Discussion on Individual and Group Goals.
Presentation on Uniform Vehicle Code.
Discussion on Multi-Year Plan (Youth Programs).
Discussion on "How To Do Manual".
Future Plans.

Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the meeting.

For further information, contact Wm. H. Marsh, Executive Secretary, Room 5215, 400 7th St. S.W., Washington, D.C. Telephone (202) 426–2872.

Any member of the public may present a written statement to the Committee at any time.

The committee is composed of persons appointed by the National Highway Traffic Safety Administrator to consult with and advise him concerning programs and activities to attract and sustain the participation of young people in the national effort to combat highway deaths and injuries.

Issued in Washington, D.C., on August 4, 1976.

WM. H. MARSH,
Executive Secretary.

[FR Doc.76–23060 Filed 8–4–76;12:13 pm]

CIVIL AERONAUTICS BOARD

[Docket No. 28672; Agreements CAB 25606 R–1 through R–4]

INTERNATIONAL AIR TRANSPORT ASSOCIATION AGREEMENTS

Prehearing Conference Concerning Agency Matters Uniform Commission Rates

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on September 20, 1976, at 9:30 a.m. (local time), in Room 1003, Hearing Room A, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge Ralph L. Wiser.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and six copies to the Judge of (1) proposed statements and issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before September 2, 1976, and the other parties on or before September 13, 1976. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., August 2, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76–22806 Filed 8–4–76;8:45 am]

[Docket No. 29143; Order 76–8–2]

OLYMPIC AIRWAYS, S.A.

Order Denying Reconsideration Regarding Affinity and Nonaffinity Government-Ordered Group Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 2d day of August 1976.

By Order 76–5–119, dated May 25, 1976, the Board dismissed a complaint filed by Trans World Airways, Inc. (TWA), against the nonaffinity group fare tariffs filed by Olympic Airways, S.A. (Olympic), between North America and Greece. Although we did not condone the Greek nonaffinity group fare in that order, we concluded that suspension of the long-standing fare on the threshold of the summer season would probably be disruptive, since many passengers had already booked on the fare. We also noted that while the fares are marginal, they are above the Advance Purchase Excursion (APEX) fare approved by the Board in the recent IATA agreement.

A petition for reconsideration was filed by TWA on June 14, 1976. While TWA acknowledges merit in the Board's position that suspension of the Olympic tariff at the outset of the summer season would be disruptive, it argues that continuation of the allegedly uneconomic fares should not be permitted indefinitely. TWA also argues that the Board's comparison of the levels of the nonaffinity group fares and the APEX fare is meaningless because of differences in the dilution rate from higher-priced fares. TWA also contends that Board suspension of the nonaffinity fare would facilitate negotiation of future IATA agreements.

In a reply filed by Olympic, the carrier argues that TWA has not provided grounds for reconsideration of the Board's order; that TWA has not shown that any of the matters in Order 76–5–119 were erroneously decided; and that no new issues are presented. Furthermore, Olympic argues that TWA has presented no evidence to substantiate its allegation that IATA negotiations would be undermined without Board suspension of the nonaffinity fares.

Upon full consideration of TWA's petition, Olympic's reply, and other relevant matters, we have decided to deny the petition. TWA has presented no new issues that the Board has not previously considered, and therefore we find no basis for reconsideration.

While TWA agrees that an immediate suspension of the nonaffinity fare would be disruptive, it argues that the Board should now consider suspension at some future date. Since a new IATA agreement relating to the entire North Atlantic fare structure including fares to Greece is to be negotiated in August for effectiveness November 1, and since we will have the opportunity then to take such action as is appropriate, we see no reason to consider suspension at this time.

Accordingly, pursuant to the Federal Aviation Act of 1958, particularly sections 102, 204(a), 403, 404, and 1002 thereof;

It is ordered, That:

The petition of Trans World Airways, Inc. in Docket 29143 be and hereby is denied.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76–22807 Filed 8–4–76;8:45 am]

[Docket Nos. 29597, etc.; Order 76–8–5]

UNITED AIR LINES, INC. ET AL.

Order Regarding Chicago-Vancouver Route Proceeding

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 2d day of August 1976.

On May 8, 1974, a new bilateral air transport agreement between the United States and Canada was signed.[1] This agreement provides for a number of new routes for United States and Canadian carriers, including nonstop authority for a United States carrier between Chicago and Vancouver, which authority became effective on April 25, 1976.

United Air Lines (Docket 25961), Northwest Airlines (Docket 29089), and Western Air Lines (Docket 29114)[2] have filed applications for amendment of their certificates of public convenience and necessity to include Chicago-Vancouver nonstop authority. Northwest filed a motion requesting that its application for certificate amendment be processed via an order to show cause, or, in the alternative, that its application be heard on an expedited basis.

Northwest also filed (Docket 29088), pursuant to section 416(b) of the Act, an application for exemption authority to serve Chicago-Vancouver on a temporary basis pending final award to one or more of the competing applicants.[3]

United filed a consolidated answer in opposition to Northwest's exemption application and to its request for an order to show cause.

Northwest filed a reply to the United answer.

The market is currently served by United which offers a single daily one-stop round trip over Seattle and by Air Canada which offers a single daily one-stop round trip over Calgary.

Upon consideration of the foregoing and other pertinent matters, we have determined to institute a proceeding for the purpose of considering the need for U.S.-flag nonstop service between Chicago and Vancouver. Accordingly, we are consolidating for hearing those applica-

[1] TIAS No. 7824.

[2] Western also included a request for new Vancouver-Spokane authority in its application.

[3] In support of its request for exemption, Northwest states, inter alia, that: exemption authority to permit nonstop Chicago-Vancouver service will protect its Edmonton/Winnipeg-Twin Cities/Chicago traffic from diversion by Air Canada which has recently commenced Vancouver - Calgary - Chicago service; that U.S.-flag participation in the Vancouver-Chicago market will be similarly protected; that Northwest already serves the market via interline connections; and that Northwest can operate the service profitably.

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tions which conform to the scope of this proceeding.

We have also determined that it is not necessary to hear this matter on an expedited basis,[4] nor to issue an order to show cause as has been requested by Northwest.

Further, we have decided to deny Northwest's application for exemption authority. The carrier has not persuaded us that the exercise by the Board of its extraordinary exemption powers under 416(b) of the Act is required by the public interest nor that any of the factors adduced by it constitute an undue burden on the carrier by reason of the unusual circumstances affecting, or the limited extent of, its operations.[5]

Finally, United and Western have not submitted sufficient information for us to determine the environmental consequences of the proposed certificate amendment at this time. Therefore, we will require these carriers to file the information set forth in Part 312 of the Board's Procedure Regulations within 30 days of the date of adoption of this order.

Accordingly, it is ordered, That:

1. A proceeding to be known as the Chicago-Vancouver Route Proceeding, Docket 29597, be and it hereby is instituted and shall be set down for hearing before an Administrative Law Judge of the Board at a time and place hereafter designated, as the Board's calendar may permit;

2. The proceeding instituted by paragraph 1 above shall include consideration of the following issues:

(a) Do the public convenience and necessity require the certification of an air carrier or air carriers to engage in nonstop foreign air transportation between Chicago, Illinois, and Vancouver, British Columbia, Canada?

(b) If the answer to (a) is in the affirmative, which air carrier(s) should be authorized to engage in such service?

(c) What conditions, if any, should be placed on the operations of such carrier(s)?

3. Insofar as they conform to the scope of the proceeding set forth in paragraph 2 above, the applications of United Air Lines, Inc., in Docket 25961; Northwest Airlines, Inc., in Docket 29089; and Western Air Lines, Inc., in Docket 29114, be and they hereby are consolidated with the proceeding instituted by paragraph 1 above;

4. The application of Northwest Airlines, Inc., in Docket 29088, for exemption authority to permit it to operate temporary nonstop service in the Chicago-Vancouver market be and it hereby is denied;

5. United Air Lines, Inc., and Western Air Lines, Inc., shall file an environmental evaluation pursuant to section 312.12 of the Board's Procedural Regulations within 30 days of the date of adoption of this order;

6. Applications, motions to consolidate, and petitions for reconsideration of this order shall be filed 20 days from the date of adoption of this order and answers thereto shall be filed ten days thereafter; and

7. A copy of this order shall be served upon the following: the Departments of the Interior, Transportation, Commerce, Housing and Urban Development, and Health, Education, and Welfare; the National Aeronautics and Space Administration; the Federal Aviation Administration; and the Environmental Protection Agency.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-22808 Filed 8-4-76;8:45 am]

[4] In other words, we will not direct that the case be heard in accordance with the special procedures used in the Chicago-Montreal Route Proceeding, Order 75-6-55, June 11, 1975, but rather in accordance with those procedures regularly employed in the processing of applications pursuant to section 401 of the Act.

[5] See Boston-Toronto Nonstop Route Proceeding, Order 74-8-55, August 13, 1974, where the Board denied a request for an exemption made in similar circumstances; see also Honolulu-Vancouver Route Proceeding, Order 74-11-33, November 6, 1974.

COMMISSION ON FEDERAL PAPERWORK

PUBLIC DISCLOSURE OF RECORDS

Statement of Organization and Availability

Statement of Organizations

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Availability of Records

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17 Types of Copying Processes and Standards of Quality
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(Secs. 1 to 20 are pursuant to the Act of December 27, 1974, 88 Stat. 1789; 44 U.S.C. 3501, Note.)

STATEMENT OF ORGANIZATION

Section 1. Organization. The Commission on Federal Paperwork was established by the Act of December 27, 1974 (88 Stat. 1789; 44 U.S.C. 3501, Note; Public Law 93-556), hereinafter referred to as the "Organic Statute", as amended from time to time, and is composed of 14 members, three of whom are selected by the members to serve as their Chairman, Co-Chairman and Vice-Chairman. Appointments to the Commission are made as follows: Two members of the Senate (who shall not be members of the same political party) appointed by the President of the Senate; two members of the House of Representatives (who shall not be members of the same political party) appointed by the Speaker of the House of Representatives; the Director of the Office of Management and Budget and one other official or employee of the Executive Branch of the Federal Government appointed by the President of the United States; the Comptroller General of the United States; two from among officials of State and local governments (who shall not be members of the same political party) appointed by the President of the United States; five from among persons in the private sector, including small business, labor, and other interested groups (no more than three of whom shall be of the same political party), appointed by the President of the United States. Vacancies in the Commission are to be filled in the same manner as the original appointments.

(Notice of Systems of Records was published on November 13, 1975, in the FEDERAL REGISTER, p. 52974).

Section 2. Functions. The functions of the Commission pursuant to the "organic statute" are to study and investigate statutes, policies, rules, regulations, procedures, and practices of the Federal Government relating to information gathering, processing, and dissemination, and the management and control of these information activities, and to ascertain what changes are possible and desirable in existing statutes, policies, rules, regulations, procedures, and practices relating to Federal information activities. The Commission is to make a final report of its findings and recommendations to the Congress within two years of the date of its first meeting. The Commission may make such interim reports and recommendations as it deems advisable. Thus, the principle Commission functions are to conduct studies and submit reports to Congress and to the President.

AVAILABILITY OF RECORDS

Section 11. Policy. This and the following sections implement the policy of making the fullest possible public disclosure of the Commission's records consistent with its responsibilities as an independent activity reporting to the Congress and to the President. Since the responsibilities of the Commission are advisory in nature as indicated in Section 2 above, it does not ordinarily render decisions or issue regulations affecting the rights of the general public. The written materials coming into possession of or created by the Commission are essentially preliminary and for the deliberation of the Commission, its staff and study efforts, and accordingly, "internal communications" within the meaning of 5 U.S.C. 552(b)(5). As such they are exempt from disclosure. From time to time the Commission may determine to permit inspection and copying of certain "available materials" in the public interest even though exempt from disclosure. Although the adopted policy of the Commission as expressed in these sections reflects the Public Information Section of the Administrative Procedure Act (5 U.S.C. 552), the mandatory application of the Act of the Commission is not to be inferred, nor should these sections be

construed as conferring on any member of the public any right of access under that Act.

Section 12. Definitions. (a) The term "record" as appears in Commission rules means any item falling within the definition of "record" as defined in the Privacy Act of 1974.

(b) Subject to the provisions of Section 19 and as used herein, the term "available materials" means those selected materials which the Commission elects to make available in the public interest. The selected materials comprehend the following items of information: Approved definitive charters of the Commission's study groups; unclassified Commission contracts; the records of the final votes of each Commissioner with respect to any interim or the final report of the Commission after their submission to the Congress and to the President; and such other materials as the Chairman may from time to time authorize to be made available to the general public. The reports of the various study groups established by the Commission are considered preliminary staff papers for use of the Commission together with other studies and analyses. These reports will be subject to further detailed inquiry by the Commission through instructions for further study by the study groups, through public meetings or hearings, or through other means. Consequently, submission of study group reports does not import approval or disapproval by the Commission. Except as otherwise determined by the Commission, these reports will become available to the general public upon the expiration of the life of the Commission, but in no event prior to the submission of the official final report of the Commission to the Congress and to the President.

Section 13. Inspection and copying. The records and available materials of the Commission may be inspected or copied unless the requested record or available materials fall within one of the exemptions set forth in Section 19 below.

Section 14. Applications for records and available materials. Any person desiring to inspect or copy records or available materials known to be in the possession of the Commission shall apply in person or in writing to the Director at the offices of the Commission on Federal Paperwork, Suite 200, 1111 20th Street, N.W., Washington, D.C. 20582. Applications by personal visit may be made between the hours of 9:00 a.m. and 5:00 p.m. on weekdays (holidays excluded).

Except in cases where the information sought is available to the general public, the applicant will be required to produce two sources of personal identification. The request should identify with specificity the desired document. An index identifying the subject matter of the records or available materials of the Commission is kept at the Commission offices for inspection on request. All public inquiries will be acknowledged within 10 days (excluding Saturdays, Sundays, and legal public holidays).

Section 15. Recovery of costs. Except as otherwise provided in specific instances by the Commission, a fee shall be required for all searches for, or copies of, records or available materials. These fees shall be so computed as to obtain full cost recovery of searching and copying. To the extent that printed copies of reports or other written works are available, a charge shall also be made. Where written works have been published by the Government Printing Office or other Government printing activity, the Commission will direct the applicant to the appropriate sales office.

Section 16. Records and available materials of other agencies. Requests for records or available materials that have been originated by or are primarily the concern of another U.S. department or agency shall be forwarded to the particular department or agency involved, and the applicant notified.

Section 17. Types of copying processes and standard of quality. The Commission will provide copies of the requested records or available materials of the same type and quality which it would provide in the course of official business to personnel of a U.S. department or agency. It will not accept requests for special types of copying processes or for special standards of quality of reproduction.

Section 18. Schedules of fees. (a) A search for records or available materials involving no more than 15 minutes will be made without charge. For searches requiring more than 15 minutes the charge will be at the rate of $2.00 for each half hour or fraction thereof after the first 15 minutes. If an individual is seeking records pertaining to himself, no search charge will be assessed.

(b) Copying service will be performed at the following rates: The fee for electrostatic copying, including handling, will be at the rate of 25 cents per page.

(c) From time to time the Commission may hold public meetings or hearings of which transcripts may be prepared by reporters under contract. In such cases, copies of material from such transcripts may be procured from the contract reporters.

(d) Certification of authenticity will be $2.00 for each certificate.

(e) The Chairman may revise the schedule of fees from time to time, without notice, to provide more accurately for the recovery of costs incurred by the Commission.

Section 19. Records and documentary information that may be exempt from public disclosure. (a) The policy of public disclosure of records and available materials of the Commission contemplated by these sections shall not apply to records, available materials or documentary information within any of the nine categories enumerated in Section 552(b) of the Freedom of Information Act (81 Stat. 54; 5 U.S.C. 552), except where, in the judgment of the Chairman, the rights of any person would not be adversely affected and no significant purpose would be served by withholding the record, available materials or documentary information under the exemption.

(b) In the application of the exemptions set forth in paragraph (a) of this section, there shall be considered the guidelines provided in the Attorney General's Memorandum on the Public Information Section of the Administrative Procedure Act, June 1967.

Section 20. Requests to amend records. In the event an individual discovers specific errors in any Commission record pertaining to himself, requests for a Commission determination regarding such error should be addressed to the Director. A hearing date shall be set no later than 30 days after said request, at which time the individual may present for the Director's consideration any facts and arguments in the matter of said error.

Dated: July 29, 1976.

FRANK HORTON,
Chairman.

[FR Doc.76-22703 Filed 8-4-76;8:45 am]

COMMODITY FUTURES TRADING COMMISSION

CHICAGO MERCANTILE EXCHANGE; AMENDMENTS POTATO CONTRACT

Hearing

Commencing at 9:30 a.m. on August 30, 1976, the Commodity Futures Trading Commission will hold a public hearing, at the Rodeway Inn, 29th & Chinden Blvd., Boise, Idaho, to receive oral presentations and written submissions concerning proposed amendments to the Potato Contract of the Chicago Mercantile Exchange ("CME").

On February 26, 1976 the CME submitted revisions to its Potato Contract for approval pursuant to section 5a(12) of the Act. This contract was further amended in additional submissions on May 11 and July 7, 1976. The text of the CME Potato Contract, as amended as of July 7, 1976, is set forth below.

Participants in the hearing may be accompanied by persons of their own choosing, who may advise or assist the speaker in responding to questions or otherwise assuring that full information is developed for the use of the Commission. During and subsequent to any person's oral presentation, questions may be asked either by members of the Commission or the Commission staff. The Commission recognizes that members of the public may have questions; therefore, provision will be made for persons who have questions to submit those questions in informal written form to a member of the Commission staff who may in his or her discretion ask such questions. In addition, interested persons will be permitted for 20 days after the last day of the oral hearing, to submit written comments on all matters presented at the hearings or any other topic, including written rebuttals to oral presentations. A schedule of participants will be issued at the earliest possible date.

All persons wishing to make an oral presentation are requested to contact Ms. Jane Stuckey, Director, Office of Secretariat, Commodity Futures Trading Commission, 2033 "K" Street, NW., Washington, D.C. 20581 by August 16, 1976. Such persons are requested to submit twenty

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five copies of their prepared statement to Ms. Stuckey before the scheduled appearance. Oral presentations will be limited to fifteen minutes.

Issued in Washington, D.C. on July 30, 1976.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

CHAPTER 20—POTATOES

2000. Scope of Chapter.—This chapter is limited in application to futures trading of Idaho, Midwestern and Western Russet Burbank potatoes. The procedures for trading, clearing, inspection, delivery, settlement and any other matters not specifically covered herein shall be governed by the rules of the Exchange.

2001. Commodity specifications.—All futures contracts shall be for Russet Burbank potatoes meeting the U.S. standards for grades of potatoes as promulgated by the United States Department of Agriculture (USDA), U.S. No. 1, washed, except that the potatoes shall be straight run, nonstripped, the diameter of the potatoes shall be at least 2 inches, or the weight not less than 4 ounces each. The potatoes shall be of practically no skinning as to maturity, of russet color, and with most of the surface showing Russet Burbank characteristics. No artificial coloring shall be allowed. Potatoes stored in transit shall not constitute good delivery.

2002. Futures call.—A. Trading Months and Hours. Futures contracts shall be scheduled for trading and delivery during such hours and in such months as may be determined by the Board.

B. Trading unit. The unit of trading shall be 80,000 pounds.

C. Price increments. All bids and offers shall be in multiples of $.01 per hundredweight.

D. Daily price limits. No bid or offer shall be made or accepted at a price more or less than $.50 per hundredweight above or below the previous day's settling price, except that on the last day of trading in the delivery month the limit shall be increased to $1.00 per hundredweight and except as provided by Rule 2008 (expanded daily price limits).

E. Position limits. A person shall not own or control more than 350 contracts net long or short, with a maximum of 300 contracts in November, 300 contracts in January, 150 contracts in March, 150 contracts in April and 150 contracts in May.

F. Trading limits. While restricted to the foregoing position limits, a person shall not during one day trade more than 300 November contracts, 300 January contracts, 150 March contracts, 150 April contracts, or 150 May contracts nor more than 350 contracts in all futures combined.

G. Accumulation of positions. For purpose of this Rule 2002, the positions of all accounts owned or controlled by a person or persons acting in concert or in which such persons have a proprietary or beneficial interest shall be cumulated.

H. Bona fide hedges. The foregoing limits shall not apply to bona fide hedging transactions meeting the hedging requirements of Chicago Mercantile Exchange Rule 722.

I. Termination of trading. Trading shall terminate on the 10th calendar day of the contract month or, if the 10th calendar day is not a business day, then on the business day immediately preceding the 10th calendar day of the contract month.

J. Contract modifications. Specifications shall be fixed as of the first day of trading of a contract except that all deliveries must conform to government regulations in force at time of delivery. If any federal or state governmental agency issues an order, ruling, directive or law that conflicts with requirements of these rules, such order, ruling, directive or law shall be construed to take precedence and become part of these rules, and all open and new contracts shall be subject to such governmental orders.

2003. Delivery procedures.—In addition to the procedures and requirements of Chapter 11, the following shall specifically apply to the delivery of potatoes.

A. Delivery days. Delivery shall be made during the delivery month beginning on the 13th calendar day thereof or the following business day if the 13th calendar day is not a business day.

B. Seller's duties. At seller's option, par delivery may be made in a single railroad car with mechanically protective heating and refrigerating service ("M.P.S.") at delivery point or in two semi-vans, each packed half 10 lb. bales and half 50 lb. cartons, with M.P.S., at shipper's shed.

1. Semi-van delivery. If the seller elects to deliver in semi-vans, the seller shall deliver a Notice of Intent to Deliver to the Clearing House of the Exchange before 7:00 a.m. not sooner than the business day following termination of trading and not later than the business day immediately preceding the last two business days of the delivery month.

Upon receipt of buyer's shipping instructions, the seller shall, within one business day follow those instructions. The seller shall protect the lowest 40,000 pound truck rate for the buyer. The seller shall allow the buyer the freight cost, computed on the through rate to destination, from shipper's shed to point of delivery. The seller shall tender delivery notice to the Clearing House prior to 7:00 a.m. on the day of shipment.

If the seller fails to deliver by 7:00 a.m. following the business day of receipt of shipping instructions, the seller shall pay charges of $.50 per cwt. ($400 per contract) per business day to the buyer until delivery is made.

2. Railroad delivery. If the seller elects to make delivery by railroad car, he shall tender a delivery notice to the Clearing House as required by Rule 1107–B hereof prior to 7:00 a.m. on the day of delivery.

Delivery shall be made by the seller free of freight and demurrage charges including day of delivery at delivery point. Should the buyer accept the delivery point as his final destination, the freight charges from shipper's shed to delivery point shall be paid by the buyer to the railroad. The seller shall make available to the buyer one reconsignment at the through rate as published by the originating railroad from point of delivery. Any additional reconsignment ordered by the buyer shall be paid by the buyer. In the event the seller is unable to make available to the buyer such reconsignment privileges at the through rate published by the originating railroad, the seller shall pay or allow the buyer an amount equal to the difference between the through freight rate and local freight rate.

C. Buyer's duties. Upon receipt of an intent to deliver two semivans, the buyer, within one business day, shall deliver to the seller shipping instructions stating destination of the potatoes. If the buyer fails to deliver shipping instructions by 7:00 a.m. the business day after the receipt of intent to deliver, the buyer shall pay charges of $.50 per cwt. ($400.00 per contract) per business day to the seller until shipping instructions are received.

D. Payment. Payment shall be made in accordance with Rule 1107–E.

2004. Par Delivery and Substitutions. A. Par Delivery Unit. Potatoes contained in the par delivery unit shall be U.S. No. 1, washed, except that the diameter of the potatoes shall be at least 2 inches, or the weight not less than 4 ounces each.

A par delivery unit shall be composed of 80,000 pounds of potatoes. Half of the par delivery unit shall be packed in master containers which shall be composed of 10 pound all orange, all tangerine, or all red mesh bags containing U.S. No. 1 potatoes, with a minimum top weight of 7 ounces, with no individual potato exceeding 10 ounces except that one (1) oversized potato may be permitted in any sample. Removal of potatoes larger than 7 ounces is permitted only when such potatoes are diverted to form size designated carton packs offered for futures delivery. Half of the par delivery unit shall be packed in 50 pound new cartons designated as containing 80's, 90's, or 100's size, conforming to USDA standards of tolerance not more than 400 cartons for any one size designation shall be permitted. Cartons of the same size designation shall be in multiples of 100 cartons, up to a maximum of 400 cartons for any one size designation. Removal or additional of potatoes for reasons of size during the packing operation is permitted only when necessary for compliance with the applicable size designation.

All deliveries shall be made in rail car or semivans with refrigerating and heating equipment and with the floor covering customarily acceptable in industry practice.

B. Quantity deviations. A delivery unit weighing less than 79,000 pounds may not be delivered. A delivery unit weighing between 79,000 and 80,000 pounds may be delivered with an allowance to the buyer to reflect actual weight, and no payment shall be required on account of any quantity in excess of 80,000 pounds.

C. Substitutions and allowances. At seller's option, a delivery unit composed of 80,000 pounds of U.S. No. 1 Size A potatoes packed in new 100-pound burlap bags may be delivered at an allowance of $2.50 per hundredweight. The potatoes shall be washed, and the diameter of the potatoes shall be at least two inches or the weight not less than four ounces each and an average of a least 15%, but not more than 40% of them shall be 10 ounces or more in weight. Removal or addition of potatoes for reasons of size during the packing operations is permitted only when necessary for compliance with the applicable size designation.

D. Place of delivery. Par delivery shall be F.O.B. Pocatello, Idaho. Deliveries may be made F.O.B. from Pasco and Othello, Washington, and Klamath Falls and Hinkle, Oregon at an allowance of $.75 per cwt; deliveries may be made F.O.B. from Monta Vista, Colorado at $.75 per cwt.; deliveries may be made F.O.B. from Grand Forks, North Dakota at an allowance at $1.25 per cwt.; deliveries may be made F.O.B. from Stevens Point, Wisconsin and Iron Mountain and Greenville, Michigan at an allowance of $1.00 per cwt. except as provided by Rule 2003–B–2.

2005. Procedures and standards for sampling, examination and rating for conformance. A. Examination and grading. Federal-state unrestricted inspection shall be made at the point of origin, and to be eligible for delivery, inspection shall not have been made prior to two calendar days after the last day of trading. On the basis of these inspections at these points of origin, inspection certificates shall be issued, each of which shall show the date, time of inspection, the car number, seal number, the grade and size, and the signature of the inspector. To be good delivery, the USDA inspection certificate issued at the point of origin must show a loading span of no more than 48 hours from time loading began and finished.

The certificate issued at the point of origin shall be final and shall be good for the five full business days following the inspection date. This USDA certificate shall accompany the delivery documents as required by Chapter 11. Should the pressure of time demand, a telephone report from the USDA inspector containing the information required in Rule 1101 shall be permissible for delivery.

Each time a certificate based on an unrestricted USDA inspection at the delivery point expires, the potatoes must have a new USDA inspection within two business days to be good for delivery. Such new inspection may be restricted.

B. Weighing. Contract units shall be inspected for weight at point of origin. A buyer, however, may request re-inspection for weight at point of origin provided he notifies the Exchange, in writing, before 3:30 p.m. on the day after tender. Such notice shall show the car number or seal numbers of semivans, location and identification of the lot to be weighed. The weighing shall be done by a weighmaster appointed by the president of the Exchange. No contract unit shall be weighed if partially unloaded or if the contents have been disturbed except as a result of an official USDA inspection. The buyer shall furnish all necessary transport vehicles and labor required to make the weight tests.

The weighmaster shall weigh at least 1,000 lbs. of 10 lb. bags, 1,000 lbs. of 50 lb. cartons, or 2,000 lbs. of 100 lb. bags, taken at random out of the delivery unit, but he shall not take any bags, cartons, or bales that were previously inspected and the bags, cartons, or bales he weighs must be part of the original lot deliveries. In case the weight test shows the average weight to be not more than 1% net below the marked weight of the bags, cartons, or bales, the delivery unit shall be good delivery and the entire cost of the weight test shall be borne by the person requesting the test. Payment, however, shall be made on the basis of the weight as shown on the USDA inspection certificate originally submitted on the tender. If the weight test shows an average of more than 1% net below the marked weight of the bags, cartons, or bales, the delivery unit shall not be a good delivery and the seller shall bear the full cost of the weight test, and the seller shall make a replacement delivery. The average gross weight of the bags, cartons, or bales, weighed by the weighmaster shall be the basis of settlement for the delivery unit. A certificate of weight shall be issued by the Exchange.

2006. Official potato inspection certificate.—The Exchange shall issue an Official Potato Inspection Certificate upon conformance of all inspection requirements pursuant to these rules which shall be valid until the expiration of the USDA Inspection Certificate.

2007. Costs of inspection, weighing and storage.—In addition to the allocation of costs detailed in Rule 2005 of this chapter, when an unrestricted or restricted USDA inspection is made at any time at the delivery point, the seller shall furnish and pay for all equipment and labor necessary to make the inspection and also pay for the cost of the certificates.

2008. Expanded daily price limits.—When any contract month closes at the normal daily price limit an expanded daily price limit schedule shall go into effect as follows:

1. The next business day's price limit in all contract months shall be $.75 per cwt.

2. If any contract month closes at its expanded daily price limit on the second day in the same direction as the move that initiated the expanded limits, then the third day's expanded daily price limit and each successive day's thereafter, shall be $1.00 per cwt. so long as any contract month closes at its expanded daily price limit in that same direction.

3. Whenever the foregoing daily price limit schedule is in effect and no contract month closes at the price limit in the same direction which initiated or maintained the expanded schedule, then the normal daily price limit shall be reinstated on the following business day.

[FR Doc.76–22712 Filed 8–4–76;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

TASK FORCE ON DEMONSTRATION PROJECTS AS A COMMERCIALIZATION INCENTIVE

Meeting

JULY 30, 1976.

In accordance with the provisions of P.L. 92–463 (Federal Advisory Committee Act), the Task Force on Demonstration Projects as a Commercialization Incentive will meet on Friday, August 27, 1976, at the O'Hare Hilton, O'Hare International Airport, Chicago, Illinois.

The meeting will be from 10:30 a.m. until 4:00 p.m., and will be an executive session not open to the public, under the authority of Section 10(d) of Public Law 92–463, to exchange opinions pertaining to the final wording of the report of the Task Force. I have determined that it is necessary to close the meeting to exchange opinions on the final wording of the report, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). Any non-exempt material that may be discussed at the session will be inextricably intertwined with the discussion of exempt material and no further separation is practical. It is essential to close the meeting to protect the free interchange of internal views and avoid undue interference with Administration and Task Force operations.

The Chairman is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

K. DEAN HELMS,
Acting Advisory Committee Management Officer.

[FR Doc.76–22743 Filed 8–4–76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 594–8; PP 6G1739/T75]

ESTABLISHMENT OF A TEMPORARY TOLERANCE

N-(1-Ethylpropyl)-3,4-Dimethyl-2,6-Dinitrobenzenamine

American Cyanamid Co., PO Box 400, Princeton NJ 08540, has submitted a pesticide petition (PP 6G1739) to the Environmental Protection Agency (EPA). This petition requests that a temporary tolerance be established for combined residues of the herbicide N-(1-ethylpropyl)-3,4-dimethyl-2-6-dinitrobenzenamine and its metabolite 4-[(1-ethylpropyl) amino]-2-methyl-3,5-dinitro benzyl alcohol in or on the raw agricultural commodities beans (dry, snap, and lima) and potatoes at 0.1 part per million (ppm).

Establishment of this temporary tolerance will permit the marketing of the above raw agricultural commodities when treated in accordance with two experimental use permits that are being issued concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act.

An evaluation of the scientific date reported and other relevant material has shown that the requested tolerance is adequate to cover residues resulting from the proposed experimental use, and it has been determined that the temporary tolerance will protect the public health. The temporary tolerance is established for the pesticide, therefore, with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permits.

2. American Cyanamid Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires July 30, 1977. Residues not in excess of 0.1 ppm remaining in or on beans (dry, snap, and lima) and potatoes after this expiration date will not be considered to be actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permits and temporary tolerance. This temporary tolerance may be revoked if the experimental use permits are revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health.

(Section 408(j) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(j)].)

Dated: July 30, 1976.

DOUGLAS D. CAMPT,
Acting Director, Registration Division.

[FR Doc.76–22843 Filed 8–4–76;8:45 am]

[FRL 594–6; PF42]

PESTICIDE AND FOOD ADDITIVE PETITIONS

Filings

Pursuant to the provisions of Sections 408(d)(1) and 409(b)(5) of the Federal Food, Drug, and Cosmetic Act, the Environmental Protection Agency gives notice that the following petitions have been submitted to the Agency for consideration.

PP6F1803. FMC Corp., 100 Niagara St., Middleport NY 14105, proposes that 40 CFR 180.254 be amended by the establishment of tolerances for combined residues of the insecticide carbofuran (2,3-dihydro-2,2-dimethyl-7-benzofuranyl - N-methylcarbamate), its carbamate metabolite 2,3-dihydro-2,2-dimethyl-3-hydroxy - 7 - benzofuranyl-N-methylcarbamate, and the phenolic metabolites 2,3-dihydro-2,2-dimethyl-7-benzofuranol, 2,3-dihydro-2,2-dimethyl-3-oxo-7-benzofuranol, and 2,3-dihydro-2,2-dimethyl-3,7-banzofurandiol in or on the raw agricultural commodities barley, oats,

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rye, and wheat at 5 parts per million (ppm) (of which not more than 1 ppm is carbamates) and in or on the grain of barley, oats, rye, and wheat at 0.2 ppm (of which not more than 0.1 ppm is carbamates). Proposed analytical method for determining residues is a gas chromatographic procedure using a nitrogen specific microcoulometric detector. PM12 (202/755-9315)

PP6F1823. Mobay Chemical Corp., Chemagro Div., PO Box 4913, Hawthorne Rd., Kansas City MO 64120, proposes that 40 CFR 180.332 be amended by the establishment of tolerances for combined residues of the herbicide 4-amino-6-(1,1-dimethylethyl)-3-(methylthio)-1,2,4 - triazin - 5(4H) - one and its triazinone metabolites in or on the raw agricultural commodities lentils at 0.05 ppm, lentil forage and peas at 0.1 ppm, and pea forage at 0.5 ppm. Proposed analytical method for determining residues is a gas chromatographic procedure using an electron capture detector. PM25 (202/755-7012)

FAP6H5137. Shell Chemical Co., Suite 300, 1700 K St. NW, Wahsington DC 20006, proposes that 21 CFR 193.140 be amended by the establishment of a regulation permitting the use of the insecticide 2,2-dichlorovinyl dimethyl phosphate in a resin-in-secticide generating device, with an open/close capability, in areas where foods is prepared or served, including, but not limited to, homes and restaurants. PM13 (202/755-9315)

PP6F1817. Upjohn Co., Kalamazoo MI 49001, proposes that 40 CFR 180 be amended by the establishment of tolerances for residues of the insecticide N'-[2,4-dimethylphenyl] - N-[[(2,4-dimethylphenyl) imino] methyl]-N - methylmethanimidamide and its metabolites containing the 2,4-dimethylianiline moiety (calculated as the parent compound) in or on the raw agricultural commodities applies at 1.0 ppm and pears at 3.0 ppm, and in the meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.05 ppm. Proposed analytical method for determining residues is a gas chromatographic procedure using a flame ionization detector. PM13 (202/755-9315)

FAP6H5138. Upjohn Co., Kalamazoo MI 49001, proposes that 21 CFR 561 be amended by the establishment of a regulation permitting the use of the insecticide N'-[2,4-dimethylphenyl]-N-[[(2,4 - dimethylphenyl) imino] methyl] - N-methylmethanimidamide and its metabolites containing the 2,4-dimethylaniline moiety (calculated as the parent compound) in dried apple pomace at 10 ppm. PM13 (202/755-9315)

Interested persons are invited to submit written comments on any petitions referred to in this notice to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Room 401, East Tower, 401 M St. SW, Washington DC 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. Inquiries concerning specific petitions referred to in this notice may be directed to the designated Product Manager (PM), Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone at the numbers cited. Written comments should bear a notation indicating the number of the petition to which the comments pertain. Comments may be made at any time while a petition is pending before the Agency. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: July 30, 1976.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.76-22844 Filed 8-2-76;8:45 am]

[FRL 593-7]

PESTICIDES ENFORCEMENT PROGRAM

Grant Availability

Notice is hereby given that the Environmental Protection Agency will implement a pesticides enforcement grant-in-aid program pursuant to Section 23(a) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended in 1972 and 1975 (P.L. 92-516; P.L. 94-140, 7 U.S.C. 136 *et seq*), with grants to State agencies which are responsible for the enforcement of State pesticides laws and which have been designated by the Governor to be the State lead agency. These grants will be awarded on a competitive basis and made available to States to augment pesticides enforcement activities and enable States to participate more fully with EPA in the cooperative enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act. All EPA grants are awarded subject to the provisions of the EPA General Grant Regulations (40 CFR Part 30). The fiscal year 1977 pesticides enforcement grants will be subject to the General Grant Regulations and special grant conditions. Proposed grant regulations will be developed and, published in the FEDERAL REGISTER for grants subsequent to fiscal year 1977.

It is anticipated that the duration of this grant program will be between three (3) and five (5) years with individual grants awarded annually and renewed for a maximum of two (2) additional years. Approximately one million dollars is expected to be available in fiscal year 1977 to fund this grant program. Grants will usually involve funding of between (20) and one hundred (100) thousand dollars. It is anticipated that the grantee's matching contribution will increase yearly over the program period from 15% the first year to 30% the last year of the pesticides enforcement grant.

Guidelines regarding application submission instruction, competitive evaluation criteria, and program information pertaining to pesticides enforcement grants will be made available to the States by the respective EPA Regional Administrator.

Dated: July 28, 1976.

STANLEY W. LEGRO,
Assistant Administrator
for Enforcement.

[FR Doc.76-22961 Filed 8-4-76;8:45 am]

[FRL 593-1; OPP-00024]

PESTICIDE PROGRAMS

Interim Requirements for Registration of Bacteriostatic Water Treatment Units for Home Use

• *Purpose.* The purpose of this statement is to give notice of the policy of the Environmental Protection Agency (EPA) with respect to the registration under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973, 7 U.S.C. 136 et seq.), of certain bacteriostatic water treatment units intended for home use. Specifically, this statement pertains to home-use bacteriostatic water treatment units containing filtering media impregnated with silver which is intended to prevent, destroy or mitigate any pest, and which recommend a lifetime tapwater capacity that reasonably could be expected for a dwelling occupied by one family. This statement addresses the data which the Agency currently is requiring to support an application for registration of these home use bacteriostatic water treatment units, and the claims which the Agency will accept in conjunction with the registration of these units. •

The Agency is publishing this notice as a general statement of policy under section 4 of the Administrative Procedure Act, 5 U.S.C. 553(b)(A). It is anticipated that the requirements herein, including any subsequent modifications thereto, will be eventually incorporated in the Guidelines for Registering Pesticides in the United States, which the Agency is promulgating pursuant to section 3(c)(2) of FIFRA. (See the FEDERAL REGISTER of June 25, 1975, 40 FR 26801, and September 9, 1975, 40 FR 41788.)

BACKGROUND

There are three general types of water treatment units:

1. Water treatment units which are not intended to prevent, destroy, repel or mitigate any microorganism or other pest.[1] Examples of products in this class are products comprised of activated carbon or coarse filtering material, which are intended only to remove undesirable chemicals, odors or particulate matter, and with respect to which no expressed or implied claims for pesticidal activity are made. Water treatment units in this class are not subject to regulation under FIFRA.

2. Water treatment units which consist only of a physical means to prevent, destroy or mitigate microorganisms or other pests in water. Such water treatment units are devices within the meaning of FIFRA Section 2(h). While devices are not subject to the FIFRA registration requirement, the sale, distribution or other movement in commerce of a device in this category which is misbranded within the meaning of FIFRA Section 2(q)(1) is a violation of the Act. In addition, the producers of such devices are subject to the requirements of FIFRA Section 7, regarding reports to the Agency and other matters. (See 40 CFR 162.15.)

3. Water treatment units incorporating a substance or mixture of substances including any chemical antimicrobial agent, intended to prevent, destroy or mitigate microorganisms or other pests in water. Water treatment units in this class are pesticides subject to the FIFRA registration requirement. (See FIFRA Sections 3(a) and 12(a)(1)(A).) A pesticide cannot be registered unless the Administrator has made the findings set forth in FIFRA Section 3(c)(5). The required findings have been set forth in greater detail in 40 CFR 162.7(d)(1). Among other things, Section 3(c)(5) and 40 CFR 167.7(d)(1) require the Administrator to find that the pesticide is effective for the uses set forth on the label, and that the pesticide will not generally cause unreasonable adverse effects on the environment when used as directed. The applicant has the burden of proof with respect to each of the required findings.

Home use bacteriostatic water treatment units with filtering media impregnated with silver, which is intended to prevent, destroy or mitigate any pest, are included in category 3 above and therefore are subject to the registration requirements of Section 3 of FIFRA.

Under 40 CFR 141.14 of the National Interim Primary Drinking Water Regulations (December 24, 1975, 40 FR 59566), potable water is permitted a certain amount of harmless bacteria which is indigenous to municipally treated water. Because of the potential for extensive growth of such bacteria trapped within the filtering medium, most water treatment units for home use contain a bacteriostatic pesticide. The pesticide in such units is, of necessity, incorporated to negate the potential problem created by the primary intended use of these products, which is the removal of undesirable substances such as chemicals, odors, color, and particulate matter from municipally treated or other treated potable water.

PERMISSIBLE CLAIMS

The regulatory scheme under FIFRA provides several mechanisms for regulating the claims made for a pesticide product. Most important among these mechanisms is the requirement for review and approval of all claims made on the label (see FIFRA Section 2(p)(1)) or labeling (see FIFRA Section 2(p)(2)), of a pesticide product, prior to the registration of the product under the Act.[2] Moreover, a registrant must obtain the approval of the Agency before making any changes in the label or labeling of a pesticide product which has been approved in conjunction with registration. (See 40 CFR 162.6(b)(3)(i)(A).) Products whose label or labeling fail to satisfy the requirements of the Act and the regulations are "misbranded" (see FIFRA Section 2(q)); the sale, distribution or other movement in commerce of a misbranded pesticide is a violation of the Act (see FIFRA Section 12(q)(1)(E)). The specific requirements for the label and labeling of a pesticide are set forth in Section 2(q) of FIFRA and at 40 CFR 162.10.[3] Among other things, these requirements provide that the labeling must contain adequate directions for use (see FIFRA Section 2(q)(1)(F) and 40 CFR 162.10(j)) and adequate warning or caution statements (see FIFRA Section 2(q)(1)(G) and 40 CFR 162.10(h)). Additionally, the labeling must not contain any statement, design, or graphic representation thereto which is false or misleading in any particular (see FIFRA Section 2(q)(1)(B) and 40 CFR 162.10(a)(5)).

Since the basic purpose for the home use water treatment units addressed in this policy statement is to achieve benefits other than pesticidal (antimicrobial) benefits, the pesticidal claims permissible on the labeling and/or in advertising must be quite limited and explicit. The following pesticidal claims are considered to be the maximum warranted for products of this type:

1. Inhibits the growth of bacteria within the filter unit.
2. Contains a bacteriostatic filter.
3. Provides bacteriostatic activity within the filter unit.

In considering the foregoing allowable claims, it is obvious that any representation, either directly or by implication, of these products as "water purifiers" constitutes a false or misleading claim. They may be represented as "water treatment units", "water clarifiers", "water filters", or "water deodorizers", or similar names which do not in any way imply water purification. Depending upon the claims proposed and supporting evidence submitted, general claims such as "produces a clear water" or "improves water quality" may be acceptable.

Regulatory jurisdiction under FIFRA extends to all claims made on a product with pesticidal uses, including non-pesticidal claims. (See 40 CFR 162.10(a)(5).) Claims of value which are considered to be non-pesticidal must also be supported by adequate evidence. (See Table V, *supra*.) Claims of non-pesticidal action include claims that the following will be removed from water:

1. Halogenated volatile organics (must be specific).
2. Various pesticides (must be specific).
3. Metals (must be specific).
4. Turbidity.
5. Chlorine.

Bacteriostatic water filtering units are designed to act only on bacteria contained in potable water which is microbiologically safe for drinking. Accordingly, claims will not be accepted for use of these units on polluted well water or raw waters. Moreover, the directions for use must clearly reflect that the product is only intended for use on potable water which is microbiologically safe for drinking.

DATA REQUIREMENTS

Appropriate data must be submitted indicating that the pesticide and other chemical components which are incorporated in the unit are not released at levels which exceed the maximum permitted in the National Interim Primary Drinking Water Regulations, *supra* (e.g., 50 ppb of silver).

Because performance of the units will probably vary according to the water quality, and in order to maintain a uniform condition of testing for all water filtering units, alternate choices for a standard water are possible as follows:

(1) Tap water for testing should approximate the quality parameters of the tap water at the Environmental Protection Agency Laboratory, Beltsville, Maryland 20705, where pre-testing is conducted. A satisfactory range of key characteristics is as follows:

ph—6-8
Hardness as $CaCO_3$—25 mg/l (ppm)
Alkalinity as $CaCO_3$—20 mg/l (ppm)
Total Dissolved Solids 10-40 mg/l (ppm)
Temperature: 20°-25° C

(2) If such quality tap water is not available to the testing laboratory, a water that has been artificially constituted to the concentration ranges shown above for the tap water will be acceptable.

Claims must be justified for the life of the unit, as represented by the manufacturer, and when used as directed.

Pre-testing in EPA Laboratories may be required for any (or all) parameter(s), but will most often be required for silver levels in the effluent water and for bacteriostatic efficacy.

TEST PROTOCOL

The following test procedure (designed to simulate in-use conditions) for all such pesticidal devices must be followed. Because of the complex construction of the water treatment units, it should be clearly understood that the evaluation of the efficacy of these products is based upon an indirect comparative assay of the effluent, rather than upon a direct determination of the efficacy of the product at the site of pesticidal activity within within the unit.
within the unit.

[1] Attention is invited to 40 CFR 162.4(a), which provides as follows: "A substance or mixture of substances is a pesticide under the Act if it is intended for preventing, destroying, repelling or mitigating any pest. (See section 2(u) of the Act and § 162.3 (FF)). Such intent may be either expressed or implied. If a product is represented in a manner that results in its being used as a pesticide, it shall be deemed a pesticide for purposes of the Act • • •."

[2] FIFRA also provides authority to regulate the claims made in pesticide product advertising. See, e.g., FIFRA Section 12(a)(1)(B).

[3] The reader is encouraged to familiarize himself in detail with the provisions of the Act and regulations relevant to labeling of pesticide products.

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BACTERIOLOGICAL

A. Challenge three product units, and three control units without silver, with a continuous flow of tap water, sampling in accordance with the format outlined in Table I.

B. Dechlorinated, sterilized (autoclaved) tap water, seeded with Pseudomonas fluorescens (ATCC No. 13525) which is a saprophytic microorganism commonly found in the microflora of water, at a concentration of 500 microorganisms per ml, must be employed in the test as the "artificially contaminated water. This water should be prepared by suspension of the organisms from 24-hour tryptone-glucose extract agar slants.

C. Each unit must be filled to its capacity with artificially contaminated water, and closed off in such a manner as to retain this water. A 100 ml sample of the artificially contaminated water must be retained for 24 hours, with a survival count reported at the end of this period. The effluent from the unit should be sampled after the prescribed holding period at room temperature. (See Table I.)

The holding period is required to stimulate the non-use or "stagnation" period one would expect under conditions of use before the effluent is sampled.

D. Bacteriological assays should be conducted on two (2), one hundred ml samples at each prescribed interval from each of the six units. Remove samples for silver analysis in accordance with Table II. To all twelve samples add 1.0 ml of a sterile neutralizing solution containing 5 percent sodium thioglycollate and 7.3 percent sodium thiosulfate. Plate counts must be carried out as described in the Standard Plate Count procedure, "Standard Methods for the Examination of Water and Wastewater," Thirteenth Edition, 1971, American Public Health Association, Inc., 1740 Broadway, New York NY 10019 (page 660). The tests should be performed utilizing tryptone-glucose extract agar, and all plates must be incubated at room temperature (20°–25° C) for 48 hours.

A filter unit will be considered to be effective as a bacteriostatic filter only when all bacterial counts of the test samples are significantly less than the corresponding control counts by the end of the test (to justify the need for the bacteriostatic agent).

NOTE.—Unless disposable glassware is used, all glassware must be pre-cleaned as follows: (1) Add 25 ml conc. HNO_3 to flask; (2) Swirl manually or mechanically for 5 min., making sure entire wetted surface is contacted by the HNO_3; (3) Discard this HNO_3; (4) Repeat Step 2 two additional times; (5) Soak flask in a 3% HNO_3 solution for 30 min.; (6) Soak flask in a 3% NH_4OH solution for 30 min.; (7) Wash in Hobart Laboratory Washer (or equivalent) as described by manufacturer.

CHEMICAL

A. The flow rate (as recommended), pH, and temperature of the tap water must be determined at each sampling interval; and the water hardness, alkalinity, and total dissolved solids of the water effluent at the beginning of the test must be reported.

B. Chemical analysis for silver concentration in the treated drinking water must be performed by the Atomic Absorption Method. Duplicate samples for silver analysis must be taken from the bacteriological samples as indicated in Table II. For details on sampling and cleaning of glassware for silver analysis see Table II.

C. All analytical procedures, unless otherwise specified will be in accordance with the "Standard Methods for the Examination of Water and Wastewater," cited above.

See Table V for guidelines for developing data to support non-pesticidal claims. The test results and information required during the testing of all units must be recorded and submitted in the precise formats outlined in Tables III and IV below.

TABLE I.—*Sampling and testing schedule*

[All sampling and testing procedures are to be performed at room temperature (20-25°C)]

Time interval	Bacteriological		Chemical (silver)	
	Influent	Effluent	Influent	Effluent
1. Start (follow manufacturer's start-up instructions for initial flush etc. before collecting first sample).	X [1]	X [1]	X	X
2. At 25 percent of filter life provide an 8-hour holding period		(No testing required)		
3. a. 50 percent of filter life	X [1]	X [1]		X
b. Add artificially contaminated water	X [2]			
c. After 24-hour holding period		X [2]		X
4. At 75 percent of filter life provide an 8-hour holding period		(No testing required)		
5. a. 95 percent of filter life	X [1]	X [1]		X
b. Add artificially contaminated water	X [2]			
c. After 24-hour holding period		X [2]		X

[1] Bacteriological counts of tap water used.
[2] Bacteriological counts of artificially contaminated water.

TABLE II—PROCEDURES FOR SAMPLING AND CLEANING OF GLASSWARE FOR ANALYSIS FOR SILVER

1. Sample Collection.

a. Pipette from each 100 ml sample collected for bacteriological assay approximately 15 ml into 18 x 150 mm capped soft glass test tube containing three drops of concentrated HNO_3 when silver analysis is required.

b. Invert test tube 3 or 4 times to mix sample and conc. HNO_3.

c. Sample is now ready for analysis.

2. Cleaning procedure (only for test tubes which have been used with HNO_3 to inhibit Ag adsorption).

a. Soak 18 x 150 mm soft glass test tube in 3% NH_4OH for 30 minutes.

b. Using test tube wash rack wash in Hobart Laboratory Washer or equivalent as described by washer manufacturer.

If the test tube has been used to collect a Silver sample without the use of HNO_3, use the following procedure prior to the NH_4OH soak.

a. Fill test tube with conc. HNO_3 and allow to soak 5 minutes.

b. Discard this HNO_3.

c. Repeat Step 1 two additional times.

d. Then go to NH_4OH soak as described previously.

TABLE IV
BACTERIOLOGICAL AND CHEMICAL TEST RESULTS

Schedule	Unit No.	Date	Microorganisms/ml Influent	Microorganisms/ml Effluent	Silver (mg) Influent	Silver (mg) Effluent
Start	Test Unit					
	" "					
	Control Unit					
	" "					
50% of filter life	Test Unit					
	" "					
	Control Unit					
	" "					
Addition of Artificially Contaminated Water	Test Unit					
	" "					
	Control Unit					
	" "					
24 hr. holding period at 50% of filter life*	Test Unit					
	" "					
	Control Unit					
	" "					
95% of filter life	Test Unit					
	" "					
	Control Unit					
	" "					
Addition of Artificially Contaminated Water	Test Unit					
	" "					
	Control Unit					
	" "					
24 hr. holding period at 95% of filter life*	Test Unit					
	" "					
	Control Unit					
	" "					

* Artificially contaminated water control - ____ org/ml - at 50% _____ at 95%

NOTE: See Table I for clarification of Sampling and Testing Schedule

Person(s) responsible for testing _____

TABLE III
RECORD OF TEST CONDITIONS

Schedule	Unit No.	Date	Time	Cumulative Chlorine	Influent Flow Rate gpm	Influent Temp. °C.	pH	Effluent Flow Rate gpm	Effluent Temp. °C.	pH
Start	Test Unit									
	" "									
	Control Unit									
	" "									
25% of filter life	Test Unit									
	" "									
	Control Unit									
	" "									
8 hr. holding period	Test Unit									
	" "									
	Control Unit									
	" "									
50% of filter life	Test Unit									
	" "									
	Control Unit									
	" "									
75% of filter life	Test Unit									
	" "									
	Control Unit									
	" "									
8 hr. holding period	Test Unit									
	" "									
	Control Unit									
	" "									
95% of filter life	Test Unit									
	" "									
	Control Unit									
	" "									

* Alkalinity as $CaCO_3$ of tap water = _____ mg/l
Total Dissolved Solids of tap water = _____ mg/l
Hardness as $CaCO_3$ = _____ mg/l

Person(s) responsible for testing _____

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TABLE V—GUIDANCE ON TESTING FOR SPECIFIC NON-PESTICIDAL CLAIMS

1. *Must be specific.* As stated previously all claims must be specific. Claims such as "Removes halogenated volatile organics" or "Removes chlorinated pesticides" are too general, and are not allowed. Claims for removal of "chloroform" or "aldrin" are allowed, if supported by satisfactory analyses.

2. *The preferred analytical methods are those in Standard Methods for the Examination of Water and Waste Water.* (American Public Health Assoc., 1015 18th Street NW., Wash., D.C. 20036) Official methods of the American Society for Testing Materials (ASTM) and the Association of Official Analytical Chemists (AOAC) are also acceptable. Other methods may be acceptable if documented and proved reliable.

3. *Chloroform removal claims* should be supported by analyses (of influent and effluent) preferably using the methods of Bellar, Lichtenberg and Kroner. These methods are discussed in the Journal of the American Water Works Association for December 1974. Other methods may be acceptable if documented and proved. The unit must be continuously exposed to waters containing up to 100 ppb chloroform or more and a background level of 1.0 ppm of Total Organic Carbon (TOC) for the life of the filter. "Chloroform removal" requires a reduction to 10% (or less) of the original chloroform concentration, over the effective life span of the unit.

4. *Aldrin, endrin, etc.* removal claims must be supported by analyses. The preferred method is Method for Organochlorine Pesticides in Industrial Effluents, MDQARL, EPA, Cincinnati, Ohio, November 28, 1973. The unit will be continuously exposed to waters contalning test concentrations of the pesticides for which claims are being made. The test water must also contain a background level of 1.0 ppm Total Organic Carbon (TOC). The unit must remove 95% of the specific pesticide over the life of the unit. Other verified analytical methods may be substituted.

5. *Claims for lead removal* must be proved by analyses. The preferred method is the atomic absorption method of Standard Methods. The unit should be continuously exposed to water containing lead at a concentration of 500 ppb or more for the life of the unit. The unit must remove 95% of the original lead, over the life of the unit.

6. *Turbidity removal claims* will be accepted without data, if the unit contains *activated carbon.*

7. *Sampling and analytical sequence* should follow that outlined in Table I.

Questions concerning the requirements outlined in this document should be addressed to the Director, Registration Division (WH–567), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW, Washington, DC 20460.

Dated: July 28, 1976.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.76–22495 Filed 8–4–76;8:45 am]

[FRL 594–7; OPP–30118]

PESTICIDE PROGRAMS

Receipt of Application To Register a Pesticide Product Containing a New Active Ingredient

Buckman Laboratories, Inc., 1256 N. McLean Blvd., Memphis TN 38108, has submitted to the Environmental Protection Agency (EPA) an application to register the pesticide product BUSAN 79 (EPA File Symbol 1448–LO), containing 60.0% of the active ingredient Poly[hydroxyethylene(dimethyliminio) - ethylene(dimethyliminio)methylene dichloride] which has not been included in any previously registered pesticide products. The application received from Buckman Laboratories, Inc. proposes that the product be classified for general use to control algae, bacteria, and fungi in water systems. PM34

Application was made pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973, 7 U.S.C. 136 et seq.), and the regulations thereunder (40 CFR 162). Notice of receipt of this application is made in accordance with the provisions of section 3(c)(4) of FIFRA [40 CFR 162.2(b)(6)] and does not indicate a decision by the Agency on the application.

Any Federal Agency or other interested persons are invited to submit written comments on this application to the Federal Register Section, Technical Services Division (WH–569), Office of Pesticide Programs, Environmental Protection Agency, Rm. 401, East Tower, 401 M St. SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. The comments must be received on or before September 7, 1976 and should bear a notation indicating the EPA File Symbol "1448–LO." Comments received within the specified time period will be considered before a final decision is made with respect to the pending application. Comments received after the specified time period will be considered only to the extent possible without delaying processing of the application. Specific questions concerning this applicaiton should be directed to the designated Product Manager (PM), Registration Division (WH–567), Office of Pesticide Programs, at the above address or by telephone at 202/426–9490.

Notice of approval or denial of this application to register BUSAN 79 will be announced in the FEDERAL REGISTER. The label furnished by Buckman Laboratories, Inc., as well as all written comments filed pursuant to this notice, will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:30 p.m. Monday through Friday.

Dated: July 30, 1976.

DOUGLAS D. CAMPT,
Acting Director, Registration Division.

[FR Doc.76–22845 Filed 8–4–76;8:45 am]

[FRL 594–5]

NATIONAL DRINKING WATER ADVISORY COUNCIL

Open Meeting

Pursuant to Pub. L. 92–423, notice is hereby given that a meeting of the National Drinking Water Advisory Council established under Pub. L. 93–523, the "Safe Drinking Water Act," will be held at 9 a.m. on August 25, 1976, and at 8:30 a.m., August 26, 1976, in Conference Room 2117, Mall Area, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460.

The purpose of the meeting will be to discuss toxicology and drinking water contaminants, review EPA's water supply public affairs activities, and review the proposed Secondary Drinking Water Regulations and Siting Requirements. In addition, there will be an update on the status of the Proposed Underground Injection Control Regulations and an overview of the proposed data management program.

The meeting will be open to the public. The Council encourages the hearing of outside statements and allocated a portion of time for public participation. Any outside parties interested in presenting an oral statement should petition the Council in writing. The petition should include the general topic of the proposed statement and the petitioner's telephone number.

Any person who wishes to file a written statement can do so before or after a Council meeting. Accepted written statements will be recognized at Council meetings.

Any member of the public wishing to attend the Council meeting, present an oral statement, or submit a written statement should contact Patrick Tobin, Executive Secretary for the National Drinking Water Advisory Council, Office of Water Supply (WH–550), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

The telephone number is: Area Code 202 426–8847.

ECKHARDT C. BECK,
Acting Assistant Administrator, for Water and Hazardous Materials.

JULY 30, 1976.

[FR Doc.76–22842 Filed 8–4–76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

OFFICE OF EXCEPTIONS AND APPEALS

Cases Filed During the Week of July 9 Through July 16, 1976

Notice is hereby given that during the week of July 9 through July 16, 1976, the appeals and applications for exception or other relief listed in the Appendix to this notice were filed with the Federal Energy Administration's Office of Exceptions and Appeals.

Under the FEA's procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the FEA action sought in such cases may file with the FEA written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first.

Dated: July 30, 1976.

DAVID G. WILSON,
Acting General Counsel.

APPENDIX.—*List of cases received by the Office of Exceptions and Appeals, July 9 to July 16, 1976*

Date	Name and Location of Applicant	Case No.	Type of Submission
July 9, 1976	Gasco Gasoline, Inc., Washington, D.C. (If granted: The FEA's June 10, 1976, supplemental order would be rescinded and Ashland Oil Co. would be assigned lower-cost suppliers of motor gasoline to replace Coastal States Gas Producing Co.)	FEA-0891	Appeal of the FEA's decision and order in Ashland Oil Co. of California, 3 FEA, par. ..... (June 10, 1976).
Do.....	Little America Refining Co., Washington, D.C. (If granted: Little America Refining Co. and its subsidiary, Sinclair Refining Co., would be treated as separate entities for purposes of the old oil entitlements program (sec. 211.67) and determining their maximum allowable selling prices under sec. 212.83.)	FEE-2709	Price exception (secs. 212.83, 211.67, and 212.65). Stay previously filed (FES–2709).
Do.....	Rock Island Refining Corp., Indianapolis, Ind. (If granted: Rock Island Refining Corp. would receive additional exception relief from its obligations under the old oil entitlements program.)	FEE-2721	Allocation exception (sec. 211.67).
Do.....	Standard Oil Co. of California, San Francisco, Calif. (If granted: The FEA's June 28, 1976, assignment order would be rescinded and Standard Oil Co. of California would not be required to supply 1'CO Oil Co. with motor gasoline during June, July, and August 1976.)	FEA-0889	Appeal of the FEA's June 28, 1976, assignment order.
Do.....	Standard Oil Co. of California, San Francisco, Calif. (If granted: Standard Oil Co. of California would not be required to supply the Ashland Oil Co. of California with 3,648,039 gals of motor gasoline.)	FEA-0890; FES–0890	Appeal of the FEA's decision and order in Ashland Oil Co. of California, 3 FEA, par. ..... (June 10, 1976). Stay requested.
Do.....	Terrible Herbst, Inc., Washington, D.C. (If granted: The FEA's June 10, 1976, supplemental order would be rescinded and Ashland Oil Co. would be assigned lower-cost suppliers of motor gasoline to replace Coastal States Gas Producing Co.)	FEA-0892	Appeal of the FEA's decision and order in Ashland Oil Co. of California, 3 FEA, par. (June 10, 1976).
July 12, 1976	Amoco Oil Co., Chicago, Ill. (If granted: To correct for an alleged error by the Office of Oil Imports during the prior allocation period, Amoco Oil Co. would obtain an import allocation during the current allocation period which would permit it to import 2,696,834 bbls of crude oil on a fee-exempt basis.)	FEI-0103	Exception from base for requirements (pt 213).
Do.....	Clark Equipment Co., Buchanan, Mich. (If granted: Clark Equipment Co. would receive an increase in its base period use of propane for its Melroe division plant.)	FEE-2723	Exception to increase base period use (sec. 211.12).
Do.....	Placid Refining Co., Washington, D.C. (If granted: The FEA's order dated June 8, 1976, would be rescinded and Placid Refining Co.'s Port Allen refinery would be classified as new refining capacity for purposes of the mandatory crude oil buy-sell program.)	FEA-0893	Appeal of the FEA's order dated June 8, 1976 (ruling 1976–1).
Do.....	Placid Refining Co., Washington, D.C. (If granted: Placid Refining Co. would receive an exception from the provisions of the mandatory crude oil buy-sell program (sec. 211.65) which would permit its Port Allen refinery to be classified as new refining capacity.)	FEE-2736	Allocation exception (sec. 211.65).
Do.....	Powerine Oil Co., Washington, D.C. (If granted: Powerine Oil Co. would receive an exception from the old oil entitlements program which would permit the firm to earn additional entitlements on residual fuel oil sold to MacMillan Bloedel Ltd., a Canadian corporation.)	FEE-2721	Allocation exception (sec. 211.67(d)(2)).
Do.....	Schkade Bros. Drilling Co., Abilene, Tex. (If granted: The Schkade Bros. Drilling Co.'s latham lease well would be classified as a stripper well lease for the month of February 1976.)	FEE-2722	Price exception (sec. 212.74).
July 13, 1976	Aminoil U.S.A., Houston, Tex. (If granted: Aminoil U.S.A. would be permitted to increase its prices for natural gas liquid products to reflect nonproduct cost increases in excess of $.005 per gallon at its Aline, Fox, Huntington Beach, Inglewood, O'Keene, Taloga, and Tioga natural gas plants.)	FEE-2728 through FEE-2734	Price exception (sec. 212.165).
Do.....	Ashland Oil Co. of California (If granted: Ashland Oil Co. of California would be granted retroactive exception relief applicable to the month of March 1976 which would permit it to be allocated 20,440,325 gals of motor gasoline.)	FEA-0897	Appeal of the FEA's decision and order in Ashland Oil Co. of California, 3 FEA, par. ..... (June 10, 1976).
Do.....	Continental Oil Co., Houston Tex. (If granted: Conitnental Oil Co. would be permitted to increase its prices for natural gas liquid products to reflect nonproduct cost increases in excess of $.005 per gallon at its Acadia, Burnell, Elk Basin, Elk City, Damlin, Hitchcock, Maljamar, Medford, North Cowden, North Dame, North Okarche, O'Keene, Ramsey, Rincon, Selling, South Hampton, Sussex, O.W. Ward, West Seminole, and West World natural gas plants.)	FEE-2736 through FEE-2755	Price exception (sec. 212.165).
Do.....	Farmland Industries, Inc., Kansas City, Mo. (If granted: Farmland Industries, Inc. would be permitted an additional increase in its prices for natural gas liquid products produced at its Lamont, Quitman, and Mertzon plants to reflect nonproduct costs in excess of $.005 per gallon.)	FEA-0894	Appeal of the FEA's decision and order in Farmland Industries, Inc., 3 FEA, par. ..... (June 7, 1976).

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Date	Name and Location of Applicant	Case No.	Type of Submission
Do.....	Intercoastal Marine Supplies, New Orleans, La. (If granted: The FEA's June 4, 1976, assignment order establishing Gulf Outlet Fuel and Marine Supply, Inc.'s annual base period use of diesel fuel at 8,633,730 gals would be rescinded.)	FEA-0805	Appeal of the FEA's June 4, 1976, assignment order.
Do.....	Intercoastal Marine Supplies, New Orleans, La. (If granted: An investigation of an alleged change in credit terms effected by Gulf Oil Corp. and Gulf Oil's withdrawal from the New Orleans diesel fuel market would be conducted.	FSG-0026	Request for special redress.
Do.....	Intercoastal Marine Supplies, New Orleans, La. (If granted: An investigation would be conducted of an agreement between Gulf Outlet and the Murphy Oil Co. which allegedly has an adverse effect on Intercoastal.)	FSG-0027	Do.
Do.....	Intercoastal Marine Supply, New Orleans, La. (If granted: A remedial order would be issued to Murphy Oil Co. directing it to supply Intercoastal 8 million gals of marine diesel fuel per annum pending the outcome of investigations which Intercoastal has requested in collateral petitions.)	FSG-0028	Do.
Do.....	Mar-Low Corp., Lafayette, La. (If granted: Mar-Low Corp. would receive an extension of the price relief granted in the FEA's Mar. 19, 1976, decision and order.)	FEE-2725	Extension of exception relief granted in Mar-Low Corp., 3 FEA, par. 83,132 (Mar. 19, 1976).
Do.....	Mar-Low Corp., Lafayette, La. (If granted: Mar-Low Corp. would receive an extension of the price relief granted in the FEA's Mar. 19, 1976, decision and order.)	FEE-2726	Extension of exception relief granted in Mar-Low Corp., 3 FEA, par. 83,133 (Mar. 19, 1976).
Do.....	Southland Oil Co., Jackson, Miss. (If granted: Southland Oil Co. would receive additional exception relief from the old oil-entitlements program.)	FEE-2727	Allocation exception (sec. 211.67).
Do.....	Taiga Energy, Inc., Denver, Colo. (If granted: The FEA's June 24, 1976, remedial order would be rescinded and Taiga would not be required to make refunds to the Permian Corp. and Mobil Oil.)	FEA-0886; FES-0886	Appeal of the FEA's remedial order dated June 24, 1976. Stay requested.
Do.....	United Refining Co., Warren, Pa. (If granted: United Refining Co.'s West Branch, Mich. refinery would be redesignated as a first priority refinery for purposes of the FEA Canadian crude oil allocation program.)	FEE-2735	Allocation exception (211.20).
July 14, 1976	Fuller, James B., Liberty, Tex. (If granted: Crude oil produced from the C. V. Collins lease would be sold at upper tier ceiling prices.)	FEE-2758	Price exception (sec. 212.74).
Do.....	Phillips Petroleum Co., Bartlesville, Okla. (If granted: Crude oil produced from the bitter lease would be sold at upper tier ceiling prices.)	FEE-2757	Do.
Do.....	The Superior Oil Co. (Rio Bravo) Houston, Tex. (If granted: The FEA's June 7, 1976, decision and order would be modified to permit Superior to pass through additional increased nonproduct costs incurred its Rio Bravo natural gas plant.)	FEA-0808	Appeal of the FEA's exception decision and order in Superior Oil Co., 3 FEA, par..... (June 7, 1976).
July 15, 1976	Diamond Shamrock Corp., Amarillo, Tex. (If granted: Diamond Shamrock Corp. would receive an exception from the provisions of sec. 212.83(c) (2).)	FEE-2761	Price exception (sec. 212.83(c)(2).
Do.....	Dillman Oil Recovery, Robinson, Ill. (If granted: Dillman Oil Recovery would receive an exception from the old oil entitlements program.)	FEE-2763	Allocation exception (sec. 211.67).
Do.....	Franwin Oil and Gas Co., Long Beach, Calif. (If granted: Crude oil produced from the Wilmington Field Fault block IV and V units would be sold at upper tier ceiling prices.)	FEE-2762	Price exception (sec. 212.74).
Do.....	Great Southern Oil and Gas Co., Inc., Lafayette, La. (If granted: Great Southern Oil and Gas Co., Inc. would receive an extension of the price relief granted in the FEA's Mar. 9, 1976, decision and order.)	FEE-2760	Extension of exception relief granted in Great Southern Oil and Gas Co., Inc., 3 FEA, par. 83,124 (Mar. 9, 1976).
Do.....	Gulf Oil Corp., Houston, Tex. (If granted: The Feb. 5, 1976, decision and order granting Gulf a stay of the provisions of a remedial order issued to the firm would be modified.)	FEX-0056	Supplemental to FEA's decision and order in Gulf Oil Corp., 3 FEA, par. 85,013 (Feb. 5, 1976).
Do.....	Upham Oil and Gas Co., Washington, D.C. (If granted: Upham Oil and Gas Co. would receive an extension of the price relief granted in the FEA's May 12, 1976 decision and order.)	FEE-2759	Extension of exception relief granted in Upham Oil and Gas Co., 3 FEA, par. 83,189 (May 12, 1976).
Do.....	Vaughey and Vaughey, Denver, Colo. (If granted: Crude oil produced from the Lowry bombing range field wells 13-25 and 5-25 would be sold at upper tier ceiling prices.)	FEE-2764	Price exception (sec. 212.74).
Do.....	William H. Player and Associates, Natchez, Miss. (If granted: The FEA's June 29, 1976 decision and order would be rescinded and the price relief previously granted to Player in the FEA's Apr. 9, 1976, decision and order would be extended for the life of the James-Bridwell V UA No. 1 well.)	FEA-0809	Appeal of the FEA's decision and order in William H. Player and Associates, 3 FEA, par. ..... (June 29, 1976).

[FR Doc.76-22588 Filed 7-30-76;1:38 pm]

FEDERAL MARITIME COMMISSION

BLACK BALL TRANSPORT, INC. ET AL.

Agreement Assignments

Notice of Assignment of Agreements Nos. T-40, as amended, and T-2906, as amended, filed by:

H. H. Wittren, Manager, Waterfront Real Estate, Port of Seattle, P.O. Box 1209, Seattle, Washington 98111.

Assignment of Agreements Nos. T-40, as amended, and T-2906, as amended, provides for the assignment by Black Ball Transport, Inc., (Black Ball) to Puget Sound Terminals, Inc., (Puget Sound), with the approval of the Port of Seattle (Port), of all its right, title, and interest in the following agreements: (1) Agreement No. T-40, as amended, between Port and Black Ball, approved by the Commission January 23, 1964, is a 20-year lease to Black Ball of Pier 30 for operation as a public terminal for loading and discharging of Black Ball's vessels; (2) Agreement No. T-2906, as amended, between Port and Black Ball, approved by the Commission April 24, 1974, is a month-to-month lease providing for the lease to Black Ball of a transit shed area at Pier 30, which is used for the storage of paper and related warehouse purposes. Black Ball will continue to occupy approximately 2,000 square feet of a building to be used as office space. Black Ball may terminate tenancy by giving 30 days' prior written notice to Puget Sound. As compensation, Black Ball shall pay Puget Sound $1,000 per month plus a percentage of the heat and utilities as set forth in the assignment of the agreements.

Interested parties may inspect and obtain a copy of the Notice of Assignment at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the assignment at the Field Offices located at New York, New York; New Orleans, Louisiana; San Francisco, California; and Old San Juan, Puerto Rico. Parties desiring to comment on this matter may file such comments with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before August 25, 1976.

A copy of any such statement should also be forwarded to the party filing the Notice of Assignment and the statement should indicate that this has been done.

By Order of the Federal Maritime Commission.

Dated: August 2, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-22801 Filed 8-4-76;8:45 am]

KNUTSEN LINE J/S

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before August 25, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Herbert Bals, President, Bakke Steamship Corporation, 650 California Street, San Francisco, California 94108.

Agreement No. 7623-6 amends Article 2(e) of the Knutsen Line joint service agreement by adding the following as a final paragraph thereto:

"This agreement also covers cargoes moving under intermodal conditions from, to or between inland points via ports within the scope of this agreement."

By order of the Federal Maritime Commission.

Dated: August 2, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-22798 Filed 8-4-76;8:45 am]

MOORE-McCORMACK LINES, INC. AND PRUDENTIAL LINES, INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763 (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., San Juan, Puerto Rico and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before August 10, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement shoud also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Hubert F. Carr, Vice President, Secretary and General Counsel, Moore-McCormack Lines, Incorporated, 2 Broadway, New York, New York 10004.

Agreement No. 9566-1, between Moore-McCormack Lines, Incorporated and Prudential Lines, Inc., modifies the basic agreement by extending for a further period the agency arrangements contained therein.

By Order of the Federal Maritime Commission.

Dated: August 2, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-22799 Filed 8-4-76;8:45 am]

NORTH ATLANTIC MEDITERRANEAN FREIGHT CONFERENCE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before August 25, 1976. Any person desiring a hearing on the proposed contract system shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the proposed contract form and the petition (as indicated hereinafter), and the statement should indicate that this has been done.

Notice of Agreement Filed by:

David C. Nolan, Esq., Graham & James, One Maritime Plaza, San Francisco, California 94111.

Agreement No. 5200-DR-4, among the member carriers of the above-named conference, extends the scope of the conference's standard dual rate contract agreement to apply to intermodal rates

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Stanley O. Sher, Esquire, Billig, Sher & Jones, P.C., Suite 300, 2033 K Street, NW., Washington, D.C. 20006.

Agreement No. 9548-13, among the member lines of the above named conference modifies the basic agreement by increasing the financial guarantee that must be furnished by each member of the conference from $25,000 to $50,000.

By Order of the Federal Maritime Commission.

Dated: August 2, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76 22800 Filed 8-4-76;8:45 am]

PACIFIC COAST EUROPEAN CONFERENCE

Petition Filed

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to Section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, (46 U.S.C. 813a)).

Interested parties may inspect a copy of the proposed contract form and of the petition at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126 or at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments with reference to the proposed contract form and the petition including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573, on or before August 25, 1976. Any person desiring a hearing on the proposed contract system shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the proposed contract form and the petition (as indicated hereinafter), and the statement should indicate that this has been done.

Notice of Agreement Filed by:

David C. Nolan, Esq., Graham & James, One Maritime Plaza, San Francisco, California 94111.

Agreement No. 5200-DR-4, among the member carriers of the above-named conference, extends the scope of the conference's standard dual rate contract agreement to apply to intermodal rates

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from port area points in the states of Washington, Oregon and California. Contract shippers will be bound to use conference vessels when carriers provide service between any two ports or between a port area point and a port within the scope of this agreement when such service constitutes a natural transportation route for the shipper.

By Order of the Federal Maritime Commission.

Dated: July 30, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-22797 Filed 8-4-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E-9408]

AMERICAN ELECTRIC POWER SERVICE CORP.

Order Granting Late Intervention

JULY 29, 1976.

By order issued May 30, 1975, the Commission accepted for filing and suspended the effectiveness of a proposed amendment to the July 6, 1951 Interconnection Agreement among Appalachian Power Company, Kentucky Power Company, Indiana and Michigan Electric Company, Ohio Power Company, and American Electric Power Service Corporation, their agent. The Commission further set the matter for hearing.

By letter dated June 25, 1976, a Petition of Intervention was filed on behalf of the Office of the Public Service Commission of Indiana. Good cause being shown, the Commission shall grant the Public Service Commission's notice of late intervention.

The Commission finds: It is desirable and in the public interest to allow the above-named petitioners to intervene.

The Commission orders: (A) The above-named petitioner is hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission: *Provided, however,* That participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene. *And Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22745 Filed 8-4-76;8:45 am]

[Docket No. RI75-132]

CABOT CORP.

Amended Petition for Special Relief

JULY 29, 1976.

Take notice that on July 22, 1976, Cabot Corporation (SW), P.O. Box 1101, Pampa, Texas 79065, filed a notice of rate change filing which in effect seeks to amend its petition for special relief filed April 24, 1975.[1] By this amendment Petitioner seeks a rate of 39.06 cents per Mcf rather than 55 cents per Mcf for a sale of natural gas to Panhandle Eastern Pipe Line Company under its FPC Gas Rate Schedule No. 47. Petitioner seeks the higher rate for gas from five wells in the Moncane-Laverne Gas Area, Oklahoma, in order to permit Cabot to perform the requisite remedial work which includes the installation of pumping units to remove the accumulation of salt water and condensate impeding the normal flow of gas.

Any person desiring to be heard or to make any protest with reference to said petition should on or before August 16, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22746 Filed 8-4-76;8:45 am]

[Docket No. RP76-13]

CITIES SERVICE GAS CO.

Further Extension of Time

JULY 29, 1976.

On July 11, 1976, Staff Counsel filed a motion to extend the procedural dates fixed by order issued October 22, 1975, as most recently modified by notice issued March 22, 1976, in the above-designated proceeding. The motion states that the interested parties do not oppose the requested extension.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, August 26, 1976.
Service of Intervenor Testimony, September 23, 1976.
Service of Company Rebuttal, October 21, 1976.
Hearing, November 9, 1976, (10 a.m., e.s.t.).

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22760 Filed 8-4-76;8:45 am]

[1] Notice issued on May 6, 1976.

[Docket No. CP76-452]

COMPANIA DE GAS DE NUEVO LAREDO, S.A. COMPLAINANT V. ENTEX, INC. DEFENDANT

Complaint

JULY 29, 1976.

Take notice that on July 22, 1976, Compania de Gas de Nuevo Laredo, S.A. (Complainant), Nuevo Laredo, Tamaulipas, Republic of Mexico, filed in Docket No. CP76-452 a complaint against Entex, Inc. (Defendant), PO Box 471, New Braunfels, Texas 78130, alleging that Defendant has threatened to terminate the sale and delivery of gas to the City of Nuevo Laredo over a contract price dispute and that such termination will result in irreparable harm and injury. Complainant seeks an order from the Federal Power Commission prohibiting Defendant from terminating the sale and delivery of natural gas to Complainant. Complainant requests that the Commission determine the approved rate at which Defendant may sell gas to Complainant and prays for such other and further relief to which it may be entitled, all as more fully set forth in the complaint which is on file with the Commission and open to public inspection.

Complainant states the Defendant is the sole supplier of natural gas to the City of Nuevo Laredo.[1] Complainant states that it entered into a contract with Defendant's predecessor in interest, United Gas Corporation, on May 26, 1944, for the sale of gas to Complainant. The Complainant states that said contract was subsequently amended on January 21, 1949, December 12, 1949, June 22, 1954, March 18, 1957, November 17, 1959, May 4, 1967, August 1, 1968 and November 13, 1972. Complainant avers that it knows of no authority by which Defendant can modify the contract approved in 1944 in Docket No. G-103 or by which Defendant can terminate the sale and delivery of gas to Complainant. Complainant states that it knows of no exception under Parts 152 and 153 of the Regulations under the Natural Gas Act applicable to Defendant's sale of gas to Complainant.

Complainant states that on May 19, 1976, Defendant notified Complainant that unless it paid $597,436.09 on or before June 30, 1976, Defendant would terminate its sale and delivery of gas at 9:00 a.m. July 1, 1976. Complainant denies owing said sum.

Complainant indicates that it has instituted legal action against Defendant in federal court. A copy of Complainant's petition filed with the United States Court of Appeals for the Fifth Circuit is attached as an exhibit to the complaint.[2]

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before August 16, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22748 Filed 8-4-76;8:45 am]

[1] By orders issued September 10, 1940, 2 FPC 803, and January 26, 1945, 4 FPC 840, in Docket No. G-103, United Gas Corporation was authorized to sell gas for export, at or near the international boundary near Laredo, Texas, to Compania de Gas de Nuevo Laredo, S.A. (CGNL) for resale by CGNL in the City of Nuevo Laredo, Tamaulipas, Republic of Mexico. Entex, Inc. has succeeded to United Gas Corporation and is currently authorized to export gas to the City of Nuevo Laredo pursuant to section 3 of the Natural Gas Act.

[2] The complaint states that on June 30, 1976, Complainant filed a class action against Defendant in the United States District Court for the Southern District of Texas Laredo Division; on July 9, 1976, said court denied its application for preliminary injunction; on July 11, 1976, Complainant gave notice of appeal; and on July 12, 1976, Complainant filed its petition for injunction pending appeal with the United States Court of Appeals for the Fifth Circuit.

[Docket Nos. CP75-96,etc.]

EL PASO ALASKA CO. ET AL.

Further Order Following Consolidation of Proceedings

JULY 29, 1976.

El Paso Alaska Company, Docket No. CP75-96; Western LNG Terminal Company, Docket No. CP75-83-1; Alaskan Arctic Gas Pipeine Company, Docket Nos. CP74-239, CP74-240; Pacific Gas Transmission Company, Docket Nos. CP 74-241, CP74-242, CP71-182; Northern Border Pipeline Company, Docket Nos. CP 74-290, CP74-291; Alcan Pipeline Company, Docket Nos. CP76-433, CP76-434; Northwest Pipeline Corporation, Docket Nos. CP76-435, CP76-436, CP76-437.

On July 23, 1976, the Commission issued an order granting a motion to consolidate for hearing and decision the related applications of Alcan Pipeline Company (Alcan) in Docket Nos. CP76-433 and CP76-434 and Northwest Pipeline Corporation in Docket Nos. CP76-435, CP76-436 and CP76-437 with the previously consolidated applications in El Paso Alaska Company, et al., Docket Nos. CP75-96, et al. This newly expanded comparative hearing in CP75-96, et al., is part of an adjudication to possibly certificate one of three proposed Alaskan gas transportation systems which may be mutually exclusive.

In this consolidation order of July 23, 1976, the Commission deferred to a subsequent order several subsidiary questions raised by consolidation. The instant order takes up these deferred issues. We shall hereinafter consider them *seriatim:*

(1) The public interest has required our swift consideration of the consolidation issue before a finding could be made as to the sufficiency of Alcan's and Northwest's applications. In light of the size of their filings we are still unable to complete our standard detailed analysis at this juncture. Although we cannot now determine whether these filings are sufficient in their totality, our preliminary analysis does permit us to conclude that Alcan and Northwest have at least presented all of the exhibits required by § 157.14 of our Regulations under the Natural Gas Act. In that Alcan's and Northwest's applications have been consolidated into an ongoing hearing and their evidence should start to be subjected to cross-examination and rebuttal evidence in the very near future, it is unnecessary to delay the hearing until the Commission can finally resolve whether the filings comply with our filing regulations. In other words the unique posture of this comparative hearing vitiates the need for such a Commission finding for any conceivable deficiencies should be brought to light and cured imminently by prehearing evidentiary procedures (deficiency requests, requests for work papers, and requests for studies, all made upon Alcan and Northwest by the other parties as they prepare their rebuttal evidence and cross-examination), as well as during the hearing itself.

(2) Essential to our timely and yet comprehensive resolution of this Alaskan gas transportation proceeding is our formulation of the proper procedures for preparing and presenting into evidence the environmental assessment of the Alcan-Northwest project within the truncated time frame of this proceeding and consistent with the dictates of the National Environmental Policy Act (NEPA).[1] The NEPA dilemma facing the Commission is unique: Already admitted into evidence and subjected to cross-examination and rebuttal are draft and final environmental impact statements (EIS) prepared by Commission Environmental Staff with particular emphasis on the proposed system of the El Paso Alaska Company and related companies (El Paso), as well as draft and final environmental impact statements prepared by the Department of the Interior with particular emphasis upon the proposed system of the Alaskan Arctic Gas Pipeline Company (Alaskan Arctic) group. Both sets of EIS's analyzed to some extent a Fairbanks-Alcan Highway alternate route, and Alcan and Northwest alleged in their motion to consolidate that they utilized this Fairbanks-Alcan alternative in large part in aligning their route. We must now decide what additional environmental preparation should be made by Staff.

Of great assistance in resolving this NEPA dilemma is the July 19, 1976, discussion of the parties on the record (Vol. 185) which Administrative Law Judge Nahum Litt certified to us on July 20, 1976. Review of this certified portion of the record reveals the following environmental suggestions by the parties. Staff contends that there are differences between the Alcan-Northwest proposal and the Fairbanks-Alcan alternative so as to necessitate its preparation of a supplemental final EIS on the Alcan-Northwest route, and it outlines procedures to accomplish this, assuming the need for a final Commission order in this proceeding by March 1, 1977: (1) The Commission would have to waive its regulation requiring a draft EIS because to follow the standard draft EIS—comments—final EIS procedure would take at least six months. (2) The Council on Environmental Quality (CEQ) should also be approached for a waiver of its draft EIS guidelines. (3) Notice should be placed in the FEDERAL REGISTER soliciting comments and views within 45 days of other Federal agencies and the public-at-large on the Alcan-Northwest proposal. (4) Meanwhile Commission environmental Staff, with the assistance of Interior Department personnel on loan, can proceed with the preparation of the final EIS, and after the comments have been received and digested the final EIS can be issued. Staff states that, if ordered, it could finish the final EIS between September 15 and October 1, 1976. (5) The parties would then be given one or two weeks to prepare for cross-examination of the Staff members responsible for the final EIS. While Staff feels that the final EIS will not be as detailed as those already in the record, it views this cross-examination as providing additional specificity. (6) Finally, the parties would be given another two weeks to prepare rebuttal environmental evidence. In the interim the remainder of the hearing could be concluded so that the record could be closed by November, permitting the Administrative Law Judge to issue his initial decision by December 1976.

The Conservation Intervenors concur with Staff that a supplemental final EIS is required, that the draft EIS can be eliminated if the parties and the public have an opportunity to comment, and that CEQ should be contacted.

Alaskan Arctic and El Paso, on the other hand, would interpret recent Supreme Court decisions construing Section 102(2)(c) of NEPA[2] as alleviating the need for a final supplemental EIS at the hearing stage and permitting the Commission to issue the final EIS on the Alcan-Northwest route when it issues its final decision in this proceeding. Staff opposes this approach. Alaskan Arctic and El Paso moreover contest the need to approach CEQ with a waiver of Commission NEPA regulations in light of the

[1] 42 U.S.C. 4321, et seq., and in particular section 102(2)(c) of NEPA, 42 U.S.C. 4332 (2)(c).

[2] Aberdeen and Rockfish Railroad Co., et al. v. Students Challenging Regulatory Agency Procedures, et al., 43 U.S.L.W. 4844 (U.S. June 24, 1975) (SCRAP II); and Kleppe, et al. v. Sierra Club, et al., 44 U.S.L.W. 5104 (U.S. June 28, 1976).

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public interest in resolving this case as soon as possible. They further attack the need for Staff to present a final EIS at hearing by asserting that the record is already adequate for assessing the environmental impact of the Alcan-Northwest proposal, but they do concede that all parties should have an opportunity to introduce any environmental evidence within reason and be allowed cross-examination.

Alcan and Northwest do not advance any specific environmental procedures, but they do stress the necessity under NEPA of permitting all parties, the general public and other Federal agencies a full opportunity to be heard on the environmental aspects of their proposal relative to the other proposals. They also refer to pending Congressional legislation[3] which would authorize the Commission more latitude in complying with NEPA.

The Commission is faced with an anomalous statutory and administrative matrix. On the one hand it appears from this interlocutory perspective, without deciding, that our standard environmental impact statement procedures[4] have been followed in this proceeding to date. Even though the Administrative Law Judge has had to prescribe expedited schedules in order to meet the projected completion date for his initial decision, neither he nor Staff have sacrificed a thorough environmental evidentiary presentation. On the other hand it is clear that the public interest will suffer from additional delay.

In light of this need for expedition one possible avenue for rapidly completing the environmental record as to the Alcan-Northwest proposal is that suggested by Alaskan Arctic and El Paso; that is, all parties would introduce environmental evidence in less than EIS form, and the Commission would prepare the final supplemental EIS to accompany its final order. We do not, however, subscribe to this procedure. To begin with we are reluctant to diverge from our EIS regulations, *supra* note 4, to the extent recommended by Alaskan Arctic and El Paso because their cited legal authority, Scrap II and Kleppe, *supra* note 2, is too easily distinguished in light of the significant differences between the ICC and Interior Department proceedings at issue therein and the instant comparative proceeding to possibly certificate one of three natural gas transportation systems. Furthermore, their suggestion is impracticable since it appears that Staff will need almost as much time to prepare environmental evidence in a non-EIS form. In light of the compelling relevance of environmental evidence in this of all Commission proceedings (for example the delicate ecosystem of the North Slope), a supplemental final EIS relating to the specifics of the Alcan-Northwest proposal should be in the record during the hearing to permit responsive evidence from all parties.

Although we are convinced that a final supplemental EIS should be introduced and subjected to cross-examination and rebuttal evidence, we must truncate our standards procedures, *supra* note 4, because of the unique facts involved and the compelling need for rapid completion of this proceeding. In a different area of our jurisdiction under the Natural Gas Act, that being curtailment, the Courts have recognized that the Commission has some degree of flexibility in complying with NEPA when that statute conflicts with the Natural Gas Act.[5] In dealing with both a different agency, the Department of Housing and Urban Development, and a different statute, the Interstate Land Sales Full Disclosure Act, 15 U.S.C. 1701 *et seq.*, the Supreme Court recently found a "statutory conflict" which obviated the need for any EIS.[6] We are not going to completely bypass section 102(2)(c) of NEPA as in *Flint Ridge* but instead will modify our existing procedures as little as possible.

The modified environmental procedure which we will delineate hereinafter is consistent with the requirements of NEPA. To the extent, however, that additional legal rationale might be required, we find that an actual "statutory conflict" exists justifying these efforts to expedite completion of the hearing. The potential natural gas reserves in the Prudhoe Bay field, the actual level of gas curtailment and shortage in the lower 48 states, and the administratively noticed level of inflation all compel the Commission to complete this proceeding as soon as possible in order to best protect the public interest. We note in addition a potential "statutory conflict" in that strict adherence to our environmental procedures, *supra* note 4, would almost certainly, as Staff stated, delay completion of the hearing to the extent that the Commission could not comply with section 5(c) of the Alaska Natural Gas Transportation Act, *supra* note 3, which would require the Commission to transmit its recommendation concerning this proceeding to the President by March 1, 1977. This has been passed by the full Senate and is currently being considered by the House of Representatives, along with a number of other legislative proposals. While S. 3521 is not the law of the land, it is a fact of life which the Commission cannot ignore. We do not, however, base our instant decision upon such pending legislation.

In light of the foregoing we direct the Administrative Law Judge to supervise the following procedures needed to complete the environmental portion of the record:

(a) We direct the Secretary to immediately notice in the Federal Register a request to all parties, the general public, and other Federal agencies to submit to Commission environmental Staff within 30 days their comments and views concerning the Alcan-Northwest proposal. Commission Staff should moreover provide immediate actual notice to those other Federal agencies and other parties from which comments were received in preparing the EISs on El Paso's and Alaskan Arctic's projects. All responses received by Staff shall be attached to its final supplemental EIS.

(b) Commission environmental Staff shall immediately commence its review of Alcan's and Northwest's applications and collection of all other necessary data. In this latter regard Alcan and Northwest shall make every effort necessary to quickly answer Staff's data requests. Staff should continue its preparation of a final supplemental EIS during the comment period provided above, and upon receipt of such comments and views it should then complete and serve the final EIS by September 23, 1976. It is understood that this truncated schedule will strain Staff's resources, and therefore content in the EIS should be emphasized at the expense of form.

(c) The parties shall thereafter have an opportunity to analyze this final supplemental EIS so as to prepare rebuttal evidence and cross-examination of the Staff witnesses responsible for the EIS. This cross-examination shall begin on October 12, 1976, and rebuttal evidence shall also be filed on that date. We anticipate that this cross-examination will refine the EIS and add to its evidentiary value.

(d) When the final suplemental EIS is served on September 23, 1976, the Secretary shall have placed in the FEDERAL REGISTER notice requesting from the general public and other Federal agencies their comments on this EIS within three weeks. Although Staff's EIS will not be amended as a result of these comments, Staff shall immediately introduce them into the record, and the parties can consider them in pursuing their cross-examination of Staff environmental witnesses.

(e) We expressly waive Sections 2.80 and 2.82 of our General Policy and Interpretations in order to accomplish the aforementioned procedures.

(f) We direct our General Counsel or his designee upon issuance of this order to apprise the Council on Environmental Quality of these procedures and to seek for the Commission the Council's opinion of such procedures in the context of CP 75–96, et al.

(3.) At this point we refrain from further circumscribing the procedural scope of this proceeding. Administrative Law Judge Litt has demonstrated through his reports to the Commission and the prog-

[3] S. 3521, 94th Cong., 2d Sess., 122 Cong. Rec. 11356 (July 1, 1976).

[4] Sections 2.80 and 2.82 of the Commission's General Policy and Interpretations.

[5] American Smelting and Refining Company v. FPC, 494 F. 2d 925 (D.C. Cir. 1974); State of Louisiana v. FPC, 503 F. 2d 844 (5th Cir. 1974); and Consolidated Edison Company v. FPC, 512 F. 2d 1332 (D.C. Cir. 1975). (Where the Commission finds that there is a "statutory conflict" between NEPA and its duties under the Natural Gas Act to act in a gas emergency, it can prescribe an interim curtailment plan for a jurisdictional interstate pipeline without having completed NEPA review, so long as the subsequent permanent curtailment plan contains the requisite NEPA review).

[6] Flint Ridge Development Company v. The Scenic Rivers Association of Oklahoma, et al., 44 U.S.L.W. 4954 (U.S. June 24, 1976).

ress of the hearing that he both understands the need for expedition and can accomplish such expedition. Accordingly, we do not at this time prescribe a date for the issuance of the initial decision; however, depending on when the initial decision is issued we might have to shorten or otherwise modify the briefing process to the Commission under our rules of practice and procedure, § 1.31.

(4) Other matters have been raised in these proceedings which demand prompt Commission attention, and we deem it prudent to treat them as well in the instant order. By notice issued June 29, 1976, our Secretary advised the public of our intention to conduct, on or about August 1, 1976, a site inspection within the State of Alaska relating to the various gas transmission projects at issue in Docket Nos. CP75–96, et al. A second notice, issued July 16, 1976, referred to the Presiding Administrative Law Judge for disposition a suggestion by the State of Alaska that he accompany us on the announced inspection trip to Alaska. In filings of July 16 and July 19, 1976, respectively, Alcan and El Paso Alaska seek to have us expand or elaborate upon the scope of our inspection trip in other respects.

Alcan speaks to our itinerary for the trip and requests that we include a survey of the route and facilities which Alcan proposes in its applications. El Paso Alaska, by contrast, speaks to the personnel to be included on the trip. As recited in the notice of June 29, 1976, our original intent was to undertake this trip unaccompanied and unassisted by any representative of any party to the proceedings at Docket Nos. CP75–96, et al. While fully endorsing the trip in principle, El Paso Alaska views this condition thereof as improper. Premised upon the belief that an inspection trip of this nature constitutes the taking of evidence, El Paso Alaska asserts that due process will be violated unless principal parties[7] are permitted to accompany the Commission through Alaska in order to view what the Commission views and so confront the evidence. El Paso Alaska proposes no dialogue between the Commission and the parties during the trip itself, but instead suggests that upon its return the Commission issue a report in which it sets forth observations and perceptions made in the course of the trip. That report, continues El Paso Alaska, would become a part of the record in Docket Nos. CP75–96, et al., as would any responsive observations which a party, having taken the same inspection trip, might wish to offer.

Alcan's request has obvious merit, especially in light of our decision to consolidate its applications with those of El Paso Alaska and Alaskan Arctic. It will be noted that the itinerary which we have adopted and have had transcribed into the record (Tr. 32,501–32,503) provides for the inspection of significant portions of the Alcan route. The thrust of El Paso Alaska's request is likewise compelling, and, accordingly, we shall modify the notice of June 29, 1976 to permit the participation of key parties in this inspection trip. To this end, we take notice of the discussion on the record of July 29, 1976, in this proceeding and endorse the proposed arrangements whereby the Presiding Judge and representatives of Staff, the Conservation Intervenors, the State of Alaska, and each of the applicants will accompany the Commission on this endeavor, following which the Presiding Judge shall prepare a report and place it into evidence. These arrangements have the apparent support of all parties, and, to the extent that these arrangements diverge from those contemplated in El Paso Alaska's motion, we deem said motion withdrawn.

(5) By motion filed July 28, 1976, Alcan further suggests that, subsequent to the completion of its Alaskan trip, the Commission embark upon an inspection trip of the Canadian segments of Alcan's proposed gas transportation project and that proposed by Alaskan Arctic. We shall defer disposition of this motion until our return from Alaska, at which time we expect to be better able to assess the value and advisability of short term site inspections in the context of these proceedings. Our time and resources are not unlimited and we are concerned with making optimal use of both, consistent with due process. Moreover, we are mindful that a Canadian inspection trip will necessarily involve Canadian governmental authorities, whose consent and guidance must be solicited and obtained prior to the finalization of any arrangements.

(6) Finally, we note that petitions or notices to intervene out of time in Docket Nos. CP76–433, et al. have been received from Phillips Petroleum Company, San Diego Gas & Electric Company, Algonquin Gas Transmission Company, the Michigan Public Service Commission, the Idaho Public Utilities Commission, the Public Service Commission of Nevada, the People of California, and the Public Utilities Commission of the State of California, and (jointly) the Public Service Company of Colorado, Western Slope Gas Company, and Cheyenne Light, Fuel and Power Company. These petitions will be hereinafter granted. Furthermore, in order to forestall unnecessary paperwork, we find that any party granted intervention in Docket Nos. CP75–96, et al. prior to consolidation thereof with Docket Nos. CP76–433, et al. should be accorded intervenor status in the latter dockets as well.

The Commission finds and orders: (A) The Commission finds that it is neither possible nor necessary to rule upon the sufficiency of Alcan's and Northwest's several applications in light of the unique procedural posture of this consolidated proceeding.

(B) The parties are directed to comply with the evidentiary schedule prescribed herein for completion of the environmental record.

(C) The notice of proposed inspection trip issued June 29, 1976 in these proceedings should be and is hereby amended in a manner consistent with this order.

(D) Alcan's July 28, 1976, motion requesting the Commission to inspect routes and facilities within Canada is deferred until further notice.

(E) The petitioners named on page 9 of this order are permitted to intervene, subject to the Rules of the Commission provided that the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in their petitions to intervene, and that the admission of such intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order issued by the Commission in this proceeding.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22747 Filed 8-4-76;8:45 am]

[7] According to El Paso Alaska, "principal parties" would include, at the very least, the applicants, Staff, the Conservation Intervenors, and the State of Alaska.

[Docket Nos. RP72-155 and RP75-30 (PGA76-1)]

EL PASO NATURAL GAS CO.

Further Extension of Time

JULY 29, 1976.

On July 12, 1976, Staff Counsel filed a motion to extend the procedural dates fixed by order issued September 30, 1975, as most recently modified by notice issued June 25, 1976, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff and Intervenor Testimony, August 20, 1976.
Service of Company Rebuttal, September 3, 1976.
Hearing, September 21, 1976 (10 a.m., e.d.t.).

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22761 Filed 8-4-76;8:45 am]

[Docket No. ER76-211]

FLORIDA POWER & LIGHT CO.

Settlement Conference

JULY 26, 1976.

Take notice that on August 5, 1976, a conference of all parties to intervene in these proceedings, Florida Power & Light Company, and the Commission Staff will be held in the Commission's Conference Room No. 8402, at 825 North Capitol Street, NE., Washington, D.C., at 10:00 a.m.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, attendance at the confer-

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ence will not be deemed to authorize intervention as a party in the proceedings.

All parties will be expected to come fully prepared to discuss the merits of all issues concerning the lawfulness of the proposed rate increase and any procedural matters preparatory to a full evidentiary hearing or to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22758 Filed 8-4-76;8:45 am]

[Docket No. RI76-137]

JACK M. WOLFE

Application for Special Relief

JULY 29, 1976.

Take notice that on July 15, 1976, Jack M. Wolfe (Applicant), Route 1, Box 90, Concepcion, Texas 78349, filed in Docket No. RI76-137 an application for special relief pursuant to § 2.76 of the Commission's General Policy and Interpretations. Applicants seek a rate of $1.95 per Mcf for the sale of natural gas to Valley Gas Transmission, Inc. from certain properties located in Duval County, Texas. Applicants assert that without a substantial price increase they will be unable to recover remaining reserves, including costs of additional equipment required, thereby making abandonment of the properties imminent.

Any person desiring to be heard or to make any protest with reference to said petition should on or before August 16, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22749 Filed 8-4-76;8:45 am]

[Docket No. CP76-424]

KENTUCKY WEST VIRGINIA GAS CO.

Petition for Declaratory Order

JULY 28, 1976.

Take notice that on June 30, 1976, Kentucky West Virginia Gas Company (Petitioner), Second National Bank Building, Ashland, Kentucky 41101, filed in Docket No. CP76-424 a petition pursuant to section 16 of the Natural Gas Act and § 1.7(c) of the Commission's rules of practice and procedure (18 CFR 157.7(c)) for a declaratory order to remove the uncertainty of whether or not certain sales of natural gas which the Kentucky Public Service Commission (Kentucky Commission), pursuant to Kentucky Revised Statute 278.485, has ordered to be made by Petitioner are subject to the regulatory jurisdiction of the Federal Power Commission under the terms of the Natural Gas Act, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Petitioner asserts that it is a West Virginia corporation engaged in the business of producing natural gas and purchasing natural gas from independent producers, transporting it through pipelines and selling it to distributors and pipeline companies for resale and to one industrial customer for its own use. Further it is said that all of Petitioner's facilities are located in Kentucky and that Petitioner transports and sells all the natural gas available to it in Kentucky. Petitioner asserts that it is a "natural-gas company" within the meaning of the Natural Gas Act, and has been granted a "grandfather" certificate of public convenience and necessity by the Commission in Docket No. G-272.

Petitioner states that as of December 31, 1975, it owned and operated 2,567 gas wells, 1,892.7 miles of pipeline, and five compressor and ten booster stations all located in Kentucky, and of Petitioner's annual gas supply for the year ending December 31, 1975, approximately 91 percent was acquired from its own wells with the remaining 9 percent being acquired from independent producers under authorization from the Commission all of whom, except one located in Virginia, are located in Kentucky.

The petition indicates that for the year ending December 31, 1975, Petitioner sold and delivered 25,371,906 Mcf of gas of which amount 22,712,675 Mcf, or 92 percent, were delivered to Equitable Gas Company (Equitable) for resale in Pennsylvania and West Virginia in the amount of 17,958,444 Mcf and Columbia Gas Transmission Corporation (Columbia Gas) for resale in the amount of 4,754,231 Mcf. Petitioner states that these sales were authorized by the Commission in Docket No. CP68-81. Petitioner states that another 2,035,672 Mcf of gas, or 8 percent, was sold in varying amounts to customers in Kentucky and that most of these services are authorized under Petitioner's "grandfather" certificate. Additionally, it is indicated that Petitioner has secured additional certificates from the Commission covering the interim period from January 4, 1944, to the present.

It is indicated that service to Allen, Kentucky (now operated by Ohio-Kentucky Utilities, Inc.) commenced on or about October 15, 1945, from Petitioner's transmission line No. 1, a facility authorized in Docket No. G-272 and that whether or not this service was covered in Docket No. G-272 is difficult to determine. Petitioner states that the Kentucky Commission ordered an increase in the volume to be delivered for Allen in 1952 and that Petitioner has filed an application to continue said service as ordered by the Commission in Docket No. RP 76-93 on May 28, 1976.

It is further indicated that service for Right Fork of Middle Creek, Floyd County, Kentucky (now operated by Ohio-Kentucky Utilities, Inc.) commenced on or about November 9, 1965, not as firm service but as supplemental gas and that such service is now firm. Petitioner states that this gas is gathered from the wells and transported through various lines to Dwale, Kentucky, where the larger part of the stream is delivered to Columbia Gas for resale in interstate commerce or to Columbia Gas for the account of Equitable for resale in interstate commerce. It is asserted that an application to continue this service as required by the order of May 28, 1976, in Docket No. RP76-93 has been filed.

Additionally, it is indicated that service for Staffordsville, Kentucky (Mountain Utilities, Inc.) commenced on or about December 1958 as supplemental gas service to Shale Gas Company and also from Petitioner's transmission line No. 1 and that this is no longer supplemental service, but firm service. It is said that the source of this gas is downstream of the Dwale compressor and that the larger volumes goes not Columbia Gas with the remainder to Allen and Staffordsville. It is asserted that an application to continue this service as required by Commission order of May 28, 1976, in Docket No. CP76-93 has been filed.

Petitioner states that the confusion regarding the jurisdiction over these sales resulted from the decision of the Commission in Hazard Gas Company, Docket No. G-13561 wherein, it is stated, the Commission disclaimed jurisdiction. It is asserted that only when circumstances again permitted did Petitioner again present the question to the Commission in Docket No. CP75-288 and that recognizing changes in the law since the prior Hazard decision, the Commission found jurisdiction in Docket No. CP75-288. Additionally, it is stated, the Commission affirmed its jurisdiction over all the sales of Petitioner by its order issued May 28, 1976, in Docket No. RP76-93.

Petitioner states that as of the date of the order in Docket No. G-272 and continuing to the present, all of the gas, except for a few wells connected directly to the Paintsville distribution system, produced and purchased by Petitioner as well as all the gas sold by Petitioner leaves the wellhead in a commingled stream with gas ultimately delivered to Equitable for resale in Pennsylvania and West Virginia and Columbia Gas for resale in other states. Further, Petitioner states that there is no instance where all of the production from any well is produced, transported, and sold wholly in Kentucky, and additionally, the gas produced in Kentucky is supplemented by gas produced in Virginia and purchased at the Kentucky-Virginia state line.

Petitioner indicates that the volumes of gas that it has been delivering to Equitable are far below Equitable's authorized volumes in Docket No. CP68-81, and that Equitable began to experience and is still experiencing substantial

curtailments of its gas supply from Texas Eastern Transmission Corporation and Tennessee Gas Pipeline Company, a Division of Tenneco Inc., its main suppliers in its Pennsylvania and West Virginia service areas. As a result, it is said, Equitable has requested Petitioner to make available to it for its Pennsylvania and West Virginia market areas all the gas it has available up to the volume authorized in Docket No. CP68-81. As a further result, Petitioner states, it announced by advertisement in various local newspapers in its service area that it would no longer supply natural gas for new residential customers including those qualifying under Kentucky Revised Statute 278.85, effective as of January 1, 1973, and states further that it had previously announced in May 1972 that it would no longer supply gas for new or additions to existing commercial and industrial customers.

It is stated that on March 7, 1973, the Kentucky Commission ordered Petitioner to make available volumes of gas for all present applications and future applicants who qualify for gas service under Kentucky Revised Statute 278.485. Petitioner states that this order, with penalties, was upheld on appeal to the Circuit Court of Franklin County, Kentucky, and that the penalties as of the date of the subject petition approximate $102,000,000.

Petitioner states that it was its purpose and intention during hearings before the Kentucky Commission to make clear that, among other things, there were in existence valid and subsisting orders of the Federal Power Commission authorizing sales of gas in volumes in excess of the supply of gas currently available to Petitioner, and that consistent with that showing, it is stated, Petitioner pointed out to the Kentucky Commission that it should not, without more, order Petitioner to serve new customers in that Petitioner would be faced with conflicting orders and requirements of two regulatory agencies and, obviously, it could not at the same time comply with both. Petitioner states that notwithstanding this, it now finds itself facing substantial inroads in its limited gas supply to its existing customers and facing penalties beyond its financial means if it does not satisfy the demands of the order of the Kentucky Commission. Accordingly, Petitioner requests the subject declaratory order.

Any person desiring to be heard or to make any protest with reference to said petition should on or before August 19, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22759 Filed 8-4-76;8:45 am]

[Docket No. ER76-740]

NEVADA POWER CO.

Tender of Supplemental Data

JULY 29, 1976.

Take notice that on July 22, 1976, Nevada Power Company tendered supplemental data intended to make complete its original tender of June 10, 1976, in the above captioned docket. This action is in response to a deficiency letter issued by the Secretary of the Federal Power Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 16, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-22750 Filed 8-4-76;8:45 am]

[Docket No. ER76-735]

NEVADA POWER CO.

Tender of Supplemental Data

JULY 29, 1976.

Take notice that on July 22, 1976, Nevada Power Company tendered supplemental data intended to make complete its original tender of June 9, 1976, in the above captioned docket. This action is in response to a deficiency letter issued by the Secretary of the Federal Power Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 16, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22751 Filed 8-4-76;8:45 am]

[Docket No. RP72-154, (PGA76-4)]

NORTHWEST PIPELINE CORP.

Change in Rates Pursuant to Purchased Gas Costs Adjustment

JULY 29, 1976.

Take notice that Northwest Pipeline Corporation, on July 9, 1976, tendered for filing and acceptance a notice of change in rates applicable to service rendered under rate schedules affected by and subject to the Purchased Gas Cost Adjustment Provision ("PGAC"), as contained in its FPC Gas Tariff, Original Volume No. 1. The proposed change in rates would increase revenues from jurisdictional sales and service by $54,169,835 based on the 12-month period ending December 31, 1975.

According to Northwest, such change in rates is occasioned by a substantial increase in the cost of Canadian gas purchased by Northwest from its Canadian pipeline supplier, Westcoast Transmission Company, Limited ("Westcoast"), in compliance with the Canadian Government's decision to increase the border export price to $1.80 per MMBtu (Canadian), effective September 10, 1976. Northwest obtains approximately two-thirds of its total gas supply from Westcoast. A border export price of $1.80 will result in an annualized increase in Northwest's purchased gas cost expense amounting to $54,896,688, which equates to an increase of 1.328¢ per therm above the currently effective rates. While this tariff filing covers only the effect of the Canadian price increase to $1.80 per MMBtu (Canadian) on September 10, 1976, Northwest will make an appropriate tariff filing later to cover the Canadian price increase to $1.94 per MMBtu (Canadian), effective January 1, 1977. Northwest estimates that the January 1, 1977 price increase will result in increased gas purchased costs of approximately $38.6 million so that the total of the September 10, 1976 and January 1, 1977 increases is estimated to be $93.5 million.

Although Northwest's PGAC provides for the tracking of changes in the cost of purchased gas each six months, Northwest emphasizes that the magnitude of the increase in Northwest's purchased gas cost expense requires immediate rate relief on a firm basis concurrently with the effective date of the increased export price. Northwest respectfully requests that waiver be granted of Northwest's PGAC and applicable Commission Regulations, as necessary, so as to permit acceptance and effectiveness of the tendered change in rates on September 10, 1976.

Copies of this filing have been served upon Northwest's jurisdictional customers and affected state commissions.

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Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 9, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22762 Filed 8-4-76;8:45 am]

[Docket No. ER76-83]

OHIO POWER CO.

Modification of Procedural Schedule

JULY 29, 1976.

On June 25, 1976, Commission Staff Counsel filed a motion to modify the procedural schedule fixed by order dated November 14, 1975 in the above-designated proceeding. The motion states that none of the parties object to the proposed schedule.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff's Top Sheets, July 20, 1976.
Informal Settlement Conference, August 10, 1976.

All other procedural dates are deferred pending further action of the Commission.

By Direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22763 Filed 8-4-76;8:45 am]

[Docket No. RI76-136]

PETROLEUM CORPORATION OF TEXAS

Petition for Special Relief

JULY 29, 1976.

Take notice that on July 6, 1976, Petroleum Corporation of Texas (Petitioner), P.O. Box 911, Breckenridge, Texas 76024, filed a petition for special relief in Docket No. RI76-136, pursuant to Order No. 481. Petitioner seeks a price increase up to 67 cents per Mcf for the sale of gas to Northern Natural Gas Company. The price increase is in consideration for the installation on compression facilities to serve both the Thonoff "A" and "C" units, Meade County, Kansas.

Any person desiring to be heard or to make any protest with reference to said petition should on or before August 19, 1976 file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22764 Filed 8-4-76;8:45 am]

[Docket No. ER76-791]

PUBLIC SERVICE COMPANY OF INDIANA, INC.

Agreement

JULY 29, 1976.

Take notice that on July 16, 1976, Public Service Company of Indiana, Inc. (PSI) tendered for filing an agreement dated January 1, 1976 between it and Warren County Rural Electric Membership Corporation (Warren). This agreement is the second supplement to a contract dated December 1, 1973 between these parties, designated as PSI's FPC Electric Tariff Original Volume No. 2. This supplement provides for addition of reference to a new delivery point, the Marshfield delivery point, and deletion to the termination or at the Covington delivery point.

PSI states it will notify the Commission when delivery is commenced at the Marshfield point.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 12, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22765 Filed 8-4-76;8:45 am]

[Docket No. ID-1796]

RICHARD C. MENGE

Application

JULY 29, 1976.

Take notice that on July 6, 1976, Richard C. Menge (Applicant) filed an application with the Federal Power Commission. Pursuant to section 305(b) of the Federal Power Act. Applicant seeks authority to hold the following position:

Director, Indiana-Kentucky Electric Corporation, Electric Utility.

Indiana-Kentucky Electric Corporation (IKEC), a wholly owned subsidiary of Ohio Valley Electric Corporation (OVEC), was organized in 1952. The two companies were formed by 15 investor-owned utilities furnishing electric service in the Ohio River Valley area, for the purpose of providing the large electric power requirements projected for the major gaseous diffusion complex being built by the then Atomic Energy Commission (AEC) now the Energy Research and Development Administration (ERDA) near Portsmouth, Ohio.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 23, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22766 Filed 8-4-76;8:45 am]

[Docket Nos. RP74-6, RP72-74]

SOUTHERN NATURAL GAS CO.

Proposed Changes in FPC Gas Tariff

JULY 29, 1976.

Take notice that Southern Natural Gas Company (Southern), on July 3, 1976, on tendered for filing proposed changes in its FPC Gas Tariff, Sixth Revised Volume No. 1, in compliance with the Commission's Opinion No. 747, Opinion and Order Prescribing Interim Curtailment Plan, issued November 27, 1975, and Opinion No. 747-B, Opinion and Order Granting Rehearing in Part and Denying Rehearing in Part, issued May 21, 1976, in Southern Natural Gas Company, Docket Nos. RP74-6 and RP72-74.

Southern states that the filed tariff sheet is filed to comply with Ordering Paragraph (E) of Opinion No. 747-B. The revised tariff sheet modifies Section 9.3 so as to provide for grouping of certain delivery points for purposes of curtailment orders pursuant to the interim plan adopted in Opinion Nos. 747 and 747-B.

Southern requests that the Fourth Revised Sheet No. 40B be made effective 30 days from the date of filing.

Copies of the filing were served upon the company's jurisdictional customers, interested state commissions, and the

parties of record in Docket Nos. RP74-6 and RP72-74.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 13, 1976.

Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestant parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22752 Filed 8-4-76;8:45 am]

[Docket No. CI73-681]

TEXAS GAS EXPLORATION CORP.

Offer of Revised Settlement

JULY 29, 1976.

Take notice that on April 6, 1976, Texas Gas Exploration Corporation (TGE), Post Office Box 52310, Houston, Texas 77052, filed a Proposed Settlement Agreement in Docket No. CI73-681, pursuant to §§ 1.12 and 1.18 of the Commission's rules of practice and procedure. TGE stated that it would refund to Consolidated Gas Supply Corporation all amounts collected pursuant to § 2.75(o) above the Southern Louisiana area rate ceiling of 26 cents per Mcf during the period from October 11, 1973 (the date TGE began receiving the 45-cent contract rate) until July 19, 1974 (the date TGE filed its § 2.56a certificate application).

The proposed settlement provided that TGE would be granted a § 2.56a nationwide rate certificate, and TGE would credit the amounts in excess of actual collections to which TGE would have been entitled under the nationwide rate procedure during the period from July 19, 1974, until the date upon which the certificate issued pursuant to § 2.56a becomes effective.

Notice of the proposed settlement was issued on April 19, 1976. A comment was filed by the Public Service Commission of the State of New York, and a reply thereto was submitted by TGE. By order of May 14, 1976, the Commission denied the motion to approve the proposed settlement. The Commission pointed out that the so-called "credit" was greater than the promised refund, so there would be no actual repayment to the pipeline purchaser, and that approval of the settlement would result, in the long term, in substantial financial benefits to TGE at the expense of the consumer.

On July 23, 1976, TGE submitted a motion for consideration of a revised settlement. Under the new proposal TGE would forego the "credit" and actually repay $350,000, based on actual deliveries of 5500 Mcf per day. Further, TGE would waive its claim to the nationwide new gas rate until 30 days after the approval of the revised settlement.

Any person desiring to be heard or to protest said proposed settlement agreement should file comments with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before August 19. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22767 Filed 8-4-76;8:45 am]

[Docket Nos. RP74-48, RP75-3]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Filing of Settlement Offer Regarding Reserved Issues

JULY 30, 1976.

Take notice that on July 2, 1976, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing an Offer of Settlement proposed to dispose of the reserved issue related to expenditures in the unsuccessful search for alternate gas supplies.

In a motion for approval accompanying Transco's tendered settlement offer, Transco states that it proposes (1) to remove from cost of service in this case all costs related to the naphtha gasification plant ($9,860,710), since the proposed naphtha gasification plant has obtained renewed vitality; and (2) the costs of the other unsuccessful projects (whose status is unchanged) will be removed from rate base. The settlement proposal, if approved, would reduce the annual cost of service reflected in Transco's rates on this issue from $6,977,140 to $2,870,343, according to Transco.

Any person desiring to be heard or to protest said settlement offer should file comments with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before August 10, 1976. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22753 Filed 8-4-76;8:45 am]

GENERAL SERVICES ADMINISTRATION

PRIVACY ACT OF 1974

Manpower and Payroll Statistics System of Records

On June 21, 1976, there was published in the FEDERAL REGISTER (41 FR 24938) a notice of additional routine uses for the system of records identified as "Manpower and Payroll Statistics System (MAPS), GSA/OAD 32." The public was given the opportunity to submit, not later than July 21, 1976, written comments concerning the additional routine uses. No comments were received and the proposed additional routine uses are hereby adopted.

Dated at Washington, D.C., on July 29, 1976.

G. C. GARDNER,
Director of Administration.

[FR Doc.76-22823 Filed 8-4-76;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Intervention Notice No. 6]

VIRGINIA STATE CORPORATION COMMISSION AND VIRGINIA ELECTRIC AND POWER CO.

Proposed Intervention in Electric Rate Increase Proceeding

The General Services Administration (GSA) seeks to intervene in a proceeding before the Virginia State Corporation Commission concerning an application by the Virginia Electric and Power Company for an increase in its tariffed rates for intrastate electric service. The GSA represents the interests of the executive agencies of the United States Government, as users of utility services.

Virginia Electric and Power Company has proposed a rate increase designed to increase its intrastate revenues by approximately $102.2 million annually.

Persons desiring to make inquiries concerning this case to GSA should submit them, in writing, to Mr. Spence W. Perry, Assistant General Counsel, Regulatory Law Division, General Services Administration, 18th and F Streets, NW., Washington, D.C. 20405, telephone (202) 566-0750, on or before September 7, 1976, and refer to this notice number.

Persons making inquiries are put on notice that the making of an inquiry not serve to make any persons parties of record in the proceeding.

(Sec. 201(a)(4), Federal Property and Administration Services Act, (40 U.S.C. 481(a)(4)))

Dated: July 29, 1976.

JACK ECKERD,
Administrator of General Services.

[FR Doc.76-22809 Filed 8-4-76;8:45 am]

INTERNATIONAL TRADE COMMISSION

[603-TA-2]

CROCHETED BOOTIE SETS FROM THE REPUBLIC OF KOREA

Termination of Investigation

1. On May 30, 1975, a complaint, subsequently amended, was filed with the Commission under section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), alleging unfair methods of competition and unfair acts in the importation of crocheted bootie sets from the Republic of Korea into the United States, or in their sale. As a result of its consideration of the amended complaint, the Commission ruled that the complaint was defi-

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cient in that it did not comply with the Commission's rules of practice and procedure (19 CFR Part 201 et seq.). In its letter of October 29, 1975, advising the complainants of its ruling, the Commission requested that they provide a new complaint adequately framing the issues and providing requisite factual support for the alleged violations of section 337. In a letter dated February 26, 1976, the complainants' attorney communicated to the Commission his clients' decision to withdraw their complaint "because of the expense involved." (Commission motion docket No. M–212.)

2. On April 13, 1976, the Commission instituted a preliminary investigation pursuant to the provisions of section 603 of the Trade Act of 1974 (19 U.S.C. 2482) to determine whether to institute an investigation under section 337 of the Tariff Act of 1930, as amended, with respect to the importation of crocheted bootie sets into the United States, or their sale. A Notice of Preliminary Investigation was published in the FEDERAL REGISTER on April 29, 1976 (41 FR 17977). As a result of its preliminary investigation, the Commission determined, on July 6, 1976, that there is no factual basis to support the allegations of the amended complaint, and that therefore the institution of a section 337 investigation based upon the allegations in the amended complaint is not warranted. Accordingly, complainants' motion to withdraw their complaint (M–212) is granted, and this preliminary investigation is terminated.

Issued: August 2, 1976.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.76–22755 Filed 8–4–76;8:45 am]

LEGAL SERVICES CORPORATION

AUDIT AND ACCOUNTING GUIDE FOR RECIPIENTS AND AUDITORS

Request for Comments

On Tuesday, July 20, 1976, the Legal Services Corporation published in the FEDERAL REGISTER its "Audit and Accounting Guide for Recipients and Auditors" (41 FR 29951–29979). Pursuant to section 1008(e) of the Legal Services Corporation Act (42 U.S.C. 2996g(e)), the Corporation hereby requests comment from interested persons on the procedures described in the "Guide." Comments will be received by the Office of the Comptroller at the Corporation's office, Suite 700, 733 15th Street, NW., Washington, D.C. 20005 by September 7, 1976. Comments must be in writing and may be accompanied by supporting documents. Comments received may be seen at the above office during business hours, Monday through Friday.

If no substantial changes are required by comments received pursuant to this notice, the "Audit and Accounting Guide for Recipients and Auditors" will become effective on October 4, 1976.

Pending final adoption, recipients and auditors are requested to treat the "Guide" as a Corporation directive and to follow the procedures described therein.

THOMAS EHRLICH,
President.

[FR Doc.76–22817 Filed 8–4–76;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 76–67]

CLOSED MEETING ACTIVITIES OF ADVISORY COMMITTEES

Public Availability of Reports

Pursuant to the Federal Advisory Committee Act, Public Law 92–463 of October 6, 1972, and Office of Management and Budget Circular No. A–63 Revised of March 27, 1974, the NASA advisory committee which held closed or partially closed meetings in 1975, consistent with the policy of 5 U.S.C. 552(b), have prepared reports on the activities of these meetings. Copies of the reports have been filed and are available for public inspection at the Library of Congress, Exchange and Gift Division, Federal Advisory Commitee Desk and NASA Headquarters, Headquarters Information Center.

The names of the advisory committees are listed below:

Applications Steering Committee, Ad Hoc Advisory Subcommittee for Evaluation of the Applications Explorer Missions-A/Heat Capacity Mapping Mission Proposals
Applications Steering Committee, Space Processing Ad Hoc Advisory Subcommittee.
NASA Historical Advisory Committee
NASA Research and Technology Advisory Council, Committee on Aerodynamics and Configurations.
NASA Wage Committee.
Space Science Steering Committee, Ad Hoc Advisory Subcommittee to Review Proposals for Scientific Definition of Space Shuttle Missions for Solar Physics Spacelab Payloads.
Space Science Steering Committee, Ad Hoc Advisory Subcommittee to Review the Phase 1 Definition Studies of the Solar Maximum Mission Payload.
Space Science Steering Committee, Ad Hoc Advisory Subcommittee to Review Proposals for Participation in the Scientific Definition of Explorer-Class Payloads

WILLIAM W. SNAVELY,
Assistant Administrator for DOD and Interagency Affairs.

JULY 30, 1976.

[FR Doc.76–22768 Filed 8–4–76;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[N–AR 76–32]

ACCIDENT REPORTS; SAFETY RECOMMENDATIONS AND RESPONSES

Availability and Receipt

Pipeline Accident Report and Recommendations.—The National Transportation Safety Board has released the report of its investigation of the December 1, 1974, pipeline accident near Abilene, Texas. The report, No. NTSB–PAR–76–4, was released July 27. The accident occurred when a repair crew, working on a leak in a 26-inch pipeline, began to excavate the pipe while it was pumping sour crude oil. Of the seven-man repair crew, six died after being overcome by fumes from the sour crude oil.

The Safety Board determined that the probably cause of the accident was the attempted repair, in a manner which failed to follow the company's written procedures, of a leak in a cracked fillet weld on a full-wrap repair sleeve. The fillet weld, made improperly during the repair of an earlier leak, failed. The failure allowed toxic, sour crude oil to spray and permeate the leak site.

In a separate letter issued July 27 to the West Texas Gulf Pipe Line Company, owner of the facility, the Safety Board recommended that the company (1) instruct its personnel in its own safety requirements and monitor work done to see that they are followed; (2) use qualified welders to instruct personnel in the proper fillet welding of repair sleeves; (3) be sure every repair contractor is familiar with company operation and maintenance procedures, and insist on the contractor's use of required safety equipment; (4) instruct its own maintenance and operating personnel in the hazards of sour crude oil; (5) provide in vehicles, or at strategic locations, oxygen breathing equipment, safety ropes, and gas vapor detection instruments; and (6) identify and excavate for inspection all other previous fillet weld repairs. These recommendations, Nos. P–76–30 through P–76–35, are designated Class II, for priority followup.

Railroad Accident Report and Recommendations.—The collision of three Penn Central passenger trains near Wilmington, Delaware, last October 17, has been investigated by the Safety Board. A northbound train struck the rear of a train which had made an unscheduled stop because of an engine malfunction; a southbound train, approaching on an adjacent track, struck the derailed equipment. The collision injured 25 persons and caused more than $800,000 property damage. In its report, NTSB–RAR–76–7 released July 30, the Board determined that the probable cause of the rear end collision was the engineer's failure to operate his train according to established procedures. Contributing to the accident was the operational practice of the railroad industry which permits trains to enter occupied blocks. The second collision was caused by the absence of flagging.

As a result of its investigation, the Safety Board on July 30 issued eleven Class II safety recommendations in three separate letters. The Board recommended that:

The Federal Railroad Administration (1) establish regulations on mainlines used by passenger trains that will require trains to stop if the block in front of them is occupied (recommendation R–76–24); (2) establish standards for rear

end visibility of trains (R–76–25); (3) require that trains are equipped with emergency flagging equipment (R–76–26); (4) establish regulations for the protection by flagging of the rear end of all stopped trains in passenger territory (R–76–27); (5) require carriers to provide emergency lighting and communication systems on passenger cars and to provide for predeparture inspection to assure their operability (R–76–28); (6) require carriers to train employees in emergency procedures to be used after an accident, to establish priorities for emergency action, and to conduct accident simulations to test the effectiveness of the program, inviting civic emergency personnel participation (R–76–29); (7) require railroads to include emergency procedures for cab evacuation in its training program for operating employees (R–76–30); (8) observe a statistically adequate sample of trains equipped with cab signals to establish the reliability of this system; take appropriate remedial action, based on these findings (R–76–31); and (9) require that trains be equipped with reasonably accurate speed indicators (R–76–32).

Consolidated Rail Corporation (Con Rail): Study the recommendations made to the Federal Railroad Administration in this report and take immediate appropriate action (R–76–33).

Southeastern Pennsylvania Transportation Authority and AMTRAK: Include in agreements with Con Rail requirements to provide for the safe transportation of passengers as well as for their protection and care in the event of an accident (R–76–34).

Recommendation R–76–32, requiring that trains be equipped with reasonably accurate speed indicators, was also addressed to Con Rail, Southeastern Pennsylvania Transportation Authority, and AMTRAK.

Aviation Safety Recommendations.—The Safety Board last week directed the following recommendations to the Federal Aviation Administration:

A–76–93 and A–76–94, issued by letter of July 26. These recommendations resulted from investigation of an incident last January 9 at Dulles International Airport involving extension of the right main landing gear of a Ransome Airlines Nord 262 aircraft. The Board recommended that FAA (1) review the design of the main landing gear actuators for corrective action to prevent entry or accumulation of moisture in the main landing gear actuators on Nord 262 aircraft; and (2), in the interim, issue an Airworthiness Directive to require repeated inspections, at appropriate intervals, of the main landing gear actuators to detect moisture.

A–76–97 through A–76–100, issued by letter of July 29. These recommendations related to accidents involving light twin-engine aircraft that fail to recover from apparently unintentional spins. The Board recommended that FAA (1) amend 14 CFR 23.149 to require that a safe one-engine inoperative speed (V_{sse}) be specified—this speed to be sufficiently above minimum control and single-engine stall speeds so that there will be no uncontrollable yaw or roll rate when thrust is suddenly reduced to idle on the critical engine with takeoff or maximum available power on the operable engine, and the speed to be demonstrated under the most adverse conditions; (2) publish the safe one-engine inoperative speed, V_{sse}, and appropriate procedures in the approved flight manuals and pilots' handbooks and revise the GAMA Specifications for Pilot's Operating Handbook accordingly; (3) revise Advisory Circulars AC 61–4C, AC 61–98, and AC 61–21 to include a discussion of safe procedures for the demonstration of V_{mca} and note the V_{sse} limitation; and (4) issue an Advisory Circular to supplement AC 61–67 dealing solely with simulated and actual engine-out emergencies in typical high performance multi-engine general aviation airplanes—the Advisory Circular to discuss the safe methods of demonstrating V_{mca}, to emphasize potential hazards of asymmetrical power on stalls, and to be disseminated to all multi-engine class-rated pilots, flight schools and flight instructor clinics, and safety seminars.

A–76–103 and A–76–104 were issued July 25, after the Safety Board found that in Cessna Models 300 and 400 series airplanes the wing structural areas aft of the engine nacelles—wing rear spars and flap wells—are particularly susceptible to corrosion because of chemical interaction with exhaust gases. The Board recommended that the FAA (1) conduct a directed safety investigation to determine the degree and criticality of corrosion affecting Cessna 300 and 400 series airplanes; and (2) issue an Airworthiness Directive, if the results of the investigation so dictate, containing specific field maintenance guidelines to assure the timely detection and correction of any corrosion which may affect the rear spars of these airplanes.

All of the above recommendations to FAA are designated Class II.

Railroad Safety Recommendations.—The Safety Board is currently investigating the July 13 collision of two Consolidated Rail Corporation commuter trains at New Canaan, Connecticut. Although the investigation is not yet complete, the need for issuance of two Class I, urgent followup recommendations is apparent. Accordingly, by letter of July 28, the Safety Board recommended that the Connecticut Department of Transportation require the Consolidated Railroad Corporation to: Extend the automatic-block signal system to the end of the track at New Canaan so that the last signal will require the engineer to stop when that portion of the track is occupied (recommendation R–76–46); and establish procedures until such signal protection can be provided to require that the engineer of each train approaching the New Canaan station be notified of the occupancy of the track between the last signal and the station and be authorized to pass the last signal, based upon that condition (R–76–47).

Letters in Response to Safety Board Recommendations.—During the past week, letters concerning previously issued recommendations were received by the Board from both the Federal Aviation Administration and the U.S. Coast Guard, as follows:

FAA's letter of July 22 is in response to recommendations A–76–17 through A–76–19 asking for review of procedures for handling in-flight emergencies both by pilots and air traffic controllers. (See 41 FR 17974, April 29, 1976.) Re A–76–17, FAA states, "We have reviewed Handbook 7110.65, Chapter 8, Emergencies, and feel that the contents of that chapter are adequate and provide sufficient guidance to controller personnel in handling the infinite variety of emergency situations that arise and the undefinable conditions that might surround an inflight distress." Also, FAA said that it is impossible to legislate every situation, even in a very general nature, that a controller might face.

Recommendation A–76–18 asked FAA to modify its ATC handbook to require the controller to seek further information from any pilot who is unable to execute an ATC clearance during adverse conditions. In response, FAA states that the pilot is in command of his aircraft and has the right to refuse any clearance that he cannot execute. FAA considers the ATC handbook to be "completely satisfactory." A–76–19 called for review of FAA regulations surrounding the formal declaration of an emergency to remove any doubt which may exist between the pilot and the controller as to the existence and extent of the emergency, the ability of the pilot and airborne equipment to deal with it, and the realistic options which are available to the pilot. FAA responded, "The situation itself dictates whether it is necessary to formally declare an emergency or not, and whether it would benefit the pilot to know that he was being given priority handling. The pilot obviously must give basic information and controllers are already trained to consider and offer alternatives." FAA considers the regulations and procedures covering inflight emergencies to be satisfactory; however, FAA thinks that refresher training in this area through its flight instructor units, Accident Prevention Program, and Operation Raincheck may be of some benefit, and will issue instructions within 30 days for requiring discussion of emergency reporting procedures in the seminars.

FAA's letter of July 26 is in response to recommendation A–76–90 concerning issuance of an Airworthiness Directive on air conditioning compartment access doors. (41 FR 29222, July 15, 1976.) In response, FAA cites issuance of a notice of proposed rulemaking on July 6, proposing to require a one-time inspection of the rigging of the air conditioning compartment doors and modification of the doors and their latching mechanisms. All communications received on or before August 24 will be considered before taking action on the proposed rule, according to FAA.

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Coast Guard's letter of July 20 is in response to the Safety Board's letter request of May 26 for an update on recommendations M–74–7 and M–74–8. These recommendations, concerning towing vessel stability, resulted from investigation into the foundering of the *M V Maryland* in Albemarle Sound on December 18, 1971. (Report No. USCG/NTSB–MAR–74–3. released July 11, 1974.) Coast Guard responded that upon completion of its Towing Vessel Stability Study, public notice of availability of the study was given through an advance notice of proposed rulemaking in the April 12, 1976, FEDERAL REGISTER. Comments are being evaluated and a new stability standards for tugboats will be published later this year. With the assistance of the U.S. Coast Guard Towing Industry Advisory Committee, Coast Guard is preparing a publication on towing vessel operations entitled, "A Guide to Safety in Towing." This publication will include guidance on the proper use and handling of towing hawsers. The length of towline to be used, determined by operation safety considerations, will be discussed. The guide will be published early next year.

Another Coast Guard letter dated July 20 concerns recommendation M–74–19, issued following investigation of the *SS African Neptune* collision with the Sidney Lanier Bridge at Brunswick, Georgia, November 7, 1972. (USCG/NTSB–MAR–74–4, released July 22, 1974.) Coast Guard's letter is in reply to Safety Board letter of May 26 asking for a more detailed explanation of formalized procedures used by Coast Gurad in making a safety analysis of a proposed bridge over navigable waters. In its July 20 response, Coast Guard states, "There is a sound and efficient review process conducted on applications for bridge construction that insures that bridges provide for the reasonable needs of navigation and safety. It is implicit in the issuance of a bridge permit that the bridge render navigation through or under it reasonably free, easy and unobstructed." Coast Guard adds that upon submission of an application, their bridge staff reviews the navigational and navigation safety aspects, and a full opportunity for public, State, or Federal agency comment is provided. Coast Guard further states, "The permit review process is in itself a safety of navigation analysis considering all factors involved which individually or severally affect safety of navigation." In conclusion, Coast Guard considers the precautions taken prior to issuance of bridge permits "more than adequate to insure transportation safety."

The accident reports and the safety recommendation letters are available to the general public: single copies may be obtained without charge. Copies of the letters responding to safety recommendations may be obtained at a cost of $4.00 for service and 10¢ per page for reproduction. All requests must be in writing, identified by report or recommendation number and date of publication of this FEDERAL REGISTER notice. Address inquiries to: Publications Unit, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of the accident reports may be purchased by mail from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93–633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)).)

MARGARET L. FISHER,
Federal Register Liaison Officer.

AUGUST 2, 1976.

[FR Doc.76–22870 Filed 8–4–76;8:45 am]

NUCLEAR REGULATORY COMMISSION

ABNORMAL OCCURRENCE REPORT

Fourth Report Submitted to Congress

Notice is hereby given that pursuant to the requirements of Section 208 of the Energy Reorganization Act of 1974, the Nuclear Regulatory Commission has published and issued the fourth periodic report to Congress on abnormal occurrences (NUREG 0090–3). The release date is July 28, 1976.

Under the Energy Reorganization Act of 1974, which created the NRC, an abnormal occurrence is defined as "an unscheduled incident or event which the Commission (NRC) determines is significant from the standpoint of public health or safety." The NRC has made a determination, based on interim criteria, that events involving an actual loss or significant reduction in the degree of protection against radioactive properties of source, special nuclear, and byproduct materials are abnormal occurrences.

The fourth report to Congress is for the first quarter of 1976 and indicates that during this period:

(a) There were two abnormal occurrences at the 57 licensed operating nuclear power plants. One involved a potential design problem and the other involved an occupational incident exposure of 8 rems.

(b) There were no abnormal occurrences at fuel cycle facilities (other than nuclear power plants).

(c) There were three abnormal occurrences at other licensee facilities. One involved the loss of a small radioactive source during shipment; one involved the unauthorized removal of material from a waste disposal site; and the third involved an occupational incident exposure of 6.9 rems.

The incidents involved temporary reductions in margins of safety normally provided.

The fourth report to the Congress also contains updating information on abnormal occurrences reported in previous reports.

Interested persons may review the report at the NRC's Public Document Room, 1717 H Street, NW, Washington, DC or at any of the 130 local Public Document Rooms throughout the country. The report, designated NUREG 0090–3, may be purchased from the National Technical Information Service, Springfield, Virginia 22161, at $3.50 a copy on or about August 15, 1976.

Dated at Washington, D.C. this 29th day of July 1976.

For the U.S. Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.76–22630 Filed 8–4–76;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS WORKING GROUP ON PEAKING FACTORS

Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the ACRS Working Group on Peaking Factors will hold a meeting on August 20, 1976 in Room 1046, 1717 H St., N.W., Washington, DC 20555. This is the fifth of a series of meetings to review current methods of measuring power distribution in light-water power reactors whose cores are fabricated by the various reactor vendors. This meeting will be used to discuss power distribution in reactors whose cores have been fabricated by the Babcock and Wilcox Company.

The agenda for the subject meeting shall be as follows:

Friday, August 20, 1976, 8:30 a.m. Members of the Working Group will meet in closed Executive Session, with any of their consultants who may be present, to explore their preliminary opinions regarding matters which should be considered during the open session so that the Working Group can prepare a report and recommendations to the full Committee.

9:00 a.m. until conclusion of business. The Working Group will meet in open session to discuss with representatives of the NRC Staff and the Babcock and Wilcox Company current methods of measuring power distribution in nuclear reactor cores built by the Babcock and Wilcox Company.

At the conclusion of the open ssesion, the Working Group may caucus in a brief, closed session to determine whether the matters identified in the initial closed session have been adequately covered. During this session, Working Group members and consultants will discuss their opinions and recommendations on these matters.

In addition to these closed deliberative sessions, it may be necessary for the Working Group to hold one or more closed sessions for the purpose of exploring with the NRC Staff and representatives from other Government agencies and the nuclear industry matters involving proprietary information, particularly with regard to specific features of plant designs.

I have determined, in accordance with Subsection 10(d) of Public Law 92–463, that it is necessary to conduct the above closed sessions to protect the free interchange of internal views in the final stages of the Working Group's deliberative process (5 U.S.C. 552(b)(5)) and to protect proprietary information (5 U.S.C. 552(b)(4)). Separation of factual material from individuals' advice, opinions and recommendations while closed Executive Sessions are in progress is considered impractical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Working Group is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by providing a readily reproducible copy to the Working Group at the beginning of the meeting. Comments should be limited to safety related areas within the Working Group's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than August 13, 1976 to Mr. T. G. McCreless, ACRS, NRC, Washington, DC 20555 will normally be received in time to be considered at this meeting.

(b) Those persons wishing to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Working Group will receive oral statements on topics relevant to its purview at an appropriate time chosen by the Chairman of the Working Group.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on August 19, 1976 to the Office of the Executive Director of the Committee (telephone 202/634–1374, Attn: Mr. T. G. McCreless) between 8:15 a.m. and 5:00 p.m., EDT.

(d) Persons with agreements or orders permitting access to proprietary information may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Mr. T. G. McCreless of the ACRS Office, prior to the beginning of the meeting.

(e) Questions may be propounded only by members of the Working Group and its consultants.

(f) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(g) A copy of the transcript of the open portion of the meeting will be available for inspection on or after August 27, 1976 at the NRC Public Document Room, 1717 H St., NW., Washington, DC 20555.

Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room 1717 H St., NW., Washington, DC 20555 after November 22, 1976. Copies may be obtained upon payment of appropriate charges.

Dated: July 29, 1976.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.76–22629 Filed 8–4–76;8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 4.11, "Terrestrial Environmental Studies for Nuclear Power Stations," provides technical information for the design and execution of terrestrial environmental studies for nuclear power stations. The information resulting from these studies will be appropriate for inclusion in an applicant's environmental report, thereby reducing the time required to prepare and review individual license applications.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 4.11 will, however, be particularly useful in evaluating the need for an early revision if received by September 30, 1976.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a).)

Dated at Rockville, Maryland, this 27th day of July 1976.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.76–22377 Filed 8–4–76;8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 2.3, Revision 1, "Quality Verification for Plate-Type Uranium-Aluminum Fuel Elements for Use in Research Reactors," describes a method acceptable to the NRC staff for establishing and executing a quality assurance program for verifying the quality of plate-type uranium-aluminum fuel elements in research reactors. This guide endorses ANSI Standard N398–1974, "Quality Verification for Plate-Type Uranium-Aluminum Fuel Elements." This revision reflects comments received from the public and from additional staff review.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies

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of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 28th day of July 1976.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.76-22631 Filed 8-4-76;8:45 am]

[Docket No. 50-293]

BOSTON EDISON CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 17 to Facility Operating License No. DPR-35, issued to Boston Edison Company (the licensee), which revised Technical Specifications for operation of Unit No. 1 of the Pilgrim Nuclear Power Station (the facility) located near Plymouth, Massachusetts. The amendment is effective as of its date of issuance.

The amendment modified the allowable total leak rate specification for testable penetration and isolation valves to conform with the requirements of Appendix J of 10 CFR Part 50.

The portion of the application for the amendment relating to modifications of the allowable total leak rate specification for testable penetration and isolation valves complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated October 10, 1975, (2) Amendment No. 17 to License No. DPR-35, and (3) the Commission's concurrently issued related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Plymouth Public Library on North Street in Plymouth, Massachusetts 02360.

A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 23rd day of July, 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.76-22374 Filed 8-4-76;8:45 am]

[Docket Nos. 50-237 and 50-249]

COMMONWEALTH EDISON CO.

Consideration of Proposed Modification to Facility Spent Fuel Storage Pool

The U.S. Nuclear Regulatory Commission (the Commission) is considering the approval of modification to the spent fuel storage pools of Unit Nos. 2 and 3 of the Dresden Nuclear Power Station (the facilities) operated under Facility Operating License Nos. DPR-19 and DPR-25 issued to the Commonwealth Edison Company (the licensee). The facilities are boiling-water reactors located in Grundy County, Illinois, and are currently authorized to operate at 2527 megawatts (thermal).

The proposed modification being considered involves the addition of 28 fuel storage racks to the existing racks in the spent fuel storage pool of the facilities resulting in a capacity capable of accommodating up to 2880 fuel assemblies in accordance with the licensee's request dated September 17, 1975, and supplemental filings dated December 8, 1975 and April 23, 1976. The existing racks have a capacity for storage of 2320 fuel assemblies. The proposed action also would permit storage of Dresden and Quad Cities Stations fuels in either the storage pools of Dresden Unit Nos. 2 and 3 or Quad Cities Unit Nos. 1 and 2. This notice does not relate to that portion of the licensee's request dated September 17, 1975, pertaining to the more generalized manner of stating possession and use limits for special nuclear, byproduct, and source materials in License No. DPR-2 (Dresden Unit No. 1—Docket No. 50-10), License No. DPR-19 (Dresden Unit No. 2—Docket No. 50-237), and License No. DPR-25 (Dresden Unit Nos. 3—Docket No. 50-249).

If it is later determined that the modification requires changes to the facility licenses and/or their appended Technical Specifications, a license amendment would be issued for each facility along with approval of the modification.

Prior to approval of the proposed modification and any license amendments, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By September 7, 1976 the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the approval of the modification to the subject facility spent fuel storage pool. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Mr. John W. Rowe, Esquire, Isham, Lincoln and Beale, Counselors at Law, One First National Plaza, Chicago, Illinois 60603, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to these actions, see (1) Commonwealth Edison Company's request dated September 17, 1975, and supplemental filings dated December 8, 1975 and April 23, 1976, and (2) the Commission's letter to Commonwealth Edison Company dated January 13, 1976, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Morris Public Library, 604 Liberty Street, Morris, Illinois 60451. The Commission's approval (including any license amendment that may be required) and the Safety Evaluation, when issued, may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 2nd day of August, 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.76-22899 Filed 8-4-76;8:45 am]

[Docket Nos. 50-254 and 50-265]

COMMONWEALTH EDISON CO. AND IOWA-ILLINOIS GAS AND ELECTRIC CO.

Consideration of Proposed Modification to Facility Spent Fuel Storage Pool

The U.S. Nuclear Regulatory Commission (the Commission) is considering the approval of modification to the spent fuel storage pools of Unit Nos. 1 and 2 of the Quad Cities Nuclear Power Station (the facilities) operated under Facility Operating License Nos. DPR-29 and DPR-30 issued to the Commonwealth Edison Company (the licensee—acting for itself and on behalf of the Iowa-Illinois Gas and Electric Company). The facilities are boiling-water reactors located in Rock Island County, Illinois, and are currently authorized to operate at 2511 megawatts (thermal).

The proposed modification being considered involves the addition of 32 fuel storage racks to the existing racks in the spent fuel storage pool of the facilities resulting in a capacity capable of accommodating up to 2920 fuel assemblies in accordance with the licensee's request dated September 17, 1975, and supplemental filings dated December 8, 1975 and April 23, 1976. The existing racks have a capacity for storage of 2280 fuel assemblies. The proposed action also would permit storage of Dresden and Quad Cities Stations fuels in either the storage pools of Dresden Unit Nos. 2 and 3 or Quad Cities Unit Nos. 1 and 2. This notice does not relate to that portion of the licensee's request dated September 17, 1975, pertaining to the more generalized manner of stating possession and use limits for special nuclear, byproduct, and source materials in License No. DPR-29 (Quad Cities Unit No. 1—Docket No. 50-254) and License No. DPR-30 (Quad Cities Unit No. 2—Docket No. 50-265).

If it is later determined that the modification requires changes to the facility licenses and/or their appended Technical Specifications, a license amendment would be issued for each facility along with approval of the modification.

Prior to approval of the proposed modification and any license amendments, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By September 7, 1976, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the approval of the modification to the subject facility spent fuel storage pool. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Mr. John W. Rowe, Esquire, Isham, Lincoln and Beale, Counselors at Law, One First National Plaza, Chicago, Illinois 60603, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to these actions, see (1) Commonwealth Edison Company's request dated September 17, 1975, and supplemental filings dated December 8, 1975 and April 23, 1976, and (2) the Commission's letter to Commonwealth Edison Company dated January 13, 1976, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Local Public Document Room at the Oak Ridge Public Library, Civic Center, Oak Ridge, Tennessee.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Antitrust and Indem-

[Docket No. 50-564]

EXXON NUCLEAR CO., INC.

Receipt of Partial Application for Construction Permit and Facility License: Time for Submission of Views on Antitrust Matters

AUGUST 5, 1976.

Exxon Nuclear Company, Inc. (the applicant), pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, has filed a partial application in connection with their plans to construct and operate the Nuclear Fuel Recovery and Recycling Center (NFRRC) in Roane County, Tennessee. The NFRRC will have the capacity to store up to approximately 7000 tonnes of irradiated nuclear fuel and to process 2100 tonnes of fuel per year. The portions of the application accepted for docketing contain the information requested by the Attorney General for the purpose of an antitrust review of the application, the Preliminary Safety Analysis Report, and general and financial information. The partial application was tendered by Exxon Nuclear Company, Inc. on January 28, 1976. Following a preliminary review for completeness, the PSAR was revised, resubmitted, and the application accepted for docketing on June 16, 1976. Docket No. 50-564 has been assigned to the application; antitrust information will be filed under Docket No. 50-564-A.

The environmental report will be submitted within 30 days for acceptance review. Upon acceptance and docketing of the environmental report, a separate notice will be published on its availability.

A Notice of Hearing will then be published setting forth the radiological and environmental issues to be considered during the review. A date for submitting Petitions for Leave to Intervene will also be set forth in the Notice of Hearing.

A copy of the partial application is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., 20555, and at the Local Public Document Room at the Oak Ridge Public Library, Civic Center, Oak Ridge, Tennessee.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Antitrust and Indem-

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nity Group, Office of Nuclear Reactor Regulation, on or before September 13, 1976.

Dated at Bethesda, Maryland, this 8th day of July 1976.

For The Nuclear Regulatory Commission.

ROBERT M. BERNERO,
Chief, Fuel Reprocessing and Recycle Branch, Division of Fuel Cycle and Material Safety.

[FR Doc.76-20437 Filed 7-14-76;8:45 am]

[Docket No. 50-331]

IOWA ELECTRIC LIGHT & POWER CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 22 to Facility Operating License No. DPR-49 issued to Iowa Electric Light and Power Company which revised Technical Specifications for operation of the Duane Arnold Energy Center, located in Linn County, Iowa. The amendment is effective as of its date of issuance.

The amendment permits changes in the environmental monitoring program, sampling frequency, sampling location, a change in the corporate structure, and changes in administrative details.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated May 5, 1975, December 15, 1975, and April 23, 1976, and (2) Amendment No. 22 to License No. DPR-49. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Cedar Rapids Public Library, 426 Third Avenue, S.E., Cedar Rapids, Iowa.

A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Site Safety and Environmental Analysis.

Dated at Bethesda, Maryland, this 26th day of July, 1976.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.76-22624 Filed 8-4-76;8:45 am]

[Docket No. 50-219]

JERSEY CENTRAL POWER & LIGHT CO.

Issuance of Amendment to Provisional Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 16 to Provisional Operating License No. DPR-16 issued to Jersey Central Power & Light Company which revised Technical Specifications for operation of the Oyster Creek Nuclear Generating Station, located in Ocean County, New Jersey. The amendment is effective as of its date of issuance.

The amendment involves changes to the Technical Specifications minimum critical power ratio (MCPR) safety and operating limits, an increase in Maximum Average Planar Linear Heat Generation Rate (MAPLHGR) and changes in selected surveillance requirements and remedial actions related to these limits.

The applications for amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with the change in MCPR was published in the FEDERAL REGISTER on December 17, 1975 (40 FR 58518). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated October 20, 1975 (supplemented by February 4, 1976 letter and revised by February 9, 1976 letter) and June 18, 1976 (supplemented by June 30, 1976 letter), (2) Amendment No. 16 to License No. DPR-16, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street N.W., Washington, D.C. and at the Ocean County Library, 15 Hooper Avenue, Toms River, New Jersey 08753.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland this 26th day of July, 1976.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.76-22375 Filed 8-4-76;8:45 am]

[Docket No. 50-289]

METROPOLITAN EDISON CO., ET AL.

Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering the issuance of an amendment to Facility Operating License No. DPR-50, issued to Metropolitan Edison Company, Jersey Central Power & Light Company & Pennsylvania Electric Company for operation of Three Mile Island Nuclear Station, Unit No. 1 (the facility), located in Dauphin County, Pennsylvania.

The amendment would result in a less restrictive variable low pressure trip setpoint of the Reactor Protective System for the condition of four reactor coolant pumps operating. This change results from the elimination of the reactor internals vent valve flow penalty which the Commission has determined to be no longer required.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By September 7, 1976, the licensees may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of Section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER Notice and Section 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 and G. F. Trowbridge, Esquire, Shaw, Pittman, Potts & Trowbridge, 1800 M Street, NW., Washington, D.C. 20036, the attorney for the licensees.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularly the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated July 7, 1976, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Government Publications Section, State Library of Pennsylvania, Box 1610, (Education Building), Harrisburg, Pennsylvania.

Dated at Bethesda, Maryland, this 23rd day of July 1976.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.76-22625 Filed 8-4-76;8:45 am]

[Docket Nos. 50-496 and 50-497]

NORTHEAST NUCLEAR ENERGY CO. ET AL.

Availability of Safety Evaluation Report for Montague Nuclear Power Station, Units 1 and 2

Notice is hereby given that the Office of Nuclear Reactor Regulation has published its Safety Evaluation Report on the proposed construction of the Montague Nuclear Power Station, Units 1 and 2, to be located in the northern Massachusetts Town of Montague, Franklin County, 1.8 miles east of the Connecticut River. Notice of receipt of the application of Northeast Nuclear Energy Company, et al., to construct and operate the Montague Nuclear Power Station, Units 1 and 2, was published in the FEDERAL REGISTER on August 13, 1974 (39 FR 29019).

The report is being referred to the Advisory Committee on Reactor Safeguards and is being made available at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Carnegie Library, Avenue A, Turners Falls, Massachusetts 01376, for inspection and copying. The report (Document No. NUREG-0091) can also be purchased at current rates, from the National Technical Information Service, Springfield, Virginia 22161.

Dated at Bethesda, Maryland, this 27th day of July 1976.

For the Nuclear Regulatory Commission.

D. B. VASSALLO,
Chief, Light Water Reactors Branch 4, Division of Project Management.

[FR Doc.76-22376 Filed 8-4-76;8:45 am]

[Dockets Nos. 50-277 and 50-278]

PHILADELPHIA ELECTRIC CO., ET AL.

Issuance of Amendments to Facility Operating Licenses and Negative Declaration

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 20 and 20 to Facility Operating Licenses Nos. DPR-44 and DPR-56, respectively, issued to Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, which revised Technical Specification for operation of the Peach Bottom Atomic Power Station, Units 2 and 3, located in Peach Bottom, York County, Pennsylvania. The amendments are effective as of their date of issuance.

The amendments will revise the provisions in the Environmental Technical Specifications relating to the monitoring of free residual chlorine and to the quantities of eight chemicals used in plant operation.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations to 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments are not required since these amendments do not involve a significant hazards consideration.

The Commission has prepared an environmental impact appraisal for the revised Technical Specifications and has concluded that an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to the proposed action other than that which has already been predicted and described in the Commission's Final Environmental Statement for the Peach Bottom Atomic Power Station Units Nos. 2 and 3 published in April 1973, and that a negative declaration to this effect is appropriate.

For further details with respect to this action, see (1) the application for amendments dated July 23, 1975, (2) Amendments Nos. 20 to Licenses Nos. DPR-44 and DPR-56, and (3) the Commission's Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Martin Memorial Library, 159 E. Market Street, York, Pennsylvania 17401.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 27th day of July, 1976.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.76-22626 Filed 8-4-76;8:45 am]

[Docket No. PRM-51-2]

TOWNSHIP OF LOWER ALLOWAYS CREEK, NEW JERSEY

Filing of Petition for Rulemaking

Notice is hereby given that the Honorable David A. Fogg, Mayor of the Township of Lower Alloways Creek, New Jersey, by letter dated July 7, 1976, has filed with the Nuclear Regulatory Commission, on behalf of the Township, a petition for rule making.

The petitioner requests that the Commission amend 10 CFR 51.24(c)(4) to provide that copies of the draft environmental impact statement and the applicant's environmental report will be provided to:

All parties to the licensing proceedings, if the draft statement is for a licensing action, including the chief executives of all the municipalities which are considered in the draft statement as either preferred or alternate locations for the licensed facility or activity.

The petitioner also requests the Commission to amend 10 CFR 2.101 to provide that if the applicant is required to consider alternate locations in his application, as in the case of an environmental report, the applicant will also serve a copy of the application on the chief executives of the appropriate alternate municipalities or countries.

The petitioner states that although existing regulations of the Commission require the consideration of alternate sites for a facility, the regulations provide for notification only of the authorities having jurisdiction over the preferred site, and officials with jurisdiction over alternate sites are not guaranteed the knowledge that a site in their area is under consideration or that the relative merits of such a site may have been the subject of dispute at hearings held in a different locale.

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The petitioner states also that authorities for the preferred site have an opportunity at Commission hearings to present evidence in favor of moving the facility to an alternate location, without rebuttal from representatives from that location, and the present rules place an unreasonable burden on the authorities in the alternate location if the preferred site is disallowed or deemed unsuitable at some point in the licensing.

It is the view of the petitioner that in the interest of providing a thorough, well-balanced, and informed review of preferred and alternate sites for nuclear facilities, all of the communities involved should be notified at the time the original application is submitted to the Commission.

A copy of the petition for rule making is available for public inspection in the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. A copy of the petition may be obtained by writing to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

All interested persons who desire to submit written comments or suggestions concerning the petition for rule making should send their comments to the Secretary of the Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by October 4, 1976.

Dated at Washington, D.C. this 29th day of July 1976.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.76-22627 Filed 8-4-76;8:45 am]

[Docket No. 50-29]

YANKEE ATOMIC ELECTRIC CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 28 to Facility Operating License No. DPR-61, issued to Yankee Atomic Electric Company (the licensee), for the operation of the Yankee Nuclear Power Station (Yankee-Rowe) located in Rowe, Franklin County, Massachusetts. The amendment is effective as of its date of issuance.

The amendment allows the installation of a pulsation dampener on the Charging Pump No. 3 discharge header.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated April 21, 1976, (2) Amendment No. 28 to License No. DPR-3, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Greenfield Public Library, 422 Main Street, Greenfield, Massachusetts 01581. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 15th day of July 1976.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.76-22628 Filed 8-4-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

NATIONAL MARKET ADVISORY BOARD

Meeting

This is to give notice pursuant to Section 10(a) of the Federal Advisory Committee Act, 5 U.S.C., App. I 10(a), that the National Market Advisory Board will conduct open meetings on August 16, 17 and 18, 1976 in Room 776, 500 North Capitol Street, Washington, D.C., 25049 beginning at 9:30 a.m. on August 16 and at 8:30 a.m. on August 17 and 18. The Board will also conduct open meetings on September 20 and 21. The location and summarized agenda for the September meetings will be published in the FEDERAL REGISTER at a later date. Initial notice of the August meeting was published in the FEDERAL REGISTER on June 3, 1976 and of the September meeting on June 28, 1976.

The summarized agenda for the August meeting is as follows:

1. Discussion of the submission of the New York Stock Exchange;
2. Discussion of the Board's report to the Securities and Exchange Commission on in-house agency cross transactions in listed securities by exchange members;
3. Discussion of off-board principal transactions in listed securities by exchange members;
4. Discussion of the submission of the American Society of Corporate Secretaries;
5. Discussion of the Board's report to the Securities and Exchange Commission regarding the establishment of a consolidated limit order book; and
6. Discussion of such other matters as may properly be brought before the Board.

Further information may be obtained by writing Martin L. Budd, Executive Director, National Market Advisory Board Staff, Securities and Exchange Commission, Washington, D.C. 20549.

GEORGE A. FITZSIMMONS,
Secretary.

JULY 23, 1976.

[FR Doc.76-22676 Filed 8-4-76;8:45 am]

[Release No. 34-12672; File No. SR-DTC-76-6]

DEPOSITORY TRUST CO.

Self-Regulatory Organizations

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on July 6, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change establishes an interface between The Depository Trust Company (DTC) and Pacific Securities Depository Trust Company (PSDTC). This matter requires a determination pursuant to Rules 8c-1(g) and 15c2-1(g) under the Securities Exchange Act of 1934. The proposed rule change consists of the description of the operational procedures and the agreements attached as Exhibits 2(A), 2(B), 2(C) and 2(D) to DTC's filing on Form 19b-4A, File No. SR-DTC-76-6.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

3. *Purpose of Proposed Rule Change*

The purpose of the proposed rule change is to establish an interface between DTC and PSDTC for all dual participants (participants in both DTC and PSDTC) and dually-eligible securities issues. The interface will permit dual participants to make book-entry transfers of securities in their DTC accounts to their PSDTC accounts where the securities will be available for delivery by book-entry within PSDTC and to make book-entry transfers from their PSDTC accounts to their DTC accounts where the securities will be available for delivery by book-entry within DTC.

4. *Basis under the Act for Proposed Rule Change*

(a) Not Applicable.

(b) The proposed rule change relates to DTC's carrying out the purposes of Section 17A of the Securities Exchange Act of 1934 (the Act) by increasing DTC's capacity to facilitate the prompt and accurate clearance and settlement of securities transactions in that the proposed rule change will allow dual participants with security positions in DTC or PSDTC to make book-entry delivery of those positions from DTC to PSDTC or from PSDTC to DTC instead of more costly physical withdrawals and shipment of the securities.

(c) Not Applicable.

5. *Comments Received from Members, Participants or Others on Proposed Rule Change*

No comments on the proposed rule change have been solicited or received.

6. *Burden on Competition*

None.

Within 35 days of the date of publication of this notice in the FEDERAL REGISTER (September 9, 1976) of within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Comimssion will:

(A) by order approve such proposed rules change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the public reference room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should be submitted within 21 days from the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JULY 29, 1976.

[FR Doc. 76-22735 Filed 8-4-76;8:45 am]

[Release No. 34-12673; File No. SR-MSE-76-12]

MIDWEST STOCK EXCHANGE, INC.

Self-Regulatory Organizations

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on July 27, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

MIDWEST STOCK EXCHANGE RULES ARTICLE IV, RULE 34

"MAX" EXECUTION SYSTEM

Rule 34. The Midwest Stock Exchange Agency Execution System ("MAX") shall be available to Exchange member firms in all dually traded issues. Max orders from 100 up to and including 300 shares shall be executed pursuant to the following formula:

Next Sale an Up Tick:
a. Buy orders executed on next sale.
b. Sell orders executed on previous sale.

Next Sale A Down Tick.
a. Buy orders executed on previous sale.
b. Sell orders executed on next sale.

Next Sale A Zero Plus Tick.
a. Buy orders executed on next sale.
b. Sell orders held until next different sale.

Next Sale A Zero Minus Tick.
a. Buy orders held until next different sale.
b. Sell orders executed on next sale.

MSE'S STATEMENT OF BASIS AND PURPOSE

The purpose of the proposed rule change is to increase the number of shares which can be included in a Max order thereby making the Midwest Stock Exchange's "MAX" Program competitive with other exchanges' formula execution processes.

The proposed rule change promotes just and equitable principles of trade and removes impediments to and the perfection of the mechanism of a free and open market and a national market system.

The rule change was proposed by the Exchange's Committee on Market Structure. Furthermore, in an open Floor meeting held on July 22, 1976, the staff advised the approximately 50 members attending of the action by the Board.

The Midwest Stock Exchange, Incorporated believes that no burdens have been placed on competition by this change.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

Further, the Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof. The rule change is designed to promote competition in the securities markets. In addition, the Commission has recently approved a similar rule change by another national securities exchange in connection with its pricing formula system.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submission should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within 21 days of the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JULY 29, 1976.

[FR Doc.76-22734 Filed 8-4-76;8:45 am]

[Release No. 34-12657; File No. SR-MSRB-76-6]

MUNICIPAL SECURITIES RULEMAKING BOARD

Self-Regulatory Organizations

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, § 16 (June 4, 1975), notice is hereby given that on July 15, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission proposed rule changes as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGES

The Municipal Securities Rulemaking Board (the "Board") has filed proposed rule changes that would amend paragraph (b) of rule G-1 of the Board. The proposed rule changes are technical in nature and are designed to conform the description of activities engaged in by a separately identifiable department or division of a bank to the description of activities performed by personnel associated with a municipal securities broker or non-bank municipal securities dealer subject to the Board's proposed rules G-2 through G-7 establishing standards of professional qualification.[1]

The text of the proposed rule changes follows:[2]

Rule G-1.—*Separately Identifiable Department or Division of a Bank.*

(a) No change.

(b) For purposes of this rule the activities of the bank which shall constitute municipal securities dealer activities are as follows:

(1) underwriting trading and sales of municipal securities;

[1] These rules are not yet in effect. Rules G-2 through G-6 were filed with the Commission in File No. SR-MSRB-76-3 (Securities Exchange Act Release No. 12177 (Mar. 8, 1976), 41 FR 10686 (1976)), and are being amended concurrently herewith (Amendment No. 1 to Form 19b-4A, File No. SR-MSRB-76-3.) Rule G-7 was filed with the Commission in File No. SR-MSRB-76-5 (Securities Exchange Act Release No. 12469 (May 20, 1976); 41 FR 22650 (1976)). Rule G-1 (formerly designated as rule 4 as originally filed in File No. SR-MSRB-75-1 (Securities Exchange Act Release No. 11741 (Oct. 15, 1975), 40 FR 49420 (1975)) was redesignated as such in File No. SR-MSRB-75-3 (Securities Exchange Act Release No. 11838 (Nov. 17, 1975), 40 FR 54636 (1975)). Additional amendments to rule G-1 (b) and G-3(a) are being filed concurrently herewith in File No. SR-MSRB-76-7.

[2] Additions are in italics; deletions are bracketed.

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(2) processing and clearance activities with respect to municipal securities;

(3) research *and investment advice with respect to municipal securities* [, analysis and preparation of literature for use in connection with the activities described in paragraph (1) above]; [and]

(4) any activities other than those specifically enumerated above which involve communication, directly or indirectly, with public investors in municipal securities; and

(5) [(4)] maintenance of records pertaining to the activities described in paragraphs (1) through (*4*) [(3)] above; [.]

provided, however, that the activities enumerated in paragraphs (3) and (4) above shall be limited to such activities as they relate to the activities enumerated in paragraph (1) above.

(c) No change.

(d) No change.

STATEMENT OF BASIS AND PURPOSE OF PROPOSED RULE CHANGES

The basis and purpose of the proposed rule changes are as follow:

The proposed rule changes are intended to conform certain of the municipal securities dealer activities set forth in rule G–1(b) with the description of activities performed by bank and nonbank personnel subject to the Board's rules on professional qualification as set forth in proposed rule G–3(a)(iii). The proposed rule changes would also clarify the Board's intent to exclude trust department activities and investment management services from the scope of bank dealer activities to the extent that they are not related to underwriting, trading and sales acivities of the bank dealer.

BASIS UNDER THE ACT FOR PROPOSED RULE CHANGES

The Board has adopted the proposed rule changes pursuant to sections 15B(b)(2)(A) and 15B(b)(2)(H) of the Securities Exchange Act of 1934, as amended (the "Act").

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS, OR OTHERS ON PROPOSED RULE CHANGES

In view of their technical nature, the Board has not solicited or received any letters of comment relating to the proposed rule changes.

BURDEN ON COMPETITION

The Board is of the opinion that the proposed rule changes will not constitute a burden on competition.

Within thirty-five days of the date of publication of this notice in the FEDERAL REGISTER, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such rule changes, or

(B) Institute proceedings to determine whether the proposed rule changes should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before August 30, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JULY 26, 1976.

[FR Doc.76-22673 Filed 8-4-76;8:45 am]

[Release No. 34-12658; File No. SR-MSRB-76-7.]

MUNICIPAL SECURITIES RULEMAKING BOARD

Self-Regulatory Organizations

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, § 16 (June 4, 1975), notice is hereby given that on July 15, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission proposed rule changes as follow:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGES

The Municipal Securities Rulemaking Board (the "Board") has filed proposed rule changes that would amend paragraph (b) of rule G–1[1] and subparagraph (a)(iii) of proposed rule G–3, which is not yet in effect. The proposed rule changes would add financial advisory and consultant services for issuers in connection with the issuance of municipal securities (hereinafter referred to as "advisory services") to the list of municipal securities dealer activities set forth in rule G–1(b) and the list of activities performed by municipal securities representatives set forth in proposed rule G–3(a)(iii). Since the definition of "municipal securities principal" in proposed rule G–3(a)(i) incorporates by reference the activities described in rule G–1(b) and proposed rule G–3(a)(iii), a person who performs advisory services in a supervisory capacity would be a municipal securities principal subject to the Board's proposed standards of professional qualification set forth in proposed rules G–2 through G–7.[2]

The Board intends to consider the advisability of establishing separate examinations for persons performing or responsible for advisory services. In the interim, however, such persons would be required, subject to the provisions of paragraph (c) and (e) of proposed rule G–3, to take and pass the examinations for municipal securities principals or municipal securities representatives, as the case may be.

The text of the proposed rule changes, which embodies changes proposed by the Board in File Nos. SR–MSRB–76–3 (Amendment No. 1) and SR–MSRB–76–6, follows:[3]

Rule G–1. *Separately Identifiable Department or Division of a Bank.*

(a) No change.

(b) For purposes of this rule, the activities of the bank which shall constitute municipal securities dealer activities are as follows:

(1) underwriting, trading and sales of municipal securities;

(2) *financial advisory and consultant services for issuers in connection with the issuance of municipal securities;*

(3) [(2)] processing and clearance activities with respect to municipal securities;

(*4*) [(3)] research and investment advice with respect to municipal securities;

(5) [(4)] any activities other than those specifically enumerated above which involve communication, directly or indirectly, with public investors in municipal securities; and

(*6*) [(5)] maintenance of records pertaining to the activities described in paragraphs (1) through (5) [(4)] above;

provided, however, that the activities enumerated in paragraphs (*4*) *and* (5) [(3) and (4)] above shall be limited to such activities as they relate to the activities enumerated in paragraphs (1) *and* (2) above.

(c) No change.

(d) No change.

Rule G–3(a)(iii). *Municipal Securities Representative.*

The term "municipal securities representative" means a natural person associated with a municipal securities broker or municipal securities dealer, other than a municipal securities principal or a person whose functions are solely clerical or ministerial, whose activities include one or more of the following:

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[1] Rule G–1 (formerly designated rule 4 as originally filed in File No. SR–MSRB–75–1, Securities Exchange Act Release No. 11741 (Oct. 15, 1975), 40 FR 49420 (1975) was redesignated as such in File No. SR–MSRB–75–3 (Securities Exchange Act Release No. 11838 (Nov. 17, 1975), 40 FR 54636 (1975)). Additional amendments to rule G–1(b) are being filed concurrently herewith in File No. SR–MSRB–76–6.

[2] These rules are not yet in effect. Rules G–2 through G–6 were filed with the Commission in File No. SR–MSRB–76–3 (Securities Exchange Act Release No. 12177 (Mar. 8, 1976), 41 FR 10686 (1976)) and are being amended concurrently herewith (Amendment No. 1 to Form 19b–4A, File No. SR–MSRB–76–3). Rule G–7 was filed with the Commission in File No. SR–MSRB–76–5 (Securities Exchange Act Release No. 12469 (May 20, 1976), 41 FR 22650 (1976)).

[3] Additions are in italics; deletions are bracketed.

(A) underwriting, trading or sales of municipal securities;

(B) *financial advisory or consultant services for issuers in connection with the issuance of municipal securities;*

(C) [(B)] research or investment advice with respect to municipal securities; or

(D) [(C)] any activities other than those specifically enumerated above which involve communication, directly or indirectly, with public investors in municipal securities;

provided, however, that the activities enumerated in subparagraphs (*a*)(iii)(C) [(a)(iii)(B)] and (*a*)(iii)(D) [(a)(iii)(C)] above shall be limited to such activities as they relate to the activities enumerated in subparagraphs (a)(iii)(A) *and* (*a*)(iii)(*B*) above.

STATEMENT OF BASIS AND PURPOSE OF PROPOSED RULE CHANGES

The basis and purpose of the proposed rule changes are as follow:

The proposed rule changes reflect the Board's determination that advisory services constitute an integral and important part of the municipal securities business and require a high degree of knowledge and competence in their performance. Persons performing advisory services for issuers frequently communicate with public customers, and their services often are used in connection with the marketing of new issues of municipal securities.

The purpose of the proposed rule change amending rule G–1 is to require banks that render advisory services and have a registered separately identifiable department or division to include within such department or division their activities relating to advisory services and to extend the Board's standards of professional qualification to the persons managing, directing or supervising such activities.

The purpose of the Board's proposed rule changes amending proposed rule G–3(a)(iii) is to extend the Board's standards of professional qualification to natural persons associated with a municipal securities broker or a municipal securities dealer who perform advisory services.

BASIS UNDER THE ACT FOR PROPOSED RULE CHANGES

The Board has adopted the proposed rule changes pursuant to sections 15B(b)(2)(A), 15B(b)(2)(C), and 15B(b)(2)(H) of the Securities Exchange Act of 1934, as amended (the "Act"). Section 15B(b)(2)(A) of the Act authorizes the Board to adopt rules prohibiting municipal securities brokers and municipal securities dealers from effecting transactions in municipal securities unless they and the natural persons associated with them meet "such standards of operational capability and . . . training, experience, competence, and such other qualifications as the Board finds necessary or appropriate in the public interest or for the protection of investors." Under section 15B(b)(2)(A) of the Act, the Board is authorized to classify municipal securities brokers, municipal securities dealers, and their respective associated persons for purposes of establishing standards of qualification. Section 15B(b)(2)(C) of the Act authorizes the Board to adopt rules designed "to protect investors and the public interest." Section 15B(b)(2)(H) of the Act authorizes the Board to define the term "separately identifiable department or division" of a bank for purposes of section 3(a)(30) of the Act.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS, OR OTHERS ON PROPOSED RULE CHANGES

The Board received letters of comment relating to the proposed rule changes amending rule G–1(b) and proposed rule G–3(a)(iii) from the following:

Continental Illinois National Bank and Trust Company of Chicago ("Continental Illinois")
National Association of Securities Dealers, Inc. ("NASD")
Securities Industry Association ("SIA")
Shearson Hayden Stone, Inc. ("Shearson")
Mr. Willard E. Vadman
Wells Fargo Bank ("Wells Fargo")

The Continental Illinois, SIA, and Shearson letters commented that the extension of the Board's standards of professional qualification to natural persons associated with a municipal securities broker or municipal securities dealer who perform advisory services ("related advisors") would result in a competitive disadvantage to the municipal securities brokers and municipal securities dealers with which such advisors are associated in comparison with other firms whose activities with respect to municipal securities relate only to providing advisory services to issuers and which therefore are not subject to regulation by the Board. The Continental Illinois letter also recommend a technical clarification of the language of the Board's proposal regarding rule G–3(a)(iii), which has been adopted in the proposed rule change as filed.

Although the SIA expressed concern regarding the inapplicability of the Board's standards of professional qualification to all persons performing advisory services for issuers of municipal securities, the SIA indicated its support for the intent of the proposed rule changes.

The Shearson letter commented that, if the Board's standards of professional qualification are to be extended to related advisors, the Board should establish a new category with separate standards of professional qualification for related advisors, rather than classifying such persons as municipal securities representatives. In addition, the Shearson letter recommended distinguishing clearly between related advisors and persons who perform financial advisory and consultant services for investors in municipal securities.

The NASD letter approved the approach taken by the Board in the proposed rule changes and commented that the proposed rule changes are "appropriate" and "in the public interest."

Mr. Vadman's letter questioned the appropriateness of extending the Board's standards of professional qualification at an early stage in the development of the regulatory structure for the municipal securities industry. Mr. Vadman commented concerning the continued viability of small municipal securities brokers and municipal securities dealers in light of increased regulatory requirements and the continuing availability of advisory services to small- and medium-size issuers served by such firms. He also raised questions relating to the administration of the Board's standards of professional qualification in this area and the regulation of advisory functions performed by engineers and attorneys.

The Wells Fargo letter raised questions concerning the inclusion within a separately identifiable department or division of a bank of advisory services and the activities that would be deemed for purposes of rule G–1 to constitute advisory services for issuers. The proposed rule change amending rule G–1 reflects this latter concern expressed by Wells Fargo and limits such services to those performed for issuers "in connection with the issuance of municipal securities."

Copies of all letters of comment received by the Board are on file at the offices of the Board and the Commission.

BURDEN ON COMPETITION

The Board recognizes that persons involved in rendering advisory services who are associated with a municipal securities broker or municipal securities dealer will be subject to regulation under the Board's rules, while persons involved in comparable activities who are associated with independent firms will not be, and that this may constitute a burden on competition. The Board is not authorized under the Act to adopt rules that would extend its standards of professional qualification to all persons who are involved in rendering advisory services without regard to their employment or business affiliation. The Board believes, however, that this potential anti-competitive effect will be minimal in light of the limited number of independent firms rendering advisory services for issuers (estimated to be approximately 20 firms) and the broad application of the term "associated person," as defined in the Act and used in the Board's proposed rules relating to standards of professional qualification, to include all persons associated with municipal securities brokers or municipal securities dealers, whether by direct employment or otherwise. (*See* Amendment No. 1 to File No. SR–MSRB–76–3.) Further, the Board believes that the proposed rule change could effect a competitive advantage favoring municipal securities brokers and municipal securities dealers whose associated persons involved in rendering advisory services qualify as municipal securities representatives or municipal securities principals under the Board's rules.

The Board concludes that any burden on competition is justified by the statutory purposes of the Board to adopt standards of professional qualification for municipal securities brokers and municipal securities dealers, as well as

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their associated persons, and to protect investors in municipal securities and further the public interest.

Within 35 days of the date of publication of this notice in the FEDERAL REGISTER, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule changes, or

(B) institute proceedings to determine whether the proposed rule changes should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within 30 days of the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JULY 26, 1976.

[FR Doc.76-22674 Filed 8-4-76;8:45 am]

[Release No. 34-12605; File No. SR-PHLX 76-14]

PHILADELPHIA STOCK EXCHANGE, INC.

Self-Regulatory Organizations

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on July 2, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The Philadelphia Stock Exchange, Inc., (PHLX) proposes a revision of its rule relating to the hours of trading on the Exchange. The text of the proposed amendment follows. Brackets indicate deletions, italics indicate new material.

Rule 101. Except as otherwise ordered by the Board of Governors, the Exchange shall be open for the entrance of members upon every business day at nine o'clock A.M. [At ten o'clock A.M. an official announcement shall be made that the Exchange is open for the transaction of business, and it shall so remain until three-thirty o'clock P.M. when it shall officially be announced to be closed.] The Exchange shall conform with daylight saving time when effective in the City of Philadelphia. *The Board of Governors shall determine by resolution the hours during which business may be transacted on the Exchange.*

STATEMENT OF BASIS AND PURPOSE

The amendment is made for purposes of administrative efficiency and to conform the rule to present practice. Upon due notice, the Board by resolution will be able to establish hours of trading on the equities and options floors.

The amendment is consistent with fair administration of the Exchange in furtherance of its purposes under the Exchange Act and its own rules.

No comments have been received from members on the proposed amendment.

No burden on competition will be imposed by the proposed rule change.

The foregoing rule change has become effective, pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within 21 days of the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JULY 7, 1976.

[FR Doc.76-22736 Filed 8-4-76;8:45 am]

[Release No. 9364]

AETNA VARIABLE ANNUITY LIFE INSURANCE CO.

Application for Approval of Offers of Exchange for Order of Exemption

JULY 23, 1976.

In the Matter of Variable Annuity Account E of Aetna Variable Annuity Life Insurance Company and AEtna Variable Annuity Life Insurance Company, 151 Farmington Avenue, Hartford, Connecticut 06156 (812-3969).

Notice is hereby given that Variable Annuity Account E of AEtna Variable Annuity Life Insurance Company ("Account E") registered under the Investment Company Act of 1940 ("Act") as a unit investment trust, and AEtna Variable Annuity Life Insurance Company ("AEtna Variable"), an Arkansas stock life insurance company (sometimes hereinafter referred to as "Applicants") filed an application on June 16, 1976, and an amendment thereto on July 20, 1976, pursuant to Section 11 of the Act for approval of offers of exchange and pursuant to Section 6(c) of the Act for an order of exemption from Sections 27(a)(3), 26(a) and 27(c)(2). All interested persons are referred to the application and amendment on file with the Commission for a statement of the representations therein which are summarized below.

AEtna Variable is a wholly-owned subsidiary of AEtna Life and Casualty Company, a Connecticut corporation. Account E is a separate account of AEtna Variable established in 1975 pursuant to the insurance laws of Arkansas for the purpose of holding reserves attributable to certain variable annuity contracts. All amounts allocated to Account E will be invested, at the option of the contractowner, in shares of AEtna Variable Fund, Inc. ("Fund") and/or AEtna Variable Encore Fund, Inc. ("Encore Fund"), both open-end management investment companies registered under the Act.

AEtna Variable is registered as a broker-dealer under the Securities Exchange Act of 1934 and is principal underwriter for Account E. It is also registered as an investment adviser under the Investment Advisers Act of 1940 and, as such, acts as investment adviser to both the Fund and Encore Fund. Applicants anticipate that Account E will be taxed as a separate entity for federal income tax purposes and will qualify as a regulated investment company under the provisions of Subchapter M of the Internal Revenue Code of 1954, as amended ("Code").

Applicants have filed a registration statement under the Securities Act of 1933 for certain group variable annuity contracts designated "Group Variable Fund Retirement Contracts" hereinafter ("Contracts"). Such Contracts are designed for use with certain deferred compensation plans not eligible for the tax preferred treatment of Subchapter D, Part 1, of the Code, and are available only to governmental and certain other tax-exempt organizations. The Contracts are of two types—installment purchase payment Contracts ("Installment Payment Contracts") and Contracts issued for stipulated amounts of $5,000 or more consisting of all or part of the assets held by the contractowner pursuant to a previously established plan.

Installment Payment Contracts provide for (1) a deduction of 1% from each installment purchase payment made on behalf of a participant as the premium for an insurance rider where, at the

option of the contractowner, a pre-retirement minimum death benefit guarantee has been purchased with respect to an individual account, (2) a deduction for any applicable premium taxes where such taxes are assessed at the time the purchase payment is made, and (3) a deduction of 6% of the balance of such payment for sales and administrative expenses. Applicants presently anticipate that premium taxes will be deducted from individual accounts at the time annuity payments commence, however, AEtna Variable reserves the right to make a deduction from purchase payments should such taxes be assessed by the applicable jurisdiction at the time purchase payments are made. A daily deduction equivalant to 1.25% on an annual basis will be made from the value of the variable portion of each Contract for mortality and expense risks, and termination of an Installment Payment Contract will be subject to a termination fee of 2% where the contractowner elects to terminate the Contract before five years' purchase payments have been made and to a termination fee of .2% thereafter.

The owner of a Contract may elect to have the assets attributable to a participant's individual account invested in Fund shares or Encore Fund shares transferred to the other fund or transferred to the Company's general account for accumulation on a fixed basis without any charge in connection therewith. A transfer cannot be elected until after three months have elapsed since the date of the establishment of such individual account or the date of a prior transfer with respect to such account. Moreover, the amount to be transferred may not be less than $500, and if the amount requested for transfer would result in less than $500 invested in either fund, the Company may transfer the total amount invested in such fund. Amounts accumulating on a fixed basis may not be transferred to any other investment medium for the purpose of accumulation. Upon a participant's retirement, the contractowner may elect to have the accumulated value of an individual account, regardless of how accumulated, applied to provide a variable annuity with payments varying once each year, a fixed annuity, or a combination of both, provided that the first monthly payment to be made on each basis would be at least $20. Only Fund shares can be used as an investment medium for variable payments during the annuity payment period, and assets invested in shares of Encore Fund prior to the annuity commencement date will be invested in Fund shares unless the contractowner directs that such assets be transferred to the general account.

SECTION 11

Section 11(a) of the Act makes it unlawful for any registered open-end company or principal underwriter therefor to make an offer to the holder of a security of such company or of any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c) provides that, irrespective of the basis of exchange, the provisions of Section 11(a) shall be applicable to any type of offer of exchange of the securities of registered unit investment trusts for the securities of any other investment company.

Applicants request an order pursuant to Section 11 to permit with respect to a participant's individual account (1) the transfer of assets invested in Fund shares or Encore Fund shares to the other fund not more frequently than once in any three month period and (2) the transfer of assets to the Fund from Encore Fund in connection with the contractowner's election to have annuity payments made on a variable or fixed and variable basis. Applicants state that the transfer provisions are consistent with the policies of Section 11 (a) and (c). According to Applicants, the principal abuse at which Section 11(a) is directed will not be present since no charge will be assessed in connection with the transfers permitted under the Contracts, and there is no element of unfairness involved. Applicants state that the main reason for the transfer provisions is to allow a contractowner to modify the prior allocation of purchase payments on behalf of a participant between investment media in light of the participant's personal changing needs and evolving economic conditions, that the transfer provisions are designed to afford greater flexibility in the selection of investment media under the Contracts, and that such provisions will benefit contractowners and participants.

Applicants further, request an order pursuant to Section 11 to permit amounts accumulated under a Contract on behalf of a participant to be transferred to an individual annuity contract without any charge by the Company in connection therewith. The individual contract will be of the type being issued by the Company for this class of individual at the time of the transfer, and such contract will be deemed to have been outstanding for the lesser of the number of full years the participant has been in the plan or the Contract has been in force. According to Applicants, the right to transfer amounts to an individual contract is available only for a participant who is terminating his participation under an employer's plan and is normally utilized only in connection with an employee's change of employer. Applicants state that the transfer privilege is designed to permit an employee to have payments accumuated for his retirement under a single contract despite a change in employment. Applicants submit that since exercise of the transfer privilege is without charge, the requested order should be granted.

SECTION 27(a)(3)

Section 27(a)(3) of the Act provides that no registered investment company issuing periodic payment plan certificates and no depositor of or underwriter for such company may sell any such certificate if the amount of sales load deducted from any one of the first twelve monthly payments exceeds proportionately the amount deducted from any other subsequent payment. Rule 27a-2 provides an exemption from the prohibitions of Section 27(a)(3) for certain registered separate accounts and depositors of and underwriters for such accounts provided that the proportionate amount of sales load deducted from any payment under a variable annuity contract participating therein does not exceed the proportionate amount deducted from any prior payment thereunder.

As noted above, the Installment Payment Contracts provide for a 6% deduction from each purchase payment made on behalf of a participant for sales and administrative expenses which is assessed on the balance of the payment remaining after a 1% deduction for the minimum death benefit guarantee, where elected.

In addition, the net payment against which the 6% deduction is applied may be further reduced by deductions for applicable premium taxes where such taxes are assessed at the time purchase payments are made. Accordingly, the deduction from purchase payments for sales and administrative expenses may vary as a percentage of the total purchase payment depending upon the election or termination of the optional minimum death benefit guarantee or any change in applicable premium taxes or in the manner of assessing same. Such factors may cause the amount deducted from any purchase payment for sales and administrative expenses to exceed proportionately the amount deducted from a prior payment. Thus, a termination of the optional minimum death benefit guarantee or a decrease in the percentage deduction for applicable premium taxes where such taxes have been assessed at the time a purchase payment is made will cause the amount deducted for sales and administrative expenses, as a percentage of the total purchase payment, to exceed the amount deducted from the preceding payment.

Applicants state that the variation in the deductions for sales and administrative expenses as a percentage of total purchase payments results from assessing the 6% deduction against the payment net of other deductions. Applicants assert that the purpose of assessing such deduction against the net payment remaining after other deductions is to avoid assessing a charge against amounts deducted for other purposes. In addition, Applicants assert that assessing such percentage deduction against the net payment provides for lower total deductions than would result if such percentage deduction were assessed on the basis of the total purchase payment.

Applicants assert than an exemption would not conflict with the purposes of Section 27(a)(3) which was designed to prevent abuses in connection with complicated sales load schedules.

Accordingly, Applicants request an exemption from Section 27(a)(3) to permit the variations in the proportionate

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amounts deducted for sales and administrative expenses as described hereinbefore.

SECTION 26(A) AND 27(C)(2)

Section 27(c)(2) prohibits a registered investment company or any depositor of and underwriter for such trust from selling periodic payment plan certificates unless the proceeds of all payments, other than amounts deducted for sales load, are deposited with a qualified bank as trustee or custodian and held under an indenture or agreement containing, in substance, the provisions required by Sections 26(a)(2) and 26(a)(3) of the Act for a unit investment trust.

Applicants assert that AEtna Variable is subject to extensive supervision and control by the Arkansas insurance regulatory authorities and that the supervision and inspection to which it is subject are applicable to Account E so as to afford protection to variable annuity contractowners and provide assurance of performance by AEtna Variable of its obigations to such owners. Applicants further assert that the assets of Account E attributable to variable annuity contracts are not chargeable with liabilities arising out of any other business AEtna Variable may conduct and that all obligations under the variable annuity contracts participating in Account E are general obligations of AEtna Variable which AEtna Variable may not abrogate. Applicants state that the Fund shares and Encore Fund shares issued to Account E will be held pursuant to an open account system and will not be represented by any transferable stock certificates which might require a trusteeship or custodianship for safekeeping purposes. Applicants assert that under the foregoing circumstances the dangers of abandonment of Account E's assets or default with respect to the obligations to security holders are remote. Applicants represent that the obligations undertaken by AEtna Variable, a regulated insurance company, to the holders of such variable annuity contractholders, provide substantially the protection contemplated by the requirements of Section 27(c)(2).

Accordingly, Applicants request exemption from Sections 26(a) and 27(c)(2) to permit the sale of variable annuity contracts funded by Account E without depositing the net payments thereunder with a qualified bank.

Applicants consent that the order granting exemption from Section 27(c)(2) may be subject to the conditions: (1) that the charges to variable annuity contract owners for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, jurisdiction being reserved for such purpose; and (2) that the payments of sums and charges out of the assets of Account E shall not be deemed to be exempted from regulation by the Commission by reason of the order, provided that Applicants' consent to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payments of sums and charges out of such assets other than charges for administrative services, and Applicants reserve the right in any proceeding before the Commission or in any suit or action in any court to assert that the Commission has no authority to regulate the payments of such other sums or charges.

SECTION 6(C)

Section 6(c) of the Act provides, in pertinent part, that the Commission may, by order upon application, conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or of any rule or regulation under the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than August 17, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or in the case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following August 17, 1976, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponement thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-22669 Filed 8-4-76;8:45 am]

[Rel. No. 9368]

AMERICAN SPECIAL FUND, INC. AND GROWTH FUND OF AMERICA, INC.

Filing of Application for Order Exempting Proposed Transaction

JULY 27, 1976.

In the Matter of American Special Fund, Inc. and The Growth Fund of America, Inc., 611 West Sixth Street, Los Angeles, California 90017 (812-3984).

Notice is hereby given that American Special Fund, Inc. ("AMSPC"), and The Growth Fund of America, Inc. ("GFA") ("Applicant(s)"), both open-end, diversified, management investment companies registered under the Investment Company Act of 1940 ("Act"), have filed an application on July 9, 1976, and amendments thereto on July 16, 1976, and July 21, 1976, for an order pursuant to Section 17(b) of the Act exempting a proposed merger of AMSPC into GFA from the provisions of Section 17(a) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

According to the application, AMSPC was incorporated in the State of Delaware on July 10, 1967, and, on June 30, 1976, had 4,695,845 shares outstanding and net assets of $28,906,402; GFA was incorporated in the State of Delaware on October 31, 1958, and, on June 30, 1976, had 3,154,651 shares outstanding and net assets of $15,508,040.

Applicants state that they have entered into an Agreement and Plan of Merger ("Agreement") pursuant to which AM SPC will be merged into GFA and the separate existence of AMSPC will cease, and that, on the effective date of the merger, all of the assets, liabilities, rights, privileges, powers, duties and obligations of AMSPC shall be transferred to GFA pursuant to the Agreement.

Applicants submit, in part, the following information regarding the terms of the Agreement. To become effective, the Agreement requires the affirmative vote of at least a majority of the outstanding shares of each of the Applicants; the merger is also contingent upon certain conditions precedent set forth in the Agreement, including (1) the receipt of either a ruling from the Internal Revenue Service, or opinions of the Applicants' respective legal counsel, to the effect that the merger will constitute a tax-free reorganization, and (2) the issuance of the order requested herein and any other orders of federal and state authorities as may be necessary. The Agreement is said to contain customary representations and warranties by each of the Applicants, the truth and correctness of which are also conditions precedent to the consummation of the merger. Applicants further submit that each Applicant shall distribute to its shareholders substantially all of its net taxable income for the fiscal year through the effective date of the merger.

Applicants state that a meeting of shareholders of AMSPC has been scheduled to take place on August 24, 1976; that GFA's shareholders approved the proposed merger on June 29, 1976; and that the effective date of the transaction is stated in the Agreement as August 31, 1976, but that, however, the effective date can be any other date that is agreed to in writing by the Applicants.

The application states that, if the merger is consummated, the outstanding shares of AMSPC held of record by each shareholder of AMSPC will be converted into that number of full and/or fractional shares of GFA which when multiplied by the net asset value per share of such shares of GFA shall have an aggregate net asset value equal to the aggregate net asset value of such shareholder's former interest in AMSPC, and that the net asset value of the shares of common stock of GFA and AMSPC at the effective time of the merger shall be the net asset values of each Fund determined in the manner described in their current prospectuses as of the close of the New York Stock Exchange on the day of the effective time of the merger or, if the Exchange is not open on that date, on the last preceding day on which the Exchange is open.

The respective tax positions of the Applicants are set forth in the application as follows. As of June 30, 1976, AMSPC had total net assets of approximately $28,906,402, and a total capital loss carry-over of approximately $31,000,000 of which $9,000,000, $14,000,000, $4,000,000 and $4,000,000 may be used to offset capital gains realized during the five year periods ending August 31, 1976, 1978, 1979, and 1980, respectively. As of June 30, 1976, GFA had total net assets of $15,508,040, and a total capital loss carry-over of approximately $16,700,000 of which $900,000, $9,200,000, $4,100,000 and $2,500,000 may be used to offset capital gains realized during the five year periods ending October 31, 1977, 1978, 1979 and 1980, respectively. On June 30, 1976, AMSPC had net unrealized gains of $1,836,599 and net realized losses of $642,477, and GFA had net unrealized gains of $2,609,498 and realized gains of $547,350.

The Applicants have agreed that no adjustment need be made in the computation of their respective net asset values to reflect any potential income tax impact on their shareholders which might result from differences in proportionate amounts of realized and unrealized capital gains or losses in their respective portfolios. Applicants assert that the actual impact of capital loss carryovers and current net unrealized gains or losses is not readily determinable and largely would be a matter of speculation, and that any such impact would depend on many different factors, including each individual shareholder's personal tax status.

Applicants submit that the primary investment objective of each of them is growth of capital; that each of them normally invests in equity securities with a major portion of their investments in common stocks; and that their investment restrictions are substantially similar in content. Applicants state, however, that GFA, whose fundamental investment restrictions will be those of the surviving company, may not purchase any securities the resale of which is subject to restrictions, or for which there is no readily available market, while AMSPC is permitted to invest up to 10% of its assets in such securities. Applicants further state that AMSPC does not presently hold any such securities.

Applicants state that the portfolio of AMSPC will continually be reviewed to ascertain that all securities held by AM SPC are compatible with GFA's investment objective, and that, should any security held by AMSPC be deemed to be incompatible with that objective, it will be sold prior to the merger.

Capital Research and Management Company ("CRMC"), the investment adviser of each of the Applicants, owns approximately 13,363 shares of GFA. CRMC, a subsidiary of The Capital Group, Inc., agreed to enter into a new investment advisory and service agreement with GFA, which agreement became effective on July 1, 1976. That new agreement was entered into at a time when there was contemplation of the possibility that GFA, and others of the investment companies served by CRMC as investment adviser, might become parties to merger proposals.

Section 17(a) of the Act, in part, provides that it shall be unlawful for any affiliated person of a registered investment company, or an affiliated person of such a person, acting as principal, knowingly to sell or purchase from such registered investment company any security or other property, except securities of which such investment company is the issuer. Since CRMC acts as an investment adviser to each of the Applicants, they might be deemed to be under common control and, therefore, affiliated persons of each other, for purposes of Section 17(a).

The Applicants contend that they are not affiliated persons of each other, or affiliated persons of affiliated persons of each other, as defined by the Act. They state that they have only one common director; that the majority of the members of their respective Boards of Directors are not "interested persons" as defined in the Act; that they have no common officers with the exception of one individual; and that neither of them owns any of the outstanding shares of the other.

The Applicants are also of the opinion that they are not affiliated persons of each other by reason of having a common investment adviser. The Applicants state that they have filed this application to avoid any questions being raised under Section 17(a) of the Act with respect to the merger described herein.

Section 17(b) of the Act provides, in part, that the Commission, upon application, shall exempt a proposed transaction from the provisions of Section 17(a) if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act.

Applicants submit that the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned, in that shares of GFA will be issued for the shares of AMSPC on the basis of their respective net asset values. Applicants further submit that the transaction is consistent with the policies of each of them. Applicants are of the opinion that their shareholders will benefit from the spreading over their combined assets of certain relatively fixed expenses, such as certain (currently duplicated) expenses relating to: (i) auditing, accounting, and legal services; (ii) the qualification of shares for sale in the various jurisdictions where shares are sold; (iii) preparation and printing of shareholder reports, prospectuses and proxy materials; and (iv) possible further savings in custodian fees and other expenses. It is estimated by the Applicants that their combined expenses in the twelve months ending April 30, 1976, assuming that GFA's current investment advisory and service agreement had been in effect throughout the period, would have been reduced by more than $55,000 if the Applicants had been combined during that period. Applicants further assert that the increased size of the combined fund also would provide it with certain other strengths and flexibilities, including somewhat greater investment flexibility with respect to portfolio transactions. It is also expected by Applicants that the combined fund will benefit from the resulting concentration of marketing effort.

It is proposed that each Applicant will bear its own expenses in connection with this merger. Such expenses are estimated by Applicants to be $68,000 in the aggregate, of which AMSPC will bear $40,000 and the remainder of approximately $28,000 will be borne by GFA.

Notice is further given that any interested person may, not later than August 20, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Applicants, c/o Thomas E. Terry, Esq., at the address above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificates) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-22670 Filed 8-4-76;8:45 am]

V 41 152 AUG 5 76 A UMI

[Release Nos. 33–5729, 34–12662, 35–19629, IC–9369, AS–193, File No. S7–647]

ARTHUR ANDERSEN & CO.

Request for Partial Response and Solicitation of Comments on Certain Questions

On June 15, 1976, the public accounting firm of Arthur Anderson & Co. ("Andersen") filed a "petition" with the Commission requesting, essentially, that we consider whether to:

(1) revoke Instruction H(f) of Form 10–Q (17 CFR 249.308a) which requires that independent accountants express their judgment regarding the preferability of an accounting principle adopted when accounting principles are changed at the discretion of a registrant.

(2) Withdraw the statement of policy embodied in Accounting Series Release No. 150 (39 FR 1260) in which the Commission stated that it would consider accounting principles, standards and practices promulgated by the Financial Accounting Standards Board (FASB) as contrary to such FASB promulgations as having no such support.[1]

(3) define the current meaning of the term "substantial authoritative support."

Preferability

Instruction H(f) to Form 10–Q was adopted by the Commission in Accounting Series Release No. 177 on September 10, 1975 (40 FR 55837). It was originally proposed for comment in essentially the same form on December 19, 1974[2] and comments were received on it and carefully considered by the Commission. In addition, the issues regarding this instruction were presented at public hearings held in 1975 on the Commission's interim reporting proposals.

Subsequent to adoption of Instruction H(f), the Auditing Standards Executive Committee of the AICPA (AudSEC) requested that the Commission reconsider the instruction and, in response, the Commission held a public meeting with the Committee on April 23, 1976 at which the issues were discussed and at which time several submissions were received. On April 30, 1976, the Commission advised AudSEC that, after further consideration, it saw no reason to change its conclusion.

The substantive issues involving Instruction H(f) therefore have been thoroughly aired and the reasons for the Commission's conclusions have been fully set forth. In the absence of any showing by Andersen that it has presented any new substantive reasons for reconsideration of our action, the Commission has no basis before it warranting further reconsideration of the matter.

Establishment of accounting principles

The second and third actions requested by Andersen raise fundamental issues of importance upon which the Commission has concluded it wishes to have the benefit of public comment before determining what action, if any, it may be appropriate to take. In addition, the Commission expects to hold a public meeting on the issues with invited representatives of persons with significant interests in financial reporting.

A cornerstone of the disclosure process envisioned by the securities laws is the financial information included in audited financial statements. Since 1933, when Congress determined to rely on independent accountants to provide assurance of reliability in financial statements, the Commission has relied upon the judgments of the accounting profession both in individual factual circumstances and in the establishment of principles of general acceptance. In 1938, the Commission stated its administrative policy with respect to financial statements in Accounting Series Release No. 4 (11 FR 10913):

"In cases where financial statements filed with this Commission pursuant to its rules and regulations under the Securities Act of 1933 or the Securities Exchange Act of 1934 are prepared in accordance with accounting principles for which there is no substantial authoritative support, such financial statements will be presumed to be misleading or inaccurate despite disclosures contained in the certificate of the accountant or in footnotes to the statements provided the matters involved are material. In cases where there is a difference of opinion between the Commission and the registrant as to the proper principles of accounting to be followed, disclosure will be accepted in lieu of correction of the financial statements themselves only if the points involved are such that there is substantial authoritative support for the practices followed by the registrant and the position of the Commission has not previously been expressed in rules, regulations or other official releases of the Commission, including the published opinions of its Chief Accountant."

In 1973, various private sector groups concerned with financial reporting established the Financial Accounting Standards Board and this body was designated by the accounting profession as the entity having the responsibility for considering and promulgating accounting standards and interpretations. Following this action, the Commission issued a Statement of Policy (ASR 150) reflecting its recognition of the FASB's role in the setting of accounting principles, standards and practices. ASR 150 reflected an explicit statement of the Commission's administrative practice in carrying out its responsibilities under the securities laws. Historically, the Commission has accepted as having substantial authoritative support those practices which have been identified by the accounting profession as standards to be followed by members of the profession. With the creation of the FASB, the Commission believed that it should publicly indicate that it viewed the standards, practices and interpretations issued by the FASB as constituting those practices having substantial authoritative support.

Andersen requests that the Commission withdraw these policies which have governed the manner by which it has determined whether financial statements meet the requirements of the Securities Acts. Before responding to Andersen's request, the Commission hereby solicits public comment on the following basic issues raised:

1. Should the Commission continue its policy of recognizing the pronouncements of the Financial Accounting Standards Board as providing a frame of reference for publicly held companies to satisfy their statutory disclosure obligations?

2. Should the Commission further define the phrase "substantial authoritative support"?

3. Should the Commission further define the phrase "accounting principles and practices" used in Rule 2–02(c) of Regulation S–X (17 CFR 210.2–02(c))?

Comments in triplicate should be addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 and should be referenced to File S7–647. Comments should be received by September 15, 1976. All comments will be available for public inspection.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

JULY 27, 1976.

[FR Doc.76–22737 Filed 8–4–76;8:45 am]

[Rel. No. 19628]

APPALACHIAN POWER CO.

Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding

JULY 27, 1976.

In the Matter of Appalachian Power Company, 40 Franklin Road, Roanoke, Virginia 24009 (70–5877).

Notice is hereby given that Appalachian Power Company ("Appalachian"), an electric utility subsidiary company of American Electric Power Company, Inc., ("AEP"), a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Appalachian proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, up to $70,000,000 principal amount of First Mortgage Bonds (the "new bonds"), to mature in not less than 5 years and not more than 30 years. The interest rate (which will be a multiple of ⅛ of 1%) and the price (which will be not less than 100%, unless Appalachian shall authorize a lower percentage not less than 99%, and shall not exceed 102.75% of the principal amount of the bonds thereof) will be determined by competitive bidding. The terms of the bonds preclude Appalachian from redeeming any such bonds prior to September 1, 1981, if such redemption is for the purapose of refunding such bonds with proceeds of funds borrowed at a lower effective interest cost. The bonds will be issued under and secured by the Mortgage and Deed of Trust, dated as of December 1, 1940, to Bankers Trust Company, and a new Supplemental Indenture thereto which will be dated as of the first day of the month in which the Bonds are to be issued. Appalachian shall notify prospective bidders no later than 72 hours prior to the time designated for the submission of bids the maturity date of the bonds.

The proceeds of the offering will be used to pay at maturity $70,000,000 principal amount of 8⅝% Series Bonds, due October 1, 1976.

The fees and expenses to be incurred in connection with the proposed issue and sale of the new bonds and the fees and expenses of counsel for the underwriters, to be paid by the successful bidders, will be supplied by amendment. It is stated that the State Corporation Commission of Virginia and the Tennessee Public Service Commission have jurisdiction over the proposed transaction and that no other state commisison and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than August 23, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–22671 Filed 8–4–76;8:45 am]

[Release No. 12648; SR–CBOE–76–11]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Filing and Order Approving Proposed Rule Change

JULY 21, 1976.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act"), as amended by Pub. L. No. 94–29, § 16 (June 4, 1975) notice is hereby given that on June 24, 1976, the Chicago Board Options Exchange, Inc. ("CBOE") filed with the Commission copies of a proposed rule change. The proposed rule change sets forth the Exchange's stated policy pursuant to CBOE Rule 5.3 that at the time its Securities Committee selects an underlying security for options transactions, the trading volume in such security on the principal securities exchange on which the underlying security is listed must have been at least 1,000,000 shares per year in each of the two previous calendar years; provided, however, that if an underlying security selected by the Securities Committee has not been trading on a securities exchange during the two previous calendar years, then the trading volume in that security in the over-the-counter market shall have been at least 1,000,000 shares per year in each of the two previous calendar years.

Interested persons are invited to submit written data, views and arguments concerning the proposed rule change. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR–CBOE–76–11.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

Further, the Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof because (i) for purposes of approval of underlying securities for exchange listed options, the current distinction between those listed securities with the requisite trading volume history on a national securities exchange and those with their pertinent volume history in the over-the-counter market appears at present to be unwarranted; (ii) the CBOE states that this rule change will clarify the application of the requirements of its Rule 5.3 that underlying securities have been actively traded prior to the time of their selection in the situation where the underlying security was traded other than on an exchange during all or part of the period prior to its selection.

The Commission, through inadvertence, not having entered an order approving the proposed rule change as of the date of its determination to approve such change:

It is therefore ordered, nunc pro tunc, pursuant to Section 19(b)(2) of the Act, that the proposed rule change referenced above be, and it hereby is, approved as of July 1, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–22724 Filed 8–4–76;8:45 am]

[File No. 500–1]

DIVERSIFIED INDUSTRIES, INC.

Suspension of Trading

JULY 29, 1976.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Diversified Industries, Inc. being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

THEREFORE, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from July 30, 1976 through August 8, 1976.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–22725 Filed 8–4–76;8:45 am]

[File No. 500–1]

EQUITY FUNDING CORPORATION OF AMERICA AND ORION CAPITAL CORP.

Suspension of Trading

JULY 29, 1976.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Equity Funding Corporation of America, including Orion Capital Corporation, being traded on a national securities exchange or otherwise, is required in the public interest and for the protection of investors;

THEREFORE, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from July 30, 1976 through August 8, 1976.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–22726 Filed 8–4–76;8:45 am]

[1] The Commission noted in this connection that Rule 203 of the Rules of Conduct of the Code of Ethics of the American Institute of Certified Public Accountants provides that it is necessary to depart from accounting principles promulgated by the body designated by the Council of the AICPA if, due to unusual circumstances, failure to do so would result in misleading financial statements and that, in such a case, the use of other principles may be accepted or required by the Commission.

[2] Release Nos. 33–5549, 34–11142, 35–18718 (40 FR 1079).

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[Rel. No. 9373; 811-1411]

FFV ACCUMULATION PLAN

Filing of Application for Order Declaring Applicant Has Ceased To Be Investment Company

JULY 28, 1976.

Notice is hereby given that FFV Accumulation Plan ("Applicant") One Wall Street, New York, New York 10005, registered under the Investment Company Act of 1940 ("Act") as a unit investment trust, filed an application on June 14, 1976, for an order of the Commission, pursuant to Section 8(f) of the Act, declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Applicant was organized for the purpose of permitting the purchase of shares of First Fund of Virginia, Inc. ("FFV"), a diversified, open-end management company registered under the Act, through periodic payments over a ten year period. Applicant filed a notification of registration pursuant to Section 8(a) of the Act on July 25, 1966.

The application states that on October 17, 1974, the board of directors of First Virginia Management and Research Corporation, Applicant's sponsor and depositor, made a decision to terminate all further sales of Applicant's periodic payment plans ("Plans"), effective December 31, 1974. The application further states that on May 17, 1976 at a special meeting of shareholders the shareholders of FFV approved an Agreement and Plan of Reorganization ("Agreement"), pursuant to which on May 25, 1976, substantially all of FFV's assets were acquired by New York Venture Fund, Inc. ("Venture"), in exchange for shares of Venture, which shares were thereupon distributed to the stockholders of FFV as a liquidating dividend. Applicant represents that, as a result of this Agreement, all former holders of Applicant's Plans are now shareholders of record of Venture.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, which may be made upon appropriate conditions if necessary for the protection of investors, and upon taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than August 23, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided in Rule O-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-22727 Filed 8-4-76;8:45 am]

[Rel. No. 9374; 811-1412]

FIRST FUND OF VIRGINIA, INC.

Filing of Application for Order Declaring That Applicant Has Ceased To Be Investment Company

JULY 28, 1976.

Notice is is hereby given that First Fund of Virginia, Inc. ("Applicant") (910 Capitol Street, Richmond, Virginia 23219) registered under the Investment Company Act of 1940 ("Act") as a diversified, open-end management company, filed an application on June 7, 1976, for an order of the Commission, pursuant to Section 8(f) of the Act, declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representation contained therein which are summarized below.

Applicant was organized as a corporation under the laws of Virginia on July 19, 1966, and filed a notification of registration pursuant to Section 8(a) of the Act on July 25, 1966.

The application states that on May 17, 1976, at a special meeting of shareholders the Applicant's shareholders approved an Agreement and Plan of Reorganization ("Plan"), pursuant to which, on May 25, 1976, Applicant transferred substantially all of its assets to New York Venture Fund, Inc. ("Venture"), in exchange for shares of Venture, which shares were thereupon distributed to the stockholders of Applicant as a liquidating dividend.

Applicant represents that it is being dissolved as a Virginia corporation. Applicant represents that it has no assets other than $1,000 in cash retained for payment of wind-up liabilities and expenses. Any retained cash not required to be expended to pay such liabilities and expenses will be remitted to Venture, pursuant to the Plan.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, which may be made upon appropriate conditions if necessary for the protection of investors, and upon taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than August 23, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided in Rule O-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-22728 Filed 8-4-76;8:45 am]

[Rel. No. 9372; 811-1060]

INVESTORS INCOME FUND, INC.

Filing of Application for Order Declaring Applicant Has Ceased To Be Investment Company

JULY 28, 1976.

Notice is hereby given that Investors Income Fund, Inc. ("Applicant"), 910 Capitol Street, Richmond, Virginia 23219) registered under the Investment Company Act of 1940 ("Act") as a diversified, open-end management company, filed an application on June 7, 1976, for an order of the Commission, pursuant to Section 8(f) of the Act, declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Applicant was organized under the laws of Delaware on February 15, 1961, and filed a notification of registration pursuant to Section 8(a) of the Act on or before May 19, 1961.

The application states that on May 17, 1976, at a special meeting of shareholders the Applicant's shareholders approved an Agreement and Plan of Reorganization ("Plan"), pursuant to which, on May 25, 1976, Applicant transferred substantially all of its assets to Monthly Income Shares, Inc. ("MIS") in exchange for shares of MIS, which shares were thereupon distributed to the stockholders of Applicant as a liquidating dividend.

Applicant represents that it is being dissolved as a Delaware corporation. Applicant represents that it has no assets other than $1,000 in cash retained for payment of wind-up liabilities and expenses. Any retained cash not required to be expended to pay such liabilities and expenses will be remitted to MIS, pursuant to the Plan.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, which may be made upon appropriate conditions if necessary for the protection of investors, and upon taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than August 23, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided in Rule O-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-22729 Filed 8-4-76;8:45 am]

[Release No. 9381; 811-1506]

THE MEDICI FUND, INC.

Filing of Application for Order Declaring That Company Has Ceased To Be Investment Company

JULY 29, 1976.

Notice is hereby given that on May 7, 1976, The Medici Fund, Inc. ("Applicant"), c/o John L. Goldstone, Esq., Cardozo, Goldstone & Cardozo, 488 Madison Avenue, New York, New York 10022, registered under the Investment Company Act of 1940 (the "Act"), as an open-end, non-diversified management investment company, filed an application pursuant to Section 8(f) of the Act for an order of the Commission declaring that it has ceased to be an investment company as defined by the Act. All interested persons are referred to the Application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant was incorporated under the laws of the State of Delaware on December 5, 1966, and registered under the Act on June 9, 1967.

As of December 31, 1975, Applicant had 57,403 shares registered and outstanding, representing net assets of $227,281.71.

Applicant states that at a special meeting of its shareholders held on December 22, 1975, approval was given to a certain Agreement and Plan ("Agreement") that had previously been approved by the Applicant's Board of Directors. The Agreement, entered into with The Clarence M. Whipple Fund ("Whipple"), an open-end, diversified management investment company registered under the Act, provided for the sale to Whipple of substantially all the assets of Applicant in exchange for shares of Whipple, with such shares of Whipple to be distributed to shareholders of Applicant.

On December 31, 1975, substantially all of the assets of the Applicant were transferred to Whipple in consideration of 15,827,417 shares of Whipple which were thereupon transferred to shareholders of the Applicant in proportion to their respective holdings of Applicant's capital stock. Applicant asserts that it has paid or reserved for all its liabilities and distributed all its net assets, and that it has ceased to function as an investment company and has filed a Certificate of Dissolution in the Office of the Secretary of State of Delaware on April 1, 1976.

Section 8(f) of the Act provides, in part, that whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and, upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than August 24, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Applicant at the address stated above. Proof of such service (by affidavit or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule O-5 of the Rules and Regulations promulgated under the Act, an order disposing of the matter will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-22730 Filed 8-4-76;8:45 am]

[Release No. 12690; File Nos. SR-MSTC-76-5; SR-MSTC-76-6]

MIDWEST SECURITIES TRUST CO.

Order Approving Rule Changes Submitted Regarding Participants' Fund

JULY 29, 1976.

On April 19, 1976, Midwest Securities Trust Company (120 South LaSalle Street, Chicago, Illinois 60603) submitted, pursuant to Rule 19b-4 under the Securities Exchange Act of 1934 (the "Act"), proposed rule changes amending MSTC Rule 8.

SR-MSTC-76-6 proposes an amendment to Section 6 of Rule 8 to require that not less than ten percent of each member's contribution to the MSTC Participants' Fund be in cash. The proposal also would allow the balance of the contribution to be in unmatured negotiable debt securities of, or obligations guaranteed by, the United States government with a maturity of one year or less and would require such securities to be deposited by the participant with a bank or trust company approved by MSTC.

SR-MSTC-76-5 proposes an amendment to Section 7 of Rule 8 regarding investment by MSTC of the Participants' Fund. The proposed amendment would delete the right of MSTC to deposit securities pledged by the Participants with regulatory authorities to the extent that such deposits may be required by law. This deletion would conform Section 7 to the proposed amendment to Section 6 of Rule 8 which requires that the securities be deposited by Participants with a bank or trust company approved by MSTC.

In accordance with Section 19(b) of the Act and Rule 19b-4 thereunder, the rule changes were published in the FEDERAL REGISTER (41 Fed. Reg. 20031, May 14, 1976), and the public was invited to submit comments until June 4, 1976. Notice of the filings and an invitation for comments also appeared in Securities Exchange Act Release No. 12413, May 6, 1976. No letters of comment were received.

The Commission has reviewed the MSTC submissions and finds that the proposed rule changes are consistent with the requirements of the Act and the

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rules and regulations thereunder applicable to registered clearing agencies.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule changes contained in File Nos. SR–MSTC–76–5 and SR–MSTC–76–6 be, and hereby are, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–22731 Filed 8–4–76;8:45 am]

[Release No. 12671; File No. SR–MCC–76–2]

MIDWEST CLEARING CORP.

Order Approving Rule Change Submitted Regarding Participants' Fund

JULY 29, 1976.

On April 19, 1976, the Midwest Clearing Corporation ("MCC"), 120 South LaSalle Street, Chicago, Illinois 60603, submitted, pursuant to Rule 19b–4 under the Securities Exchange Act of 1934 (the "Act"), a proposed rule change amending Section 6 of MCC Rule 14 to require that not less than ten percent of each member's contribution to the MCC Participants' Fund be in cash. The proposal also would allow the balance of the contribution to be in unmatured negotiable debt securities of, or obligations guaranteed by, the United States government with a maturity of one year or less and would require such securities to be deposited by the participant with a bank or trust company approved by MCC.

In accordance with Section 19(b) of the Act and Rule 19b–4 thereunder, the rule changes were published in the FEDERAL REGISTER (41 Fed. Reg. 20234, May 17, 1976) and the public was invited to submit comments until June 7, 1976. Notice of the filing and an invitation for comments also appeared in Securities Exchange Act Release No. 12422, May 10, 1976. No letters of comment were received.

The Commission has reviewed the MCC submission and finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change contained in File No. SR–MCC–76–2 be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–22732 Filed 8–4–76;8:45 am]

[Release No. 12652; File No. SR–NASD–75–7]

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

Order Approving Proposed Rule Change

JULY 23, 1976.

In the Matter of National Association of Securities Dealers, Inc., 1735 K Street, NW., Washington, D.C. 20006.

On December 3, 1975, the National Association of Securities Dealers, Inc. ("NASD") filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b–4 thereunder, copies of a proposed rule change. The proposed rule change involves an interpretation and explanation by the Board of Governors of Article III, Sections 1, 27 and 28 of the Association's Rules of Fair Practice concerning private securities transactions by associated persons of member firms and members' responsibility to supervise such transactions.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 11897, December 3, 1975) and by publication in the FEDERAL REGISTER (40 Fed. Reg. 57735, December 11, 1975).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the NASD, and in particular, the requirements of Section 15A and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change filed with the Commission on December 3, 1975, be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–22672 Filed 8–4–76;8:45 am]

[Rel. No. 9379; 812–3838]

VOYAGER LIFE INSURANCE CO. AND VOYAGER VARIABLE ANNUITY FUND

Application for Order of Exemption

JULY 29, 1976.

Notice is hereby given that Voyager Life Insurance Company ("Voyager") 2255 Phyllis Street, Jacksonville, Florida 32203, a stock life insurance company organized under the laws of Florida, and Voyager Variable Annuity Fund ("Fund"), a separate account of Voyager registered under the Investment Company Act of 1940 ("Act") as an open-end diversified management investment company, (collectively referred to as "Applicants") filed an application on November 17, 1975, and amendments thereto on December 10, 1975, June 16, 1976, and July 13, 1976, pursuant to Section 6(c) of the Act for an order of exemption from Section 27(a)(3) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

The Fund was established for the purpose of funding benefits payable under certain individual and group variable annuity contracts sold by Voyager. In conjunction with Voyager, the Fund wishes to permit, under certain circumstances, the purchase of variable annuity contracts without sales and administrative charges assessed against initial payments and, therefore, at a sales load which varies from the sales load described in the prospectus, in order to reflect differences in costs or services. Applicants maintain that such provisions would not be unfairly discriminatory against any person, as provided for by Rule 22d–3 under the Act. As proposed, purchase payments would be subject to no load if they are made with funds constituting (i) surrender values or death benefits under a life insurance policy issued by Voyager; (ii) proceeds payable on the death of a contractholder under fixed or variable annuity contracts offered by Voyager and/or the Fund, either before or after annuity payments have begun; and (iii) previously accumulated funds held under pre-existing pension, profit-sharing or annuity plans transferred to Voyager to be used to purchase variable annuity contracts in order to fund retirement benefits under similar programs.

Section 27(a)(3) of the Act provides that no registered investment company issuing periodic payment plan certificates and no depositor of or underwriter for such company, may sell any such certificates if the amount of sales load deducted from any one of the first twelve monthly payments exceeds proportionately the amount deducted from any other such payment, or if the amount deducted from any subsequent payment exceeds proportionately the amount deducted from any other subsequent payment.

Applicants assert that when proceeds or accumulated funds are used or transferred for the purchase of a periodic payment plan certificate or contract, and no sales and administrative charges are deducted from the transfer payment, Section 27(a)(3) might be viewed as prohibiting deducting from subsequent accumulation payments of the usual sales and administrative charges described in the applicable prospectus.

Applicants represent that Section 27(a)(3) was designed to lessen losses which might be incurred upon early termination of periodic payment plan certificates involving front-end load arrangements. The proposed waiver of sales and administrative charges from the transfer payment does not involve a front-end load arrangement and the subsequent imposition on regular monthly payments of the usual charges described in the prospectus cannot lead to the abuses intended to be prevented by the enactment of Section 27(a)(3).

Applicants therefore request an exemption from Section 27(a)(3), which exemption would be applicable to contracts sold as described above pursuant to the provisions of Rule 22d–3, to permit the deduction of usual sales and administrative charges, as described in the applicable prospectus, from period monthly payments on annuity contracts offered by Applicants for which no sales load was charged on a transfer payment.

Applicants have consented to the requested exemption being made subject to the condition that Voyager will follow established procedures to minimize and prevent the inappropriate replacement of annuity contracts issued by other companies. Included in each application for

an annuity contract is a statement to be signed by the potential purchaser as to whether the proposed annuity will replace an existing policy or contract, and a similar statement is required to be submitted by the agent. If replacement is proposed, a written disclosure statement containing all material information, including, but not limited to, a comparison of the existing and proposed contract provisions and charges is furnished the potential purchaser. Voyager also will notify the company which issued the existing contract that the potential purchaser proposes to make a transfer of funds from that company.

Section 6(c) of the Act provides, in part, that the Commission may, by order upon application, conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provision or provisions of the Act or of any rule or regulation under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than August 24, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney of law by certificate) shall be filed contemporaneously with the request. As provided by Rule O–5 of the Rules and Regulation promulgated under the Act, an order disposing of the application will be issued as of course following August 24, 1976 unless the Commission orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–22733 Filed 8–4–76;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 05/05–0112]

INTERCAPCO, INC.

Application for a License

Notice is hereby given of the filing of an application with the Small Business Administration (SBA) pursuant to Section 107.102 of the SBA Regulations (13 CFR 107.102 (1976)) by Intercapco, Inc., Investment Plaza, Cleveland, Ohio 44114 for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C 661 et seq.).

The proposed officers, directors and shareholders are:

Name	Title	Percent of ownership
Glenn Goldenberg, Investment Plaza, Cleveland, Ohio 44114.	Chairman of the board of directors.	4.75
Ronald E. Weinberg, Investment Plaza, Cleveland, Ohio 44114.	President and director.	4.75
Jeffrey A. Cole, Investment Plaza, Cleveland, Ohio 44114.	Secretary and director.	2.75
Wendell W. Robinson, Investment Plaza, Cleveland, Ohio 44114.	Director	[1] 2.75
Alejandro Branger, Paseo Las Mercedes, Piso 3—Ruta, 53, Caracas 106, Venezuela.	do	
Joseph, Miller & Russell, Inc., Investment Plaza, Cleveland, Ohio 44114.		[1] 20.0

[1] Class B common stock.

Joseph, Miller & Russell, Inc., is engaged in general stock brokerage and in investment banking.

The applicant will begin operations with a capitalization of between $500,000 and $1,500,000 depending on the success of the private sale of Class A common stock, and will be a source of equity capital and long term loan funds for qualified small business concerns.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and Regulations.

Notice is further given that any person may, not later than 15 days from the date of publication of this Notice, submit written comments on the proposed SBIC to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this Notice will be published in a newspaper of general circulation in Cleveland, Ohio.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: July 28, 1976.

DANIEL SCHLESINGER,
Acting Deputy Associate Administrator for Investment.

[FR Doc.76–22685 Filed 8–4–76;8:45 am]

[Declaration of Disaster Loan Area No. 1248; Amendment No. 1]

IDAHO

Declaration of Disaster Loan Area

The above numbered Declaration (See 41 F.R. 24469) is amended by extending the time for filing applications until the close of business October 4, 1976 for physical damage and until the close of business May 5, 1977, for economic injury.

Date: July 27, 1976.

MITCHELL P. KOBELINSKI,
Administrator.

[FR Doc.76–22686 Filed 8–4–76;8:45 am]

[Declaration of Disaster Loan Area No. 1263; Amendment No. 1]

MISSOURI

Declaration of Disaster Loan Area

The above numbered Declaration (See 41 F.R. 29233) is amended in accordance with the President's declaration of July 21, 1976, to include Barton, Jasper, Newton, Wayne and adjacent counties, within the State of Missouri, and to extend the filing date for physical damage until the close of business on September 20, 1976, and for economic injury until the close of business on April 20, 1977.

Dated: July 26, 1976.

MITCHELL P. KOBELINSKI,
Administrator.

[FR Doc.76–22687 Filed 8–4–76;8:45 am]

[Declaration of Disaster Loan Area No. 1266]

MONTANA

Declaration of Disaster Area

The main business district of the Town of Whitehall, Montana, constitutes a disaster area because of damage resulting from a fire which occurred on June 1, 1976. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on September 24, 1976, and for economic injury until the close of business on April 25, 1976, at:

Small Business Administration, District Office, 618 Helena Avenue, Helena, Montana 59601,

or other locally announced locations.

Dated: July 26, 1976.

MITCHELL P. KOBELINSKI,
Administrator.

[FR Doc.76–22688 Filed 8–4–76;8:45 am]

[Declaration of Disaster Loan Area No. 1267]

NEW YORK

Declaration of Disaster Loan Area

As a result of the President's declaration, dated July 21, 1976, I find that Broome, Oneida, Tioga, Tompkins, Warren and adjacent counties within the State of New York, constitute a disaster area because of damage resulting from severe storms and flooding beginning about July 11, 1976. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on September 20, 1976, and for economic injury until the close of business on April 20, 1977, at:

Small Business Administration, District Office, 100 South Clinton Street, Room 1073, Syracuse, New York 13202, and

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Small Business Administration, Branch Office, 180 State Street, Room 412, Elmira, New York 14904,

or other locally announced locations.

Dated: July 26, 1976.

MITCHELL P. KOBELINSKI,
Administrator.

[FR Doc.76–22689 Filed 8–4–76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 108]

ASSIGNMENT OF HEARINGS

AUGUST 2, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 33426 (Sub-No. 6), Fuller Transportation, Inc., now being assigned for continued hearing on August 23, 1976, (1 day), in Court Room No. 3, City Municipal Courthouse, 811 Washington Street, Columbia, S.C.

MC 134477 (Sub-No. 109), Scanno Transportation, Inc., now being assigned October 7, 1976 (1 day), at Omaha, Nebraska, in a hearing room to be later designated.

MC 141743, Mark IV Charter Lines, Inc. now assigned August 25, 1976 at Los Angeles, California is now cancelled, application dismissed.

MC 1287273 (Sub-No. 207), Midwestern Distribution, Inc., now assigned October 18, 1976, at Memphis, Tenn. is postponed indefinitely.

MC 28573 (Sub 35), Burlington Northern Inc.—now being assigned September 27, 1976 (1 week), at Great Falls, Montana in a hearing room to be later designated.

MC 106920 Sub 64, Riggs Food Express, Inc., now being assigned October 13, 1976, (1 day), at Chicago, Ill., will be held in Room 1319, Everett McKinley Dirksen Bldg., 219 S. Dearborn St.

MC 81231 Sub 90, Ace Lines, Inc., now being assigned October 14, 1976 (2 days), at Chicago, Ill., will be held in Room 1319, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street.

MC 69623 Sub 3, Central West Motor Stages, Inc., now being assigned October 18, 1976 (1 week), at Chicago, Ill., will be held in Room 1319, Everett McKinley Dirksen Bldg., 219 S. Dearborn St.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–22829 Filed 8–4–76;8:45 am]

[Section 5b Application No. 7]

ASSOCIATION OF AMERICAN RAILROADS

Railroads Per Diem, Mileage, Demurrage and Storage; Agreement

JULY 27, 1976.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of Section 5b of the Interstate Commerce Act.

Filed June 25, 1976, by:

Stephen Alles, Attorney-in-Fact, Association of American Railroads, American Railroads Building, Washington, D.C. 20036.

James I. Collier, Jr., General Attorney, Association of American Railroads, American Railroads Building, Washington, D.C. 20036.

Agreement involves: Organization and procedures between and among rail common carriers under section 5b of the Interstate Commerce Act, relating to the joint consideration, initiation, or establishment and modification of: (1) the rates of compensation payable for the use of foreign line and other non-shipper furnished freight cars and other transportation equipment; (2) the rates of compensation payable for the use of freight cars and other transportation equipment furnished by shippers; (3) demurrage and storage charges payable by shippers for use of freight cars or other transportation equipment and facilities; and (4) rules and regulations pertaining to such rates and charges.

The complete application may be inspected at the Office of the Commission in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing on or before September 7, 1976. As provided by the general rules of practice of the Commission, persons other than applicants should fully disclose their interest and the position they intend to take with respect to the application. Otherwise, the Commission, in its discretion may proceed to investigate and determine the matters involved in such application, without further or formal hearing.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–22828 Filed 8–4–76;8:45 am]

[Section 5b Application No. 8]

ASSOCIATION OF AMERICAN RAILROADS

Railroads Per Diem and Mileage Rates for Trailers and Containers; Agreement

JULY 27, 1976.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of Section 5b of the Interstate Commerce Act.

Filed June 25, 1976, by:

Stephen Alles, Attorney-in-Fact, Association of American Railroads, American Railroads Building, Washington, D.C. 20036.

James I. Collier, Jr., General Attorney, Association of American Railroads, American Railroads Building, Washington, D.C. 20036.

Agreement involves: Organization and procedures under the provisions of section 5b of the Interstate Commerce Act for approval of an agreement between and among rail common carrier members of the Association of American Railroads for the joint consideration, initiation, and establishment of per diem or mileage rates of compensation between the members for the use of trailers and containers, in trailer-on-freight-car service in interstate or foreign commerce between points in the United States, and rules and regulations pertaining thereto.

The complete application may be inspected at the Office of the Commission in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing on or before September 7, 1976. As provided by the general rules of practice of the Commission, persons other than applicants should fully disclose their interest and the position they intend to take with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application, without further or formal hearing.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–22827 Filed 8–4–76;8:45 am]

[Rule 19, Ex Parte No. 241; Corrected Exemption No. 104, Amdt. No. 3]

EXEMPTION UNDER PROVISION OF THE MANDATORY CAR SERVICE RULES

Upon further consideration of Corrected Exemption No. 104 issued October 7, 1975.

It is ordered, That, under the authority vested in me by Car Service Rule 19, Corrected Exemption No. 104 to the Mandatory Car Service Rules ordered in Ex Parte No. 241, be, and it is hereby amended to *expire October 31, 1976.*

This amendment shall become effective July 31, 1976.

Issued at Washington, D.C., July 26, 1976.

INTERSTATE COMMERCE COMMISSION
LEWIS R. TEEPLE,
Agent.

[FR Doc.76–22832 Filed 8–4–76;8:45 am]

[Rule 19; In Ex Parte No. 241; Fifteenth Revised Exemption No. 90]

ATLANTA AND SAINT ANDREWS BAY RAILWAY CO. ET AL.

Exemption Under Provision of Mandatory Car Service Rules

To all railroads:

It appearing, That the railroads named below own numerous 50-ft. plain boxcars; that under present conditions there are substantial surpluses of these cars on their lines; that return of these cars to the owners would result in their being stored idle; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of these cars, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, 50-ft. plain boxcars described in the Official Railway Equipment Register, I.C.C.–R.E.R. No. 400, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM," and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1, 2(a), and 2(b).

Atlanta & Saint Andrews Bay Railway Company, Reporting Marks: ASAB.
The Baltimore and Ohio Railroad Company, Reporting Marks: BO.
The Chesapeake and Ohio Railway Company, Reporting Marks: CO–PM.
Green Mountain Railroad Corporation, Reporting Marks: GMRC.
*Illinois Terminal Railroad Company, Reporting Marks: ITC.
Missouri-Kansas-Texas Railroad Company, Reporting Marks: BKTY–MKT.
New Jersey, Indiana & Illinois Railroad Company, Reporting Marks: NJII.
Norfolk and Western Railway Company, Reporting Marks: N&W–NKP–P&WV–WAB.
*Pearl River Valley Railroad Company, Reporting Marks: PRV.
The Pittsburgh and Lake Erie Railroad Company, Reporting Marks: P&LE.
Raritan River Rail Road Company, Reporting Marks: RR.
Sacramento Northern Railway, Reporting Marks: SN.
*St. Johnsbury & Lamoille County Railroad, Reporting Marks: SJL.
Sierra Railroad Company, Reporting Marks: SERA.
Tidewater Southern Railway Company, Reporting Marks: TS.
Toledo, Peoria & Western Railroad Company, Reporting Marks: TPW.
Vermont Railway, Inc., Reporting Marks: VTR.
WCTU Railway Company, Reporting Marks: WCTR.
Western Maryland Railway Company, Reporting Marks: WM.
Yreka Western Railroad Company, Reporting Marks: YW.

Effective: August 1, 1976, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., July 26, 1976.

INTERSTATE COMMERCE COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76–22831 Filed 8–4–76;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 2, 1976.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before August 20, 1976.

FSA No. 43204—*Joint Water-Rail Container Rates—Atlantica Line.* Filed by Atlantica Line (Atlantica, S.P.A. Genoa, Italy), (No. 3), for itself and interested rail carriers. Rates on general commodities, from rail stations on the U.S. Pacific Coast, to ports in the Mediterranean.

Grounds for relief—Water competition.

Tariff—Atlantica Line (Atlantica, S.P.A. Ganoa, Italy) tariff I.C.C. No. 2, F.M.C. No. 12. Rates are published to become effective on September 1, 1976.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–22830 Filed 8–4–76;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY ELIMINATION OF GATEWAY APPLICATIONS

JULY 30, 1976.

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of *verified statements* in opposition with the Interstate Commerce Commission within 30 days from the date of publication. (This procedure is outlined in the Commission's report and order in *Gateway Elimination,* 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding including a detailed statement of protestant's interest in the proposal. No rebuttal sttaements will be accepted.

No. MC 8973 (Sub-No. 42–G), filed July 6, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 Ninety-Fifth Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street, N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Aluminum sheet,* from the facilities of Alcan Aluminum Corporation, located at Oswego, N.Y., Warren, Ohio and Fairmont, W. Va., to points in Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, and Union Counties, N.J., and points in that portion of the New York, N.Y., Commercial Zone as defined in *Commercial Zones and Terminal Areas,* 53 M.C.C. 451 within which local operations may be conducted pursuant to the partial exemption of Section 203(b)(8) of the Interstate Commerce Act (the exempt zone). The purpose of this filing is to eliminate the gateways at the plantsites and facilities of Alcan Aluminum Corporation, located at Woodbridge, N.J. or South Kearny, N.J., and points in the New York, N.Y., exempt zone.

(2) *Aluminum sheet and also building materials, equipment, and supplies and hardware,* from the origin points named in (1) above to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia.

The purpose of this filing is to eliminate the gateway at the plantsite of Alcan Aluminum Corporation, located at Woodbridge, N.J.

No. MC 129631 (Sub-No. 49G), filed June 29, 1976. Applicant: PACK TRANSPORT, INC., a Utah Corporation, 3975 South 300 West, Salt Lake City, Utah 84107. Applicant's representative: Max D. Eliason, P.O. Box 2602, Salt Lake City, Utah 84110. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Iron and steel articles,* (1) between Salt Lake City, Smithfield, Logan and Ogden, Utah, on the one hand, and, on the other, points in Bannock, Bear Lake, Caribou, Franklin, and Oneida Counties, Idaho; (2) between Cache County, Utah, on the one hand, and, on the other, Baker, Oreg.; and (3) from Salt Lake City, Smithfield, Logan and Ogden, Utah, and Cache County, Utah to points in Idaho south of Idaho County, Idaho.

The purpose of this filing is to eliminate the gateways of (1) Cache County, Utah; (2) Oneida and Franklin Counties, Idaho; and (3) Cache County, Utah; Franklin and Oneida Counties, Idaho and Baker, Oreg.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission *within 10 days* from the date of this publication. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 20582 (Sub-No. E12) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER August 21, 1974, and republished, as corrected, this issue. Applicant: HENRY H. STEVENS, INC., 1273 Broadway, Flint, Mich. 48506. Applicant's representative: William C. Stevens (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Household goods,* as de-

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fined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Maine, New Hampshire, and Vermont, on the one hand, and, on the other, points in Colorado, New Mexico, and Texas.

The purpose of this filing is to eliminate the gateways of Somerville, Mass., and points in Massachusetts within 15 miles thereof, and Kansas City, Kans. The purpose of this correction is to correct the gateways to be eliminated.

No. MC 20582 (Sub-No. E13) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER August 21, 1974, and republished, as corrected, this issue. Applicant: HENRY H. STEVENS, INC., 1273 Broadway, Flint, Mich. 48506. Applicant's representative: William C. Stevens (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Maine, on the one hand, and, on the other, points in Alabama, Iowa, Kansas, Kentucky, Mississippi, and Nebraska.

The purpose of this filing is to eliminate the gateways of Somerville, Mass., and points in Massachusetts within 15 miles thereof and in that part of Michigan on, south and west of a line beginning at Detroit and extending along U.S. Highway 10 to Ludington. The purpose of this correction is to correct the gateways to be eliminated.

No. MC 20582 (Sub-No. E38) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER August 21, 1974, and republished, as corrected, this issue. Applicant: HENRY H. STEVENS, INC., 1273 Broadway, Flint, Mich. 48506. Applicant's representative: William C. Stevens (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* between points in Massachusetts and Rhode Island, on the one hand, and, on the other, points in Kansas.

The purpose of this filing is to eliminate the gateway of points in Illinois. The purpose of this correction is to correct the gateway to be eliminated.

No. MC 20582 (Sub-No. E42) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER August 21, 1974, and republished, as corrected, this issue. Applicant: HENRY H. STEVENS, INC., 1273 Broadway, Flint, Mich. 48506. Applicant's representative: William C. Stevens (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Minnesota and Wisconsin, on the one hand, and, on the other, points in Mississippi. The purpose of this filing is to eliminate the gateway of points in Illinois. The purpose of this correction is to correct the gateway to be eliminated.

No. MC 22675 (Sub-No. E13), filed June 4, 1974. Applicant: ALLSTATES VAN LINES, INC., 50–18 97th Place, Corona, N.Y. 11368. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Avenue, N.W., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Pennsylvania on and south of a line beginning at the Pennsylvania-New Jersey State line at Easton, Pa. and extending along U.S. Highway 22 to the Pennsylvania-West Virginia State line near Paris, Pa., on the one hand, and, on the other, points in Massachusetts.

The purpose of this filing is to eliminate the gateway of Essex County, N.J.

No. MC 22675 (Sub-No. E17), filed June 4, 1974. Applicant: ALLSTATE VAN LINES, INC., 50–18 97th Place, Corona, New York 11368. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Avenue, N.W., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Connecticut on and west of a line beginning at the New York-Connecticut State line and extending along Connecticut Highway 124 to junction Connecticut Highway 136, thence along Connecticut Highway 136 to Norwalk, Conn., on the one hand, and, on the other, Burlington, Vermont.

The purpose of this filing is to eliminate the gateway of Essex County, N.J.

No. MC 22675 (Sub-No. E38), filed June 4, 1974. Applicant: ALLSTATES VAN LINES, INC., 50–18 97th Place, Corona, N.Y. 11368. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Avenue, NW., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New York on, south, and east of a line beginning at the New York-Connecticut State line and extending along New York Highway 199 to junction Interstate Highway 87, thence along Interstate Highway 87 to the New York-New Jersey State line, on the one hand, and, on the other, points in Pennsylvania on, west, and south of a line beginning at Erie, Pa., and extending along U.S. Highway 19 to junction Pennsylvania Turnpike at Warrendale, Pa., thence along Pennsylvania Turnpike to junction U.S. Highway 22 at Monroeville, Pa., thence along U.S. Highway 22 to junction Pennsylvania Highway 61 near Hamburg, Pa., thence along Pennsylvania Highway 61 to junction Interstate Highway 176, thence along Interstate Highway 176 to junction Pennsylvania Turnpike, thence along Pennsylvania Turnpike to the Pennsylvania-New Jersey State line. The purpose of this filing is to eliminate the gateway of Essex County, N.J.

No. MC 22675 (Sub-No. E40), filed June 4, 1974. Applicant: ALLSTATES VAN LINES, INC., 50–18 97th Place, Corona, N.Y. 11368. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Avenue NW., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New York on, north, and east of a line beginning at Buffalo, N.Y., and extending along U.S. Highway 20 to junction Thomas E. Dewey Thruway at Albany, N.Y., thence along Thomas E. Dewey Thruway to Suffern, N.Y., at the New York-New Jersey State line, on the one hand, and, on the other, points in Pennsylvania on and east of a line beginning at the Pennsylvania-New Jersey State line and extending along Pennsylvania Highway 263 to junction Pennsylvania Highway 611, thence along Pennsylvania Highway 611 to the Pennsylvania-New Jersey State line, including New Hope, Pa., and Philadelphia, Pa. The purpose of this filing is to eliminate the gateway of Essex County, N.J.

No. MC 22675 (Sub-No. E41), filed June 4, 1974. Applicant: ALLSTATES VAN LINES, INC., 50–18 97th Place, Corona, N.Y. 11368. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Avenue NW., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New York on, north, and east of a line beginning at Oswego, N.Y., and extending along New York Highway 104 to junction New York Highway 69, thence along New York Highway 69 to junction Thomas Dewey Thruway at Utica, N.Y., thence along

Thomas Dewey Thruway to Kingston, N.Y., thence along U.S. Highway 209 to the New York-Pennsylvania State line at Port Jervis, N.Y., on the one hand, and, on the other, points in Delaware. The purpose of this filing is to eliminate the gateway of Essex County, N.J.

No. MC 87966 (Sub-No. E3), filed May 9, 1974. Applicant: ELEVELD CHICAGO FURNITURE SERVICE, INC., 4020 W. 24th Street, Chicago, Ill. 60623. Applicant's representative: E. H. Eleveld (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* (uncrated), as described in Appendix 11 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Kankakee, Ill., to points in Pennsylvania and points in Kentucky on and east of U.S. Highway 431. The purpose of this filing is to eliminate the gateway of Peru, Ind.

No. MC 87966 (Sub-No. E4), filed May 9, 1974. Applicant: ELEVELD CHICAGO FURNITURE SERVICE, INC., 4020 W. 24th Street, Chicago, Ill. 60623. Applicant's representative: E. H. Eleveld (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* (uncrated), as described in Appendix 11 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Michigan City, Ind., to points in Kentucky, Pennsylvania, and Missouri. The purpose of this filing is to eliminate the gateway of Peru, Ind.

No. MC 87966 (Sub-No. E5), filed May 9, 1974. Applicant: ELEVELD CHICAGO FURNITURE SERVICE, INC., 4020 W. 24th Street, Chicago, Ill. 60623. Applicant's representative: E. H. Eleveld (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* (uncrated), as described in Appendix 11 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from La Porte, Ind., to points in Kentucky, Pennsylvania, and Missouri. The purpose of this filing is to eliminate the gateway of Peru, Ind.

No. MC 87966 (Sub-No. E8), filed May 9, 1974. Applicant: ELEVELD CHICAGO FURNITURE SERVICE, INC., 4020 W. 24th Street, Chicago, Ill. 60623. Applicant's representative: E. H. Eleveld (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* (uncrated), as described in Appendix 11 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from St. Charles, Ill., to points in Pennsylvania and Kentucky (except points west of Kentucky Highway 91). The purpose of this filing is to eliminate the gateway of Peru, Ind.

No. MC 108449 (Sub-No. E181), filed June 2, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned or preserved foodstuffs*, from Nebraska City, Nebr., to points in Wisconsin and north of a line beginning at the Minnesota-Wisconsin State line at or near Trempealeau, Wis., and extending east along Wisconsin Highway 93 to junction U.S. Highway 53 near Holmen, Wis., thence along north on U.S. Highway 53 to junction Wisconsin Highway 54 near Galesville, thence east on Wisconsin Highway 54 to junction Wisconsin Highway 71 near Melrose, Wis., thence south of Wisconsin Highway 71 to junction Interstate Highway 90 near Sparta, Wis., thence east along Interstate Highway 90 to junction U.S. Highway 12 at Tomah, Wis., thence north on U.S. Highway 12 to junction Wisconsin Highway 21 at or near North Tomah, Wis., thence east on Wisconsin Highway 21 to Lake Winnebago at Oshkosh, Wis., thence east on an imaginary line across the lake to junction U.S. Highway 151, thence east on U.S. Highway 151 to the shore of Lake Michigan at Manitowoc, Wis. The purpose of this filing is to eliminate the gateway of St. Paul, Minn.

No. MC 108449 (Sub-No. E117), filed May 22, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt, road oils, and residual fuel oils*, in bulk, in tank vehicles, from Kansas City, Mo., to points in Illinois on, west and north of a line beginning at the Illinois-Wisconsin State line and extending along U.S. Highway 51 to junction U.S. Highway 24 near El Paso, Ill., thence along U.S. Highway 24 to junction Illinois Highway 116 near Peoria, Ill., thence along Illinois Highway 116 to junction U.S. Highway 67 at or near Roseville, Ill., thence along U.S. Highway 67 to junction Illinois Highway 17, at or near Viola, Ill., thence along Illinois Highway 17 to New Boston, Ill., at the Mississippi River.

The purpose of this filing is to eliminate the gateway of Bettendorf, Iowa.

No. MC 108449 (Sub-No. E160), filed May 24, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from the plantsite of the Marquette Cement Manufacturing Company, and the Penn-Dixie Cement Corporation, at Des Moines, Iowa, to points in Wisconsin on and north of a line formed by the south county lines of La Crosse, Monroe, Juneau, Adams, Marquette, Green Lake, Fond du Lac, and Sheboygan Counties, Wis., and including Portage and Wisconsin Dells, Wis. (except points in Polk County, Wis.). The purpose of this filing is to eliminate the gateway of Winona, Minn.

No. MC 112070 (Sub-No. E13), filed June 4, 1974. Applicant: GRAY MOVING & STORAGE, INC., 1290 South Pearl, Denver, Colorado 80210. Applicant's representative: D. R. Gray (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Michigan, on the one hand, and, on the other, points in (a) Wyoming, Nebraska, Colorado, and Kansas; (b) Arkansas and Oklahoma.

The purpose of this filing is to eliminate the gateways of Iowa and Illinois.

No. MC 112070 (Sub-No. E14), filed June 4, 1974. Applicant: GRAY MOVING & STORAGE, INC., 1290 South Pearl, Denver, Colo. 80210. Applicant's representative: D. R. Gray (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Pennsylvania, on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateways of Illinois, Iowa and Missouri.

No. MC 112070 (Sub-No. E15), filed June 4, 1974. Applicant: GRAY MOVING & STORAGE, INC., 1290 South Pearl, Denver, Colo. 80210. Applicant's representative: D. R. Gray (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New York on the one hand, and, on the other, (a) points in Oklahoma; (b) points in Arkansas on, south and west of a line beginning at the Arkansas-Missouri State line and extending along U.S. Highway 65 to junction U.S. Highway 167 to the Arkansas-Louisiana State line. The purpose of this filing is to eliminate the gateways of Illinois, Iowa and Missouri.

No. MC 112070 (Sub-No. E16), filed June 4, 1974. Applicant: GRAY MOVING & STORAGE, INC., 1290 South Pearl, Denver, Colo. 80210. Applicant's representative: D. R. Gray (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Ohio, on the one hand, and, on the other, (a) points in that part of Oklahoma west of a line beginning at the Kansas-Oklahoma State line and extending along Interstate Highway 35 to the Oklahoma-Texas State line; (b) points in Colorado, Kansas, Nebraska, South Dakota, and Wyoming; (c) points in Minnesota and Wisconsin. The purpose of this filing is to eliminate the gateways of Illinois, Iowa and Missouri.

No. MC 112070 (Sub-No. E17), filed June 4, 1974. Applicant: GRAY MOVING & STORAGE, INC., 1290 South Pearl, Denver, Colo. 80210. Applicant's representative: D. R. Gray (same as above).

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Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Pennsylvania, on the one hand, and, on the other, (a) points in Wisconsin and Minnesota; (b) points in South Dakota, Nebraska, Kansas, Wyoming, and Colorado; (c) between points in Pennsylvania, except Green County, on the one hand, and, on the other, points in Benton, Carrol, Washington, and Madison Counties, Ark. The purpose of this filing is to eliminate the gateways of Illinois, Iowa, and Missouri.

No. MC 112070 (Sub-No. E18), filed June 4, 1974. Applicant: GRAY MOVING & STORAGE, INC., 1290 South Pearl, Denver, Colo. 80210. Applicant's representative: D. R. Gray (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Minnesota, on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateways of Iowa and Missouri.

No. MC 112070 (Sub-No. E19), filed June 4, 1974. Applicant: GRAY MOVING & STORAGE, INC., 1290 South Pearl, Denver, Colo. 80210. Applicant's representative: D. R. Gray (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Minnesota, on the one hand, and, on the other, points in Arkansas, Tennessee, Kentucky, Indiana, and Ohio. The purpose of this filing is to eliminate the gateways of Iowa and Missouri.

No. MC 112070 (Sub-No. E20), filed June 4, 1974. Applicant: GRAY MOVING & STORAGE, INC., 1290 South Pearl, Denver, Colo. 80210. Applicant's representative: D. R. Gray (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in New Jersey, on the one hand, and, on the other, points in Colorado, Kansas, Nebraska, South Dakota, Wyoming, Minnesota, Wisconsin, Oklahoma, and points in Boone, Newton, Carroll, Benton, Washington, Madison, Johnson, Pope, Franklin, and Crawford Counties, Ark. The purpose of this filing is to eliminate the gateways of Ilinois, Iowa, and Missouri.

No. MC 112070 (Sub-No. E21), filed June 4, 1974. Applicant: GRAY MOVING & STORAGE, INC., 1290 South Pearl, Denver, Colo. 80210. Applicant's representative: D. R. Gray (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in South Dakota, on the one hand, and, on the other, points in Arkansas, Tennessee, and Kentucky. The purpose of this filing is to eliminate the gateway of Missouri.

No. MC 114552 (Sub-No. E218), filed September 22, 1975. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 267, Arlington, Va., 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such composition boards as are also supplies and accessories used in the manufacture and installation of composition boards* (except commodities in bulk) from points in Louisiana, on and south of a line beginning at the Louisiana-Mississippi State line and extending along U.S. Highway 61 to junction Louisiana Highway 10, thence along Louisiana Highway 10 to junction U.S. Highway 171, thence along U.S. Highway 171 to junction Louisiana Highway 8, thence along Louisiana Highway 8 to the Louisiana-Texas State line, to points in Pennsylvania, on and east of a line beginning at the Pennsylvania-Maryland State line, thence extending along U.S. Highway 220 to junction Pennsylvania Highway 350, thence along Pennsylvania Highway 350 to junction Pennsylvania Highway 53, thence along Pennsylvania Highway 53 to junction Pennsylvania Highway 144, thence along Pennsylvania Highway 144 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 449, thence along Pennsylvania Highway 449 to the Pennsylvania-New York State line. The purpose of this filing is to eliminate the gateways of the plant site and warehouse facilities of the Abitibi Corporation near Roaring River, N.C., and the plant site and warehouse facilities of the Celotex Corporation in Wayne County, N.C.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-22826 Filed 8-4-76;8:45 am]

[Notice No. 98]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 2, 1976.

The following are notices of file of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 720 (Sub-No. 14TA), filed July 23, 1976. Applicant: BIRD TRUCKING CO., INC., Box 227, Waupun, Wis. 53968. Applicant's representative: Anthony C. Vance, 1300 Old Chain Bridge Road, McLean, Va. 22101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum foil, plastic bags ("Glad Bags"), anti-freeze, non-prescription drugs, and medicines, plastic dishware, drinking straws, toothbrushes and glue* (except commodities in bulk), *glass jars and tops*, from the facilities of Couzens Warehouse and Distributors, Inc., Hodgkins, Ill., to points in Brown, Calumet, Columbia, Dodge, Door, Fond du Lac, Green Lake, Jefferson, Kenosha, Kewaunee, Manitowac, Milwaukee (except points east of Wisconsin Hwy. 100 in Milwaukee County), Outgamie, Ozaukee, Portage, Racine, Rock, Sauk, Sheboygan, Walworth, Washington, Waukesha, Waupaca, Waushara, Winnebago, Wood Counties, Wis., for 180 days. Supporting shipper: Couzens Warehouse & Distributors, Inc., 6600 S. River Road, LaGrange, Ill. 60525. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 61396 (Sub-No. 312TA), filed July 23, 1976. Applicant: HERMAN BROS., INC., 2565 St. Marys Ave., P.O. Box 189, Omaha, Nebr. 68101. Applicant's representative: John E. Smith, II (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the storage facilities of Farmland Industries, at or near Barnesville and Benson, Minn., to points in Minnesota, North Dakota, Montana, South Dakota, and Wisconsin, for 180 days. Supporting shipper: Charles D. Rosas, Supervisor, Transportation Service, Farmland Industries, Inc., 3315 North Oak Trafficway, Kansas City, Mo. 64116. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 99610 (Sub-No. 26TA), filed July 23, 1976. Applicant: ROSS NEELY EXPRESS, INC., 1500 Second St., Pratt City, Birmingham, Ala 35214. Applicant's representative: Tommy Neely (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and plastic products and commodities* manufactured or distributed by the American Can Company; (2) *Materials, equipment, supplies and commodities* distributed by the American Can Company; (1) from the warehouse site of the American Can Company at Meridian, Miss., on the one hand, and, points in Alabama on the other; and (2) from points in Alabama, to the American Can Company warehouse site at Meridian, Miss., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: American Can Company, American Lane, Greenwich, Conn. 06830. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 106674 (Sub-No. 202TA), filed July 21, 1976. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay and clay products* (except commodities in bulk), from the plantsite and facilities of Absorbent Clay Products in Mounds, Ill., to points in and east of Minnesota, Iowa, Missouri, Arkansas, and Texas, for 180 days. Applicant has also filed an undelying ETA seeking up to 90 days of operating authority. Supporting shipper: Absorbent Clay Products, Inc., 200 North Main, Anna, Ill. 62906. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 107107 (Sub-No. 450TA), filed July 20, 1976. Applicant: ALTERMAN TRANSPORT LINES, INC., 12805 NW. 42nd Ave., P.O. Box 425, Opa-Locka, Fla. 33054. Applicant's representative: Ford W. Sewell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery products*, in vehicles equipped with mechanical refrigeration, from the plantsite and warehouse facilities of Luden's, Incorporated, located at or near Reading, Pa., to Atlanta, Ga., restricted to stop off shipments with final delivery in Florida, for 180 days. Supporting shipper: Luden's, Inc., 200 North 8th St., Reading, Pa. 19603. Send protests to: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Monterery Bldg., Suite 101, 8410 NW. 53d Terrace, Miami, Fla. 33166.

No. MC 107496 (Sub-No. 1038TA), filed July 22, 1976. Applicant: RUAN TRANSPORT CORPORATION, 3200 Ruan Center, 666 Grand Ave., Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the storage facilities of Farmland Industries, Inc., located at or near Barnesville and Benson, Minn., to points in Minnesota, North Dakota, South Dakota, Wisconsin, and Montana, for 180 days. Supporting shipper: Farmland Industries, Inc., P.O. Box 7305, Kansas City, Mo. 64116. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 108460 (Sub-No. 54TA), filed July 22, 1976. Applicant: PETROLEUM CARRIERS COMPANY, 5104 West 14th St., P.O. Box 762, Sioux Falls, S. Dak. 57101. Applicant's representative: Gary Mundhenke (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the storage facilities of Farmland Industries, Inc., located at or near Barnesville and Benson, Minn., to points in North Dakota, South Dakota, Wisconsin, Montana, and Minnesota, for 180 days. Supporting shipper: Farmland Industries, Inc., 3315 North Oak Trafficway, Kansas City, Mo. 64116. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Bldg., Pierre, S. Dak. 57501.

No. MC 113280 (Sub-No. 6TA), filed July 22, 1976. Applicant: BUSHMEIER & SONS, INC., 2988 Skyline Drive, Route 1, Hubertus, Wis. 53033. Applicant's representative: Edward Solie, 4513 Vernon Blvd., Suite 100, Madison, Wis. 53705. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and malt beverage dispensing equipment*, in mixed loads with malt beverages, from Milwaukee, Wis., to Waukegan, Ill., and points in the Chicago, Ill., Commercial Zone, as defined by the Commission, limited to transportation service performed under a continuing contract with Pabst Brewing Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Pabst Brewing Company, 917 West Juneau Ave., Milwaukee, Wis. 53201. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 116273 (Sub-No. 205TA), filed July 23, 1976. Applicant: D & L TRANSPORT, INC., 3800 S. Laramie Ave., Cicero, Ill. 60605. Applicant's representative: William R. Lavery (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Lubricating oils*, in bulk, in tank vehicles, and (B) *Spent lubricating oils*, in bulk, in tank vehicles, (A) from Detroit and Flint, Mich., to Athens, Ala., and Rockingham, N.C.; and (B) from Athens, Ala., and Rockingham, N.C., to Detroit and Flint, Mich., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Thrall Oil Company, David Jewitt, Office Manager, 3323 S. Dye Road, Flint, Mich. 48507. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 119908 (Sub-No. 35TA), filed July 22, 1976. Applicant: WESTERN LINES, INC., P.O. Box 1145, Houston, Tex. 77001. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Bldg., Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials, composition shingles, rolled roofing, and roofing compounds and accessories*, from the plantsite and storage facilities of the Elk Corporation, at or near Stephens, Ark., to points in Texas, Louisiana, and Mississippi, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Elk Corporation, P.O. Box 37, Stephens, Ark. 71764. Send protests to: Mensing, District Supervisor, Interstate Commerce Commission, 515 Rusk, 8610 Federal Bldg., Houston, Tex. 77002.

No. MC 121142 (Sub-No. 15TA), filed July 21, 1976. Applicant: J & G EXPRESS, INC., 489 Juliette St., P.O. Box 2069, Jackson, Miss. 39209. Applicant's representative: Jerry H. Blount, Suite L162, Capital Towers, 125 S. Congress St., Jackson, Miss. 39201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insecticides or insect repellents*, other than agricultural NOI; vermin exterminators NOI; in multiple-wall paper bags, in barrels, boxes, kits or pails, or in metal cans in crates, from the plantsite and/or storage facilities of the MS Authority for the control of Fire Ants, at or near Prairie, Miss., to points in Arkansas, Alabama, Georgia, Louisiana, North Carolina, South Carolina, Florida, Texas, and Mississippi. Applicant intends to tack its existing authority with MC 121142 and subs thereunder, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: MS Authority for the Control of Fire Ants, P.O. Box 1609, Jackson, Miss. 39205. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145E. Amite St., Jackson, Miss. 39201.

No. MC 128527 (Sub-No. 66TA), filed July 20, 1976. Applicant: MAY TRUCKING COMPANY, P.O. Box 398, Payette,

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Idaho 83661. Applicant's representative: Edward G. Rawle, 4635 S. W. Lakeview Blvd., Lake Oswego, Oreg. 97034. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and steel coil and sheet, paint, glue, sealants, siding, contact cement, drip rail, roof coatings, aluminum doors and windows, appliances, glass, plumbing supplies, putty tape, vents, aluminum moldings, and extrusions and accessoires and supplies;* (a) between Gardenia, Compton, Paramount, Ontario, City of Industry, La Mirida, Sacramento, Hollister, and Cucumonga, Calif., on the one hand, and, on the other, Aurora, Oreg., and Vancouver, Wash.; and (b) between Meridian, Idaho, on the one hand, and, on the other, Auora, Oreg., and Vancouver, Wash. (Restricted to the movement of the above from or to the facilities of Elixir Industries, located at/or near the above named locations), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Elixir Industries, P.O. Box 203, Aurora, Oreg. 97002. Send protests to: Barney L. Hardin, District Supervisor, 550 W. Fort St., Box 07, Boise, Idaho 83724.

No. MC 134922 (Sub-No. 185TA), filed July 22, 1976. Applicant: B. J. MCADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Bob McAdams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tile and tools*, used in the installation of tile (except in bulk and those which because of size or weight require the use of special equipment), from Olean, N.Y., to points in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, New Mexico, and Texas, for 180 days. Supporting shipper: American Olean Tile, 1000 Cannon Ave., Lansdale, Pa. 19446. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 134922 (Sub-No. 186TA), filed July 22, 1976. Applicant: B. J. MCADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Bob McAdams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is sold and used by wholesale, retail and discount stores and *chemicals*, in vehicles equipped with mechanical refrigeration (except foodstuffs, alcoholic and malt beverages, commodities in bulk and those which because of size or weight require the use of special equipment), from Muskegon and Greenville, Mich.; Brockway, Pa.; Corning, N.Y.; Brazoria County, Tex.; Cumberland, Md.; and Jackson, Miss., to points in Idaho, Washington, Oregon, California, Nevada, Arizona and Utah; and from Memphis, Tenn., to points in Nevada, for 180 days. Supporting shipper: Pennchem Department of Pennwalt Corp., 2700 S. Eastern Ave., Los Angeles, Calif. 90040. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 134922 (Sub-No. 187TA), filed July 23, 1976. Applicant: B. J. MCADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Bob McAdams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, fresh or frozen, meat products and products* produced by packinghouses, from the plantsite of Farmland Foods, Inc., at or near Garden City, Kans., to points in Kentucky, Tennessee, Ohio, Virginia, West Virginia, Maryland, Delaware, Pennsylvania, Connecticut, Rhode Island, Massachusetts, New York, Vermont, New Hampshire, and Maine, for 180 days. Supporting shipper: Farmland Foods, Inc., P.O. Box 957, Garden City, Kans. 67846. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 135082 (Sub-No. 31TA), filed July 21, 1976. Applicant: BRUSCH TRUCKING, INC., doing business as ROADRUNNER TRUCKING, INC., P.O. Box 26748, 415 Rankin Road, N.E., Albuquerque, N. Mex. 87125. Applicant's representative: D. F. Jones (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing products* (except commodiites in bulk, moving in tank vehicles), from Albuquerque, N. Mex., to points in Arizona, Colorado, Kansas, Oklahoma, Texas and Utah, for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Georgia-Pacific Corporation, 900 W. W. Fifth Ave., Portland, Oreg. 97204. Nical, Inc., 1621 Williams St., N.E. Albuquerque, N. Mex. 87102. Send protests to: John H. Kirkemo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Office Bldg., 517 Gold Ave., S.W., Albuquerque, N. Mex. 87101.

No. MC 135486 (Sub- No. 15TA), filed July 23, 1976. Applicant: JACK HODGE TRANSPORT, INC., 2410 West 9th St., Marion, Ind. 46952. Applicant's representative: Terrence D. Jones, 2033 K St., N.W., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cosmetics, toilet preparations, jewelry, and such other merchandise, equipment and* supplies sold, used or distributed by Avon Products, Inc., from the facilities of Avon Products, Inc., at or near Springdale, Ohio, to the facilities of Avon Products, Inc., at or near Monrovia and Pasadena, Calif., restricted to traffic transported under a continuing contract with Avon Products, Inc., for 180 days. Applicant has also filed an underlying ETR seeking up to 90 days of operating authority. Supporting shipper: Avon Products, Inc., 175 Progress Place, Springdale, Ohio 45246. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 136310 (Sub-No. 6TA), filed July 23, 1976. Applicant: R. WALKER TRUCKING, INC., 1409 E. 19th St., The Dalles, Oreg. 97058. Applicant's representative: Philip G. Skofstad, 18448 S.E. Pine St., Portland, Oreg. 97233. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Flour, cereals and seeds and grains*, in packages; and (2) *Bakery goods*, in packages, (1) from Seattle, Wash., to Portland, Oreg.; Richmond, Sacramento, Oakland, South San Francisco, Los Angeles, Montebello, North Hollywood, and Compton, Calif., and Phoenix, Ariz.; and (2) from Montebello, Calif., to Portland, Oreg., Seattle, Wash., and Phoenix, Ariz. under a continuing contract with Oroweat Foods Co., Grocery Products Division, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Oroweat Foods Co., Grocery Products Division, 4052 28th S.W., Seattle, Wash. Send protests to: W. J. Huetig, District Supervisor, 114 Pioneer Courthouse, 555 S.W. Yamhill, Portland, Oreg. 97204.

No. MC 136601 (Sub-No. 4TA), filed July 23, 1976. Applicant: WILLIAM L. MAYS AND RAYMOND F. MAYS, doing business as RAYMOND F. MAYS & SON, Route 4, Box 190–B, Amherst, Va. 24521. Applicant's representative: R. Cameron Rollins, 321 E. Center St., Kingsport, Tenn. 37660. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete burial vaults and crypts*, from the plantsite of Precast Products, Inc., at Lynchburg, Va., to points in Florida, Tennessee, North Carolina, Virginia, Arkansas, Michigan, Maryland, West Virginia, Kentucky and Georgia, under a continuing contract with Precast Products, Inc., for 180 days. Supporting shipper: Precast Products, Inc., P.O. Box 4145, Lynchburg, Va. 24501. Send protests to: Danny R. Beeler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 210, Roanoke, Va. 24011.

No. MC 138148 (Sub-No. 10TA), filed July 22, 1976. Applicant: JOSEPH J. SCHMIDT, 7499 Montevideo Court, Jessup, Md. 20794. Applicant's representative: Clyde E. Herring, 1329 E. St., N.W., Suite 1123, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer and malt beverages*, from the facilities of The Miller Brewing Company, at South Volney, N.Y., on the one hand, and, on the other, Aberdeen, Frederick and Salisbury, Md., for 180 days. Supporting shippers: C. V. Fowler, Jr., Owner, Fowler Distributing Company, 314 W. Bel Air Ave., Aberdeen, Md. 21001. Richard N. Carey, President, Carey Distributors, Inc., Salisbury, Md.

21801. Frank M. Erwin, Partner, Erwin and Shafer, P.O. Box 87, Frederick, Md. 21701. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814–B Federal Bldg., Baltimore, Md. 21201.

No. MC 139254 (Sub-No. 2TA), filed July 21, 1976. Applicant: BROOKS TRANSPORTATION, INC., 30650 Carter Road, Solon, Ohio 44139. Applicant's representative: J. T. Fittipaldi, Suite 1159, 1329 E. St., N.W. Washington, D.C. 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the plantsite of Champion International Corporation, near Courtland, Ala., to points in Illinois, Indiana, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia and Wisconsin, under a continuing contract with Champion International Corporation, for 180 days. Supporting shipper: Champion International Corporation, Knightsbridge Drive, Hamilton, Ohio 45020. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Bldg., 1240 East Ninth St., Cleveland, Ohio 44199.

No. MC 139884 (Sub-No. 4TA), filed July 22, 1976. Applicant: KLIMA, INC., 10650 S.W. Wilsonville Road, Wilsonville, Oreg. 97070. Applicant's representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, Oreg. 97210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wood products*, from points in Oregon and Washington, to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, Maryland, Virginia, West Virginia, Ohio, New Jersey, Delaware and The District of Columbia, under a continuing contract with Dana Deck, Inc., for 180 days. Supporting shipper: Dana Deck, Inc., Bekkingham Business Park, Bellingham, Wash. 98225. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, 555 S.W. Morrison, Portland, Oreg. 97204.

No. MC 140037 (Sub-No. 2TA), filed July 22, 1976. Applicant: SUNFLOWER CARRIERS, INC., P.O. Box 355, York, Nebr. 68467. Applicant's representative: Scott E. Daniel, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Spencer, Iowa, to New York, N.Y. Restrictions: (1) Restricted to the transportation of Kosher Beef. and (2) Restricted to a transportation service to be performed under a continuing contract with Sunflower Beef Packers, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Sunflower Beef Packers, Inc., G. Merritt Otoupal, Traffic Manager, York, Nebr. 68467. Send protests to: Carroll Russell, District Supervisor, Suite 620 110 North 14th St., Omaha, Nebr. 68102.

No. MC 141326 (Sub-No. 5TA), filed July 23, 1976. Applicant: S & S TRUCKING COMPANY, P.O. Box 67, State Docks Road, Eufaula, Ala. 36027. Applicant's representative: George M. Boles, 903 Frank Nelson Bldg., Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Knocked-down, pre-fabricated metal buildings*, from the plantsite, warehouse and storage facilities of American Buildings Co., Inc., in Barbour County, Ala., to points in Tennessee, Mississippi, Florida, South Carolina, Georgia and Alabama; and (2) *Materials, equipment and supplies* used in the manufacture of knocked-down, pre-fabricated metal buildings, from points in Tennessee, Mississippi, Florida, South Carolina, Georgia and Alabama, to the plantsite, warehouse and storage facilities of American Buildings Co., Inc., in Barbour County, Ala., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: American Buildings Co., Inc., State Docks Road, Eufaula, Ala. 36027. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 141991 (Sub-No. 1TA), filed July 23, 1976. Applicant: JAMES R. BLACKMON, doing business as BLACKMON HAULERS, Route 1, Box 169, Calera, Ala. 35040. Applicant's representative: James R. Blackmon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural limestone and limestone granular rock*, in bulk and bags, in dump trucks; and (2) *Fertilizer*, in bulk and bags, in dump trucks, (1) from Bibb and Shelby Counties, Ala., to points in Florida, Georgia and Mississippi; and (2) between points in Alabama, Florida, Mississippi, Georgia and Tennessee, for 180 days. Supporting shippers: Dolime Minerals Company, P.O. Box 1441, Bartow, Fla. Montevallo Limestone Sales, Inc., Rt. 1, Box 67, Montevallo, Ala. 35115. Central Ala. Farmers Co-op, P.O. Box 1079, Selma, Ala. 36701. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 142075 (Sub-No. 2TA), filed July 23, 1976. Applicant: D. C. LARSON TRUCKING, INC., P.O. Box 962, 701 Highway 75 North, Moorhead, Minn. 56560. Applicant's representative: Charles E. Johnson, 425 Gate City Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel farm buildings*, knocked down, from the plantsite and facilities of Modular Technology, located approximately 7 miles west of Elgin, Ill., to points in North Dakota, South Dakota and Minnesota, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Farm Structures, Inc., P.O. Box 5656, University Center, 1107 North Fargo, Fargo, N. Dak. 58102. Send protests to: Ronald R. Mau, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 142140 (Sub-No. 1TA), filed July 22, 1976. Applicant: CITY TRANSFER & STORAGE OF CONRAD, INC., Box, 1342, Conrad, Mont. 59425. Applicant's representative: Eugene D. Riewer, P.O. Box 1432, 111 North Delaware, Conrad, Mont. 59425. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed* (in bulk), in hopper-bottom trailer or grain trailers with traps, from Pondera County, Mont., to the United States-Canadian International Boundary line located at or near ports of entry at Sweetgrass, Mont., to points in Provinces of Alberta, British Columbia and Saskatchewan, Canada. Applicant intends to interline at Burlington Northern Railroad in Conrad or any other point in Pondera County, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Dan Fields, The Pillsbury Co., 7900 Xerxes Ave., S., No. 700, Bloomington, Minn. 55431. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Ave., North, Billings, Mont. 59101.

No. MC 142204 (Sub-No. 2TA), filed July 23, 1976. Applicant: ROBERT R. GUNVILLE, JR., P.O. Box 27, Iron Mountain, Mich. 49801. Applicant's representative: Robert W. Hansley, 120 North 6th St., Escanaba, Mich. 58929. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, by dump trailers, from Escanaba, Mich., to the plantsite of Niagara of Wisconsin Paper Company, Niagara, Wis., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Niagara of Wisconsin Paper Company, Niagara, Wis. 54151. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Bldg., Lansing, Mich. 48933.

No. MC 142283TA, filed July 19, 1976. Applicant: VOORHORST, INC., 2099 East Packard Highway, Charlotte, Mich. 48813. Applicant's representative: Karl L. Gotting, 1200 Bank of Lansing, Lansing, Mich. 48933. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, in bulk and in bags, from the plantsites of Rals-

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ton Purina Company, at or near Richmond, Lafayette and Milford, Ind., to Lansing, Novi, Decatur, Freeland, Pigeon and Vicksburg, Mich., and their respective commercial zones, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ralston Purina Company, P.O. Box 119, Lafayette, Ind. 47902. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Bldg., Lansing, Mich. 48933.

No. MC 142285 TA, filed July 23, 1976. Applicant: WILLIAM K. DUNHAM, doing business as DUNCO FREIGHT CO., 673 Church St., P.O. Box 233, Bullhead City, Ariz. 86430. Applicant's representative: Terrence S. Leek, P.O. Box 687, Bullhead City, Ariz. 86430. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special handling), between Los Angeles and Orange Counties, Calif., and Mohave County, Ariz., for 180 days. Supporting shippers: There are approximately 17 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 3427 Federal Bldg., 230 N. First Ave., Phoenix, Ariz. 85025.

No. MC 142286 TA, filed July 15, 1976. Applicant: NATIONAL DISTRIBUTION SYSTEMS, 1051 South Freeport Industrial Parkway, Clearfield, Utah 84016. Applicant's representative: William E. Bird (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, in tank vehicles and only commodities which have had prior movement by rail or truck), from Clearfield and Salt Lake City, Utah, to all points within a 50 mile radius of Salt Lake City, Utah, for 180 days. Supporting shippers: Gibson Appliance Corporation c/o Gibson Appliance Center, Greenville, Mich. Du Bois Chemicals, Dubois Tower, Cincinnati, Ohio 45202. Fisher-Price Toys, Division of the Quaker Oats Company, 606 Girard Ave., East Aurora, N.Y. 14052. Parker Brothers, 190 Bridge St., Salem, Mass. 01970. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 125 South State St., Salt Lake City, Utah 84138.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-22824 Filed 8-4-76;8:45 am]

[Notice No. 97]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 30, 1976.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 C.F.R. § 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 1263 (Sub-No. 22TA), (Correction), filed June 17, 1976, published in the FEDERAL REGISTER issue of July 2, 1976, and republished as corrected this issue. Applicant: MCCARTY TRUCK LINE, INC., 17 & Harris Ave., Trenton, Mo. 64683. Applicant's representative: James M. McCarty (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Can and can ends*, from Mt. Vernon and Carthage, Mo., to Fort Madison, Iowa and from St. Joseph, Mo., to Fort Madison and Fort Dodge, Iowa, for 180 days. Supporting shipper: Carnation Company, 5045 Wilshire Blvd., Los Angeles, Calif. 90036. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106. The purpose of this republication is to correct the territorial description in this proceeding.

No. MC 43685 (Sub-No. 17TA), filed July 21, 1976. Applicant: MERCER TRUCKING CO. INC., N. 1414 Francher Road, Parkwater Box 11585, Spokane, Wash. 99211. Applicant's representative: George Hart, 1100 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery and contractors equipment, materials and supplies and commodities* the transportation of which because of their size or weight require the use of special equipment, between points in Spokane County, Wash., on the one hand, and, on the other, points in Idaho, Oregon, Montana and Washington, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 9 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., 915 Second Ave., Seattle, Wash. 98174.

No. MC 56409 (Sub-No. 9 TA) (Correction), filed July 2, 1976, published in the FEDERAL REGISTER issue of July 14, 1976, and republished as corrected this issue. Applicant: MAJOR TRANSPORT, INC., Box 204, Highway 135 and Airport Rd., Palmyra, Wis. 53156. Applicant's representative: David V. Purcell, 111 E. Wisconsin Ave., Milwaukee, Wis. 53202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Grass pallets*, from the plantsite and facilities of Warren's Turf Nursery, Inc., in Jefferson County, Wis., to Toledo, Ohio and points in Alabama, Arkansas, Georgia, Illinois, Maryland, Massachusetts and Pennsylvania; and (2) *Shipper owned trailers and equipment, materials and supplies* used in the growing, harvesting, processing or distribution of the commodities described in (1) above, or ingredients thereof, between Suisun City, Calif., Denver, Colo.; Boise, Idaho; Anderson, Ind.; Burlington and Des Moines, Iowa; Goodland and Wichita, Kans.; Bangor, Maine; Marlette, Mich.; Anoka, Minneapolis and St. Paul, Minn.; Centerville, Md.; Kansas City, Mo.; Omaha and Ord, Nebr.; Hightstown, N.J.; Plymouth, Ohio; Pittsburgh, Pa.; West Kingston, R.I.; Rapid City, S. Dak.; Oshkosh, Wis.; and points in Jefferson County, Wis., Illinois and New York restricted to traffic originating at or destined for the plantsites, facilities or associate growers of Warren's Turf Nursery, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Warren's Turf Nursery, Inc., 8400 West 111th St., Palos Park, Ill. 60464. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203. The purpose of this republication is to correct the commodity description in this proceeding.

No. MC 61396 (Sub-No. 311TA), filed July 21, 1976. Applicant: HERMAN BROS., INC., 2565 St. Marys Ave., P.O. Box 189, Omaha, Nebr. 68101. Applicant's representative: John E. Smith, II (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Argon, oxygen, and nitrogen*, in bulk, in shipper-owned cryogenic tank vehicles, from Mt. Vernon, Ind., to points in Illinois, Kentucky and Tennessee; to West Memphis and New Port, Ark.; Clinton, Dyersville, Olin and Fort Madison, Iowa; Kansas City, and St. Louis, Mo.; and Cincinnati, Columbus and Barberton, Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: A. J. Sutton, Manager-Physical Distribution Chemetron Corporation, 111 East Wacker Drive, Chicago, Ill. 60601. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 105881 (Sub-No. 53TA), filed July 21, 1976. Applicant: M R & R TRUCKING COMPANY, 715 N. Ferdon Blvd., P.O. Box 997, Crestview, Fla. 32536. Applicant's representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and commodities in bulk and household goods as defined by the Commission), serving Trenton, Bell, Newberry, Dowling Park and Pinetta, Fla., as off route points in connection with applicant's authorized regular routes, Applicant intends to tack its existing authority with MC 105881. Applicant also intends to interline at Atlanta and Albany, Ga., Mobile and Dothan, Ala., Jacksonville, Tampa, Tallahassee and Pensacola, Fla., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of opertaing authority. Supporting shippers: There are approximately 10 statements of support attached to the application, which may be examined at the Interstate Commerce Commission, in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: G. H. Fauss, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202.

No. MC 106707 (Sub-No. 9TA) (Correction), filed May 24, 1976, published in the FEDERAL REGISTER issued of June 22, 1976, and republished as corrected this issue. Applicant: ADAMS TRUCKING, INC., 1711 West Second St., Webster City, Iowa 50595. Applicant's representative: Ronald Adams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural machinery;* (2) *tractors* (except truck tractors), when moving in mixed loads with commodities named in (1) above; and (3) *parts and attachments* for commodities in (1) and (2) above, when moving in mixed loads with these commodities, from Rock Island, Ill., to points in Kansas, Missouri, Nebraska, South Dakota, Minnesota and Iowa, and from Moline and East Moline, Ill., to points in Kansas, Missouri, Nebraska, South Dakota, and Minnesota, restricted to shipments originating at the warehouse and facilities of International Harvester Co., at the above-named origins when destined to the above-named states, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: International Harvester Co., 401 North Michigan Ave., Chicago, Ill. 60601. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Bldg., Des Moines, Iowa 50309. The purpose of this republication is to correct the territorial description.

No. MC 112617 (Sub-No. 348TA), filed July 21, 1976. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Charles R. Dunford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Soybean products*, in bulk, in tank vehicles, from Cairo, Ill., to points in Alabama, Arkansas, Georgia, Indiana, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Ohio, Tennessee and Wisconsin, for 180 days. Supporting shipper, Norman Walker, General Traffic Manager, Bunge Corporation, 300 Southwest Blvd., Kansas City, Kans. 66103. Send protests to: Elbert Brown, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 426 Post Office Bldg., Louisville, Ky. 40202.

No. MC 113362 (Sub-No. 298TA) (Correction), filed July 6, 1976, published in the FEDERAL REGISTER issue of July 19, 1976, and republished as corrected this issue. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Milton D. Adams, P.O. Box 562, Austin, Minn. 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat by-products, articles distributed by meat packing plants and foodstuffs* (except hides and commodities in bulk), from the plantsite and/or warehouse facilities utilized by Geo. A. Hormel & Co., at or near Ottuma, Iowa, to points in Arkansas, Connecticut, Delaware, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Mississippi, New Jersey, New Hampshire, New York, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Texas, Vermont, West Virginia, Wisconsin, Virginia and the District of Columbia, restricted to traffic originating at named origin and destined to named states; and (2) *Meat, meat products, meat by-products, articles distributed by meat packing plants, foodstuffs, packing plant materials, equipment and supplies* (except hides and commodities in bulk), from points in Arkansas, Connecticut, Delaware, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Mississippi, New Jersey, New Hampshire, New York, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Texas, Vermont, West Virginia, Wisconsin, Virginia and the District of Columbia, to the plantsite and warehouse facilities utilized by Geo. A. Hormel & Co., at or near Ottumwa, Iowa, restricted to traffic originating at the named states and destined to named destination, for 180 days. Supporting shipper: Geo. A. Hormel & Co., P. O. Box 800, Austin. Minn. 55912. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Bldg., Des Moines, Iowa. 50309. The purpose of this republication is to add part (2) in this proceeding, which was omitted in the previous publication.

No. MC 113429 (Sub-No. 2TA) (Correction), filed July 1, 1976, published in the FEDERAL REGISTER issue of July 15, 1976, and republished as corrected this issue. Applicant: MIKE CONTRIS, doing business as CONTRIS TRUCKING, Route No. 1, Harrod, Ohio 45850. Applicant's representative: Richard H. Brandon, P.O. Box 97, 220 W. Bridge St., Dublin, Ohio 43017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Machine parts and materials* used or useful in the manufacture or repair of construction equipment, restricted to shipments not exceeding 5,000 pounds in express service, between Lima, Ohio, on the one hand, and, on the other, points in Indiana, Ohio, Illinois, Pennsylvania and Michigan, under a continuing contract with Clark Equipment Company, for 180 days. Supporting shipper: Clark Equipment Company, Circle Drive, Buchanan, Mich. 49107. Send protests to: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 313 Federal Office Bldg., 234 Summit St., Toledo, Ohio 43604. The purpose of this republication is to add the territorial description in this proceeding.

No. MC 117883 (Sub-No. 205TA), filed July 21, 1976. Applicant: SUBLER TRANSFER, INC., 791 East Main St., P.O. Box 62, Versailles, Ohio 45380. Applicant's representative: Edward J. Subler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products and articles destributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Elcona Foods, Inc., located at Elkhart, Ind., to points in Connecticut, Delaware, Illinois, Iowa, Kansas, Kentucky, Maine, Maryland, Massachu-

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setts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin and the District of Columbia. Restriction: Restricted to traffic originating at named origin and destined to named destinations, for 180 days. Supporting shipper: Keith A. Gary, Sales Supervisor, Elcona Foods, Inc., 24402 CR 45, Elkhart, Ind. 46514. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5514–B Federal Bldg., 550 Main St., Cincinnati, Ohio 45202.

No. MC 118142 (Sub-No. 128TA), filed July 21, 1976. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, Kans. 67219. Applicant's representative: Lester C. Arvin, 814 Century Plaza Bldg., Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen and unfrozen meats and frozen and unfrozen foodstuffs*, having prior movement by water, from the facilities of New Orleans Cold Storage Company, at New Orleans, La., and its Commercial Zone, to points in Alabama, Arizona, Arkansas, California, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, New Mexico, Ohio, Oklahoma, Tennessee, Texas and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: New Orleans Cold Storage & Warehouse Co., Ltd., 124 Airline Highway, Metairie, La. 70001. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 119767 (Sub-No. 336TA), filed July 21, 1976. Applicant: BEAVER TRANSPORT CO., 6414 Copps Ave., Suite 136, Madison, Wis. 53716. Applicant's representative: Joseph K. Reber, P.O. Box 186, Pleasant Prairie, Wis. 53158. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods*, from the plantsite and facilities of Keebler Company, in Hamilton County, Ohio, to points in Iowa, Minnesota, Wisconsin, North Dakota, South Dakota and St. Louis, Mo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Keebler Company, One Hollow Tree Lane, Elmhurst, Ill. 60126. Send protests to: Richard K. Shullaw, District Supervisor, Interstate Commerce Commission, 139 W. Wilson St., Room 202, Madison, Wis. 53703.

No. MC 120419 (Sub-No. 2TA), filed July 22, 1976. Applicant: SERVICE TRANSFER, INC., 1605 West Broadway, Henryetta, Okla. 74437. Applicant's representative: Duane A. Woodliff, 405 W. Trudgeon, Henryetta, Okla. 74437. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from the plantsite and storage facilities of Midland Glass Company, Inc., at or near Henryetta, Okla., to points in Arkansas, Colorado, Iowa, Louisiana, Kansas, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, Tennessee and Texas, for 180 days. Supporting shipper: Midland Glass Company, Inc., P.O. Box 557, Cliffwood, N.J. 07721. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 Northwest Third St., Oklahoma City, Okla. 73102.

No. MC 128270 (Sub-No. 14TA), filed July 22, 1976. Applicant: REDIEHS INTERSTATE, INC., 1477 Ripley St., East Gary, Ind. 46405. Applicant's representative: Richard A. Kerwin, 180 N. La Salle St., Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic conduit, plastic and iron fittings and connections, valves, hydrants, and gaskets and related commodities* used in the installation of plastic pipe and plastic conduit (except commodities described in *Mercer Ext. Oilfield Commodities*, 74 M.C.C. 459), from the plantsites and storage facilities of the Clow Corporation, located at or near Columbia, Mo., to points in Minnesota, North Dakota and South Dakota, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Clow Corporation, 1211 West 22nd St., Oak Brook, Ill. 60521. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 133977 (Sub-No. 22TA), filed July 21, 1976. Applicant: GENE'S, INC., 10115 Brookville Salem Road, Dayton, Ohio 45315. Applicant's representative: Paul F. Beery, Ninth Floor, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cream, liquid cream substitutes, egg substitutes, sauces, dressings, and salads* (except in bulk), from the plantsite of Avoset Food Corporation, at Newburgh, N.Y., to the plantsite of Avoset Corporation, at Washington Court House, Ohio, for 180 days. Supporting shipper: Harry Grant Baxter, Sales/Dist. Manager and/or Traffic Manager, Avoset Food Corporation, 1024 Leesburg Ave., Washington C. H., Ohio 43160. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514–B Federal Bldg., 550 Main St., Cincinnati, Ohio 45202.

No. MC 134082 (Sub-No. 8TA), filed July 22, 1976. Applicant: K. H. TRANSPORT, INC., 4796 Linthicum Road, Dayton, Md. 21036. Applicant's representative: Chester A. Zyblut, 1030 15th St., N.W., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Baltimore, Md., to Dallas and Fort Worth, Tex., and their respective Commercial Zones, for 180 days. Supporting shipper: Al Silverman, Traffic Coordinator, Martin Brower Co., 1111 E. Touhy Ave., Des Plaines, Ill. 60018. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814–B Federal Bldg., Baltimore, Md. 21201.

No. MC 136301 (Sub-No. 4TA), filed July 22, 1976. Applicant: MER-LOU TRANSPORTATION, INC., P.O. Box 247, Millsboro, Del. 19966. Applicant's representative: Jack R. Turney, Jr., 2001 Massachusetts Ave., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from South Volney, N.Y., to points in Delaware; Salisbury, Cambridge and Centerville, Md., and points in Accomac and Northampton Counties, Va., for 180 days. Supporting shipper: Joseph Tigani, General Manager, Standard Wine & Spirits Company, 27th and Broom Sts., Wilmington, Del. 19899. Richard N. Carey, President, Carey Distributors, Inc., 707 Brown St., Salisbury, Md. 20801. George Yewell, Treasurer, G & G Distributors, Inc., Commerce St., Centreville, Md. 21617. Harry E. Engler, Owner, Aydelotte & Engler, Routes 316–736, Greenbush, Va. 23357. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814–B Federal Bldg., Baltimore, Md. 21201.

No. MC 136644 (Sub-No. 2TA), filed July 21, 1976. Applicant: U. W. S. MATERIALS & SUPPLY CO., 2001 Broadway, Vallejo, Calif. 94590. Applicants' representative: William D. Taylor, 100 Pine St., Suite 2550, San Francisco, Calif. 94111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum wallboard and materials* used in the installation and application of gypsum wallboard, from the plantsite of Kaiser Gypsum Company, Inc., at or near Antioch, Calif., to points in Oregon, under a continuing contract with Kaiser Gypsum Company, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Kaiser Gypsum Company, Inc., 300 Lakeside Dr., 11th Floor, Oakland, Calif. 94666. Send protests to: A. J. Rodriguez, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Ave., Box 36004, San Francisco, Calif. 94102.

No. MC 138404 (Sub-No. 8TA), filed July 22, 1976. Applicant: DALE FOWLER & MERLE TRAPP, doing business as D & M TRANSPORT, P.O. Box 38, Sprague-ville, Iowa 52074. Applicant's representative: Dale Fowler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel roadway paving joints*, between Maquoketa, Iowa, points in Maine, New Hampshire, Vermont, New York, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, Maryland, Virginia, Tennessee, South Carolina, North Carolina, Louisiana, Mississippi, Alabama, Georgia, Florida, and the District of Columbia; (2) Materials used in the manufacture of (1) above, from points in Minnesota, Illinois, Indiana, Iowa to Maquoketa, Iowa, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Wady, Inc., 510 E. Grove, Maquoketa, Iowa. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 138762 (Sub-No. 2TA), filed July 22, 1976. Applicant: MUNICIPAL TANK LINES, LIMITED, P.O. Box 3500, Calgary, Alberta, Canada T2P 2P9. Applicant's representative: Richard H. Streeter, 704 Southern Bldg., 15th & H Streets, NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous aluminum chloride* (dry in bulk, in tank vehicles), from ports of entry on the United States-Canada Bounday line located in Michigan and New York, to points in Texas, Louisiana and Maryland; restricted to movements originating at the plantsite and facilities of Welland Chemical at Sarnia, Ontario, Canada, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: A. W. Ballantyne, Vice-President, Operations, Welland Chemical, Ltd., 3068 Universal Dr., Mississauga, Ontario, Canada L4X 2C8. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Ave., North, Billings, Mont. 59101.

No. MC 140820 (Sub-No. 1TA), filed July 21, 1976. Applicant: A & R TRANSPORT, INC., 106 N. Everett St., Streator, Ill. 61364. Applicant's representative: James E. Bedeker, 1609 E. First St., Streator, Ill. 61364. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulfuric acid*, in bulk, in tank vehicles, between Marseilles, Ill., on the one hand, and, on the other, points in Iowa, Kansas, Missouri, Kentucky, Indiana, Michigan and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Chemical Interchange, Inc., T. C. Welch, Vice President, 11 S. Meramec, St. Louis, Mo. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 141804 (Sub-No. 18TA), filed July 22, 1976. Applicant: WESTERN EXPRESS, DIV. OF INTERSTATE RENTAL, INC., Box 422, Goolettsville, Tenn. 37072. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68507. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail stores (except foodstuffs and commodities in bulk), (1) from Hoboken, N.J., to the facilities of Best Products Co., Inc., at or near Ashland, Va.; Arlington, Tex.; and Union City, Calif.; (2) from the facilities of Best Products Co., Inc., at or near Arlington, Tex., and Union City, Calif.; and (3) from the facilities of Best Products Co., Inc., at or near Ashland, Va., and Arlington, Tex., to Union City, Calif. Restriction: Service to and from the facilities of Best Products Co., Inc., at or near Ashland, Va., and Arlington, Tex., is restricted to stopping-in-transit for partial loading and/or unloading of shipments originating at Hoboken, N.J., and destined to the facilities of Best Products Co., Inc., at or near Union City, Calif., for 180 days. Supporting shipper: Best Products Co., Inc., P.O. Box 26303, Richmond, Va. 23260. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A–422 U.S. Courthouse, 801 Broadway, Nashville, Tenn. 37203.

No. MC 142124 TA (Correction), filed June 4, 1976, published in the FEDERAL REGISTER issue of June 23, 1976, and republished as correct this issue. Applicant: PACKAGE DELIVERY, INC., 421 West Tremont Ave., Charlotte, N.C. 28203. Applicant's representative: Joseph T. Bambrick, Jr., 217 Old Airport Road, Douglassville, Pa. 19518. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *General commodities*, limited to individual parcels, packages, and other items not exceeding 100 pounds in weight, moving in shipments not exceeding 500 pounds in weight, from one consignor to one consignee in a single day, restricted to operations conducted exclusively in two axle vehicles, (1) between points in Franklin and Richmond Counties, Ga.; Alamance, Alexander, Anson, Buncombe, Burke, Cabarrus, Caldwell, Caswell, Catawba, Chatham, Cleveland, Cumberland, Davidson, Davie, Durham, Forsyth, Franklin, Caston, Granville, Greene, Guilford, Harnett, Henderson, Hoke, Tredell, Johnston, Lee, Lenoir, Lincoln, McDowell, Mecklenburg, Montgomery, Moore, Nash, Orange, Pitt, Polk, Randolph, Richmond, Robeson, Rockingham, Rowan, Rutherford, Scotland, Stanly, Union, Vance, Wake, Wayne and Wilson Counties, N.C.; Aiken, Anderson, Calhoun, Cherokee, Chester, Chesterfield, Clarendon, Darlington, Dillon, Fairfield, Florence, Greenville, Kershaw, Lancaster, Laurens, Lee, Lexington, Marlboro, Newberry, Orangeburg, Richland, Spartanburg, Sumter, Union and York Counties, S.C.; and Pittsylvania County, Va., restricted to shipments having a prior or subsequent movement by air, motor, rail and or water carrier, for 180 days. Supporting shippers: There are approximately 33 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C. or copies thereof which may be examined at the field office named below. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Mart Office Bldg., Charlotte, N.C. 28205. The purpose of this republication is to correct the territorial description in this proceeding.

No. MC 142282 TA, filed July 20, 1976. Applicant: FLEET SERVICES CORP., P.O. Box 4112, Whittier, Calif. 90607. Applicant's representative: William J. Lippman, Suite 550, 1819 H St., N.W., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, intended for use in the manufacture of furniture, from points in Washington and Umatilla County, Oreg., to points in California, under a continuing contract with Maher Forest Products, Ltd.; and (2) *Metal folding mechanisms*, for furniture and bedding, bed springs, bed frames and bed rails, from Whittier, Calif., to points in Washington, Oregon, Idaho, Montana, Utah, Nevada and Arizona, under a continuing contract with Bedline Mfg. Co., for 180 days. Supporting shipper: Bedline Mfg. Co., P.O. Box 4956, Whittier, Calif. 90607. Maher Forest Products, Ltd., P.O. Box 387, Medina, Wash. 98039. Send protests to: Mary A. Francy, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, Room 1312 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 142284 TA, filed July 21, 1976. Applicant: AIR COURIERS INTERNATIONAL, INC., 4131 N. 36th St., Suite 1, Phoenix, Ariz. 85018. Applicant's representative: Jeremy Kahn, Suite 733, Investment Bldg., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Business papers* used in and useful for the conduct of insurance business, between the offices and facilities of American Home Assurance Company, at New York, N.Y., and the offices and facilities of American Home Assurances Company, at Manchester, N.H., under a continuing contract with American Home Assurance Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: American Home Assurance Company, 102 Maiden Lane, New York, N.Y. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 3427 Federal Bldg., 230 N. First Ave., Phoenix, Ariz. 85025.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-22825 Filed 8-4-76;8:45 am]

[Volume No. 42]

PETITIONS FOR MODIFICATION, INTERPRETATION OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

Table of Contents Listing

JULY 30, 1976.

Permanent authority petitions and applications; finance matters (including

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temporary authorities); railroad abandonments; alternate route deviation letter-notices; and intrastate applications concurrently seeking authority on interstate or foreign commerce.

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this Federal Register notice. Such protest shall comply with Special Rule 247(d) of the Commission's *General Rules of Practice* (49 CFR 1100.247)[1] and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

No. MC 115353 (Sub-No. 11) (Notice of filing of petition to modify territorial description), filed July 15, 1976. Petitioner: LOUIS J. KENNEDY TRUCKING COMPANY, 342 Schuyler Ave., Kearny, N.J. 07032. Petitioner's representative. Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Petitioner holds a motor *contract carrier* Permit in No. MC 115353 (Sub-No. 11), issued June 24, 1971, authorizing transportation over irregular routes, of *building materials, gypsum and gypsum products, paint and paint products, lime* (except liquid in bulk), and such *materials and supplies* as are used in the manufacture, installation and distribution of the aforementioned commodities (except commodities in bulk), between Staten Island and Stony Point, N.Y., and Kearny, N.J., on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, under a continuing contract, or contracts, with United States Gypsum Company, of Chicago, Ill.

By the instant petition, petitioner seeks to modify its Permit by adding three base radial points of Danville, Norfolk, and Plasterco, Va. to the above authority.

No. MC 134599 (Sub-No. 114) (Notice of filing of petition to change origin point), filed June 22, 1976. Petitioner: INTERSTATE CONTRACT CARRIER CORPORATION, 265 W. 2700 South, Salt Lake City, Utah 84115. Petitioner's representative: Richard A. Peterson, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Petitioner holds a motor *contract carrier* Permit in No. MC 134599 (Sub-No. 114), issued February 3, 1976, authorizing transportation over irregular routes, of (1) *games, toys,* and *plastic articles,* and (2) *materials, parts,* and *supplies* used in the manufacture of items in part (1) above (except commodities in bulk and those requiring the use of special handling or special equipment), from Metuchen and South Plainfield, N.J., to points in Wisconsin, Ohio, Nebraska, Kentucky, Arkansas, Alabama, Louisiana, South Carolina, Missouri, Colorado, and Arizona, under a continuing contract, or contracts, with Mattel, Inc., subject to the right of the Commission to impose such terms, conditions or limitations in the future as it may find necessary in order to insure that carrier's operations shall conform to the provisions of section 210 of the Act.

By the instant petition, petitioner seeks to modify its Permit by deleting from its authority the origin point of Metuchen, N.J., and substituting therefore the origin point of Edison, N.J.

No. MC 135072 (Sub-No. 5) (Notice of filing of petition to add an additional contracting shipper), filed July 19, 1976. Petitioner: HEATER TRUCKING, INC., P.O. Box 122, 6887 Versailles Road, North Evans, N.Y. 14112. Petitioner's representative: William J. Hirsch, Suite 1125, 43 Court St., Buffalo, N.Y. 14202. Petitioner holds a motor *contract carrier* Permit in No. MC 135072 (Sub-No. 5), issued February 18, 1976, authorizing transportation over irregular routes, of: (1) *Asphalt,* in bulk, *and equipment* utilized in the application of asphalt, between points in Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Steuben, Wayne, and Wyoming Counties, N.Y., on the one hand, and, on the other, points in Bradford, Cameron, Clarion, Crawford, Elk, Erie, Jefferson, Lycoming, McKean, Potter, Tioga, Venango, and Warren Counties, Pa.; (2) *Materials and supplies* used in the manufacture of asphalt products, from Lafayette, Ind., Carlstadt, N.J., Marietta, Ohio, Canton, N.C., and Nitro, W. Va., to Buffalo, N.Y.; and (3) *returned shipments* of the commodities in (2) above, From Buffalo, N.Y., to Nitro, W. Va., Marietta, Ohio, Canton, N.C., Carlstadt, N.J., and Lafayette, Ind., under a continuing contract, or contracts, with Allied Bitumens, Inc., of Buffalo, N.Y.

By the instant petition, petitioner seeks to modify its permit by adding Allied Emulsions, Inc., as an additional contracting shipper to the above authority.

No. MC 135381 (Notice of petition) (Correction), filed June 22, 1976, published in the FEDERAL REGISTER issue of July 22, 1976, and republished as corrected this issue. Petitioner: DRUM TRANSPORTATION COMPANY, R.D. No. 1, Montgomery, Pa. 17752. Petitioner's representative: J. G. Dail, Jr., 1111 E St., N.W., Washington, D.C. 20004. The purpose of this partial republication is to indicate the correct docket number assigned to this proceeding as MC 135381, in lieu of MC 135385 as was previously published. The rest of the publication remains as previously published.

No. MC 135921 (Notice of filing of petition to add an additional contracting shipper), filed July 2, 1976. Petitioner: HARCO TRUCKING CORPORATION, 86 Garden St., Westbury, N.Y. 11590. Petitioner's representative: Joyce Harvey (Same address as petitioner). Petitioner holds a motor *contract carrier* Permit in No. MC 135921, issued July 20, 1972, authorizing transportation over irregular routes, of *waste paper,* between points in Connecticut, New York, New Jersey, and Pennsylvania, under a continuing contract, or contracts, with Harmon Paper Stock Co., Inc., Harmon Assoc. Corp., Harmon Recycling Corp., and Gemini Paper Fibers Corp., all of Merrick, N.Y.

By the instant petition, petitioner seeks to modify its Permit by adding Lowe Fibre Corporation of Westbury, N.Y., as an additional contracting shipper to the above authority.

No. MC 136408 (Sub-No. 8) (Notice of filing of petition to add an additional origin point), filed July 16, 1976. Petitioner: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Highway 20, Sioux City, Iowa 51102. Petitioner's representative: William J. Hanlon (Same address as petitioner). Petitioner holds a motor *contract carrier* Permit in No. MC 136408 (Sub-No. 8), issued April 2, 1975, authorizing transportation over irregular routes, of *chemicals* (except in bulk, in tank vehicles), from Wallingford, Conn., and Linden, N.J., to points in Wisconsin, Minnesota, Iowa, Nebraska, Kansas, and Missouri, under a continuing contract, or contracts, with American Cyanamid Co., of Wayne, N.J., and Merck & Co., Inc., of Rahway, N.J.

By the instant petition, petitioner seeks to modify its Permit by adding Hawthorne, N.J. as an additional origin point to the above authority.

No. MC 140104 (Sub-No. 2) (Notice of filing of petition to add additional origin and destination States), filed July 8, 1976. Petitioner: TOLEDO FREIGHT LINES, INC., 4117 Fitch Rd., Toledo, Ohio 43613. Petitioner's representative: David L. Pemberton, 50 West Broad St., Columbus, Ohio 43215. Petitioner holds a motor *contract carrier* Permit in No. MC 140104 (Sub-No. 2), issued April 9, 1976, authorizing, as pertinent, transportation over irregular routes, of (1) *Ice cream, ice cream confections, ice confections, ice water confections, and frozen desserts,* in vehicles equipped with mechanical refrigeration, from Toledo, Ohio, and Stamford, Conn., to points in Alabama, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; and (2) *materials, ingredients, equipment, and supplies* (excluding commodities in bulk) used in the manufacture of the aforementioned commodities, from the destination states named above, to Toledo, Ohio, and Stamford, Conn., under a continuing contract, or contracts, with Vroman Foods, Inc., and Vroman Foods of New York, Inc.

By the instant petition, petitioner seeks to modify its Permit by adding Colorado, Louisiana and Mississippi as additional destination states to part (1) of the above authority as well as to the origin territory in part (2) of the above authority.

No. MC 140968 (Sub-No. 2) (Notice of filing of petition to add additional origin and destination territory), filed March 4, 1976. Petitioner: VALLEY TRANSPORT, INC., Drayton, N. Dak. 58225. Petitioner's representative: Charles E. Johnson, 425 Gate City Bldg., Fargo, N. Dak. 58102. Petitioner holds a motor *contract carrier* Permit in No. MC 140968 (Sub-No. 2), issued June 8, 1976, authorizing transportation over irregular routes, of (1) *sugar beet pulp and sugar beet pulp pellets,* from the facilities of American Crystal Sugar Company located at or near Drayton, N. Dak., to Duluth, Minn.; and (2) *lime rock,* from Duluth, Minn., to the facilities of American Crystal Sugar Company located at or near Drayton, N. Dak., under a continuing contract, or contracts, with American Crystal Sugar Company, of Moorhead, Minn.

By the instant petition, petitioner seeks to modify its Permit (a) by broadening the origin in part (1) so as to read: "from the plantsites of American Crystal Sugar Company located in North Dakota lying on and east of North Dakota Highway 32 and in Minnesota lying on and west of U.S. Highway 71;" and (b) by broadening the destination point in part (2) so as to read: "to the plantsites of American Crystal Sugar Company located in North Dakota lying on and east of North Dakota Highway 32 and in Minnesota lying on and west of U.S. Highway 71."

No. MC 141114 (Notice of filing of petition for modification of permit), filed July 9, 1976. Petitioner: Retailers Delivery Facility Co., Inc., 901 Washington Street, Wilmington, Del. 19899. Petitioner's representative: Frank Petralla, president of petitioner, 478 Prospect Street, Methuen, Mass. 01844.

Petitioner holds Permit No. MC-141114, issued June 23, 1976, authorizing operation as a motor *contract carrier* of *clay products, garden supplies, snowmobiles, lawn ornaments, building materials,* and *garden trellises* (except cement, chemicals, and commodities in bulk), from points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, and that part of New York on and east of a line beginning at the mouth of the Hudson River, thence extending north along the east bank of the Hudson River to Albany, N.Y., and thence over U.S. Highway 9 to the International Boundary Line between the United States and Canada, to points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana, restricted (1) against the transportation of the above-named commodities from points in Connecticut, Massachusetts, New York, and Rhode Island to points in North Carolina, South Carolina, Georgia and Florida, and (2) against the transportation of clay products and refractories from points in New York to points in Indiana, Michigan, and Ohio, under a continuing contract, or contracts, with Garden Merchandise and Supply Co., Inc.

By the instant petition, petitioner seeks modification of said permit to add the following firms as additional contracting shippers:

(1) Garden Shops Co., Inc., 901 Washington Street, Wilmington, Del. 19899;

(2) Lawn Shops Co., Inc., 901 Washington Street, Wilmington, Del. 19899;

(3) Ceramic Sales Co., Inc., 901 Washington Street, Wilmington, Del. 19899;

(4) Abbott Trading Co., Inc., 901 Washington Street, Wilmington, Del., 19899; and

(5) Homes & Gardens Co., Inc., 901 Washington Street, Wilmington, Del. 19899.

Petitioner states that the above-named five companies are newly formed separate satellite companies (affiliates) of Garden Merchandise and Supply Co., Inc., the present contracting shipper; that G. N. Newburgh is the sole stockholder of each of the six companies; that the six companies will handle the same traffic as that for which authority was granted to serve Garden Merchandise and Supply Co., Inc.; that upon modification of the permit petitioner will be authorized to handle the same traffic for six affiliated companies as it is now authorized to handle for Garden Merchandise and Supply Co., Inc.; and that no new privileges covering additional commodity description or geographical area is sought by this petition, and the only additional privilege sought is to add the five newly formed corporate affiliates.

Any person or persons desiring to participate in this proceeding may within 30 days from the date of this publication in the FEDERAL REGISTER file an appropriate pleading consisting of an original and six copies.

REPUBLICATIONS OF GRANTS OF OPERATING RIGHTS AUTHORITY PRIOR TO CERTIFICATION

NOTICE

The following grants of operating rights authorities are republished by Order of the Commission to indicate a broadened grant of authority over that previously noticed in the FEDERAL REGISTER.

An original and one copy of protests to the granting of the authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with Special Rule 247(d) of the Commission's *General Rules of Practice* (49 CFR § 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition shall not be tendered at this time. A copy of the protest shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

No. MC 130335 (Republication), filed August 11, 1975, and published in the FEDERAL REGISTER issue of September 18, 1975, and republished this issue. Applicant: BARRINGTON TRAVEL GROUP ASSOCIATION, 610 White Horse Pike, Oaklyn, N.J. 08107. Applicant's representative: Doris Valleley (same address as applicant). An Initial Decision of the Commission, Administrative Law Judge, Warren C. White, served May 27, 1976 became the order of the Commission by effective notice served July 15, 1976, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *broker* at Oaklyn, N.J., to sell or offer to sell the transportation of *Passengers* as individuals and in groups, and *their baggage* in the same vehicle with passengers, in special and charter operations, by motor common carrier, beginning and ending at Barrington, Lawnside, and Oaklyn, in Camden County, N.J., and extending to points in the United States, including Alaska and Hawaii. The purpose of this republication is to indicate that the grant of authority includes Barrington, Lawnside and Oaklyn, in Camden County, N.J., as applicant's begining and ending points in lieu of Camden County, N.J.

No. MC 135082 (Sub-No. 23) (Republication), filed December 4, 1975, and published in the FEDERAL REGISTER issue of January 29, 1976, and republished this issue. Applicant: BURSCH TRUCKING, INC., doing business as ROADRUNNER TRUCKING, INC., P.O. Box 46748, 415 Rankin Rd., N.E., Albuquerque, N. Mex. 87125. Applicant's representative: D. F. Jones (same address as applicant). An Order of the Commission, Review Board Number 2, dated June 17, 1976, and served June 30, 1976, finds that the present and future public convenience and necessity require operations by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, in the transportation of *Gypsum, gypsum and gypsum products* (except commodities in bulk), from points in Hardeman County, Tex., to points in New Mexico, Colorado, Wyoming, Montana, Idaho, Nevada, California, Oregon, Washington, and Utah; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder.

The purpose of this republication is (1) to indicate the grant of authority excluding gypsum wallboard, gypsum joint cement and related commodities, and (2) to indicate points in Hardeman County, Tex., as applicant's origin point in lieu of Acme, Tex., as previously published in the FEDERAL REGISTER.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

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MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

NOTICE

The following applications are governed by Special Rule 247 of the Commission's *General Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably to file a protest will be construed as a waiver of opposition and participation inthe proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures order by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 2202 (Sub-No. 515), filed July 1, 1976. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Blvd., P.O. Box 471, Akron, Ohio 44309. Applicant's representative: William O. Turney, Suite 1010, 7101 Wisconsin Avenue, Washington, D.C. 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Kennedy Mfg. Co., located at or near Kennedy, Ala., as an off-route point in connection with applicant's presently authorized regular-route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Birmingham, Ala. or Washington, D.C.

No. MC 9692 (Sub-No. 5), filed June 25, 1976. Applicant: ROBERT D. ECKERT, 219 North President Avenue, Lancaster, Pa. 17603. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are generally made by a manufacturer of rugs, carpets and linoleum, and *equipment, materials and supplies* used in the installation and distribution thereof (except commodities in bulk) (1) from Lancaster, Pa. and points in East Hempfield Township, Lancaster County, Pa., to Baltimore, Md., and its commercial zone, the District of Columbia, and its commercial zone, and points in Harford and Baltimore Counties, Md.; under a continuing contract, or contracts, with the Jos. M. Zamoiski Co.; and (2) from Lancaster and Marietta, Pa., and points in East Hempfield Township, Lancaster County, Pa., to Baltimore, Md., and its commercial zone, the District of Columbia, and its commercial zone and points in Harford and Baltimore Counties, Md., under a continuing contract, or contracts, with J. J. Haines & Company, Inc., located at Baltimore, Md.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 13250 (Sub-No. 133), filed July 1, 1976. Applicant: J. H. ROSE TRUCK LINE, INC., 5003 Jensen Drive, P.O. Box 16190, Houston, Tex. 77022. Applicant's representative: James N. Doherty, 500 West Sixteenth Street, P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, millwork, lumber, and wood products* (except commodities in bulk), between points in Idaho, Montana, Oregon, and Washington, on the one hand, and, on the other, points in Arkansas, Oklahoma, and Texas, restricted against the transportation of lumber, wood products, and millwork from points in Montana on and west of U.S. Highway 89, to points in Texas and Oklahoma. If a hearing is deemed necessary, the applicant requests it be held on a consolidated record with a similar application of System Transport, Inc., at either Seattle, Wash. or Dallas or Houston, Tex.

No. MC 22229 (Sub-No. 110) filed June 22, 1976. Applicant: TERMINAL TRANSPORT COMPANY, INC., 248 Chester Avenue, S.E., Atlanta, Ga. 30316. Applicant's representative: Ralph B. Matthews (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment): Serving Honeoye, N.Y., as an off-route point in connection with applicant's presently authorized service, between Rochester, and Bath, N.Y.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Rochester, N.Y., or Washington, D.C.

No. MC 42261 (Sub-No. 124), filed June 22, 1976. Applicant: LANGER TRANSPORT CORP., Box 305, Jersey City, N.J. 07303. Applicant's representative: W. C. Mitchell, 370 Lexington Avenue, New York, N.Y. 10017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Containers, container ends, and container closures*, and (2) *accessories, materials, equipment, and supplies*, used in the manufacture, sale, and distribution of the commodities in (1) above (except commodities in bulk), from Fogelsville, Pa., to points in Connecticut, Delaware, Maine, Maryland, Masachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or Washington, D.C.

No. MC 42487 (Sub-No. 851), filed June 18, 1976. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representaitve: V. R. Oldenburg, P.O. Box 5138, Chicago, Ill. 60680. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, green hides, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); Between Columbus, Ohio, and Parkersburg, W. Va.: From Columbus over U.S. Highway 50, thence over U.S. Highway 50 to Parkersburg, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with carrier's otherwise authorized regular-route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 43421 (Sub-No. 56), filed June 23, 1976. Applicant: DOHRN TRANSFER COMPANY, 4016 9th Street, P.O. Box 1237, Rock Island, Ill. 61201. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to

operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Chicago, Ill., and Detroit, Mich., as an alternate route for operating convenience only: From Chicago over U.S. Highway 41 to junction U.S. Highway 30, thence over U.S. Highway 30 over Fort Wayne, Ind., to junction U.S. Highway 24, thence over U.S. Highway 24 to Interstate Highway 75, thence over Interstate Highway 75 to Detroit and return over the same route, serving no intermediate points.

NOTE.—The purpose of this alternate route application is to allow applicant to relay motor vehicle equipment at its Fort Wayne, Ind., terminal in connection with traffic moving between its Detroit, Mich., terminal on the one hand, and, on the other, its terminals at Chicago, Ill., and points west thereof. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 47583 (Sub-No. 32), filed July 6, 1976. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine, Kansas City, Kans. 66115. Applicant's representative: D. S. Hults, P.O. Box 225, Lawrence, Kans. 66044. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from the plantsite and storage facilities of Midland Glass Company, Inc. located at or near Henryetta, Okla., to points in Arkansas, Colorado, Illinois, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Kans.

No. MC 55886 (Sub-No. 18), filed June 22, 1976. Applicant: BLUE LINE TRANSFER CO., INC., P.O. Box 4, 3d and Broomall Streets, Chester, Pa. 19013. Applicant's representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St., NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, and materials and supplies*, used in the maufacture thereof, between points in Kent County, Del., on the one hand, and, on the other, points in Connecticut, New Jersey, those points in New York on and south of U.S. Interstate Highway 84, and points in Pennsylvania.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 59241 (Sub-No. 3), filed June 22, 1976. Applicant: JOHN GIBBONS, INC., 650 Eddystone Avenue, Eddystone, Pa. 19013. Applicant's representative: Maxwell A. Howell, 1100 Investment Building, 1511 K Street, N.W., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products and materials and supplies* used in the manufacture thereof, between points in Kent County, Del., on the one hand, and, on the other, points in Fairfax, Fauquier, Loudoun, and Prince William Counties, Va., Maryland, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held on a consolidated record with a similar application of Blue Line Transfer Co. Inc., at Washington, D.C.

No. MC 78687 (Sub-No. 42), filed June 30, 1976. Applicant: LOTT MOTOR LINES, INC., 118 Monell St., Penn Yan, N.Y. 14527. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., N.W. No. 805, Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calcium chloride*, dry, in bulk, in dump vehicles, from Solvay, N.Y., to points in Delaware, Virginia and West Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests a consolidated hearing in Washington, D.C.

No. MC 80428 (Sub-No. 93), filed June 23, 1976. Applicant: MCBRIDE TRANSPORTATION, INC., P.O. Box 430, Goshen, N.Y. 10924. Applicant's representative: S. Michael Richards, 44 North Avenue, P.O. Box 225, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Products derived from corn and blends containing products derived from corn*, in bulk, in tank vehicles, from the Clinton Corn Processing Company plantsite located at Montezuma, N.Y., to points in the United States (except Alaska and Hawaii), restricted to the transportation of traffic originating at the above described facilities.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 82063 (Sub-No. 68), filed July 2, 1976. Applicant: KLIPSCH HAULING CO., 10795 Watson Road, St. Louis, Mo. 63127. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., N.W. No. 805, Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from points in Columbia County, Ark., to points in Alabama, Florida, Georgia, Illinois, Kansas, Kentucky, Missouri, and South Carolina.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Little Rock, Ark.

No. MC 82841 (Sub-No. 177), filed June 21, 1976. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" Street, Omaha, Nebr. 68127. Applicant's representative: Donald L. Stern, 530 Univac Bldg., 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel cable strand, iron and steel wire, and spirals*, from the plant site and facilities of Wire-mil, Inc., located at or near Sanderson, Fla., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Jacksonville, Fla.

No. MC 83835 (Sub-No. 132), filed June 28, 1976. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Tex. 75222. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the facilities of Armco Steel Corporation located at or near Kansas City, Mo., to points in Arkansas, Kansas, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo. or Dallas, Tex.

No. MC 94068 (Sub-No. 6), filed July 12, 1976. Applicant: H. POMARLEAU, doing business as POMARLEAU TRANSFER, P.O. Box 1255, Wenatchee, Wash. 98801. Applicant's representative: Boyd Hartman, 221 First West, Seattle, Wash. 98119. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Chelan, Okanogan, Yakima, and Lincoln Counties, Wash., to points in Multnomah County, Oreg.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Seattle or Wenatchee, Wash.

No. MC 95876 (Sub-No. 187), filed June 25, 1976. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, P.O. Box 1377, St. Cloud, Minn. 56301. Applicant's representative: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Marble chips*, from (a) Platte County, Wyo., to points in Arkansas, Illinois, Indiana, Iowa, Kan-

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sas, Minnesota, Missouri, Nebraska, Oklahoma and Wisconsin; and (b) St. Lawrence County, N.Y., to points in Delaware, Illinois, Indiana, Iowa, Maryland, Michigan, Minnesota, Missouri, New Jersey, Ohio, Pennsylvania, West Virginia, Wisconsin and the District of Columbia; and (2) *marble chips and scoria*, from Kansas City, Mo., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 103051 (Sub-No. 374), filed June 21, 1976. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Ave. North, P.O. Box 90408, Nashville, Tenn. 37209. Applicant's representative: Russell E. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Vegetable oil, animal oil, and blends thereof*, in bulk in tank vehicles, between points in Mecklenburg County, N.C., on the one hand, and, on the other, points in Alabama and Florida; (2) *vegetable oil, animal oil and blends thereof*, in bulk, in tank vehicles, from points in Mecklenburg County, N.C., to Louisville, Ky. and Macon, Ga.; and (3) *soya bean oil*, in bulk, in tank vehicles, from Raleigh, N.C., to the plantsite of Ralston Purina Company, at or near Zellwood, Fla.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Nashville, Tenn., or Atlanta, Ga.

No. MC 106497 (Sub-No. 131), filed June 29, 1976. Applicant: PARKHILL TRUCK COMPANY, Post Office Box 912, Bus. Rte. I-44 East, Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs, Post Office Box 113, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailer converter dollies*, in truckaway service, *packers, refuse containers, refuse compactors, cargo containers, storage containers, and material handling containers*, from Lamar County, Ala., to points in the United States (except Alaska and Hawaii); and (2) *materials, supplies, and parts* (except commodities in bulk), used in the manufacture, assembly, and servicing of commodities in (1) above, from points in the United States (except Alaska and Hawaii), to Lamar County, Ala.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Birmingham, Ala. or Memphis, Tenn.

No. MC 106674 (Sub-No. 199), filed July 2, 1976. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, from the plantsite and warehouse facilities of C F Industries located at or near Terre Haute, Ind., to points in Illinois and Michigan.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Indianapolis, Ind.

No. MC 108676 (Sub-No. 97), filed June 8, 1976. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Avenue, Knoxville, Tenn. 37917. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mining machinery and equipment, and parts thereof;* (2) (a) *machinery, equipment, materials, parts and accessories*, used in air, water and sewage systems and installations, which because of size and weight require the use of special equipment, and (b) *machinery, equipment, materials, parts, and accessories*, used in air, water and sewage systems and installations which do not require the use of special equipment, when moving on the same bill of lading with the commodities described in (a) above; and (3) *metal buildings, iron and steel articles, fabricated steel tanks, storage systems, storage silos, surge systems, and heaters, and equipment, parts, materials, and supplies*, used in the construction, manufacture, and installation thereof; from Washington and Sullivan Counties, Tenn., and Washington and Smyth Counties, Va., to points in the United States in and east of Colorado, Nebraska, New Mexico, North Dakota and South Dakota.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Nashville, Tenn. or Atlanta, Ga.

No. MC 109397 (Sub-No. 382), filed June 29, 1976. Applicant: TRI-STATE MOTOR TRANSIT CO., Bus. Rt. I-44, East, P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinyl or paper covered paneling, gypsum board, particleboard, hardboard, composition board, plywood, and molding*, from the plantsite of Sioux Veneer Panel Co., located at or near Boise, Idaho to points in the United States (except Alaska and Hawaii), restricted to shipments originating at the plantsite of Sioux Veneer Panel Co., located at or near Boise, Idaho.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Reno, Nev. or Salt Lake City, Utah.

No. MC 109478 (Sub-No. 144), filed July 7, 1976. Applicant: WORSTER MOTOR LINES, INC., R.D. #1, Gay Road, North East, Pa. 16428. Applicant's representative: Joseph F. Mackrell, 23 West Tenth St., Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in containers, from the facilities of Witco Chemical Corp. located at or near Bradford and Petrolia, Pa., to points in Illinois and Indiana.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 109692 (Sub-No. 37), filed June 28, 1976. Applicant: GRAIN BELT TRANSPORTATION COMPANY, 625 Livestock Exchange Bldg., Kansas City, Mo. 64102. Applicant's representative: Lucy Kennard Bell, 910 Brookfield Bldg., Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: (1) *such commodities* as are dealt in, or used by, agricultural equipment, industrial equipment, and lawn and leisure products dealers (except commodities in bulk), from the facilities of Deere & Company located in Jackson County, Mo., to points in Kansas, Missouri and Oklahoma, restricted to the transportation of traffic originating at the named facilities of Deere & Company and destined to the destination points named above; and (2) *returned shipments* of the commodities described above, from points in Kansas, Missouri and Oklahoma, to the facilities of Deere & Company located in Jackson County, Mo., restricted to the transportation of traffic destined to the named facilities of Deere and Company.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 109692 (Sub-No. 39), filed July 6, 1976. Applicant: GRAIN BELT TRANSPORTATION COMPANY, 340 North James, Kansas City, Kans. 66118. Applicant's representative: Lucy Kennard Bell, 910 Brookfield Bldg., 101 West Eleventh, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and building materials* (except iron and steel articles and commodities in bulk), from the Kansas City, Mo.-Kans. Commercial Zone, to points in Iowa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo. or Washington, D.C.

No. MC 110420 (Sub-No. 757), filed July 6, 1976. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425-13th St., NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar, products of corn and blends thereof*, in bulk, from the Kansas City, Kans./Kansas City, Mo. commercial zone, to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Kansas City or Chicago, Ill.

No. MC 110563 (Sub-No. 183), filed June 28, 1976. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, Sidney, Ohio 45365. Applicant's representative: Joseph M. Scanlan, 111 W. Washington, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsites and warehouse facilities utilized by Oventime Food, Inc., located at or near Waterman, Ill., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to traffic originating at the above named origin point.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Milwaukee, Wis.

No. MC 111274 (Sub-No. 15), filed June 22, 1976. Applicant: ELMER C. SCHMIDGALL AND BENJAMIN G. SCHMIDGALL, a partnership, doing business as SCHMIDGALL TRANSFER, Box 249, Tremont, Ill. 61568. Applicant's representative: Frederick C. Schmidgall, Box 356, Morton, Ill. 61550. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Formac shake panels and components of formac shake panels*, between the plantsite of Wilson Enterprises, at Elk Grove Village, Ill., and Etna Green, Ind., under contract with Wilson Enterprises.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 111729 (Sub-No. 668), filed July 1, 1976. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Business papers, records, audit and accounting media of all kinds; and engineering drawings*, between Canton, Ohio, on the one hand, and, on the other, Moundsville and St. Albans, W. Va.

NOTE.—Applicant holds contract carrier authority in MC 112750 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests that it be held at Washington, D.C.

No. MC 111812 (Sub-No. 523), filed July 8, 1976. Applicant: MIDWEST COAST TRANSPORT, INC., 900 West Delaware, Sioux Falls, S. Dak. 57104. Applicant's representative: Ralph H. Jinks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wines, brandies and cordials*, from points in California, to points in South Dakota.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Sioux Falls, S. Dak.

No. MC 112049 (Sub-No. 20), filed July 8, 1976. Applicant: McBRIDE'S EXPRESS, INC., East Route 316, Mattoon, Ill. 61938. Applicant's representative: John McBride (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food products and food ingredients*, from the plantsite and warehouse facilities owned and operated by Archer Daniels Midland Company, located at Decatur, Ill.; also, shipping products for Wilsey Foods, Inc., and others, to Kansas City, Kans., and points in Alabama, Arkansas, Georgia, Indiana, Iowa, Michigan, Missouri, Mississippi, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Virgina, and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Washington, D.C.

No. MC 112520 (Sub-No. 317), filed June 18, 1976. Applicant: McKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Thomas F. Paneibianco (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *D'Limonene*, in bulk, in tank vehicles, from Mission, Tex., to Panama City and Southport, Fla.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga. or Tallahassee, Fla.

No. MC 112595 (Sub-No. 65), filed July 6, 1976. Applicant: FORD BROTHERS, INC., Box 727, Ironton, Ohio 45638. Applicant's representative: James W. Muldoon, 50 West Broad Street, Suite 1815, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Maleic anhydride*, in bulk, in tank vehicles, from Neal, W. Va., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C

No. MC 113545 (Sub-No. 16), filed June 22, 1976. Applicant: CORMETT FORWARDING CO., INC., P.O. Box 38, Jersey City, N.J. 07303. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Radiopharmaceuticals, radioactive drugs and medical isotopes*, from South Plainfield, N.J., to points in Middlesex, New London and Hartford Counties, Conn., and Lehigh and Northampton Counties, Pa., under a continuing contract, or contracts, with Medi-Physics, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 113624 (Sub-No. 74), filed June 18, 1976. Applicant: WARD TRANSPORT, INC., P.O. Box 735, Pueblo, Colo. 81001. Applicant's representative: Marion F. Jones, 1600 Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid carbon dioxide*, in bulk, in tank vehicles, from points in Laramie County, Wyo., to points in Arizona, Colorado, Idaho, Kansas, Montana, Nebraska, New Mexico, North Dakota, South Dakota and Utah.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Cheyenne, Wyo. or Denver, Colo.

No. MC 113651 (Sub-No. 197), filed June 17, 1976. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. 47303. Applicant's representative: Daniel C. Sullivan, 327 South LaSalle Street, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, from Garden City, Kans., to points in Florida, Louisiana, Mississippi, and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113855 (Sub-No. 352), filed June 17, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE, Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precut log and wood buildings, and materials and supplies*, used in the construction and erection thereof, from Thompson Falls, Mont., to points in California, Colorado, Idaho, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nevada, Ohio, Oregon, Utah, Washington and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Missoula, Mont., or Spokane, Wash.

No. MC 113861 (Sub-No. 67), filed June 29, 1976. Applicant: WOOTEN TRANSPORTS, INC., 153 Gaston Avenue, P.O. Box 725, Memphis, Tenn. 38106. Applicant's representative: James N. Clay, III, 2700 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Propane*, in bulk, in tank vehicles, from Memphis, Tenn., to points in Alabama, Arkansas, Mississippi and Missouri.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn.

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No. MC 113908 (Sub-No. 378), filed June 28, 1976. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, P.O. Box 3180 G.S.S. Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Grape juice concentrate*, in bulk, from North East, Pa., to Lexington, N.C., and (2) *fruit juice and fruit juice concentrate*, in bulk, from North East, Pa., to Memphis, Tenn., and their respective commercial zones.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo., Chicago, Ill. or Washington, D.C.

No. MC 115162 (Sub-No. 330), filed July 2, 1976. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Preservatively treated and untreated lumber, posts, poles and pilings*, from Urania, La., to points in Arkansas, Indiana, Kansas, Louisiana, Minnesota, Missouri, Nebraska, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New Orleans, La. or Washington, D.C.

No. MC 115331 (Sub-No. 412), filed June 29, 1976. Applicant: TRUCK TRANSPORT INCORPORATED, 29 Clayton Hills Lane, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, Ill. 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry molding sand treating compounds and bentonite clay*, in bulk, in tank vehicles, from Sandy's Ridge, Ala. and Aberdeen, Miss., to Granite City, and Danville, Ill.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or St. Louis, Mo.

No. MC 115840 (Sub-No. 108), filed June 28, 1976. Applicant: COLONIAL FAST FREIGHT LINES, INC., Suite 200, 105 Vulcan Road, P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: C. E. Wesley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Welded steel tubing and mechanical, structural, and galvanized fence tubing*, from Pass Christian, Miss., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Mobile, Ala. or New Orleans, La.

No. MC 115841 (Sub-No. 524), filed June 24, 1976. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 105 Vulcan Road, Suite 200, P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: C. E. Wesley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), and *advertising and promotional materials* when moving therewith from Buffalo, N.Y., to points in Arizona, California, New Mexico, Oregon and Washington, restricted to traffic originating at Buffalo, N.Y.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Buffalo or Rochester, N.Y., and/or Cleveland, Ohio.

No. MC 115841 (Sub-No. 525), filed July 1, 1976. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 105 Vulcan Road, Suite 200, P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Terry P. Wilson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from Morrow, Ga., to points in Alabama, Florida, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, restricted to traffic originating at, and destined to, the named points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Birmingham, Ala., or Atlanta, Ga.

No. MC 116254 (Sub-No. 163), filed July 7, 1976. Applicant: CHEM-HAULERS, INC., P.O. Box 339, Florence, Ala. 35630. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dimethyl terephthalate and terephthalic acid*, in bulk, from the plantsite of Amoco Chemicals Corp., at or near Decator, Ala., to the plantsite of ICI-America, at Hopewell, Va.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Atlanta, Ga.

No. MC 116273 (Sub-No. 204), filed June 24, 1976. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: William R. Lavery (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Products* derived from corn and *blends* containing products derived from corn, in bulk, in tank vehicles, from the plantsite of Clinton Corn Processing Company, located at Montezuma, N.Y., to points in the United States (except Alaska and Hawaii), restricted to traffic originating at the above described facilities.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 117344 Sub-No. 255), filed June 24, 1976. Applicant: THE MAXWELL CO., 10380 Evendale Drive, P.O. Box 15010 Cincinnati, Ohio 45215. Applicant's representative: James R. Stiverson, 1396 West Fifth Avenue, Columbus, Ohio 43212. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulfur trioxide*, in bulk, in tank vehicles, from the plantsite of E. I. Du Pont de Nemours & Co., located at East Chicago, Ind., to the plantsites of the Proctor & Gamble Co., located at Cincinnati, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Columbus, Ohio.

No. MC 117344 (Sub-No. 256), filed July 2, 1976. Applicant: THE MAXWELL CO., 10380 Evendale Drive, P.O. Box 15010, Cincinnati, Ohio 45215. Applicant's representative: James R. Stiverson, 1396 West Fifth Avenue, Columbus, Ohio 43212. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry Plastics*, in bulk, from points in Vanderburgh County, Ind., to points in Michigan, New York, Ohio and Pennsylvania.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 117765 (Sub-No. 206), filed July 1, 1976. Applicant: HAHN TRUCK LINE, INC., 5315 N.W. 5th St., Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Gypsum and gypsum products*, from the plantsite of the United States Gypsum Company located at or near Mediopolis, Iowa, to points in Arkansas, Louisiana, Oklahoma and Texas; and (2) *lime* (except in bulk), from the plantsite of the United States Gypsum Company located at Genoa, Ohio, to points in Arkansas, Kansas, Louisiana, Mississippi, Missouri, Oklahoma and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla.

No. MC 117940 (Sub-No. 179), filed June 28, 1976. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Allan L. Timmerman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Such commodities* as are dealt in by discount, variety, and clothing stores (except foodstuffs and commodities in bulk), from New York, N.Y., and Jersey City, N.J., to points in Illinois, Michigan, and Ohio, and Highland, Ind., restricted to shipments originating at and destined to facilities utilized by Robert Hall Clothes at the named origins and named destinations.

NOTE.—Applicant holds contract carrier authority in No. MC 114789 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 118159 (Sub-No. 179), filed July 2, 1976. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, Okla. 74151. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over

irregular routes, transporting: *Paper and plastic articles*, from St. Louis, Mo., to points in Alabama, Colorado, Florida, Georgia, Kansas, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, and Tennessee.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 118377 (Sub-No. 6), filed June 22, 1976. Applicant: RICHARD R. JOHNCOX, Route 104, Williamson, N.Y. 14589. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by a food business house, from points in Somerset, Hudson, Cumberland, Passaic, Essex, Union, Middlesex, Bergen, Camden, and Morris Counties, N.J.; Luzerne, York, Montgomery, Lehigh, Philadelphia, Lancaster, Chester, Dauphin, Lackawanna, Cumberland, Allegheny, Clarion, and Northumberland Counties, Pa.; and Essex, Middlesex, Plymouth, Worcester, Suffolk, and Norfolk Counties, Mass., to Horseheads, Colonie, Troy, Syracuse, and Malone, N.Y.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 118861 (Sub-No. 9), filed July 13, 1976. Applicant: PAUL L. ZAMBERLAN & SONS, INC., Box 15, Lewis Run, Pa. 16738. Applicant's representative: William J. Hirsch, Suite 1125, 43 Court Street, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Corrugated steel culvert pipe*, from Olean, N.Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont; and (2) *returned shipments*, from points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, to Olean, N.Y., restricted to traffic originating at, or returned to, the facilities of Wheeling Corrugating Company, a Division of Wheeling-Pittsburgh Steel Corp., at Olean, N.Y.

NOTE.—Applicant holds contract carrier authority in MC 45500, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., or Pittsburgh, Pa.

No. MC 119399 (Sub-No. 59), filed July 1, 1976. Applicant: CONTRACT FREIGHTERS, INC., P.O. Box 1375, Joplin, Mo. 64801. Applicant's representative: David L. Sitton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from Henryetta, Okla., to points in Arkansas, Colorado, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Tennessee, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex., or Oklahoma City, Okla.

No. MC 119632 (Sub-No. 69), filed June 22, 1976. Applicant: REED LINES, INC., 634 Ralston Avenue, Defiance, Ohio 43512. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs and food products* (except frozen foods and commodities in bulk), from Kent City, Mich., to points in Illinois, Indiana, Kentucky, Ohio, Pennsylvania, and Wisconsin; and (2) *materials and supplies*, used or useful in the manufacturing, processing, production, and distribution of commodities in (1) above, from points in Illinois, Indiana, Kentucky, Ohio, Pennsylvania, and Wisconsin, to Kent City, Mich.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Columbus or Toledo, Ohio.

No. MC 119741 (Sub-No. 60), filed July 6, 1976. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., 3225 Fifth Avenue South, P.O. Box 1235, Fort Dodge, Iowa 50501. Applicant's representative: D. L. Robson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food products, and food ingredients* in mechanically refrigerated equipment (except in bulk), from the plantsite and warehouse facilities owned and operated by Archer-Daniels-Midland Company, located at Decatur, Ill.; also shipping products for Wilsey Foods, Inc., and others to points in Colorado, Indiana, Kansas, Iowa, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or St. Louis, Mo.

No. MC 119974 (Sub-No. 58), filed July 1, 1976. Applicant: L. C. L. TRANSIT COMPANY, a corporation, 949 Advance Street, Green Bay, Wis. 54304. Applicant's representative: L. F. Abel, P.O. Box 949, Green Bay, Wis. 54305. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food products, and food ingredients*, in mechanically refrigerated equipment (except in bulk), from the plant and warehouse facilities owned and operated by Archer-Daniels-Midland Company, located at Decatur, Ill.; also shipping products for Wilsey Foods, Inc., and others, to points in Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 119974 (Sub-No. 59), filed June 23, 1976. Applicant: L. C. L. TRANSIT COMPANY, P.O. Box 949, Green Bay, Wis. 54304. Applicant's representative: L. F. Abel (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Products* derived from corn and *blends* containing products derived from corn, in bulk, in tank vehicles, from the plantsite of Clinton Corn Processing Company located at Montezuma (Cayuga County), N.Y., to points in the United States (except Alaska and Hawaii), restricted to the transportation of traffic originating at the above described facilities.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Chicago, Ill.

No. MC 120737 (Sub-No. 40), filed June 22, 1976. Applicant: STAR DELIVERY & TRANSFER, INC., P.O. Box 39, South Fourth Avenue, Canton, Ill. 61520. Applicant's representative: Charles E. Long (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cast iron pipe, and* (2) *fittings, cast iron manhole covers, jute, caulking leads, fire hydrants, and waterwork valves*, when moving in mixed loads with cast iron pipe, from Coshocton, Ohio, to points in the United States (except Alaska and Hawaii.)

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 120737 (Sub-No. 42), filed June 28, 1976. Applicant: STAR DELIVERY & TRANSFER, INC., P.O. Box 39, South Fourth Avenue, Canton, Ill. 61520. Applicant's representative: Charles E. Long (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic conduit, plastic and iron fittings and connections, valves, hydrants, and gaskets and related commodities* used in the installation of plastic pipe and plastic conduit (except commodities in *Mercer Ext. Oilfield Commodities*, 74 M.C.C. 459), from the plantsites and storage facilities of the Clow Corporation, located at or near Columbia, Mo., to points in Arizona, California, Colorado, Idaho, Kansas, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 120761 (Sub-No. 10), filed June 23, 1976. Applicant: NEWMAN BROS. TRUCKING COMPANY, 6559 Midway Road, P.O. Box 13302, Fort Worth, Tex. 76118. Applicant's representative: Clint Oldham, 1108 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials and roofing supplies*, from the plantsite and storage facilities of Johns-Manville Corporation, located at Fort Worth, Tex., to points in Arkansas, Colorado, Kansas, Missouri, Louisiana, New Mexico, and Oklahoma.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex., or Denver, Colo.

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No. MC 123538 (Sub-No. 4), filed June 17, 1976. Applicant: ROSS TRUCKING, INC., Amherst, S. Dak. 57421. Applicant's representative: C. E. deBruyn, 1745 University Avenue, St. Paul, Minn. 55104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed*, in bulk, requiring the use of specialized auger equipment, from points in the Minneapolis-St. Paul, Minn., Commercial Zone, as defined by the Commission, to points in Brown, Day, and Roberts Counties, S. Dak.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Paul-Minneapolis, Minn.

No. MC 124160 (Sub-No. 13), filed June 29, 1976. Applicant: SAVAGE BROTHERS, INCORPORATED, 585 South 500 East, American Fork, Utah 84003. Applicant's representative: Lon Rodney Kump, 333 East Fourth South, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal mine rock dust*, in bulk and in bags, from the Keigley Quarry of U.S. Steel located at or near Santaquin, Utah, to the Somerset Mine of U.S. Steel located at or near Somerset, Colo.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either San Francisco, Calif., or Salt Lake City, Utah.

No. MC 124251 (Sub-No. 37), filed July 1, 1976. Applicant: JACK JORDAN, Inc., Highway 41 South, P.O. Box 689, Dalton, Ga. 30720. Applicant's representative: Archie B. Culbreth, 1252 West Peachtree St. NW., Suite 246, Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground limestone*, in bulk, in tank vehicles, and in bags, from points in Cumberland County, Tenn., to points in Georgia.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Atlanta, Ga.

No. MC 124328 (Sub-No. 105), filed June 28, 1976. Applicant: BRINK'S INCORPORATED, Suite 710, 1 Crossroads of Commerce, Algonquin Road & Route 53, Rolling Meadows, Ill. 60008. Applicant's representative: Richard H. Streeter, 704 Southern Building, 15th and H Streets NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes transporting: *Precious metals*, between Chicago, Ill., Port of Catoosa, Okla., Mooringsport, La., and South Planfield, N.J., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract, or contracts, with Automotive Products Division of UOP, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Washington, D.C.

No. MC 124896 (Sub-No. 15), filed June 29, 1976. Applicant: WILLIAMSON TRUCK LINES, INC., Thorne & Ralson Streets, P.O. Box 3485, Wilson, N.C. 27893. Applicant's representative: Jack H. Blanshan, 205 West Touhy Avenue, Suite 200, Park Ridge, Ill. 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Peanuts, roasted peanuts, and peanut products* (except in bulk, in tank vehicles), (1) from the facilities of Seabrook Blanching Corp. located at or near Edenton, N.C., to points in Russell County, Ala., those points in Arizona, Arkansas, California, Colorado, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, Wyoming, and the District of Columbia, and Louisville, Ky.; Baltimore, Md., New York, N.Y.; and Milwaukee and Racine, Wis., and points in the Commercial Zones of the respectively named cities; (2) from the facilities of Seabrook Blanching Corp. at or near Sylvester, Ga., to points in Alabama, Arkansas, Arizona, California, Colorado, Connecticut, Delaware, Florida, Iowa, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, Nevada, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Washington, Wisconsin, and the District of Columbia.

(3) From the facilities of Sachs Nuts Co., Inc., located at or near Franklin, Va., to points in Russell County, Ala., those points in Georgia, Illinois, Indiana, Iowa, Michigan, Nebraska, New Jersey, Ohio, Pennsylvania, South Carolina, Tennessee, North Carolina, and the District of Columbia, and those in Louisville, Ky.; Kansas City, Kans.; Baltimore, Md.; Kansas City, St. Joseph, and St. Louis, Mo.; New York, N.Y.; Dallas, Tex.; and Milwaukee and Racine, Wis., and the points in the Commercial Zones of the respectively named cities; (4) from the facilities of Jimbo's Jumbos, Inc., located at or near Edenton, N.C., to points in Russell County, Ala., those points in Arizona, Arkansas, California, Colorado, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, Wyoming, and the District of Columbia, and those in Louisville, Ky.; Baltimore, Md.; New York, N.Y.; and Milwaukee and Racine, Wis., and points in the Commercial Zones of the respectively named and Racine, Wis., and points in the Com Cities, (5) from the facilities of Carolina Peanuts of Robertsonville Inc., located at or near Robertsonville, N.C., to points in Alabama, Arkansas, Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Iowa, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, Nevada, New Jersey, New Mexico, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and the District of Columbia; (6) from the facilities of International Marketing Incorporated, located at or near Sylvester and Dawson, Ga., and Dublin, N.C., to points in the United States (except Alaska and Hawaii); and (7) from the facility of Peanut Processors, located at or near Dublin, N.C., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 124964 (Sub-No. 27), filed July 2, 1976. Applicant: JOSEPH M. BOOTH, an Individual, doing business as J. M. BOOTH TRUCKING, P.O. Box 907, Eustis, Fla. 32726. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, from Hialeah, Fla., to Bridgeport, Conn., under a continuing contract, or contracts, with The Grand Union Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y. or Washington, D.C.

No. MC 125777 (Sub-No. 173), filed June 28, 1976. Applicant: JACK GRAY TRANSPORT, INC., 46 East 15th Avenue, Gary, Ind. 46483. Applicant's representative: 3 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Slag*, between the plant site of H. B. Reed & Co., located at Memphis, Tenn., and points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, Tennessee, Texas, and South Carolina.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Louisville, Ky. or Memphis, Tenn.

No. MC 125777 (Sub-No. 174), filed June 29, 1976. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, Ind. 46403. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities*, as are usually transported in dump vehicles, between Burns Waterway Harbor, located in Portage, Ind., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 126276 (Sub-No. 153), filed June 17, 1976. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: Albert A. Andrin, 180 North La Salle St., Chicago, Ill. 60601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and metal container ends*, from the plant and warehouse facilities of Crown Cork & Seal Company located at St. Louis, Mo., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Indiana, Maine, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia, under a continuing contract, or contracts, with Crown Cork & Seal Company, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 126427 (Sub-No. 11), filed July 7, 1976. Applicant: PALMER TRANSPORTATION, INC., Cross & Main Streets, Chester, N.Y. 10918. Applicant's representative: Edward M. Alfano, 550 Mamaroneck Avenue, Harrison, N.Y. 10528. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Products* derived from corn and *blends* containing products derived from corn, in bulk, in tank vehicles, from the Clinton Corn Processing Company plantsite located at Montezuma, N.Y., to points in the United States (except Alaska and Hawaii), restricted to the transportation of traffic originating at the above described facilities.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 127625 (Sub-No. 20), filed July 7, 1976. Applicant: SANTEE CEMENT CARRIERS, INC., P.O. Box 638, Holly Hill, S.C. 29059. Applicant's representative: Frank B. Hand, Jr., P.O. Box 187, Berryville, Va. 22611. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement, mortar mix and hydrated lime*, including but not limited to in bags and in bulk, from the facilities of the Santee Portland Cement Corporation located near Holly Hill, S.C., to points in Florida.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Columbia, S.C. or Washington, D.C.

No. MC 127651 (Sub-No. 36), filed June 16, 1976 Applicant: EVERETT G. ROEHL, INC., P.O. Box 7, East 29th Street, Marshfield, Wis. 54449. Applicant's representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plywood, wood paneling, and composition board*, from the facilities of Pluswood, Inc., located at or near Oshkosh, Wis., to points in Arkansas, Colorado, Iowa, Kansas, Kentucky, Missouri, Nebraska, North Dakota, South Dakota, Tennessee, and Wyoming; and (2) *materials and supplies*, used in connection with the manufacture and production of the commodities described in (1) above (except commodities in bulk), from points in the destination states named in (1) above, to the facilities of Pluswood, Inc., located at or near Oshkosh, Wis.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 127692 (Sub-No. 4), filed June 30, 1976. Applicant: FIDELITY STORAGE CORPORATION, P.O. Box 10257, Alexandria, Va. 22310. Applicant's representative: Paul F. Sullivan, 711 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Arlington, Clarke, Culpeper, Fairfax, Fauquier, King George, Loudoun, Prince William, Rappahannock, Spotsylvania, Stafford, and Warren Counties, Va.; Anne Arundel, Baltimore, Calvert, Carroll, Charles, Frederick, Howard, Montgomery, Prince Georges, St. Marys, and Washington Counties, Md.; Baltimore, Md.; Alexandria, and Falls Church, Va.; and the District of Columbia, restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 128117 (Sub-No. 24), filed June 17, 1976. Applicant: NORTON-RAMSEY MOTOR LINES, INC., P.O. Box 896 Hickory, N.C. 28601. Applicant's representative: Francis J. Ortman, 7101 Wisconsin Avenue, Suite 605, Washington, D.C. 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dining room chairs*, from the plantsites of Century Furniture Company and Century Chair Company, at Hickory, N.C., to the plantsite and warehouse of Hooker Furniture Corporation, at Martinsville, Va.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Charlotte, N.C., or Washington, D.C.

No. MC 128527 (Sub-No. 65), filed June 30, 1976. Applicant: MAY TRUCKING COMPANY, P.O. Box 398, Payette, Idaho 83661. Applicant's representative: Edward G. Rawle, 4635 S.W. Lakeview Blvd., Lake Oswego, Oreg. 97034. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen pies*, from the plantsite of Mrs. Smith's Pie Company, located at or near McMinnville, Oreg., to points in Idaho, Montana, Utah, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Boise, Idaho or Portland, Oreg.

No. MC 128642 (Sub-No. 16), filed June 24, 1976. Applicant: SKYLINE TRANSPORT, INC., 1910 Russell Street, Baltimore, Md. 21230. Applicant's representative: H. Neil Garson, Court Square Bldg., 1400 N. Uhle Street, Arlington, Va. 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Products* derived from corn and *blends* containing products derived from corn, in bulk, in tank vehicles, from the Clinton Corn Processing Co., plant site located at Montezuma, N.Y., to points in the United States (except Alaska and Hawaii), restricted to traffic originating at the above described facilities.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 128878 (Sub-No. 36), filed June 22, 1976. Applicant: SERVICE TRUCK LINE, INC., P.O. Box 3904, Shreveport, La. 71103. Applicant's representative: C. Wade Shemwell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from Anse LaButte, Avery Island, Baldwin, Breaux Bridge, Jefferson Island, and Weeks Island, La., to points in Covington County, Ala.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Shreveport or New Orleans, La. or Jackson, Miss.

No. MC 129021 (Sub-No. 2), filed July 8, 1976. Applicant: FARM SUPPLY DISTRIBUTORS, INC., 710 N. Farr Road, Spokane, Wash. 99206. Applicant's representative: Donald A. Ericson, 708 Old National Bank Bldg., Spokane, Wash. 99206. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bulk, from points in Shoshone County, Idaho, to points in Umatailla, Wallowa, Union, and Baker Counties, Oreg., under a continuing contract, or contracts, with Wallowa County Grain Growers, of Enterprise, Oreg.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Spokane, Wash. or Portland, Oreg.

No. MC 129326 (Sub-No. 22), filed June 23, 1976. Applicant: CHEMICAL TANK LINES, INC., Highway 60 West, P.O. Drawer 437, Mulberry, Fla. 33860. Applicant's representative: L. Agnew Myers Jr., 734 15th Street N.W., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Amines*, in bulk, in tank vehicles, from Mulberry Fla., to Aurora, N.C.; and (2) *fatty acids, pitch, tall oil heads*, in bulk, in tank vehicles, from Charleston, S.C. to Mulberry, Fla.

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NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Tampa or Jacksonville, Fla.

No. MC 129326 (Sub-No. 23), filed June 23, 1976. Applicant: CHEMICAL TANK LINES, INC., P.O. Drawer 437, Highway 60 West, Mulberry, Fla. 33860. Applicant's representative: L. Agnew Myers, Jr., 734 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Defoamer*, in bulk, in tank vehicles, from Mulberry, Fla., to Cherokee, Ala.; Helena, Ark.; Donaldsonville, Taft and Uncle Sam, La.; Pascagoula, Miss., and Pasadena, Tex.; and (2) *crude butyls, glyacid, heavy oxo-ends, diethylnetriamine, armeen T/97, crude tall oil and polyglycol (crude)*, in bulk, in tank vehicles, from Bay Minette, Ala.; New Orleans, Lake Charles, Pineville and Taft, La.; Jackson, Miss.; and Corsicana, Freeport, Longview and Texas City, Tex., to Mulberry, Fla.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Tampa or Miami, Fla.

No. MC 133095 (Sub-No. 99), filed June 20, 1976. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electric motors, grinders, buffers, dental lathes, dust collectors and pedestals, and parts, accessories and attachments thereof*, and *materials, equipment and supplies* used in the manufacture and distribution thereof (except commodities in bulk), between Ft. Smith, Ark., on the one hand, and, on the other, points in the United States (except Alaska, Hawaii, Washington, Oregon, California, Idaho, Nevada, Arizona, New Mexico, Colorado, and Utah).

NOTE.—Applicant holds contract carrier authority in No. MC 136032 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 133119 (Sub-No. 96), filed July 6, 1976. Applicant: HEYL TRUCK LINES, INC., 200 Norka Drive, Akron, Iowa 51001. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Montezuma, Ga., to points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, Texas, and Wisconsin, and points in Florida on and west of the Apalachicola River.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Atlanta, Ga.

No. MC 133363 (Sub-No. 6), filed July 6, 1976. Applicant: WILLIAM T. HARRIS AND THEATRIS HARRIS, doing business as HARRIS BROS. CO., 1317 49th Street, Philadelphia, Pa. 19143. Applicant's representative: Morris J. Levin, 1620 Eye Street, NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Stereo equipment, radios, sewing machines, and cabinets, and parts and materials therefore*, in trailers, between Philadelphia and King of Prussia, Pa., under contract with Morse Electro Products Corp., with prior or subsequent movement by rail.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 133689 (Sub-No. 76) (Correction), filed June 8, 1976, published in the FEDERAL REGISTER issue of July 8, 1976, and republished as corrected this issue. Applicant: OVERLAND EXPRESS, INC., 719 First St. SW., New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, W. St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery* (except commodities in bulk), from Horseheads, N.Y., to Chaska, Minn., restricted to traffic destined to the facilities of Super Valu Store, Inc., located at or near Chaska, Minn.

NOTE.—The purpose of this republication is to correct the spelling of applicant's destination point, which was published Shaska, Minn., in lieu of Chaska, Minn. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 134387, (Sub-No. 33), filed June 24, 1976. Applicant: BLACKBURN TRUCK LINES, INC., 4498 Branyon Avenue, South Gate, Calif. 90280. Applicant's representative: David P. Christianson, 606 South Olive Street, Suite 825, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic bottles, containers, fitments and closures*, from points in Orange County, Calif., to points in Maricopa County, Ariz.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 134408 (Sub-No. 6) (Amendment), filed December 31, 1975, published in the FEDERAL REGISTER issue of March 11, 1976, and republished as amendment this issue. Applicant: SARCHFIELD TRANSFER, LTD., Simonds Road, Box 84, Hartland New Brunswick, Canada. Applicant's representative: Peter L. Murray, 30 Exchange Street, Portland, Miane 04111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fencing*, from ports of entry on the International Boundary line between the United States and Canada, located at or near Houlton, Calais, Vanceboro, and Madawaska, Maine to points in Alabama, Kentucky, Illinois, Indiana, Michigan, Missouri, Tennessee, and Wisconsin, restricted to traffic originating at points in the Provinces of Quebec and New Brunswick; (2) *cedar shingles*, from ports of entry on the International Boundary line between the United States and Canada, located at or near Houlton, Calais, Vanceboro, and Madawaska, Maine to points in Connecticut, Maine, Massachusetts, New Hampshire, New York, New Jersey, and Rhode Island, restricted to traffic originating at points in the Provinces of Quebec and New Brunswick; and (3) *building materials*, from Bangor, Maine to ports of entry on the International Boundary line between the United States and Canada, located at or near Houlton, Calais, Vanceboro, and Madawaska, Maine, restricted to traffic for destinations in the Province of New Brunswick.

NOTE.—The purpose of this amendment is to add the restrictions to the above authority. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Portland, Maine or Boston, Mass.

No. MC 134477 (Sub-No. 115), filed June 23, 1976. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, P.O. Box 3496, West St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from New London, Wis., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the plantsite and warehouse facilities utilized by Hillshire Farm Company, located at or near New London, Wis., and destined to the above described destination points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 134599 (Sub-No. 147), filed July 2, 1976. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 748, Salt Lake City, Utah 84110. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Games, toys and plastic articles, and materials, parts and supplies* used in the manufacture of the above commodities (except commodities in bulk or those which because of size or weight require special handling or special equipment), between Edison and S. Plainfield, N.J., on the one hand, and, on the other, points in Idaho, Montana, Nevada, New Mexico, North Dakota, South Dakota, Utah, and Wyoming, under a continuing contract, or contracts, with Mattel, Inc.

NOTE.—Applicant holds common carrier authority in MC 139906 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Lincoln, Nebr. or Salt Lake City, Utah.

No. MC 134806 (Sub-No. 39), filed June 6, 1976. Applicant: B–D–R TRANSPORT, INC., P.O. Box 813, Brattleboro, Vt. 05301. Applicant's representative: Francis J. Ortman, 7101 Wisconsin Avenue, Suite 605, Washington, D.C. 20014. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *Oils and greases, finishing compounds, and supplies for tanning leather* (except commodities in bulk), from points in Illinois and Wisconsin, to points in San Francisco, Alameda, Napa, Solano, San Mateo, and San Cruz Counties, Calif., under a continuing contract, or contracts, with West Coast Tanners Production Club.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

No. MC 134820 (Sub-No. 6) (Amendment) filed January 12, 1976, published in the FEDERAL REGISTER issue of February 20, 1976, and republished as amended this issue. Applicant: ROBERT ALBRIGHT, 2212 1st Avenue South, Seattle, Wash. 98134. Applicant's representative: Robert Albright (Same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Decorative brick wall coverings, adhesives (not including bulk), and sealants (not including bulk)*, between shipper plantsites located at Woodinville, Wash. and Fort Wayne, Ind., and customer locations at Seattle, Wash.; Portland, Oreg.; between (1) Woodinville, Wash., on the one hand, and on the other, Seattle, Wash.; Portland, Oreg.; Missoula, Great Falls, and Billings, Mont.; Bismarck and Fargo, N. Dak.; Minneapolis-St. Paul, Minn.; Milwaukee, Wis.; Pocatello, Idaho; Wichita, Kans.; Kansas City, Mo.; Fernley, Nev.; and San Francisco, Stockton, Los Angeles, and San Diego, Calif.; and (2) between Fort Wayne, Ind., on the one hand, and on the other, Seattle, Wash.; Portland, Oreg.; Missoula, Great Falls, and Billings, Mont; Bismarck and Fargo, N. Dak.; Pocatello, Idaho; Fernley, Nev.; and San Francisco, Stockton, Los Angeles, and San Diego, Calif., under a continuing contract or contracts with VMC Corporation (Z-Brick).

NOTE.—The purpose of this republication is to show applicant's service to Fernley, Nev. in lieu of Fernley, Neb., and to restrictively amend the requested authority. If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 135152 (Sub-No. 17), filed July 6, 1976. Applicant: CASKET DISTRIBUTORS, INC., Rural Route No. 2, P.O. Box 327, West Harrison, Ind. 45030. Applicant's representative: Jack B. Josselson, 700 Atlas Bank Building, Cincinnati, Ohio 45202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Uncrated caskets and crated caskets* in mixed loads with uncrated caskets, from Manchester and Salem, N.H. and Fresno, Calif., to points in the United States (except Alaska and Hawaii), with return of above commodities to the above origin; and (2) *uncrated caskets and crated caskets and knocked down casket parts* when moving with uncrated caskets, from Cloverdale, Calif., to points in the United States (except Alaska and Hawaii), with return of above commodities to the above origins.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 135616 (Sub-No. 9), filed June 28, 1976. Applicant: PERRYSBURG TRUCKING CO., INC., 24982 Thompson Road, Perrysburg, Ohio 43351. Applicant's representative: Herbert Alan Dubin, 1819 H St. N.W., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass*, from the facilities of ASG Industries, Inc. located at or near Kingsport and Greenland, Tenn., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia, Wisconsin, and the District of Columbia, under a continuing contract, or contracts, with ASG Industries, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 135797 (Sub-No. 58), filed July 6, 1976. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, Lowell, Ark. 72745. Applicant's representative: L. C. Cypert, 204 Highway 71 North, Suite 3, Springdale, Ark. 72764. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Petroleum sorbents, padding and cushioning materials*, (b) *wallboard, insulation and insulating materials*, (c) *mulch* and (d) *equipment, materials and accessories* used in the installation or application of the commodities named in (b) and (c) above, from Cloquet, Minn., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming; and (2) *machinery, materials, equipment, and supplies* used or useful in connection with the manufacture, distribution or application of the commodities named in (1) above, from the destination points named in (1) above, to Cloquet, Minn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Tulsa, Okla. or Duluth, Minn.

No. MC 135839 (Sub-No. 6), filed June 22, 1976. Applicant: B. LINE SERVICES, INC., P.O. Box 24, Greensburg, La. 70441. Applicant's representative: W. Hugh Sibley, P.O. Box 399, Greensburg, La. 70441. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel ball valves and valve parts*, from Houston, San Antonio, Lufkin, and Beaumont, Tex., to Hammond, La.; and (2) *rough iron and steel castings and forgings*, from Hammond, La., to the origin points named in (1) above, under a continuing contract, or contracts, with T. K. Valve & Manufacturing Co., Inc., located at Hammond, La.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Baton Rouge or New Orleans, La.

No. MC 135874 (Sub-No. 56), filed July 8, 1976. Applicant: LTL PERISHABLES, INC., 550 E. 5th St. South, South St. Paul, Minn. 55075. Applicant's representative: Paul Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from Duluth, Minn. and Superior, Wis., to points in Illinois, Indiana, Michigan, and Ohio.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at St. Paul, Minn.

No. MC 135902 (Sub-No. 4), filed June 18, 1976. Applicant: KENNETH M. MOODY, doing business as K. M. MOODY, 3100 Dogwood Street, Washington, D.C. 20015. Applicant's representative: David C. Venable, Suite 805, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tires and tubes, and accessories* for tires and tubes, between Akron, Cincinnati, Dayton, and Columbus, Ohio, on the one hand, and, on the other, Baltimore, Md., Wilmington, Del., and Fairfax, Newport News, Norfolk, Virginia Beach, and Winchester, Va., under a continuing contract, or contracts, with Friend's Tire & Fleet Service, Inc., and Circle Tire Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 136343 (Sub-No. 86), filed July 1, 1976. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiber pots, fiber vases, fiber bait buckets, and materials and supplies*, used or useful in the manufacture of fiber pots, fiber bait buckets and fiber vases (except commodities in bulk, and those commodities requiring special equipment), between the facilities of Formart Containers, Inc., at Shamokin, Pa., on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 136774 (Sub-No. 6), filed June 24, 1976. Applicant: MC–MORHAN TRUCKING CO., INC., P.O. Box 368, Shullsburg, Wis. 53586. Applicant's

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representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Products* derived from corn, and *blends* containing products derived from corn in bulk, in tank vehicles, from the facilities of Clinton Corn Processing Company, located at Montezuma, N.Y., to points in the United States (except Alaska and Hawaii), restricted to traffic originating at said facilities.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Des Moines, Iowa or Washington, D.C.

No. MC 136786 (Sub-No. 99), filed June 28, 1976. Applicant: ROBCO TRANSPORTATION, INC., 309 5th Avenue N.W., New Brighton, Minn. 55112. Applicant's representative: Stanley C. Olsen, Jr., 7525 Mitchell Road, Eden Prairie, Minn. 55343. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter*, from Milwaukee, Wis., to points in Arizona, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 138331 (Sub-No. 5), filed June 23, 1976. Applicant: ELLA BIGELOW, Box 25, Cobalt Ontario, Canada POJ 1PO. Applicant's representative: Victor Bigelow (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Grinding mill liners*, in bulk, from the ports of entry on the International Boundary line between the United States and Canada, located at or near International Falls, Minn., to Hibbing, Minn.; and *rejected liners* or return, restricted on traffic having a prior movement in foreign commerce, under a continuing contract or contracts with Canron Limited—Wabi Iron Works.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Toronto or Ontario, Canada.

No. MC 138375 (Sub-No. 20), filed June 23, 1976. Applicant: J. H. WARE TRUCKING, INC., 909 Brown St., P.O. Box 398, Fulton, Mo. 65251. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except commodities the transportation of which because of their size or weight require the use of special equipment), from the facilities of Keystone Steel & Wire Division, Keystone Consolidated Industries, Inc., located at or near Peoria, Ill., to points in Idaho, Nevada and Utah, under a continuing contract, or contracts, with Keystone Consolidated Industries, Inc.

NOTE.—Applicant holds common carrier authority in No. MC 139973 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or St. Louis, Mo.

No. MC 138991 (Sub-No. 14), filed June 17, 1976. Applicant: K. J. TRANSPORTATION, INC., P.O. Box 9764, Rochester, N.Y. 14623. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Beverages* (except malt beverages), (a) from Columbus, Ohio to points in New York on and west of U.S. Route 81, and points in Indiana, Illinois, Kentucky, Maryland, Michigan, Pennsylvania, Virginia, and West Virginia; and (b) from Granite City, Ill., to points in Indiana, Kansas, Kentucky, Missouri, Nebraska, and Tennessee; and (2) *materials, supplies and equipment* used in the manufacture of such commodities, from the destination points listed in (1) (a) and (b) above to Columbus, Ohio, and Granite City, Ill., (1) and (2) above are under a continuing contract, or contracts, with Shasta Beverages.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either San Francisco, Calif. or Rochester, N.Y.

No. MC 139312 (Sub-No. 6) filed June 29, 1976. Applicant: JOE H. TIDWELL, doing business as NORTHEAST TRUCK BROKERS, P.O. Box 826, Pharr, Tex. 78577. Applicant's representative: Thomas R. Kingsley, 1819 H Street N.W., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used clothing, used rags and used burlap*, from points in Indiana, Mississippi and Virginia to Nogales, Ariz., McAllen, Tex., and the ports of entry on the International Boundary line between the United States and the Republic of Mexico, located at points in Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Brownsville or San Antonio, Tex.

No. MC 13974 (Sub-No. 5) filed June 23, 1976. Applicant: GEORGIA CARPET EXPRESS, INC., P.O. Box 1680 (Tibbs Road), Dalton, Ga. 30720. Applicant's representative: Archie B. Culbreth, 1252 West Peachtree St. N.W., Suite 246, Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpets, carpeting and carpet samples*, from the plantsites and warehouse facilities of Salem Carpet Mills, Inc., located at or near Ringgold, Ga., and Normandy Carpets, Inc., located at or near Dalton, Ga., to points in California.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 139893 (Sub-No. 5), filed July 7, 1976. Applicant: THAMES VALLEY BRICK & BUILDING PRODUCTS LIMITED, P.O. Box 314, Chatham, Ontario, Canada. Applicant's representative: Jeremy Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rough and dressed lumber, and plywood*, from ports of entry on the International Boundary line between the United States and Canada, located in Michigan and New York, to points in Illinois, Indiana, Kentucky, Maryland, Michigan, New York, Ohio, Pennsylvania, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted (1) to shipments in foreign commerce, and (2) to shipments originating at the facilities of Green Forest Lumber Limited, at or near Chatham, Ontario, Canada.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 139922 (Sub-No. 4), filed June 23, 1976. Applicant: C. A. BOYD, an Individual, doing business as C. A. BOYD TRUCKING, Route 7, Box 166, Sylvania, Ga. 30467. Applicant's representative: Archie B. Culbreth, 1252 West Peachtree St. N.W., Suite 246, Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides or skins*, green, salted, from Richmond County, Ga., to points in Florida, New Hampshire, and Vermont.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 140081 (Sub-No. 2), filed June 24, 1976. Applicant: A & A TRUCKING, INC., Box 68, Shelby, Nebr. 68662. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, feed ingredients, and animal and poultry health products* (except in bulk, in tank vehicles), between the facilities of Allied Mills, Inc., located at or near Columbus, Nebr., on the one hand, and, on the other, points in Colorado, Kansas, Iowa, Missouri, South Dakota, Wyoming, and Utah.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Lincoln or Omaha, Nebr.

No. MC 140703 (Sub-No. 4), filed June 8, 1976. Applicant: B. C. M. TRUCKING, INC., Route No. 3, Box 223, Moorhead, Minn. 56560. Applicant's representative: Charles E. Johnson, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beet pilers, sugar making machinery and equipment*, and *parts and attachments* thereof, from the plantsite and storage facilities of C. F. & I. Engineering, Inc., located at or near Denver, Colo., to points in and west of Arkansas, Iowa, Louisiana, Minnesota, Missouri (except Alaska and Hawaii), and *rejected and returned products*, on return, under a continuing contract, or contracts, with C. F. & I. Engineering, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Denver, Colo. or Fargo, N. Dak.

No. MC 141034 (Sub-No. 3), filed June 24, 1976. Applicant: MARGIN LEASING, INC., 21 Baltic Road, Worcester, Mass. 01607. Applicant's representative: Ronald I. Shapss, 450 Seventh Avenue, New York, N.Y. 10001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Empty glass containers*, from Wharton, N.J., to Merrimack, N.H.; and (2) *rejected loads and pallets*, from Merrimack, N.H., to Wharton, N.J., (1) and (2) above are under a continuing contract or contracts with Thatcher Glass Manufacturing Co.—Division of Dart Industries.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Boston, Mass.

No. MC 141141 (Sub-No. 4), filed July 2, 1976. Applicant: NAVAJO LINES, INC., Route No. 1, Moncure, N.C. 27559. Applicant's representative: Wilmer B. Hill, 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, D.C. 20001. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Clay products* (except commodities in bulk), on special I-beam flatbed trailers with hydraulic unloaders, (1) from points in Chatham and Wake Counties, N.C., to points in Ohio and West Virginia; (2) from Nitro, W. Va., Ironton, Ohio, and Minerva, Ohio, to points in North Carolina, South Carolina, and Virginia; and (3) from points in York County, S.C., to points in North Carolina, South Carolina, Virginia, and West Virginia, under a continuing contract, or contracts, with Cherokee Brick Company of North Carolina.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Raleigh, N.C., or Washington, D.C.

No. MC 141241 (Sub-No. 1), filed June 28, 1976. Applicant: PAUL BREWER, doing business as BREWER TRUCKING COMPANY, P.O. Box 1036, Dillon, S.C. 29536. Applicant's representative: WILLIAM J. McLEOD, 102 N. Third Avenue, Dillon, S.C. 29536. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Furniture and plywood products*, from the facilities of Dillon Furniture and Plywood Company, Inc. located at Dillon, S.C., to points in Arkansas, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Mississippi, Missouri, New Jersey, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, and Wisconsin, under a continuing contract, or contracts, with Dillon Furniture and Plywood Company, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Columbia, S.C., or Charlott, N.C.

No. MC 141242 (Sub-No. 5), filed June 28, 1976. Applicant: TRANS-COASTAL FREIGHT LINES, INC., Azales Estates & Highway 78 West, P.O. Drawer 1360, Summerville, S.C. 29483. Applicant's representative: George W. Clapp, P.O. Box 836, Taylors, S.C. 29687. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes transporting: *Merchandise* as dealt in by retail variety stores, between York, Pa., on the one hand, and, on the other, Orlando, Fla.; Dallas, Tex. and Los Angeles, Calif., under a continuing contract with McCrory Stores, Division of McCrory Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either York, Pa., Charleston, S.C., or Washington, D.C.

No. MC 141247 (Sub-No. 3), filed June 29, 1976. Applicant: LAWRENCE PILGRIM, doing business as PILGRIM TRUCKING COMPANY, P.O. Box 77, Cleveland, Ga. 30528. Applicant's representative: Robert E. Born, 1447 Peachtree Street, NE., Suite 400, Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Crushed automobiles*; and (2) *mobile hydraulic crusher* in tow away service and *equipment* used in the operation thereof, between points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee, under a continuing contract or contracts with Southeastern Auto Crushers, Inc. of Cleveland, Ga.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga. or Washington, D.C.

No. MC 141695 (Sub-No. 2), filed May 30, 1976. Applicant: OLIVER WENDELL COLLINS, doing business as COLLINS TRUCKING, P.O. Box 185, Jordan Valley, Oreg. 97910. Applicant's representative: Timothy R. Stivers, P.O. Box 162, Boise, Idaho 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* in bulk, and commodities requiring special equipment, (1) between points in Idaho, and Oregon within 40 miles of Jordan Valley, Oregon, including Jordan Valley, and (2) between points in Idaho and Oregon within 40 miles of Jordan Valley, including Jordan Valley, on the one hand, and, on the other points in Ada and Canyon Counties, Idaho, and Malheur County, Oreg.

NOTE.—Applicant is seeking to purchase similar, but restricted authority from Chertudi Bros., in MC-FC-76502. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Boise, Idaho.

No. MC 141750 (Sub-No. 1), filed May 1, 1976. Applicant: COLUMBIA HAULERS, INCORPORATED, 1009 Airport Boulevard, Columbia, S.C. 29202. Applicant's representative: William F. Austin, P.O. Box 11929, Suite 1718, Bankers Trust Tower, Columbia, S.C. 29211. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal briquettes*, from Lake City, S.C., to points in Florida, Georgia, Kentucky, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, and the District of Columbia, under a continuing contract or contracts with T. S. Ragsdale Company, Incorporated, of Lake City, S.C.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Columbia, S.C., Atlanta, Ga., and/or Charlotte, N.C.

No. MC 141777 (Sub-No. 1), filed July 1, 1976. Applicant: KENNETH D. SIMPSON, doing business as SIMPSON TRUCKING, 203 Summit Street, Fairfield, Ill. 62837. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfinished lumber*, from points in Hamilton County, Ill., to points in Jasper, Lake and Porter Counties, Ind.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 141804 (Sub-No. 17), filed July 7, 1976. Applicant: WESTERN EXPRESS, division of INTERSTATE RENTAL, INC., P.O. Box 422, Goodlettsville, Tenn. 37072. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68509. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from the plantsite and storage facilities utilized by Futorian Corporation located at or near Turkey and Rocky Mount, N.C., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming, restricted to the transportation of traffic originating at the above locations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Memphis, Tenn. or Jackson, Miss.

No. MC 141861 (Sub-No. 1), filed July 2, 1976. Applicant: DANA EXUM, 1012 Arizona Drive, Merced, Calif. 95340. Applicant's representative: John T. Reed, 450 Mission Street, San Francisco, Calif. 94105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hanging beef carcasses;* and (2) *meat, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in mixed truckloads with hanging beef carcasses, in mechanically refrigerated equipment, from the facilities of Columbia Foods Inc., located at or near Wallula, Wash., to points in California; (1) and (2) above are under a continuing contract, or contracts, with Columbia Foods, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either San Francisco, Calif. or Pasco, Wash.

No. MC 142110 (Sub-No. 1), filed June 24, 1976. Applicant: CHARLES WOODROW LAURAMORE, Route 1, Box 188, Glen Saint Mary, Fla. 32040. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, from Fargo, Ga., to Jacksonville, Fla., under a continuing contract, or contracts, with St. Regis Paper Company located at Jacksonville, Fla.

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NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Jacksonville, Fla.

No. MC 142148 (Sub-No. 1), filed June 18, 1976. Applicant: DONALD MUMMA, 7985 County Rd. 250, Salida, Colo. 81201. Applicant's representative: Richard P. Kissinger, 360 S. Monroe, Suite 140, Denver, Colo. 80209. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Zinc sulfate* in bags or in bulk, from the facilities of CoZinco, Inc., located at or near Salida, Colo., to points in California, Illinois, Iowa, Kansas, Nebraska, Oklahoma, Oregon, Texas, Utah, and Washington; and (2) *zinc skimmings*, from points in Illinois, Iowa, Kansas, Missouri, Nebraska, Oklahoma, Texas, and Utah to the facilities of CoZinco, Inc., located at or near Salida, Colo., under a continuing contract or contracts with CoZinco, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Denver, Colo.

No. MC 142184 (Sub-No. 2), filed June 25, 1976. Applicant: MARION L. POND, an Individual, doing business as POND TRUCKING, 900 Santa Fe Avenue, Long Beach, Calif. 90813. Applicant's representative: Carl H. Fritze, 1545 Wilshire Blvd., Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood utility poles, crossarms and related hardware*, between points in Arizona, on the one hand, and, on the other, the plantsite facilities of J. H. Baxter & Co. located at or near Long Beach, Weed, and Redding, Calif.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 142234, filed June 24, 1976. Applicant: DUTCH WAY TRANSPORT, INC., R.D. No. 1, Box 450A, New Holland, Pa. 17557. Applicant's representative: John M. Musselman, 410 North Third Street, P.O. Box 1146, Harrisburg, Pa. 17108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed and forage boxes, wagons, wood and metal tanks, utility trailers, lumber specialty farm machinery, and materials, supplies and equipment* used or useful in the production, storage, distribution or installation of feed and forage boxes, wagons, wood and metal tanks, utility trailers and specialty farm machinery, between the plantsites and facilities of E. Z. Mfg. Co., Inc., located in Earl Township, Lancaster County, Pa.; and in Moniteau County, Mo., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with E. Z. Mfg., Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Harrisburg, Pa. or Washington, D.C.

No. MC 142235, filed June 28, 1976. Applicant: VERNON MARTELL, an individual, 1801 21st St., Bismarck, N. Dak. 58501. Applicant's representative: Charles E. Johnson, 425 Gate City Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier* by motor vehicle over irregular routes transporting: *General commodities* (except commodities in bulk in tank vehicles), between points in Emmons County, N. Dak. on the one hand and, on the other, points in North Dakota.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Bismarck, N. Dak.

No. MC 142249, filed July 7, 1976. Applicant: A. T. NICHOLS TRUCKING CO., INC., Route 1, Millers Creek, N.C. 28651. Applicant's representative: Charlotte S. Bennett, P.O. Box 889, Wilkesboro, N.C. 28697. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from North Wilkesboro, N.C. and its commercial zone, to points in Tennessee, Virginia and West Virginia, under a continuing contract, or contracts, with Ray Shepherd Lumber Company, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Charlotte, N.C.

PASSENGER APPLICATIONS

No. MC 10302 (Sub-No. 9), filed June 23, 1976. Applicant: THE CHIEPPO BUS COMPANY, 192 Forbes Avenue, New Haven, Conn. 06501. Applicant's representative: Frank Daniels, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at Danbury, Conn., and extending to points in the United States (excluding Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Danbury or New Haven, Conn.

No. MC 134303 (Sub-No. 4), filed July 1, 1976. Applicant: O'HARE WISCONSIN LIMOUSINE SERVICE, INC., 530 South Michigan Avenue, Chicago, Ill. 60605. Applicant's representative: Allan C. Zuckerman, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter and special operations, beginning and ending at points in Walworth County, Wis., and extending to points in Lake and Cook Counties, Ill.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 139928 (Sub-No. 1), filed June 29, 1976. Applicant: AMERICAN COACH LINES, INC., 1725 West River Drive, Stevens Point, Wis. 95481. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in round trip charter service and sight-seeing and pleasure tours as special operations, beginning and ending at points in Wood, Clark, Portage, Adams, Washara, Marquette, Green Lake, Winnebago, Fond du Lac, Calumet, Manitowoc, and Sheboygan Counties, Wis., and extending to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Milwaukee, Wis.

BROKER APPLICATIONS

No. MC 130385 (Amendment) filed May 6, 1976, published in the FEDERAL REGISTER issue of July 1, 1976, and republished as amended this issue. Applicant: BAD RIVER INDUSTRIES, INC., doing business as BIG COUNTRY TRAVEL, 214 W. Pleasant Drive, Pierre, S.D. 57501. Applicant's representative: Barbara Butt (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Pierre, S. Dak., to sell or offer to sell the transportation of *Passengers and their baggage*, in the same vehicle with passengers, in special and charter operations by motor carriers, beginning and ending at points in North Dakota and South Dakota and extending to points in the United States, including Alaska but excluding Hawaii, all points on the International Boundary line between the United States and Canada and the Republic of Mexico, and points in the Provinces of Canada and the Republic of Mexico.

NOTE.—The purpose of this amendment is to indicate the correct authority. If a hearing is deemed necessary, the applicant requests it be held at either Pierre or Ft. Pierre, S.D.

No. MC 130393, filed June 10, 1976. Applicant: JOHN R. BENN TRAVEL SERVICE, INC., 111 Kroger Building, 1014 Vine Street, Cincinnati, Ohio 45202. Applicant's representative: Lewis S. Witherspoon, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Cincinnati, Ohio, to sell or offer to sell the transportation of *passengers and their baggage*, in special and charter operations,. in round-trip, sightseeing and pleasure tours, by motor, water, air, and rail, beginning and ending at points in Hamilton County, Ohio and extending to points in the United States including Alaska and Hawaii, and points of entry on the International Boundary line between the United States and Canada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Cincinnati, Ohio.

FREIGHT FORWARDER APPLICATION

No. FF-483, filed June 7, 1976. Applicant: A & P SHIPPING CORPORATION, 6650 Hawaii Kai Dr. Suite 207, Honolulu, Hawaii 96825. Applicant's representative: S. K. Alexander (same address as applicant). Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by rail, motor, water, and air in the transportation of *used automobiles and trucks*, between points in the Continental United States, including Alaska, on the one hand, and, on the other, points in Hawaii to include transportation of import-export traffic.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Honolulu, Hawaii.

FINANCE APPLICATIONS

NOTICE

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, or rail carriers or motor carriers pursuant to Sections 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Each protest shall comply with Special Rules 240(c) or 240(d) of the Commission's General Rules of Practice (49 CFR § 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

No. MC-F-12892. Authority sought for purchase by SMITH TRUCK SERVICE, INC., P.O. Box 1329, Stoney Hollow Blvd., Steubenville, OH 43952, of a portion of the operating rights, of ECLIPSE MOTOR LINES, INC., 920 National Road, Bridgeport, OH 43912, and for acquisition by DINO B. ROTELLINI, P.O. Box 1329, Steubenville, OH 43952, of control of such rights through the purchase. Applicants' attorneys: James R. Stiverson, 1396 West Fifth Avenue, Columbus, OH 43212, and A. Charles Tell, 100 East Broad Street, Columbus, OH 43214. Operating rights sought to be transferred: *Ferro-Alloys*, as a *common carrier* over irregular routes from the site of the Powhatan Plant of the Ohio Fero-Alloys Company, located on Ohio Highway 7 approximately three miles south of Powhatan, Ohio, to points in Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, Pennsylvania, and West Virginia; and *empty containers*, from points in Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, Pennsylvania, and West Virginia, to the site of the Powhatan Plant of the Ohio Ferro-Alloys Company, located on Ohio Highway 7, approximately three miles south of Powhatan, Ohio. Vendee is authorized to operate as a *common carrier*, in Delaware, the District of Columbia, Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Virginia, and West Virginia. Application has not been filed for temporary authority under section 210a (b).

NOTE.—MC-14215 (Sub-No. 8), is a directly related matter.

No. MC-F-12894. Application under Section 5(1) of the Interstate Commerce Act for approval of an agreement between common carriers for the pooling of traffic. Applicants: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025 (MC-42487), and L and E FREIGHT LINE, INC., P.O. Box 8 N, Limon, CO 80828 (MC-120686), seeks to enter into an agreement for the pooling of traffic serving points located on U.S. Highway 40 and U.S. Highway 24 between Watkins, Colorado and Burlington, Colorado with service at intermediate points between Watkins and Agate restricted to delivery of westbound traffic only. Off route service at Hugo, Colorado. Representative Points: Agate, Arriba, Bennett, Bethune, Byers, Burlington, Deer Trail, Flagler, Genoa, Hugo, Limon, Strasburg, Stratton, Vona, and Watkins, on the one hand, and, on the other, points in, or beyond, the CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE system, in Interstate Commerce. Representatives: G. T. West, Vice President, Traffic, 175 Linfield Drive, Menlo Park, CA 94025 and Robert M. Bowden, Commerce Supervisor, P.O. Box 3062, Portland, OR 97028. CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, is authorized to operate as a common carrier in all the States in the United States (except Hawaii).

No. MC-F-12896. Authority sought for control and merger by J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, GA 31061, of MUSTANG TRANSPORTATION INC., 833 Warner Street, Atlanta, GA 30310, and for acquisition by JAMES W. McCLINTON, P.O. Box 589, Americus, GA and HAROLD A. SUMERFORD, P.O. Box 488, Milledgeville, GA 31061, of control of such rights through the transaction. Applicants' attorneys: Paul M. Daniell, 1600 First Federal Building, Atlanta, GA 30303, and Virgil H. Smith, Suite 12, 1587 Phoenis Blvd., Atlanta, GA 30349. Operating rights and property sought to be controlled and merged: *Bananas*, as a common carrier over irregular routes from Gulfport, Miss., New Orleans, La., Charleston, S.C., Mobile, Ala., and Tampa and Port Everglades, Fla., to Atlanta, Ga., from New Orleans, La. and Charleston, S.C. to Knoxville, Tenn., from New Orleans, La. to Gadsden, Ala., and Johnson City, Tenn., from Atlanta, Ga., to points in Alabama (except Birmingham), South Carolina and Tennessee; *Cured hams, cured bacon, cured sausage, and fresh sausage*, in vehicles equipped with mechanical refrigeration, from the site of the meat processing plants of Talmadge Farms, Inc., and Talmadge Farms Country Sausage, Inc., at or near Lovejoy (Clayton County), Ga., to points in Alabama, Florida, Louisiana, Mississippi, and South Carolina; *boxes, fiberboard, and beverage cartons*, from the plant site and warehouses of the Mead Packaging Division of Mead Corporation in Fulton County, Ga., to points in Mississippi, Arkansas, Oklahoma, Louisiana, and Texas; *fiberboard boxes and beverage cartons*, from the facilities of Mead Packaging Division of Mead Corporation in Fulton County, Ga., to points in that part of Tennessee on and west of a line beginning at the Alabama-Tennessee State line and extending along Tennessee Highway 13 to junction U.S. Highway 79, and thence along U.S. Highway 79 to the Tennessee-Kentucky State line; *carpets and rugs*, from the plant and storage facilities of Vernon Carpet Mills at Wedowee, Ala., to points in the United States (except Alaska and Hawaii); *malt beverages*, from Cincinnati, Ohio, to Atlanta and Augusta, Ga., from Pittsburgh, Pa., to points in Alabama, from Norfolk, Va. and Hammonton, N.J., to points in Alabama (except points in Russell County), from South Bend, Ind., Norfolk, Va., Newark, N.J., and Pittsburgh, Pa., to points in Georgia; and from St. Louis, Mo., to Augusta, Ga.; and *empty malt beverage containers*, from Augusta, Ga., to St. Louis, Mo., from points in Georgia, to South Bend, Ind., Norfolk, Va., Newark, N.J., and Pittsburgh, Pa.; *oyster shells*, crushed, in bags, and *fish meal* in bags, from Jacksonville and Fernandina, Fla., to points in Georgia, with restrictions: *citrae pulp*, from points in Pasco and Orange Counties, Fla., to points in Georgia; *malt beverages*, from Atlanta, Ga., to Richmond, Ind., and points in Michigan and Ohio, from Pittsburgh, Pa., to points in Tennessee; *Screen woven cloth, iron and steel pipe, and plastic film or sheeting*, from the facilities of X. S. Smith, Incorporated, at Eatontown, N.J., to points in the United States (except Alaska, Hawaii, and New Jersey). Vendee is authorized to operate as a *common carrier* in all the States in the United States (except Alaska and Hawaii) including the District of Columbia. Application has been filed for temporary authority under section 210a (b).

No. MC-F-12897. Authority sought for merger by BRANCH MOTOR EXPRESS COMPANY, 114 Fifth Avenue, New York, N.Y. 10011, of the operating rights and property of WHITE TRUCK LINE, INC., also of New York, N.Y. 10011, and for acquisition by BRANCH INDUSTRIES, INC., also of New York, N.Y. 10011 of control of such rights through the transaction. Applicants' attorney: Jack R. Turney, Jr., 21 Massachusetts Avenue N.W., Washington, D.C. 20036. Operating rights sought to be merged: General commodities, with the usual exceptions, as a *common carrier* over regular routes, between Atlanta and Rex., Ga., between Gainesville and Jefferson, Ga., between Gainesville and Commerce, Ga., between Gainesville, Ga. and Greenville, S.C., between junction U.S. Highway 129 and Interstate Highway 85 near Jefferson, Ga., and Greenville, S.C., between Atlanta and Gainesville, Ga., between Atlanta and Warm Springs, Ga., between Jonesboro and Woodbury, Ga., between

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Atlanta and Fuford, Ga., between Atlanta and Doraville, Ga., between Manchester and Columbus, Ga., serving various intermediate and off-route points; *general commodities*, with the usual exceptions over irregular routes, between Atlanta, Ga., on the one hand, and, on the other, Peachtree City, Ga., and the sites of Tuckerstone Mountain Industrial District and Stone Mountain Industrial Park, De Kalb County, Ga. Vendee is authorized to operate as a *common carrier* in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, the District of Columbia, Virginia, North Carolina, South Carolina, Tennessee, Georgia, Ohio, Indiana, Michigan, Illinois, and Kentucky. Application has not been filed for temporary authority.

NOTE.—Pursuant to order dated October 14, 1975, in MC–F–12445, Transferee was granted control of Transferor.

NOTICE

WILLIAM M. GIBBONS, TRUSTEE OF PROPERTY OF CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD COMPANY, DEBTOR, 139 West Van Burean Street, Chicago, Illinois 60605, represented by Mr. Bruce C. Spitzer, Assistant General Attorney, Chicago, Rock Island and Pacific Railroad Company, 139 West Van Buren Street, Chicago, Illinois 60605 hereby give notice that on the 19th day of July, 1976, it filed with the Interstate Commerce Commission at Washington, D.C., an application under Section 5(2) of the Interstate Commerce Act for an order approving and authorizing trackage rights over approximately 4.7 miles of track of the Ashley, Drew and Northern Railway Company between Crossett and Whitlow Junction, in Ashley County, Arkansas, which application is assigned Finance Docket No. 28232.

The proposed transaction is to acquire trackage rights to allow the applicant to operate approximately 4.7 miles between Whitlow Junction and Crossett, Arkansas over Ashley, Drew and Northern Railway Company trackage over which the applicant presently opreates pursuant to Interstate Commerce Commission's Car Service Order No. 1211. This agreement will become effective upon granting of this application and the issuance of a certificate and order permitting the abandonment by the applicant of its line of railroad between Whitlow Junction and Crossett, Arkansas, pursuant to Abandonment Application docketed AB–46 (Sub-No. 12). Trackage rights sought will enable applicant to continue service to Crossett, Arkansas, as now provided pursuant to Service Order No. 1211 and enable the applicant to abandon its own trackage between Whitlow Junction and Crossett, Arkansas.

In the opinion of the applicant, the granting of the authority sought will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 C.F.R. 1100.250) in Ex Parte No. 55 (Sub-No. 4), Implementation—Nat'l Environmental Policy Act, 1969, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), supra, Part (b)(1)–(5), 340 I.C.C. 431, 461.

Pursuant to the provisions of the Interstate Commerce Act, as amended, the proceeding will be handled without public hearings unless comments in support or opposition on such application are filed with the Secretary, Interstate Commerce Commission, 12th and Constitution Avenue, NW., Washington, D.C. 20423, and the aforementioned counsel for applicant, within 45 days after date of first publication in the FEDERAL REGISTER; that such comments shall be served upon (a) Mr. William T. Coleman, Jr., Secretary, Department of Transportation, 400 7th Street SW., Washington, D.C. 20590, (b) Mr. Edward H. Levi, Attorney General, Department of Justice, 10th and Constitution Avenue NW., Washington, D.C. 20530, and certificate of all such service is given to the Interstate Commerce Commission; and that all other applications, which are inconsistent, in whole or in part, with such applications, and all petitions for inclusion in the transaction, shall be filed with the Commission and furnished to the Secretary of Transportation, within 90 days after the publication of notice of the application in the FEDERAL REGISTER.

WILLIAM M. GIBBONS, TRUSTEE OF PROPERTY OF CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD COMPANY.

OPERATING RIGHTS APPLICATIONS DIRECTLY RELATED TO FINANCE PROCEEDINGS

NOTICE

The following operating rights applications are filed in connection with pending finance applications under Section 5(2) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with pending transfer applications under Section 212 (b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the authorities must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protests shall comply with Special Rule 247(d) of the Commission's General Rules of Practice (49 CFR § 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its applications.

No. MC 120523 (Sub-No. 2) (Correction), filed May 22, 1976, published in the FEDERAL REGISTER issues of June 24 and July 15, 1976, and republished as corrected this issue. Applicant: AURORA FAST FREIGHT, INC., 1859 Plain Avenue, Aurora, Ill. 60505. Applicant's representative: Daniel C. Sullivan, 327 South LaSalle St., Chicago, Ill. 60604. The purposes of this partial republication are: (1) to add "Hamel, Ill. and points within 10 miles of Hamel, Ill.," which was previously omitted as intermediate points in the territorial description in (1)(a) of the July 15, 1976 publication; and (2) to indicate the dual nature of applicant's request for conversion of a Certificate of Registration to a Certificate of Public Convenience and Necessity, and conversion of its irregular route authority to regular route authority. This matter is directly related to a Section 5(2) finance proceeding in MC–F–12844, published in the FEDERAL REGISTER issue of June 10, 1976. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

ABANDONMENT APPLICATIONS

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act that orders have been entered in the following abandonment applications which are administratively final and which found that subject to conditions the present and future public convenience and necessity permit abandonment.

A Certificate of Abandonment will be issued to the applicant carriers 30 days after this FEDERAL REGISTER publication unless the instructions set forth in the notices are followed.

Docket No. AB–19 (Sub-No. 15)

ALLEGHENY & WESTERN RAILWAY COMPANY, BUFFALO, ROCHESTER, AND PITTSBURGH RAILWAY COMPANY, AND THE BALTIMORE & OHIO RAILROAD COMPANY—ABANDONMENT PORTION RURAL VALLEY BRANCH BETWEEN ECHO AND MARGARET, IN ARMSTRONG COUNTY, PENNSYLVANIA

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on April 29, 1976, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in Chicago, B. & Q.R. Co., Abandonment, 257 I.C.C. 700, the present and future public convenience and necessity permit abandonment by the Allegheny & Western Railway Company, Buffalo, Rochester, and Pittsburgh Railway Company, and The Baltimore & Ohio Railroad Company of the Rural Valley Branch between Valuation Station 52+00 at or near Echo, Pa., and Valuation Station 408+68 at end of the line at or near Margaret, Pa., a distance of approximately 6.76 miles, in Armstrong County, Pennsylvania. A certificate of abandonment will be issued to the Allegheny & Western Railway Company, Buffalo, Rochester, and Pittsburgh Railway Company, and The Baltimore & Ohio Railroad Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

Docket No. AB–83

MAINE CENTRAL RAILROAD COMPANY—ABANDONMENT BETWEEN CARROLL, NEW HAMPSHIRE, AND CANAAN, VERMONT, IN COOS COUNTY, NEW HAMPSHIRE, AND ESSEX COUNTY, VERMONT

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on June 1, 1976, a finding, which is administratively final, was made by the Commission, Division 3, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in Chicago, B. & Q. R. Co., Abandonment, 257 I.C.C. 700, the present and future public convenience and necessity permit abandonment by the Maine Central Railroad Company of the line and operation thereof (1) between milepost 99.44 near Quebec Junction in Carroll, N.H., to milepost 112.46 near Coos Junction, Lancaster, N.H., a distance of 13.02 miles in length, the southern-most 2.5 miles of this segment between Quebec Junction and Waumbek Junction in Jefferson, N.H., proposed to be abandoned and the remainder to be sold to Boston and Maine Corporation under an agreement for $100,000 and (2) between milepost 131.75 at North Stratford to milepost 154.71 at Beecher Falls in the town of Canaan, Vt., a distance of 22.96 miles in length, and permitting abandonment of operations under trackage rights agreements (1) over 8.83 miles of the lines of the Boston and Maine Corporation, from milepost 112.46 at Coos Junction to Groveton in the town of Northumberland, N.H., and (2) over 12.72 miles of the lines of the Canadian National Railway Company from Groveton to milepost 131.75 at North Stratford in the town of Stratford, N.H., a total of 57.52 miles. A certificate of abandonment will be issued to the Maine Central Railroad Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

NOTICE

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Commission's Deviation Rules—Motor Carriers of Property (49 CFR § 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules (49 CFR § 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this FEDERAL REGISTER notice.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PROPERTY

No. MC 30504 (Deviation No. 15), TUCKER FREIGHT LINES, INC., P.O. Box 3144, South Bend, Ind. 46619, filed July 22, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Springfield, Mo., over U.S. Highway 66 to junction Missouri Highway 5, thence over Missouri Highway 5 to junction U.S. Highway 54, thence over U.S. Highway 54 to junction U.S. Highway 63, thence over U.S. Highway 63 to junction U.S. Highway 30, thence over U.S. Highway 30 to Marshalltown, Iowa, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Springfield, Mo., over U.S. Highway 66 to junction U.S. Highway 71, thence over U.S. Highway 71 to junction U.S. Highway 69, thence over U.S. Highway 69 to junction Iowa Highway 330, thence over Iowa Highway 330 Marshalltown, Iowa, and return over the same route.

No. MC 3151 (Deviation No. 5), BENDER & LOUDON MOTOR FREIGHT, INC., 3024 Brecksville Rd., Richfield, Ohio 44286, filed July 22, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction Interstate Highway 94 and Interstate Highway 196, over Interstate Highway 196 to junction U.S. Highway 131 at Grand Rapids, Mich., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From junction Interstate Highway 196 and Interstate Highway 94, over Interstate Highway 94 to junction U.S. Highway 131 near Kalamazoo, Mich., thence over U.S. Highway 131 to Grand Rapids, Mich., and return over the same route.

No. MC 108859 (Deviation No. 7), CLAIRMONT TRANSFER CO., P.O. Box

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717, 1803 Seventh Ave., North, Escanaba, Mich. 49829, filed July 22, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Rochelle, Ill., over U.S. Highway 51 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction Interstate Highway 90, thence over Interstate Highway 90 to junction Wisconsin Highway 15, thence over Wisconsin Highway 15 to junction U.S. Highway 41 at Milwaukee, Wis., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Rochelle, Ill., over Illinois Highway 38 (formerly Alternate U.S. Highway 30) to De Kalb, Ill., thence over Illinois Highway 23 to Sycamore, Ill., thence over Illinois Highway 64 to Chicago, Ill., thence over U.S. Highway 41 to Milwaukee, Wis., and return over the same route.

MOTOR CARRIER INTRASTATE APPLICATIONS NOTICE

The following application for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 206(a)(6) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's General Rules of Practice (49 CFR § 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

Florida Docket No. 760481–CCT, filed June 29, 1976. Applicant: RUSH TRUCKING, INC., 3006 SW. 2nd Avenue, Fort Lauderdale, Fla. 33315. Applicant's representative: John P. Bond, 2766 Douglas Road, Miami, Fla. 33133. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities*, restricted however, against the transportation of said commodities in bulk; Classes A and B explosives, household goods, livestock, commodities which because of their size or weight require special handling and speical equipment, and commodities requiring refrigeration. All shipments having a prior or subsequent movement by air, between the City of Boca Raton on the one hand, and all points and places in Dade and Broward Counties on the other hand; to, from, and between all points and places in Dade and Broward Counties. Intrastate, interstate, and foreign commerce authority sought. Hearing: Date, time, and place not yet fixed. Requests for procedural information should be addressed to the Florida Public Service Commission, 700 South Adams Street, Tallahassee, Fla. 32304 and should not be directed to the Interstate Commerce Commission.

Florida Docket No. 760446–CCT, filed June 8, 1976. Applicant: ALLIED PARCEL DELIVERY, INC., 401 NE. 62nd Street Miami, Fla. 33138. Applicant's representative: Felix A. Johnston, Jr., 547 N. Monroe Street, Tallahassee, Fla. 32301. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: *General commodities* in an overnight parcel delivery service, except: (1) Class A & B explosives; (2) household goods; (3) commodities which require special equipment because of size; (4) commodities in bulk (excluding wearing apparel on hangers or loose); (5) parcels weighing over 125 pounds; (6) shipments exceeding 500 pounds; (7) Optical and dental goods and supplies; and (8) transportation of parcels in intra-county shipments within Dade County, Florida during the effective life of the inter-change system implemented by the Florida Public Service Commission in its Orders No. 4428 and 4428A, to, from, and between all points and places in Dade, Broward, Palm Beach, and Monroe Counties, Fla., and transportation as a limited common carrier in intrastate, interstate, and foreign commerce of packaged and unpackaged general commodities in a parcel delivery service limited to parcels weighing not more than 125 pounds and shipments not exceeding 500 pounds, except: (1) Class A & B explosives; (2) household goods; (3) commodities which require special equipment because of size; and (4) commodities in bulk (excluding wearing apparel on hangers or loose), to and from Dade, Broward, Palm Beach, and Monroe Counties on the one hand, and, Hillsborough and Pinellas Counties on the other hand, over the following route: U.S. 41 to Tampa and Interstate 275 to St. Petersburg or as an alternate route for operating convenience only, Alligator Alley (St. Rd. 84) from Andytown to St. Rd. 29 to Immokalee, thence over St. Rd. 82 to Ft. Myers, thence U.S. 41 to Tampa and Interstate 275 to St. Petersburg; serving all intermediate and off route points. Interastate, interstate, and foreign commerce authority sought. Hearing: Date, time, and place not yet fixed. Requests for procedural information should be addressed to the Florida Public Service Commission, 700 South Adams Street, Tallahassee, Fla. 32304 and should not be directed to the Interstate Commerce Commission.

Texas Docket No. 002600A1A, filed July 16, 1976. Applicant: RED ARROW FREIGHT LINES, INC., 3901 Seguin Road, San Antonio, Tex. 78205. Applicant's representative: Phillip Robinson, P.O. Box 2207, Austin, Tex. 78767. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General Commodities*, between Victoria, Texas, and site of the Coleta Creek Power Station of Central Power and Light Company near Fannin, Texas, as follows: From Victoria, Texas, over U.S. Highway 59 to Fannin, Texas, and thence over F.M. Road 2987 to the site of the Coleta Creek Power Station of Central Power and Light Company and return, serving no intermediate points, and joining, tacking, and coordinating the authority sought with other authority contained in Common Carrier Motor Carrier Certificate No. 002600 and MC 2226 and subs thereunder. Intrastate, interstate, and foreign commerce authority sought. Hearing: Date, time, and place not yet fixed. Requests for procedural information should be addressed to the Texas Railroad Commission, P.O. Drawer 12967, Capitol Station, Austin, Tex. 78711, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76–22655 Filed 8–4–76;8:45 am]

federal register

THURSDAY, AUGUST 5, 1976

PART II:

SECURITIES AND EXCHANGE COMMISSION

ELIGIBLE SECURITIES

Dissemination of Quotations

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SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34-12670; File S7-648]

ELIGIBLE SECURITIES

Dissemination of Quotations

The Securities and Exchange Commission announced today that it has proposed for comment Rule 11Ac1-1 [17 CFR § 240.11Ac1-1] under the Securities Exchange Act of 1934 (the "Act") [15 U.S.C. 78a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)], governing dissemination of quotation information with respect to securities as to which last sale information is reported in the consolidated transaction reporting system (the "consolidated system") contemplated by Rule 17a-15 under the Act [17 CFR § 240.17a-15] ("eligible securities").

Rule 11Ac1-1 would require national securities exchanges to collect from their specialists, and national securities associations to collect from third market makers, quotations in eligible securities for disemination by those self-regulatory organizations to quotation vendors. In addition to requiring exchanges and associations to make quotations available to quotation vendors, those organizations also would be obligated to provide such vendors with their specialists' and market makers' quotation sizes if those specialists and market makers elect to make such sizes available for dissemination.

I. BACKGROUND

In February, 1972, in its Statement on the Future Structure of the Securities Markets, the Commission called for the establishment of a central market system for listed securities and, as an integral part thereof, "a nationwide disclosure or market information system to make universally available price and volume information from all markets and quotations from all market makers." [1] This nationwide disclosure system contemplated the development and implementation of both a consolidated transaction reporting system—a system which is now in place—and a composite quotation system so that "buyers and sellers of securities, wherever located, can make informed investment decisions and not pay more than the lowest price at which someone is willing to sell nor sell for less than the highest price a buyer is prepared to offer." [2] In discussing the proposed composite quotation system, the Commission noted that:

[t]he technology and hardware for such a system are said to be available, and any remaining regulatory problems should be promptly worked out so that the system can attain its objective of providing quotations which are truly comparable, notwithstanding the different assumptions on which they may be based.[3]

The Commission's commitment to the establishment of a composite quotation system was further demonstrated in its March, 1973, Policy Statement on the Structure of a Central Market System, in which the Commission stated:

At the very heart of the central market system * * * will be an efficient and comprehensive communications linkage between market centers consisting of a real-time composite transaction reporting system and *a composite quotation system displaying the bids and offers of all qualified market makers in listed securities.* The necessary steps which have to be taken to achieve the composite reporting system already are well under way. The next step will be to demonstrate a similar commitment to making the much-discussed composite quotation system a reality.[4]

Establishment of a composite quotation system has also found support in the Congress. Securities industry studies by both the Senate and the House of Representatives regarded the development of a composite quotation system as an essential element in the creation of a national market system and regarded Commission action as an integral part of the development of such a system.[5] Moreover, although the Congress, in enacting the Securities Acts Amendments of 1975 (the "1975 Amendments"),[6] did not mandate minimum elements of a national market system,[7] Section 11A of the Act [15 U.S.C. 78k-1], added by the 1975 Amendments, contains a Congressional finding that "[i]t is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure * * * the availability to brokers, dealers and investors of information with respect to quotations for and transactions in securities," [8] and that "the linking of all markets * * * through communication and data processing facilities will foster efficiency, enhance competition, increase the information available to brokers, dealers and investors, facilitate the offsetting of investors' orders, and contribute to best execution of such orders." [9] That Section directs the Commission "to use its authority under [the Act] to facilitate the establishment of a national market system * * * in accordance with the findings and to carry out the objectives set forth [in Section 11A of the Act]." [10]

To date, Commission actions designed to facilitate the development of a composite quotation system have been limited to the proposal and reproposal of Rule 17a-14 under the Act [17 CFR § 240.17a-14],[11] and a formal request to national securities exchanges that such exchanges effect changes in their rules and practices to eliminate those which restrict access to or use of quotation information.[12]

II. PROPOSED RULE 11 Ac1-1

A composite quotation system continues to be viewed by the Commission as a basic element of a national market system. As the Commission has stated before,

quotation information * * * is essential to broker-dealers, whether members [of exchanges] or not, in discharging their duty of reasonable diligence in the execution of customers' orders. * * * In addition, quotation information is of significant value to the market place as a whole insofar as a quotation reflects the considered judgment of a market professional as to various factors affecting the market, including the current price levels and size of buying and selling interest * * * Finally, quotation information is of considerable value to investors, both individual and institutional, in determining the best market for execution and in the understanding the market forces at work at any given time.[13]

Since mid-1975, several major efforts have been made to develop and market a composite quotation service. GTE Information Systems, Inc., has been providing a "dynamic" best bid and offer service[14] to subscribers since September,

[1] Securities and Exchange Commission, Statement on the Future Structure of the Securities Markets 8 (1972), 37 FR 5286 (1972).

[2] Id. at 9.

[3] Id. at 10.

[4] Securities and Exchange Commission, *Policy Statement on the Structure of a Central Market System* 64 (1973) (emphasis added).

[5] See Subcomm. on Commerce and Finance of the House Comm. on Interstate and Foreign Commerce, Securities Industry Study, H.R. Rep. No. 92-1519, 92d Cong., 2d Sess. 123-25 (1972), Subcomm. on Securities of the Senate Comm. on Banking, Housing and Urban Affairs, Securities Industry Study, S. Doc. No. 93-13, 93d Cong., 1st Sess. 101-104 (1973).

[6] Pub. L. No. 94-29 (June 4, 1975).

[7] In its report accompanying S. 249, the bill which became the 1975 Amendments, the Senate Committee on Banking, Housing and Urban Affairs noted in this regard that

[t]he nation's securities markets are in dynamic change and in some respects are delicate mechanisms; the sounder approach [to the question of whether to mandate certain minimum components of the national market system] appeared to the Committee, therefore, to be to establish a statutory scheme clearly granting the Commission broad authority to oversee the implementation, operation, and regulation of the national market system and at the same time to charging it with the clear responsibility to assure that the system develops and operates in accordance with Congressionally determined goals and objectives.

S. Rep. No. 94-75, 94th Cong., 1st Sess. 8-9 (1975).

[8] Section 11A(a)(1)(C)(iii) of the Act [15 U.S.C. 78k-1(a)(1)(C)(iii)].

[9] Section 11A(a)(1)(D) of the Act [15 U.S.C. 78k-1(a)(1)(D)].

[10] Section 11A(a)(2) of the Act [15 U.S.C. 78k-1(a)(2)].

[11] See Securities Exchange Act Release Nos. 9529 (March 8, 1972), 37 FR 5760 (1972), and 10969 (August 14, 1974), 39 FR 31920 (1974). Action on proposed Rule 17a-14 was deferred concurrent with the Commission's request that exchanges eliminate restrictions on dissemination and use of quotation information. See Securities Exchange Act Release No. 11288 (March 11, 1975) at 2, 40 FR 15015 (1975).

[12] Securities Exchange Act Release No. 11288 (March 11, 1975), 40 FR 15015 (1975). On May 7, 1975, the Commission announced that it had received responses (to its March 11, 1975 request) from all national securities exchanges and that all exchanges either had taken the action requested by the Commission or had informed the Commission that they had no rules or practices which restrict access to or use of such information. Securities Exchange Act Release No. 11406 (May 7, 1975).

[13] Securities Exchange Act Release No. 11288 (March 11, 1975) at 2, 40 FR 15015 (1975).

[14] This service displays the best bid and offer from reoprting market centers, updated automatically, but does not include complete quotations from all market centers.

1975, and the Institutional Networks Corporation ("Instinet") has recently begun providing a composite quotation montage to its subscribers which displays quotations from various exchange market centers accompanied by an indication of the time which has elapsed since each quotation was last updated. In addition, the National Association of Securities Dealers, Inc. ("NASD") has announced that it intends to initiate a composite quotation service early in 1977 similar to the NASDAQ service currently available for over-the-counter stocks.

The Commission believes, however, that despite the efforts made to develop a composite quotation service, the quality of quotation information disseminated to brokers, dealers and investors can be improved substantially, and that numerous problems relating to the dissemination of useful and reliable quotation information have yet to be resolved. Exchange markets still do not report "firm" quotations, and no market disseminates information as to quotation sizes. In many cases, quotation information supplied to vendors is not updated promptly to reflect changes in actual quotations in the various markets. Moreover, certain "regional" exchanges either supply no quotation information at all or supply such information only after the close of trading on the "primary" exchanges.

The Commission believes that the lack of reliable quotation information from the various markets is hampering private and self-regulatory efforts to establish a viable composite quotation system. In turn, the absence of such a system is impeding development of a national market system. As a result, it appears necessary in the public interest, for the protection of investors and to facilitate the establishment of a national market system, for the Commission to take additional regulatory steps to improve the quality of quotation information disseminated by the various markets.

The Commission, therefore, is proposing for public comment Rule 11Ac1-1 under the Act [17 CFR § 240.11Ac1-1]. Proposed Rule 11Ac1-1 would require, on and after November 1, 1976, every exchange and association have established and to maintain procedures and mechanisms for collecting quotations in eligible securities (and, if provided, quotation sizes) from its specialists and third market makers. Such quotations and quotation sizes would be required to be made available to quotation vendors in accordance with the requirements of the proposed rule.[15]

The proposed rule does not specify the manner in which, or the frequency with which, quotations are to be collected, processed and made available by exchanges and associations, or require that quotations be made available within any specified time limits. Proposed Rule 11Ac1-1, however, would require specialists and third market makers to communicate their quotations promptly to the relevant exchange or association in accordance with such exchange's or association's procedures to permit timely dissemination of that data to quotation vendors.

Proposed Rule 11Ac1-1 would require quotations covered by the rule to be "firm," subject to certain exceptions. In particular, the rule would provide that any specialist or third market maker who is presented with an order for the purchase or sale of any eligible security (other than an order for the purchase or sale of an odd lot) must stand ready to execute a transaction in that security in any amount up to such specialist's or third market maker's published quotation size (or, in the event no quotation size is disseminated, a normal unit of trading) at a price at least as favorable to the buyer or seller as the bid or asked price comprising part of that specialist's or third market maker's published quotation (i.e., the most recent quotation of such specialist or third market maker made available to quotation vendors pursuant to the rule which is displayed by quotation vendors on a terminal or other display device at the time the order is presented). The foregoing requirement would not apply if, after the dissemination of a published quotation and before an order is presented to the specialist or third market maker: (i) a transaction in that security is effected on the floor of the particular exchange involved, or by the third market maker, as the case may be, or a transaction in that security is reported in the consolidated system; or (ii) the specialist or third market maker has communicated a quotation to the relevant exchange or association superseding his published quotation. In addition, in no event would a specialist or third market maker be bound to execute an order in a size greater than the most recent quotation size communicated by him to the relevant exchange or association for dissemination to quotation vendors.

In the event a specialist or third market maker is relieved of his obligation to effect transactions in a particular eligible security at the price of the bid or offer comprising his published quotation for one of the foregoing reasons, if such specialist does not communicate a quotation superseding his published quotation for that security within three minutes after the occurrence of a transaction or a report of a transaction, such specialist or market maker nevertheless would be obligated to effect a transaction in that security in accordance with the general rule as to firmness.

III. REQUEST FOR PUBLIC COMMENT

The Securities and Exchange Commission hereby proposes Rule 11Ac1-1 [17 CFR § 240.11Ac1-1] pursuant to its authority under the Securities Exchange Act of 1934 [15 U.S.C. 78a *et seq.*, as amended by Pub. L. No. 94-29 (June 4, 1975)], and particularly Sections 2, 3, 6, 11A, 15, 15A, 17 and 23 thereof [15 U.S.C. 78b, 77c, 78f, 78k-1, 78o, 78o-3, 78q and 78w]. The text of the proposed rule is as follows:

§ 240.11Ac1-1 Dissemination of quotations for eligible securities.

(a) For purposes of this section:

(1) The term "third market maker" shall mean a "market maker" as defined in § 240.15c3-1(c)(8) (Rule 15c3-1(c)(8) under the Act) who makes markets over-the-counter in eligible securities;

(2) The term "specialist" shall mean any member of a national securities exchange ("exchange") who is registered as a specialist pursuant to the rules and regulations of such exchange, and any other member of an exchange who also performs on the floor of that exchange, either the market making or limit order representation function of a registered specialist;

(3) The term "quotation vendor" shall mean any securities information processor engaged in the business of disseminating to brokers and dealers, on a real-time or current and continuing basis, quotations for eligible securities, whether distributed through an electronic communications network or displayed on a terminal or other device, or otherwise;

(4) The term "eligible security" shall mean any security as to which last sale information is reported in the consolidated system;

(5) The term "consolidated system" shall mean the consolidated transaction reporting system contemplated by § 240.17a-15 (Rule 17a-15 under the Act);

(6) The term "make available," when used with respect to quotations supplied to quotation vendors by an exchange or a national securities association ("association"), shall mean to provide circuit connections at the premises of the exchange or association supplying those quotations for the delivery of such quotations to such vendors;

(7) The term "quotation" when used with respect to bids and offers of a specialist or a third market maker, shall mean the highest current bid price and the lowest current offer price most recently communicated by that specialist or third market maker to any broker, dealer or customer at which he is willing to buy or sell a particular amount of eligible securities, either as principal or agent, but shall not include (i) indications of interest or (ii) any bid or offer by that specialist or third market maker made in response to any inquiry by a broker, dealer or customer with respect to that specialist's or third market maker's willingness to buy or sell eligible securities in an amount greater than that bid for or offered by that specialist or third market maker in communicating his quotation;

(8) The term "published quotation," when used in connection with an order to buy or sell eligible securities presented to a specialist or third market maker, shall mean the most recent quotation of such specialist or third market maker made

[15] It is anticipated that each exchange's and association's procedures and mechanisms would include details as to the form in which quotations and quotations sizes would be made available to quotation vendors (including precise specifications and formats) so that quotation vendors will be able to use effectively the quotations and sizes required to be made available to them.

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available to quotation vendors pursuant to this section which is displayed by quotation vendors on a terminal or other display device at the time the order is presented;

(9) The term "quotation size," when used with respect to a specialist's or third market maker's quotation, shall mean the number of shares (or units of trading) of an eligible security which that specialist or market maker has stated he is willing to buy at the bid price or sell at the offer price comprising his quotation, either as principal or agent;

(10) The term "published quotation size," when used in connection with an order to buy or sell eligible securiites presented to a specialist or third market maker, shall mear the most recent quotation size (if any) of that specialist or third market maker made available to quotation vendors pursuant to this section and displayed by quotation vendors on a terminal or other display device at the time the order is presented;

(11) The term "odd-lot" shall mean an order for the purchase or sale of an eligible security in an amount less than a normal unit of trading.

(b)(1) On and after November 1, 1976, every exchange and association shall have established and shall maintain procedures and mechanisms for collecting quotations and, if provided, quotation sizes, from specialists and third market makers, processing such quotations and sizes, and making such quotations and sizes available to quotation vendors, in accordance with paragraph (b)(2) of this section.

(2) Every exchange and every association shall collect, process and make available to quotation vendors quotations and quotation sizes of its specialists and market makers, as follows:

(i) Every exchange shall, at all times such exchange is open for trading, collect, process and make available to quotation vendors quotations of its specialists for each eligible security registered or admitted to unlisted trading privileges on that exchange; provided, however, that no quotation for an eligible security shall be required to be collected, processed and make available by an exchange during any period when trading in that security on that exchange has been suspended;

(ii) Every association shall, at all times list sale information with respect to eligible securities as reported in the consolidated system, collect, process and make available to quotation vendors quotations of third market makers who are members of such association for each eligible security for which one or more members act as a third market maker, provided, however, that no quotation for an eligible security shall be required to be collected, processed and made available by an association during any period when over-the-counter trading in that security has been suspended;

(iii) Every quotation for an eligible security made available to quotation vendors pursuant to this section shall be accompanied by a quotation size if the specialist or third market maker communicating that quotation elects to provide such size to the exchange or association for the purpose of disseminating such size to quotation vendors.

(3) Nothing in this section shall preclude any exchange or association from imposing fair and reasonable charges for the dissemination of quotations.

(c)(1) Every specialist and third market maker shall promptly communicate to his exchange or association (as the case may be), pursuant to the procedures established by that exchange or association, his quotations in eligible securities (and, if such specialist or third market maker so elects, his quotation sizes).

(2) Subject to the provisions of paragraphs (c)(3) and (c)(4) of this section, every specialist and third market maker shall be obligated to execute any order, other than an odd-lot order, to buy or sell eligible securities presented to him by a broker or dealer, or any other category of person with whom such specialist or third market maker customarily deals, at a price at least as favorable to such buyer or seller as the price of the bid or offer (as the case may be) comprising such specialist's or third market maker's published quotation in any amount up to the published quotation size (or, in the event no quotation size has been disseminated in connection with such published quotation, a normal unit of trading).

(3) Subject to the provisions of paragraph (c)(5) of this section, no specialist or third market maker shall be obligated to execute a transaction as provided in paragraph (c)(2) of this section if, after dissemination of such specialist's or third market maker's published quotation and before the order sought to be executed is presented, (i) a transaction in the eligible security sought to be bought or sold has been effected on the floor of such specialist's exchange or with such third market maker, or has been reported in the consolidated system, or (ii) such specialist or third market maker has communicated to his exchange or association (as the case may be), pursuant to paragraph (c)(1) of this section, a quotation superseding his published quotation.

(4) Notwithstanding paragraph (c)(2) of this section, if, prior to the presentation of an order to buy or sell eligible securities, a specialist or third market maker has communicated to his exchange or association (as the case may be), pursuant to paragraph (c)(1) of this section, a quotation size superseding his published quotation size (a "revised quotation size"), he shall not be obligated by this section to purchase or sell eligible securities in an amount greater than his revised quotation size.

(5) If a specialist or third market maker does not communicate a quotation superseding his published quotation in an eligible security within 3 minutes after the occurrence of a transaction in that security effected on such specialist's exchange or with such third market maker (as the case may be), or within 3 minutes of the reporting of a transaction in that security in the consolidated system, such specialist or third market maker shall, upon presentation of an order, be obligated to execute a transaction in accordance with the provisions of paragraph (c)(2) of this section notwithstanding paragraph (c)(3) of this section.

(d) The Commission may exempt from the provisions of this section, either unconditionally or on specified terms and conditions, any specialist, third market maker, national securities exchange, or national securities association if the Commission determines that such exemption is consistent with the public interest, the protection of investors, and the removal of impediments to and perfection of the mechanism of a national market system.

(Secs. 2, 3, 6, 15, 17, 23, Pub. L. 78-291, 48 Stat. 881, 882, 885, 895, 897, 901, as amended by Secs. 2 3, 4, 11, 14, 18, Pub. L. 94-29, 89 Stat. 97, 104, 121, 137, 155 (15 U.S.C. 78b, 78c, 78f, 78k-1, 78o, 78q, 78w, as amended by Pub. L. 94-29 (June 4, 1975)); Sec. 1, Pub. L. 75-719, 52 Stat. 1070, as amended by Sec. 12, Pub. L. 94-29, 89 Stat. 127-131 (15 U.S.C. 78o-3, as amended by Pub. L. 94-29 (June 4, 1975)); Sec. 7, Pub. L. 94-29, 89 Stat. 111 (15 U.S.C. 78k-1))

All interested persons are invited to submit written views, data and arguments with respect to proposed Rule 11Ac1-1. Persons wishing to make such submissions should file six copies thereof with George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Room 892, 500 North Capitol Street, Washington, D.C. 20549, not later than September 15, 1976. All submissions should make reference to File No. S7-648, and will be available for public inspection at the Commission's Public Reference Room, Room 6101, 1100 L Street, NW., Washington, D.C.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-22740 Filed 8-4-76;8:45 am]

federal register

THURSDAY, AUGUST 5, 1976



PART III:

ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

PREPARATION OF FEDERAL REGISTER DOCUMENTS

Clarity of Explanatory Material

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ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

[1 CFR Part 18]

PREPARATION OF FEDERAL REGISTER DOCUMENTS

Clarity of Explanatory Material

The Administrative Committee of the Federal Register is considering amending its regulations to make it easier for the affected public to use and understand the FEDERAL REGISTER. Specifically, the Committee proposes to require a standardized format for the opening portion of each FEDERAL REGISTER document so that each document will meet certain minimum standards of clarity.

COMMENTS BY: September 20, 1976.
ADDRESSED TO: Special Projects Unit, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, DC 20408.
FOR FURTHER INFORMATION CALL: 202–523–5240.

On November 26, 1975, GSA published a proposed Consumer Representation Plan (CRP) (40 FR 55245). With respect to the Office of the Federal Register (OFR) it stated: "The most significant role of the OFR is to provide through its publications • • • a vehicle for informing consumers of what Federal agencies are doing or proposing to do and what consumers can do about these actions • • •." (40 FR 55247). This notice of proposed rulemaking is directed to the concerns expressed in the proposed CRP.

BACKGROUND

The opportunity for the public to comment on proposed Federal regulations dates from 1946 (Administrative Procedure Act of 1946, 5 U.S.C. 551 et seq.) and it is clear that the Congress meant the opportunity to be a meaningful one. Specifically, the Administrative Procedure Act (APA) required that each proposal must contain "either the terms or substance of the proposed rule or a description of the subjects and issues involved." The legislative history of this provision indicates that Congress intended that each document "must be sufficient to fairly apprise interested parties of the issues involved, so that they may present responsive data or arguments relating thereto" (Legislative History of the APA, 79th Congress, 2nd Session, Senate Document No. 245, p. 200).

Similarly, the APA requirements for a final rule stated, "after consideration of the related matter presented, the agency shall incorporate in the rules adopted a concise general statement of their basis and purpose." It is clear from the legislative history of the APA that Congress intended that throughout the rulemaking process the public would be fully informed of the reasons for Federal regulations.

In an effort to introduce some uniform compliance with the public information function of the FEDERAL REGISTER and to make the information published easier to understand, the Administrative Committee adopted the present preamble requirement (§ 18.12) effective January 4, 1973. That requirement sought, as a minimum, a statement "that describes the contents of the document in a manner sufficient to apprise a reader, *who is not an expert in the subject area*, of the general subject matter of the rule making document." (Emphasis added.) The Committee's intent was to insure that each document would contain an explanation that would be intelligible to the average citizen. During the last four years, many agencies have made significant improvements in this regard. During the same period, however, both the volume of rule making documents and the extent of public interest in those documents have increased so substantially that the Committee believes that further steps are necessary. To fully accomplish the public notice giving function of the FEDERAL REGISTER, the Committee proposes to replace the present preamble requirement with a requirement which would establish—

(1) A standardized format for the opening portion of each FEDERAL REGISTER document; and

(2) A requirement that certain minimal information be provided in the remaining portion of each document.

A target date of January 1, 1977, is being considered for total agency compliance with these provisions.

The Committee is interested in public comment on the best common term to be used for the explanatory material being required. The Committee's term "preamble" used in § 18.12 is commonly understood by lawyers but seems inappropriate to laymen. The statutory phrase "basis and purpose" similarly seems inappropriate. The material being required is basically a report to the public by a Federal agency. It is an "explanation" to begin with a "summary" whenever the explanation is lengthy. These are the terms the Committee has used in its proposed regulatory language. Your comments and suggestions are invited.

The Committee is also considering deleting the provisions of § 18.16, the highlight requirement, since the opening portion of each FEDERAL REGISTER document would contain enough information to enable the staff of the OFR to draft meaningful highlight statements.

For the stated reasons, the Committee proposes to amend Title 1 CFR Part 18 by:

1. Revising § 18.12 of the regulations of the Administrative Committee of the Federal Register (1 CFR Chapter I) as follows:

§ 18.12 **Explanation and summary.**

(a) The issuing agency shall prepare, for each rule, proposed rule and notice, an explanation which will inform the reader, who is not an expert in the subject area, of the general contents, intended effect, and reasons for publication of that document. This statement shall be called the "explanation."

(b) The explanation shall contain an introductory summary which provides in simple language the following information:

(1) The name of the issuing agency;

(2) Identification of the document as a proposed rule, final rule, or notice;

(3) A brief statement of the intended effect of the document;

(4) A brief statement as to the circumstances which created the need for the action; and

(5) A listing, as appropriate, of relevant dates and addresses.

(c) The explanation shall contain, following the summary, a report of any matters the issuing agency considers to be in the public interest, including, but not limited to—

(1) The major issues involved;

(2) In the case of a final rule, the principal differences, if any, between it and the proposed rule;

(3) A response to public comments received;

(4) Whether the action will result in an increase, or decrease, in burden (including costs);

(5) Who will bear the burden; and

(6) The appropriate impact statements.

(d) The detailed report required by paragraph (c) of this section may be omitted if the document is simple or routine and if the issuing agency determines that the information contained in the summary is sufficient to adequately inform a reader who is not an expert in the subject area.

§ 18.16 [Revoked]

2. By revoking § 18.16 of the regulations of the Administrative Committee of the Federal Register (1 CFR Chapter I).

(44 U.S.C. 1506; sec. 6, E.O. 10530, 19 FR 2709; 3 CFR, 1954–1958 Comp., p. 189.)

Dated: July 30, 1976.

FRED J. EMERY,
Secretary.

[FR Doc.76-22754 Filed 8-4-76;8:45 am]

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federal register

THURSDAY, AUGUST 5, 1976

THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

PART IV:

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

■

SECURITIES OFFERING DISCLOSURE RULES

Notice of Proposed Rulemaking

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DEPARTMENT OF THE TREASURY

Comptroller of the Currency

[12 CFR Part 16]

SECURITIES OFFERING DISCLOSURE RULES

Notice of Proposed Rulemaking

Notice is hereby given that the Comptroller of the Currency, pursuant to the general authority of the national banking laws, R.S. 324 *et seq.*, as amended; 12 USC 1 *et seq.*, proposes to revise Part 16 of Title 12 of the Code of Federal Regulations containing the rules applicable to the offering by an existing or newly organized national bank, or a bank operating under the Code of Laws of the District of Columbia, of its securities. Part 16, as revised, would apply to all offerings and sales by a bank of its securities, subject to the exemptions provided therein.

The Comptroller of the Currency proposes these revisions to Part 16 in order that prospective investors are provided with all material facts and information relating to the business operations and financial condition of banks seeking to obtain funds through the public offer and sale of their securities. The securities of banks are exempt from the registration requirements of Section 5 of the Securities Act of 1933 (12 USC § 77e) by virtue of the provisions of Section (3)(a)(2) thereof (15 USC § 77c(a)(2)). The offer and sale of such securities are nevertheless subject to the antifraud provisions of Section 17(a) of Securities Act (15 USC § 77q(a)), and Section 10(b) of the Securities Exchange Act of 1934 (15 USC § 78j(b)) and Rule 10b–5 thereunder (17 CFR 240.10b–5).

The disclosure guidelines contained in the revised regulation evoke information relating to bank activities, in a form consistent with that presented to the Office of the Comptroller of the Currency in other reporting contexts, particularly the Consolidated Reports of Condition and Income as recently amended by the federal banking agencies.

The proposed disclosure guideline standards are intended to accommodate and facilitate their utilization by smaller banks seeking to avail themselves of the public capital markets. Thus, the guidelines should be viewed as a minimum standard to be supplemented as the character and circumstances of the issuer, and the standard of materiality may warrant.

The following highlights the major revisions proposed to Part 16:

(a) The regulations, as revised, will apply to the offer and sale of equity and debt securities by all banks. Part 16, as presently in force, is not applicable to the offer and sale of equity securities by existing banks.

(b) The regulation, as revised, will not permit the offer and sale by a bank of its securities until the offering circular required to be filed pursuant thereto has been declared effective by the Office of the Comptroller of the Currency, except where the offering is underwritten and prior approval of the Comptroller of the Currency is obtained.

(c) The regulation, as revised, incorporates separate disclosure guidelines for offerings by existing banks and banks in organization. This approach recognizes the different character of information relevant for prospective investors in banks in organization.

(d) Exemptions from the regulation have been provided for (1) a non-public offering, as discussed below; (2) a public offering by a bank of its securities where the offering when aggregated with the amount of all offerings of the bank's securities in the immediately preceding 12 month period does not exceed $100,000; (3) a reclassification of securities, merger, consolidation or acquisition of assets where the bank utilized a proxy statement prepared substantially in accordance with 12 CFR 11.5; and (4) a transaction in which the securities of a bank are offered to its employees or directors pursuant to a stock purchase or savings plan meeting the requirements of 12 CFR 13.

(e) An exemption from the regulation has been provided for a transaction not involving a public offering, as defined therein. A non-public offering is characterized by (1) negotiation of the terms of the offering by direct communication between the bank and the offeree or an independent investment representative of the offeree; (2) access by the offeree or the investment representative of the offeree to comprehensive financial information concerning the bank; (3) sale of the securities offered to not more than 15 persons within any continuous 12 month period; and (4) restriction of the security by its terms so as to prevent exchange of the security for securities of smaller denominations without requisite prior notification to the Comptroller of the Currency. Application may be made to the Comptroller of the Currency to increase the number of purchasers.

(f) The specific informational items set forth in Part 16, as presently in force, have been supplemented, reorganized and expanded to require more comprehensive disclosure. The areas of disclosure include: identification of any underwriter and a description of the terms of the underwriting or plan of distribution; the proposed uses of the proceeds of the offering; a description and analysis of the operations of the bank and its competitive position; a description of the terms of the securities offered; the identity, business experience, remuneration and securities ownership of management; the identity and securities ownership of each principal shareholder, and where the bank is controlled by a holding company, information concerning the holding company's operations; a description of material transactions between the bank, its management and principal shareholders; pending material legal and regulatory proceedings; and trading market activity, if any, relating to the securities of the bank.

(g) Financial information disclosure requirements have been revised to require comprehensive data, presented on a comparative basis with prior periods, consistent with information currently required in the Consolidated Reports of Condition and Income filed with the Comptroller. The specific financial statements required to be included in the offering circular are:

(1) Comparative Summary of Earnings for the last five fiscal years and any interim periods within 90 days of the effective date of the offering circular, together with a management discussion of the results for the last two fiscal years and reported interim periods and a computation of certain specified ratios;

(2) A Statement of Condition for the most recent fiscal year and any reported interim period;

(3) Comparative Statements of Income for the last two fiscal years and any reported interim periods and the same interim period for the previous year;

(4) Comparative Statements of Changes in Equity Capital Accounts for the last two fiscal years and any reported interim periods;

(5) A comparative reconciliaiton of the "Reserve for Possible Loan Losses" account for the last two fiscal years and any reported interim period and the same interim period for the previous year;

(6) Comparative Statement of Changes in Financial Position for the last two fiscal years and any reported interim period.

(7) It is expected that supplemental notes to the financial statement will be presented to the extent necessary to furnish a fair financial presentation. The financial statements are to be prepared in accordance with the instructions set forth by the Office of the Comptroller of the Currency in the publication entitled, "Instructions for Preparation of Consolidated Reports of Condition and Reports of Income by National Banking Associations" and in any other releases amending that publication.

(8) The financial statements must be updated during the offering period by attaching the most recent Consolidated Reports of Condition and Income of the bank.

(h) The general instructions to the offering circular disclosure guidelines clearly indicate that the standard of materiality may require inclusion of information in addition to that specified in the guidelines so as to make the information disclosed complete and not misleading. Information need be given only to the extent applicable or reasonably known or available to the bank. Information not known or reasonably available may be omitted under prior authorization of the Comptroller of the Currency. Such authorization will be granted only upon an appropriate showing by the bank as to the factual basis for the requested omission.

COMMENTS

All interested persons are invited to submit written comments on the proposed revision on or before September 20, 1976. The communications should be addressed to C. Westbrook Murphy, Deputy Comptroller for Law and Chief Counsel, Comptroller of the Currency, Washington, D.C. 20219. All comments will be available for public inspection.

It is proposed to revise 12 CFR Part 16 to read as follows:

Part 16—Securities Offering Disclosure Rules

Sec.
16.1 Authority.
16.2 Definitions.
16.3 Requirement of an offering circular, filing and effective date.
16.4 Exempt transactions.
16.5 Nonpublic offerings.
16.6 Form of, and information required in an offering circular of an existing bank.
16.7 Form of, and information required in an offering circular of a bank in organization.
16.8 Advertisements.

AUTHORITY: The provisions of this Part 16 issued under 12 U.S.C. 1 *et seq.*

REGULATIONS

§ 16.1 Authority.

This Part is issued under the general authority of the national banking laws, R.S. 324 *et seq.* as amended; 12 U.S.C. 1 *et seq.*, and contains rules applicable to the offering of securities.

§ 16.2 Definitions.

When used in this Part, unless the context otherwise requires—

(a) The term "bank" means an existing national bank, a national bank in organization, or a bank operating under the Code of Law of the District of Columbia.

(b) The term "offer," "offer to sell," "offer for sale," or "offering" shall include every attempt or offer to dispose of, or solicitation of an offer to buy, a security, for value. The terms defined in this paragraph shall not include, with respect to a bank in organization, the solicitation of indications of interest preliminary to any solicitation of subscriptions.

(c) The term "sale" or "sell" shall include every contract of sale or disposition of a security, for value, including every merger, transfer of assets, consolidation, and reclassification (other than a stock devidend, stock split, reverse stock split or change in par value) which involves the substitution of a security for another security.

(d) The term "security" means any common stock, preferred stock, or other equity security, or right to subscribe to any of the foregoing, or subordinated note or debenture. The term "security" shall not include any deposit as defined in § 217.1 of Regulation Q of the Federal Reserve Board, loan participation, letter of credit or other form of bank indebtedness incurred in the ordinary course of business.

(e) The term "executive officer" means a Chairman of the Board of Directors, Vice Chairman of the Board, Chairman of the Executive Committee, President, Vice President (except as indicated in the next sentence), Cashier, Treasurer, Secretary, Comptroller, and any other person who participates in major policy making functions of the bank. In some banks (particularly banks with officers bearing titles such as Executive Vice President, Senior Vice President, or First Vice President as well as a number of "Vice Presidents"), some or all "Vice Presidents" do not participate in major policy making functions, and such persons are not executive officers for the purpose of this part.

(f) The term "associate," when used to indicate a relationship with any person, means (1) any corporation or organization (other than the bank or a majority owned subsidiary of the bank) of which such person is an officer or partner or is, directly or indirectly, either alone or together with one or more members of his immediate family, the beneficial owner of 10 percent or more of any class of equity securities, (2) any trust or other estate in which such person has a substantial beneficial interest or as to which such person serves as trustee or in a similar fiduciary capacity, and (3) any relative or spouse of such person or any relative of such spouse, who has the same home as such person, or who is a director or officer of the bank or any of its parents or subsidiaries.

§ 16.3 Requirement of an offering circular, filing and effective date.

(a) No bank shall, directly or indirectly, offer, offer to sell, offer for sale or sell any security of which it is the issuer unless such offer, offer to sell, offer for sale or sale is made through the use of an offering circular which has been filed with, and declared effective by, the Office of the Comptroller of the Currency.

(b) Notwithstanding paragraph (a) above, securities of a bank to be offered by or through underwriters may be so offered through an offering circular filed pursuant to this Part but before its effective date if (1) the prior authorization of the Comptroller of the Currency is obtained; and (2) a copy of the offering circular as declared effective is furnished to each purchasing offeree prior to consummation of the sale.

(c) The offering circular required by this Part shall be filed in quadruplicate, in the form and containing the information specified by § 16.6 and § 16.7. The offering circular shall be accompanied by a certificate manually signed by the principal executive officer and the cashier of the bank, in the following form:

SIGNATURES

Pursuant to the requirements of 12 CFR 16, the bank has duly caused this Offering Circular to be filed on its behalf by the undersigned, thereunto duly authorized in the City of ---------- and State of ----------, on the ---- day of ----------, 19--.

(Bank)

By ----------
(Signature and Title)

By ----------
(Signature and Title)

(d) The effective date of the offering circular shall be the date on which it is declared effective by the Comptroller of the Currency. The offering circular shall be effective for a period of six months, which period may be extended for two consecutive 90 day periods upon request to the Comptroller of the Currency. The offering circular must be updated during the course of the offering period by attaching the most recent Consolidated Reports of Condition and Income of the bank.

(e) If the distribution is not completed by the expiration of the period of effectiveness, and any extentions thereof, an amended offering circular containing current information shall be filed and used in accordance with this Part.

(f) In no event shall an offering circular be used which is false or misleading in light of the circumstances then existing.

§ 16.4 Exempt transactions.

Except as provided in § 16.7(a), this Part shall not apply to:

(a) Any transaction by a bank not involving a public offering, as defined in § 16.5.

(b) Any offering by a bank of its securities where the amount of the securities offered for sale when aggregated with the amount of all other sales by the bank of its securities within the 12 months immediately preceding commencement of the subject offering does not exceed $100,000. A notice containing the following information shall be filed by the bank with the Comptroller of the Currency within 20 days prior to commencement of the offering.

(1) The name of the bank and location of its principal place of business;

(2) The class of security to be offered;

(3) The aggregate offering price of the securities; and

(4) The class and aggregate offering price of all securities sold within the 12 months prior to the proposed commencement date of the offering.

(c) Any reclassification of securities, merger, consolidation or acquisition of assets by a bank where the bank utilizes a proxy statement prepared substantially in accordance with the requirements of 12 CFR 11.5.

(d) Any transaction in which the securities of a bank are offered to its employees or directors pursuant to a stock purchase or savings plan meeting the requirements of 12 CFR 13.

§ 16.5 Nonpublic offerings.

Transactions by a bank involving the offer, offer to sell, offer for sale or sale of securities of the bank shall be deemed to be transactions not involving any public offering if all of the following conditions are satisfied:

(a) *Nature of offerees.* The bank shall have reasonable grounds to believe, and shall believe, prior to making an offer, that the offeree or his independent investment representative has such knowledge and experience in financial and business matters that they are capable of evaluating the information referred to in paragraph (c) below and the risks of the prospective investment. An "independent investment representative" means any person who is not an officer, director, or employee of the bank, is not acting on behalf of the bank, and is capable of

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evaluating the merits and risks of the prospective investment.

(b) *Limitation on the manner of offering.* All offers and sales are made in negotiated transactions. A negotiated transaction means a transaction in which the securities are offered and sold through direct communication between the bank and the offeree or an independent investment representative of the offeree, and without use of any form of general advertising.

(c) *Access to information.* Each offeree or his independent investment representative shall have access to, prior to acceptance of any offer, the same type of information as is specified in § 16.6 hereof, including but not limited to the following financial information:

(1) The consolidated Reports of Condition and Income of the bank for the last two fiscal years and the most recent interim period for which the bank has filed the Reports with the Comptroller of the Currency and the same interim period for the previous year;

(2) The most recent Annual Report to Shareholders of the bank; and

(3) The most recent F–2 filed by the bank if it reports pursuant to 12 CFR 11.

(d) *Number of purchasers.* The securities are sold to not more than 15 purchasers within any continuous 12 month period. Application may be made to the Comptroller of the Currency to increase the number of purchasers.

(e) *Limitations on disposition.* The bank shall obtain from each purchaser a signed written agreement that the purchaser is acquiring the securities for his own account and not for distribution. Only one stock certificate, note or debenture shall be issued to each purchaser for the respective total amount of securities purchased; except that where an offeree purchases securities in an aggregate amount exceeding $100,000, more than one certficate may be issued to him in amounts not less than $100,000 each. Each certificate, note or debenture shall specifically provide that neither the bank or its transfer agent can exchange the security for securities of smaller denominations, unless a notice has been filed in accordance with the requirements of paragraph (f) below.

(f) *Note of nonpublic sales and exchanges.* A notice containing the following information, as applicable, shall be filed by the bank with the Comptroller of the Currency not later than 20 days prior to the time any security offered or sold in reliance on the exemption provided by § 16.5 is so offered or exchanged for securities of small denominations:

(1) The name of the bank and location of its principal place of business.

(2) The class of security to be offered or exchanged.

(3) The number of persons to whom the securities are to be offered.

(4) The offering price of the securities on an aggregate and per share or per security basis.

(5) A general description of the facts and circumstances on which the claim of exemption is based, or the security holder's reason for requesting an exchange of the security for securities of small denominations.

§ 16.6 Form of, and information required in an offering circular of an existing bank.

(a) General Instructions: This form is not to be used as a blank form to be filed in but only as a guide in the preparation of the offering circular. Unless otherwise stated, the information required shall be given as of a date reasonably close to the effective date. The offering circular may be printed, lithographed, mimeographed, or typewritten, or prepared by any similar process resulting in clearly legible copies suitable for a permanent record.

In addition to the information expressly required hereby, there shall be added such further material information, if any, as may be necessary to make the statements made in light of the circumstances under which they are made, not misleading.

Information required need be given only insofar as it is known or reasonably available to the bank. If any required information is unknown or not reasonably available to the bank, either because the obtaining thereof would involve unreasonable delay, effort or expense, or because it rests peculiarly within the knowledge of another person not affiliated with the bank, the information may be omitted, upon approval of the Comptroller of the Currency, subject to the following conditions:

(1) The bank shall give such information on the subject as it possesses or can acquire without unreasonable delay, effort or expense together with the sources thereof; and

(2) The bank shall furnish a separate statement to the Comptroller of the Currency either showing that unreasonable delay, effort or expense would be involved, or indicating the absence of any affiliation with the person within whose knowledge the information rests and stating the result of a request made to such person for the information.

(b) The following information shall be disclosed in the offering circular:

ITEM 1—COVER PAGE

The following information shall be included on the cover page of the offering circular:

(a) The caption "Offering Circular".

(b) The exact name, complete address and telephone number of the issuing bank.

(c) The type of security being offered.

(d) The following statements in capital letters and boldface type:

"THESE SECURITIES HAVE NOT BEEN APPROVED OR DISAPPROVED BY THE COMPTROLLER OF THE CURRENCY NOR HAS THE COMPTROLLER PASSED UPON THE ACCURACY OR ADEQUACY OF THIS OFFERING CIRCULAR."

"NO AGENT OR OFFICER OF THE BANK OR ANY OTHER PERSON HAS BEEN AUTHORIZED TO GIVE ANY INFORMATION OR TO MAKE ANY REPRESENTATIONS OTHER THAN THOSE CONTAINED IN THE OFFERING CIRCULAR AND, IF GIVEN OR MADE, SUCH INFORMATION AND REPRESENTATIONS MUST NOT BE RELIED UPON AS HAVING BEEN AUTHORIZED BY THE BANK."

(e) The following information if the bank is offering debt securities:

(1) The statement in capital letters and boldface type:

"THERE OBLIGATIONS WILL NOT REPRESENT DEPOSITS AND WILL NOT BE INSURED BY THE FEDERAL DEPOSIT INSURANCE CORPORATION OR ANY OTHER GOVERNMENT AGENCY. THE MATURITY OF THESE OBLIGATIONS CANNOT BE ACCELERATED IN THE EVENT OF A DEFAULT WITHOUT THE IMMEDIATE PRIOR APPROVAL OF THE COMPTROLLER OF THE CURRENCY. THESE OBLIGATIONS WILL BE SUBORDINATE TO THE CLAIMS OF DEPOSITORS, AND OTHER CREDITORS, WILL BE INELIGIBLE TO SECURE A LOAN FROM THE BANK, AND WILL BE UNSECURED."

(2) The denominations, aggregate amount offered, interest rate, maturity, optional prepayment dates and offering price; and

(3) If the offering involves a convertible subordinated note or debenture, the information required by section (f) for the underlying equity security.

(f) If the bank is offering common stock, preferred stock, or other equity security or right to subscribe thereto, the offering price, the number of shares being offered, and the par value.

(g) The information called for by the following table presented in substantially the same form:

	Price to public	Underwriting commissions	Proceeds to bank [1]
Per unit	$		$
Total			

[1] Before deducting expense to be incurred by the bank estimated at .....

(h) The proposed means of distribution.

(i) The effective date of the offering circular.

ITEM 2—PLAN OF DISTRIBUTION

(a) If the securities being offered are to be offered through underwriters, give the names of the principal underwriters and state the respective amounts underwritten. State briefly the nature of the underwriters' obligation to take the securities.

(b) If there is no underwriter, outline briefly the bank's plan of distribution of the securities.

(c) Indicate the method and terms of subscription, and the offering termination date.

ITEM 3—USE OF PROCEEDS

State the principal purposes for which the net proceeds to the bank from the securities being offered are intended to be used, the expected time of the expenditure and the approximate amount intended to be used for each such purpose.

INSTRUCTIONS

The statement that the bank needs a broader capital base or that the proceeds will be used for general banking purposes will generally not be sufficient without additional information.

There need be furnished only a brief outline of any program of construction or of addition of equipment. If any material amounts of the proceeds are to be used to acquire assets, briefly describe the assets and give the names of the persons from whom they are to be acquired. State the cost of the assets to the bank and the principle followed in determining such cost.

ITEM 4—CAPITAL STRUCTURE

State in tabular format the title, basic terms, and amount authorized and outstanding as of a specified date within 90 days, of each class of securities of the bank, and the

amount authorized or the amount to be authorized and outstanding if all the securities being offered are sold.

ITEM 5—SUMMARY OF EARNINGS

(a) Present on a comparative basis, a summary of the earnings for the bank for each of the last five fiscal years and any interim period between the end of the last fiscal year and the date of the most recent Consolidated Statements of Condition and Income being filed and for the corresponding interim period for the preceding fiscal year. For the same periods, present in columnar form the following ratios: (1) net income to average stockholders' equity, (2) net income to average total assets, and (3) total interest expense to gross income. Include any additional information, if necessary, which will be of material significance to the investor.

(b) Fully discuss the earnings for the last two fiscal years and the reported interim periods. There should be an explanation of material changes which should include, but not be limited to, changes in the various elements which determine revenue and expense levels. In addition, the analysis should include an explanation of the effect of changes in accounting principles and practices or the method of their application that have a material effect on the net income as reported.

INSTRUCTIONS

1. At a minimum, this item should present operating revenues, operating expenses, income before income taxes and securities gains or losses, applicable income taxes, income before securities gains or losses, securities gains or loses, extraordinary items, net income, earnings per share and dividends per share.

2. In addition, if debt securities are being offered, the ratios of earnings to fixed charges, computed by both including and excluding interest on deposits, should be presented in tabular form for the last five fiscal years and any reported interim periods. There shall also be shown for the most recent fiscal year, a pro forma ratio of earnings to fixed charges, adjusted to give effect to (i) the issuance of the securities being offered, (ii) any issuance, retirement or redemption of securities during such period, or (iii) any issuance, retirement or redemption of securities after, or presently proposed for one year after, such period.

ITEM 6—DESCRIPTION OF BUSINESS

Describe briefly the present and proposed business operations of the bank and any significant developments or trend in such business during the last five years. The description shall also include, without limitation, appropriate information as to matters such as the following:

(a) The primary business locations of the bank.

(b) The competitive conditions and the competitive position of the bank in its service area.

(c) The commercial, consumer, international, trust, and municipal trading services and other business activities of the bank.

(d) The properties owned by the bank and its subsidiaries and any material leases.

(e) The liability management practices of the bank including a discussion of deposits, federal funds, and other liabilities.

(f) The loan portfolio.

(g) The investment portfolio.

(h) The importance of, and risks attendant to, foreign sources and application of funds.

(i) The bank regulatory agencies.

(j) The manner in which the law of the state where the bank is located may materially affect branching, interest rates, bank holding companies, etc.

(k) The business done by the parent holding company, if any, of the bank and any subsidiaries of the parent; the services provided to the bank by its parent and the subsidiaries of the parent; and the names of any other banks in which the parent owns in excess of 5% of the voting securities.

(l) The number of persons employed by the bank.

(m) Material statistical information (see Instructions).

INSTRUCTIONS

The following statistical information should be disclosed by the bank for the reported periods. The term "reported period" means each of the last specified number of fiscal years and any interim period between the end of the most recent fiscal year and the date of the most recent Consolidated Reports of Condition and Income being filed and for the corresponding interim period for the preceding fiscal year. If any required information is not reasonably available to the bank, the bank may present comparable information.

(i) *Consolidated statements of condition and income.* For a three-year reported period, present information similar to that required by the Consolidated Statements of Condition and Income. If the bank has assets in excess of $300 million, present information required by the Large-bank Supplements.

(2) *Distribution of assets, liabilities and capital.* (i) For a three-year reported period, present the monthly or quarterly average of total assets, liabilities and capital and each principal category of assets, liabilities and capital.

(ii) As of the end of a three-year reported period, present the percentage of each principal category of assets to total assets and each principal category of liabilities and equity capital to total liabilities and equity capital.

(3) *Loan portfolio.* (i) For banks with assets in excess of $300 million, disclose the total after-tax income effect of non-accruing and reduced-rate loans as of the end of a two-year reported period.

(ii) Explain the policies and practices of the registrant with regard to interest income recognition.

(iii) Describe any material risks relating to the loan portfolio.

(iv) State, by appropriate categories, the amount of loan and similar commitments (excluding check credit, overdraft and credit card lines) as of the end of a three-year reported period, and, with respect to the amount as of the end of the most recent fiscal year, the portion considered to be "firm" and the portion not reasonably expected to be exercised within the current year.

The categorization may include such items as commercial letters of credit, commitments to grant loans, and commitments to purchase loans or such other classifications deemed appropriate by the bank. Any specific category representing more than 25 percent of the total commitments shown shall, however, be identified and specific categories representing individually less than 25 percent of the total commitments shown may be aggregated as Other Commitments. If more than 25 percent of the total commitments shown are on terms whereby the prices or interest rates are not to be determined by the market conditions to be prevailing at the time of exercise of the commitments, the total and a description of such commitments should also be disclosed.

(4) *Intcrest rates and interest differentials.* For a three-year reported period, present:

(i) The dollar amounts of the changes in interest income from earning assets (in total and broken down into loans, investments, federal funds and other appropriate categories).

(ii) The dollar amounts of the changes in interest expense for borrowed funds (time deposits, short-term borrowings and other appropriate categories).

(iii) The net interest differential. For banks with assets in excess of $300 million, the dollar amounts should be analyzed to indicate the amount of the change resulting from variances in volume and from variances in rate and yield.

(5) *Summary of loan loss experience.* An analysis of the loan loss experience should present the following items:

(i) A discussion of the total actual losses for a two-year reported period. Discuss any specific material loan losses during the last fiscal year and any reported interim period.

(ii) For banks with assets in excess of $300 million, present a summary of loan loss experience by specific categories for a five-year reported period.

(iii) Set forth a comparison of the charges to provision for loan losses for a two-year reported period. Describe the factors which influenced management in determining the amount to be charged to operating expense.

(iv) Discuss the adequacy of the reserve for possible loan losses for the latest fiscal year and any reported interim period. Indicate whether the reserve for possible loan losses for the reported periods has increased or decreased as a percent of average loans outstanding.

(v) For a five-year reported period, present the bank's loan loss experience in the following format:

Year ended December 31

	19—	19—	19—	19—	19—	Interim 19—	Interim 19—
Balances (in thousands):							
Loans:							
Average loans							
Loans at end of period							
Net loan charge-offs							
Reserve for loan losses							
Provision for loan losses							
Ratios:							
Net loan charge-offs to average loans							
Net loan charge-offs to loans at end of period							
Reserve for loan losses to average loans							
Reserve for loan losses to loans at end of period							
Net loan charge-offs to reserve for loan losses							
Net loan charge-offs to provision for loan losses							

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(6) If a material portion of the bank's deposits has been obtained from a single person or a few persons (including Federal, State, and local governments and agencies thereunder) the loss of any one or more of whom would have a material adverse effect on the business of the bank, or if a material portion of the bank's loans is concentrated within a single industry or group of related industries, a description of such customers, their other relationships, if any, to the bank, and material facts regarding their importance to the business of the bank.

(7) The extent to which the business is or may be seasonal.

(8) Any information required by current banking bulletins which relate to this part.

ITEM 7—CAPITAL STOCK

If capital stock is being offered, outline briefly (a) dividend rights and/or restrictions; (b) voting rights; (c) liquidation rights; (d) preemptive rights; (e) the vote required to amend any of the aforementioned rights, and (f) any other material terms. If any securities are being offered in exchange for other securities, an appropriate description of such other securities should be given.

ITEM 8—DEBT SECURITIES

If debt securities are being offered, set forth briefly the following:

(a) The terms relating to denomination, maturity, and subordination.

(b) The statement: "This obligation is not a deposit and is not insured by the Federal Deposit Insurance Corporation, is ineligible as collateral for a loan by the issuing bank, and is unsecured."

(c) The statement: "The maturity of this obligation cannot be accelerated in the event of a default without the immediate prior approval of the Comptroller of the Currency."

(d) The provisions with respect to interest, conversion, redemption, prepayment, retirement, events of dafault, modification of the terms of the debt security or any other material terms.

(e) The provisions restricting the declaration of dividends, the issuance of additional indebtedness that will rank on a parity with, junior to, or senior to this indebtedness, the incurring of additional aggregate amounts of indebtedness, and any other material restriction.

(f) The name of the trustee, if any, and the nature of any material relationship with the bank or any of its affiliates, and the material terms of the trust indenture.

ITEM 9—OTHER SECURITIES BEING OFFERED

If securities other than capital stock or debt are being offered, outline briefly the rights evidenced thereby. If subscription warrants or rights are being offered, state the title and amounts of the underlying securities and the exercise period and price.

ITEM 10—NATURE OF TRADING MARKET

As to each class of securities to be offered, state briefly the nature of the trading market, if any, in such securities, including the names of the principal market makers and the reported high and low bid prices for each quarterly period during the last two years.

INSTRUCTION

In furnishing high and low bid prices the bank may rely on quotations published in publications of general circulation, provided the source of the information is identified. If the principal market makers are not known, it will suffice to name such market makers as are believed to be actively engaged in making a market in the securities. If there is no active market for the securities, so state, and indicate the valuation procedure followed to determine the offering price.

ITEM 11—DIRECTORS AND OFFICERS

List the following information, in tabular form to the extent practicable, with respect to each director and executive officer of the bank and each person chosen to become a director or officer.

(a) Name, age, and length of service in this capacity.

(b) The amount of each class of equity securities of the bank, or of its parent or subsidiaries beneficially owned directly or indirectly by him as of the most recent practicable date.

(c) A brief account of the business experience during the last five years of each director and each officer, including his principal occupation during that period and the name and principal business of any corporation or other organization in which such occupation was carried on.

ITEM 12—PRINCIPAL SECURITY HOLDERS

Furnish the following information as of a specified date within 90 days prior to the effective date:

(a) The total number of shares of each class of equity securities both authorized and outstanding;

(b) As to each class of equity securities of the bank, the amount and percent owned of record or beneficially, directly, or indirectly, by all directors and officers of the bank, as a group, without naming them. The following format should be used:

Title of class	Record ownership	Amount beneficially owned	Percent of class beneficially owned
(a)	(b)	(c)	(d)

A footnote to the table should disclose the nature of the beneficial ownership.

(c) The name, business address, and relationship to the bank of any individual or corporation who owns of record or beneficially, directly, or indirectly more than 10 percent of the outstanding voting securities. The following format should be used:

Name and address	Relationship with bank	Record ownership	Amount beneficially owned	Percent of class beneficially owned
(a)	(b)	(c)	(d)	(e)

A footnote to the table should disclose the nature of the beneficial ownership.

INSTRUCTIONS

If, to the knowledge of the bank, more than 10% of any class of voting securities of the bank are held or to be held subject to any voting trust or other similar agreement, state the title of such securities, the amount held or to be held, and the duration of the agreement. Give the names of the voting trustees and outline briefly their voting rights and the other material terms of the agreement.

ITEM 13—REMUNERATION OF DIRECTORS AND OFFICERS

(a) Furnish the following information in substantially the tabular form indicated below as to all direct remuneration paid by the bank, or its parent holding company, during the latest fiscal year to the following persons:

(1) Each director and each of the three highest paid executive officers of the bank whose annual total direct remuneration exceeded $40,000, naming each person;

(2) All directors and executive officers of the bank as a group, without naming them but stating the number of persons included.

Name of individual or number of persons in group	Capacities in which remuneration was received	Aggregate remuneration
(a)	(b)	(c)

(b) Furnish a brief description of any present or contemplated bonus, retirement, pension, stock option, profit sharing or other similar plan or provision and the class of persons covered.

INSTRUCTIONS

The description of the stock options should state the consideration received and to be received for the options, the prices, expiration dates, the market value on the granting date, the per share market price of the securities subject to option as of the latest date, whether the options are qualified stock options or restricted stock options or options granted pursuant to a plan qualifying as an employee stock purchase plan. Indicate the number of options held by each officer and director named in Item 13(a)(1).

ITEM 14—MATERIAL TRANSACTIONS

Describe any direct or indirect material interest of any of the following specified persons in any material transactions during the last two years, or in any material proposed transactions, to which the bank was or is to be a party.

(a) Any director or executive officer of the bank.

(b) Any security holder who owns of record or beneficially, directly or indirectly, in excess of 10% of the outstanding voting securities as named in the answer to Item 12

(c) Any associate of any of the foregoing..

INSTRUCTIONS

(1) A material transaction generally is a transaction or series of transactions in which the annual payments plus the remaining amounts due under the terms of the transaction or series of transactions exceed $40,000. This will include all legal fees, rental payments, remuneration for services (other than in the capacity of an officer or director of the bank), and any other periodic payments or installments. It will not include extensions of credit unless (i) the credit involves more than the normal risk of collectibility or presents other unfavorable features or (ii) the transaction is not made on substantially the same terms, including interest rates and collateral, as those prevailing at the time for comparable transactions with other than specified persons.

(2) Notwithstanding Instruction 1, a material transaction is any extension of credit either directly or indirectly, to (i) a specified person which at any time for the last full fiscal year to date, exceeds 10% of the equity capital of the bank or (ii) all the specified persons as a group which at any time for the last full fiscal year to date, exceeds 20% of the equity capital of the bank. If aggregate extensions of credit to a specified individual at any time during the year exceed 10% of the equity capital, the name of the specified person, the aggregate extensions of credit at its maximum amount during the year, and the aggregate amount of the extensions of credit as a percent of total equity capital should be disclosed. If aggregate extensions of credit to the specified persons, as a group at any time during the year, exceed 20% of the equity capital, the aggregate amount of the extensions of credit to the group at its maximum amount during the year and the aggregate amount of the extensions of credit as a percent of equity capital should be disclosed.

(3) If there has been a material sale of property by or to the bank to which a specified person was a party, disclose the cost of the property to the purchaser and the cost to the seller if acquired by the seller within two years prior to this transaction.

ITEM 15—PENDING LEGAL PROCEEDINGS

Briefly describe any material pending legal proceedings, other than ordinary routine litigation incidental to the business, to which the bank, the parent holding company or any of its subsidiaries is a party or of which any of their property is the subject. Include the name of the court or agency in which the proceedings are pending, the date instituted and the principal parties thereto, a description of the factual basis alleged to underlie the proceeding and the relief sought. Include similar information as to any such proceedings known to be contemplated.

ITEM 16—FINANCIAL STATEMENTS

The following financial statements shall be included:

(a) A Statement of Condition at the end of the most recent fiscal year and any required interim period.

(b) Comparative Statements of Income for the two most recent fiscal years and for any required interim period.

(c) Comparative Statements of Changes in Capital Accounts for the last two fiscal years and any required interim period.

(d) A comparative reconciliation of the "Reserve for Possible Loan Losses" account for the last two fiscal years and for any required interim periods.

(e) Comparative Statements of Changes in Financial Position for the last two fiscal years and any required interim periods.

(f) Supplemental notes to the financial statements.

INSTRUCTIONS

(1) These financial statements should be prepared in accordance with the instructions and format set forth by the Office of the Comptroller of the Currency in the publication entitled, "Instructions for Preparation of Consolidated Reports of Condition and Reports of Income by National Banking Associations" and in any other releases amending this publication.

(2) The financial statements shall be updated to the latest practicable date, which date shall be not more than 90 days prior to filing the offering circular expected to be declared effective.

(3) The following items shall be disclosed, where applicable, in general footnotes to the financial statements:

(i) A summary of significant accounting policies.

(ii) Assets subject to liens.

(iii) Pension plans.

(iv) Stock option plans.

(v) Dividend restrictions.

(vi) Contingent liabilities.

(vii) Accounting and estimated market value of investment securities.

(viii) An analysis of income tax expense.

(ix) An analysis of the loan portfolio.

(x) Standby letters of credit.

(4) Indicate any changes in accounting principles and practices and retroactive adjustments initiated by the bank.

(i) Any changes in accounting principles or practices or in the method of applying any accounting principles or practices, made during any period for which financial statements are filed which affects comparability of such financial statements with those of prior or future annual periods, and the effect thereof upon the net operating earnings for each period for which financial statements are filed, should be disclosed in a note to the appropriate financial statement where significant.

(ii) Any significant retroactive adjustment made during any period for which financial statements are filed, and the effect thereof upon net operating earnings and nonoperating additions and deductions of prior periods shall be disclosed in a note to the appropriate financial statement.

(5) If a cash basis of accounting has been used, it should be so stated.

(6) If the financial statements in the latest annual report to shareholders are accompanied by a report of an independent accountant, the financial statements in the offering circular should also be accompanied by the aforementioned accountant's report.

ITEM 17—UPDATING THE FINANCIALS AFTER THE EFFECTIVE DATE

The bank is required to update certain statistical and financial information in the offering circular continuously during the pendency of the offering by attaching the most recent Reports of Condition and Income of the bank to the offering circular. The reports shall be attached to, and made a part of the offering circular no later than the day the document is due to be filed with the Comptroller of the Currency. However, a completely amended offering circular will be necessary should the offering continue beyond the period of effectiveness, and any extensions thereof (see § 16.3(e)).

§ 16.7 Form of, and information required in an offering circular of a bank in organization.

(a) The exemptions of § 16.4 shall not be available to a national bank in organization unless there is only one offeree who intends to purchase all of the securities except the director's qualifying shares.

(b) General Instructions: This form is not to be used as a blank form to be filled in but only as a guide in the preparation of the offering circular. Unless otherwise stated, the information required shall be given as of a date reasonably close to the effective date. The offering circular may be printed, lithographed, mimeographed, typewritten, or prepared by any similar process resulting in clearly legible copies suitable for a permanent record.

In addition to the information expressly required hereby, there shall be added such further material information, if any, as may be necessary to make the required statments, in light of the circumstances under which they are made, not misleading.

Information required need be given only insofar as it is known or reasonably to the bank. If any required information is unknown or not reasonably available to the bank, either because the obtaining thereof would involve unreasonable delay, effort or expense, or because it rests peculiarly within the knowledge of another person not affiliated with the bank, the information may be omitted, upon approval of the Comptroller of the Currency, subject to the following conditions:

(1) The bank shall give such information on the subject as it possesses or can acquire without unreasonable delay, effort, or expense together with the sources thereof; and

(2) The bank shall furnish a statement either showing that unreasonable delay, effort or expense would be involved or indicating the absence of any affiliation with the person within whose knowledge the information rests and stating the result of a request made to such person for the information.

(c) The following information shall be disclosed in the offering circular:

ITEM 1—COVER PAGE

The following information shall be included on the cover page of the offering circular:

(a) The caption "Offering Circular."

(b) The exact name and complete address of the bank.

(c) The type of security being offered.

(d) The statements in capital letters and bold-face type:

"THESE SECURITIES HAVE NOT BEEN APPROVED OR DISAPPROVED BY THE COMPTROLLER OF THE CURRENCY NOR HAS THE COMPTROLLER PASSED UPON THE ACCURACY OR ADEQUACY OF THIS OFFERING CIRCULAR."

"NO AGENT OF OFFICER OF THE BANK OR ANY OTHER PERSON HAS BEEN AUTHORIZED TO GIVE ANY INFORMATION OR TO MAKE ANY REPRESENTATIONS OTHER THAN THOSE CONTAINED IN THE OFFERING CIRCULAR, AND IF GIVEN OR MADE, SUCH INFORMATION AND REPRESENTATIONS MUST NOT BE RELIED UPON AS HAVING BEEN AUTHORIZED BY THE BANK."

"THE ISSUANCE OF THE STOCK IS SUBJECT TO THE APPROVAL OF THE COMPTROLLER OF THE CURRENCY, THE BANK RESERVES THE RIGHT TO CANCEL ACCEPTED SUBSCRIPTION OFFERS AT THE DIRECTION OF THE COMPTROLLER OF THE CURRENCY UNTIL THE DATE THE BANK COMMENCES OPERATIONS. IF, FOR ANY REASON, THE BANK DOES NOT OPEN FOR BUSINESS, ALL OF THE CASH PAID BY THE SUBSCRIBERS FOR THEIR SHARES WILL BE RETURNED, PLUS OR MINUS ANY PROFITS OR LOSSES INCURRED THROUGH INVESTMENT OF SUCH FUNDS IN UNITED STATES GOVERNMENT SECURITIES. ANY OTHER COSTS OR EXPENSES WILL BE BORNE BY THE ORGANIZERS."

(e) The offering price, the number of shares being offered, and the par value of the stock.

(f) The information called for by the following table presented in substantially the same form:

	Price to public	Underwriting commissions	Organizational expenses	Proceeds to bank[1]
Per unit	$	$	$	$
Total				

[1] Before deducting expenses to be incurred by the bank estimated at ____:

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(g) The proposed means of distribution.

(h) The effective date of the offering circular.

(i) On the page immediately following the cover page, there should be a page with the following paragraph alone in capital letters and bold-face type:

"THIS OFFERING CIRCULAR DOES NOT CONSTITUTE AN OFFER TO SELL OR A SOLICITATION OF AN OFFER TO BUY ANY OF THE SECURITIES OFFERED HEREBY IN ANY JURISDICTION TO ANY PERSON TO WHOM IT IS UNLAWFUL TO MAKE SUCH OFFER IN SUCH JURISDICTION. NEITHER THE DELIVERY OF THIS OFFERING CIRCULAR NOR ANY SALE HEREUNDER SHALL UNDER ANY CIRCUMSTANCES CREATE AN IMPLICATION THAT THERE HAS BEEN NO CHANGE IN THE AFFAIRS OF THE BANK SINCE THE DATA HEREOF."

ITEM 2—OFFERING TO SUBSCRIBERS AND METHOD OF SUBSCRIPTION

The following information shall be stated:

(a) The number of shares being offered, offering price, the par value of the common stock, and the expiration date of the offering period, including any provisions for extending the offering period.

(b) The fact that the issuance of the stock is subject to the approval of the Comptroller of the Currency and the bank reserves the right to cancel accepted subscription offers at the direction of the Comptroller of the Currency until the date the bank receives its charter.

(c) The fact that shares of stock duly subscribed and paid for will be issued upon acceptance by the bank immediately after the bank receives its charter.

(d) The method or procedure for subscribing to the stock.

(e) A description of the location and basic terms of the escrow account in which the funds will be held until all the subscriptions have been accepted and the Bank opens for business.

(f) The statements:

"Subscriptions will be accepted until ____ p.m./a.m. on the expiration date, _____, 19____. It is anticipated that the bank will commence operations on or about _____, 19____."

"If, for any reason, the bank does not open for business, all of the cash paid by the subscribers for their shares will be returned plus or minus any profit or losses incurred through investment of such funds in United States Government Securities. Any other costs or expenses will be borne by the organizers."

ITEM 3—USE OF PROCEEDS

State the principal purposes for which the net proceeds to the bank from the stock to be offered are intended to be used, and the approximate amount intended to be used for each such purpose. Indicate the proposed expenditures in the following categories:

(a) The approximate amounts for a period of 12 months from the effective date of the offering circular for the salaries of directors, executive officers, and employees.

(b) The approximate amount for the acquisition of furniture, office machines, fixtures, and real property.

(c) The approximate amount of rental payment for the leasing of real property and personal property for a period of 12 months from the effective date of the offering circular.

(d) A schedule of estimated organizational expenses.

(e) The approximate amount for cash, investment and loans.

(f) The approximate amount for the purchase of temporary quarters.

(g) Other.

ITEM 4—BUSINESS OF THE BANK

Describe the proposed business operations of the bank. The description shall include without limitation, information as to matters such as the following:

(a) The current status and history of the new bank application with the Comptroller of the Currency, and the date the bank is expected to commence business.

(b) The potential market area, competitive conditions, and a summary of the economic conditions. Present the names and locations of other financial institutions within the market area and indicate their total assets, deposits, and equity capital. Discuss the effect these financial institutions will have on competition.

(c) The proposed services of the bank in the commercial, consumer, and trust areas.

(d) The expected sources of deposits and loans once operations commence.

(e) The material effects that compliance with Federal and State banking laws, and rules or regulations enacted thereunder, will have on the business of the bank. Indicate the manner in which the laws of the state where the bank is located may materially affect such matters as (a) branching and (b) bank holding companies.

(f) The likelihood of profitable operations during each of the banks first three years.

(g) Transactions respecting the bank's purchase and/or lease of land and/or buildings; include a discussion about the valuation of these assets.

ITEM 5—ORGANIZERS, DIRECTORS AND OFFICERS

List the following information, in tabular form, with respect to all organizers and proposed directors and executive officers of the bank:

(a) State the name, business address, and age of each individual.

(b) State the approximate number of shares of common stock and the percent of the class each person intends to own of record or beneficially, directly or indirectly.

(c) Give a brief account of the business experience during the past ten years of each organizer, and proposed director and executive officer, including his principal occupations and employment during that period, the name and principal business of any corporation or other organization in which such occupations and employment were carried on, and the name of any bank of which he has been a director or executive officer.

(d) State the amount of all direct and indirect remuneration from the bank each individual in his capacity as an organizer, director or exectuive officer has received during the last 12 months, and the amount each such individual is expected to receive in the 12 months commencing with the effective date of the offering circular. Indicate the aggregate amounts which these individuals have received or will receive, as a group. State whether or not there are contemplated any stock option, stock bonus, money purchase, thrift, pension or employee stock ownership plans, qualified or unqualified, and if there will be any deferred compensation arrangements.

(e) The following statement should be inserted:

"The Comptroller of the Currency has the authority to disallow any of the above persons from assuming his or her designated position."

ITEM 6—PRINCIPAL SECURITY HOLDERS

Furnish the following information:

(a) The total outstanding number of shares of common stock that will be issued, and the amount to be authorized.

(b) The amount and percent of the class to be owned of record or beneficially, directly or indirectly, by all directors, officers, and organizers of the bank, as a group, without naming them and the amount that will be held by the investing public. The following format should be used:

Title of class	Record ownership	Amount beneficially owned	Percent of class beneficially owned
(a)	(b)	(c)	(d)

A footnote to the tabular form should disclose the nature of the beneficial ownership.

(c) The name, business address, and relationship to the bank of any person who will own of record or beneficially, directly or indirectly, 5 percent or more of the outstanding voting securities. The following format should be used:

Name and address	Relationship with bank	Record ownership	Amount beneficially owned	Percent of class beneficially owned
(a)	(b)	(c)	(d)	(e)

A footnote to the tabular form should disclosed the nature of the beneficial ownership.

(d) A description of any arrangements for future stock purchases between the above individuals listed in part (c) and any member of the investing public which may at a subsequent date increase his percent of ownership as disclosed above. If there are no arrangements, so indicate.

(e) A summarization of any borrowing arrangements to finance the stock subscription of the individuals or corporations listed in paragraph (c).

ITEM 7—CAPITAL STOCK

Outline briefly (a) dividend rights; (b) voting rights; (c) liquidation rights; (d) preemptive rights; (e) vote required to amend any of the aforementioned terms; (f) shareholder liability under 12 U.S.C. 55, and (g) any other material terms of the stock being offered.

ITEM 8—MATERIAL TRANSACTIONS

(a) Describe any direct or indirect material interest of any of the following persons in any material transactions, or proposed material transactions, to which the bank was or is to be a party.

(1) Any organizer, proposed director, or executive officer of the bank.

(2) Any person who owns or will own of record or beneficially 5% or more of the outstanding voting securities as named in the answer to Item 6(c).

(3) Any associate of any of the foregoing.

INSTRUCTIONS

(1) For purposes of this item, any of the following transactions may be deemed material if the amount of the transaction or series of transactions exceed 1% of the equity capital being offered:

(i) Any transaction or proposed transaction in which a specified person sells real property, fixtures or any other assets to the bank. State the cost of the assets to the bank, and the cost of the asset to the specified person if acquired by the specified person within five years prior to the sale.

(ii) Any transaction or proposed transaction in which a specified person receives remuneration for services, directly or indirectly (other than in the capacity of an organizer, proposed director, or executive officer of the bank).

(iii) Any transaction or proposed transaction in which a specified person leases real or personal property to the bank. Indicate the cost of the asset if acquired by the lessor within five years, the annual lease payments, the terms of the lease, and the total aggregate lease payments.

ITEM 9—MARKETABILITY OF SECURITIES

Indicate the anticipated nature of the secondary market for the securities being offered. If there can be no assurance of the marketability of the securities, so state.

ITEM 10—DIVIDEND POLICY

State the policy of the bank as to the declaration of dividends and the retention of profits. Briefly describe the restrictions on the declaration of dividends imposed by banking law, and state that under certain circumstances, the approval of the Comptroller of the Currency may be required prior to the payment of a dividend.

ITEM 11—PENDING LEGAL PROCEEDINGS

Briefly describe any material pending or contemplated legal proceeding to which the bank is or may be a party.

ITEM 12—FINANCIAL STATEMENTS

The requirements as to financial statements are described in Item 16 to Section 16.6. In addition to those required statements, the bank should provide:

(a) A description of any assets contributed by organizers or stockholders and the method used in valuing these assets.

(b) An estimate of organizational expenses expected ot be incurred prior to the commencement of business.

§ 16.8 Advertisements.

Any written advertisement (or other written communication, if not accompanied by an offering circular), or any film, radio, or television broadcast, which refers to a present or proposed public offering of securities subject to this Part may be published, distributed, or broadcast only after a copy of the advertisement and the preliminary offering circular have been filed with the Comptroller of the Currency. Such advertisement may contain only the following information:

(a) A statement that the announcement is neither an offer to sell nor a solicitation of an offer to buy any of the securities and that the offering is made only by the offering circular.

(b) The name and address of the bank, and the principal underwriters, if any.

(c) The title of the security, the dollar amount and number of securities being offered, and the per unit offering price to the public.

(d) If debt securities are being advertised, indicate in capital letters and boldface type.

"THESE OBLIGATIONS ARE NOT DEPOSITS AND ARE NOT INSURED BY THE FEDERAL DEPOSIT INSURANCE CORPORATION. THEY ARE SUBORDINATE TO THE CLAIMS OF DEPOSITS AND OTHER CREDITORS AS MORE FULLY DESCRIBED IN THE OFFERING CIRCULAR."

(e) Where a copy of the offering circular may be obtained.

Dated: July 30, 1976.

[SEAL] JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.76-22665 Filed 8-4-76;8:45 am]

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federal register

THURSDAY, AUGUST 5, 1976



PART V:

CONSUMER PRODUCT SAFETY COMMISSION

PRIVACY ACT

Systems of Records

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CONSUMER PRODUCT SAFETY COMMISSION

PRIVACY ACT OF 1974

Notices of Systems of Records Amendment

The Consumer Product Safety Commission hereby amends its Notice of System of Records designated CPSC—6, Employee Career Development, originally published September 30, 1975 (40 F.R. 45125), to reflect an additional system location and system manager.

The amended Notice of System of Records shall read as follows:

CPSC—6

System name: Employee Career Development—CPSC

System location: (1) Division of Personnel Management (2) Division of Training and Manpower Development. Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207.

Categories of individuals covered by the system: CPSC employees who have expressed interest in and made application for extramural training courses, and courses designed exclusively for internal use.

Categories of records in the system: These records contain applications for training in government and non-government facilities; approvals; disapprovals; cancellations and deferrals of course offerings; evaluations of course offerings; records on payment of training bills; statistical reports on training activities; counseling notations pertaining to employees interested in courses.

Authority for maintenance of the system: Executive Order 11348; USC 4103, 4108, 4109, 4110, 4113, 4118. .

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records is used or a record may be used:

(a) To obtain enrollment into training course or seminar.

(b) To provide statistical reports to Congress, agencies, and the public on characteristics of the Federal work force.

(c) To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

(d) To request information from a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information concerning the hiring or retention of an employee.

(e) To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

(f) As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

(g) To provide data for the automated Central Personnel Data File (CPDF).

(h) By the Civil Service Commission for purpose of making a decision when a Federal employee or former Federal employee is questioning the validity of a specific document in an individual file.

(i) To any agency of the Federal Government having oversight or review authority with regard to Civil Service Commission activities.

(j) To provide data to update the Federal Automated Career Systems (FACS).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by names.

Safeguards: Records are located in metal file cabinets in secured rooms with access limited to those whose official duties require access.

Retention and disposal: Records are maintained indefinitely. Disposal is by normal procedures.

System manager(s) and address:

1) Director, Division of Personnel Management, ORU
2) Director, Division of Training and Manpower Development, BIE

Consumer Product Safety Commission
Washington, D.C. 20207

Notification procedure: Employees and former employees: Director, Office of Resource Utilization, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207. Others: Office of the Secretary, Consumer Product Safety Commission, 1750 K Street, N.W., Suite 800, Washington, D.C. 20207.

Record access procedures: Same as notification.

Contesting record procedures: Same as notification.

Record source categories: Information in this system of records comes from the individual to whom it applies or is derived from, information he/she supplied, except information provided by agency officials.

Dated: July 29, 1976.

Sadye E. Dunn.
Secretary, Consumer Product Safety Commission.

[FR Doc.76-22405 Filed 8-4-76;8:45 am]

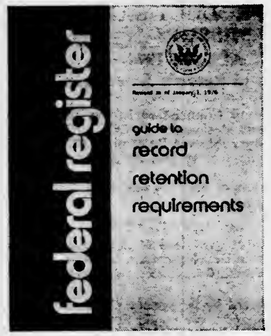
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Latest Edition

Guide to Record Retention Requirements

[Revised as of January 1, 1976]



This useful reference tool, compiled from agency regulations and U.S. Statutes, is designed to assist industry and the public with their recordkeeping obligations.

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reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

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FRS—Securities credit transactions; requirements for inclusion on List of OTC Margin Stocks... 28256; 7–9–76
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List of Public Laws

This is a continuing numerical listing of public bills which have become law, together with the law number, the title, the date of approval, and the U.S. Statutes citation. The list is kept current in the FEDERAL REGISTER and copies of the laws may be obtained from the U.S. Government Printing Office.

H.R. 11504..... Pub. Law 94–372
To amend section 502 of the Merchant Marine Act, 1936
(Jul. 31, 1976; 90 Stat. 1042)

H.R. 13308..... Pub. Law 94–374
To amend the Federal Aviation Act of 1958 to extend the authority of the Secretary of Transportation with respect to war risk insurance
(Jul. 31, 1976; 90 Stat. 1065)

H.R. 14231..... Pub. Law 94–373
Department of the Interior and Related Agencies Appropriation Act, 1977
(Jul. 31, 1976; 90 Stat. 1043)

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The six-month trial period ends today, August 6. The program is being continued on a voluntary basis (see OFR notice in this issue). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: Questions, corrections, or requests for information regarding the contents of this issue only may be made by dialing 202–523–5286. For information on obtaining extra copies, please call 202–523–5240. To obtain advance information from recorded highlights of selected documents to appear in the next issue, dial 202–523–5022.

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rules and regulations

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTION, MARKETING PRACTICES, DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—COMMODITY STANDARDS AND STANDARD CONTAINER REGULATIONS

PART 35—EXPORT GRAPES AND PLUMS

Minimum Grade and Other Requirements

This amendment would (1) apply regulations under the Export Grape and Plum Act, as amended (74 Stat. 734; 75 Stat. 220; 88 Stat. 1966; 7 U.S.C. 591–599), to all varieties of vinifera species (European-type) table grapes, and (2) prescribe separate minimum grade and other requirements to such grapes exported to different destinations consistent with the demand in each market.

Notice was published in the FEDERAL REGISTER on June 18, 1976 (41 FR 24715), regarding a proposed amendment to the regulations (7 CFR Part 35) issued pursuant to the provisions of the Export Grape and Plum Act, as amended (74 Stat. 734, 75 Stat. 220; 88 Stat. 1966; 7 U.S.C. 591–599), and to the authority set forth in Section 7, 74 Stat. 734; 7 U.S.C. 597, for carrying out the provisions of said act.

The notice provided a period of 38 days after publication thereof in the FEDERAL REGISTER during which interested persons could file written data, views, or arguments pertaining thereto.

A total of fifteen letters were submitted. These were from growers, shippers, exporters, and industry organizations handling a majority of the shipments of table grapes from California and Arizona. All except two were favorable and suggested no change in the amendment as set forth in the notice. On the negative side, one grower-shipper opposed the changes expressing the view that the amendment would reduce the quantity of better quality table grapes available for domestic use, and effecting compliance with requirements that differ by destinations would be difficult. Indications are that ample supplies of quality table grapes normally are and would continue to be available to serve export demands and domestic consumers' needs. No compliance problems are expected which cannot be overcome.

One letter was submitted by an exporter who requested that the quantity that may be exported exempt from the regulation be increased to 100 packages. The amendment as published in the notice would permit shipment in export of 25 packages or less, either of a single variety or a combination of two or more varieties, not exceeding 1,250 pounds gross weight exempt from regulation requirements. In view of the fact that the exemption of 25 packages or less of grapes has proven to be satisfactory and consistent with purposes of the act to expand export markets, and it is favored by the majority of those who submitted views, it is concluded that no increase in the quantity exempted should be made at this time.

Average annual exports of fresh U.S. grapes during the five-year period 1970–71 through 1974–75 were 107,096 metric tons. Exports of fresh grapes to Japan during 1974–75 were 767 metric tons compared to 729 metric tons in 1973–74 and 213 metric tons in 1972–73. Exports of fresh grapes to Sweden, the leading European export destination, were 1,419 metric tons in 1974–75, down from exports of 2,016 metric tons in 1973–74.

The amendment requires exports of U.S. fresh European-type grapes in packages to Europe, Greenland, and Japan to meet the minimum requirements of the U.S. Fancy Table Grade with the additional requirement that the minimum bunch size for all varieties shall be one-half pound. Exports of such grapes to any other destination, excluding Canada and Mexico, are required to meet the minimum requirements of the U.S. No. 1 Table Grade except that an additional tolerance of 2 percent is permitted for sealed berry cracks in Ribier and Exotic varieties. The amendment recognizes that differences exist in quality preferences in different export markets and prescribes grade requirements for grapes appropriate to the demand in each such market. Under the amendment, shipments of fresh grapes to Canada and Mexico are exempt from the regulations. Demand in these contiguous countries is similar in character to that in domestic markets and this tends to minimize the need for export regulations to destinations in such countries. Additionally, in the case of Canada, that country applies quality and inspection requirements to imports of grapes which are similar to those prescribed by the amendment.

The amendment requires packages to be marked with the inspection lot stamp number and, as currently required, the name and address of the grower or packer and the name of the variety. Mandatory grade marking of packages would not be required. Inspection certificates certifying compliance with the requirements of the act are designated as an "Export Form Certificate" and bear one of the following statements as applicable: (1) For any variety meeting specifications of paragraph (a) of § 35.11, "Meets requirements of Export Grape and Plum Act" or (2) For any variety meeting specifications of paragraph (b) of § 35.11, "Meets requirements of Export Grape and Plum Act except for export to destinations in Europe, Greenland, or Japan."

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, and the views and comments submitted during the notice period, it is hereby found that the amendment of the said regulations as hereinafter set forth is in accordance with the provisions of the act.

1. Sections 35.5 and 35.6 are revised by deleting from each the words "Emperor variety" and substituting therefor the words "any variety of vinifera species table." As revised §§ 35.5 and 35.6 read as follows:

§ 35.5 Package.

"Package" means any container of any variety of vinifera species table grapes.

§ 35.6 Shipment.

"Shipment" means one or more lots of any variety of vinifera species table grapes shipped or offered for shipment by any one person in a single conveyance to a foreign country regardless of the number of consignees, receivers, or ports of destination in that country.

2. Section 35.11 is amended by revising the introductory language and paragraphs (a), (b), and (c) to read as follows:

§ 35.11 Minimum requirements.

No person shall ship, or offer for shipment, and no carrier shall transport, or receive for transportation, any shipment of any variety of vinifera species table grapes unless such grapes meet the following quality and container marking requirements applicable to the variety and destination specified:

(a) Any such variety for export to destinations in Japan, Europe (defined to mean the following countries: Albania, Austria, Belgium, Bulgaria, Czechoslovakia, Denmark, East Germany, England, Finland, France, Greece, Hungary, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Netherlands, Northern Ireland, Norway, Poland, Portugal, Rumania, Scotland, Spain, Sweden, Switzerland, Wales, West Germany, Yugoslavia), or Greenland shall meet each applicable minimum requirement of the U.S. Fancy Table grape grade as specified in the U.S. Standards for Grades of Table Grapes (European or Vinifera Type) (§§ 51.880–51.912 of this title) except that the minimum bunch size for all varieties shall be one-half pound.

(b) Any such variety for export to any foreign destination, other than destinations in Japan, Europe, Greenland, Canada, or Mexico, shall meet each applicable minimum requirement of the U.S. No. 1 Table grape grade as specified in the U.S. Standards for Grades of Table Grapes (European or Vinifera Type) (§§ 51.880–51.912 of this title) except that

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an additional 2 percent tolerance for sealed berry cracks on Ribier and Exotic varieties is allowed.

(c) Each package of any such variety, other than those in packages of 5 pounds or less in master containers, to any destination other than in Canada or Mexico shall be plainly and conspicuously marked with the name and address of the grower or packer, the variety, and the applicable inspection lot stamp number, except that when the packages are unitized, the requirement as to inspection lot stamp marking shall be deemed as met if the exposed box ends on one end of the unit are so marked.

3. Paragraphs (a), (b), and (e) of § 35.12 are revised to read as follows:

§ 35.12 Inspection and certification.

(a) Each person shipping or offering for shipment any variety of vinifera species table grapes, to any foreign destination other than destinations in Canada or Mexico, shall cause them to be inspected within 14 days prior to date of export by the Federal or Federal-State Inspection Service in accordance with regulations governing the inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this chapter) and certified as meeting the requirements of the act and this part.

(b) The Federal or Federal-State certificate shall be designated as an "Export Form Certificate" and shall include one of the following statements as applicable: (1) For any variety meeting specifications of paragraph (a) of § 35.11 "Meets requirements of Export Grape and Plum Act" or (2) For any variety meeting specifications of paragraph (b) of § 35.11 "Meets requirements of Export Grape and Plum Act except for export to destinations in Europe, Greenland, or Japan." No carrier shall transport or receive for transportation any such variety to any foreign destination other than Canada or Mexico unless a copy of the certificate of inspection issued thereon showing that the grapes meet requirements for the applicable export destination is surrendered to such carrier when such variety is so received. The shipper shall deliver a copy of such certificate covering the shipment to the export carrier. Such grapes may be inspected at points other than port of exportation. Whenever such grapes are inspected and certified at any point other than port of exportation, the shipper shall deliver a copy of such certificate to the agent of the first carrier that thereafter transports such grapes and such agent shall deliver such copy to the proper official of the carrier on which the grapes are to be exported.

* * * * *

(e) If the inspector has reason to believe that samples of a lot of any variety of vinifera species table grapes have been obtained for a determination as to compliance with tolerance for spray residue, established under the Federal Food, Drug and Cosmetic Act, as amended (52 Stat. 1040; 21 U.S.C. 301 et seq.), he shall not issue a certificate on the lot unless it complies with such tolerances.

4. Section 35.13 is revised to read as follows:

§ 35.13 Minimum quantity.

Any person may, without regard to the provisions of this part, ship or offer for shipment, and any carrier may, without regard to the provisions of this part, transport or receive for transportation to any foreign destination, a shipment of 25 packages or less of vinifera species table grapes, either a single variety or a combination of two or more varieties, not exceeding 1,250 pounds gross weight.

5. Section 35.14 is revised by deleting the words "Emporer variety" and substituting therefor the words "any variety of vinifera species table." As revised, § 35.14 reads as follows:

§ 35.14 Notice.

If the Secretary is considering withholding the issuance of certificates under the act for a period of not exceeding 90 days to any person who ships, or offers for shipment, any variety of vinifera species table grapes to any foreign destination in violation of any provisions of the act or this part, he shall cause notice to be given to the person accused of the nature of the charges against him and of the specific instances in which violation of the act or the regulations in this part is charged.

Dated, August 2, 1976, to become effective September 15, 1976.

DONALD E. WILKINSON,
Administrator.

[FR Doc.76-22956 Filed 8-5-76;8:45 am]

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 4]

PART 722—COTTON

Subpart—Marketing Quota Regulations for the 1972 and Succeeding Crops of Extra-Long Staple Cotton and Recordkeeping Requirements for Extra-Long Staple and Upland Cotton

1976 CROP MARKETING QUOTA PENALTY RATE

This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31), as amended (7 U.S.C. 1281 et seq.). The purpose of this amendment is to incorporate the rate of penalty applicable to excess extra-long staple cotton produced in the 1976 crop year.

Under the Agricultural Adjustment Act of 1938, the extra-long staple cotton penalty rate per pound on the farm marketing excess is equal to the higher of 50 percent of the parity price as of June 15 of the calendar year in which the crop is produced or 50 percent of the 1976 support price of extra-long staple cotton.

Since the rate of penalty is simply a methematical determination, it is hereby determined and found that compliance with the notice, public procedure, and effective date requirements of 5 U.S.C. 553 is unnecessary and contrary to the public interest, and this document shall become effective August 6, 1976.

The regulations for Marketing Quotas for the 1972 and Succeeding Crops of Extra-Long Staple Cotton and Recordkeeping Requirements for Extra-long Staple and Upland Cotton (37 FR 25029, 38 FR 20840, 39 FR 30340, 40 FR 52715), are amended as follows:

1. Section 722.73 is amended by adding a new subparagraph (c)(5) to read as follows:

§ 722.73 Rate of penalty.

* * * * *

(c) * * *

(5) 1976 ELS cotton penalty rate is 58.5 cents per pound.

(Secs. 346, 347, 373, 375, 63 Stat. 674, as amended, 63 Stat. 675, as amended, 52 Stat. 65, 66, as amended (7 U.S.C. 1346, 1347, 1373, 1375).)

Effective date: This amendment becomes effective on August 6, 1976.

Signed at Washington, D.C., on July 30, 1976.

SEELEY G. LODWICK,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 76-22883 Filed 8-5-76;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Reg. 51]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period August 8–14, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.351 Lemon Regulation 51.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is good on first grade fruit and easier on all other grades. Average f.o.b. price was $6.49 per carton the week ended July 31, 1976, compared to $6.51 per carton the previous week. Track and rolling supplies at 175 cars were down 5 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 3, 1976.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period August 8, 1976, through August 14, 1976, is hereby fixed at 270,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 4, 1976.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-23174 Filed 8-5-76;11:46 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regulations, 1976 and Subsequent Crops Rice Supplement]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1976 and Subsequent Crops Rice Loan and Purchase Program

REVISION OF REGULATIONS

On March 2, 1976, a notice of proposed rulemaking was issued relative to the operating provisions of the loan and purchase program for 1976-crop rice. No comments were received regarding the 1976 program.

In order to incorporate amendments and certain changes in operating provisions determined desirable for more efficient operation of the program and to include necessary provisions as required by the Rice Production Act of 1975 (Pub. L. 94–214, 90 Stat. 181, approved February 16, 1976), the regulations issued by Commodity Credit Corporation published as the 1970 and Subsequent Crops Rice Loan and Purchase Program (35 FR 8443, as amended; 7 CFR § 1421.300–312) are hereby revised effective as to the 1976 and subsequent crops of rice. The material previously appearing in these regulations remains in full force and effect as to the crop years to which it was applicable. The revised regulations delete the cross compliance provisions, define eligible producer, specify the quantity of rice eligible for loans and purchases, and provide for refunds of prepaid handling charges. Accordingly, §§ 1421.300 through 1421.313 of Title 7 are revised to read as follows:

Sec.
1421.300 Purpose.
1421.301 Definitions.
1421.302 Availability.
1421.303 Eligible Rice.
1421.304 Compliance requirements.
1421.305 Determination of quality.
1421.306 Determination of quantity.
1421.307 Warehouse receipts.
1421.308 Warehouse charges.
1421.309 Fees and charges.
1421.310 Inspection certificates.
1421.311 Settlement.
1421.312 Maturity of loans.
1421.313 Support rates.

AUTHORITY: Secs. 4, 5, 62 Stat. 1070, 1072, as amended (15 U.S.C. 714 b and c); secs. 101, 401, 63 Stat. 1051, as amended (7 U.S.C. 1441, 1421); sec. 102, 90 Stat. 183 (7 U.S.C. 1441).

§ 1421.300 Purpose.

This supplement contains program provisions which together with (a) the annual crop year supplement, (b) the General Regulations Governing Price Support for the 1976 and Subsequent Crops, (c) the Cooperative Marketing Association Eligibility Requirements for Price Support regulations in Part 1425 of this chapter, and (d) any amendments or revisions of such regulations, set forth the requirements with respect to price support for the 1976 and subsequent crops of rice.

§ 1421.301 Definitions.

(a) *Farm Operator.* A farm operator is a producer in a farm allotment area who has general control of the farming operations on the farm.

(b) *Rice Operator.* A rice operator is a producer in a producer allotment area who carries out or arranges for the actual planting, cultivation, harvesting, and marketing of a specific acreage of rice on a farm and to whom zero allotment or a specific allotment acreage is attributed.

§ 1421.302 Availability.

A producer desiring price support must request a loan on or notify the ASCS county office of his intention to sell his eligible rice no later than the date(s) set forth in the applicable annual crop supplement to the regulations in this part.

§ 1421.303 Eligible rice.

(a) *General.* To be eligible for loans and purchases, rice must meet the requirements of this section in addition to the other eligibility requirements of the program.

(1) *Eligible producer.* The rice must have been produced by an eligible producer.

(2) *Classes.* The rice must be one of the classes specified in: (i) The applicable annual crop year supplement or (ii) The Official Standards of the United States for Rough Rice other than "Mixed Rough Rice".

(3) *Contamination and poisonous substances.* Rice must not be contaminated by rodents, birds, insects, or other vermin or contain mercurial compounds, toxin producing molds, or other substances poisonous to man or animals.

(b) *Grade requirements for loans.* In addition to the requirements of paragraph (a) of this section, rice at the time it is placed under loan must:

(1) Grade U.S. No. 5 or better (rice of special grades, shall not be eligible), and

(2) Contain not more than 14 percent moisture.

(c) *Quantity Eligible for Loan and Purchase.* (1) *Loans and Purchases.* Loans and purchases shall be available to eligible producers on a farm with respect to a quantity of rice produced on the farm determined by multiplying the farm allotment by the established yield for the farm or, in the producer allotment areas, by multiplying the allotment allocated to

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the farm by each rice operator by the yield established for the rice operator.

(2) *Farm Allotment Areas.* In a farm allotment area, if there is more than one eligible producer on a farm on which there is an acreage allotment, each producer's share of the eligible rice produced on the farm shall be the quantity furnished to the county ASCS office by the farm operator. If any farm operator fails to give such information by August 1 of the crop year or such later date as may be approved by the county office, the county office will determine each producer's share, based on leasing arrangements and other available information. Each producer will be notified of his share of eligibility. The farm operator may, with the concurrence of the county office, reallocate shares on the farm anytime after the original allocation is made: *Provided*, That such reallocation shall not affect the eligibility of rice previously tendered for loan or purchase hereunder.

(3) *Producer Allotment Areas.* In a producer allotment area, if there is more than one eligible producer on a farm to which one or more rice operators have allocated allotments, each producer's share of the eligible rice produced on each such allotment shall be the quantity furnished to the county office by the rice operator who allocated such allotment to the farm. If any rice operator fails to give such information by August 1 of the crop year or such later date as may be approved by the county office, the county office will determine each producer's share, based on leasing arrangements and other available information. Each producer will be notified of his share of eligibility. The rice operator may, with the concurrence of the county office, reallocate shares within an individual allotment on a farm after the original allocation is made: *Provided*, That such reallocation shall not affect the eligibility of rice previously tendered for loan or purchase hereunder.

(4) *Designation of Eligibility.* If an eligible producer is a member of an approved cooperative and delivers a quantity of rice produced on a farm to the cooperative for marketing, such rice shall not be deemed to be eligible rice unless the producer has filed with the cooperative a designation of such quantity of rice as eligible rice to be delivered to the cooperative, the cooperative has notified the county office, and the county office has returned to the cooperative a verification that the producer has eligible rice in this quantity produced on the farm which has not been tendered to the county office for loan or purchase. The producer may cancel such designation in whole or in part at any time prior to delivery of the rice to the cooperative.

§ 1421.304 Eligible producer.

An eligible producer is a rice producer who is a cooperator, who shares in the production of rice on a farm on which there is an acreage allotment or to which a producer allotment has been allocated, whose production of rice is attributable to the acreage allotment, and if a set aside is in effect, who has set aside the required acreage. A producer, for loan and purchase eligibility purposes, shall be considered as a rice producer when he actively participates in the farming operations necessary to produce and harvest a crop of rice on the farm and shares in the rice crop by virtue of furnishing all or part of the land on which the rice is being produced or the labor, water, or equipment necessary to produce and harvest the crop.

§ 1421.305 Determination of quality.

(a) *Quality.* The class, grade, grading factors, milling yield, and all other quality factors shall be determined in accordance with the Official Standards of the United States for Rough Rice, whether or not such determinations are made on the basis of an official inspection.

(b) *Loans and Purchases.* In the case of rice stored commingled in an approved warehouse, loans and purchases will be made on the quality shown on the warehouse receipts or supplemental certificate, if applicable. In the case of rice stored modified commingled or identity preserved, loans and purchases will be made on the basis of the quality shown on the Federal or Federal-State Sample Inspection Certificate, based on a representative sample of each lot of rice taken as authorized by the county office. Loans and purchases on farm stored rice will be based on the rate specified in the annual crop year supplement.

§ 1421.306 Determination of quantity.

(a) *In warehouse*—(1) *Commingled.* The amount of a loan on the quantity of eligible rice stored commingled in an approved warehouse shall be based on the weight specified on the warehouse receipt representing such rice which is pledged as security for the loan, or on the supplemental certificate, if applicable.

(2) *Identity preserved or modified commingled.* The amount of a loan on the quantity of eligible rice stored identity preserved or modified commingled in an approved warehouse shall be based on a percentage, as determined by State committee, of the weight specified on the warehouse receipt representing such rice which is pledged as security for the loan, or on the supplemental certificate, if applicable. Such percentage shall not exceed 95 percent of the weight so specified. The State committee's determination shall be made on a statewide basis or for specified areas within the State. The county committee may lower such percentage on an individual basis when determined to be in the best interest of CCC. Weights determined on the basis of such percentages shall be expressed in terms of whole units of 100 pounds (round 49 pounds or less to the next lowest hundredweight and round 50 pounds or more to the next highest hundredweight).

(b) *On farm.* The quantity of rice placed under a farm storage loan shall be determined in accordance with § 1421.17 and shall be expressed in whole units of 100 pounds.

(c) *Bagged or bulk.* In determining the quantity of bagged rice by weight, the gross weight, including bags, shall be used. When necessary to convert bagged rice to a bulk basis or bulk rice to a bagged basis, an adjustment of 0.6 pounds for each 100 pounds of gross weight shall be made as allowance for the weight of the bag.

§ 1421.307 Warehouse receipts.

(a) *General.* A warehouse receipt representing rice to be placed under a warehouse storage loan, delivered in satisfaction of a farm storage loan, or delivered for purchase must meet the requirements of this section and the General Regulations Governing Price Support for 1976 and Subsequent Crops, as amended or revised. A separate warehouse receipt must be submitted for each class by variety, grade, and milling yield of rice. Each warehouse receipt must carry an endorsement by the warehouseman in substantially the following form:

> Warehouse charges through (applicable maturity date) including, but not limited to, receiving and loading out charges accrued or to accrue and all other charges incident to the acquisition of the rice by CCC on the rice represented by this warehouse receipt have been paid or otherwise provided for and a lien for such charges will not be claimed by the warehouseman from CCC or any subsequent holder of the warehouse receipt. If the rice represented by this warehouse receipt is to be loaded out in bags, the warehouseman agrees that any and all right, title, and interest which he has in such bags shall pass with the rice when such rice is acquired under the price support program or shall pass at the time the rice is loaded out if the rice is not in bags at the time of acquisition by CCC.

(b) *Entries.* Each warehouse receipt or warehousemen's supplemental certificate properly identified with the warehouse receipt must be issued in accordance with the Uniform Rice Storage Agreement.

The following items must be shown on the warehouse receipt and/or supplemental certificate in the case of rice stored commingled or on the warehouse receipt, supplemental certificate, or Federal or Federal-State inspection certificate in the case of rice stored identity preserved or modified commingled:

(1) Whether the rice is stored in bulk or in bags;
(2) Whether the rice is to be delivered in bulk or in bags;
(3) Gross weight for bagged rice and net weight for bulk rice;
(4) Class and variety;
(5) Grade;
(6) Grading factors;
(7) Milling yield;
(8) Moisture;
(9) Method of storage (modified commingled or identity preserved); and
(10) Manner by which rice was received (truck or rail).

(c) *Supplemental certificate.* When required, the supplemental certificate shall be executed by the warehouseman for commingled rice, by the warehouseman and producer for modified-commingled rice, and by the producer for identity-preserved rice.

§ 1421.308 Warehouse charges.

(a) *Farm-stored loans and purchases.* CCC will assume receiving and warehouse storage charges on rice delivered to an approved warehouse after loan maturity date and acquired by CCC (1) in satisfaction of a farm storage loan or (2) through purchase, except that warehouse storage charges will be assumed by CCC only from and after the date of completion of deposit of such rice in the warehouse.

(b) *Warehouse-stored loans and purchases.* CCC will assume warehouse storage charges accruing on and after the day following the loan maturity date on rice which is in approved warehouse storage under loan and is acquired by CCC and on rice which is in approved warehouse storage on the loan maturity date and is purchased by CCC.

(c) *Refund of prepaid handling charges.* The receiving or the receiving and loading out charges to be refunded on the rice referred to in paragraph (a) of this section and § 1421.22(i) shall be at the rate charged the producer by the storing warehouse.

§ 1421.309 Fees and charges.

The producer shall pay a loan service fee and delivery charge as specified in § 1421.11. In addition, a charge of $13.45 for each lot sampled will be made in connection with each warehouse receipt serving as security for either a modified-commingled or identity-preserved warehouse-stored loan.

§ 1421.310 Inspection certificates.

Except in the case of a loan on rice stored commingled in an approved warehouse, settlement with the producer on rice acquired by CCC will be based on the quality shown on the Federal or Federal-State sample inspection certificates. Such inspection certificates shall be dated not earlier than 30 days prior to the maturity date. The cost of Federal or Federal-State inspections as required by this section and § 1421.310 shall be for the account of CCC.

§ 1421.311 Settlement.

Settlement for eligible rice acquired by CCC under loan or by purchase will be made with the producer as provided in § 1421.22, the annual crop year supplement and this section. Where rice is placed under a farm storage loan in an area where a location differential is in effect and is delivered to CCC in satisfaction of the loan in an area where no differential is applicable, settlement for rice acquired by CCC will be made on the basis of the support rate for the area where the rice is delivered. Deliveries of rice shall be in accordance with instructions issued by the county office.

(a) *Commingled warehouse storage.* Settlement for eligible rice stored commingled in an approved warehouse and acquired by CCC under a loan or by purchase shall be made on the basis of the class and the grade, quality, and quantity as shown on the warehouse receipt or supplemental certificate if applicable. Settlement shall also be made on such a basis: (1) Where an approved warehouse issues a commingled warehouse receipt for loan rice delivered into the warehouse from farm storage pursuant to instructions of the county, (2) Where an approved warehouse issues commingled warehouse receipts in exchange for warehouse receipts representing rice under identity preserved or modified commingled warehouse storage loan and (3) Where CCC determines that a warehouseman failed to maintain the identity of rice covered by an identity preserved warehouse storage loan or modified commingled warehouse storage loan. In such case, the warehouseman shall issue a commingled warehouse receipt covering such rice. In the case of purchases, the producer shall, not later than the day following the maturity date specified in the annual crop year supplement, deliver to the county office warehouse receipts under which an approved warehouse guarantees the class and the grade, quality, and quantity of rice sold to CCC.

(b) *Modified commingled—(1) Loans.* Settlement for eligible rice stored modified commingled in an approved warehouse and acquired by CCC under a loan shall be made on the basis of the class, grade, and quality shown on Federal or Federal-State sample inspection certificates and on the basis of the quantity shown on the warehouse receipt or supplemental certificate, if applicable. The county office shall sample the rice for settlement purposes within 10 days after the maturity date.

(2) *Purchases.* Settlement for eligible rice stored modified commingled in an approved warehouse and acquired by CCC under a purchase shall be made on the basis of the class, grade, and quality shown on Federal or Federal-State sample inspection certificates and on the basis of the quantity shown on the warehouse receipt or supplemental certificate, if applicable. The producer shall, within 5 days following the maturity date, deliver to the county office warehouse receipts representing rice stored modified commingled in an approved warehouse. The county office shall sample the rice for settlement purposes within 5 days of the time the producer delivers the warehouse receipt or 10 days after the maturity date, whichever is later.

(c) *Other storage.* Settlement for eligible rice acquired under loan or purchase not covered by paragraph (a) or (b) of this section shall be made on the basis of the class and of the grade and quality shown on Federal or Federal-State sample inspection certificate and on the basis of the quantity shown on official weight certificates. Certificates required by this paragraph (c) shall be dated not earlier than 30 days before the maturity date.

(d) *Weight Determination—(1) Farm storage.* The weight of farm-stored bulk rice acquired by CCC on which settlement will be made shall be the net weight of the rice. The weight of farm-stored bagged rice acquired by CCC on which settlement will be made shall be the combined net weight of the rice and the bags, and title to the bags will pass to CCC with the rice. CCC shall not otherwise pay any amount representing the value of the bags.

(2) *Warehouse-stored.* Rice in approved warehouse storage shall be acquired by CCC on a bagged or bulk basis in accordance with the manner in which the rice is to be loaded out by the warehouseman as indicated on the warehouse receipt. The quantity for settlement purposes shall be the net weight of the rice when acquired in bulk and the combined net weight of the rice and the bags when acquired in bags. Where the warehouse receipt indicates that rice will be loaded out in bags, title to the bags shall pass to CCC at the time of acquisition of the rice. CCC shall not otherwise pay any amount representing the value of the bags. In the event any person should successfully dispute the passing of title to the bags, the producer shall indemnify CCC for any loss sustained by reason thereof.

§ 1421.312 Maturity of loans.

Loans will mature on demand but not later than the date specified in the annual crop year supplement to the regulations in this part.

§ 1421.313 Support rates.

The basic support rate, premium and discounts, and location differentials for use in making loans and purchases shall be set forth in the annual crop year supplement to the regulations in this part.

Effective date: These regulations shall be effective on August 6, 1976.

Signed at Washington, D.C., on August 2, 1976.

SEELEY G. LODWICK,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc.76-22880 Filed 8-5-76;8:45 am]

[Amendment 1]

PART 1430—DAIRY PRODUCTS

Subpart—Price Support Program for Milk

PURCHASE OF FORTIFIED NONFAT DRY MILK

The United States Department of Agriculture has announced that effective

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July 14, 1976, the Commodity Credit Corporation will also purchase nonfat dry milk fortified with vitamins A and D under the dairy support program as provided herein. Accordingly, 7 CFR § 1430.282 is amended by adding a new paragraph (b) (3), as follows:

§ 1430.282 Price support program for milk.

* * * * *

(b) * * *

(3) Beginning July 14, 1976, CCC will consider offers of nonfat dry milk fortified with vitamins A and D in bulk containers meeting specifications in the announcements at 63.40 cents per pound.

(Secs. 201, 401, 63 Stat. 1052, 1054, as amended (7 U.S.C. 1446, 1421); sec. 4(d), 62 Stat. 1070, as amended (15 U.S.C. 714b(d)).)

Signed at Washington, D.C., on July 30, 1976.

SEELEY G. LODWICK,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc.76-22881 Filed 8-5-76;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 73—SCABIES IN CATTLE

Area Quarantined

This amendment guarantines a portion of Graham County in Arizona because of the existence of cattle scabies. The restrictions pertaining to the interstate movement of cattle from quarantined areas as contained in 9 CFR Part 73, as amended, will apply to the area quarantined.

Accordingly, Part 73, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of cattle because of scabies is hereby amended as follows:

In § 73.1a, paragraph (c) relating to the State of Arizona is added to read:

§ 73.1a Notice of quarantine.

* * * * *

(c) Notice is hereby given that cattle in a certain portion of the State of Arizona are affected with scabies, a contagious, infectious, and communicable disease; and therefore, the following area in such State is hereby quarantined because of said disease:

That portion of Graham County comprised of the south ½ of the southeast ¼ of sec. 18, T. 6, R. 26E.

* * * * *

(Sec. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132 (21 U.S.C. 111-113, 115, 117, 120, 121, 123-126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141)

Effective date: The foregoing amendment shall become effective August 2, 1976.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of cattle scabies and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 2d day of August 1976.

J. M. HEJL,
Deputy Administrator,
Veterinary Services.

[FR Doc.76-22820 Filed 8-5-76;8:45 am]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Area Quarantined

● *Purpose.* The purpose of this amendment is to quarantine the entire State of New Jersey because of hog cholera. ●

This amendment quarantines the entire State of New Jersey because of the existence of the contagion of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined areas.

Accordingly, Part 76, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respect:

§ 76.2 [Amended]

In § 76.2, a new paragraph (e) (4) relating to the State of New Jersey is added to read:

* * * * *

(e) * * *

(4) *New Jersey.* The entire State.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141.)

Effective date. The foregoing amendment shall become effective August 3, 1976.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera, and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 3rd day of August, 1976.

PIERRE A. CHALOUX,
Acting Deputy Administrator,
Veterinary Services.

[FR Doc.76 23120 Filed 8-5-76;8:45 am]

SUBCHAPTER E—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS; ORGANISMS AND VECTORS

PART 113—STANDARD REQUIREMENTS

Miscellaneous Amendments

● *Purpose:* To make conforming changes in a test procedure and to correct a copying error in a Standard Requirement. ●

Statement of Considerations: On February 13, 1976, (41 FR 6751), paragraphs (b) (1) and (c) (5) of section 113.28, were amended to permit the use of purified water instead of distilled water. On July 6, 1976, (41 FR 130), paragraph (a) of § 113.25 was also amended to permit the use of purified water instead of distilled water.

To conform with these changes, § 113.28(a) (1) (ii) and § 113.28(c) (1) are amended by substituting the word "purified" for the word "distilled."

On May 28, 1976, (41 FR 105), paragraph (c) (10) of section 113.203 was published with a copying error under the heading of *Specificity Index.* "400 mm³ or greater" should read "440 mm² or greater." These amendments correct this error.

Each word in the heading for § 113.203 is to be capitalized.

1. Section 113.28 is amended by revising paragraphs (a) (1) (ii) and (c) (1) to read:

§ 113.28 Detection of mycoplasma contamination.

* * * * *

(a) * * *

(1) * * *

(ii) Prepare 1 gram/100 milliliters (ml) purified water (1 percent solution) of each. Mix the solutions together; the cysteine reduces the DPN. Filter sterilize, dispense in appropriate amounts and store frozen at —20 degrees centigrade.

* * * * *

(c) * * *

(1) Dissolve in 900 ml of purified water by boiling the following:

Heart infusion agar	g	25
Heart infusion broth	do	10
Proteose peptone No. 3	do	10
1 pct thallium acetate	ml	25

* * * * *

2. Section 113.203 is amended by revising paragraph (c) (10) to read:

§ 113.203 Tuberculin—PPD Bovis, Intradermic.

(c) * * *

(10) * * *

Specificity index:	*Classification*
440 mm² or greater	Satisfactory.
Between 360 mm² and 440 mm²	Inconclusive.
Less than 360 mm²	Unsatisfactory.

* * * * *

(21 U.S.C. 151 and 154; 37 FR 28477; 38 FR 19141)

These amendments provide a correction in one test procedure and a change in media preparation in each of two test procedures used in the veterinary biologics control program administered in accordance with the Virus-Serum-Toxin Act. In order to be of maximum benefit, they must be made effective immediately.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure concerning these amendments are impracticable and unnecessary, and good cause is found for making these amendments effective less than 30 days after publication in the FEDERAL REGISTER.

The foregoing amendments shall become effective August 6, 1976.

Done at Washington, DC, this 2nd day of August, 1976.

J. M. HEJL,
Deputy Administrator,
Veterinary Services.

[FR Doc.76-22821 Filed 8-5-76;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. RM76-8; Order No. 539-B]

PART 2—GENERAL POLICY AND INTERPRETATIONS

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT

Enforcement of Deliverability and Rendition of Natural Gas Service Under Certificated Arrangements

JULY 30, 1976.

In Order No. 539[1] the Commission reiterated its policy to enforce certificated delivery obligations. In Order No. 539-A[2] the Commission clarified its prior order, granted in part and denied in part reconsideration, and issued a notice of proposed rulemaking to promulgate § 2.83 as a section of the Commission's general policy and interpretations. Written comments on the proposed rulemaking were received and oral argument before the Commission was held on May 4, 1976. The entire record in Docket No. RM76-8 is now before us for final determination.

In Order No. 539, we spoke of a "certificated minimum daily delivery obligation". From the reactions of the parties, we learned that the quoted phrase meant different things to different persons, depending, of course, on their respective views of the certainty of natural gas production. Some respondents interpreted the phrase to mean that a producer would be required to deliver a set volume of gas every day for the entire contract term or be subject to the criminal penalties of the Natural Gas Act,[3] while other persons related the meaning of the phrase to the producer's best efforts to deliver presently producible supplies. Our attempt in Order No. 539-A to clarify the meaning of "certificated minimum daily delivery obligation" did not settle the matter, as the continued confusion in the rulemaking proceeding showed. We must conclude that the clause is not one that has a generally accepted meaning among pipelines and producers. In this order, based on all material submitted in Docket No. RM 76-8, we will make clear the intention of the Commission with respect to its policy on certificate obligations and enforcement of such obligations.

Under section 7 of the Natural Gas Act,[4] the Commission authorizes a natural gas company to perform a service, the sale for resale in interstate commerce of natural gas. In order for this sale by a producer to be lawful, it must procure from the Commission a certificate of public convenience and necessity. This certificate is the physical evidence of the producer's right to commence the approved service.[5] The certificate itself sets forth the terms and conditions under which the producer must operate, which include but are not limited to those obligations incurred by reason of the contract of sale.

Whatever the obligations voluntarily entered into by the producer in the contract of sale with the pipeline, the contract terms must normally bow to the conditions included in the certificate. Where, however, the contract provisions incorporated into the certificate include greater responsibilities and obligations than those imposed by the certificates, such as in a warranty of delivery agreement, the producer, of course, will be held accountable to those greater responsibilities and obligations.

Some parties to this proceeding advance the argument that a common term in producer-pipeline contracts called the "sole discretion" clause permits the producer complete control over deliverability to the pipeline. Thus, a typical reservations clause in a sales contract provides, in part, that the seller reserves the right "to operate its property free from any control by Buyer in such manner as Seller, in its *sole discretion* may deem advisable, including without limitation, the right to drill new wells, to repair and rework wells and to abandon any well * * *"[6] (Emphasis added.) Even though the view that the seller rules the transaction is not universally held even in the industry,[7] the Commission wants to make clear that its certificate conditions, and the incidents of service which it represents, are superior to any limitations on Commission authority contained in the contract.

The question then, which the Commission attempted to address in Order Nos. 539 and 539-A, is what standard or test of deliverability the producer is required to live up to under the provisions of the Natural Gas Act and the rules and regulations of this Commission. Natural gas companies,[8] as that term is defined in the Natural Gas Act,[9] are required under sections 4, 5, and 7[10] to fulfill certain service obligations arising from the Act itself,[11] together with other responsibilities that may result from other Federal or State laws or the law of private contracts. Pursuant to the Act itself, however, jurisdictional sales, service, and operation of natural gas companies must be just, reasonable, not unduly discriminatory, preferential, or otherwise unlawful, and in the public interest.

In response to the allegations that have been made concerning our authority to enforce certificate obligations and to condition certificates to aid in this enforcement, section 7(e) of the Natural Gas Act[12] provides that, in order for the Commission to issue a certificate of public convenience and necessity, it must determine that the applicant is "* * * able and willing *properly* to * * * perform the service proposed * * *" (emphasis added). Certain parties to this proceeding have asserted that this finding is made only at the commencement of the sale. Such a contention does not comport with the ordinary meaning of "service", which implies a continuing obligation, nor with the remainder of the section, which requires that the applicant be found to be willing to conform to the provisions of the Natural Gas Act and the Commission's regulations.[13] The Commission has long recognized a distinction between the service to the public that is

[1] Promulgating Statement of Policy, Order No. 539, Docket No. RM76-8, ---- FPC ---- (October 14, 1975).

[2] Order Granting In Part And Denying In Part Reconsideration, Clarifying Order No. 539, Denying Stay, Noticing Of Proposed Rulemaking, Noticing Of Oral Argument And Granting Intervention, Order No. 539-A, ---- FPC ---- (March 26, 1976, 41 FR 14531, April 6, 1976).

[3] Natural Gas Act, section 21; 15 U.S.C. 717t.

[4] Natural Gas Act, section 7; 15 U.S.C. 717f (a)-(e).

[5] *Atlantic Refining Co.* v. *Public Service Commission of N.Y.*, 360 U.S. 378, 389 (1959).

[6] See, e.g., Comments of Tenneco Oil Company, Docket No. RM76-8, Appendix A, p. 7, filed April 19, 1976.

[7] Oral Argument, Tr. 95-96.

[8] The Supreme Court's decision in *Phillips Petroleum Company* v. *Wisconsin*, 347 U.S. 672 (1974) found independent producers to be "natural gas companies" within the meaning of section 2(6) of the Natural Gas Act, 15 U.S.C. 717a(6).

[9] 15 U.S.C. 717a.

[10] 15 U.S.C. 717c, 717d, 717f.

[11] *F.P.C.* v. *Louisiana Power and Light Company*, 406 U.S. 621 (1972); *Pennsylvania Water and Power Company* v. *F.P.C.*, 343 U.S. 414, 422 (1952).

[12] 15 U.S.C. 717f(c).

[13] *Mitchell Energy Co.* v. *F.P.C.*, ---- F. 2d ----, No. 75-3110 (5th Cir., June 11, 1976).

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certificated and the contractual agreement that provides for the sale, especially since the service obligation outlives the contractual authorization.[14] Since the requirement of service continues until the Commission permits abandonment, and since the holder of a certificate from the Commission must comply with the rules and regulations thereof, it is simply incorrect to assert that the Commission cannot act to preserve the integrity of its certification process by conducting an oversight review of an on-going service obligation.[15] A mere reference to the authority granted the Commission in section 5(a) of the Act [16] should suffice to prove the correctness of the view that the Commission has a continuing responsibility to the public to insure that recipients of certificates issued by the Commission are, throughout the life of the certificate, performing consistent with their obligations under the Natural Gas Act.

Historically, jurisdictional actions of natural gas companies have been reviewed by this Commission on the basis, among others, of whether the company acted prudently under the circumstances presented.[17] The prudent operator standard has long been established as an implied covenant in lease agreements, which means that producers are very familiar with the requirements of this standard.[18] Furthermore, state regulatory agencies, whose principal purpose is conservation of natural resources, require producers to conform to their codified regulations, which are consistent with the responsibilities imposed by the prudent operator standard.[19] The Department of the Interior has, in effect, incorporated the prudent operator test into its offshore regulations by the use of the terms "reasonable" and "diligence" in describing the lessee's obligations as set forth in the leasing agreement.[20] Obviously, then, all producers are acquainted with the strictures of the prudent operator standard. Therefore, there should be no contention that the Commission's action in the instant order is insufficiently specific for respondents to understand the responsibilities incurred in complying with the prudent operator standard.[21]

Once deliveries have commenced under the certificate, as conditioned, the responsibility for the development and maintenance of the gas reserves underlying the committed acreage rests with the producer, and the applicable standard by which to judge whether a producer is properly proceeding with these responsibilities will be the above-referenced "prudent operator standard".

This standard encompasses the obligations to develop the properties consistent with the performance requirements of lease agreements with mineral owners and/or assignors; all valid rules and regulations of any Federal,[22] state or local government having jurisdiction; and the standard of what a reasonably prudent producer would do with respect to the drilling completion, workover, recompletion or abandonment of wells.

We have set forth in this order the nature and extent of the service obligations incurred by a natural gas company in accepting a certificate from this Commission, along with tracing the historical link between service and prudent operation. Therefore, it is consistent with the expression in Order Nos. 539 and 539–A of a statement of policy, that the Commission reiterates its intention to enforce the prudent operator standard as implicit in the service obligations contained in all existing certificates.

The Commission's authority to hold certificate recipients to the prudent operator standard rests, as we have previously stated, in the concept expressed in the Natural Gas Act as service, as that term has been interpreted by the Commission and the courts. For example, the Supreme Court in *Sunray Mid-Continent Oil Company* v. *Federal Power Commission* [23] stated:

> [t]he Commission's practice supports its authority here in the terms of section 7(e). It has long drawn a distinction between the underlying service to the public a natural gas company performs and the specific manifestation—the contractual relationship—which that service takes at a given moment.[24]

The Commission has embodied this idea into its certificates of public convenience and necessity by including as a condition thereof the following language;

> The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 7 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or here instituted by or against Applicants. Further, our action in this proceeding shall not foreclose or prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. The grant of the certificates aforesaid for service to the particular customers involved does not imply approval of all of the terms of the contracts, particularly as to the cessation of the service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.[25]

The Commission has only recently spoken to the issue presented in this rulemaking procedure, the relationship of the contract to the certificate and which prevails if there is a conflict. In its Opinion No. 662 the Commission held that:

> [t]he contract between Texas Eastern and Gulf obviously gave rise to rights and obligations; much is made in the briefs before us concerning the nature, extent and enforceability of those rights and obligations. We set these matters aside. We look instead to Gulf's certificate of public convenience and necessity, for it too gave rights and obligations, and these are clearly ours to interpret, modify, or enforce as the case may require. (Footnote omitted.) [26]

As an additional objection to a Commission imposed standard of deliverability, the producers have strenuously argued that Section 1(b) of the National Gas Act prohibits the Commission from conditioning, pursuant to section 7(e) of the Act, a certificate to aid in the enforcement of delivery obligations that exist in a contract as certificated. Section 1(b) does not, however, preclude the Commission from enforcing the contractual provisions of a gas sales contract and various delivery obligations contained therein or in the certificate. As the Court indicated in *Phillips Petroleum Company* v. *Wisconsin*,[27] "sales in interstate commerce for resale by producers to interstate pipeline companies do not come within the 'production or gathering' exemption." Once a contract has been certificated, the obligations must be performed in accordance with the provisions of the Natural Gas Act, including section 7(b) of the Act. If the seller under a certificate is not meeting the delivery obligations of such certificate, there has been either a partial or total abandonment of certificated service which requires Commission approval pursuant to section 7(b). Accordingly, attachment of a condition to a certificate to assure compliance with section 7(b) of the Act cannot be considered an unreasonable condition contrary to the requirements of section 7(e) of the Act. Moreover, section 1(b) of the Act does not, in any fashion, limit the Commission's authority conferred upon it by section 7(b).

Despite the Commission's belief that the prudent operator standard is implicit in the service obligation included in all

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[14] *Sunray Mid-Continent Oil Co.* v. *F.P.C.*, 364 U.S. 137 (1960) at 152–153.

[15] *United Gas Pipe Line Co.* v. *F.P.C.*, 385 U.S. 83, 89 (1966).

[16] 5 U.S.C. 717d.

[17] *F.P.C.* v. *Natural Gas Pipeline Company*, 315 U.S. 575 (1942).

[18] See, Williams, Howard R. and Meyers, Charles J., Oil and Gas Law, § 806, Prudent-Operator Standard, Volume 5, Matthew Bender & Company, Inc. (1972). See also, Oral Argument of May 4, 1976, in Docket No. RM76–8, Tr. 6–7, 62–64, 95–96, 122; Gas and Oil, section 127 Generally; prudent operator rule, 38 Am. Jur. 2d 601 (1968).

[19] Oral Argument, Tr. 15.

[20] 30 CFR 250.33, 43 CFR 3307.3–2, 3307.3–4.

[21] Our clarification herein should not be interpreted as relieving pipelines from their obligations, arising under the Natural Gas Act, to enforce certificated contractual obligations unilaterally where the need arises.

[22] Outer Continental Shelf Lands Act, 43 U.S.C. 1331, et seq. See also, 30 CFR 250, et seq.; 43 CFR 3300, et seq.; OCS Orders 1 through 12, Governing Oil, Gas, And Sulphur Leases To The Outer Continental Shelf Gulf Of Mexico Area, United States Department of the Interior, Geological Survey, Conservation Division, January, 1975.

[23] 364 U.S. 137 (1960).

[24] Id. at 152.

[25] See, e.g., Amoco Production Company, et al., Docket No. CI63–479, et al., issued September 19, 1975.

[26] Gulf Oil Corporation, Docket No. CI64–26, 51 FPC 1340, 1352 (1974).

[27] 347 U.S. 672, 680–81 (1954).

certificates issued by this Commission, we wish to make this point clear to all future certificate applicants by including as a condition in all certificates issued on or after the date of this order notice of the supremacy of the certificate to the contract and the application of the prudent operator standard to deliverability obligations. Therefore, pursuant to the notice of proposed rulemaking set forth in Order No. 539–A, the Commission will amend its rules and regulations to add a new § 157.41, to read as set forth below.

A party that objects to the inclusion of this condition in its certificate may reject the certificate outright or accept with the reservation of its right to appeal the offending condition under section 19(b).[28]

In light of our clarification of Order Nos. 539 and 539–A holding a producer to the legally applicable principle of the prudent operator standard, § 2.83 of the Commission's regulations is hereby deleted from the Commission's general policy and interpretations. As to all certificates issued from October 14, 1975 to date that contain § 2.83(d) as a condition thereof, whether accepted and/or whether rehearing or reconsideration of the order issuing said certificate was sought or not, the § 2.83(d) condition contained therein is hereby vacated, but each and every other condition included in said certificate is fully applicable, unless such condition has become the subject of a petition for rehearing or reconsideration that has been granted by this Commission.

In lieu of the § 2.83(d) condition included in all certificates issued on or after the October 14, 1975 date of Order No. 539, the Commission will substitute therefore the prudent operator standard presented herein and incorporated into the Commission's regulations as new § 157.41. This provision applies whether rehearing or reconsideration was sought for the § 2.83(d) condition. If, however, rehearing or reconsideration was sought, whether granted as yet or not, those proceedings are incorporated into this rulemaking proceeding for resolution. Because of the Commission's decision expressed in this order to use the prudent operator test to judge the service obligation of the producer under the certificate, all petitions for rehearing or reconsideration pending before this Commission are granted in part and denied in part.

Finally, the data necessary to facilitate any Commission action deemed necessary in implementing the instant order is either currently required to be filed by the appropriate persons or will be required as a result of our order implementing Form No. 108. More specifically, any information and materials submitted by virtue of Form No. 108, Form No. 15 and Form No. 40 will be used to assist the Commission and its Staff in enforcing certificated obligations.

The Commission finds. (1) The Commission's prior orders, Order Nos. 539 and 539–A, should be clarified consistent with this order.

(2) The notice and opportunity to participate in this proceeding with respect to the matter presently before the Commission through the submission, in writing of comments and through participation at oral argument before the Commission, is consistent and in accordance with all procedural requirements therefore as prescribed in Section 553, Title 5 of the United States Code.

(3) The amendment to section 157 of the Commission's regulations under the Natural Gas Act is necessary and appropriate for the administration of the Natural Gas Act.

(4) Section 2.83 should be deleted from Part 2, statements of general policy and interpretations of the Commission.

(5) The Commission should include in all certificates issued on or after the date of issuance of this order a condition stating that all sales made pursuant to the certificate are subject to review under the prudent operator standard.

(6) It is the public interest to delete § 2.83(d) as a condition to all certificates issued on or after October 14, 1975, whether such certificates were accepted or not, and insert in its place the condition set forth in the newly promulgated § 157.41 of the Commission's Regulations under the Natural Gas Act.

(7) It is in the public interest that all petitions for rehearing or reconsideration raising an issue regarding the imposition of § 2.83(d) as a condition to a certificate are incorporated into this proceeding for disposition of that issue and should be granted in part and denied in part for the reasons expressed in this order.

The Commission orders. (A) The Commission's Order Nos. 539 and 539–A are clarified consistent with this order.

(B) The Commission, acting pursuant to its authority under the Natural Gas Act, as amended, particularly sections 4, 5, 7, and 16 thereof, 15 U.S.C. 717c, 717d, 717f, and 717o, hereby orders that its general rules, Title 18 of the Code of Federal Regulations, be amended by adding a new § 157.41 as follows:

§ 157.41 Condition for producer certificates of public convenience and necessity.

On and after July ____, 1976, all certificates of public convenience and necessity for the sale of natural gas for resale in interstate commerce shall be conditioned as follows:

All persons making jurisdictional sales pursuant to the authority granted by this certificate are hereby given notice that the contractual obligations between the buyer and the seller are incorporated into the certificate obligations, and that the certificate is further conditioned to require that the seller shall observe the standard of a prudent operator to develop and maintain deliverability from reserves dedicated hereunder.

§ 2.83 [Removed]

(C) Section 2.83 is deleted from Part 2, Statements of General Policy and Interpretations of the Commission.

(D) The § 2.83(d) condition attached to all certificates issued on or after October 14, 1975, is deleted from such certificates and the condition contained in § 157.41 of the Commission's regulations under the Natural Gas Act is inserted in its place.

(E) All petitions for rehearing or reconsideration raising an issue regarding the imposition of § 2.83(d) or as a condition to a certificate of public convenience and necessity are incorporated into this proceeding for disposition of that issue and are granted in part and denied in part for the reasons expressed in this order.

By the Commission.

Commissioner Watt, dissenting, filed a separate statement appended hereto.[29]

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–22744 Filed 8–5–76;8:45 am]

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[28] 15 U.S.C. 717r.

[29] Dissenting statement by Commissioner Watt filed as part of the original document.

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Regulations No. 4]

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950.....)

Introduction, General Definitions and General Provisions

On March 11, 1976, there was published in the FEDERAL REGISTER (41 FR 10446) a notice of proposed rule making with proposed amendments to Subpart A, Regulations No. 4. The proposed amendment brings up to date the existing Subpart A by adding to the general definitions section, reference to the 1965, 1967, 1969, and 1972 Amendments to the Social Security Act along with their corresponding U.S. Statutes at Large references. "Special payments at age 72" for certain uninsured individual, as provided in section 228 of the Social Security Act and § 404.374 of Subpart D of Regulations No. 4, is included under the definition of the term "Benefit." In addition the category of father's benefits is included under the definition of the term "Benefit." Father's insurance benefits are provided as a result of the Supreme Court decision in "Weinberger v. Wiesenfeld, 420 U.S. 636 (1975). Section 404.335a of Subpart D, published in final in the FEDERAL REGISTER on March 30, 1976, at 41 FR 13335, effectuated the Supreme Court's decision by providing that father's insurance benefits are payable on the same basis and under the same conditions as they are payable to mothers having children of the deceased worker in their care.

Interested persons were given the opportunity to submit, within 30 days, data, views, or arguments with regard to the proposed changes. The comment period has expired and no adverse comments were received. The proposed amendment is hereby adopted without change and is set forth below.

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(Secs. 205 and 1102 of the Social Security Act, as amended; 53 Stat. 1368, as amended; 79 Stat. 379, 49 Stat. 647, as amended; 42 U.S.C. 405 and 1302.)

This amendment shall be effective August 6, 1976.

(Catalog of Federal Domestic Program Nos. 13.802, 13.803, 13.804, and 13.805—Disability Insurance, Retirement Insurance, Special Benefits for Persons Age 72 and Over, and Survivors Insurance.)

Dated: July 19, 1976.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: August 2, 1976.

MARJORIE LYNCH,
Acting Secretary of Health, Education, and Welfare.

Part 404 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

Section 404.2 is amended by revising paragraph (a)(1), redesignating paragraphs (a)(10) through (a)(15) as paragraphs (a)(14) through (a)(19) respectively, by adding new paragraphs (a)(10) through (a)(13), by revising the heading to paragraph (b), and by revising paragraph (c)(2) to read as follows:

§ 404.2 General definitions and use of terms.

(a) *Terms relating to the acts and regulations.* (1) "The Act" means the Social Security Act, as amended.

• • • • • •

(10) "Social Security Amendments of 1965" means the act approved July 30, 1965 (79 Stat. 286).

(11) "Social Security Amendments of 1967" means the act approved January 2, 1968 (81 Stat. 821).

(12) "Social Security Amendments of 1969" means the act approved December 30, 1969 (83 Stat. 487).

(13) "Social Security Amendments of 1972" means the act approved October 30, 1972 (86 Stat. 1329).

• • • • • •

(b) *Secretary; Commissioner; Administration; Appeals Council; Administrative Law Judge defined.*

• • • • • •

(c) *Miscellaneous.* • • •

(2) "Benefit" means an old-age insurance benefit, disability insurance benefit, wife's insurance benefit, husband's insurance benefit, child's insurance benefit, widow's insurance benefit, widower's insurance benefit, mother's insurance benefit, father's insurance benefit, parent's insurance benefit, or special payment at age 72 under title II of the Act. (Lump sums, which are death payments under title II of the Act, are excluded from the term "benefit" as defined in this part to permit greater clarity in the regulations).

• • • • • •

[FR Doc.76-22939 Filed 8-5-76;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER A—GENERAL

[Docket No. 76N-0216]

PART 2—ADMINISTRATIVE PRACTICES AND PROCEDURES

Cross-Reference Amendment

The Food and Drug Administration is amending the administrative practices and procedures regulations to update a cross-reference that was inadvertently omitted in the redesignation of Subpart F as Subpart B, which was published in the FEDERAL REGISTER of June 28, 1976 (41 FR 26636).

§ 2.52 [Amended]

§ 2.75 [Amended]

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), Part 2 is amended in § 2.52 *Definitions* and § 2.75 *Exclusion of witnesses and documentary evidence* by changing the reference "Subpart F" to read "Subpart B."

Effective date: This amendment shall become effective August 6, 1976.

Dated: August 2, 1976.

JOSEPH P. HILE,
Acting Commissioner of Food and Drugs.

[FR Doc.76-22885 Filed 8-5-76;8:45 am]

[Docket No. 76N-0275]

PART 27—CANNED FRUITS AND FRUIT JUICES

Clarification of Definitions and Standards of Identity

The Food and Drug Administration is clarifying the definition for canned fruits and fruit juices and the standards of identity for canned peaches, canned apricots, canned pears, canned fruit cocktail, canned plums, and canned figs. The clarifications are being made to avoid misinterpretation. Although the amendments are considered to be nonsubstantive, the Commissioner of Food and Drugs is providing the statutory 30-day period for objections so that anyone who is adversely affected and wishes to object may do so. Except for any provisions that may be stayed by the filing of proper objections, compliance with this regulation, which shall include any required labeling changes, may begin October 5, 1976, and all products initially introduced into interstate commerce on or after January 1, 1978, shall fully comply; objections by September 7, 1976.

A discussion of the amendments that will clarify the definitions and standards of identity follows:

1. Drained weight. The Commissioner is amending the procedure for the determination of compliance for drained weight (21 CFR 27.1(o)(4)) by adding the statement "The sample unit shall be the entire contents of the container."

2. Canned peaches. The Commissioner is amending the labeling section of the standard for canned peaches (21 CFR 27.2(d)(2)) to state that pieces or irregular pieces shall be designated "Pieces", "Irregular Pieces", or "Mixed Pieces of Irregular Sizes and Shapes". The Commissioner is also amending paragraph (d)(2) to state that "'Halves' may be alternatively designated as 'Halved', 'Halves and Pieces' as 'Halved and Pieces', 'Quartered' as 'Quarters', 'Sliced' as 'Slices', and 'Diced' as 'Dice'".

3. Canned apricots. The Commissioner is amending the labeling section of the standard for canned apricots (21 CFR 27.10(d)(2)) to state that pieces or irregular pieces shall be designated "Pieces", "Irregular Pieces", or "Mixed Pieces of Irregular Sizes and Shapes".

4. Canned pears. The Commissioner is revising the section of the standard for canned pears (21 CFR 27.20(b)) that sets forth the optional styles and forms of pack. The Commissioner is also amending the labeling section of the standard (21 CFR 27.20(d)(2)) to state that pieces or irregular pieces shall be designated "Pieces", "Irregular Pieces", or "Mixed Pieces of Irregular Sizes and Shapes". He is also amending paragraph (d)(2) to state that "The style of the pear ingredient shall be preceded or followed by 'Unpeeled' when the units are whole or halves and are unpeeled". The Commissioner is also amending paragraph (d)(2) to provide that "'Halves' may be alternatively designated as 'Halved', 'Quarters' as 'Quartered', 'Slices' as 'Sliced', and 'Diced' as 'Dice'".

5. Canned fruit cocktail. The Commissioner is amending the labeling section of the standard for canned fruit cocktail (21 CFR 27.40(d)(1)) to state that the names "cocktail fruits" or "fruits for cocktail" may be used optionally for the name "fruit cocktail".

6. Canned plums. The Commissioner is revising the section of the standard for canned plums that sets forth the optional styles and forms of pack (21 CFR 27.45(b)). He is also correcting paragraph (c)(2)(i) by including the term "slightly sweetened fruit juice(s)" rather than "lightly sweetened fruit juice(s)" when the density of the syrup packing medium is 11 percent or more but less than 15 percent. The Commissioner is amending the labeling section of the standard (21 CFR 27.45(d)(2)) to state that "The style of the plum ingredient shall be preceded or followed by 'Peeled' when the plums are peeled and by 'Pitted' in the case of whole pitted plums". The Commissioner is also amending paragraph (d)(2) to state that "'Halves' may be alternatively designated 'Halved'".

7. Canned figs. The Commissioner is amending the standard for canned figs (21 CFR 27.70(b)) to define "split" or "broken" fig as "open to such an extent that the seed cavity is exposed, the shape of the fruit may be distorted, and the fruit may or may not be broken apart into entirely separate pieces."

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046, 70 Stat. 919 (21 U.S.C. 341, 371(e))), and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), Part 27 is amended as follows:

1. By revising § 27.1(o)(4) to read as follows:

§ 27.1 Definitions.

• • • • • •

(o) • • •

(4) *Drained weight.* A lot shall be deemed to be in compliance for drained weight based on the average value of all samples analyzed according to the sampling plans. The sample unit shall be the entire contents of the container.

• • • • • •

2. By revising the introductory text of § 27.2(d)(2) to read as follows:

§ 27.2 Canned peaches; identity; label statement of optional ingredients.

(d) • • •

(2) The color type and style of the peach ingredient as provided in paragraph (b)(2) and (3) of this section and the name of the packing medium specified in paragraph (c)(1) and (2) of this section, preceded by "In" or "Packed In" or the words "solid pack", where applicable, shall be included as part of the name or in close proximity to the name of the food, except that pieces or irregular pieces shall be designated "Pieces", "Irregular Pieces", or "Mixed Pieces of Irregular Sizes and Shapes". "Halves" may be alternately designated as "Halved", "Halves and Pieces" as "Halved and Pieces", "Quartered" as "Quarters", "Sliced" as "Slices", and "Diced" as "Dice". The terms "Cling" and "Free" may be used as optional designations for "Clingstone" and "Freestone" respectively. When the packing medium is prepared with a sweetener(s) which imparts a taste, flavor, or other characteristic to the finished food in addition to sweetness, the name of the packing medium shall be accompanied by the name of such sweetener(s), as for example in the case of a mixture of brown sugar and honey, an appropriate statement would be "--------- sirup of brown sugar and honey" the blank to be filled in with the word "light", "heavy", or "extra heavy" as the case may be. When the liquid portion of the packing media provided for in paragraph (c)(1) and (2) of this section consists of fruit juice(s), such juice(s) shall be designated in the name of the packing medium as:

• • • • • •

3. By revising the introductory text of paragraph (d)(2) of § 27.10 to read as follows:

§ 27.10 Canned apricots; identity; label statement of optional ingredients.

• • • • • •

(d) • • •

(2) The style of the apricot ingredient as provided in paragraph (b) of this section and the name of the packing medium as used in paragraph (c)(1) and (2) of this section, preceded by "In" or "Packed In" or the words "solid pack", where applicable, shall be included as part of the name or in close proximity to the name of the food, except that pieces or irregular pieces shall be designated "Pieces", "Irregular Pieces", or "Mixed Pieces of Irregular Sizes and Shapes". The style of the apricot ingredient shall be preceded or followed by "Unpeeled" or "Peeled", as the case may be. "Halves" may be alternatively designated "halved", "quarters" as "quartered" and "slices" as "sliced". When the packing medium is prepared with a sweetener(s) which imparts a taste, flavor or other characteristic to the finished food in addition to sweetness, the name of the packing medium shall be accompanied by the name of such sweetener(s), as for example in the case of a mixture of brown sugar and honey, an appropriate statement would be "---------- sirup of brown sugar and honey" the blank to be filled in with the word "light", "heavy", or "extra heavy" as the case may be. When the liquid portion of the packing media provided for in paragraph (c)(1) and (2) of this section consists of fruit juice(s), such juice(s) shall be designated in the name of the packing medium as:

• • • • • •

4. By revising paragraph (b) and the introductory text of paragraph (d)(2) of § 27.20 to read as follows:

§ 27.20 Canned pears; identity; label statement of optional ingredients.

• • • • • •

(b) *Styles and forms of units.* The optional pear styles and forms of units referred to in paragraph (a) of this section are:

(1) Whole.
(2) Halves.
(3) Quarters.
(4) Slices.
(5) Diced.
(6) Pieces or irregular pieces.

Each such ingredient is peeled, except whole and halves may be, alternatively, unpeeled. Except in the case of whole pears, each such ingredient is cored.

• • • • • •

(d) • • •

(2) The style and forms of units of the pear ingredient as provided in paragraph (b) of this section and the name of the packing medium specified in paragraph (c)(1) and (2) of this section, preceded by "In" or "Packed In" or the words "solid pack", where applicable, shall be included as part of the name or in close proximity to the name of the food, except that pieces or irregular pieces shall be designated "Pieces", "Irregular Pieces", or "Mixed Pieces of Irregular Sizes and Shapes". The style of the pear ingredient shall be preceded or followed by "Unpeeled" when the units are whole or halves and are unpeeled. "Halves" may be alternatively designated as "Halved", "Quarters" as "Quartered", "Slices" as "Sliced", and "Diced" as "Dice". When the packing medium is prepared with a sweetener(s) which imparts a taste, flavor or other characteristic to the finished food in addition to sweetness, the name of the packing medium shall be accompanied by the name of such sweetener(s), as for example in the case of a mixture of brown sugar and honey, an appropriate statement would be "---------- sirup of brown sugar and honey" the blank to be filled in with the word "light", "heavy", or "extra heavy" as the case may be. When the liquid portion of the packing media provided for in paragraph (c)(1) and (2) of this section consists of fruit juice(s), such juice(s) shall be designated in the name of the packing medium as:

• • • • • •

5. By revising the first sentence of § 27.40(d)(1) to read as follows:

§ 27.40 Canned fruit cocktail; identity; label statement of optional ingredients.

• • • • • •

(d) *Labeling requirements.* (1) The name of the food is "fruit cocktail", "cocktail fruits", or "fruits for cocktail". • • •

• • • • • •

6. By revising paragraphs (b) and (c)(2)(i) and the introductory text of paragraph (d)(2) of § 24.45 to read as follows:

§ 27.45 Canned plums; identity; label statement of optional ingredients.

• • • • • •

(b) *Optional styles of the plum ingredient.* The optional plum ingredients specified in paragraph (a) of this section are peeled or unpeeled:

(1) Whole.
(2) Halves.

Peeled or unpeeled whole plums are pitted or, alternatively, unpitted. Peeled or unpeeled plum halves are pitted.

• • • • • •

(c) • • •

(2) • • •

(i) When the density of the solution is 11 percent or more but less than 15 percent, the medium shall be designated as "slightly sweetened water", or "extra light sirup", "slightly sweetened fruit juice(s) and water" or "slightly sweetened fruit juice(s)", as the case may be.

• • • • • •

(d) • • •

(2) The style of the plum ingredient as provided in paragraph (b) of this

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section and the name of the packing medium specified in paragraph (c) (1) and (2) of this section, preceded by "In" or "Packed in" shall be included as part of the name or in close proximity to the name of the food. The style of the plum ingredient shall be preceded or followed by "Peeled" when the plums are peeled and by "Pitted" in the case of whole pitted plums. "Halves" may be alternatively designated "Halved". When the packing medium is prepared with a sweetener(s) which imparts a taste, flavor or other characteristic to the finished food in addition to sweetness, the name of the packing medium shall be accompanied by the name of such sweetener(s), as for example, in the case of a mixture of brown sugar and honey, an appropriate statement would be "_____ sirup of brown sugar and honey", the blank to be filled in with the word "light", "heavy", or "extra heavy", as the case may be. When the liquid portion of the packing media provided for in paragraph (c) (1) and (2) of this section consists of fruit juice(s), such juice(s) shall be designated in the name of the packing medium as:

* * * * *

7. By revising § 27.70(b) to read as follows:

§ 27.70 Canned figs: identity; label statement of optional ingredients.

* * * * *

(b) The optional fig ingredients referred to in paragraph (a) of this section are prepared from mature figs of the light or dark varieties. Figs (or whole figs), split figs (or broken figs), or any combination thereof are optional fig ingredients. A "whole fig" is one which is whole, but may be slightly cracked, provided it retains its natural conformation without exposing the interior. A "split" or "broken" fig is one that is open to such an extent that the seed cavity is exposed. The shape of the fruit may be distorted, and the fruit may or may not be broken apart into entirely separate pieces.

* * * * *

The Commissioner concludes that notice and public procedure are unnecessary for the promulgation of this final regulation as it is of a minor nature and does not impose an additional duty or burden on any person, but rather relieves unnecessary requirements and clarifies the intent prescribed in the regulations.

Any person who will be adversely affected by the foregoing regulation may at any time on or before September 7, 1976, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the regulation, specify with particularity the provisions of the regulation deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Six copies of all documents shall be filed and should be identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date: Except as to any provisions that may be stayed by the filing of proper objections, compliance with this final regulation, including any required labeling changes, may begin October 5, 1976 and all products initially introduced into interstate commerce on or after January 1, 1978, shall fully comply. Notice of the filing of objections or lack thereof will be published in the FEDERAL REGISTER.

(Secs. 401, 701(e), 52 Stat. 1046, as amended, 70 Stat. 919 (21 U.S.C. 341, 371(e)).)

Dated: August 2, 1976.

JOSEPH P. HILE,
Acting Commissioner of Food and Drugs.

[FR Doc.76-22892 Filed 8-5-76;8:45 am]

[FRL 594-2; FAP6H5106/T19]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 193—TOLERANCES FOR PESTICIDES IN FOOD ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

Glyphosate

On October 29, 1975, the Environmental Protection Agency (EPA) gave notice (40 FR 50304) that Monsanto Co., 800 N. Lindbergh Blvd., St. Louis MO 63166, had submitted a petition (FAP 6H5106). This petition proposed that 21 CFR 123 (since redesignated 21 CFR 193) be amended by the establishment of a regulation permitting the use of the herbicide glyphosate (N-(phosphonomethyl)-glycine) and its metabolite aminomethylphosphonic acid in a proposed experimental program involving application to and near impounded and flowing water, with a tolerance limitation of 0.05 part per million (ppm) for residues of the herbicide and its metabolite in potable water, in accordance with an experimental use permit to be issued concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). No comments were received in regard to this notice.

Monsanto Co. has subsequently amended the petition by requesting that the tolerance limitation be increased to 0.1 ppm and by limiting the sites of application of the herbicide and its metabolite to the banks of small water impoundments, irrigation ditch banks, and drainage ditch banks.

The scientific data reported and all other relevant material have been evaluated, and it has been determined that the pesticide may be safely used in accordance with the provisions of the experimental use permit issued under FIFRA. It has further been determined that since residues of the pesticide may result in potable water from the uses provided for by the experimental use permit, the food additive regulation requested by the petitioner should be established and should include a tolerance limitation.

Accordingly a food additive regulation is established as set forth below. Any person adversely affected by this regulation may, on or before September 7, 1976, file written objections with the Hearing Clerk, Environmental Protection Agency, Room 1019, East Tower, 401 M St. SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on August 6, 1976, 21 CFR 193 is amended by adding new § 193.235 as set forth below.

(Sec. 409(c) (1) and (4) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346(c) (1) and (4)].)

Dated: July 29, 1976.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

Part 193 is amended by adding new § 193.235 to read as follows:

§ 193.235 Glyphosate.

(a) A tolerance of 0.1 part per million is established for residues of the herbicide glyphosate (N-(phosphonomethyl)-glycine) and its metabolite aminomethylphosphonic acid in potable water resulting from application of the herbicide in accordance with the provisions of an experimental use permit that expires July 28, 1977.

(b) Residues in potable water not in excess of 0.1 part per million resulting from the use described in paragraph (a) of this section remaining after expiration of the experimental program will not be considered to be actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and food additive tolerance.

(c) Monsanto Co. shall immediately notify the Environmental Protection Agency of any findings from the experimental use that have a bearing on safety. The firm shall also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the Environmental Protection Agency or the Food and Drug Administration.

[FR Doc.76-22959 Filed 8-5-76;8:45 am]

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Dichlorophene and Toluene Capsules

The Food and Drug Administration (FDA) has evaluated a new animal drug application (101–078V) filed by Bayvet Corp., P.O. Box 390, Shawnee Mission, KA 66201, proposing the safe and effective use of dichlorophene and toluene capsules for treating dogs and cats for certain helminth infestations. The application is approved effective August 6, 1976.

The Commissioner of Food and Drugs is amending Part 520 (21 CFR Part 520) to reflect this approval.

In accordance with § 514.11(e) (2) (ii) (21 CFR 514.11(e) (2) (ii)) of the animal drug regulations, a summary of the safety and effectiveness data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))), and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), Part 520 is amended in § 520.580 by adding a new sponsor, "000859" to paragraph (d) (1); the paragraph is thus revised to read as follows:

§ 520.580 Dichlorophene and toluene capsules.

* * * * *

(d) (1) *Sponsor.* Nos. 000859 and 011716 in § 510.600(c) of this chapter.

* * * * *

Effective date. This amendment shall be effective August 6, 1976.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: July 30, 1976.

C. D. VAN. HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.76-22886 Filed 8-5-76;8:45 am]

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Gentamicin Sulfate Injection

The Food and Drug Administration is amending the animal drug regulations for use of gentamicin sulfate injection to include a required statement inadvertently omitted in the initial promulgation. For the treatment of dogs and cats, the drug is restricted to use by or on the order of a licensed veterinarian. The amendment is effective August 6, 1976.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), § 522.1044 is amended by adding paragraph (c) (3) to read as follows:

§ 522.1044 Gentamicin sulfate injection.

* * * * *

(c) * * *

(3) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

* * * * *

Effective date. This amendment shall be effective August 6, 1976.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: July 30, 1976.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.76-22887 Filed 8-5-76;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES [TEMPORARY PENSION EXCISE TAX REGULATIONS]

[T.D. 7424]

PART 141—TEMPORARY EXCISE TAX REGULATIONS UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

Temporary Regulations Relating to the Election To Pay an Excise Tax for Certain Pre-1975 Prohibited Transactions

To officers and employees of the Internal Revenue Service and others concerned:

This document contains Temporary Excise Tax Regulations under the Employee Retirement Income Security Act of 1974 (26 CFR Part 141) under section 2003(c) (1) (B) of such Act, which provides an election to pay an excise tax under section 4975 of the Internal Revenue Code of 1954 for certain pre-1975 transactions. They supersede guidelines announced in Technical Information Release 1450 on March 23, 1976.

Under § 141.4975–14 of these regulations the election is available for persons who, before January 1, 1975, engaged in transactions which were prohibited transactions within the meaning of sections 503 (b) and (g) of the Code. Making the election results in the nonapplication of a denial of exempt status under section 501(a) on account of the transaction with respect to which the election is made. However, making the election has no effect on the application of section 6501 (relating to limitations on the assessment and collection of tax) and section 6511 (relating to limitations on the filing of a claim for credit or refund) to taxpayers affected by the nonapplication of a denial of exempt status.

The election is made by filing the form and paying the tax that the taxpayer claims thereon is due in the manner prescribed in these temporary regulations. Only a person making an election is liable for the taxes resulting from the election. The amount of tax and what constitutes correction are computed as if section 4975 had been in effect at the time of the transaction. For purposes of determining the amount of tax and what constitutes correction, regulations in the private foundation area are incorporated by reference. However, except as necessary for such purposes, taxpayers are advised that no inference should be drawn from these regulations regarding questions arising under section 4975 with respect to prohibited transactions occurring after December 31, 1974.

Accordingly, TIR–1450 is hereby superseded and the Temporary Excise Tax Regulations under the Employee Retirement Income Security Act of 1974 (26 CFR Part 141) are hereby amended, effective immediately, by inserting in the appropriate place the following new section to 26 CFR Part 141:

§ 141.4975–14 Election to pay an excise tax for certain pre-1975 prohibited transactions.

(a) *In general.* Section 2003(c) (1) (B) of the Employee Retirement Income Security Act of 1974 (88 Stat. 978) provides an election to pay an excise tax by certain persons involved prior to 1975 in prohibited transactions within the meaning of section 503 (b) or (g).

(b) *Effect of election.* If a valid election is made under this section with respect to a particular transaction, any loss of exemption under section 501(a) because of a prohibited transaction within the meaning of section 503 (b) or (g) shall not apply. Instead, the person who made the election referred to in this section shall be subject to the taxes which would have been imposed by section 4975 (a) or (b) as though section 4975 had imposed a tax in respect of the transaction. (However, section 4975(f) (1), relating to joint and several liability, shall not apply to any person who has not made an election under this section, and interest for late payment of tax shall not begin to accrue until after the date of the election.) Such an election is irrevocable. However, the making of the election does not affect the application of section 6501 for purposes of assessment and collection of tax and section 6511 for purposes of filing a claim for credit or refund with respect to taxpayers and to taxable years of taxpayers whose tax liability is or may be affected by reason of the nonapplication of a denial of exempt status.

(c) *Method of election.* A person shall make the election referred to in this section by filing the form issued for such purpose by the Internal Revenue Service, including therein the information required by such form and the instructions issued with respect thereto, and by paying the tax which the taxpayer indicates is due at the time the return is filed. To be valid the election must be made prior to the later of December 6, 1976, or 120 days after the date of notification referred to in § 1.503(a)–1(b)

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of this chapter (Income Tax Regulations), relating to loss of exemption for certain prohibited transactions. If there has been no notification of loss of exemption, the election may be made at any time.

(d) *Computation of section 4975 excise tax.* To the extent applicable, and solely for purposes associated with the payment of a section 4975 excise tax under the election referred to in this section, § 53.4941(e)–1 of this chapter (Foundation Excise Tax Regulations) is controlling.

Because of the need for immediate guidance with respect to the provisions contained in this Treasury decision, it is found impracticable to issue it with notice and public procedure thereon under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(Sec. 2003(c)(1)(B), Employee Retirement Income Security Act of 1974 (88 Stat. 978) and section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).)

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: July 30, 1976.

CHARLES M. WALKER,
Assistant Secretary of the Treasury.

[FR Doc.76–22840 Filed 8–5–76;8:45 am]

[T.D. 7425]

PART 141—TEMPORARY EXCISE TAX REGULATIONS UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

Definition of Certain Terms in the Prohibited Transaction Provisions

To officers and employees of the Internal Revenue Service and others concerned.

This document amends the Temporary Excise Tax Regulations under the Employee Retirement Income Security Act of 1974 (26 CFR Part 141) by adding § 141.4975–13. This new section prescribes temporary use of 26 CFR 53.4941(e)–1 (Foundation Excise Tax Regulations relating to foundation self-dealing taxes) for matters involving the terms which appear both in section 4941(e) of the Internal Revenue Code of 1954 (the Code) (relating to foundation self-dealing) and section 4975(f) of the Code (relating to employee benefit plan prohibited transactions). These terms are: "taxable period," "amount involved," "correction," and "correction period." These regulations will be effective until superseded by permanent regulations under the relevant paragraphs of section 4975(f). No inferences should be drawn from these temporary regulations concerning the contents of permanent regulations, which have not yet been proposed.

Accordingly, Part 141 of the Temporary Excise Tax Regulations under the Employee Retirement Income Security Act of 1974 are amended by adding the following new section to 26 CFR Part 141:

§ 141.4975–13 Definition of "taxable period", "amount involved", "correction", and "correction period".

Until superseded by permanent regulations under sections 4975(f) (2), (4), (5) and (6), § 53.4941(e)–1 of this Chapter (Foundation Excise Tax Regulations) will be controlling to the extent such regulations describe terms appearing both in section 4941(e) and section 4975(f).

Because of the need for immediate guidance with respect to the provisions contained in this Treasury decision, it is found impracticable to issue it with notice and public procedure thereon under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(Sec. 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).)

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: July 30, 1976.

CHARLES M. WALKER,
Assistant Secretary of the Treasury.

[FR Doc.76–22839 Filed 8–5–76;8:45 am]

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 593–6]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Approval of Oklahoma State Implementation Plan; Strategy for Control of Sulfur Oxides

On May 31, 1972 (37 FR 10887), pursuant to section 110 of the Clean Air Act (42 U.S.C. 1857c–5), the Administrator approved, with some exceptions, the plan submitted by the State of Oklahoma for the implementation of the National Ambient Air Quality Standards (NAAQS). The plan, as submitted on January 28, 1972, did not incorporate strategies for attainment and maintenance of sulfur oxide standards. All air quality control regions in Oklahoma were designated Priority III with respect to sulfur oxides, indicating that emissions of sulfur oxides were low and ambient air measurements showed a quality better than secondary NAAQS. For this reason, Oklahoma elected not to submit a formal strategy for control of sulfur oxides.

Since the submittal of the State Implementation Plan on January 28, 1972, further evaluations have been made. While source emissions and ambient air concentrations remain low, causing no immediate threat to the NAAQS, the possibility of increased contaminants in the future prompted the State to develop a control strategy and to adopt formal regulations to assure continued maintenance of standards. The resultant strategy and regulation represent a revision to the Oklahoma State Implementation Plan as submitted by the Governor on March 4, 1975. In addition, the Administrator disapproved the Oklahoma State Implementation Plan as well as other State plans as a group on March 8, 1973 (38 FR 6280) with regard to maintenance of standards. The disapproval notice was reaffirmed on February 25, 1974 (39 FR 7276). The Oklahoma revision offers correction to this deficiency in the plan as it relates to the maintenance of sulfur oxide standards.

With regard to the Oklahoma regulation, it should be pointed out that new source emission limitations under Sections 16.1, 16.3, and 16.5 of Regulation 16 are being incorporated in the Implementation Plan. Other sections of Regulation 16 referring to property-line ambient air quality sulfur oxide measurements, while effective under State law, are not considered part of the Federally approved plan. Certain sections of the control strategy refer to non-criteria pollutants and control by property line measurement. These also are not considered part of the plan.

The Oklahoma control strategy and regulation were subjected to public hearings in accordance with 40 CFR 51.4 and the Regional Administrator of the Environmental Protection Agency published a notice of intent to approve the plan on November 4, 1975. There was adequate opportunity for interested persons to participate in the rulemaking. In addition, the regulatory requirements are already in effect under State law and the approval imposes no additional regulatory burdens. Therefore, the Administrator finds good cause to make this approval effective on August 6, 1976. Approval is issued under the authority of section 110(a) of the Clean Air Act as amended (42 U.S.C. 1857c–5).

Dated: August 2, 1976.

JOHN QUARLES,
Acting Administrator,
Environmental Protection Agency.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart LL—Oklahoma

1. In § 52.1920, paragraph (c) is amended by adding a paragraph (7) as follows:

§ 52.1920 Identification of plan.

* * * * *

(c) * * *

(7) Sections 16.1, 16.3, and 16.5 of Regulation No. 16, "Control of Emissions of Sulfur Compounds," the Control Strategy which relates to sulfur oxides control under the applicable sections of Regulation 16, and emission limitations on existing sources as adopted on December 1, 1974 and submitted by the Governor on March 4, 1975.

[FR Doc.76–29760 Filed 8–5–76;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARATMENT OF THE INTERIOR

PART 3300—OUTER CONTINENTAL SHELF LEASING; GENERAL

Qualified Joint Bidders

Under the regulation 43 CFR 3302.3–2 (a) any person who wishes to submit a joint bid for an oil and gas lease under the Outer Continental Shelf Lands Act (43 U.S.C. 1331–1343) during the six month bidding period which began on May 1, 1976, must have filed 45 days before that date a Statement of Production covering the prior production period. The joint bidding regulations were published on October 1, 1975, and many prospective bidders are still not familiar with their requirements. Consequently, some Statements of Production have been filed after the prescribed cutoff date. It has been determined that acceptance of these late filings will not be incompatible with the purpose of the regulations.

Accordingly, the first sentence of 43 CFR 3302.3–2(a) is hereby amended by the substitution of a comma for the period and by the addition of the following:

§ 3302.3–2 Joint bidding requirements.

(a) * * * and except that for the bidding period commencing May 1, 1976, all Statements of Production must be filed no later than August 13, 1976.

* * * * *

RONALD G. COLEMAN,
Assistant Secretary of the Interior.

AUGUST 4, 1976.

[FR Doc.76–22833 Filed 8–5–76;8:45]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 19—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Editorial Amendment

Adopted: August 2, 1976.

Released: August 3, 1976.

1. We think it will be helpful to include in Part 19 of the Rules and Regulations (Employee Responsibilities and Conduct) a cross-reference to Section 1.25, which summarizes restrictions applicable to former members of the Commission and its staff. We are therefore adding such a cross-reference as Section 19.735–103, which is set out in the attached Appendix.

2. *Accordingly, it is ordered,* effective August 16, 1976, That Part 19 is amended as set out in the Appendix hereto. Authority for the amendment is contained in Section 4 (i) and (j) and 303(r) of the Communications Act of 1934 as amended, 47 U.S.C. 154 (i) and (j) and 303(r), and in Section 0.231(d) of the Rules and Regulations, 47 CFR 0.231(d). Because the amendment is editorial and informational in nature, the prior notice and effective date provisions of 5 U.S.C. 553 are inapplicable.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

FEDERAL COMMUNICATIONS COMMISSION,
R. D. LICHTWARDT,
Executive Director.

In Part 19 of Chapter I of Title 47 of the Code of Federal Regulations, § 19.735–103 is added to read as follows:

§ 19.735–103 Cross-reference; former Commissioners and employees.

For provisions pertaining to former Commissioners and employees, see § 1.25 of this chapter.

[FR Doc.76–22846 Filed 8–5–76;8:45 am]

[FCC 76–729]

PART 73—RADIO BROADCAST SERVICES

Reregulation of Radio and Television Broadcasting, To Clarify Type-Approval Specifications for Antenna Monitors

Adopted: July 27, 1976.

Released: August 5, 1976.

1. In a Report and Order released on January 15, 1973[1] the Commission adopted rules to provide for the type approval of antenna (phase) monitors and for the implementation of their use by AM broadcast stations having directional antenna systems. Subparagraph (c)(9) of Section 73.53 of the new rules adopted was worded so as to indicate that all monitors, in order to be type-approved, must be designed so that the sampling functions of the monitor could be switched from an external point and that the monitor indications could be read using external meters. These specifications for type-approval were included in the rules so that the monitors would be suitable for use by stations operating their transmission systems by remote control. Many of the monitors marketed prior to 1974 were not designed, or readily adaptable, for remote control operation. Consequently, AM stations with directional antennas and operating by remote control were required to have a licensed operator visit the transmitter site one or more times each day to observe the monitor indications and determine that the directional antenna was functioning correctly.

2. The rules as adopted in 1973 impose the same design specifications for monitors used by stations having an operator on duty at the transmitter site at all times as those for monitors used by stations having remote control facilities. The Gorman-Redlich Manufacturing Co. of Athens, Ohio, has requested a waiver of Section 73.53(c)(9) of the rules so that it could apply for type-approval of a monitor specifically designed for stations which would not need remote control switching and metering functions. The rules required that AM stations operating directional antenna systems by remote control must have installed type-approved antenna monitors by June 1, 1976, in order to take advantage of less stringent requirements for monitor readings each day at the transmitter site. Most such stations have already obtained new type-approved monitors. All stations using directional antenna systems are required to have type-approved monitors by June 1, 1977.[2] A significant cost savings could be accomplished, particularly for the small market broadcaster having a simple directional antenna system by eliminating the requirement that all monitors be designed for remote control use. Paragraph 12 of the Report and Order which implemented the type-approval specifications states in part:

> There was general agreement that, as the Commission proposed, a phase monitor type approved for the *provision of remote control indications* should be required *if a station licensee undertakes to observe and log phase indications at a remote control point.* * * * (Emphasis added)

3. It is obvious from the above quotation that only monitors used at stations where the directional antenna systems were to be operated by remote control, be specifically designed for such use. The Commission staff involved in development of the type-approved specifications also agree that the rules were not intended to require that antenna monitors used by stations with operators on duty at the transmitter site include remote control functions. In keeping with the original intent of Paragraph 12 of the Report and Order, it is appropriate that we amend the rules to clearly distinguish the difference in monitor requirements for remote controlled and non-remote controlled stations.

4. Subsequent to the adoption of the antenna monitor rules in January 1973, the Commission authorized the use of transmitter extension meters in lieu of remote control for certain types of transmitting system installations.[3] Stations using extension meters were not required to locate the antenna monitor at the duty operator position nor to install extension meters for the monitor indications. Stations could, however, use extension monitor meters if they so desired. The rule changes made by this Order will reference the specifications for external metering of the antenna monitor for both remote control and extension meter use.

5. Type-approval designation as well as the monitor instructions should clearly distinguish between monitors that may be used for remote control and extension meter installations, and those that are not designed for such use. Since all antenna monitors that have been submitted for type-approval up to this time were designed with features for observing the monitor indications at an external point, it would be more appropriate that monitors type-approved subsequent to this Order that cannot be used with external

[1] Docket No. 18471, FCC 73–40.

[2] Note 4 to Section 73.69 of the Rules and Regulations.

[3] Docket No. 19906, FCC 74–1150, released October 30, 1974.

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metering be specifically designated for restricted use. The rules being amended will provide for this procedure. Monitor manufacturers should take care to make this distinction in their marketing to avoid any misunderstanding by broadcast licensees concerning the capabilities of the monitor.

6. We conclude that the adoption of the amendments shown in the Appendix would serve the public interest. Prior notice of rule making, effective date provision, and public procedure thereon are unnecessary pursuant to the Administrative Procedure and Judicial Review Act provisions of 5 U.S.C. 553(b)(3)(B), inasmuch as these amendments impose no additional burdens and raise no issue upon which comments would serve any useful purpose.

7. *Therefore, it is ordered,* That pursuant to Sections 4 and 303 of the Communications Act of 1934, as amended, Part 73 of the Commission's Rules and Regulations are amended as set forth below, effective August 11, 1976.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

1. Section 73.53(c)(9) is revised to read as follows:

§ 73.53 Requirements for type approval of antenna monitors.

* * * * *

(c) * * *

(9) The monitor, if intended for use by stations operating directional antenna systems by remote control or using extension meters to observe the monitor indications shall be designed so that the switching functions required by subparagraph (c)(7) of this section may be performed from a point external to the monitor and phase and amplitude indications be provided by external meters. The indications of external meters furnished by the manufacturer shall meet the specifications for accuracy and repeatability of the monitor itself, and the connection of these meters to the monitor, or of other indicating instruments with electrical characteristics meeting the specifications of the monitor manufacturer shall not affect adversely the performance of the monitor in any respect. The type-approval designations and the instruction manuals for monitors not designed for external switching of the indications as specified in this subparagraph shall clearly show that the monitors are not acceptable for use at stations using remote control for the operation of directional antennas or extension meters to read and log the monitor indications.

* * * * *

2. In Section 73.69 the heading and paragraph (a) are revised to read as follows:

§ 73.69 Antenna monitors.

(a) Each station utilizing a directional antenna shall have in operation at the transmitter an antenna monitor which is of a type approved by the Commission: *Provided, however,* That if the instrument of authorization of the station sets specific tolerances within which phase and amplitude relationships must be maintained, or requires the use of a monitor of specified repeatability or accuracy, the antenna monitor employed under such circumstances shall be authorized on an individual basis. The antenna monitor installed at a station operating a directional antenna by remote control or using extension meters to read and log the monitor indications shall be designed and type approved for such use in accordance with the provisions of § 73.53(c)(9).

* * * * *

[FR Doc.76-22847 Filed 8-5-76;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

International Trade Commission; Correction

In the FEDERAL REGISTER of July 23, 1976, FR Doc. 76-21298, appearing on page 30319, one position of Secretary (Stenography) to a Commissioner was omitted in error. It should appear in paragraph (e) as set out below:

§ 213.3339 International Trade Commission.

* * * * *

(e) One Professional Assistant (Legal), one Confidential Assistant, and one Secretary (Stenography) to a Commissioner.

* * * * *

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-22948 Filed 8-5-76;8:45 am]

PART 591—ALLOWANCES AND DIFFERENTIALS

Increase in Certain Transportation Expense Rates

Part 591 is amended to show that the Civil Service Commission has approved an increase in the transportation expense rates used in computing an allowance under the remote worksite commuting allowance program. The schedule presently appearing in 5 CFR is being retained for future reference.

Appendix A is amended as follows to show the two schedules with their respective effective dates:

APPENDIX A.—DAILY TRANSPORTATION ALLOWANCE SCHEDULES, COMMUTING OVER LAND BY PRIVATE MOTOR VEHICLE TO REMOTE DUTY POSTS

SCHEDULE I.—*Effective Jan. 8, 1971, through July 12, 1975*

Round trip distance in excess of 50 mi	Degree A commuting conditions	Degree B commuting conditions	Degree C commuting conditions
Miles:			
Up to 9 miles	$0.20	$0.22	$0.24
10 to 19	.70	.77	.84
20 to 29	1.20	1.32	1.44
30 to 39	1.70	1.87	2.04
40 to 49	2.20	2.42	2.64
50 to 59	2.70	2.97	3.24
60 to 69	3.20	3.52	3.84
70 to 79	3.70	4.07	4.44
80 to 89	4.20	4.62	5.04
90 to 99	4.70	5.17	5.64
100 to 109	5.20	5.72	6.24
110 to 119	5.70	6.27	6.84
120 to 129	6.20	6.82	7.44
130 to 139	6.70	7.37	8.04
140 to 149	7.20	7.92	8.64
150 to 159	7.70	8.47	9.24
160 to 169	8.20	9.02	9.84
170 and over	8.70	9.57	[1] 10.00

[1] Under the statute, $10 a day is the maximum allowance.

SCHEDULE II.—*Effective on or after July 13, 1975*

Round trip distance in excess of 50 mi	Degree A commuting conditions	Degree B commuting conditions	Degree C commuting conditions
Miles:			
Up to 9 miles	$0.30	$0.32	$0.34
10 to 19	1.05	1.12	1.19
20 to 29	1.80	1.92	2.04
30 to 39	2.55	2.72	2.89
40 to 49	3.30	3.52	3.74
50 to 59	4.13	4.32	4.68
60 to 69	4.80	5.12	5.44
70 to 79	5.55	5.92	6.29
80 to 89	6.30	6.72	7.14
90 to 99	7.05	7.52	7.99
100 to 109	7.80	8.32	8.84
110 to 119	8.55	9.12	9.69
120 to 129	9.30	9.92	[1] 10.00
130 to 139	[1] 10.00	[1] 10.00	10.00
140 to 149	10.00	10.00	10.00
150 to 159	10.00	10.00	10.00
160 to 169	10.00	10.00	10.00
170 and over	10.00	10.00	10.00

[1] Under the statute, $10 a day is the maximum allowance.

Degree A Commuting Conditions. Good paved roads; climatic conditions cause intermittent driving difficulty.

Degree B Commuting Conditions. Roads typically fair but may be good for part of distance or may be unpaved for short distance; climatic conditions during part of a season, in relation to terrain, contribute to additional cost.

Degree C Commuting Conditions. Fair to poor roads; unpaved for part of distance, or travel over open range; hilly or mountainous terrain; climatic conditions during most of a season contribute to additional cost.

(5 U.S.C. 5942; sec. 8, E.O. 11609)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-22947 Filed 8-5-76;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 76-219]

PART 153—ANTIDUMPING

Modification or Revocation of Dumping Finding

Antidumping—Potassium Chloride, Otherwise known as Muriate of Potash from Canada. § 153.46. Customs Regulations, amended.

On May 16, 1975, there was published in the FEDERAL REGISTER (40 FR 21499) a "Notice of Tentative Determination to Modify or Revoke Dumping Finding" with respect to potassium chloride, otherwise known as muriate of potash, from Canada, produced and/or sold by

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Brockville Chemical Industries, Ltd.; Hudson Bay Mining and Smelting Company, Ltd.; and Swift Canadian Company, Ltd. On December 16, 1975, there was published in the FEDERAL REGISTER (40 FR 58323) a "Notice of Tentative Determination to Modify or Revoke Dumping Finding" with respect to potassium chloride, otherwise known as muriate of potash, from Canada, produced and/or sold by Cominco, Ltd.

Reasons for the tentative determinations were published in the above-mentioned notices, and interested persons were afforded an opportunity to make written submissions or request the opportunity to present oral views in connection therewith.

No written submissions or requests to present oral views having been received, I hereby determine that for the reasons stated in the above-mentioned notices, potassium chloride, otherwise known as muriate of potash, from Canada is no longer being, nor is likely to be, sold in the United States at less than fair value by Brockville Chemical Industries, Ltd.; Hudson Bay Mining and Smelting Company, Ltd.; Swift Canadian Company, Ltd.; and Cominco, Ltd., and the above-mentioned finding of dumping is hereby modified to exclude the subject merchandise produced and/or sold by the aforesaid firms.

§ 153.46 [Amended]

Accordingly, § 153.46 of the Customs Regulations (19 CFR 153.46) is hereby amended to show the exclusion from the finding of dumping of potassium chloride, otherwise known as muriate of potash, from Canada, produced and/or sold by Brockville Chemical Industries, Ltd.; Hudson Bay Mining and Smelting Company, Ltd.; Swift Canadian Company, Ltd.; and Cominco, Ltd.

Merchandise	Country	T.D.	Modified by
Potassium chloride, otherwise known as muriate of potash, except that produced and sold by U.S. Borax Chemical Co., Kalium, Saskatchewan, Canada; Kalium Chemicals, Ltd., Regina, Saskatchewan, Canada; Potash Co. of Canada, Ltd., Lanigan, Saskatchewan, Canada; Potash Co. of America, Saskatoon, Saskatchewan, Canada; International Minerals & Chemical Corp., Libertyville, Ill., U.S.A.; CF Industries, Inc., Chicago, Ill.	Canada	69 265	74-157
Brockville Chemical Industries, Ltd., Montreal, Quebec, Canada; Hudson Bay Mining & Smelting Co., Ltd., Toronto, Ontario, Canada; Swift Canadian Co., Ltd., Etobicoke, Ontario, Canada; and Cominco, Ltd., Vancouver, British Columbia, Canada.			76-210

This determination is published pursuant to § 153.44(d), Customs Regulations (19 CFR 153.44(d)).

(Sec. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173.)

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

AUGUST 3, 1976.

[FR Doc.76-22940 Filed 8-5-76;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 54]

RETIREMENT INCOME PLANS

Election To Pay an Excise Tax for Certain Pre-1975 Prohibited Transactions

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by September 20, 1976. Pursuant to 26 CFR 601.601(b), designations of material as confidential or not to be disclosed, contained in such comments, will not be accepted. Thus, persons submitting written comments should not include therein material that they consider to be confidential or inappropriate for disclosure to the public. It will be presumed by the Internal Revenue Service that every written comment submitted to it in response to this notice of proposed rule making is intended by the person submitting it to be subject in its entirety to public inspection and copying in accordance with the procedures of 26 CFR 601.702(d)(9).

Any person submitting written comments who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit a request, in writing, to the Commissioner by September 20, 1976. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 2003(c)(1)(B) of the Employee Retirement Income Security Act of 1974 (88 Stat. 978) and section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

PREAMBLE

This document contains proposed amendments to the Regulations on Excise Taxes Imposed with respect to Retirement Income Plans (26 CFR Part 54) under section 2003(c)(1)(B) of the Employee Retirement Income Security Act of 1974, which provides an election to pay an excise tax under section 4975 of the Internal Revenue Code of 1954 for certain pre-1975 transactions. If adopted, the proposed regulations will supersede § 141.4975-14 (Temporary Pension Excise Tax Regulations), the adoption of which appears in the Rules section of this issue of the FEDERAL REGISTER.

Under § 54.4975-14 of these proposed regulations the election is available for persons who, before January 1, 1975, engaged in transactions which were prohibited transactions within the meaning of sections 503 (b) and (g) of the Code. Making the election results in the nonapplication of a denial of exempt status under section 501(a) on account of the transaction with respect to which the election is made. However, making the election has no effect on the application of section 6501 (relating to limitations on the assessment and collection of tax) and section 6511 (relating to limitations on the filing of a claim for credit or refund) to taxpayers affected by the nonapplication of a denial of exempt status.

The election is made by filing the form and paying the tax that the taxpayer claims thereon is due in the manner prescribed in these proposed regulations. Only a person making an election is liable for the taxes resulting from the election. The amount of tax and what constitutes correction are computed as if section 4975 had been in effect at the time of the transaction. For purposes of determining the amount of tax and what constitutes correction, regulations in the private foundation area are incorporated by reference. However, except as necessary for such purposes, taxpayers are advised that no inferences should be drawn from these regulations regarding questions arising under section 4975 with respect to prohibited transactions occurring after December 31, 1974.

Accordingly, it is proposed to supersede 26 CFR 141.4975-14 of the Temporary Excise Tax Regulations under the Employee Retirement Income Security Act of 1974 (26 CFR Part 141) and to amend the Regulations on Excise Taxes with respect to Retirement Income Plans (26 CFR Part 54) by inserting in the appropriate place the following new section:

§ 54.4975-14 Election to pay an excise tax for certain pre-1975 prohibited transactions.

(a) *In general.* Section 2003(c)(1)(B) of the Employee Retirement Income Security Act of 1974 (88 Stat. 978) provides an election to pay an excise tax by certain persons involved prior to 1975 in prohibited transactions within the meaning of section 503 (b) or (g).

(b) *Effect of election.* If a valid election is made under this section with respect to a particular transaction, any loss of exemption under section 501(a) because of a prohibited transaction within the meaning of section 503 (b) or (g) shall not apply. Instead, the person who made the election referred to in this section shall be subject to the taxes which would have been imposed by section 4975 (a) or (b) as though section 4975 had imposed a tax in respect of the transaction. (However, section 4975(f)(1), relating to joint and several liability, shall not apply to any person who has not made an election under this section, and interest for late payment of tax shall not begin to accrue until after the date of the election.) Such an election is irrevocable. However, the making of the election does not affect the application of section 6501 for purposes of assessment and collection of tax and section 6511 for purposes of filing a claim for credit or refund with respect to taxpayers and to taxable years of taxpayers whose tax liability is or may be affected by reason of the nonapplication of a denial of exempt status.

(c) *Method of election.* A person shall make the election referred to in this section by filing the form issued for such purpose by the Internal Revenue Service, including therein the information required by such form and the instructions issued with respect thereto, and by paying the tax which the taxpayer indicates is due at the time the return is filed. To be valid the election must be made prior to the later of December 6, 1976, or 120 days after the date of notification referred to in § 1.503(a)-1(b) of this chapter (Income Tax Regulations), relating to loss of exemption for certain prohibited transactions. If there has been no notification of loss of exemption, the election may be made at any time.

(d) *Computation of section 4975 excise tax.* To the extent applicable, and solely for purposes associated with the payment of a section 4975 excise tax under the election referred to in this section, § 53.4941(e)-1 of this chapter (Foundation Excise Tax Regulations) is controlling.

[FR Doc.76-22838 Filed 8-5-76;8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 17]

ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Proposed Determination of Critical Habitat for Cape Sable Sparrow

Correction

In FR Doc. 76-20261 appearing at page 28978 of the issue for Wednesday, July 14, 1976, in the third column, page 28978, in the sixth line of the second paragraph under the heading "Basis for Determination," the text now reading "5–7; T58S R38E" should read "5–8; T58S R38E".

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51]

STANDARDS FOR GRADES OF POTATOES FOR CHIPPING[1]

Addition of Subpart

Notice is hereby given that the U.S. Department of Agriculture is considering issuance of U.S. Standards for Grades of Potatoes for Chipping. These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (60 Stat. 1087 as amended; 7 U.S.C. 1621–1627), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers and consumers. Official grading services are also provided under this act upon request of any financially interested party and upon payment of a fee to cover the cost of such services.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposal should file the same, in duplicate, not later than February 1, 1977, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, where they will be available for public review during official hours of business (7 CFR 1.27(b)).

Statement of considerations leading to the proposed issuance of the grade standards. In 1973 a joint liaison committee consisting of members of the National Potato Council and Potato Chip Institute International met to develop a uniform potato purchasing format for use in grower-chipper contracts.

In March of 1974, after a year of discussions, the Joint-Committee formally requested the U.S. Department of Agriculture to conduct investigations leading to the development of U.S. Standards for Grades of Potatoes for Chipping.

During March 1974, Department Standardization Specialists met with the Joint-Committee and presented a "Plan of Action" to be taken by the Department in developing the new standards using the Committee's glossary of terms and tolerances whenever possible.

During July 1974 a comprehensive report from a Departmental study team, initiated by Secretary of Agriculture Earl L. Butz, titled "Report of the Potato Processing Study Group" was finalized. This report recommended that AMS work with growers, processors and researchers to develop acceptable grade standards, testing procedures, and methods for arbitrating disagreements regarding potatoes delivered under chip contracts.

In June 1974 a survey conducted by the Fresh Inspection and Standardization Branch indicated that a substantial portion of the national potato crop is used by the potato chip industry. The survey also pointed out that the percentage of potatoes, in a given production area, used for chipping purposes varied from as little as 5 percent to as much as 85 percent of the total production.

Chip manufacturers have for years purchased potatoes on the basis of he U.S. Standards For Grades of Potatoes either U.S. No. 1, a percentage of U.S. No. 1 quality or U.S. Commercial grade, plus size, specific gravity and "satisfactory chipping quality" requirements. This latter requirement has been very controversial.

Chippers interviewed are in favor of buying a uniform quality raw product that would yield a light colored potato chip to meet competition.

After consolidating the information from the surveys and interviews with industry representatives the data was presented to the Joint-Committee for their consideration.

In December 1974 a study was widely distributed to individuals, groups and organizations of potato growers and chip manufacturers with the period of comment to end June 30, 1975.

After 6 months of evaluation a second study draft was initiated consolidating comments and recommendations received from both growers and chippers. A revised edition of the study draft was issued and given the same distribution as the original with the comment period ending June 30, 1976.

The Potato Chip Institute International had requested a year's extension on the second draft to better inform their membership about grade standards. Their request was acknowledged and a comprehensive instructional program was initiated.

Departmental personnel explained the study draft proposal at each of the four regional meetings, annual meetings of the national and State organizations and NPC–PCII co-sponsored grower-chipper seminars held throughout the country.

During this time producers' bargaining committees and chippers incorporated many portions of the proposal in their contracts. The Department has also inspected shipments on the basis of the proposal. This proposal has been prepared in response to recommendations made by the Joint-Committee and comments from others in the industry to improve uniform trading practices. The proposal would provide industry with a uniform method to determine the color of potato chips objectively and form the basis for developing a sound and satisfactory purchasing system.

The following major points are proposed:

(1) Two grades, U.S. No. 1 and U.S. No. 2.

(2) Most defects listed under the definitions of damage and serious damage are based on the percentage of loss caused when defects are removed.

(3) Size requirements would be closely related to size specifications in the present "Tablestock" potato standards. This would enable lots failing to meet size requirements under the proposal to be diverted to fresh market or other processing channels using the same size nomenclature.

(4) Optional test procedures for determining specific gravity and fry color for use in grower-chipper contracts.

(5) A USDA fry color chart consisting of five color classifications with corresponding Agtron colorimeter indices.

(6) Minimum and maximum diameter or weight for Size A, B or Small with 40 percent or more 2½ inches in diameter or 6 ounces in weight for Size A to ensure a fairly uniform range in size.

(7) When a lot of potatoes is required to meet one of the grades, a total tolerance of 15 percent for defects would be provided, including 10 percent for external and 5 percent for internal defects.

It is proposed to add the following subpart to Title 7 Part 51 as follows:

Subpart—United States Standards for Grades of Potatoes for Chipping

GRADES

Sec.

51.4575 U.S. No. 1 Potatoes for Chipping.
51.4576 U.S. No. 2 Potatoes for Chipping.

SIZE

51.4577 Size.

OPTIONAL TESTS FOR SPECIFIC GRAVITY AND FRY COLOR

51.4578 Optional tests for specific gravity and fry color.

APPLICATION OF STANDARDS

51.4579 Application of Standards.

SAMPLES FOR GRADE AND SIZE DETERMINATION

51.4580 Samples for grade and size determination.

DEFINITIONS

51.4581 Similar varietal characteristics.
51.4582 Firm.
51.4583 Fairly firm.
51.4584 Fairly clean.
51.4585 Seriously damaged by dirt.
51.4586 Fairly well shaped.
51.4587 Seriously misshapen.
51.4588 Soft rot or wet breakdown.
51.4589 Sprouts.
51.4590 Foreign or extraneous material.
51.4591 Damage.
51.4592 Serious damage.
51.4593 External defects.
51.4594 Internal defects.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act or with applicable State laws and regulations.

AUTHORITY: Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624.

Subpart—United States Standards for Grades of Potatoes for Chipping

GRADES

§ 51.4575 U.S. No. 1 potatoes for chipping.

"U.S. No. 1 Potatoes for Chipping" consists of potatoes which meet the following requirements:

(a) Basic requirements:
(1) Similar varietal characteristics;
(2) Firm;
(3) Fairly clean;
(4) Fairly well shaped;
(b) Free from:
(1) Freezing;
(2) Blackheart;
(3) Late Blight Tuber Rot;
(4) Southern Bacterial Wilt;
(5) Bacterial Ring Rot;
(6) Nuts of nut sedge;
(7) Tuber Moth injury;
(8) Soft rot and wet breakdown;
(c) Free from damage by any other cause.
(d) Size. Not less than 1⅞ inches (47.7 mm) in diameter, unless otherwise specified. See § 51.4577.
(e) For tolerances see § 51.4579.

§ 51.4576 U.S. No. 2 potatoes for chipping.

"U.S. No. 2 Potatoes for Chipping" consists of Potatoes which meet the following requirements:

(a) Basic requirements:
(1) Similar varietal characteristics;
(2) Fairly firm;
(3) Not seriously damaged by dirt;
(4) Not seriously misshapen;
(b) Free from:
(1) Freezing;
(2) Blackheart;
(3) Late Blight Tuber Rot;
(4) Southern Bacterial Wilt;
(5) Bacterial Ring Rot;
(6) Nuts of nut sedge;
(7) Tuber Moth injury;
(8) Soft rot and wet breakdown;
(c) Free from serious damage by any other cause.
(d) Size. Not less than 1¾ inches (44.5 mm) in diameter, unless otherwise specified. See § 51.4577.
(e) For tolerances see § 51.4579.

SIZE

§ 51.4577 Size.

(a) The minimum size, maximum size or range in size may be specified in connection with the grade in terms of diameter or weight of the potato, or in accordance with one of the size classifications given in the following table:

TABLE I

Size classification	Minimum diameter[1]	Maximum diameter[1] or weight[2]
A[3]	1⅞ in (47.7 mm)	16 oz (453 gr).
B	1½ in (38.1 mm)	2¼ in (57.2 mm).
Small	1¾ in (44.5 mm)	2½ in (63.5 mm).

[1] Diameter means the size designation in terms of inches or eighths of an inch indicating the greatest dimension at right angles to the longitudinal axis, without regard to the position of the stem end.
[2] Weight means the size designation in terms of whole ounces indicating the minimum weight of the potato. For example, a potato having a designation of 10 oz (283.50 gr) is one which weighs at least 10 oz (283.50 gr) but not more than 11 oz (311.85 gr).
[3] In addition to the minimum size specified, a lot of potatoes designated as size A shall contain at least 40 pct of potatoes which are 2½ in (63.5 mm) in diameter or larger or 6 oz (170.10 gr) in weight or larger.

OPTIONAL TESTS FOR SPECIFIC GRAVITY AND FRY COLOR

§ 51.4578 Optional tests for specific gravity and fry color.

Tests to determine specific gravity and fry color shall be made in accordance with the procedures set forth in this section. The potatoes used for such determinations shall be taken at random from a composite sample drawn from containers thoughout a load, or a comparable sample from a bulk load or storage bin.

(a) *Optional test for specific gravity.* Specific gravity shall be determined by either hydrometer,[2] or by calculation from the weights of the sample in air and in water, with equipment which has been tested and calibrated to give accurate results. The reading obtained from each specific gravity test shall be corrected for temperature variations as prescribed by Table II of this section. The specific gravity for any lot of potatoes shall be the average of at least 3 such corrected readings on separate tests from the composite sample.

(1) *Temperature correction.* The pulp temperature of the potatoes and the temperature of water shall be recorded immediately before testing and the specific gravity reading corrected as indicated in the following table:

[2] A hydrometer designed specifically for determining the specific gravity of potatoes is available from Potato Chip/Snack Food Association, Euclid Office Plaza, 26250 Euclid Avenue, Suite 915, Euclid, Ohio 44132.

TABLE II—*Correction Factors for Specific Gravity of Potatoes*[1] *(Corrected to Zero of 50° F Tuber Temperature and 50° F Water Temperature)*

Tuber temperature	[Water temperature (degrees Fahrenheit)] 38°	40°	45°	50°	55°	60°	65°	70°	75°	80°
38°	−0.0021	−0.0020	−0.0018	−0.0018	−0.0020	−0.0023	−0.0029	−0.0038	−0.0047	−0.0056
40°	−.0017	−.0016	−.0014	−.0014	−.0016	−.0019	−.0025	−.0034	−.0043	−.0052
45°	−.0009	−.0008	−.0006	−.0006	−.0008	−.0011	−.0017	−.0026	−.0035	−.0044
50°	−.0003	−.0002	.0000	.0000	−.0002	−.0005	−.0011	−.0020	−.0029	−.0038
55°	+.0001	+.0002	+.0004	+.0004	+.0002	−.0001	−.0007	−.0016	−.0025	−.0034
60°	+.0004	+.0005	+.0007	+.0007	+.0005	+.0002	−.0004	−.0013	−.0022	−.0031
65°	+.0005	+.0006	+.0008	+.0008	+.0006	+.0003	−.0003	−.0012	−.0021	−.0030
70°	+.0006	+.0007	+.0009	+.0009	+.0007	+.0004	−.0002	−.0011	−.0020	−.0029
75°	+.0007	+.0008	+.0010	+.0010	+.0008	+.0005	−.0001	−.0010	−.0019	−.0028
80°	+.0008	+.0009	+.0011	+.0011	+.0009	+.0006	.0000	−.0009	−.0018	−.0027
85°	+.0009	+.0010	+.0012	+.0012	+.0010	+.0007	+.0001	−.0008	−.0017	−.0025
90°	+.0010	+.0011	+.0013	+.0013	+.0011	+.0008	+.0002	−.0007	−.0016	−.0024
95°	+.0011	+.0012	+.0014	+.0014	+.0012	+.0009	+.0003	−.0006	−.0015	+.0023
100°	+.0012	+.0013	+.0015	+.0015	+.0013	+.0010	+.0004	−.0005	−.0014	−.0026

[1] To apply correction factor, change actual specific gravity reading by adding or subtracting the appropriate factor according to the plus or minus sign.

(b) *Optional test for fry color.* The test to determine compliance with fry color requirements is made by frying in cottonseed oil slices 0.05 inch (1.3 mm) in thickness from the center portion of the potato sliced longitudinally. Fry one minute and 40 seconds at a starting temperature of 365 degrees Fahrenheit (185 C). A minimum of 20 slices shall be used for visual evaluation and 40 slices for photoelectric readings. Fry color may be based on one or more of the color designations or corresponding photoelectric instrument readings (Agtron) specified in Table III. Agtron photoelectric equipment shall be calibrated at 0 and 90 using M–00 and M–90 calibration discs on the red mode.

(1) Fry color standards USDA Visual Aid POT–L–1 consists of a chart containing five color photographs illustrating the color designations as set forth in Table III of this section. This visual aid may be examined in the Fruit and Vegetable Division, AMA, U.S. Department of Agriculture, South Building, Washington, D.C. 20250; in any field office of the Fresh Fruit and Vegetable Inspection Service; or upon request of any authorized inspector of the Service. Duplicates of this visual aid may be purchased from The John Henry Co., Post Office Box 1410, Lancing, Michigan 48904.

TABLE III

Color designation	Agtron index range
1	70 and higher.
2	60 to 69.
3	50 to 59.
4	40 to 49.
5	30 to 39.

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APPLICATION OF STANDARDS

§ 51.4579 Application of standards.

In the application of these standards to determine the percentage of the lot which meets the requirements of the grades, tolerances shall not apply.

(a) *Tolerances.* When a lot of potatoes is required to meet one of the grades, the following tolerances, by weight, are provided as specified:

(1) *For defects:* 15 percent for potatoes in any lot which fail to meet the requirements of the grade: *Provided,* That included in this tolerance not more than the following percentages shall be allowed for the defects listed:

(i) 5 percent internal defects;

(ii) 10 percent external defects, including not more than 3 percent for potatoes which are affected by freezing, Blackheart; Late Blight Tuber Rot; Southern Bacterial Wilt; Bacterial Ring Rot; nuts of nut sedge; Tuber Moth injury, soft rot or wet breakdown, including therein not more than 1 percent for potatoes which are frozen or affected by soft rot or wet breakdown.

(2) *For offsize:* (i) Undersize: 3 percent when the minimum size specified is less than 2¼ inches (57.2 mm) in diameter or less than 6 ounces (170.10 gr) in weight; and 5 percent when the minimum size specified is 2¼ inches (5.7 mm) or more in diameter or 6 ounces (170.10 gr) or more in weight.

(ii) Oversize: 10 percent.

(3) For Off-color—Visual determination: (i) When a lot of potatoes is required to meet one of the color designations listed in Table III, not more than 5 percent of the slices tested may be darker than the specified color.

SAMPLES FOR GRADE AND SIZE DETERMINATION

§ 51.4580 Samples for grade and size determination.

Individual samples shall consist of 25 pounds (11.34 kg). The number of individual samples drawn for grade or size determination will vary with the size of the lot.

DEFINITIONS

§ 51.4581 Similar varietal characteristics.

"Similar varietal characteristics" means that the potatoes in any lot have the same general shape, color, character of skin and color of flesh.

§ 51.4582 Firm.

"Firm" means the individual potato is not shriveled or wrinkled over more than 15 percent of the surface.

§ 51.4583 Fairly firm.

"Fairly firm" means that the individual potato is not soft or flabby or excessively shriveled over more than 25 percent of the surface.

§ 51.4584 Fairly clean.

"Fairly clean" means that the individual potato is not caked with dirt over more than 5 percent of the surface or not more than ⅓ of the surface is affected by smearing or staining.

§ 51.4585 Seriously damaged by dirt.

"Seriously damaged by dirt" means that more than 25 percent of the surface of the individual potato is affected by caked dirt or more than ⅔ of the surface is affected by smearing or staining.

§ 51.4586 Fairly well shaped.

"Fairly well shaped" means that the individual potato is not ridged, lumpy, dumbbell-shaped, materially affected by second growth or otherwise misshapen.

§ 51.4587 Seriously misshapen.

"Seriously misshapen" means that the individual potato is seriously dumbbell-shaped, ridged, lumpy or seriously affected by second growth or otherwise seriously misshapen.

§ 51.4588 Soft rot or wet breakdown.

"Soft rot or wet breakdown" means any soft, mushy or leaky condition of the tissue such as leak, slimy soft rot, wet breakdown, or wet type Fusarium Tuber Rot.

§ 51.4589 Sprouts.

"Sprouts" means any sprout more than 1 inch (25.4 mm) in length attached to the potato.

§ 51.4590 Foreign or extraneous material.

"Foreign or extraneous material" means rocks, loose or chunks of dirt, vines, stems, trash and other material including detached sprouts:

§ 51.4591 Damage.

"Damage" means any defect or combination of defects other than those listed in Tables IV and V, which cannot be removed without a loss of more than 5 percent of the total weight of the potato.

§ 51.4592 Serious damage.

"Serious damage" means any defect or combination of defects other than those listed in Tables IV and V, which cannot be removed without a loss of more than 10 percent of the total weight of the potato.

§ 51.4593 External defects.

"External defects" are defects which can be detected externally. However, cutting may be required to determine the extent of the injury. Some external defects are listed in Table IV.

TABLE IV.—*External defects*

Defects	Damage	Serious damage [1]
Air cracks	Removal causes loss of more than 5 pct of total weight of potato.	Removal causes loss of more than 10 pct of total weight of potato.
Bruises	do	Do.
Flea beetle injury	do	Do.
Scab, pitted	do	Do.
Sunburn, greening, windburn, or silvery scurf.	do	Do.
Pressure bruise discoloration.	do	Do.
Wire worm, grass, grub, and other insects.	do	Do.
Dry rots	do	Do.
Growth cracks	The length of the crack or aggregate lengths of 2 or more cracks exceed ⅔ the length of the potato or the maximum depth exceeds the maximum width of the cracks.	The length of the crack or aggregate lengths of 2 or more cracks equals the length of the potato or the maximum depth exceeds the maximum width of the cracks.
Rhizoctonia light	More than 50 pct of surface affected	More than 75 pct of surface affected.
External surface discoloration.	do	Do.
Scab, surface	do	Do.
Cuts (slab, knife)	Cuts aggregating more than 1 inch in diameter (25.4 mm) on a potato 2½ in (63.5 mm) in diameter or 6 oz (170.10 gr) in weight and correspondingly smaller and larger cuts on smaller and larger potatoes.	Cuts aggregating more than 1½ in (38.1 mm) in diameter on potato 2½ in (63.5 mm) in diameter or 6 oz (170.10 gr) in weight and correspondingly smaller and larger cuts on smaller and larger potatoes.
Dirt	More than 5 pct of the surface is affected by caked dirt or more than ⅓ of the surface is affected by staining or smearing.	More than 25 pct of the surface is affected by caked dirt or ⅔ of the surface is affected by staining or smearing.
Rhizoctonia, caked	More than 25 pct of surface affected	More than 50 pct of surface affected.
Sprouts	More than 10 pct of the potatoes have any sprout more than 1 in (25.4 mm) in length.	

[1] The following defects are considered serious damage when present in any degree: Freezing; blackheart; late blight tuber rot; southern bacterial wilt; bacterial ring rot; nuts of nut sedge; tuber moth injury; soft rot; and, wet breakdown.

§ 51.4594 Internal defects.

"Internal defects" are defects which cannot be detected without cutting the potato. Some internal defects are listed in Table V.

TABLE V.—*Internal Defects*

Defects	Damage	Serious damage
Hollow heart	Cracks aggregating ¾ in (0.6 mm) in width or exceeds ¼ the length of the largest diameter of the potato.	Cracks aggregating ½ in (12.7 mm) in width or exceeds ½ the length of the largest diameter of the potato.
Ingrown sprouts	Removal causes a loss of more than 5 pct of the total weight of the potato.	Removal causes a loss of more than 10 pct of the total weight of the potato.
Vascular discoloration	do	Do.
Internal discoloration	More than the equivalent of 3 scattered light brown spots ⅛ in (3.2 mm) in diameter in a potato 2½ in (63.5 mm) in diameter or 6 oz (170.10 gr) in weight, or correspondingly lesser or greater amounts in smaller or larger potatoes.	More than the equivalent of 6 scattered light brown spots ⅛ in (3.2 mm) in diameter in a potato 2½ in (63.5 mm) in diameter or 6 oz (170.10 gr) in weight, or correspondingly lesser or greater amounts in smaller or larger potatoes.

Dated: July 30, 1976.

DONALD E. WILKINSON,
Administrator.

[FR Doc.76-22652 Filed 8-5-76;8:45 am]

Commodity Credit Corporation

[7 CFR Part 1430]

DAIRY PRODUCTS—PURCHASES AND OTHER OPERATIONS

Price Support Program for Milk

Notice is hereby given that the Secretary of Agriculture, under authority of section 201(c) of the Agricultural Act of 1949, as amended (63 Stat. 1051, as amended; 7 U.S.C. 1446), and sections 4 and 5 of the Commodity Credit Corporation Charter Act, as amended (62 Stat. 1070, as amended; 15 U.S.C. 714b and 714c), is considering the terms and conditions of the price support program for milk, for the third quarter (October 1–December 31) of the 1976–77 marketing year, including the general level of prices to producers for milk and the prices for the terms of purchase by CCC of butter, nonfat dry milk, and Cheddar cheese. Section 201(c) of the Agricultural Act of 1949, as amended, provides as follows:

> The price of milk shall be supported at such level not in excess of 90 per centum nor less than 75 per centum of the parity price therefore as the Secretary determines necessary in order to assure an adequate supply of pure and wholesome milk to meet current needs, reflect changes in the cost of production, and assure a level of farm income adequate to maintain productive capacity sufficient to meet anticipated future needs. • • • Such price support shall be provided through purchases of milk and the products of milk.

Consideration will be given to any data, views, and recommendations which are submitted in writing to the Director, Commodity Operations Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. In order to be sure of consideration, all submissions must be received by the Director not later than September 1, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director during regular business hours (8:15 a.m.–4:15 p.m.).

Signed at Washington, D.C., on July 30, 1976.

SEELEY G. LODWICK,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc.76-22882 Filed 8-5-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 180]

[FRL 596-5;PPGE1772/P31]

PESTICIDE CHEMICAL SODIUM CHLORATE

Proposed Exemption From Requirement of a Tolerance

Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, New Jersey State Agricultural Experiment Station, Rutgers University, New Brunswick, NJ 08903, has submitted a pesticide petition (PP 6E1772) to the Environmental Protection Agency (EPA) on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of Louisiana and Texas. This petition requests that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose that 40 CFR 180.1020 be amended by exempting from the requirement of a tolerance residues of the pesticide chemical sodium chlorate in or on the raw agricultural commodities rice and rice straw, when it is used with urea as a fire retardant in accordance with good agricultural practice as a desiccant in rice production.

The data submitted in the petition and all other relevant material have been evaluated, and it concluded that the exemption from the requirement of a tolerance established by amending 40 CFR 180.1020 will protect the public health. There is no reasonable expectation of residues in eggs, meat, milk, or poultry, as delineated in 40 CFR 180.6(a)(3). It is proposed, therefore, that the exemption from the requirement be established as set forth below.

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act which contains any of the ingredients listed herein may request, on or before September 7, 1976, that this proposal be refered to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room 401, East Tower, 401 M Street SW, Washington DC 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. The comments must be received on or before September 7, 1976, and should bear a notation indicating the subject (PP6E1772/P31). All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

(Sec. 403(e), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346(a)(e)))

Dated: August 2, 1976.

MARTIN H. ROGOFF,
Acting Director,
Registration Division.

It is proposed that Part 180, Subpart D, § 180.1020 be amended by revising paragraph (b) to include the raw agricultural commodities rice and rice straw as follows:

§ 180.1020 Sodium chlorate; exemption from the requirement of a tolerance.

• • • • • •

(b) Sodium chlorate is exempted from the requirement of a tolerance for residues in or on grain sorghum, fodder, and forage and rice and rice straw, when used with urea as a fire retardant, in accordance with good agricultural practice as a desiccant in the production of grain sorghum and rice.

• • • • • •

[FR Doc.76-22973 Filed 8-5-76;8:45 am]

FEDERAL MARITIME COMMISSION

[46 CFR Part 531]

[Docket No. 76-40]

FREIGHT AND PASSENGER RATES, FARES, AND CHARGES IN THE DOMESTIC OFFSHORE TRADE

Filing

Notice is hereby given that the Federal Maritime Commission is considering the revision of Part 531 of this chapter which contains the regulations governing the filing of tariffs by common carriers by water in the domestic commerce of the United States.

Part 531 became effective February 17, 1948. The purpose of the Part was to provide regulations governing the form and manner of filing tariffs by common carriers by water in the domestic commerce of the United States. The Commission has now had several years' experience working with the tariffs filed under the existing rules, and has determined that clarification and improvement of such rules is necessary in a number of areas.

Certain minor changes in wording and renumbering have been made in the revised rules without discussion. The major changes in the rules and their discussion are set forth below.

Section 531.0 has been expanded to incorporate those exemptions which are equally applicable to all carriers affected by that Part. Carriers offering domestic

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round-trip passenger excursion voyages have been exempted from the requirement to publish, post or file their tariffs with the Federal Maritime Commission.

Section 531.2(b) establishes a series designation (Tariff FMC–G No. ------) applicable to tariffs governing the movement of Government cargo or passengers.

Section 531.2(c) sets forth a positive specification of the receipt time from which required notice periods are to be counted.

Section 531.2(n) sets out the requirement for the cancellation of inactive tariffs within thirty days of the cessation of service for reasons other than seasonal discontinuance.

Section 531.3(a) requires that tariffs be published in looseleaf form. Bound publications would now require special permission authority.

Section 531.3(f) deletes the requirement for issue dates on tariff publications.

Section 531.4(b) now requires that tariffs contain certain rules, in a prescribed order, as a minimum. Of a particular importance are new stipulations requiring: an index of subjective matter contained in the tariff; the publication of an effective date rule; and the publication of a container description rule.

Section 531.5(b) requires that tariffs which publish rates on the mixed commodity "Freight, All Kinds" or other similar provisions, shall clearly and specifically describe that commodity to include the percentage composition required to qualify for the rate item. It also sets forth the requirement that the composition of cargo moving under such provision be set forth in the bill of lading.

Section 531.5(m) allows the filing of project rates without the requirement to first obtain special permission authority.

Section 531.6(a)(2)(v) permits the filing of title pages, which change only the name and/or address of the issuing officer, on one day's notice (such changes now require the revision of the title page on statutory notice).

Section 531.7(a) permits the filing of supplements to loose-leaf tariffs, without first obtaining special permission authority, for the purpose of: effecting a general rate change affecting substantially all the rates; providing for a transfer of operations or change in names; implementing a suspension order; providing for a change in effective date affecting the entire tariff; and to cancel an entire tariff or supplement.

Section 531.8(g)(1) requires that special permission applications be accompanied by a copy of the page(s), for which special permission authority is sought, to include any and all proposed revisions.

Section 531.8(i) requires that special permission applications be received by the Commission no less than five days in advance of the date for which such application seeks authority.

Section 531.11(a)(2) requires that the adoption of a tariff be indicated by the issuance of a revised title page to the adopted tariff with said title page to reflect that data pertinent to the adoption.

Section 531.11(b) requires the cancellation of adopted tariffs within ninety days of the effective date of the adoption.

Section 531.11(c) requires adopting carriers to publish replacement tariffs, in the adopting carrier's name and series, simultaneous with the cancellation required under § 531.11(b). Further, it is required that the replacement tariff cancel the adopting carrier's adoption notice.

Section 531.11(f) prohibits partial adoptions.

Section 531.12 deletes the requirement for specific wording in the submission of applicable powers of attorney.

Section 531.13 (Reserved)

Section 531.14(b) requires that intermodal tariffs publish a notice of their nature and scope on their title pages.

Section 531.14(c) requires that intermodal tariffs: identify participants, to include the mode of transportation they provide; list the places to, from and between which the rates apply; and provide a clear specification of the liability of each of the participating carriers.

Section 531.14(d)(1) requires that intermodal tariffs show the through rate together with the port-to-port division of that through rate.

Section 531.17 establishes the series designator for tariff indices as Tariff FMC–I No. ------.

Section 531.17(c) sets forth specific requirements for the form and contents of tariff indices.

Section 531.19(b)(1) establishes the effective date of suspension supplements as the effective date of the applicable suspension order and, further, requires its publication on the first page of the supplement.

Section 531.19(b)(4) requires that a suspension supplement reproduce the applicable suspension order in its entirety.

The Commission has determined that the proposed revision of Part 531 of 46 CFR will have no significant impact on the human environment.

Therefore, pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 553), sections 18(a) and 43 of the Shipping Act, 1916 (46 U.S.C. 817, 841a)), and section 2 of the Intercoastal Shipping Act, 1933 (46 U.S.C. 844), notice is hereby given that the Federal Maritime Commission is considering amending 46 CFR by revising and reissuing Part 531 as follows:

PART 531—FILING OF FREIGHT AND PASSENGER RATES, FARES, AND CHARGES IN THE DOMESTIC OFFSHORE TRADE, PUBLICATION AND POSTING

Sec.
- 531.0 Scope and exemptions.
- 531.1 Definitions.
- 531.2 Filing of tariffs; general.
- 531.3 Form and preparation of tariffs.
- 531.4 Contents of tariff.
- 531.5 Statement of rates.
- 531.6 Amendments to tariffs.
- 531.7 Supplements.
- 531.8 Application for special permission.
- 531.9 Terminal rules, charges and allowances.
- 531.10 Governing tariffs.
- 531.11 Transfer of operations; changes in names and control.
- 531.12 Delegation of authority to file tariffs.
- 531.13 (Reserved).
- 531.14 Special rules governing the filing of tariffs containing rates and/or rules and regulations for through intermodal transportation.
- 531.15 Special rules for bound tariffs filed pursuant to special permission authority.
- 531.16 Seasonal discontinuance and restoration of transportation service.
- 531.17 Index of tariffs.
- 531.18 Cancellation.
- 531.19 Suspension of tariff publications.

AUTHORITY: (Secs. 18(a) and 43 of the Shipping Act, 1916 (46 USC 817, 841(a)); sec. 2 of the Intercoastal Shipping Act, 1933 (46 USC 844).

§ 531.0 Scope and exemptions.

(a) Every common carrier by water engaged in the transportation for hire of passengers or property on the high seas on regular routes between continental ports of the United States (including Alaska and Hawaii) and ports in its Territories, Districts or possessions; between a port in any such Territory, District or possession, and a port in another such Territory, District or possession; and between places in the same Territory, District or possession, is required by the Shipping Act, 1916, as amended by the Intercoastal Shipping Act, 1933, as amended, (39 Stat. 964, 46 U.S.C. 845(b); 54 Stat. 929, 49 U.S.C. 901) to file with the Federal Maritime Commission and keep open to public inspection schedules showing its actual rates, fares and charges for or in connection with transportation between points on its own route; and if a through route has been established, all the rates, fares and charges for or in connection with transportation between points on its own route and points on the route of any other carrier by water. It is further required that the schedules shall plainly show the places between which freight and passengers will be carried and shall contain the classification of freight and passenger accommodations in force and shall state separately each terminal or other charge, privilege, or facility granted or allowed, and any rules or regulations which in anywise change, affect, or determine any part of the aggregate of such rates, fares or charges, or the value of service rendered to the consignor, consignee or passenger. Terms such as "Taken by Special Agreement or Arrangement Only" and "Subject to Carrier's Option of Acceptance" are not permitted. These terms imply that there may be different arrangements for similarly situated shippers and accordingly they are potentially discriminatory. Further, statements in the tariff conditioning the transportation to "cargo owner's risk" are unacceptable. Common carrier liability is governed by law, not tariff publication and the validity of loss and damage claims is a matter for the proper courts to decide. Tariff publications shall not contain rules which purport to limit common carrier liability contrary to law; and which improperly imply that the tariff user has no recourse under the law.

(b) No change shall be made in any rates, fares, charges or classifications, rules or regulations, except by the publication, filing and posting of new schedules which, unless otherwise authorized by the shipping statutes, the Commission or the rules of this part, shall become effective not earlier than 30 days after the date of posting and filing with the Commission.

(c) All tariffs, supplements and revised pages as are filed, subject to paragraphs (a) and (b) of this section, shall on and after the effective date of this circular, unless otherwise authorized by the Commission, conform to the rules of this part.

(d) Carriers offering round trip passenger excursion voyages are exempt from the tariff filing requirements of section 2 of the Intercoastal Shipping Act, 1933, section 18(a) of the Shipping Act, 1916, and the rules of this part. For the purposes of this exemption, a round trip excursion voyage is defined as a single voyage which originates and terminates at the same port; does not permanently disembark passengers at any intermediate port; and does not call at any port outside the domestic range as defined in paragraph two, section one, Shipping Act, 1916.

(e) Operators of small vessels not in excess of 100-ton cargo carrying capacity or not more than 100-indicated horsepower are exempt from the tariff filing requirements of section 2 of the Intercoastal Shipping Act, 1933, section 18(a) of the Shipping Act, 1916, and the rules of this part provided such vessels: (1) are not employed by or under common control or management of a common carrier by water which operates vessels in excess of 100 tons or 100-indicated horsepower in the same service; (2) are not used as a part of a continuous through movement by another common carrier by water subject to the Shipping Act, 1916; and (3) are not performing lighterage services in connection with or on behalf of another common carrier by water subject to the Shipping Act, 1916.

(f) Carriage by vessels operated by the State of Alaska between Seattle, Washington, and ports in Southeastern Alaska is exempt from the provisions of the Intercoastal Shipping Act, 1933, and section 18(a), Shipping Act, 1916, with respect to the transportation of passengers, commercial buses carrying passengers, personal vehicles and personal effects; provided that such vehicles and personal effects are the accompanying personal property of the passengers, and are not being transported for the purpose of sale.

(g) The provisions of sections 2, 3 and 4 of the Intercoastal Shipping Act, 1933, and section 18(a), Shipping Act, 1916, as amended, shall not apply to the transportation between the continental United States and Puerto Rico of liquid cargoes in bulk of not less than 200,000 gallons per shipper for any one consignee per voyage in tank vessels designed exclusively for the carriage of such cargoes and certified under regulations approved by the Commandant of the Coast Guard pursuant to the provisions of section 391 (a) of Title 46 U.S.C.

(h) The Commission may at any time direct the reissue or cancellation of any tariff publication that may not be in accordance with the provisions of the Intercoastal Shipping Act, 1933, as amended, or the regulations of this part. Tariff publications which fail to provide the required notice or fail to comply with the rules of this part are subject to rejection.

§ 531.1 Definitions.

The following definitions of terms used in this part shall apply unless the context specifically indicates otherwise.

(a) *Amendment:* a change, alteration, correction, or modification made in an existing tariff, rule, publication, or order.

(b) *Absorption:* the assumption of any or all of the cost of performing a transportation or other service from revenues received in the course of performing a different service.

(c) *Act:* the Shipping Act, 1916.

(d) *Carrier:* unless otherwise provided, a shortened form of "common carrier"; one who holds himself out by the establishment and maintenance of tariffs, by advertisement and solicitation, and otherwise, to provide transportation for hire in interstate or foreign commerce, assumes responsibility or has liability imposed by law for the safe transportation of the shipments, and arranges in his own name for the performance of such transportation, whether or not owning or controlling the means by which such transportation is effected.

(e) *Class Rates:* rates which are assessed according to the class ratings established in a governing classification or a classification section of a rate tariff.

(f) *Classification:* a governing publication (not a rate tariff) setting forth rules, regulations or charges to be used in connection with a published class rate tariff or section of a tariff containing class rates.

(g) *Commission:* the Federal Maritime Commission.

(h) *Commodity Rates:* rates, which when specified displace class rates, applying on a commodity or on commodities specifically named or described in the tariff in which the rate or rates are published; apply to certain mixed shipments and are the lawful rates even though certain parts of the mixtures are covered by the class rates when shipped separately.

(i) *Equalization:* a rate basis that equalizes natural disadvantages of shippers and localities as regards transportation facilities and costs, usually brought about by a voluntary adjustment of rates.

(j) *Feeder Service:* the transpotration of cargo by water by an ocean carrier between ports directly served by its vessels and ports not so served, but shall not include water services between ports of the United States subject to the Interstate Commerce Act.

(k) *Filing, Filed, File:* when used with respect to time of filing with the Commission, shall mean the actual receipt by the Federal Maritime Commission at its offices in Washington, D.C.

(l) *Interchange:* relative to cargo, the transfer of cargo from one carrier to another where both vessels are under the operational control of the same carrier; the change from one mode of transport to another in the course of through intermodal transportation.

(m) *Intermodal Transportation:* the carriage of cargo from origin to destination utilizing, during the movement, two or more different modes of transportation, at least one of which is water carriage subject to the Shipping Act, 1916, as amended, and the Intercoastal Shipping Act, 1933, as amended. For the purposes of this usage, the modes are: water, highway, air and railroad.

(n) *Joint Rate:* a rate agreed upon by two or more carriers and applies between a point in the scope of one and a point in the scope of another.

(o) *Local Rate:* rates or charges for transportation over the route of a single water carrier between two points, the application of which is not contingent upon a subsequent movement or any other separate consideration.

(p) *Open for Public Inspection:* each carrier shall maintain a complete and current set of the tariffs issued by it or to which it is a party in each of its offices and those of its agents in any city where it transacts business involving such tariffs. Such tariffs shall be freely available to interested parties during the carrier's/agent's normal business hours as posted at each such location.

(q) *Person:* includes individuals, firms, partnerships, corporations, companies, associations, joint stock associations, trustees, receivers, assignees, agents or personal representatives.

(r) *Port:* a place having facilities to originate or terminate water transportation and at which the actual transportation by water, subject to the Shipping Act, 1916, as amended, commences or terminates as to any particular movement of cargo.

(s) *Post, Posting, Posted:* the filing of tariffs and other schedules for public use as required by law at local and general offices of the carrier and to which the carrier is a party.

(t) *Project Rates:* rates applicable to the transportation of materials and equipment to be employed or incorporated in the construction or development, by the shipper or consignee, of a named facility used in manufacturing processes, the exploitation of natural resources, public utilities, or other production/service facilities. Such materials or equipment may not be intended for sale or resale.

(u) *Proportional Rates:* rates or charges assessed by a carrier for transportation services, the application of which is predicated on a prior or subsequent movement.

(v) *Substituted Service:* the use of the facilities of another carrier or another mode of transportation than that which the carrier normally and regularly offers to the public; as used in shipping docu-

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ments and tariffs, those instances where transportation of cargoes is occasionally performed by utilizing the transport facilities of another carrier due to unexpected operating exigencies. The offering or performing of a regular service by means of overland or air transportation over part of its route, or by using a waterborne feeder service not under the control of the publishing carrier, is not to be described as substituted service, but, rather, is an arrangement for through transportation.

(w) *Tariff:* a publication containing the actual rates, charges, classifications, rules, regulations, and practices of a carrier for transportation, a segment of which is performed by a carrier by water.

(x) *Tariff Filing:* any tariff, or modification thereto, which is received by the Commission as filed pursuant to these rules.

(y) *Tariff Publication:* a tariff, an amendment or supplement thereto, or a revision or reissue thereof.

(z) *Through Rate:* a rate applicable from point of origin to its destination. Such rate may consist of a joint rate offered by two or more carriers; a combination of two or more local rates; or a combination of proportional rates or factors, operating as a unit for a single transportation service and on a through bill of lading.

(aa) *Through Route:* an arrangement for the continuous carriage of goods between origin and destination offered or performed by: two or more water carriers in a movement entirely by water; one or more water carriers in connection with one or more other carriers when the origin and/or destination of the cargo lies beyond port terminal areas; or, a carrier which is a water carrier and also offers transportation service beyond port terminal areas under the regulatory scope of agencies other than this Commission.

(bb) *Transshipment:* the physical transfer of cargo from the vessel of one common carrier by water to a vessel of another common carrier by water.

§ 531.2 Filing of tariffs; general.

(a) Tariff publication shall be filed by an officer or duly authorized agent of the carrier. When filing is made, the power of attorney of every carrier participating therein shall either be on file with the Commission in accordance with § 531.12 of this part or shall accompany the filing. Such filing shall constitute filing for all carriers who are parties thereto.

(b) Each carrier, or agent, as applicable, shall number their respective tariff publications in a consecutive numerical order with their initial filing being number 1 in their particular series. In the event that such numbering may conflict with prior filings, it is required that any filing, not so numbered, be accompanied by a letter of explanation which clearly sets forth the reason for such noncompliance. Freight, passenger and government tariffs shall be numbered in separate series. Freight tariffs filed by, or on behalf of, a carrier shall be designated as Tariff FMC–*F* No. ____; passenger tariffs will be designated as Tariff FMC–*P* No. ____; tariffs governing the movement of government cargo or passengers will be designated as Tariff FMC–*G* No. ____; and tariff indices will be designated FMC–*I* No. ____.

(c) Every tariff, supplement, revised page, or other tariff publication published, posted and filed, including tariff publications of carriers entering a trade for the first time, shall bear an effective date, unless otherwise provided for by rule, special permission, or order of the Commission, which allows the full statutory notice period of thirty (30) days, said period to run from 12:01 a.m. on the day of receipt by this Commission as indicated by the currently authorized receipt notation of this Commission. Such receipt may be accomplished only during normal business hours of this Commission as published in § 502.2 of this chapter or subsequent revisions thereof or supplements thereto.

(d) Except as otherwise provided, carriers, or their agents, shall transmit to the Commission, in one package, two copies of each publication to be filed. At least one copy of each new tariff, supplement and/or loose-leaf page must also be transmitted to each subscriber thereto, including those state, commonwealth or territorial governors who have requested such publications, by first-class mail, not later than the time the official filings are transmitted to the Commission. The letter of transmittal accompanying the copies to the Commission must certify that such service has been made. As to those publications sent to this Commission for the purpose of filing, no such publications will be received by the Commission unless it is delivered free of all charges, including postage.

(e) All tariff publications tendered for filing with this Commission shall be accompanied by a letter of transmittal, not to exceed 8½ inches by 11 inches in size, which shall:

(1) identify the filing party;

(2) identify the publication(s) being submitted for filing;

(3) describe the specific effect of any changes being proposed; and

(4) set out such certifications as are required by paragraph (d) of this section and part 512 of this chapter.

The form of the letter of transmittal shall be substantially as follows:

(Name of Carrier, or Agent, in Full as Shown on Applicable Tariffs) (Mailing Address)

Transmittal No. ---------- ----------, 19____.

OFFICE OF DOMESTIC COMMERCE,
FEDERAL MARITIME COMMISSION,
1100 L Street, NW.,
Washington, D.C. 20573

The accompanying publication(s) is/are sent to you for filing:

Tariff No.	*Revision/Page/Supplement No.*	*Effect*

(List submitted publications in tabular form)

and is/are concurred in by all carriers named therein as participants under applicable powers of attorney either currently on file with the Federal Maritime Commission or accompanying this filing.

Certification

I, the undersigned, ----------
(type or print name and title of officer in charge of accounts)
of ----------, certify
(full name of reporting company)
that the changed rate submitted herewith does not meet the criteria set forth in 46 CFR § 512.3(d)(1)(i) and (ii), and for that reason no financial and operating data as set forth in subparagraphs (2) and (3) of § 512.3(d) are necessary.

I hereby certify that I have on or before this day sent at least one copy of each publication listed hereon to each subscriber thereto by first-class mail, free or at a charge not to exceed the cost of postage.

Signature ----------
Date ----------, 19____
---------- (Signature)
---------- (Title)

Enclosures

(f) Several publications may be transmitted via a single letter of transmittal, however, they must be of the same series; *i.e., passenger* tariffs may not be transmitted on the same letter of transmittal with a *freight* tariff.

(g) All letters of transmittal are to be tendered in duplicate. One copy will be receipted, and returned to the submitting party, provided that a self-addressed, stamped envelope is included.

(h) The acceptance of a tariff publication does not constitute proof of its legality for all purposes. That fact that a tariff publication is on file with the Commission does not relieve the publishing party from responsibility at law or for infractions of this Commission's regulations as may be published either prior to or after the effective date of an accepted tariff publication.

(i) No carrier may publish, or permit to be published in its behalf, any tariff publication or portion thereof, which in any way duplicates or conflicts with any other tariff publication or provision to which said carrier is a party.

(j) The Commission may reject any tariff publication which fails to meet the requirements of this Commission's regulations as set forth herein or which are not in accord with the provisions of the Intercoastal Shipping Act, 1933, as amended, or any other orders of the Commission. In the event of such rejection, the party tendering the filing will be notified, in writing, of the reason for the rejection. One copy of the rejected publication will be returned to the filing party.

(k) The revision number or, in the case of an entire tariff, the series number, of a rejected publication may not be used again, nor may the rejected publication be referred to in any subsequent publication as being, or having been, cancelled, amended, or withdrawn. Any publication submitted in place of a rejected publication must bear the notation:

Issued in lieu of (here identify the rejected publication) rejected by the Federal Maritime Commission.

and must cancel any prior publication which the rejected publication was originally intended to cancel.

(l) The Commission will not surrender, or permit to be withdrawn, any tariff publication filed with it, except as provided in paragraph (j) of this section.

(m) Each common carrier by water, subject to this part, or its agent, shall maintain its tariff or tariffs in a complete, accessible and usable form and shall make such tariff publications available to the public, upon request and during normal business hours, as follows:

(1) Each common carrier by water shall post at each loading port, or facility, at which freight is received for transportation, and/or at which an agent is employed, all tariffs relevant to the transportation of freight from that port or facility by the publishing carrier or agent.

(2) Each common carrier by water shall post at its principal office a complete set of all tariffs published by it, for it, or to which it is a party. The location of said principal office to be clearly and distinctly set out in an appropriate rule or item of all tariffs published by, for, or on behalf of, said carrier; and

(3) All such posted tariff publications shall be posted a minimum of thirty (30) days prior to their effective date unless otherwise provided for by rule, regulation, permission, or order of this Commission.

(n) Any carrier who shall cease operations, for other than seasonal discontinuances as provided for in this part and without having a successor, shall, within thirty (30) days of such cessation, act to cancel its applicable tariff(s) and power(s) of attorney in accordance with § 531.12(d).

§ 531.3 Form and preparation of tariffs.

(a) All tariff publications except as otherwise provided by special permission of this Commission and in accordance with § 531.15 hereof shall be published in loose-leaf form. Pages shall be 8½ by 11 inches in size and shall be plainly and legibly printed, mimeographed, planographed or reproduced by other similar durable process on paper equivalent to, or better than, offset book paper, Sub. 100. Pages shall be printed on one side only, using not less than 8-point bold or full face type except that 6-point type may be used for reference marks, explanations, column headings, and bills of lading. Original typewritten or proof sheets shall not be used for filing or posting.

(b) Tariff publications submitted for filing, or utilized for posting, shall not contain erasures or original alterations of any nature.

(c) A margin, without any printing or tariff matter thereon, of not less than three-quarters of an inch is required on all edges of all pages of all tariffs.

(d) Tariff publications containing rates will be arranged in an orderly columnar fashion with vertical ruling separating columns of rates, rate bases, and commodity/item descriptions. Horizontal groupings will be done in a manner which clearly defines the rates, terms, conditions, etc., applicable to a given commodity or item, with no more than six horizontal lines of type without a page-wide break or horizontal ruling.

(e) All pages of all tariff publications will be consecutively numbered beginning with the title page as page number one. The first edition of a page shall be designated as "Original Page No. ____" with subsequent revisions to be designated as "(*Show Revision No.*) Revised Page No. ____." Revisions of individual pages are to be published in a numerically consecutive order. Any departure from such consecutive ordering must be explained in writing and is subject to rejection. Page/Revision numbers will be published in the upper right hand corner of the page.

(f) In addition to the required numbering, each tariff publication page will be identified by printing the carrier's name and the applicable FMC tariff designation at the top of the page.

(g) The page number, revision number and effective date of each page will be printed in the upper right-hand corner of the page.

§ 531.4 Contents of tariffs.

(a) The first page of every tariff shall be a title page and shall contain, as a minimum, the following information (See Exhibit No. 1):

(1) The operating name of the carrier, appropriately identified as a Nonvessel Operating Common Carrier (NVOCC) or a Vessel Operating Common Carrier (VOCC). In the case of an agent or bureau tariff, the operating name of the agent or bureau is to be shown.

(2) Applicable agreement numbers.

(3) A tariff number assigned by the filing party in conformity with § 531.2(b) herein.

(4) The designation of any tariff(s) cancelled by the instant tariff, in accordance with § 531.18(a), to be located immediately under subparagraph (3) of this paragraph, except that, when the cancellations are so numerous as to make it impractical to show such cancellations, they may be shown on an interior page, in which event a reference thereto shall be shown on the title page in lieu of the cancellation itself.

(5) A list of the ports from and to, or between, which the tariff publishes services or reference to an interior page where such list can be found.

(6) A statement of the type of service offered, i.e., direct, transshipment, or both.

(7) A statement of the type of rates published, i.e., local, proportional, class, commodity, joint, through, intermodal, etc.

(8) Identification of governing publications.

(9) (i) The effective date of the page in accordance with the requirements of § 531.2(c) and § 531.3(g) herein. In addition to the statutorially required effective date, all revised title pages must set out the effective date of the original title page.

(ii) Expiration notice. In the event that the publication contains provisions which are published to expire at a specific time, notice of such expiration is to be shown.

(10) The current name, title and mailing address of the issuing party as prescribed in § 531.2(a) and § 531.6(a)(2)(v) of this part.

(11) The names of all carriers participating in the tariff or reference to an internal page on which such participants are listed.

(12) Except as provided in § 531.15(d), the title page shall contain a list of all supplements which are currently applicable to the tariff.

(b) The body of the tariff shall contain, in the order named, the following:

(1) A table of contents and a full and complete index of the exact locations where information in the tariff will be found. Such index will list all subjects in alphabetical order and shall show the item, rule or unit numbers and the page numbers where such subjects will be found.

(2) An alphabetically arranged list of all carriers who are currently participants in the tariff. The full operating name, current address, and applicable agreement numbers will be shown for all such participants.

(3) A list of the ports/facilities from and to, or between, which the carrier provides service. Such list shall show the street address of the receiving/disbursing freight station. Mailing address(es) will not suffice, nor will simple port names be adequate.

(4) A single, complete, alphabetically arranged index of commodities, for which rates are published in the tariff, showing the page on which such rate will be found. Such index may be omitted where rates on less than 100 commodities are included in the tariff, provided, however, that such rates are published in an alphabetical arrangement. In either event, all articles generic to different species of the same commodity shall be grouped together.

(5) A full explanation of any symbols, reference marks, or abbreviations used in the tariff to include, but not limited to, the following standard symbols:

(i) ↓ to denote reductions;
(ii) ♦ to denote increases;
(iii) ▲ to denote changes which result in neither increases nor reductions in rates or charges;
(iv) ● to denote no change in rate;
(v) [r] to denote reissued matter; and
(vi) [d] to denote deletions.

These symbols shall be used only for the purposes indicated and no other purpose, nor shall any other symbol be used for these purposes.

(6) If governed in any manner by any other publication, as set out in § 531.10, such publications are to be listed in alphabetical order by the name of their respective issuing party, to include the series designation and number.

(7) Rules and regulations which affect the application of the tariff. Specific rules shall be published to govern the following, as a minimum:

(i) Application of rates. Tariffs shall clearly state all of the services provided

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to the shipper and included in the transportation rates set forth therein.

(ii) Effective date rule. Every tariff shall contain a rule, which sets forth in clear and definite terms, the time at which rate changes become applicable on any particular shipment. In the case of intermodal shipments, the effective date will be the date the originating carrier takes possession of the cargo.

(iii) Heavy lift.

(iv) Extra length.

(v) Minimum bill of lading charges.

(vi) Payment of freight charges. Every tariff shall contain a rule which clearly sets forth the terms of payment for services rendered; *i.e.* COD, prepaid etc. If credit is to be extended, the rule must include the credit terms available and the conditions under which credit will be extended.

(vii) Specimen Bill of Lading. The rules shall include specimens of any bill of lading, contract of affreightment, or other document evidencing the transportation agreement, unless a separate bill of lading tariff is on file with this Commission as permitted in § 531.10. In either event, such documents shall indicate that they are subject to the terms and conditions of the carrier's tariffs as are currently in effect and on file with the Federal Maritime Commission in Washington, D.C. and such documents shall not contain provisions which are in any way in conflict with, or more stringent than the terms and conditions of said current tariffs.

(viii) Freight forwarder compensation. Every tariff shall contain a rule specifying the rate or rates, if any, to be paid to licensed ocean freight forwarders in accordance with § 510.24(f) of this chapter.

(ix) Application of effective surcharges, arbitraries, or other charges of a similar nature. Whenever one or more such charges are applicable to a single shipment, the tariff shall clearly set forth the method of such application, *i.e.*, are they applied in aggregate; are they compounded, etc.

(x) Minimum quantity rates (alternation of rates). Every tariff that names two or more rates, dependent upon different quantities of the same commodity, shall contain the following rule:

When two or more freight rates are named for the carriage of goods of the same description, and the application is dependent upon the quantity of the goods shipped, the freight charges assessed against the shipment shall not exceed the charges computed for a larger quantity.

(xi) *Ad Valorem* rates. When an *ad valorem* rate is published in a tariff, a rule shall be published to specify the exact method of computing the charge, and the additional liability, if any, assumed by the carrier in consideration thereof.

(xii) Transshipment Service. When transshipment services are offered under either nonexclusive transshipment agreements filed with this Commission in compliance with part 524 of this chapter; or pursuant to agreements approved by the Commission under section 15 of the Act; the tariff shall set out those tariff provisions required by the applicable agreement and as stated in part 524 of this chapter.

(xiii) Explosives or other dangerous articles. Tariffs which contain rates for the transportation of explosives, inflammables, corrosive material, or other dangerous articles, or which do not specifically prohibit the carriage of such materials, shall contain the rules and regulations of the carrier, which govern the transportation of such articles, or shall bear reference to a separate publication, on file with this Commission in conformity with § 531.10 herein, which contains such rules and regulations.

(xiv) Automobile measurement rule. Tariffs naming rates and charges for the transportation of automobiles, or which do not prohibit their carriage, shall contain either a measurement rule or a weight rule governing such transportation. The measurement and weight rules shall be worded: (A) In the computation of charges for the transportation of automobiles, the cubic measurement for the five most recent model years will be those prescribed by the manufacturer of the particular make and model as shown[1] on pages _____ to _____ herein.

(*1*) Automobiles whose measurements are not shown in the carrier's tariff or in the Federal Maritime Commission's Publication No. 1, whichever is controlling, shall be individually measured by the carrier for rating purposes.

(2) Automobiles which, because of added accessories or equipment, vary in dimensions from the standard measurements shown in the carrier's tariff or in the Federal Maritime Commission's Publication No. 1 shall be individually measured by the carrier for rating purposes. The fact that such vehicles were individually measured by the carrier and the actual variation from the standard measurement (in cubic feet) shall be noted on the bill of lading.

(B) Freight charges for transportation of automobiles on a weight basis shall be determined by individually weighing each automobile on the carrier's scale. Where the carrier does not provide weighing facilities, the shipper shall have the vehicle weighed and provide the carrier with a certification showing the weight thereof.

(xv) Container Description Rule

(A) *Definitions:* For the purposes of this subparagraph the following definitions will apply:

Container means a demountable trailer body transported without wheels on board vessels.

Trailer means a vehicle, on or in which freight may be carried, transported on wheels on board vessels.

Capacity means the available cubic or weight limit of a container/trailer.

(B) *Rates and/or charges relative to capacity of containers.*

Tariffs which publish rates and/or charges (where the level of such rates and/or charges is relative to the capacity of the container/trailer utilized), on shipments transported in containers/trailers must specify the capacity of the container/trailer to which said rate and/or charge applies.

(C) *Carrier-provided containers.*

In the instance of carrier-provided containers/trailers, the specifications (to include capacity *and* container/trailer identification) of said container/trailer must be set forth in the tariff rate item, an applicable tariff rule, or in an appropriately referenced governing publication currently on file with the Federal Maritime Commission in Washington, D.C. Further, the tariff shall provide (in the event that the carrier should provide a container/trailer of a specification other than that set out in the tariff rate item, tariff rule, or governing publication) a conversion formula or table which is easily capable of adjusting the applicable tariff rate and/or charge relative to the capacity of the container/trailer supplied.

(D) *Shipper/consignee-provided containers.*

In the instance where shipper/consignee-provided containers/trailers are accepted, under the terms of the tariff, for shipment, the applicable rate will be determined through reference to the conversion formula or table prescribed in subdivision (C).

(xvi) Additional rules which affect the application of the tariff shall follow the rules specified above and shall be numbered consecutively.

(8) Where exceptions apply to classification, rules or rates, they shall be enumerated in the tariff to which they apply and shall be set forth in an item to be titled *"Exception to the Application of this Tariff."*

(9) A special rule affecting only a particular item or rate must be specifically referred to in such item or rate. All such rules to be assigned an individual number to be consecutive with the above rules.

EXHIBIT I

(531.1(e)), Original Page No. 1.
Original Title Page
(531.4(a)(9)(i)), Effective date: July 26, 1960.
(531.4(a)(3)), FMC–F No. 5
Cancels
(531.4(a)(4)), FMC–F No. 4

I. TOWALOTTA FREIGHT, INC.

(531.4(a)(1)), Vessel Operating Common Carrier Tariff
Naming
(531.4(a)(7)), Local and Proportional Commodity Rates
Between
(531.4(a)(5)), U.S. Pacific Coast and Hawaii Ports of Call and Pago Pago, American Samoa
via
(531.4(a)(6)), Transshipment at Guam
(531.4(a)(8)), Governing Tariff(s): Rules Tariff FMC–F No. 2
(531.4(a)(2)), Applicable Agreements: DC–XX; DC–XIX
(531.4(a)(12)), Applicable Supplements: Supplements 1, 3 & 6 Contain All Changes
(531.4(a)(11)), Participating Carriers: See Page No. 3 Herein
(531.4(a)(10)), I. Gottapen, Traffic Mgr., P.O. Box XVIX, Northlan, New York 22222

[1] Or, in the alternative, " • • • as shown in the Federal Maritime Commission's Publication No. 1, entitled Automobile Manufacturers' Measurements."

(531.4(a)(9)(ii)), Expiration Notice: Supplement No. 6 Expires Aug. 25, 1960

§ 531.5 Statement of rates.

(a) The application of all rates shall be clear, definite, and explicitly stated per: 100 pounds; ton of 2,000 pounds; ton of 2,240 pounds; per cubic foot or some clearly defined unit of freight.

(b) Tariffs containing rates per barrel, or other package, shall define such package. Clear and concise rules, to be used in determining weights or measurements of such units, shall be included in the tariff.

(c) Where rates vary depending upon whether the cargo is packed, crated, palletized, loose or otherwise prepared or delivered for shipment, there shall be a clear and specific statement governing the application of such rates.

(d) Where rates are published on a weight or measurement basis, a specific statement will be made that the basis producing the greater or lesser revenue to the carrier will apply.

(e) No rule shall be permitted which allows either the carrier or the shipper to exercise any option as to the rates to be applied. The publication of rates which duplicate, or conflict with, the rates published in the same, or any other, tariff, to which the carrier is a party, is not permissible. In addition, the publication of a statement, in a tariff, to the effect that the rates published therein take precedence over, or alternate with, rates published in some other tariff, is prohibited.

(f) When commodity rates are established, they displace class rates otherwise applicable. Commodity rates must be specific and shall not apply by implication, or otherwise, on analogous articles.

(g) Commodities and generic commodity groupings, on which rates are stated, shall be listed in alphabetical order. Item numbers, if published in the index, shall be shown with the item. All rates will be stated in a systematic and straight forward manner.

(h) A commodity item may provide rates on a number of articles, without naming them, provided the commodity item makes reference to an item or rule in the tariff naming such commodities or to a governing classifiaction on file with this Commission in accordance with § 531.10 hereof.

(i) A tariff may provide rates from or to designated ports by the application of an arbitrary or differential charge, said application to be clearly defined and referenced in the rate item, to the base rate as applicable to a specified base port.

(j) Where commodity rates are published subject to a minimum quantity provision, the provision will be clearly stated and contained in the commodity item description to which it applies. In the case of mixed shipment, described in § 531.5(k), the applicable minima shall be similarly stated and their application clearly defined.

(k) In the event that provision is made for the movement of different articles in mixed lots as a single shipment, and without a specific mixture being defined, the tariff will set forth rules which clearly define the rate(s) to be applied and basis for that application.

(l) Where a tariff publishes rates for the movement of different articles as a single generic commodity, other than that specified in § 531.5(k) above, the commodity description shall clearly and precisely set forth a description of the mixture of such articles, that is required in order that the rate may be applied. In the case of cargo moving under this rule, the tariff shall require that the composition of the qualifying shipment be shown on the face of the applicable bill of lading governing the movement. In the event that the shipment contains a greater number of different commodities, than is required to qualify for the rate, the bill of lading description need show the quantity composition of the load only to the extent necessary to qualify for the specified minimum number of commodities.

(m) All filings which purport to establish a project rate shall be accompanied by:

(1) A narrative disclosing the economic justification for the project rates and a demonstration that the rates would cover the variable out-of-pockets expenses of the movement and would make some contribution to the fixed voyage expenses;

(2) a certification that all carriers, having tariffs on file with the Federal Maritime Commission covering services between the involved ports, have been served a copy of the proposed project rate filing (exclusive of the financial data), to include the names of all carriers so served; and

(3) shall include in the applicable tariff publication;

(i) a list of the commodities to be transported under the project rates;

(ii) a date upon which the project rates will expire; and

(iii) a statement that the bill of lading used to move cargo under the project rates will be claused "All materials included in this bill of lading are of a wholly proprietary nature and may not be resold at destination or otherwise placed in commercial channels for resale."

(n) Publications setting forth proportional rates must clearly and definitely state the circumstances under which, and the points between which, such proportional rates may be applied. If the application of a proportional rate is not prescribed, such proportional rate will be usable in connection with any other rate which is applicable to or from the proportional rate point.

(o) Tariffs, published subject to a governing classification, shall not state the applicable rates as a percentage of any base rate, but, rather, shall publish a specific and individual rate for each and every class or percentage thereof, for which service is proposed.

§ 531.6 Amendments to tariffs.

(a) General Tariff Amendments.

(1) All changes in, additions to, or deletions from a tariff shall be known as amendments. All amendments to tariffs shall be in a permanent form at set forth hereinafter.

(2) Notice Requirements

(i) Amendments which provide for new or initial rates; changes in rates, charges, rules or other provisions in a tariff shall be published and filed with the Commission to become effective not earlier than 30 days after the date of receipt, by the Washington, D.C. offices of this Commission, as evidenced by the official receipt stamp applied thereto in accordance with § 531.2(c), unless special permission has been obtained, as detailed in § 531.8, to do otherwise, and/or unless otherwise specified herein.

(ii) Changes which provide for extension of actual service to additional ports, at rates or fares already in effect for similar service at the nearest port of call to said additional ports, by the filing carrier, shall be effective immediately upon receipt by this Commission.

(iii) Changes which provide for the adoption of a tariff, as provided in § 531.11, shall be effective upon the actual date of such change in name or control, provided that such tariff changes are received by this Commission on or before said effective date.

(iv) Changes which provide for the complete cancellation of a tariff in accordance with § 531.7, due to a cessation of service, and without any successor organization and/or tariff publications, shall be effective on the actual day of such cessation, provided that such tariff change is received by this Commission on or before said effective date.

(v) Changes in the title page, which change only the name and/or address of the issuing officer (§ 531.4(a)(10)), shall be effective on not less than one day's notice to this commission.

(vi) Changes in terminal rates, charges and provisions, based upon changes in rates, charges and provisions of terminal operators over which the carrier has no control, shall be filed to be effective on not less than ten days' notice to this Commission provided that such action is taken by the carrier within thirty days after the effective date of the change made by the terminal. Amendments filed pursuant to this rule shall be accompanied by a narrative justification which, as a minimum, shall cite the terminal change which makes such an amendment necessary. (The terminal tariff is to be cited by name, series, page, item number and the effective date thereof).

(viii) Carriers may publish, post and file, on not less than one day's notice, schedules which establish additional terminal facilities for the loading and/or discharging of cargo, at the rates currently applicable at other facilities in the same port or harbor, for the account of the carrier for which the additional facility is established.

(viii) Amendments announcing seasonal discontinuance or restoration of service shall be filed so as to allow not less than ten days' notice. It shall contain no other amended matter other than

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a simple statement as to the date of discontinuance/restoration.

(3) Amendments to loose-leaf tariffs shall be made by reprinting the entire page upon which such amendments are made. Such page shall be designated, in the upper right-hand corner, as a revised page and shall cancel the preceding edition of the same page; i.e.:

1st Revised Page 10
Cancels
Original Page 10

(4) Amendments to bound tariffs, filed pursuant to approved authority in accordance with § 531.8, shall be made by the issuance of a supplement, to the applicable tariff, which publishes the entire page on which the change is desired. The content, number and designation of such supplements to be in accordance with § 531.7.

(5) Changes made in existing rates, charges, classification, rules, or other provisions shall be indicated by the use of the symbols specified in § 531.4(b)(5). When a change of the same nature is made in all, or in substantially all, rates and fares in or on a tariff publication, the nature of the change may be indicated in boldface type at the top of the title page of such publication, or on each page, in substantially the following form, "All rates or fares in this tariff (or supplement or on this page) are increases (reductions), except as otherwise indicated." When the foregoing notation is shown, a bold-faced dot, in accordance with § 531.4(b)(5)(iv), shall be used to denote a rate or fare in which no change has been made.

(6) When an amendment deletes any matter previously contained in a publication, the deletion shall be indicated by the symbol [d]. Should the deletion result in a change in expense to the shipper/consignee, the effect of the change will be indicated as required by § 531.4(b)(5). In addition, the amendment shall state what provision, if any, now applies. In the event that the deleted matter is republished on a different page, the page from which it is deleted shall make specific reference to the page on which the relocation provisions will be found.

(7) Every tariff amendment which accomplishes a change upon less than statutory notice pursuant to special permission authority granted by this Commission, shall show in a connection with such a change a notation as provided for in § 531.8(k).

(8) If, as a result of the expansion of the matter on any page, it becomes necessary to add an additional page, such additional pages (except where it follows the final page) shall be given the same number as the previous page with a consecutive letter suffix; i.e., Original Page 4–A, Original 4–B, etc. In the event that it is necessary to change matter on such a page, it may be done by issuing First Revised Page 4–A, which shall indicate the cancellation of Original Page 4–A.

(9) If, after a loose-leaf tariff has been filed with this Commission, it is desired to file additional pages at the end of the tariff, they shall be numbered consecutively with the last page of the tariff, and shall be designated as original pages.

§ 531.7 Supplements.

(a) Supplements may be filed to a loose-leaf tariff to accomplish the following:

(1) To provide for a general rate change applicable to all, or substantially all, of the commodities listed in the tariff.

(2) To provide for a transfer of operations or changes in carrier name and/or control in accordance with § 531.11.

(3) To implement a suspension order in accordance with § 531.19(b).

(4) To provide for a change in effective date affecting the entire tariff.

(5) To cancel either the tariff being amended or previously issued supplements to that tariff—either cancellation to be in its entirety with partial cancellation not being permitted.

(b) Supplements shall be the only method of amending those bound tariffs whose publication has been authorized by this Commission and shall be used for all changes authorized by this part.

(c) Such supplements shall refer specifically to the page *and* item of the tariff or supplement to be amended thereby.

(1) When an amendment is made in a numbered item or other designated unit, such item or unit must be published in its entirety, as amended.

(2) All such amendments to a single item must be shown in a single amendment and in a single supplement. No more than one supplement may be in effect which affects any single unit or item.

(3) Changes to such numbered items or units shall bear the same designation, as the amended item/unit, with a consecutive letter suffix and shall show the cancellation of the prior item/unit edition; i.e., Item 10–A cancels Item 10; Item 10–B cancels Items 10–A, ad infinitum.

(d) The matter contained in each supplement shall be arranged in the same manner and order as that which it seeks to amend.

(e) Every supplement shall contain either a list of carriers participating therein, arranged in accordance with § 531.4(b)(2), or a statement that the participating carriers are "as shown in tariff" or "as shown in tariff amended as follows."

(f) Matter brought forward, without change, from one supplement to another shall be designated "Reissued" and shall show the original effective date and the number of the supplement from which it was reissued.

(g) No one tariff shall contain more than four active supplements.

(h) The first page of every supplement shall accomplish the following:

(1) Identify the carrier by its operating name as shown on the title page of the tariff being amended.

(2) It shall set out, in the upper right-hand corner, the series and number of the tariff being amended and shall be numbered consecutively with the first supplement issued being number one; i.e.:

Supplement No. 1 to FMC–F No. 3

(3) In the event that the supplement cancels either a previous supplement or the entire tariff to which it belongs, such cancellation shall immediately follow the designation required in § 531.7(h)(2); i.e.:

(i) Supplement No. 1 to FMC–F No. 3
cancels
FMC–F No. 3
or
(ii) Supplement No. 2 to FMC–F No. 3
cancels
Supplement No. 1 to FMC–F No. 3

(4) Immediately following such designation, it shall clearly indicate the supplements currently in effect; i.e.:

Supplement No. 5 to FMC–F No. 3
cancels
Supplement No. 2 to FMC–F No. 3
Supplements Nos. 3, 4, and 5 contain all changes

(5) In a similar fashion, the issuance of a supplement to a loose-leaf tariff shall require the revision of the title page, of the tariff being amended, to reflect those supplements in effect in accordance with § 531.4(a)(12).

(6) All supplements shall publish an effective date in the upper right-hand corner of the first page in accordance with § 531.6(a)(2).

(i) Supplements containing more than one page shall be firmly bound at the left-hand edge; may be printed on both sides of the page; and all printed pages shall be consecutively numbered with the first page of each individual supplement being page number one.

§ 531.8 Application for special permission.

(a) The Commission may, in its discretion and for demonstrated good cause, permit changes in rates, or the issuance of new or initial rates on less than statutory notice and/or permit departure from the regulations in this Part.

(b) Special permission authority may be granted for the following purposes:

(1) To correct typographical errors. Every application based thereon must plainly specify the error with evidence thereof, together with a full statement of the attending circumstances, and must be presented with reasonable promptness after the issuance of the defective tariff publication.

(2) To obtain relief from the regulations in this Part. The application must state the specific rules from which relief is requested, the special circumstances which require such relief, and the end result of the relief, if granted.

(c) Special permission authority will not be granted to allow a carrier to change his rates or provisions on less than statutory notice for the purpose of meeting the rates/provisions of competitors, where such competitor's rates/provisions were filed on full statutory notice. For the purpose of this rule, competitive reaction will be considered good cause only in such instance as the competing carrier has been granted rule relief to allow short notice filing.

(d) Special permission authority will not be granted to permit the modification of a formal order of this Commission. Such modification may be made only by petition to the Commission.

(e) If the authority granted by special permission is used, it must be used in its entirety and in the manner set forth in such special permission.

(f) Application for special permission must be made by the agent that holds authority to file the applicable tariff publication.

(g) The application for special permission shall set forth the following:

(1) The proposed tariff provisions shall be shown by the attachement of a copy of the amended page(s) on which the change is proposed. Such attachment shall be clearly designated as an exhibit to the application. If the proposed provision consists of rates, all points of origin and destination must be shown or definitely indicated; if permission is sought to establish a rule, the exact wording of the proposed rule must be given.

(2) The tariffs and series designations of the publication in which the proposed rates, rules, or other provisions will be published. If publication is to be made in supplemental form to tariffs already published, this is to be shown. The extent to which cancellations will be made shall be clearly shown.

(3) The application shall state the names of carriers known to maintain provisions competitive to those for which the applicant seeks relief.

(4) The application shall certify that such carriers, named in (3), have been advised of the applicant's intentions by copy of the subject application.

(5) Sufficient data and/or narrative to satisfy the requirements of § 531.8(b)(2).

(6) The contents of all such applications shall be attested to by proper authority and shall be certified as such by the seal of a notary public.

(h) All such applications, attachments thereto, and amendments thereof shall be submitted to this Commission in duplicate.

(i) All such applications shall be submitted in a timely manner with no less than five days notice to the Commission in advance of the authority sought.

(j) From time to time, the Commission may, either upon application or on its own motion, establish and/or rescind such outstanding special permission authorities as it may deem prudent. At such time, filings dealing with the relevant content of such outstanding special permission authorities shall comply with the instructions and stipulations published therein.

(k) Any tariff publication, filed pursuant to a grant of special permission, shall publish the following notation at the bottom of each page of such publication, in the case of a loose-leaf publication, or at the bottom of the first page, in the case of bound or supplemental publications: "Published under the authority of Federal Maritime Commission Special Permission No. ---------."

§ 531.9 Terminal Rules, Charges and Allowances.

(a) Every tariff filed pursuant to this part shall clearly and separately state any terminal privilege, facility or service which is included in the basic rates, fares, and charges published by such tariff. In the event that these services are to be performed by an outside company, over whom the carrier has no control, and the carrier collects or absorbs all or a portion of the charges, the particulars surrounding such collection/absorption shall likewise be published in the tariff.

(b) Provisions for the payment of allowances to shippers, consignees, or passengers in lieu of the performance of the above-mentioned privileges, facilities, or services shall be published and filed giving particular attention as to the specific privilege, facility, or service involved, the amount for the specific allowance and the rules governing the making of such allowances.

(c) Changes in such terminal rules, charges and allowances shall be filed on not less than 30 days' notice to this Commission, except as provided in § 531.6(a)(2)(vi).

§ 531.10 Governing Tariffs.

(a) In the event that it is not desirable or practical to include the governing rules of a tariff, as required by § 531.4, or bills of lading or the contract of affreightment, as also required by § 531.4, in the rate tariff itself, these may be separately published and filed in a rules tariff and/or bill of lading tariff. Similarly, classifications of freight, equipment registers, hazardous cargo rules, and other, similar tariffs, may be separately published and filed.

(b) Only one such separate tariff, containing general rules and regulations affecting freight rates or passenger fares, may be filed by or on behalf of any carrier, and each such governing tariff may be used only when referred to by name and series designator in the governed tariff of rates or fares as prescribed in § 531.4(a)(8) and § 531.4(b)(6).

(c) All such governing tariffs shall conform with such provisions of § 531.4 as are applicable.

(d) All tariffs which are subject to such governing publications shall clearly state that subservience.

(e) A governing tariff, containing a classification of the articles upon which the rates named in other tariffs apply and to which proper governing reference is made, may be filed. The articles must be listed in the classification in an orderly manner and a designated rating must be shown in connection with each description thereof. Rules, if any, having an application to the classification must precede the list of articles and must be separately numbered. Such classification has application only in connection with and to the extent provided for in tariff publications which refer thereto.

§ 531.11 Transfer of operations; changes in name and control.

(a) When the name of a carrier is changed, or when its operating control is transferred, or otherwise acquired the carrier which will thereafter operate the properties shall simultaneously file:

(1) An adoption notice in the form of a one-page tariff, numbered in the adopting carriers FMC series (in accordance with § 531.2(b) and § 531.4(a)) and reading as follows:

FMC–F (or –P or –G) No.---------

(Operating name of adopting carrier)

ADOPTION NOTICE

The (operating name of adopting carrier) hereby adopts, ratifies, and makes its own, in every respect and as if the same had been originally filed and posted by it, all freight (or passenger, or rules) tariffs, notices, divisions, authorities, powers of attorney, or other instruments whatsoever, including supplements or amendments thereto, filed with the Federal Maritime Commission by, or heretofore adopted by, the (operating name of carrier being adopted) prior to (effective date of change in operating control).

Issued by (Issuing Officer in accordance with § 531.2(a))

Effective Date (in accordance with § 531.6(a)(2)(iii))

and;

(2) A consecutively numbered, revised title page to each of the tariffs of the adopted carrier, covered by the adoption notice in § 531.11(a)(1), reading as follows:

Effective (in accordance with § 531.6(a)(2)(iii)) this tariff, as amended or supplemented, became the tariff of the (operating name of adopting carrier) as per its adoption notice published in its Tariff FMC–F (or P or G) No. ---------

Such revised title pages shall be accompanied by a letter of authority, on the letterhead of, and issued by the issuing officer of, the adopted carrier, which states his full knowledge of and concurrence in the proposed adoption action and the subsequent cancellation required by § 531.11(b). Such letter of authority shall be duly sworn to and certified by a notary public.

(b) Tariffs, adopted in accordance with § 531.11(a)(2), shall be cancelled, in their entirety, within ninety days of the effective date and shall not be further supplemented or amended other than to accomplish said cancellation.

(c) The adopting carrier shall publish replacement tariffs, for those cancelled under § 531.11(b), under its own operating name and bearing its own consecutive FMC series and number designation to be effective on the first day following the effective date of the tariff cancelled in accordance with § 531.11(b). The new tariff to give full statutory notice, in accordance with § 531.2(c), and to cancel the adopting carrier's adoption notice published under the provision of § 531.11(a)(1).

(d) Tariffs naming participating carriers shall be amended when any of those participating carriers are adopted or otherwise have a change in name and/or control. In the event that participation is to continue under the new operating name of the adopting carrier, the amendment shall add the new operating name

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of the participating carrier and shall delete all reference to the participating carrier's former name. Should the adopting carrier not intend to continue the participation, the amendment shall delete all reference to the adopting carrier's former name. Such amendment shall be published on full statutory notice to coincide with the effective date of the tariff cancellation required under § 531.11(b). Similarly, all powers of attorney, adopted by the adopting carrier, shall be replaced and superseded by new powers of attorney issued by and numbered in the series of the new carrier with such new powers of attorney to be effective with the cancellation required under § 531.11(b). Such cancellations of powers of attorney shall include the name of the adopted carrier. Any power of attorney that will not be replaced must be revoked in accordance with § 531.12.

(e) In the event that a carrier falls into receivership, similar notices, as required in § 531.11(a) through (d), shall be filed in the FMC series of the carrier by the receiver or trustee to be effective when he assumes possession and control of the carrier's operations. When the receivership/trusteeship is terminated, the carrier taking over the properties shall publish such notices, supplements and tariffs as are herein above prescribed.

(f) Partial adoptions, where the operating control of only a part of a carrier's properties and publication is transferred to another carrier, shall not be allowed. Such changes in operations are to be accomplished by the cancellation of currently applicable tariffs and their subsequent reissuance, on full statutory notice, to show the changes in operations.

§ 531.12 Delegation of authority to file tariffs.

(a) A carrier may grant authority to a person, not an official or employee of such carrier, to act as agent for such carrier in the issuance of all its tariffs, or any particular tariff.

(b) In the event that there is such delegation of authority by a carrier, there shall be filed with this Commission a power of attorney indicating the appointment of such agent and setting forth the exact limit of the authority of such appointed agent. Such power of attorney must be signed by a corporate officer and sworn to before a notary public.

(c) A carrier may not have more than one power of attorney in effect to file or issue amendments to any single tariff publication.

(d) A power of attorney may be revoked by revocation notice or cancelled by a new power of attorney. The revocation notice must bear an effective date, which must not be earlier than the date of receipt by the Commisison for filing. A power of attorney, cancelling a previous issue, will become effective upon date of receipt by the Commission. A revocation notice shall specify the power of attorney to be revoked and the name of the agent and alternate agent in whose favor it was executed, and shall be executed in the same manner as the instrument to which it is directed.

§ 531.13 [Reserved]

§ 531.14 Special rules governing the filing of tariffs containing rates and/or rules and regulations for through intermodal transportation.

(a) Tariffs filed pursuant to the requirements of this part and which publish rates or charges or rules or regulations, or any combination thereof, for the through movement of cargo by intermodal means are subject to these special rules and, in addition, to those other rules in this part which govern tariff filing generally.

(b) In addition to the requirements of § 531.4(a), and/or as modified by the following, the title page to such tariffs as are filed subject to § 531.14(a) shall contain:

(1) A list of the places from and to which the rates apply or reference to an interior page where such list may be found. The places shall be described by the names of cities, states, or political subdivisions thereof, or other definite geographical designations.

(2) A statement indicating that the tariff contains rates or provisions relative to the movement of freight by intermodal transportation.

(c) In addition to the requirements of § 531.4(b), and/or as modified by the following, the body of tariffs, as are filed pursuant to this subpart, shall provide:

(1) The identity of each carrier joining in an arrangement to provide through transportation when such transportation results in a joint service, together with a designation of the mode of transportation provided by each such carrier.

(2) A list of the places from and to which the rates apply, if not shown on the title page, together with a list of the ports through which the cargo can move.

(3) A rule setting forth the liability and responsibility of each carrier participating in the performance of such through intermodal services, together with a specimen of the bill of lading or other contract of affreightment which, in conjunction with the tariff, governs the movement of such through intermodal traffic.

(d) In addition to the requirements of § 531.5, and/or as modified by the following, any tariff filed pursuant to this subpart shall provide that:

(1) Except as otherwise provided in this subpart, tariffs naming through intermodal rates shall show the through rate together with the port-to-port division, rate or charge that is to be collected by the water carrier subject to regulation under the Shipping Act, 1916. The port-to-port portion may be shown in:

(i) a column adjacent to the column showing the applicable through rate; or

(ii) directly under the commodity description or the through rate.

(2) In the event that the through intermodal rate is to be constructed by combining the ocean rates with inland rates as are published in effective tariffs filed with the Interstate Commerce Commission (ICC) or with the Civil Aeronautics Board (CAB), the ICC tariff or the CAB tariff may be incorporated into the through intermodal rate tariff as a separate section provided for information only and filed with the Federal Maritime Commission. For the purpose of facilitating the filing of such an information section the tariff format requirements of this part are hereby waived as to that portion of the through intermodal tariff which is also an ICC or CAB tariff only, provided that each page of such a section is clearly and distinctively marked to indicate that it is for informational purposes only and that the pages bear the FMC series designation of the FMC regulated tariff to which they belong. At such time as such tariffs on file with the ICC or CAB are revised, amended, supplemented, cancelled, or otherwise altered, the corresponding information sections of the FMC filed intermodal tariffs will be simultaneously and identically so altered.

(e) A memorandum of every arrangement to which a carrier, or carrier's agent, subject to the jurisdiction of the Shipping Act, 1916, is or becomes a party, with carriers and/or persons not subject to that Act, for transportation between points in the domestic commerce of the United States, establishing any joint rate or through route which is offered in connection with any other carrier, shall be filed with the Commission concurrently with the filing of the through intermodal rate tariffs. Arrangements subject to Section 15 of the Shipping Act, 1916, must also be filed and approved in accordance with the requirements of Part 522 of this chapter.

§ 531.15 Special rules for bound tariffs filed pursuant to special permission authority.

(a) Such bound tariffs as may be permitted to be filed by this Commission are subject to these special rules and, in addition, to those other rules in this part which govern tariff filing generally.

(b) In addition to the requirements of § 531.3(a) of this part, and/or as modified by the following, tariffs filed pursuant to this section shall be firmly and permanently bound on the left edge. The simple insertion of one or two staples in the binding edge shall *not* suffice to meet this requirement.

(c) The requirements of § 531.3(g) of this part are waived to the extent that an effective date shall not be published on any page other than the title page of such bound tariffs.

(d) So much of the requirements of § 531.4(a)(12) are waived to the extent that the title page need not reflect the supplements currently in effect.

(e) All changes to bound tariffs shall be made in accordance with the provisions of § 531.7(b) of this part.

(f) The requirements of § 531.3(a) are waived to the extent that tariffs, filed pursuant to this section, may be printed on both sides of their pages.

§ 531.16 Seasonal discontinuance and restoration of transportation service.

(a) Tariffs naming all water rates, fares and/or rules applicable via routes which are closed to navigation during part of a year shall either:

(1) expire at the close of navigation;

(2) be cancelled at the close of navigation; or

(3) provide for discontinuance/restoration of service by the publication, either on the title page of the applicable tariff or in an internal rule referenced on the title page, of provisions governing such seasonal discontinuance/restoration.

(b) Tariffs, utilizing the provisions of § 531.16(a), shall also publish provisions governing the handling of shipments which may arrive at carrier's facilities after the date on which service is discontinued.

§ 531.17 Index of tariffs.

(a) Each carrier which has five or more tariffs in effect, in its own name or to which it is a party, shall publish, post and file an index, carrying an FMC–I No. _____ designation, of such tariffs. Such indices shall be effective upon receipt by this Commission.

(b) The title page of the index shall follow the requirements of § 531.4(a) of this part except that it shall not publish a scope (§ 531.4(a)(5)); a statement of service (§ 531.4(a)(6)); a statement of rate types (§ 531.4(a)(7)); an effective or expiration date (§ 531.4(a)(9)); or a list of participating carriers (§ 531.4(a)(11)). In addition, the title page shall bear a notation as follows:

This index contains a list of tariff publications in effect on (here show publication date).

(c) The body of the index shall be arranged in the following order, as applicable:

(1) (i) Specific Commodities Tariffs
(ii) General Commodities Tariffs
(iii) Class Tariffs
(iv) Passenger Tariffs
(v) Rules Tariffs
(vi) Miscellaneous Tariffs

(2) Classifications (i) through (iv) and, if applicable, classification (vi) above will be arranged in a columnar manner which sets out the following for each tariff:

(i) FMC series and number designation (§ 531.4(a)(3))
(ii) The name of the issuing carrier (§ 531.4(a)(1))
(iii) The character of the tariff (§ 531.4(a)(6) and (7))
(iv) The ports from, to and between which the tariff applies (§ 531.4(a)(5)).

(3) Specific commodities tariffs shall be arranged in alphabetical order of the commodities covered; general commodities tariffs shall be arranged in alphabetical order of the ports or territory from and to which they apply in either the "From" or "To" column; miscellaneous tariffs shall be arranged in alphabetical order of the descriptions; for example, classification, rules and terminals.

(4) Passenger tariffs shall be arranged in alphabetical order of the ports or territories from and to which they apply in either the "From" or "To" column. Miscellaneous tariffs applicable thereto shall be arranged in alphabetical order of their descriptions.

(d) The index shall be revised to reflect changes, resulting from supplements to or reissues of tariffs, either by reissue of the index every three months or by supplement thereto every three months and reissue every 12 months. Tariff indices should not remain in effect longer than a period of one year.

(e) Supplements to indices must be numbered consecutively and shall be arranged in the same general order as the index and shall show additions, changes and cancellations by reference to the page and item number of the entry changed or canceled. Each new supplement shall bear on its title page the notation:

Supplements Nos. _____ and _____ contain changes in effect on date hereof, to which may be added or which have been filed to become effective at a later date as shown within.

§ 531.18 Cancellations.

(a) An entire tariff may be canceled by the issuance of a similar tariff to take its place. The cancellation notice is to be printed on the title page of the replacement tariff in accordance with § 531.4(a)(4) of this part.

(b) An entire tariff may be canceled by the issuance of a consecutively numbered supplement to the tariff being canceled. The cancellation notice is to be printed on the first page of the supplement in accordance with § 531.7(h)(3)(i) of this part. In the case of cancellation by such supplement, the restrictions of § 531.7(g) of this part do not apply.

(c) The cancellation of an entire tariff also cancels all amendments or supplements thereto.

(d) The cancellation of individual items shall be performed as provided in § 531.6 of this part, in the case of loose-leaf tariffs, and as specified in § 531.7 of this part for such bound tariffs as this Commission may grant authority for.

(e) When tariff matter is to be canceled, the canceling publication shall show what, if anything, will thereafter apply and where it may be found in the tariff publication. In the event that such cancellation or omission affects changes in charges or services, that fact shall be indicated by the use of the uniform symbols prescribed by § 531.4(b)(5) of this part.

§ 531.19 Suspension of tariff publication.

(a) Pursuant to the authority of sections 18(a) and 22 of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, the Commission may, either upon proper complaint or on its own motion, direct that any rate, fare, charge, classification, regulation, or practice be investigated as to its justness or reasonableness and pending such investigation and decision, may suspend from use such rate, fare, charge, classification, regulation, or practice for a period of up to four months beyond the time when it would otherwise go into effect.

(b) Upon receipt of an order suspending any publication in part or in its entirety, the carrier, or agent, who filed such publication shall immediately publish, post and file with this Commission, in accordance with § 531.2 and § 531.7 of this part, a supplement which shall:

(1) bear an effective date coinciding with that of the applicable suspension order;

(2) contain a notice which specifically indicates the portion(s) of the publication that is/are suspended;

(3) contain a notice which specifically states those provisions which are to continue in effect in lieu of the suspended provisions; and

(4) reproduce the suspension order in its entirety.

(c) Neither suspended matter nor matter continued in effect, as a result of such suspension, may be amended, deleted or withdrawn except by order or special permission of this Commission.

(d) If, prior to receiving an applicable suspension order, a carrier, or agent, files a later amendment which either reissues, deletes, cancels or amends the matter named in the suspension order, the suspension supplement, required by § 531.19(b), shall also specifically cancel from such later amendment such reissuance, deletion, cancellation or amendment.

(e) The effective matter in a tariff publication, where such publication has been suspended in part, may be amended during the period of suspension, provided that the new tariff publication shall cancel the partially suspended publications only to the extent that unsuspended matter is canceled or revised. This is to be accomplished by the addition of the following notation to the cancellation notation prescribed in § 531.6 or 7 of this part:

• • • except portions under suspension in Docket No. _____.

(f) In the event that the Commission vacates a suspension order as of a date earlier than the date to which the subject tariff publication was suspended, the carrier or agent, who filed the publication, may file with this Commission a vacating supplement, stating the date upon which the previously suspended tariff publication will become effective. Such vacating supplement, unless otherwise provided by the Commission's order, shall be effective on not less than one day's notice. Should a carrier elect to not publish such a vacating supplement, the suspended provisions will become effective on the date to which it was originally suspended.

(g) In the event that an order, which suspended a traiff in its entirety is vacated, the vacating supplement, filed under authority of this section, shall con-

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tain no material other than the notice of vacating.

(h) Should the Commission order, the subsequent cancellation of a tariff publication, or any part thereof, theretofore suspended, the cancellation shall be effected by filing with the Commission, upon not less than one day's notice or as may be specified in the order, a supplement or revised page stating the date upon which, in accordance with the Commission's order, such suspended matter is canceled. If the suspended matter is not canceled on or before the date to which it was suspended, but allowed to become effective, the matter which has continued in effect, during the period of suspension, will be canceled automatically.

(i) Suspension, vacating, and cancellation supplements issued under the authority of this section will be issued without regard to the requirements of § 531.7 (g) of this part.

Therefore, it is ordered, That interested persons may participate in this rule making proceeding by filing with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before October 4, 1976, an original and 15 copies of their views or arguments pertaining to the proposed amended rules. All suggestions for changes in the text as set out above should be accompanied by drafts of the language thought necessary to accomplish the desired change and by statements and arguments in support thereof;

It is further ordered, That the Federal Maritime Commission, Bureau of Hearing Counsel, shall participate in the proceeding and shall file Reply to Comments on or before November 3, 1976, serving an original and 15 copies on the Federal Maritime Commission and one copy to each party who filed written comments. Answers to Hearing Counsel's replies shall be submitted to the Federal Maritime Commission on or before November 23, 1976.

By order of the Federal Maritime Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-22943 Filed 8-5-76;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Part 2]

[Docket No. RM76-29]

ELECTRIC RATE SCHEDULE FILINGS AND REQUIREMENT FOR FILING OF COMPARATIVE RATE INFORMATION IN CERTAIN SITUATIONS

Proposed Statement of Policy

JULY 29, 1976.

Pursuant to 5 U.S.C. 553, sections 209 (b), 309 of the Federal Power Act (40 Stat. 853, 858–859; 16 U.S.C. 824h(b), 825h), and Sections 16 and 17(b) of the Natural Gas Act (52 Stat. 830; 15 U.S.C. 717p(b), 717o), the Commission gives notice it proposes to amend Chapter I, Title 18, CFR Part 2 as hereinafter specified.

On June 7, 1976, the Supreme Court issued its opinion in *F.P.C. v. Conway, Corp.*, No. 75–342 which affirmed the Court of Appeals remand (510 F.2d 1284 (D.C. Cir. 1975) of our orders refusing to allow intervenors to present evidence of an alleged price squeeze. It was the Commission's view that since it lacked jurisdiction to set retail rates, it could not consider allegations of discrimination between wholesale jurisdictional rates and retail non-jurisdictional rates.

The holding of the Courts was that the Commission erred in believing itself jurisdictionally barred from even considering intervenors' allegations. Because the case was decided by both the Commission and the Courts on jurisdictional grounds neither has adequately addressed the elements of a claim of price squeeze or the nature of the relief which the Commission can afford.

Jurisdictional questions aside, the substantive standards governing the Commission's evaluation of an allegation of price squeeze are those of Section 205(b) and 206(a) of the Federal Power Act, 16 U.S.C. 824d(b) and 825e(a). As applied to allegations of price squeeze, these sections prohibit rates which are "unduly discriminatory or preferential." Since Conway teaches that these standards should be applied in considering the relationship of jurisdictional to non-jurisdictional rates, we view our responsibility to include an attempt to eliminate undue differences between the rates charged by a utility for wholesale and retail service. We expect that our responsibilities in this regard can be discharged by an analysis of a utility's pricing policies. Where the rates charged for comparable service are equal, there is no undue discrimination. Similarly, where rates vary due to differences in the character of service rendered, there may nevertheless be no undue discrimination.

Where discrimination is shown, the Court has suggested a remedy. The Courts recognize the Commission's responsibility to set wholesale rates which permit recovery of fully allocated wholesale costs. However, the Courts have concluded that there is a "zone of reasonableness" in ratemaking and that it may be possible, by setting the rate at the lower end of the zone, "to partially or wholly abolish any discriminatory effects found to exist" and still recover wholesale costs (*F.P.C. v. Conway, Corp.*, 75–342, Slip op. p. 8). However, the only zone of reasonableness which might be found in utility ratemaking is the range of potentially appropriate rates of return on common equity. Where discrimination is shown, the Commission may attempt to eliminate discrimination with respect to non-jurisdictional rates by adjustment of the rate of return to the lowest reasonable level.

The Supreme Court did not focus on another regulatory tool available to remedy discrimination. The Commission may, in some cases be able to eliminate discrimination by regulating the rate design and rate form of public utilities.

While we do not intend to hold cases in abeyance, faced with Conway's interpretation of applicable precedent, we are free to proceed on a case-by-case approach, by rulemaking, or by a combination of the two approaches. We have decided that greater clarity, expedition and predictability can be obtained by resort to the rulemaking or policy statement approach for new cases.

Under the proposed Statement of Policy in the pre-suspension period, staff will have to use whatever data it has on hand or which is received from intervenors or the company.[1] If the staff suspects the existence of a Conway issue it may recommend a "protective" order of suspension to preserve the Commission's refund jurisdiction.

The proposed Statement of Policy would amend Part 2 of Title 18 CFR by adding § 2.15 as follows:

§ 2.15 Electric rate schedule filings and the requirement for filing of comparative rate information in certain situations.

(a) We believe that the responsibility to raise a price squeeze issue should lie with an affected person, but that the filing utility may be possessed of more complete information to aid the Commission in the discharge of its responsibilities. The procedure for raising the price squeeze issue should therefore be the following: any purchaser, state commission or other interested person may file allegations of a discriminatory relationship between wholesale and retail rates for comparable service. Upon receipt of well-pleaded allegations of discrimination (Indiana and Michigan Electric Co., Docket No. E–7740, Order of May 31, 1973), the Secretary shall request the filing public utility to file within 15 days a revenue comparison of the proposed wholesale rates with the retail rates for service comparable as to voltage level and size of load served that are alleged to cause the price squeeze. See Commonwealth Edison Co., 51 FPC 86.

(b) In the event that the retail rate produces less revenue than the proposed wholesale rate, the utility should furnish an explanation together with relevant data as to the reasons which justify the differentials. Such explanation should

[1] The proposed statement of policy directs public utilities to file comparative rate information within 15 days of the receipt of a well pleaded allegation of discrimination. Public utilities may wish to anticipate discrimination issues and file comparative rate information and analyses as part of their rate schedule filings. Such a comparison should also include reference to the essential terms and conditions of any special industrial contracts of comparable size and voltage level. In deriving the wholesale and retail revenues, both the wholesale and retail rates should be applied to the billing determinants of one or more of the wholesale customers as necessary to be representative of the wholesale class. The billing determinants to be utilized are those used to compute the Period I and Period II revenues for such wholesale customers.

include, but not be limited to, the discussion of the respective billing load patterns as contrasted to the load pattern utilized for cost allocations, in the filing.

(c) The comparison of retail and wholesale rates should also include a statement as to when each referenced retail rate was last increased and as to the anticipated date of the company's next referenced retail rate increase filing. It should also include reference to and copies of all relevant state public service commission retail rate orders.

Since the Court's Conway opinion requires comparison between wholesale and retail rates, this proceeding seems to be uniquely well suited to invocation of the cooperative Federal Power Commission state public service commission procedures authorized by Section 209(b) of the Federal Power Act. There has been an exchange of ideas between the Commission's staff and the Washington staff of the National Association of Regulatory Utility Commissioners (NARUC). By letter of June 28, 1976, Paul Rodgers, Administrative Director and General Counsel of NARUC has indicated that the following 5 State Commissioners have agreed to serve as a board of consultants to advise this Commission on the state public service commission view of the problems to be decided by the Commission in this proceeding.

The 5 state commissioners are:

'The Honorable William H. Bevis, Commissioner, Florida Public Service Commission; The Honorable Donald H. Brazier, Chairman, Washington Utilities and Transportation Commission; The Honorable Norman M. Clapp, Chairman, Wisconsin Public Service Commission; The Honorable Alfred E. Kahn, Chairman, New York Public Service Commission; and The Honorable John C. Pickett, Commissioner, Arkansas Public Service Commission.

It is anticipated that board of consultants may render a written advisory report to the Commission, as an outgrowth of their study of comparative rate problems in behalf of NARUC. If the board of consultants renders a written report to this Commission it will be placed in the Commission public files. As a result of their independent review and analysis of the problem, and the responses to this notice, the board of consultants may ultimately decide to endorse the concepts and techniques devised by this Commission and recommend that NARUC adopt a cognate view for state regulatory purposes. This approach was followed successfully, previously, when NARUC adopted a uniform system of accounts which closely paralleled the Commission's uniform system.

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than 30 days from the date of this notice, data, views, comments or suggestions in writing concerning the proposed Statement of Policy. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Washington, D.C. 20426, during regular business hours. The Commission will consider all such written submittals before acting on the matters proposed herein. An original and 24 conformed copies should be filed with the Secretary of the Commission. The Secretary will serve 2 copies of each submittal on each of the five state public service Commissioners designated herein as the board of consultants. Submittals to the Commission should indicate the name, title, mailing address and telephone number of the person to whom communications concerning the proposals should be addressed and whether the person filing them requests a conference with the staff of the Federal Power Commission to discuss the proposals. The staff, in its discretion, may grant or deny requests for conferences.

The Secretary shall cause prompt publication of this notice in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22756 Filed 8-5-76;8:45 am]

[18 CFR Parts 35, 154]

[Docket No. RM76-17]

ADVANCED APPROVAL OF RATE TREATMENT FOR RESEARCH AND DEVELOPMENT

Accounting-Rulemaking, Research and Development; Extension of Time

JULY 29, 1976.

On July 13, 1976, the Edison Electric Institute and Carolina Power and Light Company filed motions to extend the time for filing comments in the above-designated proceeding, by order issued June 17, 1976 (41 FR 25914, June 23, 1976). A motion for extension of time was also filed by Tennessee Gas Pipeline Company on July 21, 1976, and by Georgia Power Company on July 26, 1976. Gas Research Institute (GRI) has filed an objection to the granting of the extension stating that the promulgation of the proposed regulations is critical to the commencement of new R & D operations by GRI.

Upon consideration, notice is hereby given that the date for filing comments in this proceeding is extended from August 2, 1976 to and including September 1, 1976, for all interested persons.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22757 Filed 8-5-76;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 704]

CALCULATION OF DEPRECIATION DEDUCTION FOR REFUNDS UNDER FULL WARRANTIES ON CONSUMER PRODUCTS

Cancellation of Public Hearings on Proposed Rule

On June 1, 1976, the Federal Trade Commission published in the FEDERAL REGISTER a notice of proceeding on the proposed rule on Calculation of Depreciation Deduction for Refunds under Full Warranties on Consumer Products. All interested persons were thereby invited to file written data, views or arguments concerning the proposed rule and given notice of the opportunity to orally present such data, views or arguments at a public hearing to be held commencing 9 a.m., e.d.t., August 9, 1976 in Room 332 of the Federal Trade Commission Building, Sixth and Pennsylvania Avenue, NW., Washington, D.C. Notice was also given that any person desiring to orally present his or her views at the public hearing should inform the Special Assistant Director for Rulemaking no later than August 2, 1976. In view of the lack of requests to make an oral presentation at the public hearing, the Federal Trade Commission hereby gives notice that the public hearing on the proposed rule has been cancelled.

Issued: August 4, 1976.

By direction of the Commission.

JAMES A. TOBIN,
Acting Secretary.

[FR Doc.76-22996 Filed 8-5-76;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

[Docket No. OSH-37]

EXPOSURE TO INORGANIC ARSENIC

Proposed Standard; Rescheduling of Informal Public Hearing; Extension of Time To Submit Comments and Notices of Appearance

The Occupational Safety and Health Administration (OSHA) announced on June 24, 1976 in the FEDERAL REGISTER (41 FR 26029, republished on June 25, 1976, 41 FR 26229) the scheduling of an informal public hearing on inorganic arsenic to commence on August 24, 1976. Interested parties, representing both industry and labor, have requested a brief extension of the hearing date to permit better preparation of complex data to be submitted. OSHA finds these requests and supporting rationale to have merit.

Accordingly, the informal public hearing on inorganic arsenic is rescheduled to commence at 9:30 a.m. on September 8, 1976 in the Departmental Auditorium, Conference Room B, Constitution Avenue between 12th and 14th Streets NW., Washington, D.C. On September 9 and 10, the hearing will be held in the Department of Commerce Auditorium, 14th and Constitution Avenue NW., Washington, D.C. Thereafter, the hearing will reconvene, if necessary, in Conference Room B of the Departmental Auditorium. The hearing will be limited to the issues of economic and inflationary impact and specific new evidence as set forth in the notices of June 24 and July 16, 1976 (41 FR 29425).

The FEDERAL REGISTER notice of June 24, 1976 set July 23, 1976 as the last date for filing comments and notices of intention

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to appear in regard to the issues set forth therein. A FEDERAL REGISTER notice of July 16, 1976, set August 16, 1976 as the last date for filing comments and notices of appearance limited solely to the appropriateness of using sputum cytology as a medical surveillance technique for employees exposed to inorganic arsenic. Since the comments and notices of appearance relating to sputum cytology may be submitted until August 16 and the hearing date has now been rescheduled to September 8, 1976, the time for submitting all comments and notices of appearance is hereby extended to August 16, 1976. All procedures and requirements set forth in the June 24th notice remain in effect.

(Secs. 4(b), 6(b), 8, Occupational Safety and Health Act of 1970 (84 Stat. 1592, 1593, 1599; (29 U.S.C. 653(b), 655(b), 657), 29 CFR Part 1911, Secretary of Labor's Order No. 8-76 (41 FR 25054, June 22, 1976))

Signed at Washington, D.C., this 3d day of August 1976.

BERT M. CONCKLIN,
Deputy Assistant Secretary of Labor.

[FR Doc.76-22977 Filed 8-3-76;4:11 pm]

[29 CFR Part 1910]

[Docket No. OSH-11A]

OCCUPATIONAL NOISE EXPOSURE

Availability of Economic Impact Analysis Hearing; Extension of Comment Period and Rescheduling of Hearing

On Friday, June 18, 1976, a notice announcing the availability of an economic impact analysis (EIA) and scheduling an informal public hearing regarding the proposed standard on occupational noise exposure was published in the FEDERAL REGISTER (41 FR 24718). Interested persons were given until July 29, 1976, to submit written data, views and arguments with respect to the EIA and other specified issues, and to submit notices of intention to appear at the hearing.

OSHA has received numerous requests from interested persons in industry and labor for an extension of the deadline for submission of comments and notices of intention to appear at the hearing, as well as for a delay in the scheduled starting date of the hearing. In view of the complexity of the issues raised in the EIA and in the notice extending on June 18, OSHA is hereby extending the period for submission of written comments and notices of intention to appear at the hearing until August 20, 1976, and is rescheduling the informal public hearing on the economic impact analysis and other specified issues to Tuesday, September 21, 1976. The hearing will commence at 9:30 a.m. on that date in the Departmental Auditorium, Constitution Avenue between 12th and 14th Streets, NW., Washington, D.C. Should the hearing extend beyond the first week, the locations of subsequent sessions will be announced at the hearing, and will be available from the OSHA Committee Management Office, Docket No. OSH-11A, Room N-3633, U.S. Department of Labor, 3rd Street and Constitution Avenue, NW., Washington, DC 20210 (telephone: 202-523-8024).

Written data, views, and arguments must be submitted in quadruplicate to the Docket Officer, Docket No. OSH-11A, Occupational Safety and Health Administration, Room N-3620, U.S. Department of Labor, 3rd Street and Constitution Avenue, NW., Washington, D.C. 20210, and postmarked on or before August 20, 1976. Notices of intention to appear at the hearing, also postmarked on or before August 20, 1976, must be sent to Ms. Jeanne Werner, OSHA Committee Management Office, Docket No. OSH-11A, Room N-3633, U.S. Department of Labor, 3rd Street and Constitution Avenue, NW., Washington, D.C. 20210 (telephone: 202-523-8024). Detailed requirements for submission of comments and notices are contained in the notice of availability of the economic impact analysis and notice of hearing, published in the FEDERAL REGISTER on June 18, 1976 (41 FR 24718).

In addition, a draft report on noise control technology, which OSHA believes should be subjected to public scrutiny before the hearing begins, is currently being prepared. Under contract from OSHA, Bolt Beranek and Newman Inc. (BBN) is presently compiling a listing of noise sources in industry and an evaluation of the state of noise control technology with regard to these noise sources. This document is expected to be received in draft form by OSHA on August 24, and copies will be made available to the public at that time. (Orders for copies of the draft document may be sent to the Technical Data Center, Occupational Safety and Health Administration, Room N-3620, U.S. Department of Labor, 3rd Street and Constitution Avenue, NW., Washington, D.C. 20210.)

OSHA recognizes that the scheduled availability of this draft document will make it impossible for interested persons to comment on its contents within the established comment period. Therefore, written data, views, and arguments on the draft document on noise control technology will be received into the public record until September 21, 1976, the first day of the public hearing on the economic impact analysis. In addition, interested persons who have submitted a notice of intention to appear at the hearing by August 20 will be permitted to offer testimony at the hearing on the draft document on noise control technology as well as on the economic impact analysis. Persons wishing to offer such additional testimony must submit a written notice of their intention to do so, together with a detailed summary of the evidence to be adduced at the hearing with regard to the draft document, at least 48 hours before the hearing begins. This information is to be submitted to Ms. Jeanne Werner, OSHA Committee Management Office, Docket No. OSH-11A, Room N-3633, U.S. Department of Labor, 3rd Street and Constitution Avenue, NW., Washington, D.C. 20210.

OSHA invites interested persons to submit data, views, and arguments on the draft document on noise control technology. In the development of the final noise control technology document, BBN will evaluate and revise their draft document solely in light of the comments and testimony received in the public record of this proceeding.

(Sec. 6 Pub. L. 91-596, 84 Stat. 1593 (29 U.S.C. 655); 29 CFR Part 1911; Secretary of Labor's Order No. 8-76 (41 FR 25059))

Signed at Washington, D.C., this 3d day of August, 1976.

BERT M. CONCKLIN,
Deputy Assistant Secretary of Labor.

[FR Doc.76-22979 Filed 8-3-76;4:11 pm]

[29 CFR Part 1952]

HAWAII

Proposed Supplements to Approved Plan

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act) under which the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter referred to as the Assistant Secretary) will review changes and progress in the development and implementation of State plans which have been approved in accordance with section 18(c) of the Act and Part 1902 of this chapter. On January 4, 1974, a notice was published in the FEDERAL REGISTER of the approval of the Hawaii plan and of the adoption of Subpart Y of Part 1952 describing the plan and containing the approval decision (39 FR 1010). On June 18, 1975, the State of Hawaii submitted supplements to its plan involving developmental changes and State-initiated changes (see Subparts B and E of 29 CFR Part 1953).

2. *Description of the supplements.* One developmental change involves the Administrative Rules of Procedure of the Hawaii Division of Occupational Safety and Health. The Rules of Procedure, which were promulgated in September, 1972, and revised in January, 1974, include the following:

(a) Chapter 101—General Provisions and Definitions;

(b) Chapter 102—Regulations on Inspections, Citations and Proposed Penalties, corresponding to the Federal regulations in 29 CFR Part 1903;

(c) Chapter 102—Regulations for Recording and Reporting Occupational Injuries and Illnesses, corresponding to the Federal regulations in 29 CFR Part 1904;

(d) Chapter 104—Rules of Practice for Variances, corresponding to the Federal regulations in 29 CFR Part 1905;

(e) Chapter 105—Regulations concerning Administration Witnesses and Documents in Private Litigation, corresponding to 29 CFR Part 1906; and

(f) Chapter 106—Regulations for Promulgating, Modifying, or Revoking Occupational Safety and Health Standards.

A second supplement concerns with completion of the Hawaii Management Information System. In accordance with the commitment in the State's developmental timetable (29 CFR 1952.313(c)), the system was fully computerized and in operation by December 31, 1975. The system produces internal Division of Occupational Safety and Health management reports as well as the quarterly reports required by the Federal Occupational Safety and Health Administration.

The State-initiated change concerns amendments to the Hawaii enabling legislation, chapter 396, Hawaii Revised Statutes. The amendments, Act 95, were passed by the Hawaii legislature in its 1976 session and were signed by the Governor and became effective on May 13, 1976.

The amendments provide for the following:

(a) The definition of "Director" is broadened to include the Director of Industrial Relations or his designee, and a definition of "Employee of the State" has been added (section 396-3, H.R.S., as amended);

(b) Criteria are set out against which the need for temporary emergency standards and variances may be measured (sections 396-4(a)(2) and 396-4(a)(3), H.R.S., as amended);

(c) An employee of the State acting within the scope of his employment shall not be liable in or made a party to any civil action growing out of the administration or enforcement of the Hawaii Occupational Safety and Health Law (section 396-4(b)(8), H.R.S., as amended);

(d) Clarification is provided that the Division of Occupational Safety and Health has authority to issue citations, standards, rules and regulations, and to issue penalties for violation of citations, orders and regulations (sections 396-4(d) and 396-10, H.R.S., as amended);

(e) Penalties are authorized for assaulting, resisting, or killing Division enforcement personnel in the course of their duties (section 396-10(c), H.R.S., as amended);

(f) A civil penalty of not more than $1000 may be assessed for a violation of the provision against discrimination against employees for exercising their rights under the Hawaii Occupational Safety and Health Law (section 396-10(h), H.R.S., as amended);

(g) If the Department of Industrial Relations arbitrarily and capriciously fails to seek an injunction restraining an imminent danger situation, any employee who may be injured by such failure may bring action for a writ of mandamus to compel the department to seek such an order (section 396-4(d)(4), H.R.S., as amended);

(h) The requirement for posting of citations is clarified (section 396-10(m), H.R.S., as amended); and

(i) Petitions for modification of abatement requirements may be filed after the twenty-day period for contesting the citation has expired (section 396-11, H.R.S., as amended).

3. *Location of the plan and its supplements for inspection and copying.* A copy of the proposed supplements along with the approved plan may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Room N3608, 200 Constitution Avenue, NW., Washington, D.C. 20210; Office of the Regional Administrator, Occupational Safety and Health Administration, Room 9470, Federal Office Building, 450 Golden Gate Avenue, San Francisco, California 94210; and the Department of Labor and Industrial Relations, Room 308, 825 Mililani Street, Honolulu, Hawaii 96813.

4. *Public participation.* Interested persons are hereby given until September 7, 1976, to submit written data, views and arguments concerning whether the supplements should be approved. Such submissions are to be addressed to the Associate Assistant Secretary at his address as set forth above where they will be available for inspection and copying.

Any interested person may request an informal hearing concerning the proposed supplements by filing particularized written objections with respect thereto within the time allowed for comments specified above. If, in the opinion of the Assistant Secretary, substantial objections are filed, which warrant further public discussion, a formal or informal hearing on the subjects and issues involved may be held.

The Assistant Secretary shall consider all relevant comments, arguments and requests submitted in accordance with this notice and shall thereafter issue his decision as to approval or disapproval of the supplements, make appropriate amendments to Subpart Y of Part 1952 and initiate further appropriate proceedings if necessary.

(Secs. 8(g)(2), 18, Pub. L. 91-596, 84 Stat. 1600, 1608 (29 U.S.C. 657(g)(2), 667))

Signed at Washington, D.C., this 2d day of August 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-22975 Filed 8-5-76;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

OFFICE OF THE FEDERAL REGISTER

EXPERIMENTAL PROGRAM FOR SCHEDULING AGENCY DOCUMENTS

Continuation, Expansion, and Request for Comments

The Office of the Federal Register (OFR) announces and invites comments on:

Results of the voluntary two-day-a-week publication schedule undertaken by certain agencies from February 6, 1976, to August 6, 1976;

Continuation of the two-day-a-week schedule for interested agencies; and

Possible expansion of the program to include other agencies and request for specific information on the impact of an expanded system.

COMMENTS BY: September 20, 1976.

ADDRESSED TO: Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, DC 20408.

FOR FURTHER INFORMATION CALL: 202-523-5227.

PRIOR ACTION BY OFR

On June 20, 1975 (40 FR 26046), the OFR published an advance notice of proposed rulemaking requesting comments on a new system for scheduling agency documents. Under this new system, each Federal agency would be assigned a specific day of the week for publishing its documents in the FEDERAL REGISTER.

OFR envisioned that this system might reduce the number of FEDERAL REGISTER issues that users interested in the documents of a limited number of agencies would need to examine and file. OFR also mentioned the possibility of limited subscriptions geared to day-of-the-week scheduling.

As a result of the many favorable comments received on this proposal, OFR issued a notice on February 6, 1976 (41 FR 5453) announcing an experimental scheduling program. The participating agencies and their assigned publication days were scheduled as follows:

AGENCY	PUBLICATION DAYS
Agriculture Department:	
—Agricultural Stabilization and Conservation Service	Tuesday/Friday
—Animal and Plant Health Inspection Service	Tuesday/Friday
—Food and Nutrition Service	Tuesday/Friday
—Rural Electrification Administration	Tuesday/Friday
Civil Service Commission	Tuesday/Friday
Labor Department	Tuesday/Friday
Nuclear Regulatory Commission	Monday/Thursday
Transportation Department:	
—Coast Guard	Monday/Thursday
—Federal Aviation Administration	Monday/Thursday
—National Highway Traffic Safety Administration	Monday/Thursday
—Office of Hazardous Materials [1]	Monday/Thursday
—Office of Pipeline Safety Operations [1]	Monday/Thursday

[1] Note: These agencies were added to the experimental program after February 6, 1976.

The trial period for this experimental scheduling system began on February 6, 1976, and ended on August 6, 1976.

COMMENTS ON EXPERIMENTAL PROGRAM

A limited number of comments have been received since the experimental program began. Of these comments, most favored continuing and expanding the day-of-the-week scheduling program.

Persons who commented favorably said that the assigned scheduling program has made it easier for them to review the FEDERAL REGISTER for items of special interest and has saved reviewing time. Most of those who commented favorably liked the basic idea of being able to limit their review of certain agencies' documents to specified days of the week, and requested that the system be expanded. Many recommended that additional agencies be grouped together on the basis of related subject matter. Some commenters expressed potential interest in limited subscriptions if an expanded system meeting their needs should be implemented.

Several of the favorable comments were submitted by officials of Federal agencies participating in the experimental program. Although some Federal officials had earlier expressed concern over possible difficulties involving statutory deadlines and the scheduling of meetings, these commenters indicated that the system has been of benefit to the agencies involved.

Those commenters who opposed continuing the program stated that in its experimental state, it did not include enough agencies to facilitate their review of the FEDERAL REGISTER. They opposed expanding the program because they felt that no potential agency groupings would be likely to meet their own reviewing needs on a once or twice a week basis.

Two of these commenters also expressed concern for timeliness. They felt that assigning agencies to a publication schedule would lengthen the time between agency action and public notification. One was concerned that the time for commenting on agency actions might be shortened.

CONTINUATION OF DAY-OF-THE-WEEK EXPERIMENTAL PROGRAM

On the basis of the comments received, OFR believes that the experimental day-of-the-week scheduling has been of real value in helping some readers keep abreast of certain agency actions. OFR also believes that the system has helped some of the participating agencies to better organize their own publication and review schedules. OFR has found that these agencies have not experienced serious problems in conforming to their assigned schedules. This observation is based not only on the comments received, but also on the fact that during the trial period only a relatively small number of documents submitted by these participating agencies required immediate emergency publication with subsequent republication on the assigned day.

OFR does not feel that comment period deadlines have been generally affected by the day-of-the-week publication schedule. In most cases, comment period deadlines are based on the actual publication dates. The issuing agency specifies that the comment period shall end a certain number of days after publication. The actual date itself is then computed by OFR in accordance with 1 CFR 18.17 and inserted in the text.

After considering all comments received throughout the history of this project, especially those received during the trial period just ending, and after weighing the difficulties involved in implementing the experimental system, OFR has decided to continue the present experimental day-of-the-week program for those interested agencies who are already participating. We invite other interested agencies to consider taking part in this continued program.

EXPANSION OF DAY-OF-THE-WEEK PROGRAM

Consideration of all comments and an evaluation of the experimental program have led OFR to conclude that expansion of the day-of-the-week program to include most Federal agencies would benefit a large number of FEDERAL REGISTER users only if the following conditions were met:

1. Readers could subscribe to issues for particular days of the week that contained documents of agencies they were interested in.

2. Adequate subject groupings of agencies could be developed for each day.

3. A separate weekly finding aid could be published to provide readers with information in the issues they didn't subscribe to.

In light of these findings, OFR will continue the voluntary experimental program for agencies interested in participating. At the same time, OFR will also explore the possibility of making available subscriptions for issues on specific days of the week and a weekly finding aids publication. To resolve the problem of useful agency groupings, OFR will study those suggestions already received and will attempt to develop and offer for public comment in the near future a sample list of related subject area groupings of agencies.

REQUEST FOR FURTHER INFORMATION

OFR invites all interested persons to further assist in developing this plan by submitting information on the following questions:

1. Would a day-of-the-week scheduling system, that includes many more agencies than the 12 that have participated in the initial trial of the day-of-the-week concept, help you to monitor the FEDERAL REGISTER for documents of interest to you—even if you should find that due to the agency groupings, you must review each day's issue?

2. Can you name the agencies whose inclusion in the day-of-the-week schedule would be helpful to you?

3. One commenter complained that because they review all documents from a particular agency and advise their clients on what action to take, day-of-the-week scheduling would increase their workload and make it impossible for them to meet short agency deadlines. As the commenter stated, "If all the notices were issued on the same day, we could not handle all of them on that day, and the quality of our work for our clients would necessarily suffer." Would you have similar workload difficulties if day-of-the-week included most Federal agencies?

All comments received will be available for public inspection between the hours of 8:45 a.m. and 5:15 p.m. at:

Office of the Federal Register, 1100 L Street N.W.—Room 8401, Washington, D.C.

FRED J. EMERY,
Director of the Federal Register.

AUGUST 4, 1976.

[FR Doc.76-23039 Filed 8-5-76;8:45 am]

DEPARTMENT OF LABOR

Employment and Training Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 USC 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75, published January 29, 1975 (40 FR 4393). In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Employment and Training, 601 D St., NW, Washington, D.C. 20213.

Signed at Washington, D.C., this 2nd day of August, 1976.

BEN BURDETSKY,
Deputy Assistant Secretary for Employment and Training.

Applications received during the week ending July 30, 1976

Name of applicant	Location of enterprise	Principal product or activity
Benson Welding & Fabricating, Inc	Mineral Wells, W. Va.	Manufacture dump truck bodies.
Watsontown Brick Co	Watsontown, Pa.	Manufacture hard shale face brick and acid resistant chimney block.
Chromalox Division of Emerson Electric (tenant of city of Vernon).	Vernon, Ala.	Manufacture of electric heating element products.
Freeman Electric Gin Co	Greenwood, Miss.	Ginning cotton.
Superior Health Haven	Munising, Mich.	Nursing care.
Prairie Agri-Enterprises, Inc	Postville, Iowa	Retail feed store outlet handling bulk and bag feeds.
Osage Products Co	Eldon, Mo.	Manufacture of cedar closet linings, cedar shavings, kitchen cabinets, and related products.

[FR Doc.76-23059 Filed 8-5-76;8:45 am]

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Office of Federal Contract Compliance Programs

UNIROYAL, INC.

Proposed Sanctions

The following Notice of Intent to Debar and Cancel Uniroyal, Inc., from all further Federal government contract activity pursuant to Sections 209(a) (5) and (6) of Executive Order 11246, as amended, and the Secretary of Labor's regulations issued pursuant thereto, is published in accordance with 41 Code of Federal Regulations 60–1.26(b) and 41 Code of Federal Regulations 60–30.6 which require that notice of such proposed sanctions must be published in the FEDERAL REGISTER.

Signed at Washington, D.C., this the 29th day of July 1976.

LAWRENCE Z. LORBER,
Deputy Assistant Secretary,
Director, OFCCP.
July 28, 1976.

Mr. DAVID BERETTA,
President and Chairman of the Board,
Uniroyal, Incorporated,
Oxford Management & Research Center,
Middleburg, Connecticut 06749.

Dear Mr. BERETTA: Uniroyal, Incorporated (hereinafter Uniroyal) is hereby notified pursuant to Title 41 Code of Federal Regulations Part 60–1 and Part 60–30, that I, as the Director of the Office of Federal Contract Compliance Programs, propose to request that the Secretary of Labor cause the termination of any and all existing Government contracts and subcontracts between Uniroyal and any agency of the United States and to declare Uniroyal ineligible for further Government contracts and subcontracts pursuant to Section 209(a) (5) and (6) of Executive Order 11246 (30 F.R. 12319), as amended by Executive Order 11375 (32 F.R. 14303) (hereinafter Executed Order 11246 or the Executive Order) until such time as Uniroyal's Mishawaka, Indiana facility (hereinafter the Mishawaka facility) is brought into full compliance with Executive Order 11246 and the Secretary of Labor's regulations issued pursuant thereto which are published at Title 41, Code of Federal Regulations, Chapter 60 (hereinafter 41 CFR 60–1.1, et seq.).

Jurisdiction for the hearing, which will be held by the Chief Hearing Examiner of the United States Department of Labor (i.e., the Chief Administrative Law Judge) or his designee, is provided by Sections 208 (a) and (b) of Executive Order 11246 and 41 CFR 60–1.26(b) and 41 CFR Part 60–30 of the Secretary of Labor's regulations issued pursuant thereto.

Uniroyal is a Government contractor within the meaning of Executive Order 11246 and is now, and at all material times has been, subject to the contractual obligations imposed upon Government contractors and subcontractors by Executive Order 11246 and the Executive Orders which preceded it, including Executive Order 10925, and the implementing regulations issued thereunder. Cancellation and termination of Uniroyal's Government contracts and subcontracts and debarment from further contracts and subcontracts will apply to all of Uniroyal's Government contracts and subcontracts and is not limited to Uniroyal's Mishawaka facility.

Under the provisions of 41 CFR 60–2.2(c) (1) and 41 CFR 60–1.26(b), Uniroyal has fourteen (14) days from receipt of this Notice in which to file an answer and to request a hearing respecting this Office's proposed actions. **Such a hearing request should be directed to the Chief Administrative Law Judge, United States Department of Labor, 1111 20th Street NW., Suite 700, Washington, D.C. 20036. Service should also be made upon the Department of Labor by mailing a copy to James D. Henry, Associate Solicitor, United States Department of Labor, Washington, D.C. 20210.**

If a request for a hearing is not made within the fourteen (14) day period, Uniroyal will be declared ineligible for future Government contracts and subcontracts, and its current contracts and subcontracts will be terminated for default.

The following is a general summation of the events which necessitate this Notice.

On September 6, 1972, the United States Department of the Interior conducted an on-site review at Uniroyal's Mishawaka facility in order to determine the facility's compliance with Executive Order 11246. The review revealed that the Mishawaka facility was not in compliance with Executive Order 11246 or the Secretary of Labor's regulations issued pursuant thereto. Among the deficiencies found were the following:

1. the existence of an "affected class" of females (as defined by 41 CFR 60–2.1) who had been discriminated against in employment by Uniroyal;

2. Uniroyal's Affirmative Action Plan failed to meet many of the requirements of 41 CFR Part 60–2, including, inter alia, the following:

a. the Plan failed to establish appropriate goals and timetables for minority group persons and females for "job classifications" (i.e., for specific jobs as opposed to EEO–1 classifications) in accordance with 41 CFR 60–2.12.

b. the Plan failed to identify problem areas by organizational units and job classifications (e.g., underutilization of minorities and females in many job classifications, a deficiency in the number of minorities and females promoted, and sex segregation in many departments and jobs) as required by 41 CFR 60–2.23.

c. the Plan failed to assure that promotions would occur without regard to race or sex as required by 41 CFR 60–2.24(f).

d. the Plan failed to correct deficiencies caused by Uniroyal's past failure to provide training to minorities and females as required by 41 CFR 60–2.23(b) and 41 CFR 60–2.22(b)(7)(iii).

The deficiencies which were found in the 1972 compliance review were not corrected by Uniroyal.

During the week of January 12–16, 1976, the Department of the Interior conducted another review of Uniroyal's compliance, at its Mishawaka facility, with the Executive Order and the Secretary of Labor's implementing regulations.

On February 26, 1976, the Department of the Interior issued a Notice to Show Cause to Uniroyal regarding its Mishawaka facility in which Uniroyal was given 30 days to "Show Cause" why enforcement procedures under Section 209(b) of Executive Order 11246 should not be initiated against it. The Show Cause Notice listed deficiencies found at the Mishawaka facility during the January, 1976, compliance review. Among these deficiencies were the following:

1. That Uniroyal has violated Section 202 (1) of the Executive Order which is a part of Uniroyal's Government contracts.

2. That Uniroyal has violated the provisions of 41 CFR Chapter 60 which require it to remedy discrimination against its production and white collar female employees and applicants for employment.

3. That Uniroyal has in the past assigned and restricted females to lower level jobs than those held by males of comparable ability and seniority.

4. That the Department of the Interior informed Uniroyal in a June 6, 1973, letter than an "Affected Class" of female employees, as defined by 41 CFR 60–2.1, existed at the Mishawaka facility, and that the 1976 compliance review indicated that the "Affected Class" is still in existence.

5. That Uniroyal's present employment practices and its Affirmative Action Plan do not provide adequate relief for its discrimination in employment against females. Such relief includes, inter alia, job assignments, bidding, departmental transfers, promotions, layoffs, and recalls. In addition, Uniroyal has not provided monetary relief (i.e., back pay) to females who suffer monetary effects of Uniroyal's discrimination in employment against them.

6. That Uniroyal has discriminated in employment against minority group persons in violation of the Executive Order and that it has failed to provide appropriate relief under Executive Order 11246 and the regulations issued pursuant thereto.

In order to assist Uniroyal in achieving compliance with the Executive Order at its Mishawaka facility, representatives of the Departments of Interior and Labor met with Uniroyal representatives in an attempt to resolve the matter as required by Section 209(b) of Executive Order 11246. In a June 17, 1976 meeting, Uniroyal was presented with a joint back pay proposal from the Government and from the plaintiffs in *Chrapliwy, et al. v. Uniroyal, et al.*, C.A. No. 72 S 243 (N.D., Ind.) which involved female production and maintenance workers at the Mishawaka facility. In a July 15, 1976 meeting, Uniroyal representatives responded to the Government's portion of the back pay proposal by stating that Uniroyal would not negotiate with the Government on any back pay recovery for Affected Class members as defined by 41 CFR 60–2.1 of the Secretary of Labor's regulations implementing the Executive Order. On behalf of the Government, I informed Uniroyal that its refusal necessitated the issuance of a Notice of Intent to Debar and Cancel Uniroyal from Government contract activity. I subsequently assumed formal jurisdiction over the Mishawaka facility pursuant to 41 CFR 60–1.25.

Please be advised that even if Uniroyal requests a hearing, that Federal contracting agencies will continue to determine Uniroyal's eligibility for any new or additional Government contracts as provided by 41 CFR 60–2.2(d). Please be further advised that if a hearing is held, this Department will seek, in addition to the relief requested in the February 26, 1976 Department of the Interior Show Cause Notice, such other additional relief as justice may require.

I would also like to advise Uniroyal that this Department continues to be willing to attempt to reach a negotiated settlement on any of the items listed in the June 6, 1973 Department of the Interior letter to Uniroyal, and in that Department's February 26, 1976 Show Cause Notice. As stated at our July 15, 1976 meeting, arrangements for such negotiations may be made with Mr. Louis G. Ferrand, Jr., Acting Counsel for Civil Rights, Office of the Solicitor, United States Department of Labor, Washington, D.C.

Sincerely,

LAWRENCE Z. LORBER,
Deputy Assistant Secretary,
Director, OFCCP.

cc: THOMAS R. EWALD, Esquire
Mr. ALFRED R. GORDON
Mr. EDWARD SHELTON
HARRY N. TURK, Esquire

[FR Doc.76–22668 Filed 8–5–76;8:45 am]

Occupational Safety and Health Administration

ARIZONA STATE STANDARDS

Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. In October 29, 1974, notice was published in the FEDERAL REGISTER (39 FR 39037) of the approval of the Arizona plan and the adoption of Subpart CC to Part 1952 containing the decision.

The Arizona plan provides for the adoption of Federal standards as State standards after public hearing. Section 1952.353 of Subpart CC sets forth the State's schedule for the adoption of Federal standards. By letter dated May 14, 1975, from Donald G. Wiseman, Director, Division of Occupational Safety and Health, Arizona Industrial Commission to John Landis of the Occupational Safety and Health Administration, and incorporated as part of the plan, the State submitted State standards comparable to 29 CFR Part 1910, as published in the FEDERAL REGISTER (39 FR 23502) dated June 27, 1974, and all amendments thereto through July 28, 1975, and 29 CFR Part 1926, as published in the FEDERAL REGISTER (39 FR 22801) and all amendments thereto through July 2, 1974. These standards, which are contained in Arizona Occupational Safety & Health Standards and Arizona Construction Safety and Health Regulations, were promulgated after hearings held on January 16, 1975, by resolution adopted by the Industrial Commission of Arizona, Division of Occupational Safety and Health on February 28, 1975, pursuant to The Arizona Occupational Safety and Health Act of 1972.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards it has been determined that the State standards are identical to the Federal standards with the exception of the maritime standards of 29 CFR 1910.13 through 1910.16 and accordingly are approved.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator-OSHA 450 Golden Gate Avenue, San Francisco, California, 94102; Director, Division of Occupational Safety and Health, 1624 West Adams, Phoenix, Arizona, 85007; and the Technical Data Center, Room N3620, 200 Constitution Avenue, Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Arizona State plan as a proposed change and making the Regional Administrator-OSHA's approval effective upon publication for the following reasons:

1. The standards are identical to the Federal standards which were promulgated in accordance with Federal law including meeting requirements for public participation.

2. The standards were adopted in accordance with the procedural requirements of State law and further participation would be unnecessary.

This decision is effective August 6, 1976.

(Sec. 18, Pub. L. 91–596, 84 Stat. 1608 (29 U.S.C. 667)).

Signed at San Francisco, Calif., this 7th of May 1976.

GABRIEL J. GILLOTTI,
Regional Administrator, Occupational Safety and Health Administration.

[FR Doc.76–22974 Filed 8–5–76;8:45 am]

NATIONAL ADVISORY COMMITTEE ON OCCUPATIONAL SAFETY AND HEALTH

Meeting

Notice is hereby given of a meeting of the National Advisory Committee on Occupational Safety and Health (NACOSH), established under section 7(a) of the Occupational Safety and Health Act of 1970. The purpose of this Committee is to advise the Secretary of Labor and the Secretary of Health, Education, and Welfare on matters relating to the administration of the Act.

The meeting will be held September 9 and 10, 1976, starting at 9:00 a.m. in the South Ballroom of the Fresno Hilton, 1055 Van Ness, Fresno, California 93721. The public is invited to attend.

Agenda items will include an update of OSHA and NIOSH activities; information on OSHA training; and a status report on the National Emphasis Program, a special compliance effort aimed at reducing job-related deaths, injuries, and illnesses at foundries. In addition, the Committee will be informed about activities of its Subgroups on Budget, Compliance, Standards, and Policy and Issues. The Compliance Subgroup will present recommendations to NACOSH on the definition of repeated violations.

For additional information on these items, please contact:

Nancy L. Hucke, National Advisory Committee on Occupational Safety and Health, Room N–3635, Department of Labor—OSHA, Third Street and Constitution Avenue, NW., Washington, D.C. 20210, Phone: (202) 523–8024.

Any written data or views concerning any agenda item which are received by the Committee Management Office before the meeting, preferably with 20 copies, will be presented to the Committee and included in the official record of the meeting.

Anyone wishing to request an oral presentation should notify the Committee Management Office before the meeting. The request should state the amount of time desired, the capacity in which the person will appear, and a brief outline of the content of the presentation. Oral presentations will be scheduled at the discretion of the Committee Chairman, depending on the extent to which time permits.

Official records of the meeting will be available for public inspection at the above address.

Signed at Washington, D.C., this 30th day of July 1976.

J. GOODELL,
Executive Secretary.

[FR Doc.76–22976 Filed 8–5–76;8:45 am]

Office of the Secretary

[TA–W–999]

AMERICAN MOTORS CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On July 27, 1976, the Department of Labor received a petition dated July 19, 1976, which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Automobile, Aerospace & Agricultural Implement Workers of America on behalf of the workers and former workers of Kenosha Manufacturing Facilities, Kenosha, Wisconsin, of American Motors Corp., Detroit, Mich. (TA–W–999).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with passenger cars and parts produced by American Motors Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of

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the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 16, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 16, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd Street and Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C., 27th day of July 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Tradc Adjustment Assistance.

[FR Doc.76-22770 Filed 8-5-76;8:45 am]

[TA-W-998]

AMERICAN MOTORS CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On July 27, 1976, the Department of Labor received a petition dated July 19, 1976, which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the United Automobile, Aerospace & Agricultural Implement Workers of America on behalf of the workers and former workers of National Parts Distribution Center, Milwaukee, Wisconsin of American Motors, Detroit, Mich. (TA-W-998).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(d) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with the distributing of automobile body parts to the American Motors body plants provided by American Motors Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 16, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 16, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd Street and Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 27th day of July 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-22771 Filed 8-5-76;8:45 am]

[TA-W-997]

AMERICAN MOTORS CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On July 27, 1976, the Department of Labor received a petition dated July 19, 1976, which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Automobile, Aerospace & Agricultural Implement Workers of America on behalf of the workers and former workers of the Milwaukee Body Plant, Milwaukee, Wisconsin, of American Motors Corporation, Detroit, Mich. (TA-W-997).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increase of imports of articles like or directly competitive with passenger cars and parts produced by American Motors Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 16, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 16, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd Street and Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 27th day of July 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-22772 Filed 8-5-76;8:45 am]

[TA-W-860]

AVC MODULUS CORP.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-860; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on April 30, 1976 in response to a worker petition received on that date which was filed by the United Steelworkers of America on behalf of workers producing industrial ferrous fasteners at AVC Modulus Corporation, Gary Indiana.

The notice of investigation was published in the FEDERAL REGISTER on May 21, 1976 (41 FR 20956). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of AVC Modulus Corporation, Screw and Bolt Division, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or appropriate subdivision thereof, have become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation revealed that although the first two criteria have been met, the third and fourth criteria have not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers at Screw and Bolt Division of AVC Modulus Corporation, Gary, Indiana declined 7 percent in 1975 from 1974 and declined 16 percent in the first quarter of 1976 compared to the first quarter of 1975. Salaried worker employment remained the same in 1975 from 1974 and declined 12 percent in the first quarter of 1976 from the first quarter of 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Total sales by the Gary, Indiana plant of AVC Modulus declined three percent in 1974 from 1973, declined 26 percent in 1975 from 1974, and decreased 19 percent in the first quarter of 1976 compared to the first quarter of 1975.

Production of special ferrous fasteners comprised approximately 85 percent of total output by the Gary, Indiana plant in recent years. Total production remained constant in 1974 from 1973, declined 19 percent in 1975 from 1974 and declined 20 percent in the first quarter of 1976 compared to the first quarter in 1975.

INCREASED IMPORTS

Imports of special ferrous fasteners are negligible and do not account for a significant share of domestic consumption.

CONTRIBUTED IMPORTANTLY

The evidence developed in the Department's investigation reveals that separations of workers from AVC Modulus Corporation, Gary, Indiana were due to a decline in sales of special ferrous fasteners by the firm. Customers of special ferrous fasteners produced by the Gary, Indiana plant indicated that purchases from that firm were reduced due to general economic conditions, depletion of exces inventories and switches to other domestic suppliers. Customers of standard products cited reasons other than import competition for decreasing purchases from AVC Modulus Corporation, Screw and Bolt Division, Gary, Indiana.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with industrial ferrous fasteners produced by AVC Modulus Corporation, Screw and Bolt Division, Gary, Indiana did not contribute importantly to the total or partial separations of workers of that firm.

Signed at Washington, D.C., this 27th day of July 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-22773 Filed 8-5-76;8:45 am]

[TA-W-908]

B. W. FREEMAN HEEL COMPANY, INC.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-908: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on May 27, 1976 in response to a worker petition received on May 27, 1976 which was filed by the United Shoe Workers of America on behalf of workers and former workers producing heel and sole combinations made from urethane at the B. W. Freeman Heel Company, Inc., Owensville, Missouri.

The notice of investigation was published in the FEDERAL REGISTER on June 18, 1976 (41 FR 24798). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the B. W. Freeman Heel Company, Inc., the U.S. Department of Commerce, the International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important that any other cause.

FINDINGS OF THE INVESTIGATION

Without regard to whether any of the other criteria have been met, criterion (3) has not have been met. The evidence developed in the Department's investigation reveals that the B. W. Freeman Heel Company produces heel and sole combinations exclusively. The B. W. Freeman Heel Company produces for other companies which are not corporately related to the B. W. Freeman Heel Company.

A report published by the International Trade Commission reveals that imports of heels which include heel and sole combinations represent less than one-half of one percent of the total number of heels consumed as components of footwear. Imports of shoes which incorporate heel and sole combinations of the same origin are not like or directly competitive with heel and sole combinations produced by the B. W. Freeman Heel Company.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports of heel and sole combinations have not contributed importantly to the total or partial separation of workers at the B. W. Freeman Heel Company, Inc., Owensville, Missouri as required in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 27th day of July 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-22774 Filed 8-5-76;8:45 am]

[TA-W-966]

CARTERET PRODUCTS CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On July 27, 1976, the Department of Labor received a petition dated July 12, 1976, which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Carteret Products Co., Carteret, New Jersey (TA-W-996).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's dress shirts produced by Carteret Products Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of

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the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 16, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 16, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd Street and Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 27th day of July 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-22775 Filed 8-5-76;8:45 am]

[TA-W-995]

C.C.C. CLOTHES

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On July 20, 1976, the Department of Labor received a petition dated June 6, 1976, which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the on behalf of the workers and former workers of C.C.C. Clothes, New York, New York (TA-W-995).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's clothes produced by C.C.C. Clothes or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 16, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 16, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd Street and Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 20th day of July 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-22776 Filed 8-5-76;8:45 am]

[TA-W-619]

CROWN CLOTHING CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the result of TA-W-619: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 20, 1976 in response to a worker petition received on February 20, 1976 which was filed by the Amalgamated Clothing Workers Union on behalf of workers and former workers producing men's and boys' tailored clothing at the Crown Clothing Company, Vineland, New Jersey.

The notice of investigation was published in the FEDERAL REGISTER on March 12, 1976 (41 FR 10637). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Crown Clothing Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with articles produced by such workers' firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation reveals that all four criteria have been met for men's tailored dress coats and sportcoats.

SIGNIFICENT TOTAL OR PARTIAL SEPARATIONS

Production employment at Crown Clothing declined by 12.2 percent from 1974 to 1975. Employment declined in every quarter of 1975 compared to the same quarter of the previous year. Employment increased in the first quarter of 1976 from the same quarter previous year.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production of suit coats and sportcoats in quantity decreased by 20.2 percent in the first six months of 1975 from the same period of 1974. Production of dress coats and sportcoats ceased in June, 1975.

Production of women's jackets commenced in the third quarter of 1975. Production of women's jackets increased in quantity from the third quarter of 1975 to the fourth quarter of 1975, and from the fourth quarter of 1975 to the first quarter of 1976.

INCREASED IMPORTS

Imports of men's and boys' dress coats and sportcoats increased absolutely and relatively in every year from 1971 to 1973. Imports increased relatively from 1973 to 1974 and then increased absolutely and relatively from 1974 to 1975. The ratios of imports to domestic production and consumption increased from 21.2 per cent and 17.5 percent, respectively, in 1974 to 28.2 percent and 22.0 percent, respectively, in 1975.

CONTRIBUTED IMPORTANTLY

The Department's investigation revealed that the manufacturer for whom Crown Clothing performed most of its contract work reduced orders for men's sportcoats in 1975 due to competition from lower priced imports. Retail customers of Crown's largest manufacturer reduced purchases of sportcoats from this manufacturer and increased purchases of lower priced imports. Crown Clothing switched production to women's jackets in the second half of 1975.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude

that increases of imports like or directly competitive with men's and boys' dress coats and sportcoats produced at the Vineland, New Jersey plant of Crown Clothing Company contributed importantly to the total or partial separations of the workers at that plant. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of men's and boys' suit coats and sportcoats at the Vineland, New Jersey plant of Crown Clothing Company who became totally or partially separated from employment on or after February 3, 1975 and before December 31, 1975 be certified as eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974. All employees who became totally or partially separated from employment on or after December 31, 1975 are denied certification.

Signed at Washington, D.C. this 23rd day of July 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-22777 Filed 8-5-76;8:45 am]

[TA-W-701]

ESSEX MANUFACTURING COMPANY, INC.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-701: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 19, 1976 in response to a worker petition received on March 19, 1976 which was filed by the Amalgamated Clothing workers of America on behalf of workers and former workers producing men's sports jackets and women's sports jackets at the Fall River, Massachusetts plant of the Essex Manufacturing Company.

The notice of investigation was published in the Federal Register on April 2, 1976 (41 FR 14229). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Essex Manufacturing Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although the first three criteria have been met, the fourth criterion has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average annual employment of production workers declined 3.0 percent from 1973 to 1974 and declined 20.8 percent from 1974 to 1975. Average weekly hours worked declined 7 percent from 1974 to 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of men's sports jackets declined by 5.9 percent in quantity from 1973 to 1974. Sales in the first quarter of 1975 increased 3.8 percent compared to the first quarter of 1974. Essex switched from the production of men's sports jackets to women's sports jackets during the second quarter of 1975. Sales of women's jackets declined 5 percent from the second quarter of 1975 to the third quarter of 1975 and then increased 39.8 percent from the third to the fourth quarter of 1975. In the first quarter of 1976, sales fell 11.9 percent from the first quarter of 1975.

INCREASED IMPORTS

Imports of men's and boys' tailored dress coats and sport coats increased both absolutely and relatively in each year from 1971 to 1973 then increased relatively from 1973 to 1974. The ratio of imports to domestic production and consumption increased from 19.2 percent and 16.2 percent, respectively, in 1973 to 21.2 percent and 17.5 percent, respectively, in 1974.

Imports of women's sports jackets decreased relatively in each year from 1971 to 1975. The ratio of imports to domestic production and consumption decreased from 26.4 percent and 20.9 percent, respectively, in 1974 to 21.3 percent and 17.6 percent, respectively, in 1975.

CONTRIBUTED IMPORTANTLY

The Department's investigation revealed that the sole manufacturer for which Essex produced men's sports jackets decided to phase out its sportswear line. Customers of this manufacturer did not switch to purchases of imported men's sports jackets. Customers who reduced purchases did so because of the styling change toward leisurewear which captured much of the market for sports jackets. Customers further indicated that this leisurewear was not imported.

The investigation also revealed that customers of the manufacturers for whom Essex produced women's jackets did not switch to imported jackets.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's sports jackets and ladies' sports jackets produced by the Fall River, Massachusetts plant of the Essex Manufacturing Company, Inc., did not contribute importantly to the total or partial separations of the workers of the plant.

Signed at Washington, D.C. this 27th day of July 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-22778 Filed 8-5-76;8:45 am]

[TA-W-871]

FISHER CORP.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-871: investigation regarding certification of eligibility to apply for adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on April 30, 1976 in response to a worker petition received on that date which was filed by three workers on behalf of workers and former workers on the Engineering Department of the Fisher Corporation, Long Island City, New York and the Milroy, Pennsylvania plant of the Fisher Corporation, Long Island City, New York.

The Notice of Investigation was published in the FEDERAL REGISTER (41 FR 20947) on May 21, 1976. No public hearing was requested and none was held.

The information upon which was determination was made was obtained from officials of the Fisher Corporation.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

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(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion 2 has not been met for the Milroy, Pennsylvania plant and the Long Island City facility and criterion 4 has not been met for the Long Island City engineering department.

The Fisher Corporation currently operates two domestic facilities. The original New York facility in Long Island City is the corporate headquarters and research and development center. The Long Island City facility provides support services which not only extend to Fisher's other domestic facility but also to the Hong Kong facility and to other independent foreign suppliers of the Fisher Corporation.

Fisher's only domestic manufacturing facility is located in Milroy, Pennsylvania. The plant converted to speaker system production exclusively by the end of 1973. Since then the Fisher Corporation has not imported any speaker systems nor has it domestically produced other electronic components.

Production of speaker systems at the Milroy, Pennsylvania plant of Fisher Corporation increased 107.3 percent in quantity in 1974 compared to 1973 and 40.3 percent in 1975 compared to 1974. Sales at the Milroy plant increased 51.3 percent in 1974 compared to 1973 and 4.7 percent in 1975 compared to 1974.

Those workers classified as engineers at the Long Island City facility of the Fisher Corporation, provided a service both for Fisher's electronic components produced abroad since 1973 and for Fisher's speaker systems produced only in the U.S. The engineering staff at the Long Island City facility has been reduced resulting from a transfer of corporate headquarters to California and the transfer of some engineering functions to Japan for electronic components produced only in Japan.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that sales or production, or both, of the Fisher Corporation including the Milroy, Pennsylvania plant and the Long Island City, N.Y. facility have not decreased absolutely as required in Section 222 of the Trade Act, and that increases in imports of electronic components have not contributed importantly to the total or partial separations of the Engineering staff of the Long Island City, N.Y. facility of the Fisher Corporation as required in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 27th day of July 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-22779 Filed 8-5-76;8:45 am]

[TA-W-876]

INDUSTRIAL MICA CO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-876: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on May 19, 1976 in response to a worker petition received on that date which was filed by the International Union of Electrical Radio and Machine Workers on behalf of workers and former workers producing mica products at Industrial Mica Company, Englewood, New Jersey.

The notice of investigation was published in the Federal Register on June 15, 1976 (41 FR 24234). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Industrial Mica Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firms or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion three (3) has not been met.

The evidence developed in the Department's investigation reveals that imports of punched and stamped mica declined both absolutely and relative to domestic production and consumption in 1975 compared to 1974. The ratio of imports to domestic production declined from 28.2 percent in 1974 to 9.4 percent in 1975. The 1975 ratio was at the lowest level for the period 1971 through 1975.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that articles like or directly competitive with those produced by the Industrial Mica Company are not being imported in increased quantities, either actual or relative to domestic production as required in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 26th day of July 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-22780 Filed 8-5-76;8:45 am]

[TA-W-683]

JAY GARMENT CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-683: investigation regarding certification of eligibility to apply for adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 19, 1976 in response to a worker petition received on March 19, 1976 which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's permanent press jeans and work pants at the Portland, Indiana production plant and distribution facility of Jay Garment Company.

The notice of investigation was published in the FEDERAL REGISTER on April 2, 1976 (41 FR 14231). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Jay Garment Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

Significant Total or Partial Separations

Employment data for Portland represents total figures for both the production facility and the distribution facility. The average number of workers at the Portland, Indiana plants of Jay Garment Company declined 7 percent from 1973 to 1974 and declined 20 percent from 1974 to 1975. Employment decreased in the first three quarters of 1975 from the same quarters of the previous year. Employment increased 8 percent in the fourth quarter of 1975 from the same quarter of the previous year, and increased 50 percent in the first quarter of 1976 from the first quarter of 1975. The average number of hours worked declined 3 percent from 1973 to 1974, and then increased one percent from 1974 to 1975.

Sales or Production, or Both, Have Decreased Absolutely

Sales of permanent press jeans and work pants at the Portland, Indiana plant declined 15 percent from 1973 to 1974, and then increased 13 percent from 1974 to 1975. Production declined 9 percent from 1974 to 1975.

Increased Imports

Imports of men's and boys' woven cotton and man-made fiber trousers and one-piece suits increased absolutely from 1971 to 1972, increased relatively from 1972 to 1973, and increased absolutely and relatively in each year from 1973 to 1975. The ratios of imports to domestic production and consumption increased from 2.3 percent and 2.2 percent, respectively in 1974, to 3.5 percent and 3.4 percent, respectively, in 1975.

Contributed Importantly

The evidence developed during the Department's investigation indicated that customers of Jay Garment Company reduced purchases from Jay from 1974 to 1975 and began to purchase imported men's one-piece work suits and permanent press jeans. These customers listed price, quality and availability of product as the factors influencing their decision to switch to imports.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's permanent press jeans and work pants produced by Jay Garment Company in Portland, Indiana contributed importantly to the total or partial separation of the workers of those plants. In accordance with the provision of the Act, I make the following certification.

All workers engaged in employment related to the production of men's permanent press jeans and work pants at the production plant and the distribution facility of Jay Garment Company in Portland, Indiana, who became totally or partialy separated from employment on or after March 9, 1975 and before October 31, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974. All workers who become totally or partially separated on or after October 31, 1975 are denied certification.

Signed at Washington, D.C., this 27th day of July 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc 76-22781 Filed 8-5-76;8:45 am]

[TA-W-685]

JAY GARMENT CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-685: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 19, 1976 in response to a worker petition received on March 19, 1976 which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's permanent press work shirts, and one-piece work suits and jumpsuits at the Clarksville, Tennessee plant for Jay Garment Company.

The notice of investigation was published in the Federal Register on April 2, 1976 (41 FR 14232). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Jay Garment Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

Significant Total or Partial Separations

The average weekly employment at the Clarksville, Tennessee plant of Jay Garment Co. increased 3 percent from 1973 to 1974 and then declined 24 percent from 1974 to 1975. The average number of hours worked declined 1 percent from 1973 to 1974 and declined 19 percent from 1974 to 1975.

Sales or Production, or Both, Have Decreased Absolutely

Sales of work shirts at Clarksville declined 14 percent from 1973 to 1974 and declined 32 percent from 1974 to 1975. Production of work shirts decreased 5 percent from 1973 to 1974 and decreased 42 percent from 1974 to 1975. Sales of one-piece work suits and jumpsuits at Clarksville increased 9 percent from 1973 to 1974, and then decreased 31 percent from 1974 to 1975. Production of work suits and jumpsuits increased 12 percent from 1973 to 1974 and then decreased 18 percent from 1974 to 1975.

Increased Imports

Imports of men's and boys' woven cotton and man-made fiber trousers and one-piece suits increased absolutely from 1971 to 1972, increased relatively from 1972 to 1973, and increased absolutely and relatively from 1973 to 1975. The ratios of imports to domestic production and consumption increased from 2.3 percent and 2.2 percent, respectively, in 1974 to 3.5 percent and 3.4 percent, respectively, in 1975. Imports of men's and boys' cotton and man-made fiber work shirts increased absolutely and relatively from 1970 to 1974. Imports increased relatively from 1974 to 1975. The ratios of imports to domestic production and consumption increased from 147.6 percent and 59.6 percent, respectively, in 1974 to 200.7 percent and 66.7 percent, respectively, in 1975.

Contributed Importantly

The evidence developed during the Department's investigation indicated that customers of Jay Garment Company reduced purchases from Jay from 1974 to 1975 and began to purchase imported men's workshirts, jumpsuits, and one-piece work suits. These customers listed price, quality and availability of product as the factors influencing their decision to switch to imports.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's permanent press work shirts, and one-piece work suits and jumpsuits produced by Jay Garment Company in Clarksville, Tennessee, contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provision of the Act, I make the following certification:

All workers engaged in employment related to the production of men's permanent press work shirts and one-piece work suits

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and jumpsuits at the Clarksville, Tennessee plant of Jay Garment Company who became totally or partially separated from employment on or after March 9, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 27th day of July 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-27782 Filed 8-5-76;8:45 am]

[TA-W-907]

LYN-FLEX FREEMAN

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-907: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on May 27, 1976 in response to a worker petition received on May 27, 1976 which was filed by the United Shoe Workers of America on behalf of workers and former workers producing shoe components at Lyn-Flex Freeman, Owensville, Missouri.

The Notice of Investigation was published in the FEDERAL REGISTER on June 18, 1976 (41 FR 24802). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Lyn-Flex Freeman, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof, have increased either actual, or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (3) has not been met. The evidence developed during the Department's investigation reveals that there are no separately identifiable imports of shoe components. Industry spokesmen indicate that there are no imports of these items. Imported shoes which incorporate components of the same origin are not like or directly competitive with domestically produced shoe components.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of shoe components did not contribute importantly to the total or partial separations at Lyn-Flex Freeman, Owensville, Missouri as required in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 27th day of July 1976.

JAMES F. TAYLOR,
Director, Plannning and Evaluation Staff.

[FR Doc 76-22783 Filed 8-5-76;8:45 am]

[TA-W-686]

MARSHALL RAY CORP.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-686: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 19, 1976 in response to a worker petition received on March 19, 1976 which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's sports coats and leisure suits at the Troy, New York plant of the Marshall Ray Corporation located at 701 River Street.

The notice of investigation was published in the FEDERAL REGISTER on April 2, 1976 (41 FR 14232). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Marshall Ray, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers declined 12.3 percent from 1973 to 1974 and 26.5 percent from 1974 to 1975. The average number of office workers declined 5.1 percent from 1973 to 1974 and 13.5 percent from 1974 to 1975. Labor turnover data for the Troy, New York plant of Marshall Ray indicates that layoffs occurred throughout 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Marshall Ray's sales of men's sportswear declined by 1.7 percent in quantity 1.7 percent in value in 1974 as compared to 1973. In 1975 sales of men's sportswear declined 25.7 percent in quantity and 36.6 percent in value as compared to 1974.

Production of men's sportswear at Marshall Ray declined by 3.6 percent in quantity and 3.6 percent in value in 1974, as compared to 1973. Production declined 22.0 percent in quantity and 16.7 percent in value from 1974 to 1975.

INCREASED IMPORTS

Imports of men's and boys' tailored dress coats and sportscoats increased absolutely and relatively in each year from 1971 to 1973. Imports increased relatively from 1973 to 1974 and then increased absolutely and relatively from 1974 to 1975. The ratios of imports to domestic production and consumption increased from 21.2 percent and 17.5 percent, respectively, in 1974 to 28.2 percent and 22.0 percent, respectively, in 1975.

Imports of men's and boys' tailored suits increased absolutely and relatively in each year from 1971 through 1975. The ratio of imports to domestic production and consumption increased from 12.2 percent and 10.9 percent, respectively, in 1974 to 17.2 percent and 14.6 percent, respectively, in 1975.

CONTRIBUTED IMPORTANTLY

The Department's investigation revealed that at least one customer of Marshall Ray accounting for approximately 40 percent of sales by Marshall Ray increased purchases of imported men's sports jackets and leisure suits and decreased domestic purchases of the same products.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's sports jackets and leisure suits produced by the Troy, New York plant of the Marshall Ray Corporation contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of men's sports jackets and leisure suits at the Troy, New York plant of the Marshall Ray Corporation who became totally or partially separated from employment on or after March 8, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 27th day of July 1976.

JAMES D. HOOVER,
Acting Executive Assistant to the Deputy Under Secretary.

[FR Doc.76-22784 Filed 8-5-76;8:45 am]

[TA-W-737]

MLM SPORTSWEAR, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-737: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 26, 1976 in response to a worker petition received on March 26, 1976 which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's sportcoats and sport jackets at MLM Clothing Inc., Philadelphia, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER on April 13, 1976 (41 FR 15491). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of MLM Sportswear, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales, production, or both, of the firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation reveals that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers at MLM Sportswear, Inc. declined 33 percent from 1973 to 1974 and declined 12 percent from 1974 to 1975. Employment decreased in the first three quarters of 1975 from the same quarters of the previous year. Employment increased in the fourth quarter of 1975 from the same quarter of the previous year. The average weekly hours worked increased 6 percent in 1974 over 1973, and then declined 5 percent from 1974 to 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales data was obtained from monthly shipment figures. Shipments at MLM Sportswear, Inc. declined 22 percent from 1973 to 1974, and declined 58 percent from 1974 to 1975. Production is based on orders received, although shipments lag behind actual production in any given time period.

INCREASED IMPORTS

Imports of men's and boys' tailored dress coats and sportcoats increased absolutely and relatively in each year from 1971 through 1973, increased relatively from 1973 to 1974, and then increased absolutely and relatively from 1974 to 1975. The ratios of imports to domestic production and consumption increased from 21.2 percent and 17.5 percent, respectively, in 1974 to 28.2 percent and 22.0 percent, respectively, in 1975.

CONTRIBUTED IMPORTANTLY

The Department's investigation indicated that MLM's manufacturer decreased purchases from MLM by 50 percent from 1974 to 1975 and increased purchases of imported men's sportcoats and suit coats. The manufacturer increased its import purchases by 30 percent from 1975 to 1976. The manufacturer switched to imports because of the price differential between imports and MLM products.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of men's sportcoats and suit coats produced at MLM Sportswear, Inc. contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provision of the Act, I make the following certification:

All workers engaged in employment related to the production of men's sportcoats and suit coats at MLM Sportswear, Inc., Philadelphia, Pa. who became totally or partially separated from employment on or after March 16, 1975 and before October 31, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974. All employees who became totally or partially separated from employment on or after October 31, 1975 are denied certification.

Signed at Washington, D.C., this 23rd day of July 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-22785 Filed 8-5-76;8:45 am]

[TA-W-551]

MOTOROLA, INC.

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-551: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 16, 1976 in response to a worker petition received on January 16, 1976 which was filed on behalf of workers and former workers producing automotive sound accessories and monochrome and color televisions at the Quincy, Illinois plant of Motorola, Incorporated, Chicago, Illinois.

The notice of investigation was published in the Federal Register on January 30, 1976 (41 FR 4692). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Motorola, Inc., and Quasar, their customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974, must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

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The investigation has revealed that all four criteria have been met for color televisions but that criterion (3) has not been met for automotive sound accessories and monochrome televisions.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of workers engaged in automotive sound accessory production at Quincy declined 31.7 percent from 1973 to 1974 and declined 56.0 percent from 1974 to 1975. All employment was terminated in May 1976.

The average number of workers engaged in TV production at Quincy increased 15.2 percent from 1973 to 1974 and then declined 41.9 percent in the first eight months of 1975 compared to the first eight months of 1974. All TV production employment at Quincy was terminated in September 1975.

SALES, PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production of automotive sound accessories at Quincy (including radios, tape players, and radio-tape player combinations) declined 42.2 percent from 1973 to 1974 and declined 71.3 percent from 1974 to 1975.

Production of Quasar televisions (both monochrome and color) at Quincy increased 16.1 percent from 1973 to 1974. In the first eight months of 1975, total television production declined 41.1 percent compared to the first eight months of 1974.

Television production from Quincy was consolidated into the Franklin Park, Illinois plant in 1975. Combined Quincy and Franklin Park Quasar color television production declined 34.0 percent from 1973 to 1974 and declined 23.3 percent from 1974 to 1975.

INCREASED IMPORTS

The quantity of imports of automobile radios (including AM, AM–FM stereo, AM with tape player, and tape player separately) when compared to the preceding year increased absolutely in each year from 1971 to 1973 and declined in 1974 to 1975.

Imports of automobile radios increased relative to domestic production and consumption in each year from 1972 through 1974 and then declined from 1974 to 1975. The ratios of imports to domestic production and consumption declined from 109.3 percent and 53.2 percent, respectively, in 1974 to 108.1 percent and 53.0 percent, respectively, in 1975.

The quantity of imports of black and white TV's decreased absolutely each year from 1972 to 1975.

Imports of black and white TV's increased relative to domestic production and consumption declined from 210.3 percent and 69.0 percent, respectively, in 1974 to 193.8 percent and 67.3 percent, respectively, in 1975.

The quantity of imports of color TV's increased absolutely each year from 1971 through 1973 and then declined in 1974 and 1975.

The ratios of imports to domestic production and consumption increased from 21.7 percent and 18.4 percent, respectively, in 1974 to 23.4 percent and 1915 percent, respectively, in 1975.

CONTRIBUTED IMPORTANTLY

The Department's investigation revealed that Quasar televisions are sold through exclusive Quasar distributors. These distributors reduced purchases from the Quincy plant because of increased imports of cheaper imported televisions purchased by consumers. As a result, Quasar was faced with excess production capacity. This led to the consolidation of Quincy and Franklin Park television production in the Franklin Park plant.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with color televisions produced at the Quincy, Illinois plant of Motorola, Incorporated contributed importantly to the total or partial separation of the workers of that plant.

In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of color televisions at the Quincy, Illinois plant of Motorola, Incorporated, (Quasar) Chicago, Illinois who become totally or partially separated from employment on or after January 16, 1975 and before November 1, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974. All employees who became totally or partially separated from employment on or after November 1, 1975 are denied certification.

I further conclude that increases of imports like or directly competitive with black and white televisions and automotive sound accessories produced at the Quincy, Illinois plant of Motorola, Incorporated did not contribute importantly to the total or partial separation of the workers of that plant.

Signed at Washington, D.C., this 23rd day of July 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76–22786 Filed 8–5–76;8:45 am]

[TA–W–1,000]

MURPHY'S WHOLESALE TAILOR'S

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On July 27, 1976, the Department of Labor received a petition dated July 6, 1976, which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Murphy's Wholesale Tailor's, New Orleans, Louisiana (TA–W–1,000).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or or directly competitive with men's custom made suits produced by Murphy's Wholesale Tailor's or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 16, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 16, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd Street and Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 27th day of July 1976.

DOMINIC SORRENTINO,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76–22787 Filed 8–5–76;8:45 am]

[TA–W–994]

PARIS SHOE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On July 20, 1976, the Department of Labor received a petition dated July 14, 1976, which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Paris Shoe Company, Lowell, Massachusetts (TA–W–994).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's footwear produced by Paris Shoe Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 16, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 16, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd Street and Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 20th day of July 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76–22788 Filed 8–5–76;8:45 am]

[TA–W–857]

REDI-BOLT, INC.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA–W–857: investigation regarding certification of eligibility to apply for adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on April 30, 1976 in response to a worker petition received on that date which was filed by the United Steelworkers of America on behalf of workers and former workers at the East Chicago, Indiana plant of Redi-Bolt, Incorporated, Division of Medalist Industries.

The Notice of Investigation was published in the Federal Register on May 21, 1976 (41 FR 20954). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Redi-Bolt, Incorporated Division of Medalist Industries, its customers, the Department of Commerce, the International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the worker's firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although the first three criteria have been met, the fourth criterion has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers at Redi-Bolt, Inc., East Chicago, Indiana increased 17.5 percent in 1974 from 1973, declined 31.9 percent in 1975 from 1974, and decreased 25.0 percent in the first quarter of 1976 compared to the first quarter of 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of bolts increased 28.6 percent in 1974 from 1973, declined 35.5 percent in 1975 from 1974, and declined 11.2 percent in the first quarter of 1976 compared to the first quarter of 1975.

Production of bolts increased 8.9 percent in 1974 from 1973, declined 40.5 percent in 1975 from 1974, and decreased 20.6 percent in the first quarter of 1976 compared to the first quarter of 1975. Bolts comprised 85 percent of output by the East Chicago plant in 1975, the remainder of production consisting primarily of special expanded metal products.

INCREASED IMPORTS

Domestic production of ferrous bolts increased 16.3 percent between 1970 and 1974 and decreased 37.8 percent in 1975 from 1974. Consumption during the 1970–1974 period increased 22.2 percent, however, and, thus, imports increased their share of domestic consumption from 11.6 percent in 1970 to 17.1 percent in 1974. In 1975, U.S. consumption declined 40.6 percent from 1974, with imports increasing their share to 17.9 percent from 17.1 percent in the prior year.

CONTRIBUTED IMPORTANTLY

The evidence developed in the Department's investigation reveals that separations of workers from Redi-Bolt, Incorporated, Division of Medalist Industries, East Chicago, Indiana were due primarily to a decline in sales of bolts by the firm. Customers of bolts produced by the East Chicago, Indiana plant indicated that purchases from that firm were reduced due to general economic conditions and switches to other domestic suppliers.

Expanded metal products produced by the East Chicago plant are primarily specialty items made to customer specifications. Customers of such products cited reasons other than import competition for decreasing purchases from Redi-Bolt, Inc., Division of Medalist Industries.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with bolts and expanded metal items produced by Redi-Bolt, Incorporated, Division of Medalist Industries, Each Chicago, Indiana did not contribute importantly to the total or partial separations of workers of that firm.

Signed at Washington, D.C. this 28th day of July 1976.

JAMES D. HOOVER,
Acting Executive Assistant to the Deputy Under Secretary.

[FR Doc.76–22789 Filed 8–5–76;8:45 am]

[TA–W–889]

STATION STREET CORP.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA–W–889; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on May 19, 1976 in response to a worker petition received on May 19, 1976 which was filed on behalf of workers and former workers producing men's suits and sportcoats at the Biddeford, Maine plant of Station Street Corporation.

The notice of investigation was published in the Federal Register (41 FR 24235) on June 15, 1976. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Station Street Corporation, its customers, the U.S. Department of Commerce, the U.S.

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International Trade Commission, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers at the Biddeford, Maine plant decreased 6.4 percent in 1974 compared to 1973 and 4.9 percent in 1975 compared to 1974. However, average quarterly employment increased in each of the first two quarters of 1976 from the previous quarter and increased 9.1 and 19.9 percent, respectively, compared to the same quarter of the previous year.

SALES OR PRODUCTION OR BOTH, HAVE DECREASED ABSOLUTELY

Station Street Corporation is a contractor. Sales and production are the same. Company production of men's suits and sportcoats declined 15.6 percent in 1974 compared to 1973 and 20.9 percent in 1975 compared to 1974. However, unit production in the first quarter of 1976 was greater than the level in any of the previous seven quarters.

INCREASED IMPORTS

Import's of men's and boys' tailored dress coats and sportcoats increased from 1971 to 1973, decreased in 1974 compared to the previous year, and increased to 5.5 million units in 1975 from 5.1 million units in 1974.

Imports of men's and boys' tailored suits increased in every year from 1.3 million units in 1971 to 3.1 million units in 1975, an increase of 26.9 percent over the 2.4 million units in 1974.

CONTRIBUTED IMPORTANTLY

All customers of Station Street Corporation increased purchases of imported men's suits and sportcoats. All but one customer either decreased or held stable purchases from Station Street. The remaining customer increased purchases of men's suits and sportcoats, but to a relatively lesser extent than they increased purchases of imported men's suits and sportcoats.

CONCLUSION

After careful review of the facts obtained in the investigation, I concluded that increases of imports like or directly competitive with men's suits and sportcoats produced by the Biddeford, Maine plant of Station Street Corporation contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provision of the Act, I make the following certification:

All workers at the Biddeford, Maine plant of the Station Street Corporation who became totally or partially separated from employment on or after April 26, 1975 and before January 1, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974. All employees who became totally or partially separated from employment on or after January 1, 1976 are denied certification.

Signed at Washington, D.C. this 23rd day of July 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-22790 Filed 8-5-76;8:45 am]

[TA-W-682]

STRONGWEAR SLACKS COMPANY, INC.

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-682: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 19, 1976 in response to a worker petition received on March 19, 1976 which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's and women's slacks at the Easton plant of Strongwear Slacks Company Inc., Easton, Pennsylvania.

The Notice of Investigation was published in the FEDERAL REGISTER on April 2, 1976 (41 FR 14234). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Strongwear Slacks Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation revealed that criteria one, two, and three have been met. However, criterion four has been met for only those workers engaged in employment related to the production of men's slacks.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of workers declined 7.7 percent from 1973 to 1974 and declined 32.6 percent from 1974 to 1975. In each quarter of 1975, employment declined when compared to the same quarter of 1974.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Strongwear Slacks Company is not involved in the sale of finished products.

Men's slacks represented 30 percent of production and women's slacks represented 70 percent of producton at Strongwear Slacks.

Production of men's and women's slacks at Strongwear Slacks declined 3.9 percent from 1973 to 1974 and declined 18.3 percent from 1974 to 1975. In the first two quarters of 1975, production declined compared to the same quarters of 1974. In the third and fourth quarters of 1975, production increased 3.1 percent and 20.1 percent, respectively, compared to the third and fourth quarters of 1974.

INCREASED IMPORTS

Imports of men's and boys' trousers increased from 39.7 million pairs in 1971 to 55.3 million pairs in 1972. Imports then declined in 1973 and 1974. Imports increased again in 1975 to 55.5 million pairs. Imports increased 39.4 percent from 1974 to 1975. Domestic production of men's and boys' trousers declined 18.9 percent during the same period. The ratios of imports to domestic production and consumption increased from 18.2 percent and 15.4 percent, respectively, in 1974 to 31.4 percent and 23.8 percent, respectively, in 1975.

Imports of ladies' and children's woven slacks, jeans, and shorts decreased from 61.7 million pairs in 1971 to 55.0 million pairs in 1974. In 1975, imports increased to 65.2 million pairs. Imports of ladies' and children's woven slacks, jeans, and shorts increased 18.5 percent from 1974 to 1975. Domestic production increased 14.2 percent during the same period. The ratios of imports to domestic production and consumption increased from 23.9 percent and 19.3 percent, respectively, in 1974 to 24.8 percent and 19.9 percent, respectively, in 1975.

Imports of ladies' and children's knit slacks and shorts increased in each year from 74.7 million pairs in 1971 to 80.1 million pairs in 1973. Imports declined in 1974 and then increased to 55.2 million pairs in 1975. Imports of ladies' and children's knit slacks and shorts increased 6.0 percent from 1974 to 1975. Domestic production declined 3.3 percent during the same period. The ratios of imports to domestic production and consumption increased from 41.9 percent and 29.5 percent, respectively, in 1974 to 45.9 percent and 31.5 percent, respectively, in 1975.

CONTRIBUTED IMPORTANTLY

Customers of men's slacks reduced or discontinued purchases from Strongwear as a result of increasing purchases of lower priced imported men's slacks.

Strongwear manufactured ladies' slacks for two firms only. One of these reduced purchases from Strongwear. The customer switched purchases to another domestic firm.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's slacks produced at the Easton, Pennsylvania plant of Strongwear Slacks Company, Incorporated contributed importantly to the total or partial separations of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of men's slacks at the Easton plant of Strongwear Slacks Company, Inc., Easton, Pennsylvania who became totally or partially separated from employment on or after March 9, 1975 and before June 30, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Trade Act of 1974. All employees who became totally or partially separated from employment after June 30, 1975 are denied certification.

It is further concluded that increases of imports like or directly competitive with womens slacks produced at the Easton, Pennsylvania plant of Strongwear Slacks Company, Incorporated did not contribute importantly to the total or partial separations of the workers of that plant.

Signed at Washington, D.C., this 23rd day of July 1976.

JAMES D. HOOVER,
Acting Executive Assistant to the Deputy Under Secretary.

[FR Doc.76-22869 Filed 8-5-76;8:45 am]

[TA-W-681]

STRONGWEAR PANTS COMPANY, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-681: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 19, 1976 in response to a worker petition received on March 19, 1976 which was filed by the Amalgamated Clothing workers of America on behalf of workers and former workers producing men's slacks at the Easton plant of Strongwear Pants Company, Inc., Easton, Pennsylvania.

The Notice of Investigation was published in the FEDERAL REGISTER on April 2, 1976 (41 FR 14233). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Strongwear Pants Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of workers declined 3.0 percent from 1973 to 1974 and declined 12.3 percent from 1974 to 1975. In each quarter of 1975, employment declined when compared to the same quarters of 1974.

Average weekly hours declined 12.1 percent from 1973 to 1974 and declined 6.5 percent from 1974 to 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Men's slacks represent 95 percent of production at Strongwear Pants Co., Inc. Production at Strongwear Pants declined 13.6 percent from 1974 to 1975. In the first three quarters of 1975, production declined compared to the same quarters of 1974. In the fourth quarter of 1975, production increased 21.8 percent compared to the fourth quarter of 1974.

INCREASED IMPORTS

Imports of men's and boys' trousers increased from 39.7 million pairs in 1971 to 55.3 million pairs in 1972. Imports then declined in 1973 and 1974. Imports increased again in 1975 to 55.5 million pairs. Imports increased 39.4 percent from 1974 to 1975. Domestic production of men's and boys' trousers declined 18.9 percent during the same period. The ratios of imports to domestic production and consumption increased from 18.2 percent and 15.4 percent, respectively, in 1974 to 31.4 percent and 23.8 percent, respectively, in 1975.

CONTRIBUTED IMPORTANTLY

Customers reduced or discontinued purchases of men's slacks from Strongwear as a result of increasing purchases of lower priced imported men's slacks.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's slacks produced at the Easton, Pennsylvania plant of Strongwear Pants Company, Incorporated contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Easton plant of Strongwear Pants Company, Inc., Easton, Pennsylvania who became totally or partially separated from employment on or after March 9, 1975 and before September 30, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Trade Act of 1974. All employees who became totally or partially separated from employment on or after September 30, 1975 are denied certification.

Signed at Washington, D.C., this 23rd day of July 1976.

JAMES D. HOOVER,
Acting Executive Assistant to the Deputy Under Secretary.

[FR Doc.76-22792 Filed 8-5-76;8:45 am]

[TA-W-711]

SWEDA INTERNATIONAL

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-711: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 26, 1976 in response to a worker petition received on March 26, 1976 which was filed on behalf of former workers producing computers and peripheral equipment at Sweda International, Clifton, New Jersey.

The notice of investigation was published in the FEDERAL REGISTER on April 20, 1976 (41 FR 16623). No public

V 41 153 AUG 6 76 UMI

hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Sweda International, its customers, the U.S. International Trade Commission, the U.S. Department of Commerce, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all the criteria have been met.

SIGNIFICANT TOTAL OF PARTIAL SEPARATIONS

The average number of workers at the Clifton, New Jersey plant increased 3 percent in 1974 compared to 1973 and then decreased 40 percent in the first quarter of 1975 compared to the same period of 1974.

All employment was terminated in April 1975 when the plant closed.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production at the Clifton plant decreased 9 percent in 1974 compared to 1973 and decreased 38 percent in the first quarter of 1975 compared to the same period of 1974.

All production ceased in April 1975 when the plant closed.

INCREASED IMPORTS

When compared to each preceding year, U.S. imports of computers, peripheral, equipment and parts, in terms of value, increased in 1972, decreased in 1973 and increased in 1974 and 1975. The ratios of imports to domestic production decreased from 4.9 percent in 1974 to 4.7 percent in 1975.

CONTRIBUTED IMPORTANTLY

In 1974 Sweda's imports of computers and peripheral equipment which are of the types produced at the Clifton plant constituted 89 percent of the Clifton plant's production. In the first quarter of 1975 Sweda's imports of computers and peripheral equipment of the types produced at Clifton constituted 164 percent of the Clifton plant's production.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with computers and computer peripheral equipment produced by the Clifton, New Jersey plant of Sweda International contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provision of the Act, I make the following certification:

All workers at the Clifton, N.J. plant of Sweda International who became totally or partially separated from employment on or after March 21, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 27th day of July 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-22793 Filed 8-5-76;8:45 am]

[TA-W-831]

WILLIAM H. OTTEMILLER CO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-831: investigation regarding certification of eligibility to apply for adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on April 30, 1976 in response to a worker petition received on that date which was filed by the United Steelworkers of America on behalf of workers and former workers producing specialty fasteners at the York, Pennsylvania plant of the William H. Ottemiller Company.

The notice of investigation was published in the Federal Register on May 21, 1976 (41 FR 20971). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the William H. Ottemiller Company, the Department of Commerce, the International Trade Commission and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (3) has not been met.

The William H. Ottemiller Company produces special machine screws and standard screws. The special machine screws which are made to customer specifications account for approximately 85 percent of the firm's total production.

There has been no reduction in employment related to the production of standard fasteners which account for the remainder of the firm's output.

There are no known imports of special fasteners. Firms that make special fasteners produce them on order to the customer's specifications.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that articles like or directly competitive with special fasteners produced by the William H. Ottemiller Company, York, Pennsylvania are not being imported in increased quantities, either actual or relative to domestic production, and therefore workers and former workers at the William H. Ottemiller Company, York, Pennsylvania are not eligible to apply for adjustment assistance under the Trade Act of 1974.

Signed at Washington, D.C. this 27th day of July 1976.

JAMES D. HOOVER,
Acting Executive Assistant to the Deputy Under Secretary.

[FR Doc.76-22667 Filed 8-5-76;8:45 am]

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

MERCANTILE NATIONAL BANK

Suspension of Trading

It appearing that an extension of the Order, issued July 23, 1976, suspending trading in the securities of Mercantile National Bank, Atlanta, Georgia, on the over-the-counter market is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 12(i) and 12(k) of the Securities Exchange Act of 1934, the suspension of trading in the securities of Mercantile National Bank, Atlanta, Georgia, on the over-the-counter market is hereby extended for the ten-day period commencing at midnight (e.d.t.) on August 2, 1976, and terminating at midnight (e.d.t.) on August 12, 1976.

Dated: August 2, 1976.

ROBERT BLOOM,
Acting Comptroller of the Currency.

[FR Doc.76-22868 Filed 8-5-76;8:45 am]

DEPARTMENT OF DEFENSE

PRIVACY ACT OF 1974

Systems of Records

In FR Doc. 75-21075 appearing at page 35151 in the FEDERAL REGISTER of August 18, 1975 (40 FR 35151) as amended by FR Doc. 75-22756 appearing at page 40087 in the FEDERAL REGISTER of August 29, 1975 (40 FR 40087); FR Doc. 75-27219 appearing at page 47748 in the FEDERAL REGISTER of October 9, 1975 (40 FR 47748) and FR Doc. 76-19335 appearing at page 27746 in the FEDERAL REGISTER of July 6, 1976 (41 FR 27746) concerning general routine use notices by the Department of Defense, the following new general routine use notices are proposed to be added to those Department of Defense Generic Systems set forth in the FEDERAL REGISTER of October 9, 1975 (40 FR 47748) and applicable to any record from a system of records maintained by a Component of the Department of Defense:

ROUTINE USE—DISCLOSURE TO STATE AND LOCAL TAXING AUTHORITIES

Any information normally contained in IRS Form W-2 which is maintained in a record from a system of records maintained by any Component may be disclosed to State and local taxing authorities with which the Secretary of the Treasury has entered into agreements pursuant to Title 5, U.S. Code, sections 5516, 5517, 5520 and only to those State and local taxing authorities for which an employee or military member is or was subject to tax regardless of whether tax is or was withheld. This routine use is in accordance with Treasury Fiscal Requirements Manual Bulletin Nr. 76-07.

ROUTINE USE—DISCLOSURE TO THE U.S. CIVIL SERVICE COMMISSION

A record from a system of records subject to the Privacy Act and maintained by any Component may be disclosed to th Civil Service Commission concerning information on pay and leave, benefits, retirement deductions, and any other information necessary for the Commission to carry out its legally authorized Government-wide personnel management functions and studies.

The Defense Privacy Board invites public comment to be considered on these generic routine use provisions. Interested persons are invited to submit written data, views, and arguments to the Executive Secretary, Defense Privacy Board, Room 7A-057, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20314. All materials received on or before September 7, 1976 will be considered.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

AUGUST 3, 1976.

[FR Doc.76-22869 Filed 8-5-76;8:45 am]

DEPARTMENT OF JUSTICE

Office of the Attorney General

MERIWETHER COUNTY, GEORGIA

Voting Rights Act Certification

In accordance with section 6 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973d, I hereby certify that in my judgment the appointment of examiners is necessary to enforce the guarantees of the Fifteenth Amendment to the Constitution of the United States in Meriwether County, Georgia. This County is included within the scope of the determination of the Attorney General and the Director of the Census made on August 6, 1965, under section 4(b) of the Voting Rights Act of 1965 and published in the FEDERAL REGISTER on August 7, 1965 (30 FR 9897).

EDWARD H. LEVI,
Attorney General of the United States.

AUGUST 3, 1976.

[FR Doc.76-23031 Filed 8-5-76;8:45 am]

STEWART COUNTY, GEORGIA

Voting Rights Act Certification

In accordance with section 6 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973d, I hereby certify that in my judgment the appointment of examiners is necessary to enforce the guarantees of the Fifteenth Amendment to the Constitution of the United States in Stewart County, Georgia. This County is included within the scope of the determination of the Attorney General and the Director of the Census made on August 6, 1965, under section 4(b) of the Voting Rights Act of 1965 and published in the FEDERAL REGISTER on August 7, 1965 (30 FR 9897).

EDWARD H. LEVI,
Attorney General of the United States.

AUGUST 3, 1976.

[FR Doc.76-23032 Filed 8-5-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM 28428]

NEW MEXICO

Proposed Withdrawal and Reservation of Lands

JULY 30, 1976.

The Bureau of Reclamation, U.S. Department of the Interior, has filed application NM 28428 for the withdrawal of land described below, from all forms of appropriation under the public land laws including the general mining, but not the mineral leasing laws except that drilling will be restricted and allowed only with specific permission of the Bureau of Reclamation. The applicant desires the land for use in connection with the Brantley Reservoir Project.

On or before September 7, 1976, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Chief, Division of Technical Services, P.O. Box 1449, Santa Fe, New Mexico 87501.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. We will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the land for purposes other than the applicant's, to eliminate land needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the land and its resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the land will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The land involved in the application is:

NEW MEXICO PRINCIPAL MERIDIAN

T. 20 S., R. 26 E.,
Sec. 16, E½SE¼.

The area described contains 80 acres in Eddy County.

MICHAEL T. SOLAN,
Chief, Division of Technical Services.

[FR Doc.76-22854 Filed 8-5-76;8:45 am]

[NM 28420, 28421 and 28422]

NEW MEXICO

Applications

JULY 29, 1976.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has

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applied for three 4½-inch natural gas pipeline rights-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 32 N., R. 10 W.,
Sec. 29, lots 3 and 4;
Sec. 30, lots 5 and 12;
Sec. 31, lots 5 and 6.

These pipelines will convey natural gas across .356 mile of national resource land in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, NM 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-22929 Filed 8-5-76;8:45 am]

[NM 28416]

NEW MEXICO

Application

JULY 30, 1976.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for one 4½-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 26 N., R. 7 W.,
Sec 29, NW¼SE¼

This pipeline will convey natural gas across .044 of a mile of national resource land in Rio Arriba County, New Mexico.

The purposes of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-22930 Filed 8-5-76;8:45 am]

[U-33870]

UTAH

Application

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corporation has applied for a 4½-inch natural gas pipeline right-of-way across the following lands:

SALT LAKE MERIDIAN

T. 20 S., R. 23 E.,
Sec. 4, SE¼SE¼, SW¼SE¼, SE¼SW¼;
Sec. 9, NE¼NE¼, SE¼NE¼, NE¼SE¼;
Sec. 10, NE¼NW¼, NW¼NW¼, SW¼NW¼, NE¼SW¼, NW¼SW¼, SW¼SW¼;
Sec. 15, NW¼NW¼, SW¼NW¼.

The needed right-of-way is for a portion of applicant's gas gathering system located in Grand County, Utah.

The purpose of this notice is to inform the public that the Bureau will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved, and if so, under what terms andt conditions.

Interested persons should express their interest and views to the Moab District Manager, Bureau of Land Management, P.O. Box 970, Moab, Utah 84532.

PAUL L. HOWARD,
State Director.

JULY 30, 1976.

[FR Doc.76-22932 Filed 8-5-76;8:45 am]

UTAH

Order Providing for Opening of Public Lands

U-0140645, U-4793, Powersite Classifications 294, 302, 323, 430, Powersite Cancellation 276.

By published notice (38 FR No. 96, May 18, 1973) the U.S. Geological Survey canceled Powersite Classification Nos. 294, 302, 323, and 430 insofar as and to the extent that they affect the lands described in FEDERAL REGISTER Vol. 38, No. 96—Friday, May 18, 1973.

The purpose of this order is to restore to the operation of applicable public lands laws the unreserved national resource lands involved in that notice.

Under the authority delegated by Bureau of Land Management Order No. 701 dated July 23, 1964 (29 FR 10526), as amended, it is ordered as follows:

The national resource lands described in FEDERAL REGISTER Vol. 38, No. 96, Pages 13039, 13040, 13041—Friday, May 18, 1973, are hereby restored to disposition under applicable public land laws, subject to valid existing rights.

WILLIAM G. LEAVELL,
Associate State Director.

JULY 29, 1976.

[FR Doc.76-22931 Filed 8-5-76;8:45 am]

Geological Survey

[Power Site Cancellation 337]

SNAKE RIVER BASIN, OREGON

Power Site Cancellation

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and 220 Departmental Manual 6.1, Power Site Classification 421 of November 30, 1951, is hereby canceled to the extent that it affects the following described land:

WILLIAMETTE MERIDIAN

T. 15 S., R. 46 E.,
Sec. 21 NE¼SE¼;
Sec. 26, lots 1 and 2, and NW¼SW¼;
Sec. 27, NE¼SE¼;
Sec. 35, lots 1 and 2.

The area described aggregates about 231 acres.

The effective date of this cancellation is November 28, 1976.

Dated: July 28, 1976.

W. A. RADLINSKI,
Acting Director.

[FR Doc.76-22933 Filed 8-5-76;8:45 am]

National Park Service

STANDARD CONCESSION CONTRACT LANGUAGE

Proposed Change

Notice was given in the July 13, 1976, FEDERAL REGISTER, pp. 28809 to 28815, that the National Park Service is proposing to change its standard concession contract language and is soliciting written comments from all interested parties on or before August 12, 1976. However, it has been determined that it would be in the best interest of all interested parties and the United States to provide an additional period of time of 60 days from August 12, 1976, within which to submit written comments. Accordingly, written comments on the proposed standard concession contract language must be received on or before October 12, 1976, addressed to the Director, National Park Service, Department of the Interior, Washington, D.C. 20240. Copies of the proposed standard concession contract language are available at the same address.

GARY EVERHARDT,
Director, National Park Service.

[FR Doc.76-23016 Filed 8-5-76;8:45 am]

Office of the Secretary

[INT DES 76-29]

EMERY POWER PLANT; PROPOSED IN EMERY COUNTY, UTAH

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepare a draft environmental statement for a proposed power plant in Emery County, Utah.

The Emery proposal involves construction of a 860 MW power complex, transportation systems, transmission lines, coal mine, and employment of approximately 800 people. The Department of the Interior invites written comments on the draft statement to be submitted on or before September 20, 1976, to the District Manager, Richfield District, Bureau of Land Management, 850 North Main Street, Richfield, Utah 84701.

A limited number of copies are available upon request to the District Manager at the above address.

Public reading copies will be available for review at the following locations:

Office of Public Affairs, Bureau of Land Management, Interior Building, 18th and C Streets, NW., Washington, D.C. 20240, Telephone: (202) 343-5717.
Utah State Office, Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111, Telephone: (801) 524-4257.
Richfield District Office, Bureau of Land Management, 850 North Main Street, Richfield, Utah 84701, Telephone: (801) 896-5401.
Price Area Office, Bureau of Land Management, 900 North 700 East, Price, Utah 84501, Telephone (801) 637-4584.
College of Eastern Utah, Library, 451 East 400 North, Price, Utah 84501, Telephone (801) 637-9943.
Emery County Library, Castle Dale, Utah 84513, Telephone (801) 748-2554.
Harold B. Lee Library, Brigham Young University, Provo, Utah 84602.

Notice is also given that oral and/or written comments will also be received at formal public hearings held at the following locations:

Emery County High School, Auditorium, Castle Dale, Utah, on September 8, 1976, at 8 p.m.
Provo City Center, Commission Chambers, 359 West Center, Provo, Utah, on September 9, 1976, at 7:30 p.m.

An administrative law judge will preside over the hearings. Witnesses presenting oral comments should limit their testimony to ten (10) minutes. Written request to testify orally should be submitted to the District Manager, Richfield District, Bureau of Land Management, 850 North Main Street, Richfield, Utah 84701, prior to close of business September 1, 1976.

Comments on the draft environmental statement, whether written or oral, will receive equal consideration in preparation of a final environmental statement.

Dated: August 3, 1976.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.76-22867 Filed 8-5-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

FLAMING GORGE NATIONAL RECREATION AREA

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the proposed management plan for the Flaming Gorge Recreation Area, Ashley National Forest, Utah and Wyoming. The Forest Service report number is USDA-FS-DES (Adm) R4-76-19.

The draft environmental statement identifies and evaluates the probable effects that management under the proposed management plan or alternatives would have upon the environment of the NRA. Future management of the NRA under a broad framework will be directed toward: (1) Continue to provide a high quality, varied recreation experience to the full capacity of the area; (2) Encourage utilization of resources where compatible with recreation; (3) Provide for the safety and enjoyment of the user; and (4) Fully involve the public, other agencies, and organizations in the planning and development processes.

Pub. L. 90-540 of October 1, 1968, states that management of the NRA will be primarily oriented toward recreation and related activities. Other uses may be permitted if they are compatible with recreation. Therefore, the proposed mix of uses and land practices is directed toward encouraging and providing varied recreation opportunities. Uses and activities conflicting with recreation-oriented values will be modified or curtailed as explained in the environmental statement.

This draft environmental statement was transmitted to CEQ on July 30, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service,
South Agricultural Bldg., Room 3230,
12th St. & Independence Ave., SW.,
Washington, D.C. 20250.
Regional Planning Office,
USDA, Forest Service,
Federal Building, Room 4408,
324-25th Street,
Ogden, Utah 84401.
Forest Supervisor,
Ashley National Forest,
437 East Main,
Vernal, Utah 84078.
Area Ranger,
Flaming Gorge Ranger District,
Dutch John Unit,
P.O. Box 157,
Dutch John, Utah 84023.

A limited number of single copies are available upon request to Forest Supervisor Robert A. Rowen, Ashley National Forest, 437 East Main, Vernal, Utah 84078.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor, Ashley National Forest, 437 East Main, Vernal, Utah 84078. Comments must be received by September 30, 1976, in order to be considered in the preparation of the final environmental statement.

Dated: July 30, 1976.

WILLIAM E. MURRAY,
Acting Regional Forester, Intermountain Region.

[FR Doc.76-22925 Filed 8-5-76;8:45 am]

LAND USE PLAN FOR THE QUINAULT PLANNING UNIT

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service; Department of Agriculture, has prepared a final environmental statement for a land use plan for the Quinault Planning Unit, Olympic National Forest, USDA-FS-R6-FES (ADM)-76-2.

The environmental statement concerns the proposed implementation of a comprehensive land use plan for the Quinault Planning Unit. The Unit contains four non-selected roadless areas.

This final environmental statement was transmitted to CEQ on July 30, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3210, 12th St. & Independence Ave., SW., Washington, D.C. 20250.
USDA, Forest Service, Multnomah Bldg., 319 SW. Pine St., Portland, Oregon 97208.
Olympic National Forest, Federal Bldg., 801 South Capitol Way, Olympia, Washington 98507.
Quinault Ranger Station, Quinault, Washington 98575.

A limited number of single copies are available upon request to:

Richard D. Beaubien, Forest Supervisor, Olympic National Forest, P.O. Box 2288, Olympia, Washington 98507.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

RICHARD D. BEAUBIEN,
Forest Supervisor.

JULY 30, 1976.

[FR Doc.76-22926 Filed 8-5-76;8:45 am]

Office of the Secretary

ADVISORY COMMITTEE ON AGRICULTURAL STATISTICS

Intent To Establish Committee

Notice is hereby given that the Secretary of Agriculture intends to establish an Advisory Committee on Agricultural Statistics.

The Committee shall be composed of six members, three who are members of the American Agricultural Economics Association (AAEA) and three who are members of the American Statistical Association (ASA). The Chairperson and

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Chairperson-Elect will be elected by the Committee for a one-year term. These two positions will be alternated annually between the AAEA and ASA.

The purpose of this committee will be to review programs of the Statistical Reporting Service and Economic Research Service and advise the Administrators of these agencies on program content, concepts, definitions, scheduling and techniques. The establishment of the Committee is in the public interest since no existing committee can perform these functions, and it is advantageous to the Department to have the views of these two professional associations in formulating plans.

This notice is given in compliance with the Federal Advisory Committee Act (Pub. L. 92-463). Views and comments of interested persons shall be made in writing and must be received by the Director, Agricultural Economics, Room 214-A, United States Department of Agriculture, Washington, D.C. 20250 by August 23, 1976. Such comments will be available for public inspection during regular working hours.

Dated: August 3, 1976.

J. PAUL BOLDUC,
Assistant Secretary for Administration.

[FR Doc.76-22955 Filed 8-5-76;8:45 am]

Packers and Stockyards Administration

MOORES' LIVESTOCK AUCTION, NORCO, CALIFORNIA, ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Facility No., name, and location of stockyard	*Date of posting*
CA-167 Moores' Livestock, Norco, Calif.	July 15, 1975.
IN-138 Scottsburg Sales Barn, Scottsburg, Ind.	Mar. 17, 1960.
MD-111 Bar F Stables Auction, Manchester, Md.	Oct. 21, 1964.
NC-105 Beretich Livestock Corporation, Clinton, N.C.	Aug. 25, 1967.
NC-108 Fayetteville Graded Feeder Pig Sale, Fayetteville, N.C.	June 23, 1967.
NC-117 Bethune Stockyards, Lillington, N.C.	May 11, 1959.
NC-123 Murphy Livestock Auction Co., Murphy, N.C.	Apr. 10, 1959.
NC-124 Creech Livestock Market, Inc., Norlina, N.C.	July 1, 1959.
OK-186 Woodward Livestock Auction Market, Inc., Woodward, Okla.	July 23, 1940.
VA-104 Rockbridge Livestock Market, Inc., Buena Vista, Va.	Mar. 11, 1959.
VA-147 Tidewater Livestock Sales Co., Courtland, Va.	Jan. 10, 1974.
VA-107 Culpeper Livestock Exchange, Culpeper, Va.	July 7, 1959.
VA-115 Halifax County Livestock Market, Inc., Halifax, Va.	Sept. 30, 1970.
VA-124 Marshall Auction Sales, Marshall, Va.	Mar. 2, 1959.
VA-138 Jarman Stockyard, Suffolk, Va.	Aug. 7, 1961.

Notice or other public procedure has not preceded promulgation of the foregoing rule. There is no legal justification for not promptly deposting a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule relieving a restriction and may be made effective in less than 30 days after publication in the Federal Register. This notice shall become effective on August 6, 1976.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 *et seq.*)

Done at Washington, D.C., this 2nd day of August, 1976.

EDWARD L. THOMPSON,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.76-22957 Filed 8-5-76;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

IOWA STATE UNIVERSITY, ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before August 26, 1976.

Amended regulations issued under cited Act (15 CFR 301) prescribe the requirements applicable to comments.

A copy of each application is on file, and may examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76-00457. Applicant: Iowa State University, College of Veterinary Medicine, Ames, Iowa 50011. Article: Electron Microscope, Model HS-9-1, Haskaris Recirculating Water System, Model RO33SP and accessories. Manufacturer: Hitachi (Perkin-Elmer), Japan. Intended Use of Article: The article is intended to be used for teaching undergraduate and graduate courses in veterinary pathology. In the undergraduate courses students will obtain an understanding of the body's response to disease and the pathogenesis of specific diseases in domestic animals. This will include morphological and biochemical changes of organs, tissues and cells produced by disease. Specifically the article will be used to demonstrate and visualize the structural features unique to specific infestious agents and the changes produced by them in the course of disease processes. Graduate students will obtain an in-depth understanding of the disease processes in general in inflammation, degenrative processes, hearing, etc., as well as the pathogenesis of specific diseases. The article will also be used for research which will involve the study of changes in cells and tissues of animals produced by nutritional, metabolic, toxicological, infectious or parasitic diseases at the ultrastructural level. Application Received by Commissioner of Customs: June 30, 1976.

Docket Number: 76-00458. Applicant: University of Wisconsin, Food Research Institute, 1925 Willow Drive, Madison, Wisconsin 53706. Article: Electron Microscope, Model HU-12A with water recirculator. Manufacturer: Hitachi Ltd., Japan. Intended Use of Article: The article is intended to be used for microbiological and biochemical research activities which cover all the major food-poisoning hazards, including botulism, salmonella, staphylococcus, *Clostridium perfringens, Bacillus cereus*, enteropathogenic *Escherichia coli*, viruses and mycotoxins. This will also include research on the metabolism and potential pathobiology of several important food additives—sulfites, nitrites, phosphates and phenolic-based antioxidants—as well as the heavy metal contaminants, mercury and lead. In addition, the article will be used in the training of graduate students for advanced degrees in Bacteriology and Food Science and post-doctorate individuals. Application Received by Commissioner of Customs: June 30, 1976.

Docket Number: 76-00459. Applicant: North Carolina State University, Department of Geosciences, Withers Hall, P.O. Box 5966, Raleigh, N.C. 27607. Article: Buoy-mounted meterological sensors with datalogger, Model DL-1 and sea proof case. Manufacturer: Aanderaa Instruments, Norway. Intended Use of Article: The article is intended to be used to measure the transhore component of the wind stress in nearshore and offshore locations. Temperature, pressure, dew point, radiation and buoy orientation will also be measured as supporting information in calculating stress and in establishing general meterological conditions

above the water during the period of the experiment. Application Received by Commissioner of Customs: June 30, 1976.

Docket Number: 76-00460. Applicant: University of Chicago, Enrico Fermi Institute, 5640 South Ellis Avenue, Chicago, IL 60637. Article: Isotope Micromass, Model 602C. Manufacturer: VG-Micromass Ltd., United Kingdom. Intended Use of Article: The article is intended to be used in research which involves determination of the abundances of the stable isotopes of nitrogen (N^{15} and N^{14}) extracted from lunar rocks and soils. Nitrogen and other trace gases will be extracted from lunar samples by one of the following alternative procedures: (1) pyrolysis at various temperatures in a high-vacuum furnace; (2) acid dissolution of the sample followed by a Kjeldahl distillation of ammonia and a hypobromite oxidation to produce N_2. Application Received by Commissioner of Customs: June 30, 1976.

Docket Number: 76-00461. Applicant: University of Rochester, Hopeman 110, Rochester, N.Y. 14627. Article: Balzers 510 Vacuum System and Sputtron II DC Sputtering System. Manufacturer: Balzers, Liechtenstein. Intended Use of Article: The article is intended to be used in studying the deposition of durable optical films on phosphate based laser glass and the increased resistance of optical films to damage from high power laser radiation in connection with the applicant's laser fusion experiments e.g., comparing various film deposition methods (i.e., evaporation, sputtering) keeping other parameters (vacuum condition) constant. Application Received by Commissioner of Customs: June 30, 1976.

Docket Number: 76-00462. Applicant: University of Rochester, Hopeman 110, Rochester, N.Y. 14627. Article: Orthoplan Research Microscope. Manufacturer: Ernest Leitz, GmbH, Germany. Intended Use of Article: The article is intended to be used to scan relatively large areas in laser fusion experiments. Once located, areas containing defects or damage areas will be examined with greater resolution. This microscopic examination is an important technique in evaluation of new target and film preparation techniques. Application Received by Commissioner of Customs: June 30, 1976.

Docket Number: 76-00463. Applicant: University Hospital of Jacksonville, 655 West Eighth Street, Jacksonville, Florida 32209. Article: Electron Microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended Use of Article: The article is intended to be used in a cancer research program to study tumors to elucidate their identity and predict their behavior. The article will also be used for clinical studies of renal disease. Experimental studies which might include any experiment where basic morphological alterations must be studied at the ultrastructural level will also be undertaken. Educational uses will include teaching Basic Electron Microscopy to pathology residents, residents from other medical subspecialties and graduate students. Application Received by Commissioner of Customs: June 30, 1976.

Docket Number: 76-00464. Applicant: Massachusetts Institute of Technology, Rm. E18-360, Cambridge, MA 02139. Article: Mass Spectrometer MAT 731. Manufacturer: Varian MAT GmbH, West Germany. Intended use of article: The article is intended to be used for studies of organic compounds of biological or clinical significance. High resolution mass spectra in the electron impact mode or field desorption will be determined and the resulting data will be interpreted in terms of their structure. Graduate students and postdoctoral fellows in chemistry will use this instrument in the course of studies and thus become experienced in the operation of this type of instrument and interpretation of the resulting data. Application Received by Commissioner of Customs: June 30, 1976.

Docket Number: 76-00465. Applicant: University of California, San Diego, Marine \Biology Research Division, La Jolla, California 92093. Article: I.O.S. Acoustic Net Control and Telemeter for use with the RMT4 (4-m² Rectangular Midwater Trawl). Manufacturer: Institute of Oceanographic Sciences, United Kingdom. Intended use of Article: The articles are components to be incorporated with an existing RMT4 which will be used for studies of living marine animals and the various parameters of their environment in the sea, e.g., temperature, pressure light and population density. The phenomenon of particular concern is the twice-daily vertical migration of certain communities of these animals. Investigations will be conducted to determine (a) the depth distributions of the multitude of animal species in particular volumes of ocean, (b) the temperature and pressure ranges tolerated by the various animals, (c) the degree of photo-orientation exhibited by certain species in their successful attempts to survive in the open ocean, and (d) over periods of time in a given area, the varied adaptations to environmental parameters exhibited by different age groups of any particular species during its larval and adult life. In addition, the articles will be used by students of biological oceanography conducting thesis research on inshore, shallow-water animals. Application Received by Commissioner of Customs: July 7, 1976.

Docket Number: 76-00466. Applicant: University of Washington, Department of Oceanography, Seattle, Washington 98195. Article: Two (2) Automatic weather stations and accessories. Manufacturer: Ivar Aanderaa, Norway. Intended use of Article: The articles will be used in conjunction with recording current meters to obtain in situ wind measurement together with current measurements to enable development of predictive models. Application received by Commissioner of Customs: July 7, 1976.

Docket Number: 76-00467. Applicant: University of California—Lawrence Livermore Laboratory, Post Office Box 808, Livermore, California 94550. Article: Two (2) each, high voltage power supply 400 kV/300 mA Ion source terminal, Isolating transformer 400 kV/75 kVA and one (1) spare parts. Manufacturer: Emile Haefely & Company, Ltd., Switzerland. Intended use of article: The article is intended to be used for investigation of 14 MeV neutron damage processes in materials to be used in controlled thermonuclear reactors. The materials to be investigated are construction types. Application Received by Commissioner of Customs: July 7, 1976.

Docket Number: 76-00468. Applicant: University of California—Lawrence Berkeley Laboratory, East End of Hearst Avenue, Berkeley, California 94720. Article: Raman Spectrometer System, Model HG-2S1 (double monochromator) including accessories. Manufacturer: Jobin-Yvon Optical Systems, France. Intended use of Article: The article is intended to be used in fundamental research in the following investigations:

(1) The detection, identification and structural characterization of novel compounds.

(2) Identification and structural information on a variety of substances, both in the solid-state and in solution.

(3) Utilization of Raman spectra in heterogeneous catalysis studies intended to yield bonding information on molecules adsorbed onto surfaces.

(4) Measurements on metal cluster compounds in connection with the use of these materials as catalysts.

(5) Studies of coal chemistry.

(6) Measurements on chelate compounds of actinide elements for purposes of identification and structural characterization. Application Received by Commissioner of Customs: July 7, 1976.

Docket Number: 76-00469. Applicant: Colorado State University, Ft. Collins, Colorado 80523. Article: Electron Microscope, Model HU-12A. Manufacturer: Hitachi Ltd., Japan. Intended use of Article: The article is intended to be used for research and diagnostic pathology in the following projects:

(1) Study of virus particles in partially purified preparations of diagnostic samples and tissue extracts.

(2) The morphology (high resolution) of MCF, picornavirus and other small viruses in cell cultures and tissues.

(3) The study of actin and myosin in situ and in isolated preparations following treatment of exposure to anthracycline antibiotics.

(4) The study of nuclear and mitochondrial DNA following treatment of rabbits and myocardial cell cultures with adriamycin. Application received by Commissioner of customs: July 7, 1976.

Docket Number: 76-00470. Applicant: Yale University, Purchasing Department, 260 Whitney Avenue, New Haven, Connecticut 06520. Article: Electron Microscope, Model EM 10A and accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of Article: The ar-

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ticle is intended to be used for studies of DNA from both small and large viruses, cellular and viral RNA molecules, subcellular organelles, such as ribosomes and isolated chromosomes. Studies will be conducted to determine the structure of DNA at its most elementary level and the role of the structure in its function. Application received by Commissioner of Customs: July 7, 1976.

Docket Number: 76-00471. Applicant: Milton S. Hershey Medical School of the Pennsylvania State University, 500 University Drive, Hershey, PA 17033. Article: Ultramicrotome, Model LKB 8800A and accessories. Manufacturer: LKB-Produkter AB, Sweden. Intended use of article: The article is intended to be used for biological studies involving investigations of control rat hearts. A model of whole heart ischemia will be used in the experiments to determine the effects of oxygen deprivation as a result of decreased retrograde flow through the entire coronary arterial tree. These experiments will be complemented by studies on the effects of anoxia and hypoxia on the isolated perfused rat heart. Other experiments will include the following studies: (1) changes in the morphology of the myocardium using the above model, (2) evaluation of alterations the lysosomal system using a modification of the Gomori reaction for demonstration of acid phosphatase, (3) modification in the ultrastructure of the transverse cell boundary using lanthanum perfusion and ferritin as a marker for the extracellular space. Application received by Commissioner of Customs: July 7, 1976.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76-22922 Filed 8-5-76;8:45 am]

TEXAS TECH UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75-00255-01-41750. Applicant: Texas Tech University, Dept. of Chemistry, Lubbock, Texas 79409. Article: Willhart Jig set for holding flasks, funnels and ball joints and Sockets, set of three and Single internal universal glass jig for tubes, flasks, dewars, coils, beakers. Manufacturer: W. R. Eberhart Glass Blowing, Canada. Intended Use of Article: The article is intended to be used for the fabrication of scientific glass apparatus used in chemistry research, the main purposes being to hold joint and concentric tubes in alignment during fabrication on the glass lathe.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has the capability of maintaining joint and concentric tube alignment during fabrication on the glassblower's lathe. The National Bureau of Standards (NBS) advises in its memorandum dated February 28, 1975 that the capability of the article described above is pertinent to the purposes for which the article is intended to be used. NBS further advises that it knows of no instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76-22923 Filed 8-5-76;8:45 am]

UNIVERSITY OF CHICAGO, ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6 (c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before August 26, 1976.

Amended regulations issued under cited Act, (15 CFR 301) prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76-00472. Applicant: University of Chicago, Department of Chemistry, 5735 South Ellis Avenue, Chicago, Illinois 60637. Article: Extended Interaction Oscillator and Power Supply. Manufacturer: Varian Associates of Canada Ltd., Canada. Intended Use of Article: The article is intended to be used for studies of rare earth ions in inorganic and organic crystalline materials (e.g. lanthanum trichloride and lanthanum nicotinate crystals). Electronic states, hyperfine interactions, and structures of the environments of these ions will be investigated. Reserve Endor (electron nuclear double resonance) experiments will also be conducted. The article will also be used in research work of graduate students of candidates for the degree of Ph. D. in the Department of Chemistry. The educational objective of this research is the training and production of original investigators in the basic fields of chemistry and chemical physics. Application received by Commissioner of Customs: July 14, 1976.

Docket Number: 76-00473. Applicant: University of California, San Diego, Ocean Research Division, A-020, La Jolla, California 92093. Article: Recording Current Meter, Model RCM-5. Manufacturer: Ivar Aanderaa, Norway. Intended Use of Article: The article is intended to be used for long term measurements and recordings of Antarctic Bottom Water. The research data obtained will be used in teaching courses in ocean circulation. Application Received by Commissioner of Customs: July 14, 1976.

Docket Number: 76-00474. Applicant: Mississippi State University, Department of Plant Pathology and Weed Science, P.O. Drawer PG, Mississippi State, MS 39762. Article: Ultramicrotome, Model LKB 8800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for studies of biological materials which include plant and fungal specimens. Investigations will include ultrastructural studies on normal and diseased plant tissues, developmental studies on fungal systems, subcellular organelle localization in cells and tissues membrane interactions at host-parasite interfaces, and mechanisms of penetration of host tissues by pathogens. In addition, the article will be used to teach sectioning techniques employed in electron microscopy in the courses: PW 8513: Methods in Plant Pathology and Weed Science and PW 8123: Virology. Application Received by Commissioner of Customs: July 14, 1976.

Docket Number: 76-00475. Applicant: The Salk Institute, 10010 North Torrey Pines Road, La Jolla, California 92037. Article: Electron Microscope, Model EM 10A. Manufacturer: Carl Zeiss, West Germany. Intended Use of Article: The article is intended to be used to enlarge the scope of research efforts in that branch of biology which deals specifically with research on the mammalion nervous system. The research projects will include the following:

(1) Localization of specific synaptic neurochemical transmitters—elucidation, identification, mapping, and quantitative estimation of dynamic changes within nerve terminals which contain the transmitter substance norepinephrine.

(2) Enumeration and quantitative morphometry of synaptic junctional profiles—Research built around the discovery that brain tissue fixed by perfusion with glutaraldehyde and exposed only to enthanolic phosphotungstic acid after dehydration produced selective electron staining of synaptic junctional profiles.

(3) Localization of adenylate cyclase and related cell constituents—Locate the enzymes which synthesize or degrade cyclic AMP or which allow changes in cyclic AMP to be manifest on the cytoplasm of the cell.

The article will also be used in the education of post-doctoral and predoctoral scientists and a few graduate students in advanced neurobiology. Application Received by Commissioner of Customs: July 14, 1976.

Docket Number: 76-00476. Applicant: University of California—Los Alamos Scientific Laboratory, P.O. Box 990, Los Alamos, NM 87545. Article: Modelocked Dye Laser System, Model 33 and accessories. Manufacturer: Electro-Photonics Ltd., Ireland. Intended Use of Article: The article is intended to be used to irradiate cryogenic targets resulting in a nuclear fusion project. Typical targets would include various hydrocarbons and materials such as carbon dideuterium. Investigations will be conducted on the absorption and reflection of high power 10.6 micron targets as well as thresholds for fusion. Application Received By Commissioner of Customs: July 14, 1976.

Docket Number: 76-00477. Applicant: University of Chicago—Operator of Argonne National Laboratory, 9700 South Cass Avenue, Argonne, Illinois 60439. Article: Thermal Analysis System, TG-DTA. Manufacturer: Rigaku Inc., Japan. Intended Use of Article: The article is intended to be used to develop data of value to the environment of chemistry and fluidized-bed coal combustion program. More specifically, a variety of reactions associated with pollution control during combustion processes will be investigated by measuring weight changes and heat effects of the solid-gas reactions associated with pollution control. Application Received By Commissioner of Customs: July 14, 1976.

Docket Number: 76-00478. Applicant: Virginia Polytechnic Institute & State University, Department of Geological Sciences, 4044 Derring Hall, Blacksburg, Virginia 24061. Article: Automatic sequential x-ray spectrometer. Manufacturer: Philips Electronics Instruments NVD, The Netherlands. Intended use of Article: The article is intended to be used to analyze samples of naturally occurring rocks and minerals. These samples are to be analyzed for elemental constituents for understanding the origin of these rocks. There will be a careful study of the redistribution of the original elements of rocks along the eastern U.S. Also, correlation of elemental abundances determined by the XRF will be made with uranium and thorium concentrations to provide information on heat production of rocks and its relation to rock chemistry. Application Received By Commissioner of Customs: July 14, 1976.

Docket Number: 76-00479. Applicant: Rutgers Medical School—College of Medicine & Dentistry of New Jersey, Department of Biochemistry, Piscataway, N.J. 08854. Article: Rotating Anode X-Ray System, 6KW. Manufacturer: Rigaku Inc., Japan. Intended Use of Article: The article is intended to be used to do low angle x-ray diffraction studies on a variety of connective tissues which contain collagen, including tendon, skin and spleen reticulum. In addition, the article will be used to train students who are candidates for Ph. D. degrees in biochemistry, post-doctoral fellows who seek further research training, and medical students who are doing research. Application Received by Commissioner of Customs: July 14, 1976.

Docket Number: 76-00480. Applicant: University of New Orleans, Lakefront Drive, New Orleans, LA 70122. Article: Gas Chromatograph-Mass Spectrometer MAT 311A with (Computer Combination, 100 MS). Manufacturer: Varian MAT GmbH, West Germany. Intended Use of Article: The article is intended to be used for studies of complex mixtures of hydrocarbons, halogenated hydrocarbons, fatty acids and their esters, fused ring polycyclic aromatic hydrocarbons, petroleum products and miscellaneous biochemicals. Research studies will involve high and low resolution mass spectrometric identification of as many compounds as possible in complex environmental, biological, and biomedical samples. In addition, the article will be used for Master's level graduate research.

Educational purposes will involve master's level graduate research. Application Received by Commissioner of Customs: July 14, 1976.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76-22924 Filed 8-5-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 76N-0244; DESI 10959]

MANUFACTURERS AND DISTRIBUTORS

Certain Dermatologic Anti-Infective and Corticosteroid Combination Prescription Drugs for Human Use Affected by the Drug Efficacy Study Implementation

The Food and Drug Administration is adding a drug product to the list of drugs that may remain on the market pending completion of clinical studies to determine effectiveness. The drug product contains calcium undecylenate and a corticosteroid and is used in the treatment of certain skin disorders. This notice specifies the conditions under which marketing of such drugs may continue.

A notice was published in the FEDERAL REGISTER of December 14, 1972 (37 FR 26623), informing manufacturers and distributors of prescription drugs for human use of the future schedule for implementation of the Drug Efficacy Study. That notice listed certain drugs, together with the justification of their medical need, that may remain on the market pending completion of scientific studies to determine effectiveness, and provided for future additions to, or deletions from, the list. The category of drugs designated III under paragraph 3 of the notice of December 14, 1972, included certain topical antibiotics. In the FEDERAL REGISTER of October 9, 1974 (39 FR 36365), category III was amended to add certain other topical antibiotics and also certain other products containing a non-antibiotic anti-infective component in combination with a corticosteroid with or without another component.

All of the products included in category III had been evaluated in the Drug Efficacy Study and classified as less than effective. Among the products now included in category III is a combination containing neomycin sulfate a corticosteroid, and calcium undecylenate. At present, category III does not include a combination consisting only of a corticosteroid and calcium undecylenate since no such product had been submitted to the DESI review.

The following drug product is the subject of a new drug application that became effective prior to October 10, 1962; however, it was not submitted for review by the National Academy of Sciences-National Research Council in the Drug Efficacy Study Implementation.

Caldecort Ointment, containing hydrocortisone acetate 1 percent, and calcium undecylenate 3 percent; Pennwalt Corp., Pharmaceutical Division, P.O. Box 1710, Rochester, NY 14603 (NDA 10-959).

The Commissioner of Food and Drugs concludes that the product, regarded as possibly effective, should be allowed to remain on the market for the same reasons and under the same conditions as those described in the October 9, 1974 notice, except that the time schedule will necessarily be different from that set forth in the notice.

Accordingly, the category of drugs designated III under paragraph 3 of the December 14, 1972 notice, as amended by the October 9, 1974 notice, is further amended to add to Group D the following combination:

Corticosteroid and calcium undecylenate

The specific conditions under which such drug may be marketed are the same as those described under the heading 2. Drugs in Groups B, C, and D, in the October 9, 1974 notice, except that the date by which protocols are to be submitted for a combination of corticosteroid and calcium undecylenate is November 4, 1976 instead of January 7, 1975, and except that the references to 21 CFR 3.86 are changed to read "21 CFR 300.50." No extensions of time for submission of protocols will be granted.

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This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 505, 701, 52 Stat. 1052–1053, as amended, 1055–1056 as amended (21 U.S.C. 355, 371)) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)).

Dated: August 2, 1976.

JOSEPH P. HILE,
Acting Commissioner of Food and Drugs.

[FR Doc.76-23890 Filed 8-5-76;8:45 am]

[Docket No. 75N-0262; DESI 9698 and 12301]

MEPROBAMATE AND CHLORDIAZEPOXIDE DRUGS FOR HUMAN USE

Drug Efficacy Study Implementation; Amended Notice; Correction

In FR Doc. 76-21307 appearing on page 30376 in the FEDERAL REGISTER of Friday, July 23, 1976: In the first paragraph of the notice, on line 9, the Docket No. "75N-0262" should read Docket No. "76N-0235."

Dated: August 2, 1976.

JOSEPH P. HILE,
Acting Commissioner of Food and Drugs.

[FR Doc.76-22888 Filed 8-5-76;8:45 am]

PANEL ON REVIEW OF OPHTHALMIC DRUGS

Availability of Panel Report

In accordance with the provisions of a notice to manufacturers concerning medical device classification procedures published in the FEDERAL REGISTER of May 19, 1975 (40 FR 21848), the Food and Drug Administration announces the availability of the report of the classification results of the Panel on Review of Ophthalmic Devices. This report, completed prior to May 28, 1976, the date on which the Medical Device Amendments of 1976 (Pub. L. 94-295) became effective, contains the tentative classification conclusions of the Panel and includes a list of the devices reviewed, the answers to the classification logic scheme questions, and the recommended classification for each device, pursuant to the May 19, 1975, FEDERAL REGISTER notice.

The Panel on Review of Ophthalmic Devices may be reconvened to determine whether to affirm or change the tentative recommendation in the report and, concurrently, to revise the logic scheme set forth in the May 19, 1975 FEDERAL REGISTER notice, where needed, to conform to the classification criteria and other requirements prescribed in Pub. L. 94-295.

The report has been placed on public display at the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, and may be seen during working hours Monday through Friday. Copies of the report are available upon request from the above office.

Dated: August 2, 1976.

JOSEPH P. HILE,
Acting Commissioner of Food and Drugs.

[FR Doc.76-22884 Filed 8-5-76;8:45 am]

[NADA NO. 65-292V]

ZENITH LABORATORIES, INC.

Potassium Penicillin G Tablets: Notice of Withdrawal of Approval of New Animal Drug Application

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-351 (21 U.S.C. 360b)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), the following notice is issued:

The Food and Drug Administration is withdrawing approval of new animal drug application (NADA) No. 65-292V held by Zenith Laboratories, Inc., 140 Le Grand Ave., Northvale, NJ 07647. The application provides for the use of potassium penicillin G tablets as an antibiotic for dogs and cats.

The firm was requested by letter, dated May 3, 1976, to submit additional efficacy information concerning use of the drug; or in lieu of submitting the required information, the firm was asked to request that approval of its application be withdrawn and to waive its opportunity for a hearing. The firm replied by letter, dated May 18, 1976, requesting that the application be withdrawn.

Therefore, in accordance with § 514.-115(d) (21 CFR 514.115(d)), notice is given that approval of NADA No. 65-292V and all supplements and amendments thereto is hereby withdrawn, effective August 6, 1976.

Dated: July 30, 1976.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.76-22889 Filed 8-5-76;8:45 am]

Health Resources Administration

COOPERATIVE HEALTH STATISTICS ADVISORY COMMITTEE

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the folowing National Advisory body scheduled to assemble during the month of August 1976:

Name: Cooperative Health Statistics Advisory Committee.

Date and Time: August 30-31, 1976, 9 a.m.

Place: Sheraton-Park Hotel, Wardman Tower, 2660 Woodley Road, NW., Washington, D.C.

Open for entire session.

Purpose: The Committee represents the interests of the people of the United States in providing advice and guidance to the Secretary and the National Center for Health Statistics on policies and plans in developing a major new national network of integrated or coordinated subsystems of data collections, processing, and analysis over a wide range of questions relating to general health problems of the population, health care resources, and the utilization of health care services.

Agenda: The Committee will review and discuss the final draft of the Definitions Report and receive a progress report on the activities of the Cost-Sharing Task Force. A report will be given on the Cooperative Health Statistics System Contracts and a discussion of the Bureau of Quality Assurance and the National Center for Health Statistics memorandum of understanding. There will be a discussion of the Data Use Laboratory Activities and Projects and a report on new Applied Statistics Training Institute courses developed for health planners. Suggestions for next meeting dates and agenda items will be discussed.

The meeting is open to the public for observation and participation. Anyone wishing to participate, obtain a roster of members, or other relevant information, should contract Mr. James A. Smith, Room 8-21, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, Telephone (301) 443-1470.

Agenda items are subject to change as priorities dictate.

Dated: July 28, 1976.

JAMES A. WALSH,
Associate Administrator for Operations and Management.

[FR Doc.76-22866 Filed 8-5-76;8:45 am]

NATIONAL ADVISORY COUNCIL ON NURSE TRAINING

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to meet August 31 and September 1, 1976:

Name: National Advisory Council on Nurse Training.

Date and Time: August 31 and September 1, 1976, 9 a.m.

Place: Conference Room 6, Building 31, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014.

Open for entire meeting.

Purpose: The Council advises the Secretary and Administrator, Health Resources Administration, concerning general regulations and policy matters arising in the administration of the Nurse Training Act of 1971. The Council also performs final review of grant applications for Federal Assistance for capitation, construction and special projects for the improvement of nurse training, and research grants and makes recommendations to the Administrator, HRA.

Agenda: Agenda items will cover announcements; discussion of future dates; administrative and staff reports of a routine nature; and the final review of capitation grant appliactions for Federal Assistance under section 819 of the Public Health Service Act.

Anyone wishing to obtain a roster of members, minutes of meeting, or other relevant information should contact Dr. Mary S. Hill, Room 6008, Federal Building, 9000 Rockville Pike, Bethesda, Maryland 20014, Telephone (301) 496-6985.

Agenda items are subject to change as priorities dictate.

Dated: August 2, 1976.

JAMES A. WALSH,
Associate Administrator for Operations and Management.

[FR Doc.76-22865 Filed 8-5-76;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

Closed Meeting; Correction

Correction notice of meeting of the National Advisory Council on Indian Education.

In the FEDERAL REGISTER on Friday, July 16, 1976, page 29462, there was an announcement of the National Advisory Council on Indian Education meeting to be held at 425 13th Street, NW., Room 326, Washington, D.C. The location has now been changed to ROB 3, 7th & D Street, SW., Room 3513, Washington, D.C. on August 6, 1976, and FOB 6, 400 Maryland Avenue, SW., Room 1134, Washington, D.C. on August 7 & 8, 1976.

LINCOLN C. WHITE,
Executive Director, National Advisory Council on Indian Education.

[FR Doc.76-22944 Filed 8-5-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PARK WOODS OF BIRCH POINTE

Office of Interstate Land Sales Registration

[Docket No. N-76-574]

Hearing

In the matter of: Park Woods of Birch Pointe, Birch Pointe Properties, Inc. and John N. Carter, President, 76-193-IS OILSR No. 0-2250-26-30.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d)

Notice is hereby given that: 1. Park Woods of Birch Pointe, Birch Pointe Properties, Inc. and John N. Carter, President, authorized agent and officers, hereinafter referred to as "Respondent" being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1710, et seq.), received a notice of proceedings and opportunity for hearing issued July 9, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Park Woods of Birch Pointe located in Roscommon County, Michigan, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received July 23, 1976, in response to the notice of proceedings and opportunity for hearing.

3. In said answer the respondent requested a hearing on the allegations contained in the notice of proceedings and opportunity for hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW., Washington, D.C., on September 2, 1976 at 10:00 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before August 12, 1976.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: July 30, 1976.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.76-22871 Filed 8-5-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 29424]

LEP TRANSPORT, LTD.

Postponement of Prehearing Conference and Hearing

In the matter of Lep Transport, Ltd. (U.K.), d/b/a Lep Transport, Inc. (U.S.A.), Foreign Indirect Air Carrier Renewal (United Kingdom).

Notice is hereby given that the prehearing conference and hearing in the above-entitled matter, now assigned to be held on September 1, 1976 (41 FR 29897, July 20, 1976), is indefinitely postponed.

Dated at Washington, D.C., August 2, 1976.

FRANK M. WHITING,
Administrative Law Judge.

[FR Doc.76-22936 Filed 8-5-76;8:45 am]

[Order 76-8-10; Docket 21448]

SPOKANE-MONTANA POINTS SERVICE INVESTIGATION

Order

Adopted by the Civil Aeronautics Board at its office in Washigton, D.C. on the 2nd day of August, 1976.

By Order 75-10-91, October 22, 1975, the Board directed interested persons to submit comments with respect to whether the above-cited case could or should go forward as then framed;[1] whether the proceeding or parts of it should be terminated; or whether and to what extent the issues in the proceeding should be modified. The Board pointed out that, since the institution of the proceeding, the route systems of Hughes Airwest and Frontier had been modified by route realignments, opening the possibility of many more competitive service opportunities than were contemplated by the original instituting orders, and placing in question the continued desirability of transferring Airwest's Spokane-Kalispell-Great Falls authority to Frontier.

Comments have been received from Northwest Airlines, Airwest, Frontier, the Spokane parties, and the City and Chamber of Commerce of Billings, Montana. Northwest urges that the proceeding be terminated, Frontier that the issues be confined to nonstop authority in the Spokane-Missoula/Billings/Denver markets, and Airwest that the proceeding not go forward but, if it does, that the issue of new authority for Airwest on Spokane-Idaho Falls-Pocatello-Denver and Spokane-Idaho Falls-Pocatello-Salt Lake City-Denver routings be considered.

[1] The proceeding was instituted by Orders 69-9-113, September 18, 1969, and 69-12-33, December 5, 1969, to consider: (1) the amendment of Frontier's then multisegment certificate so as to (a) extend segment 15 beyond Missoula to the new terminal point Spokane, (b) extend segments 4(b) and (c) beyond Billings to the new terminal point Spokane, (c) add the new intermediate point Kalispell to segments 15 and/or 4, or (d) extend segment 15 from the coterminal point Great Falls to the new intermediate point Kalispell, and the new coterminal point Spokane; (2) the amendment of Hughes Airwest's then multisegment certificate for Route 76 so as to extend segment 4(a) by adding Missoula and Billings as new intermediate points and Salt Lake City and Denver as new coterminal points; (3) the amendment of Hughes Airwest's certificate for Route 76 so as to delete the portion of segment 4(a) extending between Spokane and Great Falls; and (4) the amendment of Northwest Airlines' certificate for Route 3 so as to authorize service between Spokane and Denver via Missoula and Bozeman, Montana, and Casper, Wyoming, and between Spokane and Salt Lake City via Bozeman and Missoula.

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Billings urges the Board to proceed with the investigation and the Spokane parties recommend that the case remain open, but refrain from making specific recommendations as to its scope.

In its answer to Frontier and Northwest, Airwest objects to Frontier's proposal for limiting the proceeding and states that, if it goes forward, it must include issues dealing with (a) the amendment of Airwest's Spokane-Kalispell-Great Falls route to include Missoula, Billings, and Denver and (b) the amedment of its certificate to authorize Spokane-Denver authority via Idaho Falls, Pocatello, and/or Salt Lake City, with nonstop authority between all points. Answers have also been filed by Frontier and Northwest, along with United Air Lines, who concurs with Northwest and Airwest that the Board should terminate the proceeding. Frontier has filed a reply, accompanied by a motion to file a late unauthorized document, which motion will be granted.

Upon consideration of the above pleadings and of other relevant facts, we have decided to set for hearing the Spokane-Montana Points Service Investigation, Docket 21448, in a significantly modified form as set forth below. This case was instituted over six years ago, and the most recent series of pleadings indicates that there is civic and carrier interest in pursuing the investigation in a modified form. Under these circumstances, we have decided to go forward with the proceeding. However, our decision should not be taken as an indication of whether, at this time, we would proceed to consider this matter were the question of the institution of this proceeding before us for the first time.

We have determined to limit the scope of this proceeding to the question of the need for additional service in the Denver-Spokane market, either nonstop or via Missoula and Billings. While the Denver-Spokane market, which generated 61,650 passengers in 1974, is not large in absolute terms it is the largest market which was in issue in the proceeding as originally framed. Further, the services of United, the incumbent nonstop carrier, have been characterized by high load factors. United's overall nonstop load factors in the market averaged 71 percent in 1974 and 74 percent in fiscal 1975.[2] Moreover, in the July-November 1975 period, load factors ranged from 69 percent in November to 81 percent in July and 89 percent in September.

Further, we have decided to include the consideration of additional Spokane-Denver service via the intermediate points Billings and Missoula, Montana. While the Billings and Missoula-Spokane markets are not large and ordinarily would not warrant consideration of competitive service, as we stated in our order instituting this proceeding, consideration of service from these points to Spokane holds the promise of various public benefits including both first single-plane and single-carrier services beyond Billings and Missoula. Moreover, since the Spokane-Denver market is not overly large, it may be that the operation of additional one-stop services alone would alleviate the load-factor problems which have been experienced on United's services. Further, unlike other proposed intermediate points, there are competing applications on file for authority to serve Billings and Missoula as intermediate points.

Finally, the applicants have not submitted sufficient information for us to determine the environmental consequences of their certificate amendment applications at this time. Therefore, we will require Frontier, Hughes Airwest, and Northwest and any other carriers filing applications in this proceeding to file the information set forth in Part 312 of the Board's Procedural Regulations. We will allow these carriers 30 days from the date of adoption of this order to file their environmental evaluations.

Accordingly, *it is ordered*, That:

1. The Spokane-Montana Points Service Investigation, Docket 21448, instituted by Order 69-9-113, as amended herein, be and it hereby is set down for hearing before an administrative law judge of the Board at a time and place hereafter designated, as the orderly administration of the Board's docket permits;

2. The issues in said proceeding shall include the following:

(a) Do the public convenience and necessity require the certification of an air carrier or air carriers to engage in additional air transportation between Spokane, Washington, on the one hand, and Denver, Colorado, on the other hand, either nonstop or via Missoula and/or Billings, Montana?[3]

(b) If the answer to (a) is in the affirmative, which air carrier(s) should be authorized to engage in such service? and

(c) What conditions, if any, should be placed on the operations of such carrier(s)?

3. Any authority awarded in this proceeding shall be without subsidy eligibility;

4. Frontier Airlines, Hughes Airwest, Northwest Airlines, United Air Lines, and the Billings, Missoula, Spokane, and Denver civic parties, be and they hereby are made parties to this proceeding;

5. Frontier Airlines, Hughes Airwest, and Northwest Airlines and all other carriers filing applications in this proceeding shall file environmental evaluations pursuant to section 312.12 of the Board's Procedural Regulations within 30 days from the date of adoption of this order;

6. Applications, motions to consolidate, and petitions for reconsideration of this order shall be filed within twenty days from the date of adoption of this order and answers thereto shall be filed within ten days thereafter; and

7. The motion of Frontier Airlines for leave to file an unauthorized document, be and it hereby is granted.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-22937 Filed 8-5-76;8:45 am]

[2] We find, pursuant to 14 CFR 241.19-6, that the release of this service-segment data is in the public interest.

[3] Nonstop service between all four points is in issue.

CIVIL SERVICE COMMISSION

DEPARTMENT OF JUSTICE

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Deputy Director, U.S. Marshals Service, Office of the Deputy Attorney General.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-22946 Filed 8-5-76;8:45 am]

INTERGOVERNMENTAL PERSONNEL ACT OF 1970

Allocations of Grant Funds

Pursuant to 5 CFR 900.301(a), notice is hereby given of the allocations of funds available for grants under the Intergovernmental Personnel Act of 1970, Pub. L. 91-648, 85 Stat. 1927. For grants under the Act, Congress has appropriated $15 million for Fiscal Year 1977. Eighty percent of this amount must be allocated by weighted formula among the States and between State and local government needs, as required by section 506 of the Act. Under the Act, the term "local government" also means Indian governing bodies performing substantial governmental functions.

INTERGOVERNMENTAL PERSONNEL ACT
FORMULA GRANT ALLOCATIONS FOR FISCAL YEAR 1977

STATE	TOTAL STATE ALLOCATION	MINIMUM SHARE FOR LOCAL GOV'T NEEDS *
Missouri	$ 259,000	$ 129,500
Montana	70,000	35,000
Nebraska	93,000	46,500
Nevada	70,000	36,500
New Hampshire	70,000	35,000
New Jersey	404,000	251,000
New Mexico	72,000	36,000
New York	1,099,000	805,200
North Carolina	297,000	181,900
North Dakota	70,000	35,000
Ohio	568,000	317,700
Oklahoma	156,000	78,000
Oregon	135,000	67,500
Pennsylvania	612,000	306,000
Rhode Island	70,000	35,400
South Carolina	159,000	79,500
South Dakota	70,000	35,000
Tennessee	238,000	151,900
Texas	692,000	346,000
Utah	70,000	35,000
Vermont	70,000	35,000
Virginia	287,000	174,700
Washington	200,000	100,000
West Virginia	103,000	51,500
Wisconsin	261,000	158,800
Wyoming	70,000	35,000
TOTALS	$12,408,000	$6,865,000

STATE	TOTAL STATE ALLOCATION
Alabama	$ 196,000
Alaska	70,000
Arizona	130,000
Arkansas	114,000
California	1,208,000
Colorado	153,000
Connecticut	165,000
Delaware	70,000
D.C.	70,000
Florida	470,000
Georgia	275,000
Hawaii	70,000
Idaho	70,000
Illinois	597,000
Indiana	289,000
Iowa	165,000
Kansas	133,000
Kentucky	182,000
Louisiana	222,000
Maine	70,000
Maryland	239,000
Massachusetts	322,000
Michigan	506,000
Minnesota	224,000
Mississippi	133,000

*Must be a least 50 percent of the State's total allocation

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PARAGRAPH 1. *Award of grant funds.*—The allocations for Fiscal Year 1977 are furnished now to permit advance planning for the use of these funds. The funds will be available for award to eligible grantees after September 30, 1976. In most States, formula funds are awarded to a State agency designated by the Governor on the basis of a statewide program developed cooperatively by the State and local jurisdictions.

PAR. 2. *Minimum allocations for individual States and for meeting the needs of local governments.*—When the dollar allocation for a State would be less than $70,000, the U.S. Civil Service Commission has added additional amounts from discretionary grant funds to increase the State's allocation to that level. The minimum allocation for meeting the needs of local governments in each State is established by the Intergovernmental Personnel Act as 50 percent of the State's total allocation.

PAR. 3. *Use of grant funds.*—Under the Intergovernmental Personnel Act, the U.S. Civil Service Commission is authorized to make grants to State governments; to general local governments, or combinations of local governments, that serve a population of fifty thousand or more; or to eligible Indian tribal governments for up to 50 percent of the costs of projects to strengthen personnel administration or to train professional, administrative, and technical employees and officials. To obtain the greatest benefit from limited funds, grant applicants are encouraged to place emphasis on projects that will produce products or otherwise serve as demonstration models for use by other jurisdictions.

PAR. 4. *Obtaining further information.*—State, local, and Indian government executives or other interested persons may obtain further information on the grant program from the appropriate office of the U.S. Civil Service Commission. Formula funds allocated for the use of the fifty States are awarded by the Commission's regional offices. Formula funds allocated for the use of the District of Columbia are awarded by the Commission's Bureau of Intergovernmental Personnel Programs.

UNITED STATES CIVIL SERVICE REGIONS

For convenience in administration of the field service the Commission has divided the United States into regions. The following shows the names of the Commission's regional directors and their headquarters, and the geographical areas over which these officials have jurisdiction, for Intergovernmental Personnel Act programs as well as other Commission programs.

Region	Headquarters	Directors	Area served
Atlanta	1340 Spring Street N.W., Atlanta, Ga. 30309.	David Caldwell	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.
Boston	John W. McCormack Post Office and Courthouse Bldg., Boston, Mass. 02109.	Charles A. Maher	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.
Chicago	Federal Office Bldg., 29th Floor, 230 South Dearborn St., Chicago, Ill. 60604.	Keith A. Roelofs	Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.
Dallas	1100 Commerce St., Dallas, Tex. 75202.	Edward Vela, Jr	Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.
Denver	Building 20, Denver Federal Center, Denver, Colo. 80225.	George F. Dwyer	Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming.
New York	Federal Bldg., 26 Federal Plaza, New York, N.Y. 10007.	Virginia M. Armstrong.	New Jersey, New York, Puerto Rico, and the Virgin Islands.
Philadelphia	William J. Green, Jr., Federal Bldg., 600 Arch St., Philadelphia, Pa. 19106.	Robert E. Sperry	Delaware, Maryland, Pennsylvania, Virginia, and West Virginia.
St. Louis	1256 Federal Bldg., 1520 Market St., St. Louis, Mo. 63103.	Robert J. Dunn	Iowa, Kansas, Missouri, and Nebraska.
San Francisco	Federal Bldg., Box 36010, 450 Golden Gate Ave., San Francisco, Calif. 94102.	Francis V. Yanak	Arizona, California, Hawaii, Nevada, and the Pacific overseas area.
Seattle	Federal Bldg., 915 Second Ave., 26th Floor, Seattle, Wash. 98174.	Thomas G. McCarthy.	Alaska, Idaho, Oregon, and Washington.

For the IPA Grant Program in Washington, D.C.:

Joseph M. Robertson, Director, Bureau of Intergovernmental Personnel Programs, U.S. Civil Service Commission, Washington, D.C. 20415.

Dated: August 6, 1976.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-22945 Filed 8-5-76;8:45 am]

REVOCATION OF AUTHORITY TO MAKE NONCAREER EXECUTIVE ASSIGNMENT

Department of Agriculture

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Agriculture to fill by noncareer executive assignment in the excepted service the position of Associate Administrator, Office of the Administrator, Agricultural Marketing Service.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-22620 Filed 8-5-76;8:45 am]

REVOCATION OF AUTHORITY TO MAKE NONCAREER EXECUTIVE ASSIGNMENT

Department of Agriculture

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Agriculture to fill by noncareer executive assignment in the excepted service the position of Director of Equal Opportunity, Office of Equal Opportunity, Immediate Office, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-22621 Filed 8-5-76;8:45 am]

REVOCATION OF AUTHORITY TO MAKE NONCAREER EXECUTIVE ASSIGNMENT

Council on Environmental Quality

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Council on Environmental Quality to fill by noncareer executive assignment in the excepted service the position of Senior Staff Member.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-22622 Filed 8-5-76;8:45 am]

REVOCATION OF AUTHORITY TO MAKE NONCAREER EXECUTIVE ASSIGNMENT

United States Information Agency

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the United States Information Agency to fill by noncareer executive assignment in the excepted service the position of Deputy General Counsel, Office of General Counsel.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-22623 Filed 8-5-76;8:45 am]

REVOCATION OF AUTHORITY TO MAKE NONCAREER EXECUTIVE ASSIGNMENT

Department of Agriculture

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Agriculture to fill by noncareer executive assignment in the excepted service the position of Assistant to the Secretary), Staff Assistants, Immediate Office, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-22616 Filed 8-5-76;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1976

Addition to the Procurement List

Notice of Proposed Additions to Procurement List 1976, November 25, 1975 (40 FR 54732) of the commodities listed below were published in the FEDERAL REGISTER on April 23, 1976 (41 FR 17008).

After consideration of all the relevant data presented, the Committee has determined that the commodities listed below are suitable for procurement by the Government under Pub. L. 92-28, 85 Stat. 77. Accordingly, they are hereby added to the Procurement List.

CLASS 7930

Wax, Floor (IB)
7930-00-205-2870
7930-00-141-5888
7930-00-205-2871

The above commodities will be furnished for GSA Regions 1, 2, 3, 5, and 10 only.

By the Committee.

E. R. ALLEY, Jr.,
Acting Executive Director.

[FR Doc.76-22927 Filed 8-5-76;8:45 am]

PROCUREMENT LIST 1976

Proposed Addition

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92-28; 85 Stat. 77, of the proposed addition of the following commodities to Procurement List 1976, November 25, 1975 (40 FR 54742).

CLASS 1560

Wire Bundles
1560-00-222-3876 BF
1560-00-883-4487 BF

Proposed Deletion

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92-28; 85 Stat. 77, of the proposed deletion of the following commodity from Procurement List 1976, November 25, 1975 (40 FR 54742).

CLASS 7510

Pointer, Pencil
7510-00-237-4926

Comments and views regarding the proposed addition and proposed deletion may be filed with the Committee on or before September 7, 1976. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

This notice is automatically cancelled six months from the date of this FEDERAL REGISTER.

By the Committee.

E. R. ALLEY, Jr.,
Acting Executive Director.

[FR Doc.76-22928 Filed 8-5-76;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Availability

Correction

In FR Doc. 76-22154, appearing at page 31933, in the issue of Friday, July 30, 1976, on page 31934, the last two impact statements for the Environmental Protection Agency (Nebraska City Power Station No. 1, and Port of Grays Harbor/Kaiser Steel) should have been listed as the last two impact statements under the Department of Defense, Army Corps.

ENVIRONMENTAL IMPACT STATEMENTS

Availability

Environmental impact statements received by the Council on Environmental Quality from July 26 through July 30, 1976. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements in forty-five (45) days from this FEDERAL REGISTER notice of availability. (September 20, 1976) The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at cost from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Coordinator of Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 359-A, Washington, D.C. 20250, (202) 447-3965.

FOREST SERVICE

Draft

Ophir-Dog-Macdonald Pass, Helena National Forest, Powell, Lewis, and Clark Counties, Mont., July 25: The proposed action is the preparation and implementation of an intensive Multiple Use Plan for Ophir-Dog-Macdonald Pass Planning Unit, Helena N.F. The action will affect 50,600 acres of forest land and include the following major changes: a slight reduction in harvest of timber, more emphasis on production of red meat, and more specific direction on management of recreation and unroaded areas. Adverse impacts include soil movement, damage to residual vegetation, and restriction of motorized traffic in some areas. (ELR Order No. 61084.)

Santa Fe National Forest, Geothermal Leasing Rio Arriba and Sandoval counties, N. Mex., July 26: Proposed is the leasing of a 51,571 acre Known Geothermal Resource Area (KGRA) in Santa Fe National Forest and a 29,000 acre area of noncompetitive leasing interest outside the KGRA. The Statement also covers a larger area of about 496,950 gross acres extending southward and northeastward known as an area prospectively valuable for geothermal resources, which includes both the KGRA and noncompetitive area. Potential adverse effects include displacement of soils, removal of surface vegetation, and changes in the quality and quantity of water produced from this area. (ELR Order No. 61089.)

Beartooth Plateau Unit, Shoshone/Gallatin/Custer National Forest, Wyoming and Montana, July 27: Proposed is the implementation of a revised land use plan (multiple use plan) for the Beartooth Plateau Unit; Shoshone (Wyoming), Gallatin (Montana), and Custer (Montana) National Forests. The Unit contains 224,750 acres of National Forest lands and 4,950 acres of private lands. Plans include the provision of lands for timber production, sheep and cattle forage, visitor recreation use, and backcountry use. Adverse effects include increased soil erosion, loss of wilderness character, and loss of 82,400 acres to off-road vehicle use. (ELR Order No. 61095.)

Final

Conroe Unit, Sam Houston National Forest, Montgomery and Walker Counties, N. Mex., July 28: The statement concerns the proposed 10-year management plan for the Conroe Unit of the Sam Houston National Forest. Management goals for the 75,574-acre unit will be directed toward meeting the local and regional needs of the public while respecting the production and carrying capacities of the forest resources. Environmental impacts will be on water quality, soils, vegetation, wildlife and forest aesthetics due to timber harvesting, road and trail construction, and developed recreation facilities. Air quality will be affected by burning of forest floor fuels. Comments made by: DOI, EPA, USDA, and state agencies. (ELR Order No. 61101.)

Travel Registers on Trails and Areas, Olympic National Forest, Clallam, Jefferson, and Mason Counties, Wash., July 29: The proposed project is intended to prohibit motor-vehicle use on approximately 60 miles of trail, and prohibit livestock use on 28 miles of trail in Olympic National Forest. Use of motorized vehicles for cross country travel would also be prohibited. Exceptions to the prohibition on cross country travel to permit passing and overnight camping are defined in the statement. This action is expected to stop environmental degradation on the more fragile areas and reduce damage in areas where recovery is more rapid. No adverse effects are anticipated. Comments made by: USDA, DOI, EPA, concerned groups and individuals. (ELR Order No. 61109.)

DEPARTMENT OF DEFENSE

ARMY

Contract: Mr. George A. Cunney, Jr., Acting Chief, Environmental Office, Directorate of Installations, Office of the Deputy Chief of Staff for Logistics, Washington, D.C. 20310. (202) OX 4-4269.

Final

Carbonyl Chloride Disposition, Rocky Mt. Arsenal, Adams County, Colo., July 28: Proposed is the transfer of carbonyl chloride at Rocky Mountain Arsenal, Colorado. The proposed action involves transporting full ton containers from the storage yard to an existing facility where the material will be transferred into Department of Transportation specification shipping containers, sale of the material by the Defense Supply Agency, and subsequent commercial transportation. Potential emissions of carbonyl chloride from transfer operations will be processed through a scrubber system to insure protection of the working, and general population environments. Comments made by: DOI, HEW, State agencies, Defense Explosives Safety Board. (ELR Order No. 61100.)

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ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Development, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314. (202) 693-6795.

Draft

Ellicott Creek Flood Control, Erie County, N.Y., July 27: Proposed is a flood management plan for the lower Ellicott Creek basin, New York. The plan would provide 100 year flood discharge protection in the towns of Amherst and Tonawanda, and would call for 1.8 miles of major channelization and construction of two diversion channels for high flows totalling 1.8 miles in length. Adverse impacts include temporary increases in noise, dust, odors, and stream turbidity, and the disruption of 9 acres of aquatic creek habitat and 73 acres of terrestrial wildlife habitat. (ELR Order No. 61094.)

Bonneville Lock and Dam, Navigation, Oregon, July 27: Proposed is the construction and subsequent operation of a new navigation lock at Bonneville Dam on the Oregon Shore, south of the existing lock and powerhouse. The new lock chamber would have horizontal dimensions of 86 feet by 675 feet, matching the dimensions of the seven other locks on the Columbia-Snake River Navigation System. Adverse effects include the relocation of one building of the Corps of Engineers Hydraulic Lab and approximately ¼ mile of the Union Pacific Railroad's main line and siding. (ELR Order No. 61098.)

Final

Steuart Investment Co. Permit, Pier Addition, St. Mary's County, Md., July 30: Proposed is the construction of a 974-foot pier addition and installation of five dolphins in the Potomac River at Piney Point, Maryland. The purpose of the project is to provide simultaneous berthing of two oil transport vessels. The pier structure and accompanying vessels will have a negative aesthetic impact on the area, and should a major oil spill occur, significant adverse impacts will affect water quality, fish and wildlife, ecology, economics, and the needs and welfare of the people. (Baltimore District.) Comments made by: DOT, DOI, EPA, USDA, DOC, AHP, and state agencies and concerned groups. (ELR Order No. 61113.)

Oregon Slough Dredging, N. Portland Harbor (2) Oregon, July 28: Proposed is the construction of a navigation channel extension 40-feet-deep and 400-feet-wide from Columbia River to Oregon Slough river mile 1.5, and maintenance dredging of approximately 35 acres of river bottom annually. The project will result in reduction in biological productivity of aquatic and upland environments disturbed by dredging and by deposition of dredged materials, and possible land use changes on disposal areas. (Portland District). Comments made by: DOI, DOC, USCG, HEW, HUD, DOT, EPA, FPC, and state and local agencies, concerned citizens. (ELR Order No. 61103.)

NAVY

Contact: Mr. Peter M. McDavitt, Special Assistant to the Assistant Secretary of the Navy (Installations and Logistics), Washington, D.C. 20350, (202) 692-3227.

Final

Naval PET 3, Teapot Dome Field, Natrona County, Wyo., July 30: Proposed is the development of the Naval Petroleum Reserve No. 3 (Teapot Dome Field), Wyoming to aid in the energy independence program. Approximately 500 new wells will be drilled and oil will be produced at the maximum efficient rate. Peak production will be about 22,000 barrels of oil per day with a 6 year daily production of 12,000 bpd. Impacts will be those associated with petroleum production. Comments made by: AHP, EPA, FEA, HEW, DLAB, and DOI. (ELR Order No. 61111.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7258, 451 7th Street SW., Washington, D.C. 20410, (202) 755-6308.

Draft

Punto Oro II Development, Puerto Rico, July 26: Proposed is a housing project known as Punto Oro II Development in Ponce, Puerto Rico. The project will include 1,042 lots in approximately 167 acres, and will also provide community facilities and flood control works for the area. Adverse impacts will be the negative effects on the quality of the Matilde River and temporary increases in air pollution, noise levels, and demand for public services. (ELR Order No. 61091.)

Final

Crofton Village Subdivision, Anne Arundel County, Md., July 26: Proposed is the construction of Crofton Village to provide residential development of 229 acres over 6 years to produce 1,698 dwelling units for a population of about 7,000. Adverse impacts of the project include the conversion of agricultural land to urban use, some increase in air pollution and noise levels, increased storm water runoff, traffic congestion, impact on sewage treatment, and possible impact on an historical site. Comments made by: EPA, DOI, COE, USDA, DOT, and state agencies and concerned citizens. (ELR Order No. 61090.)

Section 104(h)

The following are Community Development Block Grant statements prepared and circulated directly by applicants pursuant to section 104(h) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local chief executive. (Copies are not available from HUD).

Final

617-Acre Sewer Construction, Cuyahoga County, Ohio, July 29: Proposed is the construction of sewer facilities on the property surrounding the Cuyahoga County Airport, Ohio, in order to promote industrial and economic development of the property. Six small sewage treatment plants that presently serve the airport will be abandoned; the new airport sewer system and the industrial area system will both be pumped into a centralized treatment plant. A pump station and force main will be constructed to transmit the airport and industrial wastewater into the City of Euclid sanitary sewer system. The construction process will result in some short-term adverse environmental effects. Comments made by: EPA and state agencies. (ELR Order No. 61108.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, (202) 343-3891.

BUREAU OF LAND MANAGEMENT

Final

345 kV Transmission Lines, Greenlee Co. to El Paso, Tex. and Arizona, July 30: Proposed is the granting of rights-of-way to Public Service Company of New Mexico and El Paso Electric Company to construct two 345 kV transmission lines, running parallel on a single right-of-way for about four-fifths of the distance from Tucson Gas and Electric Company's Greenlee County substation to El Paso, Texas. The proposed lines will be an extension of the transmission line network from San Juan (Four Corners) generation complex and will be completed in two phases. Adverse effects include the stripping of vegetation and some change in water runoff patterns. Comments made by: DOI, USDA, AHP, HEW, DOT, HUD, EPA, ERDA, (ELR Order No. 61112.)

NATIONAL PARK SERVICE

Draft

Grand Canyon National Park Wilderness Area Mohave and Coconino Counties, Ariz., July 27: This statement proposes the designation as wilderness of 992,046 acres of Grand Canyon National Park in Mohave and Coconino Counties. In addition, 120,965 acres are proposed as potential wilderness additions to be added to the wilderness system at such times as the lands so qualify. The Wilderness designation will restrict management perogatives and limit development of visitor facilities to non-wilderness areas of the park but will have no adverse impact upon the natural, archeological, or historic resources of the area. (ELR Order No. 61093.)

Final

Big Thicket National Biological Preserve, several counties in Texas, July 27: This legislative proposal would provide for the establishment and acquisition of an 84,550-acre Big Thicket National Preserve in Hardin, Jefferson, Orange, Jasper, Liberty, Polk and Tyler Counties, Texas. Adverse effects are related to increased regional tourist industry and regional development. Approximately 20 to 25 people will be displaced. Comments made by: AHP, USDA, COE, DOI, EPA, and State agencies. (ELR Order No. 61099.)

INTERSTATE COMMERCE COMMISSION

Contact: Mr. Richard Chais, Supervisory Attorney Advisor for the Environmental Staff, Room 2370, 12th Street and Constitution Avenue NW., (202) 343-2086.

Draft

Chicago and North Western Transportation Co. Abandonment-Wisconsin, Ashland, Bayfield, and Sawyer Counties, Wis., July 30: Proposed is the abandonment and complete dismantling of the Chicago and North Western Transportation Company's branch line extending approximately 77.3 miles between Hayward and Bayfield, and Ashland Junction and Ashland, Wisconsin. Direct rail service will be eliminated to all the stations on the line. Although minimal, environmental effects attendant to the diversion of traffic from rail to motor carriers would occur. Increases in energy consumption and emissions are anticipated. (ELR Order No. 61110.)

NUCLEAR REGULATORY COMMISSION

Contact: Mr. Benard Rersche, Director of Division of Reactor Licensing, P-722, NRC, Washington, D.C. 20555, (301) 492-7373.

Final

Plutonium Cardiac Pacemakers, July 28: The statement, a generic EIS, refers to the proposed authorization of wide-scale use of plutonium powered pacemakers in cardiac patients. The statement outlines design and testing standards for pacemakers. Environmental impacts discussed include the possibility of plutonium release through accidental breach of the pacemaker, and the effects of exposure to the patient, those around him, and those involved in the handling and transport of the instrument. Comments made by: USCG, EPA, HEW, State and local agencies, and concerned citizens. (ELR Order No. 61105.)

Supplement

3 Mile Island Nuclear Station, Unit 2 (S-1), Dauphin County, Pa., July 26: This statement is a supplement to a final EIS filed with CEQ December 6, 1972. Proposed is the continuation of construction permit CPDR-66 and the issuance of an operating license to Metropolitan Edison Co., Jersey Central Power and Light Co., and the Pennsylvania Electric Co. for the operation of the Three Mile Island Nuclear Station, Unit 2, near Harrisburg, Pennsylvania. The station (Unit 2) has a designed thermal rating of 2772 megawatts with a maximum electrical output of 959 megawatts. Two natural draft cooling towers are utilized for dissipating the waste heat from the closed cycle cooling system. (ELR Order No. 61066.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 407 7th Street SW., Washington, D.C. 20590, (202) 426-4357.

FEDERAL AVIATION ADMINISTRATION

Draft

Stewart Airport, Runway Extension; Orange County, N.Y., July 27: The statement refers to proposed improvements of facilities at Stewart Airport, Jamaica, N.Y. These improvements would include extensions of the existing east-west runway and the taxiway adjacent to Runway 9-27, provision of 2 high speed exit taxiways for Runway 9-27, and the strengthening of the existing portion of Runway 9-27. Little change will take place regarding water resources, vegetation, wildlife or recreational areas. Adverse impacts will occur in the areas of noise exposure, air pollution, and energy resources. (ELR Order No. 61092.)

Richardson Municipal Airport, Dallas County, Tex., July 28: Proposed is the construction of a utility airport in Richardson, Texas to replace an existing privately owned airport adjacent to the project site. Construction plans include a 100' X 4000' runway, a parallel and connecting taxiway, an apron and access road, and lighting and miscellaneous facilities. The project site will consist of 73.5 acres of donated land and additional acquired land for clear zones. Adverse impacts include the displacement of 3 residences and one mobile home, some increase in noise and exhaust emissions, and loss of 75 acres of agricultural land. (ELR Order No. 61102.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

U.S. 2 Bypass of Bemidji, Beltrami County, Minn., July 26: Proposed is the construction of 9 miles of U.S. 2 on new location in Beltrami County. The project would extend from the junction with U.S. 71 approximately 1 mile west of Bemidji, around the west and south of Bemidji, to a junction with inplace U.S. 2 approximately 3 miles southeast of Bemidji (the Bemidji bypass). Major adverse impacts will be increased noise, loss of 335 acres of pastureland, relocation of eight families and three businesses, temporary water degradation and seasonal water pollution due to highway runoff. (Region 5). (ELR Order No. 61085.)

U.S. 30 and Nebraska Highway Improvements, Schuyler and Colfax Counties, Nebr., July 28: This statement discusses three proposed FHWA projects which represent improvements to U.S. Highway 30 and Nebraska Highway 15 in the Schuyler, Colfax County, Nebraska area. FR-15-3(103)119 extends south from 11th and Colfax a distance of 1.7 miles on Nebraska Hwy. 15. FR-FG-3(102)119 represents a new four lane divided viaduct over the Union Pacific Tracks on Nebraska Hwy. 15 from 11th to 16th Streets, in Schuyler. FR-15-3(101)119 would improve U.S. 30 from Denver St. east to B Street and also Nebraska Hwy. 15 from the intersection with U.S. 30 north to 17th St. A 4(f) statement is included (Region 7). (ELR Order No. 61104.)

SR 53, Rome to Calhoun, Floyd and Gordon Counties, Ga., July 29: Proposed is the upgrading and new construction of 20 miles of SR 53, from the intersection of Anderson and North Broad streets in Rome to the southwest city limits of Calhoun at the Oothkalooga Creek Bridge, to a four-lane roadway. Adverse effects are displacement of sixty-six individuals; increased traffic-generated noise and air pollution near the highway; loss of an unspecified number of acres of agricultural land; possible increases in siltation and erosion; and encroachment onto flood plains with displacement of some game habitat. Comments made by: DOI, USDA, HUD, EPA, COE, HEW, and State and local agencies. (ELR Order No. 61106.)

US 24, Kansas City, Wyandotte County, Kans., July 26: The proposed action is the upgrading of 1.089 miles of US 24 in Kansas City. The project (associated with Urban Renewal Plan Number Kansas R-28) begins on State Avenue west of 11th Street and ends on Washington Blvd. at 5th street. Section 4(f) land from Big Eleven Park and the John F. Kennedy Recreation Area will be affected. Two businesses and one house will be displaced; the noise level will increase. Comments made by: USDA, EPA, HUD, DOI, and State agencies and concerned citizens. (ELR Order No. 61088.)

Route 52, Auburn-Oxford, Worcester County, Mass., July 29: The statement refers to the construction of SR-52 from Oxford north to the existing interchange of US 20 and I-290 in Auburn. The total length of the completed section will be 3.5 miles. Adverse impacts are increased noise levels, and the displacement of 12 families. A 4(f) statement is included for Eddy Pond. Comments made by: DOI, HUD, EPA, 2, and State and local agencies, and concerned citizens. (ELR Order No. 61107.)

I-676, South of Morgan Boulevard to Atlantic Avenue, Camden County, N.J., July 26: Proposed is the construction of a 1.6 mile, 6-lane segment of I-676 from just south of Morgan Boulevard north to Atlantic Avenue in Camden City. Displacements of families and businesses and increased noise levels will result. Comments made by: DOT, USDA, DOC, EPA, USCG, DOI, and State agencies. (ELR Order No. 61087.)

SR 167, from SR 410 to SR 18, Washington Pierce and King Counties, Wash., July 27: The proposed improvement involves the completion of a 7.71-mile section of SR 167, a fully-controlled access freeway with four lanes and four interchanges in the project area, from SR 410 to SR 18 in Washington state. The right of way for 416 acres of land has already been purchased. The purchase of an additional 180 acres is necessary, requiring the displacement of 88 dwellings, 2 commercial buildings, 2 fire stations and 1 city hall. Adverse impacts include the relocation of three streams, and increases in noise pollution, industrial and residential growth. Comments made by: COE, EPA, USDA, DOC, DOI, HUD, and State and local agencies. (ELR Order No. 61096.)

NATIONAL HIGHWAY TRAFFIC SAFETY ADMIN.

Draft

Motor Vehicle Occupant Crash Protection, July 30: This statement discusses several alternative actions which the Federal government could take to protect motor vehicle occupants from death or injury resulting from traffic accidents. These alternatives are (1) to continue the existing version of Federal Motor Vehicle Safety Standard 208; (2) to require States to take action to increase seat belt use; (3) to conduct a Federal field test of passive restraints; (4) to require that manufacturers provide passive restraints on all cars; or (5) to require that manufacturers make passive restraints available on some models. (29 pages). (ELR Order No. 61114.)

U.S. POSTAL SERVICE

Contact: Emerson Smith, Director, Office of Buildings Analysis and Design, Real Estate and Buildings Department, U.S. Postal Service, Washington, D.C. 20260, (202) 245-4242.

Final

Kennedy Airport Air-Mail Facility, Queens County, N.Y., July 27: Proposed is the construction of a 650,000 square foot building at the Kennedy International Airport to transfer, process, and distribute air mail. The facility, which will allow for the consolidation at one site the functions currently conducted at three dispersed sites, would be constructed on a 20-acre site near the north boundary of the airport. Comments made by: EPA, DOI, HEW, DOT, and State agencies. (ELR Order No. 61079.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.76-22879 Filed 8-5-76;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

NATIONAL PLAN FOR ENERGY RESEARCH, DEVELOPMENT AND DEMONSTRATION

Public Meetings

The Energy Research and Development Administration (ERDA) announces the third in a series of public meetings on its National Plan for Energy Research, Development and Demonstration: Creating Energy Choices for the Future (ERDA 76-1). The meeting will be held September 21 and 22 in San Francisco, California at the Sheraton Palace Hotel with the sessions beginning at 8:30 am on both days.

The purpose of the public meetings is to acquaint the public with ERDA's long-term comprehensive energy plan and to elicit public comment on all aspects of Federal energy research, development and demonstration, including emerging energy technologies. It is ERDA's intent to conduct a meaningful dialogue with local, state and regional groups and citizens concerning regional energy issues. These meetings are a major element in that process. A public meeting in Boston is planned also for later this year. Details, times and locations of any additional public meetings will be announced in future notices.

The format of the public meetings is designed to assure a meaningful dialogue. A panel composed primarily of ERDA Assistant Administrators responsible for the energy production, environment and safety, and conservation technologies described in the National Plan will be present at each public meeting to explain the purpose and content of the Plan and to receive the comments of the public. The moderator for the sessions

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will be announced prior to each public meeting.

Single copies of the Plan may be obtained by writing to US–ERDA, Technical Information Center, P.O. Box 62, Oak Ridge, Tenessee 37830. Copies will also be available for inspection at ERDA Headquarters (20 Massachusetts Avenue, NW., Washington, D.C.) and at all ERDA Operations Offices.

A notice of intent to make a presentation at the San Francisco meeting should be addressed to Ms. Martha Dixon, 1333 Broadway, Oakland, California 94612.

This notice of intent should set forth:

1. The name and address of the participant;

2. The nature of the participant's interest in the National Plan, and the participant's organizational affiliation, if any;

3. The length of time requested for the presentation; and

4. Where practicable, the text of any statements to be presented, or a reasonably detailed summary thereof.

The notice to make a presentation must be received no later than one week in advance of the meeting to ensure scheduling. An effort will be made to schedule the full time requested, but, in order to assure all participants a fair opportunity to present their views within the time constraints, the presentations may be limited in length. Interested persons who have not filed a timely notice of intent to make a presentation may notify the moderator during the meeting of their desire to become participants. If time permits, the moderator will allow these persons the opportunity to make formal presentations.

Time will also be allotted during each public meeting to permit members of the audience to pose appropriate questions to the panel. Persons who do not wish to make an oral presentation, or whose schedules do not permit appearance at the meeting may submit a written statement to ERDA for consideration. The statements should be sent to the aforementioned address.

Dated at Washington, D.C. this 30th day of July 1976.

For the Energy Research and Development Administration.

RAYMOND G. ROMATOWSKI,
Assistant Administrator for Administration.

[FR Doc.76-22941 Filed 8-5-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 595-5]

AMBIENT AIR MONITORING REFERENCE AND EQUIVALENT METHODS

Amendment to Equivalent Method for SO_2

Notice is hereby given that EPA, in accordance with 40 CFR Part 53 (40 FR 7044, February 18, 1975), has approved the addition of two options to SO_2 equivalent method number EQSA–1275–005 (FEDERAL REGISTER, Vol. 41, page 3893, January 27, 1976). The method identification is accordingly amended to read as follows:

EQSA–1275–005, Lear Siegler Model "SM1000 SO_2 Ambient Monitor," operated on the 0–0.5 ppm range, at a wavelength of 299.5 nm, with the "slow" (300 second) response time, with or without any of the following options:

SM–1 Span Timer Card
SM–2 Alternate Sample Pump

This method is available from Lear Siegler, Inc., Environmental Technology Division, 74 Inverness Drive East, Englewood, Colorado 80110.

This change is made in accordance with 40 CFR 53.14 and is based on additional information and test data submitted by the applicant subsequent to the original designation (41 FR 3893, January 27, 1976). The new information wil be kept on file at the address shown below and will be available for inspection to the extent consistent with 40 CFR Part 2 (EPA's regulations implementing the Freedom of Information Act).

As an equivalent method, this method is acceptable for use by States and other control agencies for purposes of section 51.17(a) of 40 CFR Part 51 ("Requirements for Preparation, Adoption, and Submittal of Implementation Plans") as amended on February 18, 1975 (40 FR 7042). For such use, the method must be used in strict accordance with the operation or instruction manual provided with the method and subject to any limitations (e.g., operating range) specified in the applicable designation (see description of method above). Modifications of a designated method used for purposes of § 51.17(a) are permitted only with prior approval of EPA. Provisions for vendor modification are given in 40 CFR 53.14, and provisions for user modifications are given in 40 CFR 51.17a(f) (promulgated on March 17, 1976; 41 FR 11255).

Additional information concerning the use of this designated method may be obtained from the original Notice of Designation (41 FR 3893, January 27, 1976) or by writing to: Director, Environmental Monitoring and Support Laboratory, Department E (MD–76), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711. Technical questions concerning the method should be directed to the manufacturer.

CARL R. GERBER,
Acting Assistant Administrator for Research and Development.

[FR Doc.76-22962 Filed 8-5-76;8:45 am]

[FRL 594-3; OPP—180082]

DELAWARE DEPARTMENT OF AGRICULTURE

Issuance of a Specific Exemption To Use Guthion To Control the Carrot Weevil

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), notice is hereby given that the Environmental Protection Agency (EPA) has granted a specific exemption to the Delaware Department of Agriculture (hereafter referred to as the "Applicant"). Azinphos methyl (Guthion) will be used on 700 acres of the commercial processing carrot crop for the control of the carrot weevil in areas throughout the State of Delaware. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, issued December 3, 1973 (38 FR 33303), which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the application on file with the Registration Division (WH–567), Office of Pesticide Programs, EPA, 401 M Street, SW., Room E–315, Washington, D.C. 20460.

According to the Applicant, the Carrot Weevil (*Listronotus oregonensis*) has damaged carrot crops on numerous farms throughout Delaware; the entire crop has been lost in some cases. Carrot weevil larvae tunnel in the tap root of carrots, leaving rust-colored feeding trails. Larval feeding early in the season results in mortality of seedling carrots, reducing the row-density. Later injury reduces the quality of market carrots, rendering many unmarketable. Further losses occur when carrots are placed in cold storage due to increased incidence of storage rot disease organisms (fungi and bacteria) which enter the carrots through weevil larvae feeding tunnels. The Applicant stated that, when the carrot weevil is not controlled, the average loss is approximately 25% of the crop, at about $150 per acre.

There appear to be neither alternative registered pesticides nor non-chemical methods of control available to control this insect. The Applicant proposed to apply azinphos methyl (Guthion) to commercial carrots grown for processing under contract to five food processors. The pesticide will be applied at the rate of one-half (½) pound of actual insecticide per acre. Up to six (6) applications may be applied at ten day intervals during the growing season, with a thirty-five (35) day pre-harvest interval. The Applicant stated that azinphos methyl has been used on other crops in Delaware for many years; it has been applied by ground and aerial equipment. The Applicant also stated that Delaware aerial applicators are familiar with this insecticide and with proper use procedures in order to avoid adverse effects on man and the environment.

The Fish and Wildlife Service of the U.S. Department of the Interior has advised EPA that no significant effects on fish and wildlife populations are expected from this limited use of azinphos methyl.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of carrot weevils has or is about to occur; (b) there is no pesticide presently registered and available for use to control the carrot weevil in Delaware; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the carrot weevils are not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until August 31, 1976, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following restrictions:

1. Azinphos methyl applications are limited to commercial processing carrot crops;

2. The azinphos methyl (Guthion) will be applied by ground equipment or aircraft;

3. The dosage rate may not exceed one-half (½) pound of actual azinphos methyl per acre per application;

4. The number of applications may not exceed six (6);

5. A thirty-five (35) day pre-harvest interval must be observed;

6. Carrot tops treated with azinphos methyl may not be used for feed, food, or forage;

7. A residue level not to exceed 0.5 ppm on carrot roots used for processing has been determined to be adequate to protect the public health. The Food and Drug Administration of the U.S. Department of Health, Education, and Welfare, has been advised of this action; and

8. The Division of Production and Promotion, Delaware Department of Agriculture, is responsible for ensuring that the restrictions pursuant to this specific exemption are met.

Dated: July 29, 1976.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.76-22963 Filed 8-5-76;8:45 am]

[FRL 593-8; OPP-240002A]

STATE OF VIRGINIA

Approval of Amendment of Request for Interim Certification To Register Pesticides To Meet "Special Local Needs"

Pursuant to Section 24(c) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), the State of Virginia submitted to the Environmental Protection Agency (EPA) a request for Interim Certification to register pesticides for special local needs (Request), which was subsequently approved on November 20, 1975. Notice of approval of this Request was published in the FEDERAL REGISTER on December 11, 1975 (40 FR 57713). This initial Request sought authority to amend EPA registrations that involve "changed use patterns", as that term is defined in section 162.152(c) of the proposed regulations as they were published in the FEDERAL REGISTER on September 3, 1975 (40 FR 40538), and to amend EPA registrations that did not involve changed use patterns.

On April 30, 1976, the State of Virginia sought to amend their Request to include authority to register "new products", as that term is defined in Section 162.152(g) of the proposed regulations. This Agency has found that the specific requirements for registration of new products are satisfied in the Virginia Request, in that Virginia's registration program provides for both efficacy determination and product hazard review.

Accordingly, notice is hereby given that the Administrator, EPA, has approved the amendment from the State of Virginia for Interim Certification allowing that State the authority to register new products. The State agency designated responsible for issuance of such registrations, the Virginia Department of Agriculture and Commerce, was notified on May 27, 1976, that the amendment to its Request had been approved.

Copies of the amendment to the Request for Interim Certification from Virginia, along with the letter reflecting the Agency's decision to approve the amendment, are available for public inspection at the following locations:

Federal Register Section, Technical Services Division (WH–569), Office of Pesticide Programs, EPA, Room 401, East Tower, 401 M Street, SW., Washington, D.C. 20460.

Pesticide Branch, Hazardous Materials Control Division, EPA, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.

Dated: July 29, 1976.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.76-22964 Filed 8-5-76;8:45 am]

[FRL 595-3]

SCIENCE ADVISORY BOARD EXECUTIVE COMMITTEE

Open Meeting

Pursuant to Public Law 92–463, notice is hereby given that a meeting of the Executive Committee of the Science Advisory Board will be held on August 24 and 25, 1976. The meeting will begin at 9:00 a.m. on both days in Room 1101, Waterside Mall West Tower, 401 M Street, S.W., Washington, D.C.

The agenda includes reports on the activities of member committees, consideration of a report: "Assessment of Scientific Information on Nitrosamines" by an ad hoc study group; discussion of Agency plants to review and update existing Air Quality Criteria; action to determine the approach of the Science Advisory Board to requests from the Agency to (a) review research programs concerned with emissions from vehicles equipped with catalytic exhaust control devices and (b) review a document relative to airborne lead in the environment, being prepared under Section 108 of the Clean Air Act; further consideration of Agency approaches to funding extramural research and development; and member items of interest.

The meeting is open to the public. Any member of the public wishing to attend, participate, present a paper, or obtain additional information should contact Dr. Thomas D. Bath, Executive Secretary, Science Advisory Board Executive Committee (202) 755–0263, no later than August 20, 1976.

Dated: August 2, 1976.

THOMAS D. BATH,
Staff Director, Science Advisory Board.

[FR Doc.76-22965 Filed 8-5-76;8:45 am]

[FRL 595-4]

TECHNICAL ADVISORY GROUP TO THE MUNICIPAL CONSTRUCTION DIVISION

Open Meeting

Pursuant to Public Law 92–463, notice is hereby given that a meeting of the Technical Advisory Group to the Municipal Construction Division will be held at 9:00 a.m. on August 30–31, 1976. On August 30 the meeting will be held at Crystal Mall No. 2, Room 1112, Conference Room A, 1901 Jefferson Davis Highway, Arlington, Virginia. On August 31 the meeting will be held at Waterside Mall, Room 2117–2123, 401 M Street SW., Washington, D.C.

The purpose of the meeting is to review and discuss the Construction Grants program of the Municipal Construction Division; Title II Producement; Status of Grant Obligations; Progress Payments; Value Engineering; Operation and Maintenance; and Facilities Planning.

The meeting will be open to the public. Any member of the public wishing to attend should contact the Executive Secretary, Mr. Harold Cahill, Director, Municipal Construction Division, EPA, Washington, D.C. 20460. The telephone number is area code 202–426–8986.

Dated: July 30, 1976.

ECKHARDT C. BECK,
Acting Assistant Administrator for Water and Hazardous Materials.

[FR Doc.76-22966 Filed 8-5-76;8:45 am]

[FRL 542-8]

QUALITY CRITERIA FOR WATER

Availability of Report

Notice is herewith given that the Environmental Protection Agency has completed a report entitled "Quality Criteria for Water" pursuant to the mandate of section 304(a)(1) of Pub. L. 92–500. Section 304(a)(1) requires the publication from time to time of criteria for water quality that accurately reflect the latest scientific knowledge on the kind and extent of all identifiable effects on health and welfare including, but not limited to, plankton, fish, shellfish, wildlife, plant life, shorelines, beaches, aesthetics, and recreation which may be expected from the presence of pollutants

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in any body of water. The report, "Quality Criteria for Water," has been submitted to the Government Printing Office for publication and copies should be available for sale in the near future from the Superintendent of Documents, North Capitol Street between G & H Streets NW., Washington, D.C. 20402. A limited number of prepublication copies will soon be available at U.S. EPA Regional Offices or from the Office of Public Affairs, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

On October 26, 1973, a notice of availability was published for review and public comment on "Proposed Water Quality Criteria" (38 F.R. 29646, October 26, 1973). A six month public comment period was provided, during which numerous comments were received requiring fundamental changes in the criteria document. Generally, comments addressed the lack of treatment technology to bring waste effluents into conformance with criteria levels recommended for ambient waters, cost benefits of implementing waste treatment technology to achieve recommended criteria, lack of monitoring techniques to measure constituents at recommended criteria levels, and energy requirements associated with attempts to achieve the criteria levels. Such comments were not considered to be a basis for substantially altering recommended criteria goals. Such concerns, more appropriately, should be addressed in standards setting or regulatory processes. Water quality criteria are concentrations of water constituents necessary to protect organisms in water, the aquatic ecosystem, and water uses. Such criteria possess no inherent regulatory association and it is believed that their development should not be influenced by such regulatory considerations.

A large body of public comments addressed technical considerations in criteria development, the format for presentation, and the use of unpublished information not available to the public in the development of recommended criteria. These comments were given consideration by the Agency in the development of "Quality Criteria for Water" and, as a result, this report represents a completely revised and updated document in comparison with the 1973 "Proposed Water Quality Criteria."

The 1975 "Quality Criteria for Water" differs from the 1973 proposed criteria in the following ways:

1. Pollutants are listed in alphabetical order rather than by water use categories. This change was based on suggestions received during the initial public comment period that fragmentation of criteria according to particular water uses was difficult to follow for a water constituent. The new format is believed to reflect more nearly the goals of the Act that all waters are to be fishable and swimmable, wherever attainable, by 1983, and that the water quality criteria serve as the National water quality goals for the aquatic environment.

2. Pollutants, with few exceptions, have recommended numerical criteria. In a few instances a fraction of a 96-hour LC50 for a pollutant (e.g., copper, zinc, nickel) has been retained. In order to avoid any ambiguity in the guidance document, every attempt has been made to make the criteria definitive.

3. Ten constituents in the 1973 proposed criteria document have not been included in the "Quality Criteria for Water." These constituents are aluminum, antimony, bromine, cobalt, fluoride, lithium, molybdenum, thallium, uranium and vanadium. Sulfates had a separate criterion in the 1973 EPA publication but are not considered separately in the present volume; instead, they are incorporated as part of the "Total Dissolved Solids" criterion. The ten constituents for which no criteria are presented were omitted because data were not sufficiently convincing to support the development of National criteria. The fact that these or any other substances do not appear in the present volume of the "Quality Criteria for Water" does not preclude their consideration for any standard setting process or their inclusion in future criteria reports.

4. Criteria recommendations for some constituents have been changed (either to more restrictive levels, as with some pesticides, or to less restrictive levels, as with phthalates) as a result of consideration of latest data.

The Agency will continue to develop water quality criteria as data become available and, from time to time, will publish the results of such efforts.

Dated: July 28, 1976.

RUSSELL E. TRAIN,
Administrator.

[FR Doc.76-22958 Filed 8-5-76;8:45 am]

[FRL 595-6]

AIR MONITORING REFERENCE METHODS; TRACEABILITY OF CALIBRATION STANDARDS

Meeting

The Environmental Protection Agency in its recent regulations has required that calibration standards used in reference methods of concern to air pollution measurements be traceable to certified Standard Reference Materials (SRM) available from the National Bureau of Standards. The Environmental Protection Agency and the National Bureau of Standards both desire that the mechanism establishing the traceability link between working calibration standards and the appropriate SRM be reliable. Protocols for traceability in air pollution measurements do not exist and the Environmental Protection Agency and the National Bureau of Standards will hold a workshop for the purpose of discussing the problems, advantages, disadvantages, and other features of traceability protocols. Of particular concern are the protocols to be used for establishing traceability of commercially available compressed gases used as working standards in air pollution measurements and the subject of the workshop will be limited to these standards.

The workshop will be held September 30–October 1, 1976 at the National Bureau of Standards facility in Gaithersburg, Maryland. There will be a number of invited participants and others who may wish to participate should make their interest known by contacting either Dr. J. A. Hodgeson, National Bureau of Standards, Washington, D.C., phone number (301) 921–3775, or Dr. J. B. Clements, Environmental Protection Agency, Research Triangle Park, North Carolina, phone number (919) 549–8411, extension 2196.

CARL R. GERBER,
Assistant Administrator for Research and Development.

JULY 29, 1976.

[FR Doc.76-22967 Filed 8-5-76;8:45 am]

[FRL 596-3; PF43]

CHEVRON CHEMICAL CO. ET AL.

Filing of Pesticide Petitions

Pursuant to the provisions of section 408(d)(1) of the Federal Food, Drug, and Cosmetic Act, the Environmental Protection Agency gives notice that the following petitions have been submitted for consideration:

PP 6F1822. Chevron Chemical Co., Ortho Div., 940 Hensley St., Richmond CA 94804, proposes that 40 CFR 180.108 be amended by the establishment of a tolerance for combined residues of the insecticide acephate (O,S-dimethyl acetylphosphoramidothioate) and its cholinesterase-inhibiting metabolite O,S-dimethyl phosphoramidothioate in or on the raw agricultural commodity potatoes at 8.0 parts per million (ppm), of which not more than 0.5 ppm is O,S-dimethyl phosphoramidothioate. Proposed analytical method for determining residues is a gas chromatographic procedure using a thermionic detector. PM16 (202/426-9425)

PP 6F1824. Phostoxin Sales, Inc., Box 469, Alhambra CA 91802, proposes that 40 CFR 180.225 be amended by the establishment of a tolerance for residues of the fumigant phosphine from the use of aluminum phosphide in or on the raw agricultural commodities, beans and peas, in dry form, at 0.1 ppm. Proposed analytical method for determining residues is a modification of the procedure of Bruce, R. B., et al., J. Agri. & Food Chem. 10, 18–21, 1962, in which the phosphine residues is oxidized by bromine to phosphate and determined colorimetrically. PM11 (202/755-9315)

PP 6F1814. Uniroyal Chemical, Agricultural Chemical and Research Div., Bethany CT 06525, proposes that 40 CFR 180.259 be amended by increasing the tolerance for residues of the insecticide propargite (2-(p-tert-butylphenoxy)-cyclohexyl 2-propenyl sulfite) in or on the raw agricultural commodity almonds from 0.1 ppm to 1.0 ppm. Proposed analytical method for determining residues is a gas chromatographic procedure using a specific sulfur detector. PM13 (202/755-9315)

Interested persons are invited to submit written comments on any petitions referred to in this notice to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Room 401, East Tower, 401 M St. SW, Washington DC 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. Inquiries concerning specific petitions referred to in this notice may be directed to the designated Product Manager (PM), Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone at the numbers cited. Written comments should bear a notation indicating the number of the petition to which the comments pertain. Comments may be made at any time while a petition is pending before the Agency. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: August 2, 1976.

MARTIN H. ROGOFF,
Acting Director,
Registration Division.

[FR Doc.76-22970 Filed 8-5-76;8:45 am]

[FRL 596-2; OPP-50236/50237, 50238 50239]

CIBA-GEIGY CORP.

Issuance of Experimental Use Permits

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), experimental use permits have been issued to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 100-EUP-48. Ciba-Geigy Corporation, Greensboro, North Carolina 27409. This experimental use permit allows the use of 200 pounds of the insecticide 0-(5-chloro-1-[methylethyl]-1-*H*-1,2,4-triazol-3-yl) 0,0-diethyl phosphorothioate on turf to evaluate control of turf and lawn insects. A total of 25 acres is involved; the program is authorized in the 48 contiguous States and Hawaii and Puerto Rico. The experimental use permit is effective from July 1, 1976, to July 1, 1977.

No. 100-EUP-49. Ciba-Geigy Corporation, Greensboro, North Carolina 27409. This experimental use permit allows the use of 300 pounds of the insecticide 0-(5-chloro-1-[methylethyl]-1-*H*-1,2,4-triazol-3-yl) 0,0-diethyl phosphorothioate on turf to evaluate control of turf and lawn insects. A total of 38 acres is involved; the program is authorized in the 48 contiguous States and Hawaii and Puerto Rico. The experimental use permit is effective from July 1, 1976, to July 1, 1977.

No. 100-EUP-50. Ciba-Geigy Corporation, Greensboro, North Carolina 27409. This experimental use permit allows the use of 200 pounds of the insecticide 0-(5-chloro-1-[methylethyl]-1-*H*-1,2,4-triazol-3-yl) 0,0-diethyl phosphorothioate on turf to evaluate control of turf and lawn insects. A total of 25 acres is involved; the program is authorized in the 48 contiguous States and Hawaii and Puerto Rico. The experimental use permit is effective from July 1, 1976, to July 1, 1977.

No. 100-EUP-51. Ciba-Geigy Corporation, Greensboro, North Carolina 27409. This experimental use permit allows the use of 300 pounds of the insecticide 0-(5-chloro-1-[methylethyl]-1-*H*-1,2,4-triazol-3-yl) 0,0-diethyl phosphorothioate on turf to evaluate control of turf and lawn insects. A total of 38 acres is involved; the program is authorized in the 48 contiguous States and Hawaii and Puerto Rico. The experimental use permit is effective from July 1, 1976, to July 1, 1977. This permit and the ones above will use the same active ingredient, but different formulations.

Interested parties wishing to review the experimental use permits are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., SW., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permits may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: August 2, 1976.

MARTIN H. ROGOFF,
Acting Director,
Registration Division.

[FR Doc.76-22969 Filed 8-5-76;8:45 am]

[FRL 596-1; OPP-50231/50232]

ELANCO PRODUCTS CO. AND PENNWALT CORP.

Issuance of Experimental Use Permits

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), experimental use permits have been issued to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 1471-EUP-57. Elanco Products Company, Indianapolis, Indiana 46206. This experimental use permit allows the use of 545 pounds of the herbicide oryzalin on soybeans to evaluate broad spectrum weed control. A total of 530 acres is involved; the program is authorized only in the States of Alabama, Arkansas, Louisiana, Maryland, Mississippi, Missouri, Nebraska, North Carolina, Ohio, South Carolina, Tennessee, and Virginia. The experimental use permit is effective from June 17, 1976, to June 17, 1977. A permanent tolerance for residues of the active ingredient in or on soybeans has been established (40 CFR 180.304).

No. 4581-EUP-25. Pennwalt Corporation, Tacoma, Washington 98401. This experimental use permit allows the use of 991.2 pounds of the fungicide dimethyl[(1,2-phenylene) bis(iminocarbonothioyl)] bis[carbamate] on soybeans grown for planting seed only; none of the harvested soybeans will be used for feed or food purposes. A total of 1,416 acres is involved; the program is authorized only in the States of Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia. The experimental use permit is effective from June 17, 1976, to June 17, 1977.

Interested parties wishing to review the experimental use permits are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St. SW., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permits may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: August 2, 1976.

MARTIN H. ROGOFF,
Acting Director,
Registration Division.

[FR Doc.76-22968 Filed 8-5-76;8:45 am]

[FRL 594-1; PP6G1679/T73]

GLYPHOSATE

Establishment of a Temporary Tolerance

Monsanto Co., 800 N. Lindbergh Blvd., St. Louis MO 63116, has submitted a pesticide petition (PP 6G1679) to the Environmental Protection Agency (EPA). This petition requests that temporary tolerances be established for residues of the herbicide glyphosate (N-(phosphonomethyl)-glycine) and its metabolite aminomethylphosphonic acid in or on the raw agricultural commodity groups (cf. 40 CFR 180.34(f)) citrus fruits, cucurbits, forage grasses, forage legumes, fruiting vegetables, grain crops, leafy vegetables, nuts, pome fruits, root crop vegetables, seed and pod vegetables, small fruits, and stone fruits, the individual raw agricultural commodities avocados, cottonseed, and hops at 0.1 part per million (ppm) and in the liver and kidney of cattle, goats, hogs, horses, poultry, and sheep at 0.05 ppm. These residues may result from application of the herbicide to the banks of small water impoundments, irrigation ditch banks, and drainage ditch banks.

Establishment of these temporary tolerances will permit the marketing of the above raw agricultural commodities when treated in the manner described above in accordance with an experimental use permit that is being issued concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act.

An evaluation of the scientific data reported and other relevant material has shown that the requested tolerances are adequate to cover residues resulting from the proposed experimental use, and it has been determined that the temporary tolerances will protect the public health. The temporary tolerances are established for the pesticide, therefore, with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. Monsanto Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or em-

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ployee of the EPA or the Food and Drug Administration.

These temporary tolerances expire July 28, 1977. Residues not in excess of 0.1 ppm remaining in or on citrus fruits, cucurbits, forage grasses, forage legumes, fruiting vegetables, grain crops, leafy vegetables, nuts, pome fruits, root crop vegetables, seed and pod vegetables, small fruits, stone fruits, avocados, cottonseed, and hops, and 0.05 ppm in the liver and kidney of cattle, goats, hogs, horses, poultry, and sheep after this expiration date will not be considered to be actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerances. These temporary tolerances may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health.

(Sec. 408(j), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(j)))

Dated: July 28, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.76-22971 Filed 8-5-76;8:45 am]

[FRL 596-4; PP6G1728 T72]

METHAZOLE

Establishment of a Temporary Tolerance

Velsicol Chemical Co., 241 E. Ohio St., Chicago IL 60611, has submitted a pesticide petition (PP 6G1728) to the Environmental Protection Agency (EPA). This petition requests that a temporary tolerance be established for combined residues of the herbicide methazole [2-(3,4-dichlorophenyl)-4-methyl-1,2,4-oxadiazolidine-3,5-dione] and its metabolites, 1-(3,4-dichlorophenyl)-3-methylurea and 3,4-dichlorophenylurea in or on the raw agricultural commodity dry onions at 0.1 part per million (ppm).

Establishment of this temporary tolerance will permit the marketing of the above raw agricultural commodity when treated in accordance with an experimental use permit that is being issued concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act.

An evaluation of the scientific data reported and other relevant material has shown that the requested tolerance is adequate to cover residues resulting from the proposed experimental use, and it has been determined that the temporary tolerance will protect the public health. The temporary tolerance is established for the pesticide, therefore, with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. Velsicol Chemical Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires August 2, 1977. Residues not in excess of 0.1 ppm remaining in or on dry onions after this expiration date will not be considered to be actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerance. This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health.

(Sec. 408(j), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(j)))

Dated: August 2, 1976.

MARTIN H. ROGOFF,
Acting Director, Registration Division.

[FR Doc.76-22972 Filed 8-5-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 76-744; Docket No. 20682]

CHANGES IN ENTERTAINMENT FORMATS OF BROADCAST STATIONS

Development of Policy

Memorandum Opinion and Order re Inquiry [41 FR 22129].

1. The Commission has before it for consideration its Notice of inquiry in Docket No. 20682, 41 F.R. 2859, Jan. 20, 1976, 57 FCC 2d 580 (1976), concerning its policies and practices with respect to changes in the entertainment formats of broadcast stations. Also before the Commission for its consideration are the various comments and reply comments filed in response to the Notice of inquiry. These comments are summarized in Appendix A.

2. This Inquiry grows out of the opinion of the Court of Appeals, en banc, in *Citizens Committee to Save WEFM, Inc.* v. *FCC*, 506 F. 2d 246 (D.C. Cir. 1974), the latest in a line of cases[1] which hold that when an application for the sale of a radio station license is before the Commission, and in connection with that sale the purchaser intends to discontinue the station's existing entertainment format, if there has been expressed a significant amount of public protest to the effect that this change of format, if completed, would deprive the public of an entertainment format not otherwise available in the market, then the Commission must hold a hearing pursuant to section 309 of the Communications Act to determine whether the public interest would be served by a grant of the application. The Commission issued the Notice in this Docket to solicit public comments on the nature of the obligations imposed by these cases and whether the Commission could proceed to implement those obligations harmoniously with the Communications Act and the Constitution.[2]

3. We believe this important question must be examined within the framework of our basic legislative mandate. The Communications Act makes a fundamental distinction between common carrier and broadcast regulation, and, as the Court of Appeals has recognized, there is a degree of mutual exclusivity between them. See, *Hawaiian Telephone* v. *FCC*, 498 F. 2d 771 (D.C. Cir. 1974); Cf. *Federal Power Commission* v. *Texaco, Inc.*, 417 U.S. 380 (1975). Before the Communications Act was adopted, Congress debated carefully whether and to what extent the obligation of common carriage ought to be imposed on radio broadcast licensees.[3] It concluded, in the end, that the domains of radio broadcasting and common carriage ought to be kept distinct, and it enacted section 3(h) of the statute to express this conclusion. Section 3(h) reads: "'Common carrier' or 'carrier' means any person who is engaged as a common carrier for hire, in interstate or foreign communication by wire or radio or in interstate or foreign radio transmission of energy * * *; but a person engaged in radio broadcasting shall not, insofar as such person is so engaged, be deemed a common carrier."

4. Thus the Congress intentionally refrained from extending the full range of regulatory tools deemed appropriate for common carrier regulation to the field of broadcast regulation. While the Communications Act of 1934 created a public right to have access to any common carrier "* * * communications service upon reasonable request * * *", 47 U.S.C. 201(a), Congress expressly rejected proposals to establish an analogous public

[1] *Citizens Committee to Keep Progressive Rock* v. *FCC*, 478 F. 2d 926 (D.C. Cir. 1973); *Lakewood Broadcasting Service, Inc.* v. *FCC*, 478 F. 2d 919 (D.C. Cir. 1973); *Hartford Communications Committee* v. *FCC*, 467 F. 2d 408 (D.C. Cir. 1972); *Citizens Committee to Preserve the Present Programming of WONO (FM)* v. *FCC*, No. 71-1336 (D.C. Cir.) (Order, May 13, 1971); *Citizens Committee to Preserve the Voice of the Arts in Atlanta (WGKA-FM)* v. *FCC*, 436 F. 2d 263 (D.C. Cir. 1970).

[2] Several of the commenting parties, in addition to responding to the merits of this Inquiry, questioned the propriety if not the legality of conducting this proceeding at all. In the opinion of these parties, the opinion of the United States Court of Appeals in *Citizens Committee to Save WEFM, Inc.* v. *Federal Communications Commission*, 506 F.2d 246 (D.C. Cir. 1974), decides as a matter of law what policies may be pursued by this agency when a radio station seeks to modify an entertainment format despite wide-spread listener opposition to the proposed change. We reject this contention, for the reasons set forth in our Memorandum Opinion and Order of March 9, 1976, 58 FCC 2d 617 (1976).

[3] This background is set out in *Columbia Broadcasting System, Inc.* v. *Democratic National Committee*, 412 U.S. 94, 103-109 (1973).

right of access to the broadcast airwaves. Similarly, while the Act requires that common carriers receive Commission authority to commence or discontinue communications services, 47 U.S.C. 214, Congress did not enact an analogous requirement that broadcasters receive Commission authority to commence or discontinue programming, including program format services, offered to the public.

5. Notwithstanding this manifestation of Congressional intent, the Court of Appeals has in recent years attempted to impose various common carrier-like obligations on broadcast licensees, either by reading the Constitution to require it, or by interpreting the "public interest" language of the Communications Act to contain it. In *Business Executives Move for Vietnam Peace* v. *FCC*, 450 F.2d 642 (D.C. Cir. 1971), the Court held that a broadcast licensee's policy of refusing to accept any paid announcements concerning controversial matters of public importance violated both the public interest mandate of the Communications Act and the First Amendment. The Court rejected the proposition that the policies of broadcasters, as essentially private businesses, did not engage the obligations of "state action," and held that, since the station opened its doors to ordinary commercial messages, it could not be heard to assert that advertising, per se, was inherently disruptive of the proper functioning of the station. Having found the broadcasters' conduct to be constrained by the policies of the First Amendment, the Court of Appeals went on to hold that "The content of the idea which the excluded speakers wish to promote is—emphatically—*not* permitted as a distinguishing factor in itself." 450 F.2d at 600 (emphasis in original).

6. The Supreme Court, in reversing this decision, took account of Congress' manifest "desire to preserve values of private journalism under a regulatory scheme which would insure fulfillment of certain public obligations," *Columbia Broadcasting System, Inc.* v. *Democratic National Committee*, 412 U.S. 94, 109 (1973), and noted that "The judgment of the Legislative Branch cannot be ignored or undervalued simply because one segment of the broadcast constituency casts its claim under the umbrella of the First Amendment." 412 U.S. at 103.

7. The format change cases are closely related to the access issue presented in the CBS case. At issue in each situation is basically a conflict between the Commission and the Court of Appeals concerning the appropriate way to implement the policies of Congress under the Communications Act. As in the CBS case, the Court of Appeals here has sought to impose a common-carrier like obligation on radio broadcasters pursuant to its understanding of the public interest language—in this case, section 309—of the Communications Act. In *Michigan Consolidated Gas Co.* v. *Federal Power Commission*, 283 F. 2d 204, 214 (D.C. Cir. 1960), the Court of Appeals observed that a common carrier has "a special legal status and obligations * * * This includes an obligation, deeply embedded in law, to continue service." The Court of Appeals went on to note that abandonment of service could not be lightly granted: if the carrier "Wants to abandon service because it must now share [the] market, or because it prefers to use that gas for more profitable unregulated sales, or because it wants to be rid of what it considers a vexatious servitude, these are not reasons for granting its request. Abandonment may be allowed only if the 'public convenience or necessity' permit."

8. In contradistinction to the "obligation, deeply embedded in law, to continue service" which common carriers must bear, the Communications Act "recognizes that broadcasters are not common carriers and are not to be dealt with as such. Thus the Act recognizes that the field of broadcasting is one of free competition." *FCCS* v. *Sanders Brothers Radio Station*, 309 U.S. 470, 474 (1940). The Court goes on to explain:

> Congress intended to leave competition in the business of broadcasting where it found it, to permit a licensee who was not interfering electrically with other broadcasters to survive or succumb according to his ability to make his programs attractive to the public.

The implication of this holding for entertainment formats is not open to doubt: Broadcasters are to compete with one another, and they must necessarily do so in the domain of program formats, because there is virtually no other form that competition among broadcasters can take. It was through this regime of competition that Congress "aim[ed] * * * to secure the maximum benefits of radio to all the people of the United States." *National Broadcasting Co.* v. *United States*, 319 U.S. 190, 217 (1943).[4] The Court of Appeals all but concedes the inconsistency of its views with those expressed by the Supreme Court in Sanders Brothers by suggesting that more recent cases, such as *FCC* v. *RCA Communications Inc.*, 346 U.S. 86 (1953), or *Hawaiian Telephone Co.* v. *FCC*, 498 F. 2d 771, 776-777 (D.C. Cir. 1974), have placed in doubt the notion that competition was indeed Congress' plan for the broadcast industry under the Communications Act. But neither of these cases concerned the broadcasting industry. On the contrary, these are common carrier cases, whose relevance to the holding in Sanders Brothers is open to very serious question.

9. The record in this Docket bears out the factual correctness of the underlying legislative assumption of competition to which the Supreme Court in Sanders Brothers refers. The Commission's study of program diversity in major markets, whose findings are summarized in Appendix B, decisively shows how effective the tool of competition has been in carrying out Congress' plan for entertainment programming. We find that reliance on this tool will produce program diversity of a sort, and in a form, that equates both to the welfare of radio listeners and to the public interest generally. In addition, there exist practical considerations with constitutional overtones which supplement the issues of statutory interpretation in bringing us to the conclusion that we must refrain from the detailed supervision of entertainment formats which the Court of Appeals holds to be a part of the Commission's statutory responsibilities. These considerations are explained more fully herein.

10. The WEFM decision has far-reaching ramifications for our entire scheme of radio broadcast licensing. Although this case, like the other entertainment format cases which the Court of Appeals has seen, arose in the context of an application for assignment, section 309 deals not merely with transfers but, more broadly, with all written applications which it is the Commission's duty to grant or deny under Title III of the Act. The public interest finding that the Commission is required to make before granting an assignment application is in no respect different from the public interest finding that must be made before a renewal application may be granted; accordingly, nothing which the Commission is obliged to do in order to find that the public interest would be served by the grant of an assignment may properly be omitted in the much more common situation of an application for renewal.

11. The Commission's long and continuing reluctance to define and enforce the "public interest" in entertainment format preservation is based both on practical considerations and on our understanding of the structure and meaning of the Communications Act. The practical problems are simple to comprehend. To determine, in the context of a prospective format change, whether the public interest would be served by allowing it, we must ascertain: (1) What the station's existing format is; (2) whether there are any reasonable substitutes for that format in the station's market; (3) if there are not, whether the benefits accruing to the public from the format change outweigh the public detriment which the format abandonment would entail. Moreover, where a prospective purchaser alleged that its proposed new format would add as much program diversity to the communities in its service area as the abandonement of the old format would subtract, evidence would have to be heard on this issue as well.

12. In the renewal context, the Commission anticipates that the usual format abandonment protest would concern a fait accompli, i.e., would involve a complaint that a licensee, with an obligation to operate his station in the public interest, had deprived its service areas of

[4] The NBC case upheld the Commission's Chain Broadcasting regulations, the first in a series of regulatory efforts to preserve licensee discretion over program material and foster competition in local markets. In upholding the Prime Time Access Rule, a direct descendant of the Chain Broadcasting rules, the Second Circuit noted: "It is clear that the Nation's policy favoring competition is one which the FCC must incorporate in regulating the broadcast media." *National Association of Independent Television Producers and Distributors* v. *FCC*, 502 F. 2d 249, 256 (2d Cir. 1974).

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a unique format during the previous license term, for which, accordingly, a sanction would in principle lie. The Commission could then well be obliged to designate a hearing on the renewal, similar to that described in paragraph 11, supra, but more complex also, because it might include the question whether a format change had in fact actually occurred.

13. This last question present an acute practical problem stressed in a number of the comments. How is the Commission to define what constitutes a particular entertainment format, and what demarks it from neighboring formats? The Court of Appeals has made it clear that it, for one, will not be satisfied by any Commission attempt to define formats broadly. Hence, "popular music" is not a sufficiently diacritical category to meet the Court of Appeals' conception of our public interest mandate; nor even, we infer, would be "rock music" or "classical music." Instead, the Commission is required to distinguish progressive rock music from the other species of the rock genre, *Citizens Committee to Keep Progressive Rock* v. *FCC*, 478 F.2d 926 (D.C. Cir. 1973); likewise, as the Court of Appeals suggests in the WEFM opinion, we may be obliged to distinguish between 19th Century and 20th Century classical music, 506 F.2d at 264 n.28, and to make, in the context of an application for renewal, very real consequences turn on such distinctions.

14. In practical terms, "format" means program material. As Commissioner Robinson has put it: "What makes one format unique makes all formats unique • • •. Questions of pacing and style, the personalities of on-the-air talent (both individually and in combination with one another) all contribute to those fugitive values that radio people call a station's 'sound' and that citizens' groups (and, alas, appellat judges) call format." 57 FCC 2d 580, 594, 595 (1976) (concurring statement).

15. The elusiveness of a format's definition has a practical consequence in addition to a vagueness that makes it impossible for a broadcaster to know prospectively what sort of entertainment programming the public interest standard requires it to present. The same uncertainty that plagues the licensee's decisionmaking in the first instance will plague our review of the licensee's discretion. The Commission does not know, as a matter of indwelling administrative expertise, whether a particular format is "unique" or, indeed, assuming that it is, whether it has been deviated from by a licensee. Furthermore, we have not been afforded any degree of latitude in summarily deciding whether the station's finances are probative of an untenable format, even assuming it to be unique.[6] Accordingly, the Commission would be obliged in the typical case to hold a hearing on renewal.

16. The evidence on this record supports the conclusion that the marketplace is the best way to allocate entertainment formats in radio, whether the hoped for result is expressed in First Amendment terms (i.e., promoting the greatest diversity of listening choices for the public) on in economic terms (i.e., maximizing the welfare of consumers of radio programs). The market allocation method is not, however, perfect. See Appendix B. We recognize that the market for radio advertisers is not a completely faithful mirror of the listening preferences of the public at large. But we are not required to measure any system of allocation against the standard of perfection; we find on the basis of the record before us that it is the best available means of producing the diversity to which the public is entitled. Appendix 2 of the filing of the National Association of Broadcasters, a description for the advertising trade of the radio stations in the New York and Washington, D.C. markets, shows that in large markets, with many aural services and intense competition, there appears an almost bewildering array of diversity. In New York, the menu includes all-news, classical music, rhythm and blues, Jewish ethnic, Greek ethnic, Spanish, country, modern country, country and gospel, talk, easy listening, middle of the road, show tunes, beautiful music, popular standard, and one which calls itself "mellow." How these various program themes differ from one another, and how each is faithful to its own conception, are questions we need not reach to observe the variety of choices available to radio listeners in the New York market.

17. Format allocation by market forces rather than by fiat has another advantage as well. It enables consumers to give a rough expression of whether their preference for diversity within a given format outweighs the desire for diversity among different formats. As Commissioner Robinson has observed, "with respect to formats which objectively seem identical, people—radio listeners—can and do make distinctions. For example, in most large markets there are a number of • • • formats which seem identical on any objective or quantifiable basis; yet they are far from interchangeable to their respective audiences. Indeed, if people did not distinguish among these stations, there would be no reason for them to co-exist—and little economic likelihood that they would." 57 F.C.C. 2d 580, 594–595 (1976).

18. A recent staff study of audience ratings for major market radio stations lends further credence to this observation. The results of that investigation indicate that audience ratings for major market radio stations tend to differ nearly as much for stations programming similar types of music (e.g., middle of the road) as they do for stations programming markedly different types (e.g., progressive rock as opposed to classical). This finding strongly indicates that audiences carefully discriminate in selecting stations. Given this situation, Professor Bruce Owen of Stanford University has demonstrated that maximization of format diversity will not necessarily lead to increased listener satisfaction.[7] Indeed, Professor Owen shows that efforts to maximize format diversity through regulatory fiat could very well result in a diminution of consumer welfare: a format protected under the WEFM rationale may be of lesser value than the format which the broadcaster proposes to substitute. There is no way to determine the relative values of two different types of programming in the abstract. This is a practical, empirical question, whose answer turns on the intensity of demand for each format. It is impossible to determine whether consumers would be better off with an entirely new format without reference to the actual preferences of real people. In these circumstances, there is no reason to believe that government mandated restrictions on format changes would promote the welfare of the listening public. Indeed, in view of the administrative costs involved in such a program of regulation, and in view of the chilling effect such regulations would doubtlessly have on program innovation, there is every reason to believe that government supervision of formats would be injurious to the public interest. The record in this proceeding clearly points to the conclusion that such a program of regulation would not be compatible with our statutory duty to promote the public convenience, interests and necessity, and we so find.

19. Finally, allocating entertainment formats by market forces has a precious element of flexibility which no system of regulatory supervision could possibly approximate. In our society, public tastes are subject to rapid change. The people are entitled to expect that the broadcast industry will respond to these changing tastes—and the changing needs and aspirations which they mirror—without having to endure the delay and inconvenience that would be inevitable if permission to change had to be sought from a government agency,[8] particularly after a full-scale evidentiary hearing. In this respect, it may not be widely appreciated what, precisely, is entailed in a hearing of the sort contemplated by Section 309 of our statute. It is not a brief or summary affair, but large-scale litigation which imposes enormous costs on the participants and the Commission alike. We do not know with any certainty the magnitude of the burdens imposed on broadcast licensees by hearing procedures of the sort contemplated by the Court of Appeals in WEFM, but it may be instructive to consider the costs to the Commission of the WEFM case, hearings on which have been proceeding pursuant to the Court's mandate on remand. The WEFM hearings may be considered fairly typical of format abandonment hearings; the administrative law judge is required to consider, basically, the issues mentioned in paragraph 11, supra, as well as a financial issue (see footnote 3, supra) and a misrepresentation issue. The ordinary case would generally be similar in complexity. And in this case, an administrative law judge held two prehearing conferences in Washington, D.C.; his preparation time was an additional eight hours. In addition, the Broadcast Bureau trial staff spent above two hundred man-hours of preparation time. Subsequently, hearings were held on nine separate dates in Washington, D.C., and on nine different dates in Chicago, from which a transcript of 3120 pages was compiled. Following the hearings, the Broadcast Bureau spent two hundred and forty hours preparing proposed findings of fact and the administrative law judge will have spent approximately two hundred and eighty hours preparing his initial decision. As Chairman Wiley has observed, "[e]ven after all relevant facts have been fully explored in an evidentiary hearing, we would have no assurance that a decision finally reached by our agency would contribute more to listener satisfaction than the result favored by station management." 57 FCC 2d 580, 586 (1976).

20. These costs, and the uncertainties that impose them, have a constitutional dimension as well. Under the threat of a hearing that could cost tens or hundreds of thousands of dollars, many licensees might consider the risks of undertaking innovative or novel programming altogether unacceptable. Several commenting parties mentioned this effect, and we regard it as of great importance. The existence of the obligation to continue service, we find, inevitably deprives the public of the best efforts of the broadcast industry and results in an inhibition of constitutionally protected forms of communication with no off-setting justifications, either in terms of specific First Amendment or diversity-related values or in broader public interest terms.

21. The administrative process "combines judicial supervision with a salutory principle of judicial restraint, an awareness that agencies and courts together constitute a 'partnership' in furtherance of the public interest, and are collaborative instrumentalities of justice." *Greater Boston Television Corp.* v. *FCC*, 444 F. 2d 841, 851–52 (D.C. Cir. 1970). When such "partners" come to a point of fundamental disagreement, it is incumbent upon us to take a step back and rethink our entire position if this relationship is to be creative rather than destructive. This Docket is the occasion for the Commission to reconsider its policy on entertainment formats. We view the matter as one wtih very serious implications for the structure of the broadcasting industry, the administration of the Communications Act, and the meaning of the First Amendment. Our reflection, aided by extensive public comment on virtually every aspect of this matter, has fortified our conviction that our regulation of entertainment formats as an aspect of the public interest would produce an unnecessary and menacing entanglement in matters that Congress meant to leave to private discretion. Also, this entanglement would certainly result from the Commission placing restrictions on the entertainment programming that a broadcaster could offer, because "a comprehensive, discriminating, and continuing state surveillance will inevitably be required to ensure that these restrictions are obeyed." *Lemon* v. *Kurtzman*, 401 U.S. 602, 619–20 (1971). See also *Columbia Broadcasting System, Inc.* v. *Democratic National Committee*, 412 U.S. 94, 126–27 (1973). Any such regulatory scheme would be flatly inconsistent with our understanding of congressional policy as manifested in the Communications Act, contraproductive in terms of maximizing the welfare of the radio-listening public, administratively a fearful and comprehensive nightmare, and unconstitutional as impermissibly chilling innovation and experimentation in radio programming." We are, of course, cognizant of our responsibility to implement the Court's mandate in the WEFM decision, 47 U.S.C. 403(h), and to that end a hearing on the WEFM assignment has been substantially completed. See Docket 20581, 40 FR 39549 (1975). Thus our statement here should not be viewed as a prejudgment of that proceeding, but rather as an expression of what, upon further serious reflection, we view to be an extremely unwise policy in which we and the Court have both become entangled. To emphasize our concern that the views we have set forth here will not be misinterpreted, the implementation of our new policy will be stayed for sixty days, and, if a petition for review is filed, until judicial review of this Order has been completed.

22. For the foregoing reasons, *it is ordered*, That, the policy set forth above is adopted effective 60 days from the release date of this Order or, if any party seeks judicial review of this Order, upon final disposition of any such review proceeding.

Adopted: July 28, 1976.

Released: July 30, 1976.

FEDERAL COMMUNICATIONS COMMISSION,[9]
VINCENT J. MULLINS,
Secretary

APPENDIX A—SUMMARY OF COMMENTS

1. The Commission received a variety of comments in response to its Notice of Inquiry in Docket 20682 from both broadcasters and several citizen and public interest groups, students and other interested parties.[1] Not surprisingly, given the background of this proceeding, all broadcasters' comments were critical of any attempt by the Commission to regulate the content of broadcast entertainment programming, while citizen and public interest group comments solidly favored Commission intervention in station entertainment format selection. The comments of other interested parties were divided on the question. The arguments for and against Commission regulation of broadcast station entertainment formats centered generally around the Commission's authority and responsibility under the First Amendment, and the statutory guidelines and dictates of the Communications Act of 1934, as amended. This breakdown corresponds to the two important questions we raised in the Notice and the comments may appropriately be discussed in terms of these two considerations.

THE CONSTITUTION

2. Critics and supporters of Commission regulation of entertainment formats agree that the First Amendment applies to broadcasting, *Associated Press* v. *United States*, 326 U.S. 1 (1944); *United States* v. *Paramount Pictures*, 334 U.S. 131 (1948), and that entertainment and music are included within the basic First Amendment protections, *Winters* v. *New York*, 333 U.S. 507 (1948). This, however, is the extent of agreement. Those who urge Commission regulation of entertainment formats on First Amendment grounds cite the following language in *Red Lion Broadcasting Co.* v. *FCC*, 395 U.S. 367

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[6] In WEFM the Court was careful to note that the relevant financial inquiry was not whether the station had been financially profitable during the tenure of a particular format, because financial losses could proceed from a variety of causes (argued the Court) completely unrelated to the station's program menu. Rather, the relevant inquiry is whether the format might have been viable, 506 F.2d at 265–66. This is, we observe, an almost fantastically speculative point for inquiry, and one not subject to very satisfactory—and certainly not to incontestable—proof.

[7] See Comments of National Association of Broadcasters, Appendix 1.

[8] *National Broadcasting Co.* v. *FCC*, 516 F. 2d 1101, 1133 (D.C. Cir. 1974) (opinion of Leventhal, J.), *vacated*, 516 F. 2d 1180 (D.C. Cir. 1975, cert. denied sub nom. *Accuracy in Media, Inc.* v. *National Broadcasting Co.*, 96 S. Ct. 1105 (1976).

[9] Dissenting statement by Commissioner Hooks and Separate Statement by Commissioner Robinson filed as part of the original document.

[1] A list of parties filing comments is appended to this summary. The National Organization of Women (NOW), who filed the most comprehensive constitutional argument in favor of regulation, states that this holding encompasses five existing elements within the fundamental First Amendment rights of listeners, to wit: (1) the right to receive ideas and information, (2) the right to diverse and antagonistic ideas, (3) the right of minority audiences to be protected by the FCC, (4) the right to be free from monopolistic domination of information sources, and (5) the right to pick and choose from competing entertainment formats and viewpoints. NOW believes that the public has a compelling First Amendment right to hear programming at its first preference level and that broadcasters' "somewhat undefined First Amendment rights" are subservient to the above enumerated rights of listeners.

[8] The Commission has indicated that it would take an extra hard look at the reasonableness of any proposal that would deprive a community of its only source of a particular type of programming. Zenith Radio Corporation, 40 FCC 2d at 231. Having given the entire matter further study, however, we have concluded that such a position is neither administratively tenable nor necessary in the public interest. Rather, as discussed herein, we believe that the market is the allocation mechanism of preference for entertainment formats, and that Commission supervision in this area will not be conducive either to producing program diversity nor satisfied radio listeners.

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(1969) (Red Lion), as primary support for that position:

It is the right of the viewers and listeners, not the right of the broadcasters, which is paramount. . . . It is the purpose of the First Amendment to preserve an uninhibited marketplace of ideas in which truth will ultimately prevail, rather than to countenance monopolization of that market, whether it be by the government itself or a private licensee. . . . It is the right of the public to receive suitable access to social, political, esthetic, moral and other ideas and experiences which is crucial here. Red Lion, *supra*, 395 U.S. at 390.

3. Opponents of Commission format regulation argue that the American system of broadcasting has, from the beginning, been founded on the principle that decisions regarding program content should be left to station licensees and that the application of First Amendment guarantees to broadcasters protects and gives life to this principle. Although the broadcast medium presents special circumstances, such as the scarcity of frequency space, which permit certain forms of regulation that would not otherwise be constitutionally permissible, broadcasters unanimously agree that neither Red Lion nor any other constitutional argument can support the type of program regulation suggested by the Court of Appeals in *Citizens Committee to Save WEFM* v. *FCC*, 506 F. 2d 246 (D.C. Cir. 1974) (WEFM). Since it is the Red Lion decision which provides much of the support for those who desire Commission regulation of formats on constitutional grounds, many broadcasters attempt to distinguish this case. The comments on Red Lion range from a charge of "constitutional misinterpretation" (National Association of Broadcasters, NAB), to "a shift in the First Amendment's traditional focus" (Cornhusker Television Corporation, et al., hereinafter "Cornhusker"). It is argued by the National Radio Broadcasters Association (NRBA) that the decision in Red Lion was based on the Court's conclusion that the Fairness Doctrine, while departing from the letter of preexisting First Amendment law, served the historical purpose of the Amendment to promote free and wide-ranging debate on public issues. This result is consistent, says NRBA, with constitutional decisions which permit the government to regulate the content of speech where such content regulation has a minimal impact on communication of ideas and is necessary to achieve a governmental interest of very great importance. NRBA makes the argument that access to different forms of entertainment formats is less compelling in constitutional importance than access to free debate on public issues and that the impact of format regulation on speech content would be far greater and more direct than that of the Fairness Doctrine. Cornhusker argues in its Comments that Red Lion's treatment of the Fairness Doctrine and personal attack rules was based on the long series of FCC rulings in the area, and reliance on Congressional approval of the Fairness Doctrine found in the legislative history of section 315 of the Communications Act. Cornhusker states that the decision dealt with questions concerning broadcaster obligations to present important public questions fairly and without bias, and notes that the Court strongly intimated that other questions related to the Commission's attempted oversight of program content would raise more serious First Amendment issues. Red Lion, supra at 396. Accordingly, it is asserted that Red Lion's doctrine is not a broad mandate that applies with equal force to the wide range of broadcaster program discretion, including format selection. Broadcasters further argue that the subsequent Supreme Court decisions in *Miami Herald Publishing Co.* v. *Tornillo*, 418 U.S. 241 (1974) and *Columbia Broadcasting System, Inc.* v. *Democratic National Committee*, 412 U.S. 94 (1973), have somewhat diluted the far reaching constitutional implications of Red Lion. Especially significant in this regard is the language in DNC, reaffirming the journalistic rights of broadcasters. NOW, on the other hand, finds distinctions in these decisions which make them inapplicable to the central issue under consideration herein.

4. Other constitutional theories were advanced in the comments by those parties who object to Commission regulation of entertainment formats. One of these, asserted by the National Broadcasting Company and many others, is that any attempt by the Commission to develop standards or guidelines to be applied in format regulation would be so vague as to be void under constitutional doctrine. This is so allegedly because broadcast formats contain many components, *i.e.*, music type, music selection and placement, announcers, personalities, number and quality of commercials, specialty features, news scheduling; and a change in any one or combination of such components could constitute a change in a station's program format. Another theory argued is that the action of forbidding the broadcast of a particular format would be an unconstitutional prior restraint of free speech. The NAB claims that governmental application of a prior restraint bears a heavy presumption against validity, requiring for its justification compelling circumstance and procedural safeguards rarely demonstrated to the satisfaction of courts where protected speech is involved. Cornhusker advances yet another constitutional argument, that of the First Amendment doctrine of "Less Drastic Means." This doctrine, according to Cornhusker, limits congressional power to enforce requirements that impinge upon free speech activities and is described as follows:

In a series of decisions (the Supreme Court) has held that, even though the governmental purpose be legitimate and substantial, that purpose cannot be pursued by means that broadly stifle governmental personal liberties when the end can be more narrowly achieved. The breadth of legislative abridgement must be viewed in the light of less drastic means for achieving the same basic purpose.

Shelton v. *Tucker*, 364 U.S. 479, 488 (1960).

Under this doctrine, to vindicate the WEFM requirement for Commission involvement in format selection, Cornhusker argues that if must be shown that the rights of listeners and viewers are unconstitutionally infringed without detailed oversight. It would have to be shown that a monopoly of the otherwise "uninhibited marketplace of ideas" prevail absent detailed FCC program scrutiny. Such a showing, Cornhusker alleges, is virtually impossible. There are "less drastic means" already available for program diversity: the combination of the commercial marketplace,[3] community ascertainment duties; and noncommercial educational radio and television to respond to programming incentives other than those of the commercial marketplace.

5. A recurring theme running through much of the broadcaster comments in the constitutional area is the recognition that the Commission does have the authority to exercise its powers in a way that affects the content of broadcast programming, but that in no instance has this authority been interpreted, by the Commission or the courts, to allow the Commission to override a licensee's discretion as to one type of legally permissible programming and order that a specific type of programming content either be retained, or if it has been removed, reinstated. Moreover, the NAB notes that although some limited FCC instrusions into programming have been approved by the courts,[4] and that other decisions have upheld the Commission's refusal to intrude,[4] no court decisions have compelled the FCC to invade the area of licensee discretion except those dealing with format change. It is argued that such direct and affirmative intervention in broadcast station programming is violative of First Amendment principles. Proponents of Commission intervention, however, argue that intrusion into entertainment format selection is no different, or not radically different, in terms of content control, from the non-entertainment areas where the Commission has intervened in the past, i.e., Fairness Doctrine, political broadcasting, obscenity. Moreover, NOW argues that the Commission already has taken an affirmative role in monitoring and reviewing entertainment programming. Examples of such activity are identified as: (1) the Commission's Prime Time Access Rule which prohibits the use of certain types of feature films and network programs during specific time periods; (2) the comparison of entertainment programming when a "specialized-service" station is competing with a "general-service" station for a license, Policy Statement on Comparative Hearings, 1 FCC 2d 393, 397 (1965); and (3) the examination of program policies and proposals if there are significant differences in the program plans of comparative license applicants. Id at 398. Opponents, however, raise several points in distinguishing Commission involvement in non-entertainment programming. Evening Star states that because of the vital role non-entertainment programs play in informing the public or current news and public affairs, there is a clear and logical public interest in the Commission taking a role in ensuring that such programming addresses the needs and problems of the community of each licensee. Entertainment programming, on the other hand, does not assume the same importance to community needs. Moreover, news and public affairs are not matters of public taste or preference, but rather are of universal interest and concern to the public. Rollins Broadcasting of Delaware, Inc., claims that the "scarcity of frequencies" argument used in Red Lion to support, in part, the need for "government imposed" diversity of viewpoints on controversial issue programming is inapplicable to entertainment programming. This is so because radio station entertainment is basically music provided by records, tapes, and cassettes, each of which is easily available to the public. WNCN Listeners Guild (WNCN) criticizes this reasoning, claiming that reliance on non-radio alternatves would mean that the airwaves no longer belong to the listeners. The NAB claims that the Commission's differing treatment of non-entertainment programming reflects Commission recognition that a station's entertainment format is its primary means of competition, and that competition alone would not result in sufficient news and public affairs programming.

[3] It is repeatedly alleged in the comments that the present commercial marketplace provides a wide, albeit not perfect, diversity of formats.

[4] E.g., Red Lion, supra, 395 U.S. 367; *National Broadcasting Company* v. *FCC*, 319 U.S. 190 (1943); *National Association of Independent Television Producers and Distributors* v. *F.C.C.* 516 F.2d 526 (2nd Cir. 1975).

[4] E.g., DNC, supra, 412 U.S. 94; *Public Interest Research Group* v. *FCC*, 522 F.2d 1060 (1st Cir. 1975).

STATUTORY

6. The comments filed by supporters of format regulation advance little statutory basis for their position other than the general directive of Congress that the Commission regulate in the public interest. It is upon the public benefit that such regulation would allegedly promote, though, that supportera primarily base their case. This benefit is asserted to be a greater diversity of entertainment formats in individual markets, thereby satisfying the programming tastes of more individuals than achieved by non-regulation, *i.e.*, the competitive marketplace. The premise that the widest diversity in entertainment formats satisfies the widest number of listeners, thus promoting the public interest, is not only the belief of format regulation supporters; but also the motivation of the Court of Appeals in directing the Commission to regulate formats to "(secure) the maximum benefits of radio to all the people of the United States." WEFM, supra at 268. Critics of entertainment format regulation not only challenge this premise, but claim that such regulation is contrary to the Act.

7. In commenting upon the Commission's responsibility and authority under the Act, many critics of Commission regulation looked for guidance to the legislative intent of Congress. It is argued that examination of the statute itself, together with previous court interpretation, clearly demonstrates no congressional intent for the Commission to become involved in entertainment format regulation. Metromedia and Doubleday Broadcasting Company, Inc. suggest that Congress' inclusion of section 326 in the Act proscribing censorship is virtually dispositive of the question. Other comments take a less truncated view, but claim that Congress' intent is clear from other indications. For example, although the Supreme Court, as noted in WEFM, has declared that "the avowed aim of the Communications Act of 1934 was to secure the maximum benefits of radio to all the people of the United States," there is no mention in the Act of formats, the nature of format diversity or the way in which such diversity is to be determined. In this connection, it should also be noted that no provision of the Act expressly grants the Commission even so much as general supervisory authority over programming content. Another indication of Congress' alleged intent to preclude the Commission from regulating program content was its desire to create a broadcasting system based on competition. Format regulation opponents claim the WEFM court's statement that "there is no longer room for doubt that, if the FCC is to pursue the public interest, it may not be able at the same time to pursue a policy of free competition" is inconsistent with the intent expressed in the Act and prior judicial interpretation. Congress' intent to create a competitive broadcasting system is said to be evident from its explicit rejection of broadcasters as common carriers (47 U.S.C. 3(h)). Additionally, the Supreme Court recognized this intent of Congress in *FCC* v. *Sanders Brothers Radio Station*, 309 U.S. 470 (1940), when it stated:

Congress intended to leave competition in the business of broadcasting where it found it, to permit a licensee who was not interfering electrically with other broadcasters to survive or succumb according to his ability to make his programs attractive to the public. Id, at 475.

Also cited is the D.C. Circuit's language in *National Association of Theatre Owners* v. *FCC*, 420 F. 2d 194 (D.C. Cir, 1969), cert. denied, 397 U.S. 922 (1970), stating:

• • • Congress apparently believed that once the clear dangers of combinations in restraint of trade were removed, competition among those providing broadcasting services in a given area would best protect the public interest. Id, at 203.

Since format is all a broadcast station has to compete with, it is argued that government dictation of format content will destroy competitive broadcasting.

8. The NAB strongly argues that the intent of Congress is further demonstrated by its inclusion in the Act of section 310(d). This section basically declares that, in passing upon assignment and transfer applications, the Commission may only consider the qualifications of the applicant before it, rather than determining whether some other applicant may be better qualified. The NAB cites several passages from the section 310(d) legislative history, and contends that said language clearly indicates the section was intended to prohibit not only comparisons between the proposed purchaser of a broadcast station and some third party, but comparisons between the qualifications of the seller and the purchaser as well. The NAB notes that in Wichita-Hutchinson Co., 20 FCC 2d 584 (1969), the Commission held that section 310(d) did permit comparisons between a seller and buyer, but maintains that such a holding is in error and should be reversed. Accordingly, the NAB concludes that the Commission is precluded from determining whether a proposed licensee's program format serves the public interest as well, or better than, an existing licensee's program format and that this section cannot serve as a basis for format consideration. NOW disagrees with this interpretation of section 310(d), claiming that the clear language of the statute only prohibits comparing the programming of a seller to the programming of any individual other than the proposed purchaser; and that the statute certainly cannot be read to prohibit the Commission from considering format changes.

9. Where the differences between proponents and opponents of Commission format regulation sharply come into focus is over the question of the extent to which such regulation will "serve the public interest." Proponents contend that the increasing number of protests against proposed format changes demonstrates that programming diversity in many markets is not as broad as it should be. WNCN alleges that broadcast licensees, rather than providing diversity, are moving more and more toward a bland uniformity of programming. This belief is based, in part, on the claimed increasing trend toward syndicated radio programming and the effects of a broadcast marketplace controlled by advertising rating systems. Opponents, on the other hand, argue that the present system of leaving the choice of program format to the discretion of the licensee has produced an extremely diverse, although not perfect, selection of programming, and any attempt by the government to intervene in this process would have severe adverse public interest consequences. In support of this assertion, ABC submitted a report prepared by Robert E. Henabery (hereinafter referred to as the Henabery Report), a consultant on radio positioning, programming and operations and a specialist in new radio format development. The Henabery Report states that broadcast programming, determined by competition, has produced a wide diversity in formats, particularly in the last decade. It is claimed that in the last decade, radio stations have gone from general service programming, i.e., all things for all people, to specialized programming, i.e., one particular program spread throughout the broadcast day. This transition has caused broadcasters to develop programming designed to appeal to specific categories of listeners, spurring a diversity in broadcast fare. In further support of the diversity achieved by operation of the marketplace, the Henabery Report submits the results of a study coonducted in Washington, D.C. and Tulsa, Oklahoma. The report concludes that Washington, D.C. is a highly specialized and, because of its particular ethnic and cultural life, individualized radio market. Tulsa, a smaller market, is beginning to take on more specialization than ever before. The report also concludes that "the greater the number of stations the greater the specialization". The NAB, in Appendix 2 to its Comments, submits a breakdown of format content in New York City and Washington, D.C., and asserts that these formats cater to almost every conceivable taste. Another oft repeated negative public interest result of regulation is that licensees forced to operate with only marginally profitable stations will economize on news, public affairs and other forms of non-entertainment programming.

10. Another basic area of disagreement between regulation critics and supporters is the role competition plays in creating program content diversity. In the competitive marketplace, NOW claims that the factor motivating broadcast programming is a desire to maximize profits through advertising revenue; and in seeking this end, broadcasters rely on the "demographics," rather than the "size," of a particular audience in choosing a program format. NOW states that the concept behind "demographics" is that there are certain audience groups which advertisers desire to reach because these groups are the most likely to spend money for the advertisers' products. It is crucial to the advertiser that the commercial reach as many people as possible who are likely to buy the product, but it is not crucial that the advertisement reach the maximum number of listeners because the advertiser has little interest in reaching individuals unlikely to purchase the product. Accordingly, broadcasters will appeal, through their entertainment programming, to the particular audience that will enable them to maximize advertising revenues. At the same time, broadcasters will shirk program formats which appeal to those audience groups whom advertisers do not wish to reach. Thus, listeners will not receive the type of programming they prefer unless the listener happens to belong to a "demographically" desirable group.

11. Broadcasters basically contend that the forces of competition create a wide diversity of program formats, some of which serve minority tastes, since all stations cannot utilize the same general format and economically survive. If there are 20 stations in the market, the point is very quickly reached where a minority-taste audience would be larger than a station's probable share of a majoritarian-taste audience. Thus, where there are many stations in the market, as there are in most urban markets, minority tastes will be served through the normal market mechanism. There is no dispute that broadcasters program to meet the tastes of particular demographic groups. It is claimed, though, that there is no evidence that radio advertisers, as a group, favor any particular demographic segment of the audience to the exclusion of others. (See Appendix 4, NAB Comments—Analysis of Requests From National Radio Advertisers.) NOW questions the validity of this explanation of marketplace behavior, arguing that the demographics of certain minority taste audiences may not be desired by advertisers. Under these circumstances, no programming will be directed to those minority tastes and the listeners in such groups will be deprived of the benefits of radio at their first preference level. WNCN rejects the Commission's position that regulation may not produce better results in the marketplace than competition, and opines that it could do no worse.

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12. Regulation critics further allege that government regulation of formats will stifle innovation and experimentation in broadcast programming; resuting in less, not more, diversity. It is claimed that broadcasters will hesitate to try new programming if they fear being compelled to continue it against their better judgment. Comments from some parties indicate that such reluctance to experiment or change formats has already occured since the Court's and Commission's recent treatment of "format cases" (Henabery Report, p. 39; Doubleday Broadcasting Company, Inc.) WNCN claims this is a faulty "assumption," and asserts that until a careful and unbiased study of all format changes in major markets over a meaningful period of time is conducted neither it nor the Commission will know for sure whether this assumption is correct.

13. Another common argument against regulation is that it would result in an admintrative quagmire and extensive oversight. The principle problem in any scheme of format regulation is alleged to be the categorization of programming content. As noted above in this summary, it is claimed that a broadcast station's program format consists of many components, of which entertainment is only one, and that in this sense, all formats are "unique." The components of a radio format are described in the Henabery Report as material, structure and style. Material being what is broadcast by the station, i.e., music, personality coments, news, interviews, contests, weather and traffic bulletins, etc.; structure being the length of the material and its position in the hour relative to other material; and style being the personality of the material and the overall personality of the structure which houses the material, i.e., tempo and familiarity of songs, the mixing of the music, use of logos and jingles, tone of the newscaster. Alteration of any of these elements could produce either a format modification or a format change and, according to Henabery, the line between the two is often difficult to draw. A further problem in categorizing formats is the repeated contention in the comments that the same format may be perceived differently by different people. This conclusion was reached by Entertainment Response Analysts, a broadcast programming research company, after conducting tests on individuals who were exposed to programming believed by the testers to be extremely similar (see Metromedia Comments, Attachment 5). The regulation of formats would also have the Commission examining the day-to-day programming decisions of broadcasters on a constant basis to determine programming shifts; a task alleged to be an administrative nightmare. In addition to these practical problems of regulation, broadcasters question the fairness of regulations which would saddle one broadcaster with only a marginally profitable format, while others who declined to innovate were rewarded with profitable operations. Another question raised is why should the Commission favor one minority taste over another simply because one was tried and one was not. A survey could very well show that an untried format had more of a demand than a tried one that is "unique" and changing. WNCN claims, however, that the regulation required by the WEFM decision is hardly so pervasive as that in other areas, such as obscentity, prime time access, and family viewing. WNCN asserts that "to say adjudication of listeners' challenges to the loss of unique formats constitutes pervasive regulation of licensee speech is like saying that the availability of courts for libel actions involves pervasive regulation of speech and press—neither is true, both are absurd."

14. Finally, it is argued by several opponents of format, regulation that the WEFM decision, and the argument of regulation supporters, is based on the questionable assumption that the public interest is furthered by the greatest diversity in program formats. It is the opinion of Mr. Bruce M. Owen, an assistant professor of economics at Stanford University (see NAB comments, Appendix 1), that there is no necessary relation between diversity and consumer satisfaction. This conclusion is premised on the basis that consumers can and do have preferences among stations with similar formats. It could well be that the addition of a format already in a community would be more efficient in terms of consumer satisfaction.

PARTIES FILING COMMENTS AND REPLY COMMENTS

Alpha Epsilon Rho National Honorary Broadcasting Society (Central Michigan University Chapter)
American Broadcasting Company, Inc.
American Women in Radio and Television, Inc.
Annapolis Broadcasting Corporation
Beiden, E. S.
Belo Broadcasting Corporation
Bloomington Broadcasting Corporation
Broadcast Interest Group
Colorado Broadcasters Association
Columbia Broadcasting System
Communico Broadcasting
Conroy, Tamara B.
Coulborn, Lewis R.
Doubleday Broadcasting Company, Inc.
Dow, Lohnes & Albertson on behalf of Cornhusker Television Corporation and 17 Other Licensees
Dzurick, David
Earnest, David
The Evening Star Broadcasting Company
GCC Communications of Chicago, Inc.
Gsell, Charles
KBOA, Inc.
KEZY Radio, Inc.
KMAM/KMOE-FM Radio
Mazzella, Dr. Anthony J.
Merrill, Charles E.
Metromedia, Inc.
Moore, Barbara
National Association of Broadcasters
National Broadcasting Company, Inc.
National Organization of Women
National Radio Broadcasters Association
Nebraska Broadcasters Association
Nichols, Stephen
960 Radio, Inc.
Normandy Broadcasting Corporation
O'Malley-Kieffer Communications Company
Papp, Laszlo
Pennsylvania Association of Broadcasters
Powell, Richrd E.
RKO General, Inc.
Rollins Broadcasting of Delaware, Inc.
Rounsaville, Robert W.
Ryan, Regina
Scripps-Howard Broadcasting Company
Shutkin, Thomas
Turner Communications Corporation
Voorhees, John
Wallace, Robert Pope
WEBC, Inc.
WNCN Listeners Guild

APPENDIX B

Upon receipt of the comments in Docket 20682, the Office of Plans and Policy undertook an evaluation of the economic arguments raised in those submissions as well as an empirical investigation of radio format diversity in the 25 largest metropolitan markets. The subsequent discussion will set forth our finding regarding the regulation of format changes.

The comments of Professor Bruce Owen of Stanford University merit particularly close attention.[1] Professor Owen presents an excellent analysis of the economic issues surrounding the radio format change cases as well as a convincing demonstration that federally imposed restrictions on format change may actually result in a dimunition of consumer welfare. We are particularly concerned with this latter proposition given that our own empirical investigation tends to support Owen's analysis and subsequent conclusion.

In its format change decisions, the Court of Appeals has always assumed the existence of a necessary relationship between the number of different program formats available in a given market and the welfare of consumers of radio programming. At first glance, this line of reasoning would appear to be sound. If formats belonging to the category are close substitutes, then it follows that format duplication is wasteful. Those who prefer to listen to a particular type of programing gain little through duplication, while other people are deprived of additional listening opportunities. Under these circumstances it would appear that a policy designed to encourage format diversity would serve the public interest.

But this conclusion suffers from a decisive flaw. Stations programming apparently similar formats may not be regarded as close substitutes by listeners. If so, then we can no longer be certain that maximization of diversity among apparently distinct formats would necessarily tend toward maximizing the satisfaction of radio listeners. Listenera may prefer to have more variety of a given type of music than the opportunity to hear a distinctly different type of fare. To illustrate, suppose a station currently programming classical music proposes to change its format to progressive rock. Further suppose that members of the listening public who prefer classical music object on the ground that another station is already devoting most of its broadcast day to rock music. Should the licensee be permitted to change his format?

The answer to this question is not immediately obvious. In theory preference should be given to that format which is of greater value to the consumers. Unfortunately, the Commission will find it impossible to measure the relative values of different formats because there exists no litmus or a priori way of measuring how much particular formats are worth to the audiences. All that can be known is simply how many people listen to available programs.

Unfortunately, the size of a station's audience is not necessarily an appropriate measuring stick of the degree of satisfaction which listeners derive from its programming. That is, two different formats which attract audiences of equal size may not be of equal value. Preferences expressed by the audience of one format may be much stronger than preferences for the other, in which case the former should be the more valuable. In order

[1] See Bruce M. Owen, "Radio Station Format Changes, Diversity, and Consumer Welfare," Appendix 1 of the Comments of the National Association of Broadcasters in Docket 20682.

to ascertain which format is the more valuable, one would have to know the intensity of demand for each. Again, there exists no acceptable, reliable way of measuring aspects of these consumer preferences because consumers are not required to pay for the opportunity to listen to radio. Nor does a willingness by a group of listeners to contest a format change by litigation adequately express a cognizable intensity of preference for the format that they desire to have retained (or recovered). In every case, an intensity value could be assigned only after obtaining some information about the economic resources of the protestants and the opportunity costs associated with their protest. Given the legal complexities and expenses that characterize format change litigation, one would expect that a willingness to go forward with such cases would be especially typical of persons of higher educational attainment and socio-economic status. If this assumption is so, then it follows that rewarding the format preference of protestants would by definition discriminate against the effect on less well-off listeners who might be the beneficiaries of a licensee's proposed new programming plans.

In sum, there exists no economically rational basis for deciding which broadcasters should be allowed to change their formats and which should not. Nor, it may be added, is there any basis on which to conclude that Commission intereference in the absence of such information would accord with any plausible version of the public interest. Even in the largest markets, the number of radio stations is insufficient to assure that every radio listener will have access to his first preference of entertainment programming. This is simply an indication not so much of the imperfections of our advertiser-supported radio industry as it is of the pluralistic nature of our society. However unfortunate, broadcasters will inevitably cater to some tastes at the expense of others, regardless of what institution—whether the free market or the federal government—must bear the responsibility for determining the types of formats that will be made available.

Traditionally, we have relied on competition to make these choices. Admittedly, this is not a perfect mechanism of format selection since those decisions will, for the most part, be made on the basis of which format promises to maximize the size of the audience. Again this may lead to selection of certain formats which are actually of lesser value to consumers than are others which broadcasters could feasibly provide. Whatever the shortcomings of this allocative mechanism, it is highly unlikely that the Commission hearings will improve on it. In the absence of any information on the value which consumers place on particular formats, we simply cannot make a rational judgment as to which formats warrant protection and which do not.

This conclusion is further evidenced by an empirical investigation of format diversity in the 25 largest metropolitan markets. Table 1 summarizes an assessment of the availability of 18 logical groupings of format types in these markets as defined in the 1975 edition of Broadcasting Yearbook.[3] The categorization is, of course, somewhat subjective. For example, the "Black" format category consists of "jazz," "rhythm and blues," "soul" or any combination of the above. The "Classical Music" format, on the other hand, encompasses everything from the baroque oratorios of Handel to P.D.Q. Bach or Leonard Bernstein's "Mass." Afficianados may, of course object strongly to the suggestion that these composers and their works belong in the same pigeon-hole; this indicates that any effort to classify formats will be arbitrary. We therefore hasten to add that Table 1 is meant to provide only a rough indication of format diversity in the 25 largest markets. Moreover, as should be evident from the number and type of sub-categories which make up each of the major groupings (see Table 2), the figures in Table 1 by no means fully reflect the breadth and variety of programming available to listeners in these geographic areas.

In spite of this qualification, the figures indicate a variety of formats are rather evenly distributed across all stations, particularly those operating in the 10 largest markets, not a surprising finding given the rather high degree of competition which characterizes the radio industry in these areas of the country. Financial success is generally determined by the broadcaster's ability to program a format which is both popular and distinct enough to attract a relatively large, loyal audience.

An effort was also made to evaluate the relationship between the type of format programmed by a station and its share of the audience [2] as a rough measure of the degree to which stations programming the same format are considered by consumers to be close substitutes for one another. This is an extremely important point since the notion that format duplication is wasteful rests on the assumption that listeners are no better off when they are furnished with a choice between two stations programming the same type of music than they would be if only one of those stations were available. If this assumption proves to be false, then it is simply fallacious to conclude that seemingly similar program types are in fact duplicative and consequently wasteful. Indeed, preference for one station over another clearly indicates that each is offering a distinctly different type of service. If they are perceived as being different, then we again face the dilemma of deciding which format is the more valuable and worth protecting, knowing full well that restrictions on format change will deprive some other group of a format which they would prefer to listen to if given the opportunity.

The degree of substitution between stations programming the same type of format is very much less than might at first be supposed. We performed a statistical analysis of the relationship between audience shares and the type of programming presented by individual stations in order to test the hypothesis that format type has no effect on audience ratings. If this hypothesis is true, then it follows that our format categories do not realistically indicate how much format diversity is available in these markets. It would also suggest that those stations programming seemingly similar types of formats are perceived by listeners to be quite different and accordingly are not close subetitutes for one another.

The results of this analysis are reported in Table 3. They show that while the type of format did have a significant impact on audience, the magnitude of that impact is relatively small. Specifically, differences in formats accounted for only 6.6 percent of the variation in audience shares. Moreover, the results show that the variation in audience shares within given format types is nearly as large as the variation between different types. Again, this indicates that formats of the same type (as defined in Table 1) are not close substitutes for one another.

There are any number of possible explanations for this phenomenon. As mentioned previously, listeners may perceive distinct differences in the types of programming common to a single format category. To the extent that categories do not capture whatever it is about the station's programming that consumers perceive as "special," they are analytically meaningless and accordingly, do not afford an appropriate basis on which to judge whether a station's programming is "unique."

This problem could be ameliorated to some extend by increasing the number of descriptive categories of formats, but this procedure would complicate an already difficult hearing process in as much as administrative law judges will find it increasingly difficult to assess the extent of format duplication Consequently, their decisions will likely become ever more arbitrary and less intelligible thereby increasing the probability that such decisions will run counter to the public interest. Nevertheless, this is precisely what must be done if the Commission is to follow the procedures applicable to format change protests outlined by the Court of Appeals.

In conclusion, we believe that format regulation is unnecessary and may very well impose costs on the general public. We recognize the shortcomings of the marketplace in allocating formats. However, given the difficulties in defining a meaningful format classification coupled with a total lack of information on the relative values associated with different types of programs, we are convinced that Commission decisions in this matter will automatically lack a rational underpinning. In short, they will simply reflect the subjective and necessarily arbitrary opinions of administrative law judges. We fail to see how this process will result in a more efficient allocation of entertainment formats than would be obtained if programming decisions were left in the hands of broadcast licensees, who are, after all, far more familiar with listeners' tastes.

[2] The share of the audience simply reflects the percentage of all listeners who are listening to radio at a given time which are tuned into a particular station. For example, if station WXYZ has a share of 3 between 7 and 9 a.m., then we know that approximately 3 percent of the audience listening to radio during that period were tuned into WXYZ.

[3] Broadcasting Yearbook 1975, Washington; Broadcasting Publication Inc., 1975.

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TABLE 1

COMMERCIAL RADIO FORMAT AVAILABILITY IN THE 25 LARGEST METROPOLITAN MARKETS

Number of Stations Programming Specified Format

FORMAT TYPE	New York	Los Angeles	Chicago	Philadelphia	Detroit	Boston	San Francisco	Washington	Nassau-Suffolk	Dallas-Ft. Worth	Total
1. Beautiful Music	1 (2.3)	5 (8.5)	8 (12.5)	3 (8.1)	4 (11.4)	3 (9.1)	2 (5.1)	2 (5.0)	-	2 (5.3)	30 (7.4
2. Black	3 (7.0)	6 (10.2)	5 (7.8)	3 (8.1)	3 (8.6)	1 (3.0)	2 (5.1)	4 (10.0)	1 (5.3)	2 (5.3)	30 (7.4
3. Classical	2 (4.7)	2 (3.4)	2 (3.1)	2 (5.4)	-	1 (3.0)	3 (7.7)	2 (5.0)	-	1 (2.6)	15 (3.7
4. Contemporary	5 (11.6	10 (17.0	6 (9.4)	3 (8.1)	3 (8.6)	7 (21.2)	8 (20.5)	9 (22.5)	6 (31.6)	6 (15.8)	63 (15.
5. Country & Western	1 (2.3)	5 (8.4)	5 (7.8)	3 (8.1)	2 (5.7)	2 (6.1)	-	7 (17.5	1 (5.3)	9 (23.7	35 (8.6
6. Ethnic/Foreign Language (except Spanish)	1 (2.3)	1 (1.7)	4 (6.3)	-	2 (5.7)	2 (6.1)	-	-	-	-	10 (2.5
7. Golden Oldies	1 (2.3)	2 (3.3)	1 (1.6)	-	-	1 (3.0)	-	-	-	1 (2.6)	6 (1.5
8. Middle of the Road	9 (20.9	10 (17.0	15 (23.4	12 (32.4	11 (31.4	7 (21.2	10 (25.6	5 (12.5	9 (47.4	9 (23.7	97 (23
9. News	2 (4.7)	2 (3.4)	3 (4.7)	1 (2.7)	1 (2.9)	1 (3.0)	3 (7.7)	3 (7.5)	-	1 (2.6)	17 (4.2
10. Progressive (Rock)	3 (7.0)	1 (1.7)	5 (7.8)	2 (5.4)	3 (8.6)	3 (9.1)	2 (5.1)	1 (2.5)	1 (5.3)	1 (2.6	22 (5.4
11. Public Affairs	2 (4.7)	-	-	-	-	-	-	-	-	-	2 (0.5
12. Religious	2 (4.7)	4 (6.8)	-	2 (5.4)	3 (8.6)	1 (3.0)	2 (5.1)	3 (7.5)	-	3 (7.9)	20 (4.9
13. Rock	2 (4.7)	2 (3.4)	3 (4.7)	2 (5.4)	-	1 (3.0)	1 (2.6)	2 (5.0)	-	2 (5.3)	15 (3.7
14. Spanish	2 (4.7)	2 (3.4)	2 (3.1)	-	-	-	2 (5.1)	1 (2.5)	-	1 (2.6)	10 (2.5
15. Talk	3 (7.0)	2 (3.4)	-	2 (5.4)	-	-	-	1 (2.5)	-	-	8 (2.0
16. Top 40	2 (4.7)	3 (5.1)	-	1 (2.7)	-	-	2 (5.1)	-	-	-	8 (2.0
17. Varied	2 (4.7	1 (1.7	5 (7.8	1 (2.7	1 (2.9	3 (9.1	-	-	1 (5.3	-	14 (3.4
18. Other	-	1 (1.7	-	-	2 (5.7	-	2 (5.1	-	-	-	5 (1.2
Total Stations	43	59	64	37	35	33	39	40	19	38	407
# Of Different Formats	17	17	13	13	11	13	12	13	6	12	

• Figures in parenthesis represent the percentage of all commercial stations in that market which program the specified format

Number Of Stations Programming Specified Format

FORMAT TYPE	Pittsburgh	St. Louis	Houston	Baltimore	Cleveland	Minneapolis-St. Paul	Seattle-Everett-Tacoma	Atlanta	San Diego	Miami	Total
1. Beautiful Music	2 (5.3)	1 (2.9)	2 (6.3)	1 (3.1)	3 (13.0)	4 (12.9)	4 (12.5	1 (2.9)	4 (16.7)	5 (21.7	27 (8.9)
2. Black	1 (2.6)	2 (5.9)	2 (6.3)	4 (12.5)	3 (13.0)	1 (3.2)	2 (6.3)	4 (11.8)		1 (4.4)	20 (6.6)
3. Classical			1 (3.1)	2 (6.3)	1 (4.4)	1 (3.2)	2 (6.3)	1 (2.9)	1 (4.2)	1 (4.4)	10 (2.3)
4. Contemporary	13 (32.2	6 (17.7	5 (15.6	4 (12.5	1 (4.4)	4 (12.9	4 (12.5	5 (14.7	6 (25.0	4 (17.4	52 (17.2)
5. Country & Western	2 (5.3)	7 (20.6	7 (21.9	5 (15.6	3 (13.0	4 (12.9	3 (9.4)	8 (23.5	2 (8.3)	2 (8.7)	43 (14.2)
6. Ethnic/Foreign Language (except Spanish)					2 (8.7)					1 (4.4)	3 (1.0)
7. Golden Oldies					1 (4.4)	1 (3.2)		1 (2.9)			3 (1.0)
8. Middle of the Road	11 (29.0)	11 (32.4	7 (21.9	9 (28.1	6 (26.1	12 (38.7	7 (21.9	5 (14.7	6 (25.0	3 (13.0	77 (25.4)
9. News		1 (2.9)				1 (3.2)		2 (5.9)	1 (4.2)		5 (1.7)
10. Progressive (Rock)	2 (5.3)	2 (5.9)	3 (9.4)			2 (6.5)	3 (9.4)		1 (4.2)	1 (4.4)	14 (4.6)
11. Public Affairs											
12. Religious	4 (10.5	1 (2.9)	1 (3.1)	3 (9.4)			3 (9.4)	2 (5.9)	1 (4.2)	1 (4.4)	16 (5.3)
13. Rock				3 (9.4)	2 (8.7)		1 (3.1)	1 (2.9)	2 (8.3)		9 (3.0) 4
14. Spanish			1 (3.1)							3 (13.0)	(1.3)
15. Talk			1 (3.1)		1 (4.4)		2 (6.3)			1 (4.4)	5 (1.7)
16. Top 40		2 (5.9)		1 (3.1)				2 (5.9)			5 (1.7)
17. Varied	2 (5.3)	1 (2.9)	2 (6.3)			1 (3.2)	1 (3.1)	2 (5.9)			9 (3.0)
18. Other	1 (2.6)										1 (0.3)
Total Stations	38	34	32	32	23	31	32	34	24	23	303
# Of Different Formats	9	10	11	9	10	10	11	12	9	11	

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Number Of Stations Programming Specified Format

FORMAT TYPE	Tampa-St. Petersburg	Milwaukee	Denver-Boulder	Cincinnati	Buffalo	Total	Total-Top 25 Markets
1. Beautiful Music	4 (13.3)	1 (3.7)	2 (6.5)	2 (11.8)	2 (9.1)	11 (8.7)	68 (8.1)
2. Black	1 (3.3)	3 (11.1)	1 (3.2)	1 (5.9)	2 (9.1)	8 (6.3)	58 (6.9)
3. Classical		1 (3.7)	1 (3.2)			2 (1.6)	27 (3.2)
4. Contemporary	4 (13.3)	7 (25.9)	4 (12.9)	4 (23.5)	4 (18.2)	23 (18.1)	138 (16.5)
5. Country & Western	8 (26.7)	4 (14.8)	2 (6.5)	3 (17.6)	3 (13.6)	20 (15.7)	98 (11.7)
6. Ethnic/Foreign Language (except Spanish)							13 (1.6)
7. Golden Oldies					1 (4.5)	1 (0.8)	10 (1.2)
8. Middle of the Road	6 (20.0)	6 (22.2)	9 (29.0)	2 (11.8)	4 (18.2)	27 (21.3)	201 (24.0)
9. News			1 (3.2)			1 (0.8)	23 (2.8)
10. Progressive (Rock)	1 (3.3)	2 (7.4)	4 (12.9)	1 (5.9)	2 (9.1)	10 (7.9)	46 (5.5)
11. Public Affairs							2 (0.2)
12. Religious	3 (10.0)	1 (3.7)	2 (6.5)	3 (17.6)	1 (4.5)	10 (7.9)	46 (5.5)
13. Rock	2 (6.7)	1 (3.7)	2 (6.5)			5 (3.9)	29 (3.5)
14. Spanish			1 (3.2)			1 (0.8)	15 (1.8)
15. Talk			1 (3.2)			1 (0.8)	14 (1.7)
16. Top 40	1 (3.3)			1 (5.9)	3 (13.6)	5 (3.9)	18 (2.2)
17. Varied		1 (3.7)	1 (3.2)			2 (1.6)	25 (3.0)
18. Other							6 (0.7)
Total Stations	30	27	31	17	22	127	837
# Of Different Formats	9	10	13	8	9		

TABLE 2

PROGRAM SUBCATEGORIES BELONGING TO MAJOR FORMAT CLASSIFICATIONS

Major format classification	*Subcategories*
Beautiful Music	Good Music, Instrumental.
Black	Jazz, Rhythm and Blues, Soul.
Classical	Concert, Fine Music, Semi-classical, Serious Music.
Contemporary	Popular, Request.
Country and Western	Country, Blue Grass, Countrypolitan, Contemporary Country, Modern Country.
Ethnic/Foreign Language	
Golden Oldies	Nostalgia, Old Gold, Solid Gold, Classic Gold, Solid Gold Rock.
Middle of the Road	Adult, Adult Contemporary, Bright, Up-Tempo, Good or Easy Listening, Standards, Entertainment, Conservative.
All News	
Progressive	Under ground, Hard Rock, Folk, Alternative, Free Form, Progressive Rock.
Public Affairs	
Religious	Gospel, Sacred, Christian, Inspirational.
Rock	
Spanish	
Talk	Discussion, Interview, Personality, Informational.
Top—40	
Varied	
Other	

NOTE.—Stations which did not list their format in the Yearbook were contacted by telephone and asked to provide the information.

Source: Broadcasting Yearbook 1975.

TABLE 3—*Results of the analysis of the relationship between audience ratings and Entertainment formats of radio stations licensed to the 25 largest metropolian markets*

Multiple R 0.25738
R^2=0.06624
Standard error=3.7008

Analysis of variance of	Sum Sq.	Mean Sq.	F
Regression 17	744.27	43.780	[1]3.197
Residual 766	10491.10	13.696	

Format	Variables in the equation: Coefficient	Standard error	F
Beautiful music	1.3445	0.87884	2.340
Black	.5324	.8878	.360
Classical	−1.1122	1.0580	1.106
Contemporary	.6465	.80625	.643
Country and Western	−.85232	.8387	1.033
Ethnic/foreign language	−1.765	1.2354	2.042
Golden oldies	−.8898	1.3390	.442
Middle of the road	−.12685	.7871	.026
News	2.9056	1.0818	[1]7.214
Progressive	−.4836	.9391	.265
Public affairs	−2.158	2.7195	.630
Religious	−1.8628	.93454	[1]3.970
Spanish	−.5047	1.2997	.163
Talk	1.3920	1.2655	1.210
Top 40	1.0170	1.1102	.839
Varied	.1587	1.0955	.021
Other	−1.5080	1.6824	.803
Rock constant)	2.408		

[1] Indicates that the equation or variable was significant at a 0.05 level of confidence.

[FR Doc.76-22850 Filed 8-5-76;8:45 am]

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[Report No. 993]

RECONSIDERATION OF ACTIONS

Petitions Filed

August 2, 1976.

Docket or RM No.	Rule No.	Subject	Date received
20194	Part 2	Amendment of part 2 with respect to importation of certain electronic equipment. Filed by Martin W. Bercovici, attorney for Offshore Navigation, Inc.	July 23, 1976
20307	§ 73.202(b)	Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Tucson, Green Valley, Sierra Vista, and Bisbee, Ariz.) Filed by Norman J. Graham, general manager for Graham Broadcasting Co.	July 26, 1976
20320	§§ 73.35, 73.240, 73.636, 76.501	Amendment of §§ 73.35, 73.240, 73.636, and 76.501 of the Commission's rules relating to multiple ownership of standard, FM, television broadcast stations and cross-ownership of cable television systems (stock held by insurance companies, mutual funds, and other institutional investors). Filed by John E. Summers and Brenda L. Fox, attorneys for National Association of Broadcasters.	July 22, 1976
		Filed by John D. Lane and Ramsey L. Woodworth, attorney for The Prudential Insurance Co. of America.	Do

NOTE.—Oppositions to petitions for reconsideration must be filed on or before August 23, 1976. Replies to an opposition must be filed within 10 days after time for filing oppositions has expired

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-22848 Filed 8-5-76;8:45 am]

1979 WORLD ADMINISTRATIVE RADIO CONFERENCE ADVISORY COMMITTEE FOR AMATEUR RADIO

Meeting

Date: September 14, 1976.
Time: 9:30 a.m.
Location: Room 6331, 2025 M Street, NW., Washington, D.C..
Agenda: Chairman's welcome and remarks, Call of the Agenda, Secretary's announcements, Review and approval of minutes, June 7, 1976 meeting, Reports from task leaders, Discussion of future milestones and tasks, Discussion of Committee operation and organization, Review of action items, Other business to be determined, Adjournment.
Public participation: Meetings of the WARC Advisory Committee for Amateur Radio are open to U.S. Citizens. Persons not members of the Committee who desire to make a presentation at this meeting should coordinate their presentation with the Secretary, WARC Advisory Committee for Amateur Radio: Peter M. Hurd, 6425 Cygnet Drive, Alexandria, Virginia, 22307. Telephone: (202) 695-0520 or (703) 768-9535. Required information includes: Name, mailing address and telephone number of person making the presentation; outline of material to be presented; duration of presentation; audio/visual aids required. Written statements may also be submitted to the Committee, and should be addressed to the Chairman, WARC Advisory Committee for Amateur Radio (Safety and Special), Room 5114, Federal Communications Commission, Washington, D.C. 20554.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-22849 Filed 8-5-76;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[No. AC-15]

METROPOLITAN FEDERAL SAVINGS AND LOAN ASSOCIATION OF BETHESDA

Approval of Conversion (Notice of Final Action)

Notice is hereby given that on July 28, 1976, the Federal Home Loan Bank Board, as the operating head of the Federal Savings and Loan Insurance Corporation, by Resolution No. 76-530, approved the application of Metropolitan Federal Savings and Loan Association of Bethesda, Bethesda, Maryland, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Office of the Secretary of said Corporation, 320 First Street, NW., Washington, D.C. 20552 and the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Atlanta, 260 Peachtree Street, NW., Atlanta, Georgia 30343.

Dated: July 28, 1976.

By the Federal Home Loan Bank Board.

J. J. FINN,
Secretary.

[FR Doc.76-22934 Filed 8-5-76;8:45 am]

STEINER AMERICAN CORP.

Receipt of Application for Permission To Acquire Control of American Savings and Loan Association

AUGUST 3, 1976.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Steiner American Corporation, Salt Lake City, Utah, for approval of acquisition of control of the American Savings and Loan Association, Reno, Nevada, an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730(a)(e)), and § 584.4 of the regulations for Savings and Loan Holding Companies, said acquisition to be effected through the purchase of the common stock of American Savings and Loan Association. Comments on the proposed acquisition should be submitted to the Director, Holding Companies Section, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552. on or before September 7, 1976.

RONALD A. SNIDER,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.76-22935 Filed 8-5-76;8:45 am]

FEDERAL MARITIME COMMISSION

MOORE-MCCORMACK LINES, INC. AND IMPRESA LINES MARITIMAS ARGENTINAS, S.A.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before August 26, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

J. D. Straton, Jr., Manager, Rates and Conferences, Moore-McCormack Lines, Incorporated, 2 Broadway, New York, New York 10004.

Agreement No. 10038-2, between Moore-McCormack Lines, Incorporated and Empresa Lineas Maritimas Argentinas, S.A., modifies the approved basic agreement covering the apportionment of general liner cargo transported by the parties in the northbound and southbound trade between the East Coast of the United States and Argentina by (1)

amending Article 3 of both Annex I (Northbound) and Annex II (Southbound) to include certain cargoes in the accounting, however, they shall not be subject to payments or penalties as established in the pool; (2) amending Article 5 of both Annexes to provide for a minimum number of sailings of 20 per pool period, and providing that the number may be increased or decreased by mutual agreement, without impairing adequate service, on notice to the Commission; (3) amending Article 7(c) subparagraph VII of both Annexes relating to the computation of pool penalty payments to provide for a revised pool penalty formula; and (4) amending Article 16 to provide for a committee made up of representatives of each party to settle any differences that may arise and handle all matters relating to the operations of the agreement.

By order of the Federal Maritime Commission.

Dated: August 3, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-22942 Filed 8-5-76;8:45 am]

FEDERAL POWER COMMISSION

CONSERVATION-TECHNICAL ADVISORY TASK FORCE—EFFICIENCY IN USE OF GAS

Meeting

Agenda: Meeting of Conservation-Technical Advisory Task Force—Efficiency in Use of Gas: Conference Room 5200, Federal Power Commission, Union Plaza Building, 825 North Capitol Street, NE., Washington, D.C. 20426; September 15, 1976, 9:30 a.m.; Presiding: Mr. James R. Kirby, Coordinating Representative & Secretary, Federal Power Commission.

1 Call to order and introductory remarks—Mr. James R. Kirby.
2 Discussion of task Force Progress to date—Mr. James Woodruff and Mr. John A. Irwin.
3 Revise draft report.
4 Selection of next meeting date.
5 Discussion of other matters.
6 Adjournment—Mr. James Kirby.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Committee—which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the Committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22893 Filed 8-3-76;1:46 pm]

[Docket Nos. CP76-433 and CP76-434, CP76-435, CP76-436 and CP76-437, CP75-96 et al.]

ALCAN PIPELINE CO. ET AL.

Procedure for Supplement to Environmental Impact Statement

AUGUST 3, 1976.

Take notice that on July 29, 1976, the Federal Power Commission, in connection with the proceeding pending in Docket No. CP75-96, et al., prescribed certain guidelines for the issuance of a supplement to the FPC Staff's Alaska Natural Gas Transportation Systems: Final Environmental Impact Statement (FEIS), issued on April 9, 1976.

On July 9, 1976, Alcan Pipeline Company (Alcan) and Northwest Pipeline Corporation (Northwest) filed with this Commission applications requesting authorization to construct and operate a pipeline system to bring natural gas from the North Slope of Alaska to the lower 48 states along a route following the existing Alyeska oil pipeline corridor to the vicinity of Fairbanks, Alaska, and therefrom following the Alcan highway.[1] Also proposed are the construction and operation of certain facilities in the states of Washington and Oregon. These applications have been consolidated with the present proceeding in Docket No. CP75-96, et al., which concerns the selection of an Alaskan natural gas transportation system, and originally involved two competing applicants, Alaskan Arctic Gas Pipeline Company and El Paso Alaska Company. An FEIS for these applications has previously been issued by the Commission staff.

Although the Commission staff considered in the "Alternatives to the Proposed Action" Section of its FEIS a route similar to that proposed by Alcan and Northwest, it will issue as a supplement an environmental evaluation of these subsequent applications. The Commission staff requests the views of any interested party on Alcan and Northwest's applications within 30 days hereto. Comments should be sent to the following address:

Alcan Proposal BNG/SOD, Federal Power Commission, 825 North Capitol Street, NW., Washington, D.C. 20426.

Any interested party desiring a copy of this application should send a request to the following address:[2]

Robert E. Guttery, Northwest Pipeline Corporation, P.O. Box 1526, Salt Lake City, Utah 84110.

The Commission staff will consider these comments in its own independent analysis and will prepare and issue a supplement to its FEIS on or before September 23, 1976. At that time, further comments from the general public and other Federal agencies may be submitted. The staff's supplement to the FEIS, along with both sets of comments, will be placed into the hearing record, and the parties in such proceeding can consider them in pursuing their cross-examination of the staff's environmental witnesses.'

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22906 Filed 8-5-76;8:45 am]

[Docket No. RP76-98]

ALGONQUIN GAS TRANSMISSION CO.

Order Granting Untimely Petition To Intervene

JULY 30, 1976.

By order issued May 28, 1976, the Commission accepted for filing and suspended a proposed purchase feedstock adjustment clause tendered for filing by Algonquin Gas Transmission Company (Algonquin) in the above-captioned proceeding. Notice of Algonquin's tender was issued on May 12, 1976 with comments, protests or petitions to intervene due on or before May 26, 1976. A Petition to Intervene was filed by Rhode Island Consumers' Council (Council) on June 15, 1976. The Council states that it is an agency of the State of Rhode Island whose principal responsibility is to appear on behalf of Rhode Island consumers in cases affecting the consumers' interests. The Council states further that the interests of Rhode Island consumers are affected by this proceeding because "four companies which are customers of the applicant provide substantially all natural gas service available to Rhode Island consumers." The Council states also that since it is already a party in Docket No. RP76-15, which is consolidated with Docket No. RP76-98, and thus, no further delay in procedural dates is anticipated.

The Commission finds: It is desirable and in the public interest to allow the above-named petitioner to intervene.

The Commission orders: (A) The above-named petitioner is hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; *Provided, however,* That participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The Secretary shal cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22907 Filed 8-5-76;8:45 am]

[1] The Canadian portion of these facilities would be built by Foothills Pipe Lines Ltd., Westcoast Transmission Company Limited and The Alberta Gas Trunkline (Canada) Limited.

[2] The Commission Staff has requested that Alcan and Northwest provide copies of their applications to a number of Federal agencies.

[3] At the request of the Council on Environmental Quality (CEQ) in addition to the foregoing in order to comply satisfactorily with CEQ guidelines, parties who have received or requested copies of the Staff's previous Draft EIS for this proceeding will be served with a copy of this notice.

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[Docket No. ER76-802]

DETROIT EDISON CO.

Tender of Notice of Cancellation of Rate Schedule

JULY 30, 1976.

Take notice that on July 19, 1976, The Detroit Edison Company (DE) tendered for filing a Notice of Cancellation of Rate Schedule FPC No. 5 consisting of the Electricity Supply Agreement between DE and Consumers Power Company at Pontiac, Michigan. DE states that the effective date of the cancellation is August 16, 1976. DE states that the rate schedule is being cancelled because it has become uneconomic to perform the service under the aforesaid contract. DE states that it hopes a new agreement will be forthcoming shortly.

Any person desiring to be heard or to protest said tender should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 16, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this tender are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22919 Filed 8-5-76;8:45 am]

[Docket Nos. RP72-155 and RP76-59 (PGA76-3)]

EL PASO NATURAL GAS CO.

Pipeline Rates; Order Accepting for Filing and Suspending Proposed PGA Increase and Staying Procedures With Respect to Certain Small Producer Purchases

JULY 30, 1976.

El Paso Natural Gas Company (El Paso), on July 1, 1976, tendered for filing proposed tariff sheets[1] reflecting increases in purchased gas costs. An effective date of August 1, 1976, is requested. As discussed herein, the Commission will accept the proposed tariff sheets for filing, suspend their effectiveness for one day, and permit them to become effective on August 2, 1976, subject to refund.

This filing consists of two rate increases under El Paso's purchase gas adjustment clause (PGA). The first is an increase of 8.85¢ per Mcf for sales under tariff Volumes 1, 2, and 2A–Group I and covers all sales except a portion of production sales under Volume 2A of El Paso's tariff, Group II. This increase reflects (1) a 3.42¢ per Mcf increase ($40,258,000 per year) in the average cost of gas; and (2) a 5.43¢ per Mcf special surcharge for August and September 1976, reflecting increased gas costs pursuant to Opinion Nos. 749 and 749–A.[2] The second increase of 0.8776¢ per Mcf for sales to Group II consists of: (1) a 0.5704¢ per Mcf increase ($158,000 per year) in gas costs; and (2) a 0.307¢ per Mcf special surcharge.

Public notice of this filing was issued on July 14, 1976, with all comments, protests or petitions to intervene due on or before July 27, 1976. No responses have been received.

Upon review, the Commission has determined that the rates proposed herein are based, in part, on small producer and emergency purchases at rates in excess of the rate levels prescribed in Opinion Nos. 742 and 699–H as applicable. Therefore, the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory and otherwise unlawful. Accordingly, El Paso's proposed increased rates and charges shall be suspended for one day until August 2, 1976, when they shall become effective subject to refund.

With regard to the issue of the small producer purchases described above, other than those small producer purchases made pursuant to the Commission's 60 day emergency sales regulation, we shall defer establishing a hearing schedule for this matter pending Commission action on rehearing of Opinion No. 742[3] and the proposed rulemaking in Docket No. RM76-5.[4]

Notwithstanding the deferral of a procedural schedule on the small producer issue, El Paso shall file within 15 days of the date of this order, a list of the small producers, other than small producers making 60-day emergency sales, reflected in the instant filing who are making sales at rates in excess of the "130% formula" rates.

With regard to the 60-day emergency purchases the Commission noted in Opinion No. 699-B[5] that a pipeline would be entitled to include in its purchased gas costs a rate for such purchases "which a reasonably prudent pipeline purchaser would pay for gas under the same or similar circumstances." To assist in Commission review of the 60-day emergency purchases and in determining whether a public hearing is necessary thereon, El Paso shall be required to file and serve on all its customers and interested state commissions within thirty days of the issuance hereof the following information: (1) the pipeline's need for the gas, (2) the availability of other gas supplies, (3) the amount of gas purchased under each 60-day transaction, (4) a comparison of each emergency purchase price with appropriate market prices in the same or nearby areas, and (5) the relationship between the purchaser and the seller. Upon receipt of this information, it will be duly noticed for receipt of comments with respect thereto. Should the Commission's review indicate that the information filed and any comments related thereto, meets the criterion set forth in Opinion No. 699–B, the Commission shall terminate the proceedings and relieve El Paso of its refund obligation. Should the Commission's review of the information and any comments related thereto indicate that further proceedings are required as to any or all of the 60-day emergency purchases they would be established by subsequent order.

The Commission has determined further that El Paso's filing and its purchased gas costs are in compliance with the standards set forth in Docket No. R–406 except for: (1) that portion of small producer purchases in excess of the rate levels established in Opinion No. 742; and (2) that portion of 60-day emergency purchases at rates in excess of the rate levels established in Opinion 699–H. Accordingly, we shall permit El Paso to file a revised tariff sheet to become effective August 1, 1976, to reflect only the inclusion of these approved costs.

The Commission finds: (1) It is necessary and appropriate to aid in the enforcement of the Natural Gas Act that hearing procedures on the issue of small producer purchases other than those small producer purchases made pursuant to the Commission's 60-day emergency sales regulation be deferred pending further Commission order, and that El Paso's filing of July 1, 1976, be accepted for filing and suspended for one day to become effective August 2, 1976, subject to refund, as hereinafter ordered and conditioned.

(2) El Paso should file with the Commission a list, including addresses, of the small producers other than small producers under 60-day emergency purchase sales, from whom it purchased gas at rates in excess of the "130% formula" established in Opinion No. 742.

(3) The claimed increased costs included in El Paso's filing have been reviewed and found in compliance with the standards set forth in Docket No. R–406 with the exception of: (1) that portion of small producer purchases in excess of the rate levels established in Opinion 742; and (2) that portion of 60 day emergency purchases from parties other than small producers at rates in excess of the rate levels established in Opinion 699–H.

The Commission orders: (A) El Paso's filing of July 1, 1976, is hereby accepted for filing and suspended for one day, until August 2, 1976, when it shall be made effective, subject to refund.

(B) The hearing procedures on the issue of small producer purchases, other than small producer purchases made pursuant to the Commission's 60-day emergency sales regulation, in excess of the rate levels prescribed by Opinion No. 742, are hereby deferred pending further Commission order.

(C) Within 15 days of the date of this order, El Paso shall file with the Commission a list, including addresses, of the small producers other than small producers under 60-day emergency purchase sales, from whom it purchased at rates in excess of the rate level provided for by Opinion No. 742.

(D) Within 15 days of the date of issuance of this order, El Paso may file a revised tariff sheet to become effective August 1, 1976, which reflects those claimed increased purchased gas costs contained in its PGA adjustment other than those claimed increased costs associated with: that portion of small producer purchases in excess of the rate levels resulting from the "130% formula" prescribed by Opinion 742; and that portion of the 60-day emergency purchases from producers other than small producers in excess of the rate levels prescribed in Opinion 699–H.

(E) To assist in Commission review of the 60-day emergency purchases and in determining whether a public hearing is necessary thereon, El Paso shall be required to file and serve on all its customers and interested state commissions within thirty days of the issuance hereof the following information: (1) the pipeline's need for the gas, (2) the availability of other gas supplies, (3) the amount of gas purchased under each 60-day transaction, (4) a comparison of each emergency purchase price with appropriate market prices in the same or nearby areas, and (5) the relationship between the purchaser and the seller. Upon receipt of this information it will be duly noticed for receipt of comments with respect thereto. Should our review indicate that the information filed, and the comments related thereto, meet the criterion set forth in Opinion No. 699–B, we shall terminate the proceedings and relieve El Paso of its refund obligation. Should our review of the information and any comments related thereto indicate that further proceedings are required as to any or all of the 60-day emergency purchases they would be established by subsequent order.

(F) The Secretary shall cause prompt publication of this order to be issued in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22909 Filed 8-5-76;8:45 am]

[Docket No. ER76-779]

ILLINOIS POWER CO.

Filing

JULY 30, 1976.

Take notice that Illinois Power Company (Illinois Power) on July 12, 1976, tendered for filing Revised Exhibits A and B to the International Agreement dated August 26, 1974, between the City of Highland (Highland) and Illinois Power.

Illinois Power states that the purpose of the filing is to revise Exhibits A and B to reflect the actual facilities installed for the interconnection and the actual costs thereof.

Illinois Power further states that it was the understanding of the parties that execution of Revised Exhibit B would not be finalized until the actual costs could be determined. For this reason it is requested that the filing become effective on March 19, 1976, the date the interconnection was placed in service.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 9, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22908 Filed 8-5-76;8:45 am]

[Docket No. ER76-5]

INDIANA & MICHIGAN POWER CO.

Electric Rates: Order Granting Late Intervention

JULY 30, 1976.

On May 5, 1976, Ormet Corporation (Ormet) filed an untimely petition to intervene in the instant proceeding. A response in opposition to Ormet's petition was filed by Indiana & Michigan Power Company (I&M Power) on May 21, 1976. Thereafter, on May 24, 1976 the Office of the Public Counselor of the State of Indiana (Public Counselor) filed a further untimely protest and petition to intervene. For the reasons set forth hereinafter the Commission will grant both petitions to intervene. However, the Commission will require that these intervenors accept the record in this case as they find it, and will not permit the grant of these petitions to delay the proceedings in this case.

The instant proceedings began on July 3, 1975, when I&M Power tendered for filing copies of a Power Agreement between I&M Power and Indiana & Michigan Electric Company (I&M Electric). This power agreement was tendered as an initial rate schedule to cover sales by I&M Power to I&M Electric. Notice of the filing was issued by the Commission on July 15, 1975, and was published in the Federal Register (40 FR 30752). Comments, protests and petitions to intervene were to be filed on or before July 31, 1975. A number of timely petitions to intervene were received by the Commission.[1] By order issued October 8, 1975 the Commission accepted the power agreement for filing, and instituted an investigation under Section 206 of the Federal Power Act to determine, inter alia, the justness and reasonableness of the proposed rate of return as well as the propriety of the methodology used to compute the return on equity. (Mimeo at 3.) In its October 8 order the Commission also granted the pending petitions to intervene and established procedural dates for service of evidence and for a hearing on the issues presented. Shortly thereafter, on October 10, 1975, an untimely petition to intervene was filed by Wabash Valley Power Association, Inc., et al. By order issued November 7, 1975, the Commission granted this untimely petition to intervene. Since that time I&M Power, the Staff and all Intervenors have filed their prepared direct testimony. On June 7, 1976, I&M Power filed its prepared rebuttal testimony. A hearing is presently scheduled to begin on August 7, 1976.

The untimely petitions to intervene were filed by Ormet and the Public Counselor on May 5, 1976 and May 24, 1976, respectively. Both petitions were thus filed after all parties and Staff had filed their prepared direct testimony but before the company had filed its prepared rebuttal testimony.

Ormet states that it is the largest single retail customer of Ohio Power Company (Ohio Power) which in turn purchases from Ohio Electric Company (Ohio Electric), a wholly owned subsidiary of Ohio Power, under a Power Agreement which was approved by the Commission in an order issued August 20, 1975 in Docket No. E–8888. Ormet has challenged the justness and reasonableness of the Ohio Power-Ohio Electric Power Agreement in a complaint filed with the Commission on May 5, 1976 in Docket No. E–9560.[2] As grounds for seeking intervention in the instant proceeding Ormet alleges that the factual and legal issues that will be addressed in determining the justness and reasonableness of the rates that I&M Power will receive for sales under the I&M Power-I&M Electric Power Agreement are the

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[1] Tariff Volume No. and Tariff Sheet No.: Original Volume No. 1, Eighteenth Revised Sheet No. 3–B; Third Revised Volume No. 2, Eighth Revised Sheet No. 1–D; Original Volume No. 2–A, Tenth Revised Sheet No. 1–C; Original Volume No. 2–A, Fifth Revised Sheet No. 1–D.

[2] By Letter Order of April 5, 1976, the Commission granted El Paso's Motion of March 17, 1976, to defer until July 1, 1976, the appropriate surcharge filing under Opinion Nos. 749 and 749–A.

[3] ------ FPC ------ issued August 28, 1975, in Docket No. R–393.

[4] Small Producers, Docket No. RM76–5, Notice of Proposed Rulemaking, issued August 28, 1975.

[5] ------ FPC ------ issued September 9, 1975, in Docket No. R–389–B.

[1] A Petition To Intervene was filed by Richmond Power & Light of the City of Richmond, Indiana; a Joint Petition To Intervene was filed by the Cities of Anderson and Auburn, Indiana; and a Joint Petition To Intervene was filed by the Indiana & Michigan Municipal Distributors Association (IMMDA).

[2] Public notice of Ormet's complaint was issued by the Commission on May 27, 1976 in which the Commission set June 23, 1976, as the date by which comments, protests and petitions to intervene were to be filed. On June 18, 1976 Ohio Electric filed its answer to Ormet's complaint pursuant to Section 1.6 of the Commission's Rules of Practice and Procedure, 18 CFR 1.6.

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same factual and legal issues that must be addressed in determining the lawfulness of the rates received by Ohio Electric from Ohio Power under their Power Agreement. For example, in each case the subject Power Agreement is between an operating company, which is a party to an American Electric Power Company, Inc. interconnection agreement, and the operating company's wholly-owned subsidiary. Furthermore, in each case the contractual and financing arrangements between the operating company and its wholly-owned subsidiary are allegedly identical in all material respects.

In its response in opposition to Ormet's petition to intervene I&M Power argues that Ormet's petition was filed more than nine months beyond the date established by the Commission for filing petitions to intervene and that Ormet has failed to explain the untimeliness of its petition. I&M Power further emphasizes that a pre-hearing conference has already been held and that at the time Ormet filed its petition the only testimony remaining to be filed was the Company's rebuttal testimony.[2] On the basis of the testimony that has been filed, I&M Power alleges that "the pivotal and sole issue in this proceeding * * * is the rate of return on common equity," which is the very issue in which Ormet expresses interest, and that this issue can be adequately litigated by the existing parties to the proceeding and Staff. Moreover, I&M Power argues that Ormet has no interest which will be directly affected by the instant proceeding and that Ormet's complaint in Docket No. E–9560 affords Ormet an adequate opportunity to seek protection for the interests it has asserted. I&M Power concludes by stating that if the Commission should grant Ormet's untimely petition, the Commission should limit Ormet's participation to the filing of briefs.

Upon consideration of Ormet's petition and I&M Power's response thereto the Commission has concluded that Ormet has alleged a sufficient interest in the instant proceeding to justify its participation and that it would be in the public interest to grant Ormet's petition. However, in granting Ormet's petition the Commission expressly refrains from expressing an opinion on the merits of Ormet's allegations. Nor should the Commission's action on the instant petition to intervene be construed as an indication of what action the Commission will take on Ormet's complaint in Docket No. E–9560.

In view of the stage that the instant proceedings have reached, and in further view of the fact that the existing parties and Staff have already focused their evidentiary presentations on the question which Ormet desires to address, the Commission will condition Ormet's intervention upon Ormet's accepting the record as it exists. In thus conditioning Ormet's intervention the Commission does not, however, agree with I&M Power that Ormet's participation should be limited to the filing of briefs. Accordingly, Ormet will, for example, be permitted to participate in the cross examination of witnesses at the hearing presently scheduled for August 17, 1976. Finally, the Commission wishes to make it clear that it will not permit the grant of Ormet's petition to intervene to delay the proceedings in this case.

The untimely petition to intervene filed by the Public Counselor has not been opposed. After careful review of this untimely petition the Commission concludes that the Public Counselor should be permitted to intervene. However, the Commission does not believe that the Public Counselor has alleged facts which would warrant a delay in these proceedings to permit the filing of further testimony. Accordingly, the Commission will condition intervention upon the Public Counselor's accepting the record as it exists.

The Commission further finds: Participation in this proceeding by Ormet and the Public Counselor may be in the public interest.

The Commission orders: (A) Ormet and the Public Counselor are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however,* That participation of Ormet and the Public Counselor shall be limited to matters affecting asserted rights and interests as specifically set forth in their petition to intervene; and *Provided further,* That the admission of Ormet and the Public Counselor shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-22910 Filed 8-5-76;8:45 am]

[Docket No. RI76–125]

LOUISIANA CRUDE OIL AND GAS COMPANY, INC.

Amended Petition for Special Relief

JULY 30, 1976.

Take notice that on July 20, 1976, Louisiana Crude Oil And Gas Company, Inc. (Petitioner), 922 Richards Building, New Orleans, Louisiana 70112, filed an amendment to its petition for special relief in Docket No. RI76–125. Petitioner sought a price of 84.91 cents per Mcf, plus full reimbursement by the purchaser to the Seller of the 7 cent State of Louisiana Gas Severance Tax for the sale of gas to Texas Gas Transmission Corp.'s meter station No. 21491 in the Chalkley Field for the sale of gas to Texas Gas Transmission Corporation. Petitioner now seeks a "cost of production" price of 73.93 cents, plus Louisiana State Severance Tax of 7 cents, based upon a modified rate relief filing guide.

Any person desiring to be heard or to make any protest with reference to said petition should on or before August 25, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.18 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22911 Filed 8-5-76;8:45 am]

[Docket No. RP73–43 (PGA 76–3)]

MID LOUISIANA GAS CO.

Pipeline Rates; Purchased Gas Adjustment; Order Accepting and Suspending Proposed Tariff Sheet, Subject to Condition, and Staying Procedures With Respect to Certain Small Producer Purchases

Issued July 30, 1976.

On June 14, 1976, Mid Louisiana Gas Company (Mid Louisiana) tendered for filing a proposed tariff sheet[1] reflecting an increase in purchased gas costs. Mid Louisiana requests that such tariff sheet be permitted to become effective as of August 1, 1976. For reasons set forth hereinbelow, the Commission shall accept the proposed tariff sheet for filing, suspend its effectiveness for one day, and permit it to become effective, subject to refund, on August 2, 1976.

The instant filing proposes (1) an 11.69¢ per Mcf increase under Mid Louisiana's Rate Schedule G–1, SG–1, and I–1, and (2) an 8.4¢ per Mcf increase under Rate Schedule E–1. The 11.69¢ per Mcf increase reflects: (1) a 2.49¢ per Mcf increase in the cost of purchased gas; (2) a 9.12¢ per Mcf increase in the surcharge to recover the balance in the Deferred Account; and (3) an .08¢ per Mcf advance payment adjustment. The 8.4¢ per Mcf increase tracks an increase of that amount in the cost of gas purchased from United Gas Pipe Line Company.

Public notice of Mid Louisiana's filing was issued on June 23, 1976, with comments, protests, or petitions to intervene due on or before July 9, 1976.

The Commission's review of Mid Louisiana's filing indicates that the proposed tariff sheet reflects small producer purchases in excess of the rate levels permitted in Opinion No. 742.[3] Thus, the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, the Commission will accept the proposed tariff sheet for filing and suspend its use for one day until August 2, 1976, when it will be permitted to become effective subject to refund and as hereinafter conditioned.

With regard to the issue of the small producer purchases in excess of Opinion No. 742 rate levels, the Commission will defer establishing a hearing schedule pending Commission action on rehearing of Opinion No. 742 and the proposed rulemaking in Docket No. RM76–5.[5] Notwithstanding the deferral of a procedural schedule on the small producer issue, Mid Louisiana shall file within fifteen (15) days of the date of this order, a list of the small producers who made sales reflected in the instant filing which are in excess of the "130% formula" rates prescribed by Opinion No. 742.

The Commission's review of increased purchased gas costs claimed by Mid Louisiana other than those associated with small producer purchases in excess of "130% formula" level indicates that they should be approved insofar as they are in compliance with the standards set forth in Docket No. R–406. Accordingly, we shall permit Mid Louisiana to file revised tariff sheets to become effective on August 1, 1976, which reflect the costs in Mid Louisiana's filing which are in conformance with Docket No. R–406.

The above-noted .08¢ per Mcf advance payment adjustment is submitted by Mid Louisiana in purported compliance with advance payment tracking authority contained in a settlement agreement approved by the Commission in Docket No. RP75–68.[4] Such adjustment does not reflect increased advance payment costs incurred by Mid Louisiana; rather, it reflects only increased unit costs for advance payments as a result of declining annual sales volumes. However, the advance payment tracking provision approved in our January 30, 1976, order in Docket No. RP75–68 permits Mid Louisiana to increase or decrease its rates only as a result of increases or decreases in the balance of advance payments outstanding as of a given date and does not permit adjustment solely for changes in annual sales volumes. Therefore, the .08¢ adjustment reflected in the instant filing must be rejected as being inconsistent with Mid Louisiana's advance payment tracking authority. Accordingly, within 15 days of issuance of this order, Mid Louisiana shall file a revised tariff sheet eliminating the .08¢ adjustment from its rates to be effective on August 2, 1976. Moreover, Mid Louisiana shall reflect the elimination of the .08¢ per Mcf adjustment from the tariff sheet it will be permitted to file to be effective on August 1, 1976.

The Commission finds: (1) It is necessary and appropriate to aid in the enforcement of the Natural Gas Act that Mid Louisiana's proposed tariff sheet be accepted for filing, that the effectiveness thereof be suspended for one day until August 2, 1976, when the tariff sheet shall be permitted to become effective, subject to refund, as hereinafter ordered and conditioned, and that hearing procedures on the issue of small producer purchases be deferred pending further Commission order.

(2) Good cause exists to require Mid Louisiana to file within fifteen (15) days of the issuance of this order a list of small producers making sales reflected in Mid Louisiana's proposed tariff sheet which are in excess of the rate levels prescribed by Opinion No. 742.

(3) The proposed .08¢ per Mcf advance payment adjustment should be rejected as being inconsistent with Mid Louisiana's advance payment tracking authority granted by the Commission's January 30, 1976 order in Docket No. RP75–68.

The Commission orders: (A) Mid Louisiana's proposed tariff sheet as filed on June 14, 1976, is hereby accepted for filing and the effectiveness thereof suspended for one (1) day until August 2, 1976, when it shall become effective, subject to refund and as conditioned below.

(B) Mid Louisiana's proposed .08¢ per Mcf advance payment adjustment is hereby rejected as being inconsistent with its advance payment tracking authority. Accordingly, within 15 days of issuance of this order, Mid Louisiana shall file a revised tariff sheet eliminating such adjustment from its rates to be effective August 2, 1976.

(C) Mid Louisiana may file a revised tariff sheet to become effective August 1, 1976, which reflects those claimed increased purchased gas costs which are other than the claimed increased costs associated with small producer purchases in excess of the rate levels prescribed by Opinion No. 742 and which eliminates the proposed .08¢ per Mcf advance payment adjustment.

(D) Hearing procedures regarding the justness and reasonableness of the small producer purchases in excess of the rate levels prescribed in Opinion No. 742 are hereby deferred pending further order of the Commission.

(E) Mid Louisiana shall file within fifteen (15) days of the issuance of this order a list of the small producers making sales reflected in Mid Louisiana's proposed tariff sheet which are in excess of the rate levels prescribed by Opinion No. 742.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22912 Filed 8-5-76;8:45 am]

[Docket No. RP76–114]

MIDWESTERN GAS TRANSMISSION CO.

Pipeline Rates: Order Accepting for Filing and Suspending Revised Tariff Sheets and Establishing Procedures

Issued July 30, 1976.

On June 30, 1976, Midwestern Gas Transmission Company (Midwestern) tendered for filing revised tariff sheets to its FPC Gas Tariff[1] seeking an increase in annual jurisdictional revenues of $8,555,227, composed of $4,758,726 for its Southern System and $3,796,501 for its Northern System. The proposed increase in rates is based on claimed increased costs for the twelve months ended February 29, 1976, as adjusted for changes known and measurable through November 30, 1976. Midwestern proposes that the revised tariff sheets become effective on August 1, 1976. For the reasons hereinafter stated, the Commission will accept the revised sheets for filing, suspend their use for five months, and establish procedures to determine the lawfulness of the rates and charges proposed therein.

Public notice of Midwestern's tender was issued on July 8, 1976, with comments, protests, and petitions to intervene due on or before July 23, 1976.

Midwestern's justification for the proposed increased rates includes a composite book depreciation and amortization rate of 5.50%; a return on common equity of 13.75% and an overall rate of return of 11.48%; restoration of the deficiency in Account 282; increases in costs of materials, supplies, wages and outside service; and increases in taxes Midwestern projects a decline in sales on its Southern System and utilizes the *Seaboard*[3] methodology for rate design.

The Commission's review of the proposed increased rates indicates that they have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, the Commission shall accept the proposed increased rates for filing, suspend the use thereof for five months until January 1, 1977, when they may be permitted to become effective, subject to refund, and establish hearing procedures to determine the lawfulness of the increased rates and charges proposed herein.

[1] As noted, supra, p. 2, I&M Power subsequently filed its prepared rebuttal testimony on June 7, 1976.

[1] Twentieth Revised Sheet No. 3a to Mid Louisiana's FPC Gas Tariff, First Revised Volume No. 1.

[3] Docket No. R–393, issued August 28, 1975.

[5] Small Producers, Docket No. RM76–5, Notice of Proposed Rulemaking, issued August 28, 1975.

[4] Mid Louisiana Gas Company, Docket No. RP75–68, Order Accepting Settlement and Terminating Proceeding, issued January 30, 1976.

[1] *Third Revised Volume No. 1*, Fifteenth Revised Sheet No. 5, Original Sheet No. 5A, Second Revised Sheet Nos. 80 and 85. *Original Volume No. 2*, First Revised Sheet No. 37.

[3] *Atlantic Seaboard Corp., et al.*, 11 FPC 43 (1952).

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The Commission finds: Good cause exists to accept for filing the revised tariff sheets tendered herein and suspend their use for five months, until January 1, 1977, and until such further time as they are made effective, subject to refund, by motion filed in the manner prescribed by Section 4(e) of the Natural Gas Act.

The Commission orders: (A) Pending hearing and decision as to the lawfulness of the rates and charges proposed therein, the revised tariff sheets designated in footnote 1 are hereby accepted for filing and suspended for five months, or until January 1, 1977, and until such further time as they are made effective, subject to refund, by motion filed in the manner prescribed by Section 4(e) of the Natural Gas Act.

(B) Pursuant to the authority of the Natural Gas Act, particularly Sections 4 and 5 thereof, a public hearing shall be held concerning the lawfulness of the rates and charges contained in the revised tariff sheets filed herein.

(C) The Staff shall prepare and serve top sheets on all parties for settlement purposes on or before November 1, 1976. (See Administrative Order No. 157).

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5 (d)), shall convene a settlement conference in this proceeding on a date certain within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish such further procedural dates as may be necessary and to rule upon all motions (with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the Rules of Practice and Procedure.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22913 Filed 8-5-76;8:45 am]

[Docket No. RP76-89]

NORTHERN NATURAL GAS CO.

Settlement Conference

JULY 30, 1976.

Take notice that on August 18, 1976, a conference of all parties to intervene in this proceeding, Northern Natural Gas Company, and Commission Staff will be held in a Commission Hearing Room at 825 North Capitol Street, NE., Washington, D.C., at 10:00 a.m.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, attendance at the conference will not be deemed to authorize intervention as a party in the proceedings.

All parties will be expected to come fully prepared to discuss the merits of all issues concerning the lawfulness of the proposed rate increase and any procedural matters preparatory to a full evidentiary hearing or to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22914 Filed 8-5-76;8:45 am]

[Docket No. RP76-115]

NORTHWEST PIPELINE CORP.

Pipeline Rates: Order Accepting for Filing and Suspending Revised Tariff Sheets and Setting Procedures

JULY 30, 1976.

On July 1, 1976, the Northwest Pipeline Corporation (Northwest) tendered for filing proposed changes in its FPC Gas Tariff, Volume No. 1.[1] The proposed changes would increase revenues from jurisdictional sales and service by $22,266,065 annually based on the 12 month period ending March 31, 1976 as adjusted for known and measurable changes through December 31, 1976. The proposed effective date of the revised sheets is August 1, 1976. For the reasons hereinafter stated, the Commission shall suspend the proposed rate increase for the full statutory period of five months or until January 1, 1977, when the rates will be permitted to become effective, subject to refund, and institute a hearing concerning the lawfulness of the proposed rates.

Northwest asserts that the principal reason for the increase in rates is that the jurisdictional revenues at present rates are inadequate to meet the cost of service and provide a fair rate of return. It is further asserted that among the factors contributing to the need for the increase are:

(a) Cost associated with the Clay Basin Storage Project;

(b) Increased payroll and related costs;

(c) Increase in rate of return to compensate for higher cost of capital;

(d) Other increases in operation and maintenance expenses and taxes.

Northwest has included in the test period cost of service, costs related to certificate applications at Docket Nos. CP76-389 and CP75-287. The investment applicable to these projects requiring certification are related to the test period gas supply and sales levels reflected in this filing. Northwest requests that the Commission waive the requirements of Section 154.63(e)(2)(ii) of its Regulations to the extent required to permit the costs associated with these certificate applications to be included in this filing. Northwest also requests that the Commission waive the requirements of Section 154.63(e)(2)(i) of its Regulations to the extent required to permit the inclusion in the filing of amounts attributable to increases in the amounts payable as regular royalty and tax expense with respect to company-owned production which will become effective on January 1, 1977, only one day after the close of the test period herein. These additional costs result from the annual 1¢ increase in the national rate for natural gas produced from wells commenced on or after January 1, 1973 as prescribed by Opinion No. 699-H at Docket No. R-389-B. Northwest further claims cost of service treatment for company-owned production from wells commenced on or after January 1, 1973, from leases acquired prior to October 8, 1969.

Northwest claims that the fair rate of return is 10.47%, which would provide a return of 15.50% to the common equity portion of the rate base.

Public notice of the filing was issued on July 8, 1976, with protests and petitions to intervene due on or before July 23, 1976. Various petitions to intervene and notices of intervention have been received.[2] The Commission believes that the intervention of such parties may be in the public interest and, accordingly, they will be permitted to intervene in the proceedings hereinafter ordered.

The Commission's review indicates that the increased rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, the Commission shall accept Fourteenth Revised Sheet No. 10 for filing and suspend its use for five months, or until January 1, 1977, when it may be permitted to become effective, subject to refund, by motion filed in the manner provided by the Natural Gas Act, subject to conditions hereinafter specified. The Commission shall further establish procedures to determine the lawfulness of the increased rates proposed herein.

The Commission shall grant waiver of Section 154.63(e)(2)(ii) of the Regulations so as to permit costs associated with facilities which are not certificated and in service to be reflected in the proposed rates, subject to the condition that Northwest file revised tariff sheets prior to January 1, 1977, excluding costs associated with facilities which are not certificated and placed in service on or before December 31, 1976. In light of our earlier discussion, the Commission shall also grant waiver of Section 154.63(e)(2)(i) of the Regulations so as to permit the inclusion in Northwest's filing of amounts attributable to increases in the amounts

[1] Northwest filed two tariff sheets designated as proposed Fourteenth Revised Sheet No. 10 and Alternate Fourteenth Revised Sheet No. 10. The alternate sheet shows the impact of an increase in special overriding royalty cost to which Northwest is exposed. Northwest requests that it be allowed to amend its rate filing to recover these increased costs if the liability is established during the course of the rate proceeding.

[2] See Appendix A.

payable as regular royalty and tax expense with respect to company-owned production which will become effective on January 1, 1977, the effective date for the rates proposed herein.

With respect to Northwest's claimed cost of service treatment for company-owned production from wells commenced on or after January 1, 1973, from leases acquired prior to October 8, 1969, we note that in Opinion No. 731[3] we expressed our concern with respect to the standards that must be met to satisfy the "special circumstances" criterion for such cost of service treatment as set forth in Opinion No. 568[4] and Opinion No. 568-A.[5] In finding that the circumstances must be truly extraordinary, we concluded that the pipeline seeking the higher cost of service treatment must carry the same burdens of proof and persuasion that an independent producer must meet in order to gain an exception from the area rate applicable to its sale. Thus, more than a showing of unit costs higher than the area rate, or intimations that the company will have to discontinue its exploration program without the requested relief, is required. In light of Opinion No. 731, all parties submitting evidence on this issue should specifically address the *extraordinary* nature of the circumstances surrounding Northwest's production from leases acquired after October 8, 1969.

The Commission further notes that Northwest has prepared its rate increase filing both on the basis of including and excluding the potential increased special overriding royalty costs which may be payable during the test period as a result of a scheduled contractual rate increase in several of Northwest's special overriding royalty agreements (See footnote one). Northwest states that the Commission, in its order issued June 4, 1976 in Docket No. RP74-23 and in its order issued April 19, 1976 in Docket Nos. RP73-109 and RP74-95, has indicated that Northwest may track the increased special overriding royalty costs when and if the liability therefore is finally established.[6] Consistent with those orders, we shall reject Northwest's proposed Alternate Fourteenth Revised Sheet No. 10 as premature without prejudice to Northwest's refiling said sheet to collect currently a surcharge to recover any additional special overriding royalty payments it is required to make for the period from January 1, 1977, until the rates proposed in this docket are superseded. Northwest may, of course, file and collect this surcharge after the liability for special overriding royalty payments has been established and the added costs are being incurred.

The Commission finds: (1) Northwest's proposed Fourteenth Revised Sheet No. 10 should be accepted for filing, suspended for five months, and the use thereof deferred until January 1, 1977, when it may be permitted to become effective subject to refund.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of Northwest's proposed Fourteenth Revised Sheet No. 10.

(3) Northwest's proposed Alternate Fourteenth Revised Sheet No. 10 should be rejected without prejudice to Northwest's refiling said Sheet at such time as its liability for special overriding royalty payments has been established and the added costs are being incurred.

(4) Good cause exists to grant waiver of Sections 154.63(e)(2)(i) and 154.63(e)(2)(ii) of the Commission's Regulations subject to the conditions hereinafter ordered.

(5) Good cause exists to permit the intervention of the parties listed in Appendix A.

The Commission orders: (A) Northwest's proposed Fourteenth Revised Sheet No. 10 is hereby accepted for filing, suspended for five months, and the use thereof deferred until January 1, 1977, and until such further time as it is made effective, subject to refund, by motion filed in the manner prescribed by Section 4(e) of the Natural Gas Act.

(B) Pursuant to the authority of the Natural Gas Act, particularly Sections 4 and 5 thereof, and the Commission's Rules of Practice and Procedure a public hearing shall be held for the purpose of determining the lawfulness and reasonableness of Northwest's proposed Fourteenth Revised Sheet No. 10.

(C) Northwest's proposed Alternate Fourteenth Revised Sheet No. 10 is hereby rejected without prejudice to Northwest's refiling said sheet to collect currently a surcharge to recover any additional special overriding payments it is required to make for the period from January 1, 1977, until the rates proposed in this docket are superseded. This sheet may be refiled at such time as Northwest's liability for special overriding royalty payments has been established and the added costs are being incurred.

(D) The parties in Appendix A hereto are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however,* That participation of such intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in their petition to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recogntion by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(E) The Staff shall prepare and serve top sheets on all parties for settlement purposes on or before November 1, 1976. (See Administrative Order No. 157.)

(F) Waiver of Section 154.63(e)(2)(i) of the Regulations is hereby granted to permit the inclusion in Northwest's filing of amounts attributable to increases in the amounts payable as regular royalty and tax expense with respect to company-owned production which will become effective January 1, 1977.

(G) Waiver of Section 154.63(e)(2)(ii) of the Regulations is hereby granted, subject to the condition that Northwest file a revised tariff sheet to become effective on January 1, 1977, excluding costs associated with facilities which are not certificated and placed in service on or before December 31, 1976.

(H) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5(d)), shall convene a settlement conference in this proceeding on a date certain within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates and to rule upon all motions (with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the Rules of Practice and Procedure.

(I) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to Section 1.18 of the Commission's Rules of Practice and Procedure.

(J) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

APPENDIX A

NORTHWEST PIPELINE CORPORATION

[Docket No. RP76-115]

Petitioner	*Date filed*
Washington Natural Gas Co.	July 14, 1976.
Mountain Fuel Supply Co.	Do.
Northwest Natural Gas Co.	July 15, 1976.
Wyoming Industrial Gas Co.	July 16, 1976.
Utah Gas Service Co.	Do.
Washington Utilities & Transportation Commission.	July 19, 1976.
Colorado Interstate Gas Co.	Do.
Sierra Pacific Power Co.	Do.
Cascade Natural Gas Corp.	July 22, 1976.
Public Service Company of Colorado, Western Slope Gas Company, & Cheyenne Light, Fuel & Power Co.	Do.
Intermountain Gas Co.	July 26, 1976.
Idaho Public Utilities Commission.	Do.

[FR Doc.76-22915 Filed 8-5-76;8:45 am]

[3] Issued May 15, 1975.

[4] 42 FPC 738 (1969).

[5] 42 FBC 1069 (1969).

[6] The question of whether special overriding royalties are subject to Federal Power Commission jurisdiction and the question of interpretation of the rate which should be paid under the terms of the contract provisions of these special overriding royalty agreements is presently awaiting decision from the United States District Court for the Western District of Texas, Midland-Odessa Division.

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[Docket No. RP73-36 (PGA76-3) (DC76-2)]

PANHANDLE EASTERN PIPE LINE CO.

Pipeline Rates: Order Accepting for Filing and Suspending Proposed Tariff Sheet and Rejecting Alternate Tariff Sheet

JULY 30, 1976.

On June 15, 1976, Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing a revised tariff sheet [1] to provide for a DCA commodity surcharge adjustment and for a purchased gas cost adjustment to its presently effective rates. The proposed effective date of the rate change is August 1, 1976. Panhandle filed an alternative tariff sheet [2] to be placed into effect on August 1 in the event the tariff sheet designated in footnote 1 is suspended. For the reasons hereinafter stated, the Commission will accept the tariff designated in footnote 1 and suspend it for one day, or until August 2, 1976, when it will be permitted to become effective, subject to refund. The sheet designated in footnote 2 will be rejected.

Public notice of Panhandle's filing was issued July 13, 1976, with comments, protests, or petitions to intervene due on or before July 24, 1976. To date, no responses to the notice have been received.

Commission review of the tariff sheet listed in footnote 1 indicates that the proposed PGA rate adjustment is based in part on small producer and 60-day emergency purchases in excess of the rate levels prescribed in Opinion Nos. 742 and 699-H, respectively. Therefore, the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, we shall accept the tariff sheet listed in footnote 1 for filing and suspend it for one day until August 2, 1976, when it shall become effective, subject to refund.

With regard to the issue of the small producer purchases described above, other than the small producer purchases made pursuant to the Commission's emergency sales regulations, we shall defer establishing a hearing schedule for this matter pending Commission action on rehearing of Opinion No. 742 [3] and the proposed rulemaking in Docket No. RM76-5.[4]

Notwithstanding our deferral of a procedural schedule on the small producer issue, Panhandle shall file within 15 days of the date of this order a list of the small producers showing the producer and its address (other than small producers from whom Panhandle purchases pursuant to Opinion No. 699-B [5]) reflected in the instant filing in excess of the "130% formula" rates.

With regard to the 60-day emergency purchases, the Commission provided in Opinion No. 699-B that a pipeline would be entitled to include in its purchased gas costs a cost for such purchases "which a reasonably prudent pipeline purchaser would pay for gas under the same or similar circumstances." To assist in Commission review of the 60-day emergency purchases and in determining whether a public hearing is necessary thereon, Panhandle shall be required to file and serve on all its customers and interested state commissions within thirty days of the issuance hereof the following information: (1) the pipeline's need for the gas, (2) the availability of other gas supplies, (3) the amount of gas purchased under each 60-day transaction, (4) a comparison of each emergency purchase price with appropriate market prices in the same or nearby areas, and (5) the relationship between the purchaser and the seller. Upon receipt of this information, notice will be issued for receipt of comments with respect thereto. If, upon review of the information filed and any comments related thereto, we find the subject purchases meet the criteria set forth in Opinion No. 699-B, the Commission shall terminate the proceedings and relieve Panhandle of its refund obligation. Should our review of the information and any comments related thereto indicate that further proceedings are required as to any or all of the 60-day emergency purchases, such proceedings will be established by subsequent order.

Review of the alternate tariff sheet listed in footnote 2 indicates that excessive costs for small producer and emergency purchases have been eliminated from the current adjustment but not from the deferred account upon which the surcharge is based. Accordingly, that tariff sheet shall be rejected, without prejudice to Panhandle's right to file a revised tariff sheet to be effective for August 1, 1976, based on the elimination of costs of small producer and emergency purchases in excess of purchases at Opinion Nos. 600-H and 742 rate levels.

The Commisison finds: (1) Good cause exists to reject the tariff sheet listed in footnote 2.

(2) Good cause exists to accept for filing the proposed tariff sheet listed in footnote 1 and to suspend the use thereof for one day, to become effective August 2, 1976, subject to refund.

(3) It is necessary and appropriate to aid in the enforcement of the Natural Gas Act that hearing procedures on the issue of small producer purchases (other than the small produced purchases made pursuant to the Commission's 60-day emergency sales regulation) be deferred pending further Commisison order.

The Commission orders: (A) The alternate tariff sheet listed in footnote 2 is hereby rejected.

(B) The tariff sheet listed in footnote 1 is hereby accepted for filing and suspended for one day, until August 2, 1976, when it shall become effective subject to refund.

(C) The hearing procedures on the issue of small producer purchases (other than small producer purchases made pursuant to the Commission's 60-day emergency sales regulation) in excess of the rate levels prescribed by Opinion No. 742, are hereby deferred pending further Commission order.

(D) Within 15 days of the date of this order, Panhandle shall file with the Commission a list, including addresses, of the small producers (other than small producers from whom Panhandle purchases under the 60-day emergency purchase regulations) from whom it purchased at rates in excess of the rate levels provided for by Opinion No. 742.

(E) To assist in Commission review of the 60-day emergency purchases and in determining whether a public hearing is necessary thereon, Panhandle shall file and serve on all its customers and interested state commissions within thirty days of the issuance of this order the following information: (1) the pipeline's need for the gas, (2) the availability of other gas supplies, (3) the amount of gas purchased under each 60-day transaction, (4) a comparison of each emergency purchase price with appropriate market prices in the same or nearby areas, and (5) the relationship between the purchaser and the seller. Upon receipt of this information, notice will be issued for receipt of comments with respect thereto. Should our review indicate that the information filed and the comments related thereto meet the criteria set forth in Opinion No. 699-B, we shall terminate the proceedings and relieve Panhandle of its refund obligation. Should our review of the information and any comments related thereto indicate that further proceedings are required as to any or all of the 60-day emergency purchases, such proceedings will be established by subsequent order.

(F) The Secretary shall cause the prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22916 Filed 8-5-76;8:45 am]

[1] Seventeenth Revised Sheet No. 3-A to its FPC Gas Tariff, Original Volume No. 1.

[2] Alternate Seventeenth Revised Sheet No. 3A to its FPC Gas Tariff, Original Volume No. 1.

[3] ------ FPC ------ issued August 28, 1975, in Docket No. R-393.

[4] Small Producers, Docket No. RM76-5, Notice of Proposed Rulemaking, issued August 28, 1975.

[5] ------ FPC ------ issued September 9, 1975, in Docket No. R-389-B.

[Docket No. ER76-221]

POTOMAC EDISON CO.

Electric Rates; Order Granting Rehearing for Further Consideration

JULY 30, 1976.

On July 1, 1976, Potomac Edison Company (Edison) filed a petition for rehearing of the Commission's order issued June 1, 1976, insofar as it determined that Edison cannot unilaterally raise its rates under its electric service agreement with the Town of Williamsport, Maryland (Williamsport). On July 1, 1976, a petition for rehearing of the June 1 order was also filed by the Borough of Chambersburg and Mont Alto, Pennsylvania and the Cities of Hagerstown and Thurmont, Maryland (Cities). The Cities seek rehearing insofar as the Commission determined that the increased rates could become effective as to that service to Chambersburg which exceeds 15,000 kw and on the grounds that the Commission erroneously failed to reject Edison's proposed increase as discriminatory. In order to permit additional time for the necessary analysis of the issues raised in the instant petitions for rehearing, rehearing will be granted for further consideration.

The Commission finds: Good cause exists to grant the petitions for rehearing, *supra*, for further consideration of the issues raised therein.

The Commission orders: (A) Edison's petition for rehearing, filed July 1, 1976, and Cities' petition for rehearing, filed July 1, 1976, are hereby granted in order to permit further consideration of the issues raised in the respective petitions.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22917 Filed 8-5-76;8:45 am]

[Docket Nos. RP72-156 (PGA76-3) and RP72-64 (DCA76-2)]

TEXAS GAS TRANSMISSION CORP.

Pipeline Rates: Suspension; Deferring Hearing Procedures With Respect to Certain Small Producer Purchases and Requiring Submission of Information Concerning 60-Day Emergency Purchases

JULY 30, 1976.

On June 14, 1976, Texas Gas Transmission Corporation (Texas Gas) tendered for filing a proposed PGA rate revision.[1] For the reasons hereinafter stated, we shall accept the proposed tariff sheet for filing, suspend its effectiveness for one day and permit it to become effective on August 2, 1976, subject to refund.

Texas Gas' proposed tariff sheet provides for a 5.07¢ per Mcf increase in the Company's commodity rate and a 1.0¢ per Mcf decrease in the demand rate. These rate revisions reflect (1) a 6.37¢ per Mcf increase in the commodity rate and a 1.0¢ per Mcf reduction in the demand rate to track increased gas costs of $49 million, (2) a 0.42¢ per Mcf reduction (from 2.49¢ to 2.07¢) in surcharge to reflect a reduced balance in the deferred account and (3) a DCA rate reduction of 0.88¢ per Mcf (from 1.65¢ to 0.77¢) to collect $2.7 million in the deferred account. An effective date of August 1, 1976, is requested.

Public notice of Texas Gas' filing was issued on June 23, 1976 with protests or petitions to intervene due on or before July 9, 1976. Petitions to intervene were filed on July 6, 1976, by the City of Hamilton, Ohio, (Hamilton) and on July 8, 1976, by Michigan Wisconsin Pipe Line Company, (Michigan Wisconsin). Having reviewed the petitions, the Commission concludes that the intervention of Hamilton and Michigan Wisconsin in these proceedings may be in the public interest. Accordingly, Hamilton and Michigan Wisconsin shall be permitted to intervene as hereinafter ordered.

The Commission's review of the Texas Gas' filing indicates that the proposed PGA rate adjustment is based in part on small producer and 60-day emergency purchases in excess of the rate levels prescribed in Opinion Nos. 742 and 699-H, respectively. Therefore, the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, the Commission will accept the tariff sheet for filing and suspend it for one day until August 2, 1976, when it will be permitted to become effective, subject to refund. Texas Gas' proposed rates shall be subject to downward revision if the Company does not incur the anticipated producer rate increases by August 1, 1976.

With regard to the issue of the small producer purchases other than the small producer purchases made pursuant to the Commission's emergency sales regulations, the Commission will defer establishing a hearing schedule pending Commission action on rehearing of Opinion No. 742 [2] and the proposed rulemaking in Docket No. RM76-5.[3]

Notwithstanding the Commission's deferral of a procedural schedule on the small producer issue, Texas Gas shall file within 15 days of the date of this order a list of the small producers (other than small producers making emergency sales) making sales reflected in the instant filing at rates in excess of the "130% formula" rates.

With regard to the 60-day emergency purchases, the Commission noted in Opinion No. 699-B [4] that a pipeline would be entitled to include in its purchased gas costs a rate for such purchases "which a reasonably prudent pipeline purchaser would pay for gas under the same or similar circumstances." To assist in Commission review of the 60-day emergency purchases and in determining whether a public hearing is necessary thereon, Texas Gas shall be required to file and serve on all its customers and interested state commissions within thirty days of the issuance hereof the following information: (1) the pipeline's need for the gas, (2) the availability of other gas supplies, (3) the amount of gas purchased under each 60-day transaction, (4) a comparison of each emergency purchase price with appropriate market prices in the same or nearby areas, and (5) the relationship between the purchaser and the seller. Upon receipt of this information, it will be duly noticed for receipt of comments with respect thereto. If, upon review of the information filed and any comments related thereto, the Commission finds that the subject purchases meet the criterion set forth in Opinion No. 699-B, the Commission will terminate the proceedings and relieve Texas Gas of its refund obligation. Should the Commission's review of the information and any comments related thereto indicate that further proceedings are required as to any or all of the 60-day emergency purchases, such proceedings will be established by subsequent order.

Our review of Texas Gas' claimed increased purchased gas costs other than those claimed increased costs associated with that portion of small producer and emergency purchases in excess of the rate levels prescribed by the "130% formula" in Opinion No. 742 and the rate levels prescribed by Opinion No. 699-H respectively, indicates that they comply with the standard set forth in Docket No. R-406. Accordingly, we shall permit Texas Gas to file a revised tariff sheet to reflect the elimination of these costs.

The Commission finds: (1) It is necessary and appropriate to aid in the enforcement of the Natural Gas Act that hearing procedures on the issue of small producer purchases, other than those small producer purchases made pursuant to the Commission's 60-day emergency sales regulation, be deferred pending further Commission order.

(2) Good cause exists to accept for filing the proposed tariff sheet filed herein and suspend its use for one day, until August 2, 1976, when it shall be made effective, subject to refund as hereinafter ordered.

(3) Good cause exists to require Texas Gas to file, within 15 days of the date of issuance of this order, a list (with addresses) of small producers other than small producers making 60-day emergency sales from whom Texas Gas' purchases reflected in the instant filing were made at rates in excess of the "130% formula" established in Opinion No. 742.

(4) Good cause exists to require Texas Gas to file, within 30 days of the date of issuance of this order, information concerning the 60 day emergency purchases included in its filing as outlined in this order.

(5) It is desirable and in the public interest to permit Hamilton and Michigan Wisconsin to intervene in these proceedings.

The Commission orders: (A) Texas Gas' proposed tariff sheet is hereby accepted for filing and suspended for one day, to become effective August 2, 1976.

[1] Designated: Fifteenth Revised Sheet No. 7 to FPC Gas Tariff, Third Revised Volume No. 1.

[2] ---- FPC ---- issued August 28, 1975, in Docket No. R-393.

[3] Small Producers, Docket No. RM76-5, Notice of Proposed Rulemaking, issued August 28, 1975.

[4] ---- FPC ---- issued September 9, 1975, in Docket No. R-389-B.

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subject to refund, and as conditioned below.

(B) Texas Gas' proposed rates are hereby made subject to downward revision if Texas Gas does not incur the anticipated producer rate increases by August 1, 1976.

(C) Texas Gas may file a revised tariff sheet, to become effetcive August 1, 1976, reflecting the elimination of purchased gas costs associated with that portion of small producer and emergency purchases in excess of the rate levels established in Opinion Nos. 742 and 699-H, as appropriate.

(D) Hearing procedures on the issue of small producer purchases (other than small producer purchases made pursuant to the Commission's 60-day emergency sales regulation) in excess of the rate levels prescribed in Opinion No. 742 are hereby deferred pending further Commission order.

(E) Within 15 days of the date of issuance of this order, Texas Gas shall file with the Commission a list, including addresses, of the small producers other than small producers under 60-day emergency sales, from whom it purchased at rates in excess of the rate level established in Opinion No. 742.

(F) To assist in Commission review of the 60-day emergency purchases and in determining whether a public hearing is necessary thereon, Texas Gas shall be required to file and serve on all its customers and interested state commissions, within 30 days of the date of issuance of this order, the following information: (1) the pipeline's need for gas; (2) availability of other gas supplies; (3) the amount of gas purchased under each 60-day transaction; (4) a comparison of each emergency purchase price with appropriate market prices in the same or nearby areas; and (5) the relationship between the purchaser and the seller. Upon receipt of this information, it will be duly noticed for receipt of comments with respect thereto. Should the Commission's review of the information filed, and any comments related thereto, indicate that such 60-day emergency purchases meet the guideline set forth in Opinion No. 699-B, the Commission will terminate the proceedings and relieve Natural of its refund obligation. Should the Commission's review of the information filed and any comments related thereto indicate that further proceedings are required as to any or all of such 60-day emergency purchases, such proceedings will be established by subsequent order.

(G) Hamilton and Michigan Wisconsin are hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; Provided, however, that participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene; and Provided, further, that the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in these proceedings.

(H) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22918 Filed 8-5-76;8:45 am]

[Docket Nos. RP73-35 and RP74-89 (PGA76-3 and AP76-3)]

TRUNKLINE GAS CO.

Order Accepting for Filing and Suspending Tariff Sheet, Staying Procedures With Respect to Certain Small Producer Purchases, and Establishing Procedures

JULY 30, 1976.

On June 15, 1976, Trunkline Gas Company (Trunkline) tendered for filing a tariff sheet[1] that amounts to a rate increase of 11.48¢ per Mcf. The proposed rate includes amounts associated with advance payments and transmission and compression costs tendered pursuant to tracking clauses in Article Nos. V and VI of the Settlement in Docket No. RP74-89, respectively, and increased purchased gas costs.

Trunkline requests an effective date of August 1, 1976, for the tariff sheet.

Notice of Trunkline's tender was issued on June 22, 1976, with comments, protests or petitions to intervene due on or before July 13, 1976.

The Commission's review of Trunkline's filing indicates that the proposed tariff sheet reflects small producer purchases in excess of the rate levels permitted in Opinion No. 742.[2] The Commission's review of the advance payment portion of Trunkline's tender indicates that all of the new advance payments reflected therein may not be reasonable and appropriate for rate base treatment as prescribed by Order Nos. 465 and 499, in that the advances may not be reasonably related to the costs to be incurred for exploration and development. Accordingly, the Commission will accept the proposed tariff sheet for filing and suspend its use for one day until August 2, 1976, when it will be permitted to become effective subject to refund. The Commission will establish hearing procedures to examine the lawfulness of Trunkline's new advance payments. Trunkline may refile rates to be effective on August 1, 1976, which exclude the effect of the small producer purchases in excess of the Opinion No. 742 rate level and all new advance payments.

With regard to the issue of the small producer purchases in excess of Opinion No. 742 rate levels, the Commission will defer establishing a hearing schedule pending Commission action on rehearing of Opinion No. 742 and the proposed rulemaking in Docket No. RM76-5.[3] Notwithstanding the deferral of a procedural schedule on the small producer issue, Trunkline shall file within fifteen (15) days of the date of this order, a list of the small producers who made sales reflected in the instant filing which are in excess of the "130% formula" rates prescribed by Opinion No. 742.

Our review of increased purchased gas costs claimed by Trunkline other than those associated with small producer purchases in excess of "130% formula" levels indicates that they should be approved insofar as they are in compliance with the standards set forth in Docket No. R-406.

The Commission finds: (1) It is necessary and appropriate to aid in the enforcement of the Natural Gas Act that Trunkline's proposed tariff sheet be accepted for filing, that the effectiveness thereof be suspended for one day until August 2, 1976, when the tariff sheet shall be permitted to become effective, subject to refund, that hearing procedures in the issue of small producer purchases be deferred pending further Commission order, and that hearing procedures be established to examine the lawfulness of the rate increase attributable to Trunkline's new advance payments, as hereinafter ordered.

(2) Good cause exists to require Trunkline to file within fifteen (15) days of the issuance of this order a list of small producers making sales reflected in Trunkline's proposed tariff sheet which are in excess of the rate levels prescribed by Opinion No. 742.

(3) It is necessary and appropriate to aid in the enforcecent of the Natural Gas Act that Trunkline be permitted to file revised tariff sheets excluding the effect of the small producer purchases in excess of Opinion No. 742 levels and the new advance payments to become effective August 1, 1976.

The Commission orders: (A) Trunkline's proposed tariff sheet as filed on June 15, 1976, is hereby accepted for filing and the effectiveness thereof suspended for one day until August 2, 1976, when it shall become effective subject to refund.

(B) Hearing procedures regarding the justness and reasonableness of the small producer purchases in excess of the rate levels prescribed in Opinion No. 742 are hereby deferred pending further order of the Commission.

(C) Trunkline shall file within fifteen (15) days of the issuance of this order a list of the small producers making sales reflected in the Trunkline's proposed tariff sheet which are in excess of the rate levels prescribed by Opinion No. 742.

(D) Trunkline may file a revised tariff sheet to become ecective August 1, 1976, which excludes the small producer purchases in excess of Opinion No. 742 levels and the new advance payments.

(E) Pursuant to the authority of the Natural Gas Act, particularly Sections 4 and 5 thereof, a public hearing shall be held in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 to determine the lawfulness of Trunkline's proposed rate increase attributable to the new advance payments.

[1] Sixteenth Revised Sheet No. 3-A to Original Volume No. 1.

[2] Docket No. R-393, issued August 28, 1975.

[3] Small Producers, Docket No. RM75-5, Notice of Proposed Rulemaking, issued August 28, 1975.

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in this proceeding, with authority to establish and change all procedural dates, and to rule on all motions (with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided in the Rules of Practice and Procedure.

(G) Trunkline shall file its direct case in the new advance payments proceeding on or before August 20, 1976. The Presiding Administrative Law Judge shall preside at a prehearing conference to be held on August 30, 1976, at 9:30 a.m., in a hearing room at the address noted in ordering paragraph (E).

(H) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22920 Filed 8-5-76;8:45 am]

[Docket No. ER76-798]

UNION ELECTRIC CO.

Interconnection Agreement

JULY 30, 1976.

Take notice that on July 21, 1976 Union Electric Company (Union) tendered for filing an Interconnection Agreement dated July 2, 1976, between Union and Kentucky Utilities Company.

Union states that the Interconnection Agreement, among other things, establishes the rights and obligations of the parties, the points of interconnections, the types of power and energy to be exchanged and the rates therefor.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules or Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 16, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-22921 Filed 8-5-76;8:45 am]

FEDERAL RESERVE SYSTEM

BANCO DE SANTANDER, S.A.

Order Approving Formation of Bank Holding Company

Banco de Santander, S.A., Santander, Spain, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 67 percent or more of the voting shares of First National Bank of Puerto Rico, Hato Rey, Puerto Rico ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant (deposits of approximately $3.2 billion), a Spanish comercial bank, has 484 branches including branches in Paris, Frankfurt, and London. Applicant also owns indirectly banks in Argentina and Panama and operates representative offices in Europe, Latin America, New York, New York, and San Juan, Puerto Rico.

Bank (deposits of approximately $29.3 million)[1] is the only national bank headquartered in Puerto Rico and is the tenth largest of eleven nongovernment owned commercial banks operating in Puerto Rico. Because of the nature of the business conducted by Applicant's representative offices in Puerto Rico, it does not appear that any meaningful competition would be eliminated as a result of the proposal. In view of Bank's size and rank in the market, the Board views the proposed acquisition as a foothold entry by Applicant into the market.[2] Such a foothold entry by Applicant should have a salutory effect on competition by enhancing Bank's competitive capabilities relative to the other banks in the market. Therefore, on the basis of the record, the Board concludes that consummation of the proposal would not have a significant adverse effect on existing or potential competition in any relevant area and that competitive considerations are consistent with approval of the application.

The financial condition and managerial resources of Applicant are considered satisfactory and its future prospects appear favorable. Absent consummation of this proposal, the financial condition, managerial resources and future prospects of Bank would be less than satisfactory. However, in view of Applicant's agreement to inject needed capital of approximately $3.2 million and its intention to strengthen the management of Bank, the same conclusions which apply to Applicant with respect to its financial condition, managerial resources and future prospects also apply to Bank: Affiliation with Applicant should enable Bank to more effectively provide services it has been forced to reduce as a result of its weakened financial condition. In addition, affiliation with an international banking organization such as Applicant should enable Bank to offer international banking services not currently available at Bank. Thus, considerations relating to the convenience and needs of the community to be served are also consistent with approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of New York pursuant to delegated authority.

By order of the Board of Governors,[3] effective July 30, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-22894 Filed 8-5-76;8:45 am]

FIRST SECURITY CORP.

Order Denying Extension of Time for Divestiture

First Security Corporation, Salt Lake City, Utah ("FSC"), a bank holding company within the meaning of the Bank Holding Company Act ("Act"), has tendered an application for the Board's approval under section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), to retain 100 percent of the voting shares of First Security Savings and Loan Association, Pocatello, Idaho ("FSS&L"), a company engaged in the business of operating a savings and loan association. Although FSC is subject to an outstanding Order of the Board to effect divestiture of FSS&L, it has not done so, and it is apparently of the view that the tender of the application tolls the time for divestiture. For the reasons set forth below, the Board denies any further extension of the time for divestiture of FSS&L by FSC, and, accordingly, will not process the tendered application.

FSC is a multi-State, multi-bank holding company whose predecessor ("Old FSC") was organized in 1928. Old FSC was, at the time of the enactment of the Bank Holding Company Act of 1956, engaged in both banking and nonbanking activities (including the operation of FSS&L) in the States of Idaho, Utah and Wyoming. As a result of the 1956 Act, Old FSC was required to divest of its impermissible nonbanking activities, including FSS&L. However, these activities were held until 1959 when Old FSC took steps to divide its bank and nonbank assets (the latter including FSS&L) among two corporations—FSC, which came to

[1] All banking data are as of June 30, 1975.

[2] The San Juan banking market consists of the San Juan SMSA.

[3] Voting for this action: Chairman Burns and Governors Wallich, Partee, and Lilly. Absent and not voting: Governors Gardner, Coldwell, and Jackson.

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hold the bank assets, and First Security Investment Company ("FSIC"), a company holding the impermissible nonbank activities of Old FSC. The division was accomplished through a pro-rata "spin-off" of the company controlling the bank assets. Following this "spin-off" there existed and continued to exist not only a substantial identity of ownership, but significant officer and director interlocks between FSC and FSIC.[1]

On September 30, 1969, FSIC contracted to sell FSS&L to U.I.P. Corporation, Milwaukee, Wisconsin ("UIP"),[2] contingent upon UIP obtaining the necessary Federal Home Loan Bank Board ("FHLBB") approval. The contract of sale provided that an escrow agent, First Security Bank of Utah, N.A., Salt Lake City, Utah, FSC's own lead bank, would hold the shares of FSS&L pending consummation of the sale. The contract further provided that the escrow agreement was to be terminated on June 30, 1970, if regulatory approval were not obtained.

On April 1, 1970, while the UIP application for FHLBB approval was still pending and FSIC was still the owner of the FSS&L shares, FSIC and FSC merged. FSC thereby became the owner of FSS&L's shares in clear violation of the Bank Holding Company Act.[3] It was not until six months later, on September 30, 1970, that the FHLBB denied UIP's application to acquire FSS&L. Following that denial, the escrow was terminated and all rights with respect to the FSS&L shares reverted to the merged company.

In June 1971, after the Federal Reserve Bank of San Francisco became aware of the unlawful reacquisition of FSS&L by FSC, it advised FSC to divest FSS&L "as soon as possible." Later in 1971, however, FSC filed an application with the Board for permission to retain FSS&L. On August 21, 1972, the Board returned this application without acting upon it and directed FSC to initiate steps to dispose of FSS&L "as soon as practicable." In its letter the Board stated that it had decided not to include operation of a savings and loan association on its list of permissible activities at that time. FSC has nevertheless continued to retain its ownership of FSS&L.

Based on the foregoing and other facts of record, the Board has determined that FSC has held FSS&L in clear violation of the Act since the merger of FSC and FSIC in April 1970. Because of this violation, the separation of FSC's banking and impermissible nonbanking assets that was required when the Act was passed in 1956 has been frustrated. For the Board to extend the time for divestiture further, or to consider approving retention of FSS&L by FSC would serve only to encourage violations of the Act and delays in effecting divestiture by other bank holding companies. Accordingly, FSC is denied any further extension of the time for divesting FSS&L and is hereby ordered to divest itself of any and all direct or indirect interest in and control over FSS&L by no later than November 1, 1976. FSC is further directed to file a plan of divestiture with the Board by no later than September 15, 1976. Divestiture shall be accomplished in such a manner that neither FSC nor any successor thereto will exercise or be capable of exercising any direct or indirect control or controlling influence over FSS&L, its management or policies.

By order of the Board of Governors,[4] effective July 30, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-22895 Filed 8-5-76;8:45 am]

[1] FSC and FSIC had the same president and chief executive officer, and three of FSIC's directors were on the board of FSC.

[2] UIP was a diversified non-operating holding company engaged in the finance and industrial fields.

[3] By this merger, FSC apparently also violated section 408(e)(1)(B) of the National Housing Act, 12 U.S.C. section 1730a(e)(1)(B), inasmuch as the merger resulted in FSC becoming a savings and loan holding company without prior approval of the FHLBB.

[4] Voting for this action: Vice Chairman Gardner and Governors Wallich, Partee, and Lilly. Absent and not voting: Chairman Burns and Governors Coldwell and Jackson

NATIONAL CENTRAL FINANCIAL CORP.

Proposed Acquisition of Land Mortgages, Inc.

National Central Financial Corporation, Lancaster, Pennsylvania, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire, through its wholly-owned subsidiary, Hartzler Mortgage Company, Columbus, Ohio, all of the mortgage servicing portfolio of Land Mortgages, Inc., Dayton, Ohio. Notice of the application was published on July 2, 1976, in the "Dayton Daily News," a newspaper circulated in Montgomery County, Ohio.

Applicant states that the proposed subsidiary would engage in the activities of a mortgage banking company, including, for its own account or for the account of others, making construction and development construction loans and originating, acquiring, packaging, selling and servicing residential, commercial and industrial mortgage loans; and selling credit life, accident and health insurance that is directly related to extensions of credit by Hartzler Mortgage Company. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reason why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Banks of Philadelphia and Cleveland.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than August 30, 1976.

Board of Governors of the Federal Reserve System, July 30, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-22896 Filed 8-5-76;8:45 am]

SIOUX NATIONAL CO.

Formation of Bank Holding Company

Sioux National Company, Harrison, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 per of the voting shares of Sioux National cent (less directors' qualifying shares) of the voting shares of Sioux National Bank, Harrison, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than August 27, 1976.

Board of Governors of the Federal Reserve System, July 29, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-22897 Filed 8-5-76;8:45 am]

TOWER-SOUDAN AGENCY, INC.

Acquisition of Bank

Tower-Soudan Agency, Inc., Tower, Minnesota, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire additional voting shares, but only its pro-rata share of 43.67 percent, of a new stock offering of State Bank of Tower, Tower, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or

at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than August 25, 1976.

Board of Governors of the Federal Reserve System, July 29, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-22898 Filed 8-5-76;8:45 am]

MILCO BANCORPORATION, INC.

Formation of Bank Holding Company

Milco Bancorporation, Inc., Iberia, Missouri, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company through acquisition of 64.3 percent of the voting shares of Bank of Iberia, Missouri. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

Milco Bancorporation, Inc., Iberia, Missouri, has also applied, pursuant to § 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire the assets of Donald R. Tritten Insurance Company, Iberia, Missouri. Notice of the application was published on July 29, 1976 in the Miller County Autograph-Sentinel, a newspaper circulated in Iberia, Missouri.

Applicant states that the proposed subsidiary would engage in the activities of an insurance broker with respect to credit life and health and accident insurance that is directly related to extensions of credit by Bank of Iberia and would conduct those activities from the premises of that bank. Further, Applicant states that such activities have been specified by the Board in § 225.4(a) of Regulations Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than August 23, 1976.

Board of Governors of the Federal Reserve System, August 4, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-23142 Filed 8-5-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 9384; 812-3966]

AMERICAN BAKERIES CO.

Hearing on Application for Order Exempting Transaction

JULY 30, 1976.

In the matter of American Bakeries Company, 10 South Riverside Plaza, Chicago, Illinois 60606; (812-3966).

Notice is hereby given that American Bakeries Company ("Applicant"), a Delaware corporation, filed an application on June 14, 1976, pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order retroactively exempting from the provisions of section 17(a)(2) of the Act the purchase by Applicant of shares of its outstanding common stock from Mathers Fund, Inc. ("Fund"), an open-end investment company registered under the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

In December, 1974, Applicant purchased 178,200 shares of its outstanding common stock, at a price of $3 per share, from the Fund. Prior to the transaction, the Fund owned more than 5 percent of Applicant's outstanding voting securities; and, therefore, Applicant was an "affiliated person" of the Fund within the meaning of section 2(a)(3) of the Act.

Section 17(a) of the Act, as here pertinent, provides that it is unlawful for an affiliated person of a registered investment company knowingly to purchase from such investment company any security or property unless the Commission, upon application pursuant to section 17(b), grants an exemption from the provisions of section 17(a) after finding that the terms of the proposed transaction are fair and reasonable and do not involve any overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, and that the proposed transaction is consistent with the general purposes of the Act.

The transaction in question was part of a larger transaction involving numerous clients of the Fund's investment adviser, Mathers & Company, Inc. (the "Adviser"); and Applicant states that it was not aware of the identity of the sellers at the time it agreed to the purchase. Applicant is a manufacturing company and not an investment company and states that it was unaware of its possible status as a statutory affiliate of a registered investment company or of the provisions of section 17(a)(2) of the Act and was unaware that the Act could possibly be applicable to the transaction in any way. Applicant states that the transaction was reviewed by respective counsel for the Adviser and for Applicant; but the possible applicability of section 17(a)(2) of the Act was overlooked by all concerned.

Applicant states that at no time has there been any association or connection between Applicant and the Fund or the Adviser other than the stock ownership described herein. Applicant further states that the price and terms of the transaction were arrived at by arms'-length bargaining and that the price represented a normal discount for such a large block from the market price for Applicant's stock on the New York Stock Exchange at the time of the transaction. In this connection, Applicant states that an investment banking firm hired by the Fund has advised that in its opinion the price and execution obtained in the transaction were fair and reasonable and were at least as advantageous as could have been obtained had the shares been sold through other means. Applicant also states that the Fund's counsel has advised that in its opinion the transaction did not result from overreaching of the Fund by Applicant and the Fund did not suffer any loss recoverable from Applicant. Finally, Applicant states that the transaction was consistent with the Fund's policy and with the general purposes of the Act.

Section 6(c) of the Act provides, in part, that the Commission may conditionally or unconditionally exempt any person, security, or transaction from any provision of the Act, or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant contends that the standards of sections 6(c) and 17(b) have been met.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the application:

It is ordered, Pursuant to section 40(a) of the Act, that a hearing on the aforesaid application under the applicable provisions of the Act and the rules of the Commission thereunder be held on September 13, 1976, at 10 a.m., in Room 2116 at the offices of the Securities and Exchange Commission, 1100 L Street, NW., Washington, D.C. 20005. Any person other than the Applicant desiring to be heard or otherwise wishing to participate in this proceeding is directed to file with the Secretary of the Commission, on or before August 27, 1976, his application pursuant to Rule 9(c) of the Commission's rules of practice setting forth the nature and extent of his interest in the proceeding and any issues of law or fact which he desires to controvert or any additional issues which he deems raised by this Notice and

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Order or by such application. A copy of such request shall be served personally or by mail upon Applicant at the address noted above, and proof of service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. Persons filing an application to participate or be heard will receive notice of any adjournment of the hearing as well as other actions of the Commission involving the subject matter of this proceeding.

It is further ordered, That any officer or officers of the Commission, designated by it for that purpose, shall preside at said hearing. The officer so designated is hereby authorized to exercise all the power granted to the Commission under Sections 41 and 42(b) of the Act and to an Administrative Law Judge under the Commission's rules of practice.

The Division of Investment Management has advised the Commission that it has made a preliminary examination of the application, and that upon the basis thereof the following matters and questions are presented for consideration, without prejudice to its specifying additional matters and questions upon further examination:

(1) Whether the terms of the transaction, including the consideration received, were reasonable and fair and did not involve overreaching on the part of any person concerned;

(2) Whether the transaction is consistent with the policy of the Fund, as recited in its registration statement and reports filed pursuant to the Act.

(3) Whether the transaction is consistent with the general purposes of the Act; and

(4) Whether it is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act to exempt the transaction retroactively from the prohibitions of Section 17(a).

It is further ordered, That at the aforesaid hearing attention be given to the foregoing matters.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing a copy of this Notice and Order by certified mail to American Bakeries Company at the address noted hereinabove, that notice to all other persons be given by publication of this Notice and Order in the FEDERAL REGISTER, that a copy of this Notice and Order shall be published in the "SEC Docket," and that an announcement of the aforesaid hearing shall be included in the "SEC News Digest."

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-22851 Filed 8-5-76;8:45 am]

[File No. 1-7453]

MOXIE INDUSTRIES, INC.

Application To Withdraw From Listing and Registration

JULY 26, 1976.

In the matter of Moxie Industries, Inc. common stock, $1.00 par value. File No. 1-7453; Securities Exchange Act of 1934 Section 12(d).

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the Boston Stock Exchange.

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

The Company's common stock is principally traded in the over-the-counter market.

The Boston Stock Exchange has not objected to this application, and the Company states that it will continue to file periodic reports with the Commission pursuant to section 12(g) of the Securities Exchange Act.

Any interested person may, on or before August 20, 1976 submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. An order granting the application will be issued after the date mentioned above, on the basis of the application and any other information furnished to the Commission, unless it orders a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-22852 Filed 8-5-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 109]

ASSIGNMENT OF HEARINGS

AUGUST 3, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

No. MC 116077 (Sub-No. 370), Robertson Tank Lines, Inc., now assigned October 6, 1976, at Dallas, Tex. is canceled and application dismissed.

MC 136343 (Sub-No. 65), Milton Transportation, Inc., now being assigned continued hearing November 8, 1976 (1 day) at Columbus, Ohio, in a hearing room to be later designated.

MC-C-8754, *Price Hill Coach Line, Inc.* v. *Megacity Transit Lines, Inc.*, now being assigned continued hearing November 9, 1976 (1 day) at Columbus, Ohio; in a hearing room to be later designated.

MC 123255 (Sub-72), B & L Motor Freight, Inc., now being assigned November 10, 1976 at Columbus, Ohio; in a hearing room to be later designated.

MC 107295 (Sub-No. 812), Pre-Fab Transit Co., now being assigned November 11, 1976 (1 day) at Columbus, Ohio; in a hearing room to be later designated.

MC 119864 (Sub-No. 65), Craig Transportation Co., now being assigned November 12, 1976 (1 day) at Columbus, Ohio; in a hearing room to be later designated.

MC-C-9083, Burwell Ray Gallop, DBA Gallop Bus Company, Twin City Coach Company, Inc., Superior Bus Service, Inc., DBA Travelines United, and Stewart Tours, Inc., DBA Stewart Tours—Investigation and Revocation of Certificate and License, now assigned for Hearing on October 5, 1976, is canceled and reassigned for Pre-hearing conference of October 5, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 129615 Sub-17, American International Drive-Away, now being assigned November 2, 1976 (9 days), at Chicago, Ill., in a hearing room to be later designated.

MC-C-8862, *Brada Miller Freight System, Inc* v. *Rexco, Inc., et al.*

MC-C-8864, *Schneider Transportation, Inc.* v. *Rea Express, Inc.*, and MC MC-C-8867, *American Trucking Association, Inc.* v. *Rea Express, Inc.*, and MC-C-6874, *Associated Truck Lines, Inc.* v. *Rea Express, Inc.*, MC 66562 Sub-2345 (Part No. 181), Rea Express Inc. Petition of American Trucking Associations, Inc., for Dismissal of Application and MC 66562 Sub-2308TA), Rea Express, Inc. Petition of American Trucking Associations, Inc., for cancellation of Temporary Authority, now being assigned August 30, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-F-12753, Whitfield Transportation, Inc.—Purchase—Haywood L. Washum, DBA Los Angeles—Yuma Freight Lines, and MC 98461 Sub-126, Whitfield Transportation, Inc., now being assigned November 2, 1976 (14 days), at Phoenix, Ariz., in a hearing room to be later designated.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-22950 Filed 8-5-76;8:45 am]

[Notice No. 99]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 3, 1976.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR § 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 11207 (Sub-No. 374TA), filed July 27, 1976. Applicant: DEATON, INC., 317 Ave. W, P.O. Box ??, Birmingham, Ala. 35201. Applicant's representative: G. E. Tickle (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials*, from the plantsite and facilities of Masonite Corporation, located in Pulaski County, Ark., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, and Tennessee, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Masonite Corporation, P.O. Box 1300, Little Rock, Ark. 72203. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 15652 (Sub-No. 5TA), filed July 26, 1976. Applicant: HOWARD ADELMAN & NAOMI ADELMAN, doing business as MILLER'S EXPRESS, Road 1, 10 Elm Road, Middletown, N.Y. 10940. Applicant's representative: Michael R. Werner, 2 W. 45th St., New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Childrenswear*, on hangers, *and materials, supplies, and equipment* used in the manufacture thereof, between Branchville, N.J., on the one hand, and, on the other, Wilkes-Barre, Pa., for 180 days. Supporting shipper: L.T. Manufacturing Co., Inc., Cook Road, Branchville, N.J. Send protests to: Robert A. Radler, District Supervisor, 518 Federal Bldg., P.O. Box 1167, Albany, N.Y. 12201.

No. MC 26396 (Sub-No. 133TA), filed July 27, 1976. Applicant: POPELKA TRUCKING CO., doing business as THE WAGGONERS, P.O. Box 990, Livingston, Mont. 59047. Applicant's representative: Larry Waters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt prepared roofing, roofing materials, and supplies and accessories* used in the installation thereof, from the plantsite of Royal Brand Roofing Co., Inc., a subsidiary of Tamko Roofing and Asphalt Co., at or near Phillipsburg, Kans., to points in Utah, Wyoming, Idaho, and Montana, for 180 days. Supporting shipper: Calvin Wisinger, Royal Brand Roofing Co., Inc., P.O. Box 326, Phillipsburg, Kans. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Ave. North, Billings, Mont. 59101.

No. MC 30844 (Sub-No. 570TA), filed July 26, 1976. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial St., P.O. Box 5000, Waterloo, Iowa 50704. Applicant's representative: John P. Rhodes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Footwear, footwear accessories, and footwear display cases;* (a) from Huntington, Ind., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wisconsin; and (b) from Huntington, Ind., to points in Connecticut, Delaware, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and West Virginia, restricted in (a) and (b) above to shipments originating at the warehouses and facilities of Meldisco, Division Melville Shoe Corp., located at Huntington, Ind.; and (2) *footwear, footwear accessories, and materials* used in the distribution of footwear, from points in Connecticut, Maine, Massachusets, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, to Huntington, Ind., restricted to shipments originating at or destined to warehouses and facilities of Meldisco, division Melville Shoe Corp., at Huntington, Ind., for 180 days. Supporting shipper: Meldisco, Division of Melville Shoe Corp., 401 Hackensack Ave., Hackensack, N.J. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 77721 (Sub-No. 2TA), filed July 27, 1976. Applicant: JERRY M. BARNER & SONS, 1211-1213 Spruce St., Roselle, N.J. 07203. Applicant's representative: Robert B. Papper, 168 Woodbridge Ave., Highland Park, N.J. 08904. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, materials, and supplies* (except in bulk), between the facilities of Western Electric Co., at or near Suffern, N.Y., on the one hand, and, on the other, points in New Jersey north of New Jersey Highway 33, including Trenton, N.J., for 180 days. Supporting shipper: Western Electric, P.O. Box 25000, Greensboro, N.C. 27420. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 105375 (Sub-No. 62TA), filed July 22, 1976. Applicant: DAHLEN TRANSPORT OF IOWA, INC., 1680 Fourth Ave., Newport, Minn. 55055. Applicant's representative: Joseph A. Eschenbacher, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the storage facilities of Farmland Industries, Inc., located near Barnesville and Benson, Minn., to points in Minnesota, North Dakota, South Dakota, Wisconsin, and Montana, for 180 days. Supporting shipper: Farmland Industries, Inc., 3315 North Oak Trafficway, Kansas City, Mo. 64116. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 110012 (Sub-No. 32TA), filed July 26, 1976. Applicant: ROY WINDENER MOTOR LINES, INC., 707 North Liberty Hill Road, P.O. Box 68, Morristown, Tenn. 37814. Applicant's representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tables, metal or wood*, set up, from the plantsite of Groovefold, Inc., Newcomerstown, Ohio, and from the plantsite of Well Cor, Inc., or the storage facility of Silver Mfg., Inc., New Albany, Ind., to all points in and east of Minnesota, Iowa, Missouri, Arkansas, and Texas, and on return, *materials and supplies* used in the manufacture of tables, to named plantsites, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Silver Manufacturing, Inc., P.O. Box 2748, Knoxville, Tenn. 37901. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Suit A-422, U.S. Courthouse, 801 Broadway, Nashville, Tenn. 37203.

No. MC 110420 (Sub-No. 758TA), filed July 26, 1976. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: Joseph K. Reber (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Chocolate, chocolate and coca products, and confectionery coatings*, in bulk in tank vehicles, from Dunkirk, N.Y., to points in Ohio, Indiana, Illinois, Michigan, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida, Kansas, Arkansas, Oklahoma, and Texas, for 180 days. Supporting shipper: Nog, Incorporated, 99 W. 4th St., Dunkirk, N.Y. 14048. Send protests to: Gail Daugherty, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 113855 (Sub-No. 354TA), filed July 26, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Mi-

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chael E. Miller, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled refuse collection vehicles*, weighing less than 15,000 pounds each, *farm implements, hydraulic cylinders, and parts* for the foregoing commodities, from Clarion, Iowa, to points in the United States including Alaska but excluding Hawaii, and ports of entry between the United States and Canada, to serve points in Canada, for 180 days. Supporting shipper: The Heil Co., 3000 W. Montana, Milwaukee, Wis. 53201. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 115654 (Sub-No. 54TA), filed July 26, 1976. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 1193, No. 1, Candy Lane, Nashville, Tenn. 37202. Applicant's representative: Richard M. Tettelbaum, Suite 375, 3379 Peachtree Road NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salad dressing* (except in bulk), in vehicles equipped with mechanical refrigeration, from the plantsite and warehouse facilities of Doxsee Food Corporation, at or near Brundidge, Ala., to points in Georgia, Tennessee, and Kentucky, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Doxsee Food Corporation, 8323 Pulaski Highway, Baltimore, Md. 21237. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Suite A-422, U.S. Courthouse, 801 Broadway, Nashville, Tenn. 37203.

No. MC 117344 (Sub-No. 252TA) (Correction), filed June 15, 1976, published in the FEDERAL REGISTER issue of June 30, 1976, and republished as corrected this issue. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: John C. Spencer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulfur trioxide*, in bulk, in tank vehicles, from the plantsite of E. I. du Pont de Nemours & Company, at East Chicago, Ind., to the plantsite of the Procter & Gamble Co., at Cincinnati, Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Warren F. Brint, Plant Manager, E. I. du Pont de Nemours & Company, Brower Road, North Bend, Ohio 45052. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5514-B Federal Bldg., 550 Main St., Cincinnati, Ohio 45202. The purpose of this republication is to correct the commodity description and the territorial description in this proceeding.

No. MC 118831 (Sub-No. 134TA), filed July 27, 1976. Applicant: CENTRAL TRANSPORT, INCORPORATED, P.O. Box 5488, High Point, N.C. 27263. Applicant's representative: Richard E. Shaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polyester chips*, dry, in bulk, from Spartanburg County, S.C., to Elizabethton, Tenn., for 180 days. Supporting shipper: Hoechst Fibers Industries, Division American Hoechst, P.O. Box 5887, Spartanburg, S.C. 29304. Send protests to: Andrews, District Supervisor, Interstate Commerce Commission, 625 Federal Bldg., 310 New Bern Ave., P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 118866 (Sub-No. 10TA), filed July 27, 1976. Applicant: PAUL L. ZAMBERLAN & SONS, INC., P.O. Box 15, Lewis Run, Pa. 16738. Applicant's representative: H. Ray Pope, 10 Grant St., Clarion, Pa. 16214. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugating material and corrugating pipe*, from Jamesburg, N.J., on the one hand, and to points in Olean, N.Y., on the other, for 180 days. Supporting shipper: Wheeling Corrugating, P.O. Box 118, Pittsburgh, Pa. 15230. Send protests to: Richard C. Gobbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2111 Federal Bldg., Pittsburgh, Pa. 15222.

No. MC 124212 (Sub-No. 91TA), filed July 26, 1976. Applicant: MITCHELL TRANSPORT, INC., 6500 Pearl Road, P.O. Box 30248, Cleveland, Ohio 44130. Applicant's representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, Ohio 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bags, from the plantsite of Lehigh Portland Cement Company, at Metaline Falls, Wash., to points in Morrow County, Oreg., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Lehigh Portland Cement Company, 718 Hamilton Mall, Allentown, Pa. 18105. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Bldg., 1240 East Ninth St., Cleveland, Ohio 44199.

No. MC 124328 (Sub-No. 108TA), filed July 23, 1976. Applicant: BRINK'S, INC., Suite 710, One Crossroads of Commerce, Algonquin Road and Route 53, Rolling Meadows, Ill. 60008. Applicant's representative: Richard Streeter, 704 Southern Bldg., 14th & H Streets NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Museum artifacts* of extraordinary value, between points in Washington, D.C., South Carolina, Florida, Alabama, California, and Oregon, under a continuing contract with Smithsonian Institution, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Richard Ault, Director of Support Activities, Smithsonian Institution, 1000 Jefferson Drive SW., Washington, D.C. 20560. Send protests to: William J. Gray, District Supervisor, Interstate Commerce Commission, 219 South Dearborn St., Room 1386, Everett McKinley Dirksen Bldg., Chicago, Ill. 60604.

No. MC 125023 (Sub-No. 39TA), filed July 26, 1976. Applicant: SIGMA-4 EXPRESS, INC., 3825 Beech Ave., P.O. Box 9117, Erie, Pa. 16504. Applicant's representative: Paul F. Sullivan, 711 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from Cliffwood, N.J., to points in New York, for 180 days. Supporting shipper: Midland Glass Co., Inc., P.O. Box 557, Cliffwood, N.J. 07721. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, 2111 Federal Bldg., 1000 Liberty Ave., Pittsburgh, Pa. 15222.

No. MC 126503 (Sub-No. 13TA), filed July 26, 1976. Applicant: COMMAND DELIVERIES, INC., 5215 Hesperus Drive, Columbia, Md. 21044. Applicant's representative: Steven L. Weiman, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *such commodities* as are dealt in by wholesale dealers in drugs and drugstore supplies. Restriction: Restricted to shipments weighing less than 150 pounds to one consignee per day, from Baltimore, Md., to points in York, Lancaster, Lebanon, Dauphin, and Cumberland Counties, Pa., under a with Spectro Industries, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ben Mulitz, V.P., District Wholesale Division, Spectro Industries, Inc., 7721 Polk St., Ardwick Industries Center, Landover, Md. 20785. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814-B Federal Bldg., Baltimore, Md. 21201.

No. MC 135213 (Sub-No. 6TA), filed July 26, 1976. Applicant: JOE GOOD, doing business as GOOD TRANSPORTATION, 830 Shoshone Ave., P.O. Box 335, Lovell, Wyo. 82431. Applicant's representative: Jerome Anderson, 100 Transwestern Bldg., Billings, Mont. 59101. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: (1) *Gypsum, gypsum products and materials* used in the manufacture and distribution thereof, from Big Horn County, Wyo., to points in Colorado and Oklahoma; (2) *Gypsum board paper*, from points in Mayes County, Okla., and Denver, Colo., to points in Big Horn County, Wyo.; and (3) *Scrap or waste paper*, from Denver, Colo., to points in Mayes County, Okla., under a continuing contract with Georgia-Pacific Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Georgia-Pacific Corporation, 900 S.W. Fifth Ave., Portland, Oreg. 97204. Send protests to: Paul A. Naughton, District Supervisor, Interstate Commerce Commission, Room 1006, Federal Bldg., & Post Office, 100 East B St., Casper, Wyo. 82601.

No. MC 138274 (Sub-No. 31TA), filed July 27, 1976. Applicant: SHIPPERS BEST EXPRESS, INC., P.O. Box 15533, 2151 N. Redwood Road, Salt Lake City, Utah 84116. Applicant's representative: Chester A. Zyblut, 360 Executive Bldg., 1030 Fifteenth St., NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from the plantsite of Early California Foods, at Visalia, Calif., to Salt Lake City, Utah; Denver, Colo.; Kansas City, Mo.; Minneapolis, Minn.; Dallas, Tex.; Phoenix, Ariz.; Pocatello and Boise, Idaho and their respective commercial zones, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating Authority. Supporting Shipper: Early California Foods, P.O. Box 72, 345 E. Tulare Ave., Visalia, Calif. 93277. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 South State St., Salt Lake City, Utah 84138.

No. MC 138471 (Sub-No. 5TA), filed July 27, 1976. Applicant: DANIEL J. LEONARD, doing business as LEONARD TRUCKING, 1605 Westside Highway, Kelso, Wash. 98626. Applicant's representative: David C. White, 2400 S.W. Fourth Ave., Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and wine*, from points in California, to Bingen, Bremerton, Port Angeles, and Tacoma, Wash., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting Shippers: McCoy's Distributing, P.O. Box 265, Bingen, Wash. 98605. Baker Hill Corporation, Bremerton, Wash. 98310. General Beer Distributing Company, 401 E. 25th St., Tacoma, Wash. 98421. Port Angeles Distributing Co., Inc., P.O. Box 970, Port Angeles, Wash. 98362. Evergreen Distributing Company, Rt. 4 Box 252, Port Angeles, Wash. 98362.

No. MC 138732 (Sub-No. 5TA), filed July 26, 1976. Applicant: BEAUFERD SCHMIDT, doing business as SCHMIDT TRUCKING SERVICE, P.O. Box 107, 421 N. 81 By-Pass McPherson, Kans. 67460. Applicant's representative: Eugene W. Hiatt, 308 Casson Bldg., Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Polyurethan foam*, between Newton, Kans., and Council Bluffs, Iowa, on the one hand, and points in Missouri, Oklahoma, Kansas, Arkansas, Texas and Colorado on the other, under a continuing contract with Future Foam, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting Shipper: Future Foam, Inc., 400 North 10th St., Council Bluffs, Iowa 51501. Send Protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 139066 (Sub-No. 2TA), filed July 23, 1976. Applicant: VAN BUS DELIVERY COMPANY, doing business as UNITED VAN BUS DELIVERY, 2601 32nd Ave., South, Minneapolis, Minn. 55406. Applicant's representative: Warren A. Goff, 2008 Clark Tower, Memphis, Tenn. 38137. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by mail order houses and retail stores and in connection therewith, *materials and supplies* as are used in the conduct of such business, between points in Minnesota, points in Wisconsin (except Eau Claire, LaCrosse, Marshfield, Menomonie and Spring Valley), points in Iowa (except Waukon and Iowa Falls), and Fargo and Grand Forks, N. Dak., under a continuing contract with Sears, Roebuck and Company, for 180 days. Supporting Shipper: Sears, Roebuck and Company, 5437 West 26th St., Chicago, Ill. 60680. Send Protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 139404 (Sub-No. 5TA), filed July 26, 1976. Applicant: WILLIAM G. BROWN, 207 North Third St., Bardstown, Ky. 40004. Applicant's representative: Robert H. Kinker P.O. Box 464 Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Barrels*, set-up, from Memphis, Tenn., to Lawrenceburg, Ind., and the commercial zone of Lawrenceburg, Ind., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Donald B. Jagger, Traffic, Joseph E. Seagram & Sons, Inc., 800 Third Ave., New York, N.Y. 10022. Send Protests to: Elbert Brown, Jr., District Supervisor, Interstate Commerce Commission, 426 Post Office Bldg., Louisville, Ky. 40202.

No. MC 139568 (Sub-No. 1TA), filed July 23, 1976. Applicant: CUTLER & LEE, INC., Route 73 & Regent Ave., Maple Shade, N. J. 08052. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N. J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Vehicles* for salvage, from points in New York, Connecticut, Pennsylvania, and Maryland, to South Plainfield, N.J., under a continuing contract with Fireman's Fund Customer Service Center, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting Shipper: Fireman's Fund Customer Service Center, 3333 California St., San Francisco, Calif. 94119. Send Protests to: Dieter H. Harper, District Supervisor, Interstate Commerce Commission, 428 East State St., Room 204, Trenton, N.J. 08608.

No. MC 140484 (Sub-No. 18TA), filed July 26, 1976. Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, Fort Myers, Fla. 33901. Applicant's representative: Clayton Geer, P.O. Box 808, Ravenna, Ohio 44266. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware; chinaware; earthenware; porcelainware; stoneware; plastic bowls, cups, dishes or plates*, from Lake City and Jeannette, Pa., and Sebring, Ohio, to points in Oklahoma and Texas, for 180 days. Supporting Shipper: Jeannette Corporation, Bullitt Ave., Jeannette, Pa. 15644. Send Protests to: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Monterey Bldg., Suite 101, 8410 NW., 53rd Terrace, Miami, Fla. 33166.

No. MC 141503 (Sub-No. 1TA), filed July 27, 1976. Applicant: J. R. HAYES & SONS, 14919 Issaquah Hobart Road, Issaquah, Wash. 98027. Applicant's representative: Michael D. Duppenthaler, 607 Third Ave., Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Treated poles and piling and untreated poles and pilings*, when shipped in mixed truckloads with treated poles and pilings on hydraulic grapple-equipped self-unloading equipment, between points in Washington on the one hand, and, on the other, points in Oregon, Idaho and Montana, for 180 days. Supporting Shipper: J. H. Baxter & Co., P.O. Box 568, Renton, Wash. 98055. Western Wood Preserving Co., P.O. Box L, 1300 Zehnder St., Sumner, Wash. 98390. Wyckoff Company, 1508 Peoples National Bank Bldg., Seattle, Wash. 98171. Send Protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., 915 Second Ave., Seattle, Wash. 98174.

No. MC 142186 (Sub-No. 2TA), filed July 27, 1976. Applicant: WHEELS WEST, INC., 612 159th Place S.E., Bellevue, Wash. 98008. Applicant's representative: Henry C. Winters, 1100 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parts and accessories* for automobiles, for trucks, for utility trailers and for off-road pneumatic-tired machinery, from points in Indiana, Kentucky, Ohio, Michigan and Pennsylvania, to Boise, Idaho and Seattle, Sunnyside, Tacoma and Yakima, Wash., restricted to a transportation service to be performed under a continuing contract with Six Robblees', Inc., Seattle, Wash., for 180 days. Supporting shipper: Six Robblees', Inc. of Washington, 1700 Fourth Ave., South, Seattle, Wash. 98134. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce

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Commission, 858 Federal Bldg., 915 Second Ave., Seattle, Wash. 98174.

No. MC 142275 (Sub-No. 1TA), filed July 27, 1976. Applicant: HAWK INTERSTATE CARRIERS, INC., 5154 Kennedy Ave., Cincinnati, Ohio 45213. Applicant's representative: John Norman, 1003 Avonlea Ave., Cincinnati, Ohio 45237. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, shapes, forms and strips, including printed matter and printed advertising matter*, between the plantsite and warehouse facilities of Loroco Industries, Inc., located at Cincinnati and Lancaster, Ohio, and the plantsite and warehouse facilities of Cincinnati Tag and Supply Company, Cincinnati, Ohio, on the one hand, and, on the other, points in Arkansas, California, Connecticut, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Maine, Maryland, Michigan, Missouri, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin and the District of Columbia, under a continuing contract with Loroco Industries, Inc., and Cincinnati Tag and Supply Co., for 180 days. Supporting shippers: Lee H. Rozin, President, Loroco Industries, Inc., 5000 Creek Road, Cincinnati, Ohio 45242, and David Rosenfield, Owner, Cincinnati Tag and Supply Co., 3326 Reading Road, Cincinnati, Ohio 45229. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5514–B Federal Bldg., 550 Main St., Cincinnati, Ohio 45202.

No. MC 142295 TA, filed July 23, 1976. Applicant: ROGER H. CLARK, doing business as R. H. CLARK TRUCKING, 919½ North Randolph Ave., Elkins, W. Va. 26241. Applicant's representative: Harry A. Smith, II, P.O. Box 466, Elkins, W. Va. 26241. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Farm products, and feed*, in bulk and bags, from Harrisonburg and Roanoke, Va., to points in West Virginia, under a continuing contract with Southern States Cooperative, Inc., for 180 days. Supporting shipper: B. A. Pitt, Assistant General Traffic Manager, Southern States Cooperative, Inc., P.O. Box 1656, Richmond, Va. 23213. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, 3108 Federal Office Bldg., 500 Quarrier St., Charleston, W. Va. 25301.

No. MC 142297 TA, filed July 27, 1976. Applicant: CARNEX, INC., 24711 Florence Road, Stanwood, Wash. 98292. Applicant's representative: Steve L. Larson, 1111 American Federal Bldg., Tacoma, Wash. 98402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Horsemeat products*, from Stanwood, Wash., and Olympia, Wash., to Palestine, Tex.; Chicago, Ill.; and to the port of entry to Canada on the border between the United States and Canada, at or near Detroit, Mich., for delivery to Toronto, Ontario and Montreal, Quebec, Canada, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Northwest Processors, Inc., Route 4, P.O. Box 305, Olympia, Wash. Transcontinent Packing Co., P.O. Box 709, Palestine, Tex. 75801. Florence Packing Company, 24711 Florence Road, Stanwood, Wash. 98292. Carnex, Inc., Room 425, Cargo Bldg., B, Toronto International Airport, Toronto, Ontario, Canada. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., Seattle, Wash. 98174.

No. MC 142300 TA, filed July 28, 1976. Applicant: F. A. F., INC., 945 Dante Place, Jacksonville, Fla. 32207. Applicant's representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, Fla. 32202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pharmaceuticals, drugs and related items*, uncrated (Restriction: 35 pounds per box—maximum weight per customer per day, 105 pounds), from Jacksonville, Fla., to points in South Carolina, Georgia, North Carolina, Alabama and Tennessee, under a continuing contract with Lawrence Pharmaceuticals, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Lawrence Pharmaceuticals, Inc., 6100 Phillips Highway, Jacksonville, Fla. 32217. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202.

PASSENGER APPLICATIONS

No. MC 126203 (Sub-No. 5TA), filed July 27, 1976. Applicant: EVERETT CHARTER SYSTEM, INC., 3131 Cedar St., Everett, Wash. 98201. Applicant's representative: Michael D. Duppenthaler, 607 Third Ave., Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *Passengers, their baggage and personal effects* in the same vehicle with passengers, between Everett, Wash., on the one hand, and on the other, Anacortes, Wash., via U.S. Highway #2 and 204 from Everett, to Frontier Village, thence via Highway 9 to Arlington, thence Highway 530 to I–5 to Mt. Vernon, thence Highway 20/536 to Anacortes, and return over the same route; and (2) *Passengers, their baggage and personal effects*, between Victoria, B.C., moving via the International Ferry Anacortes, Wash., and Sidney, B.C., Canada, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 9 statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Sent protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., 915 Second Ave., Seattle, Wash. 98174.

No. MC 142294 TA, filed July 26, 1976. Applicant: DON C. CHAPMAN, doing business as CHAPMAN TRANSPORTATION CO., 405 Monroe St., Kingman, Ariz. 86401. Applicant's representative: Don C. Chapman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in both special and charter operations, charter operations originating in Arizona, to points in Arizona, California, Nevada, Utah and New Mexico, for 180 days. Supporting shippers: There are Nine (9) petition sheets containing 178 names and addresses of individuals supporting instant application. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 3427 Federal Bldg., 230 N. First Ave., Phoenix, Ariz. 85025.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc. 76-22951 Filed 8-5-76;8:45 am]

TRANSPORTATION OF "WASTE" PRODUCTS FOR REUSE OR RECYCLING

Special Certificate Letter Notice(s)

The following letter notices request participation in a Special Certificate of Public Convenience and Necessity for the transportation of "waste" products for reuse or recycling in furtherance of a recognized pollution control program under the Commission's regulations (49 CFR 1062) promulgated in *"Waste" Products*, Ex Parte No. MC–85, 124 MCC 583 (1976).

An original and one copy of protests against applicant's participation may be filed with the Interstate Commerce Commission on or before August 26, 1976. A copy must also be served upon applicant or its representative. Protests against the applicant's participation will *not* operate to stay commencement of the proposed operation.

If the applicant is not otherwise informed by the Commission, operations may commence on or before September 7, 1976, subject to its tariff publication effective date.

P–4–76 (Special Certificate—Waste Products) filed July 29, 1976. Applicant: JUNEAU TRANSIT, INC., Manitowoc, Wis. 54220. Applicant's representative: Leslie J. Vallesky, 105 North Eighth Street, Manitowoc, Wis. 54220. Authority sought to operate pursuant to a certificate of public convenience and necessity authorizing operations in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, in the transportation of *waste products for recycling or reuse*, between points in Illinois, Michigan, Minnesota and Wisconsin, in furtherance of a recognized pollution control program sponsored by Millbrew, Inc. of Juneau, Wis., for the purpose of recovery of "waste" brewers yeast for recycling.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-22952 Filed 8-5-76;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 3, 1976.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 43205—*Volcanic Scoria or Slag to Eau Claire, Wisconsin.* Filed by Southwestern Freight Bureau, Agent, (No. B–618), for interested rail carriers. Rates on volcanic scoria or slag, not pumice stone, in carloads, as described in the application, from specified points in New Mexico, also Planeport, Texas, to Eau Claire, Wisconsin.

Grounds for relief—Market and carrier competition.

Tariff—Supplement 147 to Southwestern Freight Bureau, Agent, tariff SW/W–2006–J, I.C.C. No. 5056. Rates are published to become effective on September 10, 1976.

FSA No. 43206—*Pipeline Rates—Petroleum Products from the Southwest.* Filed by Williams Pipe Line Company, (No. 6), for interested carriers. Rates on petroleum products, as described in the application, from points in Kansas, Oklahoma, and Texas, to points in Missouri, Iowa, and Illinois.

Grounds for relief—Market and carrier competition.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-22953 Filed 8-5-76;8:45 am]

[Section 5b Application No. 5; Service Date Aug. 3, 1976]

RAILROAD INTERTERRITORIAL AGREEMENT

JULY 29, 1976.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of Section 5b of the Interstate Commerce Act.

Filed, as amended, July 19, 1976.

By: Andrew C. Armstrong, (Counsel for Eastern Railroads).

P. R. Birkholz, (Counsel for Southern Railroads).

Joseph D. Feeney, and Robert T. Opal, (Counsel for Western Illinois and Illinois-Indiana Coal and Coke Railroads).

Louis A. Harris, (Counsel for members of Western Railroad Traffic Association, Southern Ports Foreign Freight Committee, and Alaska Rail-Water Association).

Address Correspondence To:

Louis A. Harris, Associated General Counsel, Burlington Northern, Inc., 176 East Fifth Street, St. Paul, MN 55101.

Agreement involves: Organization, practices, and procedures between and among rail common carrier members in Eastern, Southern, and Western territories, and jointly with water common carriers in the Alaskan Trade and the Alaskan Railroad, for the joint consideration, initiation, or establishment of interterritorial rates and related matters and rules and regulations pertaining thereto, governing the transportation of property between points in the United States which involve or affect, either directly or by interrelation, carriers party to agreements in two or more of the above specified territories; and procedures for the processing of interterritorial traffic matters by the Uniform Classification Committee, the National Perishable Freight Committee, and the National Diversion and Reconsignment Committee.

The complete application may be inspected at the Office of the Commission in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing within 30 days from the date of publication of this notice in the FEDERAL REGISTER. As provided by the General Rules of Practice of the Commission, persons other than applicants should fully disclose their interest and the position they intend to take with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application, without further or formal hearing.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-22954 Filed 8-5-76;8:45 am]

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federal register

FRIDAY, AUGUST 6, 1976



PART II:

SECURITIES AND EXCHANGE COMMISSION

TENDER OFFERS

Rules and Schedules

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SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release Nos. 33-5731; 34-12676; 40-9386; File No. S7-649]

TENDER OFFERS

Rules and Schedules

The Securities and Exchange Commission today proposed for comment certain rules and related schedules under Sections 14(d) and 14(e) of the Securities Exchange Act of 1934 ("Exchange Act") [15 U.S.C. 78a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)] with respect to tender offers. If adopted, these proposals would augment the present statutory requirements by providing specific disclosure and dissemination requirements, additional substantive regulatory protections, particular antifraud provisions and other regulations with respect to certain cash tender offers and exchange offers. The proposals, which are based in part on the record in the Commission's Public Fact-Finding Investigation in the Matter of Beneficial Ownership, Takeovers and Acquisitions by Foreign and Domestic Persons ("Tender Offer Hearings"),[1] are not applicable to presently pending tender offers or to tender offers announced prior to the actual adoption and effectiveness of any of the proposals contained herein. Interested persons are invited to submit their written comments on the proposals by September 30, 1976.

The Commission's primary mandate under the federal securities laws is to protect investors and to act in the public interest. In the context of tender offers, the Commission is empowered to require full and fair disclosure for the benefit of investors and to permit both the person making the tender offer (the "bidder") and the management of the company whose securities are being sought (the "subject company") an equal opportunity to fairly present their positions. The Commission is mindful that any efforts to benefit investors in this area must be made without tipping the balance of regulation in favor of either the bidder or the subject company.

Accordingly, the Commission has re-examined its present disclosure requirements relating to persons making tender offers. Proposed Schedule 14D-1 [17 CFR 240.14d-100] for tender offer statements contains several new items not contained in current Schedule 13D [17 CFR 240.-13d-101] (which is now used for acquisition statements and tender offer statements) and several significant modifications of items that are in Schedule 13D. A new Item 3 would require disclosure of business relationships and transactions between the bidder and the subject company during the past three years and would call for disclosure of any negotiations between those parties relating to the tender offer and other specified transactions or proposals. A new Item 9 would require additional disclosures including financial statements and the applicability of anti-trust laws and margin requirements when such information would be material to a reasonable shareholder in deciding whether to tender, sell or hold securities being sought in the tender offer. A revised Item 4 would require additional disclosure regarding a bidder's source of funds including how the bidder plans to repay any loan. A revised Item 5 would require disclosure of a bidder's plans or proposals regardless of whether the bidder is seeking control of the subject company.

To insure that investors have an adequate opportunity to consider the more meaningful disclosures required by those proposals, the Commission is also proposing certain dissemination rules designed to encourage prompt and widespread communications of cash tender offers through the use of: stockholder lists, which for the first time would be available under SEC rules; summary advertisements containing an undertaking to transmit complete materials upon request; or long form publication of the entire offer, which is the current practice in connection with conventional cash tender offers.

The Commission has also re-examined the present disclosure requirements relating to subject companies and other persons making a solicitation or recommendation in connection with a tender offer and is now proposing Schedule 14D-4 [17 CFR 240.14d-101] to replace current Schedule 14D [17 CFR 240.14d-101]. Although the proposed schedule generally conforms to the current one, several additional items would be included and several items would be modified. For example, disclosure of actual or potential conflicts of interest between the person filing the statement and the subject company, the bidder or their respective affiliates may be required in the description of contracts, understandings, or other relationships between such persons pursuant to Item 3(b).

To further insure that investors have an adequate opportunity to consider communications from the bidder as well as the subject company in deciding whether to sell, tender or hold part or all of their securities, the Commission is also proposing rules that: require all tender offers to remain open for at least fifteen business days and for at least ten business days after any increase by the bidder in the offered consideration; provide withdrawal rights for shares deposited by investors during the first ten business days of an offer and other withdrawal rights in the event of a competing tender offer; and permit bidders to extend pro rata acceptance rights throughout a tender offer.

To facilitate the communication of complete information to the trading markets and to assist the national securities exchanges and the National Association of Securities Dealers, Inc. in carrying out their responsibilities of self-regulation under the federal securities laws, the Commission for the first time is proposing rules that would require copies of schedules filed by the bidder and persons making a solicitation or recommendation to be mailed to such organizations.

The Commission is also proposing anti-fraud and other provisions to curb certain apparent abuses in connection with tender offers. The intended effect of such proposals is to require prompt status reports whenever a tender offer is extended; to require prompt payment or return of securities after the expiration of a tender offer; and to prohibit direct and indirect purchases of certain securities by a bidder immediately after termination of a tender offer whether or not it was successful.

It should be noted that proposed Rules 14d-2 [17 CFR 240.14d-2] and 14d-4 [17 CFR 240.14d-4] would require that nonrefundable fees be paid when the initial Schedule 14D-1 or Schedule 14D-4 is filed with the Commission. Under these proposals, no additional filing fees would be required for amendments to either schedule. The Commission plans to propose a formal fee structure for all Williams Act filings in a subsequent release. The determination of such fees by the Commission will take into consideration the direct and indirect cost to the Government, the value to the recipient, public policy or interest served and other pertinent factors.[2]

This release contains a general description of the legislative and administrative background of the proposals and a synopsis of the specific proposals to assist in a better understanding of their provisions. However, attention is directed to the proposals themselves for a more complete understanding.

I. Background

The Williams Act Amendments to the Exchange Act provided for federal regulation of tender offers. Section 14(d) of the Exchange Act is applicable to classes of equity securities which are registered pursuant to Section 12 of the Exchange Act, or which would have been required to be registered pursuant to that Section except for a specific statutory exemption for insurance companies or which have been issued by a closed-end investment company registered under the Investment Company Act of 1940. Generally, Section 14(d) makes it unlawful for any person (or group of persons) to make a tender offer for or request or invitation for tenders of such securities which, if successful, would result in that person being the direct or indirect beneficial owner of more than 5 percent of a class of such securities unless that person, at the time of publication or distribution of the tender offer, has filed with the Commission a statement disclosing the information specified in Section 13(d) as well as such other information required by the Commission's rules. Among other things, Section 14(d) also contains regulatory provisions relating to shareholders' withdrawal rights and their pro-rata acceptance rights, as well as the bidder's obligation to treat all tendering shareholders equally with respect to any increase in the offered consideration. Section 14(d)(4) requires that all recommendations relating to tender offers be made in accordance with rules adopted by the Commission. Section 14(e), which is applicable to all tender offers and recommendations related thereto, makes it unlawful for any person to make any untrue statement of a material fact or to omit to state any necessary fact or to engage in any fraudulent, deceptive or manipulative acts or practices in connection with any actual or planned tender offer.

In passing the Williams Act, P.L. 90-439, in 1968, Congress recognized that although "takeover bids should not be discouraged,"[3] regulation of tender offers was necessary for the purposes of disclosure of material information and substantive protection to investors.[4] The approach was considered necessary because:

> The competence and integrity of a company's management and of those persons who seek management positions, are of vital importance to stockholders. Secrecy in this area is inconsistent with the expectations of the people who invest in the securities of publicly held corporations and impair public confidence in securities as a medium of investment.[5]

Congress also heard testimony about the need to provide adequate communication with the shareholders and to insure sufficient time to make an investment decision in order to avoid undue pressure on shareholders during a tender offer.[6]

However, in adopting this approach Congress was aware of the positions of the bidder and the company whose securities are being sought in a tender offer and therefore took:

> • • • extreme care to avoid tipping the balance of regulation either in favor of management or in favor of the person making the takeover bid. The bill is designed to require full and fair disclosure for the benefit of investors while at the same time providing the offeror and management equal opportunity to fairly present their case.[7]

In order to immediately implement this statutory framework the Commission adopted emergency rules and regulations under the Williams Act Amendments.[8] Subsequent to the passage of the 1970 Williams Act Amendments, P.L. 91-567,[9] which provided additional investor protection in the context of tender offers, the Commission made further amendments to its rules.[10]

In November and December 1974, the Commission conducted its Tender Offer Hearings. The written and oral testimony of witnesses and letters of comment from interested persons highlighted certain issues such as the definition of the term "tender offer," communications with shareholders, adequate time for shareholders to evaluate tender offers and make investment decisions and disclosure pertaining to tender offers.

On the basis of the Tender Offer Hearings, Congressional hearings, judicial decisions and the Commission experience with the present regulatory framework, the Commission is proposing rules and schedules intended to provide more effective disclosure, communication and substantive regulation of tender offers while maintaining the balance between the bidder and the company whose securities are being sought by the tender offer. The Commission is of the view that these proposals, if adopted, would carry out the Congressional intent in enacting Sections 14(d) and 14(e).

II. Definition of the Term "Tender Offer"

Although testimony and letters of comment were received at the Tender Offer Hearings on the definition of the term "tender offer," no consensus of opinion was reached on the meaning of the term. Several commentators suggested exemptive provisions having the effect of excluding particular types of transactions from the definition of the term, such as offers made to a small group of shareholders. However, it is the Commission's view that such exemptions are not proper unless a definition of the term is first established. In light of the record of the Tender Offer Hearings, the Commission's position at this time is that a definition of the term "tender offer" is neither appropriate nor necessary. This position is premised on the dynamic nature of these transactions and the need of the Commission to remain flexible in determining what types of transactions, either present or yet to be devised, are or should be encompassed by the term. Therefore, the Commission specifically declines to propose a definition of the term "tender offer."

The Commission's position should in no way be construed to mean that the term applies only to so-called conventional tender offers whereby an offer is published by a person requesting that all or a portion of a class of a company's securities be deposited during a fixed period of time so that such person may purchase such securities at a specified price (whether cash and/or securities) and subject to specified conditions. But rather, the term is to be interpreted flexibility and applies to special bids;[11] purchases resulting from widespread solicitations by means of mailings, telephone calls and personal visits;[12] and any transaction where the conduct of the person seeking control causes pressures to be put on shareholders similar to those attendant to a conventional tender offer.

III. Synopsis of Proposals

A. Proposed Rule 14d-1: Certain Definitions [17 CFR 240.14d-1]

At present, Regulation 14D [17 CFR 240.14d-1 through 240.14d-101] does not contain a definitional section. In order to clarify terms frequently used in the proposed rules and schedules, the Commission is proposing Rule 14d-1. The decision by the Commission not to define the term "tender offer" at this time is discussed above. The terms "bidder" and "subject company" provide short-hand references to the principal participants in a tender offer. The term "tender offer material" is a non-exclusive reference to the types of information that are required to be disseminated to security holders by means of the summary publication and the stockholder list procedures set forth in proposed Rule 14d-3.

B. Proposed Rule 14d-2: Filing of Tender Offer Statement [17 CFR 240.14d-2]

Section 14(d)(1), the provisions of which are more fully described above, sets forth filing requirements applicable to all tender offers. At the present time, a person soliciting tenders must file with the Commission a statement containing the information specified in Schedule 13D prior to the time the offer, request or invitation is first sent or given to security holders. Copies of the statements in the form filed with the Commission are required to be sent to the issuer not later than the date such material is first published, sent or given to security holders. These requirements also apply to any additional material soliciting or requesting tender offers after the initial solicitation. The provisions of present Rule 14d-1 [17 CFR 240.14d-1] parallel those of Section 14(d)(1).

With certain changes, the provisions of proposed Rule 14d-2 would generally conform to the present filing framework. Under proposed Rule 14d-2(a), the bidder would be required to take certain actions prior to or simultaneously with the time the tender offer is first published, sent or given to security holders. In addition to making a filing with the Commission and a transmittal to the subject company, the bidder would be required to transmit a copy of the proposed Schedule 14O-1 with exhibits to any na-

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[1] Securities Act Release Nos. 5529 (September 9, 1974) (39 FR 33835) and 5538 (November 5, 1974) (39 FR 41223).

[2] Independent Offices Appropriations Act, 31 U.S.C. 483(a).

[3] S. Rep. No. 550, 90th Cong., 1st Sess. 3 (1967).

[4] Id. at 1.

[5] Id. at 2.

[6] See generally, testimony of Hon. Manuel F. Cohen, Chairman SEC, Hearings on S. 510 Before the Subcomm. on Securities of the Senate Comm. on Banking and Currency, 90th Cong., 1st sess. (1967).

[7] S. Rep. No. 550, 90th Cong., 1st Sess. 3 (1967).

[8] Exchange Act Release No. 8370 (July 30, 1968) (33 FR 11015) amended by Release No. 8392 (August 30, 1968) (33 FR 13036). See also Release No. 8556 (March 24, 1969) (34 FR 6101).

[9] H.R. Rep. No. 91-1655, 91st Cong., 2d Sess. (1970).

[10] Exchange Act Release No. 9060 (January 18, 1971) (36 FR 976). The Commission has also adopted rules relating to short-tendering of securities (17 CFR 240.10b-4) and purchases during a tender offer by a bidder other than pursuant to such offer (17 CFR 240.10b-13).

[11] Exchange Act Release No. 8391 (August 30, 1968) (44 FR 13036).

[12] *"Cattlemen's Investment Co. v. Fears,"* 343 F. Supp. 1248 (W.D. Okla. 1972).

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tional securities exchange where the class of the subject company's securities sought by the tender offer is traded and to the National Association of Securities Dealers, Inc. ("NASD") if such class of the subject company's securities is traded in the over-the-counter market. The Commission recognizes the unsettling effect that tender offers have on trading markets and believes that this proposal will insure that securities exchanges and the NASD have direct access to complete information during a tender offer. The transmittals to the subject company, securities exchanges and the NASD would be made by registered or certified mail.

Proposed Rule 14d–2(b) would require a similar filing and mailing procedure with regard to additional material soliciting or requesting tender offers subsequent to the filing of a Schedule 14D–1 pursuant to paragraph (a) of this rule. However, additional material which only reports the number of shares deposited to date and/or announces an extension of time for depositing securities pursuant to a tender offer would be deemed to meet the requirements of Section 14(d)(1) if filed with the Commission within two business days after it is first published, sent or given to security holders. This exception would not apply to the requirement that a copy of such additional material be mailed to the subject company, securities exchanges and the NASD prior to or simultaneously with the time such additional material is first published, sent or given to security holders. The Commission received testimony at the Tender Offer Hearings about the logistical problems of filing such limited, but important, additional material with the Commission prior to its public release. The Commission believes that this exception would facilitate rapid communication of such limited additional material to shareholders and would resolve any procedural difficulties incurred in such communication.

Material changes to information in the Schedule 14D–1 filed in accordance with subparagraph (a)(1) of this proposed rule would be required to be promptly filed with the Commission and mailed to the subject company, securities exchanges and the NASD in the same manner as required by paragraph (a) of this rule.

C. PROPOSED RULE 14d–3: COMMUNICATION OF CASH TENDER OFFERS [17 CFR 240.14d–3]

Although present Rule 14d–1(c) specifies certain information which must be included when tender offers are published, sent or given to security holders, it does not specify any particular method of disseminating such information. Proposed Rule 14d–3 would establish standards whereby information communicated in compliance with its provisions would be deemed "published or sent or given to security holders" for the purposes of Section 14(d)(1). The proposed rule would pertain only to cash tender offers and is not intended by the Commission to be a mandatory or exclusive regulation of such offers.

The proposed rule covers three alternative methods of communicating cash tender offers: long form publication; summary publication; and use of stockholder lists to assist direct communication. So long as a bidder fully complies with the requirements of any one of the three methods, the bidder can utilize either of the other two methods in whole or in part. Thus, the three methods are not in any way mutually exclusive.

The long form publication of proposed Rule 14d–3(a) is substantially equivalent to the current practice with respect to conventional tender offers. The summary publication of proposed Rule 14d–3(b) would require that at least certain specified material information appear in a summary advertisement and would provide for security holders to be able to promptly obtain the bidder's tender offer materials at the bidder's expense. In order to comply with the provisions of this subsection, the bidder would be required to have sufficient copies of the tender offer materials available for distribution when the summary advertisement appears. The Commission believes that this method of communication will decrease the escalating costs and scheduling problems associated with publishing conventional tender offers in newspapers while, at the same time, insuring dissemination of the tender offer materials to record owners and beneficial owners who desire to consider more complete information.

The third method of communication is the use of stockholder lists by the bidder. After the bidder has obtained the lists from the subject company pursuant to proposed Rule 14e–1, which is discussed below, or through other means, the bidder would be required to mail its tender offer materials to all the persons named on the stockholder list and to furnish sufficient sets of tender offer materials to brokers, banks and similar persons whose name appears or whose nominee appears on the stockholder list or who is listed as a participant in the clearing agency's security position listing. The Commission is aware that access to shareholder lists is also a matter of state corporation law and recognizes that, if adopted, this rule would make stockholder lists available to bidders in the context of cash tender offers for the first time under the federal securities laws. Therefore, the Commission specifically invites comments on its rulemaking authority concerning the use of shareholder lists and any conflict with state law which would not be in the public interest or for the protection of investors.

By encouraging the prompt and widespread dissemination of cash tender offers, proposed Rule 14d–3 is intended to afford a greater number of security holders the opportunity to consider and evaluate the disclosures required by other proposals. However, specific comments are invited whether the three proposed alternative methods of communication will be sufficient to accomplish public disclosure of the tender offer to security holders and trading markets or whether additional measures are necessary.

D. PROPOSED RULE 14D–4: FILING OF RECOMMENDATION STATEMENT [17 CFR 240.14D–4]

Rule 14d–4 presently requires that, with certain exceptions, persons making a solicitation or recommendation to security holders to accept or reject a tender offer subject to Section 14(d) of the Act must file with the Commission a statement containing the information specified by current Schedule 14D at the time such solicitation or recommendation is first published, sent or given to such security holders. Amendments to such statements are also required to be promptly filed with the Commission.

Proposed Rule 14d–4 would generally conform to the present framework. Instead of present Schedule 14D, a proposed Schedule 14D–4, described below, would be filed with the Commission and sent by registered or certified mail to the bidder, any national securities exchange where the securities being sought by the tender offer are traded and to the NASD if the securities are traded in the over-the-counter market. Proposed Rule 14d–4(a) would require that these actions occur simultaneously with or prior to the time that the solicitation or recommendation, whether oral or written, is first made to security holders.

Under proposed Rule 14d–4(b), material changes in the information contained in the Schedule 14D–4 would be promptly filed as amendments to that Schedule and would be promptly sent by registered or certified mail to national securities exchanges and the NASD, if applicable.

As in present Rule 14d–4(c), proposed Rule 14d–4(c) would establish minimum informational requirements for the solicitation or recommendation that is communicated to security holders. The present disclosure regarding arrangements or understandings pertaining to the solicitation between the person filing the statement and the bidder and the subject company would be expanded to include all contracts, arrangements, understandings and relationships between such persons. In addition, recent transactions by the person filing the statement, its executive officers, directors, affiliates and subsidiaries in the securities being sought by the tender offer would be disclosed. The Commission believes that this additional disclosure will assist security holders in evaluating a solicitation or recommendation.

The exceptions to the proposed rule which are contained in proposed Rule 14d–4(d) are substantially similar to the exceptions provided by present Rule 14d–4(a) (1) and (2) [17 CFR 240.14d–4(a)(1) and (2)] and present Rule 14d–2(e) and (f) [17 CFR 240.14d–2 (e) and (f)]. Proposed Rule 14d–(c)(4) provides an exemption for a subject company's initial, limited communication regarding a tender offer and would establish definite periods for transmittal of a subsequent communication to insure that security holders have adequate time to consider

the subject company's position in making their investment decision. Under this proposal, such a subsequent communication must contain a recommendation to accept or reject a tender offer or must indicate management's decision not to make a recommendation.

E. PROPOSED RULE 14d–5: ADDITIONAL WITHDRAWAL RIGHTS [17 CFR 240.14d–5]

Section 14(d)(5) provides an unconditional right of withdrawal to persons who have deposited securities pursuant to a tender offer for seven days after the time definitive copies of such offer are first published, sent or given to security holders. Additionally, the Section provides a right of withdrawal at any time after sixty days after the date of the original offer, if the shares deposited have not been accepted for payment by the bidder by that time.

Extensive testimony was received at the Tender Offer Hearings concerning withdrawal rights. This testimony raised questions about the effectiveness of the seven day withdrawal right and pointed out that, with the possible exception of the sixty day provision, Section 14(d)(5) does not cover withdrawal in a competing tender offer situation.

The Commission believes that a depositor should not be permitted to withdraw any or all securities deposited during the entire period that the offer is open. At some point prior to expiration of its offer, the bidder should have the opportunity to ascertain the number of securities deposited in order to determine whether or not to accept securities for purchase or to extend or change other terms of the tender offer. However, in light of proposed Rule 14e–2(a), discussed below, which would establish a fifteen business days minimum period that an offer must remain open and the testimony at the Tender Offer Hearings, proposed Rule 14d–5(a) would extend the seven day withdrawal right to ten business days. The proposed rule would also provide a withdrawal right for any or all securities deposited but not accepted for payment by the bidder for seven business days following the date a proposed Schedule 14D–1 is filed with the Commission relating to a competing tender offer by a subsequent bidder. The Commission believes this provision would afford a further protection to shareholders and would not create an undue burden on a bidder.

F. PROPOSED RULE 14D–6: PURCHASE AFTER TERMINATION OF A TENDER OFFER [17 CFR 240.14D–6]

At present, Regulation 14D does not provide for the integration of purchases by the bidder either before the commencement of the tender offer or after its termination with those purchases made by the bidder pursuant to the tender offer. Under proposed Rule 14d–6(a), open market, private or other purchases of certain securities, described below, by either the bidder or its affiliates within forty business days after the termination of the bidder's tender offer would be integrated with and deemed a part of the tender offer only for the purposes of Section 14(d) of the Exchange Act. The proposed rule would be triggered by the termination of the bidder's tender offer, which would be determined by the date the tender offer actually ended, rather than the scheduled date of expiration of the tender offer or any extensions thereof. Thus, unsuccessful or partially successful tender offers would also be covered by the proposed rule.

The integration provisions of proposed Rule 14d–6(a) would apply to post-termination purchases of the securities described in proposed Rule 14d–6(b). Securities of the same class sought by the bidder in its tender offer would be included as well as options, warrants, rights, convertible securities or other securities which involve contractual rights, privileges or other provisions to purchase or acquire, through exercise, conversion, exchange or otherwise, securities of such class.

If adopted, the proposed rule would result in applying the disclosure and substantive protections, such as the best price and sixty day withdrawal provisions of Section 14(d) to such purchases. The effect of the rule as proposed would, in most circumstances, be to preclude such purchases by the bidder or its affiliates during the forty business day period, unless one of the exemptions described below is available. It should be noted that the proposed rule would have no effect on Rule 10b–13 [17 CFR 240.10b–13].

Proposed Rule 14d–6(c) would exclude certain purchases during the forty business day post-termination period from the operation of the proposed rule. These would include purchases made pursuant to a subsequent tender offer for securities of the same class sought in the bidder's previous tender offer, provided that the offered consideration in the subsequent tender offer is no lower than that offered at any time during the bidder's previous tender offer. Additionally, purchases pursuant to the exercise of options, warrants or rights, the conversion of convertible securities, or the execution of the terms of agreements to purchase securities of the class sought by the tender offer would be excluded if such options, warrants, rights, convertible securities or agreements were obtained or entered into prior to the date the tender offer was first published, sent or given to security holders and were disclosed in the Schedule 14D–1 filed by the bidder for the tender offer. Finally, other agreements or transactions would be excluded from the proposed rule which the Commission would exempt by order.

The intended purpose of the proposed rule is to prevent the bidder from taking advantage, either directly or indirectly, of any unsettling market condition after the termination of its tender offer. Mindful of this purpose, the Commission could find no valid distinction in the context of post-termination purchases between a tender offer for any or all securities of a class of the subject company and a tender offer for only a portion of the securities of such class.

At this time the Commission is not specifically proposing a similar integration rule relating to pre-commencement purchases of such securities. The Commission invites specific comment on the need for, and the Commission's authority to adopt, a parallel pre-commencement integration rule.

G. PROPOSED RULE 14d–7. CERTAIN EXEMPT TRANSACTIONS [17 CFR 240.14d–7]

Rule 14d–2 presently contains provisions that exempt certain communications from Regulation 14D. Two of these provisions, Rules 14d–2 (e) and (f), are proposed in modified form in proposed Rule 14d–4(c) which is discussed above. Proposed Rule 14d–7 would generally conform to the existing rule with the exception that current Rule 14d–2(g), which pertains to offers to purchase securities in transactions exempt from registration under the Securities Act of 1933 pursuant to Section 3(a)(10) thereof, would be withdrawn. This provision was adopted at a time when exchange tender offers were exempt from Section 14(d). Serious questions have been raised as to its utility in the proposed Regulation 14D. If this provision is withdrawn, the transactions covered by Rule 14d–2(g) could be considered on a case-by-case basis by the Commission pursuant to its exemptive power under Section 14(d)(8)(C). The Commission invites specific comment on the proposed deletion of this provision.

H. PROPOSED RULE 14d–8. EXEMPTION FROM STATUTORY PRO RATA REQUIREMENTS [17 CFR 240.14d–8]

When a tender offer is made for less than all the outstanding securities of a class of an issuer and if, within the first ten days after such tender offer is published, sent or given to the security holders, a greater number of shares are deposited than the bidder's bound or willing to take up, Section 14(d)(6) provides that any securities accepted by the bidder must be taken up on a pro rata *basis* according to the number of securities deposited by each depositor. In addition, Section 14(d)(6) provides that the pro-rata provision shall apply to securities deposited within ten days after notice of an increase in the offered consideration is first published, sent or given to security holders.

Proposed Rule 14d–8 would establish an exemption to Section 14(d)(6) for tender offers for less than all the outstanding equity securities of a class where the bidder provides that any and all securities taken up at any time pursuant to the tender offer will be accepted on a pro rata basis. The proposed Rule, which is intended to be voluntary in operation, is designed to resolve any doubts among practitioners that a bidder can extend pro rata acceptance rights for the entire length of the tender offer period without being in violation of Section 14(d)(6). If adopted, the Commission be-

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lieves the proposed rule would implement the Williams Act by giving all holders of the securities being sought an equal opportunity to participate in the tender offer.

I. PROPOSED SCHEDULE 14D–1: TENDER OFFER STATEMENT [17 CFR 240.14D–100]

At present, in order to fulfill the requirements of Section 14(d) and Rule 14d–1, a bidder must file a statement containing the information and exhibits required by Schedule 13D. The Commission is proposing a separate Tender Offer Schedule—Schedule 14D–1. The Commission believes that a separate schedule for tender offers will avoid unnecessary confusion, will provide more meaningful disclosure to investors and, to the extent feasible, will be less burdensome on the bidder.

With certain significant exceptions discussed below, proposed Schedule 14D–1 generally conforms to present Schedule 13D, Acquisition Statement, and reflects the letter of comment received by the Commission with respect to a proposed amendment to that Schedule.[11] Instruction C to proposed Schedule 14D–1 would curtail and clarify previous conditions so that: a reporting corporation would need to disclose information only regarding its executive officers, rather than all officers; and in multiple tier corporate structures, no information would be required regarding any officers or directors of mid-tier corporations unless they were also controlling persons. Item 2 of the proposed Schedule would require disclosure regarding the bidder and related persons pertaining to employment history, criminal convictions and certain civil actions for the five year period prior to the tender offer.

Although proposed Schedule 14D–1 would retain much of the substance of Schedule 13D, certain items would be significantly modified and two new items are proposed. A new Item 3 of the proposed schedule would require disclosure of past relationships, transactions or negotiations between the bidder or its affiliates and the subject company or its affiliates. Item 3(a) would require a statement of the nature and approximate dollar amount of business relationships and transactions between such persons during the three years preceding the tender offer. Item 3(b) would require a description of certain other contacts, relationships, transactions or negotiations between such persons for a similar period, which concerned such events as a merger or consolidation with or acquisition of the subject company or any of its affiliates; a tender offer or other acquisition of the securities of any class of securities issued by the subject company; an election of directors of the subject company; and the sale or other transfer of a material amount of assets by the subject company or any of its subsidiaries.

[11] Exchange Act Release No. 11616 (August 25, 1975) (40 FR 42212). See SEC File S7–580.

A revised Item 4 of the proposed schedule would increase the disclosure concerning the source and amount of funds or other consideration to be employed by the bidder in the tender offer. If any part of such funds or other consideration is borrowed, Item 4 would require disclosure of the material terms or conditions of such loan agreements, such as the stated and effective interest rates, as well as a description of any plans or arrangements to finance or repay such loans. If no such plans or arrangements have been made, a statement to that effect would be required. To facilitate requests for confidential treatment of the identity of certain banks, which is provided in Section 13(d)(1)(B), Item 3 would establish a procedure of submitting such requests to the Secretary of the Commission.

In addition to a statement of the purpose or purposes of the tender offer, a revised Item 5 would require a description of certain plans or proposals by the bidder relating to or resulting in such events as: an extraordinary corporate transaction involving the subject company or any of its subsidiaries; a sale or transfer of a material amount of the assets of the subject company or any of its subsidiaries which would include, but not be limited to, a sale or transfer to the bidder or any of its affiliates; any change in the subject company's present board of directors, which would include any plan or proposal to fill vacancies or change the number or term of the directors; any material change in the subject company's present capitalization or dividend policy; and delisting a class of the subject company's securities from a national securities exchange or terminating the registration of such class of securities pursuant to Section 12(g)(4). It should be noted that this description of the bidder's plans and proposals would be required for all tender offers, not merely for those with the purpose of acquiring control of the subject company.

A new Item 9 of the proposed Schedule would require disclosure of additional information, if an average, prudent investor ought reasonably to be informed of such information in deciding whether to sell, tender or hold securities being sought in the tender offer. The materiality test of this item was derived from the definition of the term "material" in Rule 12b–2(j) [17 CFR 240.12b–2(j)]. For the first time, the bidder's financial statements, prepared in compliance with Form 10, as well as statements concerning the applicability of anti-trust laws and the margin requirements would be specifically required, if the materiality test is met. Item 9 is not intended to provide an exclusive list of additional information that would be required, but rather is designed to be illustrative of the types of information which might be material.

J. PROPOSED SCHEDULE 14D–4: RECOMMENDATION STATEMENT [17 CFR 240.14d–101]

A Schedule 14D is currently required to be filed by certain persons making a solicitation or recommendation to the holders of a security to accept or reject a tender offer subject to Section 14(d).

The Commission has re-examined Schedule 14D and proposes Schedule 14D–4 which is intended to provide more meaningful information to security holders. While the disclosure requried by several items would be modified, proposed Schedule 14D–4 would generally conform to Schedule 14D. In describing any contracts, agreements, arrangements, understandings or relationships between the person filing the statement or his affiliates and the subject company and the bidder or their respective executive officers and directors, as required by Item 3(b), disclosure of actual or potential conflicts of interest between such persons may be necessary. The Commission believes that such disclosure would enable security holders to more fully evaluate any recommendation concerning the tender offer. Items 4 would require a statement of the bases for as well as the reasons for the recommendation. In the Commission's view, such information would further assist security holders in evaluating the merits of a recommendation regarding a tender offer.

K. PROPOSED RULE 14e–1: FURNISHING OF STOCKHOLDER AND OTHER LISTS [17 CFR 240.14e–1]

Neither the Williams Act nor the rules promulgated thereunder presently require the subject company to furnish stockholder lists, either directly or indirectly, to a bidder in the context of a tender offer. On the basis of the Tender Offer Hearings and its experience, the Commission proposes Rule 14e–1 which would regulate the transmission by the subject company and the use by the bidder of shareholder and other lists in certain tender offers. Specifically, the failure of a subject company with a class of equity securities referred to in Section 14(d)(1) to furnish the most recent shareholder list and clearing agency's security position listing in its possession or under its control within two business days after receipt of a written request for such lists from a bidder planning to make a tender offer for such securities would constitute a fraudulent, deceptive or manipulative act or practice under Section 14(e). It should be noted that the proposed rule would require that the stockholder list contain the name and address of every security holder but the number of shares held by such persons would not be required. However, the proposed rule would provide that the subject company need not furnish such lists to the bidder unless the bidder has filed a Schedule 14D–1 with the Commission prior to submitting its written request to the subject company and unless such written request contains certain written representations and undertakings by the bidder to the subject company. These include: an undertaking that the lists furnished by the subject company will be used exclusively in connection with the bidder's tender offer and extensions

thereof; a representation that the bidder will promptly pay the reasonable costs incurred by the subject company in furnishing the lists; and an undertaking that the bidder will mail at its expense a copy of its tender offer material to every person whose name appears on the stockholders list and will furnish, at its expense, the number of sets of its tender offer material which are requested by participants named on the clearing agency's security position listing. Communications by the bidder after receiving such lists would be governed by Rule 14d–3(c), discussed above. Although Section 14(e) applies to all tender offers, the proposed rule would apply only to tender offers for securities of a class referred to in Section 14(d)(1).

Testimony was given at the Tender Offer Hearings that the Commission propose a rule requiring the subject company to mail the bidder's tender offer material to security holders. The Commission believes that proposed Rule 14e–1 is preferable since it would prevent potential abuses by the subject company such as delaying the mailing of the tender offer materials. The proposed rule is intended to provide the bidder with an opportunity to directly communicate with security holders equal to that of the subject company and to facilitate communication of a tender offer to the greatest number of record holders and beneficial owners of the securities being sought by the tender offer, many of whom might otherwise be unaware of such offer.

The Commission recognizes that the use of shareholder lists by a bidder in the context of a tender offer is also a matter of concern under state corporation law. Therefore, the Commission specifically requests comments on its rulemaking authority to adopt the proposed rule and any conflicts with state law which would not be in the public interest or for the protection of investors.

L. PROPOSED RULE 14e–2: UNLAWFUL TENDER OFFER PRACTICES [17 CFR 240.14e–2]

Prior to the proposals announced in this release, the Commission had not exercised the rulemaking power granted ot it under Section 14(e) by the 1970 amendments to the Williams Act.

In light of the testimony at the Tender Offer Hearings and the Commissions' experience since the 1970 amendments to the Williams Act, the Commission believes that specific anti-fraud provisions are necessary and appropriate in the public interest and for the protection of investors. Consequently, proposed Rule 14e–2(a) would require that any tender offer must remain open for at least fifteen business days from the date it is first published, sent or given to security holders in accordance with Rule 14d–3 or otherwise. Proposed Rule 14e–2(b) would require that any tender offer remain open for at least ten business days after the date of the notice of an increase in either the offered consideration or the dealer's soliciting fee. The Commission believes that these proposals would facilitate communication during tender offers and provide a more realistic time frame for security holders to evaluate a tender offer and certain changes thereto before making an investment decision. In the Commission's opinion these proposals if adopted would alleviate undue pressure on shareholders without unduly hindering the bidder making a tender offer.

Proposed Rule 14e–2(c) would require the bidder to pay the offered consideration or return the stock certificates deposited by or on behalf of security holders within 10 business days after the termination of a tender offer. This provision would apply only to securities actually on deposit and would not affect a guarantee of delivery when the securities represented by such guarantee have not been physically deposited in the bidder's named depository. The Commission believes that this provision would insure that deposited securities are not tied up for an unreasonable length of time while at the same time it would not unduly burden either the bidder or its depository in their operations after a tender offer terminates.

Finally, proposed Rule 14e–2(d) would require the bidder to issue a press release or similar public communication within one business day after the scheduled expiration whenever the length of the tender offer is extended. Such disclosure would require a statement of the approximate number of securities deposited at the time of the scheduled expiration date. This provision is intended by the Commission to assure fair treatment of all shareholders concerned with a tender offer by requiring prompt and widespread communication of certain minimum information when a tender offer is extended.

As noted above, the time periods that would apply to the provisions of proposed Rule 14e–2 are stated in terms of "business days." As in other rules proposed in this release, this term refers to days when the Commission is scheduled to be open for business.

IV. SPECIFIC INQUIRIES AND PROCEDURES

Any interested person wishing to submit specific written comments concerning the rules and schedules proposed herein is invited to do so at any time prior to the close of the comment period on September 30, 1976. In addition, the Commission invites written comments on three specific issues:

(1) Whether the Commission has adequate rule-making authority to adopt the proposals published in this release;

(2) Whether the costs imposed on bidders, subject companies and others by these proposals outweigh their benefits to investors and the public interest; and

(3) Whether any of the proposed rules or schedules, if adopted, would have an adverse impact on competition or would impose a burden on competition which is neither necessary nor appropriate in furthering the purposes of the Exchange Act. Comments on this item will be considered by the Commission in complying with its responsibilities under Section 23(a)(2) of the Exchange Act.

All communications should be submitted in triplicate and addressed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 on or before September 30, 1976. Such communications should refer to File No. S7–649 and will be available for public inspection. The text of the proposed rules and schedules follows.

V. TEXT OF PROPOSALS

1. Regulation 14D [17 CFR 240.14d–1 to 240.14d–101] is proposed to be revised to read as follows:

REGULATION 14D: TENDER OFFERS

§ 240.14d–1 Certain definitions.

For the purposes of Regulation 14D [§§ 240.14d–1 to 240.14d–101]:

(a) The term "bidder" means any person on whose behalf a tender offer is made;

(b) The term "subject company" means any issuer whose securities are sought by a bidder pursuant to a tender offer; and

(c) The term "tender offer material" includes, but is not limited to:

(1) The bidder's formal offer, including all material terms and conditions of the tender offer, and all amendments thereto;

(2) The related transmittal letter (whereby securities of the subject company may be transmitted to the bidder's depository) and all amendments thereto; and

(3) Press releases, advertisements, shareholder letters and other documents published, sent or given by or on behalf of the bidder with respect to the tender offer.

§ 240.14d–2 Filing of tender offer statement.

(a) No bidder shall make a tender offer for any class of securities referred to in Section 14(d)(1) of the Act if, after consummation thereof, such bidder would, directly or indirectly, be the beneficial owner of more than 5 per centum of such class of the subject company's securities, unless simultaneously with or prior to the time the tender offer is first published, sent or given to security holders, such bidder:

(1) Files or has filed eight copies of a Tender Offer Statement on Schedule 14D–1 [§ 240.14d–100] including all exhibits thereto with the Commission, and pays or has paid a nonrefundable fee of $_____ to the Commission;

(2) Sends, (or has sent, by registered or certified mail a copy of such Schedule 14D–1 [§ 240.14d–100] including all exhibits thereto, to the subject company at its principal executive office; and

(3) Sends, or has sent, by registered or certified mail a copy of such Schedule 14D–1 [§ 240.14d–100], including all exhibits thereto, to any national securities exchange where such class of the subject company's securities is traded and to the National Association of Securities Dealers, Inc. ("NASD") if such class of the subject company's securities is traded in the over-the-counter market.

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(b) Additional material soliciting or requesting tender offers subsequent to the filing of a Schedule 14D–1 [§ 240.14d–100] pursuant to paragraph (a)(1) of this section shall be filed with the Commission without paying additional filing fees and shall be mailed to the subject company and to any exchange and the NASD as required by paragraph (a) of this section, *except that* additional material which only reports the number of shares deposited to date and/or announces an extension of time for depositing securities pursuant to the tender offer may be filed with the Commission at any time within two business days after the time such limited, additional material is first published, sent or given to security holders.

(c) If any material change occurs in the information set forth in the Schedule 14D–1 [§ 240.14d–100] required by this section, the bidder shall promptly file eight copies of an amendment on Schedule 14D–1 [§ 240.14d–100] with the Commission without paying additional filing fees and shall promptly mail a copy of such amendment to the subject company and to any exchange and to the NASD as required by paragraph (a) of this section.

§ 240.14d–3 Communication of cash tender offers.

The information required by Section 14(d)(1) of the Act shall be deemed to have been "published or sent or given to security holders" of the class of the subject company's equity securities in connection with a cash tender offer, if the bidder complies fully with any one of the following paragraphs:

(a) *Long-Form Publication:* A bidder shall make adequate publication of its formal offer which, depending on the facts and circumstances involved, may require publication in a newspaper with a national circulation or may only require publication in a newspaper with metropolitan or regional circulation. The formal offer shall contain at least the following information:

(1) The identity of the bidder;

(2) The identity of the subject company;

(3) The amount and class of securities being sought and the price being offered therefor;

(4) The scheduled expiration date of the tender offer and whether it is extendable;

(5) The information required by Items 1(c); 2(b), (c), (d), (e), (f) and (g); 3; 4; 5; 6; 7; 8 and 9 of Schedule 14D–1 [§240.14d–100] or a fair and adequate summary thereof, except that negative responses to any such item or sub-item need not be included;

(6) The exact dates prior to which, and after which, persons who deposit their securities will have the right to withdraw their securities pursuant to section 14(d)(5) of the Act, Rule 14d–5 [§ 240.14d–5], or otherwise; and

(7) If the tender offer is for less than all the outstanding securities of the class of equity securities and the bidder is not obligated to purchase all of the securities tendered, the date of expiration of the period during which the securities will be taken up pro rata pursuant to Section 14(d)(6) of the Act, Rule 14d–8 [§ 240.14d–8] or otherwise.

(b) *Summary publication:* A bidder shall make adequate publication of a summary advertisement of the tender offer which, depending on the facts and circumstances involved, may require publication in a newspaper with a national circulation or may only require publication in a newspaper with metropolitan or regional circulation. The summary advertisement shall include at least:

(1) The information required by paragraphs a (1) through (4) of this section;

(2) The general purpose of the tender offer; and

(3) Appropriate instructions for record holders and beneficial owners of securities of the class being sought regarding how to obtain promptly, at the bidder's expense, the bidder's tender offer materials.

(c) *Use of stockholder and other lists:* A bidder shall mail, at its own expense, its tender offer materials to all persons named on the list of stockholders, obtained pursuant to Rule 14e–1 [§ 240.14e–1] or otherwise, and shall furnish, at its own expense, the number of sets of tender offer material requested by brokers, banks and similar persons whose name appears or whose nominee appears on the list of stockholders or who is listed as a participant in a clearing agency's security position listing, obtained pursuant to Rule 14e–1 [§ 240.14e–1] or otherwise.

§ 240.14d–4 Filing of recommendation statement.

(a) No solicitation or recommendation to the holders of a class of equity securities referred to in Section 14(d)(1) of the Act to accept or reject a tender offer for such securities shall be made unless simultaneously with or prior to the time such solicitation or recommendation is first made, orally or in writing, to the holders of such securities, the person making such solicitation or recommendation:

(1) Files, or has filed, eight copies of a Tender Offer Recommendation Statement on Schedule 14D–4 [§ 240.14d–101] and pays, or has paid, a non-refundable fee of $_____ to the Commission;

(2) Sends, or has sent, by registered or certified mail a copy of such Schedule 14D–4 [§ 240.14d–101] to the bidder at its principal executive office; and

(3) Sends, or has sent, by registered or certified mail a copy of such Schedule 14D–4 [§ 240.14d–101] to any national securities exchange where such class of equity securities is traded and to the National Association of Securities Dealers, Inc. ("NASD"), if such class of the subject company's securities is traded in the over-the-counter market.

(b) If any material change occurs in the information set forth in the Schedule 14–D–4 [§ 240.14d–101] required by this section, the person who filed such Schedule 14D–4 [§ 240.14d–101] shall promptly file eight copies of an amendment on Schedule 14D–4 [§ 240.14d–101] with the Commission without paying additional filing fees and shall promptly mail a copy of such amendment to the bidder and to any exchange and to the NASD as required by paragraph (a) of this section.

(c) Any solicitation or recommendation to the holders of a class of securities to accept or reject a tender offer subject to Section 14(d) of the Act shall include the name of the person making such solicitation or recommendation and the information required by Items 2, 3(b), 4 and 6 of Schedule 14d–4 [§ 240.14d–101] or a fair and adequate summary thereof: *Provided, however,* That such solicitation or recommendation may omit any of such information previously furnished to the persons to whom the solicitation or recommendation is made.

(d) This section shall not apply to the following:

(1) A bidder who is required to file a Schedule 14D–1 [§ 240.14d–100] by Rule 14d–2 [§ 240.14d–2];

(2) A person, other than the subject company or its management, who makes no written solicitations or recommendations other than through copies of solicitations or recommendations which have been filed with the Commission pursuant to this section or Rule 14d–2 [§ 240.14d–2];

(3) Attorneys, banks, brokers, fiduciaries or investment advisers who are not participating in a tender offer who furnish information and advice regarding the tender offer to their customers or clients on the unsolicited request of such customers or clients or solely pursuant to a general contract for advice to the customers or clients to whom the information or advice is given; or

(4) A subject company which only makes a communication to its security holders which does no more than (i) Identify the tender offer made by the bidder; (ii) State that the subject company's board of directors is studying the matter, and within five business days but no later than three business days prior to the scheduled expiration of the tender offer, will advise such security holders of the initial recommendation of the board of directors to accept or reject the tender offer or its decision not to make a recommendation; and (iii) Request security holders to defer making a determination whether to accept or reject the tender offer until they have received such recommendation, or the decision not to take a recommendation from the board of directors in accordance with subsection (4)(ii).

§ 240.14d–5 Additional withdrawal rights.

Notwithstanding the provisions of section 14(d)(5) of the Act, a person who has deposited securities pursuant to a tender offer by a bidder has the right to withdraw:

(a) Any such securities until the expiration of 10 business days after the date the bidder's formal offer and the related transmittal letter are first published, sent or given to security holders pursuant to Rule 14d–3 [§ 240.14d–3] or otherwise; and

(b) Any such securities, which have not been accepted for payment by the bidder, any time during the seven business days following the date a Schedule 14D–1 [§ 240.14d–100] is filed with the Commission relating to a competing tender offer by a subsequent bidder.

§ 240.14d–6 Purchases after termination of a tender offer.

(a) Any open market, private or other purchase of any security described in paragraph (b) of this section by the bidder or any of its affiliates within forty business days after the date of the termination of the bidder's tender offer, which was subject to section 14(d) of the Act, shall be integrated with and deemed a part of such tender offer for the purposes of section 14(d) only.

(b) The securities referred to in paragraph (a) of this section include:

(1) Securities of the same class sought by the bidder in its tender offer; and

(2) Options, warrants, rights, convertible securities or other securities which involve contractual rights, privileges or other provisions to purchase or acquire through exercise, conversion, exchange or otherwise securities referred to in sub-paragraph (b)(1) of this section.

(c) Paragraph (a) of this section shall not apply to purchases by the bidder pursuant to:

(1) A subsequent tender offer by the bidder for securities of the same class of securities sought in the bidder's previous tender offer and with respect to which the offered consideration is no lower than that offered at any time during the bidder's previous tender offer;

(2) The exercise of options, warrants or rights; the conversion of convertible securities; or the execution of agreements to purchase such securities which were obtained or entered into prior to the date the bidder's tender offer was first published, sent or given to security holders and which were disclosed in the Schedule 14D–1 [§ 240.14d–100] filed by the bidder for the tender offer; or

(3) Other agreements or transactions which the Commission shall exempt by order.

§ 240.14d–7 Certain exempt transactions.

Section 14(d) of the Act and the rules contained in this regulation do not apply to the following transactions:

(a) Offers to purchase securities made in connection with a distribution of securities permitted by Rules 10b–6 [§ 240.10b–6]; 10b–7 [§ 240.10b–7]; or 10b–8 [§ 240.10b–8];

(b) The call or redemption of any security in accordance with the terms and conditions of the governing instruments;

(c) Offers to purchase securities evidenced by a scrip certificate, order form or similar document which represents a fractional interest in a share of stock or similar security; or

(d) Offers to purchase securities pursuant to a statutory procedure for the purchase of dissenting shareholders' securities.

§ 240.14d–8 Exemption for statutory pro rata requirements.

The limited pro rata provisions of Section 14(d)(6) of the Act shall not apply to any tender offer in which the bidder provides that any and all securities accepted for purchase pursuant to the tender offer will be accepted as nearly as practicable on a pro rata basis, disregarding fractions, according to the number of securities deposited by each depositor.

§ 240.14d–100 Schedule 14D–1.

Schedule 14D–1

Tender Offer Statement Pursuant to Section 14(d)(1) of the Securities Exchange Act of 1934

(Amendment No.——)

(Bidder)

(Name of Subject Company)

(Title of Class of Securities)

(CUSIP Number of Class of Securities)

(Name, address and telephone number of person authorized to receive notices and communications on behalf of bidder)

Instruction: Eight copies of this statement, including all exhibits, should be filed with the Commission.

Instructions: A. The item numbers and captions of the items shall be included but the text of the items is to be omitted. The answers to the items shall be so prepared as to indicate clearly the coverage of the items without referring to the text of the items. Answer every item. If an item is inapplicable or the answer is in the negative, so state.

B. Information contained in exhibits to the statement may be incorporated by reference in answer or partial answer to any item or sub-item of the statement unless it would render such answer incomplete, unclear or confusing. Matter incorporated by reference shall be clearly identified in the reference by page, paragraph, caption or otherwise. An express statement that the specified matter is incorporated by reference shall be made at the particular place in the statement where the information is required.

C. If the statement is filed by a partnership, limited partnership, syndicate or other group, the information called for by Items 2–7, inclusive, shall be given with respect to (i) each partner of any partnership or limited partnership; (ii) each member of such syndicate or group; and (iii) each person controlling such partner or member. If a person referred to in (i), (ii) or (iii) is a corporation or if the statement is filed by a corporation the information called for by the above mentioned items shall be given with respect to: (a) each executive officer and director of such corporation; (b) each person controlling such corporation; and (c) each executive officer and director of any corporation ultimately in control of such corporation. Executive officer shall mean the president, secretary, treasurer and vice president in chage of a principal business function (such as sales, administration or finance) and any other person who performs similar policy making functions for the corporation. It is assumed that a response to an item in the statement is made with respect to the person filing the statement and to all other persons referred to in this instruction unless there is a specific indication to the contrary.

D. Upon termination of the tender offer the bidder shall promptly file a final amendment to Schedule 14D–1 [§240.14d–100] stating that the tender offer has terminated, the date of such termination and the results of such tender offer. Unless there has been a material change in the information previously reported on Schedule 14D–1 [§240.14d–100], such final amendment shall be deemed to satisfy the reporting requirements of Section 13(d) of the Act.

ITEM 1. SECURITY AND SUBJECT COMPANY

(a) State the name of the subject company and its principal business address;

(b) State the exact title and the number of shares outstanding of the class of equity securities being sought; the exact amount of such securities being sought and the price being offered therefor; and

(c) Identify the principal market in which such securities are being traded and state the high and low sales prices for such securities (or, in the absence thereof, the range of high and low representative bid quotations) for each quarterly period during the past two years.

ITEM 2. IDENTITY AND BACKGROUND

State the following with respect to the person filing this statement:

(a) Name;

(b) Residence or business address;

(c) Present principal occupation or employment and the name, principal business and address of any corporation or other organization in which such employment or occupation is conducted;

(d) Material occupations, positions, offices or employments during the last 5 years, giving the starting and ending dates of each and the name, principal business and location of any business corporation or other organization in which such occupation, position, office or employment was carried on;

Instruction: If a person has held various positions with the same organization, or if a person holds comparable positions with multiple related organizations, each and every such position need not be specifically disclosed.

(e) Whether or not, during the last 5 years, such person has been convicted in a criminal proceeding (excluding traffic violations or similar misdemeanors) and, if so, give the dates, nature of conviction, name and location of court, and penalty imposed, or other disposition of the case;

(f) Whether or not, during the last 5 years, such person was a party to a civil proceeding of a judicial or administrative body of competent jurisdiction and as a result of such proceeding was or is subject to a judgment, decree or final order enjoining future violations of, or prohibiting activities subject to, federal or state securities laws or finding liability with respect to such laws; and, if so, identify and describe such proceeding and summarize the terms of such judgment, decree or final order; and

(g) Citizenship.

ITEM 3. PAST RELATIONSHIPS, TRANSACTIONS OR NEGOTIATIONS WITH THE SUBJECT COMPANY

(a) State the nature and approximate amount in dollars of business relationship and transactions between the person filing this statement or its affiliates and the subject

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company or its affiliates during the three years preceding the tender offer.

(b) Describe any contacts, relationships, transactions or negotiations during the three years preceding the tender offer between the person filing this statement or its affiliates and the subject company or its affiliates concerning: a merger or consolidation with or acquisition of the subject company or any of its subsidiaries; a tender offer for, or other acquisition of, securities of any class of securities issued by the subject company; an election of directors of the subject company; or a sale or other transfer of a material amount of assets by the subject company or any of its subsidiaries.

ITEM 4. SOURCE AND AMOUNT OF FUNDS OR OTHER CONSIDERATION

State the source and the total amount of funds or other consideration for the purchase of the maximum number of securities for which the tender offer is being made. If all or any part of such funds or other consideration are directly or indirectly borrowed or similarly obtained for the purpose of the tender offer, identify the parties to the loan agreement; state the amount of such loan, the stated and effective interest rates, the terms, the collateral and other material terms or conditions relative to such loan agreement; and describe any plans or arrangements to finance or repay such loan, or if no such plans or arrangements have been made, make a statement to that effect. If the source of all or any part of the funds to be used in the tender offer is a loan made in the ordinary course of business by a bank as defined by Section 3(a)(6) of the Act, the name of such bank shall not be made available to the public if the person filing the statement so requests in writing and files such request, naming such bank, with the Secretary of the Commission.

ITEM 5. PURPOSE OF THE TENDER OFFER AND PLANS OR PROPOSALS OF THE BIDDER

State the purpose or purposes of the tender offer for the subject company's securities and describe any plans or proposals which relate to or would result in:

(a) An extraordinary corporate transaction involving the subject company or any of its subsidiaries, including but not limited to mergers and liquidations;

(b) A sale or transfer of a material amount of assets of the subject company or any of its subsidiaries;

(c) Any change in the present board of directors or management of the subject company, including any plans or proposals to change the number or term of directors or to fill any existing vacancies on the board.

(d) Any material change in the present capitalization or dividend policy of the subject company;

(e) Any other material change in the subject company's business or corporate structure, including, if the subject company is a registered closed-end investment company, any plans or proposals to make any changes in its investment policy for which a vote would be required by Section 13 of the Investment Company Act of 1940;

(f) The delisting of a class of securities of the subject company from a national securities exchange; or

(g) A class of equity securities of the subject company becoming eligible for termination of registration pursuant to Section 12(g)(4) of the Act.

ITEM 6. INTEREST IN SECURITIES OF THE SUBJECT COMPANY

(a) State the aggregate number and percentage of the class represented by such shares beneficially owned (identifying those shares in which there is a right to acquire) by each person named in Item 2 and by each associate and majority-owned subsidiary of such person giving the name and address of any such associate or subsidiary.

(b) Describe any transactions in the class of securities reported on that were effected during the past 60 days by the persons named in response to paragraph (a) and by any executive officer, director or affiliate or any subsidiary of such person.

ITEM 7. CONTRACTS, ARRANGEMENTS, UNDERSTANDINGS OR RELATIONSHIPS WITH RESPECT TO THE SUBJECT COMPANY'S SECURITIES

Furnish complete information regarding any contract, arrangement, understanding or relationship (legal or otherwise) with any person with respect to any securities of the subject company, concerning but not limited to transfer or voting of any of such securities, joint ventures, loan or option arrangements, puts or calls, guaranties of loans, guaranties against loss, or the giving or withholding of proxies, naming the persons with whom such contracts, arrangements, understandings or relationships have been entered into and giving the details thereof. Include such information for any of such securities that are pledged or otherwise subject to a contingency the occurrence of which would give another person the power to direct the voting or disposition of such securities, except that disclosure of standard default and similar provisions contained in loan agreements need not be included.

ITEM 8. PERSONS RETAINED, EMPLOYED OR TO BE COMPENSATED

Identify all persons and classes of persons employed, retained or to be compensated by the bidder, or by any person on the bidder's behalf, to make solicitations or recommendations in connection with the tender offer and describe briefly the terms of such employment, retainer or arrangement for compensation.

ITEM 9. ADDITIONAL INFORMATION

Furnish additional information including, but not limited to, the following, if an average, prudent investor ought reasonably to be informed of such information in deciding whether to sell, tender or hold securities being sought in the tender offer:

(a) The bidder's financial statements prepared in compliance with Form 10, as amended [§ 249.210 of this chapter];

(b) Any present or proposed contracts, arrangements, understandings or relationships between the bidder and the subject company and/or their respective executive officers, directors and affiliates;

(c) Applicable regulatory requirements which must be complied with or approvals which must be obtained in connection with the tender offer;

(d) The applicability of anti-trust laws; and

(e) The applicability of the margin requirements of Section 7 of the Act.

ITEM 10. MATERIAL TO BE FILED AS EXHIBITS

Furnish a copy of:

(a) Tender offer material.

(b) Any loan agreement referred to in Item 4.

(c) Any document setting forth the terms of any contracts, arrangements, understandings or relationships referred to in Item 7 or Item 9(b).

(d) Any and all opinions prepared by legal counsel pertaining to the tender offer, including but not limited to, the applicability of anti-trust laws, referred to in Item 9(d).

(e) In an exchange offer where securities of the bidder have been or are to be registered under the Securities Act of 1933, the prospectus containing the information to be included therein by Rule 434B of that Act.

(f) Any document or paper relating to the tender offer filed by or on behalf of the bidder in any court.

(g) Any document used in connection with any oral solicitation or recommendation by or on behalf of the bidder.

Signature.—After due inquiry and to the best of my knowledge and belief, I certify that the information set forth in this statement is true, complete and correct.

(Date) (Signature)

(Name and Title)

The original statement shall be signed by each person on whose behalf the statement is filed or his authorized representative. If the statement is signed on behalf of a person by his authorized representative, evidence of the representative's authority to sign on behalf of such person shall be filed with the statement. The name and any title of each person who signs the statement shall be typed or printed beneath his signature.

§ 240.101 Schedule 14D–4.

SECURITIES AND EXCHANGE COMMISSION

WASHINGTON, D.C. 20549

Schedule 14D–4

Recommendation Statement Pursuant to Section 14(d)(4) of the Securities Exchange Act of 1934.

(Amendment No. ——)

(Name of Person(s) Filing Statement)

(Name of Subject Company)

(Title of Class of Securities)

(CUSIP Number of Class of Securities)

Instruction: Eight copies of this statement, including all exhibits, should be filed with the Commission.

Instructions: A. The item numbers and captions of the items shall be included but the text of the items is to be omitted. The answers to the items shall be so prepared as to indicate clearly the coverage of the items without referring to the text of the items. Answer every item. If an item is inapplicable or the answer is in the negative, so state.

B. Informaton contained in exhibits to the statement may be incorporated by reference in answer or partial answer to any item or sub-item of the statement unless it would render such answer incomplete, unclear or confusing. Matter incorporated by reference shall be clearly identified in the reference by page, paragraph, caption or otherwise. An express statement that the specified matter is incorporated by reference shall be made at the particular place in the statement where the information is required.

ITEM 1. SECURITY AND SUBJECT COMPANY

State the title of the class of equity securities to which this statement relates and the name and principal business address of the subject company.

ITEM 2. TENDER OFFER OF THE BIDDER

Identify the tender offer to which this statement relates and the name and principal business address of the bidder.

ITEM 3. IDENTITY AND BACKGROUND

(a) State the name and business address of the person filing this statement.

(b) Describe any contracts, agreements, arrangements, understandings or relationships between the person filing this statement or his affiliates and (i) the subject company, its executive officers or directors, or (ii) the bidder, its executive officers or directors. In this regard, it may be necessary to describe actual or potential conflicts of interest between the person filing this statement or his affiliates and the subject company, the bidder or their respective affiliates, such as a determination by the person filing this statement or his affiliates to accept or reject the bidder's tender offer; any contracts, agreements, arrangements or understandings, either formal or informal, relating to employment; or other relationships with the subject company, the bidder or their respective affiliates.

ITEM 4. THE SOLICITATION OR RECOMMENDATION

State whether the solicitation or recommendation is in support of or opposed to the tender offer and the reasons for and bases of such solicitation or recommendation.

ITEM 5. PERSONS RETAINED, EMPLOYED OR TO BE COMPENSATED

Identify any person or class of persons employed, retained or to be compensated, by the person filing this Schedule or by any person on his behalf, to make solicitations or recommendations to security holders and describe briefly the terms of such employment, retainer or arrangement for compensation.

ITEM 6. RECENT TRANSACTIONS

Furnish information as to transactions in the securities referred to in Item 1 which were effected during the past 60 days by the person(s) named in response to Item 3(a) and by any executive officers, directors, affiliates or subsidiaries of such person.

ITEM 7. MATERIAL TO BE FILED AS EXHIBITS

(a) Copies of any written solicitation or recommendation and copies of any document used in connection with an oral solicitation and recommendation referred to in Item 4.

(b) Copies of any contract, agreement, arrangement, understanding or document relating to any relationship described in Item 3(b).

(c) Copies of any document or paper filed in any court by or on behalf of the person filing this statement which relates to litigation concerning the tender offer.

Signature.—After due inquiry and to the best of my knowledge and belief, I certify that the information set forth in this statement is true, complete and correct.

(Date) (Signature)

(Name/Title)

The statement shall be signed by each person on behalf of whom the statement is filed or his authorized representative. If the statement is signed on behalf of a person by his authorized representative, evidence of the representative's authority to sign on behalf of such person shall be filed with the statement. The name and any title of each person who signs the statement shall be typed or printed beneath his signature.

2. Section 240.14e–1 and Section 240.14e–2 are proposed to be added to Title 17 CFR Part 240 to read as follows:

FRAUDULENT TENDER OFFER PRACTICES

§ 240.14e–1 Furnishing of stockholder and other lists.

It shall constitute a fraudulent, deceptive, or manipulative act or practice within the meaning of Section 14(e) of the Act, for any subject company with a class of equity securities referred to in Section 14(d)(1) of the Act to fail to furnish, upon the written request of any bidder planning to make a tender offer for such securities, the most recent lists in the possession, or under the control, of the subject company of the names and addresses of the holders of record of such securities; and the security position listings, if any, from Depository Trust Company and similar clearing agencies, within two business days after receipt of such written request, provided that

(a) The bidder has filed a Schedule 14D–1 [§ 240.14d–100] pertaining to the tender offer with the Commission;

(b) The bidder undertakes in writing to the subject company that such lists will be used exclusively in connection with the tender offer and extensions thereof;

(c) the bidder represents in writing to the subject company that the reasonable costs incurred by the subject company in furnishing the lists will be promptly paid by the bidder; and

(d) the bidder undertakes in writing to mail, at its own expense, a copy of the tender offer material to each person whose name appears on the list of stockholders and to furnish, at its own expense, the number of sets of the tender offer materials requested by participants whose names appear on the clearing agency's security position listings.

§ 240.14e–2 Unlawful tender offer practices.

It shall constitute a fraudulent, deceptive, or manipulative act or practice within the meaning of Section 14(e) of the Act, whenever a bidder:

(a) Makes a tender offer which does not remain open for at least fifteen business days from the date such tender offer is first published, sent or given to security holders;

(b) Increases the offered consideration or the dealer's soliciting fee to be given in a tender offer unless such offer remains open for at least ten business days after the date of the notice of such increase;

(c) Does not pay the offered consideration or return the securities deposited by or on behalf of security holders within ten business days after the termination of a tender offer; or

(d) Extends the length of a tender offer without issuing a press release or other public announcement within one business day after the scheduled expiration date stating the approximate number of securities deposited at the time of the scheduled expiration date.

(Sec. 23(a), 48 Stat. 901; Sec. 203(a), 49 Stat. 704; Sec. 8, 49 Stat. 1379; Sec. 3, 82 Stat. 455; Secs. 3–5, 84 Stat. 1497; Sec. 18, 89 Stat. 155; 15 U.S.C. 78n(d), 78n(e), 78w(a).)

The Commission hereby proposes for comment proposed Rules 14d–1, 14d–2, 14d–3, 14d–4, 14d–5, 14d–6, 14d–7, 14d–8, 14e–1 and 14e–2 and Schedules 14D–1 and 14D–4 pursuant to Sections 14(d)(1), 14(d)(4), 14(d)(5), 14(d)(8), 14(e) and 23(a) of the Exchange Act.

By the Commission.

Dated: August 2, 1976.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–22853 Filed 8–5–76;8:45 am

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federal register

FRIDAY, AUGUST 6, 1976



PART III:

INTERSTATE COMMERCE COMMISSION

UNIFORM SYSTEM OF ACCOUNTS FOR RAILROADS

Revision

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INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 1201, 1241, and 1243]

[No. 36367]

UNIFORM SYSTEM OF ACCOUNTS FOR RAILROADS

Revision

AUGUST 2, 1976.

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 20th day of July, 1976.

This proceeding is being instituted to consider a comprehensive revision of the Uniform System of Accounts for Railroad Companies (USOA) (49 CFR 1201). The purpose of this revision is to update the current accounting system and to adopt a more reliable accounting information system, which will allow the Commission to adequately determine the cost of service. Furthermore, the USOA must be responsive to the requirements of Section 307 of the Railroad Revitalization and Regulatory Reform Act of 1976 (4R Act), Public Law 94-210, which directs the Interstate Commerce Commission to, among other things, issue not later than June 30, 1977, regulations and procedures prescribing a uniform cost and revenue accounting and reporting system for all railroads subject to the Interstate Commerce Act to be effective not later than January 1, 1978.

BACKGROUND

In September 1973, the Commission's Bureau of Accounts (Bureau) established a task force to determine whether the railroad accounting system should be revised, and if so, to what extent, by whom, and with what approach. The task force concluded that:

1. The railroad system of accounts is structurally deficient; it does not yield relevant cost information for evaluating whether rates are just and reasonable. Under the present ssytem, most operating revenues and expenses are not classified by functions, nor are they classified by natural expenses (or input factors). They are classified by types of property. Therefore, the most important cost information, cost of input factors, is lost. This further supports a criticism by both shippers and cost analysts that the existing system does not provide adequate data for costing purposes.

2. Many of the instructions and account texts are ambiguous, unclear, or silent about certain accounting issues.

3. The underlying theory in the railroad accounting system deviates from generally accepted accounting principles in some respects.

4. Many of the terms, captions, titles, etc., are obsolete or unclear.

From this study, the Bureau recognized the need for a comprehensive revision of the existing system. The proposed revised system will provide a basic framework which will allow the Commission to collect and identify data for applying various costing methodologies.

On September 11, 1975, the Bureau circulated a suggested revised chart of accounts and accompanying supporting schedules for comment by interested parties. The major conceptual changes considered in this Notice were (a) a new matrix structure of operating expense accounts and (b) accompanying supporting schedules.

On February 5, 1976, the President signed the 4R Act. The 4R Act directs the Commission to revise the railroad accounting system. Specifically, Section 307 requires the following be defined:

(i) Operating and non-operating revenue accounts;

(ii) Direct cost accounts for determining fixed and variable costs for materials, labor, and overhead components of operating expenses and the assignment of such costs to various functions, services, or activities including maintenance of way, maintenance of equipment (locomotive and car), transportation (train, yard, and station, and accessorial services), and general and administrative expenses; and

(iii) Indirect cost accounts for determining fixed, common, joint, and constant costs, including cost of capital, and the method for the assignment of such costs to various functions, services, or activities.

The 4R Act also requires that the system must be cost effective, nonduplicative, and compatible with present and desired managerial and responsibility accounting requirements of the carriers and give due consideration to appropriate economic principles.

On March 5, 1976, the Bureau issued a draft accounting system containing definitions, instructions, and account texts. The Bureau has continued to explore the possibility of implementing a restructured chart of accounts with simplified natural classifications assignable to existing activities that responds to the requirements of the 4R Act.

Our objective in developing a new railroad accounting system is to develop a basic model that can serve as a useful base for future expansion to meet the needs of the Commission and contribute toward meeting the requirements of Section 307 of the 4R Act. We believe that certain relevant conceptual changes, such as restructuring the elements of cost in a matrix format consisting of natural expense accounts and activities, should contribute toward meeting the requirements of Section 307 of the 4R Act.

Some contend that a system of accounts should be developed that would meet every conceivable accounting related matter in the 4R Act. While we believe that no system can or should contemplate doing this, we do believe that the information obtained through the proposed revised system will enable the Commission to meet the requirements of the 4R Act. An accounting system must be capable of providing basic data in a form suitable for application of statistical and mathematical techniques so that better cost data can be derived. Many have also criticized the draft railroad accounting system on the grounds that it is not a managerial accounting system suitable for management decisions. It is important to note that we are prescribing an accounting system which serves regulatory needs and which can serve as a model adaptable to managerial accounting systems.

Before drafting the chart of accounts, a Bureau representative visited 17 railroads to review their management accounting systems to determine improvements needed in making our revision compatible with existing railroad responsibility accounting systems. We realize it is difficult to design a system that is perfectly compatible with all railroad responsibility accounting systems. While we recognize that a certain amount of duplication in managerial accounting systems will exist, we intend to minimize that duplication as much as is practicable.

We believe the proposed system is cost effective and compatible with present and desired managerial accounting systems. We will continue to seek to improve the system of accounts where needed in meeting the requirements of the 4R Act with the constructive help of the railroad industry and other interested parties. We intend to build around this nucleus of expertise and continue our efforts in implementing the best possible accounting system for Commission needs.

The accounting firms of Haskins and Sells and Peat, Marwick, Mitchell & Company have been engaged as consultants to test this draft proposal. They will work with Commission personnel in making changes and modifications to develop a workable system that meets all the requirements of the 4R Act and satisfies our regulatory needs. The consultants will also select a railroad as an experimental model and obtain its cooperation in installing the proposed accounting system. The consultants will evaluate and summarize the costs incurred in installing the system and the effectiveness of the new system in meeting the data needs of the Commission.

Many respondents contended the suggested six-digit coding scheme in the revised chart of accounts would be too expensive to code on source documents. They also contended that related keypunching and computer costs would be prohibitive. We do not intend to require our coding scheme on railroads' source documents. Nor will we require the coding in the railroads' accounting systems. However, we will require railroads to maintain conversion systems to assist Commission auditors in their audits of railroads. Nothing in Instruction 1-3, "Records," should be construed to require our coding scheme within railroad's accounting systems.

The Bureau has reviewed the recommendations of the Association of American Railroads (AAR) and the Department of Transportation (DOT) for revisions to the suggested matrix of operating expenses; these two alternative approaches are believed to contain some merit and are included in Appendices C and D. We invite comments and

suggestions on these two alternatives. A brief discussion of these two proposals follows.

DEPARTMENT OF TRANSPORTATION'S (DOT) —PROPOSED MATRIX OF OPERATING EXPENSES—APPENDIX C

DOT recommends categorizing activities of a railroad into three major activities: "Transportation," Maintenance," and "General and Administrative" including a column entitled "Expenses not identified with a single cost center." The activities would then be divided into subcategories of train, yard, station, and other. Furthermore, these subcategories are to be broken into loosely defined cost centers.

We agree that managerial accounting requires areas of responsibility which will allow for cost planning, cost accumulation, and cost control. Therefore, we have adopted a cost center approach and the instructions and definitions have been revised to provide for the accumulation of costs by cost centers as those centers are defined and used by the railroads (See Definition 30 and Instruction 1-3 (f) in Appendix A). However, we realize it is difficult to define cost centers compatible with all existing managerial responsibility accounting systems. In determining which natural expenses are charged to which cost centers, the individual carrier's organizational structure and assignment of responsibilities must be taken into consideration.

The DOT, in response to our draft proposal, stated that it could not:

> Be certain that every railroad will be able, in its internal accounting system, to attribute every expense to a particular cost center. We believe, however, that if an expense can be so attributed, it must be, and that if it cannot be so attributed, it might then be considered as a separate cost center in and of itself. Only if neither of these alternatives is possible would an expense be placed in the "not identified with a single cost center" category.[1]

We do not agree that the accumulation of various costs in the column entitled "Expenses not identified with a single cost center" will produce a sound accounting system. An accounting system should confine itself to the collection of costs which are directly traceable, reportable, and applicable to clearly defined and understood activities.

We believe DOT's proposal will not provide the Commission with needed specific transportation information. DOT's proposal divides the Transportation activity into two general cost centers, "Terminal" and "Train." The "Terminal" includes all locations between which a train moves, whether such locations be yards, stations, TOFC terminals, coal and ore wharves, etc. Data aggregated in this manner would not be sufficient for our purposes. Their activity "Terminal" will not provide the Commission with clearly defined costs for some activities which are necessary, such as TOFC Terminal Costs. The TOFC Terminal Costs would only be identified by coincidence if the TOFC Terminals corresponded to the railroad's existing responsibility cost center.

DOT also submitted two additional petitions concerning (1) Method of Accounting for Existing Railroad Right-Of-Way, and (2) Railroad Asset Valuation. These petitions will be handled separately and are not considered part of this proceeding.

THE ASSOCIATION OF AMERICAN RAILROADS (AAR)—PROPOSED RAILWAY OPERATING MATRIX—APPENDIX D

The alternative proposal suggested by the AAR is basically a modified Schedule 320, Railway Operating Expenses, of the Annual Report for Class I Railroads, Form R-1. Essentially, it follows the existing structure of the uniform system of accounts with a breakdown of labor, material, and "other" for each expense account.

The AAR proposed revision is expedient rather than conceptual. Since it follows the existing structure, it necessarily inherits some deficiencies of the current uniform system of accounts. In the AAR proposed chart, some accounts are based on activities, while others are based on property units, and still others represent natural expenses. Under "Maintenance of Way and Structures," for instance, accounts 202 and 203, Roadway Maintenance, account 272, Removing Snow, Ice and Sand, and accounts 278, 279, Maintaining Joint Tracks, Yards and Other Facilities, are examples of accounts based on activities. Account 229, Roadway Buildings, account 231, Water Stations, and account 247, Communication Systems, are examples of accounts based on property units. Accounts 212, 213, Ties, accounts 214, 215, Rails, account 271, Small Tools and Supplies, account 275, Insurance, and many others are accounts for natural expenses.

This mixed clasification has some disadvantages:

(1) Accounts based on activities or property units are not discrete and homogeneous. When they are broken down into labor, material and "other" component costs charged to the "other" category are not idenitfiable. Also "labor" and "material" are not well defined. It is unclear which salaries, wages, and materials would be included in these accounts, and whether they would also include salaries and supplies in the nature of overhead items.

(2) Since the alignment mixes accounts based on property units, activities and natural expenses, the chart would not be flexible for future expansions or modifications.

(3) The AAR proposal does not offer any solution to compensation by type of car.

Many respondents, particularly DOT and AAR, whose alternative operating expense matrices have been enclosed, stated that the Bureau proposal contained arbitrary allocations. We recognize that the problem of determining allocation bases for accounts requiring allocation between activities exists. However, in a fully allocated system such as the system of acounts contained in Appendix A, allocations are made necessary in presenting data to the Commission for regulatory purposes.

RELEVANT AREAS OF CHANGE

The major improvements are as follows:

I. *Matrix of Operating Expenses*

We have restructured the elements of cost in a matrix format consisting of natural expense accounts and activities.

In summary, the matrix gives users the following cost information:

A. Total cost of each input factor, such as total cost of labor, and total cost of material, on a system-wide basis. This is shown as the total of each row of the matrix.

B. Total cost of each output activity, such as the total cost of locomotive maintenance, and total cost of TOFC terminal, etc. This is shown as the total of each column.

C. The input costs of each activity. This is the breakdown of each column.

D. The distribution of each input cost. This is the breakdown of each row.

E. A particular input cost associated with a particular output activity: for example, the labor cost is xx dollars for station operations, or yard operations, etc. This is shown as the amount in each cell of the matrix.

With these cost data provided, we believe the proposed system has a number of advantages:

A. It facilitates analyses and forecasts of railroad operating costs. The forecast of total operating expenses is usually compiled from forecasts for input costs based on their historical trends. The proposed system will provide relevant data of input costs.

B. It facilitates analyses of direct and indirect costs for operating functions. These analyses are possible only when input costs are separately reported under each output activity. Some of the input costs are directly related to a particular function, while others are indirectly related and may be common to more than one operating function.

C. It facilitates the development of a management cost control system. The matrix system is readily expandable for budgeting purposes and standard costing purposes. Within the framework of the system, cost elements for each activity can be budgeted, and unit cost of each cost element under each activity can also be predetermined. Management can subdivide or code the system with cost centers along the organizational responsibility lines.

D. It provides basic accounting information from which accurate cost and revenue data can be obtained for identifying and defining (1) operating and nonoperating revenue accounts, (2) direct cost accounts, and (3) indirect cost accounts, as required by Section 307(b) of the 4R Act.

In summary, the basic framework will provide flexibility for later expansion for branch line accounting and commodity

[1] Uniform System of Accounts for Railroad Companies—Comments of the United States Department of Transportation, p. 34, April 30, 1976.

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point-to-point cost determination. In future phases, we intend to improve service costing and statistical analysis and refine cost systems and standards.

II. *Balance Sheet Accounts*

The terminology was updated and obsolete or unclear terms were eliminated. We also propose to eliminate the following primary road property accounts:

A. *Account 21, Grain Elevators*—We propose to eliminate this account and incorporate the associated investment cost in account 35, Miscellaneous Structures.

B. *Account 38, Roadway Small Tools*—We propose that the cost of small tools be charged directly to the appropriate operating expense activity because of their nature and relatively short service life and that the current balance in account 38 be apportioned to the appropriate operating expense activity based on the normal usage of the tools involved over a period of five years.

C. *Account 43, Other Expenditures; Road*—We propose that carriers allocate these costs to the other road property accounts on an equitable basis.

III. *Income Statement Accounts*

The terminology was updated and obsolete or unclear terms were eliminated. Also, the provision for income taxes has been redesignated to conform with disclosure requirements under generally accepted accounting principles and for purposes of comparability between railroads and other industries. Financial statement presentation of income tax expenses and related deferred taxes will disclose amounts currently payable, amounts representing tax effects allocable to the period, and tax effects which are deferred for allocation to income tax expense of future periods. The line item "Net Railway Operating Income" (NROI) will no longer appear on the income statement. However, since capitalization of NROI is one method used in determining value of property for tax purposes, it will be defined in the system of accounts to have the same definition as it has had in the past. To arrive at NROI, the provision for income taxes must be deducted from "Net Revenue From Railway Operations."

REPORTS AND SUPPORTING SCHEDULES

Schedules of the annual and quarterly reports requiring significant changes caused by revisions to the accounting system are included in Appendix B. Specific supporting schedules intended to minimize the need for special cost studies also are included.

Other schedules currently appearing in the annual and quarterly reports will remain, with new account numbers and minor changes required as a result of the system revisions. Copies of all report form schedules are available for inspection in the Bureau of Accounts, Section of Reports. The schedules appearing in Appendix B are "noted" to show applicable report forms.

Report form schedules included in Appendix B are as follows:

ANNUAL REPORTS

(1) Schedule 200—Comparative General Balance Sheet
(2) Schedule 211-1—Road & Equipment Property Owned
(3) Schedule 211-2—Improvements on Leased Property
(4) Schedule 211-G-1—Amortization of Defense Projects—Road and Equipment Owned
(5) Schedule 211-G-2—Amortization of Defense Projects—Road and Equipment Leased From Others
(6) Schedule 300—Results of Operations
(7) Schedule 310—Railway Operating Revenues
(8) Schedule 320—Matrix of Railway Operating Expenses
(9) Schedule 701-1—Road & Equipment Property Owned
(10) Schedule 701-2—Improvements on Leased Property
(11) Schedule 2002—Matrix of Railway Operating Expense Accounts—(Form R-2)

SUPPORTING SCHEDULES

(12) Way and Structures
(13) Clerical Wages
(14) Equipment
(15) Hire of Freight Train Cars & Trailers

QUARTERLY REPORTS

(1) Form RE&I—Revenues Expenses & Income
(2) Form OSA—Train & Yard Service
(3) Form CBS—Quarterly Condensed Balance Sheet

Participants in this proceeding are invited to submit estimates of the carrier reporting burden in man-hours per proposed report or schedules and suggestions for minimizing the carrier's paperwork burden.

FURTHER CONSIDERATIONS

The Bureau emphasized when publishing the draft proposal that it was not bound to this particular system and has encouraged suggestions to improve the product and provide workable alternatives. We continue to seek any changes that will improve the product and provide accurate data within an accounting system flexible enough to meet the needs of any costing methodology within the timeframes required by the 4R Act.

We specifically solicit comments and suggestions on the following items under study:

(1) Combining activities such as the "Traffic" activity with "General and Administrative" and placing "Coal and Ore Wharves" in "Other Services—Other."

(2) Incorporating Electric Railways into the Uniform System of Accounts for Railroad Companies in 49 CFR Part 1201. Presently, Electric Railways maintain accounting systems as prescribed in 49 CFR Part 1202.

(3) Designing a coding system that would insure a conversion from the old system to a new system, and facilitate programming the new system into computers of railroads. We welcome suggestions on restructuring the accounts in the matrix to facilitate decreasing the necessary digits in the account numbers.

(4) Adopting a cost center approach to provide for the accumulation of costs by cost centers as those centers are defined and used by the railroads. A cost center is defined in the proposed system as an organizational subdivision for which cost data are desired and for which provision is made to accumulate costs such as a terminal, yard, or track segment. A cost center may correspond to a railroad's area of responsibility for which costs are presently accumulated for planning and control. A cost center is the smallest segment of activity or area of responsibility for which costs are accumulated and directly traceable.

Because of the statutory time limits within which the uniform cost and revenue accounting and reporting system must be prescribed, it is essential that substantially all the evidence to be relied upon by the representatives of carriers, shippers, and their employees, and the general public be submitted in writing at as early a point in the proceedng as possible in order to avoid any time extensions which would jeopardize the Commission meeting the requirements of the 4R Act.

Upon consideration of the above described matters and good cause appearing therefor:

It is ordered, That a proceeding be. and it is hereby, instituted under the authority of Section 20, as amended, of the Interstate Commerce Act and pursuant to Sections 553 and 559 of the Administrative Procedure Act with a view to adopting the proposed unform system of accounts set forth in Appendix A of this Notice and the reports and schedules set forth in Appendix B of this Notice, and for the purpose of taking such other and further action as the facts and circumstances may justify and require.

It is further ordered, That all railroads subject to the Interstate Commerce Act be, and they are hereby, made respondents in this proceeding.

It is further ordered, That no oral hearing be scheduled for the receiving of testimony in this proceeding unless a need therefor should later appear, but that respondents or any other interested parties may participate in this proceeding by submitting for consideration written statements of facts, views, and arguments on the subjects mentioned above. or any other subjects pertaining to this proceeding.

It is further ordered, That any interested persons wishing to submit written statements of fact, views, or arguments shall file an original (and, if possible, 15 copies) of such representation with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, by September 30, 1976, and that all such statements will be considered as evidence and as a part of the record in this proceeding.

It is further ordered, That written material or suggestions submitted shall be made available for public inspection at the offices of the Interstate Commerce Commission, 12th & Constitution Avenue, N.W., Washington, D.C., during regular business hours.

And it is further ordered, That statutory notice of the institution of this proceeding be given to all respondents and to the general public by mailing a copy of this order to the Governor of every state and to the Public Utilities Commissions or Board of each state having jurisdiction over transportation, by posting a copy of this order in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy thereof to the Director, Division of the Federal Register, for publication in the Federal Register as notice to all interested persons.

This decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

APPENDIX A

Part 1201, Chapter X, Title 49 of the Code of Federal Regulations is revised as follows:

PART 1201—RAILROAD COMPANIES

AUTHORITY: Sec. 20, Interstate Commerce Commission Act, as amended; Secs. 553 and 559, Administrative Procedure Act.

LIST OF INSTRUCTIONS AND ACCOUNTS

REGULATIONS PRESCRIBED

(i) Regulations prescribed.
(ii) Definitions.

GENERAL INSTRUCTIONS

1-1 Classification of carriers.
1-2 Classification of accounts.
1-3 Records.
1-4 Accounting period.
1-5 Accrual method of accounting.
1-6 Charges to be just and reasonable.
1-7 Unaudited items.
1-8 Delayed items.
1-9 Provisions for losses.
1-10 Reserved.
1-11 Transactions with affiliated companies.
1-12 Accounting for income taxes.
1-13 Items in texts of accounts.
1-14 Distribution of pay and expenses of employees.
1-15 Payroll related expenses.
1-16 Submission of questions.

INSTRUCTIONS FOR PROPERTY ACCOUNTS

2-1 Items to be charged.
2-2 Minimum rule applicable to additions to property.
2-3 Land.
2-4 Structures.
2-5 Equipment.
2-6 Components of construction cost.
2-7 Additions to and retirements of property—General.
2-8 Additions to and retirements of units of property.
2-9 Additions and retirements of other than units of property.
2-10 Expenses in connection with additions and betterments.
2-11 Units of property rebuilt or converted.
2-12 Changes in line of road.
2-13 Relocation of yard tracks.
2-14 Track connections.
2-15 Merger, consolidation, and purchase of a railway operating entity or system.
2-16 Reorganization of railway.
2-17 Construction projects in which governmental agencies, individuals, or others, and the carrier participate.
2-18 Leased property improvements and retirements.
2-19 List of units of property.

INSTRUCTIONS FOR MAINTENANCE EXPENSES

3-1 Items to be charged.

INSTRUCTIONS FOR DEPRECIATION ACCOUNTS

4-1 Method.
4-2 Rates of depreciation.
4-3 Depreciation records to be kept.
4-4 Leased property—depreciation.
4-5 Jointly used property—depreciation.

INSTRUCTIONS FOR INCOME AND BALANCE SHEET ACCOUNTS

5-1 Current assets.
5-2 Recorded value of securities owned.
5-3 Discount, expense and premium on debt.
5-4 Discount, premium, and assessment on capital stock.
5-5 Joint liabilities.
5-6 Contingent assets and liabilities.

PROPERTY ACCOUNTS

Road

0 Road.
1 Engineering.
2 Land for transportation purposes.
3 Grading.
4 Other right-of-way expenditures.
5 Tunnels and subways.
6 Bridges, trestles and culverts.
7 Elevated structures.
8 Ties.
9 Rails.
10 Other track material.
11 Ballast.
12 Track laying and surfacing.
13 Fences, snowsheds, and signs.
15 General office buildings.
16 Station buildings.
17 Roadway buildings.
18 Water stations.
19 Fuel stations.
20 Car shops.
21 Locomotive shops and enginehouses.
22 Storage warehouses.
23 Wharves and docks.
24 Coal and ore wharves.
25 TOFC/COFC terminals.
26 Communication systems.
27 Signals and interlockers.
29 Power plants.
31 Power-transmission systems.
35 Miscellaneous structures.
37 Roadway machines.
39 Public improvements; construction.
44 Shop machinery.
45 Power-plant machinery.

Equipment

50 Equipment.
52 Locomotives.
53 Freight-train cars.
54 Passenger-train cars.
55 Highway revenue equipment.
56 Floating equipment.
57 Work equipment.
58 Miscellaneous equipment.

General Expenditures

70 General expenditures.
76 Interest during construction.
77 Other expenditures; general.

Other Property Accounts

80 Other elements of investment.
90 Construction in progress.

RAILWAY OPERATING REVENUE ACCOUNTS

Transportation Revenue Accounts

100 Transportation; rail line.
101 Freight.
102 Passenger.
103 Passenger-related.
104 Switching.
105 Water transfers.
106 Demurrage.
110 Incidental.

Joint Facility Revenue Accounts

120 Joint facility.
121 Joint facility—credit.
122 Joint facility—debit.

RAILWAY OPERATING EXPENSE ACCOUNTS

010000 Salaries of officers and superintendence.
020000 Salaries and wages.
030000 Miscellaneous paid-time off.
040000 Other fringes.
050000 Materials.
060000 Tools and operating supplies.
070000 Fuels and lubricants.
080000 Utilities.
090000 Purchased services.
100000 Casualty and damages.
110000 General.
120000 Operating taxes.
130000 Uncollectible accounts.
140000 Depreciation.
150000 Amortization.
160000 Retirements.

INCOME ACCOUNTS

501 Railway operating revenues.
502 Revenues from property used in other than carrier operations.
508 Joint facility rent income.
509 Income from lease of road and equipment.
510 Miscellaneous rent income.
512 Separately operated properties; profit.
513 Dividend income.
514 Interested income.
516 Income from sinking and other funds.
517 Release of premiums on funded debt.
518 Contributions from other companies.
519 Miscellaneous income.
531 Railway operating expenses.
534 Expenses of property used in other than carrier operations.
535 Taxes on property used in other than carrier operations.
541 Joint facility rents.
542 Rent for leased roads and equipment.
543 Miscellaneous rent expenses.
544 Miscellaneous taxes.
545 Separately operated properties; loss.
546 Interest on funded debt.
547 Interest on unfunded debt.
548 Amortization of discount on funded debt.
549 Maintenance of investment organization.
550 Income transferred to other companies.
551 Miscellaneous income charges.
553 Uncollectible accounts.
555 Unusual or infrequent items (debit) credit.
556 Income taxes on ordinary income.
557 Provision for deferred taxes.
560 Income or loss from operations of discontinued segments.
562 Gain or loss on disposal of discontinued segments.
570 Extraordinary items (net).
590 Income taxes on extraordinary items.
591 Provision for deferred taxes—extraordinary items.
592 Cumulative effect of changes in accounting principles.

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RETAINED EARNINGS ACCOUNTS

Credit

601 Credit balance (at beginning of calendar year).
602 Prior period adjustments to beginning retained earnings accounts.
603 Credit balance transferred from income.
606 Other credits to retained earnings.

Debit

611 Debit balance (at beginning of calendar year).
612 Debit balance transferred from income.
616 Other debits to retained earnings.
620 Appropriations for sinking and other funds.
621 Appropriations for other purposes.
622 Appropriations released.
623 Dividends.

GENERAL BALANCE SHEET ACCOUNTS

Assets

701 Cash.
702 Working funds.
711 Temporary cash investments.
712 Special deposits.
721 Loans and notes receivable.
722 Accounts receivable; Interline and other balances.
723 Accounts receivable; Agents and conductors.
724 Accounts receivable; Other.
725 Interest and dividends receivable.
726 Receivables from affiliated companies.
727 Accrued accounts receivable.
729 Allowance for uncollectible accounts.
731 Prepayments.
733 Material and supplies.
735 Other current assets.
739 Deferred income tax debits.
741 Sinking funds.
742 Capital funds.
743 Insurance and other funds.
751 Investments and advances; Affiliated companies.
753 Adjustments; Investments and advances—Affiliated companies.
755 Other investments and advances.
757 Adjustments; Other investments and advances.
761 Road and equipment property.
763 Accumulated depreciation; Road and equipment property.
764 Accumulated amortization; Road and equipment property—Defense projects.
765 Improvements on leased property.
766 Accumulated amortization; Improvements on leased property.
767 Accumulated amortization; Improvements on leased property—Defense projects.
768 Property used in other than carrier operations.
769 Accumulated depreciation; Property used in other than carrier operations.
771 Organization expenses.
781 Other assets.
782 Other deferred debits.
784 Accumulated deferred income tax debits.

Liabilities and Shareholders' Equity

801 Loans and notes payable.
803 Accounts payable; Interline and other balances.
805 Audited accounts and wages payable.
807 Accounts payable; Other.
809 Interest matured.
811 Dividends matured.
812 Unmatured interest accrued.
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814 Payables to affiliated companies.
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Shareholders' Equity

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CONVERSION TABLES

Transportation operating revenues accounts.
Operating expense accounts.
Retained income accounts.
General balance sheet accounts.

REGULATIONS PRESCRIBED

(i) *Regulations prescribed.* Carriers by railroad subject to provisions of the Interstate Commerce Act and not independently operated as electric lines, and each lessor of such a carrier, shall comply with regulations in this part as presented hereinafter.

(ii) *Definitions.*

1. "Accounts" means the accounts prescribed in this system of accounts.

2. "Actually issued" as applied to funded debt securities or capital stock issued or assumed by the company, means those which have been sold to bona fide purchasers or holders for a valuable consideration (including those issued in exchange for other securities or other property) and such purchasers or holders secured them free from control by the carriers. Also securities issued as dividends on stock.

3. "Actually outstanding" as applied to funded debt securities or capital stock issued or assumed by the carrier means those which have been actually issued and are neither retired and canceled nor reacquired and held by or for the accounting company.

4. (a) "Affiliated companies" means companies or persons that directly, or indirectly through one or more intermediaries control, or are controlled by, or are under common control with, the accounting carrier.

(b) "Control" (including the terms "controlling", "controlled by", and "under common control with") means the possession directly or indirectly, of the power to direct or cause the direction of the management and policies of a company, whether such power is exercised through one or more intermediary companies, or alone, or in conjunction with, or pursuant to an agreement, and whether such power is established through a majority of minority ownership or voting of securities, common directors, officers or stockholders, voting trusts, holding trusts, associated companies, contract or any other direct or indirect means.

5. "Amortization" means the gradual extinguishment of an amount in an account by distributing such amount over a fixed period dependent on the requirements of regulatory bodies, over the life of the asset or liability to which it applies, or over the period during which it is anticipated the benefit will be realized.

6. "Carrier" as used herein and when not otherwise indicated in the context means any carrier to which this system of accounts is applicable.

7. "Commission" means the Interstate Commerce Commission.

8. "Cost of removal" means cost of demolishing, dismantling, tearing down or otherwise removing property.

9. "Debt expense" means all expenses in connection with the issuance and sale of evidences of debt, such as fees for drafting mortgages and trust deeds; fees for issuing or recording evidences of debt; cost of engraving and printing bonds and certificates of indebtedness; fees paid trustees; specific costs of obtaining governmental authority; fees for legal services; fees and commissions paid underwriters, brokers, and salesmen for marketing such evidences of debt; fees and expenses of listing on exchanges; and other like costs.

10. "Discount" as applied to funded debt securities or capital stock issued or assumed by the carrier, means the excess of the par or fact value of the securities plus interest or dividends accrued at the date of the sale over the cash value of the consideration received from their sale.

11. "Ledger value" of property means the value at which the property is carried in the property investment account in the general ledger of the carrier. In case the value of any item of property is not shown separately in the ledger, the ledger value of that item shall be its proportionate share of the value of the entire group in which the particular property is included.

12. "Minor items of property" means the associated parts or items of which units of property are composed.

13. "Nominally issued" as applied to funded debt securities or capital stock issued or assumed by the carrier, means those which have been signed, certified by trustees, or otherwise executed, and placed with the proper officer for sale and delivery, or pledged, or otherwise placed in some special fund of the accounting company, but which have not been sold or issued directly to the trustees of such fund in accordance with contractual requirements.

14. "Nominally outstanding" as applied to funded debt securities or capital stock issued or assumed by the carrier, means those which, after being actually issued, have been reacquired by or for the accounting company under such circumstances which require them to be considered as held alive and not retired and canceled.

15. "Premium" as applied to funded debt securities or capital stock issued or assumed by the carrier, means the excess of the cash value of the consideration received from their sale over the sum of their par (stated value of no par stock) or face value and interest or dividends accrued at the date of sale.

16. "Property retired" means units of property which have been removed, sold, abandoned, destroyed, or which for any cause have been permanently withdrawn from transportation service; also minor items of property not replaced.

17. "Salvage value" means the amount received from the sale of operating property retired less any expenses in connection with the sale or in preparing the property for sale. If the property is retained for reuse, the salvage value shall be recorded in account 733, Materials and Supplies, or other appropriate account at an amount not to exceed its recorded cost (ledger value) or current market value, whichever is lower.

18. "Service life" means the period between the date when operating property is placed in service and the date of its retirement.

19. "Service value" means the ledger value of operating property less its salvage value (see definition 17).

20. (a) "Income taxes" means taxes based on income determined under provisions of the United States Internal Revenue Code and foreign, state and other taxes (including franchise taxes) based on income.

(b) "Income tax expense" means the amount of income taxes (whether or not currently payable or refundable) allocable to a period in the determination of net income.

(c) "Pretax accounting income" means income or loss for a period, exclusive of related income tax expense.

(d) "Taxable income" means the excess of revenues over deductions or the excess of deductions over revenue to be reported for income tax purposes for a period.

(e) "Timing differences" means differences between the periods in which transactions affect taxable income and the periods in which they enter into the determination of pretax accounting income. Timing differences originate in one period and reverse or "turn around" in one or more subsequent periods. Some timing differences reduce income taxes that would otherwise be payable currently; others increase income taxes that would otherwise be payable currently.

(f) "Permanent differences" means differences between taxable income and pretax accounting income arising from transactions that, under applicable tax laws and regulations, will not be offset by corresponding differences or "turn around" in other periods.

(g) "Tax effects" means differentials in income taxes of a period attributable to (1) revenue or expense transactions which enter into the determination of pretax accounting income in one period and into the determination of taxable income in another period, (2) deductions or credits that may be carried backward or forward for income tax purposes and (3) adjustments of prior periods and direct entries to other stockholders' equity accounts which enter into the determination of taxable income in a period but which do not enter into the determination of pretax accounting income of that period. A permanent difference does not result in a "tax effect" as that term is used in this definition.

(h) "Deferred taxes" means tax effects which are deferred for allocation to income tax expense of future periods.

(i) "Interperiod tax allocation" means the process of apportioning income taxes among periods.

(j) "Tax allocation within a period" means the process of apportioning income tax expense applicable to a given period between income before extraordinary items and extraordinary items, and of associating the income tax effects of adjustments of prior periods and direct entries to other stockholders' equity accounts with these items.

21. (a) "Investor" means a business entity that holds an investment in voting stock of another company.

(b) "Investee" means a corporation that issued voting stock held by an investor.

(c) "Corporate joint venture" is a company owned and operated as a separate and specific business or project for the mutual benefit of the members of the group. Joint facilities for purposes of this system of accounts are not considered corporate joint ventures.

(d) "Dividends", unless otherwise specified, means dividends paid or payable in cash, other assets, or another class of stock and does not include stock dividends or stock splits.

(e) "Earnings or losses of an investee" and "financial position of an investee" refer to net income (or net loss) and financial position of an investee determined in accordance with generally accepted accounting principles.

(f) "Undistributed earnings of an investee" means net income less dividends declared whether received or not.

(g) "Date of acquisition" is the date on which the investor assumes the rights of ownership. Ordinarily, this is the date assets are received and other assets are given or securities issued.

22. "Cost of renewal" means the cost of additional material applied (other than the value assigned second-hand parts remaining in the rebuilt unit) plus the cost of labor used in the rebuilding process, exclusive of the portion applicable to dismantling and repair of old parts reused.

23. (a) "Segment of a business" refers to a component of an entity whose activities represent a separate major line of business or class of customer. A segment may be in the form of a subsidiary, a division, or a department, and in some cases a joint venture or other non-subsidiary investee, provided that its assets, results of operations, and activities can be clearly distinguished, physically and operationally and for financial reporting purposes, from the other assets, results of operations, and activities of the entity. The fact that the results of operations of the segment being sold or abandoned cannot be separately identified strongly suggests that the transaction should not be classified as a disposal of a segment of business.

(b) "Measurement date" means the date on which the management having authority to approve the action commits itself to a formal plan to dispose of a segment of the business, whether by abandonment or sale. The measurement date for disposals requiring Commission approval shall be the service date of the Order authorizing the disposal.

(c) "Disposal date" refers to the date of closing the sale, if the disposal is by sale or the date that operations cease if the disposal is by abandonment.

24. "Compensating balance" means the portion of any demand deposit (or any time deposit or certificate of deposit) maintained by a carrier (or by any person on behalf of the carrier) which constitutes support for existing borrowing arrangements of the carrier with a lending institution. Such arrangements include both outstanding borrowings and the assurance of future credit availability. (Compensating balances should be adjusted by the amount of the float for the period in order to state the balance in terms of book cash balance.)

25. "Joint facility", means any owned or leased carrier operating property occupied or operated jointly by the carrier and one or more other carriers, under an arrangement whereby the cost and income are apportioned to the parties to the joint agreement. Portions of a structure or other property used exclusively by each of two or more carriers are not joint facilities.

26. (a) "Merger" means the acquisition of one company by another. See Instruction 2–15.

(b) "Consolidation" means the formation of a new company. See Instruction 2–15.

27. "Abandonment" means the withdrawal from transportation service of a branch line or other track segment or facility, representing a permanent reduction in plant, subject to Commission approval.

28. "Work equipment" means equipment which can be coupled in a train for movement over the carrier's tracks, and which is used in the carrier's work service. See equipment listing for account 57, "Work equipment".

29. "Activity" refers to the cost groupings to which operating expense accounts shall be distributed. These activities are identified in the individual expense ac-

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count numbers by the tens position of the account number. The activities are defined as follows:

(30) "Control": The control accounts contain the explanation for the content of the group of detail accounts for each natural class. They may include the total of the expenses in the natural class which have been distributed to the various activities.

(31) "Maintenance of Way and Structure": This activity refers to the maintenance of property used in transportation operations such as tracks, roadway buildings, stations, office buildings and facilities, including fixtures permanently attached. It includes such items as:

(a) Costs of Labor, materials and supplies in maintaining roadway property including depreciation expenses.

(b) The carrier's portion of the cost of maintaining joint facilities and the cost chargeable to others.

(32) "Maintenance of Equipment": This activity refers to repairing and servicing rolling stock, special machines and apparatus. It includes such items as:

(a) The cost of labor, parts and supplies in repairing and inspecting equipment.

(b) The repair and inspection costs billed to and billed by others.

(c) Equipment rental costs billed to and billed by others.

(33) "Transportation": This activity refers to the operation of yards, stations, terminals, trains and all facilities on the carrier's lines used for transporting passengers and freight, including transporting company materials and personnel. It includes such items as:

(a) Train crew wages and supplies.

(b) Station wages and supplies for employees engaged in handling freight and performing clerical duties.

(c) Wages and supplies for employees operating other facilities and equipment on the carrier's lines.

(d) The cost to the carrier for participating in joint weighing inspection, demurrage, and car distribution bureaus and associations.

(34) "Traffic": This activity refers to advertising, soliciting and securing traffic for the carrier's lines. It includes such items as:

(a) Salaries and wages of employees engaged in the preparation of tariffs and schedules.

(b) The cost of advertising, office rentals and travel expenses.

(c) The cost to the carrier for participating in traffic associations.

(35) "General and Administrative": This activity refers to overall administrative functions which relate to the carrier's transportation operations. It includes such items as:

(a) Salaries and wages of general officers and their staffs.

(b) Wages of employees performing clerical duties including auditing freight bills and handling claims for damaged freight and related items.

(c) Office machine rentals including automatic data processing machine rental costs, and all other office supplies.

(36) "Cost Center": An organizational subdivision for which cost data are desired and for which provision is made to accumulate costs such as a terminal, yard, or track segment. A cost center may correspond to a given area of responsibility for which costs are presently accumulated for planning and control. A cost center is the smallest segment of activity or area of responsibility for which costs are accumulated and directly traceable.

(37) "Net Railway Operating Income": Operating revenue remaining after deducting operating expenses, provision for income taxes, and joint facility rents.

GENERAL INSTRUCTIONS

1–1 *Classification of carriers.* (a) For purposes of the accounting and reporting regulations, carriers are grouped into the following two classes:

Class I: Carriers having annual carrier operating revenues of $10 million or more.

Class II: Carriers having annual carrier operating revenues of less than $10 million.

(b) (1) The class to which any carrier belongs shall be determined by annual carrier operating revenue. If at the end of any calendar year such annual carrier operating revenue is greater than the maximum for the class in which the carrier is classified, the carrier shall adopt the accounting and reporting requirements of the higher class in which it falls. Class II carriers shall adopt Class I classification effective as of January 1 of the following year.

(2) If at the end of any calendar year a Class I carrier's annual operating revenue is less than $10 million, and has been for three consecutive years, the carrier shall adopt the accounting and reporting requirements for Class II carriers. Such adoption shall be effective as of January 1 of the following year.

(3) Carriers shall notify the Commission of any change in classification by completing and returning the Carrier Classification Form with the Quarterly Financial Report for the third calendar quarter, if appropriate, or by October 31.

(4) Newly organized carriers shall be classified on the basis of their annual carrier operating revenues for the latest period of such operation. If actual data are not available, new carriers shall be classified on the basis of their carrier operating revenue known and estimated for a year.

(5) When a business combination occurs, such as a merger, reorganization, or consolidation, the surviving carrier shall be reclassified effective January 1 of the next calendar year on the basis of the combined revenue for the year when the combination occurred.

(6) In unusual circumstances, such as partial liquidation, and curtailment or elimination of contracted services, where the classification regulations will unduly burden the carrier, the carrier may request the Commission for an exception to the regulations. This request shall be in writing specifying the conditions justifying an exception.

(c) Class I carriers shall keep all of the accounts of this system of accounts which are applicable to their operations. Class II carriers shall keep all of the system of accounts which are applicable to their operations, except that their accounts for operating expenses may be kept under the accounts of the respective condensed groupings provided for herein.

(d) In applying the classification grouping to any switching or terminal company which is operated as a joint facility of owning or tenant railways, the sum of the annual carrier operating revenues, the joint facility rent income, and the totals of the joint facility credit accounts in operating expenses, shall be used in determining its class.

1–2 *Classification of accounts.* (a) Accounts are prescribed to cover cost of property used in transportation operations and operations incidental thereto and for revenues, expenses, taxes, rents, and other items of income for such operations. Separate accounts are prescribed for investment in property not used in transportation operations and for other investments and income therefrom; for unusual and infrequent items; for operations and disposal of discontinued segments; for extraordinary items and accounting changes; and for assets, liabilities and capital includible in the balance sheet statement. Retained earnings accounts form the connecting link between the income account and the equity section of the balance sheet. They are provided to record the transfer of net income or loss for the year; certain capital transactions; and, when authorized by the Commission, other items.

(b) The cost of property, and the revenues, expenses, taxes and rents for miscellaneous operations involving the use of such facilities as hotels, restaurants, grain elevators, storage warehouses, power plants, cold storage plants, etc., shall not be included in the accounts prescribed for transportation operations unless the operation of the facilities is conducted by the railway companies in connection with furnishing transportation services. Likewise, the cost of property, the revenues, expenses, taxes, and rents arising from the operation of stockyards shall not be included in accounts prescribed for transportation operating unless operation of the facilities is conducted in connection with transportation of livestock. It is not intended that cost of property and income arising from incidental public stockyards service rendered by stockyards primarily devoted to transportation services shall be excluded from transportation operation accounts.

(c) Joint facility accounts are provided for the joint users of tracks, bridges, yards, wharves, stations, and other facilities in which to record items in settlement for use of such facilities. When the compensation for the use of facilities is a fixed amount or is based upon a charge per passenger, ton, car or other unit, the amount shall be fairly apportioned by the operating company among the joint facility operating expense and income accounts. The creditor shall show the distribution of these charges upon its bills, and such distribution shall be adhered to by the debtor. Train service in

connection with the line haul of traffic, including that operated under a joint arrangement for the benefit of two or more carriers, is not considered a joint facility operation.

(d) (1) *Extraordinary Items.* All items of profit and loss recognized during the year are includible in ordinary income unless evidence clearly supports their classification as extraordinary items.

Extraordinary items are characterized by both their unusual nature and infrequent occurrence taking into account the environment in which the firm operates; they must also meet the materiality standard.

Unusual means the event or transaction must possess a high degree of abnormality and be of a type clearly unrelated to, or only incidentally related to the ordinary and typical activities of the entity.

Infrequent occurrence means the event or transaction shall be of a type not reasonably expected to recur in the foreseeable future.

(2) *Unusual or Infrequent Items.* Material events unusual in nature or infrequent in occurrence *but not both,* thus not meeting both criteria for classification as extraordinary, shall be includible in the accounts provided as separate components of income/expense from continuing operations.

(3) *Discontinued Operations.* The results of continuing operations shall be reported separately from discontinued operations and any gain or loss resulting from disposal of a segment of a business (see definition 23(a)) shall be reported in conjunction with the related results of discontinued operations and not as an extraordinary item. The disposal of a segment of a business shall be distinguished from other disposals of assets incident to the evolution of the entity's business, such as the disposal of part of a line of business, the shifting of production or marketing activities for a particular line of business from one location to another, the phasing out of a product line or class of service, and other changes occasioned by technological improvements. If a loss is expected from the proposed sale or abandonment of a segment, the estimated loss shall be provided for at the measurement date (see definition 23ba). If a gain is expected, it shall be recognized when realized, which ordinarily is the disposal date (see definition 23(c)).

(4) *Prior Period Adjustments.* Adjustments occurring in the current accounting period relating to events or transactions which occurred in a prior period, the accounting effects of which could not be determined with reasonable assurance at that time, shall be reported as prior period adjustments. A prior period adjustment, after income tax effect, should be reported by restating the beginning balance of retained earnings of the current year and correspondingly adjusting related prior year balances presented for comparative purposes. Such adjustments shall not be considered prior period unless: (1) they are material, and (2) can be specifically identified with and directly related to the business activities of particular prior periods, and (3) are not attributable to economic events occurring subsequent to the date of the financial statements for the prior period, and (4) depend primarily on determinations by persons other than management, and (5) were not susceptible of reasonable estimation prior to such determination. If an adjustment does not meet such criteria, it shall be separately disclosed as to year of origin, nature, and amount and classified in the current period in the same manner as the original item. If the adjustment is the correction of an error, it shall be reported as a prior period adjustment.

(5) *Accounting Changes.* A change in accounting principle or accounting entity should be referred to this Commission for approval. The cumulative effect of a change in accounting principle should ordinarily be reflected in the account provided for in determining net income; in certain cases accounting changes may be reflected as prior period adjustments. Changes in accounting estimates should ordinarily be reflected prospectively.

(6) *Materiality.* As a general standard an item shall be considered material when it exceeds 10 percent of annual income (loss) before extraordinary items. An item may also be considered in relation to the trend of annual earnings before extraordinary items or other appropriate criteria. Items shall be considered individually and not in the aggregate in determining materiality. However, the effects of a series of related transactions arising from a single specific and identifiable event or plan of action shall be aggregated to determine materiality.

(7) *Commission Approval and Accountant's Letter.* Items shall be included in the acounts provided for extraordinary items, unusual or infrequent items, discontinued operations, prior period adjustments and cumulative effect of changes in accounting principles only upon approval of the Commission. If the carrier retains the service of an independent accountant, a request for using these accounts shall be accompanied by a letter from the independent accountant approving or otherwise commenting on the request.

NOTE.—The carrier may refer to generally accepted accounting principles for further guidance in applying paragraph (d) above.

1–3 *Records.* (a) Each carrier shall keep its books of account, and all other books, records, and memoranda which support the entries in such books of account so as to be able to furnish readily full information as to any item included in any account. Each entry shall be supported by such detailed information as will permit ready identification, analysis, and verification of all facts relevant thereto.

(b) Each carrier shall keep its general accounting books, and all other books, records, and memoranda which support in any way the entries to such accounting books, and analyses of general ledger account balances, readily accessible so that it can furnish at any time full information as to any account. Moreover, the month, day, year, and posting reference shall be shown for each entry in the general ledger and subsidiary records and the entries shall be supported with detailed information that will provide a ready analysis and verification of the facts recorded therein. All expenditures including the expense accounts of officers and employees shall be supported by vouchers, payrolls, receipted bills, canceled checks, receipts for petty cash payments, or other evidences of the expenditures incurred.

(c) The books referred to herein include not only books of acounts in a limited technical sense but all other records such as minute books, stock books, reports, correspondence, memoranda, etc., which will be useful in developing the history of or facts regarding any transaction.

(d) No carrier shall destroy any books, records, memoranda, etc., which support entries to its accounts unless, destruction is permitted by the regulations governing preservation of records, Part 1220 of this chapter.

(e) In addition to prescribed accounts, clearing accounts, temporary accounts, and subdivisions of any accounts may be kept, provided the integrity of the prescribed accounts is not impaired.

(f) Cost detail shall be maintained by cost centers for purposes of cost assignment. This provides for cost control and cost planning at any designated area of responsibility. These cost centers shall be similarly defined as the railroads' existing responsibility centers. Cost center information shall therefore be kept at the same level of detail presently collected, categorized, and maintained in railroad internal managerial accounting systems. This detailed information shall not be reported to the Commission on an ongoing basis. However, the carrier shall keep the detailed information to provide a ready analysis and verification of the costs collected by cost center.

1–4 *Accounting period.* (a) Each carrier shall keep its books on a monthly basis so that known transactions, as nearly as may be ascertained, shall be entered in the account not later than 60 days after the last day of the period for which the accounts are stated, except that the time within which the final entries for the year ending December 31 shall be made may be extended to such date in the following March as shall not interfere with the preparation and filing of annual report.

(b) A trial balance of the general ledger accounts shall be prepared at the close of each month setting out the account number, title, and amount of each ledger account. (Mechanical, electronic or automatic data processing printout documentation producing the equivalent of manually prepared trial balances shall identify balances by account numbers.) At the end of the calendar year, the revenue, expense, and other income accounts shall be closed into retained earnings account, and the balance sheet account balances shall be brought for-

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ward to the general ledger for the succeeding year.

(c) No changes shall be made in the accounts for periods covered by quarterly and annual reports that have been filed with the Commission unless the changes have first been authorized by the Commission.

1–5 *Accrual method of accounting.* The accounting for operating revenues, operating expenses, income and other items each month and year shall be, as nearly as practicable, upon the basis of accruals consistently applied. Any change in practice of accounting for accruals or any unusual accruals involving material amounts shall be reported promptly to the Commission.

1–6 *Charges to be just and reasonable.* All charges to the accounts prescribed in this system of accounts for carrier property, operating revenues, operating and maintenance expenses, and other carrier expenses, shall be just, reasonable and not exceed amounts necessary to the honest and efficient operation and management of carrier business. Payments shall not exceed the fair market value of goods and services acquired in an arm's length transaction. Any payments in excess of such just and reasonable charges shall be included in account 551, "Miscellaneous income charges".

1–7 *Unaudited items.* When it is known that a transaction has occurred which affects operating revenues, operating expenses, income and other accounts but the amount involved and its effect upon the accounts cannot be determined with absolute accuracy, the amount thereof shall be estimated and included in the appropriate income and balance sheet accounts. Such estimate shall be adjusted in the following month or as soon thereafter as the actual amount can be determined. If the estimate is not adjusted in the following month, the amount shall be revised whenever and at the time a substantial change is indicated and the amounts in the balance sheet accounts with respect to such items shall be kept separately in the records until settled and adjusted. The carrier is not required to anticipate items which do not appreciably affect the accounts.

1–8 *Delayed items.* Ordinary delayed items and adjustments arising during the current year which are applicable to prior years shall be included in the same account which would have been charged or credited if the item had been taken up or the adjustment made in the year to which it pertained. When the amount of a delayed item or adjustment is relatively so large that its inclusion in net income for a single month would seriously distort the accounts for the month (but not for the year), such amount may be distributed in equal monthly charges or credits, as the case may be, to the remaining months of the calendar year.

1–9 *Provisions for losses.* (a) Accretions to the accounts provided for losses made by charges to operating expenses, operating revenues, or income shall not exceed a reasonable provision for expenses or other costs incurred during the accounting period. Such charges shall represent a probable impairment of an asset or incurrence of a liability.

(b) Balances for the amounts provided each year in each account shall be kept separtely until the items have been settled and adjusted and amounts shall not be diverted from the purpose for which provided unless permission of the Commission is first obtained.

(c) Carriers shall not record provisions for loss where such incurrence is dependent on future events or the amount cannot be reasonably estimated.

1–10 *Reserved.*

1–11 *Transactions with affiliated companies.* (a) The records and supporting data of all transactions with affiliated companies shall be maintained in a separate file. The types of transactions referred to in this paragraph are for management services or any other type of services rendered, sale or use of facilities or any other type of assets or property. The file shall be maintained so as to enable the carrier, upon a Commission request, to furnish accurate information with supporting documentation about particular transactions within 15 days of the request. We do not intend the file to include data relating to ordinary carrier operations (e.g. lawful tariff charges or interchange of equipment).

(b) Each bill rendered by an affiliated company shall state specifically the basis used for determining charges, unless the file contains the information to support the specific basis for charges.

(c) Punched cards, magnetic tapes, discs, or other machine-sensible devices used for recording, consolidating, and summarizing accounting transactions and records with a carrier's electronic or automatic data processing system may constitute a file within the meaning of this instruction.

(d) The carrier shall record, as the cost of assets or services received from an affiliated supplier, the invoice price (plus any incidental costs related to those transactions) in those cases where the invoice price can be determined from a prevailing price list of the affiliated supplier available to the general public in the normal course of business. If so such price list exists, the charges shall be recorded at the lower of their cost to the originating affiliated supplier (less all applicable valuation reserves in case of asset sales), or their estimated fair market value determined on the basis of a representative study of similar competitive and arm's-length or bargained transaction. Any difference between actual transaction price and the above, as well as charges that are not transportation related, shall be considered of a financing nature and shall be recorded, accordingly, as nonoperating charges or credits. (See Instruction 1–6).

(e) Nothing contained herein shall be construed as restraining the carrier from subdividing accounts (see Instruction 1–3(e)) for the purpose of recording separately transactions with affiliated companies.

1–12 *Accounting for income taxes.* (a) The interperiod tax allocation method of accounting shall be applied where material timing differences (see definition 20(e)) occur between pretax accounting income and taxable income. Carriers may elect, as provided by the Revenue Act of 1971, to account for the investment tax credit by either the flow through method or the deferred method of accounting. See paragraphs (d) and (e) below. All income taxes (Federal, state and other) currently accruable for income tax return purposes shall be charged to account 556, "Income taxes on ordinary income", and account 590, "Income Taxes on Extraordinary Items", as applicable.

(b) Under the interperiod tax allocation method of accounting the tax effect of timing differences (see definitions 20 (g) and (e)) originating in the current accounting period are allocated to income tax expense of future periods when the timing differences reverse. Similar timing differences originating and reversing in the current accounting period should be combined into groups and the current tax rates applied to determine the tax effect of each group. A carrier shall not apply other than current tax rates in determining the tax effect of reversing differences except upon approval of the Commission. When determining the amount of deferred taxes, rather than computing state and other taxes individually by jurisdiction, the Federal income tax rate may be increased by a percent equivalent to the effect of taxes imposed by the jurisdictions.

(c) The future tax benefits of loss carryforwards shall normally be recognized in the year in which such loss is applied to reduce taxes. Only in those unusual instances when realization is assured beyond any reasonable doubt should the future tax benefits of loss carryforwards be recognized in the year of loss. The tax effects of any realizable loss carrybacks shall be recognized in the determination of net income (loss) of the loss periods; appropriate adjustments of existing net deferred tax credits may also be necessary in the loss period.

(d) Carriers electing to account for the investment tax credit by the flow through method shall credit account 556, "Income taxes on ordinary income", or account 590, "Income taxes on extraordinary items", as applicable, and charge account 821, "Federal income taxes accrued", with the amount of investment tax credit utilized in the current accounting period. When the flow through method is followed for the investment tax credit, account 557, "Provision for Deferred Taxes", shall reflect the difference between the tax payable (after recognition of allowable investment tax credit) based on taxable income and tax expense (with full recognition of investment tax credit that would be allowable based on accounting income) based on accounting income.

(e) Carriers electing to account for the investment tax credit by the deferred method shall concurrently with making the entries prescribed in (d) above charge account 557, "Provision for deferred taxes" or account 591, "Provision for deferred taxes—extraordinary items", as applicable, and shall credit account

873, "Accumulated deferred income tax credits", with the investment tax credit utilized as a reduction of the current year's tax liability but deferred for accounting purposes. The investment tax credit so deferred shall be amortized by by credits to account 557, "Provision for deferred taxes".

NOTE A.—Any change in practice of accounting for the investment tax credit shall be reported promptly to the Commission. Carriers desiring to clear deferred investment tax credits because of a change from the deferral method to the flow through method shall submit the proposed journal entry to the Commission for consideration and advice.

NOTE B.—The carrier shall follow generally accepted accounting principles where an interpretation of the accounting rules for income taxes is needed or obtain an interpretation from its public accountant or the Commission.

1–13 *Items in texts of accounts.* The items appearing in the texts of the accounts or elsewhere herein are for the purpose of more clearly indicating the application of the prescribed accounting. The items are intended to be representative, but not exhaustive. The appearance of an item in the text of a primary account warrants the inclusion of the item in the account mentioned only when the whole text also indicates inclusion inasmuch as the same item frequently appears in more than one primary account. The proper entry in each instance must be determined by the whole text of each primary account.

1–14 *Distribution of pay and expenses of employees.* (a) The pay and expenses of officers or employees regularly assigned to specific duties who perform incidental services of a different nature involving small expense may be included in the appropriate expense accounts for the duties to which such officers or employees are regularly assigned.

(b) When it is necessary to apportion the pay of officers and employees among various accounts, the carrier shall apportion the pay on the basis of the directly assignable pay to the various accounts.

1–15 *Payroll related expenses.* (a) Other fringes (account series 040000) may (1) be included in each natural classification and distributed to the appropriate activities or (2) they may be accumulated in the appropriate accounts as described in the account explanations and distributed to the activities using one of the following techniques (in order of preference):

(1) Apply appropriate factors to the amount in each account, or to the total of the fringe expense accounts, in such a way as to distribute an equitable proportion of the cost to each activity. These factors shall be developed to take into account variables such as the following:

(i) The effect of seniority on the expense. For example, profit sharing or pensions may be available to only certain categories of employees, which may be more predominant in one activity than another.

(ii) The effect of the type of work performed. For example, workmen's compensation expense may vary for each category of employees because of the rate charged or the claims experience of the category.

(iii) Any other variable which may have an appreciable effect on the equity of the apportionment.

(2) Distribute the amount in each account, or the total of the other fringes, in the same proportion as the pay charged to each activity in account series 010000 and 020000 (salaries and wages).

(3) Distribute the amounts in each account, or the total of the other fringes, using any other equitable basis which the carrier can substantiate.

(b) All carriers shall be prepared to describe the basis of apportionment used to distribute expenses included in this instruction.

(c) Any carrier which finds it impracticable to distribute expenses as required by this instruction should furnish the Commission with full particulars of the conditions which prevent the proper distribution. Upon receipt of such information carrier will be advised of the procedure to be followed.

1–16 *Submission of questions.* To maintain uniformity of accounting, carriers shall submit questions of doubtful interpretations to the Commission for consideration and decision.

INSTRUCTIONS FOR PROPERTY ACCOUNTS

2–1 *Items to be charged.* (a) To the road and equipmnet property accounts shall be charged the cost of purchasing land, the cost of purchasing and constructing, buildings, facilities and equipment, and the cost of additions and betterments to property. "Cost" means the amount of money actually paid for property or services. When the consideration given for the property is other than cash in a purchase and sale transaction, as distinguished from a transaction involving the issuance of capital stock in reorganization or a merger and pooling of interest, the value of the consideration shall be determined on a cash equivalent basis. The carrier shall be prepared to furnish the Commission the particulars of its determination of the cash value of the consideration if other than money.

(b) The cost of operating property purchased under a plan involving deferred payments, including leases which are in substance installment purchases, shall be capitalized in the appropriate property accounts. The carrier shall not include in the property account charges for interest, insurance or other expense related to such payments.

(c) Suitable records shall be maintained showing expenditures during the year for original road and equipment and road extensions; for merger and purchase of existing lines and reorganizations; for additions and betterments; and credits for property retired.

2–2 *Minimum rule applicable to additions to property.* An exception to the rule in instruction 2–1 is that when the cost of acquisition of units of road property and of additions and betterments to existing units of road property (other than land or tracks) is less than $1,500 such cost shall be charged to operating expenses. The carrier shall not parcel expenditures under a general plan for the purpose of bringing the accounting for such expenditures within this minimum rule. An amount of less than $1,500 may be adopted for purposes of this rule provided the carrier first notifies the Commission of the amount it proposes to adopt and thereafter makes no change in the amount unless authorized to do so by the Commission. An amount so adopted shall be adhered to in reporting property changes for valuation purposes.

2–3 *Land.* (a) Accounts are provided for the cost of land used in transportation operations and also for land used in other than transportation operations. When land is retired from transportation operations but is retained by the carrier the original cost (estimated, if not known) shall be transferred to the account prescribed for property used in other than transportation operations. It is not contemplated that irregular parcels of land acquired in connection with acquisition of right of way which have no value as commercial property shall be thus transferred, either for the purpose of making right of way boundaries run more or less regular or for the purpose of eliminating from transportation property account the cost of unoccupied lands between tracks in yards and terminals. When any land, the cost of which is included in the accounts, is sold or otherwise retired, the ledger value shall be credited to the appropriate property investment account. The profit or loss from sale or loss from retirement of land shall be included in the accounts prescribed for such amounts.

(b) When the carrier exchanges land for other land with no other consideration involved, the land received shall be recorded at the ledger value of the land relinquished. Where the carrier receives a monetary consideration in the exchange, the carrier shall recognize gain on the exchange to the extent that the consideration received exceeds a proportionate share of the recorded cost of the land surrendered. The portion of the cost applicable to the realized amount shall be based on the ratio of the monetary consideration to the total consideration received (monetary consideration plus the estimated fair value of the land received) or, if more clearly evident, the fair value of the land transferred. Where the carrier pays a monetary consideration in such exchange, it shall not recognize any gain on the transaction but shall record the land received at the amount of the monetary consideration paid plus the recorded costs of the land surrendered. If a loss is indicated by the terms of an exchange transaction described herein, the carrier shall recognize the entire indicated loss on the exchange. Immaterial gains and losses on these exchanges shall be included in accounts 519, "Miscellaneous income, or 551, "Miscellaneous income charges", as appropriate. Material amounts shall be

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recorded in accordance with Instruction 1-2(d).

2-4 *Structures.* Accounts are provided for the cost of several classes of buildings and facilities, including fixtures permanently attached to and made a part thereof. When a building or other structure is used or held primarily for transportation operations and is an integral part of the carrier's transportation plant, but a part thereof is used or held for commercial purposes such as for rental to others or for use in other than transportation operations by the carrier, the entire cost of the building or other structure is includible in the accounts for transportation property. When a building or other structure is used or held primarily for commercial purposes or for use in other than transportation operations by the carrier, the entire cost of the building or structure is includible in account 768, "Property used in other than carrier operations". Reclassification of property from its primary classification as transportation or other than transportation property, as the case may be, to the other classification is not required where changes in use are of a temporary nature or for a short period of time. The accounting for costs of maintenance, taxes, other operating costs, and for revenues and rentals shall be consistent with the classification of the building or other structure.

2-5 *Equipment.* Accounts are provided for several classes of equipment, such as locomotives, passenger-train cars, freight-train cars, highway revenue equipment, work equipment, floating equipment, and the necessary appurtenances, furniture, and fixtures first to equip for service, including the cost of inspection, setting up, and trying out, and transportation over foreign lines; also the cost of additions and betterments, such as improved appliances, parts, or appurtenances. When retired equipment is held without being torn down, the estimated value of the salvage therefrom shall be included in account 781, "Other assets", until the salvage is recovered, except that the estimated scrap value of retired equipment held for sale in the ordinary course of business, and on which sale and realization of the proceeds within one year is assured, is includible in account 733, "Materials and supplies".

2-6 *Components of construction cost.* The cost of constructing property includible in the property accounts shall include the direct and other costs as described hereunder.

(a) *Cost of labor.* This includes the amount paid for labor expended by the carrier's own employees, including the cost of labor expended for preliminary work, such as sinking test holes or making soundings for tunnels, grading, buildings, and other structures; and cost of labor expended in laying and taking up tracks for temporary use in construction, except the cost of labor expended on tracks provided for the protection of traffic during the progress of addition and betterment work. Office expenses and traveling and other personal expenses of employees, when borne by the carrier, shall be considered a part of the cost of the labor, as shall also the cost of fidelity bonds and employers' liability insurance premiums. When officers or employees are especially assigned to construction work their pay and their traveling and incidental expenses while thus engaged shall be included in the cost of the work. No charge shall be made against road and equipment accounts for the pay of officers and employees who merely render services incidentally in connection with extension, additions, or betterments, although traveling and incidental expenses incurred by such officers and employees solely on account of such work shall be included in the account to which the cost of the work is chargeable.

(b) *Cost of materials and supplies.* This includes the purchase price of materials and supplies, including small tools, at the point of free delivery plus the cost of inspection and loading assumed by the carrier; also a suitable proportion of store expenses. In calculating the cost of materials used, proper allowance shall be made for the value of unused portions and of cuttings, turnings, borings, etc.; for the value of the material recovered from temporary tracks, scaffolding, cofferdams, and other temporary structures used in construction; and for the value of small tools recovered and used for other purposes.

(c) *Cost of work-train service.* This includes amounts paid to others for rent and maintenance of equipment used; cost of labor of enginemen, trainmen, and enginehousemen, including wages of engine crews and train crews held in readiness for such service; and cost of fuel and other supplies consumed in connection with the operation of work trains. It shall also include the cost of maintaining the carrier's own equipment used in construction service. Amount representing constructive rent or return upon the investment in owned equipment shall not be included as a part of the cost of work-train service.

(d) *Cost of special machine service.* This includes the cost of labor expended and of materials and supplies consumed in maintaining and operating power shovels, scrapers, rail unloaders, ballast unloaders, pile drivers, dredges, ditchers, weed burners, and other labor-saving machines; also rents paid for use of such machines.

(e) *Cost of transportation.* This includes the amounts paid to other companies or individuals for the transportation of men, materials and supplies, special machine outfits, appliances, and tools in connection with construction. Freight charges paid foreign lines for the transportation of construction material to the carrier's line shall be included, so far as practicable, as a part of the cost of the material.

(f) *Cost of contract work.* This includes amounts paid for work performed under contract by other companies, firms, or individuals, and costs incident to the award of the contract.

(g) *Cost of protection from casualties.* This includes expenditures for protection against fire, such as payments for discovery or extinguishment of fires, cost of detecting and prosecuting incendiaries, witness fees in relation thereto, amounts paid to municipal corporations and others for fire protection, and other analogous items of expenditure incurred directly in connection with construction work.

(h) *Cost of injuries and damages.* This includes expenditures on account of injuries to persons or damage to property when incurred directly as a result of construction projects, and shall be included in the cost of the work in connection with which the injury or damage occurs. It also includes that portion of premiums paid for insuring property applicable to the period prior to the completion or coming into service of the property insured. Insurance recovered on account of compensation paid for injuries to persons incident to construction shall be credited to the accounts to which such compensation is charged, and insurance recovered on account of damages to property incident to construction shall be credited to the accounts chargeable with the expenditures necessary for restoring the damaged property. The cost of injuries and damages incident to the removal of old structures, or parts thereof, shall be charged to operating expenses, except that such costs in connection with the removal of old structures which are incumberances on newly acquired lands shall be included in accounts, 2, "Land for transportation purposes", or 3, "Grading", as appropriate.

(i) *Cost of privileges.* This includes compensation for temporary privileges, such as the use of public property or streets, in connection with the construction of the property of the carrier.

(j) *Material excavated.* The cost of disposing of material excavated in connection with construction shall be considered as a part of the cost of work, except that when such material is used for filling, the cost of removal and dumping shall be equitably apportioned between the work in connection with which the removal occurs and the work in connection with which the material is used.

2-7 *Additions to and retirements of property—General.* (a) In accounting for additions to and retirements and replacements of road and equipment property (excluding land) used in transportation operations, such property changes shall be considered as consisting of (1) units of property and (2) other than units of property (minor items). A list of units of property to be used for this purpose is prescribed in instruction 2-19.

(b) The cost of removal of retired property, both depreciable and other than depreciable, when borne by the carrier, shall be charged, as appropriate, to account 021010, "Salaries and wages, other employees; Maintenance of Way and Structures", or account 021023, "Salaries and wages, other employees; maintenance of equipment—other equipment".

(c) An equitable proportion of a balance in primary accounts 1, "Engineering", 76, "Interest during construction", 77, "Other expenditures; general", and 80, "Other elements of investment", applicable to retired property, shall be cleared from those accounts concurrently with the retirement accounting.

(d) When retired property is held and not removed, the estimated value of the salvage therefrom shall be included in account 781, "Other assets", until the salvage is recovered, except that the estimated scrap value of retired property held for sale in the ordinary course of business, and on which sale and realization of the proceeds within one year is assured, is includible in account 733, "Materials and supplies."

2-8 *Additions to and retirements of units of property.* (a) When a unit of road or equipment property is added to the plant, the cost thereof shall be included in the appropriate primary account. When a unit of property is retired, with or without replacement, the cost thereof shall be written out of the property account at time of retirement.

(b) When a unit of road or equipment property (or a minor item not replaced) classified as depreciable and included in the accounts prescribed for depreciable property is retired the service value shall be charged to account 763, "Accumulated depreciation; Road and equipment property".

(c) When property (other than a minor item constituting repairs) classified as other than depreciable property is retired, the cost thereof shall be cleared from the property account and the service value shall be charged to account 160010, "Retirements; Maintenance of way and structures". When the retirement requires Commission approval, the carrier shall clear the cost from the property account upon the Commission's approval.

(d) When property included in the depreciable accounts but excluded from the depreciation base is retired, the service value (including engineering expenditures assignable to retired property but not included in the depreciation base) shall be charged to operating expense.

2-9 *Additions and retirements of other than units of property.* (a) When an item of road or equipment property, other than a complete unit, is added to the plant and the addition is not a replacement, the cost thereof shall be accounted for in the same manner as an addition of a complete unit of property, subject to the $1,500 minimum rule applicable to road property. When an item of property other than a complete unit (minor item) is replaced, independent of the complete unit of which it is a part, the cost of replacement shall be treated as maintenance and charged to operating expenses; except that, when the replacement effects a substantial betterment through the application of superior parts, the primary aim of which is to make the property affected more useful, more efficient, of greater durability, or of greater capacity, the excess cost of new parts over the current cost of new parts of the kind replaced shall be charged to the appropriate primary property account. The cost of removing the old appliances and applying the improved parts shall be charged to operating expenses.

(b) The term "current cost of new parts of the kind replaced" shall not be construed as requiring an estimate based on the current price of parts or material identical with the parts or material replaced when such parts or material are no longer obtainable at reasonable price or would not be used if replacement without betterment were undertaken. In such cases the current cost shall be based on the fair and reasonable cost of parts or material comparable to those being replaced.

(c) When second-hand property acquired is in such physical condition that it is necessary to rehabilitate the property to bring it up to the standard required by the carrier, the cost of such rehabitation shall be included in the appropriate account for the property.

2-10 *Expenses in connection with additions and betterments.* The cost of removing old material from equipment and from buildings, bridges, wharves, tracks, and other fixed improvements, shall be charged to the appropriate operating expense accounts. Such charges shall include the cost of removing old foundations and filling old excavations, and restoring condition of grounds after addition and betterment work; and maintaining of protecting traffic during the progress of addition and betterment work, including the cost of constructing, maintaining, and removing temporary tracks required for maintaining traffic during the progress of the work.

2-11 *Units of property rebuilt or converted.* (a) A unit of road property or equipment shall be treated as rebuilt or as converted in the circumstances described in the following paragraphs (b) and (c) of this instruction and such unit shall be accounted for as an addition and the old unit accounted for as retired from service.

(b) When the cost of renewals (see Definition 22) of a unit of road property or equipment, exclusive of the expense of dismantling, the value assigned old parts reused and the cost of repairs of old parts reused, exceeds fifty percent of the cost of a new unit of the same kind and class at the time of rebuilding.

(c) When a unit of road property or equipment is transferred from one class of service to another, with or without physical conversion, and becomes includible in a prescribed primary investment account other than in which the unit previously has been carried.

(d) The charge to the appropriate road and equipment account for rebuilt or converted units shall be the sum of (1) the cost (estimated if necessary) less a fair allowance for depreciation or the salvage value, whichever is lower, of the parts reused, and (2) the cost of labor expended in rebuilding or in the conversion process and the cost of additional material applied. In no case shall the total amount charged to the property accounts for such units exceed the estimated cost of units of the same kind and class with a fair allowance for depreciation.

2-12 *Changes in line of road.* When changes are made in a line of road for the purpose of reducing curves or grades, or to eliminate bridges, tunnels, tracks in the installation of a centralized traffic control system, or other physical features, the part of the line so changed shall be considered property retired and its ledger value credited to the property accounts. The new line of road, including land, grading, ballast, track elements, and other transportation facilities serving the road shall be considered an addition and the cost thereof to the carrier charged to the property accounts. The cost of such track changes which do not involve change in the existing roadbed shall be charged to operating expenses, even though the tracks may be dismantled in the process, but the resulting track extensions or reductions shall be accounted for as additions or retirements, as appropriate, and the betterment cost of improved parts applied shall be charged to property account.

2-13 *Relocation of yard tracks.* The cost of shifting or rearranging tracks within a yard shall be charged to operating expenses, even though the tracks may be dismantled in the process, but resulting increases or decreases in grading, ballast, or track length shall be accounted for as additions or retirements, as appropriate, and the betterment cost of improved parts applied shall be charged to the property accounts. Where tracks in whole or in part within a yard are determined to be no longer permanently used the ledger value of such tracks shall be eliminated from the property account. In case yard tracks and facilities are constructed in another location to take the place of tracks retired, such tracks and facilities shall be accounted for as additions and the cost thereof shall be included in the property account.

2-14 *Track connections.* (a) When the acounting carrier bears the construction cost of a connecting track situated on the property of another carrier, but acquires the salvage rights to the track, the cost of the track construction shall be charged to account 761, "Road and equipment property".

(b) When carriers (1) share the cost of constructing a connecting track of which a portion is situated on each carrier's right-of-way, and (2) own and obtain the salvage rights to the track segment located on their respective properties, the construction cost borne by each carrier shall be charged to account 761, "Road and equipment property".

(c) The cost of constructing a track connection on the right-of-way of another carrier which acquires the ownership of and salvage rights to the track, shall be charged by the carrier bearing such cost to account 091210, "Purchased services, joint facility-Debit; Maintenance of way and structures". The owner carrier shall charge the amount of the construction cost to account 761, "Road and equipment—property", with contra credit to account 091310, "Purchased services—joint facility—Credit; Maintenance of way and structures". Material amounts for such costs shall be referred to the Commission for consideration and decision.

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(d) The cost of constructing a side track under a deposit refund agreement shall be charged to account 761, "Road and equipment property". The deposit shall be credited to account 852, "Other liabilities". Deposit amounts refunded during the agreement period shall be charged to account 852, "Other liabilities". Upon termination of the agreement the amount of any unrefunded deposit shall be credited to the applicable primary property accounts on an equitable basis.

2–15 *Merger, consolidation, and purchase of a railway operating entity or system.* (a) When a railway or portion thereof constituting an operating unit or system is acquired by merger or consolidation in a pooling of interests or by purchase the cost of acquisition represented by cash, capital stock or other securities issued or assumed, liabilities assumed, and other consideration, shall be recorded in the accounts in the manner stated hereunder. Separate instructions are provided for a merger of subsidiaries.

(b) Pooling of interests:

(1) When the acquisition results from a merger or consolidation constituting a pooling of interests, in which all or substantially all of the equity interest in predecessor companies continue, as such, in a surviving company or a new company created for the purpose, the road and equipment, the other assets, and the liabilities of the predecessor companies, together with the balances in the accumulated amortization and depreciation accounts and the retained earnings accounts shall be recorded in the appropriate balance sheet accounts at the amounts shown in the accounts of predecessor companies, adjusted as may be necessary to conform with the accounting rules of the Commission. Such adjustments shall be included in retained earnings or the other accounts that would have been appropriate had the adjustments been made in the books of account of the predecessor company.

(2) When the total par or the stated value of no par capital stock issued or outstanding pursuant to the pooling of interests is more than the aggregate amount of the capital stock of the separate companies before such pooling of interests, the excess shall be charged to account 913, "Other capital," if unrestricted capital is available for such purpose; otherwise, the excess shall be charged to retained earnings.

(3) When the total par or stated value of no par capital stock issued or outstanding pursuant to the pooling of interests is less than the aggregate amount of the capital stock of the separate companies before such pooling of interests, the difference for reduction in capital stock shall be credited to account 913, "Other capital."

(c) Purchase:

(1) When the acquisition results from a purchase (except from subsidiaries controlled through ownership of the majority share of voting stock) including mergers or consolidations other than pooling of interests, the amount includible in account 761, "Road and equipment property", shall be the cost at the date of acquisition to the purchaser of the transportation property acquired. The cost assigned the property, as well as other assets acquired, shall be the amount of the cash consideration given. Where property and other assets are acquired for other than cash, including liabilities assumed and shares of stock issued, cost shall be determined by either the fair value of the consideration given or the fair value of the assets acquired, whichever is more clearly evident. In addition to any liabilities assumed, provision shall be made for such estimated liabilities as may be necessary.

(2) When the costs of individual units or classes of transportation property are not specified in the agreement, the cost assigned such property shall be apportioned among the appropriate primary accounts using the percentage relationship between the fair values for each class of property acquired and the total of such values.

(d) Merger of subsidiaries:

The acquisition and merger of property of subsidiaries controlled through ownership of the majority shares of voting stock is to be accounted for as a pooling of interests or as a purchase depending on the circumstances in each case. Where control was initially acquired through issuance of capital stock to stockholders of the subsidiary the rule applicable to pooling of interests ordinarily is applicable. Where control was initially acquired through purchase of stock the rule applicable to purchase of property may be appropriate even though the shares were purchased gradually from time to time over a period of years, in which event recognition of retained earnings since date of acquisition assignable to such shares may be proper. Journal entry pertaining to acquisition of property of subsidiaries shall be submitted to the Commission for consideration based on the principles herein and procedures for which there is authoritative support, and the accounting for the merger shall become final only after approval by the Commission.

2–16 *Reorganization of railway.* (a) When a railway reorganization or receivership has been consummated, the assets acquired, liabilities assumed, and the capital stock or other securities issued, or assumed and other consideration, shall be recorded in the accounts in the manner stated hereunder. An adjustment of capitalization resulting in modification and reformation of classes of securities pursuant to voluntary action of the holders of securities but not resulting in a formal reorganization following a bankruptcy or other receivership proceedings (sometimes called a quasi-reorganization) is not covered by this instruction 2–16. Reduction of capital stock and other contributions to capital by stockholders shall be recorded in accordance with the instructions in the text of account 913, "Other capital."

(b) The amounts includible in primary road and equipment property accounts shall be recorded at cost as shown in the predecessor companies' accounts except as otherwise provided in paragraphs (c) and (d) of this Instruction 2–16. The remaining assets and the liabilities of the predecessor companies, adjusted as necessary to conform with the accounting rules of the Commission, together with the balances in the accumulated amortization and depreciation accounts, shall be recorded in the appropriate balance sheet accounts.

(c) When the amount recorded for assets acquired is more than the par or stated value of no par capital stock issued and other consideration paid, including liabilities assumed, the difference shall be applied to such extent as necessary and is available to provide first for any deficiency in past accrued depreciation on property classified as depreciable; and, second, for any estimated loss from retirement of a branch line, segment of track or other important facility indicated by supporting records to be imminent. The remaining amount of the difference, if any, shall be applied proportionately to reduce the amounts includible in the property accounts in accordance with paragraph (b) of this Instruction 2–16, based on the percentage relationship between such difference and the aggregate cost of the property shown in the predecessor companies' accounts.

(d) When the amount applicable to the assets acquired is less than the par or stated value of no par capital stock issued and other consideration paid, including liabilities assumed, the accounting shall be referred to the Commission for consideration and decision.

2–17 *Construction projects in which governmental agencies, individuals, or others, and the carrier participate.* (a) The amount includible in the property account for construction projects in which the carrier and governmental agencies, individuals, or others participate shall be (1) the payment made by the carrier for its share of the cost of construction plus (2) the recorded cost (estimated if unknown) of property relinquished as a direct result of the arrangement and retired from service less the value of salvage recovered therefrom by the carrier and less depreciation accrued on depreciable property, which is part of the carrier's cost of the project. The amount so includible in the property account shall be distributed equitably among the primary accounts applicable to railway property constructed. This amount shall first be applied to railway facilities includible in accounts other than 4, "Other right-of-way expenditures", or 39, "Public improvements—Construction", then any remaining balance shall be included in account 4 or 39, as appropriate. In no case shall the amount included in the primary accounts for the railway facilities acquired exceed the actual cost of constructing such facilities. The property account shall not include any cost or value for facilities or land contributed or paid for by governmental agencies, individuals or others. Property acquired as a specific contribution to capital by stockholders does not come under this rule. (See text of account 913, "Other capital.")

(b) Construction projects as used in this section means widening of highways, construction of spillways, drainage canals, farm and other private passes, pipelines, drains or other facilities across the right-of-way; construction of overhead highway bridges, and railroad bridges over public highways and across streams, which provide a railroad use in the operation of trains and a public use in the uninterrupted passage of highway and river traffic; installation of warning signals to protect highway traffic; and industrial side tracks. Also, reconstruction and relocation of tracks and appurtenant facilities such as occur in connection with carrying out flood control, reclamation, and other public improvement projects where it becomes necessary to abandon part of the line of railroad and relocate the tracks.

2–18 *Leased property improvements and retirements.* The cost to lessee of structures, facilities, additions and betterments on leased property and for retirement of property the cost of which is included in account 765, "Improvements on leased property", shall be accounted for in conformity with the principles in the instructions for property owned. When property taken over in the lease is retired and replaced and lessee is not obligated to reimburse the lessor for the retired property other than through the replacement, the lessee shall credit the ledger value of the retired property to account 765, "Improvements on leased property", as an offset to the cost of the replacement borne by lessee and charged to that account. When lessee is obligated to reimburse the lessor currently or at the termiation of the lease for property retired other than through replacement, the lessee shall include the amount of the obligation in the appropriate liability account. The lessee shall furnish the lessor such information as is required to enable the lessor to perform necessary accounting. The accounting by the lessee and the lessor shall be consistent with contractual arrangements.

2–19 *List of units of property.* (a) This list of units is established for the purpose of designating the units of property to be used in accounting for additions to and retirements and replacements of property. Detailed information is included in instructions 2–7 and 2–8. Items listed under road property accounts are subject to the minimum rule applicable to additions to property. See instruction 2–2 pertaining to the minimum rule.

(b) This list of units will be revised from time to time as may be necessary to meet conditions. A carrier desiring to include in any account an appropriate unit not now specified therein may, upon approval of the Commission, make such authorized addition to this list of units.

(c) Rules applicable to units of property rebuilt or converted and to changes in line of road or tracks which involve accounting for units of property retired are set forth in instructions 2–11, 2–12, and 2–13.

Account 3, Grading

A retaining wall, riprap (hand placed), a protecting dyke, a protecting crib, a wing dam, a revetment, mattress, pipe or other structures to provide drainage. Each entire installation.

Account 5, Tunnels and Subways

The entire masonry, entire timber, and entire metal lining of a tunnel or subway, including portals and wing walls.

Drainage. Each entire installation.
Lighting. Each entire installation.
Ventilation. Each entire installation.

Account 6, Bridges, Trestles and Culverts

A steel superstructure.
A concrete or stone substructure.
A concrete trestle, a complete bridge or approach.
A timber trestle, a complete bridge or approach.
Complete machinery for operating a movable span.
A protecting dyke, a protecting crib (a fender), a wing dam, a complete culverts.
Each entire installation.

Account 7, Elevated Structures

Any applicable units listed under account 6, "Bridges, trestles and culverts".

Account 13, Fences, Snowsheds, and Signs

A complete snowshed.
One continuous mile of right-of-way fence.
One continuous mile of permanent sand or snow fence.

Account 15, General Office Buildings

A complete building, including attached platform.
A complete platform structurally detached from a building.
Each retaining wall installation.
Each steam, water, air, etc., pipe line installation.
Each storm or sanitary sewer installation.
A complete fence.
Paving. Each complete installation.
Any applicable units listed under other accounts.

Account 16, Station Buildings

A complete building, including attached platform.
A complete platform structurally detached from a building.
Each retaining wall installation.
Each timber trestle installation.
Each coal pocket installation.
Each outside steam, water, air etc., pipe line installation.
Each storm or sanitary sewer installation.
A complete fence.
Paving. Each complete installation.
A station stockyard. Each complete installation.
A track scale.
A track scale pit.
An outside crane or conveying system for handling freight.
A motor truck.
A motor tractor.
Any applicable units listed under other accounts.

Account 17, Roadway Buildings

Any applicable units listed under account 16, "Station buildings", and 59, "Shop equipment".

Account 18, Water Stations

A complete water supply piping system.
A dam or reservoir.
A pump house.
Pumping machinery. Each complete installation.
A water tank. Each complete installation.
A complete track trough at one location.
A water crane. Complete with pit.
A water treating plant.

Account 19, Fuel Stations

A trestle-type coaling station.
Mechanical coaling station. Each complete installation.
A complete fuel supply system, including appurtenances.
A pump house.
A fuel oil storage tank (large).

Account 20, Car Shops

A complete building, including attached platform.
A complete platform structurally detached from a building.
A transfer table with machinery.
A transfer table pit.
Outdoor bins. Each complete installation.
A smoke stack not mounted on boiler.
A lorry track system (outside).
An overhead crane, outside.
Each outside pipe installation, steam, air, water, etc.
Each sewer installation, storm or sanitary.
Paving. Each complete installation.
Each shop fence or wall installation.
Any applicable unit under account 16, "Station buildings".

Account 21, Locomotive Shops and Engine Houses

A complete building, including attached platform.
A complete platform structurally detached from a building.
A turntable.
A turntable pit.
A transfer table with machinery.
A transfer table pit.
A cinder pit. Each complete installation.
A sand storage and handling and drying apparatus.
Outdoor bins. Each complete installation.
A smoke stack not mounted on boilers.
A lorry track system (outside).
A boiler washing plant. Each complete installation.
An overhead crane, outside.
Each outside pipe installation, steam, air, water, etc.
Each sewer installation, storm or sanitary.
Paving. Each complete installation.
Each shop fence or wall installation.
Any applicable unit under account 16, "Station Buildings".

Account 22, Storage Warehouses

A complete building, including attached platform.
A complete platform structurally detached from a building.
For additional items, see accounts 16, "Station buildings", and 59, "Shop equipment".

Account 23, Wharves and Docks

A timber float bridge.
A steel float bridge.
A wharf (including pile clusters).
A timber incline.
A bulkhead.
Jetties or breakwater.
Ferry racks (including pile clusters).
Float racks.
Each complete machinery installation.
For additional items, see account 3, "Grading", 6, "Bridges, trestles and culverts", and 59, "Shop equipment".

Account 24, Coal and Ore Wharves

Car dumper complete.
Timber bridges.
Steel bridges.
Each complete machinery installation.
A loading or unloading machine complete.

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Each coal or ore pocket installation.
For additional items, see accounts 6, "Bridges, trestles and culverts", 16, "Station buildings", 20, "Car shops", 23, "Wharves and docks", and 59, "Shop equipment".

Account 25, TOFC/COFC Terminals

A complete building.
A complete building, including attached platform and ramp.
A complete platform and attached ramp, structurally detached from a building.
A portable ramp.
A complete fence.
Paving, each complete installation.
An overhead crane, complete.
Each sewer installation.
A truck or tractor used exclusively at TOFC/COFC terminals.
Each floodlighting pole or tower installation.
Each floodlighting installation.
A power distribution system, complete.
Any applicable units listed under other accounts.

Account 26, Communication Systems

A complete mile section or complete installation if less than a mile of pole line including cross arms, wires and appurtenances.
Each mile or complete installation of cable with associated parts.
Each mile or complete installation of conduit with associated parts.
A complete tower.
A complete installation at each location constituting a separate means of communication, such as radio, radar, carrier telephone, teletype, or other communication systems.
For additional items see account 16, "Station buildings".

Account 27, Signals and Interlockers

A signal system installation complete, or section thereof, with associated parts, including masts, batteries, relays, ladder, etc.
A complete mile section or complete installation if less than a mile, or pole line including cross arms, wires and appurtenances.
Each mile or complete installation if less than one mile of cable with associated parts.
Each mile or complete installation if less than one mile of conduit with associated parts.
Switch movement with associated parts.
A complete building.
An interlocking plant complete (excluding machine).
An interlocking machine.
Signal bridge complete.
Each highway crossing protection installation complete.
Each car retarder installation complete.
A traffic control or C.T.C. system installation complete.

Account 29, Power Plants

Any applicable units listed under accounts 16, "Station and office buildings", 20, "Car shops", and 21, "Locomotive shops and enginehouses".

Account 31, Power Transmission Systems

A continuous mile, or a separate installation if less than a mile, of catenary complete including catenary hangers, trolley wire and appurtenances.
A continuous mile, or a separate installation if less than a mile, of transmission line, including poles, wires, transformers, switches, and other appurtenances.
Each outside steam, air, etc., pipe line installation.
A manhole.
Substation or switching station complete.
Each mile, or installation if less than a mile, of third rail.
A catenary bridge or support.
A high-tension transmission tower.
Any applicable units listed under accounts 26, "Communication systems", and 27, "Signals and interlockers".

Account 35, Miscellaneous Structures

A complete building, including attached platform.
A complete platform structurally detached from a building.
A conveyor system complete.
An elevator system complete.
A blowing system complete.
Any applicable units listed under other accounts.

Account 37, Roadway Machines

Each roadway machine complete including accessories.
Each on and/or off-track automotive vehicle complete, including appurtenant special-purpose machinery.

Account 39, Public Improvements—Construction

Any applicable units listed under other accounts.

Account 52, Locomotives

Diesel electric, lead or booster, i.e., "A" or "B" units.
Diesel electric. Extra or spare engines.
Electric locomotive.
Gasoline locomotive.
Radio control locomotive.
Steam locomotive, complete.
Steam locomotive, exclusive of tender.
Steam locomotive tender.
Steam locomotive booster.

Account 53, Freight-Train Cars

A complete car.
Motor equipment of a motor driven car.
A propulsion motor including generator.
A freight container, complete.

Account 54, Passenger-Train Cars

A complete car, including interior furnishings.
Motor equipment of a motor driven car.
A propulsion motor, including generator.

Account 55, Highway Revenue Equipment

A complete vehicle.
A chassis.
A container.
A bogie.

Account 56, Floating Equipment

A complete vessel or boat, exclusive of machinery.
Machinery: a boiler, a motor, an engine.

Account 57, Work Equipment

(a) Rail equipment:
(1) A complete car or machine.
(2) A boiler.
(3) An engine.
(4) A motor.
(5) Machinery equipment (with or without tractive machinery) such as concrete mixer, snow plow, derrick, steam shovel, or pile driver.
(6) A complete motor equipment.
(b) Floating equipment—Work:
(1) A complete vessel or boat.
(2) A boiler.
(3) An engine.
(4) A motor.
Any applicable units listed under other accounts.

Account 58, Miscellaneous Equipment

An airplane.
A complete vehicle.

Account 59, Shop Equipment

A machine (including foundation and motor, if any), such as lathes, shapers, slotters, boring machines.
Equipment, such as ash handling.
A furnace.
A boiler installation complete.
A motor vehicle used in shops only.
Testing equipment.
Overhead crane, complete.

Account 60, Power Plant Equipment

A power plant machine, including foundation, such as a turbine, rectifier, dynamo, generator.
Any applicable unit listed under account 59, "Shop equipment".

INSTRUCTIONS FOR MAINTENANCE EXPENSES

3–1 *Items to be charged.* (a) The accounts provided for maintenance of road property and of equipment are designed to show the cost of repairs and also the loss through depreciation of the property used in transportation operations, including expenses resulting from ordinary wear and tear of service, exposure to the elements, inadequacy, obsolescence, or other depreciation, or from accident, fire, flood, or other casualty.

(b) These accounts shall include the cost of labor, materials and supplies, work-train service, floating equipment work service, special machine service, contract work, privileges, protection from casualties, and other analogous items of expense in connection with the maintenance of the plant used in railway service. The cost of materials and supplies, which shall include small tools, shall include the cost at the point of free delivery plus freight charges of foreign lines, and the costs of inspection and loading assumed by the carrier; also a proportion of store expenses. Such costs shall not include expenses of transportation over the carrier's line. Royalties for patent rights on mechanical appliances used in repairs of equipment shall be included in the cost of the repairs. The cost of boarding, traveling, and other incidental expenses of employees shall be included in the accounts to which the pay of the employees is chargeable, except where otherwise specified in the text of the accounts. In calculating the cost of materials used proper allowance shall be made for the value of unused portions and of cuttings, turnings, borings, etc., and for the value of the material recovered from property repaired and from temporary tracks, scaffolding, cofferdams, and other temporary structures used in repair work.

(c) The cost of repairs shall include the cost of inspecting to determine the repairs necessary, and of adjusting or repairing parts, both of road property and of equipment, such as the repairing of locomotives, cars, frogs, switches, rails, etc.; the cost of inspecting and testing after repairs have been made such as the testing of locomotives after repairs to determine whether the repairs have been properly made, and the running of repaired locomotives light in order to break them in for regular service; incidental costs of repairs, such as the construction

or removal of false work in connection with maintenance, cost of demolishing retired road property and disposing of the wreckage therefrom when the property is dismantled by or for the carrier; cost of maintaining or protecting traffic during the progress of construction work, including the cost of constructing, maintaining and removing temporary tracks required for maintaining traffic during the progress of the work; cost of mowing and beautifying grounds around buildings; repairing fences, sidewalks, driveways, and streets within or adjacent to such grounds; cost of removing snow from roofs of buildings (when not removed by those employed in the buildings); cost of periodical restoration of seasonal features, such as gardens, shrubbery, and lawns; cost of operating hothouses in connection with the work of beautifying grounds; and cost of clearing and removing casual incumbrances, such as ice, snow, and fallen timber.

INSTRUCTIONS FOR DEPRECIATION ACCOUNTS

4–1 *Method.* (a) There shall be charged monthly to operating expenses or other appropriate accounts and credited to account 763, "Accumulated depreciation; Road and equipment property", during the service life of depreciable road and equipment property, includible in accounts classed as depreciable, amounts which will approximate the loss in service value not restored by current repairs or covered by insurance. The charges for accruing depreciation currently shall be computed in conformity with the group plan by applying to the cost of property such percentage rates as will distribute the service value by the straight-line method in equal annual charges to operating expenses or other accounts during the estimated life of the property. For road property, the cost shall be original cost or estimated original cost, as used in the valuation records, adjusted to current date. If a carrier submits proof that the actual cost of depreciable property is substantially different from cost figures in the valuation records, the carrier may, with the approval of the Commission, use such cost figures as the depreciation base.

(b) The term group plan means the plan under which depreciation charges are accrued upon the basis of the cost of depreciable property includible in accounts classed as depreciable using the service lives of the individual depreciable units in the accounts and properly weighing to determine the composite annual rate of depreciation.

(c) For the purpose of the group plan of depreciation accounting the following primary accounts are classed as depreciable accounts:

Road accounts:
1. Engineering (as appropriately assigned, but not distributed, to the other depreciable accounts in arriving at the amounts used as the depreciation base).
3. Grading (depreciable property recorded in this account).
4. Other right-of-way expenditures.
5. Tunnels and subways.
6. Bridges, trestles and culverts.
7. Elevated structures.
13. Fences, snowsheds, and signs.
15. General office buildings.
16. Station buildings.
17. Roadway buildings.
18. Water stations.
19. Fuel stations.
20. Car shops.
21. Locomotive shops and enginehouses.
22. Storage warehouses.
23. Wharves and docks.
24. Coal and ore wharves.
25. TOFC/COFC terminals.
26. Communication systems.
27. Signals and interlockers.
29. Power plants.
31. Power-transmission systems.
35. Miscellaneous structures.
37. Roadway machines.
39. Public improvements—construction.

NOTE.—With respect to account 3, 4, 5, and 39, carriers may confine the accruals to the depreciable property recorded therein by applying the percentage rates to the aggregate cost of such property (omitting nondepreciable property), in computing depreciation charges, or they may request composite percentage rates to be applied to the total amount recorded in each of the accounts in computing depreciation charges.

Equipment accounts:
52. Locomotives.
53. Freight-train cars.
54. Passenger-train cars.
55. Highway revenue equipment.
56. Floating equipment.
57. Work equipment.
58. Miscellaneous equipment.
59. Shop equipment.
60. Power-plant equipment.

(d) When abandonment of a branch line or other important segment of the track structure or other part of the plant for which depreciation charges are not includible in the accounts is foreseeable within a reasonable period of time due to exhaustion of traffic, obsolescence or other causes, application may be made to the Commission for authority to create a suitable reserve in anticipation of probable loss.

4–2 *Rates of depreciation.* (a) A separate composite annual percentage rate for each account covering depreciable property shall be used in computing depreciation charges. Such composite rates shall be those which are from time to time prescribed or otherwise authorized by the Commission. Where property is acquired for which no rates have been prescribed or otherwise authorized and also in the event annual percentage rates prescribed for any class or type of property become no longer currently applicable because of material changes in property, premature obsolescence, exhaustion of traffic or other causes not given effect in the existing rates, carriers shall so inform the Commission promptly and, at that time, shall submit revised annual percentages rates and supporting details developed in accordance with the method indicated in instruction 4–1.

(b) In computing monthly charges the annual percentage rates shall be applied to the depreciation base as of the first of each month and the result divided by twelve.

4–3 *Depreciation records to be kept.* (a) The carrier shall maintain for each class of property in convenient and accessible form engineering and other data bearing on prospective service lives; and shall be prepared at any time upon direction of this Commission to compute and submit for approval, new percentage rates to take the place of those based on service lives or value of salvage deemed to be inaccurate.

(b) The carrier also shall keep such records of depreciable property and property retirements as will reflect the service life of each class of property which has been retired, or will permit the determination of service life indications by past experience of useful life tenure of comparable property, turnover, or other appropriate methods; also such records as will reflect the percentage of value of the salvage for property retired from each class of depreciable property.

(c) For purposes of analysis the carrier shall maintain subsidiary records in which the reserve is broken down into component parts corresponding to each primary account showing in these records in complete detail by each primary account the current credits and debits to the reserve. Such detailed information shall be reported annually to this Commission. For balance sheet purposes, the depreciation reserve shall be treated as a single composite reserve for property.

4–4 *Leased property—depreciation.* (a) The carrier shall include in operating expenses charges for depreciation on road property and equipment used but not owned, the rent for which is includible in rent for leased roads and equipment, and shall maintain the same records of service lives, salvage values, etc., as provided for owned road property and equipment. The excess of the total compensation paid over the amount chargeable for depreciation shall be included in the rent account. If settlement between the carrier and the lessor is not currently made, the amount of depreciation accrued during the period of the lease shall be credited by the carrier to account 861, "Estimated liability; Leased property". The necessary adjustments of the difference between the balance thus accrued in that account and the actual amount of settlement shall be made appropriately through accounts 519, "Miscellaneous income", or 551, "Miscellaneous income charges", at the time settlement for depreciation on the property is made with the lessor.

(b) The carrier shall not include in the depreciation account in operating expenses any charges for depreciation of equipment used but not owned when the rents therefor are included in the rent for equipment and joint facility rent accounts.

4–5 *Jointly used property—depreciation.* The owning carrier shall include in the depreciation accounts in operating expenses the charges for depreciation on units of depreciable property jointly used with one or more other carriers. The owning carrier shall credit and each using carrier shall charge the appropriate joint facility accounts in operating

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expenses with the amounts billed by the owning carrier against each using carrier for its proportion of the service loss on property retired from service whether billed currently as depreciation or when retirements occur as the loss in service value. The using carriers shall be required to account for depreciation or retirement of units of road property jointly used but not owned only to the extent of their contract liability. The same principle shall apply to terminal companies and their nonowner tenants in accounting for depreciation accruals or retirement charges recorded in the accounts of the terminal companies.

INSTRUCTIONS FOR INCOME AND BALANCE SHEET ACCOUNTS

5–1 *Current assets.* (a) In the group of accounts designated as current assets shall be included cash, those assets which are readily convertible into cash or are held for current use in operations, current claims against others and amounts accruing to the carrier which are subject to settlement in the ordinary course of business within one year. There shall not be included in this group of accounts any amount the collection of which is not reasonably assured within one year because of the known financial condition of the debtor or otherwise. Such items shall be included in account 781, "Other assets", at an amount not in excess of a reasonable estimate of realizable value. Items of current character but of doubtful value shall be written down or written off by charge to account 130000, "Uncollectible accounts", or account 553, "Uncollectible accounts", as appropriate. Adjustment of these items of doubtful value shall be made by direct reduction of the asset account in which such items are carried or by provision in account 729, "Allowance for uncollectible accounts", for the estimated uncollectible amount.

(b) The carrier shall provide for significant losses due to obsolescence in materials and supplies by equitably distributing the losses among the accounts ordinarily chargeable for such classes of material, and concurrently writing down the materials and supplies account.

5–2 *Recorded value of securities owned.* (a) The investment in securities other than those issued or assumed by the accounting company shall be recorded in these accounts at the cost, at the time of acquisition, of the consideration given therefor by the accounting company, but excluding amounts paid for accrued interest and accrued dividends. The accounting company shall write down the ledger value of any securities to the extent of impairment in their value or write off entirely if there is no reasonable prospect of realizing any value therefrom, but fluctuations in market value are not to be recorded. Adjustments in the ledger values of securities shall not be delayed beyond the year in which a loss is claimed for income tax purposes. The amount of the adjustment for loss in value written off may be recorded in the accounts by providing an allowance for such loss through concurrent credits to accounts 753, "Adjustments; Investments and advances—Affiliated companies," or 757, "Adjustments; Other investments and advances", as appropriate. Losses in value of securities written off shall be charged to account 551, "Miscellaneous income charges". Under no circumstances shall securities be stated in these accounts at an amount in excess of their cost to the accounting company.

(b)(1) For financial statement purposes the carrier shall follow the principles of equity accounting for (1) all investments in corporate joint ventures (see definition 21(c)), and (2) all investments in voting stock or affiliated companies giving the carrier the ability to significantly influence the operating and financial policies of an investee (see definition 21(b)). For purposes of this instruction an investment of 20 percent or more of the outstanding voting stock of an investee will indicate the ability to exercise significant influence over an investee in the absence of evidence of the contrary.

(2) Since the equity method is not to be effected by entries in the books of accounts but is to apply only in financial reports to the Commission, the carrier shall establish worksheet or memorandum accounts. Three basic worksheet or memorandum accounts are needed:

(i) An investment account to include (*a*) equity in the undistributed earnings or losses of the investee since the date of acquisition (see definition 21(g)); (*b*) accumulated amortization of the difference between cost and net assets at date of acquisition (see (b)(3) below); and other adjustments for disposition or writedown of investments.

(ii) An income account to include (*a*) the investor's share of the investee's undistributed profits or losses for each reporting period subsequent to acquisition of the investment except that in the year of acquisition such amount shall be determined from the date of acquisition; (*b*) amortization for the reporting period of the difference between cost and net assets at date of acquisition. This account shall be closed at year-end to the retained earnings memorandum account discussed to paragraph (c) below.

(iii) A retained earnings account to include (*a*) equity in the undistributed earnings or losses of the investee since the date of acquisition; (*b*) accumulated amortization of the difference between cost and net assets acquired at date of acquisition (see (b)(3) below).

(iv) Other memorandum accounts will be needed for such adjustments as gains and losses on disposition of investments, recognition of impairments in value, the investor's share of extraordinary and prior period adjustments reported in the investee's financial statements (see instruction 1–2(d)), and provision for deferred taxes where it is reasonable to assume that undistributed earnings of an investee will be transferred to the investor in a taxable distribution. These memorandum accounts shall be closed at year-end to the retained income memorandum account discussed in paragraph (c) above.

(3) The carrier shall retain the following information for each investee in support of the worksheet or memorandum accounts:

(i) Original cost of investment.

(ii) Equity in net assets of investee at date of acquisition.

(iii) Allocation of difference between cost and equity in net assets, namely, to specific assets of investee or to goodwill.

(iv) Accumulated amortization of difference between cost and equity in net assets.

(v) Unamortized balance of difference between cost and equity in net assets.

(vi) Equity in undistributed earnings/losses for each year since date of acquisition.

(vii) Dividends received since date of acquisition if determinable.

(viii) Proceeds from sale of investments.

(4) Any difference between the investor's cost and its share of the net assets of the investee at date of acquisition shall be allocated to specific assets of the investee to the extent the difference is attributable to them. When the difference is allocated to depreciable or amortizable assets, depreciation and amortization (through the investment and income memorandum accounts) should absorb the difference over the remaining life of the related assets. If the difference is not related to specific accounts, it should be considered goodwill and amortized over a reasonable period not to exceed 40 years. For investments made prior to November 1, 1970, amortization of goodwill is not required in the absence of evidence that the goodwill has a limited term of existence.

(5) The financial statements of the investee that are used for equity accounting should be timely. If the accounting year of the investee differs from that of the investor then the most recent available financial statements may be used. The lag in reporting should be consistent from period to period.

(6) Material profits or losses on transactions between the investor and investee shall be eliminated until realized by either company as if the two were consolidated.

(7) A transaction of the investee of a capital nature that affects the investor's share of the investee's stockholder's equity should be reported in the financial statements as if the two were consolidated.

(8) The investor shall deduct any dividends applicable to outstanding cumulative preferred stock whether or not declared, and any other dividends declared when computing its share of undistributed earnings or losses.

(9) The investor shall suspend application of the equity method when the investment (including the investment memorandum account) together with any net advances made to the investee is reduced to zero. Additional losses shall not be provided for unless the investor has guaranteed obligations of the investee or is otherwise committed to provide further financial support for the investee. If the investee subsequently reports net income the investor shall resume applying the equity method at such time as its share of that net income equals the share of net losses not recognized during the period of suspension.

(10) When the investor's voting stock interest falls below the level of ownership described in paragraph (b)(1) of this instruction, the investment no longer qualifies for the equity method. Should dividends received on the investment in subsequent periods exceed the investor's share of earnings for such periods, the investment memorandum and income memorandum accounts shall be reduced by the excess amount.

(11) When the level of ownership of an investment increases to that described in paragraph (b)(1) of this instruction, the equity method shall be applied. The memorandum accounts for the investment, income (for current year's equity in undistributed earnings less amortization), and retained earnings (for prior years' equity in undistributed earnings less amortization) shall be adjusted retroactively on a step-by-step basis determining the equity in net assets at date of acquisition, amortization adjustment, and equity in undistributed earnings or losses at each level of ownership. Where small purchases are made over a period of time and then a purchase is made which qualifies the investment for the equity method, the date of latest purchase may be used as date of acquisition.

(12) Information having significance with respect to the investor's ownership in investees shall be disclosed in notes to financial statements of annual reports filed with the Commission in accordance with generally accepted accounting principles.

(c) When securities with a fixed maturity date are purchased at a discount (i.e., when total cost including brokerage fees, taxes, commissions, etc., is less than par), such discounts may be amortized over the remaining life of the securities through periodic debits to the account in which the securities are carried (preferably coincident with entries recording interest accruals) and credits to the same account in which interest income is credited. No debits shall be made in respect to discounts upon securities held as investments or in special funds if there is reason to believe that such securities will be disposed of by redemption or otherwise at less than par or will not be paid at date of maturity. When securities with a fixed maturity date are purchased at a premium (i.e., when the total cost including brokerage fees, taxes, commissions, etc., is in excess of par), such premium may be amortized over the remaining life of the securities through periodic credits to the account in which the securities are carried (preferably coincident with entries recording interest accruals) and debits to the same accounts in which the interest income is recorded.

NOTE.—The carrier shall follow generally accepted accounting principles where an interpretation of the rules for equity accounting is needed or obtain an interpretation from its public accountant or the Commission.

5–3. *Discount expense, and premium, on debt.* (a) Ledger accounts shall be provided to cover the discounts, expense, and premiums at the sale or resale of each subclass of funded debt and of receivers' and trustees' securities issued for the benefit of or assumed by the company. The amount of the debt expense shall be charged to account 782, "Other deferred debits". The total of the net debit balances for discount shall be included in account 844, "Unamortized debt discount", and the total net credit balance in account 845, "Unamortized premium on debt".

(b) Each accounting period there shall be charged to accounts 548, "Amortization of discount on funded debt," and 551, "Miscellaneous income charges", on a consistent basis, as appropriate, a proportion of each of the debit balances in account 782, "Other deferred debits", and 844, "Unamortized debt discount." There shall correspondingly be charged to account 517, "Release of premiums on funded debt," a proportion of the credit balances in account 845, "Unamortized premiums on debt." The amounts for the respective debit balances for discount and expenses applicable to a particular issue of obligations may be charged directly to accounts 548 and 551 at time of issue when the aggregate of such amounts does not appreciably affect the accounts.

(c) When any funded debt which has been actually issued to bona fide holders for value is reacquired by the accounting company, that proportion of the balance remaining in accounts containing discount, expense and premium on funded debt for the subclass of the security reacquired applicable to the portion reacquired shall be credited or charged thereto, as may be appropriate, and concurrently charged or credited to account 519, "Miscellaneous income", account 551, "Miscellaneous income charges"; or to account 570, "Extraordinary items", as may be appropriate, in accordance with the text of these accounts. Such proportion shall be based upon the ratio of the par value of the security reacquired to the par value of all the securities of the subclass actually outstanding immediately before such requirement.

5–4 *Discount, premium, and assessment on capital stock.* (a) Separate ledger accounts shall be provided for each subclass of capital stock issued or assumed by the accounting company to cover discount suffered and premium realized at the time of sale of capital stock. General levies or assessments against stockholders shall be credited to the appropriate ledger accounts for the subclass of capital stock against which the levy or assessment is made.

(b) The total of net debit balances in these ledger accounts shall be included in account 911, "Discount on capital stock", and the total of net credit balances in account 912, "Premiums and assessments on capital stock".

(c) Discount on each subclass of capital stock may be offset or reduced by charges to account 912, "Premiums and assessments on capital stock", to the extent that net gains from premiums or assessments have been included therein or to account 913, "Other capital," to the extent that the net gains from reacquisition and resale of retirement of capital stock applicable to such subclass have been included therein. Any remaining discount may be amortized by charge to account 616, "Other debits to retained earnings," or may be retained and carried in account 911, "Discount on capital stock," until the stock to which the discount applies is retired.

(d) In case the accounting company is permitted and elects with the approval of the Commission, to distribute all or any part of the net balance of other paid-in capital to its stockholders, the amount thus distributed shall be charged to account 913, "Other capital."

(e) When capital stock is reacquired, either by purchase or donation, and is retired or cancelled, account 901, "Capital stock", shall be charged with the par value, stated value of no par stock, or if no par stock without stated value, the proportionate amount at which the particular class of stock is included in account 901. Any excess of reacquisition cost over the recorded value of the stock shall be allocated between account 913, "Other capital," and account 616, "Other debits to retained earnings." Any excess of recorded value over reacquisition cost shall be credited to account 913, "Other capital."

(f) When capital stock is reacquired, either by purchase or donation, and is not retired or cancelled, nor properly includible in sinking or other funds, the reacquisition cost shall be charged to account 931, "Treasury stock".

(g) When treasury stock is resold, account 931, "Treasury stock", shall be credited with the cost paid for it. Gains shall be credited to account 913, "Other capital." Losses shall be charged to account 913, "Other capital," to the extent that previous net gains from sales or retirements of the same class of stock are included therein; otherwise, to account 616, "Other debits to retained earnings."

5–5 *Joint liabilities.* The accounting company shall state as a liability in its balance sheet the difference between the total par value of securities jointly or severally issued by it and others and the portion of such liability which, under the joint arrangement, it is expected will be liquidated by the other party or parties to the joint arrangement. The amount of the jointly or severally issued securities it is expected will be liquidated by the other party or parties shall be shown as a contingent liability in accordance with instruction 5–6 pertaining to contingent assets and liabilities.

5–6 *Contingent assets and liabilities.* Contingent assets and liabilities shall not be included in the body of the balance-sheet statement, but items of material amount shall be shown in a supplementary statement to the balance-sheet. Contingent assets are those without value to the accounting company until the fulfillment of conditions regarded as uncertain. Contingent liabilities include items which may, under certain conditions, become obligations of the

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company, but are neither direct nor assumed obligations on the date of the balance sheet. Examples of contingent liabilities are items which may become obligations as a result of pending or threatened litigation, assessments or possible assessments of additional taxes, guarantees of indebtedness of others, and agreements or obligations to repurchase securities or property. Where the outcome is reasonably forseeable, such as probable tax assessment which the carrier may not reasonably expect to contest successfully, such liabilities are to be reflected in the accounts and are not to be treated as contingent liabilities.

PROPERTY ACCOUNTS

Road

0 Road.

The several primary accounts included in this general account are designed to show the cost of land and road property owned by the carrier and devoted to transportation service.

1 Engineering.

This account shall include the pay and expenses of engineers, assistants, and clerks engaged in the survey and construction of new lines and extensions, or in making additions to and betterments of the carrier's road, including wharves and docks.

LIST OF OFFICERS AND EMPLOYEES

Chief engineer.
Assistant engineers.
Bridge and signal engineer.
Architects and draftsmen.
Chief clerk and other clerks.
Transitmen and levelmen.
Rodmen and chainmen.
Cooks and porters on business cars.

ITEMS OF EXPENSE AND SUPPLIES

Atlases and maps.
Barometers.
Books for office use.
Business car service.
Cameras; compasses.
Camp equipage.
Chains for surveyors.
Drawing boards.
Drawing instruments.
Field glasses.
Furniture repairs and renewals.
Heating and lighting.
Magnets and magnifiers.
Official train service.
Paper, blue-print.
Periodicals and newspapers.
Photographic supplies.
Printing and stationery.
Provisions for business cars.
Rent and repairs of offices.
Rods for surveyors.
Sextants and slide rules.
Telegraph and telephone service.
Traveling expenses.
Triangles and tripods.

NOTE A.—When employees designated above are engaged in the maintenance of the road, their pay and expenses while thus employed shall be charged to operating expenses.

NOTE B.—Expenditures for tentative or preliminary surveys shall be carried in account 782, "Other deferred debits", until it is determined whether or not to continue the work. If the project is continued, expenditures for all surveys in connection therewith shall then be transferred to this account, and, if abandoned, to appropriate income accounts.

NOTE C.—The cost of designing, making plans and specifications, and supervising the construction of equipment shall be included in the cost of the equipment.

NOTE D.—The cost of stationery and printing supplies used for accounting purposes in connection with engineering work shall be included in account 77, "Other expenditures; General", when not directly assignable to specific road or equipment accounts.

NOTE E.—Fees and expenses of architects specially employed for designing or supervising the construction of buildings shall be included in the accounts appropriate for the cost of the buildings constructed.

2 Land for transportation purposes.

This account shall include the cost of land of necessary width acquired for roadway; the cost of land for station, office, shop, and other grounds; for ingress to or egress from such grounds; for borrow pits, waste banks, snow fences, sand fences, and other railway appurtenances; and for storage of material adjoining the right of way; the cost of land for wharves and docks and the cost of riparian or water rights necessary therefor; the cost of removing from the right of way and locating elsewhere the property of others, and the cost of the necessary land for relocation of the property when such costs are assumed by the accounting carrier.

The carrier's records shall be kept in such manner as to show separately the cost of land purchased. Proceeds from the sale of timber or of improvements purchased with right of way, less any cost of removal, shall be credited to this account.

ITEMS OF EXPENSE

Abstracts.
Appraisals.
Arbitrators in condemnation cases.
Commissions paid to others.
Condemnation expenses, including court costs and special counsel fees.
Damages to property of others.
Deferred payments for right-of-way.
Ditches for waterways when part of consideration.
Judgments and decreed costs to clear or defend titles.
Notarial fees.
Plats.
Premiums on condemnation bonds.
Recording deeds.
Payments for relinquishment of cattle passes and other rights.
Removal and relocation of buildings and other structures not purchased.
Rent of land when part of consideration for purchase.
Right-of-way agents' compensation (engaged solely in acquiring right of way).
Taxes accrued and assumed at time of purchase.

NOTE A.—The cost of land acquired in excess of that necessary for transportation operations shall be included in balance sheet account 768, "Property used in other than carrier operations." When the purchase of land acquired for transportation operations involves land not used for such purposes, the charges to this account shall be based upon the estimated cost of only that portion which is used for such purposes, and the cost of the remaining land shall be included in account 768, "Property used in other than carrier operations." Only the actual cost borne by the carrier for right-of-way and other lands acquired through vacation of streets and highways shall be included in this account. No donation should be considered as involved in the acquisition of such property.

NOTE B.—Amounts paid for options to purchase land for use in transportation operations shall be charged to account 782, "Other deferred debits." If the carrier subsequently purchases the land, the amount of the option payment shall be transferred to this account. If the carrier does not acquire the land and forfeits the option paid, the amount shall be charged to account 551, "Miscellaneous income charges."

3 Grading.

(a) This account shall include the cost of clearing and grading the roadway, and of constructing protection for the roadway, tracks, embankments and cuts.

(b) When a part of a bridge or trestle, or the entire structure, is converted by filling into an earth embankment, and the bridge or trestle is used in lieu of a temporary trestle which would otherwise be required for the filling, the estimated cost of such temporary trestle shall be included in the cost of the filling, and charged to this account. (See Note A, under account 6, "Bridges, trestles, and culverts.")

(c) When a tunnel is converted into an open cut, the cost of clearing, grubbing, and excavating shall be included in this account.

(d) When the carrier applies additional ballast to raise the height of track and leaves the old ballast in the roadbed as part of the subgrade, the cost of the excess quantity in the subgrade over the former established standard shown by the carrier's records, shall be charged to this account based on the cost of the old ballast or current grading prices, whichever is lower.

DETAILS OF ROADBED AND ITEMS OF EXPENSE

Advertising for contractors' bids.
Berm ditches.
Blasting.
Breakwaters.
Bulkheading.
Clearing land.
Cribbing.
Dikes (including those of earthen construction which are intended to function indefinitely).
Ditches (not required by right-of-way agreement).
Dressing slopes.
Excavation for conversion of tunnels into open cuts.
Filling bridges, trestles, and culverts.
Grading outfits.
Grubbing land.
Material taken from borrow pits.
New channels for streams.
Operations of steam shovels.
Payments for privilege of wasting material on the property of others.
Payments for waste banks off the right-of-way.
Retaining walls.
Revetments.
Riprap.
Spoil banks.
Temporary trestles for fills.
Tools for grading.
Wing dams.

4 Other right-of-way expenditures.

This account shall include the cost (in excess of cost of railway facilities installed, if any) actually borne by the

carrier of improvement projects (other than public improvement projects), such as the construction of canals, farm and other private passes, pipe lines, drains, and other facilities across the carrier's right-of-way.

5 Tunnels and subways.

This account shall include the cost of tunnels and subways for the passage of trains, including apparatus for ventilating and lighting and safety devices therein, other than signals.

NOTE A.—The cost of tracks, including guard rails, in tunnels shall not be charged to this account.

NOTE B.—Station subways not highway crossing are includible in account 16, "Station buildings".

NOTE C.—If a tunnel is converted into an open cut, the ledger value of the tunnel shall be credited to this account, and its service value charged to account 763, "Accumulated depreciation; Road and equipment property".

6 Bridges, Trestles, and Culverts.

This account shall include the cost of the substructure and superstructure of bridges, trestles, and culverts which carry the tracks of the carrier over watercourses, ravines, public and private highways, and other railways.

DETAILS OF BRIDGE STRUCTURES

Abutments.
Bridge signs.
Cofferdams.
Concrete and masonry ends for culverts.
Cribs.
Decking, including gravel for fire protection.
Dike protection.
Drainage systems.
Draw protection.
Drawbridge engines and machinery.
False work.
Guard timbers.
Ice breakers.
Painting (except repainting).
Pier protection.
Piers and foundations.
Pipe culverts.
Retaining walls.
Riprap around abutments.
Riprap at culverts ends.
Supports.
Water channels.
Waterproofing.
Wing dams.
Wing walls.

NOTE A.—When a part of the entire structure of a bridge or trestle is converted, by filling, into an earth embankment, the ledger value of the struuture, or of the portion thereof filled, shall be credited to this account. In case the bridge or trestle is used in lieu of a temporary trestle for the purpose of filling, the estimated cost of such temporary trestle shall be charged to account 3, "Grading". The ledger value of the structure or portion thereof, filled, less the value of the salvage and the estimated cost of trestle charged to account 3 shall be charged to account 763, "Accumulated depreciation; Road and equipment property".

NOTE B.—The cost of bridges to carry the carrier's tracks over undergrade crossing, including the necessary piers and abutments to sustain them shall be included in this account.

7 Elevated structures.

This account shall include the cost of elevated structures and foundations of elevated railway systems. This account is applicable to structures other than earthwork, which are for the purpose of elevating tracks above the grade of streets, and which are not properly classible as bridges or trestles.

NOTE.—The cost of stations and other structures built on elevated structures shall be accounted for according to the class of the structure thus superimposed and not in this account.

8 Ties.

This account shall include the cost of cross, switch, bridge and other track ties used in the construction of tracks for the movement or storage of locomotives and cars (including tracks in shops, fuel stations, supply yards, etc.), and the cost of additional ties subsequently laid in such tracks. (See Instruction 2–9(a) covering replacement betterments.)

NOTE A.—The cost of labor for unloading, distributing and placing the ties in tracks and the cost of train service in connection with the distribution of ties laid shall be charged to account 12, "Track laying and surfacing".

NOTE B.—The cost of ties used in the construction of car floats shall be included in the cost of such floating equipment.

9 Rails.

(a) This account shall include the cost of rails used in the construction of tracks for the movement or storage of locomotives and cars (including tracks in shops, fuel stations, supply yards, etc.); the cost of welding two or more lengths of rail into continuous lengths for use in construction of tracks; and the cost of the excess in weight of heavier rails laid in replacement of lighter rails.

(b) To this account shall be credited the cost (estimated if actual is not known) of the excess weight of heavier rails replaced with lighter rails.

NOTE A.—The cost of labor for unloading, distributing and placing the rails in tracks and of train service in connection with the distribution of the rails shall be charged to account 12, "Track laying and surfacing".

NOTE B.—The cost of rails used in the construction of car floats shall be included in the cost of such floating equipment.

10 Other track material.

This account shall include the cost of material used in the construction of tracks for the movement or storage of locomotives and cars (including tracks in shops, fuel stations, supply yards, etc.), except ballast and material chargeable to foregoing accounts; also the excess cost of heavier or improved "other track material" used in repairs of tracks over the cost of replacing in kind such material removed.

ITEMS OF OTHER TRACK MATERIAL

Angle bars.
Anticreepers.
Bumping posts.
Compromise joints.
Connecting rods.
Crossings, including foundations or bases.
Derails.
Frog blocking.
Frogs.
Guard-rail blocking.
Guard-rail clamps.
Guard-rail fasteners.
Guard rails, switch and other.
Main rods.
Nut locks.
Nuts.
Offset bars.
Rail braces.
Rail chairs.
Rail clips.
Rail joints.
Rail rests.
Rail shims.
Rail splices.
Splice bars.
Step chairs.
Switch chairs.
Switch crossings.
Switch lamps.
Switch locks and keys.
Switch points.
Switch stands.
Switch targets.
Switches.
Tie plates.
Tie plugs.
Tie rods.
Track bolts.
Track insulators.
Track spikes.

NOTE A.—The cost of labor and train service for distributing, unloading, and applying "other track material" shall be charged to account 12, "Track laying and surfacing".

NOTE B.—No entry is required in this account with respect to improved "other track material" unless installed under a definite plan of changing standards, such as increasing the weight of rail.

NOTE C.—The cost of "other track material" used in the construction of car floats shall be included in the cost of such floating equipment.

11 Ballast.

This account shall include the cost of gravel, stone, slag, cinders, sand, and like material used in ballasting tracks (including tracks in shops, fuel stations, supply yards, etc.) not previously ballasted, including cost of worktrain service and of unloading; cost of ballast applied in excess of ballast required to restore to its maximum height and width the ballast previously put on the roadbed; and the excess cost of improved ballast used in renewals over the cost to replace in kind to the original height and width the ballast removed. Charges to this account shall not exceed the cost of ballast applied to a depth of 24 inches beneath the tie, unless otherwise authorized by the Commission.

NOTE A.—Earth placed to form a crown in the middle of the track is not to be considered as ballast.

NOTE B.—The cost of ballast material placed on the decking of bridges solely for fire-protected purposes shall be included in account 6, "Bridges, trestles and culverts".

NOTE C.—This account shall be credited for the cost of old ballast left in the roadbed as part of the subgrade, where the quantity of such ballast exceeds the carrier's established standard due to the application of additional ballast. (See paragraph (d) of the text of account 3, "Grading".)

12 Track laying and surfacing.

This account shall include the cost of distributing (including train service), laying, and adjusting ties, rails, and other track material used in the construction of tracks for the movement or storage of locomotives or cars, including repair tracks, but not tracks on car floats.

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It shall also include the cost of the labor expended in placing ballast in tracks not previously ballasted.

NOTE A.—The cost of distributing and adjusting ties, rails, ballast, and other track material for repairs shall be charged to operating expenses, both when such materials are replaced in kind and when replaced with improved and heavier material.

NOTE B.—The cost of work-train service in delivering ballast and of unloading such material is provided for in account 11, "Ballast".

13 Fences, snowsheds and signs.

This account shall include:

(a) Fences. The cost of right-of-way fences and snow and sand fences, farm gates, cattle guards, wing fences, aprons, and hedges, on property not previously fenced, excluding those around stockyards, fuel stations, station and shop grounds, and building sites.

(b) Snowsheds. The cost of snowsheds, including initial cost of planting trees for protecting tracks from snow.

(c) Signs. The initial cost of signs other than those for identification of bridges, signals, stations and other structures.

SIGN ITEMS

Boundary signs.
Bridge-caution signs.
Crossing signs.
Curve and elevation markers.
Division-limit signs.
Mileposts.
Monuments.
Safety-first signs at crossings.
Section-limit signs.
Slow or stop signs.
Tunnel-caution signs.
Water-station signs.
Whistle signs.
Yard-limit signs.

NOTE A.—The cost of fences (other than right-of-way boundary fences) around stock yards, fuel and water stations, and other building sites, shall be charged to the accounts appropriate for the cost of the structures.

NOTE B.—The cost of signs for identifying bridges, signals, stations, and other structures shall be included in the account appropriate for the cost of the structures.

NOTE C.—The cost of crossing signals, including crossing gates, shall be included in account 27, "Signals and interlockers".

NOTE D.—This account shall also include the cost of replacing units of such property or substantial parts of fences or snowsheds the original cost of which are charged to this account.

15 General office buildings.

This account shall include the cost of general office structures, their fixtures, appurtenances, and furniture necessary to equip the buildings ready for use.

GENERAL OFFICE STRUCTURES AND DETAILS

Breakwaters for protection of buildings.
Buildings on piers.
Drainage and sewerage systems.
Elevators and machinery.
Fences.
Computers.
Freight handling machinery.
Gas-supply systems.
Heating plants.
Lighting plants.
Pavement within ground limits.
Platforms.
Power distribution systems, interior.
Rooms for train men, dispatchers.
Sidewalks.
Telegraph offices.
Water-supply systems.

NOTE A.—Office buildings used exclusively in connection with maintenance of way shall be included in account 17, "Roadway buildings". Those used exclusively in connection with maintenance of equipment shall be included in accounts 20, "Car shops", and 21, "Locomotive ships and enginehouses", as appropriate.

NOTE B.—The cost of grading and preparing grounds, both before and after the construction of office buildings, and the cost of constructing sidewalks, driveways, and fences thereon, shall be included in the cost of the buildings, as shall also the fees and expenses of architects employed to design or supervise the construction of the buildings, but the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts. The cost of permanent water rights shall also be included in the cost of the buildings.

16 Station buildings.

This account shall include the cost of station structures, their fixtures, appurtenances, and furniture necessary to equip the buildings ready for use.

STATION STRUCTURES AND DETAILS

Breakwaters for protection of buildings.
Buildings and rooms for trainmen.
Buildings on piers.
Coal transferring machinery (not on coal and ore wharves).
Coal trestles (not at fuel stations).
Computers.
Drainage and sewerage systems.
Elevators and machinery.
Fences.
Freight cranes and derricks.
Freight handling machinery.
Gas-supply systems.
Grain elevators and warehouses.
Heating plants.
Hoisting engines, for handling freight.
Lighting plants.
Ore-transferring machinery.
Pavement within ground limits.
Platforms, passenger, including planking between tracks.
Power distribution systems, interior.
Sidewalks.
Station footbridges (not highway crossings).
Station intertrack fences.
Telegraph offices.
Track scales.
Water-supply systems.
Yard offices.

NOTE.—The cost of grading and preparing grounds, both before and after the construction of station buildings, and the cost of constructing sidewalks, driveways, and fences thereon, shall be included in the cost of the buildings, as shall also the fees and expenses of architects employed to design or supervise the construction of the buildings, but the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts. The cost of permanent water rights shall also be included in the cost of the buildings.

17 Roadway buildings.

This account shall include the cost of roadway shops and other roadway buildings, including drainage, water, gas, and sewer pipes and connections; and all machinery, fixtures, and furniture to equip the building ready for use.

LIST OF ROADWAY BUILDINGS

Blacksmith shops.
Breakwaters for protection of buildings.
Carpenter shops.
Fire-engine houses.
Frog shops for repair of track material.
Hand-car houses.
Lighting plants.
Lumber sheds.
Planning mills.
Rail reclamation plant.
Rail shops for repair of track material.
Rail welding plant.
Repair shops.
Scrap bins.
Section dwelling houses.
Tool houses.

NOTE.—The cost of grading and preparing grounds both before and after the construction of roadway buildings, and the cost of constructing sidewalks, driveways, and fences thereon shall be included in the cost of the buildings, as shall also the fees and expenses of architects, employed to design or supervise the construction of the buildings, but the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts. The cost of permanent water rights shall also be included in the cost of the buildings.

18 Water stations.

This account shall include the cost of structures, facilities, and appliances necessary to equip for service, stations for supplying water. The cost of analyses of water preliminary to the establishment of water stations shall be included in this account.

WATER STATION STRUCTURES AND DETAILS

Boilers.
Breakwaters for protection of buildings.
Buildings on piers.
Cisterns and dams.
Fences.
Pump houses.
Purifying plants.
Reservoirs and wells.
Settling basins.
Stationary engines.
Steam pipes.
Tanks and foundations.
Water pipe lines.
Water-treating plants.

NOTE A.—The cost of water stations used solely for supplying water to shops, power plants, stations, hotels, tenement houses, or section houses shall be charged to the appropriate accounts relating to the property so supplied.

NOTE B.—The cost of a temporary water station established only for use during the construction period shall be included in the primary accounts to which is charged the cost of the work in connection with which the water station is used.

NOTE C.—The cost of grading and preparing grounds both before and after the construction of water station buildings, and the cost of constructing sidewalks, driveways, and fences thereon shall be included in the cost of the buildings, as shall also the fees and expenses of architects employed to design or supervise the construction of the buildings, but the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts. The cost of permanent water rights shall also be included in the cost of the buildings.

19 Fuel stations.

This account shall include the cost of structures, facilities other than tracks, and appliances necessary to equip for service, stations for supplying fuel to locomotives and floating equipment.

FUEL STATION STRUCTURES AND DETAILS

Breakwaters for protection of buildings.
Buildings on piers.
Coal buckets and hoists.
Coal pockets and chutes.
Dumping machinery.
Elevating machinery.
Fences.
Fuel houses or stations.
Fuel-oil plants, pumps and tanks.
Fuel platforms and wharves.
Stationary engines.
Tipple cars.
Weighing apparatus.

NOTE A.—The cost of fuel stations, coal houses, etc., used soleley for supplying fuel to shops, power plants, stations, hotels, tenement houses, or section houses shall be charged to the appropriate accounts relating to the property so supplied.

NOTE B.—The cost of a temporary fuel station established only for use during the construction period shall be included in the primary accounts to which is charged the cost of the work in connection with which the fuel station is used.

NOTE C.—The cost of grading and preparing grounds both before and after the construction of fuel station buildings, and the cost of constructing sidewalks, driveways, and fences thereon, shall be included in the cost of the buildings, as shall also the fees and expenses of architects employed to design or supervise the construction of the buildings, but the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts. The cost of permanent water rights shall also be included in the cost of the buildings.

20 Car shops.

This account shall include the cost of buildings to be used as shops and storehouses for material for maintenance of equipment; foundations, except those special to particular machines and other apparatus; furniture and fixtures other than equipment chargeable to account 44, "Shop machinery"; drainage, sewerage, and water supply systems; and plants for heat and light.

SHOP STRUCTURES AND DETAILS

Air-compressor houses.
Bins for material.
Blacksmith shops.
Breakwaters for protection of buildings.
Buildings on piers.
Car sheds and shops.
Carpenter shops.
Cinder pits and pockets.
Electric-power distribution systems within buildings.
Fire-engine houses.
Footbridges (not public highways).
Foundries and machine shops.
Gas-compressor houses.
Heating and lighting plants.
Laboratories.
Lumber sheds.
Material and supply truck tracks.
Motor-crane tracks.
Offices, shop.
Paint shops.
Pipe lines, air, and heat.
Pipe lines, gas, interior.
Planning mills and repair shops.
Platforms, shop and yard.
Scale houses and scales.
Scrap bins.
Sidewalks.
Steam-distribution systems, interior.
Storehouses.
Tanks, gas, and oil.
Test rooms.
Turntables.
Upholstering shops.
Warehouses.

NOTE A.—The cost of distinct power plant buildings for shop purposes shall be included in account 29, "Power plants". The cost of distribution systems leading from such power plants to shops shall be included in account 31, "Power-transmission systems".

NOTE B.—The cost of grading and preparing grounds both before and after the construction of shop buildings, and the cost of constructing sidewalks, driveways, and fences thereon, shall be included in the cost of the buildings, as shall also the fees and expenses of architects employed to design or supervise the construction of the buildings, but the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts. The cost of permanent water rights shall also be included in the cost of the buildings.

NOTE C.—The cost of shop buildings devoted solely to the maintenance of way and structures shall be included in account 17, "Roadway buildings".

21 Locomotive shops and enginehouses.

This account shall include the cost of buildings to be used as shops, enginehouses, and storehouses for material for maintenance of locomotives; foundations, except those special to particular machines and other apparatus; furniture and fixtures other than equipment chargeable to account 44, "Shop machinery", drainage, sewerage and water supply systems; and plants for heat and light.

SHOP AND ENGINEHOUSE STRUCTURE AND DETAILS

Air-compressor houses.
Bins for material.
Blacksmith shops.
Breakwaters for protection of buildings.
Buildings on piers.
Carpenter shops.
Cinder pits and pockets.
Electric-power distribution systems within buildings.
Enginehouses.
Fire-engine houses.
Footbridges (not public highways).
Foundries and machine shops.
Gas-compressor houses.
Heating and lighting plants.
Laboratories.
Lumber sheds.
Material and supply truck tracks.
Motor-crane tracks.
Offices, shop.
Paint shops.
Pipe lines, air, and heat.
Pipe lines, gas, interior.
Planning mills and repair shops.
Platforms, shop and yards.
Scale houses and scales.
Scrap bins.
Sidewalks.
Steam-distribution systems, interior.
Storehouses.
Tanks, gas, and oil.
Test rooms.
Turntables.
Upholstering shops.
Warehouses.

NOTE A.—The cost of distinct power plant buildings for shop purposes shall be included in account 29, "Power plants". The cost of distribution systems leading from such power plants to shops and enginehouses shall be included in account 31, "Power-transmission systems".

NOTE B.—The cost of grading and preparing grounds both before and after the construction of shop and enginehouse buildings, and the cost of constructing sidewalks, driveways, and fences thereon, shall be included in the cost of the buildings, as shall also the fees and expenses of architects employed to design or supervise the construction of the buildings, but the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts. The cost of permanent water rights shall also be included in the cost of the buildings.

NOTE C.—The cost of shop buildings devoted solely to the maintenance of way and structures shall be included in account 17, "Roadway buildings".

22 Storage warehouses.

This account shall include the cost of storage warehouses, including machinery and fixtures therein. The buildings herein referred to are not the ordinary freight warehouses or stations where freight is received for shipment, etc., but warehouses in which merchandise is stored and which the railway companies operate as storage warehouses.

NOTE A.—The cost of grading and preparing grounds both before and after the construction of storage warehouse buildings, and the cost of constructing sidewalks, driveways, and fences thereon, shall be included in the cost of the buildings, as shall also the fees and expenses of architects employed to design or supervise the construction of the buildings, but the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts. The cost of permanent water rights shall also be included in the cost of the buildings.

NOTE B.—The cost of warehouses leased to noncarriers shall be charged to account 768, "Property used in other than carrier operations."

23 Wharves and docks.

This account shall include the cost of wharves, docks, dry docks, slips, float bridges, and other landings for vessels, including the cost of necessary dredging and the cost of float-bridge machinery; also the cost of piling, pile protection, cribs, coffer-dams, walls, and other necessary devices and apparatus for the operation or protection of wharves and docks.

DETAILS OF WHARVES AND DOCKS

Bridge pontoons.
Bulkheads.
Caissons and cribwork.
Dry docks.
Ferry-bridge machinery.
Ferry bridges.
Ferry slips.
Jetties and inclines.
Transfer-bridge machinery.
Transfer bridges.

NOTE A.—The cost of coal and ore wharves and docks shall be included in account 24, "Coal and ore wharves".

NOTE B.—The cost of the land on which wharves are built and cost of riparian or water rights for wharves and docks shall be charged to account 2, "Land for transportation purposes".

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NOTE C.—The cost of buildings located on wharves shall be included in the accounts appropriate for the class of buildings.

NOTE D.—The cost of grading and preparing grounds both before and after the construction of wharves (other than coal and ore wharves) and the cost of constructing sidewalks, driveways, and fences thereon, shall be included in the cost of the wharves, but the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts. The cost of permanent water rights shall also be included in the cost of the wharves.

24 Coal and ore wharves.

This account shall include the cost of wharves and docks for the transfer, treatment, blending, or storage of coal or ore, including the cost of necessary dredging and of conveyors, machinery, and fixtures.

NOTE A.—The structures referred to in the account do not include small transfer or storage trestles or wharves at stations where coal is stored or delivered, such trestles being classed as station buildings.

NOTE B.—the cost of grading and preparing grounds both before and after the construction of coal and ore wharves, and the cost of constructing sidewalks, driveways, and fences thereon, shall be included in the cost of the wharves, as shall also the fees and expenses of architects employed to design or supervise the construction of wharves, but the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts. The cost of permanent water rights shall also be included in the cost of the wharves.

25 TOFC/COFC terminals.

This account shall include the cost of structures, fixtures, machinery and appurtenances comprising terminals used for loading and unloading trailers and containers on and from flat cars.

TOFC/COFC TERMINAL STRUCTURES AND DETAILS

Cranes and hoists, including related machinery and appurtenances.
Drainage and sewerage.
Fences.
Grading and preparing grounds for TOFC/COFC terminals.
Offices, TOFC/COFC terminal.
Lighting system.
Platforms, ramps and appurtenances.
Power distribution systems.
Sidewalks, pavements and driveways on terminal grounds.
Terminal trucks and tractors.

NOTE A.—"Trailer", as used in the text and elsewhere in this system of accounts unless otherwise indicated in the context, means trailer bodies used in TOFC/COFC service which are permanently mounted on running gear. "Containers" means trailer bodies used in TOFC/COFC service which are not permanently mounted on wheels or chassis, but are separated from such running gear before being loaded on flat cars.

NOTE B.—The cost of grading and preparing grounds both before and after the construction of TOFC/COFC terminals, and the cost of constructing sidewalks, driveways, and fences thereon, shall be included in the cost of the buildings, as shall also the fees and expenses of architects employed to design or supervise the construction of the buildings, but the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts. The cost of permanent water rights shall also be included in the cost of the buildings.

26 Communication systems.

This account shall include the cost of telegraph, telephone, radio, radar, inductive train communication, and other *communication systems, including terminal* equipment.

DETAILS OF TELEGRAPH AND TELEPHONE TERMINAL EQUIPMENT

Batteries.
Cables and wires, interior.
Carrier terminating equipment.
Conduits, interior.
Connecting wires.
Current-controlling instruments.
Electric generators and motors.
Electric meters.
Engines, stationary.
Fuses and mechanical protectors.
Rectifiers.
Rheostats.
Sending and receiving instruments.
Switchboards.
Telegraph repeaters.
Telephone repeaters.
Teletypewriters.
Testing outfits.
Transformers.

DETAILS OF TELEGRAPH AND TELEPHONE OUTSIDE PLANT

Aerial attachments.
Braces.
Brackets.
Cable boxes and appurtenances.
Cable and wires, aerial.
Conduits and appurtenances.
Cross arms.
Gas and associated facilities for cables.
Guy stubs.
Guy wires.
Insulators.
Load coils.
Submarine cables and connections.
Telephone pole boxes.
Towers.
Underground cables and connections.

DETAILS OF RADIO, RADAR, AND INDUCTIVE TRAIN COMMUNICATION EQUIPMENT

Aerials or antenna, and attachments.
Buildings or towers used exclusively for wireless.
Control units.
Power generating, converting, or supply equipment.
Radar console and associated equipment.
Roadside or office equipment for all wireless systems operated on special channels between train and train, train and tower or office, or between ship and shore.
Specialized testing and repair equipment.
Transmitters and receivers, including mobile units.

NOTE A.—Radio, radar or trainphone equipment (except portable apparatus) which is permanently attached to locomotives, cars, work equipment, or other rolling stock or floating equipment shall be included in the same accounts as the equipment on which installed. Wireless sets for instruction, advertising, or entertainment shall be included in the same accounts as the building in which located.

NOTE B.—Communication systems of limited extent, not connected with other systems used for special purposes and usually installed within a single building, group of buildings, or within the limits of a station or shop layout or yard, shall be included in the same account as the building in which located or in the account appropriate for the service with which associated.

ITEMS

Buzzers, bells, dictaphone or other interoffice communication systems in an office or group of buildings.
Loud speakers, bells, or whistles in shop and other yards.
Loud speakers, public address devices, press button control lights, telautograph or other systems in stations or on platforms.
Whistles, klaxons, or horns operated from signals towers.

NOTE C.—Test sets shall be classified as tools and included in the account appropriate for their use.

27 Signals and interlockers.

This account shall include the cost of interlocking and other signals apparatus for governing the movements of locomotives, cars, and trains, and for the protection of traffic at crossings, including towers and other buildings, furniture, fixtures, and machinery in connection therewith; roadway installations for train control and remote control including the cost of the initial tests of such installation; also the cost of buildings and machinery of power plants used primarily for the production of power for the operation of signals and interlockers.

ITEMS

Automatic-train control devices other than on equipment.
Call-bell systems along track to call in flagmen.
Call boxes, electric.
Car-retarder systems.
Centralized traffic control.
Crossing flasher-light signals.
Crossing gates, highway and railway.
Crossing signals bells.
Crossing warning signals.
Interlocker buildings and machinery.
Power apparatus primarily for the operation of signals and interlockers.
Power-distribution lines primarily for the operation of signals and interlockers.
Signal buildings.
Signal machinery, poles and foundations.
Train-order signals.

NOTE A.—When signal or interlocking apparatus is located in a station building, only the cost of the signal or interlocking apparatus shall be charged to this account. The entire cost of the building shall be included in account 16, "Station buildings".

NOTE B.—The cost of track material, such as switches, special rail braces, special roads, special track fastenings, split rails, derails, derail stands, and frogs, used in connection with interlockers, shall be included in account 10, "Other track material".

NOTE C.—When derails are arranged so as to be thrown from switch stands, the cost of labor expended in the installation of the connections between the switch stand and derail and the devices for throwing the derail shall be included in account 12, "Track laying and surfacing". The cost of the material shall be included in account 10, "Other track material".

NOTE D.—The cost of grading and preparing grounds both before and after the construction of signal and interlocker buildings, and the cost of constructing sidewalks, driveways, and fences thereon, shall be included in the cost of the buildings, as shall also the fees and expenses of architects employed to design or supervise the construction of the buildings, but the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operat-

ing expense accounts. The cost of permanant water rights shall also be included in the cost of the buildings.

29 Power plants.

This account shall include the cost of power-plant and substation buildings (housing machinery provided for in account 45, "Power-plant machinery"); all foundations other than those special to particular machines and apparatus; and also dams, canals, pipe lines, and accessories devoted to the utilization of water for power. Gas and sewer pipes and their connections, fixtures (including wiring) for lighting and heating, and furniture and miscellaneous fixtures shall be considered as a part of the power-plant buildings.

POWER-PLANT STRUCTURE ITEMS

Buildings.
Coal bunkers, pockets and trestles.
Fences (other than right-of-way boundary fences).
Fixtures for lighting (including wiring) and heating power-plant buildings.
Foundations (except special foundations for machines and other apparatus).
Fuel-oil tanks.
Furniture.
Hose and appliances for protecting buildings against fire.
Pavement within ground limits.
Permanent rights in water supply.
Platforms.
Smoke stacks and chimneys and their foundations when distinct from and not resting on boilers.
Water, sewer, gas, and drainage, pipes and connections.
Wells (but not pumps).

DAM, CANAL, AND PIPE-LINE ITEMS

Aqueducts.
Bridges.
Fences (other than right-of-way boundary fences).
Footbridges.
Reservoirs.
Roadways.
Sluices.
Valves.
Water rights.

NOTE A.—The cost of power-plant machinery, including stacks resting on boilers, and special foundations for machines, shall be included in account 45, "Power-plant machinery".

NOTE B.—The cost of the buildings and of the power machinery and other apparatus of plants used primarily for operating signals and interlockers shall be included in account 27, "Signals and interlockers".

NOTE C.—Investment in buildings and machinery of detached plants for furnishing power both for operating purposes and for sale shall be included in this account and in account 45, "Power-plant machinery" respectively. When plants are intended and used primarily for generating power for sale to other than common carriers, the investment shall be included in account 768, "Property used in other than carrier operations".

31 Power-transmission systems.

This account shall include the cost of systems for conveying electricity, steam, and compressed air from producing plants to place or building where used; also the cost of conduits and of poles, cross arms, insulator pins, brackets, and other pole fixtures, and of other structures for power-transmission and distribution systems, including those for electric railway operation, and lighting systems for general lighting purposes.

POWER-TRANSMISSION SYSTEM ITEMS

Air pipe-line in car yards.
Compressed air pipe-lines.
Compressed air storage tanks (not at power houses or shops).
Cut-outs (not at power houses and substations).
Overhead trolley wires.
Rail-insulating devices.
Steam-heating pipe-lines in car yards.
Switchboards (not at power houses and substations).
Third-rail insulation and protection.
Transformers (not at power houses and substations).
Underground power tubes.

POLE-LINE AND CONDUIT ITEMS

Braces and other support for holding poles in position.
Brackets, cross arms, and other pole fixtures.
Conduits for wires and cables.
Cutting and trimming trees.
Guy stubs and wires.
Manholes.
Poles and towers.
Sewer traps.
Stenciling or painting letters or numbers on poles.

NOTE A.—The cost of wire and pipe-distribution systems located within shop buildings and in stations and office buildings shall be included in the cost of the buildings, except that lateral service lines to equipment-shop machines shall be included in account 44, "Shop machinery." The cost of distribution systems used primarily for operating signals and interlockers shall be included in account 27, "Signals and interlockers."

NOTE B.—The cost of conduits and of poles and fixtures for telegraph and telephone, or signal lines shall be included in account 26, "Communication systems", or account 27, "Signals and interlockers", as appropriate. The cost of poles and conduits used for telegraph and telephone or signal lines and for power-distribution lines shall be included in the account appropriate according to their predominant use.

35 Miscellaneous structures.

This account shall include the cost of all permanent structures not provided for elsewhere, including all fixtures and furniture to equip them for use.

MISCELLANEOUS STRUCTURES ITEMS

Floodlight tower installations in yards.
Grain elevators-where grain is stored for owners.
Storehouses of general purpose materials and supplies.

NOTE A.—Small storage elevators at way stations where grain is received for shipment are classed as station buildings.

NOTE B.—The cost of grading and preparing grounds both before and after the construction of miscellaneous structures and the cost of constructing sidewalks, driveways, and fences thereon, shall be include in the cost of the structures as shall the fees and expenses of architects employed to design or supervise the construction of the buildings, but the cost of restoring the grounds after additional and beterment work shall be included in the appropriate operating expense accounts.

37 Roadway machines.

This account shall include the cost of the initial outfit of roadway machines provided for the maintenance of roadway and structures at the time the road is opened for commercial traffic, and the cost of additional roadway machines acquired subsequently. This account shall also include the cost of on and/or off-track automotive vehicles, permanently equipped with special-purpose machinery such as hydraulic cranes, derricks, ditching apparatus, pile-driving equipment, and similar machines listed below, and used exclusively in maintenance of way and structures.

LIST OF ROADWAY MACHINES

Boilers, portable.
Cars, hand.
Cars, lever.
Cars, motor inspection.
Cars, push.
Cars, (small), crane, for supply yards and general use.
Concrete mixers.
Ditching machines.
Dredging machines.
Engines, portable.
Grading outfits.
Hydraulic outfits.
Jacks, hydraulic.
Log loaders.
Pile drivers.
Plows, unloading.
Rail unloaders.
Rock crushers.
Steam rollers.
Timber trucks.

NOTE A.—When an important addition and betterment project or the construction of a new line necessitates the purchase of roadway machines to be used exclusively thereon, the cost shall be included in the accounts to which the cost of the work is charged. The amount realized from any subsequent sale, or the appraised value of the machines retained after the completion of the special work for which they were purchased, shall be credited to the accounts charged with the cost thereof. The appraised value of such machines retained shall be debited to this account and thereafter considered as the cost of such property.

NOTE B.—The cost of machines for the equipment of roadway shops will be included in the account 17, "Roadway buildings", as provided for therein.

NOTE C.—The cost of roadway machines, such as pile drivers, log loaders, hoist engines, and concrete mixers, when permanently mounted for movement on the carrier's tracks, shall be included in account 57, "Work equipment".

39 Public improvements; construction.

This account shall include amounts assessed on carrier property by governmental authority (by mutual agreement or otherwise) to cover the cost of constructing public improvements, when such assessments are made against property within defined areas of taxing districts. The account shall include carrier's portion of the cost of public improvements constructed under governmental requirements. See Instruction 2-17. The entire amount of each assessment and other liabilities for public improvements shall be included in this account as soon as the amounts are determined.

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ITEMS

Cost of land outside carrier's right-of-way to provide for the relocation of streets or highways or providing slopes therefor.
Cost of removal and relocation of buildings and other structures in connection with the construction of streets and highways.
Curbing streets and highways.
Damage to property of others when incidental to highway construction.
Drainage systems.
Engineering—When such costs apply to items chargeable to this account.
Flood protection.
Grading streets and highways.
Guttering streets and highways.
Irrigation systems.
Levees.
Overhead highway bridges, including approaches.
Paving streets and highways, including such pavings at crossings.
Planking, highway crossings.
Sewer systems.
Sidewalks.
Street-lighting systems.
Water works.

NOTE A.—The cost of railway facilities installed in connection with joint public improvement projects if not in excess of total costs borne by the carrier shall be included in accounts other than account 39, "Public improvements; construction", appropriate for the class of property installed. Any costs borne by the carrier in excess of the cost of railway facilities shall be charged to this account. The lessor shall charge the ocst of assessments for public improvements which is borne by joint owner tenants to the appropriate property accounts other than account 39, "Public improvements; construction", assessments from tenant owners shall be credited to account 913, "Other capital in excess of par or stated value". The owner tenants shall charge their proportionate share of the assessment to account 751, "Investments and advances; affiliated companies". The carrier shall charge the appropriate property accounts other than the public improvement account for the cost of public improvement assessments borne by nonowner tenants with contra credit to account 091300, "Purchased services; Joint facility-Credit", and the tenants shall charge their proportionate share of the assessments to account 091200, "Purchased services; Joint facility-debit".

NOTE B.—The cost to the carrier of maintaining public improvements shall be included in operating expenses.

NOTE C.—Any portion of the cost of public improvements which is included in the general tax levy for a regular taxing district shall be included in the account appropriate for the taxes.

NOTE D.—The amount of the deferred payments of assessments for public improvements, if payments are to be made within one year, shall be included in account 835, "Other current liabilities". If the payments are spread over a longer period they shall be credited to account 852, "Other liabilities". The interest paid on such assessments shall be included in account 547, "Interest on unfunded debt".

NOTE E.—Interest and penalties imposed, on basis of monthly or annual percentage rates, for failure to pay assessments within the allotted time, shall be charged to account 547, "Interest on unfunded debt".

NOTE F.—Assessments on noncarrier property for the cost of constructing public improvements shall be charged to account 768, "Property used in other than carrier operations".

44 Shop machinery.

This account shall include the cost of machinery and other apparatus in shops and engine houses, including the cost of special foundations and installation and cost of small hand tools necessary first to equip a shop.

LIST OF SHOP MACHINERY

Ash conveyors.
Air compressors.
Belting.
Blowers.
Boilers for furnishing power.
Boring machines.
Cars, motor.
Cars, push.
Cranes.
Drilling machines.
Drop tables.
Forges.
Framing machines.
Furnaces.
Grinding and polishing machines.
Hoists.
Hydraulic jacks.
Lathes.
Lifting magnets.
Metal chimneys.
Milling machines.
Motors.
Pipe cutting and threading machines.
Planers.
Pneumatic hammers.
Power equipment.
Punches.
Riveters.
Saws.
Shafting.
Shapers.
Slotters.
Stationary engines.
Steam hammers.
Vices.
Welding machines.
Woodworking machines.

NOTE A.—The cost of powerplant machinery and other apparatus for shop purposes, when located in distinct buildings, shall be included in account 45, "Power-plant machinery".

NOTE B.—The cost of foundations other than those special to particular machines and other apparatus shall be included in the cost of the building and not in this account.

45 Power-plant machinery.

This account shall include the cost of machinery and other apparatus in power plants and substations for generating and transforming power used for the operation of trains and cars or to furnish power, heat, and light for stations, shops, and general purposes, and also the cost of foundations special to particular machines or other apparatus including the cost of installation.

ITEMS

Air compressors.
Ash-conveying machinery.
Battery-charging apparatus.
Boiler-room appliances and tools.
Boilers and fittings.
Circuit breakers.
Furnaces.
Ice-manufacturing machinery and apparatus.
Lubricating devices.
Mechanical stokers.
Metal stacks on boilers.
Refrigerating machinery and apparatus.
Rotary converters.
Sewer connection for machinery.
Coal-conveying machinery.
Condensers.
Cranes.
Draft machinery.
Dynamos.
Engine-room appliances and tools.
Feed water heaters.
Special foundations for machines.
Steam-distribution systems within the plant.
Switchboards.
Tanks.
Tractors, trailers, and trucks, permanently assigned to power plants.
Transformers.
Turbines.
Water meters.
Well pumps.

NOTE A.—The cost of power machinery and other apparatus installed in a shop as part of the shop equipment shall be included in account 44, "Shop machinery".

NOTE B.—The cost of power machinery and other apparatus installed in station and office buildings shall be included in accounts 15, "General office buildings", and 16, "Station buildings", as appropriate.

NOTE C.—The cost of buildings and the power machinery and other apparatus of plants used primarily for operating signals and interlockers shall be included in account 27, "Signals and interlockers".

NOTE D.—The cost of foundations other than those special to particular machines and other apparatus shall be included in the cost of the building and not in this account.

NOTE E.—The cost of machinery and buildings of detached plants for producing power both for operating purposes and for sale shall be included in this account and in account 29, "Power plants", respectively. When plants are intended and used primarily for generating power for sale to non carriers the investment shall be included in account 768, "Property used in other than carrier operations".

Equipment

50 Equipment.

The several primary accounts included in this general account are designed to show the cost of several classes of equipment vehicles and shop and power-plant equipment owned by the carrier, or held under equipment trust agreements or other contractual obligation for purchase of the property.

52 Locomotives.

(a) This account shall include the cost of locomotives and tenders purchased or built by the carrier, and of appurtenances, furniturg, and fixtures necessary to equip them for service, including the cost of inspection, setting up, and trying out after receipt from builders, and transportation charges to the carrier's line.

(b) Records shall be maintained to reflect separately the investment cost of locomotives on the basis of their initial identification for depreciation purposes; i.e., road passenger, road freight, road switching and yard switching.

LIST OF APPURTENANCES TO LOCOMOTIVES

Air brake equipment and hose.
Arm rests.
Brake fixtures.

Cab cushions.
Clocks.
Fire-extinguishing apparatus.
Arm rests.
Gongs.
Headlamps.
Metallic packing.
Pneumatic sanding equipment.
Radio equipment, permanently attached.
Seat boxes.
Signal lamps.
Speed recorders.
Steam-gauge lamps.
Steam-heat equipment and hose.
Storm doors.
Tool boxes.
Train-signal equipment and hose.

NOTE.—Cars with motor equipment are not to be classed as locomotives.

53 Freight-train cars.

This account shall include the cost of freight-train cars of all classes, including motor-driven cars, purchased or built by the carrier, including all appurtenances, furniture, and fixtures necessary to equip them for service, and the cost of inspection and transportation charges to the carrier's line.

LIST OF FREIGHT-TRAIN CARS

Automobile.
Ballast (commercial).
Beer.
Box.
Cabin.
Caboose.
Charcoal.
Coal.
Coke.
Dump (commercial).
Express.
Flat.
Fruit.
Furniture.
Gondola.
Gondola (hopper).
Gondola (long).
Gun truck.
Hay.
Lime.
Mail.
Oil Tank.
Ore.
Logging.
Platform.
Poling.
Poultry.
Produce.
Rack.
Refrigerator.
Stock.
Tank and water (when used as commercial cars).

LIST OF APPURTENANCE TO FREIGHT-TRAIN CARS

Air-brake equipment, including hose.
Cooking equipment and utensils.
Heating units.
Lamps and fixtures.
Loading devices.
Refrigeration units.
Seats.
Speed recorders.
Train-signal equipment, including hose.
Water tanks.

54 Passenger-train cars.

This account shall include the cost of passenger-train cars of all classes, including motor-driven cars, purchased or built by the carrier, including all appurtenances, furniture, and fixtures necessary to equip them for service, and cost of inspection and transportation charges to the carrier's line.

LIST OF PASSENGER-TRAIN CARS

Automobile.
Baggage.
Baggage-express.
Baggage-mail.
Baggage-mail-express.
Buffet.
Cafe, chair, and club.
Dining.
Library.
Milk.
Observation.
Parlor.
Parlor-baggage.
Passenger.
Passenger-baggage.
Passenger-baggage-mail.
Postal.
Refrigerator-express.
Sleeping.
Smoking.
Tourists.

LIST OF APPURTENANCES TO PASSENGER-TRAIN CARS

Air-brake equipment including hose.
Bedding.
Chairs.
Coat hooks.
Curtain and fixtures.
Cushions.
Electric bells.
Floor coverings.
Heating equipment.
Ice boxes.
Ice tanks.
Kitchen equipment and utensils.
Lighting equipment.
Mail catchers.
Parcel racks.
Rangers and boilers.
Seats.
Speed recorders.
Steam-heat hose.
Table china.
Table glassware.
Table linen.
Table silver.
Toilet equipment.
Train-signal equipment, including hose.
Water tanks.

55 Highway revenue equipment.

(a) This account shall include the cost of highway vehicles used in revenue transportation service, including pickup and delivery service, substitute line-haul service, and TOFC/COFC service; also the cost of appurtenances (such as radio communication equipment) necessary to equip them for service, and the inspection and transportation costs and charges required for delivery of the vehicles into the carrier's revenue service.

(b) Records shall be maintained to identify the carrier's investment in the following equipment, including appurtenances:

LIST OF HIGHWAY REVENUE EQUIPMENT

Bogies.
Buses.
Chassis.
Containers.
Semi-trailers.
Tractors.
Trailers.
Trucks.

LIST OF APPURTENANCES TO HIGHWAY REVENUE EQUIPMENT

Fire extinguishers.
Heating units.
Radio communication equipment.
Refrigeration units.
Rigging equipment.
Road dollies.
Tarpaulins.

NOTE.—The cost of trucks and tractors, which are used exclusively at TOFC/COFC terminals for loading and unloading trailers and containers on and from flat cars shall be charged to account 25, "TOFC/COFC terminals".

56 Floating equipment.

This account shall include the cost of marine or floating equipment of all kinds except work equipment, purchased or built by the carrier, including all appurtenances, furniture, and fixtures necessary to equip it for service, and cost of inspection and transportation charges to the carrier's line.

LIST OF FLOATING EQUIPMENT

Barges.
Canal boats.
Car and other floats.
Ferryboats.
Lighters.
Power launches.
Power lighters.
Scows.
Steam boats.
Steamships.
Transfer boats.
Tugboats.

LIST OF APPURTENANCES TO FLOATING EQUIPMENT

Anchors.
Barometers.
Beds and bedding.
Binnacle lamps.
Blocks and tackle.
China, crockery, and glassware.
Chronometers.
Compasses.
Desks and furniture.
Engines and foundations.
Fire buckets and extinguishers.
Floor coverings.
Gangplants.
Heating equipment.
Hoisting equipment.
Kitchen equipment.
Life preservers.
Lighting equipment.
Linen.
Logs.
Machinery and foundations.
Masts.
Boilers and foundations.
Cables.
Capstan bars.
Charts.
Pianos and other musical instruments.
Pumps.
Railings.
Rigging.
Sails.
Scales.
Seats, chairs, and cushions.
Spyglasses and telescopes.
Steam distribution systems.
Steering equipment.
Ticket cases.
Tool boxes and tools.
Tracks on car floats.
Ventilating equipment.

57 Work equipment.

This account shall include the cost of work equipment, including motor-driven equipment, purchased or built by the carrier; cost of appurtenances, furniture, and fixtures necessary to equip it for service, and cost of inspection and transportation charges to the carrier's line.

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LIST OF RAIL WORK EQUIPMENT

Air-brake instruction cars.
Ballast cars.
Ballast unloader cars.
Boarding cars.
Bridge cars.
Business cars.
Camp cars.
Cinder cars.
Concrete mixers (mounted).
Derrick cars.
Dirt spreaders (mounted).
Ditching cars.
Dump cars.
Dynamometer cars.
Gas tank cars.
Grading cars.
Gravel cars.
Indicator cars.
Locomotive tanks used permanently as water cars.
Locomotives.
Officers' cars.
Outfit cars.
Painters' cars.
Pay cars.
Pile drivers (mounted).
Rail cars.
Rail saws (mounted).
Salt cars.
Sanding cars.
Scale test cars.
Scraper cars.
Snow dozers.
Snow drags.
Snow plows (moved by but not attached to locomotives).
Sprinkling cars.
Steam shovels.
Steam wrecking derricks.
Supply cars.
Sweeper cars.
Tool cars.
Tool and block cars.
Water cars.
Weed burners (mounted).
Wrecking cars.

LIST OF FLOATING WORK EQUIPMENT

Derricks.
Dredges.
Pile drivers.

58 Miscellaneous equipment.

(a) This account shall include the cost of automobiles, trucks and other highway equipment not used in revenue transportation service and not provided for elsewhere; the cost of airplanes; the cost of appurtenances (such as radio communication equipment) necessary to equip them for service; and the inspection and transportation costs and charges required for delivery of the vehicles to the carrier.

(b) The cost of on and/or off-track automotive vehicles, which are permanently equipped with special-purpose machinery and used exclusively in maintenance of way and structures, shall be charged to account 37, "Roadway machines".

LIST OF MISCELLANEOUS EQUIPMENT

Airplanes.
Automobiles.
Buses.
Emergency repair vehicles.
Road dollies.
Semi-trailers.
Tractors.
Trailers.
Trucks.
Wreckers.

LIST OF APPURTENANCES TO MISCELLANEOUS EQUIPMENT

Fire extinguisher.
Radio communication equipment.
Rigging Equipment.
Tarpaulins.

General Expenditures

70 General expenditures.

The primary accounts of this general account are designed to include expenditures made in connection with the acquisition and construction of original road and equipment, and with extension, additions, and betterments to road and equipment property, when such expenditures cannot properly be included in any of the foregoing accounts as a part of the cost of any specific work. When assignable, such expenditures shall be included in the cost of the property in connection with which the expenditures occur.

76 Interest during construction.

(a) When any bonds, notes, or other evidences of indebtedness are sold, or any interest-bearing debt is incurred for acquisition and construction of original road and equipment, extensions, additions, and betterments, the interest accruing on the part of the debt representing the cost of property chargeable to road and equipment accounts (less interest, if any, allowed by depositaries on unexpended balances) after such funds become available for use and before the receipt or the completion or coming into service of the property so acquired shall be charged to this account.

(b) When such securities are sold at a premium the proportion of such premium asisgnable to the time between the date of the actual issuance of the securities and the time when the property acquired or the improvement made becomes available for service shall be credited to this account.

(c) This account shall also include such proportion of the discount and expense on funded debt issued for the acquisition of original road, original equipment, road extensions, additions, and betterments, as is equitably assignable to the period between the date of the actual issuance of securities and the time when the property acquired or the improvement made become available for the service for which it is intended. The proportion of discount and expense thus chargeable shall be determined by the ratio between the period prior to the completion or coming into service of the facilities or improvements acquired and the period of the entire life of the securities issued.

NOTE A.—Interest on bonds, notes, or other evidence of indebtedness accruing before the proceeds from the sale of the securities become available for use shall not be included in this account, nor shall there be included any interest accruing after the property with respect to which the proceeds are expended is received or becomes available for use in connection with commercial service.

NOTE B.—If any securities which have been issued or assumed by the carrier are sold or exchanged by or for the carrier for a consideration the actual money value of which at the time of such sale or exchange is less than the value of the securities at par and the accrued interest thereon, if any, the difference between the money value of the consideration received and the par value of the securities plus the accrued interest shall be deemed a discount. In no case (except as provided in the third paragraph of this account) shall discounts be included as part of the cost of anything charged to any account prescribed in this classification.

NOTE C.—Whenever interest, premium, or discount assignable to the construction period is incurred in connection with an expenditure covered by some specific road and equipment account or accounts, such interest, premium, or discount shall be charged directly to the specific accounts to which it is related.

NOTE D.—This account shall not include interest during the construction period on the carrier's own funds expended in connection with the acquisition or construction or original road and equipment, extensions, additions, and betterments.

77 Other expenditures; general.

(a) This account shall include expenditures of a general nature which are attributable to original construction or important expansion of road but which cannot be assigned directly as part of the cost of specific units or segments of property, and are not provided for in other primary accounts of this classification, such as pay and expenses of executive and general officers and their assistants engaged exclusively in connection with such construction, law expenses (other than organization expenses), stationery and printing, and taxes before property is used in transportation operations.

(b) An equitable portion of the amounts in this account applicable to retired property shall be cleared concurrently with the retirement accounting in accordance with Instruction 2-7(c); or the entire amount in this account may be charged off immediately when authorized by the Commission.

NOTE.—Expeditures of the character described in account 771, "Organization expenses", which were incurred directly in organizing the corporation and can be identified as such in the corporation records of the company, are includible in that account.

Other Property Accounts

80 Other elements of investment.

(a) This account shall include amounts resulting from adjustment of the primary property accounts to conform with cost of property in valuation records. The amount in this account shall be cleared on a consistent basis as property is retired from service or otherwise in accordance with the rules in paragraphs (b), (c), and (d) of this account. Any material amount in this account assignable to property previously retired from service shall be cleared immediately.

(b) When property is retired from service, an equitable portion of the balance in this account assignable to such property shall be cleared when the retirement entry is made. The amount so cleared, when a debit, shall be charged to account 551, "Miscellaneous income charges", or, when a credit, shall be recorded in account 519, "Miscellaneous income". The exception to this general rule with respect to a credit balance assignable to property retired is that when property classified as depreciable is retired from service and the balance in the depreciation reserve for such property is materially deficient, because of sudden retirement or other unusual cause, the portion of a credit balance cleared for the retirement, equal to the deficiency in the reserve, shall be applied to reduce the amount of loss otherwise chargeable to the depreciation reserve.

(c) A carrier may apply to the Commission for authority to clear the entire balance from this account immediately or amortize the balance over a short period of time by appropriate inclusion in account 616, "Other debits to retained earnings", or account 606, "Other credits to retained earnings". Any amount so authorized or directed by the Commission to be cleared and written off to retained income shall be in lieu of amounts includible in accounts indicated in paragraph (b).

(d) Other plans for clearance, disposition, or classification of a balance in this accounting in conformity with sound accounting principles may be submitted to the Commission with suitable details for consideration. This includes application for disposition of a balance in this account attributable to reduction of capitalization in a reorganization. An accounting procedure so applied for shall become effective only after Commission approval. Each carrier shall maintain a record of items initially included in and cleared later from this account and the basis used in computing such items.

NOTE.—The amounts attributable to past mergers, consolidations and purchases of property included in this account shall be merged with the adjustment made pursuant to paragraph (a) of this text.

90 Construction in progress.

This account shall include expenditures incurred by the carrier in the process of constructing road and equipment with its own forces or under contract during the period prior to time property is placed in transportation operations, including cost of materials and supplies located at point of use and of necessary land acquired for such projects. When a project is completed or when a segment of a large project is completed and placed in service, the cost of the completed project or the completed segment thereof shall be transferred to the appropriate road and equipment primary accounts. Separate subaccounts may be maintained for road and for equipment or for other classes of expenditures. Expenditures for relatively unimportant projects may be included directly in primary accounts.

RAILWAY OPERATING REVENUE ACCOUNTS

Transportation Revenue Accounts

100 Transportation; rail line.

The primary accounts included in this general account are designed to show amounts of money which the carrier becomes entitled to receive or which accrue to its benefit from service rendered in transporting property or persons by rail line.

101 Freight.

(a) This account shall include revenue from the transportation of freight and from transit, stop, and reconsigning privileges, upon the basis of lawful tariff rates.

(b) This account shall include collections in excess of tariff charges, except where such amounts are segregated and held subject to refund.

(c) Proceeds derived from the sale of unclaimed and refused freight which has been transported in accordance with the contract of shipment shall be credited to this account in cases where such items can be readily identified. Uncollected tariff charges on such shipments shall be charged to this account.

(d) Amounts determined to be uncollectible shall be accounted for in accordance with the text of account 130000—Uncollectible Accounts.

ITEMS TO BE CREDITED

(a) Revenue upon the basis of local freight tariff rates, regardless of class of train in which the freight is transported.

(b) The carrier's proportion of revenue upon the basis of through freight tariff rates, regardless of class of train on which the freight is transported.

(c) Revenue from transportation of mail matter, and empty mail pouches, at freight rates.

(d) Revenue from transportation of freight on special trains at rates based on weights of shipments.

(e) Revenue on basis of classifications and freight tariffs from transportation of caretakers of freight shipments.

(f) Revenue from reconsigning privileges.

(g) Revenue from stop privileges.

(h) Revenue from transit privileges.

(i) Revenue upon the basis of arbitraries out of freight, rates for water transfers (ferriage, lighterage, and floatage).

(j) Revenue from transportation of trailers and containers on flat cars in TOFC/COFC service upon the basis of all-rail line-haul freight tariff rates and under arrangements for motor carrier-railroad joint haul, and from the loading and unloading of trailers and containers on and from flat cars upon the basis of tariff rates and under arrangements for motor carrier-railroad joint haul.

ITEMS TO BE CHARGED

(a) Amounts paid as bridge and ferry arbitraries on freight.

(b) Amounts paid for completing a haul.

(c) Amounts paid for elevation of freight.

(d) Amounts paid for switching services, in connection with the transportation of freight, on the basis of switching tariffs, and allowances out of through rates, including amounts paid for switching empty cars in connection with a freight revenue movement.

(e) Amounts paid for transferring freight between stations.

(f) Arbitraries and allowances to others for lighterage and wharfage.

(g) The carrier's proportion of overcharges resulting from the use of erroneous rates, weights, classifications or computations.

(h) The carrier's proportion of refunds on account of errors in routing and billing.

(i) The carrier's proportion of uncollected revenue on freight lost or destroyed in transit.

(j) The carrier's proportion of uncollected tariff charges on damaged shipments for which charges neither shipper nor consignee is liable.

(k) Amounts paid on basis of tariff rates for loading and unloading livestock.

(l) Amounts paid to motor truck companies for hauling trailers and containers to and from TOFC/COFC terminals, and allowances to shippers who perform such service on the basis of tariff rates.

NOTE A.—Amounts paid for switching empty cars otherwise than in connection with loaded movements shall be charged to operating expense account 110733, "Miscellaneous Operating Expenses—Transportation—Train," except that amounts paid for switching equipment for repairs shall be included in the appropriate equipment repair accounts.

NOTE B.—Other carriers' proportion of revenue and of uncollectible undercharges paid by the carrier on account of its errors in routing and billing shall be charged to operating expense account 110733, "Miscellaneous Operating Expenses—Transportation—Train."

NOTE C.—When a lessee company transports freight over the tracks of another carrier on the basis of a proportion of revenues under a joint arrangement, it shall include the entire compensation in its revenues and statistics, charging the appropriate joint facility expense and rental accounts with the amounts paid the lessor company, and the lessor company shall credit the corresponding accounts.

NOTE D.—Revenue from the transportation of caretakers of freight shipments, when not included as a part of the freight charges on the waybill covering the freight shipments, shall be credited to account 102, "Passenger."

NOTE E.—This account shall be maintained so as to show separately payments and allowances for (a) terminal collection and delivery services when performed in connection with line-haul transportation of freight on the basis of freight tariff rates, further separated between (1) TOFC/COFC service, and (2) all other freight service; also (b) payments for switching services when performed in connection with line-haul transportation of freight on the basis of switching tariffs and allowances out of freight rates, including the switching of empty cars in connection with a revenue movement, and (c) payments on basis of tariff rates for loading and unloading livestock.

102 Passenger.

This account shall include the revenue from transportation of passengers at passenger tariff fares, from the transportation of passengers at special fares as provided by law, and from incidental charges in connection therewith.

ITEMS TO BE CREDITED

(a) Revenue from local passenger fares.

(b) The carriers' proportion of revenue from interline passenger fares.

(c) Revenue from extra fares.

(d) Revenue from additional fares or charges for exclusive use of a passenger car, drawing room, compartment, bedroom, etc.

(e) Revenue from mileage and scrip coupons honored for all services covered by this account.

(f) Revenue from transportation of passengers in special cars or on special trains when charge is based on passenger fare per capita, regardless of the number of passengers actually transported.

(g) Revenue from a guaranteed minimum amount not based on per capita fare, for transportation of passengers on special or chartered trains.

(h) Cash fare penalty collections.

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(i) Unclaimed collections and deposits for transportation of passengers.

(j) Passenger fare overcharges.

(k) Revenue from transportation of corpses, based on passenger fares.

(l) Revenue from water transfers (ferriage), bridge tolls, and transfers between railway stations or between railway stations and docks, received as arbitraries in divisions of passenger fares.

ITEMS TO BE CHARGED

(a) Amounts paid as bridge tolls, and also for ferry, depot to depot and depot to dock passenger transfer service.

(b) Amounts paid for switching in completing a passenger transportation movement.

(c) Amounts paid for switching empty passenger-train cars in connection with transportation of passengers. (See Note C.)

(d) Redemptions of unused and partially unused local tickets and redemptions of carrier's proportions of unused and partially unused interline tickets.

(e) Refund of extra fares, cash fare penalty collections, and overcharges in excess of tariff fares.

(f) Uncollectible undercharges.

NOTE A.—Gross receipts from the sale of mileage tickets, and scrip books shall be credited to a suspense account. The suspense account shall be charged and this account credited with the value of coupons as honored, in connection with any of the services provided for in "Items To Be Credited."

NOTE B.—When a lessee company transports passengers over the tracks of another company under a joint arrangement upon the basis of a proportion of the passenger revenue, it shall include the entire compensation in its passenger revenue and statistics, charging the appropriate joint facility expense and rental accounts with the amounts paid the lessor company and the lessor company shall credit the corresponding joint facility accounts.

NOTE C.—Amounts paid for switching empty passenger-train cars otherwise than in connection with loaded movements, shall be charged to account 110733, "Miscellaneous Operating Expenses—Transportation—Train," except that when switched for repairs, the amounts paid shall be included in account 090923, "Repairs billed by Others—Maintenance of Equipment."

103 Passenger—related.

This account shall include the revenue from the transportation of baggage, packages, etc. on passenger trains at *other than freight or express tariff rates.* This account shall also include the revenue from berth and seat accommodations furnished in sleeping, parlor observation, chair, and other special passenger cars, also the revenue derived from the operation of passenger trains not provided for elsewhere, and dining and buffet service.

The amounts recorded in this account shall not include aid in the form of abatment or forgiveness of taxes, assumption by local governments of station maintenance costs, and other similar special indirect benefits, contributed by governmental agencies.

104 Switching.

(a) This account shall include the revenue from switching service upon the basis of lawful tariff rates. To this account shall be credited the carrier's revenue upon the basis of tariff rates, or the carrier's allowance out of through rates, from the switching of cars of all kinds, loaded or empty, either locally at a station or within a switching district, between connecting lines, between local industries, or between connecting lines and local industries; revenue upon the basis of distinct tariff rates for "trapcar" and "ferry-car" service and for spotting cars; also the revenue from interwork switching at industrial plants, and the revenue from "penalty switching" incident to the improper delivery of cars by other carriers.

(b) To this account shall be charged amounts paid others for switching when such switching service is provided for in the switching rate charged by the carrier.

NOTE.—"Penalty switching" charges paid by the carrier shall be included in expense account 110733, "Miscellaneous Operating Expenses—Transportation—Train."

105 Water transfers.

(a) This account shall include the revenue, from the transfer by water (ferriage, lighterage, and floatage) of passenger, freight, vehicles and livestock, upon the basis of lawful local tariff rates.

(b) This account also shall include revenue from water transfers of other traffic, such as the revenue from towing beyond lighterage limits and all other towing for which an extra charge is made; insurance of freight afloat when billed out at other than cost; storage of freight afloat; grain overage in boats; pumping performed for outside parties; and from other similar sources.

(c) To this account shall be charged amounts payable to other companies or individuals for extra lighterage, extra towing, and for all other service when such payments represent revenue collected and credited to this account and not a direct expense.

NOTE.—No revenue shall be included in this account for water transfers of passengers or shipments upon the basis of arbitraries out of rates for transportation involving rail line haul.

106 Demurrage.

This account shall include the revenue from the detention of cars incident to loading, unloading, reconsigning, and stops in transit upon the basis of lawful tariffs for demurrage. This account shall also include the revenue from the detention of trailers and containers used in TOFC/COFC service, incident to loading and unloading, upon the basis of tariff rates.

NOTE.—This account shall be maintained so as to reflect separately (1) revenue from detention of cars, and (2) revenue from detention of trailers and containers used in TOFC/COFC service.

110 Incidental.

This account is designed to show the amounts which the carrier becomes entitled to receive from services rendered incidentally with rail-line and water-line transportation; for the use of facilities of which the expenses for operation and maintenance are not separable from railway expenses and from incidental sources not provided for elsewhere. Among the items included in this account are revenues derived from (1) hotels and restaurants, (2) operations conducted at stations and on trains by individual or companies other than railway companies, (3) storage, (4) the sale of electric power, (5) renting property operated and maintained in connection with the property used in the carrier's transportation operations and from railway operations not provided for elsewhere.

Joint Facility Revenue Accounts

120 Joint facility.

The primary accounts included in this general account are designed to show the carrier's proportion of revenues collected by others in connection with operation of joint facilities and the amount payable by the carrier to other companies from operation of joint facilities.

121 Joint facility—credit.

This account shall include the carrier's proportion of revenue collected by others in connection with the operation of joint tracks, yards, terminals, and other facilities, including revenue from hotels, restaurants, grain elevators, sale of power, and other miscellaneous operations.

NOTE A.—The purpose of this account is to show the amounts of revenue from the operation of joint tracks, yards, terminals and other facilities operated by other companies, which under existing contracts or agreements are credited by the operating company to the tenant companies which participate therein. The bill rendered by any creditor company against a debtor company for the latter's proportion of the expense of maintenance and operation of joint facilities, which includes also a credit covering a proportion of the revenue to be paid over, shall show the distribution of the credit for such proportion of the revenue separately from the distribution of the expense of operation.

NOTE B.—No credits shall be made to this account representing amounts creditable by the operating company to primary accounts 101–103, 105 and 110.

122 Joint facility—debit.

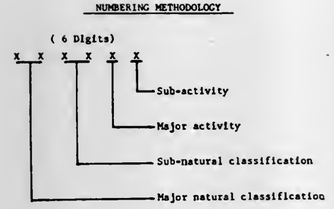
This account shall include that proportion of revenue from the operation of joint tracks, yards, terminals, and other facilities, which is creditable to other companies, including revenue from hotels, restaurants, grain elevators, sale of power, and other miscellaneous operations.

NOTE A.—The purpose of this account is to show the amount of revenue from operation of a terminal company or other carrier which, under the terms of existing contracts or agreements covering the joint use of tracks, yards, and other facilities, is credited to other carriers that participate in the benefits from such joint use. The bill rendered by a creditor company against a debtor company for the latter's proportion of expense of maintaining and operating joint facilities, which includes a credit covering the debtor company's proportion of the revenues from operation of such joint facilities, shall indicate separately the proper distribution of both the revenues and the expenses included in the bill, and such distribution shall be adhered to by the debtor.

NOTE B.—No debits shall be made to this account representing amounts creditable by the operating company to primary accounts 101–103, 105 and 110.

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NUMBERING METHODOLOGY



Matrix of railway operating expense accounts

	XX-XX-00, control	XX-XX-10, maintenance of way and structures	XX-XX-20, maintenance of equipment: Locomotives	Freight-train cars	Other equip-	XX-XX-30, transportation: Station	Yard	Train	Other services: Coal and ore wharves	Floating equipment	TOFC terminal	Other	XX-XX-40, traffic	XX-XX-50, general and administrative
Salaries: Officers and superintendence	01-01-00	01-01-10	01-01-21	01-01-22	01-01-23	01-01-31	01-01-32	01-01-33	01-01-34	01-01-35	01-01-36	01-01-37	01-01-40	01-01-50
Salaries and wages	02-00-00													
Clerical and administrative	02-01-00	02-01-10	02-01-21	02-01-22	02-01-23	[1] 02-01-31	02-01-32	02-01-33	02-01-34	02-01-35	02-01-36	02-01-37	02-01-40	[1] 02-01-50
Engineman:														
Switching	02-02-00						02-02-32	02-02-33						
Running	02-03-00							02-03-33						
Trainmen:														
Switching	02-04-00						02-04-32	02-04-33						
Running	02-05-00							02-05-33						
Dispatchers	02-06-00							02-06-33						
Locomotive cleaning and serving	02-07-00						02-07-32	02-07-33						
Repair and maintenance employees	02-09-00	[1] 02-09-10	[1] 02-09-21	[1] 02-09-22	[1] 02-09-23									
Other employees	02-10-00	02-10-10	02-10-21	02-10-22	02-10-23	02-10-31	02-10-32	02-10-33	02-10-34	02-10-35	02-10-36	02-10-37	02-10-40	02-10-50
Miscellaneous paid-time off	03-00-00													
Clerical and administrative	03-01-00	03-01-10	03-01-21	03-01-22	03-01-23	[1] 03-01-31	03-01-32	03-01-33	03-01-34	03-01-35	03-01-36	03-01-37	03-01-40	[1] 03-01-50
Engineman:														
Switching	03-02-00						03-02-32	03-02-33						
Running	03-03-00							03-03-33						
Trainmen:														
Switching	03-04-00						03-04-32	03-04-33						
Running	03-05-00							03-05-33						
Dispatchers	03-06-00							03-06-33						
Locomotive cleaning and servicing	03-07-00						03-07-32	03-07-33						
Repair and maintenance employees	03-09-00	[1] 03-09-10	[1] 03-09-21	[1] 03-09-22	[1] 03-09-23									
Other employees	03-10-00	03-10-10	03-10-21	03-10-22	03-10-23	03-10-31	03-10-32	03-10-33	03-10-34	03-10-35	03-10-36	03-10-37	03-10-40	03-10-50
Other fringes	04-00-00													
Federal payroll taxes	04-01-00	04-01-10	04-01-21	04-01-22	04-01-23	04-01-31	04-01-32	04-01-33	04-01-34	04-01-35	04-01-36	04-01-37	04-01-40	04-01-50
State payroll taxes	04-02-00	04-02-10	04-02-21	04-02-22	04-02-23	04-02-31	04-02-32	04-02-33	04-02-34	04-02-35	04-02-36	04-02-37	04-02-40	04-02-50
Health and welfare benefits and group insurance	04-03-00	04-03-10	04-03-21	04-03-22	04-03-23	04-03-31	04-03-32	04-03-33	04-03-34	04-03-35	04-03-36	04-03-37	04-03-40	04-03-50
Pensions and retirement plans	04-04-00	04-04-10	04-04-21	04-04-22	04-04-23	04-04-31	04-04-32	04-04-33	04-04-34	04-04-35	04-04-36	04-04-37	04-04-40	04-04-50
Other fringes	04-05-00	04-05-10	04-05-21	04-05-22	04-05-23	04-05-31	04-05-32	04-05-33	04-05-34	04-05-35	04-05-36	04-05-37	04-05-40	04-05-50
Payroll fringes billed to others	04-06-00	04-06-10	04-06-21	04-06-22	04-06-23	04-06-31	04-06-32	04-06-33	04-06-34	04-06-35	04-06-36	04-06-37	04-06-40	04-06-50
Payroll fringes billed by others	04-07-00	04-07-10	04-07-21	04-07-22	04-07-23	04-07-31	04-07-32	04-07-33	04-07-34	04-07-35	04-07-36	04-07-37	04-07-40	04-07-50
Materials	05-00-00													
Locomotive materials—new and rebuilt	05-01-00		[1] 05-01-21		[1] 05-01-23									
Car materials—new and rebuilt	05-02-00			[1] 05-02-22	[1] 05-02-23									
Rails	05-03-00	[1] 05-03-10												
Ties	05-04-00	[1] 05-04-10												
Ballast	05-05-00	[1] 05-05-10												
Other track material	05-06-00	[1] 05-06-10												
Other material	05-07-00	[1] 05-07-10			[1] 05-07-23									
Tools and operating supplies	06-00-00													
Train and locomotive supplies	06-01-00						06-01-32	06-01-33						
Operating and service tools	06-02-00	06-02-10	06-02-21	06-02-22	06-02-23	06-02-31	06-02-32	06-02-33	06-02-34	06-02-35	06-02-36	06-02-37		
Other supplies	06-03-00	06-03-10	06-03-21	06-03-22	06-03-23	06-03-31	06-03-32	06-03-33	06-03-34	06-03-35	06-03-36	06-03-37	06-03-40	06-03-50
Fuels and lubricants	07-00-00													
Diesel fuel:														
Switching	07-01-00						07-01-32	07-01-33						
Running	07-02-00							07-02-33						
Other motive power:														
Fuels														
Switching	07-03-00						07-03-32	07-03-33						
Running	07-04-00							07-04-33						
Gasoline	07-05-00	07-05-10	07-05-21	07-05-22	07-05-23	07-05-31	07-05-32	07-05-33	07-05-34	07-05-35	07-05-36	07-05-37	07-05-40	07-05-50
Fuel for heating	07-06-00	07-06-10	07-06-21	07-06-22	07-06-23	07-06-31	07-06-32	07-06-33	07-06-34	07-06-35	07-06-36	07-06-37	07-06-40	07-06-50
Lubricants	07-07-00	07-07-10	07-07-21	07-07-22	07-07-23		07-07-32	07-07-33	07-07-34	07-07-35	07-07-36	07-07-37		

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	XX-XX-00, control	XX-XX-10, maintenance of way and structures	XX-XX-20, maintenance of equipment: Locomotives	XX-XX-20: Freight-train cars	XX-XX-20: Other equip-	XX-XX-30, transportation: Station	Yard	Train	Other services: Coal and ore wharves	Other services: Floating equipment	Other services: TOFC terminal	Other services: Other	XX-XX-40, traffic	XX-XX-50, general and administrative
Utilities	08-00-00	08-00-10	08-00-21	08-00-22	08-00-23	08-00-31	08-00-32	08-00-33	08-00-34	08-00-35	08-00-36	08-00-37	08-00-40	08-00-50
Purchased services	09-00-00													
Hire of freight cars and highway revenue freight equipment—debit	09-01-00							[1] 09-01-33						
Hire of freight cars and highway revenue freight equipment—credit	09-02-00							[1] 09-02-33						
Locomotive rentals—debit	09-03-00							09-03-33						
Locomotive rentals—credit	09-04-00							09-04-33						
Work equipment rentals—debit	09-05-00	09-05-10					09-05-32	09-05-33		09-05-35		09-05-37		
Work equipment rentals—credit	09-06-00	09-06-10					09-06-32	09-06-33		09-06-35		09-06-37		
Floating equipment rentals—debit	09-07-00									09-07-35				
Floating equipment rentals—credit	09-08-00									09-08-35				
Repairs billed by others	09-09-00		[1] 09-09-21	[1] 09-09-22	[1] 09-09-23									
Repairs billed to—others—credit	09-10-00		[1] 09-10-21	[1] 09-10-22	[1] 09-10-23									
Other purchased services	09-11-00	09-11-10						09-11-33						
Joint facility—debit	09-12-00	09-12-00	09-12-21	09-12-22	09-12-23	09-12-31	09-12-32	09-12-33	09-12-34	09-12-35	09-12-36	09-12-37		09-12-50
Joint facility—credit	09-13-00	09-13-10	09-13-21	09-13-22	09-13-23	09-13-31	09-13-32	09-13-33	09-13-34	09-13-35	09-13-36	09-13-37		09-13-50
Casualty and damages	10-00-00													
Claims settlement—cargo lost and damaged	10-01-00							10-01-33						
Claims settlement—other property lost and damaged	10-02-00					10-02-31	10-02-32	10-02-33						
Employee's claims	10-03-00	10-03-10	10-03-21	10-03-22	10-03-23	10-03-31	10-03-32	10-03-33	10-03-34	10-03-35	10-03-36	10-03-37	10-03-40	10-03-50
Casualty—outside parties	10-04-00													10-04-50
Insurance premiums—fire, theft, injuries, and other	10-05-00	10-05-10	10-05-21	10-05-22	10-05-23	10-05-31	10-05-32	10-05-33	10-05-34	10-05-35	10-05-36	10-05-37	10-05-40	10-05-50
General	11-00-00													
Printing, stationery and postage	11-01-00	11-01-10	11-01-21	11-01-22	11-01-23	11-01-31	11-01-32	11-01-33	11-01-34	11-01-35	11-01-36	11-01-37	11-01-40	11-01-50
Telephone and telegraph	11-02-00	11-02-10	11-02-21	11-02-22	11-02-23	11-02-31	11-02-32	11-02-33	11-02-34	11-02-35	11-02-36	11-02-37	11-02-40	11-02-50
Travel and other expenses of officers and employees	11-03-00	11-03-10	11-03-21	11-03-22	11-03-23	11-03-31	11-03-32	11-03-33	11-03-34	11-03-35	11-03-36	11-03-37	11-03-40	11-03-50
Professional services	11-04-00	11-04-10	11-04-21	11-04-22	11-04-23	11-04-31	11-04-32	11-04-33	11-04-34	11-04-35	11-04-36	11-04-37	11-04-40	11-04-50
Office and other space rental	11-05-00	11-05-10	11-05-21	11-05-22	11-05-23	11-05-31	11-05-32	11-05 33	11-05-34	11-05-35	11-05-36	11-05-37	11-05-40	11-05-50
Rent and other expenses of office equipment	11-06-00	11-06-10	11-06-21	11-06-22	11 06 23	11 06-31	11-06-32	11-06-33	11-06-34	11-06-35	11-06-36	11-06-37	11-06-40	11-06-50
Miscellaneous operating expense	11-07-00	11-07-10	11-07-21	11-07-22	11-07-23	11-07-31	11-07-32	11-07-33	11-07-34	11-07-35	11-07-36	11-07-37	11-07-40	11-07-50
Operating taxes	12-00-00													12-01-50
Property taxes	12-01-00													
Other miscellaneous taxes	12-02-00													12-02-50
Uncollectible accounts	13-00-00													13-00-50
Depreciation	14-00-00	[1] 14-00-10	[1] 14-00-21	[1] 14-00-22	[1] 14-00-23									
Amortization	15-00-00	15-00-10	15-00-21	15-00-22	15-00-23									
Retirements	16-00-00	[1] 16-00-10	[1] 16-00-21	[1] 16-00-22	[1] 16-00-23									

[1] See supporting schedules.

Condensed matrix of railway operating expense accounts for class II carriers

	XX-XX-00, control	XX-XX-10, maintenance of way and structures	XX-XX-20, maintenance of equipment	XX-XX-30, transportation	XX-XX-40, traffic	XX-XX-50, general and administrative
Salaries: officers and superintendence	01-01-00	01-01-10	01-01-20	01-01-30	01-01-40	01-01-50
Salaries and wages	02-00-00	02-00-10	02-00-20	02-00-30	02-00-40	02-00-50
Miscellaneous paid-time off	03-00-00	03-00-10	03-00-20	03-00-30	03-00-40	03-00-50
Other fringes	04-00-00	04-00-10	04-00-20	04-00-30	04-00-40	04-00-50
Materials	05-00-00	05-00-10	05-00-20			
Tools and operating supplies	06-00-00	06-00-10	06-00-20	06-00-30	06-00-40	06-00-50
Fuels and lubricants	07-00-00	07-00-10	07-00-20	07-00-30	07-00-40	07-00-50
Utilities	08-00-00	08-00-10	08-00-20	08-00-30	08-00-40	08-00-50
Purchased services:						
Hire of freight cars and highway revenue freight equipment—debit	09-01-00			09-01-30		
Hire of freight cars and highway revenue freight equipment—credit	09-02-00			09-02-30		
Locomotive rentals—debit	09-03-00			09-03-30		
Locomotive rentals—credit	09-04-00			09-04-30		
Work equipment rentals—debit	09-05-00	09-05-10		09-05-30		
Work equipment rentals—credit	09-06-00	09-06-10		09-06-30		
Floating equipment rentals—debit	09-07-00			09-07-30		
Floating equipment rentals—credit	09-08-00			09-08-30		
Repairs billed by others	09-09-00		09-09-20			
Repairs billed to others—credit	09-10-00		09-10-20			
Other purchased services	09-11-00	09-11-10		09-11-30		
Joint facility—debit	09-12-00	09-12-10	09-12-20	09-12-30		09-12-50
Joint facility—credit	09-13-00	09-13-10	09-13-20	09-13-30		09-13-50
Casualty and damages	10-00-00	10-00-10	10-00-20	10-00-30	10-00-40	10-00-50
General	11-00-00	11-00-10	11-00-20	11-00-30	11-00-40	11-00-50
Operating taxes	12-00-00					12-00-50
Uncollectible accounts	13-00-00					13-00-50
Depreciation	14-00-00	14-00-10	14-00-20			
Amortization	15-00-00	15-00-10	15-00-20			
Retirements	16-00-00	16-00-00	16-00-20			

RAILWAY OPERATING EXPENSE ACCOUNT

EXPLANATIONS

010100 Salaries of officers and superintendence.

This account may be used as a control account for all accounts in the 010000 series. This account group includes the salaries, bonuses, sickness, holiday and vacation pay, including overtime pay and other remuneration of all non-contract general officers, executives, including division officers and superintendents. It shall also include the salaries of contract and non-contract technical employees (including professionals). Its components shall be distributed to the following accounts in accordance with instruction 1–14:

010110 Salaries of Officers and Superintendence—Maintenance of Way and Structures.

(a) This account group shall include the pay of the following:

LIST OF EMPLOYEES (SEE INSTRUCTION 1–13)

Vice president.
Assistant vice president.
General manager; Assistant.
General superintendent; Assistant.
Chief engineer.
Engineer.
Division engineer.
Bridge engineer.
Chief signal engineer.
Assistant engineers.
Architect.
Roadmaster; Assistant.
Master carpenter; Assistant.
Master mason.
Superintendent of roadway structures.
Superintendent of scales.
Inspector of maintenance.
Building inspector.
Inspector of roadway stores.
Supervisor; Assistant.
Fire Chief.
Fire Inspector.
Sanitary Inspector.

010120 Salaries of Officers and Superintendence—Maintenance of Equipment.

This account group shall include the salaries of appropriate employees engaged in the maintenance of equipment distributed to the following accounts in accordance with instruction 1–14 and shall ordinarily include the pay of the following:

LIST OF EMPLOYEES (SEE INSTRUCTION 1–13)

General superintendent of motive power; Assistant.
Mechanical superintendent.
Superintendent of motive power; Assistant.
Mechanical engineer; Assistant.
Chief chemist.
General equipment inspector.
Engineer of tests.
Supervisor of car department.
Electrical engineer; Assistant.
Chemist and assistant chemist.
Master car builder.
Master mechanic.
General foreman.
Chief car inspector.
Inspector of passenger-train cars.
General car inspector.
Traveling boiler inspector.

010121 Maintenance of Equipment—Locomotives.
010122 Maintenance of Equipment—Freight-train Cars.
010123 Maintenance of Equipment—Other Equipment.
010130 Salaries of Officers and Superintendence—Transportation.

This account group shall include the salaries of appropriate employees engaged in conducting transportation distributed to the following accounts in accordance with insrtuction 1–14 and shall ordinarily include the pay of the following:

ITEMS (SEE INSTRUCTION 1–13)

Vice president.
Assistant to the vice president.
General manager; Assistant.
General superintendent of transportation.
Superintendent of transportation; Assistant.
Division superintendent; Assistant.
Superintendent of car service.
Chief special agent.
Members of examining boards.
Superintendent of mail service.
Traveling train and station inspectors.
Air-brake instructor.
Superintendent of agencies.
Superintendent of transfer stations.
Trainmaster; Assistant.
Road foreman of locomotives.
Traveling locomotive engineer; Fireman.
Yardmasters.

010131 Salaries of Officers and Superintendence — Transportation — Station.
010132 Salaries of Officers and Superintendence — Transportation — Yard.
010133 Salaries of Officers and Superintendence — Transportation — Train.
010134 Salaries of Officers and Superintendence — Transportation — Other Services—Coal and Ore Wharves.
010135 Salaries of Officers and Superintendence — Transportation — Other Services—Floating Equipment.
010136 Salaries of Officers and Superintendence — Transportation — Other Services—TOFC Terminal.
010137 Salaries of Officers and Superintendence — Transportation — Other Services—Other.
010140 Salaries of Officers and Superintendence—Traffic.

This account shall include the pay of officers directly in charge of or engaged in supervising the procurement of traffic, and the preparation and distribution of tariffs, division sheets, and classifications.

LIST OF OFFICERS (SEE INSTRUCTION 1–13)

Vice president.
Assistant to vice president.
Traffic director; Assistant.
General freight agent; Assistant.
Chief of tariff bureau.
Traveling tariff inspector.
Live stock agent.
General passenger agent; Assistant.
Division passenger agent.
Division freight agent.
General baggage agent.
General express agent.
General express manager.
Coal traffic agent.

010150 Salaries of Officers and Superintendence—General and Administrative.

This account shall include the pay of all general officers and assistant general officers not otherwise provided for, in-

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cluding salaries and fees of receivers and commissions paid to general officers in lieu of salaries.

LIST OF OFFICERS (SEE INSTRUCTION 1–13)

Chairman of the board.
President.
Assistant to president.
Vice president.
Assistant to vice president.
Secretary; Assistant.
Transfer agent.
Treasurer; Assistant.
Local treasurer.
Comptroller; Assistant.
General auditor; Assistant.
General accountant.
Auditor of revenues.
Auditor of passenger accounts; Assistant.
Auditor of freight accounts; Assistant.
Auditor of station accounts.
Auditor of disbursements; Assistant.
Auditor of miscellaneous accounts; Assistant.
Auditor of coal and coke accounts.
Freight claim agent; Assistant.
Real-estate agents; Assistant.
Tax Commissioner.

020000 Salaries and wages.

This account may be used as a control account for all accounts in the 020000 series.

020100 Salaries and Wages—Clerical and Administrative.

This account group includes the salaries at regular rates, bonuses and other remuneration paid for time actually worked of employees performing clerical functions. It shall also include overtime pay and arbitraries. This account group shall ordinarily include the pay of the following type employees:

LIST OF CLERICAL AND ADMINISTRATIVE PERSONNEL (SEE INSTRUCTION 1–13)

Accounting clerks.
Telephone switchboard operators.
Secretaries.
Stenographers.
Ticket agents.
Baggage agents.
Sealers.

The total of such amounts may be included in this control account. Its components shall be distributed to the following accounts in accordance with instruction 1–14:

020110 Salaries and Wages—Clerical and Administrative—Maintenance of Way and Structures.
020121 Salaries and Wages—Clerical and Administrative—Maintenance of Equipment—Locomotives.
020122 Salaries and Wages—Clerical and Administrative—Maintenance of Equipment—Freight-train cars.
020123 Salaries and Wages—Clerical and Administrative—Maintenance of Equipment—Other Equipment.
020131 Salaries and Wages—Clerical and Administrative—Transportation—Station.
020132 Salaries and Wages—Clerical and Administrative—Transportation—Yard.
020133 Salaries and Wages—Clerical and Administrative—Transportation—Train.
020134 Salaries and Wages—Clerical and Administrative—Transportation — Other Services—Coal & Ore Wharves.
020135 Salaries and Wages—Clerical and Administrative—Transportation — Other Services—Floating Equipment.
020136 Salaries and Wages—Clerical and Administrative—Transportation — Other Services—TOFC Terminal.
020137 Salaries and Wages—Clerical and Administrative—Transportation—Other.
020140 Salaries and Wages—Clerical and Administrative—Traffic.
020150 Salaries and Wages—Clerical and Administrative—General and Administrative.

020200 Salaries and Wages—Enginemen—Switching.

This account may be used as a control account for all accounts in the 020200 series.

020232 Salaries and Wages—Enginemen—Switching—Yard.

This account group includes the salaries at regular rates, bonuses and other remuneration paid for time actually worked of yard enginemen while engaged in yards where regular switching service is maintained and terminal switching and transfer service, including pay of such employees while deadheading in connection with yard service. It shall also include similar type payments to train enginemen on train locomotives while engaged in yard switching service. It shall also include overtime pay and arbitraries. For purposes of this account enginemen shall include the operators and their assistants.

020233 Salaries and Wages—Engineman—Running.

This account shall include the salaries at regular rates, bonuses and other remuneration paid for time actually worked of yard and train enginemen while engaged in way switching service. It shall also include overtime pay and arbitraries. For purposes of this account enginemen shall also include the operators and their assistants.

020300 Salaries and Wages—Engineman—Running.

This account may be used as a control account for all accounts in the 020300 series.

This account group includes the salaries at regular rates, bonuses and other remuneration paid for time actually worked of train enginemen while engaged in transportation train service or while deadheading in connection therewith and pay of such enginemen engaged in piloting trains over home lines. It shall also include overtime pay and arbitraries. For purposes of this account enginemen shall include the operators and their assistants, regardless of the type of self-propelled motive power being operated. Its components shall be distributed to the following account(s) in accordance with instruction 1–14:

020333 Salaries and Wages—Engineman — Running — Train.

020400 Salaries and Wages—Trainmen—Switching.

This account may be used as a control for all accounts in the 020400 series.

This account group includes the salaries at regular rates, bonuses and other remuneration paid for time actually worked of yard trainmen handling cars in passenger and freight yards where regular switching service is maintained and in terminal switching and transfer service. It shall also include similar type payments to yard trainmen on trains while engaged in train switching service. It shall also include overtime pay and arbitraries. Its components shall be distributed to the following accounts in accordance with instruction 1–14:

020432 Salaries and Wages—Trainmen—Switching—Yard.
020433 Salaries and Wages—Trainmen—Switching—Train.

020500 Salaries and Wages—Trainmen—Running.

This account may be used as a control account for all accounts in the 020500 series. This account group includes the salaries at regular rates, bonuses and other remuneration paid for time actually worked of trainmen while engaged in transportation train service or while deadheading in connection therewith; also the pay of trainmen while engaged in piloting trains over home lines. It shall also include overtime pay and arbitraries. Its components shall be distributed to the following account(s) in accordance with instruction 1–14:

020533 Salaries and Wages—Trainmen—Running—Train.

020600 Salaries and Wages—Dispatchers.

This account may be used as a control account for all accounts in the 020600 series. This account group includes the salaries at regular rates, bonuses and other remuneration paid for time actually worked of the chief and other train dispatchers, and pay of operators on the line whose duties are confined to directing train movements. It shall also include overtime pay and arbitraries. Its components shall be distributed to the following account(s) in accordance with instruction 1–14:

020633 Salaries and Wages—Dispatchers—Train.

020700 Salarie and Wages—Locomotive Cleaning & Servicing.

This account may be used as a control account for all accounts in the 020700 series.

020732 Salaries and Wages—Locomotive Cleaning & Servicing—Yard.

This account group includes the salaries at regular rates, bonuses and other remuneration paid for time actually worked of enginehouse and other yard employees engaged in wiping, cleaning, watching and moving yard locomotives and similar services while the yard locomotives are engaged in yards where regular switching service is maintained and terminal switching and transfer service is performed. It shall also include similar type payments while the yard locomotives are engaged in train switching service. It shall also include overtime pay and arbitraries. Its components shall be distributed to the following accounts in accordance with instruction 1–14:

020733 Salaries and Wages—Locomotive Cleaning & Servicing—Train.

This account group includes the salaries at regular rates, bonuses and other remuneration paid for time actually worked at enginehouse and other train employees engaged in wiping, cleaning, watching, moving and similar services to train locomotives, while the train locomotives are engaged in transportation train service. It shall also include overtime pay and arbitraries.

020900 Salaries and Wages—Repair & Maintenance Employees.

This account may be used as a control account for all accounts in the 020900 series. This account group includes the salaries at regular rates, bonuses and other remuneration paid for time actually worked of employees engaged in repair and maintenance of way and structures and equipment. It shall also include overtime pay and arbitraries. Its components shall be distributed to the following accounts in accordance with instruction 1–14:

020910 Salaries and Wages—Repair & Maintenance Employees—Maintenance of Way and Structures.

This account shall be subdivided by the following types of way and structures, each separated by yard and running track:

Roadway Maintenance.
Track Laying and Surfacing.
Tunnels and Subways.
Bridges, Trestles and Culverts.
Elevated Structures.
Roadway Building.
Fuel Station.
Signals and Interlockers.
Power Plants.
Power-Transmission Systems.
Roadway Machines.
Removing snow, ice and sand.
Public improvements.
Right of Way expenses.

It shall also be subdivided to reflect repair salaries by the following types of structures:

Office Buildings.
Station Buildings.
Water Stations.
Car Shops.
Locomotive Shops and Enginehouses.
Storage Warehouses.
Wharves and Docks.
Coal and Ore Wharves.
TOFC/COFC Terminals.
Communication Systems.
Miscellaneous Structures.
Shop Machinery.
Power Plant Machinery.

020921 Salaries and Wages—Repair & Maintenance Employees—Maintenance of Equipment—Locomotives.

This account shall be subdivided to reflect repair salaries by the following types of locomotives:

Diesel Locomotives—Yard.
Diesel Locomotives—Road.
Other Locomotives—Yard.
Other Locomotives—Road.

020922 Salaries and Wages—Repair & Maintenance Employees—Maintenance of Equipment—Freight-Train Cars.

This account shall be subdivided to reflect repair salaries by the following types of freight train cars:

Freight Train Cars:
Box-General Service (unequipped)
Box-General Service (equipped)
Box-Special Service
Gondola General Service
Gondola-Special Service
Hopper (open top)-General Service
Hopper (open top)-Special Service
Hopper (covered)
Tank, under 9,999 gallons
Tank, 10,000–18,999 gallons
Tank, 19,000–21,999 gallons
Tank, 27,000–27,999 gallons
Tank, 28,000–31,999 gallons
Tank, 32,000 gallons and over
Refrigerator (meat)-Mechanical
Refrigerator (other than meat)-Mechanical
Refrigerator (meat)-Non-Mechanical
Refrigerator (other than meat)-Non-Mechanical
Stock
Autorack
Flat-General Service
Flat-Special Service
Flat-TOFC/COFC
All Other
Caboose

020923 Salaries and Wages—Repair & Maintenance Employees—Maintenance of Equipment—Other Equipment.

This account shall be subdivided to reflect repair salaries by the following types of equipment:

Highway Revenue Equipment:
Refrigerated Trailers
Other Trailers
Refrigerated Containers
Other Containers
All Other Revenue Equipment
Total
Floating Equipment—Running
Floating Equipment—Terminal
Total
Work Equipment
Miscellaneous Equipment
Total

021000 Salaries and Wages—Other Employees.

This account group includes the salaries at regular rates, bonuses and other remuneration paid for time actually worked of employees not classified elsewhere. The total of such amounts may be included in this control account. Its components shall be distributed to the following accounts in accordance with instruction 1–14:

021010 Salaries and Wages—Other Employees—Maintenance of Way and Structures.
021021 Salaries and Wages—Other Employees—Maintenance of Equipment—Locomotives.
021022 Salaries and Wages—Other Employees—Maintenance of Equipment—Freight-train Cars.
021023 Salaries and Wages—Other Employees—Maintenance of Equipment—Other Equipment.
021031 Salaries and Wages—Other Employees—Transportation—Station.
021032 Salaries and Wages—Other Employees—Transportation—Yard.
021033 Salaries and Wages—Other Employees—Transportation—Train.
021034 Salaries and Wages—Other Employees—Transportation—Coal & Ore Wharves.
021035 Salaries and Wages—Other Employees—Transportation—Floating Equipment.
021036 Salaries and Wages—Other Employees—Transportation—TOFC Terminal.
021037 Salaries and Wages—Other Employees—Transportation—Other.
021040 Salaries and Wages—Other Employees—Traffic.
021050 Salaries and Wages—Other Employees—General & Administrative.

030000 Miscellaneous paid-time off.

This account may be used as a control account for all accounts in the 030000 series. This account group includes the following types of salary expenses:

ITEMS LIST (SEE INSTRUCTION 1–13)

Pay of employees while engaged as witnesses at inquests and lawsuits. Sickness, holiday and vacation pay.
Wages paid while attending conferences in connection with wage disputes. Other similar payments.

Its components shall be distributed to the following accounts in accordance with instruction 1–15:

030100 Miscellaneous Paid-Time Off—Clerical & Administrative.
This account group includes the total miscellaneous paid time off for clerical & administrative employees whose salaries and wages are included in account 020100. Its components shall be distributed to the following accounts in accordance with instruction 1–15:

030110 Miscellaneous Paid-Time Off—Clerical & Administrative—Maintenance of Way and Structures.
030121 Miscellaneous Paid-Time Off—Clerical & Administrative — Maintenance of Equipment—Locomotives.

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030122 Miscellaneous Paid-Time Off—Clerical & Administrative — Maintenance of Equipment — Freight-Train Cars.

030123 Miscellaneous Paid-Time Off—Clerical & Administrative — Maintenance of Equipment—Other Equipment.

030131 Miscellaneous Paid-Time Off—Clerical & Administrative — Transportation — Station.

030132 Miscellaneous Paid-Time Off—Clerical & Administrative — Transportation — Yard.

030133 Miscellaneous Paid-Time Off—Clerical & Administrative — Transportation — Train.

030134 Miscellaneous Paid-Time Off—Clerical & Administrative — Transportation — Coal & Ore Wharves.

030135 Miscellaneous Paid-Time Off—Clerical & Administrative — Transportation — Floating Equipment.

030136 Miscellaneous Paid-Time Off—Clerical & Administrative — Transportation — TOFC Terminal.

030137 Miscellaneous Paid-Time Off—Clerical & Administrative — Transportation — Other.

030140 Miscellaneous Paid-Time Off—Clerical & Administrative—Traffic.

030150 Miscellaneous Paid-Time Off—Clerical & Administrative—General & Administrative.

030200 Miscellaneous Paid-Time Off—Engineman—Switching.

This account group includes the total miscellaneous paid time off for enginemen whose salaries and wages are included in account 020200. Its components shall be distributed to the following accounts in accordance with instruction 1–15:

030232 Miscellaneous Paid-Time Off—Engineman—Switching—Yard.

030233 Miscellaneous Paid-Time Off—Engineman—Switching—Train.

030300 Miscellaneous Paid-Time Off—Engineman—Running.

This account group includes the total miscellaneous paid time off for enginemen whose salaries are included in account 020300. Its components shall be distributed to the following account(s) in accordance with instruction 1–15:

030333 Miscellaneous Paid-Time Off — Engineman — Running—Train.

030400 Miscellaneous Paid-Time Off—Trainmen—Switching.

This account group includes the total miscellaneous paid time off for trainmen whose salaries and wages are included in account 20300. Its components shall be distributed to the following accounts in accordance with instruction 1–15:

030432 Miscellaneous Paid-Time Off — Trainmen — Switching—Yard.

003433 Miscellaneous Paid-Time Off — Trainmen — Switching—Train.

030500 Miscellaneous Paid-Time Off—Trainmen—Running.

This account group includes the total miscellaneous paid time off for trainmen whose salaries are included in account 020500. Its components shall be distributed to the following account(s) in accordance with instruction 1–15:

030533 Miscellaneous Paid-Time Off — Trainmen — Running—Train.

030600 Miscellaneous Paid-Time Off—Dispatchers.

This account group includes the total miscellaneous paid-time off for dispatchers whose salaries are included in account 020600. Its components shall be distributed to the following account(s) in accordance with instruction 1–15:

030633 Miscellaneous Paid-Time Off—Dispatchers—Train.

030700 Miscellaneous Paid-Time Off—Locomotive Cleaning & Servicing—Switching.

This account group includes the total miscellaneous paid time off for employees whose salaries are included in account 20700. Its components shall be distributed to the following accounts in accordance with instruction 1–15:

030732 Miscellaneous Paid-Time Off—Locomotive Cleaning & Servicing Yard.

030733 Miscellaneous Paid-Time Off—Locomotive Cleaning Service—Train.

030900 Miscellaneous Paid-Time Off—Repair & Maintenance Employees.

This account group includes the total miscellaneous paid time off for repair and maintenance employees whose salaries are included in account 020900. Its components shall be distributed to the following accounts in accordance with instruction 1–15:

030910 Miscellaneous Paid-Time Off—Repair & Maintenance Employees — Maintenance of Way and Structures.

030921 Miscellaneous Paid-Time Off — Repair & Maintenance Employees—Maintenance of Equipment—Locomotives.

030922 Miscellaneous Paid-Time Off — Repair & Maintenance Employees—Maintenance of Equipment — Freight-Train Cars.

030923 Miscellaneous Paid-Time Off — Repair & Maintenance Employees—Maintenance of Equipment—Other Equipment.

031000 Miscellaneous Paid-Time Off—Other Employees.

This account group includes the total miscellaneous paid time off for employees whose salaries are included in account 020900. Its components shall be distributed to the following accounts in accordance with instruction 1–15:

031010 Miscellaneous Paid-Time Off—Other Employees—Maintenance of Way and Structures.

031021 Miscellaneous Paid-Time Off—Other Employees—Maintenance of Equipment—Locomotives.

031022 Miscellaneous Paid-Time Off—Other Employees—Maintenance of Equipment — Freight-Train Cars.

031023 Miscellaneous Paid-Time Off — Other Employees — Maintenance of Equipment —Other Equipment.

031031 Miscellaneous Paid-Time Off—Other Employees—Transportation—Station.

031032 Miscellaneous Paid-Time Off—Other Employees—Transportation—Yard.

031033 Miscellaneous Paid-Time Off—Other Employees—Transportation—Train.

031034 Miscellaneous Paid-Time Off—Other Employees—Transportation—Coal & Ore Wharves.

031035 Miscellaneous Paid-Time Off—Other Employees—Transportation — Floating Equipment.

031036 Miscellaneous Paid-Time Off—Other Employees—Transportation — TOFC Terminal.

031037 Miscellaneous Paid-Time Off—Other Employees—Transportation—Other.

031040 Miscellaneous Paid-Time Off—Other Employees—Traffic.

031050 Miscellaneous Paid-Time Off—Other Employees—General & Administrative.

040000 Other fringes.

This account may be used as a control account for all accounts in the 040000 series.

040100 Other Fringes—Federal Payroll Taxes.

This account may be used as a control account for all accounts in the 040100 series. This account group includes: old-age retirement taxes including taxes for hospital insurance (medicare) and supplemental annuities; unemployment insurance; and, all other payroll related United States Taxes. It shall be maintained to show separately these types of taxes.

Its components shall be distributed to the following accounts in accordance with instruction 1–15:

040110 Other Fringes—Federal Payroll Taxes—Maintenance of Way and Structures.

040121 Other Fringes—Federal Payroll Taxes—Maintenance of Equipment—Locomotives.

040122 Other Fringes—Federal Payroll Taxes—Maintenance of Equipment—Freight-Train Cars.

040123 Other Fringes—Federal Payroll Taxes—Maintenance of Equipment—Other Equipment.

040131 Other Fringes—Federal Payroll taxes—Transportation—Station.

040132 Other Fringes—Federal Payroll Taxes — Transportation—Yard.

040133 Other Fringes—Federal Payroll Taxes — Transportation—Train.

040134 Other Fringes—Federal Payroll Taxes — Transportation—Other Services—Coal & Ore Wharves.

040135 Other Fringes—Federal Payroll Taxes — Transportation—Other Services—Floating Equipment.

040136 Other Fringes—Federal Payroll Taxes — Transportation—Other Services—TOFC Terminal.

040137 Other Fringes—Federal Payroll Taxes — Transportation—Other Services—Other.

040140 Other Fringes—Federal Payroll Taxes—Traffic.

040150 Other Fringes—Federal Payroll Taxes—General & Administrative.

040200 Other Fringes—State Payroll Taxes.

This account may be used as a control account for all accounts in the 040200 series. This account group shall include all payroll related State taxes. Its components shall be distributed to the following accounts in accordance with instruction 1–15:

040210 Other Fringes—State Payroll Taxes—Maintenance of Way and Structures.

040221 Other Fringes—State Payroll Taxes—Maintenance of Equipment—Locomotives.

400222 Other Fringes—State Payroll Taxes—Maintenance of Equipment—Freight-Train Cars.

040223 Other Fringes—State Payroll Taxes—Maintenance of Equipment—Other Equipment.

040231 Other Fringes—State Payroll Taxes — Transportation — Station.

040232 Other Fringes—State Payroll Taxes — Transportation — Yard.

040233 Other Fringes—State Payroll Taxes — Transportation — Train.

040234 Other Fringes—State Payroll Taxes — Transportation — Coal & Ore Wharves.

040235 Other Fringes—State Payroll Taxes — Transportation — Floating Equipment.

040236 Other Fringes—State Payroll Taxes — Transportation — TOFC Terminal.

040237 Other Fringes—State Payroll Taxes — Transportation — Other.

040240 Other Fringes—State Payroll Taxes—Traffic.

040250 Other Fringes—State Payroll Taxes—General & Administrative.

040300 Other Fringes—Health and Welfare Benefits and Group Insurance.

This account may be used as a control for all accounts in the 040300 series. This account shall include premiums on group and other insurance policies covering annuities and other benefits for employees or their beneficiaries, contributions, directly to employees health and welfare funds, and salaries and other expenses incurred directly in conducting relief, benefit, and medical departments for the benefit of officers and employees. Its components shall be distributed to the following accounts in accordance with instruction 1–15:

040310 Other Fringes—Health and Welfare Benefits and Group Insurance—Maintenance of Way and Structures.

040321 Other Fringes—Health and Welfare Benefits and Group Insurance—Maintenance of Equipment—Locomotives.

040322 Other Fringes—Health and Welfare Benefits and Group Insurance—Maintenance of Equipment—Freight-Train Cars.

040323 Other Fringes—Health and Welfare Benefits and Group Insurance—Maintenance of Equipment—Other Equipment.

040331 Other Fringes—Health and Welfare Benefits and Group Insurance — Transportation—Station.

040332 Other Fringes—Health and Welfare Benefits and Group Insurance — Transportation—Yard.

040333 Other Fringes—Health and Welfare Benefits and Group Insurance — Transportation—Train.

040334 Other Fringes—Health and Welfare Benefits and Group Insurance—Transportation—Coal and Ore Wharves.

040335 Other Fringes—Health and Welfare Benefits and Group Insurance — Transportation—Floating Equipment.

040336 Other Fringes—Health and Welfare Benefits and Group Insurance — Transportation—TOFC Terminal.

040337 Other Fringes—Health and Welfare Benefits and Group Insurance — Transportation—Other.

040340 Other Fringes—Health and Welfare Benefits and Group Insurance—Traffic.

040350 Other Fringes—Health and Welfare Benefits and Group Insurance—General & Administrative.

NOTE.—Premiums on group and other insurance policies and also other costs of employees health and welfare benefits (but not including pensions) are includible in the separate primary accounts under the general accounts for maintenance, traffic, transportation, miscellaneous operations, and general expenses, as may be appropriate, according to distribution of the pay of the employees covered by the contracts. (See instruction 1–10.)

040400 Other Fringes—Pensions and Retirement Plans.

This account may be used as a control account for all accounts in the 040400 series.

(a) This account shall include amounts payable for the current year to trustees under pension plans for pension costs computed on basis of employees services in the year and for pension costs computed on basis of credits for past services. This includes retired employees and former employees covered in such plans, as well as employees now in service. The account shall also include the amount for which the carrier is liable to cover cost of pensions vested in employees who have qualified for pensions in advance of payment to trustees. This account shall include amounts payable for each year directly to retired employees or to their beneficiaries when no trust fund exists. Also, in the case of an unfunded pension plan, when an employee retires and is granted a pension the total present worth of the pension actuarially computed may be charged to this account, provided this method of accounting for such expense is consistently followed.

(b) If the amount payable to the trustees for pensions for the current year is not paid before the accounts are closed, the item (estimated if necessary) shall be charged to this account and concurrently credited to account 814, "Accrued accounts payable"; or account 805, "Audited accounts and wages payable", in the case the amount is covered by audited voucher.

(c) The amounts to be charged to this account each year for costs of pensions, including credits based upon prior services, shall be in agreement, as nearly as practicable, with deductions includible in the Federal income tax return for the year under pension plan adopted by the carrier for making payments to the trustees. When payments attributable to prior services made to trustees at the time the pension plan is adopted or subsequently

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are materially in excess of deductions includible in the tax return for the year, such excess shall be included in account 782, "Other deferred debits", and cleared thereafter to this account in the years in which deductions are includible in tax returns (See Note B).

(d) Carriers shall maintain a complete record of payments to trustees for pensions and shall be prepared to furnish to the Commission full information of the plan under which it has created a pension fund and a copy of the declaration of trust and resolution under which the pension plan is established.

NOTE A.—Estimated liability heretofore authorized and recorded in the accounts as of the effective date of this system of accounts for pension costs, not funded, may be retained unless otherwise directed by the Commission. Also, payments heretofore made to trustees and charged off against income or retained earnings are not to be reversed, unless otherwise directed or authorized by the Commission.

NOTE B.—In the case of an existing pension plan, if the carrier should desire to conform its accounting to the full accrual basis of accounting, application to do so may be made to the Commission for consideration and such accounting shall not be performed unless approved by the Commission. Full accrual basis as used herein means recording in the accounts now and hereafter costs of employees pensions accrued, including credits for past services, upon the basis of actuarial computations, even though the sum has not been funded by payment to the trustees. Applications for such accounting shall show the method of computation, together with the carrier's proposal for recording in the accounts the related income tax credits to be realized in subsequent years.

Its components shall be distributed to the following accounts in accordance with instruction 1–15:

040410 Other Fringes—Pensions and retirement plans—Maintenance of Way and Structures.

040421 Other Fringes—Pensions and retirement plans—Maintenance of Equipment—Locomotives.

040422 Other Fringes—Pensions and retirement plans—Maintenance of Equipment—Freight-Train cars.

040423 Other Fringes—Pension and retirement plans—Maintenance of Equipment—Other Equipment.

040431 Other Fringes—Pension and retirement plans—Transportation—Station.

040432 Other Fringes—Pension and retirement plans—Transportation—Yard.

040433 Other Fringes—Pension and retirement plans—Transportation—Train.

040434 Other Fringes—Pension and retirement plans—Transportation—Coal and Ore Wharves.

040435 Other Fringes—Pension and retirement plans—Transportation—Floating Equipment.

040436 Other Fringes—Pension and retirement plans—Transportation—TOFC Terminal.

040437 Other Fringes—Pension and retirement plans—Transportation—other.

040440 Other Fringes—Pension and retirement plans—Traffic.

040450 Other Fringes—Pension and retirement plans—General and Administrative.

040500 Other Fringes—Other Fringes.

This account may be used as a control account for all accounts in the 040500 series. It shall include amounts paid for payroll related fringe benefits not included elsewhere. Its components shall be distributed to the following accounts in accordance with instruction 1–15:

040510 Other Fringes — Other Fringes — Maintenance of Way and Structures.

040521 Other Fringes — Other Fringes — Maintenance of Equipment — Locomotives.

040522 Other Fringes — Other Fringes — Maintenance of Equipment — Freight-Train Cars.

040523 Other Fringes — Other Fringes — Maintenance of Equipment — Other Equipment.

040531 Other Fringes — Other Fringes — Transportation—Station.

040532 Other Fringes — Other Fringes — Transportation—Yard.

040533 Other Fringes — Other Fringes — Transportation—Train.

040534 Other Fringes — Other Fringes — Transportation—Coal and Ore Wharves.

040535 Other Fringes — Other Fringes — Transportation—Floating Equipment.

040536 Other Fringes — Other Fringes — Transportation—TOFC Terminal.

040537 Other Fringes — Other Fringes — Transportation—Other.

040540 Other Fringes — Other Fringes—Traffic.

040550 Other Fringes — Other Fringes — General and Administrative.

040600 Other Fringes — Payroll fringes billed to others.

This account may be used as a control account for all accounts in the 040600 series. It shall include amounts received from others for recovery of payroll related fringe benefits. Its components shall be distributed to the following accounts in accordance with instruction 1–15:

040610 Other Fringes — Payroll fringes billed to others—Maintenance of Way and Structures.

040621 Other Fringes — Payroll fringes billed to others—Maintenance of Equipment—Locomotives.

040622 Other Fringes — Payroll fringes billed to others—Maintenance of Equipment—Freight-Train Cars.

040623 Other Fringes — Payroll fringes billed to others—Maintenance of Equipment—Other Equipment.

040631 Other Fringes — Payroll fringes billed to others—Transportation—Station.

040632 Other Fringes — Payroll fringes billed to others—Transportation—Yard.

040633 Other Fringes — Payroll fringes billed to others—Transportation—Train.

040634 Other Fringes — Payroll fringes billed to others—Transportation—Coal and Ore Wharves.

040635 Other Fringes — Payroll fringes billed to others—Transportation — Floating Equipment.

040636 Other Fringes — Payroll fringes billed to others—Transportation — TOFC Terminal.

040637 Other Fringes — Payroll fringes billed to others—Transportation—Other.

040640 Other Fringes — Payroll fringes billed to others—Traffic.

040650 Other Fringes — Payroll fringes billed to others—General & Administrative

040700 Other Fringes—Payroll fringes billed by others.

This account may be used as a control account for all accounts in the 040700 series. It shall include amounts paid to others for their recovery of payroll related fringe benefits. Its components shall be distributed to the following accounts in accordance with instruction 1–15:

040710 Other Fringes — Payroll fringes billed by others—Maintenance of Way and Structures.

040721 Other Fringes — Payroll fringes billed by others—Maintenance of Equipment—Locomotives.

040722 Other Fringes — Payroll fringes billed by others—Maintenance of Equipment—Freight-Train Cars.

040723 Other Fringes — Payroll fringes billed by others—Maintenance of Equipment—Other Equipment.

040731 Other Fringes — Payroll fringes billed by others—Transportation—Station.

040732 Other Fringes — Payroll fringes billed by others—Transportation—Yard.

040733 Other Fringes — Payroll fringes billed by others—Transportation—Train.

040734 Other Fringes — Payroll fringes billed by others—Transportation — Coal and Ore Wharves.

040735 Other Fringes — Payroll fringes billed by others—Transportation — Floating Equipment.

040736 Other Fringes — Payroll fringes billed by others—Transportation — TOFC Terminal.

040737 Other Fringes — Payroll fringes billed by others—Transportation—Other.

040740 Other Fringes — Payroll fringes billed by others—Traffic.

040750 Other Fringes — Payroll fringes billed by others—General & Administrative.

050000 Materials.

This account may be used as a control account for all accounts in the 050000 series.

050100 Materials — Locomotive Materials—New and rebuilt.

This account group includes the cost of purchased or self-manufactured parts and assemblies for use in locomotive repair. The total of such amounts may be included in this control account. Its components shall be charged to the following account(s) in accordance with instruction 1–14:

050121 Materials—Locomotives Materials—New and rebuilt—Maintenance of Equipment—Locomotives.

This account shall include the cost of materials for the maintenance of locomotives used in transportation service. This account shall be subdivided to show repair materials by the following types of locomotives:

(1) Diesel locomotives—Yard.
(2) Diesel locomotives—Road.
(3) Other locomotives—Yard.
(4) Other locomotives—Road.

050123 Materials—Locomotives Materials—New and rebuilt—Maintenance of Equipment—Other Equipment.

This account shall include the cost of locomotive materials for the maintenance of locomotives used in work service.

050200 Materials—Car Materials—New and rebuilt.

This account includes the cost of purchased or self-manufactured parts and assemblies for use in cars. This includes materials used in repairing freight-train cars, passenger train cars, and work equipment cars. The total of such amounts may be included in this control account. Its components shall be distributed to the following accounts in accordance with instruction 1–14:

050222 Materials—Car Materials—New and rebuilt—Maintenance of Equipment—Freight-Train Cars.

This account shall include the cost of materials used in connection with the maintenance of freight-train cars used in transportation service. This account shall be subdivided to show repair of freight train cars by type of equipment (See account 020822—Salaries & Wages—Repair and Maintenance Employees—Maintenance of Equipment—Freight Train Cars for list of car types).

050223 Materials—Car Materials—New and rebuilt—Maintenance of Equipment—Other Equipment.

This account shall include the cost of materials used in the maintenance of other equipment. This account shall be subdivided to show repair of other equipment by type of equipment (See account 020923—Salaries & Wages—Repair & Maintenance Employees—Maintenance of Equipment—Other Equipment for a list of equipment types, also property account 54, "Passenger train cars.")

050300 Materials—Rails.

This account shall include the cost, less salvage, of rails used in the repairs of tracks; also the cost (estimated if actual is not known) of the excess in weight of heavy rails removed and lighter rails applied in repairs of tracks. The total of such amounts may be included in this control account. Its components shall be charged to the following account(s) in accordance with instruction 1–14:

050310 Materials—Rails—Maintenance of Way and Structures.

This account includes the cost of rail used for repairs. This account shall be subdivided to show rails by the following types of tracks:

(1) Yard Switching Tracks.
(2) Running Tracks.

NOTE A.—The cost of the excess weight of heavier rails applied in repairs of tracks in replacement of lighter rails shall be included in account 9, "Rails".

050400 Materials—Ties.

This account shall include the cost of cross, switch, bridge, and other track ties used in repairs of tracks. The total of such amounts may be included in this control account. Its components shall be charged to the following account(s) in accordance with instruction 1–14:

050410—Materials — Ties — Maintenance of Way and Structures.

This account includes the cost of ties used for repairs. This account shall be subdivided to show ties by the following type of tracks:

(1) Yard Switching Tracks.
(2) Running Tracks.

050500 Materials—Ballast.

This account shall include the cost of gravel, stone, slag, cinders, sand, and like ballast material used in the repairs of tracks. The total of such amounts may be included in this control account. Its components shall be charged to the following account(s) in accordance with instruction 1–14:

050510 Materials — Ballast—Maintenance of Way and Structures.

This account includes the cost of ballast used for repairs. This account shall be subdivided to show ballast by the following type of tracks:

(1) Yard Switching Tracks.
(2) Running Tracks.

NOTE A.—The excess cost of improved ballast over the cost of replacing in kind to its maximum height and width the ballast previously put in the roadbed shall be charged to account 11, "Ballast".

050600 Materials—Other Track Material.

This account shall include the cost (less salvage) of all track material used in the repairs of tracks, other than ballast, ties, and rails. The total of such amounts may be included in this control account. Its components shall be charged to the following account(s) in accordance with instruction 1–14:

050610 Materials — Other Track Material — Maintenance of Way and Structure.

This account shall include the cost (less salvage) of all track material used in the repairs of tracks, other than ballast, ties, and rails. This account shall be subdivided to show material on the following types of track:

(1) Yard Switching Tacks.
(2) Running Tracks.

ITEMS (SEE INSTRUCTION 1–13)

ITEMS OF EXPENSE

Angle bars.
Anticreepers.
Connecting rods.
Derails.
Frog and guard-rail blocking.
Frogs.
Guard-rail clamps.
Guard-rail fasteners.
Guard-rails.
Main rods.
Nut locks.
Nuts.
Offset bars.
Rail braces.
Rail chairs.
Rail clips.
Rail joints.
Rail rests.
Rail shims.
Rail splices.
Splice bars.
Step chairs.
Switch chairs.
Switch crossings.
Switch lamps.
Switch locks and keys.
Switch points.
Switch stands.
Switch-stand bolts.
Switch targets.
Switches.
Tie plates.
Tie plugs.
Tie-rods.
Track bolts.
Track insulators.
Track spikes.

NOTE A.—The excess cost of improved or heavier track material applied for repairs of tracks, under a definite plan of changing standards, over the cost, at current prices,

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of material of the same weight and quality as that released, shall be charged account 10, "Other Track Material".

050700 Materials—Other Material.

This account includes the cost of material, not classified elsewhere, used for repairs. The total of such amounts may be included in this control account. Its components shall be distributed to the following accounts in accordance with instruction 1–14:

050710 Materials—Other Material—Maintenance of Way and Structure.

This account includes the cost of materials, not classified elsewhere, used for repairs of the following structures. Where applicable this account shall be subdivided to show Other Materials by the following types of track.

(1) Yard Switching Tracks.
(2) Running Tracks.

LIST OF STRUCTURES (SEE INSTRUCTION 1–13)

(1) Tunnels & Subways.
(2) Bridges, Trestles and Culverts.
(3) Elevated Structures and foundations of elevated railway systems.
(4) Fences, Snowsheds, and Signs.
(5) Station Buildings.
(6) General Office Buildings.
(7) Roadway Buildings.
(8) Water Station.
(9) Fuel Station.
(10) Shops.
(11) Enginehouses.
(12) Storage Warehouses.
(13) Wharves and Docks.
(14) Coal & Ore Wharves.
(15) TOFC/COFC Terminals.
(16) Communication Systems.
(17) Signals & Interlocker.
(18) Power Plants.
(19) Power-Transmission Systems.
(20) Miscellaneous Structures.
(21) Roadway Machines.
(22) Public Improvements.
(23) Shop Machinery.
(24) Power Plant Machinery.

050723 Materials—Other Material—Maintenance of Equipment—Other Equipment.

This account includes the cost of materials, not classified elsewhere, used for repairs. This account shall include the cost of materials used for repairing:

(1) floating equipment,
(2) miscellanous equipment.

060000 Tools and operating supplies.

This account may be used as a control account for all accounts in the 060000 series.

060100 Tools and Operating Supplies—Train and Locomotive Supplies.

This account shall include the cost of supplies furnished for use on cars and locomotives in transportation train service. Among the items included in this account are cleaning and polishing compounds, brooms, brushes, cups, fuses, lanterns, medical boxes, oil for lanterns, shovels, signal boxes, torpedoes, towels, and uniforms. The total of such amounts may be included in this control account. Its components shall be charged to the following account(s) in accordance with instruction 1–14:

060132 Tools and Operating Supplies—Train and Locomotive Supplies—Transportation—Yard.

060133 Tools and Operating Supplies—Train and Locomotive Supplies—Transportation—Train.

060200 Tool and Operating Supplies—Operating and Service Tools.

This account may be used as a control account for all accounts in the 060200 series. This account includes the cost of all tools requisitioned from stores or obtained directly. The total of such amounts may be included in this control account. Its components shall be charged to the following account(s) in accordance with instruction 1–14:

060210 Tools and Operating Supplies—Operating and Service Tools—Maintenance of Way and Structures.

060221 Tools and Operating Supplies—Operating and Service Tools—Maintenance of Equipment—Locomotives.

060222 Tools and Operating Supplies—Operating and Service Tools—Maintenance of Equipment— Freight-Train Cars.

060223 Tools and Operating Supplies—Operating and Service Tools—Maintenance of Equipment—Other Equipment.

060231 Tools and Operating Supplies—Operating and Service Tools — Transportation—Station.

060232 Tools and Operating Supplies—Operating and Service Tools — Transportation—Yard.

060233 Tools and Operating Supplies—Operating and Service Tools — Transportation—Train.

060234 Tools and Operating Supplies—Operating and Service Tools — Transportation—Other Services—Coal & Ore Wharves.

060235 Tools and Operating Supplies—Operating and Service Tools — Transportation — Other Services — Floating Equipment.

060236 Tools and Operating Supplies—Operating and Service Tools — Transportation — Other Services — TOFC Terminal.

060237 Tools and Operating Supplies—Operating and Service Tools — Transportation — Other Services — Other.

060300 Tools and Operating Supplies—Other Supplies.

This account may be used as a control account for all accounts in the 060300 series. The total of such amounts may be included in this control account. This account shall include the cost of all supplies not classified elsewhere.

ITEMS (SEE INSTRUCTION 1–13)

Foods & Beverages.
Dining, Buffet & Bar Supplies.
Cutting & Welding Supplies.
Electrical Supplies.
Cleaning & Other Housekeeping Supplies.
Laundry.
Ice.
Miscellaneous Supplies.

Its components shall be charged to the following account(s) in accordance with instruction 1–14.

060310 Tools and Operating Supplies—Other Supplies—Maintenance of Way and Structures.

060321 Tools and Operating Supplies—Other Supplies—Maintenance of Equipment—Locomotives.

060322 Tools and Operating Supplies—Other Supplies—Maintenance of Equipment—Freight-Train Cars.

060323 Tools and Operating Supplies—Other Supplies—Maintenance of Equipment—Other Equipment.

060331 Tools and Operating Supplies—Other Supplies—Transportation—Station.

060332 Tools and Operating Supplies—Other Supplies—Transportation—Yard.

060333 Tools and Operating Supplies—Other Supplies—Transportation—Train.

060334 Tools and Operating Supplies—Other Supplies—Transportation — Coal & Ore Wharves.

060335 Tools and Operating Supplies—Other Supplies—Transportation — Floating Equipment.

060336 Tools and Operating Supplies—Other Supplies—Transportation — TOFC Terminal.

060337 Tools and Operating Supplies—Other Supplies—Transportation—Other.

060340 Tools and Operating Supplies—Other Supplies—Traffic.

060350 Tools and Operating Supplies—Other Supplies—General & Administrative.

070000 Fuels and lubricants.

This account may be used as a control account for all accounts in the 070000 series.

070100 Fuels and Lubricants—Diesel Fuel—Switching.

This account may be used as a control account for all accounts in the 070100 series.

070132 Fuels and Lubricants—Diesel Fuel — Switching — Transportation—Yard.

This account shall include the cost of diesel fuel consumed in switching service in yards where regular switching service is mantained and in terminal switching and transfer service.

070133 Fuels and Lubricants—Diesel Fuel — Switching — Transportation—Train.

This account shall include the cost of diesel fuel consumed by train locomotives in train-switching service.

070200 Fuels and Lubricants—Diesel Fuel—Running.

This account may be used as a control account for all amounts in the 070200 series.

070233 Fuels and Lubricants—Diesel Fuel — Running — Transportation—Train.

This account includes the cost of all diesel fuel for propulsion of trains in transportation service.

070300 Other Motive Power Fuels—Switching.

This account may be used as a control accounts in the 070300 series. This account includes the cost of all locomotive fuels other than diesel fuels used in switching service. This account shall also include the cost of electric power purchased for the propulsion of engines and cars in switching service.

070332 Other Motive Power Fuels—Switching — Transportation — Yard.

This account includes the cost of all locomotive fuels other than diesel fuels used in yard switching service. This includes coal, coke, oil and wood.

070333 Other Motive Power Fuels—Transportation—Train.

This account includes the cost of all locomotive fuels other than diesel fuels consumed by locomotives engaged in train switching service.

070400 Fuels and Lubricants—Other Motive Power Fuels—Running.

This account may be used as a control account for all amounts in the 070400 series.

070433 Fuels and Lubricants—Other Motive Power Fuels—Running—Transportation—Train.

This account includes the cost of all locomotive fuels other than diesel fuels consumed by locomotives engaged in Transportation train service.

070500 Fuels and Lubricants—Gasoline.

This account includes the cost of gasoline used for fuel in various vehicles. This account may be used as a control account for all accounts in the 070500 series. Its components shall be distributed to the following accounts in accordance with instruction 1–14:

070510 Fuels and Lubricants—Gasoline—Maintenance of Way and Structures.

070521 Fuels and Lubricants—Gasoline—Maintenance of Equipment—Locomotives.

070522 Fuels and Lubricants—Gasoline—Maintenance of Equipment—Freight-Train Cars.

070523 Fuels and Lubricants—Gasoline—Maintenance of Equipment—Other Equipment.

070531 Fuels and Lubricants—Gasoline — Transportation — Station.

070532 Fuels and Lubricants—Gasoline — Transportation — Yard.

070533 Fuels and Lubricants—Gasoline — Transportation — Train.

070534 Fuels and Lubricants—Gasoline — Transportation — Other Services—Coal & Ore Wharves.

070535 Fuels and Lubricants—Gasoline — Transportation — Other Services — Floating Equipment.

070536 Fuels and Lubricants Gasoline — Transportation — Other Services — TOFC Terminal.

070537 Fuels and Lubricants—Gasoline — Transportation — Other Services—Other.

070540 Fuels and Lubricants—Gasoline—Traffic.

070550 Fuels and Lubricants—Gasoline—General & Administrative.

070600 Fuels and Lubricants—Fuel for Heating.

This account includes the cost of fuel used for heating (such as that used for heating cars and buildings). This account may be used as a control account for all accounts in the 070600 series. Its components shall be distributed to the following accounts in accordance with instruction 1–14.

070610 Fuels and Lubricants—Fuel for Heating—Maintenance of Way and Structures.

070621 Fuels and Lubricants—Fuel for Heating—Maintenance of Equipment — Locomotives.

070622 Fuels and Lubricants—Fuel for Heating—Maintenance of Equipment — Freight-Train Cars.

070623 Fuels and Lubricants—Fuel for Heating—Maintenance of Equipment — Other Equipment.

070631 Fuels and Lubricants—Fuel for Heating — Transportation—Station.

070632 Fuels and Lubricants—Fuel for Heating — Transportation—Yard.

070633 Fuels and Lubricants—Fuel for Heating — Transportation—Train.

070634 Fuels and Lubricants—Fuel for Heating — Transportation—Other Services—Coal & Ore Wharves.

070635 Fuels and Lubricants — Fuel for Heating — Transportation — Other Services—Floating Equipment.

070636 Fuels and Lubricants — Fuel for Heating — Transportation — Other Services — TOFC Terminal.

070637 Fuels and Lubricants — Fuel for Heating — Transportation — Other Services — Other.

070640 Fuels and Lubricants — Fuel for Heating—Traffic.

070650 Fuels and Lubricants — Fuel for Heating — General & Administrative.

070700 Fuels and Lubricants—Lubricants.

This account includes the cost of lubricants used in locomotives, railroad cars, work equipment, shop machinery, small tools and supplies, etc. This account may be used as a control account for all accounts in the 070700 series. Its components shall be distributed to the following accounts in accordance with instruction 1–14:

070710 Fuels and Lubricants—Lubricants—Maintenance of Way and Structures.

070721 Fuels and Lubricants—Lubricants — Maintenance of Equipment—Locomotives.

070722—Fuels and Lubricants—Lubricants — Maintenance of Equipment—Freight-Train Cars.

070723 Fuels and Lubricants—Lubricants — Maintenance of Equipment—Other Equipment.

070732 Fuels and Lubricants—Lubricants — Transportation — Yard.

070733 Fuels and Lubricants—Lubricants — Transportation — Train.

070734 Fuels and Lubricants—Lubricants — Transportation — Other Services—Coal & Ore Wharves.

070735 Fuels and Lubricants—Lubricants — Transportation — Other Services—Floating Equipment.

070736 Fuels and Lubricants—Lubricants — Transportation — Other Services — TOFC Terminal.

070737 Fuels and Lubricants—Lubricants — Transportation — Other Services—Other.

080000 Utilities.

This account may be used as a control account for all accounts in the 080000 series. This account includes the cost of electricity, steam, water, and other utilities purchased or produced and used for power, heat, lighting, sanitation, etc. This does not include the cost of utilities used as power for locomotives.

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The total of such amounts may be included in this control account. Its components shall be distributed to the following accounts in accordance with instruction 1-14:

080010 Utilities — Maintenance of Way and Structures.
080021 Utilities — Maintenance of Equipment — Locomotives.
080022 Utilities — Maintenance of Equipment — Freight-Train Cars.
080023 Utilities — aintenance of Equipment—Other Equipment.
080031 Utilities — Transportation — Station.
080032 Utilities — Transportation — Yard.
080033 Utilities — Transportation — Train.
080034 Utilities — Transportation — Other Services—Coal & Ore Wharves.
080035 Utilities — Transportation — Other Services — Floating Equipment.
080036 Utilities — Transportation — Other Services — TOFC Terminals.
080037 Utilities — Transportation — Other Services—Other.
080040 Utilities—Traffic.
080050 Utilities—General & Administrative.

090000 Purchased services.

This account may be used as a control account for all accounts in the 090000 series. This account includes the cost of all services in the 090000 series purchased from others and billed to others by the carrier.

090100 Purchased Services—Hire of Freight Cars and highway revenue freight equipment—Debit.

This account may be used as a control account for all account(s) in the 090100 series.

090133 Purchased Services—Hire of Freight Cars — Debit — Transportation—Train.

This account includes the total cost of foreign and private line cars of others leased or interchanged on a per diem, mileage, or other basis and highway revenue freight equipment of others. This does not include the costs that are provided for in the text of account 542, "Rent for leased roads and equipment." This account shall be maintained to reflect separately the total cost by type of freight-car and highway revenue freight equipment. (See the list of car-types in account 020922.)

090200 Purchased Services — Hire of Freight Cars and highway revenue freight equipment—Credit.

This account may be used as a control account for all account(s) in the 090200 series.

090233 Purchased Services—Hire of Freight Cars—Credit—Transportation—Train.

This account includes the total revenues earned for the use of the accounting company's freight cars leased or interchanged on a per diem, mileage, or other basis and highway revenue freight equipment of others. This does not include the revenues that are provided for in the text of account 509, "Income from lease of road and equipment." This account shall be maintained so as to reflect separately the total cost by type of freight car and highway revenue freight equipment.

090300 Purchased Services — Locomotive Rentals—Debit.

This account may be used as a control account for all account(s) in the 090300 series.

090333 Purchased Services—Locomotive Rentals—Debit—Transportation—Train.

This account shall include the cost for the use of the locomotives of others, leased or interchanged, except as provided in the text of account 542, "Rent for leased roads and equipment."

090400 Purchased Services — Locomotive Rentals—Credit.

This account may be used as a control account for all account(s) in the 090400 series.

090433 Purchased Services—Locomotive Rentals—Credit—Transportation—Train.

This account shall include the revenues earned for the use of the accounting company's locomotives leased or interchanged, except as provided in the text of account 509, "Income from lease of roads and equipment."

090500 Purchased Services — Work Equipment Rentals—Debit.

This account may be used as a control account for all accounts in the 090500 series. This account shall include the cost for the use of work equipment belonging to others leased or interchanged, except as provided in the text of account 542, "Rent for leased roads and equipment." Refer to property account 57 for a list of rail and floating work equipment.

Its components shall be distributed to the following accounts in accordance with instruction 1-14:

090510 Purchased Services — Work Equipment Rentals — Debit — Maintenance of Way and Structures.
090532 Purchased Services — Work Equipment Rentals — Debit—Transportation—Yard.
090533 Purchased Services — Work Equipment Rentals — Debit—Transportation—Train.
090535 Purchased Services — Work Equipment Rentals — Debit — Transportation — Other Services — Floating Equipment.
090537 Purchased Services — Work Equipment Rentals — Debit — Transportation — Other Services—Other.
090600 Purchased Services — Work Equipment Rentals—Credit.

This account may be used as a control account for all accounts in the 090600 series. This account shall include the revenues earned for the use of the accounting company's work equipment, leased or interchanged, except as provided in the text of account 509, "Income from lease of road and equipment." Refer to property account 57 for a list of rail and floating work equipment.

It components shall be distributed to the following accounts in accordance with instruction 1-14 :

090610 Purchased Services—Work Equipment Rentals—Credit—Maintenance of Way and Structures.
090632 Purchased Services — Work Equipment Rentals—Credit—Transportation—Yard.
090633 Purchased Services—Work Equipment Rentals—Credit—Transportation—Train.
090635 Purchased Services—Work Equipment Rentals—Credit—Transportation — Other Services—Foating Equipment.
090637 Purchased Services—Work Equipment Rentals—Credit — Transportation—Other Services—Other.

090700 Purchased Services — Floating Equipment Rentals—Debit.

This account may be used as a control account for all account(s) in the 090700 series.

090735 Purchased Services—Floating Equipment Rentals — Debit — Transportation—Other Services—Floating Equipment.

This account shall include, except as provided in the text of account 542, "Rent for Leased Roads and Equipment", the cost for the use of the floating equipment of others, leased or chartered. Refer to property account 56 for a list of floating equipment.

090800 Purchased Services — Floating Equipment Rentals—Credit.

This account may be used as a control account for all account(s) in the 090800 series.

090835 Purchased Services—Floating Equipment Rentals — Credit — Transportation—Other Services—Floating Equipment.

This account shall include, except as provided in the text of account 509, "Income from Lease of Road and Equipment", the total revenues earned for the use of the accounting company's floating equipment leased or chartered.

090900 Purchased Services—Repairs—Billed by Others—Debit.

This account may be used as a control account for all accounts in the 090900 series. This account shall include the cost of all repairs performed by others on company equipment. This account shall

be maintained to reflect separately the total cost by type of equipment. Refer to Expense Accounts 020821, 020822, and 020823 for a list of equipment.

Its components shall be distributed to the following accounts in accordance with instruction 1-14:

090921 Purchased Services — Repairs—Billed by others—Maintenance of Equipment—Locomotives.
090922 Purchased Services — Repairs—Billed by others—Maintenance of Equipment—Freight-Train Cars.
090923 Purchased Services — Repairs—Billed by others—Maintenance of Equipment—Other Equipment.

091000 Purchased Services—Repairs—Billed to others—Credit.

This account may be used as a control account for all accounts in the 091000 series. This credit account includes the amount of repairs billed to others. This account shall be maintained to reflect separately the total credit by type of equipment.

ITEMS REPAIRED

(1) Locomotives.
(2) Freight-train Cars.
(3) Passenger-train Cars.
(4) Highway Revenue Equipment.
(5) Floating Equipment.
(6) Work Equipment.
(7) Miscellaneous Equipment.

Its components shall be distributed to the following accounts in accordance with instruction 1-14:

091021 Purchased Services—Repairs—Billed to others—Credit—Maintenance of Equipment—Locomotives.
091022 Purchased Services—Repairs—Billed to others—Credit—Maintenance of Equipment—Freight-Train cars.
091023 Purchased Services—Repairs—Billed to others—Credit—Maintenance of Equipment—Other Equipment.

091100 Purchased Services—Other Purchased Services.

This account may be used as a control account for all accounts in the 091100 series. This account shall include the cost of other purchased services not provided for in the foregoing accounts.

091110 Purchased Services—Other Purchased Services—Maintenance of Way and Structures.

This account shall include the cost for the rental of roadway machines.

091133 Purchased Services—Other Purchased Services — Transportation—Train.

This account shall include the cost of refrigeration service, weighing service, and the rental of passenger cars. It shall also include the amounts paid to other companies for service of locomotives, derricks and other equipment, and for ways of crews in wrecking service.

This account shall be maintained so as to reflect separately the cost applicable to (1) refrigeration service, (2) weighing service, (3) rental of passenger cars, and (4) amounts paid to other companies for service of locomotives, derricks, and other equipment, and for wages of crews in wrecking service.

091200 Purchased Services—Joint Facility—Debit.

This account includes the carrier's portion of the costs incurred by others in operating and maintaining joint facilities. This account may be used as a control account for all accounts in the 091200 series.

091210 Purchased Services—Joint Facility—Debit—Maintenance of Way and Structures.

This account shall include the carrier's portion of the costs incurred by others in maintaining joint tracks, yards, terminals and other facilities.

091221 Purchased Services — Joint Facility — Debit — Maintenance of Equipment—Locomotives.

This account shall include the carrier's portion of expenses incurred by others in maintaining locomotives used in the operation of joint facilities, including the carrier's portion of the expenses of repairing such locomotives damaged by accidents when such expenses are participated in by more than one carrier.

091222 Purchased Services — Joint Facility — Debit — Maintenance of Equipment—Freight-Train Cars.

This account shall include the carrier's portion of expenses incurred by others in repairing freight-train cars in joint car facilities, including the carrier's portion of the expenses of repairing such freight-train cars damaged by accidents when such expenses are participated in by more than one carrier.

091223 Purchased Services — Joint Facility — Debit — Maintenance of Equipment—Other Equipment.

This account shall include the carrier's portion of expenses incurred by others in maintaining other equipment used in the operation of joint facilities, including the carrier's portion of the expenses of repairing such other equipment damaged by accidents when such expenses are participated in by more than one carrier.

091230 Purchased Services—Joint Facility—Debit—Transportation.

This account may be used as a control account for all accounts in the 091230 series. This account shall include the carrier's portion of the costs incurred by others in their operation of joint yards, terminals, tracks, and other facilities, including signals and interlockers at such joint facilities.

Its components shall be distributed to the following accounts in accordance with instruction 1-14:

091231 Purchased Services—Joint Facility — Debit—Transportation—Station.
091232 Purchased Services—Joint Facility — Debit—Transportation—Yard.
091233 Purchased Services—Joint Facility — Debit—Transportation—Train.
091234 Purchased Services—Joint Facility — Debit—Transportation — Other Services — Coal & Ore Wharves.
091235 Purchased Services—Joint Facility — Debit—Transportation — Other Services — Floating Equipment.
091236 Purchased Services—Joint Facility — Debit—Transportation — Other Services — TOFC Terminal.
091237 Purchased Services—Joint Facility — Debit—Transportation — Other Services — Other.
091250 Purchased Services—Joint Facility—Debit—General & Administrative.

This account shall include the carrier's portion of general expenses incurred by others incident to maintaining and operating tracks, yards, terminals, and other facilities used jointly.

091300 Purchased Services—Joint Facility—Credit.

This account shall include amounts chargeable to others as their portion of the cost incurred by the carrier in operating and maintaining joint facilities. This account may be used as a control account for all accounts in the 091300 series.

091310 Purchased Services—Joint Facility—Credit—Maintenance of Way and Structures.

This account shall include amounts chargeable to others as their portion of the cost incurred by the carrier in maintaining joint tracks, yards, terminals, and other facilities.

901321 Purchased Services—Joint Facility — Credit — Maintenance of Equipment—Locomotives.

This account shall include amounts chargeable to others as their portion of the cost incurred by the carrier in maintaining locomotives, used in the operation of joint facilities, and for expenses of repairing equipment damaged by accidents, when such expenses are participated in by more than one carrier.

091322 Purchased Services—Joint Facility — Credit — Maintenance of Equipment—Freight-Train Cars.

This account shall include amounts chargeable to others as their portion of the cost incurred by the carrier in repairing freight-train cars in joint car facilities, including the carrier's portion of the expenses of repairing such freight-train cars damaged by accidents when such expenses are participated in by more than one carrier.

091323 Purchased Services—Joint Facility — Credit — Maintenance of Equipment—Other Equipment.

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This account shall include amounts chargeable to others as their portion of the costs incurred by the carrier in maintaining other equipment used in the operation of joint facilities, and for expenses of repairing equipment damaged by accidents, when such expenses are participated in by more than one carrier.

091330 Purchased Services—Joint Facility—Credit—Transportation.

This account may be used as a control account for all accounts in the 091330 series. This account shall include amounts chargeable to others as their portion of the costs incurred by the carrier in the operation of joint yards, terminals, tracks, and other facilities, including signals and interlockers at such joint facilities.

Its components shall be distributed to the following accounts in accordance with instruction 1–14:

091331 Purchased Services—Joint Facility—Credit—Transportation—Station.

091332 Purchased Services—Joint Facility—Credit—Transportation—Yard.

091333 Purchased Services—Joint Facility—Credit—Transportation—Train.

091334 Purchased Services—Joint Facility—Credit—Transportation—Other Services—Coal & Ore Wharves.

091335 Purchased Services—Joint Facility—Credit—Transportation — Other Services — Floating Equipment.

091336 Purchased Services—Joint Facility—Credit—Transportation — Other Services — TOFC Terminals.

091337 Purchased Services—Joint Facility—Credit—Transportation — Other Services — Others.

091350 Purchased Services—Joint Facility—Credit—General & Administrative.

This account shall include amounts chargeable to others as their portion of general expenses incurred by the carrier incident to maintaining and operating tracks, yards, terminals, and other facilities used jointly.

100000 Casualty & damages.

This account may be used as a control account for all accounts in the 100000 series.

100100 Casualty & Damages—Claims Settlement—Cargo Lost & Damaged.

This account includes the cost of all settlements paid on damage to freight.

100133 Casualty & Damages—Claims Settlement—Cargo Lost & Damaged—Train.

This account shall include the cost of all settlements paid on destruction, damage, or delays to reevnue freight shipments, including locomotives, cars and highway revenue equipment transported as freight. This account shall be maintained to reflect separately cargo lost and damaged by (1) Carload, (2) Less Carload, and (3) TOFC.

100200 Casualty & Damages—Claims Settlement—Other Property Lost & Damaged.

This account shall include the cost of all damages to the property of others, whether by fire, collision, flood or other cause. This account shall also include the cost of all cattle and other livestock killed or injured while crossing or trespassing on the right-of-way. Also the cost for all destruction, damage, or delays to baggage and other personal property carried as baggage and damage to personal apparel.

NOTE A.—This account also includes the net loss sustained on account of the destruction of foreign freight cars in the carrier's transportation service.

The total of such amounts shall be distributed to the following activities in accordance with instruction 1–14:

100231 Casualty & Damages—Claims Settlement—Transportation—Station.

100232 Casualty & Damages—Claims Settlement—Transportation—Yard.

100233 Casualty & Damages—Claims Settlement—Transportation—Train.

100300 Casualty & Damages—Employee's Claims.

This account includes the cost of all settlements paid on injuries to employees. The total of such amounts shall be distributed to the following activities in accordance with instruction 1–14:

100310 Casualty & Damages—Employee's Claims — Maintenance of Way and Structures.

100321 Casualty & Damages—Employee's Claims — Maintenance of Equipment—Locomotives.

100322 Casualty & Damages—Employee's Claims — Maintenance of Equipment—Freight-Train Cars.

100323 Casualty & Damages—Employee's Claims — Maintenance of Equipment—Other Equipment.

100331 Casualty & Damages—Employee's Claims—Transportation—Station.

100332 Casualty & Damages—Employee's Claims—Transportation—Yard.

100333 Casualty & Damages—Employee's Claims—Transportation—Train.

100334 Casualty & Damages—Employee's Claims—Transportation—Other Services—Coal & Ore Wharves.

100335 Casualty & Damages—Employee's Claims—Transportation—Other Services—Floating Equipment.

100336 Casualty & Damages—Employee's Claims—Transportation—Other Services—TOFC Terminal.

100337 Casualty & Damages—Employee's Claims—Transportation—Other Services—Other.

100340 Casualty & Damages—Employee's Claims—Traffic.

100350 Casualty & Damages—Employee's Claims—General & Administrative.

100400 Casualty & Damages—Casualty—Outside Parties.

This account may be used as a control account for all accounts in the 100400 series.

100450 Casualty & Damages—Casualty—Outside Parties—General & Administrative.

This account includes the cost of all settlements paid because of injuries to individuals other than employees.

100500 Casualty & Damages—Insurance Premiums—Fire, theft, injuries, and other.

This account includes the net cost (premiums less dividends or refunds) of commercial insurance to protect the company against loss from fire, theft, personal injuries to others and damages to property of others.

The total of such amounts shall be distributed to the following activities in accordance with instruction 1–14:

100510 Casualty & Damages—Insurance Premiums—Fire, theft, injuries, and other—Maintenance of Way and Structures.

100521 Casualty & Damages—Insurance Premiums—Fire, theft, injuries, and other—Maintenance of Equipment—Locomotives.

100522 Casualty & Damages—Insurance Premiums—Fire, theft, injuries, and other—Maintenance of Equipment—Freight-Train Cars.

100523 Casualty & Damages—Insurance Premiums—Fire, theft, injuries, and other—Maintenance of Equipment—Other Equipment.

100531 Casualty & Damages—Insurance Premiums—Fire, theft, injuries, and other—Transportation—Station.

100532 Casualty & Damages—Insurance Premiums—Fire, theft, injuries, and other—Transportation—Yard.

100533 Casualty & Damages—Insurance Premiums—Fire, theft, injuries, and other—Transportation—Train.

100534 Casualty & Damages—Insurance Premiums—Fire, theft, injuries, and other—Transportation—Other Services—Coal & Ore Wharves.

100535 Casualty & Damages—Insurance Premiums—Fire, theft, injuries, and other—Transportation—Other Services—Floating Equipment.

100536 Casualty & Damages—Insurance Premiums—Fire, theft, injuries, and other—Transportation—Other Services—TOFC Terminal.

100537 Casualty & Damages—Insurance Premiums—Fire, theft, injuries, and other—Transportation—Other Services—Other.

100540 Casualty & Damages—Insurance Premiums—Fire, theft, injuries, and other—Traffic.

100550 Casualty & Damages—Insurance Premiums—Fire, theft, injuries, and other—General & Administrative.

110000 General.

This account may be used as a control account for all accounts in the 110000 series.

110100 General—Printing, Stationery and Postage.

This account includes the cost of stationery, printing, and postage, including the cost of printing annual reports, contracts, leases, stock certificates, and passes.

The total of such amounts shall be distributed to the following activities in accordance with instruction 1–14:

110110 General—Printing, Stationery & Postage—Maintenance of Way and Structures.

110121 General—Printing, Stationery & Postage—Maintenance of Equipment—Locomotives.

110122 General—Printing, Stationery & Postage—Maintenance of Equipment — Freight-Train Cars.

110123 General—Printing, Stationery & Postage—Maintenance of Equipment — Other Equipment.

110131 General—Printing, Stationery & Postage—Transportation—Station.

110132 General—Printing, Stationery & Postage—Transportation—Yard.

110133 General—Printing, Stationery & Postage—Transportation—Train.

110134 General—Printing, Stationery & Postage—Transportation — Other Services — Coal & Ore Wharves.

110135 General—Printing, Stationery & Postage—Transportation — Other Services — Floating Equipment.

110136 General—Printing, Stationery & Postage—Transportation — Other Services — TOFC Terminal.

110137 General—Printing, Stationery & Postage—Transportation — Other Services — Other.

110140 General—Printing, Stationery & Postage—Traffic.

110150 General—Printing, Stationery & Postage—General & Administrative.

110200 General—Telephone & Telegraph.

This account includes the cost of telephone, telegraph and teletype. The total of such amounts shall be distributed to the following activities in accordance with instruction 1–14:

110210 General—Telephone & Telegraph—Maintenance of Way and Structures.

110221 General—Telephone & Telegraph—Maintenance of Equipment—Locomotives.

110222—General—Telephone & Telegraph—Maintenance of Equipment — Freight-Train Cars.

110223 General—Telephone & Telegraph—Maintenance of Equipment—Other Equipment.

110231 General—Telephone & Telegraph — Transportation — Station.

110232 General—Telephone & Telegraph — Transportation — Yard.

110233 General—Telephone & Telegraph — Transportation — Train.

110234 General—Telephone & Telegraph — Transportation — Other Services—Coal and Ore Wharves.

110235 General—Telephone & Telegraph — Transportation — Other Services—Floating Equipment.

110236 General—Telephone & Telegraph — Transportation — Other Services—TOFC Terminal.

110237 General—Telephone & Telegraph — Transportation — Other Services—Other.

110240 General—Telephone & Telegraph—Traffic.

110250 General—Telephone & Telegraph—General & Administrative.

110300 General—Travel & Other Expenses of Officers & Employees.

This account includes the cost of all travel, entertainment, professional activities and other expenses incurred by officers and employees. The total of such amounts shall be distributed to the following activities in accordance with instruction 1–14:

110310 General—Travel & Other Expenses of Officers & Employees—Maintenance of Way and Structures.

110321 General—Travel & Other Expenses of Officers & Employees—Maintenance of Equipment—Locomotives.

110322 General—Travel & Other Expenses of Officers & Employees—Maintenance of Equipment — Freight-Train Cars.

110323 General—Travel & Other Expenses of Officers & Employees—Maintenance of Equipment — Freight-Train Cars.

110331 General—Travel & Other Expenses of Officers & Employees—Transportation — Station.

110332 General—Travel & Other Expenses of Officers & Employees—Transportation — Yard.

110333 General—Travel & Other Expenses of Officers & Employees—Transportation — Train.

110334 General—Travel & Other Expenses of Officers & Employees—Transportation — Other Services—Coal & Ore Wharves.

110335 General—Travel & Other Expenses of Officers & Employees—Transportation — Other Services — Floating Equipment.

110336 General—Travel & Other Expenses of Officers & Employees—Transportation — Other Services—TOFC Terminal.

110337 General—Travel & Other Expenses of Officers & Employees—Transportation — Other Services—Other.

110340 General—Travel & Other Expenses of Officers & Employees—Traffic.

110350 General—Travel & Other Expenses of Officers & Employees—General & Administrative.

110400 General — Professional Services.

This account includes the cost of all outside professional services, such as legal, auditing and consulting services.

The total of such amounts shall be distributed to the following activities in accordance with instruction 1–14:

110410 General—Professional Services—Maintenance of Way and Structures.

110421 General—Professional Services—Maintenance of Equipment—Locomotives.

110422 General—Professional Services—Maintenance of Equipment—Freight-Train Cars.

110423 General—Professional Services—Maintenance of Equipment—Other Equipment.

110431 General—Professional Services—Transportation—Station.

110432 General—Professional Services — Transportation — Yard.

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110433 General—Professional Services — Transportation — Train.
110434 General—Professional Services — Transportation — Other Services—Coal & Ore Wharves.
110435 General—Professional Services — Transportation — Other Services—Floating Equipment.
110436 General—Professional Services — Transportation — Other Services—TOFC Terminal.
110437 General — Professional Services — Transportation — Other Services—Other.
110440 General—Professional Services—Traffic.
110450 General—Professional Services—General & Administrative.

110500 General—Office & Other Space Rental.

This account includes the cost of all space rented. This account group shall also be credited with amounts receivable as rental from the sublease of property rented from others if amounts payable as rent for the property by the reporting carrier are charged hereto.

The total of such amounts shall be distributed to the following activities in accordance with instruction 1-14:

110510 General—Office & Other Space Rental—Maintenance of Way and Structures.
110521 General—Office & Other Space Rental—Maintenance of Equipment—Locomotives.
110522 General—Office & Other Space Rental—Maintenance of Equipment—Freight-Train Cars.
110523 General—Office & Other Space Rental—Maintenance of Equipment—Other Equipment.
110531 General—Office & Other Space Rental—Transportation — Station.
110532 General—Office & Other Space Rental—Transportation — Yard.
110533 General—Office & Other Space Rental—Transportation — Train.
110534 General—Office & Other Space Rental—Transportaiton — Other Services—Coal & Ore Wharves.
110535 General—Office & Other Space Rental—Transportation — Other Services—Floating Equipment.
110536 General—Office & Other Space Rental—Transportation — Other Services — TOFC Terminal.
110537 General—Office & Other Space Rental—Transportation — Other Services—Other.
110540 General—Office & Other Space Rental—Traffic.
110550 General—Office & Other Space Rental—General & Administrative.

110600 General—Rent & Other Expenses of Office Equipment.

This account includes the cost of renting and maintaining office equipment, furniture and fixtures.

The total of such amounts shall be distributed to the following activities in accordance with instruction 1-14:

110610 General—Rent & Other Expenses of Office Equipment —Maintenance of Way and Structures.
110621 General—Rent & Other Expenses of Office Equipment —Maintenance of Equipment—Locomotives.
110622 General—Rent & Other Expenses of Office Equipment —Maintenance of Equipment—Freight-Train Cars.
110623 General—Rent & Other Expenses of Office Equipment —Maintenance of Equipment—Other Equipment.
110631 General—Rent & Other Expenses of Office Equipment —Transportation—Station.
110632 General—Rent & Other Expenses of Office Equipment —Transportation—Yard.
110633 General—Rent & Other Expenses of Office Equipment —Transportation—Train.
110634 General—Rent & Other Expenses of Office Equipment —Transportation — Other Services — Coal & Ore Wharves.
110635 General—Rent & Other Expenses of Office Equipment — Transportation — Other Services—Floating Equipment.
110636 General—Rent & Other Expenses of Office Equipment —Transportation — Other Services—TOFC Terminal.
10637 General—Rent & Other Expenses of Office Equipment —Transportation — Other Services—Other.
110640 General—Rent & Other Expenses of Office Equipment —Traffic.
110650 General—Rent & Other Expenses of Office Equipment —General & Administrative.

110700 General—Miscellaneous Operating Expenses.

This account includes the cost of all general expenses not provided for elsewhere.

The total of such amounts shall be distributed to the following activities in accordance with instruction 1-14:

110710 General—Miscellaneous Operating Expenses—Maintenance of Way and Structures.
110721 General—Miscellaneous Operating Expenses—Maintenance of Equipment—Locomotives.
110722 General—Miscellaneous Operating Expenses—Maintenance of Equipment—Freight-Train Cars.
110723 General—Miscellaneous Operating Expenses—Maintenance of Equipment—Other Equipment.
110731 General—Miscellaneous Operating Expenses—Transportation—Station.
110732 General—Miscellaneous Operating Expenses—Transportation—Yard.
110733 General—Miscellaneous Operating Expenses—Transportation—Train.
110734 General—Miscellaneous Operating Expenses—Transportation—Other Services—Coal & Ore Wharves.
110735 General—Miscellaneous Operating Expenses—Transportation—Other Services—Floating Equipment.
110736 General—Miscellaneous Operating Expenses—Transportation—Other Services—TOFC Terminal.
110737 General—Miscellaneous Operating Expenses—Transportation—Other Services—Other.
110740 General—Miscellaneous Operating Expenses—Traffic.
110750 General—Miscellaneous Operating Expenses—General & Administrative.

120000 Operating taxes.

This account may be used as a control account for all accounts in the 120000 series. This account includes the cost of all taxes other than income taxes.

120100 Operating Taxes—Property Taxes.

This account shall include the amount of taxes based on the value of real estate and personal property. The total of such amounts shall be distributed to the following activities in accordance with instruction 1-14:

Taxes—General & Administrative.

120150 Operating Taxes—Property
120200 Operating Taxes—Other Miscellaneous Taxes.

This account includes the cost of all taxes other than income and property taxes. The total of such amounts shall be distributed to the following activities in accordance with instruction 1-14:

120250 Operating Taxes—Other Miscellaneous Taxes—General & Administrative.

130000 Uncollectible accounts.

This account shall be charged and accounts 721, 722 and 724 credited, as appropriate, with receivables for carrier operating revenues, including interline proportions of revenue due from other carriers, which have proved uncollectible. If accounts which have been so written off are afterwards collected, the amount received shall be credited to this account. Debits to this account may be made monthly on the basis of the estimated average loss of revenue due to uncollectible accounts in which case the concurrent credit shall be to Account 729—"Allowance for Uncollectible Accounts (Credit)." To the allowance thus established shall be charged such amounts as are determined to be uncollectible and amounts written off and subsequently collected shall be credited to the allowance. When charges to this account are made by estimate, the estimate shall be adjusted at the end of each calendar year to conform to the experience of the accounting carrier as determined by analysis of its accounts receivable.

130050 Uncollectible Accounts—General & Administrative.

140000 Depreciation.

This account may be used as a control account for all accounts in the 140000 series. This account shall include the amount of depreciation charges applicable to the accounting period for all classes of depreciable road property and equipment. (Refer to depreciation instructions 4-1 through 4-5.)

Depreciation shall be kept by the following primary accounts:

ROAD ACCOUNTS

1. Engineering
3. Grading
4. Other Right-Of-Way Expenditures
5. Tunnels & Subways
   Yard Switching Tracks
   Running
6. Bridges, Trestles and Culverts
   Yard Switching Tracks
   Running Tracks
7. Elevated Structures
   Yard Switching Tracks
   Running Tracks
13. Fences, Snowsheds, and Signs
   Yard Switching Tracks
   Running Tracks
15. Office Buildings
16. Station Buildings
17. Roadway Buildings
   Yard
   Running
18. Water Stations
19. Fuel Stations
   Yard
   Running
20. Car Shops
21. Locomotive Shops and Enginehouses
22. Storage Warehouses
23. Wharves and Docks
24. Coal and Ore Wharves
25. TOFC/COFC Terminals
26. Communication Systems
27. Signals and Interlockers
   Yard
   Running
29. Power Plants
   Yard
   Running
31. Power-Transmission Systems
   Yard
   Running
35. Miscellaneous Structures
37. Roadway Machines
   Yard
   Running
39. Public Improvements—Maintenance
   Yard
   Running
44. Shop Machinery
45. Power Plant Machinery

Depreciation shall also be kept by the following types of equipment:

TYPE OF EQUIPMENT

52. Locomotives:
   Diesel Locomotives—Yard
   Diesel Locomotives—Road
   Other Locomotives—Yard
   Other Locomotives—Road
53. Freight Train Cars:
   Box—General Service (unequipped)
   Box—General Service (equipped)
   Box—Special Service
   Gondola—General Service
   Gondola—Special Service
   Hopper (open top)—General Service
   Hopper (open top)—Special Service
   Hopper (covered)
   Tank, under 9,999 gallons
   Tank, 10,000–18,999 gallons
   Tank, 19,000–21,999 gallons
   Tank, 27,000–27,999 gallons
   Tank, 28,000–31,999 gallons
   Tank, 32,000 gallons and over
   Refrigerator (meat)—Mechanical
   Refrigerator (other than meat)—Mechanical
   Refrigerator (meat)—Non-Mechanical
   Refrigerator (other than meat)—Non-Mechanical
   Stock
   Autorack
   Flat—General Service
   Flat—Special Service
   Flat—TOFC/COFC
   All Other
   Caboose
55. Highway Revenue Equipment:
   Refrigerated Trailers
   Other Trailers
   Refrigerated Containers
   Other Containers
   All Other Revenue Equipment
56. Floating Equipment
   Running
   Terminal
57. Work Equipment
58. Miscellaneous Equipment

The total of such amounts shall be distributed to the following activities in accordance with instruction 1-14:

140010 Depreciation—Maintenance of Way and Structures.
140021 Depreciation—Maintenance of Equipment—Locomotives.
14023 Depreciation—Maintenance of Equipment — Freight-Train Cars.
14023—Depreciation—Maintenance of Equipment—Other Equipment.

150000 Amortization.

This account shall be used as a control account for all accounts in the 150000 series. This account shall include the amounts of amortization when authorized by the Commission.

The total of such amounts shall be distributed to the following accounts in accordance with instruction 1-14:

150010 Amortization — Maintenance of Way and Structures.
150021 Amortization — Maintenance of Equipment—Locomotives.
150022 Amortization — Maintenance of Equipment—Freight-Train Cars.
150023 Amortization — Maintenance of Equipment — Other Equipment.

160000 Retirements.

This account may be used as a control account for all accounts in the 160010 series.

160010 Retirements—Maintenance of Way and Structures.

(a) This account shall include charges for the service value (ledger value less value of salvage) of nondepreciable road property retired, excluding rail, ties, and other track material, and ballast used in repairs, as defined in this classification. When rails, ties, and other track material are removed and replaced in the process of repairing tracks such work shall be classified as maintenance and the items of material so replaced are not to be recorded as nondepreciable road property retired.

(b) When road property previously subject to amortization accounting (pursuant to rules in effect during the period 1941–1951 consistent with section 124, "Amortization deductions", of the Internal Revenue Code) is retired the difference between (1) the service value (ledger value less salvage value and insurance recovered) thereof, and (2) the balance in account 764, "Accumulated Amortization; Road and Equipment Property—Defense Projects", and account 767 "Accumulated Amortization; Improvements on leased property—Defense Projects", after appropriate adjustment for any depreciation accrued thereon, shall be included in this account.

(c) This account shall also be charged with such amounts as are concurrently credited to accounts 76 and 77 in accounting for the retirement of road property.

160020 Retirements—Maintenance of Equipment.

This account group may be used as a control group for all accounts in the 160020 series.

(a) When equipment previously subject to amortization accounting (pursuant to rules in effect during the period 1941–1951 consistent with section 124, "Amortization deductions", of the Internal Revenue Code) is retired the difference between (1) the service value (ledger value less value of salvage and insurance recovered), thereof, and (2) the balance in account 764, "Accumulated Amortization; Road and Equipment Property—Defense Projects", and account 767, "Accumulated Amortization—Improvements on leased property—Defense projects", after appropriate adjustment for any depreciation accrued thereon, shall be included in this account.

(b) This account shall also be charged with such amounts as are concurrently credited to accounts 76 and 77 in accounting for the retirement of equipment.

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The total of such amounts shall be distributed to the following accounts in accordance with instruction 1-14:

160021 *Retirements—Maintenance of Equipment—Locomotives.*
160022 *Retirements—Maintenance of Equipment—Freight-Train Cars.*
160023 *Retirements—Maintenance of Equipment—Other Equipment.*

INCOME ACCOUNTS

Ordinary Items

501 Railway operating revenues.

This account shall include the total revenues derived from operations as shown in the primary revenue accounts provided elsewhere in these regulations.

502 Revenues from property used in other than carrier operations.

This account shall include the total revenues derived from property used in other than carrier operations, the cost of which is includible in balance-sheet account 768, "Property used in other than carrier operations."

508 Joint facility rent income.

(a) This account shall include amounts receivable accrued for rent of equipment, tracks, yards, terminals, and other facilities owned or controlled by the accounting company and used jointly with other companies or individuals.

(b) Amounts receivable from other companies in reimbursement for taxes on property jointly used shall be credited to this account.

NOTE.—The portion of the cost of maintenance, operation, or administration of joint facilities recoverable from others shall be credited to the various joint facility accounts provided for operating expenses. When the compensation for the use of joint facilities is a fixed amount or is based upon a charge per passenger, ton, car, or other unit, it shall be fairly apportioned by the creditor between this account and the appropriate joint facility operating expense accounts.

509 Income from lease of road and equipment.

(a) This account shall include the amount earned from leasing on an exclusive basis, road, tracks, or bridges (including equipment or other railway property covered by the contract), the rented property being owned or controlled by the accounting company, whether payable to the accounting company in cash or disbursed by the lessee on behalf of the accounting company as interest on funded debt, guaranteed dividends on stock, or otherwise.

(b) When the lessor company maintains the road and equipment leased, the cost of maintaining the property rented shall be charged to this account, except that when the rent thus receivable for the use of property other than equipment is relatively small and the expense of maintenance is not separable, the entire amount received may be credited to revenue account 110, "Incidental Revenue."

(c) If, under the terms of a lease, the deficit, or any portion of it, resulting from the lessee company's operations of the property leased is payable by the lessor company, the amount thus payable shall be charged to this account by the lessor.

NOTE A.—When taxes on leased property are assumed by the lessor, the accruals of such taxes shall be included in the lessor's account 120150, "Operating taxes—property."

NOTE B.—If property the rent of which is chargeable to account 542, "Rent for leased roads and equipment," is sublet by the accounting company, the rent receivable therefor shall be credited to this account.

NOTE C.—When specific charges against the lessee are made by the lessor for repairs of equipment which is actually maintained by it the amount of such charges shall be appropriately credited by the lessor to its equipment repair accounts and charged by the lessee to the corresponding accounts.

510 Miscellaneous rent income.

(a) This account shall include such rents of property owned and controlled by the accounting carrier as are not provided for in the foregoing accounts.

(b) This account shall be charged with the cost of maintenance of the property rented, also specific incidental expenses in connection with such property, such as the cost of negotiating contracts, advertising for tenants, fees paid conveyances, collectors' commissions, and analogous items.

NOTE A.—If property the rent of which is chargeable to account 543—"Miscellaneous rents," is sublet by the accounting company, the rent receivable therefor shall be credited to this account.

NOTE B.—Taxes on property the rent of which is creditable to this account shall be charged to account 535—"Taxes on property used in other than carrier operations."

NOTE C.—The rent from property carried in balance-sheet account 768 "Property used in other than carrier operations," shall not be included in this account, but in account 502—"Revenues from property used in other than carrier operations."

NOTE D.—Rent and other income from real estate acquired for new lines or for additions and betterments shall be credited to the appropriate road and equipment accounts until the completion or coming into service of the property.

512 Separately operated properties; profit.

(a) This account shall include amounts earned under the terms of agreements or contracts whereby the surplus resulting from the operation by others of properties of other companies having a separate corporate existence is to be paid, in whole or in part, to the accounting company.

(b) In determining the amount earned by the accounting company, consideration shall be given not only to the operating revenues and operating expenses but also to other items of income or deduction which affect that amount.

NOTE A.—The amount payable by the operating company shall be charged by it to account 550, "Income transferred to other companies."

NOTE B.—Dividends or other returns upon securities issued by separately operated companies, and held or controlled by the accounting company, shall be included in accounts 513, "Dividend income," 514, "Interest income," or 516, "Income from sinking and other funds," as may be appropriate.

513 Dividend income.

(a) This account shall include dividends declared on railway and other stocks, the income from which is the property of the accounting company, whether such stocks are owned by the accounting company and held in its treasury or deposited in trust, or are controlled through lease or otherwise.

(b) Dividends declared shall not be credited prior to actual collection unless their payment is reasonably assured by past experience, guaranty, anticipated provision, or otherwise. (See Note C to account 725, "Interest and dividends receivable.")

(c) Accruals of guaranteed dividends may be included in this account if their payment is reasonably assured.

NOTE A.—This account shall not include credits for dividends on stocks issued or assumed by the accounting company and owned by it, whether pledged as collateral or held in its treasury, in special deposits, or in sinking or other funds.

NOTE B.—Dividends on stocks of other companies held in sinking or other funds shall be credited to account 516, "Income from sinking and other funds."

514 Interest income.

(a) This account shall include the interest on securities and debenture stock of other companies, the income from which is the property of the accounting company whether such securities are owned by the accounting company and held in its treasury or deposited in trust, or are controlled through lease or otherwise.

(b) The account shall also include interest on notes and other evidences of indebtedness and interest on bank balances, open accounts, and other analogous items, including discount on short-term notes. Interest shall not be accrued unless its payment is reasonably assured by past experience, guaranty, anticipated provision, or otherwise. (See Note C to account 725, "Interest and dividends receivable.")

(c) At the option of the accounting company there may be included each year in this account the portion, applicable to the fiscal period, of the amount requisite to extinguish, during the interval between the date of acquisition and the date of maturity, the discount or premium on securities of other companies owned (other than short-term notes). Amounts thus credited or charged shall be concurrently charged or credited to the account in which the cost of the securities is carried. The discount on short-term notes shall be distributed through equal monthly credits, over the terms of the notes.

NOTE A.—This account shall not include interest on securities issued on assumed by the accounting company and owned by it, whether pledged as collateral or held in its

treasury, in special deposits, or in sinking or other funds.

NOTE B.—Interest on securities other than those of the accounting company, and on other assets held in sinking or other funds shall be included in account 516, "Income from sinking and other funds."

NOTE C.—Discount on bills for material purchased shall be credited to the accounts to which is charged the cost of the material with respect to which the discount is allowed.

516 Income from sinking and other funds.

(a) This account shall include the income on cash, securities, and other assets (not including securities issued or assumed by the accounting company) held in sinking and other funds. (See Note C to account 725, "Interest and dividends receivable.")

(b) At the option of the accounting company there may be included each year in this account the portion, applicable to the fiscal period, of the amount requisite to extinguish, during the interval between the date of acquisition and the date of maturity, the discount or premium on funded securities held in sinking or other funds. Amounts thus credited or charged shall be concurrently charged or credited to the account in which the cost of the securities is carried.

517 Release of premiums on funded debt.

This account shall include, during each fiscal year, such proportion of the premiums on outstanding funded debt as may be applicable to the period. (See Instruction 5-3.)

518 Contributions from other companies.

(a) This account shall include amounts received or receivable from other companies or individuals, representing the whole or a part of the net deficit of the accounting company when, under the terms of agreements or contract, no obligation for subsequent reimbursement is incurred.

(b) In determining the amount receivable by the accounting company, consideration shall be given not only to the operating revenues and operating expenses, but also to other items of income or deduction which affect that amount.

NOTE.—The amount payable shall be charged by the contributing company to account 545, "Separately operated properties—Loss."

519 Miscellaneous income.

(a) This account shall include all items, not provided for elsewhere, properly creditable to income accounts during the current year. Among the items which shall be included in this account are:

(1) Cancellation of balance sheet accounts representing unclaimed wages and vouchered accounts written off because of carrier's inability to locate the creditor.

(2) Profit from sale of securities carried as temporary cash investments.

(3) Profit from sale of land use for transportation purposes, of noncarrier property and of securities acquired for investment purposes.

(4) Profit from company bonds reacquired.

(b) Gains from extinguishment of debt shall be aggregated and, if material, credited to account 570, "Extraordinary Items," upon approval by the Commission.

531 Railway operating expenses.

This account shall include total expenses caused by operations, as shown in the primary expense accounts provided in these regulations.

534 Expenses of property used in other than carrier operations.

This account shall include the depreciation and expenses incurred on property used in other than carrier operations. The cost of this property is includible in balance-sheet account 768, "Property used in other than carrier operations".

535 Taxes on property used in other than carrier operations.

This account shall include accruals of taxes paid or payable upon property used in other than carrier operations. The cost of this property is included in account 768, "Property used in other than carrier operations".

541 Joint facility rents.

(a) This account shall include amounts payable accrued as rent for equipment, tracks, yards, terminals, and other facilities owned or controlled by other carriers, companies, or individuals, and in the joint use of which the accounting company participates.

(b) Amounts paid or payable by the accounting company in reimbursement for taxes on property jointly used shall be charged to this account.

NOTE.—The cost of maintenance, operation, or administration of joint facilities, chargeable to the accounting company, shall be charged to the various joint facility accounts provided for operating expenses. When the compensation for the use of joint facilities is a fixed amount or is based upon a charge per passenger, ton, car, or other unit, it shall be fairly apportioned between this account and the appropriate joint facility operating expense accounts. This apportionment shall be made by the operating company, and shall be followed by the accounting company.

542 Rent for leased roads and equipment.

This account shall include amounts payable accrued as rent for roads, tracks, or bridges (including equipment or other railway property covered by the contract) the property being owned by other companies and held under lease or other agreement by the terms of which exclusive use and control for operating purposes are secured. The entire amount of rent payable by the lessee in accordance with the agreement shall be included in this account, whether paid to the lessor in cash or disbursed by the lessee on behalf of the lessor, as interest on funded debt, guaranteed dividends on stock, or otherwise.

NOTE A.—When taxes on leased property are assumed by the lessee the accruals of such taxes shall be included in the lessee's account 120150, "Operating Taxes—Property Taxes—General and Administrative".

NOTE B.—If, under the terms of a lease, the deficit or any portion of it resulting from the lessee's operation of the property leased is payable by the lessor company, the amount shall be charged to account 509, "Income from lease of road and equipment," by the lessor and credited to this account by the lessee.

NOTE C.—If property, the rent of which is chargeable to this account, is sublet by the accounting company to others, the rent from the sublease shall be credited to account 509, "Income from lease of road and equipment."

NOTE D.—Payments for the exclusive use of road and equipment maintained by the lessor and used in the accounting company's operations (when considerable in amount and when not provided for in the classifications of operating expenses) shall be divided into two portions: One, representing the cost of maintenance shall be charged to the appropriate maintenance accounts and the other, representing rent (amount applicable to the investment in the property), shall be charged to this account.

NOTE E.—When specific charges against the lessee are made by the lessor for repairs of equipment which is actually mantained by it, the amount of such charges shall be appropriately credited by the lessor to its equipment repair accounts and charged by the lessee to the corresponding accounts.

543 Miscellaneous rent expenses.

This account shall include rents payable accrued on property held by the accounting company under lease or other agreement and not properly chargeable to any of the foregoing accounts.

NOTE A.—This account shall not include rents provided for in the operating expense accounts.

NOTE B.—If property, the rent of which is chargeable to this account is sublet to others, the rent from the sublease shall be credited to account 502, "Revenue from property used in other than carrier operations."

NOTE C.—Payments for the exclusive use of miscellaneous property maintained by the lessor and used by the accounting company shall be divided into two portions: One, representing the cost of maintenance, shall be charged to the appropriate operating accounts, and the other, representing rent (amount applicable to the investment in the property), shall be charged to this account. The bill rendered by the creditor shall show the distribution of the payments as between maintenance and rent, and such distribution shall be adhered to by the debtor.

544 Miscellaneous taxes.

This account shall include all accruals for taxes not provided for elsewhere, such as taxes on securities owned, and taxes on income from securities owned.

545 Separately operated properties; loss.

(a) This account shall include amounts payable under the terms of agreements or contracts whereby the deficit resulting from the operation by others of properties of other companies having a separate corporate existence is to be paid, in whole or in part, by the accounting company.

(b) In determining the amount payable by the accounting company, consideration shall be given not only to the

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operating revenues and operating expenses, but also to other items of income or deductions which affect that amount.

NOTE A.—The amount receivable by the operating company shall be credited by it to account 518, "Contributions from other companies."

NOTE B.—Dividends or other returns upon securities issued by separately operated companies and held or controlled by the accounting company shall not be included in this account to offset a deficit payable, but in accounts 513, "Dividend income"; or 514, "Interest income," as may be appropriate.

546 Interest on funded debt.

This account shall include the current accruals of interest on all classes of long-term debt, the principal of which is includible in accounts 842, "Funded debt unmatured"; 843, "Equipment obligations"; 847, "Receivers and trustees' securities"; 846, "Debt in default"; and 848, "Accounts payable; affiliated companies." This account shall be kept in such form that the interest on receivers' and trustees' securities, and on other classes of funded debt may be shown separately in the animal report to the Commission.

NOTE A.—This account shall not include charges for interest on funded debt obligations issued or assumed by the accounting company and owned by it, whether pledged as collateral or held in its treasury, in special deposits, or in sinking or other funds.

NOTE B.—When funded debt is incurred for new lines or extensions, or for addition and betterment purposes, the accruals of interest on such funded debt (less interest received on unexpended balances), to the date of completion or coming into service of the property so acquired shall be includible in the road and equipment accounts.

NOTE C.—This account shall be maintained so as to show separately: (a) fixed interest which will be paid, or for which provision for payment will be made, when the interest matures; (b) interest in default; and (c) contingent interest determined to be payable.

547 Interest on unfunded debt.

This account shall include interest accrued on unfunded debt, such as short-term notes payable on demand or having dates of maturity one year or less from dates of issue, and open accounts including discount and expense on demand and short-term loans, interest on receipts outstanding for installments paid on capital stock, interest on deferred payments for public improvements, and other analogous items. The discount on short-term notes, if of a considerable amount shall be distributed through equal monthly charges, over the term of the notes.

NOTE.—When short-term notes or other evidences of unfunded indebtedness are issued for new lines or extensions or for addition and betterment purposes the accrual of interest to the date of completion or coming into service of the property shall be included in the road and equipment accounts.

548 Amortization of discount on funded debt.

(a) This account shall be charged during each fiscal period with the proportion of the discount on funded debt obligations applicable to that period. This proportion shall be determined according to a rule the uniform application of which through the interval between the date of sale and the date of maturity will extinguish the discount on funded debt.

(b) The charge to this account for any period must not be either greater or less than the proportion of the balance remaining unamortized applicable to that period so long as any portion of the discount remains unextinguished, except that if the total discount applicable to any particular issue of securities does not exceed $25,000, the entire amount may be charged to this account at time of issue.

549 Maintenance of investment organization.

This account shall include the directly assignable administration expenses of the accounting company which are incident to its investments in leased or non-operating physical property, and in stocks, bonds, or other securities.

ITEMS OF EXPENSE

Advertising annual reports (lessor companies only).
Calls for bonds in accordance with sinking fund provisions of mortgages.
Directors' fees.
Printing and mailing dividend checks.
Publishing and mailing annual reports and other corporate statements to shareholders.
Publishing notices of declaration of dividends.
Law expenses.
Office expenses.
Salaries of officers, clerks, and attendant.
Stationery and printing.

NOTE.—Administration expenses incident to railway operation are includible in the primary accounts provided for in operating expense general account series 110000.

550 Income transferred to other companies.

(a) This account shall include the whole or any portion of the income of the accounting company payable to another company under the terms of agreements or contracts without obligation for reimbursement.

(b) In determining the amount payable by the accounting company, consideration shall be given not only to operating revenues and operating expenses, but also to other items of income or deduction which affect that amount.

NOTE A.—The amount receivable by the other company shall be credited by it to account 512, "Separately operated properties—Profit."

NOTE B.—Dividends or other payments upon securities issued or assumed by the accounting company shall not be included in this account.

551 Miscellaneous income charges.

(a) This account shall include items, not provided for elsewhere, properly chargeable to income account during the current year. Among the items which shall be included in this account are:

Amortization of debt expense.
Interest on tax deficiencies, on overcharge claims, and on court awards.
Income tax upon the interest on the accounting company's funded debt when these taxes are assumed by the company.
Payments of old accounts previously written off.
Penalties and fines for violation of the Interstate Commerce Act or other Federal and State laws when not specifically provided for elsewhere.
Loss on sale of securities carried as temporary cash investments.
Loss on sale of land used for transportation purposes, and of noncarrier property.
Loss on sale of securities acquired for investment purposes, and charges to write down the ledger value of such securities because of impairment in their value.
Loss from company bonds reacquired.

(b) Losses from extinguishment of debt shall be aggregated and, if material, charged to account 570, "Extraordinary Items," upon approval by the Commission.

553 Uncollectible accounts.

This account shall include losses on receivables, notes, or claims that are not includible in account 130050, "Uncollectible Accounts; General and Administrative."

555 Unusual or infrequent items (debit) credit.

This account shall include material items unusual in nature or infrequent in occurrence, but not both, accounted for in the current year in accordance with the text of instruction 1–2(d), upon approval by the Commission.

556 Income taxes on ordinary income.

This account shall include accruals for Federal, State and other income taxes applicable to ordinary income. See the text of account 590, for recording other income tax consequences.

557 Provision for deferred taxes.

(a) This account shall include the net tax effect of all material timing differences (see definition 20(e)) originating and reversing in the current accounting period, and the future tax benefits of loss carryforwards recognized in accordance with instruction 1–12.

(b) This account shall include credits for the amortization of the investment tax credit if the carrier elected to use the deferred method of accounting for the investment tax creidt. (See instruction 1–12)

560 Income or loss from operations of discontinued segments.

This account shall include the results of operations of a segment of a business (see definition 23(a)), after giving effect to income tax consequences, that has been or will be discontinued in accordance with the text of instruction 1–2(d), upon approval by the Commission.

562 Gain or loss on disposal of discontinued segments.

This account shall include the gain or loss from the disposal of a segment of a business, after giving effect to income tax consequences, in accordance with the text of instruction 1–2(d), upon approval by the Commission.

570 Extraordinary items (net).

(a) This account shall include extraordinary items accounted for during the current accounting year in accordance with the text of instruction 1–2(d), upon submission of a letter from the carrier's independent accountants, approving or otherwise commenting on the item and upon approval by the Commission.

(b) This account shall be maintained in a manner sufficient to identify the nature and gross amount of each debit and credit.

(c) Income tax consequences of charges and credits to this account shall be recorded in account 590, "Income Taxes on Extraordinary Items," or account 591, "Provision for Deferred Taxes—Extraordinary Items."

590 Income taxes on extraordinary items.

This account shall include the estimated income tax consequences (debit or credit) assignable to the aggregate of items of both taxable income and deductions from taxable income which for accounting purposes are classified as unusual and infrequent, and are recorded in account 570, "Extraordinary Items (Net)." The tax effect of any timing differences caused by recognizing an item in the account provided for extraordinary items in different periods in determining accounting income and taxable income shall be included in account 591, "Provision for Deferred Taxes—Extraordinary Items."

591 Provision for deferred taxes—extraordinary items.

This account shall include debits or credits for the current accounting period for income taxes deferred currently, or for amortization of income taxes deferred in prior accounting periods applicable to items of revenue or expense included in account 570, "Extraordinary Items (Net)." (See Instruction 1–11.)

592 Cumulative effect of changes in accounting principles.

This account shall include the cumulative effect of changing to a new accounting principle, after giving effect to income tax consequences, in accordance with instruction 1–2(d), upon approval by the Commission.

Form of income statement

	I.—ORDINARY ITEMS		
501	Railway operating revenues	( )	
531	Railway operating expenses	( )	
508	Joint facility rent income	( )	
541	Joint facility rents	( )	
	Net revenue from railway operation		
	II. OTHER INCOME		
502	Revenues from properly used in other than carrier operations		
509	Income from lease of road and equipment		
510	Miscellaneous rent income		
512	Separately operated properties—profit		
513	Dividend income (other than from affiliates)		
514	Interest income		
516	Income from sinking and other funds		
517	Release of premiums on funded debt		
518	Contributions from other companies		
519	Miscellaneous income		
	Income from affiliated companies:		
	Dividends		
	Equity in undistributed earnings (losses)		
	Total income from affiliated companies		
	Total other income		
	Total income		
	III. MISCELLANEOUS DEDUCTIONS FROM INCOME		
534	Expenses of property used in other than carrier operations		
535	Taxes on property used in other than carrier operations		
543	Miscellaneous rent expense		
544	Miscellaneous taxes		
545	Separately operated properties—loss		
549	Maintenance of investment organization		
550	Income transferred to other companies		
551	Miscellaneous income charges		
	Total miscellaneous deductions		
	Income available for fixed charges		
	IV. FIXED CHARGES		
542	Rent for leased roads and equipment		
546	Interest on funded debt:		
	(a) Fixed interest not in default		
	(b) Interest in default		
547	Interest on unfunded debt		
548	Amortization of discount on funded debt		
	Total fixed charges		
	Income after fixed charges		
	V. OTHER DEDUCTIONS		
546	Interest on funded debt: (c) Contingent interest		
	VI. UNUSUAL OR INFREQUENT ITEMS		
555	Unusual or infrequent items (debt) credit		
	Income (loss) from continuing operations (before income taxes)		
	VII. PROVISION FOR INCOME TAXES		
556	Income taxes on ordinary income:		
	Federal income taxes		
	State income taxes		
	Other income taxes		
557	Provision for deferred income taxes		
	Income from continuing operations		
	VIII. DISCONTINUED OPERATIONS		
	Income or loss from operations of discontinued segments (less applicable income taxes of $)		
	Gain or loss on disposal of discontinued segments (less applicable income taxes of $)		
	Income (loss) before extraordinary items		
	IX. EXTRAORDINARY ITEMS AND ACCOUNTING CHANGES		
	Extraordinary items (net)		
	Income taxes on extraordinary items		
591	Provision for deferred taxes—Extraordinary items		
	Total extraordinary items		
592	Cumulative effect of changes in accounting principles (less applicable income taxes of $)		
	Net income		

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RETAINED EARNINGS ACCOUNTS

Credit

601 Credit balance (at beginning of calendar year).

This account shall include the net credit balance in the retained earnings account at the beginning of the Calendar year.

602 Prior period adjustments to beginning retained earnings account.

This account shall include adjustments net of assigned income taxes, in accordance with the text of instruction 1-2(d), to the balance in the retained earnings account at the beginning of the calendar year, upon approval by the Commission.

603 Credit balance transferred from income.

This account shall show the net credit balance brought forward from the income account for the calendar year.

606 Other credits to retained earnings.

This account shall include other credit adjustments, net of assigned income taxes, not provided for elsewhere in this system but only after such inclusion has been authorized by the Commission.

Debit

611 Debit balance (at beginning of calendar year).

This account shall include the net debit balance in the retained earnings account at the beginning of the calendar year.

612 Debit balance transferred from income.

This account shall show the net debit balance brought forward from the income account for the calendar year.

616 Other debits to retained earnings.

(a) This account shall include losses from resale of reacquired capital stock, and charges which reduce or writeoff discount on capital stock issued by the company, but only to the extent that such charges exceed credit balances in account 913, "Other capital," applicable to net gains from reacquisition and resale or retirement of such subclass of capital stock. See instruction 5-4.

(b) This account shall also include other debit adjustments net of assigned income taxes, not provided for elsewhere in this system but only after such inclusion has been authorized by the Commission.

620 Appropriations for sinking and other funds.

This account shall be charged and account 921 "Retained earnings; Appropriated," shall be credited with amounts appropriated pursuant to provisions of reorganization plans, mortgages, deeds of trust, or other contracts requiring payments into sinking funds, capital funds, and other funds.

621 Appropriations for other purposes.

This account shall be charged and account 921, "Retained earnings; Appropriated," shall be credited with the amount of appropriations for general contingencies, indefinite possible future losses and other corporate purposes not provided for elsewhere. The appropriations shall be released when their respective purposes have been served.

622 Appropriations released.

This account is provided to return to unappropriated retained earnings the amount of appropriations no longer required. The account shall be subdivided to show the nature of the appropriations being released and the circumstances of the release shall be fully described.

623 Dividends.

This account shall be charged with the amount of dividends declared on actually outstanding capital stock issued or assumed by the company. If the dividend is not payable in cash, the securities or other property to be distributed shall be described with sufficient particularity to identify the distribution. This account shall be subdivided to show separately the dividends declared on the various subclasses of capital stock.

NOTE.—This account shall not include charges for dividends on capital stock issued or assumed by the company and owned by it, whether pledged as collateral or held in its treasury, in special deposits, or sinking or other funds.

GENERAL BALANCE SHEET ACCOUNTS EXPLANATIONS

Assets

CURRENT ASSETS

701 Cash.

(a) This account shall include money, checks, sight drafts, and sight bills of exchange in the hands of the accounting company's financial officers and agents, or in transit from its agents and conductors for which such agents and conductors have received credit. It shall include, also, deposits with banks and trust companies available for use on demand, and savings accounts subject to the usual clause reserving the right to defer payment for a specified number of days.

(b) The amount of checks and drafts, which have been transmitted to payees and which remain unpaid at the close of the accounting period, shall be credited to this account. When the amount of such checks and drafts cannot be determined with absolute accuracy, an estimate of the amount shall be used. Amounts not transmitted to payees shall be included in the appropriate liability accounts.

NOTE.—Compensating balances under an agreement which legally restricts the use of such funds shall not be included in this account. Such balances shall be included in account 712, "Special Deposits," or 743, "Insurance and Other Funds."

702 Working funds.

This account shall include amounts advanced to general and special agents, and to other officers and employees, as working funds from which certain expenditures are to be made and accounted for. It also includes advances to fast freight lines and to demurrage and other bureaus.

NOTE.—Advances to jointly owned or used terminal companies and other companies for permanent working funds or capital purposes shall be included in accounts 751, "Investments and advances; Affiliated companies," or 755, "Other investment and advances," as appropriate.

711 Temporary cash investments.

This account shall include the cost of securities and other obligations acquired for the purpose of temporarily investing cash, such as United States Treasury certificates, marketable securities, time drafts receivable, demand loans, time loans, time deposits with banks and trust companies, and other similar investments of a temporary character, which are readily convertible into cash at substantially their recorded cost.

712 Special deposits.

This account shall include cash deposits, either placed in the hand of trustees or under the direct control of the reporting company, which are restricted for specific purposes. Examples are those deposits made for the payment of dividends and interest due within one year, the liquidation of other current liabilities, to guarantee fulfillment of current contract obligations, to meet specific operating requirements, or compensating balances (See Definition 24) under an agreement which legally restricts the use of such funds, and which constitute support for short-term borrowing arrangements. Subaccounts may be set up, if necessary, to account for special deposits for specific purposes.

NOTE.—Deposits available for general company purposes shall be included in account 701, "Cash."

721 Loans and notes receivable.

This account shall include the book value of all collectible obligations in the form of demand or time loans and notes receivable, or other similar evidences (except interest coupons) of money receivable within a time not exceeding one year from date of issue.

NOTE A.—Current loans and notes receivable from affiliated companies shall be included in account 726, "Receivables from affiliated companies."

NOTE B.—Obligations held as investments which mature more than one year after date of issue shall be included in accounts 751, "Investments and advances: Affiliated companies," or 755, "Other investments and advances," as appropriate.

NOTE C.—Loans and notes receivable acquired for the purpose of temporarily investing cash shall be included in account 711, "Temporary cash investments."

722 Accounts receivable; interline and other balances.

(a) This account shall include the net debit balances receivable from other companies representing items such as interline freight, passenger, switching, and baggage revenues, charges for equipment interchanged on a per diem or mileage basis, and charges for car repairs, loss and damage freight claims, and overcharge claims.

(b) For convenience in accounting the carrier may maintain separate subaccounts to reflect the balance applicable to the respective items. See Instruction 1-3(e).

NOTE.—The amount to be entered in this account is not the net balance between this account and account 803, "Accounts payable; Interline and other balances." Net credit balances payable to other companies shall be included in account 803.

723 Accounts receivable; agents and conductors.

This account shall include the net balance due in current accounts from agents, from train, sleeping car, and dining car conductors, and from train collectors, train auditors, porters and other employees and representatives charged with the collection or custody of current revenues.

NOTE.—Amounts advanced to general and special agents as working funds shall not be included in this account, but in account 702, "Working funds."

724 Accounts receivable; other.

This account shall include amounts due in audited accounts considered good, such as those due from the United States or other Governments for the transportation of mails and Government property, and from express companies for express facilities furnished under contract; miscellaneous bills against other railway companies, corporations, firms, and individuals; and other similar items.

NOTE A.—The amount to be entered in this account is not the net balance between this account and account 807, "Accounts payable; Other."

NOTE B.—Amounts due from affiliated companies for miscellaneous bills and other items subject to current settlement shall be included in account 726, "Receivables from affiliated companies."

725 Interest and dividends receivable.

This account shall include the amount of interest accrued to the date of the balance sheet on bonds, mortgages, notes, and other commercial paper owned, on loans made, open accounts, bank deposits, and the amount of dividends declared on stocks owned, and dividends accrued on such stocks when contracts require that the dividends be paid at stated times.

NOTE A.—No amount representing interest or dividends receivable shall be included in this account unless its payment is reasonably assured by past experience, anticipated provision, or otherwise.

NOTE B.—No dividends or other returns on securities issued or assumed by the accounting company shall be included in this account.

NOTE C.—If settlement of amounts included in this account is not made when due such amounts that are not subject to current settlement shall be transferred to account 781, "Other assets," at their estimated realizable value. Items of current character but of doubtful value, as well as noncurrent items, shall be written off to the extent of any estimated uncollectible portion by charge to account 130000, "Uncollectible accounts," or account 553, "Uncollectible accounts," as appropriate. If notes are taken in settlement of amounts included in this account, the amounts shall be transferred to account 721, "Loans and notes receivable," or account 781, "Other assets," as appropriate. (See Instruction 5-1.)

NOTE D.—Current interest and dividends receivable from affiliated companies shall be included in account 726, "Receivables from affiliated companies," and noncurrent amounts receivable shall be included in account 751, "Investments and advances; Affiliated companies."

726. Receivables from affiliated companies.

This account shall include amounts due from affiliated companies which are subject to current settlement such as deposits, demand or time loans, notes receivable, interest, dividends, miscellaneous bills and similar items.

NOTE.—Receivables from affiliated companies, representing net debit balances for items such as operating revenues, charges for equipment interchanged, car repairs and claims, shall not be included in this account but in account 722, "Accounts receivable; Interline and other balances."

727 Accrued accounts receivable.

This account shall include estimates of all unaudited current items receivable by the carrier to the date of the balance sheet, including those which are creditable to revenue, expense, or income accounts in accordance with the instruction relating to unaudited items. Among the items which shall be included in this account are:

Amounts receivable from others for unreported interline traffic.
Amounts receivable from others for use of facilities, including equipment, for which bills have not been rendered.
Amounts receivable from others for services for which bills have not been rendered.
Rents receivable for which bills have not been rendered.

729 Allowance for uncollectible accounts.

This account shall be credited with amounts provided for receivables which may become uncollectible, and shall be maintained to show the amount of each separate allowance set out below and the amounts of debits and credits thereto:

(a) Allowance for receivables applicable to transportation operations. Credits to this subdivision shall be concurrently charged to Account 130000, "Uncollectible Accounts."

(b) Allowances for receivables not applicable to transportation operations. Credits to this subdivision shall be concurrently charged to Account 551, "Miscellaneous income charges."

731 Prepayments.

This account shall include the balances in the accounts representing short-term prepaid rents chargeable to the appropriate rent accounts as the term is consumed for which the rents are paid; also short-term inteerst, and insurance premiums, taxes and licenses, and similar items paid in advance of their accrual, which are to be apportioned and charged, as they accrue, to the appropriate accounts.

NOTE: Expenditures by a carrier for improvements to office buildings and other facilities rented for more than one year, title to which will pass to the lessor at the end of the rental period, shall be charged to account 782, "Other deferred debits," and amortized over the rental period as additional rent.

733 Material and supplies.

(a) This account shall include the balances representing the cost of all unapplied material, such as road and shop material, articles in process of manufacture by the accounting company, fuel, stationery, and dining car and other supplies. In determining the cost of material and supplies suitable allowance shall be made for any discounts allowed in the purchase thereof. The cost shall include all specifically assignable transportation charges incurred in obtaining the delivery of such materials and supplies upon the premises of the carrier including loading and unloading, and a suitable proportion of purchasing and store expenses. The cost shall also include sales and excise taxes on material purchases. Taxes on gasoline, other motor fuel, and motor oil are also includible in this account.

(b) Materials recovered in connection with construction, maintenance, or the retirement of property shall be charged to this account as follows:

(1) Reusable materials shall be included in this account at cost, estimated if not known, less accumulated depreciation, if any, or current market value, whichever is lower. (See Definition 17, "Salvage value.")

(2) Scrap and other nonusable materials, including obsolete parts, may be carried at the estimated salvage value when the sale of the salvage is imminent and there is a relatively firm market price.

(c) Material and supplies shall be credited to this account and charged to the appropriate operating expense or other account on the basis of recorded cost, average cost, or other recognized pricing system, provided that such system is consistently applied and is based on the cost of such material and supplies.

(d) An inventory of material and supplies shall be taken during each calendar year and the necessary adjustments to bring this account into harmony with the actual inventory balances shall be made in the accounts of the year in which the inventories are taken. In effecting this adjustment determined differences in accounting for important classes of material shall be equitably assigned among the accounts to which the classes of material are ordinarily chargeable. Other differences shall be equitably apportioned among the primary accounts to which material has been charged since the last inventory.

NOTE.—Balances representing the cost of unapplied construction material and supplies located at the point of use, which have been purchased for projected new roads and extensions, or for new railroad equipment, shall be included in account 90, "Construction in progress."

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735 Other current assets.

This account shall include amounts for other current assets which are not includible in the foregoing current asset accounts.

739 Deferred income tax debits.

(a) This account shall include the portion of deferred income tax debits and credits relating to current assets and liabilities, when the balance is a net debit.

(b) A net credit balance shall be included in account 825, "Deferred income tax credits."

SPECIAL FUNDS

741 Sinking funds.

(a) This account shall include the amount of cash, the ledger value of live securities of other companies, and other assets which are held by trustees of sinking and other funds for the purpose of redeeming outstanding obligations, including such assets so held in the hands of the accounting company's treasurer when the assets are segregated in a distinct fund.

(b) This account shall include amounts deposited with trustees on account of mortgaged property sold, the proceeds of which are to be held for the redemption of securities; and also the par value (or the amount recorded for no par stock) of live securities issued or assumed by the accounting company and held in such funds.

(c) A separate subaccount shall be kept for each fund. The title of each account shall designate the obligation in support of which the fund is created.

NOTE.—In stating the balance sheet in the annual reports to the Commission the total amount of the funds and the par value (or the amount recorded for no par stock) of securities issued or assumed by the accounting company and held in the funds shall be shown in the short columns, and the net amount of the funds (total amount less securities issued or assumed) shall be shown in the long column.

742 Capital funds.

(a) This account shall include cash and the ledger value of other assets held by trustees or by the accounting company's treasurer when segregated in distinct funds that have been (1) realized from the sale of equipment obligations or other long-term obligations and not yet applied toward the specific purposes for which the obligations were incurred, and (2) set aside in accordance with governmental, mortgage, or contractual requirements in connection with reorganizations or otherwise. This account shall also include funds deposited with trustees to be held until mortgaged property sold is replaced.

(b) An appropriate record shall be maintained for securities issued or assumed by the accounting company and held in the funds, identifying those that are nominally issued or nominally outstanding.

NOTE A.—Funds specifically set aside for sinking fund purposes shall be included in account 741, "Sinking funds." If one purpose of a capital fund is to provide contributions to a sinking fund under specified conditions, the entire amount of the fund shall be included in this account until the contributions to the sinking fund are made, at which time the amounts thereof shall be transferred to account 741.

NOTE B.—The ledger value of assets of the character indicated in paragraph (a)(2) of this section, shall be transferred to the appropriate current assets account when the assets are definitely assigned in advance of expenditure to the payment of interest or other current liabilities payable within one year.

743 Insurance and other funds.

This account shall include the amount of cash and the ledger value of securities of other companies and other assets which are in the hands of trustees or managers of insurance, employees' pension, savings, relief, hospital, and other funds which have been raised and specifically set aside or invested for specific purposes not provided for elsewhere; also the par value (or the amount recorded for no par stock) of securities issued or assumed by the accounting company and held in such funds. A separate subaccount shall be kept for each fund.

NOTE A.—Sinking funds and capital funds are provided for in accounts 741, "Sinking funds," and 742, "Capital funds," respectively.

NOTE B.—In stating the balance sheet in the annual reports to the Commission, the total amount of the funds and the par value (or the amount recorded for no par stock) of securities issued or assumed by the accounting company and held in the funds shall be shown in the short columns, and the net amount of the funds (total amount less securities issued or assumed) shall be shown in the long column.

NOTE C.—This account shall not include funds held by the accounting company solely as trustee and in which it has no beneficial interest.

NOTE D.—This account shall include compensating balances (see Definition 24) under an agreement which legally restricts the use of such funds and which constitute support for long-term borrowing arrangements.

INVESTMENTS

751 Investments and advances; affiliated companies.

(a) This account shall include the ledger value of the accounting company's investment in securities issued or assumed by affiliated companies other than securities held in special deposits or special funds; and also investment advances made to affiliated companies not subject to current settlement; notes receivable from affiliated companies which mature later than 1 year from date of the balance sheet; and similar noncurrent items of affiliated companies.

(b) This account shall be maintained in such manner as to show each of the following classes of investment in each affiliated company:

(i) Stocks.
(ii) Bonds.
(iii) Other secured obligations.
(iv) Unsecured notes.
(v) Investment advances.

(c) A complete record of securities pledged shall be maintained so that the ledger value of securities pledged and unpledged may be shown separately in the annual report to the Commission.

NOTE A.—Accounts with affiliated companies which are subject to current settlement, if their collection is reasonably assured, shall be classed as current assets, and if settlement is deferred beyond one year such items shall be transferred to this account.

NOTE B.—The term affiliated companies (also see Definition 4) includes:

1. Controlled companies, including companies solely controlled by the accounting company, and also companies jointly controlled by the accounting company and others under a joint arrangement.
2. Controlling companies, including both companies solely controlling the accounting company, and companies which jointly control the accounting company under a joint arrangement.
3. Companies controlled by controlled companies.
4. Companies controlled by controlling companies.

By "control" (also see Definition 4) is meant the ability to determine the action of a corporation. For the purposes of this account, the following are to be considered forms of control:

(a) Right through title to securities issued or assumed to exercise the major part of the voting power in the controlled corporation

(b) Right through agreement of some character or through some source other than title to securities, to name the majority of the board of directors, managers, or trustees of the controlled corporation.

(c) Right to foreclose a first lien upon all or a major part in value of the tangible property of the controlled corporation.

(d) Right to secure control in consequence of advances made for construction of the operating property of the controlled corporation.

(e) Right to control only in a specific respect the action of the controlled corporation.

A leasehold interest in the property of a corporation is not to be classed as a form of control over the lessor corporation.

"Sole control" is that which rests in one corporation.

"Joint control" is that which rests in two or more corporations and which is held under a joint arrangement.

NOTE C.—The value of securities borrowed by the accounting company and pledged shall not be included in this account. A memorandum record shall be kept.

NOTE D.—The value of securities pledged for purposes other than that of security for funded debt or short-term loans shall be included in accounts 741, "Sinking funds," 742, "Capital funds," or 743, "Insurance and other funds," as appropriate.

753 Adjustments; investments and advances—affiliated companies.

(a) This account shall be credited with amounts charged to account 551, "Miscellaneous income charges," to provide for impairment in the value of investment securities and other assets included in Account 751, "Investments and advances; affiliated companies."

(b) If provision is made for anticipated losses in specific assets, when the assets are written down or written off, or are sold or otherwise disposed of at a loss, the reduction in the book value or the losses sustained shall be charged to this account to the extent of the credit balance in the account applicable to the particular items involved, and the remainder, if any, shall be charged to account 551, "Miscellaneous income charges." In case a general provision for losses in unspecified asset values is maintained, all such losses resulting from write-downs, write-offs, etc., shall be charged to this account to the extent of the total credit balance in the account, and the remainder, if any, shall be charged to account 551, "Miscellaneous income charges."

755 Other investments and advances.

(a) This account shall include the ledger value of the accounting company's investment in securities issued or assumed by nonaffiliated companies other than securities held in special deposits or special funds; and also investment advances made to nonaffiliated companies not subject to current settlement; notes receivable from nonaffiliated companies which mature later than 1 year from date of the balance sheet; and similar noncurrent items of nonaffiliated companies.

(iii) Other secured obligations.

(b) This account shall be maintained in such manner as to show each of the following classes of investment in each nonaffiliated company:

(i) Stocks.
(ii) Bonds.
(iii) Other secured obligations.
(iv) Unsecured notes.
(v) Investment advances.

(c) A complete record of securities pledged shall be maintained so that the ledger value of securities pledged and unpledged may be shown separately in the annual report to the Commission.

NOTE A.—Accounts with nonaffiliated companies which are subject to current settlement, if their collection is reasonably assured, shall be classed as current assets, and if settlement is deferred beyond one year such items shall be transferred to account 781, "Other assets."

NOTE B.—The term "nonaffiliated companies" includes all companies other than those defined as affiliated in Note B of account 751, "Investments and advances: Affiliated Companies."

NOTE C.—The value of securities borrowed by the accounting company and pledged shall not be included in this account. A memorandum record shall be kept.

NOTE D.—The value of securities pledged for purposes other than that of security for funded debt or short-term loans shall be included in accounts 741, "Sinking funds," 742, "Capital funds," or 743, "Insurance and other funds," as appropriate.

757 Adjustments; other investments and advances.

(a) This account shall be credited with amounts charged to account 551, "Miscellaneous income charges," to provide for impairment in the value of investment securities and other assets included in account 755, "Other investments and advances."

(b) If provision is made for anticipated losses in specific assets, when the assets are written down or written off, or are sold or otherwise disposed of at a loss, the reduction in the book value or the losses sustained shall be charged to this account to the extent of the credit balance in the account applicable to the particular items involved, and the remainder, if any, shall be charged to account 551, "Miscellaneous income charges." In case a general provision for losses in unspecified asset values is maintained, all such losses resulting from write-downs, write-offs, etc., shall be charged to this account to the extent of the total credit balance in the account, and the remainder, if any, shall be charged to account 551, "Miscellaneous income charges."

TANGIBLE PROPERTY

761 Road and equipment property.

This account shall include the accounting company's investment in road and equipment (including that held under contract for purchase), used or held for use as transportation property in existence at the date of the balance sheet. When property is retired from service, this account shall be credited with the ledger value of the property retired.

NOTE A.—This account shall not include any items representing titles to securities.

NOTE B.—When equipment or other property is acquired under an agreement which provides that the cost shall be paid in installments, the cost (its money value at time of purchase) shall be charged to the appropriate road and equipment accounts at the time the equipment is delivered to the carrier, and included in this account in the same manner as the cost of equipment purchased outright. When the par value of notes or other securities issued in payment, or in part payment, for such equipment is more (or less) than the actual cash value of the equipment at the time of the purchase, or of the proportion to which the securities are applicable, the difference between the par value of the securities and the actual cash value of the equipment, or of the proportion paid for by the securities, shall be charged (or credited) to the proper discount and premium accounts.

NOTE C.—Held for use, as referred to above, implies the ability of the carrier to substantiate within a reasonable period of time, by plan or policy, the probable future use which is to be made of the property.

763 Accumulated depreciation; road and equipment property.

(a) This account shall be credited with amounts concurrently charged to operating expenses or other authorized accounts to cover the loss in service value of depreciable road and equipment property. It shall also include adjustments which the Commission may authorize the accounting company to make such as adjustments for past accruals of depreciation, and provision for material abandonment or other losses applicable to nondepreciable property.

(b) The service value of each unit of depreciable property retired (and also of each minor item, less than a unit, retired and not replaced) shall be charged to this account. This account shall also be charged for amounts for losses applicable to nondepreciable property retired for which provision was previously made by approval of the Commission, and any resultant adjustment of such provision shall be referred to the Commission for consideration and decision.

(c) Comprehensive instructions to depreciation accounts, rates of depreciation, and records to be maintained, are contained in instruction 4.

764 Accumulated amortization; road and equipment property—defense projects.

This account shall include the amounts of accumulated past provisions for amortization of road and equipment defense projects, the cost of which is included in account 761, "Road and equipment property." This account shall be charged with the credit balance herein applicable to specific property at the time the property is retired. The accounting company shall maintain subaccounts separately for amortization of (1) road property and (2) equipment.

765 Improvements on leased property.

(a) This account shall include the cost of improvements made by the lessee to property which is held under lease from others or through control of the company owning the property, where such improvements are used by the lessee in transportation service, and the lessee is not to be reimbursed by the lessor for such improvements. (See instruction 2–18.)

(b) The carrier's records shall be kept in such manner as to show the debits and credits to this account in accordance with the provisions for road and equipment.

NOTE A.—This account shall not include any items representing titles to securities.

NOTE B.—When the lessor company includes in account 761, "Road and equipment property," the cost of improvements made by the lessee to property leased by it from the lessor and settlement is not made at the time for the cost thereof, the lessee, pending settlement with the lessor, shall include the cost thereof in account 751, "Investments and advances; Affiliated companies," or 755, "Other investments and advances," as appropriate.

766 Accumulated depreciation; improvements on leased property.

(a) This account shall be credited with amounts concurrently charged to operating expenses or other authorized accounts for depreciation accrued on improvements to leased property, the cost of which is included in account 765, "Improvements on leased property."

(b) The service value of each unit of property retired (and also of each minor item, less than a unit, retired and not replaced) for which this accumulated depreciation account has been established shall be charged to this account.

(c) Instructions for depreciation accounts, rates of depreciation, and records to be maintained, as contained in instruction 4 for owned property, shall also apply to improvements on leased property.

767 Accumulated amortization; improvements on leased property—defense projects.

This account shall include the amounts of accumulated past provisions for amortization of improvements to leased property applicable to defense projects, the cost of which is included in account 765,

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"Improvements on leased property." This account shall be charged with the credit balance herein applicable to specific property at the time the property is retired. The accounting company shall maintain subaccounts separately for amortization of (1) road property and (2) equipment.

768 Property used in other than carrier operations.

This account shall include the accounting company's investment in physical property other than property assignable to accounts 761, "Road and equipment property," and 765, "Improvements on leased property," such as hotels, restaurants, powerplants, which are not operated by the accounting company or another carrier in connection with its transportation service.

ITEMS OF INVESTMENT

Coal and other mines.
Commercial power plants.
Hotels and restaurants.
Lands and buildings not used in transportation operations.
Lands and other property acquired and held in anticipation of future use.
Mineral and timber lands.
Rails and other track material leased to others.
Saw mills and other manufacturing plants not operated in connection with transportation service.

769 Accumulated depreciation; property used in other than carrier operations.

This account shall be credited with amounts charged to income or other authorized accounts for depreciation accrued on property, the cost of which is included in account 768, "Property used in other than carrier operations." When such property is destroyed, sold, or otherwise retired from service, the amount included in this account with respect to the property retired shall be charged hereto.

INTANGIBLE PROPERTY

771 Organization expenses.

This account shall include all fees paid to governments for the privilege of incorporation, and office and other expenditures incident to organizing the corporation and putting it in readiness to do business; cost of preparing and distributing prospectuses; special counsel fees; cost of preparing and issuing certificates of stock; cost of procuring the necessary certificates from State authorities; and other like costs necessary and proper in organizing the enterprise.

NOTE.—Cost of soliciting for loans or for sale of bonds or other evidences of indebtedness shall be charged to balance sheet account 782, "Other deferred debits." (See Instruction 5–3.)

Other Assets and Deferred Debits

781 Other assets.

This account shall include the estimated value of salvage recoverable from property retired when the recovery of the salvage is deferred for any reason. (See instruction 2–5.) This account shall also include other assets of doubtful value, collection of which within one year is not assured; also other deferred assets and miscellaneous assets not otherwise provided for in general balance sheet accounts. (See instruction 5–1.)

782 Other deferred debits.

(a) This account shall include the amount of debit balances in suspense accounts that cannot be cleared and disposed of until additional information is received, such as freight claims paid when found to be correct, but in advance of investigation with other carriers; unextinguished discount on short-term notes; unadjusted debit items not otherwise provided for and similar items the proper disposiiton of which is uncertain.

(b) This account shall also include the aggregate amount of the expenses incurred in connection with the issuance of each class of the carrier's outstanding long-term or equipment obligations, such as fees for listing long-obligations on stock exchanges, legal and other fees, cost of tax stamps and similar items. (See Definition 9.) Separate subdivisions shall be maintained for each issue of such obligations. (See Instruction 5–3.)

784 Accumulated deferred income tax debits.

This account shall include the amount of deferred taxes (see Definition 20(h)) determined in accordance with instruction 1–12 and the text of account 873, "Accumulated deferred income tax credits," when the balance is a net debit.

LIABILITIES AND SHAREHOLDERS' EQUITY

CURRENT LIABILITIES

801 Loans and notes payable.

(a) This account shall include the balances representing obligations outstanding in the form of loans and notes payable or other similar evidence (except interest coupons) of indebtedness payable on demand or within a time not exceeding one year from date of issue.

(b) This account shall be kept in such form so as to show separately the amounts of notes payable within one year from date of issue that are secured by collateral.

NOTE A.—Loans and notes payable to affiliated companies which are subject to current settlement shall be included in account 814, "Payables to affiliated companies," and noncurrent obligations in account 848, "Accounts payable; Affiliated companies."

NOTE B.—This account shall not include obligations due within one year which are intended to be refinanced on a long-term basis. Long-term refinancing of short-term obligations means: (1) replacement with long-term obligations or equity securities, or (2) renewal, extension, or replacement with short-term obligations for an uninterrupted period extending beyond one year from the balance sheet date.

The intention to refinance on a long-term basis shall be supported by the ability to refinance. Evidence of this ability includes either; (1) the actual issuance of a long-term obligation or equity securities for the purpose of refinancing the short-term obligation, after the balance sheet date but before the balance sheet is issued, or (2) before the balance sheet is issued, the existence of a financing agreement which is long-term and based on terms readily determinable with no existing violations of its provisions, and with a lender which is financially capable of honoring the agreement.

803 Accounts payable; interline and other balances.

(a) This account shall include the net credit balances payable to other companies representing items such as interline freight, passenger, switching and baggage revenues, charges for equipment interchanged on a per diem or mileage basis, and charges for car repairs, loss and damage freight claims, and overcharge claims.

(b) For convenience in accounting the carrier may maintain separate subaccounts to reflect the balances applicable to the respective items. See instruction 1–3(e).

NOTE.—The amount to be entered in this account is not the net balance between this account and account 722, "Accounts receivable; Interline and other balances." Net debit balances receivable from other companies shall be included in account 722.

805 Audited accounts and wages payable.

This account shall include the amount of audited vouchers or accounts and audited payrolls unpaid on the date of the balance sheet. It shall include balances representing unclaimed wages and outstanding pay and time or discharge checks issued in payment of wages and all other unpaid vouchered items.

NOTE.—The amount of checks and drafts, which have been transmitted to payees and which remain unpaid at the close of the accounting period, shall be credited to account 701, "Cash."

807 Accounts payable; other.

This account shall include outstanding drafts drawn by station agents, conductors refund and extra-fare checks not presented for redemption, taxes collected from employees and others for the account of taxing agencies, and other items of the nature of demand liabilities not covered by accounts 801, 803, 805, 809, and 811.

NOTE A.—The amount to be reported under this account is not the net balance between this account and account 724, "Accounts receivable; Other."

NOTE B.—The amount of checks and drafts, which have been transmitted to payees and which remain unpaid at the close of the accounting period, shall be credited to account 701, "Cash." When the amount of such checks and drafts cannot be determined with absolute accuracy an estimate of the amount shall be used.

NOTE C.—Deposits and other items of affiliated companies subject to current settlement shall be included in account 814, "Payables to affiliated companies."

809 Interest matured.

This account shall include the amount of matured and unpaid interest on funded debt, and other obligations of the accounting company for which provision has been made for current settlement. Interest which matures on the first day following that for which the balance sheet is made shall be included in this account.

NOTE.—Interest matured unpaid on debt to affiliated companies, if subject to current settlement, shall be included in account 814, "Payables to affiliated companies." Noncurrent interest shall be included in account 848, "Accounts payable; Affiliated companies." Interest payable to others which is not paid when it matures shall be included in account 851, "Interest in default," unless provision has been made for current settlement. Where interest is in default, subsequent accruals shall be credited direct to account 851.

811 Dividends matured.

This account shall include the amount of dividends payable on capital stock but unpaid, uncalled for, or unclaimed at the date of the balance sheet. Dividends which become payable on the first day following that for which the balance sheet is made shall be included in this account.

NOTE.—Dividends payable to affiliated companies shall be included in account 814, "Payables to affiliated companies."

812 Unmatured interest accrued.

This account shall include the amount of interest subject to current settlement accrued to the date as of which the balance sheet is made, but not payable until after the first day following that date, on funded securities or obligations, debt in default, receivers' and trustees' securities, notes payable and other indebtedness issued or assumed by the accounting company.

NOTE A.—Interest accrued which is not paid when it matures shall be included in account 851, "Interest in default," unless provision has been made for current settlement. Where interest is in default, subsequent accruals shall be credited direct to account 851.

NOTE B.—Current interest accrued on debt to affiliated companies shall be included in account 814, "Payables to affiliated companies." If the accrued interest is not paid when it matures and is not subject to current settlement, the amount of such interest shall be transferred to account 848, "Accounts payable; Affiliated companies."

813 Unmatured dividends declared.

This account shall include dividends declared on capital stock, but not payable until after the first day following the date of the balance sheet.

NOTE.—Unmatured dividends payable to affiliated companies shall be included in account 814, "Payables to affiliated companies".

814 Payables to affiliated companies.

This account shall include accounts payable to affiliated companies which are subject to current settlement such as deposits, demand or time loans, notes payable, interest, dividends, miscellaneous bills, and similar items.

NOTE.—Payables to affiliated companies, representing net credit balances for items such as revenues, charges for equipment interchanged, car repairs and claims, shall not be included in this account but in account 803, "Account payable; Interline and other balances."

815 Accrued accounts payable.

This account shall include estimates of unaudited items payable by the carrier to the date of the balance sheet, including those which are chargeable to revenue, expense, or income accounts in accordance with the instruction relating to unaudited items. Among the items which should be included in this account are:

Rents payable.
Amounts payable to others for unreported interline traffic.
Amounts payable to others for use of facilities, including equipment, for which bills have not been rendered.
Amounts payable to others for services for which bills have not been rendered.
Estimated amounts payable within one year covering liability for claims for injuries to persons, loss and damage, and similar items.
Amounts payable (estimated if necessary) within one year pursuant to agreements with labor organizations or otherwise for employees vacations now earned.

821 Federal income taxes accrued.

This account shall be credited with the amount accrued for Federal income taxes which has been concurrently charged to the appropriate income or other authorized accounts. Credits to this account that are based upon estimates shall be adjusted during the year so that this account may show, as nearly as practicable the approximate amount of the carrier's unpaid liability for such taxes. Payments of taxes for which accruals have been made shall be debited to this account.

822 State and other income taxes accrued.

This account shall be credited with the amounts accrued for state and other income taxes which have been concurrently charged to the appropriate income or other authorized accounts. Credits to this account that are based upon estimates shall be adjusted during the year so that this account may show, as nearly as practicable, the approximate amount of the carrier's unpaid liability for such taxes. Payments of taxes for which accruals have been made shall be debited to this account.

823 Other taxes accrued.

(a) This account shall be credited with the accruals of all taxes, other than income taxes, which have been concurrently charged to the appropriate income of other accounts for taxes. Such accruals may be based upon estimates, provided such estimates shall be adjusted during the year so that this account may show, as nearly as practicable, the approximate amount of the carrier's unpaid liability for such taxes. Payments of taxes for which accruals have been made shall be debited to this account.

(b) The records supporting the entries in this account shall be kept to show separately by classes of taxes the amount of the tax accruals for the current year and adjustments of accruals for prior years.

NOTE.—Amounts for prepayments of taxes shall be included in account 731, "Prepayments."

825 Deferred income tax credits.

(a) This account shall include the portion of deferred income tax charges and credits relating to current assets and liabilities, when the balance is a net credit.

(b) A net debit balance shall be included in account 739, "Deferred income tax debits."

831 Equipment obligations and other long-term debt due within one year.

This account shall include the total amount of bonds, equipment obligations, and other long-term debt, including obligations maturing serially or payable in installments which are due and payable within one year, and for which arrangements for long-term refinancing have not been made (See NOTE B to Account 801, "Loans and notes payable") or for which no sinking funds have been provided. This account shall be subdivided according to the different classes of debt so maturing.

835 Other current liabilities.

There shall be included in this account the principal amount of unpresented bonds drawn for redemption through the operation of sinking and redemption fund agreements, also the principal amount of unpresented funded debt obligations, and receivers' and trustees' securities which have matured (for which provision has been made for current settlement), and other current liabilities not includible in the foregoing current liability accounts.

LONG-TERM DEBT DUE AFTER ONE YEAR

842 Funded debt unmatured.

(a) This account shall include the total par value of unmatured debt (other than equipment obligations), maturing more than one year from the close of the accounting period, including obligations due within one year which are expected to be refinanced on a long-term basis (See NOTE C to account 801, "Loans and notes payable"), whether the securities were issued by the accounting company or the payment was assumed by the accounting company after being issued as the debt of other companies. (See account 831, "Equipment obligations and other long-term debt due within one year.")

(b) The amounts included in this account shall be divided to show the par value of (1) certificates or other evidences of funded debt (pledged and unpledged) held in the company's treasury, by its agents or trustees, or otherwise subject to its control, including both those reacquired after actual issue and those nominally but never actually issued; and (2) certificates or other evidences of funded debt issued and actually outstanding, being those not held by the company, its agents or trustees, or subject to its control.

(c) The amounts included herein shall be further divided so as to show the amount of each class of funded debt, as follows:

(1) *Mortgage bonds.* Bonds secured by lien on physical property and not includible in the other subdivisions of this account.

(2) *Collateral trust bonds.* Bonds and notes secured by a lien on securities or

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other negotiable paper; and stock trust certificates that are similar in character to collateral trust bonds.

(3) *Income bonds.* Bonds which are a lien on a carrier's revenue alone, or bonds which, while being a lien on its property and franchises, can claim payment of interest only in case interest is earned.

(4) *Miscellaneous obligations.* All funded obligations not provided for by the other subdivisions of this account, also notes, unsecured certificates of indebtedness, debenture bonds, plain bonds, real estate mortgages executed or assumed and other similar obligations maturing more than one year from date of issue, but excluding liabilities for assessments for public improvements and those evidenced by conditional or deferred equipment purchase contracts for which provision is made in accounts 852, "Other liabilities," and 843, "Equipment obligations," respectively.

(5) *Receipts outstanding for funded debt.* Receipts for payments on account of funded debt. When certificates are issued for such payments, the par value shall be included in the account covering the class of funded debt for which the certificates are issued.

(d) Each of the above classes shall also be divided into subclasses according to differences in mortgage or other lien or security therefor, rate of interest, interest dates, or date of maturity. Parts of any issue agreeing in other characteristics but maturing serially may be treated as of the same subclass.

(e) Records shall be maintained in such manner as to show (1) securities the issuance or assumption of which has been authorized by the Commission under provisions of the Interstate Commerce Act, and similar securities issued or assumed prior to the effective date of such provisions of the Act, and (2) other obligations of a kind which may legally be issued or assumed without such authorization.

NOTE A.—Securities (other than equipment obligations) maturing one year or less from date of issue shall be included in accounts 814, "Payables to affiliated companies," 848, "Accounts payable; Affiliated companies," or 801, "Loans and notes payable," as appropriate, except that where an issue of securities maturing serially over a period of years contains short-term obligations such obligations may be included as funded debt. Matured funded debt shall be included in account 835, "Other current liabilities," if provision has been made for current settlement. If no provision has been made for current settlement, matured funded debt shall be included in account 846, "Debt in default," except that when the collection of matured funded debt of affiliated companies is not enforced by controlling companies, the principal amount (to the extent held by a controlling company) shall be included in account 848, "Accounts payable; Affiliated companies."

NOTE B.—See Definitions 2, actually issued; 3, actually outstanding; 13, nominally issued; and 14, nominally outstanding.

NOTE C.—Nonnegotiable notes having a maturity of more than one year after date of issue, held by affiliated companies, shall be included in account 848, "Accounts payable; Affiliated companies."

NOTE D.—Securities nominally issued or reacquired and held in the company's treasury, except securities held by trustees in sinking or other funds, shall be included in a subdivision of this account. In the general balance sheet statement the total unmatured funded debt included in this account shall be shown in the first short column. The amount nominally but not actually issued and the amount nominally outstanding shall be shown in the second short column, and in the long column shall be shown the amount actually outstanding.

843 Equipment obligations.

(a) This account shall include the par value of equipment securities and the principal amount of contractual obligations for the purchase of equipment, excluding principal or obligations maturing serially or payable in installments within one year from the close of the accounting period, and including obligations due within one year which are expected to be refinanced on a long-term basis (see account 831, "Equipment obligations and other long-term debt due within one year"); for explanation of long-term refinancing, see NOTE C to account 801, "Loans and notes payable."

(b) The amounts included herein shall be divided as follows:

(1) Principal amount of equipment securities including those maturing serially, issued or assumed by the accounting company or by receivers and trustees, which have been authorized by the Commission under provisions of the Interstate Commerce Act and similar securities issued or assumed prior to the effective date of such provisions of the Act.

(2) Principal sums of obligations for equipment purchased under conditional or deferred payment contracts, which may be legally entered into or assumed by the accounting company or by receivers and trustees, without authorization by the Commission.

844 Unamortized debt discount.

This account shall include the total of the net debit balances representing the excess of the discount over the premium in connection with the issuance of each class of the carrier's outstanding long-term or equipment obligations. Separate subdivisions shall be maintained for each issue of such obligations. (See instruction 5-3.)

NOTE A.—When long-term obligations are refinanced the balance of debt discount and expense pertaining to the old obligations shall be transferred to Account 551, "Miscelleaneous income charges."

845 Unamortized premium on debt.

This account shall include the total of all credit balances representing the excess of the premium over the discount and expense in connection with the issuance of each class of the carrier's outstanding long-term or equipment obligations. Separate subdivisions shall be maintained for each issue of obligations.

846 Debt in default.

This account shall include amounts transferred from other accounts representing matured funded securities or obligations, receivers' and trustees' securities, equipment obligations and short-term notes, when maturity dates of such obligations have not been extended.

NOTE A.—The principal amount of matured funded debt of affiliated companies the collection of which is not enforced by the controlling company shall (to the extent of the principal amount held by the controlling company) be included in account 848, "Accounts payable; Affiliated companies."

NOTE B.—The principal amount of unpresented funded debt obligations which have matured, and for which provision has been made for payment shall be included in account 835, "Other current liabilities."

847 Receivers' and trustees' securities.

When receivers or trustees acting under the orders of a court are in possession of the property of the company, and under the order of such court issue or assume evidences of indebtedness (other than equipment securities or obligations) the par value of such evidences shall be credited to this account.

NOTE.—The par value of equipment securities or the principal amount of obligations incurred for the purchase of equipment under conditional or deferred payment contracts shall be included in account 843, "Equipment obligations."

848 Accounts payable; affiliated companies.

This account shall include the par value of nonnegotiable notes issued to affiliated companies; also matured funded debt of affiliated companies held by controlling companies where there is no agreement for an extension as to time of payment and collection of the principal is not enforced; credit balances in open accounts with such companies other than credit balances in current accounts classable as current liabilities, and interest accrued on notes, matured funded debt of affiliated companies and open accounts included in this account, when such interest is not subject to current settlements. The amounts included herein shall be divided as follows:

(a) Notes, including herein not only nonnegotiable notes that run longer than a term of one year, but also such notes payable on demand or within one year from the date of issue when it is mutually agreed that the notes shall not be enforced as current assets by the holder.

(b) Par value of matured funded debt of affiliated companies held by controlling companies where there is no agreement for an extension of time and collection is not enforced.

(c) Open accounts not subject to current settlement.

(d) Interest accrued on amounts included in this account when not subject to current settlement.

NOTE A.—Accounts with affiliated companies which are subject to current settlement shall be classed as current assets or current liabilities, as appropriate.

NOTE B.—No item shall be included in this account which is not known to be the property of an affiliated company.

NOTE C.—The term "affiliated companies" includes:

1. Controlled companies, including companies solely controlled by the accounting company, and also companies jointly controlled by the accounting company and others under a joint arrangement. (See definition 4.)

2. Controlling companies, including both companies solely controlling the accounting company, and companies which jointly control the accouting company under a joint arrangement.

3. Companies controlled by controlled companies.

4. Companies controlled by controlling companies.

by "control" (See Definition 8) is meant the ability to determine the action of a corporation. For the purposes of this account, the following are to be considered forms of control:

(a) Right through title to securities issued or assumed to exercise the major part of the voting power in the controlled corporation.

(b) Right through agreement of some character or through some source other than title to securities, to name the majority of the board of directors, managers, or trustees of the controlled corporation.

(c) Right to foreclose a first lien upon all or a major part in value of the tangible property of the controlled corporation.

(d) Right to secure control in consequence of advances made for construction of the operating property of the controlled corporation.

(e) Right to control only in a specific respect the action of the controlled corporation.

A leasehold interest in the property of a corporation is not to be classed as a form of control over the lessor corporation.

"Sole control" is that which rests in one corporation.

"Joint control" is that which rests in two or more corporations and which is held under a joint arrangement.

OTHER LONG-TERM LIABILITIES

851 Interest in default.

This account shall include the amount of matured and unpaid interest (for which no provision has been made for current settlement) on all indebtedness issued or assumed by the accounting company except interest which is added to the principal of the debt on which incurred. Where interest is a default, subsequent accruals shall be credited direct to this account.

NOTE.—Interest matured and unpaid on debt to affiliated companies, if not subject to current settlement, shall be included in account 848, "Accounts payable; Affiliated companies."

852 Other liabilities.

This account shall include assessments for public improvements; retained amounts due governmental agencies for construction work; percentages due contractors to be paid upon completion of contracts; deposits for construction of side tracks to be refunded on basis of an agreed portion of the earnings from the traffic handled over the tracks and similar liabilities not payable within one year. This account shall also include other deferred and noncurrent liabilities not otherwise provided for in general balance sheet accounts. Assessments for public improvements and amounts due governmental agencies and others for payments to be made within one year, shall be included in account 835, "Other current liabilities," or other appropriate current liability account.

861 Estimated liability; leased property.

(a) This account shall be credited with amounts concurrently charged to operating expenses or other accounts to cover the estimated accrued liability on leased road and equipment when settlement between the accounting carrier and the lessor is not made currently. Amounts recorded herein shall include unsettled rent, based on depreciation or other factors, and liability for property retired.

(b) This account shall be divided to show the liability to (1) affiliated companies (See Definition 4), and (2) others.

862 Estimated liability; pension and welfare.

(a) This account shall include the credit balances representing the estimated liability of the carrier for amounts provided by charges to operating expenses, including amounts contributed by employees, irrespective of whether carried in special funds or in general funds of the carrier, for pensions, accident and death benefits, savings, relief, hospital, or other provident purposes.

(b) The carrier may use the "full accrual basis" to account for pension costs upon prior approval of the Commission. (See NOTE C to account 040400, "Other fringes — Pensions and retirement plans.")

(c) This account shall be charged when payments are made to retired employees, or disbursements are made for the purposes for which liability was provided.

(d) Separate subaccounts shall be maintained to show the amount provided for each liability estimate and the nature of and amounts of debits and credits to the subaccounts.

863 Estimated liability; casualty and other claims.

(a) This account shall be credited with the amounts charged to operating expense to provide for estimated liabilities for claims for deaths of or injuries to employees and others, and for damages to property not owned or held under lease by the carrier; for claims for loss, destruction, damage, or delays to property entrusted to the carrier for transportation or storage; for revenue overcharges, such as those covered by reparation claims; and for similar items. No credits shall be made to this account for amounts recoverable from insurance companies or others.

(b) Separate subaccounts shall be maintained to show the amount provided for each liability estimate and the nature of and amounts of debits and credits to the subaccounts.

(c) If settlements for claims when audited are charged to this account, the balances for each year shall be kept separately until all items have been adjusted and cleared. If the settements when audited are charged to the appropriate expense accounts, the balance in this account shall be adjusted through the expense accounts so as to reflect the probable liability at the close of each year.

(d) Estimates of amounts payable within one year covering liability for claims shall be transferred from this account to account 815, "Accrued accounts payable."

864 Other estimated liabilities.

(a) This account shall be credited with the amounts accrued for estimated liabilities or losses provided by charges to operating expense or income accounts which are not provided for in any of the preceding estimated liability accounts.

(b) Separate subaccounts shall be maintained to show the amount provided for each liability estimate and the nature of and amounts of debits and credits to the subaccounts.

(c) Upon accomplishment of the purpose for which each estimated liability was provided in this account, any remaining balance in the applicable subaccount shall be cleared to the appropriate operating expense or other account. Prior Commission approval shall be required for clearance of balances in estimated liability subaccounts which were originally established by authority of the Commission.

(d) Estimates of amounts payable within one year covering any liability included in this account shall be transferred to account 815, "Accrued accounts payable."

DEFERRED CREDITS

872 Other deferred credits.

(a) This account shall include the amount of credit balances in suspense accounts that cannot be disposed of until services are performed or additional information is received, such as amounts received from sale of mileage tickets, to be disposed of as mileage is honored; amounts received from sales of excess baggage script, to be disposed of as coupons are honored; interchangeable mileage credential ticket redemption funds, amounts collected from the sale of damaged, unclaimed, and over freight held pending final disposition; unadjusted credit items not otherwise provided for; and similar items, the proper disposition of which is uncertain.

NOTE.—Estimated liability for claims and other accounts payable currently are includible in account 815, "Accrued accounts payable."

873 Accumulated deferred income tax credits.

(a) This account shall be credited (charged) with amounts concurrently charged (credited) to account 557, "Provision for deferred taxes," and account 591, "Provision for deferred taxes—extraordinary items," representing the net tax effect of material timing differences (see Definitions 20(g) and (e)) originating and reversing in the current accounting period.

(b) This account shall be credited with the amount of investment tax credit utilized in the current year for income tax purposes but deferred for accounting purposes (see instruction 1-12).

(c) This account shall be concurrently debited with amounts credited to account

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557, "Provision for deferred taxes," representing amortization of amounts for investment tax credits deferred in prior accounting periods.

(d) This account shall be maintained in such a manner as to show separately: (1) the unamortized balance of deferred income taxes and deferred investment tax credit separately as of the beginning and as of the end of each year entries are made affecting the account balance. (2) the current year's net credit or charges applicable to timing differences and deferred investment tax credits.

NOTE A.—The portion of deferred charges and credits relating to current assets and liabilities should likewise be classified as current and included in accounts 739, "Deferred Income Tax Debits," or 825, "Deferred Income Tax Credits," as appropriate.

NOTE B.—This account shall include a net credit balance only. A net debit balance shall be recorded in account 784, "Accumulated Deferred Income Tax Debits."

Shareholders' Equity

901 Capital stock.

(a) This account shall include the par value of stocks with par value; the stated value of no par stock having a stated value; and the cash value of the consideration received or the amount approved by the Commission for no par stocks without stated value, for all shares of capital stock or other form of proprietary interest in the accounting company which have been issued to bona fide purchasers and have not been reacquired and canceled, also shares of stock nominally issued.

(b) This account also shall include amounts transferred from retained earnings for no par stock without stated value when approved by the Commission.

(c) The amount of the consideration received from the sale of par value stock and no par stock having a stated value in excess of the amount credited to this account shall be credited to account 912, "Premiums and assessments on capital stock."

(d) When capital stock is retired or canceled, this account shall be charged with the amount at which such stock is carried in this account. In the case of no par stock without stated value, the amount to be charged shall be the proportion, applicable to the reacquired shares immediately prior to reacquisition, of the total book liability included herein of actually outstanding shares of the particular class and series of stock of which the reacquired shares are a part.

(e) The amounts included in this account shall be recorded so as to show (1) par value of shares of par value stock; the stated value of shares of no par stock, and the amount paid in or approved by the Commission for no part stock without stated value, (pledged or unpledged) held in the company's treasury, by its agents or trustees, or otherwise subject to its control, including shares nominally but never actually issued and (2) par value of shares of par value stock, the stated value of shares of no par stock, and the amount paid in or approved by the Commission for shares of no par stock without stated value, issued and actually outstanding, being the shares not held by the company, its agents, or trustees, or subject to its control.

(f) The amounts included herein shall be further divided so as to show the amount of each class of stock issued, separated as between par value and no par value stock, as follows:

(1) *Common stock.* Stocks which have no preference over other issues of stock in distribution of dividends or of assets.

(2) *Preferred stock.* Stocks having preference over other issues of stock in distribution of dividends or of assets.

(3) *Debenture stock.* Stocks issued under a contract to pay a specified return at specified intervals.

(4) *Receipts outstanding for installments paid.* Receipts for payments on account of subscriptions to capital stock.

(g) When the subscriber has paid his subscription in full and is entitled to receive certificates representing the shares for which he has subscribed, the part value of stocks having par value, the stated value of no par stock, or the agreed purchase price or the price authorized by the Commission for no par stock without stated value, as appropriate, shall be included in the division for the class for which the certificates are issued.

(h) Each of the above classes shall also be divided into subclasses according to differences in dividend or interest rights, voting rights, or conditions under which the securities may be retired.

NOTE A.—When a general levy or assessment is made against the holders of capital stock requiring the payment of any sum in addition to the consideration agreed upon at the time of sale, the amount collected shall be credited to account 912, "Premiums and assessments on capital stock."

NOTE B.—When no par stock without stated value is issued in exchange for par stock, or no par stock with stated value, amounts included in Account 912, "Premiums and assessments on capital stock," for the retired stock, shall be transferred to this account, and any amounts included in the discount account for the retired stock shall be charged to account 913, "Other capital"; *Provided,* however, That any excess over the amount of accumulated net gains applicable to the subclass exchanged included in account 913 shall be charged to account 616, "Other debits to retained earnings."

NOTE C.—An appropriate record shall be maintained with respect to shares of capital stock showing the number of shares nominally issued, nominally outstanding, actually issued and actually outstanding.

NOTE D.—See Definitions 2, actually issued; 3, actually outstanding; 13, nominally issued; and 14, nominally outstanding.

903 Liability for conversion of capital stock.

This account shall include the company's liability under agreements to exchange its capital stock for the outstanding securities of companies whose physical property has been acquired under such agreements, but whose securities have not yet been surrendered for exchange.

911 Discount on capital stock.

This account shall include the excess of the par or stated value recorded in account 901, "Capital stock," (at the time of original sale of par value stock and no par stock with a stated value) plus accrued dividends, if any, over the cash value of the consideration received.

912 Premiums and assessments on capital stock.

(a) This account shall include the excess of the actual cash value of the consideration received (at the time of original sale of par value stock and no par stock with a stated value) over the par or stated value of the stock issued, plus accrued dividends, if any, and subsequent assessments against stockholders representing payments required in excess of par or stated value.

(b) Separate subdivisions shall be maintained for premiums and for assessments on each class and series of stock.

(c) When capital stock is retired and canceled, this account shall be charged with the amount of assessments and premiums originally recorded for the shares of stock retired and canceled.

913 Other capital.

(a) This account shall include all other capital not classified as retained earnings. It shall include such items as the amount of consent dividends on the accounting company's capital stock; capital arising from donations by stockholders of capital stock of the company or other contribution to capital; amounts representing reduction of the par or recorded value of the accounting company's capital stock, including reductions arising in merger of a railroad and pooling of interest (see instruction 2-15(d)); capital from reorganization of the company (see instruction 2-16); and amounts of forfeited subscriptions to the accounting company's capital stock. This account shall also include gains from the acquisition, retirement, or resale of reacquired shares of the accounting company's capital stock; and forgiveness by stockholders as a contribution to capital of long-term debt owed to them.

(b) This account shall be charged with amounts included herein when capitalized by stock dividends or otherwise with the approval of the Commission, and losses from retirement or resale of reacquired shares up to an amount not in excess of credits included herein applicable to the reacquired shares; and may be charged with the amortization of discount on capital stock to the extent of credits herein for such stock.

(c) This account shall be subdivided to show each source of other capital.

921 Retained earnings; appropriated.

This account shall include the accumulated amount of retained earnings which has been appropriated and set aside according to provisions of mortgages, deeds of trust, reorganization plans, or other agreements requiring payments into capital funds, sinking funds, or other funds; and also appropriations

for general contingencies, possible future losses (not in the category of liabilities actually incurred), and other corporate purposes. This account shall be subdivided by classes of appropriations showing the purpose for which each appropriation is made.

922 Retained earnings; unappropriated.

(a) This account shall include the net balance (debit or credit) of the amounts included in accounts 601 to 623, inclusive. It shall not include transfers either to or from account 913, "Other capital," unless so authorized upon application to the Commission.

(b) Any balance representing retained earnings not segregated at the date of the balance sheet shall be included in a subdivision of this account.

(c) The balance of accounts 601 to 623, inclusive, shall be closed into this account at the end of each calendar year.

931 Treasury stock.

(a) This account shall include in subdivisions for each class the reacquisition cost of capital stock which has been actually issued or assumed by the carrier, then reacquired, and is neither retired nor canceled, nor properly includible in sinking or other funds.

(b) This account shall be maintained to reflect separately securities pledged and unpledged.

(c) This account shall be shown on the balance sheet as a deduction in arriving at stockholders' equity.

NOTE.—The accounting for the reacquisition of capital stock and resale thereof shall be in accordance with instruction 5-4, paragraphs (e) through (g).

FORM OF GENERAL BALANCE SHEET STATEMENT

The classified form of general balance sheet statement is designed to show the financial condition of the accounting company at any specified date.

ASSETS

Current assets:
- 701. Cash.
- 702. Working funds.
- 711. Temporary cash investments.
- 712. Special deposits.
- 721. Loans and notes receivable.
- 722. Accounts receivable; Interline and other balances.
- 723. Accounts receivable; Agents and conductors.
- 724. Accounts receivable; Other.
- 725. Interest and dividends receivable.
- 726. Receivables from affiliated companies.
- 727. Accrued accounts receivable.
- 729. Allowance for uncollectible accounts.
  Net receivables.
- 731. Prepayments.
- 733. Material and supplies.
- 735. Other current assets.
- 739. Deferred income tax debits.
  Total current assets.

Special funds:
- 741. Sinking funds.
- 742. Capital funds.
- 743. Insurance and other funds.
  Total special funds.

Investments:
- 751. Investments and advances; Affiliated companies.
  Undistributed earnings from certain investments in account 751.
- 753. Adjustments; Investments and advances—Affiliated companies.
  Net—investments and advances—affiliated companies.
- 755. Other investments and advances.
- 757. Adjustments; Other investments and advances.
  Net—other investments and advances.
  Total investments.

Tangible property:
- 761. Road and equipment property.
- 763. Accumulated depreciation; Road and equipment property.
- 764. Accumulated amortization; Road and equipment property—Defense projects.
  Net road and equipment property.
- 765. Improvements on leased property.
- 766. Accumulated depreciation; Improvements on leased property.
- 767. Accumulated amortization; Improvements on leased property—Defense projects.
  Net improvements on leased property.
  Total carrier property.
- 768. Property used in other than carrier operations.
- 769. Accumulated depreciation; Property used in other than carrier operations.
  Net—property used in other than carrier operations.
  Total tangible property.

Intangible property:
- 771. Organization expenses.

Other assets and deferred debits:
- 781. Other assets.
- 782. Other deferred debits.
- 784. Accumulated deferred income tax debits.
  Total other assets and deferred debits.
  Total assets.

LIABILITIES AND SHAREHOLDERS' EQUITY

Current liabilities:
- 801. Loans and notes payable.
- 803. Accounts payable; Interline and other balances.
- 805. Audited accounts and wages payable.
- 807. Accounts payable; Other.
- 809. Interest matured.
- 811. Dividends matured.
- 812. Unmatured interest accrued.
- 813. Unmatured dividends declared.
- 814. Payables to affiliated companies.
- 815. Accrued accounts payable.
- 821. Federal income taxes accrued.
- 822. State and other income taxes accrued.
- 823. Other taxes accrued.
- 825. Deferred income tax credits.
- 831. Equipment obligations and other long-term debt due within one year.
- 835. Other current liabilities.
  Total current liabilities.

Long-term debt due after one year: [1]
- 842. Funded debt unmatured.
- 843. Equipment obligations.
- 844. Unamortized debt discount.
- 845. Unamortized premium on debt.
  Net funded debt and equipment obligations.
- 846. Debt in default.
- 847. Receivers' and trustees' securities.
- 848. Accounts payable; Affiliated companies.
  Total long-term debt due after one year.

Other long-term liabilities:
- 851. Interest in default.
- 852. Other liabilities.
- 861. Estimated liability; Leased property.
- 862. Estimated liability; Pension and welfare.
- 863. Estimated liability; Casualty and other claims.
- 864. Other estimated liabilities.
  Total other long-term liabilities.

Deferred credits:
- 872. Other deferred credits.
- 873. Accumulated deferred income tax credits.
  Total deferred credits.

Shareholders' equity:
Capital stock:
- 901. Capital stock.
- 903. Liability for conversion of capital stock.
- 911. Discount on capital stock.
  Total capital stock.

Additional capital:
- 912. Premiums and assessments on capital stock.
- 913. Other capital.
  Total additional capital.

Retained earnings:
- 921. Retained earnings; Appropriated.
- 922. Retained earnings; Unappropriated.
  Total retained earnings.
- 931. Treasury stock.
  Total shareholders' equity.
  Total liabilities and shareholders' equity.

[1] To be divided as to "Total issued" and "Held by or for company."

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CONVERSION TABLES

TRANSPORTATION OPERATING REVENUE ACCOUNTS

System of accounts effective Prior to Jan. 1, 1978		System of accounts effective Jan. 1, 1978	
Account Title	No.	No.	Account Title
TRANSPORTATION REVENUE ACCOUNTS			TRANSPORTATION REVENUE ACCOUNTS
Transportation; Rail Line	100	100	Transportation; rail line.
Freight	101	101	Freight.
Passenger	102	102	Passenger.
Baggage	103	103	Passenger-related.
Sleeping car	104	103	Do.
Parlor and chair car	105	103	Do.
Other passenger-train	108	103	Do.
Milk	109	101	Freight.
Switching	110	104	Switching.
Water transfers	113	105	Water transfers.
Incidental	130	110	Incidental.
Dining and buffet	131	103	Passenger-related.
Hotel and restaurant	132	110	Incidental.
Station, train, and boat privileges	133	110	Do.
Storage; freight	135	110	Do.
Demurrage	137	106	Demurrage.
Communication	138	110	Incidental.
Grain elevator	139	110	Do.
Power	141	110	Do.
Rent of buildings and other property	142	110	Do.
Miscellaneous	143	110	Do.
Joint facility	150	120	Joint Facility.
Joint facility—Cr	151	121	Joint Facility—Cr.
Joint facility—Dr	152	122	Joint Facility—Dr.

OPERATING EXPENSE ACCOUNTS

System of accounts effective prior to Jan. 1, 1978		System of accounts effective Jan. 1, 1978
Account Title	No.	Account Numbers
MAINTENANCE OF ROADWAY AND STRUCTURES		MAINTENANCE OF ROADWAY AND STRUCTURES
Superintendence	201	010110, 020110, 021010, 030110, 031010, 060210, 060310, 070510, 070610, 080010, 110110, 110210, 110310, 110410, 110510, 110610, 110710.
Roadway maintenance	202	020910, 030910, 050610, 070710.
Tunnels and subways	206	020910, 030910, 050710, 060210, 060310, 080010.
Bridges, trestles and culverts	208	020910, 030910, 050710, 060210, 060310, 080010.
Elevated structures	210	020910, 030910, 050710, 060210, 060310.
Ties	212	050410.
Rails	214	050310.
Other track material	216	50610.
Ballast	218	021010, 031010, 050510.
Track laying and surfacing	220	020910, 021010, 030910, 031010.
Fences, snowsheds and signs	221	020910, 021010, 030910, 031010, 050710, 060210.
Station and office buildings	227	020910, 021010, 030910, 031010, 050710, 060210, 060310, 080010.
Roadway buildings	229	020910, 021010, 030910, 031010, 050710, 060210, 060310.
Water stations	231	020910, 021010, 030910, 031010, 050710, 060210.
Fuel stations	233	020910, 021010, 030910, 031010, 050710, 060210.
Shops and enginehouses	235	020910, 021010, 030910, 031010, 050710, 060210. 060310.
Grain elevators	237	020910, 021010, 030910, 031010, 050710, 060210, 060310.
Storage warehouses	239	020910, 021010, 030910, 031010, 050710, 060210, 060310.
Wharves and docks	241	020910, 021010, 030910, 031010, 050710, 060210, 060310.
Coal and ore wharves	243	020910, 021010, 030910, 031010, 050710, 060210, 060310.
TOFC/COFC terminals	244	020910, 021010, 030910, 031010, 050710, 060210, 060310.
Communication systems	247	010110, 020110, 020910, 021010, 030910, 031010, 060210, 060310, 091110, 110110, 110210, 110310, 110510, 11060, 110710.
Signals and interlockers	249	010110, 020110, 020910, 021010, 030110, 030910, 031010, 050710, 060210, 060310, 110110, 110210, 110310, 110710, 110510, 110610.
Power plants	253	020910, 021010, 030910, 031010, 050710, 060210, 060310.
Power transmission systems	257	020910, 021010, 030910, 031010, 050710, 060210, 060310.
Miscellaneous structures	265	020910, 021010, 030910, 031010, 050710, 060210, 060310.

Roadway property depreciation	266	140010.
Retirements; road	267	160010.
Roadway machines	269	020910, 021010, 030910, 031010, 050710, 060210, 060310.
Dismantling retired road property	270	021010, 031010.
Small tools and supplies	271	020910,030910, 060210, 060310, 070510, 070610, 070710.
Removing snow, ice and sand	272	021010, 031010, 060210, 060310, 110310.
Public improvements; maintenance	273	020910, 030910, 091110.
Injuries to persons	274	010110, 020110, 020910, 021010, 030110, 031010, 110310, 110410, 110710, 030910, 100310.
Insurance	275	100510.
Stationery and printing	276	110110.
Employees health and welfare benefits	277	020110, 030110, 040310.
Maintaining joint tracks yards and other facilities DR	278	091210.
Maintaining joint tracks yards and other facilities CR	279	091310.
Right-of-way expenses	281	020910, 021010, 030910, 031010, 050710, 060310.
Other expenses	282	020110, 020910, 021010, 030110, 030910, 110310, 110410, 110710, 031010.
MAINTENANCE OF EQUIPMENT		
Superintendence	301	010121, 010122, 010123, 020121, 020122, 020123, 021021, 021022, 021023, 030121, 030122, 030123, 031021, 031022, 031023, 060221, 060222, 060223, 060322, 060323, 070521, 070522, 070523, 070621, 070623, 060321, 070622. 080021, 080022, 080023, 110121, 110122, 110123, 110221, 110222, 110223, 110321, 110322, 110323, 110421, 110422, 110423, 110521, 110522, 110523, 110621, 110623, 110721, 110722, 110723, 110622.
Shop machinery	302	020921, 020922, 020923, 030921, 030922, 030923, 050723, 070721, 070722, 070723.
Power plant machinery	304	020923, 030923, 021023, 031023, 050723.
Shop and power plant machinery; depreciation	305	140023.
Dismantling retired shop and power plant machinery	306	021023, 031023.
Locomotive repairs	311	020921, 021021, 030921, 031021, 050121, 060221, 060321, 070721, 090921.
Freight-train cars; repairs	314	020922, 021022, 030922, 031022, 050222, 060222, 060322, 070722, 090922, 100231, 100232, 100233.
Passenger-train cars; repairs	317	020923, 021023, 030923, 050223, 060223, 060323.
Highway revenue equipment; repairs	318	020923, 021023, 030923, 050223, 060223, 060323.
Floating equipment; repairs	323	031023, 050223, 060223.
Work equipment; repairs	326	060323, 070723, 090923.
Miscellaneous equipment; repairs	328	100231, 100232, 100233.
Dismantling retired equipment	329	021021, 021022, 021023, 031021, 031022, 031023.
Retirements; equipment	330	160021, 160022, 160023.
Equipment; depreciation	331	140021, 140022, 140023.
Injuries to persons	332	010121, 010122, 010123, 020121, 020122, 020123, 020921, 020922, 020923, 021021, 021022, 021023, 030121, 030122, 030123, 030921, 030922, 030923, 031022, 031023, 100321, 100322, 100323, 110321, 110322, 110323, 110421, 110422, 110423, 110721, 110722, 110723, 031021.
Insurance	333	100521, 100522, 100523.
Stationery and printing	334	110121, 110122, 110123.
Employees health and welfare benefits	335	020121, 020122, 020123, 030121, 030122, 030123, 040321, 040322, 040323.
Joint maintenance of equipment expenses—Dr	336	091221, 091222, 091223.
Joint maintenance of equipment expenses—Cr	337	091321, 091322, 091323.
Other expenses	339	020121, 020122, 020123, 020921, 020922, 020923, 021021, 021022 , 021023, 030121, 030122, 030123, 030921, 030922, 030923, 031021, 031022, 031023, 110321, 110322, 110323, 110421, 110422, 110423, 110721, 110722, 110723.
TRAFFIC EXPENSE ACCOUNTS		
Superintendence	351	010140, 020140, 021040, 030140, 031040, 060240, 060340, 070540, 070640, 080040, 110140, 110240, 110340, 110440, 110540, 110640, 110740.

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Outside agencies	352	010140, 020140, 021040, 030140, 031040, 060340, 070540, 070640, 080040, 110140, 110240, 110340, 110540, 110640, 110740.
Advertising	353	010140, 020140, 021040, 031040, 060340, 070540, 070640, 080040, 110140, 110240, 110340, 110440, 110540, 110640, 110740, 030140.
Traffic associations	354	110740.
Fast freight lines	355	110740.
Industrial and immigration bureaus	356	110740.
Insurance	357	100540.
Stationery and printing	358	110140.
Employees health and welfare benefits	359	020140, 030140, 040340.
Other expenses	360	110740.
TRANSPORTATION EXPENSE ACCOUNTS		
Superintendence	371	010131-37, 020131-37, 021031-37, 030131-37, 031031-37, 060231-37, 060331-37, 070531-37, 070631-37, 080031-37, 110131-37, 110231-37, 110331-37, 110431-37, 110531-37, 110631-37, 110731-37.
Dispatching trains	372	020133, 020633, 030133, 030633, 021033, $31033, 060233, 060333, 070533, 110133, 110233, 110333, 110533, 110633, 110733.
Station employees	373	010131, 020131, 021031, 030131, 031031.
Weighing, inspection and demurrage bureaus	374	091133.
Coal and ore wharves	375	010134, 020134, 021034, 030134, 031034, 060234, 060334, 070734, 110134, 110234, 110334, 110534, 110634, 110734.
Stations supplies and expenses	376	060231, 060331, 070631, 080031, 110231, 110531, 110731.
Yardmasters and yard clerks	377	010132, 020132, 021032, 030132, 031032.
Yard conductors and brakemen	378	010132, 020432, 021032, 030432, 031032.
Yard switch and signal tenders	379	021032, 031032.
Yard enginemen	380	020232, 030232.
Yard switching fuel	382	010132, 020132, 021032, 030132, 031032, 060232, 070132, 070332.
Yard switching power produced	383	010132, 021032, 031032, 070132, 070332, 060332, 070732.
Yard switching power purchased	384	070332, 070333.
Servicing yard locomotives	388	010132, 020132, 020732, 021032, 030132, 030732, 031032, 060232, 070632, 110532, 070732.
Yard supplies and expenses	389	060232, 060332, 070732, 080032, 110232, 110532, 110632.
Operating joint yards and terminals—Dr	390	091231 through 091237.
Operating joint yards and terminal—credit	391	091331 through 091237.
Train enginemen	392	020333.
Train fuel	394	010133, 020133, 021033, 030133, 031033, 060233, 070233, 070433.
Train power produced	395	010133, 021033, 031033, 060333, 070233, 070433, 070733.
Train power purchased	396	070433.
Servicing train locomotives	400	010133, 020133, 020733, 021033, 030133, 030733, 031033, 060133, 060233, 070633, 110533, 070733.
Trainmen	401	020533.
Train supplies and expenses	402	010133, 020133, 021033, 031033, 030133, 060133, 060233, 060333, 070633, 070733, 080033, 110633.
Operating sleeping cars	403	010133, 020133, 020733, 021033, 030133, 030733, 031033, 060133, 070633, 080033, 110133, 110233, 110333, 110533, 110633, 110733, 020131, 021031, 030131, 031031, 070531, 070631, 080031, 060331, 020533, 030533.
Signal and interlocker operation	404	010132, 021032, 031032, 060332, 070532, 070632, 070732, 080032.
Crossing protection	405	021033, 031033, 060333.
Drawbridge operations	406	021037, 031037, 060337, 070637, 080037.
Communication system operation	407	010137, 020137, 021037, 030137, 031037, 060237, 060337, 080037, 110137, 110237, 110337, 110537, 110637, 110737.
Operating floating equipment	408	010135, 020135, 021035, 030135, 031035, 060235, 060335, 070635, 070735, 080035.
Employees health and welfare benefits	409	020133 through 020137, 030133 through 030137, 040333 through 040337.
Stationery and printing	410	110133 through 110137.
Other expenses	411	030233, 030333, 030433, 030533, 030733, 030833, 031033, 091133, 110733, 100133, 110433.

Operating joint tracks and facilities—Dr	412	091231 through 091237.
Operating joint tracks and facilities—Cr	413	091331 through 091337.
Insurance	414	100533 through 100537.
Clearing wrecks	415	021033, 031033.
Damage to property	416	010133, 021033, 031033, 100233, 110333, 110433, 110533, 110633, 110733.
Damage to livestcok on right-of-way	417	010133, 021033, 031033, 100233, 110333, 110433, 110533, 110633, 110733.
Loss and damage freight	418	010133, 021033, 031033, 100233, 110333, 110433, 110533, 110633, 110733.
Loss and damage; baggage	419	010133, 021033, 031033, 100233, 110333, 110433, 110533, 110633, 110733.
Injuries to persons	420	010131 through 010137, 020131 through 020137, 020232, 020233, 021031 through 021037, 030131 through 030137, 031031 through 031037, 100331 through, 100337, 110331 through 110337, 110431 through 110437, 110731 through 110737.
TOFC/COFC terminals	421	010136, 020136, 021036, 030136, 031036, 060236, 060336, 070636, 070736, 080036.
Other highway transportation	422	021037, 031037, 060337.
MISCELLANEOUS OPERATIONS EXPENSE		
Dining and buffet service	441	010137, 020137, 021037, 030137, 031037, 060337, 070637, 110137, 110337, 110737.
Hotels and restaurants	442	010137, 020137, 021037, 030137, 031037, 060337, 070637, 080037, 110137, 110337, 110737.
Grain elevators	443	010137, 020137, 021037, 030137, 031037, 060337, 070637, 080037, 110137, 110337, 110537, 110637, 110737.
Producing power sold	445	010137, 020137, 021037, 030137, 031037, 060337, 070637, 080037, 110137, 110337, 110537, 110637, 110737.
Other miscellaneous	446	010137, 020137, 021037, 030137, 031037, 060237, 060337, 070637, 070837, 080037, 110137, 110237, 110337, 110537, 110637.
Operating joint miscellaneous facilities—Dr	447	091237.
Operating joint miscellaneous facilities—Cr	448	091337.
GENERAL OPERATING EXPENSES		
Salaries and expenses of general officers	451	010150, 021050, 031050, 060350, 070550, 110350, 110450, 110750.
Salaries and expenses of clerks and attendants	452	020150, 030150, 060350, 070550, 110350, 110750.
General office supplies and expenses	453	110150, 110250, 110450, 110550, 110650.
Law expenses	454	010150, 020150, 021050, 030150, 031050, 110150, 110350, 110450, 110550, 110650, 110750.
Insurance	455	100550.
Employees health and welfare benefits	456	010150, 020150, 030150, 040350, 110150, 110250, 110350, 110450, 110550, 110650, 110750.
Pensions	457	040410, 040421 through 040423, 040431 through 040437, 040440, 040450.
Stationery and printing	458	110450.
Other expenses	460	110750, 130050.
General joint facilities—Dr	461	091250.
General joint facilities—Cr	462	091350.
INCOME ACCOUNTS		INCOME ACCOUNTS
Railway operating revenues	501	501 Railway operating revenues.
Revenues from miscellaneous operations	502	502 Revenues from property used in other than carrier operations.
Hire of freight cars and highway revenue freight equipment; credit balance	503	Hire of freight cars and highway revenue freight equipment; credit balance 090233.
Rent from locomotives	504	090433 Locomotive rentals—credit.
Rent from passenger-train cars	505	Other purchased services 091133.
Rent from floating equipment	508	Floating equipment rentals—credit 090835.
Rent from work equipment	507	Work equipment rentals—credit 090610, 090632, 090633, 090635, 090637.
Joint facility rent income	508	508 Joint facility rent income.
Income from lease of road and equipment.	509	509 Income from lease of road and equipment.
Miscellaneous rent income	510	510 Miscellaneous rent income.
Income from nonoperating property	511	502 Revenues from proeprty used in other than carrier operations.

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Separately operated properties; profit	512	512	Separately operated properties; profit.
Dividend income	513	513	Dividend income.
Interest income	514	514	Interest income.
Income from sinking and other reserve funds.	516	516	Income from sinking and other reserve funds.
Release of premiums on funded debt	517	517	Release of premiums on funded debt.
Miscellaneous income	519	519	Miscellaneous income.
Railway operating expenses	531	531	Railway operating expenses.
Railway tax accruals	532	535	Taxes on property used in other than carrier operations.
		556	Income taxes on ordinary income.
		120150	Property taxes—general and administrative.
		120250	Other misc. taxes—general and administrative.
Provision for deferred taxes	533	557	Provision for deferred taxes.
Expenses of miscellaneous operations	534	534	Expenses of property used in other than carrier operations.
Taxes on miscellaneous operating property.	535	535	Taxes on property used in other than carrier operations.
Hire of freight cars and highway revenue freight equipment—debit balance.	536	090133	Hire of freight cars and highway revenue freight equipment—debit.
Rent for locomotives	537	090333	Locomotive rentals—debit.
Rent for passenger-train cars	538	091133	Other purchased services.
Rent for floating equipment	539	090735	Floating equipment rentals—debit.
Rent for work equipment	540	090510	Work equipment rentals—debit.
		090532	
		090533	
		090535	
		090537	
Joint facility rents	541	541	Joint facility rents.
Rent for leased roads and equipment	542	542	Rent for leased roads and equipment.
Miscellaneous rents	543	543	Miscellaneous rents.
Miscellaneous tax accruals	544	544	Miscellaneous taxes.
Separately operated properties; loss	545	545	Separately operated properties; loss.
Interest on funded debt	546	546	Interest on funded debt.
Interest on unfunded debt	547	547	Interest on unfunded debt.
Amortization of discount on funded debt.	548	548	Amortization of discount on funded debt.
Maintenance of investment organization.	549	549	Maintenance of investment organization.
Income transferred to other companies.	550	550	Income transferred to other companies.
Miscellaneous income charges	551	551	Miscellaneous income charges.
		553	Uncollectible accounts.
Unusual or infrequent items (debit) credit.	555	555	Unusual or infrequent items (debit) credit.
Income or loss from operations of discontinued segments.	560	560	Income or loss from operations of discontinued segments.
Gain or loss on disposal of discontinued segments.	562	562	Gain or loss on disposal of discontinued segments.
Extraordinary items (net)	570	570	Extraordinary items (net).
Income taxes on extraordinary items	590	590	Income taxes on extraordinary items.
Provision for deferred taxes—extraordinary items.	591	591	Provision for deferred taxes—extraordinary items.
Cumulative effect of changes in accounting principles.	592	592	Cumulative effect of changes in accounting principles.

RETAINED INCOME ACCOUNTS

System of accounts effective prior to January 1, 1978		*System of accounts effective January 1, 1978*	
Account Title			
Credit	*No.*	*No.*	*Account Title*
Credit balance (at beginning of calendar year).	601	601	Credit balance (at beginning of calendar year).
Prior period adjustments to beginning retained income account.	601.5	602	Prior period adjustments to beginning retained earnings account.
Credit balance transferred from income.	602	603	Credit balance transferred from income.
Other credits to retained income	606	606	Other credits to retained earnings.
Debit			
Debit balance (at beginning of calendar year).	611	611	Debit balance (at beginning of calendar year).
Debit balance transferred from income.	612	612	Debit balance transferred from income.
Other debits to retained income	616	616	Other debits to retained earnings.

Appropriations for sinking and other reserve funds.	620	620	Appropriations for sinking and other funds.
Appropriations for other purposes	621	621	Appropriations for other purposes.
Appropriations released	622	622	Appropriations released.
Dividends	623	623	Dividends.

GENERAL BALANCE SHEET ACCOUNTS

System of accounts effective prior to January 1, 1978		*System of accounts effective January 1, 1978*	
Account Title			
Assets	*No.*	*No.*	*Account Title*
Cash	701	701	Cash.
Temporary cash investments	702	711	Temporary cash investments.
Special deposits	703	712	Special deposits.
Loans and notes receivable	704	721	Loans and notes receivable.
		726	Receivables from affiliated companies.
		729	Allowance for uncollectible accounts.
Traffic, car service and other balances—Dr.	705	722	Accounts receivable; interline and other balances.
		729	Allowance for uncollectible accounts.
Net balance receivable from agents and conductors.	706	723	Accounts receivable; agents and conductors.
Miscellaneous accounts receivable	707	724	Accounts receivable; other.
		726	Receivables from affiliated companies.
		729	Allowance for uncollectible accounts.
Interest and dividends receivable	708	725	Interest and dividends receivable.
		726	Receivables from affiliated companies.
		729	Allowance for uncollectible accounts.
Accrued accounts receivable	709	727	Accrued accounts receivable.
Working fund advances	710	702	Working funds.
Prepayments	711	731	Prepayments.
Material and supplies	712	733	Material and supplies.
Other current assets	713	735	Other current assets.
Deferred income tax charges	714	739	Deferred income tax debits.
Sinking funds	715	741	Sinking funds.
Capital and other reserve funds	716	742	Capital funds.
Insurance and other funds	717	743	Insurance and other funds.
Investments in affiliated companies	721	751	Investments and advances; affiliated companies.
Other investments	722	755	Other investments and advances.
Reserve for adjustment of investment in securities—Cr.	723	753	Adjustments; investments and advances—affiliated companies.
		757	Adjustments; other investments and advances.
Road and equipment property	731	761	Road and equipment property.
		771	Organization expenses.
Improvements on leased property	732	765	Improvements on leased property.
Accrued depreciation; improvements on leased property.	733	766	Accumulated depreciation; improvements on leased property.
Accrued depreciation; road and equipment.	735	763	Accumulated depreciation; road and equipment property.
Amortization of defense projects; road and equipment.	736	764	Accumulated amortization; road and equipment property—defense projects.
		767	Accumulated amortization; improvements on leased property—defense projects.
Miscellaneous physical property	737	768	Property used in other than carrier operations.
Accrued depreciation; miscellaneous physical property.	738	769	Accumulated depreciation; property used in other than carrier operations.
Other assets	741	781	Other assets.
Unamortized discount on long-term debt.	742	844	Unamortized debt discount.
Other deferred charges	743	782	Other deferred debits.
Accumulated deferred income tax charges.	744	784	Accumulated deferred income tax debits.

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Liabilities			
Loans and notes payable	751	801	Loans and notes payable.
		814	Payables to affiliated companies.
Traffic, car service and other balances—Cr.	752	803	Accounts payable; interline and other balances.
Audited accounts and wages payable	753	805	Audited accounts and wages payable.
Miscellaneous accounts payable	754	807	Accounts payable; other.
		814	Payables to affiliated companies.
Interest matured unpaid	755	809	Interest matured.
		814	Payables to affiliated companies.
Dividends matured unpaid	756	811	Dividends matured.
		814	Payables to affiliated companies.
Unmatured interest accrued	757	812	Unmatured interest accrued
		814	Payabels to affiliated companies.
Unmatured dividends declared	758	813	Unmatured dividends declared.
		814	Payables to affiliated companies.
Accrued accounts payable	759	815	Accrued accounts payable.
Federal incomes taxes accrued	760	821	Federal income taxes accrued.
Other taxes accrued	761	731	Prepayment.
		822	State and other income taxes accrued.
		823	Other taxes accrued.
Deferred income tax credits	762	825	Deferred income tax credits.
Other current liabilities	763	835	Other current liabilities.
Equipment obligations and other debt due within one year.	764	831	Equipment obligations and other long-term debt due within one year.
Funded debt unmatured	765	842	Funded debt unmatured.
Equipment obligations	766	843	Equipment obligations.
Receivers' and trustees' securities	767	847	Receivers' and trustees' securities.
Debt in default	768	846	Debt in default.
Amounts payable to affiliated companies.	769	848	Accounts payable; affiliated companies.
Pension and welfare reserves	771	862	Estimated liability; pension and welfare.
Casualty and other reserves	774	863	Estimated liability; casualty and other claims.
		864	Other estimated liabilities.
Interest in default	781	851	Interest in default.
Other liabilities	782	852	Other liabilities.
Unamortized premium on long-term debt.		845	Unamortized premium on debt.
Other deferred credits	784	872	Other deferred credits.
Accrued liability; leased property	785	861	Estimated liability; leased property.
Accumulated deferred income tax credits.	786	873	Accumulated deferred income tax credits.
SHAREHOLDERS' EQUITY			
Capital stock issued	791	901	Capital stock.
Stock liability for conversion	792	903	Liability for conversion of capital stock.
Discount on capital stock	793	911	Discount on capital stock.
Premiums and assessments on capital stock.	794	912	Premium and assessments on capital stock.
APPENDIX B			
Paid-in surplus	795	913	Other capital.
Other capital surplus	796	913	Other capital.
Retained income; appropriated	797	921	Retained earnings; appropriated.
Retained income; unappropriated	798	922	Retained earnings; unappropriated.
Treasury stock	798.5	931	Treasury stock.

REPORTS AND SCHEDULES APPENDIX B

200. COMPARATIVE GENERAL BALANCE SHEET-EXPLANATORY NOTES

The notes listed below are provided for the purpose of disclosing supplementary information concerning matters which have an important effect on the financial condition of the carrier. The carrier shall give the particulars called for herein and where there is nothing to report, insert the word "none"; and in addition thereto shall enter in separate notes with suitable particulars other matters involving material amounts of the character commonly disclosed in financial statements under generally accepted accounting and reporting principles, except as shown in other schedules. This includes explanatory statements explaining (1) service interruption insurance policies and indicate the amount of indemnity to which respondent will be entitled for work stoppage losses and the maximum amount of additional premium respondent may be obligated to pay in the event such losses are sustained by other railroads; (2) particulars concerning obligations for stock purchase options granted to officers and employes; and (3) what entries have been made for net income or retained income restricted under provisions of mortgages and other arrangements. (Dollars in thousands)

1. Show hereunder the estimated accumulated tax reductions realized during current and prior years under Section 168 (formerly Section 124-A) and under Section 167 of the Internal Revenue Code because of accelerated amortization of emergency facilities and accelerated depreciation of other facilities and also depreciation deductions resulting from the use of the new guideline lives, since December 31, 1961, pursuant to Revenue Procedure 62-21 in excess of recorded depreciation. The amount to be shown in each case is the net accumulated reductions in taxes realized less subsequent increases in taxes due to expired or lower allowances for amortization or depreciation as a consequence of accelerated allowances in earlier years. Also, show the estimated accumulated net income tax reduction realized since December 31, 1961, because of the investment tax credit authorized in the Revenue Act of 1962. In the event provision has been made in the accounts through appropriations of surplus or otherwise for the contingency of increase in future tax payments, the amount thereof and the accounting performed should be shown.

(a) Estimated accumulated net reduction in Federal income taxes since December 31, 1949, because of accelerated amortization of emergency facilities in excess of recorded depreciation under Section 168 (formerly Section 124-A) of the Internal Revenue Code $ _____

(b) Estimated accumulated savings in Federal income taxes resulting from computing book depreciation under Commission rules and computing tax depreciation using the items listed below $ _____

_____Accelerated depreciation since December 31, 1953, under Section 167 of the Internal Revenue Code.

_____Guideline lives since December 31, 1961, pursuant to Revenue Procedure 62-21.

_____Guideline lives under Class Life System (Asset Depreciation Range) since December 31, 1970, as provided in the Revenue Act of 1971.

(c)(i) Estimated accumulated net income tax reduction utilized since December 31, 1961, because of the investment tax credit authorized in the Revenue Act of 1962, as amended $ _____

(ii) If carrier elected, as provided in the Revenue Act of 1971, to account for the investment tax credit under the deferral method, indicate the total deferred investment tax credit in account 872, other deferred credits, at beginning of year $ _____

Add investment tax credits applied to reduction of current year's tax liability but deferred for accounting purposes $ _____

Deduct deferred portion of prior year's investment tax credit used to reduce current year's tax accrual $ (_____)

Other adjustments (indicate nature such as recapture on early disposition) $ _____

(d) Estimated accumulated net reduction in Federal income taxes because of accelerated amortization of certain rolling stock since December 31, 1969, under provisions of Section 184 of the Internal Revenue Code $ _____

(e) Estimated accumulated net reduction in Federal income taxes because of amortization of certain rights-of way investments since December 31, 1969, under the provisions of Section 185 of the Internal Revenue Code $ _____

2. Amount of accrued contingent interest on funded debt recorded in the balance sheet:

Description of obligation	Year accrued	Account No.	Amount
			$

3. As a result of dispute concerning the recent increase in per diem rates for use of freight cars interchanged, settlement of disputed amounts has been deferred awaiting final disposition of the matter. The amounts in dispute for which settlement has been deferred are as follows:

Item	Amount in dispute	As recorded on books: Account Nos. Debit	As recorded on books: Account Nos. Credit	Amount not recorded
Per diem receivable	$			$
Per diem payable				
Net amount	$	XXXXXXXX	XXXXXXXX	$

4. Amount (estimated, if necessary) of net income or retained income which has to be provided for capital expenditures, and for sinking and other funds pursuant to provisions of reorganization plans, mortages, deeds of trust, or other contracts $ _____

5. Estimated amount of fugure earnings which can be realized before paying Federal income taxes because of unused and available net operating loss caryover on January 1 of the year following that for which the report is made $ _____

6. (a) Explain the procedure in accounting for pension funds and recording in the accounts the current and past service pension costs, indicating whether or not consistent with the prior year:

(b) State amount, if any, representing the excess of the actuarially computed valuc of vested benefits over the total of the pension fund. $ _____

(c) Is any part of pension plan funded? Specify, Yes_____ No_____

(i) If funding is by insurance, give name of insuring company

(ii) If funding is by trust agreement, list trustee(s)

Date of trust agreement or latest amendment

If respondent is affiliated in any way with the trustee(s), explain affiliation:

(d) List affiliated companies which are included in the pension plan funding agreement and describe basis for allocating charges under the agreement

(e)(i) Is any part of the pension plan fund invested in stock or other securities of the respondent or any of its affiliates? Specify. Yes_____ No_____

If yes, give number of the shares for each class of stock or other security:

(ii) Are voting rights attached to any securities held by the pension plan? Specify. Yes____ No____ If yes, who determines how stock is votes?

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APPENDIX B-2

200. COMPARATIVE GENERAL BALANCE SHEET—ASSETS

For instructions covering this schedule, see the text pertaining to General Balance Sheet Accounts in the Uniform System of Accounts for Railroad Companies. The entries in this balance sheet should be consistent with those in the supporting schedules on the pages indicated. The entries in column (c) should be restated to conform with the accounting requirements followed in column (b). The entries in the short column (a2) should be deducted from those in column (a1) in order to obtain corresponding entries for column (b). All contra entries hereunder should be indicated in parenthesis.

Line No.	Account or item (Dollars in thousands) (a)			Balance at close of year (b)	Balance at beginning of year (c)
	CURRENT ASSETS			$	$
1	(701) Cash				
2	(702) Working funds				
3	(711) Temporary cash investments				
4	(712) Special deposits				
5	(721) Loans and notes receivable				
6	(722) Accounts receivable - Interline and other balances				
7	(723) Accounts receivable - Agents and conductors				
8	(724) Accounts receivable - Other				
9	(725) Interest and dividends receivable				
10	(726) Receivables from affiliated companies				
11	(727) Accrued accounts receivable				
12	Less: Allowance for uncollectible accounts (Acct. 729)				
13	Net receivables (Accts. 721-727, 729)				
14	(731) Prepayments				
15	(733) Materials and supplies				
16	(735) Other current assets				
17	(739) Deferred income tax debits				
18	Total current assets				
		SPECIAL FUNDS (a1) Total book assets at close of year	(a2) Respondent's own issued included in (a1)		
19	(741) Sinking funds				
20	(742) Capital funds				
21	(743) Insurance and other funds				
22	Total special funds				
	INVESTMENTS				
23	(751) Investments and advances; affiliated companies				
24	Undistributed earnings from certain investments in account 751 p.				
25	Less: Adjustments - Investments and advances - Affiliated companies (Acct. 753)				
26	Net investments and advances - Affiliated companies				
27	(755) Other investments and advances				
28	Less: Adjustments - Other investments and advances (Acct. 757)				
29	Net other investments and advances				
30	Total investments				

NOTE: Schedule applicable to Form R-1, R-2 and R-4. Form R-4 will show columns for individual lessors; balance at close of year. Explanatory notes are applicable to Class I Railroads only.

APPENDIX B-3

200. COMPARATIVE GENERAL BALANCE SHEET—ASSETS—Continued

Line No.	Account or item (a)		Balance at close of year (b)	Balance at beginning of year (c)
	TANGIBLE PROPERTY			
31	(761)	Road and equipment property		
32		Less: Accumulated depreciation - Road and equipment property (Acct. 763)		
33		Accumulated amortization - Road and equipment property - Defense projects (Acct. 764)		
34		Net road and equipment property		
35	(765)	Improvements on leased property		
36		Less: Accumulated depreciation - Improvements on leased property (Acct. 766)		
37		Accumulated amortization - Improvements on leased property - Defense projects (Acct. 767)		
38		Net improvements on leased property		
39		Total carrier property		
40	(768)	Property used in other than carrier operations		
41		Less: Accumulated depreciation - Property used in other than carrier operations (Acct. 769)		
42		Net property used in other than carrier operations		
43		Total tangible property		
	INTANGIBLE PROPERTY			
44	(771)	Organization expenses		
	OTHER ASSETS AND DEFERRED DEBITS			
45	(781)	Other assets		
46	(782)	Other deferred debits		
47	(784)	Accumulated deferred income tax debits		
48		Total other assets and deferred debits		
		TOTAL ASSETS		

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APPENDIX B-4

200. COMPARATIVE GENERAL BALANCE SHEET—LIABILITIES AND SHAREHOLDERS' EQUITY

Line No.		Account or item	Balance at close of year (b)	Balance at beginning of year (c)
		CURRENT LIABILITIES	$	$
50	(801)	Loans and notes payable		
51	(803)	Accounts payable-interline and other balances		
52	(805)	Audited accounts and wages payable		
53	(807)	Accounts Payable - Other		
54	(809)	Interest matured		
55	(811)	Dividends matured		
56	(812)	Unmatured interest accrued		
57	(813)	Unmatured dividends declared		
58	(814)	Payables to affiliated companies		
59	(815)	Accrued accounts payable		
60	(821)	Federal income taxes accrued		
61	(822)	State and other income taxes accrued		
62	(823)	Other taxes accrued		
63	(825)	Deferred income tax credits		
64	(831)	Equipment obligations and other long-term debt due within one year		
65	(835)	Other current liabilities		
66		Total current liabilities		
		LONG-TERM DEBT DUE AFTER ONE YEAR — (a1) Total issued / (a2) Held by or for respondent		
67	(842)	Funded debt unmatured		
68	(843)	Equipment obligation		
69	(844)	Unamortized debt discount and expense		
70	(845)	Unamortized premium on debt		
71		Net funded debt and equipment obligations (Accts. 842-845)		
72	(846)	Debt in default		
73	(847)	Receivers' and trustees' securities		
74	(848)	Accounts payable; affiliated companies		
75		Total long-term debt due after one year		
		OTHER LONG-TERM LIABILITIES		
76	(851)	Interest in default		
77	(852)	Other liabilities		
78	(861)	Estimated liability; leased property		
79	(862)	Estimated liability; Pension and welfare		
80	(863)	Estimated liability; Casualty and other claims		
81	(864)	Other estimated liabilities		
82		Total other long-term liabilities		
		DEFERRED CREDITS		
83	(872)	Other deferred credits		
84	(873)	Accumulated deferred income tax credits		
85		Total deferred credits		

APPENDIX B-5

200. COMPARATIVE GENERAL BALANCE SHEET—LIABILITIES AND SHAREHOLDERS' EQUITY - Continued

Line No.		Account or item (Dollars in thousands) (a)	(a1) Total issued	(a2) Nominally issued securities	Balance at close of year (b)	Balance at beginning of year (c)
		SHAREHOLDER'S EQUITY			$	$
		Capital Stock				
86	(901)	Capital Stock: Common Stock				
87		Preferred Stock				
88		Total				
89	(903)	Liability for conversion of capital stock				
90	(911)	Discount on capital stock				
91		Total capital stock				
		Additional Capital				
92	(912)	Premium and assessments on capital stock				
93	(913)	Other capital				
94		Total additional capital				
		Retained Earnings				
95	(921)	Retained earnings-appropriated				
96	(922)	Retained earnings-unappropriated				
97		Total retained earnings				
		Treasury Stock				
98	(931)	Less: Treasury Stock				
99		Total shareholder's equity				
100		TOTAL LIABILITIES AND SHAREHOLDERS EQUITY				

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APPENDIX B-6

INSTRUCTIONS CONCERNING ENTRIES TO BE MADE IN SCHEDULE 211-1 AND 211-2 ON PAGES_____

1. Give particulars of balances at the beginning and close of the year and of all changes during the year in account No. 761, "Road and Equipment Property," and account No. 765, "Improvements on Leased Property," classified by primary accounts in accordance with the Uniform System of Accounts for Railroad Companies. The balances, by primary accounts, should, insofar as known, be stated in column (b) and all changes made during the year should be analyzed in columns (c) to (h), inclusive. Column (j) is the aggregate of columns (b) to (h), inclusive. Grand totals of columns (b) and (j) should equal the sum of accounts 761 and 765 for the respective periods; if not, full explanation should be made in a footnote.

2. In column (c) are to be shown disbursements made for the specific purpose of purchasing, constructing, and equipping new lines, and for the extension of old lines, as provided for in Instruction 2—1, "Items to be Charged," of the Uniform System of Accounts for Railroad Companies, for such items.

3. In column (d) is to be shown the cost of a railway or portion thereof, acquired as an operating entity or system by purchase, merger, consolidation, reorganization, receivership sale or transfer, or otherwise.

4. In columns (c) and (f), should be included all entries covering expenditures for additions and betterments, as defined, whether replacing other property or not.

5. In column (f) show particulars for improvements made on property held under lease or other form of long-term contract and not charged to the owning company.

6. In columns (g) and (h) should be entered all credits representing property sold, abandoned, or otherwise retired.

7. Both the debit and credit involved in each transfer, adjustment, or clearance, between road and equipment accounts, should be included in the column in which the item was initially included; also the transfer of prior years' debits or credits from investment in road and equipment to operating expenses or other accounts, or vice versa, should be included in the column applicable to current items of like nature. Each such transfer, adjustment, or clearance should be fully explained when in excess of $100,000.

8. If during the year an individual charge of $100,000 or more was made to account No. 2, "Land for transportation purposes," state in a footnote the cost, location, area, and other details which will identify the property.

9. Report on line 34 amounts not includible in the primary road accounts. The items reported should be briefly identified and explained under "Notes and Remarks," below. Amounts should be reported on this line only under special circumstances, usually after permission is obtained from the Commission for exceptions to prescribed accounting. Reference to such authority should be made when explaining the amounts reported. Respondents must not make arbitrary changes to the printed stub or column headings without specific authority from the Commission.

10. If during the year a segment of transportation property was acquired, state in a footnote the name of the vendor, the mileage acquired, and the date of acquisition, giving termini and the cost of the property to the respondent. Also furnish a statement of the amount included in each primary account representing such property acquired, referring to the column or columns in which the entries appear.

11. If an amount of less than $1,500 is used as the minimum debit or credit for additions and betterments to property investment accounts as provided for in Instruction 2—2, of the Uniform System of Accounts for Railroad Companies, state in a footnote the amount used.

12. Show dollars in thousands.

NOTES AND REMARKS

APPENDIX B-7

211-1. ROAD AND EQUIPMENT PROPERTY OWNED (See Instructions page)

Line No.	Account (Dollars in thousands) (a)	Balance at beginning of year (b)	Expenditures during the year for original road and equipment, and road extensions (c)	Expenditures during the year for purchase of existing lines, reorganizations, etc. (d)
		$	$	$
1	(1) Engineering			
2	(2) Land for transportation purposes			
3	(3) Grading			
4	(4) Other right-of-way expenditures			
5	(5) Tunnels and subways			
6	(6) Bridges, trestles, and culverts			
7	(7) Elevated structures			
8	(8) Ties			
9	(9) Rails			
10	(10) Other track material			
11	(11) Ballast			
12	(12) Track laying and surfacing			
13	(13) Fences, snowsheds, and signs			
14	(15) Office buildings			
15	(16) Station buildings			
16	(17) Roadway buildings			
17	(18) Water stations			
18	(19) Fuel stations			
19	(20) Car shops			
20	(21) Locomotive shops and enginehouses			
21	(22) Storage warehouses			
22	(23) Wharves and docks			
23	(24) Coal and ore wharves			
24	(25) TOFC/COFC terminals			
25	(26) Communication systems			
26	(27) Signals and interlockers			
27	(29) Power plants			
28	(31) Power-transmission systems			
29	(35) Miscellaneous structures			
30	(37) Roadway machines			
31	(39) Public improvements — Construction			
32	(44) Shop machinery			
33	(45) Power-plant machinery			
34	Other (specify and explain)			
35	Total expenditures for road			
36	(52) Locomotives			
37	(53) Freight-train cars			
38	(54) Passenger-train cars			
39	(55) Highway revenue equipment			
40	(56) Floating equipment			
41	(57) Work equipment			
42	(58) Miscellaneous equipment			
43	Total expenditures for equipment			
44	(76) Interest during construction			
45	(77) Other expenditures — General			
46	Total general expenditures			
47	Total			
48	(80) Other elements of investment			
49	(90) Construction in progress			
50	Grand Total			

NOTE: Similar schedule excluding amounts for Account 80, Other Elements of Investment, will be provided for Form R-4, Railroad Lessors Annual Report Form R-1

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APPENDIX B-8

211-1. ROAD AND EQUIPMENT PROPERTY OWNED (See Instruction page)

EXPENDITURES FOR ADDITIONS AND BETTERMENTS DURING THE YEAR		CREDITS FOR PROPERTY RETIRED DURING THE YEAR		Net changes during the year	Balance at close of year	Line No.
Made on owned property (a)	Made on leased property (f)	Owned property (g)	Leased property (h)	(i)	(j)	
$	$	$	$	$	$	1
						2
						3
						4
						5
						6
						7
						8
						9
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APPENDIX B-9

211-2. IMPROVEMENTS ON LEASED PROPERTY (See Instructions page)

Line No.	Account (a)	(Dollars in thousands) Balance at beginning of year (b)	Expenditures during the year for original road and equipment, and road extensions (c)	Expenditures during the year for purchase of existing lines, reorganizations, etc. (d)
		$	$	$
1	(1) Engineering			
2	(2) Land for transportation purposes			
3	(3) Grading			
4	(4) Other right-of-way expenditures			
5	(5) Tunnels and subways			
6	(6) Bridges, trestles, and culverts			
7	(7) Elevated structures			
8	(8) Ties			
9	(9) Rails			
10	(10) Other track material			
11	(11) Ballast			
12	(12) Track laying and surfacing			
13	(13) Fences, snowsheds, and signs			
14	(15) Office buildings			
15	(16) Station buildings			
16	(17) Roadway buildings			
17	(18) Water stations			
18	(19) Fuel stations			
19	(20) Car shops			
20	(21) Locomotive shops and enginehouses			
21	(22) Storage warehouses			
22	(23) Wharves and docks			
23	(24) Coal and ore wharves			
24	(25) TOFC/COFC terminals			
25	(26) Communication systems			
26	(27) Signals and interlockers			
27	(29) Power plants			
28	(31) Power-transmission systems			
29	(35) Miscellaneous structures			
30	(37) Roadway machines			
31	(39) Public improvements — Construction			
32	(44) Shop machinery			
33	(45) Power-plant machinery			
34	Other (specify and explain)			
35	Total expenditures for road			
36	(52) Locomotives			
37	(53) Freight-train cars			
38	(54) Passenger-train cars			
39	(55) Highway revenue equipment			
40	(56) Floating equipment			
41	(57) Work equipment			
42	(58) Miscellaneous equipment			
43	Total expenditures for equipment			
44	(76) Interest during construction			
45	(77) Other expenditures — General			
46	Total general expenditures			
47	Total			
48	(80) Other elements of investment			
49	(90) Construction in progress			
50	Grand Total			

NOTE: Similar schedule excluding amounts for Account 80, Other Elements of Investment, will be provided for Form R-4, Railroad Lessors

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APPENDIX B-10

211-2. IMPROVEMENTS ON LEASED PROPERTY (See Instructions page)

EXPENDITURES FOR ADDITIONS AND BETTERMENTS DURING THE YEAR		CREDITS FOR PROPERTY RETIRED DURING THE YEAR		Net changes during the year	Balance at close of year	Line No.
Made on owned property (e)	Made on leased property (f)	Owned property (g)	Leased property (h)	(i)	(j)	
$	$	$	$	$	$	1
						2
						3
						4
						5
						6
						7
						8
						9
						10
						11
						12
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						50

211G-1. AMORTIZATION OF DEFENSE PROJECTS—ROAD AND EQUIPMENT OWNED

APPENDIX B-11

1. Show in columns (b) to (e) the amount of base of road and equipment property for which amortization is provided in account No. 764, "Accumulated amortization-Road and equipment property-Defense projects" of the respondent. If the amortization base is other than the ledger value stated in the investment account, a full explanation should be given.

2. Show in columns (f) to (i) the balance at the close of the year and all credits and debits during the year in account No. 764, "Accumulated amortization-Raod and equipment property-Defense projects."

3. The information requested for "Road" by columns (b) through (i) may be shown by projects amounting to $100,000 or more, or by single entries as "Total road" in line 21. If reported by projects, each project should be briefly described, stating kind, location, and authorization date and number. Projects amounting to less than $100,000 should be combined in a single entry designated "Minor items, each less than $100,000."

4. Any amounts included in columns (b) and (f), and in column (h) affecting operating expenses, should be fully explained. (Dollars in thousands)

Line No.	Description of property or account (a)	BASE				Accumulated Amortization			
		Debits during year (b)	Credits during year (c)	Adjustments (d)	Balance at close of year (e)	Credits during year (f)	Debits during year (g)	Adjustments (h)	Balance at close of year (i)
	ROAD:	$	$	$	$	$	$	$	$
1									
2									
3									
4									
5									
6									
7									
8									
9									
10									
11									
12									
13									
14									
15									
16									
17									
18									
19									
20									
21	TOTAL ROAD								
	EQUIPMENT:								
22	(52) Locomotives								
23	(53) Freight-train cars								
24	(54) Passenger-train cars								
25	(55) Highway revenue equipment								
26	(56) Floating equipment								
27	(57) Work equipment								
28	(58) Miscellaneous equipment								
29	TOTAL EQUIPMENT								
30	GRAND TOTAL								

Annual Report Form R-1 (Note) This schedule is also applicable to Form R-2

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211G-2. AMORTIZATION OF DEFENSE PROJECTS—ROAD AND EQUIPMENT LEASED FROM OTHERS

APPENDIX B-12

1. Show in columns (b) to (e) the amount of base of road and equipment property for which amortization is provided in account No. 767, "Accumulated amortization-Improvements on leased property-Defense projects" of the respondent. If the amortization base is other than the ledger value stated in the investment account, a full explanation should be given.

2. Show in columns (f) to (i) the balance at the close of the year and all credits and debits during the year in account No. 767, "Accumulated amortization-Improvements on leased property-Defense projects."

3. The information requested for "Road" by columns (b) through (i) may be shown by projects amounting to $100,000 or more, or by single entries as "Total road" in line 21. If reported by projects, each project should be briefly described, stating kind, location, and authorization date and number. Projects amounting to less than $100,000 should be combined in a single entry designated "Minor items, each less than $100,000."

4. Any amounts included in columns (b) and (f), and in column (h) affecting operating expenses, should be fully explained. (Dollars in thousands)

Line No.	Description of property or account (a)	BASE				Accumulated Amortization			
		Debits during year (b)	Credits during year (c)	Adjustments (d)	Balance at close of year (e)	Credits during year (f)	Debits during year (g)	Adjustments (h)	Balance at close of year (i)
	ROAD	$	$	$	$	$	$	$	$
1									
2									
3									
4									
5									
6									
7									
8									
9									
10									
11									
12									
13									
14									
15									
16									
17									
18									
19									
20									
21	TOTAL ROAD								
	EQUIPMENT:								
22	(52) Locomotives								
23	(53) Freight-train cars								
24	(54) Passenger-train cars								
25	(55) Highway revenue equipment								
26	(56) Floating equipment								
27	(57) Work equipment								
28	(58) Miscellaneous equipment								
29	TOTAL EQUIPMENT								
30	GRAND TOTAL								

Annual Report Form R-1 (Note) This schedule is also applicable to Form R-2

INSTRUCTIONS 300. RESULTS OF OPERATIONS

1. In column (d) show, against the appropriate account, the amount of income that is offset by deductions in other income accounts of respondents so far as they relate to companies the operations of which are covered by this operating report, the amount of such deductions or disposition to be also shown against appropriate accounts.

2. Report the total railway operating revenues from schedule 310, line 12, column (b) on line 1, column (b).

3. Report the total railway operating expenses from schedule 320, line 88, column (b) on line 2, column (b).

4. Line 10 includes only dividends from investments accounted for under the cost method. Line 17 includes only dividends accounted for under the equity method. Line 18 includes the undistributed earnings from investments accounted for under the equity method.

5. All contra entries hereunder should be indicated in parenthesis.

6. Report dollars in thousands.

300. RESULTS OF OPERATIONS

APPENDIX B-14

Line No.	Item (a)	Amount for Current Year (b)	Amount for Preceding Year (c)	Offsetting Debits and Credits for Current Year (d)	Freight-Related Revenue & Expenses (e)	Passenger-Related Revenues & Expenses (f)
	ORDINARY ITEMS					
	OPERATING INCOME					
	Railway Operating Income					
1	(501) Railway operating revenues					
2	(531) Railway operating expenses					
3	(508) Joint facility rent income					
4	(541) Joint facility rents					
5	Net revenue from railway operations (Lines 1 to 4)				XXXXX	XXXXX
	OTHER INCOME					
6	(502) Revenue from PROPERTY used in other than carrier operations					
7	(509) Income from lease of road and equipment					
8	(510) Miscellaneous rent income					
9	(512) Separately operated properties					
10	(513) Dividend income (other than from affiliates)					
11	(514) Interest income					
12	(516) Income from sinking and other reserve funds					
13	(517) Release of premiums on funded debt					
14	(518) Contributions from other companies					
15	(519) Miscellaneous income					
16	Income from affiliated companies: (Line 17 & 18)					
17	Dividends					
18	Equity in undistributed earnings (losses)					
19	Total other income (Lines 6 to 18)					
20	Total income (Lines 1 to 19)					
	MISCELLANEOUS DEDUCTIONS FROM INCOME					
21	(534) Expenses of property used in other than carrier operations					
22	(535) Taxes on property used in other than carrier operations					
23	(543) Miscellaneous rent expense					
24	(545) Separately operated properties - Loss					
25	(549) Maintenance of investment organization					
26	(550) Income transferred to other companies					
27	(551) Miscellaneous income charges					
28	Total miscellaneous deductions (Lines 21 to 27)					
29	Income available for fixed charges					
	FIXED CHARGES					
30	(542) Rent for leased roads and equipment					
31	(546) Interest on funded debt:					
32	(a) Fixed interest not in default					
33	(b) Interest in default					
34	(547) Interest on unfunded debt					
35	(548) Amortization of discount on funded debt					
36	Total Fixed Charges (Lines 30 to 35)					
37	Income After Fixed Charges					
	OTHER DEDUCTIONS					
38	(546) Interest on funded debt:					
39	(c) Contingent interest					
	UNUSUAL OR INFREQUENT ITEMS					
40	(555) Unusual or infrequent items (debit)credit					
41	Income(loss) from continuing operations (before income taxes)					
	PROVISIONS FOR INCOME TAXES					
42	(556) Income Taxes on Ordinary Income					
43	Federal Income Taxes					
44	State Income Taxes					
45	Other Income Taxes					
46	(557) Provision for Deferred Income Taxes					
47	Income From Continuing Operations					
	DISCONTINUED OPERATIONS					
48	(560) Income or loss from operations of discontinued segments (less applicable income taxes of $)					
49	(561) Gain or loss on disposal of discontinued segments (less applicable income taxes of $)					
	EXTRAORDINARY ITEMS AND ACCOUNTING CHANGES					
50	(570) Extraordinary items (net)					
51	(569) Income taxes on extraordinary items					
52	(571) Provision for deferred taxes - Extraordinary items					
53	Total Extraordinary Items (Lines 50 to 52)					
54	(580) Cumulative effect of changes in accounting principles (less applicable income taxes of $)					
55	NET INCOME					

NOTE: Schedule applicable to Form R-1, R-2 and R-4. Form R-2 will show columns (b) "Income for current year," only. Form R-4 will show columns for individual lessee companies.

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310. RAILWAY OPERATING REVENUES

APPENDIX R-15

1. State the railway operating revenues of the respondent for the year classifying them in accordance with the Uniform System of Accounts for Railroad Companies and distribute the amounts among the classes of service as indicated in the absence of records separating revenues between freight and passenger trains, the distribution should be estimated on the basis of the best data available.

2. Assign rail-line revenues, including revenues from water transfers and highway motor vehicle operations, to "Freight service" or to Passenger and allied services" according to the type of train (or other equipment) by which the traffic moved.

3. Incidental revenues should be assigned as provided for in the schedule.

4. Any unusual accruals involving substantial amounts included in column (b) should be fully explained in a footnote.
(Dollars in thousands)

Line No.	Class of railway operating revenues (a)	Amount of revenue for the year (b)	RAIL-LINE REVENUES, INCLUDING WATER TRANSFERS: Assignable to freight service (c)	RAIL-LINE REVENUES, INCLUDING WATER TRANSFERS: Assignable to passenger and allied services (d)	Remarks
	Transportation—Rail-Line	$	$	$	$
1	(101)Freight*				
2	(102)Passenger*				
3	(103)Passenger-Related				
4	(104)Switching				
5	(105)Water transfers				
6	Total rail-line transportation revenue				
7	(106)Demurrage				
8	(110)Incidental				
	Joint Facility				
9	(121)Joint Facility-Cr.				
10	(122)Joint Facility-Dr.				
11	Total joint facility operating revenue				
12	Total railway operating revenues				

*Report hereunder the charges to these accounts representing payments made to others for—

Terminal collection and delivery services when performed in connection with line-haul transportation of freight on the basis of freight tariff rates: $

(a) Of the amount reported for item A.1, _____% (to nearest whole number) represents payments for collection and delivery of LCL freight either in TOFC trailers or otherwise. The percentage reported is (Check one):

Actual ( ). Estimated ( ).

Switching services when performed in connection with line-haul transportation of freight on the basis of switching tariffs and allowances out of freight rates, including the switching of empty cars in connection with a revenue movement $

Substitute highway motor service in lieu of line-haul rail service performed under tariffs published by rail carriers (does not include traffic moved on joint rail-motor rates):

(a) Payments for transportation of persons $

(b) Payments for transportation of freight shipments $

†Governmental aid for providing passenger commuter or other passenger-train service included in account 108, as provided in item (d) of that account $

NOTE.—Gross charges for protective services to perishable freight, without deduction for any proportion thereof credited to account No. 101, "Freight" (not required from switching and terminal companies):

Charges for service for the protection against heat $

Charges for service for the protection against cold $

Annual Report Form R-1

APPENDIX R-17

INSTRUCTION SCHEDULE 320. RAILWAY OPERATING EXPENSES

State the railway operating expenses on respondent's road for the year, classifying them in accordance with the proposed Uniform System of Accounts for Railroad Companies, and analyzing them in accordance with the Commission's rules governing the separation of operating expenses between freight and passenger service.

320. MATRIX OF RAILWAY OPERATING EXPENSE ACCOUNTS — FREIGHT RELATED EXPENSES

LINE NO.	ACCOUNT (a)	XX-XX-00 CONTROL (b)	XX-XX-10 MAINTENANCE OF WAY AND STRUCTURES (c)	XX-XX-20 MAINTENANCE OF EQUIPMENT: Locomotives (d)	Freight-Train Cars (e)	Other Equipment (f)	XX-XX-30 TRANSPORTATION Other Services: Station (g)	Yard (h)	Train (i)	Gen'l & Other Motors (j)	Floating Equipment (k)	TOFC Terminal (l)	Other (m)	XX-XX-40 TRAFFIC (n)	XX-XX-50 GENERAL & ADMINISTRATIVE (o)	OVERALL TOTALS EXPENSES (p)	PASSENGER AND ALLIED SERVICES EXPENSES (q)
1	0100 SALARIES: Officers & Superintendence	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX
2	TOTAL	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX
3	0200 SALARIES & WAGES:	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX
4	0201 Clerical & Administrative	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX
5	0202 Maintenance-Supplies	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX
6	0203 Maintenance-Machines	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX
7	0204 Trainmen-Switching	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX
8	0205 Trainmen-Yard	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX
9	0206 Trainmen-Road	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX
10	0207 Dir. others	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX
11	0208 Locomotive Cleaning & Servicing	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX
12	0209 Other Maintenance Employees	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX
13	TOTAL	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX
14	0300 MISCELLANEOUS PAID-TIME OFF:	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX
15	0301 Clerical & Administrative	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX
16	0302 Trainmen-Switching	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX
17	0303 Trainmen-Yard	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX
18	0304 Trainmen-Road	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX
19	0305 Locomotive Cleaning & Servicing	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX
20	0306 Shelf & Maintenance Employees	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX
21	0310 Other	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX
22	TOTAL	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX
23	0400 OTHER FRINGES	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX
24	0401 Federal Payroll Taxes	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX
25	0402 State Payroll Taxes	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX
26	0403 Group Insurance Benefits &	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX
27	0404 Pension & Retirement Plans	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX
28	0405 Other Fringes	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX
29	0406 Other Fringes Allied to Others	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX
30	0407 Payroll Fringes Allied by Others	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX
31	TOTAL	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX
32	0500 MATERIALS: Locomotive-New and	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX
33	0501 Locomotive Material-Rebuilt	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX
34	0502 Car Materials-New and Rebuilt	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX
35	0503 Ties	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX
36	0504 Rails	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX
37	0505 Ballast	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX
38	0506 Other Track Material	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX
39	0507 Other Material	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX
40	TOTAL	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX
41	0600 TOOLS & OPERATING SUPPLIES:	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX
42	0601 Operating Supplies	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX
43	0602 Operating & Service Tools	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX
44	0603 Other Supplies	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX
45	TOTAL	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX
46	0700 FUEL FOR LOCOMOTIVES:	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX
47	0701 Diesel Fuel-Including	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX
48	0702 Other Motive Power	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX
49	0703 Fuel & Handling	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX
50	0704 Lubricants	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX
51	TOTAL	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX
52	0800 CASUALTIES	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX
53	0801 Rits of Fraud-Gross and	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX
54	0802 Settlements - Debit	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX
55	0803 Rits of Fraud-Gross and	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX
56	0804 Settlements - Credit	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX
57	0805 Casualties Recvd - Debit	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX

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APPENDIX B-19

320. MATRIX OF RAILWAY OPERATING EXPENSE ACCOUNTS
FREIGHT RELATED EXPENSES

LINE NO.	ACCOUNT (a)	XX-XX-00 CONTROL (b)	XX-XX-10 MAINTENANCE OF WAY AND STRUCTURES (c)	XX-XX-20 MAINTENANCE OF EQUIPMENT Locomotives (d) 21	Passenger Cars (e) 22	Other Equipment (f) 23	XX-XX-30 TRANSPORTATION Other Services Station (g) 31	Yard (h) 32	Train (i) 33	Coal & Ore Wharves (j) 34	Floating Equipment (k) 35	TOFC Terminal (l) 36	Other (n) 37	XX-XX-40 TRAFFIC (n)	XX-XX-50 GENERAL & ADMINISTRATIVE (o)	TOTAL FREIGHT RELATED EXPENSES	PASSENGER RELATED EXPENSES
54	0904 Locomotive Rentals - Credit		XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	
55	0905 Work Equipment Rentals-Debit		XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	
56	0906 Work Equipment Rentals-Credit		XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	
57	0907 Floating Equipment Rentals-Debit																
58	0908 Floating Equipment Rentals-Credit		XX XX XX	XX XX XX	XX XX XX	XX XX XX		XX XX XX	XX XX XX					XX XX XX	XX XX XX	XX XX XX	
59	0909 Leases Billed to Others		XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	
60	0910 Leases Billed to Others-Credit		XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	
61	0911 Other Purchased Services		XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	
62	0912 Joint Facility-Debit																
63	0913 Joint Facility-Credit																
64	0999 TOTAL																
65	1000 DEPRECIATION	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	
66	1001 AMORTIZATION																
67	1002 Claim Settlements-Cargo		XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	
68	1003 Claim Settlements-Other																
69	1004 Property Loss & Damage		XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	
70	1005 Casualty & Accident Payments																
71	1006 Insurance Premiums-Fire, Marine, Injuries & Other		XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	
72	Taxes																
73	1100 CASUALTY & INSURANCE	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	
74	1101 Fringe, Stationery & Postage																
75	1102 Telephone & Telegraph																
76	1103 Rents of Buildings & Other Property																
77	1104 Stationery & Printing																
78	1105 Professional Services																
79	1106 Office & Other Rents																
80	1107 Miscellaneous Operations																
81	1108 Dues & Other Expenses of Office Employees																
82	1199 OPERATING INCOME	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	
83	1200 Property Taxes		XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	
84	1201 Payroll Taxes		XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	
85	1202 Other Miscellaneous Taxes		XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	
86	1300 UNCOLLECTIBLE ACCOUNTS																
87	1400 DEPRECIATION		XX XX XX	•	•	•										•	
88	1450 AMORTIZATION																
89	1499 TOTAL RAILWAY OPERATING EXPENSES		•	•	•	•										•	

*See supporting schedules, Pages B-20 - B-33
Annual Report Form R-1

[Form RE&I]

INSTRUCTIONS

1. Under order of the Commission, Class I railroads, excluding switching and terminal companies, are required to file quarterly reports of revenues, expenses and income items, Form RE&I, in duplicate, in the Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, within 30 days after the close of each quarter. Reports should be prepared on a calendar quarter basis beginning with the first day of January, April, July and October.

2. The items reported in Form RE&I should be taken from and agree with the accounts kept in conformity with the Uniform System of Accounts for Railroad Companies prescribed by the Interstate Commerce Commission. The account numbers refer to the accounts in the Uniform System of Accounts. Reverse items should be shown in parentheses. Dollar amounts should be rounded to the nearest whole number and adjusted to totals; *omit cents*. Ratios in Items 56 through 58 should be calculated to one decimal place. Entries in columns (c) and (e) should be restated to conform with the accounting requirements followed in columns (b) and (d). Unusual transactions or items which reflect an important change in the financial condition of the carrier should be identified and explained in a footnote under "Remarks". Amounts reported in column (b), Item 48, Account 570, must be identified in a footnote showing date of Commission approval, and brief description of items included. Any dividends paid other than in cash must be fully explained in a footnote.

3. Item 40 represents the accrual of income taxes on ordinary income. Income taxes which are refundable or reduced as result of carry-back or carry-forward of operating loss shall be included in the year in which the loss occurs, or, if a carry-forward, in the year in which applied to reduce taxes, unless the amount constitutes an extraordinary item excludable from ordinary income for the year (See Instruction 1-2(d), Uniform System of Accounts). Income taxes on extraordinary items (Account 590) are reported in Item 49.

4. Item 25 includes dividend income from investments to which the cost method of accounting applies. Item 26 includes only dividends accounted for under the equity method. Item 27 includes the undistributed earnings (losses) from investments accounted for under the equity method.

5. The certification must be completed by an officer of the carrier.

V 41 1 153 AUG 6 76 UMI

APPENDIX B-20

INTERSTATE COMMERCE COMMISSION
QUARTERLY REPORT OF REVENUES, EXPENSES AND INCOME - RAILROADS

FORM RE&I

ALL CARRIERS MUST SHOW STATES IN WHICH OPERATIONS ARE CONDUCTED (USE TWO LETTER POSTAL ABBREVIATIONS).

FULL NAME AND ADDRESS OF REPORTING RAILROAD

	ITEM (a)	FIGURES FOR THE QUARTER THIS YEAR (b)	FIGURES FOR THE QUARTER LAST YEAR (c)	CUMULATIVE FIGURES THIS YEAR (d)	CUMULATIVE FIGURES LAST YEAR (e)
1	Freight (Account 101)	$	$	$	$
2	Passenger (Account 102)				
3	Passenger - Related (Account 103)				
4	All other operating revenues (Accounts 105, 106, 110)				
5	Joint Facility Account (Account 120)				
6	Railway Operating Revenues (Account 501)				
7	Depreciation - Road (Account 14-00-10)				
8	Amortization (Account 15-00-10)				
9	Retirement - Road (Account 16-00-10)				
10	All other maintenance of way and structure accounts				
11	Total maintenance of roadway and structures				
12	Depreciation - Equipment (Total of Accounts 14-00-21, 14-00-22, 14-00-23)				
13	Amortization (Total of Accounts 15-00-21, 15-00-22, 15-00-23)				
14	Retirement - Equipment (Total of Accounts 16-00-21, 16-00-22, 16-00-23)				
15	All other maintenance of equipment accounts				
16	Total maintenance of equipment				
17	Transportation - Station Yard & Train				
18	Transportation - Other Services				
19	Traffic				
20	General and Administrative				
21	Railway Operating Expenses (Account 531)				
22	Joint facility rent income (Account 508)				
23	Joint facility rents (Account 541)				
24	Net revenue from railway operations (Line 6 minus 21 + Line 22 minus 23)				
25	Other Income (Account 502, 509-519)				
26	Income from affiliate companies:				
27	Dividends				
28	Equity in undistributed earnings (Losses)				
29	Total income from affiliated companies				
30	Miscellaneous deductions from income (Accounts 534, 535, 543, 545, 549 to 551)				
31	Income Available for Fixed Charges (Line 24 plus Line 25 plus line 28 Less Line 29)				
32	Rent for leased roads and equipment (Account 542)				
33	Interest on unfunded debt (Account 547)				
34	Amortization of discount on funded debt (Account 548)				
35	Total fixed charges				
36	Income after fixed charges				
37	Other Deductions (Account 5460)				
38	Unusual or infrequent items (Debit) Credit (Account 555)				
39	Income (loss) from continuing operations before income taxes				
40	Income taxes on ordinary income (Account 536)				
41	Provision for deferred income taxes (Account 557)				
42	Income from continuing operations				
43	Income or loss from operations of discontinued segments				
44	(Less applicable income taxes of $)(Account 560)				
45	Gain or loss on disposal of discontinued segments				
46	(Less applicable income taxes of $)(Account 562)				
47	Income (Loss) before Extraordinary Items				
48	Extraordinary items (net) (Account 570)				
49	Income taxes on Extraordinary Items (Account 590)				
50	Provisions for deferred taxes - Extraordinary items (Account 591)				
51	Cumulative effect of changes in accounting principles				
52	(Less applicable income taxes of $)				
53	Net Income				
54	Dividends on Common Stock (Account 623)				
55	Dividends on Preferred Stock (Account 623)				
56	Expenses to revenues				
57	Total maintenance to revenues				
58	Transportation to revenues				

LCC USZ ONLY

REMARKS

I, THE UNDERSIGNED, _____ of _____
(Name and Title of Office in charge of accounts) (Full name of reporting company)

state that this report was prepared by me or under my supervision; that I have carefully examined it; and on the basis of my knowledge, belief, and verification (where necessary) I declare it to be a full, true and correct statement of the revenue, expense and income accounts named, and that the various items here reported were determined in accordance with effective rules promulgated by the Interstate Commerce Commission.

Date _____, 19 _____

Signature _____
Telephone Number _____ (Area code) (Number)

Schedule will be used by Class I Railroads "only".

APPENDIX B-21

2002. MATRIX OF RAILWAY OPERATING EXPENSE ACCOUNTS

LINE NO.			XX-XX-00 CONTROL	XX-XX-10 MAINTENANCE OF WAY & STRUCTURES	XX-XX-20 MAINTENANCE OF EQUIPMENT	XX-XX-30 TRANSPORTATION	XX-XX-40 TRAFFIC	XX-XX-50 GENERAL & ADMINISTRATIVE
1	(0101)	SALARIES Officers & Superintendence	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX
2	(0200)	SALARIES & WAGES						
3	(0300)	MISCELLANEOUS PAID TIME OFF						
4	(0400)	OTHER FRINGES						
5	(0500)	MATERIALS				XX XX XX	XX XX XX	XX XX XX
6	(0600)	TOOLS & OPERATING SUPPLIES						
7	(0700)	FUELS & LUBRICANTS						
8	(0800)	UTILITIES						
		PURCHASED SERVICES	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX	XX XX XX
9	(0901)	Hire of Freight Cars & Highway Revenue Freight Equipment-Debit		XX XX XX	XX XX XX		XX XX XX	XX XX XX
10	(0902)	Hire of Freight Cars & Highway Revenue Freight Equipment-Credit		XX XX XX	XX XX XX		XX XX XX	XX XX XX
11	(0903)	Locomotive Rentals-Debit		XX XX XX	XX XX XX		XX XX XX	XX XX XX
12	(0904)	Locomotive Rentals-Credit		XX XX XX	XX XX XX		XX XX XX	XX XX XX
13	(0905)	Work Equipment Rentals-Debit			XX XX XX		XX XX XX	XX XX XX
14	(0906)	Work Equipment Rentals-Credit			XX XX XX		XX XX XX	XX XX XX
15	(0907)	Floating Equipment Rentals-Debit		XX XX XX	XX XX XX		XX XX XX	XX XX XX
16	(0908)	Floating Equipment Rentals-Credit		XX XX XX	XX XX XX		XX XX XX	XX XX XX
17	(0909)	Repairs Billed by Others		XX XX XX		XX XX XX	XX XX XX	XX XX XX
18	(0910)	Repairs Billed to Others-Credit		XX XX XX		XX XX XX	XX XX XX	XX XX XX
19	(0911)	Other Purchased Services			XX XX XX		XX XX XX	XX XX XX
20	(0912)	Joint Facility-Debit					XX XX XX	
21	(0913)	Joint Facility-Credit					XX XX XX	
22		Total						
23	(1000)	CASUALTY & DAMAGES						
24	(1100)	GENERAL						
25	(1200)	OPERATING TAXES		XX XX XX	XX XX XX	XX XX XX	XX XX XX	
26	(1300)	UNCOLLECTIBLE ACCOUNTS		XX XX XX	XX XX XX	XX XX XX	XX XX XX	
27	(1400)	DEPRECIATION				XX XX XX	XX XX XX	XX XX XX
28	(1500)	AMORTIZATION				XX XX XX	XX XX XX	XX XX XX
29	(1600)	RETIREMENTS				XX XX XX	XX XX XX	XX XX XX
30		GRAND TOTAL						

31 OPERATING RATIO (Ratio of operating expenses to operating revenues)_____percent (Two decimal places required.)

Annual Report Form R-2

V 41 153 AUG 6 76 UMI

APPENDIX B-22

For ICC Use Only	FORM	QUARTER	YEAR	INTERSTATE COMMERCE COMMISSION BUREAU OF ACCOUNTS TRAIN AND YARD SERVICE
	OS-A	1st ☐ 2nd ☐ 3rd ☐ 4th ☐	19	A

FULL NAME OF REPORTING CARRIER

ITEM DESCRIPTION (c)	LINE NO.	FIGURES FOR QUARTER FREIGHT (a)	FIGURES FOR QUARTER PASSENGER (b)	FIGURES FOR PERIOD FREIGHT (d)	FIGURES FOR PERIOD PASSENGER (e)
1.Miles of Road Operated(Note A)	1				
2.Train Miles:	2				
2-01 Diesel Locomotive	3				
2-010 Yard	4				
2-011 Road	5				
2-02 Other Locomotives	6				
2-020 Yard	7				
2-021 Road	8				
2-03 Total Locomotives	9				
2-04 Motorcars	10				
2-05 Total, All Trains	11				
3.Locomotive Unit Miles:(Note B)	12				
Road Service.	13				
3-01 Diesel	14				
3-02 All Other (type)	15				
3-03 Total	16				
Train Switching.	17				
3-11 Diesel	18				
3-12 All Other (type)	19				
3-13 Total	20				
Yard Switching.	21				
3-21 Diesel	22				
3-22 All Other (type)	23				
3-23 Total	24				
3-31 Total, All Services	25				
4.Motorcar Car-Miles:(Thousands)(Note C)	26				
4-01 Diesel	27				
4-02 Electric	28				
4-03 All Other	29				
4-04 Total	30				
5.Freight Car-Miles(thousands)(Note D)	31				
5-01 Loaded	32				
5-010 Per Diem Cars-Loaded*	33				
5-0100 Box	34				
5-0101 Gondola	35				
5-0102 Hopper	36				
5-0103 Tank	37				
5-0104 Refrigerator	38				
5-0105 Flat except TOFC/COFC	39				
5-0106 Flat TOFC/COFC	40				
5-0107 All Other Types	41				
5-010 Other Cars Loaded*	42				
5-0110 Box	43				
5-0111 Gondola	44				
5-0112 Hopper	45				
5-0113 Tank	46				
5-0114 Refrigerator	47				
5-0115 Flat except TOFC/COFC	48				
5-0116 Flat TOFC/COFC	49				
5-0117 All Other Types	50				
5-02 Empty	51				
5-020 Per Diem Cars-Empty*	52				
5-0200 Box	53				
5-0201 Gondola	54				
5-0202 Hopper	55				
5-0203 Tank	56				
5-0204 Refrigerator	57				
5-0205 Flat except TOFC/COFC	58				
5-0206 Flat TOFC/COFC	59				
5-0207 All Other Types	60				
5-021 Other Cars-Empty*	61				
5-0210 Box	62				
5-0211 Gondola	63				
5-0212 Hopper	64				
5-0213 Tank	65				
5-0214 Refrigerator	66				
5-0215 Flat except TOFC/COFC	67				
5-0216 Flat TOFC/COFC	68				
5-0217 All Other Types	69				
6.Passenger Car Miles:(thousands)(Note D)	70				
6-01 Coaches	71				
6-02 Combination Passenger Cars	72				
6-03 Sleeping and Parlor Cars	73				
6-04 Dining, Grill and Tavern Cars	74				
6-05 Head End Cars (except 6-02 combination)	75				
6-06 Total	76				
6-07 Business Cars	77				
6-08 Crew Cars (other than cabooses)	78				
7.Gross Ton-Miles (thousands)(Note E)	79				
7-01 Road Locomotives and Tenders	80				
7-02 Freight-Trains, Cre, Cats, and Cabooses	81				
7-03 Passenger-Trains, Cars and Contents	82				
7-04 Total	83				
8.Revenue and Non-revenue Traffic(Note F)	84	XXX	XXX	XXX	XXX
8-01 Revenue Freight	85	XXX	XXX	XXX	XXX
8-010 Tons of revenue freight	86				
8-011 Ton miles in road service	87				
8-012 Ton miles in lake transfer service	88				
8-02 Non Revenue Freight	89				
8-020 Tons of non-revenue freight	90	XXX	XXX	XXX	XXX
8-021 Ton miles in road service	91				
8-022 Ton miles in lake transfer service	92				
8-03 Net ton miles of freight - Revenue & Non Revenue (thousand)	93				
9.Total Train-Hours(Note G)	94				
10.Total Train-Switching Hours(Note H)	95				
11.Total Yard-Switching Hours(Note I)	96				
12.Train-Miles Work Trains	97				
12-01 Locomotives	98				
12-02 Motor Cars	99				

Schedule will be used by Class I Railroads "Only".

APPENDIX B-23

SPECIAL INSTRUCTIONS

Form OS-A

This report form is designed for processing on Optical Character Recognition (OCR) equipment. Please observe the following directions carefully when filling in the form:

1. Use any standard typewriter.
2. Align the form vertically by typing "H'e" over the preprinted "H'e" at the top of the form.
3. Do not adjust vertical alignment once you have started typing.
4. Set tab stops to insure proper horizontal alignment when typing columns of information.
5. Type each field beginning as close to the blue area as possible, but not touching it, justified right.
6. Do not use dollar signs, decimal points, or commas.
7. Report whole dollars only.
8. Do not smudge, staple or multilate the form.
9. File the original typed copy of the form.

INSTRUCTIONS

Under the Commission's order of October 21, 1963, effective January 1, 1964, Class I railroads are required to make quarterly reports of operating statistics. In accordance with the order, FORM OS-A, TRAIN AND YARD SERVICE, is required to be filed, in duplicate, in the Bureau of Accounts, Interstate Commerce Commission, Washington, D. C. 20423, within 25 days after the end of the quarter for which made.

Follow in general the Classification of Mileage Accounts. Include suburban service.

(A) Miles of road operated at close of quarter, excluding industrial tracks, yard tracks and sidings. Compute data for columns (d) and (e) by averaging mileage reported for each quarter.

(B) Include all miles made by all locomotive units. In spaces marked "type" indicate type of motive power (electric, etc.), accumulating unit-miles reported. Types making less than 2 percent of total miles for service need not be segregated. Exclude miles made by motorcars.

(C) Include miles of all self-propelled motorcars and trailing units.

(D) Report miles made by work service equipment in transportation trains, and miles made by tank cars loaded with water returning from phosphorus service as loaded car-miles; miles made by flatcars carrying loaded highway trailers or empty highway trailers moving under revenue billing as loaded freight car-miles; miles made by flatcars carrying other empty highway trailers as empty freight car-miles; and miles made by business cars of other than reporting carrier as sleeping car-miles. Exclude miles made by motorcars. Item 6-05 includes mail, express, baggage cars and combination cars other than 6-02 combination.

*Show the number of loaded and empty miles by type of car (included in item No. 5) relating to Coal & Ore wharve operations and floating services.

(E) Compute from conductors' or dispatchers' train reports weight in tons (2000 pounds). Item 7-01 includes weight of all locomotive units moved 1 mile in transportation trains. Ton-miles of motorcars should be excluded. Items 7-02 and 7-03 represent tons behind locomotive units (cars and contents, company-service equipment and cabooses) moved 1 mile in transportation trains. Include ton-miles of exclusive work service equipment and motorcars. Use 150 lbs. as the average weight per passenger, and 4 tons as the average weight of contents of each headend car.

(F) Compute from conductors' train reports. Represents the number of tons of revenue and nonrevenue freight moved 1 mile in transportation trains. Include a reasonable proportion of the weight of exclusive work equipment moved 1 mile. Include net ton-miles in motorcar trains. Exclude l.c.l. shipments of freight handled in mixed baggage-express cars.

(G) Represents elapsed time of transportation trains (both ordinary and light) between time of leaving initial terminals and time of arrival at final terminals including train switching at way stations and delays on road as shown by conductors' or dispatchers' train reports. Include time of motorcar propelled trains.

(H) Train switching hours are defined as hours expended in switching service performed by train locomotives at terminals and way stations. A locomotive may consist of one or more units operated under a single control.

(I) Yard switching hours are hours expended in switching service performed by yard locomotives in yards where regular switching service is maintained, including terminal switching and transfer service in connection with the transportation of revenue and incidentally of company freight. A locomotive may consist of one or more units operated under a single control.

Report figures cumulative from January 1st in columns (d) and (e).

Any unusual entries or adjustments involving substantial amounts should be fully explained in footnotes.

CERTIFICATION

I, THE UNDERSIGNED _____ of the
(Full name & title of officer in charge of the accounts)
_____, state that this
(Full name of reporting company)
report was prepared by me or under my supervision; that I have carefully examined it; and, on the basis of my knowledge, belief, and verification (where necessary) I declare it to be a full, true and correct statement of the operating statistics named, and that the various items here reported were determined in accordance with effective rules promulgated by the Interstate Commerce Commission.

SIGNATURE	DATE
ADDRESS	TELEPHONE NO. (INCLUDE AREA CODE)

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APPENDIX B-24

MILEAGE CHANGES: If the miles of road operated changed during the quarter for which this report is made, show the date and amount of the change, and a brief explanation of the difference, such as, newly constructed line from _____ to _____, line abandoned from _____ to _____, acquisition of line (with name of former operating company), resurvey, etc. If no change occurred, enter the word "None"

DATE	CAUSE OF CHANGE	RESULT OF CHANGE		DATE	CAUSE OF CHANGE	RESULT OF CHANGE	
		INCREASE (Miles)	DECREASE (Miles)			INCREASE (Miles)	DECREASE (Miles)

INSTRUCTIONS

1. Under order of the Commission, Class I railroads, excluding switching and terminal companies, are required to file quarterly reports of balance-sheet items, Form CBS, in duplicate, in the Bureau of Accounts, Interstate Commerce Commission, Washington, D. C. 20423, within 30 days after the close of each quarter. Reports should be prepared on a calendar quarter basis beginning with the first day of January, April, July, and October.
2. The items reported in Form CBS should be taken from and agree with the accounts kept in conformity with current Uniform System of Accounts for Railroad Companies prescribed by the Interstate Commerce Commission. Report undistributed earnings from certain investments in account 751, in accordance with Docket No. 35949. The Equity Method of Accounting for Certain Long-Term Investments in Common Stocks. The account numbers refer to the accounts in the Uniform System of Accounts. Reverse items should be shown in parentheses. Dollar amounts should be rounded to the nearest whole number and adjusted to the totals; omit cents.
3. The section regarding changes in miles of road operated must be completed in the detail indicated. The resulting mileage changes should be given to the nearest tenth.
4. Unusual transations or items which reflect an important change in the financial condition of the carrier should be identified and explained in a footnote under "Remarks".
5. The certification must be completed by an officer of the carrier

REMARKS

FOR ICC USE ONLY

APPENDIX B-25

INTERSTATE COMMERCE COMMISSION
QUARTERLY CONDENSED BALANCE SHEET - RAILROADS

FORM CBS

FULL NAME AND ADDRESS OF REPORTING RAILROAD (If a system report, names of all operating roads included should be shown under REMARKS)

Quarter ended

LINE NO.	ITEMS	BALANCE AT END OF QUARTER THIS YEAR (a)	BALANCE AT END OF QUARTER LAST YEAR (b)
	Assets	$	
1	Cash, working funds and temporary cash investments (Accounts 701, 702, 711)		
2	Deposits, receivables- Net and prepayments (Accounts 712, 721-729, 731)		
3	Materials and supplies (Account 733)		
4	Other current assets (Account 735)		
5	Deferred income tax debits (Account 739)		
6	Total current assets (Lines 1 through 5)		
7	Special funds (Accounts 741-743)		
8	Investments (Accounts 751-757)		
9	Undistributed earnings from certain investments in Account 751		
10	Transportation property - net (Accounts 761-767)		
11	Property used in other than carrier operations (Accounts 768,769)		
12	Organization expenses (Account 771)		
13	Other assets and deferred debits (Account 781, 782)		
14	Accumulated deferred income tax debits (Account 784)		
15	Total assets (Lines 6 through 14)		
	Liabilities		
16	Current liabilities (Accounts 801-823, 831, 835)		
17	Deferred income tax credits (Account 825)		
18	Long term debt due after one year (Accounts 842-848)		
19	Other liabilities (Accounts 851, 852)		
20	Estimated liabilities (Accounts 861, 862)		
21	Other deferred credits (Account 872)		
22	Accumulated deferred income tax credits (Account 873)		
23	Total liabilities (Lines 16 through 22)		
	Shareholder's Equity		
24	Capital stock (Accounts 901, 903, 911)		
25	Additional capital (Accounts 912, 913)		
26	Retained earnings (Accounts 921, 922)		
27	Less: Treasury stock (Account 931)		
28	Equity in undistributed earnings (losses) of affiliated companies		
29	Total shareholder's equity*		
30	Total liabilities and shareholder's equity (lines 23 plus 29)		

	GROSS EXPENDITURES FOR ADDITIONS AND BETTERMENTS (Accounts 761 and 765)	FIGURES FOR THE QUARTER THIS YEAR (a)	FIGURES FOR THE QUARTER LAST YEAR (b)	CUMULATIVE FIGURES THIS YEAR (c)	CUMULATIVE FIGURES LAST YEAR (d)
31	Road	$	$	$	$
32	Equipment				
33	Total				

* Line 29 equals lines 24-26 minus line 27 plus/minus line 28.

CERTIFICATION

I, THE UNDERSIGNED, _____ of _____ state that
(Name and title of officer in charge of accounts) (Full name of reporting company)

this report was prepared by me or under my supervision; that I have carefully examined it; and on the basis of my knowledge, belief, and verification (where necessary) I declare it to be a full, true and correct statement of the balance sheet accounts named, and that the various items here reported were determined in accordance with effective rules promulgated by the Interstate Commerce Commission.

Signature _____

Telephone Number _____
(Area Code) (Number)

Date _____ 19____

Schedule will be used by Class I Railroad "only".

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APPENDIX B-26

701-1. ROAD AND EQUIPMENT PROPERTY OWNED

1. Give particulars of changes during the year in accounts 761, "Road and equipment property," classified in accordance with the Uniform System of Accounts for Railroad Companies.

2. Gross charges during the year should include disbursements made for the specific purpose of purchasing, constructing and equipping new lines, extensions of old lines, and for additions and betterments. Both the debit and credit involved in each transfer, adjustment, or clearance, between road and equipment accounts, should be included in columns (c) and (d), as may be appropriate, depending on the nature of the item. Adjustments in excess of $100,000 should be explained. All changes made during the year should be analyzed by primary accounts.

3. Report on line 34 amounts not includable in the primary road accounts. The items reported should be briefly identified and explained in a footnote on page . Amounts should be reported on this line only under special circumstances, usually after permission is obtained from the Commission for exceptions to prescribed accounting. Reference to such authority should be made when explaining the amounts reported. Respondents must not make arbitrary changes to the printed stub or column headings without specific authority from the Commission.

Line No.	Account (a)	Balance at beginning of year (b)	Gross charges during year (c)	Credits for property retired during year (d)	Balance at close of year (e)
		$	$	$	$
1	(1) Engineering				
2	(2) Land for transportation purposes				
3	(3) Grading				
4	(4) Other right-of-way expenditures				
5	(5) Tunnels and subways				
6	(6) Bridges, trestles, and culverts				
7	(7) Elevated structures				
8	(8) Ties				
9	(9) Rails				
10	(10) Other track material				
11	(11) Ballast				
12	(12) Track laying and surfacing				
13	(13) Fences, snowsheds and signs				
14	(15) Office buildings				
15	(16) Station buildings				
16	(17) Roadway buildings				
17	(18) Water stations				
18	(19) Fuel stations				
19	(20) Car shops				
20	(21) Locomotive shops and enginehouses				
21	(22) Storage warehouses				
22	(23) Wharves and docks				
23	(24) Coal and ore wharves				
24	(25) TOFC/COFC terminals				
25	(26) Communication systems				
26	(27) Signals and interlockers				
27	(29) Power plants				
28	(31) Power-transmission systems				
29	(35) Miscellaneous structures				
30	(37) Roadway machines				
31	(39) Public improvements—Construction				
32	(44) Shop machinery				
33	(45) Power-plant machinery				
34	Other (specify and explain)				
35	Total Expenditures for Road				
36	(52) Locomotives				
37	(53) Freight-train cars				
38	(54) Passenger-train cars				
39	(55) Highway revenue equipment				
40	(56) Floating equipment				
41	(57) Work equipment				
42	(58) Miscellaneous equipment				
43	Total Expenditures for Equipment				
44	(76) Interest during construction				
45	(77) Other expenditures—General				
46	Total General Expenditures				
47	Total				
48	(80) Other elements of investment				
49	(90) Construction in progress				
50	Grand Total				

Annual Report Form R-2

APPENDIX B-27

701-2. IMPROVEMENTS ON LEASED PROPERTY

1. Give particulars of changes during the year in account 765, "Improvements on leased property," classified in accordance with the Uniform System of Accounts for Railroad Companies.

2. Gross changes during the year should include disbursements made for the specific purpose of purchasing, constructing, and equipping new lines, extensions of old lines, and for additions and betterments. Both the debit and credit involved in each transfer, adjustment, or clearance, between road and equipment accounts, should be included in columns (c) and (d), as may be appropriate, depending on the nature of the item. Adjustments in excess of $100,000 should be explained. All changes made during the year should be analyzed by primary accounts.

3. Report on line 34 amounts not includable in the primary road accounts. The items reported should be briefly identified and explained in a footnote on page . Amounts should be reported on this line only under special circumstances, usually after permission is obtained from the Commission for exceptions to prescribed accounting. Reference to such authority should be made when explaining the amounts reported. Respondents must not make arbitrary changes to the printed stubs or column headings without specific authority from the Commission.

Line No.	Account (a)	Balance at beginning of year (b)	Gross charges during year (c)	Credits for property retired during year (d)	Balance at close of year (e)
		$	$	$	$
1	(1) Engineering				
2	(2) Land for transportation purposes				
3	(3) Grading				
4	(4) Other right-of-way expenditures				
5	(5) Tunnels and subways				
6	(6) Bridges, trestles, and culverts				
7	(7) Elevated structures				
8	(8) Ties				
9	(9) Rails				
10	(10) Other track material				
11	(11) Ballast				
12	(12) Track laying and surfacing				
13	(13) Fences, snowsheds and signs				
14	(15) Office buildings				
15	(16) Station buildings				
16	(17) Roadway buildings				
17	(18) Water stations				
18	(19) Fuel stations				
19	(20) Car shops				
20	(21) Locomotive shops and enginehouses				
21	(22) Storage warehouses				
22	(23) Wharves and docks				
23	(24) Coal and ore wharves				
24	(25) TOFC/COFC terminals				
25	(26) Communication systems				
26	(27) Signals and interlockers				
27	(29) Power plants				
28	(31) Power-transmission systems				
29	(35) Miscellaneous structures				
30	(37) Roadway machines				
31	(39) Public improvements—Construction				
32	(44) Shop machinery				
33	(45) Power-plant machinery				
34	Other (specify and explain)				
35	Total Expenditures for Road				
36	(52) Locomotives				
37	(53) Freight-train cars				
38	(54) Passenger-train cars				
39	(55) Highway revenue equipment				
40	(56) Floating equipment				
41	(57) Work equipment				
42	(58) Miscellaneous equipment				
43	Total Expenditures for Equipment				
44	(76) Interest during construction				
45	(77) Other expenditures—General				
46	Total General Expenditures				
47	Total				
48	(80) Other elements of investment				
49	(90) Construction in progress				
50	Grand Total				

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SUPPORTING SCHEDULE
WAY & STRUCTURES

ACCOUNTS	REPAIRS LABOR	REPAIRS MATERIALS	DEPRECIATION	RETIREMENTS
Engineering			x	x
Other Right-of-Way Expenditures			x	x
Grading			x	x
Roadway Maintenance				
- Yard Switching Tracks	x			
- Running Tracks	x			
Tunnels & Subways			x	x
- Yard Switching Tracks	x	x		
- Running	x	x		
Bridges, Trestles and Culverts			x	
- Yard Switching Tracks	x	x		
- Running Tracks	x	x		
Elevated Structures			x	
- Yard Switching Tracks	x	x		
- Running Tracks	x	x		
Ties				x
- Yard Switching Tracks		x		
- Running Tracks		x		
Rails				x
- Yard Switching Tracks		x		
- Running Tracks		x		
Other Track Material				x
- Yard Switching Tracks		x		
- Running Tracks		x		
Ballast				x
- Yard Switching Tracks		x		
- Running Tracks		x		
Track Laying and Surfacing				x
- Yard Switching Tracks	x			
- Running Tracks	x			
Fences, Snowsheds, and Signs				
- Yard Switching Tracks		x	x	
- Running Tracks		x	x	
Station Buildings	x	x	x	
Office Buildings	x	x	x	
Roadway Buildings			x	
- Yard	x	x		
- Running	x	x		
Water Stations	x	x	x	
Fuel Stations			x	
- Yard	x	x		
- Running	x	x		
Shops				
Freight Cars	x	x	x	
Enginehouses	x	x	x	
Storage Warehouses	x	x	x	
Wharves and Docks	x	x	x	
Coal and Ore Wharves	x	x	x	
TOFC/COFC Terminals	x	x	x	
Communication Systems	x	x	x	
Signals and Interlockers			x	
- Yard	x	x		
- Running	x	x		
Power Plants			x	
- Yard	x	x		
- Running	x	x		
Power-Transmission Systems			x	
- Yard	x	x		
- Running	x	x		

SUPPORTING SCHEDULE
WAY & STRUCTURES

ACCOUNTS	REPAIRS LABOR	REPAIRS MATERIALS	DEPRECIATION	RETIREMENTS
Miscellaneous Structures	x	x	x	
Roadway Machines			x	
- Yard	x	x		
- Running	x	x		
Removing Snow, Ice and Sand				
- Yard	x			
- Running	x			
Public Improvements - Maintenance			x	x
- Yard		x		
- Running		x		
Right-of-Way Expenses				
- Yard	x	x		
- Running	x	x		
Interest During Construction				x
Other Expenditures - General				x
Other Elements of Investment				x

X represents the amount to be reported

SUPPORTING SCHEDULE
CLERICAL WAGES

	Station Employees	General Office Employees
Platform:		
Origin & Destination - Carload	x	
Origin & Destination - Less Carload	x	
Transfer - Less Carload	x	
Station:		
Running (Train Work)	x	
Origin & Destination - Carload	x	x
Origin & Destination - Less Carload	x	x
TOFC	x	x
Intraterminals	x	x
Interterminals	x	
Special Services - Carload	x	
Special Services - Less Carload	x	
Special Services - TOFC	x	
Claims Clerical:		
Carload		x
Less Carload		x
TOFC		x
Intraterminal		x
Interterminal		x
Loss & Damage		x

Instruction:
These accounts shall include the directly assignable wages for employees performing duties related to one activity. Wages for employees performing duties shall be assigned on the basis of a time study to be made annually by the respondent carrier, and covering not less than seven working days.

X represents the amount to be reported.

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EQUIPMENT

Type of Equipment	Repairs		Repairs	Repairs	Depreciation	Retirements
	Labor	Material	Billed by Others	Billed to Others		
Diesel Locomotives - Yard	x	x	x	x	x	x
Diesel Locomotives - Road	x	x	x	x	x	x
Other Locomotives - Yard	x	x	x	x	x	x
Other Locomotives - Road	x	x	x	x	x	x
Total	x	x	x	x	x	x
Highway Revenue Equipment:						
Refrigerated Trailers	x	x	x	x	x	x
Other Trailers	x	x	x	x	x	x
Refrigerated Containers	x	x	x	x	x	x
Other Containers	x	x	x	x	x	x
All Other Revenue Equipment	x	x	x	x	x	x
Total	x	x	x	x	x	x
Floating Equipment - Running	x	x	x	x	x	x
Floating Equipment - Terminal	x	x	x	x	x	x
Total	x	x	x	x	x	x
Work Equipment	x	x	x	x	x	x
Miscellaneous Equipment	x	x	x	x	x	x
Total	x	x	x	x	x	x
Shop Machinery	x	x	x	x	x	
Power Plant Machinery	x	x	x	x	x	
Interest During Construction						x
Other Expenditures - General						x
Other Elements of Investment						x

EQUIPMENT

Type of Equipment	Repairs		Repairs	Repairs	Depreciation	Retirements
	Labor	Material	Billed by Others	Billed to Others		
Freight Train Cars:						
Box-General Service (unequipped)	x	x	x	x	x	x
Box-General Service (equipped)	x	x	x	x	x	x
Box-Special Service	x	x	x	x	x	x
Gondola-General Service	x	x	x	x	x	x
Gondola-Special Service	x	x	x	x	x	x
Hopper (open top)-General Service	x	x	x	x	x	x
Hopper (open top)-Special Service	x	x	x	x	x	x
Hopper (covered)	x	x	x	x	x	x
Tank, under 9,999 gallons	x	x	x	x	x	x
Tank, 10,000-18,999 gallons	x	x	x	x	x	x
Tank, 19,000-21,999 gallons	x	x	x	x	x	x
Tank, 22,000-27,999 gallons	x	x	x	x	x	x
Tank, 28,000-31,999 gallons	x	x	x	x	x	x
Tank, 32,000 gallons and over	x	x	x	x	x	x
Refrigerator (meat)-Mechanical	x	x	x	x	x	x
Refrigerator (other than meat)-Mechanical	x	x	x	x	x	x
Refrigerator (meat)-Non-Mechanical	x	x	x	x	x	x
Refrigerator (other than meat)-Non Mechanical	x	x	x	x	x	x
Stock	x	x	x	x	x	x
Autorack	x	x	x	x	x	x
Flat-General Service	x	x	x	x	x	x
Flat-Special Service	x	x	x	x	x	x
Flat-TOFC/COFC	x	x	x	x	x	x
All Other	x	x	x	x	x	x
Caboose	x	x	x	x	x	x
Total						

HIRE OF FREIGHT TRAIN CARS AND TRAILERS

Type of Equipment	GROSS AMOUNTS RECEIVABLE				
	Mileage Cars	Per Diem Basis			All Other Per Diem Cars
		Mileage	Time Basis	Incentive	
Mileage Basis:					
Tank, under 10,000 gallons	x				
Tank, 10,000-18,999 gallons	x				
Tank, 19,000-21,999 gallons	x				
Tank, 27,000-27,999 gallons	x				
Tank, 28,000-31,999 gallons	x				
Tank, 32,000-Gallons and over	x				
Refrigerator-Heat Mechanical	x				
Refrigerator-O/T Heat Mechanical	x				
Refrigerator-Heat Non-Mechanical	x				
Refrigerator-O/T Heat Non-Mechanical	x				
Flat TOFC/COFC	x				
Combination Mileage and Per Diem Basis:					
Box-General Service		x	x		x
Box-Equipped with Special Service		x	x		x
Box-Equipped with General Service		x	x		x
Box-Special Service		x	x		x
Gondola General Service		x	x		x
Gondola Special Service		x	x		x
Hopper open General Service		x	x		x
Hopper Open Special Service		x	x		x
Hopper Covered		x	x		x
Stock		x	x		x
Auto rack		x	x		x
Flat General Service		x	x		x
Flat Special Service		x	x		x
All Other		x	x		x
Refrigerated Highway Trailers		x	x		x
Other Highway Trailers		x	x		x
Caboose Cars		x	x		x
Total					

APPENDIX C

EXCERPT FROM DEPARTMENT OF TRANSPORTATION—PROPOSAL

VI. *COST CENTER ACCOUNTING—A SUBSTITUTE PROPOSAL*

A. *Introduction.*

As discussed in Section III of this document, our informal response to the Bureau's September draft, contained an alternate USOA which was location oriented, used nine natural expense categories and ten functions or activities in a matrix format and contained essentially the same sub-accounts as those prepared by the Bureau. The definition of location was left to the individual firm within broad guidelines to be set by the Commission. A coding methodology was proposed which would have identified the type of account, the account number, the function to which the account applies and the location or cost center with which each account should be associated. Finally, we recommended the Commission not require location-oriented data to be reported on a routine basis, but indicated that it should be available to use in appropriate regulatory proceedings. We indicated our alternative system was the result of "our present thinking on the subject for discussion purposes. Further research may identify methods, functions or account titles which are more appropriate." (p. 16)

Subsequent to enactment of the bill, and especially its overriding requirement that the new accounting system shall be "compatible with present and desired managerial and responsibility requirements of the carriers,"[1] we have reconsidered the alternative proposal which we made last October. Additionally, we have discussed our proposal with several railroads, asking them in particular about their existing managerial and responsibility accounting systems. Finally, we have considered the Bureau's proposal from a computerization viewpoint—especially in the areas of the number of required accounts and the numbering or coding scheme. As a result of this effort, DOT has modified its earlier proposal. Our present thinking now leads us to recommend that the new accounting system reflect the following characteristics:

1. The system should be cost center oriented;

2. Cost center should be defined by the individual railroad within guidelines promulgated by the Commission;

3. A matrix format should be used which contains natural expense categories and functions or activities;

4. The system should correspond to the responsibility accounting system of any railroad with respect to how information is collected, categorized and maintained; and

5. Cost center data should not be routinely reported to the Commission, and the circumstances in which it would be required to be submitted should be enumerated.

Each of these five characteristics is explained more fully below.

B. *Cost center oriented accounting.*

DOT believes that only through the use of cost center accounting can all of the requirements of the Act be achieved. Many railroads use this type of accounting for their own internal cost control. Under such accounting procedures cost centers are charged with only those expenses which are controllable at the level of the particular center. Apportionments which require arbitrary formulas become unnecessary when the focus is upon the direct costs of the cost centers. In addition, costs center accounting necessarily requires variable costs to be directly collected by cost center. In order to determine most accurately the costs associated with a particular movement or service—as required by the Act—one need only collect the appropriate costs at each cost center involved. In the collection of cost center accounting information, appropriate output factors (statistics) must be collected. These statistics should be usable in connection with my costing methodology, and should not impose one as the Bureau's proposal does.

With a direct cost approach for cost centers, the contribution of relevant centers or groups of centers to the overhead and profit of the firm is ascertainable if revenues are allocated to those centers on some appropriate basis. In an industry with joint or common costs, the contribution approach is the most relevant and is clearly contemplated by § 307 of the Act which requires such costs to be specifically determinable and by Section 202 which relies on ascertaining a contribution to overhead in determining whether a rate contributes to a firm's going concern value. Additionally, the system is easily adaptable to computing full costs if desired by the firm or by the Commission. If the rail industry moves, in the future, to a system of standard costs, or any other costing methodology, direct costs by cost centers would still be required.

C. *Definition of cost center.*

Most railroads which already use responsibility accounting have divided their firm into segments to reflect the geographical area of activity controlled. The minimum required level of detail to be collected would be at the cost center, *e.g.*, crew districts, yards, stations, shops, etc. Each of these cost centers should be accounted for separately. The railroads would be required to keep cost center information at the same level of detail as they presently maintain in their own internal system. If desired, of course, the railroads could keep more information than is requested.

Within guidelines, the definition of cost center should coincide with the way the firm already uses the term, if it does. Obviously, for smaller railroads the term could include a combination of crew districts, yards, stations, etc.

D. *Operating expense matrix.*

The operating expense matrix which we propose relies on control accounts. Major expenses are shown for the firm by functions. Table I, on the next two pages, contains our proposed matrix, but does not show the detail required to be provided under each of its headings. That information is contained in Appendix E. The following comments are intended to explain the use and rationale of the matrix.

1. The matrix is composed of twenty natural expense accounts. Each account should be considered a control account. The natural expense account total represents the total expenses for the particular item throughout the firm. This total is the summation of all costs charged to the enumerated activities.

[1] Section 307(c).

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TABLE I

DOT Alternate Operating Expense Matrix

# Natural Expense Account	Expenses Not Identified With a Single Cost Center	ACTIVITIES: Transportation		Plant	Maintenance			General and Administrative
					Equipment			
		Terminal	Train		Locomotive	Cars	Other	
1. Salaries of Officers and Superintendents								
2. Salaries and Wages - Clerical								
3. Salaries and Wages - Direct Labor								
4. Salaries and Wages - Other								
5. Fringe Benefits - Officers and Superintendents								
6. Fringe Benefits - Clerical								
7. Fringe Benefits - Direct Labor								
8. Fringe Benefits - Other								
9. Materials								
10. Tools and Supplies								
11. Fuels and Lubricants								

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APPENDIX C (Continued)

DOT Alternate Operating Expense Matrix

# Natural Expense Account	Expenses Not Identified With a Single Cost Center	ACTIVITIES: Transportation		Plant	Maintenance			General and Administrative
					Equipment			
		Terminal	Train		Locomotive	Cars	Other	
12. Purchased Services								
13. Casualty and Damages								
14. Rents and Leases								
15. Taxes								
16. Depreciation and Retirements								
17. Communications								
18. General and Administrative								
19. Joint Facilities								
20. Other								

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2. The column entitled "Expenses Not Identified With a Single Cost Center" may be required because, under the direct or controllable cost approach, an expense may be allocated to a particular cost center only if it is incurred directly for that center. An expense may not be identified with a single cost center if it is incurred for more than one center.

DOT cannot, of course, be certain that every railroad will be able, in its internal accounting system, to attribute every expense to a particular cost center. We believe, however, that if an expense can be so attributed, it must be, and that if it cannot be so attributed, it might then be considered as a separate cost center in and of itself. Only if neither of these alternatives is possible would an expense be placed in the "not identified with a single cost center" category. DOT recommends that the Bureau request every railroad which will be required to adopt the new USOA to indicate whether any of its expenses would need to be placed in this category. If it appears that there would be no need for the category it should be eliminated.

The remaining columns divide all activities of the firm into three major categories: "Transportation", "Maintenance," and "General and Administrative." The category "Transportation" is created as a result of a specific instruction in § 307 of the Act, which also requires the category to be divided into subcategories of train, yard, station and others. In the DOT proposal, these subcategories are broken into cost centers. However, since the actual moving of a train between cost centers must be accounted for separately, the "Transportation" activity is divided into two subcategories: "Terminal" and "Train." "Train" includes all cost centers associated with moving a train between two locations. "Terminal" is used in a broad sense, and includes the locations between which a train moves, whether such location be yards, stations, terminals, etc. Since each segment of track, yard, shop, or station would be a "Terminal" under DOT's approach, the several "Terminals" would accumulate the data which the Bureau's proposal desires (according to the accounts set out in the matrix) but in a manner which is consistent with the Act.

Similarly, the category entitled "Maintenance" is divided into four sub-activities to permit the accumulation of data for those items enumerated in the Act at Section 307 (b)(ii) and (iii).

3. Most of the natural expense accounts are self-explanatory. They are intended to be used in the same way as the Bureau uses them in its proposal. For purposes of reviewing the accounts, explanatory comments are provided below.

(a) Items 1–4 refer to all salaries and wages. Salaries are divided into four major groups: "Officers and Superintendents" (the word supervisor could be substituted for superintendents), "Direct Labor" (intended to encompass repair and maintenance employees, trainmen, dispatchers, etc.) "Clerical" and "Other." The actual breakdown of labor costs into finite accounts would be made at the specific cost center level. Arbitraries (as defined in employment contracts) and overtime would also be shown at the specific cost center level.

(b) Items 5–8 refer to all fringe benefits—payroll taxes, vacation pay, pensions, etc.

(c) "Materials" (item 9), "Tools and Supplies" (item 10), "Fuels and Lubricants" (item 11) and "Casualty and Damages" (item 13), are used in the same way as these terms are used by the Bureau in its proposal.

(d) Item 12 refers to all "Purchased Services," i.e., utilities except telephone and telegraph, professional services, etc. Rentals of locomotives, freight cars, etc. are contained in item 14.

(e) Item 14 includes all "Rentals and Lease Payments," including hire of freight or passenger cars. At the cost center level, accounts would show, among other things, rent paid for buildings, automotive equipment, locomotives, data processing equipment, etc.

(f) Item 15 contains all taxes with the exception of pay-toll taxes, which are accounted for in items 5–8, and income taxes which are not considered as operating expenses.

(g) "Depreciation and Retirement," item 16, are used in the same sense as the terms are used in the Bureau's proposal.

(h) Item 17, "Communications," refers to telephone and telegraph expenses and to the expenses associated with the firm's internal communications network.

(i) Item 18 includes all expenses associated with general and administrative office expenses, such as: insurance; stationery and printing; travel; computer centers; etc.

(j) Item 19 contains "Joint Facility" accounts. Under the cost center approach, each joint facility would be a cost center and the detail, therefore, maintained on that level.

(k) Item 20, "Other," refers mainly to miscellaneous or extraordinary operating expenses which cannot be anticipated and, therefore, cannot be included in the other categories of expense.

4. We believe the required expense accounts, those shown in Table I, should be numbered with three digits only. Since the present accounting system relies entirely on three digit accounts, less difficulty will be encountered by rail firms in changing from the present USOA to the revised one, thus reducing the cost of implementing the new system.

E. *Cost center definitions*

The definition of "cost center" shall be left to the individual railroad, but must be consistent with and at the same management level as it is in the currently used internal responsibility accounting system. Additionally, any definition must conform to broad guidelines established by the Commission; however, we assume the term would delineate expenses at the level of station, terminal, yard, segment of track as represented by crew districts or joint facility, etc. The flexibility thus afforded will permit the firm to use the cost center concept in the same manner that it is used within the firm's existing responsibility accounting system, as required by the Act.

F. *Suggested list of detail (cost center) accounts*

If the proposed accounting system is to develop data at the cost center level, yet be cost effective and nonduplicative as required by the Act, DOT believes detail accounts should not be specified within the USOA. The suggested listing of detail accounts, shown in Appendix E, reflects our current thinking as to the type of expenses which should be kept at that level. After subsequent research, we may wish to recommend revisions, extensive or otherwise, to the list and to the matrix itself. Appendix E is included for discussion purposes and to add some specificity to our proposed alternate system.

The function of the Suggested List of Detail Accounts is twofold. First, the list is an indication of the detail which is to be kept at the cost center or responsibility level. Obviously, not all accounts will be utilized at every cost center, but for those accounts which do pertain to a specific center, the detail accounts are an indication of the data which is to be collected. Second, for those roads which do not have a responsibility accounting system, the Commission's guidelines as to what constitutes a cost center, *and* the Suggested List of Detail Accounts could be used as the foundation of a responsibility accounting system if the road desires to initiate one. We reiterate our concern that only the redefined Class I railroads should be required to maintain the detail recommended in the Suggested List.

G. *Reporting*

DOT believes the cost center data which would be maintained under a firm's existing responsibility accounting system, using either the firm's own accounts or the suggested detail accounts, should *not* be routinely reported to the Commission. Cost center data is, we recognize, proprietary information. A railroad should release such data only when it is needed for a particular regulatory function of the Commission which affects that railroad, *e.g.*, certain rate increase, abandonment or subsidy requests. The only operating expense information which would be reported to the Commission on a routine basis is that specified in Table I above.

H. *Rationale*

Since the proposed alternative USOA requires the railroads to keep their accounts in much less detail than would the Bureau's proposal, two obvious questions may be asked: 1) Does the system conform to the Act? and 2) With such flexibility, will comparability of data between roads be destroyed thus making fulfillment of the Commission's regulatory functions more difficult?

The proposal does conform to the Act. It uses the firm's responsibility accounting system if such a system exists. It is nonduplicative and does not require costs beyond those necessarily incurred in adopting any new USOA. It contains detail sufficient to allow the specific costs of the several rail services to be developed. Unallocated (fixed) costs are reported to the Commission, as are direct or variable costs for the activities specified. Proprietary data is retained by the firm except where needed for a specific regulatory proceeding. When such data is needed, it is available.

Comparability between firms is not destroyed by the flexibility proposed herein, since DOT's proposal requires all railroads to maintain the identical information gathered at the identical level of activity to which the information applies. If systemwide data is ever needed, the information gathered under the DOT proposal could be aggregated to show it.

Appendix D

Excerpt From Association of American Railroads—Proposal

Comments on New Schedule 320 Railway Operating Expenses

As an alternative to the proposed Matrix of Operating Expenses, we have developed a proposal for additional information to be furnished within the framework of the present Uniform System of Accounts (USOA). In both the present System and the proposed Matrix, considerable allocation of expenses is required. The principle, followed in our alternative proposal, is to minimize expense allocation in financial reporting. A second principle followed is that nonhomogeneous costs will be maintained in separate accounts. For example, we propose that the current Account 402 be separated into five new accounts. We also propose that certain expenses be clearly set out so that they can be more easily identified and properly assigned in the development of cost data without reliance on nonuniform accounting allocations now applied by the individual roads. The Cost Analysis Organization (CAO) will devise recommended methodologies for allocating such expenses for cost determination.

Our proposal for a new Schedule 320-Railway Operating Expense, provides for labor, material and other, and also passenger-related expenses to be reported for each applicable account. For those carriers with no passenger or commuter operations Schedule 320 as presented herein should be used leaving column (f) blank. Carriers reporting passenger or commuter service will be required to complete column (f) and submit a supporting schedule for the breakdown of labor, material and other or such data as the Commission shall require. The entries in each column of the revised schedule (appendix I) would be governed by the following:

Labor

This column will include the carriers' expenses for salaries and wages paid to employees and chargeable to operating expenses. Labor expenses which will be recovered through bills will be shown in the "Other" column. The labor included on contractors' invoices is to be shown in the "Other" column. Labor expenses will not be recorded as such in any of the Joint Facility accounts.

Maintenance of way

4. Account 201, Superintendence, should be expanded as follows: Superintendence, Track; Superintendence, B&B; Superintendence, Signal; Superintendence, Communications; Superintendence, Other M of W.

5. For accounts 202, 206, 208, 210, 212, 214, 216, 218, 220 and 221, additional accounts should be added in order to separate each of these expenses between running tracks and yard switching tracks.

6. Depreciation and retirements for road accounts should continue to be reported on sub-schedule for the annual report.

7. Account 227, Station and Office Buildings, should be split into two accounts, one for Station Buildings and one for General Office Buildings. This will tie in with the property accounts change proposed by the Commission.

8. Account 235, Shops and Enginehouses, should be split into three accounts, one for car shops, one for locomotive shops and enginehouses and one for common shops.

9. Account 237, Grain Elevators, should be deleted in connection with recommendation number 128.

Maintenance of equipment

10. Account 301, Superintendence, should be expanded as follows: Superintendence, Car; Superintendence, Locomotive; Superintendence, Other; Superintendence, Common.

11. Account 302, Shop Machinery, should be expanded to cover the same categories as item 10.

12. Account 314, Freight Train Car Repairs, should be split into the following accounts: Freight train car repairs, AAR car repairs payable, AAR car repairs receivable, Destroyed foreign line cars.

The cost of car inspection should be taken out of this account and reflected under Transportation expense because it is train-related.

13. The cost of locomotive inspection should be taken out of account 311 and reflected under Transportation expense because it is train-related. In addition, present accounts 388 and 400, Servicing Yard Locomotives, and Servicing Train Locomotives, should be combined into one account since most locomotives are multi-purpose.

A separate account should be established for repairs to other than diesel locomotives.

14. The following accounts should be established under Maintenance of Equipment for shop expense, instead of allocating such cost to repair accounts. Shop expense, Car; Shop expense, Locomotive; Shop expense, Other; Shop expense, Common.

15. Expand account 316, Highway Revenue Equipment Repairs, by adding the following accounts: Destroyed foreign line trailers, AAR trailer repairs, payable; AAR trailer repairs, receivable.

16. Expand account 373, Station Employees, as follows: Station employees, Platform employees, Loading and unloading automobiles.

17. Change title of current account 375, Coal and Ore Wharves, to Bulk Commodity Facilities and change account number.

18. Expand account 402, Train Supplies and Expenses, as follows: Cleaning and disinfecting cars, Protective service, heating and refrigeration, Car inspection and lubricating cars, Car supplies, Meals and lodging for crews, Train supplies and expenses.

19. Establish a new account for Train Yard Inspection. This would cover the cost of inspecting cars in train yards including such tasks as coupling air bases, testing air or bleeding train line, etc.

20. Combine accounts 382, Yard Switching Fuel, and 394, Train Fuel, into one account, 394, Transportation Fuel. Since allocation is generally necessary, it can be done in cost studies.

21. Combine accounts 383, 384, 395, and 396 which pertain to power produced and purchased into one account.

22. Combine accounts 390 and 391, Operating Joint Yards, and accounts 412 and 413, Operating Joint Tracks and Facilities, into accounts 412 and 413, Operating Joint Yards, Tracks and Facilities, to be consistent with Maintenance of Way Accounts 278 and 279.

23. Delete account 419, Loss and Damage—Baggage, and include any charges in account 418, Loss and Damage. Sub-account may be used if necessary to capture the expense of Loss and Damage—Baggage.

24. Accounts now under Miscellaneous Operations (441 through 448) should be renumbered and included under Transportation.

25. Account 443, Grain Elevators, should be deleted and charges included with Bulk Commodity Facilities, new account 383. Sub-account may be used by carriers who wish details of the Bulk Commodity Facilities.

26. Account 451, Salaries and Expenses of General Offices, should be expanded into three accounts: Superintendence, general unassigned; Superintendence, property protection; Superintendence, computer services; "Superintendence, general unassigned" would include, in addition to most general office personnel previously includible in account 451, those individuals who have jurisdiction over more than one department.

27. Rental accounts 503 through 507 and 536 through 540 should be renumbered and included under Transportation.

Traffic

28. Account 355, Fast Freight Lines, is not needed and should be deleted and the account number used for payroll taxes.

General

29. Account 454, Law Expenses, should be revised to include only such legal expenses as retainers' cost of suits and special law fees. Salaries and supplies should be included in the normal general expense accounts.

The revised Schedule 320 of Form R-1, reflecting the above recommendations, is attached and marked Appendix I. In that exhibit, certain existing accounts not referred to above have been renumbered in order to accommodate the additional account.

Recommended Changes To Schedule 310

Railway Operating Revenues

We also recommend certain changes in revenue accounts in addition to those proposed by the I.C.C., at page 51 of the March 5, 1976 Notice.

30. Account 101, Freight Revenue, as now proposed by I.C.C., would be more properly stated if debits representing expense were excluded. We recommend the establishment of separate accounts for items representing expense.

These should be: 1. Switching services: 2. Payment for hauling trailers and containers to and from TOFC/COFC terminals. 3. Other (items b, c, e, and k in items to be charged to account 101 as shown on pages 51 and 52 of the March 5 Notice.

Amounts which represent revenue adjustments, such as overcharges and refunds (item a, f, g, h, and i), should continue to be charged against account 101. The new account mentioned above would be deductions from the Transportation Revenue Accounts to determine a net total for your account 100, Transportation Rail Line.

31. We also recommend the establishment of an account entitled Bulk Commodity Loading and Unloading Facilities. This is consistent with the segregation of costs for such facilities.

32. Dining and Buffet should be included in Account 103, Passenger-Related, instead of Account 110, Incidental.

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220. RAILWAY OPERATING EXPENSES

State the railway operating expenses on respondent's road for the year, classifying them in accordance with the Uniform System of Accounts for Railroad Companies, and analyzing them in accordance with the Commission's rules governing the separation of operating expenses between freight and passenger service; railroads. The returns to accounts 202-221 should be classified as provided for by instructions pertaining to those accounts in the effective rules. The designations shown in column (a) for these accounts are defined as follows:

Line No.	Name of railway operating expense account (a)	Amount of operating expenses for the year (b)	Freight			Passenger related expense (f)
			Labor (c)	Material & supplies (d)	Other (e)	
1	**Maintenance of Way and Structures**					
2	(202) Roadway maintenance-Yard switching tracks					
3	(203) Roadway maintansnce-Running tracks					
4	(206) Tunnels and subways-Yard switching tracks					
5	(207) Tunnels and subways-Running tracks					
6	(208) Bridges, trestles and culverts-Yard switching tracks					
7	(209) Bridges, trestles and culverts-Running tracks					
8	(210) Elevated structures-Yard switching tracks					
9	(211) Elevated structures-Running tracks					
10	(212) Ties-Yard switching tracks		XXX			
11	(213) Ties-Running tracks		XXX			
12	(214) Rails-Yard switching tracks		XXX			
13	(215) Rails-Running tracks		XXX			
14	(216) Other track material-Yard switching tracks		XXX			
15	(217) Other track material-Running tracks		XXX			
16	(218) Ballast-Yard switching tracks		XXX			
17	(219) Ballast-Running tracks			XXX		
18	(220) Track laying and surfacing-Yard switching tracks			XXX		
19	(221) Track laying and surfacing-Running tracks					
20	(222) Fences, snowsheds and signs-Yard switching tracks					
21	(223) Fences, snowsheds and signs-Running tracks					
22	(227) Station and office buildings					
23	(228) General office buildings					
24	(229) Roadway buildings					
25	(231) Water stations					
26	(233) Fuel stations					
27	(235) Car shops					
28	(236) Locomotive shops and engine houses					
29	(237) Shops-Common					
30	(239) Storage warehouses					
31	(241) Wharves and docks					
32	(243) Coal and ore wharves					
33	(244) TOFC/COFC terminals					
34	(247) Communication systems					
35	(249) Signals and interlockers					
36	(253) Power plants					
37	(257) Power-transmission systems					
38	(265) Miscellaneous structures					
39	(266) Road property-Depreciation (p.)		XXX	XXX		
40	(267) Retirements-Road (p.)		XXX	XXX		

220. RAILWAY OPERATING EXPENSES—Continued

Line No.	Name of railway operating expense account (a)	Amount of operating expenses for the year (b)	Freight			Passenger related expense (f)
			Labor (c)	Material & supplies (d)	Other (e)	
41	**Maintenance of Way and Structures—Continued**					
42	(269) Roadway machines			XXX		
43	(270) Dismantling retired road property		XXX			
44	(271) Small tools and supplies					
45	(272) Removing snow, ice and sand					
46	(273) Public improvements-Maintenance		XXX	XXX		
47	(274) Injuries to persons		XXX	XXX		
48	(275) Insurance		XXX			
49	(276) Stationery and printing		XXX	XXX		
50	(277) Employees' health and welfare benefits					
51	(281) Right-of-way expenses					
52	(282) Other expenses					
53	(283) Store expense					
54	(284) Superintendence-Track					
55	(285) Superintendence-Bridge and Building					
56	(286) Superintendence-Signals					
57	(287) Superintendence-Communications					
58	(288) Superintendence-Other					
59	(289) Payroll taxes		XXX	XXX		
60	(278) Maintaining joint tracks, yards & other facilities-Dr.		XXX	XXX		
61	(279) Maintaining joint tracks, yards & other facilities-Cr.		XXX	XXX		
62	Total-All road property depreciation (account 266)					
63	Total-All other maintenance of way & structures accts.					
	Total maintenance of way and structures					
	Maintenance of Equipment					
64	(300) Shop machinery-Car					
65	(301) Shop machinery-Locomotive					
66	(302) Shop machinery-Other					
67	(303) Shop machinery-Common					
68	(304) Power-plant machinery					
69	(305) Shop & power-plant machinery-Depreciation (p.)		XXX	XXX		
70	(306) Dismantling retired shop & power-plant machinery					
71	(307) Store expenses-Freight cars					
72	(308) Store expense-Locomotives					
73	(309) Store expense-Other equipment					
74	(310) Store expense--Common					
75	(311) Locomotives-Repairs, Diesel locomotives					
76	(312) Locomotives-Repairs, Other than Diesel					
77	(313) Destroyed foreign line cars		XXX	XXX		
78	(314) Freight train cars-Repairs					
79	(315) AAR Car Repairs-Payable		XXX	XXX		
80	(316) AAR Car Repairs-Receivable		XXX	XXX		

Line No.	Name of railway operating expense account (a)	Amount of operating expenses for the year (b)	Freight			Passenger related expense (f)
			Labor (c)	Material & supplies (d)	Other (e)	
	Maintenance of Equipment					
81	(317) Passenger-train cars-Repairs					
82	(319) Destroyed foreign line trailers		xxx	xxx		
83	(318) Highway revenue equipment-system repairs					
84	(320) AAR billing-Trailer repairs-Payable		xxx	xxx		
85	(321) AAR billing-Trailer repairs-Receivable		xxx	xxx		
86	(323) Floating equipment-Repairs					
87	(326) Work equipment-Repairs					
88	(328) Miscellaneous equipment-Repairs					
89	(329) Dismantling retired equipment			xxx		
90	(330) Retirements-Equipment (p.)		xxx	xxx		
91	(331) Equipment-Depreciation (p.)		xxx	xxx		
92	(332) Injuries to persons		xxx	xxx		
93	(333) Insurance		xxx	xxx		
94	(334) Stationery and printing		xxx			
95	(335) Employees' health and welfare benefits		xxx	xxx		
96	(339) Other expenses					
97	(340) Shop expense-Freight cars					
98	(341) Shop expense-Locomotives					
99	(342) Shop expense-Other equipment					
100	(343) Shop expense-Common					
101	(344) Superintendence-Freight cars					
102	(345) Superintendence-Locomotives					
103	(346) Superintendence-Other equipment					
104	(347) Superintendence-Common					
105	(348) Payroll taxes		xxx	xxx		
106	(336) Joint maintenance of equipment expenses-Dr.		xxx	xxx		
107	(337) Joint maintenance of equipment expenses-Cr.		xxx	xxx		
108	Total-All equipment depreciation (accounts 305 & 331)		xxx	xxx		
109	Total-All other maintenance of equipment accounts					
110	Total maintenance of equipment					
	Traffic					
111	(351) Superintendence					
112	(352) Outside agencies					
113	(353) Advertising					
114	(354) Traffic associations		xxx	xxx		
115	(355) Payroll taxes		xxx	xxx		
116	(356) Industrial and immigration bureaus					
117	(357) Insurance		xxx	xxx		
118	(358) Stationery and printing		xxx			
119	(359) Employees' health and welfare benefits		xxx	xxx		
120	(360) Other expenses					
121	Total traffic					

Line No.	Name of railway operating expense account (a)	Amount of operating expenses for the year (b)	Freight			Passenger related expense (f)
			Labor (c)	Material & supplies (d)	Other (e)	
	Transportation—Rail Line					
122	(371) Superintendence					
123	(372) Dispatching trains					
124	(373) Station employees			xxx		
125	(374) Platform employees			xxx		
126	(375) Loading and unloading automobiles			xxx		
127	(376) Station supplies and expenses		xxx			
128	(377) Yardmasters and yard clerks			xxx		
129	(378) Yard conductors and brakemen			xxx		
130	(379) Yard switch and signal tenders			xxx		
131	(380) Yard enginemen			xxx		
132	(381) Yard supplies and expenses		xxx			
133	(382) Weighing, inspection and demurrage bureaus		xxx	xxx		
134	(383) Bulk commodity facilities					
135	(384) Cleaning cars					
136	(385) Car inspection, lubrication					
137	(386) Car supplies		xxx			
138	(387) Protective service					
139	(388) Meals and lodging		xxx	xxx		
140	(389) Other train supplies		xxx			
141	(392) Train enginemen			xxx		
142	(394) Transportation fuel					
143	(395) Transportation power produced or purchased					
144	(400) Servicing locomotives					
145	(401) Trainmen			xxx		
146	(402) Train yard inspection					
147	(403) Operating sleeping cars					
148	(404) Signal and interlocker operation					
149	(405) Crossing protection					
150	(406) Drawbridge operation					
151	(407) Communication system operation					
152	(408) Operating floating equipment					
153	(409) Employees' health and welfare benefits		xxx	xxx		
154	(410) Stationery and printing		xxx			
155	(411) Other expenses					
156	(414) Insurance		xxx	xxx		
157	(415) Clearing wrecks					
158	(416) Damage to property		xxx	xxx		
159	(417) Damage to livestock on right of way		xxx	xxx		
160	(418) Loss and damage		xxx	xxx		
161	(420) Injuries to persons		xxx	xxx		
162	(421) TOFC/COFC terminals					
163	(422) Other highway transportation expenses					
164	(423) Dining and buffet service					

PROPOSED RULES 33120 PROPOSED RULES 33121

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33A. RAILWAY OPERATING EXPENSES—Continued

Line No.	Name of railway operating expense account (a)	Amount of operating expenses for the year (b)	Freight			Passenger related expense (f)
			Labor (c)	Material & supplies (d)	Other (e)	
	Transportation—Rail line					
165	(424) Hotels and restaurants					
166	(425) Producing power sold					
167	(427) Rent from freight train cars					
168	(428) Rent from locomotives					
169	(429) Rent from passenger train cars					
170	(430) Rent from floating equipment					
171	(431) Rent from work equipment					
172	(432) Rent for freight train cars					
173	(433) Rent for locomotives					
174	(434) Rent for passenger train cars					
175	(435) Rent for floating equipment					
176	(436) Rent for work equipment					
177	(437) Payroll taxes—Transportation-rail line					
178	(412) Operating joint tracks, yards and other facilities—Dr.					
179	(413) Operating joint tracks, yards and other facilities—Cr.					
180	Total Transportation-Rail line					
	General					
181	(452) Salaries and expenses of clerks and attendants					
182	(453) General office supplies and expenses					
183	(454) Law expenses					
184	(455) Insurance					
185	(456) Employees' health and welfare benefits					
186	(457) Pensions					
187	(458) Stationery and printing					
188	(460) Other expenses*					
189	(463) Superintendence—unassigned					
190	(464) Security property protection					
191	(465) Computer services					
192	(466) Store expenses—unassigned					
193	(467) Payroll taxes					
194	(461) General joint facilities—Dr.					
195	(462) General joint facilities—Cr.					
196	Total general expenses					
197	Grand total railway operating expenses					
198	Operating ratio-percent. (Two decimal places required) (ratio of operating expenses to operating revenues)					
199	Amount of employee compensation† chargeable to operating expenses. +(applicable to current year)					

*(Use description and amount of charges to account No. 460, "Other expenses." Per accident payments made to employees. This includes payments made to employees for injuries and damages to property, and payments made to persons other than employees for personal injuries and damages to property. This may be offset by insurance or other recoveries. Payments made to employees because of abandonment or consolidation of facilities.

Description of payments	Amount
	$

[FR Doc.76-22834 Filed 8-5-76;8:45 am]

federal register

FRIDAY, AUGUST 6, 1976

PART IV:

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions and Index

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DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secertary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders, 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Alabama:	
AL76–1027	Feb. 20, 1976.
Connecticut:	
CT76–2042; CT76–2043	Apr. 2, 1976.
Idaho:	
ID76–5066	July 23, 1976.
Iowa:	
IA76–4092	May 21, 1976.
IA76–4099	June 18, 1976.
Kentucky:	
KY76–1079	July 23, 1976.
Louisiana:	
LA76–4131	July 23, 1976.
Nevada:	
NV76–5065	July 2, 1976.
Texas:	
TX76–4084; TX76–4086	May 21, 1976.
TX76–4101	June 18, 1976.
TX76–4106; TX76–4110	July 2, 1976.
TX76–4115; TX76–4118	July 18, 1976.
TX76–4128	July 23, 1976.
Utah:	
UT76–5052	June 25, 1976.

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State.

Supersedeas Decision numbers are in parentheses following the numbers of the decision being superseded.

Montana:	
MT76–5035 (MT76–5071); MT76–5036 (MT76–5072).	Apr. 9, 1976.
Nebraska:	
NE75–4155 (NE76–4107)	Sept. 5, 1975.
Nevada:	
NV76–5003 (NV76–5074)	Jan. 16, 1976.
NV76–5053 (NV76–5073)	June 11, 1976.
New Mexico:	
NM75–4137 (NM76–4141)	Aug. 1, 1975.
NM76–4094 (NM76–4142)	May 28, 1976.
Tennessee:	
TN76–1012 (TN76–1083); TN76–1013 (TN76–1081).	Jan. 16, 1976.
Texas:	
TX75–4196 (TX76–4140)	Nov. 21, 1975.
Virginia:	
VA75–3119 (VA76–3220)	Dec. 12, 1975.
Wyoming:	
WY76–5049 (WY76–5070)	May 28, 1976.

Signed at Washington, D.C., this 30th day of July 1976.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

MODIFICATIONS P. 2

DECISION NO. CT76-2043 Cont'd	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Windsor Locks; Middlesex Co.: Chester, Cromwell, Deep River, E. Haddam, E. Hampton, Haddam, Marcomas (Atomic River Project), Middlefield, Middletown, & Portland; Tolland Co.: Andover, Bolton, Columbia, Coventry, Ellington, Hebron Mansfield, Somers, Stafford Storrs, Tolland, Union, Vernon, & Willington	$10.27	1.16	.66	0	.13

MODIFICATIONS P. 1

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #AL76-1027 - Mod. #2 (41 FR 7697-February 20, 1976) Tuscaloosa County, Alabama					
CHANGE:					
Electricians	$ 9.60	.30	12%+.40		4 of 1%
Millwrights	9.13				
Painters, brush	6.65	.50			
DECISION NO. CT76-2042 - Mod. #4 (41 FR 14276 - April 2, 1976) Fairfield, Litchfield, New London, & Windham Counties, Connecticut					
Changes:					
Ironworkers: Ornamental; Reinforcing; Structural; & Precast concrete erection	$11.10	.75	.95	1	.08
Plumbers; Steamfitters: Fairfield County: Greenwich	10.00	.45	.70		.02
Fairfield County: Georgetown, Norwalk, S. Norwalk, Weston, Westport, & Wilton	9.90	.75	.90	.36	.02
Fairfield County: Darien, New Canaan, & Stamford	10.20	.75	.70	4%	.02
Steamfitters: Windham County: Windham	10.27	1.16	.66		.13
DECISION NO. CT76-2043 - Mod. #4 (41 FR 14285 - April 2, 1976) Hartford, Middlesex, New Haven, & Tolland Counties, Connecticut					
Change:					
Ironworkers: Ornamental; Reinforcing; Structural; & Precast concrete erection	11.10	.75	.95	1	.08
Plumbers; Steamfitters: Hartford County: Berlin, Bristol, E. Berlin, Kensington, New Britain, & Plainville	9.40+10%	.75	.70	4	.03
Steamfitters: Hartford County: Avon, Bloomfield, Burlington, Canton, E. Granby, E. Hartford, E. Windsor, Enfield, Farmington, Glastonbury, Granby, Hartford, Manchester; Marlborough, Newington, Rocky Hill, Simsbury, S. Windsor, Suffield, W. Hartford, Wethersfield, Windsor, &					

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MODFICATIONS P. 3

DECISION NO. ID76-5066 - Mod. #1
(41 FR 30515 - July 23, 1976)
Statewide, Idaho

Change:

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenters:					
Remainder of Counties and Idaho County (South of the Northern boundary of Township #29 North):					
Carpenters; Floor Layers; Shinglers; Drywall Applicator and Installer	$8.79	.52	.45	.45	.10
Saw Filer; Piledriverman; Bridgeman and Wharf Builders	8.96	.52	.45	.45	.10
Millwrights; Machine Erectors; Piledriverman's Boom Man	9.08	.52	.45	.45	.10
Ironworkers:					
Ornamental; Structural; Reinforcing:					
Benewah, Bonner, Boundary, Clearwater, Idaho County (north of 46th Parallel), Kootenai, Latah, Lewis, Nez Perce, Shoshone Cos.	11.00	.73	$1.00		.05
Laborers (Area 1):					
Benewah, Bonner, Boundary, Clearwater, Idaho County (North of the 46th Parallel), Kootenai, Latah, Lewis, Nez Perce, Shoshone Cos.:					
Group 1	8.10	.65	.70		.02
Group 2	8.25	.65	.70		.02
Group 3	8.35	.65	.70		.02
Group 4	8.40	.65	.70		.02
Group 5	8.45	.65	.70		.02
Group 6	8.50	.65	.70		.02
Group 7	8.55	.65	.70		.02
Group 8	8.70	.65	.70		.02
Group 9-A	8.15	.65	.70		.02
Group 9-B	8.20	.65	.70		.02
Group 9-C	8.60	.65	.70		.02
Group 9-D	8.65	.65	.70		.02

MOFIDICATIONS P. 4

DECISION NO. ID76-5066 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Lathers:					
Benewah, Bonner, Boundary, Clearwater, Idaho County (North of 46th Parallel), Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties	$10.35	.50			
Marble Setters:					
Bannock, Bear Lake, Bingham County (South half), Caribou, Franklin, Oneida, and Power Counties	8.45	.50	.50		
Power Equipment Operators (Area 2):					
Remaining Counties and that portion of Idaho County (South of 46th Parallel):					
Group 1	8.17	.60	.75		.10
Group 2	8.33	.60	.75		.10
Group 3	8.70	.60	.75		.10
Group 4	9.01	.60	.75		.10
Group 5	9.18	.60	.75		.10
Group 6	9.36	.60	.75		.10
Group 7	9.72	.60	.75		.10
Group 8	9.95	.60	.75		.10
Group 9	10.18	.60	.75		.10
Group 10	10.42	.60	.75		.10
Terrazzo Workers, Tile Setters:					
Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley and Washington Counties	9.05	.40	.40		
Bannock, Bear Lake, Bingham County (South half), Caribou, Franklin, Power Counties	8.45	.50	.50		
Benewah, Bonner, Boundary, Kootenai, Shoshone Cos.	9.50				

MODIFICATIONS P. 5

DECISION NO. ID76-5066 (Cont'd)

	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr.
Power Equipment Operators (Area 1):	ZONE 1	ZONE 2	ZONE 3				
Benewah, Bonner, Boundary, Clearwater, Idaho County (North of 46th Parallel), Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties:							
Group 1	$8.70	$9.20	$9.65	.80	.90		.03
Group 2	9.00	9.50	9.95	.80	.90		.03
Group 3	9.35	10.05	10.50	.80	.90		.03
Group 4	9.70	10.20	10.65	.80	.90		.03
Group 5	9.85	10.35	10.80	.80	.90		.03
Group 6	10.10	10.60	11.05	.80	.90		.03
Group 7	10.35	10.85	11.30	.80	.90		.03

*Zone 1: Area within a fifteen (15) - mile radius from the center of the following Cities: Lewiston, Idaho and Spokane, Washington.

*Zone 2: Area within a fifteen (15) to forty-five (45) mile radius from the center of the above-named Cities.

*Zone 3: Area over a forty-five (45) mile radius from the center of the above-named Cities.
With the exception that the area within a fifteen (15) mile radius of the center of the City of Coeur d'Alene, Idaho, shall be considered within Zone 1.

MODIFICATIONS P. 6

DECISION NO. IA76-4092 - Mod. #1
(41 FR 21079 - May 21, 1976)
Black Hawk County (City of Waterloo and Abutting Municipalities), Iowa

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Building, Water Treatment Plants & Sewage Disposal Plants Construction:					
Laborers:					
Group 1	$7.00	.38	.10		
Group 2	7.10	.38	.10		
Group 3	7.25	.38	.10		
Painters:					
Brush, Boiler	8.08		.20		.03
Tapers	8.18		.20		.03
Spray	8.58		.20		.03
Plasterers	9.24	.38			

DECISION NO. IA76-4099 - Mod. #1
(41 FR 24844 - June 18, 1976)
Carro Gordo County (City of Mason City), Iowa

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Building, Water treatment Plant, Sewage Diposal Plant Construction:					
Painters:					
Brush	$7.60		.50		
Tapers	7.70		.50		
Spray	8.10		.50		
Plumbers & Steamfitters	9.45	.40	.55		.02

MODIFICATIONS P. 7

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION # KY76-1079 - Mod. # 1 (41 FR-30529 - July 23, 1976) Fayette County, Kentucky					
Change:					
Marble setters	8.55	.25	.25		
Painters:					
Brush & roller	8.70				
Paperhangers	8.70				
Spray & sandblasting	9.45				
Plumbers & Steamfitters	10.95	.35	.70		.02
Roofers	6.75	.35			
Terrazzo workers	8.55	.25	.25		
Tile setters	8.55	.25	.25		
DECISION #LA76-4131 - Mod. #1 (41 FR 30533 - July 23, 1976) Statewide Louisiana					
Change:					
Glaziers:					
Zone 6	$ 6.40				
Lathers:					
Zone 1	8.30				.01
Roofers:					
Zone 5:					
Roofers	7.60		.20		.02
Kettlemen	5.27		.20		.02
Roofers' helpers	4.65		.20		.02
Sheet metal workers:					
Zone 4	8.95	3%+.40	.25		.07
DECISION #NV76-5065 - Mod. #2 (41 FR 27628 - July 2, 1976) Washoe County, Nevada					
Change:					
Sheet Metal Workers	$9.40	.94	$1.80	.94	.03 + .02

MODIFICATIONS P. 8

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TX76-4084 - Mod. #4 (41 FR 21141 - May 21, 1976) Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties, Texas					
Change:					
Asbestos workers	$ 9.70	.50	.30		.07
Carpenters:					
Zone 2:					
Carpenters	8.42	.38	.40		.07
Millwrights	8.92	.38	.40		.07
DECISION #TX76-4086 - Mod. #4 (41 FR 21148 - May 21, 1976) Galveston & Harris Cos., Texas					
Change:					
Asbestos workers	10.00	.70	.70		.06
DECISION #TX76-4101 - Mod. #4 (41 FR 24876 - June 18, 1976) Brazos County, Texas					
Change:					
Asbestos workers	10.00	.70	.70		.06

MODIFICATIONS P. 9

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TX76-4106 - Mod. #2 (41 FR 27669 - July 2, 1976) Jefferson & Orange Cos., Texas					
Change:					
Asbestos workers:					
Jefferson County	$10.00	.70	.70		.06
DECISION #TX76-4110 - Mod. #2 (41 FR 27652 - July 2, 1976) Lubbock County, Texas					
Change:					
Asbestos workers	9.70	.50	.30		.07
Laborers:					
Group 1	4.725	.275	.20		
Group 2	5.00	.275	.20		
Group 3	4.925	.275	.20		
Group 4	5.075	.275	.20		
Group 5	5.325	.275	.20		
DECISION #TX76-4115 - Mod. #1 (41 FR 29652 - July 16, 1976) Gregg County, Texas					
Change:					
Carpenters:					
Carpenters	7.75				.015
Millwrights	10.00				.015
Piledrivermen	8.25				.015
DECISION #TX76-4118 - Mod. #1 (41 FR 29605 - July 16, 1976) Ector & Midland Counties, Texas					
Change:					
Asbestos workers	9.70	.50	.30		.07

MODIFICATIONS P. 10

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TX76-4128 - Mod. #1 (41 FR 30566 - July 23, 1976) Wichita County, Texas					
Change:					
Carpenters:					
Carpenters	$ 8.42	.38	.40		.07
Millwrights	8.92	.38	.40		.07
DECISION #UT76-5032 - Mod. #2 (41 FR 26537 - June 25, 1976) Statewide, Utah					
Change:					
Drywall Installers:					
Taping, finishing and texturing (hand or machine)	$9.54	.51	.30		.03
Roofers	9.06	.57	.35		

SUPERSEDEAS DECISION

STATE: Montana
DECISION NUMBER: MT76-5071
COUNTIES: Statewide
DATE: Date of Publication

Supersedes Decision No. MT76-5035 dated April 9, 1976, in 41 FR 15264
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.80	.44	.90		
BOILERMAKERS	9.45	.60	1.00		
BRICKLAYERS:					
Beaverhead, Deer Lodge, Granite, Jefferson (except Northern Tip of County), Madison, Powell and Silver Bow Counties	10.50				
Gallatin and Park Counties	10.05		0		
Big Horn, Carbon, Carter, Custer, Dawson, Fallon, McCone, Powder River, Prairie, Richland, Rosebud, Sweetgrass, Stillwater, Treasure, Wibaux and Yellowstone Counties	10.30		.35		.02
Broadwater, Lewis and Clark and Meagher and Jefferson (Northern Tip)	9.00	.30			
Cascade, Chouteau, Glacier, Pondera, and Teton Counties	9.80	.50	.55		
Blaine, Daniels, Hill Liberty, Phillips, Roosevelt, Sheridan, Toole and Valley Counties	8.45				
Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties	9.50	.40	.25		
CARPENTERS:					
Cascade, Chouteau, Fergus, Glacier, Judith-Basin, Liberty, Meagher, Pondera, Teton and Toole Counties					
Carpenters	8.64	.45	.75		.02
Piledrivermen; Saw Filers; Saumen	8.89	.45	.75		.02
Millwrights	9.14	.45	.75		.02
Blaine and Hill Counties					
Carpenters	6.36	.30	.45		.02
Broadwater, Lewis and Clark and Jefferson Counties					
Carpenters	8.17	.45	.75		.02
Piledrivermen	8.32	.45	.75		.02
Millwrights	8.42	.45	.75		.02

DECISION NO. MT76-5071

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS: (Cont'd)					
Deer Lodge, Granite (all area lying south of a line running due east from the N.W. corner of Granite County to the N.E. corner of Granite County) and Powell (area lying south of the N.E. corner of Granite County) Cos.					
Carpenters	$8.76	.45	.75		.02
Piledrivers	9.26	.45	.75		.02
Millwrights	9.01	.45	.75		.02
Granite (area lying north of a line running due east from the N.W. corner or Granite County to the N.E. corner of Granite Co.) Lake (southern area, south of and including the Town of Ravalli), Mineral (area southeast of southeast City limits of the Town of Superior), Missoula, Powell (area lying north of the N.E. corner of Granite County), Ravalli and Sander (Southeastern portion) Counties					
Carpenters	7.60	.40	.65		.02
Millwrights; Piledriver	7.60	.40	.65		.02
Carter, Custer, Daniels, Dawson, Fallon, McCone, Phillips, Powder River, Prairie, Richland, Roosevelt, Sheridan, Valley and Wibaux Counties	7.85	.40	.65		.02
Carpenters	7.34	.40	.55		.02
Piledrivermen	7.59	.40	.55		.02
Millwrights	7.84	.40	.55		.02
Flathead, Lincoln, Lake (northern area including Town of Ravalli from a point where Hwy #10A and Hwy #93 intersect), Mineral (Northern area including the Town of Superior), Sanders (except S.E. corner portion) Cos.					
Carpenters	8.22	.45	.75		.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS: (Cont'd)					
Saumen; Filers, Piledrivers; Carpenters working burned, charred, creosoted or similarly treated material	$8.42	.45	.75		.02
Millwrights and Machine Erectors	8.57	.45	.75		.02
Big Horn, Carbon, Garfield, Golden Valley, Musselshell, Petroleum, Rosebud, Stillwater, Treasure, Wheatland and Yellowstone Counties					
Carpenters	7.60	.40	.65		.02
Floor Sander; Saumen	7.75	.40	.65		.02
Piledrivermen	7.75	.40	.65		.02
Millwrights	8.10	.40	.65		.02
Beaverhead and Silver Bow Cos.					
Carpenters	7.76	.45	1.00	.75	.02
Millwrights and Piledrivermen	8.01	.45	1.00	.75	.02
Gallatin, Madison, Park and Sweetgrass Counties					
Carpenters	8.06	.45	.75		.02
Millwrights and Piledrivermen	8.31	.45	.75		.02
CEMENT MASONS:					
Flathead, Glacier, Lake (North of the City of Ronan), Lincoln and Sanders (North of the City of Plains) Counties	6.95	.37			
Granite (Northern half), Lake (Southern area, including the City of Pablo), Mineral, Missoula, Powell (Northern area including the City of Helmville), Ravalli and Sanders (South portion, including the City of Paradise) Counties	8.0775	.50	.35		
Big Horn, Carbon, Golden Valley, Stillwater, Treasure, Wheatland, and Yellowstone Counties	7.33	.40			
Gallatin, Park and Sweetgrass Cos.	6.50	.35	.25		
Carter, Custer, Dawson, Fallon, Powder River, Prairie, Richland Rosebud and Wibaux Counties	7.50	.50	.25		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS: (Cont'd)					
Beaverhead, Deer Lodge, Granite (Southern half), Jefferson (Southern area including Town of Wickes), Madison, Power (South portion including the Town of Deer Lodge) and Silver Bow Cos.	$ 8.95	.50	.25		
Broadwater, Jefferson (Area north of a line running E-W established south of the Town of Wickes and north of the Town of Basin), Lewis and Clark and Meagher Counties	6.22				
Blaine, Cascade, Chouteau, Hill, Liberty, Pondera, Teton and Toole Counties	7.35	.40			
ELECTRICIANS:					
Beaverhead, Deer Lodge, Granite, Jefferson, Madison, Silver Bow and Powell Counties	9.15	.35	1%+.25		1/2%
Gallatin County	9.55	.30	1%		1/2%
Broadwater, Lewis and Clark and Meagher Counties					
Electricians	8.98	.42	1%+.50		1/2%
Blaine, Hill, Liberty and Phillips Counties					
Electricians	9.85		1%		1/2%
Cascade, Chouteau, Glacier, Judith-Basin, Pondera, Teton and Toole Counties					
Electricians	10.13	.425	1%+.50		1/2%
Cable Splicers	10.38	.425	1%+.50		1/2%
Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties					
Electricians	9.68	.42	1%		1/2%
Cable Splicers	10.18	.42	1%		1/2%
Big Horn, Carbon, Golden Valley, Musselshell, Powder River, Rosebud, Stillwater, Treasure, and Yellowstone Counties					
Electricians	9.32	.30	1%+.25		1/2%
Cable Splicers	9.77	.30	1%+.25		1/2%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS: (Cont'd)					
Fergus, Petroleum and Wheatland Counties					
(Electrical contracts less than $20,000)	$ 6.75	.20	1%		1/2%
(Electrical contracts $20,000 or more)	7.75	.20	1%		1/2%
Park and Sweetgrass Counties	10.07	.30	1%+.50		1/2%
Carter, Daniels, Dawson, Fallon, McCone, Prairie, Richland, Roosevelt, Sheridan, Valley and Wibaux Counties	8.70	.30	1%		1/2%
Custer and Garfield Counties	8.48		1%		1/2%
ELEVATOR CONSTRUCTORS	9.12	.495	.32	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.495	.32	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
IRONWORKERS:					
Beaverhead, Broadwater, Deer Lodge, Gallatin, Granite, Jefferson, Lewis and Clark, (Southern half including Wolf Creek), Madison, Park, Powell, Ravalli, and Silver Bow Cos.	9.36	.55	.85		.05
Flathead, Glacier, Lake, Lincoln, Mineral, Missoula and Sanders Counties	10.15	.58	1.00		.05
Remaining Counties (including Northern half of Lewis and Clark County)	9.36	.55	.85		.05
MARBLE MASONS:					
Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties	8.50	.40	.25		
Big Horn, Carbon, Carter, Custer, Dawson, Fallon, McCone, Powder River, Prairie, Richland, Rosebud, Stillwater, Sweetgrass, Treasure, Wibaux and Yellowstone Counties	9.50		.35		.02
Gallatin and Park Counties	7.10				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MARBLE MASONS: (Cont'd)					
Broadwater, Lewis and Clark, Meagher and Jefferson (northern area) Counties	$ 6.85	.30			
Cascade, Choutesu, Glacier, Pondera and Teton Counties	9.15	.40	.30		
Blaine, Daniels, Hill, Liberty, Phillips, Roosevelt, Sheridan, Toole and Valley Counties	7.45		0		
PAINTERS:					
Beaverhead, Jefferson (Southern area, south of the City of Boulder), Madison (west of a line running north-south through the west limits of Harrison and Silver Bow Counties					
Brush	7.02	.25	.10		
Spray	9.80	.25	.10		
Big Horn, Carbon, Carter, Custer, Dawson, Fallon, Golden Valley, Musselshell, Powder River, Prairie, Rosebud, Stillwater, Sweetgrass, Treasure, Wheatland (South of the City of Harlowtown), Wibaux and Yellowstone Counties					
Brush	8.13	.49	.20		
Steel	8.38	.49	.20		
Spray	9.11	.49	.20		
Cascade, Chouteau (south of a line running East and West through the Southern limits of Big Sandy), Daniels, Fergus, Glacier (excluding Glacier National Park), Garfield, Judith-Basin, Lewis and Clark, (Northern portion from a line running East and West through the northern limits of Craig), McCone, Phillips, Pondera, Petroleum, Richland, Roosevelt, Sheridan, Teton, Toole, Valley					

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
and Wheatland (northern area from a line running East and West thru the southern limits of Harlowtown) Counties					
Painters, brush, preparatory work; Pot tender; Rollers not over 9" for wire mesh, Louvers, Peg boards behind radiators and parforated tile only; Parking lot stripping and related work	$7.79	.49	.30		1/2%
Rollers up to 9" long and brush cutting in ahead or roller	7.79	.49	.30		1/2%
Brush on steel; Paperhanger	8.29	.49	.30		1/2%
Water and Sandblasting; Application of cold tar products (including epoxies, polyurethanes and acid resistant paints; Spraying and airless spray	10.04	.49	.30		1/2%
Roller over 9" long	11.39	.49	.30		1/2%
Broadwater, Gallatin, Jefferson, (Northern area from a line running East and West five miles south of the Southern City limits of Boulder), Lewis and Clark (Southern portion from a line running East and West through the southern limits of Craig), Madison (East of the West City limits of Harrison), Meagher, Park, Powell (Northern area from a line running East and West through the Southern City limits of Helmsville)					
Brush	7.69	.25	.20		.03
Spray; Steel brush	8.69	.25	.20		.03
Structural steel brush	9.19	.25	.20		.03
Steel spray	9.69	.25	.20		.03
Structural steel sprzy	10.19	.25	.20		.03

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Blaine, Hill, Liberty, and Chouteau (north of the Southern limits of the City of Big Sandy) Counties	$6.76				
Flathead, Granite (Northern area north limits of Phillipsburg), Lake (Southern area including City of Ronan), Lincoln, Mineral, Missoula, Powell (northern area through south limits of Helmsville), Ravalli and Sanders Counties	8.60	.34	.30		4%
PLASTERERS:					
Big Horn, Carbon, Golden Valley, Stillwater, Treasure, Wheatland, and Yellowstone Counties	7.38	.40			
Carter, Custer, Dawson, Fallon, Powder River, Prairie, Richland, Rosebud and Wibaux Counties	7.50	.50	.25		
Gallatin, Park and Sweetgrass Counties	6.50	.35	.25		
Granite, Lake (Southern area, including the City of Pablo), Mineral, Missoula, Powell (Northern area including the City of Helmsville), Ravalli and Sanders (south portion, including the City of Paradise) Counties	7.85	.40	.25		
Beaverhead, Deer Lodge, Jefferson (Southern area, including the Town of Wickes), Madison, Powell (South of a line running E-W north of the Town of Deer Lodge) and Silver Bow Counties	8.95	.50	.25		
Flathead, Glacier, Lake (Northern area, including the City of Ronan), Lincoln and Sanders (north of the City of Plains) Counties	6.45	.20			

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS:					
Flathead, Lake, Lincoln, Mineral, Missoula and Sanders Counties	$9.68	.35	.55		.05
Blaine, Cascade, Chouteau, Fergus, Glacier, Hill, Judith-Basin, Liberty, McCone, Meagher, Phillips, Pondera, Roosevelt, Teton, Toole and Valley Cos.	10.60	.50	.85		1%
Beaverhead, Broadwater, Deer Lodge, Gallatin, Granite, Jefferson, Lewis and Clark, Madison, Park, Powell, Silver Bow and Sweetgrass Counties	10.65	.50	.65		.10
Big Horn, Carbon, Carter, Custer, Daniels, Dawson, Fallon, Garfield, Golden Valley, Musselshell, Petroleum, Powder River, Prairie, Richland, Rosebud, Sheridan, Stillwater, Treasure, Wheatland, Wibaux and Yellowstone Counties	10.00	.40	.80		.10
ROOFERS:					
Big Horn, Carbon, Carter, Custer, Dawson, Fallon, Golden Valley, Musselshell, Powder River, Prairie, Richland, Rosebud, Stillwater, Treasure, Wibaux and Yellowstone Counties	7.29		.25		
Blaine, Cascade, Chouteau, Daniels, Fergus, Garfield, Glacier, Hill, Judith-Basin, Liberty, Lewis and Clark, McCone, Petroleum, Phillips, Pondera, Roosevelt, Sheridan, Teton, Toole and Valley Counties	7.85				
Beaverhead, Deer Lodge, Jefferson, Madison, Powell and Silver Bow Counties	6.91	.47	.35	.75	
Flathead, Granite, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties	7.60				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS: (Cont'd) Broadwater, Gallatin, Meagher, Park, Sweetgrass and Wheatland Counties	$7.65	.47			
SHEET METAL WORKERS: Broadwater, Jefferson (including North half of the City of Boulder), Lewis and Clark and Meagher Counties	9.81	.52	.25		.10
Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties	9.38	.37	.20		.07
Big Horn, Carbon, Carter, Custer, Daniels, Dawson, Fallon, Fergus, Gallatin, Garfield, Golden Valley, McCone, Musselshell, Petroleum, Phillips, Powder River, Park, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Stillwater, Sweetgrass, Valley, Wheatland, Wibaux, Treasure and Yellowstone Counties	8.91	.37	3%+.25		.02
Blaine, Cascade, Chouteau, Glacier, Hill, Judith-Basin, Liberty, Pondera, Teton and Toole Counties	9.56	.62	.25		.07
Beaverhead, Deer Lodge, Granite, Jefferson (S½), Madison, Powell, and Silver Bow Counties	8.40	.37	.40	.75	.02
SPRINKLER FITTERS	9.82	.60	.90		.08
TERRAZZO WORKERS & TILE SETTERS: Broadwater, Lewis and Clark, Meagher and Jefferson (Northern area north of Boulder Hill) Cos.	8.15	.30			
Big Horn, Carbon, Carter, Custer, Dawson, Fallon, McCone, Powder River, Prairie, Richland, Rosebud, Sweetgrass, Stillwater, Treasure, Wibaux and Yellowstone Cos.	8.80		.25		.02
Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli, and Sanders Counties	8.50	.40	.25		
Gallatin and Park Counties	7.75				
Cascade, Chouteau, Galcier, Pondera and Teton Counties	7.65	.50	.55		

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FOOTNOTE:
a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. -Six Paid Holidays: A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

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LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Beaverhead, Deer Lodge, Jefferson, Madison, Powell (excluding SE portion) and Silver Bow Counties					
Group 1	$6.19	.47	.37	.75	.03
Group 2	6.26	.47	.37	.75	.03
Group 3	6.27	.47	.37	.75	.03
Group 4	6.28	.47	.37	.75	.03
Group 5	6.29	.47	.37	.75	.03
Group 6	6.31	.47	.37	.75	.03
Group 7	6.35	.47	.37	.75	.03
Group 8	6.36	.47	.37	.75	.03
Group 9	6.37	.47	.37	.75	.03
Group 10	6.41	.47	.37	.75	.03
Group 11	6.44	.47	.37	.75	.03
Group 12	6.46	.47	.37	.75	.03
Group 13	6.47	.47	.37	.75	.03
Group 14	6.54	.47	.37	.75	.03
Group 15	6.57	.47	.37	.75	.03
Group 16	6.59	.47	.37	.75	.03
Group 17	6.69	.47	.37	.75	.03
Group 18	6.79	.47	.37	.75	.03
Group 19	6.44	.47	.37	.75	.03
Group 20	6.43	.47	.37	.75	.03
Group 21	6.31	.47	.37	.75	.03
Broadwater (Northern area), Lewis and Clark, Meagher, Powell (that portion lying east of a N-S line at the west edge of the Town of Elliston) Counties					
Group 1	5.20	.37	.27	.10	.03
Group 2	5.355	.37	.27	.10	.03
Group 3	5.455	.37	.27	.10	.03
Group 4	5.55	.37	.27	.10	.03

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LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Brosdwater (Southern portion including the City of Tosten), Gallatin, Park, Sweetgrass and Whestland Counties					
Group 1	$6.01	.47	.37		.03
Group 2	6.26	.47	.37		.03
Flathead, Glacier National Park, Lincoln and that area of Lake and Sanders Counties lying 5 miles north of the 5th Parallel					
Group 1	6.88	.47	.37		.03
Group 2	7.05	.47	.37		.03
Group 3	7.22	.47	.37		.03
Carter, Custer, Dawson, Fallon, Powder River, Prairie and Wibaux Counties					
Group 1	6.54	.47	.37		.03
Group 2	6.76	.47	.37		.03
Group 3	6.94	.47	.37		.03
Big Horn, Carbon, Golden Valley, Musselshell, Rosebud, Stillwater, Treasure and Yellowstone Counties					
Group 1	6.69	.47	.37		.03
Group 2	6.91	.47	.37		.03
Group 3	6.94	.47	.37		.03
Granite, Lake (Southern area), Mineral, Missoula, Ravalli and Sanders (Southern area) Counties					
Group 1	6.835	.47	.37		.03
Group 2	7.085	.47	.37		.03
Group 3	7.235	.47	.37		.03

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LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Cascade, Chouteau, Fergus, Glacier (Excluding Glacier National Park), Judith Basin, Pondera, Teton and Toole Counties					
Group 1	$6.94	.47	.37		.03
Group 2	7.19	.47	.37		.03
Group 3	7.29	.47	.37		.03
Group 4	7.34	.47	.37		.03
Group 5	7.44	.47	.37		.03
Group 6	7.69	.47	.37		.03
Group 7	7.54	.47	.37		.03
Blaine, Daniels, Garfield, Hill, Liberty, McCone, Petroleum, Phillips, Richland, Roosevelt, Sheridan and Valley Counties					
Group 1	5.97	.425	.315		.03
Group 2	6.07	.425	.315		.03
Group 3	6.22	.425	.315		.03
Group 4	6.37	.425	.315		.03
Group 5	6.47	.425	.315		.03
Group 6	6.72	.425	.315		.03

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LABORERS

Beaverhead, Deer Lodge, Jefferson, Madison, Powell (excluding SE portion) and Silver Bow Counties

Group 1: General Laborer; Axeman; Carpenter Tender; Car and Truck Loaders, Scissorman; Chuck Tender and Nipper (above ground); Cosmolene, applying and removing; Fence Erector and Installer including the installation and erection of fences, guard rails, median rails, reference posts, guide posts and right-of-way markers); Form Stripper; Form Setter; Landscape Laborer; Nozzleman - air and water, gunnite and place machine; Pilot Car; Riprap Helper; Scale-man; Sod Cutter (hand operated) (General Laborer); Stake Jumper for equip-ment; Tool Checker, Toolhouseman

Group 2: Riprapper; Sandblaster; Sandblaster Tailhouseman; Pot Tender

Group 3: Hand Faller

Group 4: Post Hole Digger (power Auger)

Group 5: Concrete or asphalt saws; Tar Pot Operator

Group 6: Powderman Helper

Group 7: Caisson Workers (free air); Choker Setter; Spike Driver, single or dual or hand

Group 8: Drills, Air-tract, self-propelled car or truck mount air operated drills; Jackhammer, Pavement Breaker, Wagon Driller, Mechanical Tamper, Vibrating Roller hand steered and other power tools; Pipe Wrapper, Power Saw (bucking)

Group 9: Asphalt Raker; Dumpman (grademan)

Group 10: High Pressure Machine Nozzleman

Group 11: Pipelayer (all types); Cutting Torch Operator

Group 12: Powderman

Group 13: Grade Setter

Group 14: High Scaler

Group 15: Dumpman (spotter)

Group 16: Power Saw (falling)

Group 17: Rigger

Group 18: Core Drill Operator

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LABORERS (Cont'd)

Beaverhead, Deer Lodge, Jefferson, Madison, Powell (excluding SE portion) and Silver Bow Counties

Group 19: Concrete Worker, wet or dry; Tending Masons when pouring and finishing concrete

Group 20: Vibrator Operator; Tending Stonesetters, Marble Setters, Tile Setters, Skagiola and Terrazzo Workers; Tending brick masons or brick or stone-work; Tending Plasterers or stuccoing or plastering; (This does not include rubbing down of foundation or concrete walls), Surekete, Stonehard and Rubberslate; Concrete Conveyor Swinger Operator

Group 21: Power Driven Concrete Buggies

LABORERS

Broadwater (Northern area), Lewis & Clark, Meagher, Powell (that portion lying east of a N-S line at the west edge of the Town of Elliston) Counties

Group 1: General laborer; Car and truck loader; Concrete handler; Form stripper; Fence erector and installer

Group 2: Concrete buggy; Vibrator; Jackhammer; Wagon driller; Barco tamper; Pavement breaker; Powderman helper

Group 3: All power tools; Rodder and spreader; Non-metallic pipe layers; Pipe wrappers; Sandblasters; Pot tenders; Curb form setter; Concrete tenders

Group 4: Mortar mixer; Powderman

Broadwater (Southern portion incl. the City of Toston), Gallatin, Park, Sweetgrass and Wheatland Counties

Group 1: Common laborers

Group 2: Semi-skilled; Hod carriers; Jackhammer operator; Vibrator; Mixer operator; Concrete pump tender; Nozzleman; Concrete machiner; Curb form setter

Flathead, Glacier National Park, Lincoln, and that area of Lake and Sanders Counties lying 5 miles north of the 5th Parallel

Group 1: General laborers; scaleman; form strippers; car and truck loaders

Group 2: Concrete handlers, conveying and handling concrete, Nozzlemen (air or water); Sand blast tail hose man; Powderman helper; Power driven wheelbarrow; Rodder and Spreader; Form setters (paving); Bucketman; Small air tool operators, including blow pipes and small power tool operators; Chuck tenders; Asphalt rakers, Dumpman; Rip rapping; Pipe wrapper; Pot tender; Concrete pumper hoseman; Jackhammer; Pavement breaker; Vibrator; mechanical tamper and other air tools; Cement handlers (sack or bulk); Burning bar

Group 3: Pipe layers (non-metallic); Metal culvert pipe layers; Mason and Plaster tenders; Cement finisher tender; Small concrete mixer operator; Shoring and legging open ditches; Powderman; Drills, Air-Trac, wagon drill, cat or truck mounted air operated drills, Sand Blaster (wet or dry); gunite nozzleman; barco tamper

LABORERS (Cont'd)

Carter, Custer, Dawson, Fallon, Powder River, Prairie and Wibaux Counties

Group 1: General laborers

Group 2: Jackhammer operator; Mechanical tampers; Pipelayers (all types); Pavement breakers; Pneumatic and electric tools operator; Pipewrappers

Group 3: Mason and plasterer's tenders

Big Horn, Carbon, Golden Valley, Musselshell, Rosebud, Stillwater, Treasure and Yellowstone Counties

Group 1: General laborers; Concrete laborers; Chuck tenders and nippers

Group 2: Cement handler (sack or bulk); Jackhammer operator; Morterman; Pipelayer (all types); Pipewrapper; Primerbouseman

Group 3: Mason and plasterer's tenders

Granite, Lake (Southern area), Mineral, Missoula, Ravalli and Sanders (Southern area) Counties

Group 1: Laborers

Group 2: All power tools, creosote workers; Jackhammer; Marble and tile setters' tenders; Pipelayers; Pipewrappers; Pot tenders; Small concrete mixers; Vibrators

Group 3: Cement masons and plasterer's tenders; Mason tenders; Pumpcrete, gunnite and plasterer pump

LABORERS

Cascade, Chouteau, Fergus, Glacier (excluding Glacier National Park), Judith Basin, Pondera, Teton and Toole Counties

Group 1: General and Building Laborers' and Scale Men; Concrete Laborers (wet or dry breaking of concrete requiring sledge hammer); Dumpman (spotter) and Flagman; Fence Erectors and Installers, including the installation and erection of fences, guardrails, median rails, reference posts, guide posts and right-of-way markers; Vibrators, under 1-1/2" in diameter; Small Air Tools such as Chippers, Clay Spades, etc.; Stake Setters; Stake Jumper, Rodder and Spreader, Form Stripper; Caisson Workers (Free Air); Vibrator 1-1/2" to 2-1/2" in diameter

Group 2: Concrete or Asphalt Saws, Creosote Material Handler; Curb Machine Form Setter (Slab Steel Forms); Diamond Drills up through 3 inches in diameter; Jackhammer, Pavement Breaker, Wagon Driller, Cat or Truck Mounted Air Operated Drills, and other Air Tools; Diesel Tamper, Wacker, Jay, Turtle, Pogo Sticks, etc., Mechanical Tampers; Nozzlemen, Air and Water, Gunite and Placo, Machine (Grout); Pipe Layer (all types); Power Saw (bucking and falling); Power Driven Wheelbarrow; Chuck Tenders, Huckers and Nippers, Primeman

Group 3: Sand Blaster

Group 4: Vibrators, 2-1/2" to 4" in diameter; Brick Tenders; Dumpmen (Grade); Small Concrete Mixers

Group 5: Diamond Drills up through 6 inches in diameter; Hod Carriers and Plaster Tenders (1 - one mixerman per crew); Asphalt Raker and Tamper; High Scaler; Powderman Helper; Concrete Nozzleman; Miners; Barco Tamper; Air-Trac

Group 6: Diamond Drill, over 6 inches in diameter; Self-Propelled Drills, with the exception of size differential, such as Mustang Drills or Twin Stack Drills; Core Drill Operator; Laser Equipment and Tools, excluding Transit; Powderman

Group 7: Concrete Vibrator, 4" and over

LABORERS

Blaine, Daniels, Garfield, Hill, Liberty, McCone, Petroleum, Phillips, Richland, Roosevelt, Sheridan, and Valley Counties

Group 1: General and Building Laborers' and Scale Men; Form Stripper and Carpenter Tender; Car and Truck Loaders; Concrete Laborers (wet or dry breaking of concrete requiring sledge hammer); Dumpmen (Spotter and Flagman); Small Power Tools, Chippers, Clay Spaders, Pogo Stick, etc.; Fence Erectors and Installers, installation and erection of fences, guard rails, median rails, reference posts, guide posts, and right-of-way markers

Group 2: Dumpmen (Grade)

Group 3: Power Driven Concrete Buggies or Power Driven Wheelbarrows; Pipe Layers (non-metallic); Sandblaster, Concrete Nozzleman, Place Operator, Jackhammer, Pavement Breaker, Vibrator (2½ inches and over) Barco Tamper, Vibrator Turtle; Small Concrete Mixers, Concrete Saw; Nozzleman (air and water); Sandblaster, Tailhoseman, Pot Tender, Tar Pot Tender; Gunite Nozzleman; Caisson Workers (Free Air); Tunnels and Shafts (Free Air); Bull Gang, Pot Tender; Chuck Tender, Huckers and Nippers, Primerhouseman

Group 4: Brick Tenders (handling bricks and blocks only)

Group 5: Hod Carriers and Plaster Tenders (men carrying motor either by hod, pail or barrow); High Scaler, Wagon Driller, Cat or Truck mounted Air Operated Drills; Asphalt Rakers and Tampers, Gunite, Form-Setter (slab steel forms); Stake Setter, Stake Jumper, Rodder and Spreader, Grademan; Concrete Nozzleman; Miners

Group 6: Powdermen; Lazer Tools and Equipment

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POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Flathead, Lake, Lincoln, Mineral, Missoula, North ½ of Powell, Ravalli and Sanders Counties					
A-Frame Truck Crane, Winch Truck and similar	$8.30	.50	.45	.15	.03
Air Compressor, single	8.19	.50	.45	.15	.03
Air Compressor, two or more	8.36	.50	.45	.15	.03
Air Doctor	8.66	.50	.45	.15	.03
Asphalt Paving Machine	8.66	.50	.45	.15	.03
Asphalt Paving Machine Screed	8.66	.50	.45	.15	.03
Automatic Finegrader, Gurries and other similar types	8.79	.50	.45	.15	.03
Belt Finish Machine	8.36	.50	.45	.15	.03
Bit Grinder	8.66	.50	.45	.15	.03
Bituminous Mixer Paving, Travel Plant	8.66	.50	.45	.15	.03
Boring Machine (small), jeep, pickup or farm tractor mounted	8.25	.50	.45	.15	.03
Boring Machine (large)	8.66	.50	.45	.15	.03
Broom, self-propelled	8.33	.50	.45	.15	.03
Cableway Highline	9.17	.50	.45	.15	.03
Cement Silo	8.45	.50	.45	.15	.03
Central Mixing Plants, Concrete dam and stationary	8.91	.50	.45	.15	.03
Chain Bucket Loader	8.38	.50	.45	.15	.03
Chip or Gravel Spreader, self-propelled	8.38	.50	.45	.15	.03
Concrete Batch Plant, one and two mixers	8.66	.50	.45	.15	.03
Concrete Batch Plant, three and four mixers	8.86	.50	.45	.15	.03
Concrete Batch Plant, five mixers and over	9.06	.50	.45	.15	.03
Concrete Batch Plant Oiler, up to and including two mixers	8.18	.50	.45	.15	.03
Concrete Batch Plant Oiler, three mixers and over	8.49	.50	.45	.15	.03
Concrete Bucket Dispatcher	8.66	.50	.45	.15	.03
Concrete Curing Machine	8.66	.50	.45	.15	.03
Concrete Finish Machine Paving	8.66	.50	.45	.15	.03
Concrete Float-Spreader	8.66	.50	.45	.15	.03
Concrete Mixer, three bags and under	8.25	.50	.45	.15	.03
Concrete Mixer, four bags and over	8.42	.50	.45	.15	.03

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POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Concrete Power Saw, self-propelled	$8.66	.50	.45	.15	.03
Concrete Travel Batcher	8.66	.50	.45	.15	.03
Conveyor Loader, up to and incl. 42" belt	8.24	.50	.45	.15	.03
Conveyor Loader, over 42 inch belt	8.36	.50	.45	.15	.03
Crane, to and including 80' boom with jib	8.82	.50	.45	.15	.03
Crane, 81' to 130' boom	8.97	.50	.45	.15	.03
Crane, 131' to 150' boom	9.02	.50	.45	.15	.03
Crane, 151' boom and over	9.07	.50	.45	.15	.03
Crane Oiler	8.23	.50	.45	.15	.03
Crusher	8.66	.50	.45	.15	.03
Crusher Oiler and Helper	8.15	.50	.45	.15	.03
Crusher Conveyor, when required	8.12	.50	.45	.15	.03
Distributor	8.66	.50	.45	.15	.03
DW 10, 15, or 20 Tractor pulling roller	8.38	.50	.45	.15	.03
Electric Overhead Cranes	8.84	.50	.45	.15	.03
Elevating Grader	8.66	.50	.45	.15	.03
Farm Type Tractor, up to and including 50 HP Engine	8.12	.50	.45	.15	.03
Farm Type Tractor, over 50 HP Engine	8.20	.50	.45	.15	.03
Field Equipment Serviceman	8.58	.50	.45	.15	.03
Field Equipment Serviceman Helper	8.15	.50	.45	.15	.03
Fireman	8.25	.50	.45	.15	.03
Forklift, on construction job site	8.47	.50	.45	.15	.03
Form Grader	8.43	.50	.45	.15	.03
Gradall	8.66	.50	.45	.15	.03
Grade Setter	8.12	.50	.45	.15	.03
Heavy Duty Drill, all types	8.66	.50	.45	.15	.03
Heavy Duty Driller Helper	8.25	.50	.45	.15	.03
Herman-Nelson Heaters and similar type	8.20	.50	.45	.15	.03
Hoist, single drum	8.43	.50	.45	.15	.03
Hoist, two or more drums	8.66	.50	.45	.15	.03
Helicopter Hoist	9.16	.50	.45	.15	.03
Hot Plant	8.66	.50	.45	.15	.03
Hot Plant Fireman, when in Operation	8.66	.50	.45	.15	.03

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POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Hot Plant Oiler, 100 ton per hour or over	$8.15	.50	.45	.15	.03
Hydra lift and similar types	8.56	.50	.45	.15	.03
Industrial Locomotive all classes	8.66	.50	.45	.15	.03
Mechanic and/or Welder on job	8.76	.50	.45	.15	.03
Mechanic and/or Welder Helper on job	8.15	.50	.45	.15	.03
Mixermobile	8.74	.50	.45	.15	.03
Motor Patrol	8.79	.50	.45	.15	.03
Mountain Logger or similar type	8.66	.50	.45	.15	.03
Mucking Machine	8.66	.50	.45	.15	.03
Oiler-Driver, Rubber Tired Cranes	8.23	.50	.45	.15	.03
Oilers, other than shovels and cranes	8.15	.50	.45	.15	.03
Oiler, hoist house, dams	8.56	.50	.45	.15	.03
Pavement Breaker, Ensco and similar	8.66	.50	.45	.15	.03
Paving and Mixing Machine	8.79	.50	.45	.15	.03
Power Auger, Large Truck or Tractor mounted	8.66	.50	.45	.15	.03
Power Mixer, single or double drum	8.66	.50	.45	.15	.03
Power Saw, multiple cut, self-propelled	8.66	.50	.45	.15	.03
Pumpcrete or Grout Machine	8.66	.50	.45	.15	.03
Pumpman	8.19	.50	.45	.15	.03
Push Tractor	8.66	.50	.45	.15	.03
Quad Cat	8.96	.50	.45	.15	.03
Quad Loader and similar types	9.18	.50	.45	.15	.03
Radiator Repairman	8.67	.50	.45	.15	.03
Refrigeration Plant	8.66	.50	.45	.15	.03
Retort	8.25	.50	.45	.15	.03
Roller, on blade or hot mix oil paving	8.66	.50	.45	.15	.03
Roller, on other blade or hot mix paving	8.36	.50	.45	.15	.03
Roller, 25 ton or over	8.66	.50	.45	.15	.03
Ross and similar type carriers, on construction site	8.66	.50	.45	.15	.03
Rubber-tired Dozer	8.66	.50	.45	.15	.03
Rubber-tired Front End Loader, 1 yd. and under	8.37	.50	.45	.15	.03
Rubber-tired Front End Loader, 1 yd. to and including 3 yds.	8.66	.50	.45	.15	.03
Rubber-tired Front End Loader, over 3 yds. to and including 5 yds.	8.78	.50	.45	.15	.03

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POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Rubber-tired Front End Loader, over 5 yds. to and including 10 yds.	$8.88	.50	.45	.15	.03
Rubber-tired Front End Loader, over 10 yds. to and including 15 yds.	8.98	.50	.45	.15	.03
Rubber-tired Front End Loader, over 15 yds.	9.08	.50	.45	.15	.03
Scraper, DW 15, 20, 21 and similar type if power unit is not used	8.66	.50	.45	.15	.03
Scraper, single or twin engine pulling belly dump trailer	9.04	.50	.45	.15	.03
Scraper, single engine	8.79	.50	.45	.15	.03
Scraper, twin-engine	8.89	.50	.45	.15	.03
Scraper, tandem or 3 engined	9.15	.50	.45	.15	.03
Self-propelled Sheepfoot and similar type	8.66	.50	.45	.15	.03
Shovels, including all attachments, under 1 cu.yd.	8.66	.50	.45	.15	.03
Shovels, including all attachments, 1 cu. yd. to and incl. 3 cu. yds.	8.84	.50	.45	.15	.03
Shovels, including all attachments, over 3 cu. yds. to and incl. 5 cu yds.	9.11	.50	.45	.15	.03
Shovels, including all attachments over 5 cu. yds.	9.24	.50	.45	.15	.03
Shovel Oiler, 3 yds. and under	8.15	.50	.45	.15	.03
Shovel Oiler, over 3 cu. yds.	8.56	.50	.45	.15	.03
Slip Form Paver	8.79	.50	.45	.15	.03
Stiff Leg Derrick and Guy Derrick	9.11	.50	.45	.15	.03
Track-type Front End Loaders, up to and including 5 cu. yds.	8.66	.50	.45	.15	.03
Track-type Front End Loaders, over 5 cu. yds. to and incl. 10 cu. yds.	8.89	.50	.45	.15	.03
Track-type Front End Loaders, over 10 cu. yds. to and incl. 15 cu. yds.	8.99	.50	.45	.15	.03
Track-type Front End Loaders, over 15 cu. yds.	9.09	.50	.45	.15	.03
Track-type Tractor with or without attachments	8.66	.50	.45	.15	.03
Track-type Tractor, on Euclid Loader	8.84	.50	.45	.15	.03
Trenching Machine	8.66	.50	.45	.15	.03
Turnhead Conveyor, or Head Tower on Batch Plant	8.66	.50	.45	.15	.03

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POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Wagner Roller and similar type	$8.66	.50	.45	.15	.03
Whirley Crane	9.19	.50	.45	.15	.03
Whirley Crane Oiler	8.55	.50	.45	.15	.03
Water Pull when used for compaction	8.66	.50	.45	.15	.03
Washing and Screening Plant	8.68	.50	.45	.15	.03
Washing and Screening Plant Oiler	8.15	.50	.45	.15	.03
Yo-Yo Cat, both ends	8.86	.50	.45	.15	.03

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REMAINING COUNTIES

POWER EQUIPMENT OPERATORS

Group 1: A-Frame Truck Crane; Winch Truck and similar

Group 2: Air Compressor Operator, 2 or more; Belt Finishing Machine Operator; Conveyor Loader Operator up to and over 42 inch belt; Mechanic (Dec. 1 to April 1); Roller (on other than hot mix oil paving)

Group 3: Air Doctor; Asphalt Paving Machine Operator; Asphalt Paving Machine Screed Operator; Bit Grinder; Bituminous Mixer Paving; Travel Plant; Boring Machine Operator (large); Concrete Batch Plant Operator (1 and 2 mixers); Concrete Bucket Dispatcher; Concrete Curing Machine; Concrete Finish Machine Paving; Concrete Float Operator and Spreader; Concrete Power Saw (self-propelled); Concrete Travel Batcher; Crusher Operator; Distributor Operator; Elevating Grader; Gradall Operator; Heavy DutyDrills (all types); Hoist Operator (2 or more drums); Hot Plant Fireman (when operation); Industrial Locomotives (all types); Mountain Logger or similar type; Mucking Machine Operator; Pavement Breaker (Emsco and similar); Power Auger large Truck or Tractor, mounted and pumps; Power Mixer, Single or double drum; Power Saw, self-propelled,(multiple cut); Pumpcrete or Grout Machine Operator; Push Tractor; Refrigerator Plant Operator; Roller on Blade or Hot Mix Oil Paving Roller (25 ton or over); Ross and similar type Carriers on construction site; Rubber-tired Dozer; Rubber-tired Front End Loader (over 1 cu. yd. to and including 3 cu. yds.); Scraper, DW 15, 20, 21 and similar type if power unit is not used; Self-propelled Sheeps Foot and similar type shovels including all attachments under 1 cu. yd.; Track type Tractor with or without attachments

Group 4: Automatic Finegrader; Gurries and other similar types; Motor Patrol Operator; Paving and Mixing Machine Operator; Scraper, single engine; Slip Form Paver Operator

Group 5: Boring Machine Operator; Jeep; Pickup or Farm Tractor mounted; Concrete Mixer Operator (3 bags and under); Fireman; Heavy Duty Drills Retort Operator

Group 6: Boom Operator (self-propelled)

Group 7: Cableway Highline Operator

Group 8: Cement Silo Operator

Group 9: Central Mixing Plants; Concrete Dams and Stationary

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POWER EQUIPMENT OPERATORS (Cont'd)

Group 43: Scraper, single or twin engine; pulling Belly Dump Trailer

Group 44: Scraper (twin engine); Track-type Front-end Loaders, over 5 cu. yds. to and including 10 cu. yds.

Group 45: Stiff-leg Derrick and Guy Derrick Operator; Shovels, including all attachments, over 3 uo. yds. to and including 5 cu. yds.

Group 46: Track-type Front-end Loaders, over 15 cu. yds.

Group 47: Scraper, Tandem or 3 engined

Group 48: Yo-Yo Cat, both ends

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POWER EQUIPMENT OPERATORS (Cont'd)

Group 10: Chain Bucket Loader; Chip Gravel Spreader (self-propelled); DW-10, 15, 20 Tractor pulling Roller

Group 11: Concrete Batch Plant Operator (3 and 4 mixers)

Group 12: Concrete Batch Plant Operator (5 mixers and over)

Group 13: Concrete Batch Plant Oiler, Assistant to Engineer (up to and including 2 mixers)

Group 14: Concrete Batch Plant Oiler, Assistant to Engineer (3 mixers and over)

Group 15: Concrete Conveyor, under 40 ft.; Conveyor Loader Operator Operator up to and including 42 inch Belt

Group 16: Concrete Conveyor, over 40 ft.; Concrete Pump; Track-type Front-end Loaders, over 10 cu. yds. to and including 15 cu. yds.

Group 17: Concrete Mixer Operator, 4 bags and over

Group 18: Crane Operator, to and including 80 ft. boom

Group 19: Crane Operator, 81 ft. to 130 ft. boom

Group 20: Crane Operator, 131 ft. to 150 ft. boom

Group 21: Crane Operator, 151 ft. boom and over

Group 22: Crane Oiler, Assistant to Engineer; Cranes with jibs additional $.15 per hour

Group 23: Crusher Oiler and Helper; Assistant to Engineer; Feld Equipment Service Serviceman Helper; Hot Plant Oiler, assistant to engineer (100 ton per hour or over); Mechanic and/or Welder Helper on job; Oilers (other than Shovels and

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POWER EQUIPMENT OPERATORS (Cont'd)

Group 24: Hydrolift and similar types, Oiler, Hoist House, Dams, Assistant to engineer; Shovel Oiler, assistant to engineers over 3 cu. yds.; Whirley Crane Oiler, assistant to engineer

Group 25: Crusher Conveyor Operator, when required; Farm type Tractor, up to and including 50 H.P. engine; Grade Setter

Group 26: Electric Overhead Cranes; Shovels, including all attachments 1 cu. yd. to and including 5 cu. yds.; Track-type Tractor, on Euclid Loader

Group 27: Farm type Tractor, up to and including over 50 H.P. engine; Harman Nelson Heater and similar types

Group 28: Field Equipment Serviceman

Group 29: Forklift, on construction site

Group 30: Form Grader Operator; Hoist Operator (single drum)

Group 31: Helicopter Hoist Operator

Group 32: Mechanic and/or Welder on job

Group 33: Mechanic Helper, Shop (Dec. 1 to April 1); Radiator Repairman

Group 34: Mixermobile

Group 35: Paving and Mixing Machine Operator

Group 36: Quad Cat

Group 37: Quad Loader and similar type; Raygo Gaint; Shovels, including all attachments over 5 cu. yds.

Group 38: Rubber-tired Front End Loader, 1 cu. yd and under

Group 39: Rubber-tired Front End Loader, 3 cu. yds. to and including 5 cu. yds.

Group 40: Rubber-tired Front End Loadar, 5 cu. yds. to and including 10 cu. yds.

Group 41: Rubber-tired Front End Loader, 10 cu. yds. to and including 15 cu. yds.

Group 42: Rubber-tired Front End Loader, over 15 cu. yds. (factory rating, not to include sideboards)

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POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$ 9.20	.50	.50	.25	.05
Group 2	9.06	.50	.50	.25	.05
Group 3	9.36	.50	.50	.25	.05
Group 4	9.49	.50	.50	.25	.05
Group 5	8.95	.50	.50	.25	.05
Group 6	9.03	.50	.50	.25	.05
Group 7	9.87	.50	.50	.25	.05
Group 8	9.15	.50	.50	.25	.05
Group 9	9.61	.50	.50	.25	.05
Group 10	9.08	.50	.50	.25	.05
Group 11	9.56	.50	.50	.25	.05
Group 12	9.76	.50	.50	.25	.05
Group 13	8.88	.50	.50	.25	.05
Group 14	9.19	.50	.50	.25	.05
Group 15	8.94	.50	.50	.25	.05
Group 16	9.69	.50	.50	.25	.05
Group 17	9.12	.50	.50	.25	.05
Group 18	9.52	.50	.50	.25	.05
Group 19	9.67	.50	.50	.25	.05
Group 20	9.72	.50	.50	.25	.05
Group 21	9.77	.50	.50	.25	.05
Group 22	8.93	.50	.50	.25	.05
Group 23	8.85	.50	.50	.25	.05
Group 24	9.26	.50	.50	.25	.05
Group	8.82	.50	.50	.25	.05
Group 26	9.54	.50	.50	.25	.05
Group 27	8.90	.50	.50	.25	.05
Group 28	9.28	.50	.50	.25	.05
Group 29	9.17	.50	.50	.25	.05
Group 30	9.13	.50	.50	.25	.05
Group 31	9.86	.50	.50	.25	.05
Group 32	9.46	.50	.50	.25	.05
Group 33	9.44	.50	.50	.25	.05
Group 34	9.49	.50	.50	.25	.05
Group 35	9.66	.50	.50	.25	.05
Group 36	9.94	.50	.50	.25	.05
Group 37	8.52	.50	.50	.25	.05
Group 38	9.07	.50	.50	.25	.05
Group 39	9.48	.50	.50	.25	.05
Group 40	9.58	.50	.50	.25	.05
Group 41	9.68	.50	.50	.25	.05
Group 42	9.78	.50	.50	.25	.05

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POWER-EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 43	$ 9.74	.50	.50	.25	.05
Group 44	9.39	.50	.50	.25	.05
Group 45	9.81	.50	.50	.25	.05
Group 46	9.79	.50	.50	.25	.05
Group 47	9.85	.50	.50	.25	.05
Group 48	8.91	.50	.50	.25	.05

DECISION NO. MT76-5071

TRUCK DRIVERS Statewide (except Gallatin, Park, Sweetgrass, Broadwater, (south of U.S. Highway #12) Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
COMBINATION TRUCK; Concrete Mixer and Transit Mixers:					
To and including 4 cu. yds.	$8.26	.55	.45		
Over 4 cu. yds. to and including 6 cu. yds.	8.34	.55	.45		
Over 6 cu. yds. to and including 8 cu. yds.	8.42	.55	.45		
Over 8 cu. yds. to and including 10 cu. yds.	8.50	.55	.45		
Over 10 cu. yds. - additional $.08 per hour each additional 2 cu. yds. increment					
DISTRIBUTOR DRIVER AND HELPER	8.19	.55	.45		
DRY BATCH TRUCKS:					
3 Batch or under	8.01	.55	.45		
Over 3 Batch to and including 5 Batch	8.14	.55	.45		
Over 5 Batch to and including 10 Batch	8.30	.55	.45		
Over 10 Batch to and including 15 Batch	8.46	.55	.45		
Over 15 Batch - additional $.15 per hour each additional 5 Batch increment					
PICKUP DRIVER, HAULING MATERIALS	8.11	.55	.45		
DUMPMAN, GRAVEL SPREADER BOX; Pilot Car Driver, Teamsters and Helpers	8.01	.55	.45		
Warehousemen, Partsmen, Cardex men, Warehouse Expediter	8.21	.55	.45		
DUMP TRUCKS and SIMILAR EQUIPMENT WATER LEVEL CAPACITY, INCLUDING SIDEBOARDS					
7 cu. yds. or less	8.01	.55	.45		
Over 7 cu. yds. to and including 10 cu. yds.	8.14	.55	.45		
Over 10 cu. yds. to and including 15 cu. yds.	8.30	.55	.45		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS: (Cont'd)					
Over 15 cu. yds. to and including 20 cu. yds.	$8.44	.55	.45		
Over 20 cu. yds. to and including 25 cu. yds.	8.50	.55	.45		
Over 25 cu. yds. to and including 30 cu. yds.	8.56	.55	.45		
Over 30 cu. yds. to and including 35 cu. yds.	8.62	.55	.45		
Over 35 cu. yds. to and including 40 cu. yds.	8.68	.55	.45		
Over 45 cu. yds. - additional $.06 per hour each additional 5 cu. yds. increment					
DUMPSTERS	8.14	.55	.45		
DW 20, DW 21, or Euclid Tractors, Pulling P.R. 21 or similar Dump Wagons:					
To and including 25 cu. yds.	8.50	.55	.45		
Over 25 cu. yds. to and including 30 cu. yds.	8.56	.55	.45		
Over 30 cu. yds. - additional $.06 per hour each additional 5 cu. yds. increment					
SERVICEMEN	8.75	.55	.45		
POWDER TRUCK DRIVER (bulk unloader type)	8.19	.55	.45		
FLAT TRUCKS:					
To and including 3 tons	8.11	.55	.45		
Over 3 tons Factory rating	8.36	.55	.45		
SERVICE TRUCK DRIVERS; Fuel Truck Driver; Tiremen	8.35	.55	.45		
LOWBOYS, FOUR-WHEEL TRAILER, Float Semi-trailer	8.36	.55	.45		
LUMBER CARRIERS, LIFT TRUCKS	8.26	.55	.45		
POWER BROOM	8.10	.55	.45		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS: (Cont'd)					
WATER TANK DRIVERS, PETROLEUM PRODUCTS DRIVERS;					
2,500 gallons and under	$8.01	.55	.45		
Over 2,500 gallons to and including 4,500 gallons	8.30	.55	.45		
Over 4,500 gallons to and including 6,000 gallons	8.50	.55	.45		
Over 6,000 gallons to and including 8,000 gallons	8.56	.55	.45		
Over 8,000 gallons to and including 10,000 gallons	8.64	.55	.45		
Over 10,000 gallons - additional $.08 per hour each additional 2,000 gallons increment					
TRUCK WITH POWER EQUIPMENT If UNDER TEAMSTERS JURISDICTION, SUCH AS: Winch, A-Frame, Swedish Crane, Hydra-lift, Groutcrete, and Combination mulching, seeding and fertilizing	8.26	.55	.45		
TRUCK MECHANIC	8.75	.55	.45		
Gallatin, Park, Sweetgrass, Broadwater (South U.S. Hwy. #12), Counties					
TRUCK DRIVERS:					
Dump, 7 yds. or less; Pickup, hauling materials; Flat, less than 2 ton; Service and A-Frame trailers	6.08	.50	.30		
House movers	6.12	.50	.30		
Flat, 2 - 3 tons	6.23	.50	.30		
Dump, over 7 yds. to and incl. 10 yds.; Flat, 3 - 8 tons; Semi and four wheel trailers	6.33	.50	.30		
Dumps, over 10 yds. to and incl. 15 yds.	6.49	.50	.30		
Dumps, over 15 yds. to and incl. 20 yds.	6.63	.50	.30		

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DECISION NO. MT76-5071

LINE CONSTRUCTION (Flathead, Lake and Lincoln cos.)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
All construction of "H" fixtures and Steel Tower Transmission Lines with capacity of 69 K.W. volteges and over, switch yard and substation rated at 5000 K.V. A. and all work not covered by Schedule "B".					
SCHEDULE "A"					
Groundman "B"	$5.08	.25	1%		1%
Groundman "A" (experienced)	5.87	.25	1%		1%
Powderman; Jackhammer-Compressorman	6.25	.25	1%		1%
Line Equipment Operator	7.20	.25	1%		1%
Lineman	8.43	.25	1%		1%
Cable Splicer	9.37	.25	1%		1%
SCHEDULE "B" All work for Power Utilities except work covered under Schedule "A" All Highway Lighting and Motor Traffic Controlling.					
Groundman	5.38				
Jackhammer-Compressorman; Powderman	5.71	.25	1%		1%
Line Equipment Operators	6.55	.25	1%		1%
Linemen; Pole Sprayer	7.45	.25	1%		1%
Tree Trimmer	7.74	.25	1%		1%
Cable Splicer	8.38	.25	1%		1%

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LINE CONSTRUCTION (Remaining Counties) (Jobs 69,000 volts or less)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Cable Splicer	$7.73	.35	1%		3/4%
Linemen	6.97	.35	1%		3/4%
Line Equipment Operators; Powdermen	6.85	.35	1%		3/4%
Experienced groundmen (1,000 hrs.) Truck Drivers	5.40	.35	1%		3/4%
Groundmen	4.79	.55	1%		3/4%
(Jobs over 69,000 volts)and/or (projects of $400,000 or over)					
Cable Splicers	7.92	.35	1%		3/4%
Line Equipment Operators; Powdermen	6.90	.35	1%		3/4%
Groundmen	5.69	.35	1%		3/4%

SUPERSEDEAS DECISION

STATE: Montana
DECISION NUMBER: MT76-5072
Supersedes Decision No. MT76-5036 dated April 9, 1976, in 41 FR 15289
DESCRIPTION OF WORK: Heavy and Highway Construction

COUNTIES: Statewide
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS:					
Carpenters	$8.43	.45	.75		.02
Piledrivermen; Sawfilers, Carpenters on charred and creosote wood	8.58	.45	.75		.02
CEMENT MASONS:					
Cement Masons	8.37	.65	.25		
Grinder, Bush hammer and clipping fan preparing finished surface; Epoxy	8.52	.65	.25		
ELECTRICIANS:					
Beaverhead, Deer Lodge, Granite, Jefferson, Madison, Silver Bow and Powell Counties	9.15	.35	1%+.25		1/2%
Gallatin County	9.55	.30	1%		1/2%
Broadwater, Lewis and Clark and Meagher Counties					
Electricians	8.98	.42	1%		1/2%
Blaine, Hill, Liberty and Phillips Counties					
Electricians	9.85		1%		1/2%
Cascade, Chouteau, Glacier, Judith-Basin, Pondera, Teton and Toole Counties					
Electricians	10.13	.425	1%+.50		1/2%
Cable Splicers	10.38	.425	1%+.50		1/2%
Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties					
Electricians	9.68	.42	1%		1/2%
Cable Splicers	10.18	.42	1%		1/2%
Big Horn, Carbon, Golden Valley, Musselshell, Powder River, Rosebud, Stillwater, Treasure, and Yellowstone Counties					
Electricians	10.32	.30	1%+.25		1/2%
Cable Splicers	11.77	.30	1%+.25		1/2%

DECISION NO. MT76-5072

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS: (Cont'd)					
Fergus, Petroleum and Wheatland Counties					
(Electrical contracts less than $20,000)	$6.75	.20	1%		1/2%
(Electrical contracts $20,000 or more)	7.75	.20	1%		1/2%
Park and Sweetgrass Counties	10.07	.30	1%+.50		1/2%
Carter, Daniels, Dawson, Fallon, McCone, Prairie, Richland, Roosevelt, Sheridan, Valley and Wibaux Counties	8.70	.30	1%		1/2%
Custer and Garfield Counties	7.64		1%		1/2%
IRONWORKERS:					
Beaverhead, Broadwater, Deer Lodge, Gallatin, Granite, Jefferson, Lewis and Clark (Southern half including Wolf Creek), Madison, Park, Powell, Ravalli and Silverbow Counties	9.36	.55	.85		.05
Flathead, Glacier, Lake, Lincoln, Mineral, Missoula and Sanders Counties	10.15	.58	1.00		.05
Remaining Counties (including Northern half of Lewis and Clark County)	9.36	.55	.85		.05
PAINTERS:					
Beaverhead, Jefferson (Southern area, south of the City of Boulder), Madison (west of a line running north-south through the west limits of Harrison and Silver Bow Counties					
Brush	7.02	.25	.10		
Spray	9.80	.25	.10		

DECISION NO. MT76-5072

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Big Horn, Carbon, Carter, Custer, Dawson, Fallon, Golden Valley, Musselshell, Powder River, Prairie, Rosebud, Stillwater, Sweet Grass, Treasure, Wheatland (south of the City of Harlowtown), Wibaux and Yellowstone Counties					
Brush	$8.13	.49	.20		
Steel	8.38	.49	.20		
Spray	9.36	.49	.20		
Cascade, Chouteau (south of a line running East and West through the southern limits of Big Sandy), Daniels, Fergus, Glacier, (excluding Glacier National Park), Garfield, Judith-Basin, Lewis and Clark, (Northern portion from a line running East and West through the northern limits of Craig), McCone, Phillips, Pondera, Petroleum, Richland, Roosevelt, Sheridan, Teton, Toole, Valley and Wheatland (northern area from a line running East and West through the southern limits of Harlowtown) Counties:					
Painters, brush, preparatory work; Pot tender; Parking lot striping and relate work;					
Roller up to 9 inches	7.79	.49	.30		1/2%
Paperhanger; Brush or steel	8.29	.49	.30		1/2%
Water and sandblasting; Application of cold tar products, epoxies, polyurethanes, acid resistant paints spraying and airless spray	10.04	.49	.30		1/2
Roller over 9 inches long	11.39	.49	.30		1/2

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Broadwater, Gallatin, Jefferson, (northern area from a line running East and West five miles south of the southern City limits of Boulder), Lewis and Clark (southern portion from a line running East and West through the southern limits of Craig), Madison (east of the West City limits of Harrison), Meagher, Park, Powell (northern area from a line running East and West through the southern City limits of Helmsville)					
Brush	$7.69	.25	.20		.03
Spray; Steel brush	8.69	.25	.20		.03
Structural steel brush	9.19	.25	.20		.03
Steel spray	9.69	.25	.20		.03
Structural steel spray	10.19	.25	.20		.03
Blaine, Hill, Liberty and Chouteau (north of the southern limits of the City of Big Sandy) Counties	6.79				
Flathead, Granite (northern area north limits of Phillipsburg), Lake (southern area including the City of Ronan), Lincoln, Mineral, Missoula, Powell (northern area through south limits of Helmsville), Ravalli and Sanders Counties	7.85	.34	.30		.04
PLUMBERS:					
Flathead, Lake, Lincoln, Mineral, Missoula and Sanders Counties	9.68	.35	.55		.05
Blaine, Cascade, Chouteau, Fergus, Glacier, Hill, Judith-Basin, Liberty, McCone, Meagher, Phillips, Pondera, Roosevelt, Teton, Toole and Valley Counties	10.60	.50	.85		1%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS: (Cont'd)					
Beaverhead, Broadwater, Deer Lodge, Gallatin, Granite, Jefferson, Lewis and Clark, Madison, Park, Powell, Silver Bow and Sweetgrass Counties	$10.65	.50	.65		.10
Big Horn, Carbon, Carter, Custer, Daniels, Dawson, Fallon, Garfield, Golden Valley, Musselshell, Petroleum, Powder River, Prairie, Richland, Rosebud, Sheridan, Stillwater, Treasure, Wheatland, Wibaux and Yellowstone Counties	10.00	.40	.80		.10
SHEET METAL WORKERS:					
Broadwater, Jefferson (including north 1/2 of the city of Boulder), Lewis and Clark and Meagher Counties	9.81	.52	.25		.10
Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties	9.38	.37	.20		.07
Big Horn, Carbon, Carter, Custer, Daniels, Dawson, Fallon, Fergus, Gallatin, Garfield, Golden Valley, McCone, Musselshell, Petroleum, Phillips, Powder River, Park, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Stillwater, Sweetgrass, Valley, Wheatland, Wibaux, Treasure and Yellowstone Counties	8.91	.37	.37+.25		.02
Blaine, Cascade, Chouteau, Glacier, Hill, Judith-Basin, Liberty, Pondera, Teton and Toole Counties	9.56	.62	.25		.07
Beaverhead, Deer Lodge, Granite, Jefferson (Southern 1/2), Madison, Powell and Silver Bow Counties	8.40	.37	.40	.75	.02

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LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asphalt Raker	$7.77	.47	.37		.03
Axeman	7.52	.47	.37		.03
Burning Bar	7.68	.47	.37		.03
Car and Truck Loaders, Scissorman	7.52	.47	.37		.03
Caisson Workers (free air)	7.68	.47	.37		.03
Carpenter Tender	7.52	.47	.37		.03
Cement Handlers	7.68	.47	.37		.03
Cement Mason Tender	7.68	.47	.37		.03
Choker Setter	7.68	.47	.37		.03
Chuck Tender and Nipper (above ground)	7.52	.47	.37		.03
Concrete Laborers (wet or dry); Bucketman and Signalman	7.68	.47	.37		.03
Concrete or Asphalt Saw	7.62	.47	.37		.03
Concrete Vibrator (5" and over)	7.82	.47	.37		.03
Cosmolene applying and removing	7.52	.47	.37		.03
Core Drill	8.12	.47	.37		.03
Curb Machine	7.62	.47	.37		.03
Drills, Air-tract, self-propelled, Cat, or Truck mounted air operated	7.78	.47	.37		.03
Drills, Air-tract, with Dual Masts	7.88	.47	.37		.03
Drills, Air-tract, self-propelled, Mustang type or similar	7.83	.47	.37		.03
Dumpman (Spotter)	7.52	.47	.37		.03
Dumpman (Grademan)	7.68	.47	.37		.03
Fence Erector and Installer (including Installation and Erection of fences, guard rails, median rails, reference posts, guide posts and right-of-way markers); Flagman; Guard and Watchman	7.52	.47	.37		.03
Form stripper	7.52	.47	.37		.03
Form Setter	7.62	.47	.37		.03
Grade Setter	7.87	.47	.37		.03
General Laborer	7.52	.47	.37		.03
Hand Faller	7.60	.47	.37		.03
High Scaler	7.88	.47	.37		.03
High Pressure Machine Nozzleman	7.72	.47	.37		.03
Heater Tender	7.52	.47	.37		.03

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LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Jackhammer, Pavement Breaker, Wagon Drills, Concrete Vibrator, Mechanic Tamper, Vibrating Roller, hand steered and other Air Tools	$7.68	.47	.37		.03
Landscape Laborers	7.52	.47	.37		.03
Nozzleman-Air and Water, Gunite and Placo Machine	7.62	.47	.37		.03
Pipe Layer (all types)	7.68	.47	.37		.03
Pipe Wrapper	7.68	.47	.37		.03
Post Hole Digger (power Auger)	7.62	.47	.37		.03
Power Saw, Bucking	7.68	.47	.37		.03
Power Saw, Falling	7.78	.47	.37		.03
Powderman Helper	7.62	.47	.37		.03
Powderman	8.08	.47	.37		.03
Power Driven Wheelbarrow	7.62	.47	.37		.03
Riprapper	7.68	.47	.37		.03
Riprap Helper	7.52	.47	.37		.03
Scaleman	7.68	.47	.37		.03
Sandblaster	7.72	.47	.37		.03
Sandblaster Tail Hoseman, Pot Tender	7.52	.47	.37		.03
Sodcutter-hand operated	7.52	.47	.37		.03
Spike Driver, single or dual or hand	7.68	.47	.37		.03
Stake Jumper for Equipment	7.52	.47	.37		.03
Switchman	7.68	.47	.37		.03
Tar Pot	7.61	.47	.37		.03
Tool Checker, Toolhouseman	7.52	.47	.37		.03
Welder	8.52	.47	.37		.03

DECISION NO. MT76-5072

POWER EQUIPMENT OPERATORS

Group 1: A-Frame Truck Crane; Winch Truck and similar

Group 2: Air Compressor Operator, 2 or more; Belt Finishing Machine Operator; Conveyor Loader Operator up to and over 42 inch belt; Mechanic (Dec. 1 to April 1); Roller (on other than hot mix oil paving)

Group 3: Air Doctor; Asphalt Paving Machine Operator; Asphalt Paving Machine Screed Operator; Bit Grinder; Bituminous Mixer Paving; Travel Plant; Boring Machine Operator (large); Concrete Batch Plant Operator (1 and 2 mixers); Concrete Bucket Dispatcher; Concrete Curing Machine; Concrete Finish Machine Paving; Concrete Float Operator and Spreader; Concrete Power Saw (self-propelled); Concrete Travel Batcher; Crusher Operator; Distributor Operator; Elevating Grader; Gradall Operator; Heavy DutyDrills (all types); Hoist Operator (2 or more drums); Hot Plant Fireman (when operation); Industrial Locomotives (all types); Mountain Logger or similar type; Mucking Machine Operator; Pavement Breaker (Emsco and similar); Power Auger large Truck or Tractor, mounted and punch; Power Mixer, Single or double drum; Power Saw, self-propelled,(multiple cut); Pumpcrete or Grout Machine Operator; Push Tractor; Refrigerator Plant Operator; Roller on Blade or Hot Mix Oil Paving Roller (25 ton or over); Ross and similar type Carriers on construction site; Rubber-tired Dozer; Rubber-tired Front End Loader (over 1 cu. yd. to and including 3 cu. yds.); Scraper, DW 15, 20, 21 and similar type if power unit is not used; Self-propelled Sheeps Foot and similar type shovels including all attachments under 1 cu. yd.; Track type Tractor with or without attachments

Group 4: Automatic Finegrader; Curries and other similar types; Motor Patrol Operator; Paving and Mixing Machine Operator; Scraper, single engine; Slip Form Paver Operator

Group 5: Boring Machine Operator; Jeep; Pickup or Farm Tractor mounted; Concrete Mixer Operator (3 bags and under); Fireman; Heavy Duty Drills Retort Operator

Group 6: Boom Operator (self-propelled)

Group 7: Cableway Highline Operator

Group 8: Cement Silo Operator

Group 9: Central Mixing Plants; Concrete Dams and Stationary

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POWER EQUIPMENT OPERATORS (Cont'd)

Group 10: Chain Bucket Loader; Chip Gravel Spreader (self-propelled); DW-10, 15, 20 Tractor pulling Roller

Group 11: Concrete Batch Plant Operator (3 and 4 mixers)

Group 12: Concrete Batch Plant Operator (5 mixers and over)

Group 13: Concrete Batch Plant Oiler, Assistant to Engineer (up to and including 2 mixers)

Group 14: Concrete Batch Plant Oiler, Assistant to Engineer (3 mixers and over)

Group 15: Concrete Conveyor, under 40 ft.; Conveyor Loader Operator Operator up to and including 42 inch Belt

Group 16: Concrete Conveyor, over 40 ft.; Concrete Pump; Track-type Front-end Loaders, over 10 cu. yds. to and including 15 cu. yds.

Group 17: Concrete Mixer Operator, 4 bags and over

Group 18: Crane Operator, to and including 80 ft. boom

Group 19: Crane Operator, 81 ft. to 130 ft. boom

Group 20: Crane Operator, 131 ft. to 150 ft. boom

Group 21: Crane Operator, 151 ft. boom and over

Group 22: Crane Oiler, Assistant to Engineer; Cranes with jibs additional $.15 per hour

Group 23: Crusher Oiler and Helper; Assistant to Engineer; Field Equipment Service Serviceman Helper; Hot Plant Oiler, assistant to engineer (100 ton per hour or over); Mechanic and/or Welder Helper on job; Oilers (other than Shovels and

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POWER EQUIPMENT OPERATORS (Cont'd)

Group 24: Hydrolift and similar types, Oiler, Hoist House, Dams, Assistant to engineer; Shovel Oiler, assistant to engineers over 3 cu. yds.; Whirley Crane Oiler, assistant to engineer

Group 25: Crusher Conveyor Operator, when required; Farm type Tractor, up to and including 50 H.P. engine; Grade Setter

Group 26: Electric Overhead Cranes; Shovels, including all attachments 1 cu. yd. to and including 5 cu. yds.; Track-type Tractor, on Euclid Loader

Group 27: Farm type Tractor, up to and including over 50 H.P. engine; Harman Nelson Heater and similer types

Group 28: Field Equipment Serviceman

Group 29: Forklift, on construction site

Group 30: Form Grader Operator; Hoist Operator (single drum)

Group 31: Helicopter Hoist Operator

Group 32: Machanic and/or Welder on job

Group 33: Machanic Helper, Shop (Dec. 1 to April 1); Radiator Repairman

Group 34: Mixermobile

Group 35: Paving and Mixing Machine Operator

Group 36: Quad Cat

Group 37: Quad Loader and similar type; Raygo Gaint; Shovels, including all attachments over 5 cu. yds.

Group 38: Rubber-tired Front End Loader, 1 cu. yd and under

Group 39: Rubber-tired Front End Loader, 3 cu. yds. to and including 5 cu. yds.

Group 40: Rubber-tired Front End Loader, 5 cu. yds. to and including 10 cu. yds.

Group 41: Rubber-tired Front End Loader, 10 cu. yds. to and including 15 cu. yds.

Group 42: Rubber-tired Front End Loader, over 15 cu. yds. (factory rating, not to include sideboards)

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POWER EQUIPMENT OPERATORS (Cont'd)

Group 43: Scraper, single or twin engine; pulling Belly Dump Trailer

Group 44: Scraper (twin engine); Track-type Front-end Loaders, over 5 cu. yds. to and including 10 cu. yds.

Group 45: Stiff-leg Derrick and Guy Derrick Operator; Shovels, including all attachments, over 3 uc. yds. to and including 5 cu. yds.

Group 46: Track-type Front-end Loaders, over 15 cu. yds.

Group 47: Scraper, Tandem or 3 engined

Group 48: Yo-Yo Cat, both ends

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POWER EQUIPMENT OPRATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$ 9.20	.50	.50	.25	.05
Group 2	9.06	.50	.50	.25	.05
Group 3	9.36	.50	.50	.25	.05
Group 4	9.49	.50	.50	.25	.05
Group 5	8.95	.50	.50	.25	.05
Group 6	9.03	.50	.50	.25	.05
Group 7	9.87	.50	.50	.25	.05
Group 8	9.15	.50	.50	.25	.05
Group 9	9.61	.50	.50	.25	.05
Group 10	9.08	.50	.50	.25	.05
Group 11	9.56	.50	.50	.25	.05
Group 12	9.76	.50	.50	.25	.05
Group 13	8.88	.50	.50	.25	.05
Group 14	9.19	.50	.50	.25	.05
Group 15	8.94	.50	.50	.25	.05
Group 16	9.69	.50	.50	.25	.05
Group 17	9.12	.50	.50	.25	.05
Group 18	9.52	.50	.50	.25	.05
Group 19	9.67	.50	.50	.25	.05
Group 20	9.72	.50	.50	.25	.05
Group 21	9.77	.50	.50	.25	.05
Group 22	8.93	.50	.50	.25	.05
Group 23	8.85	.50	.50	.25	.05
Group 24	9.26	.50	.50	.25	.05
Group	8.82	.50	.50	.25	.05
Group 26	9.54	.50	.50	.25	.05
Group 27	8.90	.50	.50	.25	.05
Group 28	9.28	.50	.50	.25	.05
Group 29	9.17	.50	.50	.25	.05
Group 30	9.13	.50	.50	.25	.05
Group 31	9.86	.50	.50	.25	.05
Group 32	9.46	.50	.50	.25	.05
Group 33	9.44	.50	.50	.25	.05
Group 34	9.49	.50	.50	.25	.05
Group 35	9.66	.50	.50	.25	.05
Group 36	9.94	.50	.50	.25	.05
Group 37	8.52	.50	.50	.25	.05
Group 38	9.07	.50	.50	.25	.05
Group 39	9.48	.50	.50	.25	.05
Group 40	9.58	.50	.50	.25	.05
Group 41	9.68	.50	.50	.25	.05
Group 42	9.78	.50	.50	.25	.05

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POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 43	$ 9.74	.50	.50	.25	.05
Group 44	9.59	.50	.50	.25	.05
Group 45	9.81	.50	.50	.25	.05
Group 46	9.79	.50	.50	.25	.05
Group 47	9.85	.50	.50	.25	.05
Group 48	8.91	.50	.50	.25	.05

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TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
COMBINATION TRUCK; Concrete Mixer and Transit Mixers;					
To and including 4 cu. yds.	$8.26	.55	.45		
Over 4 cu. yds. to and including 6 cu. yds.	8.34	.55	.45		
Over 6 cu. yds. to and including 8 cu. yds.	8.42	.55	.45		
Over 8 cu. yds. to and including 10 cu. yds.	8.50	.55	.45		
Over 10 cu. yds. - additional $.08 per hour each additional 2 cu. yds. increment					
DISTRIBUTOR DRIVER AND HELPER	8.19	.55	.45		
DRY BATCH TRUCKS;					
3 Batch or under	8.01	.55	.45		
Over 3 Batch to and including 5 Batch	8.14	.55	.45		
Over 5 Batch to and including 10 Batch	8.30	.55	.45		
Over 10 Batch to and including 15 Batch	8.46	.55	.45		
Over 15 Batch - additional $.15 per hour each additional 5 Batch increment					
PICKUP DRIVER, HAULING MATERIALS	8.11	.55	.45		
DUMPMAN, GRAVEL SPREADER BOX; Pilot Car Driver, Teamsters and Helpers	8.01	.55	.45		
Warehouseman, Partsmen, Cardex men, Warehouse Expediter	8.21	.55	.45		
DUMP TRUCKS and SIMILAR EQUIPMENT WATER LEVEL CAPACITY, INCLUDING SIDEBOARDS					
7 cu. yds. or less	8.01	.55	.45		
Over 7 cu. yds. to and including 10 cu. yds.	8.14	.55	.45		
Over 10 cu. yds. to and including 15 cu. yds.	8.30	.55	.45		

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TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Over 15 cu. yds. to and including 20 cu. yds.	$8.44	.55	.45		
Over 20 cu. yds. to and including 25 cu. yds.	8.50	.55	.45		
Over 25 cu. yds. to and including 30 cu. yds.	8.56	.55	.45		
Over 30 cu. yds. to and including 35 cu. yds.	8.62	.55	.45		
Over 35 cu. yds. to and including 40 cu. yds.	8.68	.55	.45		
Over 45 cu. yds. - additional $.06 per hour each additional 5 cu. yds. increment					
DUMPSTERS	8.14	.55	.45		
DW 20, DW 21, or Euclid Tractors, Pulling P.R. 21 or similar Dump Wagons:					
To and including 25 cu. yds.	8.50	.55	.45		
Over 25 cu. yds. to and including 30 cu. yds.	8.56	.55	.45		
Over 30 cu. yds. - additional $.06 per hour each additional 5 cu. yds. increment					
SERVICEMEN	8.75	.55	.45		
POWDER TRUCK DRIVER (bulk unloader type)	8.19	.55	.45		
FLAT TRUCKS:					
To and including 3 tons	8.11	.55	.45		
Over 3 tons Factory rating	8.36	.55	.45		
SERVICE TRUCK DRIVERS; Fuel Truck Driver; Tiremen	8.55	.55	.45		
LOWBOYS, FOUR-WHEEL TRAILER, Float Semi-trailer	8.36	.55	.45		
LUMBER CARRIERS, LIFT TRUCKS	8.26	.55	.45		
POWER BROOM	8.10	.55	.45		

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TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
WATER TANK DRIVERS, PETROLEUM PRODUCTS DRIVERS:					
2,500 gallons and under	$8.01	.55	.45		
Over 2,500 gallons to and including 4,500 gallons	8.30	.55	.45		
Over 4,500 gallons to and including 6,000 gallons	8.50	.55	.45		
Over 6,000 gallons to and including 8,000 gallons	8.56	.55	.45		
Over 8,000 gallons to and including 10,000 gallons	8.64	.55	.45		
Over 10,000 gallons - additional $.08 per hour each additional 2,000 gallons increment					
TRUCK WITH POWER EQUIPMENT If UNDER TEAMSTERS JURISDICTION, SUCH AS: Winch, A-Frame, Swedish Crane, Hydra-lift, Groutcrete, and Combination mulching, seeding and fertilizing	8.26	.55	.45		
TRUCK MECHANIC	8.73	.55	.45		

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(Flathead, Lake and Lincoln Cos.)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION					
All construction of "H" fixture and Steel Tower Transmission Lines with capacity of 69 K.V. voltages & over, switch yard and substation rated at 5000 K.V.A. & all work not covered by Schedule "B".					
SCHEDULE "A"					
GROUNDMAN "B"	$ 5.08	.25	1%		1%
GROUNDMAN "A" (experienced)	5.87	.25	1%		1%
POWDERMAN; JACKHAMMER-COMPRESSORMAN	6.25	.25	1%		1%
LINE EQUIPMENT OPERATOR	7.20	.25	1%		1%
LINEMAN	8.43	.25	1%		1%
CABLE SPLICER	9.37	.25	1%		1%
SCHEDULE "B"					
All work for Power Utilities except work covered under Schedule "A", all Highway Lighting, Street Lighting and Motor Traffic Controlling.					
GROUNDMAN	5.38				
JACKHAMMER-COMPRESSORMAN; Powderman	5.71	.25	1%		1%
LINE EQUIPMENT OPERATOR	6.55	.25	1%		1%
LINEMEN; Pole Sprayer	7.45	.25	1%		1%
TREE TRIMMER	7.74	.25	1%		1%
CABLE SPLICER	8.38	.25	1%		1%

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REMAINING COUNTIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION: (Jobs 69,000 volts or less)					
Cable splicer	8.77	.35	1%		3/4%
Linemen	7.94	.35	1%		3/4%
Line equipment operators; Powdermen	7.77	.35	1%		3/4%
Experienced groundmen (1,000 hrs); Truck drivers	6.13	.35	1%		3/4%
Groundmen	5.44	.35	1%		3/4%
(Jobs over 69,000 volts) and/or (projects of $400,000 or over) Cable splicers	8.99	.35	1%		3/4%
Linemen; Pole sprayer	8.54	.35	1%		3/4%
Line equipment operators; Powdermen	7.83	.35	1%		3/4%
Groundmen	6.46	.35	1%		3/4%

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MONTANA - DREDGING

DREDGING	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Assistant Mate (Deckhand)	$ 8.34	.45	.70		.04
Fireman	8.44	.45	.70		.04
Oiler	8.44	.45	.70		.04
Assistant Engineer (Electric, Diesel, Steam or Booster Pump)	8.78	.45	.70		.04
Mates and Bostmen	8.78	.45	.70		.04
Engineer Welder	8.83	.45	.70		.04
Craneman	8.83	.45	.70		.04
Assistant Engineer (Electric Generator Operator for Primary Pump, Power Barge or Dredge)	8.88	.45	.70		.04
Leverman, Hydraulic	9.20	.45	.70		.04
Leverman, Dipper:					
(a) 5 yards and under	9.59	.45	.70		.04
(b) Over 5 yards	10.14	.45	.70		.04

SUPERSEDEAS DECISION

STATE: Nebraska

COUNTIES: Hall, Howard, Hamilton and Merrick Counties

DECISION NUMBER: NE76-4107

DATE: Date of Publication

Supersedes Decision No. NE75-4155, dated September 5, 1975, in 40 FR 41366

DESCRIPTION OF WORK: Building construction (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS	$8.55				
CARPENTERS	7.40				
CEMENT MASONS	3.85				
ELECTRICIANS	5.30				
IRONWORKERS, Structural & Ornamental	7.00	.25	.20	.20	
LATHERS	6.00				
LABORERS:					
Common Laborers	3.23				
Form Setters	3.75				
Mason Tenders	4.00				
PAINTERS, Brush	5.40				
PLASTERERS	7.00				
PLUMBERS & Pipefitters	5.90				
ROOFERS	4.50				
SHEET METAL WORKERS	4.75				
TILE SETTERS	6.75				
TRUCK DRIVERS	3.85				
POWER EQUIPMENT OPERATORS:					
Bulldozers	4.50				
Cranes, Derricks, Draglines	5.80				
Finishing Machines	4.00				
Mixers	3.50				
Scrapers, Motor Graders	4.50				
Tractors Operators	5.78				
Mechanics	4.73				

SUPERSEDEAS DECISION

STATE: Nevada

COUNTIES: Nevada Test Site including Tonopah Test Range in Clark and Nye Counties

DECISION NUMBER: NV76-5073

Supersedes Decision No. NV76-5053 dated June 11, 1976, in 41 FR 23906.

DESCRIPTION OF WORK: Building construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.17	.78	.87	$1.00	
BRICKLAYERS	10.87	.45	.50		.06
BRICK TENDERS	7.77	.36	1.25	1.00	
CARPENTERS:					
Carpenters	8.64	.55	.90	.80	.03
Floor layers	8.665	.55	.90	.80	.03
Millwrights	8.94	.55	.90	.80	.03
CEMENT MASONS:					
Cement Masons	7.55	1.00	.20	2.00	.08
Floor Finishing Machine	7.90	1.00	.20	2.00	.08
ELECTRICIANS:					
Electricians; Equipment Operators; Linemen	10.62	.63	1% + .40		.05
Cable Splicers	10.95	.63	1% + .40		.05
Groundman	8.42	.63	1% + .40		.05
IRONWORKERS:					
Reinforcing; Ornamental; Structural	11.03	1.09	1.83	1.15	.04
PAINTERS:					
Brush; Roller	8.27	.75	.35	1.50	.05
Paperhangers; Spray; Steel; Sandblasters; Swing Stage; Tapers; Buffing; Sandblasters, Steel	8.62	.75	.35	1.50	.05
PLUMBERS; Steamfitters	11.05	1.05	1.90	1.85	.08
ROOFERS	11.68	.65			
SHEET METAL WORKERS	9.93	.83	1.60	1.00	.05 + .02
SPRINKLER FITTERS	14.80	.60	.90		.08

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Group 1	$7.63	.51	$1.25	$1.00	
Group 2	7.68	.51	1.25	1.00	
Group 3	7.71	.51	1.25	1.00	
Group 4	7.73	.51	1.25	1.00	
Group 5	7.75	.51	1.25	1.00	
Group 6	7.76	.51	1.25	1.00	
Group 7	7.78	.51	1.25	1.00	
Group 8	7.81	.51	1.25	1.00	
Group 9	7.82	.51	1.25	1.00	
Group 10	7.84	.51	1.25	1.00	
Group 11	7.89	.51	1.25	1.00	
Group 12	7.92	.51	1.25	1.00	
Group 13	7.94	.51	1.25	1.00	
Group 14	7.97	.51	1.25	1.00	
Group 15	7.99	.51	1.25	1.00	
Group 16	8.055	.51	1.25	1.00	
Group 17	8.08	.51	1.25	1.00	
Group 18	8.15	.51	1.25	1.00	
POWER EQUIPMENT OPERATORS: (Except Piledriving and Steel Erection):					
Group 1	9.13	.95	2.00	.30	.04
Group 2	9.37	.95	2.00	.30	.04
Group 3	9.61	.95	2.00	.30	.04
Group 4	9.72	.95	2.00	.30	.04
Group 5	9.91	.95	2.00	.30	.04
Group 6	10.01	.95	2.00	.30	.04
Group 7	8.96	.75	2.00	.30	
Group 7-A	8.67	.75	2.00	.30	
Group 7-B	8.56	.75	2.00	.30	
Group 7-C	8.32	.75	2.00	.30	
TRUCK DRIVERS:					
Group 1	9.37	.39	.70		
Group 2	9.48	.39	.70		
Group 3	9.53	.39	.70		
Group 4	9.69	.39	.70		
Group 5	9.87	.39	.70		

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LABORERS

Group 1: Laborers - General or Construction; Demolition (cleaning of brick, lumber, etc.); Dry packing of concrete and filling of formbolt holes; Gas and Oil Pipeline; Laborer - temporary water lines (portable type); Window Cleaner

Group 2: Cutting Torch Operator (demolition); Tarman and Mortar Man; Kettleman; Potman and man applying asphalt, Lay-kold Creosote, Lime, and similar type materials

Group 3: Guinea Chaser

Group 4: Fine Grader, highway and street paving, airport, runways and similar type heavy construction; Landscape Gardener and Nursery-man

Group 5: Laborers - packing rod steel and pans

Group 6: Underground Laborer including Caisson Bellowers

Group 7: Chucktender (except tunnels); Scaler; Tank Scaler and Cleaner

Group 8: Cesspool Digger and Installer

Group 9: Concrete Curer-impervious Membrane and Oiler of all materials; Riprap Stonepaver; Sandblaster (pot tender); Making and Caulking of all non-metallic Pipe Joints

Group 10: Operators and Tenders of Pneumatic and Electric Tools, Vibrating Machines, hand-propelled Trenching Machines, Impact Wrench Multi-plate and similar mechanical tools not separately classified herein; Asphalt Raker, Ironer, Spreader, Luteman; Buggymobile Man; Cement Dumper (on one yard or larger mixers and handling bulk cement); Concrete Saw Man excluding Tractor type, cutting, scoring old or new concrete; Concrete Core Cutter; Gas and Oil Pipeline Wrapper-pot Tender and Form Man; Operator of Cement Grinding Machine; Roto-scraper; Tree Climber, Faller, Chain Saw Operator, Pittsburgh Chipper and similar type brush shredders

Group 11: Rock Slinger; Scaler (using Bos'n Chair or Safety Belt or Power Tools)

Group 12: Driller and/or Pavement Breaker

Group 13: Oversize Concrete Vibrator Operator, 70 lbs. and over; Laying of all non-metallic pipe, including sewer pipe, drain pipe and underground tile

Group 14: Gas and Oil Pipeline Wrapper - 6 inch pipe and over

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LABORERS (Cont'd)

Group 15: Cribber or Shorer, Lagging, Sheeting, Trench Bracing, hand guided Lagging Hammer; Powerman-blaster - all work of loading holes, placing and blasting of all powder and explosives of whatever type regardless of method used for such loading and placing

Group 16: Steel Headboardman

Group 17: Sandblaster (Nozzleman); Driller (Core, Diamond, or Wagon, Joy Driller Model TW-M-2A, Gardner-Denver Model DH 163 and similar type drills)

Group 18: Head Rock Slinger

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 1: Air Compressor, Pump or Generator; Engineer Oiler and Signal Man; Heavy Duty Repairman's Helper; Switchman or Brakeman

Group 2: Concrete Mixer, Skip type; Conveyor and Beltman; Fireman; Generator, Pump or Compressor (2-5 units inclusive, over 5 units, $0.10 per hour for each additional unit up to 10 units, portable units); Generator, Pump or Compressor Plant; Rotary Drill Helper (oilfield type); Skiploader, Wheeltype, Ford, Ferguson, Jeep or similar type, 3/4 yard or less (w/o dragtype attachments); Temporary Heating Plant; Truck Crane Oiler; Hydrostatic Pump

Group 3: A-Frame or Winch Truck; Dinky Locomotive or Tunnel Motor; Elevator Hoist; Equipment Greaser; Ford, Ferguson or similar type (with drag-type attachments); Hydra-hammer or similar type equipment; Power Concrete Curing Machine; Power Concrete Saw; Power Driven Jumbo Form Setter; Rodman and Chainman; Ross Carrier; Self-propelled Tar Pipelining Machine; Stationary Pipe Wrapping and Cleaning Machine; Towblade Operator

Group 4: Asphalt Plant Fireman; Boring Machine; Boxman or Mixer Box (concrete or asphalt plant); Derrickman (oilfield type); Drilling Machine (including water wells); Highline Cableway Signalman; Instrumentman; Locomotive Engineer; Power Sweeper; Roller, compacting; Screed; Trenching Machine (up to 6 feet depth)

Group 5: Asphalt or Concrete Spreading, Mechanical Tamping or Finishing Machine - Roller (all types and sizes), Soil, Cement, Asphalt - Finish; Asphalt Plant Engineer; Deck Engine; Grade Checker; Heavy Duty Welder; Machine Tool; Pavement Breaker; Pneumatic Heading Shield - Tunnel; Road Oil Mixing Machine; Forklift, under five tons; Rubber-tired heavy duty equipment (Oshkosh, DW, Euclid, LeTourneau, LaPlant-Choate, or similar type equipment with any type attachments); Skiploader, Wheeltype, over 3/4 yards, up to and including 1½ yds.; Slip Form Pump (power driven hydraulic lifting device for concrete forms); Tractor drag type shovel, Bulldozer, Tamper, Scraper and Push Tractor

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POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Group 6: Combination Heavy Duty Repairman and Welder; Concrete Mixer - Paving; Concrete Mobile Mixer; Concrete Pump or Pumpcrete Gun; Crushing Plant Engineer; Elevating Grader; Heavy Duty Repairman; Highline Cableway; Hoist (Chicago Boom and Mine); Kolman Belt Loader and similar type; Lift Slab Machine; Loader-Athey, Euclid, Hancock, Sierra or similar type; Motor Patrol (any type or size); Multiple Engine-earth moving machinery; Party Chief; Pneumatic Concrete Placing Machine - Hackley-Presswell or similar type; Rotary Drill, excluding Caisson type; Skiploader, Wheeltype, over 1½ yards; Surface Heater and Planer; Tractor Loader - crawler type - all types and sizes; Tractor, with boom attachments; Traveling Pipe Wrapping, Cleaning and Bending Machine; Trenching Machine (over 6 feet depth); Universal equipment (Shovel, Backhoe, Dragline, Clamshell, Derrick, Derrick Barge, Crane, Piledriver and Mucking Machine); Forklift, over 5 tons

Group 7: Driller Operator; Fishing Tool Engineer

Group 7-A: Derrickman

Group 7-B: Motorman

Group 7-C: Drillers Helpers

TRUCK DRIVERS

Group 1: Light Duty Driver; Warehouseman

Group 2: Bootman; Truck Greaser; Light Vehicle Dispatcher

Group 3: Tireman; Warehouse Clerk

Group 4: Heavy Duty Driver; Forklift Driver; Equipment Parts; Stockroom Clerk

Group 5: Extra Heavy Duty Driver

SUPERSEDEAS DECISION

STATE: Nevada
DECISION NUMBER: NV75-5074

COUNTY: Clark (excluding the Nevada Test Site)
DATE: Date of Publication

Supersedes Decision Number NV76-5003 dated January 16, 1976, in 41 FR 2591.
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.36	.78	$1.02		
BOILERMAKERS	12.00	.75	1.00	.50	.02
BRICKLAYERS; Stonemasons	10.87	.45	.50		.06
CARPENTERS:					
Carpenters	9.46	.55	.90	1.00	.10
Floorlayers; Patent Scaffold Erectors; Power Saw Operators	9.61	.55	.90	1.00	.10
Piledrivermen	9.66	.55	.90	1.00	.10
Millwrights	9.96	.55	.90	1.00	.10
CEMENT MASONS:					
Cement Masons	8.30	1.00	.20	2.00	.08
Cement Floor Finishing Machine; Color Work	8.55	1.00	.20	2.00	.08
ELECTRICIANS:					
Electricians; Technicians	12.46	.63	1% + .40		.05
Cable Splicers	12.79	.63	1% + .40		.05
ELEVATOR CONSTRUCTORS	12.00	.495	.32	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.495	.32	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	11.57	.35		4%	.05
IRONWORKERS:					
Fence Erectors	10.14	1.09	1.83	1.15	.04
Reinforcing; Ornamental; Structural	11.03	1.09	1.83	1.15	.04
LATHERS	9.30	.50	1.00	1.00	.06
MARBLE MASONS; Terrazzo Workers; Tile Setters	10.87	.45	.50		.06
PAINTERS:					
Brush; Roller Paperhangers; Sandblasters; Spray; Steel; Swing Stage; Tapers	10.72	.75	.35		.05
	11.07	.75	.35		.05
PLASTERERS	9.38	1.00	.20	1.20	.08
PLUMBERS; Steamfitters	11.05	1.05	1.90	1.85	.08
ROOFERS	11.68	.65			

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SHEET METAL WORKERS	$10.23	.83	$1.60	$1.00	.05
SOFT FLOOR LAYERS	11.72	.40			.15
SPRINKLER FITTERS	14.80	.60	.90		.08
TERRAZZO, TILE AND MARBLE HELPERS	8.10	.45		1.00	

FOOTNOTE:
a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit.
Six Paid Holidays: A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Group 1	$7.63	.51	$1.25	$1.00	
Group 2	7.68	.51	1.25	1.00	
Group 3	7.71	.51	1.25	1.00	
Group 4	7.73	.51	1.25	1.00	
Group 5	7.75	.51	1.25	1.00	
Group 6	7.76	.51	1.25	1.00	
Group 7	7.78	.51	1.25	1.00	
Group 8	7.81	.51	1.25	1.00	
Group 9	7.82	.51	1.25	1.00	
Group 10	7.84	.51	1.25	1.00	
Group 11	7.89	.51	1.25	1.00	
Group 12	7.92	.51	1.25	1.00	
Group 13	7.94	.51	1.25	1.00	
Group 14	7.97	.51	1.25	1.00	
Group 15	7.99	.51	1.25	1.00	
Group 16	8.055	.51	1.25	1.00	
Group 17	8.08	.51	1.25	1.00	
Group 18	8.15	.51	1.25	1.00	
POWER EQUIPMENT OPERATORS (Except Piledriving and Steel Erection)					
Group 1	9.25	.95	2.00	.50	.04
Group 2	9.53	.95	2.00	.50	.04
Group 3	9.82	.95	2.00	.50	.04
Group 4	9.96	.95	2.00	.50	.04
Group 5	10.18	.95	2.00	.50	.04
Group 6	10.29	.95	2.00	.50	.04
Group 7	10.41	.95	2.00	.50	.04
Group 8	10.58	.95	2.00	.50	.04
Group 9	10.71	.95	2.00	.50	.04
TRUCK DRIVERS					
Group 1	8.65	.40	.60		
Group 2	8.56	.40	.60		
Group 3	8.61	.40	.60		
Group 4	8.77	.40	.60		
Group 5	8.95	.40	.60		
Group 6	9.45	.40	.60		

LABORERS

Group 1: Debris Handler; Dry Packing of Concrete and Filling of Form-bolt Holes; Dumpman; Gas and Oil Pipeline Laborers; Demolition Laborers; General or Construction Laborers; Spotter; Window Cleaner

Group 2: Cutting Torch Operator (Demolition); Tarman and Motorman

Group 3: Guinea Chaser

Group 4: Fine Grader, highway and street paving, airport, runways and similar type heavy construction; Landscape Gardener and Nursery-man

Group 5: Laborers - packing rod steel and pans

Group 6: Underground Laborers including Caisson Bellowers

Group 7: Chucktender (except tunnels); Scaler; Septic Tank Digger and Installer (leadman); Tank Scaler and Cleaner

Group 8: Cesspool Digger and Installer

Group 9: Concrete Curer-impervious Membrane and Oiler of all Materials; Making and Caulking of all non-metallic pipe joints; Riprap Stonepaver; Sandblaster (pot tender)

Group 10: Asphalt Ironer, Raker, Spreader, Buggymobile; Cement Dumper (on 1 yd. or larger mixers and handling bulk concrete); Cement Grinding Machine Operator; Concrete Core Cutter; Concrete Saw Man, excluding tractor type; Gas and Oil Pipeline Wrapper Pot Tender and Form Man; Tree Climber, faller, Chain Saw Operator; Pittsburgh Chipper and similar type; Vibrators and all pneumatic gas, electric, and similar mechanical tools not separately classified herein; Roto Scraper

Group 11: Rock Slinger; Scaler, using bosun chair, safety belt or power tools

Group 12: Driller and/or Pavement Breaker

Group 13: Laying of all Non-metallic Pipe (including sewer pipe, drain pipe and underground tile)

Group 14: Gas and Oil Pipeline Wrapper - 6 inch pipe and over

Group 15: Cribber or Shorer; Powderman

Group 16: Steel Headerboard Man

Group 17: Driller (Core, Diamond or Wagon) Joy Driller Model T.W.-M-2A Gardner-Denver Model DH-163 and similar drills; Sandblaster - Nozzleman

Group 18: Head Rock Slinger

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

GROUP 1: Brakeman; Compressor Op.; Engineer Oiler; Generator Op.; Heavy Duty Repairman Helper; Pump Op.; Signalman; Switchman

GROUP 2: Concrete Mixer Op., Skip Type; Conveyor Op.; Fireman; Generator, Pump or Compressor (2-5 inclusive) Portable units, over 5 units, 10c per hour for each additional unit up to nine units; Hydrostatic Pump Op.; Oiler Crusher (Asphalt or Concrete Plant); Plant Operator, Generator, Pump or Compressor; Rotary Drill Helper (oilfield); Skiploader - Wheel type up to 3/4 yd. without attachment; Soils Field Technician; Tar Pot Fireman; Temporary Heating Plant Operator; Trenching Machine Oiler; Truck Crane Oiler

GROUP 3: A-Frame or Winch Truck Operator; Chainman; Elevator Op. (inside); Equipment Greaser (rack); Ford Ferguson (with dragtype attachments); Helicopter Radioman (ground); Power Concrete Saw Op.; Power-driven Jumbo Form Setter Op.; Power Concrete Curing Machine Op.; Ross Carrier Op. (jobsite); Stationary Pipe Wrapping and Cleaning Machine Op.

GROUP 4: Asphalt Plant Fireman; Boring Machine Op.; Boxman or Mixerman (Asphalt or Concrete); Chip Spreading Machine Op.; Concrete Pump Op. (small portable); Bridge Type Unloader and Turntable Op.; Dinkey Locomotive or Motorman (up to and including 10 ton); Equipment Greaser (Grease Truck); Helicopter Hoist Op.; Highline Cableway Signalman; Hydra-Hammer - Aero Stomper; Power Sweeper Op.; Roller Op. (compacting); Screed Op. (Asphalt or Concrete); Rodman; Trenching Machine Op. (up to 6 ft.);

GROUP 5: Asphalt Plant Engineer; Concrete Batch Plant Op.; Backhoe Op. (up to and including 3/4 yd.); Bit Sharpener; Concrete Joint Machine Op. (Canal and similar type); Concrete Planer Op.; Derrickman (oilfield type); Deck Engine Op.; Drilling Machine Op. (including water wells); Forklift Op. (under 5 ton capacity); Hydrographic Seeder Machine Op.; (straw, pulp, or seed); Instrumentman; Machine Tool Op.; Maginnis Internal Full Slab Vibrator; Mechanical Berm, curb or gutter (concrete or asphalt); Mechanical Finisher Op. (concrete - Clary-Johnson-Bidwell or similar); Pavement Breaker Op.; Road Oil Mixing Machine Op.; Roller Op. (asphalt or finish); Rubber-tired Earth Moving Equipment (single engine, up to and including 25 yd. struck); Self-propeller Tar Pipelining Machine Op.; Slip Form Pump Op. (power-driven hydraulic lifting device for concrete forms); Tugger Hoist (1 drum); Tunnel Locomotive Op. (over 10 and up to and including 30 tons); Stinger Crane (Austin-Western or similar type); Skiploader Operator (Crawler and Wheel type over 3/4 yds. and up to and including 1 1/2 yds.); Tractor Op. - Bulldozer, Tamper, Scraper (single engine, up to 100 h.p., flywheel and similar types, up to and including D-5 and similar types); Welder - General

GROUP 6: Asphalt or Concrete Spreading Operator (tamping or finishing); Asphalt Paving Machine Op. (Barber-Greene or similar type); BHL Lime Road Pactor, Wagner Pactor or similar, Op., Bridge Crane Op.; Cast in Place Pipe Laying Machine Op.; Combination Mixer and Compressor Op. (Gunite work); Concrete Pump Op. (truck mounted); Concrete Mixer Op. - Paving;

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Crane Op. (up to and including 25 ton capacity); Crushing Plant Op.; Drill Doctor; Elevating Grader Op.; Forklift Op. (over 5 tons); Grade Checker; Grade-All Op.; Grouting Machine Op.; Heading Shield Op.; Heavy Duty Repairman; Hoist Op. (Chicago Boom and similar type); Kolman Belt Loader and similar type; LeTourneau Biob Compactor or similar type; Lift Slab Machine Op. (Vagtborg and similar type); Lift Mobile Op.; Loader Op. (Athey, Euclid, Sierra and similar type); Material Hoist Op.; Mucking Machine Op. (1/4 yd. rubber-tired, rail or track type); Pneumatic Concrete Placing Machine Op. (Hackley-Presswell or similar type); Pneumatic Heading Shield (tunnel); Pumpcrete Gun Op.; Rotary Drill Op. (excluding Caisson Type); Rubber-tired Earth Moving Equipment Op. (single engine Caterpillar, Euclid, Athey Wagon and similar types with any and all attachments over 25 yds. and up to and including 50 cu. yds. struck); Rubber-tired Scraper Op. (self-loading - Paddel wheel type, John Deere, 1040 and similar single unit); Rubber-tired Earth Moving Equipment Op., multiple engine (up to and including 25 yds. struck); Skiploader Op. (Crawler and Wheel type - over 1 1/2 yds. up to and including 6 1/2 yds.); Surface Heaters and Planer Op.; Trenching Machine Op. (over 6 ft. depth capacity, manufacturers rating); Tower Crane Op.; Tractor Compressor Drill Combination Op.; Tractor Op. (any type larger than D-5 - 100 Flywheel h.p. and over, or similar); (Bull Dozer, Tamper, Scraper and Push Tractor, single engine); Tractor Op. (Boom Attachments); Traveling Pipe Wrapping, Cleaning and Bending Machine Op.; Tunnel Locomotive Op. (over 30 tons); Shovel, Backhoe, Dragline, Clamshell Op. (over 3/4 yds. and up to 5 cu. yd. M. R. C.)

GROUP 7: Crane Op. - over 25 ton up to and including 100 tons M. R. C.); Derrick Barge Op.; Dual Drum Mixer; Hoist Op., Stiff Legs, Guy Derrick, or similar type, up to and including 100 tons; Monorail Locomotive Op. (Diesel, gas or electric); Motor Patrol - Blade Op. (single engine); Multiple Engine Tractor Operator (Euclid and similar type, except Quad 9 Cat); Party Chief; Rubber-tired Earth Moving Equipment Op. (single engine over fifty (50) yds. struck); Rubber-tired Earth Moving Equipment Operator (multiple engine, Euclid, Caterpillar and similar) over 25 yds. and up to 50 cu. yds. struck); Tractor Loader Op. (Crawler and wheel type over 6 1/2 yds.); Tower Crane Repairman; Shovel, Backhoe, Dragline, Clamshell Op. (over 5 cu. yds., M. R. C.); Welder - Certified; Woods Mixer Op. and similar Pugmill equipment; Heavy Duty Repairman - Welder combination

GROUP 8: Auto Grader Op.; Automatic Slip Form Op.; Crane Op. - over 100 tons; Hoist Op., Stiff Legs, Guy Derricks or similar types (capable of hoisting 100 tons or more); Mass Excavator Op.; Mechanical Finishing Machine Op.; Mobile Form Traveler Op.; Motor Patrol Op. (multi-engine); Pipe Mobile Machine Op.; Rubber-tired Earth Moving Equipment Op. (multiple engine, Euclid, Caterpillar and similar type over 50 cu. yds. struck); Rubber-tired Self-Loading Scraper Op. (Paddle Wheel - Auger type self-loading - 2 or more units); Rubber-tired Scraper Op. - pushing one another without Push Cat, Push-Pull (.50c per hour additional to base rate); Tandem Equipment Op. (2 units only), Tandem Tractor Op. (Quad 9 or similar type); Tunnel Mole Boring Machine

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

GROUP 9: Canal Liner; Canal Trimmer; Helicopter Pilot; Highline Cableway; Remote Controlled Earth Moving Equipment; Wheel Excavator (over 750 cu. yds.)

TRUCK DRIVERS

GROUP 1: Busses, Job Site, Up to 25 Passengers; Dump (less than 12 yds.); Pickups; Service Truck Driver, Teamster Equipment (Highest Rate For Dual Craft Operation); Truck Repairman Helper; Trucks (less than 15 tons); Warehouseman; Water and Fuel (under 2,500 gals.)

GROUP 2: Bootman; Busses, Job Site More Than 25 Passengers; Dump (12 yds. but less than 16 yds.); Road Oil Spreader; Trucks (15 and 20 tons); Trucks Working On Gas and Oil Pipeline, Including Winch Truck and All Size Trucks; Truck Greaser; Water and Fuel (2,500 gals. to 4,000 gals.)

GROUP 3: Dumpcrete (less than 6½ yds.); Tireman; Transit-mix (under 3 yds.)

GROUP 4: Dump (16 yds. up to and including 22 yds.); Dumpcrete (6½ yds. and over); Dumpster; Euclid Type Spreader; Fork Lift; Ross Carrier-Highway; Transit-mix (3 yds. but less than 6 yds.); Trucks (20 tons but less than 30 tons); Water and Fuel (4,000 gals. but less than 6,000 gals.)

GROUP 5: Dump (over 22 yds.); Transit-mix (6 yds. or more); Truck Repairman; Truck (30 tons and over); Water and Fuel (6,000 gals and over)

GROUP 6: DW 10 and DW 20 Euclid Type Equipment; LeTorneau Pulls; Terra Cobra and Similar; PB and Similar, When performing Work Within Teamster jurisdiction, Regardless Of Attachments Including Power Units Pulling Off Highway Belly Dumps In Tandem

SUPERSEDEAS DECISION

STATE: New Mexico
Decision No. NM76-4141
COUNTY: Statewide
DATE: Date of Publication
Supersedeas Decision No. NM75-4137 dated August 1, 1975 in 40 FR 32656
DESCRIPTION OF WORK: Street, Highway, Utility, and Light Engineering Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS:					
Carpenters	$5.07	.10	.20	.10	.04
Power saw operator-saw filer	5.22	.10	.20	.10	.04
Millwright & piledriver	5.32	.10	.20	.10	.04
CEMENT MASONS	4.94	.26			
IRONWORKERS:					
Reinforcing	4.58	.25	.25		
Structural	7.99	.50	.75		
PAINTERS:					
Brush	4.57	.10	.20	.10	.04
Spray	5.51	.10	.20	.10	.04
LABORERS:					
Common laborer; carpenter tender; concrete buggy operator (hand); concrete workers	2.56	.20	.15		
Wagon, air track, drill & diamond drillers' tender (outside)	2.71	.20	.15		
Air & power tool man; asphalt raker; batching plant scaleman; tenderers (to cement masons and plasterer); chain sawman; concrete touch-up-man; concrete saw man; curbing machine; asphalt or cement; cutting torchman; metal form setter-road; grade setter; hod carrier; mortar mixer & mason tender; powderman or blaster helper; sandblaster helper; scaler; vibrator-man (hand type); vibratory compactor (hand type); concrete power buggyman	2.86	.20	.15		
Gunite pumpcreteman & nozzleman; multiplate setter	3.16	.20	.15		
Wagon, air track, drill & diamond driller (outside)	2.86	.20	.15		
Manhole builder	3.36	.20	.15		
Pipelayer	3.16	.20	.15		
Powderman - blaster - make up	3.31	.20	.15		
POWER EQUIPMENT OPERATORS:					
Concrete pavin; curing machine	4.74	.15	.10		.01
Concrete pavin; form grader; concrete pavin; gang vibrator; concrete pavin; joint or saw machine; concrete paving sub grader	5.52	.15	.10		.01

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DECISION NO. NM76-4141

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS CONTD:					
Belt type conveyors (material & concrete) Broom (self-propelled) fork lift, grease truck operator head oiler, hydro lift, tractor (under 50 drawbar H.P. with attach.)	$4.94	.15	.10		.01
Tractor with backhoe attachment	5.49	.15	.10		.01
Subgrade or base finisher	5.52	.15	.10		.01
Concrete slip-form paving machine	5.74	.15	.10		.01
Asphalt distributor, asphalt paving or lay down machine, asphalt retort heater, batch or continous mix plant (concrete, soil-cement or asphalt), mixer, heavy duty, aspahlt or soil cement, motor grader, tractor 50 drawbar H.P. or over) trenching machine, clam type shaft mucker	5.54	.15	.10		.01
Concrete paving finishing machine, concrete paving longitudinal float, gunnite machine, jumbo form or drilling stage slusher	5.74	.15	.10		.01
Concrete paver mixer, hoist (2 drums & over) side boom	5.69	.15	.10		.01
Derrick, cableway	6.12	.15	.10		.01
Traveling crane, piledriver	5.69	.15	.10		.01
Mine hoist	5.89	.15	.10		.01
Mucking machine	5.89	.15	.10		.01
Backhoe, clamshell, dragline, gradall, shovel:					
Under 3/4 cy	5.54	.15	.10		.01
3/4 cy to 3 cy	5.69	.15	.10		.01
Over 3 cy	5.89	.15	.10		.01
Bulldozer, elevating grader or belt loader, roller (steel wheel) scraper operator	5.54	.15	.10		.01
Bulldozer (multiple units) scraper (multiple units)	5.69	.15	.10		.01
Concrete paving spreader	5.74	.15	.10		.01
Pumpcrete machine	5.74	.15	.10		.01
Cranes (crawler or mobile):					
Under 20 ton	5.74	.15	.10		.01
20 ton to 40 ton	5.69	.15	.10		.01
Over 40 ton	5.89	.15	.10		.01

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DECISION NO. NM76-4141

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS CONTD:					
Air compressor (300 CFM & over); crushing screening & washing plants, drilling machine (cable core or rotary), mixer concrete (1 cy & less), pump (6 inch intake or over) winch truck, hoist (1 drum), industrial locomotive, motorman, lumber stacker	$5.54	.15	.10		.01
Front end loader:					
1-½ cy or less	4.94	.15	.10		.01
Over 1-½ cy to 6 cy	5.54	.15	.10		.01
Over 6 cy	5.69	.15	.10		.01
Industrial locomotive brakeman:					
Tractor (under 50 drawbar HP without attachments), fireman oiler, screedman	4.94	.15	.10		.01
Mechanic and/or welder	5.57	.15	.10		.01
Mixer, concrete (over 1 cy)	5.69	.15	.10		.01
Grout pump operator	5.74	.15	.10		.01
Power plant (electrical generator or welding machine)	5.49	.15	.10		.01
Roller (pull type)	4.94	.15	.10		.01
Mulching machine, roller (self-propelled)	4.94	.15	.10		.01
Mix operator	7.19	.15	.10		.01
Pipemobile operator	7.19	.15	.10		.01
Belt loader (CMI type operator); Pipemobile operator assistant	6.39	.15	.10		.01
TRUCK DRIVERS:					
Distributor (asphalt)	3.99	.26			
Dumpster or dumptor	4.07	.26			
Dump or batch truck:					
Under 8 cy	3.78	.26			
8 cy and under 16 cy	3.88	.26			
16 cy and under 20 cy	4.02	.26			
20 cy and over	4.07	.26			
Diesel-powered transport (non-self-loading) 10 yds. & over	4.30	.26			
Flatbed:					
1-½ ton or under	3.78	.26			
Over 1-½ ton	3.93	.26			
Lumber carrier	3.81	.26			
Lowboy, heavy equipment	4.40	.26			
Lowboy, light equipment	4.02	.26			

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DECISION NO. NM76-4141

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS CONTD:					
Off-highway hauler	4.05	.26			
Pick-up truck 3/4 ton or under	3.63	.26			
Service station attendant	3.67	.26			
Spreader box	3.72	.26			
Spreader box (self-propelled)	3.96	.26			
Swamper or rider helper	3.59	.26			
Tank Truck:					
3,000 gal. or under	3.86	.26			
3,001 gal. to 6,000 gal.	3.96	.26			
6,001 gal. & over	4.06	.26			
Teamster, 2 or 4 or more	3.59	.26			
Trailer or semi-trailer dump	4.15	.26			
Transit mix	4.02	.26			
Warehousemen	3.77	.26			
LINE CONSTRUCTION (BERNALILLO COUNTY)					
CABLE SPLICERS	9.30	.40	17%		17%
LINEMEN	8.65	.40	17%		17%
TECHNICIANS	8.65	.40	17%		17%
EQUIPMENT OPERATORS	8.23	.40	17%		17%
EQUIPMENT MECHANICS	7.53	.40	17%		17%
POWDERMEN	7.53	.40	17%		17%
GROUNDMEN & JACKHAMMER OPERATORS:					
1st 6 months	4.53	.40	17%		17%
2nd 6 months	5.16	.40	17%		17%
Experienced	6.01	.40	17%		17%
LINE CONSTRUCTION (STATEWIDE EXCEPT BERNALILLO COUNTY):					
CABLE SPLICERS	10.16	.40	17%		17%
LINEMEN	9.47	.40	17%		17%
TECHNICIANS	9.47	.40	17%		17%
EQUIPMENT OPERATORS	9.00	.40	17%		17%
EQUIPMENT MECHANICS	8.23	.40	17%		17%
POWDERMAN	8.23	.40	17%		17%
GROUNDMAN & JACKHAMMER OPERATORS:					
1st 6 months	4.96	.40	17%		17%
2nd 6 months	5.64	.40	17%		17%
Experienced	6.61	.40	17%		17%

SUPERSEDEAS DECISION

STATE: New Mexico
COUNTY: Statewide
DECISION NO.: NM76-4142
DATE: Date of Publication
Supersedes Decision No. NM76-4094 dated May 28, 1976 in 41 FR 22001.
DESCRIPTION OF WORK: Commercial Building and Heavy Engineering Construction (including Residential in Santa Fe, McKinley, San Juan and Bernalillo Counties but not on the Navajo Indian Reservation)

GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS (Statewide, except Union, Harding, Lea, Curry, Roosevelt and Quay Counties)	$9.86	.50	.97a		.03
ASBESTOS WORKERS (Union, Harding, Lea, Roosevelt, Curry and Quay Counties)	9.50	.35	.30		.02
BOILERMAKERS	10.85	.65	1.00		.02
BRICKLAYERS-Stonemasons:					
Zone I-A	8.36	.48	.40		.02
Zone I-B	8.86	.48	.40		.02
Zone I-C	9.36	.48	.40		.02
Zone II	8.66	.48			
Zone III	9.16	.48			
Zone IV	7.34	.48			
Zone V	7.345	.48			
Zone VI	7.89	.48			
Zone VII	8.015	.48			

BRICKLAYERS' ZONE DEFINITIONS

ZONE I - Union, Harding, Santa Fe, Valencia, Torrence, Taos, Scorro, Mora, McKinley, Colfax, Catron, San Miguel, San Juan, Sandoval, Rio Arriba, Bernalillo and Los Alamos Counties.

From basing point of Albuquerque Main Post Office:
Zone I-A - 0 to 25 road miles
Zone I-B - 25 to 50 road miles
Zone I-C - Over 50 road miles

ZONE II - Chaves, Curry, Roosevelt, DeBaca, Guadalupe, Quay, Lea, Eddy, and Otero Counties

ZONE III - Lincoln County

ZONE IV - Dona Ana County

ZONE V - Luna County

ZONE VI - Grant County Communities of Silver City, Bayard, Central, Hurley and New town site of Tyrone; Hidalgo and Sierra Counties.

ZONE VII - Grant County, except communities listed in Zone VI.

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GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS:					
Dwelling houses & apartments not to exceed two stories in height:					
Zone I-A	$7.50	.80	.80	.60	.20
Zone I-B	8.50	.80	.80	.60	.20
Zone I-C	9.25	.80	.80	.60	.20
General Building and Heavy Engineering and Residential Construction (Dwelling Houses and apartments over two stories in height):					
Zone 2-A	8.50	.80	.80	.60	.02
Zone 2-B	9.50	.80	.80	.60	.02
Zone 2-C	10.25	.80	.80	.60	.02

CARPENTERS' ZONE DEFINITIONS

CARPENTERS (STATEWIDE) - From nearest basing points of the following cities of Towns: Alamogordo, Albuquerque, Artesia, Bayard, Belen, Carlsbad, Clovis, Deming, Espanola, Eunice, Farmington, Gallup, Grants, Hobbs, Las Cruces, Las Vegas, Lordsburg, Lovington, Portales, Raton, Roswell, Ruidoso, Santa Fe, Santa Rosa, Silver City, Socorro, Taos, and Tucumcari:
ZONE I - Dwelling houses & apartments not to exceed two stories in height:
Zone I-A - 0 15 road miles from nearest basing point
Zone I-B - 15 to 35 road miles from nearest basing point
Zone I-C - Over 35 road miles from nearest basing point
ZONE II - General Building & Heavy Engineering and Residential Construction (Dwelling Houses and Apartments over two stories in height):
Zone 2-A - 0 to 15 road miles from nearest basing point
Zone 2-B - 15 to 35 road miles from nearest basing point
Zone 2-C - Over 35 road miles from nearest basing point

MILLWRIGHTS & PILEDRIVERMEN:					
Zone 1	9.00	.80	.80	.60	.20
Zone 2	10.00	.80	.80	.60	.20
Zone 3	10.75	.80	.80	.60	.20

MILLWRIGHTS & PILEDRIVERMEN ZONE DEFINITIONS

MILLWRIGHTS & PILEDRIVERMEN (STATEWIDE)
From nearest basing points of the following cities or towns:
Albuquerque City Limits; Santa Fe City Limits; the Main Post Office at Las Cruces and Carlsbad.
Zone 1 - 0 to 15 road miles from nearest basing point
Zone 2 - 15 to 35 road miles from nearest basing point
Zone 3 - Over 35 road miles from nearest basing point

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GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS:					
Dwelling houses and apartments not to exceed two stories in height;					
Cement masons	$7.11	.48	.30		
Dwelling houses & apartments over two stories in height:					
Cement masons	7.32	.48	.30		
Composition or mastic	7.57	.48	.30		
ELECTRICIANS (ZONE I)					
AREA - 1					
1-A	9.20	.40	1%+.70		1/4%
1-B	9.85	.40	1%+.70		1/4%
1-C	10.41	.40	1%+.70		1/4%
1-D	11.06	.40	1%+.70		1/4%
AREA - 2					
2-A	8.40	.40	1%+.70		1/4%
2-B	9.00	.40	1%+.70		1/4%
2-C	9.51	.40	1%+.70		1/4%
2-D	10.10	.40	1%+.70		1/4%
ZONE II	10.41	.40	1%+.70		1/4%
ZONE III	5.80	.30	1%		1/4%
ZONE IV					
4-A	8.75	.25	1%		1/2%
4-B	10.20	.25	1%		1/2%
ZONE V					
5-A	9.20	.40	1%		1/2%
5-B	9.84	.40	1%		1/2%
5-C	10.40	.40	1%		1/2%
5-D	11.04	.40	1%		1/2%
ZONE VI					
6-A	9.00	.40	1%		.01
6-B	9.35	.40	1%		.01
6-C	9.50	.40	1%		.01
6-D	9.75	.40	1%		.01

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ELECTRICIANS ZONE DEFINITIONS

ELECTRICIANS:
ZONE I
AREA 1 - Bernalillo, Santa Fe, Torrance, DeBaca, Guadalupe, Quay, San Miguel, Mora, Harding, Union, Colfax, Taos, Rio Arriba, Grant, Sandoval, Valencia, Socorro, Catron, Sierra and all of San Juan County excluding the Navajo Indian Reservation.
AREA 2 - Chaves, Curry, Lincoln and Roosevelt Counties

AREAS 1-A & 2-A
From nearest basing point cities, towns and mileage from main post office in the following towns:
Albuquerque - 15 miles from main post office
Santa Fe - 15 miles from main post office
Las Vegas - 8 miles from main post office
Farmington - 8 miles from main post office
Raton - 6 miles from main post office
Tucumari - 6 miles from main post office
Aztec - 6 miles from main post office
Roswell - 12 miles from main post office
Ruidoso - 12 miles from main post office
Portales - 12 miles from main post office
Carrizozo - 12 miles from main post office
Clovis - 12 miles from main post office

AREAS 1-B & 2-B
Area 1-B & 2-B extending up to 20 miles beyond Area 1-A & 2-A
AREAS 1-C & 2-C
Area 1-C & 2-C extending up to 30 miles beyond Area 1-A & 2-A
AREAS 1-D & 2-D
Area 1-D & 2-D - anything beyond 30 miles from Area 1-A & 2-A
ZONE II - Los Alamos County
ZONE III - Single or multiple, family dwelling or apartments up to and including 26 units under one roof not exceeding two stories - Bernalillo, Santa Fe Counties and all of San Juan County excluding the Navajo Indian Reservation
ZONE IV - Dona Ana, Otero, Luna, Hidalgo Counties
Zone 4-A - Within 5 mile radius from the post office in Las Cruces and Alamogordo
Zone 4-B - Dona Ana, Otero, Luna, and Hidalgo Counties (except that area specified in Zone 4-A)
ZONE V - McKinley County
Zone 5-A - Includes that City of Gallup and extending 10 road miles from main post office
Zone 5-B - Extending up to 20 road miles beyond Zone 5-A
Zone 5-C - Extending up to 30 road miles beyond Zone 5-A
Zone 5-D - Anything extending 30 road miles beyond Zone 5-A
ZONE VI - Eddy and Lea Counties - the following zones shall be designated from the main post office of Artesia, Carlsbad, Hobbs and Lovington:
Zone 6-A - 0 to 12 miles from main post office
Zone 6-B - 12 to 22 mi[illegible] from main post office
Zone 6-C - 22 to 40 m[illegible] beyond main post office
Zone 6-D - 40 miles a[illegible] beyond main post office

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GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CABLE SPLICERS:					
ZONE I					
AREA 1					
1-A	$10.13	.40	1%+.70		1/4%
1-B	10.78	.40	1%+.70		1/4%
1-C	11.34	.40	1%+.70		1/4%
1-D	11.99	.40	1%+.70		1/4%
AREA 2					
2-A	9.25	.40	1%+.70		1/4%
2-B	9.85	.40	1%+.70		1/4%
2-C	10.36	.40	1%+.70		1/4%
2-D	10.95	.40	1%+.70		1/4%
ZONE II	11.34	.40	1%+.70		1/4%
ZONE III					
3-A	9.00	.25	1%		1/2%
3-B	10.45	.25	1%		1/2%
ZONE IV					
4-A	10.12	.40	1%		1/2%
4-B	10.76	.40	1%		1/2%
4-C	11.32	.40	1%		1/2%
4-D	11.96	.40	1%		1/2%
ZONE V					
5-A	9.35	.40	1%		.01
5-B	9.70	.40	1%		.01
5-C	9.85	.40	1%		.01
5-D	10.10	.40	1%		.01

CABLE SPLICERS ZONE DEFINITIONS

CABLE SPLICERS:

ZONE I

AREA 1 - Bernalillo, Santa Fe, Torrance, DeBaca, Guadalupe, Quay, San Miguel, Mora, Harding, Union, Colfax, Taos, Rio Arriba, Grant, Sandoval, Valencia, Socorro, Catron, Sierra and all of San Juan County excluding the Navajo Indian Reservation.

AREA 2 - Chaves, Curry, Lincoln and Roosevelt Counties

AREAS 1-A & 2-A

From nearest basing point cities, towns and mileage from main post office in the following towns:

Albuquerque - 15 miles from main post office
Santa Fe - 15 miles from main post office
Las Vegas - 8 miles from main post office
Farmington - 8 miles from main post office
Raton - 6 miles from main post office
Tucumari - 6 miles from main post office
Aztec - 6 miles from main post office
Roswell - 12 miles from main post office
Ruidoso - 12 miles from main post office
Portales - 12 miles from main post office
Carrizozo - 12 miles from main post office
Clovis - 12 miles from main post office

AREAS 1-B & 2-B

Area 1-B & 2-B extending up to 20 miles beyond Area 1-A & 2-A

AREAS 1-C & 2-C

Area 1-C & 2-C extending up to 30 miles beyond Area 1-A & 2-A

AREAS 1-D & 2-D

Area 1-D & 2-D - anything beyond 30 miles from Area 1-A & 2-A

ZONE II - Los Alamos County

ZONE III - Dona Ana, Otero, Luna, Hidalgo Counties

Zone 3-A - Within 5 mile radius from the post office in Las Cruces and Alamogordo

Zone 3-B - Dona Ana, Otero, Luna, and Hidalgo Counties (except that area specified in Zone 4-A)

ZONE IV- McKinley County

Zone 4-A - Includes that City of Gallup and extending 10 road miles from main post office

Zone 4-B - Extending up to 20 road miles beyond Zone 5-A

Zone 4-C - Extending up to 30 road miles beyond Zone 5-A

Zone 4-C - Anything extending 30 road miles beyond Zone 5-A

ZONE V- Eddy and Lea Counties - the following zones shall be designated from the main post office of Artesia, Carlsbad, Hobbs and Lovington:

Zone 5-A - 0 to 12 miles from main post office
Zone 5-B - 12 to 22 miles from main post office
Zone 5-C - 22 to 40 miles beyond main post office
Zone 5-D - 40 miles and beyond main post office

GENERAL BUILDING CONSTRUCTION AND HEAVY ENGINEERING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTORS:					
Bernalillo, Catron, Colfax, Curry, DeBaca, Guadalupe, Harding, Lincoln, Los Alamos, McKinley, Mora, Quay, Rio Arriba, Roosevelt, Sandoval, San Juan, San Miguel, Santa Fe, Socorro, Taos, Torrance, Union and Valencia Counties:					
Elevator constructors	$9.63	.495	.32	3%+a+b	.02
Elevator constructors helper	70%JR	.495	.32	3%+a+b	.02
Elevator constructors prob.	50%JR				
Chaves, Hidalgo, Dona Ana, Eddy Grant, Lea, Luna, Otero and Sierra Counties:					
Elevator constructors	7.51	.495	.32	3%+a+b	.02
Elevator constructors helper	70%JR	.495	.32	3%+a+b	.02
Elevator constructors prob.	50%JR				
GLAZIERS:					
Zone I	6.24	.30	.10		.02
Zone II	7.34	.35	.20		.02

GLAZIERS' ZONE DEFINITIONS

GLAZIERS

Zone I - Dona Ana, Luna, Otero and Quay Counties

Zone II - Catron, Chaves, Colfax, Curry, DeBaca, Eddy, Grant, Guadalupe, Harding, Hidalgo, Lea, Lincoln, Los Alamos, McKinley, Mora, Rio Arriba, Roosevelt, Sandoval, San Juan, San Miguel, Santa Fe, Sierra, Socorro, Taos, Torrance, Union and Valencia Counties.

IRONWORKERS:					
Zone I	7.99	.50	.75		
Zone II	9.23	.55	.60		.10
Zone III	10.23	.55	.60		.10

IRONWORKERS ZONE DEFINITIONS

IRONWORKERS

Zone I - Bernalillo, Catron, Colfax, DeBaca, Guadalupe, Lincoln, Los Alamos, McKinley, Mora, Rio Arriba, Sandoval, San Juan, San Miguel, Santa Fe, Socorro, Taos, Torrance and Valencia Counties.

Zone II - Dona Ana County with the exception of that portion of the county that lies within the White Sands Missile Range; Chaves County, Eddy County except the Potash Basin and defined as the area 10 road miles on Highway 62 and Highway 180, east of Carlsbad.

Zone III - Curry, Harding, Quay, Union, Hidalgo, Grant, Lea, Luna, Otero and Sierra Counties; also Potash Basin, White Sands and McGregor Missile Ranges.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
GENERAL BUILDING, HEAVY ENGINEERING AND RESIDENTIAL CONSTRUCTION (Dwelling Houses and Apartments over two stories in height):					
Group I	$5.57	.34	.30		
Group II	5.87	.34	.30		
Group III	5.97	.34	.30		
Group IV	6.175	.34	.30		
Group V	6.325	.34	.30		

LABORERS' CLASSIFICATION DEFINITIONS

GROUP I - UNSKILLED: Building and Common Laborers, Carpenter tenders, Concrete workers, Chainmen-stakedrivers, Concrete buggy operators, hand

GROUP II - SEMI-SKILLED: Air and power tool operator, Asphalt rakers, Demolition, Gunite rebound men, Fog Machine Operator, Power Buggy Operators, Rodmen, Sand blasterers (pot men), Nozzlemen, Window washer, wagon, core, and diamond drillers tenders outside

GROUP III - Wagon Core, Diamond Drillers

GROUP IV - Concrete Burner, Cement mason tenders, Hodcarriers, Mortar mixers, Plaster spreader operators, Plaster tenders, Gunite nozzlemen, Pipe layer, Pumpcrete nozzlemen

GROUP V - Powdermen and Blasterers

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	Basic Hourly	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
RESIDENTIAL CONSTRUCTION (Dwelling houses and apartments not to exceed two stories in height):					
Group I	$5.12	.34	.30		
Group II	5.42	.34	.30		
Group III	5.52	.34	.30		
Group IV	5.725	.34	.30		
Group V	5.875	.34	.30		

LABORERS' CLASSIFICATION DEFINITIONS

GROUP I - UNSKILLED: Building and Common Laborers, Carpenter tenders, Concrete workers, Chainmen-stakedrivers, Concrete buggy operators, hand

GROUP II - SEMI-SKILLED: Air and power tool operator, Asphalt rakers, Demolition, Gunite rebound men, Fog Machine operator, power buggy operator, Rodmen, Sand blasterers (pot men), Nozzlemen, Window washer, wagon, core, and diamond drillers tenders outside

GROUP III - Wagon Core, Diamond Drillers

GROUP IV - Concrete Burner, Cement mason tenders, Hod carriers, Mortar mixers, Plaster spreader operators, Plaster tenders, Gunite nozzlemen, Pipe layer, Pumpcrete nozzlemen

GROUP V - Powdermen and Blasterers

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS:					
Zone I	$7.895	.48		.50	.02
Zone II	8.75				.01

LATHERS' ZONE DEFINITIONS

LATHERS
Zone I - Catron, Grant, Bernalillo, Roosevelt, Union, Sandoval, San Juan, Socorro, Torrance and Valencia Counties.
Zone II - Colfax, Los Alamos, Mora, Rio Arriba, San Miguel, Santa Fe and Taos Counties.

LINE CONSTRUCTION:					
BERNALILLO COUNTY ONLY					
Cable splicers	9.30	.40	1%		1/2%
Linemen - Technicians	8.65	.40	1%		1/2%
Equipment Operators	8.23	.40	1%		1/2%
Equipment Mechanics	7.53	.40	1%		1/2%
Powderman	7.53	.40	1%		1/2%
Groundmen and Jackhammer Opers.:					
1st 6 months	4.53	.40	1%		1/2%
2nd 6 months	5.16	.40	1%		1/2%
Experienced	6.01	.40	1%		1/2%
LINE CONSTRUCTION:					
STATEWIDE (Except Bernalillo Co.)					
Cable splicers	10.16	.40	1%		1/2%
Linemen - Technicians	9.47	.40	1%		1/2%
Equipment Operators	9.00	.40	1%		1/2%
Equipment Mechanics	8.23	.40	1%		1/2%
Powdermen	8.23	.40	1%		1/2%
Groundmen and Jackhammer Opers.:					
1st 6 months	4.96	.40	1%		1/2%
2nd 6 months	5.64	.40	1%		1/2%
Experienced	6.61	.40	1%		1/2%
MARBLE, TILE & TERRAZZO WORKERS	7.345	.48			
MARBLE, TILE & TERRAZZO HELPERS	5.65	.30			

GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: ZONE I					
Zone 1-A	$7.22	.35	.20		.05
Zone 1-B	7.72	.35	.20		.05
Zone 1-C	7.47	.35	.20		.05
Zone 1-D	7.80	.35	.20		.05
Zone 1-E	7.35	.35	.20		.05
PAINTERS: ZONE II					
Zone 2-A	6.25	.35	.20		.01
Zone 2-B	6.50	.35	.20		.01
Zone 2-C	6.90	.35	.20		.01
Zone 2-D	6.75	.35	.20		.01
Zone 2-E	6.75	.35	.20		.01
Zone 2-F	6.75	.35	.20		.01
Zone 2-G	7.25	.35	.20		.01
Zone 2-H	8.25	.35	.20		.01
PAINTERS: ZONE III					
Zone 3-A	6.96	.30			.02
Zone 3-B	7.38	.30			.02
Zone 3-C	7.105	.30			.02
Zone 3-D	7.38	.30			.02
Zone 3-E	7.81	.30			.02
Zone 3-F - 12½c above scale		.30			.02
Zone 3-G - 25c above scale		.30			.02
Zone 3-H - 50c above scale		.30			.02
Zone 3-I - 75c above scale		.30			.02
Zone 3-J - $1.00 above scale		.30			.02
PAINTERS: ZONE IV					
Zone 4-A	5.95	.35			
Zone 4-B	6.45	.35			
Zone 4-C	6.20	.35			
PAINTERS: ZONE V					
Zone 5-A	6.90	.35			
Zone 5-B	7.40	.35			
Zone 5-C	7.15	.35			

PAINTERS
ZONE I - San Juan, McKinley, Bernalillo, Torrance, Guadalupe, Quay, Catron, Socorro, Lincoln, DeBaca, Roosevelt, Chaves, Valencia, Sierra, Grant, Hidalgo and Curry Counties:
Zone 1-A - Painters, roller and hand textures
Zone 1-B - Painters, spray, sandblasting, painter on steel beidges, tanks towers, pipe and structural
Zone 1-C - Paperhanger
Zone 1-D - Drywall finisher; Ames tool operator
Zone 1-E - Hand finisher machine texture

ZONE II - Colfax, Harding, Los Alamos, Mora, Sandoval, San Miguel, Rio, Arriba, Taos, Union, and Santa Fe Counties.
Zone 2-A - Painters and roller
Zone 2-B - Paperhangers
Zone 2-C - Spray, Sandblast, pressure roller and gunnite operator
Zone 2-D - Steel painter; bridges, structural steel, machinery tank, towers, pipe boiler rooms and power plant brush and spray
Zone 2-E - Drywall finisher tool and machine texture
Zone 2-F - High pay - 30 to 75 feet
Zone 2-G - High pay - 75 to 100 feet
Zone 2-H - High pay - 100 feet and over

ZONE III- Luna, Otero and Dona Ana Counties
Zone 3-A - Brush, tapers and rollers
Zone 3-B - Spray, sandblasting
Zone 3-C - Ames tool and steel brush after erection
Zone 3-D - Stripping machine
Zone 3-E - Radio towers, water tanks, smoke stacks
Zone 3-F - Radio towers, water tanks, smoke stacks 50 to 75 feet
Zone 3-G - Radio towers, water tanks, smoke stacks 75 feet to 100 feet
Zone 3-H - Radio towers, water tanks, smoke stacks 100 feet to 200 feet
Zone 3-I - Radio towers, water tanks, smoke stacks 200 feet to 300 feet
Zone 3-J - Radio towers, water tanks, smoke stacks 300 feet to 400 feet

ZONE IV - Lea and Eddy Counties shall encompass Carlsbad, New Mexico and an area within a radius of 40 miles from the courthouse in Carlsbad, New Mexico
Zone 4-A - Brush and roller
Zone 4-B - Paperhangers and sandblaster
Zone 4-C - Spray and dry wall finisher

ZONE V - Lea and Eddy Counties shall include the rest of the area in Eddy and Lea Counties
Zone 5-A - Brush, roller and drywall finisher
Zone 5-B - Spray
Zone 5-C - Paperhanger and sandblaster

GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS:					
Statewide, (except Otero, Grant, Sierra, Dona Ana, Luna and Hidalgo Counties	$8.00	.48	.30		.01
Otero, Grant, Sierra, Dona Ana, Luna and Hidalgo Counties	7.27	.48			.01
PLUMBERS-PIPEFITTERS:					
Area I	10.00	.63	1.36	.50	.12
Area II	10.50	.63	1.36	.50	.12
Area III	11.75	.63	1.36	.50	.12
Specific Area	10.63	.63	1.36	.50	.12
Residential	7.38	.63	.25		.12

PLUMBERS - PIPEFITTERS' ZONE DEFINITIONS

BASING POINT CITIES OR TOWNS:
Albuquerque, Alamogordo, Anthony, Artesia, Belen, Carlsbad, Clovis, Deming, Espanola, Farmington, Gallup, Grants, Hobbs, Las Cruces, Las Vegas, Lordsburg, Lovington, Portales, Raton, Roswell, Ruidoso, Santa Fe, Silver City, Santa Rosa, Taos, Tucumari, Truth of Consequence and Socorro, New Mexico.

Area I - Shall include a distance of seven road miles inclusive beyond the city or town limits.

Area II - Shall extend a distance of four road miles inclusive beyond the outer perimeter of area I.

Area III - Shall apply to all areas not within areas 1 or 2, or not within the specific area.

Specific Area - Los Alamos, White Rock, South Mesa, McGregor Range, White Sands Missile Range and/or Proving Grounds, Atlas Missile Complex Sites in Chaves and Lincoln Counties, and the Oro Grande Range Camp in Dona Ana and Otero Counties.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION					
POWER EQUIPMENT OPERATORS: (Residential and General Building Construction)					
Group 1	$6.58	.35	.40		.10
Group 2	7.12	.35	.40		.10
Group 3	7.20	.35	.40		.10
Group 4	7.26	.35	.40		.10
Group 5	7.32	.35	.40		.10
Group 6	7.42	.35	.40		.10
Group 7	7.52	.35	.40		.10
Group 8	7.70	.35	.40		.10
Group 9	8.50	.35	.40		.10
Group 10 - $.15 per hour above regular rate		.35	.40		.10
POWER EQUIPMENT OPERATORS (Heavy Engineering Construction)					
Group 1	6.58	.35	.40		.10
Group 2	7.12	.35	.40		.10
Group 3	7.20	.35	.40		.10
Group 4	7.26	.35	.40		.10
Group 5	7.32	.35	.40		.10
Group 6	7.42	.35	.40		.10
Group 7	7.52	.35	.40		.10
Group 8	7.70	.35	.40		.10
Group 9	8.50	.35	.40		.10

RESIDENTIAL AND GENERAL BUILDING CONSTRUCTION
POWER EQUIPMENT OPERATORS:

Group 1: Firemen, Oiler, Helper - Mechanics Welders, Greaser Truck Screedman Scale Operator such a (Bin-A-Batch), Rubber-tired Farm-type Tractor, Tractors under 50 HP w/o attachments, Breakman, Concrete Paving Curing Machine (bridge type)

Group 2: Rollers, Sheepsfoot or Pneumatic Self-propelled w/o Dozer, Concrete Conveyor, Service Truck Operator (head oiler), Air Compressor (300 CFM and over), Pumps (6" and over), Screening Plant, Concrete Mixers (under 1 c.y.), Concrete Saw of Grinder-span type, Hoists, 1 drum, Air Tugger, Elevating Belt Type Loaders, Forklift Lumber Stacker, Tractor-farm type (under 50 HP w/attachments) Motor Man and Industrial Locomotive Operator, Winch Trucks, Front End Loader (under 2 c.y.), Power Plants which generate over 15 KW, Welding Machines

Group 3: Bituminous Distributors Boilers, Retort and Hot Oil Heaters, Concrete Paver-single drum, Drilling Equipment, Motor Graders (Rough), Shaft and Tunnel Equipment-Refrigeration, Slusher, jumbo form, Trenching Machines (all types), Pump Crete and Gunite Machines, Slipform Paver, Mechanical Bullfloats, Concrete Slab, Spreading Machine, Concrete Slab Finishing Machine, Asphalt Plants, Bituminous Finishing Machines, Crushing Plants

Group 4: Fornt End Loader (2 thru 10 c.y.), Rollers, Steel Wheeled-all types, Bulldozers, Scrapers, (Motor or Towed), Elevating Graders, Concrete Batching Plants, Self-propelled Rollers-equiped with Dozer, Twin-bowl Scrapers and Quad 8 or 9 Pushers (35c over basic rate) Three Bowl Scrapers (60c over basic rate)

Group 5: Hydraulic Cranes - with less than 50 ft. of boom (20 tons and under), Concrete Paver-double drum, Cat Cranes, Hysters, Side and Swingboom Cats, Hoist-2 drum, Auto Fine Grader

Group 6: Mucking Machines - all types, Motor Grader-Finish, Mechanic-Welder

Group 7: Steam Engineers, Loader (Front End over 10 c.y.)

Group 8: All Shovel type Equipment:
Cranes, Draglines, Backhoes, Derricks, Guy and Stiff Leg, Pipemoble, (No.20p) Pile Driver, Hydraulic Cranes (20 tons and over), Mine Hoist (Belt Loader "CMI" type), Cranes, Draglines - with Booms and Jib over 150 ft. 25c per hour additional

Group 9: Shovel (wheel type), Boring Machine (Tunnel or Shaft Mole), Pipe Mobile

Group 10: Shaft and Tunnel Work

HEAVY ENGINEERING CONSTRUCTION
POWER EQUIPMENT OPERATORS

Group 1: Firemen, Oiler, Helper - Mechanics Welders, Greaser Truck, Screedman Scale Operator such a (Bin-A-Batch), Rubber-tired Farm-type Tractor, Tractors under 50 HP w/o attachments, Breakman, Concrete Paving Curing Machine (bridge type)

Group 2: Rollers, Sheepsfoot or Pneumatic Self-propelled w/o Dozer, Concrete Conveyor, Service Truck Operator (head oiler), Air Compressor (300 CFM and over), Pumps (6" and over), Screening Plants, Concrete Mixers (under 1 c.y.), Concrete Saw of Grinder-span type, Hoists, 1 drum, Air Tugger, Elevating Belt Type Loaders, Forklift Lumber Stacker, Tractor-farm type (under 50 Hp w/attachments) Motor Man and Industrial Locomotive Operator, Winch Trucks, Front End Loader (under 2 c.y.), Power Plants which generate over 15 KW, Welding Machines

Group 3: Bituminous Distributors Boilers, Retort and Hot Oil Heaters, Concrete Paver - single drum, Drilling Equipment, Motor Graders (Rough), Shaft and Tunnel Equipment - Refrigeration, Slusher, jumbo form, Trenching Machines (all types), Pump Crete and Gunite Machines, slipform Paver, Mechanical Bullfloats, Concrete Slab, Spreading Machine, Concrete Slab Finishing Machine, Asphalt Plants, Bituminous Finishing Machines, Crushing Plants

Group 4: Front End Loader (2 thru 10 c.y.), Rollers, Steel Wheeled-all types, Bulldozers, Scrapers, (Motor or Towed), Elevating Graders, Concrete Batching Plants, Self-propelled Rollers - equiped with Dozer, Twin-bowl Scrapers and Quad 8 or 9 Pushers (35c over basic rate) Three Bowl Scrapers (60c over basic rate)

Group 5: Hydraulic Cranes - with less than 50 ft. of Boom (20 tons and under), Concrete Paver - double drum, Cat Cranes, Hysters, Side and Swingboom Cats, Hoist - 2 drum, Auto Fine Grader

Group 6: Mucking Machines - all types, Motor Grader - Finisher, Mechanic - Welder

Group 7: Steam Engineers, Loader (Front End over 10 c.y.)

Group 8: All Shovel Type Equipment:
Cranes, Draglines, Backhoes, Derricks, Guy and Stiff Leg, Pipemoble (No. 20p) Pile Driver, Hydraulic Cranes (20 tons and over), Mine Hoist (Belt Loader "CMI" type), Cranes, Draglines - with Booms and Jib over 150 ft. 25c per hour additional

Group 9: Shovel (wheel type), Boring Machine (Tunnel or Shaft Mole), Pipe Mobile

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS	$6.80	.25			
SHEET METAL WORKERS:					
Zone 1	9.06	.48	.40		.02
Zone 2	8.465	3%+.45	.30		.005
Zone 3	8.35	.20			.05
Zone 4	10.06	.48	.40		.02

SHEET METAL WORKERS ZONE DEFINITIONS

Zone 1 - Bernalillo, Catron, Chaves, Colfax, Curry, DeBaca, Guadalupe, Harding, Lincoln, McKinley, Mora, Quay, Rio Arriba, Roosevelt, Sandoval, San Miguel, Santa Fe, Socorro, Union, Taos, Torrance, Valencia, San Juan Counties, Kirtland Air Force Base.

Zone 2 - Dona Ana, Eddy, Grant, Hidalgo, Lea, Luna, Sierra and Otero Counties.
Zone 3 - Holloman Air Force Base, White Sands and McGregor Ranges
Zone 4 - Los Alamos County

SOFT FLOOR LAYERS:					
Zone 1	7.23	.30	.10		.02
Zone 2	6.90	.35			

SOFT FLOOR LAYERS' ZONE DEFINITIONS

Zone 1 - Dona Ana, Luna and Otero Counties
Zone 2 - Statewide (excluding Dona Ana, Luna and Otero Counties)

DECISION NO. NM76-4142

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
SOUND INSTALLERS:					
Zone I - Bernalillo County					
Zone II - Valencia, Sandoval, Santa Fe, Torrance and Socorro, Counties					
Zone III - Guadalupe, DeBaca, Quay, San Miguel, Mora, Harding, Union, Colfax, Taos, Rio Arriba, Catron, Sierra, Grant, Roosevelt, Chaves, Lincoln, Curry and Los Alamos Counties, all of San Juan County excluding the Navajo Indian Reservation.					
Soundman:					
Zone I	$8.10	.30	1%		1/4%
Zone II	8.225	.30	1%		1/4%
Zone III	8.475	.30	1%		1/4%
Technicians:					
Zone I	6.48	.30	1%		1/4%
Zone II	6.48	.30	1%		1/4%
Zone III	6.605	.30	1%		1/4%
Sound Installers:					
Zone I	5.27	.30	1%		1/4%
Zone II	5.395	.30	1%		1/4%
Zone III	5.645	.30	1%		1/4%
SPRINKLER FITTERS	10.20	.50	.80		.08
Truck Drivers (General Building and Residential Construction - Dwelling houses and apartments over two stories in height)					
Group 1	5.40	.48	.45		
Group 2	5.52	.48	.45		
Group 3	5.60	.48	.45		
Group 4	5.72	.48	.45		
Group 5	5.77	.48	.45		
Group 6	5.87	.48	.45		
Group 7	5.97	.48	.45		
Group 8	6.11	.48	.45		
Group 9	6.26	.48	.45		

DECISION NO. NM76-4142

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS (Cont'd) (RESIDENTIAL CONSTRUCTION - Dwelling houses and apartments not to exceed two stories in height)					
Group 1	$5.10	.48	.45		
Group 2	5.22	.48	.45		
Group 3	5.30	.48	.45		
Group 4	5.42	.48	.45		
Group 5	5.47	.48	.45		
Group 6	5.57	.48	.45		
Group 7	5.67	.48	.45		
Group 8	5.81	.48	.45		
Group 9	5.96	.48	.45		
TRUCK DRIVERS (HEAVY ENGINEERING CONSTRUCTION)					
Group 1	5.60	.48	.40		
Group 2	5.72	.48	.40		
Group 3	5.80	.48	.40		
Group 4	5.92	.48	.40		
Group 5	5.97	.48	.40		
Group 6	6.07	.48	.40		
Group 7	6.17	.48	.40		
Group 8	6.31	.48	.40		
Group 9	6.46	.48	.40		

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS:

Group 1: Pickup 3/4 ton and under; Light Tire Repair or Washer; Swamper or Riding Helper; Teamster 2 or 4 up

Group 2: Bus or Taxi Driver; Dump or Batch Truck under 8 C.Y.W.L.A.; Flatbed (bobtail) 2 ton and under; Warehouse including Material Checker; Mechanic and Welder Helper; Forklift, under 5 ton MRC

Group 3: Dump Truck (including all highway and off-highway) 8 up to 16 C.Y.W.L.C.; Water, Fuel or Oil Trucks less than 3,000 gallons; Flatbed (bobtail) over 2 tons

Group 4: Distributors Driver; Heavy Tire Repair; Lumber Carrier Driver; Yound Buggy or similar equipment transit mix or agitator 2 or 3 axle bobtail equipment; Scissor Truck; Bulk Cement Bobtail 2 or 3 axles; Semi-ttailer Driver (flatbed or van single axle); Forklift 5 ton and over M.R.C.; Field Equipment Serviceman

Group 5: Dumpsters and Dumpcrete Driver; Water, Fuel or Oil Truck, 3;000 to 6,000 gallon capacity; Lowboy, light equipment driver; Euclid type tank wagon under 6,000 gallons

Group 6: Vacuum Truck; Dump Truck (including all highway and off-highway 16 up to 22 C.Y.W.L.C.

Group 7: Transit Mix or Agitator semi or 4 axle equipment driver; Flaherty Truck type Spreader Box Driver; Slurry Trucks 4 axle Bobtail; Winch Truck and "A" Frame Dump Trucks (including all highway and off-highway) 22 C.Y. up to 35 C.Y.W.L.C, Head Field Equipment Serviceman

Group 8: Euclid Diesal powered Turnarocker; Terra Cobra; DW 10; DW 20; LeTourneau Pulls and similar diesal powered equipment when used to haul materials and assigned to a Teamster; Lowboy Heavy Equipment Driver; Water, Fuel or Oil Trucks 6,000 gal. and over (including tank wagon drivers); Semi-trailer Driver (flatbed or van tandems); Light equipment mechanic; Dump Trucks (including all highway and off-highway) 35 C.Y.W.L.C. and over; Truck and Trailer or Semi-trailer (flatbed eject all)

Group 9: Lowboy (heavy equipment, double gooseneck); Heavy equipment mechanics; Welder (body and fender man)

TEAMSTERS CLASSIFICATION not listed, shall be paid a rate comparable to classification listed.

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTES:
a. Includes $0.07 contribution to the Occupational Health Fund.
b. 1st 6 months - none; 6 months to years, 2%; over 5 years, 4% of basic hourly rate.
c. Paid Holidays: A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

SUPERSEDEAS DECISION

STATE: Tennessee COUNTY: Knox
DECISION NUMBER: TN76-1081 DATE: Date of Publication
Supersedes Decision No.: TN76-1013 dated January 16, 1976, in 41 FR-2618
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories.)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	8.73	.45	.20		.01
Boilermakers	8.80	.60	1.00		.02
Bricklayers and Stonemasons	9.00				
Carpenters	7.97		.35		
Cement masons	7.02				
Electriciane & Line Conetruction:					
Electricians & Linemen	8.25	.40	1%		.5%
Cable splicers	8.65	.40	1%		.5%
Elevator Conetructors	8.09	.495	.32	1/6+a&b	.02
Elevator Constructors' Helpers	70%JR	.495	.32	1/6+a&b	.02
Elevator Conetructors' Helpers (prob.)	50%JR				
Glaziere	5.75		.25		.005
Ironworkers:					
Structural & Ornamental	8.01	.50	.30		
Reinforcing	7.87	.50	.30		
Fence erector	8.01	.50	.30		
Lathers	7.91		.20		.01
Leadburners	10.50	.40		c	.01
Marble masons	9.00				
Millwrights	8.57		.35		
Painters:					
Commercial	7.20		.35		.03
Industrial	7.55		.35		.03
Piledrivermen	8.22		.35		
Plasterers	8.40				
Plumbers and Steamfitters	8.50	.40	.70	.30+d	.05
Roofers, composition	7.18		.25		
Roofers, slate & tile	7.18		.25		
Sheet metal workers	8.91	.35	.50		.02
Soft floor layers	7.97		.35		
Sprinkler fitters	10.10	.60	.90		.08
Terrazzo workers & tile setters	9.00				
Truck drivers:					
3 tons, & inc., 4 yds., dump truck	5.10	.25	e		
3 to 5 tons, & inc. 6 yds., dump truck	5.34	.25	e		
5 tons, & over inc. dump truck over 6 yds. ready mix conc. truck, tank trucks, floats, & lowboys, winch truck & semi-					

TN76-1081 - (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Truck drivers - (Cont'd) trailer,any type trucks pulling or towing equip.	5.54	.25	e		
Welders - receive rate for craft performing operation to which welding is inoidental.					

PAID HOLIDAYS:
A-New Year's Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Day, F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 1/6 of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. 9 Paid Holidays: A through F plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holidays, and the regular scheduled work days immediately preceding and following the holiday.

d. $.05 holiday pay.

e. $14.00 per week for each employee.

TN76-1081 - (Cont'd)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
GROUP A	5.14	.15	.15		.01
GROUP B	5.29	.15	.15		.01
GROUP C	5.29	.15	.15		.01
GROUP D	5.32	.15	.15		.01
GROUP E	5.44	.15	.15		.01
GROUP F	5.94	.15	.15		.01
GROUP G	5.64	.15	.15		.01
Tunnel Construction:					
GROUP H	5.14	.15	.15		.01
GROUP I	5.54	.15	.15		.01
GROUP J	5.69	.15	.15		.01
GROUP K	5.84	.15	.15		.01
GROUP L	5.94	.15	.15		.01

GROUP A: Construction Laborer

GROUP B: Mortar mixers, plasterer tender

GROUP C: Hod carriers, power buggies, yarner, potman, grademan, snake man, form setter & strippers, pipelayers, asphalt raker, jackhammer op., air tool op., vibrator op., chain saw op., barco tamp op., all powef driven tool op.

GROUP D: Acetlyene burner

GROUP E: Wagon drill operator

GROUP F: Caisson hold man

GROUP G: Powderman

GROUP H: Outside laborer

GROUP I: Tunnel laborer

GROUP J: Chuck tender

GROUP K: Concrete gun op., nozzleman

GROUP L: Tunnel miner

TN76-1081 - (Cont'd)

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	7.40	.25	.20		.02
GROUP B	6.88	.25	.20		.02
GROUP C	5.77	.25	.20		.02
GROUP D	5.30	.25	.20		.02

GROUP A: Backhoes; cable ways; ross carrier; clamshells; cranes; derricks; draglines; tournapulls; pans; scrapers; scoops, etc.; head tower machines; locomotives (over 20 tons); shovels; mechanics & welders; winch trucks with A-frame; skimmer scoops; locomotive cranes; over-head cranes; pile drivers; skid rigs; side boom tractors; euclid loaders; hoist (any size handling steel or stone); derrick boats; dredge boats; engines used in connection with hoist material with an attached device on tower or engine; mucking machines; hi-lifts or end loaders; finish graders; cherry-pickers; tower cranes; skylift & gradall; dozers; earth augers and pole machine operators; core drill & foundation drills

GROUP B: Tractors, farm type tractors with attachments; central compressor plants; elevators, used for hoisting building material, cantrsl mixing plants; hoist; pump crete machines; concrete pumps; trenching machines; backfillers (other than cranes); crushing plant operators; elavating graders; paving machines (black top); fork-lift; paving machines, concrete; boat operator or engineer (30 tons or over); tracmobile; maintaincrs; blacktop roller; switchman; locomotive under 20 tons

GROUP C: Asphalt plant operators; barber green type loaders; engine tender other than steam; mixers, over 2 bags not include central plants; pumps, 2 not more than 3; scarifiers; spreader box (bituminous); esphalt mixers; portable compressors, 2 not more than 3; rollers; sub-grader machine; tractors, farm type without attachments; cable head tower engiceman; dredge booster pump operators; boat operator or engine, under 30 tons; finishing machine; fireman & oiler (combination); motor crane oiler & driver; welding machine, 2 not more than 3; heaters, stationary or portable (to 5); compressors (portable 2 not more than 3); greaser or fuel trucks

GROUP D: Air compressor (1 portable); fireman; portable crushers; welding machine (1); conveyors; pumps (1); oiler; heater (1)

SUPERSEDEAS DECISION

STATE: Tennessee COUNTY: Shelby
DECISION NUMBER: TN76-1083 DATE: Date of Publication
Supersedes Decision No.: TN76-1012 dated January 16, 1976 in 41-FR 2615
DESCRIPTION OF WORK: Building Construction, (exclusding single family homes and garden type apartments up to and inoluding 4 stories), Heavy, Water, Sewer and Utility Construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	10.10	.45	.50		.05
Boilermakers	7.50	.40	.90		.02
Brioklayers, Stonemasons	9.85	.43	.20		.10
Carpenters, Pilsdrivermen, Soft floor layers	9.00	.30	.30		.065
Cement masons:					
Cement masons	8.65	.30	.45		.10
Cement masons machine operator	8.90	.30	.45		.10
Electricians:					
Electricians, Linemen	9.28	.65	1%+.40		½ of 1%
Cable splicers	9.38	.65	1%+.40		½ of 1%
Elevator constructors	9.43	.495	.32	1%+a+b	.02
Elevator constructors' helpers	70%JR	.495	.32	1%+a+b	.02
Elevator constructors' helpers (Prob.)	50%JR				
Glaziers	9.20	.35	.20		
Ironworkers	9.15	.35	.60		.125
Lathers	9.30	.25			.01
Leadburners	10.50	.40	.25	o	.01
Marble setters, Terrazzo workers tile setters	7.75	.45	.20		.05
Marble setters helpers, Terrazzo setters helpers, Tile setters helpers	4.05				
Millwrights	9.55	.46	.30		.06
Painters:					
Brush	8.10	.30	.30		.05
Sandblasting, spray steel	8.35	.30	.30		.05
Plasterers	9.40				.01
Plumbers	10.37	.40	.30		
Roofers:					
Compoeition	8.70		.25		.03
Slate, tile, asbestos & precast tile	8.95		.25		.03
Sheet metal workers	8.40	3%+.50	.25	.55	.02
Sprinkler fitters	10.10	.60	.90		.08
Steamfitters, air conditioning mechanics and pipefitters	10.47	.30	.30		
Truck drivers:					
Up to 5 tons	6.10		d		
5 tons & over incl. special equipment	6.50				
Welders, riggers, & riveters receive rate prescribed for craft performing operation to which welding is incidental.					

TN76-1083 - (Cont'd)

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. 6 paid holidays: A through F
b. Employer contributes 1% of regular hourly rate to vacation pay credit for employes who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.
c. 9 paid holidays: A through F. plus Washington's Birthday, Good Friday, & Ohristmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular echeduled work days immediately preceding and following the holiday.
d. Employer contribution of $5.00 per week.

TN76-1083 - (Cont'd)

BUILDING CONSTRUCTION LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	5.75	.20	.20		.05
GROUP B	5.85	.20	.20		.05
GROUP C	5.90	.20	.20		.05
GROUP D	6.10	.20	.20		.05
GROUP E	6.30	.20	.20		.05

GROUP A: General and common laborers, concrete laborers, track laborer walkers, cement finisher helper, plumber helpers, carpenter tenders, asphalt rakers-tampers, form strippers, roofing helpers.

GROUP B: Well driller helpers, storm and sanitary pipe layers, mat weavers, motor buggie operators.

GROUP C: Chain saw operator, jackhammer, vibrator and electric hammers and all air tool and pneumatic tools.

GROUP D: Deep hole men

GROUP E: Powdermen, toolroom attendant, torchman on demolition and salvage, sand hog (free air).

TN76-1083 - (Cont'd)

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS A	8.925	.30	.35		
CLASS B	8.495	.30	.35		
CLASS C	7.795	.30	.35		
CLASS D	7.395	.30	.35		

CLASS A: Shovels; Backhoes; Draglines; Cranes; Derricks; Gantrys; Gradall; Winch with boom; Motor patrol; Trenching machine (18" & over); Pile driver; Tug boat operator; Mechanics (heavy); Central mixing plant; Locomotive engineer; Strattle carriers; Core drills (over 3"); Tower cranes; Hydro cranes; Austin Western (and similar type cranes); Drilling of piling; Tugger; Earth freezing equipment; 3 drum hoist; Side boom; Dredge operator (engineer); Hopto; Pump crete; Mucking machines; Cableway; Central compressor plant; Derrick boat; Concrete pump; Welders (men from the craft); Helicopter operator; Well point systems; Sweeper; Bulldozers; Pans; Scrapers; Traxcavators; Fork lift; Front end loader

CLASS B: Trenching machines (18" and smaller); Tandem rollers; Pavers; Mobile mixers (rubber tired, mobile, mixed on job); Back filler; Blade graders; Dinkey operator over 10 tons; Elevating graders; Winches (operated from trucks or tractors, without booms and powered by other than the truck); Distributors; Bituminous surfaces, 1 and 2 drum hoist; Grout pumps; Motor boat; Switchman; Brakeman; Earth compactors (motorized-Buffalo-Springfield type)

CLASS C: Locomotive fireman (on boilers 100 h.p. and over); Operator; Air compressor (stationary); Earth drills; Scale operators; Tractors (40 h.p. and less); Motor crane driver and oiler; Pumps (larger than 4"); Dinkey operators (10 tons and less); Oilers on Gantrys; Greasers

CLASS D: Air compressor operators; Mechanic helper; Locomotive fireman; Welding machine operators; Deck hand; Elevator operators

TN76-1083 - (Cont'd)

HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers	6.40				
Carpenters or leadsman	5.35				
Cement masons	5.35				
Electricians	6.15				
Ironworkers, reinforcing	5.10				
Ironworkers, structural	5.70				
Laborers:					
Laborers, unskilled, Flagman	3.25				
Chain saw, Concrete rubber, Mortar mixer, Pipelayer	3.50				
Air tool operator, firemen	3.55				
Concrete edger	3.65				
Concrete saw operator, fence erector, guard rail erector	3.75				
Asphalt raker	3.85				
Sign erector	3.95				
Form setter, Steel road	4.25				
Powderman	4.55				
Nozzleman or gunman (gunite)	5.35				
Painters or sand blaster	5.35				
Truck drivers:					
2 & 3 axles	3.65				
4 & 5 axles or more or heavy duty off-the-road trucks	4.30				
Welders - receive rate prescribed for craft performing operation to which welding is inoidental.					
POWER EQUIPMENT OPERATORS:					
Pump operator, weldor helper	3.40				
Ditch paver, mechanic helper	3.55				
Curb machine	3.65				
Motor crane driver, mulcher or seeder, scale operator	3.75				
Tractor, farm	3.80				
Concrete mixer, less than 1 yd, Earth drill	3.85				
Track drill	4.00				
Dozer or loader - stock pile only	4.10				
Oiler, roller, other than finish	4.15				

TN76-1083 - (Cont'd)

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Distributor (bituminous)	4.35				
Tractor, crawler, utility	4.40				
Spreader (self-propelled)	4.50				
Asphalt paver, central mixing (asphalt or concrete), Concrete finishing machine, mechanic, Class II, Motor patrol (rough), Roller (high-type), Soil cement machine	4.65				
Tractor - boom & hoist, trenching machine	4.80				
Bulldozer or push dozer, scraper	5.25				
Backhoe, concrete paver, Cranes, end loader, Mechanic, Class I, Motor patrol finish, piledriver, Shovel	5.35				

TN76-1083 (Cont'd)

WATER, SEWER AND UTILITIES	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Bricklayers	$3.50					
Carpenters	3.50					
Cement masons	3.00					
Laborers	2.30					
Truck drivers:						
Up to 3 tons	2.32					
Over 3 tons	2.50					
Power Equipment Operators:						
Air compressors	2.37					
Backhoe	3.50					
Blade grader	3.50					
Bulldozer	3.45					
Cranes, derricks & draglines	3.85					
Front end loader	3.50					
Mechanics	3.42					
Motor grader	3.50					
Scrapers	3.34					
Shovels	3.50					
Tractors	2.37					
Trenching machines	3.30					

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Bexar
DECISION NO.: TX76-4140 DATE: Date of Publication
Supersedes Decision No. TX75-4196, dated November 21, 1975, in 40 FR 54417.
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories). (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 9.23	.42	.60		.08
BOILERMAKERS	8.00	.50	.76		.02
BRICKLAYERS-STONEMASONS	8.17	.40	.30	.25	.05
CARPENTERS:					
Carpenters	7.77	.38	.40	.40	.02
Millwrights	8.07	.38	.40	.40	.02
CEMENT MASONS	6.68				
ELECTRICIANS:					
Electricians	9.23	.30	1%		1/2%
Cable splicers	9.48	.30	1%		1/2%
ELEVATOR CONSTRUCTORS	7.99	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	6.80				
IRONWORKERS	7.60	.55	.60	.50	.07
LABORERS:					
Common laborers; Pipelayers, concrete & clay (non-metallic)	5.09	.28	.30		.02
Air tool operators (jackhammer, vibrator)	5.18	.28	.30		.02
Bell hole man; Mason tenders	5.20	.28	.30		.02
Mortar mixers; Plasterers' tenders	5.46	.28	.30		.02
LATHERS	8.36				.01
LINE CONSTRUCTION:					
Lineman	8.255	.28	1%		1/2%
Groundman	5.58	.28	1%		1/2%
Groundman, 1st. year	4.12	.28	1%		1/2%
MARBLE SETTERS	6.99	.35	.30	.25	
MARBLE SETTERS' HELPERS	4.87				
PAINTERS:					
Brush; Paperhanger; Taper & floater	7.55		.20		.05
Spray; Structural steel	7.80		.20		.05
Spray on structural steel; Sand blasting	8.05		.20		.05

DECISION NO. TX76-4140

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS	$ 8.35				.01
PLUMBERS-PIPEFITTERS	9.46	.40	.55		.10
ROOFERS:					
Roofers	5.50				
Kettlemen	4.83				
Waterproofers	5.14				
Roofers' helpers	2.60				
SHEET METAL WORKERS	9.08	3%+.30	.50		.07
SOFT FLOOR LAYERS	4.55				
SPRINKLER FITTERS	10.10	.50	.80		.08
TERRAZZO WORKERS	6.99	.35	.30	.25	
TERRAZZO WORKERS' HELPERS:					
Terrazzo helpers	4.87				
Floor machine operators	5.07				
Base machine operators	5.22				
TILE SETTERS	6.99	.35	.30	.25	
TILE SETTERS' HELPERS	4.87				
TRUCK DRIVERS	3.00				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental					

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate
b - Paid Holidays A thru F

PAID HOLIDAYS
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

DECISION NO. TX76-4140

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	$ 8.32	.35	.55		
GROUP 2	7.44	.35	.55		
GROUP 3	6.27	.35	.55		
GROUP 4	6.03	.35	.55		

CLASSIFICATION DEFINITIONS

GROUP 1 - All foundation drilling rigs; All rollers (5 tons or over); Backfiller; Backhoe; Blade graders (self-propelled); Bull clam; Bulldozers; Cableway; Clamshell operator; Crane (power operated, all types); Derricks (power operated, all types); Draglines; DW-10 caterpillar and similar tractors; Elevating graders (self-propelled); Euclid; Fork lift used on construction; Gasoline or diesel-driven welding machines (7 to 12); Gradall; Heavy duty mechanic; High lifts; Hoist (two drums or more); Locomotives; Mixer (14 cu. ft. or over); Mixmobile; Paving mixers (all sizes); Piledrivers; Pumpcrete machine operator; Rock crusher operator on job; Scoopmobile; Scrapers; Shovel (power operated); Turnapulls; Trenching machines (all sizes); Winch truck; All other equipment of similar nature, coming within the heavy equipment class, when power operated

GROUP 2 - Air compressor (any time there are three or more attachments operating on a 125 cu. ft. air compressor or less, a light equipment operator shall be employed. Any compressor over 125 cu. ft. shall have a light equipment operator); Blade graders (towed); Building elevator used on construction; Flex planes; Form graders; Hoist (single drum); Mixer (less than 14 cu. ft.); Pneumatic roller; Pulsometers; Pump (2½ or larger shall require a light equipment operator); Three to six welding machines or any three pieces or equipment of equal or similar nature, coming within the light equipment class when power operated; Roller (under 5 tons); Truck crane drivers

GROUP 3 - Fireman

GROUP 4 - Oiler

SUPERSEDEAS DECISION

STATE: VIRGINIA

LOCATION: RADFORD ARMY AMMUNITION PLANT

DECISION NO.: VA76-3220

DATE: DATE OF PUBLICATION

Supersedes Decision No. VA75-3119, dated December 12, 1975 in 40 FR 58059.

DESCRIPTION OF WORK: Building Construction, (excluding single family houses and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 8.38	.55	.50		.01
BOILERMAKERS	10.15	.40	.80		.02
BRICKLAYERS	8.25				
CARPENTERS	7.60	.35	.30		.02
CEMENT MASONS	5.95				
ELECTRICIANS	8.66	.30	1%		1 of 1%
IRONWORKERS:					
Structural & Reinforcing	9.55	.60	.65		.03
LABORERS:					
Common Laborers	5.15	.25	.25		.03
Mason Tenders	5.25	.25	.25		.03
Air Tool Operators	5.40	.25	.25		.03
LATHERS	8.25				
MILLWRIGHTS	9.35	.35	.30		.02
PAINTERS:					
Brush	6.70	.35	.20		
Spray	7.10	.35	.20		
PLUMBERS & PIPEFITTERS	8.25	.35	.40	.25	.05
SHEET METAL WORKERS	8.20	.25	.25		.02
SPRINKLER FITTERS	9.23	.60	.90		.08
POWER EQUIPMENT OPERATORS:					
Backhoe Operators	7.29				
Bulldozer Operators	8.33	.30	.40		.03
Crane Operators	7.62				
Oilers	4.88				
Roller Operators	5.95	.30	.40		.03
Piledrivers	6.32				

SUPERSEDEAS DECISION

STATE: Wyoming

COUNTIES: Converse, Goshen, Laramie, Natrona, Niobrara and Platte

DECISION NUMBER: WY76-5070

DATE: Date of Publication

Supersedes Decision No. WY76-5049 dated May 28, 1976, in 41 FR 22025

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories) and heavy construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 9.01	.38	.72		
BOILERMAKERS	8.90	.70	1.00		.02
BRICKLAYERS; Stonemasons:					
Goshen, Laramie and Platte Cos.	9.70		.30		
Converse, Natrona & Niobrara Counties	10.00				
CARPENTERS:					
Carpenters	8.85	.50	.50	.25	.15
Piledrivermen	9.10	.50	.50	.25	.15
CEMENT MASONS:					
Cement Masons	8.55	.50			.05
Working with composition material; Scaffold, swing stage or temporary platform over 8' high; Operator of power machines	8.80	.50			.05
Working on scaffold, swing stage or temporary platform over 20' high	9.95	.50			.05
ELECTRICIANS:					
Goshen,, Laramie, Niobrara and Platte Counties					
Electricians	10.00	.42	1%+.25		3/4 of 1%
Cable Splicers	10.25	.42	1%+.25		3/4 of 1%
Converse and Natrona Counties					
Electricians	9.04	.42	1% + .25		4/10%
ELEVATOR CONSTRUCTORS	9.81	.495	.32	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.495	.32	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
IRONWORKERS:					
Structural; Ornamental; Reinforcing	9.15	.55	.85		.25
MARBLE, TILE & TERRAZZO WORKERS:					
Converse, Natrona & Niobrara Counties	8.50				
MILLWRIGHTS	9.48	.68	.75	6%	.06
PAINTERS:					
Converse, Natrona & Niobrara Counties					
Painters, Brush & Roll; Hardwood Finishers; Sandblast Pot Tenders	7.95	.50			.05

DECISION NO. WY76-5070

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Painters; Spray; Swing stage & Chair; Sandblast (exterior); Hazardous Work	$ 8.70	.50			.05
Paperhanging; Drywall Finishers-Hand	8.20	.50			.05
Sandblast (interior); Steeplejack	9.39	.50			.05
Goshen, Laramie and Platte Cos.					
Painters, Brush	8.45				
PLUMBERS; Steamfitters:					
Goshen, Laramie and Platte Cos.					
Zone 1 (10 miles radius from Cheyenne P. O.)	8.72	.60	.50	1.00	.18
Zone 2 (10 miles radius beyond Zone 1)	9.47	.60	.50	1.00	.18
Zone 3 (15 miles radius beyond Zone 2)	9.24	.60	.50	1.00	.18
Zone 4 (Jurisdiction beyond Zone 3)	10.31	.60	.50	1.00	.18
Zone 5 (Footnote "b")					
General Contracts $700,000.00 or less	7.72	.60	.50	1.00	.18
General Contracts over $700,000.00	8.22	.60	.50	1.00	.18
PLUMBERS; Steamfitters:					
Converse, Natrona & Niobrara Cos.					
Zone 1 (10 miles radius from P. O. in Casper)	9.16	.60	1.00	1.75	.10
Zone 2 (10 miles radius beyond Zone 1)	9.66	.60	1.00	1.75	.10
Zone 3 (20 miles radius beyond Zone 2)	10.16	.60	1.00	1.75	.10
Zone 4 (40 miles beyond Zone 3)	11.01	.60	1.00	1.75	.10
Zone 5 (Jurisdiction beyond Zone 4)	11.51	.60	1.00	1.75	.10
ROOFERS	9.75				
SHEET METAL WORKERS:					
Converse, Natrona & Niobrara Cos.	8.51	.37	.70		.05
Goshen, Laramie and Platte Cos.	9.41	.37	.10		.02
SPRINKLER FITTERS	10.30	.50	.80		.08
WELDER; RIGGER: Receive rate prescribed for craft performing operation to which welding or rigging is incidental.					

DECISION NO. WY76-5070

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F.

b. Use only in the Cities of Laramie, Torrington, Wheatland, Evanston, Green River and Rock Springs within a 5 mile radius from the Post Office of each of the above Cities.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

DECISION NO. WY76-5070

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (BUILDING CONSTRUCTION)					
Group 1:	$ 5.80	.33	.20		.05
Group 2:	6.02	.33	.20		.05
Group 3:	6.08	.33	.20		.05
Group 4:	6.30	.33	.20		.05
Group 5:	6.30	.33	.20		.05
Group 6:	6.55	.33	.20		.05
Group 7:	6.39	.33	.20		.05
Group 8:	6.28	.33	.20		.05
Group 9:	6.12	.33	.20		.05
LABORERS (HEAVY CONSTRUCTION)					
Group 1 :	$ 4.36				
Group 2 :	4.46				
Group 3 :	4.61				
Group 4 :	4.86				
Group 5 :	4.84				
Group 5A:	4.68				
Group 5B:	5.11				
Group 5C:	4.95				
HEAVY CONSTRUCTION					
Carpenters	6.46				
Cement Masons	6.45				
Ironworkers, structural	6.21				
Ironworkers, reinforcing	4.91				
Painters, brush and spray	6.63				

LABORERS (Building Construction)

Group 1: Axeman and hand faller; Concrete worker(wet or dry)(curing and drying); Car and truck loader; Dumpman; Erector and installer (includes the installation and erection of all fences, right-of-way, median fence, snow fence, etc., guard rails, section rails, reference posts, guide posts, signs and right-of-way markers); Form stripper; Form setter helper (paving); General Laborer; Gunite helper; Landscaper helper; Material handler (lumber, rods, cement, concrete); Nozzleman (air and water); Pipe setter helpers, non-metallic; Pipe setters helpers, corrugated; All work pertaining to pre-watering, pre-irrigation, and pre-wetting; Rodman; Riprap man; Sandblaster pot tender; Signalman, grade, concrete, etc.; Sisserman or hopper man; Stake jumper for equipment; Tar and asphalt pot tender; Wrecking and demolition crews; Unloading and packing of steel rods and mesh (reinforcing); Heater tender and pilot car operator

Group 2: Asphalt raker and tamper; Bin wall installer; Bituminous curb builder; Carpenter tender; Cement mason tender; Chuck tender; Form setter (paving); Hand operator vibrator roller; Landscaper; Mechanical form cleaner; Mortar man on stone riprap; Operator of pneumatic, electric, gas tamper and similar mechanical tools; Powderman helper; Pipe setter, corrugated; culvert pipe, multi-plate, sectional plate and similar type; Pipe wrapper; Power-type concrete buggy (push); Power saw operator (clearing); Vibrator (concrete); Creosote material handler (corrosive enamel or its equal); Burner (cutting torch)

Group 3: Concrete saw; Gunite nozzleman; High scaler (using air tools from bos'n chair, swing stage life belt, or block and tackle, shall receive $.20 per hour more than the classified rate); Jackhammer and pavement breaker; Sandblaster nozzleman; Sewer pipe installer, non-metallic; Caulker; Collarman; Jointer; Mortarman; Rigger; Jacker; Power-type concrete buggy (ride); Shoring and lagging of open ditch

Group 4: Powderman and blaster; Wagon drill, air track, diamond and other drills for blasting powder or grouting

Group 5: Hod carriers; Mason tender; Plasterers tenders; Terrazzo tenders; Tile setter tenders, and Scaffold builders

Group 6: Tunnel and underground work: Miners (drills) Machine man; Timberman; Steelman; Drill doctor; Form setter and movers; Spaders; Tuggers; Spilling and/or caisson workers; Jackhammer men; Finishers; Re-bar man; Powderman

Group 7: Nipper; Chuck tender; Top man or toplander

Group 8: Brakeman and vibrator man

Group 9: Mucker and bull gang laborer

LABORERS (Heavy Construction)

Group 1: Axeman and hand faller; Bin wall installer helpers; Concrete worker (wet or dry); Concrete workers (curing and drying); Dumpman; Erector and installer(including the installation and erection of fences, snow fence, guard rails, median rails, median posts, signs and right-of-way marker); Form stripper; Form setter helper (paving); General labor; Gunite helper; Heater tender; Landscaper helper; Material handler (lumber, rods, cement, concrete); Nozzleman, air and water; Pipe setters helpers (non-metallic); Pipe setters helpers (corrugated); Pre-watering, pre-wetting and pre-irrigation (all work); Rip rap man; Sandblaster pot tender; Signal men, grade concrete, etc.; Scissor man or hopper man; Stake jumper for equipment; Tar and asphalt pot tender; Wrecking and demolition crews

Group 2: Asphalt raker and tamper; Bin wall installer; Bituminous curb builder; Cement mason or finisher, helper and tender; Chuck tender; Form setter (paving); Hand operated vibratory roller; Landscaper; Mortar man on stone rip rap; Operator of pneumatic, electric, gas tamper and similar mechanical tools; Pipe setter (corrugated, culvert pipe sectional, multiplate and similar type); Pipe setter, pipelayer (non-metallic); Pipewrapper; Powderman helper; Power type concrete buggy (push or ride); Power saw operator (clearing); Vibrator, concrete

Group 3: Concrete saw; Gunite nozzleman; High scaler (using air tools from bos'n chair, swing stage life belt, or block and tackle shall receive $.20 per hour more than the classified rate); Jackhammer and pavement breaker; Sandblaster nozzleman; Sewer pipe installer (non-metallic), clay, concrete, etc. (Caulker, collarman, jointer, mortarman, rigger, jacker

Group 4: Powderman and blaster; Wagon drill, air-trac, diamond, and other drills for blasting powder or grouting

Group 5: Tunnel and Underground Work: Brakeman; Swamper; Vibrator man

Group 5A: Bull gang; Dumpman; Mucker; Trackman

Group 5B: Miners (drillers) machine men; Timbermen; Steelmen; Drill doctor; Form setter and mover; Spader; Tuggers spilling and/or caisson workers; Powdermen; Jackhammermen; Finishers

Group 5C: Chucktender; Topman; Toplander

HEAVY CONSTRUCTION

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$ 6.11	.25	.35		.02
Group 2	6.16	.25	.35		.02
Group 3	6.21	.25	.35		.02
Group 4	6.25	.25	.35		.02
Group 5	6.28	.25	.35		.02
Group 6	6.33	.25	.35		.02
Group 7	6.37	.25	.35		.02
Group 8	6.39	.25	.35		.02
Group 9	6.50	.25	.35		.02
Group 10	6.56	.25	.35		.02
Group 11	6.58	.25	.35		.02
Group 12	6.76	.25	.35		.02
Group 13	6.80	.25	.35		.02
Group 14	6.87	.25	.35		.02
Group 15	6.93	.25	.35		.02
Group 16	7.10	.25	.35		.02
Group 17	7.44	.25	.35		.02

POWER EQUIPMENT OPERATORS (HEAVY CONSTRUCTION)

Group 1: Auger Machine Operator (post holes, etc.); Batch Bin Weighman, Scissorman or Hopperman; Beginner Operator; Brakeman and Helpers; Crusher Oiler; Oiler, Utility; Screed Operator; Tractor Operators (farm, crawler or wheel type, 60 HSP (drawbar) or less with or without use of power attachments, except for use of back hoe or bucket)

Group 2: Broom Operators, self propelled; Cableway Signalman (Bellboy); Concrete Saw (self-propelled); Fireman; Power Loader, belt and bucket type

Group 3: Air Compressor over 315 cu. ft. capacity; Chip Spreader Operator; Form Grader Operator; Joint Machine Operator; Longitudinal Float Operator; Mixer Operator Concrete (under one yard); Helper (Welder or Heavy Duty); Roller Operators, self-propelled (pneumatic, rubber tired, sheep foot, vibratory or combination type); Tire Repairman

Group 4: Pump Operator (all others)

Group 5: Conveyor Belt Operator; Fork Lift and Lumber Staker; Screening Plant Operator

Group 6: A-Frame Truck; Tractor Operators (Farm, Crawler or wheel type, over 60 HSP (drawbar) without use of power attachments

Group 7: Oiler, Lead Utility

Group 8: Gunnite and Grout Machine Operator; Mulching Machine Operator; Oil Distributor

Group 9: Front End Loader (up to and including 1-1/2 cu. yds.); Pavement Breakers, Hydro-tamper and similar type machines; Pumps, Well Points

Group 10: Hoist Operator (one drum)

Group 11: Haulage Motorman and Industrial type Motormen; Motor Patrol Operator (all others); Pump Operator (in tunnels, shafts, raises); Hydro type Cranes (up to 15 tons)

Group 12: Air Compressor, two or more machines or tunnels, shafts, raises or plant operator; Asphalt Plant Operator; Bituminous Laydown Machine Operator; CMI Machine and similar; Concrete Batch Plant; Concrete Finish Machine Operator; Concrete Multi Blade Span Saw (Hunt process or similar); Concrete Spreader and Paver Operator; Crusher Operator; Drilling Machine, integrated (Core, Rotary, Caisson, Diamond); Elevating Grader; Front End Loader (over 1-1/2 cu. yds.); Jumbo Form Operator; Mixer Operator, base course pug mill type; Mixer Bituminous Operator (travel plant); Mixer Operator Concrete (over one yard); Motor Patrol Operator (finish); Mucking Machine Operator (all types); Pneumatic Guns; Pumpcrete Operator; Roller Operator, (tandem steel wheel, three axle or three wheel); Scraper Equipment (all types); Shovels, Draglines, Cranes, Piledrivers, all truck mounted cranes, (manufacturers' rating) up to 3-1/2 yards, all attachments;

POWER EQUIPMENT OPERATORS (HEAVY CONSTRUCTION)

Hydro type Cranes, (15 ton and over); Shuttle Car Operator; Subgrade Machine Operator (power); Tractor Operator, all with use of power attachments and including Pushcat, Dozer, Tournadozer, etc. (The use of power attachment shall not include disking, pulling or rollers, and similar unskilled actions), Trenching Machine Operator; Wash Plant Operator

Group 13: Welder, Machine Doctor

Group 14: Hoist Operator (two or more drums of shafts or rsises); Repairman, Machanics, Machine Doctors, Welders and Helpers; Heavy duty mechanic machine doctor

Group 15: Cableway Operatora; Mixer Dual Drum, Cranes, (Whirley, Gantry, Stiffleg, overhead traveling)

Group 16: Shovels, Draglines, Cranes, Piledrivers, All Truck Mounted Cranes, (manufacturer's rating) 3-1/2 yards to 7 cu. yds., all attachments; Wheel Excavator Operator

Group 17: Shovels, Draglines, Cranes, Piledrivers, all Truck Mounted Cranes, (manufacturer's rating) 7 cu. yds. and over, all attachments

HEAVY CONSTRUCTION

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1 DUMP (Water level capacity box) over 40 cu. yds. to and incl. 45 cu. yds.	$ 5.73				
GROUP 2 FIELD MECHANICS	5.68				
GROUP 3 DUMP (Water level capacity box) 35 cu. yds. to and incl. 40 cu. yds.	5.68				
GROUP 4 DUMP (Water level capacity box) 30 cu. yds. to and incl. 35 cu. yds.	5.63				
GROUP 5 DUMP (Water level capacity box) 25 cu. yds. to and incl. 30 cu. yds.	5.58				
GROUP 6 DUMP (Water level capacity box), 20 cu. yds. to and incl. 25 cu. yds.; Heavy duty (Euclids, electric or similar type)	5.48				
GROUP 7 LOWBOY and Tandem axle float drivers; Multiple axle type; Semi; Dump (Water level capacity box) 13 cu. yds. to and incl. 20 cu. yds.	5.48				
GROUP 8 HELPERS - FIELD (Welders, Mechanics etc.)	5.24				
GROUP 9 OVER 3600 gal. (semi-truck); Transit mix or wet mix over 10 cu. yds.	5.18				

DECISION NO. WY76-5070 Page 11

HEAVY CONSTRUCTION TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP 10 OVER 3600 gals. (straight truck); Transit mix or wet mix, over 5 cu. yds. to 10 cu. yds.; Tandem axle	$ 5.08				
GROUP 11 OVER 2500 gals. to and incl. 3600 gals., Dump (Water level capacity box) over 10 cu. yds. to and incl. 13 cu. yds.; Flat rack, over 5 tons; Winch trailer (cable and hoist); Utility winch; "A" Frame; Transit mix or wet mix, less than 5 cu. yds.; Single axle	4.98				
GROUP 12 DUMP (Water level capacity box) over 7 cu. yds. to and incl. 10 cu. yds.; 2500 gals. or less (semi-truck); Flat rack, 2 tons to 5 tons; Power broom; Material checkers	4.88				
GROUP 13 DUMP (Water level capacity box) 7 cu. yds. or less; Gravel spreader; Flat rack, less than 2 tons; Gang; Single axle type truck, Warehousemen; Partsmen and helpers; 2500 gals. or less (straight truck); Fuel service, Greasemen, Tiremen, Servicemen and helpers	4.73				
GROUP 14 PILOT CAR DRIVERS; Pick-up	4.68				

[FR Doc.76-22584 Filed 8-5-76;8:45 am]

Index to General Wage Determination Decisions and Modifications as of July 2, 1976

There is set forth below an index to general wage determination decisions and modifications as published in the FEDERAL REGISTER pursuant to the Davis-Bacon and related Acts. The index lists general wage determination decisions and modifications by State and County. An updated index is published on the first Friday of each month.

The index is published for the convenience of the public and the Department of Labor will endeavor to keep it accurate and up to date. In the event the data in the index and published general decisions do not coincide, the published general decisions shall control.

Abbreviations:
- (B) Building Construction
- (D) Dredging
- (F) Flood Control Construction
- (H) Heavy Construction
- (Hw) Highway Construction
- (R) Residential Construction
- Mod. Modification
- (HE) Heavy Engineering
- (LE) Light Engineering
- (U) Utility
- (W&S) Water and Sewer

Signed at Washington, D.C., this 30th day of July 1976.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

ALABAMA

STATEWIDE
Decision #AL76-5028 (D)
41 FR 14284 - 4/2/76
Decision #AL75-1112 (Hw)(Excluding Airport Construction)
40 FR 55620 - 11/28/75
Mod. #1 - 40 FR 58013 - 12/12/75
AUTAUGA COUNTY
(D,Hw) - See Statewide
BALDWIN COUNTY
Decision #AL76-1009 (R)
41 FR 2540 - 1/16/76
(Hw) - See Statewide
BARBOUR COUNTY
(D,Hw) - See Statewide
BIBB COUNTY
(D,Hw) - See Statewide
BLOUNT COUNTY
Decision #AL75-1047 (R)
40 FR 17474 - 4/18/75
Mod. #1 - 41 FR 19004 - 5/7/76
(D,Hw) - See Statewide
BULLOCK COUNTY
(D,Hw) - See Statewide
BUTLER COUNTY
(D,Hw) - See Statewide
CALHOUN COUNTY
(D,Hw) - See Statewide
CHAMBERS COUNTY
(D,Hw) - See Statewide
CHEROKEE COUNTY
(D,Hw) - See Statewide
CHILTON COUNTY
(D,Hw) - See Statewide
CHOCTAW COUNTY
(D,Hw) - See Statewide
CLARKE COUNTY
(D,Hw) - See Statewide

ALABAMA (Cont'd.

CLAY COUNTY
(D,Hw) - See Statewide
CLEBURNE COUNTY
(D,Hw) - See Statewide
COFFEE COUNTY
(D,Hw) - See Statewide
COLBERT COUNTY
Decision #AL75-1046 (R)
40 FR 17451 - 4/18/75
Decision #AL76-1011 (B)
41 FR 4741- 1/30/76
Mod. #1 - 41 FR 8623 - 2/27/76
Mod. #2 - 41 FR 18263 - 4/30/76
(D,Hw) - See Statewide
CONECUH COUNTY
(D,Hw) - See Statewide
(R) - See Baldwin County
COOSA COUNTY
(D,Hw) - See Statewide
COVINGTON COUNTY
(D,Hw) - See Statewide
CRENSHAW COUNTY
(D,Hw) - See Statewide
CULLMAN COUNTY
(D,Hw) - See Statewide
DALE COUNTY
(D,Hw) - See Statewide
DALLAS COUNTY
(D,Hw)- See Statewide
DE KALB COUNTY
(D,Hw) - See Statewide
ELMORE COUNTY
(D,Hw)- See Statewide
ESCAMBIA COUNTY
(D,Hw) - See Statewide
(R) - See Baldwin County
ETOWAH COUNTY
(D,Hw)-See Statewide

ALABAMA (Cont'd.

FAYETTE COUNTY
(D,Hw) - See Statewide
FRANKLIN COUNTY
(D,Hw) - See Statewide
(R) - See Colbert County
GENEVA COUNTY
(D,Hw) - See Statewide
GREENE COUNTY
(D,Hw) - See Statewide
HALE COUNTY
(D,Hw) - See Statewide
HENRY COUNTY
(D,Hw) - See Statewide
HOUSTON COUNTY
(D,Hw) - See Statewide
JACKSON COUNTY
(D,Hw) - See Statewide
JEFFERSON COUNTY
Decision #AL76-1049 (B)
41 FR 16319 - 4/16/76
Mod. #1 - 41 FR 19004- 5/7/76
Mod. #2 - 41 FR 20117 - 5/14/76
Mod. #3 - 41 FR 21028 - 5/21/76
(D) - See Statewide
(R) - See Blount County
(Hw) - See Statewide
LAMAR COUNTY
(D,Hw) - See Statewide
LAUDERDALE COUNTY
(B,R) - See Colbert County
(D,Hw) - See Statewide
LAWRENCE COUNTY
Decision #AL76-1030 (B)
41 FR 8637 - 2/27/76
Mod. #1 - 41 FR 21028 - 5/21/76
(D,Hw) - See Statewide
(R) - See Colbert County
LEE COUNTY
(D,Hw) - See Statewide
LIMESTONE COUNTY
(B) - See Lawrence County
(D,Hw) - See Statewide

ALABAMA (cont'd)

LOWNDES COUNTY
(D,Hw) - See Statewide
MACON COUNTY
(D,Hw) - See Statewide
MADISON COUNTY
Decision #AL76-1047 (B)
41 FR 15238 - 4/9/76
Mod. #1 - 41 FR 21028 - 5/21/76
Mod. #2 - 41 FR 26423 - 6/25/76
(D,Hw) - See Statewide
MARENGO COUNTY
(D,Hw) - See Statewide
MARION COUNTY
(R) - See Colbert County
(D,Hw) - See Statewide
MARSHALL COUNTY
(D,Hw) - See Statewide
MOBILE COUNTY
Decision #AL76-1063 (B)
41 FR 21043 - 5/21/76
(D,Hw) - See Statewide
(R) - See Baldwin County
MONROE COUNTY
(D,Hw) - See Statewide
MONTGOMERY COUNTY
(D,Hw) - See Statewide
Decision #AL76-1002 (R)
41 FR 1693 - 1/9/76
Decision #AL75-1073 (B)
40 FR 33580 - 8/8/75
Mod. #1 - 40 FR 42483 - 9/12/75
Mod. #2 - 40 FR 52241 - 11/7/75
Mod. #3 - 41 FR 21028 - 5/21/76
MORGAN COUNTY
(B) - See Lawrence County
(D,Hw) - See Statewide
PERRY COUNTY
(D,Hw) - See Statewide
PICKENS COUNTY
(D,Hw) - See Statewide

ALABAMA (Cont'd)

PIKE COUNTY
(D,Hw) - See Statewide
RANDOLPH COUNTY
(D,Hw) - See Statewide
RUSSELL COUNTY
(D,Hw) - See Statewide
SAINT CLAIR COUNTY
(D,Hw) - See Statewide
(R) - See Blount County
SHELBY COUNTY
(B) - See Jefferson County
(D,Hw) - See Statewide
(R) - See Blount County
SUMTER COUNTY
(D,Hw) - See Statewide
TALLADEGA COUNTY
(D,Hw) - See Statewide
(R) - See Blount County
TALLAPOOSA COUNTY
(D,Hw) - See Statewide
TUSCALOOSA COUNTY
Decision #AL76-1027 (B)
41 FR 7897 - 2/20/76
Mod. #1 - 41 FR 18263 - 4/30/76
(D,Hw) - See Statewide
WALKER COUNTY
(D,Hw) - See Statewide
(R) - See Blount County
WASHINGTON COUNTY
(D,Hw) - See Statewide
(R) - See Baldwin County
WILCOX COUNTY
(D,Hw) - See Statewide
WINSTON COUNTY
(D,Hw) - See Statewide
(R) - See Colbert County

ALASKA

STATEWIDE
Decision #AK76-5011 (B,H,Hw,D,R)
41 FR 4743 - 1/30/76
Mod. #1 - 41 FR 9719 - 3/5/76
Mod. #2 - 41 FR 15232 - 4/9/76
Mod. #3 - 41 FR 21981 - 5/28/76

ARIZONA

STATEWIDE
Decision #AZ76-5007 (B,H,Hw)
41 FR 3568 - 1/23/76
Mod. #1 - 41 FR 7083 - 2/20/76
Mod. #2 - 41 FR 10817 - 3/12/76
Mod. #3 - 41 FR 12846 - 3/26/76
Mod. #4 - 41 FR 26423 - 6/25/76
APACHE COUNTY
Decision #AZ75-5003 (R)
(Navajo and Hopi Indian Reservations in Apache, Coconino, Navajo Cos.)
40 FR 3868 - 1/24/75
(B,H,Hw) - See Statewide
COCHISE COUNTY
(B,H,Hw) - See Statewide
COCONINO COUNTY
(R) - See Apache County
(B,H,Hw) - See Statewide
GILA COUNTY
(B,H,Hw) - See Statewide
GRAHAM COUNTY
(B,H,Hw) - See Statewide
GREENLEE COUNTY
(B,H,Hw) - See Statewide
MARICOPA COUNTY
(B,H,Hw) - See Statewide
Decision #AZ76-5008 (R)
41 FR 3577 - 1/23/76
Mod. #1 - 41 FR 10817 - 3/12/76
Mod. #2 - 41 FR 12846 - 3/26/76
Mod. #3 - 41 FR 17287 - 4/23/76
Mod. #4 - 41 FR 26423 - 6/25/76
MOHAVE COUNTY
(B,H,Hw) - See Statewide
NAVAJO COUNTY
(B,H,Hw) - See Statewide
(R) - See Apache County
PIMA COUNTY
(B,H,Hw) - See Statewide
Decision #AZ76-5009 (R)
41 FR 3583 - 1/23/76
Mod. #1 - 41 FR 10818 - 3/12/76
Mod. #2 - 41 FR 12846 - 3/26/76
Mod. #3 - 41 FR 26423 - 6/25/76
PINAL COUNTY
(B,H,Hw) - See Statewide
SANTA CRUZ COUNTY
(B,H,Hw) - See Statewide
YAVAPAI COUNTY
(B,H,Hw) - See Statewide
YUMA COUNTY
(B,H,Hw) - See Statewide

ARKANSAS

STATEWIDE
Decision #AR76-4111 (Construction, Alteration, and/or repair of streets, highways, runways, and water & sewer utilities)
41 FR 27547 - 7/2/76
Decision #AL76-5028 (D)
41 FR 14284 - 4/2/76
ARKANSAS COUNTY
Decision #AR76-5041 (F)
41 FR 19017 - 5/7/76
Mod. #1 - 41 FR 21981 - 5/28/76

ASHLEY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
BAXTER COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
BENTON COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
BOONE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
BRADLEY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CALHOUN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CARROLL COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CHICOT COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd.

CLARK COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CLAY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CLEBURNE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CLEVELAND COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
COLUMBIA COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CONWAY COUNTY
Decision #AR76-4003 (B)
41 FR 2541 - 1/16/76
Mod. #1 - 41 FR 18263 - 4/30/76
Mod. #2 - 41 FR 23883 - 6/11/76
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CRAIGHEAD COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CRAWFORD COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
Decision #AR76-4005 (B)
41 FR 2545 - 1/16/76
Mod. #1 - 41 FR 18264 - 4/30/76
Mod. #2 - 41 FR 20117 - 5/14/76
CRITTENDEN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CROSS COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
DALLAS COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
DESHA COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd)

DREW COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
FAULKNER COUNTY
(B) - See Conway County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
FRANKLIN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
FULTON COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
GARLAND COUNTY
Decision #AR76-4007 (B)
41 FR 2547 - 1/16/76
Mod. #1 - 41 FR 7883 - 2/20/76
Mod. #2 - 41 FR 8623 - 2/27/76
Mod. #3 - 41 FR 18264 - 4/30/76
Mod. #4 - 41 FR 26423 - 6/25/76
(D,H,Hw) - See Statewide
(F) - See Arkansas County
GRANT COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
GREENE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
HEMPSTEAD COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
HOT SPRING COUNTY
(B) - See Garland County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
HOWARD COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
INDEPENDENCE COUNTY
(H,Hw) (D) - See Statewide
(F) - See Arkansas County
IZARD COUNTY
(H,Hw) (D) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd.)

JACKSON COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
JEFFERSON COUNTY
(D,H,Hw) - See Statewide
(F)- See Arkansas County
JOHNSON COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
LAFAYETTE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
LAWRENCE COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
LEE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
LINCOLN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
LITTLE RIVER COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
LOGAN COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
LONOKE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MADISON COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
MARION COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd)

MILLER COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MISSISSIPPI COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MONROE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MONTGOMERY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
NEVADA COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
NEWTON COUNTY
(D,H,Hw) - See Statewide
(F) - Arkansas County
OUACHITA COUNTY
(B) - See Union County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PERRY COUNTY
(B) - See Conway County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PHILLIPS COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PIKE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
POINSETT COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
POLK COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
POPE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (CONT'D)

PRAIRIE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PULASKI COUNTY
(D,H,Hw)- See Statewide
(F) - See Arkansas County
Decision #AR76-4004 (B)
41 FR 2543 - 1/16/76
Mod. #1 - 41 FR 14269 - 4/2/76
Mod. #2 - 41 FR 18263 - 4/30/76
Mod. #3 - 41 FR 23803 - 6/11/76
Decision #AR75-4068 (R)
40 FR 14218 - 3/28/75
RANDOLPH COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
ST. FRANCIS COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SALINE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SCOTT COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SEARCY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SEBASTIAN COUNTY
(F) - See Arkansas County
(D,H,Hw) - See Statewide
(B) - See Crawford County
SEVIER COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SHARP COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (CONT'D)

STONE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
UNION COUNTY
Decision #AR76-4006 (B)
41 FR 2549 - 1/16/76
Mod. #1 - 41 FR 18264 - 4/30/76
(F) - See Arkansas County
(D,H,Hw) - See Statewide
VAN BUREN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
WASHINGTON COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
WHITE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
WOODRUFF COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
YELL COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

CALIFORNIA

ALAMEDA COUNTY
Decision #CA76-5019 (B,H,Hw,D)
41 FR 9725 - 3/5/76
Mod. #1 - 41 FR 16305 - 4/16/76
Mod. #2 - 41 FR 19004 - 5/7/76
Mod. #3 - 41 FR 23883 - 6/11/76
Decision #CA76-5020 (R)
41 FR 9742 - 3/5/76
Mod. #1 - 41 FR 16305 - 4/16/76
Mod. #2 - 41 FR 19005 - 5/7/76
Mod. #3 - 41 FR 23884 - 6/11/76
ALPINE COUNTY
(B,D,H,Hw,R) - See Alameda County
AMADOR COUNTY
(B,D,H,Hw,R) - See Alameda County
BUTTE COUNTY
(B,H,Hw,D) - See Alameda County
CALAVERAS COUNTY
(B,H,Hw,D,R) - See Alameda County
COLUSA COUNTY
(B,H,Hw,D) - See Alameda County
CONTRA COSTA COUNTY
(B,D,H,Hw,R) - See Alameda County
DELNORTE COUNTY
(B,D,H,Hw,R) - See Alameda County
ELDORADO COUNTY
(B,D,H,Hw,R) - See Alameda County
FRESNO COUNTY
(B,D,H,Hw,R) - See Alameda County
GLENN COUNTY
(B,H,Hw,D) - See Alameda County
HUMBOLDT COUNTY
(B,D,H,Hw,R) - See Alameda County
IMPERIAL COUNTY
Decision #CA76-5058 (B,D,H,Hw)
41 FR 27549 - 7/2/76
Decision #CA76-5059 (R)
41 FR 27559 - 7/2/76
INYO COUNTY
(B,H,Hw,D) - See Imperial County
KERN COUNTY
(B,D,H,Hw,R) - See Imperial County

CALIFORNIA (Cont'd)

KING COUNTY
(B,H,Hw,D) - See Alameda County
LAKE COUNTY
(B,H,Hw,D) - See Alameda County
LASSEN COUNTY
(B,H,Hw,D) - See Alameda County
LOS ANGELES COUNTY
(B,D,H,Hw,R) - See Imperial County
MADERA COUNTY
(B,H,Hw,D) - See Alameda County
MARIN COUNTY
(B,H,Hw,D,R) - See Alameda County
MARIPOSA COUNTY
(B,D,H,Hw,R) - See Alameda County
MENDOCINO COUNTY
(B,H,Hw, D) - See Alameda County
MERCED COUNTY
(B,D,H,Hw,R) - See Alameda County
MODOC COUNTY
(B,H,Hw,D) - See Alameda County
MONO COUNTY
(B,H,Hw,D) - See Imperial County
MONTEREY COUNTY
(B,D,H,Hw,R) - See Alameda County
NAPA COUNTY
(B,D,H,Hw,R) - See Alameda County
NEVADA COUNTY
(B,D,H,Hw,R) - See Alameda County
ORANGE COUNTY
(B,D,H,Hw,R) - See Imperial County
PLACER COUNTY
(B,D,H,Hw,R)- See Alameda County
PLUMAS COUNTY
(B,H,Hw,D) - See Alameda County
RIVERSIDE COUNTY
(B,D,H,Hw,R) - See Imperial County
SACRAMENTO COUNTY
(B,D,H,Hw,R) - See Alameda County
SAN BENITO COUNTY
(B,H,Hw,D,R) - See Alameda County
SAN BERNARDINO COUNTY
(B,D,H,Hw,R) - See Imperial County
SAN DIEGO COUNTY
Decision #CA76-5061 (B,H,Hw,D)
41 FR 26429 - 6/25/76

CALIFORNIA (Cont'd.)

SAN DIEGO COUNTY (Cont'd.)
Decision #CA76-5062 (R)
41 FR 26436 - 6/25/76
SAN FRANCISCO COUNTY
(B,D,Hw,H,R) - See Alameda County
SAN JOAQUIN COUNTY
(B,D,H,Hw,R) - See Alameda County
SAN LUIS OBISPO COUNTY
(B,H,Hw,D,R) - See Imperial County
SAN MATEO COUNTY
(B,D,H,Hw,R) - See Alameda County
SANTA BARBARA COUNTY
(B,D,H,Hw,R) - See Imperial County
SANTA CLARA COUNTY
(B,D,Hw,H,R) - See Alameda County
SANTA CRUZ COUNTY.
(B,D,H,Hw,R) - See Alameda County
SHASTA COUNTY
(B,D,H,Hw,R) - See Alameda County
SIERRA COUNTY
(B,D,H,Hw) - See Alameda County
SISKIYOU COUNTY
(B,H,Hw,D) - See Alameda County
SOLANO COUNTY
(B,D,H,Hw,R) - See Alameda County
SONOMA COUNTY
(B,D,Hw,H,R) - See Alameda County
STANISLAUS COUNTY
(B,H,Hw,D) - See Alameda County
SUTTER COUNTY
(B,D,H,Hw,R) - See Alameda County
TEHAMA COUNTY
(B,D,H,Hw,R) - See Alameda County
TRINITY COUNTY
(B,H,Hw,D) - See Alameda County
TULARE COUNTY
(B,H,Hw,D) - See Alameda County
TUOLUMNE COUNTY
(B,D,H,Hw,R) - See Alameda County
VENTURA COUNTY
(B,D,H,Hw,R) - See Imperial County
YOLO COUNTY
(B,H,Hw,D,R) - See Alameda County
YUBA COUNTY
(B,H,Hw,D,R) - See Alameda County

UMI

COLORADO

STATEWIDE
Decision #C076-5060 (Hw)
41 FR 26441 - 6/25/76
ADAMS COUNTY
Decision #C076-5042 (B,H)
41 FR 21046 - 5/21/76
Mod. #1 - 41 FR 26424 - 6/25/76
(Hw) - See Statewide
Decision #C075-5061 (R)
40 FR 22744 - 5/23/75
Mod. #1 - 41 FR 10818 - 3/12/76

ALAMOSA COUNTY
(Hw) - See Statewide
ARAPAHOE COUNTY
(Hw) - See Statewide
(B,H,R) - See Adams County
ARCHULETA COUNTY
(Hw) - See Statewide
BACA COUNTY
(Hw) - See Statewide
BENT COUNTY
(Hw) - See Statewide
BOULDER COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
CHAFFEE COUNTY
(Hw) - See Statewide
CHEYENNE COUNTY
(Hw) - See Statewide
CLEAR CREEK COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
CONEJOS COUNTY
(Hw) - See Statewide
COSTILLA COUNTY
(Hw) - See Statewide
CROWLEY COUNTY
(Hw) - See Statewide
CUSTER COUNTY
(Hw) - See Statewide
DELTA COUNTY
Decision #C076-5045 (B,H)
41 FR 21069 - 5/21/76
Mod. #1 - 41 FR 26425 - 6/25/76
Mod. #2 - 41 FR 27539 - 7/2/76
(Hw) - See Statewide
DENVER COUNTY
(Hw) - See Statewide
(B,H,R) - See Adams County
DOLORES COUNTY
(Hw) - See Statewide
DOUGLAS COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
EAGLE COUNTY
(B,H) - See Adams County
(Hw) - See Statewide

COLORADO (Cont'd.

ELBERT COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
EL PASO COUNTY
Decision #C076-5043 (B,H)
41 FR 21055 - 5/21/76
Mod. #1 - 41 FR 26424 - 6/25/76
Mod. #2 - 41 FR 27539 - 7/2/76
(Hw) - See Statewide
FREMONT COUNTY
(Hw) - See Statewide
GARFIELD COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
GILPIN COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
GRAND COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
GUNNISON COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
HINDSDALE COUNTY
(Hw) - See Statewide
HUERFANO COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(Hw) - See Statewide
JEFFERSON COUNTY
(Hw) - See Statewide
(B,H,R) - See Adams County
KIOWA COUNTY
(Hw) - See Statewide
KIT CARSON COUNTY
(Hw) - See Statewide
LAKE COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
LA PLATA COUNTY
(Hw) - See Statewide
LARIMER COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
LAS ANIMAS COUNTY
Decision #C076-5044 (B,H)
41 FR 21061 - 5/21/76
Mod. #1 - 41 FR 26424 - 6/25/76
Mod. #2 - 41 FR 27539 - 7/2/76
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
LOGAN COUNTY
(Hw) - See Statewide
MESA COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
MINERAL COUNTY
(Hw) - See Statewide

COLORADO (Cont'd.

MOFFAT COUNTY
(Hw) - See Statewide
MONTEZUMA COUNTY
(Hw) - See Statewide
MONTROSE COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
MORGAN COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
OTERO COUNTY
(B,H) - See Las Animas County
(Hw) - See Statewide
OURAY COUNTY
(Hw) - See Statewide
PARK COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
PHILLIPS COUNTY
(Hw) - See Statewide
PITKIN COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
PROWERS COUNTY
(Hw) - See Statewide
PUEBLO COUNTY
(Hw) - See Statewide
(B,H) - See Las Animas County
RIO BLANCO COUNTY
(Hw) - See Statewide
RIO GRANDE COUNTY
(Hw) - See Statewide
ROUTT COUNTY
(Hw) - See Statewide
SAGUACHE COUNTY
(Hw) - See Statewide
SAN JUAN COUNTY
(Hw) - See Statewide
SAN MIGUEL COUNTY
(Hw) - See Statewide
SEDGWICK COUNTY
(Hw) - See Statewide
SUMMIT COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
TELLER COUNTY
(Hw) - See Statewide
WASHINGTON COUNTY
(Hw) - See Statewide
WELD COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
YUMA COUNTY
(Hw) - See Statewide

CONNECTICUT

FAIRFIELD COUNTY
Decision #CT76-2042 (B,H,Hw,R)
41 FR 14276- 4/2/76
Mod. #1 - 41 FR 17287 - 4/23/76
Mod. #2 - 41 FR 21030 - 5/21/76
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
HARTFORD COUNTY
Decision #CT76-2043 (B,H,Hw)
41 FR 14285 - 4/2/76
Mod. #1 - 41 FR 17289 - 4/23/76
Mod. #2 - 41 FR 21031 - 5/21/76
Decision #CT75-2067 (R)
40 FR 18304 - 4/25/75
LITCHFIELD COUNTY
(B,H,Hw,R) - See Fairfield County
MIDDLESEX COUNTY
(B,H,Hw) - See Hartford County
(D) - See Fairfield County
NEW HAVEN COUNTY
(B,H,Hw) - See Hartford County
(D) - See Fairfield County
NEW LONDON COUNTY
(B,H,Hw,D,R) - See Fairfield County
TOLLAND COUNTY
(B,H,Hw) - See Hartford County
WINDHAM COUNTY
(B,H,Hw,D,R) - See Fairfield County

DELAWARE

STATEWIDE
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
Decision #DE75-3092 (B,H,Hw)
40 FR 36903 - 8/22/75
Mod. #1 - 40 FR 42483 - 9/12/75
Mod. #2 - 40 FR 54386 - 11/21/75
Mod. #3 - 41 FR 8624 - 2/27/76
Mod. #4 - 41 FR 21032 - 5/21/76
KENT COUNTY
(B,H,Hw,D) - See Statewide
NEW CASTLE COUNTY
(B,H,Hw,D) - See Statewide
SUSSEX COUNTY
(B,H,Hw,D) - See Statewide

FLORIDA

ALACHUA COUNTY
Decision #FL75-1080 (Hw)
40 FR 41358 - 9/5/75
Mod. #1 - 41 FR 23885 - 6/11/76
Decision #FL75-1089 (B)
40 FR 42489 - 9/12/75
BAKER COUNTY
Decision #FL75-1081 (Hw)
40 FR 41359 - 9/5/75
BAY COUNTY
Decision #FL76-1059 (B)
41 FR 20130 - 5/14/76
Mod. #1 - 41 FR 23885 - 6/11/76
Decision #AL76-5020 (D)
41 FR 14284 - 4/2/76
Decision #FL76-1021 (Hw)
41 FR 4749 - 1/30/76
Mod. #1 - 41 FR 23884 - 6/11/76

FLORIDA (Cont'd.)

BRADFORD COUNTY
(Hw) - See Alachua County
BREVARD COUNTY (Cape Kennedy
Kennedy Space Flight Center &
Patrick AFB only)
Decision #FL76-1048 (B,H,Hw)
41 FR 16360 - 4/16/76
Mod. #1 - 41 FR 18264 - 4/30/76
Decision #FL76-5024 (D)
41 FR 12856 - 3/26/76
(Remainder of County)
Decision #FL75-1082 (Hw)
40 FR 41360 - 9/5/75
BROWARD COUNTY
Decision #FL75-1084 (Hw)
40 FR 41362 - 9/5/75
Mod. #1 - 40 FR 53160 - 11/14/75
Decision #FL76-1043 (B,H)
41 FR 15239 - 4/9/76
Mod. #1 - 41 FR 16306 - 4/16/76
(D) - See Brevard County
CALHOUN COUNTY
(Hw) - See Alachua County
CHARLOTTE COUNTY
Decision #FL75-1083 (Hw)
40 FR 41361 - 9/5/75
Mod. #1 - 40 FR 53160 - 11/14/75
(D) - See Brevard County
CITRUS COUNTY
Decision #FL75-1104 (R)
40 FR 49949 - 10/24/75
(Hw) - See Alachua County
(D) - See Brevard County
CLAY COUNTY
(Hw) - See Baker County
COLLIER COUNTY
(D) - See Brevard County
(Hw) - See Charlotte County
COLUMBIA COUNTY
(Hw) - See Alachua County
(B) - See Alachua County
DADE COUNTY
Decision #FL76-1064 (B)
41 FR 21077 - 5/21/76
Decision #AR-4050 (R)
39 FR 38077 - 10/25/74
Mod. #1 - 39 FR 40404 - 11/15/74
Decision #FL75-1085 (Hw)
40 FR 41363 - 9/5/75
Mod. #1 - 40 FR 55609 - 11/29/75
Mod. #2 - 41 FR 27539 - 7/2/76
(D) - See Brevard County

FLORIDA (cont'd)

DESOTO COUNTY
Decision #AR-4065 (R)
39 FR 43468 - 12/13/74
(Hw) - See Charlotte County
DIXIE COUNTY
(Hw) - See Alachua County
(D) - See Brevard County
DUVAL COUNTY
Decision #FL76-1069 (B)
41 FR 21997 - 5/28/76
(R) - See Brevard County
(Hw) - See Baker County
ESCAMBIA COUNTY
Decision #FL76-1041 (B)
41 FR 11740 - 3/19/76
Decision #FL76-1017 (R)
41 FR 3589 - 1/23/76
(D,Hw) - See Bay County
FLAGLER COUNTY
(D) - See Brevard County
(Hw) - See Baker County
FRANKLIN COUNTY
(D) - See Bay County
(Hw) - See Alachua County
GADSDEN COUNTY
Decision #FL76-1018 (R)
41 FR 3590 - 1/23/76
(Hw) - See Alachua County
GILCHRIST COUNTY
(Hw) - See Alachua County
GLADES COUNTY
(Hw) - See Charlotte County
GULF COUNTY
(D) - See Bay County
(Hw) - See Bay County
HAMILTON COUNTY
(Hw) - See Alachua County
HARDEE COUNTY
(R) - See DeSoto County
(Hw) - See Charlotte County
HENDRY COUNTY
(Hw) - See Charlotte County
HERNANDO COUNTY
(D) - See Brevard County
(R) - See Citrus County
(Hw) - See Alachua County

FLORIDA (cont'd)

HIGHLANDS COUNTY
(R) - See DeSoto County
(Hw) - See Charlotte County
HILLSBOROUGH COUNTY
Decision #FL76-1014 (B)
41 FR 3587 - 1/23/76
Mod. #1 - 41 FR 22718 - 6/4/76
(Hw) - See Brevard County
(D) - See Brevard County
(R) - See Citrus County
HOLMES COUNTY
(Hw) - See Alachua County
INDIAN RIVER COUNTY
(D) - See Brevard County
(Hw) - See Brevard Co. (Remainder of Co.)
JACKSON COUNTY
(Hw) - See Alachua County
JEFFERSON COUNTY
(D) - See Bay County
(R) - See Gadsden County
(Hw) - See Alachua County
LAFAYETTE COUNTY
(H,Hw) - See Alachua County
LAKE COUNTY
Decision #FL75-1066 (R)
40 FR 28332 - 7/3/75
(Hw) - See Alachua County
LEE COUNTY
(D) - See Brevard County
(Hw) - See Charlotte County
LEON COUNTY
Decision #FL75-1036 (B)
40 FR 14221 - 3/28/75
Mod. #1 - 40 FR 32551 - 8/1/75
(Hw) - See Alachua County
(R) - See Gadsden County
LEVY COUNTY
(D) - See Brevard County
(Hw) - See Alachua County
LIBERTY COUNTY
(Hw) - See Alachua County
MADISON COUNTY
(R) - See Gadsden County
(Hw) - See Alachua County
MANATEE COUNTY
(D) - See Brevard County
(Hw) - See Brevard Co. (Remainder of Co.)
MARION COUNTY
(Hw) - See Alachua County
MARTIN COUNTY
Decision #FL75-1033 (B)
40 FR 14219 - 3/28/75
Mod. #1 - 40 FR 19327 - 5/2/75
Mod. #2 - 40 FR 25324 - 6/13/75
Mod. #3 - 40 FR 32551 - 8/1/75
(D) - See Brevard County
(Hw) - See Brevard Co. (Remainder of Co.)

FLORIDA (cont'd)

MONROE COUNTY
(D) - See Brevard County
(Hw) - See Charlotte County
NASSAU COUNTY
(D) - See Brevard County
(Hw) - See Baker County
OKALOOSA COUNTY
(B) - See Escambia County
(D,Hw) - See Bay County
Decision #FL76-1016 (R)
41 FR 3589 - 1/23/76
OKEECHOBEE COUNTY
(Hw) - See Charlotte County
ORANGE COUNTY
Decision #FL76-1036 (B).
41 FR 9755 - 3/5/76
Mod. #1 - 41 FR 15232 - 4/9/76
Mod. #2 - 41 FR 27539 - 7/2/76
(Hw) - See Brevard Co. (Remainder of Co.
(R) - See Lake County
OSCEOLA COUNTY
(Hw) - See Brevard Co. (Remainder of Co.
(R) - See Lake County
PALM BEACH COUNTY
(D) - See Brevard County
(B) - See Martin County
(Hw) - See Broward County
PASCO COUNTY
(D) - See Brevard County
(Hw) - See Alachua County
(R) - See Citrus County
PINELLAS COUNTY
Decision #FL76-1040 (B)
41 FR 11738 - 3/19/76
(R) - See Citrus County
(D) - See Brevard County
(Hw) - See Brevard Co. (Remainder of Co.)
POLK COUNTY
(Hw) - See Brevard Co. (Remainder of Co.)
(R) - See DeSoto County
PUTNAM COUNTY
(Hw) - See Alachua County
ST. JOHNS COUNTY
(D) - See Brevard County
(Hw) - See Baker County
ST. LUCIE COUNTY
(D) - See Brevard County
(Hw) - See Brevard Co. (Remainder of Co)
SANTA ROSA COUNTY
(B) - See Escambia County
(D,Hw) - See Bay County
(R) - See Okaloosa County

FLORIDA (Cont'd)

SARASOTA COUNTY
(D) - See Brevard County
(Hw) - See Hillsborough County
SEMINOLE COUNTY
(Hw) - See Brevard Co. (Remainder of Co.)
(R) - See Lake County
SUMTER COUNTY
(R) - See Citrus County
(Hw) - See Alachua County
SUWANNEE COUNTY
(Hw) - See Alachua County
TAYLOR COUNTY
(Hw) - See Alachua County
(D) - See Brevard County
(R) - See Gadsden County
UNION COUNTY
(Hw) - See Alachua County
VOLUSIA COUNTY (Except Cape Kennedy, Kennedy Space Flight Center & Patrick Air Force Base only and including Melabar Radar Site)
Decision #FL76-1029 (B)
41 FR 8638 - 2/27/76
Mod. #1 - 41 FR 20117 - 5/14/76
(B,H,Hw) - See Brevard Co. (Cape Kennedy, Etc)
(D) - See Brevard County
(Hw) - See Brevard County (Remainder of Co.)
WAKULLA COUNTY
(D) - See Bay County
(Hw) - See Alachua County
WALTON COUNTY
(B) - See Escambia County
(D,Hw) - See Bay County
(R) - See Okaloosa County
WASHINGTON COUNTY
(Hw) - See Alachua County

GEORGIA

STATEWIDE
Decision #AR-4038 (Hw)
39 FR 34984 - 9/27/74
Mod. #1 - 39 FR 36711 - 10/11/74
Mod. #2 - 40 FR 23629 - 5/30/75
Mod. #3 - 41 FR 7888 - 2/20/76
APPLING COUNTY
(Hw) - See Statewide
ATKINSON COUNTY
(Hw) - See Statewide
BACON COUNTY
(Hw) - See Statewide
BAKER COUNTY
Decision #AQ-4089 (R)
39 FR 10067 - 3/15/74
Mod. #1 - 40 FR 3083 - 1/17/75
(Hw) - See Statewide

GEORGIA (Cont'd.)

BALDWIN COUNTY
(Hw) - See Statewide
BANKS COUNTY
(Hw) - See Statewide
BARROW COUNTY
Decision #AQ-4108 (R)
39 FR 14841 - 4/26/74
(Hw) - See Statewide
BARTOW COUNTY
(Hw) - See Statewide
BEN HILL COUNTY
(Hw) - See Statewide
BERRIEN COUNTY
(Hw) - See Statewide
BIBB COUNTY
(Hw) - See Statewide
BLECKLEY COUNTY
(Hw) - See Statewide
BRANTLEY COUNTY
(Hw) - See Statewide
BROOKS COUNTY
(Hw) - See Statewide
BRYAN COUNTY
(Hw) - See Statewide
Decision #GA76-1050 (R)
41 FR 16362 - 4/16/76
Decision #GA76-5025 (D)
41 FR 12857 - 3/26/76
BULLOCH COUNTY
(R) - See Bryan County
(Hw) - See Statewide
BURKE COUNTY
Decision #GA76-1015 (R)
41 FR 3590 - 1/23/76
(Hw) - See Statewide
BUTTS COUNTY
(Hw) - See Statewide
CALHOUN COUNTY
(Hw) - See Statewide
(R) - See Baker County
CAMDEN COUNTY
(D) - See Bryan County
(Hw) - See Statewide
CANDLER COUNTY
(Hw) - See Statewide
CARROLL COUNTY
(Hw) - See Statewide
CATOOSA COUNTY
(Hw) - See Statewide
CHARLTON COUNTY
Decision #AR-4037 (R)
39 FR 33919 - 9/20/74
Mod. #1 - 40 FR 3083 - 1/17/75
(Hw) - See Statewide
CHATHAM COUNTY
Decision #GA76-1023 (B)
41 FR 6956 - 2/13/76
Mod. #1 - 41 FR 12847 - 3/26/76
Mod. #2 - 41 FR 16306 - 4/16/76
Mod. #3 - 41 FR 20118 - 5/14/76
(D,R) - See Bryan County
(Hw) - See Statewide

GEORGIA (Cont'd.)

CHATTAHOOCHEE COUNTY
Decision #GA75-1039 (B)
40 FR 16471 - 4/11/75
Mod. #1 - 40 FR 24455 - 6/6/75
Mod. #2 - 40 FR 49942 - 10/24/75
Mod. #3 - 41 FR 10818 - 3/12/76
Mod. #4 - 41 FR 15232 - 4/9/76
Mod. #5 - 41 FR 24833 - 6/11/76
Decision #GA76-1035 (R)
41 FR 9758 - 3/5/76
(Hw) - See Statewide
CHATTOOGA COUNTY
(Hw) - See Statewide
CHEROKEE COUNTY
(Hw) - See Statewide
CLARKE COUNTY
(Hw) - See Statewide
(R) - See Barrow County
CLAY COUNTY
(R) - See Baker County
(Hw) - See Statewide
CLAYTON COUNTY
Decision #GA76-1025 (B)
41 FR 6958 - 2/13/76
Mod. #1 - 41 FR 12847 - 3/26/76
Decision #GA76-1033 (R)
41 FR 8642 - 2/27/76
Mod. #1 - 41 FR 15232 - 4/9/76
(B) - See Fulton County
(Hw) - See Statewide
CLINCH COUNTY
(Hw) - See Statewide
COBB COUNTY
(B,R) - See Cobb County
(Hw) - See Statewide
COFFEE COUNTY
(Hw) - See Statewide
COLQUITT COUNTY
(Hw) - See Statewide
COLUMBIA COUNTY
(R) - See Burke County
(Hw) - See Statewide
COOK COUNTY
(Hw) - See Statewide
COWETA COUNTY
(Hw) - See Statewide
CRAWFORD COUNTY
(Hw) - See Statewide
CRISP COUNTY
(Hw) - See Statewide
DECATUR COUNTY
(R) - See Baker County
(Hw) - See Statewide

GEORGIA (Cont'd.

DEKALB COUNTY
(B,R) - See Clayton County
(Hw) - See Statewide
DODGE COUNTY
(Hw) - See Statewide
DOOLY COUNTY
(Hw) - See Statewide
DOUGHERTY COUNTY
(Hw) - See Statewide
(R) - See Baker County
DOUGLAS COUNTY
(Hw) - See Statewide
EARLY COUNTY
(Hw) - See Statewide
(R) - See Baker County
ECHOLS COUNTY
(Hw) - See Statewide
EFFINGHAM COUNTY
(R) - See Bryan County
(Hw) - See Statewide
ELBERT COUNTY
(Hw) - See Statewide
(R) - See Barrow County
EMANUEL COUNTY
(Hw) - See Statewide
EVANS COUNTY
(R) - See Bryan County
(Hw) - See Statewide
FANNIN COUNTY
(Hw) - See Statewide
FAYETTE COUNTY
(Hw) - See Statewide
FLOYD COUNTY
(Hw) - See Statewide
FORSYTH COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
(Hw) - See Statewide
FULTON COUNTY
(Hw) - See Statewide
(B,R) - See Clayton County
GILMER COUNTY
(Hw) - See Statewide
GLASCOCK COUNTY
(Hw) - See Statewide
(R) - See Burke County
GLYNN COUNTY
(D) - See Bryan County
(Hw) - See Statewide
GORDON COUNTY
(Hw) - See Statewide
GRADY COUNTY
(Hw) - See Statewide
(R) - See Baker County
GREENE COUNTY
(R) - See Barrow County
(Hw) - See Statewide

GEORGIA (Cont'd.

GWINNETT COUNTY
(R) - See Clayton County
(Hw) - See Statewide
HABERSHAM COUNTY
(Hw) - See Statewide
HALL COUNTY
Decision #GA75-1025 (B)
40 FR 8691 - 2/28/75
Mod. #1 - 40 FR 12003 - 3/14/75
Mod. #2 - 40 FR 49942 - 10/24/75
(Hw) - See Statewide
HANCOCK COUNTY
(Hw) - See Statewide
(R) - See Burke County
HARALSON COUNTY
(Hw) - See Statewide
HARRIS COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
HART COUNTY
(Hw) - See Statewide
(R) - See Barrow County
HEARD COUNTY
(Hw) - See Statewide
HENRY COUNTY
(Hw) - See Statewide
HOUSTON COUNTY
(Hw) - See Statewide
IRWIN COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(Hw) - See Statewide
(R) - See Barrow County
JASPER COUNTY
(Hw) - See Statewide
JEFF DAVIS COUNTY
(Hw) - See Statewide
JEFFERSON COUNTY
(Hw) - See Statewide
(R) - See Burke County
JENKINS COUNTY
(Hw) - See Statewide
(R) - See Burke County
JOHNSON COUNTY
(Hw) - See Statewide
JONES COUNTY
(Hw) - See Statewide
LAMAR COUNTY
(Hw) - See Statewide
LANIER COUNTY
(Hw) - See Statewide
LAURENS COUNTY
Decision #AQ-4124 (B)
39 FR 20912 - 6/14/74
Mod. #1 - 41 FR 11722 - 3/19/76
(Hw) - See Statewide
LEE COUNTY
(Hw) - See Statewide
(R) - See Baker County

GEORGIA (Cont'd.

LIBERTY COUNTY
(D,R) - See Bryan County
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
(R) - See Burke County
LONG COUNTY
(Hw) - See Statewide
(R) - See Bryan County
LOWNDES COUNTY
(Hw) - See Statewide
LUMPKIN COUNTY
(Hw) - See Statewide
MCDUFFIE COUNTY
(Hw) - See Statewide
(R) - See Burke County
McINTOSH COUNTY
(D) - See Bryan County
(Hw) - See Statewide
MACON COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
MADISON COUNTY
(Hw) - See Statewide
(R) - See Barrow County
MARION COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
MERIWETHER COUNTY
(R) - See Chattahoochee County
(Hw) - See Statewide
MILLER COUNTY
(Hw) - See Statewide
(R) - See Baker County
MITCHELL COUNTY
(Hw) - See Statewide
(R) - See Baker County
MONROE COUNTY
(Hw) - See Statewide
MONTGOMERY COUNTY
(Hw) - See Statewide
MORGAN COUNTY
(Hw) - See Statewide
(R) - See Barrow County
MURRAY COUNTY
(Hw) - See Statewide
MUSCOGEE COUNTY
(B,R) - See Chattahoochee County
(Hw) - See Statewide
NEWTON COUNTY
(Hw) - See Statewide
(R) - See Barrow County
OCONEE COUNTY
(Hw) - See Statewide
(R) - See Barrow County
OGLETHORPE COUNTY
(Hw) - See Statewide
(R) - See Barrow County
PAULDING COUNTY
(Hw) - See Statewide

GEORGIA (Cont'd.

PEACH COUNTY
(Hw) - See Statewide
PICKENS COUNTY
(Hw) - See Statewide
PIERCE COUNTY
(Hw) - See Statewide
(R) - See Charlton County
PIKE COUNTY
(Hw) - See Statewide
POLK COUNTY
(Hw) - See Statewide
PULASKI COUNTY
(Hw) - See Statewide
PUTNAM COUNTY
(Hw) - See Statewide
QUITMAN COUNTY
(Hw) - See Statewide
(R) - See Baker County
RABUN COUNTY
(Hw) - See Statewide
RANDOLPH COUNTY
(Hw) - See Statewide
(R) - See Baker County
RICHMOND COUNTY
Decision #GA76-1039 (D)
41 FR 10826 - 3/12/76
Mod. #1 - 41 FR 12847 - 3/26/76
Mod. #2 - 41 FR 16306 - 4/16/76
Mod. #3 - 41 FR 20118 - 5/14/76
Mod. #4 - 41 FR 21033 - 5/21/76
(Hw) - See Statewide
(R) - See Burke County
ROCKDALE COUNTY
(Hw) - See Statewide
SCHLEY COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
SCREVEN COUNTY
(R) - See Bryan County
(Hw) - See Statewide
SEMINOLE COUNTY
(Hw) - See Statewide
(R) - See Baker County
SPALDING COUNTY
(Hw) - See Statewide
STEPHENS COUNTY
(Hw) - See Statewide
STEWART COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
SUMTER COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TALBOT COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TALIAFERRO COUNTY
(Hw) - See Statewide
(R) - See Burke County
TATTNALL COUNTY
(Hw) - See Statewide
TAYLOR COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TELFAIR COUNTY
(Hw) - See Statewide

GEORGIA (Cont'd.)

TERRELL COUNTY
(Hw) - See Statewide
(R) - See Baker County
THOMAS COUNTY
(Hw) - See Statewide
TIFT COUNTY
(Hw) - See Statewide
TOOMBS COUNTY
(Hw) - See Statewide
TOWNS COUNTY
(Hw) - See Statewide
TREUTLEN COUNTY
(Hw) - See Statewide
TROUP COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TURNER COUNTY
(Hw) - See Statewide
TWIGGS COUNTY
(Hw) - See Statewide
UNION COUNTY
(Hw) - See Statewide
UPSON COUNTY
(Hw) - See Statewide
WALKER COUNTY
(Hw) - See Statewide
WALTON COUNTY
(Hw) - See Statewide
(R) - See Barron County
WARE COUNTY
Decision #GA75-1113 (B)
40 FR 58034 - 12/12/75
(R) - See Charlton County
(Hw) - See Statewide
WARREN COUNTY
(Hw) - See Statewide
(R) - See Burke County
WASHINGTON COUNTY
(Hw) - See Statewide
(R) - See Burke County
WAYNE COUNTY
(Hw) - See Statewide
WEBSTER COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
WHEELER COUNTY
(Hw) - See Statewide
WHITE COUNTY
(Hw) - See Statewide
WHITEFIELD COUNTY
(Hw) - See Statewide
WILCOX COUNTY
(Hw) - See Statewide
WILKES COUNTY
(R) - See Burke County
(Hw) - See Statewide
WILKINSON COUNTY
(Hw) - See Statewide
WORTH COUNTY
(Hw) - See Statewide

GUAM

GUAM
Decision #AR-1029 (B,H,Hw,R)
39 FR 32448 - 9/6/74

HAWAII

STATEWIDE
Decision #HI76-5048 (B,H,Hw,D,R)
41 FR 22735 - 6/4/76
Mod. #1 - 41 FR 26425 - 6/25/76

IDAHO

STATEWIDE
Decision #ID76-5047 (B,H,Hw)
41 FR 22739 - 6/4/76
Mod. #1 - 41 FR 27540 - 7/2/76
ADA COUNTY
Decision #AQ-1029 (R)
38 FR 24513 - 9/7/73
Mod. #1 - 38 FR 26543 - 9/21/73
(B,H,Hw) - See Statewide
ADAMS COUNTY
(B,H,Hw) - See Statewide
BANNOCK COUNTY
(B,H,Hw) - See Statewide
BEAR LAKE COUNTY
(B,H,Hw) - See Statewide
BENEWAH COUNTY
(B,H,Hw) - See Statewide
BINGHAM COUNTY
(B,H,Hw) - See Statewide
BLAINE COUNTY
(B,H,Hw) - See Statewide
BOISE COUNTY
(B,H,Hw) - See Statewide
BONNER COUNTY
(B,H,Hw) - See Statewide
BONNEVILLE COUNTY
(B,H,Hw) - See Statewide
BOUNDARY COUNTY
(B,H,Hw) - See Statewide
BUTTE COUNTY
(B,H,Hw) - See Statewide
CAMAS COUNTY
(B,H,Hw) - See Statewide
CANYON COUNTY
(B,H,Hw) - See Statewide
CARIBOU COUNTY
(B,H,Hw) - See Statewide
CASSIA COUNTY
(B,H,Hw) - See Statewide
CLARK COUNTY
(B,H,Hw) - See Statewide
CLEARWATER COUNTY
(B,H,Hw) - See Statewide
CUSTER COUNTY
(B,H,Hw) - See Statewide
ELMORE COUNTY
(B,H,Hw) - See Statewide
FRANKLIN COUNTY
(B,H,Hw) - See Statewide
FREMONT COUNTY
(B,H,Hw) - See Statewide
GEM COUNTY
(B,H,Hw) - See Statewide
GOODING COUNTY
(B,H,Hw) - See Statewide
IDAHO COUNTY
(B,H,Hw) - See Statewide
JEFFERSON COUNTY
(B,H,Hw) - See Statewide
JEROME COUNTY
(B,H,Hw) - See Statewide

IDAHO (Cont'd.)

KOOTENAI COUNTY
(B,H,Hw) - See Statewide
LATAH COUNTY
(B,H,Hw) - See Statewide
LEMHI COUNTY
(B,H,Hw) - See Statewide
LEWIS COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
MADISON COUNTY
(B,H,Hw) - See Statewide
MINIDOKA COUNTY
(B,H,Hw) - See Statewide
NEZ PERCE COUNTY
(B,H,Hw) - See Statewide
ONEIDA COUNTY
(B,H,Hw) - See Statewide
OWYHEE COUNTY
(B,H,Hw) - See Statewide
PAYETTE COUNTY
(B,H,Hw) - See Statewide
POWER COUNTY
(B,H,Hw) - See Statewide
SHOSHONE COUNTY
(B,H,Hw) - See Statewide
TETON COUNTY
(B,H,Hw) - See Statewide
TWIN FALLS COUNTY
(B,H,Hw) - See Statewide
VALLEY COUNTY
(B,H,Hw) - See Statewide
WASHINGTON COUNTY
(B,H,Hw) - See Statewide

ILLINOIS

ADAMS COUNTY
Decision #IL76-2006 (B)
40 FR 4754 - 1/30/76
Mod. #1 - 41 FR 7888 - 2/20/76
Decision #IL76-2025 (H,Hw)
41 FR 9774 - 3/5/76
ALEXANDER COUNTY
Decision #IL76-2048 (B)
41 FR 16369 - 4/16/76
Mod. #1 - 41 FR 20124 - 5/14/76
Decision #IL76-2028 (H,Hw)
41 FR 9787 - 3/5/76
Decision #IL76-5026 (D)
41 FR 12858 - 3/26/76
BOND COUNTY
Decision #IL76-2027 (H,Hw)
41 FR 9782 - 3/5/76
Mod. #1 - 41 FR 14272 - 4/2/76
BOONE COUNTY
Decision #IL76-2019 (B)
41 FR 0652 - 2/27/76
Mod. #1 - 41 FR 15232 - 4/9/76
Mod. #1 - 41 FR 11722 - 3/19/76

ILLINOIS (Cont'd.)

BOONE COUNTY (Cont'd.)
Decision #IL76-2020 (H,Hw)
41 FR 8658 - 2/27/76
Mod. #1 - 41 FR 15232 - 4/9/76
BROWN COUNTY
(B,H,Hw) - See Adams County
(D) - See Alexander County
BUREAU COUNTY
Decision #IL76-2011 (B)
41 FR 5541 - 2/6/76
Decision #IL76-2021 (H,Hw)
41 FR 8661 - 2/27/76
Mod. #1 - 41 FR 11723 - 3/19/76
Mod. #2 - 41 FR 14271 - 4/2/76
Mod. #3 - 41 FR 15233 - 4/9/76
CALHOUN COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
CARROLL COUNTY
Decision #IL76-2063 (B)
41 FR 20123 - 5/21/76
(H,Hw) - See Bureau County
CASS COUNTY
(H,Hw) - See Adams County
(D) - See Alexander County
CHAMPAIGN COUNTY
Decision #IL76-2007 (B)
41 FR 4757 - 1/30/76
Decision #IL76-2024 (H,Hw)
41 FR 9770 - 3/5/76
Mod. #1 - 41 FR 14272 - 4/2/76
CHRISTIAN COUNTY
(H,Hw) - See Adams County
Decision #IL76-2047 (B)
41 FR 16363 - 4/16/76
CLARK COUNTY
(H,Hw) - See Champaign County
CLAY COUNTY
Decision #IL76-2026 (H,Hw)
41 FR 9778 - 3/5/76
Mod. #1 - 41 FR 14272 - 4/2/76
CLINTON COUNTY
(H,Hw) - See Bond County
COLES COUNTY
(H,Hw) - See Champaign County
COOK COUNTY
Decision #IL76-2008 (B,H,Hw,R)
41 FR 5531 - 2/6/76
Mod. #1 - 41 FR 20120 - 5/14/76
Decision #IL75-5051 (D)
40 FR 16529 - 4/11/75

ILLINOIS (Cont'd.)

CRAWFORD COUNTY
(H,Hw) - See Clay County
CUMBERLAND COUNTY
(H,Hw) - See Champaign County
DEKALB COUNTY
(H,Hw) - See Boone County
DEWITT COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
DOUGLAS COUNTY
(H,Hw) - See Champaign County
DU PAGE COUNTY
Decision #IL76-2009 (B,R)
41 FR 5534 - 2/6/76
Mod. #1 - 41 FR 16308 - 4/16/76
(H,Hw) - See Boone County
EDGAR COUNTY
(H,Hw) - See Champaign County
EDWARDS COUNTY
(H,Hw) - See Clay County
EFFINGHAM COUNTY
(H,Hw) - See Clay County
FAYETTE COUNTY
(H,Hw) - See Clay County
FORD COUNTY
Decision #IL76-2010 (B)
41 FR 5537 - 2/6/76
Decision #IL76-2022 (H,Hw)
41 FR 9759 - 3/5/76
FRANKLIN COUNTY
(H,Hw) - See Alexander County
FULTON COUNTY
Decision #IL76-2068 (B)
41 FR 21977 - 5/28/76
Decision #IL76-2023 (H,Hw)
41 FR 9764 - 3/5/76
Mod. #1 - 41 FR 14272 - 4/2/76
Mod. #2 - 41 FR 15233 - 4/9/76
Mod. #3 - 41 FR 20121 - 5/14/76
GALLATIN COUNTY
(H,Hw) - See Alexander County
(D) - See Alexander County
GREENE COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
GRUNDY COUNTY
(H,Hw) - See FordCounty
HAMILTON COUNTY
(H,Hw) - See Clay County
HANCOCK COUNTY
(H,Hw) - See Fulton County

ILLINOIS (Cont'd)

JACKSON COUNTY
(H,Hw) - See Alexander County
(D) - See Alexander County
JASPER COUNTY
(H,Hw) - See Clay County
JEFFERSON COUNTY
(H,Hw) - See Clay County
JERSEY COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
JO DAVIESS COUNTY
(H,Hw) - See Bureau County
JOHNSON COUNTY
(H,Hw) - See Alexander County
KANE COUNTY
(B,R) - See Du Page County
(H,Hw) - See Boone County
KANKAKEE COUNTY
(B,H,Hw) - See Ford County
KENDALL COUNTY
(H,Hw) - See Boone County
KNOX COUNTY
(H,Hw) - See Fulton County
LAKE COUNTY
(B,R) - See Du Page County
(D) - See Cook County
(H,Hw) - See Boone County
LA SALLE COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County
LAWRENCE COUNTY
(H,Hw) - See Clay County
LEE COUNTY
(H,Hw) - See Bureau County
LIVINGSTON COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County
LOGAN COUNTY
Decision #IL76-2072 (B)
41 FR 22715 - 6/4/76
(H,Hw) - See Adams County
MCDONOUGH COUNTY
(H,Hw) - See Fulton County
MCHENRY COUNTY
(H,Hw) - See Fulton County
Mc LEAN COUNTY
Decision #IL76-2067 (B)
41 FR 21974 - 5/28/76
(H,Hw) - See Ford County
MACON COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
MACAUPIN COUNTY
(H,Hw) - See Bond County
MADISON COUNTY
Decision #IL76-2014 (B,R)
41 FR 6977 - 2/13/76
Mod. #1 - 41 FR 11722 - 3/19/76
Mod. #2 - 41 FR 26425 - 6/25/76
(H,Hw) - See Bond County

ILLINOIS (Cont'd)

MARION COUNTY
(H,Hw) - See Clay County
MARSHALL COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County
MASON COUNTY
(B) - See Logan County
(H,Hw) - See Adams County
MASSAC COUNTY
(H,Hw) - See Alexander County
MENARD COUNTY
(B) - See Logan County
(H,Hw) - See Adams County
MERCER COUNTY
(H,Hw) - See Fulton County
MONROE COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
MONTGOMERY COUNTY
(H,Hw) - See Bond County
MORGAN COUNTY
(B) - See Cass County
(H,Hw) - See Adams County
(D) - See Alexander County
MOULTRIE COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
OGLE COUNTY
(H,Hw) - See Bureau County
PEORIA COUNTY
Decision #IL76-2015 (B,D,R)
41 FR 8643 - 2/27/76
Mod. #1 - 41 FR 20120 - 5/14/76
(H,Hw) - See Fulton County
PERRY COUNTY
(H,Hw) - See Alexander County
PIATT COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
PIKE COUNTY
(B,H,Hw) - See Adams County
(D) - See Alexander County
POPE COUNTY
(H,Hw,D) - See Alexander County
PULASKI COUNTY
(H,Hw,D) - See Alexander County
PUTNAM COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County
RANDOLPH COUNTY
(H,Hw,D) - See Alexander County
RICHLAND COUNTY
(H,Hw) - See Clay County
ROCK ISLAND COUNTY
Decision #IL76-2016 (B)
41 FR 8647 - 2/27/76
Mod. #1 - 41 FR 10818 - 3/12/76
(H,Hw) - See Bureau County
SAINT CLAIR COUNTY
(B,R) - See Madison County
(H,Hw) - See Bond County
(D) - See Alexander County

ILLINOIS (Cont'd)

SALINE COUNTY
(H,Hw) - See Alexander County
SANGAMON COUNTY
Decision #IL76-2017 (B,R)
41 FR 7890 - 2/20/76
(H,Hw) - See Adams County
SCHUYLER COUNTY
(H,Hw) - See Adams County
SCOTT COUNTY
(B) - See Scott County
(H,Hw) - See Adams County
(D) - See Alexander County
SHELBY COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
STARK COUNTY
(H,Hw) - See Fulton County
STEPHENSON COUNTY
(H,Hw) - See Bureau County
TAZEWELL COUNTY
(B,R,D) - See Peoria County
(H,Hw) - See Fulton County
UNION COUNTY
(H,Hw,D) - See Alexander County
VERMILLION COUNTY
(H,Hw) - See Champaign County
(B) - See Champaign County
WABASH COUNTY
(H,Hw) - See Clay County
WARREN COUNTY
(H,Hw) - See Fulton County
WASHINGTON COUNTY
(H,Hw) - See Bond County
WAYNE COUNTY
(H,Hw) - See Clay County
WHITE COUNTY
(H,Hw) - See Clay County
WHITEWIDE COUNTY
(H,Hw) - See Bureau County
WILL COUNTY
(B,R) - See Du Page County
(H,Hw) - See Boone County
WILLIAMSON COUNTY
Decision #IL76-2048 (B)
41 FR 16369 - 4/16/76
Mod. #1 - 41 FR 20124 - 5/14/76
(H,Hw) - See Alexander County
WINNEBAGO COUNTY
(B) - See Boone County
(H,Hw) - See Bureau County
WOODFORD COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County

INDIANA

STATEWIDE
Decision #IN76-2004 (H,Hw)
41 FR 27585 - 7/2/76
ADAMS COUNTY
(H,Hw) - See Statewide
ALLEN COUNTY
Decision #IN76-2082 (B)
41 FR 27567 - 7/2/76
Decision #AQ-3000 (R)
38 FR 22341 - 8/17/73
(H,Hw) - See Statewide
BARTHOLOMEW COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
BENTON COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
BLACKFORD COUNTY
(H,Hw) - See Statewide
BOONE COUNTY
(H,Hw) - See Statewide
BROWN COUNTY
(H,Hw) - See Statewide
CARROLL COUNTY
(H,Hw) - See Statewide
CASS COUNTY
(H,Hw) - See Statewide
CLARK COUNTY
Decision #IL76-5026 (D)
41 FR 12858 - 3/26/76
(H,Hw) - See Statewide
CLAY COUNTY
(H,Hw) - See Statewide
CLINTON COUNTY
(H,Hw) - See Statewide
CRAWFORD COUNTY
(H,Hw) - See Statewide
(D) - See Clark County
DAVIESS COUNTY
(H,Hw) - See Statewide
DEARBORN COUNTY
(B) - See Allen County
(H,Hw) - See Statewide

INDIANA (Cont'd.

DECATUR COUNTY
(H,Hw) - See Statewide
DEKALB COUNTY
(H,Hw) - See Statewide
DELAWARE COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
DUBOIS COUNTY
(H,Hw) - See Statewide
ELKHART COUNTY
(H,Hw) - See Statewide
FAYETTE COUNTY
(H,Hw) - See Statewide
FLOYD COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
FOUNTAIN COUNTY
(H,Hw) - See Statewide
FRANKLIN COUNTY
(H,Hw) - See Statewide
FULTON COUNTY
(H,Hw) - See Statewide
GIBSON COUNTY
(H,Hw) - See Statewide
GRANT COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
GREENE COUNTY
(H,Hw) - See Statewide
HAMILTON COUNTY
(H,Hw) - See Statewide
HANCOCK COUNTY
(H,Hw) - See Statewide
HARRISON COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
HENDRICKS COUNTY
(H,Hw) - See Statewide
HENRY COUNTY
(H,Hw) - See Statewide
HOWARD COUNTY
(H,Hw) - See Statewide
HUNTINGTON COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(H,Hw) - See Statewide
JASPER COUNTY
(H,Hw) - See Statewide
JAY COUNTY
(H,Hw) - See Statewide

INDIANA (Cont'd.

JEFFERSON COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
JENNINGS COUNTY
(H,Hw) - See Statewide
JOHNSON COUNTY
(H,Hw) - See Statewide
KNOX COUNTY
(H,Hw) - See Statewide
KOSCIUSKO COUNTY
(H,Hw) - See Statewide
LAGRANGE COUNTY
(H,Hw) - See Statewide
LAKE COUNTY
Decision #IN76-2083 (B,H,Hw)
41 FR 27577 - 7/2/76
Decision #AQ-3095 (D)
39 FR 5982 - 2/15/74
Mod. #1 - 39 FR 44161 - 12/20/74
LAPORTE COUNTY
(B,H,Hw) - See Lake County
(D) - See Lake County
LAWRENCE COUNTY
(H,Hw) - See Statewide
MADISON COUNTY
(H,Hw) - See Statewide
MARION COUNTY
Decision #IN76-2005 (R)
41 FR 3602 - 1/23/76
Mod. #1 - 41 FR 9720 - 3/5/76
Mod. #2 - 41 FR 21984 - 5/28/76
(B) - See Allen County
(H,Hw) - See Statewide
MARSHALL COUNTY
(H,Hw) - See Statewide
MARTIN COUNTY
(H,Hw) - See Statewide
MIAMI COUNTY
(H,Hw) - See Statewide
MONROE COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(H,Hw) - See Statewide
MORGAN COUNTY
(H,Hw) - See Statewide
NEWTON COUNTY
(H,Hw) - See Statewide
NOBLE COUNTY
(H,Hw) - See Statewide

INDIANA (Cont'd.)

OHIO COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
ORANGE COUNTY
(H,Hw) - See Statewide
OWEN COUNTY
(H,Hw) - See Statewide
PARKE COUNTY
(H,Hw) - See Statewide
PERRY COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
PIKE COUNTY
(H,Hw) - See Statewide
PORTER COUNTY
(B,H,Hw) - See Lake County
(D) - See Lake County
POSEY COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
PULASKI COUNTY
(H,Hw) - See Statewide
PUTNAM COUNTY
(H,Hw) - See Statewide
RANDOLPH COUNTY
(H,Hw) - See Statewide
RIPLEY COUNTY
(H,Hw) - See Statewide
RUSH COUNTY
(H,Hw) - See Statewide
SAINT JOSEPH COUNTY
(B,H,Hw) - See Lake County
SCOTT COUNTY
(H,Hw) - See Statewide
SHELBY COUNTY
(H,Hw) - See Statewide
SPENCER COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
STARKE COUNTY
(H,Hw) - See Statewide
STEUBEN COUNTY
(H,Hw) - See Statewide
SULLIVAN COUNTY
(H,Hw) - See Statewide
SWITZERLAND COUNTY
(D) - See Clark County
(H,Hw) - See Statewide

INDIANA (Cont'd)

TIPPECANOE COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
TIPTON COUNTY
(H,Hw) - See Statewide
UNION COUNTY
(H,Hw) - See Statewide
VANDERBURGH COUNTY
Decision #IN76-2046 (
41 FR 16302 - 4/16/
(B) - See Allen Count
(D) - See Clark Count
(H,Hw) - See Statewid
VERMILLION COUNTY
(H,Hw) - See Statewid
VIGO COUNTY
(B) - See Allen Count
(H,Hw) - See Statewid
WABASH COUNTY
(H,Hw) - See Statewide
WARREN COUNTY
(H,Hw) - See Statewide
WARRICK COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
WASHINGTON COUNTY
(H,Hw) - See Statewide
WAYNE COUNTY
(H,Hw) - See Statewid
WELLS COUNTY
(H,Hw) - See Statewid
WHITE COUNTY
(H,Hw) - See Statewid
WHITLEY COUNTY
(H,Hw) - See Statewid

IOWA

ADAIR COUNTY
None
ADAMS COUNTY
None
ALLAMAKEE COUNTY
None
APPANOOSE COUNTY
Decision #IA75-4192 (H,Hw)
40 FR 55629 - 11/28/75
AUDUBON COUNTY
None
BENTON COUNTY
Decision #IA75-4081 (Hw)
40 FR 17507 - 4/18/75
Mod. #1 - 41 FR 12847 - 3/26/76
BLACK HAWK COUNTY
Decision #IA76-4092 (B,H,Hw)(City of Waterloo & abutting Municipalities
41 FR 21079 - 5/21/76
BOONE COUNTY
None
BREMER COUNTY
None
BUCHANAN COUNTY
None
BUENA VISTA COUNTY
None
BUTLER COUNTY
None
CALHOUN COUNTY
None
CARROLL COUNTY
Decision #IA76-4053 (H,Hw)
41 FR 7907 - 2/20/76
CASS COUNTY
None
CEDAR COUNTY
None
CERRO GORDO COUNTY (MASON CITY)
Decision #IA76-4099 (B,H,Hw)
41 FR 24844 - 6/18/76
CHEROKEE COUNTY
None
CHICKASAW COUNTY
None
CLARKE COUNTY
None

IOWA (Cont'd)

CLAY COUNTY
(H,Hw) - See Carroll County
CLAYTON COUNTY
None
CLINTON COUNTY (City of Clinton and abbutting municipalities)
Decision #IA76-4056 (B,H,Hw)
41 FR 8674 - 2/27/76
Mod. #1 - 41 FR 24833 - 6/18/76
CRAWFORD COUNTY
(H,Hw) - See Carroll County
DALLAS COUNTY
None
DAVIS COUNTY
(H,Hw) - See Appanoose County
DECATUR COUNTY
None
DELAWARE COUNTY
None
DES MOINES COUNTY (City of Burlington and Abutting Municipalities; and Burlington Ordnance Plant)
Decision #IA76-4057 (B,H,Hw)
41 FR 8676 - 2/27/76
DICKINSON COUNTY
None
DUBUQUE COUNTY (City of Dubuque and abutting municipalities)
Decision #IA76-4058 (B,H,Hw)
41 FR 8679 - 2/27/76
Mod. #1 - 41 FR 11725 - 3/19/76
Mod. #2 - 41 FR 15234 - 4/9/76
EMMET COUNTY
None
FAYETTE COUNTY
None
FLOYD COUNTY
None
FRANKLIN COUNTY
None
FREMONT COUNTY
Decision #NE76-4070 (Channel Stabilization)
41 FR 14293 - 4/2/76
GREENE COUNTY
None
GRUNDY COUNTY
None

IOWA (Cont'd)

GUTHRIE COUNTY
None
HAMILTON COUNTY
None
HANCOCK COUNTY
None
HARDIN COUNTY
None
HARRISON COUNTY
(Chann. Stab.) - See Fremont Co.
HENRY COUNTY
None
HOWARD COUNTY
None
HUMBOLDT COUNTY
None
IDA COUNTY
None
IOWA COUNTY
(Hw) - See Benton County
JACKSON COUNTY
None
JASPER COUNTY
None
JEFFERSON COUNTY
(H,Hw) - See Appanoose County
JOHNSON COUNTY (City of Iowa City and abutting municipalities)
Decision #IA76-4059 (B,H,Hw)
41 FR 8682 - 2/27/76
Mod. #1 - 41 FR 11726 - 3/19/76
Mod. #2 - 41 FR 15234 - 4/9/76
Mod. #3 - 41 FR 19008 - 5/7/76
(Hw) - See Benton County
JONES COUNTY
None
KEOKUK COUNTY
(Hw) - See Benton County
KOSSUTH COUNTY
None
LEE COUNTY
None
LINN COUNTY
Decision #IA76-4060 (B,H,Hw)
41 FR 8685 - 2/27/76
Mod. #1 - 41 FR 11726 - 3/19/76
Mod. #2 - 41 FR 15234 - 4/9/76
Mod. #3 - 41 FR 19008 - 5/7/76

IOWA (Cont'd.)

LOUISA COUNTY
None
LUCAS COUNTY
None
LYON COUNTY
None
MADISON COUNTY
None
MAHASKA COUNTY
(Hw) - See Benton County
MARION COUNTY
None
MARSHALL COUNTY
None
MILLS COUNTY
(Channel Stab.) - See Freemont Co.
MITCHELL COUNTY
None
MONONA COUNTY
(Channel Stab.) - See Freemont Co.
MONROE COUNTY
None
MONTGOMERY COUNTY
None
MUSCATINE COUNTY
None
O'BRIEN COUNTY
(H,hw) - See Carroll County
OSCEOLA COUNTY
(H,Hw) - See Carroll County
PAGE COUNTY
None
PALO ALTO COUNTY
None
PLYMOUTH COUNTY
None
POCAHONTAS COUNTY
None
POLK COUNTY
Decision #IA76-4061 (B,H,Hw)
41 FR 8688 - 2/27/76
Mod. #1 - 41 FR 15235 - 4/9/76
POTTAWATTAMIE COUNTY (City of Council Bluffs and the area within 3 miles from the City Limits)
Decision #IA75-4128 (B,H,Hw)
40 FR 34558 - 8/15/75
(Chann. Stab.) - See Freemont County

IOWA (Cont'd)

POWESHIEK COUNTY
(Hw) - See Benton County
RINGGOLD COUNTY
None
SAC COUNTY
None
SCOTT COUNTY
Decision #IA76-4065 (B,H,Hw)
41 FR 9790 - 3/5/76
Mod. #1 - 41 FR 15235 - 4/9/76
SHELBY COUNTY
None
SIOUX COUNTY
None
STORY COUNTY (City of Ames and abutting municipalities)
Decision #IA76-4062 (B,H,Hw)
41 FR 8691 - 2/27/76
Mod. #1 - 41 FR 15235 - 4/9/76
TAMA COUNTY
(Hw) - See Benton County
TAYLOR COUNTY
None
UNION COUNTY
None
VAN BUREN COUNTY
(H,Hw) - See Appanoose County
WAPELLO COUNTY
(H,Hw) - See Appannose County
WARREN COUNTY
None
WASHINGTON COUNTY
(Hw) - See Benton County
WAYNE COUNTY
None
WEBSTER COUNTY (City of Fort Dodge)
Decision #IA76-4063 (B,H,Hw)
41 FR 8694 - 2/27/76
Mod. #1 - 41 FR 15235 - 4/9/76
WINNEBAGO COUNTY
None
WINNESHIEK COUNTY
None

IOWA (Cont'd.)

WOODBURY COUNTY (City of Sioux City and abutting municipalities)
Decision #IA76-4064 (B)
41 FR 8697 - 2/27/76
MMod. #1 - 41 FR 11726 - 3/19/76
(Chann. Stab.) - See Freemont Co.
WORTH COUNTY
None
WRIGHT COUNTY
None

KANSAS

ALLEN COUNTY
Decision #KS75-4197 (Hw, W&S)
40 FR 57091 - 12/5/75
Mod. #1 - 41 FR 27542 - 7/2/76
ANDERSON COUNTY
(Hw, W&S) - See Allen County
ATCHISON COUNTY
Decision #MO75-4070 (D)
40 FR 14225 - 3/28/75
(Hw, W&S) - See Allen County
BARBER COUNTY
Decision #KS75-4198 (Hw, W&S)
40 FR 57090 - 12/5/75
BARTON COUNTY
(Hw, W&S) - See Barber County
BOURBON COUNTY
(Hw, W&S) - see Allen County
BROWN COUNTY
(Hw, W&S) - See Allen County
BUTLER COUNTY
(Hw, W&S) - See Allen County
CHASE COUNTY
(Hw, W&S) - See Allen County
CHAUTAUQUA COUNTY
(Hw, W&S) - See Allen County
CHEROKEE COUNTY
(Hw, W&S) - See Allen County
CHEYENNE COUNTY
(Hw, W&S) - See Barber County
CLARK COUNTY
(Hw, W&S) - See Barber County

KANSAS (Cont'd.)

CLAY COUNTY
(Hw, W&S) - See Allen County
CLOUD COUNTY
(Hw, W&S) - See Allen County
COFFEY COUNTY
(Hw, W&S) - See Allen County
COMANCHE COUNTY
(Hw, W&S) - See Barber County
COWLEY COUNTY
(Hw, W&S) - See Allen County
CRAWFORD COUNTY
(Hw, W&S) - See Allen County
DECATUR COUNTY
(Hw, W&S) - See Barber County
DICKINSON COUNTY
(Hw, W&S) - See Allen County
DONIPHAN COUNTY
(D) - See Atchison County
(Hw, W&S) - See Allen County
DOUGLAS COUNTY
Decision #KS75-4063 (Hw)
40 FR 12041 - 3/14/75
Mod. #1 - 40 FR 19326 - 5/2/75
Mod. #2 - 41 FR 20118 - 5/14/76
EDWARDS COUNTY
(Hw, W&S) - See Barber County
ELK COUNTY
(Hw, W&S) - See Allen County
ELLIS COUNTY
(Hw, W&S) - See Barber County
ELLSWORTH COUNTY
(Hw, W&S) - See Barber County
FINNEY COUNTY
(Hw, W&S) - See Barber County
FORD COUNTY
(Hw, W&S) - See Barber County
FRANKLIN COUNTY
(Hw, W&S) - See Allen County
GEARY COUNTY
Decision #AQ-88 (R)
38 FR 11791 - 3/29/74
(Hw, W&S) - See Allen County
GOVE COUNTY
(Hw, W&S) - See Barber County
GRAHAM COUNTY
(Hw, W&S) - See Barber County
GRANT COUNTY
(Hw, W&S) - See Barber County
GRAY COUNTY
(Hw, W&S) - See Barber County
GREELEY COUNTY
(Hw, W&S) - See Barber County
GREENWOOD COUNTY
(Hw, W&S) - See Allen County

UMI

KANSAS (Cont'd.)

HAMILTON COUNTY
(Hw, W&S) - See Barber County
HARPER COUNTY
(Hw, W&S) - See Allen County
HARVEY COUNTY
(Hw, W&S) - See Allen County
HASKELL COUNTY
(Hw, W&S) - See Barber County
HODGEMAN COUNTY
(Hw, W&S) - See Barber County
JACKSON COUNTY
(Hw, W&S) - See Allen County
JEFFERSON COUNTY
(Hw) - See Douglas County
JEWELL COUNTY
(Hw, W&S) - See Barber County
JOHNSON COUNTY
Decision #MO76-4102 (B,H,Hw)
41 FR 27597 - 7/2/76
Decision #MO76-4103 (R)
41 FR 27602 - 7/2/76
KEARNY COUNTY
(Hw, W&S) - See Barber County
KINGMAN COUNTY
(Hw, W&S) - See Allen County
KIOWA COUNTY
(Hw, W&S) - See Barber County
LABETTE COUNTY
(Hw, W&S) - See Allen County
LANE COUNTY
(Hw, W&S) - See Barber County
LEAVENWORTH COUNTY
Decision #KS75-4191 (B)
40 FR 57096 - 12/5/75
(Hw) - See Douglas County
(O) - See Atchison County
LINCOLN COUNTY
(Hw, W&S) - See Barber County
LINN COUNTY
(Hw, W&S) - See Allen County
LOGAN COUNTY
(Hw, W&S) - See Barber County

KANSAS (Cont'd.)

LYON COUNTY
(Hw, W&S) - See Allen County
McPHERSON COUNTY
(Hw, W&S) - See Allen County
MARION COUNTY
(Hw, W&S) - See Allen County
MARSHALL COUNTY
(Hw, W&S) - See Allen County
MEADE COUNTY
(Hw, W&S) - See Barber County
MIAMI COUNTY
(Hw) - See Douglas County
MITCHELL COUNTY
(Hw, W&S) - See Barber County
MONTGOMERY COUNTY
(Hw, W&S) - See Allen County
MORRIS COUNTY
(Hw, W&S) - See Allen County
MORTON COUNTY
(Hw, W&S) - See Barber County
NEMAHA COUNTY
(Hw, W&S) - See Allen County
NEOSHO COUNTY
(Hw, W&S) - See Allen County
NESS COUNTY
(Hw, W&S) - See Barber County
NORTON COUNTY
(Hw, W&S) - See Barber County
OSAGE COUNTY
(Hw, W&S) - See Allen County
OSBORNE COUNTY
(Hw, W&S) - See Barber County
OTTAWA COUNTY
(Hw, W&S) - See Allen County
PAWNEE COUNTY
(Hw, W&S) - See Barber County
PHILLIPS COUNTY
(Hw, W&S) - See Barber County
POTTAWATOMIE COUNTY
(Hw, W&S) - See Allen County
PRATT COUNTY
(Hw, W&S) - See Barber County
RAWLINS COUNTY
(Hw, W&S) - See Barber County

KANSAS (Cont'd.)

RENO COUNTY
(Hw, W&S) - See Allen County
REPUBLIC COUNTY
(Hw, W&S) - See Allen County
RICE COUNTY
(Hw, W&S) - See Barber County
RILEY COUNTY
(Hw, W&S) - See Allen County
(R) - See Geary County
ROOKS COUNTY
(Hw, W&S) - See Barber County
RUSH COUNTY
(Hw, W&S) - See Barber County
RUSSELL COUNTY
(Hw, W&S) - See Barber County
SALINE COUNTY
(Hw, W&S) - See Allen County
SCOTT COUNTY
(Hw, W&S) - See Barber County
SEDGWICK COUNTY
Decision #AP-533 (R)
38 FR 16573 - 6/22/73
Decision #KS76-4097 (B)
41 FR 23896 - 6/11/76
Decision #KS75-4052 (Hw, W&S)
40 FR 6057 - 2/7/75
Mod. #1 - 40 FR 7775 - 2/21/75
SEWARD COUNTY
(Hw, W&S) - See Barber County
SHAWNEE COUNTY
Decision #KS76-4096 (B)
41 FR 23893 - 6/11/76
Decision #KS76-4095 (R)
41 FR 23890 - 6/11/76
(Hw) - See Douglas County

KANSAS (Cont'd.)

SHERIDAN COUNTY
(Hw, W&S) - See Barber County
SHERMAN COUNTY
(Hw, W&S) - See Barber County
SMITH COUNTY
(Hw, W&S) - See Barber County
STAFFARD COUNTY
(Hw, W&S) - See Barber County
STANTON COUNTY
(Hw, W&S) - See Barber County
STEVENS COUNTY
(Hw, W&S) - See Barber County
SUMNER COUNTY
(Hw, W&S) - See Allen County
THOMAS COUNTY
(Hw, W&S) - See Barber County
TREGO COUNTY
(Hw, W&S) - See Barber County
WABAUNSEE COUNTY
(Hw, W&S) - See Allen County
WALLACE COUNTY
(Hw, W&S) - See Barber County
WASHINGTON COUNTY
(Hw, W&S) - See Allen County
WICHITA COUNTY
(Hw, W&S) - See Barber County
WILSON COUNTY
(Hw, W&S) - See Allen County
WOODSON COUNTY
(Hw, W&S) - See Allen County
WYANDOTTE COUNTY
(B,H,Hw,R) - See Johnson County
(D) - See Atchison County

KENTUCKY

ADAIR COUNTY
Decision #KY75-1103 (H,Hw)
40 FR 48860 - 10/17/75
Mod. #1 - 40 FR 55609 - 11/28/75
ALLEN COUNTY
Decision #KY75-1093 (H,Hw)
40 FR 43456 - 9/19/75
ANDERSON COUNTY
Decision #KY75-1095 (H,Hw)
40 FR 43459 - 9/19/75
BALLARD COUNTY
Decision #AL76-5028 (D)
41 FR 14284 - 4/2/76
(H,Hw) - See Allen County
BARREN COUNTY
(H,Hw) - See Adair County
BATH COUNTY
(H,Hw) - See Anderson County
Decision #KY75-1105 (R)
40 FR 49950 - 10/24/75
BELL COUNTY
(H,Hw) - See Adair County
Decision #AQ-4126 (B)
39 FR 22359 - 6/21/74
BOONE COUNTY
Decision #KY75-1096 (H,Hw)
40 FR 44457 - 9/26/75
Mod. #1 - 40 FR 49943 - 10/24/75
Decision #KY76-1031 (B)
41 FR 8699 - 2/27/76
Mod. #1 - 41 FR 20119 - 5/14/76
Mod. #2 - 41 FR 24834 - 6/18/76
Decision #IL76-5026 (D)
41 FR 12858 - 3/26/76
BOURBON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
BOYD COUNTY
Decision #KY75-1100 (B)
40 FR 44454 - 9/26/75
Mod. #1 - 41 FR 10820 - 3/12/76
Mod. #2 - 41 FR 11727 - 3/19/76
Mod. #3 - 41 FR 20119 - 5/14/76
Mod. #4 - 41 FR 24834 - 6/18/76
(D) - See Boone County
(H,Hw) - See Anderson County
BOYLE COUNTY
(H,Hw) - See Anderson County
BRACKEN COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
BREATHITT COUNTY
(H,Hw) - See Adair County

KENTUCKY (Cont'd.)

BRECKINRIDGE COUNTY
Decision #AP-183 (R)
38 FR 11278 - 5/4/73
(H,Hw) - See Anderson County
(D) - See Boone County
BULLITT COUNTY
(D) - See Boone County
(H,Hw) - See Anderson County
(R) - See Breckinridge County
BUTLER COUNTY
(H,Hw) - See Allen County
CALDWELL COUNTY
(H,Hw) - See Allen County
CALLOWAY COUNTY
(H,Hw) - See Allen County
CAMPBELL COUNTY
(B,H,D,Hw) - See Boone County
CARLISLE COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
CARROLL COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
CARTER COUNTY
(H,Hw) - See Anderson County
CASEY COUNTY
(H,Hw) - See Adair County
CHRISTIAN COUNTY
(H,Hw) - See Allen County
CLARK COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
CLAY COUNTY
(H,Hw) - See Adair County
CLINTON COUNTY
(H,Hw) - See Adair County
CRITTENDEN COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
CUMBERLAND COUNTY
(H,Hw) - See Adair County
DAVIESS COUNTY
Decision #AQ-4122 (B)
39 FR 20281 - 6/7/74
Mod. #1 - 41 FR 19008 - 5/7/76
Mod. #2 - 41 FR 21987 - 5/28/76
(H,Hw) - See Allen County
(D) - See Boone County
EDMONSON COUNTY
(H,Hw) - See Allen County
ELLIOTT COUNTY
(H,Hw) - See Anderson County
ESTILL COUNTY
(H,Hw) - See Adair County

KENTUCKY (Cont'd)

FAYETTE COUNTY
Decision #KY75-1101 (B)
40 FR 48857 - 10/17/75
Mod. #1 - 41 FR 8626 - 2/27/76
Mod. #2 - 41 FR 12849 - 3/26/76
Mod. #3 - 41 FR 20119 - 5/14/76
Mod. #4 - 41 FR 23887 - 6/11/76
(H,Hw) - See Anderson County
(R) - See Bath County
FLEMING COUNTY
(H,Hw) - See Anderson County
FLOYD COUNTY
Decision #AR-4002 (B)
39 FR 24777 - 7/5/74
(H,Hw) - See Adair County
FRANKLIN COUNTY
Decision #KY76-1028 (B)
41 FR 7905 - 2/20/76
Mod. #1 - 41 FR 12848 - 3/26/76
Mod. #2 - 41 FR 20118 - 5/14/76
Mod. #3 - 41 FR 23887 - 6/11/76
(H,Hw) - See Anderson County
FULTON COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
GALLATIN COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
GARRARD COUNTY
(H,Hw) - See Adair County
GRANT COUNTY
(H,Hw) - See Anderson County
GRAVES COUNTY
(H,Hw) - See Allen County
GRAYSON COUNTY
(H,Hw) - See Anderson County
GREENE COUNTY
(H,Hw) - See Adair County
GREENUP COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
HANCOCK COUNTY
(H,Hw) - See Allen County
(D) - See Boone County

KENTUCKY (Cont'd)

HARDIN COUNTY
(B) - See Jefferson County
(H,Hw) - See Anderson County
(R) - See Breckinridge County
(D) - See Boone County
HARLAN COUNTY
(H,Hw) - See Adair County
HARRISON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
HART COUNTY
(H,Hw) - See Adair County
HENDERSON COUNTY
Decision #AR-4025 (B)
39 FR 31796 - 8/30/74
Mod. #1 - 40 FR 10877 - 3/7/75
Mod. #2 - 40 FR 31439 - 7/25/75
Mod. #3 - 41 FR 8626 - 2/27/76
Mod. #4 - 41 FR 14273 - 4/2/76
Mod. #5 - 41 FR 26425 - 6/25/76
(H,Hw) - See Allen County
(D) - See Boone County
HENRY COUNTY
(H,Hw) - See Anderson County
HICKMAN COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
HOPKINS COUNTY
(H,Hw) - See Allen County
JACKSON COUNTY
(H,Hw) - See Adair County
JEFFERSON COUNTY
Decision #KY76-1038 (B)
41 FR 10828 - 3/12/76
Mod. #1 - 41 FR 17292 - 4/23/76
Mod. #2 - 41 FR 20119 - 5/14/76
Mod. #3 - 41 FR 24834 - 6/18/76
(D) - See Boone County
(R) - See Breckinridge County
(H,Hw) - See Anderson County
JESSAMINE COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County

KENTUCKY (Cont'd)

JOHNSON COUNTY
(H,Hw) - See Anderson County
KENTON COUNTY
(B,H,Hw,D) - See Boone County
KNOTT COUNTY
(H,Hw) - See Adair County
KNOX COUNTY
(H,Hw) - See Adair County
LARUE COUNTY
(H,Hw) - See Anderson County
LAUREL COUNTY
(H,Hw) - See Adair County
LAWRENCE COUNTY
(H,Hw) - See Anderson County
LEE COUNTY
(H,Hw) - See Adair cOunty
LESLIE COUNTY
(H,Hw) - See Adair County
LETCHER COUNTY
(H,Hw) - See Adair County
LEWIS COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
LINCOLN COUNTY
(H,Hw) - See Adair county
LIVINGSTON COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
LOGAN COUNTY
(H,Hw) - See Allen County
LYON COUNTY
(H,Hw) - See Allen County
McCRACKEN COUNTY
Decision #KY76-1058 (B)
41 FR 21082 - 5/21/76
(D) - See Boone County
(H,Hw) - See Allen County

KENTUCKY (Cont'd)

McCREARY COUNTY
(H,Hw) - See Adair County
McLEAN COUNTY
(H,Hw) - See Allen County
MADISON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
MAGOFFIN COUNTY
(H,Hw) - See Adair County
MARION COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
MARSHALL COUNTY
(H,Hw) - See Allen County
MARTIN COUNTY
(H,Hw) - See Adai- County
MASON COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
MEADE COUNTY
(H,Hw) - See Anderson County
(B) - See Jefferson County
(R) - See Breckinridge County
(D) - See Boone County
MENIFEE COUNTY
(H,Hw) - See Adair County
MERCER COUNTY
(H,Hw) - See Anderson County
METCALFE COUNTY
(H,Hw) - See Adair County
MONROE COUNTY
(H,Hw) - See Adair County
MONTGOMERY COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
MORGAN COUNTY
(H,Hw) - See Anderson County
MUHLENBERG COUNTY
(H,Hw) - See Allen County

KENTUCKY (Cont'd)

NELSON COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
NICHOLAS COUNTY
(H,Hw) - See Anderson County
OHIO COUNTY
(H,Hw) - See Allen County
OLDHAM COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
(D) - See Boone County
OWEN COUNTY
(H,Hw) - See Anderson County
OWSLEY COUNTY
(H,Hw) - See Adair County
PENDLETON COUNTY
(B)(D) - See Boone County
(D) - See Boone County
PERRY COUNTY
(H,Hw) - See Adair County
PIKE COUNTY
(B) - See Floyd County
(H,Hw) - See Adair County
POWELL COUNTY
(H,Hw) - See Adair County
PULASKI COUNTY
(H,Hw) - See Adair County
ROBERTSON COUNTY
(H,Hw) - See Anderson County
ROCKCASTLE COUNTY
(H,Hw) - See Adair County
ROWAN COUNTY
(H,Hw) - See Anderson County
RUSSELL COUNTY
(H,Hw) - See Adair County
SCOTT COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
SHELBY COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County

KENTUCKY (Cont'd.)

SIMPSON COUNTY
(H,Hw) - See Allen County
SPENCER COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
TAYLOR COUNTY
(H,Hw) - See Allen County
TODD COUNTY
(H,Hw) - See Allen County
TRIGG COUNTY
(H,Hw) - See Allen County
TRIMBLE COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
UNION COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
WARREN COUNTY
Decision #AR-4023 (B)
39 FR 32449 - 9/6/74
Mod. #1 - 40 FR 10876 - 3/7/75
Mod. #2 - 40 FR 31438 - 7/25/75
Mod. #3 - 41 FR 10819 - 3/12/76
Mod. #4 - 41 FR 20118 - 5/14/76
Mod. #5 - 41 FR 24833 - 6/18/76
(H,Hw) - See Allen County
WASHINGTON COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
WAYNE COUNTY
(H,Hw) - See Adair County
WEBSTER COUNTY
(H,Hw) - See Allen County
WHITLEY COUNTY
(H,Hw) - See Adair County
WOLFE COUNTY
(H,Hw) - See Adair County
WOODFORD COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County

LOUISIANA

STATEWIDE
Decision #AL76-5028 (D)
41 FR 14284 - 4/2/76
Decision #LA76-4091 (B,Hw,R)
41 FR 21084 - 5/21/76
Mod. #1 - 41 FR 22718 - 6/4/76
Mod. #2 - 41 FR 24835 - 6/18/76
Mod. #3 - 41 FR 27543 - 7/2/76
ACADIA COUNTY
Decision #AR76-5041 (F)
41 FR 19017 - 5/7/76
Mod. #1 - 41 FR 21381 - 5/28/76
(B,D,Hw) - See Statewide
ALLEN PARISH
(F) - See Acadia Parish
(D,B,Hw) - See Statewide
ASCENSION PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ASSUMPTION PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
AVOYELLES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
BEAUREGARD PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
BIENVILLE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
BOSSIER PARISH
(F) - See Acadia Parish
(B,D,Hw,R) - See Statewide
CADDO PARISH
(B,D,Hw,R) - See Statewide
CALCASIEU PARISH
(F) - See Acadia Parish
(B,D,Hw,R) - See Statewide

LOUISIANA (Cont'd)

CALDWELL PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
CAMERON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
CATAHOULA PARISH
(F) - See Acadia Parish
(D,B,Hw) - See Statewide
CLAIBORNE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
CONCORDIA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
DE SOTO PARISH
(F) - See Acadia Parish
(B,D,Hw)-See Statewide
EAST BATON ROUGE PARISH
(B,D,Hw) - See Statewide
EAST CARROLL PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
EAST FELICIANA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
EVANGELINE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
FRANKLIN PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
GRANT PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
IBERIA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide

LOUISIANA (Cont'd.)

IBERVILLE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
JACKSON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
JEFFERSON PARISH
Decision #AR-3 (R)
39 FR 25777 - 7/12/74
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
JEFFERSON DAVIS PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LAFAYETTE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LAFOURCHE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LA SALLE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LINCOLN PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LIVINGSTON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
MADISON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
MOREHOUSE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
NATCHITOCHES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ORLEANS PARISH
(B,D,Hw) - See Statewide
(R) - See Jefferson Parish
OUACHITA PARISH
Decision #AQ-116 (R)
39 FR 22397 - 6/21/74
(B,D,Hw) - See Statewide

LOUISIANA (Cont'd)

PLAQUEMINES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
(R) - See Jefferson Parish
POINTE COUPEE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
RAPIDES PARISH
(B,D,Hw) - See Statewide
RED RIVER PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
RICHLAND PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
SABINE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. BERNARD PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
(R) - See Jefferson Parish
ST. CHARLES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. HELENA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. JAMES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. JOHN THE BAPTIST PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. LANDRY PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. MARTIN PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. MARY PARISH
(F) - See Acadia Parish
(B,D) - See Statewide

LOUISIANA (Cont'd)

ST. TAMMANY PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
TANGIPAHOA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
TENSAS PARISH
(F) - See Acadia Parish
(B,Hw,D) - See Statewide
TERREBONNE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
UNION PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
VERMILION PARISH
(F) - See Acadia Parish
(D,B,Hw) - See Statewide
VERNON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WASHINGTON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WEBSTER PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WEST BATON ROUGE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WEST CARROLL PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WEST FELICIANA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WINN PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide

MAINE

ANDROSCOGGIN COUNTY
None
AROOSTOOK COUNTY
None
CUMBERLAND COUNTY
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
FRANKLIN COUNTY
None
HANCOCK COUNTY
(D) - See Cumberland County
KENNEBEC COUNTY
None
KNOX COUNTY
(D) - See Cumberland County
LINCOLN COUNTY
(D) - See Cumberland County
OXFORD COUNTY
None
PENOBSCOT COUNTY
None
PISCATAQUIS COUNTY
None
SAGADAHOC COUNTY
(D) - See Cumberland County
SOMERSET COUNTY
None
WALDO COUNTY
(D) - See Cumberland County
WASHINGTON COUNTY
(D) - See Cumberland County
YORK COUNTY
(D) - See Cumberland County

MARYLAND

ALLEGANY COUNTY
Decision #MD76-3141 (B)
41 FR 7909 - 2/20/76
Mod. #1 - 41 FR 19008 - 5/7/76
Mod. #2 - 41 FR 21987 - 5/28/76
Mod. #3 - 41 FR 24835 - 6/18/76
Decision #MD76-3164 (H,Hw)
41 FR 18268 - 4/30/76
Mod. #1 - 41 FR 24836 - 6/18/76
ANNE ARUNDEL COUNTY
Decision #GA76-5025 (D)
41 FR 12857 - 3/26/76
Decision #MD76-3161 (B,H)
41 FR 15246 - 4/9/76
Mod. #1 - 41 FR 24836 - 6/18/76
Decision #MD76-3151 (Hw)
41 FR 11742 - 3/19/76
BALTIMORE CITY
Decision #MD76-3159 (Hw)
41 FR 15241 - 4/9/76
Decision #MD76-3160 (B,H)
41 FR 15243 - 4/9/76
Mod. #1 - 41 FR 19008 - 5/7/76
Mod. #2 - 41 FR 21987 - 5/28/76
Mod. #3 - 41 FR 24835 - 6/18/76
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
BALTIMORE COUNTY
Decision #MD76-3153 (Hw)
41 FR 11744 - 3/19/76
Mod. #1 - 41 FR 14273 - 4/2/76
(B,H) - See Baltimore County
CALVERT COUNTY
(D,Hw) - See Anne Arundel County
CAROLINE COUNTY
Decision #MD76-3152 (Hw)
41 FR 11743 - 3/19/76
Mod. #1 - 41 FR 14273 - 4/2/76
((H) - See Anne Arundel County
CARROLL COUNTY
(Hw) - See Anne Arundel County
CECIL COUNTY
(Hw) - See Caroline County
CHARLES COUNTY
(D,Hw) - See Anne Arundel County
DORCHESTER COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
FREDERICK COUNTY
Decision #AQ-2076 (R)
39 FR 10069 - 3/15/74
Mod. #1 - 40 FR 15272 - 4/4/75
(Hw) - See Anne Arundel County
GARRETT COUNTY
(B,H,Hw) - See Allegany County

MARYLAND (Cont'd.)

HARFORD COUNTY
(B,H) - See Baltimore County
(Hw) - See Anne Arundel County
HOWARD COUNTY
(B,H) - See Baltimore City
(Hw) - See Anne Arundel County
KENT COUNTY
(Hw) - See Caroline County
(D) - See Arundel County
MONTGOMERY COUNTY
Decision #MD76-3140 (B)
41 FR 3603 - 1/23/76
(Hw) - See Anne Arundel County
PRINCE GEORGES COUNTY
(B) - See Montgomery County
(D,Hw) - See Anne Arundel County
QUEEN ANNES COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
ST. MARYS COUNTY
(D,Hw) - See Anne Arundel County
SOMERSET COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
TALBOT COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
WASHINGTON COUNTY
(Hw) - See Anne Arundel County
WICOMICO COUNTY
Decision #AQ-2075 (R)
39 FR 10068 - 3/15/74
Mod. #1 - 39 FR 14849 - 4/26/74
(D) - See Anne Arundel County
(Hw) - See Caroline County
WORCESTER COUNTY
(D) - See Baltimore City
(Hw) - See Caroline County
Decision #AR-2012 (B)
39 FR 27991 - 8/2/74

MASSACHUSETTS

BARNSTABLE COUNTY
Decision #MA75-2117 (B,H,Hw, & Marine)
40 FR 50906 - 10/31/75
Mod. #1 - 41 FR 7890 - 2/20/76
Mod. #2 - 41 FR 21988 - 5/28/76
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
BERKSHIRE COUNTY
Decision #MA75-2118 (B,H,Hw)
40 FR 49951 - 10/24/75
Mod. #1 - 41 FR 7890 - 2/20/76
Mod. #2 - 41 FR 21988 - 5/28/76
BRISTOL COUNTY
Decision #MA75-2119 (B,H,Hw,R, & Marine)
40 FR 52254 - 11/7/75
Mod. #1 - 41 FR 7890 - 2/20/76
Mod. #2 - 41 FR 21989 - 5/28/76
(D) - See Barnstable County
DUKES COUNTY
(D) - See Barnstable County
ESSEX COUNTY
Decision #MA75-2121 (B,H,Hw, & Marine)
40 FR 52259 - 11/7/75
Mod. #1 - 41 FR 7891 - 2/20/76
Mod. #2 - 41 FR 21989 - 5/28/76
(D) - See Barnstable County
FRANKLIN COUNTY
Decision #MA75-2110 (B,H,Hw)
40 FR 42499 - 9/12/75
Mod. #1 - 41 FR 7891 - 2/20/76
Mod. #2 - 41 FR 21988 - 5/28/76
HAMPDEN COUNTY
Decision #MA75-2122 (B,H,Hw)
40 FR 52264 - 11/7/75
Mod. #1 - 41 FR 7891 - 2/20/76
Mod. #2 - 41 FR 21990 - 5/28/76
Decision #MA75-2134 (R)
40 FR 59166 - 12/19/75
HAMPSHIRE COUNTY
Decision #MA75-2123 (B,H,Hw)
40 FR 52268 - 11/7/75
Mod. #1 - 41 FR 7891 - 2/20/76
Mod. #2 - 41 FR 21990 - 5/28/76
MIDDLESEX COUNTY
Decision #MA75-2124 (B,H,Hw,R, & Marine)
40 FR 53184 - 11/14/75
Mod. #1 - 41 FR 7892 - 2/20/76
Mod. #2 - 41 FR 21991 - 5/28/76
(D) - See Barnstable County
NANTUCKET COUNTY
(D) - See Barnstable County

MASSACHUSETTS (Cont'd)

NORFOLK COUNTY
Decision #MA75-2125 (B,H,Hw,R)
40 FR 53189 - 11/14/75
Mod. #1 - 41 FR 7892 - 2/20/76
Mod. #2 - 41 FR 21991 - 5/28/76
(D) - See Barnstable County
PLYMOUTH COUNTY
Decision #MA75-2126 (B,H,Hw,R)
40 FR 53193 - 11/14/75
Mod. #1 - 41 FR 7892 - 2/20/76
Mod. #2 - 41 FR 21992 - 5/28/76
SUFFOLK COUNTY
Decision #MA75-2130 (B,H,Hw,D,R, & Marine)
40 FR 54408 - 11/21/75
Mod. #1 - 41 FR 7893 - 2/20/76
Mod. #2 - 41 FR 21993 - 5/28/76
WORCESTER COUNTY
Decision #MA75-2128 (B,H,Hw,R)
40 FR 53198 - 11/14/75
Mod. #1 - 41 FR 7893 - 2/20/76
Mod. #2 - 41 FR 21992 - 5/28/76

MICHIGAN

STATEWIDE
Decision #MI76-2036 (Hw, W&S)
41 FR 11763 - 3/19/76
Mod. #1 - 41 FR 22719 - 6/4/76
ALCONA COUNTY
Decision #MI76-2031 (B,H)
41 FR 10831 - 3/12/76
Mod. #1 - 41 FR 17292 - 4/23/76
Decision #IL76-5038 (D)
41 FR 16373 - 4/16/76
Mod. #1 - 41 FR 19007 - 5/7/76
(Hw, W&S) - See Statewide
ALGER COUNTY
Decision #MI76-2050 (B,H)
41 FR 16393 - 4/19/76
(D) - See Alcona County
(Hw, W&S) - See Statewide
ALLEGAN COUNTY
Decision #MI76-2033 (B,H)
41 FR 11748 - 3/19/76
Decision #AM-398 (R)
36 FR 15891 - 8/18/71
(Hw, W&S) - See Statewide
(D) - See Alcona County
ALPENA COUNTY
(B,H) - See Alcona County
(Hw, W&S) - See Statewide
ANTRIM COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
ARENAC COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
BARAGA COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
BARRY COUNTY
(Hw, W&S) - See Statewide
BAY COUNTY
Decision #MI76-2051 (B,H)
41 FR 16396 - 4/16/76
Mod. #1 - 41 FR 24836 - 6/18/76
(D) - See Alcona County
(Hw, W&S) - See Statewide
BENZIE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

BERRIEN COUNTY
(B,H) - See Allegan County
Decision #AM-399 (R)
36 FR 15892 - 8/18/71
(D) - See Alcona County
(Hw, W&S) - See Statewide
BRANCH COUNTY
Decision #AM-401 (R)
36 FR 15894 - 8/18/71
(Hw, W&S) - See Statewide
CALHOUN COUNTY
(B,H) - See Allegan County
Decision #AM-400 (R)
36 FR 15892 - 8/18/71
(Hw, W&S) - See Statewide
CASS COUNTY
(Hw, W&S) - See Statewide
(R) - See Branch County
CHARLEVOIX COUNTY
(B,H) - See Allegan County
(D) - See Alcona County
(Hw, W&S) - See Statewide
CHEBOYGAN COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
CHIPPEWA COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
CLARE COUNTY
(Hw, W&S) - See Statewide
CLINTON COUNTY
(B,H) - See Allegan County
(Hw, W&S) - See Statewide
CRAWFORD COUNTY
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

DELTA COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
DICKINSON COUNTY
(Hw, W&S) - See Statewide
EATON COUNTY
Decision #AM-8041 (R)
36 FR 24027 - 12/17/71
(B,H) - See Allegan County
(Hw, W&S) - See Statewide
EMMET COUNTY
(B,H) - See Charlevoix County
(D) - See Alcona County
(Hw, W&S) - See Statewide
GENESEE COUNTY
(B,H) - See Bay County
Decision #MI76-2081 (R)
41 FR 26448 - 6/25/76

(Hw, W&S) - See Statewide
GLADWIN COUNTY
(Hw) - See Statewide
GOGEBIC COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
GRAND TRAVERSE COUNTY
(B,H) - See Alcona County
(D) - See Alcona County
(Hw, W&S) - See Statewide
GRATIOT COUNTY
(Hw, W&S) - See Statewide
HILLSDALE COUNTY
(Hw, W&S) - See Statewide
HOUGHTON COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
HURON COUNTY
(D) - See Alcona County
(Hw, W&S) - See Allegan County
INGHAM COUNTY
(B,H) - See Allegan County
(R) - See Eaton County
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.

IONIA COUNTY
(Hw, W&S) - See Statewide
IOSCO COUNTY
(Hw, W&S) - See Statewide
(D) - See Alcona County
IRON COUNTY
(Hw, W&S) - See Statewide
ISABELLA COUNTY
(Hw, W&S) - See Statewide
JACKSON COUNTY
(B,H) - See Allegan County
(Hw, W&S) - See Statewide
KALAMAZOO COUNTY
(B,H) - See Allegan County
(Hw, W&S) - See Statewide
(R) - See Branch County
KALKASKA COUNTY
(Hw, W&S) - See Statewide
KENT COUNTY
Decision #MI76-2049 (B,H)
41 FR 16390 - 4/16/76
Mod. #4 - 40 FR 59653 - 12/29/75
Decision #AM-402 (R)
36 FR 15895 - 8/18/71
(Hw, W&S) - See Statewide
KEWEENAW COUNTY
(B,H) - See Alger County
(Hw, W&S) - See Statewide
LAKE COUNTY
(R) - See Genesee County
LAPEER COUNTY
(R) - See Genesee County
(B,H) - See Bay County
(Hw, W&S) - See Statewide
LEELANAU COUNTY
(B,H) - See Grand Traverse County
(Hw, W&S) - See Statewide
LENAWEE COUNTY
(Hw, W&S) - See Statewide
LIVINGSTON COUNTY
(Hw, W&S) - See Statewide
LUCE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
MACKINAC COUNTY
(B,H) - See Alger County
(Hw, W&S) - See Statewide
MACOMB COUNTY
Decision #MI76-2052 (B,H,R)
41 FR 16401 - 4/16/76
(D) - See Alcona County
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

MANISTEE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
MARQUETTE COUNTY
Decision #AR-3178 (R)
39 FR 44166 - 12/20/74
Mod. #1 - 40 FR 22734 - 5/23/75
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
MASON COUNTY
(B,H) - See Charlevoix County
(D) - See Alcona County
MECOSTA COUNTY
(Hw, W&S) - See Statewide
MENOMINEE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
MIDLAND COUNTY
(Hw, W&S) - See Statewide
MISSAUKEE COUNTY
(Hw, W&S) - See Statewide
MONROE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
MONTCALM COUNTY
(Hw, W&S) - See Statewide
(R) - See Kent County
MONTMORENCY COUNTY
(B,H) - See Alcona County
(Hw, W&S) - See Statewide
MUSKEGON COUNTY
Decision #MI75-2120 (R)
40 FR 49955 - 10/24/75
(B,H) - See Alconrn County
(D) - See Alcona County
(Hw, W&S) - See Statewide
NEWAYGO COUNTY
(Hw, W&S) - See Statewide
OAKLAND COUNTY
(B,H,R) - See Macomb County
(D) - See Alcona County
(Hw, W&S) - See Statewide
OCEANA COUNTY
(B,H,R) - See Alcorn County
(D) - See Alcona County
(Hw, W&S) - See Statewide
OGEMAW COUNTY
(Hw, W&S) - See Statewide
ONTONAGON COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

OSCEOLA COUNTY
(Hw, W&S) - See Statewide
OSCODA COUNTY
(B,H) - See Alcorn County
(Hw, W&S) - See Statewide
OTSEGO COUNTY
(Hw, W&S) - See Statewide
OTTAWA COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
(R) - See Allegan County
PRESQUE ISLE COUNTY
(B,H) - See Alcona County
(D) - See Alcona County
(Hw, W&S) - See Statewide
ROSCOMMON COUNTY
(Hw, W&S) - See Statewide
SAGINAW COUNTY
(B,H) - See Bay County
(R) - See Genessee County
(Hw, W&S) - See Statewide
SAINT CLAIR COUNTY
(B,H) - See Bay County
(R) - See Genessee County
(Hw, W&S) - See Statewide
SAINT JOSEPH COUNTY
(Hw, W&S) - See Statewide
(R) - See Branch County
SANILAC COUNTY
(B,H) - See Bay County
(D) - See Alcona County
(Hw, W&S) - See Statewide
SCHOOLCRAFT COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
SHIAWASSEE COUNTY
(B,H) - See Bay County
(R) - See Genessee County
(Hw, W&S) - See Statewide
TUSCOLA COUNTY
(B,H) - See Bay County
(D) - See Alcona County
(Hw, W&S) - See Statewide
VAN BUREN COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
WASHTENAW COUNTY
(B,H,R) - See Macomb County
(Hw, W&S) - See Statewide
(D) - See Alcona County
WAYNE COUNTY
(B,H,R) - See Macomb County
(D) - See Alcona County
(Hw, W&S) - See Statewide
WEXFORD COUNTY
(Hw, W&S) - See Statewide

MINNESOTA

AITKIN COUNTY
Decision #MN76-2013 (H,Hw)
41 FR 20131 - 5/14/76
ANOKA COUNTY
Decision #MN76-2001 (B,R)
41 FR 2551 - 1/16/76
Mod. #1 - 41 FR 5521 - 2/6/76
Mod. #2 - 41 FR 6953 - 2/13/76
Mod. #3 - 41 FR 20124 - 5/14/76
(H,Hw) - See Aitkin County
BECKER COUNTY
Decision #AQ-3104 (H,Hw)
39 FR 9369 - 3/8/74
BELTRAMI COUNTY
Decision #AR-3147 (H,Hw)
39 FR 36704 - 10/11/74
BENTON COUNTY
(H,Hw) - See Aitkin County
BIG STONE COUNTY
Decision #AQ-3105 (H,Hw)
39 FR 9370 - 3/8/74
BLUE EARTH COUNTY
Decision #MN76-2064 (B)
41 FR 21025 - 5/21/76
(H,Hw) - See Aitkin County
BROWN COUNTY
None
CARLTON COUNTY
(H,Hw) - See Aitkin County
CARVER COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County
CASS COUNTY
(Hw) - See Becker County
CHIPPEWA COUNTY
(Hw) - See Big Stone County
CHISAGO COUNTY
(H,Hw) - See Aitkin County
CLAY COUNTY
(Hw) - See Becker County
CLEAR WATER COUNTY
(H,Hw) - See Beltrami County
COOK COUNTY
Decision #IL76-5038 (D)
41 FR 16373 - 4/16/76
Mod. #1 - 41 FR 19007 - 5/7/76
(H,Hw) - See Aitkin County
COTTONWOOD COUNTY
Decision #AQ-3124 (H,Hw)
39 FR 93583 - 3/8/74
CROW WING COUNTY
(H,Hw) - See Aitkin County
DAKOTA COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County

MINNESOTA (Cont'd.)

DODGE COUNTY
(H,Hw) - See Aitkin County
DOUGLAS COUNTY
(H,Hw) - See Big Stone County
FAIRBAULT COUNTY
(B) - See Blue Earth County
(H,Hw) - See Aitkin County
FILLMORE COUNTY
(H,Hw) - See Aitkin County
FREEBORN COUNTY
(B) - See Blue Earth County
(H,Hw) - See Aitkin County
GOODHUE COUNTY
(H,Hw) - See Aitkin County
GRANT COUNTY
(H,Hw) - See Big Stone County
HENNEPIN COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin Count
HOUSTON COUNTY
(H,Hw) - See Aitkin County
HUBBARD COUNTY
(H,Hw) - See Becker County
ISANTI COUNTY
(H,Hw) - See Aitkin County
ITASKA COUNTY
(H,Hw) - See Aitkin County
JACKSON COUNTY
(H,Hw) - See Aitkin County
KANABEC COUNTY
(H,Hw) - See Aitkin County
KANDIYOHI COUNTY
(H,Hw) - See Big Stone County
KITTSON COUNTY
(H,Hw) - See Beltrami County
KOOCHICHING COUNTY
(H,Hw) - See Aitkin County
LAC QUI PARLE COUNTY
(H,Hw) - See Big Stone County
LAKE COUNTY
(H,Hw) - See Aitkin County
(D) - See Cook County
LAKE OF THE WOODS COUNTY
(H,Hw) - See Beltramie County
LE SHUEUR COUNTY
(H,Hw) - See Aitkin County
LINCOLN COUNTY
(H,Hw) - See Cottonwood County
LYON COUNTY
(H,Hw) - See Cottonwood County
MCLEOD COUNTY
(H,Hw) - See Aitkin County

MINNESOTA (Cont'd.

MAHNOMEN COUNTY
(H,Hw) - See Beltrami County
MARSHALL COUNTY
(H,Hw) - See Beltrami County
MARTIN COUNTY
(H,Hw) - See Aitkin County
MEEKER COUNTY
(H,Hw) - See Aitkin County
MILLE LACS COUNTY
(H,Hw) - See Aitkin County
MORRISON COUNTY
(H,Hw) - See Aitkin County
MOWER COUNTY
(B) - See Blue Earth County
(H,Hw) - See Aitkin County
MURRAY COUNTY
(H,Hw) - See Cottonwood County
NICOLLET COUNTY
(H,Hw) - See Aitkin County
NOBLES COUNTY
(H,Hw) - See Aitkin County
NORMAN COUNTY
(H,Hw) - See Beltrami County
OLMSTEAD COUNTY
Decision #MN76-2002 (B,R)
41 FR 3607 - 1/23/76
Mod. #1 - 41 FR 20125 - 5/14/76
(H,Hw) - See Aitkin County
OTTER TAIL COUNTY
(H,Hw) - See Becker County
PENNINGTON COUNTY
(H,Hw) - See Beltrami County
PINE COUNTY
(H,Hw) - See Aitkin County
PIPESTONE COUNTY
(H,Hw) - See Cottonwood County
POLK COUNTY
(H,Hw) - See Beltrami County
POPE COUNTY
(H,Hw) - See Big Stone County
RAMSEY COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County
RED LAKE COUNTY
(H,Hw) - See Beltrami County
REDWOOD COUNTY
(H,Hw) - See Cottonwood County
RENVILLE COUNTY
None
RICE COUNTY
(H,Hw) - See Aitkin County
ROCK COUNTY
(H,Hw) - See Aitkin County

MINNESOTA (Cont'd.

ROSEAU COUNTY
(H,Hw) - See Beltrami County
SAINT LOUIS COUNTY
(D) - See Cook County
(H,Hw) - See Aitkin County
Decision #MN76-2004 (B,R)
41 FR 3615 - 1/23/76
Mod. #1 - 41 FR 11727 - 3/19/76
Mod. #2 - 41 FR 20127 - 5/14/76
SCOTT COUNTY
(H,Hw) - See Aitkin County
(B,R) - See Anoka County
SHERBURNE COUNTY
(H,Hw) - See Aitkin County
SIBLEY COUNTY
(H,Hw) - See Aitkin County
STEARNS COUNTY
Decision #MN76-2003 (B,R)
41 FR 3610 - 1/23/76
Mod. #1 - 41 FR 20126 - 5/14/76
Mod. #2 - 41 FR 23887 - 6/11/76
(H,Hw) - See Aitkin County
STEELE COUNTY
(H,Hw) - See Aitkin County
STEVENS COUNTY
(H,Hw) - See Big Stone County
SWIFT COUNTY
(H,Hw) - See Big Stone County
TODD COUNTY
(Hw) - See Bekcer County
TRAVERSE COUNTY
(H,Hw) - See Big Stone County
WABASHA COUNTY
(H,Hw) - See Aitkin County
WADENA COUNTY
(H,Hw) - See Becker County
WASECA COUNTY
(H,Hw) - See Aitkin County
WASHINGTON COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County
WATONWAN COUNTY
None
WILKIN COUNTY
(H,Hw) - See Becker County
WINONA COUNTY
(H,Hw) - See Aitkin County
WRIGHT COUNTY
(H,Hw) - See Aitkin County
YELLOW MEDICINE COUNTY
(H,Hw) - See Cottonwood County

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MISSISSIPPI

STATEWIDE
Decision #AL76-502B (D)
41 FR 14284 - 4/2/76
Decision #AR76-5041 (F)
41 FR 19017 - 5/7/76
Mod. #1 - 41 FR 21981 - 5/28/76
Decision #MS75-1114 (Hw, W&S)
40 FR 58046 - 12/12/75
Mod. #1 - 40 FR 59653 - 12/29/75
ADAMS COUNTY
(D,F,Hw, W&S) - See Statewide
ALCORN COUNTY
(D,F,Hw, W&S) - See Statewide
AMITE COUNTY
(D,F,Hw, W&S) - See Statewide
ATTALA COUNTY
(D,F,Hw, W&S) - See Statewide
BENTON COUNTY
(D,F,Hw, W&S) - See Statewide
BOLIVAR COUNTY
(D,F,Hw, W&S) - See Statewide
CALHOUN COUNTY
(D,F,Hw, W&S) - See Statewide
CARROLL COUNTY
(D,F,Hw, W&S) - See Statewide
CHICKASAW COUNTY
(D,F,Hw, W&S) - See Statewide
CHOCTAW COUNTY
(Hw, W&S) - See Statewide
CLAIBORNE COUNTY
(D,Hw,F, W&S) - See Statewide
CLARK COUNTY
(D,F,Hw, W&S) - See Statewide
CLAY COUNTY
(Hw, W&S) - See Statewide
COAHOMA COUNTY
Decision #MS76-1004 (R)
41 FR 1695 - 1/9/76
(D,F,Hw, W&S) - See Statewide
COPIAH COUNTY
Decision #AQ-4120 (R)
39 FR 20302 - 6/7/74
(D,F,Hw, W&S) - See Statewide
COVINGTON COUNTY
(D,Hw, F, W&S) - See Statewide

MISSISSIPPI (Cont'd.

DE SOTO COUNTY
(D,F,Hw, W&S) - See Statewide
FORREST COUNTY
Decision #MS75-1076 (R)
40 FR 36935 - 8/22/75
Mod. #1 - 40 FR 55609 - 11/28/75
Decision #MS75-1020 (B)
40 FR 5966 - 2/7/75
Mod. #1 - 40 FR 7798 - 2/21/75
(D,F,Hw, W&S) - See Statewide
FRANKLIN COUNTY
(D,F,Hw, W&S) - See Statewide
GEORGE COUNTY
Decision #MS75-1077 (R)
40 FR 36935 - 8/22/75
(D,F,Hw, W&S) - See Statewide
GREENE COUNTY
(D,F,Hw, W&S) - See Statewide
GRENADA COUNTY
(D,F,Hw, W&S) - See Statewide
HANCOCK COUNTY
Decision #MS76-1020 (B,H)
41 FR 4780 - 1/30/76
Mod. #1-41 FR 16308 - 4/16/76
Mod. #2-41 FR 19009 - 5/7/76
(D,F) - See Statewide
(R) - See George County
HARRISON COUNTY
(B,H,Hw, W&S) - See Hancock County
(R) - See George County
(D,F,Hw, W&S) - See Statewide
HINDS COUNTY
Decision #MS75-1106 (B)
40 FR 50914 - 10/31/75
Mod. #1 - 40 FR 53176 - 11/14/75
Mod. #2 - 41 FR 4736 - 1/30/76
Mod. #3 - 41 FR 16308 - 4/16/76
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
HOLMES COUNTY
(D,F,Hw, W&S) - See Statewide
HUMPHREYS COUNTY
(D,F,Hw, W&S) - See Statewide
ISSAQUENA COUNTY
(D,F,Hw, W&S) - See Statewide
ITAWAMBA COUNTY
(D,F,Hw, W&S) - See Statewide
JACKSON COUNTY
(D,F,Hw, W&S) - See Statewide
(B,H) - See Hancock County
(R) - See George County

MISSISSIPPI (Cont'd.

JASPER COUNTY
(D,F,Hw, W&S) - See Statewide
JEFFERSON COUNTY
(D,F,Hw, W&S) - See Statewide
JEFFERSON DAVIS COUNTY
(D,F,Hw, W&S) - See Statewide
JONES COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Forrest County
KEMPER COUNTY
(D,F,Hw, W&S) - See Statewide
LAFAYETTE COUNTY
(D,F,Hw, W&S) - See Statewide
LAMAR COUNTY
(D,F,Hw, W&S) - See Statewide
LAUDERDALE COUNTY
(D,F,Hw, W&S) - See Statewide
LAWRENCE COUNTY
(D,F,Hw, W&S) - See Statewide
LEAKE COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
LEE COUNTY
(D,F,Hw, W&S) - See Statewide
LEFLORE COUNTY
(D,F,Hw, W&S) - See Statewide
LINCOLN COUNTY
(D,F,Hw, W&S) - See Statewide
LOWNDES COUNTY
(D,F,Hw, W&S) - See Statewide
MADISON COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
MARION COUNTY
(D,F,Hw, W&S) - See Statewide
MARSHALL COUNTY
(D,F,Hw, W&S) - See Statewide
MONROE COUNTY
(D,F,Hw, W&S) - See Statewide
MONTGOMERY COUNTY
(D,F,Hw, W&S) - See Statewide
NESHOBA COUNTY
(D,F,Hw, W&S) - See Statewide
NEWTON COUNTY
(D,F,Hw, W&S) - See Statewide
NOXUBEE COUNTY
(D,F,Hw, W&S) - See Statewide
OKTIBBEHA COUNTY
(D,F,Hw, W&S) - See Statewide
PANOLA COUNTY
(D,F,Hw, W&S) - See Statewide
PEARL RIVER COUNTY
(D,F,Hw, W&S) - See Statewide
(B,H) - See Hancock County
(R) - See George County

MISSISSIPPI (Cont'd.)

PERRY COUNTY
(D,F,Hw, W&S) - See Statewide
PIKE COUNTY
(D,F,Hw, W&S) - See Statewide
PONTOTOC COUNTY
(D,F,Hw, W&S) - See Statewide
PRENTISS COUNTY
(D,F,Hw, W&S) - See Statewide
QUITMAN COUNTY
(D,F,Hw, W&S) - See Statewide
RANKIN COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
SCOTT COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
SHARKEY COUNTY
(D,F,Hw, W&S) - See Statewide
SIMPSON COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
SMITH COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
STONE COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See George County
SUNFLOWER COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Coahoma County
TALLAHATCHIE COUNTY
(D,F,Hw, W&S) - See Statewide
TATE COUNTY
(D,F,Hw, W&S) - See Statewide
TIPPAH COUNTY
(D,F,Hw, W&S) - See Statewide
TISHOMINGO COUNTY
(D,F,Hw, W&S) - See Statewide
TUNICA COUNTY
(D,F,Hw, W&S) - See Statewide
UNION COUNTY
(D,F,Hw, W&S) - See Statewide
WALTHALL COUNTY
(D,F,Hw, W&S) - See Statewide
WARREN COUNTY
Decision #MS75-1109 (B)
40 FR 53208 - 11/14/75
Mod. #1 - 41 FR 4737 - 1/30/76
Mod. #2 - 41 FR 16309 - 4/16/76
Mod. #3 - 41 FR 18266 - 4/30/76
(D,F,Hw, W&S) - See Statewide
(R) - See Coahoma County

MISSISSIPPI (Cont'd.)

WASHINGTON COUNTY
Decision #MS76-1003 (B)
41 FR 1694 - 1/9/76
(D,F,Hw, W&S) - See Statewide
(R) - See Coahoma County
WAYNE COUNTY
(D,F,Hw, W&S) - See Statewide
WEBSTER COUNTY
(D,F,Hw, W&S) - See Statewide
WILKINSON COUNTY
(D,F,Hw, W&S) - See Statewide
WINSTON COUNTY
(D,F,Hw, W&S) - See Statewide
YALOBUSHA COUNTY
(D,F,Hw, W&S) - See Statewide
YAZOO COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County

MISSOURI

STATEWIDE
Decision #M076-4105 (H,Hw)
41 FR 27608 - 7/2/76
ADAIR COUNTY
(H,Hw) - See Statewide
ANDREW COUNTY
Decision #M075-4070 (D)
40 FR 14225 - 3/28/75
(H,Hw) - See Statewide
ATCHISON COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
AUDRAIN COUNTY
(H,Hw) - See Statewide
BARRY COUNTY
(Hw) - See Statewide
BARTON COUNTY
(H,Hw) - See Statewide
BATES COUNTY
(H,Hw) - See Statewide
BENTON COUNTY
(H,Hw) - See Statewide
BOLLINGER COUNTY
(H,Hw) - See Statewide
BOONE COUNTY
(H,Hw) - See Statewide
(D) - See Andrew County
BUCHANAN COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
BUTLER COUNTY
(Hw) - See Statewide
CALDWELL COUNTY
(H,Hw) - See Statewide
CALLAWAY COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CAMDEN COUNTY
(H,Hw) - See Statewide
CAPE GIRARDEAU COUNTY
Decision #1L76-5026 (D)
41 FR 12858 - 3/26/76
(H,Hw) - See Statewide
CARROLL COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CARTER COUNTY
(Hw) - See Statewide

MISSOURI (Cont'd.)

CASS COUNTY
Decision #M076-4102 (B,H,Hw)
41 FR27597 - 7/2/76
Decision #M076-4103 (R)
41 FR 27602 - 7/2/76
(H,Hw) - See Statewide
CEDAR COUNTY
(H,Hw) - See Statewide
CHARITON COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CHRISTIAN COUNTY
(Hw) - See Statewide
CLARK COUNTY
(H,Hw) - See Statewide
CLAY COUNTY
(B,R) - See Cass County
(D) - See Andrew County
(H,Hw) - See Statewide
CLINTON COUNTY
(H,Hw) - See Statewide
COLE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
COOPER COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CRAWFORD COUNTY
(H,Hw) - See Statewide
DADE COUNTY
(H,Hw) - See Statewide
DALLAS COUNTY
(H,Hw) - See Statewide
DAVIESS COUNTY
(H,Hw) - See Statewide
DE KALB COUNTY
(H,Hw) - See Statewide
DENT COUNTY
(Hw) - See Statewide
DOUGLAS COUNTY
(Hw) - See Statewide
DUNKLIN COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
Decision #M076-4108 (B)
41 FR 27624 - 7/2/76
Decision #M076-4107 (R)
41 FR 27621 - 7/2/76
(D) - See Andrew County
(H,Hw) - See Statewide
GASCONADE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
GENTRY COUNTY
(H,Hw) - See Statewide
GREENE COUNTY
(H,Hw) - See Statewide

MISSOURI (Cont'd)

GRUNDY COUNTY
(H,Hw) - See Statewide
HARRISON COUNTY
(H,Hw) - See Statewide
HENRY COUNTY
(H,Hw) - See Statewide
HICKORY COUNTY
(H,Hw) - See Statewide
HOLT COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
HOWARD COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
HOWELL COUNTY
(Hw) - See Statewide
IRON COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(B,R) - See Cass County
(D) - See Andrew County
(H,Hw) - See Statewide
JASPER COUNTY
None
JEFFERSON COUNTY
(D) - See Cape Girdeau County
(H,Hw) - See Statewide
JOHNSON COUNTY
(H,Hw) - See Statewide
KNOX COUNTY
(H,Hw) - See Statewide
LACLEDE COUNTY
(H,Hw) - See Statewide
LAFAYETTE COUNTY
(H,Hw) - See Statewide
(D) - See Andrew County
LAWRENCE COUNTY
(H,Hw) - See Statewide
LEWIS COUNTY
(H,Hw) - See Statewide
LINCOLN COUNTY
(B,R) - See Franklin County
(H,Hw) - See Statewide
LINN COUNTY
(H,Hw) - See Statewide
LIVINGSTON COUNTY
(H,Hw) - See Statewide
MC DONALD COUNTY
(H,Hw) - See Statewide
MACON COUNTY
(H,Hw) - See Statewide
MADISON COUNTY
(H,Hw) - See Statewide
MARIES COUNTY
(H,Hw) - See Statewide

MISSOURI (Cont'd)

STONE COUNTY
(Hw) - See Statewide
SULLIVAN COUNTY
(H,Hw) - See Statewide
TANEY COUNTY
(Hw) - See Statewide
TEXAS COUNTY
(Hw) - See Statewide
VERNON COUNTY
(H,Hw) - See Statewide
WARREN COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
WASHINGTON COUNTY
(H,Hw) - See Statewide
WAYNE COUNTY
(Hw) - See Statewide
WEBSTER COUNTY
(Hw) - See Statewide
WORTH COUNTY
(H,Hw) - See Statewide
WRIGHT COUNTY
(Hw) - See Statewide

MONTANA

STATEWIDE
Decision #MT76-5035 (B)
41 FR 15264 - 4/9/76
Mod. #1 - 41 FR 21993 - 5/28/76
Decision #MT76-5036 (H,Hw)
41 FR 15289 - 4/9/76
BEAVERHEAD COUNTY
(B,H,Hw) - See Statewide
BIG HORN COUNTY
(B,H,Hw) - See Statewide
BLAINE COUNTY
(B,H,Hw) - See Statewide
BROADWATER COUNTY
(B,H,Hw) - See Statewide
CARBON COUNTY
(B,H,Hw) - See Statewide
CARTER COUNTY
(B,H,Hw) - See Statewide
CASCADE COUNTY
Decision #MT76-5027 (R)
41 FR 15250 - 4/9/76
(B,H,Hw) - See Statewide
CHOUTEAU COUNTY
(B,H,Hw) - See Statewide
CUSTER COUNTY
(B,H,Hw) - See Statewide
DANIELS COUNTY
(B,H,Hw) - See Statewide
DAWSON COUNTY
(B,H,Hw) - See Statewide
DEER LODGE COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
FALLON COUNTY
(B,H,Hw) - See Statewide
FERGUS COUNTY
(B,H,Hw) - See Statewide
FLATHEAD COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County

NEBRASKA (Cont'd.)

CUMING COUNTY
(B) - See Cedar County
(H,Hw) - See Adams County
CUSTER COUNTY
(H,Hw) - See Adams County
DAKOTA COUNTY
(Chann. Stab.) - See Boyd County
(H,Hw) - See Adams County
DAWES COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
DAWSON COUNTY
(H,Hw) - See Adams County
DEUEL COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
DIXON COUNTY
(Chann. Stab.) - See Boyd County
(H,Hw) - See Adams County
DODGE COUNTY
(H,Hw) - See Adams County
DOUGLAS COUNTY
Decision #NE76-4100 (B,R)
41 FR 24847 - 6/10/76
(H,Hw) - See Cass County
(Chann. Stab.) - See Boyd County
DUNDY COUNTY
(H,Hw) - See Adams County
FILLMORE COUNTY
(H,Hw) - See Adams County
FRANKLIN COUNTY
(H,Hw) - See Adams County
FRONTIER COUNTY
(H,Hw) - See Adams County
FURNAS COUNTY
(H,Hw) - See Adams County
GAGE COUNTY
(H,Hw) - See Adams County
GARDEN COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
GARFIELD COUNTY
(H,Hw) - See Adams County
GOSPER COUNTY
(H,Hw) - See Adams County
GRANT COUNTY
(H,Hw) - See Adams County
GREELEY COUNTY
(H,Hw) - See Adams County

MISSOURI (Cont'd)

MARION COUNTY
(H,Hw) - See Statewide
MERCER COUNTY
(H,Hw) - See Statewide
MILLER COUNTY
(H,Hw) - See Statewide
MISSISSIPPI COUNTY
(D) - See Cape Girardeau County
(Hw) - See Statewide
MONITEAU COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
MONROE COUNTY
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
MORGAN COUNTY
(H,Hw) - See Statewide
NEW MADRID COUNTY
(Hw) - See Statewide
NEWTON COUNTY
(H,Hw) - See
NODAWAY COUNTY
(H,Hw) - See Statewide
OREGON COUNTY
(Hw) - See Statewide
OSAGE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
OZARK COUNTY
(Hw) - See Statewide
PEMISCOT COUNTY
(Hw) - See Statewide
PERRY COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
PETTIS COUNTY
(H,Hw) - See Statewide
PHELPS COUNTY
(H,Hw) - See Statewide
PIKE COUNTY
(H,Hw) - See Statewide
PLATTE COUNTY
(B,R,H,Hw) - See Cass County
(D) - See Andrew County
POLK COUNTY
(H,Hw) - See Statewide

MISSOURI (Cont'd)

PULASKI COUNTY
(H,Hw) - See Statewide
PUTNAM COUNTY
(H,Hw) - See Statewide
RALLS COUNTY
(H,Hw) - See Statewide
RANDOLPH COUNTY
(H,Hw) - See Statewide
RAY COUNTY
(B,R) - See Cass County
(H,Hw) - See Statewide
(D) - See Andrew County
REYNOLDS COUNTY
(Hw) - See Statewide
RIPLEY COUNTY
(Hw) - See Statewide
ST. CHARLES COUNTY
(B,R) - See Franklin County
(D) - See Andrew County
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
ST. CLAIR COUNTY
(H,Hw) - See Statewide
STE. FRANCOIS COUNTY
(H,Hw) - See Statewide
ST. LOUIS COUNTY
(B,R) - See Franklin County
(D) - See Cape Girardeau County
(D) - See Andrew County
(H,Hw) - See Statewide
STE. GENEVIEVE COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
SALINE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
SCHUYLER COUNTY
(H,Hw) - See Statewide
SCOTLAND COUNTY
(H,Hw) - See Statewide
SCOTT COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
SHANNON COUNTY
(Hw) - See Statewide
SHELBY COUNTY
(H,Hw) - See Statewide
STODDARD COUNTY
(Hw) - See Statewide

MONTANA (Cont'd.

GALLATIN COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
GARFIELD COUNTY
(B,H,Hw) See Statewide
GLACIER COUNTY
(R) - See Cascade County
(B,H,Hw) - See Statewide
GOLDEN VALLEY COUNTY
(B,H,Hw) - See Statewide
GRANITE COUNTY
(B,H,Hw) - See Statewide
HILL COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
JEFFERSON COUNTY
(B,H,Hw) - See Statewide
JUDITH BASIN COUNTY
(B,H,Hw) - See Statewide
LAKE COUNTY
(B,H,Hw) - See Statewide
LEWIS & CLARK COUNTY
(B,H,Hw) - See Statewide
LIBERTY COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
MC CONE COUNTY
(B,H,Hw) - See Statewide
MADISON COUNTY
(B,H,Hw) - See Statewide
MEAGHER COUNTY
(B,H,Hw) - See Statewide
MINERAL COUNTY
(B,H,Hw) - See Statewide
MISSOULA COUNTY
(R) - See Cascade County
(B,H,Hw) - See Statewide
MUSSELSHELL COUNTY
(B,H,Hw) - See Statewide
PARK COUNTY
(B,H,Hw) - See Statewide
PETROLEUM COUNTY
(B,H,Hw) - See Statewide
PHILLIPS COUNTY
(B,H,Hw) - See Statewide
PONDERA COUNTY
(B,H,Hw) - See Statewide
POWDER RIVER COUNTY
(B,H,Hw) - See Statewide
POWELL COUNTY
(B,H,Hw) - See Statewide
PRAIRIE COUNTY
(B,H,Hw) - See Statewide
RAVALLI COUNTY
(B,H,Hw) - See Statewide

MONTANA (Cont'd

RICHLAND COUNTY
(B,H,Hw) - See Statewide
ROOSEVELT COUNTY
(B,H,Hw) - See Statewide
ROSEBUD COUNTY
(B,H,Hw) - See Statewide
SANDERS COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
SHERIDAN COUNTY
(B,H,Hw) - See Statewide
SILVER BOW COUNTY
(B,H,Hw) See Cascade County
STILLWATER COUNTY
(B,H,Hw) - See Statewide
SWEET GRASS COUNTY
(B,H,Hw) - See Statewide
TETON COUNTY
(B,H,Hw) - See Statewide
TOOLE COUNTY
(B,H,Hw) - See Statewide
TREASURE COUNTY
(B,H,Hw) - See Statewide
VALLEY COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
WHEATLAND COUNTY
(B,H,Hw) - See Statewide
WIBAUX COUNTY
(B,H,Hw) - See Statewide
YELLOWSTONE COUNTY
(B,H,Hw) - See Statewide

V 41 153 AUG 6 76 UMI

NEBRASKA (Cont'd.)

HALL COUNTY
Decision #NE75-4155 (B)
40 FR 41366 - 9/5/75
(H,Hw) - See Adams County
HAMILTON COUNTY
(H,Hw) - See Adams County
HARLAN COUNTY
(H,Hw) - See Adams County
HAYES COUNTY
(H,Hw) - See Adams County
HITCHCOCK COUNTY
(H,Hw) - See Adams County
HOLT COUNTY
(H,Hw) - See Adams County
HOOKER COUNTY
(H,Hw) - See Adams County
HOWARD COUNTY
(H,Hw) - See Adams County
JEFFERSON COUNTY
(H,Hw) - See Adams County
JOHNSON COUNTY
(H,Hw) - See Adams County
KEARNEY COUNTY
(H,Hw) - See Adams County
KEITH COUNTY
(H,Hw) - See Adams County
KEYAPAHA COUNTY
(H,Hw) - See Adams County
KIMBALL COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
KNOX COUNTY
(H,Hw) - See Adams County
(Chann. Stab.) - See Boyd County
LANCASTER COUNTY
Decision #NE76-4205 (B)
41 FR 23903 - 6/11/76
Mod. #1 - 41 FR 27543 - 7/2/76
Decision #NE75-4157 (R)
40 FR 42502 - 9/12/75
(H,Hw) - See Adams County
LINCOLN COUNTY
(H,Hw) - See Adams County
LOGAN COUNTY
(H,Hw) - See Adams County
LOUP COUNTY
(H,Hw) - See Adams County
MC PHERSON COUNTY
(H,Hw) - See Adams County
MADISON COUNTY
(H,Hw) - See Adams County
MERRICK COUNTY
(H,Hw) - See Adams County
MORRILL COUNTY
(B) - See Banner County
(H,Hw) - See Adams County

NEBRASKA (Cont'd.)

NANCE COUNTY
(H,Hw) - See Adams County
NEMAHA COUNTY
Decision #NO75-4070 (O)
40 FR 14225 - 3/28/75
(H,Hw) - See Adams County
(Chann. Stab.) - See Boyd County
NUCKOLLS COUNTY
(H,Hw) - See Adams County
OTOE COUNTY
(Chann. Stab.) - See Boyd County
(H,Hw) - See Adams County
PAWNEE COUNTY
(H,Hw) - See Adams County
PERKINS COUNTY
(H,Hw) - See Adams County
PHELPS COUNTY
(H,Hw) - See Adams County
PIERCE COUNTY
(B) - See Cedar County
(H,Hw) - See Adams County
PLATTE COUNTY
(H,Hw) - See Adams County
POLK COUNTY
(H,Hw) - See Adams County
RED WILLOW COUNTY
(H,Hw) - See Adams County
RICHARDSON COUNTY
(Chann. Stab.) - See Boyd County
(D) - See Neemaha County
(H,Hw) - See Adams County
ROCK COUNTY
(H,Hw) - See Adams County
SALINE COUNTY
(H,Hw) - See Adams County
SARPY COUNTY
(Chann. Stab.) - See Boyd County
(B,R) - See Douglas County
(H,Hw) - See Cass County
SAUNDERS COUNTY
(H,Hw) - See Adams County
(H,Hw) - See Cass County
SCOTTS BLUFF COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
SEWARD COUNTY
(H,Hw) - See Adams County
SHERIDAN COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
SHERMAN COUNTY
(H,Hw) - See Adams County
SIOUX COUNTY
(B) - See Banner County
(H,Hw) - See Adams County

NEBRASKA (Cont'd)

STANTON COUNTY
(B) - See Cedar County
(H,Hw) - See Adams County
THAYER COUNTY
(H,Hw) - See Adams County
THOMAS COUNTY
(H,Hw) - See Adams County
THURSTON COUNTY
(Chann. Stab.) - See Boyd County
(H,Hw) - See Adams County
VALLEY COUNTY
(H,Hw) - See Adams County
WASHINGTON COUNTY
(H,Hw) - See Cass County
(Chann. Stab.) - See Boyd County
WAYNE COUNTY
(B) - See Cedar County
(H,Hw) - See Adams County
WEBSTER COUNTY
(H,Hw) - See Adams County
WHEELER COUNTY
(H,Hw) - See Adams County
YORK COUNTY
(H,Hw) - See Adams County

NEVADA

STATEWIDE (Excluding the Nevada Test Site & Tonopah Test Range)
Decision #NV76-5046 (B,H,Hw)
41 FR 21108 - 5/21/76
Mod. #1 - 41 FR 23888 - 6/11/76
Mod. #2 - 41 FR 26426 - 6/25/76
CARSON CITY COUNTY
(B,H,Hw) - See Statewide
CHURCHILL COUNTY
(B,H,Hw) - See Statewide
CLARK COUNTY
Decision #NV76-5003 (R)(Excluding the Nevada Test Site)
41 FR 2591 - 1/16/76
Mod. #1 - 41 FR 8627 - 2/27/76
Mod. #2 - 41 FR 10820 - 3/12/76
Mod. #3 - 41 FR 27543 - 7/2/76
Decision #NV76-5053 (B,H,Hw)(Nevada Test Site including the Tonopah Test Range
41 FR 23906 - 6/11/76
Mod. #1 - 41 FR 27544 - 7/2/76
DOUGLAS COUNTY
(B,H,Hw) - See Statewide
ELKO COUNTY
(B,H,Hw) - See Statewide
ESMERALDA COUNTY
(B,H,Hw) - See Statewide
EUREKA COUNTY
(B,H,Hw) - See Statewide
HUMBOLDT COUNTY
(B,H,Hw) - See Statewide
LANDER COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
LYON COUNTY
(B,H,Hw) - See Statewide
MINERAL COUNTY
(B,H,Hw) - See Statewide
NYE COUNTY
(B,H,Hw) - See Clark Co. (Nevada Test Site)
(B,H,Hw) - See Statewide
PERSHING COUNTY
(B,H,Hw) - See Statewide
STOREY COUNTY
(B,H,Hw) - See Statewide
WASHOE COUNTY
Decision #NV76-5065 (R)
41 FR 27628 - 7/2/76
(B,H,Hw) - See Statewide
WHITE PINE COUNTY
(B,H,Hw) - See Statewide

NEW HAMPSHIRE

BELKNAP COUNTY
None
CARROLL COUNTY
None
CHESHIRE COUNTY
None
COOS COUNTY
None
GRAFTON COUNTY
None
HILLSBORO COUNTY
Decision #NH75-2096 (B,H,Hw,R)
40 FR 30419 - 7/18/75
Mod. #1 - 40 FR 36897 - 8/22/75
Mod. #2 - 41 FR 2534 - 1/16/76
Mod. #3 - 41 FR 21034 - 5/21/76
MERRIMACK COUNTY
Decision #NH75-2097 (B,H,Hw, & Marine)
40 FR 30422 - 7/18/75
Mod. #1 - 40 FR 36898 - 8/22/75
Mod. #2 - 41 FR 2534 - 1/16/76
Mod. #3 - 41 FR 21034 - 5/21/76
ROCKINGHAM COUNTY
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
Decision #NH75-2098 (B,H,Hw,R, & Marine)
40 FR 30426 - 7/18/75
Mod. #1 - 40 FR 36898 - 8/22/75
Mod. #2 - 41 FR 2535 - 1/16/76
STRAFFORD COUNTY
Decision #NH75-2099 (B,H,Hw, & Marine)
40 FR 30430 - 7/18/75
Mod. #1 - 40 FR 36899 - 8/22/75
Mod. #2 - 41 FR 2535 - 1/16/76
Mod. #3 - 41 FR 21034 - 5/21/76
SULLIVAN COUNTY
None

NEW JERSEY

ATLANTIC COUNTY
Decision #NJ76-3127 (B,H,Hw)
41 FR 8702 - 2/27/76
Mod. #1 - 41 FR 11728 - 3/19/76
Mod. #2 - 41 FR 14273 - 4/2/76
Mod. #3 - 41 FR 16311 - 4/16/76
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
BERGEN COUNTY
Decision #NJ75-3098 (R)
40 FR 44433 - 9/26/75
Mod. #1 - 40 FR 48844 - 10/17/75
Mod. #2 - 40 FR 55610 - 11/28/75
Mod. #3 - 40 FR 59661 - 12/29/75
Mod. #4 - 41 FR 8628 - 2/27/76
Decision #NJ76-3128 (B,H,Hw)
41 FR 8717 - 2/27/76
Mod. #1 - 41 FR 11728 - 3/19/76
Mod. #2 - 41 FR 16311 - 4/16/76
(D) - See Atlantic County

NEW JERSEY (Cont'd.)

BURLINGTON COUNTY
Decision #NJ75-3096 (R)
40 FR 43413 - 9/19/75
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
CAMDEN COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
CAPE MAY COUNTY
Decision #NJ75-3068 (R)
40 FR 29437 - 7/11/75
(B,H,Hw,D) - See Atlantic County
CUMBERLAND COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
ESSEX COUNTY
(B,H,Hw,R) - See Bergen County
(D) - See Atlantic County
GLOUCESTER COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
HUDSON COUNTY
(B,H,Hw,R) - See Bergen County
(D) - See Atlantic County
HUNTERDON COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
MERCER COUNTY
(B,H,Hw) - See Atlantic County
MIDDLESEX COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
MONMOUTH COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County

NEW JERSEY (Cont'd.)

MORRIS COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
OCEAN COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
PASSAIC COUNTY
(B,H,Hw,R) - See Bergen County
(D) - See Atlantic County
SALEM COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
SOMERSET COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
SUSSEX COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
UNION COUNTY
Decision #NJ75-3097 (R)
40 FR 43414 - 9/19/75
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
WARREN COUNTY
(B,H,Hw) - See Bergen County

NEW MEXICO

STATEWIDE
Decision #NM75-4137 (Streets, Highways, Utilities and Light Engineering Construction)
40 FR 32656 - 8/1/75
Mod. #1 - 40 FR 52073 - 12/5/75
Mod. #2 - 41 FR 21994 - 5/28/76
Decision #NM76-4094 (Building, including residential in McKinley, Santa Fe, San Juan & Bernalillo Cos., but not on the Indian Reservation, and Heavy engineering construction.
41 FR 22001 - 5/28/76
BERNALILLO COUNTY
(B,H,Hw,R) - See Statewide
CATRON COUNTY
(B,H,Hw) - See Statewide
CHAVES COUNTY
(B,H,Hw) - See Statewide
COLFAX COUNTY
(B,H,Hw) - See Statewide
CURRY COUNTY
(B,H,Hw) - See Statewide
DE BACA COUNTY
(B,H,Hw) - See Statewide
DONA ANA COUNTY
(B,H,Hw) - See Statewide
Decision #NM75-4014 (R)
40 FR 3148 - 1/17/75
EDDY COUNTY
(B,H,Hw) - See Statewide
GRANT COUNTY
(B,H,Hw) - See Statewide
GUADALUPE COUNTY
(B,H,Hw) - See Statewide
HARDING COUNTY
(B,H,Hw) - See Statewide
HIDALGO COUNTY
(B,H,Hw) - See Statewide
LEA COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
LOS ALAMOS COUNTY
(B,H,Hw) - See Statewide
LUNA COUNTY
(B,H,Hw) - See Statewide
McKINLEY COUNTY
(R) - See San Juan County
(B,H,Hw,R) - See Statewide

NEW MEXICO (Cont'd.)

MORA COUNTY
(B,H,Hw) - See Statewide
OTERO COUNTY
(R) - See Dona Ana County
(B,H,Hw) - See Statewide
QUAY COUNTY
(B,H,Hw) - See Statewide
RIO ARRIBA COUNTY
(B,H,Hw) - See Statewide
ROOSEVELT COUNTY
(B,H,Hw) - See Statewide
SANDOVAL COUNTY
(B,H,Hw) - See Statewide
SAN JUAN COUNTY
Decision #NM75-5Q04 (R)(Navajo Indian Reservation)
40 FR 3921 - 1/24/75
(B,H,Hw,R) - See Statewide
SAN MIGUEL COUNTY
(B,H,Hw) - See Statewide
SANTE FE COUNTY
(B,H,Hw,R) - See Statewide
SIERRA COUNTY
(B,H,Hw) - See Statewide
SOCORRO COUNTY
(B,H,Hw) - See Statewide
TAOS COUNTY
(B,H,Hw) - See Statewide
TORRANCE COUNTY
(B,H,hw) - See Statewide
UNION COUNTY
(B,H,Hw) - See Statewide
VALENCIA COUNTY
(B,H,Hw) - See Statewide

NEW YORK

ALBANY COUNTY
Decision #NY76-3144 (B,H,Hw)
41 FR 26497 - 6/25/76
ALLEGANY COUNTY
None
BRONX COUNTY
Decision #NY75-3115 (B,H,Hw)
40 FR 58048 - 12/12/75
Mod. #1 - 41 FR 6954 - 2/13/76
Mod. #2 - 41 FR 8629 - 2/27/76
Mod. #3 - 41 FR 16312 - 4/16/76
Mod. #4 - 41 FR 19011 - 5/7/76
Decision #NY75-3016 (R)
40 FR 7852 - 2/21/75
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
BROOME COUNTY
Decision #NY76-3195 (B,H,Hw)
41 FR 26488 - 6/25/76
CATTARAUGUS COUNTY
None
CAYUGA COUNTY
Decision #IL76-5038 (D)
41 FR 16373 - 4/16/76
Mod. #1 - 41 FR 19007 - 5/7/76
CHAUTAUQUA COUNTY
Decision #NY76-3189 (B,H,Hw)
41 FR 26458 - 6/25/76
(D) - See Cayuga County
CHEMUNG COUNTY
Decision #NY76-3209 (B,H,Hw)
41 FR 27531 - 7/2/76
CHENANGO COUNTY
None
CLINTON COUNTY
None
COLUMBIA COUNTY
None
CORTLAND COUNTY
None
DELAWARE COUNTY
None

NEW YORK (Cont'd)

DUTCHESS COUNTY
Decision #NY76-3202 (B,H,Hw)
41 FR 27641 - 7/2/76
(D) - See Bronx County
ERIE COUNTY
Decision #NY76-3188 (B,H,Hw)
41 FR 26451 - 6/25/76
(D) - See Cayuga County
ESSEX COUNTY
None
FRANKLIN COUNTY
(D) - See Cayuga County
FULTON COUNTY
None
GENESEE COUNTY
None
GREENE COUNTY
None
HAMILTON COUNTY
None
HERKIMER COUNTY
None
JEFFERSON COUNTY
Decision #NY76-3191 (B,H,Hw)
41 FR 26467 - 6/25/76
(D) - See Cayuga County
KINGS COUNTY
(B,H,Hw,R,D) - See Bronx County
LEWIS COUNTY
None
LIVINGSTON COUNTY
None
MADISON COUNTY
None

NEW YORK (Cont'd)

MONROE COUNTY
Decision #NY76-3200 (B,H,Hw)
41 FR 26508 - 6/25/76
(D) - See Cayuga County
MONTGOMERY COUNTY
None
NASSAU COUNTY
Decision #NY76-3196 (B,H,Hw)
41 FR 26492 - 6/25/76
(D) - See Bronx County
NEW YORK COUNTY
(B,H,Hw,R,D) - See Bronx County
NIAGARA COUNTY
Decision #NY76-3190 (B,H,Hw)
41 FR 26463 - 6/25/76
(D) - See Cayuga County
ONEIDA COUNTY
Decision #NY76-3192(B,H,Hw)
41 FR 26472 - 6/25/76
ONONDAGA COUNTY
Decision #NY76-3134 (B,H,Hw)
41 FR 3626 - 1/23/76
ONTARIO COUNTY
None
ORANGE COUNTY
Decision #NY76-3198(B,H,Hw)
41 FR 27633 - 7/2/76

(D) - See Bronx County
ORLEANS COUNTY
(D) - See Cayuga County
OSWEGO COUNTY
(D) - See Cayuga County
OTSEGO COUNTY
None
PUTNAM COUNTY
None
QUEENS COUNTY
(B,H,Hw,R) - See Bronx County

NEW YORK (Cont'd)

RENSSELAER COUNTY
(B,H,Hw) - See Albany County
RICHMOND COUNTY
(B,H,Hw,R,D) - See Bronx County
ROCKLAND COUNTY
(D) - See Bronx County
ST LAWRENCE COUNTY
(D) - See Cayuga County
SARATOGA COUNTY
(B,H,Hw) - See Albany County
SCHENECTADY COUNTY
(B,H,Hw) - See Albany County
SCHOHARIE COUNTY
None
SCHUYLER COUNTY
None
SENECA COUNTY
None
STEUBEN COUNTY
Decision #NY76-3194(B,H,Hw)
41 FR 26482 - 6/25/76
SUFFOLK COUNTY
(B,H,Hw) - See Nassau County
(D) - See Bronx County
SULLIVAN COUNTY
None
TIOGA COUNTY
None

NEW YORK (Cont'd.)

TOMPKINS COUNTY
None
ULSTER COUNTY
None
WARREN COUNTY
None
WASHINGTON COUNTY
None
WAYNE COUNTY
Decision #NY76-3201 (B,H,Hw)
41 FR 26514 - 6/25/76
(D) - See Cayuga County
WESTCHESTER COUNTY
Decision #NY76-3199 (B,H,Hw)
41 FR 26503 - 6/25/76
(D) - See Bronx County
WYOMING COUNTY
None
YATES COUNTY
None

NORTH CAROLINA

STATEWIDE
Decision #NC75-1015 (Hw)
40 FR 4857 - 1/31/75
Mod. #1 - 40 FR 41351 - 9/5/75
Decision #NC75-1078 (Sewer & Water, H)
40 FR 41367 - 9/5/75
ALAMANCE COUNTY
Decision #AQ-4078 (R)
39 FR 7010 - 2/22/74
(Sewer & Water, H,Hw) - See Statewide
ALEXANDER COUNTY
(Sewer & Water, H,Hw) - See Statewide
ALLEGHANY COUNTY
(Sewer & Water, H,Hw) - See Statewide
ANSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
ASHE COUNTY
(Sewer & Water, H,Hw) - See Statewide
AVERY COUNTY
Decision #AR-4017 (B)
39 FR 28739 - 8/9/74
Mod. #1 - 39 FR 43466 - 12/13/74
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd.)

BEAUFORT COUNTY
Decision #GA76-5025 (D)
41 FR 12857 - 3/26/76
(Sewer & Water, H,Hw) - See Statewide
BERTIE COUNTY
Decision #NC76-1006 (R)
41 FR 1697 - 1/9/76
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
BLADEN COUNTY
(Sewer & Water, H,Hw) - See Statewide
BRUNSWICK COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
Decision #AR-4031 (R)
39 FR 32441 - 9/6/74
BUNCOMBE COUNTY
Decision #NC76-1062 (B)
41 FR 21119 - 5/21/76
Decision #NC75-1014 (R)
40 FR 6111 - 2/7/75
(Sewer & Water, H,Hw) - See Statewide
BURKE COUNTY
Decision #AQ-4105 (B)
39 FR 14842 - 4/26/74
Decision #AQ-4117 (R)
39 FR 18397 - 5/24/74
(Sewer & Water, H,Hw) - See Statewide
CABARRUS COUNTY
(Sewer & Water, H,Hw) - See Statewide
CALDWELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
CAMDEN COUNTY
Decision #NC76-1042 (B)
41 FR 11721 - 3/19/76
(Sewer & Water, H,Hw) - See Statewide
CARTERET COUNTY
Decision #NC76-1019 (B)
41 FR 4796 - 1/30/76
Mod. #1 - 41 FR 21995 - 5/28/76
Decision #AQ-4083 (R)
39 FR 8101 - 3/1/74
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
CASWELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
CATAWBA COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
CHATHAM COUNTY
Decision #NC75-1049 (B)
40 FR 18273 - 4/25/75
Mod. #1 - 41 FR 20128 - 5/14/76
Decision #NC76-1005 (R)
41 FR 1696 - 1/9/76
(Sewer & Water, H,Hw) - See Statewide
CHEROKEE COUNTY
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd.)

CHOWAN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
(R) - See Bertie County
CLAY COUNTY
(Sewer & Water, H,Hw) - See Statewide
CLEVELAND COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
COLUMBUS COUNTY
(Sewer & Water, H,Hw) - See Statewide
CRAVEN COUNTY
(B) - See Carteret County
(R) - See Carteret County
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
CUMBERLAND COUNTY
Decision #NC76-1024 (B)
41 FR 6945 - 2/13/76
(R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
CURRITUCK COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
(B) - See Camden County
DARE COUNTY
(B) - See Camden County
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
DAVIDSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
DAVIE COUNTY
(Sewer & Water, H,Hw) - See Statewide
DUPLIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
DURHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
EDGECOMBE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
Decision #NC76-1046 (B)
41 FR 15231 - 4/9/76
FORSYTH COUNTY
Decision #AR-4019 (R)
39 FR 29702 - 8/16/74
(Sewer & Water, H,Hw) - See Statewide
FRANKLIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
GASTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
GATES COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
GRAHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
GRANVILLE COUNTY
(Sewer & Water, H,Hw) - See Statewide
GREENE COUNTY
(B) - See Edgecombe County
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County

NORTH CAROLINA (Cont'd.

GUILFORD COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Alamance County
HALIFAX COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
HARNETT COUNTY
(B,R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
HAYWOOD COUNTY
(R) - See Buncombe County
(R) - See Cumberland County
(Sewer & Water, H,Hw) - See Statewide
HENDERSON COUNTY
(R) - See Buncombe County
(Sewer & Water, H,Hw) -See Statewide
HERTFORD COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
(R) - See Bertie County
HOKE COUNTY
(R) - See Chatham County
(Sewer & Water, H,Hw) - See STatewide
HYDE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
IREDELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
JACKSON COUNTY
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
JOHNSTON COUNTY
(B) - See Edgecombe County
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
JONES COUNTY
(B,R) - See Carteret County
(Sewer & Water, H,Hw) - See Statewide
LEE COUNTY
(B,R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
LENOIR COUNTY
(Sewer & Water, H,hw) - See Statewide
(B,R) - See Carteret County
LINCOLN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Burke County
MCDOWELL COUNTY
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
MACON COUNTY
(Sewer & Water, H,Hw) - See Statewide
MADISON COUNTY
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
MARTIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
MECKLENBURG COUNTY
Decision #NC75-1115 (B)
40 FR 59177 - 12/19/75
Mod. #1 - 41 FR 9721 - 3/5/76
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd.

MITCHELL COUNTY
(B) - See Avery County
(Sewer & Water, H,Hw) - See Statewide
MONTGOMERY COUNTY
(Sewer & Water, H,Hw) - See Statewide
MOORE COUNTY
(B,R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
NASH COUNTY
(B) - See Edgecombe County
(Sewer & Water, H,Hw) - See Statewide
NEW HANOVER COUNTY
Decision #NC75-1054 (B)
40 FR 22723 - 5/23/75
Mod. #1 - 40 FR 43420 - 9/19/75
Mod. #2 - 41 FR 20128 - 5/14/76
(R) - See Brunswick County
(D) - See Beaufort County
NORTHAMPTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
ONSLOW COUNTY
(B) - See Carteret County
(S,W,H,Hw) - See Statewide
ORANGE COUNTY
(Sewer & Water, H,Hw) - See Statewide
PAMLICO COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
(B,R) - See Carteret County
PASQUOTANK COUNTY
(B) - See Camden County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
PENDER COUNTY
(R) - See Brunswick County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
PERQUIMANS COUNTY
(B) - See Camden County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
PERSONS COUNTY
(Sewer & Water, H,Hw) - See Statewide
PITT COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
POLK COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
RANDOLPH COUNTY
(R) - See Alamance County
(Sewer & Water, H,Hw) - See Statewide
RICHMOND COUNTY
(Sewer & Water, H,Hw) - See Statewide
ROBESON COUNTY
(Sewer & Water, H,Hw) - See Statewide
ROCKINGHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Alamance County
ROWAN COUNTY
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd)

RUTHERFORD COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
SAMPSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Chatham County
SCOTLAND COUNTY
(Sewer & Water, H,Hw) - See Statewide
STANLY COUNTY
(Sewer & Water, H,Hw) - See Statewide
STOKES COUNTY
(Sewer & Water, H,Hw) - See Statewide
SURRY COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Forsyth County
SWAIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
TRANSYLVANIA COUNTY
Decision #NC76-1065 (B)
41 FR 22749 - 6/4/76
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
TYRRELL COUNTY
(B) - See Camden County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
UNION COUNTY
(Sewer & Water, H,Hw) - See Statewide
VANCE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
WAKE COUNTY
Decision #NC76-1044 (B)
41 FR 14294 - 4/2/76
(Sewer & Water, H,Hw) - See Statewide
WARREN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
WASHINGTON COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
WATAUGA COUNTY
(B) - See Avery County
(Sewer & Water, H,Hw) - See Statewide
WAYNE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
WILKES COUNTY
Decision #NC76-1068 (B)
41 FR 22011 - 5/26/76
(Sewer & Water, H,Hw) - See Statewide
WILSON COUNTY
(B) - See Edgecombe County
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
YADKIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
YANCEY COUNTY
(Sewer & Water, H,Hw) - See Statewide

NORTH DAKOTA

STATEWIDE
Decision #ND75-5109 (Hw)
40 FR 40022 - 8/29/75
ADAMS COUNTY
(Hw) - See Statewide
BARNES COUNTY
(Hw) - See Statewide
BENSON COUNTY
(Hw) - See Statewide
BILLINGS COUNTY
(Hw) - See Statewide
BOTTINEAU COUNTY
(Hw) - See Statewide
BOWMAN COUNTY
(Hw) - See Statewide
BURKE COUNTY
(Hw) - See Statewide
BURLEIGH COUNTY
Decision #ND76-5037 (B)
41 FR 16416 - 4/16/76
Mod. #1 - 41 FR 21995 - 5/28/76
(Hw) - See Statewide
CASS COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
CAVALIER COUNTY
(Hw) - See Statewide
DICKEY COUNTY
(Hw) - See Statewide
DIVIDE COUNTY
(Hw) - See Statewide
DUNN COUNTY
(Hw) - See Statewide
EDDY COUNTY
(Hw) - See Statewide
EMMONS COUNTY
(Hw) - See Statewide
FOSTER COUNTY
(Hw) - See Statewide
GOLDEN VALLEY COUNTY
(Hw) - See Statewide

NORTH DAKOTA (Cont'd)

GRAND FORKS COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
GRANT COUNTY
(Hw) - See Statewide
GRIGGS COUNTY
(Hw) - See Statewide
HETTINGER COUNTY
(Hw) - See Statewide
KIDDER COUNTY
(Hw) - See Statewide
LA MOURE COUNTY
(Hw) - See Statewide
LOGAN COUNTY
(Hw) - See Statewide
MCHENRY COUNTY
(Hw) - See Statewide
MCINTOSH COUNTY
(Hw) - See Statewide
MCKENZIE COUNTY
(Hw) - See Statewide
MCLEAN COUNTY
(Hw) - See Statewide
MERCER COUNTY
(Hw) - See Statewide
MORTON COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
MOUNTRAIL COUNTY
(Hw) - See Statewide
NELSON COUNTY
(Hw) - See Statewide
OLIVER COUNTY
(Hw) - See Statewide
PEMBINA COUNTY
(Hw) - See Statewide
PIERCE COUNTY
(Hw) - See Statewide
RAMSEY COUNTY
(Hw) - See Statewide
RANSOM COUNTY
(Hw) - See Statewide
RENVILLE COUNTY
(Hw) - See Statewide
RICHLAND COUNTY
(Hw) - See Statewide
(B) - See Burleigh County

NORTH DAKOTA (Cont'd)

ROLETTE COUNTY
(Hw) - See Statewide
SARGENT COUNTY
(Hw) - See Statewide
SHERIDAN COUNTY
(Hw) - See Statewide
SIOUX COUNTY
(Hw) - See Statewide
SLOPE COUNTY
(Hw) - See Statewide
STARK COUNTY
(Hw) - See Statewide
STEELE COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
STUTSMAN COUNTY
(Hw) - See Statewide
TOWNER COUNTY
(Hw) - See Statewide
TRAILL COUNTY
(Hw) - See Statewide
WALSH COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
WARD COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
WELLS COUNTY
(Hw) - See Statewide
WILLIAMS COUNTY
(Hw) - See Statewide

OHIO

STATEWIDE
Decision #OH76-2041 (H,Hw)
41 FR 15300 - 4/9/76
ADAMS COUNTY
Decision #IL76-5026 (D)
41 FR 12858 - 3/26/76
(H,Hw) - See Statewide
ALLEN COUNTY
Decision #OH76-2071 (B)
41 FR 22752 - 6/4/76
(H,Hw) - See Statewide
ASHLAND COUNTY
(H,Hw) - See Statewide

OHIO (Cont'd.)

ASHTABULA COUNTY
Decision #OH76-2074 (B,R)
41 FR 23911 - 6/11/76
Decision #IL76-5038 (D)
41 FR 16373 - 4/16/76
Mod. #1 - 41 FR 19007 - 5/7/76
(H,Hw) - See Statewide
ATHENS COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
AUGLAIZE COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
BELMONT COUNTY
(H,Hw) - See Statewide
BROWN COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
BUTLER COUNTY
Decision #OH76-2062 (B)
41 FR 21120 - 5/21/76
Decision #OH76-2030 (R)
41 FR 9800 - 3/5/76
(H,Hw) - See Statewide
CARROLL COUNTY
(H,Hw) - See Statewide
CHAMPAIGN COUNTY
(H,Hw) - See Statewide
CLARK COUNTY
Decision #OH76-2070 (B)
41 FR 22751 - 6/4/76
Decision #AP-684 (R)
38 FR 14049 - 5/25/73
(H,Hw) - See Statewide
CLERMONT COUNTY
Decision #OH76-2029 (R)
41 FR 8739 - 2/27/76
(B) - See Hamilton County
(D) - See Adams County
(H,Hw) - See Statewide
CLINTON COUNTY
(H,Hw) - See Statewide
COLUMBIANA COUNTY
Decision #OH76-2060 (B)
41 FR 19001 - 5/7/76
(H,Hw) - See Statewide
COSHOCTON COUNTY
(H,Hw) - See Statewide
CRAWFORD COUNTY
(H,Hw) - See Statewide
CUYAHOGA COUNTY
Decision #OH76-2069 (B,R)
41 FR 23909 - 6/11/76
(H,Hw) - See Statewide

OHIO (Cont'd.)

DARKE COUNTY
(H,Hw) - See Statewide
DEFIANCE COUNTY
(H,Hw) - See Statewide
DELAWARE COUNTY
Decision #AM-420 (R)
36 FR 15963 - 8/18/71
Mod. #1 - 38 FR 4630 - 2/16/73
(H,Hw) - See Statewide
ERIE COUNTY
Decision #0H76-2075 (B)
41 FR 23913 - 6/11/76
(D) - See Ashtabula County
(H,Hw) - See Statewide
FAIRFIELD COUNTY
(R) - See Delaware County
(H,Hw) - See Statewide
FAYETTE COUNTY
(H,Hw) - See Statewide
FRANKLIN COUNTY
Decision #0H76-2044 (B)
41 FR 15313 - 4/9/76
(R) - See Delaware County
(H,Hw) - See Statewide
FULTON COUNTY
(B) - See Lucas County
(H,Hw) - See Statewide
GALLIA COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
GEAUGA COUNTY
(H,Hw) - See Statewide
GREENE COUNTY
Decision #AR-3037 (B)
39 FR 30782 - 8/23/74
Mod. #1 -40 FR 15275 - 4/4/75
Decision #0H75-2109 (R)
40 FR 42498 - 9/12/75
(H,Hw) - See Statewide
GUERNSEY COUNTY
(H,Hw) - See Statewide
HAMILTON COUNTY
Decision #AR-3038 (B)
39 FR 30784 - 8/23/74
Mod. #1 - 40 FR 15275 - 4/4/75
Mod. #2 - 41 FR 3564 - 1/23/76
(D) - See Adams County
(R) - See Clermont County
(H,Hw) - See Statewide

OHIO (Cont'd)

HANCOCK COUNTY
Decision #0H76-2076 (B)
41 FR 24851 - 6/18/76
(H,Hw) - See Statewide
HARDIN COUNTY
(H,Hw) - See Statewide
HARRISON COUNTY
(H,Hw) - See Statewide
HENRY COUNTY
(H,Hw) - See Statewide
HIGHLAND COUNTY
(H,Hw) - See Statewide
HOCKING COUNTY
(H,Hw) - See Statewide
HOLMES COUNTY
(H,Hw) - See Statewide
HURON COUNTY
(B) - See Erie County
(H,Hw) - See Statewide
JACKSON COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
(H,Hw) - See Statewide
KNOX COUNTY
(H,Hw) - See Statewide
LAKE COUNTY
(B,R) - See Cuyahoga County
(D) - See Ashtabula County
(H,Hw) - See Statewide
LAWRENCE COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
LICKING COUNTY
Decision #0H76-2077 (B)
41 FR 24849 - 6/18/76
(H,Hw) - See Statewide
(R) - See Delaware County
LOGAN COUNTY
(H,Hw) - See Statewide
LORAIN COUNTY
Decision #0H76-2073 (B,R)
41 FR 22754 - 6/4/76
(D) - See Ashtabula County
(H,Hw) - See Statewide
LUCAS COUNTY
Decision #0H76-2059
41 FR 19018 - 5/7/76
(H,Hw) - See Statewide
(D) - See Ashtabula County
MADISON COUNTY
(B) - See Franklin County
(R) - See Delaware County
(H,Hw) - See Statewide
MAHONING COUNTY
Decision #AR-3042 (B,R)
39 FR 30790 - 8/23/74

OHIO (Cont'd)

MAHONING COUNTY (Cont'd.)
Mod. #1 - 40 FR 7799 - 2/21/75
Mod. #2 - 40 FR 16493 - 4/11/75
Mod. #3 - 40 FR 27416 - 6/27/75
Mod. #4 - 40 FR 29448 - 7/11/75
Mod. #5 - 40 FR 52244 - 11/7/75
(H,Hw) - See Statewide
MARION COUNTY
(H,Hw) - See Statewide
MEDINA COUNTY
(H,Hw) - See Statewide
MEIGS COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
MERCER COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
MIAMI COUNTY
(R) - See Greene County
(H,Hw) - See Statewide
MONROE COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(B) - See Greene County
(R) - See Greene County
(H,Hw) - See Statewide
MORGAN COUNTY
(H,Hw) - See Statewide
MORROW COUNTY
(H,Hw) - See Statewide
MUSKINGUM COUNTY
Decision #AR-3043 (B)
39 FR 30792 - 8/23/74
Mod. #1 - 40 FR 17462 - 4/18/75
(H,Hw) - See Statewide
NOBLE COUNTY
(H,Hw) - See Statewide
OTTAWA COUNTY
(R) - See Erie County
(D) - See Ashtabula County
(H,Hw) - See Statewide
PAULDING COUNTY
(H,Hw) - See Statewide
PERRY COUNTY
(H,Hw) - See Statewide
PICKAWAY COUNTY
(B) - See Franklin County
(R) - See Delaware County
(H,Hw) - See Statewide
PIKE COUNTY
Decision #AR-3176 (B)
39 FR 43451 - 12/13/74
Mod. #1 - 40 FR 3087 - 1/17/75
Mod. #2 - 40 FR 5985 - 2/7/75
Mod. #3 - 40 FR 17464 - 4/18/75
(H,Hw) - See Statewide
PORTAGE COUNTY
Decision #AR-3044 (B,R)
39 FR 30794 - 8/23/74
(H,Hw) - See Statewide

OHIO (Cont'd.)

PREBLE COUNTY
(R) - See Greene County
(H,Hw) - See Statewide
PUTNAM COUNTY
(H,Hw) - See Statewide
RICHLAND COUNTY
Decision #0H76-2053 (B)
41 FR 16303 - 4/16/76
(H,Hw) - See Statewide
ROSS COUNTY
(B) - See Pike County
(H,Hw) - See Statewide
SANDUSKY COUNTY
(B) - See Erie County
(D) - See Ashtabula County
(H,Hw) - See Statewide
SCIOTO COUNTY
(B) - See Pike County
(D) - See Adams County
(H,Hw) - See Statewide
SENECA COUNTY
(H,Hw) - See Statewide
SHELBY COUNTY
(H,Hw) - See Statewide
STARK COUNTY
Decision #AR-3045 (B,R)
39 FR 30796 - 8/23/74
Mod. #1 - 40 FR 17463 - 4/18/75
Mod. #2 - 40 FR 33578 - 8/8/75
(H,Hw) - See Statewide
SUMMITT COUNTY
Decision #AR-3046 (B,R)
39 FR 30798 - 8/23/74
Mod. #1 - 39 FR 34927 - 9/27/74
Mod. #2 - 40 FR 17463 - 4/18/75
(H,Hw) - See Statewide
TRUMBULL COUNTY
Decision #AR-3047 (B,R)
39 FR 30800 - 8/23/74
Mod. #1 - 40 FR 17463 - 4/18/75
Mod. #2 - 40 FR 44445 - 9/26/75
(H,Hw) - See Statewide
TUSCARAWAS COUNTY
Decision #0H76-2054 (B) -
41 FR 17285 - 4/23/76
(H,Hw) - See Statewide
UNION COUNTY
(H,Hw) - See Statewide
VAN WERT COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
VINTON COUNTY
(H,Hw) - See Statewide
WARREN COUNTY
(R) - See Butler County
(H,Hw) - See Statewide
WASHINGTON COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
WAYNE COUNTY
(H,Hw) - See Statewide
WILLIAMS COUNTY
(H,Hw) - See Statewide
WOOD COUNTY
Decision #0H76-2055 (B)
41 FR 18261 - 4/30/76
(H,Hw) - See Statewide
WYANDOT COUNTY
(H,Hw) - See Statewide

OKLAHOMA

STATEWIDE (Except the City of Muskogee)
Decision #0K76-4073 (Constr., Alteration, and/or repair of streets, highways, runways, erosion control structures, well drilling, and water, and sewer utilities)
41 FR 16422 - 4/16/7
ADAIR COUNTY
(B) - See Muskogee County
(H,Hw) - See Statewide
ALFALFA COUNTY
(H,Hw) - See Statewide
(H,Hw) - See Statewide
ATOKA COUNTY
(H,Hw) - See Statewide
BEAVER COUNTY
(H,Hw) - See Statewide
BECKHAM COUNTY
(H,Hw) - See Statewide
BLAINE COUNTY
(H,Hw) - See Statewide
BRYAN COUNTY
(H,Hw) - See Statewide
Decision #0K76-4001 (R)
41 FR 2604 - 1/16/76
CADDO COUNTY
(B) - See CAnadian County
(H,Hw) - See Statewide
CANADIAN COUNTY
(H,Hw) - See Statewide
Decision #0K76-4022 (B)
41 FR 5559 - 2/6/76
Mod. #1 - 41 FR 17293 - 4/23/76
Mod. #2 - 41 FR 22720 - 6/4/76
Mod. #3 - 41 FR 24839 - 6/18/76
Decision #0K76-4109 (R)
41 FR 27648 - 7/2/76
CARTER COUNTY
(H,Hw) - See Statewide
CHEROKEE COUNTY
(B) - See Muskogee County
(H,Hw) - See Statewide
CHOCTAW COUNTY
(H,Hw) - See Statewide
CIMARRON COUNTY
(H,Hw) - See Statewide
CLEVELAND COUNTY
(H,Hw) - See Statewide
(B,R) - See Canadian County
COAL COUNTY
(H,Hw) - See Statewide
COMANCHE COUNTY
(H,Hw) - See Statewide
Decision #0K76-4002 (R)
41 FR 2604 - 1/16/76
Mod. #1 - 41 FR 16312 - 4/16/76

OKLAHOMA (Cont'd)

COMANCHE COUNTY (Cont'd.)
Decision #0K76-4023 (B)
41 FR 5552 - 2/6/76
Mod. #1 - 41 FR 16312 - 4/16/76
Mod. #2 - 41 FR 19011 - 5/7/76
Mod. #3 - 41 FR 22721 - 6/4/76
Mod. #4 - 41 FR 24839 - 6/18/76
COTTON COUNTY
(H,Hw) - See Statewide
CRAIG COUNTY
(H,Hw) - See Statewide
CREEK COUNTY
(B) - See Tulsa County
(H,Hw) - See Statewide
CUSTER COUNTY
(H,Hw) - See Statewide
DELAWARE COUNTY
(H,Hw) - See Statewide
DEWEY COUNTY
(H,Hw) - See Statewide
ELLIS COUNTY
(H,Hw) - See Statewide
GARFIELD COUNTY
Decision #0K76-4020 (B)
41 FR 5555 - 2/6/76
Mod. #1 - 41 FR 17293 - 4/23/76
Mod. #2 - 41 FR 23889 - 6/11/76
Mod. #3 - 41 FR 24838 - 6/18/76
(H,Hw) - See Statewide
GARVIN COUNTY
(H,Hw) - See Statewide
GRADY COUNTY
(B) - See Canadian County
(H,Hw) - See Statewide
GRANT COUNTY
(H,Hw) - See Statewide
GREER COUNTY
(H,Hw) - See Statewide
HARMON COUNTY
(H,Hw) - See Statewide
HARPER COUNTY
(H,Hw) - See Statewide
HASKELL COUNTY
(H,Hw) - See Statewide
HUGHES COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
(H,Hw) - See Statewide
JOHNSTON COUNTY
(H,Hw) - See Statewide
KAY COUNTY
(H,Hw) - See Statewide
KINGFISHER COUNTY
(B) - See Canadian County
(H,Hw) - See Statewide

OKLAHOMA (cont'd)

KIOWA COUNTY
(H,Hw) - See Statewide
LATIMER COUNTY
(H,Hw) - See Statewide
LEFLORE COUNTY
(H,Hw) - See Statewide
LINCOLN COUNTY
(H,Hw) - See Statewide
(B,R) - See Canadian County
LOGAN COUNTY
(B) - See Canadian County
(H,Hw) - See Statewide
LOVE COUNTY
(H,Hw) - See Statewide
McCLAIN COUNTY
H,Hw) - See Statewide
(B) - See Canadian County
McCURTAIN COUNTY
(H,Hw) - See Statewide
MCINTOSH COUNTY
Decision #0K76-4019 (B)
41 FR 5553 - 2/6/76
Mod. #1 - 41 FR 17293 - 4/23/76
Mod. #2 - 41 FR 26427 - 6/25/76
(H,Hw) - See Statewide
MAJOR COUNTY
(H,Hw) - See Statewide
MARSHALL COUNTY
(H,Hw) - See Statewide
MAYES COUNTY
(H,Hw) - See Statewide
MURRAY COUNTY
(H,Hw) - See Statewide
MUSKOGEE COUNTY
Decision #0K76-4018 (B,H,Hw)
41 FR 5550 - 2/6/76
Mod. #1 - 41 FR 17293 - 4/23/76
Mod. #2 - 41 FR 24837 - 6/18/76
Mod. #3 - 41 FR 26427 - 6/25/76
(H,Hw) - See Statewide
NOBLE COUNTY
(H,Hw) - See Statewide
NOWATA COUNTY
(H,Hw) - See Statewide
OKFUSKEE COUNTY
(H,Hw) - See Statewide
OKLAHOMA COUNTY
(B,R) - See Canadian County
(H,Hw) - See Statewide
OKMULGEE COUNTY
(H,Hw) - See Statewide
OSAGE COUNTY
(H,Hw) - See Statewide
(R) - See Tulsa County
OTTAWA COUNTY
(H,Hw) - See Statewide
PAWNEE COUNTY
(H,Hw) - See Statewide

OKLAHOMA (Cont'd.

PAYNE COUNTY
(H,Hw) - See Statewide
PITTSBURG COUNTY
Decision #0K76-4017 (B)
41 FR 5548 - 2/6/76
Mod. #1 - 41 FR 24837 - 6/18/76
(H,Hw) - See Statewide
PONTOTOC COUNTY
(H,Hw) - See Statewide
POTTAWATOMIE COUNTY
(H,Hw) - See Statewide
(B,R) - See Canadian County
PUSHMATAHA COUNTY
(H,Hw) - See Statewide
ROGERS COUNTY
(H,Hw) - See Statewide
ROGERS MILLS COUNTY
(H,Hw) - See Statewide
SEMINOLE COUNTY
(B) - See Oklahoma County
(H,Hw) - See Statewide
SEQUOYAH COUNTY
(H,Hw) - See Statewide
STEPHENS COUNTY
(H,Hw) - See Statewide
TEXAS COUNTY
(H,Hw) - See Statewide
TILLMAN COUNTY
(H,Hw) - See Statewide
TULSA COUNTY
Decision #0K76-4021 (B)
41 FR 5557 - 2/6/76
Mod. #1 - 41 FR 17293 - 4/23/76
Mod. #2 - 41 FR 18266 - 4/30/76
Mod. #3 - 41 FR 24838 - 6/18/76
WAGONER COUNTY
Decision #0K76-4016 (B)
41 FR 5546 - 2/6/76
Mod. #1 - 41 FR 26426 - 6/25/76
(H,Hw) - See Statewide
WASHINGTON COUNTY
(H,Hw) - See Statewide
WASHITA COUNTY
(H,Hw) - See Statewide
WOODS COUNTY
(H,Hw) - See Statewide
WOODWARD COUNTY
(H,Hw) - See Statewide

OREGON

STATEWIDE
Decision #OR76-5057 (B,H,Hw,D)
41 FR 26520 - 6/25/76
BAKER COUNTY
(B,H,Hw,D) - See Statewide
BENTON COUNTY
(B,H,Hw,D) - See Statewide
CLACKAMAS COUNTY
Decision #OR75-5042 (R)
40 FR 15312 - 4/4/75
Mod. #1 - 40 FR 48001 - 10/10/75
Mod. #2 - 40 FR 52244 - 11/7/75
(B,H,Hw,D) - See Statewide
CLATSOP COUNTY
(B,H,Hw,D) - See Statewide
COLUMBIA COUNTY
(B,H,Hw,D) - See Statewide
COOS COUNTY
(B,H,Hw,D) - See Statewide
CROOK COUNTY
(B,H,Hw,D) - See Statewide
CURRY COUNTY
(B,H,Hw,D) - See Statewide
DESCHUTES COUNTY
(B,H,Hw,D) - See Statewide
DOUGLAS COUNTY
(B,H,Hw,D) - See Statewide
GILLIAM COUNTY
(B,H,Hw,D) - See Statewide
GRANT COUNTY
(B,H,Hw,D) - See Statewide
HARNEY COUNTY
(B,H,Hw,D) - See Statewide
HOOD RIVER COUNTY
(B,H,Hw,D) - See Statewide
JACKSON COUNTY
(B,H,Hw,D) - See Statewide
JEFFERSON COUNTY
(B,H,Hw,D) - See Statewide
JOSEPHINE COUNTY
(B,H,Hw,D) - See Statewide
KLAMATH COUNTY
(B,H,Hw,D) - See Statewide
LAKE COUNTY
(B,H,Hw,D) - See Statewide
LANE COUNTY
(B,H,Hw,D) - See Statewide
Decision #OR75-5122 (R)
40 FR 45989 - 10/3/75
Mod. #1 - 40 FR 52244 - 11/7/75
LINCOLN COUNTY
(B,H,Hw,D) - See Statewide
LINN COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Lane County

OREGON (Cont'd.)

MALHEUR COUNTY
(B,H,Hw,D) - See Statewide
MARION COUNTY
(R) - See Lane County
(B,H,Hw,D) - See Statewide
MORROW COUNTY
(B,H,Hw,D) - See Statewide
MULTNOMAH COUNTY
(R) - See Clackamas County
(B,H,Hw,D) - See Statewide
POLK COUNTY
(B,H,Hw,D) - See Statewide
SHERMAN COUNTY
(B,H,Hw,D) - See Statewide
TILLAMOOK COUNTY
(B,H,Hw,D) - See Statewide
UMATILLA COUNTY
(B,H,Hw,D) - See Statewide
UNION COUNTY
(B,H,Hw,D) - See Statewide
WALLOWA COUNTY
(B,H,Hw,D) - See Statewide
WASCO COUNTY
(B,H,Hw,D) - See Statewide
WASHINGTON COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clackamas County
WHEELER COUNTY
(B,H,Hw,D) - See Statewide
YAMHILL COUNTY
(B,H,Hw,D) - See Statewide

PENNSYLVANIA

ADAMS COUNTY
Decision #PA76-3163 (H,Hw)
41 FR 19020 - 5/7/76
Decision #PA76-3204 (B)
41 FR 24870 - 6/18/76
ALLEGHENY COUNTY
(H,Hw) - See Beaver County
Decision #PA76-3206 (B)
41 FR 26529 - 6/25/76
Decision #PA75-3070 (R)
40 FR 30433 - 7/18/75
Mod. #1 - 40 FR 34555 - 8/15/75
Mod. #2 - 41 FR 4738 - 1/30/76
Mod. #3 - 41 FR 26428 - 6/25/76
ARMSTRONG COUNTY
(H,Hw) - See Butler County
(B) - See Allegheny County
BEAVER COUNTY
(H,Hw) - See Butler County
(H,Hw) - See Armstrong County
(B) - See Allegheny County
BEDFORD COUNTY
Decision #PA76-3168 (B)
41 FR 21122 - 5/21/76
Mod. #1 - 41 FR 24841 - 6/18/76
(H,Hw) - See Butler County
BERKS COUNTY
Decision #PA76-3178 (B)
41 FR 23919 - 6/11/76
(H,Hw) - See Adams County
BLAIR COUNTY
Decision #PA76-3165 (B)
41 FR 18274 - 4/30/76
(Hw) - See Armstrong County

PENNSYLVANIA (Cont'd.

BRADFORD COUNTY
Decision #PA76-3208 (B)
41 FR 27535 - 7/2/76
(H,Hw) - See Adams County
BUCKS COUNTY
Decision #PA76-3172 (B)
41 FR 22016 - 5/28/76
Decision #PA76-3169 (H,Hw)
41 FR 21133 - 5/21/76
BUTLER COUNTY
(B) - See Allegheny County
Decision #PA76-3158 (H,Hw)
41 FR 15315 - 4/9/76
Mod. #1 - 41 FR 20129 - 5/14/76
CAMBRIA COUNTY
(H,Hw) - See Butler County
(B) - See Bedford County
CAMERON COUNTY
(H,Hw) - See Armstrong County
CARBON COUNTY
(H,Hw) - See Adams County
CENTRE COUNTY
(H,Hw) - See Armstrong County
CHESTER COUNTY
(B,H,Hw,R) - See Bucks County
CLARION COUNTY
(B) - See Cameron County
(H,Hw) - See Armstrong County
CLEARFIELD COUNTY
(B) - See Cameron County
(H,Hw) - See Armstrong County

PENNSYLVANIA (Cont'd.

CLINTON COUNTY
(H,Hw) - See Bedford County
COLUMBIA COUNTY
(H,Hw) - See Adams County
CRAWFORD COUNTY
(B) - See Bedford County
(H,Hw) - See Armstrong County
CUMBERLAND COUNTY
Decision #PA76-3175 (B)
41 FR 21137 - 5/21/76
Mod. #1 - 41 FR 24840 - 6/18/76
(H,Hw) - See Adams County
DAUPHIN COUNTY
(B) - See Cumberland County
(H,Hw) - See Adams County
DELAWARE COUNTY
(B,H,Hw,R) - See Bucks County
ELK COUNTY
Decision #PA76-3155 (B)
41 FR 12862 - 3/26/76
Mod. #1 - 41 FR 17295 - 4/23/76
Mod. #2 - 41 FR 18266 - 4/30/76
Mod. #3 - 41 FR 20129 - 5/14/76
Mod. #4 - 41 FR 26427 - 6/25/76
(H,Hw) - See Bedford County
ERIE COUNTY
Decision #PA76-3177 (B)
41 FR 23916 - 6/11/76
Mod. #1 - 41 FR 26428 - 6/25/76
Decision #IL76-5030 (D)
41 FR 16373 - 4/16/76
Mod. #1 - 41 FR 19007 - 5/7/76
(H,Hw) - See Butler County

PENNSYLVANIA (cont'd.

FAYETTE COUNTY
(B) - See Butler County
(H,Hw) - See Butler County
FOREST COUNTY
(B) - See Elk County
(H,Hw) - See Armstrong County
FRANKLIN COUNTY
Decision #PA75-3060 (B)
40 FR 54412 - 11/21/75
Mod. #1 - 41 FR 12850 - 3/26/76
Mod. #2 - 41 FR 16312 - 4/16/76
Mod. #3 - 41 FR 10266 - 4/30/76
(H,Hw) - See Bedford County
FULTON COUNTY
(H,Hw) - See Bedford County
GREENE COUNTY
(H,Hw) - See Armstrong County
HUNTINGDON COUNTY
(H,Hw) - See Bedford County
INDIANA COUNTY
(H,Hw) - See Armstrong County
(B) - See Allegheny County
JEFFERSON COUNTY
(B) - See Cameron County
(H,Hw) - See Bedford County
JUNIATA COUNTY
(B) - See Cumberland County
(H,Hw) - See Adams County
LACKAWANNA COUNTY
Decision #PA76-3179 (B)
41 FR 24855 - 6/18/76
(H,Hw) - See Adams County
LANCASTER COUNTY
Decision #PA76-3186 (B)
41 FR 24866 - 6/18/76
(H,Hw) - See Adams County
LAWRENCE COUNTY
Decision #PA76-3156 (B)
41 FR 12868 - 3/26/76
Mod. #1 - 41 FR 18266 - 4/30/76
Mod. #2 - 41 FR 24840 - 6/18/76
Mod. #3 - 41 FR 26427 - 6/25/76

PENNSYLVANIA (Cont'd.

LEBANON COUNTY
Decision #PA76-3176 (B)
41 FR 24853 - 6/18/76
(H,Hw) - See Adams County
LEHIGH COUNTY
Decision #PA76-3183 (B)
41 FR 24862 - 6/18/76
(H,Hw) - See Adams County
LUZERNE COUNTY
Decision #PA76-3180 (B)
41 FR 23922 - 6/11/76
Mod. #1 - 41 FR 26429 - 6/25/76
(H,Hw) - See Adams County
LYCOMING COUNTY
Decision #PA76-3185 (B)
41 FR 24864 - 6/18/76
(H,Hw) - See Adams County
MC KEAN COUNTY
(B) - See Forest County
(H,Hw) - See Armstrong County
MERCER COUNTY
Decision #AR-2046 (B)
39 FR 37349 - 10/18/74
Mod. #1 - 39 FR 44913 - 12/27/74
Mod. #2 - 40 FR 15281 - 4/4/75
Mod. #3 - 40 FR 28310 - 7/3/75
Mod. #4 - 40 FR 31442 - 7/25/75
Mod. #5 - 40 FR 45959 - 10/3/75
Mod. #6 - 40 FR 54388 - 11/21/75
Mod. #7 - 41 FR 4738 - 1/20/76
Mod. #8 - 41 FR 5522 - 2/6/76
(H,Hw) - See Butler County
MIFFLIN COUNTY
(H,Hw) - See Bedford County
MONROE COUNTY
(H,Hw) - See Adams County

PENNSYLVANIA (Cont'd.

MONTGOMERY COUNTY
(B,H,Hw,R) - See Bucks County
MONTOUR COUNTY
(H,Hw) - See Adams County
NORTHAMPTON COUNTY
Decision #PA76-3187 (B)
41 FR 24868 - 6/18/76
(H,Hw) - See Adams County
NORTHUMBERLAND COUNTY
Decision #PA76-3182 (B)
41 FR 24860 - 6/18/76
(H,Hw) - See Adams County
PERRY COUNTY
(B) - See Cumberland County
(H,Hw) - See Adams County
PHILADELPHIA COUNTY
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
(B,H,Hw,R) - See Bucks County
PIKE COUNTY
(H,Hw) - See Adams County
POTTER COUNTY
(H,Hw) - See Bedford County
SCHYUKILL COUNTY
Decision #PA76-3181 (B)
41 FR 24858 - 6/18/76
(H,Hw) - See Adams County
SNYDER COUNTY
(H,Hw) - See Adams County
SOMERSET COUNTY
(H,Hw) - See Butler County
SULLIVAN COUNTY
Decision #PA76-3205 (B)
41 FR 24872 - 6/18/76
(H,Hw) - See Adams County

PENNSYLVANIA (Cont'd.

SUSQUEHANNA COUNTY
(B) - See Lackawanna County
(H,Hw) - See Adams County
TIOGA COUNTY
(B) - See Bedford County
(H,Hw) - See Adams County
UNION COUNTY
(B) - See Bedford County
(H,Hw) - See Adams County
VENANGO COUNTY
(H,Hw) - See Armstrong County
(B) - See Bedford County
WARREN COUNTY
(B) - See Elk County
(H,Hw) - See Armstrong County
WASHINGTON COUNTY
(B) - See Allegheny County
(H,Hw) - See Butler County
WAYNE COUNTY
(B) - See Lackawanna County
(H,Hw) - See Adams County
WESTMORELAND COUNTY
(B) - See Allegheny County
(H,Hw) - See Butler County
WYOMING COUNTY
(B) - See Lackawanna County
(H,Hw) - See Adams County
YORK COUNTY
(B,H,Hw) - See Adams Co. (Excluding New Cumberland Depot)
(B) - See Cumberland County (New Cumberland Depot)
(H,Hw) - See Adams County (New Cumberland Depot)
(B) - See Lackawanna County

PUERTO RICO

PUERTO RICO
Decision #PR75-3091 (R)
40 FR 33644 - 8/8/75
Mod. #1 - 40 FR 59664 - 12/29/75
Decision #PR75-3090 (B)
40 FR 33643 - 8/8/75
Mod. #1 - 40 FR 59664 - 12/29/75
Decision #PR75-3089 (H,Hw)
40 FR 33643 - 8/8/75

RHODE ISLAND

STATEWIDE
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
BRISTOL COUNTY
Decision #RI76-2037 (B,H,Hw,R, & Marine)
41 FR 11771 - 3/19/76
(D) - See Statewide
KENT COUNTY
(B,H,Hw, R, & Marine) - See Bristol Co.
(D) - See Statewide
NEWPORT COUNTY
Decision #RI76-2038 (B,H,Hw,R, & Marine)
41 FR 11776 - 3/19/76
(D) - See Statewide
PROVIDENCE COUNTY
(D) - See Statewide
(B,H,Hw, R, & Marine) - See Bristol County
WASHINGTON COUNTY
Decision #RI76-2039 (B,H,Hw, R, & Marine)
41 FR 11781 - 3/19/76
(D) - See Statewide

SOUTH CAROLINA

STATEWIDE
Decision #SC75-1031 (Hw)
40 FR 12058 - 3/14/75
Mod. #1 - 40 FR 41355 - 9/5/75
Mod. #2 - 41 FR 10825 - 3/12/76
Decision #SC75-1079 (H, W&S)
40 FR 41380 - 9/5/75
ABBEVILLE COUNTY
Decision #SC76-1053 (B)
41 FR 20146 - 5/14/76
(Sewer & Water, H,Hw) - See Statewide
AIKEN COUNTY
Decision #SC75-1029 (R)
40 FR 10900 - 3/7/75
Mod. #1 - 41 FR 1692 - 1/9/76
(Sewer & Water, H,Hw) - See Statewide

SOUTH CAROLINA (Cont'd.)

ALLENDALE COUNTY
Decision #SC75-1045 (R)
40 FR 16636 - 4/11/75
Mod. #1 - 41 FR 1692 - 1/9/76
(Sewer & Water, H,Hw) - See Statewide
ANDERSON COUNTY
Decision #SC75-1004 (R)
40 FR 3154 - 1/17/75
(Sewer & Water, H,Hw) - See Statewide
BAMBERG
(R) - See Allendale County
(Sewer & Water, H,Hw) - See Statewide
BARNWELL COUNTY
(R) - See Aiken County
(Sewer & Water, H,Hw) - See Statewide
BEAUFORT COUNTY
Decision #SC75-1026 (B)
40 FR 8692 - 2/28/75
Mod. #1 - 40 FR 16496 - 4/11/75
Mod. #2 - 40 FR 27417 - 6/27/75
Mod. #3 - 41 FR 18267 - 4/30/76
Decision #MD75-3008 (D)
40 FR 3094 - 1/17/75
Mod. #1 - 40 FR 14204 - 3/28/75
(Sewer & Water, H,Hw) - See Statewide
BERKELEY COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
Decision #SC76-1067 (R)
41 FR 22024 - 5/28/76
Mod. #1 - 41 FR 23889 - 6/11/76
Decision #SC75-1055 (B)
40 FR 22785 - 5/23/75
Mod. #1 - 40 FR 25336 - 6/13/75
Mod. #2 - 41 FR 18267 - 4/30/76
Mod. #3 - 41 FR 20129 - 5/14/76
CALHOUN COUNTY
(R) - See Allendale County
(Sewer & Water, H,Hw) - See Statewide
CHARLESTON COUNTY
(B,R) - See Berkeley County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
CHEROKEE COUNTY
Decision #SC75-1017 (R)
40 FR 4785 - 1/31/75
Mod. #1 - 40 FR 12017 - 3/14/75
(B) - See Abbeville County
(Sewer & Water, H,Hw) - See Statewide

SOUTH CAROLINA (Cont'd.

CHESTER COUNTY
Decision #AR-4009 (B)
39 FR 25778 - 7/12/74
(Sewer & Water, H,Hw) - See Statewide
CHESTERFIELD COUNTY
(Sewer & Water, H,Hw) - See Statewide
CLARENDON COUNTY
Decision #SC76-1007 (R)
41 FR 1698 - 1/9/76
(Sewer & Water, H,Hw) - See Statewide
COLLETON COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
DARLINGTON COUNTY
Decision #SC75-1041 (B)
40 FR 14194 - 3/28/75
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
DILLON COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
DORCHESTER COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Berkeley County
EDGEFIELD COUNTY
(R) - See Aiken County
(Sewer & Water, H,Hw) - See Statewide
FAIRFIELD COUNTY
(B) - See Chester County
(Sewer & Water, H,Hw) - See Statewide
FLORENCE COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
GEORGETOWN COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
GREENVILLE COUNTY
Decision #SC75-1038 (B)
40 FR 12951 - 3/21/75
Mod. #1 - 40 FR 16496 - 4/11/75
Mod. #2 - 41 FR 43422 - 9/19/75
(R) - See Anderson County
(Sewer & Water, H,Hw) - See Statewide
GREENWOOD COUNTY
(Sewer & Water, H,Hw) - See Statewide
HAMPTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
HORRY COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
JASPER COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
KERSHAW COUNTY
(Sewer & Water, H,Hw) - See Statewide

SOUTH CAROLINA (Cont'd.

LANCASTER COUNTY
(B) - See Chester County
(Sewer & Water, H,Hw) - See Statewide
LAURENS COUNTY
(B) - See Abbeville County
(Sewer & Water, H,Hw) - See Statewide
LEE COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
LEXINGTON COUNTY
Decision #SC76-1037 (B)
41 FR 9801 - 3/5/76
Decision #SC75-1042 (R)
40 FR 14271 - 3/28/75
(Sewer & Water, H,Hw) - See Statewide
Mc CORMICK COUNTY
(Sewer & Water, H,Hw) - See Statewide
MARION COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
MARLBORO COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
NEWBERRY COUNTY
(B) - See Abbeville County
(Sewer & Water, H,Hw) - See Statewide
OCONEE COUNTY
(R) - See Anderson County
(Sewer & Water, H,Hw) - See Statewide
ORANGEBURG COUNTY
(R) - See Allendale County
(Sewer & Water, H,Hw) - See Statewide
PICKENS COUNTY
(R) - See Anderson County
(Sewer & Water, H,Hw) - See Statewide
RICHLAND COUNTY
(B,R) - See Lexington County
(Sewer & Water, H,Hw) - See Statewide
SALUDA COUNTY
(Sewer & Water, H,Hw) - See Statewide
SPARTANBURG COUNTY
(R) - See Cherokee County
(Sewer & Water, H,Hw) - See Statewide
SUMTER COUNTY
Decision #SC76-1008 (B)
41 FR 1699 - 1/9/76
Mod. #1 - 41 FR 19013 - 5/7/76
(Sewer & Water, H,Hw) - See Statewide
(R) - See Clarendon County
UNION COUNTY
(R) - See Cherokee County
(Sewer & Water, H,Hw) - See Statewide
(B) - See Abbeville County
WILLIAMSBURG COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
YORK COUNTY
(Sewer & Water, H,Hw) - See Statewide

SOUTH DAKOTA (Cont'd)

MARSHALL COUNTY
(Hw) - See Statewide
Mc COOK COUNTY
(Hw) - See Statewide
Mc PHERSON COUNTY
(Hw) - See Statewide
MEADE COUNTY
Decision #SD76-5055 (B)
41 FR 23926 - 6/11/76
Mod. #1 - 41 FR 27545 - 7/2/76
(Hw) - See Statewide
MELLETTE COUNTY
(Hw) - See Statewide
MINER COUNTY
(Hw) - See Statewide
MINNEHAHA COUNTY
Decision #SD76-5054 (B)
41 FR 23925 - 6/11/76
Mod. #1 - 41 FR 27545 - 7/2/76
(Hw) - See Statewide
Decision #AQ-1091 (R)
39 FR 8146 - 3/1/74
Mod. #1 - 39 FR 14856 - 4/26/74
MOODY COUNTY
(Hw) - See Statewide
PENNINGTON COUNTY
(B) - See Meade County
(Hw) - See Statewide
PERKINS COUNTY
(Hw) - See Statewide
POTTER COUNTY
(Hw) - See Statewide
ROBERTS COUNTY
(Hw) - See Statewide
SANBORN COUNTY
(Hw) - See Statewide
SHANNON COUNTY
(Hw) - See Statewide
SPINK COUNTY
(Hw) - See Statewide
STANLEY COUNTY
(Hw) - See Statewide
SULLY COUNTY
(Hw) - See Statewide

SOUTH DAKOTA (Cont'd.)

TODD COUNTY
(Hw) - See Statewide
TRIPP COUNTY
(Hw) - See Statewide
TURNER COUNTY
(Hw) - See Statewide
UNION COUNTY
(Hw) - See Statewide
WALWORTH COUNTY
(Hw) - See Statewide
WASHABAUGH COUNTY
(Hw) - See Statewide
YANKTON COUNTY
(Hw) - See Statewide
ZIEBACH COUNTY
(Hw) - See Statewide

SOUTH DAKOTA

STATEWIDE
Decision #SD76-5039 (Hw)
41 FR 17390 - 4/23/76
AURORA COUNTY
(Hw) - See Statewide
BEADLE COUNTY
(Hw) - See Statewide
BENNET COUNTY
(Hw) - See Statewide
BON HOMME COUNTY
(Hw) - See Statewide
BROOKINGS COUNTY
(Hw) - See Statewide
BROWN COUNTY
(Hw) - See Statewide
BRULE COUNTY
(Hw) - See Statewide
BUFFALO COUNTY
(Hw) - See Statewide
BUTTE COUNTY
(Hw) - See Statewide
CAMPBELL COUNTY
(Hw) - See Statewide
CHARLES MIX COUNTY
(Hw) - See Statewide
CLARK COUNTY
(Hw) - See Statewide
CLAY COUNTY
(Hw) - See Statewide
CODINGTON COUNTY
(Hw) - See Statewide
CORSON COUNTY
(Hw) - See Statewide
CUSTER COUNTY
(Hw) - See Statewide
DAVISON COUNTY
(Hw) - See Statewide
DAY COUNTY
(Hw) - See Statewide
DEUEL COUNTY
(Hw) - See Statewide
DEWEY COUNTY
(Hw) - See Statewide
DOUGLAS COUNTY
(Hw) - See Statewide
EDMUNDS COUNTY
(Hw) - See Statewide
FALL RIVER COUNTY
(Hw) - See Statewide
FAULK COUNTY
(Hw) - See Statewide
GRANT COUNTY
(Hw) - See Statewide

TENNESSEE (Cont'd)

GILES COUNTY
(F,Hw) - See Statewide
GRAINGER COUNTY
(F,Hw) - See Statewide
GREENE COUNTY
(F,Hw) - See Statewide
GRUNDY COUNTY
(F,Hw) - See Statewide
HAMBLEN COUNTY
(F,Hw) - See Statewide
HAMILTON COUNTY
Decision #TN76-1071 (B,H)
41 FR 23927 - 6/11/76
(F,Hw) - See Statewide
HANCOCK COUNTY
(F,Hw) - See Statewide
HARDEMAN COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
HARDIN COUNTY
(F,Hw) - See Statewide
HAWKINS COUNTY
(F,Hw) - See Statewide
HAYWOOD COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
HENDERSON COUNTY
(F,Hw) - See Statewide
HENRY COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
HICKMAN COUNTY
(F,Hw) - See Statewide
HOUSTON COUNTY
(F,Hw) - See Statewide
HUMPHREYS COUNTY
(F,Hw) - See Statewide
JACKSON COUNTY
(F,Hw) - See Statewide

TENNESSEE (CONT'D)

JEFFERSON COUNTY
(F,Hw) - See Statewide
JOHNSON COUNTY
(F,Hw)- See Statewide
KNOX COUNTY
Decision #TN76-1013 (B)
41 FR 26188 - 1/16/76
Mod. #1 - 41 FR 24840 - 6/18/76
Decision #TN76-1055 (R)
41 FR 27648 - 7/2/76
(F,Hw) - See Statewide
LAKE COUNTY
(R) - See Dyer County
(F,Hw) - See Statewide
LAUDERDALE COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
LAWRENCE COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County
LEWIS COUNTY
(F,Hw) - See Statewide
LINCOLN COUNTY
(F,Hw) - See Statewide
LOUDON COUNTY
(F,Hw) - See Statewide
Mc MINN COUNTY
(F,Hw) - See Statewide
Mc NAIRY COUNTY
(F,Hw) - See Statewide
MACON COUNTY
(F,Hw) - See Statewide
MADISON COUNTY
Decision #TN75-1051 (B)
40 FR 21666 - 5/16/75
Mod. #1 - 40 FR 57075 - 12/5/75
(D) - See Carroll County
(F,Hw) - See Statewide
MARION COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide

TENNESSEE

STATEWIDE
Decision #AR76-5041 (F)
41 FR 19017 - 5/7/76
Mod. #1 - 41 FR 21981 - 5/28/76
Decision #TN76-1001 (Hw)
41 FR 965 - 1/5/76
ANDERSON COUNTY
Decision #TN76-1072 (B)(Oak Ridge, Energy Research Development Administration Only)
41 FR 24874 - 6/18/76
(Hw) - See Statewide
(F) - See Statewide
BEDFORD COUNTY
(F,Hw) - See Statewide
BENTON COUNTY
(F,Hw) - See Statewide
BLEDSOE COUNTY
(F,Hw) - See Statewide
BLOUNT COUNTY
(F,Hw) - See Statewide
BRADLEY COUNTY
(F,Hw) - See Statewide
CAMPBELL COUNTY
(F,Hw) - See Statewide
CANNON COUNTY
(F,Hw) - See Statewide
CARROLL COUNTY
Decision #AL76-5028 (D)
41 FR 14284 - 4/2/76
(F,Hw) - See Statewide
CARTER COUNTY
Decision #TN76-1052 (B)
41 FR 17301 - 4/23/76
Decision #TN75-1098 (R)
41 FR 44476 - 9/26/75
(F,Hw) - See Statewide
CHEATHAM COUNTY
Decision #TN76-1010 (R)
41 FR 2614 - 1/16/76
(F,Hw) - See Statewide
CHESTER COUNTY
(F,Hw) - See Statewide
CLAIBORNE COUNTY
(F,Hw) - See Statewide

TENNESSEE (CONT'D.)

CLAY COUNTY
(F,Hw) - See Statewide
COCKE COUNTY
(F,Hw) - See Statewide
COFFEE COUNTY
(F,Hw) - See Statewide
CROCKETT COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
CUMBERLAND COUNTY
(F,Hw) - See Statewide
DAVIDSON COUNTY
Decision #TN75-1088 (B)
40 FR 42505 - 9/12/75
Mod. #1 - 40 FR 55616 - 11/28/75
Mod. #2 - 41 FR 22721 - 6/4/76
(R) - See Cheatham County
(F,Hw) - See Statewide
DECATUR COUNTY
(F,Hw) - See Statewide
DEKALB COUNTY
(F,Hw) - See
DICKSON COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County
DYER COUNTY
Decision #TN75-1074 (R)
40 FR 33645 - 8/8/75
Decision #TN76-1054 (B)
41 FR 21140 - 5/21/76
(F,Hw) - See Statewide
(D) - See Carroll County
FAYETTE COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
FENTRESS COUNTY
(F,Hw) - See Statewide
FRANKLIN COUNTY
(F,Hw) - See Statewide
GIBSON COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
(B,R) - See Dyer County

V 41 153 AUG 6 76 UMI

TENNESSEE (Cont'd)

MARSHALL COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County
MAURY COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County
MEIGS COUNTY
(F,Hw) - See Statewide
MONROE COUNTY
(F,Hw) - See Statewide
MONTGOMERY COUNTY
(F,Hw) - See Statewide
MOORE COUNTY
(F,Hw) - See Statewide
MORGAN COUNTY
(F,Hw) - See Statewide
OBION COUNTY
(R) - See Dyer County
(D) - See Carroll County
(F,Hw) - See Statewide
OVERTON COUNTY
(F,Hw) - See Statewide
PERRY COUNTY
(F,Hw) - See Statewide
PICKETT COUNTY
(F,Hw) - See Statewide
POLK COUNTY
(F,Hw) - See Statewide
PUTNAM COUNTY
(F,Hw) - See Statewide
RHEA COUNTY
(F,Hw) - See Statewide
ROANE COUNTY
(B) - See Anderson Co. (Oak Ridge Energy Research Development Administration Only)
(F,Hw) - See Statewide
ROBERTSON COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County

TENNESSEE (Cont'd)

RUTHERFORD COUNTY
Decision #TN76-1056 (B)
41 FR 20147 - 5/14/76
(F,Hw) - See Statewide
(R) - See Cheatham County
SCOTT COUNTY
(F,Hw) - See Statewide
SEQUATCHIE COUNTY
(F,Hw) - See Statewide
SEVIER COUNTY
(F,Hw) - See Statewide
SHELBY COUNTY
Decision #TN76-1012 (B,H, W&S, & Utility)
41 FR 2615 - 1/16/76
Mod. #1 - 41 FR 18267 - 4/30/76
Decision #TN76-1057 (R)
41 FR 20148 - 5/14/76
(D) - See Carroll County
(F,Hw) - See Statewide
SMITH COUNTY
(F,Hw) - See Statewide
STEWART COUNTY
(F,Hw) - See Statewide
SULLIVAN COUNTY
Decision #TN76-1061 (B)
41 FR 20148 - 5/14/76
(F,Hw) - See Statewide
(R) - See Carter County
SUMNER COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County
TIPTON COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
TROUSDALE COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County

TENNESSEE (cont'd)

UNICOI COUNTY
(F,Hw) - See Statewide
UNION COUNTY
(F,Hw) - See Statewide
VAN BUREN COUNTY
(F,Hw) - See Statewide
WARREN COUNTY
(F,Hw) - See Statewide
WASHINGTON COUNTY
Decision #TN76-1045 (B)
41 FR 14306 - 4/2/76
(F,Hw) - See Statewide
WAYNE COUNTY
(F,Hw) - See Statewide
WEAKLEY COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
(R) - See Dyer County
WHITE COUNTY
(F,Hw) - See Statewide
WILLIAMSON COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County
WILSON COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County

TEXAS

STATEWIDE (Excluding Dallas-Fort Worth Regional Airport)
Decision #TX76-4077 (H (Excluding tunnels and dams), Hw Incidental shore work, and paving and utilities incidental to general building construction)
41 FR 19024 - 5/7/76
Mod. #1 - 41 FR 21038 - 5/21/76,
ANDERSON COUNTY
(H,Hw) - See Statewide
ANDREWS COUNTY
(H,Hw) - See Statewide
ANGELINA COUNTY
(H,Hw) - See Statewide
ARANSAS COUNTY
(H,Hw) - See Statewide
Decision #AL76-5028 (D)
41 FR 14284 - 4/2/76
ARCHER COUNTY
(H,Hw) - See Statewide
ARMSTRONG COUNTY
Decision #TX76-4084 (B)
41 FR 21141 - 5/21/76
Mod. #1 - 41 FR 24841 - 6/18/76
Mod. #2 - 41 FR 27545 - 7/2/76
Decision #TX76-4078 (R)
41 FR 19032 - 5/7/76
Mod. #1 - 41 FR 21038 - 5/21/76
Mod. #2 - 41 FR 27545 - 7/2/76
(H,Hw) - See Statewide
ATASCOSA COUNTY
(H,Hw) - See Statewide
AUSTIN COUNTY
(H,Hw) - See Statewide
BAILEY COUNTY
(H,Hw) - See Statewide
Decision #TX76-4029 (R)
41 FR 7006 - 2/13/76
BANDERA COUNTY
(H,Hw) - See Statewide
BASTROP COUNTY
Decision #AR-1 (R)
39 FR 24809 - 7/5/74
(H,Hw) - See Statewide
BAYLOR COUNTY
(H,Hw) - See Statewide
BEE COUNTY
Decision #TX76-4030 (R)
41 FR 7008 - 2/13/76
(H,Hw) - See Statewide
BELL COUNTY
(H,Hw) - See Statewide
Decision #TX76-4079 (B)
41 FR 19034 - 5/7/76
Mod. #1 - 41 FR 21038 - 5/21/76

TEXAS (Cont'd)

BEXAR COUNTY
Decision #TX76-4080 (R)
41 FR 19037 - 5/7/76
(H,Hw) -eSee Statewide
Decision #TX75-4196 (B)
40 FR 54417 - 11/21/75
Mod. #1 - 40 FR 58015 - 12/12/75
Mod. #2 - 41 FR 3567 - 1/23/76
Mod. #3 - 41 FR 11734 - 3/19/76
Mod. #4 - 41 FR 16313 - 4/16/76
BLANCO COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
BORDEN COUNTY
(H,Hw) - See Statewide
BOSQUE COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
BOWIE COUNTY
Decision #TX76-4033 (B)
41 FR 7019 - 2/13/76
Mod. #1 - 41 FR 12852 - 3/26/76
Mod. #2 - 41 FR 17296 - 4/23/76
Mod. #3 - 41 FR 21037 - 5/21/76
(H,Hw) - See Statewide
BRAZORIA COUNTY
(H,Hw) - See Statewide
Decision #AR-11 (R)
39 FR 29910 - 8/16/74
(D) - See Aransas County
BRAZOS COUNTY
Decision #TX76-4101 (B)
41 FR 24876 - 6/18/76
Mod. #1 - 41 FR 27545 - 7/2/76
(H,Hw) - See Statewide
BREWSTER COUNTY
(H,Hw) - See Statewide
BRISCOE COUNTY
(H,Hw) - See Statewide
BROOKS COUNTY
(H,Hw) - See Statewide
BROWN COUNTY
(H,Hw) - See Statewide
BURLESON COUNTY
(H,Hw) - See Statewide
BURNETT COUNTY
(H,Hw) - See Statewide
CALDWELL COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
CALHOUN COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
CALLAHAN COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

CAMERON COUNTY
Decision #TX76-4035 (B)
41 FR 7023 - 2/13/76
Mod. #1 - 41 FR 12852 - 3/26/76
Mod. #2 - 41 FR 15237 - 4/9/76
Mod. #3 - 41 FR 17296 - 4/23/76
Mod. #4 - 41 FR 21037 - 5/21/76
Decision #TX76-4083 (R)
41 FR 19043 - 5/7/76
Mod. #1 - 41 FR 21039 - 5/21/76
(H,Hw) - See Statewide
CAMP COUNTY
(H,Hw) - See Statewide
CARSON COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
CASS COUNTY
(H,Hw) - See Statewide
CASTRO COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
CHAMBERS COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
CHEROKEE COUNTY
(H,Hw) - See Statewide
CHILDRESS COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
CLAY COUNTY
(H,Hw) - See Statewide
COCHRAN COUNTY
(H,Hw) - See Statewide
(R) - See Bailey County
COKE COUNTY
(H,Hw) - See Statewide
COLEMAN COUNTY
(H,Hw) - See Statewide
COLLIN COUNTY
Decision #AQ-07 (R)
39 FR 10106 - 3/15/74
Decision #TX76-4085 (B-excluding Dallas-Fort Worth Regional Airport)
41 FR 21144 - 5/21/76
Mod. #1 - 41 FR 24841 - 6/18/76
(H,Hw) - See Statewide
COLLINGSWORTH COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
COLORADO COUNTY
(H,Hw) - See Statewide
COMAL COUNTY
(H,Hw) - See Statewide
COMANCHE COUNTY
(H,Hw) - See Statewide
CONCHO COUNTY
(H,Hw) - See Statewide
COOKE COUNTY
(H,Hw) - See Statewide
CORYELL COUNTY
(B) - See Bell County
(H,Hw) - See Statewide

TEXAS (Cont'd)

COTTLE COUNTY
(H,Hw) - See Statewide
CRANE COUNTY
(H,Hw) - See Statewide
Decision #TX76-4038 (R)
41 FR 7009 - 2/13/76
CROCKETT COUNTY
(H,Hw) - See Statewide
CROSBY COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
CULBERSON COUNTY
(H,Hw) - See Statewide
DALLAM COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
DALLAS COUNTY
(B,R) - See Collin County
(H,Hw) - See Statewide
DAWSON COUNTY
(H,Hw) - See Statewide
DEAF SMITH COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
DELTA COUNTY
(H,Hw) - See Statewide
DENTON COUNTY
(B,R) - See Collin County
(H,Hw) - See Statewide
DE WITT COUNTY
(H,Hw) - See Statewide
DICKENS COUNTY
(H,Hw) - See Statewide
DIMMIT COUNTY
Decision #TX76-4039 (B,R)
41 FR 7014 - 2/13/76
(H,Hw) - See Statewide
DONLEY COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
DUVAL COUNTY
(H,Hw) - See Statewide
EASTLAND COUNTY
(H,Hw) - See Statewide
ECTOR COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
EDWARDS COUNTY
(H,Hw) - See Statewide
ELLIS COUNTY
(B,R) - See Collin County
(H,Hw) - See Statewide
EL PASO COUNTY
Decision #TX76-4087 (B)
41 FR 21151 - 5/21/76
Mod. #1 - 41 FR 22721 - 6/4/76
(H,Hw) - See Statewide

TEXAS (Cont'd.)

ERATH COUNTY
(H,Hw) - See Statewide
FALLS COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
FANNIN COUNTY
(H,Hw) - See Statewide
FAYETTE COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
FISHER COUNTY
(H,Hw) - See Statewide
FLOYD COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
FOARD COUNTY
(H,Hw) - See Statewide
FORT BEND COUNTY
(R) - See Brazoria County
(H,Hw) - See Statewide
FRANKLIN COUNTY
(H,Hw) - See Statewide
FREESTONE COUNTY
(H,Hw) - See Statewide
FRIO COUNTY
(H,Hw) - See Statewide
GAINES COUNTY
(H,Hw) - See Statewide
GALVESTON COUNTY
(R) - See Brazoria County
(D) - See Aransas County
(H,Hw) - See Statewide
Decision #TX76-4086 (B)
41 FR 21148 - 5/21/76
Mod. #1 - 41 FR 24841 - 6/18/76
GARZA COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
GILLESPIE COUNTY
(H,Hw) - See Statewide
GLASSCOCK COUNTY
(H,Hw) - See Statewide
GOLIAD COUNTY
(H,Hw) - See Statewide
GONZALES COUNTY
(H,Hw) - See Statewide
GRAY COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
GRAYSON COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
GREGG COUNTY
Decision #TX75-4092 (B)
40 FR 21682 - 5/16/75
(H,Hw) See Statewide

TEXAS (Cont'd)

GRIMES COUNTY
(H,Hw) - See Statewide
GUADALUPE COUNTY
(H,Hw) - See Statewide
HALE COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
HALL COUNTY
(H,Hw) - See Statewide
HAMILTON COUNTY
(H,Hw) - See Statewide
HANSFORD COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
HARDEMAN COUNTY
(H,Hw) - See Statewide
HARDIN COUNTY
(H,Hw) - See Statewide
HARRIS COUNTY
(B) - See Galveston County
(R) - See Brazoria County
(D) - See Aransas County
(H,Hw) - See Statewide
HARRISON COUNTY
Decision #TX76-4042 (B)
41 FR 7013 - 2/13/76
Mod. #1 - 41 FR 12853 - 3/26/76
Mod. #2 - 41 FR 17297 - 4/23/76
Mod. #3 - 41 FR 21037 - 5/21/76
(H,Hw) - See Statewide
HARTLEY COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
HASKELL COUNTY
(H,Hw) - See Statewide
HAYS COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
HEMPHILL COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
HENDERSON COUNTY
(H,Hw) - See Statewide
HIDALGO COUNTY
(R,B) - See Cameron County
(H,Hw) - See Statewide
HILL COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
HOCKLEY COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
HOOD COUNTY
(B) - See Collin County
Decision #TX76-4043 (R)
41 FR 7011 - 2/23/76
(H,Hw) - See Statewide

TEXAS (Cont'd)

HOPKINS COUNTY
(H,Hw) - See Statewide
HOUSTON COUNTY
(H,Hw) - See Statewide
HOWARD COUNTY
Decision #TX76-4087 (B,R)
41 FR 19039 - 5/7/76
(H,Hw) - See Statewide
HUDSPETH COUNTY
(H,Hw) - See Statewide
HUNT COUNTY
(R)(B) - See Collin County
(H,Hw) - See Statewide
HUTCHINSON COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
IRION COUNTY
(H,Hw) - See Statewide
JACK COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(D) - See Aransas County
(H,Hw) - See Statewide
JASPER COUNTY
(H,Hw) - See Statewide
JEFF DAVIS COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
Decision #TX76-4106 (B,R)
41 FR 27649 - 7/2/76
(D) - See Aransas County
(Hw) - See Statewide
JIM HOGG COUNTY
(H,Hw) - See Statewide
(B,R) - See Dimmit County
JIM WELLS COUNTY
(H,Hw) - See Statewide
JOHNSON COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
(R) - See Hood County
JONES COUNTY
(H,Hw) - See Statewide
KARNES COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

KAUFMAN COUNTY
(B,R) - See Collin County
(H,Hw) - See Statewide
KENDALL COUNTY
(H,Hw) - See Statewide
KENEDY COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
KENT COUNTY
(H,Hw) - See Statewide
KERR COUNTY
(H,Hw) - See Statewide
KIMBLE COUNTY
(H,Hw) - See Statewide
KING COUNTY
(H,Hw) - See Statewide
KINNEY COUNTY
(H,Hw) - See Statewide
KLEBERG COUNTY
Decision #TX76-4089 (B)
41 FR 21155 - 5/21/76
Mod. #1 - 41 FR 22721 - 6/4/76
Mod. #2 - 41 FR 24842 - 6/18/76
(D) - See Aransas County
(H,Hw) - See Statewide
(R) - See Bee County
KNOX COUNTY
(H,Hw) - See Statewide
LAMAR COUNTY
(H,Hw) - See Statewide
LAMB COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
LAMPASAS COUNTY
(H,Hw) - See Statewide
LA SALLE COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide
LAVACA COUNTY
(H,Hw) - See Statewide
LEE COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County

TEXAS (Cont'd)

LEON COUNTY
(H,Hw) - See Statewide
LIBERTY COUNTY
(H,Hw) - See Statewide
LIMESTONE COUNTY
(H,Hw) - See Statewide
LIPSCOMB COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
LIVE OAK COUNTY
(H,Hw) - See Statewide
LLANO COUNTY
(H,Hw) - See Statewide
LOVING COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
LUBBOCK COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
Decision #TX76-4110 (B)
41 FR 27652 - 7/2/76
LYNN COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
McCULLOCH COUNTY
(H,Hw) - See Statewide
McLENNAN COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
McMULLEN COUNTY
(H,Hw) - See Statewide
MADISON COUNTY
(H,Hw) - See Statewide
MARION COUNTY
(H,Hw) - See Statewide
MARTIN COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

MASON COUNTY
(H,Hw) - See Statewide
MATAGORDA COUNTY
(R) - See Brazoria County
(H,Hw) - See Statewide
(D) - See Aransas County
MAVERICK COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide
MEDINA COUNTY
(H,Hw) - See Statewide
MENARD COUNTY
(H,Hw) - See Statewide
MIDLAND COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
MILAM COUNTY
(H,Hw) - See Statewide
MILLS COUNTY
(H,Hw) - See Statewide
MITCHELL COUNTY
(H,Hw) - See Statewide
MONTAGUE COUNTY
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(R) - See Brazoria County
(H,Hw) - See Statewide
MOORE COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
MORRIS COUNTY
(H,Hw) - See Statewide
MOTLEY COUNTY
(H,Hw) - See Statewide
NACOGDOCHES COUNTY
(H,Hw) - See Statewide
NAVARRO COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

NEWTON COUNTY
(H,Hw) - See Statewide
NOLAN COUNTY
(H,Hw) - See Statewide
NUECES COUNTY
(B) - See Kleberg County
(D) - See Aransas County
(H,Hw) - See Statewide
(R) - See Bee County
OCHILTREE COUNTY
(R) (B) - See Armstrong County
(H,Hw) - See Statewide
OLDHAM COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
ORANGE COUNTY
(R)(B) - See Jefferson County
(Hw) - See Statewide
(D) - See Aransas County
PALO PINTO COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
(R) - See Hood County
PANOLA COUNTY
(H,Hw) - See Statewide
PARKER COUNTY
(H,Hw) - See Statewide
(R) - See Hood County
PARMER COUNTY
(H,Hw) - See Statewide
PECOS COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
POLK COUNTY
(H,Hw) - See Statewide
POTTER COUNTY
(H,Hw) - See Statewide
(B) (R) - See Armstrong County
PRESIDIO COUNTY
(H,Hw) - See Statewide
RAINS COUNTY
(H,Hw) - See Statewide
RANDALL COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
REAGAN COUNTY
(H,Hw) - See Statewide
REAL COUNTY
(H,Hw) - See Statewide
RED RIVER COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

REEVES COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
REFUGIO COUNTY
(D) - See Aransas County
(H,Hw) - See Statewide
ROBERTS COUNTY
(H,Hw) - See Statewide
(B) (R) - See Armstrong County
ROBERTSON COUNTY
(H,Hw) - See Statewide
ROCKWALL COUNTY
(R)(B) - See Collin County
(H,Hw) - See Statewide
RUNNELS COUNTY
(H,Hw) - See Statewide
RUSK COUNTY
(H,Hw) - See Statewide
SABINE COUNTY
(H,Hw) - See Statewide
SAN AUGUSTINE COUNTY
(H,Hw) - See Statewide
SAN JACINTO COUNTY
(H,Hw) - See Statewide
SAN PATRICIO COUNTY
(R) - See Bee County
(D) - See Aransas County
(H,Hw) - See Statewide
SAN SABA COUNTY
(H,Hw) - See Statewide
SCHLEICHER COUNTY
(H,Hw) - See Statewide
SCURRY COUNTY
(H,Hw) - See Statewide
SHACKELFORD COUNTY
(H,Hw) - See Statewide
SHELBY COUNTY
(H,Hw) - See Statewide
SHERMAN COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
SMITH COUNTY
(H,Hw) - See Statewide
SOMERVELL COUNTY
(H,Hw) - See Statewide
STARR COUNTY
(H,Hw) - See Statewide
(B)(R) - See Cameron County
STEPHENS COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

STERLING COUNTY
(H,Hw) - See Statewide
STONEWALL COUNTY
(H,Hw) - See Statewide
SUTTON COUNTY
(H,Hw) - See Statewide
SWISHER COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
TARRANT COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
Decision #AQ-117 (R)
39 FR 22400 - 6/21/74
TAYLOR COUNTY
Decision #TX76-4048 (B)
41 FR 7920 - 2/20/76
Mod. #1 - 41 FR 12854 - 3/26/76
Mod. #2 - 41 FR 21037 - 5/21/76
(H,Hw) - See Statewide
TERRELL COUNTY
(H,Hw) - See Statewide
TERRY COUNTY
(H,Hw) - See Statewide
(R) - See Bailey County
THROCKMORTON COUNTY
(H,Hw) - See Statewide
TITUS COUNTY
(H,Hw) - See Statewide
TOM GREEN COUNTY
Decision #TX76-4049 (B)
41 FR 7921 - 2/20/76
Mod. #1 - 41 FR 12854 - 3/26/76
(H,Hw) - See Statewide
TRAVIS COUNTY
Decision #TX76-4090 (B)
41 FR 21157 - 5/21/76
Mod. #1 - 41 FR 22721 - 6/4/76
(R) - See Bastrop County
(H,Hw) - See Statewide
TRINITY COUNTY
(H,Hw) - See Statewide
TYLER COUNTY
(H,Hw) - See Statewide
UPSHUR COUNTY
(H,Hw) - See Statewide
UPTON COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
UVALDE COUNTY
(H,Hw) - See Statewide
VAL VERDE COUNTY
(H,Hw) - See Statewide
VAN ZANDT COUNTY
(H,Hw) - See Statewide
VICTORIA COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County

TEXAS (Cont'd.)

WALKER COUNTY
(H,Hw) - See Statewide
(R) - See Brazoria County
WALLER COUNTY
(H,Hw) - See Statewide
WARD COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
WASHINGTON COUNTY
(H,Hw) - See Statewide
WEBB COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide
WHARTON COUNTY
(H,Hw) - See Statewide
WHEELER COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
WICHITA COUNTY
Decision #TX76-4082 (R)
41 FR 19041 - 5/7/76
Decision #TX76-4051 (B)
41 FR 7924 - 2/20/76
Mod. #1 - 41 FR 12854 - 3/26/76
Mod. #2 - 41 FR 21038 - 5/21/76
Mod. #3 - 41 FR 22721 - 6/4/76
Mod. #4 - 41 FR 24841 - 6/18/76
(H,Hw) - See Statewide
WILBARGER COUNTY
(H,Hw) - See Statewide
WILLACY COUNTY
(R)(B) - See Cameron County
(H,Hw) - See Statewide
(D) - See Aransas County
WILLIAMSON COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
WILSON COUNTY
(H,Hw) - See Statewide
WINKLER COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
WISE COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
(R) - See Hood County
WOOD COUNTY
(H,Hw) - See Statewide
YOAKUM COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
YOUNG COUNTY
(H,Hw) - See Statewide
ZAPATA COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide
ZAVALA COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide

UTAH

STATEWIDE
Decision #UT76-5052 (B,H,Hw)
41 FR 26537 - 6/25/76
BEAVER COUNTY
(B,H,Hw) - See Statewide
BOX ELDER COUNTY
(B,H,Hw) - See Statewide
CACHE COUNTY
(B,H,Hw) - See Statewide
CARBON COUNTY
(B,H,Hw) - See Statewide
DAGGETT COUNTY
(B,H,Hw) - See Statewide
DAVIS COUNTY
(B,H,Hw) - See Statewide
DUCHESNE COUNTY
(B,H,Hw) - See Statewide
EMERY COUNTY
(B,H,Hw) - See Statewide
GARFIELD COUNTY
(B,H,Hw) - See Statewide
GRAND COUNTY
(B,H,Hw) - See Statewide
IRON COUNTY
(B,H,Hw) - See Statewide
JUAB COUNTY
(B,H,Hw) - See Statewide
KANE COUNTY
(B,H,Hw) - See Statewide
MILLARD COUNTY
(B,H,Hw) - See Statewide
MORGAN COUNTY
(B,H,Hw) - See Statewide
PIUTE COUNTY
(B,H,Hw) - See Statewide
RICH COUNTY
(B,H,Hw) - See Statewide
SALT LAKE COUNTY
(B,H,Hw) - See Statewide
SAN JUAN COUNTY
(B,H,Hw) - See Statewide
SANPETE COUNTY
(B,H,Hw) - See Statewide
SEVIER COUNTY
(B,H,Hw) - See Statewide
SUMMIT COUNTY
(B,H,Hw) - See Statewide
TOOELE COUNTY
(B,H,Hw) - See Statewide
UINTAH COUNTY
(B,H,Hw) - See Statewide
UTAH COUNTY
(B,H,Hw) - See Statewide
WASATCH COUNTY
(B,H,Hw) - See Statewide
WASHINGTON COUNTY
(B,H,Hw) - See Statewide

UTAH (Cont'd)

WAYNE COUNTY
(B,H,Hw) - See Statewide
WEBER COUNTY
(B,H,Hw) - See Statewide

VERMONT

Statewide (Except Rutland County)
Decision #VT76-2040 (Hw)
41 FR 12873 - 3/26/76
Mod. #1 - 41 FR 16318 - 4/16/76
ADDISON COUNTY
(Hw) - See Statewide
BENNINGTON COUNTY
(Hw) - See Statewide
CALEDONIA COUNTY
(Hw) - See Statewide
CHITTENDEN COUNTY
(Hw) - See Statewide
ESSEX COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
(Hw) - See Statewide
GRAND ISLE COUNTY
(Hw) - See Statewide
LAMOILLE COUNTY
(Hw) - See Statewide
ORANGE COUNTY
(Hw) - See Statewide
ORLEANS COUNTY
(Hw) - See Statewide
RUTLAND COUNTY
None
WASHINGTON COUNTY
(Hw) - See Statewide
WINDHAM COUNTY
(Hw) - See Statewide
WINDSOR COUNTY
(Hw) - See Statewide

VIRGIN ISLANDS

ISLAND WIDE
Decision #VI76-3166 (B)
41 FR 19003 - 5/7/76
Decision #VI76-3167 (H,Hw)
41 FR 19003 - 5/7/76

VIRGINIA

ACCOMACK COUNTY
Decision #AP-805 (Hw)
38 FR 11279 - 5/4/73
Mod. #1 - 38 FR 13127 - 5/18/73
Mod. #2 - 40 FR 15284 - 4/4/75
Mod. #3 - 40 FR 23631 - 5/30/75
Decision #GA76-5025 (D)
41 FR 12857 - 3/26/76
ALBERMARLE COUNTY
Decision #VA75-3094 ((B)
40 FR 43415 - 9/19/75
Mod. #1 - 40 FR 48847 - 10/17/75
Mod. #2 - 41 FR 11735 - 3/19/76
Decision #AM-187 (Hw)
36 FR 16342 - 8/20/71
Mod. #1 - 40 FR 15284 - 4/4/75
ALEXANDRIA CITY
Decision #MD76-3173 (B)
41 FR 21104 - 5/21/76
Mod. #1 - 41 FR 22722 - 6/4/76
Mod. #2 - 41 FR 27546 - 7/2/76
ALLEGHANY COUNTY
Decision #AM-1075 (Hw)
36 FR 16343 - 8/20/71
Mod. #1 - 37 FR 5169 - 3/10/72
Mod. #2 - 40 FR 15284 - 4/4/75
AMELIA COUNTY
Decision #AR-2032 (Hw)
39 FR 31871 - 8/30/74
AMHERST COUNTY
Decision #AQ-2032 (Hw)
38 FR 33259 - 11/30/73
APPOMATTOX COUNTY
(Hw) - See Amherst County
ARLINGTON COUNTY
(B) - See Alexandria City
(D) - See Accomack County
AUGUSTA COUNTY
(Hw) - See Alleghany County
BATH COUNTY
(Hw) - See Alleghany County
BEDFORD CITY
(Hw) - See Bedford County
BEDFORD COUNTY
Decision #AQ-2021 (Hw)
38 FR 27744 - 10/5/73
BLAND COUNTY
Decision #AQ-2020 (Hw)
38 FR 27744 - 10/5/73
Mod. #1 - 40 FR 15285 - 4/4/75

VIRGINIA (Cont'd)

BOTETOURT COUNTY
(Hw) - See Bedford County
BRISTOL CITY
(Hw) - See Bland County
BRUNSWICK COUNTY
(Hw) - See Amelia County
BUCHANAN COUNTY
(Hw) - See Bland County
BUCKINGHAM COUNTY
(Hw) - See Amherst County
BUENA VISTA CITY
(Hw) - See Alleghany County
CAMPBELL COUNTY
Decision #VA75-3095 (B)
40 FR 43416 - 9/19/75
Mod. #1 - 41 FR 11735 - 3/19/76
(Hw) - See Amherst County
CAROLINE COUNTY
Decision #AQ-2031 (Hw)
38 FR 33258 - 11/30/73
CARROLL COUNTY
(Hw) - See Bedford County
CHARLES CITY COUNTY
(Hw) - See Amelia County
CHARLOTTE COUNTY
(Hw) - See Amherst County
CHARLOTTSVILLE CITY
(Hw) - See Albermarle County
CHESAPEAKE CITY
Decision #VA75-3118 (B)
40 FR 58057 - 12/12/75
Mod. #1 - 41 FR 5527 - 2/6/76
Mod. #2 - 41 FR 11735 - 3/19/76
Mod. #3 - 41 FR 14275 - 4/2/76
Mod. #4 - 41 FR 21040 - 5/21/76
Decision #AP-494 (Hw)
38 FR 7693 - 3/23/73
Mod. #1 - 40 FR 44446 - 9/26/75
(D) - See Accomack County
CHESTERFIELD COUNTY
(Hw) - See Amelia County
CLARKE COUNTY
(Hw) - See Alleghany County
CLIFTON FORGE CITY
(Hw) - See Alleghany County
COLONIAL HEIGHTS CITY
(Hw) - See Amelia County
COVINGTON CITY
(Hw) - See Alleghany County
CRAIG COUNTY
(Hw) - See Bedford County

VIRGINIA (Cont'd)

CULPEPER COUNTY
(Hw) - See Albermarle County
CUMBERLAND COUNTY
(Hw) - See Amherst County
DANVILLE CITY
(Hw) - See Amherst County
DICKENSON COUNTY
(Hw) - See Bland County
DINWIDDIE COUNTY
(Hw) - See Amelia County
EMPORIA CITY
(Hw) - See Accomack County
ESSEX COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
FAIRFAX COUNTY
(B) - See Alexandria City
(D) - See Accomack County
FAIRFAX CITY
(B) - See Alexandria City
FALLS CHURCH CITY
(B) - See Alexandria City
FAUQUIER COUNTY
(Hw) - See Albermarle County
FLOYD COUNTY
(Hw) - See Bedford County
FLUVANNA COUNTY
(Hw) - See Albermarle County
FORT MONROE CITY
(Hw) - See Chesapeake City
(B,H,W&S) - See York County
FRANKLIN CITY
(Hw) - See Accomack County
FRANKLIN COUNTY
(Hw) - See Bedford County
FREDERICK COUNTY
(R) - See Clarke County
(Hw) - See Alleghany County

VIRGINIA (Cont'd)

FREDERICKSBURG CITY
(Hw) - See Caroline County
GALAX CITY
(Hw) - See Bedford County
GILES COUNTY
(Hw) - See Bedford County
GLOUCESTER COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
GOOCHLAND COUNTY
(Hw) - See Amelia County
GRAYSON COUNTY
(Hw) - See Bland County
GREENE COUNTY
(Hw) - See Albermarle County
GREENSVILLE COUNTY
(Hw) - See Accomack County
HALIFAX COUNTY
(Hw) - See Amherst County
HAMPTON CITY
Decision #AQ-2103 (R)
39 FR 14119 - 4/19/74
Mod. #1 - 15612 - 5/3/74
(B,H,W&S) - See York County
(Hw) - See Chesapeake City
(D) - See Accomack County
HANOVER COUNTY
(Hw) - See Amelia County
HARRISONBURG CITY
(Hw) - See Alleghany County
HENRICO COUNTY
Decision #VA75-3116 (B)
40 FR 58053 - 12/12/75
Mod. #1 - 41 FR 5526 - 2/6/76
Mod. #2 - 41 FR 11735 - 3/19/76
Mod. #3 - 41 FR 14274 - 4/2/76
Mod. #4 - 41 FR 21039 - 5/21/76
(Hw) - See Amelia County

VIRGINIA (Cont'd.)

HENRY COUNTY
(Hw) - See Bedford County
HIGHLAND COUNTY
(Hw) - See Alleghany County
HOPEWELL CITY
(Hw) - See Amelia County
ISLE OF WIGHT COUNTY
(D,Hw) - See Accomack County
JAMES CITY COUNTY
(D,Hw) - See Accomack County
KING AND QUEEN COUNTY
(Hw) - See Caroline County
KING GEORGE COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
KING WILLIAM COUNTY
(Hw) - See Caroline County
LANCASTER COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
LEE COUNTY
(Hw) - See Bland County
LOUDOUN COUNTY
(Hw) - See Albermarle County
LOUISA COUNTY
(Hw) - See Albemarle County
LUNENBURG COUNTY
(Hw) - See Amelia County
LYNCHBURG CITY
(Hw) - See Amherst County
MADISON COUNTY
(Hw) - See Alemarle County
MARTINSVILLE CITY
(Hw) - See Bedford County

VIRGINIA (Cont'd)

MATHEWS COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
MECKLENBURG COUNTY
(Hw) - See Amelia County
MIDDLESEX COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
MONTGOMERY COUNTY
(Hw) - See Bedford County
NANSEMOND COUNTY
(D,Hw) - See Accomack County
NELSON COUNTY
(Hw) - See Amherst County
NEW KENT COUNTY
(Hw) - See Amelia County
NEWPORT NEWS CITY
(B,H,W&S) - See York County
(Hw) - See Chesapeake City
(D) - See Accomack County
(R) - See Hampton City
NORFOLK CITY
(Hw,B) - See Chesapeake City
(D) - See Accomack County
NORTHAMPTON COUNTY
(D,Hw) - See Accomack County
NORTON CITY
(Hw) - See Bland County
NORTHUMBERLAND COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
NOTTOWAY COUNTY
(Hw) - See Amelia County
ORANGE COUNTY
(Hw) - See Albemarle County

VIRGINIA (Cont'd)

PAGE COUNTY
(Hw) - See Alleghany County
PATRICK COUNTY
(Hw) - See Bedford County
PETERSBURG CITY
(Hw) - See Amelia County
PITTSYLVANIA COUNTY
(Hw) - See Amherst County
PORTSMOUTH CITY
(Hw,B) - See Chesapeake City
(D) - See Accomack County
POWHATAN COUNTY
(Hw) - See Amelia County
PRINCE EDWARD COUNTY
(Hw) - See Amherst County
PRINCE GEORGE COUNTY
(Hw) - See Amelia County
PRINCE WILLIAM COUNTY
(Hw) - See Albermarle County
(D) - See Accomack County
PULASKI COUNTY
(Hw) - See Bedford County
RADFORD CITY
Decision #VA75-3119 (B)
40 FR 58059 - 12/12/75
(Hw) - See Bedford County
RAPPAHANNOCK COUNTY
(Hw) - See Albermarle County
RICHMOND CITY
(B) - See Henrico County
(Hw) - See Amelia County
RICHMOND COUNTY
(Hw) - See Caroline County
ROANOKE CITY
(Hw) - See Bedford County
ROANOKE COUNTY
(Hw) - See Bedford County
ROCKBRIDGE COUNTY
(Hw) - See Alleghany County
ROCKINGHAM COUNTY
(Hw) - See Alleghany County
RUSSELL COUNTY
(Hw) - See Bland County
SALEM CITY
(Hw) - See Bedford County
SCOTT COUNTY
(Hw) - See Bland County
SHENANDOAH COUNTY
(Hw) - See Alleghany County
(R) - See Clarke County
SMYTH COUNTY
(Hw) - See Bland County
SOUTHAMPTON COUNTY
(Hw) - See Accomack County

VIRGINIA (Cont'd.)

SOUTH BOSTON CITY
(Hw) - See Amherst County
SPOTSYLVANIA COUNTY
(Hw) - See Caroline County
STAUNTON CITY
(Hw) - See Alleghany County
STAFFORD COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
SUFFOLK CITY
(Hw) - See Accomack County
SURRY COUNTY
(Hw) - See Accomack County
(D) - See Accomack County
SUSSEX COUNTY
(Hw) - See Accomack County
TAZEWELL COUNTY
(Hw) - See Bland County
VIRGINIA BEACH CITY
(Hw,B) - See Chesapeake City
(D) - See Accomack County
WARREN COUNTY
(Hw) - See Alleghany County
WASHINGTON COUNTY
(Hw) - See Bland County
WAYNESBORO CITY
(Hw) - See Allegheny County
WESTMORELAND COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
WILLIAMSBURG CITY
(Hw) - See Accomack County
WINCHESTER CITY
(Hw) - See Alleghany County
WISE COUNTY
(Hw) - See Bland County
WYTHE COUNTY
(Hw) - See Bland County
YORK COUNTY
Decision #VA75-3117 (B,H,W&S)
40 FR 58054 - 12/12/75
Mod. #1 - 41 FR 5526 - 2/6/76
Mod. #2 - 41 FR 8630 - 2/27/76
Mod. #3 - 41 FR 11735 - 3/19/76
Mod. #4 - 41 FR 14274 - 4/2/76
Mod. #5 - 41 FR 21039 - 5/21/76
(D,Hw) - See Accomack County

WASHINGTON

STATEWIDE
Decision #WA76-5056 (B,H,Hw,D)
41 FR 26545 - 6/25/76
ADAMS COUNTY
(B,H,Hw,D) - See Statewide
ASOTIN COUNTY
(B,H,Hw,D) - See Statewide
BENTON COUNTY
(B,H,Hw,D) - See Statewide
CHELAN COUNTY
(B,H,Hw,D) - See Statewide
CLALLAM COUNTY
Decision #WA76-5040 (R)
41 FR 18275 - 4/30/76
(B,H,Hw,D) - See Statewide
CLARK COUNTY
(B,H,Hw,D) - See Statewide
COLUMBIA COUNTY
(B,H,Hw,D) - See Statewide
COWLITZ COUNTY
(B,H,Hw,D) - See Statewide
DOUGLAS COUNTY
(B,H,Hw,D) - See Statewide
FERRY COUNTY
(B,H,Hw, D) - See Statewide
FRANKLIN COUNTY
(B,H,Hw,D) - See Statewide
GARFIELD COUNTY
(B,H,Hw,D) - See Statewide
GRANT COUNTY
(B,H,Hw,D) - See Statewide
GRAYS HARBOR COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
ISLAND COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
JEFFERSON COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
KING COUNTY
(R) - See Clallam County
(B,H,Hw,D) - See Statewide
KITSAP COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
KITTITAS COUNTY
(B,H,Hw,D) - See Statewide
KLICKITAT COUNTY
(B,H,Hw,D) - See Statewide

WASHINGTON (Cont'd)

LEWIS COUNTY
(B,H,Hw,D) - See Statewide
LINCOLN COUNTY
(B,H,Hw,D) - See Statewide
MASON COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
OKANOGAN COUNTY
(B,H,Hw,D) - See Statewide
PACIFIC COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
PEND OREILLE COUNTY
(B,H,Hw,D) - See Statewide
PIERCE COUNTY
(R) - See Clallam County
(B,H,Hw,D) - See Statewide
SAN JUAN COUNTY
(B,H,Hw,D) - See Statewide
SKAGIT COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
SKAMANIA COUNTY
(B,H,Hw,D) - See Statewide
SNOHOMISH COUNTY
(R) - See Clallam County
(B,H,Hw,D) - See Statewide
SPOKANE COUNTY
(B,H,Hw,D) - See Statewide
STEVENS COUNTY
(B,H,Hw,D) - See Statewide
THURSTON COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
WAHKIAKUM COUNTY
(B,H,Hw,D) - See Statewide
WALLA WALLA COUNTY
(B,H,Hw,D) - See Statewide
WHATCOM COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
WHITMAN COUNTY
(B,H,Hw,D) - See Statewide
YAKIMA COUNTY
Decision #AQ-1109 (R)
39 FR 18416 - 5/24/74
(B,H,Hw,D) - See Statewide

WASHINGTON, D. C.

WASHINGTON, D. C.
Decision #DC76-3174 (B,Hw, W&S)
41 FR 21159 - 5/21/76
Mod. #1 - 41 FR 22722 - 6/4/76
Mod. #2 - 41 FR 24842 - 6/18/76
Mod. #3 - 41 FR 27546 - 7/2/76
Decision #GA76-5025 (D)
41 FR 12857 - 3/26/76
Decision #DC76-3171 (R)
41 FR 21027 - 5/21/76

WEST VIRGINIA

STATEWIDE
Decision #WV75-3105 (H,Hw)
40 FR 48884 - 10/17/75
Mod. #1 - 40 FR 53178 - 11/14/75
Mod. #2 - 41 FR 8631 - 2/27/76
Mod. #3 - 41 FR 11736 - 3/19/76
Mod. #4 - 41 FR 21041 - 5/21/76.
BARBOUR COUNTY
Decision #WV75-3106 (B)
40 FR 58060 - 12/12/75
Mod. #1 - 41 FR 8632 - 2/27/76
Mod. #2 - 41 FR 11737 - 3/19/76
Mod. #3 - 41 FR 21041 - 5/21/76
Mod. #4 - 41 FR 24842 - 6/18/76
(H,Hw) - See Statewide
BERKELEY COUNTY
(H,Hw) - See Statewide
BOONE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
BRAXTON COUNTY
Decision #WV75-3107 (B)
40 FR 57061 - 12.5/75
Mod. #1 - 41 FR 8634 - 2/27/76
Mod. #2 - 41 FR 11737 - 3/19/76
Mod. #3 - 41 FR 21042 - 5/21/76
(H,Hw) - See Statewide
BROOKE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
CABELL COUNTY
(B) - See Barbour County
Decision #IL76-5026 (D)
41 FR 12858 - 3/26/76
(H,Hw) - See Statewide
CALHOUN COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
CLAY COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
DODDRIDGE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
FAYETTE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
GILMER COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
GRANT COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
GREENBRIER COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
HAMPSHIRE COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide

WEST VIRGINIA (Cont'd)

HANCOCK COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
HAROY COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
HARRISON COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
JACKSON COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
(B) - See Barbour County
JEFFERSON COUNTY
(H,Hw) - See Statewide
KANAWHA COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
Decision #AR-2058 (D)
39 FR 35948 - 10/4/74
Mod. #1 - 39 FR 44913 - 12/27/74
(H,Hw) - See Statewide
LEWIS COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
LINCOLN COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
LOGAN COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
MC DOWELL COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
MARION COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
MARSHALL COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
MASON COUNTY
(B) - See Barbour County
(D) - See Cabell County
(H,Hw) - See Statewide
MERCER COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
MINERAL COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
MINGO COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
MONOGALIA COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide

WEST VIRGINIA (Cont'd.)

MONROE COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
MORGAN COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
NICHOLAS COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
OHIO COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
PENDLETON COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
PLEASANT COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
(B) - See Barbour County
POCAHONTAS COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
PRESTON COUNTY
(H,Hw) - See Statewide
PUTNAM COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
RALEIGH COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
RANDOLPH COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
RITCHIE COUNTY
(H,Hw) - See Statewide
(B) - See Barbour County
ROANE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
SUMMERS COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
TAYLOR COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
TUCKER COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
TYLER COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide

WEST VIRGINIA (Cont'd.

UPSHUR COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
WAYNE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
WEBSTER COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
WETZELL COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
WIRT COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
WOOD COUNTY
(B) - See Barbour County
(D) - See Cabell County
(H,Hw) - See Statewide
WYOMING COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide

WISCONSIN

STATEWIDE
Decision #WI75-2115 (Hw)
40 FR 48089 - 10/10/75
Decision #WI76-2045 (H, Sewer, Tunnel, & Water)
41 FR 16426 - 4/16/76
ADAMS COUNTY
(H,Hw, W&S) - See Statewide
ASHLAND COUNTY
Decision #IL76-5038 (D)
41 FR 16373 - 4/16/76
Mod. #1 - 41 FR 19007 - 5/7/76
(H,Hw, W&S) - See Statewide
Decision #AR-3151 (B,R)
39 FR 36706 - 10/11/74
Mod. #1 - 40 FR 21657 - 5/16/75
BARRON COUNTY
(B) - See Polk County
(H,Hw, W&S) - See Statewide
BAYFIELD COUNTY
(B,R,D) - See Ashland County
(H,Hw, W&S) - See Statewide
BROWN COUNTY
Decision #AR-3153 (B)
39 FR 36825 - 10/11/74
Mod. #1 - 40 FR 21658 - 5/16/75
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
BUFFALO COUNTY
(H,Hw, W&S) - See Statewide
BURNETT COUNTY
(H,Hw, W&S) - See Statewide
CALUMET COUNTY
(H,Hw, W&S) - See Statewide
CHIPPEWA COUNTY
(H,Hw, W&S) - See Statewide
(B,R) - See Eau Clair County
CLARK COUNTY
(H,Hw) - See Statewide
COLUMBIA COUNTY
(H,Hw, W&S) - See Statewide
CRAWFORD COUNTY
(H,Hw, W&S) - See Statewide
DANE COUNTY
(H,Hw, W&S) - See Statewide
Decision #AR-3155 (B,R)
39 FR 36829 - 10/11/74
Mod. #1 - 40 FR 18284 - 4/25/75
Mod. #2 - 41 FR 8631 - 2/27/76
DODGE COUNTY
(H,Hw, W&S) - See Statewide

WISCONSIN (Cont'd,)

DOOR COUNTY
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
DOUGLAS COUNTY
(B,R) - See Ashland County
DUNN COUNTY
(B) - See Polk County
(H,Hw, W&S) - See Statewide
EAU CLAIR COUNTY
Decision #AR-3154 (B,R)
39 FR 36827 - 10/11/74
Mod. #1 - 40 FR 18284 - 4/25/75
(H,Hw, W&S) - See Statewide
FLORENCE COUNTY
(H,Hw, W&S) - See Statewide
FOND DU LAC COUNTY
(H,Hw, W&S) - See Statewide
FOREST COUNTY
(H,Hw, W&S) - See Statewide
GRANT COUNTY
(H,Hw, W&S) - See Statewide
GREEN COUNTY
(B) - See Rock County
(H,Hw, W&S) - See Statewide
GREEN LAKE COUNTY
(B) - See Winnebago County
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This is a continuing numerical listing of public bills which have become law, together with the law number, the title, the date of approval, and the U.S. Statutes citation. The list is kept current in the FEDERAL REGISTER and copies of the laws may be obtained from the U.S. Government Printing Office.

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The six-month trial period ended August 6. The program is being continued on a voluntary basis (see CFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
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DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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rules and regulations

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 6, Amdt. 8]

PART 120—BUSINESS LOAN POLICY

A proposal was issued on May 27, 1976, (41 FR 21653) to amend the Business Loan Policy Regulations to simplify the matter of documentation required prior to the sale of the guaranteed portion of a loan.

This amendment provides that only those loan documents required to be furnished to or requested by, SBA must be submitted to the Agency by the lender prior to the execution of a secondary participation agreement. The superseded regulation required that "all documents" be submitted to SBA.

Interested persons were given 30 days in which to submit written comments thereon, and no adverse comment was received.

Accordingly, pursuant to the authority of Section 5 of the Small Business Act, 72 Stat. 385, 15 U.S.C. 634, and Section 7 of such Act, as amended, 72 Stat. 387, 15 U.S.C. 636, Part 120 of Chapter I, Title 13 of the Code of Federal Regulations is hereby amended by revising subdivision (i) of subparagraph 120.5(a)(3) to read as follows:

§ 120.5 Operations of eligible participants.

(a) • • •

(3) • • •

(i) The duly executed note and settlement sheet(s) underlying the transaction, and such other documents as SBA may expressly require have been submitted by the lender to SBA.

Effective date: This amendment shall become effective on August 9, 1976.

(Catalog of Federal Domestic Assistance Programs No. 59.012, Small Business Loans)

Dated: July 30, 1976.

MITCHELL P. KOBELINSKI,
Administrator.

[FR Doc.76-23028 Filed 8-6-76;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 76-CE-7-AD; Amdt. 39-2686]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna 210 Series Airplanes

Amendment 39-2517 (41 FR 7936), as revised by Amendment 39-2556 (41 FR 11811), AD 76-04-01, is an Airworthiness Directive (AD), applicable to certain Cessna 210 series airplanes having Electrol manufactured Cessna P/N 1280102 -1 and -2 or 1280501 -1 and -2 main landing gear rotary actuator assemblies. AD 76-04-01 requires the installation of Cessna Service Kit 1209005-1 R/L (improved spindle shafts in the aircraft's main landing gear actuators) in accordance with Cessna Service Letter SE75-21. The compliance time for AD 76-04-01 is within 100 hours' time in service after February 26, 1976.

Subsequent to the issuance of AD 76-04-01 as amended, the manufacturer has advised that parts required to comply with the AD will not be available until approximately October 31, 1976. As a result, unless some relief is offered owners/operators of Cessna 210 series aircraft who have not yet complied with AD 76-04-01, these aircraft will be grounded because of the unavailability of parts. Aircraft having unmodified landing gear actuators can be operated with no possibility of the landing gear actuator spindle shaft failing if the aircraft are operated in accordance with a restriction requiring the landing gear to remain down and locked during all phases of flight. However, under this type of operation the published performance and fuel range data and allowable air speeds for the aircraft are not applicable. Flight without reference to approved data could result in additional hazards. Because of the unavailability of parts the FAA is thus faced with the alternative of grounding unmodified airplanes or of extending AD compliance either with or without the aforementioned operating restriction. In order to afford relief without unduly compromising safety the agency believes it is in the public interest to amend AD 76-04-01 to extend its compliance time to October 31, 1976, and permit affected aircraft to be operated in the normal manner until the actuators have been modified. This amendment will also revise the compliance statement to emphasize that Cessna 210D aircraft modified in accordance with AD 71-24-7 already comply with AD 76-04-01 and exempt those aircraft already modified by previous maintenance.

Since this amendment is relieving in nature, notice and public procedure hereon are not necessary and the amendment may become effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, AD 76-04-01 (Amendments 39-2517 and 39-2556) is revised so that it now reads as follows:

CESSNA. Applies to Models 210 through 210D (Serial Numbers 57001 thru 57575 and 21057576 thru 21058510) airplanes on which are installed Electrol manufactured main gear rotary actuator assemblies, Cessna P/Ns 1280102 -1 and -2 (Electrol P/Ns EA 1471 -1 and -2) or Cessna P/Ns 1280501 -1 and -2 (Electrol P/Ns EA 1614 -1 and -2). This AD does not apply to those airplanes on which Cessna P/Ns 1280511-3/4 and 1298100-1/2 actuator assemblies are installed.

Compliance: Required as indicated, unless already accomplished in accordance with this AD, previous maintenance or AD 71-24-7.

To decrease the possibility of main gear extension failure, accomplish the following:

On or before October 31, 1976, or within 100 hours' time in service after February 26, 1976, whichever occurs later, install Cessna Kits 1209005-1 R/L in accordance with Cessna Service Letter SE75-21 dated October 3, 1975, or later approved revisions, or an equivalent method approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

NOTE 1.—The landing gear actuator assemblies having Cessna P/Ns and manufactured by Electrol can be identified by using an inspection mirror through the inspection plate located forward of the strut doors to read the actuator nameplate.

NOTE 2.—A significant savings of manhours will result if compliance with this AD and the modifications and/or inspections required by AD 76-14-07 (Amendment 39-2670—landing gear saddle fittings) are accomplished at the same time.

NOTE 3.—It is imperative that Cessna P/N 1209005-1 R/L Kits be ordered from the manufacturer immediately to assure that a sufficient supply of kits will be available to allow modification of all affected aircraft on or before October 31, 1976.

This amendment, 39-2686, becomes effective August 12, 1976, and replaces Amendments 39-2517 and 39-2556.

This amendment is made under the authority of Sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423), and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Missouri, on July 28, 1976.

C. R. MELUGIN, Jr.,
Director, Central Region.

[FR Doc.76-22858 Filed 8-6-76;8:45 am]

[Docket No. 75-CE-26-AD; Amdt. 39-2687]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna T310, 320, 340, 401, 402, 411, 414 and 421 Series Airplanes

Amendment 39-2419, AD 75-23-08, published in the FEDERAL REGISTER on No-

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vember 12, 1975 (40 FR 52717–52720), and corrected on December 1, 1975 (40 FR 55637), is an Airworthiness Directive (AD) which is applicable to Cessna T310, 320, 340, 401, 402, 411, 414 and 421 series airplanes. AD 75–23–08 requires in part repetitive inspections of the exhaust systems on the aforementioned airplanes for deterioration and/or indications of incipient failures.

Subsequent to the issuance of AD 75–23–08 the FAA has determined that a small adjustment in the inspection intervals will not significantly affect safety and would reduce the burden that compliance with the AD may impose on owners/operators. Accordingly, a new paragraph is being added to AD 75–23–08 which will authorize adjustment of the intervals between the repetitive inspections up to 10 per cent of the specified interval to facilitate accomplishing these inspections concurrent with other scheduled maintenance on the airplanes in question.

Since this amendment is relieving in nature and will impose no additional burden on any person, notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–2419, AD 75–23–08, is revised by adding a new paragraph which reads as follows:

VI. The time in service between the repetitive inspections required herein may be adjusted up to plus 10 percent of any specified inspection interval required by this AD to facilitate accomplishing these inspections concurrent with other scheduled maintenance on the airplane.

This amendment becomes effective August 12, 1976.

This amendment is made under the authority of Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423), and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655 (c)).

Issued in Kansas City, Missouri, on July 29, 1976.

C. R. MELUGIN, JR.,
Director, Central Region.

[FR Doc.76–22859 Filed 8–6–76;8:45 am]

[Docket No. 75–SO–21; Amdt. 39–2684]

PART 39—AIRWORTHINESS DIRECTIVE

Lockheed Model 1329

Amendment 39–2123, 40 FR 10951, AD 75–06–05, requires a one-time inspection of the fuselage main frames on Lockheed Model 1329 airplanes. After issuing Amendment 39–2123, the FAA determined that repetitive inspection of the main frames on an annual basis is required. Therefore, the airworthiness directive is being amended to require annual inspection of main frames of Lockheed Model 1329 airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697) § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–2123, 40 FR 10951, AD 75–06–05 is amended as follows:

Revise compliance paragraph to read: Compliance within the next 50 hours' time in service after the effective date of this amendment to AD 75–06–05, unless a second inspection has already been accomplished in accordance with Lockheed Service Bulletin 329–269 and Supplemental Service Bulletin 329–269A during the period since the effective date of AD 75–06–05, March 14, 1975, and the effective date of this amendment, August 10, 1976.

Add paragraph (c) which states: Reinspect the main frames at intervals not to exceed 12 months after accomplishing paragraph (a).

This amendment becomes effective August 10, 1976.

This amendment is made under the authority of Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Georgia, on July 27, 1976.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.76–22857 Filed 8–6–76;8:45 am]

[Airspace Docket No. 76–EA–35]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Baltimore, Md.; Designation and Alteration of Control Zones and Transition Area

On page 22843 of the FEDERAL REGISTER for June 7, 1976, the Federal Aviation Administration published a proposed rule which would alter the Baltimore, Md., Control Zone and Transition Area and designate a Baltimore, Md., Control Zone.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 GMT November 4, 1976.

(Sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Jamaica, N.Y., on July 19, 1976.

WILLIAM E. MORGAN,
Director, Eastern Region.

§ 71.171 [Amended]

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to change the caption of the Baltimore, Md. Control Zone to read:

(BALTIMORE, MD. (BALTIMORE-WASHINGTON) INTERNATIONAL AIRPORT)

2. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to designate a Baltimore, Md. (Glenn L. Martin State Airport) Control Zone as follows:

BALTIMORE, MD. (GLENN L. MARTIN STATE AIRPORT)

Within a 5-mile radius of the center, 39°19'45" N., 76°25'00" W. of Glenn L. Martin State Airport, Baltimore, Md.; within 3 miles each side of a 132° bearing from the Martin, Md. RBN, extending from the 5-mile radius zone to 8.5 miles southeast of the RBN; within 3 miles each side of a 129° bearing from the Martin, Md. RBN, extending from the 5-mile radius zone to 8.5 miles southeast of the RBN; within 5 miles each side of a 17-mile radius arc of the Baltimore, Md. VORTAC, extending clockwise from the Baltimore, Md. VORTAC 030° radial to the Baltimore, Md. VORTAC 046° radial. This control zone is effective from 0700 to 2300 hours, local time, daily.

§ 71.181 [Amended]

3. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to amend the Baltimore, Md. Transition Area as follows:

In the description of the Baltimore, Md. Transition Area, delete from "within an 8.5-mile radius of the center 39°19'45" N., 76°25'00" W." to and including "11.5 miles southeast of the RBN" and insert the following in lieu thereof:

"within an 8.5-mile radius of the center 39°19'45" N., 76°25'00" W. of Glenn L. Martin State Airport, Baltimore, Md.; within a 9-mile radius of the center of the airport, extending clockwise from a 239° bearing to a 256° bearing from the airport; within a 10-mile radius of the center of the airport, extending clockwise from a 256° bearing to a 270° bearing from the airport; within an 11.5-mile radius of the center of the airport, extending clockwise from a 270° bearing to a 320° bearing from the airport; within a 13-mile radius of the center of the airport, extending clockwise from a 320° bearing to a 348° bearing from the airport; within an 11.5-mile radius of the center of the airport, extending clockwise from a 348° bearing to a 007° bearing from the airport; within a 10.5-mile radius of the center of the airport, extending clockwise from a 007° bearing to a 027° bearing from the airport; within a 9-mile radius of the center of the airport, extending clockwise from a 027° bearing to a 054° bearing from the airport; within 3.5 miles each side of a 132° bearing from the Martin, Md. RBN, extending from the Glenn L. Martin State Airport 8.5-mile radius area to 11.5 miles southeast of the RBN; within 3.5 miles each side of a 129° bearing from the Martin, Md. RBN, extending from the Glenn L. Martin State Airport 8.5-mile radius area to 11.5 miles southeast of the RBN; within 5 miles each side of the Martin, Md. TACAN 317° radial, extending from the Glenn L. Martin State Airport 8.5-mile radius area to 17.5 miles northwest of the TACAN.

[FR Doc.76–22860 Filed 8–6–76;8:45 am]

[Airspace Docket No. 76–EA–52]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Grove City, Pa.; Alteration of Transition Area

The Federal Aviation Administration is amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Grove City, Pa., Transition Area (41 FR 21183).

Subsequent to publication of the rule, designating the transition area, it was determined that the final approach course of the VOR–A original instrument approach procedure developed for Grove City Airport, Grove City, Pa., was changed one degree.

This will require a minor change in the description of the transition area.

Since this amendment is minor in nature and creates no substantial burden on any person, notice and public procedure hereon are unnecessary and the rule may be made effective in less than 30 days.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective August 9, 1976 as follows:

1. Amend § 71.181 of Part 71, Federal Aviation Regulations by amending the description of the Grove City, Pa. Transition Area as follows:

Delete "004°" and insert "005°" in lieu thereof.

(Sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and sec. 6(c) of the DOT Act (49 U.S.C. 1655(c)).)

Issued in Jamaica, N.Y., on July 22, 1976.

R. J. VAN VUREN,
Acting Director,
Eastern Region.

[FR Doc.76–22861 Filed 8–6–76;8:45 am]

[Airspace Docket No. 76–SW–15]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Henderson, Tex.; Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate a transition area at Henderson, Tex.

On April 15, 1976, a notice of proposed rule making was published in the FEDERAL REGISTER (41 FR 15869) stating the Federal Aviation Administration (FAA) proposed to designate a transition area at Henderson, Tex.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The Air Transport Association of America (ATA) objected to the proposal on the basis that changing the airport status from VFR to IFR operations and publication of an approved instrument approach procedure to Rusk County Airport, Henderson, Tex., would significantly impact IFR operations at Gregg County Airport, Longview, Tex. The ATA also pointed out that there are published instrument approach procedures to other airports in close proximity which can impact instrument operations at Gregg County Airport.

The FAA determined that certain instrument approach procedures at Gregg County Airport and other surrounding airports could be modified to minimize or eliminate the impact of a Rusk County instrument approach procedure on Gregg County IFR operations. Action to modify these procedures is in progress; therefore, the FAA has determined that a transition area and instrument approach procedure can be approved at Rusk County Airport, Henderson, Tex., without unduly impacting IFR operations at Gregg County Airport, Longview, Tex.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, November 4, 1976, as hereinafter set forth.

In § 71.181 (41 FR 440), the following transition area is added:

HENDERSON, TEX.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Rusk County Airport, Henderson, Tex. (latitude 32°08'30" N., longitude 94°51'15" W.), and within 5 miles each side of the Gregg County, Tex., VORTAC 197° radial extending from the 8.5-mile-radius area to a point 11.5 miles south of the Gregg County, Tex., VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Fort Worth, Tex., on July 29, 1976.

ALBERT H. THURBURN,
Acting Director,
Southwest Region.

[FR Doc.76–22862 Filed 8–6–76;8:45 am]

[Airspace Docket No. 76–SO–69]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Lancaster, S.C.; Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Lancaster, S.C., transition area.

The transition area is described in § 71.181 (41 FR 440). The majority of the airspace required for protection of aircraft executing instrument approaches to Lancaster County Airport is presently contained in the description of the Monroe, N.C., transition area. Effective November 4, 1976, the size of the Monroe transition area is being reduced, and it is necessary to amend the Lancaster transition area to insure that adequate controlled airspace is retained in the vicinity of Lancaster County Airport. The alteration of the two transition areas will not increase the amount of controlled airspace in the Monroe-Lancaster area but rather will release approximately 264 square miles of presently designated airspace. Since this amendment is less restrictive in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, November 4, 1976, as hereinafter set forth.

In § 71.181 (41 FR 440), the Lancaster, S.C., transition area is amended to read:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Lancaster County Airport (Lat. 34°43'22" N., Long. 80°51'18" W.); within 3 miles each side of the 063° bearing from the Lancaster RBN (Lat. 34°43'10" N., Long 80°-51'24" W.), extending from the 6.5-mile radius areas to 8.5 miles northeast of the RBN.

This amendment is made under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on July 26, 1976.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.76–22864 Filed 8–6–76;8:45 am]

[Airspace Docket No. 76–SW–43]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Walnut Ridge, Ark.; Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the transition area at Walnut Ridge, Ark.

Amendment 10 to the Walnut Ridge VOR–A instrument approach procedure revised the final approach radial from the Walnut Ridge VORTAC 239° radial to the 235° radial. Revision of the Walnut Ridge transition area is required to afford adequate controlled airspace for aircraft flying this instrument approach procedure.

Since this revision is minor and will not adversely affect airspace utilization, public notice and public procedures are not considered necessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, November 4, 1976, as hereinafter set forth.

In § 71.181 (41 F.R. 440), the Walnut Ridge, Ark., transition area is amended to read:

WALNUT RIDGE, ARK.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Walnut Ridge Regional Airport (latitude 36°07'30" N., longitude 90°55'25" W.); within three miles each side of the Walnut Ridge VORTAC 240° radial, extending from the 6.5-mile-radius area to 8.5 miles southwest of the VORTAC; within 3.5 miles each side of the 005° bearing from the proposed RBN (latitude 36°07'36" N., longitude 90°55'36" W.), extending from the 6.5-mile-radius area to 12 miles north of the RBN; and within a 5-mile radius of the Pocahontas Municipal Airport (latitude 36°14'40" N., longitude 90°56'45" W.).

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(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Fort Worth, Tex., on July 29, 1976.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.76-22863 Filed 8-6-76;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE

[T.D. 76-220]

PART 142—SPECIAL PERMITS FOR IMMEDIATE DELIVERY PRIOR TO ENTRY

PART 158—RELIEF FROM DUTIES ON MERCHANDISE LOST, DAMAGED, ABANDONED, OR EXPORTED

Special Permits for Immediate Delivery Prior to Entry—Customs Regulations amended. Sections 142.2 and 158.11 of the Customs Regulations relating to special permits for immediate delivery, and allowance in duties for perishable merchandise, amended.

On December 15, 1975, a notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 58150), which proposed to amend sections 142.2 and 158.11 of the Customs Regulations (19 CFR 142.2, 158.11). The proposed amendments would allow the issuance of special permits for immediate delivery for fresh fruits and vegetables arriving from a contiguous foreign country even though some of the imported produce might subsequently be entered for immediate transportation without appraisement to another port of entry, or for transportation and exportation to a foreign country.

The present provisions of Part 142 of the Customs Regulations (19 CFR Part 142), relating to special permits for immediate delivery prior to entry, have been interpreted to require that merchandise released under a special permit for immediate delivery must subsequently be entered either for consumption, warehouse, or appraisement.

The amendment to section 142.2(b) of the Customs Regulations (19 CFR 142.2 (b)), as set forth below, would permit fresh fruits and vegetables arriving from a contiguous foreign country (1) to be released under a special permit for immediate delivery for examination at the importer's premises, (2) to be examined and sorted at those premises, with the portion without commercial value being segregated in accordance with the provisions of section 158.11(b) of the Customs Regulations (19 CFR 158.11(b)), and (3) to be thereafter entered either for consumption, for immediate transportation without appraisement to another port of entry, or for transportation and exportation to a foreign country.

Interested persons were given until January 14, 1976, to submit written comments, suggestions, or objections. The comments received in opposition to the proposal primarily expressed a concern that the proposed amendments might increase the risk of pest infestation. The proposed amendments are not intended to change the present agricultural inspection procedures in any way, nor are they intended to allow imported produce to be commingled with other produce or to extend the limits of any port.

Concern also was expressed that the proposed amendment to § 142.2(b) of the Customs Regulations (19 CFR 142.2(b)) does not set a time limit for filing the entries for consumption, immediate transportation, or transportation and exportation, or provide for explicit Customs supervision. Section 142.11 of the Customs Regulations (19 CFR 142.11) presently sets time limits which are considered adequate. Section 142.2 (b) provides that merchandise for which a special permit has been issued shall be considered to remain in Customs custody. As such it will be subject to supervision by Customs officers.

Another issue raised by the comments concerned the nature of the bond stipulation. The proposal requires an appropriate stipulation to be added to the bond which is provided for in § 142.4 of the Customs Regulations (19 CFR 142.4). The proposed amendment does not define the terms of the stipulation because such terms are dependent on the situation at the time of release. A suggestion to delete any reference to stipulations was not adopted because not all releases will be under term bonds.

Other comments received in response to the proposed amendments were also considered. However, it has been determined to adopt the proposed amendments without change.

Accordingly, §§ 142.2(b) and 158.11(b)(1) of the Customs Regulations (19 CFR 142.2(b), 158.11(b)(1)) are amended to read as set forth below.

Effective date: These amendments shall become effective September 8, 1976.

VERNON D. ACREE,
Commissioner of Customs.

Approved: August 3, 1976.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

1. Section 142.2(b) is amended to read as follows:

§ 142.2 Application for special permit for immediate delivery.

* * * * *

(b) *Merchandise from Canada or Mexico.* (1) *When the customhouse is closed.* In the case of merchandise arriving from Canada or Mexico when the customhouse is closed and destined to places other than the port of arrival, the application and the evidence of the right to make a entry may be submitted to the chief Customs officer on duty and a special permit may be issued for immediate release, provided the applicant has on file in the customhouse a term bond in accordance with § 142.4(b) or (c).

(2) *Fresh fruits and vegetables.* Applications for special permits for immediate delivery may be made for the transportation of fresh fruits and vegetables for human consumption arriving from Canada or Mexico to the importer's premises within the port of importation, but removed from the area immediately contiguous to the border, under an appropriate stipulation to the bond provided for in § 142.4. The fresh fruits and vegetables shall be transported in the vehicles in which the merchandise crossed the border, or, if transshipment is necessary, in vehicles provided by the importer, to the importer's premises. The produce may be examined at the importer's premises, those portions without commercial value segregated in accordance with the provisions of § 158.11(b) of this chapter, and the balance entered for consumption or transported in bond under an entry for immediate transportation without appraisement or an entry for transportation and exportation. Merchandise for which a special permit has been issued under the provisions of this paragraph shall be considered to remain in Customs custody.

(R.S. 251, as amended, secs. 448, 484, 552, 553, 623, and 624, 46 Stat. 714, as amended, 722, as amended, 742, as amended, 759 as amended (19 U.S.C. 66, 1448, 1484, 1552, 1553, 1623, 1624).)

2. Section 158.11(b)(1) is amended to read as follows:

§ 158.11 Merchandise completely worthless at time of importation.

* * * * *

(b) * * *

(1) An application for such allowance shall be filed with the district director on Customs Form 4315 in duplicate, within 96 hours after the unlading of the merchandise and before any of the shipment involved has been removed from the pier (or other area permitted under § 142.2(b)(2) of this chapter) pursuant to the entry permit.

* * * * *

(R.S. 251, as amended, secs. 506, 624, 46 Stat. 732, as amended, 759 (19 U.S.C. 66, 1506, 1624).)

[FR Doc.76-23208 Filed 8-6-76;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER A—GENERAL

[Docket No. 76N-0252]

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

Subpart B—Redelegations of Authority From the Commissioner of Food and Drugs

NEW ANIMAL DRUG APPLICATIONS

The Food and Drug Administration (FDA) is amending the regulation setting forth its delegation of authority relating to the approval of new animal drug applications; effective August 9, 1976.

The reorganization of the Bureau of Veterinary Medicine of FDA, which was effective May 26, 1976 and notice of which was published in the FEDERAL REGISTER of that date (41 FR 21507), reassigned the functions relating to medicated feeds to a new Division of Animal Feeds. The revised delegation makes it necessary to revise § 5.28 (21 CFR 5.28), which relates to the approval of applications for animal feeds containing new animal drugs.

Further redelegation of the authority delegated by this amendment is not authorized. Authority redelegated by this amendment to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis, unless prohibited by a restriction written into the document designating him as "acting," or unless it is not legally permissible.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), Part 5 is amended by revising § 5.28 to read as follows:

§ 5.28 Delegations regarding approval of new animal drug applications and supplements thereto for drugs for animal use.

The Director of the Bureau of Veterinary Medicine is authorized to perform all the functions of the Commissioner of Food and Drugs with regard to the approval of new animal drug applications, and supplements thereto, for new animal drugs submitted pursuant to section 512 of the Federal Food, Drug, and Cosmetic Act. The Director of the Division of Animal Feeds of the Bureau of Veterinary Medicine is authorized to perform the functions of the Commissioner with regard to the approval of applications for animal feeds containing new animal drugs.

Effective date: This amendment shall be effective August 9, 1976.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)).)

Dated: August 3, 1976.

JOSEPH P. HILE,
Acting Commissioner of Food and Drugs.

[FR Doc.76-23008 Filed 8-6-76;8:45 am]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[Docket No. 76N-0217]

PART 11—STANDARDS OF QUALITY FOR FOODS FOR WHICH THERE ARE NO STANDARDS OF IDENTITY

Subpart A—General

AMENDMENT AND CONFIRMATION OF EFFECTIVE DATE

The Food and Drug Administration (FDA) is confirming the adoption of regulations that set forth general principles governing establishment of microbiological quality standards for foods for which there are no standards of identity. Because of questions about the legal status of these regulations, additional opportunity for comment is being provided. Interested persons have until October 8, 1976 to submit comments on points not previously addressed or discussed by the agency in this document.

Part 11 (21 CFR Part 11) was proposed in the FEDERAL REGISTER of September 23, 1972 (37 FR 20038); it set forth general principles under § 11.1 (21 CFR 11.1) and definitions under § 11.2 (21 CFR 11.2). The two sections comprised Subpart A of Part 11 and hereafter will be referred to as Subpart A. The proposal also included microbiological quality standards for frozen ready-to-eat banana, coconut, chocolate, or lemon cream-type pies under § 11.5 (21 CFR 11.5) and for food-grade gelatin under § 11.6 (21 CFR 11.6). Sections 11.5 and 11.6 comprised Subpart B of Part 11 and hereafter will be referred to as Subpart B. A final order adopting the proposal, with modifications based on comments received, was published in the FEDERAL REGISTER of August 2, 1973 (38 FR 20726), to become effective on February 4, 1974.

Subpart A specifies general criteria for the issuance of microbiological quality standards. Subpart A was issued pursuant to the authority of section 701(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371(a)). Subpart A explains the bases on which the Commissioner of Food and Drugs establishes quality standards for individual foods pursuant to section 401 of the act (21 U.S.C. 341), and in compliance with the procedures prescribed by section 701(e) of the act (21 U.S.C. 371(e)). Accordingly, although Subpart A is subject to comment in accordance with the Administrative Procedure Act (5 U.S.C. 553)—and indeed comments have been invited on three separate occasions—Subpart A did not require a public hearing for its adoption.

Section 701(a) of the act authorizes the adoption of regulations "for the efficient enforcement of this Act". Although individual quality standards issued pursuant to section 401 of the act must be adopted through the procedures prescribed by section 701(e) of the act, it is entirely appropriate for the agency to explain in regulations adopted under the act's general rule making authority (section 701(a) of the act) how it will formulate quality standards. Specifically, Subpart A was issued pursuant to section 701(a) of the act; Subpart B was issued pursuant to section 701(e) of the act.

The Commissioner acknowledges, however, that certain previous FEDERAL REGISTER publications relating to microbiological quality standards may not have made it explicit that the agency was relying on section 701(a) of the act to promulgate Subpart A.

It is conceivable that some persons did not submit detailed comments on Subpart A because of the mistaken belief that a public hearing on the individual quality standards proposed for ready-to-east banana, coconut, chocolate, or lemon cream-type pies and for food-grade gelatin would afford an opportunity for presenting their views on Subpart A. Therefore, the Commissioner has determined to permit further comments on Subpart A. This opportunity, however, is intended for the submission of comments previously withheld, not for the repetition of views already expressed. The Commissioner will disregard or discount comments that simply repeat points already made and responded to in this preamble or in previous FEDERAL REGISTER documents.

Written objections in response to the regulation published August 2, 1973 were received from five food industry associations and one food manufacturer. Some of the objections addressed the standards for cream pies and gelatin (Subpart B), which were promulgated pursuant to section 701(e) of the act. Several of these objections requested a hearing. These two standards were stayed pending further consideration by the Commissioner.

The Commissioner plans to withdraw the microbiological quality standards for frozen ready-to-eat banana, coconut, chocolate, or lemon cream-type pies (§ 11.5) and food-grade gelatin (§ 11.6) in a future FEDERAL REGISTER publication. The Commissioner will propose adoption of microbiological quality standards for other foods in separate documents to be published in the near future. The proposed standards will conform with Subpart A of Part 11, and the procedures for adoption will be those prescribed by section 701(e) of the act.

Several other objections to the August 2, 1973 regulation pertained to Subpart A. Although the general criteria in Subpart A became effective on February 4, 1974, the Commissioner has reviewed the objections as though they were comments, and his conclusions are set forth as follows:

1. Objections were received regarding the conclusion that microbial levels are indicative of food quality. These objections stated that no data or facts were furnished to support this contention, that it is erroneous, and therefore the final regulation is unreasonable and will not promote honesty and fair dealing in the interest of consumers. These objections also contended that Subpart A is not authorized by section 401 of the act. Other related objections asserted that only perceptible quality factors are authorized by section 401 and that a microbial level is not a perceptible quality factor.

The Commissioner remains convinced that, as stated in paragraph 2 of the preamble to the August 2 regulation, microbial levels are indicative of quality in various foods. As set forth in § 11.1(a), the quality of a food depends on numerous characteristics, including, but of course not limited to, the level of microorganisms. This conclusion warrants further discussion, however, since the basic disagreement is over the issue of whether or not microbial levels of foods are a factor of the quality of food.

Section 401 of the act does not list the factor(s) on which a standard of quality must or may be based. Rather, it permits a reasonable standard to be established when, in the judgment of the Secretary of the Department of Health, Education, and Welfare, such standard will promote honesty and fair dealing in the interest of consumers. The Commissioner

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is of the opinion that the establishment of microbiological quality standards on this basis will promote honesty and fair dealing in the interest of consumers. Individual standards will require specific foods to be clearly declared as substandard in quality when they fail to meet minimum prescribe standards of microbiological quality. Each microbiological standard of quality will provide consumers with information on the microbial level of a specific food. The consumer will be informed whether a food exceeds the microbial limits of the standard and will thereby be given the choice of buying a food that either meets or does not meet the standard for such foods. Providing such information to aid consumer choices in the purchase of a food is considered by the Commissioner to be in the interest of the consumer.

The Commissioner advises that although previous standards of quality have been based on perceptible factors such as color, size, peel, and blemishes, this does not in any way limit the authority to establish quality standards to those based upon perceptible factors alone. The Commissioner notes that many food standards of identity embody criteria that reflect differences that may or may not be perceptible to consumers. For example, the standards of identity for orange juice products in 21 CFR Part 27 recognize differences in soluble solids content, although such differences are imperceptible to consumers and have no health significance. Since the same section of the act authorizes the adoption of both standards of identity and standards of quality, based on the same criteria, there is no basis for insisting that imperceptible criteria can be embodied in one type of standard (identity), but not in the other (quality).

Quality standards are being developed for foods in which the microbial level may be one of the factors to be considered in assessing the adequacy of the manufacturing, distributing, and storage conditions to which the food is subjected. The significance of microbial levels established by such standards will vary with the particular food product involved. Subpart A establishes the general principle that microbiological levels may be a quality factor within the meaning of section 401 of the act. Individual standards of quality implementing these general principles will be adopted for specific foods whose microbial content the Commissioner concludes is an important index of quality.

2. Several objections contended that the microbial content of foods is an element of sanitation rather than quality and that consequently microbial levels should be established as advisory guidelines under the current good manufacturing practice regulations. It was stated that although producers have developed and manufactured food products with microbiological specifications, microbial levels in foods have been, and should be, considered only as a facet of good manufacturing practice. Objections were made to the statement in the regulation that the microbial level of a food is indicative of the quality of the raw material used. Examples given as exceptions to this statement included ripe fruit that is of higher quality and usually has a higher microbial level than green fruit, and cheeses whose high microbial level is not indicative of low quality. One objection argued that gelatin made with low quality raw materials can be produced with a low microbial level by virtue of the manufacturing procedures used. It was questioned how the low microbial level of gelatin can be considered indicative of quality when foods like buttermilk have high microbial levels.

The Commissioner's response to these objections was stated in paragraph 4 of the preamble to the August 2 regulation. Microbiological quality standards should be promulgated separately from the good manufacturing practice regulations for several reasons. The good manufacturing practice regulations are promulgated for the efficient enforcement of the adulteration provisions of the act, while the microbiological quality standards are not based on consideration of adulteration. The good manufacturing practice regulations are generally limited to manufacturing procedures and usually do not extend to distribution and retail sale, while the consumer is entitled to be informed of excessive levels of microbial organisms regardless whether they result from manufacturing, distribution, or retailing practices.

The Commissioner also recognizes that, in certain foods, microorganisms are deliberate, desirable ingredients. This position is clearly explained in paragraph 7 of the preamble to the August 2 regulation, which recognizes that certain microorganisms are deliberate, desirable ingredients in some foods and in such instances cannot be considered as inverse factors of quality. The controlled use of microorganisms is useful and desirable to impart a particular flavor, or other desirable characteristic to food such as cheese and other dairy products. Subpart A is not intended to effect any change in current good manufacturing practice in such controlled use of microorganisms, and microbiological quality standards will not be established that would prohibit the use of such desirable microorganisms.

Section 11.1(a) states the general principle that characteristics that affect the quality of a food will vary according to numerous factors, and therefore it will be necessary to establish individual standards of quality for different foods. Thus, a microbial level that may be common or even desired in one type of food may be unusual and an index of low quality in a different type of food. A comparison of the microbial levels in two completely different types of food such as gelatin and buttermilk is therefore meaningless.

The Commissioner recognizes that it is not unusual for the manufacturing process to reduce the level of microorganisms present in the finished food compared to the microbial level present in its raw materials. However, this does not conflict with the statement in § 11.1(a) that microbial levels

> • • • are indicative of the quality of the raw materials and ingredients, the degree of quality control used in manufacture, processing, and packing, and the conditions of distribution and storage.

This statement does not imply that the microbial level is indicative of any one factor independent of the other factors contained in the statement. The microbial level, that is, the microbiological quality, of a food is indicative of the total interrelated effect of the factors listed in § 11.1(a). Individual microbiological standards of quality will apply these general principles to specific foods or classes of food. The Commissioner therefore concludes that objections described, as they relate to Subpart A, are without merit.

3. One objection asserted that the microbial level of a food relates to its "condition" and not to its quality. The support offered for this objection included the regulations for food grades promulgated by the U.S. Department of Agriculture (USDA) and the McNarry-Mapes amendment to the Food and Drugs Act of 1906.

The Commissioner concludes that this objection is without merit. The concept of quality embraced in FDA standards of quality does include some elements of the term "condition" as defined by USDA regulations. However, the Agricultural Marketing Act authorizes the development of standards of quality, condition, quantity, grade, and packaging; the Federal Food, Drug, and Cosmetic Act authorizes only standards of identity, quality, and fill of container. The standards promulgated under the Federal Food, Drug, and Cosmetic Act embrace a broader range of factors than those established by USDA. Section 401 of the Federal Food, Drug, and Cosmetic Act does not define the word "quality" and does not contain the word "condition." The original Food and Drugs Act of June 30, 1906 is not pertinent here since it has been superseded by the present Federal Food, Drug, and Cosmetic Act of 1938.

Essentially the same objection was made to the proposed regulation, and the Commissioner's response was fully set forth in paragraph 8 of the preamble to the August 2 regulation. "The terms 'quality' and 'condition' as used by USDA usually pertain to factors that are noticeable to the consumer. New Part 11 concerns factors of quality which will usually be imperceptible to the consumer. Therefore, the Commissioner concludes that there is no conflict between the proposal and USDA regulations concerning food grades." Consequently, this reiterated objection does not warrant modification of Subpart A.

4. Objections were made to the label statement of substandard quality contained in § 11.1(b)(1)(i): "Contains Excessive Bacteria." The objections asserted that the effect of this statement would be to prohibit the sale of safe, healthful, and high quality foods when such foods exceed the established microbial limits since manufacturers would destroy substandard quality food rather than use the label statement of substandard quality.

Objections were also made that the label statement would mislead consumers to believe a product dangerous when it is not. A further objection stated that the regulation would cause consumers to believe that because a food is in compliance with the regulation it is safe, when actually the regulation does not provide protection against unsafe foods. An additional objection was made to the statements in paragraph 6 of the preamble to the August 2 regulation that "The marketing of food substandard in microbiological quality would be likely to follow the marketing patterns that already exist for substandard quality food," and that "• • • it is not possible to state that excess bacteria cannot create a health hazard."

The Commissioner concludes, as previously stated in paragraph 6 of the preamble to the August 2 regulation, that these objections are without merit. Specific authority to prescribe statements of substandard quality is provided by section 403(h)(1) of the act (21 U.S.C. 343(h)(1)), which states that a food shall be deemed to be misbranded

> If it purports to be or is represented as (1) a food for which a standard of quality has been prescribed by regulations as provided by section 401, and its quality falls below such standard, unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard; or.

The objections to the statements contained in paragraph 6 of the preamble to the August 2 regulation that "• • • it is not possible to state that excess bacteria cannot create a health hazard" and that substandard but safe food could be marketed according to "• • • patterns that already exist for substandard quality food" offered no reasons for any change in either statement. The Commissioner reiterates that Subpart A sets forth general criteria, and he points out that Subpart A does not state that foods meeting established microbiological quality standards are necessarily safe for all purposes, nor does the regulation authorize a representation of safety on the label. Consequently, the suggestion that the consumer will be misled about safety is without merit.

The Commissioner recognizes that any information or specific declaration of substandard quality will carry a negative connotation. However, a manufacturer has the choice of either using the prescribed label statement of substandard quality, or not placing the substandard lot on the market. Of greater importance, the prescribed label statement will afford the consumer the choice of purchasing either a product that meets the standard of quality or a product that is clearly identified as being substandard. Any resulting marketing disadvantage is not unreasonable and has been imposed for years on foods falling below prescribed standards of quality. Processed fruits and vegetables are good examples.

However, the Commissioner has again reviewed the comments concerning the need for and composition of required label statements and concludes that the regulation should permit use of the general statement of substandard quality specified in § 10.7(a) (21 CFR 10.7(a)) as an alternative. Accordingly, § 11.1(b) is being amended to permit use of the general statement of substandard quality specified in § 10.7(a) as an alternative graphs (b)(1) and (2) are being revised crobiological quality. Specifically, paragraphs (b)(1) and (2) are being revised and paragraph (b)(3) is being deleted. Because this change merely modifies an existing regulation by providing an alternative, notice and public procedure and delayed effective date are not required for its promulgation.

5. One objection to the label statement of substandard quality stated that it is impractical to interrupt the manufacturing, packaging, or labeling process until microbiological test results are obtained, or when once obtained to open each carton or case in a lot and relabel each package. Objections stated that it is impractical and unreasonable to affix the label statement of substandard quality to foods that are in the distribution chain or in retail stores in accordance with § 11.1(b)(2), which requires that the statement

> • • • shall appear on the principal display panel or panels and shall immediately and conspicuously precede or follow, without intervening written, printed or graphic matter, the name of the food.

The Commissioner's response to the objection was adequately discussed in paragraph 12 of the preamble to the August 2 regulation, which stated that

> Microbiological quality control testing of foods is not new or unique and the Commissioner concludes that such testing by food manufacturers is practicable. Adequate processing controls should make it unnecessary to delay production of a lot pending test results since the use of adequate quality controls would make the production of a substandard quality lot an infrequent occurrence.

The latest objection contained no new information or data not previously considered by the Commissioner. It is recognized that in some instances technical difficulties will arise in complying with § 11.1(b)(2) when the substandard label statement is applied to a product in distribution or retail channels. In some instances compliance may require the complete relabeling and/or repackaging of the product. However, the Commissioner advises that such difficulties are not a sufficient basis for nullifying the consumer's right to have substandard quality food labeled as such when individual quality standards so require, regardless of what point in the manufacturing, distributing, or retailing sequence the food falls below standard in quality. Where relabeling is required under the provisions of Subpart A and when the relabeling is undertaken by a person other than the one whose name appears on the label as the manufacturer, packer, or distributor, it shall be the policy of FDA to permit modifications of the original label only when the original manufacturer, packer, or distributor agrees to such manner of relabeling. Otherwise, completely new labels will be required. The Commissioner therefore concludes that objections based on the application of the regulation to the point of retail sale have not raised sufficient grounds to warrant modification of the regulation.

6. Objections stated that microbial limits should not be applicable to a food after it leaves the direct control of the manufacturer. It was stated that a food in compliance with the appropriate quality standard when it leaves the manufacturer's control may subsequently have an increase in microbial levels beyond that permitted by the standard. It was also stated that criminal liability may be imposed under the Federal Food, Drug, and Cosmetic Act without regard to the fault of the defendant, and that a manufacturer could theoretically be charged with a criminal violation for marketing a product that was in compliance with the regulation when initially distributed, but became contaminated after having left his control. Objections were also submitted suggesting that any person in the chain of distribution who causes the product to develop a microbial level in excess of the limits prescribed by the standard could be criminally prosecuted for misbranding the product. Further objections were made that the regulation would place an unreasonable burden on distributors and retailers to determine whether the microbial level of a food was in excess of prescribed limits, and if so, whether it had been caused by a person previously handling the food. The objections argued that it is not practicable for each lot of food to be sampled by wholesalers, warehousemen, and retailers to determine if it meets the microbial limits. It was argued that the guarantees authorized by section 303(c) of the act (21 U.S.C. 333(c)) as protection against innocent violations cannot apply to the regulation.

The Commissioner concludes that the objections are without merit. His position on the applicability of the standards to the point of retail sale are discussed in paragraph 5 of the preamble to August 2 regulation.

> • • • restricting application of the standards to the limited time the product is under the manufacturer's control would not assure that the product would be in compliance with the standards when it reached the consumer, and therefore, would not be in the interest of the consumer. The consumer rightly expects the quality of food to be adequately and continuously protected through the point of retail sale. Regulatory action can and will be taken against a product that is substandard in quality and which fails to bear the label statement of substandard quality, regardless whether the product deterioration occurred during manufacture or subsequently during distribution or retailing.

The Food and Drug Administration has always had authority to take legal action against a product found to be adulterated or misbranded even when responsibility for the illegal condition of the food cannot be specifically determined. For example, a wholesale warehouse may suffer the loss by seizure of a lot of rodent-contaminated flour in its

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possession, though the lot may have been contaminated when received. That FDA may not know who is responsible for a violation does not alter the agency's obligation to take action to prevent marketing of an illegal food.

The possibility of such loss does not cause each lot of food to be analyzed at each step in the distribution chain, and there is no reason to believe that foods for which a microbiological standard has been promulgated would require extensive analysis during distribution.

The objections also fail to establish that Subpart A would somehow preclude the applicability of section 303(c) of the act. The section would still apply to contemplated criminal prosecutions, i.e., FDA could not sustain a criminal prosecution against a firm or individual(s) who received a guarantee unless there was independent evidence supporting the firm or individual's responsibility for violations of the Federal Food, Drug, and Cosmetic Act.

7. Objections were submitted regarding § 11.1(a), which asserts that turbidity, color, flavor, and odor are indicative of the quality of a food. One objection stated that this is not true for all foods.

The Commissioner points out that turbidity, color, flavor, and odor were added as factors in § 11.1(a) as a result of his decision to expand Part 11 to include standards of quality for foods for which there are no standards of identity, regardless of whether the quality factors involve microbiological or other characteristics. This conclusion is expressed in paragraph 20 of the preamble to the August 2 regulation. The list of quality factors in § 11.1(a) is not exhaustive and all quality factors so listed do not necessarily apply to all foods for which standards will be established. Depending on the type of food, such characteristics may be indicative of the quality of raw materials and ingredients; the degree of quality control used in manufacturing, processing, and packing; and the conditions of distribution and storage. The Commissioner emphasizes that Subpart A sets forth general principles. Whether the factors listed in § 11.1(a) are indicative of quality will depend on the particular food involved.

8. One objection to the regulation contended that it did not contain adequate sampling and analytical procedures to avoid variations in determining compliance with the standards. It was stated that the regulation should specify the sampling points in the manufacturing and distributing system, statistical sample collection procedures, methods of sample collection, handling and storage, and adequate analytical procedures.

Sampling during the manufacturing process is exclusively the responsibility of the manufacturer because the final standard will apply only to the finished food. Sampling during processing is an integral part of the manufacturer's quality control system, and it is the responsibility of the manufacturer to design such a system. Products produced under adequate quality control procedures will become substandard only when abused during storage and distribution.

Subpart A does not impose any sampling or testing requirements. However, everyone handling the food before retail sale is responsible for ensuring that the food is handled and held in such a manner that it will stay in compliance while in his possession. Microbiological standards promulgated in the future will set forth in greater detail specific compliance requirements for individual products.

The Commissioner concludes that since a microbiological quality standard will be continuously applicable to the finished food up to the point of retail sale, the designation of specific sampling points in the distribution system ordinarily will be unnecessary.

No information or data were submitted to support the objections to the statistical basis of the sampling and testing procedures in the regulation. However, to clarify the statistical basis, the Commissioner has filed with the office of the Hearing Clerk, Food and Drug Administration, the statistical information and data used in promulgating the regulation. The Commissioner concludes that the sampling and testing procedures contained in the regulation have been evaluated statistically and judged to be satisfactory. Should additional information become available that justifies any change in the sampling or testing procedures, Subpart A will be amended or modifications will be incorporated in individual standards.

9. One objection contended that a higher level of microorganisms, within limits, may prevent a health hazard. The objection cited the following reference as support: Thatcher and Clark, "Microorganisms in Foods," p. 25 (1968).

The Commissioner concludes that this contention is without merit. The Thatcher and Clark study refers to heat-processed food and discusses the usefulness of a microscopic count to detect gross contamination before heat processing. The passage referenced is parenthetical, and reads:

> When pathogens are present, the absence of a normal spoilage flora may sometimes create a hazard. It has been shown that pathogens can often proliferate more easily when few spoilage organisms are present.

The Commissioner advises that the recommendation for large numbers of spoilage organisms to compete with and thereby slow the multiplication of pathogens is not consistent with current good manufacturing practices, basic and generally accepted principles of sanitation, or the desires of consumers. The Commissioner concludes that this objection is not adequate to justify amending Subpart A.

On his own initiative, the Commissioner is making one minor change in the definition of "sample" in § 11.2(b). The change is the substitution of the word "consists" for the phrase "is a composite." Because this change merely clarifies an existing regulation, notice and public procedure and delayed effective date are not required for its promulgation.

The Commissioner advises that he has filed with the office of the Hearing Clerk, Food and Drug Administration (address below), texts, data, and other information upon which the general principles established in Subpart A are based.

Accordingly, Subpart A of Part 11, consisting at this time of §§ 11.1 and 11.2 published in the FEDERAL REGISTER of August 2, 1973 (38 FR 20726) is confirmed as effective on February 4, 1974. Persons who wish to file comments not previously submitted or discussed in the preamble to this regulation may do so; such comments (preferably four copies) shall be submitted by October 8, 1976, to the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852. Comments received will be available for public inspection at the above office during working hours, Monday through Friday. Any changes in this order justified by such comments will be the subject of a further order amending the specific provisions involved.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 403, 701(a), 52 Stat. 1046–1048 as amended, 1055 (21 U.S.C. 341, 343, 371(a))) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)): *It is ordered*, That Subpart A of Part 11 be amended as follows:

1. In § 11.1 by revising paragraph (b) to read as follows:

§ 11.1 General principles.

* * * * *

(b) (1) The label of a food that fails to meet the requirements of an applicable standard of quality promulgated pursuant to this Part shall bear the general statement of substandard quality specified in § 10.7(a) of this chapter in the manner and form therein specified; but in lieu of such general statement of substandard quality, the label may bear the alternative statement, "Below Standard in Quality——————", the blank to be filled in with whichever of the following are applicable:

(i) "Contains Excessive Bacteria".
(ii) "Excessively Turbid".
(iii) "Abnormal Color".
(iv) The phrase specified in the applicable standard of quality to describe any other quality deviation.

(2) The statement of substandard quality shall appear on the principal display panel or panels and shall immediately and conspicuously precede or follow, without intervening written, printed or graphic matter, the name of the food.

* * * * *

2. In § 11.2 by revising paragraph (b) to read as follows:

§ 11.2 Definitions.

* * * * *

(b) A "sample" consists of 10 subsamples (consumer units), taken one from each of 10 different randomly chosen shipping cases to be representative of a given lot, unless otherwise specified in a specific quality standard in this part.

* * * * *

(Secs. 401, 403, 701(a), 52 Stat. 1046–1048 as amended; 1055 (21 U.S.C. 341, 343, 371(a)).)

Dated: July 30, 1976.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc.76-23070 Filed 8-6-76;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

PART 630—PRECONSTRUCTION PROCEDURES

Project Agreement; Amendment

• *Purpose.* The purpose of this document is to amend the rules respecting Federal-aid project agreements. •

The Federal Highway Administration is amending Part 630, Subpart C of Title 23, Code of Federal Regulations in order to terminate the power heretofore reserved by the Washington Headquarters Office to execute project agreements for National Cooperative Highway Research Projects (NCHRP) and to delegate the power to the Division Administrator in each State.

The matters affected relate to benefits or contracts within the purview of 5 U.S.C. 553(a)(2), thus general notice of proposed rulemaking is not required.

Effective date: August 10, 1976.

Issued on August 2, 1976.

J. R. COUPAL, Jr.,
Deputy Administrator.

Part 630, Subpart C of Chapter I of Title 23 of the Code of Federal Regulations is amended as follows:

Section 630.304(b) is changed to read as follows:

§ 630.304 Preparation of agreement.

* * * * *

(b) The Division Administrator pursuant to his delegated authority shall on behalf of FHWA execute the project agreement or modification or amendment thereof when he is satisfied that the agreement, or modification or amendment thereof, is properly prepared and not at variance with any statutory or regulatory requirement pursuant to Federal laws.

* * * * *

[FR Doc.76-23030 Filed 8-6-76;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-830]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Final Flood Elevation Determinations for the City of Key Colony Beach, Florida

On January 7, 1976, at 41 FR 1277, the Federal Insurance Administrator published a notification of modification of the base (100-year) flood elevations in Key Colony Beach, Florida. Since that date, ninety days have elapsed; and the Federal Insurance Administrator has evaluated requests for changes in the base flood elevations, and after consultation with the Chief Executive Officer of the community, has determined no changes are necessary. Therefore, the modified flood elevations are effective as of January 5, 1976 and amend the Flood Insurance Rate Map which was in effect prior to that date.

The modifications are pursuant to section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448) 42 U.S.C. 4001–4128, and 24 CFR Part 1916.

For rating purposes, the new community number is 125121D and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the final flood elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The numerous changes made in the base flood elevations on the Key Colony Beach Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the Key Colony Beach map.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: June 14, 1976.

R. W. KRIMM,
Acting Federal Insurance Administrator.

[FR Doc.76-23009 Filed 8-6-76;8:45 am]

[Docket No. FI-928]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Final Flood Elevation Determinations Manatee County, Florida

On March 26, 1976, at 41 FR 12683, the Federal Insurance Administrator published a notification of modification of the base (100-year) flood elevations in Manatee County, Florida. Since that date, ninety days have elapsed; and the Federal Insurance Administrator has evaluated requests for changes in the base flood elevations, and after consultation with the Chief Executive Officer of the community, has determined no changes are necessary. Therefore, the modified flood elevations are effective as of February 20, 1976 and amend the Flood Insurance Rate Map which was in effect prior to that date.

The modifications are pursuant to section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448) 42 U.S.C. 4001–4128, and 24 CFR Part 1916.

For rating purposes, the new community number is 120153A and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the final flood elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The numerous changes made in the base flood elevations on the Manatee County Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the Manatee County, Florida map.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 13, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-23015 Filed 8-6-76;8:45 am]

[Docket No. FI-927]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Final Flood Elevation Determinations for the City of Sarasota, Florida

On March 26, 1976, at 41 FR 12684, the Federal Insurance Administrator published a notification of modification of the base (100-year) flood elevations in the City of Sarasota, Florida. Since that date, ninety days have elapsed; and the Federal Insurance Administrator has evaluated requests for changes in the base flood elevations, and after consultation with the Chief Executive Officer of the community, has determined no changes are necessary. Therefore, the modified flood elevations are effective as of February 20, 1976 and amend the Flood Insurance Rate Map which was in effect prior to that date.

The modifications are pursuant to section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title

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XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448) 42 U.S.C. 4001–4128, and 24 CFR Part 1916.

For rating purposes, the new community number is 125150A and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the final flood elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The numerous changes made in the base flood elevations on the Sarasota Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the City of Sarasota, Florida map.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 13, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–23012 Filed 8–6–76;8:45 am]

[Docket No. FI–933]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Final Flood Elevation Determinations for Sarasota County, Florida

On March 11, 1976, at 41 FR 10431, the Federal Insurance Administrator published a notification of modification of the base (100-year) flood elevations in Sarasota County, Florida. Since that date, ninety days have elapsed; and the Federal Insurance Administrator has evaluated requests for changes in the base flood elevations, and after consultation with the Chief Executive Officer of the community, has determined no changes are necessary. Therefore, the modified flood elevations are effective as of February 20, 1976 and amend the Flood Insurance Rate Map which was in effect prior to that date.

The modifications are pursuant to section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448) 42 U.S.C. 4001–4128, and 24 CFR Part 1916.

For rating purposes, the new community number is 125144A and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the final flood elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The numerous changes made in the base flood elevations on the Sarasota County Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the Sarasota County map.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 2, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–23014 Filed 8–6–76;8:45 am]

[Docket No. FI–929]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Final Flood Elevation Determinations for the City of Venice, Florida

On March 26, 1976, at 41 FR 12684, the Federal Insurance Administrator published a notification of modification of the base (100-year) flood elevations in the City of Venice, Florida. Since that date, ninety days have elapsed; and the Federal Insurance Administrator has evaluated requests for changes in the base flood elevations, and after consultation with the Chief Executive Officer of the community, has determined no changes are necessary. Therefore, the modified flood elevations are effective as of February 20, 1976 and amend the Flood Insurance Rate Map which was in effect prior to that date.

The modifications are pursuant to section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448) 42 U.S.C. 4001–4128, and 24 CFR Part 1916.

For rating purposes, the new community number is 125154A and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the final flood elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The numerous changes made in the base flood elevations on the Venice, Florida Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the Venice, Florida map.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 13, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–23013 Filed 8–6–76;8:45 am]

[Docket No. FI–884]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Final Flood Elevation Determinations for Ocean City, Maryland

On February 18, 1976, at Vol. 41 FR 7406, the Federal Insurance Administrator published a notification of modification of the base (100-year) flood elevations in Ocean City, Maryland. Since that date, ninety days have elapsed, and the Federal Insurance Administrator has evaluated requests for changes in the base flood elevations, and after consultation with the Chief Executive Officer of the community, has determined no changes are necessary. Therefore, the modified flood elevations are effective as of February 6, 1976 and amend the Flood Insurance Rate Map which was in effect prior to that date.

The modifications are pursuant to section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448) 42 U.S.C. 4001–4128, and 24 CFR Part 1916.

For rating purposes, the new community number is 245207 D and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The numerous changes made in the base flood elevations on the Ocean City Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the Ocean City map.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 29, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 21, 1976.

H. B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76–23011 Filed 8–6–76;8:45 am]

[Docket No. FI–827]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Final Flood Elevation Determinations for the City of Pear Ridge, Texas

On January 7, 1976, at 41 FR 1279, the Federal Insurance Administrator published a notification of modification of the base (100-year) flood elevations in the City of Pear Ridge, Texas. Since that date, ninety days have elapsed, and the Federal Insurance Administrator has evaluated requests for changes in the base flood elevations, and after consultation with the Chief Executive Officer of the community, has determined no changes are necessary. Therefore, the modified flood elevations are effective as of November 28, 1975, and amend the Flood Insurance Rate Map which was in effect prior to that date.

The modifications are pursuant to section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448) 42 U.S.C. 4001–4128, and 24 CFR Part 1916.

For rating purposes, the new community number is 485497 B and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The numerous changes made in the base flood elevations on the Pear Ridge Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the Pear Ridge map.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 29, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 21, 1976.

H. R. CLARK,
Acting Federal Insurance Administrator.

[H.R. Doc.76–23010 Filed 8–6–76;8:45 am]

[Docket No. FI–994]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the City of Chesapeake, Va.

The Federal Insurance Administrator, in accordance with sec. 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Sec. 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the City of Chesapeake

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Sterns Creek	Western Branch Blvd	8.5	(1)	160
	Tyre Neck Rd	8.5	(1)	120
Drum Creek	Gum Rd	8.5	60	260
	Taylor Rd	8.5	100	320
Bailey Creek	Jolliff Rd	8.5	140	140
	Gum Rd	8.5	260	140
	Dock Landing Rd	8.5	800	200
Goose Creek	1,600 ft downstream from Jolliff Rd	8.5	160	120
	10,000 ft downstream from Jolliff Rd	8.5	80	400
	Maple Dr. (extended)	8.5	60	800
Indian River	Martin Ave. (extended)	8.5	1,800	100
	Cornick Ave. (extended)	8.5	280	140
	Indian River Rd	8.5	80	320
Deep Creek	Norfolk & Western RR	8.5	600	1,320
	Deep Creek Blvd	8.5	260	840
St. Julian Creek	do	8.5	240	300
	George Washington Highway	8.5	600	2,000
Deep Creek Canal	Along Norfolk & Western RR	8.5	2,400	2,260
	Along Interstate 64	8.5	500	840
Mill Dam Creek	Norfolk & Western RR	8.5	280	720
	Canpostella Rd	8.5	200	600
Pocaty River	Fentress Airfield Rd	5.0	200	240
	Long Ridge Rd	5.0	200	200
Northwest River	Lake Drummond Causeway	5.0	1,680	2,920
	Bunch Walnuts Rd	5.0	3,200	1,000
	Conway Rd	5.0	4,480	1,280
	Norfolk & Southern RR	5.0	100	80
	Southern corporate limit	5.0	4,280	2,960
Smith Creek	Indian Creek Rd	5.0	240	1,300
Indian Creek	do	5.0	600	80
Western branch, Elizabeth River.	Portsmouth Blvd	8.5	160	(1)
	Nina Dr. (extended)	8.5	120	(1)
Southern branch, Elizabeth River.	North corporate limit	8.5	(1)	1,120
	Along Park Ave	8.5	(1)	1,600
	Along Norfolk & Western RR	8.5	2,280	2,540
	Along Interstate 64	8.5	6,800	5,080
	Along Dominion Blvd	8.5	6,600	8,960
Chesapeake and Albemarle Canal.	Along Battlefield Blvd	8.5	2,520	3,600
	Centerville Turnpike south	5.0	1,520	2,540
	8,000 ft east (upstream) of Centerville Turnpike south.	5.0	800	3,960
North Landing River	2,000 ft downstream from confluence with Pocaty River.	5.0	8,160	(1)
	18,000 ft downstream from confluence with Pocaty River.	5.0	4,800	(1)
Eastern branch, Elizabeth River.	2,000 ft downstream from east corporate limit.	8.5	40	(1)
	4,000 ft downstream from east corporate limit.	8.5	460	(1)

[1] Corporate limit.

under § 1917.9 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the communiyt for a period of ninety (90) days has been provided. Pursuant to § 1917.9(a), the Administrator has resolved the appeals presented by the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Library, Chesapeake, Virginia.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

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(Authority: National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 29, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-22878 Filed 8-6-76;8:45 am]

[Docket No. FI-898]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the City of Newport News, Independent City, Va.

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (Section 1917.10)), hereby gives notice of his final determinations of flood elevations for the City of Newport News, Independent City, Virginia under Section 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the City Manager's Office, 2400 Washington Avenue, Newport News.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Stony Run	North corporate limits	51	80	80
	Woodside Lane	39	170	240
	Shields Rd	36	130	40
	Richneck Rd	32	100	190
	Jefferson Ave	31	100	90
	McMorrow Dr	28	100	150
	Interstate 64	23	300	500
	Warwick Blvd	14	180	420
	Beachmont Dr	8.5	250	310
Newmarket Creek	Dresden Dr	19		40
	Main St	18		660
	Todds Lane	17		500
	79th St	12	2,210	60
	Roanoke Ave	9	290	220
Government Ditch	Jefferson Ave	11	5	5
	Warwick Blvd	11	5	5
			Width in feet from shoreline to 100-yr flood boundary	
James River	East Governor Dr	8.5	250	
	Barclay Rd	8.5	150	
	Mercury Blvd	8.5	930	
	Ivy Ave	8.5	210	

(Authority: National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 23, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-22877 Filed 8-6-76;8:45 am]

[Docket No. FI-911]

PART 1917—APPEALS FROM FLOOD ELEVATION, DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the City of Lytle, Atascosa, Medina, and Bexar Counties, Texas

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (P.L. 90–448), 42 U.S.C. 4001–4128 and 24 CFR Part 1917 (Section 1917.10)), hereby gives notice of his final determinations of flood elevations for the City of Lytle, Atascosa, Medina, and Bexar Counties, Texas under Section 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to Section 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with Section 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, Lytle, Texas.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Lytle Creek	Pilgrim Lake	742	150	70
	Wisdom Rd	743	80	500
	Live Oak St	720	350	180
	Adams St	717	660	530
	Railroad St	714	660	550
	U.S. Highway 81	713	500	270
	Lytle Somerset Rd	697	70	200
	Confluence with west prong, Atascosa River	683	230	470
West prong, Atascosa River	Laredo St	715	200	270
	Railroad St	698	30	10
	Martin Dam	693	170	200
	Benton City Rd	683	400	380
North prong, Atascosa River	Wisdom Rd	711	200	230
	Railroad St	696	20	230

(Authority: National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 27, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-22876 Filed 8-6-76;8:45 am]

[Docket No. FI-949]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the Borough of Flemington, Clinton County, Pa.

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1969 (Title XIII of the Housing and Urban Development Act of 1968 (P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (Section 1917.10)), hereby gives notice of his final determinations of flood elevations for the Borough of Flemington, Clinton County, Pennsylvania under Section 1917.8 of title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to Section 1917.8, no appeals were received from the community or from

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individuals within the community. Therefore, publication of this notice is in compliance with § 1917.0.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Flemington Borough Building, Huston Street, Flemington, Pennsylvania.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Bald Eagle Creek	Corporate limit (extended)	563	2,380	(1)
	Corporate limit	566	240	(1)
	Corporate limit (High St) (Route 220)	567	380	(1)
	Corporate limit (extended)	567	1,220	(1)

[1] Outside corporate limit.

(Authority: National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 26, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-22873 Filed 8-6-76;8:45 am]

[Docket No. FI-905]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the Borough of Northumberland, Northumberland County, Pa.

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.10)), hereby gives notice of his final determinations of flood elevations for the Borough of Northumberland, Northumberland County, Pennsylvania under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Council Room, Municipal Building, 221 Second Street.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from corporate limits 100-yr flood boundary facing downstream
Susquehanna River	NE. corporate limits	452	790
	Hanover St. (extended)	451	360
	Orange St. (extended)	451	330
	King St. (extended)	451	250
	Queen St. (extended)	451	255
	Southeast of Water St. at southern corporate limits.	451	500
West branch Susquehanna River.	Western corporate limits	542	670
	Confluence of unnamed tributary (south of 5th St.).	451	1,130
	3d St. (extended)	451	315
	Front St	451	650
	Water St	451	855

(Authority: National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 26, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-22872 Filed 8-6-76;8:45 am]

[Docket No. FI-950]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the Township of East Buffalo, Union County, Pa.

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.10)), hereby gives notice of his final determinations of flood elevations for the Township of East Buffalo, Union County, Pennsylvania under Section 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Township must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to Section 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with Section 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Municipal Building, East Buffalo, Pennsylvania.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
West branch Susquehanna River.	Northern corporate limits	459	(1)	210
	Southern corporate limits	457	(1)	260
Limestone Run	Washington Ave. (extended)	467	120	150
	Market St. (Route 45)	466	40	60
	Penn Central RR	464	40	60
	Legislative route 59036	461	300	370
	Route 15	460	(2)	420
	Eastern corporate limits	460	(2)	420
Turtle Creek	Route 15 (southbound)	457	460	1,380
	Route 15 (northbound)	457	460	1,600
	Reading RR	457	400	1,410

[1] Outside corporate limits.
[2] Corporate limits.

(Authority: National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 26, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-22875 Filed 8-6-76;8:45 am]

[Docket No. FI-956]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the Township of Monroe, Snyder County, Pa.

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.10)), hereby gives notice of his final determinations of flood elevations for the Township of Monroe, Snyder County, Pennsylvania under Section 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Township must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to Section 1917.8, no appeals were received from the community or from individuals within the community.

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Therefore, publication of this notice is in compliance with Section 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Municipal Building, Clark Road, Hummels Wharf, Pennsylvania.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Susquehanna River	Northern corporate limits	450	(1)	100
	Township Rd. 519	450	(1)	370
	Reading Co. RR. bridge	448	(1)	90
	Corporate limits, North Shamokin Dam	447	(1)	220
	Corporate limits, South Shamokin Dam	442	(1)	680
	Township Rd. 498 (extended)	440	(1)	2,640
	Southern corporate limits	439	(1)	610
Penns Creek	Northern corporate limits	467	100	(1)
	Township Rd. 492 (extended)	464	340	(1)
	Township Rd. 509 (extended)	460	60	(1)
	Legislative Route 54046 (extended)	459	110	(1)
	Township Rd. 495 (extended)	455	50	(1)
	Legislative Route 54013 (extended)	445	30	(1)
	Legislative Route 54013 (Township Rd. 504)	442	60	(1)
	Township Rd. 502 (extended)	438	1,360	(1)
	Legislative Route 54077 (extended)	436	40	640
	Market St	435	60	250
	Southern corporate limits	435	700	330

[1] Corporate limits.

(Authority: National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 27, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-22374 Filed 8-6-76;8:45 am]

[Docket No. FI-953]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the Borough of Lewisburg, Union County, Pennsylvania

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the Borough of Lewisburg, Union County, Pennsylvania under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Borough Manager's office, 331 Market Street, Lewisburg, Pennsylvania 17837.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
West Branch Susquehanna River	State Route 45	460.3	(1)	65
	St. Catherine St. (extended)	460.0	(1)	470
	Southern corporate limits	459.1	(1)	200
Limestone Run	L. R. 50036	461.1	330	(1)
	North 15th St	460.7	470	(1)
	Market St	459.7	170	430
	University Ave	459.7	430	450
Buffalo Creek	Logan Ave	461.9	(1)	180
	U.S. Route 15	461.9	(1)	1,400
	St. Anthony St	461.9	(1)	900

[1] Outside corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 26, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-23008 Filed 8-6-76;8:45 am]

[Docket No. FI-2248]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Mobile County, Alabama

On January 8, 1972, in 37 FR 281, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the County of Mobile, Alabama. Map No. H 015008 25 indicates that Lots 1 through 17, 20 through 28, and 33 through 48, Pine Run Unit Two, Part "A" and Lot 2, Pine Run Unit One, as recorded in Map Book 26, Page 54 and Map Book 24, Page 63, respectively in the office of the Judge of Probate Court of Mobile County, Alabama, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that Lots 33 through 36 are in Zone B and Lots 1 through 17, 20 through 28, and 37 through 48 are in Zone C, and are not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, Map No. H 015008 25 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on January 7, 1972.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 27, 1976.

H. B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-22998 Filed 8-6-76;8:45 am]

[Docket No. FI-446]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Naperville, Illinois

On January 13, 1975, in 40 FR 2426, the Federal Insurance Administrator published a list of communities with special hazard areas which included Naperville, Illinois. Map No. H 170213A 06 indicates that Section 1, River's Edge Subdivision, at the corner of 79th Street and Washington Street, Naperville, DuPage County, Illinois, recorded as Document Number R 75-8290 in the office of the Recorder of Deeds of DuPage County, Illinois, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the structures on the above property are not within the Special Flood Hazard Area. Accordnigly, Map No. H 170213A 06 is hereby corrected to reflect that the structures on the above property are not within the Special Flood Hazard Area identified on January 3, 1975.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued July 27, 1976.

H. B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-23002 Filed 8-6-76;8:45 am]

[Docket No. FI-418]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Parish of East Baton Rouge, Louisiana

On December 10, 1974, in 39 FR 43081, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the Parish of East Baton Rouge, Louisiana. Map No. H 220058 78 indicates that, "The west 5 ½ acres of the Mrs. J. D. Sharp, Sr., 21 acres of the J. D. Sharp, Sr. Estate," shown on the map attached

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to Original 1 Bundle 2073 in the office of the Clerk of the Parish of East Baton Rouge, Louisiana, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the structure on this property at Municipal Number 9924 Florida Boulevard, Baton Rouge, is not within the Special Flood Hazard Area. Accordingly, Map No. H 220058 78 is hereby corrected to reflect that the above mentioned structure is not within the Special Flood Hazard Area identified on November 22, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24 1974.)

Issued: July 27, 1976.

H. B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-23007 Filed 8-6-76;8:45 am]

[Docket No. FI-196]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Village of Ridgewood, New Jersey

On August 24, 1973, in 38 FR 22776, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the Village of Ridgewood, New Jersey. Map No. H 340067 03 indicates that the property at 419 Arden Court, Ridgewood, New Jersey, as recorded in Book 4863, Page 218, in the office of the Clerk of Bergen County, New Jersey, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above mentioned property is not within the Special Flood Hazard Area. Accordingly, Map No. H 340067 03 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on August 31, 1973.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 27, 1976.

H. B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-23003 Filed 8-6-76;8:45 am]

[Docket No. FI-196]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Village of Ridgewood, New Jersey

On August 24, 1973, in 38 FR 22776, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the Village of Ridgewood, New Jersey. Map No. H 340067 03 indicates that the property at 327 South Irving Street, Ridgewood, New Jersey, as recorded in Book 5442, Page 467, in the office of the Clerk of Bergen County, New Jersey, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above mentioned property is not within the Special Flood Hazard Area. Accordingly, Map No. H 340067 03 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on August 31, 1973.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 27, 1976.

H. B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-23004 Filed 8-6-76;8:45 am]

[Docket No. FI-347]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Mauldin, South Carolina

On August 29, 1974, in 39 FR 31525, the Federal Insurance Administrator published a list of communities with special hazard areas which included Mauldin, South Carolina. Map No. H 450198 08 indicates that Lots 54, 55 and 70, Knollwood Heights Section Five, Mauldin, Greenville County, South Carolina, as recorded in Plat Record Volume 4–R, Page 91 in the office of the Clerk of Greenville County, South Carolina are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area. Accordingly, Map No. H 450198 08 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on August 16, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: July 27, 1976.

H. B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-23005 Filed 8-6-76;8:45 am]

[Docket No. FI-279]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Richardson, Texas

On June 3, 1974, in 39 FR 19466, the Federal Insurance Administrator published a list of communities with special hazard areas which included the City of Richardson, Texas. Map No. H 480184 02 indicates that the Replat of Section One, Foxboro Addition, Richardson, Collin County, Texas, as recorded in Volume 12 of Map and Plat Records, Page 5 in the office of the Clerk of the Court of Collin County, Texas, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area. Accordingly, Map No. H 480184 02 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on May 24, 1974.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: July 27, 1976.

H. B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-23006 Filed 8-6-76;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7426]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Time for Filing Income Tax Returns of Foreign Trusts

This document contains amendments to the Income Tax Regulations (26 CFR Part 1) in order to provide in the regulations that the filing requirements for income tax returns (including unrelated business tax returns) of certain foreign trusts will be the fifteenth day of the sixth month following the close of the trust's taxable year.

The purpose of this amendment is to clarify the regulations and to end an apparent conflict between the regulations and the instructions to Forms 990 T and 1040 NR.

Amendment to the regulations. The Income Tax Regulations (26 CFR Part 1) are amended as follows:

Paragraph 1. Paragraphs (a) and (c) of § 1.6072–1 are amended to read as follows:

§ 1.6072–1 Time for filing returns of individuals, estates, and trusts.

(a) *In general.* Except as provided in paragraphs (b) and (c) of this section, returns of income required under sections 6012, 6013, 6014, and 6017 of individuals, estates, domestic trusts, and foreign trusts having an office or place of business in the United States (including unrelated business tax returns of such trusts referred to in section 511(b)(2)) shall be filed on or before the fifteenth day of the fourth month following the close of the taxable year.

* * * * *

(c) *Nonresident alien individuals and foreign trusts.* The income tax return of a nonresident alien individual and of a foreign trust which does not have an office or place of business in the United States (including unrelated business tax returns of such trusts referred to in section 511(b)(2)) shall be filed on or before the fifteenth day of the sixth month following the close of the taxable year. However, a nonresident alien individual who for the taxable year has wages subject to withholding under chapter 24 of the Code shall file his income tax return on or before the fifteenth day of the fourth month following the close of the taxable year.

* * * * *

Because this Treasury decision amends existing regulations by providing rules relating to administrative practice and procedure, it is found unnecessary to issue it with notice and public procedure thereon under 5 U.S.C. 553(b) or subject to the effective date limitations of 5 U.S.C. 553(d).

(This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).)

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: August 3, 1976.

CHARLES M. WALKER,
Assistant Secretary of the Treasury.

[FR Doc.76-23139 Filed 8-6-76;8:45 am]

Title 30—Mineral Resources

CHAPTER I—MINING ENFORCEMENT AND SAFETY ADMINISTRATION, DEPARTMENT OF THE INTERIOR

PART 55—HEALTH AND SAFETY STANDARDS; METAL AND NONMETALLIC OPEN PIT MINES

Miscellaneous Amendments; Correction

In FR Doc. 76–16799 appearing on pages 23612 and 23613 in the FEDERAL REGISTER for Thursday, June 10, 1976 make the following changes:

1. On page 23612 the last sentence in § 55.6–100, in column 3, is corrected to read "Couplers of tamping poles shall be of nonsparking materials."

2. On page 23613 the heading which reads: "D. § 55.9 Loading, hauling, dumping is amended as follows:", in the 2nd and 3rd lines from the top of column 1, is deleted.

Dated: August 3, 1976.

RAYMOND A. PECK, JR.,
Deputy Assistant Secretary of the Interior.

[FR Doc.76-23116 Filed 8-6-76;8:45 am]

PART 56—HEALTH AND SAFETY STANDARDS; SAND, GRAVEL, CRUSHED STONE OPERATIONS

Miscellaneous Amendments; Correction

In FR Doc. 76–16800 appearing at pages 23613, 23614, and 23615 in the FEDERAL REGISTER for Thursday, June 10, 1976, on page 23614 the last sentence of § 56.6–100, in column 3, is corrected to read "Couplers of tamping poles shall be of nonsparking materials."

Dated: August 3, 1976.

RAYMOND A. PECK, JR.,
Deputy Assistant Secretary of the Interior.

[FR Doc.76-23117 Filed 8-6-76;8:45 am]

PART 57—HEALTH AND SAFETY STANDARDS; METAL AND NONMETALLIC UNDERGROUND MINES

Miscellaneous Amendments; Corrections

In FR Doc. 76–16801 appearing on pages 23615, 23616, 23617, and 23618 in the FEDERAL REGISTER for Thursday, June 10, 1976 make the following changes:

1. On page 23617 the words of issuance of § 57.9–49, in the 4th line from the bottom of column 2, is corrected to read."14. Advisory Standard 57.9–49 which is * * *"

2. On page 23618 the words of issuance of § 57.21–64, in the 19th line from the top of column 3, is corrected to read "5. New mandatory standard 57.21–64 is * * *"

Dated: August 3, 1976.

RAYMOND A. PECK, JR.,
Deputy Assistant Secretary of the Interior.

[FR Doc.76-23118 Filed 8-6-76;8:45 am]

Title 36—Parks, Forests, and Public Property

CHAPTER I—NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SERVICE

Crater Lake National Park, Oregon, Snowmobiles

A proposal was published at page 7950 of the FEDERAL REGISTER of February 23, 1976, to add paragraph (c) to § 7.2 of Title 36 of the "Code of Federal Regulations." The effect of this addition is to designate a route for snowmobiling in Crater Lake National Park.

Interested parties were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed addition. Numerous comments were received, expressing approval of the proposed route, suggesting additional routes, or stating opposition to any snowmobile use in national parks. All comments were carefully considered and it was determined that the proposed addition be adopted, without change, as set forth below. This addition shall take effect on or before September 8, 1976 (5 U.S.C. 553; 16 U.S.C. 3; 16 U.S.C. 122).

Paragraph (c) of § 7.2 is added as follows:

§ 7.2 Crater Lake National Park.

* * * * *

(c) *Snowmobiles.* Snowmobile use is permitted in Crater Lake National Park on the North Entrance Road from its intersection with the Rim Drive to the park boundary, and on intermittent routes detouring from the North Entrance Road as designated by the Superintendent and marked with snow poles and signs. Except for such designated detours marked with snow poles and signs, only that portion of the North Entrance Road intended for wheeled vehicle use may be used by snowmobiles. Such roadway is available for snowmobile use only when the designated roadway is closed to all wheeled vehicles used by the public.

FRANK J. BETTS,
Superintendent, Crater Lake National Park.

[FR Doc.76-23017 Filed 8-6-76;8:45 am]

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SERVICE

Mount Rainier National Park, Washington; Snowmobile Routes

A proposal was published at page 8496 of the FEDERAL REGISTER of February 27, 1976, to add paragraph (c) to § 7.5 of the "Code of Federal Regulations." The effect of this addition is to designate snowmobile routes in Mount Rainier National Park.

Interested parties were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed addition. Several

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comments were received with the majority favoring the proposed addition. All comments were carefully considered and it was determined that the proposed addition be adopted, without change, as set forth below. This addition shall take effect on or before September 8, 1976.

(5 U.S.C. 553; 16 U.S.C. 3; 16 U.S.C. 92)

Paragraph (c) of § 7.5 is added as follows:

§ 7.5 Mount Rainier National Park.

* * * * *

(c) *Snowmobile use*—(1) *Available roadway:* On routes designated for snowmobile use, only that portion of the roadway intended for wheeled vehicle use may be used by snowmobiles. Such roadway is available for snowmobile use only when the designated roadway is closed to all other public motor vehicle use.

(2) *Designated routes:* (i) That portion of the West Side Road south of Round Pass.

(ii) The Mather Memorial Parkway (State Route 410) from its intersection with the White River Road north to the park boundary.

(iii) The White River Road from its intersection with the Mather Memorial Parkway to the White River Campground.

(iv) The Cougar Rock Campground road system.

(v) The Stevens Canyon Road from Stevens Canyon Entrance to the Stevens Canyon Road tunnel at Box Canyon.

DANIEL J. TOBIN, Jr.,
Superintendent,
Mount Rainer National Park.

[FR Doc.76-23018 Filed 8-6-76;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 597-1]

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Delegation of Authority to State of California on Behalf of Madera County Air Pollution Control District

Pursuant to the delegation of authority for the standards of performance for new stationary sources (NSPS) to the State of California on behalf of the Madera County Air Pollution Control District, dated May 12, 1976, EPA is today amending 40 CFR 60.4 *Address*, to reflect this delegation. A Notice announcing this delegation is published in the Notices Section of this issue of the FEDERAL REGISTER, Environmental Protection Agency, FRL 596-8. The amended § 60.4 is set forth below. It adds the address of the Madera County Air Pollution Control District, to which must be addressed all reports, requests, applications, submittals, and communications pursuant to this part by sources subject to the NSPS located within this Air Pollution Control District.

The Administrator finds good cause for foregoing prior public notice and for making this rulemaking effective immediately in that it is an administrative change and not one of substantive content. No additional substantive burdens are imposed on the parties affected. The delegation which is reflected by this administrative amendment was effective on May 12, 1976, and it serves no purpose to delay the technical change of this addition of the Air Pollution Control District address to the Code of Federal Regulations.

This rulemaking is effective immediately, and is issued under the authority of Section 111 of the Clean Air Act, as amended [42 U.S.C. 1857c-6].

Dated: July 27, 1976.

PAUL DEFALCO,
Regional Administrator,
Region IX, EPA.

Part 60 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. In § 60.4 paragraph (b) is amended by revising subparagraph F to read as follows:

§ 60.4 Address.

* * * * *

(b) * * *

F—CALIFORNIA

Bay Area Air Pollution Control District, 939 Ellis St., San Francisco, CA 94109
Del Norte County Air Pollution Control District, Courthouse, Crescent City, CA 95531
Fresno County Air Pollution Control District, 515 S. Cedar Avenue, Fresno, CA 93702
Humboldt County Air Pollution Control District, 5600 S. Broadway, Eureka, CA 95501
Kern County Air Pollution Control District, 1700 Flower St. (P.O. Box 997), Bakersfield, CA 93302
Madera County Air Pollution Control District, 135 W. Yosemite Avenue, Madera, CA 93637
Mendocino County Air Pollution Control District, County Courthouse, Ukiah, CA 95482
Monterey Bay Unified Air Pollution Control District, 420 Church St. (P.O. Box 487), Salinas, CA 93901
Northern Sonoma County Air Pollution Control District, 3313 Chanate Rd., Santa Rosa, CA 95404
Sacramento County Air Pollution Control District, 2221 Stockton Blvd., Sacramento, CA 95827
San Joaquin County Air Pollution Control District, 1601 E. Hazelton St. (P.O. Box 2009), Stockton, CA 95201
Trinity County Air Pollution Control District, Box AJ, Weaverville, CA 96093
Ventura County Air Pollution Control District, 625 E. Santa Clara St., Ventura, CA 93001

* * * * *

[FR Doc.76-23146 Filed 8-6-76;8:45 am]

[FRL 597-2]

PART 61—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Delegation of Authority to State of California on Behalf of Madera County Air Pollution Control District

Pursuant to the delegation of authority for national emission standards for hazardous air pollutants (NESHAPS) to the State of California on behalf of the Madera County Air Pollution Control District, dated May 12, 1976, EPA is today amending 40 CFR 61.04, *Address*, to reflect this delegation. A Notice announcing this delegation is published today in the notices section of this issue of the FEDERAL REGISTER, Environmental Protection Agency, FRL 596-8. The amended § 61.04 is set forth below. It adds the address of the Madera County to which must be addressed all reports, requests, applications, submittals, and communications pursuant to this part by sources subject to the NESHAPS located within Air Pollution Control District.

The Administrator finds good cause for foregoing prior public notice and for making this rulemaking effective immediately in that it is an administrative change and not one of substantive content. No additional substantive burdens are imposed on the parties affected. The delegation which is reflected by this administrative amendment was effective on May 12, 1976, and it serves no purpose to delay the technical change of this addition of the Air Pollution Control District address to the Code of Federal Regulations.

This rule making is effective immediately, and is issued under the authority of Section 112 of the Clean Air Act, as amended [42 U.S.C. 1857c-7].

Dated: July 27, 1976.

PAUL DEFALCO,
Regional Administrator,
Region IX, EPA.

Part 61 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. In § 61.04 paragraph (b) is amended by revising subparagraph F to read as follows:

§ 61.04 Address.

* * * * *

(b) * * *

F—CALIFORNIA

Bay Area Pollution Control District, 939 Ellis St., San Francisco, CA 94109
Del Norte County Air Pollution Control District, Courthouse, Crescent City, CA 95531
Fresno County Air Pollution Control District, 515 S. Cedar Avenue, Fresno, CA 93702
Humboldt County Air Pollution Control District, 5600 S. Broadway, Eureka, CA 95501
Kern County Air Pollution Control District, 1700 Flower St. (P.O. Box 997), Bakersfield, CA 93302
Madera County Air Pollution Control District, 135 W. Yosemite Avenue, Madera, CA 93637
Mendocino County Air Pollution Control District, County Courthouse, Ukiah, CA 95482
Monterey Bay Unified Air Pollution Control District, 420 Church St. (P.O. Box 487), Salinas, CA 93901
Northern Sonoma County Air Pollution Control District, 3313 Chanate Rd., Santa Rosa, CA 95404
Sacramento County Air Pollution Control District, 2221 Stockton Blvd., Sacramento, CA 95827
San Joaquin County Air Pollution Control District, 1601 E. Hazelton St. (P.O. Box 2009), Stockton, CA 95201
Trinity County Air Pollution Control District, Box AJ, Weaverville, CA 96093
Ventura County Air Pollution Control District, 625 E. Santa Clara St., Ventura, CA 93001

* * * * *

[FR Doc.76-23147 Filed 8-6-76;8:45 am]

[FRL 597-8; PP3F1391/R109]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

S-[2-(Ethylsulfinyl)Ethyl]0,0-Dimethyl Phosphorothioate

On July 20, 1973, notice was given 38 FR 19541 that Chemagro Agricultural Division of Mobay Chemical Corp. (formerly Division of Baychem Corp.), PO Box 4913, Kansas City MO 64120, had filed a petition (PP 3F1391) with the Environmental Protection Agency (EPA). This petition proposed that 40 CFR 180.330 be amended by establishing a tolerance for combined residues of the insecticide S-[2-(ethylsulfinyl)-ethyl] 0,0-dimethyl phosphorothioate and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodities tomatoes at 1 part per million (ppm), onions (bulb) at 0.05 ppm and filberts at 0.01 ppm.

Chemagro subsequently amended the petition by increasing the proposed tolerance level on filberts to 0.05 ppm, revising the commodity "onions (bulb)" to read "onions (dry bulb)" and by withdrawing the proposed tolerance for residues on tomatoes.

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerances are sought. There is no reasonable expectation of residues in eggs, meat, milk or poultry from the proposed uses and 40 CFR 180.6(a)(3) applies. It is concluded therefore that 40 CFR 180.330 should be amended as proposed. The tolerances established by such amendment will protect the public health.

Any person adversely affected by this regulation may, on or before September 8, 1976, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. 1019, East Tower, 401 M St., SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on August 9, 1976, 40 CFR 180.330 is amended as set forth below.

Dated: August 4, 1976.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs.

(Sec. 408(d)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)(2)))

Section 180.330 is amended by alphabetically inserting the following commodities and corresponding tolerance levels in the list of raw agricultural commodities of the regulation.

§ 180.330 S-[2-(ethylsulfinyl)ethyl 0,0-dimethyl phosphorothioate; tolerances for residues.

* * * * *

.05 part per million in or on filberts

* * * * *

.05 part per million in or on onions, dry bulb

* * * * *

[FR Doc.76-23153 Filed 8-6-76;8:45 am]

[FRL 596-6]

PART 402—COOLING WATER INTAKE STRUCTURES

Availability

On April 26, 1976 the Agency published a notice of final rulemaking for Cooling Water Intake Structures (Vol. 41, No. 81). Due to difficulties encountered in printing and production the development document entitled "Development Document for Best Technology Available for the Location, Design, Construction and Capacity of Cooling Water Intake Structures for Minimizing Adverse Environmental Impact" has been delayed. However, this document is now available to the public. This document contains information on the analysis undertaken in support of the regulation set forth to implement section 316(b) of the Federal Water Pollution Control Act.

Copies of the document are available from the Government Printing Office at a cost of $3.40 and from the National Technical Information Service at a cost of $9.00 for paper copy and $2.25 for microfiche. Requests for documents should be directed to the:

Government Printing Office,
Superintendent of Documents,
North Capitol Street,
Washington, D.C. 20402,
GPO Stock #15501-01044, or

U.S. Dept. of Commerce,
National Technical Information Service,
Springfield, VA 22161,
NTIS Accession #PB253573

A copy of the final document is also available for inspection and copying at the EPA Public Information Reference Unit (EPA Library), Room 2922, Waterside Mall, 401 M St., S.W., Washington, D.C. 20460 and at the EPA Regional Libraries.

The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

Dated: July 13, 1976.

ANDREW W. BREIDENBACH,
Assistant Administrator
for Water and Hazardous Materials.

[FR Doc.76-23144 Filed 8-6-76;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 1—FEDERAL PROCUREMENT REGULATIONS

PART 1-7—CONTRACT CLAUSES

PART 1-12—LABOR

PART 1-16—PROCUREMENT FORMS

Temporary Regulation 39

To: Heads of Federal agencies

Subject: Listing of employment openings

1. *Purpose.* This FPR Temporary Regulation implements the provisions of the Vietnam Era Veteran's Readjustment Assistance Act of 1974 and the revised regulations of the Secretary of Labor regarding the employment and advancement of qualified disabled veterans and veterans of the Vietnam era.

2. *Effective date.* This regulation is effective July 26, 1976.

3. *Expiration date.* This regulation will continue in effect until canceled.

4. *Background.* Executive Order 11598, dated June 16, 1971, dealt with the problem of assisting veterans of the Armed Forces to obtain employment. The order required Federal contractors and subcontractors to list job openings with the appropriate offices of the Federal/State employment service system. This requirement was implemented by regulations issued by the Secretary of Labor (41 CFR 50-250; 36 F.R. 18398, September 14, 1971) and by the Federal Procurement Regulations Amendment 102 (37 F.R. 2769, February 5, 1972). Subsequently, the requirements in Executive Order 11598 were incorporated into Public Law 92-540, October 24, 1972 (38 U.S.C. 2012). Implementation of this Act by the Secretary of Labor was authorized by Executive Order 11701, January 24, 1973. The Secretary's regulations were published in 41 CFR 50-250 (38 F.R. 2968, January 31, 1973). Public Law 93-508, December 3, 1974, amended the original Vietnam Era Veteran's Readjustment Assistance Act of 1972 (Public Law 9-2540, October 24, 1972), and the Secretary of Labor issued revised regulations (41 CFR 60-250) to implement the Act on June 18, 1976 (41 F.R. 26386, June 25, 1976). The principal changes effected by the Act are as follows: Agencies are required to "take affirmative action to employ and advance in employment disabled veterans and veterans of the Vietnam era," and the applicability of the Act has been limited to contracts of $10,000 or more. The Secretary's revised regulation modifies the contract clause to reflect those changes.

5. *Agency action.* Pending the issuance of a permanent amendment of the Federal Procurement Regulations, Subpart 1-12.11, Listing of Employment Openings, agencies shall include the following affirmative action clause (physically or by reference) in all contracts or purchase

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orders of $10,000 or more as required by the regulations of the Secretary of Labor.

DISABLED VETERANS AND VETERANS OF THE VIETNAM ERA

(a) The contractor will not discriminate against any employee or applicant for employment because he or she is a disabled veteran or veteran of the Vietnam era in regard to any position for which the employee or applicant for employment is qualified. The contractor agrees to take affirmative action to employ, advance in employment, and otherwise treat qualified disabled veterans and veterans of the Vietnam era without discrimination based upon their disability or veterans status in all employment practices such as the following: employment upgrading, demotion or transfer, recruitment, advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

(b) The contractor agrees that all suitable employment openings of the contractor which exist at the time of the execution of this contract and those which occur during the performance of this contract, including those not generated by this contract and including those occurring at an establishment of the contractor other than the one wherein the contract is being performed but excluding those of independently operated corporate affiliates, shall be listed at an appropriate local office of the State employment service system wherein the opening occurs. The contractor further agrees to provide such reports to such local office regarding employment openings and hires as may be required.

State and local government agencies holding Federal contracts of $10,000 or more shall also list all their suitable openings with the appropriate office of the State employment service, but are not required to provide those reports set forth in paragraphs (d) and (e).

(c) Listing of employment openings with the employment service system pursuant to this clause shall be made at least concurrently with the use of any other recruitment source or effort and shall involve the normal obligations which attach to the placing of a bona fide job order, including the acceptance of referrals of veterans and nonveterans. The listing of employment openings does not require the hiring of any particular job applicant or from any particular group of job applicants, and nothing herein is intended to relieve the contractor from any requirements in Executive orders or regulations regarding nondiscrimination in employment.

(d) The reports required by paragraph (b) of this clause shall include, but not be limited to, periodic reports which shall be filed at least quarterly with the appropriate local office or, where the contractor has more than one hiring location in a State, with the central office of that State employment service. Such reports shall indicate for each hiring location (1) the number of individuals hired during the reporting period, (2) the number of nondisabled veterans of the Vietnam era hired, (3) the number of disabled veterans of the Vietnam era hired, and (4) the total number of disabled veterans hired. The reports should include covered veterans hired for on-the-job training under 38 U.S.C. 1787. The contractor shall submit a report within 30 days after the end of each reporting period wherein any performance is made on this contract identifying data for each hiring location. The contractor shall maintain at each hiring location copies of the reports submitted until the expiration of one year after final payment under the contract, during which time these reports and related documentation shall be made available, upon request, for examination by any authorized representatives of the contracting officer or of the Secretary of Labor. Documentation would include personnel records respecting job openings, recruitment, and placement.

(e) Whenever the contractor becomes contractually bound to the listing provisions of this clause, it shall advise the employment service system in each State where it has establishments of the name and location of each hiring location in the State. As long as the contractor is contractually bound to these provisions and has so advised the State system, there is no need to advise the State system of subsequent contracts. The contractor may advise the State system when it is no longer bound by this contract clause.

(f) This clause does not apply to the listing of employment openings which occur and are filled outside the 50 States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.

(g) The provisions of paragraphs (b), (c), (d), and (e) of this clause do not apply to openings which the contractor proposes to fill from within his own organization or to fill pursuant to a customary and traditional employer-union hiring arrangement. This exclusion does not apply to a particular opening once an employer decides to consider applicants outside of his own organization or employer-union arrangement for that opening.

(h) As used in this clause: (1) "All suitable employment openings" includes, but is not limited to, openings which occur in the following job categories: production and non-production; plant and office; laborers and mechanics; supervisory and nonsupervisory; technical; and executive, administrative, and professional openings that are compensated on a salary basis of less than $25,000 per year. This term includes full-time employment, temporary employment of more than 3 days' duration, and part-time employment. It does not include openings which the contractor proposes to fill from within his own organization or to fill pursuant to a customary and traditional employer-union hiring arrangement nor openings in an educational institution which are restricted to students of that institution. Under the most compelling circumstances an employment opening may not be suitable for listing, including such situations where the needs of the Government cannot reasonably be otherwise supplied, where listing would be contrary to national security, or where the requirement of listing would otherwise not be for the best interest of the Government.

(2) "Appropriate office of the State employment service system" means the local office of the Federal/State national system of public employment offices with assigned responsibility for serving the area where the employment opening is to be filled, including the District of Columbia, Guam, Puerto Rico, and the Virgin Islands.

(3) "Openings which the contractor proposes to fill from within his own organization" means employment openings for which no consideration will be given to persons outside the contractor's organization (including any affiliates, subsidiaries, and the parent companies) and includes any openings which the contractor proposes to fill from regularly established "recall" lists.

(4) "Openings which the contractor proposes to fill pursuant to a customary and traditional employer-union hiring arrangement" means employment openings which the contractor proposes to fill from union halls, which is part of the customary and traditional hiring relationship which exists between the contractor and representatives of his employees.

(i) The contractor agrees to comply with the rules, regulations, and relevant orders of the Secretary of Labor issued pursuant to the Act.

(j) In the event of the contractor's noncompliance with the requirements of this clause, actions for noncompliance may be taken in accordance with the rules, regulations, and relevant orders of the Secretary of Labor issued pursuant to the Act.

(k) The contractor agrees to post in conspicuous places available to employees and applicants for employment notices in a form to be prescribed by the Director, provided by or through the contracting officer. Such notice shall state the contractor's obligation under the law to take affirmative action to employ and advance in employment qualified disabled veterans and veterans of the Vietnam era for employment, and the rights of applicants and employees.

(l) The contractor will notify each labor union or representative of workers with which it has a collective bargaining agreement or other contract understanding that the contractor is bound by terms of the Vietnam Era Veteran's Readjustment Assistance Act and is committed to take affirmative action to employ and advance in employment qualified disabled veterans and veterans of the Vietnam era.

(m) The contractor will include the provisions of this clause in every subcontract or purchase order of $10,000 or more unless exempted by rules, regulations, or orders of the Secretary issued pursuant to the Act, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the Director of the Office of Federal Contract Compliance Programs may direct to enforce such provisions, including action for noncompliance.

6. *Effect on other issuances.* The text of Subpart 1–12.11, Listing of Employment Openings, is canceled and the subpart is reserved. References in the following sections of the FPR to the clause formerly presented in § 1–12.1102–2 shall be considered references to the clause in paragraph 5 of this temporary regulation:

a. Section 1–7.103–16;
b. Section 1–7.602–34;
c. Section 1–16.101(c);
d. Section 1–16.401(h);
e. Section 1–16.601(b); and
f. Section 1–16.701(b).

JACK ECKERD,
Administrator of General Services.

JULY 30, 1976.

[FR Doc.76–23019 Filed 8–6–76;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT; APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5595; I–9110]

IDAHO

Withdrawal for Seed Orchard

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Subject to valid existing rights, the following described national forest land is hereby withdrawn from appropriation under the mining laws, 30 U.S.C., Ch. 2, but not from leasing under the mineral leasing laws in aid of programs of the Department of Agriculture:

PAYETTE NATIONAL FOREST

BOISE MERIDIAN

LOST LAKE SEED ORCHARD

T. 19 N., R. 1 W.,
Sec. 17, NW¼SW¼SW¼SW¼, S½SW¼SW¼SW¼;
Sec. 18, S½SE¼SE¼SE¼, NE¼SE¼SE¼SE¼;
Sec. 19, NE¼NE¼NE¼, NE¼SE¼NE¼NE¼;
Sec. 20, SW¼NE¼NW¼, SW¼NW¼NE¼NW¼, W½SE¼NE¼NW¼, NW¼NW¼NW¼, SE¼NW¼NW¼, N½SW¼NW¼NW¼, SE¼SW¼NW¼NW¼, S½NE¼NW¼NW¼, NW¼NE¼NW¼NW¼, N½NE¼SW¼NW¼, N½NW¼SE¼NW¼.

The area described aggregates 90 acres in Adams County.

The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest land under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

JACK O. HORTON,
Assistant Secretary of the Interior.

AUGUST 2, 1976.

[FR Doc.76–23020 Filed 8–6–76;8:45 am]

[Public Land Order 5596; NM–25707]

NEW MEXICO

Partial Revocation of Executive Order No. 6276

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Executive Order No. 6276 of September 8, 1933, which withdrew public lands in New Mexico to aid the State in making exchange selections as provided by the Act of June 15, 1926, 44 Stat. 746–748, is hereby revoked so far as it affects the following described lands:

NEW MEXICO PRINCIPAL MERIDIAN

T. 23 S., R. 14 W.,
Sec. 3, lots 3 and 4;
Sec. 4, lots 1, 2, S½NE¼, SE¼NW¼, NE¼SW¼.

The area described aggregates 321.13 acres in Grant County.

The lands are located about 9 miles northeast of Separ. The soils are sandy clay loam that support a mixture of grasses, principally black grama, dropseed, three-awns and tobosa, and lies at an elevation slightly in excess of 5,000 feet.

2. At 10 a.m. on September 7, 1976, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on September 7, 1976, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands have been and continue to be open to applications and offers under the mineral leasing laws and to location under the United States mining laws for metalliferous minerals. They will be open to location for nonmetalliferous minerals at 10 a.m. on September 7, 1976.

Inquiries concerning the lands should be addressed to Chief, Division of Technical Services, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

JACK O. HORTON,
Assistant Secretary of the Interior.

AUGUST 2, 1976.

[FR Doc.76–23021 Filed 8–6–76;8:45 am]

[Public Land Order 5597; NM–13177 and NM–14635]

NEW MEXICO

Addition to National Forest

By virtue of the authority contained in the Act of July 9, 1962, 43 U.S.C. 315 g–1 (1970), it is ordered as follows:

Subject to valid existing rights, the following described lands, acquired in exchanges made pursuant to section 8 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272), as amended, 43 U.S.C. 315g (1970), are hereby added to and made a part of the Carson, Santa Fe, and Gila National Forests and hereafter shall be subject to all laws and regulations applicable to said national forests:

NEW MEXICO PRINCIPAL MERIDIAN

CARSON NATIONAL FOREST

T. 24 N., R. 4 E.,
Sec. 8, lot 1 and NE¼;
Sec. 9, lots 1, 2, NW¼NW¼.

SANTA FE NATIONAL FOREST

T. 24 N., R. 2 E.,
HES No. 199.
T. 25 N., R. 2 E.,
Sec. 36, SW¼NW¼NW¼NE¼, SW¼NW¼NE¼, W½SW¼NE¼, SW¼SE¼SW¼NE¼, SE¼NE¼NE¼NW¼, NE¼SE¼NE¼NW¼, W½E½NW¼SE¼, W½NW¼SE¼.
T. 24 N., R. 3 E.,
HES Nos. 45, 194, 195, 196, 197, and 198.
T. 24 N., R. 4 E.,
Sec. 8, lot 2, S½NW¼, N½SW¼, SW¼SW¼;
Sec. 17, lot 1.

GILA NATIONAL FOREST

T. 10 S., R. 12 W.,
Sec. 10, SE¼SW¼;
Sec. 15, NW¼NE¼;
Sec. 29, NW¼.
T. 11 S., R. 12 W.,
Sec. 5, NW¼SW¼;
Sec. 6, lot 50, N½ of lot 51, lot 58 except 10 acres described as W½NE¼, E½NW¼.

The areas described above aggregate 1,942.825 acres more or less in Rio Arriba, Sandoval and Catron Counties.

JACK O. HORTON,
Assistant Secretary of the Interior.

AUGUST 2, 1976.

[FR Doc.76–23022 Filed 8–6–76;8:45 am]

SUBCHAPTER B—LAND RESOURCE MANAGEMENT (2000)

PART 2650—ALASKA NATIVE SELECTIONS

Waiver of Regulations for Cook Inlet Region, Inc.

This order extends until October 1, 1976, for Cook Inlet Region, Inc., the application filing date contained in 43 CFR 2653.4(b) for selections pursuant to section 14(h)(1) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 704).

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Statement of consideration. Cook Inlet Region, Inc., a corporation formed pursuant to the Alaska Native Claims Settlement Act (ANCSA), has requested a waiver of the regulations to extend the time for making selections under section 14(h)(1) of the ANCSA. Cook Inlet Region, Inc., makes such a request in order that they may have sufficient time to define more precisely the areas which they wish to select under this section.

The Department has studied this request and has concluded that an extension to October 1, 1976, to make more specific identifications with regard to such selections is warranted. At the time such selections are filed or refiled, land must be available for selection under section 14(h)(1) of the ANCSA and 43 CFR 2653. The filing must also be in compliance with the regulations in effect on the date of the filing. Any selection presently on file not meeting the two preceding conditions must be refiled.

It is therefore ordered, as authorized by the terms of 43 CFR 2650.0–8 and in accordance with the aforementioned conditions, that the effective date with respect to the filing deadline in 43 CFR 2653.4(b) for selections under section 14(h)(1) of the ANCSA be extended to October 1, 1976, for Cook Inlet Region, Inc.

Signed at Washington, D.C. on August 2, 1976.

THOMAS S. KLEPPE,
Secretary of the Interior.

[FR Doc.76–23098 Filed 8–6–76;8:45 am]

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 177—FEDERAL, STATE AND PRIVATE PROGRAMS OF LOW-INTEREST LOANS TO VOCATIONAL STUDENTS AND STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION

Special Allowances

Subparagraph (3) of § 177.4(c), Special allowances, which deals with the payment to lenders of the allowances authorized by section 2 of the "Emergency Insured Student Loan Act of 1969" (Pub. L. 91–95) is amended to provide for the payment of such an allowance for the period April 1, 1976, through June 30, 1976, inclusive.

In light of the directives in the Emergency Insured Student Loan Act of 1969 with respect to the factors that the Secretary of Health, Education, and Welfare is to consider and the officials with whom he is to consult in setting the rate of the special allowance, and since a comment period would cause delay of at least 30 days, following each quarterly 3-month period, it has been determined pursuant to 5 U.S.C. 553 that the solicitation of comment as to the rate of the special allowance for any particular quarter is both impracticable and contrary to the public interest.

Effective date. Pursuant to section 431(d) of the General Education Provisions Act, as amended (20 U.S.C. 1232(d)), these regulations have been transmitted to the Congress concurrently with the publication in the FEDERAL REGISTER. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of such transmission, subject to the provisions therein concerning Congressional action and adjournment.

Section 177.4(c)(3) is amended as follows:

§ 177.4 Payment of interest benefits, administrative cost allowances and special allowance.

* * * * *

(c) Special allowances. * * *

(3) Special allowances are authorized to be paid as follows:

* * * * *

(xxviii) For the period April 1, 1976, through June 30, 1976, inclusive, a special allowance is authorized to be paid in an amount equal to the rate of 1½ percent per annum of the average unpaid balance of disbursed principal of eligible loans.

(Sec. 2, 83 Stat. 141)

(Catalog of Federal Domestic Assistance No. 13.460 Guaranteed Student Loan Program.)

Dated: July 2, 1976.

T. H. BELL,
U.S. Commissioner of Education.

Approved: August 4, 1976.

MARJORIE LYNCH,
Acting Secretary of Health, Education, and Welfare.

[FR Doc.76–23180 Filed 8–6–76;8:45 am]

CHAPTER X—COMMUNITY SERVICES ADMINISTRATION

[CSA Instruction 6910–1a]

PART 1069—COMMUNITY ACTION PROGRAM GRANTEE PERSONNEL MANAGEMENT

Travel Regulations for CSA Grantees and Delegate Agencies

Title 45 Code of Federal Regulations 1069.3 (OEO Instruction 6910–1) was originally published on July 12, 1969 at 34 FR 11546. Significant changes were made in §§ 1109.3–5 and 6 by 38 FR 7117, published March 16, 1973. As a result of the decision and order in *Local 2677, AFGE* v. *Phillips* 353 F. Supp. 60 (1973), significant questions were raised as to the validity of these changes in 45 CFR 1069.3–5 and 6; consequently these sections were revoked by a notice in 39 FR 27439, published July 28, 1974.

As a result of the revocation of §§ 1069.3–5 and 6, there is no valid regulation governing when grantees must seek CSA approval for out-of-community travel costs, though the provisions of OEO Instruction 6910–1 as it was in force from 1969 to 1973 are generally being followed and do represent CSA policy. Therefore, CSA is repromulgating those provisions and making some other minor technical changes needed to update 45 CFR 1069.3.

Public comment on this regulation is invited. Any comments received before September 8, 1976 will be taken into account in deciding whether any further revision of this regulation is necessary. Please address any comments to Community Services Administration, Office of Operations, 1200 19th Street, N.W., Washington, D.C. 20506.

Effective date: September 8, 1976.

SAMUEL R. MARTINEZ,
Director.

Title 45 Code of Federal Regulations Part 1069 is revised to read as follows:

Sec.
1069.3–1 Applicability of this subpart.
1069.3–2 Policy.
1069.3–3 Accounting for travel funds.
1069.3–4 General travel regulations.
1069.3–5 Restrictions on charging out-of-community travel costs to grant funds.
1069.3–6 Approval of travel outside the continental United States.

AUTHORITY: Sec. 602, 78 Stat. 530, 42 U.S.C. 2942.

§ 1069.3–1 Applicability of this subpart.

This subpart applies to all grant programs financially assisted under Titles II, III–B and VII of the Community Services Act, as amended, if the assistance is administered by the Community Services Administration.

§ 1069.3–2 Policy.

(a) All grantees and delegate agencies are required to follow the travel policies set forth in the Standardized Government Travel Regulations (SGTR). However, when a grantee or delegate agency has existing travel policies that are more restrictive than those in the SGTR, or when the grant contains more restrictive limitations, the more restrictive policies should be followed.

(b) The governing or administering board of each grantee or delegate agency shall approve its written travel regulations and designate responsible officials to assure that the regulations comply with the requirements of this subpart and are adhered to by employees when using grant funds (including the required non-Federal share) to pay for their travel.

(c) In common with other expenditures, payments for travel are subject to audit by independent licensed public accountants and Federal auditors. Expenditures for travel which fail to meet the requirements of this subpart may be questioned as proper charges against grant funds. Grantees are responsible for providing the documentation needed to prove that questioned travel expenditures were reasonable and necessary.

(d) In addition, grant funds may not be used to reimburse costs incurred for travel which violates any CSA Instruction or grant condition. Particular attention is directed to the limitations on travel for the purpose of lobbying set forth in OEO Instruction 6907–01, and to the authorized uses for project vehicles discussed in OEO Instruction 7001–01a, Section 8d (45 CFR 1071.73).

§ 1069.3–3 Accounting for travel funds.

All grantee or delegate agency payments for travel by employees, consultants, and members of governing or administering boards must be authorized in advance and must be supported by properly approved invoices covering both travel and, if applicable, per diem.

§ 1069.3–4 General travel regulations.

(a) General travel regulations issued by grantees and delegate agencies should contain the restrictions set forth as follows:

(1) Where a grantee or delegate agency has a previously established travel policy which contains requirements that are more restrictive than those of the SGTR, the more restrictive requirements shall be followed.

(2) Mileage costs for use of privately owned automobiles shall be paid in accordance with prevailing rates in a community. In no event, however, may the rates paid exceed 15 cents a mile.

(3) Less than first-class travel accommodations shall be used in all instances except the following:

(i) These accommodations do not exist or are not available within a reasonable time;

(ii) Less than first-class would result in higher overall costs because of required routing, time urgency, baggage differential or other factors;

(iii) Physical condition of the traveler or other extenuating circumstances require the use of first-class.

(4) The reason(s) for traveling first-class must be shown on travel vouchers submitted for reimbursement.

(b) Grantee and delegate agency travelers shall have their travel authorized in advance in accordance with their organization's rules on the subject. The authorization shall include a brief explanation of the purpose of the trip, destination, and period during which the travelers will be on travel status. Reimbursements for travel expenses should be supported by vouchers that show the name of the individuals who traveled and refer to the authorization that approved the travel.

(c) Local travel expenses for persons whose position requires daily or intermittent travel should be covered by a general travel authorization and should only be reimbursed after presentation of a local expense statement submitted at regular intervals.

(d) When program personnel are in a travel status through the ending date of a program year and into a new program year, the cost of their transportation shall be charged to the period in which the tickets for their travel were purchased. However, mileage, per diem, and other expenses reimbursed to a traveler shall be charged to the proper program year grant in accordance with the days in which the expenses were incurred and the per diem was due.

§ 1069.3–5 Restrictions on charging out-of-the-community travel costs to grant funds.

(a) Grantees may use CSA grant funds to reimburse out-of-the-community travel costs incurred by grantee and delegate agency employees, consultants and members of governing or administering boards without obtaining prior CSA approval, if the travel was for purposes outlined below and meets the geographical limitations of § 1069.3–6:

(1) Travel in response to a specific invitation from the CSA Headquarters or a CSA Regional Office to attend a conference or meeting for the purpose of furthering grantee activity.

(2) Travel to attend conferences and meetings of professional organizations whose efforts are closely related to the poverty programs being administered by the grantee. This would include, but not be limited to, conferences and meetings sponsored by State Economic Opportunity Offices operating under a CSA grant, the National Congress for Community Economic Development, the National Association for Community Development, and Community Action Directors' Associations. No specific limit is imposed on the number of trips which may be charged to the grant within the approved budget. However, grantees and delegate agencies should be prepared to show to CSA auditors, inspectors or evaluation teams that each such trip was reasonable and contributed to the development or management of the grantee's approved program.

(3) Travel to interview prospective employees or to procure services, supplies or equipment when it can be shown that the travel was necessary and advantageous in the instances involved.

(b) All other travel must be specifically approved in writing, in advance, by CSA before reimbursement from grant funds is authorized.

(c) NOTE: In the event CSA determines that travel by a grantee employee or employees is necessary as discussed in (a)(1) above, and sufficient funds for such travel are not available within the grant, the granting office may directly reimburse the grantee employee for the travel costs incurred. However, when such payments are made, the granting office must inform the grantee involved, in writing, that the employee(s) has been reimbursed for the travel costs and that no additional reimbursement is authorized. Grantees are cautioned that they are responsible for establishing the controls needed to prevent duplicate payments for travel in such instances.

§ 1069.3–6 Approval of travel outside the Continental United States.

(a) All travel to places outside of the limits of 48 continental United States must be approved in writing, in advance, by the Regional Director for regionally administered grants or the appropriate Assistant/Associate Director for Headquarters administered grants.

(b) Travel is also permitted between Puerto Rico and the Virgin Islands for area meetings and conferences and similarly between Micronesia (the Trust Territories) and Guam.

[FR Doc.76–23041 Filed 8–6–76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 76–717; Docket No. 20234]

PART 21—DOMESTIC PUBLIC LAND MOBILE RADIO SERVICES (OTHER THAN MARITIME MOBILE)

Power Limitations of Transmitters

1. On November 14, 1974, we initiated this proceeding by issuance of a Notice of proposed rulemaking, 39 FR 40590, for the purpose of promulgating in Part 21 of the Commission's rules a new regulation concerning the output power of mobile stations in the Domestic Public Land Mobile Radio Service.

2. A review of Part 21 of the Commission's rules had disclosed that current applicable provisions would appear to permit land mobile stations to operate at transmitter output powers equal to that of base stations. Although airborne stations are limited by the rules to 25 watts output power, land mobile stations are limited only by policy to 60 watts output power, and so it appeared necessary to formally include the 60 watt limitation in the rules to reduce the radio interference potential of mobile stations operating in the extremes of the service area of their associated base station.

3. The proposed rulemaking would have set an upper limit of 60 watts "rated" power output on all "land mobile transmitters" licensed in the future and would have excluded the use of external radio frequency amplifiers.

4. Comments have been filed on the proposed rulemaking by the following parties: Fresno Mobile Radio, Inc. (Fresno) on December 2, 1974; The National Association of Radiotelephone Systems (NARS) on December 19, 1974; The American Telephone and Telegraph Company (AT&T) on December 20, 1974; and Motorola, Inc. (Motorola) on December 20, 1974.

5. The majority of the comments support the proposed rulemaking being considered by this Report and Order, but suggestions concerning the use of external radio frequency amplifiers and requests for clarification of terminology have been made.

6. Of those filing comments, only Fresno has serious objections to the proposed rule, Fresno's objections to the proposal are: (1) Limiting the power output of mobiles to 60 watts would put RCC's (Radio Common Carriers) at more of a competitive disadvantage to stations in Business Radio and Special Industrial services who operate their mobile units in most cases at a maximum input power of 180 watts (i.e. 90 watts output assuming 50 percent efficiency of

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the final radio frequency stage); (2) Subscribers in remote rural areas need all the power possible to talk out; (3) Since most of Fresno's VHF base stations operate at 80 watts output, to enable the mobiles to communicate with the base station, equal power should be allowed for mobile units even if special waivers are required; and (4) Much of the existing mobile equipment available is type accepted at output powers of 110 watts or higher.

7. NARS contends that the proposed rule should be adopted, however it objects to the provision banning the use of external radio frequency amplifiers except if otherwised authorized. In support of its position NARS uses an example of equipment where the use of external amplification is necessary. NARS states that many subscribers to DPLMRS facilities have been utilizing handheld portable units to meet both their mobile and portable requirements. When used as portables these units could operate without external radio frequency amplifiers, but when used in a vehicle as a mobile unit the power amplifiers are necessary to obtain the same performance as a regular mobile unit. NARS believes that requiring specific authorization for these amplifiers would be unnecessary if the rule allowed the use of external amplification as long as the output power of the transmitter and amplifier combined does not exceed the 60 watt limitation.

8. AT&T also supports the proposed rule making as being beneficial in reducing potential radio interference from mobile units. In addition, AT&T believes that with good engineering there would be no need for mobile stations to ever exceed the 60 watt limitation.

9. Motorola supports the proposed rule making but requests clarification as to whether the rule will apply only to mobile units and whether waiver requests to operate in excess of the limitation will be granted upon proper showing by the applicant. Motorola's first reservation is based on the fear that the wording "land mobile transmitter" might be construed as meaning base stations as well as mobile stations. Their second reservation is based on the fear that if 60 watts were not sufficient due to terrain or some other unusual circumstance the applicant would have no other recourse but to limit his service area or go off the air due to poor service to the subscriber.

10. With regard to Fresno's first argument that the limitation on power would put RCC's at a competitive disadvantage with stations in the Business Radio and Special Industrial Services (services in the Safety and Special Radio services (SSRS)), the Commission wishes to point out that stations in the DPLMRS and in the SSRS are not considered to be in direct competition. Stations in the DPLMRS are operated on an interference-free basis. Stations in the SSRS operate without protection from harmful co-channel electrical interference. Because of this difference, each of these services appeals to a different segment of the radio user market and thus, are not in direct competition. Therefore, the 60 power output limitation in the DPLMRS would not place the RCC at a competitive disadvantage.

11. Both Motorola and Fresno are concerned with the ability of mobile stations to communicate with their associated base station when operating in remote regions or in areas of rugged terrain. We do recognize that RCC's, in many cases, do not have the engineering and monetary resources to draw upon to implement the complex systems that may be necessary to overcome these propagation problems. Therefore, upon a significant showing that 60 power output is insufficient for effective mobile operation and that other engineering solutions are not feasible, requests for waiver of this rule will be considered and noted on either the base station or the individual mobile station authorization if granted.

12. With regard to Fresno's comment that much of the existing mobile equipment is type accepted under Part 21 of the Commission's Rules for rated output powers greater than the 60 watt limitation, we have changed the proposed rule so that it would limit output power and not necessarily rated output power. This change would allow the use of a mobile station transmitter type accepted under Part 21 with a rated power output greater than 60 watts as long as the actual output power was reduced to the 60 watt limitation. The appropriate change has been made in the rule. See text below.

13. NARS has objected to the restriction of external radio frequency (R.F.) power amplifiers because R.F. power amplifiers would allow hand-held portables to operate in a vehicle with the same capabilities as a regular mobile unit. The Commission has type accepted under Part 21 portable transmitters capable of use with mobile mounting facilities which amplify the signals of the portable transmitters. Both operational configurations are included under a single type acceptance grant. We intend to continue the authorization of such equipment for use under Part 21, and therefore believe the concerns of NARS are adequately addressed. We will consider that R.F. power amplifiers are acceptable when included as part of a transmitter-amplifier combination type accepted by the Commission. However, we stress that the combination of transmitter and amplifier must be type accepted by the Commission. In addition, the power output of the combination must not exceed the 60 watt limitation. The rule has been amended to reflect these considerations. See text below.

14. Motorola is fearful that the language of the rule may lead to confusion because the terminology, "land mobile transmitter", could be construed to mean base station transmitter as well as mobile transmitter. Therefore, the rule has been changed so that the wording is in exact accordance with the definitions listed in Part 21.1 of the Commission's rules. The wording land mobile transmitter has been changed to land mobile station transmitter and the wording airborne mobile transmitter has been changed to airborne station transmitter. Land mobile station and airborne station are defined in § 21.1. The term transmitter as it applies here has been defined in paragraph 13 of this order. Therefore, the rule has been amended accordingly. See text below.

15. Accordingly, *it is hereby ordered*, That pursuant to the authority contained in sections 4(i) and 303 of the Communications Act of 1934, [47 U.S.C. sections 154(i), 303], Part 21 of the Commission's rules and regulations Is Amended as set forth below, effective September 9, 1976.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Adopted: July 27, 1976.

Released: August 5, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

Part 21 of Chapter 1 of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 21.506, paragraph (b) is redesignated as paragraph (c) and new paragraph (b) is added to read as follows:

§ 21.506 Power limitations.

* * * * *

(b) The power output of land mobile station transmitters shall not exceed 60 watts. The power output of airborne station transmitters shall not exceed 25 watts. A transmitter may consist of an exciter plus a radio frequency power amplifier provided that such a combination is type accepted by the Commission.

* * * * *

[FR Doc.76-22992 Filed 8-6-76;8:45 am]

[FCC 76-730; Docket No. 20764]

PART 73—RADIO BROADCAST SERVICES

Free Time for Candidates

Adopted: July 27, 1976; Released: August 5, 1976.

In the matter of amendment of the Commission's rules to require stations to notify opposing candidates of gifts of time for use within 72 hours prior to the day of an election.

1. The Commission has before it the Notice of proposed rule making in this proceeding, 41 FR 15425, adopted April 1, 1976, and the filings in response to the Notice. Comments were filed by American Broadcasting Companies, Inc. ("ABC"), National Broadcasting Company, Inc. ("NBC"), Post-Newsweek Stations ("Post-Newsweek"), Henry Geller and the National Association of Broadcasters ("NAB"). Post-Newsweek was the only party to file reply comments.

2. At issue in the proceeding is a situation in which a licensee provides free time to be used by or on behalf of one or more (but not all) candidates for a public office during the period 72 hours before an election. Specifically, the Commission proposed a rule which would require the licensee in such instances to notify all other candidates early enough of this giving of free time so they could assert their "equal opportunities" or "Zapple"[1] rights, whichever applied. As proposed, the rule paralleled one already in force which, inter alia, utilized such a notification procedure in cases where a licensee during the 72 hour period before the election editorialized on behalf of one or more candidates or against one or more opposing candidates. In Dolph-Pettey Broadcasting Co., 30 F.C.C. 2d 675 (1971) the Commission ruled that notification of candidates during the closing days just before the election was necessary, and pointed out that failure to notify opposing candidates of the giving of free time could in effect nullify the statutory right to equal opportunities. To avoid such a result, the Commission proposed (as in Dolph-Pettey it said it would) a rule requiring the licensee to employ a notification procedure in such cases.

3. The parties which filed in this proceeding did not question the goal of the rule proposed. They did question the need for the rule to achieve such a result. Moreover, they feared that the rule if adopted could cause considerable harm. Damage, they asserted would be caused to public and licensee alike. In their view, a licensee would not be able to discharge the obligations imposed by the rule and thus would tend to avoid political programs as a means of protecting itself from the predicament the rule would create. Therefore, they ask that no rule be adopted. Alternatively, one party suggested another means than notification to achieve the purposes for which the rule was designed.

4. Several parties expressed particular concern about the obligation to notify all opposing candidates, as they doubt the licensee would know all of those it would be required to inform. CBS in particular has detailed the difficulties which would obtain in determining who all the legally qualified candidates are. It claims that many candidates, particularly write-in candidates, are not known, and, it does not see how a licensee could comply with a rule mandating notification of all candidates. While it believes that the Commission did not intend any "chilling effect" it fears that such would be its inevitable impact.

5. The filing parties express other reasons for questioning why such a rule is needed when the consequence could be so severe. They point, for example, to a possible inadvertent appearance of a candidate, as on a call-in show. In such a case a licensee would not be prepared to respond through notification. Thus, if a rule were to be adopted, NBC asked that it be limited to apply only to instances where the time was turned over to the candidate for use without restriction. CBS offered an argument in some respects similar when it viewed the key ingredient which distinguished this proposal from the existing rule applicable to editorializing as the fact that the latter is under the direct control of the licensee. This, it believed, could warrant use of a separate standard, one that could not legitimately be applied here.

6. Other practical problems were mentioned such as the fact that most elections are on Tuesdays, so the preceding three day period is mostly on the weekend. The parties questioned how a notification process could successfully function then when there might well be no way to contact many of the candidates. PBS states that it has a particular problem in regard to the proposed rule dealing with the giving of free time by virtue of the fact that its member stations are noncommercial. Thus, all time is free, so that the rule would have a more severe impact. PBS doubted that a licensee could discharge its responsibility to determine who to notify unless candidates were required to step forward and document the fact that they are legally qualified. Other parties echoed this point about a licensee's lack of information upon which to judge who to notify.

7. With all this in mind, the commenting parties question the need for a rule when, in their view, there has not been a serious or recurring problem. Thus, they conclude that the need is not great and they urge us not to proceed with the adoption of the rule just on behalf of a theoretical objective. Only the NAB offered a suggestion of a possible alternative approach which could possibly avoid the concerns which had been raised and yet would accomplish the desired ends. While others offered alternatives, if the Commission were determined to proceed, they were simply a more restricted version of the original proposal. The NAB proposed that instead of adopting a rule requiring notification of all candidates about the licensee's having given free time, the rule could be amended to treat gifts of time on the same basis as requests for time.[2] Thus, all candidates could become aware that free time is to be or has been given and the process for doing so would not involve the burdens which notification would entail.

8. Although we believed the proposed rule would serve an important purpose, it was not premised on the current existence of serious or frequent abuses. Rather it was designed to avoid the potential for such abuse (or the appearance of it). These are important goals, but we have become aware that the method proposed to deal with the situation could create more problems than it would solve. Unless another mode of responding can be developed which would avoid these problems, it would be better to continue with the present situation. Fortunately, we believe that an arrangement has been devised that will be satisfactory in practice and will respond to the concerns expressed in the filings.

9. The choice we have decided to follow is a variation of a suggestion made by the NAB. In essence, NAB urged us to use a procedure which paralleled the one now in use for candidate-initiated purchases of or requests for time. Licensees are already required to maintain a political file at the station and to promptly place pertinent material in the file for public examination. With this material as a guide, candidates are in a position to exercise the right to equal opportunities. Licensees would be able to examine the documentation offered and decide whether the candidate is legally qualified. The key element here is that the licensee does not have to guess or operate in the dark. It can require the submission of the information it needs to establish the legally qualified status of the candidate. While it is true that the burden is placed on the candidate to assert a right to equal opportunities, it is by no means an unfair one. The method of responding is clear, simple and easy to follow. The licensee is then in a position to reply to any such request as might be received. This process provides the licensee with the data needed to make the necessary judgments on these requests and avoids the problems which would arise if the licensee had to notify all candidates. Adopting such a procedure here is considered a fair balance of the equities involved and should prove beneficial in its operation.

10. Accordingly, we are adopting rules[3] which will require that the licensee immediately place in the station's political file information regarding all non-exempt[4] gifts of time for use during the three days preceding the election. Time is most clearly of the essence here, so no delay in placing the material in the file would be acceptable.

11. The rule we are adopting does not distinguish between appearances by a candidate and broadcasts on behalf of a candidate; the latter, which do not constitute a "use" because the candidate himself does not appear, are governed by Zapple and subsequent cases. Requiring the licensee to include this material is not intended to indicate that a request for time necessarily need be granted under Zapple. Thus no conflict exists between our action here and the Fairness Report which stated that Zap-

[1] Equal opportunities applies to non-exempt candidate appearances and Nicholas Zapple, 23 F.C.C. 2d 707 (1970), applies to appearances by others on a candidate's behalf.

[2] Licensees are required to maintain files for public inspection which must contain all requests for time by or on behalf of candidates, the disposition of the request, and the charges, if any, that are made.

[3] Because of the change from a notification procedure to one involving record keeping, there is a change in the particular rule sections affected.

[4] Since exempt uses give rise to no right to equal opportunities, there is no reason to include them within the coverage of the rule.

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ple "did not establish that in the political broadcast field there is now a quasi-equal opportunities approach applicable to all candidates and parties, including those of a fringe nature," 48 F.C.C. 2d 1 at 44 (1974). Now that we have decided that a simple entry in the file will suffice, we leave the Zapple area unaffected by our action here and no further discussion in that regard is required.

12. Accordingly, *it is ordered*, That pursuant to the authority contained in sections 4(i), 303(r) and 315 of the Communications Act of 1934, as amended, §§ 73.120(d), 73.290(d), 73.590(d), 73.657(d) and 76.205(c) are amended to read as set forth below, effective September 10, 1976.

13. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 315, 48 Stat., as amended, 1066 1082, 1088; 47 U.S.C. 154, 303, 315.)

Adopted: July 27, 1976.

Released: August 5, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

1. In § 73.120, paragraph (d) is revised as follows:

§ 73.120 Broadcast by candidates for public office.

• • • • •

(d) *Records, inspection.* Every licensee shall keep and permit public inspection of a complete record (political file) of all requests for broadcast time made by or on behalf of candidates for public office, together with an appropriate notation showing the disposition made by the licensee of such requests, and the charges made, if any, if request is granted. In addition, where a license provides free time for use by or on behalf of such candidates within 72 hours prior to the day of the election, the licensee shall immediately place a record of any free time provided in the station's political file. All records required by this paragraph shall be retained for a period of two years.

NOTE.—See § 1.526 of this chapter.

• • • • •

2. In § 73.290, paragraph (d) is revised as follows:

§ 73.290 Broadcast by candidates for public office.

• • • • •

(d) *Records, inspection.* Every licensee shall keep and permit public inspection of a complete record (political file) of all requests for broadcast time made by or on behalf of candidates for public office, together with an appropriate notation showing the disposition made by the licensee of such requests, and the charges made, if any, if request is granted. In addition, where a licensee provides free time for use by or on behalf of such candidates within 72 hours prior to the day of the election, the licensee shall immediately place a record of any free time provided in the station's political file. All records required by this paragraph shall be retained for a period of two years.

NOTE.—See § 1.526 of this chapter.

• • • • •

3. In § 73.590, paragraph (d) is revised as follows:

§ 73.590 Broadcast by candidates for public office.

• • • • •

(d) *Records, inspection.* Every licensee shall keep and permit public inspection of a complete record (political file) of all requests for broadcast time made by or on behalf of candidates for public office, together with an appropriate notation showing the disposition made by the licensee of such requests, and the charges made, if any, if request is granted. In addition, where a licensee provides free time for use by or on behalf of such candidates within 72 hours prior to the day of the election, the licensee shall immediately place a record of any free time provided in the station's political file. All records required by this paragraph shall be retained for a period of two years.

NOTE.—See § 1.526 of this chapter.

• • • • •

4. In § 73.657, paragraph (d) is revised as follows:

§ 73.657 Broadcast by candidates for public office.

• • • • •

(d) *Records, inspection.* Every licensee shall keep and permit public inspection of a complete record (political file) of all requests for broadcast time made by or on behalf of candidates for public office, together with an appropriate notation showing the disposition made by the licensee of such requests, and the charges made, if any, if request is granted. In addition, where a licensee provides free time for use by or on behalf of such candidates within 72 hours prior to the day of the election, the licensee shall immediately place a record of any free time provided in the system's political file. All records required by this paragraph shall be retained for a period of two years.

• • • • •

[FR Doc.76-23033 Filed 8-6-76;8:45 am]

PART 0—COMMISSION ORGANIZATION

Editorial Amendment

In the matter of editorial amendment of § 0.4, rules and regulations.

1. The Telephone and Telegraph Committees have been combined into the Telecommunications Committee. Section 0.4 of the Commission's Statement of Organization should therefore be amended to reflect this change.

2. Accordingly, it is ordered, effective August 16, 1976. That § 0.4 of the Rules and Regulations is amended as set forth below. Authority for this amendment is set out in Sections 4 (i) and (j) and 5(d) of the Communications Act of 1934, as amended, 47 U.S.C. 154 (i) and (j) and 155(d), and in § 0.231(d) of the Rules and Regulations, 47 CFR 0.231(d). Because the amendment is editorial and informational in nature, the prior notice and effective date provisions of 5 U.S.C. 553 are inapplicable.

(Secs. 4, 5, 48 Stat., as amended, 1064, 1068, 47 U.S.C. 154, 155.)

Adopted: August 2, 1976.

Released: August 3, 1976.

R. D. LICHTWARDT,
Executive Director.

In Part O of Chapter I of Title 47 of the Code of Federal Regulations, § 0.4 is revised to read as follows:

§ 0.4 Standing committees of Commissioners.

There are 2 standing committees of Commissioners, the Telecommunications Committee and the Subscription Television Committee. These committees are delegated authority to act or study and report on certain common carrier and subscription television matters.

[FR Doc.76-23079 Filed 8-6-76;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Quivira National Wildlife Refuge, Kansas

The following special regulation is issued and is effective August 9, 1976.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

KANSAS

QUIVIRA NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Quivira National Wildlife Refuge, Kansas, is permitted from September 1, 1976 through January 31, 1977, inclusive, as set by federal and state regulations, but only on the areas designated by signs as open to hunting. These open areas, comprising 7,990 acres, are delineated on maps available at refuge headquarters, Stafford, Kansas and from the Area Manager, U.S. Fish and Wildlife Service, Federal Building, Room 1748, 601 East 12th Street, Kansas City, Missouri 64106. Hunting of migratory waterfowl, mourning doves, snipe, rails and woodcock is permitted when the respective seasons are concurrent with the seasons as designated by the Kansas Forestry, Fish and Game Commission subject to the following special regulations:

(1) Blinds—only temporary blinds constructed above ground of natural vegetation are permitted.

(2) Dogs—not to exceed two per hunter may be used only for retrieving.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1977.

CHARLES R. DARLING,
Refuge Manager, Quivira National Wildlife Refuge, Stafford, Kans.

JULY 23, 1976.

[FR Doc.76-23023 Filed 8-6-76;8:45 am]

PART 32—HUNTING

Quivira National Wildlife Refuge, Kans.

The following special regulation is issued and is effective on August 9, 1976.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

KANSAS

QUIVIRA NATIONAL WILDLIFE REFUGE

The public hunting of ring-necked pheasants, bobwhite, squirrel and rabbits on the Quivira National Wildlife Refuge, Kansas is permitted only in the areas open to waterfowl hunting. These areas, comprising 7,990 acres are delineated on maps available at refuge headquarters, Stafford, Kansas, and from the Area Manager, U.S. Fish and Wildlife Service, Federal Building, Room 1748, 601 East 12th Street, Kansas City, Missouri 64106. Hunting shall be in accordance with all applicable State regulations governing the hunting of ring-necked pheasants, bobwhite, squirrel and rabbits September 1, 1976 through January 31, 1977, inclusive, subject to the following special conditions:

(1) The use of rifles is prohibited for taking squirrel and rabbits.

(2) The hunting of any species after sunset is prohibited.

(3) The hunting of all upland game will close at the end of the ring-necked pheasant and/or bobwhite seasons.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1977.

CHARLES R. DARLING,
Refuge Manager, Quivira National Wildlife Refuge, Stafford, Kansas.

JULY 23, 1976.

[FR Doc.76-23024 Filed 8-6-76;8:45 am]

PART 32—HUNTING

Des Lacs National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on August 9, 1976.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NORTH DAKOTA

DES LACS NATIONAL WILDLIFE REFUGE

Public hunting of deer by those possessing a Special Federal Permit will be permitted on Des Lacs National Wildlife Refuge, North Dakota, except for a 1,000 acre area surrounding the town of Kenmare which is posted as "Closed to Hunting." The area open to hunting, comprising 17,740 acres, is delineated on a map available at the refuge headquarters and from the Area Manager, U.S. Fish and Wildlife Service, Post Office Box 1897, Bismarck, North Dakota 58501. Hunting shall be in accordance with all applicable State Regulations covering the hunting of deer, subject to the following conditions.

(1) All hunters must exhibit their hunting licenses, Special Federal Permit deer tag, game and vehicle contents to Federal and State Officers upon request.

(2) Vehicle travel is restricted to public highways and public roads crossing or passing through the refuge. The provisions of this special regulation supplement the regulations which govern hunting on National Wildlife Refuge Areas which are set forth in Title 50, Code of Federal Regulations, Part 32 and are effective through November 21, 1976.

AUGUST 2, 1976.

CHARLES S. PECK,
Refuge Manager, Des Lacs National Wildlife Refuge Complex.

AUGUST 2, 1976.

[FR Doc.76-23094 Filed 8-6-76;8:45 am]

PART 32—HUNTING

Lostwood National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on August 9, 1976.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NORTH DAKOTA

LOSTWOOD NATIONAL WILDLIFE REFUGE

Public hunting of deer by those possessing a Special Federal Permit will be permitted on Lostwood NWR, North Dakota, except for a one mile square area surrounding the Refuge Headquarters buildings which is posted "Closed to Hunting". The area open to hunting, comprising 25,300 acres is designated by "Public Hunting Area" signs and is delineated on a map available at the refuge headquarters, and from the Area Manager, U.S. Fish and Wildlife Service, Post Office Box 1897, Bismarck, North Dakota 58501. Hunting shall be in accordance with all applicable State Regulations and the following special conditions.

(1) All hunters must exhibit their hunting licenses, Special Federal Permit, deer tag, game and vehicle contents to Federal and State Officers upon request.

(2) Vehicle travel is restricted to public highways and the refuge entrance road from State Highway 8 to Refuge Headquarters. The provisions of this special regulation supplement the regulations which govern hunting on National Wildlife Refuge Areas which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 21, 1976.

CHARLES S. PECK,
Refuge Manager, Lostwood National Wildlife Refuge.

AUGUST 2, 1976.

[FR Doc.76-23095 Filed 8-6-76;8:45 am]

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PART 32—HUNTING

Lostwood National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on August 9, 1976.

§ 32.22 Special regulations; upland game, for individual wildlife refuges.

NORTH DAKOTA

LOSTWOOD NATIONAL WILDLIFE REFUGE

Public hunting of sharp-tailed grouse and Hungarian Partridge on the Lostwood National Wildlife Refuge, North Dakota is permitted only on that area designated by signs as open to hunting during the 1976 State Game and Fish Department grouse and partridge season. The open area, comprising 4,720 acres during the period prior to deer gun season and 26,101 acres during the remainder of the grouse and partridge season following deer gun season, is delineated on maps available at the refuge headquarters, Kenmare, North Dakota, and from the Area Manager, U.S. Fish and Wildlife Service, Bismarck, North Dakota 58501. Hunting shall be in accordance with all applicable State regulations and the following special conditions.

1. Vehicle travel is restricted to public highways and the refuge entrance road from State Highway No. 8 to refuge headquarters. All other refuge roads and trails are closed to vehicles.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas, generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1976.

CHARLES S. PECK,
Refuge Manager,
Lostwood National Wildlife Refuge.

AUGUST 2, 1976.

[FR Doc.76-23096 Filed 8-6-76;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 993]

DRIED PRUNES PRODUCED IN CALIFORNIA

Proposed Expenses and Rate of Assessment for 1976–77 Crop Year

Notice is hereby given of a proposal regarding expenses of the Prune Administrative Committee for the 1976–77 crop year and rate of assessment for that crop year, pursuant to §§ 993.80 and 993.81 of the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The Prune Administrative Committee has recommended for the crop year beginning August 1, 1976, a budget of expenses in the total amount of $222,500 and an assessment rate of $1.51 per ton of assessable prunes. Expenses in that amount and the assessment rate are specified in the proposal hereinafter set forth. The assessable tonnage is estimated by the Committee at 148,000 natural condition tons.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than August 20, 1976. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 993.327 Expenses of the Prune Administrative Committee and rate of assessment for the 1976–77 crop year.

(a) *Expenses.* Expenses in the amount of $222,500 are reasonable and likely to be incurred by the Prune Administrative Committee during the crop year beginning August 1, 1976, for its maintenance and functioning and for such other purposes as the Secretary may, pursuant to the applicable provisions of the marketing agreement, as amended, and this part, determined to be appropriate.

(b) *Rate of assessment.* The rate of assessment for such crop year which each handler is required, pursuant to § 993.81, to pay to the Prune Administrative Committee as his pro rata share of the said expenses is fixed at $1.51 per ton of salable prunes handled by him as the first handler thereof.

Dated: August 4, 1976.

CHARLES R. BRADER,
Acting Director,
Fruit and Vegetable Division.

[FR Doc.76-23065 Filed 8-6-76;8:45 am]

[7 CFR Part 993]

DRIED PRUNES PRODUCED IN CALIFORNIA

Undersized Regulation and Salable and Reserve Percentages for the 1976–77 Crop Year

Notice is hereby given of a proposal recommended by the Prune Administrative Committee to: (1) Establish salable and reserve percentages of 100 percent and 0 percent, respectively, for the 1976–77 crop year; and (2) establish an undersized prune regulation for prunes received by handlers from producers and dehydrators during the 1976–77 crop year. The proposals are in accordance with the provisions of the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The Committee's recommendations are based on its estimate that California's 1976 dried prune production would approximate 165,000 tons (processed weight), and that carrying on August 1, 1976, the beginning of the 1976–77 crop year, of salable prunes from 1975 production would be about 33,000 tons.

The estimated 1976 production, coupled with the estimated carry-in would result in a supply exceeding 1976–77 trade demand for prunes by about 17,800 tons. However, the Committee recommended no volume regulation for the 1976–77 crop year. Instead, it recommended establishment of an undersized regulation applicable to all prunes received by handlers from producers and dehydrators during that crop year. The objective of the undersized regulation would be to remove the smallest—i.e., the least desirable—prunes from the 1976 crop. Handlers cannot market undersized prunes for human consumption, but can dispose of them in nonhuman consumption outlets such as livestock fed. The Committee estimated that the proposed undersized regulation would reduce the apparent excess of about 17,800 tons by approximately 12,400 tons, still leaving sufficient prunes to fulfill foreign and domestic trade demand during the 1976–77 crop year, and provide an adequate carryout on July 31, 1977.

Under the proposal, French variety prunes which pass freely through a screen opening $24/32$ of an inch in diameter would be classified as undersized prunes. For non-French prunes, the opening would be $30/32$ of an inch in diameter.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, no later than August 23, 1976. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

1. Salable and reserve percentages for the 1976–77 crop year.

§ 993.212 Salable and reserve percentages for prunes for the 1976–77 crop year.

The salable and reserve percentages for the 1976–77 crop year shall be 100 percent and 0 percent, respectively.

2. The proposed undersized prune regulation for the 1976–77 crop year is as follows:

§ 993.403 Undersized prune regulation for the 1976–77 crop year.

Pursuant to §§ 993.49(c) and 993.52, an undersized prune regulation for the 1976–77 crop year is hereby established. Undersized prunes are prunes which pass freely through round openings as follows: For French prunes, $24/32$ of an inch in diameter; for non-French prunes, $30/32$ of an inch in diameter.

It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with OMB Circular A–107.

Dated: August 2, 1976.

G. H. GOLDSBOROUGH,
Acting Director,
Fruit and Vegetable Division.

[FR Doc.76-23063 Filed 8-6-76;8:45 am]

[7 CFR Parts 1062, 1007, 1011, 1030, 1032, 1046, 1049, 1050, 1063, 1064, 1065, 1068, 1070, 1071, 1073, 1076, 1078, 1079, 1090, 1094, 1096, 1097, 1098, 1099, 1101, 1102, 1104, 1106, 1108, 1120, 1126, 1131, 1132, 1138]

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[Docket Nos. AO-10-A52, et al.]

MILK IN THE ST. LOUIS-OZARKS AND CERTAIN OTHER MARKETING AREAS

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and to Orders

CFR Part	Marketing area	Docket No.	
1002	St. Louis-Ozarks	AO-10-A52	
1007	Georgia	AO-366-A15	
1011	Appalachian	AO-251-A19	RO1
1030	Chicago Regional	AO-361-A8	
1032	Southern Illinois	AO-313-A30	
1046	Louisville-Lexington-Evansville	AO-123-A46	
1049	Indiana	AO-319-A27	
1050	Central Illinois	AO-355-A20	
1063	Quad Cities-Dubuque	AO-105-A43	RO1
1064	Greater Kansas City	AO-23-A50	
1065	Nebraska-Western Iowa	AO-86-A36	
1068	Upper Midwest	AO-178-A35	
1070	Cedar Rapids-Iowa City	AO-220-A32	RO1
1071	Neosho Valley	AO-227-A33	
1073	Wichita, Kans	AO-173-A34	
1076	Eastern South Dakota	AO-260-A23	
1078	North Central Iowa	AO-272-A27	RO1
1079	Des Moines, Iowa	AO-295-A32	RO1
1090	Chattanooga, Tenn	AO-266-A21	RO1
1094	New Orleans, Mississippi	AO-103-A39	
1096	Greater Louisiana	AO-257-A27	
1097	Memphis, Tenn	AO-219-A33	
1098	Nashville, Tenn	AO-184-A41	
1099	Paducah, Ky	AO-183-A35	
1101	Knoxville, Tenn	AO-195-A25	RO1
1102	Fort Smith, Ark	AO-237-A27	
1104	Red River Valley	AO-298-A27	
1106	Oklahoma Metropolitan	AO-210-A40	
1108	Central Arkansas	AO-243-A31	
1120	Lubbock-Plainview, Tex	AO-328-A20	
1126	Texas	AO-231-A44	
1131	Central Arizona	AO-271-A22	
1132	Texas Panhandle	AO-262-A29	
1138	Rio Grande Valley	AO-335-A25	

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in the aforesaid marketing areas.

Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, on or before August 24, 1976. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

PRELIMINARY STATEMENT

The hearing on the record of which this recommended decision is based was conducted at Clayton, Missouri, on June 2-4, 1976, pursuant to notice thereof which was issued May 10, 1976 (41 FR 19650).

The material issue on the record of the hearing relates to whether the procedure for announcing the Class II price should be changed in the orders affected by this proceeding.

BACKGROUND

In 1970, interested parties asked the Department to conduct a rulemaking hearing on proposals to provide uniform classification provisions which ultimately included 39[1] milk orders. The Milk Industry Foundation, representing regulated handlers, proposed, among other things, that advance pricing be provided for Class II and Class III milk.

The hearings on these proposals were conducted in 1970 and 1971. In August 1974 the orders were changed to provide for 3 classes in place of the previous 2-class system. The proposal for advance pricing, however, was denied. MIF had requested that if there were to be three classes the Secretary should announce the Class II and Class III price on the 5th of the month for which the price was applicable. That is, on June 5th the Secretary would announce the Class II and Class III price for the month of June. Historically, the orders have provided that the price for producer milk going into manufactured products be announced on the 5th of the month following the month to which it was applicable.

In exceptions filed to the revised recommended decision, there was a general concensus among both handler (including MIF) and producer groups that the present method of announcing surplus prices should continue with respect to Class III milk. These groups generally urged, however, that the Class II price for the month be announced by the fifth day of the month and be based on the Minnesota-Wisconsin price for the preceding month.

In the decisions issued on the matters at issue the Assistant Secretary concluded that:

> • • • the prices paid by regulated handlers for Class III milk should correspond very closely with the pay prices during the month of delivery for manufacturing grade milk if these handlers are to be competitive in the sale of the principal surplus products.
>
> The same considerations are involved in the case of an advance announcement of prices for milk used in the proposed Class II products. The influence of the manufacturing milk price level on the competitive relationship of producer milk for Class II use is similar to that for producer milk used in the proposed Class III products. Therefore the price for Class II milk should be announced on the same basis as the price for Class III milk. (Ref. 39 FR 8731, March 6, 1974)

It was intended that these conclusions would be weighed in the context of earlier findings in the decision dealing with the appropriate level and procedure for pricing surplus milk which clearly established the problem which can result when Class II and Class III prices get out of alignment with each other or with manufacturing grade milk values.

[1] The number later was reduced to 32 through the merger of various orders in Texas and in the Upper Midwest. The Appalachian and Knoxville orders are included in this proceeding (bringing the total to 34) because they are involved in a merger proceeding with the Chattanooga market which originally was included in the uniform classification proceeding.

Previously in the decision in discussing the appropriate means of pricing surplus milk the Assistant Secretary stated:

> • • • as adopted herein the new Class II price under each order would be the Minnesota-Wisconsin price plus 10 cents. Should the Class III price drop significantly below the price for producer milk used in Class II, there would be an incentive for processors of such Class II products as ice cream and cottage cheese to displace producer milk with nonfat dry milk and butter made from milk priced at the lower Class III price. The net effect of this practice would be an uneconomical lowering of total returns to producers. (Ref. 39 FR 8719, March 6, 1974)

The Assistant Secretary stated further in the decision:

> Although cooperatives proposed Class II price differentials of 10, 15, 20 and 25 cents, the Class II differential for each market should be the same. The distribution of the adopted Class II products from a single plant often extends over a broad region encompassing several Federal order marketing areas. Numerous examples were cited on the record concerning the widespread sales of yogurt, cream items, frozen desserts, and cottage cheese in particular. Because of the intermarket competition, a uniform Class II price differential should be provided in these orders to complement the uniform classification provision. A price differential of 10 cents reasonably reflects the added value which handlers are able to pay for producer milk in such uses as compared to processing milk supplies or finished products from other sources. (Ref. 39 FR 8722, March 6, 1974)

Following the decision, and order, 57 handlers regulated by 26 marketing orders filed a petition pursuant to section (15)(A) of the Act. The petition alleged that the Secretary erred in denying the MIF proposal for advance pricing on Class II milk. The arguments were made by petitioners that the method of pricing Class II milk, as currently found in the orders, was a denial of due process, that the Secretary lacked statutory authority for such pricing and that the hearing record did not contain substantial evidence supporting the Secretary's decision for denying the proposal.

On April 29, 1976, the Judicial Officer issued a decision and other in which he found the provisions of the 26 marketing orders not to be in accordance with law. In reaching this conclusion he found the findings of the Assistant Secretary in the decision to deny advance pricing for Class II milk to be "totally inadequate." The Judicial Officer also found that he could not, on the basis of the evidence in record, agree with the petitioners' proposed findings that their proposed method of pricing would effectuate the purposes of the Act. He also denied petitioners' contention that the Secretary lacked statutory authority for the present method of pricing and that such pricing was a denial of due process. In summary, the Judicial Officer's decisions supported the Secretary in all aspects, with the exception of the inadequate findings in the decision following the rulemaking proceedings.

The Judicial Officer referred the matter to the Secretary in order that the Department could take whatever corrective action it deemed necessary. The Judicial Officer retained jurisdiction of the

proceeding for purposes of allowing the petitioners to come before the Judicial Officer if they were not satisfied with the corrective action taken by the Department. The Department concluded that a hearing should be convened to consider further the issue of advance pricing for Class II milk.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

Class II pricing. The orders should not be amended to change the procedure for announcing the Class II milk price.

The orders presently provide that the Class II milk price shall be the basic formula price for the month (the Minnesota-Wisconsin price) plus 10 cents. The orders provide further that the market administrator shall announce publicly on or before the 5th day of each month the Class II price for the preceding month.

A number of the handlers regulated by the orders covered by this proceeding were represented at the hearing by the Milk Industry Foundation and the International Association of Ice Cream Manufacturers. The Milk Industry Foundation is a trade association representing fluid milk processors regulated by each of the orders under consideration in the proceeding. Members of the association operate about 1,000 fluid milk processing plants and process about 75 percent of the total fluid milk packaged in the U.S. The Foundation also represents some of the companies which manufacture, distribute and sell cottage cheese, yogurt, dips, dressings, sour cream, and other products which are included in the Class II definition of the orders covered by this proceeding.

Likewise, the International Association of Ice Cream Manufacturers is a trade association representing a number of manufacturers of frozen desserts. These include ice cream, ice milk, sherbets, milk shakes and other mixes and combinations which are classified as Class II by the orders in this hearing. Members of the association operate 800 frozen dessert plants and manufacture about 85 percent of the total frozen desserts manufactured in the U.S.

The associations made alternative proposals at the hearing to:

(1) Announce the Class II prices on the same date as Class I prices are announced (Under present procedures this would provide that the Minnesota-Wisconsin price, which is announced on the 5th of each month, be applied to milk purchased the following month; thereby providing for a 25-day advance notice in most months); or (2) use the Minnesota-Wisconsin price announced on the 5th day of the month to set the Class II price effective on the 20th of the month, or on the first Monday following the 20th of each month to accommodate the current policy of the many retailers to make price changes on Mondays.

A third proposal was offered which would provide about 15 days advance notice by revising the method of computing the basic formula price of the respective orders and the announcement date of the Class II price. After objections and arguments by interested parties, the Administrative Law Judge presiding ruled that the proposal to modify the basic formula price was outside the scope of the hearing notice and the workpapers and exhibits supporting such proposal were excluded from evidence. On this basis, no further consideration concerning this proposal is given herein.

Producer cooperative associations were generally represented by the National Milk Producers Federation. The Federation is an organization whose membership consists exclusively of cooperative associations of dairy farmers and federations of such cooperative associations. Milk of one or more member cooperative associations is marketed in each area regulated by a Fedreal order subject to the hearing.

The producer association represented by the Federation, and most other producer representatives who appeared at the hearing, testified that advance Class II pricing should not be adopted on the basis of this proceeding. They pointed out that studies were underway in an effort to devise a means whereby the desires of handlers for more current surplus class price announcements might be accommodated in conjunction with a modification of the Class I pricing procedure. In the interim they argued that any effort to modify the Class II pricing procedure on the basis of this record could only create problems which would have serious disruptive and disorderly effects on milk marking under the respective orders.

Handlers testified that they do not know the Class II milk price until the 5th day after the close of the month. They pointed out that they have brought the raw milk, manufactured various Class II products, generally sold such products to their customers, and often have made collections for such sales without knowing the cost of the most important single cost element involved in the price of such products. They allege that they cannot estimate or anticipate the actual Class II price with sufficient accuracy or consistency to serve as a reasonable basis for costing and thus are placed in an intolerable and unwarranted competitive position.

The announcement of class prices, other than Class I, after the end of the month has been traditional under Federal milk orders and has never previously been challenged. The apparent reason for the current challenge is that the time involved in effectuating resale price changes has been significantly extended in recent years. Currently, a large percentage of Class II items processed is sold to retail food chains which are highly concentrated organizations. Usually, cottage cheese, yogurt, ice cream, and similar products which are supplied to such stores are bought centrally. Frequently, prices for Class II products sold through the individual stores of the chain are established for entire divisions at a central level. According to proponents, this activity requires planning and, most importantly, communication with a number of people in order to effectuate a price change.

After receiving notification of the Class II price which necessitates changes in prices to wholesale accounts, handlers must prepare new price lists and discuss the contemplated price changes with their customers who in turn, if agreeing to the change, must notify their own retail outlets of any changes which may be appropriate. Handlers' testimony is that usually changes in a Federal order handler's Class II product prices cannot be effective until retail store prices can be adjusted. Handlers claimed that to implement the entire pricing procedure in an orderly manner there must be at least 15 days' notice from the time Class II prices are announced until they become effective.

In describing the foregoing situation, handlers stressed that the food industry is characterized by vigorous competition. Each package size of each item the manufacturer or retailer handles is a factor in his ultimate gross margin. In the case of staple products, such as dairy products, a change in the retail price may weigh heavily in forming a consumer's view of the store's general price level. Thus, according to proponents, retailers are always concerned that any increase in the retail price of dairy products will result in reduced overall sales and a reduction in gross margin dollars rather than an increase.

The general procedure involved in implementing a price change was represented as follows: (1) Pre-notification of the customer that a price change is imminent; (2) transmission of a new price list and negotiation with the customer; (3) management decision on the part of the retail food chain regarding new prices; (4) preparation of a new price list by the retail food chain for distribution to each store; (5) distribution of the new price list to each store; and (6) effectuation of the new price list.

Proponents urged that Class II prices be announced on the same date that Class I prices are announced. Under present procedures this would require that the Minnesota-Wisconsin price for the preceding month, which is announced on the 5th day of the month, be the applicable price for milk purchased the following month, thereby providing for a 25-day advance notice in most months. As an alternative they proposed use of the Minnesota-Wisconsin price announced on the 5th of the month as the Class II price for the period from the 20th of the month through the 19th of the following month. They further suggested the possibility of making the price effective for the period beginning on the first Monday following the 20th.

Proponents testified at length that handlers would not be disadvantaged under advance pricing for Class II milk. Presumably, this point was stressed to refute one of the findings to this effect set forth in the Department's decision

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denying advance Class II pricing. However what proponents have failed to understand is that the basic concern of the Department relates to the marketing problems which would result from price disparities between regulated handlers who use producer milk in the manufacture of Class II products, and dealers using nonfederally regulated supplies. Because regulated handlers can readily adjust their operations to remove the competitive disadvantages, it is producers who in the end suffer the adverse consequences of the price disparities.

As would be expected, the evidence in this proceeding is that because regulated handlers have flexibility to adjust their operations, they would not be disadvantaged under advance Class II pricing in competing with unregulated handlers. Under normal circumstances if the Class II price were too high in relation to the Class III price, regulated handlers could reject producer milk and buy cheaper ingredients made from Class III milk for making Class II products. This would insure that they continue to be competitive with unregulated handlers. On the other hand, if the Class II price were lower than the Class III price, regulated handlers would have a strong incentive for the use of lower-price producer milk in producing Class II products. Under such circumstances they would actually have an advantage in competition with unregulated handlers.

Producer witnesses testified, almost unanimously, that the present Class II pricing provisions should not be changed on the basis of this proceeding. They contended that adoption of provisions for advanced announcement of the Class II price under existing circumstances would set the stage for disorderly marketing conditions which could only result in reduced returns to producers generally.

The record evidence indicates that cottage cheese and frozen desserts represent an important outlet for reserve milk supplies in regulated markets. For 1975, about 11 percent of the producer milk priced under the orders in this proceeding was used in Class II, and over 75 percent of such Class II utilization was represented by cottage cheese and frozen desserts.

Cottage cheese and frozen dessert plants, for the most part, are located in heavily populated areas and are most often operated in conjunction with the fluid milk business. Proprietary handlers seemingly prefer fresh producer milk in the production of Class II products, particularly cottage cheese. Accordingly, they look to producers and their cooperative associations for a supply of fluid milk for such Class II utilization.

While proprietary handlers may desire a regular and dependable supply of milk for use in Class II, they are not required by the respective orders to accept any milk they do not need or want. Furthermore, handlers' needs for local milk for Class II use are strongly influenced by price considerations. Dairy farmers, on the other hand, must have a market for their milk every day of the year.

Cooperative associations generally perform the essential role of balancing handlers' needs, and of providing an assured market for their member producer milk. This is an important consideration in evaluating whether disorderly marketing conditions could result from adopting advance pricing for Class II milk.

An analysis of data introduced into evidence shows that if advance pricing of Class II milk, based on the basic formula price of the second preceding month, had been in effect for the 52-month period of January 1972 through April 1976, there would have been 30 months (nearly 60 percent of the time) when the Class II price would have been lower than the Class III price. In only 10 months (20 percent of the time) would the Class II price have exceeded the Class III price by more than 10 cents.

The prevalence of Class II prices that are lower than Class III prices could not promote continuing orderly marketing conditions. Several tables of a handler exhibit introduced into evidence computed the values of butterfat and nonfat dry milk solids using the current, previous and second preceding month's Minnesota-Wisconsin price. The computed values were compared with the value of butterfat and nonfat milk solids based on market prices of butter and powder. This data purported to demonstrate that advance pricing would not result in sufficient price differences to influence handler decisions to use producer milk for Class II.

The market prices of butterfat and nonfat milk solids of course reflect the processing costs of converting whole milk into butter and powder. No comparable costs were included in the calculations for converting the various Minnesota-Wisconsin prices into the value of butterfat and nonfat milk solids; i.e., separation and other related processing. Thus, it is not surprising that the data might indicate that handlers would have no significant incentive to purchase manufactured products for use in the processing of Class II items rather than using producer milk. Additionally, the calculations did not reflect the 10 cent Class II differential which would add about 1-cent per pound to the cost of nonfat solids in producer milk.

The data presented by proponents indicate that the value per pound of fat does not alter appreciably whether the current, preceding, or second preceding month's Minnesota-Wisconsin price is used to establish the Class II price. There are two reasons why the proposed advance pricing has but a minor effect on the butterfat value. First and most importantly, the butterfat differential used in computing the value of butterfat, is based on the current month's butter quotations. This is prescribed by the order. Secondly, since the announced price is for milk containing 3.5 percent butterfat, most of the weight of any price change in the Minnesota-Wisconsin series necessarily is allocated to the skim value. Thus, considering butterfat values only, it would take a 3-cent per pound change in butterfat value to cause a 10 cent price change for milk of 3.5 percent test. In only 2 of the 51 months (January 1972–March 1976) would the proposed 2-month advance pricing yield a butterfat value difference in excess of 3 cents per pound.

Based on data in the record for the period January 1972 through March 1976, skim milk values computed from the Minnesota-Wisconsin price of the second preceding month would have been higher in 10 months, and lower in 41 months than skim milk values computed from the Minnesota-Wisconsin price for the current month. When it is considered that the Class II price is 10 cents over the Class III price, the resulting situation is that the Class II skim values would have been less than Class III skim values in 29 months, or more than one-half the time.

The largest proportion of Class II skim milk use is in the production of cottage cheese. During 14 of the 51 months (about one-fourth of the time) use of the second preceding month's Minnesota-Wisconsin price would have resulted in a skim milk value more than 44 cents less than that which would have resulted from use of the current month's Minnesota-Wisconsin price. Since it is commonly accepted that 100 pounds of whole milk will yield about 15 pounds of cottage cheese curd, a 44 cent per 100 pounds lower price would be the equivalent of 3 cents per pound on cottage cheese. Handlers subject to advance Class II pricing who make cottage cheese thus would have had at least a 3-cent per pound advantage over other cottage cheese manufacturers about one-fourth of the time. This could have far reaching consequences since the record indicates that cottage cheese sales are very competitive in the retail market and hence resale prices tend to reflect current adjustments in ingredients costs.

Other cottage cheese manufacturers competing for sales with regulated handlers under these orders would almost necessarily have to adjust their prices to remain competitive and absorb the cost or risk loss of sales to handlers subject to the advance notice. In either case, a secondary result would be the shifting of milk supplies away from cottage cheese into other higher-valued surplus uses. Such higher-valued uses under such circumstance likely would be butter-powder or hard cheese. The increased quantities of milk going into these residual milk products reasonably could be expected to have a depressing effect on manufacturing milk values and hence on the Minnesota-Wisconsin price. This would effect a lower basic formula price which in turn would lower the pool value of milk in all classes under the respective orders. Such effect would not be reflective of any change in total milk supplies, relative to demand. Advance pricing under such circumstances could not be concluded to be in furtherance of the expressed purposes of the Act.

The foregoing illustrates precisely the type of problem which could be created

by advance Class II pricing under existing circumstances. Over the past several years advanced pricing would have resulted in Class II prices as high as $1.52 per hundredweight over the Class III price and as low as $1.03 per hundredweight below the Class III price. Such price variances would have been in direct contradiction with the Department's finding that appropriately the Class II price should be maintained at a level 10 cents over the Class III price. Even handlers testified at the June 1976 hearing that this relationship should not be changed.

Witnesses for cooperative associations testified that they foresaw no end to the volatility of dairy product prices of the past few years. Substantial upward and downward movement is anticipated at least over the next 18 months. While handlers testified that there is less likely to be the degree of price volatility there has been in the past, their prognostication was limited to the period through December 1976.

A provision for advance Class II pricing in the respective orders would have far greater consequences than merely providing handlers with a convenient means of implementing resale price changes for their customers. Disorderly marketing conditions readily could be created in any circumstances where order Class II prices are lower than residual manufacturing milk values (Class III price).

The evidence on the record indicates that returns to producers under these orders would have been reduced by $14 million if advance Class II pricing, based on the basic formula price of the second preceding month, had been in effect from the effective date of the uniform classification provisions (August 1974) through April 1976. During that period the Class II price would have averaged 11 cents less than the Class III price instead of being 10 cents over the Class III price as presently prescribed.

If advance Class II pricing had been based on the basic formula of the preceding month, producer revenue would have been decreased $6 million, and the Class II price would have averaged about the same as the Class III price.

The 10-cent Class II differential was established in recognition of the additional value of Class II milk to handlers and as a partial compensation to producers for the additional costs in moving milk for such use to the central market. Advance Class II pricing, in effect, would have created a negative differential which would have resulted in an unjustified reduction in producer returns. There is no economic justification why dairy farmers or cooperative associations should sell milk for Class II use for a price less than the Class III price plus 10 cents.

Whenever the Class II price was lower than the Class III price, cooperative associations would have a strong urgency to move the milk into other manufacturing uses (Class III) because there would be no economic incentive for the delivery of milk to the central market for Class II use. On the other hand, whenever the Class II price was above the Class III price handlers would have an incentive to use other source milk in the form of butterfat and nonfat dry milk or condensed skim milk and turn member milk back to cooperatives.

The number of facilities available for processing butter, hard cheese, and nonfat dry milk has gradually diminished over the years. While facilities are generally adequate for processing reserve milk into Class III products, it is often necessary to move milk great distances to available facilities. If dairy farmers through their cooperative associations were forced to find alternative markets for milk previously used in Class II, substantial additional hauling costs would be incurred in many circumstances in moving milk to widely scattered and distant manufacturing facilities. This could only result in lower net returns to member producers.

Where convenient manufacturing outlets are not available there could be an incentive to seek fluid outlets in other than normal markets. This could result in a competitive situation in which it might be impossible to recover necessary service charges to the end that serious disorderly marketing conditions could be created.

Under usual situations in most markets it is cooperative associations that coordinate the disposition of the market's normal seasonal reserves. Because cooperatives are committed to an assured market for their members' milk, handlers buying member and nonmembers milk usually adjust their supply by adjusting the intake of cooperative member milk. If cooperatives were asked to handle additional milk, formerly used in Class II, this would, in many cases, tax this coordination severely and result in uneconomic and costly movement of milk. As a specific example, one producer witness testified that if the cooperative association's plant at Franklinton, Louisiana, had to handle milk in excess of capacity because milk previously used in Class II in the Greater Louisiana order had to be processed, other milk might then have to be moved into Kentucky and Tennessee, if outlets were available there. Then, other milk normally disposed of to the Kentucky and Tennessee facilities would have to be moved further north. The overall effect could be related to the cost of hauling milk from Louisiana to the Upper Midwest for processing. The same witness indicated that the cooperative experiences the same chain reaction in handling reserve supplies for Florida and other Southeastern markets.

It is necessary that surplus milk be priced at the highest practical level consistent with disposing of all the milk in a market. The milk ought to be moved where it can return the greatest value and yet clear the market of reserve milk. Class III milk normally is channelled into manufactured products such as butter, nonfat dry milk, and cheese. It is reasonable and necessary that milk so used be priced competitively with manufactured grade milk which is sold competitively on a national market. The present basis for pricing Class III milk reflects these considerations through use of the Minnesota-Wisconsin price. Such price reflects the value of milk for manufacturing uses being sold in a national market.

These pricing considerations are equally applicable to Class II milk, since Class III products are readily substitutable in the manufacture of Class II products. The Class II differential of 10 cents recognizes the fact that fresh producer milk has some additional value to handlers for use in Class II as well as the fact that producers incur additional costs in the marketing of milk for Class II use. The differential was limited to 10 cents on the basis of evidence indicating that any greater amount could encourage the substitution of dairy products for producer milk in the manufacture of Class II products.

Handlers reiterated in this proceeding, as in the earlier uniform classification proceeding, that the Class III milk price must be closely aligned with manufacturing milk values and that the Class II price differential should be not more than 10 cents over the Class III price.

It is concluded that because of the volatility of manufacturing milk values, advance Class II pricing under existing circumstances could result in an unintended but effective reduction in the Class II price level which prospectively could only have an adverse impact on manufacturing milk prices and hence on the level of Class I and Class III prices. To the extent that manufacturing milk values were affected, producer returns for both manufacturing grade and milk regulated under Federal milk orders would be reduced.

It has previously been determined by the Department for the orders in this proceeding that the Class I and Class II price differentials must be at the stated levels relative to the basic formula price (also the Class III price) to assure dairy farmers of sufficient revenue to generate adequate supplies of milk for the respective markets. Any provision that would undermine those relationships must, of necessity, set into motion economic forces that will tend to jeopardize an adequate supply of milk for the respective markets.

The proposals for advance Class II pricing, therefore, must be and hereby are denied.

Ruling on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

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DETERMINATION

The findings and conclusions of this decision do not require any change in the regulatory provisions of the orders regulating the handling of milk in the aforesaid marketing areas.

Signed at Washington, D.C., on August 3, 1976.

DONALD E. WILKINSON,
Administrator.

[FR Doc.76-23064 Filed 8-6-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 76-CE-11]

FORT MADISON, IOWA

Alteration of Transition Area

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Fort Madison, Iowa.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before September 8, 1976 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at his time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Since designation of controlled airspace at Fort Madison, Iowa, two new public use instrument approach procedures have been developed for the Fort Madison Municipal Airport. Accordingly, it is necessary to alter the Fort Madison 700-foot transition area to adequately protect aircraft executing the new approach procedures.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (41 FR 440), the following transition area is amended to read:

FORT MADISON, IOWA

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Fort Madison Municipal Airport (latitude 40°39'30" N., longitude 91°19'30" W.): and within 2 miles each side of the Burlington, Iowa, VORTAC 258° radial, extending from the 6-mile radius area to 12 miles west of the VORTAC excluding the portion which overlies the Burlington, Iowa, transition area.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

Issued in Kansas City, Missouri, on July 27, 1976.

JOHN E. SHAW,
Acting Director,
Central Region.

[FR Doc.76-22856 Filed 8-6-76;8:45 am]

Federal Highway Administration

[23 CFR Part 661]

[Docket No. 76-5]

GREAT RIVER ROAD

Extension of Comment Period

This notice extends the period for comments on the Interim Regulations governing the disbursement of funds for the planning, design, and construction of the Great River Road published on May 27, 1976, at 41 F.R. 21636, from August 2, 1976, to August 16, 1976.

Issued on: July 30, 1976.

J. R. COUPAL, Jr.,
Deputy Administrator.

[FR Doc.76-23029 Filed 8-6-76;8:45 am]

Office of the Secretary

[49 CFR Part 571]

[23 CFR Part 1204]

[OST Docket No. 44; Notice 76-10]

OCCUPANT CRASH PROTECTION

HIGHWAY SAFETY PROGRAM STANDARDS

Revision and Expansion of Docket

Correction

In FR Doc. 76-21884 appearing at page 31860 in the issue of Friday, July 30, 1976, in table 1 on page 31863 the paragraph directly below the footnotes should be designated as footnote 6.

FEDERAL COMMUNICATIONS COMMISSION

[FCC 76-746; Docket No. 20097 RM-1997 RM-2218]

[47 CFR Part 63]

EXTENSION OF LINES AND DISCONTINUANCE OF SERVICE BY CARRIERS

Resale and Shared Use of Common Carrier Services and Facilities; Order Modifying Paragraph 132 of Report & Order

In the matter of regulatory policies concerning resale and shared use of common carrier services and facilities.

1. The Commission has before it for consideration (a) a "Motion for Postponement" of the dates specified in paragraph 132 of the Report and Order in the captioned proceeding (FCC 76-641, released July 16, 1976), filed by Western Union Telegraph Company on July 26, 1976, and (b) "Comments" thereon filed by American Telephone and Telegraph Company on July 29, 1976. In our Report and Order in this proceeding, we ordered common carriers subject to our jurisdiction to file, by September 1, 1976, revised tariffs eliminating restrictions on the resale and shared use of private line services. Any motions for stay of the effectiveness of our Report and Order were required to be filed by August 2, 1976.

2. Western Union states that an additional two weeks are required within which to file a motion for stay, if necessary, and the revised tariffs. It asserts that the period between the release of the Report and Order and the date upon which motions for stay are due is too short for review and analysis of a lengthy document to determine whether a stay request should be made. Also, Western Union states that its management personnel are being placed in the field in anticipation of a strike and that this makes difficult a review of the document within the specified time. AT&T comments that it does not oppose the motion, but that it will file a motion for stay of the effectiveness of the Report and Order pending disposition of a petition for reconsideration to be filed.

3. We have considered the foregoing and conclude that the requested extension of filing dates is reasonable, and would not unduly delay this proceeding. Accordingly, it is ordered, That paragraph 132 of the Report and Order in Docket No. 20097 (FCC 76-641) is modified to specify that revised tariffs must be filed by September 15, 1976, and motions to stay the effectiveness of this action must be filed by August 16, 1976.

Adopted: July 30, 1976.

Released: August 4, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-23077 Filed 8-6-76;8:45 am]

[Docket No. 20810 RM-2580]

[47 CFR Part 73]

FM BROADCAST STATIONS; TABLE OF ASSIGNMENTS

Order Extending Time for Filing Reply Comments

In the matter of amendments of § 73.202(b), table of assignments, FM Broadcast Stations. (Pinckneyville, Illinois)

1. On May 11, 1976, the Commission adopted a *Notice of Proposed Rule Making* in the above-entitled proceeding (41 Fed. Reg. 21364). The date for filing comments has expired and the date for filing reply comments is presently August 6, 1976.

2. On July 28, 1976, counsel for Du Quoin Broadcasting Company requested that the time for filing reply comments be extended to and including August 27, 1976. Counsel states that more time is needed in order to study and investigate the many new facts and contentions put forth by Coalbelt Broadcasters, another party to this proceeding. He also adds that it is probable Du Quoin will have to prepare an additional engineering showing to submit with its reply comments but work on such a showing cannot begin until the investigation now in progress is completed. Counsel states that the counsel for Coalbelt Broadcasters has consented to the extension requested herein.

3. We are of the view that the requested additional time is warranted. Accordingly, It Is Ordered, that the time for filing reply comments Is Extended to and including August 27, 1976.

4. This action is taken pursuant to authority found in Sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

Adopted: August 2, 1976.

Released: August 3, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc. 76-23078 Filed 8-6-76; 8:45 am]

[47 CFR Part 73]

[Docket No. 20721 RM-2432]

NETWORK BROADCASTING

Order Extending Time for Filing Reply Comments

In the matter of review of Commission rules and regulatory policies concerning network broadcasting by standard (AM) and FM broadcasting stations. Petitions of Mutual Broadcasting Systems, Inc. for rules applicable to audio services furnished by newswire services.

1. On February 19, 1976, the Commission adopted a *Notice of Proposed Rule Making* and *Notice of Inquiry*, 41 Fed. Reg. 9191, in the above-entitled proceeding. The dates originally set for filing of comments and reply comments were May 10 and June 7, 1976, respectively. On May 5, 1976, an *Order* extending the time for filing comments and reply comments was granted to July 9 and August 6, 1976, respectively.

2. On July 28, 1976, United Press International, Inc. (UPI), by counsel, requested that the time for filing reply comments be extended to and including August 23, 1976. Counsel states that some 23 parties responded to the Notice and after examining the large amount of material filed, UPI finds that the 20 working days provided is insufficient for it to complete and file appropriate reply comments. He also notes that Cleveland counsel for UPI, in addition to his regular activities, will be required to be absent from his office during the first week of August due to a previous business commitment.

3. We are of the view that the public interest would be served by extending the time in this proceeding. Accordingly, it is ordered, that the date for filing reply comments is extended to and including August 23, 1976.

4. This action is taken pursuant to authority found in Sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

Adopted: August 2, 1976.

Released: August 3, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-23080 Filed 8-6-76;8:45 am]

[47 CFR Part 76]

[FCC 76-722; Docket No. 20827]

CABLE TELEVISION SERVICE

Cablecasts by Legally Qualified Candidates for Public Office

By the Commission: Chairman Wiley issuing a separate statement.[1]

In the matter of amendment of Part 76 of the Commission's rules relating to cablecasts by legally qualified candidates for public office.

1. By *Report and Order in Docket No. 20779* FCC 76-698, ---- FCC 2d ---- (1976) adopted this date, the Commission has amended Part 73 of its Rules relating to broadcasts by legally qualified candidates for public office so as to provide that such a candidate is one who "either" has qualified for a place on the ballot or "has publicly committed himself to seeking election by the write-in method," and is eligible under the applicable law to be voted for.

2. As explained in that *Report and Order*, the proposal for the rule change was an outgrowth of the decision of the Seventh Circuit Court of Appeals in *Flory* v. *FCC*, ---- F 2d ----, Case No. 74-2010, decided December 23, 1975, which raised a question as to the requirements which must be met before a candidate will be considered a legally qualified "write-in" candidate, stating:

[A] candidate who has not yet qualified for ballot position under state election laws is nevertheless entitled to equal time if he is otherwise eligible under the second prong of §§ 73.120(a) and 73.657(a) and commits himself to seeking selection by the write-in method in the subsequent election. Sl. op. at 13.

3. For the same reasons underlying the adoption of the change in our broadcast rules we believe it appropriate to similarly amend our pertinent cable television rule. Accordingly, the Commission, pursuant to authority contained in Sections 4(i), 303(r), and 315(g) of the Communications Act of 1934, as amended, proposes to amend Section 76.5(y) of the Rules as indicated below.

4. Pursuant to applicable procedures set forth in Sections 1.415 and 1.49 of the Commission's rules, interested persons may file comments on or before September 9, 1976, and reply comments on or before September 20, 1976. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

5. In accordance with the provisions of Section 1.419 of the Rules, an original and 11 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished to the Commission. All filings made in this proceeding will be made available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 "M" Street, N.W., Washington, D.C.

FEDERAL COMMUNICATION COMMISSION,
VINCENT J. MULLINS,
Secretary.

It is proposed that § 76.5(y) be revised as follows:

§ 76.5 Definitions.

* * * * *

(y) *Legally qualified candidate.* Any person who has publicly announced that he is a candidate for nomination by a convention of a political party or for nomination or election in a primary, special, or general election, municipal, county, state or national and who meets the qualifications prescribed by the applicable laws to hold the office for which he is a candidate, so that he may be voted for by the electorate directly or by means of delegates or electors, and who either:

(1) Has qualified for a place on the ballot, or

(2) Has publicly committed himself to seeking election by the write-in method, and is eligible under the applicable law to be voted for by sticker, by writing in his name on the ballot, or other method; and makes a substantial showing that he is a bona fide candidate for nomination or office, as the case may be.

* * * * *

[1] Chairman Wiley's statement filed as part of original document.

[FR Doc.76-22994 Filed 8-6-76;8:45 am]

[47 CFR Parts 81 and 83]

[FCC 76-714; Docket No. 20825]

SPECIAL RADIO SERVICES

Proposed Use of VHF Channel 17 for State Control Intership Communications

In the matter of amendment of Parts 81 and 83 of the Commission's rules and regulations to allow the use of 156.850 MHz (very high frequency marine Channel 17) for State Control intership communications.

1. Notice of Proposed Rule Making is hereby given in the above-entitled matter.

2. The Commission has been requested by the Nevada Department of Fish and Game to make Channel 17 available for ship to ship State Control communications, in addition to the currently au-

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thorized use for ship to coast State Control communications. They felt that the designation of Channel 17 for intership State Control use would allow more effective coordination between State agencies, and also provide a clear channel for State boats in times of certain emergencies.

3. It appears that the requested amendment would allow for closer coordination among state boats and related shore stations and this should result in an improvement to safety. Accordingly, we propose that the rules be amended as requested, and as shown below, to permit the exchange of State Control communications between vessels as well as between coast and ship stations.

4. The proposed amendments of the rules, as set forth below, are issued pursuant to the authority contained in Sections 4(i), 303 (b), (f) and (r) of the Communications Act of 1934, as amended.

5. Pursuant to applicable procedures set forth in Section 1.415 of the Commission's rules, interested persons may file comments on or before September 9, 1976, and reply comments on or before September 20, 1976. All releyant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

6. In accordance with the provisions of Section 1.419 of the Commission's rules, an original and 11 copies of all statements, briefs, or comments filed shall be furnished to the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

Parts 81 and 83 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA—PUBLIC FIXED STATIONS

1. § 81.7, paragraph (r) is amended to read as follows:

§ 81.7 Operational.

* * * * *

(r) *State control.* Communications, in the maritime mobile service on very high frequencies (VHF), between non-Federal government coast and ship stations or between non-Federal government ship stations, in which messages are restricted to those related directly to the coordination, regulation or control of boating activities or the rendering of assistance to vessels.

* * * * *

2. In § 81.356, paragraph (b)(9) is amended to read as follows:

§ 81.356 Assignable frequencies in the band 156–162 MHz.

* * * * *

(b) * * *

(9) Available for assignment to limited coast stations for State Control communications with ship stations. Also available for intership State Control communications.

* * * * *

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

1. In § 83.6, paragraph (k) is amended to read as follows:

§ 83.6 Operational.

* * * * *

(k) *State control.* Communications, in the maritime mobile service on very high frequencies (VHF), between non-Federal government coast and ship stations or between non-Federal government ship stations, in which messages are restricted to those related directly to the coordination, regulation or control of boating activities or the rendering of assistance to vessels.

* * * * *

§ 83.35 [Amended]

2. In Section 83.351(a) table is amended by adding limitation 40 to the conditions of use for 156.850 MHz.

3. In Section 83.359, channel 17 under "Points of Communication" is amended to read as follows:

§ 83.359 Frequencies in the band 156–162 MHz available for assignment.

* * * * *

State control

17.....	156.850	156.850	Intership and ship to coast.

* * * * *

[FR Doc.76-23075 Filed 8-6-76;8:45 am]

FEDERAL ENERGY OFFICE

[10 CFR Part 212]

PASSTHROUGH OF INCREASED NON-PRODUCT COSTS BY REFINERS BEFORE FEBRUARY 1, 1976

Proposed Class Exception and Public Hearing

I. PROPOSED CLASS EXCEPTION

The Federal Energy Office ("FEO") hereby proposes a class exception to permit refiners not constrained during 1975 by the profit margin limitation to recompute the amounts of increased non-product costs passed through each month from January 1975 through January 1976 as though the regulations in effect during that period had provided for a proportionate recovery of increased product costs and increased non-product costs each month. FEO will receive written comments and hold a public hearing on the proposal.

The Federal Energy Office was established in the Executive Office of the President by Executive Order 11930, effective July 31, 1976 (41 FR 32399, August 3, 1976) and was delegated authority by the President which had formerly been delegated to the Federal Energy Administration, prior to the expiration of that agency on the July 30, 1976 expiration of the Federal Energy Administration Act.

II. BACKGROUND

A. AMENDMENTS ADOPTED AS OF FEBRUARY 1, 1976

On January 7, 1976 the Federal Energy Administration ("FEA") gave notice of a proposed rulemaking and public hearing (41 FR 1680, January 9, 1976) to consider proposals to amend Part 212 of Title 10, Code of Federal Regulations, to implement the pricing policies of Sections 401 and 402 of the Energy Policy and Conservation Act ("EPCA," Pub. L. 94–163). On February 1, 1976 (41 FR 5111, February 4, 1976) FEA issued amendments as a result of that rulemaking proceeding. One of the amendments added to the price regulations applicable to refiners a new § 212.85, Sequence of Recoupment of Costs.

The new § 212.85 provided, among other things, that increased non-product costs would be the last category of cost to be deemed to have been recouped, and FEA stated in this regard that:

> Except for the complexities introduced by the statutory two-month and ten percent limitations, the order specified in the new § 212.85 is the same as that under the regulations previously in effect. (41 FR 5113)

In the preamble to the amendments issued on February 1, 1976, FEA noted that it was considering the initiation of a separate rulemaking proceeding to consider, among other things, modification of the rule then stated in § 212.82 and § 212.85 that increased product costs must be recouped first and the rule stated in § 212.83(e)(9) that increased non-product costs which are not recovered in the current month may not be carried forward ("banked") for recovery in a subsequent month.

On February 27, 1976 a notice of proposed rulemaking was issued to consider whether modifications in these regulations were needed and whether such modifications should be made retroactive to February 1, 1976 (41 FR 9199, March 3, 1976).

On the basis of its careful evaluation of the comments received, FEA concluded that there was a strong likelihood that undesirable consequences would result from the combined effects of the EPCA limitations on "banking" of increased crude oil costs and the requirement that non-product costs be recouped last and not "banked." The refiner price regulations were therefore amended, effective retroactively to February 1, 1976 (the effective date of the EPCA-conforming limitations), to delete the prohibition of § 212.83(e)(9) against the carryforward of increased non-product costs which are not recovered on a current basis and to revise the order in which the categories

of increased costs are deemed to have been recouped (41 FR 15330, April 12, 1976).

In connection with these amendments, FEA also provided certain limitations on the time within which both increased non-product costs and increased purchased product costs may be recovered. Such increased costs may be recovered, like increased crude oil costs, without limitation for two months after the month in which they are incurred. However, increased non-product and purchased product costs which are not recouped within that two month period are subject to a limitation on use in each future month of either 10 percent of the total "bank" of such unrecouped costs or that amount of such unrecouped costs which, when applied to compute maximum allowable selling prices, results in a maximum allowable selling price in the current month that is no more than 10 percent higher than the highest price at which at least 25 percent of the sales of the product concerned in the prior month were priced, whichever is greater.

The basis for adopting these April 6, 1976 amendments was stated as follows:

> Several reasons have convinced FEA of the need for these rule changes. FEA has determined that continuing the one-month restriction on the time of recoupment of increased non-product costs would tend to have undesirable inflationary effects on current market prices by imposing pressures on refiners to recover increased non-product costs by monthly price increases, because such increased non-product costs would be lost under existing regulations if not recouped in the month following the month in which they were incurred.
>
> Prices would also tend to wide monthly fluctuations as refiners sought to set prices to recoup all increased non-product costs each month, rather than deferring price changes and seeking to recover increased non-product costs more in line with historic seasonal pricing and other market factors.
>
> * * * * *
>
> During the public hearing conducted as part of the rulemaking proceeding, refiners commented that refining operations have current earnings substantially below 1973 levels, with very small percentage returns on assets employed. Two refiners reported absolute losses, one for all of 1975 and one for the first ten months of 1975. At such low rates of return, which were further threatened by the February 1 rules limiting recovery of increased costs incurred, capital investments to expand refinery capacity might have been reconsidered and deferred or eliminated. (41 FR 15330, April 12, 1976)

FEA also stated:

> FEA is also still considering appropriate action, including further regulation amendments pursuant to this rulemaking proceeding, regarding the rules on recoupment of increased non-product costs prior to February 1, 1976. (41 FR 15330, April 12, 1976)

This notice of proposed class exception and public hearing is addressed to the application of the rules regarding the recoupment of increased non-product costs in effect from January 1, 1975 through January 31, 1976.

B. REGULATIONS IN EFFECT FROM JANUARY 1, 1975 THROUGH JANUARY 31, 1976

During 1975 and January 1976, the passthrough of increased non-product costs was subject to a profit margin limitation (i.e., a refiner could pass through increased non-product costs only if its profit margin in the current fiscal year did not exceed its base period profit margin). The regulations referred to the pass through of increased non-product costs as a price increase above base prices. Section 212.83(e)(9) prohibited "banking" of unrecovered increased non-product costs; § 212.87(b) provided for allocation of such costs to each product or product category of the type "i" on a volumetrically proportional basis; and §212.83(d) required increased non-product costs to be recovered among individual covered products in the same proportions as increased product costs were recovered. The purpose of § 212.83(d) was to provide a basis for allocating increased non-product costs among individual covered products within the category of general refinery products, in much the same manner that § 212.87(b) provided for allocation of increased non-product costs among products or product categories of the type "i."

However, it appears that § 212.83(d) was understood by many refiners to authorize a proportional computation of the portions of each type of increased costs — product and non-product — deemed to have been recovered in prices charged by refiners, whether or not all available increased product costs had first been recovered. The FEA audit manual, which was apparently available to some but not all refiners, also partially reflected this view.

Statements included in various notices of proposed rulemaking, however, have generally reflected the former rather than latter interpretation of the regulatory language referred to above, which required increased product costs to be recovered before increased non-product costs. FEA stated, for example, in proposing the deletion of the prenotification requirement in effect during 1974, that the computation of prices was a two-step sequential procedure:

> At present, refiners may pass through increased costs in two ways: first, pursuant to § 212.83 and the Instructions to Form FEA–96, increased product costs may automatically be passed through on a dollar-for-dollar basis. This is part of the base price calculation. Second, pursuant to § 212.82 and the Instructions to Form CLC–22, increased non-product costs may be passed through on a dollar-for-dollar basis after the firm has prenotified the FEA of its proposed price increases and waited 30 days, during which time the FEA can suspend, modify, alter, defer, or disapprove the price increase request. If the FEA takes no action, the price increase may be put into effect on transactions occurring after the expiration of the 30-day waiting period. (39 FR 32718 September 10, 1974)

The difference between the approach authorized in the regulations and the "proportionality" approach may be illustrated as follows:

> $2,200,000 increased costs were recovered on sales of a product in a month.
> $300,000 non-product cost increases were available.
> $3,000,000 product cost increases were available.
> $3,300,000 total increased costs were available.
>
> "Proportional" recovery:
> $2,200,000/$3,300,000 = ⅔ of available increased costs were recovered;
> ⅔ × $300,000 = $200,000 of non-product cost creases were recovered;
> ⅔ × $3,000,000 = $2,000,000 of product cost increases were recovered.
> $1,000,000 of product cost increases may be carried forward;
> The unrecovered $100,000 of non-product cost increases may not be carried forward.
>
> "Sequential" recovery:
> $2,200,000 of product costs increases were recovered; no non-product cost increases were recovered;
> $800,000 of product cost increases may be carried forward;
> The unrecovered $300,000 of non-product cost increases may not be carried forward.

It is FEO's understanding that some refiners interpreted the regulations in yet another manner, to permit the addition to May 15, 1973 prices of, first, available increased non-product costs and, second, the amount of available increased product costs required to reach desired selling prices, thus permitting the refiner to carry forward or "bank" all unrecovered increased costs—since under this approach all such unrecovered costs would have been deemed unrecovered increased product costs, which could be carried forward. The regulations were not intended to authorize this approach nor can FEO find in the regulations any arguable basis for use of this approach.

III. DISCUSSION OF PROPOSED CLASS EXCEPTION

According to comments received on the February 27, 1976 proposal, either "proportionality" or treatment of increased non-product costs as having been recovered before increased product costs has already been reflected in product prices of many—perhaps even a majority of—refiners.

To enforce the regulations as requiring recovery of all increased product costs prior to the recovery of any increased non-product costs during the period January 1, 1975 through January 31, 1976—thus resulting in potentially massive refunds or "bank" reductions—could have a drastic effect on cash resources of refiners who in good faith set prices based on the "proportional" interpretation of the regulations.

If firms were to be required to apply individually for exceptions relief, FEO believes that a significant number of refiners would apply and be eligible for such relief on the basis of serious hardship or gross inequity.

Although FEO believes that its interpretation of the meaning of the language used in the regulations is correct—i.e., increased product costs were required to be recovered first; banking of unrecovered increased non-product costs was not permitted—it nevertheless acknowledges that refiners might have concluded in good faith that recoupment on a proportional basis was permitted as a result of possibly ambiguous language in § 212.83(d) and certain information disseminated by FEA.

FEO hereby proposes a class exception to authorize the "proportional" cost recovery approach retroactively for all re-

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finers who were not restrained by the profit margin limitation. Under such an approach, "banks" of refiners which were not subject to the profit margin limitation and which properly applied the cost recovery rules would be adjusted to levels reflecting "proportional" cost passthroughs during the period to assure, insofar as possible, equitable treatment for them.

IV. Comments and Data Requested

FEO requests written comments and oral testimony on, among other things, the extent to which deviations have occurred from the sequential recovery provided for in the refiners' cost passthrough rules (formerly contained in §§ 212.83 (e)(9), 212.87(b), and 212.83(d) of the regulations), the appropriateness of those regulations as applied to specific segments of the industry, the extent of and reasons for industry reliance on erroneous but good faith interpretations of the regulations, the extent to which deviations from sequential recovery resulted in serious public injury, and whether failure to provide retroactive relief would result in a serious hardship or gross inequity to a substantial segment of the industry. Data and information relating to these issues which have already been submitted to FEO in other proceedings should be resubmitted and related to the substantive and procedural issues raised in this notice. FEO stresses the need for refiners to be fully responsive to its requests for information on this issue in order to establish an adequate factual basis on which a decision on this proposed class exception may be premised.

FEO believes the price impacts of the proposed class exception have already been largely felt. In order, however, to ascertain the exact cost consequences to purchasers of the alternative regulatory enforcement procedures, pursuant to §§ 210.91 and 212.126(b) of the FEO regulations, FEO is contemporaneously by telegram surveying each refiner subject to Subpart E of Part 212 to determine the amounts of increased product and non-product costs incurred during the period December 1, 1974 through December 31, 1975 and considered by such refiner to have been passed through during the period January 1, 1975 through January 31, 1976. The telegrams state that all refiners are requested to compute and submit to FEO the survey data requested (the format is reproduced in part V). The telegrams also state that any refiner wishing to participate any relief pursuant to this class exception must submit such data as a condition of such participation.

The reports must be received by FEO August 18, 1976. Other written comments are due September 16, 1976.

FEO will aggregate and publish the cost data computed from the forms on about September 6, 1976 including:

Total amount of increased non-product costs incurred;

Amount actually passed through;

Amount permitted to be passed through under FEA's "sequential" interpretation of the regulations;

Amount permitted to be passed through under the proposed class exception; and

Amount passed through in excess of even the "proportionality" rule.

FEO welcomes comments analyzing the impact of the class exception on any type of purchaser or ultimate consumer.

FEO also requests comments on the most feasible and appropriate method of applying the "proportional" recovery method to general refinery products. Possible alternatives are that the amounts of increased product costs and increased non-product costs deemed recovered should be calculated once only for all general refinery products or that the amounts deemed recovered should be calculated on a product-by-product basis. FEO believes that the former method would be simpler and more feasible.

V.—*Reporting format*

	No. 2 oils	Gasoline	General refinery products	Totals (dollars)
A. Were price increases to reflect increased nonproduct costs prenotified prior to Jan. 1, 1975? (§ 212.121) Yes ____. No ____.				
B. Amount of increased nonproduct costs (as defined in FEA regulations) incurred from December 1974 through December 1975.				
C. Were increased nonproduct costs passed through in prices from January 1975 through January 1976? If yes, explain by what method.				
D. Amount of increased nonproduct costs actually recovered in revenues from January 1975 through January 1976.				
E. On what line on FEO-96 were nonproduct costs entered?				
F. Amount of increased nonproduct costs which would have been recovered if increased nonproduct costs had been passed through last each month (and not "banked").				
G. Amount of increased nonproduct costs which would have been recovered if increased nonproduct costs has been passed through proportionally each month (and not "banked"), that is, pursuant to proposed class exception.				
H. Amount of increased nonproduct costs passed through over or under ( ) amount calculated pursuant to proportional method.				
I. Name each month of measurement when all month of measurement costs were not recovered in revenues in the subsequent "current" month.	*Month*			
J. From January 1975 through December 1975 for what period(s) was the firm constrained by the profit margin test from passing through increased nonproduct costs. (§§ 212.11, 212.82(d), 212.31). Provide 1975 revenues, operating income and profit margin for the entire entity by quarters for this period(s).				
K. Provide 1975 revenues, operating income, and net profit for the refining entity.				

VI. Comment Procedures

Interested persons are invited to participate in this class exception proceeding by submitting data, views or arguments with respect to the proposed class exception set forth in this notice to Executive Communications, Room 3309, Federal Energy Office, Box IC, Washington, D.C. 20461.

Comments should be identified on the outside envelope and on documents submitted to FEO Executive Communications with the designation "Passthrough of Increased Non-Product Costs by Refiners Before February 1, 1976." Fifteen copies should be submitted. All comments received by Thursday, September 16, 1976, before 4:30 p.m., e.d.s.t., will be considered by the Federal Energy Office before final action is taken on the proposed exception.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEO reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

The public hearing regarding the proposed class exception will be held at 9:30 a.m., e.d.s.t., on Tuesday, September 21, 1976, and will be continued, if necessary, on Wednesday, September 22, 1976, in Room 2105, 2000 M Street, N.W., Washington, D.C. 20461, in order to receive comments from interested persons on the matters set forth herein.

Any person who has an interest in this matter, or who is a representative of a group or class of persons that has an interest in this matter, may make a written request for an opportunity to make oral presentation. Such a request should be directed to Executive Communications, FEO, and must be received before 4:30 p.m., e.s.t., on Monday, September 13, 1976. Such a request may be hand delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned, if appropriate, to state why he is proper representative of a group or class of persons that has such an interest, and to give a concise summary of the proposed oral presentation and a phone number where he may be contacted through Monday, September 20, 1976. Each person selected to be heard will be so notified by the FEO before 4:30 p.m., e.s.t., Wednesday, September 15, 1976 and must submit 100 copies of his statement to Regulations Management, FEO, Room 2214, 2000 M Street, NW., Washington, D.C. 20461, before 4:30 p.m., e.s.t., on Monday, September 20, 1976.

The FEO reserves the right to select the persons to be heard at these hearings, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEO official will be designated to preside at the hearings. These will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings, and there will be no cross-examination of persons presenting statements. Any decision made by the FEO with respect to the subject matter of the hearings will be based on all information available to the FEO. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions to be asked of any person making a statement at the hearings, to Executive Communications, FEO, before 4:30 p.m., e.s.t., Thursday, September 16, 1976. Any person who wishes to ask a question at the hearings may submit the question, in writing, to the presiding officer. The FEO or the presiding officer, if the question is submitted at the hearings, will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

A transcript of the hearings will be made and the entire record of the hearings, including the transcript, will be retained by the FEO and made available for inspection at the Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

A copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator had no comments on this proposal.

Issued in Washington, D.C. August 3, 1976.

Michael F. Butler,
General Counsel,
Federal Energy Office.

[FR Doc.76-23058 Filed 8-4-76;11:36 am]

DEPARTMENT OF THE TREASURY

[26 CFR Part 1]
Internal Revenue Service

FOREIGN BASE COMPANY SHIPPING INCOME

Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by October 11, 1976. Pursuant to 26 CFR 601.601(b), designations of material as confidential or not to be disclosed, contained in such comments, will not be accepted. Thus, persons submitting written comments should not include therein material that they consider to be confidential or inappropriate for disclosure to the public. It will be presumed by the Internal Revenue Service that every written comment submitted to it in response to this notice of proposed rule making is intended by the person submitting it to be subject in its entirety to public inspection and copying in accordance with the procedures of 26 CFR 601.702(d)(9). Any person submitting written comments who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit a request, in writing, to the Commissioner by October 11, 1976. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the Federal Register unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in sections 955(b) and 7805 of the Internal Revenue Code of 1954 (89 Stat. 63 and 68A Stat. 917; 26 U.S.C. 954 and 26 U.S.C. 7805).

Donald C. Alexander,
Commissioner of Internal Revenue.

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) in order to conform such regulations to certain provisions of section 602 of the Tax Reduction Act of 1975 (Pub. L. 94-12, 89 Stat. 58) (hereafter called the "Act"), relating to the taxation of earnings and profits of controlled foreign corporations and their shareholders.

Under present law foreign corporations are generally taxed at the corporate level by the United States only to the extent that they are engaged in business in the United States (and to some extent on other income derived here). As a result, the United States generally does not impose a tax at the corporate level on the foreign source income of a foreign corporation even though it is owned or controlled by a U.S. corporation or by individual U.S. citizens or residents. A foreign corporation is generally subject to tax at the corporate level, if at all, only by the foreign country in which it operates.

In addition, the foreign source income of a foreign corporation is generally subject to U.S. income tax at the shareholder level only when it is actually remitted to the U.S. corporate or individual shareholders as a dividend. The fact that no U.S. tax is imposed in this case at either the corporate or the shareholder level until (and unless) the income is distributed to the U.S. shareholders is sometimes referred to as tax deferral.

Present law, however, provides for an exception to the general rule of deferral under the so-called subpart F provisions of the Code (sections 951 through 964). Under these provisions income from so-called tax haven activities ("foreign base company income") is currently taxed at the shareholder level whether or not it is actually received in the form of a dividend. These rules apply only to U.S. persons owning 10 percent or more of the voting power of a foreign corporation, and only if more than 50 percent of the voting power in the corporation is owned by U.S. persons who each own 10 percent or larger interests.

Section 602(d) of the Act provides for a fourth category of foreign base company income which is called "foreign base company shipping income." The term "foreign base company shipping income" is defined in § 1.954-6. As with other types of foreign base company income, foreign base company shipping income is reduced under § 1.954-1(c) to take into account deductions (including taxes) which are properly allocable to that income.

In order to prevent any amounts from being included in foreign base company income twice, § 1.954-1(f)(3) provides that, if income is determined to be foreign base company shipping income, that income is not also considered to fall into any of the other three categories of foreign base company income. In addition, § 1.954-1(b)(2) provides that, if a controlled foreign corporation distributes foreign base company shipping income as a dividend through a chain of ownership to another controlled foreign corporation, that distribution will generally be excluded from the foreign base company income of the recipient controlled foreign corporation.

Foreign base company shipping income is excluded under § 1.954-1(b)(1) from foreign base company income to the extent that it is reinvested in qualified shipping assets. The amount of the reinvestment for any taxable year is the increase in "qualified investments in foreign base company shipping operations" (see § 1.954-7). Foreign base company shipping income of a controlled foreign corporation which is excluded from foreign base company income by reason of its investment in foreign base company shipping operations will be taxed to the U.S. shareholders of the controlled foreign corporation when and if it is subsequently withdrawn from such investment. The amount of previously excluded income withdrawn from investment in foreign base company shipping operations for any taxable year is the decrease in qualified investments in foreign base company shipping operations, subject to certain limitations (see § 1.955A-1(b)). The rules for determining the increase in, and the withdrawal from, investment in foreign base company shipping operations are similar to those used under sections 954(f) and 955 (as in effect before the enactment of the Tax Reduction Act

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of 1975) to determine the increase in, and the withdrawal from, investment in less developed countries.

A special rule is provided for amounts invested in less developed country shipping companies described in section 955(c)(2) (as in effect before the enactment of the Tax Reduction Act of 1975). These amounts, which were previously classified as qualified investments in less developed countries, are treated as qualified investments in foreign base company shipping operations under § 1.955A-2(b).

The term "qualified investments in foreign base company shipping operations" is defined in § 1.955A-2 to include aircraft or vessels used in foreign commerce and all related shipping assets. The term also may include securities of another controlled foreign corporation (see § 1.955A-2(c)) and an interest in a partnership (see § 1.955A-2(d)). The amount to be taken into account with respect to any qualified investment in foreign base company shipping operations is the adjusted basis of the investment property reduced by any liability to which the property is subject (see § 1.955A-2(g)).

Section 1.955A-3 provides that an investment in foreign base company shipping operations made by one controlled foreign corporation may be treated as having been made by another controlled foreign corporation. Under § 1.955A-3, a group of related controlled foreign corporations can, in effect, combine their foreign base company shipping income and their increase or decrease in qualified investments in foreign company shipping operations.

As was the case under prior law with respect to investments in less developed countries, a U.S. shareholder of a controlled foreign corporation may elect (under § 1.955A-4) to compute the increase or decrease in qualified investments in foreign base company shipping operations as of the following taxable year.

Section 602 of the Act applies to taxable years of foreign corporations beginning after December 31, 1975, and to taxable years of U.S. shareholders within which, or with which, the taxable years of the foreign corporations end.

Related amendments to the Income Tax Regulations, including amendments to the regulations under section 951 and amendments to supply the provisions reserved herein, will be forthcoming.

PROPOSED AMENDMENTS TO THE REGULATIONS

In order to conform the Income Tax Regulations (26 CFR Part 1) to certain provisions of section 602 of the Tax Reduction Act of 1975, such regulations are amended as follows:

PARAGRAPH 1. Section 1.952-2(c)(2)(v) is amended to read as follows:

§ 1.952-2 Determination of gross income and taxable income of a foreign corporation.

* * * * *

(c) *Special rules for purposes of this section.* * * *

(2) *Application of principles of § 1.964-1.* * * *

(v) *Exchange gain or loss.* (a) Exchange gain or loss, determined in accordance with the principles of § 1.964-1(e), shall be taken into account for purposes of determining gross income and taxable income.

(*b*) Exchange gain or loss shall be treated as foreign base company shipping income (or as a deduction allocable thereto) to the extent that it is attributable to foreign base company shipping operations. The extent to which exchange gain or loss is attributable to foreign base company shipping operations may be determined under any reasonable method which is consistently applied from year to year. For example, the extent to which the exchange gain or loss is attributable to foreign base company shipping operations may be determined on the basis of the ratio which the foreign base company shipping income of the corporation for the taxable year bears to its total gross income for the taxable year, such ratio to be determined without regard to this subdivision (v).

(c) The remainder of the exchange gain or loss shall be allocated between subpart F income and non-subpart F income under any reasonable method which is consistently applied from year to year. For example, such remainder may be allocated to subpart F income in the same ratio that the gross subpart F income (exclusive of foreign base company shipping income) of the corporation for the taxable year bears to its total gross income (exclusive of foreign base company shipping income) for the taxable year, such ratio to be determined without regard to this subdivision (v).

* * * * * *

PAR. 2. Immediately after § 1.952-2 new § 1.952-3 is added to read as follows:

§ 1.952-3 Order of computations.

(a) *Scope.* (1) *In general.* This section describes and illustrates the computations which a United States shareholder of a controlled foreign corporation is required to make in connection with the application of section 954 and the subsequent application of section 952. However, this section does not apply to any controlled foreign corporation to which section 953 (relating to income from insurance of United States risks) applies. For rules relating to the application of section 953 and the relationship between sections 953 and 954, see the regulations under section 953.

(2) *Effective date.* This section applies to taxable years of foreign corporations beginning after December 31, 1975, and to taxable years of United States shareholders (as defined in section 951(b)) within which or with which such taxable years of such foreign corporations end.

(b) *General rule.* Except as provided in paragraph (c) of this section, a United States shareholder must determine the subpart F income of a controlled foreign corporation to which this section applies in the following manner:

(1) *Step 1.* Determine gross income under § 1.952-2, and (if applicable) § 1.959-2 (relating to the exclusion of certain dividends from gross income).

(2) *Step 2.* Determine net foreign base company shipping income as follows:

(i) *First.* Determine foreign base company shipping income under § 1.954-6;

(ii) *Second.* Exclude from foreign base company shipping income the items thereof which are excluded from subpart F income under § 1.952-1(b)(2) (relating to the exclusion of United States income from subpart F income), or which are excluded from foreign base company income under § 1.954-1(b)(2) and (3) (relating, respectively, to chain rule and to corporation not availed of to reduce tax);

(iii) *Third.* Reduce the balance by the deductions allocable thereto under § 1.954-1(c); and

(iv) *Fourth.* Reduce the remaining balance by the increase in qualified investments in foreign base company shipping operations as determined under § 1.954-7 (see § 1.954-1(b)(1)).

(3) *Step 3.* Determine net foreign personal holding company income, net foreign base company sales income, and net foreign base company services income as follows:

(i) *First.* Determine foreign personal holding company income under § 1.954-2, foreign base company sales income under § 1.954-3, and foreign base company services income under § 1.954-4;

(ii) *Second.* Exclude from each such type of income the items thereof which are excluded from subpart F income under § 1.952-1(b)(2) or which are excluded from foreign base company income under § 1.954-1(b)(2) and (3);

(iii) *Third.* Reduce the balance of each such type of income by the deductions allocable thereto under § 1.954-1(c).

(4) *Step 4.* The foreign base company income is the sum of the net amounts determined in subparagraphs (2) and (3) of this paragraph.

(5) *Step 5.* The subpart F income is the lesser of—

(i) The sum of (A) the foreign base company income as determined under subparagraph (4) of this paragraph and (B) the exchange gain (or loss) allocable (under § 1.952-2(c)(2)(v)(c)) to subpart F income; or

(ii) The earnings and profits limitation stated in section 952(c) (see § 1.952-1(c)).

(6) *Step 6.* The subpart F income of an export trade corporation (as defined in section 971(a)) must be reduced as provided in § 1.970-1(b).

(c) *Section 954(b)(3) ratio less than 10 percent or more than 70 percent.* (1) *Less than 10 percent.* Under § 1.954-1(d)(1), if the foreign base company income of a controlled foreign corporation to which this section applies (determined as provided in subparagraph (3) of this paragraph) is less than 10 percent of the gross income (determined as provided in paragraph (b)(1) of this section), the subpart F income of that controlled foreign corporation is zero.

(2) *More than 70 percent.* Under § 1.954-1(d)(2), if the foreign base company income of a controlled foreign corporation to which this section applies (determined as provided in subparagraph (3) of this paragraph) is more than 70 percent of the gross income (determined as provided in paragraph (b)(1) of this section), a United States shareholder must determine the subpart F income of that controlled foreign corporation in the following manner:

(i) *Step 1.* The foreign base company income is the gross income (determined as provided in paragraph (b)(1) of this section), reduced as follows:

(A) First, exclude the items thereof which are excluded from subpart F income under § 1.952-1(b)(2) or which are excluded from foreign base company income under § 1.954-1(b)(3);

(B) Second, reduce the balance by the deductions allocable thereto under § 1.954-1(c);

(C) Third, reduce the remaining balance by the amount of the reinvested shipping income determined as provided in subparagraph (4) of this paragraph.

(ii) *Step 2.* The subpart F income is the lesser of—

(A) The foreign base company income as determined under subdivision (i) of this subparagraph; or

(B) The limitation stated in section 952(c) (see § 1.952-1(c)).

(iii) *Step 3.* The subpart F income of an export trade corporation (as defined in section 971(a)) must be reduced as provided in § 1.970-1(b).

(3) *Foreign base company income.* Solely for purposes of subparagraphs (1) and (2) of this paragraph, the foreign base company income of a controlled foreign corporation shall be the sum of the balances determined after applying paragraph (b)(2)(ii) and (3)(ii) of this section.

(4) *Reinvested shipping income.* Solely for purposes of subparagraph (2)(i)(C) of this paragraph, the amount of reinvested shipping income of a controlled foreign corporation shall be determined as follows:

(i) *Step 1.* Determine foreign base company shipping income under § 1.954-6;

(ii) *Step 2.* Exclude from foreign base company shipping income the items thereof which are excluded from subpart F income under § 1.952-1(b)(2) or which are excluded from foreign base company income under § 1.954-1(b)(3);

(iii) *Step 3.* Reduce the balance by the deductions allocable thereto under § 1.954-1(c);

(iv) *Step 4.* The amount of reinvested shipping income is the lesser of—

(A) The remaining balance, or

(B) The increase in qualified investments in foreign base company shipping operations as determined under § 1.954-7.

(d) *Illustrations.* The application of this section may be illustrated by the following examples, in each of which it is assumed that A is a United States shareholder who owns stock in a controlled foreign corporation on December 31, 1976, the corporation uses the calendar year as the taxable year, and for 1976, the corporation has no income derived from the insurance of United States risks (within the meaning of section 953(a)) and is not an export trade corporation (within the meaning of section 971(a)):

Example (1). (a) For 1976, P Corporation has no foreign base company sales income and no foreign base company shipping income.

(b) A must apply the test prescribed by section 954(b)(3) to P's taxable year 1976 as follows, based on the facts shown in the following table:

(1)	Gross income		$1,000
(2)	(i) Foreign personal holding company income	$200	
	(ii) Less: Items of foreign personal holding company income excluded under §§ 1.952-1(b)(2), 1.954-1(b)(2), and 1.954-1(b)(3)	10	
	(iii) Balance		190
(3)	(i) Foreign base company services income	450	
	(ii) Less: Items of foreign base company services income excluded under §§ 1.952-1(b)(2) and 1.954-1(b)(3)	100	
	(iii) Balance		350
(4)	Tentative foreign base company income (line (2)(iii) plus line (3)(iii))		540
(5)	Section 954(b)(3) ratio (line 4 ÷ line (1)) (percent)		54

(c) Since the section 954(b)(3) ratio is not less than 10 percent nor more than 70 percent, A must determine P's subpart F income for 1976 as follows, based on the facts shown in the following table:

(1)	Gross income		$1,000
(2)	(i) Foreign personal holding company income		200
	(ii) Less: items of foreign personal holding company income excluded under §§ 1.952-1(b)(2), 1.954-1(b)(2), and 1.954-1(b)(3)		10
	(iii) Balance		190
	(iv) Less: deductions allocable to balance		170
	(v) Net foreign personal holding company income		20
(3)	(i) Foreign base company services income		450
	(ii) Less: items of foreign base company services income excluded under §§ 1.952-1(b)(2) and 1.954-1(b)(3)		100
	(iii) Balance		350
	(iv) Less: Deductions allocable to balance		250
	(v) Net foreign base company services income		100
(4)	Subpart F income: (i) Foreign base company income (line (2)(v) plus line (3)(v))		120
	(ii) Exchange gain attributable to subpart F income		7
	(iii) Tentative subpart F income (line (i) plus line (ii))		127
	(iv) Earnings and profits limitation		225
	(v) Subpart F income (lesser of lines (iii) and (iv))		127

Example (2). (a) For 1976, N Corporation has no foreign personal holding company income, no foreign base company sales income, and no foreign base company services income. However, N receives $100 of dividends from another controlled foreign corporation which is excluded from foreign base company income under § 1.954-1(b)(2) as attributable to foreign base company shipping income, but which is not excluded from gross income under section 959(b).

(b) A must apply the test prescribed by section 954(b)(3) to N's taxable year 1976 as follows, based on the facts shown in the following table:

(1)	Gross income		$1,000
(2)	(i) Foreign base company shipping income		1,000
	(ii) Less: Items of foreign base company shipping income excluded under §§ 1.952-1(b)(2), 1.954-1(b)(2), and 1.954-1(b)(3)		100
	(iii) Balance		900
(3)	Section 954(b)(3) ratio (line (2)(iii) ÷ line (1)) (percent)		90

(c) Since the section 954(b)(3) ratio exceeds 70 percent, A must determine the amount of N's reinvested shipping income for 1976 as follows, based on the facts shown in the following table:

(1)	Foreign base company shipping income	$1,000
(2)	Less: Items of foreign base company shipping income excluded under §§ 1.952-1(b)(2) and 1.954-1(b)(3)	0

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(3) Balance	1,000
(4) Less: Deductions allocable to balance	750
(5) Remaining balance	250
(6) Increase in qualified investments in foreign base company shipping operations	250
(7) Reinvested shipping income (lesser of lines (5) and (6))	250

(d) A must determine N's subpart F income for 1976 as follows, based on the facts shown in the following table:

(1) (i) Gross income	$1,000
(ii) Less: Items of gross income excluded under §§ 1.952–1(b)(2) and 1.954–1(b)(3)	0
(iii) Balance	1,000
(iv) Less: Deductions allocable to balance	750
(v) Remaining balance	250
(vi) Less: reinvested shipping income	250
(vii) Foreign base company income	0
(2) Earnings and profits limitation	1,200
(3) Subpart F income (lesser of lines (1)(vii) and (2))	0

Example (3). (a) For 1976, M Corporation has no foreign personal holding company income, no foreign base company sales income, and no foreign base company services income.

(b) A must apply the test prescribed by section 954(b)(3) to M's taxable year 1976 as follows, based on the facts shown in the following table:

(1) Gross income	$1,000
(2) (i) Foreign base company shipping income	650
(ii) Less: Items of foreign base company shipping income excluded under §§ 1.952–1(b)(2), 1.954–1(b)(2), and 1.954–1(b)(3)	0
(iii) Balance	650
(3) Section 954(b)(3) ratio (line (2)(iii) ÷ line (1)) (percent)	65

(c) Since the section 954(b)(3) ratio is not less than 10 percent nor more than 70 percent, A must determine M's subpart F income for 1976 as follows, based on the facts shown in the following table:

(1) Gross income	$1,000
(2) Net foreign base company shipping income: (i) Foreign base company shipping income	650
(ii) Less: Items of foreign base company shipping income excluded under §§ 1.952–1(b)(2), 1.954–1(b)(2), and 1.954–1(b)(3)	0
(iii) Balance	650
(iv) Less: Deductions allocable to balance	550
(v) Remaining balance	100
(vi) Less: Increase in qualified investments in foreign base company shipping operations	80
(vii) Net foreign base company shipping income	20
(3) Subpart F income: (i) Foreign base company income (line (2)(vii))	20
(ii) Exchange gain attributable to subpart F income	0
(iii) Tentative subpart F income (line (1) plus line (ii))	20
(iv) Earnings and profits limitation	15
(v) Subaprt F income (lesser of lines (iii) and (iv))	15

Example (4). (a) For 1976, Q Corporation has no foreign base company sales income and no foreign base company services income.

(b) A must apply the test prescribed by section 954(b)(3) to Q's taxable year 1976 as follows, based on the facts shown in the following table:

(1) Gross income		$1,000
(2) (i) Foreign base company shipping income	$450	
(ii) Less: Items of foreign base company shipping income excluded under §§ 1.952–1(b)(2), 1.954–1(b)(2), and 1.954–1(b)(3)	100	
(iii) Balance		350
(3) (i) Foreign personal holding company income	200	
(ii) Less: Items of foreign personal holding company income excluded under §§ 1.952–1(b)(2), 1.954–1(b)(2), and 1.954–1(b)(3)	10	
(iii) Balance		190

(4) Tentative foreign base company shipping income (line (2)(iii) plus line (3)(iii))	540
(5) Section 954(b)(3) ratio (line (4) ÷ line (1)) (percent)	54

(c) Since the section 954(b)(3) ratio is not less than 10 percent nor more than 70 percent, A must determine Q's subpart F income for 1976 as follows, based on the facts shown in the following table:

(1) Gross income	$1,000
(2) (i) Foreign base company shipping income	450
(ii) Less: Items of foreign base company shipping income excluded under §§ 1.952–1(b)(2), 1.954–1(b)(2), and 1.954–1(b)(3)	100
(iii) Balance	350
(iv) Less: Deductions allocable to balance	250
(v) Remaining balance	100
(vi) Less: Increase in qualified investments in foreign base country shipping operations	135
(vii) Net foreign base company shipping income (not less than zero)	0
(3) (i) Foreign personal holding company income	200
(ii) Less: Items of foreign personal holding company income excluded under §§ 1.952–1(b)(2), 1.954–1(b)(2), and 1.954–1(b)(3)	10
(iii) Balance	190
(iv) Less: Deductions allocable to balance	70
(v) Net foreign personal holding company income	120
(4) Subpart F income: (i) Foreign base company income (line (2)(vii) plus line (3)(v))	120
(ii) Exchange gain attributable to subpart F income	7
(iii) Tentative subpart F income (line (1) plus line (ii))	127
(iv) Earnings and profits limitation	225
(v) Subpart F income (lesser of lines (iii) and (iv))	127

Example (5). (a) For 1976, corporation R's only income is comprised of interest and dividends which are treated as foreign base company shipping income under § 1.954–6(f)(1)(i). Consequently, R has no foreign personal holding company income, foreign base company sales income or foreign base company services income for 1976 (see section 954(b)(6)(A) and § 1.954–1(f)(3)).

(b) A must apply the test prescribed by section 954(b)(3) to R's taxable year 1976 as follows, based on the facts shown in the following table:

(1) Gross income	$1,000
(2) (i) Foreign base company shipping income	1,000
(ii) Less: items of foreign base company shipping income excluded under §§ 1.952–1(b)(2), 1.954–1(b)(2), and 1.954–1(b)(3)	400
(iii) Balance	600
(3) Section 954(b)(3) ratio (line (2)(iii) ÷ line (1)) (percent)	60

(c) Since the section 954(b)(3) ratio is not less than 10 percent nor more than 70 percent, A must determine R's subpart F income for 1976 as follows, based on the facts shown in the following table:

(1) Gross income	$1,000
(2) Net foreign base company shipping income: (i) Foreign base company shipping income	1,000
(ii) Less: Items of foreign base company shipping income excluded under §§ 1.952–1(b)(2), 1.954–1(b)(2), and 1.954–1(b)(3)	400
(iii) Balance	600
(iv) Less: Deductions allocable to balance	50
(v) Remaining balance	550
(vi) Less: Increase in qualified investments in foreign base company shipping operations	530
(vii) Net foreign base company shipping income	20
(3) Subpart F income: (i) Foreign base company income (line (2)(vii))	20
(ii) Exchange gain attributable to subpart F income	0
(iii) Tentative subpart F income (line (i) plus line (ii))	20
(iv) Earnings and profits limitation	25
(v) Subpart F income (lesser of lines (iii) and (iv))	20

PAR. 3. Section 1.954 is amended by revising section 954 (a), (b), and (f), adding a new sentence at the end of section 954(d)(1), adding a new section 954(g), and revising the historical note to read as follows:

§ 1.954 Statutory provisions; foreign base company income.

Sec. 954. *Foreign base company income*—(a) *Foreign base company income.*—For purposes of section 952(a)(2), the term "foreign base company income" means for any taxable year the sum of—

(1) The foreign personal holding company income for the taxable year (determined under subsection (c) and reduced as provided in subsection (b)(5)),

(2) The foreign base company sales income for the taxable year (determined under subsection (d) and reduced as provided in subsection (b)(5)),

(3) The foreign base company services income for the taxable year (determined under subsection (e) and reduced as provided in subsection (b)(5)), and

(4) The foreign base company shipping income for the taxable year (determined under subsection (f) and reduced as provided in subsection (b)(5)).

(b) *Exclusions and special rules.*

(1) [Repealed]

(2) *Exclusion for reinvested shipping income.* For purposes of subsection (a), foreign base company income does not include foreign base company shipping income to the extent that the amount of such income does not exceed the increase for the taxable year in qualified investments in foreign base company shipping operations of the controlled foreign corporation (as determined under subsection (g)).

(3) *Special rule where foreign base company income is less than 10 percent or more than 70 percent of gross income.* For purposes of subsection (a)—

(A) If the foreign base company income (determined without regard to paragraphs (2) and (5)) is less than 10 percent of gross income, o part of the gross income of the taxable year shall be treated as foreign base company income.

(B) If the foreign base company income (determined without regard to paragraphs (2) and (5)) exceeds 70 percent of gross income, the entire gross income of the taxable year shall, subject to the provisions of paragraph (2), (4), and (5), be treated as foreign base company income.

(4) *Exception for forcign corporations not availed of to reduce taxes.* For purposes of subsection (a), foreign base company income does not include any item of income received by a controlled foreign corporation if it is established to the satisfaction of the Secretary or his delegate that neither—

(A) The creation or organization of such controlled foreign corporation under the laws of the foreign country in which it is incorporated (or, in the case of a controlled foreign corporation which is an acquired corporation, the acquisition of such corporation, created or organized under the laws of the foreign country in which it is incorporated), nor

(B) The effecting of the transaction giving rise to such income through the controlled foreign corporation, has as one of its significant purposes a substantial reduction of income, war profits, or excess profits or similar taxes.

(5) *Deductions to be taken into account.* For purposes of subsection (a), the foreign personal holding company income, the foreign base company sales income, the foreign base company services income, and the foreign base company shipping income shall be reduced, under regulations prescribed by the Secretary or his delegate, so as to take

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into account deductions (including taxes) properly allocable to such income.

(6) *Special rules for foreign base company shipping income.* Income of a corporation which is foreign base company shipping income under paragraph (4) of subsection (a) (determined without regard to the exclusion under paragraph (2) of this subsection)—

(A) Shall not be considered foreign base company income of such corporation under any other paragraph of subsection (a) and

(B) If distributed through a chain of ownership described under section 958 (a), shall not be included in foreign base company income of another controlled foreign corporation in such chain.

• • • • • •

(d) *Foreign base company sales income*—(1) *In general.* • • •

For purposes of this subsection, personal property does not include agricultural commodities which are not grown in the United States in commercially marketable quantities.

• • • • • •

(f) *Foreign base company shipping income.* For purposes of subsection (a) (4), the term "foreign base company shipping income" means income derived from, or in connection with, the use (or hiring or leasing for use) of any aircraft or vessel in foreign commerce, or from, or in connection with, the performance of services directly related to the use of any such aircraft, or vessel, or from the sale, exchange, or other disposition of any such aircraft or vessel. Such term includes, but is not limited to—

(1) Dividends and interest received from a foreign corporation in respect of which taxes are deemed paid under section 902, and gain from the sale, exchange, or other disposition of stock or obligations of such a foreign corporation to the extent that such dividends, interest, and gains are attributable to foreign base company shipping income, and

(2) That portion of the distributive share of the income of a partnership attributable to foreign base company shipping income.

(g) *Increase in qualified investments in foreign base company shipping operations.* For purposes of subsection (b) (2), the increase for any taxable year in qualified investments in foreign base company shipping operations of any controlled foreign corporation is the amount by which—

(1) The qualified investments in foreign base company shipping operations (as defined in section 955 (b)) of the controlled foreign corporation at the close of the taxable year, exceed

(2) The qualified investments in foreign base company shipping operations (as so defined) of the controlled foreign corporation at the close of the preceding taxable year.

[Sec. 954 as added by sec. 12(a), Rev. Act 1962 (76 Stat. 1006); as amended by sec. 909, Tax Reform Act 1969 (83 Stat. 718); sec. 602, Tax Reduction Act 1975 (89 Stat. 58).]

PAR. 4. Section 1.954–1 is amended as follows:

1. The heading and paragraphs (a), (b) (1), and (b) (2) are revised.

2. Paragraph (b) (3) is redesignated as paragraph (b) (4), and paragraph (b) (4) is redesignated as paragraph (b) (3).

3. Paragraph (b) (3) (as redesignated) is revised as follows:

a. The heading is revised.

b. Subdivision (i) is revised by deleting "ending after October 9, 1969", and inserting in lieu thereof "beginning after December 31, 1975".

c. Subdivision (ii) is amended by revising (*a*), by deleting "subparagraph (3)" in (*b*) and inserting in lieu thereof "subparagraph (4)", and by deleting "subparagraph (3) (viii)" in the last sentence and inserting in lieu thereof "subparagraph (4) (vii)".

d. Subdivision (iv) is revised by adding a new sentence at the end thereof.

e. Subdivision (v) is amended by deleting "Income Tax Division" and inserting in lieu thereof "Corporate Tax Division".

f. Subdivision (vi) is amended by deleting "subparagraph (3) (vi)" and inserting in lieu thereof "subparagraph (4) (v)", and by deleting "subparagraph (3) (vii)" and inserting in lieu thereof "subparagraph (4) (vi)".

g. Subdivision (vii) is amended by revising the heading, by deleting "example" in the first sentence and inserting in lieu thereof "examples", by redesignating the example as example (1), by deleting "1969" in the seventh sentence of example (1) (as redesignated) and inserting in lieu thereof "1977", and by adding a new example (2) at the end thereof.

4. Paragraph (b) (4) (as redesignated) is revised as follows:

a. The heading, subdivisions (i) and (ii), and so much of subdivision (iii) as precedes (*a*) thereof are revised.

b. Subdivisions (iii) (*a*) (*1*) and (2), (iii) (*b*), and (iv) are each revised by deleting "in respect to" and inserting in lieu thereof "in respect of".

c. Subdivision (v) is deleted.

d. Subdivisions (vi), (vii), and (vii) are redesignated as subdivisions (v), (vi), and (vii), respectively.

e. Subdivision (v) (as redesignated) is revised by deleting "the creation or organization of a controlled foreign corporation results in" and inserting in lieu thereof "there has been", by deleting "29 percent" and inserting in lieu thereof "9 percent", and by deleting "71 percent" and inserting in lieu thereof "91 percent".

f. Subdivision (vi) (as redesignated) is revised by deleting "subdivisions (i) to (vi)" and inserting in lieu thereof "subdivisions (i) to (v)".

g. Example (1) of subdivision (vii) as (redesignated) is revised by deleting "1963" and inserting "1976" in lieu thereof, and by deleting "organization of B Corporation in country Y did not have the effect of substantially reducing" and inserting in lieu thereof "there has been no substantial reduction of".

h. Example (2) of subdivision (vii) (as redesignated) is revised by deleting "organization of B Corporation in country Y did have the effect of substantially reducing" and inserting in lieu thereof "there has been a substantial reduction of".

i. Example (3) of subdivision (vii) (as redesignated) is reserved, and example (4) of subdivision (vii) (as redesignated) is deleted.

5. Paragraph (c) is revised by amending the first and last sentences thereof.

6. Paragraph (d) is revised as follows:

a. The heading is revised.

b. Subparagraph (1) is revised by deleting "30" in both places where it appears and inserting in lieu thereof "10".

c. Subparagraph (2) is amended by deleting "(1)," immediately after "except as provided in paragraphs", and by inserting "(1), (b) (3)," immediately after "and paragraphs (b)".

d. Subparagraph (3) is revised.

e. So much of subparagraph (4) as precedes the example is revised.

f. The example in subparagraph (4) is amended by deleting "30" in all three places where it appears and by inserting in lieu thereof "10".

7. Paragraph (e) is amended by deleting "1.954–5" and inserting in lieu thereof "1.954–7".

8. Paragraph (f) is amended by deleting "1.954–5" and inserting in lieu thereof "1.954–7", and by adding a new subparagraph (3) at the end thereof.

The added and amended provisions read as follows:

§ 1.954–1 Foreign base company income; taxable years beginning after December 31, 1975.

(a) *In general.* The subpart F income of a controlled foreign corporation for any taxable year includes its foreign base company income for such taxable year. See section 952(a). For taxable years beginning after December 31, 1975, the foreign base company income of a controlled foreign corporation consists of the sum of its foreign personal holding company income, as defined in § 1.954–2, its foreign base company sales income, as defined in § 1.954–3, its foreign base company services income, as defined in § 1.954–4, and its foreign base company shipping income, as defined in § 1.954–6, modified and adjusted in accordance with this section. For corresponding rules applicable to taxable years beginning before January 1, 1976, see 26 CFR § CFR § 1.954–1 (Rev. as of April 1, 1975). For additional rules relating to the computation of foreign base company income, see § 1.952–3.

(b) *Exclusions from foreign base company income.* Foreign base company income does not include the following items:

(1) *Reinvested shipping income.*—Foreign base company income does not include foreign base company shipping income to the extent that the amount of such income does not exceed the controlled foreign corporation's increase for the taxable year in qualified investments in foreign base company shipping operations. See section 954(b) (2). For definition of the term "qualified investments in the foreign base company shipping operations", see section 955(b) and § 1.955A–2. For rules relating to the determination of the increase for a taxable year in qualified investments in foreign base company shipping operations, see section 954(g) and § 1.954–7. For rules relating to the computation of the amount excluded from foreign base company income under this subparagraph, see § 1.952–3.

(2) *Chain rule for shipping income.*—Except as provided in section 954(b) (3)

(and notwithstanding any provision of § 1.954–6), dividends distributed by a controlled foreign corporation through a chain of ownership described in section 958(a) to another controlled foreign corporation shall not be included in the foreign base company income of such other controlled foreign corporation to the extent that such dividends are attributable (under § 1.954–6(f) (4)) to foreign base company shipping income. Thus, a distribution which is not excluded from gross income under section 959(b) and § 1.959–2 may be excluded from foreign base company income under section 954(b) (6) (B) and this subparagraph.

(3) *Income of controlled foreign corporations not availed of to substantially reduce income or similar taxes.* • • •

(ii) *Substantial reduction of income taxes.* • • •

(*a*) Item of foreign personal holding company income described in § 1.954–2 or an item of foreign base company shipping income described in § 1.954–6 shall be made by applying the principles of subparagraph (4) (ii) of this paragraph, or

• • • • • •

(iv) *Application of significant purpose test.* • • • The fact that an aircraft or vessel is registered in any particular foreign country does not mean that the income-producing activity in connection with which the aircraft or vessel is used is carried on in that country.

• • • • • •

(vii) *Illustrations.* • • •

Example (2). Controlled foreign corporation X is incorporated under the laws of foreign country A, and uses the calendar year as the taxable year. Corporation X has conducted business for a substantial period of years prior to 1977. Before 1977, X Corporation was subject, under the laws of country A, to an effective tax rate of 46.6 percent on the income (after allocable deductions other than income or similar taxes) derived from purchasing and selling activities conducted throughout the world. A substantial part of its income for 1976 was derived from transactions in which it purchased from an unrelated person in foreign country C raw materials produced in country C and sold them to Z Corporation, a related person organized under the laws of foreign country B for use in country B. If X Corporation had been incorporated under the laws of country B it would have paid income and similar taxes to country B for 1976 in an amount effectively equal to 51.2 percent of the income (after allocable deductions other than income or similar taxes) derived from the sales to Z Corporation. If X Corporation had been incorporated under the laws of country C, it would have paid income and similar taxes to country C for years before 1977 in an amount effectively equal to 52 percent of the income (after allocable deductions other than income or similar taxes) derived from the sales to Z Corporation. In 1977, X Corporation also derives a substantial part of its income from transactions in which it purchases from an unrelated person in country C raw materials produced in country C and sells them to Z Corporation for use in country B. Effective January 1, 1977, there is a general reduction in income tax rates in country A, so that X Corporation pays an income tax to country A for 1977 in an amount effectively equal to 45 percent of the income (after allocable deductions other than income or similar taxes) from the sales to Z Corporation. The income tax laws of countries B and C applicable for 1976 remain applicable to 1977 without change. During years both before and after the reduction in country A tax, X Corporation actively conducts a trade or business of purchasing personal property from unrelated persons and selling such property to unrelated persons as well as to Z Corporation. For 1977, the percentage of total income of X Corporation derived from sales of the raw materials to Z Corporation and the nature of the raw materials so sold to Z Corporation remain substantially unchanged from that for 1976. Although the rate of income and similar taxes paid by X Corporation to country A for 1977 on the income from the sales to Z Corporation is less than 90 percent of, and as much as 5 percentage points less than, the rate (51.2 percent) of the income and similar taxes which X Corporation would have paid to country B on the income from the sales to Z Corporation, under subdivision (iv) of this subparagraph the other facts and circumstances in this example will establish to the satisfaction of the district director that (a) the organization of X Corporation in country A, and (b) the effecting through X Corporation of the sales to Z Corporation during 1977, did not have as a significant purpose a substantial reduction of income or similar taxes. Foreign base company income of X Corporation for 1977 does not include income derived from such sales. However, if the percentage of the total income of X Corporation derived from sales of raw materials to Z Corporation were substantially increased, or if the nature of the raw materials so sold to Z Corporation were significantly changed, the facts and circumstances of this example would not establish to the satisfaction of the district director that the effecting through X Corporation of the additional or unusual sales to Z Corporation during 1977 did not have as a significant purpose a substantial reduction of income or similar taxes.

(4) *No substantial reduction of income or similar taxes*—(i) *Scope.*—This subparagraph prescribes rules for the application of subparagraph (3) of this paragraph.

(ii) *Foreign personal holding company income and foreign base company shipping income.*—[Reserved]

(iii) *Foreign base company sales and services income.*—For purposes of this paragraph, there will be considered to have been no substantial reduction of income, war profits, excess profits, or similar taxes with respect to an item of foreign base company sales income described in § 1.954–3 or an item of foreign base company services income described in § 1.954–4 if the effective rate of such taxes paid to a country or countries for the taxable year in respect of such item of income by the controlled foreign corporation equals or exceeds 90 percent of, or is not as much as 5 percentage points less than —

• • • • • •

(c) *Gross income and deductions to be taken into account.* For purposes of section 954 and this section, foreign personal holding company income as defined in § 1.954–2, foreign base company sales income as defined in § 1.954–3, foreign base company services income as defined in § 1.954–4, and foreign base company shipping income as defined in § 1.954–6 shall be taken into account in determining foreign base company income after allowance for deductions properly allocable to such categories of income. • • • However, if the foreign base company income of a controlled foreign corporation exceeds 70 percent (as determined under paragraph (d) of this section) of gross income, the entire expenses, taxes, and other deductions shall be taken into account, except expenses, taxes, and other deductions properly allocable to amounts excluded from foreign base company income under the provisions of paragraph (4) of section 954(b) and paragraph (b) (3) of this section and expenses, taxes, and other deductions properly allocable to amounts excluded from subpart F income under sections 952(b) and the regulations thereunder.

(d) *Special rules where foreign base company income is less than 10 percent or more than 70 percent of gross income.* • • •

(3) *Method of computation.*—See § 1.952–3 for rules relating to the method of determining the percentage which foreign base company income is of gross income under subparagraphs (1) and (2) of this paragraph.

(4) *Branches of controlled foreign corporations treated as separate corporations.* (i) *In general.*—The 10-percent and 70-percent tests described in subparagraphs (1) and (2) of this paragraph apply to the foreign base company income of each controlled foreign corporation. In addition, if a branch or similar establishment of a controlled foreign corporation is treated as a separate wholly owned subsidiary corporation of such corporation under section 954(d) (2) and paragraph (b) of § 1.954–3, the 10-percent and 70-percent tests apply separately to the income allocated under such paragraph to such branch or similar establishment, to other branches and similar establishments similarly treated, and to the remainder of the controlled foreign corporation.

(ii) *Illustration.* The application of this subparagraph may be illustrated by the following example:

• • • • • •

(f) *Classification of an item of income.* • • •

(3) *Shipping classification applies first.*—Foreign base company shipping income (as determined under § 1.954–6) of a controlled foreign corporation shall not also be considered foreign personal holding company income, foreign base company sales income, or foreign base company services income. See section 954 (b) (6) (A).

PAR. 5. Section 1.954–2 is amended as follows:

1. The first sentence of paragraph (a) is amended by inserting "section 954(b) (6) (A)," immediately before "section 954(c) (3) and (4)", and by striking out "(e)" and inserting "(f)" in lieu thereof.

2. A new paragraph (f) is added at the end thereof to read as follows:

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§ 1.954–2 Foreign personal holding company income.

. . . . . .

(f) *Shipping income for taxable years beginning after December 31, 1975.* For taxable years beginning after December 31, 1975, foreign base company shipping income of a controlled foreign corporation (as determined under § 1.954–6) shall not also be considered foreign personal holding company income of that controlled foreign corporation.

PAR. 6. Section 1.954–3 is amended by inserting "or foreign base company shipping income under § 1.954–6" immediately after "§ 1.954–2" in the fourth sentence of paragraph (a) (1) and by adding a new paragraph (c) to read as follows:

§ 1.954–3 Foreign base company sales income.

. . . . . .

(c) *Shipping income for taxable years beginning after December 31, 1975.* For taxable years beginning after December 31, 1975, foreign base company shipping income (as determined under § 1.954–6) of a controlled foreign corporation shall not also be considered foreign base company sales income of that controlled foreign corporation.

PAR. 7. Section 1.954–4(d) is amended by deleting "or" at the end of subparagraph (1), by deleting the period at the end of subparagraph (2) and inserting in lieu thereof "; or", and by adding a new subparagraph (3) at the end thereof to read as follows:

§ 1.954–4 Foreign base company services income.

. . . . . .

(d) *Items excluded.* * * *

(3) For taxable years beginning after December 31, 1975, foreign base company shipping income (as determined under § 1.954–6).

PAR. 8. Immediately after § 1.954–5 new §§1.954–6 and 1.954–7 are added to read as follows:

§ 1.954–6 Foreign base company shipping income.

(a) *Scope.* (1) *In General.*—This section prescribes rules for determining foreign base company shipping income under the provisions of section 954 (f), as amended by the Tax Reduction Act of 1975.

(2) *Effective date.*—(i) The rules prescribed in this section apply to taxable years of foreign corporations beginning after December 31, 1975, and to taxable years of United States shareholders (as defined in section 951 (b)) within which or with which such taxable years of such foreign corporations end.

(ii) Foreign base company shipping income does not include amounts earned by a foreign corporation in a taxable year of such corporation beginning before January 1, 1976. See example (1) of paragraph (g) (2) of this section for an illustration of the effect of this subparagraph on partnership income. See example (3) of paragraph (f) (4) (ii) of this section for an illustration of the effect of this subparagraph on certain dividend income. See paragraph (f) (5) (iii) of this section for the effect of this subparagraph on certain interest and gains.

(b) *Definitions.* (1) *Foreign base company shipping income.*—The term "foreign base company shipping income" means—

(i) Gross income derived from, or in connection with, the use (or hiring or leasing for use) of any aircraft or vessel in foreign commerce (see paragraph (c) of this section),

(ii) Gross income derived from, or in connection with, the performance of services directly related to the use of any aircraft or vessel in foreign commerce (see paragraph (d) of this section),

(iii) Gross income incidental to income described in subdivisions (i) and (ii) of this subparagraph, as provided in paragraph (e) of this section.

(iv) Gross income derived from the sale, exchange, or other disposition of any aircraft or vessel used (by the seller or by a person related to the seller) in foreign commerce,

(v) In the case of a controlled foreign corporation, dividends, interest, and gains described in paragraph (f) of this section,

(vi) Income described in paragraph (g) of this section (relating to partnerships, trust, etc.), and

(vii) Exchange gain, to the extent allocable to foreign base company shipping income (see § 1.952–2(c) (2) (v) (b)).

(2) *Foreign base company shipping operations.*—For purposes of sections 951 through 964, the term "foreign base company shipping operations" means the trade or business from which gross income described in subparagraph (1) (i) and (ii) of this paragraph is derived.

(3) *Foreign commerce.*—For purposes of sections 951 through 964—

(i) An aircraft or vessel is used in foreign commerce if it is used in transportation of property or passengers—

(A) Between a port (or airport) in the United States or possession of the United States and a port (or airport) in a foreign country, or

(B) Between a port (or airport) in a foreign country and another in the same country or between a port (or airport) in a foreign country and one in another foreign country.

Thus, for example, a trawler, a factory ship, and an oil drilling ship are not considered to be used in foreign commerce. On the other hand, a cruise ship which visits one or more foreign ports is considered to be so used.

(ii) The term "vessel" includes all water craft and other artificial contrivances of whatever description and at whatever stage of construction, whether on the stocks or launched, which are used or are capable of being used or are intended to be used as a means of transportation on water.

(iii) The term "port" means any place where aircraft or vessels are accustomed to load or unload goods or to take on or let off passengers.

(iv) Any vessel (such as a lighter or beacon lightship) which serves other vessels used (within the meaning of subdivision (i) of this subparagraph) in foreign commerce shall, to the extent so used, also be considered to be used in foreign commerce.

(v) For the meaning of the term "foreign country", see section 638(2).

(4) *Use in foreign commerce.*—For purposes of sections 951 through 964, the use of an aircraft or vessel in foreign commerce includes the hiring or leasing (or subleasing) of an aircraft or vessel to another for use in foreign commerce. Thus, for example, an aircraft or vessel is "used in foreign commerce" within the meaning of section 955(b) (1) (A) if such aircraft or vessel is chartered (whether pursuant to a bareboat charter, time charter, or otherwise) to another for use in foreign commerce.

(5) *Related person.*—With respect to a controlled foreign corporation, the term "related person" means a related person as defined in § 1.954–1(e) (1), and the term "unrelated person" means an unrelated person as defined in § 1.954–1 (e) (2).

(c) *Aircraft or vessel income.*—(1) *In general.*—The term "income derived from, or in connection with, the use (or hiring or leasing for use) of any aircraft or vessel in foreign commerce" as used in paragraph (b) (1) (i) of this section means—

(i) Income derived from transporting passengers or property by aircraft or vessel in foreign commerce and

(ii) Income derived from hiring or leasing an aircraft or vessel to another for use in foreign commerce.

(2) *Illustrations.*—The application of this paragraph may be illustrated by the following examples:

Example (1). Foreign corporation C owns a foreign flag vessel which it charters under a long-term charter to foreign corporation D. The vessel is used by D as a tramp which has no fixed or regular schedule. The vessel carries bulk and packaged cargoes, as well as occasional passengers, under charter parties, contracts of affreightment, or other contracts of carriage. The carriage of cargoes and passengers is between a port in the United States and a port in a foreign country or between a port in one foreign country and another port in the same or a different foreign country. The charter hire paid to C by D constitutes income derived from the use of the vessel in foreign commerce. The charter hire and freight and passenger revenue (including demurrage and dead freight) derived by D also constitute income derived from the use of the vessel in foreign commerce.

Example (2). (a) Foreign corporation F owns a foreign flag tanker which it charters under a long-term bareboat charter to foreign corporation F for use in foreign commerce. F produces oil in a foreign country and ships the oil to other foreign countries and to the United States. The vessel, when not engaged in carrying F's oil, is used to carry bulk cargoes for unrelated persons in foreign commerce as opportunity offers. The charter hire received by E constitutes income derived from the use of the vessel in foreign commerce. The income derived by F from carrying bulk cargoes for unrelated persons also constitutes income derived from the use of the vessel in foreign commerce.

(b) F is forced to lay up the vessel as a result of adverse market developments. Pursuant to the terms of the charter, F continues to pay charter hire to E during the period of lay-up. The charter hire received by E during the period of lay-up constitutes income derived from the use of the vessel in foreign commerce.

Example (3). (a) A shipment of cheese is loaded into a container owned by controlled foreign corporation S at the consignor's place of business in Hamar, Norway. The cheese is transported to Milan, Italy, by the following routings:

(1) Overland by road from Hamar, Norway, to Gothenburg, Sweden, by unrelated motor carriers via Oslo, Norway,

(2) By sea from Gothenburg to Rotterdam, Netherlands, by feeder vessel under foreign flag, time chartered to S by unrelated owner,

(3) By sea from Rotterdam to Algeciras, Spain, by feeder vessel under foreign flag, time chartered to S by unrelated owner,

(4) By sea from Algeciras to Genoa, Italy, by line-haul vessel under U.S. flag, chartered by S from related company, and

(5) Overland from Genoa to Milan, Italy, by unrelated motor carrier.

(b) The consignor pays S total charges of $1,710, and S pays $676 to unrelated third parties, which amounts may be broken down as follows:

Description of charges	Amount billed to customer and collected by S	Revenue collected by S on behalf of an unrelated party	Costs paid to unrelated 3d party and absorbed by S
Ocean freight	$1,420		
Trucking charge of empty equipment to shipper's facility	50	$50	
Trucking charges Hamar to Oslo	60	60	
Trucking charges Oslo to Gothenburg			$315
Trucking charges Genoa to Milan	180	180	
Brokerage Commission in Europe			71
Total	1,710	290	386

(c) Of the $1,710 amount billed to the consignor and collected by S, $290 is collected by S on behalf of unrelated third parties. This $290 amount is not includible in S's gross income, and is therefore not includible in S's foreign base company shipping income. The remaining $1,420 amount (i.e., $1,710 −$290) is includible in S's foreign base company shipping income. The $386 amount paid by S to unrelated third parties and absorbed by S is deductible from foreign base company shipping income under § 1.954–1(c).

(d) *Services directly related.* (1) *In general.*—The term "income derived from, or in connection with, the performance of services directly related to the use of an aircraft or vessel in foreign commerce", as used in paragraph (b) (1) (ii) of this section, means—

(i) Income derived from, or in connection with, the performance of services described in subparagraph (2) or (3) of this paragraph, and

(ii) Income treated as foreign base company shipping income under subparagraph (4) of this paragraph.

(2) *Intragroup services.*—The services described in this subparagraph are services performed for a person who is the owner, lessor, or operator of an aircraft or vessel used in foreign commerce, by such person or by a person related to such person, and which fall into one or more of the following categories:

(i) Terminal services, such as dockage, wharfage, storage, lights, water, refrigeration, and similar services;

(ii) Stevedoring and other cargo handling services;

(iii) Container related services (including the rental of containers and related equipment) performed in connection with the local drayage or inland haulage of cargo;

(iv) Services performed by tugs, lighters, barges, scows, launches, floating cranes, and other similar equipment;

(v) Maintenance and repairs;

(vi) Training of pilots and crews;

(vii) Licensing of patents, know-how, and similar intangible property developed and used in the course of foreign base company shipping operations;

(viii) Services performed by a booking, operating, or managing agent; and

(ix) Any service performed in the course of the actual transportation of passengers or property.

(3) *Services for passenger, consignor, or consignee.*—The services described in this subparagraph are services provided by the operator (or person related to the operator) of an aircraft or vessel in foreign commerce for the passenger, consignor, or consignee, such as—

(i) Services described in one or more of the categories set out in subparagraph (2) (i) through (iv) and (ix) of this paragraph,

(ii) The rental of staterooms, berths, or living accommodations and the furnishing of meals.

(iii) Barber shop and other services to passengers aboard vessels.

(iv) Excess baggage, and

(v) Demurrage, dispatch, and dead freight.

(4) *The 70-percent test.*—All the gross income for a taxable year derived by a foreign corporation from any facility used in connection with the performance of services described in one or more of the categories set out in subparagraph (2) (i) through (ix) of this paragraph is foreign base company shipping income if more than 70 percent of such gross income for either—

(i) Such taxable year, or

(ii) Such taxable year and the two preceding taxable years,

is foreign base company shipping income (determined without regard to this subparagraph). Thus, for example, if 80 percent of the gross income derived by a controlled foreign corporation at a stevedoring facility is treated as foreign base company shipping income under subparagraph (2) of this paragraph, then the remaining 20 percent is treated as foreign base company shipping income under this subparagraph.

(5) *Rules for applying subparagraph (4).*—(i) Solely for purposes of applying subparagraph (4) of this paragraph, foreign base company shipping income and gross income shall be deemed to include an arm's length charge (see paragraph (h) (5) of this section) for services performed by a foreign corporation for itself.

(ii) In determining whether services performed by a foreign corporation are performed at a single facility or at two or more different facilities, all of the facts and circumstances involved will be taken into account. Ordinarily, all services performed by a foreign corporation within a single port area will be considered performed at a single facility.

(iii) The application of this subparagraph and subparagraph (4) of this paragraph may be illustrated by the following example:

Example. (a) Controlled foreign corporation X uses the calendar year as the taxable year. For 1976, X is divided into two operating divisions, A and B. Division A operates a number of vessels in foreign commerce. Division B operates a terminal facility at which it performs services described in subparagraph (2) (i) of this paragraph for vessels some of which are operated by division A, some of which are operated by persons related to X, and some of which are operated by persons unrelated to X. For 1976, the gross income derived by division B is reconstructed for purposes of subparagraph (4) of this paragraph as follows, based on the facts shown in the following table:

(1) Gross income derived from persons unrelated to X	$20
(2) Gross income derived from persons related to X	10
(3) Actual gross income (line (1) plus line (2))	30
(4) Hypothetical gross income derived from division A (determined by the application of subdivision (i) of this subparagraph)	70
(5) Total reconstructed gross income (line (3) plus line (4))	100

(b) Since 80 percent of the reconstructed gross income derived by division B would be treated as foreign base company shipping income under subparagraph (2) of this paragraph, the entire $30 amount of the gross income actually derived by division B is treated as foreign base company shipping income under subparagraph (4) of this paragraph.

(6) *Arm's length charge.*—For purposes of this section, the arm's length charge for services performed by a foreign corporation for itself shall be determined by applying the principles of section 482 and the regulations thereunder as if the party for whom the services are performed and the party by whom the services are performed were not the same person, but were controlled taxpayers within the meaning of § 1.482–1(a) (4).

(7) *Illustrations.*—The application of this paragraph may be illustrated by the following examples.

Example (1). Controlled foreign corporation A acts as a managing agent for foreign corporation B, a related person which contracts to construct and charter a foreign flag vessel for use in foreign commerce. As managing agent for B, A performs a broad range of services relating to the use of the vessel, including arranging for, and supervising of, construction and chartering of the vessel, and handling of operating services after construction is completed. The income derived by A from its management and operating services constitutes income derived in connection with the performance of services directly related to the use of the vessel in foreign commerce.

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Example (2). Controlled foreign corporation C uses the calendar year as the taxable year. During 1976, C is engaged in the trade or business of acting as a steamship agent solely for unrelated persons. C's activities as steamship agent range from "husbanding" (i.e., arranging for fuel, supplies and port services, and attending to crew and customs matters) to the solicitation and booking of cargo at a number of foreign ports. None of C's other gross income for 1976 is foreign base company shipping income. Under these circumstances, C's gross income derived from its steamship agency does not constitute foreign base company shipping income.

(e) *Incidental income.* (1) *In general.*—Foreign base company shipping income includes all incidental income derived by a foreign corporation in the course of the active conduct of foreign base company shipping operations.

(2) *Examples.*—Examples of incidental income derived in the course of the active conduct of foreign base company shipping operation are—

(i) Gain from the sale, exchange or other disposition of assets which are related shipping assets within the meaning of § 1.955A–2(b),

(ii) Income derived from temporary investments described in § 1.955A–2(b)(2)(i) and (iii),

(iii) Interest on accounts receivable and evidences of indebtedness described in § 1.955A–2(b)(2)(ii),

(iv) Income derived from granting concessions to others aboard aircraft or vessels used in foreign commerce,

(v) Income derived from stock and currency futures described in § 1.955A–2(b)(2)(vii) and (viii), and

(vi) Income derived by the lessor of an aircraft or vessel used in foreign commerce from additional rentals for the use of related equipment (such as a complement of containers).

(f) *Certain dividends, interest, and gain* (1) *In general.*—The foreign base company shipping income of any controlled foreign corporation which would be deemed under section 902 (b) to pay taxes in respect of another foreign corporation includes—

(i) Dividends and interest received from such other foreign corporation, and

(ii) Gain recognized from the sale, exchange, or other disposition of stock or obligations of such other foreign corporation, to the extent that such dividends, interest, and gains are attributable to foreign base company shipping income. This subparagraph applies whether or not such other foreign corporation is a controlled foreign corporation.

(2) *Corporation deemed to pay taxes.*—(i) For purposes of this paragraph, a controlled foreign corporation would be deemed under section 902 (b) to pay taxes in respect of any other foreign corporation if such controlled foreign corporation would be deemed, for purposes of applying section 902 (a) to any United States shareholder of such controlled foreign corporation, to pay taxes in respect of dividends which were received from such other foreign corporation (whether or not such other foreign corporation actually pays any taxes or dividends). Solely for purposes of this subdivision, each United States shareholder (within the meaning of section 951 (b)) shall be deemed to be a domestic corporation.

(ii) The application of subdivision (i) of this subparagraph may be illustrated by the following examples:

Example (1). Domestic corporation M owns 100 percent of the one class of stock of controlled foreign corporation X, which in turn owns 40 percent of the one class of stock of foreign corporation Y. Y is not a controlled foreign corporation. For purposes of subdivision (i) of this subparagraph, X is deemed to pay taxes in respect of Y.

Example (2). The facts are the same as in example (1), except that United States shareholder A, an individual, owns 90 percent of the stock of corporation X, and United States shareholders B and C, parent and child, own the other 10 percent in equal shares. For purposes of applying this paragraph to all three United States shareholders (A, B, and C), X is deemed to pay taxes in respect of Y.

(3) *Obligation defined.*—For purposes of this section, the term "obligation" means any bond, note, debenture, certificate, or other evidence of indebtedness. In the absence of legal, governmental, or business reasons to the contrary, the indebtedness must bear interest or be issued at a discount.

(4) *Dividends.*—(i) For purposes of this paragraph and § 1.954–1(b)(2), the portion of a dividend which is attributable to foreign base company shipping income is that amount which bears the same ratio to the total dividend received as the earnings and profits out of which such dividend is paid that are attributable to foreign base company shipping income bears to the total earnings and profits out of which such dividend is paid. For purposes of this subdivision, the source of the earnings and profits out of which a distribution is made shall be determined under section 316(a), except that the source of the earnings and profits out of which a distribution is made by a controlled foreign corporation with respect to stock owned (within the meaning of section 958(a)) by a United States shareholder of such controlled foreign corporation shall be determined under § 1.959–3.

(ii) The application of this subparagraph may be illustrated by the following examples:

Example (1). Domestic corporation M owns 100 percent of the one class of stock of controlled foreign corporation X, which in turn owns 40 percent of the one class of stock of foreign corporation Y. Y, which is not a controlled foreign corporation, makes a distribution of $100 to X. Under section 316(a), such distribution is made out of Y's earnings and profits for 1978. Sixty percent of Y's earnings and profits for 1978 are attributable to foreign base company shipping income. As a result, $60 of the $100 distribution constitutes foreign base company shipping income to X under subdivision (i) of this subparagraph.

Example (2). The facts are the same as in example (1), except that under section 316(a) $20 of the $100 dividend is paid out of Y's earnings and profits for 1979, and the other $80 is paid out of Y's earnings and profits for 1978. Thirty percent of Y's earnings and profits for 1979 are attributable to foreign base company shipping income. Since 60 percent of Y's earnings and profits for 1978 are also attributable to foreign base company shipping income, $54, i.e. (.60×$80)+(.30×$20), of the $100 distribution constitutes foreign base company shipping income to X under subdivision (i) of this subparagraph.

Example (3). The facts are the same as in example (1) except that under section 316(a) the $100 dividend is made out of Y's earnings and profits for 1972. Since under pargraph (a)(2)(ii) of this section foreign base company shipping income does not include amounts earned by a foreign corporation in a taxable year beginning before January 1, 1976, no amount of such $100 distribution constitutes foreign base company shipping income to X under subdivision (i) of this subparagraph.

Example (4). Domestic corporation N owns 100 percent of the one class of stock of controlled foreign corporation S, which in turn owns 100 percent of the one class of stock of controlled foreign corporation T. T makes a distribution of $100 to S, of which $80 is allocable under § 1.959–3 to earnings and profits for 1977 which are described in § 1.959–3(c)(2), and $20 is allocable to earnings and profits for 1978 which are described in § 1.959–3(c)(3). The $80 amount is excluded from S's gross income under section 959(b) and therefore is not included in S's foreign base company shipping income. One hundred percent of T's earnings and profits for 1978 described in § 1.959–3(c)(3) were attributable to reinvested foreign base company shipping income. As a result, the entire $20 amount is included in S's foreign base company shipping income under this paragrph. See § 1.954–1(b)(2) for the rule that such $20 amount may be excluded from the foreign base company income of S.

(5) *Interest and gain.*—(i) Except as provided in subdivisions (ii) and (iii) of this subparagraph, the portion of any interest paid by a foreign corporation, or gain recognized from the sale, exchange, or other disposition of stock or obligations of a foreign corporation, which is attributable to the foreign base company shipping income of such foreign corporation is that amount which bears the same ratio to such interest or gain as the foreign base company shipping income of such corporation for the period described in subparagraph (6) of this paragraph bears to its gross income for such period.

(ii) Interest which is paid by a controlled foreign corporation is attributable to such corporation's foreign base company shipping income to the same extent that such interest is allocable (under the principles of § 1.954–1(c)) to its foreign base company shipping income.

(iii) If interest is paid by a foreign corporation, or if stock or obligations of a foreign corporation are sold, exchanged, or otherwise disposed of, during a taxable year of such foreign corporation beginning before January 1, 1976, then no portion of such interest or gain is attributable to foreign base company shipping income.

(iv) Solely for purposes of subdivision (i) of this subparagraph, if a controlled foreign corporation (the "first corporation") owns more than 10 percent of the stock of another controlled foreign corporation (the "second corporation"), then

(A) The gross income of the first corporation for any taxable year shall be

(1) Increased by its pro rata share of the gross income of the second corporation for the taxable year which ends with or within such taxable year of the first corporation, and

(2) Decreased by the amount of any dividends received from the second corporation; and

(B) The foreign base base company shipping income of the first corporation for any taxable year shall be—

(1) Increased by its pro rata share of the foreign base company shipping income of the second corporation for the taxable year which ends with or within such taxable year of the first corporation, and

(2) Decreased by the amount of any dividends received from the second corporation which constitute foreign base company income.

(v) Solely for purposes of applying subdivision (i) of this subparagraph, the district director shall make such other adjustments to the gross income and the foreign base company shipping income of any foreign corporation as are necessary to properly determine the extent to which any interest or gain is attributable to foreign base company shipping income, including proper adjustments to reflect any transaction during the test period described in subparagraph (6) of this paragraph to which section 332, 351, 354, 355, 356, or 361 applies.

(6) *Test period.*—(i) Except as provided in subdivisions (ii) and (iii) of this subparagraph, the period described in this subparagraph with respect to any foreign corporation is the 3-year period ending with the close of such corporation's taxable year preceding the year during which interest was paid or stock or obligations were sold, exchanged, or otherwise disposed of, or such part of such period as such corporation was in existence.

(ii) The period described in this paragraph shall not include any part of a taxable year beginning before January 1, 1976.

(iii) If interest is paid by a foreign corporation, or if stock or obligations of a foreign corporation are sold, exchanged, or otherwise disposed of during its first taxable year, then the period described in this paragraph shall be such first taxable year.

(iv) For purposes of subdivision (iii) of this subparagraph, the first taxable year of a foreign corporation is the later of—

(A) The first taxable year of its existence, or

(B) Its first taxable year beginning after December 31, 1975.

(g) *Income from partnerships, trusts, etc.* (1) *In general.* The foreign base company shipping income of any foreign corporation includes—

(i) Its distributive share of the gross income of any partnership, and

(ii) Any amounts includible in its gross income under section 652(a), 662(a), 671, or 691(a),

to the extent that such items would have been includible in its foreign base company shipping income had they been realized by it directly.

(2) *Illustrations.*—The application of subparagraph (1) of this paragraph may be illustrated by the following examples:

Example (1). Controlled foreign corporations X and Y are equal partners in partnership P. The taxable years end on December 31 for X, June 30 for Y, and March 31 for P. In the fiscal year ending March 31, 1976, P's sole business activity is the use of a vessel in foreign commerce. P derives gross income of $200 from the use of the vessel, and incurs expenses, taxes, and other deductions of $160. Assume X's distributive share of such $200 of P's gross income is $100, all of which is includible in X's gross income. If X had realized its distributive share of $100 directly, then the amount which would have been includible in X's foreign base company shipping income under this paragraph is the portion allocable to the months of January, February, and March of 1976. Such amount, $25 (i.e., ½ × $200 × 3 months/12 months), is included in X's foreign base company shipping income for its taxable year ending December 31, 1976. Similarly, X is entitled under this paragraph to a deduction from foreign base company shipping income of $20 (i.e., ½ × $160 × 3 months/12 months). Since foreign base company shipping income does not include amounts earning by a foreign corporation in a taxable year beginning before January 1, 1976, Y has no foreign base company shipping income (under this paragraph or otherwise) for its taxable year beginning on July 1, 1975.

Example (2). The facts are the same as in example (1), except that P incurs expenses, taxes, and deductions of $240 in its taxable year ending on March 31, 1976. Accordingly, $25 is includible in X's foreign base company shipping income, and the amount deductible therefrom under this paragraph is $30 (i.e., ½×$240×3 months/12 months).

(3) *Other income.*—Except as expressly provided in subparagraph (1) of this paragraph, foreign base company shipping income does not include any amount includible in the gross income of a controlled foreign corporation under part I of subchapter J (section 641 and following, relating to estates, trusts, and beneficiaries), and gains from the sale or other disposition of any interest in an estate or trust.

(h) *Additional rules.* (1) *Gross income.*—For purposes of this section and § 1.955A–2, the gross income of a foreign corporation (whether or not a controlled foreign corporation) shall be determined in accordance with the provisions of section 952 and § 1.952–2. Thus, for example, section 883 (relating to exclusions from gross income of foreign corporations) is inapplicable under § 1.952–2(a)(1) and (c)(1). In addition, the gross income of a controlled foreign corporation shall be determined, with respect to a United States shareholder of such controlled foreign corporation, by excluding distributions received by such corporation which are excluded from gross income under section 959(b) with respect to such shareholder.

(2) *Earnings and profits.*—For purposes of this section, the earnings and profits of a foreign corporation (whether or not a controlled foreign corporation) shall be determined in accordance with the provisions of section 964 and the regulations thereunder.

(3) *No double counting.*—No item of gross income shall be counted as foreign base company shipping income under more than one provision of this section. For example, if $200 of gross income derived from the use of a lighter is treated as foreign base company shipping income under both paragraph (b)(1)(i) and paragraph (b)(1)(ii) of this section, then such $200 is counted only once as foreign base company shipping income.

(4) *Losses.*—(i) Generally, if a controlled foreign corporation has losses which are properly allocable to foreign base company shipping income, the extent to which such losses are deductible from such income shall be determined by treating such foreign corporation as a domestic corporation and applying the principles of section 63. See §§ 1.954–1(c) and 1.952–2(b). Thus, for example, losses from sales or exchanges of capital assets are allowable only to the extent of gains from such sales or exchanges.

(ii) If gain from the sale, exchange, or other disposition of any stock or obligation would be treated (to any extent) as foreign base company shipping income, then loss from such sale, exchange, or other disposition is properly allocable to foreign base company shipping income (to the same extent).

(iii) In determining the extent to which any loss on the disposition of a qualified investment in foreign base company shipping operations is deductible from foreign base company shipping income, it is immaterial that such loss is taken into account under § 1.955A–1(b)(1)(ii) as a reduction in the amount of the decrease in qualified investments in foreign base company shipping operations.

(5) *Hypothetical charges.* — Under paragraph (d)(5)(i) of this section and § 1.955A–2(a)(4)(ii)(A), gross income may be deemed to include hypothetical arm's length charges for services performed by a controlled foreign corporation for itself. Under paragraph (d)(2) of this section, certain of these hypothetical charges may be treated as foreign base company shipping income. Such hypothetical charges are deemed to be income solely for purposes of applying the "extent of use" tests prescribed by paragraph (d)(4) of this section and § 1.955A–2(a)(4). Charges for services performed by a controlled foreign corporation for itself shall in no event be included in income for any other purpose.

§ 1.954–7 Increase in qualified investments in foreign base company shipping operations.

(a) *Determination of investments at close of taxable year.* (1) *In general.*—Under section 954(g), the increase in qualified investments in foreign base company shipping operations, for purposes of section 954(b)(2) and paragraph (b)(1) of § 1.954–1, of any controlled foreign corporation for any taxable year is, except as provided in paragraph (b) of this section, the amount by which—

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(i) The controlled foreign corporation's qualified investments in foreign base company shipping operations at the close of the taxable year, exceed

(ii) Its qualified investments in foreign base company shipping operations at the close of the preceding taxable year.

(2) *Preceding taxable year.*—For purposes of this section, a taxable year which begins before January 1, 1976, may be a preceding taxable year.

(3) *Cross-reference.*—See section 955(b) and § 1.955A–2 for the definition of the term "qualified investments in foreign base company shipping operations".

(b) *Election to determine investments at close of following taxable year.* (1) *General rule.* In lieu of determining an increase in qualified investments in foreign base company shipping operations for a taxable year in the manner provided in paragraph (a) of this section, a United States shareholder of a controlled foreign corporation may make an election under section 955(b)(3) to determine the increase for the corporation's taxable year by ascertaining the amount by which—

(i) Such corporation's qualified investments in foreign base company shipping operations at the close of the taxable year immediately following such taxable year, exceed

(ii) Its qualified investments in foreign base company shipping operations at the close of the taxable year immediately preceding such following taxable year.

(2) *Election with respect to first taxable year.* Notwithstanding subparagraph (1) of this paragraph, if an election is made without consent by a United States shareholder under § 1.955A–4 (b)(1) with respect to a controlled foreign corporation the increase in such controlled foreign corporation's qualified investments in foreign base company shipping operations for the first taxable year to which such election applies shall be the amount by which—

(i) Such corporation's qualified investments in foreign base company shipping operations at the close of the taxable year immediately following such first taxable year, exceed

(ii) Its qualified investments in foreign base company shipping operations at the close of the taxable year immediately preceding such first taxable year.

(3) *Manner of making election.* For the manner of making an election under section 955(b)(3), and for rules pertaining to the revocation of such an election, see § 1.955A–4.

(4) *Coordination with prior law.* If a United States shareholder makes an election without consent under § 1.955A–4 (b)(1) with respect to a controlled foreign corporation, then such corporation's increase in qualified investments in foreign base company shipping operations for the first taxable year to which such election applies shall be determined by disregarding any change which occurs during such taxable year in the amount of such corporation's investments in stock or obligations of a less developed country shipping company described in § 1.955–5 (b) if both of the following conditions exist:

(i) Such taxable year is the first taxable year of such corporation which begins after December 31, 1975, and

(ii) Such United States shareholder has elected to determine the change in such corporation's qualified investments in less developed countries for its last taxable year beginning before January 1, 1976, under § 1.954–5 (b) or § 1.955–3.

(5) *Illustrations.* The application of this paragraph may be illustrated by the following examples:

Example (1). (a) Controlled foreign corporation X is a wholly-owned subsidiary of domestic corporation M. X uses the calendar year as the taxable year. The amounts of X's qualified investments in foreign base company shipping operations at the close of 1975 through 1979 are as follows:

Qualified investments at Dec. 31, 1975	$16,000
Qualified investments at Dec. 31, 1976	17,000
Qualified investments at Dec. 31, 1977	23,000
Qualified investments at Dec. 31, 1978	28,000
Qualified investments at Dec. 31, 1979	30,000

(b) Assume that M properly files without consent a timely election under § 1.955A–4(b)(1) to determine X's increase for 1976 in qualified investments in foreign base company shipping operations pursuant to this paragraph, and that the election remains in force through 1978. Then X's increases for 1976 through 1978 in qualified investments in foreign base company shipping operations are as follows:

Increase for 1976 ($23,000 minus $16,000)	$7,000
Increase for 1977 ($28,000 minus $23,000)	5,000
Increase for 1978 ($30,000 minus $28,000)	2,000

Example (2). Assume the same facts as in example (1), except that M never files an election under § 1.955A–4(b)(1). X's increases for 1976 through 1978 in qualified investments in foreign base company shipping operations are as follows:

Increase for 1976 ($17,000 minus $16,000)	$1,000
Increase for 1977 ($23,000 minus $17,000)	6,000
Increase for 1978 ($28,000 minus $23,000)	5,000

Example (3). The facts are the same as in example (1), except that X's qualified investments in foreign base company shipping operations include an investment in less developed country shipping companies described in § 1.955–5(b) of $500 on December 31, 1975, and $750 on December 31, 1976. Assume further that M has made an election under section 955(b)(3) (as in effect before the enactment of the Tax Reduction Act of 1975) with respect to X's taxable year 1975. Then X's increase in qualified investments in foreign base company shipping operations for 1976 is $6,750 (i.e., $7,000−$250).

(c) *Illustration.* The application of this section may be illustrated by the following example:

Example. (a) Controlled foreign corporation X uses the calendar year as the taxable year. On December 31, 1975, X's qualified investments in foreign base company shipping operations (determined as provided in § 1.955A–2(g)) consist of the following amounts:

Cash	$6,000
Readily marketable securities	1,000
Stock of related controlled foreign corporations	4,000
Traffic and other receivables	14,000
Foreign income tax refunds receivable	1,000
Prepaid shipping expenses and shipping inventories ashore	1,000
Vessel construction funds	0
Vessels	123,000
Vessel plans and construction in progress	3,000
Containers and chassis	0
Terminal property and equipment	2,000
Shipping office (land and building)	1,000
Vessel spare parts ashore	1,000
Performance deposits	2,000
Deferred charges	2,000
Stock of less developed country shipping company described in § 1.955–5(b)	10,000
	171,000

(b) On December 31, 1976, X's qualified investments in foreign base company shipping operations (determined as provided in § 1.955A–2(g)) consist of the following amounts:

Cash	$5,000
Readily marketable securities	2,000
Stock of related controlled foreign corporations	4,000
Traffic and other receivables	16,000
Foreign income tax refunds receivable	3,000
Prepaid shipping expenses and shipping inventories ashore	2,000
Vessel construction funds	1,000
Vessels	117,000
Vessel plans and construction in progress	12,000
Containers and chassis	4,000
Terminal property and equipment	2,000
Shipping office (land and building)	1,000
Vessel spare parts ashore	1,000
Performance deposits	2,000
Deferred charges	2,000
Stock of less developed country shipping company described in § 1.955–5(b)	0
	$174,000

(c) For 1976, X's increase in qualified investments in foreign base company shipping operations is $3,000, which amount is determined as follows:

Qualified investments at Dec. 31, 1976	$174,000
Qualified investments at Dec. 31, 1975	171,000
Increase for 1976	3,000

PAR. 9. A new § 1.955–0 is added immediately after § 1.955:

§ 1.955–0 Effective dates.

(a) *Section 955 as in effect before the enactment of the Tax Reduction Act of 1975.* [Reserved]

(b) *Section 955 as amended by the Tax Reduction Act of 1975.* Except as otherwise provided therein, §§ 1.955A through 1.955A–4 are applicable to taxable years of foreign corporations beginning after December 31, 1975, and to taxable years of United States shareholders (as defined in section 951(b)) within which or with which such taxable years of such foreign corporations end.

PAR. 10. Section 1.955–1(b) is amended as follows:

1. Subparagraph (2)(i)(*a*) is revised by inserting "(including prior taxable years beginning after December 31, 1975)" immediately after "1962".

2. Subparagraph (2)(ii)(*a*) is amended.

3. A new subparagraph (3) is added.

The added and amended provisions read as follows:

§ 1.955–1 Shareholder's pro rata share of amount of previously excluded subpart F income withdrawn from investment in less developed countries.

* * * * *

(b) *Amount withdrawn by controlled foreign corporation.* * * *

(2) *Limitations applicable in determining decreases.* * * *

(ii) *Treatment of earnings and profits.* * * *

(*a*)(*1*) Amounts which, for the current taxable year, are included in the gross income of a United States shareholder of such controlled foreign corporation under section 951(a)(1)(A)(i) or (iii), or

(2) Amounts which, for any prior taxable year, have been included in the gross income of a United States shareholder of such controlled foreign corporation under section 951(a) and have not been distributed; or

* * * * *

(*3*) *Taxable years beginning after December 31, 1975.* (i) In the case of a taxable year of a controlled foreign corporation beginning after December 31, 1975, § 1.955–2(b)(5) must be applied in determining the amount of its qualified investments in less developed countries on both of the determination dates applicable to such taxable year.

(ii) The application of this subparagraph may be illustrated by the following examples:

Example (1). (a) Controlled foreign corporation M uses the calendar year as the taxable year. Throughout 1974 through 1976, M owns 100 percent of the only class of stock of foreign corporation N, a less developed country shipping company described in § 1.955–5(b), and M owns no other stock or obligations. The amount taken into account under § 1.955–2(d) with respect to the stock of N is $10,000 at the close of 1974, 1975, and 1976. The amount of M's previously excluded subpart F income which is withdrawn for 1975 (a year to which § 1.955–2(b)(5) does not apply) from investment in less developed countries is zero, determined as follows:

(1)	Qualified investments in less developed countries at the close of 1974	$10,000
(2)	Less: qualified investments in less developed countries at the close of 1975	10,000
(3)	Balance	0

(Further computations similar to those set out in lines (iv) through (ix) of example (1) of paragraph (d) of this section are unnecessary because the balance in line (3) of this example is zero.)

(b) As a result of § 1.955–2(b)(5)(ii), the amount of M's previously excluded subpart F income which is withdrawn for 1976 from investment in less developed countries is zero, determined as follows:

(1)	Qualified investments in less developed countries at the close of 1975	$0
(2)	Less: qualified investments in less developed countries at the close of 1976	0
(3)	Balance	0

Example (2). The facts are the same as in example (1), except that foreign corporation N is a less developed country corporation described in § 1.955–5(a). The amount of M's previously excluded subpart F income withdrawn for 1976 from investment in less developed countries is zero, determined as follows:

(1)	Qualified investments in less developed countries at the close of 1975	$10,000
(2)	Less: qualified investments in less developed countries at the close of 1976	10,000
(3)	Balance	0

PAR. 11. Section 1.955–2 is amended by revising paragraph (b)(4) and adding new paragraphs (b)(5), (b)(6), and (d)(4) thereto to read as follows:

§ 1.955–2 Amount of a controlled foreign corporation's qualified investments in less developed countries.

* * * * *

(b) *Special rules.* * * *

(4) *Date of acquisition.* For purposes of paragraphs (a)(2) and (b)(5)(i) of this section, stock or an obligation shall be considered acquired by a foreign corporation as of the date such corporation acquires an adjusted basis in the stock or obligation.

For this purpose, in a case in which a foreign corporation acquires stock or an obligation in a transaction (other than a reorganization of the type described in section 368(a)(1)(E) or (F)) in which no gain or loss would be recognized had the transaction been between two domestic corporations, such corporation will be considered to have acquired an adjusted basis in such stock or obligation as of the date such transaction occurs.

(5) *Taxable years beginning after December 31, 1975.* For taxable years beginning after December 31, 1975, qualified investments in less developed countries do not include—

(i) Any property acquired after the latest determination date applicable to a taxable year beginning before December 31, 1975,

(ii) Stock or obligations of a less developed country shipping company described in § 1.955–5(b), and

(iii) Stock or obligations which were not treated as qualified investments in less developed countries on the later of the two determination dates applicable to the preceding taxable year.

See § 1.955–1(b)(3) for rules relating to the application of this subparagraph. See § 1.955A–2(h) for rules relating to the treatment of investments in stock or obligations described in subdivision (ii) of this subparagraph as qualified investments in foreign base company shipping operations.

(6) *Determination dates.* For purposes of subparagraph (5) of this paragraph and § 1.955–1(b)(3), the determination dates applicable to a taxable year of a controlled foreign corporation are—

(i) Except as provided in subdivision (ii) of this subparagraph, the close of such taxable year and the close of the preceding taxable year, and

(ii) With respect to a United States shareholder who has made an election under section 955(b)(3) to determine such corporation's increase in qualified investments in less developed countries at the close of the following taxable year, the close of such taxable year and the close of the taxable year immediately following such taxable year.

* * * * *

(d) *Amount attributable to property.* * * *

(4) *Taxable years beginning after December 31, 1975.* For taxable years beginning after December 31, 1975, the amount taken into account under subparagraph (1) of this paragraph with respect to any property which constitutes a qualified investment in less developed countries shall not exceed the amount taken into account with respect to such property at the close of the preceding taxable year.

PAR. 12. Section 1.955–3 is amended as follows:

1. Paragraph (b)(2) is revised by adding a new sentence after the second sentence thereof.

2. Paragraph (c)(3) is revised by adding a new sentence after the fifth sentence thereof.

3. Paragraph (c)(3)(i) is amended by inserting "name, address, and taxpayer identification number" in lieu of "name and address".

The added provisions read as follows:

§ 1.955–3 Election as to date of determining qualified investments in less developed countries.

* * * * *

(b) *Time and manner of making elections.* * * *

(2) *With consent.* * * * Consent will not be granted if the first taxable year of the controlled foreign corporation with respect to which the shareholder desires to compute an amount described in section 954(b)(1) in accordance with the election provided in this section begins after December 31, 1975.

(c) *Effect of election.* * * *

(3) *Revocation.* * * * The application may also be filed in a taxable year beginning after December 31, 1975.

* * * * *

PAR. 13. The following new sections are added immediately after § 1.955–6:

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§ 1.955A Statutory provisions; withdrawal of previously excluded subpart F income from qualified investment.

Sec. 955. *Withdrawal of previously excluded subpart F income from qualified investment.* (a) *General rules.* (1) *Amount withdrawn.* For purposes of this subpart, the amount of previously excluded subpart F income of any controlled foreign corporation withdrawn from investment in foreign base company shipping operations for any taxable year is an amount equal to the decrease in the amount of qualified investments in foreign base company shipping operations of the controlled foreign corporation for such year, but only to the extent that the amount of such decrease does not exceed an amount equal to—

(A) The sum of the amounts excluded under section 954(b)(2) from the foreign base company income of such corporation for all prior taxable years, reduced by

(B) The sum of the amounts of previously excluded subpart F income withdrawn from investment in foreign base company shipping operations of such corporation determined under this subsection for all prior taxable years.

(2) *Decrease in qualified investments.* For purposes of paragraph (1), the amount of the decrease in qualified investments in foreign base company shipping operations of any controlled foreign corporation for any taxable year is the amount by which—

(A) The amount of qualified investments in foreign base company shipping operations of the controlled foreign corporation at the close of the preceding taxable year, exceeds

(B) The amount of qualified investments in foreign base company shipping operations of the controlled foreign corporation at the close of the taxable year,

to the extent that the amount of such decrease does not exceed the sum of the earnings and profits for the taxable year and the earnings and profits accumulated for prior taxable years beginning after December 31, 1975, and the amount of previously excluded subpart F income invested in less developed country corporations described in section 955(c)(2) (as in effect before the enactment of the Tax Reduction Act of 1975) to the extent attributable to earnings and profits accumulated for taxable years beginning after December 31, 1962. For purposes of this paragraph, if qualified investments in foreign base company shipping operations are disposed of by the controlled foreign corporation during the taxable year, the amount of the decrease in qualified investments in foreign base company shipping operations of such controlled foreign corporation for such year shall be reduced by an amount equal to the amount (if any) by which the losses on such dispositions during such year exceed the gains on such dispositions during such year.

(3) *Pro rata share of amount withdrawn.* In the case of any United States shareholder, the pro rata share of the amount of previously excluded subpart F income of any controlled foreign corporation withdrawn from investment in foreign base company shipping operations for any taxable year is his pro rata share of the amount determined under paragraph (1).

(b) *Qualified investments in foreign base company shipping operations.* (1) *In general.* For purposes of this subpart, the term "qualified investments in foreign base company shipping operations" means investments in—

(A) Any aircraft or vessel used in foreign commerce, and

(B) Other assets which are used in connection with the performance of services directly related to the use of any such aircraft or vessel.

Such term includes, but is not limited to, investments by a controlled foreign corporation in stock or obligations of another controlled foreign corporation which is a related person (within the meaning of section 954(d)(3)) and which holds assets described in the preceding sentence, but only to the extent that such assets are so used.

(2) *Qualified investments by related persons.* For purposes of determining the amount of qualified investments in foreign base company shipping operations, an investment (or a decrease in investment) in such operations by one or more controlled foreign corporations may, under regulations prescribed by the Secretary or his delegate, be treated as an investment (or a decrease in investment) by another corporation which is a controlled foreign corporation and is a related person (as defined in section 954(d)(3)) with respect to the corporation actually making or withdrawing the investment.

(3) *Special rule.* For purposes of this subpart, a United States shareholder of a controlled foreign corporation may, under regulations prescribed by the Secretary or his delegate, elect to make the determinations under subsection (a)(2) of this section and under subsection (g) of section 954 as of the close of the years following the years referred to in such subsections, or as of the close of such longer period of time as such regulations may permit, in lieu of on the last day of such years. Any election under this paragraph made with respect to any taxable year shall apply to such year and to all succeeding taxable years unless the Secretary or his delegate consents to the revocation of such election.

(4) *Amount attributable to property.* The amount taken into account under this subpart with respect to any property described in paragraph (1) shall be its adjusted basis, reduced by any liability to which such property is subject.

(5) *Income excluded under prior law.* Amounts invested in less developed country corporations described in section 955(c)(2) (as in effect before the enactment of the Tax Reduction Act of 1975) shall be treated as qualified investments in foreign base company shipping operations and shall not be treated as investments in less developed countries for purposes of section 951(a)(1)(A)(ii).

(Sec. 955 as added by sec. 602(d)(3), Tax Reduction Act 1975 (89 Stat. 62).)

§ 1.955A–1 Shareholder's pro rata share of amount of previously excluded subpart F income withdrawn from investment in foreign base company shipping operations.

(a) *In general.* Section 955 provides rules for determining the amount of a controlled foreign corporation's previously excluded subpart F income which is withdrawn for any taxable year beginning after December 31, 1975, from investment in foreign base company shipping operations. Pursuant to section 951(a)(1)(A)(iii) and the regulations thereunder, a United States shareholder of such controlled foreign corporation must include in his gross income his pro rata share of such amount as determined in accordance with paragraph (c) of this section.

(b) *Amount withdrawn by controlled foreign corporation.* (1) *In general.* For purposes of sections 951 through 964, the amount of a controlled foreign corporation's previously excluded subpart F income which is withdrawn for any taxable year from investment in foreign base company shipping operations is an amount equal to the decrease for such year in such corporation's qualified investments in foreign base company shipping operations. Such decrease is, except as provided in § 1.955A–4—

(i) An amount equal to the excess of the amount of its qualified investments in foreign base company shipping operations at the close of the preceding taxable year over the amount of its qualified investments in foreign base company shipping operations at the close of the taxable year, minus

(ii) The amount (if any) by which recognized losses on sales or exchanges by such corporation during the taxable year of qualified investments in foreign base company shipping operations exceed its recognized gains on sales or exchanges during such year of qualified investments in foreign base company shipping operations,

but only to the extent that the net amount so determined does not exceed the limitation determined under subparagraph (2) of this paragraph. See § 1.955A–2 for determining the amount of qualified investments in foreign base company shipping operations.

(2) *Limitation applicable in determining decreases.* (i) *In general.* The limitation referred to in subparagraph (1) of this paragraph for any taxable year of a controlled foreign corporation shall be the lesser of the following two limitations:

(A) The sum of (*1*) the controlled foreign corporation's earnings and profits (or deficit in earnings and profits) for the taxable year, computed as of the close of the taxable year without diminution by reason of any distribution made during the taxable year, (2) the sum of its earnings and profits (or deficits in earnings and profits) accumulated for prior taxable years beginning after December 31, 1975, and (3) the amount described in subparagraph (3) of this paragraph; or

(B) The sum of the amounts excluded under section 954(b)(2) (see subparagraph (4) of this paragraph from the foreign base company income of such corporation for all prior taxable years beginning after December 31, 1975, minus the sum of the amounts (determined under this paragraph) of its previously excluded subpart F income withdrawn from investment in foreign base company shipping operations for all such prior taxable years.

(ii) *Certain exclusions from earnings and profits.* For purposes of determining the earnings and profits of a controlled foreign corporation under subdivision (i)(A) (*1*) and (2) of this subparagraph, such earnings and profits shall be considered not to include any amounts which are attributable to—

(A) (*1*) Amounts which, for the current taxable year, are included in the gross income of a United States shareholder of such controlled foreign corporation under section 951(a)(1)(A)(i), or

(2) Amounts which, for any prior taxable year, have been included in the gross income of a United States shareholder of such controlled foreign corporation under section 951(a) and have not been distributed; or

(B) (*1*) Amounts which, for the current taxable year, are included in the gross income of a United States shareholder of such controlled foreign corporation under section 551(b) or would be so included under such section but for the fact that such amounts were distributed to such shareholder during the taxable year, or

(2) Amounts which, for any prior taxable year, have been included in the gross income of a United States shareholder of such controlled foreign corporation under section 551(b) and have not been distributed.

The rules of this subdivision apply only in determining the limitation on a controlled foreign corporation's decrease in qualified investments in foreign base company shipping operations. See section 959 and the regulations thereunder for rules relating to the exclusion from gross income of previously taxed earnings and profits.

(3) *Carryover of amounts relating to investments in less developed country shipping companies.* (i) *In general.* The amount described in this subparagraph for any taxable year of a controlled foreign corporation beginning after December 31, 1975, is the lesser of—

(A) The excess of the amount described in subdivision (ii) of this subparagraph, over the amount described in subdivision (iii) of this subparagraph, or

(B) The limitation determined under subdivision (iv) of this subparagraph.

(ii) *Previously excluded subpart F income invested in less developed country shipping companies.* The amount described in this subdivision for all taxable years of a controlled foreign corporation beginning after December 31, 1975, is the lesser of—

(A) The amount of such corporation's qualified investments (determined under § 1.955–2 other than paragraph (b)(5) thereof) in less developed country shipping companies described in § 1.955–5(b) at the close of the last taxable year of such corporation beginning before January 1, 1976, or

(B) The limitation determined under § 1.955–1(b)(2)(i)(b) (relating to previously excluded subpart F income) for the first taxable year of such corporation beginning after January 1, 1976.

(iii) *Amounts previously carried over.* The amount described in this subdivision for any taxable year of a controlled foreign corporation shall be the sum of the excesses determined for each prior taxable year beginning after December 31, 1976, of—

(A) The amount (determined under this paragraph) of such corporation's previously excluded subpart F income withdrawn from investment in foreign base company shipping operations, over

(B) The sum of the earnings and profits determined under subparagraph (2)(i)(A) (*1*) and (2) of this paragraph.

(iv) *Extent attributable to accumulated earnings and profits.* The limitation determined under this subdivision for any taxable year of a controlled foreign corporation is the sum of such controlled foreign corporation's earnings and profits (or deficits in earnings and profits) accumulated for taxable years beginning after December 31, 1962, and before January 1, 1976. For purposes of the preceding sentence, earnings and profits shall be determined by excluding the amounts described in subparagraph (2)(ii)(A) and (B) of this paragraph.

(v) *Illustration.* The application of this subparagraph may be illustrated by the following example:

Example. (a) Throughout the period here involved A is a United States shareholder of controlled foreign corporation M. M is not a foreign personal holding company, and M uses the calendar year as the taxable year.

(b) The amount described in this subparagraph for M's taxable year 1978 with respect to A is determined as follows, based on the facts shown in the following table:

(1) Investment in less developed country shipping companies on December 31, 1975 (subdivision (ii)(A) amount)	$10,000
(2) § 1.955–1(b)(2)(i)(b) limitation for 1976 (previously excluded subpart F income not withdrawn from investment in less developed countries) (subdivision (ii)(B) amount)	50,000
(3) Subdivision (ii) amount (lesser of lines (1) and (2))	10,000
(4) Subdivision (iii) amount: Excess for 1977 of M's previously excluded subpart F income withdrawn from investment in foreign base country shipping operations, $3,000, over the sum of the amounts determined under subparagraphs (2)(i)(A) (*1*) and (2) of this paragraph, $1,000	2,000
(5) Excess of line (3) over line (4)	8,000
(6) Sum of M's earnings and profits accumulated for 1962 through 1975, determined on December 31, 1978	26,000
(7) Amount described in this subparagraph for 1978 (lesser of line (5) and line (6))	8,000

(c) For 1978, M's earnings and profits (reduced as provided in § 1.955–1(b)(2)(ii)(*a*)(*1*)) are $19,000, and the amount of M's previously excluded subpart F income withdrawn from investment in less developed countries determined under § 1.955–1(b)) is $42,000. Consequently, $23,000 of M's earnings and profits accumulated for 1962 through 1975 are attributable to such $42,000 amount, and will therefore be excluded under subparagraph (2)(ii)(A) (*2*) of this paragraph from M's earnings and profits accumulated for 1962 through 1975, determined as of December 31, 1979. No other portion of M's earnings and profits accumulated for 1962 through 1975 is distributed or included in the gross income of a United States shareholder in 1978.

(d) The amount described in this subparagraph for M's taxable year 1979 with respect to A is determined as follows, based on the additional facts shown in the following table:

(1) Subdivision (ii) amount (line (3) from paragraph (b) of this example)	$10,000
(2) Subdivision (iii) amount: (i) Excess for 1977 from line (4) of paragraph (b) of this example	2,000
(ii) Plus: excess for 1978 of M's previously excluded subpart F income withdrawn from investment in foreign base country shipping operations, $6,000, over the sum of the amounts determined under subparagraphs (2)(i)(A) (*1*) and (2) of this paragraph, $25,000	0
(iii) Subdivision (iii) amount	2,000
(3) Excess of line (3) over line (4)(iii)	8,000
(4) Sum of M's earnings and profits accumulated for 1962 through 1975, determined on December 31, 1979 ($26,000 minus $23,000)	3,000
(5) Amount described in this subparagraph for 1979 (lesser of line (5) and line (6))	3,000

(4) *Amount excluded.* For purposes of subparagraph (2)(i)(B) of this paragraph, the amount excluded under section 954(b)(2) from the foreign base company income of a controlled foreign corporation for any taxable year beginning after December 31, 1975, is the excess of—

(i) The amount which would have been equal to the subpart F income of such corporation for such taxable year if such corporation had had no increase in qualified investments in foreign base company shipping operations for such taxable year, over

(ii) The subpart F income of such corporation for such taxable year.

(c) *Shareholder's pro rata share of amount withdrawn by controlled foreign corporation.* (i) *In general.* A United States shareholder's pro rata share of a controlled foreign corporation's previously excluded subpart F income withdrawn for any taxable year from investment in foreign base company shipping operations is his pro rata share of the amount withdrawn for such year by such corporation, as determined under paragraph (b) of this section. See section 955(a)(3). Such pro rata share shall be determined in accordance with the principles of § 1.951–1(e).

(2) *Special rule.* A United States shareholder's pro rata share of the net

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amount determined under paragraph (b)(2)(i)(B) of this section with respect to any stock of the controlled foreign corporation owned by such shareholder shall be determined without taking into acount any amount attributable to a period prior to the date on which such shareholder acquired such stock. See section 1248 and the regulations thereunder for rules governing treatment of gain from sales or exchanges of stock in certain foreign corporations.

(d) *Illustrations.* The application of this section may be illustrated by the following examples:

Example (1). A, a United States shareholder, owns 60 percent of the only class of stock of M Corporation, a controlled foreign corporation throughout the entire period here involved. Both A and M use the calendar year as a taxable year. The amount of M's previously excluded subpart F income withdrawn for 1978 from investment in foreign base company shipping operations is $40,000, and A's pro rata share of such amount is $24,000, determined as follows based on the facts shown in the following table:

(a) Qualified investments in foreign base company shipping operations at the close of 1977	$125,000
(b) Less: qualified investments in foreign base company shipping operations at the close of 1978	75,000
(c) Balance	50,000
(d) Less: excess of recognized losses ($15,000) over recognized gains ($5,000) on sales during 1978 of qualified investments in foreign base company shipping operations	10,000
(e) Tentative decrease in qualified investments in foreign base company shipping operations for 1978	40,000
(f) Earnings and profits for 1976, 1977, and 1978	45,000
(g) Plus: amount determined under paragraph (b)(3) of this section	0
(h) Earnings and profits limitation	45,000
(i) Excess of amount excluded under section 954(b)(2) from foreign base company income for 1976 ($75,000) over amount of previously excluded subpart F income withdrawn for 1977 from investment in foreign base company shipping operations ($25,000)	50,000
(j) M's amount of previously excluded subpart F income withdrawn for 1978 from investment in foreign base company shipping operations (item (e), but not to exceed the lesser of item (h) or item (i))	40,000
(k) A's pro rata share of M Corporation's amount of previously excluded subpart F income withdrawn for 1978 from investment in foreign base company shipping operations (60 percent of $40,000)	24,000

Example (2). The facts are the same as in example (1), except that M's earnings and profits (determined under paragraph (b)(2) of this section) for 1976, 1977, and 1978 (item (f)) are $30,000 instead of $45,000. M's amount of previously excluded subpart F income withdrawn for 1978 from investment in foreign base company shipping operations is $30,000. A's pro rata share of such amount is $18,000 (60 percent of $30,000).

Example (3). The facts are the same as in example (1), except that the excess of the amount excluded under section 954(b)(2) for 1976 from M Corporation's foreign base company income over the amount of its previously excluded subpart F income withdrawn for 1977 from investment in foreign base company shipping operations (item (i)) is $20,000 instead of $50,000. M's amount of previously excluded subpart F income withdrawn for 1978 from investment in foreign base company shipping operations is $20,000. A's pro rata share of such amount is $12,000 (60 percent of $20,000).

§ 1.955A-2 Amount of a controlled foreign corporation's qualified investments in foreign base company shipping operations.

(a) *Qualified investments.* (1) *In general.* Under section 955(b), for purposes of sections 951 through 964, a controlled foreign corporations "qualified investments in foreign base company shipping operations" are investments in—

(i) Any aircraft or vessel, to the extent that such aircraft or vessel is used (or hired or leased for use in foreign commerce.

(ii) Related shipping assets (within the meaning of paragraph (b) of this section),

(iii) Stock or obligations of a related controlled foreign corporation, to the extent provided in paragraph (c) of this section,

(iv) A partnership, to the extent provided in paragraph (d) of this section, and

(v) Stock or obligations of a less developed country shipping company described in § 1.955-5(b), as provided in paragraph (h) of this section.

(2) *Coordination of provisions.* No amount shall be counted as a qualified investment in foreign base company shipping operations under more than one provision of this section. Thus, for example, if a $10,000 investment in stock of a controlled foreign corporation is treated as a qualified investment in foreign base company shipping operations under both subparagraph (1) (iii) and (v) of this paragraph, then such $10,000 is counted only once as a qualified investment in foreign base company shipping operations.

(3) *Definitions.* If the meaning of any term is defined or explained in § 1.954-6, then such term shall have the same meaning when used in this section.

(4) *Extent of use.* (i) For purposes of subparagraph (1)(i) of this paragraph and paragraph (b)(1) of this section, the extent to which an asset of a controlled foreign corporation is used during a taxable year in foreign base company shipping operations shall be determined on the basis of the proportion for such year which the foreign base company shipping income derived from the use of such asset bears to the total gross income derived from the use of such asset.

(ii) For purposes of determining under subdivision (i) of this subparagraph the amounts of foreign base company shipping income and gross income of a controlled foreign corporation—

(A) Such amounts shall be deemed to include an arm's length charge (see § 1.954-6(h)(5)) for services performed by such corporation for itself,

(B) Such amounts shall be deemed to include an arm's length charge for the use of an asset (such as a vessel under construction or laid up for repairs) which is held for use in foreign base company shipping operations, but is not actually so used,

(C) Foreign base company shipping income shall be deemed to include amounts earned in taxable years beginning before January 1, 1976, and

(D) The district director shall make such other adjustments to such amounts as are necessary to properly determine the extent to which any asset is used in foreign base company shipping operations.

(b) *Related shipping assets.* (1) *In general.* For purposes of this section, the term "related shipping asset" means any asset which is used (or held for use) for or in connection with the production of income described in § 1.954-6(b)(1) (i) or (ii), but only to the extent that such asset is so used (or is so held for use).

(2) *Examples.* Examples of assets of a controlled foreign corporation which are used (or held for use) for or in connection with the production of income described in subparagraph (1) of this paragraph include—

(i) Money, bank deposits, and other temporary investments which are reasonably necessary to meet the working capital requirements of such corporation in its conduct of foreign base company shipping operations,

(ii) Accounts receivable and evidences of indebtedness which arise from the conduct of foreign base company shipping operations by such corporation or by a related person,

(iii) Amounts (other than amounts described in subdivision (i) of this subparagraph) deposited in bank accounts or invested in readily marketable securities pursuant to a specific, definite, and feasible plan to purchase any tangible asset for use in foreign base company shipping operations,

(iv) Amounts paid into escrow to secure the payment of (A) charter hire for an aircraft, vessel, or other asset used in foreign base company shipping operations or (B) a debt which constitutes a specific charge against such an asset,

(v) Capitalized expenditures (such as progress payments) made under a contract to purchase any asset for use in foreign base company shipping operations,

(vi) Prepaid expenses and deferred charges incurred in the course of foreign base company shipping operations,

(vii) Stock acquired and retained to insure a source of supplies or services

used in the conduct of foreign base company shipping operations, and

(viii) Currency futures acquired and retained as a hedge against international currency fluctuations in connection with foreign base company shipping operations.

(3) *Limitations.* (i) Notwithstanding any other provision of this paragraph, the term "related shipping assets" does not include any money or other intangible assets of a controlled foreign corporation, to the extent that such assets are permitted to accumulate in excess of the reasonably anticipated needs of the business.

(ii) If a controlled foreign corporation accumulates money or other intangible assets pursuant to a plan to purchase one or more vessels for use in foreign commerce, and if—

(A) The amount so accumulated, plus

(B) The sum of the amounts accumulated by other controlled foreign corporations which are related persons (within the meaning of section 954(d)(3)) pursuant to similar plans,

at any time exceeds 110 percent of a reasonable down payment on the first vessel so planned to be purchased, then such plan will not normally be considered to be feasible. For purposes of the preceding sentence, a reasonable down payment shall not exceed 25 percent of the total cost of acquisition.

(iii) In determining whether a plan to purchase any asset other than a vessel for use in foreign base company shipping operations is feasible, principles similar to those stated in subdivision (ii) of this subparagraph shall be applied.

(4) *Cross-reference.* See § 1.954-7(c) for additional illustrations bearing on the application of this paragraph.

(c) *Stock and obligations.* (1) *In general.* Investments by a controlled foreign corporation (the "first corporation") in stock or obligations of a second controlled foreign corporation which is a related person (within the meaning of section 954(d)(3)) are considered to be qualified investments in foreign base company shipping operations only if each asset held by such second corporation is either (i) an aircraft or vessel used (at least to some extent) in foreign commerce, or (ii) a related shipping asset, and then only to the extent that the assets of such second corporation are used in foreign base company shipping operations. See subparagraph (2) of this paragraph.

(2) *Extent of use.* On any determination date applicable to a taxable year of the first corporation, the extent to which the assets of the second corporation are used in foreign base company shipping operations shall be determined on the basis of the proportion which the amount of such second corporation's qualified investments in foreign base company shipping operations bears to its net worth, such proportion to be determined at the close of the second corporation's last taxable year which ends on or before such determination date. For purposes of the preceding sentence—

(i) A controlled foreign corporation's net worth is the total adjusted basis of the corporate assets reduced by the total outstanding principal amount of the corporate liabilities, and

(ii) The determination dates applicable to a taxable year of a controlled foreign corporation are—

(A) Except as provided in (B) of this subdivision, the close of such taxable year and the close of the preceding taxable year, and

(B) With respect to a United States shareholder who has made an election under section 955(b)(3) to determine such corporation's increase in qualified investments in foreign base company shipping operations at the close of the following taxable year, the close of such taxable year and the close of the taxable year immediately following such taxable year.

(3) *Illustrations.* The application of this paragraph may be illustrated by the following examples:

Example (1). On December 31, 1976, controlled foreign corporation X owns 100 percent of the single class of stock of controlled foreign corporation Y. X and Y both use the calendar year as the taxable year. On December 31, 1976, Y's assets consist entirely of a vessel used in foreign commerce and related shipping assets. On such date Y has qualified investments in foreign base company shipping operations (determined under paragraph (g) of this section) of $60,000, and a net worth of $100,000. If X's investment in the stock of Y is $50,000, then $30,000 of such amount, i.e.,

$$\frac{\$\ 60{,}000}{\$100{,}000} \times \$50{,}000$$

is a qualified investment in foreign base company shipping operations.

Example (2). The facts are the same as in example (1), except that on December 31, 1976, Y has qualified investments in foreign base company shipping operations (determined under paragraph (g) of this section) of $16,000 and a net worth of $20,000. If X's investment in the stock of Y is $50,000, then $40,000, i.e.,

$$\frac{\$16{,}000}{\$20{,}000} \times \$50{,}000$$

is a qualified investment in foreign base company shipping operations.

(d) *Partnerships.* (1) *In general.* A controlled foreign corporation's investment in a partnership at the close of any taxable year of such corporation shall be considered a qualified investment in foreign base company shipping operations to the extent of the proportion which such operation's foreign base company income for such taxable year would bear to its gross income for such taxable year if—

(i) Such corporation had realized no income other than its distributive share of the partnership gross income, and

(ii) Such corporation's income were adjusted in accordance with the rules stated in paragraph (a)(4)(ii) (B) and (D) of this section.

(2) *Transitional rule.* For purposes of subparagraph (1)(i) of this paragraph, the controlled foreign corporation's distributive share of the partnership gross income shall not include any amount attributable to income earned by the partnership before the first day of such corporation's first taxable year beginning after December 31, 1975.

(3) *Cross-reference.* See paragraph (g)(4) of this section for rules relating to the determination of the amount of a controlled foreign corporation's investment in a partnership.

(e) *Trusts.* (1) *In general.* An investment in a trust is not a qualified investment in foreign base company shipping operations.

(2) *Grantor trusts.* Notwithstanding subparagraph (1) of this paragraph, if a controlled foreign corporation is treated as the owner of any portion of a trust under Subpart E of Part I of Subchapter J (relating to grantors and others treated as substantial owners), then for purposes of this section such controlled foreign corporation is deemed to be the actual owner of such portion of the assets of the trust. Accordingly, its investments in such assets (as determined under paragraph (g)(5) of this section) may be treated as a qualified investment in foreign base company shipping operations.

(3) *Definitions.* For purposes of this section, the term "trust" means a trust as defined in § 301.7701-4.

(f) *Excluded property.* For purposes of paragraph (b) of this section, property acquired principally for the purpose of artificially increasing the amount of a controlled foreign corporation's qualified investments in foreign base company shipping operations will not be recognized; whether an item of property is acquired principally for such purpose will depend upon all the facts and circumstances of each case. One of the factors that will be considered in making such a determination with respect to an item of property is whether the item is disposed of within 6 months after the date of its acquisition.

(g) *Amount attributable to property.* (1) *General rule.* For purposes of this section, the amount taken into account under section 955(b)(4) with respect to any property which constitutes a qualified investment in foreign base company shipping operations shall be its adjusted basis as of the applicable determination date, reduced by the outstanding principal amount of any liability (other than a liability described in subparagraph (2) of this paragraph) to which such property is subject on such date, including a liability secured only by the general credit of the controlled foreign corporation. Liabilities shall be taken into account in the following order:

(i) The adjusted basis of each and every item of corporate property shall be reduced by any specific charge (nonrecourse or otherwise) to which such item is subject. For this purpose, if a liability constitutes a specific charge against several items of property and cannot definitely be allocated to any single item of property, the specific charge shall be apportioned against each of such items of property in that ratio which the

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adjusted basis of such item on the applicable determination date bears to the adjusted basis of all such items on such date. The excess against property over the adjusted basis of such property shall be taken into account as a liability secured only by the general credit of the corporation.

(ii) A liability which is evidenced by an open account or which is secured only by the general credit of the controlled foreign corporation shall be apportioned against each and every item of corporate property in that ratio which the adjusted basis of such item on the applicable determination date (reduced as provided in subdivision (i) of this subparagraph) bears to the adjusted basis of all the corporate property on such date (reduced as provided in subdivision (i) of this subparagraph); provided that no liability shall be apportioned under this subdivision against any stock or obligations described in paragraph (h)(1) of this section.

(2) *Excluded charges.* For purposes of subparagraph (1) of this paragraph, a liability created principally for the purpose of artificially increasing or decreasing the amount of a controlled foreign corporation's qualified investments in foreign base company shipping operations will not be recognized. Whether a liability is created principally for such purpose will depend upon all the facts and circumstances of each case. One of the factors that will be considered in making such a determination with respect to a loan is whether the loan is from a related person, as defined in section 954(d)(3) and paragraph (e) of § 1.954–1. Another such factor is whether the liability was created after March 29, 1975, in a taxable year beginning before January 1, 1976.

(3) *Statement required.* If for purposes of this section the adjusted basis of property which constitutes a qualified investment in foreign base company shipping operations by a controlled foreign corporation is reduced on the ground that such property is subject to a liability, each United States shareholder shall attach to his return a statement setting forth the adjusted basis of the property before the reduction and the amount and nature of the reduction.

(4) *Partnership interest.* If a controlled foreign corporation is a partner in a partnership, its investment in the partnership taken into account under section 955(b)(4) shall be its adjusted basis in the partnership determined under section 722 or 742, adjusted as provided in section 705, and reduced as provided in subparagraph (1) of this paragraph. (However, if the partnership is not engaged solely in the conduct of foreign base company shipping operations, such amount shall be taken inot account only to the extent provided in paragraph (d)(1) of this section.)

(5) *Grantor trust.* If a controlled foreign corporation is deemed to own a portion of the assets of a trust under paragraph (e)(2) of this section, then the amount taken into account under section 955(b)(4) with respect to such assets shall be determined as provided in subparagraph (1) of this paragraph by the application of the following rules:

(i) Such controlled foreign corporation's adjusted basis in such assets shall be deemed to be a proportionate share of the trust's adjusted basis in such assets, and

(ii) A proportionate share of the liabilities of the trust shall be deemed to be liabilities of such controlled foreign corportion and to constitute specific charges against such assets.

(6) *Translation into United States dollars.* The amounts determined in accordance with this paragraph shall be translated into United States dollars in accordance with the principles of § 1.964–1(e)(4).

(h) *Investments in shipping companies under prior law.* (1) *In general.* If an amount invested in stock or obligations of less developed country shipping company described in § 1.955–5(b) is treated as a qualified investment in less developed countries under § 1.955–2 (applied without regard to paragraph (b)(5)(ii) thereof) on the applicable determination date for purposes of section 954(g) or section 955(a)(2) with respect to a taxable year beginning after December 31, 1975, then such amount shall be treated as a qualified investment in foreign base company shipping operations on such determination date. See section 955(b)(5).

(2) *Effect on prior law.* See § 1.955–2(b)(5)(ii) for the rule that investments which are treated as qualified investments in foreign base company shipping operations under subparagraph (1) of this paragraph shall not be treated as qualified investments in less developed countries for purposes of section 951(a)(1)(A)(ii).

(3) *Illustration.* The application of this paragraph may be illustrated by the following example:

Example. (a) Throughout the period here involved controlled foreign corporation X owns 100 percent of the single class of stock of controlled foreign corporation Y. X and Y each use the calendar years as the taxable year. At the close of 1975, X's $50,000 investment in the stock of Y is treated as a qualified investment in less developed countries under § 1.955–2 (applied without regard to § 1.955–2(b)(5)(ii)), and Y is a less developed country shipping company described in § 1.955–5(b).

(b) On December 31, 1976, Y is still a less developed country shipping company and X's $50,000 investment in the stock of Y is still treated as a qualified investment in less developed countries under § 1.955–2 (applied without regard to § 1.955–2(b)(5)(ii)). Under subparagraph (1) of this paragraph, X's entire $50,000 investment in the stock of Y is treated as a qualified investment in foreign base company shipping operations.

(c) For 1977, Y's gross income is $10,000 and Y's foreign base company shipping income is $7,500. Since Y fails to meet the 80-percent income test of § 1.955–5(b)(1), Y is no longer a less developed country shipping company described in § 1.955–5(b), and X's investment in the stock of Y is no longer treated as a qualified investment in less developed countries under § 1.955–2 (applied without regard to § 1.955–2(b)(5)(ii)). However, assume that on December 31, 1977, Y's assets consist entirely of a vessel used in foreign commerce and related shipping assets, that Y's net worth (as defined in paragraph (c)(2)(i) of this section) is $100,000, that Y's qualified investments in foreign base company shipping operations (determined under this section) on December 31, 1977, are $75,000, and that X's investment in the stock of Y (as determined under paragraph (g) of this section) continues to be $50,000. Then $37,500, i.e.,

$$\frac{\$\ 75{,}000}{\$100{,}000} \times \$50{,}000$$

of X's $50,000 investment in the stock of Y is treated as a qualified investment in foreign company shipping operations under paragraph (c) of this section.

(d) For 1978, all of Y's gross income is foreign base company shipping income. Although Y is again a less developed country shipping company described in § 1.955–5(b), X's investment in the stock of Y is no longer treated as a qualified investment in less developed countries under § 1.955–2(b)(5)(iii). Thus, X's investment in the stock of Y is not treated as a qualified investment in foreign base company shipping operations under subparagraph (1) of this paragraph. However, X's investment in the stock of Y may be so treated under another provision of this section, as was the case in item (c) of this example.

§ 1.955A–3 Election as to qualified investments by related persons.

(a) *In general.* If a United States shareholder elects the benefits of section 955(b)(2) with respect to a related group (as defined in paragraph (b)(1) of this section) of controlled foreign corporations, then an investment in foreign base company shipping operations made by one member of such group will be treated as having been made by another member to the extent provided in paragraph (c)(4) of this section, and each member will be subject to the other provisions of paragraph (c) of this section. For the manner of making an election under section 955(b)(2), and for rules relating to the revocation of such an election, see paragraph (d) of this section. For rules relating to the coordination of sections 955(b)(2) and 955(b)(3), see paragraph (e) of this section.

(b) *Related group.* (1) *Related group defined.* The term "related group" means two or more controlled foreign corporations, but only if all of the following requirements are met:

(i) All such corporations use the same taxable year,

(ii) The same United States shareholder controls each such corporation within the meaning of section 954(d)(3) at the end of such taxable year, and

(iii) Such United States shareholder elects to treat such corporations as a related group for such taxable year.

(2) *Group taxable years defined.* The "group taxable year" is the common taxable year of a related group.

(3) *Limitation.* If a United States shareholder elects to treat two or more corporations as a related group for a group taxable year (the "first group taxable year"), then such United States shareholder may not also elect to treat two or more other corporations as a related group for a group taxable year any day of which falls within the first group taxable year.

(4) *Illustrations.* The application of this paragraph may be illustrated by the following examples:

Example (1). Domestic corporation M owns 100 percent of the only class of stock of controlled foreign corporations A, B, C, D, and E. A, B, and C use the calendar year as the taxable year. D and E use the fiscal year ending on June 30 as the taxable year. M may elect to treat A, B, and C as a related group. However, M may not elect to treat C, D, and E as a related group.

Example (2). The facts are the same as in example (1). In addition, M elects to treat A, B, and C as a related group for the group taxable year which ends on December 31, 1976. M may not elect to treat D and E as a related group for the group taxable year ending on June 30, 1977.

Example (3). United States shareholder A owns 60 percent of the only class of stock of controlled foreign corporation X and 40 percent of the only class of stock of controlled foreign corporation Y. United States shareholder B owns the other 40 percent of the stock of X and the other 60 percent of the stock of Y. Neither A or B (nor both together) may elect to treat X and Y as a related group.

(c) *Effect of election.* If a United States shareholder elects to treat two or more controlled foreign corporations as a related group for any group taxable year then, for purposes of determining the foreign base company income (see § 1.954–1) and the increase or decrease in qualified investments in foreign base company shipping operations (see §§ 1.954–7, 1.955A–1, and 1.955A–4) of each member of such group for such year, the following rules shall apply:

(1) *Intragroup dividends.* The gross income of each member of the related group shall be deemed not to include dividends receievd from any other member of such group, to the extent that such dividends are attributable (within the meaning of § 1.954–6(f)(4)) to foreign base company shipping income.

(2) *Group excess deduction.* (i) The deductions allocable under § 1.954–1(c) to the foreign base company shipping income of each member of the related group shall be deemed to include such member's pro rata share of the group excess deduction.

(ii) The group excess deduction for the group taxable year is the sum of the excesses for each member of the related group (having an excess) of—

(A) The member's deductions (determined without regard to this subparagraph) allocable to foreign base company shipping income for such year, over

(B) The member's foreign base company shipping income for such year.

(iii) A member's pro rata share of the group excess deduction is the amount which bears the same ratio to such group excess deduction as—

(A) The excess of such member's foreign base company shipping income over the deductions (so determined) allocable thereto, bears to

(B) The sum of such excesses for each member of the related group having an excess.

(iv) For purposes of this subparagraph, "foreign base company shipping income" means foreign base company shipping income (as defined in § 1.954–6), reduced by excluding therefrom all amounts which are—

(A) Excluded from subpart F income under section 952(b) (relating to exclusion of United States income) or

(B) Excluded from foreign base company income under section 954(b)(4) (relating to exception for foreign corporation not available of to reduce taxes).

(v) The application of this subparagraph may be illustrated by the following example:

Example. Controlled foreign corporations X, Y, and Z are a related group for calendar year 1976. The excess group deduction for 1976 is $9, X's pro rata share of the group excess deduction is $6, and Y's pro rata share is $3, determined as follows on the basis of the facts shown in the following table:

	X	Y	Z	Group
(1) Gross shipping income	$100	$90	$80	
(2) Shipping deductions	60	70	89	
(3) Net shipping income	40	20	(9)	
(4) Group excess deduction				$9
(5) X's pro rata share of group excess deduction ($9×$40/$60)	6			
(6) Y's pro rata share of group excess deduction ($9×$20/$60)		3		

(3) *Intragroup investments.* On both of the determination dates applicable to the group taxable year for purposes of section 954(g) or section 955(a)(2), the qualified investments in foreign base company shipping operations of each member of the related group shall be deemed not to include stock or obligations of any other member of the related group. In addition, neither the gains nor the losses on dispositions of such stock or obligations during the group taxable year shall be taken into account under § 1.955A–1(b)(1)(ii) in determining the decrease in qualified investments in foreign base company shipping operations of any member of such related group.

(4) *Group excess investment.* (i) On the later (and only the later) of the two determination dates applicable to the group taxable year for purposes of section 954(g) or section 955(a)(2), the qualified investments in foreign base company shipping operations of each member of the related group shall be deemed to include such member's pro rata share of the group excess investment.

(ii) The group excess investment for the group taxable year is the sum of the excess for each member of the related group (having an excess) of—

(A) The member's increase in qualified investments in foreign base company shipping operations (determined under § 1.954–7 after the application of subparagraph (3) of this paragraph) for such year, over

(B) The member's foreign base company shipping income for such year.

(iii) A member's pro rata share of the group excess investment is the amount which bears the same ratio to such group excess investment as—

(A) Such member's shortfall in qualified investments, bears to

(B) The sum of the shortfalls in qualified investments of each member of such related group having a shortfall.

(iv) If a member has an increase in qualified investments in foreign base company shipping operations (determined as provided in § 1.954–7 after the application of subparagraph (3) of this paragraph) for the group taxable year, then such member's "shortfall in qualified investments" is the excess of—

(A) Such member's foreign base company shipping income for such year, over

(B) Such increase.

(v) If a member has a decrease in qualified investments in foreign base company shipping operations (determined under § 1.955A–1(b)(1) or § 1.955A–4(a), whichever is applicable, after the application of subparagraph (3) of this paragraph) for the group taxable year, then such member's "shortfall in qualified investments" is the sum of—

(A) Such member's foreign base company shipping income for such year and

(B) Such decrease.

(vi) For purposes of this subparagraph, "foreign base company shipping income" means foreign base company shipping income (as defined in subparagraph (2)(iv) of this paragraph), reduced by the deductions allocable thereto under § 1.954–1(c) (including the additional deductions described in subparagraph (2) of this paragraph).

(vii) The application of this subparagraph may be illustrated by the following examples:

Example (1). (a) Controlled foreign corporations R, S, and T are a related group for calendar year 1977. S's pro rata share of the group excess investment is $15, and T's pro rata share is $5, determined as follows on the basis of the facts shown in the following table:

	R	S	T	Group
(1) Net shipping income	$100	$95	$85	
(2) Increase (decrease) in qualified investments	120	(55)	35	
(3) Excess investment	20			$20
(4) Shortfall		150	50	200
(5) S's pro rata share of group excess investment ($20×$150/$200)		15		
(6) T's pro rata share of group excess investment ($20×$50/$200)			5	

(b) On December 31, 1977, T has qualified investments in foreign base company shipping operations of $105 (determined without regard to this section), of which $15 consists of obligations of S. For purposes of determining T's increase or decrease in qualified investments in foreign base company shipping operations for 1977, the amount of T's qualified investments in foreign base company shipping operations on December 31, 1977, is deemed to be $95, determined as follows:

(1) Qualified investments (determined without regard to this section) at December 31, 1977	$105
(2) Less: Investments in obligations of another member of related group	15
(3) Balance	90
(4) Plus: Pro rata share of group excess investment	5
(5) Total qualified investments	95

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(5) *Collateral effect.* (i) An election under this section by a United States shareholder to treat two or more controlled foreign corporations as a related group for a group taxable year shall have no effect on—

(A) Any other United States shareholder (including a minority shareholder of a member of such related group),

(B) Except as provided in subdivision (ii) of this subparagraph, any other controlled foreign corporation,

(C) The foreign personal holding company, foreign base company sales income, and foreign base company services income, and the deductions allocable under § 1.954–1(c) thereto, of any member of such related group, and

(D) Any other taxable year.

(ii) If—

(A) A United States shareholder elects to treat two or more controlled foreign corporations as a related group,

(B) Any member of the group holds an asset not described in § 1.955A–2(c)(1)(i) or (ii), and

(C) Another controlled foreign corporation owns stock or obligations of any member of such related group,

then with respect to such shareholder such stock or obligations will not be considered qualified investments in foreign base company shipping operations under § 1.955A–2(c).

(iii) The application of this subparagraph may be illustrated by the following examples:

Example (1). United States shareholder A owns 80 percent of the only class of stock of controlled foreign corporations X and Y. United States shareholder B owns the other 20 percent of the stock of X and Y. X and Y both use the calendar year as the taxable year. A elects to treat X and Y as a related group for 1977. For purposes of determining the amounts includible in B's gross income under section 951(a) in respect of X and Y, the election made by A shall be disregarded.

Example (2). The facts are the same as in example (1). In addition, the amount of X's qualified investments in foreign base company shipping operations on December 31, 1977, determined as provided in § 1.955A–2 and modified as provided in paragraph (c) (3) and (4) of this section, is $1,000.

A does not elect to treat X and Y as a related group for 1978. The amount of X's qualified investments in foreign base company shipping operations on December 31, 1978, determined without regard to paragraph (c) (3) and (4) of this section, is $1,200. The amount of X's qualified investments in foreign base company shipping operations on December 31, 1977, determined without regard to paragraph (c) (3) and (4) of this section, is $900. X's increase in qualified investments in foreign base company shipping operations for 1978 is $300.

Example (3). Controlled foreign corporations X, Y, and Z are all wholly-owned subsidiaries of domestic corporation M, and all use the calendar year as the taxable year. M elects to treat X and Y as a related group for 1977. On December 31, 1977, Z owns $1,000 of obligations of X. Assume that Y owns assets including a hotel on December 31, 1977. The obligations owned by Z are not treated as qualified investments in foreign base company shipping operations.

(d) *Procedure.* (1) *Time and manner of making election.* A United States shareholder shall make an election under this section to treat two or more controlled foreign corporations as a related group for a group taxable year by filing a statement to such effect with his return for the taxable year within which or with which such group taxable year ends. The statement shall include the following information:

(i) The name, address, taxpayer identification number, and taxable year of the United States shareholder;

(ii) The name, address, and taxable year of each controlled foreign corporation which is to be a member of the related group; and

(iii) A schedule showing the calculations by which the amounts described in this section have been determined.

(2) *Revocation.* (i) Except as provided in subdivision (ii) of this subparagraph, an election under this section by a United States shareholder shall be binding for the group taxable year for which it is made.

(ii) Upon application by the United States shareholder, an election made under this section may, subject to the approval of the Commissioner, be revoked. Approval will not be granted unless a material and substantial change in circumstances occurs which could not have been anticipated when the election was made. The application for consent to revocation shall be made by mailing a letter for such purpose to Commissioner of Internal Revenue, Attention: T:C:C, Washington, D.C. 20224, containing a statement of the facts which justify such consent.

(e) *Coordination with section 955(b)(3).* If a United States shareholder elects under this section to treat two or more controlled foreign corporations as a related group for any taxable year, and if such United States shareholder is required under § 1.955A-4(c)(2) for purposes of filing any return to estimate the qualified investments in foreign base company shipping operations of any member of such group, then such United States shareholder shall, for purposes of filing such return, determine the amount includible in his gross income in respect of each member of such related group on the basis of such estimate. If the actual amount of such investments is not the same as the amount of the estimate, the United States shareholder shall immediately notify the Commissioner. The Commissioner will thereupon redetermine the amount of tax of such United States shareholder for the year or years with respect to which the incorrect amount was taken into account. The amount of tax, if any, due upon such redetermination shall be paid by the United States shareholder upon notice and demand by the district director. The amount of tax, if any, shown by such redetermination to have been overpaid shall be credited or refunded to the United States shareholder in accordance with the provisions of sections 6402 and 6511 and the regulations thereunder.

(f) *Illustrations.* The application of this section may be illustrated by the following examples:

Example (1). (a) Controlled foreign corporations X and Y are wholly owned subsidiaries of domestic corporation M. X and Y use the calendar year as the taxable year. For 1977, X and Y are not export trade corporations (as defined in section 971(a)), nor have they any income derived from the insurance of United States risks (within the meaning of section 953(a)). M does not elect to treat X and Y as a related group for 1977.

(b) For 1977, X and Y each have gross income (determined as provided in § 1.954–8(h)(1)) of $1,000. X's foreign base company income is $20 and Y's foreign base company shipping income is $0, determined as follows, based on the facts shown in the following table:

	X	Y
(1) Foreign base company shipping income	$1,000	$1,000
(2) Less: amounts excluded from subpart F income under section 952(b) (relating to U.S. income) and amounts excluded from foreign base company income under section 954(b)(4) relating to corporation not availed of to reduce taxes)	0	0
(3) Balance	1,000	1,000
(4) Less: deductions allocable under § 1.954–1(c) to balance	800	1,010
(5) Remaining balance	200	0
(6) Less: increase in qualified investments in foreign base company shipping operations	180	
(7) Foreign base company income	20	

(c) For 1977, Y has a withdrawal of previously excluded subpart F income from investment in foreign base company shipping operations of $20, determined as follows, on the basis of the facts shown in the following table:

(1) Qualified investments in foreign base company shipping operations at Dec. 31, 1976	$1,210
(2) Less: qualified investments in foreign base company shipping operations at Dec. 31, 1977	1,170
(3) Balance	40
(4) Less: excess of recognized losses over recognized gains on sales during 1977 of qualified investments in foreign base company shipping operations	20
(5) Tentative decrease in qualified investments in foreign base company shipping operations for 1977	20
(6) Limitation described in § 1.955A–1(b)(2)	160
(7) Y's amount of previously excluded subpart F income withdrawn from investment in foreign base company shipping operations (lesser of lines (5) and (6))	20

Example (2). (a) The facts are the same as in example (1), except that M does elect to treat X and Y as a related group for 1977.

(b) The group excess deduction, which is solely attributable to Y's net shipping loss, is $40 (i.e., $1,040–$1,000). Since X is the only member of the related group with net shipping income, X's pro rata share of the group excess deduction is the entire $40 amount.

(c) X's foreign base company income for 1977 is zero, determined as follows:

(1) Preliminary net foreign base company shipping income (line (b)(5) of example (1))	$ 200
(2) Less: X's pro rata share of group excess deduction	40
(3) Remaining balance	160
(4) Less: increase in qualified investments in foreign base company shipping operations	180
(5) Foreign base company income	0

(d) The group excess investment, which is solely attributable to X's excess investment, is $20 (i.e., $180 minus $160). Since Y is the only member of the related group with a shortfall in qualified investments, Y's share of the group excess investment is the entire $20 amount.

(e) During 1976 and 1977, Y owns no obligation of X. Y's withdrawal of previously excluded subpart F income from investment in foreign base company shipping operations for 1977 is zero, determined as follows:

(1) Qualified investments at Dec. 31, 1976	$1,210
(2) (i) Qualified investments at Dec. 31, 1977 (determined without regard to paragraph (c)(4) of this section)	1,170
(ii) Y's pro rata share of group excess investment	20
(iii) Total qualified investments at Dec. 31, 1977 (line (i) plus line (ii))	1,190
(3) Balance (line (1) minus line (2)(iii))	20
(4) Less: excess of recognized losses over recognized gains on sales during 1977 of qualified investments in foreign base company shipping operations	20
(5) Decrease in qualified investments for 1977	0

§ 1.955A–4 Election as to date of determining qualified investment in foreign base company shipping operations.

(a) *Nature of election.* In lieu of determining the increase under the provisions of section 954(g) and § 1.954–7(a) or the decrease under the provisions of section 955(a)(2) and § 1.955A–1(b) in a controlled foreign corporation's qualified investments in foreign base company shipping operations for a taxable year in the manner provided in such provisions, a United States shareholder of such controlled foreign corporation may elect, under the provisions of section 955(b)(3) and this section, to determine such increase in accordance with the provisions of § 1.954–7(b) and to determine such decrease by ascertaining the amount by which—

(1) Such controlled foreign corporation's qualified investments in foreign base company shipping operations at the close of such taxable year exceed its qualified investments in foreign base company shipping operations at the close of the taxable year immediately following such taxable year, and reducing such excess by

(2) The amount determined under § 1.955A–1(b)(1)(ii) for such taxable year,

subject to the limitation provided in § 1.955A–1(b)(2) for such taxable year. An election under this section may be made with respect to each controlled foreign corporation with respect to which a person is a United States shareholder within the meaning of section 951(b), but the election may not be exercised separately with respect to the increases and the decreases of such controlled foreign corporation. If an election is made under this section to determine the increase of a controlled foreign corporation in accordance with the provisions of § 1.954–7(b) subsequent decreases of such controlled foreign corporation shall be determined in accordance with this paragraph and not in accordance with § 1.955A–1(b).

(b) *Time and manner of making election.*—(1) *Without consent.* An election under this section with respect to a controlled foreign corporation shall be made without the consent of the Commissioner by a United States shareholder's filing a statement to such effect with his return for his taxable year in which or with which ends the first taxable year of such controlled foreign corporation in which—

(i) Such shareholder is a United States shareholder, and

(ii) Such controlled foreign corporation realizes foreign base company shipping income, as defined in § 1.954–6.

The statement shall contain the name and address of the controlled foreign corporation and identification of such first taxable year of such corporation.

(2) *With consent.* An election under this section with respect to a controlled foreign corporation may be made by a United States shareholder at any time with the consent of the Commissioner. Consent will not be granted unless the United States shareholder and the Commissioner agree to the terms, conditions, and adjustments under which the election will be effected. The application for consent to elect shall be made by the United States shareholder's mailing a letter for such purpose to the Commissioner of Internal Revenue, Washington, D.C. 20224. The application shall be mailed before the close of the first taxable year of the controlled foreign corporation with respect to which the shareholder desires to compute an amount described in section 954(b)(2) in accordance with the election provided in this section. The application shall include the following information.

(i) The name, address, and taxpayer identification number, and taxable year of the United States shareholder;

(ii) The name and address of the controlled foreign corporation;

(iii) The first taxable year of the controlled foreign corporation for which income is to be computed under the election;

(iv) The amount of the controlled foreign corporation's qualified investments in foreign base company shipping operations at the close of its preceding taxable year; and

(v) The sum of the amounts excluded under section 954(b)(2) and § 1.954–1(b)(1) from the foreign base company income of the controlled foreign corporation for all prior taxable years during which such shareholder was a United States shareholder of such corporation and the sum of the amounts of its previously excluded subpart F income withdrawn from investment in foreign base company shipping operations for all prior taxable years during which such shareholder was a United States shareholder of such corporation.

(c) *Effect of election.*—(1) *General.* Except as provided in subparagraphs (3) and (4) of this paragraph, an election under this section with respect to a controlled foreign corporation shall be binding on the United States shareholder and shall apply to all qualified investment in foreign base company shipping operations acquired, or disposed of, by such controlled foreign corporation during the taxable year following its taxable year for which income is first computed under the election and during all suceeding taxable years of such corporation.

(2) *Returns.* Any return of a United States shareholder required to be filed before the completion of a period with respect to which determinations are to be made as to a controlled foreign corporation's qualified investments in foreign base company shipping operations for purposes of computing such shareholder's taxable income shall be filed on the basis of an estimate of the amount of the controlled foreign corporation's qualified investments in foreign base company shipping operations at the close of the period. If the actual amount of such investments is not the same as the amount of the estimate, the United States shareholder shall immediately notify the Commissioner. The Commissioner will thereupon redetermine the amount of tax of such United States shareholder for the year or years with respect to which the incorrect amount was taken into account. The amount of tax, if any, due upon such redetermination shall be paid by the United States shareholder upon notice and demand by the district director. The amount of tax, if any, shown by such redetermination to have been overpaid shall be credited or refunded to the United States shareholder in accordance with the provisions of sections 6402 and 6511 and the regulations thereunder.

(3) *Revocation.* Upon application by the United States shareholder, the election made under this section may, subject to the approval of the Commissioner, be revoked. Approval will not be granted unless the United States shareholder and the Commissioner agree to the terms,

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conditions, and adjustments under which the revocation will be effected. Unless such agreement provides otherwise, the change in the controlled foreign corporation's qualified investments in foreign base company shipping operations for its first taxable year for which income is computed without regard to the election previously made will be considered to be zero for purposes of effectuating the revocation. The application for consent to revocation shall be made by the United States shareholder's mailing a letter for such purpose to the Commissioner of Internal Revenue, Washington, D.C. 20224. The application shall be mailed before the close of the first taxable year of the controlled foreign corporation with respect to which the shareholder desires to compute the amounts described in section 954(b)(2) or 955(a) without regard to the election provided in this section. The application shall include the following information:

(i) The name, address, and taxpayer identification number of the United States shareholder;

(ii) The name and address of the controlled foreign corporation;

(iii) The taxable year of the controlled foreign corporation for which such amounts are to be so computed;

(iv) The amount of the controlled foreign corporation's qualified investments in foreign base company shipping operations at the close of its preceding taxable year;

(v) The sum of the amounts excluded under section 954(b)(2) and § 1.954–1(b)(1) from the foreign base company income of the controlled foreign corporation for all prior taxable years during which such shareholder was a United States shareholder of such corporation and the sum of the amounts of its previously excluded subpart F income withdrawn from investment in foreign base company shipping operations for all prior taxable years during which such shareholder was a United States shareholder of such corporation; and

(vi) The reasons for the request for consent to revocation.

(4) *Transfer of stock.* If during any taxable year of a controlled foreign corporation—

(i) A United States shareholder who has made an election under this section with respect to such controlled foreign corporation sells, exchanges, or otherwise disposes of all or part of his stock in such controlled foreign corporation, and

(ii) The foreign corporation is a controlled foreign corporation immediately after the sale, exchange, or other disposition.

then, with respect to the stock so sold, exchanged, or disposed of, the change in the controlled foreign corporation's qualified investments in foreign base company shipping operations for such taxable year shall be considered to be zero. If the United States shareholder's successor in interest is entitled to and does make an election under paragraph (b)(1) of this section to determine the controlled foreign corporation's increase in qualified investments in foreign base company shipping operations for the taxable year in which he acquires such stock, such increase with respect to the stock so acquired shall be determined in accordance with the provisions of § 1.954–7(b)(1). If the controlled foreign corporation realizes no foreign base company income from which amounts are excluded under section 954,b)(2) and § 1.954–1(b)(1) for the taxable year in which the United States shareholder's successor in interest acquires such stock and such successor in interest makes an election under paragraph (b)(1) of this section with respect to a subsequent taxable year of such controlled foreign corporation, the increase in the controlled foreign corporation's qualified investments in foreign base company shipping operations for such subsequent taxable year shall be determined in accordance with the provisions of § 1.954–7(b)(2).

(d) *Illustrations.* The application of this section may be illustrated by the following examples:

Example (1). Foreign corporation A is a wholly owned subsidiary of domestic corporation M. Both corporations use the calendar year as a taxable year. In a statement filed with its return for 1977, M makes an election under section 955(b)(3) and the election remains in force for the taxable year 1978. At December 31, 1978, A's qualified investments in foreign base company shipping operations amount to $100,000; and, at December 31, 1979, to $80,000. For purpose of paragraph (a)(1) of this section, A Corporation's decrease in qualified investments in foreign base company shipping operations for the taxable year 1978 is $20,000 and is determined by ascertaining the amount by which A Corporation's qualified investments in foreign base company shipping operations at December 31, 1978 ($100,000) exceed its qualified investments in foreign base company shipping operations at December 31, 1979 ($80,000).

Example (2). The facts are the same as in example (1) except that A experiences no changes in qualified investments in foreign base company shipping operations during its taxable years 1980 and 1981. If M's election were to remain in force, A's acquisitions and dispositions of qualified investments in less developed countries during A's taxable year 1982 would be taken into account in determining whether A has experienced an increase or a decrease in qualified investments in foreign base company shipping operations for its taxable year 1981. However, M duly files before the close of A's taxable year 1981 an application for consent to revocation of M Corporation's election under section 955(b)(3), and, pursuant to an agreement between the Commissioner and M consent is granted by the Commissioner. Assuming such agreement does not provide otherwise, A's change in qualified investments in foreign base company shipping operations for its taxable year 1981 is zero because the effect of the revocation of the election is to treat acquisitions and dispositions of qualified investments in foreign base company shipping operations actually occurring in 1982 as having occurred in such year rather than in 1981.

Example (3). The facts are the same as in example (2) except that A's qualified investments in foreign base company shipping operations at December 31, 1982, amount to $70,000. For purposes of paragraph (b)(1)(i) of § 1.955A–1, the decrease in A's qualified investments in foreign base company shipping operations for the taxable year 1982 is $10,000 and is determined by ascertaining the amount by which A's qualified investments in less developed countries at December 31, 1981 ($80,000) exceed its qualified investments in less developed countries at December 31, 1982 ($70,000).

Example (4). The facts are the same as in example (1). Assume further that on September 30, 1979, M sells 40 percent of the only class of stock of A to N Corporation, a domestic corporation. N uses the calendar year as a taxable year. A remains a controlled foreign corporation immediately after such sale of its stock. A's qualified investments in foreign base company shipping operations at December 31, 1980, amount to $90,000. The changes in A Corporation's qualified investments in foreign base company shipping operations occurring in its taxable year 1979 are considered to be zero with respect to the 40-percent stock interest acquired by N Corporation. The entire $20,000 reduction in A Corporation's qualified investments in foreign base company shipping operations which occurs during the taxable year 1979 is taken into account by M for purposes of paragraph (c)(1) of this section in determining its tax liability for the taxable year 1978. A's increase in qualified investments in foreign base company shipping operations for the taxable year 1979 with respect to the 60-percent stock interest retained by M is $6,000 and is determined by ascertaining M's pro rata share (60 percent) of the amount by which A's qualified investments in foreign base company shipping operations at December 31, 1980 ($90,000) exceed its qualified investments in less developed countries at December 31, 1979 ($80,000). N does not make an election under section 955(b)(3) in its return for its taxable year 1980. Corporation A's increase in qualified investments in foreign base company shipping operations for the taxable year 1980 with respect to the 40-percent stock interest acquired by N is $4,000.

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FEDERAL RESERVE SYSTEM

[12 CFR Part 225]

[Regulation Y; Docket No. R-0051]

BANK HOLDING COMPANIES

Proposed Rulemaking Relating to Providing Management Consulting Advice

The Board of Governors has received an application filed by Worcester Bancorp, Inc., Worcester, Massachusetts, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4 of the Board's Regulation Y (12 CFR 225.4(b)(2)), for prior approval to engage de novo in providing management consulting advice to nonaffiliated savings banks. Providing such services to nonaffiliated commercial banks has previously been determined by the Board of Governors to be closely related to banking. (See 12 CFR § 225.4(a)(12).)

Applicant proposes to provide management consulting services to nonaffiliated savings banks under the same conditions and with the same restrictions that are applicable under § 225.4(a)(12) of Regulation Y (12 CFR § 225.4(a)(12)), which permits bank holding companies to provide management consulting advice to nonaffiliated banks:

Provided, That, (i) neither the bank holding company nor any of its subsidiaries own or control, directly or indirectly, any equity securities in the client [bank]; (ii) no officer, director or employee of the bank holding company or any of its subsidiaries serves as an officer, director or employee of the client [bank] except where such interlocking relationships are or would be permitted by section 212.3(g) of Regulation L; (iii) the advice is rendered on an explicit fee basis without regard to correspondent balances maintained by the client [bank] at any subsidiary bank of the bank holding company; and (iv) disclosure is made to each potential client [bank] of (a) the names of all banks that are affiliates of the consulting company, and (b) the names of all existing client [banks] located in the same market area(s) as the client [bank].

Further, in providing management consulting advice to commercial banks, bank holding companies are not authorized to perform tasks or operations or provide services to clients either on a daily or continuing basis, except as is necessary to instruct the client on how to perform such services for itself.

Section 4(c)(8) of the Bank Holding Company Act provides that a bank holding company may, with Board approval, acquire "shares of any company the activities of which the Board after due notice and opportunity for hearing has determined (by order or regulation) to be so closely related to banking or managing or controlling banks as to be a proper incident thereto." The Applicant believes that the proposed activity is so closely related to banking as to be a proper incident thereto.

In connection with this application, the Board will consider amending Regulation Y (12 CFR 225.4(a)) to add the activity of providing management consulting advice to nonaffiliated savings banks to the list of activities that the Board has previously determined to be permissible for bank holding companies.

Concurrently with that question, the Board will also consider the separate question of amending Regulation Y (12 CFR § 225.4(a)) to add the activity of providing management consulting advice to nonaffiliated, depository-type, financial institutions to the list of those permissible activities specified in § 225.4(a) of Regulation Y. Such institutions would include: savings banks (mutual or stock), savings and loan or building and loan associations (mutual or stock), credit unions, industrial banks, Morris Plan banks, cooperative banks, industrial loan companies and similar institutions.

Interested persons may express their views on the questions of whether providing management consulting advice to (1) nonaffiliated savings banks; or (2) nonaffiliated, depository-type, financial institutions is "so closely related to banking or managing or controlling banks as to be a proper incident thereto" within the meaning of section 4(c)(8).

Interested persons may also express their views on the question of whether consummation of the proposal by Worcester Bancorp can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices."

Any requests for a hearing on these questions should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application by Worcester Bancorp may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Boston. Expressions of views received by the Board may be inspected at the offices of the Board of Governors.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than September 8, 1976.

Boards of Governors of the Federal Reserve System, August 2, 1976.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.76-23088 Filed 8-6-76;8:45 am]

PANAMA CANAL COMPANY

[35 CFR Part 133]

TOLLS FOR USE OF THE PANAMA CANAL

Change in Rates; Public Hearing

On May 14, 1976, the Panama Canal Company published notice of a proposed change in the rates of tolls for use of the Panama Canal (41 FR 19981). The notice stated that interested persons who had submitted written data not later than July 16, 1976, and had filed a notice of appearance by July 23, 1976 could participate in a public hearing to be held in New York City, New York, on August 23, 1976, at a time and location to be announced.

On July 8, 1976, the Panama Canal Company published notice that the public hearing referred to above would be held on August 23, 1976 in the Sutton South Room of the New York Hilton at Rockefeller Center, 1335 Avenue of the Americas, commencing at 9 am.

Notice is hereby given that the location in the New York Hilton at Rockefeller Center has been changed from the Sutton South to the Mercury Ballroom. The date and time remain unchanged.

THOMAS M. CONSTANT,
Secretary.

[FR Doc.76-23099 Filed 8-6-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1057]

[Ex Parte No. 55 (Sub-No. 23)]

FITNESS FLAGGING PROCEDURES

JULY 28, 1976.

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 28th day of July 1976.

It is ordered, That based on the reasons set forth in the attached notice, a rulemaking proceeding be, and it is hereby, instituted pursuant to 5 U.S.C. 552, 553, and 559 (the Administrative Procedure Act), and sections 5, 207, 209, 211, 309(c), 309(g), and 410(c) of the Interstate Commerce Act (49 U.S.C. 5, 307, 309, 311, 909(c), 909(g), and 1010(c)), for the purpose of adopting appropriate procedures for the determination of the circumstances that would raise a flagging issue and setting forth standards to be applied in determining whether a fitness flag is to be raised.

It is further ordered, That the attached notice be, and it is hereby, adopted and incorporated by reference into this order.

And it is further ordered, That notice of the institution of this rulemaking proceeding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the Federal Register as notice to interested persons.

By the Commission. (Commissioner Corber concurred[1] and Commissioner MacFarland did not participate.)

ROBERT L. OSWALD,
Secretary.

• Purpose: As a result of certain developments in the area of fitness flagging procedures (a special internal staff committee study completed in July 1975, the findings of the "Blue Ribbon Staff Report," and the decisions in *North American Van Lines, Inc.* v. *ICC*, 386 F. Supp. 665 (1974) and *North American Van Lines, Inc.* v. *United States*, Civil Action No. F 75–31 (N.D. Ind.)), the Commission has determined that procedures indicating the circumstances that would raise a flagging issue and setting forth standards to be applied in determining whether a fitness flag is to be raised may be appropriate and such procedures are herein proposed. •

Under the provisions of the Interstate Commerce Act (sections 5, 207, 209, 211, 309(c), 309(g), and 410(c) of the Interstate Commerce Act (49 U.S.C. 5, 307, 309, 311, 909(c), 909(g), and 1010(c)), the Commission is required in proceedings where applicant seeks authority to conduct motor carrier, water carrier, broker, or freight forwarder operations or in proceedings under section 5 (combinations and consolidations of carriers) to make an appropriate statutory finding regarding an applicant's fitness as a prerequisite to the issuance of authority or the granting of permission to consummate transaction.

[1] Commissioner Corber's concurrence filed as part of original document.

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The Commission has developed over the years certain internal procedures for determination of the fitness question. These procedures involved generally the determination of the question regarding fitness in a selected application proceeding which, in turn, would affect the fitness finding of each of that carrier's pending applications. The fitness question raised in the selected application proceeding could result in the flagging of each of the applicant's pending [2] applications thereby (1) causing the certificate or permit to be withheld pending determination of the fitness question in the selected application, (2) causing permission to consummate the transaction of pending applications to be withheld pending determination of the fitness question in the selected application, or (3) causing applicant's pending applications to be denied upon an adverse determination of the fitness question in the selected application.

These procedures for withholding final action on pending applications other than the selected proceeding have been ex parte, on the Commission's own motion. No hearing was held to allow the carrier to argue that a particular proceeding should not have been flagged. These procedures were developed consistent with the view that a question regarding a carrier's fitness was all pervasive and affected the issue of fitness in each pending application before the Commission. Individual applications were evaluated to determine their nexus with the selected proceeding and certain types of applications were traditionally excepted from the flagging process (i.e. gateway elimination applications, alternate route applications, and deviation route applications).

For the purposes of the discussion herein, the following definitions apply:

1. *Fitness*—an applicant's present or future willingness or ability to conform to the relevant provisions of the Interstate Commerce Act and the Interstate Commerce Commission's requirements, rules, and regulations thereunder.

2. *Flagging*—the raising of a question regarding an applicant's fitness by the Commission or DOT in both (1) the selected application proceeding and (2) all other pending applications by the carrier (which are determined to have a nexus on the fitness issue to the selected proceeding).

3. *Selected application proceeding*—the application proceeding in which the fitness issue is being fully developed and formally being contested for determination. This proceeding may consist of the participation by the Commission's Bureau of Enforcement (or the Department of Transportation) on the issue of fitness in the selected application proceeding or may consist of an application proceeding consolidated with an investigation or complaint proceeding (which are proceedings to determine the lawfulness or unlawfulness of conduct under the Interstate Commerce Act or the Commission's rules and regulations thereunder, but in which the statutory question of fitness is not itself in issue).

4. *Show cause hearing*—a separate procedural step, initiated by order at the time the Commission decides to consider raising the fitness flag. The purpose of this procedure is to determine whether there exists a nexus between the fitness issue raised in the selected application proceeding on the one hand, and the fitness issues raised in any other pending application of the carrier, on the other. This hearing, which will be handled on an expedited basis, will afford the applicant an opportunity to show cause why such a nexus does not exist as to any particular , pending application and therefore, why any such pending application should not be flagged for fitness.

5. *Flagged applications*—those other pending applications of a carrier in which after a show cause hearing, a nexus to the selected application proceeding on the issue of fitness has been determined to exist, and in which authority (or permission to consummate the transaction) shall be withheld until the issue of applicant's fitness is finally determined in the selected application proceeding.

[2] As used herein, the application has been deemed "pending" until the certificate or permit was actually issued or the control proceeding was consummated.

Background

The issue of a carrier's fitness technically involves two separate considerations: (1) the applicant's fitness, willingness, and ability to perform a particular operation (operational fitness), and (2) applicant's fitness, willingness, and ability to conform to the Act and the Commission's rules and regulations thereunder (conformity fitness). While the issue in (1) may more frequently involve matters related only to a specific proceeding, the issue in (2) may pervade many of a carrier's pending applications. In the instance where conformity fitness has been specifically questioned in a particular case, the question of an applicant's fitness, willingness, and ability to conform its operations to lawful requirements is a matter that ordinarily will relate to other pending proceedings and, by statutory mandate, this issue must be resolved before any authority (or permission) may be granted. It has been long standing Commission policy to withhold issuance of authority (or permission to consummate the transaction) to an applicant in any pending proceeding while its fitness is unresolved in a selected application proceeding. This policy was adopted due to the lack of adherence by carriers to the terms of their operating authorities and to their lack of observance of the Commission's regulations. In accordance with its obligation to promote a safe, effective, and efficient transportation system, the Commission had determined that strong and effective enforcement procedures were necessary. These procedures were never intended to be punitive but rather permitted the Commission sufficient time to evaluate properly a carrier's fitness pursuant to statutory requirements.

In the past, a flag has been raised in one of three ways: (1) by the Vice Chairman of the Commission, the Commission itself, or an appropriate Division thereof acting upon the recommendation of the Bureau of Enforcement at the time of the institution of an investigation proceeding, (2) by the Bureau of Enforcement's participation in an application proceeding under sections 5, 207, 209, 211, 309(c), 309(g), and 410(c) of the Interstate Commerce Act, pursuant to the delegation of authority by the Commission allowing the Bureau to participate in an application proceeding upon the Bureau's determination that it had information tending to raise a significant question regarding the fitness of an applicant, and (3) by the appropriate Division granting leave to intervene to the Department of Transportation in a pending proceeding wherein DOT by petition has alleged violation of the safety regulations.

When an applicant is formally flagged on the issue of its fitness, one of its pending applications is designated the selected application proceeding. This procedure permits all other pending applications to go forward on all issues other than fitness while the overall concurrent, required statutory issue of the applicant's fitness is being resolved in the selected application proceeding. The personnel requirements which would result in presenting the same evidence relating to an applicant's conformity fitness in every pending application proceeding clearly are beyond the staff capabilities of the Bureau of Enforcement, and no useful purpose would be served by repeating the same presentations in a number of pending applications nor should an applicant be put to the expense of rebutting the same evidence in successive hearings. In the same vein, consolidation of all pending applications with the fitness proceeding would be impractical because (1) that would involve interminable concurrent resolution of issues other than fitness, (2) not all applications are ripe for decision at the same time, and (3) not all applications are before the same decisional body at the same time (some may be required to be heard by a joint board, others may be more efficiently handled by modified procedure, and still others may be at an appellate level). Experience has shown that the selection of one application for a determination of the fitness issue while flagging the others has been the most realistic and administratively desirable way of resolving the issue of fitness. If a negative finding of fitness was made in the selected application proceeding (and that finding became administratively final), other flagged applications were denied on the basis of the same negative fitness finding. Once an applicant had failed to show that it was fit to receive the authority sought, it had to establish affirmatively its fitness before any new applications would be granted.

Discussion of Proposed Procedures

Because of the possible delay inherent in formally contesting an applicant's fitness in the selected application proceeding, which could defer a decision on that issue in all of its pending applications, if flagged, and because of the need to afford an applicant an opportunity to be heard on the question of flagging its other applications, the Commission has proposed revised procedures to be followed and the standards to be applied in determining whether a fitness flag is to be raised.

These proposed procedures, in conformity with the findings of the Court in the *North American Van Lines, Inc.* cases, supra, are being applied on an interim basis to those carriers currently subject to fitness questions so that they may enjoy the benefits of the proposed procedures and so that this Commission may continue the efficient and expeditious handling of its caseload.

The proposals provide information to the public respecting the standards for flagging and the method by which the question of fitness may be initiated. The Bureau of Enforcement may no longer intervene in application proceedings on its own; instead the Bureau will be required to make a request to participate in an application proceeding to the Commission or the appropriate Division which shall make a determination as to whether this request, if approved, could result in a negative fitness finding. If the Bureau is ordered to participate, an appropriate application will be selected as the proceeding in which the issue of fitness shall be determined (this proceeding shall be consolidated, if administratively possible, with an investigation or complaint proceeding involving applicant on the same issues). The fitness matters raised in the selected application proceeding may have no relation to other issues in the case. An order would then be issued notifying all parties of the fitness participation. The applicant would, by an appropriate order, be afforded an opportunity to show cause why its other pending applications should not be flagged for fitness (held open until resolution of the fitness issue in the selected application proceeding). The order would also notify applicant in general of the statutes, requirements, rules, and regulations allegedly violated and the general substance of the allegations made and identify all pending applications in which flagging is to be considered. The Bureau of Enforcement or DOT would then be required to advise applicant in writing of all matters of fact and law to be asserted with sufficient particularity to make clear the violations alleged and the nexus alleged to exist between those violations and other pending applications in which flagging is being considered. Applicant would be afforded an opportunity to submit written representations to show why all or any of its pending identified applications should not be flagged, and the Bureau and DOT would have an opportunity to respond to those representations.

Failure of an applicant timely to respond in a show cause proceeding will be construed as waiver of its right to hearing on the flagging issue and will cause the pending identified applications to be flagged. The issuance of a show cause order or an order authorizing fitness participation with the described show cause requirements will temporarily bar issuance of authority or consummation in any designated application proceeding until the issue of whether or not that designated application proceeding should be flagged is determined (70 day limit for determination) by the Commission or a Division thereof. The determination of the Commission or Division would be made in an appropriate order. This order shall be subject to petitions for reconsideration under the Commission's rules of practice. Denial of the petition shall result in an order sufficiently final to be appropriate for judicial review. Pending applications not flagged shall be processed to final determination on all issues. These determinations (flagging of pending applications; the fitness issue itself) shall be expedited.

Future applications by the same carrier shall be noticed and added to the list of identified applications in which the question of flagging has been raised and resolved in the show cause proceeding. If the show cause proceeding has already been resolved, applicant will be required to petition the Commission to have a new application excluded from flagging (failure to petition shall be construed as a waiver). An administratively final adverse fitness finding shall result in denial of the application in the selected proceeding and all designated pending flagged applications. In subsequently filed applications, the applicant will be expected (and required) to establish its fitness as in any ordinary proceeding, except that the Commission may take official notice of the prior adverse fitness finding.

The proposed action is not expected significantly to affect the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. No oral hearing is contemplated at this time, but anyone wishing to make representations in favor of or against the proposals below may do so by the submission of written data, views, or arguments. An original and 15 copies (wherever possible) of such data, views, or arguments shall be filed with this Commission on or before September 13, 1976. Written submissions will be available for public inspection during regular business hours at the offices of the Interstate Commerce Commission, 12th and Constitution Avenue, Washington, D.C.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a cop thereof with the Director, Office of the Federal Register.

By the Commission. (Commissioner Corber concurred and Commissioner MacFarland did not participate.)

Accordingly, it is proposed that the following procedures be adopted at 49 CFR 1067.

PART 1067 FITNESS FLAGGING PROCEDURES

§ 1067.1 Threshold occurrence signaling possible flagging issues.

(a) Institution of a formal Commission investigation into alleged violations of law that reasonably appear to bear on applicant's fitness, willingness, and ability to conduct regulated carrier operations;

(b) Participation by the Bureau of Enforcement or the Department of Transportation to develop a record concerning fitness in an application proceeding seeking ICC operating authority or approval of a transaction under section 5 of the Act.

§ 1067.2 Standard for flagging.

Allegations challenging the fitness, willingness and ability of an application to conform to the provisions of the Act and the requirements, rules and regulations of the Commission thereunder, as to which there is probable cause for believing that ultimately the applicant will not be able to meet statutory requirements for favorable Commission action on an application for operating authority or for authority to undertake a financial transaction within the meaning of section 5(2) of the Act, including:

(a) Past uncorrected or other significant violations denoting an indifference by the applicant towards lawful standards of behavior, or a pattern of neglect of its duties towards the public that betokens a refusal voluntarily to meet its duties under the Interstate Commerce Act; or

(b) Flagrant and persistent disregard of pertinent provisions of the Act or our lawful requirements, rules, or regulations (rather than, for instance, a bona fide difference of opinion or interpretation regarding the carrier's rights).

§ 1067.3 Procedure to determine Bureau of Enforcement participation in application proceedings.

(a) Upon its determination that it has information tending to put in question the fitness of an applicant, the Bureau of Enforcement shall request that it be directed to participate in an application proceeding arising under any of the following sections of the Act; 5, 207, 209, 211, 309(c), 309(g), or 410(c). This request, which shall be made to the appropriate Division or to the Commission, shall include a summary of the evidence which the Bureau proposes to introduce in the context of the entire record. In considering the request, the appropriate Division or the Commission shall base its decision to direct the Bureau to participate on fitness upon the publicly announced standard. Upon a decision to order the Bureau to participate in the

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application proceeding, an appropriate order will be entered in the proceeding notifying the parties of the fitness participation.

(b) Upon the institution of a formal investigation proceeding involving issues bearing upon an applicant's fitness or qualifications, willingness and ability to conduct regulated operations, the Commission, a Division, or the Vice Chairman, as appropriate, will select a pending application, if any, of that applicant and by order direct the Bureau of Enforcement to participate on the issue of fitness if warranted.

§ 1067.4 Intervention or participation by the Department of Transportation.

(a) The Department of Transportation may participate in application proceedings on the issue of carrier fitness[2] by notifying the applicant and filing a petition for leave to intervene setting forth generally the nature of the evidence it will present, within 30 days (protest period) of publication of a notice of such application in the FEDERAL REGISTER. DOT may also petition to intervene in any fitness flag show-cause proceeding by filing a petition and verified written representations during the same 20 day period governing applicant in Item 7, infra. In such a situation, applicant may reply thereto within 15 days of such filing. If the Department of Transportation has not petitioned to interevne on the issues of fitness and flagging under the above procedures, its subsequent participation may be authorized at the discretion of the Commission.

(b) Under the procedures here announced, there is no change contemplated in the Department of Transportation's right to file a formal complaint with the Commission or a petition for the Commission to institute on its own motion a formal investigation proceeding, with respect to the activities and practices of a regulated carrier.

§ 1067.5 Flagging keyed to applications only.

Show-cause flagging procedures, if any, will be undertaken only in the application proceeding in which the Bureau of Enforcement or the Department of Transportation is participating on fitness.

§ 1067.6 Flagging consideration to be by show-cause procedure with opportunity to be heard.

When the decision is to consider the flagging of pending applications, either the order authorizing the Bureau of Enforcement or DOT to participate on the issue of fitness, or a separate show-cause order issued as a matter of convenience, will state in general the statutes, requirements, rules, and regulations allegedly violated and the general substance of the allegations made; identify by individual docket numbers all of those pending application proceedings in which fitness flagging is to be considered. The order, served and docketed in the usual manner, will require the Bureau of Enforcement or the Department of Transportation within 10 days from its issuance to advise applicant in wirting of all matters of fact and law to be asserted with sufficient particularity to make clear the violations alleged and the nexus alleged to exist between those violations and the application proceeding in which fitness flagging is being considered; afford applicant an opportunity to submit within 20 days thereafter any verified written representations including facts and arguments tending to show cause why all or any of its applications should not be flagged for fitness, and afford the Bureau of Enforcement or the Department of Transportation 15 days to reply to applicant's representations.

§ 1067.7 Flagging consideration a temporary bar to grants of applications.

The issuance of a show-cause order, or an order authorizing fitness participation with the described show-cause requirements does not constitute flagging. It will, however, temporarily bar issuance of authority in any designated application proceeding until the issue of fitness flagging is determined for a period of no longer than 70 days after the issuance of such order, except any extension of time granted applicant for any authorized or required filing shall not be counted.

§ 1067.8 Flagging triggered upon failure of applicant to respond.

Failure of any applicant subject to a fitness flagging show-cause order, or such provision in any order, to file verified representations within the time specified therein, as of the due date for such filing, shall cause the designated applications to be flagged for fitness and the parties will be so notified. A copy of such notice will be placed in the docket of each of the applications designated.

§ 1067.9 Flagging decision announced by Commission or division thereof.

Upon determination that the applicant has shown that the fitness flag should not be raised or has failed to make such showing with respect to any or all of the designated applications, the Commission or the appropriate Division thereof will issue an order setting forth, at least in general terms, its findings with respect to the publicly announced standard and specify the particular applications to which those findings and the fitness flag, if any, apply. Commission action on the fitness flagging issue is not a decision on the question of applicant's fitness, and shall not be construed as such.

§ 1067.10 Flagging procedure may be initiated where warranted at any stage of proceeding.

Should a determination be made that a fitness flagging procedure is not warranted or should a fitness issue not be raised at the outset and a situation develops at a later stage of any proceeding that suggests that flagging appears appropriate, flagging may be presented as an issue upon formal petition under these same announced procedures.

§ 1067.11 New application filed after commencement of fitness proceeding.

Where there is fitness participation in an application proceeding by the Bureau of Enforcement or the Department of Transportation and either fitness flagging is under consideration or a fitness flag has been raised, a new application by the same applicant will by notice be added to the list of designated proceedings unless with the application there is filed a petition, a copy of which is served on the Bureau of Enforcement or the Department of Transportation, as appropriate, to have it excluded therefrom. The petition must set forth applicant's alleged justification for such exclusion and action thereon will not be taken sooner than 30 days after notice of the application is published in the FEDERAL REGISTER. Action on the petition will be by an order of the Commission or a Division thereof and governed by the announced standard.

§ 1067.12 Processing pending applications.

All pending application proceedings affected by flagging consideration or designated as flagged will move forward toward a final disposition of all other issues, but all findings on fitness will be withheld. Any proceeding that has otherwise reached administrative finality but has not resulted in the issuance of operating rights or, in the case of finance proceedings, authority to consummate the transaction, prior to its designation for show-cause fitness flagging consideration, will by such designation be reopened or held open for reconsideration on the issue of fitness until its is either determined that flagging is not warranted, the fitness issue is resolved, or the fitness flag is removed.

§ 1067.13 Commission review of show-cause order.

Applicant's filing of representations under the show-cause order serves as a prompt and adequate opportunity for Commission review of that order, and may include a prayer for reconsideration of the issuance of the show-cause order, if applicant believes it appropriate. No separately-filed petition for reconsideration will be entertained. Any decision to flag or not to flag will result in issuance of an order by the Commission or a Division thereof in all proceedings where flagging is contested and that order will be subject to petitions for reconsideration under the Commission's rules of practice and will be disposed of as promptly as possible.

§ 1067.14 Fitness cases to be expedited.

The application proceeding in which the fitness issue is being contested will be processed on an expedited basis to the extent consistent with the Commission's other responsibilities.

§ 1067.15 Consolidation of proceedings.

To the extent equitable and practicable, the application proceeding in which fitness is being contested will be consolidated with investigation, complaint, or other proceeding involving the same or similar allegations.

§ 1067.16 Effect of adverse fitness finding on other proceedings.

Where the fitness flag has been raised, an administratively final determination that applicant has failed to show that it is fit will provide a sufficient basis for disposition of all designated pending applications. Following an administratively final ultimate finding unfavorable to applicant, all flagged proceedings will be denied by appropriate order.

§ 1067.17 Adverse fitness finding does not preclude new applications but may be considered.

Following an administratively final fitness determination unfavorable to applicant, fitness participation in any of its subsequently filed applications and flagging consideration will be considered on the same basis as the application of any carrier not previously found unfit, in accordance with the procedures announced herein. However, official notice of all prior findings is appropriate and may be found to bear on applicant's fitness.

[FR Doc.76-23123 Filed 8-6-76;8:45 am]

[2] See Memorandum of Agreement between ICC and DOT, dated April 3, 1967, provision 2.

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

Agency for International Development

[Redelegation of Authority No. 99.1.73]

AID AFFAIRS OFFICER, INDIA

Redelegation of Authority Regarding Contracting Functions; Correction

In FR Doc. 75-26353 appearing at page 45451 in the FEDERAL REGISTER of October 2, 1975, the second and third lines of the redelegation headings are corrected to read "AID Affairs Officer, India", in lieu of "Director of the Office of Contract Management."

August 2, 1976.

HUGH L. DWELLEY,
Director, Office of Contract Management.

[FR Doc.76-23100 Filed 8-6-76;8:45 am]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[Notice No. 76-7]

TECHNICAL SUBCOMMITTEE OF THE ADVISORY COMMITTEE ON EXPLOSIVES TAGGING

Closed Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a closed meeting of the Technical Subcommittee to the Advisory Committee on Explosives Tagging will be held on September 9, 1976, at the Federal Building, 12th and Pennsylvania Ave. NW., Washington, D.C., Room 5041 beginning at 9:00 a.m. (e.d.t.).

The Technical Subcommittee will discuss detailed proprietary scientific and technical data concerning various candidate explosive tagging systems that can be used in the detection and identification of explosives. The information which will be presented and discussed during the meeting will consititute trade secrets and commercial or financial information from a person privileged or confidential within the ambit of Title 5, United States Code, Section 552(b)(4). Accordingly, the meeting of the Technical Subcommittee of the Advisory Committee on Explosive Tagging will, under authority of Section 10(d) of the Federal Advisory Committee Act (Public Law 92-463), not be open to the public.

All communications regarding this Advisory Committee meeting should be addressed to the Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226, Attention: Mr. Robert F. Dexter, Committees Manager, Technical Services Division, Explosives Technology Branch, Room 8233.

Dated: August 2, 1976.

REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

[FR Doc.76-23044 Filed 8-6-76;8:45 am]

Customs Service

CERTAIN SCISSORS AND SHEARS FROM BRAZIL

Preliminary Countervailing Duty Determination

JULY 28, 1976.

On April 6, 1976, a "Notice of Receipt of Countervailing Duty Petition and Initiation of Investigation" was published in the FEDERAL REGISTER (41 FR 14547). The notice indicated that a petition had been received alleging that payments, bestowals, rebates or refunds, granted by the Brazilian Government upon the manufacture, production, or exportation of certain scissors and shears from Brazil constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to in this notice as "the Act").

The scissors and shears are provided for in the Tariff Schedules of the United States as scissors and shears valued at more than $1.75 per dozen under item number 650.91.

On the basis of an investigation conducted pursuant to section 159.47(c), Customs Regulations (19 CFR 159.47(c)), it tentatively has been determined that benefits have been received by the Brazilian manufacturers/exporters of certain scissors and shears which may constitute bounties or grants within the meaning of the Act. These benefits include the granting to manufacturers and exporters of tax credits upon export, income tax reductions, preferential financing, and the exemption from import duties and certain indirect taxes on the importation of capital goods used in the production of scissors and shears for export. Programs tentatively determined not to be bounties or grants within the meaning of the Act include the exemption from certain indirect taxes upon exportation of the scissors and shears under consideration and the exemption from import duties and certain indirect taxes on the importation of raw materials used in the production of scissors and shears to be exported. A final decision in this case is required on or before February 9, 1977.

Before a final determination is made, consideration will be given to any relevant data, views or arguments, submitted in writing with respect to the preliminary determination. Submissions should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, NW., Washington, D.C. 20229, in time to be received by his office not later than September 8, 1976.

This preliminary determination is published pursuant to section 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

VERNON D. ACREE,
Commissioner of Customs.

Approved: August 4, 1976.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76-23119 Filed 8-6-76;8:45 am]

Office of the Secretary

[Public Debt Series—No. 18-76]

TREASURY NOTES OF SERIES J-1979

Interest Rates

AUGUST 4, 1976.

The Secretary of the Treasury announced on August 3, 1976, that the interest rate on the notes described in Department Circular—Public Debt Series—No. 18-76, dated July 29, 1976, will be 6⅞ percent per annum. Accordingly, the notes are hereby redesignated 6⅞ percent Treasury Notes of Series J-1979. Interest on the notes will be payable at the rate of 6⅞ percent per annum.

DAVID MOSSO,
Fiscal Assistant Secretary.

[FR Doc.76-23038 Filed 8-6-76;8:45 am]

DEPARTMENT OF JUSTICE

UNITED STATES V. GUAM POWER AUTHORITY

Proposed Consent Judgment in Action To Enjoin Discharge of Pollutants

In accordance with Departmental Policy, 28 C.F.R. § 50.7, 38 Fed. Reg. 19020, notice is hereby given that on or about August 4, 1976, a proposed consent decree in *United States* v. *Guam Power Authority*, was lodged with the District Court of Guam. The proposed decree requires Guam Power Authority to achieve final compliance with sulfur dioxide new source performance standards at its Cabras station not later than July 31, 1981, if flue gas desulfurization equipment is chosen by the company, or earlier if low sulfur fuel oil is to be used. In addition, the company is required to submit detailed financial and operating information to the Court for evaluation.

The Department of Justice will receive for 30 days from the date of publication of this notice written comments relating to the proposed judgment. Comments should be addressed to the Assistant Attorney General for the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and refer to *United States* v. *Guam Power Authority*, D.J. Ref. 90-5-2-1-35.

The proposed consent decree may be examined at the office of the United States Attorney, District of Guam, Agana, Guam; the Region IX Office of the Environmental Protection Agency, Enforcement Division, 100 California Street, San Francisco, California 94111; the Clerk of the District Court, District of Guam, U.S. Courthouse, Agana, Guam; and the Pollution Control Section, Land and Natural Resources Division, Department of Justice, Room 2625, Department of Justice Building, Ninth Street and Pennsylvania Avenue, Northwest, Washington, D.C. A copy of the proposed consent judgment may be obtained in person or by mail from the Pollution Control Section. In requesting a copy, please enclose a check in the amount of $.60 (10 cents per page reproduction charge) payable to the Treasurer of the United States.

PETER R. TAFT,
Assistant Attorney General, Land and Natural Resources Division.

[FR Doc.76-23025 Filed 8-6-76;8:45 am]

Antitrust Division

UNITED STATES V. BANKAMERICA CORPORATION, ET AL.

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16, the following written comment on the proposed judgment filed with the United States District Court for the Northern District of California in Civil Action No. 75 2109 RFP, *United States of America* v. *BankAmerica Corporation, et al.*, was received by the Department of Justice and is published herewith, together with Justice's response to this comment.

Dated: August 2, 1976.

CHARLES F. B. MCALEER,
Assistant Chief, Judgments and Judgment Enforcement Section.

Carlisle, Pa., May 27, 1976.

DWIGHT B. MOORE, Esq.,

Re: *U.S.* v. *BankAmerica Corp. et al* including E. *Hornsby Wasson* N.D. Cal. Civ. #75-2019RFP.

DWIGHT B. MOORE, Esq.
Antitrust Division,
U.S. Department of Justice,
U.S. Court House,
Los Angeles, Calif.

DEAR SIRS: Consideration of the proposed consent judgment should be deferred until an adequate competitive impact statement is prepared and published for comment.

Part IV of the Competitive Impact Statement is inadequate in that it focuses only on the possibility of negative effects on competition in event the already terminated relationship between defendant Wasson and the BankAmerica defendants had persevered.

Quite ignoring essential mootness of the order to which the parties are agreeable and consequent imposition on the court implicit in praying it to enter a largely empty order, it is submitted that the Justice Department has a burden to develop all competitive aspects of the order. This includes, without limitation, effects on BankAmerica defendants of loss of a director of defendant Wasson's experience and expertise. Restated, to what degree will the competitive effort of the BankAmerica enterprise (and, ultimately its equity and debt holders) be injured by loss of Mr. Wasson's talents?

This will require exposition of not only his experience and expertise but also the predicates for his invitation to join the BankAmerica boards and an assessment of his conduct whilst a number of those boards.

If it should develop that anti-competitive motivations and/or activities were involved, the proposed order is inadequate. If it should develop that no such motivations and/or activities were involved, the court might well entertain a motion for dismissal-by reason of mootness but the public would have opportunity to weigh social costs of both the proceeding and limitation on BankAmerica shareholders' choice of directors. In either event, adequacy of Section 8 of the Clayton Act to a competitive international economy would be illuminated.

Very truly yours,

JOHN A. MAHER.

U.S. DEPARTMENT OF JUSTICE,
ANTITRUST DIVISION,
Los Angeles, Calif., July 14 1976.

Re: *United States* v. *BankAmerica Corp., et al.*

Mr. JOHN A. MAHER,
726 Sherwood Drive,
Carlisle, Pa.

DEAR MR. MAHER: This letter responds to your letter of May 27, 1976 in which you made the following inquiry: to what degree will the competitive effort of the BankAmerica enterprise (and, ultimately its equity and debt holders) be injured by loss of Mr. Wasson's talents?

Section 8 of the Clayton Act requires no proof of an actual restraint of trade as an element of the violation and, accordingly, no evidence of an actual restraint was obtained in preparing the case for trial. Thus, the Competitive Impact Statement does not describe existing restraints and analyze the adequacy of the judgment in providing a remedy, but rather addresses only the *anticipated* curative effects on competition of the proposed final judgment. Similarly, the Competitive Impact Statement addresses only those curative competitive effects which were sought to be realized by the enactment and enforcement of Section 8.

The legislative materials used during Congress' consideration of and passage of Section 8 are helpful in identifying the competitive dangers sought to be remedied by the act. In 1914, President Wilson addressed Congress calling for the enactment of a law (the Clayton Act) which would prohibit interlocking directorates which . . . "in effect result in making those who borrow and those who lend practically one and the same, those who sell and those who buy but the same persons trading with one another under different names and in different combinations, and those who affect to compete in fact partners and masters of some whole field of business. . . ." Thus it was the potential for anticompetitive behavior by the interlocked corporations which Congress sought to remedy.

The Clayton Act imposed upon the Attorney General responsibility for the enforcement of Section 8 and consequently the responsibility to remedy the competitive dangers addressed by Congress in the act. It is the position of the Department of Justice that these are the only effects on competition which are properly reviewed by the Department in the Competitive Impact Statement.

If BankAmerica Corporation or its stockholders have suffered or will in the future suffer any injury as a result of Mr. Wasson's resignation from its Board of Directors and should it be determined through the pending litigation that his concurrent service on the Boards of Directors of the BankAmerica companies and the Prudential Insurance Company constitutes a violation of Section 8 of the Clayton Act, then the injury suffered would be only that which directly resulted from remedying a violation of that act. It is ordinarily not the role of the enforcement agency to balance speculative negative effects of the enforcement of a statute against its positive remedial effects. Such a balancing process has already been done by Congress particularly where, as here, Congress adopted a *per se* standard for a violation of Section 8. The injury, if such exists, is a price which Congress felt was necessary to pay in order to assure a free and competitive atmosphere in the board rooms of the nation's corporations.

In other respects, comment upon any competitive injury to the BankAmerica enterprise would be inappropriate. The Department of Justice has no reliable information from which it could conclude that the relief in the proposed final judgment would cause any injury to any corporation or individual stockholder. Indeed, it is the central thesis of the antitrust laws that unrestrained competition between many businesses acting unilaterally will yield the highest quality of products and services, the lowest prices, the best allocation of economic resources and the greatest material progress for all the citizens of the United States. (*Northern Pac. R. Co. v. United States*, 356 U.S. 1, 4 (1957)). Thus it is our expectation that the BankAmerica companies, the BankAmerica stockholders and other citizens of the nation will, in the long run, benefit from the elimination of this director interlock.

Additionally, the Department has no information that there exists any scarcity of prospective BankAmerica directors whose abilities and qualifications equal those of Mr. Wasson. It is reasonable to expect that other individuals, who do not have a concurrent fiduciary duty to a competing corporation, could serve as a director of the BankAmerica companies with skill and judgment equal to that of Mr. Wasson. Moreover, under the terms of the proposed judgment, BankAmerica could retain the services of Mr. Wasson if it could persuade him to terminate his association with Prudential.

Finally, the affidavit of Mr. Wasson (a copy of which is enclosed for your convenience) declares that Mr. Wasson had no invention of serving as a director of either of the BankAmerica corporations beyond March 18, 1976.

Thank you for your interest in this litigation and in the enforcement of the antitrust laws.

Sincerely yours,

CROSSAN R. ANDERSEN,
Attorney.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

United States of America, Plaintiff, v. Bankamerica Corporation; Bank of America National Trust & Savings Association; Bankers Trust New York Corporation; Bankers Trust Company; The Prudential Insurance Company of America; E. Hornsby Wasson; and Paul A. Gorman, Defendants. (Civil Action No. 75 2109 RFP.)

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State of California }
County of San Francisco } ss.

E. Hornsby Wasson, being first duly sworn, depoees and says:

1. I am a retired Chairman of the Board of Pacific Telephone and Telegraph Company and am currently Vice-Chairman of Stanford Research Institute with offices located at 1660 Crocker Plaza Building, San Francisco, California.

2. I was born on April 29, 1905.

3. Since April 3, 1962, I have served, and continue to serve, as a director of The Prudential Insurance Company of America (hereinafter "Prudential").

4. During the period February 21, 1967 to June 5, 1975, I served as a director of Bank of America National Trust and Savings Association (hereinafter "Bank of America"). (See Exhibit A, attached hereto and incorporated herein by reference). I was last elected to the position of director of Bank of America on March 18, 1975, at which time I was 69 years of age.

5. During the period March 18, 1969 to June 5, 1975, I served as a director of BankAmerica Corporation (hereinafter "BankAmerica"). (See Exhibit B, attached hereto and incorporated herein by reference). I was last elected to the position of director of BankAmerica on March 18, 1975, at which time I was 69 years of age.

6. Pursuant to the official retirement policy of the Bank of America, adopted by resolution of the Board of Directors on July 16, 1963, "No person shall be eligible for election or appointment as a director or advisory director of the Association after reaching the age of 70 years." (A copy of this resolution certified by the Secretary of Bank of America, is attached hereto as Exhibit C and incorporated herein by reference). Pursuant to the official retirement policy of BankAmerica, adopted by resolution of the Board of Directors on December 16, 1968, "No person shall be eligible to stand for election as a director of the Corporation after reaching the age of 70 years." (A copy of this resolution, certified by the Secretary of BankAmerica, is attached hereto as Exhibit D and incorporated herein by reference). I was aware of the retirement policies of both the Bank of America and BankAmerica during the tenure of my service as a director of those companies, and I had no intention or expectation of remaining a director of either of those companies beyond the expiration of my respective terms, March 18, 1976. In accordance with the retirement policies of the Bank of America and BankAmerica, I would have been ineligible for reelection or appointment as a director or advisory director of either the Bank of America or BankAmerica as of March 18, 1976 because I would be 70 years of age.

7. On or about May 27, 1975, I was advised of the possible institution of legal action against BankAmerica, Bank of America, Prudential and myself as a result of my simultaneous service upon the Board of Directors of the aforementioned companies. That was the first instance that I was ever made aware of any possible impropriety arising out of my simultaneous directorships of those companies. Whereupon, on June 5, 1975 I voluntarily resigned my positions as a member of the Board of Directors of Bank of America and BankAmerica to avoid any appearance of the possibility of improper conduct on my part. That decision was also a result of my knowing that I could not be reelected to the Board of Directors of either Bank of America or BankAmerica because of my age and their respective policies against electing anyone a director who was 70 years of age or older as of the date of his election.

8. I am no longer a director nor am I employed or consulted by either the Bank of America or BankAmerica.

9. Pursuant to the aforementioned official policies of Bank of America and BankAmerica, I am ineligible for further service as a director of either of those companies. Should the retirement policies with respect to members of the Board of Directors of either Bank of America or BankAmerica change at any time in the fuure, I will not, under any circumstances, accept a position or serve as a director of either Bank of America or BankAmerica so long as I am a director of Prudential.

AFFIDAVIT OF E. HORNSBY WASSON

10. At my present age, I have no intention of becoming involved as a member of the Board of Directors of any bank whatsoever.

11. I have never been a defendant in any other litigation involving Section 8 of the Clayton Act or any other federal antitrust law.

The foregoing statements are true and are based upon my own personal knowledge.

E. Hornsby Wasson.

Subscribed and sworn to before me this 5th day of January, 1976.

Halda M. Burket,
Notary Public.

EXHIBIT A

I, Jerry G. South, the duly appointed and qualified Secretary of Bank of America National Trust and Savings Association, a national banking association organized and existing under and by virtue of the laws of the United States of America, and having its principal place of business in the City and County of San Francisco, in the State of California, hereby certify and declare that E. Hornsby Wasson served as a director of Bank of America National Trust and Savings Association from February 21, 1967 to June 5, 1975.

In witness whereof, I have hereunto set my hand and affixed the seal of said Corporation on this 24th day of October, 1975.

Jerry G. South,
Secretary of Bank of America National Trust and Savings Association.

EXHIBIT B

I, Jerry G. South, the duly appointed and qualified Secretary of BankAmerica Corporation, a Delaware corporation, having its principal place of business in the City and County of San Francisco, in the State of California, hereby certify and declare that E. Hornsby Wasson served as a director of BankAmerica Corporation from March 18, 1969 to June 5, 1975.

In witness whereof, I have hereunto set my hand and affixed the seal of said Corporation on this 24th day of October, 1975.

Jerry G. South,
Secretary of BankAmerica Corporation.

EXHIBIT C

EXCERPT FROM RESOLUTION ESTABLISHING A RETIREMENT POLICY FOR BOARD OF DIRECTORS, COMMUNITY OFFICE AND REGIONAL ADVISORY BOARDS AND MANAGEMENT ADVISORY COUNCIL

"Resolved, That no person shall be eligible for election or appointment as a director or advisory director of the Association after reaching the age of 70 years.

Further resolved, That the following exceptions are hereby made to the foregoing limitation:

First, any person who was a director or advisory director of the Association on July 16, 1963 and had reached the age of 70 years as of such date shall not be ineligible for election or appointment to such offices by virtue of his or her age.

Second, that any person who was a director or advisory director of the Association and who would have attained the age of 70 years in less than five years after July 16, 1963 was eligible for election or appointment to such office, as the case may be, for the five terms of one year each after the term during which the date, July 16, 1963 occurred."

I, Jerry G. South, the duly appointed and qualified Secretary of Bank of America National Trust and Savings Association, a national banking association having its principal place of business in the City and County of San Francisco, in the State of California, hereby certify and declare that the foregoing is an excerpt from a resolution establishing a retirement policy for the Board of Directors, Community Office and Regional Advisory Boards and Management Advisory Council, all of said Bank; that such excerpt includes the provisions of said resolution applicable to the retirement of Directors and Advisory Directors of said Bank at age 70; that such resolution was adopted on July 16, 1963, and amended on December 16, 1968 and on February 18, 1975, by the Board of Directors of said Bank, in each case at a meeting at which a quorum was present and voted in favor of said resolution; and that such resolution has not been rescinded and that the same is still in full force and effect.

In witness whereof, I have hereunto set my hand and affixed the seal of said Bank on this 23rd day of October, 1975.

Jerry G. South,
Secretary of Bank of America National Trust and Savings Association.

RESOLUTION RE RETIREMENT POLICY

"Resolved, That no person shall be eligible to stand for election as a director of the Corporation after reaching the age of 70 years."

I, Jerry G. South, the duly appointed and qualified Secretary of BankAmerica Corporation, a Delaware corporation, having its principal place of business in the City and County of San Francisco, in the State of California, hereby certify and declare that the foregoing resolution is a full, true and correct copy of a resolution duly passed and adopted by the Board of Directors of said Corporation at a meeting thereof held on the 16th day of December, 1968, at which meeting a quorum of the Board of Directors was present and voted in favor of said resolution; that said resolution has not been rescinded and that the same is still in full force and effect.

In witness whereof, I have hereunto set may hand and affixed the seal of said Corporation on the 24th day of October, 1975.

Jerry G. South,
Secretary of BankAmerica Corporation.

[FR Doc.76-23026 Filed 8-6-76;8:45 am]

DEPARTMENT OF THE INTERIOR

National Park Service

[Order No. 1]

ADMINISTRATIVE ASSISTANT COLORADO NATIONAL MONUMENT, COLORADO

Delegation of Authority

Section 1. Administrative Assistant. The Administrative Assistant may issue purchase orders not in excess of $2,000 for supplies or equipment in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds.

(National Park Service Order No. 77, (38 FR 7478) as amended; Rocky Mountain Region Order No. 1 (39 FR 12369) as amended).

Dated: June 29, 1976.

Robert E. Benton,
Superintendent,
Colorado National Monument.

[FR Doc.76-23082 Filed 8-6-76;8:45 am]

[Order No. 1]

ADMINISTRATIVE OFFICER, ET AL., MESA VERDE NATIONAL PARK, COLORADO

Delegation of Authority

Section 1. *Administrative Officer.* The Administrative Officer may execute and approve contracts and/or purchase orders not in excess of $50,000 for construction, supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds.

Section 2. *Procurement Agent.* The Procurement Agent may execute and approve purchase orders not in excess of $10,000 for equipment, supplies and services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds.

Section 3. *Revocation.* This order supersedes Order No. 2, dated May 9, 1972, and published in 37 FR 12733 on June 28, 1972.

(National Park Service Order No. 77 (38 FR 7478) as amended; Rocky Mountain Region Order No. 1 (39 FR 12369) as amended).

Dated: June 28, 1976.

Ronald R. Switzer,
Superintendent,
Mesa Verde National Park.

[FR Doc.76-23083 Filed 8-6-76;8:45 am]

DEPARTMENT OF COMMERCE

Office of the Secretary

PRIVACY ACT OF 1974

Solicitation of Public Comment

The Department of Commerce announces the conduct of a general review of its implementation of the Privacy Act of 1974 (Pub. L. 93-579, 5 U.S.C. 552a), which went into effect on September 27, 1975.

This solicitation of public comment is an important part of the review. It fulfills the pledge made by the Department when its Rules (15 CFR 4b) and Systems of Records under the Act were first published in draft form in the Federal Register dated August 5, 1975:

Finally, the Department intends to solicit the public's views on its implementation of the Act during the Fall of 1976. A notice to that effect will be published in the Federal Register. Although not required, citizen comments should provide valuable insight as to the success, or shortcomings, of the Department's efforts to implement the Act fully. (40 FR 32971)

Neither the general review nor this solicitation are called for in the provisions of the Act. They derive, instead, from Commerce's considered and complete commitment to the underlying concept of the statute, i.e., the individual's right to privacy, and from the Department's desire to implement the law in a manner which is genuinely responsive to citizens' requests. Comment is solicited on all aspects of the Department's implementation. This includes, but need not be restricted to, the following:

(a) The Department's regulations, which are accounted for below;

(b) The Department's systems of records and their uses, also accounted for below;

(c) The Department's internal procedures which are set forth in Department Administrative Order 205-15, a copy of which may be obtained without charge by writing or calling the office named below; and

(d) An individual's experience in dealing with the Department on Privacy Act or related matters.

For the guidance and reference use of the public, all of the relevant materials which have been published to date by the Department are enumerated below, with brief descriptions.

A. Regulations

1. Aug. 5, 1975 Federal Register, pages 32960 through 32969—proposed implementation statement, proposed regulations and appendices.

2. Oct. 2, 1975 Federal Register, pages 45619 through 45633—adoption of regulations proposed Aug 5, appendices, and additional proposed regulations.

3. Oct. 30, 1975 Federal Register, page 50662—adoption of additional regulations proposed Oct. 2, and correction of typographical errors.

4. Nov. 3, 1975 Federal Register, page 51168—corrections to Oct. 2, 1975 materials.

B. Systems of Records

1. Aug. 5, 1975 Federal Register, pages 32970 through 33006—notice of systems of records, prefatory statement of general routine uses, exemptions, and individual system descriptions.

2. Oct. 2, 1975 Federal Register, pages 45634 through 45674—adoption of systems noticed Aug. 5, plus notice of proposed new system and expanded routine uses.

3. Nov. 3, 1975 Federal Register, page 51173—corrections to Oct. 2, 1975 materials.

4. Nov. 7, 1975 Federal Register, page 52074—adoption of new system and expanded routine uses noticed Oct. 2.

5. Nov. 26, 1975 Federal Register, page 54850—further corrections to Oct. 2, 1975 materials.

6. Dec. 11, 1975 Federal Register, pages 57701 through 57703—notice in reference to the Regional Action Planning Commissions.

7. June 10, 1976 Federal Register, page 23446—proposed new general routine use.

8. June 18, 1976 Federal Register, pages 24744 through 24745—correction to June 10, 1976 materials and a proposed additional system of records.

Comments should be addressed to the Assistant Secretary for Administration, U.S. Department of Commerce, Washington, D.C. 20230, and should be submitted no later than September 8, 1976. All comments received will be available for public inspection in the Information Management Division, Room 5026, Main Commerce Building, 14th Street between Constitution Avenue and E Street, N.W., Washington, D.C. Oral inquiries may be made by calling the Information Management Division at 202-377-4217.

Dated: July 28, 1976.

Elliot L. Richardson,
Secretary of Commerce.

[FR Doc.76-23087 Filed 8-6-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

ADVISORY COMMITTEES

Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National Advisory bodies scheduled to assemble during the month of September 1976:

Mental Health Small Grant Committee

September 16; 1 p.m., and September 17-18; 8:30 a.m.

Parlor A and the Oak Room, Burlington Hotel, Vermont Avenue at Thomas Circle, NW., Washington, D.C.

Open—September 16, 4-5 p.m. Closed—Otherwise.

Contact Mary E. Enyart, Room 10C-14, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, 301-443-4337.

Purpose: The Committee is charged with the initial review of small grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to mental health research and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 4 to 5 p.m., September 16, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of sections 552(b)(5) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

Drug Abuse Demonstration Review Committee

September 22-24; 9 a.m.

Conference Room 873, Rockwall Building, Rockville, Maryland.

Open—September 22, 9-10 a.m. Closed—Otherwise.

Contact Ms. Peggy Thompson, Room 628, Rockwall Building, 11400 Rockville Pike, Rockville, Maryland 20852, 301-443-4503.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute on Drug Abuse relating to demonstration ac-

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tivities and makes recommendations to the National Advisory Council on Drug Abuse for final review.

Agenda: From 9 to 10 a.m., September 22, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552(b)(5) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463 (5 U.S.C. App. I).

CRIME AND DELINQUENCY REVIEW COMMITTEE

SEPTEMBER 29-30, OCTOBER 1; 9 A.M.

Plaza Room, Dupont Plaza Hotel, 1500 New Hampshire Avenue, N.W., Washington, D.C.

Open—September 29, 9:00-10:15 a.m. Closed—Otherwise.

Contact Carol Beall, Room 18C-04, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, 301-443-3728.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research and training activities in crime and delinquency, law and mental health interactions, and individual violent behavior and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9 to 10:15 a.m., September 29, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assisfance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552(b)(5) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

Substantive information may be obtained from the contact persons listed above.

The NIDA Information Officer who will furnish summaries of the meeting and rosters of the Committee members is Mr. Joshua Hammong, Program Information Officer for Drug Abuse, NIDA, Room 814, Rockwall Building, 11400 Rockville Pike, Rockville, Maryland 20852, 301-443-6458. The NIMH Information Officer who will furnish summaries of the meetings and rosters of the Committee members is Mr. Edwin Long, Deputy Director, Division of Scientific and Public Information, NIMH, Room 15-105, Parklawn Building, 5600 Fisheries Lane, Rockville, Maryland 20852, 301-443-3600.

Dated: August 3, 1976.

CAROLYN T. EVANS,
Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.76-23066 Filed 8-6-76;8:45 am]

COMMITTEE ON MENTAL HEALTH AND ILLNESS OF THE ELDERLY

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National Advisory body scheduled to assemble during the month of September 1976:

COMMITTEE ON MENTAL HEALTH AND ILLNESS OF THE ELDERLY

SEPTEMBER 9-10; 9:30 A.M.

Conference Room G, Parklawn Building, Rockville, Maryland.

Open meeting.

Contact Dr. Gene Cohen, Room 18-97, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, 301-443-3726.

Purpose: The Committee on Mental Health and Illness of the Elderly will study and make recommendations to the Secretary, HEW, respecting: (1) the future needs for mental health facilities, manpower, research, and training to meet the mental health care needs of elderly persons; (2) the appropriate care of elderly persons who are in mental institutions or who have been discharged from such institutions; and (3) proposals for implementing the recommendations of the 1971 White House Conference on Aging respecting the mental health of the elderly. A report on the findings and recommendations of this Committee shall be submitted by the Secretary, HEW, to the Senate Committee on Labor and Public Welfare and to the House Committee on Interstate and Foreign Commerce; the Committee shall terminate 30 days after submission of the report.

Agenda: The September 9-10 meeting of the Committee (the first of five 2-day meetings planned to accomplish its purpose) will be open to the public. On Thursday, September 9, discussion will include the development, coordination and evaluation of programs of research, training, and services related to the mental health of the aging, including collaborative efforts with the newly-established Center for Studies of the Mental Health of the Aging, Division of Special Mental Health Programs, National Institute of Mental Health; Administration on Aging, HEW; the National Institute on Aging, National Institutes of Health; and other relevant offices and agencies in HEW and the Federal Government. On Friday, September 10, discussion will be devoted to general mental health issues in the area of aging as they relate to the work of the Committee, including attention to proposals for implementing the recommendations on mental health concerns of the 1971 White House Conference on Aging.

Attendance by the public will be limited to space available.

Substantive information may be obtained from the contact person listed above.

The NIMH Information Officer who will furnish summaries of the meeting and rosters of the Committee members is Mr. Edwin Long, Deputy Director, Division of Scientific and Public Information, NIMH, Room 15-105, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, 301-443-3600.

Dated: August 3, 1976.

CAROLYN T. EVANS,
Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.76-23067 Filed 8-6-76;8:45 am]

Food and Drug Administration

[Docket No. 75F-0208]

NALCO CHEMICAL CO.

Withdrawal of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b), 72 Stat. 1786 (21 U.S.C. 348(b))), the following notice is issued:

In accordance with § 121.52 Withdrawal of petitions without prejudice of the procedural food additive regulations (21 CFR 121.52), Nalco Chemical Co., 2901 Butterfield Rd., Oak Brook, IL 60521, has withdrawn its petition (FAP 5H3110), notice of which was published in the FEDERAL REGISTER of Sept. 3, 1975 (40 FR 40568), proposing that § 121.1225 Adjuvants for pesticide use dilutions (21 CFR 121.1225) be amended to provide for the safe use of a sodium acrylate and acrylamide copolymer as a drift control agent to be added by a grower or applicator to fungicide formulations before applying to growing crops.

The Environmental Protection Agency amended, in the FEDERAL REGISTER of September 2, 1975 (40 FR 40161), § 180.1001 Exemptions from the requirement of a tolerance (40 CFR 180.1001) to provide for the use of acrylamide-sodium acrylate resins as thickeners in pesticide formulations applied to growing crops. Therefore, the proposed use of sodium acrylate and acrylamide copolymer is exempted from the requirement of a tolerance pursuant to § 121.102 (21 CFR 121.102) of the food additive regulations.

Dated: August 2, 1976.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.76-23069 Filed 8-6-76;8:45 am]

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

Meeting

Notice is hereby given, pursuant to PL 92-463, that the next meeting of the National Advisory Council on the Education of Disadvantaged Children will be held on Friday, August 27 and on Saturday, August 28, 1976. The meeting on August 27 will be held from 9:00 a.m.-5:30 p.m.; and, on August 28, the meeting will start at 9:00 a.m. and end at 1:00 p.m. The two-day meeting will be held at 425 Thirteenth Street, N.W., Suite 1012, Washington, D.C. 20004.

The National Advisory Council on the Education of Disadvantaged Children is established under section 148 of the Elementary and Secondary Act (20 U.S.C. 2411) to advise the President and the Congress on the effectiveness of compensatory education to improve the educational attainment of disadvantaged children.

The main purpose of the meeting is to hear committee reports, to hold an orientation session for the September 10-11, 1976 meeting at Pineridge and Rosebud Indian Reservations in South Dakota, and to report on the Missouri *Wheeler-Barrera* Case.

Because of limited space, all persons wishing to attend should call for reservations by August 20, 1976, area code 202/382-6945.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the National Advisory Council on the Education of Disadvantaged Children, located at 425 Thirteenth Street, N.W., Suite 1012, Washington, D.C. 20004.

Signed at Washington, D.C. on August 3, 1976.

ROBERTA LOVENHEIM,
Executive Director.

[FR Doc.76-22980 Filed 8-6-76;8:45 am]

National Institute of Education

ADVISORY COMMITTEES

Notice of Change in Meeting Dates

Pursuant to the provisions of Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), a notice of meeting of the Panel on Education and Work of the National Institute of Education was published on page 32285 of the FEDERAL REGISTER of August 2, 1976.

The scheduled meeting dates are changed from August 17-19, 1976, to August 18-19, 1976. The open session of the meeting which was scheduled for August 17 will be held on August 18 from 9:00 to 10:30 a.m.

For additional information about this meeting, please contact Ivan Charner, Telephone: 202-254-5470.

Dated: August 3, 1976

RICHARD S. WERKSMAN,
Committee Management Officer, National Institute of Education.

[FR Doc.76-23081 Filed 8-6-76;8:45 am]

Social and Rehabilitation Service

WORK INCENTIVE PROGRAM

Social and Supportive Services

Notice is hereby given of reapportioned annual limits of entitlement for States for Federal financial participation in expenditures under the Work Incentive (WIN) Program pursuant to Section 402(a)(19)(G) and 403(d) of the Social Security Act, 42 U.S.C. § 602(a)(19)(G) and 603(d), for Fiscal Year 1976 (July 1, 1975 through June 30, 1976). The reapportioned annual limits of entitlement promulgated herein replace and supersede the limits of entitlement which were published in the FEDERAL REGISTER on March 26, 1976 (41 FR 12733). These reapportioned limits are based on a survey of States' Fiscal Year 1976 WIN Program needs which was completed on July 25, 1976, in accordance with Action Transmittal SRS-AT-76-112 dated July 8, 1976.

No response was received from 19 States by the July 25, 1976, deadline; the limits of entitlement for Fiscal Year 1976 for these 19 States remain the same as those published on March 26, 1976. Three States made estimates of Fiscal Year 1976 expenditures equal to their limits of entitlement for Fiscal Year 1976. Of the remaining 32 States, 12 States made estimates for Fiscal Year 1976 totalling $5,476,456 less than their previous Fiscal Year 1976 limit. Of these 12 States, 7 States requested that $1,086,043 be added to their limits of entitlement for the Transition Quarter, leaving $4,390,413 available for redistribution among the remaining 20 States whose Fiscal Year 1976 estimates exceeded the limits published on March 26, 1976, by $12,069,866. Since the $4,390,413 available for redistribution was less than the $12,069,866 by which the estimates exceeded the current limits, the $4,390,413 was redistributed according to the methodology outlined in SRS-AT-76-112.

Requests for Federal financial participation in expenditures incurred pursuant to Section 402(a)(19)(G) and 403(d) of the Social Security Act during the period July 1, 1975, through June 30, 1976, will be honored only to the extent of limits as follows:

Alabama	$1,295,158
Alaska	546,433
Arizona	1,419,200
Arkansas	817,517
California	8,226,461
Colorado	1,500,000
Connecticut	1,245,000
Delaware	420,000
District of Columbia	1,656,185
Florida	2,534,035
Georgia	3,394,515
Hawaii	538,767
Idaho	651,842
Illinois	4,643,132
Indiana	1,105,000
Iowa	1,183,000
Kansas	1,006,724
Kentucky	1,214,134
Louisiana	1,132,287
Maine	747,829
Maryland	2,781,308
Massachusetts	2,914,460
Michigan	11,429,240
Minnesota	2,052,392
Mississippi	660,000
Missouri	2,408,436
Montana	494,452
Nebraska	484,288
Nevada	214,876
New Hampshire	230,741
New Jersey	7,932,388
New Mexico	477,199
New York	12,593,014
North Carolina	1,702,311
North Dakota	316,899
Ohio	3,158,736
Oklahoma	950,140
Oregon	2,063,599
Pennsylvania	4,644,020
Rhode Island	918,418
South Carolina	1,046,127
South Dakota	577,847
Tennessee	1,121,300
Texas	3,615,493
Utah	1,625,958
Vermont	600,354
Virginia	1,401,227
Washington	2,590,155
West Virginia	1,957,122
Wisconsin	3,921,485
Wyoming	159,627
Guam	58,681
Puerto Rico	1,449,445
Virginia Islands	65,000
Total	113,913,957

Dated: August 2, 1976.

ROBERT FULTON,
Administrator, Social and Rehabilitation Service.

[FR Doc.76-23101 Filed 8-6-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Assistant Secretary for Consumer Affairs and Regulatory Functions

[Docket No. N-76-575]

NATIONAL MOBILE HOME ADVISORY COUNCIL

Meeting

In accordance with Section 605 of Title VI of the Housing and Community Development Act of 1974 (Pub. L. 93-383) and Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following meeting of the National Mobile Home Advisory Council:

The National Mobile Home Advisory Council will observe a National Bureau of Standards mobile home demonstration of egress windows, wind research and fire safety on the morning of August 31, 1976. The meeting of the Advisory Council is open to the public and will convene in Room 10233, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410 at 2:00 P.M., on August 31, 1976.

MEETING AGENDA

AUGUST 31, 1976

2:00 p.m.—Opening Remarks and Introduction of National Mobile Home Advisory Council, Constance B. Newman, Assistant Secretary, Consumer Affairs and Regulatory Functions.

Report from NBS on Mobile Home Demonstration and PD&R research, J. C. McCollum, HUD, PD&R.

Adjournment—To convene at 9:00 on September 1, 1976.

SEPTEMBER 1, 1976

9:00 A.M.—Opening Remarks, Harvey Weiner, Acting Deputy Assistant Secretary for Regulatory Functions.

Mobile Home Standards Division Organizational Structure, Harvey Weiner, Acting Deputy Assistant Secretary for Regulatory Functions.

Mobile Home Consumer Manual Requirements—Proposed Rules, Harvey Weiner, Acting Deputy Assistant Secretary for Regulatory Functions; William Jordan, HUD Office of General Counsel and Pertinent Mobile Home Standards Division Staff.

Other Mobile Home Standards Business, Harvey Weiner, Acting Deputy Assistant Secretary for Regulatory Functions.

5:00 P.M.—Adjournment.

Any member of the public may file a written statement with the Council before, during, or after the meeting. To the extent that time permits, the Chairman of the Council may allow public presentation of oral statements during the meeting.

All communications regarding this Advisory Council meeting should be addressed to:

Robert G. Hoag, Committee Management Officer, Room 227, Arlington Towers, Department of Housing and Urban Development, Washington, D.C. 20410.

Issued at Washington, D.C., on August 3, 1976.

CONSTANCE B. NEWMAN,
Assistant Secretary for Consumer Affairs and Regulatory Functions.

[FR Doc.76-23130 Filed 8-6-76;8:45 am]

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Federal Disaster Assistance Administration

[Docket No. NFD–354; FDAA–517–DR]

COLORADO

Major Disaster and Related Determinations

Pursuant to the authority vested in the Secertary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–74–285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on August 2, 1976, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Colorado resulting from severe storms, flash flooding, mudslides, and landslides beginning about July 31, 1976, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93–288. I therefore declare that such a major disaster exists in the State of Colorado.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–74–285, I hereby appoint Mr. Donald G. Eddy, HUD Region VIII, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following area of the State of Colorado to have been adversely affected by this declared major disaster:

The County of Larimer

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: August 2, 1976.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.76–23131 Filed 8–6–76;8:45 am]

[Docket No. NFD–355; FDAA–506–DR]

NORTHERN MARIANA ISLANDS

Amendment to Notice of Major Disaster

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary of Department of Housing and Urban Development Delegation of Authority, Docket No. D–74–285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on July 31, 1976, the President amended his major disaster declaration of June 17, 1976, as follows:

I hereby amend my June 17, 1976, declaration of a "major disaster" for the Northern Mariana Islands to read as follows:

I have determined that the damage in certain areas of the Northern Mariana Islands resulting from Typhoon Pamela, beginning about May 20, 1976, and from Typhoon Therese, beginning about July 13, 1976, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93–288. I therefore declare that such a major disaster exists in the Northern Mariana Islands.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–74–285, I hereby appoint Mr. Robert C. Stevens, HUD Region IX, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following area to have been adversely affected by this declared major disaster:

Northern Mariana Islands

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: August 2, 1976.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.76–23132 Filed 8–6–76;8:45 am]

CIVIL AERONAUTICS BOARD

[Order 76–8–17; Docket 29198]

ALASKA AIRLINES, INC., ET AL.

Domestic Passenger-Fare Increase

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 3rd day of August, 1976.

By Order 76–4–180, the Board suspended a proposal by Alaska Airlines, Inc. (Alaska) to increase 48-state-Alaska fares and southeast Alaska fares for jet aircraft by three percent effective May 1, 1976.[1] Alaska has filed a petition for reconsideration of that order, requesting that the Board vacate its suspension.[2]

Alaska contends that the 4.2 percent cost-inflation factor used by the Board is unrealistic and far below that used by the Board in evaluating other recent fare increases, pointing out that in permitting the mainland-Hawaii carriers to increase their promotional fares on May 1, 1976 (the same effective date of the proposed Alaska increases) the Board used an annual cost-inflation factor of 7.6 percent. The Hawaiian entity includes Alaska's three competitors—Northwest, Pan American, and Western. The Board also approved a domestic fare increase at that time predicated on an annual inflation rate of 5.9 percent. Alaska alleges that the Board's inflation estimate is flawed because it did not isolate (or ignore) nonrecurring equipment changes made by it and Western in 1975, which exerted downward pressure on available seat-mile costs. Alaska urges the use of a 7.6 percent inflation factor—the same as used by the Board in the mainland-Hawaii entity.

Alaska further contends that the Board's use of the revenue-offset approach to eliminate consideration of belly-cargo revenues significantly understates both passenger expenses and related investment; the direct effect is to attribute the entire and, in the states-Alaska market, not insubstantial profit from belly-cargo operations to passenger operations. Since belly-cargo revenue amounts to 18.45 percent of the total revenue in the states-Alaska market, the Board's methodology significantly understates passenger expenses. The carrier alleges that the cargo adjustment is further aggravated by reducing the investment base for passenger service by $26.8 million (or 24.6 percent of total investment base) to eliminate belly-cargo investment. It contends that, if the Board is going to saddle the passenger operations with belly-cargo profit, then the related belly-cargo investment must stay with the passenger operations, an adjustment which Alaska computes would reduce return on investment (ROI) from 12.6 to 9.5 percent.

Finally, Alaska contends that Pan American's mainland-Alaska investment base as computed by the Board is seriously understated, as evidenced by a comparison of capital turnover ratio (ratio of operating revenues to investment base) produced by the Board's computations with the same ratio for the carrier's domestic system.[3] The Board's computations produce a ratio of 2.27, versus 1.31 for its domestic system (the combination of its Alaskan and Hawaiian operations). In addition, Alaska cites a letter filed in this docket in which Pan American claims that investment assignable to Alaska services should be approximately $1.5 million higher than that used by the Board. Pan American bases its investment figure on an allocation of system investment found in the Board's Interim Financial Report for December 1975, allocated to Alaska based upon relative total expense levels.

Taking into account the foregoing three "adjustments," Alaska contends that the ROI for the states-Alaska entity becomes 8.96 percent without an increase (based on calendar 1975 data adjusted to the tariff effective date), and 11.55 percent after the requested fare increase (net of demand elasticity of −0.7), and including $2.15 million in subsidy for Alaska Airlines.

Upon consideration of the petition for reconsideration, and all other relevant facts, the Board concludes that Alaska has failed to put forth facts sufficient to warrant vacating the suspension of the fare increases, and, accordingly, the petition will be denied.

Alaska challenges the inflation factor employed by the Board, claiming that it

[1] The matching increases filed by Northwest Airlines, Inc. (Northwest) and Western Air Lines, Inc. (Western) in the states-Alaska market were also suspended.

[2] Northwest has filed an answer in support of Alaska's petition.

[3] Subsequent to issuance of Order 76–4–180, Pan American World Airways, Inc. (Pan American) advised the Board (by letter dated May 21, 1976) that its reporting of states-Alaska revenues was in error and it has filed revised reports. These revisions have been reflected in the Board's recomputation of entity return on investment (ROI) infra.

is out of line with those used in other operating entities. The inflation factor employed in this case was derived from data applicable to the states-Alaska operations of the four carriers involved, and has nothing whatever to do with 48-state or mainland-Hawaii operations. Fuel costs, for example, are reported for the states-Alaska stations and there is clearly no reason to use other data. In contending that available seat-mile costs are atypically low because of the equipment changes made by Alaska and Western during the latter part of 1974 and 1975, Alaska would, in effect, have the Board ignore productivity improvements in estimating the overall inflation factor.[4] Again there is simply no justification for doing so.[5]

Turning to the question of Pan American's investment, the fact that Pan American's states-Alaska service capital turnover ratio is higher than its overall domestic ratio does not necessarily demonstrate that the investment derived by the Board for Pan American is correct. Among other factors, Pan American operates older, more fully depreciated B–707 equipment in its Alaska services, whereas a very significant portion of its investment in the remainder of its domestic system (Hawaii) is newer, higher-valued, B–747 equipment. Consequently, the difference in the respective ratios is not surprising. By the same token, use of the investment figure cited in the Board's Interim Financial Report, which it then allocates to Alaska based on relative expenses, similarly overstates Alaskan investment due to the operation of highly depreciated B–707 equipment in this service.[6]

As for the ratemaking treatment of belly cargo, the Board recently reconsidered this issue and concluded that it had erroneously excluded belly-cargo investment in determining passenger service ROI. (Order 76–7–13.) Accordingly, we have similarly revised the Alaska ROI computation by adding back the previously excluded belly-cargo investment and interest expense related thereto.

After reflecting the belly-cargo adjustment, and further adjusting Alaska's operating expenses,[7] the Board calculates that the ratemaking ROI for the states-Alaska entity would be 13.16 percent with the requested three percent general increase. This ROI does not justify the proposed increase. (See Appendix A.)[8]

The myriad problems the Board has had to confront in dealing with this fare matter, many of which were discussed in Order 76–4–180, emphasize the necessity to subject this ratemaking entity to the scrutiny of a full evidentiary hearing and we intend to do so. We note, for example, the substantial disparity between Pan American, on the one hand, and the balance of the carriers, on the other, in terms of profitability and rate of return and expect the investigation we are setting down to provide a thorough evaluation of these differences.[9] Much of the difficulty which has arisen has related to the unavailability of critical data, and in sufficiencies in the material which is available.[10] For example, the carriers argue for an Alaskan cost differential of up to 20 percent, yet provide the sketchiest "support" for such a proposal. In short, the Board needs more precise information than it has had to date regarding those aspects of the states-Alaska operation which tend to increase carrier costs, if indeed they do, as well as those which result in more efficient operations. Finally, this is the only major ratemaking entity in which ratemaking standards have not been developed.[11]

Accordingly, pursuant to the Federal Aviation Act of 1958, *It is ordered*, That:

1. The petition of Alaska Airlines, Inc. for reconsideration of Order 76–4–180 is hereby denied;

2. An investigation is instituted to determine whether the rates, charges, and provisions applicable to Pan American World Airways, Inc., between Fairbanks, on the one hand, and New York, on the other, shown on 1st Revised Pages 139, 140, and 141 of Airline Tariff Publishing Company, Agent, Tariff C.A.B. No. 258, and the rules, regulations, or practices affecting such rates, charges, and provisions, including subsequent revisions or reissues thereof, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, or otherwise unlawful, and, if found to be unlawful, to determine and prescribe the lawful rates, charges, and provisions and rules, regulations, and practices affecting such provisions;

3. The investigation ordered in paragraph 2 is consolidated into Docket 29198, and that investigation is hereby entitled the Alaska Fares Investigation;

4. Pan American World Airways, Inc. is hereby made party to the investigation in Docket 29198;

5. Copies of this order be served upon Alaska Airlines, Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., and Western Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76–23114 Filed 8–6–76;8:45 am]

[Order 76–8–18; Docket 21866–9]

UNITED AIR LINES, INC.

Domestic Passenger-Fare Investigation, Phase 9 Fare Structure; Order to Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 4th day of August, 1976.

In the Domestic Passenger-Fare Investigation—Phase 9 (DPFI),[1] the Board termined that coach fares should be based upon a multielement formula and a variable line-haul charge. Various parties petitioned the Board for reconsideration and the Board confirmed its earlier conclusions in Order 74–12–109, December 27, 1974. Both orders reserved the Board's jurisdiction to "amend, modify, or revoke, with or without hearing, upon petition, or upon its own motion" the findings summarized above.

United Air Lines, Inc. (United) has now petitioned the Board to modify the above-cited orders to:

(1) Delete the proviso language of Paragraph 16 of Order 74–3–82 and of Paragraph 11 of Order 74–12–109 (whereby the Board retained jurisdiction to amend, modify etc. the prescriptive paragraphs of the Phase 9 decisions), and hereafter disregard the prohibition against individual fare filings in Order 74–3–82; or

(2) Modify Paragraph 12(b) of Order 74–3–82 and Paragraph 2(b) of Order 74–12–109 (which require carriers to file

[1] Order 74–3–82, March 18, 1974.

[4] Alaska would have the Board use the higher mainland-Hawaii inflation factor since, among other things, three of the four carriers operating in the states-Alaska market also operate in the mainland-Hawaii market. There is little or no merit in this argument because the Hawaiian inflation factor is heavily influenced by United Air Lines, Inc., a carrier with a high inflation factor which does not operate to Alaska. In any event, the nonfuel inflation factor used in the Board's computations for Northwest, Pan American, and Western is the same as that used in computing the mainland-Hawaii inflation factor.

[5] Alaska's argument actually works to its disadvantage. The Board recomputed the inflation factor by substituting recently acquired B–727 equipment for its previously operated B–720 equipment at the carrier's 1974 unit-cost levels for the B–727's with the result that available seat-mile costs were actually lower with the B–720 equipment.

[6] Moreover, the Board's determination of Pan American's "domestic" investment in the cited report differs from the methodology used for Domestic Passenger-Fare Investigation purposes, which was here used by the Board.

[7] In constructing Alaska's passenger-service results in Order 76–4–180, the Board used unit operating results furnished by Alaska which were for the year ended September 1975. Subsequent to the issuance of that order, the Board has obtained cost data for the fourth quarter of 1975, and has recast the Alaska results to reflect these more up-to-date costs. The end result is a slightly higher level of expenses for Alaska Airlines.

[8] Appendix A filed as part of original document.

[9] Pan American realized a negative return of 7.72 percent in calendar year 1975, whereas each of the other mainland-Alaska carriers realized returns in excess of 13 percent. Excluding Pan American, the entity return under existing rates, adjusted for cost escalation, is 13.05 percent.

[10] The carriers' justifications leave much to be desired, particularly in detailing and supporting states-Alaska results.

[11] The carriers' jurisdictions leave much to New York and Fairbanks were not at issue in Order 76–4–180. We will herein order an investigation of those fares and consolidate it into Docket 29198 so that the proceeding will encompass the entire ratemaking entity.

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the DPFI formula fares), if the Board deems such action necessary; and

(3) Take whatever other action the Board deems necessary to recognize the right of a carrier to file individual tariffs, in individual markets, for the purpose of meeting the competition of lower fares in those markets.

In support of its petition, United alleges that "the Board's prohibition of individual fare filings is contrary to the Federal Aviation Act" (Act); that certain conclusions of law from which the Board derived its authority to prescribe general ratemaking standards and principles are erroneous; that the Board's intention was to effect a practical solution to the problem of tailoring individual fares, on a market-by-market basis, to the individual characteristics of each carrier, and was not to proscribe any and all deviation from one specific fare formula; and that as a practical matter the inflexibility of the Board's formula approach is burdensome in that its competitive corollary is a required unanimity among members of a highly divisive industry. United notes that the Board has previously found warranted an ad hoc exemption equivalent to the permanent authority it seeks here; [2] that permission to file nonformula tariffs in individual markets would be consistent with the Board's long-standing policy of allowing carriers to adjust fares to "meet competition"; and that under the present system the pressures of competition can deny a carrier revenue relief to which it is properly entitled under the Board's own ratemaking standards.

American Airlines, Inc. (American) and Continental Air Lines, Inc. (Continental) have answered in support of United's position. Both allege, inter alia, that nonuniform tariff effective dates among the various carriers for general fare increases have led to adverising claims bordering on the deceptive; that the Board has recently granted similar temporary exemption authority; that if the Board fails to make the proposed modifications "carriers would have to withdraw fully justified systemwide fare increases when they are not matched in a few specific markets * * * forc(ing) (them) to forego needed additional revenue * * *"; that the Board's proscription of individual fare filings not consistent with industrywide fares is contrary to the Act; and that "the Board's effort to force all carriers to file the exact same fare in every market is inconsistent with the competitive mandate of the Act, and inconsistent with the carriers' real world need for flexibility in setting fares to cope with constantly changing economic conditions."

North Central Airlines, Inc. (North Central) has answered in qualified support, asserting agreement with the general principle that the Board "grant air carriers flexibility to withdraw fare increases in specific markets * * * where such increases have not been met by other carriers" but opposing fare reductions in individual markets unrelated to that circumstances. Northwest Airlines Inc. (Northwest) has answered that the Board should not act "on the basis of the skimpy record produced by United's petition and the quickly prepared answers thereto," and requests that the matter be set for hearing.

Other than rearguing the lawfulness of the Board's Phase 9 decision, United has advanced no reasons for its request to terminate the Board's retention of jurisdiction of the prescriptive provisions of the Phase 9 decisions. In our decision in that proceeding we concluded that "the Board has the power to issue an order fixing rates for the future and to reject tariffs which are inconsistent with such Board-prescribed fares." The arguments now advanced by United to the contrary were exhaustively treated in our opinion, Order 74–3–82, p. 172. See also Order 74–12–109, p. 33. We are not persuaded against reaffirmation of those findings.[3]

Moreover, for the reasons which prompted adoption of a mileage-related formula, we are unable to grant United's alternative request for freedom to implement individual fares in individual markets. That request is not tied to exceptions to Board-approved fare increases for the purpose of meeting competitors who elect not to increase their fares, and would essentially permit a return to the pre-Phase 9 situation of an erratic and inequitable structure of fares, a posture the Board sought to correct in the DPFI.

At the same time, we recognize that implementation of fare increases found justifiable by the Board on the basis of industry revenue need can present difficult problems if required to be implemented on an "all-or-nothing basis" when other carriers have not filed or have delayed filing the fare increase. Accordingly, we have tentatively concluded that grant of United's petition would be appropriate to the extent that it requests blanket application of the ad hoc exemption authority granted by Order 76–2–98, February 25, 1976, for the reasons set forth therein. The circumstance which led to the issuance of that authority was the lack of uniformity in effective dates of industrywide tariffs filed for a general domestic passenger-fare increase. Such a circumstance can readily reoccur, and indeed has. It is also possible that situations may arise in which one or more carriers may elect to forego an increase altogether even though justified on an industry basis under the Board's ratemaking standards.

While we have tentatively concluded to permit this deviation from the Phase 9 rule, the Board is not prepared to permit this managerial latitude to develop into a two-tiered price structure, in which fares in monopoly markets are cross-subsidizing low fares on competitive routes. For ratemaking purposes, the Board will treat a fare increase as if it had been in effect for all carriers in all markets from the date implemented by even a single carrier. This is a natural extension of past practice where, in the face of varying effective dates, the Board has annualized the ratemaking calculations for a general fare increase from a single consolidated date. We will also entertain comment on the specific nature of this adjustment.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 204(a), 403, 404, and 1002 thereof, *It is ordered*, That:

1. All interested persons and all scheduled certificated air carriers are hereby directed to show cause why the Board should not make final its tentative findings and conclusions herein and amend Paragraph 2 of Order 74–12–109 (Domestic Passenger-Fare Investigation—Phase 9) to add, at the end of the paragraph, the following:

; and provided further that in implementing a Board-approved general fare increase, carriers may except particular markets to match competitors' fares.

All objections to this paragraph shall be filed within 20 days after the date of service of this order and responses to objections shall be filed within 10 days thereafter;

2. Parties requesting a hearing in this matter shall set forth in detail the reasons therefor, accompanied by a statement of the facts they intend to develop in a hearing; thus Northwest's unexplicated request for hearing will be denied; and

3. Copies of this order be served upon all parties to the Domestic Passenger-Fare Investigation, Docket 21866–9.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76–23115 Filed 8–6–76;8:45 am]

[2] Order 76–2–98, February 25, 1976.

[3] Cf., *United Air Lines, Inc.* v. *C.A.B.*, C.A. 7, No. 73–1017, July 2, 1975

CIVIL RIGHTS COMMISSION

ILLINOIS ADVISORY COMMITTEE

Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Illinois Advisory Committee (SAC) to this Commission will convene at 9:00 a.m. and end at 6:00 p.m. on August 31, 1976, at the Mid-Western Regional Office Conference Room #3251, Chicago, Illinois 60604.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mid-Western Regional Office, of the Commission, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting is to discuss projects for fiscal year 1977 and plan for Education Conference involving Community Organizations in Chicago.

This meetnig will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., August 2, 1976.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.76–23108 Filed 8–6–76;8:45 am]

KANSAS/MISSOURI ADVISORY COMMITTEE

Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Kansas/Missouri Advisory Committee (SAC) to this Commission will convene at 7:00 p.m. and end at 10:00 p.m. on September 1, 1976, at the Linwood Multi-Purpose Center, 3200 Wayne, Room W–105, Kansas City, Missouri.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Central States Regional Office of the Commission, Old Federal Office Building, Rm. 3103, 911 Walnut Street, Kansas City, Missouri 64106.

The purpose of this meeting is a planning session.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., August 3, 1976.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.76–23107 Filed 8–6–76;8:45 am]

NORTH CAROLINA ADVISORY COMMITTEE

Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the North Carolina Advisory Committee (SAC) to this Commission will convene at 1:30 pm. and end at 7:00 pm. on August 27, 1976, at the Soul City Boulevard, Soul Tech I Building, Soul City, North Carolina 27553.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Southern Regional Office of the Commission, Citizens Trust Bank Building, Room 362, 75 Piedmont Avenue NE., Atlanta, Georgia 30303.

The purpose of this meeting is to plan for a study on the jury selection process in the state of North Carolina.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., August 4, 1976.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.76–23105 Filed 8–6–76;8:45 am]

MICHIGAN ADVISORY COMMITTEE

Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Michigan Advisory Committee (SAC) to this Commission will convene at 1:00 p.m. and end at 5:30 p.m. on August 20, 1976, at the Kalamazoo Center Inn, Room J, Second Level, 100 West Michigan Ave., Kalamazoo, Michigan 49006.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mid-Western Regional Office of the Commission, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting: (1) Followup to Model Cities Report; (2) Review of Sault Ste Marie draft report; (3) Future planning, etc.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., August 3, 1976.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.76–23106 Filed 8–6–76;8:45 am]

MONTANA ADVISORY COMMITTEE

Cancellation of Meeting

Notice is hereby given, pursuant to the Rules and Regulations of the U.S. Commission on Civil Rights, that the meeting scheduled for September 11, 1976, of the Montana Advisory Committee (SAC) to the Commission published in the FEDERAL REGISTER on Wednesday, July 21, 1976, on page 30055 (FR Doc. 76–21094) is hereby cancelled.

Dated at Washington, D.C., August 3, 1976.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.76–23110 Filed 8–6–76;8:45 am]

VIRGINIA ADVISORY COMMITTEE

Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Virginia Advisory Committee (SAC) to this Commission will convene at 12:00 noon and end at 2:30 p.m. on August 26, 1976, at the Golden Eagle Motor Inn, 7th and Marshall Streets, Richmond, Virginia.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, 2120 L Street, NW., Room 510, Washington, D.C. 20037.

The purpose of this meeting is to discuss the Commission's national study on school desegregation and to plan activities for the State Advisory Committee.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., August 3, 1976.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.76–23109 Filed 8–6–76;8:45 am]

COMMODITY FUTURES TRADING COMMISSION

INDEMNIFICATION OF FXCHANGE OFFICIALS

Supplemental Notice of Comment

In the July 16, 1976, issue of the FEDERAL REGISTER, 41 Fed. Reg. 29474, the Commodity Futures Trading Commission published a statement that the Commission believes it would be against public policy, as expressed in the Commodity Exchange Act, as amended ("Act"), for an exchange designated as a contract market by the Commission directly or indirectly to indemnify its officials for a civil penalty imposed by the Commission pursuant to Section 6b of the Act.[1] The Commission took no position with respect to indemnification of exchange officials for liabilities arising out of civil proceedings instituted by private parties. The Commission did note, however, that its views were not limited to exchange officials, and expressed the belief that it would be against public policy for a registered futures commission merchant to indemnify its officers, partners, directors, or other officials for fines or civil penalties imposed pursuant to the provisions of the Act comparable to those pursuant to which exchange officials are penalized.

This release supplements the Commission's announcement by notifying the public that the Commission invites interested persons to submit written comments on the Commission's statement on indemnification.

The Commission has received several requests that interested parties be afforded an opportunity for hearing or an

[1] Section 6b provides in relevant part that:

* * * [I]f any contract market, or any director, officer, agent, or employee of any contract market otherwise is violating or has violated any of the provisions of this chapter or any of the rules, regulations, or orders of the Commission thereunder, the Commission may * * * make and enter an order directing that such contract market, director, officer, agent, or employee shall cease and desist from such violation, and assess a civil penalty of not more than $100,000 for each such violation. If such contract market, director, officer, agent, or employee * * * shall fail or refuse to obey or comply with such order, such contract market, director, officer, agent, or employee shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $100,000 or imprisoned for not less than six months nor more than one year, or both. * * *

7 U.S.C. § 13a (Supp. IV, 1974).

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opportunity to submit statements concerning the Commission's policy statement. In addition, persons have suggested that the Commission's policy "creates serious questions for those serving on Boards of Directors," and that "the adoption of this policy without soliciting comments, or allowing for a period of time for comment, would be counterproductive."

Before issuing its statement on indemnification, the Commission considered these and other questions. However, in the spirit of full public participation, the Commission has determined that interested persons should be given an opportunity to comment on the Commission's statement. The Commission will consider any written comments received within 45 days of the date of this publication.

The Commission is particularly interested in receiving comments on: (1) whether it would be appropriate to adopt a regulation concerning indemnification in circumstances having regulatory implications; (2) whether it would be against public policy to allow indemnification of exchange officials for liabilities arising out of civil proceedings instituted by private parties; (3) whether it would be against public policy to allow indemnification of exchange officials for legal fees incurred in the unsuccessful defense of an action brought by the Commission pursuant to Section 6b of the Act; and (4) whether it would be appropriate to hold a public hearing on the issue of indemnification. However, these questions are not intended, in any way, to restrict or limit comment. The Commission will consider any suggestions made by interested persons in connection with the Commission's policy on indemnification. Of course, notwithstanding its request for comments, the Commission's policy statement remains in effect.

Interested persons may submit comments in written form to the Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, Attn: CCU. All comments received on or before September 23, 1976 will be considered by the Commission. Copies of all comments received respecting the Commission's policy on indemnification will be available for inspection at the Commission's office in Washington, D.C.

Issued in Washington, D.C., on August 3, 1976.

By the Commission.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.76-22981 Filed 8-6-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 597-4; OPP-240014]

ALABAMA

Approval of Request for Interim Certification To Register Pesticides to Meet "Special Local Needs"

On July 3, 1975, final regulations for the registration, reregistration, and classification of pesticides pursuant to section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), were published in the FEDERAL REGISTER (40 FR 28241). These regulations became effective August 4, 1975. Since that date, States have been prohibited from issuing new registrations for pesticide products or uses of pesticide products which are not registered by the Environmental Protection Agency (EPA) except pursuant to certification from the Administrator in accordance with section 24(c) of FIFRA.

On September 3, 1975, proposed regulations for State Registration of Pesticides to Meet Special Local Needs under section 24(c), FIFRA, were published in the FEDERAL REGISTER (40 FR 40538). Since it did not prove possible to promulgate final section 24(c) regulations prior to the effective date of the FIFRA section 3 regulations, some interruption in the authority of States to register pesticides has occurred. In order to prevent further disruption of State registration programs (particularly in relation to minor uses), a procedure has been established by which States may request interim certification to register pesticides to meet special local needs until such time as the final section 24(c) regulations are promulgated. If such a request is granted, a State may register pesticides subject to the terms of the certification and other limitations set out in the Preamble to the proposed regulations. Interim certfication will expire if the State has not submitted a plan pursuant to the final section 24(c) regulations within 60 days after the effective date of the Administrator's disapproval.

A State may request interim certification to register pesticides to meet special local needs at any time by having the Governor or Chief Executive Officer or their designee submit a request in writing to the Administrator. The request shall satisfy the requirements set out in the FEDERAL REGISTER announcement of the Interim Certification program (40 FR 40542), and the statutory standard set forth in section 24(c) of FIFRA.

The FEDERAL REGISTER announcement of the Interim Certification program provides that the Administrator shall notify the State of his approval or denial of a request for Interim Certification and publish notice of approval or denial in the FEDERAL REGISTER. The announcement further states that since the Agency expects Interim Certification to be of limited duration, it will not solicit public comment with respect to requests for Interim Certification. Adequate opportunity for public comment on State plans submitted pursuant to final section 24(c) regulations is provided for in proposed section 162.158(c).

The Agency has received a Request for Interim Certification to register pesticides to meet special local needs (Request) from the State of Alabama. After reviewing the Request, the Agency found that it satisfies the requirements set forth in the FEDERAL REGISTER announcement, and that it demonstrates that the State is capable of exercising adequate controls to assure that special local needs registrations it issues pursuant to Interim Certification will be in accord with the purposes of FIFRA.

Accordingly, notice is hereby given that the EPA has approved a Request for Interim Certification from the State of Alabama as described below, subject to the terms set forth in the FEDERAL REGISTER document of September 3, 1975.

ALABAMA

The Alabama Request sought authority to register "new products," as that term is defined in section 162.152(g) of the proposed regulations, to amend EPA registrations which involve "changed use patterns," as that term is defined in section 162.152(c), and to amend EPA registrations which do not involve changed use patterns. The Agency has found that the specific requirements of the Interim Certification program are saitsfied in the Request. Procedures for product hazard review and efficacy determination are part of the State's registration program; these procedures are adequate to assure that special needs registrations issued by this State will be in accord with the purposes of FIFRA.

The State agency which has been designated responsible for issuance of such registrations is the Alabama Department of Agriculture and Industries. This Agency was notified on July 8, 1976, that its Request had been approved.

A copy of the Alabama Request for Interim Certification, along with a letter reflecting the Agency's decision to approve the Request, are available at the following locations:

Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Room 401, East Tower, 401 M St. SW., Washington, D.C. 20460.

Pesticide Branch, Hazardous Materials Control Division, EPA, 1421 Peachtree St., NE., Room 112, Atlanta, Georgia 30309.

Dated: August 4, 1976.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.76-23148 Filed 8-6-76;8:45 am]

[FRL 597-5; OPP-42026]

INDIANA STATE PLAN

Certification of Pesticide Applicators

In accordance with the provisions of Section 4(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136) and 40 CFR Part 171, the Honorable Otis R. Bowen, M.D., Governor of the State of Indiana, has submitted a State Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides to the Environmental Protection Agency (EPA) for approval.

Notice is hereby given of the intention of the Regional Administrator, EPA Region V, to approve this plan contingent upon promulgation of implementing rules and regulations. Copies of the proposed rules and regulations are attached to the plan.

A summary of this plan follows. The entire plan, together with all attached appendices, may be examined during normal business hours at the following locations:

1. Agricultural Experiment Station, Purdue University, West Lafayette, IN 47907 (Office of the Indiana State Chemist, Department of Biochemistry, tel. (317)749-2391).

2. Room 1147, 230 South Dearborn Street, Chicago, Ill. 60604 (Pesticides Branch, Air & Hazardous Materials Division, EPA, Region V, tel. (312)353-6219).

3. Room 401, East Tower, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460 (Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, tel. (202)755-4854).

SUMMARY OF STATE PLAN

The Office of the Indiana State Chemist has been designated by the Honorable Otis R. Bowen as the State lead agency for the administration of the pesticide applicator certification program, including enforcement activities, registration of restricted use pesticide dealers, and the coordination of field, laboratory, and office activities relating to pesticide regulation.

Cooperating agencies include the Indiana Cooperative Extension Service (Purdue University) and the Indiana Pesticide Review Board. The State Cooperative Extension Service has overall responsibility for the statewide pesticide applicator certification training program, including the preparation and administration of training courses, preparation of training materials and examinations, and distribution of training manuals.

The lead agency maintains close liaison with the Indiana Stream Pollution Control Board, Board of Health, and Department of Natural Resources through the Indiana Pesticide Review Board. The Board develops and recommends legislation, reviews and establishes necessary pesticide regulations and policies for State requirements.

The Indiana pesticide and pesticide container disposal program will be conducted by the State Board of Health as coordinated with the policies and recommendations of the Indiana Pesticide Review Board and Office of the State Chemist.

Legal authority for the program is contained in the Indiana Senate Enrolled Act No. 559 (Indiana Code 1971, 15-3, Chapter 3.5, 1971), the Indiana Pesticide Use and Application Act, Senate Enrolled Act No. 430 (Indiana Code 1971, 15-3, Chapter 3.6, 1975), and proposed regulations as attached to the plan.

The plan indicates that the State lead agency and cooperating agencies have or will have sufficient qualified personnel and funds necessary to carry out the proposed programs. State funds to support the certification program will be derived on a direct fee support basis. Through October 1976, the lead agency expects approximately $160,000 will be generated from direct support fees. The lead agency has applied for a Federal Assistance Grant to asist in the early phases of the State certification program.

An estimated 7700 commercial applicators and 35,000 private applicators will require certification. Plastic credit card type certificates will be furnished to all applicators upon meeting State certification requirements. In addition to the certificate, licenses will be issued to the commercial operator-owner or manager of an application business, commercial applicator-employee of an operator, and the public applicator.

Annual reports will be submitted to EPA by the lead agency not later than August 31 of each year. Other special reports will be provided as requested by the Administrator.

Commercial applicator categories proposed in the plan are those which are listed in 40 CFR 171.3. New subcategories proposed are as follows:

(1) Agricultural Pest Control
  (3) Aerial
(3) Ornamental and Turf Pest Control
  (1) Ornamental and Turf Pest Control
  (2) Turf
(6) Right-of-Way Pest Control
  (1) Ground
  (2) Aerial
(7) Industrial, Institutional, Structural, and Health Related Pest Control
  (1) Industrial, Institutional, and Health Related Control
  (2) Wood Destroying Pest Control
  (3) Food Manufacturing, Processing and Storage Pest Control

The State of Indiana plans to certify commercial applicators by means of a written examination covering the general or "core" material (40 CFR 171.4(b) and 171.6) and specific requirements of the category or subcategory (40 CFR 171.4(c)). Voluntary training sessions for commercial applicators will be organized and conducted primarily by the Indiana Cooperative Extension Service. Other contributors to the training program include Vincennes University—aerial applicators and some category 3, the State Entomologist—category 9, State Board of Health—contributing to category 8, and the State Chemist's office—laws and regulations. Ten Category Leaders, most of them Purdue University Extension Specialists, have been selected to coordinate the statewide training programs for each commercial applicator category. Commercial applicator training will be supplemented through the use of the EPA Core Manual, Indiana-specific material, slide-tapes, and EPA Category Specific Core Manuals. All commercial applicators required to meet State licensing provisions must be examined and certified to use both general and restricted use pesticides. Other commercial applicators will require certification only for use of restricted use pesticides.

Training of private applicators will be accomplished with the EPA Core Manual for Private Applicators augmented by State materials as appropriate. Indiana's ten extension areas will be used to facilitate both the accounting and contacting of private applicators and scheduling training sessions. Within the area system, Indiana has special Crop Production Agents who will be most utilized in actual training. County Agricultural Extension Agents will assist Crop Production Agents as appropriate. Private applicator certification will be accomplished by one of the following procedures: (1) successful completion of a worksheet administered during county level training sessions conducted by the Indiana Cooperative Extension Service, (2) completion of a programmed instruction course administered by the lead agency or cooperative extension service, or (3) written examination available upon applicant's request. In all above options, the lead agency will determine competency of private applicators who apply for a permit to use or supervise the use of restricted use pesticides.

In the event an applicator desiring certification is unable to read, he will be subjected to the same training session as others and then will be given any special oral training necessary to supplement the information available in the EPA Core Manual. The lead agency, following any special oral training, will conduct an interview to determine competency. Certification will be limited to the pesticide products for which the private applicator has demonstrated competency.

While training is not mandatory, all commercial and private applicators will be strongly encouraged to attend the sessions. Sample examination questions are attached to the plan.

The Indiana Extension Service will be the primary avenue for ensuring that applicators are kept up to date with changing technology and continue a suitable level of competency. By means of ongoing county education programs, private applicators will constantly receive additional information. Regarding commerical applicators, the Cooperative Extension Service plans to build upon the framework now in existence, including seminars, short courses and conferences. The State plans to utilize Continuing Education Units (CEU) as an indication that the private and commercial applicator is upgrading himself with changing technology. The lead agency and the Cooperative Extension Service will evaluate the nature of each type of training conference, seminar, or short course offered for the private and commercial applicator and determine the amount of CEU credit that appears justified. Current plans are for a 3-year certification period for both private and commercial applicators.

The Indiana State Plan indicates, that within sixty (60) days of the final approval of the Government Agency Plan (GAP) by EPA, a statement concerning acceptance of GAP qualified Federal employees will be forwarded for inclusion in the State plan.

Reciprocal agreements may be made with any other States provided they have substantially the same standards. Any such agreements will be submitted as amendments to Indiana's State plan.

Other regulatory activities listed in the State plan which will supplement the Indiana certification program are sampling, pesticide registration, and confiscation of pesticide products. All restricted use pesticide dealers must be registered by the Office of the Indiana State Chemist. Commercial applicators also require licensing, of which certification is a prerequisite.

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The lead agency will have a pesticide inspection staff to monitor restricted use pesticide sales and distribution records of registered dealers, inspect commercial applicator use and application records, and spot check applicator licenses, certificates, and permits to insure compliance with State and Federal laws and regulations. They will perform regular inspections and follow up reports of alleged violations. Before October 1976, the lead agency intends to increase its pesticide staff by 6 positions in order to achieve goals of the State certification programs.

PUBLIC COMMENTS

Interested persons are invited to submit written comments on the proposed State plan for the State of Indiana to the Regional Administrator, Region V, U.S. Environmental Protection Agency, 230 S. Dearborn Street, Chicago, IL 60604. The comments must be received on or before September 10, 1976 and should bear the identifying notation (OPP-42026). All written comments filed pursuant to this notice will be available for public inspection at the above mentioned locations from 8:30 am to 3:30 pm Monday through Friday.

Dated: May 28, 1976.

GEORGE R. ALEXANDER, JR.,
Regional Administrator, U.S. Environmental Protection Agency, Region V.

[FR Doc.76-23151 Filed 8-6-76;8:45 am]

[FRL 597-3; OPP-240013]

SOUTH DAKOTA AND OHIO

Approval of Requests for Interim Certification To Register Pesticides to Meet "Special Local Needs"

On July 3, 1975, final regulations for the registration, reregistration, and classification of pesticides pursuant to section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), were published in the FEDERAL REGISTER (40 FR 28241). These regulations became effective August 4, 1975. Since that date, States have been prohibited from issuing new registrations for pesticide products or uses of pesticide products which are not registered by the Environmental Protection Agency (EPA), except pursuant to certification from the Administrator in accordance with section 24(c) of FIFRA.

On September 3, 1975, proposed regulations for State Registration of Pesticides to Meet Special Local Needs under section 24(c), FIFRA, were published in the FEDERAL REGISTER (40 FR 40538). Since it did not prove possible to promulgate final section 24(c) regulations prior to the effective date of the FIFRA section 3 regulations, some interruption in the authority of States to register pesticides has occurred. In order to prevent further disruption of State registration programs (particularly in relation to minor uses), a procedure has been established by which States may request interim certification to register pesticides to meet special local needs until such time as the final section 24(c) regulations are promulgated. If such a request is granted, a State may register pesticides subject to the terms of the certification and other limitations set out in the Preamble to the proposed regulations. Interim certification will expire if the State has not submitted a plan pursuant to the final section 24(c) regulations within 60 days after the effective date of the Administrator's disapproval.

A State may request interim certification to register pesticides to meet special local needs at any time by having the Governor or Chief Executive Officer or their designee submit a request in writing to the Administrator. The request shall satisfy the requirements set out in the FEDERAL REGISTER announcement of the Interim Certification program (40 FR 40542), and the statutory standard set forth in section 24(c) of FIFRA.

The FEDERAL REGISTER announcement of the Interim Certification program provides that the Administrator shall notify the State of his approval or denial of a request for Interim Certification and publish notice of approval or denial in the FEDERAL REGISTER. The announcement further states that since the Agency expects Interim Certification to be of limited duration, it will not solicit public comment with respect to requests for Interim Certification. Adequate opportunity for public comment on State plans submitted pursuant to final section 24(c) regulations is provided for in proposed section 162.158(c).

The Agency has received Requests for Interim Certification to register pesticides to meet special local needs (Request(s)) from the States of South Dakota and Ohio. After reviewing the Requests, the Agency found that they satisfy the requirements set forth in the FEDERAL REGISTER announcement, and that they demonstrate that each State is capable of exercising adequate controls to assure that special local needs registrations it issues pursuant to Interim Certification will be in accord with the purposes of FIFRA.

Accordingly, notice is hereby given that the EPA has approved Requests for Interim Certification from the States of South Dakota and Ohio as described below, subject to the terms set forth in the FEDERAL REGISTER document of September 3, 1975.

SOUTH DAKOTA

The South Dakota Request sought authority to register "new products", as that term is defined in section 162.152(g) of the proposed regulations, to amend EPA registrations which involve "changed use patterns", as that term is defined in section 162.152(c), and to amend EPA registrations which do not involve changed use patterns. The Agency has found that the specific requirements of the Interim Certification program are satisfied in the Request. Procedures for product hazard review and efficacy determination are part of the State's registration program; these procedures are adequate to assure that special needs registrations issued by this State will be in accord with the purposes of FIFRA.

The State agency which has been designated responsible for issuance of such registrations is the South Dakota Department of Agriculture. This Agency was notified on June 23, 1976, that its Request had been approved.

OHIO

The Ohio Request for Interim Certification sought authority to amend EPA registrations which involve changed use patterns and to amend EPA registrations which do not involve changed use patterns. The Agency has found that the specific requirements of the Interim Certification program are satisfied in the Request. Procedures for product hazard review and efficacy determination are part of the State's registration program; these procedures are adequate to assure that special local needs registrations issued by the State will be in accord with the purposes of FIFRA.

The State agency which has been designated responsible for issuance of such registrations, the Ohio Department of Agriculture, was notified on June 23, 1976, that its Request had been approved.

Copies of the South Dakota and the Ohio Requests for Interim Certification, along with letters reflecting the Agency's decision to approve the Requests, are available at the following locations:

Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Room 401, East Tower, 401 M St. SW., Washington, D.C. 20460.
Pesticide Branch, Hazardous Materials Control Division, EPA, 1860 Lincoln St., Suite 900, Denver, Colorado 80203. (South Dakota request only.)
Pesticide Branch, Hazardous Materials Control Division, EPA, Federal Office Building, 230 South Dearborn St., Chicago, Illinois 60604. (Ohio request only.)

Dated: August 4, 1976.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.76-23149 Filed 8-6-76;8:45 am]

[FRL 596-8]

STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES (NSPS) AND NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAPS)

Delegation of Authority to State of California on Behalf of Madera County Air Pollution Control District

On December 23, 1971 (36 FR 24876) and March 8, 1974 (39 FR 9308), pursuant to Section 111 of the Clean Air Act, as amended, the Administrator promulgated regulations in 40 CFR Part 60 establishing standards of performance for twelve categories of new stationary sources (NSPS). In addition, on April 6, 1973 (38 FR 8820), pursuant to section 112 of the Clean Air Act, as amended, the Administrator promulgated in 40 CFR Part 61 national emission standards for three hazardous air pollutants (NESHAPS). Sections 111(c) and 112(d) require the Administrator to delegate authority to implement and enforce the standards to any State which submits an adequate procedure. Nevertheless, the Administrator retains concurrent authority to implement and enforce the standards following delegation of authority to a State.

On August 19, 1973, the Regional Administrator, Region IX forwarded to the States in his Region information setting forth the requirements for an adequate procedure for implementing and enforcing the NSPS and NESHAPS. On May 3, 1976 William H. Lewis, Jr., Executive Officer of the State of California Air Resources Board, submitted a request on behalf of the Madera County Air Pollution Control District for delegation of authority to implement and enforce the NSPS and NESHAPS. Included in that request were copies of the NSPS and NESHAPS regulations adopted by the Madera County Air Pollution Control District and citations to State law and District regulations which provide the State and District with the requisite authority to implement and enforce the NSPS and NESHAPS.

After a thorough review of the request for delegation, the Regional Administrator has determined that for the source categories set forth in paragraphs (A), (B) and (C) of the following official letter to Mr. Lewis, Executive Officer of the California Air Resources Board, delegation is appropriate subject to the conditions set forth in paragraphs (1) through (11) of that letter dated May 12, 1976:

Mr. WILLIAM H. LEWIS, JR.,
Executive Officer,
California Air Resources Board,
1709 11th Street,
Sacramento CA 95814.

Dear Mr. LEWIS: This is in response to your letter of May 3, 1976 requesting delegation of authority for implementation and enforcement of the Standards of Performance for New Stationary Sources (NSPS) and the National Emission Standards for Hazardous Air Pollutants (NESHAPS) to the State of California on behalf of the Madera County Air Pollution Control District..

We have reviewed the pertinent laws of the State of California and the rules and regulations of the Madera County Air Pollution Control District, and have determined that they provide an adequate and effective procedure for implementation and enforcement of the NSPS and NESHAPS by the Air Pollution Control District and the State of California. Therefore, we hereby grant delegation of the NSPS and NESHAPS to the State of California on behalf of the Madera County Air Pollution Control District as of the date of this letter as follows:

A. Authority for twelve categories of new sources located in the Madera County Air Pollution Control District subject to the standards of performance for new stationary sources promulgated in 40 CFR Part 60 as in effect November 12, 1974. The categories of new sources covered by the delegation are fossil fuel-fired steam generators; incinerators; portland cement plants; nitric acid plants; sulfuric acid plants; asphalt concrete plants; petroleum refineries; storage vessels for petroleum liquids; secondary lead smelters; secondary brass and bronze ingot production plants; iron and steel plants; and sewage treatment plants.

B. Authority for all sources located in the Madera County Air Pollution Control District subject to the national emission standards for three hazardous air pollutants promulgated in 40 CFR Part 61 as in effect November 12, 1974. The hazardous air pollutants covered by the delegation are asbestos; beryllium; and mercury.

This delegation is based upon the following conditions:

1. Quarterly reports will be submitted to EPA by the Madera County Air Pollution Control District through the State of California Air Resources Board.

2. Enforcement of the NSPS and NESHAPS in the Madera County Air Pollution Control District will be the primary responsibility of the District and the State of California Air Resources Board. If the District and the State determine that such enforcement is not feasible and so notify EPA, or where the District or the State act in a manner inconsistent with the terms of this delegation, EPA will exercise its concurrent enforcement authority pursuant to Section 113 of the Clean Air Act, as amended, with respect to sources within the District subject to the NSPS and NESHAPS.

3. Acceptance of this delegation of NPS and NESHAPS does not commit the State of California and the Madera County Air Pollution Control District to request or accept delegation of future standards and requirements. However, delegation of additional NSPS or NESHAPS standards or requirements, not hereby delegated would require a new request for delegation.

4. The State of California and the Madera County Air Pollution Control District are not requesting delegation of authority over Federal facilities within the District which are subject to the NSPS and NESHAPS. However, this does not relieve Federal facilities of the responsibility of complying with all applicable State laws and Madera County District regulations.

5. The Madera County Air Pollution Control District will at no time grant a variance from compliance with Madera County District Rule 422 and 423 except as provided in this paragraph. Should the District grant such a variance, EPA will consider the source receiving the variance to be in violation of the applicable Federal regulation and may initiate enforcement action against the source pursuant to Section 113 of the Clean Air Act. The granting of such variances by the District shall also constitute grounds for revocation of delegation by EPA. However, if the Madera County District in the future amends Rule 422 and 423 so as to make the District regulation more stringent than the applicable Federal regulation, the District may grant variances from the more stringent District regulation if such variances do not relieve subject sources of the responsibility of complying with standards equally as stringent as those contained in the applicable Federal regulations.

6. The Madera County Air Pollution Control District will utilize only the methods specified in 40 CFR Parts 60 and 61 in performing source tests pursuant to their NSPS and NESHAPS regulations. Any use of the District of test methods to determine compliance with NSPS or NESHAPS not in accordance with the terms and conditions of this delegation shall constitute grounds for revocation of delegation by EPA.

7. The Air Resources Board and EPA will develop a system of communication sufficient to guarantee that each office is always fully informed regarding the current compliance status of subject sources in the Madera County Air Pollution Control District and regarding interpretation of applicable regulations.

8. If at any time there is a conflict between a State or Madera County Air Pollution Control District regulation and a Federal regulation (40 CFR Part 60 or 61), the Federal regulation must be applied if it is more stringent than that of the State or District. In the event of such a conflict, if either the Air Resources Board or the District determine that it is unwilling or unable to apply the more stringent Federal regulation, it will so notify EPA. EPA, in consultation with the Air Resources Board and the District, will then modify or revoke the terms of this delegation to the extent it determines to be appropriate.

9. If the Regional Administrator determines that a State or Madera County Air Pollution Control District procedure for enforcing or implementing the NSPS or NESHAPS is inadequate, or is not being effectively carried out, this delegation may be revoked in whole or in part. Any such revocation shall be effective as of the date specified in a Notice of Revocation to the Air Resources Board.

10. As of the date of this delegation, sources subject to the NSPS or NESHAPS located within the Madera County Air Pollution Control District are required to submit all reports pursuant to the NSPS and NESHAPS to the Madera Air Pollution Control District and the EPA, Region IX.

11. The State of California and the Madera County Air Pollution Control District will notify all sources in the categories delegated herein and subject to continuous monitoring requirements contained in 40 CFR Part 60 of such requirements even if such requirements are not covered by the terms of this delegation.

A Notice announcing this delegation will be published in the FEDERAL REGISTER in the near future. The Notice will state, among other things, that, effective immediately, all reports required pursuant to the Federal NSPS and NESHAPS by sources located in the Madera County Air Pollution Control District should be submitted to the Air Pollution Control District Office at 135 W. Yosemite Avenue, Madera, CA 93637, as well as to EPA, Region IX.

Since this delegation is effective immediately, there is no requirement that the State notify EPA of its acceptance. Unless EPA receives from the State written notice of objections within 10 days of the date of receipt of this letter, the State and District will be deemed to have accepted all of the terms of the delegation.

Sincerely,

PAUL DE FALCO, JR.,
Regional Administrator.

cc: Madera County APCD

Therefore, pursuant to authority delegated to him by the Administrator, the Regional Administrator notified Mr. Lewis on May 12, 1976 that authority to implement and enforce the NSPS/NESHAPS was delegated to the State of California on behalf of the Madera County and Air Pollution Control District.

Copies of the request for delegation of authority and the Regional Administrator's letter of delegation are available for public inspection at the following addresses:

California Air Resources Board, 1709 11th Street, Sacramento CA 95814.
Environmental Protection Agency, Region IX, Enforcement Division, 100 California Street, San Francisco CA 94111.
Division of Stationary Source Enforcement, Room 3202 Waterside Mall, 401 "M" Street SW., Washington, D.C. 20460.

Effective immediately, all reports required pursuant to the NSPS and

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NESHAPS by sources located in the Madera County Air Pollution Control District should be submitted to the office of the Air Pollution Control District, located at 135 W. Yosemite Avenue, Madera CA 93637, as well as to EPA, Region IX.

Dated: July 27, 1976.

PAUL DEFALCO,
Regional Administrator,
Region IX, EPA.

[FR Doc.76-23145 Filed 8-6-76;8:45 am]

[FCC 76-737]

FEDERAL COMMUNICATIONS COMMISSION

INTERNATIONAL SYSTEM OF UNITS (SI)

Program Adoption

AUGUST 3, 1976.

On July 28, 1976, the Commission adopted a program for converting to the use of metric units. This program will facilitate development and use of a single system of units in the FCC rules. The program will be in accord with the objectives of both the House of Representatives Bill (H.R. 254), and the Senate Bill (S. 100).

Metric units will be used in all new and amended rules. Metric units will also be used on all license, equipment authorization, and construction permit applications, after complete conversion to metric units in the rules is accomplished. In the interim, the measurement system that is used in the relevant rules when filing an application should be used.

The program involves a gradual two stage conversion to metric unit usage. Metric units will appear with the U.S. equivalent stated in parenthesis (example: 2 meters (6.56 feet)). This program will allow for a smooth transition into metric unit usage.

Action by the Commission July 28, 1976. Commissioners Wiley (Chairman), Lee, Hooks, Quello, Washburn and Robinson.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-22995 Filed 8-6-76;8:45 am]

[FCC 76-731]

LICENSEE OBLIGATIONS

Effect of the 1976 Amendments to the Federal Election Campaign Act of 1971

AUGUST 3, 1976.

The Federal Election Campaign Act of 1971 was amended on May 11, 1976. Pub. L. 94-283. Section 323 of the 1976 Act states:

Whenever any person makes an expenditure for the purpoee of financing communications expressly advocating the election or defeat of a clearly identified candidate through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general public political advertising, such communication—

(1) If Authorized by a candidate, his authorized political committee, or their agents, shall clearly and conspicuously, in accordance with regulations prescribed by the [Federal Election] Commission, state that the communiaction has been authorized; or

(2) if not authorized by a candidate his authorized political committees, or their agents, shall clearly and conspicuously, in accordance with regulations prescribed by the Commission, state that the communication is not authorized by any candidate, and state the name of the person who made or financed the expenditure for the communication, including, in the case of a political committee, the name of any affiliated or connected organization required to be disclosed under section 303(b)(2).

In June 1976, the Federal Election Commission issued a Campaign Guide. It states in pertinent part:

F. NOTICES OF AUTHORIZATION

1. Any Communication advocating the election or defeat of a "clearly identified candidate" through any type of public advertising must:

a. If authorized by the candidate, state that the communication is authorized;

b. If not authorized by the candidate, state:

(1) That the communication is not authorized; and

(2) The name of the person (and affiliated organization, if any) who financed the expenditure.

2. The statement must appear on the face or front page of printed matter, or at the beginning or end of a radio or television broadcast.

The foregoing language clearly places the responsibility for compliance with its provisions on candidates or their committees. Although licensees may receive taped or filmed announcements from candidates or their committees which contain language to comply with the 1976 amendments (e.g. The preceding announcement was authorized by the Candidate X Campaign Committee), pursuant to section 317 of the Communications Act of 1934, as amended, and § 73.1212 of the Commission's rules such announcements, when broadcast, must contain the statutory language of section 317, i.e. "paid for or furnished" or, as permitted by § 73.1212(a)(1), "sponsored by." Thus an announcement which states "Paid for and authorized by the Candidate X Campaign Committee" would comply with § 317 of the Communications Act.

A copy of this Public Notice is being sent to all broadcast licensees.

Action by the Commission July 27, 1976. Commissioners Wiley (Chairman), Lee, Hooks, Quello, Washburn and Robinson.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-22993 Filed 8-6-76;8:45 am]

[Report No. 817]

COMMON CARRIER SERVICES INFORMATION

Applications Accepted for Filing

AUGUST 2, 1976.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's Rules and Regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (see § 309(c) of the Communications Act), applications filed under Part 68, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and Section 214 applications within 30 days of the date of this notice and within 20 days for Part 68 applications.

In order for an application filed under Part 21 of the Commission's Rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. [See § 1.227(b)(3) and 21.30(b) of the Commission's Rules.]

FEDERAL COMMUNICATION COMMISSION,
VINCENT J. MULLINS,
Secretary.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

22427-CD-P-(3)-76, Mobile Radio Telephone Service, Inc. (KUS312), Resubmitted C.P. to relocate existing facilities and change antenna system operating on 454.675, 454.850 and 454.925 MHz. to be located at Coon Peak, Oquirrh Range, 5.2 miles SSW of Garfield, Utah.

22507-CD-P/ML-76, Aircall, Inc. (KIY395), C.P. for additional control facilities to operate on 158.61 MHz at a new Location No. 3: 206 First Avenue, S.E., Hickory, North Carolina.

22508-CD-MP-76, Colton Telephone Company KOK339), C.P. to change antenna system operating on 454.400 MHz located at Goat Mountain, 8.1 miles SE of Colton, Oregon.

22509-CD-P-76, Souris River Telephone Mutual Aid Corporation (KAI930), C.P. for additional facilities to operate on 152.66 MHz. located 13.3 miles South of Minot, North Dakota.

22510-CD-P-76, Range Corporation (New), C.P. for a new 1-way station to operate on 152.24 MHz to be located One Mile NNE of Ripley, Michigan.

22511-CD-P-76, William L. Eisele d./b./a. Lake Shore Communications (KSJ818), C.P. to change antenna system operating on 152.060 MHz. located at Junction of Route 49 and Road 750 North, 4 miles North of Valparaiso, Indiana.

22512-CD-P-76, Services Unlimited, Inc. (KRH656), C.P. to relocate facilities and change antenna system operating on 158.70 MHz. at Location No. 2: 50 Miller Street, Winston-Salem, North Carolina.

22513-CD-P-76, Empire Paging Corporation (KRS674), C.P. for additional facilities to operate on 454.150 MHz. at a new Location No. 10: NW Corner of Freeway and Bangs Avenues, Neptune, New Jersey.

22514-CD-P-(2)-76, Mobilfone Northwest (KOF918), C.P. for additional Control facilities to operate on 454.250 MHz. at Location No. 2: 29 North Chelan, Wenatchee; and for additional Repeater facilities to operate on 459.250 MHz. at Location No. 3: Badger Mountain, 7 Miles NW. of Wenatchee, Washington.

22515-CD-P-76, William L. Eisele d/b/a Lake Shore Communications (KJU804), C.P. for additional facilities to operate on 152.18 MHz. at a new Location No. 2: Junction of Route 49 and Road 750 North, 4 miles North of Valparaiso, Indiana.

MAJOR AMENDMENT

21668-CD-P-75, Digital Paging Systems of Pittsburgh, Inc. (KWB370). Amend to change 152.24 MHz facilities to new Loc. No. 4: 1715 Grandview Ave., Pittsburgh, Pa. Lat. 40°26'28" N.—Long. 80°01'32" W. with increase in height and new antenna system. All other particulars of operation remain as reported in PN No. 757 dated 6-9-75.

20734-C2-P-74, Vegas Instant Page (KFL-943), Amend to change the base station frequency to 158.70 MHz. All other particulars are to remain as reported on PN No. 681 dated 1-2-74.

POINT TO POINT MICROWAVE RADIO SERVICE

4586-CF-MP-76, Puerto Pico Communications Authority (WWZ45), Planella Street, No. 15, Cidra, Puerto Rico. Lat. 18°10'37" N., Long. 66°09'40" W. Mod. of C.P. (4242-C1-P-74), to reroute frequency 11095V MHz toward a new passive facility at Nieva, Puerto Rico on azimuth 53.0° and from passive toward Cerro Pinas, Puerto Rico on azimuth 281.9°.

4587-CF-MP-76, Same (WWM22), Cerro Pinas, 6.5 miles SW of Caguas, Puerto Rico. Lat. 18°09'16" N., Long. 66°04'51" W. Mod. of C.P. (4241-C1-P-74) to reroute frequency 11,645V MHz toward a new passive facility at Nieve, Puerto Rico on azimuth 101.8° and from passive toward Cidra, Puerto Rico on azimuth 233.0°.

4594-CF-P-76, Northwestern Bell Telephone Company (WHT56), Midway, 2 Miles South of Virginia, Minnesota. Lat. 47°29'14" N., Long. 92°31'15" W. C.P. to add a point of communication on frequency 2112.0V MHz toward Aurora, Minnesota on azimuth 77.8°.

4595-CF-P-76, American Telephone and Telegraph Company (KSB66), 240 North Meridian Street, Indianapolis, Indiana. Lat. 39°46'16" N., Long. 86°09'29" W. C.P. to change polarization from Horizontal to Vertical on frequencies 3730, 3810, 3890, 3970, 4050, and 4130 MHz and from Vertical to Horizontal on 3750, 3830, 3910, 4070, and 4150 MHz toward Sheridan, Indiana.

4596-CF-P-76, Same (KSO80), 2.5 Miles East of Sheridan, Indiana. Lat. 40°07'54" N., Long. 86°10'29" W. C.P. to change polarization from Vertical to Horizontal on frequencies 3710, 3790, 3870, 4030, and 4110 MHz and from Horizontal to Vertical on 3770, 3850, 3930, 4010, 4090, and 4170 and MHZ toward Indianapolis, Indiana.

4598-CF-P-76, Continental Telephone Company of Minnesota, Inc. (KBC53), 125 West First Avenue North, Aurora, Minnesota. Lat. 47°31'40" N., Long. 92°14'27" W. C.P. to change location of transmit station and add a point of communication on frequency 2162V MHz toward Midway, Minnesota on azimuth 258.0°.

4604-CF-MP-76, Southwestern Bell Telephone Company (WAU280), Vidauri, 12 Miles NE of Refugio, Texas. Lat. 28°26'11" N., Long. 97°08'09" W. Mod. of C.P. (2474-CF-P-75), to change polarization from Horizontal to Vertical on frequencies 3710 and 4190 MHz toward Victoria, Texas on azimuth 17.4°.

4605-CF-MP-76, Same (WAU282), 209 North Bridge Street, Victoria, Texas. Lat. 28° 48'03" N., Long. 97°00'23" W. Mod. of C.P. (2472-CF-P-75), to change polarization from Horizontal to Vertical on frequencies 3750 and 4198 MHz toward Vidauri, Texas on azimuth 197.4°.

4606-CF-P-76, Same (WDE59), 2.4 Miles ESE of Fort Stockton, Texas. Lat. 30°52'36" N., Long. 102°50'53" W. C.P. to correct coordinates and add a point of communication on frequency 2162.OH MHz toward Six Shooter Passive Reflector on azimuth 89.6° and from Passive Reflector toward Six Shooter, Texas on azimuth 169.5°.

1195-CF-P-76, Michigan Bell Telephone Co. (KQA 32), Millie Hill, Iron Mountain Michigan. (Lat. 45°49'17" N., Long. 88°02'42" W.): Construction permit to add 3870.V MHz toward Ralph, Michigan, on azimuth 24°6'.

1196-CF-P-76, Michigan Bell Telephone Co. (KQI 84), 3.3 miles NW of Ralph, Michigan. (Lat. 46°06'58" N., Long. 87°51'04" W.): Construction permit to add 3950.V MHz toward Forsyth, Michigan, on azimuth 62°8'.

1197-CF-P-76, Michigan Bell Telephone Co. (KQI 65,, 2 miles NE of Forsyth, Michigan. (Lat. 46°18'27" N., Long. 87°18'32" W.): Construction permit to add 6397.4H MHz toward Marquette, Michigan on azimuth 346°0'.

4593-CF-P-76, United Video, Inc. (WAH 570), 1.5 miles NW of Lincoln, Illinois. (Lat. 40°09'48" N., Long. 89°23'23" W.): Construction permit to add 11385.0H and 11465.0H MHz toward Clinton and Springfield, Illinois on azimuths 90°0' and 199° 3', respectively.

4600-CF-P-76, Eastern Microwave, Inc. (KEA 27), SW Cor. of Swarts and Townline Roads, Springwater, New York. (Lat. 42° 38'21" N., Long. 77°39'34" W.): Construction permit to add 6197.2V and 6315.9V MHz toward Attica; 6197.2V MHz toward Rochester, and 6197.2H MHz toward Dansville, New York on azimuths 296°3', 3°1', and 190°5' respectively.

4601-CF-MP-76, Eastern Microwave, Inc. (WPX 31), SE Cor. of Fallington and Werner Roads, Attica, New York. (Lat. 42°50'12" N., Long. 78°12'20" W.): Construction permit to add 5960.0V and 6019.3V MHz toward Buffalo, New York on azimuth 283°7'.

4602-CF-P-76, Eastern Microwave, Inc. (KGP 37), Chestnut Ridge Rd.—6.8 miles NW of Goshen, Pennsylvania. (Lat. 41°09'50" N., Long. 78°21'23" W.): Construction permit to add 6271.4V MHz, via power split, toward existing point of communication at Philipsburg, Pennsylvania on azimuth 153°8'.

4603-CF-P-76, Eastern Microwave, Inc. (WDD 61), 1.5 miles ENE of Fredericksville, Pennsylvania. (Lat. 40°27'27" N., Long. 75°39' 55" W.): Construction permit to add 6123.1H MHz toward Allentown and Easton, both in Pennsylvania, on azimuths 53°1' and 53°9', respectively.

4613-CF-P-76, Frank K. Spain/d.b.a. Microwave Service Co. (KPC 56), 29 miles SE of Missoula, Montana. (Lat. 46°35'30" N., Long. 113°33'15" W.): Construction permit to add 5974.8H and 6034.2H MHz toward McDonald Pass, Montana on azimuth 89°30'.

4614-CF-P-76, Frank K. Spain/d.b.a. Microwave Microwave Service Co. (KPC 57), 14 miles East of Helena, Montana. (Lat. 46°36' 01" N., Long. 112°18'06" W.): Construction permit to add 6630.7H and 6390.0H MHz toward Helena, Montana on azimuth 91°0'.

CORRECTIONS

4310-CF-P-76, Midwestern Relay Co. (WJL 50), 2.0 miles E of Stockbridge, Wisconsin. (Lat. 44°04'20" N., Long. 88°15'27" W.): This entry appearing in Public Notice of 7-6-76 is corrected to show azimuth 28°8' going toward Depere, Wisconsin. All other particulars remain the same.

4044-CF-P-76, United States Transmission Systems, Inc. (KFA 80), Gilles, Louisiana. This entry appearing in Public Notice of 7-12-76 is corrected to show the file number as listed as above. All other particulars remain the samc.

[FR Doc.76-23074 Filed 8-6-76;8:45 am]

MICROBAND CORP. OF AMERICA AND EASTERN MICROWAVE, INC.

[Docket Nos. 20822, 20823; File Nos. 2125-C5-P-72, 3085-C-5-P-72]

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Microband Corporation of America and Eastern Microwave, Inc.; for construction permits in the multipoint distribution service for a new station at Rochester, New York.

1. The Commission has before it the above-referenced applications of Microband Corporation of America, filed on October 13, 1971 and Eastern Microwave, Inc., filed on November 19, 1971. Both applications proposed Channel 1 operation in the Multipoint Distribution Service (MDS) in the Rochester, New York area, and thus are mutually exclusive and require comparative consideration. Both applications have been amended as a result of informal requests of the Commission staff for additional information, and no petitions to deny or other objections to any of the applications have been received.

2. Microband holds MDS licenses in nine cities including Washington, D.C., New York, New York and has been granted construction permits in several other cities. Eastern, a wholly-owned subsidiary of Newhouse Broadcasting Corporation, holds MDS construction permits in nine cities, including Pittsfield, Massachusetts, Binghamton, Burlington, Elmira, Syracuse, Utica and Watertown, New York. In addition, Newhouse Broadcasting has interests in broadcasting or cable systems in Syracuse, Elmira and Binghamton, New York.

3. Upon review of the captioned applications, we find that both applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

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4. Accordingly, it is hereby ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, and Section 0.291 of the Commission's Rules, the above-captioned applications are designated for hearing, in a consolidated proceeding, at the Commission's offices in Washington, D.C., on a date and before an Administrative Law Judge to be specified by later order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience, and necessity. In making such a determination, the following factors shall be considered:[1]

(a) The relative merits of each proposal with respect to service area and efficient frequency use;

(b) The nature of the services and facilities proposed, and whether they will satisfy service requirements known to exist or likely to exist in the Rochester, New York area.

(c) The anticipated quality and reliability of the service proposed, including selection of equipment, installation, subscriber security, and maintenance.

(d) The charges, regulations and conditions of the service to be rendered and their relation to the nature, quality and costs of service; and

(e) The managerial and entrepreneurial qualifications of the applicants.

5. It is further ordered, That Microband Corporation of America and Eastern Microwave, Inc., and the Chief, Common Carrier Bureau, are made parties to this proceeding.

6. It is further ordered, That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of Section 1.221 of the Commission's Rules.

Adopted: July 22, 1976.

Released: August 3, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
JOSEPH A. MARINO,
Acting Chief, Common Carrier Bureau.

[FR Doc.76-23076 Filed 8-6-76;8:45 am]

[FCC 76-690; Docket No. 20849, File No. BR-1040; Docket No. 20850, File No. BP-19496; Docket No. 20851, File No. BRH-1495; Docket No. 20852, File No. BPH-8613]

WCAR, INC., ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of WCAR, Inc. (WCAR), Detroit, Michigan, Has: 1130 kHz, 10 kW/50 kW, DA-2, U, for renewal of broadcast license; The Hall Broadcasting Company, Inc., Detroit, Michigan, Requests: 1130 kHz, 10 kW/50 kW, DA-2, U, for construction permit for new standards broadcast station; WCAR, Inc. (WCAR-FM), Detroit, Michigan, Has: 92.3 MHz, Channel No. 222, 10 kW (H&V), for renewal of broadcast license; The Hall Broadcasting Company, Inc., Detroit, Michigan, Requests: 92.3 MHz, Channel No. 222, 10 kW(H&V); 480 feet, for construction permit for new FM broadcast station.

1. The Commission has before it (i) the above-captioned applications of WCAR, Inc., for renewal of its broadcast licenses for stations WCAR and WCAR-FM, Detroit, Michigan (WCAR); (ii) the above-captioned applications of The Hall Broadcasting Company, Inc., (Hall) for construction permits for new stations at Detroit, Michigan, to operate on the same frequencies and channel as stations WCAR and WCAR-FM; (iii) a petition to dismiss Hall's applications filed by WCAR; (iv) an opposition to WCAR's petition to dismiss filed by Hall; and (v) responsive pleadings thereto.[1]

2. In its petition to dismiss Hall's applications, WCAR requests that Hall's applications be dismissed without a hearing, or, in the alternative, that Hall's applications be designated for hearing in a noncomparative proceeding. WCAR has alleged that Hall's applications contain responses which are either misrepresentations of fact or evasions of the Commission's requirements. Specifically, WCAR challenges the contents of Hall's applications with respect to both the availability and suitability of its proposed transmitter site, its financial qualifications, and its ascertainment of community problems and needs.

3. WCAR states that there exist several reasons why Hall's proposed transmitter site is not available. It alleges that local zoning restrictions prohibit its use as a transmitter site, and that even if the property could be zoned for a transmitter site, its owners are not willing to make the land available to Hall. Also, WCAR asserts that Hall's proposed nine-tower directional antenna array will not fit on the site, as proposed.

4. Both parties agree that the land upon which Hall proposes to place its transmitter is zoned presently by the City of Trenton, Wayne County, Michigan, as "R-3 One-Family Residential." However, the parties disagree as to whether the property can be made available for use as a transmitter site. Hall states that there is every reasonable likelihood that the property can be zoned to permit such use. Conversely, WCAR alleges that the local zoning ordinance prohibits such rezoning. Further, WCAR alleges that Hall has not even requested a zoning change or a variance for its proposed site prior to filing its applications. In support of its position, Hall has submitted an affidavit from Mr. Pascual Pedroza, a representative of The Hall Broadcasting Company. Pedroza, in his affidavit, states that on July 1, 1974, he was advised by Mr. H. R. (Ray) Smith, an inspector employed by the City of Trenton Department of Building and Engineering, that the property was not zoned to permit erection of broadcast towers. However, Pedroza's affidavit also states that Smith had not suggested the existence of any conditions which would preclude rezoning subsequent to submission of a properly-filed rezoning application.[2] In its reply to Hall's opposition, WCAR has submitted an affidavit of Mr. Smith himself, in which he admits meeting with representatives of WCAR and with Mr. Pedroza. Smith's affidavit indicates that he told both parties that anyone could request rezoning. However, he also states as follows:

> • • • I knew that the Council for the City of Trenton would not grant the rezoning of the property which Mr. Pedroza referred to in that it amounts to "spot zoning" and the Council has not granted such zoning requests to my knowledge. It goes against the plans that the Council has for the City's development and the area involved.

In addition, Smith's affidavit refers to a section of the Trenton Zoning Ordinance which appears to preclude rezoning for use as a transmitter site.[3] It appears to be WCAR's contention that Mr. Smith's statement of opinion concerning Hall's zoning plus the effect of the provision contained in Section 2107(2) of the Trenton Zoning Ordinance leads to the conclusion that the proposed site is not available to Hall.

5. Despite the affidavits contained in WCAR's pleadings, we are not disposed to designate a site availability issue based upon WCAR's allegations regarding Hall's chances of having the property rezoned for use as a transmitter site. We have never required an applicant for a construction permit to build a broadcast station to obtain final approval of local zoning authorities for construction of broadcast facilities. Rather, we have required only that an applicant have "reasonable assurances" of local zoning approval. *Chronicle Publishing Company*, 3 RR 2d 529 (Rev. Bd. 1964). There is an assumption that an applicant's zoning request will be approved. *Eastside Broadcasting Company*, 1 RR 2d 763 (Rev. Bd. 1963). In order to rebut that assumption and thus to persuade us to designate a site availability issue against an applicant based upon that applicant's alleged inability to obtain zoning approval, a petitioner must make a reasonable showing of the improbability of a change in the zoning restrictions. *Indianapolis Broadcasting, Inc.*, 10 RR 1010C (1954). Such an issue was included against an applicant in *Massillon Broadcasting Co., Inc.*, 22 RR 95 (1961). In *Massillon*, there existed a local zoning regulation which, on its face, prohibited construction of the proposed tower, and which did not provide an available exception permitting waiver. Also, the applicant had not inquired about rezoning nor had it applied for rezoning at the time it filed its application with us. Rather, it stated that in the future, it would apply for a zoning waiver. However, the facts in *Massillon* differ from those presently before us. Hall, unlike the applicant in *Massillon*, did seek out information from the local governing authority. Although it was advised that rezoning was unlikely, it did determine that it was a possibility. Also, it is not certain that the provision of the Trenton Zoning Ordinance which appears to preclude Hall's use of the property as a transmitter site cannot be waived.

6. Although WCAR has submitted an affidavit of one Trenton Official regarding Hall's chances of obtaining the necessary zoning approval, that alone does not appear to be sufficient to justify inclusion of a site availability issue. In *Radio Ridgefield*, 47 FCC 2d 106, 30 RR 2d 447 (974), we indicated our reluctance to include a site availability issue based upon the predictions of individual members of local zoning authorities. See also *Lester H. Allen*, 20 FCC 2d 478, 17 RR 2d 914 (Rev. Bd. 1969) where the Review Board refused to add a site availability issue on the basis of a letter from a township solicitor which expressed the solicitor's opinion that the applicant would be unable to obtain rezoning from a local zoning authority. Hence, it seems clear that a petitioner must offer more than a local official's appraisal of an applicant's chances of having its proposed site approved to justify inclusion of a site availability issue. What is required to rebut the assumption of an applicant's reasonable expectancy of obtaining the necessary zoning approval is evidence that such attempts to secure approval have been unsuccessful. 4 FCC 2d 36, 7 RR 2d 767 (1966). In *Salem* and *Edina*, applicant's efforts to secure zoning approval had twice been denied by local authorities. In both cases, site availability issues were included based upon these denials. In the absence of past denials, we do not believe that a site availability issue should be included based upon the alleged improbability of success of Hall's rezoning efforts.

7. WCAR also asserts that Hall's proposed site will not be available to it because the present property owners have not agreed to make the land available to Hall. The site for the proposed AM station consists of several parcels of land owned by different parties. WCAR, in its petition, has alleged that Hall has failed to obtain reasonable assurances from each of the property owners that the property would be available for purchase by Hall. This allegation is disputed by Hall which asserts that all property owners have been contacted, and all have indicated their willingness to sell. Attached to WCAR's petition is a copy of a map from the City of Trenton Tax Assessor's Office. That map includes those portions of Hall's proposed site, which, asserts WCAR, are not available.

8. Among those parcels indicated on the Trenton map is one identified as K-3 owned by the Estate of Hyman Schwartz, of which the Detroit Bank and Trust Company is trustee. Hall proposes to place three of its towers on this site. WCAR states, however, that it has learned from a bank officer that this property will be sold only with an adjacent parcel of land also owned by the Estate of Hyman Schwartz, and that Hall has not arranged to purchase the adjacent property. This allegation is countered by Hall which includes with its opposition, an affidavit of Mr. Clyde Hall, its president. Mr. Hall states that he was told by a bank official that it would consider offers to sell the parcels of land separately. To rebut this statement, WCAR's reply contains a letter from a trust officer of the bank which states that the bank has received no "serious inquires" of prospects for this property, and that in its opinion the parcels should be sold together. However, the letter also states that the contiguous parcels would be sold separately contingent upon a simultaneous closing if that would benefit the estate.

9. Parcels 19 and 20, upon which Hall proposes to place two of its towers, are owned by Mr. and Mrs. Richard C. Cook. WCAR states that Mr. and Mrs. Cook are not interested in selling their property. However, this too is contradicted by Hall which has submitted another affidavit of its representative, Mr. Pedroza, stating that Mr. and Mrs. Cook told him (Pedroza) that they were anxious to sell these parcels because of the tax burdens of their ownership. WCAR's reply contains an affidavit of Mr. Sheldon A. Fealk which indicates that the Cooks admitted meeting with representatives of Hall and WCAR about their property, but that no offers had been received.

10. Another parcel of land included in Hall's proposed site is identified in the Trenton Tax Assessor's map as parcel number 21. It is owned by Mr. and Mrs. Milton Baltzer. According to WCAR, the Baltzers have not been contacted by Hall about selling their property. Hall, however, asserts that the Baltzer's property is reasonably available to it. Attached to Hall's opposition is another affidavit of Pedroza which indicates that the Baltzers had been approached by him on behalf of Hall prior to filing of Hall's applications, and that Baltzer had expressed interest in selling parcel number 21. WCAR's reply contains an unsworn statement signed by Mr. and Mrs. Baltzer which states that they were approached by Mr. Pedroza for Hall with regard to selling their property to Hall, but that no sales agreement had been reached.

11. In addition to the above representations regarding the property's availability, Hall's opposition contains allegations that representatives of WCAR have contacted property owners in an effort to persuade them not to sell their property to Hall. For example, Hall's opposition contains yet another affidavit of Pedroza in which he describes a meeting with Mrs. Joan Burkmier, an owner of parcel number 23, another portion of Hall's proposed site. According to this affidavit, Mrs. Burkmier had been approached by a representative of WCAR who warned her not to sell her property to representatives of a black-owned company (presumbably Hall) whose intent was to use the property to construct low income housing. Rather, she was advised to sell the property to WCAR which also had an interest in acquiring it. This affidavit of Pedroza is contradicted by an affidavit of Mrs. Burkmier herself which is attached to WCAR's reply. In her affidavit, she denies ever having been requested by any representative of WCAR not to sell her property to Hall. Further, she denies ever having been told that WCAR had any interest in acquiring her property.

12. Based upon the pleadings submitted in this matter, and the attachments and exhibits appended thereto, there appears to be genuine disagreement with regard to whether or not Hall has sought and received reasonable assurances that its proposed transmitter site would be available. Therefore, it will be necessary to include an issue on the availability of the proposed site. Since the question of site availability was raised by WCAR, it will have the burden of proceeding with the introduction of evidence on this question. The burden of proof of the availability of the site will be upon Hall.

13. In addition, there are unresolved allegations with regard to whether WCAR has interfered with Hall's efforts to obtain reasonable assurances of the availability of its proposed site. We believe that these allegations raise serious questions concerning the parties' basic qualifications which must be resolved prior to conclusion of this proceeding. If, as Hall alleges, WCAR has attempted to dissuade landowners from selling their property to Hall, that would cast grave doubts upon WCAR's fitness to remain a Commission licensee. Further, if WCAR denied such interference with Hall's efforts to secure a transmitter site, when, in fact, it had engaged in such conduct, its denial would constitute a misrepresentation to the Commission which

[1] Consideration of these factors shall be made in light of the Commission's discussion in *Peabody Telephone Answering Service, et. al.*, 55 F.C.C. 2d 626 (1975).

[1] Additional pleadings filed in this proceeding include the following: a reply to Hall's opposition to WCAR's petition to dismiss filed by WCAR; a motion for leave to file a memorandum of law, filed by WCAR, an opposition to motion for leave to file memorandum of law, filed by Hall; a reply to opposition to motion for leave to file memorandum of law, filed by WCAR; a memorandum of law, filed by WCAR; comments on memorandum of law, filed by Hall; reply to comments on memorandum of law, filed by WCAR; a motion for expedited action filed by WCAR; comments on motion for expedited action, filed by Hall; and reply to comments on motion for expedited action, filed by WCAR.

[2] In its opposition, Hall refers to this affidavit of Mr. Pedroza as one "wherein Mr. H. R. (Ray) Smith . . . confirms that there is every reasonable likelihood of the land being properly rezoned." Further, "Hall's Index to Affidavits" identifies this as "affidavit of H. R. Smith re:Zoning." Hence, it appears that Hall may have been attempting to create the erroneous impression that Mr. Smith submitted an affidavit regarding Hall's chances of obtaining favorable zoning for its site, when, in fact, Hall's pleadings contain no statement by Smith or any other Trenton official regarding the likelihood of success of Hall's efforts to have the proposed site rezoned.

[3] Section 2107 of the Zoning Ordinance of Trenton, Michigan states, in part, as follows:

> 2. Radio and television towers, public utility microwaves, and public utility TV transmitting towers, and their attendant facilities shall be permitted in I-1 and I-2 districts provided such use shall be located centrally on a continuous parcel of not less than one and one-half (1½) times the height of the tower measured from the base of said tower to all points on each property line.

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would also have an effect upon WCAR's basic qualifications. However, if as WCAR alleges, Hall has fabricated its story about WCAR's contacts with the property owners, then Hall's statements with respect thereto would constitute misrepresentations to the Commission, and would affect its basic qualifications to become a licensee. Therefore, misrepresentation and character issues will be included as to both parties. In *The Citizens Committee, et al.* v. *F.C.C.*, 436 F. 2d 263 (D.C. Circ., 1970) at p. 271 it was held that "the truth is most likely to be refined and discovered in the crucible of an evidentiary hearing." We believe that the conflicting assertions presented to us in these pleadings necessitate a search for the truth which can only be accomplished by the hearing process.

14. In addition to WCAR's allegations with respect to the availability of Hall's proposed site, it also alleges that Hall's directional antenna system will not be able to be installed as proposed. This, it states, is because the site is too small to support the proposed 300 foot ground system for several of its nine towers. However, Hall states that its proposed array is technically feasible. Both sides have submitted engineering affidavits which support their conflicting positions. According to our examination of the engineering portion of Hall's application, its array will not fit on the proposed site. Hence, a site suitability issue will also be specified.

15. WCAR's petition asserts that Hall lacks the requisite financial qualifications to be awarded the construction permits. Analysis of Hall's financial documentation indicates that it will require $578,376 to construct its proposed facilities and operate the station for three months without reliance upon revenues,[1] itemized as follows:

Down payment on leased equipment	$2,265
Additional payments on equipment lease	7,361
Land	126,000
Buildings	20,000
Miscellaneous items (AM)	32,000
Miscellaneous items (FM)	20,000
Loan repayment	175,000
Working capital (3 months)	195,750
Total	578,376

To meet this requirement, Hall plans to utilize existing capital and a loan from a lending institution.

16. In support of its request for a financial issue, WCAR has challenged the validity of Hall's loan commitment from the Mid-States Mortgage Corporation. Also, it has questioned Hall's alleged ability to procure the necessary land for $126,000, as represented by Hall. Finally, WCAR states that Hall will not be able to construct its proposed stations for the amounts shown in its applications.

17. By its terms, Hall's loan commitment from Mid-States Mortgage Corporation in the amount of $1,600,000 expired on June 30, 1975. There is nothing in either of Hall's applications which indicates that this commitment has been renewed or extended. Further, Hall's applications do not include any documentation indicating that land will be available for $126,000 as alleged. Moreover, we note that Hall's most recently filed balance sheet is dated December 31, 1973. Thus, it is too old to be of significance in evaluating its financial qualifications at this time. Also, it appears that Hall's financial plan is based on cost estimates which are several years old and hence, may not be reflective of current prices. For the aforementioned reasons, a general financial issue will be specified.

18. WCAR's petition also contains allegations that Hall has failed to ascertain the problems and needs of Detroit, Michigan, its proposed community of service, and that it has made misrepresentations to the Commission with respect thereto. Specifically, WCAR disputes Hall's statements in its applications that it has interviewed 303 community leaders.[2] WCAR's allegations with respect to Hall's community leader survey are based upon WCAR's own interviews with thirteen of the leaders listed in Hall's applications as having been consulted by Hall. Of those thirteen, nine have indicated to WCAR that they do not recall ever being consulted by any one representing Hall. Hall, in its effort to refute WCAR's allegations, has included with its opposition, affidavits of those persons who conducted the consultations which have been challenged by WCAR. Hall's representatives have stated under oath that they did consult with those leaders. In response to these affidavits, WCAR has submitted with its reply, unsworn statements of two of those community leaders, and a sworn statement of another in which these persons deny any recollection of having been interviewed by representatives of Hall. Also included is an affidavit of WCAR's attorney in which the attorney states that two of Hall's listed interviewees told him that they did not recall ever having been interviewed by representatives of Hall.

19. Hence, we have been presented with contradictory allegations and statements with respect to whether or not Hall has consulted with all of the community leaders listed in its applications. Therefore, we believe that serious questions have been raised concerning the truthfulness of Hall's statements about its community survey. In these circumstances, inclusion of a misrepresentation issue against Hall is warranted. *California Stereo, Inc.*, 39 FCC 2d 401, 26 RR 2d 887 (Rev. Bd. 1973, *Belo Broadcasting Corp.*, 42 FCC 2d 1011, 28 RR 2d 732 (Rev. Bd. 1973), *Western Television Company*, 50 FCC 2d 453, 32 RR 2d 350 (Rev. Bd. 1974).

20. Since Hall proposes primarily black-oriented programming, while WCAR proposes general market programming, the relative need for these different types of programming will be considered under the standard comparative issue. *Ward L. Jones*, FCC 67–82 (1967).

21. In its Memorandum of Law, WCAR has alleged that Hall's proposed transmitter site does not comply with our rules adopted to implement the National Environmental Policy Act. These rules were adopted in our *Report and Order* in Docket No. 19555 (Implementation of the National Environmental Policy Act of 1969) released December 16, 1974. However, that *Report and Order* states that these rules are applicable to applications filed after January 20, 1975. Inasmuch as Hall's proposals were filed prior to that date, the rules do not apply, and therefore, it is not necessary to rule on WCAR's motion for leave to file a memorandum of law.

22. Except as indicated by the issues specified below, the applicants are legally, financially, technically, and otherwise qualified. However, since the proposals are mutually exclusive, they must be consolidated for a hearing.

23. Accordingly, IT IS ORDERED, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications ARE DESIGNATED FOR A HEARING IN A CONSOLIDATED PROCEEDING at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether The Hall Broadcasting Company has reasonable assurances that its proposed transmitter site will be available.

2. To determine whether the transmitter site selected by The Hall Broadcasting Company is suitable for its proposed directional antenna system.

3. To determine whether The Hall Broadcasting Company is financially qualified to construct and operate its proposed stations.

4. To determine with respect to WCAR, Inc.:

(a) whether it interfered with or attempted to interfere with the efforts of The Hall Broadcasting Company to obtain reasonable assurances of the availability of Hall's proposed transmitter site.

(b) whether it made misrepresentations to the Commission in connection with its interference with the efforts of The Hall Broadcasting Company to obtain reasonable assurances of the availability of Hall's proposed transmitter site.

(c) the effect of the facts adduced pursuant to (a) and (b) above, upon WCAR, Inc.'s basic and/or comparative qualifications to be a licensee.

[1] In *Orange Nine, Inc., et al.*, 7 FCC 2d 789, 9 RR 2d 1157 (1967) we held that the requirement that an applicant show the availability of sufficient funds to construct and operate its station for one year enunciated in *Ultravision Broadcasting Company*, 5 RR 2d 343 (1965), would not apply in situations where an applicant seeks to replace an existing station with an established record of advertising revenues. Rather, it would only be necessary to show sufficient revenues to construct the station and operate it for three months.

[2] Hall's application indicates that the bulk of its community leader interviews were conducted personally by Mr. Hall, and that he was assisted by several prospective management-level employees.

5. To determine with respect to The Hall Broadcasting Company:

(a) whether it made misrepresentations to the Commission with respect to WCAR's alleged interference with Hall's efforts to obtain reasonable assurances of the availability of its proposed transmitter site, and with respect to its survey of community leaders.

(b) the effect of the facts adduced pursuant to (a) above, upon The Hall Broadcasting Company's basic and/or comparative qualifications to be a licensee.

6. To determine which of the proposals would, on a comparative basis better serve the public interest.

7. To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if either of the applications should be granted.

24. It is further ordered, That, the burden of proceeding with the introduction of evidence upon issues 1 through 3 shall be upon WCAR, Inc., and the burden of proof shall be upon The Hall Broadcasting Company, Inc.

25. It is further ordered, That, the burden of proceeding with the introduction of evidence and the burden of proof under issue 4 shall be upon The Hall Broadcasting Company, Inc.

26. It is further ordered, That, the burden of proceeding with the introduction of evidence under issue 5 shall be upon WCAR, Inc., and the burden of proof shall be upon The Hall Broadcasting Company, Inc.

27. It is further ordered, that WCAR, Inc.'s petition to dismiss the applications of The Hall Broadcasting Company, Inc., is hereby DENIED; that WCAR, Inc.'s motion for leave to file memorandum of law is GRANTED to the extent indicated above.

28. It is further ordered, That, to avail themselves of the opportunity to be heard, both applicants shall, pursuant to section 1.221(c) of the Commission's rules, in person or by attorney, within twenty (20) days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

29. It is further ordered, That, the applicants shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, give notice of the hearing within the time and in the manner prescribed in such rules, and shall advise the Commission of the publication of such notice as required by section 1.594(g) of the rules.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-23073 Filed 8-6-76;8:45 am]

FEDERAL MARITIME COMMISSION

CELTIC BULK CARRIERS

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., San Juan, Puerto Rico and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before August 19, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

CELTIC BULK CARRIERS

JOINT SERVICE

(Modification of Agreement)

Notice of Agreement Filed by:

F. Conger Fawcett, Esq., Graham & James, One Martime Plaza, San Francisco, California 94111.

Agreement No. 10035–3 adds inland points in the United States and Europe served through ports on the U.S. West Coast and the United Kingdom, Ireland, Spain, Portugal, The Scan-Baltic area and the Bordeaux-Hamburg range to the scope of the joint service.

By order of the Federal Maritime Commission.

Dated: August 3, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-22990 Filed 8-6-76;8:45 am]

[AGREEMENTS NOS. 10247, 10248 AND 10250]

COMMENT PERIOD

Extension

Notice of the filing of Agreements Nos. 10247 and 10248 was published in the FEDERAL REGISTER of July 7, 1976, (Vol. 41, No. 131, Page 27872), and Agreement No. 10250 was noticed in the FEDERAL REGISTER of July 14, 1976 (Vol. 41, No. 136, Page 29025).

Time for filing comments on these agreements is hereby enlarged to and including August 17, 1976.

By order of the Federal Maritime Commission.

Dated: August 3, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-22989 Filed 8-6-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E-9040]

CENTRAL VERMONT PUBLIC SERVICE COMMISSION

Compliance Filing

AUGUST 2, 1976.

Take notice that Central Vermont Public Service Corporation (Central Vermont) on April 27, 1976, filed a Report of Compliance with the Commission's April 5, 1976, order approving Settlement Agreement.

Central Vermont states that every resale customer will receive refunds under the Settlement Agreement of all amounts collected under Rate R–3P as originally filed which are attributable to the inclusion of CWIP in rate base. Central Vermont attaches a comparison showing refunds for the period from January 6, 1975, through November 30, 1975.

Central Vermont requests that the Commission issue a letter order approving this report, unconditionally approving the Settlement Agreement, and terminating this proceeding.

Any person desiring to be heard as to this compliance filing should file comments with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the Commission's Rules of Practice and Procedure. All comments should be filed on or before August 16, 1976. Copies of this compliance filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-23047 Filed 8-6-76;8:45 am]

[Docket No. ER76-793]

DUKE POWER CO.

Tendered Contract Supplement

AUGUST 2, 1976.

Take notice that on July 19, 1976, Duke Power Company tendered for filing a supplement to its electric power contract with the Town of Dallas, North Carolina. The supplement provides for an increase in contract demand from 7,000 KW to 8,000 KW which Duke Power states was made at the request of the customer. The requested effective date is August 20, 1976.

Duke Power states that a copy of the filing has been mailed to the customer.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such

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petitions or protests should be filed on or before August 17, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-23048 Filed 8-6-76;8:45 am]

[Docket No. ER76-794]

DUKE POWER CO.

Tendered Contract Supplement

AUGUST 2, 1976.

Take notice that on July 19, 1976, Duke Power Company tendered for filing a supplement to its electric power contract with the Town of Forest City, North Carolina. The supplement provides for an increase in contract demand at Delivery Point No. 1 from 4,800 KW to 5,800 KW and at Delivery Point No. 2 from 8,200 KW to 9,200 KW. Duke Power states that the increase is made at the request of the customer.

The requested effective date is August 20, 1976. Duke Power states that a copy of the filing has been mailed to the customer.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 17, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-23049 Filed 8-6-76;8:45 am]

[Docket No. ER76-722]

NEW ENGLAND POWER CO.

Notice of Filing

AUGUST 2, 1976.

Take notice that on July 14, 1976, New England Power Company (NEPCO) filed an amendment to its Rate Schedule FPC No. 281 with Boston Edison Company effecting a reduction in the return on common equity contained therein from 14.00% to 13.5%. NEPCO states that since the date of filing of Rate Schedule FPC No. 281, it was confirmed between the parties that the applicable return on common equity under the terms of the agreement was 13.5%.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 13, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-23051 Filed 8-6-76;8:45 am]

[Docket No. ER76-304, et al.]

NEW ENGLAND POWER CO.

Settlement Conference

AUGUST 2, 1976.

Take notice that on August 12, 1976, a conference of all parties to intervene in these proceedings, New England Power Company, and the Commission Staff will be held in the Commission's Conference Room No. 8402, at 825 North Capitol Street, NE., Washington, D.C., at 10:00 A.M.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, attendance at the conference will not be deemed to authorize intervention as a party in the proceedings.

All parties will be expected to come fully prepared to discuss the merits of all issues concerning the lawfulness of the proposed rate increase and any procedural matters preparatory to a full evidentiary hearing or to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-23052 Filed 8-6-76;8:45 am]

[Docket No. ER76-17]

OHIO POWER CO.

Modification of Procedural Schedule

AUGUST 2, 1976.

On July 22, 1976, Staff Counsel filed a motion to extend the procedural dates fixed by order issued August 17, 1975, as most recently modified by notice issued May 12, 1976, in the above-designated proceeding and to permit the service of top sheets by the Commission Staff.

Upon consideration, notice is hereby given that the procedural schedule is modified as follows:

Service of Staff's Top Sheets, July 23, 1976.
Informal Settlement Conference, August 11, 1976.

All other procedural dates are deferred pending the outcome of settlement discussions.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-23050 Filed 8-6-76;8:45 am]

PRIVACY ACT OF 1974

New or Intended Routine Uses of Information in Existing Systems of Records

The Privacy Act of 1974, Pub. L. No. 93-579 (88 Stat. 1896), requires that each agency publish at least annually a notice of the existence and character of each "system of records", as defined in 5 U.S.C. 552a(a)(5), which the agency maintains, 5 U.S.C. 552a(e)(4). The Federal Power Commission has published such notice in the FEDERAL REGISTER at 40 FR 39353 (Aug. 27, 1975), 40 FR 41984 (Sept. 9, 1975), 40 FR 45118 (Sept. 30, 1975), 40 FR 52806 (Nov. 12, 1975), and 41 FR 9010 (March 2, 1976).

Pursuant to 5 U.S.C. 552a(e)(11), section 309 of the Federal Power Act, as amended (49 Stat. 858-859; 16 U.S.C. 825h), and section 16 of the Natural Gas Act, as amended (52 Stat. 830; 15 U.S.C. 717o), notice is hereby given that the Federal Power Commission proposes the adoption of new or intended uses of information in existing record systems which have been published in the FEDERAL REGISTERS cited hereinabove.

5 U.S.C. 552a(b)(7) provides for disclosure of records by an agency, without the written consent of the individual, in response to a request from "* * * another agency or * * * an instrumentality of any governmental jurisdiction * * * for a civil or criminal law enforcement activity * * *" The Privacy Act is silent on referrals of information for law enforcement purposes, without the individual's consent, which are initiated by the referring agency when the law enforcement agency may be unaware of the problem. The Federal Power Commission believes that it is necessary to include a routine use of the appropriate record systems to insure such referrals without the individual's consent in matters involving this fundamental agency responsibility to refer to appropriate authorities apparent violations of criminal and Civil laws.

Accordingly, the Federal Power Commission hereby gives notice of the addition of the following new routine use to the FPC record systems entitled, "Appeals, Grievances and Complaints Records" [40 FR 39354 (Aug. 27, 1975)], "Application for Interlocking Directorates—Security Files" [40 FR 39355 (Aug. 27, 1975)], "Blood Donor Records" [40 FR 39356 (Aug. 27, 1975)], "Claims by Employees for Losses of Personal Property" [40 FR 39357 (Aug. 27, 1975)], "Computer Usage Production Statistics for the Office of Regulatory Information Systems" [40 FR 39358 (Aug. 27, 1975)], "Data Operator Performance Statistics for the Office of Regulatory Information Systems" [40 FR 39359 (Aug. 27, 1975)], "Employee Conduct Records" [40 FR 39360 (Aug. 27, 1975)], "Pay and Pay-Related Records (Payroll, Travel, Attendance, Leave)" [40 FR 39363 (Aug. 27, 1975)], "Personnel Investigations Records (Security and Suitability)" [40 FR 39364 (Aug. 27, 1975)], "Personnel Records (General)" [40 FR 39365 (Aug. 27, 1975)], "Recruiting, Examining, and Placement Records" [40 FR 39366 (Aug. 27, 1975)], and "Time Distribution Reports" [40 FR 39368 (Aug. 27, 1975), 40 FR 41984 (Sept. 9, 1975)]:

In the event that a system of records maintained by the FPC to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

The categories of records maintained in the affected systems and the authorities authorizing the maintenance of the information contained in these systems are set forth in the appropriate FEDERAL REGISTERS cited herein above.

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, on or before September 8, 1976, in writing, concerning all or part of the notice proposed herein.

Submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Pubic Information, Washington, D.C., 20426, during regular business hours. The Commission will consider all such submittals before acting on the matters proposed herein. An original and 14 conformed copies should be filed with the Secretary of the Commission. Submittals to the Commission should indicate the name and mailing address of the person filing the comments or suggestions.

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-23046 Filed 8-6-76;8:45 am]

[Docket No. RM75-14]

NATIONAL RATES FOR JURISDICTIONAL SALES OF NATURAL GAS DEDICATED TO INTERSTATE COMMERCE ON OR AFTER JANUARY 1, 1973, FOR THE PERIOD JANUARY 1, 1975 TO DECEMBER 31, 1976

Order Denying Stay

AUGUST 2, 1976.

On July 28, 1976, a motion was filed with the Commission by the American Public Gas Association in conjunction with several organizations[1] (APGA, et al., or Petitioners), requesting the Commission to stay Opinion No. 770, ____ FPC ____, issued July 27, 1976, in Docket No. RM75-14, pending the Commission's final order on rehearing in this proceeding.

Also on July 28, 1976, the U.S. Court of Appeals for the District of Columbia Circuit, following Petitioners' motion there for a stay, stayed the Commission's order in this case "in order to afford [the] Court an opportunity more fully to consider the matter and the responses thereto." On July 29th the Court asked that responses be filed by August 3, 1976, and set oral argument for August 5. While the Court's stay is in effect, we recognize that the action we take here can have no immediate effect. However, inasmuch as we have directed our General Counsel to seek to have that stay lifted, we believe it is important to rule upon this motion now so that Opinion 770 can become effective immediately upon the lifting of that stay.

Virginia Petroleum Jobbers Ass'n v. *F.P.C.*, 104 U.S. App. D.C. 106, 259 F. 2d 921 (1958), sets forth the tests for a stay, *all* of which must be met. First, those requesting the stay (Petitioners) must show that there is a strong likelihood their views will prevail on appeal. Secondly, Petitioners must show that without such relief, they will be irreparably injured. Third, Petitioners must show that the issuance of a stay would not substantially harm other parties interested in the proceedings. Fourth, the Petitioners must show that the stay is in the public interest. We find that Petitioners have not met these standards and, accordingly, deny the stay.

1. Petitioners argue that they will, in all likelihood, succeed on the merits on appeal because, *inter alia*, (1) the Opinion 770 rate is based on the unregulated price of intrastate gas and not on costs, and is, therefore, unlawful; (2) Opinion No. 770 is procedurally defective since Petitioners' "constitutional and statutory right to a hearing was denied"; and (3) the Commission committed reversible error by "arbitrarily abandoning the actual taxes paid principle" and including an income tax component.

Petitioners' assertion that Opinion 770 is not cost-based, and that the Commission placed unwarranted reliance on intrastate prices is without merit. While the Commission cannot use unregulated intrastate prices as the sole criteria for establishing interstate producer prices,[2] it is clear that the Commission may consider such prices in conjunction with cost factors in determining just and reasonable producer rates.[3] While the Commission undoubtedly examined non-cost factors in Opinion No. 770, as it has in other opinions, those factors were not controlling, and the rate established is, as stated on pages 1-2 of the opinion "fully cost-based and justified." Opinion 770 is based on almost exactly the type of methodology which was upheld in *Shell Oil Company* v. *F.P.C., et al.*, 520 F. 2d 1061, *cert. den. sub nom. California Company, et al.* v. *F.P.C.*, dated June 14, 1976, 44 L.W. 3719.

Petitioners' arguments regarding the necessity for a full evidentiary hearing are similarly without merit. Exactly the same argument was made and rejected in *Shell, supra.*

Nor is there any merit to Petitioners' arguments concerning the Commission's allowance of an income tax component. While there was no such component in Opinion 699-H, it is clear that the situation has changed considerably since the adoption of that opinion. At the time of 699-H, producers were still allowed percentage depletion. That tax advantage is no longer generally available. Thus, the Commission's conclusion that producers will be paying taxes, at least on the marginal gas to which this opinion applies, is fully justified by the record.

2. Petitioners argue that without a stay, irreparable injury will occur because (1) there would be a tremendous rate impact on consumers from Opinion 770 prior to the issuance of a final Commission order and (2) there is no assurance that there would be refunds ordered of any amounts collected under Opinion 770 which are found to be excessive. Petitioners' argument is without merit. Petitioners acknowledge that the courts have left the issue of refunds to the Commission's discretion. This power exists whether or not it is expressly reserved in the Commission's opinion. *Consumer Federation of America* v. *F.P.C.*, 169 U.S. App. D.C. 116, 515 F. 2d 347, *cert. denied*, 423 U.S. 906 (1975).

As long as the Commission has this power there can, by definition, be no irreparable injury. *Cf. Atlanta Gas Light Co.* v. *F.P.C.*, 476 F. 2d 142 (5th Cir. 1973). The Commission has no policy denying refunds *per se*. Should such an issue arise here, the Commission would treat it on the merits based upon the then existing circumstances.

Moreover, for reasons set forth below, Petitioners are in error, both as to the amount and timing of the impact of our opinion.

(a) *Date of Impact of Order 770.* As set forth in ordering paragraph (D) of the opinion (page 161), there can be no direct impact on any pipeline customer until October 27, 1976, the earliest possible effective date of any pipeline rate in-

[1] Consumer Federation of America, New Jersey Board of Public Utility Commissioners, State of Minnesota, Minnesota Public Service Commission, United Steel Workers of America, United Automobile, Aerospace and Agricultural Implement Workers of America, International Association of Machinists & Aerospace Workers, National Rural Electric Cooperative Association, American Public Power Association, United States Conference of Mayors, National Farmers Union, National Farmers Organization, Energy Action Committee, Toward Utility Rate Normalization, Industrial Union Department, and AFL-CIO.

[2] *Federal Power Commission* v. *Texaco*, 417 U.S. 380, 397-99 (1974).

[3] *Mobil Oil Corp.* v. *F.P.C.*, 417 U.S. 283, 317-19 (1974). See discussion in Opinion 770 (mimeo. p. 111).

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crease tracking any rate filings under Opinion 770. Any direct impact on residential retail customers of the pipeline's wholesale customers could not occur until after that time, and would depend upon the action of state regulatory agencies. We would expect that the rehearing for the sake of which Petitioners seek the stay would be completed by that date.

(b) *Cost Impact of Opinion.* While the Commission would not deny, and has in fact affirmatively stated, that Opinion 770 will result in a significant dollar volume of increased revenue to producers, an accurate understanding of the Commission's decision requires some response to the erroneous portions of Petitioners' arguments with regard to cost impact.

(i) In calculating the impact of the escalation of post-January 1, 1975 gas to the rate authorized by Opinion 770, Petitioners argue that the Commission has actually established a rate of $1.63, not $1.42. At page 3, n. 2 of their motion, they support this with the statement that "the present value of the revenues recevied from past commitment of volumes of gas adds 21¢ per Mcf."

This is completely incorrect. The price established by this opinion for 1975–76 gas is $1.42 for gas flowing from the date of the opinion until October 1, 1976. The price then escalates on that day to $1.43; on January 1, 1977 to $1.44, on April 1, 1977 to $1.45, and so forth, by 1¢ escalations per quarter, reaching $1.49 on January 1, 1978, and $2.04 on January 1, 1992. The discussion of a 21¢ addition to the price, and an effective rate of $1.63, simply indicates that the present value of these 1¢ escalator payments would be 21¢, and that on a present worth basis, this escalating stream of payments would be equivalent to a level series of payments at a rate of $1.63. However, this certainly does not mean that the amounts to be paid by consumers, or anyone else, will be anything other than the $1.42 today, with the 1¢ escalators as indicated.

The computations at pages 3–4 on emergency and limited-term sales are almost completely without validity. Emergency and limited-term sales have dropped sharply since the 1971–1974 period used in the calculations on page 4. In addition, there is no reason to believe that emergency and limited-term sales will be made at all, or will be made at a significant differential above the national rate, when the national rate is, as here, based on updated costs and conditions.

3. The issuance of a stay of Opinion No. 770 would cause irreparable injury to other parties to this proceeding. One of the major purposes of Opinion No. 770 was to increase the incentive for producers to dedicate gas to the interstate market, and to develop gas for dedication to the interstate market. So long as the effectiveness of this order is stayed, those incentives will not exist. With this country facing a succession of steady increases of curtailment of natural gas, such an impact would be an irreparable injury. While money paid between parties could ultimately be restored, gas which is not produced or delivered to interstate markets in the next several months will not be available for use during the coming winter heating season. Several recent Commission actions are indicative of the potentially serious nature of the natural gas situation. On July 20, 1976, the Commission issued in Docket No. RP76–116 an order initiating "hearings and conferences to evaluate the impact of natural gas shortages of interstate pipeline companies." On June 28, 1976, in Docket No. RP76–113, the Commission issued an order beginning an investigation of recent sharp increases in the price of Canadian gas imports. In the face of a serious gas situation, this Commission cannot countenance the maintenance of the status quo.

4. Finally, Petitioners argue that a stay in this proceeding would be in the public interest. Their stated argument here is based only on the alleged errors in the Commission's methodology, which we have rejected above. We would also point out that it is in the national interest to take adequate steps to maintain and, if possible, increase the interstate supply of natural gas, so as to lessen dependence on much higher price alternative sources, such as Canadian gas imports, LNG and SNG projects, and supplies of imported oil. A stay would continue and exacerbate the problems caused by reliance on such high-priced alternative supplies, and thus would not be in the public interest.

For all of the aforementioned reasons, Petitioners' motion for a stay of Opinion No. 770 shall be denied.

Also, on July 28, 1976, Senator Hubert H. Humphrey filed a pleading in support of the APGA, *et al.*'s motion, and requested that he be allowed to intervene. Furthermore, all of the parties listed in Footnote 1 request leave to intervene out of time in this proceeding. On July 30, 1976, a pleading was filed supporting APGA, *et al.*'s motion for stay which also requested late intervention on behalf of United States Senators Abourezk, Durkin, and Proxmire and United States Representatives Bedell, Brodhead, Harrington, Harris, Hughes, Maguire, Moffett, Moss, Ottinger, and Seiberling (Congressmen). The Commission shall permit the aforementioned requests for intervention subject to the condition that the intervenors take the record and state of the proceedings as they find them, and subject to the further condition that the granting of the interventions shall not be the basis for delaying or deferring the issuance of a final order on rehearing in this proceeding.

The Commission finds: (1) Good cause exists to deny the motion for stay of Opinion No. 770 filed on July 28, 1976, by APGA, *et al.*

(2) The participation of the aforementioned parties in this proceeding may be in the public interest, as hereinafter conditioned.

The Commission orders: (A) The motion for stay of Opinion No. 770 filed by APGA, *et al.*, on July 28, 1976, is denied.

(B) Senator Hubert H. Humphrey, Congressmen, and the parties listed in Footnote 1 are hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; *Provided, however*, that participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in their petitions to intervene; and *Provided, further*, that the admission of such intervenors shall not be construed as recognition by the Commission that such intervenors might be aggrieved because of any order or orders of the Commission entered in this proceeding. The interventions granted above are hereby made subject to (1) the condition that the intervenors take the record and the state of the proceedings as they find them, and (2) the condition that interventions granted herein shall not be the basis for delaying or deferring the issuance of a final order on rehearing in this proceeding.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission. Commissioner Smith believes the stay entered by the United States Court of Appeals for the District of Columbia Circuit on July 28, 1976, in *American Public Gas Association, et al. v. F.P.C.*, Docket No. 76–1694, makes the motion before the Commission moot, and thus does not join in this Order.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–23057 Filed 8–6–76;8:45 am]

NATIONAL GAS SURVEY

Cancellation of Meeting

Notice is hereby given of the cancellation of the meeting of the National Gas Survey Conservation-Technical Advisory Task Force-Efficiency in Use of Gas of August 18, 1976, which was published in the FEDERAL REGISTER July 19, 1976, 41 FR 29751.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–23154 Filed 8–5–76;10:37 am]

FEDERAL RESERVE SYSTEM

FLORIDA NATIONAL BANKS OF FLORIDA, INC.

Order Denying Acquisition of Bank

Florida National Banks of Florida, Inc. ("Florida National"), Jacksonville, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under § 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 50.37 percent or more of the voting shares of the Citizens Bank of Bunnell ("Bank"), Bunnell, Florida.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Florida National, the fifth largest banking organization in Florida, controls 32 banks with aggregate deposits of approximately $1.3 billion, representing 5.4 percent of the total deposits in commercial banks in the State.[1] Acquisition of Bank would increase Florida National's share of total commercial bank deposits by .04 percent and would not result in a significant increase in the concentration of banking resources in Florida.

Bank, the larger of the two banks in the relevant banking market,[2] controls total deposits of approximately $11 million representing 62.2 per cent of the total deposits in commercial banking institutions in the market. The closest subsidiary bank of Florida National is 23 miles southeast of Bank. No significant competition exists between any of Florida National's subsidiary banks and Bank, and it appears unlikely that such competition would develop in the future. Common ownership and control of Bank and the only other bank in the relevant market has led to common senior operating management and director interlocks. Because of this affiliate relationship, the two banking institutions do not presently compete with each other. If the subject proposal is approved, it is expected that the affiliate relationship will be terminated and Bank will become an independent alternative source of banking services in the relevant market. On the basis of the facts of record, the Board concludes that competitive considerations are consistent with, and lend some weight toward, approval of the application.

The financial condition and future prospects of Florida National, its subsidiaries and Bank are regarded as satisfactory. Accordingly, the Board concludes that financial considerations are consistent with approval of the application.

In the course of processing this application, the following information has come to the Board's attention.

(1) In May 1974 Florida National withdrew a previous application it then had pending to acquire 50.37 per cent of Bank.[3]

[1] All banking data are as of December 31, 1975.

[2] The relevant banking market is approximated by Flagler County.

[3] Following the 1966 Amendments to the Act, the DuPont Trust ("Trust") sought to divest its holdings in 30 Florida banks through an exchange of stock with a newly created bank holding company, Florida National. Subsequently, the Board determined that Trust was still controlling the 30 banks thorugh Florida National and by Order of October 15, 1973, the Board ordered the DuPont Trust to "terminate its control and/or controlling interest over Florida National and/or its subsidiary banks" by December 31, 1974. In May 1974, eight pending § 3(a)(3) applications of Florida National were returned because Trust had not yet complied with the Board's Order of October 15, 1973; and therefore any acquisitions of bank shares by Florida National would have constituted an indirect acquisition by Trust.

(2) In late May 1974, Florida National's counsel (who was also a director of Florida National) conferred with members of the Board's Legal Division to discuss the possibility of preserving Florida National's opportunity to acquire Bank by having officers of Florida National purchase the stock of Bank and hold it as individuals until such time as Florida National could purchase it from them.

(3) Subsequently, by letter of June 14, 1974, the Board's Legal Division informed Florida National's counsel that ". . . any action to acquire shares of a bank by officers, directors or other persons associated or related to a bank holding company, without Board approval, should be taken with extreme caution to insure that the bank holding company does not obtain direct or indirect control or power to control or exercise a controlling influence over the bank."

(4) On June 28, 1974, Florida National entered into a Stock Purchase Agreement with three of its officers[4] ("Officers") providing, in part, that Florida National, through one of its subsidiary banks, would loan its Officers funds with which to purchase 50.37 per cent of the voting shares of Bank. The Officers agreed to sell those shares to Florida National at a later date. In addition, "the entire risk of gain or loss on the transactions" was upon Florida National. Florida National also agreed to indemnify its Officers against loss in the event it was unable to purchase the shares from them.

(5) Inquiries by the Board's Legal Division in October 1974 resulted in a letter dated October 7, 1974, from Florida National's counsel committing Florida National and its Officers to (a) remove the loan from Florida National's subsidiary bank to an unaffiliated bank, (b) cancel, rescind, and render void and unenforceable the Stock Purchase Agreement of June 28, 1974, and (c) enter into a new Stock Purchase Agreement "which would be consistent with the Board's staff's recommendations and which would provide no indemnification."

(6) Florida National subsequently placed the loan with an unaffiliated bank. However, Florida National agreed to guarantee the loan.

(7) On May 1, 1975, Florida National submitted an application for prior approval to acquire 50.37 per cent of the outstanding voting shares of Bank from its Officers who had acquired the shares from Bank's principal shareholder.

(8) During processing of the application, staff discovered that the Stock Purchase Agreement between Florida National and its Officers had not been "cancelled and rescinded and rendered void and unenforceable from the beginning" and was in fact still in force. The only step that had been taken by Florida National in fulfillment of the commitments listed in the aforementioned October 7th letter was the transfer of the loan to Officers from Florida National's subsidiary bank to an unaffiliated bank. Florida National continues to guarantee the loan to its Officers[5] and all of the other provisions of the Stock Purchase Agreement remain in force.

(9) In response to a request by the Board's staff that Florida National explain its actions, Florida National and its counsel provided documents and arguments in support of its position that its actions should not be deemed a willful violation of the Act. Florida National and its counsel argue, in part, that Florida National acted upon the advice of counsel; that Florida National's agreement with its Officers had been structured to comply with prior holdings of the Board in similar cases; and that, at worst, the transaction was a technical violation of the Act.

Section 3(a) of the Act provides that it shall be unlawful, except with the prior approval of the Board ". . . (3) for any bank holding company to acquire direct or indirect ownership or control of any voting shares of any bank if, after such acquisition, such company will directly or indirectly own or control more than 5 per centum of the voting shares of such bank." Section 2(a)(2)(A) of the Act provides that any company has control over a bank or over any company if "(A) the company directly or indirectly or acting through one or more other persons owns, controls, or has power to vote 25 per centum or more of any class of voting securities of the bank or company."

It appears that, contrary to the specific recommendations and views expressed by the Board's Legal Division, Florida National, acting through its Officers, acquired control of 50.37 per cent of Bank's outstanding voting shares. Florida National was instructed by the Board's Legal Division not to finance its Officers' purchase of Bank's shares, not to guarantee any loan made to its Officers by an unaffiliated bank and not to indemnify its Officers against loss. Despite these directions and Florida National's awareness of the Board's publicly expressed concern with acquisitions by officers of holding companies acting to preserve corporate opportunities,[6] and without apparent concern for the consequences of its actions, Florida National nevertheless structured the transaction in a manner that clearly resulted in its acquiring control of Bank. Moreover, Florida National continues to guarantee the loan to its Officers and to indemnity those Officers against loss, and the control relationship thus continues.

On the basis of the facts of record, the Board concludes that Florida National controls Bank within the meaning of § 2(a)(2)(A) of the Act. The Board further concludes that Florida National violated

[4] Two of the officers were also directors of Florida National.

[5] At the time Florida National placed the loan with the unaffiliated lender, American National Bank of Jacksonville, it continued to guarantee the loan to its Officers. When Florida National subsequently sought to remove its guarantee of the loan, American National Bank of Jacksonville refused to excuse Florida National from its obligation.

[6] See *Mid America Bancorporation, Inc.*, 1974 Federal Reserve *Bulletin* 131; *The Jacobus Company and Inland Financial Corporation*, 1974 Federal Reserve *Bulletin* 130.

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§ 3(a)(3) of the Act by acquiring control of Bank without the prior approval of the Board.

Among the factors enumerated in § 3(c) of the Act that the Board must consider in acting on applications is the managerial resources of the acquiring bank holding company. The reference to "managerial resources" does not, however, refer solely to the business abilities of management or its past financial success. The legislative history of this provision makes it clear that this factor relates not only to management's competence but also to management's integrity and disposition to conduct the affairs of company in accordance with the requirements of law.[7]

In assessing the managerial resources of an applicant, the Board must consider all the factors that bear upon the competence, quality and integrity of the management of any holding company seeking to acquire control of a bank. The Board has previously stated that when it comes to the Board's attention that an acquisition has been made, or activities have been commenced, without the requisite prior approval of the Board, whether or not such violation of the law appears to have been "willful," such conduct may reflect so adversely upon the managerial factors in connection with an application for permission to retain the illegally acquired activity that the conduct, in and of itself, constitutes grounds for denial of such an application.

In view of the repeated warnings of the Board's Legal Division cautioning Florida National's counsel to exercise great care in structuring the transaction whereby Officers acquired control of Bank, the contradictory statements made by Florida National's counsel to the Legal Division, the apparent misrepresentations made in connection with the application, and Florida National's continued failure to comply with the Board's staff's recommendations for remedying the situation, it is clear that insofar as this application is concerned the management of Florida National has not demonstrated a disposition to conform the conduct of Applicant's affairs to the requirements of the Act. Section 3(a) of the Act requires prior approval for acquisitions, and where an acquisition of control is made without obtaining such prior approval, under circumstances such as those presented here, the Board believes it should not approve an application to retain the illegally acquired control position and thereby allow the offending party to reap the fruits of its violation.

There is no evidence in the record that that the banking needs of the community are not currently being adequately served. Florida National has proposed to expand certain of Bank's services. However, in the context of this application, these considerations are not sufficient to outweigh the adverse managerial considerations of Florida National's violation of the Act referred to above. Accordingly, it is the Board's judgment that approval of the application would not be in the public interest and that the application should be denied.

On the basis of the record, the application is denied for the reasons summarized above. Florida National and its Officers are ordered to take all necessary steps to divest the shares of Bank unlawfully acquired by them no later than October 27, 1976 and to submit to the Board for its approval no later than August 29, 1976, a plan to effect such divestiture.

By order of the Board of Governors,[8] effective July 29, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-23092 Filed 8-6-76;8:45 am]

[7] As originally enacted, § 3(c)(3) of the Bank Holding Company Act provided that among the factors to be considered by the Board is the "character of [the] management". Also see Senate Report No. 1095, 84th Cong., 1st Sess., at page 10, accompanying the 1956 Act. The present § 3(c) of the Act includes the same standard without any substantive change in its meaning having been made by the 1966 Amendments to the Act which brought this section into harmony with the Bank Merger Act. The Federal Home Loan Bank Board has had occasion in a similar context to consider the scope of the "managerial resources" standard as contained in that section of the National Housing Act dealing with savings and loan holding companies. (12 U.S.C. § 1730a(e)(2)). The Bank Board concluded that its standard was adopted from the Bank Holding Company Act and that the phrase "managerial resources" encompasses considerations relating to the integrity of management. Opinion and Order of the Home Loan Bank Board in the Matter of the Joint Applications of Fidelity Financial Corporation and Fidelity Savings and Loan Association, Sacramento, California, and Six Rivers Savings and Loan Association, Eureka, California (Resolution No. 73-1772, December 7, 1973), at page 20.

[8] Voting for this action: Vice Chairman Gardner and Governors Wallich, Partee and Lilly. Absent and not voting: Chairman Burns and Governors Coldwell and Jackson.

MERCANTILE TEXAS CORP.

Proposed Acquisition of Financial Protection Insurance Company of Texas

Mercantile Texas Corporation, Dallas, Texas, has applied, pursuant to § 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR § 225.4(b)(2)), for permission to acquire voting shares of Financial Protection Insurance Company of Texas, Houston, Texas ("FPIC"), a wholly-owned nonbanking subsidiary of Federated Capital Corporation, Houston, Texas ("FCC"). Applicant's acquisition of FPIC would be accomplished as a result of a proposed merger of FCC with and into Applicant; an application, pursuant to § 3(a)(5) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(5)), for the Board's approval of such merger is presently pending before the Board. Notices of the application were published on July 13, 14 and 22, 1976 in newspapers of general circulation in the following locations: Houston, Austin, San Antonio, Corpus Christi and New Braunfels, Texas.

Applicant states that the proposed subsidiary would engage in the activities of underwriting, as a direct insurer and reinsurer, credit life and credit accident and health insurance directly related to extensions of credit by FCC's existing subsidiary banks at the aforementioned locations. Further, Applicant states that such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than September 1, 1976.

Board of Governors of the Federal Reserve System, August 3, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-23093 Filed 8-6-76;8:45 am]

SIDNEY HOLDING CO.

Formation of Bank Holding Company

Sidney Holding Company, Sidney, Montana, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company through acquisition of 80.5 per cent of the voting shares of The Sidney National Bank, Sidney, Montana. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 26, 1976.

Board of Governors of the Federal Reserve System, August 2, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-23091 Filed 8-6-76;8:45 am]

SOUTHERN BANKSHARES, INC.

Proposed Acquisition of Charters Insurance Managers, Inc.

Southern Bankshares, Inc., Richmond, Virginia, has applied, pursuant to § 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR § 225.4(b)(2)), for permission to retain voting shares of Charters Insurance Managers, Inc., Richmond, Virginia and thereby to continue to control indirectly National Union Life Insurance Company, Richmond, Virginia. Notice of the application was published on June 10, 1976 in *The Richmond Times-Dispatch*, a newspaper circulated in Richmond, Virginia and on June 21, 1976 in *The Virginia Gazette*, a newspaper circulated in Williamsburg, Virginia.

Applicant states that the subsidiary would continue to engage directly in the activity of acting as an insurance agent for credit life and credit accident and health insurance directly related to an extension of credit by the bank holding system; and continue to engage indirectly in the activity of acting as an underwriter for credit life and credit accident and health insurance that is directly related to extensions of credit by the bank holding company system. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than August 31, 1976.

Board of Governors of the Federal Reserve System, August 2, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-23090 Filed 8-6-76;8:45 am]

UNION HOLDING CO.

Formation of Bank Holding Company

Union Holding Company, Halliday, North Dakota, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of The Union Bank, Halliday, North Dakota. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than August 31, 1976.

Board of Governors of the Federal Reserve System, August 2, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-23089 Filed 8-6-76;8:45 am]

JACOBUS CO., ET AL.

Acquisition of Bank

The Jacobus Company, Milwaukee, Wisconsin, and its 45.4 percent owned subsidiary, Inland Heritage Corporation, Wauwatosa, Wisconsin, have applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to acquire, indirectly, 95.4 percent of The Beloit State Bank, Beloit, Wisconsin, through the acquisition of Financial Network Corporation, Beloit, Wisconsin, the parent holding company of The Beloit State Bank, by Inland Beloit Corporation, Milwaukee, Wisconsin, a wholly-owned subsidiary of Inland Heritage Company; and to acquire, indirectly, 75.3 percent of Community Bank of Beloit, Beloit, Wisconsin, through the acquisition of Community Holding Corporation, Beloit, Wisconsin, the parent holding company of Community Bank of Beloit, by Inland Beloit Corporation. At the same time, Inland Beloit Corporation has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through the acquisition of Financial Network Corporation and Community Holding Corporation. The factors that are considered in acting on the applications are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the applications should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 1, 1976.

Board of Governors of the Federal Reserve System, August 3, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-23143 Filed 8-6-76;8:45 am]

FEDERAL TRADE COMMISSION

CIGARETTE TESTING RESULTS

Tar and Nicotine Content

Correction

In FR Doc. 76-22500 appearing in the FEDERAL REGISTER of Monday, August 2, 1976 on page 32294, the table thereon should read as follows:

[In milligrams per cigarette]

	TPM dry	Nicotine
Dawn, 120 mm, filter, soft pack	21	1.6
Dawn, 120 mm, filter, menthol, soft pack	22	1.6
More, 120 mm, filter, soft pack	22	1.6
More, 120 mm, filter, menthol, soft pack	22	1.7

FAILURE TO POST MINIMUM OCTANE NUMBERS ON GASOLINE DISPENSING PUMPS

Extension of Time for Submission of Comments Concerning Environmental Impact Statement

In response to request of the National Petroleum Refiners Association et al., the Commission has extended through August 12, 1976, the time in which interested persons may file written comments or views as to its draft environmental impact statement and its relevant supporting material relating to its Trade Regulation Rule requiring the posting of minimum octane numbers on gasoline pumps. The original period of time for submission of comments terminated on June 28, 1976, and was extended through July 6, 1976. This present extension of time for submission of written comments or views expires on August 12, 1976. The draft environmental statement appears in the Friday, May 14, 1976, issue of the FEDERAL REGISTER, 41 FR 20017.

Issued: August 5, 1976.

JAMES A. TOBIN,
Acting Secretary.

[FR Doc.76-23160 Filed 8-6-76;8:45 am]

INTERNATIONAL TRADE COMMISSION

[AA1921-159]

TANTALUM ELECTROLYTIC FIXED CAPACITORS FROM JAPAN

Investigation and Hearing

Having received advice from the Department of the Treasury on July 22,

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1976, that tantalum electrolytic fixed capacitors from Japan, other than those produced and sold by Matsushita Electric Industrial Co., Ltd., are being, or are likely to be sold, at less than fair value, the United States International Trade Commission on August 3, 1976, instituted investigation No. AA1921–159 under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Hearing. A public hearing in connection with the investigation will be held in the Commission's Hearing Room, U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. 20436, beginning at 10 a.m., e.d.t., on Wednesday, September 8, 1976. All parties will be given an opportunity to be present, to produce evidence, and to be heard at such hearing. Requests to appear at the public hearing should be received by the Secretary of the Commission, in writing, at the Commission's office in Washington, D.C., not later than noon, Friday, September 3, 1976.

By order of the Commission.

Issued: August 3, 1976.

KENNETH R. MASON,
Secretary.

[FR Doc.76–22991 Filed 8–6–76;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL ON CHEMISTRY

Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92–463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Chemistry.
Date: August 29 and 30, 1976.
Time: 9 a.m. each day.
Place: Marin Room, TowneHouse Hotel, San Francisco, California.
Type of meeting: Open.
Contact person: Dr. Jack B. Kinsinger, Division Director for Chemistry, Room 340, National Science Foundation, Washington, D.C. 20550, telephone 202/632–4282,
Summary minutes: May be obtained from the Committee Management Coordination Staff, Division of Personnel & Management, Room 212, National Science Foundation, Washington, D.C. 20550.
Purpose of advisory panel: To provide general advice and recommendations on the impact of the NSF support of chemistry, and the operation and policies of the Chemistry Division.
Agenda:

August 29 (9 a.m. to 5 p.m.) open: Discussion of topics of concern to the Chemistry Division, including the status of the National Center for Computational Chemistry, procedures for review of chemistry division programs, support of sabbaticals, and mechanisms and procedures for postgrant evaluation.

August 30 (9 a.m. to 5 p.m.) open: Continuation of topics discussed on August 29, with remarks and presentations by NSF staff on the FY 77 budget and the Director's recent review of chemistry, as well as other topics of interest to the Panel and observers.

M. REBECCA WINKLER,
Acting Committee Management Officer.

AUGUST 4, 1976.

[FR Doc.76–23045 Filed 8–6–76;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–293]

BOSTON EDISON CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 18 to Facility Operating License No. DPR–35, issued to the Boston Edison Company (the licensee), which revised Technical Specifications for operation of Unit No. 1 of the Pilgrim Nuclear Power Station (the facility) located near Plymouth, Massachusetts. The amendment is effective as of its date of issuance.

This amendment changes Figures 6.2.1 and 6.2.2 of the Technical Specifications which describe the Boston Edison corporate organization and the Pilgrim Station organization, respectively. The change also adds a requirement to report changes in corporate structure and station organization to the Commission within 30 days.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated January 15, 1976, (2) Amendment No. 18 to License No. DPR–35, and (3) the Commission's concurrently issued related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Plymouth Public Library on North Street in Plymouth, Massachusetts 02360. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 29th day of July, 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.76–23036 Filed 8–6–76;8:45 am]

[Docket No. 50–213]

CONNECTICUT YANKEE ATOMIC POWER CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 9 to Facility Operating License No. DPR–61, issued to Connecticut Yaukee Atomic Power Company (the licensee), for operation of the Haddam Neck Plant located in Middlesex County, Connecticut. The amendment is effective as of its date of issuance.

This amendment revises the Haddam Neck Plant Technical Specifications for hydraulic snubbers by incorporating features of the latest model technical specifications.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated May 3, 17976, (2) Amendment No. 9 to License No. DPR–61, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Russell Library, 119 Broad Street, Middlesex, Connecticut 06457. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 27th day of July 1976.

For the Nuclear Regulatory Commission.

CHARLES M. TRAMMELL,
Acting Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.76–22901 Filed 8–6–76;8:45 am]

[Docket Nos. 50–269, 50–270, and 50–287]

DUKE POWER CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 28, 28, and 25 to Facility Operating Licenses No. DPR–38, DPR–47, and DPR–55, respectively, issued to Duke Power Company which revised Technical Specifications for operation of the Oconee Nuclear Station Units Nos. 1, 2, and 3, located in Oconee County, South Carolina. The amendments are effective as of the date of issuance.

These amendments delete the restriction which limits Oconee Unit No. 3 Cycle 1 operation to 10,944 Effective Full Power Hours.

The application for these amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Notice of Proposed Issuance of Amendment to Facility License No. DPR–55 in connection with this action was published in the FEDERAL REGISTER on June 21, 1976 (41 FR 24955). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration, or environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated April 16, 1976, (2) Amendment Nos. 28, and 25 to License Nos. DPR–38, DPR–47, and DPR–55, respectively, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the Oconee County Library, 201 South Spring, Walhalla, South Carolina 29691.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesa, Maryland, this 27th day of July 1976.

For the Nuclear Regulatory Commission.

CHARLES M. TRAMMELL,
Acting Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.76–22902 Filed 8–6–76;8:45 am]

[Docket No. 50–309]

MAINE YANKEE ATOMIC POWER CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 23 to Facility Operating License No. DPR–36 issued to Maine Yankee Atomic Power Company which revised Technical Specifications for operation of the Maine Yankee Atomic Power Station, located in Lincoln County, Maine. The amendment is effective as of its date of issuance.

The amendment makes changes in the Maine Yankee Technical Specifications related to the surveillance requirements and limiting conditions of operation for shock suppressors.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated January 28, 1976, (2) Amendment No. 23 to License No. DPR–36, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Wiscasset Public Library Association, High Street, Wiscasset, Maine.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 22nd day of July 1976.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.76–22903 Filed 8–6–76;8:45 am]

NORTHEAST NUCLEAR ENERGY CO. ET AL.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 16 to Facility Operating License No. DPR–65 issued to Northeast Nuclear Energy Company, The Connecticut Light and Power Company, The Hartford Electric Light Company, and Western Massachusetts Electric Company, which revised Technical Specifications for operation of the Millstone Nuclear Power Station, Unit No. 2, located in the Town of Waterford, Connecticut. The amendment is effective as of the date of issuance.

The amendment modifies the Technical Specifications to increase the Engineered Safety Feature Actuation System Instrumentation Trip Value—Loss of Power, from ≥2912 volts to ≥3700 volts.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated July 29, 1976, (2) Amendment No. 16 to License No. DPR–65, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, Waterford, Connecticut 06385.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 30th day of July, 1976.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.76–22904 Filed 8–6–76;8:45 am]

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[Docket No. 50-206]

SOUTHERN CALIFORNIA EDISON CO. AND SAN DIEGO GAS AND ELECTRIC CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 21 to Facility Operating License No. DPR-13, issued to Southern California Edison and San Diego Gas and Electric Company which revised Technical Specifications for operation of the San Onofre Nuclear Generating Station, Unit No. 1, located in San Diego, California. The amendment is effective as of its date of issuance.

This amendment requires operability and surveillance of snubbers necessary for the protection of the reactor coolant system and all other safety related systems and components.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated February 4, 1976, (2) Amendment No. 21 to License No. DPR-13, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at the San Clemente Public Library, 233 Granada Street, San Clemente, California.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 21st day of July, 1976.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.76-23035 Filed 8-6-76;8:45 am]

[Docket No. STN 50-566 and STN 50-567]

TENNESSEE VALLEY AUTHORITY, YELLOW CREEK NUCLEAR PLANT UNITS 1 AND 2

Receipt of Application for Construction Permits and Operating Licenses

The Tennessee Valley Authority, pursuant to section 103 of the Atomic Energy Act of 1954, as amended, filed the remaining portion of its application. This part which consisted of a Safety Analysis Report and general and financial information was accepted for docketing on July 16, 1976, and assigned Docket Nos. STN 50-566 and STN 50-567. Notice of Receipt of the Partial Application for Construction Permits and Operating Licenses was published in the FEDERAL REGISTER under Docket No. P-599-A on November 17, 1975 (40 FR 53324).

The application is for authorization to construct and operate two pressurized water nuclear reactors designated as the Yellow Creek Nuclear Plant on the applicant's site in Tishomingo County, Mississippi. Each reactor is designed for an initial output of 3817 megawatts thermal, with an equivalent net electrical output of approximately 1300 megawatts.

A separate notice will be published on the availability of the environmental report and a Notice of Hearing will also be published separately (at a later date) setting forth the radiological and environmental issues to be considered during the review. A date for submitting Petitions for Leave to Intervene will also be set forth in the Notice of Hearing.

Dated at Bethesda, Maryland, this 2d day of August, 1976.

For the Nuclear Regulatory Commission.

D. B. VASSALLO,
Chief, Light Water Reactors Branch No. 4, Division of Project Management.

[FR Doc.76-23034 Filed 8-6-76;8:45 am]

[Docket No. 50-271]

VERMONT YANKEE NUCLEAR POWER CORP.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 24 to Facility Operating License No. DPR-28 issued to Vermont Yankee Nuclear Power Corporation which revised Technical Specifications for operation of the Vermont Yankee Nuclear Power Station located near Vernon, Vermont. The amendment is effective as of its date of issuance.

The amendment requires operability and surveillance of shock suppressors (snubbers) required to protect the primary coolant system and all other safety related systems and components.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated January 29, 1976, (2) Amendment No. 24 to License No. DPR-28, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 19th day of July 1976.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.76-22905 Filed 8-6-76;8:45 am]

[Docket No. 50-29]

YANKEE ATOMIC ELECTRIC CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 29 to Facility Operating License No. DPR-3 issued to Yankee Atomic Electric Company (the licensee) which revised Technical Specifications for operation of the Yankee Nuclear Power Station located in Rowe, Massachusetts. The amendment is effective as of its date of issuance.

This amendment requires operability and surveillance of snubbers necessary for the protection of the primary coolant system and all other safety related systems and components.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated August 18, 1975 and supplement dated January 29, 1976, (2) Amendment No. 29 to Facility Operating License No. DPR-3, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Greenfield Public Library, 402 Main Street, Greenfield, Massachusetts 01581.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 22nd day of July 1976.

For the Nuclear Regulatory Commission.

CHARLES M. TRAMMELL,
Acting Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.76-23037 Filed 8-6-76;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS ENVIRONMENTAL SUBCOMMITTEE

Meeting

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the ACRS Environmental Subcommittee will meet on August 24 and 25, 1976, in Room 1046, 1717 H St., NW., Washington, DC 20555. The purpose of this meeting is to review:

Revision 1 to Regulatory Guide 1.101, "Emergency Planning for Nuclear Power Plants," and

Proposed Revised Regulatory Guide 8.8, "Information Relevant To Assuring That Occupational Radiation Exposures At Nuclear Power Stations Will Be As Low As Is Reasonably Achievable."

The agenda for the subject meeting shall be as follows:

Tuesday, August 24, 1976, 8:30 a.m. The Subcommittee will meet in closed Executive Session, with any of its consultants who may be present, to exchange opinions and discuss preliminary views and recommendations relating to the above discussion.

Tuesday, August 24, 1976, 9:00 a.m. The Subcommittee will meet with representatives of the NRC Staff and will hold discussions with this group pertinent to the following:

Revision 1 to Regulatory Guide 1.101, "Emergency Planning for Nuclear Power Plants."

Wednesday, August 25, 1976, 8:30 a.m. The Subcommittee will meet in closed Executive Session, with any of its consultants who may be present, to exchange opinions and discuss preliminary views and recommendations relating to the above discussion.

Wednesday, August 25, 1976, 9:00 a.m. The Subcommittee will meet in open session to hear presentations by representatives of the NRC Staff and will hold discussions pertinent to the following:

Proposed Revised Regulatory Guide 8.8, "Information Relevant To Assuring That Occupational Radiation Exposures At Nuclear Stations Will Be As Low As Is Reasonably Achievable."

At the conclusion of the open session at approximately 3:00 P.M. on each day, the Subcommittee will meet in closed session to consider matters related to the above reviews. These sessions will involve an exchange of opinions and discussions of preliminary views and recommendations of Subcommittee members and internal deliberations for the purpose of formulating recommendations to the ACRS.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that it is necessary to conduct the above closed sessions to protect the free interchange of internal views in the final stages of the Subcommittee's deliberative process (5 U.S.C. 552(b)(5)). Separation of factual material from individuals' advice, opinions, and recommendations while closed Executive Sessions are in progress is considered impractical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing a readily reproducible copy to the Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy in time for consideration at this meeting. Comments postmarked no later than August 17, 1976 to Mr. R. Muller, ACRS, NRC, Washington, DC 20555 will normally be received in time to be considered at this meeting.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H St. NW., Washington, DC 20555.

(b) Those persons wishing to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee will receive oral statements on topics relevant to the Committee's purview at an appropriate time chosen by the Chairman of the Subcommittee.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obained by a prepaid telephone call on August 23, 1976 to the Office of the Executive Director of the Committee (telephone 202/634-1413, Attn: Mr. R. Muller) between 8:15 a.m. and 5 p.m., e.d.t.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Persons with agreements or orders permitting access to proprietary information may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Mr. R. Muller, of the ACRS Office, prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion of the meeting will be available for inspection on or after September 1, 1976 at the NRC Public Document Room, 1717 H St., NW., Washington, DC 20555.

Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St., NW., Washington, D.C. 20555 after November 26, 1976. Copies may be obtained upon payment of appropriate charges.

Dated: August 4, 1976.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.76-23157 Filed 8-6-76;8:45 am]

V 41 154 AUG 9 76 UMI

[Docket No. P-559-A]

COMMONWEALTH EDISON CO., ET AL.

Receipt of Attorney General's Advice and Time for Filing of Petitions To Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c. of the Atomic Energy Act of 1954, as amended, a letter of advice from the Attorney General of the United States, dated July 28, 1976, a copy of which is attached as Appendix "A".

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's rules of practice, 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by September 8, 1976, either (1) by delivery to the NRC Docketing and Service Section at 1717 H Street NW., Washington, D.C., or (2) by mail or telegram addressed to the Secretary, Nuclear Regulatory Commission, Washington, D.C. 20555, ATTN: Docketing and Service Section.

For the Nuclear Regulatory Commission.

JEROME SALTZMAN,
Chief, Antitrust and Indemnity Group, Nuclear Reactor Regulation.

APPENDIX "A"—CARROLL COUNTY STATION UNITS 1 & 2, COMMONWEALTH EDISON COMPANY, INTERSTATE POWER COMPANY, AND IOWA-ILLINOIS GAS AND ELECTRIC COMPANY; NRC DOCKET NO. P-559-A

JULY 28, 1976.

You have requested our advice pursuant to Section 105c of the Atomic Energy Act of 1954, as amended, regarding the above-captioned application.

INTRODUCTION

This is an application to construct two 1120 MW nuclear units at a site in Carroll County, Illinois. The units are to be owned by three companies under a joint venture agreement; the first unit is expected to begin operation in 1984, the second in 1985. Under the agreement, Interstate Power Company will own an 18¼ percent undivided interest, Iowa-Illinois Gas and Electric Company a 15 percent undivided interest and Commonwealth Edison Company the remaining 66⅔ percent undivided interest. Under a companion operating agreement, the project will be operated and maintained by Commonwealth Edison and each party will be entitled to obtain power from the unit in proportion to its ownership interest. The parties propose the joint venture largely because neither Interstate nor Iowa-Illinois alone is of sufficient size to accommodate in its system the large quantities of electricity which can be efficiently generated by a nuclear station. Moreover, neither of these two companies presently has the personnel or experience necessary for the construction and management of such a project.

APPLICANTS

Commonwealth Edison Company is one of the laregst privately-owned electric utilities in the United States. According to the most recent available statistics Commonwealth Edison produces, purchases, transmits, and distributes electricity in a 11,625 square mile area of northern Illinois including Chicago and its suburbs. The population of this territory is presently estimated to exceed 8,000,000. As of December 31, 1974, Commonwealth Edison furnished electric service to 2,728,545 customers and its total generating capacity was 17,067 MW, approximately one-third of which was supplied by three nuclear power stations. At the end of 1974 its total assets were $5,155,734,711, and it reported a net income of $180,044,911. Commonwealth Edison expects its peak load to increase from 13,500 MW for 1976 to 23,780 MW for 1985 and 42,990 MW by 1995. It presently has interconnection agreements with a number of other electric utility companies in its vicinity including Interstate Power Company and Iowa-Illinois Gas and Electric Company.

Interstate Power Company is a privately-owned company engaged in the generation, purchase, transmission, and distribution of electricity in an area of approximately 10,000 square miles in northeast and north central Iowa, southern Minnesota and northwestern Illinois. At the end of 1974 Interstate served a total of 252 communities, the largest of which is Dubuque, Iowa (pop. 63,209). At that time it served 134,920 electric customers.

At the beginning of 1975 Interstate had a total generating capacity of 633 MW none of which was nuclear. It is presently a member of the Mid-Continent Area Power Pool (MAPP), which consists of 12 privately-owned utilities, seven generation and transmission cooperatives, two public power districts, 11 municipalities and the United States Bureau of Reclamation. On December 31, 1974, Interstate had total assets of $240,950,774; its net income for 1974 was $8,440,228. Interstate expects its load to increase from 616 MW for 1976 to 1005MW for 1985 and 1759 MW by 1995.

Iowa-Illinois Gas & Electric Company, also a privately-owned utility, is engaged in generating and distributing electricity (as well as purchasing and distributing natural gas) in parts of Iowa and Illinois. In 1974 the aggregate population of its service area was approximately 570,000. Its most important electric service franchises include the Cities of Davenport, Rock Island, Moline, Fort Dodge and Iowa City. During 1975 Iowa-Illinois had a total generating capacity of 930 MW, of which 405 MW came from the company's interest in the Quad Cities Generating Station, a nuclear facility jointly owned with Commonwealth Edison. Iowa-Illinois also has a number of interconnection agreements with systems in its vicinity. In 1974 Iowa-Illinois' net income was $13,836,064 and its total assets were $398,790,484. In 1976 Iowa-Illinois' peak load was 893 MW; by 1985 it expects this load to increase to 1588 MW, and by 1995 it expects a peak load of 2842 MW.

RESULTS OF ANTITRUST REVIEW

The Department examined the competitive situation and practices of Commonwealth Edison in reviewing that utility's applications for licensing of LaSalle County Units 1 and 2 in 1972 and Byron Station Units 1 and 2 and Braidwood Station Units 1 and 2 in 1974. As a result of our review, Commonwealth Edison agreed to abandon certain practices which had raised antitrust questions, to offer participation in the LaSalle County Units to other systems,[1] and to accept appropriate license conditions—and the need for antitrust hearings on those applications was thereby obviated. See the Department's advice letters of December 20, 1972, 38 F.R. 901 (LaSalle County Units 1 and 2), and March 4, 1974, 39 F.R. 9852 (Byron Station Units 1 and 2 and Braidwood Station Units 1 and 2). No information has come to our attention in the course of the instant review to suggest that an antitrust hearing would now be necessary regarding Commonwealth Edison.

Further, our examination of the information submitted to Interstate and Iowa-Illinois in connection with this application, together with other information relevant to their respective competitive relationships with other electric utilities, disclosed no evidence of an anticompetitive situation or conduct that would warrant an antitrust hearing with regard to these systems.

In view of the above, we conclude that an antitrust hearing will not be necessary in connection with the licensing of these nuclear units.

[1] We have received no information to suggest that any electric systems other than the present applicants have sought the opportunity to participate in the Carroll County Units.

[FR Doc.76-23155 Filed 8-6-76;8:45 am]

[Docket No. 70-734]

GENERAL ATOMIC CO. (FUEL FABRICATION FACILITY)

Regarding Renewal of License No. SNM-696

The Nuclear Regulatory Commission (The Commission) is considering the renewal of Special Nuclear Material License SNM-696 for the continued operation of the General Atomic Company's Fuel Fabrication Facility at San Diego, California.

The Commission's Division of Fuel Cycle and Material Safety has prepared an environmental impact appraisal for the proposed renewal of License No. SNM-696. On the basis of this appraisal, the Commission has concluded that an environmental impact statement for this particular license renewal is not warranted because there will be no significant environmental impact attributable to the proposed action. The environmental impact appraisal (NR-FM-008) is available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. A copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., Attention: Director, Division of Fuel Cycle and Material Safety.

Dated at Bethesda, Maryland, this 30th day of July, 1976.

For the Nuclear Regulatory Commission.

LELAND C. ROUSE,
Chief, Fuel Processing and Fabrication Branch, Division of Fuel Cycle and Material Safety.

[FR Doc.76-23156 Filed 8-6-76;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON THE MONTAGUE NUCLEAR POWER STATION, UNITS 1 AND 2

Meeting

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the ACRS Subcommittee on the Montague Nuclear Power Station, Units 1 and 2 will meet on

August 26 and 27, 1976 at the Gill Montague School in Turners Falls, Massachusetts.

The purpose of this meeting is to review the application of the Northeast Nuclear Energy Company for a construction permit.

The agenda for subject meeting shall be as follows:

Thursday, August 26, 1976, 2:00 p.m.—The Subcommitte will meet in closed Executive Session, with any of its consultants who may be present, to exchange opinions and discuss preliminary views and recommendations relating to the above review.

Thursday, August 26, 1976, 2:30 p.m. until the conclusion of business, and Friday, August 27, 1976, 8:30 a.m. until the conclusion of business—The Subcommittee will meet in open session to hear presentations by representatives of the NRC Staff, the Northeast Nuclear Energy Company, and their consultants, and will hold discussions with these groups pertinent to its review.

At the conclusion of the open session, the Subcommittee may caucus in a brief, closed session to determine whether the matters identified in the initial closed session have been adequately covered and whether the project is ready for review by the full Committee. During the session Subcommittee members and consultants will discuss their opinions and recommendations on these matters. Upon conclusion of this caucus, the Subcommittee may meet again in brief open-session to announce its determination.

In addition to these closed deliberative sessions, it may be necessary for the Subcommittee to hold one or more closed sessions with the NRC Staff and Applicant for the purpose of discussing confidential proprietary information.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that it is necessary to conduct the above closed sessions to protect the free interchange of internal views in the final stages of the Subcommittee's deliberative process (5 U.S.C. 552(b)(5)) and to protect proprietary information (5 U.S.C. 552(b)(4)). Separation of factual material from individuals' advice, opinions, and recommendations while closed Executive Sessions are in progress is considered impractical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing 15 readily reproducible copies to the Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than August 19, 1976 to Mr. Richard Savio, ACRS, NRC, Washington, D.C. 20555 will normally be received in time to be considered at this meeting.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H St. NW., Washington, D.C. 20555 and at the Carnegie Library, Avenue A, Turner Falls, MA 01376.

(b) Those persons wishing to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee will receive oral statements on topics relevant to the Committee's purview at an appropriate time chosen by the Chairman of the Subcommittee.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on August 25, 1976 to the Office of the Executive Director of the Committee (telephone 202/634-1371, Attn: Mr. Richard Savio) between 8:15 a.m. and 5 p.m., e.d.t.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Persons with agreements or orders permitting access to proprietary information may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Mr. Richard Savio of the ACRS Office, prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion of the meeting will be available for inspection on or after September 2, 1976 at the NRC Public Document Room, 1717 H St. NW., Washington, D.C. 20555 and at the Carnegie Library, Avenue A, Turner Falls, MA 01376.

Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St. NW., Washington, D.C. 20555 after November 28, 1976. Copies may be obtained upon payment of appropriate charges.

Dated: August 5, 1976.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.76-23276 Filed 8-6-76;9:27 am]

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

EXECUTIVE BRANCH POSITION ON COMMISSION ON GOVERNMENT PROCUREMENT

Recommendations C-1 Thru C-12, Major System Acquisitions

Notice is given that an executive branch position has been reached on the Commission on Government Procurement (COGP) recommendations C-1 through C-12.

OMB Circular No. A-109, Major System Acquisitions, was issued on April 5, 1976, following a review by Congress. This policy will effect reforms throughout the executive branch to reduce cost overruns and to diminish the controversy of the past two decades on whether new systems are needed.

The main thrust of the policy requires:

Top level management attention to the determination of agency mission needs and goals.

Early direction of research and development efforts to mission needs and goals.

Improved opportunities for innovative private sector contributions to national needs.

Avoidance of premature commitments to full-scale development and production.

Early communication with Congress in the acquisition process by relating major system acquisitions to agency mission needs and goals.

OMB Circular No. A-109 is consistent with the unanimous recommendations C-1 through C-12, of the Commission on Government Procurement. Therefore, C-1 through C-12 are considered closed out.

HUGH E. WITT,
Administrator.

[FR Doc.76-23027 Filed 8-6-76;8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 19634; 70-5872]

COLUMBIA GAS SYSTEM, INC., ET AL.

Application for Exemption Under Rule 48 (b) for Loans and Advances Made to Employees for Moving Expenses Related to Transfers Within a Holding Company System

JULY 30, 1976.

In the Matter of The Columbia Gas System, Inc., 20 Montchanin Road, Wilmington, Delaware 19807, Columbia Gas Transmission Corporation, 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, Columbia Gas of Ohio, Inc., Columbia Gas of West Virginia, Inc. Columbia Gas of Kentucky, Inc., Columbia Gas of Virginia, Inc., Columbia Gas of Pennsylvania, Inc., Columbia Gas of New York, Inc., Columbia Gas of Maryland, Inc., 99 North Front Street, Columbus, Ohio 43215, Columbia Hyrocarbon Corporation, The Inland Gas Company, Inc., 340 17th Street, Ashland, Kentucky 41101, Columbia Gulf Transmission Company, 3805 West Alabama Avenue, Houston, Texas 77027, Columbia Alaskan Gas Transmission Corporation, Columbia LNG Corporation, Columbia Gas Development of Canada Ltd., Columbia Coal Gasification Corporation, Columbia Gas Development Corporation, Columbia Gas System Service Corporation, 20 Montchanin Road, Wilmington, Delaware 19807.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its above-named wholly-owned subsidiary companies have filed a declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Sections 3(d), 9 and 20 of the Act and Rule 48(b) promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Columbia and its subsidiaries have adopted a Transfer of Personnel Policy ("Policy") in making home purchase loans to its employees. The Policy permits companies within the System to make advances to enable a transferred employee who is selling a residence in the location from which he was transferred to meet obligations such as earnest money, down payments, closing costs and other obligations under his purchase contract for the new residence. Such advances will be evidenced by the employee's promissory note which must be paid in full promptly after the sale of the residence at the old location. The Policy also provides that loans may be made to transferred employees in instances in which the employee has received insufficient funds from the sale of his residence at the old location to enable him to purchase a new residence or where the employee previously lived in a rented residence and has insufficient funds to enable him to proceed with the purchase of a new residence. In these situations System companies may make loans to an employee to enable him to proceed with the purchase of a new residence. The loan is to be evidenced by the joint and several note of the employee and his spouse; is to bear interest at a rate ½% above the New York prime rate in effect at the time the loan is granted, or at the legal limit for such a loan in the state in which the loan is granted, whichever is lower; is to be payable by payroll deductions over a period not to exceed five years, and in any event is to become due and payable in full upon termination of employment for any reason.

Columbia states that the amounts loaned or advanced under this policy may sometimes exceed the sum of $10,000 permitted by Rule 48(b)(2) but that such loans are in addition to the first mortgage financing incident to the acquisition of the residence and do not meet the exception contained in that rule. In support of its request for authorization to make loans or advances in excess of $10,000 Columbia states that many homes in the service area of the system range upward in price from $50,000 and that transferred employees can obtain mortgage financing for only 50% to 75% of the purchase price. The balance must then be paid in cash on closing. Thus, in many cases, especially those in which the employee did not own a home in the old location but also in instances in which the equity sum derived from the sale of the old home is less than the amount required for a cash down payment on the new home, the cash payment required on closing will exceed $10,000. No fixed loan limits exists under the policy, rather, a committee of three senior officers exercises its judgment as to the reasonableness of the loan request in each case, taking into consideration the employee's position with Columbia, his salary and his length of service. In order to facilitate the transfer of employees within the system Columbia feels that it must have the authority to make loans or advances to transferred employees in excess of $10,000. Accordingly, Columbia and its subsidiaries propose that they be excepted from the requirement of Rule 48(b)(2)(iii), that personal loans or advances to employees in an aggregate amount of over $10,000 be secured by a first mortgage on a residence occupied by the employee, provided such loans or advances are made pursuant to the terms of the Policy.

The Columbia System further proposes to file with the Commission, subsequent to the making of any loan exceeding $10,000 to any system employee, a certificate under Rule 24 stating the identity of the employee and the amount of the loan. It is proposed that such certificates under Rule 24 will be filed on a quarterly basis.

A statement of fees and expenses to be incurred in connection with the proposed transaction will be filed by amendment. It is stated that no State commission and no Federal commission, other than this Commission has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than August 23, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-22986 Filed 8-6-76;8:45 am]

[Rel. No. 9385; 811-885]

FOUNDATION STOCK FUND, INC.

Proposal To Terminate Registration Pursuant to Section 8(f) of the Act

JULY 30, 1976.

In the Matter of Foundation Stock Fund, Inc., 100 North Jefferson Avenue, St. Louis, Missouri 63103.

Notice is hereby given that the Commission proposes, pursuant to Section 8(f) of the Investment Company Act of 1940 (the "Act"), to declare, by order on its own motion, that Foundation Stock Fund, Inc. (the "Fund"), registered under the Act as a diversified, open-end management investment company, has ceased to be an investment company as defined in the Act.

The Fund registered under the Act on June 3, 1959. Information in the Commission's files indicates that the Fund's shareholders, at a special meeting of shareholders on November 18, 1975, adopted an Agreement and Plan of Reorganization pursuant to which substantially all the assets of the Fund were transferred to Eaton & Howard Special Fund ("Special") on December 17, 1975. Shares of Special were issued to the Fund's shareholders on a pro-rata basis, shortly thereafter. On May 17, 1976, the Fund received a Certificate of Dissolution from the State of Maryland.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, which may be made upon appropriate conditions if necessary for the protection of investors, and upon taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than August 24, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Fund at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the matter will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-22985 Filed 8-6-76;8:45 am]

[Rel. No. 9383; 811-1557]

LINCOLN FUND, INC.

Filing of Application for Order Pursuant to Section 8(f) of the Act Declaring That Company Has Ceased To Be an Investment Company

JULY 30, 1976.

In the Matter of The Lincoln Fund, Inc., 300 Main Street, New Britain, Connecticut 06051.

Notice is hereby given that The Lincoln Fund, Inc. ("Applicant"), registered under the Investment Company Act of 1940 ("Act") as an open-end, non-diversified management company, filed an application on April 12, 1976, and an amendment thereto on June 30, 1976, pursuant to Section 8(f) of the Act for an order of the Commission declaring that it has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Applicant represents that it was incorporated under the laws of the State of Delaware on November 25, 1960, and operated as an investment club until November 1, 1967, when it registered under the Act; that its outstanding securities are beneficially owned by less than 100 persons and that it is not making and does not presently propose to make a public offering of its securities; and that its current assets consist of $29,784 cash and securities valued at $24,862 on March 30, 1976.

Applicant further represents that, pursuant to a plan of liquidation and resolution of dissolution unanimously approved by its shareholders on March 15, 1976, Applicant: (1) intends to establish a $3,000 reserve of the fund's assets to defray liquidation costs and other appropriate fund liabilities and to distribute the balance of such assets, pro rata, among shareholders of record as of March 15, 1976; and (2) has filed a certificate of dissolution with the Secretary of the State of Delaware on March 12, 1976.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and, upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than August 24, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be converted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication shall be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule O-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-22984 Filed 8-6-76;8:45 am]

[Rel. No. 19635; 70-5880]

LOUISIANA POWER & LIGHT CO.

Proposal To Sell Certain Transmission Facilities

AUGUST 2, 1976.

In the Matter of LOUISIANA POWER & LIGHT COMPANY, 142 Delaronde Street, New Orleans, Louisiana 70174.

Notice is hereby given that Louisiana Power & Light Company ("LP&L"), an electric utility subsidiary of Middle South Utilities, Inc., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 12(d) of the Act and Rule 44 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

In 1965 Union Carbide Corporation ("Union Carbide") completed construction of, and placed in operation a large petro-chemical plant on a site located at Taft in St. Charles Parish, Louisiana. In order to provide the 230 KV electric service required for this plant, LP&L acquired from Union Carbide certain right of way on the plant site for the necessary 230 KV electric lines and a portion of land for use as a 230 KV switching station site and access road. LP&L then constructed and placed in operation such switching station, access road and electric lines. Union Carbide is now engaged in an expansion of its petro-chemical plant. In connection with this plant expansion, Union Carbide and LP&L have agreed that the point of delivery of service and switching station will be relocated to a position substantially farther to the rear of the plant site. In order to improve the reliability of its in-plant electric facilities, Union Carbide proposes to purchase LP&L's 230 KV transmission line together with almost all of LP&L's existing switching station facilities. LP&L and Union Carbide have agreed on a price of $327,515 for the switching station facilities and $197,220 for the transmission line. These prices represent, in both cases, the estimated current replacement cost less depreciation. It is further proposed that the site of the switching station facilities and access road be sold back to Union Carbide by LP&L for $3,383, which is the price which the site was acquired in 1965 and is also the price for which Union Carbide is to sell and convey to LP&L in fee the site for the new switching station in connection with the new point of delivery together with fee title and/or an exclusive servitude to the strip of land which LP&L is to use for a new access road. These items of $327,515, $197,220, and $3,383 produce an aggregate price of $528,118. It is stated that this represents an advantageous price for utility assets which, if not sold to Union Carbide, could only be removed and salvaged, resulting in the realization by LP&L of substantially lesser proceeds.

It is further stated that the existing 230 KV transmission line is to be re-

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moved, and in connection with such removal, for which LP&L is to be paid $53,009 cash, representing the depreciated installed cost of the transmission line being removed less salvage and plus the cost of labor to effect the removal, LP&L has agreed that it would not remove but would abandon to Union Carbide, to be retained by it as its own property, the existing foundations for the transmission line which is to be removed. The items of existing switching station facilities which UCC cannot use and is not purchasing are relatively insignificant, and will be removed and salvaged by the Company.

The facilities to be sold are installed at Union Carbide's plant site and are necessarily usable as operating facilities only at that location. Accordingly there is no possibility of a sale of the facilities to any other person.

Since the sale of the facilities cannot be consummated until the replacement facilities are completed and are ready to be energized, and since construction delays are not uncommon, LP&L further requests that the sixty day period provided by Rule 24(c)(i), within which a transaction must be carried out after a declaration relating thereto is permitted to become effective, be extended to one hundred twenty days with respect to the proposed transaction.

The fees and expenses to be incurred in connection with the proposed transaction are estimated at $4,500, including legal fees of $2,500. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than August 26, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-22982 Filed 8-6-76;8:45 am]

[Release No. 34-12681; File No. SR-PSD-76-2]

PACIFIC SECURITIES DEPOSITORY TRUST CO.

Self-Regulatory Organizations

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on July 15, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule changes are amendments to the Articles of Incorporation and By-Laws of PSDTC. The amendments increase the size of the Board of Directors and permit payment of fees to directors.

Statement of Basis and Purpose

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule changes is to expand the Board of Directors in order to provide wider banking and securities industry representation and to permit compensation of outside directors for contributions of time and effort at meetings of the Board of Directors.

The proposed rule changes providing for expansion of the Board of Directors is intended to bring additional expertise to management and, as such, will enhance PSDTC's capability for protection of investors commensurate with the public interest.

Comments were not solicited with respect to the proposed rule changes.

PSDTC is of the opinion that the proposed rule change will not impose any burden on competition.

The foregoing rule change has become effective, pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abroqate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within 21 days of the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

AUGUST 2, 1976.

TEXT OF PROPOSED RULE CHANGE

Acting pursuant to Article V, Section 1 of the By-Laws of the Pacific Securities Depository Trust Company (PSDTC), the Board of Directors of PSDTC has amended the Articles of Incorporation and the By-Laws of PSDTC to allow for an increase to the number of directors and to permit payment of fees to directors.

The changes to the PSDTC By-Laws and Articles of Incorporation are as follows:

BY-LAWS

"Section 2.2 *Number and Election.* The Board of Directors (hereinafter sometimes referred to as the 'Board') shall consist of not less than nine or more than twelve directors, elected as provided in Section 1.7 of these by-laws at the annual meeting of stockholders. The exact number of directors shall be ten, until changed by an amendment of this Section 2.2 adopted either by the stockholders or by the Board of Directors of the corporation. Each director shall be elected to hold office until the next annual meeting and until his successor shall have been elected and qualified or until his death, resignation, disqualification or removal."

* * * * *

"Section 2.7 *Compensation of Directors.* Directors may receive, in addition to personal expenses incurred in their capacities as directors, reasonable compensation, as fixed by the Board of Directors, for services rendered to the Corporation."

ARTICLES OF INCORPORATION

Article V. "(a) The number of directors of this corporation shall be not less than nine nor more than twelve."

[FR Doc.76-22988 Filed 8-6-76;8:45 am]

[Rel. No. 12675; SR-PSE-76-18]

PACIFIC STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

JULY 30, 1976.

In the Matter of Pacific Stock Exchange, Inc., 301 Pine Street, San Francisco 94104.

On June 14, 1976, the Pacific Stock Exchange, Inc. filed with the Commission, pursuant to Section 19(b) of the

Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Act Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change. The rule change revises Sections 1 and 2 of Rule IX regarding the Exchange's procedures relative to the purchase and sale of memberships on the Exchange.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 12557, (June 18, 1976)) and by publication in the FEDERAL REGISTER (41 Fed. Reg. 26289 (June 25, 1976)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change filed with the Commission on June 14, 1976, be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-22983 Filed 8-6-76;8:45 am]

[Rel. No. 34-12682; File No. SR-NASD-76-7]

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

Proposed Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975) notice is hereby given on July 28, 1976 the above mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

NASD's Statement of the Terms of Substance of the Rule Change

1.(a) *Text of Proposed Rule Change*

The following are the full texts of (a) the proposed amendment to the Policy of the Board of Governors concerning Fair Dealing With Customers under Article III, Section 2 of the Rules of Fair Practice of the National Association of Securities Dealers, Inc. and (b) the proposed amendment to the Interpretation of the Board of Governors With Respect to Review of Corporate Financing, Article III, Section 1 of the Rules of Fair Practice, concerning Issuer Reserved or Directed Securities.

FAIR DEALING WITH CUSTOMERS

(NASD Manual pp. 2051-2053) (Introductory Paragraphs and Numbered Paragraphs 1-5 Unchanged).

6. *Improper Recommending to Customers Purchases of Speculative New Issues of Securities*

Recommending to customers the purchase of securities regardless of the investment merit of such securities, the financial ability of a customer to complete the transaction, or by improper sales practices. Since each customer, regardless of his financial or market sophistication is entitled to rely on the implied representation made by a member or a person associated therewith that he will be treated fairly, particular care must be taken in recommending to customers the purchase of new issues, especially those securities issued by companies going public for the first time in a speculative market, to insure that such recommendations are not violative of the Association's suitability rule.

Interpretation of the Board of Governors—

REVIEW OF CORPORATE FINANCING ISSUER RESERVED OR DIRECTED SECURITIES

(NASD Manual pp. 2030-2031)

[While no exact limitations on company reserved or directed securities are used as guidelines by the Association, the number of such shares shall be reasonable in amount under the prevailing circumstances, shall bear a reasonable relationship to the total number of shares being offered publicly at that time, and shall be reserved only for those persons who are directly related to the conduct of the issuer's business. The contractual purchase commitment for any company directed stock must, however, be made by the designated recipients by the close of business on the business day following the effective date of the offering and payment therefor must be made in accordance with established requirements. Securities directed to persons covered by the Association's Interpretation With Respect To "Free-Riding and Withholding" must be disclosed to the Association at the time of filing the required documents with it. Such disclosure in no way relieves such persons from the provisions of that Interpretation.]

The failure to make a bona fide distribution of an offering of securities to the public can be a factor in artificially stimulating the price of such an offering. Therefore, in order to assure that there will be an adequate number of securities of an initial offering for purchase by the public customers of a member, a member shall not solicit or accept any instructions from an issuer to reserve or direct in excess of 5% of the number of securities being offered. In no event shall such reserved or directed securities be offered to other than bona fide officers, directors and employees of the issuer. Additionally, the contractual purchase commitment for any issuer directed securities must be made by the designated persons by the close of business on the business day following the effective date of the offering and payment therefor must be made in accordance with the established requirements. No more than 5 business days shall be allowed for the contractual purchase commitment on Regulation A offerings or any other offering where circulation to the prospective customers of an offering circular is prohibited prior to the issue being declared effective.

2. *Procedures of Self-Regulation Organization*

The proposed amendments were recommended to the Board of Governors of the Association by its Committee on Corporate Financing and were approved for circulation and comment by the full Board at its March 1975 meeting. These proposals, along with a proposed new statement of policy on due diligence, an amendment to an existing Rule of Fair Practice and a proposed new Rule of Fair Practice, were circulated to the membership for comment on April 25, 1975 (NASD Release No. 75-33). Upon the expiration of the comment period the appropriate changes were made by the originating Committee and the revised proposals were reviewed by the full Board at its September 1975 and May 1976 meetings and approved. The authority granting the Board power to adopt and approve Interpretations and Statements of Policy with regard to the Rules of Fair Practice is set forth in Article VII, Section 3 of the Association's Certificate of Incorporation By-Laws.

3. *Purpose of the Proposed Rule Change*

The proposed amendment to the existing Policy of the Board of Governors concerning Fair Dealing With Customers would add a new paragraph (number 6) to existing paragraphs 1-5 to serve as a guide for members regarding fair dealing with their customers when recommending the purchase of securities which are part of a distribution of an initial issue to the public. The purpose of this paragraph is to remind members of their responsibility to insure that any such purchase recommendations are not violative of the Association's suitability rule. Adoption of a statement of policy approach in this area rather than an amendment to an existing rule leaves the judgment of determining the suitability of a given offering for a particular investor in the hands of the broker/dealer, as is the case with any security, but emphasizes his responsibility to see that an investment is indeed suitable for each customer making a purchase.

The proposed amendment to the existing Interpretation of the Board of Governors—Review of Corporate Financing concerning Issuer Reserved or Directed Securities described here differs from that which was originally proposed to the membership. The original amendment would have prohibited a member from soliciting or accepting instructions from an issuer to reserve or direct any securities to a specified person or class of persons, including persons related to the issuer's business. This proposal was subsequently modified to prohibit the reserving or directing of securities to in-

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dividuals who are not bona fide officers, directors or employees of the issuer and in an amount in excess of 5% of the offering. The limiting of these securities to a restricted group which has a direct interest in the company and its future would assist in preventing artificial stimulation of the price of an initial offering, so-called "free-rides," by some company favored individuals and assure that there will be more shares of an initial public offering of securities available for purchase by the public. The limitation of 5% on directed securities also serves as a deterrent to free-rides in that it limits the availability of the securities for such purposes. The Board believes the limitation is not unduly restrictive in that other means are available, such as employee option plans, through which employees can acquire securities of the issuer-employer if they so desire.

The proposed amendmnet to the Policy of the Board of Governors concerning Fair Dealing With Customers requires that all NASD member firms insure that in any recommendations to customers of purchases of securities which are part of an initial issue, by a speculative or promotional issuer or otherwise, emphasis is placed on the *suitability* of that investment for each of the customers involved. This proposal serves as an additional reminder to member firms of their responsibility to insure that any purchase recommendations are not violative of the Association's suitability rule.

The proposed amendment to the Interpretation of the Board of Governors concerning Issuer Reserved or Directed Securities helps insure a *bona fide distribution* in any new public issue by preventing an issuer from requesting that a member firm reserve shares from a proposed public offering for sale to other than its bona fide employees, officers and directors. The Board believes that the use of this procedure will contribute to a more orderly aftermarket since it appears that non-related issuer recipients of directed shares often immediately resell them in the aftermarket if there is an increase in price rather than hold them for long-term investment.

4. *Basis Under The Act For Proposed Rule Change*

Section 15A(b)(2) of the Securities Exchange Act of 1934 provides that an Association of brokers and dealers shall not be registered as a national securities association unless the Commission determines that its rules provide it with the capacity to carry out the purposes of the Act, to enforce compliance by its members and persons associated with its members with the Act, and the rules and regulations thereunder, and to protect investors and the public interest. In addition, three letters dated July 26, 1972 from them Chairman of the Commission, William J. Casey, requested that the Association consider establishing standards for new public issues in the areas of due diligence, suitability and the components of a bona fide initial offering. The requests were prompted by the Commission's study on the "Hot Issue Securities Markets." These proposals have been formulated for the most part with a view toward the Association's responsibilities under 15A(b) and in response to Chairman Casey's requests. Other information pertinent to the "Hot Issue Securities Markets" study and its findings is contained in SEC Release No. 33-5275.

5. *Comments Received on Proposals in Release #75-33*

Amendment to the Policy of the Board of Governors Concerning Fair Dealing With Customers.

The only comments received on this proposal came from the Securities Industry Association and the City Bar Association. The Securities Industry Association questioned the necessity for any suitability statement with respect to underwritings since:

> Section 2 of the Rules of Fair Practice covers "all" securities and the existing Statement of Policy of the Board of Governors Concerning Fair Dealing With Customers already covers the recommendation of speculative low-priced securities.

Its comment also refutes the applicability of the proposal to other than initial public offerings and questions the NASD's apparent attempt to rule out as elements of a defense the customer's financial and market sophistication.

The City Bar Association requests that the text of the proposal be clarified so as to "confine it to the investment merit of new issues and not attempt to deal with the financial ability of a customer to complete the transaction or to improper sales practices." It offers the following in place of the current proposal:

6. *Improper Recommending to Customers of Speculative New Issues of Securities*

> Recommending to customers the purchase of securities regardless of the investment merit of such securities. Since each customer, regardless of his financial or market sophistication, is entitled to rely on the implied representation made by a member or a person associated therewith that he will be treated fairly, particular care must be taken in recommending to customers the purchase of new issues, especially speculative new issues, to insure that such recommendations are not violative of the Association's suitability rule.

Amendment to "Review of Corporate Financing" Interpretation of the Board of Governors Concerning Issuer Reserved or Directed Securities

Among the five comments received on this proposal was one from the Securities Industry Association, one from the City Bar Association, one from a law firm and two from member firms.

The Securities Industry Association feels that "there appears to be no compelling reason to alter existing policy [10% directed stock] in this area" due to the fact that the immediate resale of directed stock, "rather than stimulating the price of the stock, presumably contributes to a more orderly market by increasing the float and thereby lessening precipirous increases in price."

The City Bar Association notes that the justification for the proposed amendment, as contained in the background discussion section of the notice, appears to be based on the assumption that the portion of the offering which is issuer directed is not required to be disclosed in the prospectus and points out that such an assumption is incorrect based on the requirements of Item 2 of Form S-1. Also it feels the present 10% limitation would serve to "in all but the most extreme cases avoid the problem of an inadequate public supply of securities resulting from employee purchases" and that any immediate resale of directed shares "should not contribute to the small public supply problem." At a minimum, it feels the Board should consider revising its proposal to add that "issuer may, concurrently with a public offering and subject to present Association limitations and SEC disclosure requirements, sell securities directly to their employees and business associate without underwriter assistance."

The law firm feels that there should be no change in the current Association policy of allowing an issuer to direct 10% of an issue because it is "a legitimate objective of issuer, particularly issuers going public, to make it possible for employees, customers, and suppliers to acquire stock in connection with the distribution." Further, "stock option plans are not available to sell stock to valued customers and suppliers and generally do not reach all employees."

Of the two member firms commenting on the proposal, one is concerned that even though the language of the proposal makes it clear that friends, relatives, employees, customers and suppliers of an issuer are not entirely barred from purchasing a new issue as long as they do so in the same way as any other member of the public, "no underwriter of sound mind will knowingly accept an order from such a class for fear of tainting the entire offering." This member suggests that the following be added to help clarify the intentions of the proposal:

> Referral of an indication of interest to an underwriter by an issuer shall not be construed as a reservation or direction under the above policy as long as such referral receives the same consideration as any other indication of interest from a new account would receive.

The other member (a sole proprietor) notes that since the proposal does not apply to situations prior to the initial public offering, the Rule should be clarified so as to exclude events such as preincorporation, reorganization subscriptions, etc. from the concept of 'Issuer Reserved or Directed Securities.'

6. *Burden on Competition*

It is the position of the National Association of Securities Dealers, Inc., that the proposed rule change imposes no burden on competition.

Within 35 days of the date of publication of this notice in the FEDERAL REGISTER, or within such longer period (i) as the Commission may designate up to ninety (90) days of such date if it finds such longer period to be appropriate and

publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will: (a) by order approve such proposed rule change, or (b) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six (6) copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before September 8, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: August 2, 1976.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-22987 Filed 8-6-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 10]

ASSIGNMENT OF HEARINGS

AUGUST 3, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

CORRECTION [1]

MC 119792 Sub 52, Chicago, Southern Transportation Company, now being assigned November 15, 1976 (1 Week), at Miami, Fla., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-23126 Filed 8-6-76;8:45 am]

[Notice No. 111]

ASSIGNMENT OF HEARINGS

AUGUST 4, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 116763 (Sub 336), Carl Subler Trucking, Inc. now being assigned September 14, 1976 (1 day) at Atlanta, Georgia in a hearing room to be later designated.

MC 133937 (Sub 16), Carolina Cartage Company, Inc. now being assigned September 20, 1976 (1 week) at Atlanta, Georgia in a hearing room to be later designated.

MC 117956 (Sub 10), Scott Transfer Company now assigned September 23, 1976 at the Offices of the Interstate Commerce Commission in Washington, D.C. is cancelled and reassigned September 15, 1976 (3 days) at Atlanta, Georgia in a hearing room to be later designated.

MC 125433 (Sub-No. 67), F-B Truck Line Company, now assigned August 5, 1976, at Salt Lake City, Utah is canceled and application dismissed.

MC 121281 (Sub 12), Big Mac Trucking Co. now being assigned October 6, 1975 (3 days) at Dallas, Texas in a hearing room to be later designated.

MC-C 8993, Ward Trucking Corp. -V-Hemingway Transport, Inc., now being assigned October 13, 1976 (1 day), at Pittsburgh, Pa., in a hearing room to be later designated.

MC-C 9079, Morgantown Transfer and Storage Company, A Corporation—Investigation and Revocation of Certificate, now being assigned October 14, 1976 (1 day), at Pittsburgh, Pa., in a hearing room to be later designated.

MC 1239 Sub 7, Pony Trucking, Inc., now being assigned October 15, 1976 (1 day), at Pittsburgh, Pa., in a hearing room to be later designated.

MC 129625 Sub 7, Robert Cole Trucking Company, now being assigned October 18, 1976 (1 week), at Pittsburgh, Pa., in a hearing room to be later designated.

MC 134105 (Sub-No. 14), Celeryvale Transport, Inc., now assigned September 14, 1976, at Washington, D.C. is canceled and application dismissed.

MC 123407 (Sub-No. 271), Sawyer Transport, Inc., now assigned September 20, 1976 at Chicago, Illinois; will be held in Room *834*, Everett McKinley Dirksen Building, 219 South Dearborn Street, instead of Room *417*.

MC 114028 (Sub-No. 20), Rowley Interstate Transportation Company, Inc. and MC 114028 (Sub-No. 23), Rowley Interstate Transportation Company, Inc., now assigned September 21, 1976 at Chicago, Illinois; will be held in Room *834*, Everett McKinley Dirksen Building, 219 South Dearborn Street, instead of Room *417*.

MC 127303 (Sub-No. 19), Henry Zellmer, d/b/a Zellmer Truck Lines, now assigned September 23, 1976 at Chicago, Illinois; will be held in Room *834*, Everett McKinley Dirksen Building, 219 South Dearborn Street, instead of Room *417*.

MC 106149 (Sub 2), American Holiday Van Lines, Inc. now being assigned September 21, 1976 (4 days) at Knoxville, Tennessee in a hearing room to be later designated.

MC 134817 (Sub 1), Owenton Express, Inc., MC 133916 (Sub 3), O'Nan Transportation Co., MC 133816, O'Nan Transportation Co., Inc., MC 134817, Owenton Express, Inc., MC 136018, Tri-City Express, Inc., and MC-F 12774, O'Nan Transportation Co., Inc.—Investigation of Control—Owenton Express, Inc. now being assigned September 27, 1976 (1 week) at Lexington, Kentucky in a hearing room to be later designated.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-23127 Filed 8-6-76;8:45 am]

[Notice No. 4]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission or or before September 8, 1976. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC FC-76614, filed July 23, 1976. Transferee: REMY TRANSPORTATION CORP., Old Post Road, Walpole, Massachusetts. Transferor: J. F. Fiore Co., Inc., P.O. Box 306, South Boston, Massachusetts. Applicant's Attorney: Robert J. Gallagher, Esquire, Suite 1200, 1000 Connecticut Avenue, Washington, D.C. 20036. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC-2677, issued January 31, 1968, as follows: Household goods, between points in Massachusetts east of the Connecticut River, including those on the west bank of the Connecticut River, on the one hand, and, on the other, points in Connecticut, Illinois, Maine, Maryland, Ohio, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, Vermont, and the District of Columbia. Transferee presently holds no authority

[1] This notice corrects the hearing date. November 15, 1976 instead of September 15, 1976.

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from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC FC-76676, filed July 27, 1976. Transferee: California and Western States Ammonia Transport, Inc., doing business as California Ammonia Transport, 415 Lemon Ave., Walnut, Calif. 91789. Transferor: Merlin C. Beck and L. E. Peabody, doing business as B & M Tank Lines, 12252 Woodruff Ave., Downey, Calif. 90241. Applicants' representative: George G. Cross, President, California and Western States Ammonia Transport, Inc., P.O. Box 397, Walnut, Calif. 91789. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate of Registration No. MC 120999 (Sub-No. 1), issued July 18, 1974, as follows: Petroleum and petroleum products in tank trucks or tank trailers, between points in California.

Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-23125 Filed 8-6-76;8:45 am]

[Notice No. 100]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 4, 1976.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 35628 (Sub-No. 382TA), filed July 27, 1976. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville Ave. SW., Grand Rapids, Mich. 49502. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Kansas City, Kans.-Mo., and Oklahoma City, Okla.; From Kansas City over Interstate Highway 70 to Topeka, thence from Topeka over Kansas Turnpike to junction Interstate Highway 35, thence over Interstate Highway 35 to Oklahoma City, and return over the same route; (2) Between Kansas City, Kans.-Mo., and Oklahoma City, Okla.: From Kansas City over Interstate Highway 35 to junction U.S. Highway 59, thence over U.S. Highway 59 to junction U.S. Highway 169, thence over U.S. Highway 169 to Tulsa, thence over Interstate Highway 44 to Oklahoma City, and return over the same route; (3) Between Kansas City, Kans.-Mo. and Little Rock, Ark.: From Kansas City over U.S. Highway 71 to junction Interstate Highway 40, thence over Interstate Highway 40 to junction U.S. Highway 167, thence over U.S. Highway 167 to Little Rock, and return over the same route; (4) Between Kansas City, Kans.-Mo., and Little Rock, Ark.: From Kansas City over U.S. Highway 71 to junction Missouri Highway 7, thence over Missouri Highway 7 to junction Missouri Highway 13, thence over Missouri Highway 13 to Springfield, thence over U.S. Highway 65 to Little Rock, and return over the same route; (5) Between Kansas City, Kans.-Mo. and Jonesboro, Ark.: From Kansas City over U.S. Highway 71 to junction Missouri Highway 7, thence over Missouri Highway 7 to junction Missouri Highway 13, thence over Missouri Highway 13 to Springfield, thence from Springfield over U.S. Highway 60 to junction U.S. Highway 63, thence over U.S. Highway 63 to Jonesboro, and return over the same route; (6) Between St. Louis, Mo., and Oklahoma City, Okla.: From St. Louis over Interstate Highway 44 to Oklahoma City, and return over the same route.

(7) Between St. Louis, Mo., and Little Rock, Ark.: From St. Louis over Interstate Highway 55 to junction U.S. Highway 67, thence over U.S. Highway 67 to Little Rock, and return over the same route; (8) Between St. Louis, Mo., and Little Rock, Ark.: From St. Louis, over Interstate Highway 55 to junction Interstate Highway 40, thence over U.S. Highway 40 to junction U.S. Highway 67, thence over U.S. Highway 67 to Little Rock, and return over the same route; serving the following intermediate or off-route points in (1) through (8) above: Boonville, El Dorado, Fayetteville, Fort Smith, Harrison, Hot Springs, Jacksonville, Jonesboro, Osceola, Paragould, Pine Bluff, Prescott, Rogers, Russellville, Siloam Springs, Springdale, and Walnut Ridge, Ark.; Ada, Ardmore, Bartlesville, Enid, Muskogee, and Sand Springs, and Tulsa, Okla. Restriction: Restricted at the named points and off-route points in (1) through (5) above to the transportation of traffic moving from, to, or through Kansas City, Kans.-Mo., and further restricted at the named points and off-route points in (6), (7), and (8) above to the transportation of traffic moving from, to, or through St. Louis, Mo. Applicant intends to tack its existing authority with MC 35628 and various subs and interline with other carriers at various points as required by numerous concurrences, for 180 days. Supporting shippers: There are approximately 613 statements of support attached to that application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Bldg., Lansing, Mich. 48933.

No. MC 52460 (Sub-No. 182TA), filed July 27, 1976. Applicant: ELLEX TRANSPORTATION, INC., 1420 West 35th St., Tulsa, Okla. 74107. Applicant's representative: Albert E. Romain (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from the plantsite and storage facilities of Midland Glass Co., Inc., located at or near Henryetta, Okla., to points in Arkansas, Colorado, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, Tennessee, and Texas, for 180 days. Supporting shipper: Midland Glass Co., Inc., Cliffwood, N.J. 07721. Send protests to: Joe Green, District Supervisor, Room 240, Old Post Office Bldg., 215 Northwest Third St., Oklahoma City, Okla. 73102.

No. MC 103926 (Sub-No. 50TA), filed July 26, 1976. Applicant: W. T. MAYFIELD SONS TRUCKING CO., INC., P.O. Box 947, Mableton, Ga. 30059. Applicant's representative: K. Edward Wolcott, 1600 First Federal Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural steel, rail, beams, pipe, and piling*, which because of size or weight requires the use of special equipment, *and related parts, materials, and accessories* when moving in connection therewith, from the plantsite and storage facilities of Valiant Steel and Equipment, Inc., at Savannah, Ga., to points in Florida, Georgia, North Carolina, and South Carolina, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Valiant Steel and Equipment, Inc., No. 1 Hatchcover Road, Savannah, Ga. 31402. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree St. N.W., Room 546, Atlanta, Ga. 30309.

No. MC 113509 (Sub-No. 6TA), filed July 27, 1976. Applicant: DANTE GENTILINI TRUCKING, INC., P.O. Box 194, Chicago, Ill. 60628. Applicant's representative: Philip A. Lee, 120 West Madison, No. 618, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Vermiculite, vermiculite products, perlite products, plant bed media, and insulation materials*, from West Chicago, Ill., to points in that part of Wisconsin north of a line beginning at Port Washington, Wis., and extending along Wisconsin Highway 33, to Junction Wisconsin Highway 67, thence along Wisconsin Highway 67 to Junction Wisconsin Highway 60, thence along Wisconsin Highway 60 to the Wisconsin-Iowa State line* (Fond Du Lac, Green Bay, Appleton), from Milwaukee, Wis., to points in Illinois and Indiana (Chicago, Ill.; Joliet, Ill.; Rockford, Ill.; Champaign, Ill.; Gary, Ind.; Ft. Wayne, Ind.) *, under a continuing contract with W. R. Grace & Co., Construction Products Division. Applicant intends to tack its existing authority with MC 113509 Sub-No. 5, for 180 days. Supporting shipper: W. R. Grace & Co., Construction Products Division, 62 Whittemore Ave., Cambridge, Mass. 02140. Send protests to: William J. Gray, Jr., District Supervisor, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 114118 (Sub-No. 3TA), filed July 28, 1976. Applicant: MARSHALL McFARLAND, R.F.D. No. 1, Circleville, Ohio 43113. Applicant's representative: John L. Alden, P.O. Box 5241, Columbus, Ohio 43212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, from Circleville, Ohio, to points in Garrett County, Md., and Brooke, Doddridge, Hancock, Harrison, Marion, Marshall, Monongalia, Ohio, Preston, Taylor, Tyler, and Wetzel Counties, W. Va., under a continuing contract with Ralston Purina Company, for 180 days. Supporting shipper: Ralston Purina Company, P.O. Box 538, Circleville, Ohio 43113. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Bldg., & U.S. Courthouse, 85 Marconi Blvd., Columbus, Ohio 43215.

No. MC 114274 (Sub-No. 35TA), filed July 28, 1976. Applicant: VITALIS TRUCK LINES, INC., 137 NE. 48th St., Place, Des Moines, Iowa 50313. Applicant's representative: William H. Towle, 180 North La Salle St., Chicaga, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and *houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk and hides), from the facilities of Bookey Packing Co., a division of Swift & Co., at Des Moines, Iowa, to Lexington, Louisville, Bowling Green, Owensboro, and Paducah, Ky., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Bookey Packing Company, a division of Swift & Company, 115 W. Jackson Blvd., Chicago, Ill. 60604. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 116045 (Sub-No. 44TA), filed July 27, 1976. Applicant: NEUMAN TRANSIT CO., INC., P.O. Box 38, Rawlins, Wyo. 82301. Applicant's representative: Leslie R. Kehl, 1600 Lincoln Center Bldg., 1660 Lincoln St., Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent sulphuric acid*, in bulk, from Louviers, Colo., to the production facilities of Western Nuclear, Inc., approximately two miles north of Jeffrey City, Wyo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Western Nuclear, Inc., Suite 387, One Park Central, Denver, Colo. 80202. Send protests to: Paul A. Naughton, District Supervisor, Interstate Commerce Commission, Room 1006, Federal Bldg., & Post Office, 100 East B St., Casper, Wyo. 82601.

No. MC 118535 (Sub-No. 60TA), filed July 27, 1976. Applicant: TIONA TRUCK LINE, INC., 111 S. Prospect, Butler, Mo. 64730. Applicant's representative: Jim Tiona, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry beet pulp pellets*, in bulk, from Ottawa, Ohio, Crookston, Minn., and Grand Forks, N. Dak., to East St. Louis, Ill., for 180 days. Supporting shipper: ConAgra, Inc., 200 Kiewit Plaza, Omaha, Nebr. 68131. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 124774 (Sub-No. 95TA), filed July 28, 1976. Applicant: MIDWEST REFRIGERATED EXPRESS, INC., 4440 Buckingham Ave., P.O. Box 7344, Omaha, Nebr. 68107. Applicant's representative: Arlyn L. Westergren, 7100 West Center Road, 530 Univac Bldg., Omaha, Nebr. 68106. Authority sought to operate as a *common carirer*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite of Farmland Foods, Inc., at or near Garden City, Kans., to points in Kentucky, Tennessee, Ohio, Virginia, West Virginia, Maryland, Delaware, Pennsylvania, Connecticut, Rhode Island, Massachusetts, New York, Vermont, New Hampshire, and Maine, for 180 days. Supporting shipper: Robert E. Chipley, Traffic Manager, Farmland Foods, Inc., P.O. Box 957, Garden City, Kans. 67846. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 125470 (Sub-No. 17TA), filed July 28, 1976. Applicant: MOORE'S TRANSFER, INC., P.O. Box 1151, Norfolk, Nebr. 68701. Applicant's representative: Gailyn L. Larsen, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *comcon carrier*, by motor vehicle, over irregular routes, transporting: *Carbonated beverages*, in bottles or cans, from Ottumwa, Iowa, to points in Arkansas, Kansas, Missouri, North Dakota, South Dakota, Nebraska, Minnesota, and Illinois, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Gerald Brody, President, Chromalloy, Beverage Division, No. 4, Industrial Park, Ottumwa, Iowa 52501. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 139495 (Sub-No. 154TA) filed July 28, 1976. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: James E. McCarty (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lamps*, from the plantsites and storage facilities utilized by G.T.E. Sylvania, at or near Danvers and Salem, Mass., to Seattle, Wash., for 180 days. Supporting shipper: GTE Sylvania, Lighting Products Group, 100 Endicott St., Danvers, Mass. 01923. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 142237 (Sub-No. 1TA), filed July 28, 1976. Applicant: PERMIT HAULERS, INC., 2400 Cold Springs Rd., Fort Worth, Tex. 76106. Applicant's representative: Billy R. Reid, P.O. Box 9093, Fort Worth, Tex. 76107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in hydraulic dump trailers, from Henryetta, Panama, and McAlester, Okla., to the plantsite of General Portland, Inc., at Fort Worth, Tex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: General Portland, Inc., P.O. Box 324, Dallas, Tex. 75221. Send protests to: H. C. Morrison, Sr., District Super-

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visor, Room 9A27, Federal Bldg., 819 Taylor St., Fort Worth, Tex. 76102.

No. MC 142302TA, filed July 28, 1976. Applicant: ALLAN L. PETERSON, R.F.D., Magnolia, Ill. 61336. Applicant's representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rough sawn lumber*, for the account of James R. Bailey, dba Riverside Lumber Company, from Lacon, Ill., to points in Arkansas, Indiana, Kentucky, Michigan, Missouri, Mississippi, Ohio, Pennsylvania, Tennessee, Virginia, and Wisconsin, under a continuing contract with Riverside Lumber Company, for 180 days. Supporting shipper: Riverside Lumber Company, P.O. Box B, Lacon, Ill. 61540. Send protests to: Don E. Jackson, District Supervisor, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-23124 Filed 8-6-76;8:45 am]

[Section 5a Application No. 45
Amdt. No. 9]

NIAGARA FRONTIER TARIFF BUREAU, INC.

Agreement

JULY 30, 1976.

The Commission is in receipt of an application in the above-entitled proceeding for approval of amendments to the agreement therein approved.

Filed July 5, 1976 by:

Robert G. Gawley, Executive Vice President, Niagara Frontier Tariff Bureau, Inc., 3871 Harlem Road, P.O. Box 184, Buffalo, NY 14221.

The amendments involve: Changes to comply with Ex Parte No. 297, 349 I.C.C. 811 and 351 I.C.C. 437.

The complete application may be inspected at the Office of the Commission in Washington, D.C.

Any interested persons desiring to protest and participate in this proceeding shall notify the Commission in writing within 30 days from the date of publication of this notice in the FEDERAL REGISTER. As provided by the General Rules of Practice of the Commission, persons other than applicants should fully disclose their interest and the position they intend to take with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application, without further or formal hearing.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-23128 Filed 8-6-76;8:45 am]

PIPELINES

Tentative Valuations

Notice is hereby given that tentative valuations are under consideration for the common carriers by pipeline listed below:

1975 REPORTS

Valuation Docket No.:

1364 Acorn Pipe Line Company, P.O. Box 5008, Houston, TX 77012

1434 Black Mesa Pipeline, Inc., 610 South Main Street, Los Angeles, CA 90014

1404 Calnev Pipe Line Company, 1901 Slover Avenue, Bloomington, CA 92316

1399 Kenai Pipe Line Company, 225 Bush Street, San Francisco, CA 94120

1435 Kiantone Pipeline Corporation, P.O. Box 780, Warren, PA 16365

1437 Powder River Corporation, Adams Building, Bartlesville, OK 74004

BASIC REPORTS

1438 Pasco Pipeline Co., P.O. Box 1677, Englewood, CO 80110 (1973)

On or before September 8, 1976, persons other than those specifically designated in section 19a(h) of the Interstate Commerce Act having an interest in the valuation of any carrier named above may, pursuant to rule 72 of the Commission's "General Rules of Practice" (49 CFR 1100.72), file an original and three copies of a petition for leave to intervene and, if granted, thus to come within the category of "additional parties as the Commission may prescribe" under section 19a(h) of the act, thereby enabling the party to file a protest. Blanket petition to intervene in all or several of these proceedings is not permissible. Individual petitions to intervene must be filed with respect to each valuation in which participation is sought. It is also required that a copy of the petition to intervene be served at the address shown above upon the carrier whose property is the subject of the tentative valuation and that an appropriate certificate of service be attached to the petition. Persons specifically designated in section 19a(h) of the act need not file a petition; they are entitled to file protest as a matter of right under the statute.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-23129 Filed 8-6-76;8:45 am]

federal register

MONDAY, AUGUST 9, 1976

PART II:

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

■

ASSISTANCE TO STATES FOR RAIL SERVICE UNDER SECTION 5 OF THE DEPARTMENT OF TRANSPORTATION ACT

Proposed Procedures and Requirements Regarding Applications and Disbursements

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[49 CFR Part 266]

[FRA Economic Docket No. 4, Notice No. 1]

ASSISTANCE TO STATES FOR RAIL SERVICE ASSISTANCE UNDER SECTION 5 OF THE DEPARTMENT OF TRANSPORTATION ACT

Proposed Procedures and Requirements Regarding Applications and Disbursements

The purpose of this proposed amendment to Title 49 of the Code of Federal Regulations is to establish a new Part 266 setting forth the procedures and requirements of the Federal Railroad Administrator ("Administrator") in connection with the filing of applications with the Federal Railroad Administration ("FRA") for rail service assistance under section 5 of the Department of Transportation Act ("Act") as amended by section 803 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Pub. L. 94–210) ("RRRRA"). The Administrator is the delegate of the Secretary for all purposes under subsections 5(f) through 5(o) of the Act, except as related to audits (49 C.F.R. 1.49(u)). The Administrator has determined that these regulations do not constitute a major proposal under Executive Order No. 11821, November 27, 1974, or Department of Transportation Order No. 2050.4, February 2, 1976, requiring an inflationary impact statement. The Administrator has also determined that these regulations do not significantly affect the quality of the human environment (except where highways or highway-related facilities or the acquisition of real estate is involved) under Department of Transportation Order No. 5610.1B (39 FR 35234, September 30, 1974). A negative declaration has been prepared pursuant to this determination and is available to the public upon request. Therefore, applicants for section 803 financial assistance are not required to prepare or submit data on the environmental impact of the projects proposed in the applications, except (1) where the proposed project involves the purchase of real estate, in which case an environmental assessment shall be submitted with the application, or (2) where the proposed project involves highways or highway-related facilities, in which case the Federal Highway Administration regulations on environmental assessments shall apply (23 C.F.R. 771).

Section 5 of the Act establishes a five-year program ("National Program") similar to the rail service continuation assistance program ("Title IV Program") authorized under section 402 of Title IV of the Regional Rail Reorganization Act of 1973, as amended, (45 U.S.C. § 701 et seq.) ("Rail Act"). The Title IV Program provides assistance for rail services in States in the Northeast and Midwest Region ("Region") as defined by the Rail Act. Procedures and Requirements Regarding Applications and Disbursements under section 402 were published on March 5, 1976 in the FEDERAL REGISTER (41 F.R. 9692) as Part 255 of Title 49 of the Code of Federal Regulations.

For the period from July 1, 1976 to April 1, 1978, the National Program authorizes rail service assistance for States outside the Region. Beginning April 1, 1978, the expiration date of the Title IV program, the National Program will extend to all States.

Under section 5(f) of the Act, the Secretary of Transportation ("Secretary"), is authorized to provide financial assistance to States for rail freight assistance programs that are designed to cover:

(1) The cost of rail service continuation payments;

(2) The cost of purchasing a line of railroad or other rail properties to maintain existing or provide for future rail service;

(3) The cost of rehabilitating and improving rail properties on a line of railroad to the extent necessary to permit adequate and efficient rail freight service on such line; and

(4) The cost of reducing the costs of lost rail service in a manner less expensive than continuing rail service.

The Federal share of the costs of any rail service assistance program shall be (1) 100 percent for the period from July 1, 1976 to June 30, 1977; (2) 90 percent for the period from July 1, 1977 to June 30, 1978; (3) 80 percent for the period from July 1, 1978 to June 30, 1979; and (4) up to 70 percent for the period from July 1, 1979 to June 30, 1981.

These regulations do not cover the standards and procedures under which the State share may be provided through in-kind benefits such as forgiveness of taxes, trackage rights and facilities which would not otherwise be provided. However, in a separate notice the FRA is requesting comments from the States regarding their views as to what should constitute allowable in-kind benefits. These comments will facilitate the issuance of such standards and procedures.

Section 5(j) of the Act provides that a State is eligible to receive rail service assistance if:

(1) Such State has established an adequate plan for rail services in such State as part of an overall planning process for all transportation services in such State, including a suitable process for updating, revising, and amending such plan;

(2) Such State plan is administered or coordinated by a designated State agency and provides for the equitable distribution of resources;

(3) Such State agency (A) has authority and administrative jurisdiction to develop, promote, supervise, and support safe, adequate, and efficient rail transportation services, (B) employs or will employ, directly or indirectly, sufficient trained and qualified personnel, (C) maintains or will maintain adequate programs of investigation, research, promotion, and development, with provisions for public participation, and (D) is designated and directed solely, or in cooperation with other State agencies to take all practicable steps to improve transportation safety and to reduce transportation-related energy utilization and pollution;

(4) Such State provides satisfactory assurance that it has or will adopt and maintain adequate procedures for financial control, accounting, and performance evaluation in order to assure proper use of Federal funds; and

(5) Such State complies with regulations of the Secretary issued under this section and the Secretary determines that such State meets or exceeds the requirements of paragraphs (1) through (4) of this subsection.

Projects are eligible for rail service assistance under section 5(k) of the Act only if:

(1)(A) The [Interstate Commerce] Commission has found that the public convenience and necessity permit the abandonment of, or the discontinuance of rail service on, the line of railroad which is related to such project, or (B) the line of railroad of related project was eligible for assistance under title IV of the Regional Rail Reorganization Act of 1973; and

(2) Such line or related projects, has not previously been the subject of Federal rail service assistance under this section for more than 5 fiscal years.

Rail service assistance to which a State is entitled may be used by each State to meet the cost of establishing and implementing the State rail plan required under section 5 of the Act. Such grants shall be made available during the course of the State rail planning process, and shall be distributed by the Administrator as needed by the States. The amount of State rail planning grants to which each State is entitled shall be proportionate to the amount of rail service assistance to which each State is entitled.

Funds not to exceed $5,000,000 are authorized for State rail planning assistance for the fiscal year ending June 30, 1976. An appropriation of $5,000,000 to remain available until expended has been provided (P.L. 94–303).

The State eligibility requirements of these regulations for State rail planning assistance during the planning process is limited to (a) completion of a planning work statement which documents the State's planning process and (b) a description of the State's proposed procedures for the fiscal control of Federal funds.

A key element of the administration of the National Program is the "designated state agency" required under section 5(j) of the Act, as a prerequisite for receiving rail service assistance. At this time, all of the States may not have an agency with the powers enumerated in that section. Because of the great part such agencies will play in the National Program, the FRA has considered it important that, to the extent practicable, each State identify its designated State agency. Accordingly, in a letter of June 9, 1976, the Administrator requested the Governor of each State covered under the National Program to identify that State's designated agency. In the event that the Governor could not make a formal designation at that time, the Administrator requested the identification of an interim contract person.

Under section 5(h) of the Act, each State which is eligible to receive rail service assistance is entitled to a portion of the appropriated funds in proportion to its share of mileage eligible for assistance, except that the minimum entitlement for each State shall not be less than one (1) percent of such funds. Funds appropriated for each fiscal year shall be allocated in proportion to each State's eligible rail mileage as of August 1 of each year.

The calculation with respect to August 1, 1976 shall govern both 1976 and, when appropirated, 1977 fiscal year funds. Effective with the date of these proposed regulations, and in accordance with them, the FRA will accept applications from each State for up to its minimum one percent share of fiscal year 1976 planning funds. As soon as the eligible mileage has been calculated, the FRA will so notify the States and will accept applications for the balance of the planning funds.

A line of railroad in a State is eligible mileage for rail service assistance if:

(1) the Interstate Commerce Commission ("Commission") has found that the public convenience and necessity permit the discontinuance of service on or abandonment of such line pursuant to section 1a of the Interstate Commerce Act, as amended, ("ICA"); and

(2) The Governor of such State annually certifies that the line is suitable for rail freight service, and that it has not been sold, dismantled, or converted to non-rail use.

Section 5(h) of the Act also requires that unused or uncommitted funds be reallocated immediately, to the extent practicable, among other States in accordance with the allocation formula. In accordance with that section, the FRA will reallocate funds which are not used or committed by States by March 31 of each year. Each reallocation will be based on the mileage eligible as of the preceding February 1.

Funds allocated and granted to the States will be deemed committeed. Funds allocated to the States, but not yet granted will be deemed used or committed if (i) such funds are to be used for rail service continuation payments on a line of railroad for which a State has made an offer of subsidy under section 1a(6)(A) of the ICA, and the Commission pursuant to that section, has postponed the issuance of a certificate of abandonment or discontinuance; or equivalent action has been taken by the State with respect to the service in question to commit such funds to provide substitute service; and (ii) the Attorney General of such State has issued an opinion of counsel in a form acceptable to the Administrator, that the State is empowered to use allocated funds to carry out the intended project in accordance with the Act and these regulations.

On May 17, 1976, at the request of representatives of the National Governors' Conference (NGC), FRA and Department of Transportation Officials afforded the NGC representatives an opportunity to view a draft of the regulations and to express their concerns on certain issues.

Among the issues discussed were whether the regulations should require that lines be ranked in priority order, whether States whose designated agencies did not meet the full statutory requirements could be eligible for fiscal year 1976 planning assistance, whether the regulations would permit the use of planning assistance for the reimbursement of past planning expenditures by a state and whether lines which had been abandoned prior to the passage of the Act are eligible for assistance.

These issues have been resolved as follows:

(a) The FRA has included a ranking requirement in section 266.9 of the regulations by requiring that the state rail plan group projects in order of compliance with the State's criteria and goals for assistance.

(b) States whose designated agencies did not meet the full statutory requirements are eligible for fiscal year 1976 planning assistance. As noted above, these regulations provide that the eligibility requirements of subsections 5(j)(1), (2) and (3) of the Act do not apply to planning funds.

(c) Regarding the use of planning assistance for the reimbursement of past planning expenditures by a State, the FRA, in accordance with General Accounting Office rulings, has determined that there is no authority to reimburse states for obligations incurred or expenditures made by States prior to the date appropriations become available to make contributions to the States. Accordingly, the FRA will not reimburse planning expenses incurred by the States before June 1, 1976, the enactment date of the Second Supplemental Appropriations Act of 1976 (Pub. L. No. 94–303).

(d) In answer to the question of eligibility of lines which had been abandoner prior to the passage of the Act, the FRA has determined that section 5(k)(1)(A) may not be implemented retroactively. Thus, as discussed earlier, only lines for which the Commission made the requisite finding under section 1a of the ICA after February 5, 1976, would be eligible for section 5 assistance.

In view of the scope of the rail services assistance program and in view of the diverse interests involved, the Administrator wishes to receive the broadest possible public participation in connection with the development of these regulations. Accordingly, interested persons are invited to participate by submitting written data, views or comments. Communications should identify the regulatory docket number and should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Room 5101, Attention: FRA Economic Docket No. 4, 400 Seventh Street, S.W., Washington, D.C. 20590. Communications received before September 10, 1976, will be considered by the Federal Railroad Administrator before taking final action on the proposed regulation. Comments received after that date will be considered to the extent practicable. All comments received will be available for examination by interested persons at any time during regular working hours in Room 5101, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. The proposals contained in this notice may be changed in light of comment received.

In consideration of the foregoing, 49 C.F.R., Chapter II is proposed to be amended by adding a new Part 266 to read as follows:

PART 266—REGULATIONS GOVERNING PROCEDURES AND REQUIREMENTS REGARDING APPLICATIONS AND DISBURSEMENTS

Sec.
266.1 Definitions.
266.3 Applicability.
266.5 Eligibility.
266.7 Rail Service Assistance.
266.9 Requirements for State Rail Plan for Rail Transportation Services.
266.11 Certified Program of Projects.
266.13 Applications.
266.15 Environmental Impact Statement.
266.17 Disbursement of Assistance.
266.19 Record, Audit, and Examination.
266.21 Waivers and Modifications.
Appendix A Certificate

AUTHORITY: The Department of Transportation Act, as amended, 49 U.S.C. 1651 et seq.; Regulations of the Office of the Secretary of Transportation, 49 C.F.R. 1.49(u).

§ 266.1 Definitions.

As used in this part—

(a) "Acquisition" means the purchase of a line of railroad or other rail properties under § 266.7(b) of this part.

(b) "Act" means the Department of Transportation Act as amended.

(c) "Administrator" means the Federal Railroad Administrator or the Deputy Administrator or his or her delegate.

(d) "Applicant" means the designated State agency of a State meeting the requirements of § 266.5 of this part.

(e) "Commission" means the Interstate Commerce Commission.

(f) "Designated State agency" means the State agency designated by the Governor under section 5(j)(2) of the Act and § 266.5(d) of this part.

(g) "High and wide load" means freight cars, loaded or empty, whose dimensions exceed the line clearances for a railroad as published in the Official Railway Equipment Register.

(h) "Line of railroad" means (1) a line of railroad with respect to which the Commission has found under section 1a of the Interstate Commerce Act, as amended, on or after February 5, 1976, that the public convenience and necessity permit the abandonment of, or the discontinuance of rail service thereon,

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or (2) a line of railroad or related project which was eligible for assistance under Title IV of the Regional Rail Reorganization Act, as amended.

(i) "Maintenance" means performing routine repair work, such as spot tie replacement, spot tamping and lining, tightening bolts and driving spikes, which is necessary to keep track at its existing condition or to comply with FRA Class I Safety Standards.

(j) "Other rail properties" means property or facilities, excluding rolling stock, related to a line of railroad, used in the provision of rail freight services on such line of railroad.

(k) "Planning assistance" means funds granted to a State under section 5(i) of the Act during the course of a States' planning process to meet the cost of establishing and implementing the State's rail plan.

(l) "Planning work statement" means the planning work statement required under § 266.9(c) of this part.

(m) "Rail service continuation payments" means payments provided for rail freight assistance programs for the purposes enumerated in section 5(f) of the Act and § 266.7 of this part.

(n) "Rail service continuation payments" means payments designed to cover the difference between the revenue attributable to a line of railroad and the avoidable costs of providing rail service on such line of railroad, together with a reasonable return on the value of such line of railroad and other rail properties related to that line of railroad, all as calculated pursuant to subsections (6), (7), and (10) of section 1(a) of the Interstate Commerce Act, as amended, except that where a service is subsidized in accordance with subsection 304(d) of the Regional Rail Reorganization Act of 1973 as amended, such payments shall be calculated pursuant to that subsection.

(o) "Rehabilitation or Improvement" means replacing ties and other track and structural materials, sufficient functionally to restore the existing track structure to the level necessary to enable safe and efficient rail transportation over such properties.

(p) "State" means (1) during the period from February 5, 1976, through April 1, 1978, any State in which a carrier by railroad subject to Part I of the Interstate Commerce Act maintains any line of railroad, except that the term shall not include the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Ohio, Indiana, Michigan and Illinois, the District of Columbia and that portion of the State of Wisconsin receiving funds under section 402 of the Regional Rail Reorganization Act of 1973, as amended; and (2) during the period following April 1, 1978, any State in which a carrier by railroad subject to Part I of the Interstate Commerce Act maintains any line of railroad.

(q) "State Rail Plan" means the plan required under section 5(j)(1) of the Act and § 266.5 of this part.

(r) "Substitute service assistance" means assistance pursuant to section 5(f)(4) of the Act designed to reduce the costs of lost rail service in a manner less expensive than continuing rail service. Such assistance may include the acquisition, construction, or improvement of facilities for the provision of substitute freight transportation services.

§ 266.3 Applicability.

The provisions of this part apply to the procedures and requirements regarding applications for and disbursement of financial assistance for the development of state rail plans, for the continuation of rail freight services, for the acquisition or improvement of rail properties and for substitute service assistance under subsections 5(f) through 5(o) of the Act. Compliance with the provisions of this part is a prerequisite for the receipt of such financial assistance.

§ 266.5 Eligibility.

(a) *Eligibility requirements for planning assistance.* A State is eligible to receive planning assistance under section 5(i) of the Act and § 266.7 of this part if:

(1) The State has submitted with its application for assistance a planning work statement documenting the State's rail planning process which will result in an initial or revised State Rail Plan (a current planning work statement is required with each application for planning assistance and, subsequent to completion of the State's initial rail plan, annual updates of the plan are required); and

(2) The State provides satisfactory assurance that it has or will adopt and maintain adequate procedures for financial control, accounting, and performance evaluation in order to assure proper use of Federal funds.

(b) *Eligibility requirements for rail service assistance.* A State is eligible to receive rail service assistance under section 5(h) of the Act and § 266.7 of this part if:

(1) The State has established an adequate plan for rail services in the State which (i) meets the requirements of § 266.9 of this part; (ii) is part of an overall planning process for all transportation services in the State; and (iii) includes a suitable process for updating, revising, and amending such plan;

(2) Such State plan (i) is administered or coordinated by a designated State agency; and (ii) provides for the equitable distribution of resources;

(3) The State agency (i) has authority and administrative jurisdiction to develop, promote, supervise, and support safe, adequate, and efficient rail transportation services; (ii) employs or will employ, directly or indirectly, sufficient trained and qualified personnel; (iii) maintains or will maintain adequate programs of investigation, research, promotion, and development with provision for public participation; and (iv) is designated and directed solely or in cooperation with other State agencies to take all practicable steps to improve transportation safety and to reduce transportation-related energy utilization and pollution;

(4) The State complies with paragraph 3 of subsection (a) of this section; and

(5) The State complies with the requirements of this part, and with the terms and conditions included in the grant of assistance.

§ 266.7 Rail service assistance.

(a) *Allocation of funds.* (1) Funds appropriated for each Federal fiscl year ("fiscal year") shall be allocated for that fiscal year to each State in the ratio which such State's eligible rail mileage as of the preceding August 1 under section 5(k) of the Act bears to the total eligible rail mileage in all of the States. However, no State shall get less than one (1) percent of such funds. The calculation with respect to August 1, 1976 shall govern both 1976 and 1977 fiscal year funds. Each mileage allocation will be published as an Appendix to this part or as an amendment to that Appendix.

(2) Rail service assistance to which a State is entitled under section 5(h) of the Act may be allocated by such State to meet the cost of establishing and implementing the State rail plan. Planning assistance shall be made available by the Administrator during the course of the State rail planning process and shall be distributed by the Administrator as needed by the States in accordance with § 266.17(b) of this part. The amount of planning assistance to which each State is entitled shall be proportionate to the amount of rail service assistance to which such State is entitled under section 5(h) of the Act.

(3) A line of railroad in a State is eligible mileage for rail service assistance if (i) the Commission has found that the public convenience and necessity permit the discontinuance of service on or abandonment of such line pursuant to section 1a of the ICA, and (ii) the Governor of such State annually certifies prior to August 1 of each year that the line is suitable for rail freight service, and that it has not been sold, dismantled, or converted to non-rail use.

(4) The Federal share of the costs of providing rail service assistance under section 5(h) of the Act will be as follows:

(i) 100 percent for the 12-month period from July 1, 1976, to June 30, 1977;

(ii) 90 percent for the 12-month period from July 1, 1977, to June 30, 1978;

(iii) 80 percent for the 12-month period from July 1, 1978, to June 30, 1979; and

(iv) Up to 70 percent for the period from July 1, 1979, to June 30, 1981.

The Federal share shall be determined as of the date of execution of the Grant Agreement or the date of the amendment thereto.

The balance of such costs shall be provided by the State and the State share

may not be augmented by any Federal funds, directly or indirectly, unless the funds are provided through a Federal program which specifically authorizes the augmentation of a non-Federal share of a federally-subsidized program with such funds.

(b) *Reallocation of funds.* Funds not used or committed by the State by March 31 of each year will be reallocated on the basis of mileage eligible as of February 1 of that year. Funds allocated and granted will be deemed committed. Funds allocated to the States, but not yet granted, will be deemed used or committed if (1) such funds are to be used to provide a rail service continuation payment in connection with a line of railroad for which a State has made an offer of subsidy under section 1a(6)(a) of the ICA as amended, and the Commission, pursuant to that section, has postponed the issuance of a certificate of abandonment or discontinuance, or equivalent action has been taken by the State with respect to the service in question to commit such funds to provide substitute service; and (2) the Attorney General of such State has issued an opinion of counsel in a form acceptable to the Administrator, that the State is empowered to use allocated funds to carry out the intended project, in accordance with the Act and this part.

(c) *Purposes.* Rail service assistance may be expended for the following purposes:

(1) To enable an eligble applicant to pay allowable planning costs (including development of a planning work statement) expended in developing its State Rail Plan, in the amount of planning assistance to which it is entitled;

(2) To enable an eligible applicant to provide rail service continuation payments which are likely to cover the difference between revenues which are attributable to such line of railroad and the avoidable cost (including the cost of maintenance) of providing rail freight service on such line, together with a reasonable return on the value of such line of railroad and of other rail properties related to such a line of railroad all as found by the Commission under section 1a(6)(a) of the Interstate Commerce Act, as amended, for those projects that:

(i) The Commission has found after February 5, 1976, that the public convenience and necessity permit the abandonment of, or the discontinuance of rail service on, the line of railroad which is related to such project, or the line of railroad or related project was eligible for assistance under Title IV of the Regional Rail Reorganization Act of 1973; and

(ii) Such line or related projects have not previously been the subject of Federal rail service assistance under section 5 of the Act for more than five (5) fiscal years;

(3) To enable an eligible applicant to purchase an eligible line of railroad or other rail properties to maintain existing or provide for future rail service;

(4) To enable an eligible applicant to carry out rehabilitation and improvement of lines of railroad and other rail properties and lines of railroad;

(5) To enable an eligible applicant to carry out transportation programs which reduce the cost of lost rail freight service on a line of railroad in a manner less expensive than continuing rail service; and

(6) To enable an eligible applicant to pay program operation costs, the Federal share of such costs shall be the same as for the other program elements except that such share shall not exceed five (5) percent of the aggregate funds otherwise received by the State under section 5(h) of the Act.

(d) *Allowable costs.* Allowable planning, program operation, and project related costs shall consist of those costs allowed under Federal Management Circular 74-4 and 74-7 which are properly attributable and allocable to the work performed. Allowable costs of third-party contracts shall be governed by the provisions of 41 CFR 1-15.2. Project related costs shall consist of those costs directly attributable to the purpose for which the assistance is provided. Project related acquisition costs shall include the costs of the valuation appraisals required under § 266.13(f) of this part. Project related improvement costs shall include necessary preliminary engineering costs. Project related costs with respect to the provision of rail service continuation payments shall include the costs of necessary valuation appraisals.

§ 266.9 Requirements for State Rail Plan for rail transportation services.

(a) *State planning process.* Consistent with the purposes of the Act, the State Rail Plan required under § 266.5(a) of this part shall be based on a comprehensive coordinated and continuing planning process for all transportation services in the state. The Plan shall be developed with opportunity for participation by those public and private agencies interested in rail activity in the State and adjacent States where appropriate. Procedures shall be established to provide an opportunity for a public hearing on the contents of the Plan prior to final adoption of the Plan by the State. Such hearings shall be held in accordance with paragraph (d)(6) of this subsection. Also as part of the planning process, the designated State agency shall establish procedures whereby local and regional governmental bodies may review and comment on appropriate elements of the State Rail Plan. Provisions shall also be made for updating, revising, and amending the State Rail Plan.

(b) *Format of the State Rail Plan.* All State submissions under this section shall reasonably conform to the format of this section, and each item submitted in response to a requirement of this section shall reference such requirement by subsection, paragraph, and subparagraph.

(c) *Contents of the planning work statement.* As its planning work statement, a State shall submit a design of the State planning process which is consistent with the purposes of the Act and which shall highlight the work planned for the period covered by the State's application for planning assistance and shall include:

(1) An explanation of the philosophical framework to be used in guiding the development of the State Rail Plan. Part of this explanation should be specifically devoted to the expectations of the State for the future of rail services which receive a subsidy subsequent to the expiration of the rail service continuation payment under the Act including such considerations as likelihood of profitability, continued State or local subsidy, acquisition, substitution of alternate modes, and other long-term alternatives.

(2) Description of the methods by which the State will involve local and regional governmental bodies and the public generally in its rail planning process, including its methods of providing for the equitable distribution of resources.

(3) Criteria and goals for rail services or properties to be considered for assistance.

(4) An identification of the data to be acquired on the rail network and rail services in the State (see § 266.9(d) of this part), the sources of this data, and the methodology to be employed in data collection. In considering the scope of data collection activities and subsequent analysis, it is anticipated that time constraints and limitations of the state-of-the-art will require that the State provide a broad overview of all rail services in the State while concentrating most of its efforts on the services which are eligible for assistance or which are expected to become eligible during the period of the program.

(5) Analytical methodology to be used in the planning process. Such analytical methodology shall include criteria to be used in selecting essential lines to be considered for assistance and shall indicate consideration of the advisory criteria published by the Office under subsection 205(d)(3) of the Regional Rail Reorganization Act of 1973, as amended.

(6) A management plan for the development of the State Rail Plan which shall include an identification of responsible individuals, a flow chart of activities with milestones and a budget, by task, for the period to be covered by the State's application for planning assistance.

(d) *Contents of the State Rail Plan.* Each State Rail Plan shall:

(1) Describe the planning process utilized in the development of the State Rail Plan, specifying the particulars as to State rail policy and objectives, data sources, assumptions, analytical methodology, and other special problems or conditions which would be essential to the understanding of the setting in which the State Rail Plan was developed. In particular, the State shall note any modification of the planning process set forth in its planning work statement.

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(2) Contain an illustration of the entire state rail system on suitable scale maps of the state highway system (such as a reduction of the County Highway Planning Series of maps), designating with respect to each line (i) the operating carrier or carriers, (ii) freight traffic density, and (iii) location of passenger service on such lines. These maps shall be accompanied by a written description of the service provided on each line, including an identification, at the two digit level of the Standard Transportation Commodity Code, of commodity types carried on each line.

(3) Identify the following classes of rail service within the State providing both a written description and illustration of each category of service on appropriate scale maps:

(i) Lines which cannot accommodate "high and wide loads";

(ii) Rail freight services to military installations;

(iii) Rail lines in the State which are eligible for assistance under section 5 (k) of the Act;

(iv) Lines of railroad in the State designated as "potentially subject to abandonment" purusant to diagrams submitted by railroads pursuant to section 1a(5)(a) of the ICA;

(v) Rail freight services in the State for which abandonment applications are pending before the Commission;

(vi) Projects for which a State wishes to receive assistance (continuation payments, acquisition, rehabilitation, rail banking, and substitute service assistance) under the Act, including, where practicable, projects not yet eligible for Federal assistance but expected to become eligible during the ensuing year; and

(vii) Rail projects for which a State wishes to provide assistance from sources other than the section 5 program, including the estimated cost of each such project.

(4) Contain with respect to each line or project listed under paragraphs 3 (iii), (iv) and (v) of this subsection: (i) Freight traffic and characteristics of shippers on the line of railroad; (ii) revenues derived from rail freight services on each line and the cost of providing these service; (iii) a discussion of the condition of the rail plant, equipment, and facilities; (iv) an economic and operational analysis of present and future freight service needs; (v) an analysis of the effects of abandonment with respect to the transportation needs of the State; (vi) the relative economic, social, environmental, and energy costs and benefits involved in the use of alternate rail services or alternate modes, including costs resulting from lost jobs, energy shortages, and the degradation of the environment; (vii) an evaluation of methods of achieving economies in the cost of rail service operations on lines on which service will be continued including consolidation, pooling, and joint use or operation of lines, facilities, and operating equipment; (viii) the competitive or other effects on or by profitable railroads; (ix) for lines or projects which the state may consider for rail banking, a description of future economic potential such as development of fossil fuel reserves or agricultural production; (x) a statement of the State's projected future for the line or project upon the expiration of Federal assistance under section 5 of the Act (including such considerations as: profitability; state or shipper subsidy; State, shipper, or carrier acquisition; termination of rail service; and, the substitution of other transportation); (xi) a detailed description of alternatives evaluated, including subsidy or discontinuance, and abandonment of service and potential for moving freight by alternate rail service or alternate modes, an explanation of the analysis of each alternative, including the criteria considered in selecting or rejecting the proposed line or project for assistance and identification of the relative costs and benefits of each alternative; (xii) the conclusion of the State as to whether or not the line or project should be selected for Federal or State assistance; and (xiii) a discussion of how each line or project selected for assistance is related to the criteria established as part of the overall State rail planning process.

(5) Group projects for which the State may seek assistance (continuation payments, acquisition rehabilitation, rail banking, rail service substitution) in order of compliance with the State's criteria and goals for assistance as determined under paragraph (d)(4) of this section. This shall be set forth as a summary table which clearly identifies the location of the project and describes the type (subsidy, rehabilitation to Class "X", etc.), estimated amount and expected timing and duration of assistance to be sought.

(6) Describe the participation in the planning process by local and regional governmental bodies, the railroads, railroad labor, rail service users, and the public generally. In the project selection stage, public participation should be specifically sought regarding each project described and analyzed in accordance with paragraph (4) of this subsection and regarding the determination of which of these projects will be implemented. As one element of this participation, the State shall afford an opportunity for a public hearing. Public notice shall be given (in accordance with applicable State law and practice concerning comparable matters) that a draft of the Plan is available for public inspection at a reasonable time in advance of the hearing.

(7) A description of the overall planning process for all transportation services in the State.

(e) *Inclusion of additional information.* If the scope of the State's rail planning process covers matters additional to those required under this section, the State shall, where practicable, include such additional information in its State Rail Plan. Additional information may also be required by the Administrator to clarify specific elements of the plan.

(f) *Adoption of State Rail Plan.* An original and nine (9) copies of the State Rail Plan, and any amendments thereto or revisions thereof, shall be submitted with a certification by the Governor, or by his or her delegate, that the submission constitutes the State Rail Plan or portion thereof established by the State as provided in section 5(j) of the Act. In accordance with Office of Management and Budget Circular No. A-95 Revised, 41 F.R. 2052 (1976), the State Rail Plan shall also be submitted with a certification by the Chief Executive Officer of the designated State agency that the Governor or his or her delegated agency for plan coordination has been afforded a period of 45 days in which to comment on the State Rail Plan. Such submittal shall include an original and nine copies of either these comments or a statement to the effect that there were no comments.

(g) *Submission of the planning work statement.* The planning work statement shall be submitted to the Administrator for review with the State's application for planning assistance.

(h) *Submission and Review of the State Rail Plan.* The Rail Plan should be submitted to the Administrator for review at least 90 days prior to the filing of any application in which the applicant will seek rail service assistance under section 5 of the Act. If the Administrator determines that the State Rail Plan is not in accordance with this part, he will notify the State setting forth his reasons for such determination and afford the State an opportunity for a hearing and an opportunity to amend its State Rail Plan to bring it into compliance with the Act and this part. Where hearings are necessary, they will be conducted on an expedited basis to afford the State maximum opportunity to submit an acceptable State Rail Plan on a timely basis.

(i) *Revisions and amendments of the State Rail Plan*—(1) *Submission.* State Rail Plans shall be updated including revisions and amendments at least on an annual basis but may be revised more frequently at the discretion of the State. The annual update shall be submitted to FRA no later than August 1, of each year, beginning in 1977. All such updates, revisions, or amendments shall be adopted by the State as provided for in paragraph (f) of this section and shall be subject to the same review and approval procedures as the original State Rail Plan.

(2) *Contents.* Annual amendments and revisions shall include as a minimum the following:

(i) A response to FRA comments on previous submittals;

(ii) An update of information in previous submittals which has proven to be incomplete or incorrect as a result of plan implementation;

(iii) Inclusion of revenue and cost information from the past year's operating experience and a reevaluation of service for which assistance is received based on these new data;

(iv) Identification of lines and services which have been discontinued or abandoned since the last submission of the State's plan;

(v) Changes in constitutional or legislative position of the designated agency, including appropriation of State funds for rail purposes;

(vi) Changes in agency designation or responsibilities;

(vii) Revisions in the State's policies, goals or long-range expectations; and

(viii) Other updates which may be appropriate as a result of recent ICC, FRA or railroad activities (such as changes in lines designated as potentially subject to abandonment on the transportation system diagrams published under section 1(a)(5)(A) of the ICA or petitions for abandonment) and FRA's comments on funding applications, program of projects, or grant agreement conditions.

Other amendments or revisions may be limited to the matter which produces the need for such amendments or revisions.

§ 266.11 Certified program of projects.

(a) *Contents.* Except as provided in paragraph (b) of this section, a State shall submit an annual program of projects based on the State Rail Plan, which will lead to specific project applications and which has been certified by the chief executive officer of the State or his or her delegate. The program shall (1) cover the period of October 1 through September 30 of each year, (2) list all projects for which applications will be submitted during such period, (3) provide the anticipated timing of such applications and a written statement by the chief executive officer that the State intends to file such applications during the period, and (4) include the anticipated amount of funds to be obligated and disbursed for the project during the term of the section 5 program, including a quarterly breakdown of needs for the current Federal fiscal year. The chief executive officer shall certify that these costs represent the State's best estimate of costs for the period. The program shall also be the product of the planning process required by § 266.9(d).

(b) *Submission.* The program of projects shall be submitted to the Administrator for review no later than November 1 of each year beginning 1977. The first program of projects shall cover the period from October 1, 1977 through September 30, 1978. When the Administrator has approved a program or a portion thereof, he will notify the State in writing.

§ 266.13 Applications.

(a)(1) *Submission.* Applications for rail service assistance shall be submitted by the designated State agency. All applications for assistance shall be consistent with the current State Rail Plan and with the Certified Program of Projects. Such applications for assistance shall be submitted only for those projects related to eligible services, lines of railroad, or improvements specifically identified in the current State Rail Plan, including where appropriate, revisions and amendments thereto.

(2) States may apply for planning assistance at any time during the planning process. Each application for planning assistance shall comply with paragraphs (a) and (b) of this section, and each such application shall include a copy of the planning work statement required under § 266.9(c) of this part.

(3) Exhibits previously filed with the State Rail Plan or pursuant to a prior application under this part need not be refiled except that such prior filing shall be appropriately referenced.

(b) *Contents.* All applications for rail service assistance shall include:

(1) Full and correct name and principal business address of applicant;

(2) Name, title, and address of the person to whom correspondence regarding the application should be addressed;

(3) Budget estimates for total amount of assistance required for the projects (or development of the State Rail Plan) during the term of the section 5 program;

(4) For applications after the first year of the section 5 program, evidence of the applicant's ability and intent to furnish its share of the total assistance;

(5) Assurance by the applicant that the Federal funds provided under the Act will be used solely for the purpose for which the assistance is sought and in conformance with the limitations on the expenditures allowed under the Act and applicable regulations;

(6) Evidence that the applicant has established adequate procedures for financial control, accounting, and performance evaluation in order to assure proper use of Federal funds;

(7) An opinion of the legal counsel to applicant showing that he or she is familiar with the corporate or other organizational powers of the applicant, that the applicant is authorized to make the application, that the applicant is eligible to receive rail service assistance under the requirements of the Act and of this part, and that the applicant has the requisite authority to carry out actions proposed in the application and to assume the responsibilities and obligations created thereby;

(8) Certification that the applicant is in compliance and agrees to comply with title VI of the Civil Rights Act of 1964, (78 Stat. 252, 42 U.S.C. 2000d et seq.) ("Civil Rights Act"), section 905 of the Railroad Revitalization and Regulatory Reform Act of 1976 (February 5, 1976, Pub. L. 94-210, 90 Stat. 31) ("RRRR Act"), and all requirements imposed by Title 49, Code of Federal Regulations, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation ("Civil Rights Regulations"), and other pertinent directives, and that, in accordance with the Civil Rights Act, the RRRR Act, the Civil Rights Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, national origin, or sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives assistance from the Federal Railroad Administration, and the applicant will promptly take any measures necessary to effectuate this agreement; and

(9) Such other information as the Administrator may require.

(c) *Additional contents.* In addition to meeting the requirements of paragraphs (a) and (b) of this section, each application for rail service assistance shall include:

(1) Evidence of review and coordination of the application within the State in accordance with the applicable sections of the planning work statement and approved State Rail Plan as provided in paragraphs (a) and (d)(6) of § 266.9 of this part; and

(2) Evidence that the applicant has the statutory authority and administrative jurisdiction to develop, promote, supervise, and support safe, adequate, and efficient rail services; that it employs or will employ, directly or indirectly, sufficient trained and qualified personnel; that it maintains or will maintain adequate programs of investigation, research, promotion, and development with provision for public participation; that it is designated and directed solely, or in cooperation with other State agencies to take all practicable steps to improve transportation safety and to reduce transportation-related energy utilization and pollution; and that it has the statutory and other authority to perform its obligations under the Act and the regulations under this part.

(d) *Applications for rail planning assistance.* In addition to meeting the requirements of paragraphs (a) and (b) of this section, each application for rail planning assistance shall include the planning work statement required under § 266.9(c) of this part.

(e) *Applications for rail service continuation payments.* In addition to meeting the requirements of paragraphs (a), (b) and (c) of this section, each application for rail service continuation payments, shall include the following:

(1) The amount of the required rail service continuation payment for each project; and

(2) Description of the arrangements which the applicant has made for operation of the rail services to be subsidized including copies of the proposed operating agreements, leases or other compensation agreements under which the service is to be provided.

(f) *Applications for acquisition.* In addition to meeting the requirements of paragraphs (a), (b) and (c) of this section, each application for acquisition and any necessary rehabilitation or improvement, including for the preservation of future rail freight service, shall include, to the extent applicable, the following:

(1) Copies of the offer of purchase, the proposed contract of sale, and the basis for the proposed acquisition price including two independent valuation appraisals by qualified and certified appraisers;

(2) A description of the steps necessary, and the cost and timing thereof, for the acquisition and necessary rehabili-

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tation or modernization of the rail properties for the current calendar year and each succeeding year until completion;

(3) A description of the means by which the State will continue rail freight service after the subsidy period;

(4) A description of the proposed method of repayment of assistance if the rail properties are abandoned, sold, or converted to non-rail use; and

(5) For applications regarding rail banking, evidence that the properties for which assistance is requested have potential for rail freight service such as plans for agricultural development or existence of fossil fuel reserves, including analysis of alternative mode potential or alternative rail service.

(g) *Applications for rehabilitation or improvement assistance.* In addition to meeting the requirements of paragraphs (a), (b) and (c) of this section, all applications for rehabilitation or improvement assistance shall include the following:

(1) A detailed estimate of the materials and labor required to complete the improvement, including, the estimated costs for the current calendar year and each succeeding year until completion, the estimated numbers and kinds of ties and other material involved, and the milepost termini involved;

(2) A description of the method by which the improvement work will be completed, including proposed contracts, as well as a schedule for accomplishing the work, such work to be done;

(a) As force account work by the operator or the Grantee;

(b) By either the operator or the Grantee contracting with the lowest qualified bidder based on appropriate solicitation; or

(c) Under an existing continuing contract between the operator and another firm for such work, provided the Grantee can demonstrate that the costs are comparable to those under (1) and (2); and

(3) If improvement above that necessary to maintain at FRA Class I Track Safety Standards is proposed, the long range plan of the State for operation of the line, accompanied by an evaluation of the merit of attaining the higher track safety standard and an economic analysis of the benefits to be achieved by the higher standard within the State's proposed minimum period of operation of the line, including: (i) evidence that the applicant has considered the costs and benefits of alternatives including use of alternate modes of transportation and alternate facilities, acquisition, discontinuance, and abandonment of service, and other pertinent alternatives in accordance with § 266.9(d)(4) of this part; (ii) projected financial statements identifying the anticipated revenues and expenses over the proposed minimum operation period including a comparison of the revenues and expenses associated with the proposed level of rehabilitation and those associated with rehabilitation only up to that necessary to maintain at FRA Class I Track Safety Standards; (iii) the proposed method of financing the operation of such rail services; and (iv) any additional financial or supporting data as requested by FRA.

(h) *Applications for substitute service assistance.* In addition to meeting the requirements of paragraphs (a), (b) and (c) of this section and of § 266.15 of this part, all applications for substitute service assistance shall include:

(1) A description of the steps necessary, and the cost and timing thereof, for the construction or improvement for the current Federal fiscal year and each succeeding year until completion;

(2) A detailed description of the construction or improvement project which the applicant plans to accomplish, including (i) the goals and related objectives which the project is designed to achieve; (ii) reference to the section of the State Rail Plan containing the evaluation of alternatives; (iii) the proposed method of repayment of assistance if the properties are abandoned, sold, or converted to non-freight uses; (iv) any additional financial or supporting data requested by FRA;

(3) Assurance that the rail freight service which the substitute service is designed to replace will be discontinued and that further Federal assistance will not be requested after the facilities for substitute service are in place;

(4) Assurance that funds provided for highway or bridge construction will not be used to pay the State share of any highway projects under Title 23, United States Code; and

(5) Evidence that the cost and scope of the proposed project is limited to that necessary to replace the rail service being discontinued.

(i) *Execution and filing of application.* (1) Each original application shall bear the date of execution and be signed by the Chief Executive Officer of the applicant. Each person required to execute the application will execute a certificate in the form of Appendix A to this part.

(2) Each original application and certificate, and nine (9) copies thereof, shall be filed with the Federal Railroad Administrator, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590. Each copy shall show the dates and signatures that appear in the original and shall be complete in itself.

(j) *Review and approval of applications.* Applications for rail service assistance shall be submitted to the Administrator for review and approval. When the Administrator has approved an application he will notify the applicant in writing.

§ 266.15 Environmental impact statement.

(a) The Administrator has determined that assistance provided for the purposes of planning assistance, rail service continuation payments, acquisition, rehabilitation or improvement or substitute service (other than service involving highway or highway-related facilities) does not significantly affect the quality of the human environment, except where the acquisition of real estate is involved.

(b) Therefore, applicants for financial assistance for those purposes are not required to prepare or submit an environmental assessment. When applicants request assistance for which the purchase of real estate is required, an environmental assessment shall be submitted with the application. Substitute service involving highway or highway-related facilities shall be subject to the applicable substantive Federal Highway Administration regulations on environmental assessments (23 CFR 771).

§ 266.17 Disbursement.

(a) *Rail service continuation payments.* (1) After receipt, review and approval of an application meeting the requirements of § 266.13 of this part, the Administrator will enter into a grant agreement with a grantee for the Federal share of the estimated amount of project funds necessary to continue the service described in the application. Payments of the Federal share shall be made either in an advance by a letter-of-credit or a Treasury check or by reimbursement.

(2) To be eligible for advance payments, the grantee must demonstrate to the satisfaction of the Administrator a willingness and an ability to establish procedures that will minimize the time elapsing between the receipt of funds by the grantee and their disbursement. In addition, the financial management system of the recipient must provide for effective control over and accountability for all Federal funds. If the grantee is not eligible for advance payments or elects not to receive such payments, the grantee will be reimbursed for eligible expenditures at the end of each fiscal quarter.

(3) A letter-of-credit will be used when the rail service continuation assistance is expected to be provided by FRA for a minimum of one (1) year, and involves or is expected to involve annual payments aggregating at least $250,000. Otherwise, payments will be made only by Treasury check.

(4) Grant agreements for operating assistance will be limited to the period for which the Federal appropriations have been provided for such assistance.

(5) The settlement under the grant agreement shall be made on the basis of a Federal audit which has determined the actual revenues and costs, over the entire term of the agreement, provided that any additional payments of Federal assistance may not be made unless (i) the Administrator determines that the grantee has fulfilled its responsibilities for ensuring the proper and efficient administration of its subsidy program; (ii) the required State share is available; (iii) the necessary Federal funds are available; and (iv) the parties execute a grant agreement or grant agreement amendment for the additional funds determined due. A Federal audit may also establish that a portion of the grant assistance received by the grantee shall be refunded to FRA. Such refunds shall be made as part of the settlement process.

(b) *Other rail service assistance.* After receipt, review, and approval of an application for assistance for State rail planning, acquisition, improvement, or substitute service assistance, which meets the applicable requirements of § 266.13 of this part, the Administrator will enter into a grant agreement for the appropriate Federal share of the allowable costs of acquisition or improvement or both as determined by the Administrator. The terms of payment of the Federal share will be set forth in the grant agreement which may be in the form of either advance payments or reimbursements, in accordance with paragraph (a) of this section.

§ 266.19 Record, audit, and examination.

(a) Each recipient of financial assistance under this section, whether in the form of grant, subgrants, contracts, subcontracts, or other arrangements, shall keep such records as the Administrator shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance was given or used, the amount of that portion of the cost of the project supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Adminstrator or any of his duly authorized representatives shall, until the expiration of three (3) years after completion of the project or undertaking referred to in paragraph (a) of this section, have access for the purpose of audit and examination to any books, documents, papers, and records of such receipts which in the opinion of the Administrator may be related or pertinent to the grants, contracts, or other arrangements referred to in such paragraph.

§ 266.21 Waivers and modifications.

The Administrator may, with respect to individual requests, upon good cause shown, waive or modify any requirements of this part not required by law or make any additional requirements he deems necessary.

[FR Doc.76-23086; Filed 8-6-76;8:45 am]

APPENDIX A—CERTIFICATE

The following is the form of the certificate to be made by each person signing an application.

---------- certifies that he or she
(Name of Person)
is the chief executive officer of ----------:
(Name of Agency)
that he or she is authorized to sign and file with the Federal Railroad Administrator this application; that he or she has carefully examined all of the statements contained in the application relating to ----------:
(Name of Agency)
that he or she has knowledge of the matters set forth therein and that all statements made and matters set forth therein are true and correct to the best of his or her knowledge, information and belief.

(Date)

(Signature)

Subscribed and sworn to before me this ---- day of ----------, 19--.

Issued in Washigton, D.C. on August 4, 1976.

ASAPH H. HALL,
Administrator.

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federal register

MONDAY, AUGUST 9, 1976



PART III:

FEDERAL POWER COMMISSION

SALES OF NATURAL GAS

Opinion and Order Prescribing Uniform National Rate

V41N154 AUG 9 76 UMI

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

SUBCHAPTER A—GENERAL RULES

SUBCHAPTER E—REGULATIONS UNDER NATURAL GAS ACT

[Docket No. RM75-14; Opinion No. 770]

PART 2—GENERAL POLICY AND INTERPRETATIONS

PART 154—RATE SCHEDULES AND TARIFFS

Opinion and Order Prescribing Uniform National Rate for Sales of Natural Gas

JULY 27, 1976.

This proceeding was initiated to review the rates established in Docket No. R-389-B pursuant to 18 C.F.R. 2.56a(n) for the 1975-1976 biennium and to consider such changes in the rate structure prescribed in 18 C.F.R. 2.56a as may be required in the public interest. Based upon the evidence of record, we find that a new uniform national base rate for post-January 1, 1975 gas of $1.42 per Mcf, escalating one cent per quarter (equivalent to less than 3% per annum), subject to adjustment for Btu content, State or Federal production, severance, or similar taxes, and gathering allowances where applicable, is just and reasonable and is hereby adopted effective on the date of issuance of this order. This rate is fully cost-based and justified. Additionally, non-cost factors have been examined to ensure that the cost-based rate is just and reasonable.[1] This rate is applicable for (1) sales of natural gas made from wells commenced on or after January 1, 1975, and (2) sales made pursuant to contracts executed on or after January 1, 1975, for the sale of natural gas in interstate commerce where such gas has not previously been sold in interstate commerce.

We also find that a new uniform national base rate for 1973-1974 biennium gas of $1.01 per Mcf, subject to adjustment for Btu content, State or Federal production, severance, or similar taxes, and gathering allowances where applicable, is just and reasonable and is hereby adopted effective on the date of the issuance of this order. This rate is applicable for (1) sales of natural gas made from wells commenced on or after January 1, 1973, and prior to January 1, 1975, and (2) sales made pursuant to contracts initially executed on or after January 1, 1973, and prior to January 1, 1975, for the sale of natural gas in interstate commerce where such gas had not previously been sold in interstate commerce.

The Commission had previously established a single uniform national rate applicable to all producing areas for post-December 31, 1973, gas supplies for the 1973-1974 biennium in Docket No. R-389-B.[2] The Commission also established in Docket No. R-478,[3] as a companion to Docket No. R-389-B, just and reasonable rates for pre-January 1, 1973 natural gas supplies. The rates established herein update the rates established in Docket No. R-389-B pursuant to 18 C.F.R. 2.56a (n).

Contrary to the discussion of the biennial review in Opinion No. 699-H,[4] the gas which initially qualified for the rate prescribed by Opinion No. 699 will not be priced at the same level as the qualifying gas in the 1975-1976 biennium. However, a new rate reflecting updated costs, productivity and a different income tax treatment, is prescribed for sales of natural gas qualifying in Opinion No. 699-H under Section 2.56a(a)(2)(i) and (ii) of the Commission's Regulations. The rates prescribed herein do not apply to sales of natural gas made under new contracts, where prior contracts had expired of their own terms under which such gas had previously been dedicated to interstate commerce.

OUTLINE

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  B. Operation of the OEC model.
III. The rate determination: Post-January 1, 1975.
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  F. Special relief.
  G. Gathering allowance.
  H. Small producers.
  I. Rates for Appalachian-Illinois area.
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  A. Allocation of dry hole footage.
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I. SCOPE OF THE OPINION

A. OVERVIEW

We have determined that a rate of $1.42 per Mcf for qualifying post-January 1, 1975 gas and a rate of $1.01 per Mcf for qualifying 1973-1974 biennium gas is just and reasonable. These rates were derived from an analysis of many factors, including drilling productivity, drilling costs and all of the other costs associated with the production of natural gas. We also considered pursuant to recent court decisions, certain non-cost factors, including the price of competitive fuels, the impact upon supply and demand, inflationary pressures, the nation's natural gas shortage and conservation factors.

In computing the costs for the 1975-1976 biennium, we employ a discounted cash flow analysis by costing the averaging successful well that is drilled in the test year 1976. We also use an additional model to test and extend the validity of the 699-H methodology. A 15% rate of return is allowed on the investment necessary for the exploration and development of natural gas. We employ a depletion life of 15 years, with a pre-production period of 3 years. An income tax component is included in the costing model to reflect the tax reductions experienced in the pre-production years and the tax liability incurred in productive years.

Productivity, expressed in terms of annual non-associated gas reserves added divided by successful drilling footage, has declined significantly from that used in Opinion No. 699. Nineteen seventy-four successful well drilling costs were 14% greater than the trended values used in that opinion. The marginal income tax rate of 48% is used where none was used in Opinion No. 699. These factors account for the significant rate increase over that prescribed in Opinion No. 699-H.

In revising the rate prescribed in Opinion No. 699-H, we employ the same discounted cash flow analysis as used in that opinion with modification of four of the factors used therein. Drilling costs are changed to reflect the higher costs actually incurred during 1973 and 1974. The productivity range has been expanded from seven years (1966-1972) to nine years (1966-1974) to include the reported productivities for 1973 and 1974. The tax treatment has been altered to reflect the tax liability resulting from the repeal of the percentage depletion allowance.[5] The depletion life has also been changed from 18 to 15 years.

Since 1968, the annual consumption of natural gas has exceeded the annual addition of new reserves. Opinion No. 699-H was issued by the Commission to establish a uniform national rate with an underlying purpose of reversing the trend of diminishing dedications of new gas supplies to the interstate market. After

[1] The Supreme Court has previously held that both cost and non-cost factors must be considered in establishing a just and reasonable rate. Permian Basin Area Rate Cases, 390 U.S. 747 (1968), *Mobil Oil Corporation* v. *F.P.C.*, 417 U.S. 283 (1974).

[2] Just and Reasonable National Rates for Sales of Natural Gas From Wells Commenced On Or After January 1, 1973, And New Dedications Of Natural Gas To Interstate Commerce On Or After January 1, 1973, Opinion No. 699, et al.

[3] Just And Reasonable National Rates For Sales of Natural Gas From Wells Commenced Prior To January 1, 1973, Opinion No. 749, et al.

[4] See Opinion No. 699-H, ---- F.P.C. ----, slip opinion at 50.

[5] See Int. Rev. Code of 1954, § 613A(b)(2), added by the Tax Reduction Act of 1975, Pub. L. § 94-12, 601.

review of the actual dedications since the issuance of Opinion No. 699-H, we find that this purpose was not achieved. Total new qualifying gas flowing in interstate commerce is only slightly more than one and one-half trillion cubic feet per year at this time. This low level of new dedication is largely due to substantial cost increases in 1974, increases that could not have been predicted, and thus were not taken into account, in establishment of the rate prescribed in Opinion No. 699-H. Active intrastate markets with higher prices captured most new onshore gas.

The recognition of these cost increases in this proceeding will encourage the dedication of new reserves to the interstate market. The rates established herein will permit increased drilling activity and will place interstate pipelines in a more competitive position in the onshore markets.

We estimate that the immediate impact of pricing post-January 1, 1975 natural gas at $1.42 per Mcf and January 1, 1973 to December 31, 1974 natural gas at $1.01 per Mcf is to add about $1.5 billion to the consumer's cost for natural gas in the first year. Of this amount, approximately 55% goes to the Treasury in higher taxes, 25% compensates for higher costs, and 20% accrues to the producers. Over the longer run, we expect consumers will benefit as a result of reduced reliance on expensive alternate fuels. We believe that this decision will lead to increased gas supply and to greater gas conservation. It will make more gas available for residences and it will help to relieve the pressure of shortages on business and industrial consumers.

B. PROCEDURAL HISTORY

This proceeding was initiated December 4, 1974, with an Order Instituting National Rate Proceeding[6] issued pursuant to the Administrative Procedure Act[7] and the Natural Gas Act.[8] The Commission in that order did not propose any specific rates, terms or revisions to the rules prescribed in Section 2.56a, but stated that it would rely upon the responses filed in this proceeding by the various parties and the staff as the basis for modifying Section 2.56a. To assure the effective and expeditious resolution of these proceedings, all natural gas producers[9] with annual jurisdictional sales in excess of ten million Mcf and all interstate pipeline companies were made respondents to this proceeding. In addition, any interested person, including those persons named as respondents, desiring to participate in this proceeding, were required to file a notice of intention to participate by December 20, 1974.

The December 4, 1974, order initiating this proceeding was modified by notices issued on December 31, 1974, March 4, 1975, May 13, 1975, May 30, 1975, June 10, 1975, July 10, 1975, and July 25, 1975, extending the time for the filing of initial comments to August 11, 1975, and for the filing of reply comments to September 11, 1975.[10]

On June 13, 1975, in this docket the Commission issued an order instituting the "31-lease investigation"[11] to update a prior staff study[12] of offshore Louisiana gas reserves. The order required natural gas companies holding reserves in the subject fields to submit their respective reserve estimates to the Commission by July 25, 1975. Notice was issued on July 11, 1975, extending the time for such filings until July 31, 1975. On July 24 and August 4, 1975, the Commission issued orders denying a number of applications for rehearing of the June 13, 1975 order. Subsequently, a number of producers[13] filed petitions for review of the June 13 and July 24 orders in several courts of appeals. The cases were consolidated in the Court of Appeals for the Fifth Circuit, which denied a motion for a stay of the orders, but directed that the data submitted be kept in confidence. In the face of the court's confidentiality order, the Commission was unable to publish the base data obtained from the producers and seek public comment thereon, as it had originally intended. However, the Commission was able to complete its investigation by subpoena of data from the American Gas Association. On June 21, 1976, after notice to the parties, the Commission incorporated in the record in this proceeding a report by staff of its generalized conclusions from all data, believing the publication to be consistent with the court's confidentiality order. On July 2, 1976, the Court of Appeals entered its opinion, holding that the release of the base data obtained from the producers was within the power of the Commission, if an appropriate basis for release is established.[14] However, release of the base data is not presently contemplated, inasmuch as the purposes of the 31-lease investigation have been largely accomplished.

On June 16, 1975 in this docket, the Commission issued an order[15] inviting the views of the parties on the weight, if any, that should be given to current prices in intrastate natural gas market. The order required comments to be filed by July 24, 1975, and reply comments to be filed by August 15, 1975. By notice issued August 11, 1975, the time for filing comments was extended to September 5, 1975.

On August 4, 1975 in this docket, the Commission issued an order setting forth rate recommendations of the Bureau of Natural Gas (BNG) and the Office of Economics (OEC) and provided parties the opportunity to file comments in reply to staff's comments by September 5, 1975.[16] On October 3, 1975, in this docket, the Commission issued an order clarifying the rate recommendations made by OEC and provided parties a further opportunity to reply to OEC's response by November 3, 1975.[17] In addition to the aforementioned staff rate recommendations, the Pipeline and Producer Rates Division of the Bureau of Natural Gas also made rate recommendations. These were set forth in a Notice of Further Staff Rate Recommendations[18] after the commenting procedure had terminated. In this notice, the Commission provided parties another opportunity to file comments on these additional rate recommendations by April 23, 1976, with replies thereto to be filed by May 14, 1976.

Several complete prospective cost studies were filed by other parties to this proceeding. The United Distribution Companies (UDC) submitted a cost study dated May 14, 1975, that excluded from consideration Alaska, Appalachia, the Gulf of Mexico, and Texas Permian. Indicated Producer Respondents (IPR) submitted on May 30, 1975, a nationwide cost study. On July 24, 1975, UDC submitted estimated costs of natural gas from the Gulf of Mexico. All parties were given the opportunity to comment upon each of the cost studies and numerous reply and supplemental reply comments were received.

The recommended prices in the comments range from a high of $2.84 per Mcf[19] to a low of $.56 per Mcf.[20] The comments contain wide variation on all major elements of the estimated price, including methodology, productivity, well cost, and federal income tax. All of the cost studies were founded upon 1973 and earlier Joint Association Survey (JAS) cost data and 1974 and earlier American Gas Association (AGA) reserves data.

[6] 39 F.R. 43093, December 10, 1974.

[7] 60 Stat. 237, 918, 993 (1946); 61 Stat. 37, 201 (1947); 62 Stat. 99 (1948); 80 Stat. 250 (1966); 5 U.S.C. § 551, et seq. (1970).

[8] 52 Stat. 822, 823, 824, 825, 829, 830 (1938); 56 Stat. 83, 84 (1948); 61 Stat. 459 (1947); 76 Stat. 72 (1962); 15 U.S.C. §§ 717c, 717d, 717f, 717g, 717i, 717m, 717n, 717o (1970).

[9] The term "natural gas producer" is used to refer to all persons producing natural gas including pipeline compauies having exploration and production departments. An "affiliated producer" is a natural gas producer that is affiliated with an interstate pipeline company. An "independent producer" is a natural gas producer "who is engaged in the production or gathering of natural gas in interstate commerce for resale, but who is not engaged in the transportation of natural gas (other than gathering) by pipeline in interstate commerce." 18 C.F.R. § 154.91(a).

[10] 40 F.R. 32140.

[11] Order Instituting Investigation To Update Prior Staff Study, 40 F.R. 25691.

[12] Notice Of Issuance Of Revised Staff Nationwide Cost Study And Staff Study Of American Gas Association Reserve Additions, 39 F.R. 11310, Docket No. R-389-B (March 21, 1974).

[13] Pennzoil Company, Mobil Oil Corporation, Tenneco Oil Company, Marathon Oil Company, The Superior Oil Company, Exxon Corporation, The California Company, Continental Oil Company and Burmah Oil and Gas Company.

[14] *Pennzoil Company, et al* v *F.P.C.*, 5th Cir. No. 75-2961.

[15] National Rate Proceedings—Order Inviting Comment Re Intrastate Gas Market, 40 F.R. 26568.

[16] Order Issuing Staff Rate Recommendations And Prescribing Further Procedures, 40 F.R. 33998.

[17] Order Issuing Clarification of Staff Rate Recommendations and Providing For Comment Thereon, 40 F.R. 49139.

[18] 41 F.R. 14138.

[19] IPR Comments, May 30, 1976, Appendix 1.

[20] OEC Recommendations, October 3, 1975, p. 2.

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The 1974 JAS data and the 1975 AGA data has since been published, and are incorporated herein.

In summary, the natural gas shortage [21] and shortages of other energy supplies require that this Commission take all prudent steps to insure that the rates allowed for natural gas sold in interstate commerce are adequate to bring forth the requisite supplies to meet demand while protecting the "consumers against exploitation at the hands of natural gas companies." [22] Thus, the Commission faces a formidable task: establishing rates high enough to stimulate additional new gas supplies, but not so high as to burden consumers with prices in excess of those needed to elicit such supplies.

To that end and in accordance with § 2.56a(n) of the Commission's General Policy and Interpretations, we have determined that the uniform national rates for gas qualifying hereunder, as set forth in Section 2.56a(a)(1) (i) and (ii) and Section 2.56a(a)(3) (i) and (ii) of the Regulations, is necessary in order to assure an adequate supply of natural gas for the Nation.

C. POLICY DETERMINATIONS

After careful review and consideration of all the evidence submitted in this proceeding, we conclude that the new base national rate herein established for 1975–1976 biennium gas should be made applicable where:

(i) The sale is made from a well or wells commenced on or after January 1, 1975;

(ii) The sale is made pursuant to a contract for the sale of natural gas in interstate commerce for gas not previously sold in interstate commerce prior to January 1, 1975, except pursuant to the provisions of 18 C.F.R. §§ 2.68, 2.70, 157.22, or 157.29 (including sales made pursuant to those sections as modified by Federal Power Commission Order No. 491, et al.), or 18 C.F.R. § 2.75(n), where such a sale is initiated on or after January 1, 1975, provided that no certificate for the subject sale has been issued under the optional procedure (18 C.F.R. § 2.75). [23]

Rather than increasing the rate for new gas qualifying under Opinion No. 699–H to the rate level for post-January 1, 1975 gas, we believe that a separate rate determination is necessary to reflect the additional cost and productivity data gathered for the period from January 1, 1973 to December 31, 1974, and to reflect increased income taxes resulting from repeal of percentage depletion allowances.

Our decision to modify the policy set forth in Opinion No. 699–H, [24] with respect to the effective date on which gas initially qualifies for a new rate, is based on a determination that the increased costs of exploration and production and the decreased productivity of wells should only be reflected in the rates for the corresponding period, and not for a prior period. Since the attendant cost and productivity data for the 1973–1974 biennium can be considered separately, we have determined that the more recent 1975 data should only be considered prospectively and should not affect a 1973–1974 cost-based national rate. The $1.42 per Mcf rate prescribed herein reflects the current costs of finding and producing new gas and exceeds the rate necessary for the lower costs previously incurred in finding and producing gas qualifying under Opinion No. 699–H.

We are aware of the problems occasioned by the continuance of the vintaging concept. The Commission, however, has a responsibility to minimize severe and harmful economic dislocation due to increased rates. [25] In light of the magnitude of the increase of the rate prescribed herein for post-January 1, 1975 gas over the revised rate for 1973–1974 biennium gas, the Commission must abandon its intended policy to establish a single uniform national rate for gas dedicated or wells drilled after January 1, 1973, and must vintage by a 1973–1974 cost grouping to preclude the exaction of excessive and unjustifiable economic rent from flowing gas. [26]

Although the Commission expressed concern in Opinion No. 669–H that such vintaging could discourage the dedication of new gas supplies to the interstate market, [27] we did not anticipate at that time such a dramatic increase in costs and decrease in productivity, necessitating the rate of $1.42 per Mcf.

The Commission also has considered factors other than the traditional cost-based formulary in establishing this rate. We have elicited comments as to the bearing intrastate prices should have on interstate rates and have considered these prices in establishing the rate. In addition, we have considered the Btu equivalency values of residual oil, distillate oil, crude oil, synthetic natural gas and liquefied natural gas. Accordingly, we believe that the price established herein for post-January 1, 1975 gas is sufficiently high to encourage dedication of additional supplies of natural gas to the interstate market and increased exploratory and production activity.

We are aware that the rate prescribed herein for post-January 1, 1975 results in a 173% increase over the base rate established in Opinion No. 699–H. However, this disparity is substantially lessened when actual costs for the 1973–1974 biennium are considered in lieu of the projected costs utilized in that proceeding. [28] While actual drilling costs for 1973 approximated those projections made in Docket No. R–389–B, the actual dry hole costs and successful well costs for 1974 were, respectively, 57% and 14% greater than those projected. The average 1973–1974 actual dry hole cost was 35% greater and the average actual successful well cost was 3% greater than the trended values used in Opinion No. 699–H. Similarly, exploration and lease acquisition expenditures were substantially greater than those projected while average productivity fell substantially below that used in Opinion No. 699–H. Moreover, it is necessary to make a rate adjustment for future production from the 1973–1974 wells due to the increased income taxes resulting from the repeal of the percentage depletion allowance. [29] When these and other adjustments are made to reflect actual costs and increased tax liability, the rate established in Opinion No. 699–H is increased to $1.01 per Mcf. The disparity between that rate and the rate prescribed for 1975–1976 biennium gas amounts to a 41% increase.

For these reasons, it is necessary to establish a new rate for gas from dedications and wells drilled on or after January 1, 1973 and prior to January 1, 1975. This rate would be applicable where:

(i) The sale is made from a well or wells commenced on or after January 1, 1973, and prior to January 1, 1975;

(ii) The sale is made pursuant to a contract for the sale of natural gas in interstate commerce for gas not previously sold in interstate commerce prior to January 1, 1973, except pursuant to the provisions of 18 C.F.R. §§ 2.68, 2.70, 157.22, or 157.29 (including sales made pursuant to those sections as modified by Federal Power Commission Order No. 491, et al.), or 18 C.F.R. § 2.75(n), where such a sale is initiated on or after January 1, 1973 and prior to January 1, 1975 provided that no certificate for the subject sale has been issued under the optional procedure (18 C.F.R. § 2.75). [30]

The rates prescribed herein will not apply to sales made pursuant to contracts executed prior to or subsequent to the expiration of the term of the prior contract where the sales were formerly made pursuant to the permanent certificates of unlimited duration under such prior contracts which expired of their own terms on or after January 1, 1973, or pursuant to contracts executed on or after January 1, 1973, where the prior contract expired by its own terms prior to January 1, 1973. Such sales will continue to be governed by the rate level, including appropriate annual escalations, prescribed in Opinion No. 699–H. [31]

[21] The natural gas shortage has been judicially recognized. E.g., *F.P.C. v. Louisiana Power & Light Co.*, 406 U.S. 621 (1972); *Placid Oil Company, et al. v. F.P.C.*, 483 F. 2d 880 (5th Cir. 1973), affirmed sub nom. *Mobil Oil Corporation, et al. v. F.P.C.*, 417 U.S. 283 (1974). *Shell Oil Company, et al. v. F.P.C.*, 484 F 2d 469 (5th Cir. 1973), cert. denied sub nom. *Mobil Oil Corp. v. F.P.C.*, Nos. 73–438, et al. (June 17, 1974).

[22] *Phillips Petroleum Co. v. Wisconsin*, 347 U.S. 672, 685 (1954).

[23] 18 C.F.R. § 2.56(a)(1)(i) and (ii).

[24] See Opinion No. 699–H, ---- F.P.C. ---- slip opinion at 50.

[25] Area Rates For The Appalachian And Illinois Basin Areas, 48 F.P.C. 1299 at 1309–1310 (1972), affirmed sub nom. *Shell Oil Co., et al. v. F.P.C.*, 491 F. 2d 82 (5th Cir. 1974).

[26] See Opinion No. 699–H, Concurring Opinion of Commissioner Smith ---- F.P.C. ----, slip opinion at 4.

[27] See Opinion No. 699–H, ---- F.P.C. ----, slip opinion at 50.

[28] See Exhibit 30, infra, for greater detail.

[29] See Int. Rev. Code of 1954, § 613A(b)(2), added by the Tax Reduction Act of 1975, P.L. § 94–12, 501.

[30] 18 C.F.R. § 2.56a(a)(3)(i) and (ii).

[31] 18 C.F.R. § 2.56a(a)(4) and (5).

Opinion No. 749 [32] was issued by the Commission on December 31, 1975, establishing "just and reasonable" rates [33] for gas flowing in interstate commerce prior to January 1, 1973. In that proceeding a comprehensive review of rates for such gas was made which resulted in the establishment of national rates. Rather than allowing flowing gas subject to expiring contracts to increase to the rate prescribed herein, we believe that the rate adjustment for such gas under expiring contracts should be limited to the rate level prescribed in Opinion No. 699–H.

Many comments have been received on this issue. Some advocate the continuance of the policy followed in Opinion Nos. 699 and 639 of allowing the renewal contract to receive the new gas rate upon expiration of the term of the prior contract. Other comments argue for the abandonment of this policy.

Our determination of this issue in this proceeding, however, is governed by different circumstances than those which existed when Opinion No. 699 was issued. In that proceeding, the underlying reason for allowing gas subject to expiring contracts the new gas rate was to insure that the additional revenues generated by this class of sales would be available for expanded exploration and development programs. The level of exploratory and developmental dollars generated by this treatment will remain the same as that found necessary in Opinion Nos. 699 and 699–H by permitting an increase to those rates rather than to the rates prescribed herein.

We have carefully scrutinized the disparity between new prices and old prices to avoid an unreasonable increase in rates. By permitting expiring contracts to increase to the rate established in Opinion No. 699–H, a large increase in rates for "flowing gas" is avoided [34] while additional revenues are insured for expanded exploration and development programs which are required to discover and produce new supplies of natural gas. [35]

Accordingly, a new national base rate of $1.42 per Mcf for post-January 1, 1975 gas and a revised rate of $1.01 per Mcf for 1973–1974 biennium gas will apply on or after the date of the issuance of this order. These rates are applicable to all qualifying sales of natural gas in interstate commerce, including oil-well (casinghead) gas, as well as gas-well gas, and shall remain in effect until modified by the Commission.

These rates are applicable only to jurisdictional sales of natural gas within the United States excluding Alaska and Hawaii ("the lower 48"). These national rates are subject to adjustment for Btu content, state and Federal production taxes, applicable gathering allowance, and the annual escalation provided herein.

II. INTRODUCTION TO METHODOLOGY

The basic new gas costing model or methodology that the Commission has employed in the past has its origins in the *Permian I* proceeding. [36] The model was modified with the initiation of the nationwide rate in Opinion No. 699–H by the inclusion of expenditures for unsuccessful ventures [37] in the investment base, and by the adoption of a discounted cash flow analysis to improve the accuracy of the rate of return calculation. Most of the cost studies submitted by the parties in this proceeding are variations upon the *Permian I* model as revised by Opinion 699–H ("699–H model"). However, the Office of Economics has proposed a further substantial revision in the model with the objective of injecting greater realism in the process ("OEC model").

The business of producing natural gas begins with preliminary geological and geophysical activity followed by lease acquisition and then exploratory wildcat activity at one or more sites. If gas in economically recoverable quantities is found, further exploratory (non-wildcat) drilling continues. This may result in new reservoir discoveries and extensions of previous reserve estimates as the field is delineated. Successful exploratory drilling usually is highly productive (as measured by estimated Mcf recoverable per successful foot drilled) but many dry holes also are drilled. Gas production begins when sufficient gas is ready to flow to warrant gathering costs.

Further drilling in the proven field and further delineation usually continues for a number of years. This "developmental" drilling normally results in further extensions of reserve estimates. While the productivity rate is much lower than for exploratory drilling, far fewer dry holes are drilled.

The 699–H model is directed at costing the average successful well that is drilled during the test year. Obviously, the successful wells that are commenced during any period of time are mixed in purpose—some are exploratory wells that discover new fields or reservoirs and others are developmental wells that capitalize upon fruits of earlier exploratory wells and expenditures. Since exploratory activity is the marginal endeavor that is the principal source of enlarged gas supplies for the future, it should be given careful consideration in a prospective rate determination.

The principal differences in cost between exploratory and developmental activity derive from three elements—costs of exploration and lease acquisition, productivity, and the dry-hole expense that is associated with all drilling. The associated overhead and allocated joint costs of developmental wells drilled or being drilled during the 1975–1976 biennium were incurred in earlier years and presumably are lower than the corresponding current costs. However, that fact is offset by the carrying charge that must be added to these costs until production actually commences. The relatively higher productivity of exploratory wells tends to decrease cost, but the relatively higher dry-hole expense tends to increase cost. On the other hand, the relative lower productivity of developmental wells tends to increase cost while the relatively lower dry-hole expense tends to decrease cost. Since these counteracting factors tend to equalize the costs of developmental and exploratory wells, one cannot conclude that the average cost that is derived from the 699–H model is necessarily erroneous.

The burden of future natural gas supply falls predominately upon exploratory activity. The results of the 699–H model should be tested by a methodology that enables the inquiry to be focused upon the exploratory wells that will be drilled in the biennium and the development that follows.

The OEC Comments in this proceeding outline such a methodology which postulates the pattern of development commencing with geological and geophysical expenditures, proceeding through lease acquisition to a successful exploratory well that is drilled in the test year, and ultimately to additional developmental wells. Estimated reserves that are initially discovered through an exploratory well usually will increase over time as the area (field) is further developed and delineated. Witness Marsh in the IPR comments has suggested a statistical method for estimating the amount and rate of the reserve increase. [38] When this data, coupled with reasonable assumptions regarding the timing of developmental expenditures and the depletion rates of the exploratory and developmental wells, is used in the OEC model, the result is a reasonable estimate of the cost of exploratory wells that are drilled in the test year and of the cost of development of the entire project.

Therefore, we will base our rate determination in this proceeding upon consideration of the results of the 699–H and OEC models.

Both of the models employ the same basic cost elements and data. The OEC model relies upon additional data sources for the separation between exploratory and development costs, but these are separate allocations of the same data rather than the use of different data.

The identity of the base data suggests that if reasonable assumptions concerning operating conditions are held constant between the two models, the indicated price will be in the same general range. [39] While the OEC cost studies suggest a lower price than would be pro-

[32] See Footnote 3, *supra*.

[33] Sections 4(a) and 5(a) of the Natural Gas Act, require that all rates received by a "natural gas company" be "just and reasonable." 52 Stat. 822, 823 (1938); 15 U.S.C. §§ 717c(a), 717d(a), (1970).

[34] Over 500 Bcf of natural gas would fall into this category. This volume would significantly increase in future years.

[35] See Opinion No. 699, ---- F.P.C. ----, slip opinion at 97.

[36] *Area Rate Proceeding (Permian Basin Area)*, 34 F.P.C. 159 (1965).

[37] *E.g.*, dry hole expense.

[38] IPR Comments, May 30, 1975, Appendix J.

[39] IPR Comments, November 3, 1975, Appendix B, p. 9.

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duced by the 699–H model,[40] they contain:

1. An arithmetic error in the initial OEC comments;

2. Unacceptable assumptions regarding operating conditions; and

3. Policy choices that we must reject.

1. The arithmetic error is the omission of the joint costs of Exploratory Overhead, Other Exploration and Lease Acquisition attributable to the 2.36 Mcf of developmental reserves.[41] If all other factors in the initial study were held constant and only the error was corrected, the indicated price would be approximately 90 cents,[42] excluding any allowance for Federal Income Tax. The error was acknowledged in the Revised OEC Cost Studies,[43] but the magnitude of the correction is obscured because the revised study made other changes in the assumptions underlying the model that had the effect of reducing the corrected price, i.e. the level of joint costs and the lag times for preproduction investment were reduced."

2. The OEC study assumes that exploratory wells have depletion lives of 18 years. However, the OEC model terminates both exploratory and developmental production at the end of 18 years with the consequence that the newer developmental wells are assumed to have successively declining productive lives. The final developmental expenditure in the 17th year is thus assumed to lead to a well that depletes in only one year. There is no evidence in the record to support such assumptions, nor could there be. To the contrary, evidence herein and before the Commission in earlier area rate proceedings demonstrates a much longer depletion period for an overall project or field. Experience also suggests that the principal developmental wells in the same field will have a substantially identical number of productive years.

3. OEC recommends that the offshore expenditures be excluded in computing the lease acquisition element of cost.[45] We cannot accept that recommendation for reasons hereinafter discussed. OEC further recommends that the Federal Income Tax considerations be excluded until additional information is available. OEC suggests the value of the accelerated deductions to the industry be ignored and that no income tax allowance be included with respect to the revenue that is derived from the production. The repeal of the percentage depletion allowance by the Tax Reduction Act of 1975 compels us to consider henceforth both the benefits and burdens of existing Federal Income Tax law.

When appropriately corrected and revised, the OEC format provides a broader and more realistic view of the exploration and development process that commences with the exploratory wells which are drilled in the test year. Certainly, the industry does not premise investment decisions in new field development on an assumption that the exploratory wells are the terminal investments and the reserves therefrom are the ultimate recovery potential. Rather, producers undoubtedly consider the complete developmental costs and potential reserves of a field in their exploratory decisions. Initial overhead investment in exploratory activities and lease acquisitions are considered in relation to the ultimate development of the entire field and the decision to proceed is premised on a recovery of these as well as other costs over the productive life of the field. Thus, conceptually, the OEC model when properly applied offer a valid method of establishing rates for the future, both extending and testing the adequacy of the 699–H model.

A. PRODUCTION AND DEVELOPMENT PATTERNS

Both of the models employ a discounted cash flow method of computing the return element; thus, both require assumptions concerning the timing of the incurrence of costs, tax deductions and revenues. In the 699–H model, the principal costs or negative cash flows occur in the preproduction period and the negative cash flows in the production period (operating expenses, etc.) vary proportionally with the timing of the revenue stream or positive cash flows in that period.

The OEC model, however, introduces an additional timing consideration—when do the costs for developmental drilling occur? The OEC studies assume that the developmental well expenditures occur in proportion to, but are lagged one year behind, the annual increment of reserve additions.[46] There is no direct evidence that would support this pattern of development expenditure. In reality, not all changes in reserve estimates are attributable to drilling or to any significant additional expenditure. Production experience is the most significant contributor to reserve estimate revision. The Marsh reserve addition curve begins to flatten out appreciably after 7 to 10 years and reserves added after the 10th year constitute only 11 percent of the 3.36 Mcf total.[47] We find that in the application of the OEC model, it is more reasonable to assume that the developmental expenditures occur on the average over the 10-year period after production initially commences, and that reserve changes thereafter should be attributed to information enhancement rather than to additional outlays. The assumption of earlier development expenditures is to some extent supported by UDC Comments: "developmental drilling in most fields occurs prior to the commencement of production from exploratory wells; and, in many offshore fields, all development drilling occurs prior to that point in time." [48]

We also shall correct the well depletion life error of the OEC study by adjusting developmental expenditures so as to be recovered over the basic fifteen year well-depletion period that we adopt for this opinion. The resultant field production pattern is a somewhat compressed (because of shorter development and depletion periods) version of the pattern suggested by Witness Ogden [49] and should also be compared with the study of offshore fields submitted by Witness Root.[50]

We, of course, recognize that the OEC model could be utilized with other possible and, perhaps, equally reasonable assumptions that would tend to raise or lower indicated prices and that the evidence is sketchy in relation to any assumptions. However, in view of the fact that the OEC model and the integral assumptions do not constitute the sole basis for supporting the rate that is herein established, those evidentiary limitations provide no basis for attacking the ultimate conclusion.

B. OPERATION OF THE OEC MODEL

The OEC model divides the project development into an exploratory phase and a developmental phase. The exploratory phase consists of the expenditures for exploratory overhead, other exploration, lease acquistion, successful exploratory wells and related dry holes and production facilities for those successful wells. The developmental phase contains expenditures for successful developmental wells and related dry holes, production facilities and recompletion. The costs will in turn be recovered from production from both the exploratory and developmental phases.

The exploratory overhead, other exploration, and lease acquisition items apply to both phases, but no division is required since these costs are common to and precede both types of drilling activity.

The drilling costs and production facilities' costs must be allocated between the exploration and development phases, but the significance of the allocation can be overstated. If the basic pattern of development expenditure is established and it is assumed, as we do herein, that equal developmental expenditures produce equal amounts of natural gas and that all development expenditures have the same recovery rates, the price determined by the OEC model is not very sensitive to the allocation of drilling costs and other production facility costs between the exploratory and developmental phase.[51] If, however, either of the assumptions is changed, the price becomes more sensitive to the relative exploratory and developmental unit costs. In any event, it is necessary to describe the method by which drilling costs and production facilities' costs are allocated between the two phases.

Drilling costs consist of successful well expenditures and dry-hole expenditures reduced to a per Mcf basis. Production facilities' cost is directly proportional to unit successful well cost. Unit successful well costs are derived by dividing the cost of successful drilling per foot by the estimated productivity. Dry-hole costs are derived from dry-hole drilling cost per foot divided by productivity multiplied by the ratio of dry-hole footage to successful wells footage. Thus, the process of determining drilling costs for exploration and development requires the division of the two elements. Separate productivities and the relative dry-hole ratios must be established.

Productivity is defined as reserves added divided by drilling footage. Reserves data published by the AGA is divided into four categories: New Field Discovery, New Reservoir Discovery, Extensions and Revisions. The OEC recommendations excluded Revisions because they are not traceable to drilling activity.[52] New Field Discovery and a portion of New Reservoir Discovery [53] are assigned by OEC to the exploratory phase. Successful well drilling footage categories reported by API are New Field Wildcat, Other Exploratory and total. New field wildcat and a portion of Other Exploratory drilling [54] is assigned by OEC to the exploratory phase. The result is:[55]

$$\text{Exploratory productivity} = \frac{\text{Assigned Exploratory Reserves}}{\text{Assigned Successful Exploratory Drilling}}$$

$$\text{Developmental productivity} = \frac{\text{Assigned Developmental Reserves}}{\text{Assigned Successful Developmental Drilling}}$$

UDC objects to the OEC allocation of reserves, asserting that the AGA New Field reserve data includes some reserves that the estimator anticipates will be produced by developmental wells.[56] However, the AGA has consistently urged that its definition of proved reserves includes only reserves that are closely related to actual drilling. In the AGA letter to which UDC alludes, it is stated:

> In • • • (a new exploratory drilling) area, the Committee will estimate *proved* reserves for areas immediately adjacent to wells which have been tested and found productive. Good geophysical data is not considered adequate reason to estimate large undrilled areas of prospective reservoirs at this point in time.[57]

It is, of course, possible that some new Field Discovery reserves should be placed into the developmental phase. But the only impact of such a shift would be that exploratory productivity would be reduced and developmental productivity increased. Exploratory drilling would then have a higher cost and developmental drilling a lesser cost. It was earlier observed that the model that we here employ is not very sensitive to differing unit cost allocations between exploratory and developmental phases.

III. THE RATE DETERMINATION

A. THE TIMING OF EXPENDITURES

Both the OEC and 699–H models use discounted cash flow analysis to take account of the timing of the cash outflows and inflows. In DCF analyses, it is convenient to label investments that are made prior to the first revenues with negative numbers, –1, –2, etc. We shall denominate 1976 as Year "0", the year which production is assumed to commence.

The timing of the occurrence of the preproduction expenditure is very much in dispute in the record. The cost elements that must be allocated to appropriate preproduction years are Other Exploration, Exploratory Overhead, Lease Acquisition, Dry Hole (Exploratory only in OEC Model) and Successful Well (Exploratory only in OEC Model). The wide divergence among the comments is displayed in Exhibit 1.

In assessing the conflicting evidence, the overall impact that varying the time periods has upon the DCF models also must be considered. Moving a cash outflow back in time by one year increases its present value at year "0" by the discount rate. However, moving a cash outflow back in time by one year also hypothesizes the expenditure to an earlier year's data. The large increases in expenditure levels of recent years, caused principally by inflation, would be successively removed from the base data by additional lagging of outflows. For example, if dry hole expenditure is placed in year –2 rather than –1, the year for the incurrence of the expenditure would be 1974 rather than 1975. We estimate that the dry hole costs increased by approximately 14.9% between 1974 and 1975, offsetting the additional lag effect.[58] Moving the lease acquisition expenditure date back would lead to a similar counteracting impact. For example, if leasc acquisition was moved to year –4, the expenditure year would be 1972. The lease acquisition ratio for the earlier period could be at least 30% less than that which is derived by including the 1973 and 1974 expenditures in the data series. The exploratory overhead and other exploration expenditures are relatively less significant in amount.

EXHIBIT 1

Comment	Year incurred						
	Opinion 699–H	BNG [1]	BNG [2]	OEC [3]	OEC [4]	IPR [5]	UDC [6]
COST ELEMENT							
1. Other exploratory	–3		–3	–4	–3	–5	–3
2. Exploratory overhead	–3		–3	–4	–3	–5	–3
3. Lease acquisition	–2	(7)	–2	–3	–2	–4	–2
4. Dry hole	–1		–1	–2	–1	–2	–1
5. Successful well	–1		–1	–1	–1	–1	–1
6. Other production facilities	–1		–1	–1	–1	–1	–1

[1] BNG recommendations, Aug. 4, 1975.
[2] BNG recommendations, Mar. 23, 1976.
[3] OEC recommendations, Aug. 4, 1975.
[4] OEC recommendations, Oct. 3, 1975.
[5] IPR comments, May 30, 1975, app. M, statement of Allen, p. 10.
[6] UDC comments, May 14, 1975, statement 7 of Ogden, app. B. Comments exclude Alaska, Appalachia, Gulf of Mexico, and Texas Permian.
[7] The BNG recommendation of Aug. 4, 1975, appears to adopt the Permian I approach to timing, with preproduction outlays occurring 1.5 yr before production commences.

Therefore, the ultimate price in this proceeding is not as sensitive to the varying lag time assumptions as it may first appear. In fact, in the precise circumstance of extraordinary recent cost inflation here presented, the significance is quite minimal.

Witness Allen testified for IPR regarding the experience of Phillips Petroleum Company between 1959 and 1974 on 170 leases in 13 states. He estimates that the average time between initial lease acquisition cost and first revenues was 56 to 63.2 months.[59] While Mr. Allen testified to his opinion that the experience was representative of the industry as a whole, onshore and offshore, we also note the testimony of Assistant Secretary of the Interior Carlson that "[I]f all goes well, the average successful gas discovery will be in production within 3½ to 5 years after the lease sale",[60] and this estimate

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[40] OEC Recommendations, August 4, 1975, p. 2, and October 3, 1975, p. 3.
[41] See pp. 22 and 95, *infra*.
[42] IPR Comments, Sept. 5, 1975, pp. 23–25; Statement of Auten, p. 8; Appendix A, p. 8.
[43] OEC Recommendations, October 3, 1975, pp. 3–4.
[44] IPR Comments, Nov. 3, 1975, pp. 3–5.
[45] IPR Comments, Nov. 3, 1975, Statements of Stark, p. 3 (App. B) and Auten, p. 3 (App. A); UDC Comments, Nov. 4, 1975, Statement of Ogden, pp. 5–6.
[46] OEC Recommendation, October 3, 1975, p. 7.
[47] IPR Comments, May 30, 1975, Appendix J, Figure 5.
[48] UDC Comments, Nov. 5, 1975, pp. 5–6.
[49] UDC Comments, Nov. 3, 1975, Statement of Ogden, Table 2.
[50] UDC Comments, July 24, 1975, Statement 8 of Root, Exhibit A. See also Exhibit 13, infra.
[51] The assumption that equal developmental expenditures produce equal amounts of natural gas is simplistic, but the record does not provide sufficient data to permit the finer distinction of progressively declining productivity.
[52] OEC Recommendations, August 4, 1975, p. 6.
[53] OEC Recommendations, August 4, 1975, Table 2, Sheet 1.
[54] *Ibid.*
[55] The OEC method for assigning reserves appears in Tables 2 and 3 of the OEC Recommendations, August 4, 1975.
[56] UDC Comments, Sept. 5, 1975, p. 5.
[57] Letter from Lenard W. Fish, Senior Vice President, AGA, to the Federal Power Commission, Aug. 20, 1974, p. 2, UDC Sept. 5, 1975, App. A.
[58] See Exhibit 7, infra.
[59] IPR Comments, May 30, 1975, Exhibit M, p. 4.
[60] *Id.*, at p. 6.

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includes all developmental drilling from the platform. Offshore development involves more elaborate and time consuming preproduction physical activity than onshore development, and we are hesitant to base a nationwide finding upon the experience of a single company when that study suggests an average that exceeds the average offshore period as estimated by the Department of the Interior, and when the report does not reflect the relative mix of onshore and offshore activity. In view of the relatively small impact at this time of a change in the time periods and the lack of definitive evidence of the necessity for change, for this biennial review, we will adhere to the preproduction time lag assumptions that were utilized in Opinion 699–H.

In the DCF analysis we shall continue to reflect the impact of early income tax deductions that are available to producers of natural gas. That approach was adopted in Opinion 699–H. IPR has contended that the 699–H approach was illogical since the Commission there did not include an income tax allowance upon the net revenue.[61] The IPR recently stated that the 699–H "* * * treatment is only appropriate if the Commission is now ready to recognize the existence of a new federal income tax cost applicable to gas."[62]

We herein, consistent with principles established in Opinion 749, include a properly computed income tax payment at the marginal statutory rate of 48% in the cash flow stream of the DCF analysis. It, therefore, is proper to continue to recognize the time value of the accelerated income tax deductions in computing the rate.

The initial BNG Recommendations stated that "the negative tax assumptions utilized in Opinion No. 699–H should be eliminated."[63] Three arguments were offered to support that conclusion but those arguments largely have been overtaken by subsequent events.

First, it was argued that the "negative tax" used in Opinion 699–H would "tend to establish a preference for existing producers and discourage new entrants into that phase of the industry."[64] We note, however, that the "new entrant" by definition has less natural gas production, namely zero, than the amount that is exempted from repeal of the depletion allowance for independent producers.[65] The new entrant will be entitled to take a percentage depletion allowance for several years into the future.[66] The availability of a depletion allowance, for which we have not accounted in this analysis, tends to compensate for any bias embedded in the assumption that intangible drilling costs can be written off immediately against other jurisdictional taxable income. Finally, it is not possible in average rate-making proceedings to account for all possible disadvantages that such a rate might induce.

Second, "no allowance for income taxes has been allowed in existing flowing gas rates, meaning that no taxable income is generated from flowing gas to which this negative income tax can be applied."[67] We have since incorporated into flowing gas rates a six-cents per Mcf allowance for income tax liability.[68] As of July 1, 1976, flowing gas will commence generating a significant income tax component for the industry, which tax can be deferred by reinvestment in new gas exploration and development.

Third, the "time value of money attached to this negative tax is illusory for it does not generate any cash flow—its only effect * * * is to reduce return * * * (or) result in an indirect regulatory intrusion into other non-natural gas activities of the enterprise."[69] Today, the time value is no longer illusory. The industry is realizing or will realize in the near future from its jurisdictional natural gas operations a large amount of taxable income that will be subject to the marginal statutory rate. That income will be derived from rate increases for expiring contracts to the new gas rate established in Opinion 699–H, the increase in rate for gas from wells drilled between January 1, 1973, and January 1, 1975, and flowing gas under Opinion 749. Also, it would be improper to ignore for the long term the impact of the income tax component that we here implement. We do not intrude upon the non-jurisdictional activity of the natural gas producers by recognizing in our rate the immediate cash flow consequences in terms of time value of the income tax deferral (the model does *not* assume a permanent tax saving) that results from continued investment in natural gas exploration and development.

BNG also alludes to but does not implement or advocate,[70] the use of the carry-forward provisions of the Internal Revenue Code [71] to delay the deductions until income is generated by the project. That method was also used without extended comment in a cost study relating to the 699–H price that accompanied several comments.[72] The method would place the focus of the inquiry on revenue and income tax consequences of an individual project or well. However, we do not in this proceeding cost an individual well or a project in isolation. The well or project is the surrogate for the average conduct of the industry in an ongoing enterprise. In fact, the industry does not await production from a new well to deduct the costs of that well—the deduction is taken immediately against taxable income. The value of the tax deduction is realized immediately. It would not be appropriate for us to hypothesize contrary to observed reality.

We also take account of the relatively small investment tax credit that is available for the tangible property investment that is not expensed as intangible drilling costs. We utilize the 30% of successful well cost that is not expensed plus 100% of other production facilities,[73] and apply the investment tax credit of 10%.[74]

B. PRODUCTIVITY

Productivity in terms of Mcf per successful foot drilled is the cornerstone of the analysis used to determine the cost for "new" gas. The productivity for any one year is calculated by dividing the annual non-associated gas reserve additions by the total successful gas footage for that year. Multi-year productivity is the average of annual productivities weighted by drilling footage. In making that computation in the past, the Commission has relied upon the reserve additions published by the American Gas Association and the successful gas well footage published by several sources.[75]

The practice adopted in earlier area rate opinions [76] and in Opinion Nos. 699 and 699–H, and which will be adopted herein, was to average the reserve additions and the successful gas well footage figures over a number of years to determine an average productivity figure that would be used in the calculation of a new gas cost. The magnitude of the productivity calculated by this method is influenced by the number of years that are averaged into the calculation.

The practice of averaging reserve additions and successful gas well footage over a number of years stems from the need to smooth out the year-to-year variation experienced in productivity. Also, the use of multi-year averages helps to correct the known time lag between drilling and discovery and reporting of reserves and to rectify any over or understatement of reserve additions or well footage for a given year or number of years.

Because of the observed instability in year-to-year productivity,[77] the use of short-run productivity data would incur the risk of injecting comparable instability into our rate determinations. For example, if in an earlier period we had used the years 1959–1963, our rate determination would have been based upon an average productivity of 509 Mcf per foot drilled. If we had then reviewed the rate four years later, using the 1964–1967 period, the rate would have been based on 712 Mcf per foot drilled. The increase between the two four-year periods would have required a substantial downward revision in the rate. Updating to the next four years, 1968–1971, would have resulted in a large upward revision in the prescribed rate, since the 1968–1971 productivity was 412 Mcf per foot drilled. For the most recent four-year period, 1972–1975, the productivity was approximately 195 Mcf per foot drilled.[78] We, thus, believe that the rate instability that would follow from rates based on short-run productivity would have an adverse effect on future gas supply.

In Opinion No. 699, the Commission relied upon reserve additions for a ten-year period (1963–1972) to compute the low end of the reasonable cost range and a seven-year period (1966–1972) to compute the high end of this range. The ten-year average resulted in a productivity factor of 552 Mcf per foot drilled while the seven-year period resulted in a productivity factor of 485 Mcf per foot drilled. The Commission ultimately employed the productivity factor of 485 Mcf per foot of successful well drilled in order to reflect the downward trend in productivity and to insure that the rate derived from the cost was sufficient to encourage the exploration and development of more marginal wells.[79]

EXHIBIT 2.—*Productivities (excluding Alaska)*

	AGA non-associated reserves (Bcf) (1)	Drilling footage (thousands) (2)	Productivity (1,000 ft³) (3)
1966	16,136	24,331	662
1967	17,284	21,583	803
1968	12,335	20,665	597
1969	6,875	24,004	286
1970	9,351	22,852	409
1971	8,565	22,609	379
1972	7,507	26,743	284
1973	3,717	35,587	104
1974	6,686	38,975	172
1975	9,946	41,898	237
Total 1966 to 1974	88,546	237,419	373
Total 1966 to 1975	98,492	279,317	353
Total 1967 to 1975	82,356	254,926	323
Total 1968 to 1975	65,072	233,393	279
Total 1969 to 1975	52,737	212,728	248

Sources: "(1) Reserves of Crude Oil, Natural Gas Liquids, and Natural Gas in the United States and Canada and United States Productive Capacity," AGA-API-CPA, 1967 through 1975. (2) "Quarterly Review of Drilling Statistics for the United States," (API) and "The American Association of Petroleum Geologists Bulletin" (June 1967).

[78] See Exhibit 2, infra.
[79] See Opinion No. 699, ---- F.P.C. ----, slip opinion at 53.

[61] *Eg.*, Comments, May 30, 1975, Appendix L, p. 22.
[62] IPR Comments, April 23, 1976, p. 8. *See Also*, IPR Comments, May 30, 1975, Appendix H, p. 16, Appendix I, p. 6, Appendix L, p. 21.
[63] BNG Recommendations, Aug. 4, 1975, p. 13.
[64] *Id.* at 12.
[65] I.R.C. § 613 (a), (c), and (d).
[66] *Ibid.*
[67] BNG Recommendations, August 4, 1975, p. 12.
[68] Opinion No. 749, ---- F.P.C. ----, Issued December 31, 1975.
[69] BNG Recommendations, August 4, 1975, p. 12.
[70] Ibid.
[71] I.R.C. § 172.
[72] *See* Initial Comments of Pennzoil Co., *et al.*, Rodman Corporation, Tenneco Oil Co. and Texas Gulf, Inc., all submitted May 30, 1975.
[73] This method was applied in IPR Comments, May 30, 1975, Appendix L, Exhibit DWA–1, Schedule 14, Sheet 3; UDC Comments, May 14, 1975, Statement 7, Exhibit A, Schedule 2, pp. 1– ; and the Comments of Pennzoil Co., Rodman Corp., Tenneco Oil Co. and Texas Gulf, Inc., all filed on May 30, 1975.
[74] I.R.C. § 46. The 10% rate has been in effect since Jan. 22, 1975 and is scheduled to be reduced to 7% after Dec. 31, 1976.
[75] There are several sources for the annual successful gas well footage: World Oil since 1947, Oil and Gas Journal for 1947 to 1965, Joint Association Survey (JAS) beginning in 1959, and the American Association of Petroleum Geologists (AAPG) and the American Petroleum Institute (API) reports, both starting with 1966. Over the years, there has been substantial agreement between JAS, AAPG and API figures while World Oil figures were either greater or less than the other reported footage figures by approximately four to five percent.
[76] E.g., Permian Basin Area Rate Proceeding, 34 F.P.C. 159, 189–192, 377–379 (1965).
[77] BNG Recommendations, March 23, 1976, Schedule 2, Sheet 2.

Among the initial comments filed in this proceeding were those of IPR, in which Mr. Marsh argued that 250 Mcf per foot was an optimistic productivity estimate for 1975–1976,[80] while Mr. Roe recommended a productivity factor of 300 Mcf per foot drilled.[81] Mr. Marsh based his recommendations on the application of the linear least squares method to data for the period 1970 to 1974. Mr. Roe based his recommendations on the most recent four-year average (1971–1974). Mr. Roe added that, at the outside, a productivity factor of 320 Mcf per foot could be used if a five-year average were used (1970–1974).

BNG in its recommendations used productivity factors of 454 Mcf per foot drilled based on a 12-year average (1963–1974) and 375 Mcf per foot drilled based on a nine-year average (1966–1974).[82] OEC, using its new costing approach which differentiated between exploratory and developmental productivity, based its productivity recommendations on data for the 1970–1974 period. OEC's recommendations, as clarified in the October 3, 1975 order of the Commission, utilized an exploratory productivity factor of 801.7 Mcf per foot and a developmental productivity factor of 295.5 Mcf per foot. These correspond to a productivity of 333 Mcf per foot calculated in the traditional fashion that ignores the distinction between the two types of activity.[83]

In response to the Staff recommendations, IPR objected to BNG's use of nine-year and twelve-year periods for averaging data to estimate productivity. In light of BNG's recognition of the downward trend in productivity,[84] IPR argues that these longer historical averages are not representative of future projections. IPR also indicated that the Commission should have no uncertainty as to the reliability of AGA reserve data.[85]

The American Public Gas Association (APGA), on the other hand, attacked BNG's cost estimates for reliance on unverified and untested industry reserve and cost data, and argued that the BNG analysis is a gross understatement of the productivity figure. Moreover, APGA stated that only eight months after the issuance of Opinion No. 699–H, BNG's productivity factor had dropped from 485 Mcf per foot to 375 Mcf per foot, a 22% decline, which would indicate that the underlying industry data is "extremely suspect."[86]

On June 21, 1976, we issued a final Staff report [87] on the investigation of AGA reserve data instituted on June 13, 1975, in this proceeding. In this report BNG concluded that although the AGA reserve additions were not accurately reflected for either the Gulf of Mexico 1971–1972 discoveries or the ultimate reserves at year end 1974, the reserve estimates were reasonable in the aggregate.

The primary reason for the uncertainty of the AGA reserve data is the inaccuracy of discovery dates. Of the 29 fields that the Staff determined from producer data to be 1971–1972 discoveries, five were reported by the AGA to have been discovered in other years, one as far back as 1967; five of the fields had not been reported as being discovered at the end of 1974; and Staff could determine that four of the fields reported by AGA as 1971–1972 discoveries were actually discovered in previous years, one as far back as 1965. On the other hand, in 19 fields where Staff, the producer and the AGA all had reserve estimates for 1971–1972 discoveries, there is only a minor difference in the totals of the producer reserves and the AGA reserves. Staff reserves estimates are approximately 25 percent lower in total, but only because Staff adhered strictly to the AGA definition of proved reserves.

With respect to the reasonableness of the reserve estimates in the aggregate made by or reported to the AGA, we conclude that the estimates averaged over an adequate period of time provide a reasonable basis for estimating productivity. The Staff's report of inaccurate reporting of discoveries, the reporting variance between actual field discoveries and the inclusion of the field reserves in the AGA annual report, and the disparity in reserve additions reported by the AGA reinforce our conclusions that using only the most recent data on reserve additions in the suggested four or five-year period is unreliable, and should not be the primary basis for our decision in this proceeding.

As Exhibit 2 indicates, the recent level of productivity reflects a pronounced decline from earlier years. However, we believe a substantial part of this decline can be explained by the change in the composition of drilling activities over the past four years. As Exhibits 3 and 4 indicate, there has been a significant reduction in the fraction of and change in the composition of drilling footage in the higher productivity offshore drilling. We anticipate that a renewal of offshore drilling activity would increase overall gross productivity.

[80] IPR Comments, May 30, 1975, Appendix J.
[81] Id., Appendix K.
[82] BNG Recommendations, August 4, 1974, pp. 2–8, 14.
[83] OEC Recommendations, October 3, 1975, p. 8.
[84] BNG Recommendations, August 4, 1975, p. 3.
[85] IPR Comments, September 5, 1975, p. 12.
[86] APGA Comments, September 5, 1975, p. 3.
[87] Staff Report On The Updated 31-Lease Investigation, 41 F.R. 26583, June 21, 1976.

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EXHIBIT 3.—*API successful well footages, excluding Alaska*

[Thousands of feet]

Year	Offshore			On shore			Lower 48		
	Exploration	Developed	Total	Exploration	Developed	Total	Exploration	Developed	Total
1967	510	1,333	1,842	3,432	16,258	19,691	3,942	17,591	21,533
1968	648	1,678	2,326	3,078	15,261	18,339	3,726	16,939	20,665
1969	277	1,995	2,272	4,708	17,085	21,792	4,985	19,080	24,064
1970	261	1,615	1,876	3,404	17,572	20,976	3,665	19,187	22,852
1971	411	1,750	2,161	2,917	17,530	20,448	3,328	19,280	22,609
1972	138	1,518	1,656	4,438	20,648	25,087	4,576	22,166	26,743
1973	169	2,348	2,517	5,997	27,073	33,070	6,166	29,421	35,587
1974	106	1,632	1,738	7,559	29,678	37,237	7,665	31,310	38,975
1975	115	1,813	1,929	7,865	32,105	39,969	7,980	33,918	41,898

Year	Offshore total as percent of lower 48 total	Offshore exploratory as percent of total offshore
1967	8.6	27.7
1968	11.3	27.9
1969	9.4	12.2
1970	8.2	13.9
1971	9.6	19.0
1972	6.2	8.3
1973	7.1	6.7
1974	4.5	6.1
1975	4.6	6.0

EXHIBIT 4.—*U.S. gross onshore and offshore productivities (excluding Alaska)*

	AGA nonassociated gas reserve additions (billion cubic feet)[1]			API footage drilled (thousands)[2]			Productivity (1,000 ft)/ft drilled)		
	Off	On	Total	Off	On	Total	Off	On	Total
1966	NA	NA	16,136	NA	NA	24,301	NA	NA	662
1967	4,814	12,470	17,284	1,842	19,691	21,533	2,613	633	803
1968	2,963	9,432	12,395	2,326	18,339	20,665	1,248	514	597
1969	1,399	5,476	6,875	2,272	21,792	24,064	616	251	286
1970	4,490	4,861	9,351	1,876	20,976	22,852	2,393	232	409
1971	3,957	4,608	8,565	2,161	20,448	22,609	1,831	225	379
1972	3,565	4,032	7,597	1,656	25,087	26,743	2,153	161	284
1973	2,994	1,623	3,717	2,517	33,070	35,587	892	49	104
1974	2,393	4,293	6,686	1,738	37,237	38,975	1,377	115	172
1975	5,591	4,355	9,946	1,929	39,969	41,898	2,898	109	237

[1] Source: American Gas Association (AGA), "Reserves of Crude Oil, Natural Gas Liquids, and Natural Gas in the United States and Canada as of Dec. 31, 1975."

[2] Source: American Petroleum Institute (API), "Quarterly Review of Drilling Statistics for the United States."

Accordingly, we have examined the reserve additions for the most recent ten-year period (1966–1975), nine-year period (1967–1975), eight-year period (1968–1975), and seven-year period (1969–1975). By taking the weighted average gross reserve additions per successful foot drilled for these time periods, we derive average projected productivities of 353 Mcf, 323 Mcf, 279 Mcf, and 248 Mcf per successful foot drilled, respectively. This seven to ten year range of average productivities is the same as that used in Opinion No. 699–H, and is reflected in Exhibit 2, herein.

We have determined that the productivity factors of 279 Mcf and 323 Mcf, per foot drilled, which are derived from eight and nine-year averages, should be used to calculate the "zone of reasonableness" for the estimated cost of new natural gas supplies in this proceeding. Eight and nine-year time spans are of sufficient lengths to insure that reporting lags, lack of information required to make a reserve estimate in any given year, and inaccuracies found in the AGA reports will not unduly influence the end result. At the same time, eight and nine-year averages permit the requisite consideration to be given to the more recent industry experience in finding new supplies of nonassociated and associated natural gas.

We further find that the productivity range of 279–323 per Mcf per foot drilled is appropriate in establishing a just and reasonable rate. These factors fall within the range of the 375 Mcf productivity used by BNG,[83] the 333 Mcf productivity used by OEC,[84] the 250-to-320 Mcf productivity suggested in the IPR comments filed in this proceeding,[85] and the productivity of 291 Mcf estimated by UDC.[86]

We have utilized this productivity range in determining a reasonable cost for producing new gas supplies in order to reflect the downward trend in productivity and to insure that the rate derived from the cost of new gas supplies will be sufficient to encourage the exploration for and development of more marginal gas reserves. These productivity levels also account for the fact that the data for the past four years indicate that there has been a definite decline in the industry's ability to find sufficient supplies of natural gas for the Nation. The Commission has previously recognized that productivity trends would depend upon "whether the dwindling resource effect, or the improved technology will dominate in the future. If the former, productivity over time will decline; if the latter, it may increase." [87] While one or two years of low productivity would not be indicative of the "dwindling resource effect," the data for the past few years show a definite decline in productivity.

The rate prescribed herein based upon a productivity range of 279–323 Mcf per foot drilled should provide an incentive to producers to develop more marginal prospects that were formerly considered uneconomical. The lowering of productivity from that used in Opinion No. 699–H increases the rate allowed for new gas supplies which, in turn, makes more attractive the production of gas from higher cost developments and helps offset higher unit costs associated with gas supplies produced from reservoirs evidencing a low productivity. If we are to reduce the existing gap between supply of natural gas and the reasonable demand therefor, all reservoirs practicably capable of producing significant quantities of natural gas must be found and developed.

The final determination with respect to the appropriate estimate of productivity rests largely upon judgment that reflects consideration of a productivity that realistically may be achieved in this biennium and a productivity that yields a price adequate to induce the necessary drilling activity. We, accordingly, find that the middle of this productivity range provides us with an appropriate basis for determining a just and reasonable rate. The rate of $1.42 per Mcf prescribed herein reflects the use of a productivity factor of approximately 300 Mcf per foot drilled.

We further find that exploratory and developmental productivity estimates reflected in Exhibit 5, are reasonable estimates to use in the application of the OEC model. These estimates fall within the range of the exploratory and developmental productivity estimates determined by OEC.[88] These are also consistent with the overall productivity estimates and Witness Marsh's ratio of ultimate recovery to initial discovery of 3.36: [89]

EXHIBIT 5.—*Productivity reconciliation*

Overall Productivity: 279 Mcf

Activity	Productivity	Relative drilling	Weighted productivity
Exploratory	874	0.095	83
Developmental	217	.905	196
Overall		1.000	279

$$\frac{\text{Overall}}{\text{Exploratory}} = \frac{279}{83} = 3.36$$

[83] BNG Recommendations, August 4, 1975, p. 14.

[84] OEC Recommendations, October 3, 1975, p. 8.

[85] IPR Comments, May 30, 1975, Appendix K, for a five-year period, 1970–1974, a productivity factor of 320 Mcf per foot was estimated. Appendix J: 250 Mcf is deemed an optimistic estimate.

[86] UDC Comments, May 14, 1975, Statement 4, p. 13. Excludes Alaska, Appalachia, Gulf of Mexico and Texas Permian (District 8).

[87] Area Rate Proceeding, et al. (Southern Louisiana), 46 F.P.C. 86, 130 (1971).

[88] OEC Recommendations, August 4, 1975, Table 2, Sheet 1 and Table 3.

[89] IPR Comments, May 30, 1975, Exhibit J.

Overall Productivity: 323 Mcf

Activity	Productivity	Relative drilling	Weighted productivity
Exploratory	960	0.10	96
Developmental	282	.90	227
Overall		1.00	323

$$\frac{\text{Overall}}{\text{Exploratory}} = \frac{323}{96} = 3.36$$

C. DRILLING COST

The second major factor in the cost of gas production is drilling costs. The basic data from the Joint Association Survey is presented below as Exhibit 6.

EXHIBIT 6.—*Drilling costs per foot (excluding Alaska)*

Year	Successful well cost	Dry-hole cost
1967	22.90	12.14
1968	23.69	12.60
1969	24.35	12.78
1970	26.62	14.33
1971	27.63	15.83
1972	27.53	16.94
1973	27.43	18.99
1974	34.00	26.27

Source: Joint Association Surveys.

In Opinion No. 699–H, the Commission adopted a least squares method for trending actual drilling cost to the 1973 test year. Subsequently, actual data for 1973 revealed that the linear regression line predicted dry hole costs too low and successful well costs too high by equally significant amounts.

Of the three staff studies in this proceeding, all based on data through 1973, two used least squares trending to arrive at a 1976 cost figure for successful and dry hole drilling while the third chose the most recent (1973) figures at the time of the submission. Their estimated drilling costs were:

	Successful	Dry hole
BNG I [1]	$32.61	$18.78
BNG II [2]	27.43	18.93
OEC [3]	32.61	19.78

[1] BNG recommendations, Aug. 4, 1975.
[2] BNG recommendations, Mar. 23, 1976.
[3] OEC recommendations, Aug. 4, 1976.

IPR approved of updating available data, but chided the Commission for being deficient in prescience and advocated the use of more judgment and a curvilinear regression line to provide a more reliable estimate.[95] Utilizing such method, Witness Auten for IPR estimated successful well cost for 1974 of $28.07 per foot and for 1975 of $28.08 per foot.[96]

Witness Ogden for UDC estimated that 1974 drilling costs would be 40% greater than 1973.[97]

The actual 1974 successful well cost reported by JAS was $34.00 per foot, an increase of approximately 24% over 1973, $5.93 greater than Witness Auten's estimate and $3.75 greater than would be indicated by a 1973–1974 linear regression line. Dry hole cost has increased similarly. A linear regression line would predict 1974 costs between approximately $18.00 and $22.00, varying with the length of the series used to fit the line. Witness Auten, relying upon curvilinear regression analysis, estimated the 1974 dry hole cost at $20.49. Witness Ogden applied his estimated 40% increase in drilling to dry holes. The actual 1974 dry hole cost reported by JAS was $26.27, an increase over the 1973 level of approximately 39%.

The extraordinary inflation of recent years suddenly has affected drilling costs to a degree that no submitted statistical trending method would yield an accurate prediction. We are, however, again confronted with a "test" year for drilling, 1975, that is one year ahead of the available JAS cost data. The continuing general inflation requires that the task of updating actual data be once again undertaken. There is no comprehensive, long-term price index for petroleum industry drilling. The IPAA for several years published only quintennially a comprehensive oil and gas drilling cost survey and index, but in 1973, the IPAA commenced issuing the reports annually.[98] Between 1969 and 1973, the IPAA index tracked actual experience as reported by JAS reasonably closely. While the 1969 index was 100 and the 1973 index was 131.5,[99] the average increase in successful well and dry hole costs as reported by JAS between 1969 and 1973 was approximately 24%. Furthermore, the extraordinary increases from 1973 to 1974 provide a rigorous test of accuracy. The 1973 IPAA cost per foot index is 83.0, 1974 is 100.0, and 1975 is 114.9. If the 1973 and 1974 IPAA indices had been used to estimate 1974 JAS costs, the indicated costs per foot would have been $33.05 (compared to $34.00 actual) for successful gas wells, and $22.81 (compared to $26.27 actual) for dry holes.[100] For that period, the accuracy of the IPAA index substantially exceeds the accuracy of any submitted form of regression analysis.

The IPAA index shows a further 14.9% increase from 1974 to 1975.[101] The continued upward pressure upon oil and gas-well drilling costs is borne out by the Bureau of Labor Statistics (BLS) index for drilling machinery which increased 24% between 1974 and 1975, and 14% from February 1975, to February 1976.[102] Also the BLS shows similarly escalating wage costs; average hourly earnings rose 14.6 and 12. 2 percent between February 1974–75 and 1975–76, respectively.[103] Thus, the IPAA appears to be a reasonably accurate reflection of actual experience, and we here adopt it in preference to regression analysis for the purpose of trending the 1974 JAS data to the 1975 test year.

To obtain the 1975 drilling costs per foot we converted the 1973 and 1974 JAS costs to constant dollars, using the IPAA index for drilling costs per foot. The averages of the 1973 and 1974 constant dollar costs for successful wells and dry holes of $33.53 and $24.56 per foot, respectively, were adjusted to 1975 dollars by applying the 14.9% increase indicated by the IPAA index. The 1975 projected costs are:

EXHIBIT 7.—*Well costs (excluding Alaska)*

[Dollars per foot]

Year	Current dollars		Index[1]	Constant dollars	
	Successful	Dry hole		Successful	Dry hole
	(1)	(2)	(3)	(4)	(5)
1973	27.43	18.99	83.0	33.05	22.81
1974	34.00	26.27	100.0	34.00	26.27
1975	[2] 38.53	[2] 28.20	114.9	[3] 33.53	[3] 24.54

[1] Projected: 1973–74 average × 114.0.
[2] Average 1973–74.

Sources (1) and (2): Joint Association survey. (3): IPAA report of the cost study committee, "Summary of Committee Activities," May 1976, adjusted index. (4) and (5): (1) and (2) divided by (3) for 1973 and 1974.

1. *Successful well costs*

The estimated successful well costs per Mcf for 1975 are obtained by dividing estimated successful well costs per foot by the estimated productivity of such drilling. In the 699–H model, the cost per foot of drilling of $38.53 divided by the overall productivities of 279 and 323 yields a succesful well cost of 13.81 and 11.93 cents per Mcf, respectively. The various cost studies submitted herein all utilized the same methodology, but, of course, arrive at different unit costs because of differing estimated well cost and productivity.

To convert the overall successful well cost to the separate elements of exploratory cost and developmental cost for the OEC model, the same base drilling cost is used for both, but the differenng produc-

[95] IPR Comments, May 30, 1975, Appendix L, p. 5.

[96] Ibid. Chart 2.

[97] UDC, May 14, 1975, Statement 7, p. 5.

[98] Independent Petroleum Association of America, Report of Cost Study Committee, May 1976.

[99] IPAA, Report of Cost Study Committee, June 1975.

[100] Exhibit 6, supra.

[101] Exhibit 6, infra.

[102] Wholesale Prices and Price Indexes, Bureau of Labor Statistics, selected volumes; Oil Field Machinery and Tools (Code No. 1191).

[103] Employment and Earnings, Bureau of Labor Statistics, selected volumes; Crude Petroleum and Natural Gas Fields (SIC 131-2), average hourly earnings.

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tivites of exploratory and developmental drilling yield separate successful well costs as follows:

Productivity=323 Mcf/ft.:

Exploratory successful well cost=
38.53=4.01¢/Mcf

960

Developmental successful well cost=
38.53=15.29¢/Mcf

252

Productivity=279 Mcf/ft.:
Exploratory successful well cost=
38.53=4.41¢/Mcf

874

Developmental successful well cost=
38.53=17.76¢/Mcf

217

2. *Dry hole costs*

Dry hole costs are estimated by multiplying the drilling cost per foot by the fraction of dry hole feet drilled per successful well foot drilled to obtain dry hole cost per successful foot and then dividing by the productivity of successful drilling to obtain dry hole costs.

The dry hole to successful well footage factor is derived by allocating dry hole footage between oil and gas production and relating the allocated gas dry hole footage to successful gas well drilling footage.[104] Both BNG studies use a dry hole to successful well factor of .84 derived from 1974 data. IPR used a factor of 1.0,[105] the same as used in Opinion No. 699-H. This factor has been declining in recent years. The data from 1969 through 1974 shows a more or less steady decline. The factors for more recent years are:

1973	.85
1974	.84
1975	.80

We find that the factor for the most recent year is a reasonable projection for the future and we adopt .80 as the factor for this proceeding.

Historically, the Commission has increased the dry hole factor by 1.08 to reflect an earlier finding that deeper dry hole drilling occurs where the objective is non-associated natural gas. There is no evidence that would modify that earlier finding and we adopt it here.

We, therefore, find the dry hole cost for 1975 to be:

$28.20\times.80\times1.08\div323=7.54$ cents per Mcf.
$28.20\times.80\times1.08\div279=8.73$ cents per Mcf.

In the OEC model dry hole costs for exploratory and developmental drilling activity follow the same logical development, using their respective dry hole factors and productivities:[106]

Productivity=323
Exploratory:
$28.20\times4.98\times1.08\div960=15.80$¢/Mcf
Developmental:
$28.20\times.3717\times1.08\div252=4.49$¢/Mcf
Productivity=279
Exploratory:
$28.20\times4.98\times1.08\div874=17.35$¢/Mcf
Developmental:
$28.20\times.3717\times1.08\div217=5.22$¢/Mcf

D. OTHER PRODUCTION FACILITIES

The generally accepted method for estimating other production facilities cost is to use a fraction of successful well costs. This fraction is the ratio of other production facilities costs plus the cost of production overhead investment to successful well costs as reported to the Commission by producers and pipeline affiliates.

All of the cost studies in the record adopt this method, differing only with respect to the fraction employed. UDC used the fraction 0.226 that was adopted in Opinion No. 699-H [107] and was derived from data in Docket No. AR69-1. BNG derived a 0.232 fraction from the more recent data in Docket R-478.[108] OEC adopted the BNG figures.[109] IPR, also relying upon data in Docket No. R-478, computes the fraction at 0.268.[110] The difference between BNG and IPR is attributable principally to the inclusion by IPR of a $152,568 item for "Incomplete Construction Application To Production." [111] We find that it is appropriate to include the cost of incomplete construction applicable to production to make the base data consistent. The Docket No. R-478 well costs data include expenditures for drilling that is not complete at the reporting date, and it therefore is proper in developing the ratio to include the comparable item for incomplete production facilities. We therefore find the ratio to be 0.268.

Productivity=323
Other production facilities=
$11.93\times0.268=3.20$¢/Mcf
Productivity=279
Other production facilities=
$13.81\times0.268=3.70$¢/Mcf

We employ the same cost per Mcf for other Production Facilities in both the 699-H and OEC models.

E. OTHER EXPLORATION

The submitted cost studies offer several methods for computing the Other Exploraton Cost element. BNG followed the traditional method of multiplying the lease acquisition cost by the ratio of national other exploration costs divided by national lease acquisition costs. Initial BNG comments determined the ratio to be 0.3042 on the basis of 1972–73 data [112] while the subsequent BNG comments found the ratio to be 0.5258 based upon the 1967–73 average.[113] IPR used a slightly more elaborate process but maintained the relationship of Other Exploration costs to Lease Acquisition costs. IPR trended its data to 1975 and found the cost to be 4.18 to 5.20 per Mcf.[114] UDC combined national other exploration costs and national exploration overhead expenditures and related them to national dry-hole expenditures.[115]

Given the erratic nature and the basic determinants of lease acquisition expenditures, a stable relationship between Other Exploration and Lease Acquisition is not to be expected.

OEC related Other Exploration costs to successful well costs (a method used by IPR in Docket No. R-389-B) and found a more stable relationship.[116] Given the basic arbitrary nature of these allocated costs, no better relationship could be expected. We therefore adopt a ratio based upon successful well costs and average data for the five years 1970–1974 as reflected in Exhibit 8.

EXHIBIT 8.—*Exploratory Other Cost*

(Millions of dollars)

Year	Exploratory other	Gas Allocation factor	Gas other exploratory costs	Successful well costs	Fraction
(1)	(2)	(3)	(4)	(5)	(6)
1967	740			502	
1968	770			494	
1969	782			606	
1970	728	0.3764	279	618	0.451
1971	746	.3800	293	613	.478
1972	766	.3825	299	802	.373
1973	867	.3704	270	998	.271
1974	1,174	.4538	338	1,267	.267
Average 1970 to 1974					.368

Sources: (2): JAS. (3): OEC, table 7, column (4). (4): (2, lagged 3 years) times (3). (5): JAS. (6): (4)/(5).

Other Exploration costs occur in year −3 in our models; therefore, the Other Exploration expenditures attributed to gas are lagged three years behind successful well costs in developing the fraction. A two-year lag would be more precise for the 699-H model since it assumes that all drilling occurs in year −1. The OEC model spaces drilling over several years and year 0 is assumed to be the 50th percentile year. There would be no significant difference in the ratio between two and three-year lags and we therefore use the same ratio in both models. We find Other Exploration to be 0.368 of successful well costs.

Productivity=323
Successful well=$11.93\times0.368=4.39$¢/Mcf
Productivity=279
Successful well=$13.81\times0.368=5.08$¢/Mcf

[104] **The allocation data is contained in Appendix A for 1974 and 1975.**
[105] **IPR Comments, May 30, 1975, Appendix L, Exhibit DWA–1, Sheet 2.**
[106] **See Appendix B, attached hereto, for the dry hole factor determination.**
[107] UDC Comments, May 14, 1975, Statement 7, Exhibit A, Schedule 2, Page 2.
[108] **BNG Recommendations, August 4, 1975, Schedule A–4, and March 23, 1976, Schedule 4.**
[109] **OEC Recommendations, August 4, 1975, Table II, and October 3, 1975.**
[110] **IPR Comments, May 30, 1975, Exhibit DWA–1, Schedule 6.**
[111] Ibid.
[112] **BNG Recommendation, August 4, 1975.**
[113] **BNG Recommendation, March 23, 1976.**
[114] **IPR Comments, May 30, 1975, Appendix, p. 12.**
[115] **UDC, May 14, 1976, Statement 7, Exhibit A, Schedule 2.**
[116] **OEC Recommendation, October 3, 1975, Table 14.**

F. EXPLORATORY OVERHEAD

BNG, OEC and IPR follow Opinion No. 699-H and relate Exploratory Overhead to Exploratory Other costs plus dry-hole costs. UDC combined Exploratory Overhead with Other Exploration and related both directly to dry-hole costs. BNG and OEC used a fraction of .1319. IPR trended data to 1975 and arrived at a fraction of 0.1509. In the model used herein, the expenditure occurs in year −3 or 1972, and thus there is no necessity to trend data. Given the time sequence of cash flows we are observing, technically the Exploratory Overhead should be related to Other Exploration in year −3 and to dry-hole costs in year 0. But given the small difference that such an elaborate procedure would make, we use a concurrent relationship and derive an average fraction for 1967–74 data of 0.133 as developed in Exhibit 9.

EXHIBIT 9.—*Exploratory overhead costs*

[Millions of dollars]

Year	Exploratory other	Exploratory overhead	Dry hole costs	Coincident fraction
(1)	(2)	(3)	(4)	(5)
1967	740	206	802	0.133
1968	770	204	826	.128
1969	782	210	888	.136
1970	728	189	873	.118
1971	746	206	864	.128
1972	766	239	1,606	.135
1973	867	293	1,070	.151
1974	1,174	387	1,660	.137
Total 1967 to 1974	6,573	1,934	7,989	.133

(2) through (4), Source: JAS
(5)=(3)/[(2)+(4)]
We find exploratory overhead costs to be:
Productivity=323
Exploratory overhead=$0.133\times[4.39$ (OE) $+7.54$ (dry hole)$]=1.59$ cents per Mcf.
Productivity=279
Exploratory overhead=$0.133\times[5.08$ (OE) $+8.73$ (dry hole)$]=7.84$ cents per Mcf.

G. LEASE ACQUISITION

All of cost studies submitted in this proceeding relate lease acquisition costs to successful well data. BNG and UDC used the ratio of total lease acquisition costs to total successful well costs.[117] IPR converted lease acquisition expenditures to dollars per foot of successful wells drilled.[118] OEC allocated lease acquisition costs to gas on a relative value basis and then related gas lease acquisition costs in period −2 to successful gas well costs in period zero, following the timing scheme we adopt here.[119]

All these procedures reveal that there is no systematic relationship between the two components, nor should there necessarily be one. Lease acquisition costs will fluctuate with both the offshore lease activity by the Federal government and the prospective price/cost relationship assumed by producers, while successful well costs or footage drilled should exhibit greater stability. As shown in Exhibit 10, lease acquisition costs increased greatly in 1973 and 1974, so that, depending upon the time period over which we choose to average for our projection purpose, the ratio of lease acquisition to successful well costs or footage drilled could vary greatly. At the one extreme, using 1973–74 data, we find the ratio of the lease acquisition cost to producing well cost to be 1.97, while for the 1967–72 period the ratio is 0.67.

EXHIBIT 10.—*Lease Acquisition Cost*

[Millions of dollars]

Year	Lease acquisition cost	Cost of producing wells	Fraction
(1)	(2)	(3)	(4)
1967	829	1,497	0.55
1968	1,578	1,583	1.00
1969	1,137	1,723	0.66
1970	714	1,706	0.42
1971	642	1,507	0.43
1972	1,722	1,808	0.95
1973	3,646	2,005	1.82
1974	5,659	2,707	2.09
Total 1973 to 1974	9,305	4,712	1.97
Total 1967 to 1972	6,622	9,824	0.67
Total 1967 to 1974	15,927	14,536	1.10

Sources (2) and (3): JAS, joint oil and gas costs. (4)=(2)/(3).

Given this variability and the underlying process, we find it reasonable to assume the 1967–74 average lease acquisition costs are 1.10 times the cost of successful wells. This should be compared with the ratios in the record: 1.408 in the initial BNG cost study; [120] 0.868 in the subsequent BNG cost study; [121] the effective ratio of 1.42 submitted by IPR; [122] and ratio of .507 implicit in the OEC cost study.[123]

OEC contends that offshore lease acquisition costs should be excluded from the cost computation because they have been determined by the profit prospects while onshore lease acquisition costs are a reasonably accurate measure of the value of the land in alternative uses and the damage associated with drilling and production operations.[124]

It can equally well be argued that since the offshore productivity is much higher than the onshore productivity the high offshore lease costs are simply reflective of the true resource value of the natural gas. That value belongs to all citizens of the United States, not merely to the bare majority who consume the bulk of interstate natural gas. It is quite appropriate for the government to demand a price for offshore leases that returns the true value to the rightful owners through the U.S. Treasury.

In any event, the argument is somewhat academic in the context of our decision. In fact, the Department of the Interior follows a policy of rejecting bids that do not adequately reflect the value of the reserves underlying the leases. In addition, the natural gas producing industry has committed large sums of money for existing leases. We must therefore include an increment for lease acquisition cost in our rate determination that reflects costs already incurred by the industry, and that recognizes the realities of reasonable offshore costs to support a high level of future leasing.

We thus apply the ratio of 1.10 to successful well costs to obtain the estimated lease cost component:

Productivity=323
Lease acquisition cost=11.93×1.10
=13.12¢/Mcf
Productivity=279
Lease acquisition cost=13.81×1.10
=15.19¢/Mcf

H. RECOMPLETION AND DEEPER DRILLING

The allowance for recompletion and deeper drilling originated in the *Permian II* proceeding [125] where we found that such expenditures were approximately three to five percent of successful well costs.[126] Based upon successful well costs at the time, the amount was .21 cents per Mcf. In Opinion 699, the Commission on the basis of the cost studies submitted by the parties allowed .20 cents per Mcf without relating it to the successful well costs. In this proceeding, IPR trended the percentage and suggested that the allowance should be 5.5 percent of the successful well cost.[127] The other cost studies in this proceeding used the 0.20 cents per Mcf derived from Opinion 699-H. In view of the significant increases in drilling costs in recent years, we find that the recompletion and deeper

[117] **BNG Recommendations, August 4, 1975, Schedule A–3, March 23, 1976, Schedule 3. UDC Comments, May 14, 1975, Statement 7, Exhibit A, Schedule 9. The UDC study relates only to onshore areas and excludes also Alaska, Appalachia, and Texas Permian so the derived ratio is quite low.**
[118] **IPR Comments, May 30, 1975, Appendix L, pp. 8–10.**
[119] **OEC Recommendations, October 3, 1975.**
[120] **BNG Recommendations, August 4, 1975, Schedule A–3.**
[121] **BNG Recommendations, March 23, 1976, Schedule 3.**
[122] **IPR Comments, May 30, 1975, Appendix L, Exhibit OWA, Schedule 1, Sheet 1.**
[123] **OEC Recommendations, October 3, 1975, Table 13.**
[124] **OEC Recommendation, August 4, 1975, pp. 8–9.**
[125] **Area Rate Proceeding (Permian Basin Area), 50 FPC 390, 453 (1973).**
[126] **Opinion 699, June 21, 1974, at p. 78 (mimeo).**
[127] **IPR Comments, May 30, 1975, Appendix L, pp. 7–8.**

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drilling allowance should be increased to remain in the three to five percent range of successful well costs and should be established at .50 cents per Mcf.

I. OPERATING EXPENSES AND REGULATORY EXPENSES

All cost studies use essentially the same operating expense of 3.10 cents per Mcf.[126] That amount was derived initially from data in *So La II* [127]; was used in Opinion 699 and was reconfirmed by data from Docket R–478.[128] We find that the amount of 3.10 cents per Mcf should be applied in this proceeding.

In Opinion 699–H the Commission adopted .20 cents per Mcf as the allowance for regulatory expense. IPR and UDC continued the use of that amount.[131] However, a subsequent analysis by BNG of data in Docket R–478 suggests that the allowance should be reduced to .10 cents per Mcf and BNG proposed that amount in this proceeding.[132] We accept the latest available data and find that regulatory expense to be .10 cents per Mcf.

J. WORKING CAPITAL

All parties used the methodology employed in Opinion No. 699–H to compute working capital, differing only in the parameters applied.

The basic methodology assumes working capital is needed to support (1) direct exploratory and production expenses, (2) related materials, supplies and prepayments, and (3) "lease play". Items in the first set are assumed to amount to one-eighth of the annual expenditures (corresponding to a 45-day collection period). Items in the second set are related proportionally to the first, and lease play requirements are proportioned annual lease costs.

UDC employed the same proportionality factors that were used in Opinion No. 699 and which were derived from the data in Docket No. AR69–1. BNG, OEC and IPR, on the other hand, derive their proportionality factors from the data in Docket No. R–478 and we believe the more recent data is preferable.

While BNG, OEC and IPR all agree on the proportionality factors of 1.48 for the items related to production expense and 1.5 for lease play, there is slight disagreement between the first two and the latter on the factor for items related to exploratory expenses, 1.21 and 1.2357, respectively. We accept the former. Thus we obtain the working capital needed to produce 1 Mcf per year as:

Productivity=323
1.5×13.12 (lease acquisition) $+\frac{1}{8}$ [1.48×3.10 (production expenses) $+1.21\times13.52$ (exploration expenses)] $=22.30¢$
Productivity=279
1.5×15.19 (lease acquisition) $+\frac{1}{8}$ [1.48×3.10 (production expenses) $+1.21\times15.65$ (exploration expenses)] [133] $=25.73¢$

Since we are assuming production of 1 Mcf over 18 years (−3 to +14) one eighteenth of the above figures are appropriate:

$$\text{Working capital} = \text{in} - 3 = \frac{1}{18}\times 22.30 = 1.24¢/\text{Mcf}$$

$$\text{Working capital} = \text{in} - 3 = \frac{1}{18}\times 25.73 = 1.43¢/\text{Mcf}$$

Recovery is assumed to occur at the end of +14.

	323	279

K. ALLOCATION OF COST TO LIQUIDS

Some liquid hydrocarbons are produced jointly with most nonassociated natural gas. The price of the natural gas is subject to the jurisdiction of this Commission, but the price of the liquid hydrocarbons is not. A portion of the total cost of exploration and development for the joint products must be assigned to the liquids to prevent the natural gas consumer from bearing an excessive cost burden, but, since the products are joint, there is no single correct method of allocation. We have recently reviewed various allocation methods in Opinion 749,[134] and concluded that the "modified-btu" method was the most appropriate method for flowing gas.

Historically, the Commission has utilized the "net liquid credit" method for new gas costing. With that method, the estimated net revenues to the producer from the three basic types of liquids—lease condensate, plant condensate, and plant liquids—are related to a single Mcf of natural gas production,[135] and treated as a credit in the process of determining a price that is based upon the total costs of exploration, development and production for natural gas and liquids. Thus, the net liquid credit method inherently regulates, indeed it insures, the rate of return recovery from liquids production at the level determined to be just and reasonable for natural gas. The producer is ensured, but limited to, the just and reasonable rate of return for the liquids, without regard to the return that the marketplace might dictate therefor.

The BNG Comments and OEC Comments herein all utilized the same net liquid credit estimate of 8.45 cents per Mcf that was derived upon a 1974 Staff estimate of prices.[136] IPR submitted a cost study that utilized the 2.89 cents net liquid credit from Opinion No. 699. That was based upon pre-1973 prices,[137] which, of course, were significantly lower than the current liquid price levels. UDC proposed a "vapor volume" method by which costs are allocated upon the basis of the relative volume of the reservoir that is occupied by the respective products.[138] UDC assigned approximately 2.5% of costs to liquids.

In Opinion No. 749 we rejected the allocation methods that are based solely upon physical characteristics, such as volume or relative Btu content. We therein determined that the highest degree of fairness was most likely to result from an allocation method that is founded upon the relative economic values as established in unregulated markets. That proposition is applicable equally to the gas-liquids allocation in the costing of new gas. The net liquid credit method relies upon the economic values of only one of the products (the liquids), ignores relative values and places the benefits, as well as the burdens of regulation upon the unregulated product. On the other hand, the modified-Btu method is based upon the estimated relative unregulated prices of both of the joint products. Thus it allows the markets to regulate the return on the liquids. We reaffirm that the modified-Btu method is the most appropriate allocation method.

Having recently reviewed the data and established a prospective modifying factor in Opinion 749, we reaffirm the factor of 1.5 for the condensate liquids.

The liquids that are extracted in the processing plant consist largely of the heavier liquefied petroleum gases, and some light gases e.g. propanes and butanes. These products have a lesser Btu-content per barrel, a lesser relative value, and are more nearly related to natural gas than the condensate, which is similar to a light crude oil. Therefore, we find that the plant-extracted liquids should be placed upon Btu parity with natural gas and the modifying factor should be 1.0. The most recent available production data for 1975 from the Bureau of Mines and the AGA is used to establish the prospective allocation. The allocation ratios are derived from Exhibit 11. We find that 9% of the costs should be assigned to liquid production, and the remaining 91% assigned to natural gas.

[126] IPR arrives at 3.03 cents because of an assumed 17% royalty. IPR Comments, May 30, 1975, Appendix L, Exhibit DWA–1, Schedule 9.
[127] Area Rate Proceeding (Southern Louisiana Area), 46 FPC 86, 133 (1971).
[128] Opinion 749, issued Dec. 31, 1975.
[131] IPR Comments, May 30, 1975, Appendix L, Exh. DWA–1, Schedule 1, Sheet 1. UDC, May 14, 1975.
[132] BNG Recommendations, August 4, 1975, March 23, 1976.

[133] Exploration Expenses:

Exploratory O/H	1.59	1.84
Exploratory other	4.39	5.08
Dry Hole	7.54	8.73
Total	13.52	15.65

[134] Opinion 749, ___F.P.C.___, Dec. 31, 1975, slip opinion at pp. ___.
[135] See BNG Recommendation, Aug. 4, 1975, Schedule B–10.
[136] Id. See also, BNG Recommendation, March 17, 1976; OEC Recommendation, Aug. 4, 1975, Table 12.
[137] IPR Comments, May 30, 1975, Appendix L, Exhibit DWA–1, Schedule 1, Sheet 1.
[138] UDC Comments, May 14, 1975, Statement 4, p. 14, tSatement 7, p. 7.

EXHIBIT 11.—*Weighted average British thermal units of plant liquids excluding plant condensate* [1]

1975 production	(1,000 bbl)	Percent volume	MMBtu/bbl	Weighted average British thermal unit content
LPG and ethane	[2] 444,086	76.5	[2] 4.011	3.068
Other liquids	[2] 136,246	23.5	[2] 4.620	1.086
Total	580,332	100.0	----	4.154

[1] Weighted average plant liquids=4.154 MMBtu/bbl.
[2] Bureau of Mines (BOM), mineral industry surveys.
[3] BOM publications.

Modified British thermal unit calculation

	1975 production (1,000 bbl)	MMBtu/bbl	Modified	Lease share (percent)	Modified British thermal units
Plant liquids	[1] 278,973	4.154	[3] 1	[3] 34	394,010,306
Plant cond	15,626	[4] 5.4	[4] 1.5	[3] 95	120,242,070
Lease cond	133,124	[4] 5.4	[4] 1.5	100	1,078,304,400
Total					1,592,556,776

[1] Calculated from AGA and BOM data.
[2] Estimated from published price data on plant liquids.
[3] Staff comments in RM75–14.
[4] Opinion No. 749.

	British thermal units
1975 Associated Gas production [1] equals 15,778 billions cubic feet times 1.024 [2]	16,156,672,000
Liquids	1,592,556,776
Total	17,749,228,776
Percent to liquids	8.97
Percent to gas	91.03
Total	100.00

[1] AGA Reserves Report, table VIII.
[2] BOM.

L. DEPLETION PERIODS

The assumed depletion rate and life for the well or project determines the rate of recovery of the investment and thus significantly affects the amount of return on investment that is required and the resultant cost-based price. In *Permian I* [139] the Commission adopted the examiner's finding of a 20-year well life and level annual production. The 20-year period was derived from the typical contract term of that era. The producers argued that the actual well life was at least 22 years, but the Commission rejected the exception on the ground that the bias was more than offset by the level production assumption. The Commission noted that wells commonly do not produce at a level rate, rather "production begins to decline some 7–12 years after the well begins to flow" [140] with the result that cost recovery is more accelerated than cost recovery under level production.

In *SoLa I* [141] the Commission perceived a "downward" trend in the depletion period and relied upon the cost studies that assumed an 18-year depletion period. In *Permian II* [142], the Examiner noted the admission by the Producers that an accelerated draw-down was occurring and stated that a "level closer to 18 years than 20 years is clearly indicated • • • " [143]

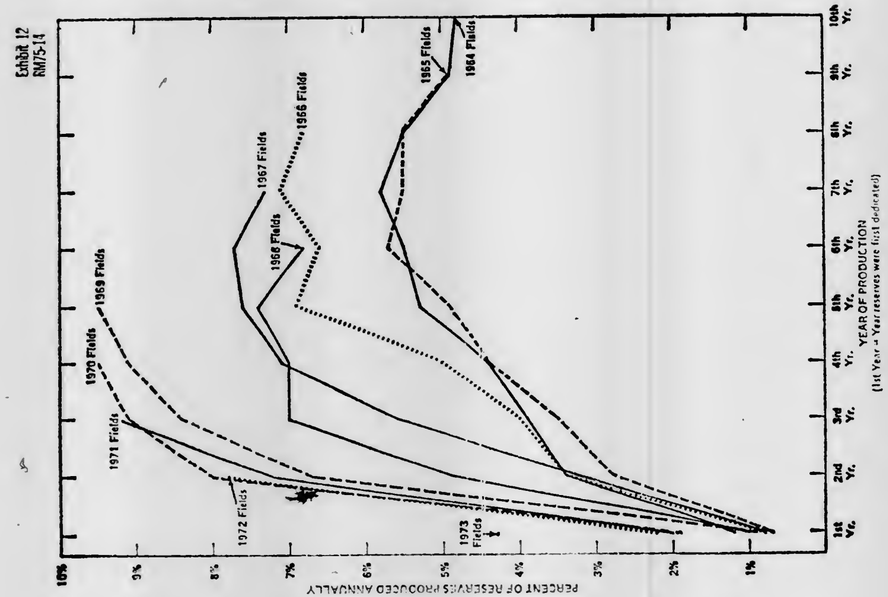
The Commission again addressed the issue of declining depletion periods in Opinion No. 699, observing that the "present needs for additional supplies of natural gas have caused reservoirs to be depleted at greater rates than in the past." [144] The Commission specifically rejected the 20-year period and adopted an 18-year period, noting that even it might be "somewhat overstated." [145] The evidence in this proceeding and the evidence in the records of other recent proceedings before the Commission, suggest that the 18-year period indeed is an overstated average for the product of current and future drilling.

First, an analysis of the FPC Form 15 data demonstrates a pronounced trend over the past ten years toward more accelerated production rates from reserves dedicated to interstate pipelines. Exhibit 12 displays the ratio of annual production to the most recent reserve estimates at the end of the year for the fields. The table demonstrates that the more recent fields added to Form 15 display progressively more rapid rates of depletion. For example, using the third year of field life as a baseline, the percentage of production in that year in relation to the gross reserve estimate (cumulative production plus remaining reserves) for the fields at the end of that year has increased steadily from 3.9% for fields added in 1964 to 9.2% for fields added in 1971. We recognize that Form 15 data includes associated, as well as nonassociated reserves and thus may tend to understate actual rates of take in nonassociated gas fields. But that tends only to support the observed trend.

[139] Area Rate Proceeding (Permian Basin Area) 34 F.P.C. 159 (1965).
[140] Id. at 199.
[141] Area Rate Proceeding (Southern Louisiana Area) 46 F.P.C. 86, 131 (1971).
[142] Area Rate Proceeding (Permian Basin Area) 50 F.P.C. 390 (1973).
[143] Ibid. at 457. The rate finding in *Permian II*, however, is more consistent with an assumed 20-year life.
[144] Mimeo, p. 72.
[145] Id.

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	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973
PRODUCTION FROM NEW FORM 15 FIELDS ADDED IN 1964										
A	53.	195.	240.	283.	366.	359.	360.	337.	277.	357.
P	1.2	3.4	3.9	4.4	5.3	5.5	5.8	5.5	4.9	4.8
R	4635.	5661.	6091.	6385.	6843.	6496.	6185.	6117.	5530.	5351.
PRODUCTION FROM NEW FORM 15 FIELDS ADDED IN 1965										
A		67.	330.	417.	540.	602.	717.	725.	715.	653.
P		0.7	2.8	3.5	4.4	4.9	5.7	5.5	5.5	4.9
R		9485.	11783.	11951.	12225.	12317.	12648.	13209.	13010.	13324.
PRODUCTION FROM NEW FORM 15 FIELDS ADDED IN 1966										
A			81.	352.	421.	561.	706.	647.	658.	615.
P			0.8	3.4	4.0	5.0	6.9	6.6	7.1	6.8
R			9564.	10470.	10508.	11127.	10258.	9870.	9252.	2043.
PRODUCTION FROM NEW FORM 15 FIELDS ADDED IN 1967										
A				70.	340.	562.	643.	652.	572.	579.
P				0.8	3.3	5.5	7.1	7.5	7.7	7.3
R				8614.	10465.	10008.	9000.	8721.	8105.	7918.
PRODUCTION FROM NEW FORM 15 FIELDS ADDED IN 1968										
A					64.	307.	429.	429.	440.	388.
P					1.0	4.9	7.0	7.0	7.4	6.8
R					6288.	6319.	6108.	6114.	5977.	5724.
PRODUCTION FROM NEW FORM 15 FIELDS ADDED IN 1969										
A						57.	451.	536.	561.	575.
P						0.9	6.7	8.4	9.1	9.5
R						6216.	6718.	6401.	6202.	6083.
PRODUCTION FROM NEW FORM 15 FIELDS ADDED IN 1970							70.	303.	334.	349.
P							1.9	8.0	9.1	9.5
R							3659.	3815.	3678.	3683.
PRODUCTION FROM NEW FORM 15 FIELDS ADDED IN 1971								44.	172.	219.
P								2.0	7.2	9.2
R								2225.	2365.	2376.
PRODUCTION FROM NEW FORM 15 FIELDS ADDED IN 1972									113.	442.
P									2.2	7.8
R									5040.	5644.
PRODUCTION FROM NEW FORM 15 FIELDS ADDED IN 1973										74.
P										4.3
R										1718.

A = Amount of annual production.
R = Gross reserves (plus remaining cumulative production).

Second, a study of 14 trillion cubic feet of offshore reserves by Witness Root for UDC indicates that the larger offshore fields (more than 400 Bcf) will be depleted in approximately 18 years and the smaller fields in 14 years. The pattern of field development that is indicated by the production rise and decline necessarily implies an average well life substantially less than the life of the entire field.[146]

Third, the "Optional Procedure" [147] cases that have been before the Commission involve more than 2.5 trillion cubic feet of reserves in such diverse areas as offshore Louisiana, onshore Louisiana, the Permian Basin, the Hugoton-Anadarko area and the State of Alabama. The evidence submitted by the producers in those proceedings estimated the well depletion periods typically at about ten years, never in excess of 17 years.[148]

Fourth, the evidence submitted in Docket No. RI75–112 contains detailed production patterns for approximately 140 reservoirs in the offshore area. The average reservoir life for those reserves is estimated by the producers to be between four and six years.[149] The reservoir life, of course, does not relate directly to well life because many wells, particularly in the offshore area, involve successive completions in a single well bore. Reservoir life is relevant to the present inquiry because recompletions into new reservoirs are treated as new wells for rate purposes.

Fifth, the evidence in the *IOGA* case involving 1,000 wells establishes accelerated early production even in the relatively low-permeability sands of the Appalachian area.[150] The average well life is 26 years, but 53 percent of the reserves are produced within the first five years and the composite production schedule has a present value equal to level production for less than 13 years.

Sixth, while IPR used the 699–H 18-year depletion life in its basic cost studies, its gathering study indicated that the weighted average life of the gathering systems, all of which were installed since January 1, 1970, to be 16.1 years.[151]

Seventh, UDC recommends a 15-year depletion period because such a period "would more nearly reflect anticipated future experience due to the need to maintain production of maximum levels to satisfy current needs." [152]

Finally, as the Commission noted in *Texas Gulf Coast* [153] "shortening of the (depletion) period is evidenced as the shortage of gas becomes more pronounced."

We find, therefore, that the available evidence establishes the necessity to reduce the assumed well-depletion period from the 18-year period. The 18-year period originated at a time when the more typical gas sales contract called for a daily production to reserve ratio of 1 : 7300 or a twenty-year life. Today, there is a continually worsening national shortage of gas in the interstate market and the more typical contract calls for minimum daily production of from 85% to 100% of the daily well capacity. The maximum rate of take of an average or typical well, of course, is much faster than a constant rate of take implied by an 18-year level production pattern.[154]

We find that a 15-year period for well depletion will more nearly conform both to the actual experience reflected by the evidence and to the need to encourage a relatively high deliverability from future wells.

We will continue to assume a level production for the 699–H model because the record does not reflect precise data from which the typical well depletion rate could be determined.

The OEC model is based upon a pattern of field or project development. In the application of that model we also shall use a 15-year well depletion period. There is, however, evidence from this and other proceedings that suggests patterns of production from fields as opposed to wells. The following graph (Exhibit 13) indicates the field production curve that was placed in evidence in *Permian I* [155] which is based upon a 37-year production life. That curve is, of course, heavily influenced by the onshore production and the moderate take levels of the pipelines prevalent at the time of Permian I. UDC submitted in this proceeding an analysis of the production schedule for 14 trillion cubic feet of offshore reserves with a field life of 18 years.[156] That also is charted. Since, in this proceeding, we must attempt to reach an average of all areas, we have attempted in the application of the OEC model to derive a hypothetical field production pattern that falls between the indicated onshore and offshore activity. We have made reasonable assumptions concerning well depletion rates and the rates of developmental drilling. The resultant production pattern is charted as the middle curve in Exhibit 13.

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[146] UDC Comments, July 24, 1975, Statement 8, Appendix A.

[147] 18 C.F.R. § 2.75.

[148] See Pennzoil Co., CI74–264, Direct Testimony of Engle, Schedule 7, Sheet 7. Also see, Forest Drilling Venture, CI75–40 and Coleve, CI75–538, wherein the producers estimated the life of 340 Bcf of offshore reserves to be 13 years.

[149] Docket No. RI75–112, Exhibit 258.

[150] Independent Oil and Gas Association of West Virginia, RI75–25, Direct Testimony of Louis J. Engel, Schedule No. 2.

[151] IPR Comments, May 30, 1975, Appendix N.

[152] UDC Comments, April 23, 1976, Statement 14, p. 17.

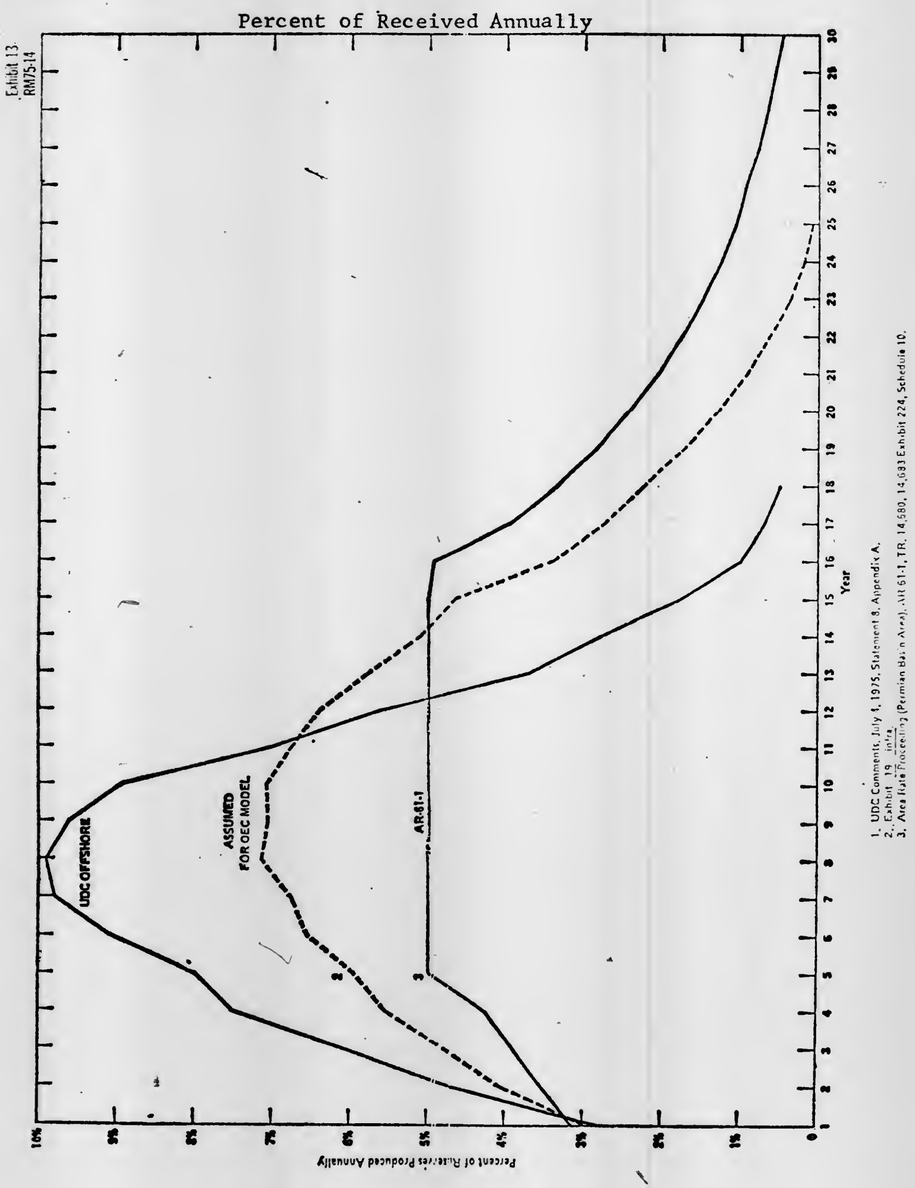
[153] Area Rate Proceeding (Texas Gulf Coast Area), 45 F.P.C. 674, 697 (1971).

[154] See e.g., Area Rate Proceeding (South Louisiana Area), Docket No. AR69–1, Testimony of James Hicks, Tr. pp. 1891–1907, Exhibit 32.

[155] Supra, note ——.

[156] UDC Comments, July 24, 1975, Statement 8, Appendix A.

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M. RATE OF RETURN

Among the initial comments filed in this proceeding, IPR submitted cost studies based upon a 17% rate of return that yielded a unit cost of $2.37 per Mcf.[157] On behalf of the Producers, Dr. Solomon recommended a rate of return in the range of 17% to 18% computed on a DCF basis after taxes. He stated that the rate of return should be increased to reflect the rise in utility bond rates from 1965 to the present and the increased risks accompanying new investments in gas production from deeper and more remote locations.[158] The GHK Company and Gas Anadarko Ltd. recommended a rate of return of at least 33% for wells drilled below a depth of 15,000 feet because of the high costs and risks associated with such drilling.[159]

Both BNG and OEC in their recommendations employed a 15% rate of return using the DCF methodology.[160] OEC pointed out that Opinion No. 699–H increased the effective rate of return by using a true rate of 15% rather than a nominal 15% rate on the average rate base. OEC further noted that inflationary expectations have moderated since the issuance of Opinion No. 699–H, which has the effect of raising the real rate of return over that implicit in the 15% nominal rate of return allowed in Opinion No. 699–H.[161]

In response to Staff recommendations, IPR stated that in calculating true yield on investment, BNG amortized investment on a unit of reserve basis over the productive life of the gas property which resulted in a declining annual revenue rate. It was argued that this rate design was contrary to the rate design of Opinion No. 699–H.[162] The Producers further argued that the 15% rate of return utilized by Staff was inadequate. UDC submitted cost studies using overall rate of return levels of 15% and 17% but without endorsement of either.[163]

The increasing rate of return allowed in the various area rate proceedings reflected the changing economic conditions. Where a 12% rate of return was found to be adequate in the first two area rate proceedings,[164] the higher cost of capital and the need for additional incentives to encourage greater investment in exploration and development programs resulted in the allowance of a 15% rate of return in the most recent area rate opinions.[165] In response to Dr. Solomon's comments we note that the 300 basis point increase in the allowed rate of return from the mid-1960's to the present approximately matches the rise in longterm interest rates over the same period.

In Opinion Nos. 699 and 699–H, the Commission adopted a comparative approach in determining a 15% rate of return, based upon the opportunity cost of capital concept. In that proceeding, the Commission determined that a 15% rate of return was comparable to the returns earned by other extractive industries, utility companies, industrial concerns, and the overall earnings of large integrated producers and the predominantly pure producer firms.[166]

More recently, in Opinion No. 749, we again used a 15% rate of return to establish the just and reasonable national rate for gas flowing prior to January 1, 1973.[167] In this opinion, however, less reliance was placed on the "comparative earnings" of the petroleum industry,[168] and greater emphasis was put on the comparison of returns on equity. Therein, we determined that a 15% overall rate of return yielded a 17.73% return on common equity while all industry groups examined showed returns on equity of 13.3% and 14.1% in 1972 and 1973, respectively.[169]

For these same reasons, we adopt the 15% overall rate of return employed in Opinion Nos. 699–H and 749. No evidence introduced in this proceeding is persuasive that a change in that judicially reviewed rate of return is now required or justified. The 15.00% overall return represents a 16.98% return on common equity [170] which is higher than that realized by most other industries examined, as reflected in Appendix C.

Although the 15% return on total capital as well as the equity returns under it are higher than the average returns realized by most industries, it is necessary to compare it with the returns necessary to attract new venture capital, rather than with the average established returns on combined total investment which involves a lower degree of risk. Unfortunately, we have no precise way of determining the marginal rates of return for new venture capital which are required for the average new natural gas project before funds will be invested. However, when all of the factors herein discussed are evaluated, the total return allowed by the Commission is within a permissible "zone of reasonableness." [171]

On that premise, it is our judgment that the 15% overall return is the appropriate incentive rate required to finance the exploration, development and production programs which must be undertaken to produce the new natural gas supplies necessary to fulfill the existing and future interstate demand.

However, we must account for the fact that the interest on the debt portion of the capital is deductible for tax purposes. Rather than computing the interest deductions throughout the production life of the property, we shall, for convenience, adopt the equivalent method of adjusting the computational rate of return to reflect the tax deductibility of interest costs. In implementing this approach, we have relied upon the most recent capital structure for the group of petroleum companies reported by Chase Manhattan Bank. This data reveals that a computational 14.16% rate will be the equivalent of 15% overall before consideration of the interest deductions.

EXHIBIT 14.—*Rate of return* [1]

(1) Type of financing	(2) Amount (millions of dollars)	(3) Composition (percent)	(4) Direct cost (percent)	(5) Direct weighted cost (percent)	(6) After-tax cost (percent)	(7) After-tax weighted cost (percent)
Long-term debt	25,591	21.81	[2] 8.00	1.75	[5] 4.16	0.91
Preferred equity	335	.29	[3] 8.25	0.02	8.25	0.02
Common equity	91,405	77.90	[4] 16.98	13.23	16.98	13.23
Total	117,331	100.00		15.00		14.16

[1] Alternate derivation:
(i) Overall return 15.00
(ii) Less interest on debt 1.75
(iii) Equity return 13.25
(iv) Tax on equity return $\left(13.25\times\frac{.48}{.52}\right)$ 12.23
(v) Before tax return [(i)+(iv)] 27.23
(vi) After tax return [(v)×.52] 14.16

[2] Assumed; 1974 actual interest expense was $2,478 million on an average total short- and long-term debt of $32,047, implying an average rate of 7.7 pct. We adjust upward slightly to allow for refunding since 1974 at higher rates than embedded cost.
[3] Assumed.
[4] Implied allowance in setting 15-percent overall rate of return.
[5] After-tax cost equals Before-tax cost multiplied by (1.48), where .48 is the marginal tax rate.

Source: (2) "1974 Financial Analysis of a Group of Petroleum Companies," Chase Manhattan Bank, exhibit 9, (3) = (2)/total; (5) = (3)×(4); (7) = (3)×(6).

[157] IPR Comments, May 30, 1975, Appendix L, Exhibit DWA–1, Schedule 1, Sheet 1.
[158] Ibid., Appendix H.
[159] Comments of the GHK Company and Gas Anadarko, Ltd., May 30, 1975, pp. 10–12.
[160] See Order Issuing Staff Recommendations, issued August 4, 1975.
[161] OEC Recommendation, May 30, 1975, p. 12.
[162] IPR Comments, September 5, 1975, Appendix A, p. 16.
[163] UDC Comments, May 14, 1975, Statement 7.
[164] Area Rate Proceeding, et al. (Permian Basin), 34 F.P.C. 159, 204 (1965); Area Rate Proceeding, et al. (Southern Louisiana Area), 40 F.P.C. 530, 576 (1968).
[165] Area Rate Proceeding, et al. (Other Southwest Area), 46 F.P.C. 900 (1971). The rates approved for the Other Southwest Area track the rates approved in *Southern Louisiana II* and *Texas Gulf Coast*, which were based upon a 15% rate of return.
[166] See Opinion No. 699, ____ F.P.C. ____, slip opinion at 61.
[167] See Opinion No. 749, ____ F.P.C. ____, slip opinion at 17.
[168] Less reliance was placed on the earnings of the petroleum industry for 1973 and 1974 due to the quadrupling of crude oil prices by the Organization of Petroleum Exporting Countries (OPEC) in late 1973 which caused an inordinate increase in earnings.
[169] See Opinion No. 749, supra, at 18.
[170] Ibid.
[171] *F.P.C.* v. *Natural Gas Pipeline Co.*, 315 U.S. 575, 585 (1942)

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N. FEDERAL INCOME TAXES

Several parties have expressed concern over the treatment of Federal income taxes. In essentially identical initial comments filed on May 30, 1975, the Pennzoil Companies, the Rodman Corporation, Tenneco Oil Company and Texas Gulf, Inc. urged the Commission to provide an allowance for Federal income taxes in computing the new national base rate.

In Opinion Nos. 699 and 699–H, the Commission did not provide an allowance for Federal income taxes due to the absence of an evidentiary basis and its inability to hypothesize potential tax liabilities in a tax system that provided immediate write-off of intangibles and contained a percentage depletion allowance. Producers were considered to have no ascertainable income tax liability since those deductions were available as a deduction to offset income that would otherwise be taxable. Where producers sought special relief for Federal income taxes payable, the Commission referred producers to special relief procedures wherein submission of the appropriate tax returns would be required to establish the allowance for such taxes.[172]

The Staff in its recommendations issued in this proceeding stated that there was insufficient data for estimating the income tax liability of producers [173] and that it was impossible to evaluate the impact of the Tax Reduction Act of 1975 [174] on producer costs.[175] It was accordingly recommended that the Commission obtain an evidentiary basis to permit income tax estimation. In response to these recommendations, however, IPR, UDC, Pennzoil, Rodman, Tenneco, and Texas Gulf argued that no additional evidence was needed with respect to the rate impact of the elimination of percentage depletion on actual tax liabilities.

The Tax Reduction Act of 1975 amended the Internal Revenue Code as it applies to the exploration for and production of natural gas. This legislation effectively repealed percentage depletion for natural gas produced on or after January 1, 1975. Excepted from this repeal, however, were natural gas sold under a "fixed-price contract," [176] "regulated natural gas prior to July 1, 1976," [177] and specified quantities of natural gas sold by independent producers and royalty owners. Unlike most other provisions of that Act which were drafted to reduce taxes, the provisions dealing with percentage depletion were designed to increase the Federal income taxes paid by the petroleum industry.[178]

Subsequent to the enactment of this legislation, the Commission issued Opinion No. 749 [179] establishing a just and reasonable national rate for pre-January 1, 1973 gas supplies. In that opinion, the Commission made an allowance for increased Federal income taxes as of July 1, 1976 principally because of the repeal of precentage depletion. This allowance was based on the statutory rate of 48 percent [180] and resulted in an increment of 6.08 cents per Mcf.

As previously discussed, the costing models that we employ recognize the income tax deductions that are available to the producing industry at the earliest point at which the deduction may be taken under the Internal Revenue Code. The time value of the accelerated deductions that are available to the natural gas industry is thereby preserved for the benefit of the consumer. Of course, a deduction once taken is not again available to a taxpayer. Therefore, only the amount of the investment that is not "expensed" in the preproduction period is available to be recovered by cost depletion or depreciation during the productive life of the well or the property. The income tax deductions that are available during the production period thus consist only of the rather small annual depreciation item plus the additional ordinary and necessary business expenses, i.e., production, interest, and regulatory expenses.

We recently reviewed the legal authorities regarding income tax treatment of producers and concluded that the "regulated activities are properly viewed as a separate corporate entity and the Federal income tax allowance computed accordingly." [181] In this proceeding we have accounted for all income tax deductions and credits that are relevant to the exploration and development of natural gas that is jurisdictional to this Commission.[182] Once the appropriate deductions have been accounted for, the Internal Revenue Code specifically requires that an income tax be imposed upon the remaining income at the statutory rate for corporations—48% on income above $25,000.

Some have assumed that the natural gas producers will pay zero or very little tax, notwithstanding the repeal of the percentage depletion allowance. However, in the present context, that assumption can be founded upon only one underlying premise—that the industry in the future will expend a constantly increasing amount for exploration and development and that the increased level of intangible drilling cost deductions generated by those increased expenditures will be available to offset additional taxable income from the wells or projects that we are here costing.

Increases in gross exploration and development expenditures may be caused by either of two distinct phenomena: (1) increases in unit costs resulting either from general inflation or the "depleting resource" effect (the more scarce the resource the more expensive it is to find), or (2) increases in overall production reflective of a growing industry.

It is not necessary or appropriate to establish rates in this proceeding in reliance upon a projected increase in intangible drilling expense deductions if that projected increase is predicated upon a future increase in the unit cost of exploration and development. Those unit cost increases will be fully and properly accounted for in each subsequent biennial review.

In each successive review the full extent of an increase in income tax deductions that is generated by increasing unit costs will then be deducted from the gross investment in determining the rate. The net investment cost (hence the rate) for that future natural gas will be reduced accordingly. If we attempted to "capture" that future level of deductions in this proceeding, logic and fairness would require that the amount thus captured not be deducted once again in the future. The consequence would be a quagmire of calculus suitable only for an ethereal mathematician with a crystal ball. For present rate purposes, it is quite sufficient to recognize increased unit costs (and the income tax deductions generated thereby) at the time when the increase actually is realized. In addition, the taxable income from the natural gas wells that are drilled in this biennium provides a portion of the continuing justification for recognizing the full impact of the future deductions in the year in which the future investment is made.

Therefore, the only source of future income tax deductions that properly could

[172] The Commission's treatment of Federal income taxes in those opinions was affirmed by judicial review. *Shell Oil Co., et al.*, v. *F.P.C.*, 520 F. 2d 1061, 1080–1081 (5th Cir. 1975).

[173] See Comments of the Office of Economics, August 4, 1975.

[174] 89 Stat. 26, Pub. L. 94–12, § 401 adding § 613A to the Int. Rev. Code of 1954.

[175] See Comments of the Bureau of Natural Gas, August 4, 1975.

[176] Under § 613A(b)(2)(A) of the Code, "natural gas sold under a fixed-price contract" refers to gas sold by a producer under a contract in effect on or after February 1, 1975, under which the price cannot be adjusted to reflect the increased tax liability occasioned by repeal of the depletion allowjusted to reflect the increased tax liability ance. Price increases for such gas after February 1, 1975 are presumed to take the increased tax liability into account unless the taxpayer can prove otherwise.

[177] Under § 163A(b)(2)(B) of the Code, "regulated natural gas" refers to gas produced and sold by the producer before July 1, 1976 which is subject to the jurisdiction of the Commission, the price for which has not been adjusted to reflect the increased tax liability. Price increases for such gas after February 1, 1975 are presumed to take the increased tax liability into account unless the taxpayer can prove otherwise.

[178] See e.g., 121 Cong. Rec. H 1151–H 1161; H 1162; H 1163–H 1166; H 1168–H 1170; H 1171–H 1172; H 1177–H 1191 (February 27, 1975, daily ed.).

[179] Docket No. R–478, issued December 31, 1975.

[180] Int. Rev. Code of 1954, § 11.

[181] Opinion No. 749–C, issued July 19, 1976, mimeo. See also pp. 14–17.

[182] The foreign tax credit, for example, is not at all relevant to the producer activity that we directly regulate—the sale of natural gas in interstate commerce. We could not apply profits from foreign oil operations to reduce the price of domestic natural gas, nor could we do the same indirectly by appropriating tax credits that are traceable solely to the foreign operations.

be considered as potentially reducing taxes with respect to natural gas that we here price is deductions generated from real resources growth in the industry. Any such projection would be pure speculation. We of course anticipate that the industry will exhibit some growth as a result of the rate that we here establish, but precise quantification and allocation of the income tax consequences thereof is no more possible than precise estimation of the supply elasticity for natural gas. In any event, unless the United States Geological Survey (USGS) estimates of probable hydrocarbon reserves are extremely pessimistic, it would be incorrect to project a long term increase in the production of natural gas.

An additional reason for employing the full 48% tax rate, even if producers are not now paying an average rate that high, is that new supplies come from decisions to explore for and develop new fields. Marginal income therefrom is likely to be taxed at the 48% rate. Thus to employ any lower rate or extraordinary write-offs would be unrealistic. Therefore, a tax allowance based on the statutory rate has been included in our cost-based analysis, hereinbefore discussed, and is reflected in the rate prescribed.

Initial and reply comments were also submitted by several respondents with respect to the treatment of income taxes, seeking modification of the DCF methodology utilized in Opinion Nos. 699 and 699–H. These comments argued that the DCF costing models in that proceeding were inconsistent and discriminatory. For these same reasons, the Bureau of Natural Gas in its recommendations also suggested elimination of the negative income tax assumptions utilized in Opinion No. 699–H.[183] These comments and recommendations have been carefully considered and addressed in detail in the discussion of timing herein.[184]

O. ROYALTY

Royalty expenses represent the percentage of the gross receipts the producer must pay to the landowner for the privilege of extracting the gas from reserves underlying that land.

Opinion 699 adopted an allowance of sixteen percent to reflect increased royalty expenses, whereas prior Commission opinions employed an average royalty allowance of fifteen percent. Both BNG and OEC recommend retention of the 16 percent figure for the 1975–76 biennium. Those parties, who in their comments addressed the issue directly, proposed a royalty allowance of 17 percent.[185] We have previously considered some identical data and similar arguments and arrived at 15% royalty.[186] We believe it both reasonable and prudent to adopt the 16 percent allowance recommended by our staff.

The basis for this determination is our belief that the lower onshore royalty expense tends to reduce slightly that royalty expense incurred offshore. The Commission prices gas for a particular well either from the date the drilling or the sales commence, which is an approach that gives no consideration to the age of the lease that is being drilled. In view of the fact that many new onshore wells are drilled on existing leases which traditionally append only ⅛ royalty (12½%), it is reasonable to believe that the federal offshore royalty of 16⅔% is mitigated by the lower onshore rate.

Therefore, pending more reliable or convincing data we choose not to alter the 16% royalty allowance found to be just and reasonable in Opinion No. 699.

P. ESCALATION

While we have departed in this Opinion from the general objective of avoiding vintaging if possible, we still find this objective desirable and believe a properly constructed escalator might avoid the need for vintaging the 1975–1976 gas in subsequent biennial reviews. In periods of rising cost due to inflation and declining productivity, we would expect the rates for subsequent biennia to rise. If we failed to take that increase in rate into account in establishing the price for the current biennium, producers could earn in excess of the fair rate of return as the subsequent rates rose above those set in the previous biennial reviews.

Thus, we find it desirable to employ an escalator that takes future expected price increases into account. In order to avoid delayed drilling or dedication toward the end of each year in anticipation of escalation, we have decided to depart from the use of an annual escalator, and to use, instead, a quarterly escalator. We have chosen an escalator of 1.0¢ per quarter as a minimum escalator, implying a modest inflation in cost and some recovery in productivity with renewed exploratory drilling effort. The effect of this escalation is to move from a constant price of approximately 163¢/Mcf (based on the assumption that no further price increases are to be expected) to an escalating price beginning at 142¢/Mcf in 1976 and increasing by 4.0¢/Mcf in each succeeding year. The revenue stream with the escalator has the same present value as it would with a level price. In using an escalator, we are committed to permit the price of gas from wells drilled during the current biennium to escalate by at least the amount chosen here or its comparable present value so as to provide a 15% rate of return on investment. We therefore find that the escalator is an integral part of this rate.

Q. PRICE DETERMINATION

We have found that a productivity factor of 279 and 323 should be used to establish the upper and lower limits of the "zone of reasonableness." The prices resulting from these limits, derived below, are:

Model	With escalator	
	279	323
699–H	154.1	131.3
OEC	153.5	131.0
Average	153.8	131.2

We thus find that the "zone of reasonableness" is 131¢ per Mcf for the low case and 154¢ per Mcf for the high case, each escalating at 4 cents annually.

1. The 699–H Model Applied

a. 279 Productivity. The cost components and policy choices discussed above can now be brought together in the 699–H model of cost-based price determination.

Exhibit 15 consolidates the cost elements and tax effects to determine the after-tax cash flows. The percentage expensed for income tax purposes (intangibles) is the same as used in Opinion No. 699–H and in both the IPR and UDC and one BNG study. A 48% tax rate is used to compute the tax savings. A 10 percent investment tax credit is assumed taken in period −1 on the depreciable assets associated with successful well and production facilities outlays. Of the total gross outlays of 48.85¢/Mcf, 36.72¢/Mcf is expensed, resulting in a tax reduction in the pre-production period of 18.40¢/Mcf (including 0.78¢/Mcf investment tax credit) and after-tax cash flows totaling 30.45¢/Mcf.

EXHIBIT 15.—*Cost summary and tax treatment for 699–H model at 279 productivity*

[Cents per thousand cubic feet]

(1) Component	(2) Gross outlay	(3) Percent expensed	(4) Expensed amount	(5) Tax reduction from expensing	(6) Net cash flow	(7) Time
Working capital	1.43	0	0	0	1.43	−3
Exploratory other	5.08	95	4.83	2.32	2.76	−3
Exploratory O/H	1.84	95	1.75	0.84	1.00	−3
Lease acquisition	15.19	0	0	0	15.19	−2
Nonproducing lease expensed	0	75	11.39	5.47	(5.47)	−1
Dry hole	8.73	100	8.73	4.19	4.54	−1
Successful well	13.81	70	9.67	4.64	9.17	−1
Production facilities	3.70	0	0	0	3.70	−1
Recompletion	0.50	70	0.35	0.17	0.33	−1
Investment tax credit	0	0	0	0.78	(0.78)	−1
Working capital recovery	(1.43)	0	0	0	(1.43)	14
Total	48.85		36.72	18.40	30.45	

NOTE.—Depreciable or depletable assets: 48.85−36.72=12.13 investment tax credit: .10×(13.81−0.67+3.70)=0.78; present value at time 0 of net cash flows at 14.16 pct: 40.42; present value at time 0 of net cash flows at 14.16 pct allocated to natural gas production: 0.91×40.42=36.78 (4)=(2)×(3); (5)=(4)×.48; and (6)=(2)−(5).

[183] See Opinion No. 699–H, Appendix C, pp. 6 and 7.

[184] Section III. A., *supra*.

[185] IPR comments, May 30, 1975, Appendix B, p. 14.

[186] Area Rate Proceeding (South Louisiana Area), 46 F.P.C. 86, 132–3 (1971).

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Using the 699–H timing sequence outlined in Exhibit 1, supra, and a 14.16% [185] rate of return, the present value at year 0 of the after-tax cash flows is 40.42¢/Mcf. Taking 91% of this cost as the share allocatable to natural gas production [186] results in a present value cost of 36.78¢/Mcf.

Exhibit 16 displays the after-tax cash flows resulting from the sale of 1 Mcf with a 16% royalty rate, 91 percent cost allocation and a 48% tax rate. At a price of P cents per Mcf, the after-tax cash flow is (.4368P+3.79) ¢ per Mcf.

[185] This is the computational rate that equals a 15% overall return adjusted to reflect interest deduction. See p. 80, supra.

[186] See Cost Allocation, pp. 64–66, supra.

EXHIBIT 16.—*Cash flow from sales (cents per thousand cubic feet) at 279 Mft*[3]

Price		P
Royalty		.16P
Net revenue		.84P
Less:		
Operating expenses	3.10×.91= 2.82	
Regulatory expenses	.10×.91= .09	
Depreciation	12.13×.91=11.04	13.95
Income before taxes		.84P−13.95
Taxes at 48 percent		.4032P− 6.70
Net income		.4368P− 7.25
Add:		
Depreciation		11.04
After-tax cash flow		.4368P+ 3.79

The price determining process is to equate present value of the cash flows from the cost items to the present value of the cash flows from the sales. The present value of a dollar per year for 15 years starting at time 0 is

$$\left\{\sum_{t=0}^{14}(1.1416)^{-t}=6.9562;\right.$$

the present value of the cash flows from the sale of 1/15 Mcf per year for the 15 year period from 0 through 14 is

$$\left\{\frac{1}{15}\times 6.9562\times(.4368P+3.79)=.2026P+1.758\right.$$

Equating this to the pesent value of the cost items results in a constant price of

$$\left\{\begin{array}{l}.2026P+1.758=36.78\\ \text{or}\qquad P=172.9\text{¢ per Mcf.}\end{array}\right.$$

As we indicated earlier, we find that 4¢ per year escalator is appropriate. Since the present value of a 1¢ escalator, adjusted for income tax and royalty, is 0.948¢, i.e.,

$$\frac{1}{15}\sum_{t=0}^{14}t(1.1416)^{-t}(.52)(.84)=.948\text{¢},$$

using a 4¢ per year escalator results in a base year price of P_o, where P_o is such that

$$.2026P_o+1.758+.948(4)=36.78$$

or

$$P_o=154.1\text{¢ per Mcf}$$

Thus the 699-H/cost-based price is 154.1¢/Mcf beginning in 1976 and escalating at 4¢ per annum.

b. *323 Productivity.* Exhibits 17 and 18 are patterned after Exhibits 15 and 16 but with cost and revenue computations based upon a 323 Mcf productivity. Equating the present value of the cost items to the present value of the revenue stream we find a constant price of

$$\frac{1}{15}\times 6.9562\times(.4368P+3.08)=.2026P+1.428=31.82$$

or

$$P=150.0\text{¢ per Mcf}$$

With a 4¢ per annum escalator, the base year price of P_o is

$$.2026P_o+1.428+.948(4)=31.82$$

or

$$P_o=131.3\text{¢ per Mcf.}$$

EXHIBIT 17.—*Cost summary and tax treatment for 669–H model at 323 Mft*[3]

[Cents per thousand cubic feet]

(1) Component	(2) Gross value	(3) Percent expensed	(4) Expensed amount	(5) Tax reduction from expensing	(6) Net cash flow	(7) Time
Working capital	1.24	0	0	0	1.24	−3
Exploratory other	4.39	95	4.17	2.00	2.39	−3
Exploratory O/H	1.59	95	1.51	.72	.86	−3
Lease acquisition	13.12	0	0	0	13.12	−2
Nonproducing lease expensed	0	75	9.84	4.72	(4.72)	−1
Dry hole	7.54	100	7.54	3.62	3.92	−1
Successful well	11.93	70	8.35	4.01	7.92	−1
Production facilities	3.20	0	0	0	3.20	−1
Recompletion	.50	70	.35	.17	.33	−1
Investment tax credit	0	0	0	.68	(.68)	−1
Working capital recovery	(1.24)	0	0	0	(1.24)	14
Total	42.27		31.76	15.93	26.34	

NOTE.—Depreciable or depletable assets: 42.27−31.76=10.51; investment tax credit: .10×[(11.93−8.35)+3.20]=.68; present value at time 0 of net cash flows at 14.16 percent: 34.97; present value at time 0 of net cash flows at 14.16 percent allocated to natural gas production: 0.91×34.97=31.82; (4)=(2)×(3); (5)=(4)×.48; and (6)=(2)−(5).

EXHIBIT 18.—*Cash flow from sales (cents per thousand cubic feet) at 323 Mft*[3]

Price		P
Royalty		.16P
Net revenue		.84P
Less:		
Operating expenses	3.10×.91=2.82	
Regulatory expenses	.10×.91= .09	
Depreciation	10.51×.91=9.56	12.47
Income before taxes		.84P−12.47
Taxes at 48 percent		.4032P− 5.99
Net income		.4368P− 6.48
Add:		
Depreciation		9.56
After-tax cash flow		.4368P+ 3.08

2. *The OEC Model Results*

a. *Project Development and Rates of Take.* Unlike the 699–H model, which costs the average successful well drilled during the test year, the OEC model is based upon the full development of a field or project, from preliminary geological and geophysical activities to shutdown.

As discussed in Section III.L, supra, we find it reasonable to assume a fifteen year life for a well, with declining rates of take for the well over time. In order to arrive at a field rate of take which falls between the limits set forth in Exhibit 13, we find that a developmental period of 10 years, with steadily declining rates of developmental drilling activity, is a reasonable assumption. Exhibit 19 displays the results of these assumptions in terms of the production of 3.36 Mcf over a 25 year field life.

Exploratory drilling, which alone yields 1 Mcf of ultimate recovery for every 3.36 of ultimate recovery from the field, is done in year −1 with production spread over the 15 years, denoted years 0 through 14. Developmental drilling, resulting in an additional 2.36 Mcf, takes place over the next 10 years, 0 through 9. Reserves from developmental drilling produce for fifteen years, following the same rate of take as applied to the exploratory well. The resultant total annual production, as set forth in the next to the last column of Exhibit 19, sums to 3.36 Mcf over the 25 year period. Dividing annual production by 3.36 results in the rate of take curve for the field found in the last column of Exhibit III and plotted as the curve No. 2 in Exhibit 13.

b. *279 Productivity.* The OEC model has preproduction exploratory expenditures in the same time sequence as the 699–H model previously described. The developmental drilling expenditures, however, are spread over 10 years, in the proportions set out at the bottom of Exhibit 19. The resultant outlays and their timing are found in Exhibit 20.

The exploratory outlays of Exhibit 20 are based upon exploratory activity which is assumed to produce 1 Mcf ultimate recovery from exploratory wells and leads to 3.36 ultimate recovery from the field through subsequent developmental drilling. Thus, the exploratory expense items, Exploratory Other, Exploratory Overhead, and Lease Acquisition are entered at 3.36 times the values used in the 699–H model as set forth in Exhibit 15 (slight differences are due to rounding).

Exploratory and developmental successful well and dry hole costs are as determined in Section III.C., supra. Production Facilities and Recompletion costs are the same per Mcf as used in the 699–H model.

The present value at time 0 using the computational discount rate of 14.16% of the after-tax cash flows from the exploratory cost outlays detailed in Exhibit 20 is 81.66¢, including the related investment tax credit assumed taken in year −1.

Assuming a 4 percent rate of inflation on developmental drilling costs beginning in year 1, and using the developmental Mcf production totals found in Exhibit 19 in conjunction with the cost per Mcf for developmental activity from Exhibit 20, the present value of the after-tax cash flows associated with the developmental costs of the field is 30.94¢, including investment tax credit considerations (also escalating at 4% per year).

Working capital is 3.36 times that employed in the 699–H model application, but spread over 28 rather than 18 years. Thus,

working capital=$1.43\times 3.36\times\frac{18}{28}=3.09$¢.

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Exhibit 19

Mcf Production

Year of Drilling

Year	-1	0	1	2	3	4	5	6	7	8	9	Total Annual Prod.	Rate of Take
0	.1000	.0	.0	.0	.0	.0	.0	.0	.0	.0	.0	.1000	.0298
1	.1000	.0354	.0	.0	.0	.0	.0	.0	.0	.0	.0	.1354	.0403
2	.0900	.0354	.0330	.0	.0	.0	.0	.0	.0	.0	.0	.1584	.0472
3	.0900	.0319	.0330	.0307	.0	.0	.0	.0	.0	.0	.0	.1856	.0552
4	.0800	.0319	.0297	.0307	.0283	.0	.0	.0	.0	.0	.0	.2006	.0597
5	.0800	.0283	.0297	.0276	.0283	.0260	.0	.0	.0	.0	.0	.2199	.0655
6	.0700	.0283	.0264	.0276	.0255	.0260	.0236	.0	.0	.0	.0	.2274	.0677
7	.0700	.0248	.0264	.0245	.0255	.0234	.0236	.0212	.0	.0	.0	.2394	.0713
8	.0600	.0248	.0231	.0245	.0227	.0234	.0212	.0212	.0165	.0	.0	.2375	.0707
9	.0600	.0212	.0231	.0215	.0227	.0208	.0212	.0191	.0165	.0118	.0	.2379	.0708
10	.0500	.0212	.0198	.0215	.0198	.0208	.0189	.0191	.0149	.0118	.0094	.2272	.0676
11	.0500	.0177	.0198	.0184	.0198	.0182	.0189	.0170	.0149	.0106	.0094	.2147	.0639
12	.0400	.0177	.0165	.0184	.0170	.0182	.0165	.0170	.0132	.0106	.0085	.1936	.0576
13	.0300	.0142	.0165	.0153	.0170	.0156	.0165	.0149	.0132	.0094	.0085	.1711	.0509
14	.0300	.0106	.0132	.0153	.0142	.0156	.0142	.0149	.0116	.0094	.0076	.1565	.0466
15	.0	.0106	.0099	.0123	.0142	.0130	.0142	.0127	.0116	.0083	.0076	.1142	.0340
16	.0	.0	.0099	.0092	.0113	.0130	.0118	.0127	.0099	.0083	.0066	.0927	.0276
17	.0	.0	.0	.0092	.0085	.0104	.0118	.0106	.0099	.0071	.0066	.0741	.0221
18	.0	.0	.0	.0	.0085	.0078	.0094	.0106	.0083	.0071	.0057	.0573	.0171
19	.0	.0	.0	.0	.0	.0078	.0071	.0085	.0083	.0059	.0057	.0432	.0129
20	.0	.0	.0	.0	.0	.0	.0071	.0064	.0066	.0059	.0047	.0307	.0091
21	.0	.0	.0	.0	.0	.0	.0	.0064	.0050	.0047	.0047	.0208	.0062
22	.0	.0	.0	.0	.0	.0	.0	.0	.0050	.0035	.0038	.0123	.0037
23	.0	.0	.0	.0	.0	.0	.0	.0	.0	.0035	.0028	.0064	.0019
24	.0	.0	.0	.0	.0	.0	.0	.0	.0	.0	.0028	.0028	.0008
Total	1.0000	.3540	.3304	.3668	.2832	.2596	.2360	.2124	.1652	.1180	.0944	3.3600	1.0000
Fraction of Developmental Outlays		.15	.14	.13	.12	.11	.10	.09	.07	.05	.04		

EXHIBIT 20.—*OEC cost summary and tax treatment at 279 productivity*

[Cents per thousand cubic feet]

(1) Exploratory costs [1]	(2) Gross	(3) Percent expensed	(4) Expensed amount	(5) Tax reduction from expensing	(6) Net cash flow	(7) Time
Exploratory O/H (cents per 3.36 Mf[3])	6.17	95	5.86	2.82	3.36	−3
Exploratory other (cents per 3.36 Mf[3])	17.08	95	16.22	7.79	9.29	−3
Lease acquisition (cents per 3.36 Mf[3])	51.04	0	0	0	51.04	−2
Nonproducing lease expensed	0	75	38.28	18.38	(18.38)	−1
Dry hole (cents per thousand cubic feet)	17.35	100	17.35	8.33	9.02	−1
Successful well (cents per thousand cubic feet)	4.41	70	3.09	1.48	2.93	−1
Production facilities (cents per thousand cubic feet)	3.70	0	0	0	3.70	−1
Total	99.75		80.81	38.79	60.97	
Developmental (cents per thousand cubic feet): [2]						
Successful wells	17.76	70	12.43	5.97	11.79	0-9
Dry hole	5.22	100	5.22	2.50	2.71	0-9
Production facilities	3.70	0	0	0	3.70	0-9
Recompletion	.50	70	.35	.17	.33	0-9
Total	27.18		18.00	8.64	18.53	

[1] Depreciable or depletable assets: 99.75−80.81=18.94; investment tax credit: .10(4.41−3.09+3.70)=0.50; present value at time 0 of net cash flows at .1416=81.66.

[2] Depreciable or depletable assets: 27.18−18.00=9.18; investment tax credit: .10(17.76−12.43+3.70)=0.90; present value at year 0 of net cash flows at .1416=30.91.

NOTE.—(4)=(2)×(3); (5)=(4)×.48; (6)=(2)−(5).

Exhibit 21 summarizes the present value of the after-tax cash outflows from the cost components. A present value at time 0 of 106.52¢ is required to produce 3.36 Mcf of natural gas after total costs have been allocated between gas production and liquids.

EXHIBIT 21.—AFTER-TAX CASH OUTLAYS AT 279 PRODUCTIVITY (CENTS PER M FT.[3])

Cost component:	*Present value at 14.16% at time=0*
Exploratory outlays	81.66
Developmental outlays	30.94
Working capital:	
Outlay In −3 of 3.09	4.59
Recovery In +24 of 3.09	(0.13)
Total present value in time=0	117.06
Allocation factor (multiplied by)	.91
Present value of cost item Cash flows (cents per 3.36 M ft[3])	106.52

The present value at time zero of the production of 3.36 Mcf according to the rate of take given in Exhibit 19, using a 14.16% discount rate, is 1.3015 Mcf. Thus, at a price per Mcf of P, with a 16% royalty rate, allocated operating costs of 2.82¢ per Mcf and allocated regulatory expense of 0.09¢/Mcf, the present value of the after-tax cash flows from the sale of 3.36 Mcf over the 25-year production life of the field (exclusive of the tax savings from depreciation) is

$$(.84P-2.82-.09)\times.52\times1.3015=.5685P-1.9694$$

Further analysis would show that the present value of the tax saving arising from the depreciation charges of the tangibles is 8.03¢ per 3.36 Mcf.

Equating the present value of the cost item outlays with the present value of the after-tax cash flows from sales, results in a constant price of

$$.5685P-1.9694+8.03=106.52$$

or

$$P=176.7¢ \text{ per Mcf}$$

Including the effect of a 4¢ escalator per year reduces the base-year price. In this case, the present value of a 1¢ escalator is 3.292¢ (somewhat higher than 3.36 times the 699–H case, since the rate of take is faster in the OEC model). Using a 4¢ escalator we find the base year cost-justified price to be:

$$.5685P-1.9694+8.03+3.292(4)=106.52$$

or

$$P=153.5¢ \text{ per Mcf}$$

Thus, the OEC cost-based price is 153.5¢ per Mcf beginning in year 1976 and escalating at 4¢ per year.

c. *323 Productivity.* Exhibits 22 and 23 are patterned after Exhibits 20 and 21 but with cost computations based upon a 323 Mcf productivity. The present value of the revenue stream is

$$(.84P-2.82-.09)\times.52\times1.3015=.5685P-1.9694$$

With the present value of the tax savings arising from depreciation charges of the tangibles at 6.956¢ per 3.36 Mcf, the equating of the present value of revenues with costs leads to a constant price of

$$.5685P-1.9694+6.956=92.61$$

or

$$P=154.1¢ \text{ per Mcf}$$

Using a 4¢ escalator results in a base year cost-justified price of:

$$.5685P_o-1.9694+6.956+3.292(4)=92.61$$

or

$$P_o=131.0¢ \text{ per Mcf}$$

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EXHIBIT 22.—*OEC cost summary and tax treatment at 523 productivity*

[Cents per thousand cubic feet]

(1) Exploratory costs [1]	(2) Gross outlays	(3) Percent expensed	(4) Expensed amount	(5) Tax reduction from expensing	(6) Net cash flow	(7) Time
Exploratory O/H (cents per 3.36 Mft [3])	5.33	95	5.07	2.43	2.90	−3
Exploratory other (cents per 3.36 Mft [3])	14.75	95	14.01	6.73	8.02	−3
Lease acquisition (cents per 3.36 Mft [3])	11.09	0	0	0	44.09	−2
Nonproducing lease expensed	0	75	33.07	15.87	(15.87)	−1
Dry hole (cents per thousand cubic feet)	15.80	100	15.80	7.58	8.22	−1
Successful well (cents per thousand cubic feet)	4.01	70	2.81	1.35	2.66	−1
Production facilities (per thousand cubic feet)	3.20	0	0	0	3.20	−1
Total	87.18		70.75	33.96	53.22	
Developmental (cents per thousand cubic feet) [2]						
Successful well	15.29	70	10.70	5.14	10.15	0-9
Dry hole	4.49	100	4.49	2.16	2.34	0-9
Production facilities	3.20	0	0	0	3.20	0-9
Recompletion	.50	70	.35	.17	.33	0-9
Total	23.48		15.54	7.46	16.02	

[1] Depreciable assets: 87.18−70.75=16.43; investment tax credit: .10[4.01−2.81+3.20]=0.44; present value at time 0 of net cash flows at 14.16 pct: 71.16.

[2] Depreciable assets: 23.48−15.54=7.93; investment tax credit: .10 15.29−10.70+3.20)=0.78; present value at time 0 of net cash flows at 14.16 pct: 26.74.

NOTE.—(4)=(2)×(3); (5)=(4)×.48, (6)=(2)−(5).

Exhibit 23.—After-Tax Cash Outlays at 323 Productivity (cents per M ft³)

Cost component:	*Present value at 14.16% at time=0*
Exploratory outlays	71.16
Developmental outlays	26.74
Working capital:	
Outlay in −3 of 2.68	3.99
Recovery in +24 of 2.68	(0.11)
Total present value at time =0	101.77
Allocation factor (multiplied by)	.91
Present value of cost item cash flows (cents per 3.36 M ft³)	92.61

IV. RATE DETERMINATION FOR 1973–1974 VINTAGE GAS

The current price for natural gas of the 1973–1974 vintage, as established in Opinion No. 699–H, is 52 cents per Mcf. That price was established without the benefit of actual drilling cost data for 1973 or 1974, and without reserves added data for 1973 and 1974, included in the rate determination and before enactment of the Tax Reduction Act of 1975. Subsequently, the data revealed dramatic increases in costs between 1973 and 1974, and continued declines in average productivity. Current and future production of that gas will not receive the benefits of percentage depletion and, therefore, future income from the sale of that gas will be subject to a greater income tax than the treatment provided in Opinion No. 699–H.

Thus, while we "vintage" the gas of the 1973–74 biennium so as to preclude it from receiving the 1975–1976 new gas rate, we must adjust the 699–H price to reflect those changing factors.

To develop the adjusted costs we adopt the following changes:

Productivity.—In Opinion No. 699–H the Commission based the rate upon a seven-year average for the years 1966–1972 and a consequent estimated productivity factor of 485 Mcf per foot. We update that estimate by including in the underlying series the reserves data for 1973 and 1974 and derive a lower productivity of 373 Mcf per foot.[188]

Drilling Costs.—We find the average of 1973 and 1974 drilling costs to be appropriate. The average successful well cost was $30.71 per foot and the average dry-hole cost was $22.60 per foot. These figures are higher than the $29.83 successful well and $16.69 dryhole cost estimates used in Opinion No. 699–H.

Finally, we employ the 15-year depletion period, the tax treatment and the computational rate of return used in determining the 1975–1976 new gas rate. Otherwise, all parameter and cost estimates follow Opinion No. 699–H as summarized in Appendix C of that opinion. The cost component derivations are displayed in Exhibit 24, herein.

[188] Exhibit 2, supra.

EXHIBIT 24.—COST COMPONENTS FOR 1973–74 VINTAGE GAS

[Cents per thousand cubic feet]

Successful wells	8.23=30.71÷373.
Recompletion and deeper drilling [1]	0.20.
Lease acquisition	5.73=8.23×.6957.
Other production facilities	1.86=8.23×0.226.
Subtotal	16.02
Dry holes	6.54=22.60×1.08÷373.
Other exploration	3.75=5.73×.6546.
Exploration overhead	1.31=(6.54+3.75)×0.127.
Subtotal	11.60
Operating expense	3.10
Regulatory expense	0.20
Net liquid credit	(3.89)
Working capital	0.75 {[(11.60×1.336) + (3.10×1.689)].125 + (5.73×1.5)}/15.

NOTE.—Computational rate of return, 14.16 percent.

[1] Opinion No. 662.

Exhibits 25 and 26 are patterned after Exhibits 15 and 16, but with cost and revenue computations based upon the cost components displayed in Exhibit 24. Equating the present value of the cost items to the present value of the revenue stream, we find a constant price of

$$15\times(6.9562)\times(.4368P+3.23)=21.99$$

or

$$P\ 101.2$$

We therefore judge the just and reasonable rate for the 1973–74 vintage gas to be 101¢ per Mcf.

EXHIBIT 25.—*Cost summary and tax treatment for 1973–74 vintage gas*

(1) Component	(2) Gross value	(3) Percent expensed (cents per thousand cubic feet)	(4) Expensed amount	(5) Tax reduction from expensing	(6) Net cash flow	(7) Time
Exploratory other	3.75	95	3.56	1.71	2.04	−3
Exploratory O/H	1.31	95	1.24	.60	.71	−3
Lease acquisition	5.73	0	0	0	5.73	−2
Nonproducing lease expensed	0	75	4.30	2.06	(2.06)	−1
Dry hole	6.54	100	6.54	3.14	3.40	−1
Successful well	8.23	70	5.76	2.77	5.46	−1
Production facilities	1.86	0	0	0	1.86	−1
Recompletion	.20	70	.14	.07	.13	−1
Investment tax credit	0	0	0	.30	(.30)	−1
Working capital	.75	0	0	0	.75	−1
Working capital recovery	(.75)	0	0	0	(.75)	14
Total	27.62		21.54	10.65	16.97	

NOTE.—Depreciable or depletable assets: 27.62−21.54=6.08; investment tax credit: .07×[(8.23−5.76)]+1.86]=.30 present value at time 0 of net cash flows: 21.99.

EXHIBIT 26.—*Cash flow from sales for 1973–74 vintage gas*

[Cents per thousand cubic feet]

Price			P
Royalty			.16P
Net revenue			.84P
Less:			
Operating expenses		3.10	
Regulatory expenses		.20	
Depreciation		6.08	
Liquid credit	(3.89)		5.49
Income before taxes			.84P−5.49
Taxes at 48 percent			.4032P−2.64
Net income			.4368P−2.85
Add depreciation			6.08
After tax cash flow			.4368P+3.23

V. NON-COST FACTORS

As was pointed out in our earlier discussion of cost methodology, a careful examination of costs and revenues associated with the various facets of producer activities is essential in determining a just and reasonable rate. However, it is also important to consider this cost-based price in relation to other economic factors, including market values, inflation, supply and demand, and the costs of alternative fuels. In *Mobil Oil Corporation* v. *F.P.C.*, 417 U.S. 283, 301, the Court noted that the Natural Gas Act provides for the setting of rates equal to the utilities' cost of service plus a reasonable rate of return. The Court went on to state, however, that the Act is not limited only to the concept of cost plus a reasonable rate of return.[189] Accordingly, we utilize a cost-based rate determination as the foundation for our rate-making function, but we examine the non-cost elements in an economic framework to insure that the "end result" is just and reasonable.[191]

In the *Permian Basin Area Rate Proceeding*,[192] the Commission first used an experimental costing methodology to establish maximum and minimum rates for an entire gas producing area. This same methodology was again the basis in Opinion No. 699 in initiating a nationwide rate. Although the Supreme Court affirmed the Commission's *Permian* decision in full,[193] the Court noted that the Commission made no assessment of the effect of its prices on supply, demand, reserves or industry structure. The Supreme Court advised that in future cases the Commission should state more "fully and carefully . . . its assessment of the consequences of its orders for the character and future development of the industry." [194] Furthermore, the Court unequivocally stated that the Commission is not bound by the sum of cost and return even if it adopts cost as the primary basis of the calculations.[195]

Similarly, in affirming the Commission's decision in the *Southern Louisiana Area Rate Cases* (Austral),[196] the Court of Appeals found that the need for dramatically increased production justified the inclusion of non-cost factors, and that the Commission had the power to include non-cost elements that reflect its assessment of the need to use price as a tool to influence such economic rela-

[189] 417 U.S. at 316.

[191] *FPC* v. *Hope Natural Gas Company*, 320 U.S. 591 (1944).

[192] 34 F.P.C. 159.

[193] *In Re Permian Basin Area Rate Cases*, 390 U.S. 747, 88 S. Ct. 1344 (1968).

[194] *Id.*, 390 U.S. at 792, 88 S. Ct. at 1373.

[195] *Id.*, 390 U.S. at 815, 88 S. Ct. at 1385 and nn. 97–99.

[196] *Southern Louisiana Area Rate Cases* v. *F.P.C.*, 428 F.2d 407 (1970).

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tions.[197] Although the Commission's area rate decision was affirmed, the Court of Appeals noted the Commission's failure to approach supply and demand, and other non-cost factors, in either a semi-quantitative or qualitative fashion.[198] In conclusion the Court said that in the future the Commission must estimate the needs of consumer service, explain how that level of service is related to actual demand, and then fix a rate stating how it will affect the industry's tendency to meet that level of service.[199]

In the reopened *Southern Louisiana Rate Proceedings*, the Commission issued Opinion No. 598[200] in which it noted that "[we] would be derelict . . . if we were to be guided by the legalism of the past in seeking solutions to the problems which have grown like barnacles as this case has aged and its size has mounted."[201] In affirming the Commission's opinion, the Court of Appeals observed that the overriding objective of the Commission was to adopt "a total rate structure to motivate private producers to fully develop resources."[202]

The most recent decision of the Supreme Court, with respect to the consideration of non-cost factors, occurred in *F.P.C. v. Conway Corp.*, No. 75-342 (June 7, 1976). There, the Court found that the Commission must consider regulated non-jurisdictional retail rates in establishing wholesale rates for jurisdictional electric utilities. The Court noted that "consideration of the relationship between jurisdictional and non-jurisdictional rate structure is commonplace, and is nothing more than is required by *Colorado Interstate Co. v. Commission*, 324 U.S. 581 (1945), and by *Panhandle Co. v. Power Commission*, 324 U.S. 635 (1945)."

In Opinion No. 699, the Commission noted the Austral requirements[203] that non-cost factors such as the effect of the new national rate upon supply and demand be considered.[204] The producers, however, objected to the cost-based methodology employed, and argued that other non-cost factors such as the "commodity value" of natural gas should have been considered.[205] In affirming the Commission's opinion,[206] the Court rejected this argument stating that the "approved practice of basing rates on cost carries a substantial presumption of validity."[207] Consequently, the Commission can hardly abandon its traditionally cost-based methodology, i.e. that costs must be the point of departure in arriving at a just and reasonable rate. *City of Detroit, v. F.P.C.*, 230 F. 2d 810 (CADC 1955) cert. denied, 352 U.S. 829, in the absence of legislative action or judicial mandate.

At the same time, the Natural Gas Act requires examination of a broad spectrum of economic factors. *Colorado Interstate Gas Co. v. F.P.C.*, 324 U.S. 581, 605. The Supreme Court has held that the total effect of the rate order must be just and reasonable. *F.P.C. v. Hope Natural Gas Co.*, 320 U.S. 591 (1944). Thus, we will build upon evidence that supports a just and reasonable cost-based rate determination, and go on to consider its relationship to such non-cost factors as commodity value, inflationary impact, and supply and demand effects.

A. INTRASTATE MARKETS

The regulation of the price of natural gas was based on the premise that workable competition does not exist in the gas-producing industry. If this premise is true, then observed prices in unregulated markets will be higher than would prevail under competitive conditions. Others contend that in the absence of barriers to entry, production is competitive.

We have been mindful of these opposite views in factoring in the price of gas in the unregulated intrastate markets into our price determination.

Intrastate prices have risen dramatically over the past few years, as the prices reported in Exhibit 27 indicate. The most recent average intrastate price is 1.55¢/Mcf for the first quarter of 1976. Since a competitive market price tends toward the cost of producing the good or service in question, insofar as the intrastate markets are competitive, this price indicates a cost-based price for natural gas. The price we set with this opinion is somewhat lower than that of many recent intrastate prices. The differential may be due to a lack of workable competition in those markets or supply/demand imbalance in those markets that results in the current price not being that which would prevail in long-run equilibrium.

We are also mindful that there is some reluctance upon the part of producers to permanently dedicate fields to the interstate market. Such a long-term commitment carriers a cost that must be borne. We take this into account in establishing the rates herein.

[207] *Id.*, slip opinion at 185.

EXHIBIT 27.—*Intrastate prices*

[Cents per thousand cubic feet]

	1975		1976
	1st half	2d half	1st quarter
New contracts:			
Average price	125.9	138.9	154.8
Percent of volumes sold between—			
0 and 50 cents	1.0	1.2	.2
51 cents and $1	23.4	30.6	6.3
$1.01 and $1.50	45.0	31.9	36.4
$1.51 and $2.00	29.2	31.8	56.9
$2.01 and $2.50	1.4	4.5	.2
Renegotiated contracts:			
Average price	141.6	146.0	178.0
Percent of volume sold between—			
0 and 50 cents	4.4	3.9	.7
51 cents and $1	17.1	12.2	11.3
$1.01 and $1.50	31.6	32.4	7.5
$1.51 and $2.00	44.8	46.9	47.6
$2.01 and $2.50	-2.1	4.6	32.9

Source: Intrastate natural gas prices, FPC form 45, news release Nos. 21987, 22237, 22368.

B. COMMODITY VALUE

The commodity value of natural gas also plays a role in our price determination. Our mandate is to achieve an adequate supply of natural gas at the lowest possible price. So long as gas is priced below its commodity value (as set by the price of other energy alternatives, including conservation), there will be excess demand. This simply means that at that price, consumers will demand more gas than producers will supply.

Regardless of the origin of today's energy pricing structure, interstate gas clearly is priced well below its commodity value in relation to that structure, and substantial excess demand is therefore present. This excess demand is reflected in the curtailments of firm delivery contracts by many pipelines and the limits on new customers in most parts of the country. Gas production peaked in 1973 and has fallen steadily since then.

Of course it would be improper to increase the ceiling price of natural gas if we believed that both supply and demand were totally inelastic. But we do not believe that they are. Not only have many empirical studies indicated substantial supply and demand elasticities, but supply conditions are also right. There are millions of acres of OCS leases that have yet to be explored and many onshore fields where it is not profitable to produce gas at historic prices but will be so at the price we set herein. There is an ample supply of drilling equipment available both on and offshore.

We are mindful that if we were to set the price herein solely on the basis of its

[197] *Id.*, at 426.
[198] *Id.*, at 436.
[199] *Id.*, at 444.
[200] 46 F.P.C. 86 (1971).
[201] 46 F.P.C. at 102.
[202] *Placid Oil Co. v. FPC*, 483 F.2d 880, 891 (1973) *affirmed sub nom., Mobil Oil Corp. v. FPC*, ___ U.S. ___ (June 10, 1974).
[203] *Southern Louisiana Area Rate Cases v F.P.C., supra.*
[204] See Opinion No. 699, __ F.P.C. __, slip opinion at 16.
[205] The term "commodity value" referred to the value of natural gas calculated by determining the price and availability of substitute fuels to the consumer, and subtracting a reasonable allowance for transportation and distribution to arrive at a field price for natural gas. See Appendix B of IPR Response in Docket No. R-389-B.
[206] *Shell Oil Co. v. FPC*, __ F. 2d __ (USCA 5th Cir. 1975), *cert. denied*, __ U.S. __, June, 1976.

commodity value, the excess demand for natural gas would not be reduced to zero because of rolled-in pricing by pipelines and the existence of a large base of pre-1/1/73 flowing gas at low prices. Pricing near commodity value over time will, however, lead to a gradual reduction in the excess demand as post 12/31/72 gas becomes increasingly dominant in total supply.

Thus, we find it useful to examine the commodity value of natural gas in today's energy markets.

Exhibits 28 and 29 detail some of the actual prices of competitive fuels within the U.S. economy. To compare these prices, we have taken observed prices of oil in various sectors of the country, and estimated the well-head price for natural gas which would be competitive at the average market. This estimation takes account of the cost of transporting gas from well to the average market, and of the historic energy relationship of gas and oil, with gas selling at about 85% of the Btu-equivalent price of oil.[208]

Exhibit 28 reports prices paid by electric utilities for residual (No. 6) fuel oil over the twelve months ended January 1976, for the major oil-consuming sections of the country. Exhibit 26 uses the most recent spot price data from the Oil and Gas Journal. When the regional prices prices are weighted by each region's gas consumption, we get the following results:

	1,000 ft³ equivalent
Contract No. 6 oil to utilities	$1.43
Spot market No. 6 oil to utilities	1.28
Recent spot No. 2 distillate	1.57
Recent spot No. 6 residual	1.31

We also note that the FEA's $11.40 per barrel upper tier price for oil at the wellhead in early 1976 translates to a gas wellhead value of $1.67 per Mcf at 85% Btu-parity. This is well above the $1.42 price of this decision, since both prices include comparable escalation factors.

A further comparison with liquified natural gas (LNG) and synthetic natural gas (SNG) equivalent values requires attention. A recent report[209] noted that "The delivered cost to the pipeline of liquified natural gas to planned projects will be anywhere from 86.6¢ per million Btu (MMBtu) to $3.34." These equate to equivalent rates of 86.6¢ per Mcf and $3.24 per Mcf on a 1,000 Btu basis. The price of high-Btu SNG is uncertain, but unlikely to be lower than these LNG prices.

[208] This relationship was also used by the Canadian National Energy Board in their recent gas pricing decision. In that decision, the export price for natural gas to the United States was raised from the current $1.60 per Mcf to $1.80 per Mcf, effective September 10, 1976, and to $1.94 per Mcf, effective January 1, 1977. Statement of The Honorable Alastair Gillespie, Minister Of Energy, Mines and Resources On Export Gas Pricing, June 10, 1976.
[209] Oil & Gas Journal, V. 74, No. 28 (July 12, 1976), p. 20. The report makes note of plans to purchase gas f.o.b. Algeria and Indonesia at $1.25 to $1.50 per MMBtu (or per Mcf), with additional shipping and terminal costs of $1.30 to $1.60 per MMbtu (or per Mcf). The only LNG cited at less than $1.42 per MMBtu is that contracted from Algeria in 1972 at a base price of 30.5 cents.

EXHIBIT 28.—*Utility residual (No. 6) prices, monthly average (February 1975 to January 1976)*

Geographic area	Prices paid (cents per 10⁶ Btu)		Distance from wellhead (miles)	Wellhead equivalent price (cents per 1,000 ft³) [1]	
	Contract	Spot		Contract	Spot
New England	196	179	1,500	122	107
Mid-Atlantic	198	187	1,300	129	120
South-Atlantic	183	180	1,000	126	123
Pacific	253	220	1,500	170	144
Average				137	123

[1] Wellhead equivalent is based upon 85 pct parity at city-gate, with 3¢/1,000 ft³ 100 mi transportation and 1,000,000 Btu's per 1,000 ft³.

Source: Reports on fuel cost, quality, Federal Power Commission.

EXHIBIT 29.—*Spot prices, June 1976*

Location-type	Average price [1]	Average price, cents per 10⁶ Btu	Distance from wellhead (miles)	Wellhead equivalent price (cents per 1,000 ft³)
Mid-Continent:				
Distillate No. 2	28.57¢/gal	208	800	153
No. 6	$10.75/bbl	171		121
Chicago:				
Distillate No. 2	30.75¢/gal	222	1,000	159
No. 6	$12.10/bbl	192		133
New York Harbor:				
Distillate No. 2	$2.02¢/gal	231	1,300	157
No. 6	$12.92/bbl	206		135
Average				143

[1] Source: "Oil and Gas Journal," June 7, 1976.

C. ECONOMIC IMPACT

Sections 4(a) and 5(a) of the Natural Gas Act require that the rate prescribed herein be just and reasonable. The Courts have set forth several guiding principles for judging the economic impact of natural gas rate regulation. In the *Hope* case, the Supreme Court declared that the purpose of the Natural Gas Act was "to protect consumers against exploitation at the hands of natural gas companies".[210] The Courts have also recognized that consumer protection embraces adequacy of supply as well as the lowest reasonable price.[211] We do not view these as competing objectives, but rather as a dual requirement for a "just and reasonable" rate. The cost to consumers is just as real whether it takes the form of inadequate service or an excessive price.

We have determined that a national base rate of $1.42 per Mcf, plus annual escalations of 4 cents per Mcf, is necessary to induce producers to make long-term investments to replace the volumes being consumed and to find additional reserves for the anticipated market growth. Such investments will not be made unless producers are offered the prospect of a reasonable rate of return after all costs and taxes are paid. While we know of no data that will enable us to estimate the amount of new reserves this price will elicit, we are convinced that a cost-based rate, inclusive of a competitive market rate of return and an adequate tax allowance, is the appropriate supply-eliciting price in this proceeding. Not only will such a ceiling price safeguard consumers against "exploitation", since it is demonstrably below the maximum prices that could be exacted for new interstate gas in today's sellers' market, but it will also provide the economic incentive for producers to risk their capital in drilling for new reserves in areas where the prospective discoveries were not economically attractive at the pre-existing ceiling price.

The new national rate will affect gas supplies available both to current gas users and non-users, as well as reducing general demand for gas. Based on our understanding of current gas supply prospects, we would hesitate to predict that higher prices will reverse the downtrend of gas production that has been experienced during the past few years—we note, for example, that marketed production in the first quarter of 1976 was 2.8 percent lower than a year earlier and that domestic sales to interstate pipelines were 4.3 percent lower.[212] Nevertheless, we are confident that the supply situation will deteriorate more rapidly, especially in the interstate market, if prices are not allowed to increase. The consequence of such deterioration will be the further shift of energy use to higher-priced alternate fuels, notably oil imported from the Middle East. The increased availability of incremental gas supplies at the national rate was have prescribed herein will be a less expensive alternative for the Nation's consumers.

It should also be noted that natural gas has been supplying almost 50 percent of the energy consumed by the industrial

[210] *FPC v. Hope Natural Gas Co.*, 320 U.S. 591, at 610 (1944).
[211] *Mobil Oil Corp. v. F.P.C.*, 417 U.S. 283 (1974).
[212] Source: U.S. Bureau of Mines and FPC Form 11.

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sector of the economy.[213] The availability of increased gas supplies to the industrial sector, particularly to those industries where gas cannot be efficiently replaced with other fuels, will contribute to increased productivity and a growing national economy.

These direct and indirect benefits to all Americans cannot be achieved at the current level of prices for natural gas. The higher prices authorized by this order will impose certain higher costs on some existing gas users as a necessary concomitant of creating the overall benefits.

It would be possible to make assumptions as to the amount of gas now flowing whose price would increase and the amount of new gas that would be called forth by the new price. These numbers could then be used to calculate a price impact for different usage levels.[214] But such an exercise would be simplistic and invalid. It would be assuming that the usage patterns of present consumers will be unaffected by price, and it would ignore the savings from reduction in the use of alternate fuels. While the magnitude of such impacts may be disputed, their direction is quite clear.

Appendix D presents a staff study which attempts to quantify all of the impacts of higher prices, and concludes that there will be a net benefit to all Americans, primarily because of the lessening of dependence on foreign oil. While we do not depend on the exact validity of the numbers in that study, we do maintain that it demonstrates the offseting costs and cost-savings of a proper cost-based national rate. Whether the true result is a net benefit of the size argued in the Appendix, or a smaller benefit or even a small net cost, cannot be known until the event. But the reasoning of that Appendix correctly demonstrates that higher costs to those who happen to have access to an assured supply of natural gas will be approximately offset by the benefits to those who will now be able to get gas for high-value economic activity. Conservation considerations have been taken into account as required by the Energy Policy and Conservation Act.[215]

[213] Data from U.S. Bureau of Mines, as published in 1974 Gas Facts, American Gas Association, page 58.

[214] *E.g.*, assuming 0.85 Tcf per year of 1973–74 vintage gas sells at a price of 107.1¢ per Mcf (including gathering allowance and state taxes) rather than the current 55.6¢ per Mcf, and that all gas qualifying under this Opinion (assumed to amount to .90 Tcf per year initially and increasing steadily to 1.35 Tcf by the end of the forthcoming year) sells at 150.1¢ per Mcf to 153.1¢ per Mcf over the year rather than 55.6¢ per Mcf, we could estimate the price of gas will increase 13¢ per Mcf in the forthcoming year, and thus estimate the average residential gas user, consuming 120 Mcf per year, will pay about $15.60 more per year. But for the reasons indicated in this section, such an analysis would be misleading and inaccurate if extended to the long run.

[215] Public Law 94–163, 89 Stat. 871, 939–40. 42 U.S.C. 6362.

D. OTHER ECONOMIC FACTORS

1. Supply/Demand

The effect of the higher price for new gas established herein will be to increase supply and reduce demand for natural gas relative to what they would have been in the absence of such an increase. The extent of such effects cannot be predicted with a sufficient degree of accuracy to warrant reporting herein. Yet outlining the nature of the impact is useful.

(a) Insofar as gas supply is increased, it will substitute for the more expensive energy alternatives. With imported oil currently selling at a Btu equivalent gas price of nearly $2.25 per Mcf, the substitution of less expensive gas for more expensive oil will have a significant effect on the overall inflationary impact of this price.

(b) It has been estimated [216] that the national gain from all cost-effective conservation measures would be about $9 billion in 1980. Present natural gas consumers account for a disproportionate share of the costs of energy waste, in large measure because their gas has been so cheap. We must recognize the significant degree of conservation which is possible in each sector if consumers take those efficiency-improving steps that did not pay for themselves at old prices, but do pay in saving the higher-priced gas (even at the rolled-in price.)

2. Outer Continental Shelf (OCS) Lease Bonuses

There is, of course, some uncertainty regarding OCS drilling costs and productivities. If higher offshore productivities more than offset higher drilling costs, producers will have an opportunity to earn higher profits. Some or all of these profits can be captured by the Federal government through competitive bidding for leases, with the extent of this offset determined by the degree of competition in the bidding. Thus, insofar as OCS gas might be overpriced, this method of sharing the national benefits of OCS gas appears more equitable than a simple distribution, through lower prices, to consumers who happen to have access to gas supplies.

3. Tax Revenues

Given our decision to employ the full corporate tax treatment for producers, the effect of this decision on Treasury receipts should be significant. Exhibit 30 contains a reconciliation between the cost and price determination components of Opinion No. 699–H and this opinion. The net effect of the change on taxes is estimated at 43.7¢ per Mcf using a productivity factor of 300 Mcf per foot. If a total of 2.1 Tcf of gas produced during the next year is subject to the price set herein, producers will pay $918 million in federal income taxes. Insofar as this reduces the need to tax consumers to support governmental activities, the impact of the higher price set herein is mitigated. Insofar as the gas from wells drilled during the previous biennium cost less than the current cost estimates employed herein, further tax liabilities will be incurred by producers. It should also be noted in Exhibit 30 that with the increase in price due to the inclusion of taxes, royalty payments would increase $175 million dollars [2.1 Tcf x (.2579—.1746)], with Federal domain royalties going to the Treasury and with an unknown fraction of the remaining amount also going to taxes.

To the extent our decision stimulates more drilling activity, immedate producer cost write-offs will allow many of these tax payments to be deferred, but the incremental tax liability will remain. Indeed, the rate calculations recognize the time value of this deferral to producers.

[216] "Economic Benefits of Energy Conservation", Proceedings of U. of Miami/ERDA Forum on Energy Conservation, December 1975.

EXHIBIT 30.—*669–H reconciliation*

	Original 699–H	699–H with 1975 cost data	699–H with 1975 cost and 1976 tax treatment
Basic data:			
Productivity (thousands of cubic feet)	485	300	300
Drilling costs per foot	29.83	38.53	38.53
Dry hole factor	1.00	.80	.80
Productive life (years)	18	15	15
Cost components (cents per thousand cubic feet):			
Other exploratory	2.80	4.73	4.73
Exploratory O/H	.83	1.71	1.71
Lease acquisition	4.28	14.13	14.13
Dry hole	3.72	8.12	8.12
Successful well	6.15	12.84	12.84
Recompletion	.20	.50	.50
Other production factor	1.39	3.41	3.41
	19.36	45.47	45.47
Cost allocated factor (percent)	NA	91	91
Allocation cost (cents per thousand cubic feet)		41.38	41.38
Working capital (cents per thousand cubic feet)	.46	1.33	1.33
Level Price (cents per thousand cubic feet)	53.47	109.10	161.16
Royalty	8.55	17.46	25.79
Total operating expense	3.30	2.91	2.91
Liquid credit	(3.89)	0	0
Taxes (net)	0	0	43.72
Return of investment	19.36	41.38	41.38
Return on investment (includes working capital)	26.15	47.35	47.36

VI. RATE ADJUSTMENTS

A. DEEPER DRILLING AND DEEPER OFFSHORE WATER DEPTHS

In the order of December 4, 1974, instituting this national rate proceeding, the Commission specifically requested the participants to address the issue of whether an increased allowance for deeper drilling and deeper water depths should be incorporated in the national rate structure. Opinion No. 699 provided no such allowance because the Commission therein determined that there was not a sufficient data base to establish a nationwide allowance. The Commission anticipated the compilation of a sufficient data basis in this biennial review to enable the Commission to determine the appropriate allowances for drilling efforts in deeper water and to greater depths. Four parties here addressed the costs associated with these extraordinary drilling activities.

The GHK Company and GasAndarko, Ltd. comments recommended a rate of return of at least 33% for wells drilled below a depth of 15,000 feet in lieu of the 15% rate of return adopted in Opinion No. 699–H. The recommendation was based upon greater capital risks, a 13% greater risk due to a lower average success ratio, a 51.6% greater risk for unanticipated drilling and completion problems, and an additional increment of 1.2 percentage points for the time value of money during longer drilling periods. GHK also stressed the problems of obtaining capital for deep drilling ventures.[217]

UDC submitted a study prepared by Dr. Root that estimated the initial recoverable reserves by size of field in the Deep Permian Basin formations in excess of 15,000 feet.[218] The study indicated that four large fields representing 9.3% of the total number, contained 63.7% of the total gas reserves discovered to date. Twenty-six intermediate fields, accounting for 60.5% of the total fields, contained 36.2% of the total reserves. Thirteen small fields contained only 0.1% of the total reserves.

UDC's evidence, although limited to deep drilling in the Permian Basin, estimates the well costs and the gas reserves found for certain fields at depths of 15,000 feet and greater. This evidence suggests a productivity for the deep wells of over 1100 Mcf per foot. If the large fields of over 400 Bcf are excluded, the productivity drops to about 845 Mcf per foot.

UDC estimated that the cost of drilling a deep gas well in the Permian Basin in 1974 was approximately $100 per foot. For the U.S., excluding Alaska, Joint Association Survey (JAS) drilling data for 1974 indicates a cost of $96 per foot for gas wells drilled below 15,000 feet. Assuming that the cost inflation for deep wells is comparable to that for all wells, the estimated cost of deep wells for the year 1975 would be $110 to $115.

Applying the productivity factors to the assumed cost of $115 per foot yields estimated successful well costs of about 10 cents per Mcf at 1100 productivity and 13.5 cents for 845 productivity derived from the medium and smaller fields. Thus, it appears that the average successful well cost for the deep Permian Basin is not greatly different from the average costs for the nation. Dry-hole risk and expense appears to be somewhat higher for the deep wells than for average wells,[219] but again the higher productivity would tend to offset the increase.

The evidence of GHK and Anadarko, Inc. demonstrates that the technical difficulties and substantial capital related to deep drilling entail more risk than average drilling. However, this evidence offers no indication of the rewards associated with deep drilling in terms of the amount of gas reserves found or the deliverability of the deep wells.

We once again do not have sufficient evidence to establish the extent to which costs of the average deep well may exceed the national average costs. Because of the nature of ultradeep drilling, there is not a large volume of nationwide cost and productivity available for such drilling activity.[220] Productivity, of course, is a key element and may not be as great for the average deep well as the data from Permian would suggest. Until such time, however, as we are presented with a broader sample of productivity data for deep wells, we have only the Permian data upon which to rely. That data does not adequately support nor enable quantification of a rate increment for the deep wells.

Two parties addressed the cost of drilling in ultra-deep water.

Initial comments were filed by Mr. Geer on behalf of IPR.[221] Mr. Geer compared the cost of producing nonassociated gas at water depths of 100 feet, 300 feet, 600 feet and 1,000 feet and estimated that Gulf of Mexico wells at water depths of 300 feet, 600 feet and 1,000 feet would cost 15%, 44% and 124% more, respectively, than a well at a water depth of 100 feet. Similar cost projections were made for the South Atlantic, North Atlantic, South Pacific and North Pacific offshore regions which reflected even higher costs at successive water depths.

Sun Oil Company (Sun) recommended an allowance for deep water drilling indicating that costs in deep waters are much greater than similar costs in shallow waters. In both instances, only expenditures were considered with the underlying assumption that productivity is the same in both deep and shallow waters.

Sun recommends that the deep water allowance be 1.5 times the nationwide rate. The evidence amply demonstrates that the cost of equipping the exploration and development effort in the ultra-deep water is substantially in excess of costs in the more shallow water or on shore. Further, there is no sound geological reason to anticipate productivity to differ vastly relative to water depth. Nevertheless, while a simple multiplier would be appealing, there is not a sufficient evidentiary base for determining the multiplying factor.

The JAS report does not categorize offshore well costs by water depths, and the AGA does not report offshore reserves by depth below the ocean floor or by the overlying water depths. The absence of this information in the record makes the computation of a deep water drilling increment impossible in this proceeding.

Nevertheless, should adequate data become available, we would consider the initiation of the proceedings required to determine the appropriate allowances for drilling efforts to depths greater than 15,000 feet and drilling efforts in ultra-deep water.

B. BTU ADJUSTMENT

In Opinion No. 699, the Commission provided an adjustment for Btu content allowing both upward and downward adjustments in the rate from a base of 1,000 Btu per cubic foot. The same adjustment will be provided in this proceeding.[222] This is the basis which was utilized in the prior rate proceedings.

For natural gas containing more than 1,000 Btu's per cubic foot, at 60° F. and 14.73 psia, upward adjustments shall be made on a proportional basis from a base of 1,000 Btu's per cubic foot; and for natural gas containing less than 1,000 Btu's per cubic foot, at 60° F. and 14.73 psia, downward adjustments shall be made on a proportional basis from a base of 1,000 Btu's per cubic foot. This adjustment shall be made after the base rate prescribed herein is adjusted for all state or Federal production, severance or similar taxes.

C. TAX ADJUSTMENTS

The rate prescribed herein will be adjusted upward for all state or Federal production, severance, or similar taxes, effective the date deliveries are commenced, and shall be adjusted upward by 100% of any increase in such taxes subsequent to the date deliveries were commenced, and shall be adjusted downward by 100% of any decrease in such taxes subsequent to the date deliveries were commenced.

D. PIPELINE PGA FILINGS

We have determined that jurisdictional pipelines having effective Purchased

[217] Comments of GHK Company and GasAnadarko, Ltd., May 30, 1975.

[218] UDC Comments, May 14, 1975, Statement 5, Appendix A.

[219] See Comments of GHK Co., and GasAnadarko, Ltd., May 30, 1975, Exhibit V.

[220] The 1974 JAS report noted only 77 oil wells, 152 gas wells and 170 dry holes drilled to depths of 15,000 feet or greater. Oil wells and dry holes decreased significantly and gas wells decreased slightly from 1972 levels. The superdeep wells in 1974 accounted for less than 1.3% of all wells drilled in 1974.

[221] IPR Comments, May 30, 1975, Appendix E.

[222] Texaco, Inc., 33 F.P.C. 1228 (1965).

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Gas Adjustment Clauses on file with the Commission should be permitted to make a one-time special purchased gas adjustment (PGA) filing to track the increased rates prescribed in this opinion. This reflects the same treatment afforded pipelines in Opinion Nos. 699–H and 749–A.

Accordingly, we shall waive the requirements of Section 154.38(d)(4)(iv) to permit the filing of this special PGA increase on or before September 27, 1976, to track all increases in purchased gas cost attributable to the rate prescribed herein which have been filed by natural gas producers under Section 2.56(j) on or before August 26, 1976. We shall permit an effective date of October 27, 1976. We recognize that requiring pipeline companies to file 30 days after the filing date for independent producers and requiring adherence to the 30-day notice requirements will delay recovery by the pipelines of the increased purchased gas cost. Therefore, we will provide for a surcharge to be added to the September 27, 1976, adjustment to enable the pipelines to recover the costs incurred prior to the adjustment in rates. No other increases in purchased gas cost shall be included in such filing. If a pipeline does not make this special PGA filing on or before September 27, 1976, such pipeline will be permitted to track the rates prescribed in this opinion solely through its regular semiannual PGA filings.

E. REFUNDS AND RATE REDUCTIONS

We have determined that natural gas producers who elect to discharge their existing refund obligations under prior area rate opinions by dedicating new supplies of natural gas to the interstate market covered by the opinion will be required to price such natural gas at the applicable area rate.[225] Those natural gas producers making small producer sales who elect to discharge their existing refund obligations by such new dedications will be required to price such natural gas at the rates established in area rate proceedings as modified by Opinion No. 742.[226] Producers who desire to obtain the contingent escalations for flowing gas as provided in Opinion Nos. 595, 598, 607, and 662 will be required to dedicate those new natural gas supplies which they seek to have applied toward triggering the flowing gas escalations at the rates provided in those opinions.

This treatment is consistent with that afforded producers in Opinion Nos. 699[227] and 749[228] for the same reasons as specified therein. Where a producer has commenced a sale of natural gas in interstate commerce and the volumes of gas from that sale are being credited toward the producer's refund obligation or applied to triggering the contingent escalations in the aforementioned area rate opinions,[229] the producer will not be allowed to receive both the price prescribed herein and continue to receive the refund credit or contingent escalation credit. The producer must make a decision as to whether it is more beneficial to receive the higher rate prescribed by this opinion and waive the refund credits and contingent escalations or to sell the gas at the applicable area rate or small producer rate and retain the refund credits and contingent escalations.

To help insure that producers do not gain both the higher rate under this opinion and the refund write-off or contingent escalation of prior orders, we shall require a written waiver of the contingent escalations and refund credits with respect to gas which is dedicated under the provisions of this opinion. That waiver shall state whether such gas has previously been sold in interstate commerce in discharge of refund obligations or toward the triggering of contingent escalations, the date the subject wells were commenced, and whether the gas was previously sold in interstate commerce under 18 C.F.R. §§ 2.68, 2.70, 154.-22, or 154.29.

F. SPECIAL RELIEF

In Opinion No. 699, the Commission provided for special relief when the producer could demonstrate that out-of-pocket expenses incurred in the operation of a particular well were greater than revenues from the sale of the subject gas.[230] The Commission, therein, also permitted the producer to seek special relief when continued production became uneconomical or when Federal income tax liability required such relief. This same treatment was afforded producers in the previous area rate opinions.[231]

Similarly, in Opinion No. 749, we required the submission of a petition for special relief if the producer sought to charge a rate in excess of the national rate for "flowing gas" prescribed therein.[232]

Among the comments filed in this proceeding, Phillips Petroleum Company, in a supplemental response to that of the Producer Group, argues that the special relief approach utilized in Opinion No. 699 was sumbersome and time consuming. Phillips asserts that although the Commission provided procedures for special relief to cover the installation of compression equipment, relief was often too late to be effective. As an alternative, Phillips suggests the inclusion of an additive allowance where a seller performs compression and the seller and buyer jointly certify the need for such compression.[233]

From the evidence before us, it is impracticable to enumerate all of the circumstances which would form an adequate basis for granting special relief. It would be even more difficult to quantify an additive allowance which would be generally applicable to all compression expenditures or any other circumstance warranting special relief. For these reasons, we reject the suggestion of Phillips to isolate compression expenditures as a separate element in the rate structure. Accordingly, we have determined that it should be incumbent upon the producer seeking special relief to specify the circumstances that warrant such relief and to prove by his books and records that special relief is justified.

G. GATHERING ALLOWANCE

The Commission has provided for gathering allowances in both of the previous nationwide rate opinions (Opinion No. 699–H and Opinion No. 749). In those opinions we determined that a gathering allowance should be added to the base rate on an area basis. We find no reason to depart from the procedures set forth in our prior opinions.

Producer Witness Click, on behalf of IPR, presented certain evidence with respect to recently installed gathering systems and recommends a 6¢ per Mcf allowance be added to the national rate where substantial gathering takes place.[234] The data presented purports to show the costs of 13 gathering systems which have been installed since 1970. The data is presented basically on a state by state basis and as such prevents us from identifying precisely where the systems are located. Additionally, no distinction can be made as to whether the lines are carrying intrastate or interstate gas. For example, the second highest gathering cost per Mcf shown in Exhibit RRC–1 of the IPR Comments is in California where all of the gas remains in intrastate commerce.

Accordingly, without specific details on the lines as to capacity, there is no way to determine a time cost per Mcf. From the evidence presented we find no justification for changing from the previous allowances recommended in Opinion No. 699–H.[235]

[225] *Southern Louisiana Area Rate Proceeding*, Docket No. AR69–1, et al., Opinion No. 598, 46 F.P.C. 86, 141, 147–148 (1971); *Texas Gulf Coast Area Rate Proceeding*, Docket No. AR64–2, et al., Opinion No. 595, 45 F.P.C. 674, 709–710, 721 (1971); *Other Southwest Area Rate Proceeding*, Docket Nos. AR67–1, et al., Opinion No. 607–A, 47 F.P.C. 99, 100, 102 (1972); *Area Rate Proceeding (Permian Basin Area II)*, Docket No. AR70–1 (Phase I), Opinion No. 688, ---- F.P.C. ---- (August 7, 1973).

[226] *Exemption Of Small Producers From Regulations*, 45 F.P.C. 454 (1971), as amended 45 F.P.C. 548 (1971), reh. denied, 46 F.P.C. 47 (1971), rev'd sub nom. *Texaco Inc., et al.* v. *F.P.C.*, 474 F.2d 416 (D.C. Cir. 1972), vacated and remanded, 417 U.S. 380 (1974). *Small Producer Regulations*, Opinion No. 742, ---- F.P.C. ---- (August 28, 1975).

[227] See Opinion No. 699, ---- FPC ----, slip opinion at 99–100.

[228] See Opinion No. 749, ---- FPC ----, slip opinion at 43.

[229] See n. 226, supra.

[230] See Opinion No. 699, ------ FPC ------, slip opinion at 105.

[231] E.g., see *Permian Basin Area Rate Cases*, 390 U.S. 747, 770–773.

[232] See Opinion No. 749, ------ FPC ------, slip opinion at 54.

[233] See Comments of Phillips Petroleum Co., June 2, 1975.

[234] IPR Comments, May 30, 1975, Appendix N.

[235] See § 2.56a(d), Ordering Paragraph, infra.

H. SMALL PRODUCERS

The Commission did not make small producers respondents to this proceeding since small producer rates are the subject of a separate proceeding. We are contemporaneously issuing an order upon rehearing of Opinion 742 which will govern small producer rates. Small producer rates will be governed by that opinion.

I. RATES FOR THE APPALACHIAN–ILLINOIS BASIN AREA

As we stated in Opinion No. 699–H, the IOGA proceeding[236] "• • • will develop information which may be useful in determining whether separate rates should be established for the Appalachian area in the future and the potential level of those separate rates. • • •"[237]

On March 19 and 22, 1976, respectively, the Commission issued orders approving settlements in Docket No. RI74–188[238] and Docket No. RI75–21. The rates approved therein applied to both old and new gas produced by small producers in West Virginia meeting the criteria set forth in the Commission's orders issued April 10, 1975, in each docket.[239] The rate authorized in Docket No. RI74–188 was 62.85 cents per Mcf, effective March 19, 1976, for all gas flowing before January 1, 1973. The rates established in Docket No. RI75–21 were $1.00 per Mcf for gas from wells commencing jurisdictional sales during 1973, 1974, or 1975 and $1.158 per Mcf for wells commencing on or after January 1, 1976.

We find that the rate structure prescribed in this opinion is adequate for new gas from the Appalachian-Illinois Basin.

J. PIPELINE PRODUCTION

By Opinion No. 568,[240] the Commission determined that natural gas produced from leases acquired after October 7, 1969, by a pipeline or pipeline affiliate would be priced at the area rate applicable to gas of the vintage which corresponds to the date that the first well on the lease is completed.[241] Opinion No. 568 also continued the cost of service treatment for pipeline production from leases acquired prior to October 7, 1969.

Opinion No. 699–H amended the Commission's Regulations with respect to the vintaging of pipeline or pipeline affiliate production by providing that natural gas qualifying under Section 2.56a(a) of the Regulations would be entitled to the rate established in that opinion regardless of the date the lease was acquired or the first well was drilled, thereon.

We have determined that it is in the public interest to continue the policy adopted in Opinion No. 699–H. The rate prescribed herein applies to pipeline or pipeline affiliate production which qualifies under Section 2.56a(a)(1) as amended herein[242], regardless of the date on which the subject lease was acquired or the first well was drilled thereon.

VII. ENVIRONMENTAL IMPACT

Implementation of this decision will result in increased exploration and development activity. The extent of such increased activity is not known and is not susceptible of meaningful quantification. The location and extent of such activity will further depend upon the results of the initial exploratory activity and the size of the gas reserves ultimately discovered or not discovered. This Commission has no authority to compel private entities to explore for natural gas supplies for the interstate market; our jurisdiction merely extends to the regulation of the rates and service for natural gas that is sold in interstate commerce. Since we lack the power to compel exploration, we cannot compel these private entities to explore for new natural gas supplies in any given geographical area. As a result, it is impossible to determine in advance what environmental impact will occur as a result of increased exploration and development activity, or where within the continental United States such environmental impact will occur.

With respect to the development of new natural gas supplies from the offshore Federal domain, the Department of the Interior prepares final environmental impact statements before particular blocks are proposed to be leased. These statements are supplemented by the detailed environmental impact statements which this Commission requires before a major pipeline project to connect new offshore reserves is approved and construction allowed to commence.[243]

With respect to those new natural gas supplies discovered in the onshore (and offshore) domains of the several states, we have no authority to compel the sale of those natural gas supplies in interstate commerce unless these newly discovered supplies are located upon acreage which has been previously dedicated to an interstate pipeline company. This makes it impossible for the Commission to determine which exploration and development activities will be associated with a sale of new natural gas supplies in interstate commerce prior to the filing of an application for a certificate of public convenience and necessity authorizing the sale of natural gas to an interstate pipeline. We are, therefore, unable to predict which drilling activities will ultimately result in the sale and transportation of natural gas in interstate commerce subject to this Commission's jurisdiction.

Increasing the rates allowed for the sale of natural gas in interstate commerce may have some effect upon the ultimate end use of that gas in the various energy marketplaces. The ultimate end use of new natural gas supplies sold in interstate commerce is not readily definable, since the Commission does not know which interstate pipelines will actually purchase these new supplies for resale. To be sure, all interstate pipelines will purchase new natural gas supplies as they are able to contract for such supplies; however, the prices paid by the various individual pipelines and the various classes of customers to which the different interstate pipelines resell natural gas and the various proportions of the volumes which are consumed in particular end uses vary from pipeline to pipeline. These variations, plus the ability of the individual pipelines to acquire new supplies, add to the difficulties of predicting the environmental impact in the various energy consuming marketplaces.

The Commission anticipates that additional exploration and development activities will be undertaken as a result of this order and that additional supplies of natural gas will be dedicated to the interstate market. There exists no reliable methodology by which the location and extent of this exploration and development activity may be predicted, and we have no method for precisely predicting the volumes of new natural gas supplies that will be forthcoming at the rate established herein. *Placid Oil Company, et al.* v. *FPC*, 483 F. 2d 880, 900–902 (5th Cir. 1973), affirmed sub nom. *Mobil Oil Corp.* v. *FPC*, 42 U.S.L.W. 4842 (U.S. June 10, 1974).

We can conclude that there may be some adverse environmental impact as the result of increased exploration and development activity which is undertaken because of the decision in this proceeding. There may also be some adverse environmental impact as the result of pipeline projects undertaken as a result of the decision rendered in this proceeding. None of the potential adverse environmental impacts which may result from the increase in rates allowed by this decision is reasonably susceptible to any sort of quantification.

The present action will tend to increase gas supplies and to diminish the inefficient use of available gas. It will

[236] *Independent Oil and Gas Association of West Virginia*, Docket No. RI75–21. This proceeding involved a petition for special relief from the national rate.

[237] Opinion No. 699–H, ---- FPC ----, slip opinion at 65.

[238] *Independent Oil and Gas Association of West Virginia*, Docket No. RI74–188. This proceeding involved a petition under Section 5(a) of the Natural Gas Act.

[239] The criteria set forth in both RI74–188 and RI75–21 was identical.

[240] *Pipeline Production Area Rate Proceeding (Phase I)*, 42 F.P.C. 738, as amended, 42 F.P.C. 1089 (1972), affirmed, *City of Chicago* v. *F.P.C.* 147 U.S. App. D.C. 312, 358 F.2d 731 (D.C. Cir. 1971), cert. denied, 405 U.S. 1074 (1972). (Opinion No. 699–H).

[241] 42 F.P.C. 738 at 754, 18 C.F.R. § 2.66(a). (Opinion No. 699–H).

[242] See Ordering paragraph A infra.

[243] 18 C.F.R. §§ 2.80, 2.81, *Implementation of the National Environmental Policy Act of 1969*, 44 F.P.C. 1531 (1970), *as amended*, 45 F.P.C. 563 (1971), as amended, 46 F.P.C. 1240 (1971), as amended, Order No. 415–C, 48 F.P.C. 1442 (1972), *reh. denied*, 49 F.P.C. 359 (1973); *Implementation of the National Environmental Policy Act of 1969*, Docket No. R–473, Order No. 485, 49 F.P.C. 1280 (1973). These requirements apply to both onshore and offshore projects.

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substitute a small amount of clean-burning gas for a larger amount of dirtier fuels. We cannot predict the relationship between the location of fuel use and the air quality in those locations. Neither can we be sure that air-quality benefits outweigh the environmental costs of added gas production. But we can be confident that the aggregate end-use environmental impacts will be beneficial.

VIII. CONCLUSIONS

A. GENERAL CONCLUSIONS

The just and reasonable national rate for post-January 1, 1975 gas supplies dedicated to the interstate market and the revised rate for qualifying 1973–1974 biennium gas supplies prescribed in this decision are founded on costs. In addition, the Commission has examined other relevant facts such as intrastate market prices, the "commodity value" of natural gas, supply and demand effects, and the cost of alternate fuels in evaluating the sufficiency of the cost-based rate for new supplies.

Each of the elements of the rate structures is interdependent upon all of the other elements and stands not by itself but as part of the whole.

In our opinion, the rates prescribed herein are at a level which will serve the public interest by increasing the supply of natural gas available to the interstate market and which will effect a more efficient utilization and allocation of the nation's natural gas resources in an intercompetitive fuel economy.

In summary, the total rate design herein found to be just and reasonable consists of the following integral elements:

1. A base rate of $1.42 per Mcf for post-January 1, 1975 gas (with quarterly escalations of 1.0 cent per Mcf) subject to Btu adjustment plus reimbursement for production, severance, or similar taxes, and gathering allowances (including the onshore delivery of offshore gas at the cost of the producer) for qualifying sales;

2. A base rate of $1.01 per Mcf for qualifying 1973–1974 biennium gas subject to Btu adjustment plus reimbursement for production, severance, or similar taxes, and gathering allowances (including the onshore delivery of offshore gas at the cost of the producer) for qualifying sales;

3. Allowance of the rate established in Opinion No. 699–H for sales formerly made pursuant to contracts which have expired by their own terms where a qualifying renewal contract is submitted to the Commission for certification; and

4. Provisions for certain adjustments to the national rate.

We have "adopted a total rate structure to motivate private producers to fully develop [the nation's natural gas] resources" [242] while assuring the consumer an adequate supply of gas at a reasonable rate. This total rate structure represents a solution "capable of equitably reconciling the diverse and conflicting interests" [243] which are presented on the record of this proceeding. It is true that certain portions of this rate structure favor some producers or some consumers more than other members of those classes of persons. There is always "some discrimination aris[ing] from the mere fact of [national], rather than individual producer, regulation," [244] but such discrimination is permissible if the overall balance of the order is not unjust and unreasonable. We are of the opinion that the "overall balance" of the rate structure established herein is just and reasonable.

B. ADDITIONAL COMMENTS

In reaching this decision the Commission has reviewed the judgments and conclusions as set forth in the dissenting opinion. The legal, factual and policy considerations which support the Commission's findings and conclusions are interspersed throughout the majority opinion and need not be restated. Having considered the dissenting opinion herein we are not able to agree that the record supports the judgments or conclusions therein reached nor do we conclude that legal or policy considerations warrant or permit such judgments and conclusions.

Additionally, we believe the dissenting opinion misconceives the nature of the holding of the majority opinion in several important respects. The Commission has here established a rate of $1.42/Mcf escalating at 1¢ per quarter for post-December 31, 1974 gas. The Commission has also established a rate of $1.01/Mcf for gas dedicated and wells drilled on or after January 1, 1973 and prior to January 1, 1975. The reference in the majority opinion to $1.63/Mcf is an arithmetic calculation.

In reference to productivity determination the Commission did not compute the calculation that the dissenting opinion sets out.

The dissent states that it is necessary to lag the reserves-added data one year behind the drilling footage data to compensate for AGA errors. There is simply no evidence in the record to support this new and heretofore undisclosed methodology. There is certainly no evidence that a one-year period reflects the "average effect" of the errors. In fact, the Staff Report on the 31-Lease Investigation indicated that the AGA figures reported fields as being discovered both earlier and later than the same fields as reported by producers.

Revisions are an important piece of information. They improve overall reserve estimates, and their exclusion should be carefully considered before being adopted. If adjustments are made to the annual reserve additions to exclude revisions from prior years, the assumption would have to be made that such reserve revisions apply only to years prior to the series used in deriving a productivity factor. In other words, such revisions would have to be applicable to pre-1967 reserve additions only, if a nine-year productivity average is employed. This is certainly a questionable assumption since a portion of these revisions would likely apply to reserve additions reported from 1967 to 1975.

We find no record support for the calculation and therefore we cannot share the view expressed in the dissenting opinion.

In regard to the discussion of non-cost factors, the dissent only chooses to recognize those which lead to a lower price. We have examined a set of intrastate prices and commodity values and do not embrace any particular component. We only use these factors to assure a just and reasonable rate.

The purpose of the advance payments program was to provide producers with additional capital in order to promote additional drilling activity. These advanced payments are not lost to the consumers but will be recouped by the pipelines with the receipt of new supplies of gas. In any event, the program is now terminated and does not belong in a prospective price determination that has the underlying purpose of eliciting new supplies of natural gas.

Finally, the economic impact, as discussed in the dissent, was not placed in the proper perspective. The additional annual costs to consumers for gas supplies under expiring contracts would remain the same under this opinion as under Opinion No. 699–H. The repricing of 1973–1974 biennium gas is also essential, if only to track the additional tax liability resulting from the repeal of percentage depletion.

We anticipate that, in any application for rehearing of the Commission's opinion and order, additional commentary may be appropriate in light of the arguments and positions which the majority and minority opinions may prompt. The Commission welcomes any such further opportunity.

The Commission finds. (1) The notice and opportunity to participate in this rulemaking proceeding with respect to the matters currently before this Commission through the submission in writing of data, views, comments, and suggestions in the manner described above are consistent and in accordance with the procedural requirements prescribed by 5 U.S.C. 553.

(2) Good cause exists that the revisions adopted herein become effective upon issuance of this order.

(3) The revisions adopted herein are in the public interest and are necessary and appropriate for the administration of the Natural Gas Act.

The Commission, acting pursuant to the provisions of the Natural Gas Act, as amended, particularly Sections 4, 5, 7, 8, 14, 15, and 16 thereof (52 Stat. 822, 823, 824, 825, 828, 829, 830 (1938); 56 Stat. 83, 84 (1942); 61 Stat. 459 (1947); 76 Stat. 72 (1962); 15 U.S.C. §§ 717c, 717d, 717f, 717g, 717m, 717n, 717o (1970) 0. orders:

(A) The Statements of General Policy and Interpretations of the Commission, Part 2 of Subchapter A of Chapter I of Title 18 of the Code of Federal Regulations, are hereby amended by substituting revised § 2.56a as follows:

§ 2.56a National Rates for Sales of Natural Gas from Wells Commenced on or after January 1, 1973, and New Dedications of Natural Gas to Interstate Commerce on or after January 1, 1973, and Certain Other Sales.

(a) *Base national rates.* Notwithstanding any other provisions of the General Rules of the Federal Power Commission, or the Regulations under the Natural Gas Act, sales of natural gas in interstate commerce with qualify under the provisions of this subsection (a) may be made at rates herein provided.

(1) Sales of natural gas in interstate commerce for resale may be made at a rate of $1.42 per Mcf (at 14.73 psia), exclusive of all State or Federal production, severance or similar taxes, and subject to the adjustments provided in this section, and the escalation provided in paragraph (a)(2) of this section, provided the sale is within one or more of the following classifications:

(i) The sale is made from a well or wells commenced on or after January 1, 1975;

(ii) The sale is made pursuant to a contract for the sale of natural gas in interstate commerce for gas not previously sold in interstate commerce prior to January 1, 1975, except pursuant to the provisions of 18 CFR 2.68, 2.70, 157.22, or 157.29 (including sales made pursuant to those sections as modified by Federal Power Commission Order No. 491, et al.), or 18 CFR 2.75(n), where the sale is initiated on or after January 1, 1975, provided that no certificate for the subject sale has been issued under the optional procedure (18 CFR 2.75);

(2) The price prescribed by paragraph (a)(1) of this section may be increased by an amount not to exceed 1 cent per Mcf per quarter commencing on October 1, 1976, and the first days of January, April, and July of every year, thereafter, for the term of the contract dedicating the subject gas for sale in interstate commerce pursuant to the terms of the sales contract until such time as the price prescribed in paragraph (1) of this section (a)(1) shall be redetermined according to the provisions of paragraph (n) of this section.

(3) Sales of natural gas in interstate commerce for resale may be made at a rate of $1.01 per Mcf (at 14.73 psia), exclusive of all State or Federal production, severance or similar taxes, and subject to the adjustments provided in this Section 2.56a, provided the sale is within one or more of the following classifications:

(i) The sale is made from a well or wells commenced on or after January 1, 1973 and on or before January 1, 1975;

(ii) The sale is made pursuant to a contract for the sale of natural gas in interstate commerce for gas not previously sold in interstate commerce prior to January 1, 1973, except pursuant to the provisions of 18 CFR 2.68, 2.70, 157.22, or 157.29 (including sales made pursuant to those sections as modified by Federal Power Commission Order No. 491, et al.), or 18 CFR 2.75(n), where the sale is initiated on or after January 1, 1973 and before January 1, 1975, provided that no certificate for the subject sale has been issued under the optional procedure (18 CFR 2.75).

(4) Sales of natural gas in interstate commerce for resale may be made at a rate of 52 cents per Mcf (at 14.73 psi), exclusive of all State or Federal production, severance or similar taxes, and subject to the adjustments provided in this section and the escalation provided in paragraph (a)(5) of this section, provided the sale is made pursuant to a contract executed prior to or subsequent to the expiration of the term of the prior contract where the sales were formerly made pursuant to permanent certificates of unlimited duration under such prior contracts which expired of their own terms on or after January 1, 1973, or pursuant to contracts executed on or after January 1, 1973, where the prior contract expired by its own terms prior to January 1, 1973.

(5) The price prescribed by paragraph (a)(4) of this section may be increased by an amount not to exceed 1.0 cents per Mcf per annum commencing on January 1, 1977, and the first day of every year thereafter for the term of the contract dedicating the subject gas for sale in interstate commerce pursuant to the terms of the sales contract until such time as the price prescribed in paragraph (4) of this subsection (a) shall be redetermined according to the provisions of paragraph (n) of this section.

(b) *Tax adjustments.* The applicable rate prescribed in subsection (a) shall be adjusted upward for all State or Federal production, severance, or similar taxes, effective the date deliveries are commenced, and shall be adjusted upward by 100 percent of any increase in such taxes subsequent to the date deliveries were commenced, and shall be adjusted downward by 100 percent of any decrease in such taxes subsequent to the date deliveries were commenced.

(c) *Quality adjustments.* For natural gas sold in interstate commerce for resale subject to the rate prescribed in subsection (a) of this section, quality standards and the resulting adjustments to the base national rate shall be made as follows:

(1) *Btu adjustment.*—For natural gas containing more than 1,000 Btu's per cubic foot, at 60°F and 14.73 psia, upward adjustments shall be made on a proportional basis from a base of 1,000 Btu's per cubic foot; and for natural gas containing less than 1,000 Btu's per cubic foot, at 60° F and 14.73 psia, downward adjustments shall be made on a proportional basis from a least of 1,000 Btu's per cubic foot.

This adjustment shall be made after the rate prescribed in paragraph (a)(1) of this section is adjusted for taxes pursuant to paragraph (b) of this section.

The Btu content of the natural gas used in computing this rate adjustment shall be the number of British thermal units (Btu) produced by the combustion, at constant pressure, of the amount of the gas which would occupy a volume of 1.0 cubic feet at a temperature of 60° F saturated with water vapor and under a pressure equivalent to that of 30.00 inches of mercury at 32° F and under standard gravitational force (980.665 centimeters per second squared) with air of the same temperature and pressure as the gas, when the products of combustion are cooled to the initial temperature of the gas and air and when the water formed by combustion is condensed to the liquid state.

(2) *Other quality adjustments.*—All quality standards and the resulting adjustments to the rate prescribed in paragraph (a)(1) of this section shall be made in accordance with the provisions of the particular gas sales contract except that all Btu adjustments shall be governed by paragraph (1) of this section.

(d) *Gathering allowances.* The base national rate prescribed in subsection (a) of this section, as adjusted for Btu content and applicable taxes, shall be adjusted for gathering activities as follows:

(1) *Appalachian-Illinois Basin areas.*—The gathering allowance shall be 1.0 cents per Mcf for all sales of natural gas made from wells located in the Appalachian-Illinois Basin Areas.

(2) *Hugoton-Anadarko area.* — The gathering allowance shall be the amounts prescribed below where delivery of the gas is made after substantial off-lease gathering by the producer, whether at a plant tailgate or at a central point in the field.

(i) For gas produced in the Panhandle and Hugoton Fields, the allowance shall be 2.5 cents per Mcf.

(ii) For gas produced from fields or reservoirs other than the Panhandle or Hugoton Fields (the "Other Fields"), the allowance shall be 1.0 cents per Mcf.

(3) *Other Southwest area.*—The gathering allowance shall be the amounts prescribed below where the gas is delivered to the buyer at a central point in the field, the tailgate of a processing plant, a point on the buyer's pipeline or an offshore platform on the buyer's pipeline.

(i) For gas produced in the Other Oklahoma Area, Texas Railroad District No. 9, and Northern Arkansas, the allowance shall be 1.5 cents per Mcf.

(ii) For gas produced in Texas Railroad District Nos. 5 and 6, Northern Louisiana, and Southern Arkansas, the allowance shall be 1.0 cents per Mcf.

(iii) For gas produced in Mississippi and Alabama, the allowance shall be 1.25 cents per Mcf.

(4) *Permian Basin area.*—For gas produced in the Permian Basin Area, the applicable gathering allowance shall be 1.5 cents per Mcf where delivery is made

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[242] *Placid Oil Co.* v. *F.P.C.*, 483 F.2d 880, 891 (1973), affirmed sub. nom. *Mobil Oil Corp.* v. *F.P.C.*, —— U.S. ——, —— (June 10, 1974) (see slip opinion at 43).

[243] *Mobil Oil Corp.* v. *F.P.C.*, supra, slip opinion at 37.

[244] *Mobil Oil Corp.* v. *F.P.C.*, supra, (slip opinion at 43), citing *Permian Basin Area Rate Cases*, 390 U.S. 747, 767 (1968).

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after substantial off-lease gathering by the producer, whether at a plant tailgate or a central point in the field.

(5) *Rocky Mountain area.*—For gas produced in the Rocky Mountain Area, the applicable gathering allowance shall be 1.0 cents per Mcf where delivery is made to the buyer at a central point in the field, the tailgate of a processing plant, or a point on the buyer's pipeline.

(6) *Southern Louisiana area.*—For gas produced in the Southern Louisiana Area, the applicable gathering allowance shall be 0.5 cents per Mcf where the gas is delivered to the buyer at a central point in the field, the tailgate of a processing plant, a point on the buyer's pipeline, or an offshore platform on the buyer's pipeline.

(7) *Texas Gulf Coast area.*—For gas produced in the Texas Gulf Coast area, the applicable gathering allowance shall be 0.4 cents per Mcf where the gas is delivered to the buyer at a central point in the field, the tailgate of a processing plant, a point on the buyer's pipeline, or an offshore platform on the buyer's pipeline.

(e) *Delivery of offshore gas by the producer to an onshore area.* If natural gas produced offshore is delivered onshore, at the sole cost of producer, the uniform national rate shall be adjusted upward 1.0 cent per Mcf for such offshore gas.

(f) *Adjusted national rate.* The uniform national rate prescribed in paragraph (a) of this section, as adjusted pursuant to paragraphs (b), (c), (d), and (e), is the adjusted national rate, and such rate is applicable only to those jurisdictional sales described in paragraph (a)(2) of this section made within the United States including the adjacent offshore Federal domain but excluding Alaska and Hawaii. No seller may demand or receive any rate or charge in excess of the rate prescribed by paragraph (a), except for such adjustments described in paragraphs (b), (c), (d), and (e) of this section as may be applicable to the particular sale, unless the Commission after giving proper notice and providing an opportunity for the submission of comments shall modify the rate set forth in paragraph (a) of this section or grant a petition for special relief pursuant to paragraph (g) of this section.

(g) *Special relief.* Prior to the establishment of rates for the 1977–78 biennium pursuant to subsection (n), any seller seeking to charge a rate in excess of the adjusted national rate described in paragraph (f) of this section or requesting a change in either the base national rate prescribed in paragraph (a)(1) of this section or the adjusted national rate described in subsection (f) must file a petition seeking special relief for waiver or amendment of said subsections pursuant to § 1.7(b) of the Commission's Rules of Practice and Procedure (18 CFR 1.8(b)) fully justifying the relief sought in light of this order. Such seller may not file for any rate increase which results in a rate in excess of the adjusted national rate described in paragraph (f) of this section unless and until the Commission grants such petition for special relief.

(h) *Modification of area rate regulations.* To the extent that the Commission's Regulations Under the Natural Gas Act establishing area rates and conditions for sale of natural gas from the Southern Louisiana Area (18 CFR 154.105), Hugoton-Anadarko Area (18 CFR 154.106), Appalachian Basin Area (18 CFR 154.107), Illinois Basin Area (18 CFR 154.109), Other Southwest Area (18 CFR 154.109a), or Rocky Mountain Area (18 CFR 2.56(a), 154.109(b)), and the Permian Basin Area are inconsistent with the provisions set forth above the same are hereby modified to reflect the provisions set forth above. The provisions of the rate structures for these are modified only with respect to those sales which are certificated pursuant to the provisions of this section and in all other respects remain in full force and effect. Provisions pertaining to refund credits and contingent escalations are contained in paragraph (i) of this section.

(i) *Waiver of refund credits and contingent escalations.* Any natural gas certificated under the provisions of this section which a natural gas producer elects to have credited against his existing refund obligations in the Southern Louisiana, Texas Gulf Coast, Other Southwest Area, or the Permian Basin, or applied to the triggering volumes for the contingent escalations for those areas shall be priced at the rate prescribed in the applicable area rate opinion and not at the uniform national rate prescribed in this opinion. For purposes of this section, the applicable area rate opinions and Commission regulations are:

(a) *Area Rate Proceeding (Texas Gulf Coast Area)*, et al., Opinion No. 595, 45 F.P.C. 675 (1971); 18 CFR 154.109.

(b) *Area Rate Proceeding (Southern Louisiana Area)*, et al., Opinion No. 598, 46 F.P.C. 86 (1971); 18 CFR 154.195.

(c) *Area Rate Proceeding (Other Southwest Area)*, et al., Opinion No. 607–A, 47 F.P.C. 99 (1972); 18 CFR 154.109a.

(d) *Area Rate Proceeding (Permian Basin Area II)*, Docket No. AR70–1 (Phase I), Opinion No. 662, 50 F.P.C. 390 (1973).

With respect to gas of a class described in paragraph (a)(2) of this section which is currently being sold in interstate commerce in discharge of a refund obligation or was dedicated to interstate commerce in partial satisfaction of the triggering volumes for the contingent escalations in the described areas, such gas may be sold at the rate prescribed in paragraph (a) of this section only if the seller files a written waiver of the right with respect to such gas to discharge such refund obligations or to trigger the contingent escalations concurrently with the contractually authorized rate increase filing. The seller shall further state the date on which the subject wells were commenced, the present provisions under which the gas is being sold in interstate commerce, the dollar amount of existing refund obligations previously discharged by the sale of such gas, and the volumes (at 14.73 psia) applied to trigger the contingent escalations.

(j) *Effective date of rate filings and waivers of refund credits or contingent escalations.* Any contractually authorized increase rate filing made pursuant to the provisions of this order shall be effective as of July 27, 1976, if the filing is made on or before August 26, 1976, and as of the date of filing if the filing is made subsequent thereto.

A single filing may be made which covers the rates to become effective July 27, 1976, and the 1.0¢ periodic escalations to be effective October 1, 1976, January 1, 1977, and April 1, 1977, provided such filing clearly and distinctly shows the rates to be effective on these respective dates.

For those persons desiring to make separate filings to track the 1.0¢ periodic escalations to be effective October 1, 1976, January 1, 1977, and April 1, 1977, such filing shall be made on or before October 1, 1976, January 1, 1977, and March 31, 1977, respectively. Any filings made after October 1, 1976, will be subject to the thirty (30) day notice requirements.

(k) *Newly discovered reservoirs on previously committed acreage.* (1) In all areas, the rate for natural gas produced from a reservoir discovered on or after January 1, 1973, which is located upon acreage previously dedicated to interstate commerce under a contract dated prior to January 1, 1973, shall be determined by the date of discovery of such reservoir, in lieu of the contract date.

(2) Where a producer is entitled to an increase in the price of its gas based on the date of discovery of the reservoir from which gas-well gas sales (or residue gas derived therefrom) are being made, it may file a proposed price increase pursuant to section 4 of the Natural Gas Act, indicating to what gas the higher price will be applicable. With each filing the producer will include (i) copies of all documents filed with or issued by local or State regulatory agencies relating to the discovery of the reservoir from which the gas is produced, and (ii) a statement by the buyer of the gas that the gas qualifies for the price sought, or why the buyer believes it does not. The producer shall also furnish any additional material in its possession or available to it which the Commission may request in writing. Documents or other data previously filed with this Commission, whether by the producer or another, may be incorporated by reference in any filing hereunder. Similar information shall be filed in any pending section 4 proceeding to which it is relevant. The Commission will follow the determination made by the appropriate State agency in determining the date of discovery of a reservoir. In the event the State agency changes its classification of a reservoir, the Commission shall follow such change as of the date of the new classification. Whenever the reclassification of a reservoir affects the applicable ceiling rate the producer and the buyer shall notify the Commission.

(l) *Pipeline production.* Natural gas production from leases owned by a pipeline or a pipeline affiliate may be priced at the rate prescribed in paragraph (a) of this section pursuant to the provisions of § 2.66(c) of this part (18 CFR 2.66 (c)).

(m) *Termination of rate ceiling.* The rate prescribed in paragraph (a)(1) of this section shall remain in effect until such time as rates are established pursuant to paragraph (n) of this section.

(n) *Review of National rate ceiling.* Prior to January 1, 1977, the Commission shall initiate such proceedings as shall be necessary to establish a just and reasonable rate to be effective from the date of establishment of rates by order of the Commission through December 31, 1978, for the sales described in paragraph (a)(2) of this section and for all wells commenced on or after January 1, 1977, and prior to January 1, 1978, all new dedications of natural gas to interstate commerce for the period January 1, 1975, through December 31, 1976.

(o) *Revision of § 2.56(h) (18 CFR 2.56 (h)).* By Opinion No. 699, the Commission promulgated a national rate structure as subsection (h) of Section 2.56 of its General Policy Statements and Interpretations (18 CFR 2.56(h)). By this Opinion No. 699–E, said § 2.56(h) is revised and designated as § 2.56a (18 CFR 2.56a). All certificates which may have been issued prior to this date pursuant to § 2.56(h) are hereby amended to reflect the change in codification of the national rate structure.

(p) *Effective date.* The effective date of this § 2.56a is July 27, 1976.

(B) Section 2.56(f) of the Commission's General Policy Statements and Interpretations, Part 2 of Subchapter A of Chapter I, Title 18, Code of Federal Regulations, is amended by adding a new paragraph (3) as follows:

§ 2.56 Area price levels for natural gas sales by independent producers.

* * * * * * *

(f) * * *

(3) *Reservoirs discovered or dedicated to interstate commerce on or after January 1, 1973.*—The rate for new reservoirs discovered or dedicated to interstate commerce on or after January 1, 1973, shall be determined by § 2.56a(a) if the proposed sale comes within one of the classes enumerated in § 2.56a (a)(1).

* * * * * * *

(C) Section 2.66 of the Commission's General Policy Statements and Interpretations, Part 2 of Subchapter A of Chapter I, Title 18 of the Code of Federal Regulations, is amended by adding a new paragraph (c) as follows:

§ 2.66 Pricing of new gas produced by pipelines and pipeline affiliates.

* * * * * * *

(c) *National rate for pipeline or pipeline affiliate production.* Notwithstanding any other provision of this section 2.66, natural gas production from any lease owned by a pipeline company or a pipeline affiliate, regardless of the date of acquisition of the lease, shall be priced for ratemaking purposes at the rate prescribed in § 2.56a(a)(1) of this part if such production qualifies under the provisions of one or more of the enumerated classes of sales set forth in § 2.56a(a)(2) of this part. The provisions of § 2.56(f) (18 CFR 2.56(f)) shall apply to natural gas production which qualifies for the national rate treatment pursuant to this section.

(D) Notwithstanding the provisions of Section 154.38(d)(4)(iv) of the Regulations Under the Natural Gas Act [18 C.F.R. Section 154.38(d)(4)(iv)], any jurisdictional pipeline company having a purchased gas adjustment clause in effect as of the date of this order may file on or before September 27, 1976, a special rate increase to become effective October 27, 1976, to track the rates prescribed in Section 2.56(j). The special rate increase will be limited to those independent producer increases actually filed with the Commission on or before August 26, 1976. In addition, such pipeline company may file a surcharge to become effective on October 26, 1976, which will permit recovery of producer increases attributable to this opinion and actually collected prior to the adjustment date.

In the event any pipeline chooses to utilize the adjustment dates of its effective PGA clause in lieu of the above adjustment date, it will be permitted to do so. Should the special PGA filing not be submitted on or before September 27, 1976, the pipeline company will be required to use its regular PGA adjustment dates. After utilization of the special PGA adjustment permitted herein, any future adjustments to recover the effects at periodic escalations will be made under the regular operation of the individual company's effective PGA clause.

(E) Section 154.109b of the Commission's Regulations Under the Natural Gas Act, Part 154 of Subchapter E of Chapter I, Title 18, Code of Federal Regulations, is hereby amended by adding a new paragraph (d) as follows:

§ 154.109b Area rates—Rocky Mountain Area.

* * * * * * *

(d) No rate or charge, made, demanded, or received under a rate schedule filed pursuant to this part for gas produced in the Rocky Mountain Area shall exceed 35.0 cents per Mcf measured at 14.73 psia and 60° F, subject to adjustment upward and downward Btu adjustment on a proportional basis from a base Btu content of 1,000 Btu's per cubic foot measured on a saturated basis, and exclusive of all State or Federal production, severance, or similar taxes, and sold under contracts dated on or after October 1, 1968, for wells commenced prior to January 1, 1973. This rate shall also be subject to a gathering allowance not to exceed 1.0 cents per Mcf where delivery is made to the buyer at a central point in the field, the tailgate of a processing plant, or a point on the buyer's pipeline.

(F) The Secretary shall cause prompt publication of this order be made in the Federal Register.

By the Commission.

Commissioner Smith, dissenting, filed as part of original document.

KENNETH F. PLUMB,
Secretary.

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APPENDIX A.—*Allocation of dry hole footage to gas well footage,[1] year—1974*

Line No.		(1) Successful exploratory footage	(2) Percent of total	(3) Exploratory dry hole footage	(4) Allocated footage
1	Gas	7,605	61.3		[2] 23,091
2	Oil	4,833	38.7		[3] 14,578
3	Total	12,498	100.0	37,669	[4] 37,669
		Successful developmental footage	Percent of total	Developmental dry hole footage	Allocated footage
4	Gas	31,311	40.9		[5] 9,661
5	Oil	45,179	59.1		[6] 13,959
6	Total	76,490	100.0	23,620	[7] 23,620
		Total successful footage	Allocated dry hole footage	Dry hole factor	
7	Gas	38,975	32,752	[8] 0.84	
8	Oil	30,012	28,537	[9] 0.57	
9	Total	88,987	61,289		

[1] Footage in 1,000 ft, Alaskan data excluded.
[2] Col. (2), line 1 times col. (3), line 3.
[3] Col. (2), line 2 times col. (3), line 3.
[4] Line 1 plus 2.
[5] Col. (2), line 4 times col. (3), line 6.
[6] Col. (2), line 5 times col. (3), line 6.
[7] Line 4 plus 5.
[8] Col. (2), line 7 divided by col. (1), line 7.
[9] Col. (2), line 8 divided by col. (1), line 8.

Source: "API, Quarterly Review of Drilling Statistics for the United States."

Allocation of dry hole footage to gas well footage,[1] year—1975

Line No.		(1) Successful exploratory footage	(2) Percent of total	(3) Exploratory dry hole footage	(4) Allocated footage
1	Gas	7,980	58.6	23,451	[2] 23,091
2	Oil	5,610	41.4	16,567	[3] 14,578
3	Total	13,620	100.0	40,018	[4] 37,669
		Successful developmental footage	Percent of total	Developmental dry hole footage	Allocated footage
4	Gas	33,918	36.7	10,214	[5] 9,661
5	Oil	58,446	63.3	17,616	[6] 13,959
6	Total	92,364	100.0	27,830	[7] 23,620
		Total successful footage	Allocated dry hole footage	Dry hole factor	
7	Gas	41,898	33,665	[8] 0.80	
8	Oil	64,086	34,183	[9] 0.53	
9	Total	105,984	67,848		

[1] Footage in 1,000 feet, Alaskan data excluded.
[2] Col. (2), line 1 times col. (3), line 3.
[3] Col. (2), line 2 times col. (3), line 3.
[4] Line 1 plus 2).
[5] Col. (2), line 4 times col. (3), line 6.
[6] Col. (2), line 5 times col. (3), line 6.
[7] Line 4 plus 5.
[8] Col. (2), line 7 divided by col. (1), line 7.
[9] Col. (2), line 8 divided by col. (1), line 8.

Source: "API, Quarterly Review of Drilling Statistics for the United States.

APPENDIX B.—*Dry hole factors*

Year	(1) Dry hole	(2) Gas	(3) Oil	(4) Dry hole factor [1]
	New field wildcat footage (in thousands)[2]			
Exploratory:				
1967	24,022	1,499	2,245	6.47
1968	27,069	1,032	1,984	8.98
1969	31,425	1,669	2,238	8.04
1970	26,383	1,514	2,012	7.48
1971	23,328	1,553	1,619	7.59
1972	26,351	2,096	1,926	6.69
1973	25,507	2,957	1,786	5.38
1974	28,231	3,027	2,265	5.33
1975	30,748	3,365	2,815	4.98
	Other than new field wildcat footage (in thousands)[2]			
Developmental:				
1967	36,789	20,064	55,998	.4836
1968	37,483	19,633	56,661	.4912
1969	39,827	22,395	58,894	.4899
1970	32,482	21,338	54,377	.4290
1971	29,699	21,056	46,749	.4380
1972	32,350	24,656	46,487	.4547
1973	30,542	32,630	42,547	.4057
1974	33,058	35,948	47,747	.3950
1975	37,099	38,533	61,271	.3717

[1] $(4)=\frac{(1)}{(2)+(3)}$.

[2] Excludes Alaska.

Source: American Petroleum Institute, "Quarterly Review of Drilling Statistics for the United States."

APPENDIX C.—*Rates of return*

Industry group	Return on total capital		Return on equity	
	5-year average	Latest 12 mo	5-year average	Latest 12 mo
Automotive	8.3	6.8	10.8	8.9
Aerospace and Defense	7.5	9.2	11.1	11.8
Consumer goods:				
Personal products	12.7	12.0	17.4	16.8
Health care	14.9	13.8	17.3	17.3
Food and drink	9.6	10.2	12.9	14.2
Household	7.3	4.5	9.5	6.0
Textiles and apparel	6.7	4.0	7.9	4.5
Construction:				
Building materials	8.7	6.6	11.2	9.0
Contractor	11.4	16.9	13.8	18.1
Distribution:				
Chemicals	10.5	11.6	14.0	14.8
Retailers	7.6	6.8	11.0	9.8
Supermarkets	7.2	7.6	10.1	10.7
Wholesalers	10.9	11.5	14.1	15.7
Electronics and electronic equipment	9.0	8.1	11.8	12.5
Energy	11.2	11.4	14.9	15.5
International oils	10.9	11.0	13.5	13.8
Other oil and gas	11.0	11.2	14.9	15.5
Coal	15.6	20.6	21.7	28.8
Finance:				
Banks	10.0	10.0	13.4	13.1
Consumer finance	7.0	5.4	12.5	10.6
Insurance	10.4	9.5	11.3	10.4
Forest products and packaging	8.4	8.3	11.3	11.8
Industrial equipment	9.7	10.0	12.4	12.8
Information processing	10.4	9.3	13.7	12.9
Leisure	10.1	8.1	13.5	11.6
Multicompanies:				
Conglomerates	7.6	7.7	11.6	11.7
Multi-industry	7.9	8.4	11.0	10.9
Metals:				
Nonferrous	9.1	6.7	11.4	9.0
Steel	7.7	9.3	10.6	11.7
Transportation:				
Surface	4.8	4.5	6.4	7.1
Airlines	3.5	2.8	5.4	3.9
Utilities:				
Electric and telephone	5.8	5.6	11.6	11.7
Natural gas	7.6	6.9	13.9	13.5

Source: "Forbes," Jan. 1, 1976.

APPENDIX D—STAFF IMPACT ANALYSIS

While the evidence is clear that $1.42/Mcf is a just and reasonable cost-based price, both economics and the law dictate that we also consider the price in relationship to other non-cost factors, including commodity value, economic impacts, and supply-demand equilibrium. The best way to evaluate such factors is in an economic framework.

The approach used here is to simulate the process of shifting the economy to a market-clearing long-run equilibrium, and then to derive the specific characteristics of that shift.

This estimation of the future is necessarily uncertain. It does, however, relate various aspects of the problem to one another with some consistency. Thus we can note that if a higher rate yields a large amount of added gas, the problem of higher costs (from more gas selling at higher rate) is partly offset by the degree to which the added gas displaces a corresponding amount of more expensive alternate fuels. These relative, or differential, effects are frequently more reliable than the absolute magnitudes involved in the estimation; they are also usually the most significant effects.

We begin by making several different estimates of the commodity value of natural gas. We then look at inflation impacts from the transition to such a value, and finally analyze the impacts on producers and consumers.

(1) *Reconciliation With Commodity Value*

(A) BASIC EFFICIENCY ARGUMENTS

An efficient price for a good is the price at which it pays to produce exactly as much of the good as consumers want at that price. In other words, an efficient price for natural gas would induce just enough supply to satisfy consumer demand at that price. If such a price were always reached in the market place, there would be little reason for regulation. However, the market's price is susceptible to two fundamental infirmities, called equity and efficiency distortions, respectively. Equity distortion occurs when the distribution of income and assets is such that the market's price is determined mainly by the preferences of a few. Efficiency distortions arise from many causes, including misinformation, monopoly, and externalities such as environmental costs.

Regulation should attempt to determine a "normative" price, which we may view (and define, for the present purpose) as the price which would be established in a market free of equity and efficiency distortions. For our purpose, the most serious relevant distortions are those which might spring from producer monopoly. It is clear that OPEC is maintaining a monopolistic price for oil, for instance. It is also clear that insofar as the Natural Gas Act assumes potential producer monopoly, this Commission cannot accept intrastate gas prices of the industry as normative. Nor do we. We must, however, consider what such a normative price might be, and determine whether the cost-based rate is also reasonable by that standard.

This does not mean the normative price must be adopted. It may be socially preferable to charge customers a higher or lower price. But any such pricing choice ought to be made with the clearest possible understanding of relevant economic forces.

(B) EQUILIBRIUM OF JURISDICTIONAL GAS

One approach to determining a normative price was the effort of the FPC Task Force on Deregulation, which sought to estimate the price a competitive market might set in the absence of regulation. In its Report,[1] the Task Force estimated that in the case of partial deregulation the 1975 marginal supply price would have been $1.49/Mcf.[2]

While the Task Force found that "a conclusive determination and quantification of the impacts has not as yet been demonstrated," the estimate is still the result of a thorough effort to analyze the process by which the supply and the apparent demand for natural gas could be brought into equilibrium. The estimated marginal supply price, adjusted for inflation, would equate to about $1.65/Mcf today.[3]

The determination was sensitive to a number of assumptions (detailed below) about supply and demand elasticities, future gas demand and availability, and the prices of intrastate gas and alternate fuels. The estimates cited herein are for a case which was

[2] *Ibid.*; this is an average of the range of cases studied by the Task Force.

[3] *Ibid.*, Table 2, Page 5.

[1] Preliminary Evaluation of the Cost of Natural Gas Deregulation, FPC, January 1975.

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an average of the range of parametric assumptions used by the Task Force.

This estimate implies that the cost-based price established herein is consistent with a commodity value for gas which would be determined on the basis of the estimated supply, demand, and elasticity relationships within the domestic market for gas.

(C) EQUILIBRIUM WITH INTRASTATE GAS

The regulation of the price of natural gas was based on the premise that workable competition does not exist in the gas-producing industry. If this premise is true, then observed prices in the unregulated markets will be higher than would prevail under competitive conditions. Others contend that in the absence of barriers to entry, production is competitive.

We have been mindful of these opposite views in weighing the price of non-jurisdictional gas as a factor in our price determination.

Intrastate prices have risen dramatically over the past few years, as the prices reported in Exhibit indicate. The most recent average intrastate price is $1.55/Mcf for the first quarter of 1976. Since a competitive market price tends toward the cost of producing the good or service in question, insofar as the intrastate markets are competitive, this price indicates a cost-based price for natural gas. The price we set with this opinion is somewhat lower than this most recent average. The differential may be due to a lack of workable competition in those markets, or a supply/demand imbalance in those markets that results in the current price not being that which would prevail in long run equilibrium.

(D) EQUILIBRIUM IN ENERGY MARKETS

A third approach to determining the normative price is to examine what natural gas price is consistent with world prices for all fuels, still in an equilibrium framework. Several lines of analysis, discussed below, suggest that OPEC is charging a rational monopoly price; that is, a price which is the normative oil price plus a monopolist's rent just sufficient to maximize OPEC profits. That rent is probably under $2/barrel, which suggests that the normative price for oil is about $10.50/barrel, or roughly $1.75/Mcf equivalent.

It is estimated that OPEC production is at about half of its potential level at present, which is consistent with the notion that OPEC is maximizing its monopoly rents. It does not follow, however, that those rents are the entire difference between its pre-embargo price, or its production costs, and the current price. There is another cost component which is often ignored, called "user cost," which is not related to monopoly.

Natural resource economics includes "user cost," the value of a resource in the ground. Prior to 1970, the world tended to feel that only extraction cost mattered, that fuels were infinitely abundant, and worthless until extraction. Recent awareness of resource limits and of environmental quality has changed this view. Energy user costs have become large. Their recognition can account for much of the OPEC price rise.

One way to approximate these "user costs" is to note that environmental control costs have been estimated[4] at roughly $.20 (for 1971) per pound of sulfur emitted, or about $12 for each ton of coal which contains 3% sulfur. The decision to control sulfur emissions effectively added $3 to the worth of a barrel of oil as a substitute for the costs of burning such coal. Adding this value to the 1971 cost of OPEC oil, and adjusting for inflation, gives us a resource value of about $10 for a barrel of oil today. (While domestic sulfur-control policies doubtless were not so fully shifted to OPEC oil, the recent recognition of resource limits must play some role which is not being considered here.)

Historically, gas prices have not matched Btu-parity with oil, but have been 15%–25% lower. This is apparently due to the influence of coal as a ready substitute in many fuel-intensive utility and industry applications where gas is used mainly because it has been so cheap. If we assume gas should be 15% cheaper than oil on a Btu basis, a price of $1.50/Mcf would be implied for a competitive-oil world, and a price of $1.75/Mcf would seem correct if we accept OPEC pricing as part of the real-world alternatives we face. Therefore, in addition to our estimate of a possible market-clearing price, we also note in Exhibits 28 and 29 the actual prices of competitive fuels within the U.S. economy.

To compare these prices, we have taken observed prices of oil in various sectors of the country, and estimated the well-head price for natural gas which would be competitive at the average market. This estimation takes account of the cost of transporting gas from well to the average market, and of the historic energy relationship noted above, with gas selling at about 85% of the Btu-equivalent price of oil.[5]

Exhibit 28 reports prices paid by electric utilities for residual (No. 6) fuel oil over the twelve months ended January 1976, for the major oil-consuming sections of the country. Exhibit 29 uses the most recent spot price data from the Oil and Gas Journal. When the regional prices are weighted by each region's gas consumption we get the following results:

	1,000 ft³ equivalent
Contract No. 6 oil to utilities	$1.43
Spot Market No. 6 oil to utilities	1.28
Recent spot No. 2 distillate	1.57
Recent spot No. 6 residual	1.31

These prices clearly indicate that our cost-based estimate is not far from an equilibrium price with marginal alternate energy sources, at historic price ratios.

(2) *Inflation Impacts*

(A) TYPES OF INFLATION

The Nation is concerned with two kinds of inflation. The first is more obvious, and arises when the money supply expands faster than the supply of goods and services. The second is less obvious, and arises when the economy functions inefficiently, so that the Nation's efforts produce less than they might have. These have sometimes been characterized as demand-pull and cost-push inflation, respectively.

This Commission cannot affect the first kind of inflation. If the price of gas increases while the money supply stays constant, the prices of all other goods and services will decline slightly; there will be no inflation. If just enough new money is printed to pay the extra cost of gas, that money will add to inflation.

The second kind of inflation is produced by any regulatory action which causes the economy to function inefficiently. Some such inefficiencies are desirable at times, mainly for equity reasons. Other inefficiencies arise because the regulatory process often does not keep up with the dynamics of a changing world. The important point to remember is that regulation can produce inefficiencies by setting prices either too high or too low. We will discuss this point in detail below.

(B) EFFECTS OF PRICE CHANGE

In addition to the above kinds of inflation, there is considerable public resistance (especially during periods of general inflation) to specific price increases. If world conditions for a commodity change (as with our environmental awakening, or with formation of OPEC) the value of the commodity will usually also change. In the presence of a stable money supply, the values of all other goods will tend to move in the opposite direction so that there is no general inflation. Even so, the prices which rise will arouse more consumer concern than the prices which decline. This awareness of rising prices should not, however, be confused with concern over inflation. In a dynamic world, it is neither possible nor desirable for government to maintain all prices at some former "status quo" relationship indefinitely, nor even to retard their adaptation, except for clear-cut equity or efficiency reasons.

An equity problem could arise if the price of natural gas rises faster than the consumer can adjust, or when the transition is sharp enough to drive out of business firms which might in time have survived the transition. Inefficiencies could occur if the price change exceeds the proper level, or if the transition creates uncertainty and frictional unemployment in its own right. We discuss both of these possibilities below, under "Demand Impacts." They are not, strictly speaking, inflationary impacts and cannot be analyzed as such.

(C) EFFECTS OF TOO HIGH PRICE

The market price can be "too high" (higher than the normative price) for a number of reasons. The most plausible relevant reason would be on the assumption that gas production is monopolistic, and the Commission sets a price which allows monopoly profits. The process here is that monopolists make the greatest profits when their price is high enough that they sell significantly less of their product than they might sell at competitive prices. When this happens, the consumer loses the benefits of both the added output which would have been available at competitive prices, and also of the consumer surplus which is being captured by the monopolist.

This would mean, for instance, that much of the demand for gas at competitive (or normative) prices would instead seek alternate fuels that would, at competitive gas prices, be less desirable. This means that the economy gets the benefit of less gas than is optimal, it uses more alternate fuel than is optimal, and consumers have less purchasing power than is optimal. The end result is that a given level of national economic activity produces less consumer satisfaction than it would if there were no monopoly.

Monopolies are regulated precisely to avoid this kind of inefficiency. (If equity—the excess profits of monopolies—were the main problem, it could be solved with appropriate taxes.) This kind of inflation is a major and obvious concern.

(D) EFFECTS OF TOO LOW PRICE

Too low a price creates similar, but less obvious, kinds of inflationary inefficiency. If the price is "too low," consumers will use "too much" of the good, and producers will supply "too little" of it. Once again, a given level of national economic activity produces less consumer satisfaction than it otherwise might.

In theory, government can engage in a series of direct allocation, curtailment, and rationing programs to spread the limited supply to the appropriate recipients. In fact, any such program is very limited, especially in light of its poor response to the dynamics of a changing world. Every imperfection means that some of the underpriced good is wasted (rather than correctly husbanded) by someone who undervalues it, while someone who values it more highly must buy a more expensive alternate good—and, in the process, bid up the price of that alternate even higher.

Though this kind of indirect effect from under-pricing is less obvious, it is becoming more widely perceived to be a real cost of regulatory activity. While the Commission has no direct mandate to include inflationary effects as part of our rate-making, it seems clear that setting the price as close as possible to that which would result from a competitive model (normative price) would minimize the total inflationary impact.

(3) *Supply impacts*

(A) RETURN ON PRESENT PRICE

The DCF methodology used in determining the cost-based price also shows that the current 699–H price of $.52/Mcf is sufficient to yield only about 3% return on current-period costs of production. The yield is this low because of methodological shortcomings in 699–H, major increases in tax liability as a result of the removal of percentage depletion, and increased demand for gas as a substitute (given its low price) for hard-to-clean coal and expensive oil. (While OPEC should not be determinant of U.S. fuel price, it is clear that when a substitute for gas becomes expensive, gas becomes more valuable—the proper dynamic response of the market to such a situation is to expand gas production more expensively.)

On close scrutiny, it seems that the 699–H rate allows only about 2% return for onshore gas, where increased drilling (even at low productivity) reflects the high prices this gas can command in the intrastate market. At the same time, the rate allows a return of only about 5% for off-shore gas. Here, drilling activity has declined, presumably since such gas sells under the 699–H ceiling and is not profitable enough to attract new risk capital. The end result is that the Nation's average gas productivity is declining. This is a specific illustration of the way a low price leads to a more costly result.

(B) EFFECTS OF TOO HIGH PRICE

If the rate is set higher than the normative price, and if gas production is competitive, new gas will be sold for less than the ceiling rate (i.e., at the normative price). If production is sufficiently monopolistic, the rate will allow excess profits to producers as a class. In any event, profits will be highest for off-shore gas. This Commission expects Federal leasing policies to be able to capture some or all of the extra off-shore profits, which seems to constitute a more equitable treatment of the National benefits of gas than a simple distribution, through lower prices, to consumers (mainly industry) who happen to have access to gas supplies. It is also possible that these extra profits will be eroded by expansion of production until it is less profitable. At worst, gas production will be suboptimal and gas producers will receive rents which are only partly captured by income

(C) EFFECTS OF TOO LOW PRICE

If the rate is set lower than the normative price, there will still be a higher profit on off-shore gas, and added (though sub-optimal) quantities will flow to the interstate market. On-shore production would earn a lower yield, and would therefore try to command a yet higher price in the intrastate market. While some on-shore gas would surely move interstate, there would remain some shortage.

(4) *Demand impacts*

(A) SHORT-RUN PRICE IMPACTS

The main impact on consumers from the new national rate will be the added assurance of gas supply. Based on our understanding of current gas supply prospects, we would hesitate to predict that higher prices will reverse the downtrend of gas production that has been experienced during the past few years—we note, for example, that marketed production in the first quarter of 1976 was 2.8 percent lower than a year earlier and that domestic sales to interstate pipelines were 4.3 percent lower.[6] Nevertheless, we are confident that the supply situation would deteriorate more rapidly, especially in the interstate market, if prices were not allowed to increase. The consequence of such deterioration would be the further shift of energy use to higher-priced alternate fuels, notably oil imported from the Middle East. The increased availability of incremental gas supplies at the national rate we have prescribed will be a less expensive alternative for the Nation's consumers.

It should also be noted that natural gas has been supplying almost 50 percent of the energy consumed by the industrial sector of the economy.[7] The availability of increased gas supplies to the industrial sector, particularly where gas cannot efficiently be replaced with other fuels, will contribute to increased productivity and a growing national economy.

These direct and indirect benefits to consumers cannot be achieved at the currently prevailing level of natural gas prices. There is a short-run cost attached to the benefits, a cost that will be determined by the gas volumes that will receive the national rate.

The volume of new supply that will become available to the interstate market at the new gas rate can only be conjectured.[8] It is estimated that on April 1, 1976, gas flowing under 699–H rates exclusive of rollover contracts amounted to 850 Bcf/year from the 1973–74 biennium, and 750 Bcf/year from the current biennium. We will assume that a total of 1750 Bcf is now flowing under 699–H, and that an additional 600 Bcf/year will flow by the end of the coming year.

All 699–H gas now averages about 55.6 cents/Mcf (including gathering allowance and state taxes.) In the next year consumers will pay approximately $1.07/Mcf for 850 Tcf from the 1973–74 biennium, and from $1.50 to $1.53/Mcf for escalating gas (with an estimated annual flow rate of 900 Tcf in the coming quarter, increasing to an annual rate of 1350 Tcf in the last quarter) under the new rate for the current biennium. The total extra cost (versus the 699–H rate) will be about $1.52 billion. This cost, spread over the 11.6 Tcf of interstate volume in 1975, would add 13 cents to the average price paid by the interstate pipelines. The average residential gas customer in the United States consumed 120 Mcf in 1974; a price increase of 13 cents/Mcf would add about $15.60 to the annual bill. The added cost to residential customers in various parts of the country will, of course, vary with their gas consumption. Some illustrative cases based on the above estimate of average-price increase are shown below:

State	Average residential consumption per customer (1974 gas facts) (thousand cubic feet)	Estimated increase in annual bills
Ohio	178	$23.14
Illinois	165	21.45
Pennsylvania	137	17.81
California	101	10.40
New York	90	11.70
Florida	40	5.20

We can also compare the price of gas with its old price, with the general consumer price index, and with oil and electricity prices. We do this with the aid of the latest BLS estimates,[9] for May, 1976 for several representative cities. We start with the May 1976 price from BLS. Then we show the new price, by adding the above 13 cents per Mcf. Then we show the percentage increase in residential gas price for that city. This is followed by an estimate of the change in the average residential bill. Next we show an estimate of each city's revised gas-price index (from BLS Table 4; 1967=100, Maq 1976 CPI=69.2). Next we show the constant-dollar increase in gas price since 1967; that is, the degree to which gas prices have out-run general inflation. Finally we show the ratio of the new gas price to the heating oil price and electricity price on a per-Btu basis.

Exhibit 30 shows that of the 108 cent per Mcf rate increase from 699–H, 44 cents goes to direct taxes, 17 cents goes to royalties, 22 cents goes to cover higher investment costs, and 21 cents goes to producer profits. Of the increase on vintaged 1973–1974 gas, about 35 cents goes to taxes, and less than 20 cents to costs and net profits. Of the entire first-year

	Washington	Boston	Chicago	San Francisco
Average price, May 1976	2.45	3.24	1.87	1.54
New price	2.58	3.37	2.00	1.67
Percent increase	5.3	4.0	6.9	7.8
1974 consumption	93	89	165	101
Bill at May 1976 price	232.75	288.36	308.55	155.54
Bill at new price	245.10	299.93	330.00	168.67
Increase in bill	12.35	11.57	21.45	13.13
New index (1967=100)	189.7	203.5	198.3	229.0
Real price rise since 1967 (percent)	12.1	20.3	14.2	35.3
Ratio to oil price	.84	1.11	.72	.56
Ratio to electric price	.21	.23	.16	.18

[4] Cost-Effectiveness of a Uniform National Sulfur Emissions Tax (EPA-600/5-74-009, February 1974).

[5] This relationship was also used by the Canadian National Energy Board in their recent gas pricing decision.

[6] Source: U.S. Bureau of Mines and FPC Form 11.

[7] Data from U.S. Bureau of Mines, as published in 1974 Gas Facts, American Gas Association, page 58.

[8] "With * * * (the) many variables, it is impossible, with any degree of precision likely to satisfy the momentary opponent's fetish for quantification, to determine the likely quantitative effect on supply of a chance in rate ceiling." *Placid Oil Co., et al. v. F.P.C.*, 483 F. 2d 880, 901 (5th Cir. 1973).

[9] Retail Prices and Indexes of Fuels and Utilities Residential Usage, May 1976; Bureau of Labor Statistics, 7/76.

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cost of $1.5 billion, producer costs will claim about $400 million, tax liabilities will claim $820 million, and producers will receive $280 million in net income.

(B) FUTURE CONSUMPTION TRENDS

Neither the letter nor the spirit of the Natural Gas Act binds the Commission to be concerned only with the welfare of consumers who are presently using natural gas. This fact is obvious, yet it is often overlooked. For instance, a recent study by the Congressional Research Service [10] characterized the possible production of more gas as a "cost to consumers", overlooking the fact that purchasers of such gas would buy it only if it were cheaper than their alternatives.

For analytic purposes, we consider consumers in several classes. Direct consumers of gas are divided into residential, industry, and utility sectors. Potential consumers of gas are divided into the same sectors, and include all consumers who do not presently have access to gas, but who would choose gas if it were available at an equilibrium price. All costs incurred by the utility and industry sectors (whether for more expensive gas, or for curtailments and yet more expensive alternate fuels) are viewed as indirect costs to the population as a whole.

In the discussion which follows, we will focus on the 1980 demand situation for gas at various prices, with explicit consideration for newly cost-effective conservation, and for those gas users who may not be able to get the gas they want. Such consumers must buy a higher-cost alternate fuel to meet their needs, putting added upward pressure on the price of that alternate fuel.

It has been estimated [11] that the national welfare gain from all cost-effective conservation measures would be about $9 billion in 1980. Present natural gas consumers account for a disproportionate share of the costs of energy waste, in large measure because their gas has been so cheap. The analysis which follows takes account of the significant degree of conservation which is possible in each sector if consumers take those efficiency-improving steps that did not pay for themselves at old prices, but do pay in saving the higher-priced gas (even at the rolled-in price).

In the Deregulation Task Force Report, supra, it was estimated that in 1980 gas production would lie between 22.6 and 24.9 Tcf if this Commission adhered to pricing strategies which led, respectively, to level production or level reserve additions. In the "Worst Case" estimate (shown in Table H-16) it was assumed that elasticities were relatively low and demand high; in the "Best Case" estimate (Table H-61) elasticity was assumed higher and total demand lower. These cases implied 8.2 and 1.4 Tcf of unsatisfied demand, respectively.

The characteristics of the average demand and supply projections for 1980 were as follows:

Sector	Total demand	Met by gas	Curtailed
Residential	8.66	7.62	1.04
Industrial	14.78	12.46	2.32
Utility	5.16	3.70	1.46
Total	28.60	23.78	4.82

[10] Economic Impact of S. 2310's Pricing Provisions, 12/22/75.

[11] "Economic Benefits of Energy Conservation", Proceedings of U. of Miami/ERDA Forum on Energy Conservation, December 1975.

There is no present or planned direct curtailment of gas delivery to residential consumers; but we must remain aware of the growing number of new homes for which no new gas connections are permitted. For many of these, the alternative is electricity, even for their heating needs. This alternative is far more expensive to the economy than gas itself, for it requires more primary input energy plus more capital for the generation system.

The model works by estimating the way a changed price for new gas (and expiring contracts) will stimulate supply, and will lower demand by raising the rolled-in price of all gas, so that all the potential demand is satisfied. It is assumed that the alternate fuel would ultimately be supplied from imports, and we estimate the national cost of imports by the first-round taxes which would be paid by domestic producers of the same fuels.

(C) LONG-RUN PRICE IMPACTS

To estimate long-run impacts of this opinion on various consumers, we will deal with the effects of a normative price determined within the gas market. As we noted above, the Task Force addressed this question in asking what price would bring equilibrium between gas supply and demand. In effect we will use that analysis to study the equity effects of shifting toward the efficient price. (This does not imply deregulation, of course—the analysis determines the price which would be reached by a competitive market for gas, while the Commission sets a ceiling price which potential monopolists may not exceed.) We begin by returning to the "Worst" and "Best" demand gaps.

The prices which closed the demand gaps (in 1974 dollars, as the well-head price for new gas, expiring contracts, and intrastate gas) were $1.91/Mcf and $.78/Mcf, respectively; the demand gaps were closed by only 2.02 and .38 Tcf of new gas, plus greater (6.2 and 1.0 Tcf) cost-effective conservation by all the consumers of existing gas.

Since the Task Force analysis seems to be the only model that considers specific classes of present and potential consumer, we will use its results to describe the impact of the current opinion. The two extreme cases have an average well-head price for marginal gas of $1.81/Mcf in 1980 ($1.35 measured in 1974 dollars, adjusted for 5% annual inflation), which is compatible with a 1976 price of $1.65/Mcf plus $.04 annual escalation.

Below we list some of the relevant attributes of the average of these two cases:

Added gas volume due to higher price (trillion cubic feet)	1.20
Saved gas equivalent of alternate fuels (trillion cubic feet)	4.80
Increased revenues of gas producers (barrel)	$9.88
Decreased revenues (e.g., of imports) (barrel)	7.79
Net increase in consumer outlays (barrel)	2.09
Increased outlays by consuming sector:	
Status-quo residential consumers (barrel)	1.45
"Curtailed" residential consumers (barrel)	−.81
All residential consumers (barrel)	.63
Status-quo industrial and utility (barrel)	2.95
Curtailed industrial and utility (barrel)	−1.49
All non-residential consumers (barrel)	1.46

This Table means that the direct outlays, by residential consumers of gas, will rise by $.63 billion; an increase of $1.45 billion to present ("Status-Quo") consumers will be partially offset by a saving of $0.81 billion on the part of consumers who otherwise wouldn't have access to gas. While this change has equity or redistributional aspects, it should be remembered that consumers who already have gas (and will therefore be hurt) have had the historic benefit of a significant subsidy in this low-priced valuable fuel.

The indirect costs to consumers are the added outlays by industry and utilities for gas, minus the national benefits from a reduced reliance on imports. Of the indirect price impact of $1.46 billion, only $0.10 billion is paid through utilities; at the higher price for existing gas, the utilities would lower their total demand (e.g., by load management techniques) enough that their fuel outlays would rise only a little. The remaining $1.36 billion is the added outlay for fuel by industry, all of which must be absorbed by consumers of the industrial products.

We next examine the size and incidence of the costs. First, the costs are not multiplicative—only during monetary inflation (if then) can a producer raise his product cost by 10% because his fuel bill went up 10%. (Some such behavior underlies the idea of "ripple effects".) For a price realignment which reflects true resource costs, there is every reason to think that there is a simple dollar-for-dollar pass through. For instance, in 1971 "Food Processing" used about 5% of industry's natural gas. In addition, "Chemicals" used another 27%, but since only 4% of "Chemicals" gas goes to "Agricultural Chemicals", Food absorbs another 1% of industry's burden by this route. In total, consumers appear to pay only 6% of the $1.36 billion (or about $80 million) extra for their food. This $80 million adds about 0.05 percent to food costs.

Second, the costs are not distributed regressively, at least in the sense that a large fraction of the indirect costs fall on the poor, or on essential products. It has been shown that direct fuel cost is slightly regressive, indirect fuel cost is slightly progressive, and total fuel cost is approximately neutral.

To consider taxes, we note that the above values were derived by averaging Tables H-16 and H-61 of the Preliminary Task Force Report. The assumptions meant that some 13.15 Tcf of total production in 1980 would increase an average of $.63/Mcf from the so-called Status-Quo prices; in addition, there would be 1.2 Tcf of added gas at $1.35/Mcf (in 1974 dollars). Producers would have incremental revenues of $8.26 billion on the former, and an earned income of $1.62 billion on the latter. If we assume (as seems likely) that the former income would be taxable at 48%, and the latter at an average rate of 10%, the total tax receipts would be about $4.1 billion, roughly double the increased consumer outlays. If the alternate fuels ultimately come from imports, and the imports are displaced by conservation and new supply, these tax receipts represent a net gain to the economy. (They are an indirect gain to the consumer for exactly the same reason that industry outlays are an indirect consumer cost.)

The aggregate effect, as best we can predict it, would be that by 1980 consumers will be paying a total of $.63 billion more (than in the "Status-Quo" case) in direct purchases of gas; they will also be paying an indirect amount of $1.46 billion extra for gas through the commodities they buy; but they will also receive the indirect benefit (in the form of a lower tax burden than otherwise) of $4.1 billion in taxes paid by producers from income which goes to domestic, rather than foreign, producers. Thus, the total effect of shifting from the "Status Quo" price to the normative price would be a benefit of $2.0 billion ($4.1−$0.63−$1.46)—the benefit of removing the inefficiency associated with the present underpricing of natural gas.

(D) EFFECT OF TOO HIGH PRICE

The notion of "too high" a price can be represented in two related ways. We can either ask what happens if a price higher than the normative price is used as a ceiling, or we can ask what happens if the normative price itself is lower. The latter case can arise only if the real-world situation is "better" than the "average case"; in which situation we would have larger supplies, lower demand, and less import reliance than was modeled. If gas production is competitive, the lower normative price will prevail, and consumers will be better off. Otherwise, consumer costs are higher, and the added costs are only partly recovered by taxes on producers.

Specifically, if producers charge monopolist prices at a ceiling rate that is too high, the net cost of each 1-cent error in setting the rate is roughly $10 million. A 5-cent error would mean that consumers would pay an extra $100 million, of which about $48 million would be recovered in marginal taxes on the producers.

(E) EFFECTS OF TOO LOW PRICE

On the other hand, "too low" a price can be represented by a world in which demand is greater, supplies are lower, and imports are higher. In this case, we clearly have an element of additional "excess" demand which can be supplied only from alternate fuels at a higher price than that allowed for gas. In this case, consumer costs are higher by the extra cost of the alternate fuel, plus whatever national cost is attributed to the added reliance on foreign fuel supplies.

An error in the direction of too low a price ought also to have a net cost of about $10 million for each one-cent error. In this case, a price 5 cents too low should lead to present consumers of gas saving about $30 million, while other consumers would be forced to spend about $80 million more on the purchase of alternate fuels.

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MONDAY, AUGUST 9, 1976



PART IV:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

■

PROFESSIONAL STANDARDS REVIEW

Procedures for Designating Statewide Areas

V41154 AUG 9 76 UMI

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 101—PROFESSIONAL STANDARDS REVIEW

Procedures for Designating Statewide Areas

On April 28, 1976, there was published in the FEDERAL REGISTER (41 FR 17868) a proposal to amend Subpart A of Part 101 of Title 42, Code of Federal Regulations. This amendment is required to implement the new paragraph (g) which was added to section 1152 of Title XI, Part B of the Social Security Act by section 105 of Pub. L. 94–182.

The amendment adds a new § 101.2a to Subpart A of Part 101 which establishes the procedures under which the Secretary will conduct polls in States where two or more areas have been designated and the Secretary had not entered into an agreement with any organization designating it as the PSRO for any area in such States prior to December 31, 1975. The polls will be conducted to determine whether doctors of medicine and doctors of osteopathy in each area in the State support a change from the present area designations to a single statewide area designation. If, in each PSRO area, more than 50 percent of the doctors responding vote to support a change, the Secretary will establish the entire State as a single PSRO area.

Interested parties were invited to submit written comments, suggestions or objections concerning section 101.2(a) on or before May 28, 1976. No written comments, suggestions, or objections were received in a timely manner and the proposed amendment is hereby adopted without change, except for correction of several typographical errors made in publication of the proposal and is set forth below.

Effective date: This amendment shall become effective August 9, 1976.

Dated: July 9, 1976.

THEODORE COOPER,
Assistant Secretary for Health.

Approved: August 2, 1976.

MARJORIE LYNCH,
Acting Secretary.

§ 101.2a Special Procedures for Statewide Designation.

(a) *Policy and Applicability.* (1) Section 1152(g) of the Act reads as follows:

(g)(1) In any case in which the Secretary has established, within a State, two or more appropriate areas with respect to which PSROs may be designated, he shall, prior to designating a PSRO for any such area, conduct in each such area a poll in which the doctors of medicine and osteopathy engaged in active practice therein will be asked: 'Do you support a change from the present local and regional PSRO area designation to a single statewide area designation?' If, in each such area, more than 50 per centum of the doctors responding to such question respond in the affirmative, then the Secretary shall establish the entire State as a single PSRO area.

(2) The provisions of paragraph (1) shall not be applicable with respect to the designation of PSRO areas in any State, if, prior to the date of enactment of this subsection,[1] the Secretary has entered into an agreement (on a conditional basis or otherwise) with an organization designating it as the PSRO for any area in the State.

(2) This section is applicable to the special procedures for statewide designation pursuant to Section 1152(g) of the Act.

(b) *Determination of Number of Doctors in each PSRO Area in the State.* In each State identified by the Secretary under paragraph (a) as requiring a poll on the change to statewide designation, the Secretary will determine, on the basis of the latest available information which he deems appropriate for such purposes, the names, current mailing addresses, and total number of doctors of medicine or osteopathy engaged in active practice in each PSRO area in such State, as designated in this Subpart. The information on the basis of which the total number of doctors in each such area is determined by the Secretary will be available for public inspection in accordance with 5 U.S.C. § 552 and 45 CFR 5.1 et seq.

(c) *Notice of Poll.* The Secretary will publish a Notice in the FEDERAL REGISTER and in at least one newspaper of general circulation serving each of the areas in the State, and will notify by letter appropriate State and county medical societies, that he will conduct a poll in each such area in the State to determine whether the doctors engaged in actual practice in each area support a change from the present local PSRO area designation to a statewide area designation, pursuant to Section 1152(g) of the Act. The Notice will set forth the dates on which such poll will be initiated and completed and will state that doctors in such area who have not received a ballot within five (5) days after initiation of the poll may request a ballot prior to the expiration of the polling period from the Secretary at the address specified in the Notice.

(d) *Mailing of Ballots.* The Secretary will mail, by regular mail, to each individual doctor of medicine or osteopathy whom the Secretary determines, pursuant to paragraph (b), to be engaged in the active practice of medicine or osteopathy in each PSRO area in the State, the following:

(1) a ballot in which the doctor is requested to check one of two boxes indicating an affirmative or negative response to the question: "Do you support a change from the present local and regional Professional Standards Review Organization area designation to a single statewide area designation?";

(2) a preaddressed, franked and coded envelope; and

(3) a cover letter describing the purpose of the poll, and specifically including:

[1] Section 1152(g) was added by section 105 of P.L. 94–182, enacted December 31, 1975.

(i) The date of initiation of the poll, which will be not more than two days prior to the date on which the polling material is mailed;

(ii) A request that the doctor complete the ballot and mail it by regular mail in the enclosed envelope;

(iii) A statement that if, in each PSRO area in the State, more than 50 per centum of the doctors responding to the poll indicate that they support a change from the present local area designations to a statewide area designation, the Secretary will establish the entire State as a single PSRO area;

(iv) A statement that all completed ballots which are mailed in the enclosed self-addressed envelope, and postmarked within 30 days of the date of initiation of the poll and received by the Department of Health, Education, and Welfare officer, whose address appears on the enclosed envelope, will be counted in determining the result of the poll; and

(v) A statement that doctors who are identified by the Secretary as being in active practice in more than one area may vote with respect to each of the areas in which they practice.

(e) *Tabulation of Ballots.* After the expiration of 30 days following the date of initiation of the poll, as described in paragraph (d)(3)(i), the Secretary will tabulate the completed ballots which have been received in the self-addressed envelopes provided and which are postmarked prior to the end of such 30-day period.

(1) The ballots will be tabulated separately for each area in the State, to determine whether or not, in each PSRO area in the State, more than 50 percent of the doctors responding to the poll indicate that they support a change from the present local area designations to a Statewide area designation.

(2) The ballots will be tabulated in such a fashion as to assure that the vote of each individual doctor responding to the poll will not be disclosed.

(3) The tabulation proceeding will be publicly announced and will be open to the public in a central location in the State.

(f) *Retention of Ballots.* All ballots received by the Secretary will be retained for such period as may be necessary to assure their availability for a recount in accordance with paragraph (h), and will be available for public inspection during such period at a place announced in the Notice published pursuant to paragraph (g).

(g) *Notice of Poll Results.* After tabulating the ballots received for each area in the State, the Secretary will publish a Notice in the FEDERAL REGISTER and in at least one newspaper of general circulation in each area, and will notify by letter the appropriate State and county medical societies, as follows:

(1) That more than 50 percent of the doctors, in each PSRO area of the State, by checking the appropriate box on the ballot, responded in the affirmative to the question: "Do you support a change from the present local and regional Professional Standards Review Organization area designation to a single statewide area designation?" and, therefore, the Secretary will proceed to establish the entire State as a single PSRO area; or

(2) That, in one PSRO area in the State (or the number of such areas if more than one) more than 50 percent of the doctors, by checking the appropriate box on the ballot, responded in the negative to the question: "Do you support a change from the present local and regional Professional Standards Review Organization area designation to a single statewide PSRO area?" and, therefore, the PSRO areas established in the State under this Subpart A will remain in effect.

(h) *Recount.* The count under paragraph (e) will be final, except that the Secretary will conduct a recount of an area in the State if at least five (5) doctors in such area so request in writing, postmarked within 10 days following the date of publication of the Notice in the FEDERAL REGISTER under paragraph (g). Such recount will be conducted in a public proceeding, and the result of the recount will be final.

[FR Doc.76-22938 Filed 8-6-76;8:45 am]

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MONDAY, AUGUST 9, 1976



PART V:

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Urban Mass Transportation Administration

FEDERAL AND FEDERALLY ASSISTED PROGRAMS AND PROJECTS

Coordination

V41 154 AUG 9 76 UMI

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

PART 420—PROGRAM MANAGEMENT AND COORDINATION

Coordination of Federal and Federally Assisted Programs and Projects

• Purpose. The purpose of this document is to issue final joint regulations implementing OMB Revised Circular A-95, "Evaluation, Review and Coordination of Federal and Federally Assisted Programs and Projects" (41 FR 2052, January 13, 1976). •

Interim regulations were issued by the Federal Highway Administration (FHWA) on November 19, 1975 (40 FR 53726), and by the Urban Mass Transportation Administration (UMTA) on March 10, 1976 (41 FR 10316), with the intention of combining the unilateral regulations in a final issuance.

The public was invited to participate in these regulations through submission of written comments. In arriving at the final regulations set forth below, UMTA and FHWA have given consideration to all comments received insofar as they relate to matters within the scope of the interim regulations. Review of the comments received resulted in only minor editorial changes to the regulations as originally proposed. However, in view of the interest expressed in these regulations those sections of the final regulations which were the subject of major interest are discussed in this commentary.

The majority of comments received on the FHWA and UMTA interim regulations expressed satisfaction with the primary intent to simplify and rationalize the transportation planning/A-95 review process by integrating the A-95 elements of consideration with the FHWA/UMTA comprehensive planning/programing requirements 23 CFR 450C, (40 FR 42979). Where the Metropolitan Planning Organization (MPO), 23 CFR 450A, (40 FR 42976) is the same as the A-95 agency (41 FR 12482), the basic procedure required by these regulations to accomplish our primary intent allows the MPO endorsement of the transportation improvement program/annual element (TIP/AE) to satisfy the A-95 notification and review requirements. Since this procedure generated several comments, the following paragraphs are in response to the major issues raised by those comments.

A principal issue in the comments concerned the lack of a provision for clearinghouses to obtain additional information for certain projects contained in an annual element. Paragraph (a)(1) of § 420.306 allows the applicant and the clearinghouses to establish mutually acceptable procedures for A-95 notification, consultation and review. We intend this to mean that if an A-95 clearinghouse requires additional information for certain projects at any stage of development, it can arrange for acceptable procedures for the receipt of this additional information.

Many of the comments expressed doubt over the minimum acceptable procedures in § 420.306 (b), (c), and (e), that FHWA/UMTA are requiring to fulfill the provisions of the OMB A-95 Circular. For example, where the MPO is the A-95 agency and the MPO has endorsed the TIP/AE, then the requirements of the OMB A-95 Circular will also be fulfilled. Several comments indicated that this single endorsement action is not consistent with the two-fold responsibility of the clearinghouse, i.e., assuring regional planning agency review and soliciting comments from other local agencies. In response to this concern, it is necessary to compare the functions of the planning process as described in the FHWA/UMTA planning regulations 23 CFR 450A (40 FR 42976), through which the TIP/AE is developed, with the clearinghouse functions as described in OMB Circular A-95 (41 FR 2052, Part I, Par. 3). This comparison reveals nearly identical elements of consideration; i.e., provide for cooperative decisionmaking on a metropolitan level through participation of principal elected officials of general purpose local government; provide for consideration of social, economic, and environmental effects; provide for consistency with civil rights laws; provisions to ensure public involvement; etc. In addition, the FHWA/UMTA planning regulations require adequate representation on the MPO so that all agencies with concerns have a chance to voice them in the development of the TIP/AE. With these integrated A-95/planning process procedures, both the clearinghouses and FHWA/UMTA have a means to monitor metropolitan planning and the progress of particular, federally assisted projects that pass from planning into other stages of development. It is also expected that these procedures will stimulate concern early in the planning process for those elements required both under the clearinghouse functions and the FHWA/UMTA planning regulations.

Another issue that was the subject of several comments concerned the limited time allowed to review the annual element. Under past A-95 procedures, the A-95 review was accomplished on a project-by-project basis with 30 days allowed to review each project. Under these new procedures, where clearinghouses are not the same as the MPO and have not identified certain projects that would require additional information, the A-95 review of the annual element is allowed 30 days. When additional information is required for an FHWA project in an annual element or when review of an application for an UMTA assisted project is requested, an additional 30 days is available for A-95 review. Where the A-95 clearinghouse is not the same as the MPO, it is expected that the clearinghouse will be able to perform complete A-95 reviews with the information in the annual element for the majority of projects while a smaller number of large, major impact capital projects will require more information and further review at subsequent stages of development. Since large, major impact capital project must be implemented in stages, i.e., engineering, right-of-way acquisition, construction, each successive stage is required to be reported in an annual element and will, thereby, automatically be subject to an A-95 review of 30 days. Again, when more information is required at these subsequent stages of development, the clearinghouses will be allowed 30 days to review it.

There were some comments concerning the practice of project grouping as described in the transportation improvement program regulations (40 FR 42979, § 450.312(c)) and its potential to prevent adequate A-95 notification and review of projects in the grouping. The types of projects that we expect to see grouped are those for which OMB has granted FHWA an exemption from the A-95 process, i.e., certain minor traffic engineering and highway safety projects including: channelization of intersections, including turn bays; modification of traffic signals and control systems; intersection approach lane widening; intersection widening to include turn bays; traffic control signs and markings; pavement skid treatment by overlay or grooving; highway lighting; pedestrian over- or under-crossing structures; bridge widening for safety clearances and increased lane widths; railroad-highway crossing warning devices; and installation of breakaway signs or lighting supports, fence, impact attenuators, guardrails, or median barriers. Where a clearinghouse desires more information than would normally accompany a grouping of small scale projects, the regulations provide clearinghouses with a recourse through § 420.306(a)(1), the provision for mutually acceptable procedures between applicants and clearinghouses.

It should be noted that § 420.306(e) was revised to include a request to OMB to exempt UMTA bus replacement and operating assistance projects from the A-95 review requirements if the projects fall within the criteria established by the existing OMB exemption for FHWA traffic engineering and highway safety projects, i.e., they consist of rehabilitation or modernization of existing facilities or require no additional right-of-way. It should be noted that the proposed exemption is subject to OMB approval.

Several comments on FHWA's interim regulations indicated confusion with the relationship between the term "applicant," the A-95 review of the annual element (AE), and the "program" approval action by FHWA. For urbanized areas, the State highway agency must select those urban systems, Interstate substitution, urban extensions of primary and secondary projects, and projects on the Interstate System in which it concurs from the annual element for inclusion in the statewide "program" required by 23 U.S.C. 105. The statewide 105 program will also contain all federally assisted projects outside of urbanized areas.

A number of comments were critical of including non-Federal projects for A-95 review. It is emphasized that non-Federal projects are not subject to A-95 review and comment but are required by

the FHWA/UMTA planning/programing regulations to be included in the annual element for information only. There were some comments on whether or not UMT Act Section 16(b)(2) projects (elderly and handicapped services) are subject to A-95 review. Since 16(b)(2) projects are funded with Section 3 funds, they are subject to these regulations according to § 420.304(a)(3).

A number of sections in the interim regulations which primarily concerned non-regulatory procedures have been dropped from the final regulations. It was judged that those procedures should not be interpreted as regulatory constraints on an application for Federal assistance, but as non-regulatory guidelines. It is the intent of both FHWA and UMTA to follow these procedures to the best of our ability as they are mandated by the OMB A-95 Circular. For instance, mandatory use of Standard Form 424 both by the applicant and in response to clearinghouses by the Federal agency is flexibly interpreted recognizing that OMB may grant a waiver in the use of this form. In another instance, it was judged inconsistent with Federal goals to reduce "red tape" to require the Federal approving agency to return applications for Federal assistance that contained omissions or errors. The A-95 procedures that are absolute prerequisites to receiving FHWA or UMTA assistance are clearly set forth in these regulations. In no case will any FHWA or UMTA projects be approved that do not follow these procedures. In the third instance, a section of the interim regulations requiring rereview of applications not acted on within one year has been determined to be unnecessary. Any projects which are not completed during the year must be included in a subsequent annual element thereby automatically subjecting it to rereview.

With regard to the deletion of the requirement in the interim regulations for singling out comments on the environmental and civil rights aspects of projects for special emphasis in the documentation before Federal approval can proceed, this has been changed to reflect the breadth of subjects on which the clearinghouses are required to comment and, consequently, that the applicant must include in the project documentation. Singling out certain subjects for special consideration would result in arbitrarily diminishing the importance of other subjects for clearinghouse comment, which is not consistent with the spirit of OMB's A-95 Circular. Finally, it should be noted that § 420.306(h)(2) requires the Federal approving agency to explain its reasons for approval when a clearinghouse has recommended against the approval. By association, this includes the requirement that when the clearinghouse has recommended against approval because the project conflicts with or duplicates another Federal or federally assisted project, the funding agency will consult with the agency assisting the referenced project prior to acting. Finally, where an application for UMTA assistance is submitted by a special purpose unit of local government, UMTA will assure that the provisions of the OMB Circular A-95, Part I, Para. 6. (f) are followed.

In consideration of the foregoing, and under the authority of OMB Circular No. A-95; Pub. L. 89-754, 80 Stat. 1262, 42 U.S.C. 3334; Pub. L. 90-577, 82 Stat. 1104, 42 U.S.C. 4233; Pub. L. 91-190, 83 Stat. 852, 42 U.S.C. 4332; Pub. L. 88-352, 78 Stat. 252, 42 U.S.C. 2000; 23 U.S.C. 104(f)(3), 105, 134, 307, 315, and 324; the UMT Act (49 U.S.C. 1602, 1603, 1604, 1605, 1607(a), and 1612); 49 CFR 21.7(a); and the delegation of authority by the Secretary of Transportation at 49 CFR 1.48(b) and 1.51(f), Chapter I of Title 23 of the Code of Federal Regulations is hereby amended by adding a new Part 420, Subpart C as set forth below.

Effective date: Pursuant to Office of Management and Budget Circular A-95 as published in the January 13, 1976 edition of the FEDERAL REGISTER (41 FR 2052), these final regulations are effective on August 9, 1976.

Issued: August 4, 1976.

NORBERT T. TIEMANN,
Federal Highway Administrator.

ROBERT E. PATRICELLI,
Urban Mass Transportation Administrator.

Subpart C—Coordination of Federal and Federally Assisted Programs and Projects

Sec.
420.300 Purpose.
420.302 Definitions.
420.304 Applicability.
420.306 Project notification and review systems.
420.308 Direct Federal development.
420.310 Coordination of planning in multijurisdictional areas.

AUTHORITY: Pub. L. 89-754, 80 Stat. 1262, 42 U.S.C. 3334; Pub. L. 90-577, 82 Stat. 1104, 42 U.S.C. 4233; Pub. L. 91-190, 83 Stat. 852, 42 U.S.C. 4332; Pub. L. 88-352, 78 Stat. 252, 42 U.S.C. 2000; OMB Circular A-95; 23 U.S.C. 104(f)(3), 105, 134, 307, 315, 324; 49 CFR 1.48(b) and 1.51(f); 49 CFR 21.7(a), The Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1602, 1603, 1604, 1605, 1607(a), and 1612)

Subpart C—Coordination of Federal and Federally Assisted Programs and Projects

§ 420.300 Purpose.

The purpose of this subpart is to implement the regulations in Office of Management and Budget (OMB) Circular No. A-95 which furnishes guidance to Federal agencies for cooperation with State and local governments in the evaluation, review, and coordination of Federal and federally assisted programs and projects.

§ 420.302 Definitions.

(a) The terms used in the subpart are as defined in OMB Circular No. A-95 (revised), Section 101(a) of Title 23, U.S.C., and the Urban Mass Transportation Act of 1964, as amended (UMT Act), except as otherwise provided.

(b) As used herein:

"Transportation Improvement Program (TIP)" means, in urbanized areas, a staged multiyear program of transportation improvements including an annual element prepared pursuant to 23 CFR Part 450, Subpart C and 49 CFR Part 613, Subpart B.

"Annual Element (AE)" means a list of transportation improvement projects proposed for implementation during the first program year.

"Statewide 105 Program" means the program or programs of proposed projects prepared by the State highway agency pursuant to 23 CFR Part 630, Subpart A.

"Applicant" means any local or State agency which applies for Federal transportation assistance, including but not limited to cities, Metropolitan Planning Organizations, transit operators, State highway agencies, and designated recipients of the Urban Mass Transportation Administration (UMTA) funds.

"Metropolitan Planning Organizations (MPO)" means that organization designated by the Governor as being responsible, together with the State, for carrying out the provisions of 23 U.S.C. 134, as provided in 23 U.S.C. 104(f)(3), and capable of meeting the requirements of Sections 3(a)(2) and (e)(1), 4(a), and 5(g)(1) and (l) of the UMT Act (49 U.S.C. 1602(a)(2) and (e)(1), 1603(a), and 1604(g)(1) and (l). This organization is the forum for cooperative decisionmaking by principal elected officials of general purpose local government.

"Unified Planning Work Program (UWP)" means the planning work program required by 23 CFR Part 450, Subpart A, and 49 CFR Part 613, Subpart A.

"Highway Planning and Research Program (HPR)" means the statewide highway planning, research and development effort described in an annual two-part statement of proposed work and estimated cost as required by 23 U.S.C. 307.

§ 420.304 Applicability.

This subpart is applicable to:

(a) The programs listed in Attachment D to OMB Circular No. A-95 or Appendix I of the Catalog of Federal Domestic Assistance, whichever bears the later date. At this time, the programs covered are as follows:

(1) 20.205 Highway Research, Planning, and Construction.

(2) 20.214 Highway Beautification—Control of Outdoor Advertising, Control of Junkyards, Landscaping, and Scenic Enhancement.

(3) 20.500 Urban Mass Transportation Capital Improvement Grants under Section 3 of the UMT Act.

(4) 20.501 Urban Mass Transportation Capital Improvement Loans under Section 3 of the UMT Act.

(5) 20.505 Urban Mass Transportation Technical Studies Grants under Section 9 of the UMT Act.

(6) 20.506 Urban Mass Transportation Demonstration Grants under Section 6 of the UMT Act.

(7) 20.507 Urban Mass Transportation Capital and Operating Assistance Formula Grants under Section 5 of the UMT Act.

(b) Direct Federal development activities including, but not limited to the

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acquisition, use and disposal of Federal real property.

§ 420.306 Project notification and review system.

(a) *General.* (1) State and areawide clearinghouses and applicants shall develop mutually acceptable procedures for handling program or application notification, consultation, and review, including significant substantive changes to previously reviewed programs and applications. Conformance with the minimums set forth below in (b), (c), (d), and (e) of this section will satisfy Federal requirements for OMB Circular No. A–95 notification, consultation and review.

(2) Notification shall include a summary description of the project containing the information required by Attachment A, Part I, Paragraph 2.(a) of OMB Circular A–95 and comply with Par. 2(c).

(b) *FHWA Capital and UMTA Discretionary and Formula Capital Projects.* (1) *Urbanized areas.*—Where the MPO is the areawide clearinghouse, endorsement of the transportation improvement program/annual element (TIP/AE) will meet the areawide clearinghouse review requirements of OMB Circular No. A–95, Part I, Pars. 3 and 4, for each project in the AE. Where the MPO is not the areawide clearinghouse, the annual element and amendments thereto shall be furnished to the appropriate areawide clearinghouse for review and comment. In each case, the annual element and the amendments thereto shall be furnished to the State clearinghouse for review and comment.

(2) *All other areas.*—The State highway agency shall ensure that the appropriate areawide and State clearinghouses are provided an opportunity to review and comment on applicable portions of the Statewide 105 Program of Projects. Applicants for UMTA assistance shall furnish proposed transit projects to appropriate State and areawide clearinghouses for review and comment at the earliest feasible time.

(c) *FHWA/UMTA planning assistance projects.* (1) *Urbanized areas.*—Where the MPO is the areawide clearinghouse, endorsement of the unified planning work program (UWP) will meet the areawide clearinghouse review requirements of OMB Circular A–95, Part I, Pars. 3 and 4, for each project in the UWP. Where the MPO is not the areawide clearinghouse, the UWP shall be furnished to the appropriate areawide clearinghouse for review and comment. In each case, the UWP shall be furnished to the State clearinghouse for review and comment.

(2) *All other areas.*—The State highway agency shall ensure that the appropriate areawide and State clearinghouses are provided an opportunity to review and comment on applicable portions of Part I of the Statewide Highway, Planning and Research (HPR) Program. Applicants for UMTA planning assistance shall furnish applications for assistance to appropriate State and areawide clearinghouses at the earliest feasible time.

(d) *Other projects.* The State highway agency shall ensure that the appropriate areawide and State clearinghouses are provided an opportunity to review and comment on applicable portions of Part II of the HPR Program, except as set forth in § 420.306(e)(4). Applicants for UMTA demonstration assistance, except as set forth in § 420.306(e)(4), shall submit applications for assistance to appropriate State and areawide clearinghouses at the earliest feasible time.

(e) *Exceptions and Limitations.* (1) Traffic engineering, highway safety and other projects that consist of rehabilitation or modernization of existing facilities and that do not change the use, scale, or intensity of existing facilities or require additional right-of-way are exempt from the requirements of this section. Projects requiring major construction should not be exempted from the requirements of this section without the concurrence of the appropriate clearinghouse(s).

(2) UMTA operating assistance projects and discretionary and formula capital assistance projects which consist of replacement of capital equipment that do not change the use, scale or intensity of such facilities or require additional right-of-way, are exempt from the requirements of this section.

(3) Highway and transit projects of small scale and local impact may be exempted from the requirements of this section by agreement between the applicant and the appropriate clearinghouse(s) according to the OMB No. A–95 Circular, Part I, Par. 8(f).

(4) Experimental studies or operational tests of techniques or concepts, such as those in Part II of the annual statewide HPR program and those under UMTA Section 6, Demonstration Grants, that are as yet unproven and which require further study or demonstration to determine if they should be encouraged on a national scale, are exempt from the requirements of this section. For UMTA, operational test is defined as a controlled, non-fixed facility type project of limited duration, impacting on a small, carefully defined area of the community.

(5) In the case of applications for projects involving land or water use and development or construction in the National Capital Region (as defined in section 1(b) of the National Capital Act of 1952, as amended), a copy of the application shall be sent to the National Capital Planning Commission in addition to the areawide clearinghouse and appropriate State clearinghouses.

(f) *Clearing house review time.* Clearing houses may have a period of 30 days to review programs or applications submitted to them for certification. The procedures referred to in § 420.306(a)(1) may include an agreement for further review of certain projects at subsequent stages of development or at specified periods of time. At a clearinghouse's request, it may have an additional 30 days to review completed applications for UMTA funded projects or to review additional information furnished for FHWA funded projects

(g) *Applicant procedures.* The applicant shall include the following with a request for FHWA approval of a program of projects or for UMTA approval of a project application:

(1) Standard multipurpose form, SF 424, Federal Assistance, unless a waiver has been granted by OMB.

(2) Any comments or recommendations made by or through clearinghouses in accordance with the clearinghouse functions listed in Part I, Paragraph 3 of OMB Circular No. A–95.

(3) A statement that such comments have been considered or a statement that the procedures outlined in this subpart have been followed and that no comments or recommendations have been received.

(h) *Federal agency procedures.* (1) Within seven working days of any major action taken on a project, Statewide 105 program, or HPR program, the Federal approving agency will notify any clearinghouses that have reviewed such projects or programs. For UMTA, major action occurs at the project approval stage for each individual project. For FHWA, the major action occurs at the statewide 105 program and HPR program approval stage. The UMTA may approve an application for a project that was included in the annual element of a TIP provided that an A–95 review of the annual element in which the project is included was conducted and the documentation required under § 420.306(g) which the applicant received as a result of the review is submitted with the application. For FHWA, the project documentation required under § 420.306(g) need only be submitted with the request for Statewide 105 and HPR program approval.

(2) Where a clearinghouse has recommended against approval or for approval only with specific and major substantive changes and FHWA or UMTA approve the program or application substantially as submitted, reasons for approval will be explained in the clearinghouse notification. Where a State clearinghouse has assigned an identification number to an application, that number will be referred to in the notification. Standard Form 424, or any other form approved by OMB, will be used for notifying clearinghouses.

§ 420.308 Direct Federal development.

(a) The Federal agency will consult with Governors, State and areawide clearinghouses, and local elected officials at the earliest practicable stage of a project or plan for direct Federal development in accordance with the requirements of OMB Circular No. A–95, Part II, Par. 2. (1)–(4).

(b) The notification to State and areawide clearinghouses and Governors and local elected officials should state that review of a direct Federal project should be handled in the same way that a State or local agency application is handled as described in paragraphs (a)(2), (f), (g)(2)–(3), and (h)(1)–(2) of § 420.306.

§ 420.310 Coordination of planning in multijurisdictional areas.

(a) *Common or consistent planning and development districts or regions.* Local agencies not falling within the jurisdiction of an MPO and desiring approval for the designation or redesignation of a multijurisdictional transportation planning area will follow the procedures set out in OMB Circular No. A–95, Part IV, Par. 2. (a)–(c).

(b) *Common and consistent planning bases and coordination of related activities in multijurisdictional areas.* (1) In urbanized areas, when the MPO is different from the A–95 agency, there shall be an agreement between the two organizations which prescribes the means by which their activities will be coordinated as required by 23 CFR 450.108(b) and 49 CFR 613.100.

(2) In all other areas, if a local applicant for areawide multijurisdictional planning assistance is other than the areawide comprehensive planning agency, they shall follow the procedures set out in OMB Circular A–95, Part IV, Par. 3.

[FR Doc.76–23084 Filed 8–6–76;8:45 am]

Title 49—Transportation

CHAPTER VI—URBAN MASS TRANSPORTATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

PART 613—PLANNING ASSISTANCE AND STANDARDS

Coordination of Federal and Federally Assisted Programs and Projects

● Purpose. The purpose of this document is to issue final regulations implementing OMB revised Circular No. A–95, "Evaluation, Review and Coordination of Federal and Federally Assisted Programs and Projects" (41 FR 2052, January 13, 1976.) ●

Interim regulations were issued by FHWA on November 19, 1975 (40 FR 53726), and by UMTA on March 10, 1976 (41 FR 10316), with the intention of combining the unilateral regulations in a final issuance.

The final regulations are published in full under 23 CFR Part 420, Subpart C. The purpose of the regulations published below is to incorporate 23 CFR Part 420, Subpart C, into 49 CFR Part 613, Subpart C.

The preamble to the joint FHWA/UMTA regulations, 23 CFR Part 420, Subpart C, published at page 33440 of this edition of the FEDERAL REGISTER and which are incorporated by reference in 49 CFR Part 613, Subpart C, is hereby incorporated as the preamble for the following regulations.

Pursuant to the authority of OMB Circular No. A–95; Pub. L. 89–754, 80 Stat. 1262, 42 U.S.C. 3334; Pub. L. 90–577, 82 Stat. 1104, 42 U.S.C. 4233; Pub. L. 91–190, 83 Stat. 852, 42 U.S.C. 4332; Pub. L. 88–352, 78 Stat. 252, 42 U.S.C. 2000; 23 U.S.C. 104(f)(3), 105, 134, 307, 315, and 324; the UMT Act (49 U.S.C. 1602, 1603, 1604, 1605, 1607(a), and 1612); 49 CFR 21.7(a); and the delegation of authority by the Secretary of Transportation at 49 CFR 1.48(b) and 1.51(f), Chapter VI of Title 49 of the Code of Federal Regulations is amended by adding a new Part 613, Subpart C, as set forth below.

Effective date: Pursuant to Office of Management and Budget Circular A–95 as published in the January 13, 1976 edition of the FEDERAL REGISTER (41 FR 2052), these final regulations are effective on August 9, 1976.

Issued on: August 4, 1976.

NORBERT T. TIEMANN,
Federal Highway Administrator.

ROBERT E. PATRICELLI,
Urban Mass Transportation Administrator.

Subpart C of Part 613 is added as set forth below:

Subpart C—Coordination of Federal and Federally Assisted Programs and Projects

Sec.
613.300 Coordination of Federal and federally assisted programs and projects.

AUTHORITY: Pub. L. 89–754, 80 Stat. 1262, 42 U.S.C. 3334; Pub. L. 90–577, 82 Stat. 1104, 42 U.S.C. 4233; Pub. L. 91–190, 83 Stat. 852, 42 U.S.C. 4332; Pub. L. 88–352, 78 Stat. 252, 42 U.S.C. 2000; OMB Circular A–95; 23 U.S.C. 104(f)(3), 105, 134, 307, 315, 324; 49 CFR 1.48(b) and 1.51(f); 49 CFR 21.7(a); The Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1602, 1603, 1604, 1605, 1607(a), and 1612)

Subpart C—Coordination of Federal and Federally Assisted Programs and Projects

§ 613.300 Coordination of Federal and federally assisted programs and projects.

The coordination of Federal and federally assisted programs and projects implementing OMB revised Circular No. A–95, which are set forth in 23 CFR Part 420, Subpart C, are incorporated into this subpart.

[FR Doc.76–23085 Filed 8–6–76;8:45 am]

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federal register

MONDAY, AUGUST 9, 1976



PART VI:

DEPARTMENT OF STATE

INFORMATION ON POLITICAL CONTRIBUTIONS AND FEES OR COMMISSIONS IN CONNECTION WITH THE SALE OF DEFENSE ARTICLES OR SERVICES

Proposed Conditions Under Which Reporting Is Required; Information To Be Furnished; and Recordkeeping

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DEPARTMENT OF STATE

[22 CFR Part 130]

[Docket No. SD–121]

INFORMATION ON POLITICAL CONTRIBUTIONS AND FEES OR COMMISSIONS IN CONNECTION WITH THE SALE OF DEFENSE ARTICLES OR SERVICES

Proposed Conditions Under Which Reporting Is Required; the Information To Be Furnished; and Recordkeeping

Notice is hereby given that the Secretary of State proposes to amend the International Traffic in Arms Regulations (ITAR), 22 CFR Subchapter M (Parts 121–128), by adding a new Part 130 on political contributions and fees or commissions paid, or offered or agreed to be paid, in connection with the sale of defense articles or defense services under the Foreign Military Sales program (section 22 of the Arms Export Control Act, 22 U.S.C. 2762) as well as commercial sales for which licensing or other approval of exports is required under the ITAR (section 38 of the Arms Export Control Act, 22 U.S.C. 2778).

Section 604(b) of the International Security Assistance and Arms Export Control Act of 1976 (Pub. L. 94–329, 90 Stat. 767) enacted a new section 39 of the Arms Export Control Act entitled "Fees of Military Sales Agents and Other Payments." This law directs the Secretary of State to require by regulation adequate and timely reporting on political contributions, gifts, commissions and fees paid, or offered or agreed to be paid, by any person in connection with:

(a) Sales of defense articles or defense services under section 22 of the Arms Export Control Act; or

(b) Commercial sales of defense articles or defense services licensed or approved under section 38 of the Arms Export Control Act;

to or for the armed forces of a foreign country or international organization in order to solicit, promote or otherwise secure the conclusion of such sales. It also provides that such regulations shall specify the amounts and kinds of payments, offers and agreements to be reported, and the form and timing of reports, and shall require reports on the names of sales agents and other persons receiving such payments. The Secretary of State is also authorized to require by regulation such recordkeeping as he determines is necessary.

The proposed regulations divide the payments to be reported into two main categories: "Political contributions" and "fees or commissions." Both are broadly defined. "Political contribution" includes payments to any foreign public employees, officials, candidates, political parties or fractions to solicit, promote or otherwise secure the conclusion of a sale. Such payments by any person to whom a fee or commission is paid to secure a sale are included within the meaning of the term "political contribution". A payment or other form of compensation which might otherwise be regarded as a fee or commission is considered, for purposes of the proposed regulations, a political contribution if the recipient is a public official or other person identified in the definition of political contribution. However, taxes, customs duties and other similar charges required by law or regulation are not regarded as political contributions.

A "fee or commission" is essentially any payment, gift or offer which is made to solicit, promote or otherwise secure the conclusion of a sale. It includes payments made to sales representatives who are formally hired, as well as those who are not engaged pursuant to a written contract. However, "fee or commission" does not include payments solely for the purchase by an applicant, supplier or vendor of specific goods or technical, operational or advisory services which are not made in order to solicit or promote a sale and which are not disproportionate in amount with the value of the specific goods or services actually furnished. For example, such payments for transportation, storage, translation of documents and specific legal advice are not considered to be fees or commissions.

The obligation to report under the proposed regulations is occasioned by political contributions aggregating $5,000 or more, or fees or commissions (other than political contributions) aggregating $100,000 or more. In each case, the amounts to be reported include payments, in cash or in kind, made or offered, directly or indirectly, to solicit, promote or otherwise secure a sale, whether made by seller or its vendors. "Vendor" is defined as a manufacturer, subcontractor or other person from or through whom an applicant or supplier has obtained defense articles or defense services valued at $100,000 or more. Accordingly, the proposed regulations under specific circumstances oblige those vendors involved in the chain from manufacturer to exporter to supply pertinent information to the person required to report to the Office of Munitions Control. Political contributions by a representative of a party to a sales transaction are treated as political contributions by that party.

The detailed information otherwise required to be reported need not be supplied in the case of payments of less than $2,500 in the case of political contributions and $10,000 in the case of fees or commissions. A supplemental report on the details of such payments may be requested, however.

Supplemental reports are also required for relevant payments not previously reported which are made or offered or agreed to after the initial report is submitted. The maintenance of certain records is required.

Information may be designated as "confidential business information" by the applicant, supplier or vendor, and no person may publish or divulge any information so designated to any extent not authorized by law. All information reported and records maintained shall be made available, upon request, for utilization by standing committees of the Congress and subcommittees thereof, as well as by United States Government agencies in accordance with section 39(d) of the Arms Export Control Act. All reports and records identified as confidential business information shall be protected against disclosure to the extent provided by 18 U.S.C. 1905.

The text of the proposed amendment, addition of a new Part 130 to Title 22, Code of Federal Regulations, is set out below. Interested persons are invited to submit written comments, suggestions or data to the Office of Munitions Control, Bureau of Politico-Military Affairs, Department of State, Washington, D.C. 20520. Comments received on or before September 9, 1976 will be considered before final action is taken on the adoption of the proposed amendment. Copies of all written comments received will be available for inspection in the public reading room of the Department of State, 2201 C Street NW., Washington, D.C. 20520.

In addition, interested persons will be given the opportunity to offer comments orally on the proposed regulations. A public meeting for this purpose will be held at 10 a.m., September 14, 1976 in the West Auditorium, Department of State, Washington, D.C. 20520. Interested persons wishing to offer oral comments at the public meeting must submit to the Office of Munitions Control, Bureau of Politico-Military Affairs, Department of State, Washington, D.C. 20520, written notice of their intention to do so no later than September 9, 1976. Such notice must state the name of the person wishing to speak at the public meeting and the organization, if any, that person represents. Interested members of the public are invited to attend the public meeting.

These regulations are proposed to become effective on October 1, 1976 as to any application for license or approval thereafter received by the Office of Munitions Control, Department of State, or contract thereafter entered into with the Department of Defense for the sale of defense articles or defense services sold or to be sold under section 22 of the Arms Export Control Act.

In consideration of the foregoing, it is proposed to amend 22 CFR Subchapter M (Parts 121–128) by adding Part 130 to read as follows:

PART 130—INFORMATION ON POLITICAL CONTRIBUTIONS AND FEES OR COMMISSIONS IN CONNECTION WITH THE SALE OF DEFENSE ARTICLES OR SERVICES

Sec.

130.01 Definitions.
130.11 Obligation to furnish information to the Office of Munitions Control, Department of State.
130.12 Information to be furnished by applicant or supplier to the Office of Munitions Control, Department of State.
130.13 Supplementary reports.
130.21 Information to be furnished by vendor to applicant or supplier.
130.22 Information to be furnished to applicant, supplier or vendor by recipient of fee or commission.
130.23 Recordkeeping.
130.31 Confidential business information.
130.32 Other reporting requirements.
130.33 Utilization of and access to reports and records.

AUTHORITY: Sec. 604(b), Pub. L. 94–329, (90 Stat. 729) (22 U.S.C. 2779); sec. 212, Pub. L. 94–329, (90 Stat. 729) (22 U.S.C. 2778); secs. 101 and 105, E.O. 10973, 25 FR 10469.

§ 130.01 Definitions.

For the purposes of this part:

(a) "Applicant" means any person who applies to the Office of Munitions Control, Department of State, for any license or approval under this subchapter in connection with a commercial sale of defense articles or defense services to or for the armed forces of a foreign country or international organization.

(b) "Supplier" means any person who enters into a contract with the Department of Defense for the sale of defense articles or defense services under section 22 of the Arms Export Control Act (22 U.S.C. 2762).

(c) "Vendor" means any manufacturer, subcontractor or other person from or through whom an applicant or a supplier has obtained, or contracted for, directly or indirectly, defense articles or defense services, or major components thereof, valued in an amount of $100,000 or more, which form the whole or part of either:

(1) A sale requiring a license or approval from the Office of Munitions Control, Department of State; or

(2) A sale pursuant to a contract with the Department of Defense under section 22 of the Arms Export Control Act (22 U.S.C. 2762).

(d) "Political contribution" means any loan, gift, donation or other payment of $500 or more made, or offered or agreed to be made, directly or indirectly, whether in cash or in kind, which is:

(1) To or for the benefit of, or at the direction of, any foreign candidate, committee, political party, political faction, or government, or government subdivision, or any individual elected, appointed or otherwise designated as an employee or officer thereof; and

(2) For the solicitation or promotion or otherwise to secure the conclusion of a sale of defense articles or defense services to or for the armed forces of a foreign country or international organization. Taxes, customs duties, license fees, and other charges required to be paid by generally applicable law or regulation shall not be regarded as political contributions.

(e) "Fee or commission" means any loan, gift, donation or other payment of $500 or more (other than a political contribution or a payment excluded by paragraph (d) from the definition of political contribution) made, or offered or agreed to be made, directly or indirectly, whether in cash or in kind, and whether or not pursuant to a written contract, which is:

(1) To or at the direction of any person, irrespective of nationality, whether or not employed by or affiliated with an applicant, a supplier or a vendor; and

(2) For the solicitation or promotion or otherwise to secure the conclusion of a sale of defense articles or defense services to or for the armed forces of a foreign country or international organization.

The term "fee or commission" includes all payments made, or offered or agreed to be made, whatever their ostensible purpose, for representing an applicant, supplier or vendor with respect to potential sales of defense articles or defense services, by sales promotion or solicitation or any other type of activity intended to influence a procurement decision of a prospective buyer. The term "fee or commission" does not include payments made, or offered or agreed to be made, solely for the purchase by an applicant, supplier or vendor of specific goods or technical, operational or advisory services, which payments are not made, offered or agreed to in order to solicit or promote a sale and which are not disproportionate in amount with the value of the specific goods or services actually furnished.

(f) "Armed forces" means the army, navy, marine, air force and coast guard, as well as the national guard and national police, of a foreign country. This term also includes any military unit or military personnel organized under or assigned to an international organization.

§ 130.11 Obligation to furnish information to the Office of Munitions Control, Department of State.

(a) (1) Each applicant shall inform the Office of Munitions Control, Department of State, as to whether applicant and/or its vendors have paid, or offered or agreed to pay, in respect of any sale for which a license or approval is requested:

(i) Political contributions in an aggregate amount of $5,000 or more, or

(ii) Fees or commissions in an aggregate amount of $100,000 or more.

If so, applicant shall furnish to such office the information specified in § 130.12. The furnishing of such information shall be a condition precedent to the granting of the relevant license or approval.

(2) The requirements of this paragraph shall not apply in the case of an application with respect to a sale for which all information specified in § 130.12 which is required by this section to be reported shall already have been furnished.

(b) Each supplier shall inform the Office of Munitions Control, Department of State, as to whether supplier and/or its vendors have paid, or offered or agreed to pay, in respect of any sale:

(1) Political contributions in an aggregate amount of $5000 or more, or

(2) Fees or commissions in an aggregate amount of $100,000 or more.

If so, supplier shall furnish to such office the information specified in § 130.12. The information required to be furnished pursuant to this paragraph shall be so furnished no later than 30 days after the contract award to such supplier, or such earlier date as may be specified by the Department of Defense. For purposes of this paragraph, a contract award includes a purchase order, exercise of an option or other procurement action requiring a supplier to furnish defense articles or defense services to the Department of Defense for the purposes of section 22 of the Arms Export Control Act (22 U.S.C. 2672).

(c) In determining whether an applicant and/or its vendors, or a supplier and/or its vendors, as the case may be, have paid, or offered or agreed to pay, political contributions in an aggregate amount of $5,000 or more in respect of any sale so as to require a report under this section, there shall be included in the computation of such aggregate amount any political contributions in respect of the sale which are paid, by or on behalf of, or at the direction of, any person to whom the appliant, supplier or vendor has paid, or offered or agreed to pay, a fee or commission in respect of the sale. Any such political contributions shall be deemed for purposes of this part to be political contributions by the applicant, supplier or vendor who paid or offered or agreed to pay the fee or commission.

(d) Any applicant or supplier which has informed the Office of Munitions Control under this section that neither it nor its vendors have paid, or offered or agreed to pay, political contributions or fees or commissions in an aggregate amount requiring the information specified in § 130.12 to be furnished shall subsequently furnish such information within 30 days after learning that it and/or its vendors have paid, or offered or agreed to pay, political contributions or fees or commissions in respect of a sale in an aggregate amount which, if known to applicant or supplier at the time of its previous communication with the Office of Munitions Control, would have required the furnishing of information under § 130.11 at that time. Any report furnished under this paragraph shall, in addition to the information specified in § 130.12, include a detailed statement of the reasons why applicant or supplier did not furnish the information at the time specified in paragraph (a) or paragraph (b) of this section, as applicable.

§ 130.12 Information to be furnished to the Office of Munitions Control, Department of State.

(a) Every person required under § 130.11 to furnish information specified in this section in respect of any sale shall furnish to the Office of Munitions Control, Department of State:

(1) The total contract price of the sale;

(2) The name, nationality, address and principal place of business of the applicant or supplier, as the case may be, and, if applicable, its employer and title;

(3) The name, nationality, address and principal place of business, and, if applicable, employer and title of each foreign purchaser, including the ultimate end user, involved in the sale;

(4) Except sa provided in paragraph (c), a statement setting forth with respect to such sale:

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(i) The amount of each political contribution paid, or offered or agreed to be paid, and/or the amount of each fee or commission paid, or offered or agreed to be paid;

(ii) The date or dates on which each reported amount was paid, or offered or agreed to be paid;

(iii) The recipient(s) of each such amount paid, or intended recipient(s) if not yet paid;

(iv) The person(s) who paid, or offered or agreed to pay such amount; and

(v) The aggregate amounts of political contributions and of fees or commissions, respectively, which shall have been reported.

(b) In responding to paragraph (a)(4) of this section, the statement shall:

(1) With respect to each payment reported, state whether such payment was in cash or in kind, and if in kind, include a description and valuation thereof (where precise amounts are not available because a payment has not yet been made, an estimate of the amount offered or agreed to be paid shall be provided);

(2) With respect to each recipient, state:

(i) Its name;

(ii) Its nationality;

(iii) Its address and principal place of business;

(iv) Its employer and title; and

(v) Its relationship, if any, to applicant, supplier, or vendor, and to any foreign purchases or end user.

(c) In submitting a report required by § 130.11, the detailed information specified in paragraphs (a)(4) and (b) of this section need not be included in the case of payments which do not exceed:

(1) $2,500 in the case of political contributions; and,

(2) $10,000 in the case of fees or commissions.

In lieu of reporting detailed information with respect to such payments the aggregate amount thereof shall be reported, identified as miscellaneous political contributions or miscellaneous fees or commissions, as the case may be.

(d) Every person required to furnish the information specified in paragraphs (a) and (b) of this section shall respond fully to each subdivision of those paragraphs and, where the correct response is "none" or "not applicable," shall so state.

§ 130.13 Supplementary reports.

(a) Every applicant or supplier who is required under § 130.11 to furnish the information specified in § 130.12 shall submit a supplementary report in connection with each sale in respect of which applicant or supplier has previously been required to furnish information if:

(1) Any political contributions aggregating $2,500 or more or fees or commissions aggregating $10,000 or more not previously reported are paid, or offered or agreed to be paid by applicant or supplier or any vendor;

(2) Subsequent developments cause the information initially reported to be no longer accurate or complete (as in the case where a payment actually made is substantially different in amount from a previously reported estimate of an amount offered or agreed to be paid); or

(3) Where additional details are requested by the Office of Munitions Control with respect to any miscellaneous payment or payments reported under § 130.12(c).

(b) Supplementary reports shall be sent to the Office of Munitions Control, Department of State, within 30 days after the payment, offer or agreement reported therein or, when requested by the Office of Munitions Control, within 30 days after such request, and shall include:

(1) Any information specified in § 130.12 required or requested to be reported and which was not previously reported; and

(2) The Munitions control license number(s), if any, and the Department of Defense contract number(s), if any, related to the sale.

§ 130.21 Information to be furnished by vendor to applicant or supplier.

(a) Every applicant or supplier:

(1) In order to determine whether it is obliged under § 130.11 to furnish the information specified in § 130.12 with respect to a sale; and

(2) Prior to furnishing such information to the Office of Munitions Control, Department of State, shall obtain from each vendor, if any, from or through whom the applicant acquired defense articles or defense services forming the whole or a part of the sale, and such vender shall forthwith furnish to such applicant or supplier upon the latter's request, a timely statement containing a full disclosure by the vendor of all political contributions or fees or commissions paid, or offered or agreed to be paid, by vendor with respect to such sale. Such disclosure shall include responses to all the information pertaining to vendor required to enable applicant or supplier, as the case may be, to comply fully with §§ 130.11 and 130.12.

(b) At the time of making its request of a vendor under paragraph (a) of this section, the applicant or supplier shall also request the vendor to furnish from time to time such supplementary reports as may be necessary to enable the applicant or supplier, as the case may be, to comply fully with §§ 130.11, 130.12 and 130.13. Each vendor shall submit such supplementary reports in a timely manner.

(c) Applicant or supplier shall include any political contributions and any fees or commissions paid, or offered or agreed to be paid, by each vendor in determining whether applicant or supplier is required under § 130.11 to furnish information specified in § 130.12, and if so required, shall include the information furnished by each vendor in providing the information specified.

(d) Any vendor which has been requested by an applicant or supplier to furnish an initial statement under paragraph (a) of this section shall furnish such statement in a timely manner and not later than 20 days of receipt of such request.

(e)(1) If upon the 25th day after the date of its request to vendor, applicant or supplier has not received from vendor the initial statement required by paragraph (a) of this section, the applicant or supplier shall submit to the Office of Munitions Control a signed statement attesting to:

(i) The manner and extent of applicant's or supplier's attempt to obtain from vendor the initial statement required under paragraph (a) of this section;

(ii) Vendor's failure to comply with paragraphs (a) and (d) of this section; and

(iii) The amount of time which has elapsed between the date of applicant's or supplier's request and the date of the signed statement;

(2) The failure of a vendor to comply with paragraph (a)(2) or (d) of this section shall not relieve any applicant or supplier otherwise required by § 130.11 to submit a report to the Office of Munitions Control, Department of State, from submitting such a report.

§ 130.22 Information to be furnished to applicant, supplier or vendor by recipient of fee or commission.

(a) Every applicant or supplier, and each vendor thereof:

(1) In order to determine whether it is obliged under §§ 130.11 or 130.21 to furnish information specified in § 130.12, with respect to a sale; and

(2) Prior to furnishing such information shall obtain from each person, if any, to whom it has paid, or offered or agreed to pay, a fee or commission in respect of such sale a timely statement containing a full disclosure by such person of all political contributions paid, or offered or agreed to be paid, by it or on its behalf, or at its direction, in respect of such sale. Such disclosure shall include responses to all the information required to enable the applicant, supplier or vendor, as the case may be, to comply fully with §§ 130.11, 130.12 and 130.21.

(b) In obtaining information under paragraph (a) of this section, the applicant, supplier or vendor, as the case may be, shall also require each person to whom a fee or commission is paid, or offered or agreed to be paid, to furnish from time to time such reports of its political contributions as may be necessary to enable the applicant, supplier or vendor, as the case may be, to comply fully with §§ 130.11, 130.12, 130.13 and 130.21.

(c) The applicant, supplier or vendor, as the case may be, shall include any political contributions paid, or offered or agreed to be paid, by or on behalf of, or at the direction of, any person to whom it has paid, or offered or agreed to pay, a fee or commission in determining whether applicant supplier or vendor is required by §§ 130.11, 130.13 or 130.21 to furnish information specified in § 130.12.

§ 130.23 Recordkeeping.

Each applicant, supplier and vendor shall maintain a record of any information it was required to furnish or obtain under this part and all records upon

which its reports are based for a period of not less than six years following the date of the report to which they pertain.

§ 130.31 Confidential business information.

(a) Any applicant, supplier or vendor who is required to furnish information under this part may identify any information furnished hereunder which it considers confidential business information. No person, including any applicant or supplier, shall publish, divulge, disclose or make known in any manner, or to any extent, not authorized by law or regulation any information so identified by a vendor or other person.

(b) For purposes of this section, "confidential business information" means commercial or financial information which by law is entitled to protection from disclosure. (See, e.g., 5 U.S.C. 552(b)(4); 18 U.S.C. 1905, Rule 26(c)(7), Federal Rules of Civil Procedure).

§ 130.32 Other reporting requirements.

The submission of reports under this part does not relieve any person of any requirements to furnish information to any federal, state or municipal agency, department or other instrumentality as required by law, regulation or contract.

§ 130.33 Utilization of and access to reports and records.

(a) All information reported and records maintained under this part shall be made available, upon request, for utilization by standing committees of the Congress and subcommittees thereof, and by United States Government agencies, in accordance with section 39(d) of the Arms Export Control Act (22 U.S.C 2779(d)), and reports based upon such information shall be submitted to Congress in accordance with sections 36(a)(8) and 36(b)(1) of that Act (22 U.S.C. 2776(a)(8) and (b)(1)).

(b) All reports and records identified by an applicant, supplier or vendor as confidential business information under § 130.31 shall be protected against disclosure in their utilization to the extent provided in 18 U.S.C. 1905.

Effective date: This part becomes effective on October 1, 1976, as to any

(a) Application for license or approval thereafter received by the Office of Munitions Control, Department of State; or

(b) Contract thereafter entered into with the Department of Defense for the sale of defense articles or defense services sold or to be sold under section 22 of the Arms Export Control Act (22 U.S.C. 2762), on or after that date.

(Sec. 604(b), Pub. L. 94-329, (90 Stat. 729) (22 U.S.C. 2779); sec. 212, Pub. L. 94-329, (90 Stat. 729) (22 U.S.C. 2778); secs. 101 and 105, E.O. 10973, 25 F.R. 10469.)

CARLYLE E. MAW,
Under Secretary of State for Security Assistance.

AUGUST 5, 1976.

[FR Doc.76-23228 Filed 8-6-76;8:45 am]

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federal register

MONDAY, AUGUST 9, 1976

PART VII:

OFFICE OF THE FEDERAL REGISTER

■

DIRECTORY OF FEDERAL REGIONAL STRUCTURE

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DIRECTORY OF FEDERAL REGIONAL STRUCTURE

This directory of Federal agency regional structure is designed to give practical information about regional offices of Federal departments and agencies.

The Standard Federal Regional Boundaries System was established in 1969 to streamline Federal field office operations and encourage Federal-State-local interchange. Boundaries were drawn and regional office locations designated for 10 regions, and agencies urged to adopt the uniform system. A map of the Standard Federal Regions, and tables of the agencies conforming to this system can be found on pages 33454 to 33463.

The regional maps of agencies not conforming to the uniform regional system begin on page 33463. Each map is accompanied by a table showing addresses, telephone numbers, and key officials for all regions.

The information contained in this directory was compiled with agency assistance, as of May 1, 1976.

FRED J. EMERY,
Director, Office of
the Federal Register.

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STANDARD FEDERAL REGIONS



Department of Commerce
Secretarial Representatives

Region	Representative	Address	Telephone
I	Daniel A. Cronin	John F. Kennedy Federal Bldg., Boston, Mass. 02203.	617–223–0695
II	Michael A. McManus	26 Federal Plaza, New York, N.Y. 10007	212–264–5647
III	Charles Day	600 Arch St., Philadelphia, Pa. 19106	215–597–7527
IV	Richard L. Heffner	1365 Peachtree St., Atlanta, Ga. 30309	404–526–3165
V	James P. Stirling	55 East Jackson Blvd., Chicago, Ill. 60604.	312–353–4450
VI	(Vacancy)	1100 Commerce St., Dallas, Tex. 75202	214–749–2891
VII	Gayle W. Jackson	606 East 12th St., Kansas City, Mo. 64106.	816–758–3961
VIII	John R. Bermingham	909 17th St., Denver, Colo. 80202	303–837–4670
IX	Robert J. Hitt	450 Golden Gate Ave., San Francisco, Calif. 94102.	415–556–5145
X	Fred C. Shanaman, Jr	915 Second Ave., Seattle, Wash. 98174	206–399–5780

Department of Health, Education, and Welfare
Regional Offices

Region	Director	Address	Telephone
I	Robert E. Fulton	John F. Kennedy Federal Bldg., Boston, Mass. 02203.	617–223–6831
II	Bernice L. Bernstein	26 Federal Plaza, New York, N.Y. 10007	212–264–4600
III	Gorham Black, Jr	3535 Market St., Philadelphia, Pa. 19101	215–596–6492
IV	Frank J. Groschelle III	50 7th St. NE., Atlanta, Ga. 30323	404–526–5817
V	Richard Friedman	300 South Wacker Dr., Chicago, Ill. 60606.	312–353–5160
VI	Stuart H. Clarke	1200 Main Tower Bldg., Dallas, Tex. 75202.	214–655–3301
VII	Max Milo Mills	601 East 12th St., Kansas City, Mo. 64106.	816–374–3436
VIII	Rulon Garfield	19th and Stout Sts., Denver, Colo. 80202	303–837–3373
IX	Joe Maldonado	50 Fulton St., San Francisco, Calif. 94102.	415–556–6746
X	Bernard E. Kelly	1321 2d Ave., Seattle, Wash. 98101	206–442–0420

Department of Health, Education, and Welfare
Social Security Administration
Bureau of Health Insurance

Region	Representative	Address	Telephone
I	John D. Kennedy	John F. Kennedy Federal Bldg., Boston, Mass. 02203.	617–223–6804
II	Joseph Godfrey	26 Federal Plaza, New York, N.Y. 10007	212–264–2503
III	Maurice Hartman	P.O. Box 8788, Philadelphia, Pa. 19101	215–596–6826
IV	Douglass M. Richard	50 7th St. NE., Atlanta, Ga. 30323	404–526–3195
V	Robert C. Green	300 South Wacker Dr., Chicago, Ill. 60606.	312–353–5585
VI	Jerry D. Sconce	1200 Main Tower Bldg., Dallas, Tex. 75202.	214–749–3921
VII	Warren H. Robinson	601 East 12th St., Kansas City, Mo. 64106.	816–374–3539
VIII	Wilburn W. Smith	19th and Stout Sts., Denver, Colo. 80202	303–837–4024
IX	Mercia L. Kahn	100 Van Ness Ave., San Francisco, Calif. 94102.	415–556–6561
X	Joseph E. Anderson	1321 2d Ave., Seattle, Wash. 98101	206–442–0438

Department of Health, Education, and Welfare
Social Security Administration
Bureau of Hearings and Appeals

Region	Regional Chief Administrative Law Judge	Address	Telephone
I	Harold H. Fischer	John F. Kennedy Federal Bldg., Boston, Mass. 02203.	617–223–5275
II	Wallace Tannenbaum	26 Federal Plaza, New York, N.Y. 10007	212–264–4036
III	Sol R. Gitman	3535 Market St., Philadelphia, Pa. 19101	215–596–6975
IV	Frank B. Borowiec	50 7th St. NE., Atlanta, Ga. 30323	404–526–5487 3886
V	Allen E. Gramza	300 South Wacker Dr., Chicago, Ill. 60606.	312–353–4113
VI	Ernest C. Winfrey	212 North Saint Paul St., Dallas, Tex. 75201.	214–749–7315
VII	Myron D. Mills	911 Walnut St., Kansas City, Mo. 64106	816–374–5246
VIII	Myron D. Mills, Acting	1961 Stout St., Denver, Colo. 80202	303–837–3022
IX	Robin Sheldon Heyer	100 Van Ness Ave., San Francisco, Calif. 94102.	415–556–0644
X	Gordon W. Callow	1321 2d Ave., Seattle, Wash. 98101	206–442–1322

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Department of Health, Education, and Welfare
Social Security Administration
Regional Commissioners

Region	Commissioner	Address	Telephone
I	Vincent G. Gavin, Acting	John F. Kennedy Bldg., Boston, Mass. 02203.	617–223–6810
II	Joseph J. Kelly	26 Federal Plaza, New York, N.Y. 10007	212–264–3915
III	Rose Lepore	P.O. Box 8788, Philadelphia, Pa. 19101	215–597–6941
IV	Gordon Sherman	50 7th St. NE., Atlanta, Ga. 30323	404–285–5961
V	Paul E. Webb	300 South Wacker Dr., Chicago, Ill. 60606.	312–353–4246
VI	Martha A. McSteen	1200 Main Tower Bldg., Dallas, Tex. 75202.	214–749–4210
VII	Patricia Livers	601 East 12th St., Kansas City, Mo. 64106.	816–758–3701
VIII	Sandy Crank	1961 Stout St., Denver, Colo. 80202	303–327–3284
IX	John McConnachie	100 Van Ness Ave., San Francisco, Calif. 94102.	415–556–4910
X	Donald C. Sutcliffe	1321 2d Ave., Seattle, Wash. 98101	206–399–0417

Department of Housing and Urban Development

Region	Administrator	Address	Telephone
I	Maurice E. Frye, Jr	John F. Kennedy Federal Bldg., Boston, Mass. 02203.	617–223–4066
II	S. William Green	26 Federal Plaza, New York, N.Y. 10007	212–264–8068
III	W. Russell G. Byers, Acting	6th and Walnut Sts., Philadelphia, Pa. 19106.	215–597–2560
IV	E. Lamar Seals	1371 Peachtree St. NE., Atlanta, Ga. 30309.	404–526–5585
V	Don Morrow	300 South Wacker Dr., Chicago, Ill. 60606.	312–353–5680
VI	Richard L. Morgan	1100 Commerce St., Dallas, Tex. 75242	214–749–7401
VII	Elmer E. Smith	911 Walnut St., Kansas City, Mo. 64106	816–374–2664
VIII	Robert C. Rosenheim	1405 Curtis St., Denver, Colo. 80202	303–837–4881
IX	Robert H. Baida	450 Golden Gate Ave., San Francisco, Calif. 94102.	415–556–4752
X	David W. Peyton, Acting	1321 2d Ave., Seattle, Wash. 98101	206–442–5414

Department of Justice
Community Relations Service

Region	Director	Address	Telephone
I	Martin A. Walsh	150 Causeway St., Boston, Mass. 02114	617–223–5170
II	Edward H. O'Connell	26 Federal Plaza, New York, N.Y. 10007	212–264–0700
III	Edmund M. Haywood	2d and Chestnut Sts., Philadelphia, Pa. 19107.	215–597–2344
IV	Ozell Sutton	75 Piedmont Ave. NE., Atlanta, Ga. 30303.	404–285–6883
V	Richard H. Salem	55 East Monroe St., Chicago, Ill. 60603	312–353–4391
VI	Maurilio V. Ortiz	1100 Commerce St., Dallas, Tex. 75202	214–749–1525
VII	John G. Perez	911 Walnut St., Kansas City, Mo. 64106	816–758–2022
VIII	Leo E. Cardenas	1531 Stout St., Denver, Colo. 80202	303–327–2973
IX	Julian Klugman	100 Mission St., San Francisco, Calif. 94105.	415–556–2485
X	Robert Lamb	Federal Office Bldg., 915 2d Ave., Seattle, Wash. 98104.	206–399–4465

Department of Justice
Law Enforcement Assistance Administration

Region	Administrator	Address	Telephone
I	George Campbell	100 Summer St., Boston, Mass. 02110	617–223–4671
II	Jules Tesler	26 Federal Plaza, New York, N.Y. 10007	212–264–4132
III	Cornelius Cooper	325 Chestnut St., Philadelphia, Pa. 19106.	215–597–9440 9442
IV	Charles Rinkevich	730 Peachtree St. NE., Atlanta, Ga. 30308.	404–526–5868
V	Allen V. Adams	3166 Des Plaines Ave., Des Plaines, Ill. 60018.	312–353–1203
VI	Henry T. Tubbs, Acting	1607 Main St., Dallas, Tex. 75201	214–749–7211
VII	Marvin Rudd	436 State Ave., Kansas City, Kans. 66101	816–374–4501
VIII	Joseph Mulvey	Federal Bldg., Rm. 6234, Denver, Colo. 80202.	303–837–4784
IX	M. Thomas Clark	1860 El Camino Real, Burlingame, Calif. 94010.	415–876–9104
X	Bernard Winckoski	Federal Bldg., Rm. 3292, 915 2d Ave., Seattle, Wash. 98174.	206–442–1170

Inspector General Field Office

Region	Field Manager	Address	Telephone
Atlanta, Ga. 30309	Douglas McIntyre	1718 Peachtree St. NW., Suite 924	404–285–5181
Denver, Colo. 80201	Oscar Elmore	P.O. Box 3119	303–327–4810
Sacramento, Calif. 95810	Charles Rabb	P.O. Box 3010	916–448–2131
Washington, D.C. 20001	Hurley Blankenship	425 Eye St. NW	202–376–3865

Department of Labor
Employment Standards Administration

Region	Regional Administrator	Address	Telephone
I	Walker P. Parker	John F. Kennedy Federal Bldg., Boston, Mass. 02203.	617–223–4305
II	Frank B. Mercurio	1515 Broadway, New York, N.Y. 10036	212–399–5551
III	Charles M. Angell	3535 Market St., Philadelphia, Pa. 19104	215–596–1185
IV	James E. Patching, Jr	1371 Peachtree St. NE., Atlanta, Ga. 30309.	404–526–2818
V	Gerald J. Mitchell	230 S. Dearborn St., Chicago, Ill. 60604	312–353–7280
VI	Bill Belt	555 Griffin Square Bldg., Dallas, Tex. 75202.	214–749–2037
VII	Doyle I. Loveridge	911 Walnut St., Kansas City, Mo. 64106	816–374–5381
VIII	Higinio Costales, Jr	1961 Stout St., Denver, Colo. 80202	303–837–4613
IX	Virginia Allee	450 Golden Gate Ave., San Francisco, Calif. 94102.	415–556–1318
X	William C. Buhl	909 1st Ave., Seattle, Wash. 98104	206–442–1536

Department of Labor
Employment Standards Administration
Office of Federal Contract Compliance Programs

Region	Assistant Regional Administrator	Address	Telephone
I	E. William Richardson	John F. Kennedy Federal Bldg., Boston, Mass. 02203.	617–223–4232
II	George M. Hopkins	1515 Broadway, New York, N.Y. 10036	212–399–5563
III	Bennett O. Stalvey, Jr	3535 Market St., Philadelphia, Pa. 19104.	215–596–1213
IV	Jodie G. Eggers	1371 Peachtree St. NE., Atlanta, Ga. 30309.	404–526–4211
V	James T. Wardlaw	230 South Dearborn St., Chicago, Ill. 60604.	312–353–8887
VI	Roberto Ornelas	555 Griffin Square Bldg., Dallas, Tex. 75202.	214–749–1134
VII	Bennie L. Daugherty, Jr	911 Walnut St., Kansas City, Mo. 64106	816–374–5384
VIII	Jay F. Sauls	1961 Stout St., Denver, Colo. 80202	303–837–4978
IX	Dola F. Miller, Jr	450 Golden Gate Ave., San Francisco, Calif. 94102.	415–556–3597
X	James F. Warren	909 1st Ave., Seattle, Wash. 98104	206–442–4508

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Department of Labor
Employment Standards Administration
Women's Bureau

Region	Assistant Regional Administrator	Address	Telephone
I	Vivian Buckles	John F. Kennedy Federal Bldg., Boston, Mass. 02203.	617–223–4036
II	Mary E. Tobin	1515 Broadway, New York, N.Y. 10036	212–399–5452
III	Katy Riordan, Acting	3535 Market St., Philadelphia, Pa. 19104	215–596–1183
IV	Gay Cobb	1371 Peachtree St. NE., Atlanta, Ga. 30309.	404–526–5461
V	Eileen Shaeffler	230 South Dearborn St., Chicago, Ill. 60604.	312–353–6985
VI	Rhobia C. Taylor	555 Griffin Square Bldg., Dallas, Tex. 75202.	214–749–2568
VII	Barbara E. Wald	911 Walnut St., Kansas City, Mo. 64106	816–374–5383
VIII	Lionila L. Saenz	1961 Stout St., Denver, Colo. 80202	303–837–4613
IX	Madeline H. Mixer	450 Golden Gate Ave., San Francisco, Calif. 94102.	415–556–2377
X	Lazelle S. Johnson	909 1st Ave., Seattle, Wash. 98104	206–442–1534

Department of Labor
Employment Standards Administration
Wage and Hour Division

Region	Assistant Regional Administrator	Address	Telephone
I	William L. Smith	John F. Kennedy Federal Bldg., Boston, Mass. 02203.	617–223–5565
II	Leo Friedman	1515 Broadway, New York, N.Y. 10036	212–399–5453
	Luz Vilarino, Director	1200 Ponce de Leon Ave., Santurce, P.R. 00907.	809–723–8165
III	Joseph P. Cassidy	3535 Market St., Philadelphia, Pa. 19104	215–596–1191
	John A. Craven, Jr	3535 Market St., Philadelphia, Pa. 19104	215–597–1193
IV	Hugh B. Campbell	1371 Peachtree St. NE., Atlanta, Ga. 30309.	404–526–5801
	Sterling B. Williams	1931 9th Ave. South, Birmingham, Ala. 35205.	205–254–1305
V	Donald H. Haack and William Vanzanen	230 S. Dearborn St., Chicago, Ill. 60604	312–353–7250 7249
VI	Robert B. Snyder	555 Griffin Square Bldg., Dallas, Tex. 75202.	214–749–7460
VII	Sydney R. Sample	911 Walnut St., Kansas City, Mo. 64106	816–374–5386
VIII	C. Lamar Johnson	1961 Stout St., Federal Office Bldg., Denver, Colo. 80202.	303–837–4613
IX	John M. Silver	450 Golden Gate Ave., San Francisco, Calif. 94102.	415–556–3592
X	Loren E. Gilbert	909 1st Ave., Seattle, Wash. 98104	206–442–1916

Department of Labor
Employment and Training Administration

Region	Regional Administrator	Address	Telephone
I	Luis F. Sepulveda, Acting	John F. Kennedy Federal Bldg., Boston, Mass. 02203.	617–223–6439
II	Lawrence W. Rogers	1515 Broadway, New York, N.Y. 10036	212–971–5445
III	J. Terrell Whitsitt	P.O. Box 8796, Philadelphia, Pa. 19101	215–596–6336
IV	William U. Norwood, Jr	1371 Peachtree St. NE., Atlanta, Ga. 30309.	404–526–5411
V	Richard C. Gilliland	230 South Dearborn St., Chicago, Ill. 60604.	312–353–4123
VI	William S. Harris	555 Griffin Square Bldg., Dallas, Tex. 75202.	214–749–2841
VII	Richard G. Miskimins	911 Walnut St., Kansas City, Mo. 64106	816–374–3796
VIII	Robert J. Brown	1961 Stout St., Denver, Colo. 80202	303–837–4477
IX	William J. Haltigan	450 Golden Gate Ave., San Francisco, Calif. 94102.	415–556–7414
X	Jess C. Ramaker	909 1st Ave., Seattle, Wash. 98174	206–442–7700

Department of Labor
Occupational Safety and Health Administration

Region	Regional Administrator	Address	Telephone
Boston, Mass. 02203	(Vacancy)	John F. Kennedy Federal Bldg	617–223–6712 6713
New York, N.Y. 10036	Alfred Barden	1515 Broadway	212–399–5941 5942
Philadelphia, Pa. 19104	David H. Rhone	3535 Market St	215–596–1201
Atlanta, Ga. 30309	Donald E. Mackenzie	1375 Peachtree St. NE	404–526–3573 3574 404–526–2281 2282
Chicago, Ill. 60604	Edward E. Estkowski	230 South Dearborn St	312–353–4716 4717
Dallas, Tex. 75203	Robert Tice	555 Griffin Square Bldg	214–749–2477 78/79 214–749–2567
Kansas City, Mo. 64106	Vernon Strahm	911 Walnut St	816–374–5861
Denver, Colo. 80202	Curtis Foster	1961 Stout St	303–837–3883
San Francisco, Calif. 94102	Gabriel Gillotti	450 Golden Gate Ave	415–556–0584 4427
Seattle, Wash. 98174	James W. Lake	909 1st Ave	206–442–5930

Department of Labor
Regional Directors

Region	Director	Address	Telephone
I	Gerald P. Reidy	John F. Kennedy Federal Bldg., Boston, Mass. 02203.	617–223–5430
II	Stephen D. Blum	1515 Broadway, New York, N.Y. 10036	212–399–5252
III	J. Terrell Whitsitt, Acting	3535 Market St., Philadelphia, Pa. 19104	215–596–1116
IV	Eugene W. Griner, Acting	1371 Peachtree St. NE., Atlanta, Ga. 30309.	404–526–5366
V	Alexander P. White	230 S. Dearborn St., Chicago, Ill. 60604	312–353–4122
VI	Paul W. Story	555 Griffin Square Bldg., Dallas, Tex. 75202.	214–749–3842
VII	Richard C. McAvinew	911 Walnut St., Kansas City, Mo. 64106	816–374–5941
VIII	Samuel Martinez	1961 Stout St., Denver, Colo. 80202	303–837–3791
IX	George W. Smith	450 Golden Gate Ave., San Francisco, Calif. 94102.	415–556–8754
X	James T. Hughes	909 1st Ave., Seattle, Wash. 98174	206–442–1545

Department of Transportation
Regional Representatives of the Secretary

Region	Representative	Address	Telephone
I	David W. Hays	55 Broadway, Cambridge, Mass. 02142	617–494–2709
II	Bayard S. Forster	26 Federal Plaza, New York, N.Y. 10007	212–264–2672
III	Robert Brown, Jr	434 Walnut St., Philadelphia, Pa. 19106	215–597–9430
IV	Glen L. Jermstad	1720 Peachtree Rd. NW., Atlanta, Ga. 30309.	404–526–3738
V	Norman Erbe	300 South Wacker Dr., Chicago, Ill. 60606.	312–353–4000
VI	Ed Foreman	1100 Commerce St., Dallas, Tex. 75242	214–749–1851
VII	Russell R. Waesche	601 East 12th St., Kansas City, Mo. 64106.	816–374–5801
VIII	Robert L. Kessler	1050 17th St., Denver, Colo. 80202	303–837–3242
IX	Lawrence H. Dunn	2 Embarcadero Center, Box 36133, San Francisco, Calif. 94111.	415–556–5961
X	Donald W. Samuelson	915 2d Ave., Seattle, Wash. 98174	206–442–0590

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Department of Transportation
National Highway Traffic Safety Administration

Region	Administrator	Address	Telephone
I	James P. Williamson	55 Broadway, Cambridge, Mass. 02142	617-494-2680
II	Dean Van Gorden	200 Mamaroneck Ave., White Plains, N.Y. 10601.	914-761-4250 Ext. 312
III	Vincent D. Walsh	6701 Elkridge Landing Rd., Linthicum, Md. 21090.	301-796-5117
IV	L. E. Thompson	1720 Peachtree Rd. NW., Atlanta, Ga. 30309.	404-526-5537
V	Gordon Lindquist	1010 Dixie Hwy., Chicago Heights, Ill. 60411.	312-756-1950
VI	E. Robert Anderson	819 Taylor St., Fort Worth, Tex. 76102	817-334-3653
VII	E. L. McBride	P.O. Box 19515, Kansas City, Mo. 64141	816-926-7887
VIII	R. C. O'Connell	330 South Garrison St., Lakewood, Colo. 80226.	303-234-3253
IX	Bradford Crittenden	2 Embarcadero Center, Suite 610, San Francisco, Calif. 94111.	415-556-6415
X	William L. Hall	915 2d Ave., Seattle, Wash. 98174	206-442-5934

Department of Transportation
Urban Mass Transportation Administration

Region	Representative	Address	Telephone
I	Peter N. Stowell	c/o Transportation System Center, 55 Broadway, Cambridge, Mass. 02142.	617-494-2055
II	John K. Taylor	26 Federal Plaza, New York, N.Y. 10007	212-264-8162
III	Franz K. Gimmler	434 Walnut St., Philadelphia, Pa. 19106	215-597-8098
IV	Douglas C. Campion	1720 Peachtree Rd. NW., Atlanta, Ga. 30309.	404-526-3948
V	Ron W. Hoogenboom, Acting	300 South Wacker Dr., Chicago, Ill. 60606.	312-353-6005
VI	Glen E. Ford	819 Taylor St., Fort Worth, Tex. 76102	817-334-3787
VII	Lee O. Waddleton	6301 Rockhill Rd., Kansas City, Mo. 64106.	816-926-5053
VIII	Theodore Weigle	1050 17th St., Denver, Colo. 80202	303-837-3242
IX	Dee Jacobs	2 Embarcadero Center, San Francisco, Calif. 94111.	415-556-2884
X	Franklin W. Fort	915 Second Ave., Seattle, Wash. 98174	206-442-4210

ACTION

Region	Director	Address	Telephone
I	C. Edward Graydon, Acting	John W. McCormick Federal Bldg., Boston, Mass. 02109.	617-223-4297
II	Dominic R. Massaro	26 Federal Plaza, New York, N.Y. 10007	212-264-2900
III	Kenneth L. Hill	320 Walnut St., Philadelphia, Pa. 19106	215-597-0732
IV	Paul R. Jones	730 Peachtree Street NE., Atlanta, Ga. 30308.	404-526-3337
V	Michael F. Doyle	1 North Wacker Dr., Chicago, Ill. 60606	312-353-5107
VI	Manny Villalobos	212 North St. Paul St., Dallas, Tex. 75201.	214-749-1361
VII	John Campbell	4th and State Sts., Kansas City, Kans. 66101.	816-374-4486
VIII	Jack Stiegelmeier	1050 17th St., Denver, Colo. 80202	303-837-2671
IX	Donald Brown	100 McAllister St., San Francisco, Calif. 94102.	415-556-1736
X	Kenneth W. Hultgren	1602 2d Ave., Seattle, Wash. 98101	206-442-1558

ACTION
Office of Recruitment and Communications
Field Service Centers

[Each Service Center serves two Standard Federal Regions]

Service Center	Director	Address	Telephone
New York (serves Regions I and II).	James St. Clair	26 Federal Plaza, New York, N.Y. 10007	212-264-1780
Washington (serves Regions III and IV).	Walter McDonough	806 Connecticut Ave. NW., Washington, D.C. 20525.	202-254-8786
Chicago (serves Regions V and VII).	Noel McCaman	1 North Wacker Dr., Chicago, Ill. 60606	312-353-3585
Dallas (serves Regions VI and VIII).	Richard Garbell	212 North Saint Paul St., Dallas, Tex. 75201.	214-749-3755
San Francisco (serves Regions IX and X).	William McCleary	100 McAllister St., San Francisco, Calif. 94102.	415-556-1724

American Revolution Bicentennial Administration

Region	Director	Address	Telephone
I	Georgia Ireland	John F. Kennedy Federal Bldg., Room 506C, Boston, Mass. 02203.	617-223-5678
II	Barbara Wainscott	880 Third Ave., New York, N.Y. 10022	212-264-1976
III	Donald Strasburger	Federal Office Bldg., Room 4454, Philadelphia, Pa. 19106.	215-597-3617
IV	Michael Swinehart	3401 Whipple St., Atlanta, Ga. 30344	404-526-7726
V	Delbert Black	Everett M. Dirksen Bldg., Room 1900, 219 South Dearborn Ave., Chicago, Ill. 60604.	312-353-1776
VI	S. L. Abbott	Federal Office Bldg., Room 7C30, 1100 Commerce St., Dallas, Tex. 75202.	214-749-1831
VII	Frank Harrington	911 Walnut St., Room 602, Kansas City, Mo. 64106.	816-374-2303
VIII	Joe Albi	1515 Cleveland Pl., Suite 222, Denver, Colo. 80202.	303-837-4876
IX	Kent Williams	One Embarcadero Center, San Francisco, Calif. 94111.	415-556-1976
X	Wesley Phillips	3090 Federal Bldg., 915 Second Ave., Seattle, Wash. 98174.	206-442-1776

Civil Service Commission

Region	Director	Address	Telephone
I	Charles A. Maher	John W. McCormack Post Office and Courthouse, Boston, Mass. 02109.	617-223-2538
II	Virginia M. Armstrong	26 Federal Plaza, New York, N.Y. 10007	212-264-0440
III	Robert E. Sperry	600 Arch St., Philadelphia, Pa. 19106	215-597-4543
IV	David Caldwell	1340 Spring St. NW., Atlanta, Ga. 30309	404-526-2436
V	Keith A. Roelofs	Federal Office Bldg., 29th Floor, 230 S. Dearborn St., Chicago, Ill. 60604.	312-353-2901
VI	Edward Vela, Jr	1100 Commerce St., Dallas, Tex. 75202	214-749-3352
VII	Robert J. Dunn	1256 Federal Bldg., 1520 Market St., St. Louis, Mo. 63103.	314-279-4262
VIII	George F. Dwyer	Denver Federal Center, Denver, Colo. 80225.	303-234-2023
IX	Francis V. Yanak	Federal Bldg., Box 36010, 450 Golden Gate Ave., San Francisco, Calif. 94102.	415-556-0581
X	Thomas G. McCarthy	915 2d Ave., Seattle, Wash. 98174	206-399-7536

Community Services Administration

Region	Director	Address	Telephone
I	Ivan R. Ashley	John F. Kennedy Federal Bldg., Boston, Mass. 02203.	617-223-4080
II	William A. White, Acting	26 Federal Plaza, New York, N.Y. 10007	212-264-1900
III	W. Astor Kirk	3535 Market St., Philadelphia, Pa. 19104	215-596-1000
IV	William "Sonny" Walker	730 Peachtree St., NE., Atlanta, Ga. 30308.	404-526-3172
V	Glennwood A. Johnson, Acting	300 South Wacker Dr., Chicago, Ill. 60606.	312-353-5562
VI	Ben T. Haney, Acting	1200 Main St., Dallas, Tex. 75202	214-749-1301
VII	Wayne Thomas, Acting	911 Walnut St., Kansas City, Mo. 64106	816-374-3761
VIII	Shannon Doss, Acting	1961 Stout St., Denver, Colo. 80202	303-837-4767
IX	Eugene Gonzales	100 McAllister St., San Francisco, Calif. 94102.	415-556-5400
X	John C. Finley	1321 2d Ave., Seattle, Wash. 98101	206-442-4910

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Environmental Protection Agency

Region	Administrator	Address	Telephone
I	John A. S. McGlennon	John F. Kennedy Federal Bldg., Boston, Mass. 02203.	617–223–7210
II	Gerald M. Hansler	26 Federal Plaza, New York, N.Y. 10007	212–264–2525
III	Daniel J. Snyder III	6th and Walnut Sts., Philadelphia, Pa. 19106.	215–597–9814
IV	Jack E. Ravan	1421 Peachtree St. NE., Atlanta, Ga. 30309.	404–526–5727
V	George Alexander	230 South Dearborn St., Chicago, Ill. 60604.	312–353–5250
VI	John C. White	1600 Patterson St., Dallas, Tex. 75201	214–749–1962
VII	Jerome H. Svore	1735 Baltimore Ave., Kansas City, Mo. 64108.	816–374–5493
VIII	John A. Green	1860 Lincoln St., Denver, Colo. 80203	303–837–3895
IX	Paul DeFalco, Jr	100 California St., San Francisco, Calif. 94111.	415–556–2320
X	Clifford V. Smith	1200 6th Ave., Seattle, Wash. 98101	206–442–1220

Equal Employment Opportunity Commission

Region	Director	Address	Telephone
I [1] and II	Edward Mercado	26 Federal Plaza, New York, N.Y. 10007	212–264–3640
III	A. Keith McDonald	127 N. 4th St., Philadelphia, Pa. 19106	215–597–7784
IV	G. Duke Beasley, Acting	75 Piedmont Ave. NE., Atlanta, Ga. 30303.	404–526–6991
V	Elmer W. McLain	600 S. Michigan Ave., Chicago, Ill. 60605	312–353–1488
VI	Lorenzo Ramirez	1100 Commerce St., Dallas, Tex. 75242	214–749–1841
VII	Charles E. Clark	601 East 12th St., Kansas City, Mo. 64106.	816–374–2781
VIII, [1] IX, and X [1]	Frank A. Quinn	300 Montgomery St., San Francisco, Calif. 94104.	415–556–1775

[1] Regional office not open.

Federal Energy Administration

Region	Regional Administrator	Address	Telephone
I	Robert Mitchell	150 Causeway St., Boston, Mass. 02114	617–223–3701
II	Alfred Kleinfeld	26 Federal Plaza, New York, N.Y. 10007	212–264–1021
III	J. A. LaSala	1421 Cherry St., Philadelphia, Pa. 19102	215–597–3890
IV [1]	Fredric Johnson	1655 Peachtree St. NE., Atlanta, Ga. 30309.	404–526–2837
V	N. Allen Andersen	175 West Jackson Blvd., Chicago, Ill. 60604.	312–353–8420
VI	Delbert Fowler	2626 West Mockingbird Lane, Dallas, Tex. 75235.	214–749–7345
VII	Neil Admans	112 East 12th St., Kansas City, Mo. 64142.	816–374–2061
VIII	Dudley Faver	1075 South Yukon St., Lakewood, Colo. 80226.	303–234–2420
IX [2]	William Arntz	111 Pine St., San Francisco, Calif. 94111	415–556–7216
X	Jack Robertson	915 2d Ave., Seattle, Wash. 98174	206–424–7280

[1] Region IV includes the Panama Canal Zone.
[2] Region IX includes American Samoa, Guam, and the Trust Territories of the Pacific Islands.

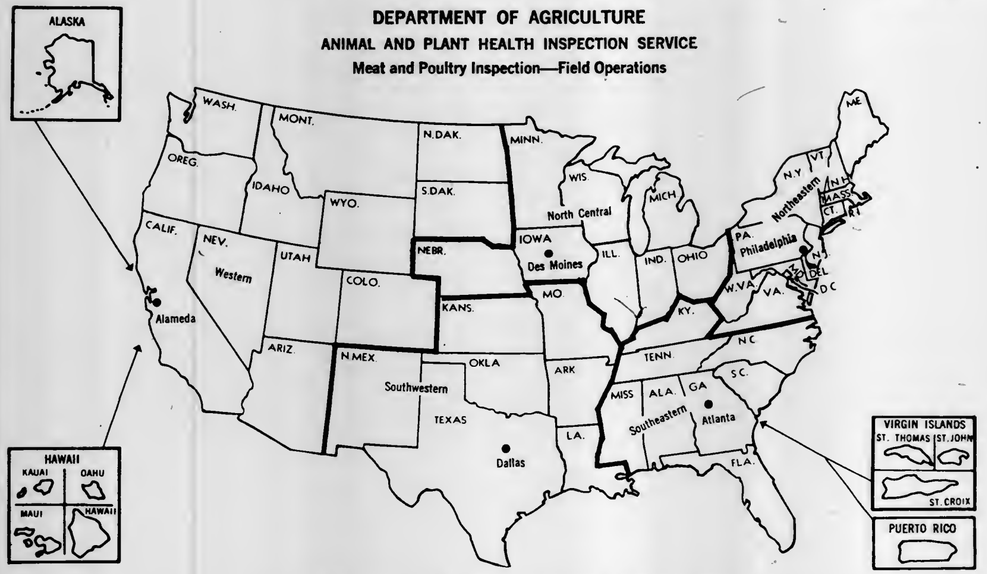
General Services Administration

Region	Administrator	Address	Telephone
I	Albert A. Gammal, Jr	John W. McCormack Post Office and Courthouse, Boston, Mass. 02109.	617–223–2601
II	Gerald J. Turetsky	26 Federal Plaza, New York, N.Y. 10007	212–264–2600
III	John F. Galuardi	7th and D Sts. SW., Washington, D.C. 20407.	202–472–1100
IV	Lewis D. Strom	1776 Peachtree St. NW., Atlanta, Ga. 30309.	404–285–5600
V	Frank Resnik	230 South Dearborn St., Chicago, Ill. 60604.	312–353–5395
VI	H. D. Harvell	1500 East Bannister Rd., Kansas City, Mo. 64131.	816–926–7201
VII	Karl R. Merrill	819 Taylor St., Fort Worth, Tex. 76102	817–334–2321
VIII	Michael J. Norton	Denver Federal Center, Denver, Colo. 80225.	303–234–4171
IX	Thomas E. Hannon	525 Market St., San Francisco, Calif. 94105.	415–556–3221
X	David L. Head	GSA Center, Auburn, Wash. 98002	206–396–5201

Small Business Administration

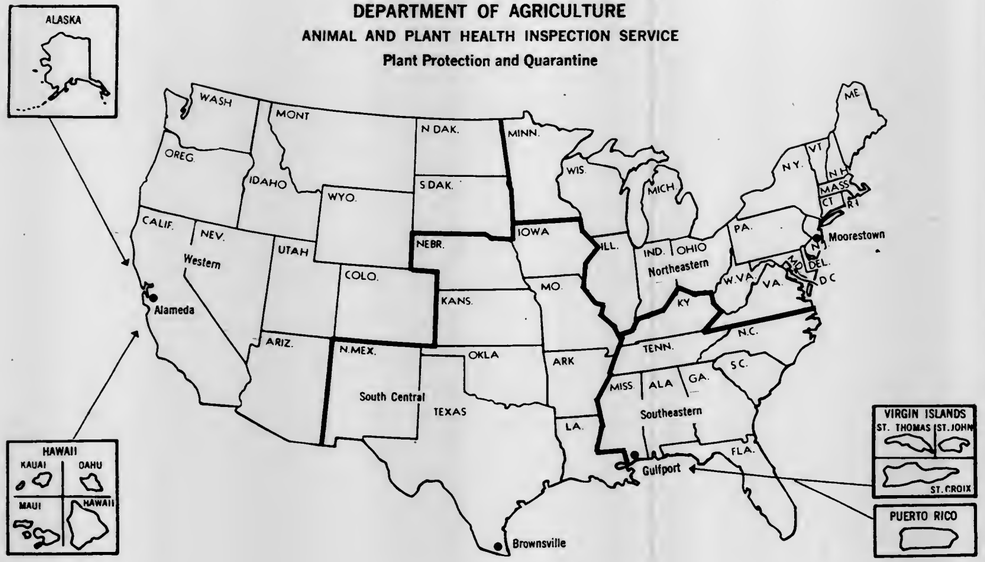
Region	Director	Address	Telephone
I	Talbot DeG. Bulkley	150 Causeway St., Boston, Mass. 02114	617–223–2100
II	Windle B. Priem	26 Federal Plaza, New York, N.Y. 10007	212–460–0100
III	A. M. Peterson	1 Bala Cynwyd Plaza, Bala Cynwyd, Pa. 19004.	215–597–3311
IV	Wiley S. Messick	1401 Peachtree St. NE., Atlanta, Ga. 30309.	404–526–0111
V	Harold L. Aronson, Jr	219 South Dearborn St., Chicago, Ill. 60604.	312–353–4400
VI	Frederick S. Neumann	1720 Regal Row, Dallas, Tex. 75235	214–749–1011
VII	Deryl K. Schuster	911 Walnut St., Kansas City, Mo. 64106	816–374–7000
VIII	Victor M. Rivera	721 19th St., Denver, Colo. 80202	303–837–0111
IX	Gilbert Montano	450 Golden Gate Ave., San Francisco, Calif. 94102.	415–556–9000
X	Daniel B. Ward	710 2d Ave., Seattle, Wash. 98104	206–442–0111

DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE
Meat and Poultry Inspection—Field Operations



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DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE
Plant Protection and Quarantine



DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE
Veterinary Services



DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
Cotton Division



DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
Dairy Division
Inspection and Grading Branch



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DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
Fruit and Vegetable Division
Fresh Products Standardization and Inspection Branch



DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
Fruit and Vegetable Division
Processed Products Standardization and Inspection Branch



DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
Fruit and Vegetable Division
Regulatory Branch



DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
Grain Division
Seed Branch Laboratories

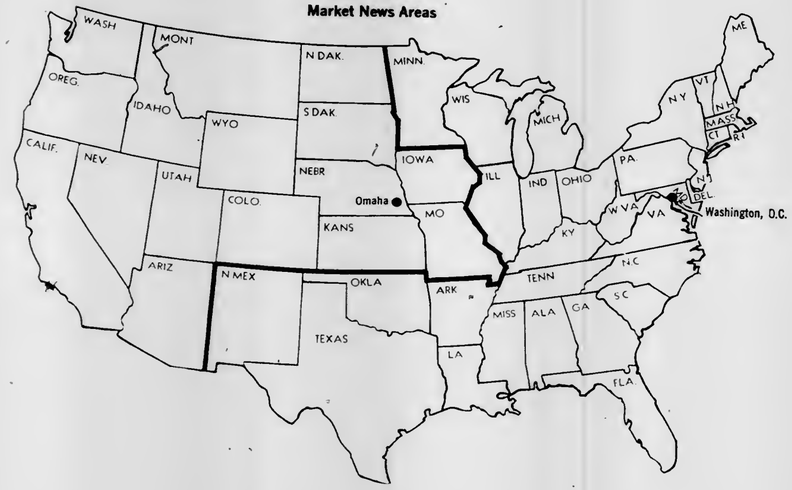


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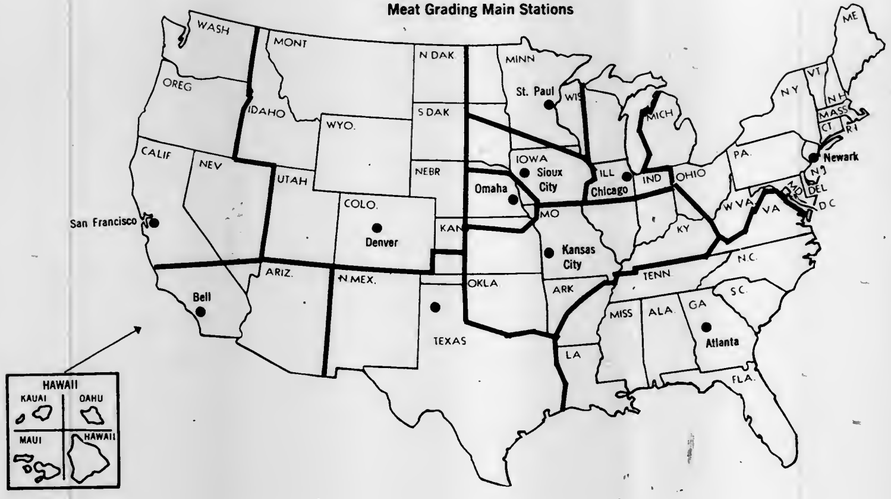
DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
Information Division



DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
Livestock Division
Market News Areas



DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
Livestock Division
Meat Grading Main Stations

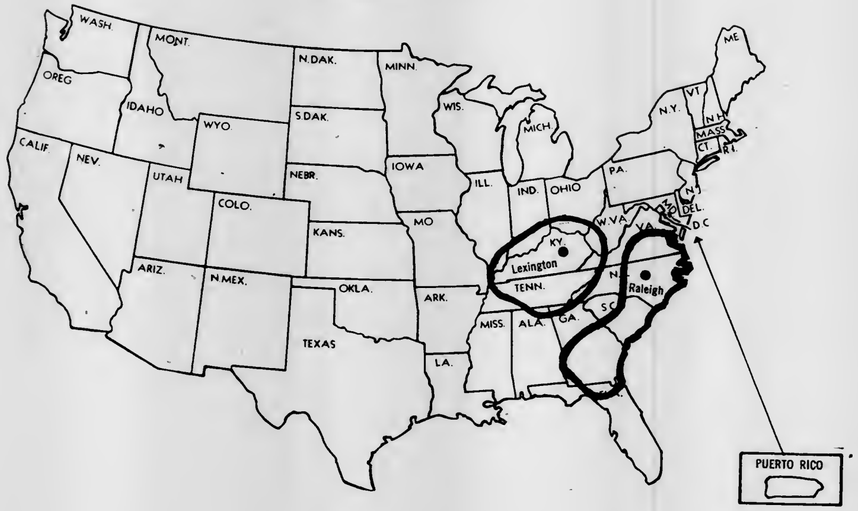


DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
Poultry Division
Grading Branch



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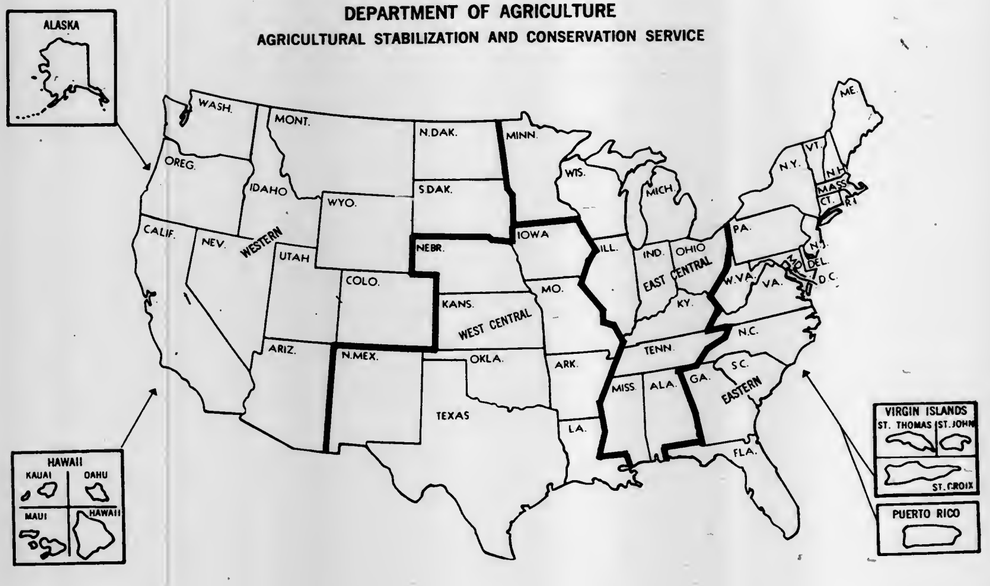
DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
Tobacco Division



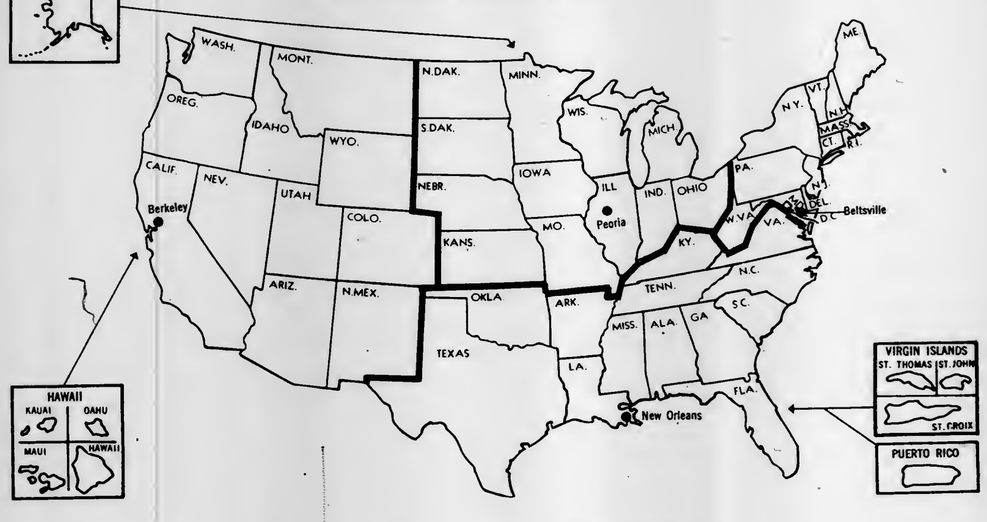
DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
Transportation and Warehouse Division



DEPARTMENT OF AGRICULTURE
AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE



DEPARTMENT OF AGRICULTURE
AGRICULTURAL RESEARCH SERVICE

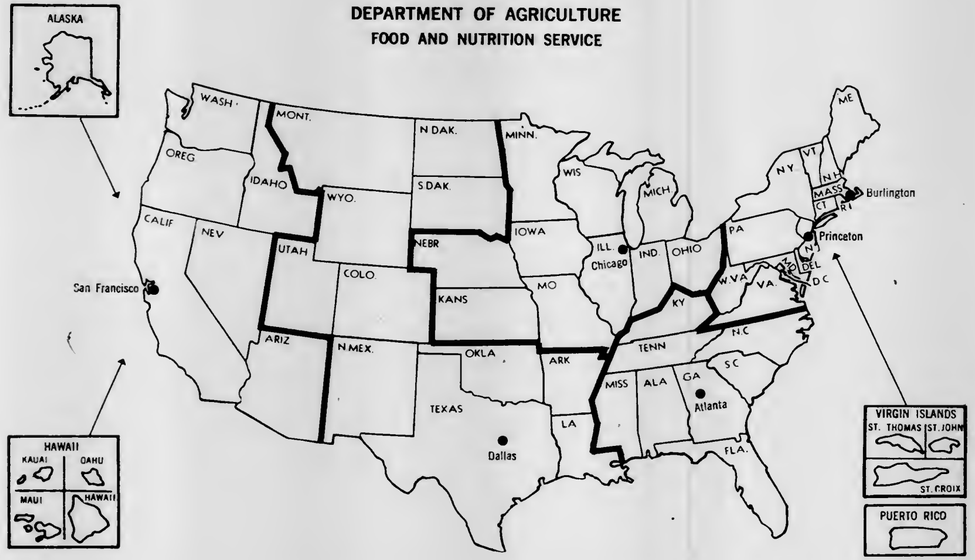


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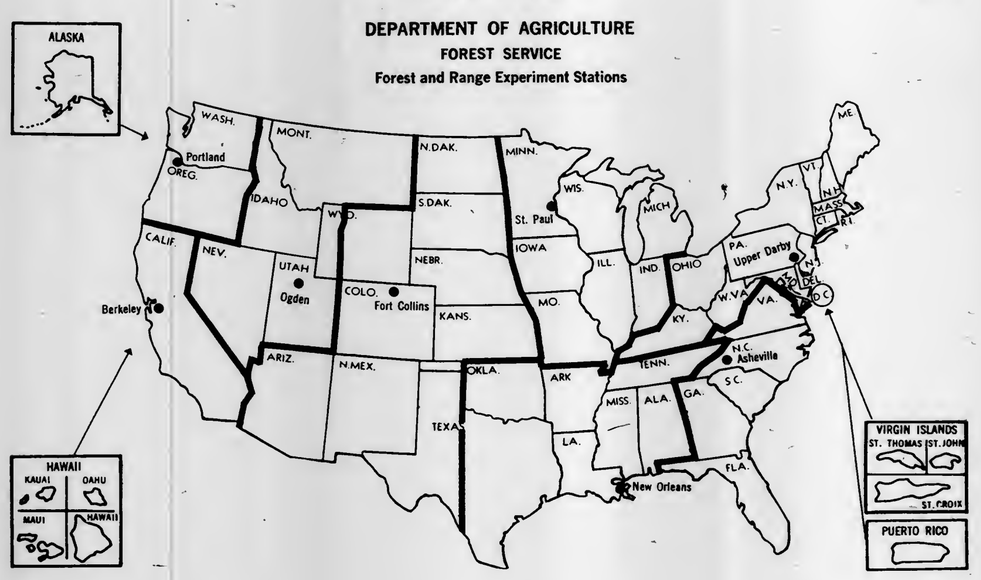
DEPARTMENT OF AGRICULTURE
FEDERAL CROP INSURANCE CORPORATION



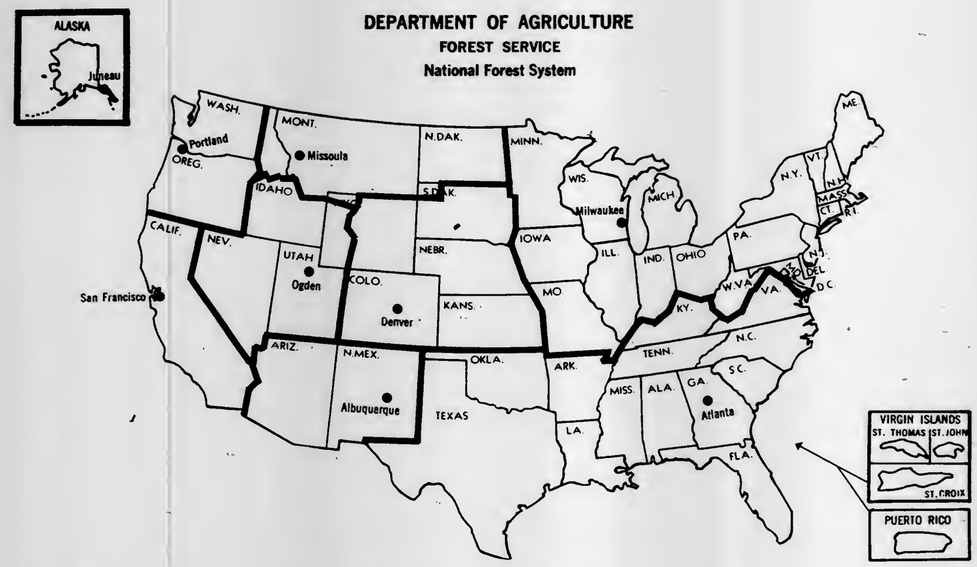
DEPARTMENT OF AGRICULTURE
FOOD AND NUTRITION SERVICE



DEPARTMENT OF AGRICULTURE
FOREST SERVICE
Forest and Range Experiment Stations

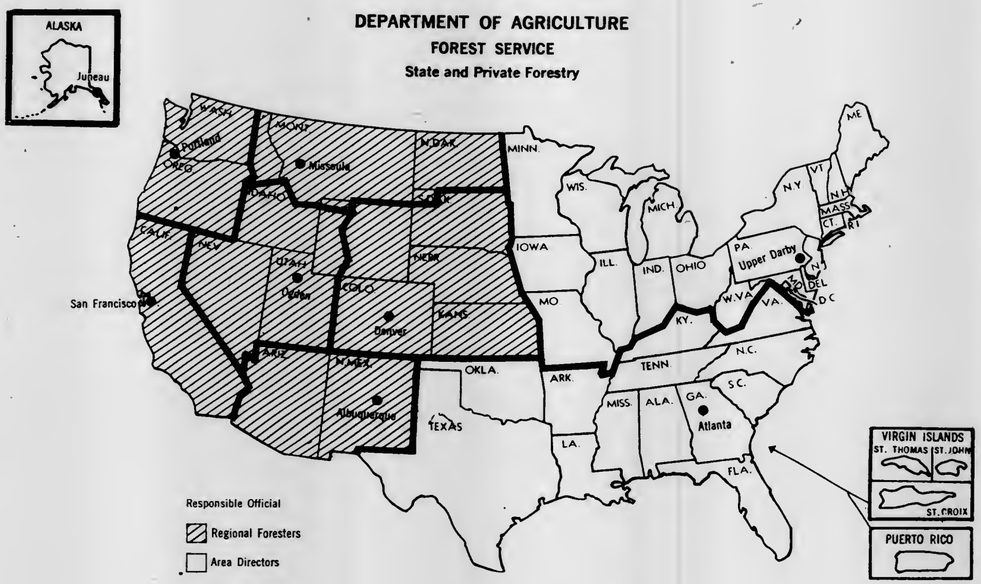


DEPARTMENT OF AGRICULTURE
FOREST SERVICE
National Forest System

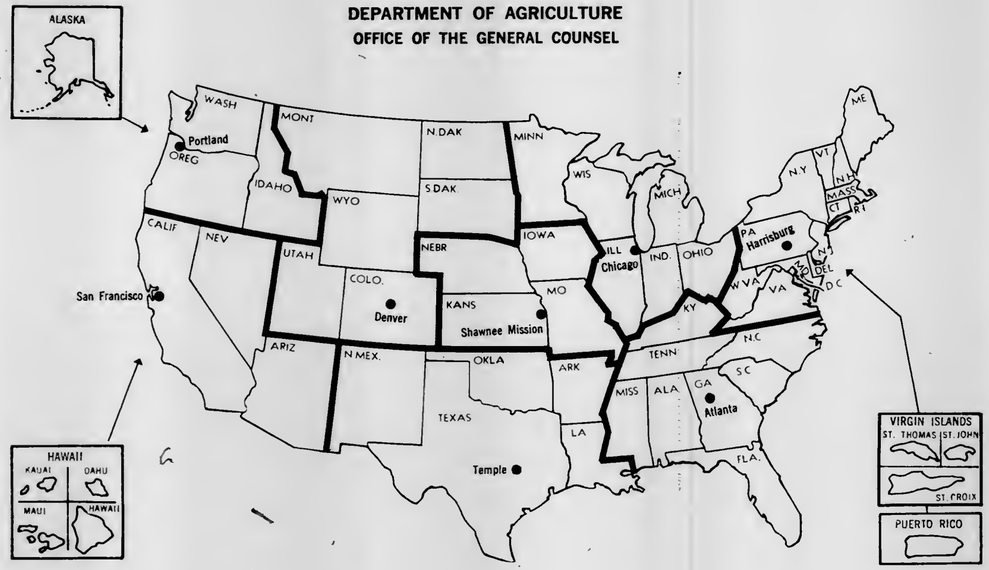


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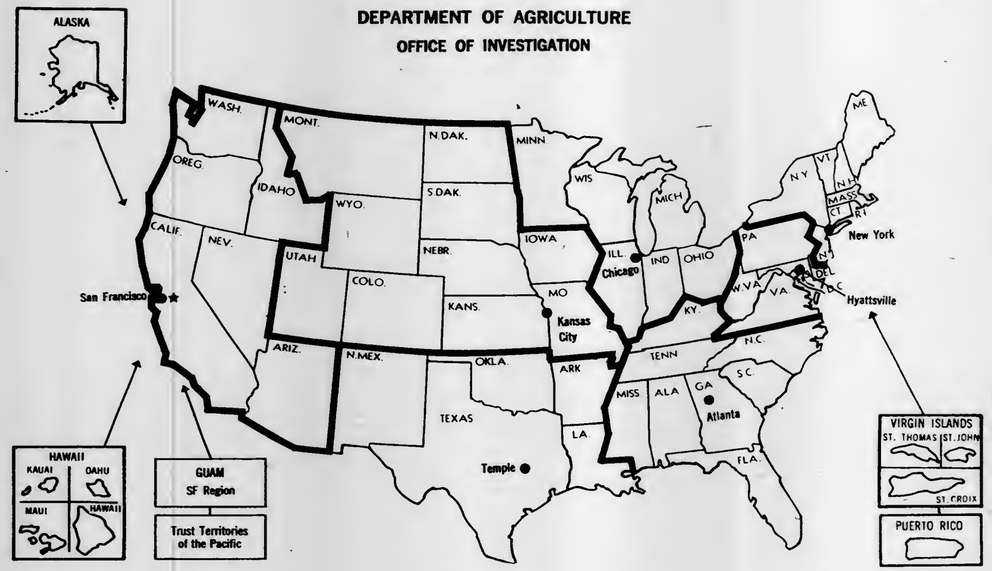
DEPARTMENT OF AGRICULTURE
FOREST SERVICE
State and Private Forestry



DEPARTMENT OF AGRICULTURE
OFFICE OF THE GENERAL COUNSEL



DEPARTMENT OF AGRICULTURE
OFFICE OF INVESTIGATION

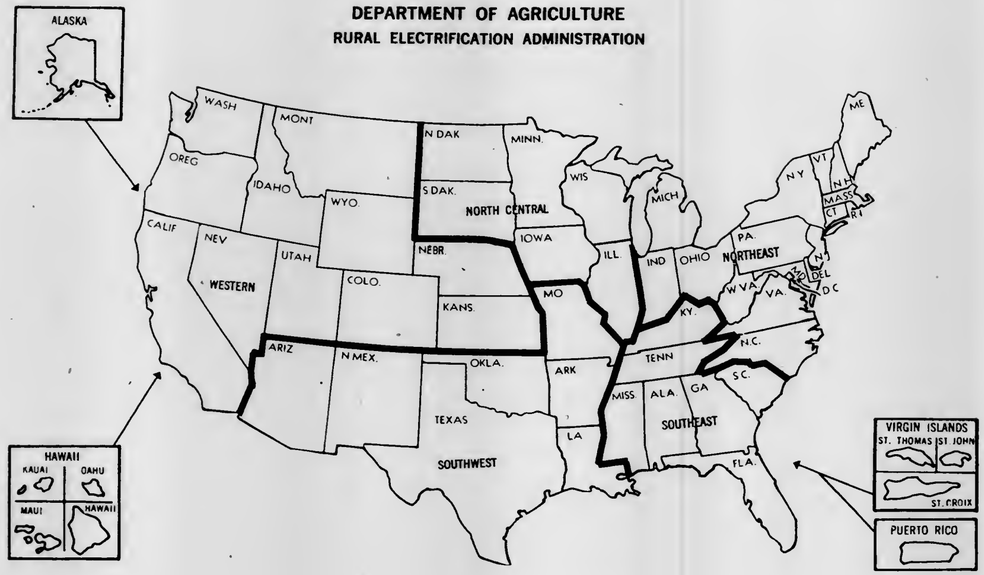


DEPARTMENT OF AGRICULTURE
PACKERS AND STOCKYARDS ADMINISTRATION

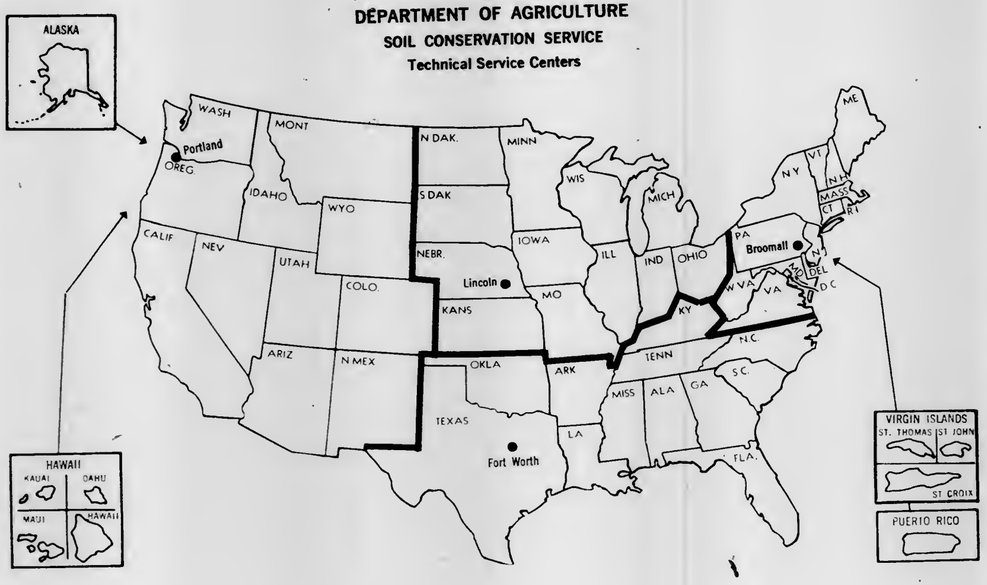


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DEPARTMENT OF AGRICULTURE
RURAL ELECTRIFICATION ADMINISTRATION



DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE
Technical Service Centers



Department of Agriculture
Animal and Plant Health Inspection Service
Meat and Poultry Inspection Field Operations

Region	Director	Address	Telephone
Des Moines, Iowa 50309	Dr. G. Harner	East 1st and Walnut Sts	515–284–4042
Atlanta, Ga. 30309	Dr. L. H. Burkert	1718 Peachtree St. NW	404–526–3911
Alameda, Calif. 94501	Dr. L. J. Rafoth	620 Central Ave	415–273–7402
Philadelphia, Pa. 19102	Dr. M. J. Hatter	1421 Cherry St	215–597–4219
Dallas, Tex. 75201	Dr. W. H. Irvin	1100 Commerce St	214–749–3747

Department of Agriculture
Animal and Plant Health Inspection Service
Plant Protection and Quarantine

Region	Director	Address	Telephone
Moorestown, N.J. 08057	J. T. Koski	P.O. Box 93	609–235–1428
Gulfport, Miss. 39501	H. L. Ford	P.O. Box 989	601–863–1972 Ext. 6103
Alameda, Calif. 94501	A. L. Adams	620 Central Ave	415–273–6014
Brownsville, Tex. 78520	J. L. Ward	2100 Boca Chica Blvd	512–542–7231

Department of Agriculture
Animal and Plant Health Inspection Service
Veterinary Services
(Located at 6525 Belcrest Rd., Hyattsville, Md. 20782)

Region	Director	Address	Telephone
South Central	Dr. J. H. Wommack	Room 841, Federal Bldg	301–436–8220
Northern	Dr. H. C. King	Room 845, Federal Bldg	301–436–8644
Southeastern	Dr. M. J. Tillery	Room 841, Federal Bldg	301–436–8210
North Central	Dr. J. C. Jeffries	Room 838, Federal Bldg	301–436–8333
Western	Dr. G. E. Blake	Room 848, Federal Bldg	301–436–8700

Department of Agriculture
Agricultural Marketing Service
Cotton Division

Region	Director	Address	Telephone
Memphis, Tenn. 38122	David H. Stancil	4841 Summer Ave	901–534–4711
El Paso, Tex. 79925	Donald W. Bratton	1515 Airway Blvd	915–543–7676

Department of Agriculture
Agricultural Marketing Service
Dairy Division
Inspection and Grading Branch

Region	Area Supervisor	Address	Telephone
San Francisco, Calif. 94111	Roy F. Hedtke	630 Sansome St	415–556–5585
Chicago, Ill. 60607	Kenneth R. Olson	610 South Canal St	312–353–6680
Minneapolis, Minn. 55401	Harold K. Linden	Federal Bldg	612–725–2246
Syracuse, N.Y. 13210	LeRoy C. Iverson	700 East Water St	315–473–3596

V 41 154 AUG 9 76 UMI

Department of Agriculture
Agricultural Marketing Service
Fruit and Vegetable Division
Fresh Products Standardization and Inspection Branch

Region	Director	Address	Telephone
Chicago, Ill. 60607	Lewis P. VonWald	610 South Canal St	312–353–6225
San Francisco, Calif. 94111	Robert P. Rosko	630 Sansome St	415–556–3945
Washington, D.C. 20250	J. Lewis Maness	14th and Independence Ave. SW	202–447–4560

Department of Agriculture
Agricultural Marketing Service
Fruit and Vegetable Division
Processed Products Standardization and Inspection Branch

Region	Director	Address	Telephone
Chicago, Ill. 60607	Elton Hughes	610 Canal St	312–353–6217
Washington, D.C. 20250	Hobart N. Falen	14th and Independence Ave. SW	202–447–7913
San Jose, Calif. 95113	J. J. Vollman	111 West Saint John St	408–275–7253

Department of Agriculture
Agricultural Marketing Service
Fruit and Vegetable Division
Regulatory Branch

Region	Officer in Charge	Address	Telephone
Chicago, Ill. 60607	Jack C. Morris	610 Canal St	312–353–6220
Fort Worth, Tex. 76102	Joseph E. Ward	Federal Bldg	817–334–2624
Los Angeles, Calif. 90013	Thomas R. Walp	417 South Hill St	213–798–3194
New York, N.Y. 10007	Harry G. Apostoleris	Federal Bldg	212–264–1118
Washington, D.C. 20250	Michael D. Price	14th and Independence Ave. SW	202–447–4180

Department of Agriculture
Agricultural Marketing Service
Grain Division
Seed Branch Laboratories

Laboratory	Officer in Charge	Address	Telephone
Montgomery, Ala. 36104	James Triplitt	474 South Court St	205–832–7268
Sacramento, Calif. 95808	Vera L. Colbry	Federal Bldg., P.O. Box 1641	916–449–3134
Minneapolis, Minn. 55401	Glen D. Koskinen	Federal Office Bldg	612–725–2255
North Brunswick, N.J. 08902	Ralph H. Hofmann	985 Patton St	201–846–4500 Ext. 288

Department of Agriculture
Agricultural Marketing Service
Information Division

Region	Chief	Address	Telephone
Chicago, Ill. 60605	Herbert C. Jackson	536 South Clark St	312–353–6331
Dallas, Tex. 75402	Harold C. Bryson	1100 Commerce St	214–749–3331
New York, N.Y. 10007	Bryan D. Killikelly	26 Federal Plaza	212–264–1145
Atlanta, Ga. 30309	Connie G. Crunkleton	1718 Peachtree St. NW	404–285–5154
San Francisco, Calif. 94111	Bernard B. Darling	630 Sansome St	415–556–6464

Department of Agriculture
Agricultural Marketing Service
Livestock Division
Market News Areas

Area	Officer in Charge	Address	Telephone
Washington, D.C. 20250	Bruce B. Harding	14th and Independence Ave. SW	202–447–6231
Omaha, Nebr. 68107	Robert E. Jorgensen	Livestock Exchange Bldg	402–731–2014

Department of Agriculture
Agricultural Marketing Service
Livestock Division
Meat Grading Main Stations

Station	Supervisor	Address	Telephone
Bell, Calif. 90201	Charles T. Murphy	4747 Eastern Ave	213–265–0536
Martinez, Calif. 94553	Martin A. Swingley	P.O. Bldg. 815 Court St	415–229–2800
Denver, Colo. 80216	Marvin K. Eilts	Livestock Exchange Bldg	303–837–4088 3366
Atlanta, Ga. 30309	Roy D. McDonald	1718 Peachtree St. NW	404–526–5158
Chicago, Ill. 60605	John Coplin	4101 South Halsted St	312–353–5751 5286
Sioux City, Iowa 51107	Edward F. Novak	Livestock Exchange Bldg	712–252–3287
South St. Paul, Minn. 55075	H. Michael Windham	236 North Concord St	612–451–6877
Kansas City, Mo. 64102	Richard W. Theobald	Livestock Exchange Bldg	816–842–3810
Omaha, Nebr. 68107	Andrew Rot	Livestock Exchange Bldg	402–731–2014
Princeton, N.J. 07102	George Kablesh	1101 State Rd	609–921–3305
Amarillo, Tex. 79105	Doyle B. Oliver	Livestock Exchange Bldg	806–372–7361

Department of Agriculture
Agricultural Marketing Service
Poultry Division
Grading Branch

Region	Director	Address	Telephone
Philadelphia, Pa. 19106	James B. York	2d and Chestnut Sts	215–597–4554
Chicago, Ill. 60607	Dale H. Shearer	610 South Canal St	312–353–6226
Des Moines, Iowa 50309	Frank J. Santo	210 Walnut St	515–862–4581
San Francisco, Calif. 94111	Jack H. Brownlow	630 Sansome St	415–556–6488

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Department of Agriculture
Agricultural Marketing Service
Tobacco Division

Region	Supervisor	Address	Telephone
Raleigh, N.C. 27611	Lioniel S. Edwards	1306 Annapolis Dr	919–755–4552
Lexington, Ky. 40504	Paul Donovan	333 Waller Ave	606–252–2312 Ext. 2613

Department of Agriculture
Agricultural Marketing Service
Transportation and Warehouse Division

Region	Officer in Charge	Address	Telephone
Atlanta, Ga. 30309	Dudley T. Kirchner	1718 Peachtree St. NW	404–526–5924
Indianapolis, Ind. 46224	Harry J. Wishmire	5610 Crawfordsville Rd	317–269–6396
Minneapolis, Minn. 55415	Arthur R. Willis	400 South 4th St	612–725–2825
Omaha, Nebr. 68102	Arthur L. Queck	206 South 19th St	402–221–4685 4660
Portland, Oreg. 97204	J. Gordon Shields	1220 Southwest 3d Ave	503–221–2188
Memphis, Tenn. 38103	George Harrison	167 North Main St	901–534–3838
Temple, Tex. 76501	Daniel M. Chapman	16–20 Main St	817–773–1281

Department of Agriculture
Agricultural Stabilization and Conservation Service
(Located at Department of Agriculture, South Bldg., 14th and Independence Ave. SW., Washington, D.C. 20250)

Region	Director	Address	Telephone
Eastern	(Vacancy)	Room 3718	202–447–4746
East Central	Merrill Marxman	Room 3717	202–447–3593
West Central	Howard Waters	Room 3709	202–447–3953
Western	Everett G. Rank	Room 3712	202–447–6941

Department of Agriculture
Agricultural Research Service

Region	Deputy Administrator	Address	Telephone
Beltsville, Md. 20705	Dr. Steven C. King	Agricultural Research Center, W	301–344–3418
Peoria, Ill. 61614	Earl R. Glover	2000 West Pioneer Pkwy	309–671–7176
New Orleans, La. 70153	Dr. Arthur W. Cooper	P.O. Box 53326	504–589–6753
Berkeley, Calif. 94705	Dr. H. C. Cox	2850 Telegraph Ave	415–486–3565

Department of Agriculture
Federal Crop Insurance Corporation

Region	Contract Service Center	Address	Telephone
Bismark, N. Dak. 58501	Lloyd B. Scheide	Room 234, 220 East Rosser Ave	701–783–4271
College Station, Tex. 77840	George F. Vohs	USDA Bldg	713–527–1393
Columbia, S.C. 29210	Henry L. Kling	240 Stoneridge Dr., Room 303	803–877–5766
Des Moines, Iowa 50309	James D. Deal	210 Walnut St	515–862–4316
Fresno, Calif. 93721	Jesse W. Bishop	1130 O St., Room 4110	209–467–5348
Indianapolis, Ind. 46224	Ben A. Jordan, Jr	5610 Crawfordsville Rd., Suite 1501	317–331–6527
Jackson, Miss. 39205	Leo F. Crawford	200 South Lamar St., Room 610	601–490–4328
Lewistown, Mont. 59457	Ralph C. Weed	613 Northeast Main St	406–585–5011 538–8704
Lincoln, Nebr. 68508	Forrest H. Boerner	100 Centennial Mall, Room 443	402–867–5531
Manhattan, Kans. 66502	W. Otto Johnson	2601 Anderson Ave	913–752–8661 539–2379
Nashville, Tenn. 37203	Murrell D. Williams	U.S. Courthouse, Room 508	615–852–5591
Raleigh, N.C. 27611	E. Eugene Gantz	310 New Bern Bldg., Room 612	919–672–4470
Spokane, Wash. 99201	Leroy F. Knox	920 Riverside Ave., Room 369	509–439–3763
St. Paul, Minn. 55101	Harold G. Schonberger	316 Robert St., Room 222	612–725–8571

Department of Agriculture
Food and Nutrition Service

Region	Administrator	Address	Telephone
Burlington, Mass. 01803	David B. Alspach	34 Third Ave	617–223–0283
Princeton, N.J. 08550	Wallace F. Warren	729 Alexander Rd	609–349–9200
Chicago, Ill. 60605	Dennis M. Doyle	536 South Clark St	312–353–6664
Atlanta, Ga. 30309	Russell H. James	1100 Spring St. NW	404–285–5131
Dallas, Tex. 75242	Martin D. Garber	1100 Commerce St	214–749–2877
San Francisco, Calif. 94108 (including Guam, American Samoa, and the Trust Territories of the Pacific).	Neill W. Freeman	550 Kearny St	415–556–4950

Department of Agriculture
Forest Service
Forest and Range Experiment Stations

Station	Director	Address	Telephone
Upper Darby, Pa. 19082	F. Bryan Clark	6816 Market St	215–596–1615
Asheville, N.C. 28802	Junior B. Hilmon	Post Office Bldg	704–258–0758
St. Paul, Minn. 55101	John H. Ohman	Folwell Ave	612–645–0249
New Orleans, La. 70113	(Vacancy)	701 Loyola Ave	504–589–6787
Fort Collins, Colo. 80521	David E. Herrick	240 West Prospect St	303–482–7332
Ogden, Utah 84401	Roger R. Bay	507 25th St	801–399–6361
Portland, Oreg. 97208	Robert F. Tarrant	809 Northeast 6th Ave	503–234–3361
Berkeley, Calif. 94701	Robert W. Harris	1960 Addison St	415–486–3291

Department of Agriculture
Forest Service
National Forest System

Region	Regional Forester	Address	Telephone
Missoula, Mont. 59801	Steve Yurich	Federal Bldg	406–329–3011
Lakewood, Colo. 80225	(Vacancy)	1117 West 8th Ave	303–234–3711
Albuquerque, N. Mex. 87102	William D. Hurst	517 Gold Ave. SW	505–766–2401
Ogden, Utah 84401	Vernon O. Hamre	324 25th St	801–399–6201
Milwaukee, Wis. 53203	(Vacancy)	633 West Wisconsin Ave	414–224–3600
Atlanta, Ga. 30309	F. Leroy Bond	1720 Peachtree Rd. NW	404–526–5177
Portland, Oreg. 97208	Theodore A. Schlapfer	319 Southwest Pine St	503–221–3625
San Francisco, Calif. 94111	Douglas R. Leisz	630 Sansome St	415–556–4310
Juneau, Alaska 99801	John Sandor	Federal Office Bldg	907–586–7263

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Department of Agriculture
Forest Service
State and Private Forestry

Region	Deputy Regional Forester	Address	Telephone
Missoula, Mont. 59801	Steve Yurich	Federal Bldg	406-329-3319
Lakewood, Colo. 80225	(Vacancy)	Federal Center	303-234-4321
Albuquerque, N. Mex. 87102	William D. Hurst	517 Gold Ave. SW	505-766-2296
Ogden, Utah 84401	Vernon O. Hamre	324 25th St	801-399-6141
San Francisco, Calif. 94111	Douglas R. Leisz	630 Sansome St	415-556-4310
Portland, Oreg. 97208	Theodore A. Schlapfer	319 Southwest Pine St	503-221-3669
Juneau, Alaska 99801	John Sandor	Federal Office Bldg	907-586-7484

Region	Area Director	Address	Telephone
Upper Darby, Pa. 19082	Robert D. Raisch	6816 Market St	215-596-1660
Atlanta, Ga. 30309	Sidney Weitzman	1720 Peachtree Rd. NW	404-526-5964

Department of Agriculture
Office of the General Counsel

Region	Regional Attorney	Address	Telephone
Atlanta, Ga. 30309	Fred W. Harris, Jr	1371 Peachtree St. NE	404-526-5161
Chicago, Ill. 60606	Winifred Molony	230 South Dearborn St	312-353-5640
Denver, Colo. 80202	Jack E. Hanthorn	817 17th St	303-837-4031
Harrisburg, Pa. 17108	D. Charles Valsing	228 Walnut St	717-782-3713
Portland, Oreg. 97204	Arno Reifenberg	1220 Southwest 3d Ave	503-221-3115
San Francisco, Calif. 94111	Wilbur W. Jennings	630 Sansome St	415-556-4532
Shawnee Mission, Kans. 66208	Robert Hoffman	2400 West 75th St	816-926-6475
Temple, Tex. 76501	Alfred F. Herbelin	3914 South General Bruce Dr	817-773-1204

Department of Agriculture
Office of Investigation

Region	Regional Director	Address	Telephone
New York, N.Y. 10007	Michael J. Lonergan	26 Federal Plaza	212-264-8400
Hyattsville, Md. 20782	Thomas J. Burke	432 Federal Center Bldg	301-436-8850
Atlanta, Ga. 30309	Ronald C. Reese	1447 Peachtree St. NE	404-285-5377
Chicago, Ill. 60606	Charles A. Kelly	1 North Wacker Dr	312-353-1359
Temple, Tex. 76501	William D. Parker	3912 South General Bruce Dr	817-736-1351
Kansas City, Mo. 64141	Tom L. Lambert	P.O. Box 205	816-926-6623
San Francisco, Calif. 94111	Max E. Shaffer	555 Battery St	415-556-4245

Department of Agriculture
Packers and Stockyards Administration

Region	Area Supervisor	Address	Telephone
Arlington, Va. 22209	Thomas C. Harris	1621 North Kent St	703-235-8662
Atlanta, Ga. 30309	Griffin E. Bonham	1720 Peachtree St. NW	404-526-5845
Denver, Colo. 80216	Melvin E. Holmquist	208 Livestock Exchange Bldg	303-837-3312
Fort Worth, Tex. 76102	Marion L. Marshall	819 Taylor St	817-334-3286
Indianapolis, Ind. 46227	Samuel P. Tuggle, Jr	537 Turtle Creek, South Dr	317-269-6424
Kansas City, Mo. 64102	Vern A. Swader	828 Livestock Exchange Bldg	816-374-2368
Lawndale, Calif. 90260	Calvin W. Watkins	15000 Aviation Blvd	213-536-6687
Memphis, Tenn. 38103	Kenneth F. Grizzell	167 North Main St	901-534-3414
North Brunswick, N.J. 08902	C. S. Smebakken	525 Milltown Rd	201-846-4261 4262/4263
Omaha, Nebr. 68107	Quentin H. Bierman	435 Livestock Exchange Bldg	402-221-3391
Portland, Oreg. 97223	J. Merlin Hoskin	9370 Southwest Greenburg Rd	503-221-2687
South St. Paul, Minn. 55075	Leo J. Waller	208 Post Office Bldg	612-725-7815
Springfield, Ill. 62706	C. DeWayne Crawford	Emmerson Building Annex, State Fairgrounds.	217-525-4353

Department of Agriculture
Rural Electrification Administration

(Located at Department of Agriculture, South Bldg., 14th and Independence Ave. SW., Washington, D.C. 20250)

Service	Assistant Administrator	Address	Telephone
Electric Areas	Richard F. Richter	Room 4056	202-447-6237
Telephone Areas	Raymond Ballard	Room 4048	202-447-4305

Department of Agriculture
Soil Conservation Service
Technical Service Centers

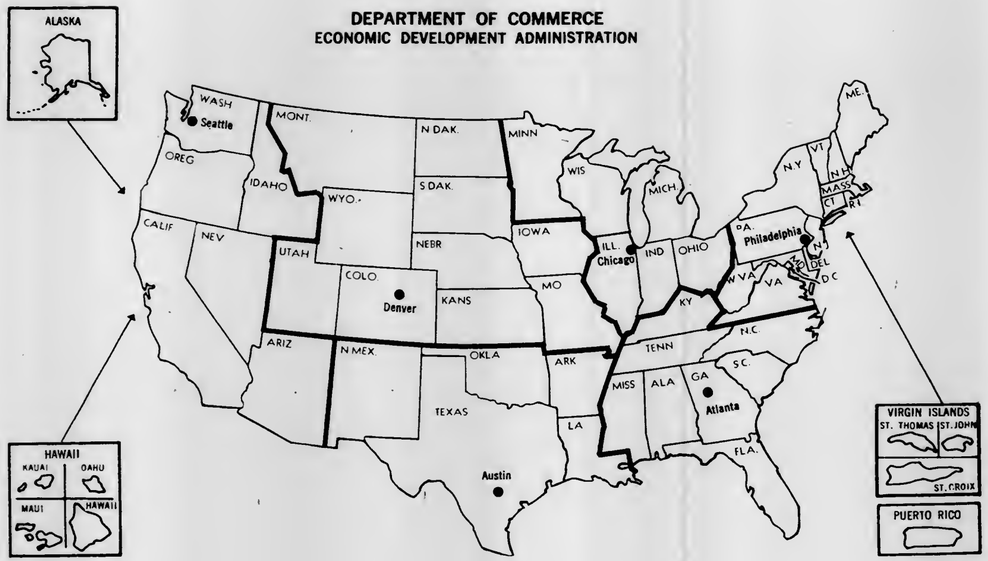
Region	Director	Address	Telephone
Lincoln, Nebr. 68508	Marion E. Strong	Federal Bldg., U.S. Court House, Rm. 345, 100 Centennial Mall, North.	402-471-5361
Portland, Oreg. 97209	Kenneth L Williams	511 Northwest Broadway	503-221-2824
Broomall, Pa. 19008	Albert C. Addison	1974 Sproul Rd	215-353-1480
Fort Worth, Tex. 76110	J. Vernon Martin	Fort Worth Federal Center, P.O. Box 6567.	817-334-5456

DEPARTMENT OF COMMERCE
BUREAU OF THE CENSUS
Regional Offices

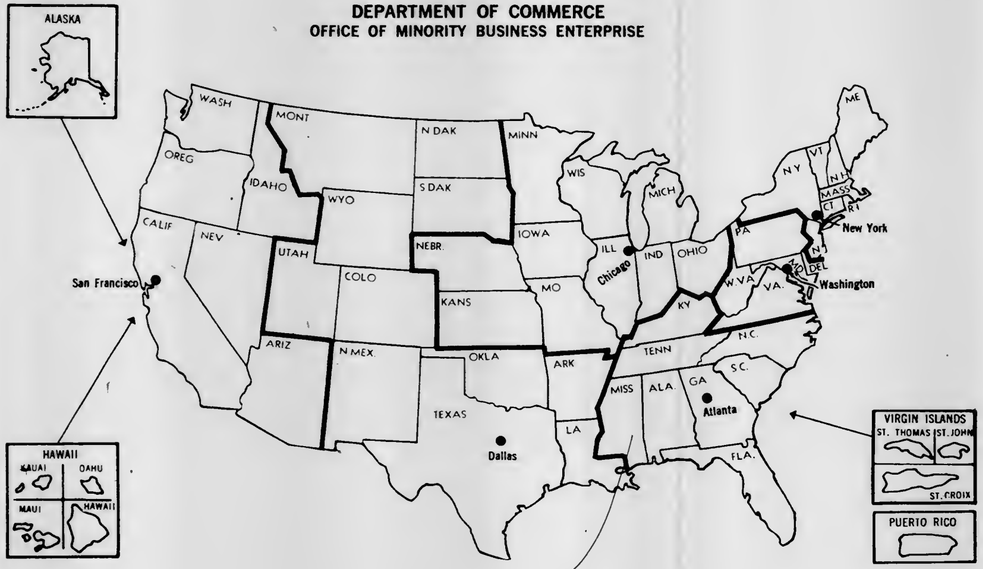


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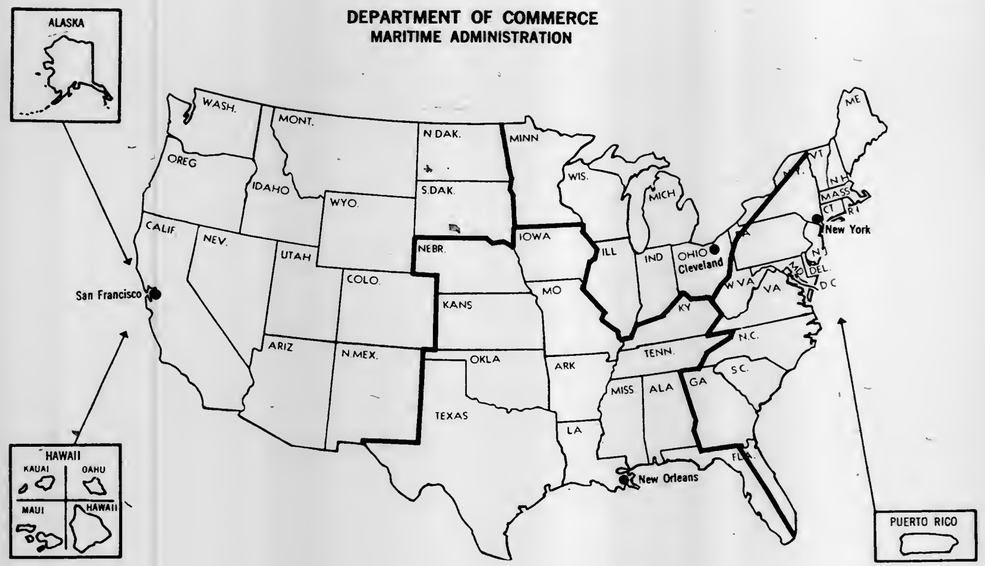
DEPARTMENT OF COMMERCE
ECONOMIC DEVELOPMENT ADMINISTRATION



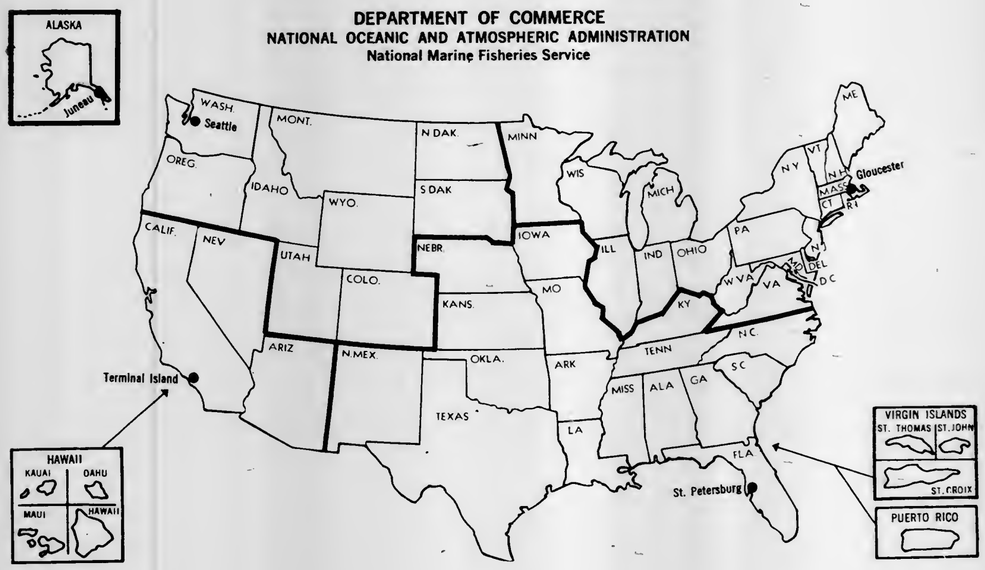
DEPARTMENT OF COMMERCE
OFFICE OF MINORITY BUSINESS ENTERPRISE



DEPARTMENT OF COMMERCE
MARITIME ADMINISTRATION



DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
National Marine Fisheries Service

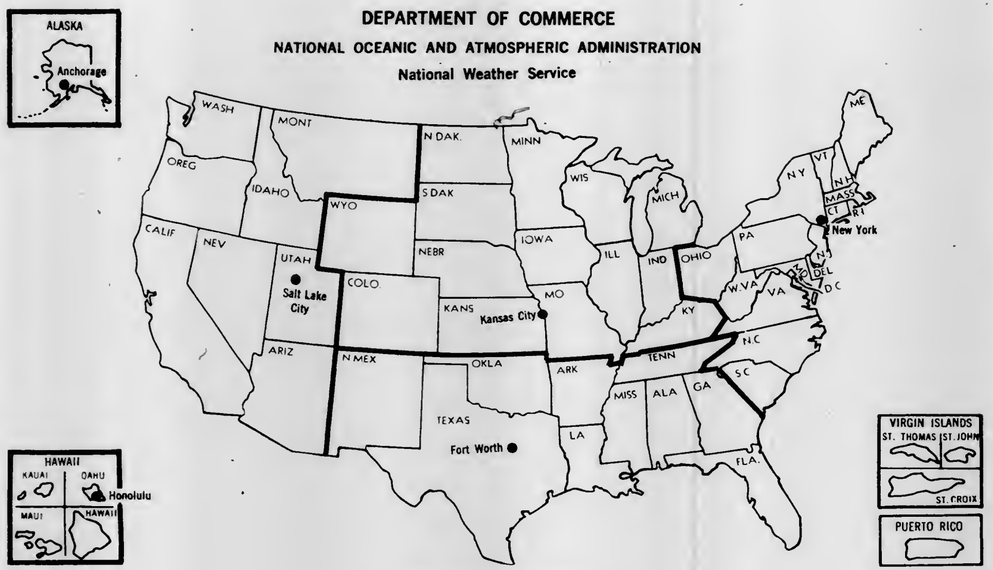


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DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

National Weather Service



Department of Commerce
Bureau of the Census
Regional Offices

Region	Director	Address	Telephone
Boston, Mass. 02116	Arthur G. Dukakis	441 Stuart St	617–223–2327
New York, N.Y. 10007	John C. Cullinane	26 Federal Plaza	212–264–3860
Philadelphia, Pa. 19106	Porter S. Rickley	600 Arch St	215–597–4920
Detroit, Mich. 48226	Robert G. McWilliam	234 State St	313–226–7742
Chicago, Ill. 60605	Forrest P. Cawley, Jr	55 East Jackson Blvd	312–353–4932
Kansas City, Kans. 66101	Rex L. Pullin	4th and State Sts	816–374–4601
Seattle, Wash. 98109	John E. Tharaldson	1700 Westlake Ave., N	206–442–7800
Charlotte, N.C. 28202	Joseph R. Norwood	230 South Tryon St	704–372–7351
Atlanta, Ga. 30309	Thomas W. McWhirter	1365 Peachtree St. NE	404–526–2271
Dallas, Tex. 75202	Percy R. Millard	1100 Commerce St	214–749–2814
Denver, Colo. 80225	Walter A. Freeman, Jr	575 Union Blvd	303–234–3924
Los Angeles, Calif. 90024	C. Michael Long	11777 San Vicente Blvd	213–824–7317

Department of Commerce
Economic Development Administration

Regional Office	Director	Address	Telephone
Philadelphia, Pa. 19106	John E. Corrigan	600 Arch St	215–597–4603
Chicago, Ill. 60601	James E. Peterson	32 West Randolph St	312–353–7706
Denver, Colo. 80202	Craig M. Smith	909 17th St	303–837–4714
Atlanta, Ga. 30309	Charles E. Oxley	1365 Peachtree St. NE	404–526–6401
Austin, Tex. 78701	Joseph B. Swanner	221 West 6th St	512–397–5461
Seattle, Wash. 98109	C. Mark Smith	1700 Westlake Ave., N	206–442–0596

Department of Commerce
Office of Minority Business Enterprise

Region	Director	Address	Telephone
Atlanta, Ga. 30309	Charles McMillan	1371 Peachtree St. NE	404–526–5091
Chicago, Ill. 60603	Daniel V. Lemanski	55 East Monroe	312–353–6960
Dallas, Tex. 75202	Henry Zuniga	1412 Main St	214–749–7581
New York, N.Y. 10007	Newton Downing	26 Federal Plaza	212–264–3262
San Francisco, Calif. 94102	Ramon Romero	450 Golden Gate Ave	415–556–7234
Washington, D.C. 20230	Allan Stephenson	1730 K St. NW	202–634–7897

Department of Commerce
Maritime Administration

Regional Office	Director	Address	Telephone
New York, N.Y. 10007	Capt. Thomas A. King	26 Federal Plaza	212–264–1300
New Orleans, La. 70130	F. X. McNerney	2 Canal St	504–587–6556
San Francisco, Calif. 94102	Thomas J. Patterson, Jr	450 Golden Gate Ave	415–556–3816
U.S. Merchant Marine Academy	Adm. Arthur B. Engel	Kings Point, Long Island, N.Y. 11024	516–482–8200
Cleveland, Ohio 44114	George Ryan	666 Euclid Ave	216–522–3623

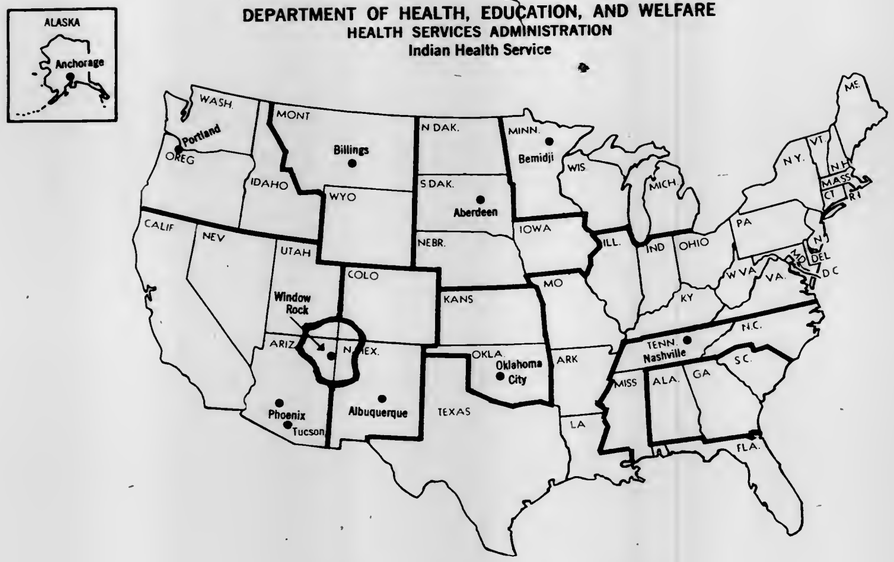
Department of Commerce
National Oceanic and Atmospheric Administration
National Marine Fisheries Service

Region	Director	Address	Telephone
Juneau, Alaska 99802	Harry L. Rietze	P.O. Box 1668	907–586–7221
Seattle, Wash. 98109	Donald R. Johnson	1700 Westlake Ave. North	206–442–7575
St. Petersburg, Fla. 33702	William Stevenson	9450 Gandy Blvd. North	813–893–3141
Gloucester, Mass. 01930	William G. Gordon	14 Elm St	617–281–0640
Terminal Island, Calif. 90731	Gerald V. Howard	300 South Ferry St	213–548–2575

Department of Commerce
National Oceanic and Atmospheric Administration
National Weather Service

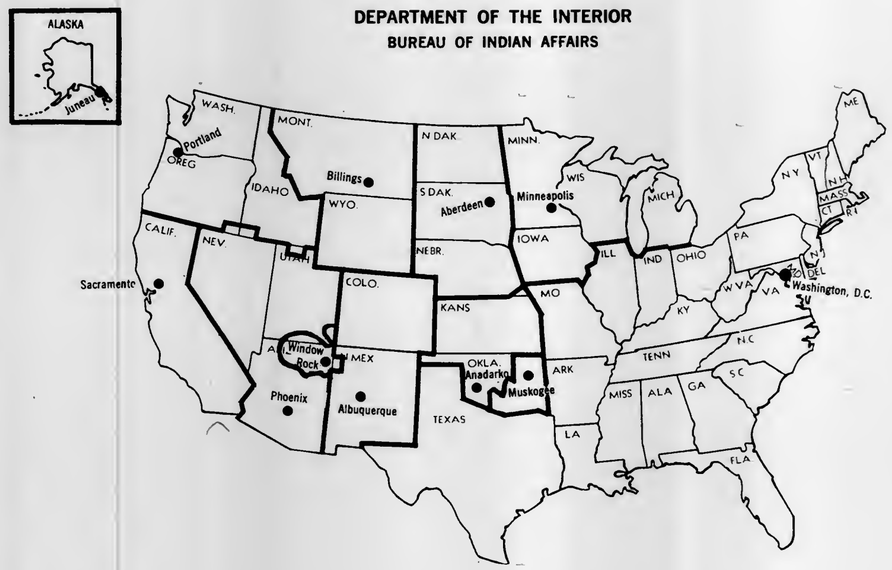
Region	Director	Address	Telephone
New York, N.Y. 11530	(Vacancy)	585 Stewart Ave	516–248–2101
Fort Worth, Tex. 76102	Lawrence R. Mahar	819 Taylor St	817–334–2668
Kansas City, Mo. 64106	Charles G. Knudsen	601 East 12th St	816–374–5464
Salt Lake City, Utah 84111	Hazen H. Bedke	125 South State St	801–524–5112
Anchorage, Alaska 99501	Stuart G. Bigler	632 6th Ave	907–265–4701
Honolulu, Hawaii 96813	Charles Woffinden	1149 Bethel St	808–546–5680

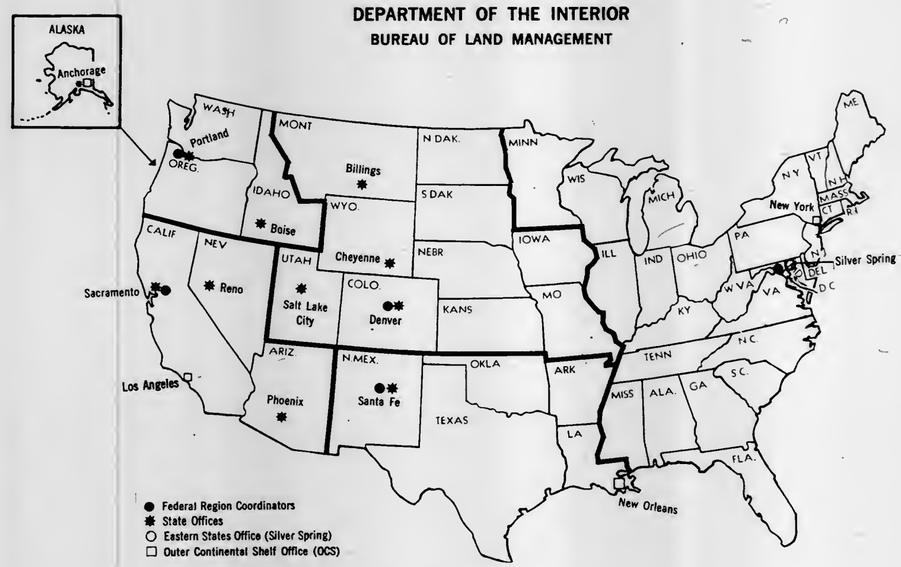
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Department of Health, Education, and Welfare
Health Services Administration
Indian Health Service

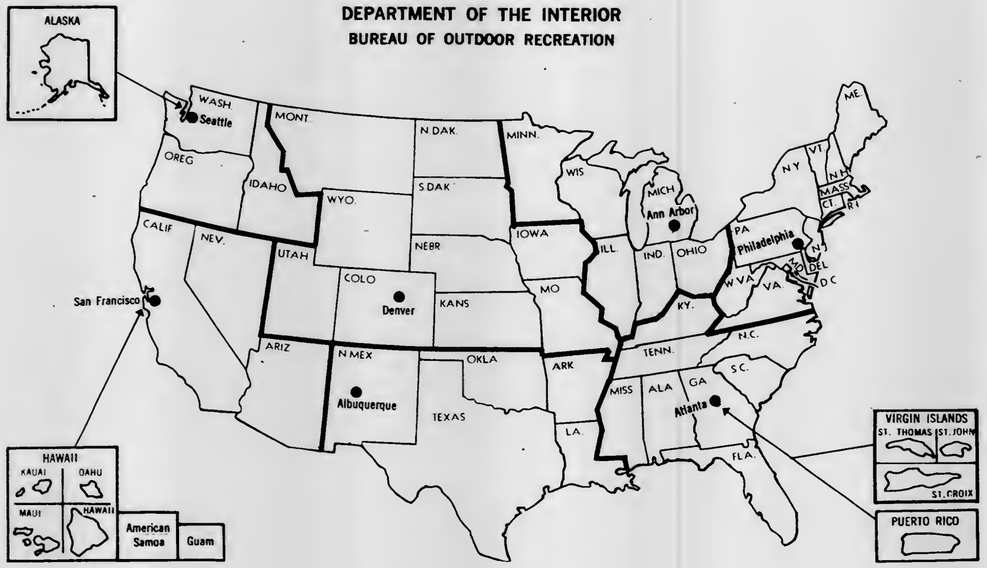
Area Office	Director	Address	Telephone
Anchorage, Alaska 99510	Gerald H. Ivey, M.D	P.O. Box 7-741	907-279-6661
Aberdeen, S. Dak. 57401	Robert Drew	115 4th Ave. SE	605-225-7581
Albuquerque, N. Mex. 87101	Kazumi Kasuga, M.D	500 Gold Ave. SW	505-766-2151
Billings, Mont. 59103	James Smith	2727 Central Ave	406-245-6403
Oklahoma City, Okla. 73102	John Davis	Old Post Office and Court House Bldg	405-231-4796
Phoenix, Ariz. 85104	Charles McCammon, M.D	801 East Indian School	602-261-3143
Portland, Oreg. 97205	Charles S. Stitt, Jr	1220 S.W. 3rd St	503-221-2020
Window Rock, Ariz. 86515	Marlene Haffner, M.D	P.O. Box G	602-871-4811
Bemidji, Minn. 56601 (Program Office).	John Buckanaca	P.O. Box 768	218-751-1210
Tucson, Ariz. 85734 (Program Area).	Erwin Rabeau, M.D	P.O. Box 11340	602-294-3273
Nashville, Tenn. 37217 (USET Program Office).	James C. Meredith	1101 Kermit Dr	615-749-5140



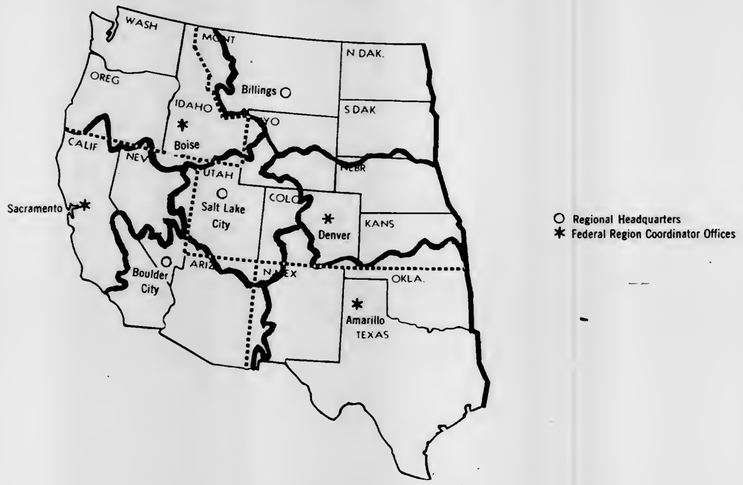


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DEPARTMENT OF THE INTERIOR
BUREAU OF OUTDOOR RECREATION

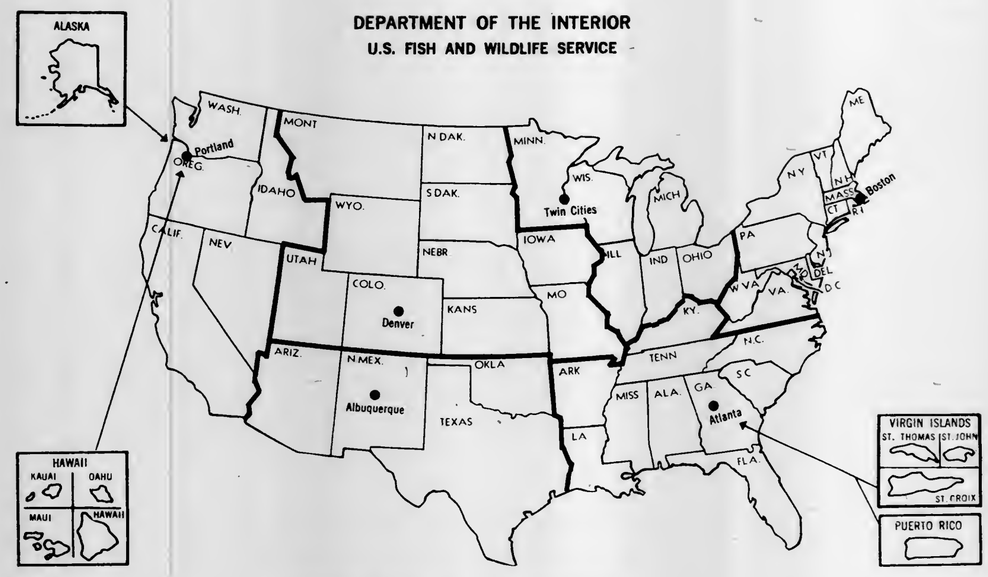


DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

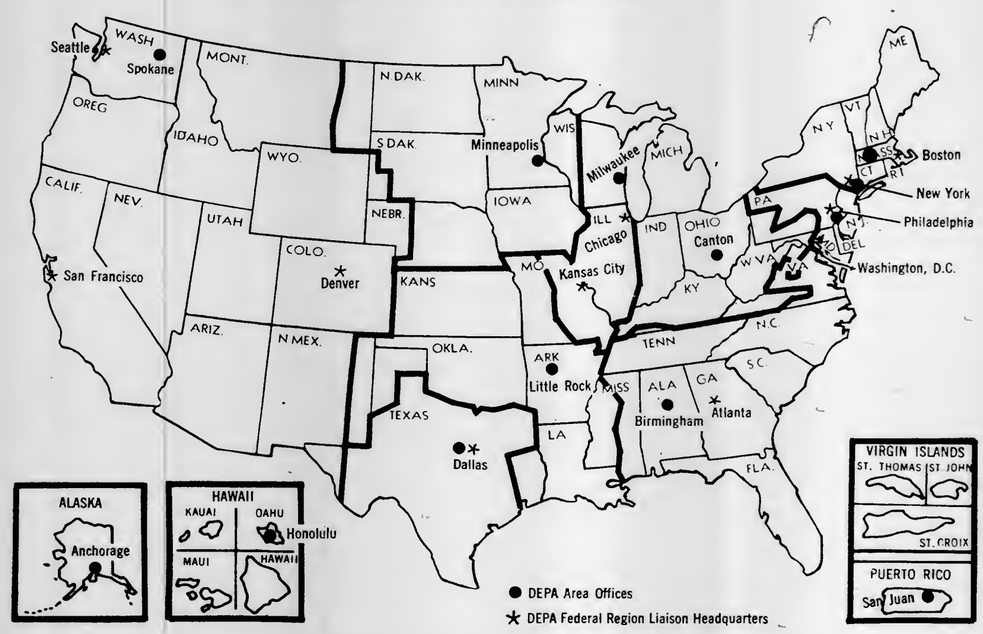


○ Regional Headquarters
✱ Federal Region Coordinator Offices

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE



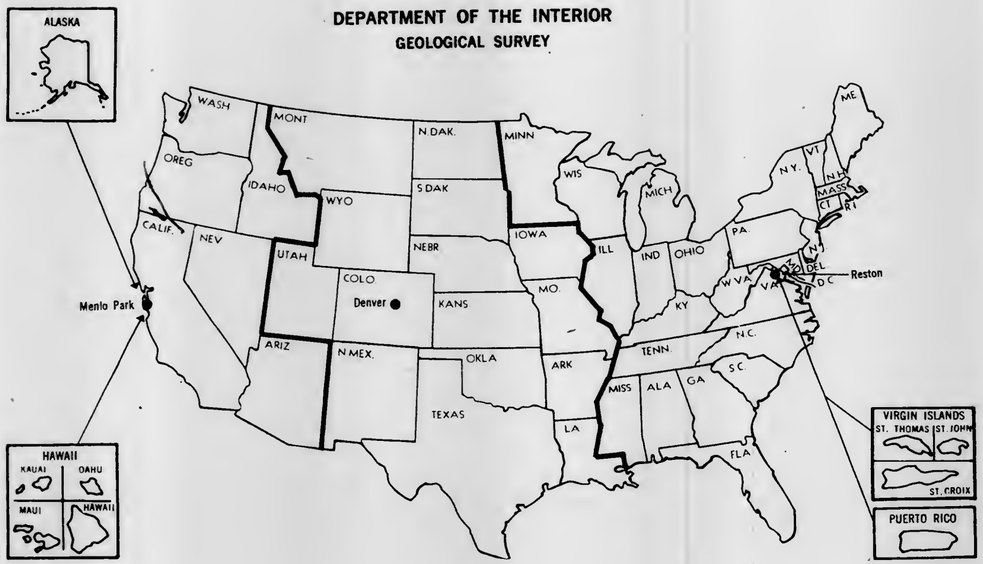
DEPARTMENT OF THE INTERIOR
DEFENSE ELECTRIC POWER ADMINISTRATION



● DEPA Area Offices
✱ DEPA Federal Region Liaison Headquarters

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DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY



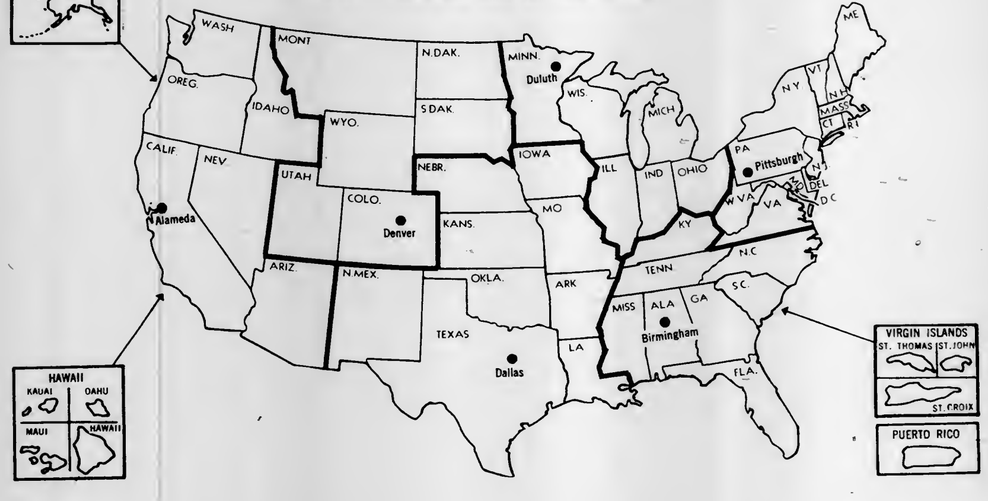
DEPARTMENT OF THE INTERIOR
MINING ENFORCEMENT AND SAFETY ADMINISTRATION
Coal Mine Health and Safety Districts



DEPARTMENT OF THE INTERIOR
MINING ENFORCEMENT AND SAFETY ADMINISTRATION
Health and Safety Training Centers

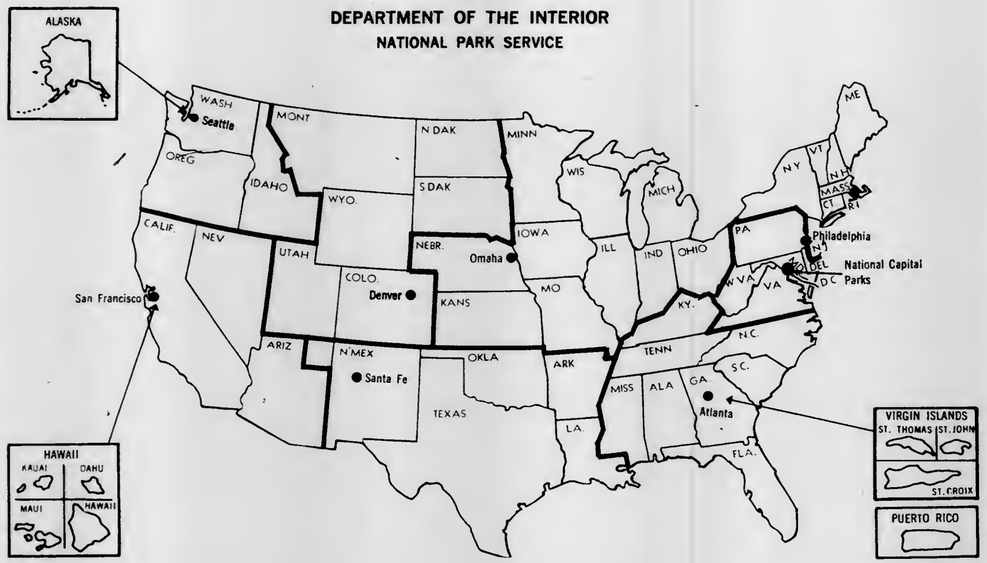


DEPARTMENT OF THE INTERIOR
MINING ENFORCEMENT AND SAFETY ADMINISTRATION
Metal and Nonmetal Mine Health and Safety Districts



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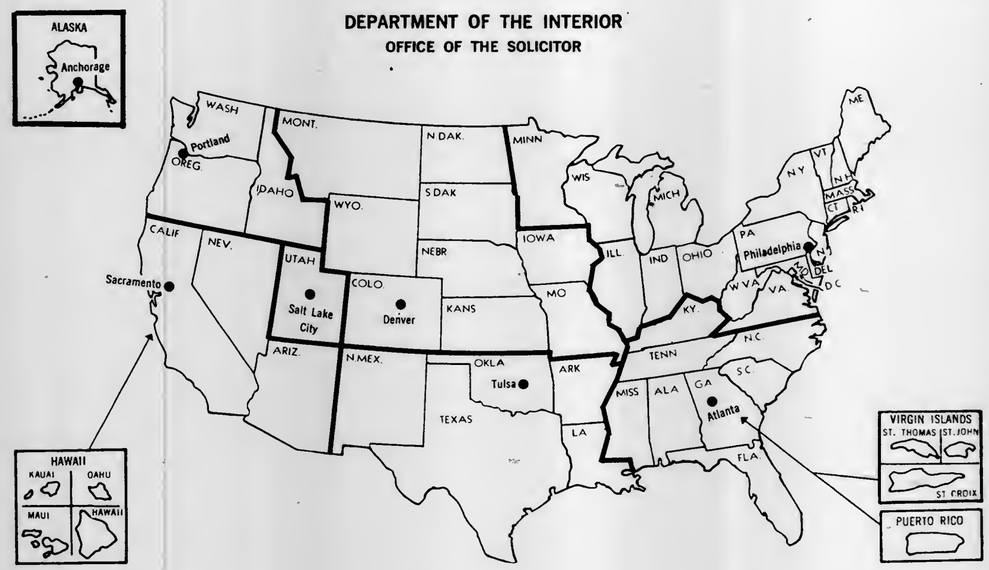
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE



DEPARTMENT OF THE INTERIOR
OFFICE FOR EQUAL OPPORTUNITY
Contract Compliance



DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR

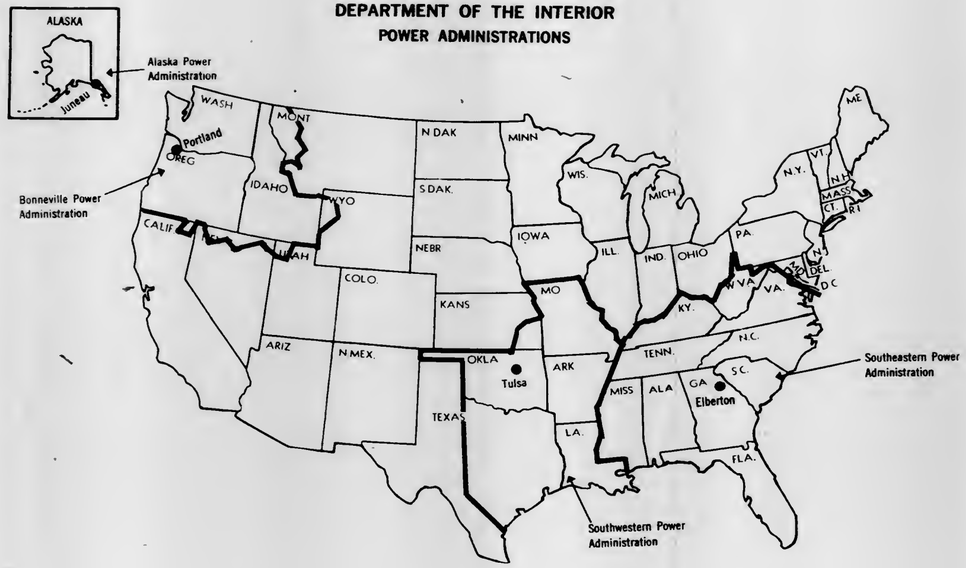


DEPARTMENT OF THE INTERIOR
OFFICE OF AUDIT AND INVESTIGATION



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DEPARTMENT OF THE INTERIOR
POWER ADMINISTRATIONS



DEPARTMENT OF THE INTERIOR
SECRETARY'S FIELD OFFICES



Department of the Interior
Bureau of Indian Affairs

Area Office	Director	Address	Telephone
Aberdeen, S. Dak. 57401	Harley Zephier	Federal Bldg	605–225–0250
Albuquerque, N. Mex. 87108	Loyd E. Nickolson, Acting	5301 Central Ave	505–766–3170
Anadarko, Okla. 73005	Charles W. James	Federal Bldg	405–247–6673
Billings, Mont. 59101	James F. Canan	316 North 26th St	406–245–6711
Juneau, Alaska 99802	Clarence Antioquia	Box 3–8000	907–586–7177
Minneapolis, Minn. 55402	George Goodwin	831 2d Ave. South	612–725–2904
Muskogee, Okla. 74401	Thomas J. Ellison	Federal Bldg	918–683–3111
Window Rock, Ariz. 86515	Curtis Geiogamah, Acting	Navajo Area Office	602–871–4368
Phoenix, Ariz. 85011	John T. Artichoker	124 West Thomas Rd	602–261–4101
Portland, Oreg. 97208	Francis E. Briscoe	P.O. Box 3785	503–234–3361
Sacramento, Calif. 95825	William E. Finale	Federal Bldg	916–484–4682
Washington, D.C. 20245	Harry Rainbolt	1951 Constitution Ave. NW	202–343–5582

Department of the Interior
Bureau of Land Management
Regional Representatives

Region	Representative	Address	Telephone
I–V, Silver Spring, Md. 20910	Lowell J. Udy	7981 Eastern Ave	301–427–7500
VI, Santa Fe, N. Mex. 87501	Art Zimmerman	U.S. Post Office and Federal Bldg	505–988–1217
VII–VIII, Denver, Colo. 80225	Richard L. Thompson	Denver Federal Center	303–234–2329
IX, Sacramento, Calif. 95825	Edward L. Hastey	Federal Office Bldg	916–484–4676
X, Portland, Oreg. 97208	Murl W. Storms	729 Northeast Oregon St	503–234–3361 4001

State Offices

City/State	State Director	Address	Telephone
Anchorage, Alaska 99501	Curtis V. McVee	555 Cordova St	907–277–1561
Phoenix, Ariz. 85073	Robert O. Buffington	2400 Valley Bank Center	602–261–3873
Sacramento, Calif. 95825	Edward L. Hastey	Federal Office Bldg	916–484–4676
Denver, Colo. 80202	Dale Andrus	1600 Broadway	303–327–4325
Boise, Idaho 83724	William L. Mathews	Federal Bldg	208–588–2401
Billings, Mont. 59107	Edwin Zaidlicz	Granite Tower Bldg., 222 North 32nd St.	406–245–6711
Reno, Nev. 89502	E. I. Rowland	Federal Bldg	702–598–5451
Santa Fe, N. Mex. 87501	Art Zimmerman	U.S. Post Office and Federal Bldg	505–988–1217
Portland, Oreg. 97208	Murl W. Storms	729 Northeast Oregon St	503–234–3361 4001
Salt Lake City, Utah 84111	Paul L. Howard	136 East South Temple	801–524–5311
Cheyenne, Wyo. 82001	Daniel P. Baker	Joseph C. O'Mahoney Federal Center	307–778–2220

Outer Continental Shelf Offices

City/State	Manager	Address	Telephone
Anchorage, Alaska 99510	Edward J. Hoffmann	800 A St	907–276–2955
Los Angeles, Calif. 90012	William E. Grant	300 North Los Angeles St	213–798–7234
New Orleans, La. 70130	John L. Rankin	Hale Boggs Federal Bldg., 500 Camp St.	504–682–6541
New York, N.Y. 10048	Frank M. Basile	6 World Trade Center, Suite 600D	212–264–2961

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Department of the Interior
Bureau of Outdoor Recreation

Region	Director	Address	Telephone
Philadelphia, Pa. 19106	Maurice D. Arnold	600 Arch St	215–597–7990
Atlanta, Ga. 30303	Robert M. Baker	148 Cain St	404–526–4405
Ann Arbor, Mich. 48104	John D. Cherry	3853 Research Park Dr	313–769–3211
Denver, Colo. 80225	Derrell P. Thompson	Denver Federal Center	303–234–2634
Albuquerque, N. Mex. 87110	Rolland B. Handley	5000 Marble Ave. NE	505–766–3515
Seattle, Wash. 98174	Maurice H. Lundy	915 2d Ave	206–442–4706
San Francisco, Calif. 94102	Frank E. Sylvester	450 Golden Gate Ave	415–556–0182

Department of the Interior
Bureau of Reclamation

Region	Director	Address	Telephone
Boise, Idaho 83724	Rodney J. Vissia	550 West Fort St	208–342–2101
Sacramento, Calif. 95825	Billy E. Martin	2800 Cottage Way	916–484–4571
Boulder City, Nev. 89005	Manuel M. Lopez	P.O. Box 427	702–293–7411
Salt Lake City, Utah 84111	David L. Crandall	125 South State St	801–524–5592
Amarillo, Tex. 79105	James A. Bradley	317 East 3d St	806–376–2401
Billings, Mont. 59103	Robert L. McPhail	316 North 26th St	406–245–6214
Denver, Colo. 80225	J. D. Hall	Denver Federal Center, Bldg. 20	303–234–4441

Department of the Interior
U.S. Fish and Wildlife Service

Region	Director	Address	Telephone
Portland, Oreg. 97208	R. Kahler Martinson	1500 Northeast Irving St	503–429–4050
Albuquerque, N. Mex. 87103	Wilford O. Nelson	500 Gold Ave. SW	505–474–2321
Twin Cities, Minn. 55111	Jack E. Hemphill	Federal Bldg	612–725–3563
Atlanta, Ga. 30329	Kenneth E. Black	17 Executive Park Dr. NE	404–285–4671
Boston, Mass. 02109	Howard N. Larsen	U.S. Post Office and Courthouse	617–223–2961
Denver, Colo. 80215	Harvey Willoughby	10597 West 6th Ave	303–234–2209

Department of the Interior
Defense Electric Power Administration

Area	Director	Address	Telephone
Connecticut, Maine, Massachusetts, New York, New Hampshire, Rhode Island, Vermont.	Julius Bleiweis	1250 Broadway, New York, N.Y. 10001	212–868–1400
Delaware, District of Columbia, Maryland, New Jersey, Pennsylvania.	Wayne C. Astley	2301 Market St., Philadelphia, Pa. 19101	215–841–4230
Indiana, Kentucky, Michigan, Ohio, West Virginia; parts of Maryland, Pennsylvania, Virginia.	Owen A. Lentz	P.O. Box 102, Canton, Ohio 44701	216–456–2488
Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee, Virginia.	Bill M. Guthrie	P.O. Box 2641, Birmingham, Ala. 35291	205–323–5341
Illinois, Missouri, Wisconsin.	Nick A. Ricci	231 West Michigan Ave., Milwaukee, Wis. 53203.	414–273–1234
Iowa, Minnesota, Nebraska, North Dakota, South Dakota.	Edward C. Glass	414 Nicollet Mall, Minneapolis, Minn. 55401.	612–330–6129
Arkansas, Kansas, Louisiana, Mississippi, Oklahoma.	Bill C. Hulsey	Plaza West Bldg., Suite 540, Little Rock, Ark. 72205.	501–664–0145
Texas	Leon Loveless	1511 Bryan St., Fidelity Union Life Bldg., Dallas, Tex. 75222.	214–748–5411
Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming.	E. F. Timme	East 1411 Mission, P.O. Box 3727, Spokane, Wash. 99220.	509–489–0500
Alaska	Leroy J. Schultz	P.O. Box 3518, Anchorage, Alaska 99501	907–227–4441
Hawaii	John Rolfing	P.O. Box 2750, Honolulu, Hawaii 96803	808–548–3500
Puerto Rico, Virgin Islands	William Candelario	P.O. Box 4267, San Juan, P.R. 00905	809–724–8364

Area (Region)	Regional Power Liaison Representative	Address	Telephone
Boston, Mass. 02199	Frederick W. Hoey	800 Boylston St	617–424–2231
New York, N.Y. 10023	John F. English	128 West End Ave	212–576–3391
Philadelphia, Pa. 19101	John M. Madara	2301 Market St	215–841–4235
Washington, D.C. 20006	Martin T. Quigley	1900 Pennsylvania Ave., NW	301–469–5201
Atlanta, Ga. 30302	Robert W. Winfree	P.O. Box 4545	404–521–3400
Chicago, Ill	(Vacancy)		
Dallas, Tex. 75222	Paul G. Wallof	1511 Bryan St	214–748–5411
Kansas City, Mo. 64138	Earl D. Dryer	10700 East Fifty Highway	816–353–5002
Denver, Colo. 80225	Abner W. Watts	Denver Federal Center, Bldg. 20	303–234–3745
San Francisco, Calif. 94106	J. Scott Kay	77 Beale St., Room 2927	415–781–4211
Seattle, Wash. 98104	Fred B. Dyer	1015 Third Ave	206–447–3126

Department of the Interior
Geological Survey

Region	Assistant Director	Address	Telephone
Reston, Va. 22092	Wm. B. Overstreet	12201 Sunrise Valley Dr	703–860–7414
Denver, Colo. 80225	Albert E. Lefey, Acting	Denver Federal Center	303–234–4630
Menlo Park, Calif. 94025	Geo. E. Robinson, Acting	345 Middlefield Rd	415–323–2711

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Department of the Interior
Mining Enforcement and Safety Administration
Coal Mine Health and Safety Districts

District	Manager	Address	Telephone
Wilkes-Barre, Pa. 18701	John B. Shutack	20 N. Pennsylvania Ave	717–825–6811
Pittsburgh, Pa. 15213	Donald W. Huntley	4800 Forbes Ave	412–621–4500
Morgantown, W. Va. 26505	Jack E. Tisdale	P.O. Box 8816	304–599–7278
Mount Hope, W. Va. 25880	J. Krese	P.O. Box 112	304–877–6405
Norton, Va. 24273	W. Roy Compton	P.O. Box 560	703–679–0230
Pikeville, Ky. 41501	L. D. Phillips	P.O. Box 262, Main St. Station	606–437–9616
Barbourville, Ky. 40906	Jerry Spicer	P.O. Box 572	606–546–5123
Vincennes, Ind. 47591	Maurice Childers	501 Busseron St	812–882–7617
Denver, Colo. 80215	John Barton	1457 Ammons St	303–234–2293
Madisonville, Ky	William Craft, Acting	P.O. Box 473	502–389–3134

Health and Safety Training Centers

Center	Chief	Address	Telephone
Pittsburgh, Pa. 15220	James Bennett	4 Parkway Center	412–621–4500
Beckley, W. Va. 25801	C. B. Humphrey	P.O. Box 1166	304–252–7347
Norton, Va. 24273	Arthur Sinicrope	P.O. Box 710	703–679–4430
Birmingham, Ala. 35209	Joe Nelson	228 West Valley Ave	205–254–1513
Rosemont, Ill. 60018	Clement Dovidas	10600 Higgins Rd	312–298–7240
Dallas, Tex. 75221	John C. English	P.O. Box 1020	214–749–1306
Denver, Colo. 80215	Robert D. Reed, Acting	P.O. Box 25367	303–234–2800
Boulder City, Nev. 89005	Quentin L. Wilcox	500 Date St	702–293–7441
Albany, Oreg. 97321	Wayne Grames, Acting	1450 West Queen St	503–926–5218
Lexington, Ky. 40504	Thomas G. Kessler	1220 South Broadway	606–253–1569

National Mine Health and Safety Academy

Center	Superintendent	Address	Telephone
Beckley, W. Va. 25801	Michael G. Zabetakis	109 S. Fayette St	304–252–8627

Metal and Nonmetal Mine Health and Safety Districts

District	Manager	Address	Telephone
Pittsburgh, Pa. 15213	Michael P. Trainor	4800 Forbes Ave	412–621–4500
Birmingham, Ala. 35209	Roy L. Bernard	228 West Valley Ave	205–254–1507
Duluth, Minn. 55802	Joseph B. Stepan	228 Federal Bldg	218–727–6692
Dallas, Tex. 75202	Harry L. Schell	1100 Commerce St	214–749–1241
Denver, Colo. 80215	William C. Gardner	603 Miller Ct	303–234–3421
Alameda, Calif. 94501	Thomas C. Lukins	620 Central Ave	415–273–7457

Department of the Interior
National Park Service

Regional Office	Director	Address	Telephone
North Atlantic	Jerry D. Wagers	150 Causeway St., Boston, Mass. 02114	617–223–3788
Mid-Atlantic	Chester L. Brooks	143 South 3d St., Philadelphia, Pa. 19106.	215–597–7013
Southeast	David D. Thompson, Jr	1895 Phoenix Blvd., Atlanta, Ga. 30344	404–289–7594
Midwest	Merrill D. Beal	1709 Jackson St., Omaha, Nebr. 68102	402–864–3431
Rocky Mountain	Lynn H. Thompson	P.O. Box 25287, Denver, Colo. 80225	303–234–2500
Southwest	Joseph C. Rumburg, Jr	P.O. Box 728, Santa Fe, N. Mex. 87501	505–476–3388
Western	Howard H. Chapman	450 Golden Gate Ave., San Francisco, Calif. 94102.	415–556–4196
Pacific Northwest	Russel E. Dickensen	523 4th and Pike Bldg., Seattle, Wash. 98101.	206–399–5565
National Capital Parks	Manus J. Fish, Jr.	1100 Ohio Dr. SW., Washington, D.C. 20242.	202–426–6612

Department of the Interior
Office for Equal Opportunity
Contract Compliance

Region	Manager	Address	Telephone
Arlington, Va. 22203	Alfred R. Gordon	4040 North Fairfax Dr	703–557–2175
Denver, Colo. 80225	Gerald C. Williams	Denver Federal Center	303–234–2154
Anchorage, Alaska 99501	Patricia Mayo	733 West 4th Ave., first floor	907–265–5376

Department of the Interior
Office of the Solicitor

Region	Solicitor	Address	Telephone
Anchorage, Alaska 99501	Robert E. Price	1016 West 6th Ave	(1)
Denver, Colo. 80225	John R. Little, Acting	Denver Federal Center	303–234–3175
Atlanta, Ga. 30303	Raymond C. Coulter	148 Cain St. NE	404–526–4447
Philadelphia, Pa. 19106	William W. Redmond	143 South 3d St	215–597–2149
Portland, Oreg. 97208	Robert E. Ratcliffe	P.O. Box 3621	503–234–4201
Sacramento, Calif. 95825	Charles R. Renda	2800 Cottage Way	916–484–4331
Salt Lake City, Utah 84111	Thomas O. Parker	125 South State St	801–524–5677
Tulsa, Okla. 74101	Raymond F. Sanford	P.O. Box 3156	918–851–7501

(1) Dial 206–442–0150 FTS to Seattle, ask for Anchorage and give the operator the following number—265–5301.

Department of the Interior
Office of Audit and Investigation

Region	Director	Address	Telephone
Arlington, Va. 22203	Frank V. Passuth	BT No. 1, 800 North Quincy, Room 401	703–235–1513
Lakewood, Colo. 80215	William A. Butron	1841 Wadsworth	303–234–2131
Sacramento, Calif. 95825	Gerald W. Hicks	2800 Cottage Way, Room W2219	916–484–4874

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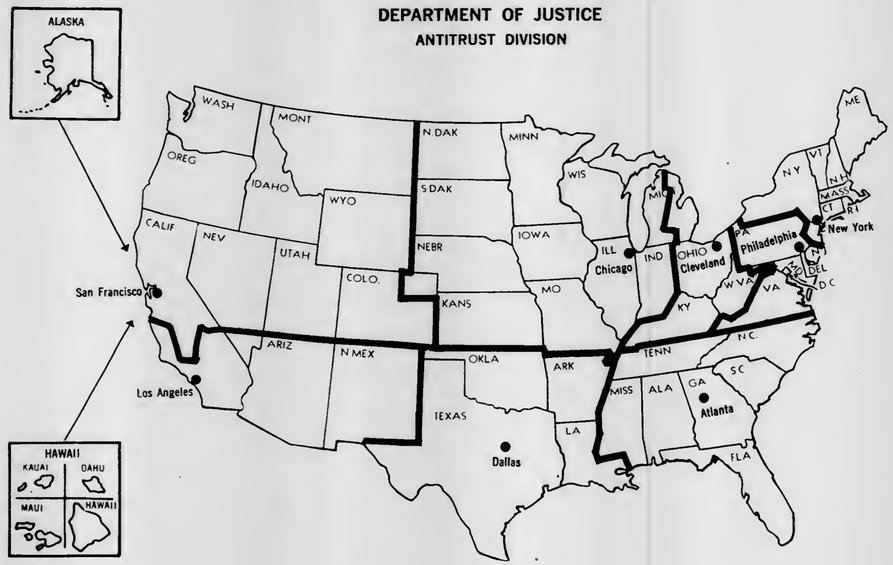
Department of the Interior
Power Administrations

Power Administration	Administrator	Address	Telephone
Alaska—Juneau, Alaska 99802	Robert J. Cross	P.O. Box 50	907–586–7405
Southeastern—Elberton, Ga. 30635.	Jan Fortune	Samuel Elbert Bldg	404–283–3261
Southwestern—Tulsa, Okla. 74101.	Peter C. King	P.O. Drawer 1619	918–581–7474
Bonneville—Portland, Oreg. 97208.	Donald Paul Hodel	P.O. Box 3621	503–234–3361

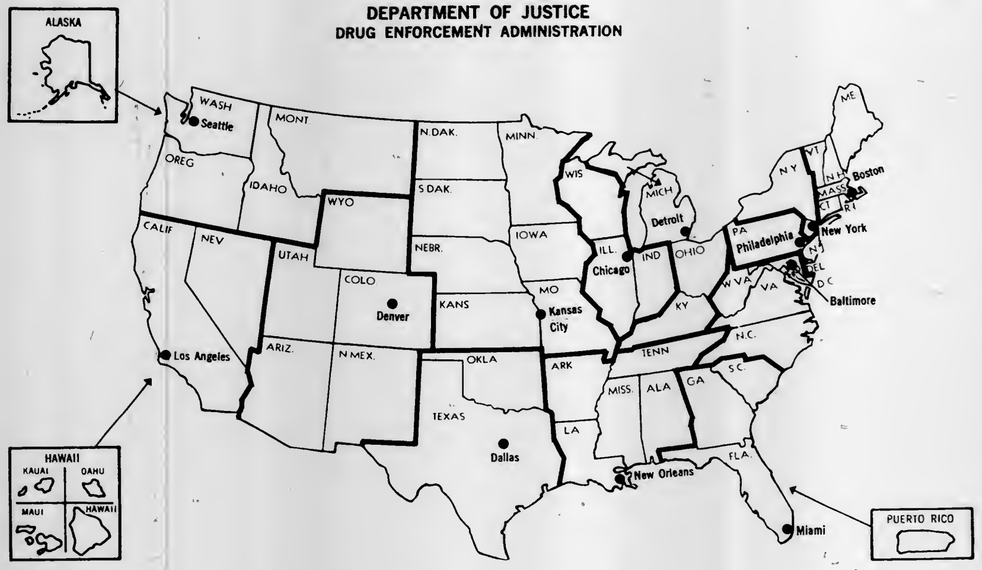
Department of the Interior
Secretary's Field Offices

Region	Staff (ST) or Special (SP) Assistant	Address	Telephone
Boston, Mass. 02203	Roger Sumner Babb (SP)	John F. Kennedy Federal Bldg	617–223–5104
Atlanta, Ga. 30303	June Whelan (SP)	148 Cain St. NE	404–526–4524
Chicago, Ill. 60605	Madonna McGrath (ST)	230 South Dearborn St	312–353–8015
Denver, Colo. 80225	William Rogers (SP)	Denver Federal Center	303–234–3120
Kansas City, Mo. 64106	(Vacancy)	Federal Office Bldg	816–374–5924
Albuquerque, N. Mex. 87101	Willard C. Lewis (SP)	Federal Bldg	505–766–2838
San Francisco, Calif. 94102	Webster Otis (SP)	450 Golden Gate Ave	415–556–8200
Portland, Oreg. 97208	Charles Hoyt (SP)	1002 Northeast Holladay St	503–234–5141 5292
Dallas, Tex. 75202	Patricia Kenchan (ST)	1100 Commerce St	214–749–3708
Anchorage, Alaska 99510	Art Kennedy (SP)	P.O. Box 120	907–265–5278
Seattle, Wash. 97101	Lorin P. Nielsen (ST)	Arcade Plaza Bldg	206–442–1382
Los Angeles, Calif. 90012	Peter L. Tweedt (ST)	312 N. Spring St	213–688–7200

DEPARTMENT OF JUSTICE
ANTITRUST DIVISION



DEPARTMENT OF JUSTICE
DRUG ENFORCEMENT ADMINISTRATION

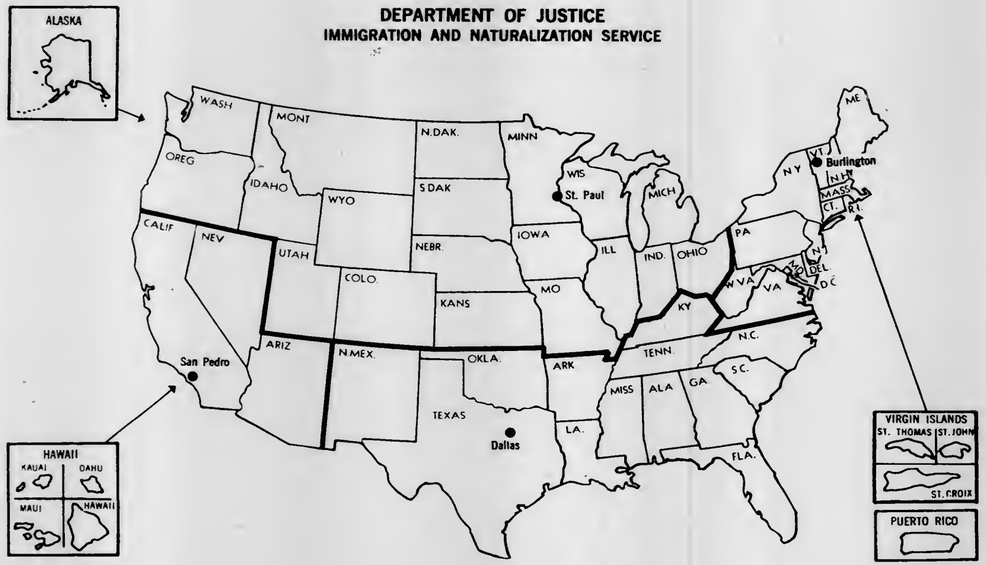


DEPARTMENT OF JUSTICE
BUREAU OF PRISONS

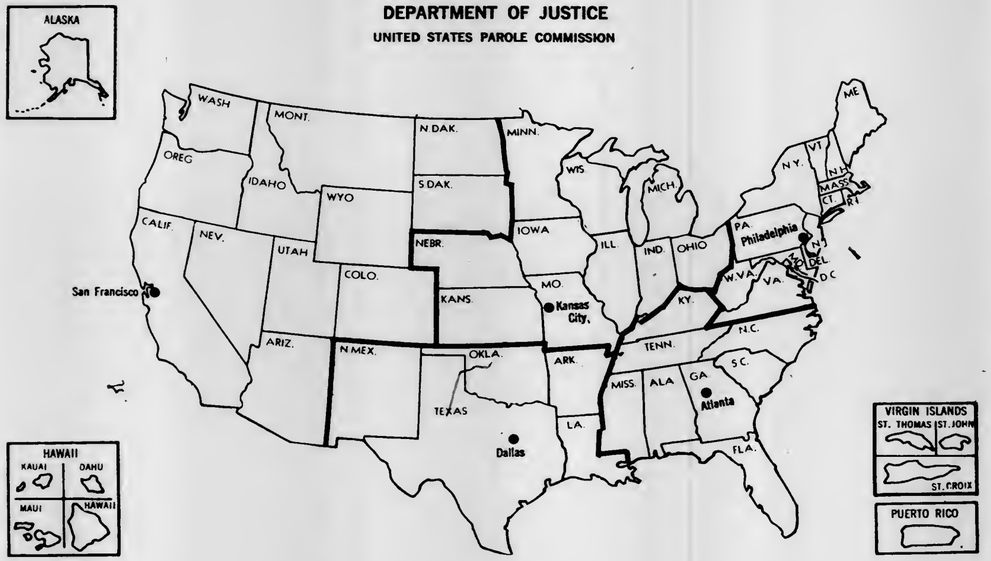


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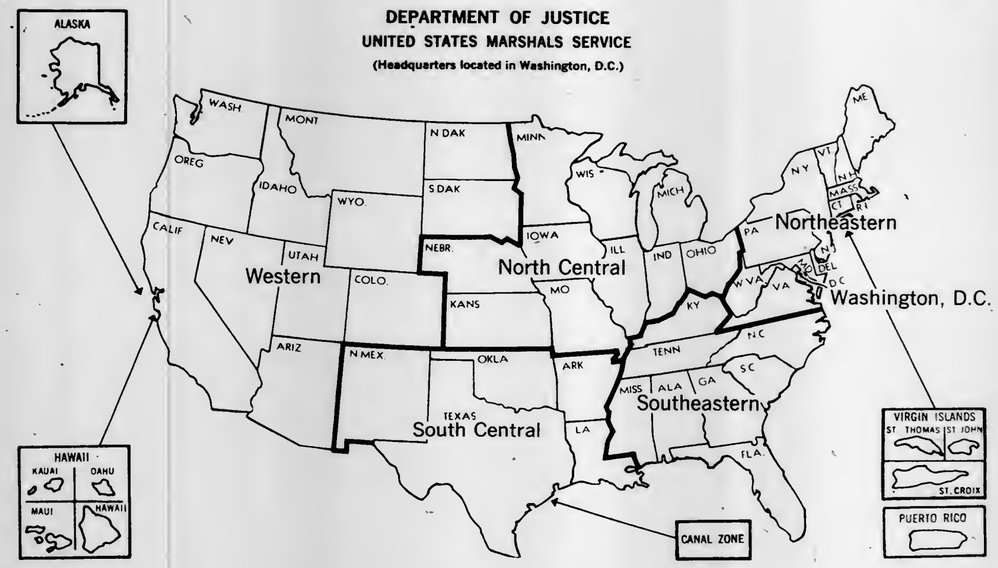
DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE



DEPARTMENT OF JUSTICE
UNITED STATES PAROLE COMMISSION



DEPARTMENT OF JUSTICE
UNITED STATES MARSHALS SERVICE
(Headquarters located in Washington, D.C.)



Department of Justice
Antitrust Division

Region	Chief	Address	Telephone
Atlanta, Ga. 30309	Donald A. Kinkaid	1776 Peachtree St. NW	404–526–3828
Chicago, Ill. 60604	John E. Sarbaugh	219 South Dearborn St	312–353–7538
Cleveland, Ohio 44199	John E. Weedon	995 Celebrezze Federal Bldg	216–522–4070
Dallas, Tex. 75202	Barry F. McNeil	1100 Commerce St	214–749–7050
Los Angeles, Calif. 90012	Dwight B. Moore	312 North Spring St	213–688–2500
New York, N.Y. 10007	Bernard Wehrmann	26 Federal Plaza	212–264–0390
Philadelphia, Pa. 19106	John J. Hughes	601 Market St	215–597–7405
San Francisco, Calif. 94102	Anthony E. Desmond	450 Golden Gate Ave	415–556–6300

Department of Justice
Drug Enforcement Administration

Region	Administrator	Address	Telephone
Boston, Mass. 02203	Edward R. Cass	John F. Kennedy Federal Bldg	617–223–2170
New York, N.Y. 10019	John W. Fallon	555 West 57th St	212–399–5151
Philadelphia, Pa. 19106	Arthur Lewis	600 Arch St	215–597–9530
Baltimore, Md. 21201	Irv Swank	31 Hopkins Pl	301–962–4800
Miami, Fla. 33166	John Lund	8400 NW 53rd St	305–350–4451
Detroit, Mich. 48226	Theodore Vernier	231 West Lafayette	313–226–7290
Chicago, Ill. 60604	Vernon D. Meyer	219 South Dearborn St	312–353–1419
New Orleans, La. 70013	James Bland	1001 Howard Ave	504–589–6841
Kansas City, Mo. 64106	Joseph Dino	811 Grand Ave	816–374–2631
Dallas, Tex. 75202	Jack Salter	1100 Commerce St	214–749–3631
Denver, Colo. 80201	John R. Enright	U.S. Customs House	303–837–3951
Seattle, Wash. 98119	Frederick Rody, Jr	221 1st Ave. West	206–442–5443
Los Angeles, Calif. 90017	John Van Diver	350 S. Figueroa	213–688–2650

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Department of Justice
Bureau of Prisons

Region	Director	Address	Telephone
Northeast	E. O. Toft	Scott Plaza II, Industrial Hwy., Philadelphia, Pa. 19113.	215–596–1871
Southeast	Mason F. Holley	3500 Greenbriar Pkwy. SW., Atlanta, Ga. 30331.	404–526–7851
North Central	James D. Henderson	8800 Northwest 112th St., Kansas City, Mo. 64153.	816–243–5680
South Central	Charles J. Hughes	3883 Turtle Creek Blvd., Dallas, Tex. 75219.	214–749–1112
Western	Paul T. Walker	330 Primrose Rd., Burlingame, Calif. 94010.	415–347–0721

Department of Justice
Immigration and Naturalization Service

Region	Commissioner	Address	Telephone
Burlington, Vt. 05401	Oswald I. Kramer	Federal Bldg	802–862–6501
St. Paul, Minn. 55111	Harold E. Hulsing	Federal Bldg., Fort Snelling	612–725–4481
Dallas, Tex. 75270	Robert E. Schoenenberger	1201 Elm St., Room 2300	214–749–7567
San Pedro, Calif. 90731	Edward F. O'Connor	Terminal Island	213–548–2371

Department of Justice
U.S. Parole Commission

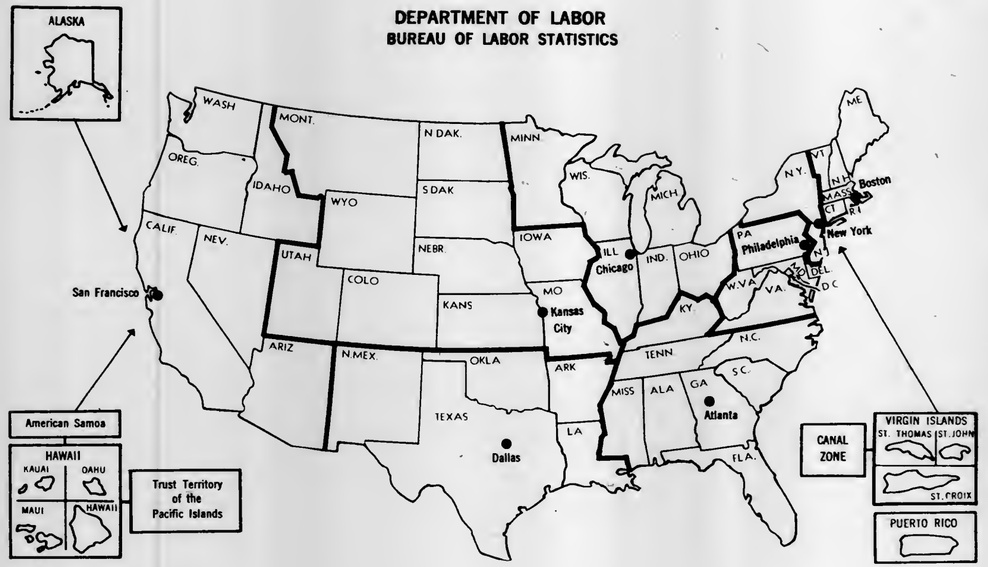
Region	Commissioner	Address	Telephone
Northeast	Joseph Nardoza	Scott Plaza, Industrial Highway, Philadelphia, Pa. 19113.	215–596–1868
South Central	William E. Amos	3883 Turtle Creek Blvd., Dallas, Tex. 75219.	214–749–7841
Western	Paula A. Tennant	330 Primrose Rd., Burlingame, Calif. 94010.	415–347–4737
Southeast	(Vacancy)	3500 Greenbriar Pkwy., Atlanta, Ga. 30331.	404–526–7415
North Central	Lawrence N. Carpenter	8800 Northwest 112th St., Kansas City, Mo. 64153.	816–243–5690

Department of Justice
United States Marshals Service
Regional Directors

(Located in Service Headquarters: 521 12th St. NW., Washington, D.C. 20530)

Region	Director	Telephone
Northeastern	John W. Cameron	202–739–4476
Southeastern	William E. Hall, Acting	202–739–2175
North Central	Reis R. Kash	202–739–3965
South Central	Frank C. Sidella	202–739–2172
Western	Donald D. Hill	202–739–2127

DEPARTMENT OF LABOR
BUREAU OF LABOR STATISTICS

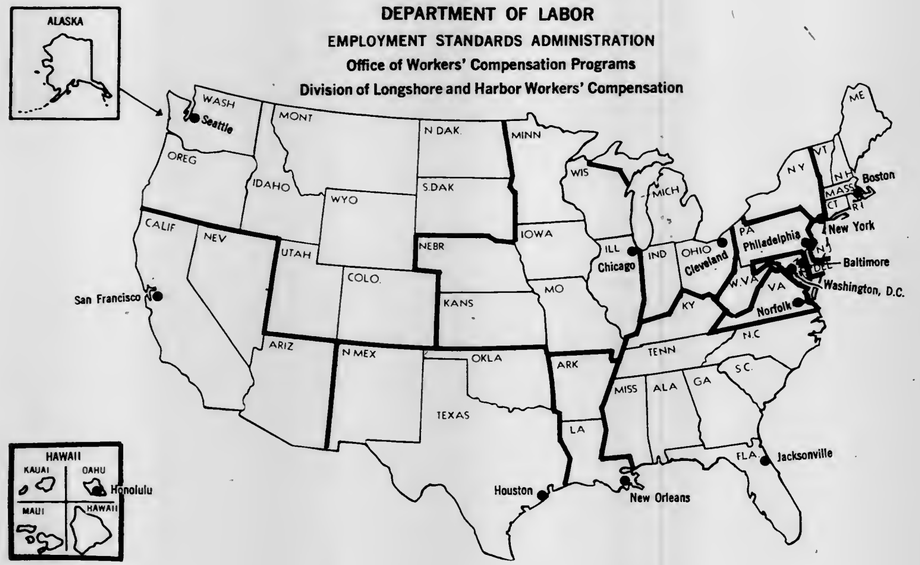


DEPARTMENT OF LABOR
EMPLOYMENT STANDARDS ADMINISTRATION
Office of Workers' Compensation Programs
Division of Federal Employees' Compensation



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DEPARTMENT OF LABOR
EMPLOYMENT STANDARDS ADMINISTRATION
Office of Workers' Compensation Programs
Division of Longshore and Harbor Workers' Compensation



DEPARTMENT OF LABOR
LABOR-MANAGEMENT SERVICES ADMINISTRATION



DEPARTMENT OF LABOR
OFFICE OF THE SOLICITOR



Department of Labor
Bureau of Labor Statistics

Region	Regional Commissioner	Address	Telephone
Boston, Mass. 02203	Wendell D. Macdonald	Federal Office Bldg	617–223–6727
New York, N.Y. 10036	Herbert Bienstock	1515 Broadway	212–971–5401
Philadelphia, Pa. 19107	Alvin Margulis	3535 Market St	215–596–1151
Atlanta, Ga. 30309	Brunswick A. Bagdon	1371 Peachtree St. NE	404–526–5416
Chicago, Ill. 60604	William E. Rice	230 South Dearborn St	312–353–7226
Dallas, Tex. 75202	Bryan Richey	555 Griffin Square Bldg	214–749–3641
Kansas City, Mo. 64106	Elliott A. Browar	911 Walnut St	816–374–2378
San Francisco, Calif. 94102	D. Bruce Hanchett	450 Golden Gate Ave	415–556–3178

Department of Labor
Employment Standards Administration
Office of Workers' Compensation Programs
Division of Federal Employees Compensation

District	Deputy Commissioner	Address	Telephone
Boston, Mass. 02203	Stanley C. Wollaston	John F. Kennedy Federal Bldg	617–223–6755
New York, N.Y. 10036	John D. McLellan, Jr	1515 Broadway	212–662–5501
Philadelphia, Pa. 19104	Donald C. Frederick	3535 Market St	215–596–1180
Jacksonville, Fla. 32202	William M. O'Keeffe	400 West Bay St	904–946–3428
New Orleans, La. 70130	Robert J. Shea	Federal Office Bldg., 600 South St	504–682–2611 Ext. 6135
Cleveland, Ohio 44199	John P. Traynor	1240 East 9th St	216–293–3803
Chicago, Ill. 60604	Andrew L. Lang	230 South Dearborn St	312–353–5650
Kansas City, Mo. 64106	Carol L. Fleschute	911 Walnut St	816–758–2723
Denver, Colo. 80202	Pablo Villalobos	1531 Stout St	303–327–2611
San Francisco, Calif. 94102	Roy J. Bell	450 Golden Gate Ave	415–556–6183
Seattle, Wash. 98174	William L. Massey	909 1st Ave	206–399–5521
Honolulu, Hawaii 96815	Edward F. Ducey, Jr	1833 Kalakaua Ave	415–556–0220 ask for 955–0266
Washington, D.C. 20211	Francis Hammond	666 11th St. NW	202–382–3831

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Department of Labor
Employment Standards Administration
Office of Workers' Compensation Programs
Division of Longshore and Harbor Workers' Compensation

District	Deputy Commissioner	Address	Telephone
Boston, Mass. 02109	Stanley C. Wollaston	John F. Kennedy Federal Bldg	617–223–6755
New York, N.Y. 10036	John D. McLellan, Jr	1515 Broadway	212–662–5501
Philadelphia, Pa. 19104	Donald C. Frederick	3535 Market St	215–596–1180
Baltimore, Md. 21201	Donald C. Frederick	Federal Bldg	301–922–3677
Norfolk, Va. 23502	Donald C. Frederick	3661 Virginia Beach Blvd. East	804–939–6651
Jacksonville, Fla. 32202	William M. O'Keeffe	400 West Bay St	904–946–3428
New Orleans, La. 70130	Robert J. Shea	Federal Office Bldg., 600 South St	504–682–2811 Ext. 6135
Houston, Tex. 77004	Lee H. Hollis	2320 LaBranch St	713–527–5801
Cleveland, Ohio 44199	John P. Traynor	1240 East 9th St	216–293–3803
Chicago, Ill. 60604	Andrew L. Lang	230 South Dearborn St	312–353–5650
San Francisco, Calif. 94102	Roy J. Bell	450 Golden Gate Ave	415–556–6183
Seattle, Wash. 98174	William L. Massey	909 1st Ave	206–399–5521
Honolulu, Hawaii 96815	Edward F. Ducey, Jr	1833 Kalakaua Ave	415–556–0220 ask for 955–0266
Washington, D.C. 20211	Jack Garrell	1717 K St. NW	202–254–3472

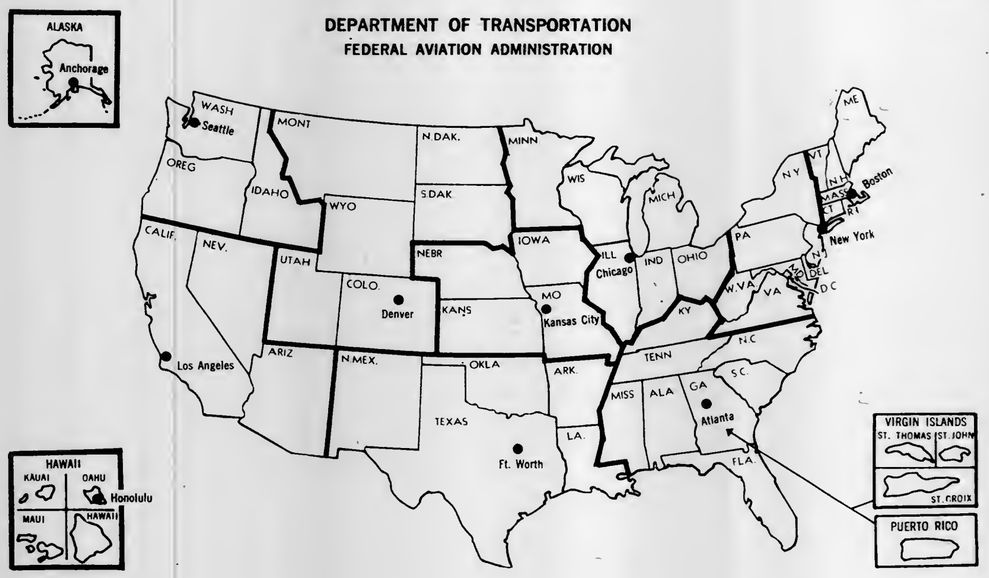
Department of Labor
Labor-Management Services Administration

Region	Regional Administrator	Address	Telephone
Atlanta, Ga. 30309	Lem R. Bridges	1371 Peachtree St. NE	404–526–5237
Chicago, Ill. 60604	Rocco DeMarco	230 South Dearborn St	312–353–1920
Kansas City, Mo. 64106	Cullen P. Keough	911 Walnut St	816–374–5131
New York, N.Y. 10036	Benjamin B. Naumoff	1515 Broadway	212–399–5231
Philadelphia, Pa. 19104	Kenneth R. Evans	3535 Market St	215–596–1134
San Francisco, Calif. 94102	Gordon M. Byrholdt	450 Golden Gate Ave	415–556–5915

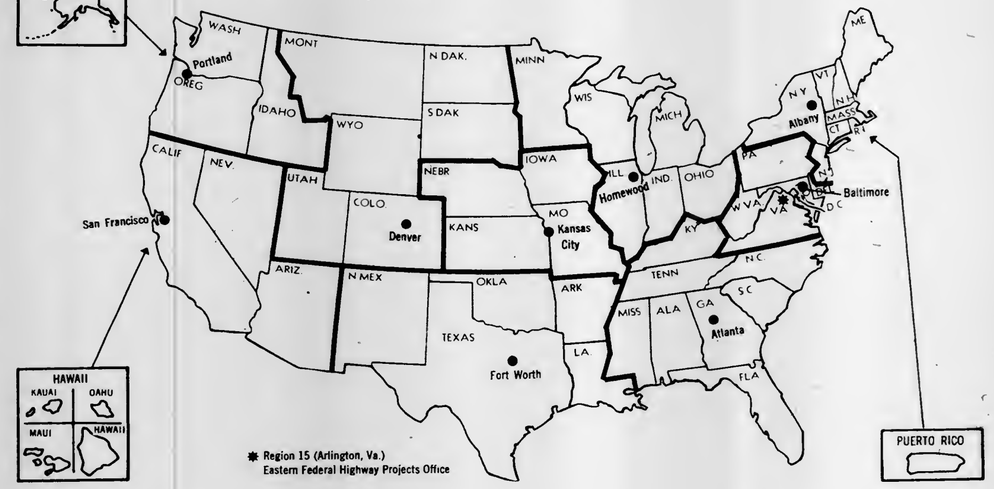
Department of Labor
Office of the Solicitor

Region	Regional Solicitor	Address	Telephone
Boston, Mass. 02203	Albert H. Ross	John F. Kennedy Federal Bldg	617–223–6701
New York, N.Y. 10036	Francis V. LaRuffa	1515 Broadway	212–662–5546
Philadelphia, Pa. 19104	Marshall Harris	3535 Market St	215–596–1126
Atlanta, Ga. 30309	Bobbye Spears	1371 Peachtree St. NE	404–285–5811
Chicago, Ill. 60604	Herman Grant	230 South Dearborn St	312–353–7256
Kansas City, Mo. 64106	Tedrick A. Housh	911 Walnut St	816–758–2281
Dallas, Tex. 75202	Ronald Gaswirth	555 Griffin Square Bldg	214–749–3482
San Francisco, Calif. 94102	Altero D'Agostini	450 Golden Gate Ave	415–556–4042
Nashville, Tenn. 37203	Marvin Tincher, Regional Attorney.	801 Broad St	615–852–5761
Santurce, P.R. 00908	Morton J. Marks, Regional Attorney.	P.O. Box 9092	106–723–4708

DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION



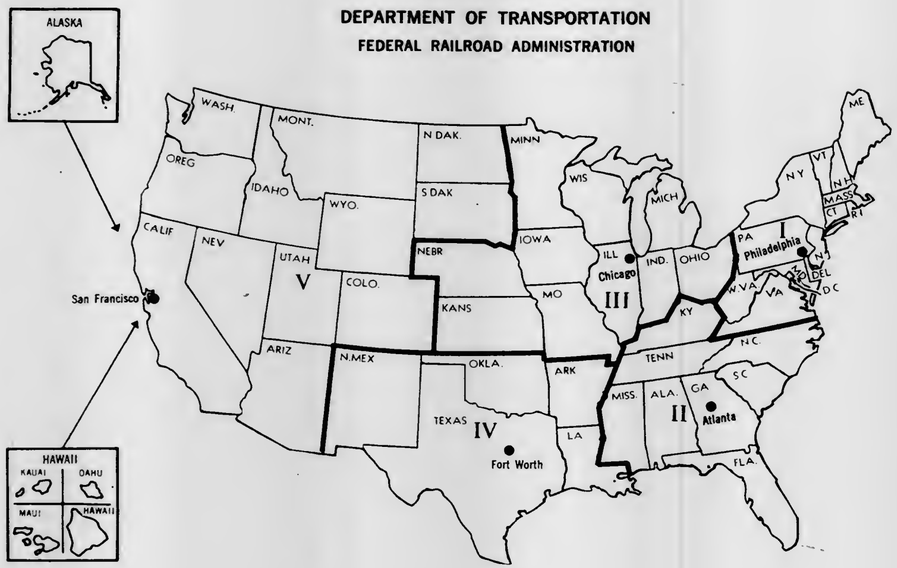
DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION



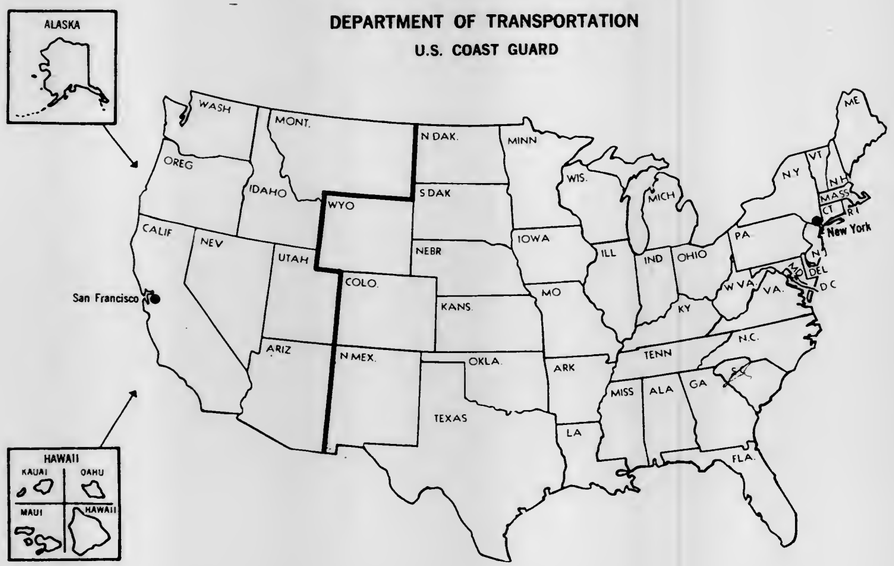
* Region 15 (Arlington, Va.)
Eastern Federal Highway Projects Office

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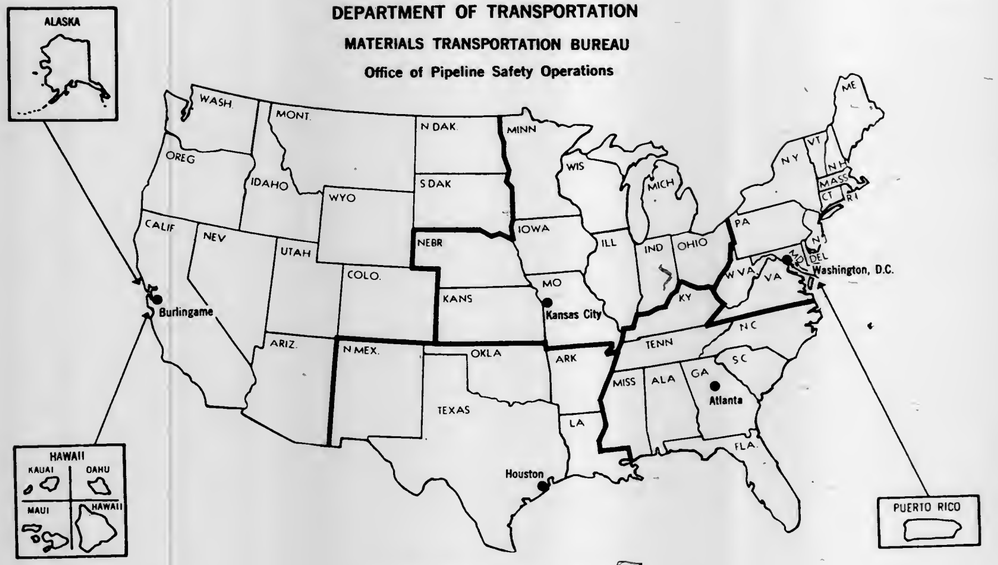
DEPARTMENT OF TRANSPORTATION
FEDERAL RAILROAD ADMINISTRATION



DEPARTMENT OF TRANSPORTATION
U.S. COAST GUARD



DEPARTMENT OF TRANSPORTATION
MATERIALS TRANSPORTATION BUREAU
Office of Pipeline Safety Operations



Department of Transportation
Federal Aviation Administration

Region	Director	Address	Telephone
Jamaica, N.Y. 11430	Duane Freer	JFK International Airport	212-995-3333
Kansas City, Mo. 64106	C. R. Melugin, Jr.	601 East 12th St.	816-374-5626
Des Plaines, Ill. 60018	John M. Cyrocki	2300 East Devon Ave.	312-694-4500
Burlington, Mass. 01803	Quentin S. Taylor	12 New England Executive Park	617-273-7244
Seattle, Wash. 98108	Christian B. Walk	FAA Bldg., Boeing Field	206-767-2747
Aurora, Colo. 80207	Mervyn Martin	1055 East 25th Ave.	303-837-4677
Atlanta, Ga. 30344	Phillip M. Swatek	P.O. Box 20636	404-526-7240
Fort Worth, Tex. 76101	Henry L. Newman	P.O. Box 1689	817-624-4911
Los Angeles, Calif. 90261	Robert H. Stanton	P.O. Box 92007, Worldway Postal Center	213-536-6207
Anchorage, Alaska 99501	Lyle K. Brown	632 6th Ave.	907-265-4201
Honolulu, Hawaii 96813	Robert O. Ziegler	P.O. Box 4009	808-955-0401

Department of Transportation
Federal Highway Administration

Region	Administrator	Address	Telephone
Albany, N.Y. 12207	R. E. Kirby	Clinton Ave. and N. Pearl St.	518-562-6476
Baltimore, Md. 21201	W. H. White	31 Hopkins Plaza	301-922-2361
Atlanta, Ga. 30309	James D. Lacy	1720 Peachtree Rd. NW	404-285-5078
Homewood, Ill. 60430	Donald E. Trull	18209 Dixie Hwy.	312-380-6300
Fort Worth, Tex. 76102	James W. White	819 Taylor St.	817-334-3232
Kansas City, Mo. 64131	John B. Kemp	6301 Rockhill Rd.	816-926-7563
Denver, Colo. 80225	Daniel Watt	Federal Center	303-234-4051
San Francisco, Calif. 94111	Frank E. Hawley	2 Embarcadero Center	415-556-3951
Portland, Oreg. 97204	Louis E. Lybecker	222 Southwest Morrison St.	503-423-2065
Arlington, Va. 22201	Thomas O. Edick	1000 North Glebe Rd.	703-557-9070

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Department of Transportation
Federal Railroad Administration

Region	Address	Telephone
Philadelphia, Pa. 19106	434 Walnut St.	215–597–0750
Atlanta, Ga. 30337	1568 Willingham Dr	404–526–7801
Chicago, Ill. 60605	536 South Clark St	312–353–6203
Fort Worth, Tex. 76102	Federal Building	817–334–3601
San Francisco, Calif. 94111	2 Embarcadero Center	415–556–6411

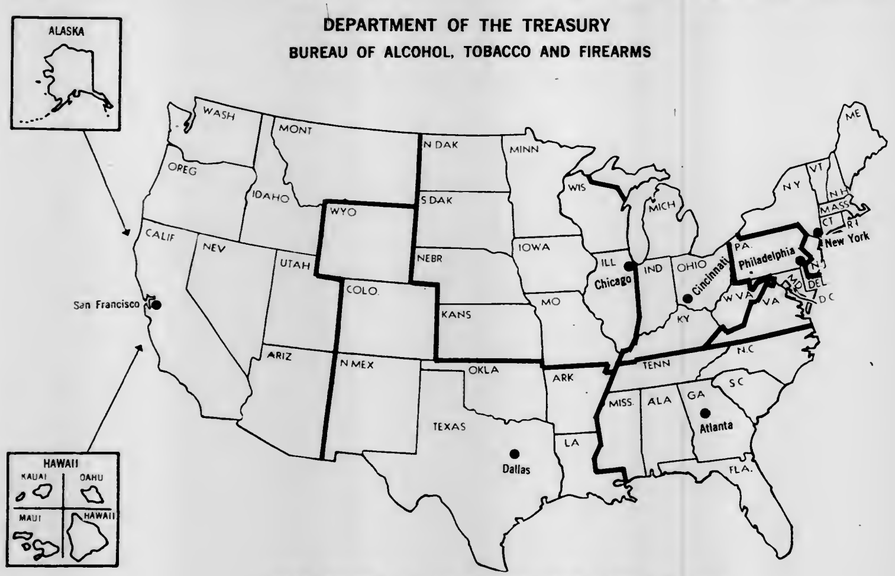
Department of Transportation
U.S. Coast Guard

Area	Commander	Address	Telephone
Atlantic	Vice Adm. W. F. Rea III	Governor's Island, New York, N.Y. 10004	212–264–8743
Pacific	Vice Adm. A. C. Wagner	630 Sansome St., San Francisco, Calif. 94126.	415–556–5326

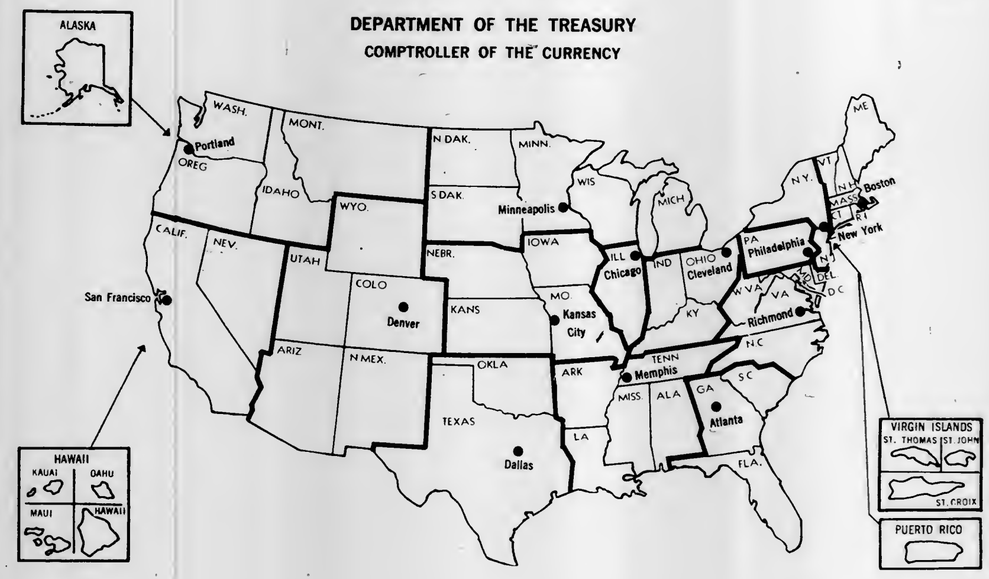
Department of Transportation
Materials Transportation Bureau
Office of Pipeline Safety Operations

Region	Director	Address	Telephone
Eastern	Lance F. Heverly	2100 Second St. SW., Washington, D.C. 20590.	202–755–9435
Southern	James C. Thomas	1568 Willingham Dr., Atlanta, Ga. 30308	404–526–7861
Central	Marshall W. Taylor II	911 Walnut St., Kansas City, Mo. 64106	816–374–2654
Southwest	Robert Aubry	6634 Hornwood Dr., Houston, Tex. 77036	713–226–5476
Western	Jack Overly	831 Mitten Rd., Burlingame, Calif. 94010	415–876–9085

DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS



DEPARTMENT OF THE TREASURY
COMPTROLLER OF THE CURRENCY

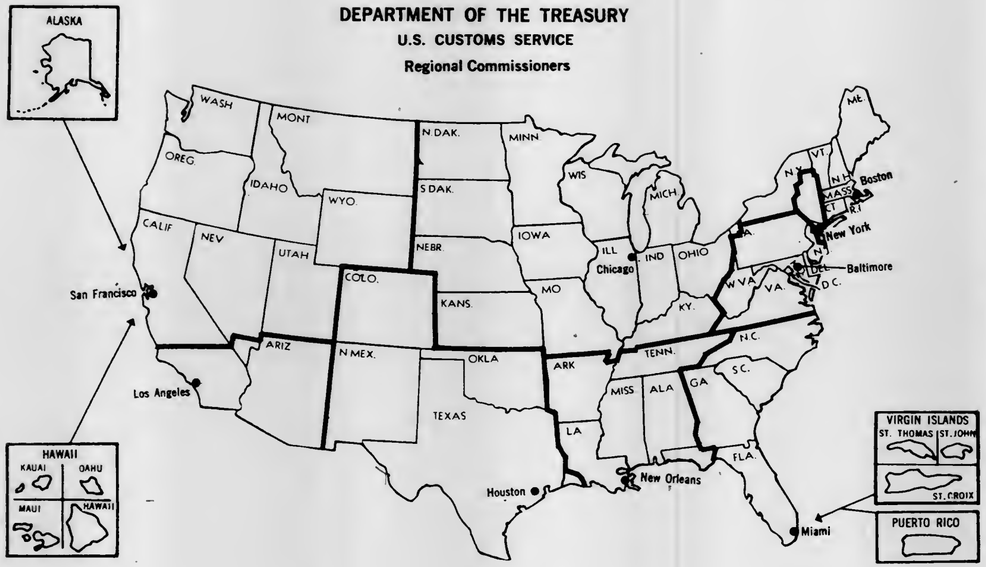


DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
Regional Commissioners



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DEPARTMENT OF THE TREASURY
U.S. CUSTOMS SERVICE
Regional Commissioners



DEPARTMENT OF THE TREASURY
U.S. SAVINGS BONDS DIVISION



Department of the Treasury
Bureau of Alcohol, Tobacco and Firearms

Region	Director	Address	Telephone
Cincinnati, Ohio 45202	Fred H. Murrell	6519 Federal Office Bldg	513–684–3331
Philadelphia, Pa. 19102	Marvin Shaw	2 Penn Center Plaza	215–597–2209
Chicago, Ill. 60604	Hugo C. Rocchietti	230 S. Dearborn St	312–353–3778
New York, N.Y. 10008	M. L. Goodwin, Jr	6 World Trade Center	212–264–2328
Atlanta, Ga. 30301	William N. Griffin	3835 Northeast Expressway	404–283–2631
Dallas, Tex. 75202	Billy L. Gaunt	1200 Main St	214–749–2853
San Francisco, Calif. 94105	John G. Krogman	525 Market St	415–556–6084

Department of the Treasury
Comptroller of the Currency

Region	Administrator	Address	Telephone (FTS)
Boston, Mass. 02108	Charles H. Paterson	3 Center Plaza	617–223–2274
New York, N.Y. 10005	Charles M. Van Horn	33 Liberty St	212–264–4380
Philadelphia, Pa. 19102	R. Coleman Egertson	3 Parkway	215–597–7105
Cleveland, Ohio 44114	Larry T. Gerzema	1 Erieview Plaza	216–522–4870
Richmond, Va. 23277	Clifton A. Poole, Jr	F and M Center	804–782–2406
Atlanta, Ga. 30303	Donald L. Tarleton	2 Peachtree St. NW	404–526–4926
Chicago, Ill. 60606	Billy C. Wood	Sears Tower	312–353–0300
Memphis, Tenn. 38103	John W. Shaffer, Jr	165 Madison Ave	901–534–3376
Minneapolis, Minn. 55402	Kenneth W. Leaf	822 Marquette Ave	612–725–2922
Kansas City, Mo. 64105	John R. Burt	911 Main St	816–374–3476
Dallas, Tex. 75202	Michael Doman	1401 Elm St	214–749–7291
Denver, Colo. 80202	Kent D. Glover	1405 Curtis St	303–837–4883
Portland, Oreg. 97205	M. B. Adams	707 Southwest Washington St	503–221–3091
San Francisco, Calif. 94104	John G. Hensel	555 California St	415–556–6619

Department of the Treasury
Internal Revenue Service
Regional Commissioners

Region	Commissioner	Address	Telephone
Cincinnati, Ohio 45202	Leon C. Green	550 Main St	513–684–3613
Philadelphia, Pa. 19102	William D. Waters	2 Penn Center Plaza	215–597–2040
Chicago, Ill. 60606	Edwin P. Trainor	1 North Wacker Dr	312–353–3700
New York, N.Y. 10007	Elliott H. Gray	90 Church St	212–264–7061
Atlanta, Ga. 30303	Harold A. McGuffin	275 Peachtree St. NE	404–526–6048
Dallas, Tex. 75251	Walter T. Coppinger	7839 Churchill Way	214–655–5855
San Francisco, Calif. 94105	Thomas A. Cardoza	525 Market St	415–556–4021

Department of the Treasury
U.S. Customs Service
Regional Commissioners

Region	Commissioner	Address	Telephone
Boston, Mass. 02110	William J. Griffin	100 Summer St	617–223–7506
New York, N.Y. 10048	Fred R. Boyett	6 World Trade Center	212–466–4444
Baltimore, Md. 21202	Paul Lawrence	40 South Gay St	301–962–3288
Miami, Fla. 33166	Albert F. Bazemore	7370 Northwest 36th St	305–350–5952
New Orleans, La. 70112	Charles Fisher	1440 Canal St	504–589–6324
Houston, Tex. 77002	Cleburne M. Maier	500 Dallas Ave	713–226–4893
Los Angeles, Calif. 90012	Albert G. Bergesen	300 North Los Angeles St	213–688–5900
San Francisco, Calif. 94102	Robert N. Battard	450 Golden Gate Ave	415–556–3500
Chicago, Ill. 60603	Jack T. Lacy	55 East Monroe St	312–353–4731

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Department of the Treasury
U.S. Savings Bonds Division

Region	Director	Address	Telephone (FTS)
New York, N.Y. 10007	Nathan L. Fial	26 Federal Plaza	264–1155
Washington, D.C. 20008	(Vacancy)	4201 Connecticut Ave. NW	964–5704
New Orleans, La. 70113	Raphael H. Morvant	701 Loyola Ave	682–6105
Chicago, Ill. 60606	Clarence S. Sochowski	230 S. Dearborn St	353–6753
Oklahoma City, Okla. 73102	Dave O. Vandivier	Post Office Bldg	736–4101
St. Louis, Mo. 63101	Oscar P. Drake, Jr	1015 Locust St	279–5851
Los Angeles, Calif. 90024	Willard C. Ridley	1333 Westwood Blvd	824–7791

ACTION

REGIONAL RECRUITING OFFICES



ACTION

Regional Recruiting Offices

Region	Director	Address	Telephone
New York, N.Y. 10007	James St. Clair	26 Federal Plaza	212–264–1780
Washington, D.C. 20525	Walter McDonough	806 Connecticut Ave. NW	202–254–8786
Chicago, Ill. 60606	Noel McCaman	1 North Wacker Dr	312–353–3585
Dallas, Tex. 75201	Richard Garbell	212 North Saint Paul St	214–749–3755
San Francisco, Calif. 94102	William McCleary	100 McAllister St	415–556–1724

COMMODITY FUTURES TRADING COMMISSION

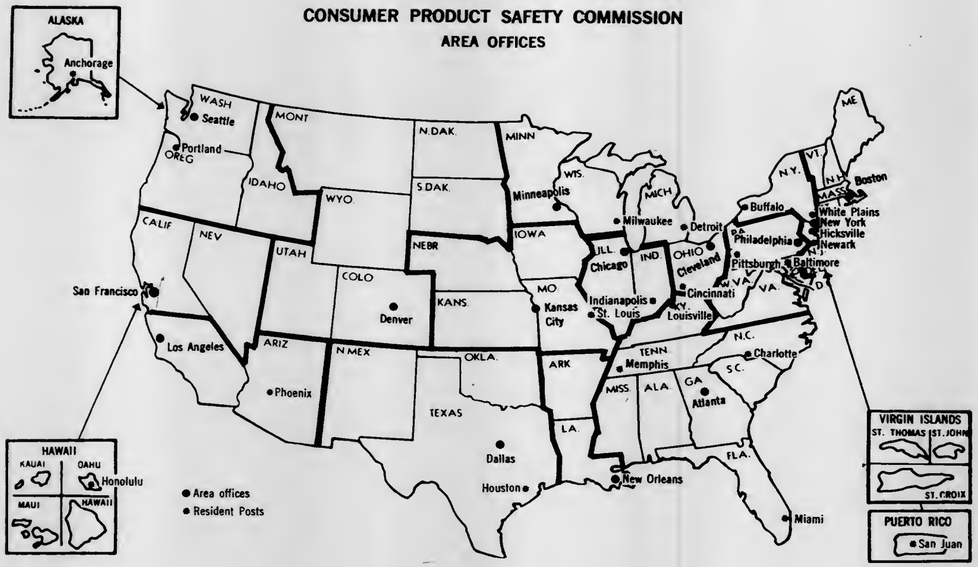


Commodity Futures Trading Commission

Region	Administrator	Address	Telephone
Eastern	Howard G. Bodenhamer, Acting	61 Broadway, New York, N.Y. 10006	212–264–2840
Central	Robert W. Clark	141 West Jackson Blvd., Chicago, Ill. 60604.	312–353–5994
Western	Richard L. Kirchhoff	4800 Main St., Kansas City, Mo. 64112	816–758–2994

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CONSUMER PRODUCT SAFETY COMMISSION
AREA OFFICES



Consumer Product Safety Commission
Area Offices

Region	Director	Address	Telephone
Atlanta, Ga. 30309	Leslie Y. Pounds	1330 West Peachtree St. NW	404–526–2231
Boston, Mass. 02110	Jerome J. Donovan	100 Summer St	617–223–5576
New York, N.Y. 10048	Alexander Labonski	6 World Trade Center	212–264–1372
Chicago, Ill. 60604	Samuel M. Hart	230 South Dearborn St	312–353–8260
Cleveland, Ohio 44114	Roland W. Atley	55 Erieview Plaza, Suite 520	216–522–7160
Dallas, Tex. 75201	Edward M. Yturri	500 South Ervay	214–749–3871
Denver, Colo. 80202	Vic Petralia	817 17th St	303–837–2904
Kansas City, Mo. 64106	Alfred E. Lucas	1125 Grand Ave	816–374–2034
Los Angeles, Calif. 90010	Joan F. Green	3660 Wilshire Blvd	213–688–7272
Twin Cities, Minn. 55111	John F. Rabusch	Federal Bldg., Fort Snelling	612–725–3424
Philadelphia, Pa. 19106	Lacy B. Ward	400 Market St	215–597–9105
San Francisco, Calif. 94111	James P. DiGrazia	100 Pine St	415–556–1819
Seattle, Wash. 98174	Joan L. Bergy	915 2d Ave	206–442–5276

U.S. ARMY
CORPS OF ENGINEERS



U.S. Army
Corps of Engineers (Civil Works)
Division Offices

Division	Division Engineer	Address	Telephone
Lower Mississippi Valley	Maj. Gen. Francis P. Koisch	P.O. Box 80, Vicksburg, Miss. 39180	601–636–1311
Missouri River	Brig. Gen. William E. Read	P.O. Box 103, Downtown Station, Omaha, Nebr. 68101.	402–221–3001
New England	Col. John H. Mason	424 Trapelo Rd., Waltham, Mass. 02154	617–894–2400 Ext. 220
North Atlantic	Maj. Gen. James L. Kelly	90 Church St., New York, N.Y. 10007	212–264–7101
North Central	Brig. Gen. Robert L. Moore	536 S. Clark St., Chicago, Ill. 60605	312–353–6310
North Pacific	Maj. Gen. Wesley E. Peel	210 Custom House, Portland, Oreg. 97209	503–221–3700
Ohio River	Brig. Gen. E. R. Heiberg III	P.O. Box 1159, Cincinnati, Ohio 45201	513–684–3002
Pacific Ocean	Brig. Gen. Maurice D. Roush	Division Engineer, U.S. Army Engineer Division, APO San Francisco 96558.	808–438–1500
South Atlantic	Brig. Gen. Kenneth E. McIntyre	510 Title Bldg., 30 Pryor St. SW., Atlanta, Ga. 30303.	404–526–6711
South Pacific	Brig. Gen. Richard M. Connell	630 Sansome St., Room 1216, San Francisco, Calif. 94111.	415–556–0914
Southwestern	Brig. Gen. Charles I. McGinnis	Main Tower Bldg., 1200 Main St., Dallas, Tex. 75202.	214–749–3336

V 41 154 AUG 9 76 UMI

U.S. Army
Corps of Engineers (Civil Works)
District Offices

District	District Engineer	Address	Telephone
Memphis	Col. Albert C. Lehman	668 Clifford Davis Federal Bldg., Memphis, Tenn. 38103.	901–385–6074
New Orleans	Col. E. J. Rush III	P.O. Box 60267, New Orleans, La. 70160	504–865–1121
St. Louis	Col. Thorwald R. Peterson	210 North 12th St., St. Louis, Mo. 63101	314–268–2831
Vicksburg	Col. Gerald E. Galloway	P.O. Box 60, Vicksburg, Miss. 39180	601–636–1311
Kansas City	Col. Richard L. Curl	700 Federal Bldg., Kansas City, Mo. 64106.	816–374–3201
Omaha	Col. James W. Ray	6014 U.S. Post Office and Courthouse, 215 North 17th St., Omaha, Nebr. 68102.	402–221–3900
Baltimore	Col. Robert S. McGarry	P.O. Box 1715, Baltimore, Md. 21203	301–962–4545
New York	Col. Thomas C. Hunter, Jr	26 Federal Plaza, New York, N.Y. 10007	212–264–0100
Norfolk	Col. N. A. Howard, Jr	803 Front St., Norfolk, Va. 23510	804–625–8201 Ext. 231
Philadelphia	Col. H. V. Dutchyshyn	U.S. Custom House, 2nd and Chestnut Sts., Philadelphia, Pa. 19106.	215–597–4848
Buffalo	Col. Bernard C. Hughes	1776 Niagara St., Buffalo, N.Y. 14207	716–876–5454
Chicago	Col. Andrew C. Remson, Jr	219 S. Dearborn St., Chicago, Ill. 60604	312–353–6400
Detroit	Col. James E. Hays	P.O. Box 1027, Detroit, Mich. 48231	313–226–6762
Rock Island	Col. D. L. Lycan	Clock Tower Bldg., Rock Island, Ill. 61201.	309–788–6361
St. Paul	Col. Forrest T. Gay III	1135 U.S. Post Office and Custom House, St. Paul, Minn. 55101.	612–725–7501
Alaska	Col. Charles A. Debelius NPA	P.O. Box 7002, Anchorage, Alaska 99510	907–752–9114 or 279–1132
Portland	Col. Clarence D. Gilkey	P.O. Box 2946, Portland, Oreg. 97208	503–777–4441 Ext. 200
Seattle	Col. Raymond J. Eineigl NPS	P.O. Box C–3755, Seattle, Wash. 98124	206–764–3690
Walla Walla	Col. Nelson P. Conover	Bldg. 602, City-County Airport, Walla Walla, Wash. 99362.	509–525–5500
Huntington	Col. Scott B. Smith	P.O. Box 2127, Huntington, W. Va. 25721	304–529–2318
Louisville	Col. James N. Ellis	P.O. Box 59, Louisville, Ky. 40201	502–582–5601
Nashville	Col. Henry J. Hatch	P.O. Box 1070, Nashville, Tenn. 37202	615–852–5626
Pittsburgh	Col. Max R. Janairo, Jr	Federal Bldg., 1000 Liberty Ave., Pittsburgh, Pa. 15222.	412–644–6800
Charleston	Col. Harry S. Wilson, Jr	P.O. Box 919, Charleston, S.C. 29402	803–577–4171
Jacksonville	Col. D. A. Wisdom	P.O. Box 4970, Jacksonville, Fla. 32201	904–791–2241
Mobile	Col. Drake Wilson	P.O. Box 2288, Mobile, Ala. 36628	205–690–2511
Savannah	Col. Francis J. Walter	P.O. Box 889, Savannah, Ga. 31402	912–233–8822 Ext. 224
Wilmington	Col. Homer Johnstone	P.O. Box 1890, Wilmington, N.C. 28401	919–763–9971 Ext. 466
Los Angeles	Col. Hugh G. Robinson	P.O. Box 2711, Los Angeles, Calif. 90053	213–688–5300
Sacramento	Col. F. G. Rockwell, Jr	650 Capitol Mall, Sacramento, Calif. 95814.	916–440–2232
San Francisco	Col. H. A. Flertzheim	100 McAllister St., San Francisco, Calif. 94102.	415–556–3660
Albuquerque	Col. Richard E. Leonard	P.O. Box 1580, Albuquerque, N. Mex. 87103.	505–766–2732
Fort Worth	Col. Joe H. Sheard	P.O. Box 17300, Fort Worth, Tex. 76102	817–334–2300
Galveston	Col. Jon C. Vanden Bosch	P.O. Box 1229, Galveston, Tex. 77550	713–527–6301
Little Rock	Col. Charles E. Edgar III	P.O. Box 867, Little Rock, Ark. 72203	501–378–5531
Tulsa	Col. Anthony A. Smith	P.O. Box 61, Tulsa, Okla. 74102	918–581–7311

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION
ASSIGNED FACILITIES CONTRACT COMPLIANCE OFFICES



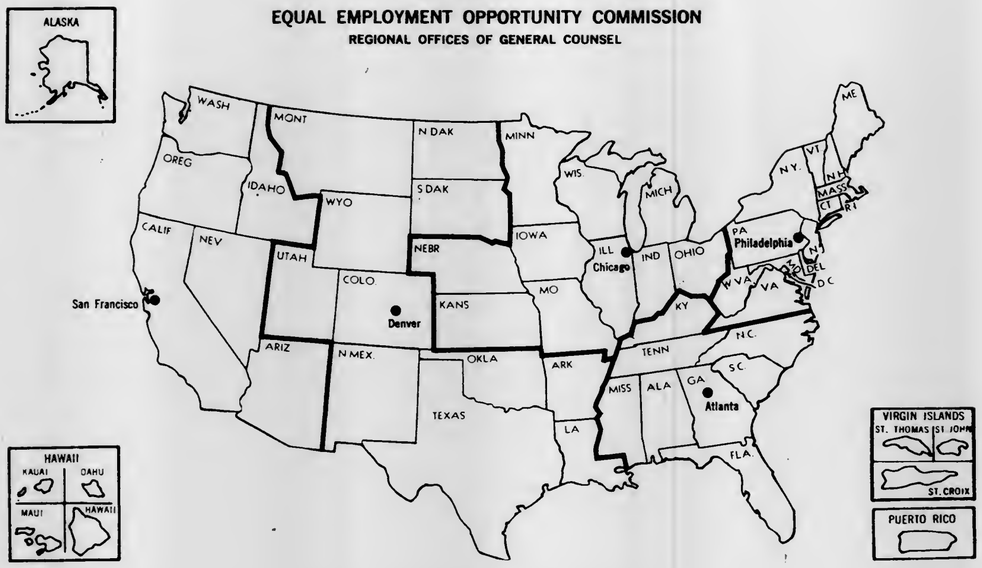
Energy Research and Development Administration
Assigned Facilities Contract Compliance Offices

Region	Director	Address	Telephone
Albuquerque, N. Mex. 87115	Guy W. McCarty	P.O. Box 5400	505–264–6980
Chicago, Ill. 60430	Ben L. West	9800 South Cass Ave	312–739–2091
New York, N.Y. 10014	William Nelson, Acting	376 Hudson St	212–620–3657
Oak Ridge, Tenn. 37830	Billy Donald	P.O. Box E	615–483–4291
Philadelphia, Pa. 19108	Juanita Smith	600 Arch St	215–597–0485

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EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

REGIONAL OFFICES OF GENERAL COUNSEL

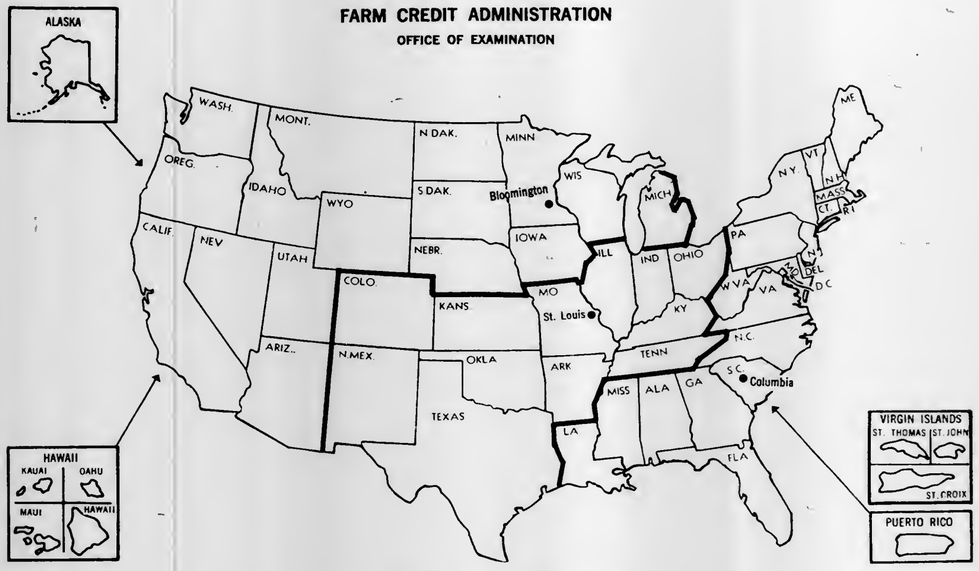


Equal Employment Opportunity Commission
Regional Offices of the General Counsel

Region	Assistant General Counsel	Address	Telephone
Philadelphia, Pa. 19106	Delores Wilson	127 North 4th St	215–597–0881
Atlanta, Ga. 30309	Donald Hollowell	1389 Peachtree St. NE	404–526–2171
Chicago, Ill. 60604	Odas Nicholson, Acting	55 East Jackson Blvd	312–353–8086
Denver, Colo. 80202	George Darden	1531 Stout St	303–837–2771
San Francisco, Calif. 94102	Francisco Cancino	1390 Market St	415–556–0833

FARM CREDIT ADMINISTRATION

OFFICE OF EXAMINATION

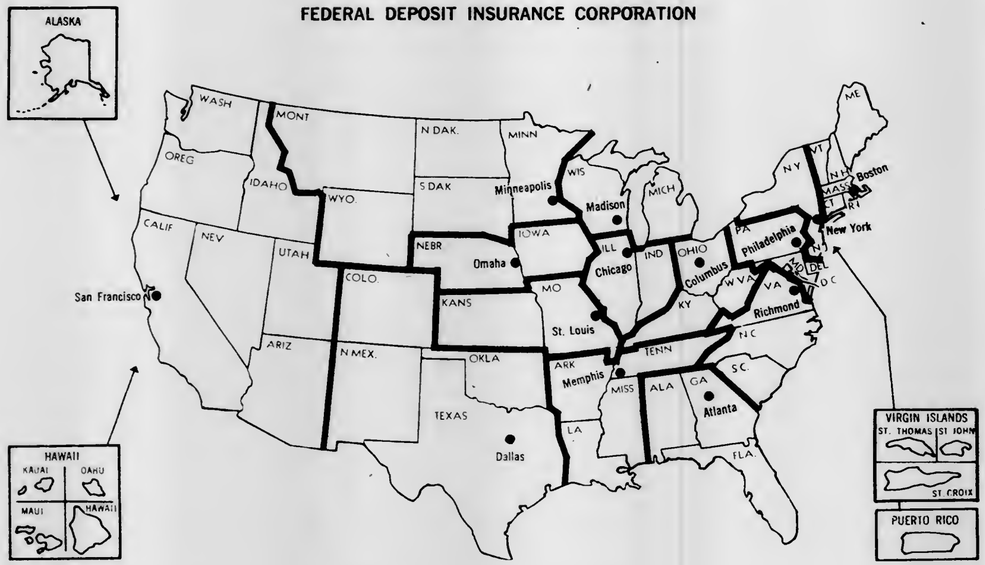


Farm Credit Administration
Office of Examination

Region	Manager	Address	Telephone
Columbia, S.C. 29205	A. C. Nielsen	2530 Devine St	803–765–5603
St. Louis, Mo. 63141	John Cantergiani	11710 Administration Dr	314–268–7101
Bloomington, Minn. 55420	John W. Means	2850 Metro Dr	612–725–3685

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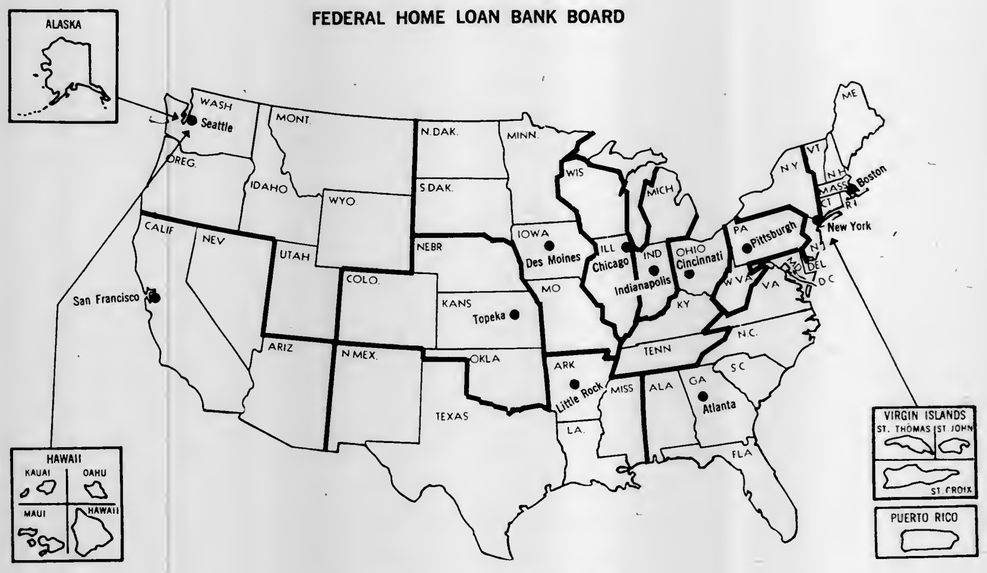
FEDERAL DEPOSIT INSURANCE CORPORATION



Federal Deposit Insurance Corporation

Region	Director	Address	Telephone
Atlanta, Ga. 30303	Lewis C. Beasley	2 Peachtree St. NW	404–526–6631
Boston, Mass. 02108	Mark J. Laverick	2 Center Plaza	617–223–6420
Chicago, Ill. 60606	James A. Davis	233 South Wacker Dr	312–353–0700
Columbus, Ohio 43215	John R. Curtis	37 West Broad St	614–469–7301
Dallas, Tex. 75201	Quinton Thompson	300 North Ervay St	214–749–7691
Madison, Wis. 53703	Bernard J. McKeon	1 South Pinckney St	608–252–5226
Memphis, Tenn. 38103	Roy E. Jackson	165 Madison Ave	901–534–3872
Minneapolis, Minn. 55402	Roger B. West	730 2d Ave., South	612–725–2046
New York, N.Y. 10022	Claude C. Phillippe	345 Park Ave	212–826–4762
Omaha, Nebr. 68102	Burton L. Blasingame	1700 Farnam St	402–221–3366
Philadelphia, Pa. 19103	Frank T. Locki	5 Penn Center Plaza	215–597–2295
Richmond, Va. 23219	John Stathos	908 East Main St	804–782–2403
St. Louis, Mo. 63101	Robert V. Shumway	720 Olive St	314–425–5718
San Francisco, Calif. 94104	Charles E. Doster	44 Montgomery St	415–556–2736

FEDERAL HOME LOAN BANK BOARD

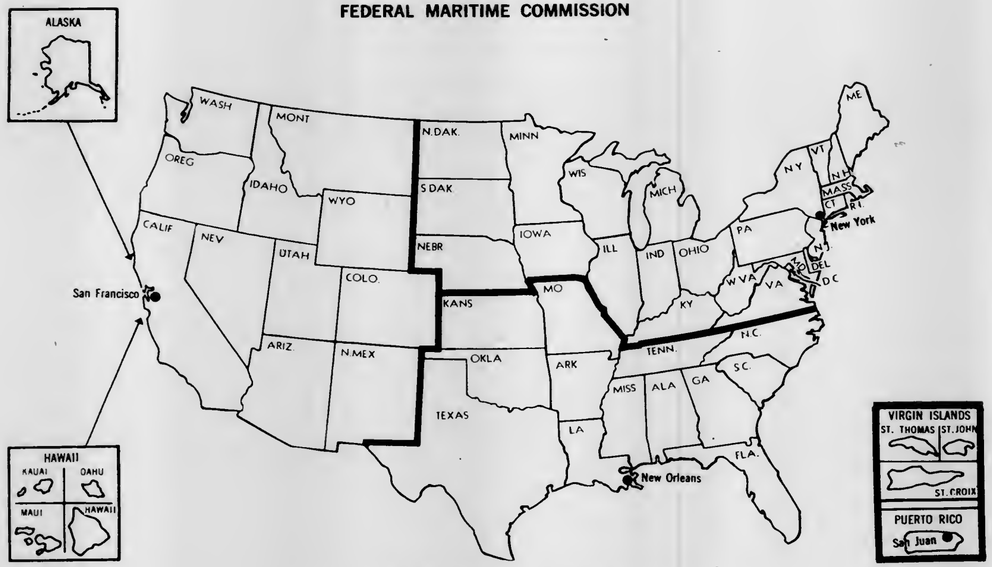


Federal Home Loan Bank Board

District	District Director	Address	Telephone
Boston, Mass. 02108	Allan C. Taylor	1 Union St	617–223–3206
New York, N.Y. 10048	Richard W. Hamilton	1 World Trade Center	212–264–1447
Pittsburgh, Pa. 15222	William C. Shone	11 Stanwix St	412–644–2666
Atlanta, Ga. 30303	Howard L. Caffrey	260 Peachtree St. NW	404–526–5778
Cincinnati, Ohio 45202	Donald E. Ison	2700 DuBois Tower	513–684–2855
Indianapolis, Ind. 46204	Ervin Berlinger	2950 Indiana Tower, Indiana Square	317–269–6559
Chicago, Ill. 60601	Victor S. Meller	111 East Wacker Dr	312–353–8045
Des Moines, Iowa 50309	Robert E. Trotter	714 2d Ave	515–284–4310
Little Rock, Ark. 72201	H. H. Chastain	1350 Tower Bldg	501–378–5374
Topeka, Kans. 66601	Raymond J. Gatti	634 Harrison St	913–234–8661
San Francisco, Calif. 94108	Joseph W. George	600 California St	415–556–1910
Seattle, Wash. 98101	Richard J. Wick	600 Stewart St	206–442–7584

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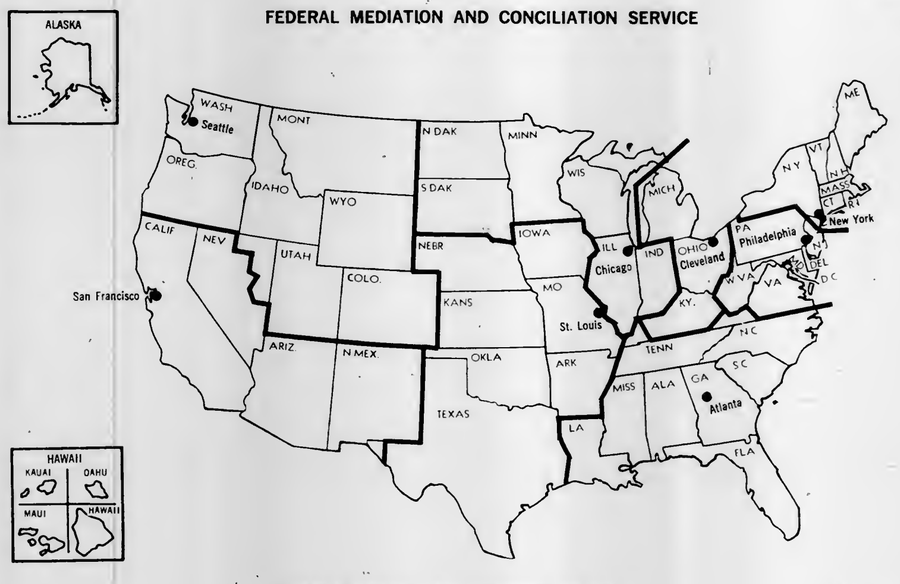
FEDERAL MARITIME COMMISSION



Federal Maritime Commission

District	Director	Address	Telephone
New York, N.Y. 10048	Geoffrey Rogers	6 World Trade Center, Suite 603	212–264–1430
San Juan, P.R. 00904	Rambel A. Cuprill-Oppenheimer, Area Director.	P.O. Box 3168	809–723–2095
New Orleans, La. 70190	Harry T. Statham	P.O. Box 30550	504–682–6662
San Francisco, Calif. 94105	Robert E. Sunkel	525 Market St., 25th Floor	415–556–5272

FEDERAL MEDIATION AND CONCILIATION SERVICE

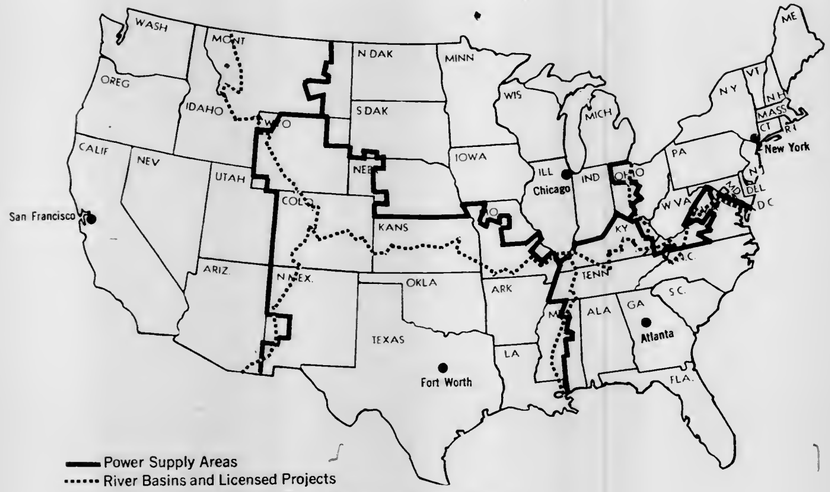


Federal Mediation and Conciliation Service

Region	Director	Address	Telephone
New York, N.Y. 10007	Paul Yager	26 Federal Plaza	212–264–1000
Philadelphia, Pa. 19106	Robert W. Donnahoo	4th and Chestnut Sts	215–597–7676
Atlanta, Ga. 30309	Charles L. Bowen, Acting	1422 West Peachtree St. NW	404–526–2473
Cleveland, Ohio 44114	Edward F. O'Brien	815 Superior Ave. NE	216–522–4800
Chicago, Ill. 60604	Richard D. Williams	219 South Dearborn St	312–353–7350
St. Louis, Mo. 63105	Paul E. Bowers	120 South Central	314–425–3291
San Francisco, Calif. 94102	(Vacancy)	450 Golden Gate Ave	415–556–4670
Seattle, Wash. 98174	James L. MacPherson	915 2d Ave	206–399–5800

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FEDERAL POWER COMMISSION

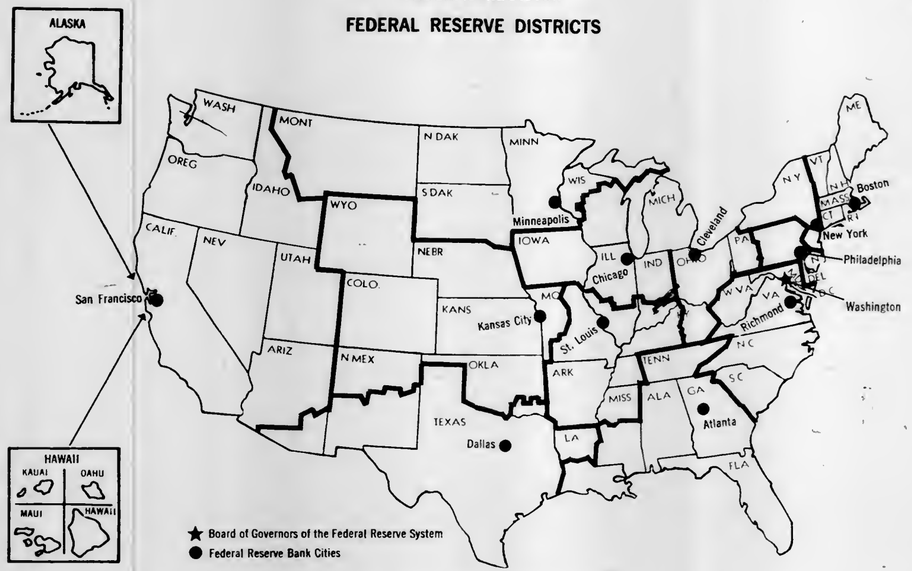


Federal Power Commission

Regional Office	Regional Engineer	Address	Telephone
Atlanta, Ga. 30308	Clarence L. Fishburne	730 Peachtree St	404–526–5134
Chicago, Ill. 60604	Lenard B. Young	230 South Dearborn St	312–353–6171
Fort Worth, Tex.[1] 76102	Joseph H. Flood, Acting	819 Taylor St	817–334–2631
New York, N.Y. 10007	James D. Hebson, Acting	26 Federal Plaza	212–264–3687
San Francisco, Calif. 94111	M. Frank Thomas	555 Battery St	415–556–3581

[1]Fourteen licensed projects (Utah–11; Arizona–3) outside the indicated licensed projects area were assigned to the Fort Worth office for supervision.

FEDERAL RESERVE DISTRICTS



Federal Reserve Districts

District	President	Address	Telephone
Boston, Mass. 02106	Frank E. Morris	30 Pearl St	617–426–7100
New York, N.Y. 10045	Paul A. Volcker	33 Liberty St	212–791–5000
Philadelphia, Pa. 19105	David P. Eastburn	925 Chestnut St	215–574–6000
Cleveland, Ohio 44101	Willis J. Winn	1455 East 6th St	216–241–2800
Richmond, Va. 23261	Robert P. Black	100 North 9th St	804–649–3611
Atlanta, Ga. 30303	Monroe Kimbrel	104 Marietta St. NW	404–586–8500
Chicago, Ill. 60690	Robert P. Mayo	230 South LaSalle St	312–322–5322
St. Louis, Mo. 63166	Lawrence K. Roos	411 Locust St	314–421–1700
Minneapolis, Minn. 55480	Bruce K. MacLaury	250 Marquette Ave	612–340–2345
Kansas City, Mo. 64198	J. Roger Guffey	925 Grand Ave	816–881–2000
Dallas, Tex. 75222	Ernest T. Baughman	400 South Akard St	214–651–6111
San Francisco, Calif. 94120	John J. Balles	400 Sansome St	415–397–1137

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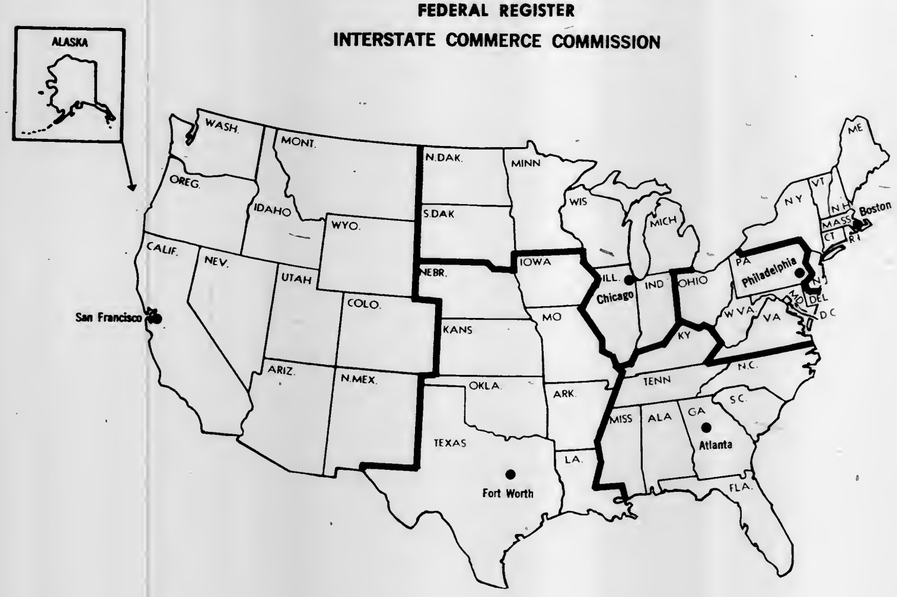
FEDERAL TRADE COMMISSION



Federal Trade Commission

Region	Director	Address	Telephone
Atlanta, Ga. 30308	S. Edward Combs	730 Peachtree St. NE	404–526–5836
Boston, Mass. 02114	William M. Gibson	150 Causeway St	617–223–6621
Chicago, Ill. 60603	Stephanie W. Kanwit	55 East Monroe St	312–353–4423
Cleveland, Ohio 44199	Paul R. Peterson	Federal Office Bldg	216–522–4207
Dallas, Tex. 75201	Carl L. Swanson, Jr	500 South Ervay St	214–749–3056
Denver, Colo. 80202	John W. Madden III	721 19th St	303–837–2271
Los Angeles, Calif. 90024	Carol G. Emerling	Federal Bldg	213–824–7575
New York, N.Y. 10007	Richard A. Givens	Federal Bldg	212–264–1207
San Francisco, Calif. 94102	William A. Arbitman	450 Golden Gate Ave	415–556–1270
Seattle, Wash. 98174	William C. Erxleben	915 2d Ave	206–442–4655
Washington, D.C. 20037	Michael J. Vitale	2120 L St. NW	202–254–7700
Field stations	**Director**	**Address**	**Telephone**
Honolulu, Hawaii 98613	Charles S. Lotsof	333 Queen St	808–546–5685
Kansas City, Mo. 64106	Francis J. Stewart	911 Walnut St	816–374–5256

INTERSTATE COMMERCE COMMISSION



Interstate Commerce Commission

Region	Manager	Address	Telephone
Boston, Mass. 02114	Robert L. Abare	150 Causeway St	617–223–2372
Philadelphia, Pa. 19106	William J. Green, Jr	600 Arch St	215–597–4449
Atlanta, Ga. 30309	James B. Weber	1252 West Peachtree St. NW	404–526–5371
Chicago, Ill. 60604	Alfred E. Rathert	Everett McKinley Dirksen Bldg	312–353–6124
Fort Worth, Tex. 76102	Harold M. Gregory	Fritz Garland Lanham Federal Bldg	817–334–2837
San Francisco, Calif. 94102	J. Warren McFarland	Federal Bldg	415–556–5515

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NATIONAL CREDIT UNION ADMINISTRATION



National Credit Union Administration

Region	Director	Address	Telephone
Boston, Mass. 02171	William Covington	1776 Heritage Dr	617–223–6807
Harrisburg, Pa. 17108	Earl Bradley	228 Walnut St	717–782–4595
Atlanta, Ga. 30309	Bernard M. Ganzfried	1365 Peachtree St. NE	404–526–3127
Toledo, Ohio 43604	Robert E. Boon	234 North Summit St	419–259–7511
Austin, Tex. 78701	Paul Trylko	515 Congress Ave	512–397–5131
San Francisco, Calif. 94102	Ed Bernhoft	760 Market St	415–556–6277

NATIONAL LABOR RELATIONS BOARD



National Labor Relations Board

Region	Director	Address	Telephone
1—Boston, Mass. 02114	Robert S. Fuchs	99 High St	617–223–3300
2—New York, N.Y. 10007	Winifred D. Morio	26 Federal Plaza	212–264–0306
3—Buffalo, N.Y. 14202	Thomas W. Seeler	111 West Huron St	716–842–3100
4—Philadelphia, Pa. 19106	Peter W. Hirsch	600 Arch St	215–597–7601
5—Baltimore, Md. 21201	William C. Humphrey	Charles Center	301–962–2822
6—Pittsburgh, Pa. 15219	Henry Shore	601 Grant St	412–644–2977
7—Detroit, Mich. 48226	Bernard Gottfried	477 Michigan Ave	313–226–3200
8—Cleveland, Ohio 44199	Bernard Levine	1240 East 9th St	216–522–3715
9—Cincinnati, Ohio 45202	Emil C. Farkas	550 Main St	513–684–3686
10—Atlanta, Ga. 30308	(Vacancy)	730 Peachtree St. NE	404–526–5760
11—Winston-Salem, N.C. 27101.	Reed Johnston	301 North Main St	919–723–9211 Ext. 300
12—Tampa, Fla. 33602	Harold A. Boire	500 Zack St	813–228–2641
13—Chicago, Ill. 60604	Alex V. Barbour	219 South Dearborn St	312–353–7572
14—St. Louis, Mo. 63101	Joseph H. Solien	210 North 12th Blvd	314–425–4167
15—New Orleans, La. 70113	Charles M. Paschal, Jr	1001 Howard Ave	504–589–6361
16—Fort Worth, Tex. 76102	W. Edwin Youngblood	819 Taylor St	817–334–2921
17—Kansas City, Kans. 66101	Thomas C. Hendrix	4th at State	816–374–4518
18—Minneapolis, Minn. 55401	Robert J. Wilson	110 South 4th St	612–725–2611
19—Seattle, Wash. 98174	Charles M. Henderson	915 Second Ave	206–442–4532
20—San Francisco, Calif. 94102	Natalie P. Allen	450 Golden Gate Ave	415–556–3197
21—Los Angeles, Calif. 90014	Wilford W. Johansen	849 South Broadway	213–688–5200
22—Newark, N.J. 07102	Arthur Eisenberg	970 Broad St	201–645–2100
23—Houston, Tex. 77002	Louis V. Baldovin, Jr	500 Dallas Ave	713–226–4296
24—Hato Rey, P.R. 00919	(Vacancy)	255 Ponce de Leon Ave	809–622–0247
25—Indianapolis, Ind. 46204	William T. Little	575 N. Pennsylvania St	317–269–7381
26—Memphis, Tenn. 38103	Raymond A. Jacobson	167 North Main St	901–534–3161
27—Denver, Colo. 80202	Francis Sperandeo	721 19th St	303–837–3551
28—Phoenix, Ariz. 85014	Milo Price	6107 North 7th St	602–261–3717
29—Brooklyn, N.Y. 11241	Samuel M. Kaynard	16 Court St	212–596–3535
30—Milwaukee, Wis. 53203	George F. Squillacote	744 North 4th St	414–224–3861
31—Los Angeles, Calif. 90024	Abraham Siegel	11000 Wilshire Blvd	213–824–7351

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NATIONAL TRANSPORTATION SAFETY BOARD



(Under Oakland Field Office)

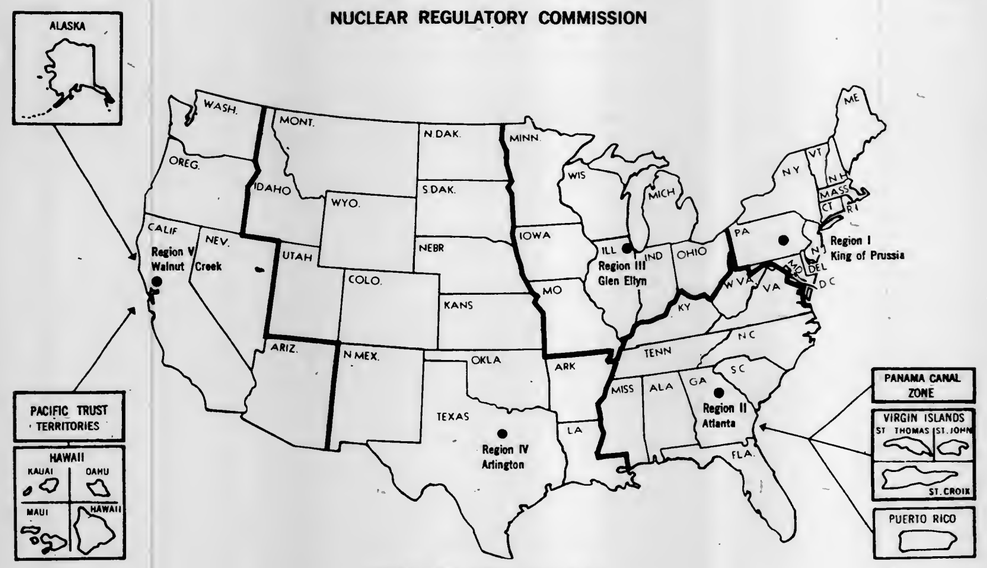
(Under Miami Field Office)

National Transportation Safety Board

Area	Field Office Chief	Address	Telephone
Eastern Area Supervisor	George A. Van Epps	Federal Bldg., John F. Kennedy International Airport, Jamaica, N.Y. 11430.	212–995–3716
District of Columbia, Delaware, Maryland, West Virginia, Virginia, Kentucky, Tennessee, North Carolina.	Richard G. Rodriguez	P.O. Box 17226, Dulles International Airport, Washington, D.C. 20041.	703–471–1200
Florida, South Carolina, Georgia, Alabama, Mississippi.	Arthur E. Newmann (Aviation)	P.O. Box 48152, Miami International Airport, Miami, Fla. 33148.	305–526–2940
	(Vacancy) (Surface)	3401 Whipple Ave., East Point, Ga. 30344.	404–526–7818
Illinois, Ohio, Indiana, Wisconsin, Michigan.	George J. Green	2300 East Devon Ave., Des Plaines, Ill. 60018.	312–827–8858
Missouri, Kansas, Iowa, Nebraska, South Dakota, North Dakota, Minnesota.	Bruce G. Hoch	601 E. 12th St., Kansas City, Mo. 64106	816–374–3576
New York, Vermont, Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, Pennsylvania.	Arnold E. Holstine	Federal Bldg., John F. Kennedy International Airport, Jamaica, N.Y. 11430.	212–995–3716
Western Area Supervisor	Alan L. Crawford	8939 South Sepulveda Blvd., Los Angeles, Calif. 90045.	213–966–6842
Alaska	Franklin Malone	632 6th Ave., Anchorage, Alaska 99501	907–277–0593 [1]
California (southern), Arizona	Alan L. Crawford	8939 South Sepulveda Blvd., Los Angeles, Calif. 90045.	213–966–6842
California (northern), Nevada	Ivan R. Stracener	7700 Edgewater Dr., Oakland, Calif. 94621.	415–568–1290
Colorado, New Mexico, Utah, Wyoming.	George R. Baker	10255 East 25th Ave., Aurora, Colo. 80010.	303–327–4492
Texas, Louisiana, Arkansas, Oklahoma.	(Vacancy)	819 Taylor St., Fort Worth, Tex. 76021	817–334–2616
Washington, Oregon, Montana, Idaho.	Willard P. Peterson	19415 Pacific Highway South, Seattle, Wash. 98188.	206–764–3782

[1] Ask for Anchorage 265–4340.

NUCLEAR REGULATORY COMMISSION



Nuclear Regulatory Commission

Region	Director	Address	Telephone
King of Prussia, Pa. 19406	James P. O'Reilly	631 Park Ave	215–337–1150
Atlanta, Ga. 30303	Norman C. Moseley	230 Peachtree St. NW	404–526–4503
Glen Ellyn, Ill. 60137	James G. Keppler	799 Roosevelt Rd	312–858–2660
Arlington, Tex. 76012	E. Morris Howard	611 Ryan Plaza Dr	817–334–2841
Walnut Creek, Calif. 94596	Robert H. Engelken	1990 North California Blvd	415–486–3141

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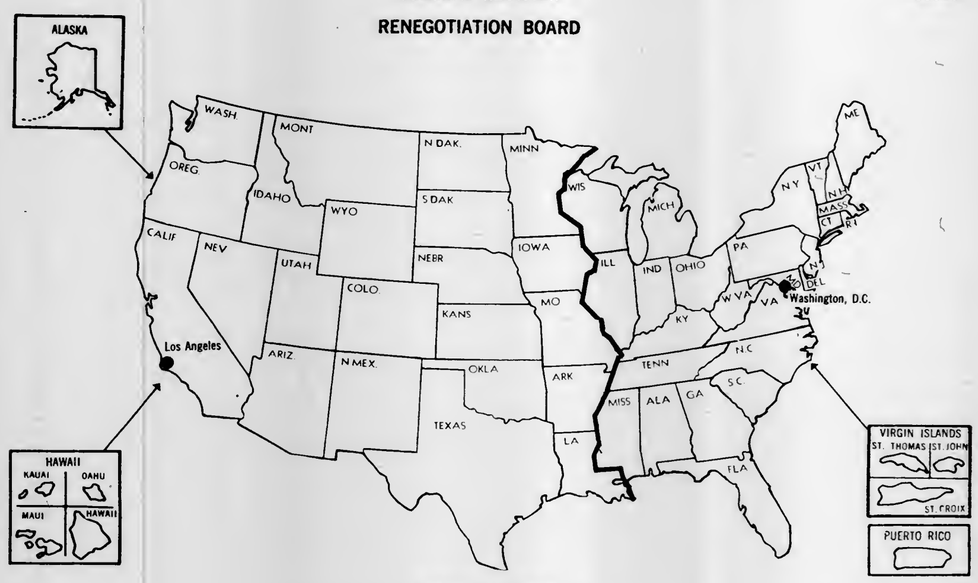
RAILROAD RETIREMENT BOARD



Railroad Retirement Board

Region	Director	Address	Telephone
Atlanta, Ga. 30308	Edmund J. Setaro	730 Peachtree St. NE	404–526–3006
New York, N.Y. 10007	William R. Spence	26 Federal Plaza	212–264–8495
Cleveland, Ohio 44199	Gene O. Wilson	Anthony J. Celebrezze Federal Bldg	216–522–4043
Kansas City, Mo. 64106	Walter W. Birch	Federal Bldg	816–374–3278
San Francisco, Calif. 94102	Robert L. Livingston	450 Golden Gate Ave	415–556–2584

RENEGOTIATION BOARD

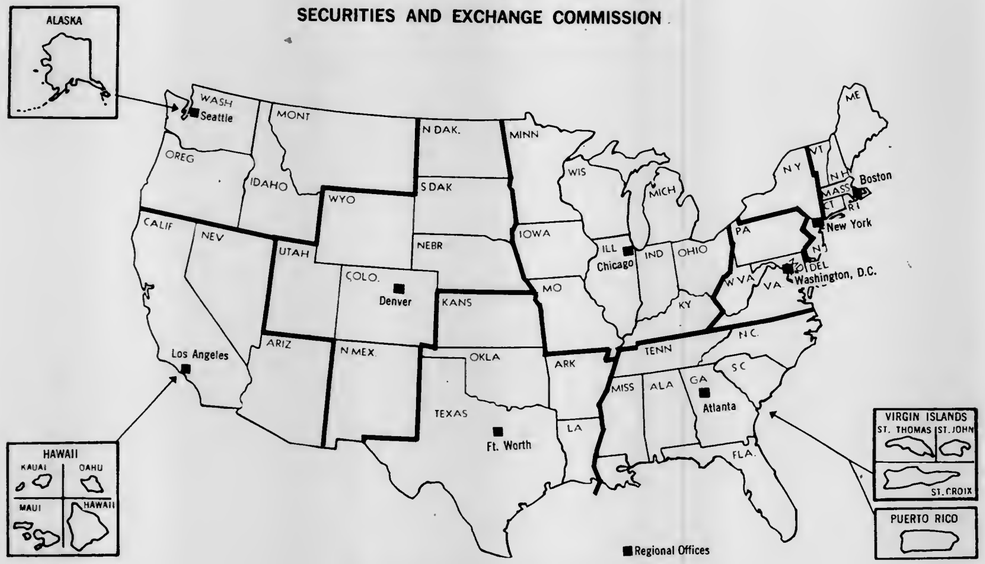


Renegotiation Board

Region	Board Chairman	Address	Telephone
Washington, D.C. 20447	Ralph A. Johnson	2000 M St. NW	202–254–7442
Los Angeles, Calif. 90071	Stanley D. Broselow	350 S. Figueroa St	213–688–3106

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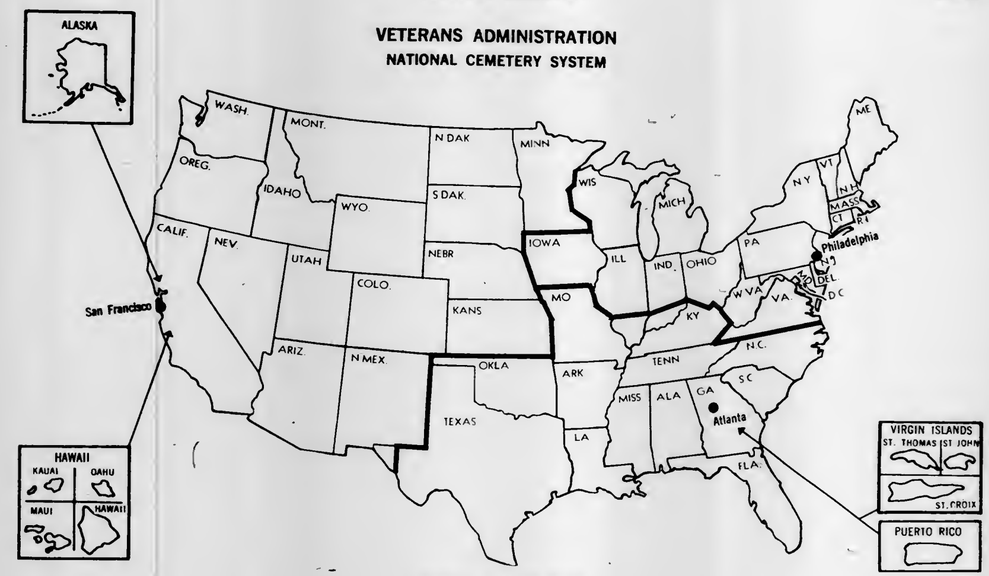
SECURITIES AND EXCHANGE COMMISSION



Securities and Exchange Commission

Region	Administrator	Address	Telephone
Atlanta, Ga. 30309	Jule B. Greene	1371 Peachtree St. NE	404–526–5844
Boston, Mass. 02114	Floyd H. Gilbert	150 Causeway St	617–223–2721
Chicago, Ill. 60604	William D. Goldsberry	219 South Dearborn St	312–353–7390
Denver, Colo. 80202	Robert H. Davenport	1515 Arapahoe St	303–837–2071
Fort Worth, Tex. 76102	Richard M. Hewitt	10th and Lamar Sts	817–344–3393
Los Angeles, Calif. 90024	Gerald E. Boltz	10960 Wilshire Blvd	213–984–0011
New York, N.Y. 10007	William D. Moran	26 Federal Plaza	212–264–1636
Seattle, Wash. 98174	Jack H. Bookey	915 Second Ave	206–399–7990
Arlington, Va. 22203	Paul F. Leonard	4015 Wilson Blvd	703–557–8201

VETERANS ADMINISTRATION
NATIONAL CEMETERY SYSTEM

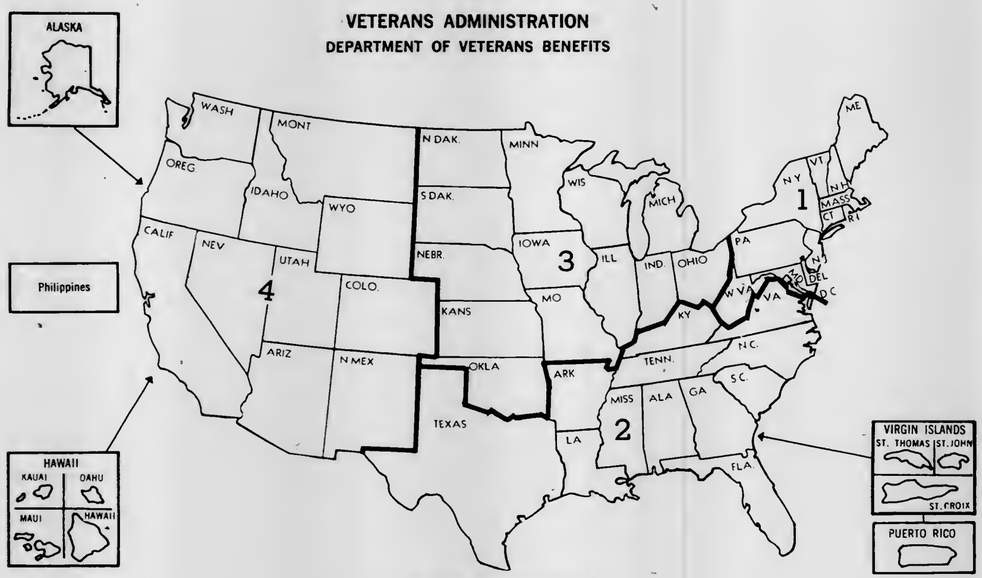


Veterans Administration
National Cemetery System
National Cemetery Supervising Offices

Region	Chief	Address	Telephone
Atlanta, Ga. 30308	David W. Holt	730 Peachtree St. NE	404–526–2121
Philadelphia, Pa. 19106	Nicholas G. Hamaty	600 Arch St	215–597–8112
San Francisco, Calif. 94105	James M. Griffin, Acting	211 Main St	415–556–1903

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VETERANS ADMINISTRATION
DEPARTMENT OF VETERANS BENEFITS

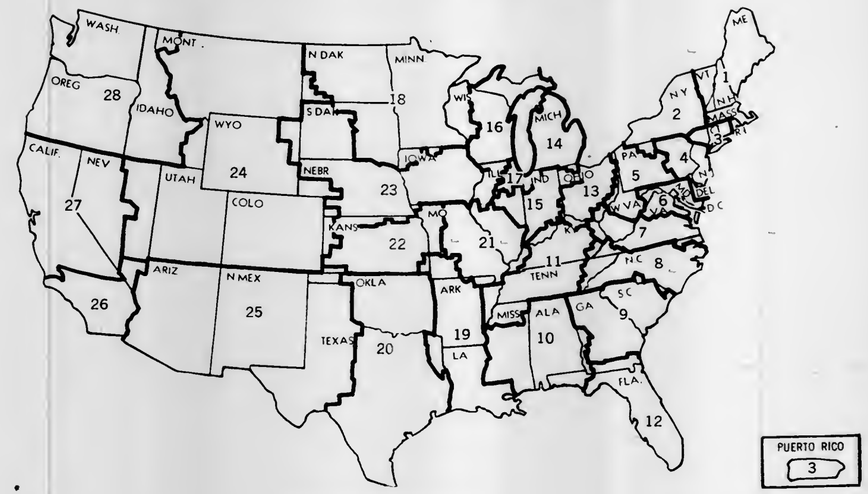


Veterans Administration
Department of Veterans Benefits
Area Field Directors

(Located in Central Office: 810 Vermont Ave. NW., Washington, D.C. 20420)

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3	John W. Hagan, Jr	Room 324 (201C)	202-389-2636
4	Ray E. Smith	Room 324 (201D)	202-389-2627

VETERANS ADMINISTRATION
DEPARTMENT OF MEDICINE AND SURGERY MEDICAL DISTRICTS

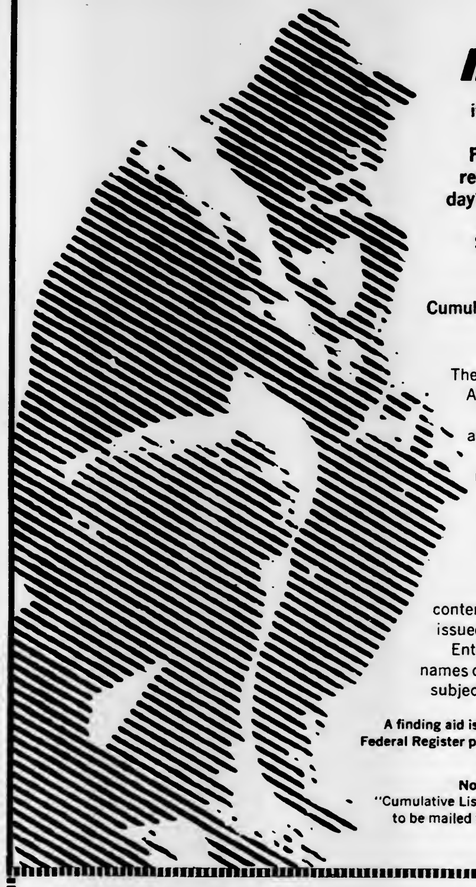


Veterans Administration
Department of Medicine and Surgery

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10	Mr. Doyle R. Liles	700 South 19th St., Birmingham, Ala. 35233.	205-534-6231
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15	Mr. John J. Peters, Jr	1481 West 10th St., Indianapolis, Ind. 46202.	317-332-2207
16	Dr. William R. Merchant	2500 Overlook Ter., Madison, Wis. 53705	608-364-1211
17	Mr. Robert W. Darnall	Hines, Ill. 60141	312-387-2501
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21	Mr. Joseph C. Mackney	St. Louis, Mo. 63125	314-276-7454
22	Ms. Margaret C. Michelson	Leavenworth, Kans. 66048	913-752-0201
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25	Mr. Winton D. Ross	Tucson, Ariz. 85723	602-765-6412
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NOTE: There were no items eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

List of Public Laws

This is a continuing numerical listing of public bills which have become law, together with the law number, the title, the date of approval, and the U.S. Statutes citation. The list is kept current in the FEDERAL REGISTER and copies of the laws may be obtained from the U.S. Government Printing Office.

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The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
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DOT/OHMO	CSC		DOT/OHMO	CSC
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Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Agriculture

Section 213.3313 is amended to show that two additional positions of Confidential Assistant to the Deputy Under Secretary for Congressional and Public Affairs are excepted under Schedule C.

Effective August 10, 1976, § 213.3313 (c) (6) is amended as set out below:

§ 213.3313 Department of Agriculture.

• • • • • •

(c) *Office of the Under Secretary.* • • •

(6) Eleven Confidential Assistants to the Deputy Under Secretary for Congressional and Public Affairs.

• • • • • •

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-23264 Filed 8-9-76;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Agriculture

Section 213.3313 is amended to show that one position of Assistant Deputy Administrator, Programs is excepted under Schedule C.

Effective August 10, 1976, § 213.3313 (h) (2) is added as set out below:

§ 213.3313 Department of Agriculture.

• • • • • •

(h) *Agricultural Stabilization and Conservation Service.* • • •

(2) One Assistant Deputy Administrator, Programs.

• • • • • •

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-23265 Filed 8-9-76;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Due to reorganization, § 213.3384(b) is amended to show that the functions formerly under the Assistant Secretary for Housing Management and the Assistant Secretary for Housing Production and Mortgage Credit (Federal Housing Administration Commissioner) have been merged into the new Assistant Secretary for Housing—Federal Housing Commissioner. It is further amended to show that the position of Deputy Assistant Secretary for Housing—Deputy Federal Housing Commissioner is excepted under Schedule C.

Effective August 10, 1976, the headnote of § 213.3384(b) is amended and § 213.3384(b) (5) is added as set out below:

§ 213.3384 Department of Housing and Urban Development.

• • • • • •

(b) *Office of the Assistant Secretary for Housing—Federal Housing Commissioner.* • • •

(5) Deputy Assistant Secretary for Housing—Deputy Federal Housing Commissioner.

• • • • • •

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-23262 Filed 8-9-76;8:45 am]

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to show that one position of Special Assistant to the Director (American Samoa) is excepted under Schedule C.

Effective August 10, 1976, § 213.3312 (l) (4) is added as set out below:

§ 213.3312 Department of the Interior.

• • • • • •

(l) *Office of the Director of Territorial Affairs.* • • •

(4) One Special Assistant to the Director (American Samoa).

• • • • • •

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-23263 Filed 8-9-76;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Labor

Section 213.3315 is amended to show that one position of Staff Assistant to the Secretary and one position of Executive Assistant to the Assistant Secretary for Labor-Management Relations are excepted under Schedule C. This section is further amended to show that the following positions are no longer excepted under Schedule C; one position of Special Assistant to the Secretary, one position of Private Secretary to the Secretary, and one position of Assistant to the Assistant Secretary for Labor-Management Relations.

Effective August 10, 1976, §§ 213.3315 (a) (1) and (a) (6) are amended and § 213.315(a) (50) is added as set out below:

§ 213.3315 Department of Labor.

(a) *Office of the Secretary.* (1) One Special Assistant, one Confidential Assistant, and two Staff Assistants to the Secretary.

• • • • • •

(6) One Assistant to each Assistant Secretary for Labor appointed by the President, except the Assistant Secretary for Manpower and the Assistant Secretary for Labor-Management Relations.

• • • • • •

(50) One Executive Assistant to the Assistant Secretary for Labor-Management Relations.

• • • • • •

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-23266 Filed 8-9-76;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Labor

Section 213.3315 is amended to show that one position of Staff Assistant to the Under Secretary is no longer excepted under Schedule C and that one position of Executive Assistant to the Under Secretary is expected under Schedule C.

Effective August 10, 1976, § 213.3315 (a) (43) is revoked and § 213.3315(a) (49) is added as set out below:

§ 213.3315 Department of Labor.

(a) *Office of the Secretary.* • • •

(43) [Revoked]

• • • • • •

(49) One Executive Assistant to the Under Secretary.

• • • • • •

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-23267 Filed 8-9-76;8:45 am]

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Title 7—Agriculture

CHAPTER XVII—RURAL ELECTRIFICATION ADMINISTRATION, DEPARTMENT OF AGRICULTURE

PART 1701—PUBLIC INFORMATION

Appendix A—REA Bulletins

Part 1701, Title 7, is hereby amended to include revisions to the Appendix A listing and summary description of REA bulletins and supplements thereto providing the program policies and requirements of the Rural Electrification Administration. The revision reflects both new and revised REA bulletins issued after publication in the FEDERAL REGISTER under proposed rule making procedures to secure public comment and participation.

Public comments were received on REA Bulletin 384–3, General Specifications for Common Control Office Equipment, included in this update of the complete Appendix A listing published in the FEDERAL REGISTER of April 9, 1975, (40 FR 16074). There were no public comments or suggestions received on other proposed revisions of REA bulletins issued in this period.

The comments on the proposed revision of REA Bulletin 384–3 pointed out that metals used in the construction of its relay or switch contacts were not listed in the specifications for this purpose. They further stated that relay or switch contacts made with their metals would meet the electrical and technical requirements of the specification.

REA agreed to broaden the provision in the specification to allow, upon REA's acceptance, the use of materials other than those listed.

The following listings of revised REA bulletins and the summary descriptions of bulletins add to or replace existing listings in Appendix A to Part 1701 (40 FR 16074).

APPENDIX A—REA BULLETINS

REA bulletin number and date of last issuance	*Description of content*
JOINT RURAL ELECTRIFICATION AND TELEPHONE PROGRAM BULLETINS	
40–2:340–5; Apr. 1976.	Insurance Requirements of REA borrowers, contractors, engineers, architects, including bonding requirements for borrowers' contractors.
RURAL ELECTRIFICATION PROGRAM BULLETINS	
43–5; July 1975 (additional supplements).	Supplements dated Oct. 1975, and Jan. and Apr. 1976, amending the July 1975 basic list of materials acceptable to REA for use on systems of REA electric borrowers.
44–1; Jan. 1973 (added).	Added to correct the omission of this bulletin, stating REA requirements concerning specifications for materials and equipment, from the Apr. 9, 1975, Appendix A listing in the FEDERAL REGISTER.
RURAL ELECTRIFICATION PROGRAM BULLETINS—Continued	
120–1; July 1970 (additional supplement).	A supplement dated June 1976 concerning the deletion of REA Form 342.
184–2; Sept. 1973 (additional supplement).	A supplement dated Mar. 1976 concerning REA's blanket work order procedure.
RURAL TELEPHONE PROGRAM BULLETINS	
344–2; Jan. 1975	Supplements 3 and 4 dated Jan. and May 1976, respectively, amending the Jan. 1975 basic list of materials acceptable to REA for use on systems of REA telephone borrowers.
346–56; Mar. 1976 (replacing Aug. 1972).	Specifications of REA for station carrier equipment installed on borrowers' telephone systems.
345–63; May 1976 (replacing Nov. 1970).	The standards for REA acceptance tests and measurements of telephone plant installed on borrowers' telephone systems.
384–3; Feb. 1976 (replacing Aug. 1973).	The procedure of REA for the use of central office contracts and specifications by telephone borrowers.
408–1; Nov. 1970 (additional Supplement).	A supplement dated June 1976 to this bulletin concerning the reporting of carrier equipment and carrier maintenance expenses on REA Form 479A.

Dated: July 30, 1976.

DAVID A. HAMIL,
Administrator.

[FR Doc.76-23062 Filed 8-9-76;8:45 am]

Title 12—Banks and Banking

CHAPTER VI—FARM CREDIT ADMINISTRATION

FARM CREDIT SYSTEM

Organization; Funding; General Provisions

The Farm Credit Administration, by its Federal Farm Credit Board, took final action on amendments to its regulations and authorized their issuance effective July 27, 1976. These amendments: (1) Clarify when retirements may be made of Federal intermediate credit bank Class B stock, participation certificates, and allocated legal reserve, (2) Increase the limitation on compensation of district board members, (3) Require the district board to adopt a policy applicable to expenses of spouses, (4) Clarify the limitation on special assignments of district board members, and (5) Clarify the application of travel regulations adopted by the district board.

By a notice published in the FEDERAL REGISTER on June 21, 1976, interested persons were afforded the opportunity to file written comments or suggestions on the first amendment listed above by July 21, 1976. Three comments were received. As a result, § 5320(b)(3)(ii) was revised. The other amendments were adopted by the Federal Farm Credit Board in final form after notice to the Farm Credit districts and an opportunity for each of them to make comments. All comments received were considered by the Federal Board in arriving at the final regulations. For these reasons, it is found as to these amendments that notice of proposed rulemaking provided for in 5 U.S.C. 553 is unnecessary. Copies of communications received on all amendments are available for examination by interested persons in the Office of Director, Information Division, Office of Administration, Farm Credit Administration.

Chapter VI of Title 12 of the Code of Federal Regulations is amended by revising § 611.1020, adding § 611.1022, and revising §§ 611.1031, 615.5320, and 618.8270, as follows:

PART 611—ORGANIZATION

§ 611.1020 Compensation of district board members.

Directors may be compensated for attendance at board meetings and special assignments, including reasonable travel time from and to their residences. Such compensation shall not exceed $125 per day plus reasonable travel, actual subsistence, and other related expenses incurred in connection with such meetings and assignments. Compensation at the regular per diem rate for normal travel time to and from board meetings and special assignments, when the distance and meeting or special assignment schedule involved require travel on any portion of the day prior to or following the meeting or special assignment date, may be allowed on a full-day basis, or on a part of a full-day basis in increments of half-days, as authorized in a policy established by the board. Travel time in excess of one full day may be permitted under unusual conditions if provided for in the policy of the board.

§ 611.1022 Reimbursement for expenses of district board members.

Each district board shall adopt a policy which will identify and justify the events or occasions, if any, where travel and subsistence for directors' spouses is a necessary expense for which reimbursement will be made.

§ 611.1031 Limitation on special assignments.

Special assignments requiring service in one calendar year totaling more than 30 days (not counting time needed for attendance at board meetings) must have prior approval of the Farm Credit Administration. Prior approval is hereby given for the following and they may be excluded from the 30-day limitation: attendance at the National Farm Credit Directors Conferences; meetings of the Fiscal Agency Committee; meetings of the Governing Body of Farmbank Services; meetings of the District Directors Policy Coordinating Committee; and attendance at a particular time or place requested by the Farm Credit Administration.

PART 615—FUNDING AND FISCAL AFFAIRS

§ 615.5320 Retirement of Federal intermediate credit bank class B stock, participation certificates, and allocated legal reserve.

(a) When there is no stock held by the Governor, the bank may retire class B stock at par, participation certificates at face amount, and allocated legal reserve at fair book value without preference to all holders thereof and in such manner that the oldest outstanding stock, participation certificates, or allocated legal reserve will be retired first provided that after such retirements, the net worth structure of the bank meets the minimum requirements approved by the Farm Credit Administration.

(b) Notwithstanding the provisions of paragraph (a) of this section, the following shall be applicable:

(1) Class B stock, participation certificates, and allocated legal reserve may be retired at fair book value thereof, not exceeding par or face amount as the case may be, in the event of an equalization of the ownership by production credit associations of capital stock, participation certificates, and allocated legal reserve of the bank, whether in connection with an assessment for capital stock or otherwise, provided that when an association surrenders stock, participation certificates, or allocated legal reserve, it shall first surrender that which was acquired by purchase to the extent available and thereafter, surrender that acquired by patronage distributions from the bank;

(2) When authorized by the bank board, class B stock, participation certificates, and allocated legal reserve may be retired at the fair book value thereof, not exceeding par value or face amount as the case may be:

(i) In the case of total or partial liquidation of the debt of a production credit association or an other financing institution which is in default;

(ii) In case of liquidation or dissolution of a production credit association under § 611.1130 of these regulations; or

(iii) In case of liquidation or dissolution of an other financing institution.

(3) The bank board may authorize the retirement of unimpaired participation certificates at face amount and allocated legal reserve at fair book value owned by an other financing institution as follows:

(i) Upon termination of the financing agreement; or,

(ii) If the participation certificates were purchased and are in excess of the capital needed to support the amount of credit outstanding. The board may delegate to bank management authority to approve such retirements within prescribed bank policy guidelines.

PART 618—GENERAL PROVISIONS

§ 618.8270 Travel.

Travel and subsistence expenses of directors, officials and employees of the banks, and their spouses where appropriate, shall be allowed in accordance with travel regulations adopted by the district board. Similar travel regulations shall be prescribed for directors, officials and employees of associations by the supervising bank under policy established by the district board or shall be developed and adopted by the board of directors of the associations under district board policy and approved by the bank. The regulations shall contain a statement of policy on the use of official cars for private use and will take into consideration regulations issued by the Internal Revenue Service which are applicable to the employer.

(Secs. 5.9, 5.12, 5.18, 85 Stat. 619, 620, 621)

W. M. HARDING,
Governor,
Farm Credit Administration.

[FR Doc.76-23177 Filed 8-9-76;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Revision 2]

PART 105—STANDARDS OF CONDUCT

Correction

In FR Doc. 76-20744 published July 19, 1976 (41 FR 29656) the following preface should have been included.

The Small Business Administration has completely revised its Standards of Conduct for employees, making both technical and substantive changes in the code for employees' conduct.

The revision of the regulation has involved extensive reorganization and editing, deletion of obsolete provisions, and addition of new provisions and procedures. Some of the more significant changes are as follows:

GENERAL REVISIONS

1. Even where the substance of a regulation is not changed, the language and format often are changed extensively in the interest of clarity.

2. The currently designated Ad Hoc Committee for reviewing ethics and conflicts questions is renamed the Standards of Conduct Committee.

3. Except where specifically noted in the revision, standards of conduct for both "employees" and "Special Government Employees" are the same.

4. The revised regulations provide guidelines and criteria for Standards of Conduct Committee consideration of a matter wherever possible. This is done both to assist the Committee and the employees in using the regulations.

5. Unlike the previous regulations, this Revision will not track the language of criminal statutes from which certain regulatory provisions are derived. The purpose of this change is to adapt the ethical concept involved to regulatory needs and format rather than simply following the statutory language which is designed for a different criminal law purpose. Generally, this will result in a broadening of the scope and effect of the regulation and will result in greater ease in administration by the Agency and understanding by employees.

6. The numbering system for the regulation is changed in the interests of administrative convenience and clarity.

SPECIFIC REVISIONS

(1) *Section 105.101.* Section 105.101 generally follows the Purpose clause in the previous regulations. A provision is added, however, to point out that SBA administers only its own regulations, and that definitive interpretations and decisions regarding other laws can be obtained only from the administering agency. For example, criminal statutes, from which some SBA "conflicts" regulations are derived, are administered by the Department of Justice.

(2) *Section 105.201.* New definitions are provided in this Section for "Employee", "Person", "Member of Household", "his" and "SBA Assistance." These new definitions are generally technical in effect. The generally broad definition of "SBA Assistance", however, can have significant substantive effect, since proscriptions in the regulations often relate to recipients of and applicants for "SBA Assistance."

(3) *Section 105.301.* The General Requirements of Section 105.301 reposition in one place similar statements previously scattered throughout Revision No. 1.

(4) *Sections 105.403–404.* The "post-employment" limitations derived from 15 USC 642 are made more meaningful in the revision by providing specific enforcement authority against a recipient of "SBA Assistance" which retains a former employee in derogation of the regulation. Secondly, these limitations are extended to situations where applicants for SBA assistance have former SBA employees as owners, creditors, debtors or stockholders, as well as employees. Furthermore, the regulation is clarified by specifying the limitations in terms of assistance applicants which are associated by employment or business interest with former SBA officials as well as in terms of post employment of the former employees.

(5) *Section 105.501.* Section 105.501 deals with "conflicts" arising where an employee acts in a representative capacity for or receives compensation from another party in a matter in which the Government has an interest. The revision adapts the language of the companion criminal statute, rather than tracking it, in order to suit its regulatory needs.

This is a provision where the exception for "Special Government Employees" is retained, but in a slightly narrower version. As changed, a "Special Government Employee" may appear in a case against the Government, but only if the matter is not pending at SBA during his service as a "Special Government Employee", he was not personally involved in the matter, and the matter had not been subject to his official responsibility, either as a "Special Government Employee" or otherwise. The latter "official responsibility" restriction is new.

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(6) *Section 105.502.* Section 105.502 deals with "conflicts" arising where an employee receives compensation in connection with his official duties from a non-Government source. That provision in Revision No. 1, based upon 18 USC 209, followed the criminal statute in exempting "Special Government Employees" from its restrictions. This revision would delete the exemption for "Special Government Employees" insofar as the regulation is concerned on the ground that the "conflicts" danger is equal, if not greater, for "Special Government Employees". This would result in the SBA "conflicts" regulation being more restrictive to this extent than the criminal statute upon which it is based.

(7) *Section 105.503.* One of the exceptions in the previous regulations to the "no gifts" rule relates to gifts from family members. This exception has been expanded to include gifts of a "personal" nature.

An exception to the "no gifts" rule is provided for business lunches and refreshments of nominal value. This is a new provision.

(8) *Section 105.056.* The previous regulations separately treated SBA employees' interests in Small Business Investment Companies and in other concerns receiving SBA assistance. The proposed revision would combine the limitations under a common rule prohibiting purchases of interests in applicants for, and recipients of, SBA assistance but permitting retention if approved by the Standards of Conduct Committee. This latter provision is designed to accommodate situations where the interests were acquired prior to the SBA employment or where the acquisition may have been passive, for example, by inheritance.

The revised rules would add employee interests in financial institutions participating in SBA programs to the proscribed interests. In effect, this would apply the restrictive rules of this provision to the ownership of bank and similar stock.

The current regulation, which tracks 18 USC 208, prohibits employee participation in matters involving the employee's "financial interests." The proposed revision expands this limitation, insofar as the regulation is concerned, to include all interests (e.g., employment, membership). The revision would grant exemptive authority from this proscription to the Standards of Conduct Committee. However, exemptive approval would still be required from the Administrator where the interest in question was "financial", thus conforming with the requirements of 18 USC 208.

Also, in connection with the problem of employee involvement in official matters relating to his personal financial interests, the current regulations provide exemptions where debt interests are not in excess of $10,000 and equity interests are less than $10,000 and 1 percent of equity. The proposed revision deletes these dollar and ownership percentage exemptions, on the ground that they cannot be equitably or effectively applied either from the Government's or the employee's point of view. For example, a $10,000 debt interest might be insignificant to an affluent employee, while to a less affluent employee, it could constitute a considerable "conflicts" temptation. Experience indicates that the problems can more effectively be handled on a case-by-case basis by the Standards of Conduct Committee, and that full disclosure is more important to the Agency than the satisfaction of an arbitrary standard.

The previous regulation requiring a Certificate of Compliance from new employees is deleted. It is reasoned that the regulations apply to all employees regardless of whether they provide such a certificate. It is noted that this change in no way prevents the Office of Personnel from obtaining such a certificate from new employees.

The previous regulations confine the limitations against SBA assistance to concerns in which employees have an ownership interest to those cases where the interest is 10 percent or more. This percentage limitation is deleted from the revision on the grounds that it is not flexible enough. For example, 9 percent or even 1 percent ownership in a particular "SBA assistance" recipient by an employee might raise a serious "conflicts" question. Experience indicates that the matter can be handled effectively by the Standards of Conduct Committee on a case-by-case basis, and that full disclosure is more important to the Agency than the satisfaction of an arbitrary standard.

(9) *Section 105.509.* Subsection (4) of this provision is new. It is added to make it clear that false statements to the detriment of the Government or another employee are within the scope of proscribed conduct.

(10) *Section 105.510.* Express guidelines for consideration of outside employment requests are provided in the revision.

(11) *Section 105.511.* The requirement to file Confidential Statements of Employment and Financial Interests is changed to include all employees involved in discretionary activities rather than merely those at GS–13 and above, as is the case under the current regulations. In SBA's decentralized organization, many of the field personnel immediately involved in the approval and disbursement of loans and other SBA assistance are under the GS–13 level.

The current regulations specify that incumbents in certain high ranking agency positions must file Statements solely by virtue of their official positions. In order to avoid the technical difficulties that arise when position titles are changed or new positions are added, the revision would require "ex officio" filing from all employees classified at Executive Levels IV & V and GS–17 and 18.

The revised rules provide greater precision and guidance regarding the mechanics of filing Statements, e.g., the determination as to who must file, with whom, and how, filing should be effected.

The present distinction in filing requirements between regular employees and "Special Government Employees" is eliminated. It is reasoned that "Special Government Employees" are subject to equal, if not greater, "conflicts" dangers as regular employees and thus should be subject to at least the same reporting requirements.

(12) *Section 105.517.* The current regulation requires employees to report possible irregularities in official functions to the Director of Personnel. The revision would add the Director, Security & Investigations Division, as a required recipient of such reports.

(13) *Section 105.518.* This revised regulation is a new provision expressly requiring employee compliance with all rules, regulations and official directions. It is intended to delineate clearly the full scope of an employee's responsibilities.

(14) *Section 105.519.* The revision transfers approval authority for exceptions to the antigambling rule from the Administrator to the Director of Personnel.

(15) *Section 105.601.* The current regulation requires Ad Hoc [Standards of Conduct] Committee approval for SBA assistance to persons employed by other Government agencies at GS–13 and above or equivalent and a letter of "no objection" from the other Government department in the case of employees under GS–13. Experience has demonstrated that this is excessive regulation, resulting in the creation of unnecessary administrative work and documentation. The revision would merely require a letter of "no objection" for employees GS–13 and above. No approval procedure for other employees would be required.

The revision establishes a new requirement that assistance to officers and employees of the legislative and judicial branches of the U.S. Government can be granted only with Standards of Conduct Committee approval.

(16) *Section 105.602.* The revision would add a new provision requiring Standards of Conduct Committee approval for SBA assistance to SCORE and ACE volunteers. In addition, criteria for this Committee review are provided in the regulation.

Because Part 105 consists of rules relating to Agency management and personnel, adoption of the revised regulations through the rulemaking procedure prescribed in 5 USC 553 is not required and this revised Part 105 is hereby adopted without resort to those procedures. In accordance with Agency policy, however, interested persons may submit written comments concerning the revised Part 105 to Mr. Donald W. Farrell, Associate General Counsel, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

This revision of Part 105 was approved by the Civil Service Commission on June 11, 1976, and shall be effective August 10, 1976.

Dated: July 12, 1976.

MITCHELL P. KOBELINSKI,
Administrator.

[FR Doc.76–23221 Filed 8–9–76;8:45 am]

[Rev. 3, Amdt. 10]

PART 122—BUSINESS LOANS

Guaranteed Loans—Notification of Default

The Small Business Administration is amending its business loan regulations to further modify the requirement for notification to SBA by participating lenders regarding borrower default on loans as previously amended by Revision 3, Amendments 7 and 8, 41 FR 10415, 41 FR 16146.

In lieu of the prior requirement that SBA receive written notification within 45 or 90 days of default with the provision for termination of the guaranty if notification is not received within 90 days, the revised provision will require receipt of notification within 45 days of default. Where SBA receives written notice of uncured default after 45 days from the date of default by the borrower, the lender shall not be entitled to receive at any time accrued interest on the guaranteed portion of unpaid principal of the loan from the date of default by the borrower to the date of receipt by SBA of written notice of said default. The amendment also prescribes the methods whereby late receipt or nonreceipt of written notification of default may be excused. If SBA receives notification more than 45 days after default, SBA will determine before it purchases the guaranteed portion whether the untimely notification caused any substantial harm to the Government.

Since this amendment is less restrictive than the regulations it replaces and will be beneficial to loan participants without imposing any additional burden on small business borrowers, it is not necessary or appropriate to invite public comment prior to its adoption. This amendment will, therefore, be effective on August 10, 1976. However, any comments on this amendment may be submitted to the Associate Administrator for Finance and Investment, Small Business Administration, 1441 L St. NW., Washington, D.C. 20416. Until such time as further changes are made on the basis of the comments thus received or otherwise, § 122.10 (a)(1) and (b)(1) as set forth hereinafter shall remain in effect.

Pursuant to the authority of 72 Stat. 387, as amended, 15 U.S.C. 636, sec. 5, 72 Stat. 385, 15 U.S.C. 634, Part 122 of Chapter I of Title 13 of the Code of Federal Regulations is hereby amended, by revising §§ 122.10 (a)(1) and (b)(1) thereof to read as follows:

§ 122.10 Guaranteed loans.

(a) *Individually guaranteed loans.* (1) Individually guaranteed loans are loans made by a lender to small business concerns under a Guaranty Agreement between SBA and the lender which is applicable only to a specific loan to an identified small business concern. Under such a Guaranty Agreement, SBA is obligated to purchase not more than 90 percent of the outstanding balance of the loan authorized thereunder, together with accrued interest, in the event the borrower has defaulted for not less than 60 days. SBA also has the right to purchase at any time the guaranteed percentage of the loan. Written notification of any uncured default on a guaranteed loan hereunder shall be received by SBA within 45 days after such default. (Default as used in this subparagraph means nonpayment of principal or interest on the due date.) Where SBA receives written notice of uncured default after 45 days from the date of default by the borrower, the lender shall not be entitled to receive at any time accrued interest on the guaranteed portion of unpaid principal of the loan from the date of default by the borrower to the date of receipt by SBA of written notice of said default; *Provided, however,* That SBA shall not purchase the guaranteed percentage unless SBA shall first determine that said delay in notification of default did not cause any substantial harm to the Government. Late receipt or nonreceipt of such required notice within 45 days by SBA will be excused only where written notification was sent by registered or certified mail not later than the fifth day, or by mailgram not later than the third day prior to the forty-fifth day after the original date of the uncured default. The evidence to establish the date of mailing shall be the U.S. Postal Service postmark on the wrapper or on the original receipt from the U.S. Postal Service. The evidence to establish the date of transmission by mailgram shall be the automatic date indication appearing on the mailgram. If the postmark in the case of mail or the automatic date indication in the case of a mailgram is illegible, the notification date shall be established by the best evidence available. The lender shall be responsible to establish and to retain evidence of delivery of the required written notification to SBA.

* * * * *

(b) *Simplified blanket guaranty loans.* (1) Simplified blanket guaranteed loans are loans made by a lender under a Guaranty Agreement between SBA and the lender which is applicable to future loans to small business concerns as authorized by SBA. Under such a Guaranty Agreement, SBA is obligated to purchase not more than 90 percent of the outstanding balance of each loan authorized thereunder together with accrued interest in the event the borrower has defaulted for not less than 60 days. SBA also has the right to purchase at any time the guaranteed percentage of any loan. Any eligible loan which the lender would make only with the guaranty of SBA may be authorized by SBA under said Guaranty Agreement. Written notification of any uncured default in any guaranteed loan shall be received by SBA within 45 days after such default. (Default as used in this subparagraph means nonpayment of principal or interest on the due date.) Where SBA receives written notice of uncured default after 45 days from the date of default by the borrower, the lender shall not be entitled to receive at any time accrued interest on the guaranteed portion of unpaid principal of the loan from the date of default by the borrower to the date of receipt by SBA of written notice of said default; *Provided, however,* That SBA shall not purchase the guaranteed percentage unless SBA shall first determine that said delay in notification of default did not cause any substantial harm to the Government. Late receipt or nonreceipt of notice within 45 days by SBA will be excused only where written notification was sent by registered or certified mail not later than the fifth day, or by mailgram not later than the third day prior to the forty-fifth day after the original date of the uncured default.

The evidence to establish the date of mailing shall be the U.S. Postal Service postmark on the wrapper or on the original receipt from the U.S. Postal Service. The evidence to establish the date of transmission by mailgram shall be the automatic date indication appearing on the mailgram. If the postmark in the case of mail or the automatic date indication in the case of a mailgram is illegible, the notification date shall be established by the best evidence available. The lender shall be responsible to establish and to retain evidence of delivery of the required written notification to SBA.

* * * * *

Effective date: August 10, 1976.

(Catalog of Federal Domestic Assistance Programs No. 59.012 Small Business loans)

Dated: August 4, 1976.

MITCHELL P. KOBELINSKI,
Administrator.

[FR Doc.76–23213 Filed 8–9–76;8:45 am]

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Reg. No. 10]

PART 410—FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969, AS AMENDED, TITLE IV—BLACK LUNG BENEFITS (1969.....)

Subpart C—Relationship and Dependency

REQUIREMENTS FOR ENTITLEMENT TO CHILD'S BENEFITS

On April 1, 1976, there was published in the FEDERAL REGISTER (41 FR 13940) a notice of proposed rulemaking with proposed amendment to Subpart C, Regulations No. 10. The amendment revises the regulations with respect to the determination of an individual's status as a child of a miner or his widow.

Section 402(g) of the Federal Coal Mine Health and Safety Act, as amended, 30 USC 902(g), provides, in part, that "an individual's status as the 'child' of" a miner or [his] widow "shall be made in accordance with section 216(h) (2) or (3) of the Social Security Act as if such miner or widow were the 'insured individual' referred to therein." Section 216 (h)(3), 42 U.S.C. 416(h)(3) provides, in pertinent part, that a child born out of wedlock to an insured individual entitled to old age insurance benefits or disability

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insurance benefits is a "child" of the insured individual for purposes of entitlement to child's insurance benefits if the insured individual was decreed by a court to be the child's father or was ordered by a court to contribute to the child's support because the child is his or her son or daughter, or acknowledged in writing that the child is his or her son or daughter, prior to the beneficiary's entitlement to benefits; or is shown to be the child's father by other satisfactory evidence and was living with the child or contributing to the child's support at the time the insured individual became entitled to benefits.

Under present black lung benefit regulations, certain children born out of wedlock to a beneficiary after the latter's entitlement to black lung benefits has begun are precluded from being considered a "child" for purposes of such benefits. The proposed amendment changes the regulations to conform with the U.S. Supreme Court's decision in *Jimenez v. Weinbeger*, 417 U.S. 628 (1974), which declared unconstitutional the time requirements for meeting the support test, in section 216(h)(3)(B). Thus the time of determining an individual's status as a "child" of a miner or his widow is proposed to be changed from the time of the miner's or widow's entitlement to black lung benefits to the time the miner or widow died or the request for augmented benefits is made. This change would be effective with respect to benefit payments for months beginning June 1974. It is contemplated that the change will affect a very small number of claimants since it would apply in the case of a child born out of wedlock to a beneficiary who is entitled, or if now deceased at the time of death was entitled, to black lung benefits under Part B of title IV of the Federal Coal Mine Health and Safety Act, as amended, and such child was born after such beneficiary became entitled to such benefits. The proposed amendment is in conformity with the corresponding amendments to the regulations applicable to title II of the social security program (20 CFR 404.1101(e)) published in final form in the FEDERAL REGISTER on July 10, 1975, at 40 FR 29072.

After the publication of the Notice of Proposed Rule Making, interested persons were given the opportunity to submit, within 30 days, data, views or arguments with regard to the proposed changes. The comment period has expired, and no adverse comments were received. The proposed amendment is hereby adopted without change and is set forth below.

(Secs. 402(g), 411(a), 426(a), 508, Federal Coal Mine Health and Safety Act of 1969, as amended, 86 Stat. 152, 83 Stat. 793, as amended; 83 Stat. 798; 83 Stat. 803 (30 U.S.C. 902(g), 921(a), 936(a), 957).)

This amendment shall be effective on August 10, 1976.

(Catalog of Federal Domestic Assistance Program No. 13,806, Special Benefits for Disabled Coal Miners.)

Dated: July 9, 1976.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: August 4, 1976.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

Part 410 of Chapter III of title 20 of the Code of Federal Regulations is amended by adding paragraph (g) to § 410.330 to read as follows:

§ 410.330 Determination of relationship; child.

As used in this section, the term "beneficiary" means only a widow entitled to benefits at the time of her death (see § 410.211), or a minor, except where there is a specific reference to the "father" only, in which case it means only a minor. An individual will be considered to be the child of a beneficiary if:

• • • • • •

(g) Such individual is the natural son or daughter of a beneficiary but does not have the relationship of child to such beneficiary under paragraph (a), (b), or (c) of this section, and is not considered to be the child of the beneficiary under paragraph (d) or (e) of this section, such individual shall nevertheless be considered to be the child of such beneficiary for months no earlier than June 1974, if:

(1) Such beneficiary has acknowledged in writing that the individual is his son or daughter, or has been decreed by a court to be the father of the individual, or he has been ordered by a court to contribute to the support of the individual (see § 410.395(c)) because the individual is his son or daughter; and in the case of a deceased individual such acknowledgement, court decree, or court order was made before the death of such beneficiary; or

(2) Such beneficiary is shown by satisfactory evidence to be the father of the individual and was living with or contributing to the support of the individual at the time such request for benefits is made.

[FR Doc.76-23198 Filed 8-9-76;8:45 am]

Title 22—Foreign Relations

CHAPTER VI—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

PART 606—CONDUCT OF EMPLOYEES

Subpart G—Statements of Employment and Financial Interests

EMPLOYEES REQUIRED TO SUBMIT STATEMENTS

Paragraph (a) of § 606.735–71 lists the employees who are required to submit statements of employment and financial interest and paragraph (a) of § 606.735–72 references that list. The Agency is revising these paragraphs in order to reflect more specifically the criteria to be followed by the Agency in determining which employees will be required to submit statements, and to ensure that the list of positions occupied by such employees, available for inspection in the Agency's Personnel Office, is periodically reviewed and kept up-to-date.

Because these amendments relate to Agency management and personnel, notice of proposed rulemaking is not required pursuant to 5 U.S.C. 553. Accordingly, 22 CFR Part 606 is hereby amended as follows effective on August 10, 1976.

1. Section 606.735–71 is amended by revising paragraph (a) to read as follows:

§ 606.735–71 Employees required to submit statements.

(a) (1) The following employees of ACDA (including persons assigned or loaned to ACDA) are required to submit statements of employment and financial interests:

(i) Employees paid at a level of the Executive Schedule in subchapter II of Chapter 53 of Title 5, United States Code.

(ii) Employees classified at GS–13 and above or equivalent pay level who execute or approve the award of contracts, or engage in activities in which the final decision or action may have a significant economic impact on the interests of any business enterprise.

(iii) All special Government employees.

(2) The ACDA Executive Officer shall review all Agency positions at least annually to assure that the position description for each position occupied by employees listed in paragraph (a) (1) of this section includes a statement that the incumbent of the position must file a statement of employment and financial interests as required by this section. This review, and any necessary modifications of position descriptions, may be accomplished at the time performance or efficiency ratings are given, or incident to other prescribed annual reviews. A list of positions affected by this section will be available for inspection in the ACDA Personnel Office. Determinations by the Executive Officer as to the applicability of this section will be subject to review by the Director of ACDA.

2. Section 606.735–72 is amended by revising the first sentence to read as follows:

§ 606.735–72 Submission of statements and supplementary statements.

(a) *Regular officers and employees.* Each regular officer and employee (including persons assigned or loand to ACDA) occupying a position covered by one of the categories described in § 606.735–71(a) must submit a fully completed ACDA Form 18 in duplicate to the Office of the General Counsel no later than 30 days after occupying such position. • • •

• • • • • •

Dated: August 2, 1976.

JOHN LEHMAN,
Acting Director.

[FR Doc.76-23225 Filed 8-9-76;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-2247]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

• The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128). •

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 40 FR 57210–212 and 41 FR 1062). A list of servicing companies is also available from the Federal Insurance Administration (FIA), HUD, 451 Seventh Street SW., Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. § 551. The entry reads as follows:

§ 1914.4 List of Eligible Communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
•	•	•	•	•	•
Kentucky	Hart	Munfordville, city of	Aug. 2, 1976, emergency		210243
Do.	Carroll	Prestonville, town of	do	Aug. 16, 1974	210067A
				Feb. 20, 1976	
New York	Wayne	Galen, town of	do	Dec. 6, 1974	361225
Pennsylvania	Susquehanna	Forest City, borough of	do	Nov. 22, 1974	422067
Virginia	Northampton	Unincorporated areas	Sept. 6, 1974, emerging; Aug. 11, 1976, regular.	Sept. 6, 1974	510105
•	•	•	•	•	•
Iowa	Linn	Hiawatha, city of	Aug. 3, 1976, emergency	Apr. 23, 1976	190441
Missouri	Douglas	Ava, city of	do	May 17, 1974	290121A
				Apr. 2, 1976	
Nebraska	Lancaster	Bennet, village of	do	Apr. 25, 1975	310251
Pennsylvania	Huntingdon	Petersburg, borough of	do		420490
Idaho	Valley	Donnelly, city of	Aug. 4, 1976, emergency		160121A
Iowa	Dubuque	Epworth, city of	do	Aug. 22, 1975	190576
Kansas	Montgomery	Caney, city of	do	Feb. 15, 1974	200230
				Oct. 24, 1975	
South Carolina	Sumter	Pinewood, town of	do	June 21, 1974	450183A
Utah	Cache	Mendon, city of	do		490020
Mississippi	Lowndes	Columbus, city of	July 26, 1976, suspension withdrawn.	June 7, 1974 Jan. 16, 1976	280168A
Connecticut	Windham	Canterbury, town of	Aug. 5, 1976, emergency	Jan. 10, 1975	090183
Maine	Penobscot	Lee, town of	do	Jan. 31, 1975	230394
Missouri	Cass	Strasburg, city of	do	Aug. 16, 1974 Nov. 14, 1975	290071A
Nebraska	Saunders	Mead, village of	do	Sept. 5, 1975	310301
Oklahoma	Delaware	Jay, town of	do	June 28, 1974 Jan. 16, 1976	400057A
•	•	•	•	•	•
Michigan	Dickinson	Breen, township of	Aug. 8, 1976, emergency		260389
Nebraska	Cass	Eagle, village of	do	Aug. 8, 1975	310274
New Hampshire	Strafford	Strafford, town of	do	Feb. 28, 1975	330196

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: July 29, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-22999 Filed 8-9-76;8:45 am]

[Docket No. FI-2244]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

• The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128). •

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 40 FR 57210–212 and 41 FR 1062). A list of servicing companies is also available from the Federal Insurance Administration (FIA), HUD, 451 Seventh Street SW, Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.4 of Part 1914 of Subchapter E of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. § 551. The entry reads as follows:

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§ 1914.4 List of Eligible Communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
•	•	•	•	•	•
Georgia	Chattooga	Lyerly, town of	July 26, 1976, emergency	Apr. 4, 1975	130294
Kansas	Clark	Minneola, city of	do	Feb. 8, 1974	200051A
				Oct. 17, 1975	
Mississippi	Smith	Mize, town of	do	July 11, 1975	280160
Missouri	Nodaway	Burlington Junction, city of	do	do	290740
New Jersey	Atlantic	Absecon, city of	Dec. 23, 1971, emergency; Mar. 5, 1976, regular; June 21, 1976, suspended; July 19, 1976, reinstated.	June 28, 1974	340001B
New York	Cattaraugus	Perrysburg, town of	July 26, 1976, emergency	May 17, 1974	360091A
				Apr. 23, 1976	
Oklahoma	Sequoyah	Gans, town of	do	Nov. 29, 1974	400194
•	•	•	•	•	•
Idaho	Canyon	Parma, city of	July 27, 1976, emergency	May 17, 1974	160039
Kansas	Jewell	Jewell, city of	do	Aug. 22, 1975	200510
Missouri	Bates	Adrian, city of	do	Jan. 24, 1975	290749
Do	Iron	Annapolis, city of	do	Apr. 18, 1975	290763
Montana	Flathead	Kalispell, city of	do	Feb. 15, 1974	300025A
				May 21, 1976	
New Hampshire	Hillsborough	New Ipswich, town of	do	Dec. 13, 1974	330099
New York	Schoharie	Esperance, village of	do	Jan. 24, 1975	361542A
				Jan. 30, 1976	
Washington	King	Black Diamond, town of	do	July 25, 1975	530272
•	•	•	•	•	•
Colorado	Adams	Federal Heights, town of	July 8, 1976, emergency	July 11, 1975	080240
Montana	Pondera	Valier, town of	do	Apr. 18, 1975	300133
•	•	•	•	•	•
Colorado	Park	Fairplay, town of	July 29, 1976, emergency	July 18, 1975	080239
Illinois	Kane	Unincorporated areas	do	May 14, 1976	170896
Iowa	Louisa	Columbus Junction, city of	do	Jan. 9, 1974	190307A
				May 7, 1976	
Michigan	Genesee	Mundy, township of	do	Oct. 3, 1975	260401
Oklahoma	Latimer	Red Oak, town of	do	Dec. 20, 1974	400437
Pennsylvania	Lycoming	Cascade, township of	do	Oct. 18, 1974	421837A
				May 28, 1976	
Do	Union	Lewis, township of	do	July 11, 1975	422104
Do	Armstrong	North Apollo, borough of	do	Jan. 31, 1975	422300A
				Oct. 31, 1975	
•	•	•	•	•	•
Kansas	Allen	La Harpe, city of	July 30, 1976, emergency	Aug. 22, 1975	200514
Michigan	Saginaw	Buena Vista, township of	do	July 25, 1975	260499
Missouri	Christian	Clever, city of	do	July 18, 1975	290600
New York	Tioga	Candor, town of	do	Aug. 2, 1974	360833
Do	Delaware	Middletown, town of	do	Sept. 6, 1974	360209
Do	Essex	North Hudson, town of	do	July 11, 1975	361201
Oklahoma	Blaine	Okeene, town of	do	June 28, 1974	400015A
				Dec. 5, 1975	
Virginia	Loudoun	Purcellville, town of	do	July 11, 1975	510231

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: July 22, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-23000 Filed 8-9-76;8:45 am]

[Docket No. FI-942]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for City of Charles City, Floyd County, Iowa

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his finnal determinations of flood elevations for the City of Charles City, Floyd County, Iowa under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall Lobby, City Hall, 105 Milwaukee Mall, Charles City, Iowa.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Cedar River	Corporate limits	994.5	260	(1)
	College Ave. (extended)	996.0	120	390
	U.S. Highway 18	996.9	150	−40
	Joslin St. (extended)	1,002.5	410	230
Hyers Creek	Riverside Avenue Bridge	1,005.7	1,040	(1)
	Grand Ave.	1,009.9	1,670	360
	Corporate limits	1,003.5	140	200
Shermans Creek	U.S. Highway 218	1,004.0	350	220
	Corporate limits	1,008.9	220	140

[1] Outside corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: July 27, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-23135 Filed 8-9-76;8:45 am]

[Docket No. FI-940]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for City of Chillicothe, Peoria County, Illinois

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the City of Chillicothe, Peoria County, Illinois under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Counter at City Hall, 908 North Second Street, Chillicothe, Illinois.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Illinois River	Park Blvd.	460	210	
	Clover Dale Rd.	460	80	
	Hickory St.	460	490	
	Sycamore St.	460	440	
	Beech St.	460	490	
	Elm St.	460	410	
	Walnut St.	460	280	
	Pine St.	460	290	
	Chestnut St.	460	300	
	Cedar St.	460	420	
	Ash St.	460	490	
	Trult St.	460	400	
	Oak St.	460	280	

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: July 27, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-23134 Filed 8-9-76;8:45 am]

V 41 155 AUG 10 76 UMI

[Docket No. FI-945]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for City of East Orange, New Jersey

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973, (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of the final determinations of flood elevations for City of East Orange, New Jersey under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at 44 City Hall Plaza, East Orange, New Jersey 07019.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Nishuane Brook	Hayward St	150	(1)	100
	Dodd St	116		200
	Erie Lackawanna R.R	145	150	150
Second River	Springdale Ave	145	200	300
	North Park St	144	50	150
	Rustic Bridge	126	50	50

[1] To corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: July 29, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-23137 Filed 8-9-76;8:45 am]

[Docket No. FI-939]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for City of Prescott, Yavapai County, Arizona

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the City of Prescott, Yavapai County, Arizona under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain mangement in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the City Hall Lobby, City Hall, 201 South Cartez Street, Prescott, Arizona.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Granite Creek	Wilkerson Dr		375	1,400
	Unnamed road		125	350
	U.S. Route 89		25	50
	6th St	5,300	750	250
	Atchison, Topeka & Santa Fe RR	5,320	25	50
	East Gurley St	5,340	325	450
	Carleton St	5,350	300	150
	Aubrey St	5,355	75	375
	Leroux St	5,360	175	100
	Spar Rd	5,385	50	45
	Brookside Blvd. (extended)	5,405	100	25
	U.S. Route 89		65	50
Butte Creek	Corporate limits (west)		100	100
	Plaza Dr	5,405	150	50
	West Gurley St	5,430	100	50
	Willow St	5,347	50	100
	Grove Ave	5,335	50	125
	A.T. & S.F. RR	5,335	50	125
Aspen Creek	Middlebrook Rd	5,473	200	100
	Highland Ave	5,450	25	25
	Park Ave	5,415	100	75
	Jonian Ave		75	25
North fork of Granite Creek.	Whipple St	5,353	525	450
	Merritt Ave	5,342	225	750
Government Creek	A.T. & S.F. RR		375	50
	U.S. Route 89		50	50
	State Route 69		50	50
Bannon Creek	Corporate limits (east)		75	75
Unnamed tributary to Granite Creek (north).	U.S. Route 89		150	75
Unnamed tributary to Granite Creek (south).	A.T. & S.F. RR		75	75
	Moeller St		100	100
	East Sheldon St		150	100
	East Gurley St		75	125
Willow Creek	Corporate limits (west)		225	100
	Lorraine Dr		775	75
	Willow Creek Rd		25	25
North fork of Miller Creek.	Unnamed street	5,430	100	75
	Hinman St	5,400	375	25
	Whipple St	5,390	375	15
Willow Creek	Corporate limits (west) Organ Ave	5,470	50	75
	Park Dr	5,415	25	25
	Fairground Ave	5,385	25	25
	Hillside Ave	5,377	150	250
	Miller Valley Rd	5,355	25	35
	Lincoln Ave	5,333	250	150
	Campbell St (extended)	5,325	300	115
	Granite St. (extended)	5,318	75	200

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: July 27, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-23133 Filed 8-9-76;8:45 am]

[Docket No. FI-945]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for Town of Clinton, New Jersey

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of the final determinations of flood elevations for Town of Clinton, New Jersey under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Town must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at Town Hall, 43 Lehigh Street, Clinton, New Jersey 08809.

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Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
South Branch Raritan River.	West Main St.	191	0	1,475
	Main and East Main St.	193	20	(1)
	Halstead St.	200	300	0
Beaver Brook	Lehigh St.	193	250	910

(1) Total length of street.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: July 30, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-23136 Filed 8-9-76;8:45 am]

[Docket No. FI-948]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for Town of West Seneca, Erie County, N.Y.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the Town of West Seneca, Erie County, New York under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Town must adopt flood plain mangement measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Meeting Room, Town Hall, 1250 Union Road, West Seneca, New York.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Cayuga Creek	Harlan Rd.	594.0	70	110
	Clinton St.	596.1	100	(1)
	North corporate limits	600.6	590	(1)
Buffalo Creek	Penn Central R.R.	608.1	110	140
	Union Rd.	621.2	150	30
	Borden Rd.	650.5	120	10
Cazenovia Creek	Orchard Park Rd.	607.5	2,050	110
	Ridge Rd.	620.0	50	100
	Union Rd.	632.0	70	720
	Transit Rd.	685.6	100	200
Smokes Creek	New York State Throughway	614.4	250	100
	Laugner Rd.	621.3	200	1,370
Buffalo River	West corporate limits	591.2	750	150
	New York State Throughway	594.0	220	250

(1) Outside corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: July 27, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-23138 Filed 8-9-76;8:45 am]

Title 25—Indians

CHAPTER I—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

SUBCHAPTER F—ENROLLMENT

PART 41—PREPARATION OF ROLLS OF INDIANS

Qualifications for Enrollment and Deadline for Filing Applications—Apache Tribe of Oklahoma

AUGUST 5, 1976.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

The authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9).

On page 26021 of the FEDERAL REGISTER of June 24, 1976 (41 FR 26021), there was published a notice of proposed rulemaking to amend § 41.3, Part 41, Subchapter F, Chapter I of Title 25 of the Code of Federal Regulations by adding a new paragraph designated (aa). The amendment was proposed to carry out the provisions of the plan, developed under the Indian Judgment Fund Act of 1973, for the use and distribution of funds derived from a judgment awarded the Kiowa, Comanche and Apache Indians by the Indian Claims Commission. The plan become effective June 8, 1976.

The amendment specifies requirements for enrollment and establishes a deadline for filing applications for enrollment as a member of the Apache Tribe.

Interested persons were given 30 days in which to submit written comments, suggestions or objections. No comments, suggestions or objections were received.

The only change made in the text of the amendment is the insertion of an actual deadline date for filing enrollment applications. Accordingly, with that change, the proposed amendment is hereby adopted and is set forth below.

The 30-day deferred effective date would delay completion of the roll and apportionment of the funds among the three tribes concerned and distribution of shares to eligible enrollees. Therefore, the 30-day deferred effective date is dispensed with under the exception provided in subsection (d)(3) of 5 U.S.C. 553 (1970). Accordingly, this amendment will become effective August 10, 1976.

JOSE A. ZUNI,
Acting Deputy Commissioner of Indian Affairs.

The new paragraph (aa) is added to § 41.3 of Part 41, Subchapter F, Chapter I of Title 25 of the Code of Federal Regulations and reads as follows:

§ 41.3 Qualifications for enrollment and the deadline for filing applications.

* * * * *

(aa) *Apache Tribe of Oklahoma.* (1) For the purpose of preparing a roll of members of the Apache Tribe of Oklahoma to be used as the basis for distributing funds derived from a judgment awarded in Indian Claims Commission Dockets 257 and 259–A the following persons shall be included as members, provided they were born on or prior to and living on June 8, 1976, and provided further they have not received land or money by virtue of being enrolled as members of another tribe:

(i) All persons of Apache Indian or captive blood who received an allotment of land as members of the Apache Tribe under the Act of June 6, 1900 (31 Stat. 672), and subsequent Acts, shall be included as fullblood members of the Apache Tribe of Oklahoma.

(ii) All living direct descendants by blood of allottees, including captives, eligible for membership under the provisions of paragraph (aa)(1)(i) of this section (i) who possess at least one-fourth (¼) degree Apache Indian or captive blood, as defined and derived from paragraph (aa)(1)(i) of this section provided they file an application for enrollment.

(2) Applications for enrollment as members of the Apache Tribe of Oklahoma to share in the per capita distribution of the judgment funds must be filed with the Area Director, Bureau of Indian Affairs, Post Office Box 368, Anadarko, Oklahoma 73005, and must be received by the Director no later than close of business September 10, 1976.

(3) Appeals from rejected applications shall be handled in accordance with Part 42 of this Chapter.

[FR Doc.76-23274 Filed 8-9-76;8:45 am]

Title 29—Labor

CHAPTER XIV—EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

PART 1602—RECORDS AND REPORTS

Subpart E—Apprenticeship Recordkeeping

STANDARD RACE/ETHNIC CATEGORIES

In memoranda from the Office of Management and Budget and the General Accounting Office dated April 15, 1975, and September 9, 1975, respectively, the Commission was advised that its survey forms must use the standard race/ethnic categories. On April 27, 1976, there was published in the FEDERAL REGISTER (41 FR 17601) a notice of the change to the standard race/ethnic categories on the EEO–1, EEO–2, EEO–2E, and EEO–3 reports. This necessitates a revision of the categories for applicant identification in 29 CFR 1602.20(b). The change to the standard race/ethnic categories is one of nomenclature and not substance. The change does not involve a significant departure from the prior definitions. This amendment is entirely administrative in nature. Therefore the public rulemaking process is inappropriate and is waived. Amendment will become effective on August 10, 1976.

By virtue of the authority vested in it by section 713(a) of Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000e–12(a)), 78 Stat. 265, the Equal Employment Opportunity Commission hereby amends Title 29, Chapter XIV, § 1602.20 as follows:

1. Section 1602.20 is amended by revising paragraph (b) as follows:

§ 1602.20 Records to be made or kept.

* * * * *

(b) Every employer, labor organization, and joint labor-management committee subject to Title VII which controls an apprenticeship program (regardless of any joint or individual obligation to file a report) shall, beginning August 1, 1967, maintain a list in chronological order containing the names and addresses of all persons who have applied to participate in the apprenticeship program, including the dates on which such applications were received. (See section 709(c), Title VII, Civil Rights Act of 1964.) Such list shall contain a notation of the sex of the applicant and of the applicant's identification as "White," "Black," "Hispanic," "Asian or Pacific Islander" or "American Indian or Alaskan Native." The methods of making such identification are set forth in the instruction accompanying Report EEO–2. The words "applied," "applicant" and "application" as used in this section refer to situations involving actual applications only. An applicant is considered to be a person who files a formal application, or in some informal way indicates a specific intention to be considered for admission to the apprenticeship program. A person who casually appears to make an informal inquiry about the program, or about apprenticeship in general, is not considered to be an applicant. The term "apprenticeship program" as used herein refers to programs described in the instructions accompanying Report EEO–2.

* * * * *

It is hereby certified that the revised regulation has been assessed for the need of an Inflationary Impact Statement. Because of the minor nature of the changes, this revision does not require an Inflationary Impact Statement.

Signed at Washington, D.C., on this 4th day of August 1976.

ETHEL BENT WALSH,
Vice Chairman, Equal Employment Opportunity Commission.

[FR Doc.76-23176 Filed 8-9-76;8:45 am]

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 110—HEALTH MAINTENANCE ORGANIZATIONS

Subpart E—Loans and Loan Guarantees for Initial Operating Costs

DEFINITION OF "OPERATING COST"

On October 18, 1974, there was published in the FEDERAL REGISTER (39 FR 37308–37323) a regulation implementing certain provisions of the Health Maintenance Organization Act of 1973, Pub. L. 93–222, which enacted Title XIII of the Public Health Service Act, 42 U.S.C. 300e et seq. Section 1305 of the PHS Act, 42 U.S.C. 300e–4, authorizes the Secretary of Health, Education, and Welfare to provide loan and loan guarantee assistance to certain health maintenance organizations "* * * to assist them in meeting the amount by which their operating costs in the period of the first thirty-six months of their operation exceed their revenues in that period." The definition of the term "operating cost" included in the October 18, 1974, regulation (42 CFR 110.502(a)) has, in the course of operation, proved to be too restrictive in that it excludes from the scope of such term (and hence reduces the amount of loan assistance) certain costs which the Department views as being reasonable and necessary costs of operating a health maintenance organization, such as the repayment of the principal of existing loans, payments into reserve funds required by State law, and accounts payable at the beginning of the thirty-six month period of assistance. Accordingly, the Department has concluded that 42 CFR 110.502(a) should be amended.

Because immediate corrective action is necessary to implement the loan and loan guarantee programs without imposing undue hardships on those health maintenance organizations whose thirty-six months period of assistance will soon begin, the Department has concluded that notice and public procedure thereon are impractical and contrary to the public interest and has found good cause for their omission. As a rule which relieves a restriction, this amendment will be effective August 10, 1976.

Effective date: This amendment shall be effective August 10, 1976.

Dated: May 7, 1976.

JAMES F. DICKSON,
Acting Assistant Secretary for Health.

Approved: August 4, 1976.

DAVID MATHEWS,
Secretary.

42 CFR Part 110 is amended by revising § 110.502(a) to read as follows:

§ 110.502 Definitions.

(a) "Operating cost" means any cost which under generally accepted accounting principles or under accounting practices prescribed or permitted by State regulatory authority is not a capital cost and which is incurred on or after the first day of the applicable period of operation or expansion as defined in paragraph (b) of this section: *Provided*, That payments made by a health maintenance organization during such applicable period to reduce balance sheet liabilities existing at the beginning of such period are operating costs to the extent that they are expressly approved by the Secretary at the time the loan or loan guarantee is made.

* * * * *

[FR Doc.76-23197 Filed 8-9-76;8:45 am]

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Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 121d—EARLY EDUCATION FOR HANDICAPPED CHILDREN

Subpart C—Implementation of Statewide Early Education Plans

Notice of proposed rulemaking was published in the FEDERAL REGISTER on March 17, 1976 (41 FR 11180–11181) setting forth a proposed amendment to Title 45 of the Code of Federal Regulations which would add a new Subpart C to Part 121d. These regulations would govern the administration of awards for Statewide early education plans (under section 624 of the Education of the Handicapped Act, 20 U.S.C. 1424). The proposed regulation set forth rules and criteria to govern awards to State Educational Agencies for the implementation of these Statewide plans for preschool and early education for handicapped children, and the acceleration of special services to those children.

Under section 431(b)(2)(A) of the General Education Provisions Act (20 U.S.C. 1232(b)(2)(A)) interested parties were invited to comment on the proposed regulation. These comments were considered in writing the final regulation. The following comments were sent to the Office of Education. After the summary of each comment, a response is set forth stating changes which have been made in the regulation or the reasons why no change is necessary. The comments are arranged in the order of the sections of the final regulations.

SUMMARY OF COMMENTS AND RESPONSES

1. SECTION 121d.3 APPLICATIONS

Comment. A commenter suggested that the words "comprehensive services" be removed from proposed § 121d.53(a)(2) and that the phrase "related services" be inserted.

Response. The term "comprehensive services" has been deleted and the term "special education and related services" has been inserted to be consistent with the amendments to the Education of the Handicapped Act made by Pub. L. 94–142 (The Education of All Handicapped Children Act).

Comment. A commenter stated that proposed §121d.53(a)(3) may encourage an unnecessary categorization of preschool children.

Response. No change has been made in the regulation. The Office of Education shares the concern regarding the possible adverse effects of categorization of children. However, grouping handicapped children according to their needs is the most practical method of assessing early education needs and of providing special education and related services under the Statewide plan. Further, grouping by need is not the same as labeling children and should not create the problem raised by the commenter.

Comment. A commenter suggested that proposed § 121d.53(a)(2), which relates to strategies for providing services, may be redundant with proposed § 121d.53(a)(3), which relates to procedures for grouping children according to their needs.

Response. No change has been made in the regulation. The sections are not redundant. Strategies for providing services and a description of procedures for grouping children to enable them to receive those services are different activities and should be stated separately in the Statewide plan.

2. DEFINITION

Comment. A commenter suggested that a definition of "Statewide plan for preschool and early education for handicapped children" be included in the regulation.

Response. No change has been made in the regulation. The terms used in the phrase are used in their normal meanings.

3. RELATIONSHIP OF THE REGULATIONS WITH THE EDUCATION OF ALL HANDICAPPED CHILDREN ACT, PUB. L. 94–142

Comment. A commenter suggested that the preamble to the final regulations clarify the relationship between the Statewide plan for preschool and early education for all handicapped children and the individualized education program required by Pub. L. 94–142. Another commenter suggested that a new subpart be added to the regulation which would require the States to plan for the extension of the procedural safeguards as specified in section 615 of Pub. L. 94–142, to include all preschool educational programs.

Response. No change has been made in the regulation. Regulations under Pub. L. 94–142 will be published separately in the FEDERAL REGISTER. In addition, § 121d.53(c) requires that an application describe the relationship of the Statewide plan to Part B of the Education of the Handicapped Act, as amended by Pub. L. 94–142. Statewide plans under this subpart would be for providing early education and preschool programs for all children of that age group. An individualized education program under Part B would be for a particular child. Further, it should be noted that a State will not be required under Part B to provide education to its children aged 3–5 if it "would be inconsistent with State law or or practice, or the order of any court, respecting public education in the State." (Section 612(2)(B) of the Education of the Handicapped Act, added by Pub. L. 94–142. Effective October 1, 1977.)

Comment. A commenter suggested that § 121d.53(b) be expanded to require that the States' "maintenance of effort in preschool education for the handicapped shall not be less than the States' effort at the time Pub. L. 94–142 was signed."

Response. No change has been made in the regulation. As stated above, regulations to implement Pub. L. 94–142 will be issued separately. However, there is no requirement in that statute for the type of rule suggested by the commenter.

Comment. A commenter suggested that a review of the States' rules and procedures under proposed § 121.53(b) should include a review of all departments of State government which provide education for preschool handicapped children. It was suggested that this review should include recommendations for bringing the State into compliance with section 613(a)(11) of the Education of the Handicapped Act.

Response. No change has been made in the regulation. The suggestion relates to a State plan for all handicapped children. As with the other suggestions for implementing Pub. L. 94–142, it is not within the statutory scope of this program to impose such a requirement. These regulations are only to assist State efforts to provide services to preschool and early childhood handicaped children. Section 121.53(b) provides for an application which includes a review of existing State rules, policies, procedures and goals for the preschool and early education of handicapped children. In addition, § 121d.53(f) requires a description of efforts to coordinate the services of Statewide programs to accelerate services to meet the needs of these children.

After consideration of all comments, Title 45 of the Code of Federal Regulations is amended by adding a new Subpart C to Part 121d to read as set forth below.

Effective date. Pursuant to section 431(d) of the General Education Provisions Act, as amended (20 U.S.C. 1232(d)), this regulation has been transmitted to the Congress concurrently with the publication in the FEDERAL REGISTER. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of such transmission, subject to the provisions therein concerning Congressional action and adjournment.

(Catalog of Federal Domestic Assistance 13.444, Handicapped Early Childhood Assistance.)

Dated: July 15, 1976.

Approved: August 4, 1976.

WILLIAM F. PIERCE,
Acting U.S. Commissioner of Education.

MARJORIE LYNCH,
Acting Secretary of Health, Education, and Welfare.

Subpart C—Implementation of Statewide Early Education Plans

Sec.
121d.50 Eligible parties.
121d.51 Purpose.
121d.52 Other applicable regulations.
121d.53 Applications.
121d.54 Criteria for selection of applications.

AUTHORITY: Sec. 624, Education of the Handicapped (20 U.S.C. 1424).

Subpart C—Implementation of Statewide Early Education Plans

§ 121d.50 Eligible parties.

Parties eligible to receive awards under this subpart are State Educational Agencies.

(20 U.S.C. 1424)

§ 121d.51 Purpose.

Payment of Federal funds under this subpart may be made for the purpose of assisting eligible parties in the implementation of Statewide plans for preschool and early education for handicapped children, and the acceleration of special services to those children.

(20 U.S.C. 1424)

§ 121d.52 Other applicable regulations.

(a) Funds provided under this subpart are subject to applicable provisions contained in Parts 100, 100a, 121, and 121e of this chapter.

(b) Subpart A (Early Education Projects) of this part shall not apply to funds provided under this subpart.

(20 U.S.C. 1424)

§ 121d.53 Applications.

An application under this subpart shall include: (a) A detailed Statewide plan for preschool and early education (as defined in § 121d.15) for all handicapped children in that State, which includes:

(1) A description including the age level and handicapping conditions of those children;

(2) Strategies for the provision of special education and related services for all of those children;

(3) A description of procedures for grouping those children according to their individual needs of special problems, for the provision of special services under the Statewide plan;

(4) A discussion of the overall goals and objectives of the Statewide plan;

(5) A timetable for the implementation of those goals and objectives for preschool and early education; and

(6) Strategies for providing parental participation in activities to be carried out under the Statewide plan.

(b) A review of existing State rules, policies, procedures and goals for the preschool and early education of handicapped children;

(c) A discussion of the relationship of the Statewide plan to the State's annual program plan under Part B of the Act;

(d) Strategies for training professional and allied personnel engaged in or preparing to engage in preschool or early education programs for handicapped children;

(e) A description of research and information gathering activities which are necessary to provide a full range of comprehensive services to meet the special needs or problems of handicapped children and their families;

(f) Plans for the development and coordination of programs which will accelerate special services to handicapped children throughout the State;

(g) A discussion of the anticipated impact of the Statewide plan on the handicapped preschool and early education population; and

(h) A description (including background and time commitment) of the staff (which may include an early childhood specialist at least half-time) to carry out the Statewide plan and activities under that plan.

(20 U.S.C. 1231d, 1424)

§ 121d.54 Criteria for selection of applications.

Applications submitted under this subpart will be evaluated under the criteria set forth in § 100a.26(b) of this chapter.

(20 U.S.C. 1424)

[FR Doc.76-23179 Filed 8-9-76;8:45 am]

CHAPTER VIII—CIVIL SERVICE COMMISSION

PART 801—VOTING RIGHTS PROGRAM

Appendix A; Georgia

Appendix A to Part 801 is amended by adding two places for filing in Georgia, under the heading "Dates, Times, and Places for Filing", as set out below:

GEORGIA

County; place for filing; beginning date.
• • • • •
Meriweather; Greenville—U.S. Department of Agriculture, Agricultural Stabilization Conservation Service Office, Williams Street; August 10, 1976.
• • • • •
Stewart; Lumpkin—U.S. Department of Agriculture, Agricultural Stabilization Conservation Service Office, Meeting Room, Court House, Second Floor; August 10, 1976.
• • • • •

(Secs. 7 and 9 of the Voting Rights Act of 1965; Public Law 89–110)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-23260 Filed 8-9-76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20655; RM-2563]

PART 73—RADIO BROADCAST SERVICES

Television Broadcast Stations; Table of Assignments

In the Matter of Amendment of § 73.606(b), table of assignments, television broadcast stations. (Cumberland and Oakland, Maryland.)

1. The Commission here considers comments received on a proposal to reassign Channel *36 from Cumberland, Maryland, to Oakland, Maryland, made in a Notice of Proposed Rule Making, 40 FR 59451, adopted December 11, 1975. The assignment is sought by the Maryland Center for Public Broadcasting (MCPB), the public broadcasting authority for the state of Maryland, which states that it is chartered by the Maryland General Assembly to develop, operate, and maintain a system of state, regional and local facilities to provide educational cultural television programming in the state.

2. As discussed in the Notice, MCPB has determined that Garrett County (in which Oakland is located) lacks public television service whereas Allegany County (in which Cumberland is located) is adequately served by public television from WWPB–TV in Hagerstown, as well as cable services. MCPB in its comments restates its position that the establishment of an educational television broadcast facility at Oakland, an area of the state where there is presently no Maryland public television service, represents a much more efficient use of resources than establishment of such a facility at Cumberland where a high percentage of the population already receives public television service. MCPB states its intention to apply for and establish a new television facility to serve the educational television programming needs of the people in that area if Channel *36 is assigned to Oakland.

3. Comments supporting the reassignment were also received from Tim Dugan, County Planning Director for Garrett County. Dugan informs us that the Garrett County Planning Commission has reviewed the petition and confirms that the facts of the case are correctly stated, and that locating Channel *36 at Oakland would be the most effective way to extend educational television coverage to the largest portion of Garrett County's population. The Planning Commission supports the proposal and states that it would be an exceptionally beneficial compliment to local educational agencies. There were no comments filed in opposition to the proposal.

4. The Commission finds the proposed reassignment to be in the public interest. The TV Table of Assignments was established before state plans for educational television service. The proposed change will allow the state to provide educational services to its citizens with greater efficiency and at lower cost. There being no opposition, and in view of the foregoing, the Commission is persuaded that a sufficient public interest showing has been made to warrant adopting the proposal.

5. Accordingly, it is hereby ordered, That the Television Table of Assignments (§ 73.606(b) of our Rules) is hereby amended effective September 13, 1976, with respect to the Maryland cities listed below:

City:	*Channel No.*
Cumberland	52+, 65
Oakland	*36+

6. The Commission's authority for the above action is contained in Sections 4(i), 5(d)(1), 303 (g) and (r) of the Communications Act of 1934, as amended, and Section 0.281 of the FCC Rules and Regulations.

7. It is further ordered, That this proceeding is terminated.

V 41 155 AUG 10 76 UMI

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 165, 305.)

Adopted: July 29, 1976.

Released: August 4, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-23203 Filed 8-9-76;8:45 am]

[Docket No. 20803; RM-2629]

PART 73—RADIO BROADCAST SERVICES

Television Broadcast Stations; Table of Assignments

In the matter of amendment of § 73.606(b), table of assignments, television broadcast stations. (Park Falls, Wisconsin.)

1. The Commission has under consideration its Notice of Proposed Rule Making adopted May 11, 1976 (41 Fed. Reg. 20707), proposing the assignment of Channel 36 to Park Falls, Wisconsin, as a reserved noncommercial educational channel. Petitioner, The State of Wisconsin—Educational Communications Board (ECB) is the only commenting party.

2. Park Falls (pop. 2,953)[1] is located in Price County (pop. 14,520) in the northern part of Wisconsin. It has no local television service. The subject assignment has been proposed to provide a first educational service to 75,600 persons, or 57% of the population within the proposed station's service area. Presently ECB is licensed or affiliated with 7 stations throughout the state.[2]

3. Petitioner states in comments that Park Falls is located in a remote region and that educational and cultural resources are lacking in the area. For example, American Indian leaders in the area, which includes four reservations, regard the proposed assignment as an opportunity to further the education of the general public about Indian heritage. As stated in the Notice, the assignment of Channel *36 when combined with other ECB owned or affiliated stations will enable approximately 97.4% of Wisconsin residents to receive educational television service.

4. The proposed assignment will comply with all technical requirements of our rules. In addition, Canadian concurrence in the assignment has been obtained.

5. Petitioner has requested that we act as early as possible on this petition in order to allow it to take advantage of appropriated funds from HEW and from the State Building Commission. We have done so in this case as we do in all such cases where an educational institution is dependent on funding from HEW which usually makes such grants on a tentative basis and for a specified period of time. Thus, to allow EBC to take advantage of the funding that, according to petitioner, has been approved for July 1, 1976, we have acted at the earliest possible date.

6. Accordingly, and pursuant to authority contained in Sections 4(i), 5(d)(1), 303 and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's rules, it is ordered, That, effective September 13, 1976, Section 73.606(b) of the Commission's rules is amended as follows for the city listed below:

City	Channel No.
Park Falls, Wisconsin	*36

7. It is further ordered, That this proceeding is terminated.

(Secs. 4, 5, 303, 307, 48 Stat., as amended, 1066, 1068, 1082, 1083; 47 U.S.C. 154, 155, 303, 307.)

Adopted: July 29, 1976.

Released: August 4, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-23204 Filed 8-9-76;8:45 am]

[1] Population data are taken from the 1970 U.S. Census.

[2] WHWC-TV, Channel 28, Colfax; WPNE (TV), Channel 38, Green Bay; WHLA-TV, Channel 31, La Crosse; WHRM-TV, Channel 20, Wausau; WHA-TV, Channel 21, Madison; WMVS, Channel 10, Milwaukee; and WDSE-TV, Channel 8, Duluth, Minnesota.

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[7 CFR Part 1801]

PRIVACY ACT OF 1974

Receiving and Processing Applications

Notice is hereby given that the Farmers Home Administration has under consideration the amendment of § 1801.3(d)(4)(i) of Subpart A of Part 1801, Title 7, Code of Federal Regulations. The purpose of this amendment is to implement provisions of the Privacy Act of 1974 which provide for the release of credit reports to the subject of the report in response to the subject's request.

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed amendment to the Chief, Directives Management Branch, Farmers Home Administration, United States Department of Agriculture, Room 6316, South Building, Washington, D.C. 20250, on or before September 9, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Chief, Directives Management Branch, during regular business hours (8:15 a.m. to 4:45 p.m.).

As proposed, § 1801.3(d)(4)(i) will read as follows:

§ 1801.3 Processing Applications.

* * * * *

(d) * * *

(4) * * *

(i) If a loan is refused because of information in a credit report, the County Supervisor will inform the applicant in writing that he was denied credit because of information contained in a credit report; supply him with the name and address of the company that made the credit report; and make the credit report available if the applicant requests the report under the provisions of the Privacy Act of 1974.

* * * * *

(7 U.S.C. 1989 (Con. Act); 42 U.S.C. 1480 (Housing); 42 U.S.C. 2942 (OEO)); sec. 10 Pub. L. 93-357, 88 Stat. 392 (Emergency Livestock Credit Act of 1974); delegation of authority by the Sec. of Agri., 7 CFR 2.23 (To Asst. Sec. for Rural Development); delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70 (To FmHA); delegations of authority by Dir., OEO 29 FR 14764, 33 FR 9850 (To FmHA))

Dated: August 2, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-23171 Filed 8-9-76;8:45 am]

[7 CFR Part 1861]

[FmHA Instruction 451.1]

ACCOUNT SERVICING POLICIES

Proposed Change in Notification Form and Follow-up Actions Subsequent Servicing Form

Notice is hereby given that the Farmers Home Administration has under consideration the amendment of § 1861.1(d) of Subpart A of Part 1861, Title 7, Code of Federal Regulations (37 FR 13703). The purpose of this amendment is to change the form used in notifying borrowers that their past due payments were not received, and to make use of an additional form in noting servicing followup actions.

Interested persons are invited to submit written comments, suggestions or objections to the Chief, Directives Management Branch, Farmers Home Administration, United States Department of Agriculture, Room 6316, South Building, Washington, D.C. 20250, on or before September 9, 1976.

All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Chief, Directives Management Branch, during regular business hours (8:15 a.m. to 4:45 p.m.).

As proposed, § 1861.1(d) will read as follows:

§ 1861.1 General.

* * * * *

(d) *Subsequent servicing.* If a borrower fails to make a payment as agreed upon, the County Supervisor will write or otherwise contact the borrower or request him to make the payment or request him to come to the office to discuss the reasons why the payment was not made and to develop specific plans for making the payment. Form FmHA 451-35, "Past Due Notice" may be used to notify borrowers who make payments directly to the Finance Office that their payment has not been received. In the event the borrower refuses to make the payment when he has the income, or it is determined that his farming operations will not permit him to make the payment in a reasonable length of time, as well as make future payments, action will be taken to protect the Government's security interest in accordance with applicable FmHA requirements. Follow-up actions for subsequent servicing will be noted on Form FmHA 405-1, "Management System Card—Individual," or Form FmHA 405-5, "Management System Card—Individual (Rural Housing Only)" or Form 405-10, "Management System Card—Association or Organization."

* * * * *

(7 U.S.C. 1989; 42 U.S.C. 1480; 42 U.S.C. 2942; 5 U.S.C. 301); sec. 10 Pub. L. 93-357, 88 Stat. 392; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70; delegations of authority by Dir., OEO 29 FR 14764, 33 FR 9850)

Dated: August 2, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-23172 Filed 8-9-76;8:45 am]

[7 CFR Part 1980]

[FmHA Instruction 1980-E]

GUARANTEED LOAN PROGRAMS

Business and Industrial Loan Program

Notice is hereby given that the Farmers Home Administration (FmHA) has under consideration the proposed amendment of §§ 1980.419; 1980.451; 1980.471; 1980.476 and Appendix C of Subpart E of Part 1980, Title 7, Code of Federal Regulations (40 FR 57643; 41 FR 11807) as follows:

1. Section 1980.419 is amended to allow certain foreign owned lenders with 10 years' experience in the community to be considered for eligibility.

2. Section 1980.451 and the Administrative provisions at the end of this section are amended to provide notices to applicants in compliance with the Privacy Act of 1974.

3. Section 1980.471 is amended to allow lenders the option to liquidate a prior loan made under provisions of this subpart, or under previous regulations.

4. Section 1980.476 and the Administrative provisions at the end of this section are amended to allow cash downpayments to be made to transferors in the event of a Transfer and Assumption.

5. Appendix C, Lender's Agreement, is amended in paragraph XI G and in the first sentences of the third and fourth paragraphs of paragraph XII to eliminate automatic repurchase of the guaranteed portion of the loan since the regulation was amended earlier to allow the Lender the option to repurchase in event of default.

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed amendment to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, South Building,

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Washington, D.C. 20250, on or before September 9, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Chief, Directives Management Branch, during regular business hours, (8:15 a.m. to 4:45 p.m.).

As proposed, Subpart E of Part 1980 is amended by revising various sections and Appendix C to read as follows:

1. In § 1980.419, paragraph (g) is revised to read as follows:

§ 1980.419 Eligible lenders.

* * * * *

(g) All lenders will be owned and controlled as provided in paragraph V of Form FmHA 449–35, "Lender's Agreement." However, in a case where a lender has had foreign ownership for at least ten years and has been in operation in the community where the project is or will be located for a similar period of time, such lender may be considered for eligibility under the provisions of paragraph (b)(2) of this section. If such a lender is determined to be eligible by FmHA, paragraph V of the Lender's Agreement will be deleted and initiated by both the lender and FmHA.

* * * * *

2. Section 1980.451(i) is amended by adding subparagraph (19) as follows:

§ 1980.451 Filing and processing applications.

* * * * *

(i) * * *

(19) Notices of compliance with the Privacy Act of 1974:

(i) If the applicant is acting in a personal capacity and not as an enterpreneur for such entities as proprietorships, partnerships, or corporations, and FmHA solicits personal information from him, the individual will be provided Form FmHA 410–9, "Statement Required by the Privacy Act."

(ii) If FmHA desires to obtain information concerning an individual from any source, FmHA will provide such source with Form FmHA 410–10, "Privacy Act Statement to References."

* * * * *

3. The Administrative text following § 1980.451 is revised by adding paragraps A. 3. and 4. as follows:

ADMINISTRATIVE

A. *The County Supervisor and District Director.* * * *

3. The County Supervisor will furnish all individuals acting in a personal capacity at the time of filing a preapplication or application, two copies of Form FmHA 410–9. The individual will sign both copies, retaining one and providing FmHA with the other copy which becomes a part of the loan file

4. The County Supervisor will provide any source from whom FmHA obtains information concerning an individual with two copies of Form FmHA 410–10. The source will sign both copies, retaining one and providing FmHA with the other copy which becomes a part of the loan file.

* * * * *

Section 1980.471 is revised to add paragraphs (a) and (b). The Administrative portion following this section remains unchanged. Accordingly, § 1980.471 as revised, reads as follows:

§ 1980.471 Liquidation.

(a) For liquidation provisions under this subpart, refer to paragraphs XII, of Form FmHA 449–35.

(b) In the event a lender has made a B&I loan guaranteed by FmHA under previous regulations, and the lender concludes that liquidation of the guaranteed loan is necessary because of one or more defaults or third party actions that the borrower cannot or will not cure, the lender has the option to liquidate the loan under the provisions of this subpart, or under the provisions of previous regulations. The lender will notify the State Director in writing within 10 days after its decision to liquidate if it desires to proceed under this subpart.

* * * * *

4. In § 1980.476 paragraphs (f), (g), (h), and (i) are revised; paragraphs (j) through (o) are added, and read as follows:

§ 1980.476 Transfer and assumptions.

* * * * *

(f) Any proceeds received from the sale of secured property prior to a transfer and assumption will be credited on the transferor's guaranteed loan debt in inverse order of maturity before the transfer and assumption transaction is closed.

(g) In cases where the transferee makes any cash downpayment in connection with the transfer and assumption:

(1) The lender will employ an independent appraiser, subject to concurrence of both the transferor and transferee, to make an appraisal to determine the fair market value of all the collateral securing the loan. Such appraisal report fee and any other costs related thereto will be paid by the transferor and the transferee as they mutually agree.

(2) The market value of the secured property being acquired by the transferee, plus any additional security the transferee proposes to give to secure the debt must be adequate to secure the balance of the total guaranteed loan owed, plus any prior liens. If any cash downpayment is made it may be paid directly to the transferor as payment for his equity in the project, provided:

(i) The lender recommends and FmHA approves the cash downpayment be released to the transferor. The lender and FmHA may require that an amount be retained for an established period of time in escrow as a reserve account as security for use against any future default on the loan. Any interest accruing on such an escrow account may be paid periodically to the transferor.

(ii) Any payments that are to be made by the transferee to the transferor in respect to the downpayment do not suspend the transferee's obligation to continue to meet the guaranteed loan payments as they come due under the terms of the assumption.

(iii) The transferor must agree not to take any actions against the transferee in connection with such transfer in the future without first obtaining the approval of FmHA and the lender.

(iv) The lender determines that there is repayment ability for the guaranteed debt assumed and any other indebtedness of the transferee.

(h) The lender will make, in all cases, a complete credit analysis to determine viability of the project, subject to FmHA review and approval, including any requirements for deposits in an escrow account as security to meet its determined equity requirements for the project.

(i) The lender will issue a statement to FmHA that the transaction can be properly transferred and the conveyance instruments will be filed, registered or recorded, as appropriate, and legally permissible.

(j) FmHA will not guarantee any additional loans to provide equity funds for a transfer and assumption.

(k) The assumption will be made on the lender's form of assumption agreement.

(l) The assumption agreement must contain the FmHA case number of the transferor and transferee.

(m) Loan terms cannot be changed by the Assumption Agreement unless previously approved in writing by FmHA, with the concurrence of any holder(s) and concurrence of the transferor (including guarantors) if they have not been released from personal liability. Any new loan terms cannot exceed those authorized in this subpart. The lender's request will be supported by:

(1) An explanation of the reasons for the proposed change in the loan terms.

(2) Certification that the lien position securing the guaranteed loan be maintained or improved, proper hazard insurance will be continued in effect, and all applicable Truth in Lending requirements will be met.

(n) In the case of a transfer and assumption, it is the lender's responsibility to see that all such transfer and assumptions will be noted on all originals of the Loan Note Guarantee(s). The lender will provide FmHA a copy of the transfer and assumption agreement. Notice must be given by the lender to FmHA prior to any borrower or guarantor being released from liability.

(o) The holder(s), if any, need not be consulted on a transfer and assumption case unless there is a change in loan terms.

4a. In the Administrative text following § 1980.476 paragraphs A, A.1. and 2. are revised; paragraphs C. and D. are added and read as follows:

ADMINISTRATIVE

A. The State Director may approve all transfer and assumption provisions if the guaranteed loan debt balance is within his individual loan approval authority including:

1. Concurrence in writing of his decision concerning release of the transferor and guarantors from liability.

2. Any changes in loan terms.

NOTE.—The assumption should be reviewed as if it were a new loan. Assurance that the Loan Note Guarantee(s) will be endorsed in the space provided on the form(s).

* * * * *

C. The District Director and County Supervisor will submit recommendations to the State Director.

D. If the guaranteed loan debt balance is in excess of the State Director's loan approval authority, the State Director will forward the file, together with his recommendations and those of the District Director and County Supervisor, to the National Office for approval.

5. In Appendix C, paragraph XI.G. and the first sentences of the third and fourth paragraphs of paragraph XII. are amended as follows:

APPENDIX C—FORM FMHA 449–35

UNITED STATES DEPARTMENT OF AGRICULTURE

FARMERS HOME ADMINISTRATION

LENDER'S AGREEMENT

* * * * *

XI. *Defaults by borrower.* * * *

G. Lender will also repurchase the guaranteed portion of the loan consistent with paragraph 10 of the Loan Note Guarantee.

XII. *Liquidation.* * * *

When the decision to liquidate is made, the lender may proceed to purchase from Holder(s) the guaranteed portion of the loan. * * *

If the lender does not purchase the guaranteed portion of the loan, FmHA will be notified immediately in writing. * * *

* * * * *

(7 U.S.C. 1989 delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.)

Dated: August 4, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76–23173 Filed 8–9–76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 0 and 64]

[FCC 76–745; Docket No. 20828]

PARTICIPATION IN DATA PROCESSING BY COMMUNICATIONS COMMON CARRIERS

Furnishing Data Processing Services

In the matter of Amendment of § 64.702 of the Commission's rules and regulations.

By the Commission: [1]

INTRODUCTION

1. On November 10, 1966 and on March 2, 1967, the Commission issued notices of inquiry [2] in Docket No. 16979 (hereinafter referred to as "Computer Inquiry") with respect to the regulatory and policy questions raised by the interdependence of computer services and technology and communications facilities and services of common carriers.

2. In those notices we sought information regarding actual and potential computer uses of communication facilities and services. We attempted to develop views and recommendations as to whether there was any need for new or improved common carrier service offerings, or for revised rates, regulations and practices of carriers to meet the emerging communication requirements for the processing of data and other computer services involving the use of communication facilities. We further sought to determine whether such services should be free from, or subject to, government regulation and whether the entry into the provision of such computer services by common carriers and others required regulatory control.[3]

3. We noted that it was being alleged that common carriers were about to offer data processing services and that unregulated entities were offering communication services.[4] This raised a number of issues. First, a major regulatory concern of the Commission was the appropriateness of a carrier utilizing part of its communications switching plant to offer a data processing service. Further there was the issue of whether communication common carriers should be permitted to sell data processing services and, if so, what safeguards should be imposed to insure that the carriers would not engage in anti-competitive or discriminatory practices. There was also concern as to the extent to which data processing organizations should be permitted to sell communications as part of a data processing package not subject to regulation. In order to even being dealing with this situation it was necessary to define what was meant by "communication services" and what was meant by "data processing services." [5]

Section 64.702 Furnishing of Data Processing Services.

(a) For the purpose of this subpart—

(1) "Data processing" is the use of a computer for the processing of information as distinguished from circuit or message-switching. "Processing" involves the use of the computer for operations which include, inter alia, the functions of storing, retrieving, sorting, merging and calculating data, according to programmed instructions.

(2) "Message-switching" is the computer-controlled transmission of messages, between two or more points, via communications facilities, wherein the content of the message remains unaltered.

(3) "Local Data Processing Service" is an offering of data processing wherein communications facilities are not involved in serving the customer.

(4) "Remote Access Data Processing Service" is an offering of data processing wherein communications facilities, linking a central computer to remote customer terminals, provide a vehicle for the transmission of data between such computer and customer terminals.

(5) "Hybrid Service" is an offering of service which combines Remote Access data processing and message-switching to form a single integrated service.

(i) Hybrid Data Processing Service is a hybrid service offering wherein the message-switching capability is incidental to the data processing function or purpose.

(ii) Hybrid Communication Service is a hybrid service offering wherein the data processing capability is incidental to the message-switching function or purpose.

4. In addition two basic regulatory and policy questions had to be resolved: (a) the nature and extent of the regulatory jurisdiction which could and should be applied to data processing services, and (b) whether, under what circumstances, and subject to what conditions or safeguards, common carriers should be permitted to engage in data processing.

5. Looking to the basic purpose of our regulatory activity as well as our specific statutory guidelines, we determined not to assert regulatory authority over data processing services whether or not such services employed communications facilities in order to link the terminals of the subscribers to centralized computers.[6] We recognized, however, that the provision of data processing services by common carriers, might given risen to certain regulatory problems. Primarily, we were concerned about the possibility that common carriers might favor their own data processing activities by discriminatory services, cross subsidization, improper pricing of common carrier services, and related anticompetitive practices and activities which could result in burdening or impairing the carrier's provision of its other regulated services. We therefore adopted a policy of maximum separation whereby communication common carriers would be required to furnish data processing services only through separate corporate entities.[7]

6. Consideration was also given to those "hybrid service" offerings which combined data processing and message switching to form a single integrated service. One question was under what circumstances should a message-switching capability, when offered in combination with data processing services, be treated as a sale of communications for hire subject to regulation. We stated general principles applicable in determining this question. Where message-switching is offered as an incidental feature of an integrated service offering that is primarily data processing, we stated there

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[1] Commissioner Hooks' concurring statement filed as part of original.

[2] 7 FCC 2d 11, 7 FCC 2d 19.

[3] While the Computer Inquiry encompassed a broad spectrum of regulatory topics such as improved common carrier service offerings and the possible need for revised rates, we are presently concerned only with that aspect of the Computer Inquiry which focused on the use of a computer in the provision of communications or data processing services.

[4] Report and Further Notice of Inquiry, 17 FCC 2d 587 (referred to as "First Report").

[5] The final definitions arrived at were embodied in Section 64.702 of the Commission's Rules, 47 CFR 64.702.

[6] Notice of Proposed Rule Making and Tentative Decision, 28 FCC 2d 267 (1970) (hereinafter referred to as "Tentative Decision").

[7] We required that the subsidiary have separate books of accounts, separate officers, separate operating personnel and separate equipment and facilities devoted exclusively to the rendition of data processing services. Further, the furnishing of communications services and facilities by the carrier to its data processing affiliate would, in all cases, be pursuant to a tariff, thereby minimizing the risks of undue discrimination in violation of Section 202(a) of the Communications Act.

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would be total regulatory forebearance with respect to the entire service. Where the package offering is oriented to satisfy the communications or message-switching requirements of the subscriber, and the data processing feature or function is incidental to the message-switching function, we concluded that the entire integrated service would be treated as a communications service. We further set forth the criteria for such a determination: (a) whether the service, by virtue of its message-switching capability, has the attributes of the point-to-point services offered by conventional communication common carriers and is basically, a substitute therefor; (b) the extent to which the message-switching feature of the service facilitates or is related to the data processing component, or whether such message-switching is essentially independent of such data processing. Thus we determined that we would look to the facts surrounding a package offering with a view toward determining the primary thrust of the service offered.

THE NEED FOR RE-EXAMINATION

7. The Computer Inquiry was a vehicle for the identification and better understanding of the problems spawned by the confluence of computer and communications technologies which had taken place during the previous decade. While the scope of the Computer Inquiry was very broad and determinations were made based on the state of the art as it then existed, it was recognized that because of technological advancements which could not be predicted it would not be a final resolution of the problems presented therein.

TRENDS IN TECHNOLOGY AND APPLICATIONS

8. Since the release of our *Final Decision*, we have witnessed technological advances, in hardware and software, which are tending to cause a blurring of the distinctions between data processing and communications which we had then established. In particular, the dramatic advances made in large scale integrated circuit technology have permitted the fabrication of minicomputers, micro-computers, and other special purpose devices, which are capable of duplicating many of the data-manipulative capabilities which were previously available only at centralized locations housing large scale general purpose computers. With this new technology, users are finding it cost-beneficial to remove some of the computing power from the centralized computer location and distribute it to the terminals, or, incorporate some of it into the network itself. We have witnessed the emergence of a new phenomenon—the distributed computer network, wherein the new computers and terminals are performing both data processing and communications control applications, both within the network and at the terminal. These networks are being constructed by common carriers and also by private entities using carrier furnished dedicated channels.

9. The versatility of the user terminals which are available today further complicates our efforts to establish regulatory boundaries.[8] Many of the input/output processing functions necessary to establish: (a) network control and (b) interaction of a computer with specific terminals—which were formerly performed by the central computer—are now done by distributed terminals. Microprocessor technology also permits the terminal to perform many sophisticated arithmetic and word processing functions at the remote location while reducing the processing load at the central location. With the trend to the decentralization of computing functions we can see the communications and data processing functions together being taken over by "smart" terminals which are: (a) offered to users by the regulated carrier sector and by the unregulated terminal equipment manufacturing sector and, (b) under the control of the user—not the Carrier.

10. The distribution of computing power from the central processing location can also be accomplished by placing some of this intelligence within a carrier's network—rather than in a user-owned terminal. One important application involves the use of carrier processing facilities to allow terminals to "converse" with each other even though they may have disparate communications line disciplines and alphanumeric character codes. Such services are currently being offered by Telenet and the offering of similar features, in the future, has been announced by AT&T officials and reported in trade journals.[9] Another application of network-located computer processing capability arises where the carrier offers some of the performance features which would be otherwise incorporated into a "smart" terminal. This would give the user the option of using a less sophisticated terminal. Thus, features such as automatic call forwarding, restricted and abbreviated dialing, and special announcements could be provided, for example, by Bell and its new ESS equipment rather than be implemented by a terminal at a user's premises.

ADEQUACY OF EXISTING DEFINITIONAL STRUCTURE

11. In the original inquiry we posited a set of definitions in order to implement the fundamental regulatory policies we had established.[10] The pivotal definition is the one for data processing. We stated:

> Data Processing is the use of a computer for the processing of information as distinguished from circuit or message-switching. "Processing" involves the use of computer for operations which include, inter alia, the functions of storing, retrieving, sorting, merging and calculating data, according to programmed instructions.

The distinction between data processing service and the permissible use of computers by carriers was thus made by establishing a dichotomy between data processing, on one hand, and message and circuit switching on the other. We then went on to define message-switching as:

> "Message-Switching" is the computer-controlled transmission of messages, between two or more points, via communications facilities, wherein the content of the message remains unaltered.

12. The consequence of establishing such a dichotomy is that any carrier offering a service to the public which uses a computer for purposes other than message or circuit switching, could have the service considered data processing and would need to establish a separate subsidiary. One question we have to face now is whether the restriction of the use of computers by a carrier to these two applications is in the public interest when we consider the state of current technology. As in the case of the terminal technology, we observe that special purpose computers, mini-computers, and microprocessors are finding many applications to communications network operations. Several of these applications are related to transmission technology rather than switching.[11] Other applications involve the use of switching computers to provide radically new features which were hitherto impractical with the older technology.[12] It is now necessary to consider if our rules need to be changed in order to give the public the total benefit of this modern technology and at the same time prevent the abuses that concerned us in the original Computer Inquiry. One solution may be to give a more positive definition of data processing service. This would allow carriers to enhance their communications service accordingly but still prevent the potential abuses that concern us.

13. When the original rules were adopted, we recognized that there might be instances where an entity might find it desirable to offer a combination of communications and data processing service. We did not wish to foreclose such opportunities for carriers or unregulated entities. We therefore embodied the regulatory ground rules for such operations in Rule 64.702 by defining hybrid services and the conditions under which they can be offered by carriers or unregulated entities. For a service to be

[8] These include, inter alia: PBXs and telephone service ancillaries, transaction terminals, word processing terminals, credit card readers, and pre-processing computers. Versatility, and regulatory complications, result in part from the use of newer technologies, such as microprocessors, in conjunction with devices which traditionally were considered to be merely communications terminals.

[9] "Switched Network Service for Banking-Type Usage in AT&T's Near Future," Computerworld, March 15, 1976. Also, "AT&T's Big Plans for a Value Added Service," Datamation, December 1975.

[10] Specifically, (1) Commission forbearance in the regulation of data processing, (2) the maximum separation principle for carriers wishing to offer data processing.

[11] Typical examples include signal processing, error control, and multiplexing.

[12] We have seen, for example, the introduction of packet switching networks—which were not considered in the Rules. We also note the introduction of the No. 4 ESS by Bell, whose 1-A processor can be programmed to provide optional features for circuit switched services.

hybrid. § 64.702(a)(5) invokes the condition that remote access data processing and message-switching be combined "to form a single service." Otherwise these would be considered to be separate services.

14. Once a service has been found to be hybrid it becomes necessary to further classify it as hybrid data processing or hybrid communications in order to determine whether or not Title II jurisdiction applies. Sections 64.702(a)(5)(i) and (ii) respectively attempt to make this distinction. The criterion offered here is that "incidental." Thus if a service has been found to be hybrid, and the communications portion is "incidental to the data processing function or purpose," the service can be found to be hybrid data processing. If the data processing portion is incidental, we have a hybrid communications service. The unambiguous resolution of this matter is of critical importance in establishing a regulatory boundary since we have ruled that hybrid communications services are subject to our jurisdiction.

THE REVISED RULES

15. In Appendix A we offer for comment a revised version of § 64.702. The amended section continues to maintain the fundamental regulatory policies set forth in our original inquiry, namely: (1) carriers may not offer data processing services except through a separate subsidiary organized in accordance with the separation principles stated in § 64.702(c), and (2) total regulatory forebearance regarding the offering of data processing services.

16. In the § 64.702(a) we have sought to define data processing positively, in terms of what it is, rather than by exception as we had previously done. By so doing we expect to achieve two related policy goals: (1) an objective identification of those uses of computers by carriers which require a separate subsidiary, and (2) the stimulation of economic activity in the regulated communications sector by removing ambiguities in the previous definition. By defining data processing positively, we can also approach the carriers' role from a different perspective—a carrier may use computers for any purpose which is not data processing.

17. Our new definition is written in recognition that any computer [13] has certain basic processing capabilities which include:

arithmetic computation—the basic operations of count, add, subtract, multiply, and divide

logical computation—operations which include: and, or, not, compare, and branch

storage, retrieval, and transfer—of alphanumeric or graphical data.

These operations may be ordered and combined into a program [14] which is capable of achieving very sophisticated results—which may or may not constitute data processing as we have defined it.

18. In our new definition we state the generic criterion for identifying the data processing function as:

> the use of a computer for the purpose of processing information wherein: (a) the semantic content, or meaning, of input data is in any way transformed, or (b) where the output data constitute a programmed response to input data.[14a]

In contrast, the generic characteristic of the communications function is that the semantic content of information is not changed at the completion of a given process. A message entering a network is intended to arrive at its destination unchanged. Several computer operations, such as message and circuit switching, may be required to permit the message to transit the network. In this process, individual symbols may be processed, as in code conversion and error correction. Or the message may be accompanied by addressing information, such as dial pulses or message headers, which are used by the communications network for centralized message routing. The purpose of these computer operations is, nevertheless, the transmission of an unaltered message through a network and they do not constitute a data processing service.

19. We now cite some examples of data processing services, or functions, which exist within the context of our new proposed definitions. At the time of the original Computer Inquiry, the preponderance of data processing applications was addressed to the manipulation of numerical quantities. There were ubiquitous applications to business and scientific data processing. These trends continue. On a lesser scale, there were several non-computational applications of data processing—to information retrieval, and transaction oriented systems for example. These applications are much more significant now than in 1971.

20. Since data processing applications now encompass a much broader range than previously, it may be useful to accept the concept that the term "data processing service" comprehends at least three reasonably distinct subclasses, which may be commingled in specific applications:

arithmetic processing—general commercial accounting, payroll, inventory control, banking and point-of-sale processing, financial and econometric modeling, scientific calculations, etc.

word processing—a rapidly developing application resulting from advances in mass memory technology and word processing software. Applications include: interactive information retrieval systems, management information systems, text editing, translation, typesetting, etc.

process control—the increased reliability and availability of computers is leading to an expansion of applications where a computer is used to monitor and control some process which is occuring continuously—such as a nuclear-powered generating station, an electric power distribution grid, an automatic machine tool, or a fire detection and control system.

Given our new definition, all of these applications would be considered data processing and could not be offered by carriers except under the maximum separation conditions of § 64.702.

21. We also wish to cite those examples of the use of computers by carriers which would not be within the ambit of the definition of data processing. These applications fall into two categories:

network control and routing—applications include: Message and circuit switching,[15] speed and code conversion, pulse format conversion, error detection and correction, analog to digital and digital to analog conversion, signal processing,[16] and time division multiplexing.

input/output processing—this category comprises the uses of a computer capability resident in a carrier network facility for the purpose of making disparate computers and terminals compatible with each other. Typical functions are the formatting, editing, and buffering of data to make it compatible with the electrical characteristics of different transmission media.

22. The new definition provides a demarcation between data processing services and communication services. By so defining data processing, we have deleted the "hybrid service" concept. Henceforth a service would be characterized as either data processing or communications. A service or offering would be considered data processng if it meets the data processing criterion set forth in our new definition. Where such criterion is met a carrier would be required to offer the service subject to our maximum separation policy as enunciated in Section 64.702 of our Rules. To the extent that a service does not meet the criterion for data processing under our new definition then it would be considered a communications service or offering and subject to regulation under Title II.

23. Accordingly, notice is hereby given that we propose to amend § 64.702 of our Rules as set forth below by: (a) posi-

[13] By the term computer we mean any device which is capable of performing the functions described herein.

[14] We use program in its broadest sense, here. It includes stored programs which can be altered by a user as well as hard-wired or read only memory (ROM) devices.

[14a] The second condition (b) brings services such as process control and proprietary information retrieval within the ambit of the definition of data processing (see Para. 20 below). In the process control case, a message or other stimulus results in a change of state in the process which is being controlled. In the proprietary information retrieval case, the arrival of an input message—the information request—is operated upon by the computer and results in an output which is the specific information requested.

[15] These categories are meant to include packet switching (and its variations) and time-division circuit switching. We also would consider permissible, the use of switching computers to provide ancillary functions such as automatic call-forwarding, abbreviated dialing, restricted dialing, and special announcements.

[16] Signal processing comprises the use of computers in applications which maintain the information content of an electrical signal. These include signal detection and regeneration, and the adaptive equalization of transmission channels.

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tively defining data processing and deleting the remaining terms and definitions contained in § 64.702(a), (b) deleting entirely subsections (e), (f) and (g) which deal with hybrid services.[17] Since all references to "hybrid" services are being omitted, we would also delete § 0.308 of our Rules pertaining to delegation of authority as to hybrid services.

ITEM OF INQUIRY

24. In view of the foregoing we seek to obtain information, views, and recommendations from interested members of the public in order to assist the Commission in resolving the regulatory and policy questions presented by the technological advancements being made in the communications and information processing fields. We specifically request respondents to address the following:

(a) The adoption of the proposed amendment to § 64.702 of the Commission's Rules and Regulations as set forth below.

25. Accordingly, pursuant to Section 4(i), 4(j), 403 and 404 of the Communications Act of 1934, *it is ordered*, That the aforementioned inquiry and rulemaking proceeding is hereby instituted.

26. Pursuant to the applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before October 12, 1976, and reply comments on or before November 11, 1976. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

27. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 11 copies of all statements, briefs or comments shall be furnished the Commission. All comments received in response to the Notice of Proposed Rule Making will be available for public inspection in the Docket Reference Room in the Commission's Offices in Washington, D.C.

28. *It is further ordered*, That the proceeding herein shall be subject to further order by the Commission.

Adopted: July 29, 1976.

Released: August 9, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

§ 0.308 [Deleted]

1. Section 0.308 is deleted.

2. Section 64.702 is amended to read as follows:

[17] Section 64.702(g) encompasses the discontinuance of hybrid as well as non-hybrid services. With the deletion of § 64.702(g) authorization for the discontinuance of tariffed service offerings must still be obtained pursuant to section 214 of the Communications Act.

§ 64.702 Furnishing of data processing services.

(a) "Data Processing" is the use of a computer for the purpose of processing information wherein: (a) the semantic content, or meaning, of input data is in any way transformed, or (b) where the output data constitute a programmed response to input data.

(1) The term, "computer" comprehends, inter alia: general purpose stored program processors, general and special purpose mini-computers and micro-processors.

(2) "Processing" entails the use of a computer for operations upon data which include inter alia: arithmetic and logical operations, storage, retrieval, and transfer.

(b) Except as provided herein, no common carrier subject, in whole or in part, to the Communications Act shall engage directly or indirectly in furnishing data processing service to others except as expressly provided in paragraph (c) of this section. This prohibition shall apply to all communications common carriers, including Section 2(b)(2) carriers, where any carrier itself has annual operating revenues exceeding $1,000,000 or any such carrier is directly or indirectly controlled by, or is under common control with, another carrier or carriers, and the combined annual revenues of all such carriers exceed $1,000,000.

(c) Common carriers may, subject to other provisions of law, have a controlling or lesser interest in, or be under common control with, a separate corporate entity that furnishes data processing service to others provided the following conditions are met:

(1) Each such separate corporation must maintain its own books of account, have separate officers, utilize separate operating personnel, and utilize computing equipment and facilities separate from those of the carrier for its data processing service offerings.

(2) Each such common carrier shall file with the Commission a complete statement of the terms and conditions of every written or oral contract, agreement or other arrangement entered into between such carrier and any such separate corporation within thirty days after the contract, agreement or other arrangement is made.

(3) No such common carrier subject to the prohibition of paragraph (b) of this section shall engage in the sale or promotion of data processing services on behalf of any such separate corporation.

(d) No common carrier subject in whole or in part to the Communications Act of 1934, as amended, shall sell, lease or otherwise make available to any other entity any capacity or computer system component on its computer system or systems which that carrier uses in any way for the provision of its common carrier communications services.

[FR Doc.76-23200 Filed 8-9-76;8:45 am]

[47 CFR Part 73]

[Docket No. 20414; RM-2452, RM-2420, RM-2396]

FM BROADCAST STATIONS; TABLE OF ASSIGNMENTS

Order Establishing New Cut-Off Dates for Filing Comments and Reply Comments

In the Matter of Amendment of § 73.202(b), table of assignments, FM broadcast stations. (Harlan and Red Oak, Iowa; and Blair, Nebraska)

1. On November 13, 1975, the Broadcast Bureau issued, under delegated authority, a Further Notice of Proposed Rule Making (40 FR 54260) in the above entitled proceeding. On November 24, 1975, John W. Talbott, one of the petitioners for rule making in this proceeding, filed, pursuant to Section 1.115 of the Commission's Rules, an Application for Review of the Further Notice. Subsequently, on December 4, 1975, Talbott filed a Request for Extension of Time in which he asked that the cut-off dates for filing comments and reply comments be indefinitely extended by the Chief, Broadcast Bureau, pending action by the Commission on the Application for Review. In response, the Broadcast Bureau indefinitely extended the dates for filing comments and reply comments to the Further Notice. Order Extending Time for Filing Comments and Reply Comments, Docket No. 20414, adopted December 29, 1975, 41 FR 1089.

2. On July 20, 1976, the Commission issued a Memorandum Opinion and Order (FCC 76-592, Mimeo No. 41014), in which Talbott's application for review was denied. The effect of the Commission's action is that the Further Notice of Proposed Rule Making has been upheld. Consequently interested parties should file comments on or before September 13, 1976, and reply comments on or before October 5, 1976.

3. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and Section 0.281 and 1.46 of the Commission's Rules.

Adopted: July 29, 1976.

Released: August 4, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-23202 Filed 8-9-76;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 584]

[No. 76-567]

SAVINGS AND LOAN HOLDING COMPANIES

Withdrawal of Proposed Amendments Relating to Holding Company Indebtedness

AUGUST 4, 1976.

The Federal Home Loan Bank Board, by Resolution No. 75-261, dated March 19, 1975, proposed to amend § 584.6(b) of the regulations for Savings and Loan Holding Companies (12 CFR 584.6(b)) for the purpose of changing the indebtedness restrictions applicable to mortgage-banking subsidiaries of non-diversified savings and loan holding companies and clarifying existing introductory language. Notice of such proposed rulemaking was duly published in the FEDERAL REGISTER on April 16, 1975 (40 FR 17004), with an invitation to interested persons to submit written comments by May 19, 1975.

In light of the lack of public response regarding the proposed changes, and other considerations, the Board considers it desirable to withdraw the proposed amendments for further study.

Accordingly, the Board hereby withdraws from consideration the proposed amendments to Part 584 of the Regulations for Savings and Loan Holding Companies (12 CFR 584) contained in said Resolution No. 75-261.

(Sec. 408, 48 Stat. 1256, as amended; sec. 408, 48 Stat. 1261, as added by 73 Stat. 69, as amended; 12 U.S.C. 1725, 1730a. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. FINN,
Secretary.

[FR Doc.76-23227 Filed 8-9-76;8:45 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 120]

BUSINESS LOAN POLICY

Proposed Rulemaking

Notice is hereby given that pursuant to the authority contained in section 5 of the Small Business Act, 15 U.S.C. 631 et seq., it is proposed to amend, as set forth below, § 120.2(d)(7) of Part 120 of Chapter I, Title 13 of the Code of Federal Regulations.

Prior to the final adoption of such amendment, consideration will be given to any comments. Such comments should be submitted in writing, in triplicate, to the Associate Administrator for Finance and Investment, Small Business Administration, Washington, D.C. 20416, on or before August 30, 1976.

Information. Section 120.2(d)(7) of SBA's Part 120 Regulation (Business Loan Policy) prohibits SBA financial assistance for the construction or acquisition, improvement, or operation of real property to be held primarily for sale or investment. In addition, § 120.2(d)(2) forbids such assistance where it will provide or free funds for speculation in real estate or any other kind of property, and § 120.2(d)(6) prohibits financing for investment purposes. In line with these provisions, SBA has heretofore not permitted loans to small general contractors engaged in constructing homes or other buildings for sale for their own account, except in special situations where the contractor could demonstrate that it already had in hand a firm contract for sale of the property. Even in that event, none of the loan proceeds could be used to purchase the building-site or other vacant land, the funds provided being for construction purposes only.[1]

Due to sharply decreased activity in the building construction industry during the last several years, small general contractors have suffered severe economic stresses and hardship attended by a correspondingly marked decline in the employment of construction workers. In the judgment of the Small Business Administration, it would be in furtherance of the best interests of the small business segment of the economy, and the public interest generally, if SBA financial assistance were afforded to competent small general contractors who construct new residential and commercial properties (or rehabilitate existing structures) for immediate resale for their own account as distinguished from acquisition or construction for operational/holding, investment or speculative purposes by the applicant. It is proposed that a firm written contract of sale no longer be required in advance of construction, if the demonstrated purpose is immediate sale on completion. The loan would be made on a deferred participation (guaranty) basis and be repayable in not more than 18 months, plus the estimated period of construction or rehabilitation. None of the loan proceeds could be used to purchase the building-site or other vacant or unimproved land on which construction is to take place; and none may be utilized to hold or operate real property for investment or speculative purposes contrary to § 120.2(d)(2) and (6).

As noted, the newly constructed or improved building(s) erected or acquired by the small general contractor for its own account would have be offered for immediate sale on completion of its work.

In order to give effect to the foregoing policy, it is proposed to amend § 120.2(d)(7) to authorize SBA guaranteed business loans to small general contractors for (1) new construction or (2) acquisition of existing structures for prompt and significant rehabilitation, for their own account and for immediate sale on completion of their work.

SBA financial assistance covered by this proposal will be limited to guaranteed business loans approved under Part 122 (Business Loans) of SBA Regulations pursuant to section 7(a) of the Small Business Act. It will not extend to other SBA loan programs, such as loans to development companies, handicapped assistance loans, Economic Opportunity loans, and economic injury loans under Parts 108, 118, 119, and 123, respectively, of SBA Regulations.

It is proposed to amend § 120.2(d)(7) by adding two provisos at the end thereof, so that it would read as follows:

§ 120.2 Business loans and guarantees.

* * * * * *

(d) * * *

* * * * * *

(7) If the purpose of the financial assistance is to finance the acquisition, construction, improvement or operation of real property which is, or is to be, held primarily for sale or investment: *Provided, however*, That financial assistance on a deferred participation (guaranty) basis, repayable within 18 months (plus the period of construction or rehabilitation), secured by a first lien on the land and improvements thereon, may be granted by SBA under Part 122 of this chapter pursuant to section 7(a) of the Act, to finance the construction, or the acquisition and prompt and significant repair, alteration, conversion, extension, renovation, rehabilitation, or improvement, of residential or commercial buildings, for immediate sale, on completion, for the small concern's own account: and *Provided, further*, That no part of such financing may be used to purchase, or free other funds to purchase, building-sites or other vacant land, or to operate or hold residential or commercial rental property for the account of the applicant or an affiliate for other investment or speculative purposes.

* * * * *

Dated: August 5, 1976.

MITCHELL P. KOBELINSKI,
Administrator.

[FR Doc.76-23212 Filed 8-9-76;8:45 am]

[1] For the purposes of this Notice, the term, "construction," is intended to include repair, alteration, conversion, extension, renovation, rehabilitation, or other improvement, as well as new construction, of residential or commercial buildings. "Construction" includes underground connections to water, sewer, or gas mains, underground or above ground connections for electric or telephone service, septic tank construction, and landscaping of the property, but it does not include streets, curbs, open spaces or construction of public water and sewer mains, or of waste disposal facilities, or costs of community improvements that benefit more than the structure(s) constructed or rehabilitated with SBA financial assistance.

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notices

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF DEFENSE

Department of the Army

REACTIVATION OF TEST AREA AT BLOSSOM POINT, MD.

Environmental Impact Statement; Negative Declaration

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969; Part 1500.6e of the Council on Environmental Quality Guideline issued on August 1, 1973, the Department of the Army U.S. Department of Defense, gives notice that an Environmental Impact Statement is not being prepared for the reactivation of the fuze test area at Blossom Point, Maryland.

The Environmental Impact Assessment of this action identified that this facility was used as a test area from 1942 to 1974, when the testing was temporarily suspended. The testing of fuzes has been without incident and the area has been maintained as a primitive state without noticeable change. Based on the results of tests and a review of current information, it is concluded that the resumption of fuze testing will not cause a significant environmental impact, and its implementation will not be environmentally controversial. This action is not considered to be a major federal action. As a result of these findings, Mr. Charles R. Ford, Deputy Assistant Secretary of the Army (Civil Works) has determined that the preparation and review of an Environmental Impact Statement is not needed for this project.

There is presently under preparation a final Environmental Impact Statement for the Formation of the US Army Electronics Research and Development Command which proposes additional uses for this test facility in conjunction with the fuze testing covered by this action.

The Environmental Impact Assessment is available for inspection during regular working hours at the following location:

U.S. Department of the Army, Harry Diamond Laboratories, Office of the Environmental Coordinator, Building 103, Room 01, 2800 Powder Mill Road, Adelphi, Maryland 20783.

Dated: August 3, 1976.

BRUCE A. HILDEBRAND,
Deputy for Environmental Affairs, Office of Assistant Secretary of the Army (CW).

[FR Doc.76-23259 Filed 8-9-76;8:45 am]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

NATIONAL ADVISORY COMMITTEE ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Meeting

Notice is hereby given that the National Advisory Committee on Juvenile Justice and Delinquency Prevention and the three subcommittees will meet Wednesday, Thursday and Friday, August 25, 26 and 27 at the New England Center for Continuing Education, in Durham, New Hampshire. On August 25, the meeting of the full Committee is scheduled to convene at 2:00 p.m. and will adjourn at 4:00 p.m.

The Advisory Committee for the National Institute for Juvenile Justice and Delinquency Prevention (the National Institute Committee), the Advisory Committee on Concentration of Federal Effort (the Concentration of Federal Effort Committee) and the Advisory Committee to the Administrator on Standards for the Administration of Juvenile Justice (the Standards Committee) will then meet from 4:00 p.m. to 6:00 p.m. In addition, the Standards Committee will conduct an evening meeting beginning at 8:00 p.m. and continuing until 10:00 p.m.

On August 26 the full Committee will convene at 9:30 a.m. The activities of the day will include: (1) discussion of the First Annual National Advisory Committee Report and Recommendations, (2) reports from each of the subcommittees, and (3) a panel discussion by State Advisory Group members from the Boston Region.

On August 27 the full Committee will convene at 9:30 a.m. and will consider standards approved by the Standards Committee for submission on September 30, 1976, to the President and Congress regarding the jurisdiction and organization of the court handling delinquency, non-criminal misbehavior and neglect and abuse proceedings; the rights and procedures which should apply in those proceedings; the dispositional alternatives which should be available; and, the criteria on which intake, detention, emergency custody and dispositional decisions should be make. The full Committee meeting will adjourn at 12:00 noon. The Executive Committee will then convene at 1:30 p.m. for an evaluation session; the Standards Committee will meet from 2:00 p.m. until 5:00 p.m.

All meetings will be open to the public. For further information, contact Mr. Frederick P. Nader, Deputy Assistant Administrator, Office of Juvenile Justice and Delinquency Prevention, Law Enforcement Assistance Administration, 633 Indiana Avenue, N.W., Washington, D.C. 20531.

THOMAS J. MADDEN,
Acting Attorney Advisor, Office of General Counsel.

[FR Doc.76-23207 Filed 8-9-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. Colo.-24163]

COLORADO

Designation of Escalante Historic Site

Pursuant to the authority in 43 CFR subpart 2070 and the authorization from the Associate Director dated July 22, 1976, I hereby designate the public lands in the following described parcel as the Escalante Historic Site:

NEW MEXICO PRINCIPAL MERIDIAN

T. 37 N., R. 15 W.,
Sec. 7, a tract of land in NW¼SE¼, commencing at the northwest corner of NW¼SE¼ of said section 7, the point of beginning: Thence N. 89°31'00" E., 653.400 ft.; thence S. 26°37'30" E., 752.070 ft.; thence S. 0°52'45" E., 675.180 ft.; thence S. 89°34'00" W., 977.130 ft.; thence N. 1°01'00" W., 1350.360 ft. to the point of beginning.

The area contains 27.80 acres in Montezuma County.

The Escalante Historic Site is a Class VI Cultural Site under the Bureau of Outdoor Recreation System of Classification.

DALE ANDRUS,
State Director, Colorado.

AUGUST 2, 1976.

[FR Doc.76-23222 Filed 8-9-76;8:45 am]

[Colorado 24125]

MOUNTAIN FUEL SUPPLY CO.

Pipeline Application

AUGUST 2, 1976.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Mounntain Fuel Supply Company, 180 E. First South, P.O. Box 11368, Salt Lake City, Utah 84139, has applied for a right-of-way for a 4½ inch o.d. lateral gathering system to two wells in Rio Blanco County, Colorado, crossing approximately 2.87 miles of the following National Resource Land:

T. 2 S., R. 103 W., 6th P.M.
Sections 10, 11, 12, 15.

The facility will enable the applicant to construct, operate and maintain a 4½ inch o.d. buried gas pipeline gathering system in Rio Blanco County, Colorado.

The purposes of this notice are: to inform the public that the Bureau of Land Management will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved and, if so, under what terms and conditions; to allow interested parties to comment on the application, and to allow any persons asserting a claim to the lands or having bona fide objections to the proposed natural gas gathering pipeline right-of-way to file their objections in this office. Any person asserting a claim to the lands or having bona fide objections must include evidence that a copy thereof has been served on the applicant.

Any comment, claim, or objections must be filed with the Chief, Branch of Land Operations, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, as promptly as possible after publication of this notice.

ALAN D. CAMPBELL,
Acting Chief, Branch of Land Operations.

[FR Doc.76-23224 Filed 8-9-76;8:45 am]

[Colorado 24146]

NORTHWEST PIPELINE CORP.

Pipeline Application

AUGUST 2, 1976.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Northwest Pipeline Corporation, P.O. Box 1526, Salt Lake City, Utah 84110, has applied for right-of-way C-24146 for four 4½ inch o.d. natural gas gathering pipelines crossing approximately 0.412 miles of the following described National Resource Land in Rio Blanco and Garfield Counties:

T. 4 S., R. 102 W., 6th P.M.
Sec. 25: NE¼SW¼, NE¼NW¼
Sec. 36: NW¼NW¼
T. 5 S., R. 102 W., 6th P.M.
Sec. 2: W½E½

The facility will enable applicant to constuct, operate and maintain the subject natural gas gathering pipelines as additions to applicant's gathering system and will help meet additional natural gas need in applicant's customer service area.

The purposes of this notice are: to inform the public that the Bureau of Land Management will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved, and, if so, under what terms and conditions; to allow interested parties to comment on the application, and to allow any persons asserting a claim to the lands or having bona fide objections to the proposed natural gas gathering pipeline right-of-way to file their objections in this office. Any person asserting a claim to the lands or having bona fide objections must include evidence that a copy thereof has been served on the applicant.

Any comment, claim, or objections must be filed with the Chief, Branch of Land Operations, Bureau of Land Management, Colorado State Office, Room 700, Broadway, Denver, Colorado 80202, as promptly as possible after publication of this notice.

ALAN D. CAMPBELL,
Acting Chief, Branch of Land Operations.

[FR Doc.76-23223 Filed 8-9-76;8:45 am]

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Cheyenne Mountain Zoological Park, Post Office Box 158, Colorado Springs, Colorado 80901, Don G. Davis, Director.

OMB NO. 42-R170

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR [ ] IMPORT OR EXPORT LICENSE [X] PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Transport one snow leopard (endangered species) in international commerce in the course of a commercial activity, for captive propagation

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Cheyenne Mountain Zoological Park
P. O. Box 158
Colorado Springs, Colorado 80901
(303) 633-3522

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS. | HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Non-profit corporation--public zoological exhibits for the recreation and education of mass audiences

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
Don G. Davis, Dir. (303) 633-3522
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
Colorado

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Export from Colorado Springs, Colorado to Calgary, Alberta, Canada

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☐ NO
(If yes, list license or permit numbers)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of documents)
N/A

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$ N/A

10. DESIRED EFFECTIVE DATE: 15 Jul 76

11. DURATION NEEDED: 30 days

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 C.F.R. 13.12(a)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) Don G. Davis | DATE 24MAY76

3-200 (6/74)

Don G. Davis

V 41 155
AUG 10 1976
UMI

COLORADO SPRINGS, COLO., *May 7, 1976.*

MR. LYNN A. GREENWALT,
Director (FWS/LE), Fish and Wildlife Service, U.S. Department of the Interior, P.O. Box 19183, Washington, D.C.

DEAR SIR: Please note by this letter the request of the Cheyenne Mountain Zoological Park for a permit to export one (1) male snow leopard, *Panthera uncia*, in foreign commerce and in the course of a commercial activity to:

The Calgary Zoological Society, St. George's Island, Calgary, Alberta T2G 3H4, Canada

for the purpose of captive propagation, as provided in Title 50 CFR, Chapter 1, Subchapter B, section 17.22.

The specimen to be covered by this permit is now alive and being held at the Cheyenne Mountain Zoological Park, where it was captive-born on 23 May 75.

The Cheyenne Mountain Zoological Park has successfully raised five snow leopards in the past two years and wishes to place some of these captive-born specimens with other zoological institutions that are willing and able to continue the propagation project thus begun.

The administrators of the Calgary Zoo have indicated such desires and abilities. A description of their facilities, a resume of their expertise and their intentions are contained below in a letter and a master plan booklet as provided by Mr. Greg Tarry, Curator of Operations for the Calgary Zoological Society. Additionally, though the studbook for snow leopards hasn't been completed, we at the Cheyenne Mountain Zoological Park feel assured that the appropriate staff member(s) at the Calgary Zoo would contribute to such records when they are finally instituted.

It is the intention of the Cheyenne Mountain Zoological Park to transport the snow leopard to the Calgary Zoo in a crate measuring 48" long, 24" wide, and 36" high. This crate is made from ¾" plywood which is supported by a frame of 2 x 4's and is lined inside with sheet metal. There is a guillotine-type door at one end and this door has a ventilation port measuring 6" x 12" which is covered with expanded metal. Also, the door is secured by a hasp and lock. The Cheyenne Mountain Zoological Park will transport the specimen by truck to Denver, Colorado where it will be transferred to Western Airlines' flight No. 480 leaving Denver at 10:50 a.m., MDT and arriving in Calgary at 1:00 p.m., MDT. Because of the short period of travel involved and because of the nature of the specimen, no provisions will be made for feeding and watering en route.

The only snow leopard deaths at the Cheyenne Mountain Zoological Park in the past five years may be attributed to age or maternal incompetence. We lost an adult male on 23 Nov 74 to acute, necrotizing hepatitis, which our veterinarian felt was a senile condition. That specimen was acquired on 28 Feb 68 as an adult of unknown age. On 21 Apr 73 a litter of one male and two female cubs was born at the Cheyenne Mountain Zoological Park. The male and one female died of aspiration pneumonia on 22 and 25 Apr 73, respectively. The second female died 30 Apr 73 of a blockage of the bowel. A second litter was born to the same pair on 9 May 74, consisting of two males and two females. One cub of each sex was immediately destroyed by the mother, but the remaining pair was successfully hand-reared and still reside at the Cheyenne Mountain Zoological Park. On 22 Apr 75, this same pair again reproduced, this time, a single female cub. This specimen had a congenital hip deformity and was, on 15 Mar 76, donated to the Cleveland Zoo. On 23 May 75, a second female, previously mated to the non-breeding male that died in 1974 (see above) delivered her first litter of two males and one female. The female cub was abandoned on the den floor and died of pneumonia on 26 May 75. The two male cubs were hand-raised in the zoo nursery and it is one of these that we wish to export to Canada.

Therefore, because the Cheyenne Mountain Zoological Park has been relatively successful in the captive propagation of snow leopards and because the long-term objectives of captive propagation and conservation of this delicate and beautiful species would be better served by placing captive-born specimens in other zoological collections, we respectfully request that this permit application receive favorable consideration.

I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter 1 of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

DON G. DAVIS,
Director,
Cheyenne Mountain Zoological Park.

DAVID E. ALLEN,
Assistant Director,
Cheyenne Mountain Zoological Park.

WILLIAM V. ARAGON,
Curator,
Cheyenne Mountain Zoological Park.

cc: MR. HARRY STILES,
Special Agent-in-Charge,
(FWS/LE) Denver, Colorado.

JOHN M. MERTENS,
Chairman, A.A.Z.P.A. Conservation of Wildlife Committee.

MR. PETER KARSTEN,
Director, Calgary Zoo.

CALGARY, AB T2G 3H4, *April 5, 1976.*

UNITED STATES DEPARTMENT OF INTERIOR,
Fish and Wildlife Service.

DEAR SIRS: We have been asked by Don Davis, Director of the Zoo in Colorado Springs, Colorado, to give you some information about our zoo and specifically about our desire to obtain one male snow leopard from Colorado Springs.

The Calgary Zoo has been located on St. George's Island since its inception in 1918. Since that time it has grown to a zoo with an inventory of 334 species with an operating budget of $1,500,000.00 per year and attendance figures in excess of 600,000 people per year. The Calgary Zoo is financed and operated jointly by the City of Calgary and the Calgary Zoological Society. The Calgary Zoological Society provides capital funds to build the buildings and buy the animals and the City provides the operating funds to maintain the buildings and the animal collection.

All of the keeper staff at the Calgary Zoo go through an in-service, 4 year apprenticeship program. This program, one of the most highly recognized in North America, prepares the apprentice to work in all parts of the zoo plus giving him a sound theoretical background in a formal 60 lecture classroom training program. We have a staff at the present time of twenty-three apprentice zoo keepers and zoo keepers.

The Calgary Zoo's administration staff consists of: the Zoo Director, Curator of Operations, an Education Director, a Technical Services Department and a full time staff Veterinarian. All administrative staff had academic training in animal husbandry and in related fields. The Education Department is quite active in both contact with the public school system and in-zoo public education in the form of graphics and lectures. The Technical Services Department looks after all the records systems of the zoo. The zoo has recently acquired an Olivetti S-14 word retrieval system similar to the one in use in Denver and Philadelphia Zoos. This, we feel, gives us one of the most advanced zoo record system in North America. In conjunction with this internal system we are also a paid up and fully supporting member of th ISIS (International Species Inventory System) program and have been since its inception.

The Calgary Zoo is also a paid up and supporting member of both the American Association of Zoological Parks and Aquariums and the recently formed Canadian Association of Zoological Parks and Aquariums of which our director, Peter Karsten, is the president.

The integrity and reputation of the Calgary Zoo with all levels of Canadian Government can be verified by contacting any of the following people:

Mr. John Heppes, Administrator, Convention on International Trade in Endangered Species, Canadian Wildlife Service, Ottawa, Ontario K1A 0E3.
Mr. Gordon Kerr, Director of Fish and Wildlife, Natural Resources Building, 109th Street and 99th Avenue, Edmonton, Alberta T5K 2E1.
Dr. Lewis, Health of Animals Branch, Agriculture Canada, Ottawa, Ontario K1A 0C5.

I have taken the liberty of enclosing a copy of our master plan which will give you an idea of what exactly we have planned for the Calgary Zoo in the next few years. Our philosophy as explained on pages 4 and 5 of the booklet is to display fewer animals well and to concentrate on reproducing, in particular, rare and endangered species. It is for this reason that we wish to acquire snow leopards. We feel that this species will fit in well with our display philosophy and, in particular, our climate. We plan to acquire an unrelated female from another zoo and so establish a good breeding pair and have already made contact with several zoos to try and accomplish this.

The snow leopard will be displayed in an exhibit that will be approximately 3600 square feet of predominantly natural ground. The exhibit will have a glass front facing the public, wire mesh at the back and will be covered with wire mesh. The den will be approximately 600 square feet with three separate dens and two cubbing dens off of two of the day pens. The buildings will be serviced by power, water and sewer to insure the health and comfort of these animals.

The Calgary Zoo has had many breedings, births and hatchings over the years of difficult and rare species. These include: spectacled bears, black leopards, grizzly bears, polar bears, muskox, dall sheep, pronghorn antelope, European eagle owls, sarus crane and coscoroba and trumpeter swans. We feel that we have the expertise and we soon will have the facilities to handle the rarest and most sensitive of zoo animals and it is for this reason that we are applying for the permit to move this snow leopard to the Calgary Zoo.

I hope that between this letter and the master plan booklet, we have answered any questions you may have had concerning this transaction. If I can be of any further help, please feel free to contact me.

Sincerely,

CALGARY ZOOLOGICAL SOCIETY
GREG TARRY,
Curator of Operations.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. This application has been assigned File Number PRT 2-279-07; please refer to this number when submitting comments. All relevant comments received on or before September 9, 1976 will be considered.

Dated: August 4, 1976.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76-23072 Filed 8-9-76;8:45 am]

National Park Service

BLUE RIDGE PARKWAY

Intention To Issue a Concession Permit

Pursuant to the provisions of section 5 of the Act of October 9, 1965, (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice (September 9, 1976), the Department of the Interior, through the Superintendent, Blue Ridge Parkway, proposes to issue a concession permit to Mr. Homer Harris authorizing him to continue to provide concession facilities and services for the public at Mabry Mill, Blue Ridge Parkway, for a period of five (5) years from January 1, 1976, through December 31, 1980.

An analysis of the environmental impact of this proposed action has been made and it has been determined that it will not significantly affect the quality of the environment, and that it is not a major Federal action having a significant impact on the environment under the National Environmental Policy Act of 1969. The environmental analysis may be reviewed in the Office of the Superintendent, Blue Ridge Parkway.

The foregoing concessioner has performed his obligations under a prior permit to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. However, under the Act cited above, the National Park Service is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before September 9, 1976.

Interested parties should contact the Superintendent, Blue Ridge Parkway, Post Office Box 7606, Asheville, North Carolina 28807, for information as to the requirements of the proposed permit.

Dated: June 29, 1976.

DAVID D. THOMPSON, Jr.,
Regional Director, Southeast Region.

[FR Doc.76-23168 Filed 8-9-76;8:45 am]

NATIONAL REGISTER OF HISTORIC PLACES

Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before July 30, 1976. Pursuant to § 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240. Written comments or a request for additional time to prepare comments should be submitted by August 20, 1976.

JERRY L. ROGERS,
Acting Director, Office of Archeology and Historic Preservation.

ALABAMA

Calhoun County

Anniston, *U.S. Post Office*, 1129 Noble St.

ALASKA

Nome Division

Nome vicinity, *Bear Rock Monument*, N of Nome near Salmon Lake.

ARIZONA

Cochise County

Cochise, *Cochise Hotel*, off U.S. 666.

CALIFORNIA

Yolo County

Woodland, *Gibson, William B., House*, 512 Gibson Rd.

DISTRICT OF COLUMBIA

Capitol Hill Historic District, roughly bounded by Va. Ave SE, S. Capitol, F St. NE, and 14th Sts. NE and SE.

KENTUCKY

Mercer County

Harrodsburg, Clay Hill, *Magoffin-Thompson House*, 433 Beaumont Ave.

MARYLAND

Carroll County

Union Bridge, *Pipe Creek Friends Meetinghouse*, Quaker Hill Rd.
Union Bridge, *Union Bridge Station*, N end of Main St.

MICHIGAN

Keweenaw County

Isle Royale National Park, *Rock Harbor Lighthouse*, Rock Harbor.

MISSISSIPPI

Alcorn County

Corinth vicinity, *Federal Siege Trench*, N of Corinth off U.S. 45.

MISSOURI

St. Louis (independent city)

Laclede's Landing, area between Eads and Veterans Memorial bridges and between Mark Twain Expwy. and the Mississippi River.

NEW YORK

Onondaga County

Syracuse, *Syracuse City Hall*, 233 E. Washington St.

Sullivan County

Jeffersonville vicinity, *Stone Arch Bridge*, S of Jeffersonville on NY 52.

OREGON

Lake County

Paisley vicinity, *Coffeepot Flat Cabin*, S. of Paisley on Fremont National Forest.

PENNSYLVANIA

Adams County

Gettysburg, *Sheads House*, 331 Buford Ave.

Allegheny County

Pittsburgh, *Phipps Conservatory*, Schenley Park.

Centre County

Bellefonte, *Bellefonte Academy*, 225 E. Bishop St.

Dauphin County

Harrisburg, *Griffith, William R., House (Cathedral House)*, 215 N. Front St.

Lancaster County

Lancaster, *Masonic Hall Building*, 13 W. King St.

Lycoming County

Williamsport, *Williamsport City Hall*, Pine Street.

Montgomery County

Schwenksville vicinity, *Pennypacker Mansion*, 5 Haldeman Rd.

Philadelphia County

Philadelphia, *Bergdoll Mansion*, 2201-2205 Green St.
Philadelphia, *Rosenbach House*, 2010 Delancey Pl.
Philadelphia, *Ryerss Mansion*, Central and Cottman Aves.

Warren County

Warren, *Hazeltine, A. J., House*, 710 Pennsylvania Ave. W.

Washington County

Washington, *Sackville House*, 309 E. Wheeling St.

SOUTH DAKOTA

Butte County

Belle Fourche vicinity, *Orman Dam*, E of Belle Fourche off U.S. 212.

WISCONSIN

Dodge County

Mayville, *White Limestone School*, N. Main St. between Dayton and Buchanan Sts.

Oconto County

Oconto, *Holt-Balcolm Lumber Company Office*, 106 Superior Ave.

Pierce County

River Falls, *South Hall, River Falls State Normal School*, 320 E. Cascade Ave.

[FR Doc.76-22698 Filed 8-9-76;8:45 am]

V 41 155 AUG 10 76 UMI

Office of the Secretary

LAND AND WATER RESOURCES

Public Hearing

Notice is hereby given that public hearings will be held for the purpose of receiving testimony and comments on the availability of Federal lands for mineral exploration and development. As a result of recent public concern over the availability of public lands for mineral development under the General Mining Law (30 U.S.C. 21) and the Mineral Leasing Laws (30 U.S.C. 181–287, 351–359, 1001–1025), the Secretary of the Interior on January 12, 1976, directed that a special Task Force be established to examine and report on this matter.

In order to provide the maximum opportunity for public involvement at an early stage in its work and to provide information which will be useful in determining the extent to which mineral exploration and development is or is not restricted on Federal lands because of withdrawals, segregations, or other actions, the Task Force has determined that public hearings should be held.

Secretary Kleppe in a memorandum of January 12, 1976, established a Departmental Task Force on the Availability of Federally-Owned Mineral Lands. He gave the following objectives to the Task Force:

1. Determine which lands—of all public lands and lands where the Government owns the mineral estate—have been withdrawn, segregated, or otherwise restricted from mineral exploration and development.

2. Review present administrative policies and procedures governing withdrawal of public lands and other restrictions; and review modification and termination of withdrawals and restrictions.

3. Review alternatives to the present withdrawal system and other restrictive actions.

The public hearings will be held on the following dates at the following locations:

SEPTEMBER 8–9, 1976

SALT PLACE, SALT LAKE CITY, UTAH

SEPTEMBER 15–16, 1976

DEPARTMENT OF THE INTERIOR, SOUTH BUILDING AUDITORIUM, CONSTITUTION AVE., WASHINGTON, D.C.

Hearings at both locations will be held from 9 a.m. to 12 noon and 1 p.m. to 5 p.m. Interested individuals, representatives of organizations, and public officials wishing to appear at the hearings should contact the Office of the Assistant Secretary for Land and Water Resources, Department of the Interior, 18th & C Streets NW., Washington, D.C. not later than September 2. Written comments from those unable to attend and from those wishing to supplement their oral presentations at the hearings should be received by the Office of the Assistant Secretary for Land and Water Resources on or before September 30.

Oral statements at the hearings will be limited to 15 minutes. To the extent that time is available after presentation or oral statements by those who have given advanced notice, the hearings officer will give others present an opportunity to make a statement. Because of time limitations, those presenting oral statements at one of the above identified locations will not be permitted to present statements at other locations. The hearings are open to the public. All written statements received pursuant to this notice will be included in the hearing record. A record of the hearings will be available for public inspection 30 days after the last hearing date at the Office of the Assistant Secretary for Land and Water Resources.

Further information concerning these hearings may be obtained from Mr. Dennis Sachs, Chairman of the Mineral Lands Availability Task Force, Room 6616, Main Interior Building, 18th & C Streets, NW., Washington, D.C.

AUGUST 6, 1976.

DENNIS SACHS,
Chairman,
Deputy Assistant Secretary.

[FR Doc.76-23447 Filed 8-9-76;10:21 am]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION, INC.

Electric Power Facility Loan; Draft Environmental Statement

Notice is hereby given that the Rural Electrification Administration intends to prepare a Draft Environmental Impact Statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 in connection with a loan application from Tri-State Generation and Transmission Association, Inc., 10520 Melody Drive, Northglenn, Colorado (Mailing Address: P.O. Box 29198, Denver, Colorado). The Statement covers two 50 MW combustion turbine generating units to be installed at a 43 acre site in Kit Carson County, Colorado and accessory facilities which include bus work for interconnection with the Burlington Substation presently under construction, fuel supply and fuel storage facilities, water storage reservoir, evaporative cooler blowdown storage reservoir and site peripheral irrigation system with associated pumps, and an office and parts warehouse building.

Interested persons are invited to submit comments which may be helpful in preparing the Draft EIS.

Comments should be forwarded to the Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, with a copy to the borrower whose address was given above. Additional information may be obtained at the borrower's office during regular business hours.

Dated at Washington, D.C. this 4th day of August 1976.

DAVID H. ASKEGAARD,
Acting Administrator, Rural Electrification Administration.

[FR Doc.76-23170 Filed 8-9-76;8:45 am]

DEPARTMENT OF COMMERCE

Bureau of the Census

SPECIAL CENSUSES

Tabulations Completed in July 1976

The Bureau of the Census conducts a program whereby a local or State government can contract with the Bureau to conduct a special census of population. The content of a special census is ordinarily limited to questions on relationship to the head of the household, age, race, and sex, although additional items may be included at the request and expense of the sponsor. The enumeration in a special census is conducted under the same concepts which govern the Decennial Census.

Summary results of special censuses are published semiannually in the Current Population Reports—Series P–28, prepared by the Bureau of the Census. For each area which has a special census population of 50,000 or more, a separate publication showing data for that area by age, race, and sex is prepared. If the area has census tracts, these data are shown by tracts.

The data shown in the following table are the results of special censuses conducted since December 31, 1975, for which tabulations were completed between July 1, 1976, and July 31, 1976.

Dated: August 3, 1976.

VINCENT P. BARABBA,
Director, Bureau of the Census.

State and place or special area	County	Date of census	Population
Arkansas:			
Diamond City	Boone	June 1, 1976	603
Mount Vernon Town	Faulkner	May 19, 1976	132
North Little Rock City	Pulaski	Apr. 28, 1976	62,040
Idaho:			
Shoshone County		Apr. 7, 1976	18,938
Washington County		May 5, 1976	8,485
Illinois:			
Bethany Village	Moultrie	May 17, 1976	1,305
Tazewell County (unincorporated area only)		Apr. 26, 1976	26,143
Indiana:			
Carmel City	Hamilton	Apr. 26, 1976	15,181
Cloverdale Town	Putnam	May 26, 1976	1,261
Michigan:			
Breitung Township	Dickinson	May 20, 1976	4,149
Hampton Township	Bay	May 4, 1976	8,964
Monitor Township	Bay	May 14, 1976	10,032
Mississippi: Clinton City	Hinds	May 4, 1976	12,109
Ohio: Milford City	Clermont and Hamilton	May 6, 1976	4,503
Pennsylvania: Peters Township	Washington	May 4, 1976	12,143

[FR Doc.76-23071 Filed 8-9-76;8:45 am]

National Bureau of Standards

STRUCTURAL GLUED LAMINATED TIMBER STANDARD

Publication of Amendment

The National Bureau of Standards is giving public notice of the publication of Amendment No. 1 to Voluntary Product Standard PS 56–73, "Structural Glued Laminated Timber." The amendment, published in accordance with section 10.10(c) of the Department of Commerce's "Procedures for the Development of Voluntary Product Standards," became effective July 19, 1976. Amendment No. 1 to PS 56–73 provides clarification in line with changing technology and marketing practices, updates referenced publications, and adds definitions.

Copies of this amendment may be obtained from the Standards Development Services Section, National Bureau of Standards, Washington, D.C. 20234.

ERNEST AMBLER,
Acting Director.

AUGUST 5, 1076.

[FR Doc.76-23210 Filed 8-9-76;8:45 am]

LEGAL SERVICES CORPORATION

COMMITTEE ON REGULATIONS

Meeting

The next meeting of the Committee on Regulations of the Legal Services Corporation Board of Directors will be held on Friday, August 20, 1976, in the O'Hare Hilton, Chicago, Illinois.

The meeting will convene at 9:00 a.m. and will be for the purpose of considering comments received on previously published regulations concerning Financial Eligibility (Part 1611), Restrictions on Legal Assistance in Criminal Proceedings (Part 1613), Restrictions on Representation of Juveniles (Part 1614), Prohibited Civil Representation (Part 1615), Attorney Hiring (Part 1616); and considering whether to publish for comment other draft regulations including ones governing class action lawsuits, enforcement procedures, and procedures for suspension and termination of financial assistance.

ALICE DANIEL,
General Counsel.

[FR Doc.76-23449 Filed 8-9-76;10:22 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

COAL MINE HEALTH RESEARCH ADVISORY COMMITTEE

Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), the Center for Disease Control announces the following National Institute for Occupational Safety and Health Committee meeting:

Name: Coal Mine Health Research Advisory Committee.
Date: September 24, 1976.
Place: Conference Room G, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852.
Time: 9 a.m.
Type of Meeting: Open: 9 a.m. to 2:30 p.m., on September 24. Closed: Remainder of meeting.
Contact Person: Marilyn K. Hutchison, M.D., Executive Secretary, Park Building, Room 3–14, NIOSH, 5600 Fishers Lane, Rockville, Maryland 20852, Phone: 301–443–6377.
Purpose: The Committee is charged with advising the Secretary, Department of Health, Education, and Welfare, on matters involving or relating to coal mine health research, including grants and contracts for such research.
Agenda: Agenda items for the open portion of the meeting will include announcements, consideration of minutes of previous meeting, administrative and staff reports, an overview of the National Advisory Committee on Occupational Safety and Health, coal health standards, and Appalachian Laboratory for Occupational Safety and Health, including the status of the National Coal Study, the third round of medical examinations of coal miners, and the fiscal year 1977 research program. During the closed session beginning at 2:45 p.m., the Committee will be performing the final review of coal research grant applications for Federal assistance, and will not be open to the public, in accordance with the provisions set forth in Section 552(b)(5) and (6), Title 5, U.S. Code, and the Determination by the Director, Center for Disease Control, pursuant to Public Law 92–463.

Agenda items are subject to change as priorities dictate.

The portion of the meeting so indicated is open to the public for observation and participation. A roster of members and other relevant information regarding the meeting may be obtained from the contact person listed above.

Dated: August 3, 1976.

DAVID J. SPENCER,
Director,
Center for Disease Control.

[FR Doc.76-23462 Filed 8-9-76;10:39 am]

Food and Drug Administration

[Docket No. 75P–0294]

LISTING OF INGREDIENTS IN PET FOOD LABELING

Notice Reaffirming Regulatory Policy; Extension of Time for Compliance

The Food and Drug Administration (FDA) is extending until June 7, 1977, the time for compliance with the notice published in the FEDERAL REGISTER of April 14, 1976 (41 FR 15731), which reaffirmed FDA regulatory policy with respect to the declaration of water as an ingredient of pet food.

The April 14 notice required that all pet food products initially introduced into interstate commerce after October 12, 1976, conform with the provisions of 21 CFR 1.10(e) (redesignated as 21 CFR 1.10(a); see the FEDERAL REGISTER of January 6, 1976 (41 FR 1165)). That effective date was established to give manufacturers whose labeling was not in compliance with this section because of conflicting interpretations of the existing requirements of Federal and State regulations a reasonable transition period to bring their labeling into compliance.

The Commissioner of Food and Drugs has received a request that the effective date be further delayed because compliance by October 12, 1976, will impose a harsh economic burden on the entire industry, particularly the smaller manufacturers. The economics of the pet food industry require most manufacturers to purchase their labels 2 to 6 months prior to use; the smaller manufacturers, however, often must acquire their labels as much as 1 or 2 years in advance. Thus, the October effective date provides many affected parties little if any relief, and the Commissioner has determined that more time is necessary to accomplish the equitable period of transition originally sought.

Based on the foregoing, therefore, the Commissioner has concluded that the effective date of the time for compliance shall be June 7, 1977.

Dated: August 3, 1976.

JOSEPH P. HILE,
Acting Commissioner of Food and Drugs.

[FR Doc.76-23167 Filed 8-9-76;8:45 am]

[Docket No. 76N–0225; DESI 5010]

MEPERIDINE HYDROCHLORIDE TABLETS AND ELIXIR

Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice and Opportunity for Hearing

Correction

In FR Doc. 76–21309 in the FEDERAL REGISTER for Friday, July 23, 1976 make the following correction at page 30377: In the middle column, paragraph numbered "3", line 11 should read "complete container labeling if current container labeling has not been sub-".

[Docket No. 76C–0345]

GLENN M. W. SCOTT

Filing of Petition for Color Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706(d), 74 Stat. 402 (21 U.S.C. 376(d))), notice is given that a petition (CAP 6CP0123) has been filed by Glenn M. W. Scott, 6211 Orion Rd., Louisville, KY 40222, requesting that:

(1) The listing of the color additive FD&C Blue No. 1 (21 CFR 8.206 and 8.4021) be repealed.

(2) The following petitions be referred to an advisory committee under section 706(b)(5)(C)(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 376(b)(5)(C)(i)).

(i) The petition to repeal the listing of FD&C Blue No. 1.

(ii) The petition to list FD&C Green No. 3, notice of filing of which was pub-

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lished in the FEDERAL REGISTER of November 20, 1968 (33 FR 17205).

(iii) The petition to list FD&C Red No. 4, notice of filing of which was published in the FEDERAL REGISTER of November 20, 1968 (33 FR 17205).

The petition is dated March 2, 1976 and is deemed to have been filed on March 12, 1976.

Dated: August 6, 1976.

JOSEPH P. HILE,
Acting Commissioner of Food and Drugs.

[FR Doc.76-23467 Filed 8-9-76;10:56 am]

Health Services Administration

CALIFORNIA

Notice to Physicians Regarding Agreement To Designate Professional Standards Review Organization

On March 25, 1976, the Secretary of Health, Education, and Welfare published in the FEDERAL REGISTER a notice in which he announced his intention to enter into an agreement with the San Francisco Peer Review Organization, Inc. designating it as the Professional Standards Review Organization for PSRO Area V of the State of California, which area is designated a Professional Standards Review Organization Area in 42 CFR 101.7.

Such notice was also published in three consecutive issues of "The San Francisco Examiner" and the "San Francisco Chronicle" on March 25, 26, and 27, 1976. In addition, copies of the notice were mailed to organizations of practicing doctors of medicine or osteopathy, including the appropriate State and county medical and specialty societies, and hospitals and other health care facilities in the area, with a request that each such society or facility inform those doctors in its membership or on its staff who are engaged in active practice in PSRO Area V of the State of California of the contents of the notice.

The notice requested that any licensed doctor of medicine or osteopathy engaged in active practice in PSRO Area V of the State of California who objects to the Secretary entering into an agreement with the San Francisco Peer Review Organization, Inc. on grounds that such organization is not representative of the doctors in PSRO Area V of the State of California, mail such objection in writing to the Secretary, Department of Health, Education, and Welfare, P.O. Box 1588, FDR Station, New York, New York 10022 on or before April 26, 1976.

After reviewing the final tabulation of objections from doctors of medicine or osteopathy in PSRO Area V of the State of California, the Secretary has determined, pursuant to 42 CFR 101.105, that not more than 10 per centum of the doctors engaged in the active practice of medicine or osteopathy in PSRO Area V of the State of California have expressed timely objection to the entering into an agreement with the San Francisco Peer Review Organization, Inc. Therefore, the Secretary will proceed to enter into an agreement with the San Francisco Peer Review Organization, Inc. designating it as the Professional Standards Review Organization for PSRO Area V of the State of California.

Dated: August 5, 1976.

JOHN E. MARSHALL,
Associate Administrator for Operations, Health Services Administration.

[FR Doc.76-23341 Filed 8-9-76;8:45 am]

National Institutes of Health

CANCER CONTROL COMMUNITY ACTIVITIES REVIEW COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Cancer Control Community Activities Review Committee, September 13, 1976, National Institutes of Health, Building 31C, Conference Room 10. This meeting will be open to the public from 8:30 a.m. to 9:00 a.m. on September 13, 1976, to review administrative details. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552(b)(4), 552(b)(5) and 552(b)(6); Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on September 13, 1976 from 9:00 a.m. to adjournment, for the review, discussion and evaluation of individual initial pending grant applications and individual contract proposals. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications and individual contract proposals containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications and proposals.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the meeting and roster of committee members upon request. Dr. Robert F. Browning, Executive Secretary, Blair Building, Room 7A07, National Institutes of Health, Bethesda, Maryland, 301/427-7945, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.399, National Institutes of Health.)

Dated: July 26, 1976.

RONALD W. LAMONT-HAVERS,
Deputy Director, National Institutes of Health.

[FR Doc.76-23184 Filed 8-9-76;8:45 am]

CANCER CONTROL INTERVENTION PROGRAMS REVIEW COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Cancer Control Intervention Programs Review Committee, National Cancer Institute, Blair Building, Room 110, 8300 Colesville Road, Silver Spring, Maryland 20901 on September 9-10, 1976.

This meeting will be open to the public from 8:30 a.m. to 12:00 noon on September 9, 1976, and from 8:30 a.m. to adjournment on September 10, 1976, for the review of contract projects supported by the National Institutes of Health. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552(b)(4) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed on September 9, 1976, from 12:00 noon to 5:00 p.m. for the review, discussion, and evaluation of individual contract proposals. The contract proposals contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries, and personal information about individuals associated with the contract proposals.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the meeting and rosters of committee members.

Dr. Carlos E. Caban, Executive Secretary, Blair Building, Room 7A07, National Institutes of Health, Bethesda, Maryland 20014 (301/427-7945) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Number 13.399, National Institutes of Health.)

Dated: August 3, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.76-23183 Filed 8-9-76;8:45 am]

CLINICAL APPLICATIONS AND PREVENTION ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Clinical Applications and Prevention Advisory Committee, National Heart, Lung, and Blood Institute, September 22, 1976, Landow Building, Conference Room C418, Bethesda, Maryland.

This meeting will be open to the public on September 22, 1976, from 8:30 a.m. to 5:00 p.m. when a review of the progress and future plans of selected research programs of the Clinical Applications and Prevention area will be held. Attendance by the public will be limited to space available.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute Building 31, Room 5A03, National Institutes of Health, Bethesda, Maryland, 20014, phone (301) 496-4236, will provide summaries of the meeting and rosters of the committee members.

Dr. William J. Zukel, Executive Secretary of the Committee, Landow Building, Room C809, Bethesda, Maryland, 20014, phone (301) 496-2533, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, National Institutes of Health.)

Dated: August 3, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.76-23187 Filed 8-9-76;8:45 am]

INTERAGENCY COORDINATING COMMITTEE FOR CANCER CONTROL AND REHABILITATION

Meeting

Notice is hereby given of a meeting of the Interagency Coordinating Committee for Cancer Control and Rehabilitation, NCI, sponsored by the Division of Cancer Control and Rehabilitation, to be held on September 29, 1976, Building 31, Conference Room 7, National Institutes of Health.

The meeting will be open to the public from 9:00 a.m. to adjournment. The purpose of the meeting is to exchange information on various programs of cervical cancer screening sponsored by different agencies within the Public Health Service. Attendance by the public will be limited to space available.

Dr. Margaret H. Sloan, Special Assistant to the Director of the Division of Cancer Control and Rehabilitation, Blair Building Room 722, Telephone (301) 427-7969 will provide substantive program information.

Dated: August 3, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.76-23191 Filed 8-9-76;8:45 am]

LIPID METABOLISM ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Lipid Metabolism Advisory Committee, National Heart, Lung and Blood Institute, September 21, 1976, National Institutes of Health, Building 31, Conference Room 7.

The entire meeting will be open to the public from 8:30 a.m. to 5 p.m. to discuss the Lipid Metabolism Branch status report and program review plans. Attendance by the public will be limited to space available. Mr. York Onnen, Chief, Public Inquiries and Reports Branch, NHLBI, National Institutes of Health, Building 31, Room 5A03, Bethesda, Maryland 20014, (301) 496-4236, will provide summaries of the meeting and rosters of the committee members.

Dr. Basil M. Rifkind, Chief, Lipid Metabolism Branch, NHLBI, Building 31, Room 4A18, (301) 496-1681, will provide substantive program information.

Dated: August 3, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.76-23186 Filed 8-9-76;8:45 am]

NCI BOARD OF SCIENTIFIC COUNSELORS, DCBD

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, DCBD, National Cancer Institute, October 29 and 30, 1976, Building 31, "A" Wing, Conference Room 4, National Institutes of Health. This meeting will be open to the public on October 29, 1976, from 9:00 a.m. to 5:00 p.m. to discuss the scientific research program of the Laboratory of Cell Biology, Division of Cancer Biology and Diagnosis. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on October 30, 1976, from 9:00 a.m. to adjournment for the review, discussion, and evaluation of individual programs and projects conducted by the National Institutes of Health, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Alan S. Rabson, Director, Division of Cancer Biology and Diagnosis, National Cancer Institute, Building 31, Room 3A-03, National Institutes of Health, Bethesda, Maryland 20014 (301/496-4345) will furnish summaries of meetings, rosters of committee members, and substantive program information.

Dated: August 3, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.76-23194 Filed 8-9-76;8:45 am]

NATIONAL ADVISORY ALLERGY AND INFECTIOUS DISEASES COUNCIL

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory Allergy and Infectious Diseases Council, National Institute of Allergy and Infectious Diseases, September 30, October 1 and 2, 1976, in Building 31, Conference Room 6, Bethesda, Maryland. This meeting will be open to the public on September 30 from 1:30 p.m. until recess, and on October 1 from 9:00 a.m. until 5:00 p.m., to discuss administrative, program, and policy matters. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552(b)(4), 552(b)(5), and 552(b)(6), Title 5, U.S. Code, and section 10(d) of Public Law 92-463, the meeting of the Council will be closed to the public on September 30 from 9:00 a.m. until 1:30 p.m., and on October 2 from 9:00 a.m. until adjournment, for the review, discussion, and evaluation of individual initial pending, supplemental and renewal grant applications. The closed portions of the meetings involve solely the internal expression of views and judgments of Council members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A32, Bethesda, Maryland, telephone (301) 496-5717, will furnish rosters of Council members, a summary of the meeting, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program Nos. 13.855, 13.856, 13.857, and 13.858, National Institutes of Health.)

Dated: August 3, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.76-23192 Filed 8-9-76;8:45 am]

NATIONAL ADVISORY CHILD HEALTH AND HUMAN DEVELOPMENT COUNCIL

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory Child Health and Human Development Council, September 22-23, 1976, Building 31, Conference Room 10, National Institutes of Health, Bethesda, Maryland. The meeting will be open to the public on September 22 from 9:00 a.m. to 5:00 p.m. with current status reports, review of the Growth and Development Program, and scientific presentations. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552(b)(4), 552(b)(5), and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on September 23 from 9:00 a.m. to adjournment for the review, discussion and evaluation of individual initial pending, supplemental, and renewal grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mrs. Marjorie Neff, Council Secretary, NICHD, Building 31, Room 2A-04, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496-1848, will

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provide summaries of meetings and a roster of Council members as well as substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.864 and 13.865, National Institutes of Health.)

Dated: August 3, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76-23188 Filed 8-9-76;8:45 am]

NATIONAL ADVISORY NEUROLOGICAL AN COMMUNICATIVE DISORDERS AND STROKE- COUNCIL

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory Neurological and Communicative Disorders and Stroke Council, National Institutes of Health, September 23, 24, and 25, 1976, at 9:00 a.m. in Building 31-C, Conference Room 6, Bethesda, Maryland.

The meeting will be open to the public from 9:00 a.m. until 1:00 p.m. on September 23, 1976, and from 9:00 a.m. to 10:00 a.m., and from 3:00 p.m. until the conclusion of the meeting on September 24, 1976, to discuss program planning and program accomplishments. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)(4), 552(b)(5), and 552(b)(6) of Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 1:00 p.m. on September 23, 1976, until the conclusion of the meeting that day, and from 10:00 a.m. until 3:00 p.m. on September 24, and from 9:00 a.m. until the conclusion of the meeting on September 25, 1976, for the review, discussion and evaluation of individual initial pending and renewal research grant applications and applications for Teacher-Investigator Awards and Research Career Development Awards. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications which contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with applications for research grants.

The Chief, Office of Scientific and Health Reports, Mrs. Ruth Dudley, Building 31, Room 8A03, NINCDS, NIH, Bethesda, Maryland, telephone: (301) 496-5751, will furnish summaries of the meeting and rosters of committee members.

Dr. Murray Goldstein, Executive Secretary, Federal Building, Room 1016A, Bethesda, Maryland, telephone: (301) 496-9248, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.851, 13.852, 13.853, 13.854, National Institutes of Health)

Dated: August 2, 1976.

R. W. LAMONT-HAVERS,
Deputy Director,
National Institutes of Health.

[FR Doc.76-23189 Filed 8-9-76;8:45 am]

NATIONAL ADVISORY NEUROLOGICAL AND COMMUNICATIVE DISORDERS AND STROKE COUNCIL PLANNING SUBCOMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory Neurological and Communicative Disorders and Stroke Council Planning Subcommittee, September 9, 1976, at 8:30 a.m. in the Connecticut Room, The Holiday Inn, 8120 Wisconsin Avenue, Bethesda, Maryland. The meeting will be open to the public from 8:30 a.m. to 10:30 a.m. on September 9, 1976, to discuss program planning and program accomplishments. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)(4), 552(b)(5), and 552(b)(6) of Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 10:30 a.m. on September 9, 1976, to adjournment on September 9, 1976 for the review, discussion and evaluation of individual initial pending and renewal grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications which contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with applications for research grants.

The Chief, Office of Scientific and Health Reports, Mrs. Ruth Dudley, Building 31, Room 8A03, NIH, NINCDS, Bethesda, Maryland, telephone: (301) 496-5751, will furnish summaries of the meeting and rosters of committee members.

Dr. O. Malcolm Ray, Executive Secretary of the Committee, Room 1020C, Federal Building, NIH, NINCDS, Bethesda, Maryland, telephone: (301) 496-9234, will provide substantive program information.

(Catalog of Federal Domestic Association Program Nos. 13.851, 13.852, 13.853, 13.854, National Institutes of Health)

Dated: August 2, 1976.

RONALD W. LAMONT-HAVERS,
Deputy Director,
National Institutes of Health.

[FR Doc.76-23181 Filed 8-9-76;8:45 am]

NATIONAL LIBRARY OF MEDICINE BOARD OF REGENTS

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Regents of the National Library of Medicine on September 23-24, 1976, in the Board Room of the National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland, and the meeting of the Extramural Programs Subcommittee of the Board of Regents of the National Library of Medicine on the preceding day, September 22, 1976, from 2:00 to 5:00 p.m., in Conference Room "B" of the Library.

The meeting of the Board will be open to the public all day on September 23 and from 9:00 to 9:30 a.m. on September 24 for administrative reports and program and operation discussions. Attendance by the public will be limited to space available. In accordance with provisions set forth in sections 552(b)(4), 552(b)(5), and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the entire meeting of the Subcommittee on September 22 will be closed to the public, and the regular Board meeting on September 24 will be closed from 9:30 a.m. to adjournment, for the review, discussion and evaluation of individual initial pending and renewal grant applications. The closed portions of the meetings involve solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. Robert B. Mehnert, Chief, Office of Inquiries and Publications Mangement, National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland 20014, Telephone Number: 301-496-6308, will furnish a summary of the meeting, rosters of Board members, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program Nos. 13.348, 13.349, 13.351—National Institutes of Health)

Dated: August 3, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76-23190 Filed 8-9-76;8:45 am]

PEDIATRIC CLINICAL PHARMACOLOGY

Workshop

Notice is hereby given of the Workshop on Pediatric Clinical Pharmacology to be sponsored by the National Institute of General Medical Sciences and the National Instiute of Child Health and Human Development, November 18-19, 1976, National Institutes of Health, Building 31C, Conference Room 7, Bethesda, Maryland.

This entire workshop will be opened to the public on November 18 and 19. The purpose of this workshop is to assess the status of research in pediatric clinical pharmacology and to point out new directions.

Substantive program information may be obtained from Dr. Sara Gardner, Program Administrator, Pharmacology-Toxicology Program, National Institute of General Medical Sciences, Westwood Building, Room 9A-07, Bethesda, Maryland 20014, Telephone: 301-496-7181 and Dr. Charlotte Catz, Pediatric Medical Officer, Pregnancy and Infancy Branch, National Institute of Child Health and Human Development, Landow Building, Room C-709, Bethesda, Maryland 20014, Telephone: 301-496-1485.

(Catalog of Federal Domestic Assistance Program 13-859, Pharmacology-Toxicology Program, National Institute of General Medical Sciences, National Institutes of Health)

Dated: August 3, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76-23195 Filed 8-9-76;8:45 am]

PUBLIC ADVISORY COMMITTEES

Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776), the National Institutes of Health announces the renewal by the Secretary, HEW, with the concurrence of the Office of Management and Budget Committee Management Secretariat, of the following committees:

Committee	Termination date
Animal Resources Advisory Committee.	May 31, 1978.
Chemical / Biological Information-Handling Review Committee.	Do.
Clinical Trials Review Committee.	June 30, 1977.
General Clinical Research Centers Committee.	May 31, 1978.
General Research Support Program Advisory Committee.	Do.
Genetics study section	June 30, 1978.
Hematology study section	Do.
Human embryology and development study section.	Do.
Lipid Metabolism Advisory Committee.	June 30, 1977.
Medicinal chemistry A study section.	June 30, 1978.
Medicinal chemistry B study section.	Do.
Metabolism study section	Do.
Microbial chemistry study section.	Do.
Molecular biology study section.	Do.
National Advisory Research Resources Council.	May 31, 1978.
Neurology B study section	June 30, 1978.
Nutrition study section	Do.
Pathology A study section	Do.
Pathology B study section	Do.
Pharmacology study section	Do.
Physiology study section	Do.
Population research study section.	Do.
Pulmonary Diseases Advisory Committee.	June 30, 1977.
Reproductive biology study section.	June 30, 1978.
Surgery B study section	Do.
Tropical medicine and parasitology study section.	Do.
Virology study section	Do.
Visual sciences A study section.	Do.

Authority for these committees will expire on the dates indicated unless the Secretary formally determines that continuance is in the public interest.

The following committees, established by an Act of Congress, shall file a charter upon the expiration of each successive two-year period in accordance with Pub. L. 92-463. That rechartering date is indicated below.

Committee	Rechartering date
National Cancer Advisory Board.	June 30, 1978.
President's Cancer Panel	Do.

Dated: August 4, 1976.

R. W. LAMONT-HAVERS,
Acting Director,
National Institutes of Health.

[FR Doc.76-23182 Filed 8-9-76;8:45 am]

PULMONARY DISEASES ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Pulmonary Diseases Advisory Committee, National Heart, Lung, and Blood Institute, on October 19, 1976, in Conference Room 7, Building 31, at the National Instiutes of Health, Bethesda, Maryland.

The entire meeting will be open to the public from 8:30 a.m. to 6:00 p.m. on October 19, to discuss the Committee plans for the year. Attendance by the public will be limited to the space available.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 5A03, National Institutes of Health, Bethesda, Maryland 20014, phone (301) 496-4236, will provide summaries of the meeting and rosters of the committee members.

Dr. Malvina Schweizer, Executive Secretary of the Committee, Westwood Building, Room 6A18, National Institutes of Health, Bethesda, Maryland 20014, phone (301) 496-7208, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.838, National Institutes of Health)

Dated: August 3, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76-23193 Filed 8-9-76;8:45 am]

RECOMBINANT DNA MOLECULE PROGRAM ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Recombinant DNA Molecule Program Advisory Committee on September 13-14, 1976, 9 a.m., at the National Institutes of Health, Building 1, Wilson Hall, Bethesda, Maryland. This meeting will be open to the public on September 13, from 9 a.m. to 5 p.m., and September 14, from 9 a.m. to 3 p.m. to discuss: guidelines for research involving recombinant DNA molecules, the status of research in the field, research studies required, the mechanisms by which such studies should be supported, and the identification of facilities and resources needed in their performance. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on September 14 from 3 p.m. to 5 p.m. for the review, discussion and evaluation of initial pending and renewal grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Dr. William J. Gartland, Executive Secretary, National Institutes of Health, Building 31, Room 4A52, Bethesda, Maryland 20014, telephone (301) 496-2323, will provide summaries of the meeting, rosters of committee members and substantive program information.

Dated: August 2, 1976.

R. W. LAMONT-HAVERS,
Deputy Director,
National Institutes of Health.

[FR Doc.76-23185 Filed 8-9-76;8:45 am]

WORKSHOP ON CANCER INVASION AND METASTASIS: BIOLOGIC MECHANISMS AND THERAPY

Meeting

Notice is hereby given of the "Workshop on Cancer Invasion and Metastasis: Biologic Mechanisms and Therapy" sponsored by the Division of Cancer Research, Resources and Centers, National Cancer Institute: Memorial Sloan-Kettering Cancer Center, New York City and The Mario Negri Institute, Milan, Italy to be held November 29-December 1, 1976, at the Rockefeller University, Room 301 Tower Building, 64th Street and York Avenue, New York, New York 10021.

This meeting will be open to the public on November 29-December 1 from 9 a.m. to 5 p.m. on all three days. Attendance by the public will be limited to space available.

Dr. Philip G. Stansly, Program Director for Viral Oncology, Division of Cancer Research, Resources and Centers, 5333 Westbard Avenue, Westwood Building, Room 854, Bethesda, Maryland 20016, Tel. A/C (301) 496-7805 will provide additional information.

Dated: August 3, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76-23196 Filed 8-9-76;8:45 am]

V 41 155 AUG 10 76 UMI

Office of Education

NATIONAL ADVISORY COUNCIL ON EDUCATION PROFESSIONS DEVELOPMENT

Meeting

Notice is hereby given, pursuant to section 10(a)(2) Pub. L. 92-463, that the next meeting of the National Advisory Council on Education Professions Development will be held on Wednesday, September 15, 1976, 2 p.m. to 5 p.m., and Thursday, September 16, 1976, 9 a.m. to 5 p.m., local time, at the Statler-Hilton Hotel, Washington, D.C.

The National Advisory Council on Education Professions Development is established under Section 502 of the Education Professions Development Act (Pub. L. 90-35). The Council is charged with the review of the Education Professions Development Act and of all other Federally supported programs for the training and development of educational personnel.

The meeting of the Council is open to the public. The proposed agenda includes discussion of legislative developments concerning education professions development, and planning.

Records are kept of all Council proceedings and are available for public inspection at the Council offices, located at 1111 20th Street, NW., Suite 306, Washington, D.C. 20036.

Signed at Washington, D.C. on August 4, 1976.

GEORGE ARNSTEIN,
Executive Director.

[FR Doc.76-23226 Filed 8-9-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 29606; Order 76-8-19]

TRANSPORTES AEREOS PORTUGUESES S.A.R.L. (TAP)

Order of Investigation and Suspension Regarding U.S.-Portugal Nonaffinity Group Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of July 1976.

By Order 76-4-143, April 16, 1976, the Board suspended, pending investigation, a tariff proposal by Transportes Aereos Portugueses S.A.R.L. (TAP) to establish nonaffinity group fares between the United States and Portugal at New York-Lisbon levels of $296.00, $325.00, and $379.00 (winter, shoulder, and peak season respectively) in place of the existing affinity group fares.[1] The proposal was suspended on the basis that the fares were far below the costs of providing service; that even on a short-term basis, it was doubtful the fares would have a favorable impact on the carrier's earnings position; that removal of the affinity requirement on these fares, coupled with their low levels, would destroy any meaningful restrictions on their use, causing significant diversion from higher-fare categories and dilution of overall yields; and that if approved, the fare would likely spread to other U.S.-Europe markets, further weakening carrier profitability in overall North Atlantic service.

TAP subsequently withdrew the suspended nonaffinity fares, and increased the previously existing affinity group fares to New York-Lisbon levels of $337.00 (shoulder) and $387.00 (peak).[2] On July 9, 1976, TAP then filed new tariff revisions proposing to remove the affinity requirement applicable to the increased fares, effective August 8, 1976.

Trans World Airlines, Inc. (TWA) has filed a complaint requesting suspension and investigation of TAP's renewed proposal for U.S.-Portugal nonaffinity fares. Reiterating the arguments advanced in its complaint against the original filing, TWA submits further that the slight increase in level does nothing to alleviate the minimal restrictions applicable to the proposed fare, which would still result in massive revenue dilution; and that if approved, the fare would inevitably spread to other European markets, thus compounding its deleterious effects.

TAP, in answer to TWA's complaint, asserts that the conditions attached to the fare are sufficiently restrictive to prevent diversion from other fare categories, and cites its experience in the Canada-Portugal market where the nonaffinity group fare was permitted to become effective; and that approval of the fare will not necessarily lead to the filing of similar tariffs for other countries since the Board has clearly not refrained from suspending such proposals.

Upon full consideration of the tariff filing, complaint and answer, and all other relevant factors, the Board has determined to suspend the TAP filing pending investigation. Although the fare is proposed at marginally higher levels, it is still so far below demonstrated industry cost levels that it remains patently uneconomic on a fully allocated cost basis and, considering the minimal restrictions attached to its use, it would present a serious potential for diversion from higher-fare categories and a consequent dilution of overall carrier earnings.[3] TAP has presented no reason why this type of fare, only recently suspended, should now be approved at a slightly higher level.

The Board is also concerned that the fare, once permitted to become effective, would spread to other European destinations. The Board recognizes the interests of many transatlantic carriers in a low-level promotional fare in scheduled service, inspired largely by their desire to compete with charters. However, the price of such a fare must reflect the economics of scheduled service; the applicable conditions must be significantly and appropriately restrictive; and the fare should be directed to individuals rather than groups so as to eliminate the serious tariff abuses long associated with group travel. TAP's proposed nonaffinity fare satisfies none of these requirements and is clearly a step in the wrong direction.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 204(a), 403, 404, 801, and 1002 thereof:

It is ordered, That: 1. An investigation be instituted to determine whether the provisions in Exception No. 2 to Rule 85(C) on 25th Revised Page 31 to Passenger Fares Tariff No. PF-4, C.A.B. No. 44, issued by Air Tariffs Corporation, Agent, and rules, regulations, or practices affecting such provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to take appropriate action to prevent the use of such provisions or rules, regulations, or practices;

2. Pending hearing and decision by the Board, the tariff provisions specified in ordering paragraph one above are suspended and their use deferred from August 8, 1976 to and including August 7, 1977, unless otherwise ordered by the Board; and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The suspension herein shall not stay the cancellation of 24th Revised Page 31 to Passenger Fares Tariff No. PF-4, C.A.B. No. 44, issued by Air Tariffs Corporation, Agent;

4. This order shall be submitted to the President[4] and shall become effective on August 8, 1976;

5. The investigation ordered herein be assigned for hearing before an administrative law judge of the Board at a time and place hereafter to be designated;

6. Copies of this order be filed in the aforesaid tariffs and be served upon Transportes Aereos Portugueses, S.A.R.L. and Trans World Airlines, Inc.; and

7. Except to the extent granted, the complaint of Trans World Airlines, Inc. in Docket 29521 be and hereby is dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-23229 Filed 8-9-76;8:45 am]

[Docket 29589 and 26838; Order 76-7-124]

WIEN AIR ALASKA, INC.

Air Freight Rates Increase; Order of Suspension and Investigation; Correction

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 30th day of July, 1976.

The docket number assigned to the investigation instituted in this order, published at 41 FR 32639, August 4, 1976, regarding the proposal by Wien Air Alaska, Inc. to increase air freight rates should appear as Docket 29589 rather than Docket 25989 on page one in the heading and on page three in ordering paragraphs 3 and 4.

By the Civil Aeronautics Board.

Dated: August 3, 1976.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-23230 Filed 8-9-76;8:45 am]

[1] By Order 76-4-175, April 30, 1976, the Board later disapproved the U.S.-Portugal affinity group fares proposed at these same levels in our action on the overall IATA North Atlantic agreement.

[2] No winter season fare is on file.

[3] Order 76-4-143 cited industry costs, developed from the IATA Cost Committee Report, of 7.75 cents per revenue passenger-mile. Even at the slightly increased levels the fare proposed here would produce yields of only 5.01-5.75 cents per mile.

[4] This order was submitted to the President on July 26, 1976.

CIVIL SERVICE COMMISSION

COMMODITY FUTURES TRADING COMMISSION

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Commodity Futures Trading Commission to fill by noncareer executive assignment in the excepted service the position of Executive Assistant to the Chairman, Office of the Chairman.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 76-23102 Filed 8-9-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

Title Change in Noncareer Executive Assignment

By notice of May 14, 1975, FR Doc. 75-12603 the Civil Service Commission authorized the Federal Energy Administration to fill by noncareer executive assignment the position of Deputy Director of Intergovernmental, Regional, and Special Programs and Director of Intergovernmental Relations, Office of Intergovernmental, Regional, and Special Programs. This is notice that the title of this position is now being changed to Deputy Director of Intergovernmental Relations and Special Programs.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-23103 Filed 8-9-76;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

Title Change in Noncareer Executive Assignment

By notice of March 27, 1971, FR Doc. 71-4292 the Civil Service Commission authorized the Department of Transportation to fill by noncareer executive assignment the position of General Manager, National Transportation Safety Board. This is notice that the title of this position is now being changed to Managing Director, National Transportation Safety Board.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-23261 Filed 8-9-76;8:45 am]

OFFICE OF TELECOMMUNICATIONS POLICY

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of Office of Telecommunications Policy to fill by noncareer executive assignment in the excepted service the position of Special Assistant, Executive Office of the President.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 76-23104 Filed 8-9-76;8:45 am]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

RECORDS AND REPORTS

Local Union Report EEO-3; Apprenticeship Information Reports EEO-2 and EEO-2E; Waiver of Filing Reports for Calendar Year 1975

At a duly constituted meeting on June 22, 1976, the Equal Employment Opportunity Commission voted to waive the requirement for filing the Local Union Report EEO-3 and the Apprenticeship Information Reports EEO-2 and EEO-2E for the calendar year 1975. The recordkeeping requirements for calendar year 1975 remain unchanged and are not waived. The Commission reafirms its filing requirements for these reports on an annual basis including calendar year 1976.

NOTE.—Since the reporting requirements have been waived and no forms have been mailed to entities required to report, no further reporting action is required on 1975 reports.

Signed at Washington, D.C. this 4th day of August 1976.

ETHEL BENT WALSH,
Vice Chairman, Equal Employment Opportunity Commission.

[FR Doc.76-23175 Filed 8-9-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP-33000/442 & 443; FRL 597-6]

NOTICE OF RECEIPT OF APPLICATION FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (39 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended ["Interim Policy Statement"]. On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Pesticide Product—Consideration of Data by the Administrator in Support of an Application" [41 FR 3339]. This document described the changes in the Agency's procedures for implementing section 3(c)(1)(D) of FIFRA, as set out in the Interim Policy Statement, which were effectuated by the enactment of the recent amendments to FIFRA on November 28, 1975 [Pub. L. 94-1401, and the new regulations governing the registration and re-registration of pesticides which became effective on August 4, 1975 [40 CFR Part 162].

Pursuant to the procedures set forth in these FEDERAL REGISTER documents, EPA hereby gives notice of the applications for pesticide registration listed below. In some cases these applications have recently been received; in other cases, applications have been amended by the submission of additional supporting data, the election of a new method of support, or the submission of new "offer to pay" statements.

In the case of all applications, the labeling furnished by the applicant for the product will be available for inspection at the Environmental Protection Agency, Room 209, East Tower, 401 M Street, S.W., Washington DC 20460. In the case of applications subject to the new Section 3 regulations, and applications not subject to the new Section 3 regulations which utilize either the 2(a) or 2(b) method of support specified in the Interim Policy Statement, all data citations submitted or referenced by the applicant in support of the application will be made available for inspection at the above address. This information (proposed labeling and, where applicable, data citations) will also be supplied by mail, upon request. However, such a request should be made only when circumstances make it inconvenient for the inspection to be made at the Agency offices.

Any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after January 1, 1970, is being used to support an application described in this notice, (c) desires to assert a claim under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data or the status of such data under section 10 must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Product Control Branch, Registration Division (WH-567), Office of Pesticide Programs, Environmental Protection Agency, 401 M St SW, Washington DC 20460. Every such claimant must include, at a minimum, the information listed in the Interim Policy Statement of November 19, 1973.

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Specific questions concerning applications made to the Agency should be addressed to the designated Product Manager (PM), Registration Division (WH–567), Office of Pesticide Programs, at the above address, or by telephone as follows:

PM 11, 12, and 13—202/755–9315; PM 15, 16, and 17—202/426–9425; PM 21 and 22—202/426–2454; PM 23—202/755–1397; PM 24—202/755–2196; PM 25—202/755–7012; PM 31—202/426–2635; PM 32—202/426–9486; PM 33—202/755–9041; PM 34—202/426–9490.

The Interim Policy Statement requires that claims for compensation be filed within 60 days of publication of this notice. With the exception of 2(c) applications not subject to the new section 3 regulations, and for which a sixty-day hold period for claims is provided, EPA will not delay any registration pending the assertion of claims for compensation or the determination of reasonable compensation. Inquiries and assertions that data relied upon are subject to protection under section 10 of FIFRA, as amended, should be made on or before September 9, 1976.

Dated: August 3, 1976.

JOHN B. RITCH, JR.,
Director, Registration Division.

APPLICATIONS RECEIVED (OPP–3300/442)

EPA Reg. No. 2749–369. Aceto Chemical Co., Inc., 126–02 Northern Blvd., Flushing NY 11368. DIURON DL WEED KILLER. Active Ingredients: Diuron [3-(3,4-Dichlorophenyl)-1,1-dimethylurea] 28%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM25

EPA File Symbol 38330-I. Arco Chemical Co., PO Box 370, Sand Springs OK 74063. ARO-CIDE D–632. Active Ingredients: Poly-[oxyethylene(dimethyliminio)ethylene(dimethyliminio)ethylenedichloride] 32.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA Reg. No. 10088–5. Athea Labs., Inc., 4180 N. First St., Milwaukee WI 53212. SELECTIVE HERBICIDE #3 BROADLEAF WEED KILLER. Active Ingredients: Alkanolamine Salts (Ethanol and Isopropanol Series) of 2,4-Dichlorophenoxyacetic Acid 38.3%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 7969–40. BASF Wyandotte Corp., Agricultural Chemicals Dept., 100 Cherry Hill Rd., Parsippany NJ 07054. U–46 D4 HERBICIDE. Active Ingredients: Dimethylamine Salt of 2,4-Dichlorophenoxyacetic acid 49.6%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA File Symbol 7969–UI. BASF Wyandotte Corp. U–46 D4–RR HERBICIDE. Active Ingredients: Dimethylamine Salt of 2,4-Dichlorophenoxyacetic acid 49.6%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 4715–114. Colorado International Corp., 5321 Dahlia St., Commerce City CO 80022. BEST 4 SERVIS BRAND BUTYL ESTER 400 2,4–D WEED KILLER. Active Ingredients: Butyl ester 2,4-Dichlorophenoxyacetic Acid 57.0%. Method of Support: Application proceeds under 2(b) of iterim policy. Application for reregistration. PM23

EPA Reg. No. 3770–9. Economy Products Co., Inc., PO Box 427, Shenandoah IA 51601. A BUTYL ESTER FORMULATION 2,4–D 4 LB ACID. Active Ingredients: Butyl ester of 2,4-Dichlorophenoxyacetic Acid 56.44%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 3770–10. Economy Products Co., Inc. AN AMINE SALT FORMULATION 2,4–D 4 LB ACID. Active Ingredients: Dimethyl Amine Salt of 2,4-Dichlorophenoxyacetic Acid 50.6%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23.

EPA Reg. No. 3770–43. Economy Products Co., Inc. 2,4-D LAWN WEED KILLER (GRANULAR). Active Ingredients: 2,4-Dichlorophenoxyacetic acid, Isooctyl ester 2.41%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 5605–81. Farmingdale Garden Laboratories, Inc., 136 Verdi St., Farmingdale, Long Island NY 11735. 2,4-D LAWN WEED & DANDELION KILLER. Active Ingredients: Alkanolamine Salts (of the Ethanol and Isopropanol series) of 2,4-Dichlorophenoxyacetic Acid 16.25%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 5606–12. Farmingdale Garden Laboratories, Inc. READY MIXED HOSE SPRAY FARMINGDALE'S 2,4-D LAWN WEED & DANDELION KILLER. Active Ingredients: Alkanolamine Salts (of the Ethanol and Isopropanol Series) of 2,4-Dichlorophenoxyacetic Acid 4.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA 5905–95. Helena Chemical Co., Clark Tower, 5100 Poplar Ave., Suite 3200, Memphis TN 38137. HELENA BRAND 2,4-D ESTER 4. Active Ingredients: Mixed butyl and isopropyl esters of 2,4-Dichlorophenoxyacetic acid 55.9%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 334–305. Hysan Corp., 919 W. 38th St., Chicago, IL 60609. GCC 545 GROUNDS CONTROL CHEMICALS. Active Ingredients: Dimethylamine Salt of dicamba (3,6-dichloro-o-anisic acid) 18.4%; Dimethylamine Salts of related acids 3.2%; Dimethylamine Salt of 2,4-dichlorophenoxyacetic acid 36.8%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 10404–2. Lakeshore Equipment & Supply Co., 300 S. Abbe Rd., Elyria OH 44035. LAKESHORE LESCOPAR HERBICIDE FOR CONTROL OF BROAD-LEAF WEEDS IN TURF, FAIRWAYS AND LAWNS. Active Ingredients: Diethanolamine salt of 2-(2-methyl-4-chlorophenoxy) propionic acid 30.1%; Diethanolamine salt of 2,4-dichlorophenoxyacetic acid 14.9%: Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA File Symbol 35969–E. L. A. Lux Co., 2285 Scranton Rd., Cleveland OH 44113. ALGAECIDE 100. Active Ingredients: Poly [oxyethylene(dimethyliminio)ethylene(dimethyliminio)-ethylenedichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 11411–T. Leslie's Pool Mart, 7756 Balboa Blvd., Van Nuys CA 91406. LESLIE'S SUPER 90. Active Ingredients: Trichloro-s-triazinetrione 100%; available chlorine 90.0%. Method of Support: Application proceeds under 2(b) of interim policy. MP34

EPA Reg. No. 524–126. Monsanto Co., Agricultural Products, 800 N. Lindbergh Blvd., St. Louis MO 63166. 2,4-D AMINE SIX POUNDS ACTIVE PER GALLON. Active Ingredients: Dimethylamine Salt of 2,4-Dichlorophenoxyacetic Acid 70.4%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 524–125. Monsanto Co. 2,4-D AMINE FIVE POUNDS ACTIVE PER GALLON. Active Ingredients: Dimethylamine Salt of 2,4-Dichlorophenoxyacetic Acid 60.1%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 524–94. Monsanto Co. D-LEET HERBICIDE. Active Ingredients: Isooctyl Ester of 2,4-Dichlorophenoxyacetic Acid 97.3%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 524–22. Monsanto Co. 2,4-D ISOPROPYL ESTER. Active Ingredients: Isopropyl Ester of 2,4-Dichlorophenoxyacetic Acid 98.8%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 4825–19. Ringer Corp., 6860 Flying Cloud Dr., Eden Prairie MN 55343. KILLER KANE KARTRIDGES FOR DANDELIONS AND BROADLEAF WEEDS. Active Ingredients: 2,4-Dichlorophenoxyacetic Acid 35%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 228–141. Riverdale Chemical Co., 220 E. 17th St., Chicago Heights IL. RIVERDALE BUTOXY 2,4-D LOW VOLATILE ESTER. Active Ingredients: Butoxy Ethanol ester of 2,4-Dichlorophenoxyacetic acid 65.4%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 228–139. Riverdale Chemical Co. RIVERDALE 2,4-D LOW VOLATILE ESTER. Active Ingredients: Isooctyl Ester of 2,4-Dichlorophenoxyacetic Acid 70.1%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 228–132. Riverdale Chemical Co. RIVERDALE 2,4-D BUTYL ESTER–6. Active Ingredients: Butyl ester of 2,4-Dichlorophenoxyacetic acid 77.3%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 228–123. Riverdale Chemical Co. RIVERDALE SODIUM SALT OF 2,4-D. Active Ingredients: Monohydrate sodium salt of 2,4-dichlorophenoxyacetic acid 94.4%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA File Symbol 39183–R. Syntec Corp., 215 Ford Rd., Bala Cynwyd PA 19004. BIOCIDE 170–15. Active Ingredients: Poly[oxyethylene(dimethyliminio)ethylene(dimethyli - minio)ethylenedichloride] 15.0%. Method of Support: Application proceeds under 2 (b) of interim policy. PM34

EPA File Symbol 39183–E. Syntec Corp. BIOCIDE 170–10. Active Ingredients: Poly-[oxyethylene(dimethyliminio)ethylene(dimethyliminio)ethylenedichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA Reg. 449–225. Techne Corp., c/o Regulatory Affairs Dept., Farmland Industries, Inc., PO Box 7305, Kansas City MO 64116. TECHNE 20%, 2,4-D GRANULES. Active Ingredients: 2,4 - Dichlorophenoxyacetic acid, issooctyl ester 30.52%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA File Symbol 449–LLL. Techne Corp., TECHNE 20% 2,4-D GRANULES. Active Ingredients: 2,4 - Dichlorophenoxyacetic acid, isooctyl ester 30.32%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

APPLICATIONS RECEIVED (OPP—33000/443)

EPA Reg. No. 11603–13. Agan Chemical Manufacturers, Ltd., c/o Solchem, Inc., 415 Madison Ave., New York, NY 10017. TRIFLUREX TECHNICAL. Active Ingredients: Trifluralin (a,a,a-trifluoro-2,6-dinitro-N,N-dipropyl-p-toluidine 98%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 8590–324. Agway, Inc., Fertilizer-Chemical Div., Box 1333, Syracuse NY 13201. METHOXYCHLOR 50W. Active Ingredients: Methoxychlor Technical 50.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM13

EPA File Symbol 8517–RN. American Machinery Corp., PO Box 3228, Orlando FL 32802. SEALBRITE–80 CITRUS COATING CONTAINING BENOMYL. Active Ingredients: Benomyl (Methyl 1-(butylcarbamoyl) 2-benzimidazolecarbamate) 0.06%. Method of Support: Application proceeds under 2 (a) of interim policy. Republished: Revised offer to pay statement submitted. PM22

EPA File Symbol 8517–RR. American Machinery Corp. BENOMYL CITRUS FUNGICIDE CONCENTRATE. Active Ingredients: Benomyl [methyl 1-(butylcarbamoyl)-2-benzimidazolecarbamate] 1.8%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Revised offer to pay statement submitted. PM22

EPA File Symbol 8517–RE. American Mechinery Corp. SEALBRITE 81 CITRUSCOATING CONTAINING BENOMYL. Active Ingredients: Benomyl (Methyl 1 - (butylcarbamoyl) 2 - benzimidazolecarbamate 0.06%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Revised offer to pay statement submitted. PM22

EPA Reg. No. 8120–9. Ameron Corrosion Control Div., 201 N. Berry St., Brea CA 92621. AMERCOAT 2035 ANTI-FOULING PROTECTIVE COATING OXIDE RED. Active Ingredients: Tributyltin Fluoride 12.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM24

EPA Reg. No. 8120–10. Ameron Corrosion Control Div. AMERCOAT 2035 ANTI-FOULING PROTECTIVE COATING WHITE. Active Ingredients: Tributyltin Fluoride 12.3%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM24

EPA Reg. No. 8120–11. Ameron Corrosion Control Div. AMERCOAT 2035 ANTI-FOULING PROTECTIVE COATING BLACK. Active Ingredients: Tributyltin Fluoride 13.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM24

EPA Reg. No. 7969–29. BASF Wyandotte Corp., Agricultural Chemicals Dept., 100 Cherry Hill Rd., Parsippany NJ 07054. U–46 D–90 ACID. Active Ingredients: 2,4-Dichlorophenoxyacetic acid 90%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 1448–51. Buckman Laboratories, Inc., 1258 N. McLean Blvd., Memphis TN 38108. TCHPM. Active Ingredients: 2-(Thiocyanomethylthio) benzothiazole 32.0%; 2-Hydroxypropyl methanethiolsulfonate 28.-0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM33

EPA Reg. No. 1448–36. Buckman Laboratories, Inc. BUSAN 78. Active Ingredients: 2-Hydroxypropyl methanethiolsulfonate 20.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM33

EPA Reg. No. 1448–27. Buckman Laboratories, Inc. BUSAN 74. Active Ingredients: 2-(Thiocyanomethylthio) benzothiazole 32.0%; 2-hydroxypropyl methanethiolsulfonate 28.-0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM33

EPA Reg. No. 34895–3. Central Solvents & Chemicals Co., 2465 South 1100 West, Wood Cross UT 84087. YARMOR 302 PINE OIL. Active Ingredients: Pine Oil 99.4%. Method of Support: Application proceeds under 2 (b) of interim policy. Republished: Revised offer to pay statement submitted. PM32

EPA Reg. No. 239–2418. Chevron Chemical Co., 940 Hensley St., Richmond CA 94804. ORTHENE 75 S SOLUBLE POWDER. Active Ingredients: Acephate [O, S-dimethyl acetylphosphoramidothioate] 75%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added claims. PM16

EPA File Symbol 14805–U. Continental Products of Texas, Box 3627, Odessa TX 79760. TOXSENE 33. Active Ingredients: n-Alkyl (C12 5%, C14 60%, C16 30%, C18 5%) dimethyl benzyl ammonium chloride 50%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 35896–G. CP Chemicals, Inc., Arbor St., Sewarden NJ 07077. COPPER SULFATE (PENTAHYDRATE). Active Ingredients: (CuSO4.5H2O) 99%. Method of Support: Application proceeds under 2(b) of interim policy. PM24

EPA Reg. No. 635–16, E–Z Flo Chemical Co., Div. of Kirsto Co., PO Box 808, Lansing MI. METHOXYCHLOR 5 DUST. Active Ingredients: Methoxychlor Technical 5.00%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM13

EPA Reg. No. 912–39. Farmers Union Central Exchange, Inc., PO Box G, St. Paul MN 55165. SYSTEMIC–T FERTILIZER PLUS INSECTICIDE. Active Ingredients: Phorate (O,O-diethyl S-[(ethylthio) methyl] phosphorodithioate 0.8%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA File Symbol 10065–L. Fisons Corp., Agricultural Chemicals Div., 2 Preston Ct., Bedford MA 01730. NORTRON HERBICIDE. Active Ingredients: 2-ethoxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl methanesulfonate 19%. Method of Support: Application proceeds under 2(b) of interim policy. Amendment: New uses. PM24

EPA File Symbol 869–RAR. Green Light Co., San Antonio TX 78217. GREEN LIGHT RAT AND MOUSE BAIT. Active Ingredients: Diphacinone (2-Diphenylacetyl-1,30 Indandione) 0.005%. Method of Support: Application proceeds under 2(b) of interim policy. PM11

EPA Reg. No. 9931–20. Hanco Manufacturing Co., Inc., PO Box 4476, 1301 Heistan Pl., Memphis TN 38104. HANCO ZOOM BOWL SANITIZER. Active Ingredients: Hydrogen Chloride 23%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 8730–I. Herculite Protective Fabrics Corp., A Subsidiary of Health-Chem Corp., 1107 Broadway, New York NY 10010. HERCON "INSECTAPE" PROFESSIONAL STRENGTH WITH DIAZINON. Active Ingredients: Diazinon [0,0-diethyl-0-(2 - isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate] 10.0%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Revised offer to pay statement submitted. PM15

EPA File Symbol 9417–U. H. W. Andersen Products, Inc., 45 E. Main St., Oyster Bay NY 11771. STERITEST. Active Ingredients: Ethylene oxide 11%; Trichloro monofloro methane 89%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM33

EPA File Symbol 10827–RU. Industrial Solvents, PO Box 312, San Marcos TX 78666. FORMULA 200. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3(2-methylpropenyl) -cyclopropanecarboxylate 0.200%; Related compounds 0.027%; Aromatic petroleum hydrocarbons 0.265%; Petroleum distillate 99.500%. Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA File Symbol 38092–E. International Nutrition, Inc., 6664 L St., Omaha NE 68117. INTERNATIONAL NUTRITION MINERAL MIX CONTAINS RABON ORAL LARVICIDE. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 1.79%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 12315–G. I V Co., Inc., 709–11 Dauphin St., Mobile AL 36602. PINE-OL DISINFECTANT. Active Ingredients: Isopropanol 9.50%; Pine oil 7.90%; Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 3.95%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 10631–E. Los Angeles Seed Co., Inc., 736 Merchant St., Los Angeles CA 90021. ANGEL CITY BRAND HOUSE PLANT INSECT SPRAY. Active Ingredients: Pyrethrins 0.2%; Piperonyl Butoxide, Technical 1.0%; Petroleum Distillate 0.8%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM17

EPA Reg. No. 3125–277. Mobay Chemical Corp., PO Box 4913, Hawthorn Rd., Kansas City MO 64125. SENCOR 50% WETTABLE POWDER. Active Ingredients: 4-Amino-6-(1,1-dimethylethyl) - 3 - (methylthio) -1,2,4-triazin-5(4H) -one 50%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Request for New use. PM25

EPA File Symbol 2831–UL. Napasco International, PO Drawer 1219, Thibodaux LA 70301. NAPASCO ACTION IV PLUS. Active Ingredients: Hydrogen Chloride 9:50%; Nonylphenoxypolyethoxyethanol - Iodine Complex 3.00%; Essential Oils 1.20%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM32

EPA Reg. No. 538–113. O. M. Scott & Sons Co., Marysville OH 43040. PROTURF NEMATICIDE/INSECTICIDE. Active Ingredients: Ethoprop (O-Ethyl-S,S-dipropyl phosphorodithioate) 5.00%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added uses. PM16

EPA Reg. No. 4389–12. Pacific Chemical, 500 7th Av., South Kirkland WA 98033. PACE T–20–X. Active Ingredients: Trisodium phosphate 5.0%; Coconut fatty acid alkanolamide 3.0%; Methyldodecylbenzyl trimethyl ammonium chloride 2.0%; Methyldodecylxylylene bis(trimethyl ammonium chloride) 0.5%; Tetrasodium ethilenediamine tetraacetate 0.5%. Method of Support: Application proceeds under 2(a) of interim policy. PM31

EPA Reg. No. 5857–1. Phostoxin Sales, Inc., Box 469, Alhambra CA 91802. PHOSTOXIN DEGESCH NEW COATED TABLETS. Ac-

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tive Ingredients: Aluminum Phosphide 55%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: New use added. PM11

EPA Reg. No. 5857-2. Phostoxin Sales, Inc. PHOSTOXIN DEGESCH COATED PELLETS. Active Ingredients: Aluminum Phosphide 55%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: New Added use. PM11

EPA Reg. No. 707-100. Rohm and Haas, Independence Mall West, Philadelphia PA 19105. SKANE M-8. Active Ingredients: 2-n-Octyl-4-isothiazolin-3-one 45%. Method of Support: Application proceeds under 2(b) of interim policy. PM22

EPA File Symbol 4977-RNI. Southeastern Chemical Corp., PO Box 1026, Orangeburg SC 29115. ATOMIC 6 TOX-1.5 METHYL. Active Ingredients: Toxaphene 55.54%; O,O-Dimethyl O-P-Nitrophenyl Thiophosphate 13.89%; Xylene 25.69%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM12

EPA File Symbol 4977-RNT. Southeastern Chemical Corp. ATOMIC METHYL PARATHION 4E. Active Ingredients: O,O-dimethyl O-p-nitrophenyl thiophosphate 45.96%; Xylene 48.89%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM12

EPA File Symbol 4977-RNA. Southeastern Chemical Corp. 6-3 TOX-METHYL. Active Ingredients: Toxaphene 52.77%; O,O-dimethyl O-p-nitrophenyl thiophosphate 26.38%; Xylene 16.12%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM12

EPA File Symbol 4977-RNL. Southeastern Chemical Corp. ATOMIC 4-2-1 TOX-ETHYL. Active Ingredients: Toxaphene 38.93%; Parathion (O,O-diethyl O-p-nitrophenyl phosphorothioate 19.46%; O,O-dimethyl O-p-nitrophenyl thiophosphate 9.73%; Xylene 27.31%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM12

EPA File Symbol 4977-RNG. Southeastern Chemical Corp. ATOMIC 4-4 TOX-METHYL EMULSIFIABLE LIQUID. Active Ingredients: Toxaphene 37.08%; O,O-dimethyl O-p-nitrophenyl thiophosphate 37.08% Xylene 19.82%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM12

EPA Reg. No. 3743-203. Southern Agricultural Chemicals, Inc., PO Drawer 527, Kingstree SC 29556. 76W FERBAM FUNGICIDE. Active Ingredients: Ferbam (Ferric dimethyldithiocarbamate) 76%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM21

EPA File Symbol 6720-EAA. Southern Mill Creek Products Co., Inc., PO Box 1096, Tampa, FL. SMCP BLATTA-BITS ROACH BAIT INSECTICIDE. Active Ingredients: Chlorpyrifos (O,O-Diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate 0.50%. Method of Support: Application proceeds under 2(b) of interim policy. PM12

EPA File Symbol 10352-RO. Union Carbide Corp., Chemicals and Plastics, 270 Park Ave., New York, NY 10017. UCARCIDE SANITIZER 402. Active Ingredients: Glutaraldehyde 2.0%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM33

EPA File Symbol 10352-RI. Union Carbide Corp. UCARCIDE SANITIZER 401. Active Ingredients: Glutaraldehyde 20.0%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM33

EPA Reg. No. 400-82. Uniroyal Chemical, Div. of Uniroyal, Inc., Bethany, CT 06525. OMITE 30W AGRICULTURAL MITICIDE WEST OF THE ROCKY MOUNTAINS. Active Ingredients: Propargite 2-(p-tert-butylphenoxy) cyclohexyl 2-propynyl sulfite 30%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Amended use. PM13

EPA Reg. No. 400-89. Uniroyal Chemical. OMITE-6E AGRICULTURAL MITICIDE. Active Ingredients: Propargite 2-(p-tert-butylphenoxy)cyclohexyl 2-propnyl sulfite 68.1%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Amended use. PM13

EPA Reg. No. 2124-431. W. R. Grace & Co., Agricultural Chemicals, PO Box 277, Memphis, TN. AMINE 4D-2 WEED KILLER, Active Ingredients: Dimethylamine Salt of 2, 4-Dichlorophenoxyacetic Acid 49%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

[FR Doc.76-23150 Filed 8-9-76;8:45 am]

[OPP—33000/444; FRL 597-7]

NOTICE OF RECEIPT OF APPLICATION FOR PESTICIDE REGISTRATION

Data To Be Considered In Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (39 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended ["Interim Policy Statement"]. On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Pesticide Product—Consideration of Data by the Administrator in Support of an Application" [41 FR 3339]. This document described the changes in the Agency's procedures for implementing section 3(c)(1)(D) of FIFRA, as set out in the Interim Policy Statement, which were effectuated by the enactment of the recent amendments to FIFRA on November 28, 1975 [Pub. L. 94-140], and the new regulations governing the registration and re-registration of pesticides which became effective on August 4, 1975 [40 CFR Part 162].

Pursuant to the procedures set forth in these FEDERAL REGISTER documents, EPA hereby gives notice of the applications for pesticide registration listed below. In some cases these applications have recently been received; in other cases, applications have been amended by the submission of additional supporting data, the election of a new method of support, or the submission of new "offer to pay" statements.

In the case of all applications, the labeling furnished by the applicant for the product will be available for inspection at the Environmental Protection Agency, Room 209, East Tower, 401 M Street, SW., Washington DC 20460. In the case of applications subject to the new section 3 regulations, and applications not subject to the new section 3 regulations which utilize either the 2(a) or 2(b) method of support specified in the Interim Policy Statement, all data citations submitted or referenced by the applicant in support of the application will be made available for inspection at the above address. This information (proposed labeling and, where applicable, data citations) will also be supplied by mail, upon request. However, such a request should be made only when circumstances make it inconvenient for the inspection to be made at the Agency offices.

Any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after January 1, 1970, is being used to support an application described in this notice, (c) desires to assert a claim under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data or the status of such data under section 10 must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Product Control Branch, Registration Division (WH-567), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW, Washington DC 20460. Every such claimant must include, at a minimum, the information listed in the Interim Policy Statement of November 19, 1973.

Specific questions concerning applications made to the Agency should be addressed to the designated Product Manager (PM), Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone as follows:

PM 11, 12, and 13—202/755-9315; PM 15, 16, and 17—202/426-9425; PM 21 and 22—202/426-2454; PM 23—202/755-1397; PM 24—202/755-2196; PM 25—202/755-7012; PM 31—202/426-2635; PM 32—202/426-9486; PM 33—202/755-9041; PM 34—202/426-9490.

The Interim Policy Statement requires that claims for compensation be filed within 60 days of publication of this notice. With the exception of 2(c) applications not subject to the new section 3 regulations, and for which a sixty-day hold period for claims is provided, EPA will not delay any registration pending the asssertion of claims for compensation or the determination of reasonable compensation. Inquiries and assertions that data relied upon are subject to protection under section 10 of FIFRA, as amended should be made on or before September 9, 1976.

Dated: August 3, 1976.

JOHN B. RICTH, JR.,
Director, Registration Division.

APPLICATIONS RECEIVED (OPP—33000/444)

EPA Reg. No. 1145-134. Amoco Oil Co., 200 E. Randolph Dr., Chicago IL. AMOCO 2,4-D WEED KILLER NO. 6B-M. Active Ingredients: Butyl esters of 2,4-Dichlorophenoxyacetic acid 79.2%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 352-342. E. I. Du Pont De Nemours & Co., Inc., Biochemicals Dept., 6054 Dupont Bldg., Wilmington DE 19898. LANNATE METHOMYL INSECTICIDE FOR USE ON COTTON. Active Ingredients: Methomyl S-methyl N-[(methylcarbamoyl)oxy]-thioacetimidate 90%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added use. PM12

EPA Reg. No. 352-342. E. I. Du Pont De Nemours & Co., Inc. LANNATE METHOMYL INSECTICIDE FOR USE ON PEANUTS. Active Ingredients: Methomyl S-methyl N-[(methylcarbamoyl)oxy] - thioacetimidate 90%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added use. PM12

EPA Reg. No. 352-342. E. I. Du Pont De Nemours & Co., Inc. LANNATE METHOMYL INSECTICIDE FOR USE ON PEACHES. Active Ingredients: Methomyl S-methyl N-[(methylcarbamoyl)oxy] - thioacetimidate 90%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added use. PM12

EPA Reg. No. 352-342. E. I. Du Pont De Nemours & Co., Inc., LANNATE METHOMYL INSECTICIDE FOR USE ON ONIONS. Active Ingredients: Meethomyl S-methyl N-[(methylcarbamoyl)oxy]thioacetimidate 90%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added use. PM12

EPA Reg. No. 352-342. E. I. Du Pont De Nemours & Co., Inc., LANNATE METHOMYL INSECTICIDE FOR USE ON COLLARDS. Active Ingredients: Methomyl S-methyl N-[(methylcarbamoyl)oxy]thioacetimidate 90%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added use. PM12

EPA Reg. No. 352-342. E. I. Du Pont De Nemours & Co., Inc., LANNATE METHOMYL INSECTICIDE FOR USE ON MELONS, CUCUMBER AND SQUASH. Active Ingredients: Methomyl S-methyl N-[(methylcarbamoyl)oxy]thioacetimidate 90%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added use. PM12

EPA Reg. No. 352-342. E. I. Du Pont De Nemours & Co., Inc., LANNATE METHOMYL INSECTICIDE FOR USE ON CUCUMBER AND MELONS IN THE SOUTHEAST. Active Ingredients: Methomyl S-methyl N-[(methylcarbamoyl) oxy]thioacetimidate 90%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added use. PM12

EPA Reg. No. 352-342. E. I. Du Pont De Nemours & Co., Inc., LANNATE METHOMYL INSECTICIDE FOR USE ON COLLARDS. Active Ingredients: Methomyl S-methyl N-[(methylcarbamoyl) oxy]thioacetimidate 90%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added use. PM12

EPA Reg. No. 352-342. E. I. Du Pont De Nemours & Co., Inc., LANNATE METHOMYL INSECTICIDE FOR USE ON MELONS, CUCUMBER AND SQUASH. Active Ingredients: Methomyl S-methyl N-[(methylcarbamoyl)oxy]thioacetimidate 90%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added use. PM12

EPA Reg. No. 352-342. E. I. Du Pont De Nemours & Co., Inc., LANNATE METHOMYL INSECTICIDE FOR USE ON CUCUMBER AND MELONS IN THE SOUTHEAST. Active Ingredients: Methomyl S-methyl N-[(methylcarbamoyl)oxy]-thioacetimidate 90%. Methcd of Support: Application proceeds under 2(a) of interim policy. Republished: Added use. PM12

EPA Reg. No. 352-362. E. I. Du Pont De Nemours & Co., Inc. LANNATE WP METHOMYL INSECTICIDE FOR USE ON PEACHES. Active Ingredients: Methomyl S - methyl - N - [(methylcarbamoyl) oxy]-thioacetimidate 25%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added use. PM12

EPA Reg. No. 352-370. E. I. Du Pont De Nemours & Co., Inc. LANNATE L METHOMYL INSECTICIDE FOR USE ON ONIONS. Active Ingredients: Methomyl S-methyl N-[(methylcarbamoyl)oxy] thioacetimidate 24%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added use. PM12

EPA Reg. No. 352-370. E. I. Du Pont De Nemours & Co., Inc. LANNATE L METHOMYL INSECTICIDE FOR USE ON COTTON. Active Ingredients: Methomyl S-methyl N-[(methylcarbamoyl)oxy]-thioacetimidate 24%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added use. PM12

EPA Reg. No. 746-35. MFA Oil, PO Box 519, Columbia MO 65201. 2,4-D AMINE WEED KILLER. Active Ingredients: Dimethylamine salt of 2,4-Dichlorophenoxyacetic acid 49.4%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 352-370. E. I. Du Pont De Nemours & Co., Inc. LANNATE L METHOMYL INSECTICIDE FOR USE ON PEANUTS. Active Ingredients: Methomyl S-methyl N-[(methylcarbamoyl)oxy]-thioacetimidate 24%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added use. PM12

EPA Reg. No. 352-370. E. I. Du Pont De Nemours & Co., Inc. LANNATE L METHOMYL INSECTICIDE FOR USE ON PEACHES. Active Ingredients: Methomyl S-methyl N-[(methylcarbamoyl)oxy]-thioacetimidate 24%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added use. PM12

EPA Reg. No. 352-370. E. I. Du Pont De Nemours & Co., Inc. LANNATE L METHOMYL INSECTICIDE FOR USE ON COLLARDS. Active Ingredients: Methomyl S-methyl N-[(methylcarbamoyl)oxy] thioacetimidate 24%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added use. PM12

EPA Reg. No. 352-370. E. I. Du Pont De Nemours & Co., Inc. LANNATE L METHOMYL INSECTICIDE FOR USE ON CUCUMBER AND MELONS IN THE SOUTHEAST. Active Ingredients: Methomyl S-methly N-[(methylcarbamoyl) oxy]thioacetimidate 24%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added use. PM12

EPA Reg. No. 912-72. Farmers Union Central Exchange, Inc., PO Box "G", St. Paul MN 55165. 334 ESTER WEED KILLER. Active Ingredients: 2,4 - Dichlorophenoxyacetic acid, butyl esters 51.0%. Method of Support Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 912-33. Farmers Union Central Exchange, Inc. BUTYL 400 A 2,4-D WEED KILLER. Active Ingredients: 2,4-Dichlorophenoxyacetic Acid, Butyl Esters 58.6%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. 912-1. Farmers Union Central Exchange, Inc. 40 WEED KILLER. Active Ingredients: Dimethylamine 2,4-Dichlorophenoxy Acetate 49.3%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 279-2876. FMC Corp., Agricultural Chemical Div., 100 Niagara St., Middleport NY 14105. FURADAN 4 FLOWABLE. Active Ingredients: Carbofuran 40.64%. Method of Support: Application proceeds under 2(b) of interim policy. Republished. Added uses. PM12

EPA Reg. No. 407-271. Imperial, Inc., PO Box 423, Shenandoah IA 51601. IMPERIAL 2, 4-D AM400 WEED KILLER 4 LB AMINE. Active Ingredients: Dimethylamine Salt of 2,4-Dichlorophenoxyacetic acid 50.6%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 407-268. Imperial, Inc. IMPERIAL 2,4-D HV400 WEED KILLER 4 LB BUTYL ESTER. Active Ingredients: Butyl Ester of 2,4-Dichlorophenoxyacetic acid 58.96%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 746-36. MFA Oil. 40% BUTYL ESTER WEED KILLER. Active Ingredients: Butyl ester of 2,4-Dichlorophenoxyacetic acid 40%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA 746-37. MFA Oil. NO. 4 WEED KILL BUTYL ESTER 2,4-D. Active Ingredients: Butyl ester of 2,4-Dichlorophenoxyacetic acid 57.6%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 524-116. Monsanto Co., Agricultural Products, 800 N. Lindbergh Blvd., St. Louis MO 63166. 2.4-D GRANULAR. Active Ingredients: Isooctyl ester of 2,4-Dichlorophenoxyacetic acid 30.2%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 731-14. Sudbury Laboratory, Inc., 672 Dutton Rd., Sudbury MA 01776. CHAPERONE RABBIT AND DEER REPELLENT. Active Ingredients: Thiram (Tetramethythiuramdisulphide) 7%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM11

CORRECTIONS

EPA File Symbol 9779-EUI. Riverside Chemical Co., PO Box 17119, Memphis TN 38117. HARLEQUIN VEGETABLE DUST. PM15 (Originally published with incorrect company name) (41 FR 27117 7/1/76).

EPA Reg. No. 5905-170. Helena Chemical Co., Clark Tower, 5100 Poplar Ave., Suite 3200, Memphis TN 38137. HELENA BRAND BUTYL ESTER 4, PM23 (Originally published with incorrect reg. no.) (41 FR 27117 7/1/76).

EPA File Symbol 37532-L. Mogul Maintenance Systems, Div. of the Mogul Corp., PO Box 200, Chagrin Falls OH 44022. MOGUL-CIDE 128-A. PM31 (Originally published with incorrect product name) (41 FR 27430 7/1/76).

EPA File Symbol 476-ERAT. Stauffer Chemical Co., 1200 S. 47th St., Richmond CA 94804. IMIDAN 1-E INSECTICIDE. Active Ingredients: N-(mercaptomethyl) phthalimide S-(O,O-dimethyl phosphorodithioate) 11.7%. PM15 (Originally published with incorrect active ingredients) (41 FR 27431 7/2/76).

EPA File Symbol 11687-IO. Transvaal Inc., Suite 2414, 5100 Poplar Ave., Memphis TN 38137. TRANSVAAL LO-VOL D6 HERBICIDE. PM23 (Originally published with incorrect file symbol) (41 FR 27778 7/6/76).

EPA Reg. No. 11687-3. Transvaal Inc. TRANSVAAL WEED-RHAP B-2.67D HERBICIDE 2,4-D BUTYL ESTER. PM23 (Originally published with incorrect reg. no.) (41 FR 27778 7/6/76).

EPA Reg. No. 11687-2. Transvaal Inc. TRANSVAAL WEED-RHAP B-4D HERBICIDE 2,4-D BUTYL ESTER. PM23 (Originally published with incorrect reg. no. of 11687-1 and product name) (41 FR 27778 7/6/76).

EPA Rcg. No. 11687-1. Transvaal Inc. TRANSVAAL WEED-RHAP ISOPROPYL-3.34D HERBICIDE 2,4-D ISOPROPYL ESTER. PM23 (Originally published with incomplete product name) (41 FR 27778 7/6/76).

EPA Reg. No. 802-202. The Chas. H. Lilly Co., 7737 NE Killingsworth, Portland OR 97218. MILLER'S 2,4-D BUTYL ESTER 6E WEED KILLER. PM23 (Originally published with incorrect address) (41 FR 28647 7/12/76).

EPA File Symbol 38901-R. Biomac, 15630 SW Pacific Highway, Tegard OR 97223. BIOMAC 750. Active Ingredients: N-Alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chloride 0.13%. PM31 (Originally published with incorrect active ingredient amount) (41 FR 28650 7/12/76).

[FR Doc.76-23152 Filed 8-9-76;8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

FM AND TV TRANSLATOR APPLICATIONS

Available for Processing

Notice is hereby given pursuant to §§ 1.472(c) and 1.573(d) of the Commission's rules, that on September 16, 1976, the TV and FM translator applications listed in the attached Appendix will be considered as ready and available for processing. Pursuant to §§ 1.227(d) and 1.519(b) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on September 15, 1976, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and submitted for filing at the offices of the Commission in Washington, D.C., by the close of business on September 15, 1976.

The attention of any party in interest desiring to file pleadings concerning any pending TV and FM translator application, pursuant to section 309(d)(1) of the Communication Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

Adopted: July 28, 1976.

Released: August 4, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

VHF/UHF TV TRANSLATOR APPLICATION

ERRATA

The following entry appeared on the Public Notice (66289) released June 15, 1976, listing translator application which would be considered as ready and available for processing on August 3, 1976.

BPTTV-5572 (K71BL), Norfolk, Nebrasks, Chronicle Broadcasting Co. Req: To change frequency to Ch-61, 752-758 MHz.

The entry is corrected to read as follows:

BPTT-3003A (K71BL), Norfolk, Nebraska, Chronicle Broadcasting Co. Req: To change frequency to Ch-61, 752-758 MHz.

FM TRANSLATOR APPLICATIONS

BPPT-331 (New), Gold Beach, Oregon and Vicinity, Community TV Association, Inc. Req: Channel 296, 107.1 MHz, 1 watt. Primary: KTMT-FM, Medford, Oregon.

BPFTB-9 (New), Ventura, California, Radio Ojai, Inc. Req: Channel 288, 105.5 MHz, 10 watts. Primary: KOVA(FM), Ojai, California.

UHF TV TRANSLATOR APPLICATIONS

BPTT-3019 (New), Conneaut and surrounding area, Ohio, Ohio Educational TV Network Commission. Req: Channel 64, 1,000 watts. Primary: WVIZ-TV, Cleveland, Ohio.

BPTT-3026 (New), Georgetown, Ohio, Ohio Educational TV Network Commission. Req: Channel 58, 1,000 watts. Primary: WCET (TV), Cincinnati, Ohio.

BPTT-3027 (New), Eastlake and surrounding area, Ohio, Ohio Educational TV Network Commission. Req: Channel 61, 1,000 watts. Primary: WVIZ(TV), Cleveland, Ohio.

BPTT-3028 (New), Maplewood Area, Ohio, Ohio Educational TV Network Commission. Req: Channel 63, 1,000 watts. Primary: WOET(TV), Kettering, Ohio.

BPTT-3028A (K75BW), Rural Sanpete County, Aurora and Rural Juab County, Utah, KUTV, Inc. Req: To delete Rural Sanpete County, Utah, from present principal community.

BPTT-3029 (New), Ottumwa and surrounding area, Iowa, State Educational Radio and Television Facility Board. Req: Channel 33, 1 watt. Primary: KDIN(TV), Des Moines, Iowa.

BPTT-3030 (New), Cookeville, Tennessee Edward M. Johnson d/b/as Cumberland Television Company. Req: Channel 28, 100 watts. Primary: WCPT-TV, Crosseville, Tennessee.

BPTT-3031 (K68AG), Clarksdale, Arizona, KOOL Radio-Television, Inc. Req: To add Verde Valley, Arizona, to present principal community.

BPTT-3033 (New), Madras & Culver, Oregon, Jefferson County Television, Inc. Req: Channel 69, 100 watts. Primary: KPTV (TV), Portland, Oregon.

VHF TV TRANSLATOR APPLICATIONS

BPTTV-5606 (New), Toponas, Colorado, Yampa Valley TV. Req: Channel 12, 10 watts. Primary: KOA(TV), Denver, Colorado.

BPTTV-5610 (New), Ganado, Arizona, Ganado Community Television Club. Req: Channel 13, 1 watt. Primary: KOOL-TV, Phoenix, Arizona.

BPTTV-5611 (New), Point Hope, Alaska, North Slope Borough School Board. Req: Channel 4, 10 watts. Primary: KYUK, Bethel KUAC, Fairbanks, and KAKM, Anchorage, Alaska.

BPTTV-5612 (New), Wainwright, Alaska, North Slope Borough School Board. Req: Channel 4, 10 watts. Primary: KYUK, Bethel, KUAC, Fairbanks, and KAKM, Anchorage, Alaska.

BPTTV-5613 (New), Nuiqsut, Alaska, North Slope Borough School Board. Req: Channel 4, 10 watts. Primary: KYUK, Bethel, KUAC, Fairbanks, and KAKM, Anchorage, Alaska.

BPTTV-5614 (New), Point Lay, Alaska, North Slope Borough School Board. Req: Channel 4, 10 watts. Primary: KYUK, Bethel, KUAC, Fairbanks, and KAKM, Anchorage, Alaska.

BPTTV-5615 (New), Katovik (Barter Island), Alaska, North Slope Borough School Board. Req: Channel 4, 10 watts. Primary: KYUK, Bethel, KUAC, Fairbanks, and KAKM, Anchorage, Alaska.

BPTTV-5616 (New), Barrow, Alaska, North Slope Borough School Board. Req: Channel 11, 10 watts. Primary: KYUK, Bethel, KUAC, Fairbanks, and KAKM, Anchorage, Alaska.

BPTTV-5617 (New), Granger, Wyoming, Town of Granger. Req: Channel 3, 1 watt. Primary: KUTV(TV), Salt Lake City, Utah.

BPTTV-5618 (New), Granger, Wyoming, Town of Granger. Req: Channel 8, 1 watt. Primary: KTVX(TV), Salt Lake City, Utah.

BPTTV-5619 (New), Granger, Wyoming, Town of Granger. Req: Channel 7, 1 watt. Primary: KSL(TV), Salt Lake City, Utah.

BPTTV-5620 (New), Nulato, Alaska, City of Nulato. Req: Channel 12, 10 watts. Primary: AFTV(TV), Galena, Alaska.

BPTTV-5621 (New), Keystone Valdez Pipeline Camp, Alaska, Northern Television, Incorporated. Req: Channel 12, 10 watts. Primary: KTVA-TV, KENI-TV, KIMO-TV, Anchorage, Alaska.

BPTTV-5622 (K07NK), Fort Liscum Valdez Pipeline Camp, Alaska, Northern Television, Inc. Req: To add Keystone Camp, Alaska, to present principal community.

BPTTV-5623 (New), Silver Springs, Nevada, American Legion Post No. 13. Req: Channel 13, 1 watt. Primary: KTVN(TV), Reno, Nevada.

[FR Doc.76-23205 Filed 8-9-76;8:45 am]

[Docket No. 20836, File No. 1978-C5-P-72; Docket No. 20867, File No. 3083-C5-P-72; Docket No. 20838, File No. 3314-C5-72]

MICROBAND CORP. OF AMERICA, ET AL.

Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Microband Corporation of America, Eastern Microwave, Inc. and Alfred E. Anscombe, for construction permits in the multipoint distribution service for new stations at Buffalo, New York.

1. The Commission has before it the above-referenced applications of Microband Corporation of America (Microband), filed on October 5, 1971, Eastern Microwave, Inc. (Eastern), filed on November 19, 1971 and Alfred E. Anscombe (Anscombe), filed on December 17, 1971. All three applications proposed Channel 1 operation in the Multipoint Distribution Service (MDS) in the Buffalo, New York area, and thus are mutually exclusive and require comparative consideration. All three applications have been amended as a result of informal requests of the Commission staff for additional information, and no petitions to deny or other objections to any of the applications have been received.

2. Microband holds MDS licenses in nine cities, including Washington, D.C., New York, New York, and has been granted construction permits in several other cities. Eastern, a wholly-owned subsidiary of Newhouse Broadcasting Corporation, holds MDS construction permits in nine cities, including Pittsfield, Massachusetts; Binghamton, Burlington, Elmira, Syracuse, Utica, and Watertown, New York. In addition, Newhouse Broadcasting has interests in broadcasting or cable systems in Syracuse, Elmira, and Binghamton, New York. Anscombe has only the above-referenced MDS application on file.

3. Upon review of the captioned applications, we find that the three applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

4. Accordingly, it is hereby ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, and Section 0.291 of the Commission's Rules, the above-captioned applications are designated for hearing, in a consolidated proceeding, at the Commission's offices in Washington, D.C., on a date and before an Administrative Law Judge to be specified by later order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered: [1]

(a) The relative merits of each proposal with respect to service area and efficient frequency use;

(b) The nature of the services and facilities proposed, and whether they will satisfy service requirements known to exist or likely to exist in the Buffalo, New York area:

(c) The anticipated quality and reliability of the service proposed, including selection of equipment, installation, subscriber security, and maintenance.

(d) The charges, regulations and conditions of the service to be rendered, and their relation to the nature, quality and costs of service; and

(e) The managerial and entrepreneurial qualifications of the applicants.

5. It is further ordered, That Microband Corporation of America, Eastern Microwave, Inc. and Alfred E. Anscombe, and the Chief, Common Carrier Bureau, are made parties to this proceeding.

6. It is further ordered, That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of § 1.221 of the Commission's Rules.

Adopted: July 22, 1976.

Released: August 3, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
JOSEPH A. MARINO,
Deputy Chief for Chief, Common Carrier Bureau.

[FR Doc.76-23201 Filed 8-9-76;8:45 am]

FEDERAL ENERGY OFFICE

CASES FILED WITH THE OFFICE OF EXCEPTIONS AND APPEALS

Week of July 16 Through July 23, 1976

Notice is hereby given that during the week of July 16 through July 23, 1976, the appeals and applications for exception or other relief listed in the Appendix to this notice were filed with the Federal Energy Office's Office of Exceptions and Appeals.

Under the FEO's procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the FEO action sought in such cases may file with the FEO written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this notice (August 10, 1976), or the date of receipt by the aggrieved person of actual notice, whichever occurs first.

Dated: August 4, 1976.

MICHAEL F. BUTLER,
General Counsel.

[1] Consideration of these factors shall be made in light of the Commission's discussion in *Peabody Telephone Answering Service*, et. al., 55 F.C.C. 2d 626 (1975).

APPENDIX.— *List of cases received by the Office of Exceptions and Appeals—July 16 to 23, 1976*

Date	Name and location of applicant	Case No.	Type of submission
July 16, 1976...	Kalbab Lubricating Specialists, Phoenix, Ariz. (If granted: Kalbab Lubricating Specialists would receive an extension of the price relief granted in the FEA's Mar. 12, 1976 decision and order.)	FEE-2768	Extension of exception relief in Kalbab Lubricating Specialists, 3 FEA par. 83,125 (Mar. 12, 1976).
Do.....	Southland Oil Co., Jackson, Miss. (If granted: The historical profit margin which the FEA is utilizing to measure entitlement exception relief would be increased.)	FEA-0902	Appeal of the FEA's exception decision and order in Southland Oil Co., 3 FEA par. ..... (June 18, 1976).
Do.....	Southland Oil Co., Jackson, Miss. (If granted: The FEA's June 18, 1976 decision and order would be modified and Southland's earnings in the months of April and May 1976 would be excluded in considering its exception from the old oil entitlements program.)	FEA-0903	Appeal of the FEA's exception decision and order in Southland Oil Co., 3 FEA par. ..... (June 18, 1976).
July 19, 1976...	Colonial Oil Co., Jacksonville, Fla. (If granted: Colonial Oil Co. would be assigned a new, lower-priced supplier of motor gasoline on the basis that it is continuing to experience a serious hardship.)	FEE-2771	Extension of exception relief Colonial Oil Co., 3 FEA par. 83,141 (Mar. 31, 1976).
Do.....	Doric Petroleum, Inc. (Newcastle) Washington, D.C. (If granted: Doric Petroleum, Inc., would be permitted to increase its prices for natural gas liquid products produced at its Newcastle plant to reflect nonproduct cost increases in excess of $0.005 per gallon.)	FEE-2772	Price exception (section 212.165).
Do.....	Energy Corp. of Louisiana, Ltd., New Orleans, La. (If granted: Energy Corporation of Louisiana Ltd. would receive an exception from the requirement that it reduce its crude oil run-to-stills for residual fuel oil sold into the east coast marketing area.)	FEE-2767	Allocation exception (section 211.67(d)(4)).
Do.....	Great Atlantic & Pacific Aeroplane Co., Van Nuys, Calif. (If granted: Great Atlantic & Pacific Aeroplane Co. would receive an increase in its base period use of aviation fuel.)	FEE-2780	Exception to increase base period use.
Do.....	Great Atlantic & Pacific Aeroplane Co., Van Nuys, Calif. (If granted: Great Atlantic & Pacific Aeroplane Co. would receive an increase in its base period use of kerosene jet fuel.)	FEE-2781	Exception to increase base period use.
Do.....	McGehee, Frank II., Natchez, Miss. (If granted: Crude oil produced from the USA 26-6 well would be sold at upper tier ceiling prices.)	FEE-2769	Price exception (section 212.74).
Do.....	McMahan Oil Co., Easton, Md. (If granted: The FEA's July 8, 1976 remedial order would be revoked and McMahan Oil Co. would not be required refund $38,088 to the Easton Utilities Commission to account for overcharges in its sales of No. 2-D diesel fuel.)	FEA-0901	Appeal of the FEA's remedial order issued July 6, 1976.
Do.....	Navajo Refining Co., Washington, D.C. (If granted: The exception relief granted in the FEA's June 21, 1976, decision and order would be modified to reflect a restatement of Navajo's financial statements due to a change in accounting method.	FEA-0905	Appeal of the FEA's exception decision and order in Navajo Refining Co., 3 FEA par. ..... (June 21, 1976).
Do.....	Peoples Gas Co., Chicago, Ill. (If granted: The FEA's June 11, 1976, decision and order would be revoked and Peoples Gas Co. would be designated as a first priority refinery under the mandatory Canadian crude oil allocation program.)	FEA-0900	Appeal of the FEA's exception decision and order in Peoples Gas Co., 3 FEA par. ..... (June 11, 1976).
Do.....	Rich Oil Co., Cucamonga, Calif. (If granted: Rich Oil Co. would be assigned a new, lower priced supplier of motor gasoline to replace its base period supplier, Ashland Oil Co. of California.)	FEE-2765	Exception to change supplier (section 211.9).
Do.....	Southland Oil Co., Savannah, Ga. (If granted: Southland Oil Co. would be assigned a new, lower priced supplier of motor gasoline on the basis that it is continuing to experience a serious hardship.)	FEE-2770	Extension of exception relief in Southland Oil Co., 3 FEA par. 83,151 (Mar. 31, 1976).
Do.....	Tenneco Oil Co., Houston, Tex. (If granted: The FEA's June 8, 1976 remedial order would be rescinded and Tenneco Oil Co. would not be required to recalculate its base period production control levels for any of its crude oil producing properties or to make refunds for overcharges.)	FEA-0904	Appeal of the FEA's remedial order issued June 8, 1976.
Do.....	Union Oil Co. of California, Los Angeles, Calif. (If granted: The FEA's June 29, 1976, remedial order would be rescinded and Union would not be required to accept T&E credit card sales invoices as payment by Union dealers.	FEA-0907 FES-0907	Appeal of the FEA's region IX remedial order issued June 29, 1976. Stay request.
July 20, 1976...	Charter Oil Co., Jacksonville, Fla. (If granted: Charter Oil Co. would receive an exception from the old oil entitlements program which would relieve the firm of any obligation to purchase entitlements beginning in the month of August 1976.)	FEE-2775 FES-2775	Allocation exception (section 211.67) stay request.
Do.....	OKC Corp., Washington, D.C. (If granted: OKC Corp. would receive an exception from the old oil entitlements program which would relieve the firm of any obligation to purchase entitlements.)	FEE-2777	Allocation exception (section 211.67).
Do.....	Sid Richardson Carbon & Gasoline Co., Fort Worth, Tex. (If granted: Sid Richardson would receive an extension of the price relief granted in the FEA's Apr. 23, 1976, decision and order.)	FEE-2776	Extension of exception relief in Sid Richardson Carbon & Gasoline Co., 3 FEA par. 83,170 (Apr. 23, 1976).
Do.....	Vessels Gas Processing Co., Denver, Colo. (If granted: Vessels Gas Processing Co. would be permitted to increase its prices for natural gas liquid products at its Irondale plant to reflect nonproduct cost increases in excess of $.005 per gallon.	FEE-2744	Price exception (section 212.165).
July 21, 1976	Zack's Gulf Service Station, Wilkes-Barre, Pa. (If granted: Zack's would be assigned a new, lower priced supplier of motor gasoline to replace its base period supplier, Gulf Oil Corp.)	FEE-2766	Exception to change supplier (section 211.9).

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Date	Name and location of applicant	Case No.	Type of submission
July 22, 1976	Capitol Oil Co., Baltimore, Md. (If granted: The FEA's July 6, 1976, remedial order would be revoked and Capitol Oil Co. would not be required to refund overcharges in its sales of No. 2 fuel oil.)	FEA-0008 FES-0008 FST-0010	Appeal of the FEA's region III remedial order issued July 6, 1976. Stay request.
Do	James M. Cunningham, Inc., Lafayette, La. (If granted: James M. Cunningham, Inc., would receive an extension of the crude oil price relief granted in the FEA's Apr. 30, 1976, decision and order.)	FEE-2773	Extension of exception relief, James M. Cunningham, Inc., 3 FEA par. 83,176 (Apr. 30, 1976).
Do	Jim's Mobil, Rolling Meadows, Ill. (If granted: Jim's Mobil would be assigned a new, lower priced supplier of motor gasoline to replace its base period supplier, Nicot Oils Co., Inc.)	FEE-2779	Exception to change supplier.
Do	Teche Production Co., Inc., Lafayette, La. (If granted: Teche Production Co., Inc., would receive an extension of the crude oil price relief granted in the FEA's Apr. 2, 1976 decision and order.)	FEE-2778	Extension of exception relief, Teche Production Co., Inc., 3 FEA par. 83, 154 (Apr. 2, 1976).
July 23, 1976	Linden's Propane, Inc., La Grande, Ohio. (If granted: The remedial order issued to Linden's Propane, Inc., by FEA region V on July 7, 1976, would be rescinded and the firm would not be required to refund previous overcharges to its propane customers.)	FEA-0909 FES-0909	Appeal of FEA region V's July 7, 1976, remedial order. Stay requested.
Do	Rancho Oil Co., Dallas, Tex. (If granted: Rancho Oil Co.'s Moyers and Prideaux leases would be reclassified as stripper well leases for the month of February 1976.)	FEE-2782	Price exception (section 212.74).

[FR Doc. 76-23141 Filed 8-4-76;4:36 pm]

FEDERAL MARITIME COMMISSION

BARBER LINES, ET AL.

Agreement Filed

Notice is hereby given that the following agreement, accompanied by a statement of justification, has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814)

Interested parties may inspect and obtain a copy of the agreement and the statement of justification at the Washington office of the Federal Maritime Commission, 1100 L Street, NW Room 10126; or may inspect the agreement and the statement of justification at the Field Offices located at New York, NY, New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before August 30, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

John K. Cunningham, Chairman, American West African Freight Conference, 67 Broad Street, New York, New York 10004.

Agreement No. 10259, among Barber Lines, A/S; Black Star Line; Compagnie Maritime Belge, S.A.; Compagnie Maritime Des Chargeurs Reunis, S.A.; Compagnie Maritime Zairoise, S.A.R.L.; Companhia Nacional De Navegacao/Companhia De Navegacao Angolana S.A.R.L.; Dafra Lines; Delta Steamship Line, Inc.; Elder Dempster Lines, Ltd.; Farrell Lines Incorporated; and Westwind Africa Line, all of whom are members of the American West African Freight Conference, would permit the lines to rationalize their services in the trade between U.S. Atlantic and Gulf ports and the port of Port Harcourt, Nigeria, for a period of ninety days and thereafter for additional ninety day periods upon the affirmative vote of two-thirds of the parties. Notice of any such extensions, or of the termination of the arrangement, shall be promptly dispatched to the Federal Maritime Commission.

By order of the Federal Maritime Commission.

Dated: August 4, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-23235 Filed 8-9-76;8:45 am]

CERTAIN CARRIERS OPERATING IN THE U.S. NORTH PACIFIC-CANADA-ALASKA TRADE

Waiver of Statutory Requirements

An application for an exemption, under Section 35 of the U.S. Shipping Act, 1916, from the tariff filing requirements of that Act has been filed on behalf of Foss Launch and Tug Co. This application covers the Foss Launch and Tug operation between North Vancouver, British Columbia, Canada and Seattle and Tacoma, Washington. Because of the complex rate schedule employed by Foss which is predicated solely upon rail rates filed with the Interstate Commerce Commission and the Canadian Transport Commission, it appears virtually impossible for Foss to file timely or meaningful port-to-port rates as required by the Act.

Further, the Commission is of the opinion that a similar Section 35 exemption should be granted to other water carriers participating in the through rail service between United States Puget Sound ports and British Columbia, Canada, and between Canadian ports and other Puget Sound/British Columbia, Canada ports on the one hand and ports and points in Alaska on the other hand. The carriers are more particularly described in the North Pacific Coast Freight Bureau Joint Division Sheet, and the Alaska Railroad Freight Tariffs 95 and 65–B. Any exemption would be conditioned on all affected carriers filing their through rates with the Interstate Commerce Commission and/or the Canadian Transport Commission; and provided further that these water carriers shall submit to the Federal Maritime Commission certified true copies of: (1) Their division sheets or tariffs containing the divisions; and (2) any and all agreements, arrangements and concurrences entered into in connection with the transportation of cargo within 30 days of the effectiveness of such sheets, tariffs, agreements, arrangements and/or concurrences. This exemption shall not apply to cargoes originating in or destined to foreign countries other than Canada.

Interested parties may inspect and obtain a copy of the application at the Washington Office of the Federal Maritime Commission, 1100 L Street, NW., Room 11413; or may inspect a copy of the application at the Field Offices. New York, New York; New Orleans, Louisiana; San Francisco, California; and San Juan, Puerto Rico. Comments on such applications, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before August 23, 1976. Any person desiring a hearing on the proposed application shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or that the approval of this application would substantially impair effective regulation by the Federal Maritime Commission shall be accompanied by a statement describing the discrimination or the impairment of effective regulation with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the facts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the application (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of application filed by:

David B. Ballash, President, Foss Launch & Tug Co., 660 West Ewing Street, Seattle, Washington 98119.

William Karas, Rosemary Boyd Avery, Galland, Kharasch, Calkins & Brown, 1054 31st Street, N.W., Washington, D.C. 20007.

Dated: August 4, 1976.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-23233 Filed 8-9-76;8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Certificate Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below indicated vessels, pursuant to Part 542 of Title 46 CFR and section 311(p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	*Owner/Operator and Vessels*
01059---	London & Overseas Freighters Ltd. F: *London Craftsman.*
01113---	A/S J. Ludwig Mowinckels Rederi: *Troma.*
01123---	Hemisphere Transportation Corp.: *Virginia Getty.*
01192---	Odd Bergs Tankrederi A/S: *Koll.*
01202---	A/S Rudolf: *Filefjell.*
01203---	Rederiaktiebolaget Monacus: *Palma.*
01244---	Mytilus A/S: *Caleo.*
01425---	Johnston Warren Lines Ltd.: *Newfoundland.*
01428---	Ocean Transport & Trading Ltd.: *Daru.*
01466---	Common Brothers (Management) Ltd.: *Ida Lundrigan.*
01499---	Standard Oil Co. of BC Ltd.: *Sobc 2.*
01557---	Knut Knutsen O.A.S.: *Bakke Cooler.*
01644---	Compania Alcyonia De Navegacion S.A. Panama: *Alkyon.*
01646---	Compania Acarnania De Navegacion S.A.: *Amazon.*
01712---	Nereide S.P.A. Di Navigazione: *Ercole.*
01755---	Hugo Stinnes Zweigniederlassung Hamburg: *Nopal Pampero.*
01861---	BP Tanker Co. Ltd.: *British Argosy.*
01910---	Deutsche Dampfschiffahrts-Gesellschaft "Hansa": *Neuenfels, Liebenfels.*
01943---	National Iranian Tanker Co. (Monrovia) Ltd.: *Persian Commander.*
01988---	Angfartygsaktiebolaget Tirfing: *Lappland, Atland.*
01996---	Rederi Ab Poseidon: *Kungshamn.*
02152---	A. F. Klaveness & Co. A/S: *Skogstad.*
02363---	Rederiet Otto Danielsen: *Jytte Danielsen.*
02451---	Magellan Strait Development Corp.: *Fedsteel.*
02654---	Neunfelder Reederei H. J. Wesh KG.: *Anna Wesch.*
02688---	East West Shipping Ltd.: *Nego Enterprise.*
02891---	Harbor Towing Corp.: *George E., Del-Mar-Va No. 1.*
02903---	George Gibson & Co. Ltd.: *Abbotsford.*
02911---	Sig. Bergesen D.Y. & Co. *Berge Istra.*
02918---	Tokyo Tanker Co. Ltd.: *Nikko Maru.*
03055---	Upper Lakes Shipping Ltd.: *Thornhill.*
03305---	Grand Bassa Tankers Inc.: *W. Alton Jones.*
03389---	Shell Tankers B. V.: *Kalydon, Kryptos.*
03391---	Societe Maritime Shell: *Isidora.*
03516---	Toko Kaiun Kabushiki Kaisha: *Toten Maru.*
03538---	Skibsaktieselskapet Herva: *Bulk Venture.*
03947---	Bancroft Shipping Co. Ltd.: *Eastern Freedom.*
04002---	Compagnie Des Messageries Maritimes: *Le Natal.*
04027---	Traocfinan Co.: *Lyra.*
04136---	Thomas Marine Co.: *Sarah E. Thomas.*
04407---	Domar Ocean Transportation, Ltd.: *Z–71, Z–112, Z–110, Z–111, Z–101, Z–120, Z–122, Domar 2502, Domar 2503, Domar 6501, Domar 2503.*
04417---	Howaldt Schiffahrts-KG., Hamburg: *Paula Howaldt.*
04435---	Gateway Barge Line, Inc.: *OC 602, GW 65, H & S No. 3, H & S No. 2, GW 50, Z–61 UMI 1807B, Minnesota, GW 701.*
04552---	Hokuyo Hogei Yuugen Kaisha: *Taka Maru.*
04654---	Yamashita Shinnihon Kisen Kaisha: *Yasutama Maru.*
04623---	Seaspan International Ltd.: *Seaspan 921, Seaspan 241.*
04803---	Brent Towing Co., Inc.: *C. R. Clements.*
04819---	Ocean Oil Enterprise, Inc.: *Golar Ron.*
04822---	Ocean Oil Transport, Inc.: *Golar Liz.*
05298---	Erich Drescher: *Wadai.*
05520---	Union Carbide Corp.: *CC–214.*
05522---	Burmah Oil Trading Ltd.: *El Lobo.*
05539---	Westgate Terminals, Inc.: *Carol S, Carol Virginia, Concho, Elsie A, Independence, Larry Roe, Lois Seaver, Maria Elena, Mary Barbara, Missouri San Juan, United States, Westport.*
05553---	Compania Nacional De Navegacion S.A.: *Tairona.*
05594---	Star Line Steamship Co. Ltd.: *Tessala.*
06062---	Belcher Towing Co. of Boca Grande: *Belcher No. 25, Belcher No. 26, Barge No. 1, Barge No. 4.*
06120---	Atlantic Far East Container Service, Inc.: *Tae Ping.*
06257---	Montauk Oil Transportation Corp.: *Cirillo Bros. 162, Costantino, Vito Cirillo.*
06375---	Panoceanica Gallante S.A.: *Albireo.*
06389---	Sears Oil Co., Inc.: *Albany Sear.*
06709---	Ahjin Haewoon Jushik Hoesa: *Sangjin.*
06875---	Jackes Shipping Ltd.: *Montrealais.*
07137---	Inca Shipping, Inc.: *Sankosun.*
07340---	Man Cheung Yuen Shipping Co., Ltd. S.A.: *Dawn Grandeur.*
07365---	Rederiet for M/S Virginia: *Virginia.*
07374---	Ocean Tramping Co., Ltd.: *Sinkai.*
07458---	Galissa Companla Maritima S.A.: *Galissa.*
07875---	Tonia Maritime Co. Ltd.: *Marytonia.*
07879---	Elpis Shipping S.A.: *Santa Claus.*
07880---	Logicon, Inc.: *Sinclair 17.*
17062---	Louisiana Towing Co., Inc.: *Blue Ridge, Dennis Brown.*
08490---	Fraternidad Maritime Co., Ltd.: *Maria L.*
08532---	Messrs. Ilmari Tuuli: *Merita.*
09004---	Bermar Enterprises Inc.: *Lindsey Frank.*
09031---	Union Mechling Corp.: *387, 388, 386, 385.*
09392---	Bay Rock Vessels, Inc.: *E818.*
09395---	Interoceangas Tankers Management, S.A.: *Claude, Pythagore.*
09512---	Robert C. Haldeman, Trustee of the Property of the Lehigh Valley Railroad Co., Debtor: *Carfloat 1703.*
09265---	Scheepvaartagentuur orionbel N.V.: *Jorge S, Sarandi.*
09659---	Burnside Marine Services Co., A Joint Venture of Leonard J. Buck & Co. Inc. & Harlan O. Hall: *No. 15.*
09775---	South East Shipping Co. Ltd.: *Taisei Maru.*
09972---	Panhandle Towing Co., Inc.: *GT 118, GT 116.*
10103---	Bon Vivant Cruises Inc.: *Bon Vivant.*
10260---	Hollywood Marine Inc.: *TTC 1, Jarn 2.*
10337---	Captain Steven Scott, Inc.: *Captain Steven Scott.*
10358---	Petrola Hellas S.A.: *Ennea, Epta.*
10424---	Ledesma Overseas Shipping Corp.: *Ledesco Uno, Ledesco Dos.*
10501---	Major Transportation S.A.: *Taiga No. 1.*
10636---	Magic City Shipping Corp.: *Forwarder.*
10665---	Dampskibsaktiesekskabet Laly: *Lyra.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-23234 Filed 8-9-76;8:45 am]

HAMBURG-SUEDAMERIKANISCHE DAMPFSCHIFFFAHRTS-GESELLSCHAFT EGGERT AND AMSINCK, ET AL.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before August 17, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Edward Aptaker, Esquire, Morgan, Lewis & Bockius, 1800 M Street NW., Washington, D.C. 20036.

Agreement No. 10260, among Columbus Line, Associated Container Trans-

V 41 155 A AUG 10 76 UMI

portation (Australia) Ltd., Australia Shipping Commission, trading as Australia National Line, Farrell Lines Incorporated, Refrigerated Express Lines (A/Asia) Pty. Ltd. and Atlantraffik Express Service provides for the carriage of meat in refrigerated vessels during August, 1976, from Northwest Australian ports to East and Gulf Coast ports of the United States.

Dated: August 6, 1976.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-23394 Filed 8-9-76;8:45 am]

[Docket No. 76-42]

HAPAG-LLOYD AKTIENGESELLSCHAFT ET AL.

Order of Investigation and Hearing Regarding Heavy Lift Practices and Charges

From August, 1974 until July, 1975, the North Atlantic Westbound Freight Association (NAWFA)—of which Hapag-Lloyd Aktiengesellschaft (Hapag) is a member—charged $2,140.00 for a 40-ton heavy lift on shipments from the United Kingdom to any port on the United States Atlantic Coast.[1] For an identical shipment destined to any Great Lakes port, Europe Canada Lakes Line (ECLL)—which was then a joint service of Hapag and Ernst Russ pursuant to FMC Agreement No. 9912—charged $7,719.30.[2] This great disparity in rates charged by Hapag for seemingly identical services appears to have unduly preferred Atlantic Coast shippers and ports at the expense of their Great Lakes counterparts in violation of section 16, Shipping Act, 1916 (46 U.S.C. 815).[3] Moreover, to the extent a heavy lift charge is a charge for "receiving, handling, storing or delivering of property" ECLL's Great Lakes rates may have been so high as to have been unreasonable within the meaning of section 17, second paragraph, Shipping Act, 1916 (46 U.S.C. 816).

The Commission's record also indicate that since at least August 1974 the tariffs of NAWFA and ECLL have provided that shipments of 50 tons or more will be charged a "to be agreed upon" rate, and that "for three or more lifts of over 10 tons in one vessel from one shipper from one Port of Loading to one Port of Discharge the line[s] have liberty to apply a reduction of 10 percent off the freight."[4]

Section 18(b)(1) of the Shipping Act, 1916 (46 U.S.C. 817(b)(1)) requires that foreign commerce carriers file tariffs with the Commission showing all their rates and charges and stating any rules or regulations which in anyway change, affect or determine any part of the aggregate of such rates or charges. This language has long been construed to require an exact statement of all applicable tariff charges, without the possibility of discretionary judgments by the carrier. See generally Eastbound Intercoastal Rates on Squash Seed, 1 U.S.S.B.B. 355 (1935); *Sea-Land Service, Inc.* v. *TMT Trailer Ferry, Inc.*, 10 F.M.C. 395, 399 (1967). The purpose of section 18(b) is to provide the public with advance notice of the rates certain to be charged and which will be charged equally to all shippers for the same services. Neither the "to be agreed" nor the optional "10% discount" provisions appear to inform a shipper of the exact charges which he and his competitors must pay for heavy lift services, and carriers operating under such tariffs may be violating Shipping Act section 18(b).

Should it be determined that the "to be agreed" and "10% discount" clauses are contrary to section 18(b)(1) and that ECLL or any NAWFA member line offered or accepted different heavy lift charges from different shippers in the U.S./U.K. trades pursuant to these tariff clauses, then any carrier who engaged in such discriminatory treatment may also have violated sections 16 First and 17, Shipping Act, 1916.

Therefore, it is ordered, That pursuant to section 22 of the Shipping Act, 1916 (46 U.S.C. 821), a proceeding is hereby instituted to determine whether:

(1) The disparate heavy lift charges and practices of Hapag-Lloyd Aktiengesellschaft between England and U.S. North Atlantic and Great Lakes ports during the period August 4, 1974 through July 9, 1975, were violative of section 16 or 18(b) of the Shipping Act, 1916;

(2) The heavy lift charges of Europe Canada Lakes Line between England and U.S. Great Lakes ports during the period August 4, 1974 through July 9, 1975 were violative of section 17, second paragraph, of the Shipping Act, 1916;

(3) The "to be agreed" and "10% discount" heavy lift provisions of North Atlantic Westbound Freight Association FMC Tariff No. 36 and Europe Canada Lakes Line FMC Tariff No. 3 are violative of section 18(b)(1), Shipping Act, 1916;

(4) Europe Canada Lakes Line or any member line of the North Atlantic Westbound Freight Association has offered or accepted different heavy lift charges for similar services from different shippers pursuant to the "to be agreed" or "10% discount" heavy lift provisions of their tariffs within the past five years, and, if so, whether such preferential treatment violated sections 16 and 17 of the Shipping Act, 1916.

It is further ordered, That Hapag-Lloyd Aktiengesellschaft, Europe Canada Lakes Line, and the North Atlantic Westbound Freight Association and its member lines listed in the Appendix attached hereto shall be Respondents in this proceeding.

It is further ordered, That this proceeding be referred for public hearing before an Administrative Law Judge of the Commission's Office of Administrative Law Judges and that the hearing be held at a date and place to be determined and announced by the Presiding Administrative Law Judge, but in any event the hearing shall commence no later than February 3, 1977; and

It is further ordered, That this Order be published in the FEDERAL REGISTER; and

It is further ordered, That all persons (including individuals, corporations, associations, firms, partnerships and public bodies) having an interest in this proceeding and desiring to intervene therein should notify the Secretary of the Commission immediately, and petition for leave to intervene in accordance with § 502.72 of the Commission's rules of practice and procedure (46 CFR 502.72), with a notice to all parties to this proceeding;

And it is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding be mailed directly to all parties of record.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

APPENDIX

RESPONDENTS

A. North Atlantic Westbound Freight Association (NAWFA) and its member lines, to wit:

(1) American Export Lines, Inc., 17 Battery Place, New York, New York 10004.
(2) Atlantic Container Line (G.I.E.), 80 Pine Street, New York, New York.
(3) Atlantic Gulf Service AB., Packhusplatsen 6, Gothenburg, Sweden.
(4) Combi Line—A joint service of: Hapag-Lloyd A.G. Co., c/o United States Navigation Co., Inc., 17 Battery Place, New York, New York, and Intercontinental Transport (ICT) B.V., P.O. Box 545, Rotterdam, Holland.
(5) Dart Containerline Company, Limited, Reid House, Reid Street, Hamilton, Bermuda.
(6) Hapag-Lloyd A.G., c/o United States Navigation Co., Inc., 17 Battery Place, New York, New York 10004.
(7) Neel Container Line, c/o Atlantic Coast Agencies, Inc., 17 Battery Place, New York, New York 10004.
(8) Sea-Land Service, Inc., 75 Route 27, Aselin, New Jersey 08830.
(9) Seatrain International S.A., Port Seatrain, Weehawken, New Jersey 07087.
(10) United States Lines, Inc., 1 Broadway, New York, New York.

B. Europe Canada Lakes Lines—A service of Ernst Russ., 1 North La Salle Street, Chicago, Illinois 60602.

*C. Hapag-Lloyd Aktiengesellschaft, c/o United States Navigation Co., Inc., 17 Battery Place, New York, New York 10004.

[FR Doc.76-23237 Filed 8-9-76;8:45 am]

[1] FMC Tariff No. 34, and First Revised original page 162 effective August 5, 1974 through July 9, 1975.

[2] FMC Tariff No. 17, original page 31, effective March 29, 1974 through January 21, 1976.

[3] See, for example, the February 5, 1976 complaint of Ace Machinery Company concerning Hapag's charges for transporting a 44-ton Bliss Toledo Knuckle Joint Press from Grangemouth, England to Chicago, Illinois (FMC Docket No. 76-5).

[4] NAWFA presently operates under FMC Tariff No. 36, original page 7, effective April 6, 1976. ECLL is operating under FMC Tariff No. 3, original page 31, effective March 20, 1976. Agreement No. 9912 has been dissolved. Hapag dropped out of the U.K./Great Lakes Trade effective December 31, 1975 and Europe Canada Lakes Line is now solely the service of Ernst Russ.

[Docket No. 76-43]

MATSON NAVIGATION CO.

Proposed Rate Increases in the United States Pacific Coast/Hawaii Domestic Offshore Trade; Order of Investigation

On June 18, 1976, Matson Navigation Company (Matson) filed with this Commission revisions of several of its tariffs.[1] These revisions will result in a general rate increase of 3½ percent. The increase applies to all commodities for which Matson publishes rates in the U.S. Pacific Coast/Hawaii trades with the exceptions of eastbound bulk sugar and molasses. These revisions became effective August 2, 1976.

Two formal protests were timely received from the Military Sealift Command (MSC) and the State of Hawaii (Hawaii). Both protests request a suspension and investigation of Matson's proposed rate increases. Hawaii alternatively requests rejection of Matson's proposed increases. The subject matter of the protests includes the following considerations:

1. The proposed increase will continue to perpetuate a system of rates that unfairly burden the shippers of high rated commodities, who pay rates greatly in excess of the fully allocated costs of carriage;

2. Matson's financial results for the year ended April 30, 1976 show no need for a further increase in rates, and

3. An increase in rates by Matson places a burden on shippers, ratepayers and the general population of the State of Hawaii in a manner which adversely impacts on the economy of the State.

Matson has submitted financial and operating exhibits in conformity with this Commission's regulations governing the submission and contents of such exhibits, and it is our opinion that there is no financial justification for the suspension of the proposed increases. There are, however, issues relating to the methodology employed by Matson in arriving at its rate of return figures, including its depreciated rate base and deferred income tax calculations, which are presently the subject of litigation in Commission Dockets Nos. 73-22, "Matson Navigation Co.—Proposed Changes in Rates Between U.S. Pacific Coast and Hawaii, et al.", and 75-57—"Matson Navigation Company—Proposed Rate Increases in the United States Pacific Coast/Hawaii Domestic Offshore Trade."

The instant increases are amendments of rates which have been under continuous investigation by this Commission since April 20, 1973, and may be considered to be within the scope of Dockets Nos. 73-22 and 75-57. However, the hearings in those proceedings are complete, Docket No. 73-22 is before the Administrative Law Judge and Docket No. 75-57 is presently at the briefing stage. To include the instant rate increase in one of those proceedings would necessitate reopening the record in that proceeding and would cause unnecessary delay.

Upon consideration of the above matters, the Commission is of the opinion that Matson's proposed tariff revisions listed in Appendix A below should be made the subject of a public investigation and hearing to determine whether they are unjust, unreasonable or otherwise unlawful under section 18(b) of the Shipping Act, 1916 and/or section 4 of the Intercoastal Shipping Act, 1933. The Commission is of the further opinion that action should be deferred in this investigation until the issues relating to the above described methodology in either Docket No. 73-22 or Docket No. 75-57 are resolved and a final Commission decision therein issued, because a resolution of those issues in either of these cases will directly affect the course of this investigation.

Now, therefore, it is ordered, That pursuant to sections 18(a) and 22 of the Shipping Act, 1916, and Section 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of the tariff matter listed in Appendix A for the purpose of making such findings as the facts and circumstances warrant. In the event the tariff matter is further changed, amended, or reissued, such changes are hereby ordered to be included in this investigation;

It is further ordered, That as part of this investigation a determination shall be made as to whether Matson's proposed increase in rates is unreasonable under section 18(a) of the Shipping Act, 1916, and Section 4 of the Intercoastal Shipping Act, 1933;

It is further ordered, That copies of this Order shall be filed with the appropriate tariff schedules in the Bureau of Compliance of the Federal Maritime Commission;

It is further ordered, That Matson Navigation Company be named as respondent in this proceeding;

It is further ordered, That the State of Hawaii and the Military Sealift Command be named as complainants in accordance with the Commission's rules of practice and procedure;

It is further ordered, That this proceeding be assigned for public hearing before an Administrative Law Judge of this Commission's Office of Administrative Law Judges and that the hearing(s) be held at a date and place to be determined by the Presiding Administrative Law Judge, but in any event, the hearing date shall not be set until this Commission issues a final decision on the issues relating to methodology in either Docket No. 73-22 or Docket No. 75-57;

It is further ordered, That (1) a copy of this Order be served upon each respondent and complainant herein and upon this Commission's Bureau of Hearing Counsel, and published in the FEDERAL REGISTER, and (2) the respondent, complainants, and Hearing Counsel be duly served with notice of time and place of hearing(s).

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 C.F.R. 502.72) with a copy to all parties to this proceeding.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

APPENDIX A

Tariff	Page/Item	Issued	Effective
FMC-F No. 139	Supp. 12	June 18, 1976	Aug. 2, 1976
FMC-F No. 149	6th revised p. 10, rule 2, note 4	do	Do.
FMC-F No. 149	5th revised p. 11, rule 3, sec. 1, 2, and 3	do	Do.
FMC-F No. 149	7th revised p. 15, rule 14(b)	do	Do.
FMC-F No. 149	5th revised p. 15-A, rule 14(d)	do	Do.
FMC-F No. 149	10th revised p. 19-A, rule 22, sec. 3 (a) and (b)	do	Do.
FMC-F No. 149	8th revised p. 19-B, rule 22, sec. 3 (c) and (d)	do	Do.
FMC-F No. 149	10th revised p. 21, item No. 10	do	Do.
FMC-F No. 149	15th revised p. 22, items 15, 20, 30, and 32	do	Do.
FMC-F No. 149	13th revised p. 24, item No. 41	do	Do.
FMC-F No. 149	7th revised p. 25, item 45 and 50	do	Do.
FMC-F No. 156	Supp. No. 2	do	Do.
FMC-F No. 158	Supp. No. 1	do	Do.

[FR Doc.76-23238 Filed 8-9-76;8:45 am]

SOUTH CAROLINA STATE PORTS AUTHORITY AND UNITED STATES LINES, INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before August 20, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination

[1] See Appendix A below.

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or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Marion S. Moore, Jr., Traffic Manager, South Carolina State Ports Authority, P.O. Box 817, Charleston, South Carolina 29402.

Agreement No. T-3104-1, between South Carolina State Ports Authority (Authority) and United States Lines, Inc., (USL), modifies the basic agreement between the parties which provides for USL's five-year lease (with options to renew) of certain improved terminal facilities and preferential use of Berth No. 1 at the Authority's Columbus Street Terminal in Charleston, South Carolina. The purpose of the modification is to lower USL's guaranteed wharfage minimum to 75,000 short tons for the first twelve-month period of the lease agreement.

Dated: August 6, 1976.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-23395 Filed 8-9-76;8:45 am]

SOUTH SEA ISLANDS RATE AGREEMENT

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, NY., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission Washington, D.C., 20573, on or before August 30, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

P. Conger Fawcett, Esquire, Graham & James, 1 Maritime Plaza, San Francisco, California 94111.

Agreement No. 10205-1, among A/S Thor Dahl, Pacific Far East Line, Inc. and Polynesia Line, Ltd., amends Article 1 of the approved basic agreement to clarify the procedure to be followed when a party is desirous of exercising its right of independent action authorized thereunder. Specifically, it is proposed that a party shall give notice at least 48 hours in advance of the filing of any tariff amendment necessary to effect said desire. At the present time, a party is required to give 48 hours advance notice of its intention to exercise its right of independent action.

Dated: August 4, 1976.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-23235 Filed 8-9-76;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on August 4, 1976. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FCC form are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed form, comments (in triplicate) must be received on or before August 30, 1976, and should be addressed to Mr. John M. Lovelady, Acting Assistant Director, Regulatory Reports Review, Room 5216, 425 I Street, N.W., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

FEDERAL COMMUNICATIONS COMMISSION

FCC requests clearance of a revision of Form 501, Application for Ship Radio Station License. The Commission has adopted and prescribed in its Rules and Regulations (Section 83.36) the use of this form. Section 83.301 of the Commission's Rules and Regulations was amended October 15, 1975, effective October 31, 1976, to provide that only the owner of a vessel, or operator of a leased vessel may be the licensee of a public ship station. Form 501 is required to be filed when applying for a new, modified, or renewed ship station license in the case of radiotelephone stations subject to the Safety of Life at Sea Convention and stations having radiotelegraph equipment pursuant to FCC rules. The revision to Form 501 adds one new question, "3b. Relationship of applicant to vessel: owner, owner/operator, operator, or other (specify)." FCC estimates respondent burden to average 20 minutes per response. FCC receives approximately 1500 applications annually.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.76-23211 Filed 8-9-76;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1269]

COLORADO

Declaration of Disaster Loan Area

As a result of the President's declaration I find that Larimer County, and adjacent counties within the State of Colorado, constitute a disaster area because of damage resulting from severe storms, flash flooding, mudslides and landslides beginning about August 2, 1976. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on October 1, 1976, and for economic injury until the close of business on May 2, 1977, at:

Small Business Administration, District Office, 721 19th Street, Room 407, Denver, Colorado 80202.

or other locally announced locations.

Dated: August 3, 1976.

LOUISE F. LAUN,
Acting Administrator.

[FR Doc.76-23217 Filed 8-9-76;8:45 am]

MCA NEW VENTURES, INC.

[License No. 09/09-5194]

Issuance of License To Operate as Small Business Investment Company

On June 30, 1976, a notice was published in the FEDERAL REGISTER (41 FR 26961), stating that MCA New Ventures, Inc., located at 100 Universal City Plaza, Universal City, California 91608, had filed an application with the Small Business Administration pursuant to 13 CFR 107.102 (1976) for a license to operate as a small business investment company under the provisions of section 301(d) of the Small Business Investment Act of 1958, as amended.

The period for comment expired on July 15, 1976, and no comments were received.

Notice is hereby given that having considered the application and other pertinent information, SBA has issued License No. 09/09-5194 to MCA New Ventures, Inc.

(Catalog of Federal Domestic Assistance Program No. 59.011 Small Business Investment Companies)

Dated: August 3, 1976.

DANIEL SCHLESINGER,
Acting Deputy Associate Administrator for Investment.

[FR Doc.76-23220 Filed 8-9-76;8:45 am]

[Declaration of Disaster Loan Area No.1268]

OHIO

Declaration of Disaster Area

Belmont, Cuyahoga, Lorain, Perry, Portage and Summit Counties and adjacent counties within the State of Ohio, constitute a disaster area because of damage resulting from high winds and flooding which occurred on July 10-11, 1976. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on September 30, 1976, and for economic injury until the close of business on April 30, 1977 at:

Small Business Administration, District Office, AJC Federal Building, Room 317, 1240 East Ninth Street, Cleveland, Ohio 44199.

or other locally announced locations.

Dated: July 30, 1976.

MITCHELL P. KOBELINSKI,
Administrator.

[FR Doc.76-23218 Filed 8-9-76;8:45 am]

PERMIAN BASIN CAPITAL CORP.

[License No. 06/06-0161]

Application for Transfer of Control of Licensed Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA), pursuant to § 107.701 of the regulations governing small business investment companies (13 CFR 107.701(1976)), for transfer of control of Permian Basin Capital Corporation (Permian), 303 West Wall Avenue, Midland, Texas 79701, a Federal Licensee under the Small Business Investment Act of 1958, as amended (the Act), (15 U.S.C. 661 et seq.), and the Rules and Regulations promulgated thereunder.

Permian was licensed on January 3, 1973, and has a paid-in capital and paid-in surplus of $500,000. The class "A" voting common stock of permian is owned 49 percent by the First National Bank of Midland (FNBM), Midland, Texas, 17 percent by the First National Bank in Brownwood, Brownwood, Texas, 17 percent by the First National Bank of Lea County, Hobbs, New Mexico, and 17 percent by the Western State Bank of Midland, Midland, Texas. In addition, FNBM owns 100 percent of the class "B" nonvoting common stock.

Public Law 94-305 permits a bank to own up to 100 percent of a small business investment company (SBIC). As such, under the terms of a purchase agreement, FNBM proposes to buy all the class A voting common stock from the aforestated three banks. As a result, FNBM would own all the issued and outstanding stock of Permian.

The proposed transfer of control is subject to the approval of SBA. If such approval is given, the officers and directors of Permian will be as follows:

Wilbur A. Yeager, Chairman of the Board, 1500 Country Club Drive, Midland, Texas 79701.
William B. Johnston, President, Director; P.O. Box 325, Midland, Texas 79701.
G. Arthur Donnelly III, Vice President, Secretary, Treasurer, Director; 1608 Gulf, Midland, Texas 79701.
William B. Yarborough, Director, 2005 Sinclair, Midland, Texas 79701.
William B. Blakemore II, Director, 620 Commercial Bank Tower, Midland, Texas 79701.

There are no proposed changes to Permian's present Articles of Incorporation, Bylaws and current operations.

Matters involved in SBA's consideration of the application include the general business reputation and character of management and shareholders, and the probability of successful operations of Permian under their management, in accordance with the Act and Regulations.

Notice is further given that any person may, not later than August 25, 1976, submit to SBA in writing, comments on the proposed transfer of control of Permian. Any such comments should be addressed to: Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this Notice will be published by Permian in a newspaper of general circulation in Midland, Texas.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: August 3, 1976.

DANIEL SCHLESINGER,
Acting Deputy Associate Administrator for Investment.

[FR Doc.76-23219 Filed 8-9-76;8:45 am]

SALT LAKE CITY DISTRICT ADVISORY COUNCIL

Meeting

The Small Business Administration Salt Lake City District Advisory Council will hold a public meeting at 9:00 a.m., Friday, September 3, 1976, in Room 2237, Federal Building, 125 South State Street, Salt Lake City, Utah 84138, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present. For further information, write or call Clair R. Hopkins at the above address, (801) 524-5804.

Dated: August 3, 1976.

HENRY V. Z. HYDE, JR.,
Deputy Advocate for Advisory Councils.

[FR Doc.76-23216 Filed 8-9-76;8:45 am]

[License No. 02/02-0315]

FIFTY-THIRD STREET VENTURES, INC.

Issuance of License To Operate Small Business Investment Company

On May 26, 1976, a Notice of Application for a license as a Small Business Investment Company was published in the FEDERAL REGISTER (41 FR 21532) stating that an Application had been filed with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1975)) for a license as a small business investment company by Fifty-Third Street Ventures, Inc., One East 53rd Street, New York, New York 10022.

Interested parties were given until the close of business June 10, 1976, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information and the facts with regard thereto, SBA on July 29, 1976, issued License No. 02/02-0315 to Fifty-Third Street Ventures, Inc., to operate as a Small Business Investment Company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: August 2, 1976.

DANIEL SCHLESINGER,
Acting Deputy Associate Administrator for Investment.

[FR Doc.76-23214 Filed 8-9-76;8:45 am]

[Declaration of Disaster Loan Area 1253; Amdt. No. 1]

NORTHERN MARIANA ISLANDS OF THE PACIFIC

Declaration of Disaster Loan Area

The above numbered Declaration (See 41 FR 26764) is hereby amended to include Typhoon Therese beginning about July 13, 1976, and to extend the filing date for physical damage until close of business October 1, 1976, and for economic injury until close of business May 2, 1977.

Dated: August 4, 1976.

LOUIS F. LAUN,
Acting Administrator.

[FR Doc.76-23215 Filed 8-9-76;8:45 am]

DEPARTMENT OF LABOR

Employment and Training Administration

MIGRANT AND OTHER SEASONALLY EMPLOYED FARMWORKER PROGRAMS

Submission of Preapplication for Federal Assistance for Fiscal Year 1977

Pursuant to 20 CFR 97.211, the Employment and Training Administration announces the list of applicants intending to apply for Fiscal Year 1977 funds for Migrant and Other Seasonally Employed Farmworker Programs authorized

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by Section 303 of the Comprehensive Employment and Training Act (CETA) of 1973. The list contains the names and addresses of all applicants which have submitted the Preapplication for Federal Assistance Form, Part I, OMB, No. 29–RO218 by August 1, 1976. No funding requests received for those areas to be renewed without competition as listed in the July 2, 1976, FEDERAL REGISTER, Volume 41, Number 129, page 27452 shall be considered for funding.

Organizations listed below may submit funding requests as described in 29 CFR 97.214. However, no determination has been made as to the legal eligibility of applicants listed to receive CETA Section 303 funds. The final determination of eligibility to receive funds will be made during the funding request review (29 CFR 97.215).

Applicants which have submitted a Preapplication for Federal Assistance Form Part I, by August 1, 1976, and are not listed below, should contact the U.S. Department of Labor at the address provided in 29 CFR 97.214(a) immediately. Pursuant to 29 CFR 97.211, applicants wishing to comment on the funding request of other applicants in the same State, must request a copy of the funding request from the applicant concerned.

Applicants eligible to submit a funding request should refer to another notice in today's FEDERAL REGISTER which alerts eligible applicants to regulation changes.

The following is the list of applicants exclusive of the non-competitive sponsors which have submitted Preapplications for Federal Assistance Forms, Part I, by State for areas open to competition this year:

PREAPPLICANTS FOR CETA SECTION 303 FUNDS

REGION I

Connecticut

New England Farmworkers Council, Inc., 3502 Main Street, Springfield, Massachusetts 01107.

Maine

Opportunities Industrialization Center of Maine, Inc., 167 High Street, Belfast, Maine 04915.

Cumberland County (CETA), Box 257 Cape Cottage Branch, Cape Elizabeth, Maine 04107.

Penobscot Consortium, Penobscot Co. Manpower Adm., 166 Union Street, Bangor, Maine 04401.

Massachusetts

New England Farmworkers Council, Inc., 3502 Main Street, Springfield, Massachusetts 01107.

Rhode Island

New England Farmworkers Council, Inc., 3502 Main Street, Springfield, Massachusetts.

No applications received for New Hampshire and Vermont.

REGION II

New Jersey

Farmworkers Corporation of New Jersey, 36 West Landis Avenue, Vineland, New Jersey 08360.

Mt. Carmel Guild Social Services, Straight and Narrow, Paterson, New Jersey 07501.

The Archway School, Program Development, Jackson Road, Atco, New Jersey 08004.

New York

Program Funding, Inc., Suite 730, Powers Building, Rochester, New York 14614.

Suffolk County, Veterans Memorial Highway, Hauppauge, New York 11787.

Robert Mallard Memorial Center, 1451 Jefferson Avenue, Buffalo, New York 14208.

New York State Dept. of Labor, Manpower Planning Secretariat, Bldg. 12, Room 563, State Campus, Albany, New York 12240.

Puerto Rico

Commonwealth of Puerto Rico, Department of Labor, 414 Barbosa Avenue, Hato Rey, Puerto Rico 00917.

REGION III

Delaware

Leadership Conference of Women Religious, East Coast Migrant Health Project, 1234 Massachusetts Avenue NW., No. 623, Washington, D.C. 20005.

Delmarva Ecumenical Agency, Rural Ministries Coalition, Blue Hen Mall, Dover, Delaware 19901.

Maryland

Migrant & Seasonal Farmworkers Association, Inc., 3929 Western Blvd., POB 33315, Raleigh, North Carolina 27606.

Leadership Conference of Women Religious, East Coast Migrant Health Project, 1234 Massachusetts Ave. NW., No. 623, Washington, D.C. 20005.

Delmarva Ecumenical Agency, Rural Ministries Coalition, Blue Hen Mall, Dover, Delaware 19901.

Pennsylvania

Farmworker Corp. of New Jersey, 36 West Landis Avenue, Vineland, New Jersey 08360.

Pennsylvania Council for Farmworkers, Inc., Full Agency, 1600 Lehigh Parkway East, Allentown, Pennsylvania 18103.

Farm Labor Services Center, Inc., 1202 North 5th Street, Philadelphia, Pennsylvania 19122.

Commonwealth of Pennsylvania, Dept. of Community Affairs, Box 155, Harrisburg, Pennsylvania 17120.

Program Funding, Inc., Suite 730, Powers Bldg., Rochester, New York 14614.

Virginia

Virginia Employment Commission, 703 East Main Street, Richmond, Virginia 23211.

Migrant & Seasonal Farmworker Association, Inc., 3929 Western Blvd., POB 33315, Raleigh, North Carolina 27606.

Leadership Conference of Women Religious, East Coast Migrant Health Project, 1234 Mass. Avenue NW., No. 623, Washington, D.C. 20005.

West Virginia

State of West Virginia, Governor's Manpower Office, 5790–A MacCorkle Avenue SE., Charleston, West Virginia 25304.

Leadership Conference of Women Religious, East Coast Migrant Health Project, 1234 Mass. Avenue NW., 3623, Washington, D.C. 20005.

REGION IV

Alabama

Alabama Migrant & Seasonal Farmworkers Council, Inc., 404 East South Boulevard, Montgomery, Alabama 36105.

Florida

Florida Dept. of Education/Vocatioal Division, Vocational Education, Capitol Building, Tallahassee, Florida 32304.

Community Action Migrant Program, 1975 East Sunrise Blvd., Suite 850, Fort Lauderdale, Florida 33304.

Georgia

Georgia Community Action Association, Inc., Statewide Network of CAA's, 75 Marietta Street Building, Atlanta, Georgia 30303.

Office of the Governor, Georgia Department of Labor, 501 Pulliam Street SW., Atlanta, Georgia 30012.

Kentucky

Commonwealth of Kentucky, Dept. of Human Resources, Capitol Annex Building, Frankfort, Kentucky 40601.

Mississippi

Mississippi Delta Council for Farm Workers Opportunities, Inc., 1933 Fourth Street, Clarksdale, Mississippi 38614.

South Carolina

South Carolina Resources Development Corporation, 3015 South Church Street, Spartanburg, South Carolina 29301.

Governor's Office, State of South Carolina, Columbia, South Carolina 29201.

South Carolina Commission for Farm Workers, Inc., 218 Rutledge Avenue, POB 861, Charleston, South Carolina 29402.

Tennessee

Tennessee Opportunity Programs for Seasonal Farmworkers, Inc., 2803 Foster Avenue, Nashville, Tennessee 37211.

State of Tennessee, Employment & Training Division, C1–114 Cordell Hull Bldg., Nashville, Tennessee 37219.

Tennessee Community Services Admin., 444 James Robertson Parkway, Nashville, Tennessee 37219.

REGION V

Indiana

Illinois Migrant Council, 202 South State Street, Chicago, Illinois 60604.

Migrant American Development, Research & Education Services—Human Advancement Training (MADRES), 41 Meadow Lane, Muncie, Indiana 47304.

City of South Bend, Bureau of Employment & Training, 227 W. Jefferson Blvd., 12th Floor, South Bend, Indiana 46601.

Indiana Office of Manpower Development, Planning Division, 150 West Market Street, 7th Floor, Indianapolis, Indiana 46204.

AMOS, INC., 3655 North Pennsylvania Street, Indianapolis, Indiana 46205.

Michigan

United Migrants for Opportunities, Inc., 111 South Lansing, Mt. Pleasant, Michigan 48858.

Michigan Migrant Legal Assistance Project, Inc., 102 South Mechanic Street, Berrien Spring, Michigan 49103.

Minnesota

Minnesota Migrant Council, POB 1231, St. Cloud, Minnesota 56301.

Ohio

La Raza Unida de Ohio, 1007 Revere Drive., Bowling Green, Ohio 43402.

Ohio Balance of State, Office of Manpower Development, 30 East Broad Street, 27th Floor, Columbus, Ohio 43215.

Wisconsin

United Migrant Opportunity Services, POB 04697, 809 Greenfield Avenue, Milwaukee, Wisconsin 53204.

La Raza Unida de Jefferson, 222 East Puerner Road, Jefferson, Wisconsin 53549.

REGION VI

Arkansas

Arkansas Council of Farmworkers, POB 4241—Asher Station, 1200 West Park Drive, Little Rock, Arkansas 72214.

ORO Development Corporation, 1100 North Classen Drive, POB 60126. Oklahoma City, Oklahoma 73106.

Louisiana

Southern Mutual Help Association, Inc., POB 365, Abbeville, Louisiana 70510.

Manpower Education & Training of Louisiana, 304 Broadway, POB 761, Jennings, Louisiana 70546.

New Mexico

Home Education Livelihood, 933 San Pedro SE., Albuquerque, New Mexico 87108.

Governor of New Mexico, Governor's Office of ETA, POB 4218, Santa Fe, New Mexico 87502.

Western Conference of Teamsters, Agricultural Workers Division, 1625 West Olympic Blvd., Suite 816, Los Angeles, California 90015.

Oklahoma

ORO Development Corporation, 1100 North Classen Blvd., POB 60126, Oklahoma City, Oklahoma 73106.

Texas

Community Action Council for South Texas, PO Drawer S–504, East Second, Rio Grande City, Texas 78582.

Governor's Office—State of Texas, POB 12418, Capitol Station, Austin, Texas 78711.

Economic Opportunities Development Corporation, 410 South Main, POB 9326, San Antonio, Texas 78204.

Manpower Education & Training, Inc., 105 East Houston Street, Cleveland, Texas 77327.

Western Conference of Teamsters, Agricultural Workers Division, 1625 West Olympic Blvd., Suite 816, Los Angeles, California 90015.

ORO Development Corporation, 1100 North Classen Drive, POB 60126, Oklahoma City, Oklahoma 73106.

REGION VII

Iowa

Migrant Action Program, Inc., 220 E. State Street—POB 778, Mason City, Iowa 50401.

Kansas

State of Kansas, Dept. of Human Resources, Division of Employment, 534 Kansas Avenue, Suite 900, Topeka Kansas 66603.

ORO Development Corporation, 1100 North Classen Drive, POB 60126, Oklahoma City, Oklahoma 73106.

Missouri

Rural Missouri, Inc., 418 Madison Street, POB 204, Jefferson City, Missouri 65101.

Nebraska

State of Nebraska, Department of Labor, 550 South 16th, Lincoln, Nebraska 68509.

REGION VIII

Colorado

Colorado Council on Migrant and Seasonal Agricultural Workers & Families, 665 Grant Street, Denver, Colorado 80203.

Western Conference of Teamsters, Agricultural Workers Division, 1625 West Olympic Blvd., Suite 816, Los Angeles, California 90015.

Montana

Office of the Governor, Employment and Training Council, POB 169, Capitol Building, Helena, Montana 59601.

North Dakota

Governor Arthur A. Link, CETA Administration, Governor's Office, Bismarck, North Dakota 58505.

North Dakota Migrant Council, 1911 South Washington, Grand Forks, North Dakota 58201.

South Dakota

South Dakota Department of Labor, Office of the Secretary, Foss Building, Pierre, South Dakota 57501.

Utah

Adela Development Corporation, 623 South Second East, Salt Lake City, Utah 84111.

Utah Migrant Council, CETA Program, 1380 West North Temple, Salt Lake City, Utah 84116.

Wyoming

OFC Manpower Planning, State of Wyoming—State Capitol Bldg., Cheyenne, Wyoming 82002.

REGION IX

Arizona

MOPportunities, Inc., The Migrant Opportunity Program, 6611 South Central Avenue, Phoenix, Arizona 85010.

Tucson—Center for Employment & Training, 21 West 33rd Street, Tucson, Arizona 85040.

Western Conference of Teamsters, Agricultural Workers Division, 1625 West Olympic Blvd., Suite 816, Los Angeles, California 90015.

California

Orange County Manpower Commission, 433 Civic Center Drive West, Santa Ana, California 92701.

Campesinos Unidos, Inc., 620 N. 10th Street—POB 203, Brawley, California 92227.

OIC—San Diego, 1318 North Santa Fe Avenue, Vista, California 92083.

Fresno County Economic Opportunities Commission, 2100 Tulare Street, Room 505, Fresno, California 93721.

Philipino Bayanihan, Inc., 420 South San Joaquin Street, Stockton, California 95208.

Sacramento Concilio, Inc., 1912 F Street, POB 896, Sacramento, California.

National Farm Workers Service Center, Inc., POB 62, Keene, California 93531.

County of Los Angeles, Dept. of Community Development, 320 W. Temple Street, Room 780, Los Angeles, California 90012.

Western Conference of Teamsters, Agricultural Workers Division, 1625 West Olympic Blvd., Suite 816, Los Angeles, California 90015.

Hawaii

State of Hawaii, Office of the Governor, Dept. of Labor & Ind. Relations (OMP), 825 Mililani Street, Honolulu, Hawaii 96813.

Nevada

Governor, State of Nevada, Office of State Manpower Services, 505 East King Street, Carson City, Nevada 89710.

Nevada Association of Latin Americans, 235 North Eastern, Suite 111, Las Vegas, Nevada 89101.

REGION X

Oregon

Jackson Josephine Job Council, 130 W. 6th, Suite 203, Medford, Oregon 97501.

Southern Oregon Liaison, 3155 East Main Street, Ashland, Oregon 97520.

Oregon Rural Opportunities, 5103 Portland Road, NE., Salem, Oregon 97303.

Multi-Wash. CETA Consortium, 808 SW. Broadway, Suite 350, Portland, Oregon 97205.

Migrant and Indian Coalition for Community Coordinated Child Care, Route 6, POB 423, Hood River, Oregon 97031.

Centro Cultural, 110 North Adair Street, Cornelius, Oregon 97113.

Eastern Oregon Manpower Consortium, 1100 K Avenue, La Grande, Oregon 97850.

Signed at Washington, D.C., This 6th day of August 1976.

WILLIAM H. KOLBERG,
Assistant Secretary for Employment and Training.

[FR Doc.76–23405 Filed 8–9–76;8:45 am]

MIGRANT AND OTHER SEASONALLY EMPLOYED FARMWORKER PROGRAMS

Change of Regulations

Organizations which have submitted the Preapplication for Federal Assistance Form, Part I, to the Employment and Training Administration by August 1, 1976, and may, therefore, submit a funding request as described in 29 CFR 97.214 are hereby advised of publication of revised regulations governing the Comprehensive Employment and Training Act (CETA), 29 CFR Parts 94, 95, 96, and 98, dated June 25, 1976, 41 FR, 26334.

The Secretary of Labor intends to propose revised regulations, governing 29 CFR Part 97 Subpart C, for Migrant and Other Seasonally Employed Farmworker Programs on or about September 30, 1976. Prior to the publication date the Department will review all references to Parts 95 and 98 cited in Part 97 and will incorporate the changes in such references if they are considered appropriate for Section 303 programs. Until publication of the revised regulations, organizations submitting funding requests should refer to regulation changes published for CETA Titles I and II, dated June 25, 1976, 41 FR 26334, for planning purposes only. Particular attention should be paid to the changes in Section 98.12 Allowable Federal Costs and Section 98.13 Allocation of allowable costs among program activities.

Signed at Washington, D.C., this 6th day of August 1976.

WILLIAM H. KOLBERG,
Assistant Secretary for Employment and Training.

[FR Doc.76–23406 Filed 8–9–76;8:45 am]

Office of the Secretary

[TA–W–890]

ATLAS BOLT AND SCREW CO.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA–W–890; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on May 19, 1976 in response to a worker petition received on that date which was filed by the United Steelworkers of America on behalf of workers and former workers producing screws at the Atlas Bolt and Screw Company, Cleveland, Ohio.

The notice of investigation was published in the FEDERAL REGISTER on June 25, 1976 (41 FR 26298) and in corrected form July 6, 1976 (41 FR 27799). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Atlas Bolt and Screw Company the Illinois Tool Work, the U.S. Department of Commerce, the U.S. International Trade

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Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (3) has not been met.

The evidence developed during the Department's investigation reveals that the Cleveland, Ohio plant of the Atlas Bolt and Screw Company produces screws exclusively. Approximately 90 percent of the screws produced are specialty products which are produced to customer specifications and/or are licensed or company proprietary products. Workers are used interchangeably in the production of standard and specialty screws. The sales of standard screws have not declined; whereas the sales of specialty product lines have declined because of reduced purchases from the metal building industry.

There are no import categories under the TSUSA classification system which relate to the imports of specialty fasteners exclusively. However, evidence indicates that imports of specialty fasteners are negligible. The few imports of specialty fasteners is totally consistent from both the domestic producer and user viewpoints. From the user viewpoint it is difficult to maintain on-sight quality control if the fasteners are produced outside of the United States. In addition, time lags for delivery would be too great if supply were dependent upon the importation of fasteners, and output scheduling flexibility would be lost by import dependence. From the producer point of view, low volume markets are of limited interest to foreign producers and single purpose product lines tend toward lower volume.

Furthermore, a major product line at Atlas is produced under license from a domestic firm. There are no imports of the licensed product.

The Atlas Bolt and Screw Company produces screws at the Cleveland, Ohio plant which are used in the automotive and metal buildings industries. The economic recession had prompted these industries to temporarily reduce orders from Atlas.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increased imports of specialty screws have not contributed importantly to the total or partial separation of workers at the Atlas Bolt and Screw Company, Cleveland, Ohio as required in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 28th day of July 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-23254 Filed 8-9-76;8:45 am]

[TA-W-141T]

BROWN SHOE CO.

Notice of Investigation Regarding Termination of Certification of Eligibility To Apply for Worker Adjustment Assistance

Following a Department of Labor investigation under section 222 of the Trade Act of 1974 ("the Act") and in accordance with section 223 of the Act on November 12, 1975 the Department of Labor issued a certification of eligibility to apply for adjustment assistance applicable to workers and former workers of The Brown Shoe Company, Owensville, Missouri engaged in employment related to the production of women's leather shoes. The notice of certification was published in the FEDERAL REGISTER on November 26, 1975 (40 FR 54889).

On the basis of further showing, the Director of the Office of Trade Adjustment Assistance has instituted an investigation directed to the termination of the certification, as provided for in section 223(d) of the Act and 29 CFR 90.17 (a).

The purpose of the investigation is to determine whether the total or partial separations of the certified workers of The Brown Shoe Company are no longer attributable to the conditions specified in section 222 of the Act and 29 CFR 90.16 (b).

Pursuant to 29 CFR 90.17(b) the group of workers or any other persons showing a substantial interest in the proceedings may request a public hearing or may make written submissions to show why the certification should not be terminated. *Provided*, That such request or submission is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 20, 1976.

The record of the certification (TA-W-141) containing non-confidential information is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd Street and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 28th day of July 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-23244 Filed 8-9-76;8:45 am]

[TA-W-825]

BROWN SHOE CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-825: investigation regarding certification of eligibility to apply for adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on April 30, 1976 in response to a worker petition received on that date which was filed by workers at the Fredericktown, Missouri plant of Brown Shoe Company on behalf of workers and former workers producing men's and children's leather shoes at the Fredericktown, Missouri plant of Brown Shoe Company.

The notice of investigation was published in the FEDERAL REGISTER on May 21, 1976 (41 FR 20942). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Brown Shoe Company, its customers, the Department of Commerce, the International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

Significant total or partial separations. The average number of production workers declined 3 percent in 1974 compared to 1973 and 17 percent in 1975 compared to 1974. Employment declined in all four quarters of 1975 compared to the like period in 1974 and in the first quarter of 1976 compared to the like period in 1975. Employment in the second quarter of 1976 was 2 percent higher than the second quarter of 1975, and 12 percent higher than the first quarter of 1976.

Sales or production, or both, have decreased absolutely. Annual sales in quantity of shoes at the Fredericktown plant of Brown Shoe Company decreased 27 percent in 1974 compared to 1973 and decreased 20 percent in 1975 compared to 1974. First quarter sales in 1976 were up 10 percent over sales in the first quarter of 1975. Men's shoes accounted for as much as 90 percent of total sales and production at the Fredericktown plant.

Production of shoes at the Fredericktown plant declined 28 percent in 1974 compared to 1973 and 19 percent in 1975 compared to 1974. First quarter 1976 production was 19 percent higher than for the same period in 1975.

Increased imports. Imports of men's leather shoes increased absolutely in 1972 and 1973 compared to the previous year and decreased in 1974. In 1975 imports increased 11.6 percent over 1974. Imports for the first quarter of 1976 were up 40 percent from first quarter 1975 imports. Relative to domestic production imports increased from 47.8 percent of domestic production in 1974 to 54.3 percent in 1975. First quarter 1976 imports were 77.8 percent of domestic production compared to 72.5 percent for the same period in 1975.

Imports of youths' and boys' non-rubber footwear increased absolutely in 1972 compared to 1971 and then decreased in 1973 and 1974. In 1975 imports increased 46 percent over 1974 imports. Imports for the first quarter of 1976 increased 114 percent over first quarter of 1975. Imports increased relative to domestic production from 43.3 percent of domestic production in 1974 to 64.8 percent in 1975 and continued to increase, relatively, in the first quarter of 1976 to 88.2 percent compared to 51.2 percent for first quarter 1975.

Imports of children's non-rubber footwear increased absolutely in 1972 compared to 1971 and then decreased in 1973 and 1974 and decreased by 9 percent in 1975 compared to 1974. Imports in the first quarter of 1976 were 44 percent higher than first quarter 1975. Imports increased relative to domestic production from 59.2 percent in 1974 to 64.5 percent in 1975. Imports were 61.7 percent of domestic production in the first quarter of 1976 compared with 82.9 percent in the first quarter of 1975.

Contributed importantly. The Department's investigation revealed that customers of Brown Shoe Company's Fredericktown, Missouri plant have increased their purchases of imported men's and children's shoes since 1974. These customers cited lower prices of imported shoes as the influencing factor in the switch from shoes produced by Brown Shoe Company's, Fredericktown plant to imports.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with shoes produced at the Fredericktown, Missouri plant of the Brown Shoe Company contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of shoes at the Fredericktown, Missouri plant of the Brown Shoe Company who became totally or partially separated from employment on or after April 26, 1975, and before April 1, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974. All employees who became totally or partially separated from employment on or after April 1, 1976 are denied certification.

Signed at Washington, D.C. this 28th day of July 1976.

JAMES D. HOOVER,
Acting Executive Assistant to the Deputy Under Secretary.

[FR Doc.76-23239 Filed 8-9-76;8:45 am]

[TA-W-88T]

CLAYTON SHOE CO.

Notice of Investigation Regarding Termination of Certification of Eligibility To Apply for Worker Adjustment Assistance

Following a Department of Labor investigation under section 222 of the Trade Act of 1974 ("the Act") and in accordance with section 223 of the Act, on September 12, 1975 the Department of Labor issued a certification of eligibility to apply for adjustment assistance applicable to workers and former workers of Clayton Shoe Company, Corning, Arkansas engaged in employment related to the production of women's footwear. The notice of certification was published in the FEDERAL REGISTER on September 23, 1975 (40 FR 43786).

On the basis of further showing, the Director of the Office of Trade Adjustment Assistance has instituted an investigation directed to the termination of the certification, as provided for in Section 223(d) of the Act and 29 CFR 90.17 (a).

The purpose of the investigation is to determine whether the total or partial separations of the certified workers of Clayton Shoe Company are no longer attributable to the conditions specified in section 222 of the Act and 29 CFR 90.16 (b).

Pursuant to 29 CFR 90.17(b) the group of workers or any other persons showing a substantial interest in the proceedings may request a public hearing or may make written submissions to show why the certification should not be terminated. *Provided*, That such request or submission is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 20, 1976.

The record of the certification (TA-W-88) containing non-confidential information is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd Street and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 28th day of July 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-23247 Filed 8-9-76;8:45 am]

[TA-W-66T]

GARLAND CORP.

Notice of Investigation Regarding Termination of Certification of Eligibility To Apply for Worker Adjustment Assistance

Following a Department of Labor investigation under section 222 of the Trade Act of 1974 ("the Act") and in accordance with section 223 of the Act, on August 27, 1975 the Department of Labor issued a certification of eligibility to apply for adjustment assistance applicable to workers and former workers of Garland Corporation, Brockton, Massachusetts engaged in employment related to the production of women's and misses' sweaters. The notice of certification was published in the FEDERAL REGISTER on September 8, 1975 (40 FR 41573).

On the basis of further showing, the Director of the Office of Trade Adjustment Assistance has instituted an investigation directed to the termination of the certification, as provided for in section 223(d) of the Act and 29 CFR 90.17 (a).

The purpose of the investigation is to determine whether the total or partial separations of the certified workers of Garland Corporation are no longer attributable to the conditions specified in section 222 of the Act and 29 CFR 90.16(b).

Pursuant to 29 CFR 90.17(b) the group of workers or any other persons showing a substantial interest in the proceedings may request a public hearing or may make written submissions to show why the certification should not be terminated. *Provided*, That such request or submission is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 20, 1976.

The record of the certification (TA-W-66) containing non-confidential information is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd Street and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 28th day of July 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-23240 Filed 8-9-76;8:45 am]

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[TA-W-155T]

HARRISBURG MANUFACTURING CO.

Notice of Investigation Regarding Termination of Certification of Eligibility To Apply for Worker Adjustment Assistance

Following a Department of Labor investigation under section 222 of the Trade Act of 1974 ("the Act") and in accordance with section 223 of the Act, on October 29, 1975 the Department of Labor issued a certification of eligibility to apply for adjustment assistance applicable to workers and former workers of Harrisburg Manufacturing Company, Harrisburg, Arkansas engaged in employment related to the production of women's footwear. The notice of certification was published in the FEDERAL REGISTER on November 5, 1975 (40 FR 51520).

On the basis of further showing, the Director of the Office of Trade Adjustment Assistance has instituted an investigation directed to the termination of the certification, as provided for in section 223(d) of the Act and 29 CFR 90.17 (a).

The purpose of the investigation is to determine whether the total or partial separations of the certified workers of Harrisburg, Arkansas are no longer attributable to the conditions specified in section 222 of the Act and 29 CFR 90.16 (b).

Pursuant to 29 CFR 90.17(b) the group of workers or any other persons showing a substantial interest in the proceedings may request a public hearing or may make written submissions to show why the certification should not be terminated. *Provided*, That such request or submission is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 20, 1976.

The record of the certification (TA-W-155) containing non-confidential information is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd Street and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 28th day of July 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-23245 Filed 8-9-76;8:45 am]

[TA-W-82T]

INTERNATIONAL SHOE CO.

Notice of Investigation Regarding Termination of Certification of Eligibility To Apply for Worker Adjustment Assistance

Following a Department of Labor investigation under section 222 of the Trade Act of 1974 ("the Act") and in accordance with section 223 of the Act, on September 12, 1975 the Department of Labor issued a certification of eligibility to apply for adjustment assistance applicable to workers and former workers of Jackson, Missouri plant of the International Shoe Co., St. Louis, Missouri engaged in employment related to the production of footwear for women. The notice of certification was published in the FEDERAL REGISTER on September 19, 1975 (40 FR 43287).

On the basis of further showing, the Director of the Office of Trade Adjustment Assistance has instituted an investigation directed to the termination of the certification, as provided for in section 223(d) of the Act and 29 CFR 90.17(a).

The purpose of the investigation is to determine whether the total or parial separations of the certified workers of International Shoe Company are no longer attributable to the conditions specified in section 222 of the Act and 29 CFR 90.16(b).

Pursuant to 29 CFR 90.17(b) the group of workers or any other persons showing a substantial interest in the proceedings may request a public hearing or may make written submissions to show why the certification should not be terminated. *Provided*, That such request or submission is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 20, 1976.

The record of the certification (TA-W-82) containing non-confidential information is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor. Affairs, U.S. Department of Labor, 3rd Street and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 28th day of July 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-23241 Filed 8-9-76;8:45 am]

[TA-W-124T]

JOHANSEN BROTHERS SHOE CO.

Notice of Investigation Regarding Termination of Certification of Eligibility To Apply for Worker Adjustment Assistance

Following a Department of Labor investigation under section 222 of the Trade Act of 1974 ("the Act") and in accordance with section 223 of the Act, on October 29, 1975 the Department of Labor issued a certification of eligibility to apply for adjustment assistance applicable to workers and former workers of Johansen Brothers Shoe Co., St. Louis, Missouri engaged in employment related to the production of uppers for women's footwear. The notice of certification was published in the FEDERAL REGISTER on November 5, 1975 (40 FR 51521).

On the basis of further showing, the Director of the Office of Trade Adjustment Assistance has instituted an investigation directed to the termination of the certification, as provided for in section 223(d) of the Act and 29 CFR 90.17(a).

The purpose of the investigation is to determine whether the total or partial separations of the certified workers of Johansen Brothers Shoe Company are no longer attributable to the conditions specified in section 222 of the Act and 29 CFR 90.16(b).

Pursuant to 29 CFR 90.17(b) the group of workers or any other persons showing a substantial interest in the proceedings may request a public hearing or may make written submissions to show why the certification should not be terminated. *Provided*, That such request or submission is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 20, 1976.

The record of the certification (TA-W-124) containing non-confidential information is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd Street and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 28th day of July 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-23246 Filed 8-9-76;8:45 am]

[TA-W-901]

KNOXVILLE GLOVE CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-901: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on May 27, 1976 in response to a worker petition received on May 27, 1976 which was filed by the Amalgamated Clothing Workers of America, on behalf of workers and former workers producing cotton and leather gloves at Knoxville. Glove Company, Knoxville, Tennessee.

The notice of investigation was published in the FEDERAL REGISTER on June 18, 1976 (41 FR 24801). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Knoxville Glove Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially

separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation revaled that all four of the above criteria have been met.

Significant total or partial separations. Employment of production workers at the Knoxville plant declined 29 percent from 1974 to 1975 and declined 19 percent in the first five months of 1976 compared to the same period in 1975. Declines in employment occurred throughout most of 1975.

Sales or production, or both, have decreased absolutely. Sales by the Knoxville Glove Company decreased 30 percent in 1975 from 1974 and declined 4 percent in the first five months of 1976 compared to the same period in 1975.

Increased imports. The quantity of imported work gloves increased relative to domestic production each year during the 1971–1975 period. From 1971 to 1975 the quantity of imported gloves increased from nearly 2.6 million dozen pairs to more than 5.2 million dozen pairs. In 1975 the quantity of imported work gloves amounted to more than 25 percent of the quantity of work gloves produced domestically.

Contributed importantly. From 1974 to 1975 customers of the Knoxville Glove Company decreased their purchases of gloves from the Knoxville firm while their purchases of imported gloves remained at the same level or increased. Reduced sales by the Knoxville Glove Company due to increased import competition resulted in employment and production declines at the Knoxville plant beginning early in 1975.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with cotton and leather work gloves produced at Knoxville Glove Company contributed importantly to the total of partial separation of the workers at that firm. In accordance with the provisions of the Trade Act of 1974, I make the following certification:

All workers of Knoxville Glove Company, Knoxville, Tennessee who became or will become totally or partially separated from employment on or after May 14, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 30th day of July 1976.

JAMES D. HOOVER,
Acting Executive Assistant to
the Deputy Under Secretary.

[FR Doc.76-23251 Filed 8-9-76;8:45 am]

[TA-W-833]

REPUBLIC STEEL CORP.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-833; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on April 30, 1976 in response to a worker petition received on April 30, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing stainless and specialty steel at the Republic Steel Corporation, Union Drawn Division, Massillon plant, Massillon, Ohio.

The notice of investigation was published in the FEDERAL REGISTER (41 FR 20962) on May 21, 1976. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Republic Steel Corporation, its customers, the International Trade Commission, the U.S. Department of Commerce, the American Iron and Steel Institute, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

Significant total or partial separations. Employment of production workers increased 33.3 percent in 1974 compared with 1973, decreased 36.0 percent in 1975 compared with 1974 and has fallen 31.1 percent through the first quarter of 1976 compared with the first quarter of 1975.

Sales or production, or both, have decreased absolutely. Annual shipments increased in quantity 56.0 percent in 1974 compared with 1973, decreased 56.7 percent in 1975 compared with 1974 and have fallen 39.1 percent through the first quarter of 1976 compared with the first quarter of 1975.

Increased imports. Imports of stainless steel bar in quanity increased 14.2 percent in 1972 compared with 1971, increased 8.7 percent in 1973 compared with 1972, increased 38.3 percent in 1974 compared with 1973 and increased 5.0 percent in 1975 compared with 1974. The ratios of imports to domestic shipments and consumption increased from 16.6 percent and 15.0 percent, respectively in 1974 to 29.5 percent and 23.9 percent, respectively, in 1975.

Contributed importantly. Customers indicated that they had shifted purchases from Republic Massillon plant to foreign sources. The existing price differentials between domestic and foreign producers, availability and quality were given as the major factors in the shift to imported stainless and specialty steel.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with stainless and specialty steel produced at the Union Drawn Division, Massillon plant contributed importantly to the total or partial separation of the workers at that firm. In accordance with the provisions of the Act, I make the following certification:

All workers at Union Drawn Division, Massillon plant Number Two of Republic Steel Corporation, Massillon, Ohio who became totally or partially separated from employment on or after April 21, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 27th day of July 1976.

JAMES F. TAYLOR,
Director, Planning and
Evaluation Staff.

[FR Doc.76-23253 Filed 8-9-76;8:45 am]

[TA-W-157T]

RICHLINE KNITTING MILLS

Notice of Investigation Regarding Termination of Certification of Eligibility To Apply for Worker Adjustment Assistance

Following a Department of Labor investigation under section 222 of the Trade Act of 1974 ("the Act") and in accordance with section 223 of the Act, on November 22, 1975 the Department of Labor issued a certification of eligibility to apply for adjustment assistance

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applicable to workers and former workers of Richline Knitting Mills, Philadelphia, Pennsylvania engaged in employment related to the production of men's and ladies' sweaters. The notice of certification was published in the FEDERAL REGISTER on December 3, 1975 (40 FR 56511).

On the basis of further showing, the Director of the Office of Trade Adjustment Assistance has instituted an investigation directed to the termination of the certification, as provided for in section 223(d) of the Act and 29 CFR 90.17(a).

The purpose of the investigation is to determine whether the total or partial separations of the certified workers of Richline Knitting Mills are no longer attributable to the conditions specified in section 222 of the Act and 29 CFR 90.16(b).

Pursuant to 29 CFR 90.17(b) the group of workers or any other persons showing a substantial interest in the proceedings may request a public hearing or may make written submissions to show why the certification should not be terminated. *Provided*, That such request or submission is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 20, 1976.

The record of the certification (TA-W-157) containing non-confidential information is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd Street and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 28th day of July 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-23243 Filed 8-9-76;8:45 am]

[TA-W-792]

RUD-SHAW CLOTHING

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-792: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on April 8, 1976 in response to a worker petition received on April 8, 1976 which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's suit coats and sportcoats at the Brooklyn, New York plant of Rud-Shaw Clothing.

The notice of investigation was published in the FEDERAL REGISTER on April 27, 1976 (41 FR 17646). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Rud-Shaw Clothing, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof; and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

Significant total or partial separations. The average number of workers at Rud-Shaw declined 9.3 percent from 1973 to 1974 and declined 3.4 percent from 1974 to 1975. In the second and third quarters of 1975, the average number of workers declined 46.3 percent and 15.8 percent, respectively, compared to the second and third quarters of 1974. In the fourth quarter of 1975, employment increased 65.2 percent compared to the fourth quarter of 1974.

Average weekly hours increased 3.4 percent from 1973 to 1974 and increased 9.6 percent from 1974 to 1975. In the fourth quarter of 1975, average weekly hours increased 14.9 percent compared to the fourth quarter of 1974.

Sales, production, or both, have decreased absolutely. Sales at Rud-Shaw are identical to production.

Unit production of men's suit coats and sportcoats declined 3.5 percent from 1973 to 1974 and then increased 14.1 percent from 1974 to 1975. In the second and third quarters of 1975, unit production declined 43.4 percent and 9.0 percent, respectively, compared to the second and third quarters of 1974. In the fourth quarter of 1975, unit production increased 128.3 percent compared to the fourth quarter of 1974.

Increased imports. Imports of men's and boys' dress coats and sportcoats increased absolutely and relatively in each year from 1971 through 1973. Imports increased relatively from 1973 to 1974 and then increased absolutely and relatively from 1974 to 1975. Imports increased absolutely, by 7.9 percent from 1974 to 1975. The ratios of imports to domestic production and consumption increased from 21.2 percent and 17.5 percent, respectively, in 1974 to 28.2 percent and 22.0 percent, respectively, in 1975.

Imports of men's and boys' tailored suits increased absolutely and relatively in each year from 1971 through 1975. Imports increased absolutely, by 26.9 percent from 1974 to 1975. The ratios of imports to domestic production and consumption increased from 12.2 percent and 10.9 percent, respectively, in 1974 to 17.2 percent and 14.6 percent, respectively, in 1975.

Contributed importantly. The Department's investigation indicated that manufacturers for whom Rud-Shaw did contract work reduced purchases of Rud-Shaw's suit coats and sportcoats because of competition from increased imports of less expensive men's clothing. Customers of these manufacturers reduced or discontinued purchases of domestically made suit coats and sportcoats and increased purchases of imports.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's suit coats and sportcoats produced at the Brooklyn, New York plant of Rud-Shaw Clothing contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of men's suit coats and sportcoats at the Brooklyn, New York plant of Rud-Shaw Clothing who became totally or partially separated from employment on or after March 29, 1975 and before October 1, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Trade Act of 1974. All workers who became totally or partially separated on or after October 1, 1975 are denied certification.

Signed at Washington, D.C., this 2nd day of August 1976.

JAMES D. HOOVER,
Acting Executive Assistant to the Deputy Under Secretary.

[FR Doc.76-23250 Filed 8-9-76;8:45 am]

[TA-W-158T]

SURREY KNITTING MILLS

Notice of Investigation Regarding Termination of Certification of Eligibility To Apply for Worker Adjustment Assistance

Following a Department of Labor investigation under section 222 of the Trade Act of 1974 ("the Act") and in accordance with section 223 of the Act, on November 16, 1975 the Department of Labor issued a certification of eligibility to apply for adjustment assistance applicable to workers and former workers of Surrey Knitting Mills, Philadelphia, Pennsylvania engaged in employment related to the production of men's sweaters. The notice of certification was published in the FEDERAL REGISTER on November 28, 1975 (40 FR 55408).

On the basis of further showing, the Director of the Office of Trade Adjustment Assistance has instituted an investigation directed to the termination of the certification, as provided for in Section 223(d) of the Act and 29 CFR 90.17(a).

The purpose of the investigation is to determine whether the total or partial separations of the certified workers of Surrey Knitting Mills are no longer attributable to the conditions specified in section 222 of the Act and 29 CFR 90.16(b).

Pursuant to 29 CFR 90.17(b) the group of workers or any other persons showing a substantial interest in the proceedings may request a public hearing or may make written submissions to show why the certification should not be terminated. *Provided*, That such request or submission is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 20, 1976.

The record of the certification (TA-W-158) containing non-confidential information is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd Street and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 28th day of July 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-23242 Filed 8-9-76;8:45 am]

[TA-W-798]

TELEDYNE EFFICIENT INDUSTRIES

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-798: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on April 16, 1976 in response to a worker petition received on April 16, 1976 which was filed by the United Automobile, Aerospace and Agricultural Implement Workers of America on behalf of workers and former workers producing tools, dies, jigs, and fixtures at Teledyne Efficient Industries, Independence, Ohio.

The notice of investigation was published in the FEDERAL REGISTER on May 14, 1976 (41 FR 20047). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Teledyne Efficient Industries, its customers, the United Automobile, Aerospace and Agricultural Implement Workers of America, the U.S. International Trade Commission, the U.S. Department of Commerce, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although the first three criteria have been met, the fourth criterion has not been met.

Significant total or partial separations. The average number of production workers decreased 4 percent in 1974 compared to 1973 and decreased 37 percent in 1975 compared to 1974.

Sales or production, or both, have decreased absolutely. Sales at the Independence plant decreased 23 percent in 1974 compared to 1973 and decreased 8 percent in 1975 compared to 1974.

Increased imports. When compared with each preceding year, U.S. imports of tools, dies, jigs and fixtures increased, in terms of quantity, in 1972, 1973, and 1974 and then decreased in 1975. The ratio of imports to domestic production increased from 1.18 percent in 1974 to 1.69 percent in 1975, which was above the 1971–1974 average of .81 percent.

Contributed importantly. Auto manufacturers that purchased the majority of production at Teledyne's Independence plant in 1975 reduced purchases of tools and dies for their 1976 model year runs because of poor domestic sales conditions. This resulted in declining levels of employment at the Teledyne plant in each of the first three quarters of 1975 compared to the preceding quarters.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with tools, dies, jigs and fixtures produced by the Independence, Ohio plant of Teledyne Efficient Industries did not contribute importantly to the total or partial separation of workers of that plant.

Signed at Washington, D.C., this 23rd day of July 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-23252 Filed 8-9-76;8:45 am]

[TA-W-980]

U.S. PIPE AND FOUNDRY CO.

Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on July 6, 1976 in response to a worker petition received on that date which was filed by the United Steelworkers of America on behalf of workers and former workers producing metal fasteners at Southeastern Bolt and Screw Division, U.S. Pipe and Foundry Company, Birmingham, Alabama.

Notice of the investigation was published in the FEDERAL REGISTER on July 23, 1976 (41 FR 30416). No public hearing was requested and none was held.

The Southeastern Bolt and Screw Division of the U.S. Pipe and Foundry Company is located in Birmingham, Alabama. Southeastern is primarily a distributor of standard and special metal fasteners. However, it also manufactures anchor bolts, U-bolts, I-bolts, and special threaded bars.

During the course of the investigation it was established that there have been no involuntary separations at Southeastern in 1975 or 1976 to date, nor are any expected. Section 223(b) of the Trade Act of 1974 provides, in substance, that a certification shall not apply to any worker whose last total or partial separation from the firm or an appropriate subdivision of the firm occurred more than one year before the date of the petition on which such certification is granted.

The date of the petition in this case is April 15, 1976 and, thus, only workers who have been laid off since April 15, 1975 could be eligible for program benefits under Title II, Chapter 2, Subchapter B of the Trade Act of 1974. There have been no layoffs at Southeastern Bolt and Screw from April 15, 1975 to date, nor are any expected. Therefore, this investigation has been terminated.

Signed at Washington, D.C., July 30, 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-23122 Filed 8-9-76;8:45 am]

[TA-W-59T]

WESTMINSTER CORP.

Notice of Investigation Regarding Termination of Certification of Eligibility To Apply for Worker Adjustment Assistance

Following a Department of Labor investigation under section 222 of the Trade Act of 1974 ("the Act") and in accordance with section 223 of the Act, on August 18, 1975 the Department of Labor issued a certification of eligibility to apply for adjustment assistance applicable to workers and former workers of The Westminster Corporation, Westminster, Maryland engaged in employment related to the production of footwear for infants, children, and misses. The notice of certification was published in the FEDERAL REGISTER on August 27, 1975 (40 FR 38200).

On the basis of further showing, the Director of the Office of Trade Adjustment Assistance has instituted an investigation directed to the termination of the certification, as provided for in section 223(d) of the Act and 29 CFR 90.17(a).

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The purpose of the investigation is to determine whether the total or partial separations of the certified workers of The Westminster Corporation are no longer attributable to the conditions specified in section 222 of the Act and 29 CFR 90.16(b).

Pursuant to 29 CFR 90.17(b) the group of workers or any other persons showing a substantial interest in the proceedings may request a public hearing or may make written submissions to show why the certification should not be terminated. *Provided*, That such request or submission is filed in writing to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 20, 1976.

The record of the cetrification (TA-W-59) containing non-confidential information is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd Street and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 28th day of July 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-23249 Filed 8-9-76;8:45 am]

[TA-W-159T]

WEXLER KNITTING MILLS

Notice of Investigation Regarding Termination of Certification of Eligibility To Apply for Worker Adjustment Assistance

Following a Department of Labor Investigation under section 222 of the Trade Act of 1974 ("the Act") and in accordance with section 223 of the Act, on November 16, 1975 the Department of Labor issued a certification of eligibility to apply for adjustment assistance applicable to workers and former workers of Wexler Knitting Mills, Philadelphia, Pennsylvania engaged in employment related to the production of men's sweaters. The notice of certification was published in the FEDERAL REGISTER on November 28, 1975 (40 FR 55409).

On the basis of further showing, the Director of the Office of Trade Adjustment Assistance has instituted an investigation directed to the termination of the certification, as provided for in section 223(d) of the Act and 29 CFR 90.17(a).

The purpose of the investigation is to determine whether the total or partial separations of the certified workers of Wexler Knitting Mills are no longer attributable to the conditions specified in section 222 of the Act and 29 CFR 90.16 (b).

Pursuant to 29 CFR 90.17(b) the group of workers or any other persons showing a substantial interest in the proceedings may request a public hearing or may make written submissions to show why the certification should not be terminated. *Provided*, That such request or submission is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 20, 1976.

The record of the certification (TA-W-159) containing non-confidential information is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd Street and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 28th day of July 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-23248 Filed 8-9-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 112]

ASSIGNMENT OF HEARINGS

AUGUST 5, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 71459 (Sub-No. 52), O.N.C. Freight Systems, continued to October 26, 1976 (4 days), at Santa Fe, New Mexico, in the Santa Fe Hilton Inn., 100 Sandoval Street.

MC 141663, Robert E. Moore, DBA Moore Trucking Company, now assigned for continued Pre-hearing conference on August 26, 1976, at Washington, D.C. is postponed to September 2, 1976 at 9:30 a.m. Local Time, at the Offices of the Interstate Commission, Washington, D.C.

AB-19 (Sub-No. 22), Baltimore and Ohio Railroad Company Abandonment Portion of the Lake Branch Between North Warren and Chardon, in Trumbull and Geauga Counties, Ohio, application dismissed.

MC 115904 (Sub-No. 45), Grover Trucking Co., now assigned September 9, 1976 at Denver, Colorado, has been postponed indefinitely.

MC 139495 (Sub-89), National Carriers, Inc., now being assigned September 8, 1976 for continued hearing at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC-FC-75795, Schwerman Trucking Co. of Fla., Inc., Milwaukee, Wisconsin, Tranferee And Schwerman Trucking Co., Milwaukee, Wisconsin, Transferor, now being assigned November 9, 1976 (1 Day), at Jacksonville, Fla., in a hearing room to be later designated.

MC 116763 Sub-339, Carl Subler Trucking, Inc., now being assigned November 10, 1976 (1 day), at Jacksonville, Fla., in a hearing room to be later designated.

MC 140003 Sub-4, Ball Motor Line of Apopka, Inc., now being assigned November 11, 1976 (2 days), at Jacksonville, Fla., in a hearing room to be later designated.

MC 55822 Sub-16, Victory Express, Inc., now being assigned November 15, 1976 (1 Week), at Jacksonville, Fla., in a hearing room to be later designated.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-23269 Filed 8-9-76;8:45 am]

[Notice No. 113]

ASSIGNMENT OF HEARINGS

AUGUST 5, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

Correction

MC-F-12653, Roadway Express, Inc.—Purchase—Portion of Key Line Freight, Inc., now assigned August 23, 1976 (1 week) at Chicago, Ill. will be held in Room 2503, Everett McKinley Dirksen Building, 219 South Dearborn Street, instead of 3 days.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-23268 Filed 8-9-76;8:45 am]

[Notice No. 5]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

AUGUST 10, 1976.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312 (b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before August 30, 1976. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-76313. By order entered August 4, 1976 the Motor Carrier Board approved the transfer to Jovan, Inc., Seattle, Wash., of a portion of the operating rights set forth in Certificate No. MC-117304 (Sub-No. 8), issued May 21, 1974, to Don Paffile, doing business as Paffile Truck Lines, Lewiston, Idaho, authorizing the transportation of machinery, mining equipment, mining supplies, mines ores except coal, and building materials, between points in Montana on and east of a line beginning at Monida Pass, Mont., and extending northerly to the United States-Canada Boundary line, near Babb, Mont., on the one hand, and, on the other, points in Montana, Idaho, Oregon, and Washington; and building materials, between points in Oregon, Washington, Idaho, and that part of Montana west of a line extending in a northerly direction from Monida Pass, Mont., to the United States-Canada Boundary line near Piegan, Mont., subject to a restriction. George R. Labissoniere, 1100 North Bldg., Seattle, Wash., attorney for applicants.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-23270 Filed 8-9-76;8:45 am]

[Notice No. 101]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 5, 1976.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR § 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 16550 (Sub-No. 8TA), filed July 30, 1976. Applicant: WALTER POTTER, Route 4, Goodlettsville, Tenn. 37072. Applicant's representative: Robert L. Baker, 618 United American Bank Bldg., Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Movie films and theatre supplies*, between Atlanta, Ga., and Nashville, Tenn., serving the intermediate point of Chattanooga, Tenn., from Atlanta, Ga., over Interstate Highway 75 and U.S. Highway 41 to Chattanooga, Tenn., thence over Interstate Highway 24 to Nashville, Tenn., and return over the same route. Applicant intends to tack its existing authority with MC 16550, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Martin Theatres of Georgia, Inc., 715 Sudekum Bldg., Nashville, Tenn. 37219. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Suite A-422, U.S. Courthouse, 801 Broadway, Nashville, Tenn. 37203.

No. MC 22195 (Sub-No. 167TA), filed July 30, 1976. Applicant: DAN DUGAN TRANSPORT COMPANY, 41st & Grange Ave., P.O. Box 946, Sioux Falls, S. Dak. 57101. Applicant's representative: F. Fred Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the storage facilities of Farmland Industries, Inc., at or near Barnesville and Benson, Minn., to points in North Dakota, South Dakota, Wisconsin, Montana and Minnesota, for 180 days. Supporting shipper: Farmland Industries, Inc., 3315 North Oak Trafficway, Kansas City, Mo. 64116. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Bldg., Pierre, S. Dak. 57501.

No. MC 35082 (Sub-No. 32TA), filed July 27, 1976. Applicant: BURSCH TRUCKING, INC., doing business as ROADRUNNER TRUCKING, INC., P.O. Box 26748, Albuquerque, N. Mex. 87125. Applicant's representative: D. F. Jones (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick and tile and commodities* incidental to the installation thereof (except commodities in bulk moving in tank vehicles and restricted against the transportation of ceramic, vinyl, and asphalt tile), from Bastrop County, Tex., to points in Arizona, Colorado, New Mexico and Utah, for 180 days. Supporting shipper: Elgin-Butler Brick Company, P.O. Box 1947, Austin, Tex. 87867. Send protests to: John H. Kirkemo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Office Bldg., 517 Gold Ave. SW., Albuquerque, N. Mex. 87101.

No. MC 35628 (Sub-No. 383TA), filed July 29, 1976. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville Ave. SW., Grand Rapids, Mich. 49502. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the site and facilities of the Hartsville Nuclear Plant site near Hartsville, Tenn., as an off-route point in connection with applicant's existing regular route authority. Applicant intends to tack the authority applied for with its MC 35628 and interline at numerous points within its authority, for 180 days. Supporting shipper: Tennessee Valley Authority, 620 Commerce Union Bank Bldg., Chattanooga, Tenn. 37401. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Bldg., Lansing, Mich. 48933.

No. MC 52460 (Sub-No. 183TA), filed July 29, 1976. Applicant: ELLEX TRANSPORTATION, INC., 1420 West 35th St., Tulsa, Okla. 74107. Applicant's representative: Albert E. Romain (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods (unfrozen)*, from Belledeau and St. Francisville, La., to points in Nebraska, Kansas, Oklahoma, Texas, Missouri, Arkansas, Kentucky, Tennessee, North Carolina, South Carolina, Mississippi, Alabama, and Georgia, for 180 days. Supporting shipper: Joan of Arc Company, 2231 West Altorfer Drive, Peoria, Ill. 61614. Send protests to: Joe Green, District Supervisor, Room 240, Old Post Office Bldg., 215 Northwest Third St., Oklahoma City, Okla. 73102.

No. MC 52704 (Sub-No. 130TA), filed July 30, 1976. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., P.O. Drawer H, Opelika Highway, Lafayette, Ala. 36862. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 W. Peachtree St. NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and their equipment of caps, covers, and tops*, from the warehouse facilities utilized by Laurens Glass Company, at or near Greenville and Mauldin, S.C., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Indiana, Louisiana, Maryland, North Carolina, Mississippi, Tennessee, Texas, Virginia, and West Virginia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Laurens Glass Company, P.O. Box 9, Laurens, S.C. 29360. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 56409 (Sub-No. 10TA), filed July 29, 1976. Applicant: MAJOR TRANSPORT, INC., Box 204, Highway 135 & Airport Road, Palmyra, Wis. 53156. Applicant's representative: David V. Purcell, 111 E. Wisconsin Ave., Milwaukee, Wis. 53202. Authority sought to op-

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erate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Generators, parts, and accessories*, from the plantsite and facility of Generac Corporation, in Waukesha County, Wis., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Generac Corporation, P.O. Box 8, Waukesha, Wis. 53186. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 59117 (Sub-No. 50TA), filed July 29, 1976. Applicant: ELLIOTT TRUCK LINE, INC., 101 E. Excelsior, P.O. Box 1, Vinita, Okla. 74301. Applicant's representative: Dean Williamson, 280 National Foundation Life Bldg., 3535 NW. 58th St., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Minerals, mineral mixtures, feed and fertilizer materials and ingredients thereof* (except in bulk), from Galena, Kans., to points in Arkansas, Colorado, Illinois, Iowa, Louisiana, Minnesota, Missouri, Nebraska, New Mexico, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin, for 180 days. Supporting shipper: Eagle-Picher Industries, Inc., Chemical & Fibers Division, P.O. Box 1328, Joplin, Mo. 64801. Send protests to: Joe Green, District Supervisor, Room 240, Old Post Office Bldg., 215 Northwest Third St., Oklahoma City, Okla. 73102.

No. MC 77061 (Sub-No. 9TA), filed July 28, 1976. Applicant: LARMER TRANSFER CO., 4310 22nd Ave. NE., Salem, Oreg. 97303. Applicant's representative: Russell M. Allen, 1200 Jackson Tower Bldg., Portland, Oreg. 97205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel plate, angle iron, bars, pipe, and channel*, from Portland docks at Portland, Oreg., to the Farwest Steel Plant at Eugene, Oreg., under a continuing contract with Farwest Steel Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Farwest Steel Corporation, 2000 Henderson Ave., P.O. Box 899, Eugene, Oreg. 97401. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 555 SW. Yamhill St., Portland, Oreg. 97204.

No. MC 82841 (Sub-No. 180TA), filed July 30, 1976. Applicant: HUNT TRANSPORTATION, INC., 10770 I St., Omaha, Nebr. 68127. Applicant's representative: William E. Christensen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement asbestos pipe, fittings, and accessories* necessary for the installation thereof, from Van Buren, Ark., to points in North Dakota and South Dakota, for 180 days. Supporting shipper: S. O. Holdman, District Traffic Manager, Cement Asbestos Products Co., a subsidiary of ASARCO Incorporated, 720 Olive St., St. Louis, Mo. 63101. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 89238 (Sub-No. 14TA), filed July 30, 1976. Applicant: ELDON D. AYRES, 640 Canyon St., Spearfish, S. Dak. 57783. Applicant's representative: J. Maurice Andren, 1734 Sheridan Lake Road, Rapid City, S. Dak. 57701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* and supplies; hardware, materials, equipment, supplies, and other products dealt in, handled by or used in the sale, manufacture, distribution, or warehousing by Robbins & Stearns Lumber Co., Inc., and their wholly owned divisions, including Building Products Supply and R. & S. Construction: (a) Between the plantsite, warehouses or other facilities of Robbins & Stearns Lumber Co., Inc., and their wholly owned divisions, including Building Products Supply and R. & S. Construction, located in the Rapid City, South Dakota Commercial Zone on the one hand, and, on the other, points in South Dakota, Nebraska, North Dakota, Colorado, Wyoming, Montana, Idaho, Washington, Oregon, California, and Minnesota; and (b) from points in South Dakota, Nebraska, North Dakota, Colorado, Wyoming, Montana, Idaho, Washington, Oregon, California, and Minnesota, to job sites of Robbins & Stearns Lumber Co., Inc., and their wholly owned divisions, including Building Products Supply and R. & S. Construction, located in the North Dakota, South Dakota, and Nebraska, for 180 days. Supporting shipper: Robbins & Stearns Lumber Company, 318 8th St., Rapid City, S. Dak. 57701. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369 Federal Bldg., Pierre, S. Dak. 57501.

No. MC 107515 (Sub-No. 1017TA) filed July 29, 1976. Applicant: REFRIGERATED TRANSPORT, CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Richard M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salad dressing* (except in bulk), in vehicles equipped with mechanical refrigeration, from the plantsite and warehouse facilities of Doxsee Corporation, at or near Brundidge, Ala., to points in Texas, Georgia, Florida, North Carolina, and Norfolk, Va., for 180 days. Applicant has also filed an underlying ETA seeking upon to 90 days of operating authority. Supporting shipper: Doxsee Food Corporation, 8323 Pulaski Highway, Baltimore, Md. 21237. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operation, Interstate Commerce Commission, 1252 W. Peachtree St., NW., Room 546, Atlanta, Ga. 30309.

No. MC 111401 (Sub-No. 467TA), filed July 30, 1976. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid boiler and cooling tower treating chemicals* (not petroleum based), in bulk, in tank vehicles, from Odessa, Tex., to Hobbs, Buckeye, Lovington, Artesia, New Mex.; Tyrone, Guymon, Okla.; Sublette, Kans.; Sunray, Tex.; Mullinville, Kans.; and San Manual, Ariz., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Electro-Chem Corporation, Fort Worth, Tex. Send protests to: Joe Green, District Supervisor, Room 240, Old Post Office Bldg., 215 Northwest Third St., Oklahoma City, Okla. 73102.

No. MC 112223 (Sub-No. 102TA), filed July 29, 1976. Applicant: QUICKIE TRANSPORT COMPANY, 1700 New Brighton Blvd. NE., Minneapolis, Minn. 55413. Applicant's representative: Earl Hacking (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the storage facilities of Farmland Industries, Inc., at or near Barnesville and at or near Benson, Minn., to points in Minnesota, Montana, North Dakota, South Dakota, and Wisconsin, for 180 days. Supporting shipper: Farmland Industries, Inc., 3315 North Oak Trafficway, Kansas City, Mo. 64116. Send protests to: A. N. Spath, District Supervisor, Intertsate Commerce Commission, Bureau of Operations, 414 Federal Bldg., & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 116710 (Sub-No. 23TA), filed July 30, 1976. Applicant: MISSISSIPPI CHEMICAL EXPRESS, INC., P.O. Box 6176, Bossier City, La. 71010. Applicant's representative: John M. Goff, 2001 E. Texas St., Bossier City, La. 71010. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous aluminum chloride*, in bulk, or in sealed bins, from the plantsite of Aluminum Company of America, near Palestine, Tex., to Baltimore, Md.; Institute, W. Va.; Sugar Creek, Mo.; and Memphis, Tenn.; Baton Rouge, La.; Carville, La.; West Elizabeth, Pa.; Ashtabula, Bound Brook, N.J.; Mobile, Ala.; Hamilton, Miss.; St. James, La.; Port Huron, Mich.; East Hanover, N.J.; Gulfrort, Miss., under a continuing contract with Aluminum Company of America, for 180 days. Supporting shipper: Aluminum Company of America, 1501 Alcoa Bldg., Pittsburgh, Pa. 15219. Send protests to: Ray C. Armstrong, Jr., District Supervisor, 701 Loyola Ave., 9038 Federal Bldg., New Orleans, La. 70113.

No. MC 121082 (Sub-No. 13TA), filed July 28, 1976. Applicant: ALLIED DELIVERY SYSTEM, INC., 2291 Fenkell, Detroit, Mich. 48238. Applicant's representative: Robert E. McFarland, 999 West Big Beaver Road, Suite 1002, Troy, Mich. 48084. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, limited to individual articles, not exceeding 100 lbs. in weight moving in shipments not exceeding 500 lbs. in weight from one consignor to one consignee in a single day, on bills of lading of surface, interstate freight forwarders, between Buffalo, N.Y., and points in Ohio, Michigan, Indiana, and Illinois. Applicant intends to interline with other ADS Agents, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: American Delivery Systems, Inc., 300 East Seven Mile Road, Detroit, Mich. 48203. Send protests to: Melvin F. Kirsch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

No. MC 124383 (Sub-No. 22TA), filed July 30, 1976. Applicant: STAR LINE TRUCKING CORPORATION, 18460 West Lincoln Ave., New Berlin, Wis. 53151. Applicant's representative: S. F. Schreiter, 161 W. Wisconsin Ave., Room 3008, Milwaukee, Wis. 53203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand and gravel*, in bulk, in dump vehicles, from Janesville, Wis., to points in Jo Daviess County, Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Janesville Sand & Gravel Company, P.O. Box 427, Janesville, Wis. 53545. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 132291 (Sub-No. 1TA), filed July 30, 1976. Applicant: MDI, INC., 609 6th St. NE., Long Prairie, Minn. 56347. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Alcoholic liquors and wines*, from points in Illinois, Kentucky, Indiana, California, Connecticut, Massachusetts, New York, Ohio, Michigan, Missouri, Kansas, Virginia, New Jersey, Pennsylvania, Louisiana, Tennessee, Florida, Oregon, Washington, Maryland, the District of Columbia, Maine, Rhode Island, Montana, Oklahoma, Wisconsin, and Iowa, to Long Prairie, Minn., and (2) *Containers, glass or porcelain*, for use in bottling commodities in (1) above, from Joliet and Streator, Ill.; Los Angeles and San Francisco, Calif.; and Seattle, Wash., to Long Prairie, Minn., under a continuing contract with Minnesota Distiller, Inc., for 180 days. Supporting shipper: Minnesota Distiller, Inc., Long Prairie, Minn. 56347. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 414 Federal Bldg., & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 133689 (Sub-No. 78TA), filed July 29, 1976. Applicant: OVERLAND EXPRESS, INC., 717 SW. First St., New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry core compounds, adhesives, and chemicals*, from Bainbridge, N.Y., to New Castle, Ind.; Bridgeman, Mich.; Troy Grove, Ill.; Marinette, Wis.; Sheboygan, Wis., and Grand Rapids, Minn., for 180 days. Supporting shipper: Borden Chemical, Div. of Borden, Inc., 180 East Broad St., Columbus, Ohio 43215. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 135684 (Sub-No. 25TA), filed July 30, 1976. Applicant: BASS TRANSPORTATION CO., INC., Old Croton Road, P.O. Box 391, Flemington, N.J. 08822. Applicant's representative: James P. O'Donnell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen horsemeat*, from the plantsite of Country Pride, Inc., and/or National Horse Products, at or near Creston, Ohio, to the United States/Canada Ports of Entry at Buffalo and Niagara Falls, N.Y., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: National Horse Products, P.O. Box 397, Creston, Ohio 44217. Send protests to: Dieter H. Harper, District Supervisor, Interstate Commerce Commission, 428 East State St., Room 204, Trenton, N.J. 08608.

No. MC 135874 (Sub-No. 58TA), filed filed July 24, 1976. Applicant: LTL PERISHABLES, INC., 550 E. 5th St. South, South St. Paul, Minn. 55075. Applicant's representative: Paul Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen pizza* (except commodities in bulk), from the plantsite and storage facilities of Saluto Foods, Inc., at Benton Harbor, Mich., to points in North Dakota and South Dakota for 180 days. Supporting shipper: Saluto Foods, Inc., P.O. Box 966, Benton Harbor, Mich. 49022. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 138054 (Sub-No. 15TA), filed July 29, 1976. Applicant: CONDOR CONTRACT CARRIERS, INC., P.O. Box 1354, Garden Grove, Calif. 92642. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment, and supplies* used in the installation of floor coverings, from Compton and Azusa, Calif., to points in Florida, Ohio, Kentucky, Louisiana, Georgia, Iowa, and Nebraska, under a continuing contract with Adhesive Industries Mfg. Co., for 180 days. Supporting shipper: Adhesive Industries Mfg. Co., 1441 West El Segundo Blvd., Compton, Calif. 90222. Send protests to: Mary A. Francy, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, Room 1321 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 138274 (Sub-No. 32TA), filed July 28, 1976. Applicant: SHIPPERS BEST EXPRESS, INC., 2151 North Redwood Road, Salt Lake City, Utah 84116. Applicant's representative: Chester Zyblut, 360 Executive Bldg., Suite 202, 1330 15th St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite of Columbia Foods Inc., at or near Wallula, Wash., to points in Maine, Vermont, Massachusetts, New Hampshire, Connecticut, New York, Pennsylvania, Delaware, Virginia, Washington, D.C., Arizona, Ohio, Rhode Island, New Jersey, and West Virginia, for 180 days. Supporting shipper: Columbia Foods, Inc., P.O. Box 926, Pasco, Wash. 99301. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 South State St., Salt Lake City, Utah 84138.

No. MC 138527 (Sub-No. 13TA), filed July 30, 1976. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, Iowa 50501. Applicant's representative: Arlyn L. Westergren, 530 Univac Bldg., Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal articles*, from Fort Scott and Oswego, Kans., to points in Nebraska, Oklahoma, Arkansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Michigan, Indiana, Ohio, Pennsylvania Kentucky, Tennessee, and Mississippi, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Tower Metal Products, Fort Scott, Kans., a Division of Southeast Specialalties, Inc., Oswego, Kans. R.R. No. 1, Ft. Scott, Kans. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, 518 Federal Bldg., Interstate Commerce Commission, Des Moines, Iowa 50309.

No. MC 139836 (Sub-No. 3TA), filed July 30, 1976. Applicant: LINT TRANSFER, INC., 4549 Delaware Ave., Des Moines, Iowa 50313. Applicant's representative: Donald H. Lint (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

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General commodities, restricted to traffic having an immediate or subsequent movement by rail TOFC Service, between Des Moines, Iowa, on the one hand, and, on the other, points in that part of Iowa bounded by Highway 20 on the North, No. 63 on the East, No. 34 on the South, and No. 71 on the West, for 180 days. Supporting shippers: Norfolk and Western Railway Company, 5th & Cherry St., Des Moines, Iowa 50309; Chicago North Western Transp. Co., 1800 SW. 9th, Des Moines, Iowa 50312; 3M Company, 900 Dayton Ave., Des Moines, Iowa. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 140166 (Sub-No. 4TA), filed July 29, 1976. Applicant: JOHN L. SMITH, P.O. Box 186, Moreland, Idaho 83256. Applicant's representative: Dennis M. Olsen, 485 E St., Idaho Falls, Idaho 83401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feeds*, bagged and bulk, for on farm and other delivery, from Pocatello, Idaho, to points in Maricopa County, Ariz., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ralston Purina Company, P.O. Box 2025, Pocatello, Idaho 83201. Send protests to: Varney L. Hardin, 550 W. Fort St., Box 07, Boise, Idaho 83724.

No. MC 140421 (Sub-No. 6TA), filed July 30, 1976. Applicant: ACTION MOTOR EXPRESS, INC., P.O. Box 29102, New Orleans, La. 70189. Applicant's representative: Harold R. Ainsworth, 2307 American Bank Bldg., New Orleans, La. 70130. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from Joyce, La., to points in Alabama, Arkansas, Florida, Illinois, Indiana, Kentucky, Missouri, Mississippi, Ohio, Oklahoma, Tennessee, and Texas, under a continuing contract with Crown Zellerbach Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Crown Zellerbach Corporation, P.O. Box 1060, Bogalusa, La. 70427. Send protests to: Ray C. Armstrong, District Supervisor, 701 Loyola Ave., 9038 U.S. Federal Bldg., New Orleans, La. 70113.

No. MC 140883 (Sub-No. 8TA), filed July 29, 1976. Applicant: DOWNS TRANSPORTATION CO., INC., 2705 Canna Ridge Circle NE., Atlanta, Ga. 30345. Applicant's representative: K. Edward Wolcott, 1600 First Federal Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Expanded polystyrene and insulated panels with metal, wood, and plastic skins*, from Florence, Ky., to points in the United States (except Alaska and Hawaii), under a continuing contract with Kysor/Isowall, Division of Kysor Industrial Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Kysor/Isowall, Division of Kysor Industrial Corporation, 8055 Production Ave., 120 Industrial Park, P.O. Box 478, Florence, Ky. 41042. Send protests to: Sara K. Davis, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 1252 W. Peachtree St. NW., Room 546, Atlanta, Ga. 30309.

No. MC 141033 (Sub-No. 14TA), filed July 28, 1976. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 E. Salt Lake Ave., P.O. Box 1257, City of Industry, Calif. 91749. Applicant's representative: James I. Mendenhall (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment, and supplies* utilized in the installation of floor coverings and floors; floor mats and runners; adhesives; cove base; carpet binding accessories; maintenance equipment and products; and *materials, equipment, and supplies* utilized in the manufacture, sale, and distribution of the commodities described above, from Piqua, Ohio, and Kalamazoo, Mich., to (1) points in the United States in and east of South Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas (except Ohio); and (2) City of Industry, Calif., and Vancouver, Wash., restricted against the transportation of commodities in bulk and those which, by reason of size or weight, require the use of special equipment and further restricted to the transportation of traffic originating at the plantsites of Roberts Consolidated Industries, Inc., for 180 days. Supporting shipper: Roberts Consolidated Industries, 600 North Baldwin Park Blvd., City of Industry, Calif. 91749. Send protests to: Mary A. Francy, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, Room 1321 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 142304TA, filed July 30, 1976. Applicant: O'HARE TRUCK SERVICE, INC., 2200 N. Mannheim Road, Melrose Park, Ill. 60160. Applicant's representative: Daniel C. Sullivan, 327 South La Salle St., Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, damaged, or disabled trucks and truck tractors, replacement trucks and truck tractors, and parts* dispatched to relieve wrecked, damaged, or disabled trucks and truck tractors, by use of wrecker equipment, between points in New York, Massachusetts, Connecticut, Rhode Island, Pennsylvania, New Jersey, Delaware, Maryland, West Virginia, Ohio, Indiana, Iowa, Michigan, Wisconsin, Minnesota, Louisiana, Kentucky, Missouri, Virginia, Arkansas, Tennessee, North Carolina, South Carolina, Mississippi, Alabama, Georgia, and Texas, on the one hand, and, on the other, Franklin Park, Lyons, Melrose Park, Elk Grove Village, and Chicago, Ill., for 180 days. Supporting shippers: There are approximately 28 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Ronald Morken, District Supervisor, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 142305TA, filed July 28, 1976. Applicant: WISCONSIN EXPRESS LINES, INC., Route 2, Green Bay, Wis. 54301. Applicant's representative: Thomas O. Schultz, 836 Spence St., Green Bay, Wis. 54304. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen boxed meat*, from Kewaunee, Wis., to Brooklyn, N.Y., under a continuing contract with Kewaunee Cold Storage Company, for 180 days. Supporting shipper: Kewaunee Cold Storage Company, 401 Harrison St., Kewaunee, Wis. 54216. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 142306TA, filed July 29, 1976. Applicant: ANGELO CARTAGE COMPANY, INC., 1951 East Ferry, Detroit, Mich. 48211. Applicant's representative: John Graham, 12878 Farmington Road, Livonia, Mich. 48151. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission and commodities in bulk), between Detroit, Mich., and Melvindale, Mich., on the one hand, and the plantsite of Monsanto Company, at Trenton, Mich., via I–75 to West Road, West Road to Fort Street, Fort Street to Van Horn Road, Van Horn Road to Jefferson, Jefferson to the plantsite; and return over the same route. Applicant intends to interline at Detroit, Mich., for 180 days. Supporting shipper: Monsanto Company, Plant Traffic Supervisor, Michael J. Berry, 5045 W. Jefferson, Trenton, Mich. 48138. Send protests to: Melvin F. Kirsch, District Supervisor, Interstate Commerce Commission, 1110 Broderick Tower, 10 Witherell Ave., Detroit, Mich. 48226.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-23271 Filed 8-9-76;8:45 am]

federal register

TUESDAY, AUGUST 10, 1976

PART II:

FEDERAL ELECTION COMMISSION

ADVISORY OPINION REQUESTS

Availability

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FEDERAL ELECTION COMMISSION

[Notice 1976–39, AOR 1976–56 through 1976–58]

ADVISORY OPINION REQUESTS

Availability

Pursuant to 2 U.S.C. § 437f(c) and the procedures reflected in Part 112 of the Commission's Notice of Proposed Rulemaking, published on May 26, 1976 (41 FR 21590), advisory opinion requests 1976–56 through 1976–58 have been made public at the Commission. Copies of AOR 1976–56 and AOR 1976–57 were made available on July 29, 1976, for public inspection and purchase at the Federal Election Commission, Public Records Division, at 1325 K Street, N.W., Washington, D.C. 20463. A copy of AOR 1976–58 was made similarly available on July 30, 1976.

Interested persons may submit written comments on any advisory opinion request within ten days after the date the request was made public at the Commission. These comments should be directed to the Office of the General Counsel, Advisory Opinion Section, at the Commission. Persons requiring additional time in which to respond to any advisory opinion requests will normally be granted such time upon written request to the Commission. All timely comments received by the Commission will be considered before the Commission issues an advisory opinion. Comments on pending requests should refer to the specific AOR number of the requests and statutory references should be to the United States Code citations rather than to the Public Law citations.

A descriptive listing of each of the requests recently made public as well as the identification of the requesting party follows hereafter:

AOR 1976–56: Whether the receipt of complimentary services or goods provided by a hotel to a candidate should be reported as an in-kind contribution or should not be accepted; corporate versus non-corporate hotels; government corporations; effect upon candidate, non-candidate status—Requested by Congressman James D. Santini, U.S. House of Representatives.

AOR 1976–57: Whether excess campaign funds may be used by a Member to pay for computer services in connection with his official business—Requested by Congressman Harold Ford, U.S. House of Representatives.

AOR 1976–58: Whether the Connecticut district party convention is an election separate from a possible primary election—Requested by Jeff Peterson, Peterson for Congress, Westport, Connecticut.

Dated: August 4, 1976.

VERNON W. THOMSON,
Chairman for the
Federal Election Commission.

[FR Doc.76–23042 Filed 8–4–76;11:19 am]

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federal register

TUESDAY, AUGUST 10, 1976



PART III:

CONSUMER PRODUCT SAFETY COMMISSION

LEAD-BASED PAINT

Hearing: Safe Level Determination

Consumer Products; Proposed Promulgation and Revocation of Regulations

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CONSUMER PRODUCT SAFETY COMMISSION

LEAD-BASED PAINT

Hearing To Determine Safe Level

The purpose of this notice is to commence a proceeding under the 1976 amendments to the Lead-Based Paint Poisoning Prevention Act whereby the Consumer Product Safety Commission will determine a "safe level" of lead in paint. The Commission determination of a safe level of lead in paint will be based on all available data and information after providing an opportunity for an oral hearing and after considering recommendations of the Secretary of Health, Education, and Welfare (including those of the Center for Disease Control) and of the National Academy of Sciences. The proceedings will involve a determination of whether a level of lead in paint which is greater than 0.06 percent but not in excess of 0.5 percent is safe.

BACKGROUND

On June 23, 1976, the Lead-Based Paint Poisoning Prevention Act (LBPPPA), (42 U.S.C. 4801 et seq.), was extended and revised by enactment of the National Consumer Health Information and Health Promotion Act of 1976, Pub. L. 94-317 (90 Stat. 705-706). The LBPPPA, as amended, among other things, directs the Department of Health, Education, and Welfare to take action with respect to lead-based paint on cooking, eating, and drinking utensils; the Department of Housing and Urban Development to take action with respect to lead-based paint in residential structures constructed or rehabilitated by the Federal Government or with Federal assistance; and the Consumer Product Safety Commission (Commission or CPSC) to "take such steps and impose such conditions as may be necessary or appropriate to prohibit the application of lead-based paint to any toy or furniture article" (sec. 401, 90 Stat. 705).

The term "lead-based paint" is defined in section 501 of the LBPPPA, as amended by Pub. L. 94-317 (90 Stat. 706), as paint containing more than 0.5 percent lead by weight (calculated as lead metal) in the total nonvolatile content of the paint, or the equivalent measure of lead in the dried film of paint already applied, or both.

Section 501(3) provides that if the CPSC determines that another level of lead is safe which is greater than 0.06 percent, but not over 0.5 percent, the term "lead-based paint," with respect to paint manufactured after the expiration of the 6-month period beginning on the date of the Commission's determination, means paint containing by weight (calculated as lead mteal) in the total nonvolatile content of the paint, more than the level of lead determined by the Commission to be safe, or the equivalent measure of lead in the dried film of paint already applied, or both.

Section 501(3)(B)(ii) also provides that if the definition of the term "lead-based paint" has not been established by a Commission determination, the term means, with respect to paint which is manufactured after the expiration of the 12-month period beginning on June 23, 1976, paint containing more than 0.06 percent lead by weight (calculated as lead metal) in the total nonvolatile content of the paint, or the equivalent measure of lead in the dried film of paint already applied, or both.

Procedurally, the amended LBPPPA provides that the Commission shall make its determination of a safe level of lead in paint during a 6-month period beginning on the date of enactment of the amendments (June 23, 1976.) The determination is to be made on the basis of available data and information, after providing opportunity for an oral hearing, and after considering recommendations of the Secretary of Health, Education, and Welfare (including those of the Center for Disease Control) and of the National Academy of Sciences. Letters requesting these recommendations will soon be transmitted.

PUBLIC HEARING

The oral hearing in this matter is open to all interested members of the public and is scheduled to be conducted on September 13, 1976, from 9:30 a.m. to 5:00 p.m., and on September 14, 1976, from 9:00 a.m. to 5:00 p.m. Any change in these dates will be announced in the FEDERAL REGISTER. The hearing will be held in the General Services Administration Auditorium, 18th and F Streets, NW, Washington, D.C.

Persons wishing to make oral presentations should contact the Office of the Secretary by telephone (202-634-7700) or in writing (Consumer Product Safety Commission, Washington, D.C. 20207) at least 10 days before the proceeding so that scheduling arrangements can be made.

Presentations will be limited to matters relevant to a determination of a safe level of lead in paint, and any potential technological, economic and environmental effects of lowering the level. In addition, presentations may be made relevant to the proposal to declare "lead-based paint," as determined by this proceeding or by operation of law, as well as certain other articles bearing such paint, as "banded hazardous products" under the Consumer Product Safety Act (15 U.S.C. 2051 et seq.), and the proposal to revoke a regulation (16 CFR 1500.17(a)(6)) under the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.), as discussed in separate notices also in this issue of the FEDERAL REGISTER. (See FR Docs. 76-23112 and 76-23113, *infra*.)

The regulations for oral presentations regarding proposed consumer product safety rules, 16 CFR Part 1109, issued by the Commission on October 14, 1975 (40 FR 48122), shall govern this proceeding. Copies of these regulations may be obtained from the Office of the Secretary. Oral testimony will be presented to the Commission with Chairman S. John Byington acting as presiding officer. The presiding officer and the Commission may direct questions to persons testifying. In addition, the presiding officer will, to the extent practicable, permit questions from interested persons and Commission staff members to be presented to persons testifying.

In addition to making oral presentations, interested persons may also submit relevant written material, including data, views, and arguments. Such material should be submitted, preferably in five copies, addressed to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, before the close of business, September 24, 1976. Received submissions may be inspected in the Office of the Secretary, 8th Floor, 1750 K Street NW., Washington, D.C., during working hours Monday through Friday.

The determination of a safe level of lead in paint shall be announced as soon as practicable by notice published in the FEDERAL REGISTER upon completion on these proceedings.

Dated: August 4, 1976.

SADYE E. DUNN, *Secretary, Consumer Product Safety Commission.*

[FR Doc.76-23111 Filed 8-9-76;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Parts 1145, 1150]

LEAD-BASED PAINT AND CERTAIN CONSUMER PRODUCTS BEARING LEAD BASED PAINT

Proposed Regulation Under the Consumer Product Safety Act as Banned Hazardous Products

The purpose of this document is to propose regulating lead-based paint and certain other consumer products bearing such paint under the Consumer Product Safety Act (CPSA), 15 U.S.C. 2051 et seq., rather than the Federal Hazardous Substances Act (FHSA), 15 U.S.C. 1261 et seq., and to propose a regulation under the CPSA declaring as banned hazardous products (1) lead-containing paint and similar surface-coating materials containing more than a safe level of lead, (2) toys and other articles intended for use by children bearing lead-containing paint or other similar surface-coating materials containing more than a safe level of lead, and (3) articles of furniture bearing lead-containing paint or other similar surface-coating materials containing more than a safe level of lead.

BACKGROUND

As discussed in more detail in a separate document in this issue of the FEDERAL REGISTER, (See FR Doc. 76-23111, supra) the Consumer Product Safety Commission (Commission or CPSC), pursuant to the Lead-Based Paint Poisoning Prevention Act (LBPPPA), 42 U.S.C. 4801 et seq., as amended by the National Consumer Health Information and Health Promotion Act of 1976 (Pub. L. 94-317, 90 Stat. 705-706) has commenced a proceeding to determine whether a level of lead greater than 0.06 percent but not more than 0.5 percent is safe. If the Commission makes a determination within this range, then under the amended LBPPPA, paint with lead above that level will be considered "lead-based paint" for purposes of administration of the LBPPPA, effective 6 months after the date of such determination. If the Commission makes no determination within that range, the present limit of lead in paint of 0.5 percent will be lowered automatically by statute to 0.06 percent as applied to paint manufactured after the expiration of the 12-month period commencing June 23, 1976, the date of enactment of Public Law 94-317 amending the LBPPPA. The Commission is also directed by the amended LBPPPA to "take such steps and impose such conditions as may be necessary or appropriate to prohibit the application of lead-based paint to any toy or furniture article" (sec. 401(c), 90 Stat. 705).

In addition to its responsibilities under under the LBPPPA, the Commission also regulates lead paint and certain articles bearing such paint under the FHSA. Issued under the authority of the FHSA, 16 CFR 1500.17(a)(6)(i) declares as banned hazardous substances, "any paint or other similar surface-coating material intended, or packaged in a form suitable for use in or around the household that:

(A) Is shipped in interstate commerce after December 31, 1973, and contains lead compounds of which the lead content (calculated as the metal) is in excess of 0.06 percent of the total weight of the contained solids or dried paint film; or

(B) Is shipped in interstate commerce after December 31, 1972, and contains lead compounds of which the lead content (calculated as the metal) is in excess of 0.5 percent of the total weight of the contained solids or dried paint film.

Except that:

(D) The provisions of paragraph (a)(6)(i) of this section do not apply to artists' paints and related materials.

In addition to the ban on paint and other similar surface coatings in paragraph (a)(6)(i), paragraph (a)(6)(ii) declares as banned hazardous substances the following:

(ii) Any toy or other article intended for use by children that:

(A) Is shipped in interstate commerce after December 31, 1973, and bears any paint or other similar surface-coating material containing lead compounds of which the lead content (calculated as the metal) is in excess of 0.06 percent of the total weight of the contained solids or dried paint film; or

(B) Is shipped in interstate commerce after December 31, 1972, and bears any paint or other similar surface-coating material containing lead compounds of which the lead content (calculated as the metal) is in excess of 0.5 percent of the total weight of the contained solids or dried paint film.

Because of objections filed to the provision lowering the level to 0.06 percent, the Food and Drug Administration (FDA) on August 10, 1972 (37 FR 16078), pursuant to section 701(e) of the Federal Food, Drug, and Cosmetic Act (FDCA), 21 U.S.C. 371(e), stayed the portions of the regulation lowering the level to 0.06 percent. The 0.5 percent level was unaffected.

On May 14, 1973, functions under the FHSA were transferred from FDA to CPSC and on December 27, 1973 (38 FR 35302), the Commission amended § 1500.17(a)(6) to continue the 0.5 percent level pending completion of animal studies underway regarding the toxicity of paint containing lead. The Commission, on December 9, 1974 (39 FR 42902), again amended the regulation to continue the 0.5 percent level pending the results of ongoing research, which included a report being prepared by the National Academy of Sciences (NAS). Thus, at the present time, under § 1500.17(a)(6), the 0.5 percent level remains in effect, and the 0.06 percent provisions are stayed.

In addition to the ongoing FHSA regulatory activity in this matter, Consumers Union filed a petition on February 24, 1975, requesting the Commission to issue a regulation under the FHSA banning household paint and toys or other children's articles bearing paint containing more than 0.06 percent of lead. The petition also requests the Commission to take action under the CPSA to achieve a similar result. To date no action has been taken by the Commission on the petition because the Commission has been awaiting the final NAS report on lead-containing paint.

Thus, the Commission has responsibilities under the amended LBPPPA to determine a safe level of lead in paint and to prohibit application of lead-based paint to toys and furniture. This determination under the LBPPPA will affect the regulation of lead-containing paint used in residential structures constructed or rehabilitated by the Federal Government or with Fedreal assistance and lead paint on cooking, eating, and drinking utensils. Moreover, the Commission is responsible under the FHSA for regulating lead-containing paint for use in or around households and certain other articles bearing such paint and has before it a petition under both the FHSA and the CPSA to lower the permissible level from 0.5 to 0.06 percent.

As mentioned previously, the provisions of § 1500.17(a)(6) regarding lead-containing paint above the 0.06 percent level have been stayed because of objections. The rulemaking procedures involved (21 U.S.C. 371(e)) require the conduct of evidentiary hearings once objections have been filed to a regulation. Under the CPSA, an opportunity for an oral hearing is required before issuance of a consumer product safety rule. Also, as noted above, under the LBPPPA, an oral hearing is required to be conducted before the Commission's determination of a safe level of lead. Thus, if the Commission were to proceed independently under more than one of these acts, it would be required to hold public hearings on essentially the same subject matter. Accordingly, the Commission has decided to consolidate the proceedings under the various acts.

Section 30(d) of the CPSA (15 U.S.C. 2079(d)), as amended by the Consumer Product Safety Commission Improvements Act of 1976 (Pub. L. 94-284; 90 Stat. 510), provides for certain regulatory actions to proceed under the CPSA rather than the FHSA and reads as follows:

(d) A risk of injury which is associated with a consumer product and which could be eliminated or reduced to a sufficient extent by action under the Federal Hazardous Substances Act, the Poison Prevention Packaging Act of 1970, or the Flammable Fabrics Act may be regulated under this Act only if the Commission by rule finds that it is in the public interest to regulate such risk of injury under this Act. Such a rule shall identify the risk of injury proposed to be regulated under this Act and shall be promulgated in accordance with section 553 of the title 5, United States Code, except that the period to be provided by the Commission pursuant to subsection (c) of such section for submission of data, views, and arguments respecting the rule shall not exceed thirty days from the date of publication pursuant to subsection (b) of such section of a notice respecting the rule.

Pursuant to section 30(d) of the CPSA, the Commission believes that the public interest requires the regulation of lead-containing paint, and certain other consumer products bearing such paint, under provisions of the CPSA rather than the FHSA. Because the Commission is obligated under the amended LBPPPA

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to make its determination of a safe level of lead in paint within 6 months after June 23, 1976, proceeding under the FHSA at the same time is unfeasible because of the time-consuming nature of hearings that would be conducted under section 701(e) of the FDCA. (See 21 U.S.C. 371(e) and 21 CFR 2.48 et seq.) Moreover, the complex nature of the FHSA proceedings might tend to deter interested parties from participating to the extent possible under the LBPPPA and the CPSA.

On the other hand, section 9 of the CPSA (15 U.S.C. 2058), which governs the issuance of consumer product safety rules, requires notice of proposal with opportunity for submitting written comments in accordance with 5 U.S.C. 553, with the added requirement that interested persons be given an opportunity for the oral presentations of data, views, or arguments. The requirements for oral presentation of views under the CPSA and the requirements for an oral hearing under the LBPPPA are compatible and may be consolidated procedurally because both hearings are informal.

Therefore, since the risk of injury addressed in both proceedings involves determination of a level of lead which would be permitted in paint, the Commission concludes that the public interest would be served by resolving all related questions in one proceeding whereby all interested members of the public would be able to present their information and views at one time. A regulation (16 CFR Part 1145) is proposed below, pursuant to section 30(d) of the CPSA, to provide for regulating lead-based paint and certain other consumer products bearing such paint under the CPSA, rather than the FHSA.

Under the CPSA the Commission is authorized to, among other things, issue consumer product safety standards pursuant to sections 7 and 9 of the act and to issue rules under sections 8 and 9 of the act declaring products to be banned hazardous products. A product may be declared a banned hazardous product if the Commission finds that it presents an unreasonable risk of injury and that no feasible consumer product safety standard under the CPSA would adequately protect the public from the risk of injury presented. The scope of product coverage under the CPSA is defined and limited by the definition of "consumer product" in section 3(a)(1) of the act (15 U.S.C. 2052(a)(1)). Except for certain specific exclusions, a "consumer product" includes any article, or component part thereof, produced or distributed for sale to, or for the personal use, consumption, or enjoyment of, a consumer in or around a permanent or temporary household or residence, a school, in recreation, or otherwise. Thus, coverage under the CPSA is similar to, but somwhat broader than, coverage under the FHSA, which includes articles intended or packaged for use in or around the household plus toys or other articles intended for use by children.

As specified above, the currently effective provisions of § 1500.16(a)(6) under the FHSA already ban paint and other similar surface-coating material for household use containing more than 0.5 percent of lead and toys or other articles for children bearing such paint or similar surface-coating material. Thus, regulating such products under the CPSA amounts to simply a transfer of the regulations from the authority of the FHSA to the CPSA. A notice proposing revocation of § 1500.17(a)(6) is therefore published elsewhere in this issue of the FEDERAL REGISTER. (See FR Doc. 76-23113, *infra*.)

Regarding lead-containing paint and certain other consumer products bearing such paint not currently subject to § 1500.17(a)(6), the Commission believes that the Congressional intent expressed in the amended LBPPPA is for all paint for consumer use containing lead in excess of what is determined to be a safe level under the LBPPPA proceedings, and certain other consumer products bearing lead-containing paint, to be considered as presenting an "unreasonable risk of injury" as that term is used in sections 8 and 9 of the CPSA. This intent is manifested in the LBPPPA by the provisions directing this and other Federal agencies to take certain regulatory actions with respect to lead-based paint, including the specific provision directing the CPSC to prohibit the application of lead-based paint to any toy or furniture article.

With respect to the directions to the Department of Housing and Urban Development, "lead-based paint" as defined in the LBPPPA has already been found to be unsafe for use in housing constructed or rehabilitated by the Federal Government, or with Federal assistance in any form. The Department of Health, Education, and Welfare has been mandated to prohibit the application of "lead-based paint" as defined in the LBPPPA to any cooking utensil, drinking utensil, or eating utensil. Therefore, since paint containing lead above certain levels has been deemed unsafe by Congress for these certain uses, the Commission concludes that it is also unsafe for other similar consumer and nonfederally-assisted housing uses and that it presents an unreasonable risk of injury.

FINDINGS

Accordingly, the Commission preliminarily finds the following to present an unreasonable risk of injury:

1. Paint and other similar surface-coating materials that contain lead compounds of which the lead content (calculated as the metal) is in excess of the percent of lead found under the LBPPPA proceeding to be safe.

2. Toys and other articles intended for use by children that bear any paint or similar surface-coating materials in excess of the percent of lead found under to LBPPPA proceeding to be safe.

3. Articles of furniture that bear any paint or similar surface-coating materials in excess of the percent of lead found under the LBPPPA proceeding to be safe.

In addition to the finding of unreasonable risk of injury required to initiate rulemaking under sections 8 and 9 of the CPSA, the Commission, to propose a consumer product safety rule declaring a consumer product a banned hazardous product, must find that no feasible consumer product safety standard under the CPSA would adequately protect the public from the unreasonable risk of injury associated with such product. With respect to declaring as banned hazardous products certain consumer products containing or bearing paint containing lead in excess of a specific level, the Commission also finds preliminarily that known technology cannot make such paint safe. Accordingly, the Commission finds that a consumer product safety standard for paint containing more than a safe level of lead is unfeasible and unlikely to serve as adequate protection of the public.

PROPOSAL

The Commission therefore proposes below to declare that certain lead-containing paints and similar lead-containing surface-coating materials, and toys and articles of furniture bearing such paints or coating materials, are banned hazardous products.

Accordingly, pursuant to provisions of the Consumer Product Safety Act (secs. 8, 9, 30(d), 86 Stat. 1215-17, 1231, as amended 90 Stat. 506, 510; 15 U.S.C. 2057, 2058, 2079(d)), the Commission proposes that Title 16, Chapter II, be amended by adding to Subchapter B the following new Parts 1145 and 1150:

PART 1145—REGULATION OF PRODUCTS SUBJECT TO OTHER ACTS UNDER THE CONSUMER PRODUCT SAFETY ACT

Sec.
1145.1 Scope.
1145.2 Paint (and other similar surface-coating materials) containing lead; toys, children's articles, and articles of furniture bearing such paint (or similar surface-coating materials); risk of lead poisoning.

AUTHORITY: Sec. 30(d), 86 Stat. 1231, as amended, 90 Stat. 510; 15 U.S.C. 2079(d).

§ 1145.1 Scope.

This Part 1145 sets forth risks of injury associated with consumer products that could be eliminated or reduced to a sufficient extent by action under the Federal Hazardous Substances Act (15 U.S.C. 1261-1274), the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471-1476), or the Flammable Fabrics Act (15 U.S.C. 1191-1204), but for which, pursuant to section 30(d) of the Consumer Product Safety Act, the Consumer Product Safety Commission has, by rule, found that it is in the public interest to institute a regulatory action under the Consumer Product Safety Act.

§ 1145.2 Paint (and other similar surface-coating materials) containing lead; toys, children's articles, and articles of furniture bearing such paint (or similar surface-coating materials); risk of lead poisoning.

(a) The Commission finds that it is in the public interest to regulate the risk of lead poisoning to young children from the ingestion of paint and other similar surface-coating materials under the Consumer Product Safety Act rather than under the Federal Hazardous Substances Act because of the desirability of consolidating the public procedures related to such regulation with the procedure under the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801 et seq.), as amended by the National Consumer Health Information and Health Promotion Act of 1976 (Pub. L. 94-317; 90 Stat. 705-706), for the determination of a safe level of lead. Consolidation of these proceedings will facilitate greater public participation and a more expeditious resolution of the issues.

(b) Paint and other similar surface-coating materials containing lead and toys, children's articles, and articles of furniture bearing such paint or other similar surface-coating materials that present a risk of lead poisoning to young children by ingestion shall therefore be regulated under the Consumer Product Safety Act. Such regulation shall include all directly related pending and future rulemaking, as well as all directly related pending and future action on petitions.

PART 1150—BANNED HAZARDOUS PRODUCTS

Sec.
1150.1 Scope.
1150.5 Lead-containing paint and other similar surface-coating materials.
1150.6 Toys and other articles intended for use by children bearing lead-containing paint or other similar surface-coating materials.
1150.7 Articles of furniture bearing lead-containing paint or other similar surface-coating materials.

AUTHORITY: Secs. 8, 9, 86 Stat. 1215-1217, as amended, 90 Stat. 506; 15 U.S.C. 2057, 2058.

§ 1150.1 Scope.

This Part 1150 sets forth the regulations whereby the Consumer Product Safety Commission declares certain consumer products to be banned hazardous products under section 8 of the Consumer Product Safety Act (15 U.S.C. 2057) on the basis that (a) the consumer product is being, or will be, distributed in commerce; (b) such consumer product presents an unreasonable risk of injury; and (c) no feasible consumer product safety standard under said act would adequately protect the public from the unreasonable risk of injury associated with such product.

§ 1150.5 Lead-containing paint and other similar surface-coating materials.

On the basis that the dried film of such consumer products presents the hazard to young children of lead poisoning upon ingestion, paint, and other similar surface-coating materials that contain lead compounds of which the lead content (calculated as the metal) is in excess of (the level, expressed as a percentage, to be determined "safe" by CPSC under proceedings conducted in accordance with the provisions of the Lead-Based Paint Poisoning Prevention Act, as amended by the National Consumer Health Information and Health Promotion Act of 1976 (Pub. L. 94-317; 90 Stat. 705-706)) of the total weight of the contained solids or dried paint film are banned hazardous products, except for the following:

(a) Artists paint and related materials.

§ 1150.6 Toys and other articles intended for use by children bearing lead-containing paint or other similar surface-coating materials.

On the basis that the dried film from paint or other similar surface-coating materials on such consumer products presents the hazard to young children of lead poisoning upon ingestion, toys and other articles intended for use by children that bear any paint or other similar surface-coating material containing lead compounds of which the lead content (calculated as the metal) is in excess of (the level, expressed as a percentage, to be determined "safe" by CPSC under proceedings conducted in accordance with the provisions of the Lead-Based Paint Poisoning Prevention Act, amended as stated in § 1150.6 above) of the total weight of the contained solids or dried paint film are banned hazardous products.

§ 1150.7 Articles of furniture bearing lead-containing paint or other similar surface-coating materials.

On the basis that the dried film from paint or other similar surface-coating materials on such consumer products presents the hazard to young children of lead poisoning upon ingestion, articles of furniture that bear any paint or other similar surface-coating material containing lead compounds of which the lead content (calculated as the metal) is in excess of (the level, expressed as a percentage, to be determined "safe" by CPSC under proceedings conducted in accordance with the provisions of the Lead-Based Paint Poisoning Prevention Act, amended as stated in § 1150.6 above) of the total weight of the contained solid or dried paint film are banned hazardous products.

Regarding proposed Part 1145, interested persons are invited to submit written comments on or before September 9, 1976. Comments may be accompanied by written data, views, and arguments and should be submitted, preferably in five copies, addressed to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Received comments and other related material may be seen in the Office of the Secretary, 8th Floor, 1750 K Street NW., Washington, D.C., during working hours Monday through Friday.

Regarding proposed Part 1150, interested persons are invited to submit written comments before the close of business, September 24, 1976. Comments may be accompanied by written data, views, and arguments and should be submitted, preferably in five copies, addressed to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Received comments and other related material may be seen in the Office of the Secretary, 8th floor, 1750 K Street NW., Washington, D.C., during working hours Monday through Friday.

In the matter of proposed Part 1150, an oral hearing open to all interested members of the public is scheduled to be conducted on September 13, 1976, from 9:30 a.m. to 5 p.m. and on September 14, 1976, from 9 a.m. to 5 p.m. Any change in these dates will be announced in the FEDERAL REGISTER. The hearing will be held in the General Services Administration Auditorium, 18th & F Streets NW., Washington, D.C. The hearing in this matter is to be consolidated with the hearing on the determination under the Lead-Based Paint Poisoning Prevention Act of a safe level of lead announced separately in this issue of the FEDERAL REGISTER. A written transcript of the proceedings will be prepared. The regulations for oral presentations, 16 CFR Part 1109, issued by CPSC on October 14, 1975 (40 FR 48122), shall govern this proceeding. Copies of these regulations may be obtained from the Office of the Secretary. Oral testimony will be presented to the Commission with Chairman S. John Byington acting as presiding officer. The presiding officer and the Commission may direct questions to persons testifying. In addition, the presiding officer will, to the extent practicable, permit questions from interested persons and Commission staff members to be presented to persons testifying.

Persons wishing to make oral presentations should contact the Office of the Secretary by telephone (202-634-7700) or in writing (Consumer Product Safety Commission, Washington, D.C. 20207) at least 10 days before the proceeding so that scheduling arrangements can be made. Oral presentations as well as written comments will be limited to matters relevant to a determination of a safe level of lead in paint and any technological, economic, and environmental effects of lowering the level. In addition, written comments and oral presentations may be made relevant to the instant proposal under the Consumer Product Safety Act and the revocation of regulations (16 CFR 1500.17(a)(6)) under the Federal Hazardous Substances Act, also proposed in this issue of the FEDERAL REGISTER.

In particular, with respect to proposed Part 1150, the Commission solicits data, information, views, and arguments as to the following:

1. The degree and nature of the risk of injury the rule is designed to eliminate or reduce.

2. The approximate number of consumer products, or types or classes thereof, subject to such rule.

3. The need of the public for the consumer product subject to such rule and the probable effect of such rule upon the utility, cost, or availability of such products to meet such need.

4. Any means of achieving the objective of the rule while minimizing adverse

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effects on competition or disruption or dislocation of manufacturing and other commercial practices consistent with the public health and safety.

5. The necessity of the rule to eliminate or reduce the unreasonable risk of injury associated with the consumer products subject to the rule.

6. Whether the rule is in the public interest.

7. The feasibility of a consumer product safety standard under the CPSA to protect the public adequately from the unreasonable risk of injury associated with lead in paint above the safe level.

8. The potential environmental effects of the rule.

In making its final decision on the rules proposed herein, the record shall consist of all information available to the Commission, whether obtained during the course of this proceeding or outside of this proceeding.

Dated: August 4, 1976.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.76-23112 Filed 8-9-76;8:45 am]

[16 CFR Part 1500]

CERTAIN LEAD-CONTAINING PAINT; TOYS AND OTHER ARTICLES BEARING SUCH PAINT INTENDED FOR USE BY CHILDREN

Proposed Revocation of Regulation

The purpose of this document is to propose revoking a regulation (16 CFR 1500.17(a)(6)) under the Federal Hazardous Substances Act (FHSA), (15 U.S.C. 1261 et seq.), declaring certain lead-containing paint, and toys or other articles intended for use by children bearing such paint, to be banned hazardous substances.

BACKGROUND

Elsewhere in this issue of the FEDERAL REGISTER, (See FR Doc. 76-23112, *supra*) regulations (16 CFR Part 1150) are proposed under the Consumer Product Safety Act (CPSA), (15 U.S.C. 2051 et seq.), declaring as banned hazardous products: (1) Lead-containing paint and similar surface-coating materials containing more than a safe level of lead, (2) Toys and other articles intended for use by children bearing lead-containing paint or other similar surface-coating materials containing more than a safe level of lead, and (3) Articles of furniture bearing lead-containing paint or other similar surface-coating materials containing more than a safe level of lead.

A determination of a "safe level of lead" will be made by the Consumer Product Safety Commission under the Lead-Based Paint Poisoning Prevention Act (LBPPPA), (42 U.S.C. 4801 et seq.), as amended by the National Consumer Health Information and Health Promotion Act of 1976 (Pub. L. 94-317, 90 Stat. 705-706). This determination, based on proceedings announced in a separate notice in this issue of the FEDERAL REGISTER, involve consideration of whether a level of lead in paint which is greater than 0.06 percent but not in excess of 0.5 percent is safe. (See FR Doc. 76-23111, supra)

Currently, 16 CFR 1500.17(a)(6) under the FHSA declares as banned hazardous substances any paint or other similar surface-coating material that contains lead compounds of which the lead content (calculated as the metal) is in excess of 0.5 percent of the total weight of the contained solids or dried paint film. Section 1500.17(a)(6) also declares as banned hazardous substances any toy or other article intended for use by children that bears such paint or coating material.

Section 1500.17(a)(6) also contains certain provisions (subdivisions (i)(A) and (ii)(A)) that were stayed as a result of objections filed pursuant to section 701(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371(e)). The stayed provisions would have lowered the 0.5 percent permitted level of lead to 0.06 percent. Thus, only the 0.5 percent level prescribed by § 1500.17(a)(6) is in effect. (See FEDERAL REGISTER documents of August 10, 1972 (37 FR 16078), December 27, 1973 (38 FR 35302), and December 9, 1974 (39 FR 42902)).

As the two asociated CPSC documents also in this FEDERAL REGISTER indicate, the Commission is presently commencing action to determine a "safe level of lead" under the LBPPPA and proposing ing paint under the CPSA. These CPSA to establish regulations for lead-containregulations, when issued, would render the FHSA regulation (§ 1500.17(a)(6)) obsolete and unnecessary.

PROPOSAL

§ 1500.17 [Amended]

Accordingly, pursuant to provisions of the Federal Hazardous Substances Act (sec. 2(f)(1)(A), (q), 74 Stat. 372, 374, as amended by 80 Stat. 1304-05; (15 U.S.C. 1261(f)(1)(A), (q))) and the Federal Food, Drug, and Cosmetic Act (section 701(e), (f), (g), 52 Stat. 1055-56, as amended 70 Stat. 919, 72 Stat. 948; (21 U.S.C. 371(e), (f), (g)) and under authority vested in the Commission by the Consumer Product Safety Act (sec. 30(a), 86 Stat. 1231; (15 U.S.C. 2079(a))), the Commission proposes to amend 16 CFR Part 1500 by revoking § 1500.17(a)(6).

In its proposal to replace § 1500.17(a)(6) by regulations promulgated under the CPSA, the Commission has included in the proposed CPSA regulations amendments and exemptions presently contained in § 1500.17(a)(6). Any outstanding proposals under the FHSA to amend § 1500.17(a)(6) shall, upon promulgation of the CPSA regulations,(be transferred to the authority of, and acted upon under, the CPSA. Any outstanding petitions to amend § 1500.17(a)(6) shall also, upon promulgation of the CPSA regulations, be transferred and considered under that act.

The effective date of the proposed revocation of § 1500.17(a)(6), if promulgated, will be the same as the effective date of the CPSA regulations replacing it.

Interested persons are invited to submit, on or before September 24, 1976, written comments regarding this proposal. Written comments and any accompanying data or material should be submitted, preferably in five copies, addressed to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the Office of the Secretary, 8th floor, 1750 K Street NW., Washington, D.C., during working hours Monday through Friday.

Dated: August 4, 1976.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.76-23113 Filed 8-9-76;8:45 am]

federal register

TUESDAY, AUGUST 10, 1976

PART IV:

FEDERAL POWER COMMISSION

GAS SUPPLY AND OPERATIONS DATA

CERTAIN CORPORATE AND FINANCIAL REPORTS

Proposed New Forms 153 and 155

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FEDERAL POWER COMMISSION

[18 CFR Part 260]

[Docket No. RM76-27]

GAS SUPPLY AND OPERATIONS DATA

Proposed New Form No. 153

JULY 28, 1976.

Notice is hereby given pursuant to the Administrative Procedure Act, 5 U.S.C. 553, and sections 8, 10, 14, 15, and 16 of the Natural Gas Act,[1] that the Commission proposes to add § 260.26 to Part 260 of the Approved Forms under the Natural Gas Act to provide that new FPC Form No. 153 be required for reporting. The proposed new form would be entitled, "Gas Supply and Operations Data."

During a period of critical natural gas shortages, such as the nation is experiencing today, the public interest requires that the Commission have available to it current and continuing information on the operations of companies producing gas for sale in interstate commerce. The interests of those companies regulated by the Commission also require an efficient and progressive means of regulation.

On September 26, 1973, in Docket No. R-438, the Commission issued Order No. 494, amending Part 2, Chapter I, Title 18 of the Code of Federal Regulations and setting forth Commission policy for the development of a fully automated computer regulatory system to provide such information. When developed and fully operative, the system will provide prompt and ready access to data contained in a central electronic data bank, eliminating the duplication of information now collected and reducing the quantity of existing manual files. This system will not only facilitate the evaluation and analysis of all data, but it will also accommodate the development of new regulatory techniques.

In Order No. 494, the Commission stated that all existing "hard copy" public use forms would be redesigned and consolidated to eliminate redundancies and that instructions for reporting would be clarified by use of Electronic Data Processing (EDP) Technology. Public use form in formation, as it is presently submitted, will be replaced by the submission of individual data elements within a general data element and code scheme. It is anticipated that this major system revision will result in the reduction of the total number of data items currently transmitted to the Commission by the respondents.

In Order No. 494, the Commission further stated that the development of the automated computer information system would be effected through the use of phased rulemaking proceedings in which various Commission reporting procedures and report forms would be restructured. To this end, Form No. 153 is designed to incorporate into a readily retrievable data processing system the information elicited by FPC Form Nos. 2,[2] 2A,[3] 8,[4] 11,[5] 14,[6] 15,[7] 16,[8] 17, and System Flow [9] currently used.

It is anticipated that a one-year period of parallel reporting will be required for system evaluation. Assuming successful operation of the new system within such time period, the related schedules within the current FPC Form Nos. 2 and 2A and the FPC Form Nos. 8, 11, 14, 15, 16, 17, and System Flow Diagrams for these respondents would then be eliminated.

Proposed Form No. 153 would consist of 55 schedules, numbered 401-442, 840-851, and 853. No new significant data would be required. This form will provide detailed data on system natural gas supply, system requirements, curtailments actual and projected, importers and exporters of natural gas, and gas stored underground.

All data and information submitted pursuant to the proposed form would be required to be subscribed and verified by a duly authorized executive officer of the respondent as being factually accurate and complete to the best of his or her knowledge in accordance with the Commission's Rules of Practice and Procedure, 18 CFR Part 1.

It had been contemplated by the Commission that all respondents, in using EDP media, would be required to submit their data on magnetic tape. The Commission now proposes that magnetic tape, in addition to a hard copy of the forms used to create the tape, would be required only from those respondents having over $10 million annual gas operating revenues. The manner of the preparation of the tapes would be left to the discretion of the respondents. For all other respondents, an original and four conformed copies of each completed Form No. 153 would be required to be filed with the Commission.

Any interested person may submit to the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, not later than September 27, 1976, data, views, and comments or suggestions in writing concerning all or part of the proposed form. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426, during regular business hours. The Commission will consider all such written submittals before acting on the matters herein proposed. An original and 14 conformed copies should be filed with the Secretary of this Commission. Submittals to the Commission should indicate the name, title, mailing address and telephone number of the person to whom communications concerning the proposal should be addressed and whether the person filing them requests a conference with the staff of the Federal Power Commission to discuss the proposed forms. The staff, in its discretion, may grant or deny written requests for conference prior or subsequent to the filing of formal submittals.

The proposed amendments to Part 250 of the Commission's Approved Forms under the Natural Gas Act would be issued pursuant to the authority granted the Commission by the Natural Gas Act, as amended, particularly sections 8, 10, 14, 15, and 16 (52 Stat. 825, 826, 828, 829, 830; 15 U.S.C. 717g, 717i, 717m, 717n, 717o).

Effective for the reporting year 1976, the Commission proposes to amend Part 260, Statement and Reports (Schedules), in Subchapter G—Approved Forms, Natural Gas Act, Chapter I, Title 18 of the Code of Federal Regulations by adding a new § 260.26 prescribing new FPC Form No. 153, Gas supply and operations data. New § 260.26 will read as follows:

§ 260.26 Form No. 153, Gas supply and operations data.

This form will provide detailed data on system natural gas supply, system requirements, curtailments actual and projected, importers and exporters of natural gas, and gas stored underground.

The filing of this data, as defined in the detailed instructions of this form, is annually on or before April 30 for the previous calendar year; semi-annually on or before April 30 and September 30; monthly on or before the 15th of the month following the report month; or semi-monthly during December-March 5 days after the 15th and last day of these months, and monthly during April-November on the 5th day following the reporting month for Schedule 0411.

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[1] 52 Stat. 825, 826, 828, 829, 830; 15 U.S.C. 717g, 717i, 717m, 717n, 717o.

[2] 18 CFR 260.1 (1975).
[3] 18 CFR 260.2 (1975).
[4] 18 CFR 260.11 (1975).
[5] 18 CFR 260.3 (1975).
[6] 18 CFR 260.4 (1975).
[7] 18 CFR 260.7 (1975).
[8] 18 CFR 260.12 (1975).
[9] 18 CFR 260.8 (1975).

R&S Form 153

FEDERAL POWER COMMISSION
REGULATORY INFORMATION SYSTEM

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Level III Detailed Instructions

Schedules 0100, 0401-0422, 0840-0851, 0853, 0000, and 1000

Cross-Reference List

Data Standards

Schedules

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0401-0422
0840-0851, 0853
0000
1000

FPC Form 151 (3-76)

Attachment A

FEDERAL POWER COMMISSION

Gas Supply and Operations Data

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LEVEL I

GENERAL INSTRUCTIONS

FOR THE

PREPARATION AND SUBMISSION

OF PUBLIC USE SCHEDULES

FPC Form 151 (5-76)

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I. ADMINISTRATIVE BACKGROUND

The Federal Power Commission (FPC) has established an information system designed to improve the decision-making capabilities of the Commission. This program, the Regulatory Information System (RIS), was authorized by Commission Order 494, September 26, 1973, and features the following characteristics and capabilities:

- A consolidated data collection system designed to eliminate unnecessary or redundant reporting and to provide standardized data collection schedules.
- A comprehensive system for transmitting, processing, and accessing data requested of respondents by the Commission.
- Establishment of a modern computer facility at Commission headquarters featuring consolidated regulatory data bases and the associated automatic data processing (ADP) equipment and programming software necessary to store, validate, and access that data.

These instructions are intended to aid each respondent to understand the scope and objectives of the RIS system regarding source data collection and to provide clear and concise guidance for the completion of the revised public use schedules.

A. DATA COLLECTION CONCEPTS

The FPC public use schedules are designed to be vehicles for data collection, rather than for data display, by the Commission. This objective has guided the design of the layouts and instructions so as to achieve maximum efficiency in both data collection and subsequent processing. Within this basic design philosophy, the public use schedule data collection concept embodies the following design characteristics, some of which are described in greater detail in the subsequent chapters.

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1. Optical Character Recognition (OCR) - All schedules have been designed with OCR requirements as one of the design constraints. This will allow for transition to optical scanning as a future alternative for data entry.

2. Separation of Instructions - All instructions are separated from the schedules to which they apply, in order to make efficient use of form space. Instructions consist of three separate levels, as follows:

- Level I - General (applicable to all schedules).
- Level II - General subject (applicable to natural gas operations, electric operations, or financial data)
- Level III - Detailed (applicable to individual schedules).

3. Separation of Footnotes - Footnotes or other extraneous marks or comments intended to qualify or modify data must not be entered directly on any schedule. The public use schedules have been designed to eliminate the need for footnotes through the establishment of distinct data elements which represent some data previously reported as footnotes. However where necessary to make the related data more meaningful, footnotes may be entered on a special footnote schedule designed for this purpose. On the primary data schedules, the respondent must enter only a unique footnote reference number to provide a link to the footnote schedule.

4. Reporting Requirements - Reporting frequencies of the new schedules vary from semi-monthly to biennially. For certain schedules, all data must be supplied with each submission. For the other schedules, all data must be supplied with an initial submission, and on subsequent submission of these schedules respondents need report only changes, additions and deletions. These requirements are specifically stated in the Detailed Instructions for each schedule in paragraph 8 under the heading "II. General Information".

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5. Consolidated Schedules - Many of the public use schedules have been designed to consolidate data previously collected on more than one schedule. The consequence of such consolidation is a reduction in the total number of schedules. Furthermore, portions of some schedules may be inapplicable to certain respondents, as specified in the detailed instructions.

B. APPLICABILITY OF INSTRUCTIONS

The Commission will provide to each respondent all three levels of instructions, appropriate to the type of operation. For example, an electric utility will receive:

- Level I - General Instructions
- Level II - General Subject Instructions (Electric Operating Data)
  - General Subject Instructions (Corporate and Financial Data)
- Level III - Detailed Instructions (Electric Operating Schedules)
  - Detailed Instructions (Corporate and Financial Schedules)

Each respondent will also receive footnote schedules (with instructions) and free form (blank) schedules for the submission of narrative or graphic support data that will not be loaded into the Commission's data bases.

As the public use schedules undergo change in future reporting periods through the rulemaking process, modified layouts and instructions will be prepared by the Commission and mailed to the respondents, together with appropriate documentation that describes the authorization and the details of all such changes, additions, or deletions. The Commission will prepare the instructions in a manner suitable for looseleaf binders, so that they can be easily maintained by the respondents.

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II. STANDARD DEFINITIONS

The following standard definitions are provided to aid the respondent in understanding the data collection concepts contained in these instructions.

A. RESPONDENT - Each corporation, person, agency, authority, or other legal entity or instrumentality, whether public or private, which is required, under the provisions of the Federal Power Act, the Natural Gas Act, or Commission Order, to submit information to the Federal Power Commission via public use forms. Respondents also include those organizations that voluntarily or upon request, provide data to the Commission.

B. PUBLIC USE SCHEDULE - A collection of functionally related data elements organized and formatted into an arrangement suitable for the collection of data; the instructions for preparation of a schedule are included in this definition.

C. DATA FIELD - Within a record or schedule, a specific area used for representing a particular data value, i.e., the spaces provided for data entry on a schedule.

D. DATA ELEMENT - A basic unit of identifiable and definable information. Data elements identify the data fields within a schedule.

E. DATA ITEM - The expression of a particular value of a data element. In cases where a data element identifies a column or row on a schedule, a data item is a specific entry within the column or row.

F. LOGICAL ENTRY - A collection of related characteristics, defined by data elements, associated with a specific "key" item of information. For example, "name", "address", "date of incorporation", and "total assets" are all attributes of the key item "company", which is identified by a company code. This entire collection of data elements is called a logical entry. Within the public use schedules, logical entries are blocks of data that may be repeated several times on a page.

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G. KEY ITEM IDENTIFICATION - A data element that provides a unique reference point for purposes of accessing or retrieving data. Within the public use schedules, the key item(s) uniquely identify groups of related data elements which by definition are logical entries. Normally, key items appear first within a logical entry and must always be completed by the respondent. The Detailed Instructions for each schedule explicitly identify those data elements that are "key".

Other, more specific, definitions of technical and financial data elements are contained in the Level II - General Subject Instructions.

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III. GENERAL PROCEDURES FOR SCHEDULE PREPARATION

Many of the public use schedules have been designed so that different types of respondents can use the same basic schedules and instructions for the collection of identical data. For such schedules, the Detailed Instructions explain the unique data preparation requirements applicable to each type of respondent.

A. SCHEDULE SUBMISSION

The Commission will forward annually an appropriate number of copies of each schedule required of the respondent for the given reporting period.

All respondents shall forward the number of copies ordered by the Commission of each public use schedule to the Commission. Respondents submitting schedules on magnetic tape must also submit an attested working copy, appropriately completed, of the supplied schedules from which the tapes were prepared.

The specific report period for each schedule is listed in the General Subject Instructions (Level II) for the natural gas operations, electric operations, or financial data. The reporting period must be entered by the respondent on each schedule. Care must be exercised to ensure that the report period on each schedule (month, day, year) represents the ending date of the period to which the data applies, not the date the schedule was completed.

Prior to forwarding the schedules to the Commission, the respondent must complete Schedule 0100, Index of Public Use Schedules Submitted. A data field-by-data field instruction for Schedule 0100 shall be found in the Level III, Detailed Instructions for this schedule. All schedules should be carefully assembled, packaged, and forwarded to the following address:

Federal Power Commission
825 North Capitol Street, N.E.
Washington, D. C. 20426
Attn: Office of the Secretary

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FEDERAL POWER COMMISSION
825 North Capitol Street, N.E.
Washington, D.C. 20426

ATTESTATION UNDER OATH

This report must be attested to under oath by an officer of the company. _____ (Insert here the name of the attester)

being first duly sworn according to law, certifies that he is _____ (Insert here the official legal title of attester)

of _____ (Insert here the exact legal title or name of respondent); that he has full power and authority to make the attestation; that he has read this report and is familiar with the contents therein; that to the best of his knowledge, information and belief, all estimates and matters therein set forth are true and correct and the said report is a correct statement of the business and affairs of the above-named respondent in respect to each and every matter set forth therein during the period from and including _____, 19__, to and including _____, 19__.

_____ (Signature of attester)

Subscribed and sworn to before me this _____ day of _____, 19__.

_____ NOTARY PUBLIC

(SEAL)

FIGURE III-1. NOTIFICATION OF ATTESTATION

B. REPORTING MEDIA

The acceptable media for reporting public use data are magnetic tape with a working copy of the schedules or typed schedules.

Many respondents are capable of preparing the data via magnetic tape and have been directed by the Commission to do so. In addition, the respondent must attach associated attested working copy of the FPC supplied schedules from which the tapes were prepared.

C. SUPPORTING DOCUMENTATION

Additional statements, maps, diagrams, charts or other documentation supportive to the data schedules not otherwise specifically required or provided for should be inserted directly behind the schedules to which they apply. Respondents shall utilize FPC Schedule Number 1000 in all cases except those requiring oversize documents such as large maps. In all cases, the schedule number and page number of the schedule to which the supporting documentation applies must be entered, as well as the reporting period. Supporting documentation must not be stapled to the corresponding schedules.

D. ATTESTATION

The complete set of schedules filed for a given reporting period must be subscribed and verified by the duly authorized executive officer of the respondent, or of one of the respondents where a consolidated schedule is filed, who is qualified and authorized to prepare or supervise the preparation of the schedules and to certify their accuracy, completeness, and truthfulness. Such attestation will be submitted in the format specified in the Attestation Under Oath, displayed in Figure III-1.

Information submitted on magnetic tape must be accompanied by a working copy of each schedule used to create the magnetic tape. A single Attestation Under Oath will apply to all information, regardless of filing medium, submitted in the reporting period.

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E. RESPONDENT COMMENTS AND SUGGESTIONS

The Regulatory Information System represents a significant departure from the previous methods of gathering and using information by the Commission. Like all new systems, areas for improvement will undoubtedly be discovered during actual operation. All respondents are encouraged to supply comments and suggestions to the Commission of specific data collection or schedule design problems.

All questions concerning schedule design, data entry rules, filing requirements, or administrative matters, should be directed to the Office of Regulatory Information Systems at Commission headquarters. The telephone number for inquiries at the Commission is (202) 275-4138.

This telephone number and the schedule mailing address will be the main contact points between the Commission and the respondents for matters relating to the data collection. Questions that cannot be handled directly will be routed to the appropriate bureau or office personnel for resolution.

IV. RULES FOR DATA PREPARATION

The respondent is instructed to rigorously conform to the following general rules for data entry when preparing the schedules prior to the time that the schedules are forwarded for typing.

A. DATA FIELD LENGTH

Do not exceed the data field lengths allocated for each data element. When the data field size is inadequate, leave the data field blank and enter the true value in a footnote.

B. JUSTIFICATION (DATA POSITIONING)

Right justify every numeric data field; that is, place the data in the right portion of the data field so that no blank spaces follow the last character. Unfilled leading characters should be left blank. All alphabetic data fields must be left justified; that is, they begin at the left boundary of the data field.

C. ALPHABETIC AND NUMERIC

The Detailed Instructions for each schedule define each data field as either alphabetic (A) or numeric (N). The instructions also specify the data field length, including implied decimal positions for fractional numbers. For example, (N7.3) means a numeric field with seven characters to the left and three characters to the right of the implied decimal position. (N6) implies a six digit integer number and (A22) defines a twenty-two character alphabetic data field.

Do not enter alphabetic or special characters in a data field defined to be numeric by the instructions. The only exceptions to this rule are a minus sign or an asterisk, as described later. Numeric data fields must be right-justified and can be preceded by blank spaces. A data field defined as alphabetic may include any

combination of numeric and alphabetic characters. If necessary, words should be abbreviated to fit an alphabetic data field within the allocated space.

D. NEGATIVE ENTRIES

To indicate a negative numeric value, type over the preprinted minus sign in the right-most character of the data field immediately after the last significant digit; for example, 4917- . Positive numbers require no sign within the data fields; simply right-justify the number. Only certain data fields may legitimately contain negative numbers. Those data elements that may be expected to generate negative numbers are identified in the Detailed Instructions and in the schedules, where a character position is reserved for the minus sign, which is printed.

E. NULL ENTRIES

Data fields that are not applicable to a given respondent's situation must be left blank. Do not write in "N/A", or "NONE", or "NO DATA", or any other null response. Numeric data fields that do apply to the respondent but for which the respondent has a legitimate value of zero must be so entered with zero, including all decimal positions. Numeric, alphabetic, or alpha-numeric data fields that do not apply must be left blank.

F. PERCENTAGES AND FRACTIONS

Numeric data fields expressed in percentages may contain a variable number of decimal positions. In the schedules, all decimal points are implied by a preprinted character (▲) that does not occupy a character position within the data field. For example: NN▲NNN

The factional portion to the right of the decimal point should always be rounded to the last significant digit. For example, 11 2/3 should be entered as 11▲667 . Under no circumstances must a portion of a whole number be expressed in fractional notation for any numeric data field. Rather, use the decimal representation, as

illustrated by the preceding example of a percentage. For example, never enter 12 1/3 in a schedule; instead enter 12▲333 , assuming three decimal positions are requested.

G. SPECIAL CHARACTERS

As illustrated in the preceding section, all of the public use schedules have been designed with preprinted decimal point locators, where applicable. The respondent is specifically requested not to enter dollar signs, decimal points (.), commas (,), parentheses, technical symbols, or any other special characters on the schedules unless called for by the Detailed Instructions. For example, the number $53,429.48 would be entered as 53429▲48 and the number $45,237 would be entered as 45237▲00 .

H. MULTIPLE PAGES

Multiple pages may often be necessary for the respondent to provide all of the data for a particular schedule. Additional pages may be requested of the Commission at any time. To minimize such requests, the Commission will analyze historical submission patterns and volumes for each schedule and attempt to tailor the number of pages mailed out with the number of pages submitted in the past. Each page of a schedule must be numbered in the upper right hand corner.

I. LISTS OF LEGITIMATE VALUES

A copy of the Register of Data Standards will be made available to each respondent. The Register must be a standard reference tool for personnel completing the schedules to assure valid data entries. Respondent-entered data that is inconsistent with values contained in the Register will be rejected, since validation procedures are also based on the Register.

Normally, the Detailed Instructions will not contain the lists of legitimate values, but will refer to the Register of Data Standards. However, certain data item lists were incorporated directly in the Detailed Instructions for the convenience of the respondent. In these cases the data item list mnemonic appears in parenthesis.

The respondent must use the approved values and is also cautioned not to alter the units of measure (e.g., MMcf or KW) defined in the Detailed Instructions.

V. DATA MAINTENANCE ACTIVITIES

When preparing the public use schedules, the respondent must be familiar with the procedures necessary to modify data on the Commission's data bases and to prepare footnotes, where necessary. These topics are covered in this chapter.

A. MODIFICATION OF DATA

New data may be entered directly on any of the public use schedules by the respondent. The respondent must be certain that all data fields identified as key by the instructions are properly completed. For each new entry all data must be completed for the initial submission. For subsequent submissions of this data, the following general rules apply.

Changes to existing data residing in Commission's data bases can be entered directly on any public use schedule. To determine whether a data element has changed, the respondent is to refer to the data reported for the last submission.

For data identified by the Detailed Instructions as periodically required to be submitted, the respondent must completely resubmit all requested data regardless of whether or not the data have actually changed. In other Detailed Instructions subsequent submissions require the respondent to submit only appropriate identification (key data fields) and changed data fields. For this type of data, the Commission maintains only the latest current values in the data base, and the last reported data will continue to be propagated as the current data. To delete the current value of a data element, the respondent must enter an asterisk (*) in the left-most position of the data field, regardless of the numeric or alphabetic nature of the data. The following example illustrates how to delete any single occurrence of a data element:

Data Field Title
*

To delete a data element in more than one logical entry, an asterisk must be entered by the respondent for each occurrence of the data element.

To delete an entire logical entry, a retired generator for instance, the respondent must type a "D" over the preprinted "D" contained to the right of each logical entry and must specify all key items necessary to uniquely identify the logical entry. The Detailed Instructions indicate which data elements are key items. When processed, all of the data for the entire logical entry will be deleted from the data base. No facility is provided for deleting, in a single action, all of the data for an entire respondent or for any major grouping of data above the logical entry level, such as the data for an entire plant. To accomplish major delete actions, the respondent must delete each logical entry separately. If such step-by-step action proves cumbersome for the respondent in view of a major delete action (a plant closure, for example), the respondent should notify the Commission in writing of the delete action and request appropriate steps to update the data bases.

B. FOOTNOTES

Footnotes cannot be placed directly on any public use data schedule. Instead, a single, separate schedule (FPC Schedule Number 0000) is used for footnote entry. The preparation of a respondent supplied footnote requires entry on both the source schedule and the footnote schedule.

All data schedules contain two blocks to signify the presence of a footnote. These footnote indicator data fields are called the General Footnote and the Specific Footnote. The General Footnote data field enables the respondent to supply additional information that pertains to either the entire schedule and/or to a particular column (all occurrences of a data element) within the schedule. The Specific Footnote may be for either a complete logical entry and/or a specific data element within any logical entry.

The footnote number must be assigned uniquely and cannot be repeated across schedules. For example, if Schedule 0102 has footnote numbers 014 and 015 assigned, the footnotes for schedule 0103 should begin at 016. The respondent must not number the footnotes starting from 001 for each schedule. All footnote reference numbers throughout all schedules submitted in a single reporting period must have unique numbers.

VI. DATA KEYING AND VERIFICATION INSTRUCTIONS

Data keying may be utilized by respondents who submit data via magnetic tape. The following keying (and, therefore, verification) instructions apply to all redesigned public use schedules, regardless of actual data content. Keying will produce 80-character records (refer to magnetic tape submission requirements).

Each record must always contain the same control data fields in columns 1-11. These data fields are:

- Data Field A - Schedule Number (Record Position 1-4)
- Data Field B - Page Number (Record Position 5-8)
- Data Field C - Line Number (Record Position 9-10)
- Data Field D - Record Type (Record Position 11)

Data Keying and Verification Instructions are described in Figure VI-1.

When keying from the Public Use Schedules, follow the general rules given below.

- Data Field A, Schedule Number, (Record Position 1-4) and Data Field B, Page Number, (Record Position 5-8) are obtained from the header area of the schedule. The schedule number is obtained from the upper left corner of the schedule and the page number from the upper right corner of the schedule.
- Data Field C, Line Number (Record Position 9-10) is preprinted to the left of each line in the margin of the schedule (even numbers such as 2, 4, 6, etc. are the only valid entries).
- In Data Field D, (Record Type) an "A" should be keyed in Position 11 of the first record keyed for a line.
- In record positions 12-80 of the record, key all data field separators (|) and all data that has been filled in by the respondent.

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DATA KEYING AND VERIFICATION INSTRUCTIONS

DATA FIELD	DATA FIELD NAME	COLUMNS FROM	COLUMNS TO	NUMBER OF COLUMNS	*	SPECIAL INSTRUCTIONS
	Common Data					
A	Schedule Number	1	4	4	N	Preprinted at the top left of all schedules
B	Page Number	5	8	4	N	Printed at top right of all schedules
C	Line Number	9	10	2	N	Preprinted on left margin of all schedules (even numbers)
D	Record Type (A = first record, B = second record)	11	11	1	A	A = First record for line B = Second record for line
E	Line Data	12	80	69		Key all data fields and their data field separators. Compress data as described in keying instructions.

* A - Alpha
N - Numeric

FIGURE VI-1. DATA KEYING AND VERIFICATION INSTRUCTIONS

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- At the end of each line on the schedule, key a line terminator symbol (@). Note: In some instances, a second record (Record Type B) will be required solely for the line terminator symbol (@).
- Normally, only one record will be required for a line. Should a second record be required for a line, duplicate positions 1-10 from the "A" record, and key a "B" Position 11 of the second record.
- Do not key data fields which are preprinted, including data field separators.
- Do not key odd numbered lines (i.e., 3, 5, 7, 9, etc.).
- Do not key lines in which the resondent has entered no data.

In the examples shown, a lower case b represents a blank.

A. DATA FIELD CONTENTS

The data keyed into Positions 1-11 of the keyed records is keyed according to the fixed format specified above. But the data keyed in the remainder of the positions of the records (12-80) are keyed in a variable format. That is, leading and trailing blanks in data fields are not keyed. For example, if a ten-position alpha-numeric data field on the schedule contains a single letter, only that letter is keyed:

"Abbb" is keyed "A|"

B. DATA FIELD SEPARATOR (|)

The variable format explained in A above, requires that the sum of each data field (in Positions 12-80) be indicated by following the data field contents with a data field separator symbol (|).

The data field separator is the vertical bar symbol, which is to be represented by a 12-7-8 punch, and a hexadecimal 4F in EBCDIC.

See the example in A above, or those that follow, for illustrations of the use of the data field separator.

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C. LINE TERMINATOR (@)

The end of a schedule line must be represented in the keyed record. The vertical bar (data field separator) following the last data field is to be followed with a line terminator symbol. This can require that a "B" record be keyed to provide the line terminator symbol (@).

The line terminator is the "@" symbol, which is to be represented by a 4-8 punch, and a hexadecimal 7C in EBCDIC.

D. CONTINUATION RECORD

In most cases, one line on a schedule will be represented by one 80-character record, but in some cases two records will be necessary to represent a single schedule line. In the first (or only) record, an "A" is keyed into Position 11. In the continuation record (there will not be more than one per line), after duplicating Positions 1-10 from the "A" record, key a "B" in Position 11 then continue keying from the schedule line. (Note that for two-record lines, Position 80 of the "A" record may occur in the middle of a data field on the schedule.)

E. BLANK LINES

Every data field in a schedule line, including blank data fields, must be represented in the keyed records. For a blank data field, key only a data field separator symbol (|). For example, if the first three data fields on a schedule line were blank they would be represented in the keyed record by three consecutive data field separators (in Positions 12-14).

F. DECIMAL POINTS IN NUMERIC DATA FIELDS

Many numeric data fields contain decimal points, indicated on the schedules by a preprinted △. (The only valid indication of a decimal point is the preprinted △. Use of a period is an error on the part of the individual filling in the data.) Because it is preprinted, it is not keyed. In order that the data field contents be

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properly entered in the RIS data base, all positions to the right of a preprinted decimal in a data field on a schedule must be keyed.

G. CONSOLIDATED EXAMPLE

This example illustrates the rules given above, as applied to an entry on line 16 of page 2 of a hypothetical Schedule 99.

Data Field Type:

a	n	n	n	n	n	n	n	n	n	n

Data Field Length:

35	10	10	8.2	3.3	10	10	10	10	10	10

Data Field Contents:

MIDWESTERN INTERNATIONAL 350 * 673▲21 24▲2bb 750000 b b 550000 622490 3575829400

Keyed Records: A Record -

0099000216MIDWESTERN▷INTERNATIONAL|350|*|67321|24200|750000|||550000|622490|

B Record -

0099000216B3575829400 @

H. CHARACTER SET

Keying should be accomplished using the standard EBCDIC alphabetic and numeric character set. The following are the only valid special characters which can be used:

EBCDIC SPECIAL CHARACTER

CHARACTER	EBCDIC HEX REP	CARD PUNCH	CHARACTER	EBCDIC HEX REP	CARD PUNCH
.	4B	12-3-8	-	60	11
(	4D	12-5-8	/	61	0-1
+	4E	12-6-8	,	6B	0-3-8
&	50	12	%	6C	0-4-8
$	5B	11-3-8	?	6F	0-7-8
*	5C	11-4-8	:	7A	2-8
)	5D	11-5-8	'	7D	5-8
;	5E	11-6-8	=	7E	6-8
			"	7F	7-8

Data Field Separator:

|	4F	12-7-8

Data Line Terminator:

@	7C	4-8

I. MAGNETIC TAPE SUBMISSION

The magnetic tape to be submitted shall be compatible with IBM 370/OS using 9-track standard IBM OS labels or using 9-track non-labelled tapes in EBCDIC code format at 800 or 1600 bpi. The logical record length shall be 80 characters. The blocking factor should be compatible with IBM OS tape blocking conventions.

All respondents submitting magnetic tape(s) must enclose with the tape the following information: name of company, name of contact about the magnetic tape and telephone number. Additionally the following information must be specified for labelled and non-labelled tapes:

LABELLED AND NON-LABELLED TAPES

- whether 800 or 1600 bpi
- whether labelled or non-labelled

LABELLED TAPES

- internal volume/serial number of tape
- data set name

NON-LABELLED TAPES

- block size in characters (length of physical record)
- external volume/serial number of tape

LEVEL II

GENERAL SUBJECT INSTRUCTIONS

FOR

NATURAL GAS PIPELINE AND PRODUCER SCHEDULES

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APPENDIX 1. List of Natural Gas Pipeline and Producer Schedules

Schedule Number	Schedule Name
0401	Pipeline Gas Supply Synopsis
0402	Pipeline System Deliverability Summary
0403	Pipeline Deliverability Forecast
0404	Supply Source Identification and Five Year Volume Scheduling
0405	Pipeline Reservoir Data
0406	Gas Supply Source Deliverability Estimate
0407	Other Supply Sources - Committed Reserves and Deliverability Estimates
0408	Importer/Exporter Gaseous Phase Natural Gas
0409	Importer/Exporter Liquified Natural Gas
0410	Annual Underground Storage Summary
0411	Underground Storage Data - Monthly and Semimonthly
0412	Products Extracted from Natural Gas
0413	Manufactured Gas Production
0414	Liquefied Petroleum Gas Operations
0415	Number of Gas and Oil Wells
0416	Ownership of Gas and Oil Wells
0417	Gas Line Mileage by Pipe Diameter
0418	Transmission System Peak Deliveries
0419	Pipeline Service Interruptions
0420	Transmission Line Interconnections
0421	Transmission Line Take-Off Points and Customers
0422	Transmission Line Storage Field Withdrawal Data
0423	Compressor Station Annual Data
0424	New Transmission Compressor Units Installed
0425	Annual Pipeline Customer Profile
0426	Monthly Customer Profile
0427	Summary of Gas Supply Requirements and Curtailments
0428	Gas Supply and Requirements - Contingency
0429	Gas Supply and Requirements - Deliveries - Curtailments
0430	Gas Supply and Requirements - Major Producing Areas
0431	Gas Supply and Requirements - Pipeline Suppliers
0432	Gas Supply and Requirements - Other Sources
0433	Gas Supply and Requirements - Firm Requirements
0434	Gas Supply and Requirements by Pipeline Customers
0435	Gas Supply and Requirements - Adjustments to Supply
0436	Gas Supply and Requirements - Storage Service
0437	Gas Supply and Requirements - Other Firm Services
0438	Gas Supply and Requirements - Other Adjustments
0439	Gas Supply and Requirements - Storage by Field
0440	Gas Supply and Requirements - Storage Operations Adjustments
0441	Monthly Interstate Pipeline Curtailments
0442	Annual Underground Storage Totals
0501	Independant Producers Natural Gas Sales Summary

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Schedule Number	Schedule Name
0502	Independent Producers Rate Schedule Identification and Contract Data
0503	Independant Producers Rate Schedule Pricing Provisions and Actual Quality Data
0504	Independant Producers Rate Schedule Filed Rates Data
0505	Independant Producers Rate Schedule Sales of ET AL. Parties
0507	Independent Producers Rate Schedule Rate Change Filing
0508	Application for Small Producer Certificate - Part I
0509	Application for Small Producer Certificate - Part II
0510	Application for Small Producer Certificate - Part III
0511	Application for Small Producer Certificate - Part IV
0512	Application for Small Producer Certificate - Part V
0513	Application for Small Producer Certificate - Part VI
0514	Small Independent Producer Sales Data
0840	Sales of Natural Gas By Communities
0841	Field and Main Line Industrial Sales of Natural Gas
0842	Natural Gas Sales for Resale
0843	Sales for Resale - Multiple Points of Delivery
0844	Gas Stored for Others
0845	Take-Off-Points - Small Group and Conjunctive Sales
0846	Unauthorized Overruns - Penalties and Waivers
0847	Capacity of Underground Storage Reservoirs
0848	Natural Gas Pipeline System Map
0849	Gas Procurement Activity Statement
0850	Gas Supply Producing Areas - Maps
0851	Ownership of Underground Storage Reservoirs
0853	Disclosure of Other Gas Supply Filings with Federal Agencies

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I. GENERAL INFORMATION

These instructions apply to those schedules:

- o Containing Pipeline operational, reserve, and import/export data
- o Providing details of Producer sales, rate and quality data
- o Data required for Application for Small Producer Certificates.

The groups of Pipeline and Producer schedules represent a comprehensive selection of data covering pertinent operational and technical information of the respondent.

The classification of respondents are:

Class A - Natural Gas Companies having annual gas operating revenues of $2,500,000 or more.

Class B - Natural Gas Companies having annual gas operating revenues of $1,000,000 or more but less than $2,500,000.

Class C - Natural Gas Companies having annual gas operating revenues of $150,000 or more but less than $1,000,000.

Class D - Natural Gas Companies having annual gas operating revenues of $25,000 or more but less than $150,000.

The schedules are organized into two major categories and then divided into four subgroups based upon respondent reporting requirements: (1) annual, (2) semi-annual, (3) monthly and semi-monthly, (4) event and one time submissions. The groupings of schedules into their respective submission subgroups together with a reference to the old FPC form relationships is shown below:

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NATURAL GAS PIPELINE AND PRODUCER COMPANIES

Subgroup	Respondent Category	Schedule Numbers	Old FPC Form	Submission Date
Annual Submission				
1	All Natural Gas Pipeline companies and unclassified corporations, as specified on each specific set of detailed schedule instructions. (Companies which act as transporters and do not buy or sell gas shall file only a statement giving names and addresses of company(s) for which it transports.)	0401-0407,0849, 0853	15	Annually (on or before April 30th)
2	Class A & Class B	0410,0412-0416, 0418,0840-0843, 0846,(0417,0423 part),0425,0442	2	Annually (on or before April 30th)
3	Class A only	0417,0420-0424, 0845	SYSFLO	Annually (on or before April 30th)
4	Class C & Class D	0842,0425	2A	Annually (on or before April 30th)
5	Importers/Exporters	0408-0409	14	Annually (on or before April 30th)
Semi-Annual Submission				
1	All natural gas pipeline companies that make sales of natural gas for resale in interstate commerce (except those granted waivers).	0427-0440	16	Semi-annually (on or before April 30th & September 30th)

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NATURAL GAS PIPELINE AND PRODUCER COMPANIES (Cont'd)

Subgroup	Respondent Category	Schedule Numbers	Old FPC Form	Submission Date
Monthly Only				
1	Class A, B, C & D Major Pipeline Companies	0	11	Monthly (on or before the 15th of the month following the reporting month)
2	All Natural Gas Pipeline companies that curtail natural gas service	0441	17	Monthly (on or before the 15th of the month following the reporting month)
Monthly & Semi-Monthly				
1	All Natural Gas Companies subject to FPC jurisdiction, that operate underground natural gas storage fields	0411	8 Rev.	Semi-monthly for Dec-Mar, 5 days after the 15th and last day of these months. Monthly Apr-Nov on the 5th day following the reporting month
One Time or Event Submissions				
1	Class A & Class B	0419	2	Annually (on or before April 30th only if an interruption has occurred during the report year)
2	Class C & Class D	0419	2A	Annually (on or before April 30th if an interruption has occurred during the report year)
3	Class A & Class B	0844,0848	2	On the initial submission and only annually when changes occur on April 30th
4	All Natural Gas Companies subject to FPC jurisdiction, that operate underground natural gas storage fields	0847,0851	8 Rev.	On the initial submission and only annually when changes occur on on April 30th

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NATURAL GAS PIPELINE AND PRODUCER COMPANIES (Cont'd)

Subgroup	Respondent Category	Schedule Numbers	Old FPC Form	Submission Date
5	All Natural Gas Companies as specified in the detailed schedule instructions	0850	15	On the initial submission (on or before April 30th for the preceding calendar year and annually only if changes occur
Annual Submission				
1	Producers with Filed FPC Rate Schedules	0501	301A	Annually (on or before March 31st)
2	Small Producers that have Small Producer Certificates	0514	316B	Annually (on or before April 1st)
3	Producers with Filed FPC Rate Schedules	0505	459	Annually (on or before March 31st)
One Time or Event Submissions				
1	Producers with Filed FPC Rate Schedules	0502-0504	459	On the initial submission (on or before March 31st) for all rate schedules on file and within 30 days if changes occur
2	All Producers with Filed FPC Rate Schedules	0507	280	Due when filing for a rate change
3	Producers applying for a Small Producer Certificate	0508-0513	314A	Due when filing for a Small Producer Certificate

Each schedule is identified by a schedule number and title (See Appendix 1, List of Natural Gas Pipeline and Producer Schedules).

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II. STANDARD DEFINITIONS AND CODES

A. UNIFORM SYSTEMS OF ACCOUNTS

The required submissions will be prepared in conformity with the Uniform Systems of Accounts for Natural Gas Companies prescribed by the Federal Power Commission, and all accounting words and phrases are to be interpreted in accordance with said classification. If the respondent is not under the jurisdiction of the Commission and does not keep its books in accordance with the above-mentioned Uniform Systems of Accounts, the schedule shall be completed with the actual accounts maintained being substituted, where necessary, for the accounts listed.

B. GAS VOLUMES

All gas volumes will be reported in MMCF rounded to three decimal places, at a uniform pressure base of 14.73 psia at 60° Fahrenheit, pursuant to Exhibit H of Circular No. A-46, of the Bureau of the Budget issued February 15, 1966.

C. SELECTED DEFINITIONS

The following definitions pertain to the natural gas pipeline and producer schedules:

1. Annual Requirements are the pipeline company's certificated total system annual gas requirements, and company used and unaccounted for gas.

2. Associated - Solution Gas (Covers either or both)

a. Associated Gas: Natural gas, commonly known as gas cap gas, which overlies and is in contact with crude oil in the reservoir. Associated gas may be reported as non-associated gas in cases where this classification is the result of regulatory ruling or company operating practice when the production of associated gas has no significant effect on crude oil production.

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b. Solution Gas: Natural gas which is in solution with crude oil in the reservoir.

3. Average Day - monthly volume divided by the number of days in the month.

4. Base (Cushion) Gas: The volume of gas needed as a permanent inventory to maintain adequate reservoir pressures and deliverability rates throughout the withdrawal season. All native gas is to be included in the base gas volume.[1]

5. BTU per Cubic Foot: The total heating value expressed in BTU, produced by the combustion, at a constant pressure, of the amount of the gas which would occupy a volume of one cubic foot at a temperature of 60° Fahrenheit if saturated with water vapor and under a pressure equivalent to that of 30 inches of mercury at 32° Fahrenheit and under standard gravitational force (980.66 cm. per second^2) with air of the same temperature and pressure as the gas, when the products of combustion are cooled to the initial temperature of gas and air when the water formed by combustion is condensed to the liquid state. Sometimes called gross heating value or total heating value.

6. Coincidental Delivery - a delivery to more than one customer at the same time of day.

7. Commission Authorization (abbreviation Comm. Auth.) as used in these schedules means the authorization of the Federal Power Commission, or any other Commission.

8. Conjunctive Billing - a single bill rendered to a customer for deliveries made from more than one takeoff point.

9. Contract Area covers the area encompassed by one or more fields under a single gas purchase contract but not larger than the area covered by a single Supply Source (see definition). When reporting such supply sources, follow the procedures under Group Name (see definition).

[1] Definition was taken in part from the American Gas Association Committee on Underground Storage Annual Report.

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10. Cost of Importation - all expenses incurred by the importer up to the U.S. point of delivery for the reported quantity imported.

11. Curtailments of firm service by pipelines are reductions of deliveries from the firm base period gas entitlements. Curtailments of interruptible customer should be based on reduction in normal deliveries to such customers; i.e., curtailments over and above normal curtailments of interruptible load.

12. Dedicated Reserves are defined as the volume of recoverable salable gas reserves committed to, controlled by, or possessed by the reporting pipeline company and which are used for acts and services for which both the seller and the company have received certificate authorization from the Federal Power Commission.

13. Deliverability Life is the number of future years during which a pipeline company can meet its annual requirements for its presently certificated delivery capacity from presently committed supply sources. The availability of gas from these sources to deliver gas, by the terms of existing gas purchase contracts and the limitation presently imposed by state or federal regulatory agencies.

14. Exports are gas deliveries out of the United States of America to a foreign country.

15. Field: A field is an area consisting of a single reservoir or multiple reservoirs all grouped on, or related to, the same individual geological structural feature and/or stratigraphic condition. There may be two or more reservoirs in a field which are separated vertically by intervening impervious strata, or laterally by local geologic barriers, or by both. A new field is a new area of oil or gas production with accumulation being controlled by a separate geological structural feature and/or stratigraphic condition to the extent that the new discovery is not considered a new reservoir, or an extension of a reservoir in a pre-existing field.

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a. Field Code - the FPC assigned Code Number for the Field Name from the Register of Data Standards, IDGPFL.*

b. Field Name - the FPC assigned Field Name (must be used) from the Register of Data Standards, IDGPFL.* Also enter the Offshore Area Name when applicable (See paragraph 3380.2 (b), Chapter II, Title 43, "Code for Federal Regulations".) See Offshore Area Name definition.

c. Texas Fields - the Annual Report of the Oil and Gas Division of the Railroad Commission of Texas, lists Field Names as George West/7990/; Hope NW/Wilcox 10,000/: Franks/Schenck, Upper/,etc. No mention is made of the producing reservoir. Texas gas producing fields, the Field Name is defined as the word or words preceding the first slash (/) mark. For the purpose of reporting Texas Reservoirs, the Reservoir Name is defined as the word or words which occur between the two slash (/) marks.

Railroad Commission Listings	-	Field Name	Reservoir Name
George West, West/7900/	-	George West West	7900
Hope, NW/Wilcox 10,000/	-	Hope NW	Wilcox 10,000
Franks/Schenck, Upper/	-	Franks	Schenck, Upper

The Register of Data Standards will show the proper field names. Special or unnecessary punctuation is purposely discouraged. If it is clearly an integral part of the name, show it; i.e., T.D.P.; A-B-R East; etc.

(*) If the Field Name and Code are not in the Register of Data Standards, contact the Head, Supply and Production Section, BNG, Federal Power Commission. This section will furnish a code number promptly and incorporate it into the Register of Data Standards.

16. Field Area applies generally to the Appalachian Region and is defined as a geographic area encompassing two or more Pools (see definition) that have a common

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gathering and metering system, the reserves of which are reported as a single unit. When reporting such supply sources, follow the procedures under Group Name (see definition).

17. Firm Gas Sales to industrial customers are those made under schedules or contracts which anticipate no interruption.

18. Gas Supply is the dedicated proven reserves of recoverable salable natural gas, including Liquified Natural Gas (LNG) and Substitute Natural Gas (SNG) available to the reporting company from:

(1) Company Owned Reserves (see Recoverable-Proved Reserves definition)
(2) Independent Producer Contracts
(3) LNG Contracts
(4) SNG Contracts
(5) Gas Purchase Contracts with other Interstate Pipeline Companies subject to the jurisdiction of the Federal Power Commission
(6) Commitments with foreign suppliers

19. Group Name - the name identifying a composite supply source, i.e., commonly metered gas streams from more than one reservoir or field, which is often the case in Contract Areas, Field Areas, and Plants.*

a. Group Code - the code identifying a composite supply source.*

(*) If respondent requires a Group Name and Group Code that are not in the Register of Data Standards, the respondent shall assign a new Group Name uniquely identifying the group. Contact the Head, Supply and Production Section, BNG, Federal Power Commission for a Group Code number. If appropriate, the new Group Name and Group Code shall be promptly entered into the Register of Data Standards for subsequent use.

20. Heating Value for the salable gas reported is expressed in British Thermal Units (BTU) per cubic foot of gas on a saturated basis.

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21. Import Contract - gas supply contracted from and volumes of gas purchases from a foreign supplier.

22. Imports are gas receipts into the United States of America from a foreign country.

23. Injection: The volumes of gas injected during the applicable reporting period.[1]

24. Interconnection Point - a point where two or more pipelines, each under different ownership, intersect or are connected.

25. Interruptible Customers are those to whom service may be interrupted under terms of the customer's gas contract, or to whom service is required to be interrupted, regardless of contractual arrangements in emergency periods, by law, ordinance, directive, or other requirement of governmental authority.

26. Interruptible Gas Sales to industrial customers are those made under schedules or contracts which provide for curtailment by the seller in order to protect service to firm customers.

27. LNG is natural gas which has undergone a phase change to a liquid state and which, before entry into the pipeline gas stream, must undergo phase change reversal to the gaseous state.

28. Maximum Daily Quantity (Mcf/d) is the maximum daily quantity the pipeline can reasonably rely upon from a given supply source.

29. Miscellaneous Reserves is a supply source having not more than fifty billion cubic feet of dedicated recoverable salable reserves and must fall within the definition of Supply Source (see definition).

[1] Definition was taken in part from the American Gas Association Committee on Underground Storage Annual Report.

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30. Native Gas: Gas in place at the time that the reservoir was converted to storage as contrasted to injected gas.[1]

31. Natural Gas means either natural gas unmixed, or any mixture of natural and manufactured gas.

32. Non-Associated Gas - natural gas which is in reservoirs that do not contain significant quantities of crude oil.

33. Non-Coincidental Deliveries - deliveries to two, or more, customers on a time-staggered basis.

34. Normal or Normally refers to the volumes that the company has delivered to the customer during periods that reasonably reflect the load the customer has actually placed on the company.

35. Off Peak Gas Sales to industrial customers are those made under schedules or contracts on a firm basis for periods specified for other than times of seller's peak requirements.

36. Offshore Area Name is the assigned name listed in the Register of Data Standards. Enter the entire name as listed. Example: Ship Shoal Block 28, not just Block 28. Compass points and descriptive phrases must follow the names.

Caution: Proper names are not to be confused with actual compass points, i.e., West Delta, East Cameron, South Pelto, South Timbalier, South Marsh Island. The underline is part of the name and not compass points, such as South Addition, East Addition, North Hester, Southwest Hester, etc.

Offshore names may have to be abbreviated. The following examples should be used:

[1] Definition was taken in part from the American Gas Association Committee on Underground Storage Annual Report.

East Addition - EA	South Extention - SX	North - N
West Addition - WA	East Extension - EX	South - S
South Addition - SA	Block - BLK	East - E
North Addition - NA	Island - IS	West - W

South Marsh Island South Addition Block 108 would be abbreviated as follows: South Marsh IS SA BLK 108. The cardinal points of the compass - North, South, East and West may be abbreviated to shorten Offshore names only, in all other instances the cardinal points will be spelled out. Also, always use all 26 positions of the Field Name and every other permissable abbreviation before abbreviating a cardinal compass point.

37. Pipeline Purchase is a gas supply contracted from and volumes purchased from other Natural Gas Companies as defined by the Natural Gas Act, as amended (52 Stat. 821), excluding Independent Producers, as defined in Section 154.91 (a), Chapter 1, Title 18 of the Code of Federal Regulations. Gas volumes under contract from other pipeline (natural gas) companies are not included as reserves but may constitute part or all of the company's gas supply.

38. Plant or Gas Processing Plant - a gas processing plant is a facility designed:

a. to achieve the recovery of natural gas liquids from the stream of natural gas which may or may not have been processed through lease separators and field facilites.

b. to control the quality of the natural gas to be marketed. Cycling plants are classified as gas processing plants. When reporting such supply sources, follow the procedures under Group Name (see definition).

39. Pool - In general, the term "pool" is synonymous with the term "reservoir" however, in certain situations, a pool may consist of more than one reservoir. Generally, this latter situation occurs in the Appalachian Region where completion,

production, gathering and metering practices peculiar to that area require that a pool with more than one reservoir be reported as a single reservoir.

40. Productive Capacity for non-associated natural gas reservoirs is defined on page 109 and 110 of Volume 23 of "Reserves of Crude Oil, Natural Gas Liquids, and Natural Gas in the United States and Canada as of December 31, 1968", published jointly by the American Gas Association, Inc., the American Petroleum Institute and the Canadian Petroleum Association. For productive capacity of associated and solution gas, report the maximum daily quantity that the pipeline can reasonably rely upon from a given supply source.

41. Projection of Curtailments should be based on the priority categories set forth in Commission Order No. 467B issued 2 March 1973, in Docket No. R-469, as defined in Order No. 493A issued 29 October 1973, in Docket No. R-474. When the Commission has approved for any company a permanent plan of curtailment other than Order No. 467B, then the curtailments reported on Schedules 0427-0440 shall conform to that plan.

42. Purchases and/or Produced is the annual volume of gas purchased under contracts with Independent Producers as defined in Section 154.91 (a), Chapter 1, Title 18 of the "Code of Federal Regulations:, or produced under leaseholds, gas rights, and reserves held in fee by the reporting company.

43. Receipts from Exportation - all revenues received by the exporter for the reported quantity exported.

44. Recoverable - Proved Reserves - the proved reserves of natural gas as of December 31st of any given year are the estimated quantities of natural gas which geological and engineering data demonstrates with reasonable certainty to be recoverable in the future from known natural oil and gas reservoirs under existing economic and operating conditions.

Reservoirs are considered proved if economic producibility is supported by either actual production or conclusive formation tests. The area of a reservoir considered proved includes: (1) that portion delineated by drilling and defined by gas-oil, gas-water, or oil-water contacts or limited by structural deformation or lenticularity of the reservoir, and (2) the adjoining portions not yet drilled but which can be reasonably judged as economically productive on the basis of available geological and engineering data. In the absence of fluid contents, the lowest known structural occurrence of hydrocarbons controls the lower proved limit of the reservoir.

Reserve estimates are prepared for total recoverable natural gas, non-associated gas, and associated-dissolved gas. Estimates do not include (1) gaseous equivalents of natural gas liquids expected to be recovered from reservoir natural gas as it is produced; (2) natural gas being held in underground storage; or (3) non-hydrocarbon gases.

45. Report Period - the end of the calendar year, December 31st or designated report cycle.

46. Requirements are base period gas entitlements as that term is used in FPC curtailment proceedings.

47. Reserve Life Index is determined by dividing the company's total system gas supply at the end of the report year by the average annual requirement computed from a twenty year projection beginning with the first day of the next year. This figure is only a rough index and in no way reflects deliverability life (the number of years that a company will actually be able to meet its total system requirements). Deliverability life will always be less then and will have a varying relationship with reserve life index from company to company, due to the variations extant in determining future requirements from gas purchase contracts expiring during the twenty year period of projection.

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48. Reservoir - a porous and permeable underground formation containing an individual and separate accumulation of producible hydrocarbons (oil and/or gas) which is confined by impermeable rock or water barriers and is characterized by a single natural pressure system. In most situations, reservoirs are classified as oil reservoirs or gas reservoirs by a regulatory agency. In the absence of regulatory authority, classification is based on natural occurrence of the hydrocarbons in the reservoir and classification and names may be determined by the respondent. (For Texas Reservoirs, refer to definition). This definition shall apply for reporting reserves on Schedules 0401-0407.

50. Residential Space Heating Customer is such a customer whose major fuel for heating is gas.

50. Salable - Natural Gas means natural gas which is marketed under controlled quality conditions.

51. Short Term Contract is any short term purchase agreement covering a time period of one year or less. So-called "Spot Purchases" are included in this category.

52. SNG is Substitute Natural Gas produced synthetically from organic raw material at an SNG plant.

53. Storage Reservoir Capacity: The storage capacity of the reservoir as certificated by FPC. For any reservoir not having a certificated capacity, report the present developed capacity excluding contemplated future development.[1]

54. Supply Source may be a single completion, a single well, a single field with one or more reservoirs, several fields under a single gas purchase contract and classified as a Contract Area for the purpose of this report, miscellaneous fields, a processing plant, or a field area, providing, however, that the geographic area encompassed

[1] Definition was taken in part from the American Gas Association Committee on Underground Storage Annual Report.

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by a single supply source may not be larger than the smallest of the following: a state, an FPC area or that portion of an FPC area lying within a single state when the boundaries of that FPC Area cross a state line or lines. When reporting composite supply sources, be sure to follow the procedures under Group Name.

NOTE: Other Supply Sources as reported on Schedule 0407 are defined under the heading "General Information" in the Detailed Instructions for Schedule 0407.

55. Takeoff Point - any point from which gas is taken off a line for sale purposes.

56. Total Gas in Storage: The sum of the base gas and the working gas.[1]

57. Transporter - the party or parties, other than buyer or seller, owning the facilities by which gas or LNG is physically transferred between buyer and seller.

58. Unauthorized Overrun Gas refers to that gas taken without permission of the supplier company by a customer on any day in excess of its contractual entitlement under any applicable rate schedule under which service was being rendered.

59. Warranty Contracts are gas purchase agreements for the sale of natural gas by a producer to a pipeline company wherein the producer warrants it will have available sufficient gas supplies to meet its committments over the life of the contract. Generally, the producer does not dedicate gas reserves underlying any spacific acreage, lease or fields to the agreement. Substitution of various sources of gas supply may be permitted according to the terms of the contract. Warranty Contracts by their terms, may vary from the above. If so, respondents should so verify any variance from the definitions by footnote entry. Warranty Contract reserves are always reported on Schedule 0407.

60. Withdrawals: Total volume of gas withdrawn during the applicable reporting period.[1]

[1] Definition was taken in part from the American Gas Association Committee on Underground Storage Annual Report.

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61. Working (Top Storage) Gas: The volume of gas in the reservoir above the designed level of the base gas. It may or may not be completely withdrawn during any particular withdrawal season. Conditions permitting, the total working capacity could be used more than once during any season.[1]

[1] Definition was taken in part from the American Gas Association Committee on Underground Storage Annual Report.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0100 INDEX OF FPC PUBLIC USE SCHEDULES SUBMITTED		1 of 2

I. DESCRIPTION

This schedule shall be used to identify the schedules which were submitted by each respondent.

II. GENERAL INFORMATION

A. This schedule shall be submitted by all Federal Power Commission respondents.

B. This schedule shall be completed for each submission of schedules to the Federal Power Commission.

C. The report period date required on line two of this schedule shall be the final date of the period covered by the submission i.e., if data is reported on a calendar year basis, the date to be reported is December 31, 1976, in the format MMDDYY
123176.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1	Date Received in Mail Room (N6): This data field is for Federal Power Commission internal processing only. (TMDATE)
2	Date Received in DBCC (N6): This data field is for Federal Power Commission internal processing only. (TMDATE)
3 (Key)	Schedule Number (N4): Enter the schedule number of each schedule being submitted in this submission.
4	Schedule Contact Name (A35): Enter the name of the individual to contact about the schedule number reported in data field 3 above. The format for the name is: Last Name, First Name or Initial, Middle Initial. (IDNAME)
5	Schedule Contact Telephone Number (A12): Enter the area code and telephone number, in the format NNN-NNN-NNNN. Be certain to over strike the preprinted hyphens (-).
6	Number of Pages (N4) NO: Enter the number of pages submitted for the schedule reported in data field 3 above.
7	Indicate Primary Reporting Media, Hardcopy or Tape (N1): Enter "1" if hardcopy is being submitted; or enter "2" if tape is being submitted. (IDMETOR)

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DETAILED INSTRUCTIONS: SCHEDULE 0100 INDEX OF FPC PUBLIC USE SCHEDULES SUBMITTED		2 of 2

Data Field Number	Instructions
8	Name of Attestor: Enter the legal name of the individual who is attesting to the validity of the data content being submitted on each of the schedules reported in data field 3 above. (IDNAME)
9	Signature of Attestor: Enter the attestors legal signature in this data field. (IDNAME)
10	Date of Attestation: Enter the date of attestation, in the format MMDDYY. (IDDATE)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0401 PIPELINE GAS SUPPLY SYNOPSIS		1 of 4

I. DESCRIPTION

This schedule is used to collect the synopsis of pipeline company's gas supply.

II. GENERAL INFORMATION

A. This schedule shall be submitted by all Natural Gas Pipeline companies.

B. Respondents shall complete all data fields on this schedule annually.

C. This schedule is in three sections:

1. Summary of Data Reported on Certificate Issued containing last complete gas supply (Data Fields 1-7).
2. Summary End of Report Year (Data Fields 8-10).
3. Summary of Gas Reserve Changes (Data Fields 11-14) plus Indicators (Data Fields 15-16).

D. Report all gas volumes in MMCF rounded to three decimal places at a uniform pressure base of 14.73 PSIA at 60° Fahrenheit.

E. Respondent Assigned Codes: All of the codes designated as "respondent assigned" must be numerical, beginning with "000001" and continuing in a numerical sequence until all components (or groups of components) of a similar type have been assigned a unique code. If a component (or group of components) is referenced in more than one schedule, it is essential that the same code be used to identify each component (or group of components). Therefore, each respondent must identify each component (or group of components) by a unique, sequential code. These codes must be consistent from schedule to schedule and from year to year.

Note: If a respondent has previously assigned UNIQUE codes to components (or groups of components) these codes may be used instead of sequential codes. These codes must be consistent from schedule to schedule and from year to year.

Examples of components or groups of components which require respondent assigned codes -

- Reservoir I.D.
- Transmission Line Code
- Compressor Station Code

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Identification Last Docket Total System Supply (A9): Enter the docket number for the last certificate of public convenience and necessity under Section 7(c) of Natural Gas Act, in which the total system supply was submitted. (IDDCKT)

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DETAILED INSTRUCTIONS: SCHEDULE 0401 PIPELINE GAS SUPPLY SYNOPSIS		2 of 4

Data Field Number	Instructions
2 (Key)	Date Certificate Issued (N6): Enter the date of the last certificate when total system supply was submitted, in the format MMDDYY. (TMDATE)
3	Quantity Total Dedicated Gas Supply as of Last Certificate (N10.3) MMCF: Enter the gas supply approved under Docket reported in Data Field 1 above.
4	Date of Company Reserve Estimate (N6): Enter the date on which estimated was made in Data Field 3 above, in the format MMDDYY. (TMDATE)
5	Years Deliverability Life (N2) YR: Enter the number of years of deliverability life for the reserves authorized by certificate reported in Data Field 1 above.
6	Quantity Average Annual System Requirements (N8.3) MMCF: Enter the requirements reported in certificate in Date Field 1 above.
7	Years Reserve Life Index (N2.1) YR: Calculate the reserve life index by dividing Data Field 3, "Quantity Total Dedicated Gas Supply as of Last Certificate" by Data Field 6, "Quantity Average Annual System Requirements".
8	Quantity Dedicated Reserve Estimate (N10.3) MMCF: Enter the estimated total Volume of Salable dedicated gas reserves. Note: DO NOT INCLUDE Pipeline Purchases in this entry.
9	Quantity Reserves Pending Certification (N10.3) MMCF: Note: DO NOT INCLUDE Pipeline Purchases in this entry.
10	Quantity Sales Requirements Pending Certification (N10.3) MMCF: Enter the annual requirements placed upon your pipeline system in pending applications for sales to new markets and to expand sales to old ones.

NOTE: In the Data Fields 11-14, do not include reserves pending in certificate applications that were reported in Data Field 9, since this would apparently double those existing amount of reserves. Also, do not include pipeline purchases, because pipeline purchases are not reserves. See Level II Instructions, Recoverable-Proved Reserves definition.

11	Quantity Revisions to Previous Estimate (N8.3) MMCF: The intent is to obtain a report of any changes that revise the previous reserve estimate. In the sense of the AGA-API Reserve Committee's definitions, this will include both "extensions" to reserves and "revisions" to reserves, where changes in reserve estimates are brought about by changes in

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DETAILED INSTRUCTIONS: SCHEDULE 0401	PIPELINE GAS SUPPLY SYNOPSIS	3 of 4

Data Field Number	Instructions
11 (cont'd)	the proved area of reservoirs, new information leading to more accurate estimates, improved recovery techniques, and the correction for the effect of the difference between estimated production and actual production for the previous year. (The changes in proved area and new information may be due to new contracts in existing fields or amendments to existing contracts.) Important: DO NOT INCLUDE LAST YEAR'S PRODUCTION, since production does not alter the accuracy of the original reserve estimate. Also, handled as revisions are any changes in LNG or SNG contracts occurring in years subsequent to the year that the contract had first been reported and the source identified. See Data Field 12 below for more information about LNG and SNG reserves. Another expression for revisions follows: (+) Previous year-end reserves - Present production (=) = Anticipated present reserves - Actual present reserves (corrected for "additions") (=) = ± Revisions
12	Quantity Additions to Previous Estimates (N8.3) MMCF: The word "estimate" here means "reserve estimate." The value desired is the amount of additions from proved reserves credited to either new fields, new reservoirs in old fields or new plants not previously reported. On Schedule 0405, be sure to identify once again all additions from proved reserves credited to new fields or new reservoirs in old fields. Enter the "year first reported" on Schedule 0405, Data Field 11 above. Additions include new reserves gained through the acquisition of LNG (if from a foreign country) and/or SNG (if this is the first time the facility is being reported). Do not include domestic LNG unless it is actually a new reserve that has undergone a phase change. If LNG is identified on Schedule 0405, do not report it again on Schedule 0407, because Sched-0407 does not purport to tally all LNG, but only to record supply sources not reported in Schedules 0405 and 0406 and note their class.
13	Quantity Total New Reserves Supporting Certificates Issued During Year (N8.3) MMCF: Enter all proved reserves from Exhibit H supporting certificates issued during calendar year. Include here any gas reserves acquired under the authority of

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DETAILED INSTRUCTIONS: SCHEDULE 0401	PIPELINE GAS SUPPLY SYNOPSIS	4 of 4

Data Field Number	Instructions
13 (cont'd)	Order No. 418 or Order No. 431. NOTE: New Reserves = Additions + New Contracts and Amendments to Contracts + Emergency Purchases. SO: Data Field 14 - Data Field 12 - Emergency Purchases = New Contracts and Amendments to Contracts where the figure for emergency purchases is taken from Schedule 0405 or 0407. There is no way to corroborate the reserves acquired by new contracts and amendments to existing contracts on these schedules.
14	Quantity Reserves Added Under Budget Certificate (N8.3) MMCF: Enter the amount of reserves included in Data Field 13 that were attached under budget-type authorization. (NOTE: Data Field 13 - Data Field 14 = Reserves not attached under budget-type authorization.)
15	Gas Procurement Activity Statement Indicator (N1): Enter "1" if a gas activity statement (Schedule 0849) was submitted for this report year; if not, enter "0". (INYONO)
16	Gas Supply Statement Filed With Other Federal Agency Indicator (N1): Enter "1" if Gas Supply Statement has been filed with other agency(ies); if not, enter "0". (INYONO)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0402	PIPELINE SYSTEM DELIVERABILITY SUMMARY	1 of 4

I. DESCRIPTION

This schedule is used to collect the details of the current system deliverability.

II. GENERAL INFORMATION

A. This schedule shall be submitted by all Natural Gas Pipeline companies, unless the company has (1) year end recoverable reserves consisting of 50 billion cubic feet or less of company owned and independent producer contract reserves at a uniform pressure base of 14.73 PSIA at 60° Fahrenheit, or (2) purchased its entire supply of natural gas from another pipeline company subject to the Commission's jurisdiction and/or purchased from foreign suppliers. Respondents meeting conditions (1) and/or (2) above shall submit Schedule 0407, in lieu of this schedule.

B. Respondents shall complete all data fields on this schedule annually.

C. Report all gas volumes in MMCF rounded to three decimal places at a uniform pressure base of 14.73 PSIA at 60° Fahrenheit.

D. Respondent Assigned Codes: All of the codes designated as "respondent assigned" must be numerical, beginning with "000001" and continuing in a numerical sequence until all components (or groups of components) of a similar type have been assigned a unique code. If a component (or group of components) is referenced in more than one schedule, it is essential that the same code be used to identify each component (or group of components). Therefore, each respondent must identify each component (or group of components) by a unique, sequential code. These codes must be consistent from schedule to schedule and from year to year.

Note: If a respondent has previously assigned UNIQUE codes to components (or groups of components) these codes may be used instead of sequential codes. These codes must be consistent from schedule to schedule and from year to year.

Examples of components or groups of components which require respondent assigned codes -

- Reservoir I.D.
- Transmission Line Code
- Compressor Station Code

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number.

Data Field Number	Instructions
1	Quantity Current Recoverable Gas Reserves Owned (N10.3) MMCF: Enter the total remaining recoverable salable gas reserves dedicated to the reporting company's system through leaseholds, gas rights and reserves held in fee at the end of the report period.

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DETAILED INSTRUCTIONS: SCHEDULE 0402	PIPELINE SYSTEM DELIVERABILITY SUMMARY	2 of 4

Data Field Number	Instructions
2	Quantity Current Recoverable Gas Reserves Contracted (N10.3) MMCF: Enter the remaining recoverable salable gas reserves dedicated to the reporting company's system under gas purchase contracts with "Independent Producers" as defined in Paragraph 154.91 (a), Chapter I, Title 18 of the "Code of Federal Regulations" at the end of report period.
3	Quantity Current Recoverable Gas Reserves under Warranty Contract (N10.3) MMCF: Enter the total remaining recoverable salable volume of gas available under warranty type gas purchase agreements with Independent Producers or other suppliers.
4	Quantity Current Dedicated Pipeline Purchases (N10.3) MMCF: Enter the supply dedicated by gas purchase contracts with other "Natural Gas Companies" as defined by the "Natural Gas Act: as amended (52 Stat. 821) but excluding "Independent Producers: as defined in Paragraph 154.91 (a), Chapter I, Title 18 of the "Code of Federal Regulations" including gas returnable under existing exchange agreements.
5	Quantity Current Pipeline System (N10.3) MMCF: Enter total of Data Fields 1 through 4 listed above.
6	Quantity Total Purchased and/or Produced-Owned Gas (N10.3) MMCF: Enter the total volume of salable gas purchased and/or produced during report year from owned gas supplies as defined in Data Field 1 above.
7	Quantity Total Purchased and/or Produced Contracted Gas (N10.3) MMCF: Enter the total volume of salable gas purchases and/or produced during report year from contracted gas as defined in Data Field 2 above.
8	Quantity Total Purchased and/or Produced Warranty Contract (N10.3) MMCF: Enter the total volume of salable gas purchased and/or produced during report year from Warranty contract as defined in Data Field 3 above.
9	Quantity Total Purchased and/or Produced Dedicated Pipeline Purchases (N10.3) MMCF: Enter the total volume of salable gas purchased and/or produced during report year from dedicated pipeline purchases as defined in Data Field 4 above.
10	Quantity Total Purchased and/or Produced Pipeline System (N10.3) MMCF: Enter the total volume of salable gas purchased and/or produced during report year from Data Fields 6 through 9 above.

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DETAILED INSTRUCTIONS: SCHEDULE 0402	PIPELINE SYSTEM DELIVERABILITY SUMMARY	3 of 4

Data Field Number	Instructions
11	Quantity Total Short Term Contract (N10.3) MMCF: Enter the sum of all volumes purchased under "Short Term Contracts" as reported on Schedule 0407. See Level II, General Subject Instructions for a definition of Short Term Contract.
12	Quantity Total Scheduled Owned/Contracted (N10.3) MMCF: Enter the sum of all items in Data Field 2 (Quantity Forecast Owned/Contracted) from Schedule 0403.
13	Quantity Total Scheduled Pipeline Purchases (N10.3) MMCF: Enter the sum of all items in Data Field 3 (Quantity Forecast Pipeline Purchases) from Schedule 0403.
14	Quantity Total Scheduled Total Pipeline System (N10.3) MMCF: Enter the sum of all items in Data Field 4 (Quantity Forecast Pipeline System) from Schedule 0403.
15	Percent Firm Sales (N3.1) PCT: Enter the estimated percent of the report year Purchased and/or Produced volume, Data Field 10, for those sales made under schedules or contracts which anticipate no interruption. Round to the nearest tenth of a percent.
16	Percent Interruptible Sales (N3.1) PCT: Enter the estimated percent of the report year Purchased and/or Produced volume, Data Field 10, for those sales made under schedules or contracts which provide for curtailment by the seller in order to protect service of firm customers. Round to the nearest tenth of a percent.
17	Percent Other Use of Gas (N3.1) PCT: Enter the estimated percent of report year Purchased and/or Produced volume, Data Field 10, for that volume of gas classified as "Company Use and Unaccounted for Gas". Round to the nearest tenth of a percent.
18	Quantity Total Scheduled Annual Requirements (N10.3) MMCF: Enter the sum of all items in Data Field 5 (Quantity Forecast Annual Requirements) from Schedule 0403.
19	Quantity Remaining Reserves Owned and Contracted (N10.3) MMCF: Enter the difference between the sum of Data Fields (1+2+3) minus Data Field 12. (Data Fields 1+2+3 - Data Field 12 = Data Field 19).
20	Quantity Remaining Reserves Pipeline Purchases (N10.3) MMCF: Enter the difference between Data Field 4 (Quantity Current Dedicated Pipeline Purchases) and Data Field 13 (Quantity Total Scheduled Pipeline Purchases). (Data Field 4 - Data Field 13 = Data Field 20).

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0402	PIPELINE SYSTEM DELIVERABILITY SUMMARY	4 of 4

Data Field Number	Instructions
21	Quantity Remaining Reserves Total Pipeline System (N10.3) MMCF: Enter the difference between Data Field 5 (Quantity Current Pipeline System) and Data Field 14 (Quantity Scheduled Total Pipeline System). (Data Field 5 - Data Field 14 = Data Field 21).
22	Quantity Curtailments (N10.3) MMCF: Enter the total volume of gas you were curtailed by your suppliers under Commission authorization for the current report year. Note that this applies only to pipeline purchases (see definition). For the purpose of this data element, failure of producers to deliver is not considered curtailment.
23	Reserve Life Index Years (N3.1) PCT: Enter the number of years of reserve life. Data Field 5 (Quantity Current Pipeline System) divided by the pipeline system average annual requirements determined from the total annual requirements volume shown in Data Field 18 (Quantity Total Scheduled Annual Requirements). The Reserve Life Index figure will be rounded off to the nearest tenth. See Level II Instructions, definition for Reserve Life Index.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0403	PIPELINE DELIVERABILITY FORECAST	1 of 2

I. DESCRIPTION

This schedule is used to collect deliverability forecast showing, for each of twenty years, the annual volumes of dedicated salable gas estimated to be deliverable from the various supply sources to meet the total annual requirements of the pipeline system.

II. GENERAL INFORMATION

A. This schedule shall be submitted by all Natural Gas Pipeline companies except those which have year end remaining recoverable reserves consisting of 50 billion cubic feet or less of company owned and independant producer contract reserves at a uniform pressure base of 14.73 PSIA at 60° Fahrenheit, or by a Natural Gas company which purchases its entire supply of natural gas from another pipeline company which is subject to the Commission's jurisdiction. Future contract additions can be shown on Schedule 0849, "Gas Procurement Activity Statement" but such volumes must not be included on this schedule.

B. Respondents shall complete all data fields on this schedule annually.

C. Report all gas volumes in MMCF rounded to three decimal places at a uniform pressure base of 14.73 PSIA at 60° Fahrenheit.

D. Respondent Assigned Codes: All of the codes designated as "respondent assigned" must be numerical, beginning with "000001" and continuing in a numerical sequence until all components (or groups of components) of a similar type have been assigned a unique code. If a component (or group of components) is referenced in more than one schedule, it is essential that the same code be used to identify each component (or group of components). Therefore, each respondent must identify each component (or group of components) by a unique, sequential code. These codes must be consistent from schedule to schedule and from year to year.

Note: If a respondent has previously assigned UNIQUE codes to components (or groups of components) these codes may be used instead of sequential codes. These codes must be consistent from schedule to schedule and from year to year.

Examples of components or groups of components which require respondent assigned codes -

- Reservoir I.D.
- Transmission Line Code
- Compressor Station Code

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Forecast Year (N2): Enter the last two digits of each calendar year for which a deliverability projection is made starting with the year following the report year, in the format YY. (TMYEAR).

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0403	PIPELINE DELIVERABILITY FORECAST	2 of 2

Data Field Number	Instructions
2	Quantity Forecast Owned and Contracted (N10.3) MMCF: Enter the the average annual volumes of gas scheduled each year for twenty years, including warranty contract gas supply.
3	Quantity Forecast Pipeline Purchases (N10.3) MMCF: Enter the average annual volumes of gas scheduled each year for twenty years.
4	Quantity Forecast Total Pipeline System (N10.3) MMCF: Enter the sum of the average annual volumes of gas scheduled each year for twenty years.
5	Quantity Forecast Annual Requirement (N10.3) MMCF: Enter the estimated total pipeline system annual gas requirement scheduled for each year for twenty years, including company use and unaccounted for gas.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0404	SUPPLY SOURCE IDENTIFICATION AND FIVE YEAR SCHEDULING	1 of 4

I. DESCRIPTION

This schedule is used to collect identification data for each major supply source and a five year volume scheduling for each source.

II. GENERAL INFORMATION

A. This schedule shall be submitted by all Natural Gas Pipeline companies, unless the company has (1) year end recoverable reserves consisting of 50 billion cubic feet or less of company owned and independent producer contract reserves at a uniform pressure base of 14.73 PSIA at 60° Fahrenheit, or (2) purchased its entire supply of natural gas from another pipeline company subject to the Commission's jurisdiction and/or purchased from foreign suppliers. Respondents meeting conditions (1) and/or (2) above shall submit Schedule 0407, in lieu of this schedule.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions and deletions for Data Fields 2, 4-6, and 8-13. Data Fields 1, 3, 7, and 14-19, must be submitted annually.

C. Report all gas volumes in MMCF rounded to three decimal places at a uniform pressure base of 14.73 PSIA at 60° Fahrenheit.

D. Respondent Assigned Codes: All of the codes designated as "respondent assigned" must be numerical, beginning with "000001" and continuing in a numerical sequence until all components (or groups of components) of a similar type have been assigned a unique code. If a component (or group of components) is referenced in more than one schedule, it is essential that the same code be used to identify each component (or group of components). Therefore, each respondent must identify each component (or group of components) by a unique, sequential code. These codes must be consistent from schedule to schedule and from year to year.

Note: If a respondent has previously assigned UNIQUE codes to components (or groups of components) these codes may be used instead of sequential codes. These codes must be consistent from schedule to schedule and from year to year.

Examples of components or groups of components which require respondent assigned codes -

- Reservoir I.D.
- Transmission Line Code
- Compressor Station Code

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Group Code (A6): Identify the composite supply source by entering the group code, from the Register of Data Standards. IDGSPC.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0404	SUPPLY SOURCE IDENTIFICATION AND FIVE YEAR SCHEDULING	2 of 4

2	Group Name (A26): Identify the composite supply source by entering the group name, from the Register of Data Standards, IDGSPC.
3 (Key)	Field Code (A6): Enter the assigned field code number, from the Register of Data Standards, IDGPFL. If the field code is not listed in the Register of Data Standards, contact the Head, Supply & Production Section, BNG, Federal Power Commission, and a code will be assigned.
4	Field Name (A26): Enter the name of the field for which dedicated reserves are reported, from the Register of Data Standards, IDGPFL.
5	Field Domain, State - Federal Indicator (N1): Enter either 1=State, or 2=Federal. (INETOR)
6	Indicator Field Producing/Non-Producing (N1): Enter either 1=producing, or 2=nonproducing. (INETOR)
7 (Key)	State Abbreviation (A2): Enter the abbreviation for the state, from the Register of Data Standards, IDSTAT, where field is located. If the field extends over more than one State, enter state code of state with the greatest dedicated acreage or the largest amount of reserves.
8	County Code (N3): Enter the three digit county/parish code, from the Register of Data Standards, IDCNTY, that corresponds with the county/parish named in Data Field 9 below. If field extends over one county, enter county code of county with the greatest dedicated acreage or the largest amount of reserves. In the case of offshore areas, enter the applicable code in Data Field 8 and name in Data Field 10 described below.

FOR ALL OFFSHORE AREAS ENTER: (See Additional Codes for the State of Louisiana)

CODE	NAME	DESCRIPTION
990	OFFSHORE-STATE	that area subject to State jurisdiction only.
995	OFFSHORE-FEDERAL	that area subject to Federal jurisdiction.
999	OFFSHORE-GENERAL	that area where the above distinctions are either unknown or not applicable.

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DETAILED INSTRUCTIONS: SCHEDULE 0404	SUPPLY SOURCE IDENTIFICATION AND FIVE YEAR SCHEDULING	3 of 4

ADDITIONAL CODES FOR THE STATE OF LOUISIANA

NOTICE: Settlement between State and Federal Governments will render the following coding obsolete. In that case use coding described above.

CODE	NAME	DESCRIPTION
991	OFFSHORE-ZONE 1	the area lying seaward of and within three geographical miles of the so-called "Chapman-Line".
992	OFFSHORE-ZONE 2	the area which is bounded landward by the seaward boundary of Zone 1 and which is bounded seaward by a line three Marine Leagues from the so-called "Chapman-Line".
993	OFFSHORE-ZONE 3	the area bounded landward by the boundary of Zone 2 and bounded seaward by the seaward boundary line of the State of Louisiana as fixed and redefined by Act 33 of the Louisiana Legislature of 1954.
994	OFFSHORE-ZONE 4	that portion of the Continental Shelf lying seaward from the seaward line of Zone 3.

Data Field Number	Instructions
9	County/Parish Name (A16): Enter the name of the county/parish in which the field or field area is located, from the Register of Data Standards, IDCNTY. When a field covers parts of more than one county/parish enter the name for the county/parish which contains the most dedicated acreage or the largest amount of reserves.
10	Offshore Area Name (A16): Enter the name of the offshore area as described in Data Field 8 above. (IDCNTY)
11	Natural Gas Area Code (N2): Enter the natural gas area code, from the Register of Data Standards, IDNGAR.
12	Natural Gas Area Name (A16): Enter the name of the appropriate natural gas area, from the Register of Data Standards, IDNGAR.

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DETAILED INSTRUCTIONS: SCHEDULE 0404	SUPPLY SOURCE IDENTIFICATION AND FIVE YEAR SCHEDULING	4 of 4

Data Field Number	Instructions
13	Type Deliverability Code (N1): Enter the gas deliverability code from the following: (TYGSDL) 1 = Completion 2 = Reservoir 3 = Field 4 = Group (including plants)
14	Quantity Total Five Year Scheduled (N8.3) MMCF: Enter the total volume scheduled for the next five years.
15	Quantity Total Non-Scheduled (N8.3) MMCF: Enter the total volume non-scheduled for the next five years.
16	Year of Volume Scheduling (N4): Enter, chronologically, the calendar year corresponding to the volume scheduled, in the format YYYY. (TMYEAR)
17	Number of Net Completions Scheduled (N4.1) NO: Enter, chronologically, the projected number of the net total completions to one decimal used in calculating the volumes scheduled for five years.
18	Gathering Line Pressure (N6.3) PSIA: Enter, chronologically, the estimated gathering pipeline pressure for five years corresponding to the volumes scheduled. Gathering pipeline pressure is the particular pressure that the completion(s) flow against. It is the pipeline pressure used in calculating the deliverability.
19	Quantity Scheduled Annually (N8.3) MMCF: Enter, chronologically, the estimated annual volumes of salable gas from the source of supply for the next five years.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0405	PIPELINE RESERVOIR DATA	1 of 10

I. DESCRIPTION

This schedule is used to provide reservoir data and dedicated remaining recoverable salable reserves.

II. GENERAL INFORMATION

A. This schedule shall be submitted by all Natural Gas Pipeline companies, unless the company has (1) year end recoverable reserves consisting of 50 billion cubic feet or less of company owned and independent producer contract reserves at a uniform pressure base of 14.73 PSIA at 60° Fahrenheit, or (2) purchased its entire supply of natural gas from another pipeline company subject to the Commission's jurisdiction and/or purchased from foreign suppliers.

B. Respondents shall complete all applicable data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions for Data Fields 6-14. Data Fields 1, 2, 4 and 5, shall be submitted annually.

C. Report all gas volumes in MMCF rounded to three decimal places at a uniform pressure base of 14.73 PSIA at 60° Fahrenheit.

D. There is no provision for negative numbers on this schedule.

E. Respondent Assigned Codes: All of the codes designated as "respondent assigned" must be numerical, beginning with "000001" and continuing in a numerical sequence until all components (or groups of components) of a similar type have been assigned a unique code. If a component (or group of components) is referenced in more than one schedule, it is essential that the same code be used to identify each component (or group of components). Therefore, each respondent must identify each component (or group of components) by a unique, sequential code. These codes must be consistent from schedule to schedule and from year to year.

Note: If a respondent has previously assigned UNIQUE codes to components (or groups of components) these codes may be used instead of sequential codes. These codes must be consistent from schedule to schedule and from year to year.

Examples of components (or groups of components) which require respondent assigned codes -

- Reservoir I.D.
- Transmission Line Code
- Compressor Station Code

F. Field Totals: Respondents shall submit field totals as the last entry for each field. These totals should be the sum of the individual reservoirs in the field, weighted where appropriate. Field totals shall be indicated by entering "999999" in data field 3, Reservoir ID, and the words "Field Totals" in data field 4, Reservoir Name. Respondents who cannot provide individual reservoir totals shall complete data fields 1 through 14 and data field 63, as a minimum, for each reservoir.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0405	PIPELINE RESERVOIR DATA	2 of 10

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Group Code (A6): Enter the six digit gas source code, from the Register of Data Standards, IDGSPD.
2 (Key)	Field Code (A6): Enter the assigned field code number, from the Register of Data Standards, IDGPFL. If the field code is not listed in the Register of Data Standards, contact the Head, Supply & Production Section, BNG, Federal Power Commission, and a code will be assigned.
3 (Key)	Reservoir ID (A6): Enter a unique, sequential (respondent assigned) identification code, as specified in the Register of Data Standards, NRCADL. Enter "999999" for field totals.
4	Reservoir Name (A26): Enter the reservoir name for which reserves are being reported. Reservoir is the definitive term of an individual hydrocarbon accumulation and its name usually corresponds to the U.S. Geological Survey recognized name of the rock formation in which the accumulation occurs. The colloquial name used by local inhabitants is acceptable. Once the name is submitted do not change it. If the formation produces from several different zones, each zone is usually given an individual name. In a field consisting of a single reservoir, the reservoir is the field. However, except for the Appalachian Region (see Level II Instructions, definitions for Field and Pool) it is only rarely that the names are identical. In most cases the reservoir name should be distinctly different from the field name. Enter "Field Totals" for field totals.
5	Reservoir Geologic Age Code (N3): Enter a three digit numeric code to identify the units of Geologic Age of the rocks, from the Register of Data Standards, TYGRGA.
6	Type Gas Code (A1): Indicate by code letter the type of gas accumulation (TYGRGS). A = Associated C = Combined Associated & Solution T = Combined Non-Associated N = Non-Associated S = Solution M = Mixed (non-associated, associated and/or solution)
7	Depth of Reservoir (N5) FT: Report to the nearest foot the depth of the reservoir as carried on company records.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0405	PIPELINE RESERVOIR DATA	3 of 10

Data Field Number	Instructions
8	Indicator Classification of Reservoir Depth: Average or Top of Pay (N1): Enter one of the following codes: (INETOR) 1 = Average 2 = Top of Pay
9	Classification of Reservoir (N2): Enter the two digit numeric code for classification of reservoir by type of geologic trap: (TYGRCL) 10 = Structural Traps 11 = Structural Traps - by folding 12 = Structural Traps - faulting 13 = Structural Traps - fracturing 14 = Structural Traps - combination of 11-13 20 = Stratigraphic Traps 21 = Stratigraphic Traps - Primary - Lenses and Facies of Clastic or Igneous Rock 22 = Stratigraphic Traps - Primary - Lenses and Facies of Chemical Rocks, Reefs, etc. 23 = Stratigraphic Traps - Secondary - Disconformity 24 = Stratigraphic Traps - Secondary - Non-conformity 30 = Piercement Dome Combination Traps 31 = Piercement Dome Combination Traps - Structural Traps produced by piercement 32 = Piercement Dome Combination Traps - Stratigraphic Traps produced by piercement 00 = Unspecified 99 = Other
10	Basic Lithology (N2): Enter the code for basic lithology from the Register of Data Standards, TYGRLT. If unable to classify the reservoir rock as being primarily one of the three types listed, leave this data field blank.
11	Year First Reported (N2): Enter the last two digits of the year in which the reported gas reserves were first reported to the FPC, in the format YY. (TMYEAR)
12	ID Reservoir Seller or Operator (A35): Enter the name of either a principal signatory seller or operator who has filed a Rate Schedule with the FPC, covering the gas sale(s) to your pipeline from the subject reservoir. In those instances where there are two or more principal signatory sellers or operators enter the name of your choice. (IDRESP)
13	ID Reservoir First Jurisdictional Purchaser (A35): Enter the name of one other jurisdictional pipeline purchaser which to your knowledge has dedicated reserves in the reservoir being reported. Use Data Field 14 below, for reporting a second such pipeline purchaser. If there are more than two

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DETAILED INSTRUCTIONS: SCHEDULE 0405	PIPELINE RESERVOIR DATA	4 of 10

Data Field Number	Instructions
13 (cont'd)	such pipeline purchasers report the names of the two which to your knowledge or belief are the largest purchasers. (IDNAME)
14	ID Reservoir Second Jurisdictional Purchaser (A35): Enter the name of a second other jurisdictional pipeline purchaser which to your knowledge has dedicated reserves in the reservoir being reported. (IDNAME)
15	Type Calculation Used in Estimating Reserves (N1): Enter the appropriate numeric code below to report the method in making the reserve estimate for the reservoir. (TYGRSE) 1 = Volumetric 2 = Pressure Decline 3 = Material Balance 4 = Nominal 5 = Time Decline
16	Total Producing Completions (N4.1) NO: Enter the total currently producing completions in the reservoir as of the filing date. Report all completions which produced during the report period even though they were shut-in for workover before the report period ended. Do not include wells which produced but were plugged and abandoned before the report period ended. The desired data here is the total number of completions producing in the total reservoir from which you are reporting dedicated reserves. If unable to furnish the total number of producing completions as defined, the alternate method of reporting is to report the total number of completions producing from the reservoir that are located on the acreage dedicated to or controlled by your company as of the filing date. Report all such completions which, produced during the report period even though they were shut-in for workover before the report period ended. Unless "1" is entered in Data Field 17 below, all values for this item will be recorded as Gross Total Producing Completions in the entire reservoir.
17	Indicator for Reservoir Alternate Method (N1): Enter "1" in this data field if the alternate method is used for reporting the data in Data Field 16 as described above; if not, enter "0". (INYONO)
18	Net Producing Completions (N4.1) NO: Enter the present number of producing completions (including fractional interest to the nearest tenth) that are dedicated to or controlled by the pipeline company.
19	Dedicated Percent of Sellers Reserves (N3.3) PCT: The net dedicated percent of sellers reserves to the nearest thou-

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0405	PIPELINE RESERVOIR DATA	5 of 10

Data Field Number	Instructions
19 (cont'd)	sandth of a percent. "Sellers" means everyone who is selling gas to you from the reported reservoir under a gas purchase contract. Be sure to exclude pipeline company ownership in this value (Alternate method: Report the net Dedicated Percent of the Total Reservoir, enter the number "1" in Data Field 20 below. Be sure to include pipeline company ownership in this value.)
20	Indicator Alternate Method Calculation of Sellers Reserves (N1): Enter "1" in this data field if alternate method was used in reporting Data Field 19 above; if not, enter "0". (INYONO)
21	Production Decline Factor (N6.3) MMCF: Enter the volume of gas in MMCF rounded to 3 decimal places at 14.73 PSIA at 60° Fahrenheit that is projected to be produced when the reservoir pressure divided by the gas deviation factor is reduced by one PSI. NOTE: For 100 percent water drive reservoirs, this item is not applicable. In case of partial water drive, if desired, indicate by footnote.
22	Quantity Cumulative Wet Gas at Current Pressure (N7.3) PSIG: If type of calculation (Data Field 15) is coded "2", i.e., Pressure Decline, report the Cumulative Wet Gas Production corresponding to the Current Pressure reported in Data Field 23 immediately following. For all other type of reserves calculations, this data field shall be left blank.
23	Current Pressure Used in Reserve Calculations (N2.3) PSIA: If type of calculation, Data Field 15 is coded "2", i.e., Pressure Decline, report the latest pressure used in the reserve calculation. Indicate by footnote if the value was NOT obtained during the report year. For all other type of reserves calculations, this item is not required and should be left blank.
24	Terminal Pressure of Reserve (N2.3) PSIA: This is a judgment factor and since economic forces affect this, periodic updating can be expected. What is desired is your current judgment after evaluation of existing economic circumstances. NOTE: If the reserve estimate is a volumetric calculation and the Recovery Factor (Data Field 40) is reported, then this item need not be reported.
25	Type of Pressure Measurement (N1): This item relates to both Current Pressure and Terminal Pressure. Enter one of the following codes: (TYGPRM) 1 = Bottom Hole Shut-in PSIA 2 = Wellhead Shut-in PSIA 3 = Wellhead Flowing PSIA 4 = Bottom Hole Flowing PSIA

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0405	PIPELINE RESERVOIR DATA	6 of 10

Data Field Number	Instructions
26	Current Z (N1.4) PSIA: If Type of Calculation (Data Field 15) is coded "2", i.e., Pressure Decline, report to the nearest ten thousandth, the Z value determined for the Current Pressure reported in Data Field 23 above. For all other types of reserves calculations, this item is not required and should be left blank.
27	Terminal Z (N1.2) PSIA: Enter Terminal Z to nearest hundredth. This item is recognized as being a judgment factor and that it has a direct bearing on the recoverable reserves. What is desired is the estimated terminal Z if such was used in determining the recoverable reserves reported in Data Field 30 below. NOTE: If the Reserve Estimate is a volumetric calculation and the Recovery Factor (Data Field 40) is reported then this item need not be reported.
28	Quantity Initial Wet Gas (N7.3) MMCF: Enter in MMCF, your most recently determined Initial Wet Gas-In-Place for the total reservoir. Where it is not possible to report total reservoir reserves, the following alternate method will be used. Report, in MMCF, the total volume of your most recently determined Initial Wet Gas-In-Place in that portion of the reservoir which underlies the acreage dedicated to or controlled by your company. If this alternate method is used, enter "1" in Data Field 29 above, identifying Initial Wet Gas-In-Place as Dedicated Initial Wet Gas-In-Place. Unless "1" is entered in Data Field 29 above, all values for this item will be recorded as Gross Total Initial Wet-In-Place in the entire reservoir. NOTE: For Volumetric Estimates, this Item must agree with the Productive Area-Acres reported in Data Field 41 below. For all types of reserve estimates, all subsequent gas volumes reported for this same reservoir will be on the same reporting basis as you have chosen for reporting Initial Wet Gas-In-Place.
29	Indicator Alternate Method of Calculation of Wet Gas (N1): Enter letter "1" in this data field if alternate method is used in calculating Wet Gas; if not, enter "0". (See Data Field 28 above). (INYONO)
30	Quantity Recoverable Wet Gas (N7.3) MMCF: Enter in MMCF, your most recently determined Original Recoverable Wet Gas. For a Volumetric Estimate the value to be entered is the product of Initial Gas-In-Place, Data Field 28 above, and the Recovery Factor, Data Field 40 below. (See Note, Data Field 28 above.) For a pressure decline, the value will be derived from the decline curve used to report the Decline Factor on Data Field 21 above.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0405	PIPELINE RESERVOIR DATA	7 of 10

Data Field Number	Instructions
31	Quantity Cumulative Wet Gas Production (N7.3) MMCF: Enter in MMCF, the Cumulative Wet Gas Production through December 31 of the report year. This item must agree with Initial Wet Gas-In-Place reported in Data Field 28 above.
32	Quantity Remaining Recoverable Wet Gas (N7.3) MMCF: Enter in MMCF, the remaining recoverable Wet Gas as of December 31 of the report year. The value desired here is the difference between total original recoverable Wet Gas, Data Field 30, and the cumulative Wet Gas Production, Data Field 31 above.
33	Percent Fuel and Shrinkage Factor (N1.2) PCT: Enter the average Fuel and Shrinkage as a decimal fraction. The value desired is that computed from the difference between the gas produced at the wellhead and the gas that enters the pipeline. It may include separator losses, field uses, flare gas, and plant losses. However, if plant losses are included in requirements, they must be omitted here.
34	Quantity of Total Remaining Recoverable Dry Gas Reserves (N7.3) MMCF: Enter, in MMCF, the total remaining recoverable dry gas as of December 31 of the report year. The intent is to report the gas available to the pipeline after deductions for Fuel and Shrinkage.
35	Quantity of Dedicated Remaining Recoverable Dry Gas Reserves (N7.3) MMCF: Enter, in MMCF, Net Dedicated Recoverable Dry Gas Reserves as of December 31 of the report year. The value desired is the net dedicated portion of the Total Remaining Recoverable Dry Gas reported in Data Field 34 above.
36	Total Quantity of Annual Dry Gas Production (N6.3) MMCF: Enter the volume of gas in MMCF produced from the reservoir during the report year. This value includes company owned annual dry gas production.
37	Quantity of Company Owned Annual Dry Gas Production (N6.3) MMCF: Enter the total of salable gas in MMCF produced from a company owned source of supply during report year and which was included in the total production entered in data field 36 above.
38	Quantity of Remaining Company Owned Dry Gas Reserves (N7.3) MMCF: Enter the volume of company owned reserves in MMCF included in the Total Remaining Recoverable Dry Gas Volumes reported in Data Field 34 above.
39	Quantity Dedicated Annual Dry Gas Production (N6.3) MMCF: Enter the Annual Dry Gas Production in MMCF from that portion of the reservoir which underlies the acreage dedicated to or controlled by your company in whole or in part.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0405	PIPELINE RESERVOIR DATA	8 of 10

Data Field Number	Instructions
GENERAL:	Unless the Type Calculation (Data Field 15) is coded "1", i.e., Volumetric, the following data requested in Data Fields 40-62 are not required.
40	Recovery Factor (N1.2) NO: Enter the recovery factor in decimal fractions, not percents. Since this is the average recovery factor it must agree with the data reported in Data Field 28 above. That is, it will either be the average for the total reservoir, or the average of that portion of the reservoir which underlies the acreage dedicated to or controlled by your company in whole or in part.
41	Productive Area Acres (N6.1) ACRE: The decimal value (10th of acres) was provided because the computations involving the use of a planimeter usually call for averaging two or more readings which almost always results in a decimal fraction. It should not be interpreted as implying extreme accuracy in determing productive areas. Rounding to the nearest acre is acceptable; in which case the space to the right of the decimal will be left blank to indicate rounding.
42	Indicate Acres Area Rounding (N1): Enter "1" in this data field if rounding was used in Data Field 41 above; if not, enter "0". (INYONO)
43	Average Net Thickness Feet (N4.1) FT: The decimal value (10th of feet) was provided because the effective pay section of a reservoir is usually determined from averaging the values of several well logs and core samples. Consequently the net thickness has usually been reported to the FPC to the nearest tenth of a foot but this fact has never been and should not be interpreted as implying extreme accuracy in determining the net thickness (effective pay) of a natural gas reservoir. Rounding to the nearest foot is acceptable; in which case the space to the right of the decimal will be left blank to indicate rounding.
44	Indicator Net Thickness Rounding (N1): Enter "1" in this data field if rounding was used in Data Field 43 above; if not, enter "0". (INYONO)
45	Reservoir Volume (N8.1) ACFT: The decimal value (10th of Acre/Ft) is provided for the reasons given previously herein. The data desired is the product of the values contained in Data Fields 41 and 43 above. If rounding was employed in Data Fields 41 and 43 above, it will also be employed here.
46	Percent Reservoir Porosity (N2.1) PCT: The decimal value (10ths of a percent) is provided to allow the inclusion of

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0405	PIPELINE RESERVOIR DATA	9 of 10

Data Field Number	Instructions
46 (cont'd)	fractional values usually encountered when making a porosity determination from several different data sources. Rounding to the nearest percent is acceptable; in which case the space to the right of the decimal will be left blank to indicate rounding. The value desired is your best estimate of the average porosity of the reservoir which you have derived from the basic data available to your company. It is specifically to be the value used in deriving the gas reserves entered on Data Field 28 above.
47	Indicator Porosity Rounding (N1): Enter "1" in this data field if rounding was used in Data Field 46 above; if not, enter "0". (INYONO)
48	Type Reservoir Porosity Calculation Code (N1): One space is provided for numerically coding how porosity was determined. Code "4" (Combination) refers to the use of both core samples and well logs in making your determination. Code "3" (Estimated) includes any other method used to derive porosity not covered by Codes "1" (Cores), "2" (Logs), and "4" (Combination). Enter one of the following: (TYPORS) 1 = Cores 2 = Logs 3 = Estimated 4 = Combination
49	Percent Connate Water (N2.1) PCT: The decimal value (10ths of a percent) is provided to allow inclusion of fractional values usually encountered when making a connate water determination from several different data sources. Rounding to the nearest percent is acceptable, in which case the space to the right of the decimal will be left blank to indicate rounding. The value desired is your best estimate of the average connate water of the reservoir which you have derived from the basic data available to your company. It is specifically to be the value used in deriving the gas reserves reported on Data Field 28 above.
50	Indicator Connate Water Rounding (N1): Enter "1" in this data field if rounding was used in Data Field 49 above; if not, enter "0". (INYONO)
51	Type Connate Water Calculation (N1): Enter the same code scheme used in Data Field 48 above. (TYPORS)
52	Temperature of Reservoir Rankine Degrees (N4) DEGR: The value entered must be the Exact Rankine Equivalent of the value used in deriving the gas reserves reported in Data Field 28 above.

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DETAILED INSTRUCTIONS: SCHEDULE 0405	PIPELINE RESERVOIR DATA	10 of 10

Data Field Number	Instructions
53	Initial Reservoir Pressure (N5) PSIA: The value entered must be the value used in deriving the gas reserves reported in Data Field 28 above. Data Field 54 below, will identify the type pressure reported.
54	Type Initial Pressure Code (N1): This item relates to Initial Pressure. Enter one of the following numeric codes which describe the pressure reported. (TYGPRM) 1 = Bottomhole Shut-In PSIA 2 = Wellhead Shut-In PSIA 3 = Wellhead Flowing PSIA 4 = Bottomhole Flowing PSIA
55	Initial Z (N1.4) PSIA: Enter Initial Z to nearest ten thousandth.
56	Specific Gravity Reservoir Gas (N1.3) SGG: Enter the specific gravity of the reservoir gas to three decimal places.
57	Quantity Reservoir Initial Yield (N3) BBL/MCF: Enter the initial condensate yield in barrels per MCF to the nearest BBL.
58	Mole Percent Hydrogen Sulfide (N2.2) PCT: Enter the mole percent hydrogen sulfide rounded to two decimal places.
59	Mole Percent Nitrogen (N2.2) PCT: Enter the mole percent nitrogen rounded to two decimal places.
60	Mole Percent Carbon Dioxide (N2.2) PCT: Enter the mole percent carbon dioxide rounded to two decimal places.
61	Gas/Oil Ratio or Gas/Liquid Ratio (N6) NO: Enter the Gas/Oil Ratio (GOR) or Gas/Liquid Ratio (GLR) at original reservoir conditions in cubic feet of natural gas per barrel oil or condensate liquid.
62	Initial Formation Volume Factor (FVF) (N1.2) NO: Enter the Initial Formation Volume Factor at original reservoir conditions to the nearest hundredth. Where the reported reserves are from a Solution Gas Reservoir, this item need not be entered.
63 (Key)	State Abbreviation (A2): Enter the abbreviation to identify the location of the gas producing field whose FPC Field Code was reported in Data Field 2 above, from the Register of Data Standards, IDSTAT.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0406	GAS SUPPLY SOURCE DELIVERABILITY ESTIMATE	1 of 5

I. DESCRIPTION

This schedule is used to collect gas deliversbility estimates.

II. GENERAL INFORMATION

A. This schedule shall be submitted by all Natural Gas Pipeline companies, unless the company has (1) year end recoverable reserves consisting of 50 billion cubic feet or less of company owned and independent producer contract reserves at a uniform pressure base of 14.73 PSIA at 60° Fahrenheit, or (2) purchased its entire supply of natural gas from another pipeline company subject to the Commission's jurisdiction and/or purchased from foreign suppliers. Respondents meeting conditions (1) and/or (2) above shall submit Schedule 0407, in lieu of this schedule.

B. Respondents shall complete all applicable data fields on this schedule annually.

C. Report all gas volumes in MMCF rounded to three decimal places at a uniform pressure base of 14.73 PSIA at 60° Fahrenheit.

D. There is no provision on this schedule for reporting negative volumes.

E. Report the back-pressure or flow test data that was used in calculating the deliverebility. If the deliverability is calculated on a reservoir basis, test information representative of the average well in the reservoir may be reported. If the deliverability is calculated on a field basis, test information representative of the average well in the field may be reported. If certain factors were not used, not applicable, or not available, leave data field(s) blank.

F. Respondent Assigned Codes: All of the codes designated as "respondent assigned" must be numerical, beginning with "000001" and continuing in a numerical sequence until all components (or groups of components) of a similar type have been assigned a unique code. If a component (or group of components) is referenced in more than one schedule, it is essential that the same code be used to identify each component (or group of components). Therefore, each respondent must identify each component (or group of components) by a unique, sequential code. These codes must be consistent from schedule to schedule and from year to year.

Note: If a respondent has previously assigned UNIQUE codes to components (or groups of components) these codes may be used instead of sequential codes. These codes must be consistent from schedule to schedule and from year to year.

Examples of components or groups of components which require respondent assigned codes -

- Reservoir I.D.
- Transmission Line Code
- Compressor Station Code

III. DETAILED INFORMATION

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

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DETAILED INSTRUCTIONS: SCHEDULE 0406	GAS SUPPLY SOURCE DELIVERABILITY ESTIMATE	2 of 5

Data Field Number	Instructions
1 (Key)	Group Code (A6): Identify the composite supply source by entering the group code, from the Register of Data Standards, IDGSPG.
2 (Key)	Field Code (A6): Enter the assigned field code number, from the Register of Data Standards, IDGFFL. If the field code is not listed in the Register of Data Standards, contact the Head, Supply & Production Section, BNG, Federal Power Commission, and a code will be assigned.
3 (Key)	Reservoir ID (A6): Enter a unique, sequential (respondent assigned) identification code, as specified in the Register of Data Standards, NRCADL.
4	Well Lease Name (A16): Enter the well lease name, from the Register of Data Standards, IDDESC.
5 (Key)	Well Lease Number (N4): Enter the well completion number, as specified in the Register of Data Standards, IDEQPI.
6	API Well Number (N14): Enter the API number, from the Register of Data Standards, IDWELL.
7	Percent of Respondent Interest in Well (N3.4) PCT: Enter the ownership interest of your company in the well to four decimal places.
8	Date Well Back Pressure Test (N6): Enter the date of the back pressure test for a completion or the date that the average back pressure curve or equation was computed for a reservoir or field, in the format MMDDYY. (TMDATE)
9	Type Well Test Code (N1): Enter the numeric code for the test being reported. Use one of the following codes: (TYGWTM) 1 = Multi-point back pressure test 2 = 24-hour flow test (DT-1, C-2, etc.) 3 = Drill Stem test in cased hole 4 = Drill Stem test in uncased hole 5 = Shut-In pressure test 9 = Other
10	Type Deliverability Code (N1): Enter the gas delivsrability code from the following: (TYGSDL) 1 = Completion 2 = Reservoir 3 = Data Field 4 = Group (including plants)

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DETAILED INSTRUCTIONS: SCHEDULE 0406	GAS SUPPLY SOURCE DELIVERABILITY ESTIMATE	3 of 5

Data Field Number	Instructions
11	Diameter of Flow String (N2.3) IN: Enter the internal diameter of the flow string in inches to three decimal places. If annular flow or tapered string, use equivalent flow string diameter.
12	Vertical Well Depth (N5) FT: Enter the vertical depth of the well in feet.
13	Length of Flow Strieg (N5) FT: Enter the length of flow string in feet.
14	Specific Gravity of Full Well Gas (N1.3) SGG: Enter the specific gravity of the full well stream gas (air = 1.000) to three decimal places.
15	Specific Gravity Separator Gas (N1.3) SGG: Enter the specific gravity of the separator gas (air = 1.000) to three decimals. Report only if the specific gravity of the full well stream gas is NOT available.
16	Ratio Gas Oil or Gas Liquid (N6) NO: Enter the gas oil ratio or gas liquid ratio in cubic feet per barrel. Report only if the specific gravity of the full well stream gas is not available.
17	Specific Gravity of Condensate (N2.1) DEGA: Enter the specific gravity of the condensate in ° API to one decimal place. Report only if the spacific gravity of the full well stream is not available.
18	Mole Percent of Carbon Dioxide (N2.2) PCT: Enter the mole percent of carbon dioxide to two decimal places.
19	Mole Percent of Nitrogen (N2.2) PCT: Enter the mole percent of nitrogen to two decimal places.
20	Mole Percent of Hydrogen Sulfide (N2.2) PCT: Enter the mole percent of hydrogen sulfide to two decimal places.
21	Shut-In Wellhead Temperature (N3) DEGR: Enter the shut-in wellhead temperature in degrees, Rankine.
22	Flowing Wellhead Temperature (N3) DEGR: Enter the flowing wellhead temperature of the full well stream gas in degrees, Rankine.
23	Temperature at Reservoir Sandface (N3) DEGR: Enter the temperature at the reservoir sandface in degrees, Rankine.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0406	GAS SUPPLY SOURCE DELIVERABILITY ESTIMATE	4 of 5

Data Field Number	Instructions
24	Shut-In Wellhead Pressure (N2.3) PSIA: Enter the shut-in wellhead pressure, in PSIA, which is the pressure at the wellhead when the completion is shut-in.
25	Flowing Wellhead Pressure (N2.3) PSIA: Enter the flowing wellhead pressure, in PSIA, which is the pressure at the wellhead when the completion is flowing in.
26	Formation Pressure (N2.3) PSIA: Enter formation pressure, in PSIA, which is the bottom hole pressure when the completion is shut-in.
27	Sandface Pressure (N2.3) PSIA: Enter the sandface pressure, in PSIA, which is the bottom hole pressure when the completion is flowing.
28	Coefficient C Back Pressure Equation (N4.3) PCT: The coefficient C in the particular bottom hole back pressure equation namely, $Q=C\ (P_f^2 - P_s^2)^n$ Mcf/day/(thousands of $PSIA^2)^n$. Seven digits are permitted, four integers and rounded to three decimal places.
29	Value Slope Back Pressure Curve (N1.3) PCT: Enter the value of the slope n to three decimal places which should fall between the limits of 0.500 and 1.000. If the points defining back pressure curve yield a slope greater than 1.000 then a curve with a slope of 1.000 will be drawn through the point of the highest rate of flow. If the points yield a slope less than 0.500 a curve with a slope of 0.500 will be drawn through the points of the highest rate of flow. Four digits are permitted including three digits to the right of the decimal.
30	Indicator Flow Rate Modifier (N1): Enter "1" if the separator gas rate is entered in Data Field 31; enter "0" if rate is reported for full well stream flow. (INTONO)
31	Rate of Flow Per Day (N6.3) MMCF/DY: The rate of flow, in MMCF (to three decimal places) per day, to be reported is the full well stream gas rate rather than residue gas rate. However the separator gas rate may be reported by entering "1" in Data Field 30 above. All rates of flow not indicated by "1" in Data Field 30 above, will be treated as full well stream flow. In the case of a reservoir or a field, enter MMCF/day for the average completion.
32	Duration of Flow Stream (N4.1) HR: The duration of flow is to be entered in hours to one decimal place for the case of a completion test. This item is to be left blank for the case of a reservoir or field back-pressure curve or equation.

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DETAILED INSTRUCTIONS: SCHEDULE 0406	GAS SUPPLY SOURCE DELIVERABILITY ESTIMATE	5 of 5

Data Field Number	Instructions
33	Volume Wellhead Open Flow (N6.3) MMCF: Enter the volume of gas, in MMCF per day, that would be produced by a completion if the flowing wellhead pressure Pt in the wellhead performance back-pressure equation $Q=C\ (P_c^2 - P_t^2)^n$ were atmospheric. In the case of a reservoir or a field, enter the volume computed for the average completion. NOTE: Absolute Open Flow (Data Field 34 below) may be reported in lieu of this data item. If so, leave this item blank. Report either Data Field 33 or 34.
34	Volume Wellhead Absolute Open Flow (N6.3) MMCF: Enter the volume of gas, in MMCF per day, that would be produced by a completion (the average completion in the case of a reservoir or field) if the only pressure against the face of the producing sand in the well bore were atmospheric pressure. NOTE: Wellhead Open Flow (Data Field 33 above) may be reported in lieu of this data item. If so, leave this item blank. Report either Data Field 33 or 34.
35	Daily Productive Capacity - Non-Associated (N8.3) MMCF: Enter the Productive Capacity, in MMCF per day, at 14.73 PSIA at 60° Fahrenheit for non-associated natural gas reservoirs as defined on pages 109 and 110 of Volume 23 of "Reserves of Crude Oil, Natural Gas Liquids, and Natural Gas in the United States and Canada as of December 31, 1968," published jointly by the American Gas Association, Inc., the American Petroleum Association, and the Canadian Petroleum Association. Estimates should be as of the end of the calendar year.
36	Daily Productive Capacity-Associated and Solution (N8.3) MMCF: Enter the productive capacity, in MMCF per day, of all associated and solution gas reserves included in the gas supply source. For these supplies, report the maximum daily quantity that the pipeline can reasonably rely on. The estimates should be as of the end of the calendar year.
37	Maximum Daily Quantity (N8.3) MMCF: Enter, in MMCF per day, the maximum daily quantity, which is the maximum volume of gas per day at 14.73 PSIA at 60° Fahrenheit, the pipeline can reasonably rely upon from a given supply source.
38	BTU Per Cubic Foot Saturated (N4.2) BTU/CF: Enter the gross heating value of the salable gas expressed in British Thermal Units (BTU) per cubic foot on a saturated basis.
39 (Key)	State Abbreviation (A2): Enter the state abbreviation to identify the location of the field reported in Data Field 2 above, from the Register of Data Standards, IDSTAT.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: OTHER SUPPLY SOURCES - COMMITTED RESERVES & SCHEDULE 0407	DELIVERABILITY ESTIMATES	1 of 6

I. DESCRIPTION

This schedule is used to collect data on the committed reserves and deliverability estimates for other supply sources.

II. GENERAL INFORMATION

A. This schedule shall be submitted by all Natural Gas Pipeline companies which are subject to the requirements of §260.7a of the Commission's regulations (18 CFR 260.7a) prescribed by Order No. 308, in Docket No. R-308, (1) whose remaining recoverable salable natural gas reserves, company owned independent producer contract at the end of the report year are 50 billion cubic feet or less at a uniform pressure base of 14.73 PSIA at 60° Fahrenheit, (2) Natural Gas Pipeline companies which purchased their entire supply of natural gas from another pipeline company which is subject to the Commission's juriadiction and/or which purchased from foreign suppliers, or (3) Natural Gas Pipeline companies reporting miscellaneous supplies. Report committed reserves and deliverability estimates for all such other supply sources which are primarily from reporting pipeline company's point of view, supported by the terms of gas purchase contracts covering such diverse gas sources as LNG, SNG, pipeline purchases, warranty contracts and purchases from some plants which primarily specify gas volumes without identifying reservoirs and fields from which the gas is produced. All other plant purchases as well as miscellaneous supplies, are to be reported on Schedules 0405 and 0406 using the procedures described under the Instructions for those schedules.

B. Respondents shall complete all applicable data fields on this schedule annually.

C. Report all gas volumes in MMCF rounded to three decimal places at a uniform pressure base of 14.73 PSIA at 60° Fahrenheit.

D. There is no provision on this schedule for reporting negative numbers.

E. Due to the diversity of supply sources reported on this schedule, all data fields will not be filled in. No particular importance should be read into the number of blank data fields per se.

F. Respondent Assigned Codes: All of the codes designated as "respondent assigned" must be numerical, beginning with "000001" and continuing in a numerical sequence until all components (or groups of components) of a similar type have been assigned a unique code. If a component (or group of components) is referenced in more than one schedule, it is essential that the same code be used to identify each component (or group of components). Therefore, each respondent must identify each component (or group of components) by a unique, sequential code. These codes must be consistent from schedule to schedule and from year to year.

Note: If a respondent has previously assigned UNIQUE codes to components (or groups of components) these codes may be used instead of sequential codes. These codes must be consistent from schedule to schedule and from year to year.

Examples of components or groups of components which require respondent assigned codes -

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DETAILED INSTRUCTIONS: OTHER SUPPLY SOURCES - COMMITTED RESERVES & SCHEDULE 0407	DELIVERABILITY ESTIMATES	2 of 6

- Reservoir I.D.
- Transmission Line Code
- Compressor Station Code

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Supply Class Code (A1): Enter only one of the following alphabetic codes: (TYGSPY) A = LNG B = SNG C = Pipeline D = Warranty Contract E = PLANT (Code E is to be used for reporting PLANT data only when fields and/or reservoirs cannot be identified and only the gas volumes committed under gas purchase contract are known. All other plants are to be reported on Schedules 0405 and 0406). F = Field O = Other (code O is to be used only if the gas purchase does not qualify as any other supply class listed.
2 (Key)	Group Code (A6): Enter the group code identifying the group name (Data Field 3 below), from the Register of Data Standards, IDGSPG.
3	Group Name (A26): Enter the name by which the gas supply source is known, from the Register of Data Standards, IDGSPG. If the name is unspecified, enter "unspecified". However, in most cases at least the name of the Area is known from which the gas is obtained and this name should be used; i.e. Continental U.S., Alaska, Mexico, Canada, Algeria, Venezuela, etc. In cases of SNG source, enter the name of the plant or facility which converts the raw material into gas; i.e. BALTIMORE NAPTHA GASIF FAC - W VA GASIF PLANT. NOTE: Under no circumstances will the name of the pipeline company or other seller be an acceptable entry here. That information is to be entered in Data Field 10, "Pipeline or Other Seller Name".
4 (Key)	Other Source Indicator (N1): A preprinted "1" has been entered in this data field. No other entry is acceptable. (INYONO)
5 (Key)	State Abbreviation (A2): Enter the state abbreviation for state in which the gas supply source is located, from the Register of Data Standards, IDSTAT. When such a source

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: OTHER SUPPLY SOURCES - COMMITTED RESERVES & SCHEDULE 0407	DELIVERABILITY ESTIMATES	3 of 6

Data Field Number	Instructions
5 (cont'd)	covers parts of more than one state, enter the state abbreviation of that state which contains the most dedicated acreage or the largest volume of gas.
6 (Key)	County/Parish Code (N3): Enter the county/parish code, from the Register of Data Standards, IDCNTY, in which the field or offshore area is located. When a field covers parts of more than one county/parish enter the code for the county/parish which contains the most dedicated acreage or the largest amount of reserves. In the case of offshore areas, enter the code corresponding to the offshore area described below. Enter the offshore area name in Data Field 8 below.

FOR ALL OFFSHORE AREAS ENTER: (See Additional Codes for the State of Louisiana)

CODE	NAME	DESCRIPTION
990	OFFSHORE-STATE	that area subject to State jurisdiction only.
995	OFFSHORE-FEDERAL	that area subject to Federal jurisdiction.
999	OFFSHORE-GENERAL	that area where the above distinctions are either unknown or not applicable.

ADDITIONAL CODES FOR THE STATE OF LOUISIANA

NOTICE: Settlement between State and Federal Government will render the following coding obsolete. In that case use coding described above.

CODE	NAME	DESCRIPTION
991	OFFSHORE-ZONE 1	the area lying seaward of and within three geographical miles of the so-called "Chapman-Line".
992	OFFSHORE-ZONE 2	the area which is bounded landward by the seaward boundary of Zone 1 and which is bounded seaward by a line three Marine Leagues from the so-called "Chapman-Line".
993	OFFSHORE-ZONE 3	the area bounded landward by the boundary of Zone 2 and bounded seaward by the seaward boundary

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DETAILED INSTRUCTIONS: OTHER SUPPLY SOURCES - COMMITTED RESERVES & SCHEDULE 0407	DELIVERABILITY ESTIMATES	4 of 6

Data Field Number	Instructions
6 (cont'd)	line of the State of Louisiana as fixed and redefined by Act 33 of the Louisiana Legislature of 1954.
994 OFFSHORE-ZONE 4	that portion of the Continental Shelf lying seaward from the seaward line of Zone 3.
7	Natural Gas Area Code (N2): Enter the designated natural gas area code, from the Register of Data Standards, IDNGAR.
8	Offshore Area Name (A16): Enter the associated offshore area name for the code listed in Data Field 7 above. (IDCNTY)
9 (Key)	Pipeline or Other Seller Code (N6): Enter the appropriate code, from the Register of Data Standards, IDRESP.
10	Pipeline or Other Seller Name (A35): If the reported gas supply is obtained from a pipeline, enter the name of the pipeline, from the Register of Data Standards, IDRESP. If the supply is LNG or SNG, enter the name of the seller. In all other cases, enter the name of either a principal signatory Seller or Operator who has filed a Rate Schedule with the FPC, covering the gas sale(s) to your pipeline from the subject gas source. In those instances where two or more principal signatory sellers or operators furnish you with approximately equal amounts of reserves, enter the name of your choice.
11 (Key)	Type Supply Source (A1): Enter one of the following codes: (TYGSPY) A = LNG B = SNG C = PIPELINE D = WARRANTY CONTRACT E = PLANT F = FIELD O = OTHER
12	Import Indicator (N1): If the gas supply source is an import, enter "1"; if not, enter "0". (INYONO)
13	Short Term Indicator (N1): If the gas supply source is committed under a short term contract (any short term purchase agreement covering a time period of one year or less including "spot purchases"), enter "1"; if not, enter "0". (INYONO)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: OTHER SUPPLY SOURCES - COMMITTED RESERVES & SCHEDULE 0407 DELIVERABILITY ESTIMATES		5 of 6

Data Field Number	Instructions
14	Daily Productive Capacity - Undesignated (N8.3) MMCF: Use this data field for entering the productive capacity of all LNG and SNG, as well as for all other sources where the type of gas purchased is not identified. For such supplies enter, in MMCF per day, the maximum daily quantity that the pipeline can reasonably rely on. The estimate should be as of the end of the calendar year.
15	Daily Productive Capacity - Non-Associated (N8.3) MMCF: Enter the productive capacity, in MMCF per day at 14.73 PSIA at 60° Fahrenheit, for non-associated natural gas reservoirs is defined on pages 109 and 110 of Volume 23 of "Reserves of Crude Oil, Natural Gas Liquids, and Natural Gas in the United States and Canada as of December 31, 1968," published jointly by the American Gas Association, Inc., the American Petroleum Institute and the Canadian Petroleum Association. Estimates should be as of the end of the calendar year. NOTE: LNG and SNG volumes are not acceptable entries for this data field. Use Data Field 14 above, for that purpose.
16	Daily Productive Capacity - Associated and Solution (N8.3) MMCF: Enter the productive capacity, in MMCF per day, of all associated and solution gas reserves included in the gas supply source. For these suppliers, enter the maximum daily quantity that the pipeline can rely on. Estimates should be as of the end of the calendar year.
17	Maximum Daily Quantity (N8.3) MMCF: Enter, in MMCF per day, the maximum daily quantity, which is the maximum volume of gas per day at 14.73 PSIA at 60° Fahrenheit, the pipeline can reasonably rely upon from a given supply source.
18	Heating Value BTU Per Cubic Foot (N4.2) BTU/CF: Enter the gross heating value of the salable gas expressed in British Thermal Units (BTU) per cubic foot of gas on a saturated basis.
19	Quantity Pipeline Source Curtailed (N8.3) MMCF: If the supply class code (Data Field 1 above) is coded "C" (Pipeline), enter, in MMCF rounded to three decimal places, the volume of gas curtailed during the report year; if not, leave blank.
20	Total Curtailment Indicator (N1): Enter "1" in this data field if the volume reported in Data Field 19 is included in the total curtailment volume entered on Schedule 0402, Data Field 22; if not, enter "0". (INTGNO)
21	Quantity Company Owned (N8.3) MMCF: Enter that quantity of Data Field 22 below, that is company owned, in MMCF rounded to three decimal places.

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DETAILED INSTRUCTIONS: OTHER SUPPLY SOURCES - COMMITTED RESERVES & SCHEDULE 0407 DELIVERABILITY ESTIMATES		6 of 6

Data Field Number	Instructions
22	Committed Reserves Owned and Contracted (N8.3) MMCF: Enter the quantity of remaining recoverable salable gas reserves, in MMCF rounded to three decimal places, for the supply source at the end of the report period.
23	Committed Reserves Gas Purchased and/or Produced (N8.3) MMCF: Enter the volume of salable gas, in MMCF rounded to three decimal places, purchased and/or produced from the supply source during the report year.
24	Committed Reserves - Total Gas Volume Scheduled (N8.3) MMCF: Enter the sum of the annual volumes scheduled in Data Fields 26-30 below, in MMCF rounded to three decimal places.
25	Committed Reserves - Gas Volume Not Scheduled (N8.3) MMCF: Enter the difference between Data Field 22 above, Owned and Contracted, less Data Field 24 above, Total Gas Volume Scheduled, in MMCF rounded to three decimal places.
26	Quantity Scheduled First Year (N8.3) MMCF: Enter, in MMCF rounded to three decimal places, the estimated annual volumes of gas scheduled from the supply source for the first year.
27	Quantity Scheduled Second Year (N8.3) MMCF: Enter, in MMCF rounded to three decimal places, the estimated annual volumes of gas scheduled from the supply source for the second year.
28	Quantity Scheduled Third Year (N8.3) MMCF: Enter, in MMCF rounded to three decimal places, the estimated annual volumes of gas scheduled from the supply source for the third year.
29	Quantity Scheduled Fourth Year (N8.3) MMCF: Enter, in MMCF rounded to three decimal places, the estimated annual volumes of gas scheduled from the supply source for the fourth year.
30	Quantity Scheduled Fifth Year (N8.3) MMCF: Enter, in MMCF rounded to three decimal places, the estimated annual volumes of gas scheduled from the supply source for the fifth year.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0408 IMPORTER/EXPORTER GASEOUS PHASE NATURAL GAS		1 of 3

I. DESCRIPTION

This schedule is used to collect detailed information on the import or export of natural gas.

II. GENERAL INFORMATION

A. This schedule shall be submitted by each respondent having authorization to import or export gas.

B. Respondents shall complete all data fields on this schedule annually.

C. This schedule shall be completed by each respondent having authorization to import or export natural gas. Use a separate schedule for each authorization (Docket Number). If one authorization involves more than one import or export point, a separate schedule shall be completed for each point. If authorization granted is increased, decreased or extended under a succession of Docket Numbers and all related gas moved through the same border facilities and authorized expansions thereof, moved to or from the same purchaser or supplier, and was subject to the same rate, such transactions shall be combined for reporting purposes and appropriate Docket Numbers shown in Data Field 15. Where transactions are based on volumetric measurement, weighted BTU data shall be used to estimate total monthly BTU's. Amounts paid or received and costs or receipts shall be reported in U.S. dollars.

D. Definitions

1. Transporter: The party or parties, other than buyer or seller, owning the facilities by which gas or LNG is physically transferred between buyer and seller.

2. Costs: All expenses incurred by import up to the U.S. point of delivery for the reported quantity imported.

3. Receipts: All revenues received by exporter for the reported quantity exported.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Indicator Import/Export (N1): Enter "1" for import or "2" for export (INETOR)
2	Foreign Buyer/Seller Name (A35): Enter the name of the foreign buyer or seller using approved standard abbreviations when needed. (IDNAME)

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DETAILED INSTRUCTIONS: SCHEDULE 0408 INFORTER/EXPORTER GASEOUS PHASE NATURAL GAS		2 of 3

Data Field Number	Instructions
3 (Key)	Docket Number (A9): Enter the docket number having an alphabetic character in the first position, a hypen in the next position and followed by numerics. If authorization granted is increased, decreased or extended under a succession of Docket Numbers and all related gas moved through the same border facilities and authorized expansions thereof, moved to or from the same purchaser or supplier, and was subject to the same rate, such transactions shall be combined for reporting purposes and appropriate Docket Numbers, entered in Data Field 15 below. (IDDCKT)
4	Type Gas (N1): This data field is preprinted for FPC internal processing only. (INETOR)
5	Name of Transporter (A35): Enter the name of the transporter, other than the buyer or seller, owning the facilities by which gas is physically transferred between the buyer or seller. (IDNAME)
6	U.S. Point of Entry/Exit (A26): Enter the abbreviation for the state at the point of entry or exit. Following the state, enter the U.S. point of entry or exit separated by a comma. (IDDESC)
7	Annual Weighted Average BTU per Cubic Foot (W4.3) BTU/CF: Divide the total MMM BTU of the quantity of natural gas received or shipped at the U.S. entry or exit point by the total MMCF received or shipped, giving the annual weighted average BTU per cubic foot.
8	Annual Weighted Average Price in Cents per MM BTU (N3.3) CT/MMBT: Divide the total cost of receipts by the total MM BTU of the quantity of natural gas received or shipped at the U.S. entry or exit point. Multiply the results by 100 giving the annual weighted average price in cents per MM BTU.
9	Month of Transaction (N2): This is preprinted data field for FPC internal processing only. (TMMOYR)
10	Peak Day Date of Quantity Received or Shipped at Entry or Exit Point (N6): Enter the date, in the format MMDDYY. (TMDATE)
11	Peak Day of Quantity Received or Shipped at Entry or Exit Point (N5.3) MMCF: Enter volumes in MMCF rounded to three decimal places at 14.73 PSIA at 60° Fahrenheit.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0408	IMPORTER/EXPORTER GASEOUS PHASE NATURAL GAS	3 of 3

Data Field Number	Instructions
12	Quantity Received or Shipped at Entry or Exit Point (N7.3) MMCF: Report volumes in MMCF rounded to three decimal places at 14.73 PSIA at 60° Fahrenheit.
13	Quantity MM BTU (N7.3) BTU: Where transactions are based primarily on volumetric measurement, weighted average BTU data should be used to estimate total monthly BTU's.
14	Amount Paid or Received at Entry or Exit Point (N9) DOL: Amounts paid or received shall be reported in U.S. dollars. Costs are all expenses incurred by the importer up to the U.S. point of delivery for the reported quantity of natural gas imported. Receipts are all revenues received by the exporter for the reported quantity exported.
15 (Key)	Additional Docket Number(s) (A9): Enter additional Docket Numbers, as specified in Data Field 4 above. (IDDCKT)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0409	IMPORTER/EXPORTER LIQUIFIED NATURAL GAS	1 of 3

I. DESCRIPTION

This schedule is used to collect detailed information on the import or export of liquified natural gas.

II. GENERAL INFORMATION

A. This schedule shall be submitted by each respondent having authorization to import or export liquified natural gas.

B. Respondents shall complete all data fields on this schedule annually.

C. These schedules shall be completed by each respondent having authorization to import or export natural gas. Use a separate schedule for each authorization (Docket Number). If one authorization involves more than one import or export point, a separate schedule shall be completed for each point. If authorization granted is increased, decreased or extended under a succession of Docket Numbers and all related gas moved through the same border facilities and authorized expansions thereof, moved to or from the same purchaser or supplier, and was subject to the same rate, such transactions shall be combined for reporting purposes and appropriate Docket Numbers shown in Data Field 16. Where transactions are based on volumetric measurement, weighted BTU data shall be used to estimate total monthly BTU's. Amounts paid or received and cost or receipts shall be reported in U.S. dollars.

D. Definitions

1. Transporter: The party or parties, other than buyer or seller, owning the facilities by which gas or LNG is physically transferred between buyer and seller.

2. Costs: All expenses incurred by import up to the U.S. point of delivery for reported quantity imported.

3. Receipts: All revenues received by exporter for the reported quantity exported.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Indicator Import/Export (N1): Enter "1" for import, or "2" for export. (INETOR)
2	Foreign Buyer/Seller Name (A35): Enter the name of the foreign buyer or seller using approved standard abbreviations when needed. (IDNAME)
3	Origin/Destination (A20): Enter origin point, if import; destination point, if export. (IDDESC)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0409	IMPORTER/EXPORTER LIQUIFIED NATURAL GAS	2 of 3

Data Field Number	Instructions
4 (Key)	Docket Number (A9): Enter the docket number having an alphabetic character in the first position, a hypen in the next position and followed by numerics. If authorization granted is increased, decreased or extended under a succession of Docket Numbers and all related gas moved through the same border facilities and authorized expansions thereof, moved to or from the same purchaser or supplier, and was subject to the same rate, such transactions shall be combined for reporting purposes and appropriate Docket Numbers, entered in Data Field 16 below. (IDDCKT).
5	Type Gas (N1): This data field is preprinted for FPC internal processing only. (INETOR)
6	Name of Transporter (A35): Enter the name of the transporter, other than the buyer or seller, owning the facilities by which gas is physically transferred between the buyer or seller. (IDNAME)
7	U.S. Receiving/Loading Point (A26): Enter the abbreviation of the state at the receiving or loading point. Following the state, enter the receiving or loading point separated by a comma. (IDDESC)
8	Mode of Transportation (A2): Enter the mode of transportation, as specified in the Register of Data Standards, TYTRAN.
9	Annual Weighted Average BTU Per Cubic Foot (N4.3) BTU/CF: Divide the total MM BTU of the quantity of LPG received or shipped at the U.S. receiving or loading point by the total MMCF equivalent, giving the annual weighted average BTU per cubic foot.
10	Annual Weighted Average Price in Cents per MM BTU (N3.3) CT/MMBT: Divide the total cost of receipts by the total MM BTU of th quantity of LPG received or shipped at the U.S. entry or exit point. Multiply the results by 100 giving the annual weighted average price in cents per MM BTU.
11	Month of Transaction (N2): This is a pre-printed data field indicating the month; i.e., 01=Jan, 02=Feb, etc. (TMMOYR)
12	Barrels, LPG Received or Shipped (N7) BBL: Enter the liquified natural gas barrels (42 U.S. gallons) of the quantity shipped or received at the U.S. receiving or loading point.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0409	IMPORTER/EXPORTER LIQUIFIED NATURAL GAS	3 of 3

Data Field Number	Instructions
13	MMCF Equivalent, Quantity Received or Shipped (N7.3) MMCF: Enter volumes in MMCF rounded to three decimal places at 14.73 PSIA at 60° Fahrenheit.
14	MM BTU Quantity Received or Shipped (N7.3) MMBTU: Where transactions are based primarily on volumetric measurements, weighted average BTU data should be used to estimate total monthly BTU's.
15	Amount Paid or Received (N9) DOL: Costs or receipts shall be entered in U.S. dollars. Costs are all expenses incurred by the importer up to the U.S. point of delivery for the reported quantity LPG imported. Receipts are all revenues received by the exporter for the reported quantity exported.
16	Additional Docket Number(s) (A9): Enter additional Docket Numbers, as specified in Data Field 4 above. (IDDCKT)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0410	ANNUAL UNDERGROUND STORAGE SUMMARY	1 of 5

I. DESCRIPTION

This schedule is used to collect information on underground storage operations.

II. GENERAL INSTRUCTIONS

A. This schedule shall be submitted by all Natural Gas Pipeline companies, Class A and Class B, who own, operate, or lease underground storage facilities.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions and deletions for Data Fields 2, 4, and 7-14B. Data Fields 1, 3, 5, 6, and 15-29, shall be submitted annually.

C. Report all gas volumes in MMCF rounded to three decimal places at a uniform pressure base of 14.73 PSIA at 60° Fahrenheit.

D. Respondent Assigned Codes: All of the codes designated as "respondent assigned" must be numerical, beginning with "000001" and continuing in a numerical sequence until all components (or groups of components) of a similar type have been assigned a unique code. If a component (or group of components) is referenced in more than one schedule, it is essential that the same code be used to identify each component (or group of components). Therefore, each respondent must identify each component (or group of components) by a unique, sequential code. These codes must be consistent from schedule to schedule and from year to year.

Note: If a respondent has previously assigned UNIQUE codes to components (or groups of components) these codes may be used instead of sequential codes. These codes must be consistent from schedule to schedule and from year to year.

Examples of components or groups of components which require respondent assigned codes -

- Reservoir I.D.
- Transmission Line Code
- Compressor Station Code

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Field Code (A6): Enter the code identifying the storage field, from the Register of Data Standards, IDGPFL.
2	Field Name (A26): Enter the storage field name, from the Register of Data Standards, IDGPFL.

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DETAILED INSTRUCTIONS: SCHEDULE 0410	ANNUAL UNDERGROUND STORAGE SUMMARY	2 of 5

Data Field Number	Instructions
3 (Key)	Reservoir ID (A6): Enter the unique, sequential (respondent assigned) code, as specified in the Register of Data Standards, NRCADL.
4	Reservoir Name (A26): Enter the storage reservoir name, from the Register of Data Standards, IDDESC.
5 (Key)	Project Location Designation (A1): Enter the geographic location within the USA, using one of the following codes: (IDMJAR) M = Midwest S = South E = East W = West
6 (Key)	State Abbreviation (A2): Enter the state abbreviation for the state with largest amount of acreage, from the Register of Data Standards, IDSTAT.
7	County Code (N3): Enter the county code for the county with largest amount of acreage, from the Register of Data Standards, IDCNTY.
8	Type of Storage Reservoir (A3): Enter one of the following alphebetic abbreviations: (TYGSST) UE = Underground Expansion UW = Underground Waterdive UA = Underground Aquifier LNG = Liquified Natural Gas OTH = All Other Storage
9	Reservoir Status Code (A1): Enter one of the following alphabetic abbreviations: (TYGRST) A = Active D = Developmental Stage P = Proposed F = Future Abandonment R = Reinstated
10	Year Operations Began (N4): Enter the four digit year in which storage operation was begun, in the format YYYY. (TMYEAR)
11	Type Respondent Interest (N1): Enter the one digit code identifying the respondents interest in the field, as follows: (TYRSIN) 1 = Field owned by respondent 2 = Joint ownership

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DETAILED INSTRUCTIONS: SCHEDULE 0410	ANNUAL UNDERGROUND STORAGE SUMMARY	3 of 5

Data Field Number	Instructions
11 (cont'd)	3 = Field leased by respondent 4 = Field operated by respondent 5 = Field operated by others 9 = Other interest
12	Associated Company Indicator (N1): Enter "1" if the co-owner is an associated company; if not, enter "0". Give particulars in a footnote of any gas stored for the benefit of another company under a gas exchange arrangement or basis of purchase and sale for resale to other company. (INYONO)
13	Percent Respondent Interest (N3.2) PCT: Enter the percentage of respondent ownership, rounded to two decimal places.
14	Total Base Gas (N6.3) MMCF: Report the total base gas for each storage field, in MMCF rounded to three decimal places. Base gas is the volume of gas needed as a permanent inventory to maintain adequate reservoir pressure and deliverability rates throughout the withdrawal season. All native gas is to be included in the base gas volume.
15	Working (Top Storage) Gas (N6.3) MMCF: Report the working gas for each storage field, in MMCF rounded to three decimal places. Working gas is the volume of gas in the reservoir above the designed level of the base gas. It may or may not be completely withdrawn during only particular withdrawal seasons. Conditions permitting, the total working capacity could be used more than once during any season.
16	Total Gas in Storage (N7.3) MMCF: Report the total gas in storage for each storage field, in MMCF rounded to three decimal places. Total gas in storage is the sum of the base gas (Data Field 14 above) and working (top storage) gas (Data Field 15 above).
17A	Percent Co-owner Interest (N3.2) PCT: Enter the percent of principal co-owner interest if respondent ownership is less than 100%, or operator, if field is not operated by respondent. If more than one principal co-owner, enter the percent and corresponding name (Data Field 17B below) in subsequent occurrances of Data Field 17A.
17B	Name of Co-owner/Operator (A35): Enter the name of principal co-owner if respondent ownership is less than 100%, or operator, if field is not operated by respondent. If more than one principal co-owner, enter the corresponding percent and names in subsequent occurrences of Data Fields 17A and 17B. (IDNAME)

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DETAILED INSTRUCTIONS: SCHEDULE 0410	ANNUAL UNDERGROUND STORAGE SUMMARY	4 of 5

Data Field Number	Instructions
18	Cost of Storage Operation (N8) DOL: Enter the cost of storage operation including land, equipment, etc.
19	Expenses for Storage Operations (N8) DOL: Enter the operating expenses excluding depreciation and taxes.
20	Storage Reservoir Pressure (N2.2) PSIG: Enter the pressure at which gas is stored.
21	Quantity Certificated Storage Capacity (N9.3) MMCF: Enter the certificated storage capacity of the reservoir, in MMCF rounded to three decimal places.
22	Number of Injection/Withdrawal Wells (N3) NO: Enter the number of injection and withdrawal wells in the storage field.
23	Number of Storage Observation Wells (N3) NO: Enter the number of observation wells in the storage field.
24	Quantity Maximum Day's Withdrawal (N5.3) MMCF: Enter the volume of gas withdrawn on maximum one-day withdrawal, in MMCF rounded to three decimal places.
25	Date of Maximum Day's Withdrawal (N6): Enter the date on which the maximum withdrawal from storage was made, in the format MMDDYY. (YMDATE)
26	Capacity Auxiliary Peaking Facility (N7.3) MMCF: Enter the maximum daily capacity, in MMCF rounded to three decimal places, on February 1 of heating season overlapping year-end for this report.
27	Indicator Auxiliary Peaking Operational on High Peak Day (N1): Enter "1" if the auxiliary peaking facility was in operation on high peak day; if not, enter "0". (INYONO)
28	Quantity Total Annual Storage Injections (N9.3) MMCF: Enter the total quantity of gas injected for the year, in MMCF rounded to three decimal places. This figure should equal the sum of Data Field 31 below (January-December Injections).
29	Quantity Total Annual Storage Withdrawals (N9.3) MMCF: Enter the total volume of gas withdrawn from storage during the year. This figure should equal the sum of Data Field 32 below (January-December Withdrawals).
30	Indicator Gas Stored for Others (N1): Enter "1" if gas is being stored for others; if not, enter "0". If gas is stored for others, Schedule 0844, "Gas Stored for Others" is to be completed. (INYONO)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0410	ANNUAL UNDERGROUND STORAGE SUMMARY	5 of 5

Data Field Number	Instructions
31	Quantity of Injections, January through December (N9.3) MMCF: Enter for each month the quantity of gas injected into storage, in MMCF rounded to three decimal places.
32	Quantity of Withdrawals, January through December (N9.3) MMCF: Enter for each month the volume of gas withdrawn from storage, in MMCF rounded to three decimal places.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0411	UNDERGROUND STORAGE DATA - MONTHLY AND SEMI-MONTHLY	1 of 3

I. DESCRIPTION

This schedule is used to collect the monthly and semi-monthly underground storage data.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Natural Gas Pipeline companies, Class A and Class B, subject to FPC jurisdiction, that operate underground natural gas storage fields in the United States.

B. Respondents shall complete all data fields on this schedule monthly, April-November and semimonthly, December-March.

C. Report all gas volumes in MMCF rounded to three decimal places at a uniform pressure base of 14.73 PSIA at 60° Fahrenheit.

D. When entering estimated volumes on this schedule, enter a "1" on the schedule in Data Field 2, "ID Report Period/Estimate Indicator", if an estimated volume is being supplied in Date Fields 3-8. If the value supplied is the actual volume, enter a "0" in Data Field 2.

E. Respondent Assigned Codes: All of the codes designated as "respondent assigned" must be numerical, beginning with "000001" and continuing in a numerical sequence until all components (or groups of components) of a similar type have been assigned a unique code. If a component (or group of components) is referenced in more than one schedule, it is essential that the same code be used to identify each component (or group of components). Therefore, each respondent must identify each component (or group of components) by a unique, sequential code. These codes must be consistent from schedule to schedule and from year to year.

Note: If a respondent has previously assigned UNIQUE codes to components (or groups of components) these codes may be used instead of sequential codes. These codes must be consistent from schedule to schedule and from year to year.

Examples of components or groups of components which require respondent assigned codes -

- Reservoir I.D.
- Transmission Line Code
- Compressor Station Code

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Gas Storage Category (A1): This is a preprinted coded data field for FPC internal processing only. (TYGSTC)

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0411	UNDERGROUND STORAGE DATA - MONTHLY AND SEMI-MONTHLY	2 of 3

Data Field Number	Instructions
1 (cont'd)	A. Respondent's Gas in Reservoirs Operated by Respondent. Applies to all gas owned by respondent in storage reservoirs which he operates. B. Customers' Gas in Reservoirs Operated by Respondent. Applies to all gas belonging to, stored for, and delivered for the account of a customer or others under storage service or similar contracts including customers or others that are subject to FPC jurisdiction. When the co-owner is also the operator, he shall report the respective portion of the gas storage data for the non-operating co-owners under category B. C. Total of A & B. D. Respondent's Gas in Reservoirs Operated by Others. Applies to any Respondent gas in reservoirs operated by others. (Respondent's total stored gas should equal A & D. Respondent to this schedule who are co-owners of storage reservoirs which they do not operate shall report their respective portions of this gas under category D. E. Reservoirs in the Development Stage. Applies to operators of gas storage reservoirs that are in the development stage.
2 (Key)	ID Report Period/Estimate Indicator (N2): The first position is a preprinted coded data field for FPC internal processing only. Use the second position to indicate estimate by entering "1" for yes, or "2" for no./(INETOR) First Position Values for ID Report Period are as follows: (TYRPTF) 1 = Balance as of Nov. 1 which are the balances on hand at the beginning of the storage withdrawal year commencing Nov. 1. This code applies to only Data Fields 3, 4, 5, and 6. 2 = Nov. 1 to date which applies to Data Fields 7 and 8 are the accumulated injections and withdrawals for the current storage period from Nov. 1 to end of the report period 3 = Current Report Period applies to all Data Fields 3, 4, 5, 6, 7, and 8.
3 (Key)	Total Base Gas (N6.3) MMCF: Report for each category (a) the base gas on hand as of Nov. 1 and (b) for the current report period. Base gas is the volume of gas needed as a permanent inventory to maintain adequate reservoir pressure and deliverability rates throughout the withdrawal season. All native gas is to be included in the base gas volume.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0411	UNDERGROUND STORAGE DATA - MONTHLY AND SEMI-MONTHLY	3 of 3

Data Field Number	Instructions
4	Working (Top Storage) Gas (N6.3) MMCF: Report for each category the (a) working gas on hand as of Nov. 1 and (b) the current report period. Working gas is the volume of gas in the reservoir above the designed level of the base gas. It may or may not be completely withdrawn during only particular withdrawal season. Conditions permitting; the total working capacity could be used more than once during any season.
5	Total Gas in Storage (N7.3) MMCF: Report for each category the (a) total gas in storage as of Nov. 1 and (b) the current report period. Total Gas in Storage is the sum of the base gas and the working gas.
6	Native Gas (N6.3) MMCF: Report for each category (a) the native gas on hand as of Nov. 1 and (b) the current report period. Native Gas is gas in place at the time that the reservoir was converted to storage as contrasted to injected gas. The volume reported in this data field is to be included in Data Field 3 above.
7	Injections (N6.3) MMCF: Report for each category (a) the accumulated injections to storage from Nov. 1 to the end of the current report period and (b) the injections during the current report period. Injections are the volume of gas injected during the applicable reporting period.
8	Withdrawals (N6.3) MMCF: Report for each category (a) the accumulated withdrawals from storage from Nov. 1 to the end of the current report period and (b) the withdrawals during the current report period. Withdrawals are the total volume of gas withdrawn during the applicable reporting period.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0412	PRODUCTS EXTRACTED FROM NATURAL GAS	1 of 4

I. DESCRIPTION

This schedule is used to collect information on the recovery and use of products from natural gas.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Natural Gas Pipeline companies, Class A and Class B, with operations for recovery of gasoline, butane, propane, etc., from natural gas.

B. Respondents shall complete all data fields on this schedule annually.

C. This schedule is to be filed on or before the 15th of May following the close of the calendar year reported.

D. Report all gas volumes in MMCF rounded to three decimal places at a uniform pressure base of 14.73 PSIA at 60° Fahrenheit.

E. Respondent Assigned Codes: All of the codes designated as "respondent assigned" must be numerical, beginning with "000001" and continuing in a numerical sequence until all components (or groups of components) of a similar type have been assigned a unique code. If a component (or group of components) is referenced in more than one schedule, it is essential that the same code be used to identify each component (or group of components). Therefore, each respondent must identify each component (or group of components) by a unique, sequential code. These codes must be consistent from schedule to schedule and from year to year.

Note: If a respondent has previously assigned UNIQUE codes to components (or groups of components) these codes may be used instead of sequential codes. These codes must be consistent from schedule to schedule and from year to year.

Examples of components or groups of components which require respondent assigned codes -

- Reservoir I.D.
- Transmission Line Code
- Compressor Station Code

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (A6): Enter the plant code, from the Register of Data Standards, IDGPFL.
2	Plant Name (A26): Enter the plant name, from the Register of Data Standards, IDGPFL.

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DETAILED INSTRUCTIONS: SCHEDULE 0412	PRODUCTS EXTRACTED FROM NATURAL GAS	2 of 4

Data Field Number	Instructions
3 (Key)	State Abbreviation (A2): Enter the state abbreviation, from the Register of Data Standards, IDSTAT.
4	County Code (N3): Enter the county code, from the Register of Data Standards, IDCNTY.
5 (Key)	Plant Type (A3): Enter the code identifying plant type, from the Register of Data Standards, TYGPLT.
6	Year Placed in Service (N4): Enter the year operation was begun, in the format YYYY. (TMYEAR)
7	Percent Respondent Ownership (N3.2) PCT: Report percentage of respondent interest, rounded to two decimal places.
8	Operation Code (N1): Enter the one-digit code for plant operation, as follows: (TYSTOL) 0 = plant not operated 1 = plant closed part of year 2 = plant in operation entire year
9	Plant Function Code (N1): Enter the one digit plant function code as follows: (TYUTSV) 1 = base load 2 = auxiliary peaking 3 = standby 4 = peak shaving 5 = peaking 6 = cycling
10	Name of Owner/Co-owner (A35): Enter name of principal co-owner if respondent interest is less than 100%. (IDNAME)
11	Type of Process (A3): Enter a three-character abbreviation for the extraction process, as follows: (TYGEXP) REF = refrigeration ABS = absorption ADS = adsorption RAB = refrigeration-absorption AAD = absorption-adsorption LNE = low temperature, low pressure, light hydrocarbon extraction DRC = drip control TUR = turbine CRY = cryogenics OTH = other

R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0412	PRODUCTS EXTRACTED FROM NATURAL GAS	3 of 4

Data Field Number	Instructions
12	Annual Plant Cost (N8) DOL: Report plant cost, including land and land rights, structures and equipment.
13	Annual Operating Expenses (N8) DOL: Report expenses relating to operation and maintenance of products extraction facilities, except for fuel, to be reported in Data Field 4 below.
14	Annual Fuel Cost (N7) DOL: Report annual fuel costs, including gas used from company's own supply.
15	Pressure Base (N2.3) PSIA: Enter pressure base, if other than 14.73 PSIA at 60° Fahrenheit.
16	Gas Treating Capacity (N5.3) MMCF: Enter the quantity of gas which may be processed per day, in MMCF rounded to three decimal places.
17	Gas Output Capacity (N6) GAL: Report output capacity per day of gasoline, in gallons.
18	Gas Storage Capacity (N7) GAL: Report amount of gasoline which may be stored, in gallons.
19	Average MCF/GAL (N1.4) MCF/GAL: Report average MCF required per gallon of gasoline, rounded to four decimal places.
20	Respondent Gas Processed (N7.3) MMCF: Report quantity of respondents own gas processed, in MMCF rounded to three decimal places.
21	Gas Processed for Others (N7.3) MMCF: Report the gas processed for others, in MMCF rounded to three decimal places.
22	Shrinkage (N7.3) MMCF: Report shrinkage of gas processed, in MMCF rounded to three decimal places.
23	Gas in Storage End of Year (N7) GAL: Enter, in gallons, the amount of gasoline in storage at end of report year.
24	Gas Used for Fuel (N7.3) MMCF: Enter the gas used for fuel, in MMCF rounded to three decimal places.
NOTE: The following four data fields (25-28) are to be repeated, as needed, for any extracted products used by respondent.	
25	Extracted Product Used (A8): Butane, propane, gasoline, etc. (IDDESC)
26	Quantity Used (N7) NO: Report the quantity of gas used by respondent.

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DETAILED INSTRUCTIONS: SCHEDULE 0412	PRODUCTS EXTRACTED FROM NATURAL GAS	4 of 4

Data Field Number	Instructions
27	Unit of Measure (A3): Enter the unit of measure which applies to quantity reported in Data Field 26 above. (TYUNMS)
28	Nature of Use (A40): Describe, very briefly, how extracted product is used. (IDDESC)
29	Products Extracted (A8): Enter the name of each product extracted. (IDDESC)
30	Quantity of Extracted Products (N7) NO: Enter the volume for each each extracted product.
31	Unit of Measure (A3): Enter the unit of measure which applies to the quantity reported in Data Field 30 above. (TYUNMS)

R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0413	MANUFACTURED GAS PRODUCTION	1 of 3

I. DESCRIPTION

This schedule is used to collect information on gas manufacturing plants and manufactured gas.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Natural Gas Pipeline companies, Class A and Class B, with manufactured gas operations, excluding LPG plants.

B. Respondents shall complete all data fields on this schedule annually.

C. This schedule is to be filed on or before the 15th of May following the close of the calendar year reported.

D. Report all gas volumes in MMCF rounded to three decimal places at a uniform pressure base of 14.73 PSIA at 60° Fahrenheit.

E. Respondent Assigned Codes: All of the codes designated as "respondent assigned" must be numerical, beginning with "0000001" and continuing in a numerical sequence until all components (or groups of components) of a similar type have been assigned a unique code. If a component (or group of components) is refetenced in more than one schedule, it is essential that the same code be used to identify each component (or group of components). Therefore, each respondent must identify each component (or group of components) by a unique, sequential code. These codes must be consistent from schedule to schedule and from year to year.

Note: If a respondent has previously assigned UNIQUE codes to components (or groups of components) these codes may be used instead of sequential codes. These codes must be consistent from schedule to schedule and from year to year.

Examples of components or groups of components which require respondent assigned codes -
- Reservoir I.D.
- Transmission Line Code
- Compressor Station Code

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (A6): Enter the plant code, from the Register of Data Standards, IDGPPL.
2	Name of Plant (A26): Enter the plant name, from the Register of Data Standards, IDGPPL.
3 (Key)	State Abbreviation (A2): Enter the state abbreviation, from the Register of Data Standards, IDSTAT.

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DETAILED INSTRUCTIONS: SCHEDULE 0413	MANUFACTURED GAS PRODUCTION	2 of 3

Data Field Number	Instructions
4	County Code (N3): Enter the county code, from the Register of Data Standards, IDCNTY.
5 (Key)	Plant Type (A3): Enter the code identifying plant type, from the Register of Data Standards, TYGPLT.
6	Year Operation Began (N4): Enter first year of plant operation, in the format YYYY. (TMYEAR)
7	Percent Respondent Ownership (N3.2) PCT: Enter percentage of respondent ownership, rounded to two decimal places.
8	Operation Code (N1): Enter the one digit code for plant operation, as follows: (TYSTOL) 0 = plant not operated 1 = plant closed part of year 2 = plant in operation entire year
9	Plant Function Code (N1): Enter the one digit code for plant function, as follows: (TYUTSV) 1 = base load 2 = auxiliary peaking 3 = standby 4 = peak shaving 5 = peaking 6 = cycling
10	Name of Owner/Co-owner (A35): Enter name of principal co-owner, if respondent ownership is less than 100%. (IDNAME)
11	Annual Plant Cost (N8) DOL: Enter cost of plant (land, equipment, etc.)
12	Annual Operating Expenses (N8) DOL: Enter operating expenses, excluding depreciation, taxes and fuel costs.
13 (Key)	Type of Process (A4): Enter one of the four-character abbreviations for manufacturing process, as follows: (TYGMPG) COKE = coke oven WGAS = water gas OTHR = other process
14	Annual Fuel Cost (N7) DOL: Enter the cost of the manufactured gas used.
15	Quantity Manufactured Gas Produced (N7.3) MMCF: Report quantity of gas manufactured, in MMCF rounded to three decimal places.

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DETAILED INSTRUCTIONS: SCHEDULE 0413	MANUFACTURED GAS PRODUCTION	3 of 3

Data Field Number	Instructions
16	Quantity Mixed with Natural Gas (N7.3) MMCF: Enter quantity of manufactured gas mixed with natural gas, in MMCF rounded to three decimal places.
17	BTU/MCF (N4.2) BTU/MCF: Enter the BTU content of manufactured gas, per MCF, rounded to two decimal places.

RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0414	LIQUEFIED PETROLEUM GAS OPERATIONS	1 of 2

I. DESCRIPTION

This schedule is used to collect information on liquefied petroleum gas operations.

II. GENERAL INFORMATION

A. The schedule shall be submitted by all Natural Gas Pipeline companies, Class A and Class B, who own or operate a plant which produces gas from liquefied petroleum gas (LPG).

B. Respondents shall complete all data fields on this schedule annually.

C. Report all gas volumes in MMCF rounded to three decimal places at a uniform pressure base of 14.73 PSIA at 60° Fahrenheit.

D. Respondent Assigned Codes: All of the codes designated as "respondent assigned" must be numerical, beginning with "000001" and continuing in a numerical sequence until all components (or groups of components) of a similar type have been assigned a unique code. If a component (or group of components) is referenced in more than one schedule, it is essential that the same code be used to identify each component (or group of components). Therefore, each respondent must identify each component (or group of components) by a unique, sequential code. These codes must be consistent from schedule to schedule and from year to year.

Note: If a respondent has previously assigned UNIQUE codes to components (or groups of components) these codes may be used instead of sequential codes. These codes must be consistent from schedule to schedule and from year to year.

Examples of components or groups of components which require respondent assigned codes -

- Reservoir I.D.
- Transmission Line Code
- Compressor Station Code

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Plant Code (A6): Enter the plant code, from the Register of Data Standards, IDGPFL.
2	Plant Name (A26): Enter the plant name, from the Register of Data Standards, IDGPFL.
3 (Key)	State Abbreviation (A2): Enter the state abbreviation, from the Register of Data Standards, IDSTAT.
4	County Code (N3): Enter the county code, from the Register of Data Standards, IDCNTY.

RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0414	LIQUIFIED PETROLEUM GAS OPERATIONS	2 of 2

Data Field Number	Instructions
5 (Key)	Plant Type (A3): Enter the code identifying plant type, from the Register of Data Standards, TYGPLT.
6	Year Installed (N4): Enter the year operation was begun, in the format, YYYY. (TMYEAR)
7	Percent of Respondent Ownership (N3.2) PCT: Enter the percentage of respondent ownership, rounded to two decimal places.
8	Operation Code (N1): Enter one of the numeric codes indicating plant operation, as follows: (TYSTOL) 0 = plant not in operation for entire year 1 = plant closed part of year 2 = plant in operation for entire year
9	Plant Function Code (N1): Enter the one digit plant function code, as follows: (TYUTSV) 1 = base load 2 = auxiliary peaking 3 = standby 4 = peak shaving 5 = peaking 6 = cycling
10	Name of Owner/Co-owner (A35): Enter the name of principal co-owner, if respondent ownership is less than 100%. (IDNAME)
11	Annual Plant Cost (N8) DOL: Enter the cost of the plant (land structure, equipment, etc.).
12	Annual Operating Expenses (N8) DOL: Enter the operating expenses, excluding taxes and depreciation.
13	Annual Fuel Cost (N7) DOL: Enter the cost of LPG used.
14	LPG Storage Capacity (N7) GAL: Enter the storage capacity, for LPG, in gallons.
15	Gallons of LPG Used (N7) GAL: Enter the amount of LPG used, in gallons.
16	Quantity of Gas Produced (N7.3) MMCF: Enter the quantity of gas produced, in MMCF rounded to three decimal places.
17	MMCF Mixed with Natural Gas (N7.3) MMCF: Enter the quantity of produced gas mixed with natural gas or which is substituted for deliveries normally made from natural gas, in MMCF rounded to three decimal places.
18	BTU/MCF (N4.2) BTU/MCF: Enter the BTU content, per MCF rounded to two decimal places.

RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0415	NUMBER OF GAS AND OIL WELLS	1 of 2

I. DESCRIPTION

This schedule is used to collect particulars on gas and oil wells owned by the respondent.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Natural Gas Pipeline companies, Class A and Class B, owning gas and oil wells which are producing, or are capable of producing. Gas wells, oil wells, and combination wells should be listed separately, as should offshore wells, of each type, by state.

B. Respondents shall complete all data fields on this schedule annually.

C. This schedule is to be filed on or before the 15th of May following the close of the calendar year reported.

D. Respondent Assigned Codes: All of the codes designated as "respondent assigned" must be numerical, beginning with "000001" and continuing in a numerical sequence until all components (or groups of components) of a similar type have been assigned a unique code. If a component (or group of components) is referenced in more than one schedule, it is essential that the same code be used to identify each component (or group of components). Therefore, each respondent must identify each component (or group of components) by a unique, sequential code. These codes must be consistent from schedule to schedule and from year to year.

Note: If a respondent has previously assigned UNIQUE codes to components (or groups of components) these codes may be used instead of sequential codes. These codes must be consistent from schedule to schedule and from year to year.

Examples of components or groups of components which require respondent assigned codes -

- Reservoir I.D.
- Transmission Line Code
- Compressor Station Code

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Well Type (A1): Enter the one digit abbreviation identifying well type, as follows: (TYWELL) G = gas well O = oil well C = combination well

RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0415	NUMBER OF GAS AND OIL WELLS	2 of 2

Data Field Number	Instructions
1 (cont'd)	(A combination well is producing from, or capable of production from, one or more oil reservoirs and also from one or more gas reservoirs.)
2 (Key)	State Abbreviation (A2): Enter the state abbreviation, from the Register of Data Standards, IDSTAT.
3 (Key)	Indicator/Offshore (N1): If well if offshore, enter "1"; if not, enter "0". (INYONO)
4	Number of Wells Beginning of Year (N5) NO: Enter number of wells beginning of year.
5	Number of Successful Wells Drilled (N4) NO: Enter number of successful wells drilled during year.
6	Number of Wells Purchased (N4) NO: Enter number of wells purchased during year.
7	Number of Wells Abandoned (N3) NO: Enter number of wells abandoned during year.
8	Number of Wells Sold (N4) NO: Enter number of wells sold during year.
9	Number of Wells Reclassified (N4) NO: Enter number of wells reclassified during year, as between oil wells, gas wells or combination wells.
10	Number of Wells at End of Year (N5) NO: Enter number of wells at end of year.

R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0416	OWNERSHIP OF GAS AND OIL WELLS	1 of 2

I. DESCRIPTION

This schedule is used to collect information on respondent interest in gas, oil, or combination wells.

II. GENERAL INFORMATION

A. This schedule serves as a supplement to Schedule 0415, "Number of Gas and Oil Wells" and must be completed by Natural Gas Pipeline companies, Class A and Class B, owning any interest in gas, oil or combination wells which are producing or are capable of producing.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

C. Respondent Assigned Codes: All of the codes designated as "respondent assigned" must be numerical, beginning with "000001" and continuing in a numerical sequence until all components (or groups of components) of a similar type have been assigned a unique code. If a component (or group of components) is referenced in more than one schedule, it is essential that the same code be used to identify each component (or group of components). Therefore, each respondent must identify each component (or group of components) by a unique, sequential code. These codes must be consistent from schedule to schedule and from year to year.

Note: If a respondent has previously assigned UNIQUE codes to components (or groups of components) these codes may be used instead of sequential codes. These codes must be consistent from schedule to schedule and from year to year.

Examples of components or groups of components which require respondent assigned codes -

- Reservoir I.D.
- Transmission Line Code
- Compressor Station Code

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Well Type (A1): Enter the one digit abbreviation identifying well type, as follows: (TYWELL) G = gas well O = oil well C = combination well (A combination well is producing from, or capable of producing from, one or more oil reservoirs and also from one or more gas reservoirs.)

R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0416	OWNERSHIP OF GAS AND OIL WELLS	2 of 2

Data Field Number	Instructions
2 (Key)	State Abbreviation (A2): Enter the state abbreviation, from the Register of Data Standards, IDSTAT.
3 (Key)	Well Lease Number (A4): Enter the well lease number, as specified in the Register of Data Standards, IDEQPT.
4	Indicator Owned/Leased (N1): Enter "1" if well is owned, "2" if leased. (INETOR)
5	Percent of Ownership (N3.4) PCT: If owned, enter percentage of ownership, rounded to four decimal places.
6	Well Lease Name (A16): Enter the name of well. (IDDESC)
7 (Key)	Indicator Offshore (N1): If well is offshore, enter "1"; if not, enter "0". (INYONO)

R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0417	GAS LINE MILEAGE BY PIPE DIAMETER	1 of 2

I. DESCRIPTION

The schedule is used to collect line mileage data for transmiseion, gathering field and underground storage lines.

II. GENERAL INFORMATION

A. This schedule shall be submitted by all Natural Gas Pipeline companies, Class A and Class B.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

C. Respondents will report gas line mileage by type of line and by state.

D. Respondent Assigned Codes: All of the codes designated as "respondent assigned" must be numerical, beginning with "000001" and continuing in a numerical sequence until all components (or groups of components) of a similar type have been assigned a unique code. If a component (or group of components) is referenced in more than one schedule, it is essential that the same code be used to identify each component (or group of components). Therefore, each respondent must identify each component (or group of components) by a unique, sequential code. These codes must be consistent from schedule to schedule and from year to year.

Note: If a respondent has previously assigned UNIQUE codes to components (or groups of components) these codes may be used instead of sequential codes. These codes must be consistent from schedule to schedule and from year to year.

Examples of components or groups of components which require respondent assigned codes -

- Reservoir I.D.
- Transmission Line Code
- Compressor Station Code

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	State Abbreviation (A2): Enter the state abbreviation, from the Register of Data Standards, IDSTAT.
2 (Key)	Line Type (A1): Enter the one character abbreviation to indicate line type, as follows: (TYGSLN) T = Transmission Line G = Gathering Line S = Underground Storage Line

R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0417	GAS LINE MILEAGE BY PIPE DIAMETER	2 of 2

Data Field Number	Instructions
3	Total Miles (N5.2) MI: Enter the total miles of this line type, rounded to two decimal places.
4-15	Mileage by Pipe Diameter (N4.2) MI: Enter for each category of inside diameter of pipe specified, the combined mileage of the line, rounded to two decimal places.

R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0418	TRANSMISSION SYSTEM PEAK DELIVERIES	1 of 2

I. DESCRIPTION

This schedule is used to collect information on season peak deliveries of gas.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Natural Gas Pipeline companies, Class A and Class B, reporting total transmission system deliveries, excluding deliveries to storage, for the periods of system peak deliveries indicated below, during the twelve months embracing the heating season overlapping the year's end for which schedule is submitted, classified as to sales subject to FPC rate schedules and other sales.

B. Respondents shall complete all data fields on this schedule annually.

C. This schedule is to be filed on or before 15 May, which will permit inclusion of the season's peak data.

D. The delivery periods are preprinted in the first column of the schedule coded as follows:

1 = Highest day's delivery
2 = Second highest day's delivery
3 = Third highest day's delivery
4 = Highest month's delivery
5 = Highest consecutive three-day deliveries

E. Respondent Assigned Codes: All of the codes designated as "respondent assigned" must be numerical, beginning with "000001" and continuing in a numerical sequence until all components (or groups of components) of a similar type have been assigned a unique code. If a component (or group of components) is referenced in more than one schedule, it is essential that the same code be used to identify each component (or group of components). Therefore, each respondent must identify each component (or group of components) by a unique, sequential code. These codes must be consistent from schedule to schedule and from year to year.

Note: If a respondent has previously assigned UNIQUE codes to components (or groups of components) these codes may be used instead of sequential codes. These codes must be consistent from schedule to schedule and from year to year.

Examples of components or groups of components which require respondent assigned codes –

- Reservoir I.D.
- Transmission Line Code
- Compressor Station Code

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0418	TRANSMISSION SYSTEM PEAK DELIVERIES	2 of 2

Data Field Number	Instructions
1 (Key)	System Peak Period Code (N1): This data field is preprinted as described above. (TYPKPM)
2 (Key)	Date System Peak Delivery (N6): Enter the date of peak deliveries, in the format MMDDYY. Enter month and year only for highest month, i.e., 010075, for highest consecutive three-day period, enter date of first day, i.e., 010175. (TMDATE)
3	Quantity System Peak Subject to Rate Schedule (N7.3) MMCF: Report total deliveries subject to FPC rate schedules, in MMCF, rounded to three decimal places.
4	Quantity System Peak Non-Rate Schedule (N7.3) MMCF: Report total deliveries not subject to FPC rate schedules, in MMCF rounded to three decimal places.
5	Quantity System Peak Curtailments Subject to Rate Schedule (N5.3) MMCF: Report total curtailments to FPC rate schedule customers on day indicated, in MMCF rounded to three decimal places. Do not report for highest month.
6	Quantity System Peak Curtailments Non-Rate Schedule (N5.3) MMCF: Report total curtailments to non-rate schedule customers, as above.
NOTE: Data Fields 7 through 11 report quantities drawn during highest consecutive three days. Enter quantities only where applicable, in MMCF rounded to three decimal places.	
7	Quantity System Peak - Line Pack (N7.3) MMCF: Report gas drawn from line pack.
8	Quantity System Peak-Underground Storage (N7.3) MMCF: Report gas drawn from underground storage.
9	Quantity System Peak - Peak Shaving (N7.3) MMCF: Report gas drawn from peak shaving.
10	Quantity System Peak - Deliveries from Other System (N7.3) MMCF: Report gas delivered from other systems.
11	Quantity System Peak from Other Facilities (N7.3) MMCF: Report total gas drawn from other sources than above.

R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0419	PIPELINE SERVICE INTERRUPTIONS	1 of 2

I. DESCRIPTION

This schedule is used to collect details of service interruptions occurring on the pipeline system.

II. GENERAL INFORMATION

A. This schedule shall be submitted by any Natural Gas Pipeline companies, Class A, B, C or D, which experienced a service interruption on their pipeline system during the year.

B. This schedule shall be reported on an exception basis only. If no interruptions have occurred during the reporting year, this schedule is not to be completed.

C. Report all gas volumes in MMCF rounded to three decimal places at a uniform pressure base of 14.73 PSIA at 60° Fahrenheit.

D. Respondent Assigned Codes: All of the codes designated as "respondent assigned" must be numerical, beginning with "000001" and continuing in a numerical sequence until all components (or groups of components) of a similar type have been assigned a unique code. If a component (or group of components) is referenced in more than one schedule, it is essential that the same code be used to identify each component (or group of components). Therefore, each respondent must identify each component (or group of components) by a unique, sequential code. These codes must be consistent from schedule to schedule and from year to year.

Note: If a respondent has previously assigned UNIQUE codes to components (or groups of components) these codes may be used instead of sequential codes. These codes must be consistent from schedule to schedule and from year to year.

Examples of components or groups of components which require respondent assigned codes –

- Reservoir I.D.
- Transmission Line Code
- Compressor Station Code

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Date of Service Interruption (N6): Report the date that the service interruption occurred, in the format, MMDDYY. (TMDATE)
2	Date Interruption Reported (N6): Enter the date that the service interruption was reported to the Commission, in the format MMDDYY. (TMDATE)
3 (Key)	State Abbreviation (A2): Enter the state abbreviation, from the Register of Data Standards, IDSTAT.

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DETAILED INSTRUCTIONS: SCHEDULE 0419	PIPELINE SERVICE INTERRUPTIONS	2 of 2

Data Field Number	Instructions
4	County Code (N3): Enter the county code, from the Register of Data Standards, IDCNTY.
5	City Name (A20): Enter the name of the city. (IDCITY)
6	Name of Facility Affected (A26). (IDDESC)
7	Description of System Interruption and Effect (A216): Enter a narrative description not to exceed 72 characters per line. (IDDESC)
8	Class of Customers Effected (A10). (IDDESC)
9	Hours of Service Interruption (N3) HR: Report number of whole hour(s).
10	Minutes of Service Interruption (N2) MIN: Report number of minutes.
11	Number of Customers Affected (N6) NO: Report the number of customers affected by customer class.
12	Quantity of System Interruption Gas (N5.3) MMCF: Enter the volume by customer class, in MMCF rounded to three decimal places.

RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0420	TRANSMISSION LINE INTERCONNECTIONS	1 of 2

I. DESCRIPTION

This schedule is used to collect information on interconnection points on the respondents main trasmission line.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Natural Gas Pipeline companies, Class A, having a system delivery capacity in excess of 100 MMCF per day (at a uniform pressure base of 14.73 PSIA at 60° Fahrenheit), and shall be filed by 15 May of each year reflecting operating conditions on the main transmission system during the previous twelve months ended 31 December.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

C. Respondent Assigned Codes: All of the codes designated as "respondent assigned" must be numerical, beginning with "000001" and continuing in a numerical sequence until all components (or groups of components) of a similar type have been assigned a unique code. If a component (or group of components) is referenced in more than one schedule, it is essential that the same code be used to identify each component (or group of components). Therefore, each respondent must identify each component (or group of components) by a unique, sequential code. These codes must be consistent from schedule to schedule and from year to year.

Note: If a respondent has previously assigned UNIQUE codes to components (or groups of components) these codes may be used instead of sequential codes. These codes must be consistent from schedule to schedule and from year to year.

Examples of components or groups of components which require respondent assigned codes -

- Reservoir I.D.
- Transmission Line Code
- Compressor Station Code

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Transmission Line Code (N6): Enter a unique (respondent assigned) code, as specified in the Register of Data Standards, NRCADL.
2	Transmission Line Name (A16): Enter the name of transmission line. (IDDESC)
3	Year Placed in Service (N4): Enter the year the line was placed in service, in the format YYYY. (TMYEAR)

RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0420	TRANSMISSION LINE INTERCONNECTIONS	2 of 2

Data Field Number	Instructions
4	Additional Owner Indicator (A1): If additional owners have interest in the transmission line, enter "1"; if not, enter "0". (INYONO)
5 (Key)	Company ID of Interconnect (N6): Enter the code identifying interconnecting company, from the Register of Data Standards, IDRESP.
6	Name of Interconnect Company (A35): Enter the name of the interconnecting company, from the Register of Data Standards, IDRESP.
7	State Abbreviation (A2): Enter the state abbreviation identifying state where interconnection is located, from the Register of Data Standards, IDSTAT.
8	County Code (N3): Enter the county code identifying county where interconnection is located, from the Register of Data Standards, IDCNTY.
9	Data Year (N4): Enter the year for which data is reported, in the format YYYY. (TMYEAR)
10	Pressure at Interconnection Point (N2.3) PSIA: Report pressure in pipeline at interconnection point.
11	Quantity Receivable at This Pressure (N7.3) MMCF: In MMCF, rounded to three decimal places.
12	Quantity Deliverable at This Pressure (N7.3) MMCF: In MMCF, rounded to three decimal places.
13	Indicator Associated Company (N1): If interconnecting company is associated with respondent, enter "1"; if not, enter "0". (INYONO)
14	Map Reference (A16): Enter the map reference for the point of interconnection, as specified in the Register of Data Standards, LCCOOR.

RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0421	TRANSMISSION LINE TAKE-OFF POINTS AND CUSTOMERS	1 of 2

I. DESCRIPTION

This schedule is used to collect data on transmission line take-off points and customers.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Natural Gas Pipeline companies, Class A, with a system delivery capacity of 100 MMCF or greater per day and who deliver gas directly to customers from transmission line take-off points.

B. Respondents shall complete all data fields on this schedule annually.

C. Report all gas volumes in MMCF rounded to three decimal places at a uniform pressure base of 14.73 PSIA at 60° Fahrenheit.

D. Respondent Assigned Codes: All of the codes designated as "respondent assigned" must be numerical, beginning with "000001" and continuing in a numerical sequence until all components (or groups of components) of a similar type have been assigned a unique code. If a component (or group of components) is referenced in more than one schedule, it is essential that the same code be used to identify each component (or group of components). Therefore, each respondent must identify each component (or group of components) by a unique, sequential code. These codes must be consistent from schedule to schedule and from year to year.

Note: If a respondent has previously assigned UNIQUE codes to components (or groups of components) these codes may be used instead of sequential codes. These codes must be consistent from schedule to schedule and from year to year.

Examples of components or groups of components which require respondent assigned codes -

- Reservoir I.D.
- Transmission Line Code
- Compressor Station Code

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Transmission Line Code (N6): Enter a unique (respondent assigned) code identifying the transmission line, as specified in the Register of Data Standards, NRCADL.
2	Transmission Line Name (A16): Enter the name of transmission line. (IDDESC)
3	Map Reference (A16): Enter the map reference for each take-off point, as specified in the Register of Data Standards, LCCOOR.

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DETAILED INSTRUCTIONS: SCHEDULE 0421	TRANSMISSION LINE TAKE-OFF POINTS AND CUSTOMERS	2 of 2

Data Field Number	Instructions
4 (Key)	State Abbreviation (A2): Enter the state abbreviation, from the Register of Data Standards, IDSTAT.
5	County Code (N3): Enter the county code, from the Register of Data Standards, IDCNTY.
6	Customer Code (N6): Enter the customer code, from the Register of Data Standards, IDRESP.
7	Customer Name (A35): Enter the customer name, from the Register of Data Standards, IDRESP.
8	Associate Company Indicator (N1): If delivery is made to an associated company, enter "1"; if not, enter "0". (INYONO)
9	Indicator Jurisdictional/Non-Jurisdictional (N1): If delivery is under rates subject to FPC jurisdiction, enter "1"; if non-juriadictional, enter "2". (INETOR)
10	Average Daily Volume Delivered (N7.3) MMCF: Report the average daily volume delivered at the take-off point, in MMCF rounded to three decimal places.
11	Maximum Coincidental One-Day Delivery (N7.3) MMCF: Enter the volume delivered to customer on day of maximum coincidental delivery, in MMCF rounded to three decimal places.
12	Maximum Noncoincidental One-Day Delivery (N7.3) MMCF: Enter the volume delivered to customer on day of maximum noncoincidental delivery, in MMCF rounded to three decimal places.

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RAS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0422	TRANSMISSION LINE STORAGE WITHDRAWAL DATA	1 of 2

I. DESCRIPTION

This schedule is used to collect data pertaining to the withdrawal of gas from transmission line in storage fields.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Natural Gas Pipeline companies, Class A, with a system delivery capacity of 100 MMCF or greater per day.

B. Respondents shall complete all data fields on this schedule annually.

C. Report all gas volumes in MMCF rounded to three decimal places at a uniform pressure base of 14.73 PSIA at 60° Fahrenheit.

D. Respondent Assigned Codes: All of the codes designated as "respondent assigned" must be numerical, beginning with "000001" and continuing in a numerical sequence until all components (or groups of components) of a similar type have been assigned a unique code. If a component (or group of components) is referenced in more than one schedule, it is essential that the same code be used to identify each component (or group of components). Therefore, each respondent must identify each component (or group of components) by a unique, sequential code. These codes must be consistent from schedule to schedule and from year to year.

Note: If a respondent has previously assigned UNIQUE codes to components (or groups of components) these codes may be used instead of sequential codes. These codes must be consistent from schedule to schedule and from year to year.

Examples of components or groups of components which require respondent assigned codes -

- Reservoir I.D.
- Transmission Line Code
- Compressor Station Code

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Transmission Line Code (N6): Enter a unique (respondent assigned) code identifying the transmission line, as specified in the Register of Data Standards, NRCADL.
2 (Key)	Storage Field Code (A6): Enter the code identifying the storage field from which the withdrawal was made, from the Register of Data Standards, IDGPFL.
3	Storage Field Name (A26): Enter the name of the storage field from which the withdrawal was made, from the Register of Data Standards, IDGPFL.

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RAS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0422	TRANSMISSION LINE STORAGE WITHDRAWAL DATA	2 of 2

Data Field Number	Instructions
4	State Abbreviation (A2): Enter the state abbreviation, from the Register of Data Standards, IDSTAT.
5	Map Reference (A16): Enter the map reference for the storage field, as specified in the Register of Data Standards, LCCOOR.
6	Quantity Maximum Day Dependable Withdrawal (N7.3) MMCF: Enter the volume of gas, in MMCF rounded to three decimal places, for maximum day dependable withdrawal.
7	Quantity Seasonal Dependable Withdrawal (N7.3) MMCF: Enter the volume of gas, in MMCF rounded to three decimal places, for the seasonal dependable withdrawal.

RAS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0423	COMPRESSOR STATIONS - ANNUAL DATA	1 of 4

I. DESCRIPTION

This schedule is used to collect data on compressor station operations.

II. GENERAL INFORMATION

A. This schedule shall be submitted by the following categories of respondents:

RESPONDENT CATEGORY	DATA FIELD
Natural Gas Pipeline companies, Class A and Class B	1-20
Natural Gas Pipeline companies, Class A, with a system delivery capacity of 100 MCF or greater per day.*	All Data Fields (1-33)

*Class A companies reporting on compressor stations other than transmission compressor stations should omit data fields 21-28, inclusive.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

C. Respondent Assigned Codes: All of the codes designated as "respondent assigned" must be numerical, beginning with "000001" and continuing in a numerical sequence until all components (or groups of components) of a similar type have been assigned a unique code. If a component (or group of components) is referenced in more than one schedule, it is essential that the same code be used to identify each component (or group of components). Therefore, each respondent must identify each component (or group of components) by a unique, sequential code. These codes must be consistent from schedule to schedule and from year to year.

Note: If a respondent has previously assigned UNIQUE codes to components (or groups of components) these codes may be used instead of sequential codes. These codes must be consistent from schedule to schedule and from year to year.

Examples of components or groups of components which require respondent assigned codes -

- Reservoir I.D.
- Transmission Line Code
- Compressor Station Code

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Transmission Line Code (N6): Enter the unique (respondent assigned) code identifying the transmission line, as specified in the Register of Data Standards, NRCADL.

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RAS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0423	COMPRESSOR STATIONS - ANNUAL DATA	2 of 4

Data Field Number	Instructions
2 (Key)	Compressor Station Code (A6): Enter the unique (respondent assigned) code identifying compressor station, from the Register of Data Standards, NRCADL.
3	Compressor Station Name (A16): Enter the name of the compressor station. (IDDESC)
4	State Abbreviation (A2): Enter the state abbreviation, from the Register of Data Standards, IDSTAT.
5	Production Area (N2): Enter the code for production area, from the Register of Data Standards, IDMGAR.
6	County Code (N3): Enter the county code, from the Register of Data Standards, IDCNTY.
7 (Key)	Map Reference (A16): Enter the map reference for compressor station, as specified in the Register of Data Standards, LCCOOR.
8	Compressor Station Type (A3): Enter one of the three-character abbreviations of identify compressor stations, as follows: (TYGCST) FLD = field compressor station PEX = products extraction UST = underground storage COM = compressor station TRM = transmission compressor DIS = distribution compressor station OTH = other
9	Year Placed in Service (N4): Enter the year compressor station was placed in service, in the format YYYY. (THYEAR)
10	Percent Respondent Ownership (N3.2) PCT: Enter the percentage of respondent ownership, roundad to two decimal places.
11	Name of Co-Owner or Operator (A35): Enter name of principal co-owner, if respondent interest less than 100%, or operator, if other than respondent. (IDNAME)
12	Operation Code (N1): Enter the one-digit code for station operation, as follows: (TYSTOL) 0 = station not in operation 1 = station not operated part of year 2 = station operated entire year

RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0423	COMPRESSOR STATIONS - ANNUAL DATA	3 of 4

Data Field Number	Instructions
13	Indicator Small Group (N1): Indicate if this data is being reported for a group of small field compressor stations, enter "1" for yes, or "0" for no. (INYONO)
14	Number of Stations in Group (N5) NO: If entry in data field 12 above, is yes, indicate number of stations grouped.
15	Number of Employees (N5) NO: Report number of employees at compressor station.
16	Fuel Type (A3): Enter the abbreviation for fuel type, from the Register of Data Standards, TYFUEL.
17	Quantity Gas for Compressor Fuel (N7.3) MMCF: Report quantity of natural gas used for fuel, in MMCF rounded to three decimal places.
18	Total Hours During Year (N4) HR: Enter total number of hours compressor station was used during report year.
19	Compressor Hours Operation on Peak Day (N2) NO: Report number of compressor hours operated on day of station peak.
20	Date of Peak Day Operation (D6): Report date, in the format MMDDYY. (TMDATE)
21	Designated Suction Pressure (N4) PSIG: Report rated designated suction pressure for this station.
22	Designated Discharge Pressure (N4) PSIG: Report the rated designated discharge pressure.
23	Indicate if Flow Reversible (N1): If flow is reversible, enter "1"; if not, enter "0". (INETOR)
24	Suction Pressure if Reversed (N4) PSIG: Report rated suction pressure if flow is reversed.
25	Discharge Pressure if Reversed (N4) PSIG: Report rated discharge pressure if flow is reversed.
26	Maximum Volume/Day at Designated Pressure (N7.3) MMCF: Enter maximum volume which may be compressed, per day, at designed pressure, in MMCF rounded to three decimal places.
27	Fuel Requirement at Maximum Volume (N7.3) MMCF: Report quantity of fuel per day required to compress maximum volume, in MMCF rounded to three decimal places.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0423	COMPRESSOR STATIONS - ANNUAL DATA	4 of 4

Data Field Number	Instructions
28	Maximum Pressure at Discharge Point (N4) PSIG: Report maximum permissible operating pressure at discharge point.
29	Number of Drive Units (N3) NO.
30	Total Manufacturer's H.P. Ratings - All Drive Units (N7) HP: Enter drive units rating in H.P.
31	Number of Compressor Units (N3) NO.
32	Total Maximum Hourly Capacity - All Compressor Units (N5.3) MMCF/HR: Total manufacturer's rated hourly compressor capacity for all units, in MMCF rounded to three decimal places.
33	Year of First Installation (N4): Enter the year of installation of first compressor units, in the format YYYY. (TMYEAR)

RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0424	NEW TRANSMISSION COMPRESSOR UNITS INSTALLED	1 of 2

I. DESCRIPTION

This schedule is used to collect information on newly installed transmission compressor units.

II. GENERAL INFORMATION

A. This schedule is a supplement to Schedule 0423 and shall be submitted by Natural Gas Pipeline companies, Class A and Class B, who have installed new transmission compressor units during the report year.

B. Respondents shall complete all data fields on this schedule annually.

C. This schedule is to be filed on or before the 15th of May following the close of the calendar year reported.

D. Respondent Assigned Codes: All of the codes designated as "respondent assigned" must be numerical, beginning with "000001" and continuing in a numerical sequence until all components (or groups of components) of a similar type have been assigned a unique code. If a component (or group of components) is referenced in more than one schedule, it is essential that the same code be used to identify each component (or group of components). Therefore, each respondent must identify each component (or group of components) by a unique, sequential code. These codes must be consistent from schedule to schedule and from year to year.

Note: If a respondent has previously assigned UNIQUE codes to components (or groups of components) these codes may be used instead of sequential codes. These codes must be consistent from schedule to schedule and from year to year.

Examples of components or groups of components which require respondent assigned codes -

- Reservoir I.D.
- Transmission Line Code
- Compressor Station Code

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Transmission Line Code (N6): Enter a unique (respondent assigned) code identifying the transmission line, as specified in the Register of Data Standards, NRCADL.
2	Compressor Station Name (A16): Enter the name of the compressor station. (IDDESC)
3 (Key)	Compressor Station Code (A6): Enter a unique (respondent assigned) code identifying compressor station, from the Register of Data Standards, IDDESC.

RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0424	NEW TRANSMISSION COMPRESSOR UNITS INSTALLED	2 of 2

Data Field Number	Instructions
4 (Key)	Date Installed (N6): Enter the date of compressor unit installation, in the format MMDDYY. (TMDATE)
5	Maximum Capacity Per Hour (N6.3) MCF/HR: Report manufacturer's rating of maximum capacity per hour, in MCF rounded to three decimal places.

RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0425	ANNUAL PIPELINE CUSTOMER PROFILE	1 of 2

I. DESCRIPTION

This schedule is used to collect information on gas sales, by sale and customer type.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Natural Gas Pipeline companies, Class A, B, C and D, selling gas either directly or for resale.

B. Respondents shall complete all data fields on this schedule annually.

C. Respondent Assigned Codes: All of the codes designated as "respondent assigned" must be numerical, beginning with "000001" and continuing in a numerical sequence until all components (or groups of components) of a similar type have been assigned a unique code. If a component (or group of components) is referenced in more than one schedule, it is essential that the same code be used to identify each component (or group of components). Therefore, each respondent must identify each component (or group of components) by a unique, sequential code. These codes must be consistent from schedule to schedule and from year to year.

Note: If a respondent has previously assigned UNIQUE codes to components (or groups of components) these codes may be used instead of sequential codes. These codes must be consistent from schedule to schedule and from year to year.

Examples of components or groups of components which require respondent assigned codes -

- Reservoir I.D.
- Transmission Line Code
- Compressor Station Code

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1	Type of Gas Sale Indicator (N1): Enter the one digit code for type of sale, "1" for direct, or "2" for resale. (INETOR)
2	Type Category Code (N2): Enter the two digit numeric code for category of sale, as follows: (TYCSSL) A. Direct Sale Codes 01 = nonindustrial 02 = residential 03 = commercial 04 = industrial 05 = public authorities 06 = interdepartmental

RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0425	ANNUAL PIPELINE CUSTOMER PROFILE	2 of 2

Data Field Number	Instructions
2 (cont'd)	B. Sales for Resale Codes 07 = respondent's own distribution 08 = Class A and B companies filing monthly reports 09 = special pipelines 10 = other interstate pipelines 11 = other utilities.
3	Type Customer Code (N2): Enter the two digit numeric code to further identify type of customer, as follows: (TYSLCS) A. Direct Sale Codes 1. For Residential 01 = space heat 02 = other 2. For Commercial 03 = space heat 04 = other 3. For Industrial 05 = firm 06 = off-peak 07 = interruptible B. Sales for Resale Codes 1. For Respondents Own Distribution 09 = firm 10 = off-peak 11 = interruptible
4	Quantity Customer Type Annually Sold (N8.3) MMCF: Enter amount of gas sold to customer type reported, in MMCF rounded three decimal places.
5	Quantity Customer Type Increase or Decrease for Year (N7.3) MMCF: Report increase or decrease in quantity sold, in MMCF rounded to three decimal places.
6	Number Customer Type Total for Year (N6) NO: Report the number of customers of this type during report year.
7	Number Customer Type Average Increase/Decrease for Year (N6) NO: Report the increase or decrease of this customer type during report year.
8	Number Customer Type Added for Year (N5) NO: Report number of this customer type added during report year.
9	Number Customer Type Unfilled Applications for Year (N5) NO: Report number of unfilled applications for this customer type during report year.

RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0426	MONTHLY PIPELINE CUSTOMER PROFILE	1 of 2

I. DESCRIPTION

This schedule is used to collect information on gas sales, by sale and customer type.

II. GENERAL INFORMATION

A. This schedule shall be submitted by all Natural Gas Pipeline companies, Class A, B, C and D, selling gas either directly, or for resale.

B. Respondents shall complete all data fields on this schedule monthly.

C. Respondent Assigned Codes:, All of the codes designated as "respondent assigned" must be numerical, beginning with "000001" and continuing in a numerical sequence until all components (or groups of components) of a similar type have been assigned a unique code. If a component (or group of components) is referenced in more than one schedule, it is essential that the same code be used to identify each component (or group of components). Therefore, each respondent must identify each component (or group of components) by a unique, sequential code. These codes must be consistent from schedule to schedule and from year to year.

Note: If a respondent has previously assigned UNIQUE codes to components (or groups of components) these codes may be used instead of sequential codes. These codes must be consistent from schedule to schedule and from year to year.

Examples of components or groups of components which require respondent assigned codes -

- Reservoir I.D.
- Transmission Line Code
- Compressor Station Code

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1	Type of Gas Sale Indicator (N1): Enter the one digit code for type of sale, "1" for direct, or "2" for resale. (INETOR)
2	Type Category Code (N2): Enter the two digit numeric code for category of sale, as follows: (TYCSSL) A. Direct Sale Codes 01 = nonindustrial 02 = residential 03 = commerical 04 = industrial 05 = public authorities 06 = interdepartmental

RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0426	MONTHLY PIPELINE CUSTOMER PROFILE	2 of 2

Data Field Number	Instructions
2 (cont'd)	B. Sales for Resale Codes 07 = respondents own distribution 08 = Class A and B companies filing monthly reports 09 = special pipelines 10 = other interstate pipelines 13 = other utilities
3	Type Customer Code (N2): Enter the two digit numeric code to further identify type of customer, as follows: (TYSLCS) A. Direct Sale Codes 1. For Residential 01 = space heat 02 = other 2. For Commercial 03 = space heat 04 = other 3. For Industrial 05 = firm 06 = off-peak 07 = interruptible B. Sales for Resale Codes 1. For Respondents Own Distribution 09 = firm 10 = off-peak 11 = interruptible.
4	Quantity Gas Sold by Customer Type (N8.3) MMCF: Enter amount of gas sold to customer type reported, in MMCF rounded to three decimal places.
5	Quantity of Gas Increase or Decrease by Customer Type for Month (N7.3) MMCF: Report increase or decrease in quantity sold, in MMCF rounded to three decimal places.
6	Number Customer Type Total for Month (N6) NO: Report number of customers of this type during report period.
7	Number Customer Type Average Increase/Decrease (N6) NO: Report the increase or decrease of this customer type during report period.
8	Number Customer Type Added for Month (N5) NO: Report number of this customer type added during report period.
9	Number Customer Type Unfilled Applications for Month (N5) NO: Report number of unfilled applications for this customer type during report period.

R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0427	SUMMARY OF GAS SUPPLY REQUIREMENTS AND CURTAILMENTS	1 of 2

I. DESCRIPTION

This schedule is used to collect detailed information of the anticipated new gas supply, the authorized emergency gas supply and exempted gas purchases.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Natural Gas Pipeline companies, Class A and Class B.

B. Respondents shall complete all data fields on this schedule semi-annually.

C. This schedule is to be filed on or before April 30 and September 30 of each year. Report in April 30th filing actual volumes for the past year, April through March, and projected data for one year April through March. Report in September 30th filing actual volumes for the past year, September through August, and projected data for one year September through August.

D. Report all gas volumes in MMCF rounded to three decimal places at a uniform pressure base of 14.73 PSIA at 60° Fahrenheit.

E. Respondent Assigned Codes: All of the codes designated as "respondent assigned" must be numerical, beginning with "000001" and continuing in a numerical sequence until all components (or groups of components) of a similar type have been assigned a unique code. If a component (or group of components) is referenced in more than one schedule, it is essential that the same code be used to identify each component (or group of components). Therefore, each respondent must identify each component (or group of components) by a unique, sequential code. These codes must be consistent from schedule to schedule and from year to year.

Note: If a respondent has previously assigned UNIQUE codes to components (or groups of components) these codes may be used instead of sequential codes. These codes must be consistent from schedule to schedule and from year to year.

Examples of components or groups of components which require respondent assigned codes –

- Reservoir I.D.
- Transmission Line Code
- Compressor Station Code

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Report Year (N4): Enter the calendar year for which data is reported, in the format YYYY. (TMYEAR)
2 (Key)	Indicator Actual/Projected (N1): Enter "1" for actual, or "2" for projected. (INETOR)

R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0427	SUMMARY OF GAS SUPPLY REQUIREMENTS AND CURTAILMENTS	2 of 2

Data Field Number	Instructions
3 (Key)	Period From (N6): Enter the date, in the format MMDDYY. (TMDATE)
4 (Key)	Period To (N6): Enter the date, in the format MMDDYY. (TMDATE)
5	Date Actual/Projected Peak Average Day (N6): Enter the date of actual project peak average day, in the format MMDDYY. (TMDATE)
6 (Key)	Type Supplier Service (N2): Enter one of the following codes: (TYGSDP) 05 = Anticipated New Supply 06 = Authorized Emergency Purchases 07 = Exempted Purchases
7	Total All Suppliers (N3) NO: Give the total of all suppliers of each type of supply. Complete this data field only once for each type of supplier.
8	Supplier Name (A35): Provide the name of the supplier of the anticipated new gas supply, authorized emergency gas purchases or the exempted gas purchases, from the Register of Data Standards, IDRESP.
9	Supplier Code (N6): Enter the six digit code from the Register of Data Standards, IDRESP.
10	Docket Number (A9): Enter the nine character alphanumeric Docket Number. (IDDCKT)
11-22	Total Gas Monthly Supply (N9.3) MMCF: Report the monthly gas supply for the anticipated new gas supply, the authorized emergency gas purchases or the exempted gas purchases, in MMCF rounded to three decimal places.
23	Annual Total Volume (N9.3) MMCF: Add all the total monthly gas supplies for the anticipated new gas supply, the authorized emergency gas purchases or the exempted gas purchases, in MMCF rounded to three decimal places.
24	Peak Day Delivery (N9.3) MMCF: Enter the peak day delivery for the anticipated new gas supply, the authorized emergency gas purchases or the exempted gas purchases, in MMCF rounded to three decimal places.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0428	GAS SUPPLY AND REQUIREMENTS - CONTINGENCY	1 of 2

I. DESCRIPTION

This schedule is used to collect detailed information for the normally anticipated loss of supply (contingency), company use and skrinkage, and exhange gas owed.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Natural Gas Pipeline companies, Class A and Class B.

B. Respondents shall complete all data fields on this schedule semi-annually.

C. This schedule is to be filed on or before April 30 and September 30 of each year. Report in April 30th filing actual volume for the past year, April through March, and projected data for one year April through March. Report in September 30th filing actual volumes for the past year, September through August, and projected data for one year September through March.

D. Report all gas volumes in MMCF rounded to three decimal places at a uniform pressure base of 14.73 PSIA at 60° Fahrenheit.

E. Respondent Assigned Codes: All of the codes designated as "respondent assigned" must be numerical, beginning with "000001" and continuing in a numerical sequence until all components (or groups of components) of a similar type have been assigned a unique code. If a component (or group of components) is referenced in more than one schedule, it is essential that the same code be used to identify each component (or group of components). Therefore, each respondent must identify each component (or group of components) by a unique, sequential code. These codes must be consistent from schedule to schedule and from year to year.

Note: If a respondent has previously assigned UNIQUE codes to components (or groups of components) these codes may be used instead of sequential codes. These codes must be consistent from schedule to schedule and from year to year.

Examples of components or groups of components which require respondent assigned codes –

- Reservoir I.D.
- Transmission Line Code
- Compressor Station Code

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Report Year (N4): Enter the calendar year for which data is reported, in the format YYYY. (TMYEAR)
2 (Key)	Indicator Actual/Projected (N1): Enter "1" for actual, or "2" for projected. (INETOR)

R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0428	GAS SUPPLY AND REQUIREMENTS - CONTINGENCY	2 of 2

Data Field Number	Instructions
3 (Key)	Period From (N6): Enter the date, in the format MMDDYY. (TMDATE)
4 (Key)	Period To (N6): Enter the date, in the format MMDDYY. (TMDATE)
5 (Key)	Type of Service (N2): Enter one of the following codes: (TYGSDP) 13 = Contingency 09 = Company Use and Shrinkage 10 = Exchange Gas Owed
6-17	Volume-Monthly (N9.3) MMCF: Report the monthly volume of normally anticipated loss of supply (contingency) or company use and shrinkage or exchange gas used, in MMCF rounded to three decimal places.
18	Annual Total Volume (N9.3) MMCF: Report the annual total of normally anticipated loss of supply (contingency) or company use and shrinkage or exchange gas used, in MMCF rounded to three decimal places.
19	Peak Day Volume (N9.3) MMCF: Report the peak day of normally anticipated loss of supply (contingency) or company use and skrinkage or exchange gas used, in MMCF rounded to three decimal places.

R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0429	GAS SUPPLY AND REQUIREMENTS- DELIVERIES-CURTAILMENTS	1 of 2

I. DESCRIPTION

This schedule is used to collect detailed information for gas deliveries, gas curtailments, and the curtailment of pipeline to pipeline.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Natural Gas Pipeline companies, Class A and Class B.

B. Respondents shall complete all data fields on this schedule semiannually.

C. This schedule shall be filed on or before April 30th and September 30th of each year. Report in April 30th filing acutal volumes for the past year, April through March, and projected data for one year April through March. Report in September 30th filing actual volumes for the past year September through August, and projected data for one year September through August.

D. Report all gas volumes in MMCF rounded to three decimal places at at uniform pressure base of 14.73 PSIA at 60° Fahrenheit.

E. "Type volume", data field number 7, will contain a 1 character preprinted code "A", "M" and "C". In data field numbers 8 to 21 report average day volumes against preprinted "A", Monthly volumes against preprinted "M" and cumulative volumes against preprinted "C".

F. Respondent Assigned Codes: All of the codes designated as "respondent assigned" must be numerical, beginning with "000001" and continuing in a numerical sequence until all components (or groups of components) of a similar type have been assigned a unique code. If a component (or group of components) is referenced in more than one schedule, it is essential that the same code be used to identify each component (or group of components). Therefore, each respondent must identify each component (or group of components) by a unique, sequential code. These codes must be consistent from schedule to schedule and from year to year.

Note: If a respondent has previously assigned UNIQUE codes to components (or groups of components) these codes may be used instead of sequential codes. These codes must be consistent from schedule to schedule and from year to year.

Examples of components or groups of components which require respondent assigned codes -

- Reservoir I.D.
- Transmission Line Code
- Compressor Station Code

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field n...

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DETAILED INSTRUCTIONS: SCHEDULE 0429	GAS SUPPLY AND REQUIREMENTS- DELIVERIES-CURTAILMENTS	2 of 2

Data Field Number	Instructions
1 (Key)	Report Year (N4): Enter the year for which the data is reported, in the format YYYY. (TMYEAR)
2 (Key)	Indicator Actual/Projected (N1): Enter "1" for actual, or "2" for projected. (INETOR)
3 (Key)	Period From (N6): Enter the date, in the format MMDDYY. (TMDATE)
4 (Key)	Period To (N6): Enter the date, in the format MMDDYY. (TMDATE)
5 (Key)	Indicator Firm/Interruptible (N1): Enter "1" for firm, or "2" for interruptible. (INETOR)
6 (Key)	Type Requirement (A1): Enter one of the following codes for actual or projected MMCF requirement. (TYCSTR) D = Deliveries C = Curtailment P = Curtailment of Pipeline to Pipeline
7	Type Volume (A1): This data field will be preprinted. See General Information II-E. (TYCSPM)
8-19	Volume by Month (N9.3) MMCF: Report the monthly volume of the requirement for deliveries, curtailment or curtailment pipeline to pipeline, in MMCF rounded to three decimal places.
20	Annual Total Volume (N9.3) MMCF: Report the total of the twelve months of the year for the requirement for deliveries, curtailment or curtailment pipeline to pipeline, in MMCF rounded to three decimal places.
21	Peak-Day Volume (N9.3) MMCF: Report the monthly volume of the deliveries, curtailment or curtailment pipeline to pipeline, in MMCF rounded to three decimal places.

R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0430	GAS SUPPLY AND REQUIREMENTS MAJOR PRODUCING AREAS	1 of 2

I. DESCRIPTION

This schedule is used to collect detailed information of the present supply adjusted for losses of major producing areas, including states and areas.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Natural Gas Pipeline companies, Class A and Class B.

B. Respondents shall complete all data fields on this schedule semi-annually.

C. This schedule is to be filed on or before April 30th and September 30th of each year. Report in April 30th filing actual volumes for the past year, April through March, and projected data for one year April through March. Report in September 30th filing actual volumes for the past year, September through August, and projected data for one year September through March.

D. Report all gas volumes in MMCF rounded to three decimal places at a uniform pressure base of 14.73 PSIA at 60° Fahrenheit.

E. Respondent Assigned Codes: All of the codes designated as "respondent assigned" must be numerical, beginning with "000001" and continuing in a numerical sequence until all components (or groups of components) of a similar type have been assigned a unique code. If a component (or group of components) is referenced in more than one schedule, it is essential that the same code be used to identify each component (or group of components). Therefore, each respondent must identify each component (or group of components) by a unique, sequential code. These codes must be consistent from schedule to schedule and from year to year.

Note: If a respondent has previously assigned UNIQUE codes to components (or groups of components) these codes may be used instead of sequential codes. These codes must be consistent from schedule to schedule and from year to year.

Examples of components or groups of components which require respondent assigned codes -

- Reservoir I.D.
- Transmission Line Code
- Compressor Station Code

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Report Year (N4): Fo... the year for which the data is reported, in the fo... at YYYY. (TMYEAR)
2 (Key)	Indicator Actual/Projected (N1): Enter "1" for actual, or "2" for projected. (INETOR)

R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0430	GAS SUPPLY AND REQUIREMENTS MAJOR PRODUCING AREAS	2 of 2

Data Field Number	Instructions
3 (Key)	Period From (N6): Enter the date, in the format, MMDDYY. (TMDATE)
4 (Key)	Period To (N6): Enter the date, in the format MMDDYY. (TMDATE)
5 (Key)	State Abbreviation (A2): Enter the state abbreviation, from the Register of Data Standards, IDSTAT.
6 (Key)	Area Code (N2): Enter the two digit code, from the Register of Data Standards, IDMGAR.
7-18	Major Producing Area - Sources of Supply-Volume-Monthly (N9.3) MMCF: Report the monthly volume of the sources of supply of the major producing area, in MMCF rounded to three decimal places.
19	Annual Total Volume (N9.3) MMCF: Report the total volume of the twelve months of the year, in MMCF rounded to three decimal places.

RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0431	GAS SUPPLY AND REQUIREMENTS PIPELINE SUPPLIERS	1 of 2

I. DESCRIPTION

This schedule is used to collect detailed information for pipeline suppliers.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Natural Gas Pipeline companies, Class A and Class B.

B. Respondents shall complete all data fields on this schedule semiannually.

C. This schedule is to be filed on or before April 30th and September 30th of each year. Report in April 30th filing actual volumes for the past year, April through March, and projected data for one year April through March. Report in September 30th filing actual volumes for the past year, September through August, and projected data for one year September through August.

D. Report all gas volumes in MMCF rounded to three decimal places at a uniform pressure base of 14.73 PSIA at 60° Fahrenheit.

E. Respondent Assigned Codes: All of the codes designated as "respondent assigned" must be numerical, beginning with "000001" and continuing in a numerical sequence until all components (or groups of components) of a similar type have been assigned a unique code. If a component (or group of components) is referenced in more than one schedule, it is essential that the same code be used to identify each component (or group of components). Therefore, each respondent must identify each component (or group of components) by a unique, sequential code. These codes must be consistent from schedule to schedule and from year to year.

Note: If a respondent has previously assigned UNIQUE codes to components (or groups of components) these codes may be used instead of sequential codes. These codes must be consistent from schedule to schedule and from year to year.

Examples of components or groups of components which require respondent assigned codes -

- Reservoir I.D.
- Transmission Line Code
- Compressor Station Code

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Report Year (N4): Enter the year for which the data is reported, in the format YYYY. (TMYEAR)
2 (Key)	Indicator Actual/Projected (N1): Enter "1" for actual, or "2" for projected. (INETOR)

RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0431	GAS SUPPLY AND REQUIREMENTS PIPELINE SUPPLIERS	2 of 2

Data Field Number	Instructions
3 (Key)	Period From (N6): Enter the date, in the format MMDDYY. (TMDATE)
4 (Key)	Period To (N6): Enter the date, in the format MMDDYY. (TMDATE)
5 (Key)	Pipeline Supplier (A35): Enter the seller's name, from the Register of Data Standards, IDRESP.
6 (Key)	Pipeline Supplier Code (N6): Enter the pipeline supplier code, from the Register of Data Standards, IDRESP.
7-18	Monthly Pipeline Supplier Quantity (N9.3) MMCF: Enter quantity of the pipeline supplies of the sources of the present supply adjusted for losses for each month of the year, in MMCF rounded to three decimal places.
19	Annual Total Volume (N9.3) MMCF: Report the total volume for the twelve months of the year, in MMCF rounded to three decimal places.

RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0432	GAS SUPPLY AND REQUIREMENTS OTHER SOURCES	1 of 2

I. DESCRIPTION

This schedule is used to collect detailed information for other supply sources, such as exchanges, LNG, SNG, spot purchases of the present supply adjusted for losses.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Natural Gas Pipeline companies, Class A and Class B.

B. Respondents shall complete all data fields on this schedule semi-annually.

C. This schedule is to be filed on or before April 30th and September 30th of each year. Report in April 30th filing actual volumes for the past year, April through March, and projected data for one year April through March. Report in September 30th filing actual volumes for the past year, September through August, and projected data for one year September through August.

D. Report all gas volumes in MMCF rounded to three decimal places at a uniform pressure base of 14.73 PSIA at 60° Fahrenheit.

E. Respondent Assigned Codes: All of the codes designated as "respondent assigned" must be numerical, beginning with "000001" and continuing in a numerical sequence until all components (or groups of components) of a similar type have been assigned a unique code. If a component (or group of components) is referenced in more than one schedule, it is essential that the same code be used to identify each component (or group of components). Therefore, each respondent must identify each component (or group of components) by a unique, sequential code. These codes must be consistent from schedule to schedule and from year to year.

Note: If a respondent has previously assigned UNIQUE codes to components (or groups of components) these codes may be used instead of sequential codes. These codes must be consistent from schedule to schedule and from year to year.

Examples of components or groups of components which require respondent assigned codes -

- Reservoir I.D.
- Transmission Line Code
- Compressor Station Code

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Report Year (N4): Enter the year for which the data is reported, in the format YYYY. (TMYEAR)
2 (Key)	Indicator Actual/Projected (N1): Enter "1" for actual, or "2" for projected. (INETOR)

RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0432	GAS SUPPLY AND REQUIREMENTS OTHER SOURCES	2 of 2

Data Field Number	Instructions
3 (Key)	Period From (N6): Enter the date, in the format MMDDYY. (TMDATE)
4 (Key)	Period To (N6): Enter the date, in the format MMDDYY. (TMDATE)
5 (Key)	Other Sources (A26): Report the specific source, such as exchanges, LNG, SNG, or spot purchases, from the Register of Data Standards, IDDESC.
6 (Key)	Other Sources Code (N1): Enter the numeric code for the specific source, as follows: (TYGSPS) 1 = Exchange 2 = LNG 3 = SNG 4 = Spot Purchases 9 = Other
7-18	Other Source Volume-Monthly (N9.3) MMCF: Report the monthly volume of other sources, in MMCF rounded to three decimal places.
19	Annual Total Volume (N9.3) MMCF: Report the total volume of the twelve months of the year, in MMCF rounded to three decimal places.

R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0433	GAS SUPPLY AND REQUIREMENTS FIRM REQUIREMENTS	1 of 2

I. DESCRIPTION

This schedule is used to collect detailed information for the full and partial firm requirements.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Natural Gas Pipeline companies, Class A and Class B.

B. Respondents shall complete all data fields on this schedule semiannually.

C. This schedule is to be filed on or before April 30th and September 30th of each year. Report in April 30th filing actual volumes for the past year, April through March, and projected data for one year April through March. Report in September 30th filing actual volumes for the past year, September through August, and projected data for one year September through March.

D. Report all gas volumes in MMCF rounded to three decimal places at a uniform pressure base of 14.73 PSIA at 60° Fahrenheit.

E. Respondent Assigned Codes: All of the codes designated as "respondent assigned" must be numerical, beginning with "000001" and continuing in a numerical sequence until all components (or groups of components) of a similar type have been assigned a unique code. If a component (or group of components) is referenced in more than one schedule, it is essential that the same code be used to identify each component (or group of components). Therefore, each respondent must identify each component (or group of components) by a unique, sequential code. These codes must be consistent from schedule to schedule and from year to year.

Note: If a respondent has previously assigned UNIQUE codes to components (or groups of components) these codes may be used instead of sequential codes. These codes must be consistent from schedule to schedule and from year to year.

Examples of components or groups of components which require respondent assigned codes -

- Reservoir I.D.
- Transmission Line Code
- Compressor Station Code

III. DETAILED INFORMATION

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Report Year (N4): Enter the year for which the data is reported, in the format YYYY. (TMYEAR)
2 (Key)	Indicator Actual/Projected (N1): Enter "1" for actual, or "2" for projected. (INETOR)

R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0433	GAS SUPPLY AND REQUIREMENTS FIRM REQUIREMENTS	2 of 2

Data Field Number	Instructions
3 (Key)	Period From (N6): Enter the date, in the format MMDDYY. (TMDATE)
4 (Key)	Period To (N6): Enter the date, in the format MMDDYY. (TMDATE)
5 (Key)	Indicator Full/Partial Requirements (N1): Enter "1" for full requirement, or "2" for partial requirement. (INETOR)
6-17	Full/Partial Requirements Volume-Monthly (N9.3) MMCF: Report the monthly volume of full or partial firm requirements, in MMCF rounded to three decimal places.
18	Annual Total Volume (N9.3) MMCF: Report the total volume of the twelve months of the year, in MMCF rounded to three decimal places.

R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0434	GAS SUPPLY AND REQUIREMENTS BY PIPELINE CUSTOMERS	1 of 2

I. DESCRIPTION

This schedule is used to collect detailed information of customers reporting pipelines and reports either firm or interruptible deliveries, curtailments and totals.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Natural Gas Pipeline companies, Class A and Class B.

B. Respondents shall complete all data fields on this schedule semi-annually.

C. This schedule is to be filed on or before April 30th and September 30th of each year. Report in April 30th filing actual volume for the past year, April through March, and projected data for one year April through March. Report in September 30th filing actual volumes for the past year, September through August, and projected data for one year September through March.

D. Report all gas volumes in MMCF rounded to three decimal places at a uniform pressure base of 14.73 PSIA at 60° Fahrenheit.

E. Respondent Assigned Codes: All of the codes designated as "respondent assigned" must be numerical, beginning with "000001" and continuing in a numerical sequence until all components (or groups of components) of a similar type have been assigned a unique code. If a component (or group of components) is referenced in more than one schedule, it is essential that the same code be used to identify each component (or group of components). Therefore, each respondent must identify each component (or group of components) by a unique, sequential code. These codes must be consistent from schedule to schedule and from year to year.

Note: If a respondent has previously assigned UNIQUE codes to components (or groups of components) these codes may be used instead of sequential codes. These codes must be consistent from schedule to schedule and from year to year.

Examples of components or groups of components which require respondent assigned codes -

- Reservoir I.D.
- Transmission Line Code
- Compressor Station Code

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Report Year (N4): Enter the year for which the data is reported, in the format YYYY. (TMYEAR)
2 (Key)	Indicator Actual/Projected (N1): Enter "1" for actual, or "2" for projected. (INETOR)

R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0434	GAS SUPPLY AND REQUIREMENTS BY PIPELINE CUSTOMERS	2 of 2

Data Field Number	Instructions
3 (Key)	Period From (N6): Enter the date, in the format MMDDYY. (TMDATE)
4 (Key)	Period To (N6): Enter the date, in the format MMDDYY. (TMDATE)
5 (Key)	Indicator Distribution Direct/Resale (N1): Enter "1" for direct, or "2" for resale. (INETOR)
6	Indicator Deliveries/Curtailment (N1): If the actual average MMCF volume is deliveries, enter "1"; if the actual average volume is curtailment, enter "2". (INETOR)
7	Indicator Firm/Interruptible Delivery (N1): Enter "1" for firm, or "2" for interruptible. (INETOR)
8	State Abbreviation (A2): Enter the state abbreviation for the state in which customer is located, from the Register of Data Standards, IDSTAT.
9	County Code (N3): Enter the county code for the county in which customer is located, from the Register of Data Standards, IDCNTY.
10	Customer Code (N6): Enter the customer code, from the Register of Data Standards. IDRESP.
11	Customer Name (A35): Enter the name of pipeline customer, from the Register of Data Standards, IDRESP.
12	Indicator Jurisdictional/Non-Jurisdictional Company (N1): Enter "1" for jurisdictional, or "2" for non-jurisdictional. (INETOR)
13-24	Pipeline Customer Monthly Volume (N9.3) MMCF: Report the volume of the pipeline customer's monthly volume, either deliveries, curtailment or total requirements, in MMCF rounded to three decimal places.
25	Annual Total Volume (N9.3) MMCF: Enter the total of the twelve months of the year of either deliveries, curtailments or total requirements, in MMCF rounded to three decimal places.
26	Peak Day Volume (N9.3) MMCF: Enter the volume on the peak day, in MMCF rounded to three decimal places.

R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0435	GAS SUPPLY AND REQUIREMENTS ADJUSTMENTS TO SUPPLY	1 of 2

I. DESCRIPTION

This schedule provides detailed information of sources of present supply adjusted for losses for adjustment to supply (such as seasonal losses, curtailment, scheduled outages, etc.).

II. GENERAL INFORMATION

A. This schedule shall be submitted by Natural Gas Pipeline companies, Class A and Class B.

B. Respondents shall complete all data fields on this schedule semi-annually.

C. This schedule is to be filed on or before April 30th and September 30th of each year. Report in April 30th filing actual volumes for the past year, April through March, and projected data for one year April through March. Report in September 30th filing actual volumes for the past year, September through August, and projectad data for one year September through August.

D. Report all gas volumes in MMCF rounded to three decimal places at a uniform pressure base of 14.73 PSIA at 60° Fahrenheit.

E. Respondent Assigned Codes: All of the codes designated as "respondent assigned" must be numerical, beginning with "000001" and continuing in a numerical sequence until all components (or groups of components) of a similar type have been assigned a unique code. If a component (or group of components) is referenced in more than one schedule, it is essential that the same code be used to identify each component (or group of components). Therefore, each respondent must identify each component (or group of components) by a unique, sequential code. These codes must be consistent from schedule to schedule and from year to year.

Note: If a respondent has previously assigned UNIQUE codes to components (or groups of components) these codes may be used instead of sequential codes. These codes must be consistent from schedule to schedule and from year to year.

Examples of components or groups of components which require respondent assigned codes –

- Reservoir I.D.
- Transmission Line Code
- Compressor Station Code

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Report Year (N4): Enter the year for which the data is reported, in the format YYYY. (THYEAR)

R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0435	GAS SUPPLY AND REQUIREMENTS ADJUSTMENTS TO SUPPLY	2 of 2

Data Field Number	Instructions
2 (Key)	Indicator Actual/Projected (N1): Enter "1" for actual, or "2" for projected. (INETOR)
3 (Key)	Period From (N6): Enter the date, in the format MMDDYY. (TMDATE)
4 (Key)	Period To (N6): Enter the date, in the format MMDDYY. (TMDATE)
5 (Key)	Type of Adjustment to Supply (A16): Report the type of present supply adjusted to losses. (TYGSPA)
6 (Key)	Type of Adjustment to Supply Code (A4): Enter the code for the type of adjustment to supply, from the Register of Data Standards, TYGSPA.
7-18	Adjustment to Supply Volume-Monthly (N9.3) MMCF: Report the monthly volume of adjustment to supply, in MMCF rounded to three decimal places.
19	Annual Total Volume (N9.3) MMCF: Enter the total volume of the twelve months of the year, in MMCF rounded to three decimal places.

R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0436	GAS SUPPLY AND REQUIREMENTS STORAGE SERVICE	1 of 2

I. DESCRIPTION

This schedule is used to collect detailed information for the firm requirements of storage services.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Natural Gas Pipeline companies, Class A and Class B.

B. Respondents shall complete all data fields on this schedule semi-annually.

C. This schedule is to be filed on or before April 30th and September 30th of each year. Report in April 30th filing actual volumes for the past year, April through March, and projected data for one year April through March. Report in September 30th filing actual volumes for the past year, September through August, and projected data for one year September through March.

D. Report all gas volumes in MMCF rounded to three decimal places at a uniform pressure base of 14.73 PSIA at 60° Fahrenheit.

E. Respondent Assigned Codes: All of the codes designated as "respondent assigned" must be numerical, beginning with "000001" and continuing in a numerical sequence until all components (or groups of components) of a similar type have been assigned a unique code. If a component (or group of components) is referenced in more than one schedule, it is essential that the same code be used to identify each component (or group of components). Therefore, each respondent must identify each component (or group of components) by a unique, sequential code. These codes must be consistent from schedule to schedule and from year to year.

Note: If a respondent has previously assigned UNIQUE codes to components (or groups of components) these codes may be used instead of sequential codes. These codes must be consistent from schedule to schedule and from year to year.

Examples of components or groups of components which require respondent assigned codes –

- Reservoir I.D.
- Transmission Line Code
- Compressor Station Code

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Report Year (N4): Enter the year for which the data is reported, in the format YYYY. (THYEAR)
2 (Key)	Indicator Actual/Projected (N1): Enter "1" for actual, or "2" for projected. (INETOR)

R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0436	GAS SUPPLY AND REQUIREMENTS STORAGE SERVICE	2 of 2

Data Field Number	Instructions
3 (Key)	Period From (N6): Enter the date, in the format MMDDYY. (TMDATE)
4 (Key)	Period To (N6): Enter the date, in the format MMDDYY. (TMDATE)
5 (Key)	Firm Storage Service (A26): Report the firm requirements of the specific storage service. (IDDESC)
6-17	Storage Service Volume-Monthly (N9.3) MMCF: Report the monthly volume of storage service, in MMCF rounded to three decimal places.
18	Annual Total Volume (N9.3) MMCF: Report the total volume of the twelve months of the year, in MMCF rounded to three decimal places.

R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0437	GAS SUPPLY AND REQUIREMENTS OTHER FIRM SERVICES	1 of 2

I. DESCRIPTION

This schedule is used to collect detailed information for the firm requirements of other services.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Natural Gas Pipeline companies, Class A and Class B.

B. Respondents shall complete all data fields on this schedule semi-annually.

C. This schedule is to be filed on or before April 30th and September 30th of each year. Report in April 30th filing actual volumes for the past year, April through March, and projected data for one year April through March. Report in September 30th filing actual volumes for the past year, September through August, and projected data for one year September through March.

D. Report all gas volumes in MMCF rounded to three decimal places at a uniform pressure basis of 14.73 PSIA at 60° Fahrenheit.

E. Respondent Assigned Codes: All of the codes designated as "respondent assigned" must be numerical, beginning with "000001" and continuing in a numerical sequence until all components (or groups of components) of a similar type have been assigned a unique code. If a component (or group of components) is referenced in more than one schedule, it is essential that the same code be used to identify each component (or group of components). Therefore, each respondent must identify each component (or group of components) by a unique, sequential code. These codes must be consistent from schedule to schedule and from year to year.

Note: If a respondent has previously assigned UNIQUE codes to components (or groups of components) these codes may be used instead of sequential codes. These codes must be consistent from schedule to schedule and from year to year.

Examples of components or groups of components which require respondent assigned codes -

- Reservoir I.D.
- Transmission Line Code
- Compressor Station Code

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Report Year (N4): Enter the year for which data is reported, in the format YYYY (TMYEAR)
2 (Key)	Indicator Actual/Projected (N1): Enter "1" for actual, or "2" for projected. (INETOR)

R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0437	GAS SUPPLY AND REQUIREMENTS OTHER FIRM SERVICES	2 of 2

Data Field Number	Instructions
3 (Key)	Period From (M6): Enter the date, in the format MMDDYY. (TMDATE)
4 (Key)	Period To (M6): Enter the date, in the format MMDDYY. (TMDATE)
5 (Key)	Other Firm Services (A26): Report the requirements of the specific other firm service. (IDDESC)
6-17	Other Firm Services Volume-Monthly (N9.3) MMCF: Report the monthly volume of other firm services, in MMCF rounded to three decimal places.
18	Annual Total Volume (N9.3) MMCF: Report the total volume of the twelve months of the year, in MMCF rounded to three decimal places.

R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0438	GAS SUPPLY AND REQUIREMENTS OTHER ADJUSTMENTS	1 of 2

I. DESCRIPTION

This schedule is used to collect detailed information for other requirement adjustment.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Natural Gas Pipeline companies, Class A and Class B.

B. Respondents shall complete all data fields on this schedule semi-annually.

C. This schedule is to be filed on or before April 30th and September 30th of each year. Report in April 30th filing actual volumes for the past year, April through March, and projected data for one year April through March. Report in September 30th filing actual volumes for the past year, September through August, and projected data for one year September through August.

D. Report all gas volumes in MMCF rounded to three decimal places at a uniform pressure base of 14.73 PSIA at 60° Fahrenheit.

E. Respondent Assigned Codes: All of the codes designated as "respondent assigned" must be numerical, beginning with "000001" and continuing in a numerical sequence until all components (or groups of components) of a similar type have been assigned a unique code. If a component (or group of components) is referenced in more than one schedule, it is essential that the same code be used to identify each component (or group of components). Therefore, each respondent must identify each component (or group of components) by a unique, sequential code. These codes must be consistent from schedule to schedule and from year to year.

Note: If a respondent has previously assigned UNIQUE codes to components (or groups of components) these codes may be used instead of sequential codes. These codes must be consistent from schedule to schedule and from year to year.

Examples of components or groups of components which require respondent assigned codes -

- Reservoir I.D.
- Transmission Line Code
- Compressor Station Code

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Report Year (N4): Enter the year for which the data is reported, in the format YYYY. (TMYEAR)
2 (Key)	Indicator Actual/Projected (N1): Enter "1" for actual, or "2" for projected. (INETOR)

R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0438	GAS SUPPLY AND REQUIREMENTS OTHER ADJUSTMENTS	2 of 2

Data Field Number	Instructions
3 (Key)	Period From (N6): Enter the date, in the format MMDDYY. (TMDATE)
4 (Key)	Period To (N6): Enter the date, in the format MMDDYY. (TMDATE)
5 (Key)	Other Adjustment Name (A26): Report the specific firm adjustment name. (IDDESC)
6-17	Other Adjustment Monthly Volume (N9.3) MMCF: Report the monthly volume of firm adjustment requirement, in MMCF rounded to three decimal places.
18	Annual Total Volume (N9.3) MMCF: Report the total volume of the twelve months of the year, in MMCF rounded to three decimal places.

R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0439	GAS SUPPLY AND REQUIREMENTS STORAGE BY FIELD	1 of 2

I. DESCRIPTION

This schedule is used to collect detailed information for the actual and projected storage operations injections (withdrawals) by fields.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Natural Gas Pipeline companies, Class A and Class B.

B. Respondents shall complete all data fields on this schedule semi-annually.

C. The schedule is to be filed on or before April 30th and September 30th of each year. Report in April 30th filing actual volumes for the past year, April through March, and projected data for one year April through March. Report in September 30th filing actual volumes for the past year, September through August, and projected data for one year September through March.

D. Report all gas volumes in MMCF rounded to three decimal places at a uniform pressure base of 14.73 PSIA at 60° Fahrenheit.

E. Respondent Assigned Codes: All of the codes designated as "respondent assigned" must be numerical, beginning with "000001" and continuing in a numerical sequence until all components (or groups of components) of a similar type have been assigned a unique code. If a component (or group of components) is referenced in more than one schedule, it is essential that the same code be used to identify each component (or group of components). Therefore, each respondent must identify each component (or group of components) by a unique, sequential code. These codes must be consistant from schedule to schedule and from year to year.

Note: If a respondent has previously assigned UNIQUE codes to components (or groups of components) these codes may be used instead of sequential codes. These codes must be consistent from schedule to schedule and from year to year.

Examples of components or groups of components which require respondent assigned codes -

- Reservoir I.D.
- Transmission Line Code
- Compressor Station Code

III. GENERAL INFORMATION

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Report Year (N4): Enter the year for which the data is reported, in the format YYYY. (TMYEAR)
2 (Key)	Indicator Actual/Projected (N1): Enter "1" for actual, or "2" for projected. (INETOR)

R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0439	GAS SUPPLY AND REQUIREMENTS STORAGE BY FIELD	2 of 2

Data Field Number	Instructions
3 (Key)	Period From (N6): Enter the date, in the format MMDDYY. (TMDATE)
4 (Key)	Period To (N6): Enter the date, in the format MMDDYY. (TMDATE)
5 (Key)	Storage Operation Field Name (A26): Report the specific field name of storage operations, from the Register of Data Standards, IDGPFL.
6 (Key)	Storage Operation Field Code (A6): Enter the field code, from the Register of Data Standards, IDGPFL.
7-18	Storage Operations Field Volume-Monthly (N9.3) MMCF: Report the monthly volume of the storage operation's field, in MMCF rounded to three decimal places.
19	Annual Total Volume (N9.3) MMCF: Report the total volume of the twelve months of the year, in MMCF rounded to three decimal places.

R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0440	GAS SUPPLY AND REQUIREMENTS STORAGE OPERATIONS ADJUSTMENTS	1 of 2

I. DESCRIPTION

This schedule is used to collect detailed information for storage operations adjustments such as changes in base storage, development of new zones, etc.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Natural Gas Pipeline companies, Class A and Class B.

B. Respondents shall complete all data fields on this schedule semi-annually.

C. This schedule is to be filed on or before April 30th and September 30th of each year. Report in April 30th filing actual volumes for the past year, April through March, and projected data for one year April through March. Report in September 30th filing actual volumes for the past year, September through August, and projected data for one year September through March.

D. Report all gas volumes in MMCF rounded to three decimal places at a uniform pressure base of 14.73 PSIA at 60° Fahrenheit.

E. Respondent Assigned Codes: All of the codes designated as "respondent assigned" must be numerical, beginning with "000001" and continuing in a numerical sequence until all components (or groups of components) of a similar type have been assigned a unique code. If a component (or group of components) is referenced in more than one schedule, it is essential that the same code be used to identify each component (or group of components). Therefore, each respondent must identify each component (or group of components) by a unique, sequential code. These codes must be consistent from schedule to schedule and from year to year.

Note: If a respondent has previously assigned UNIQUE codes to components (or groups of components) these codes may be used instead of sequential codes. These codes must be consistent from schedule to schedule and from year to year.

Examples of components or groups of components which require respondent assigned codes -

- Reservoir I.D.
- Transmission Line Code
- Compressor Station Code

III. DETAILED INFORMATION

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Report Year (N4): Enter the year for which the data is reported, in the format YYYY. (TMYEAR)
2 (Key)	Indicator Actual/Projected (N1): Enter "1" for actual, or "2" for projected. (INETOR)

R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0440	GAS SUPPLY AND REQUIREMENTS STORAGE OPERATIONS ADJUSTMENTS	2 of 2

Data Field Number	Instructions
3 (Key)	Period From (N6): Enter the date, in the format MMDDYY. (TMDATE)
4 (Key)	Period To (N6): Enter the date, in the format MMDDYY. (TMDATE)
5 (Key)	Storage Operations Adjustment Name (A26): Report the specific storage operations adjustment, such as changes in base storage, development of new zones. (IDDESC)
6-17	Storage Operations Adjustment Volume-Monthly (N9.3) MMCF: Report the monthly volume of adjustments of storage operations, in MMCF rounded to three decimal places.
18	Annual Total Volume (N9.3) MMCF: Report the total volume of the twelve months of the year, in MMCF rounded to three decimal places.

R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0441	MONTHLY INTERSTATE PIPELINE CURTAILMENTS	1 of 2

I. DESCRIPTION

This schedule is used to collect detailed information about customers of respondents and their curtailed volumes.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Natural Gas Pipeline companies, Class A and Class B.

B. Respondents shall complete all data fields on this schedule monthly.

C. Report all gas volumes in MMCF roundad to three decimal places at a uniform pressure base of 14.73 PSIA at 60° Fahrenheit.

D. Respondent Assigned Codes: All of the codes designated as "respondent assigned" must be numerical, beginning with "000001" and continuing in a numerical sequence until all components (or groups of components) of a similar type have been assigned a unique code. If a component (or group of components) is referenced in more than one schedule, it is essential that the same code be used to identify each component (or group of components). Therefore, each respondent must identify each component (or group of components) by a unique, sequential code. These codes must be consistent from schedule to schedule and from year to year.

Note: If a respondent has previously assigned UNIQUE codes to components (or groups of components) these codes may be used instead of sequential codes. These codes must be consistent from schedule to schedule and from year to year.

Examples of components or groups of components which require respondent assigned codes -

- Reservoir I.D.
- Transmission Line Code
- Compressor Station Code

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Report Month (N2): Report the numeric month of submission of report, in the format MM. (TMMOYR)
2 (Key)	Date Curtailment Commenced (N6): Enter the date curtailment commenced, in the format MMDDYY. (TMDATE)
3	Duration of Curtailment in Days (N2) DY: Report no more than thirty-one days for each month's curtailment.
4	Base Terminal Volume Curtailment (N2): Enter the base from which the volumes curtailed were determined, from the Register of Data Standards, TYCTBS.

R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0441	MONTHLY INTERSTATE PIPELINE CURTAILMENTS	2 of 2

Data Field Number	Instructions
5 (Key)	Jurisdictional Companies Curtailing Respondents (A35): State the name of the jurisdictional company who has curtailed the respondent during the reporting month, from the Register of Data Standards, IDRESP.
6	Duration Respondent Was Curtailed in Days (N3) DY: Report the number of days of curtailment duration for the jurisdictional companies curtailing respondents.
7 (Key)	Rate Schedule Tariff (A5): Enter a single rate schedule tariff for each customer combined with volume curtailed. (IDRATE)
8	Customer Name (A35): Report the name of each curtailed customer of the respondent. (IDNAME)
9	State Abbreviation (A2): Enter the state abbreviation, from the Register of Data Standards, IDSTAT.
10	Indicator Firm/Interruptible (N1): Enter "1" for firm customer, or "2" for interruptible customer. (INETOR)
11	Indicator Jurisdictional/Non-Jurisdictional (N1): Enter "1" for jurisdictional customer, or "2" for non-jurisdictional customer. (INETOR)
12	Volume Curtailed (N5.3) MMCF: Report the volume curtailed, in MMCF rounded to three decimal places.
13	Indicator Intercompany Curtailment (N1): Enter "1" for intercompany curtailment by customer, or "2" when intercompany has not been curtailed by customer. (INYONO)

R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0442	ANNUAL UNDERGROUND STORAGE TOTALS	1 of 2

I. DESCRIPTION

This schedule is used to collect information on total underground storage operations by respondent.

II. GENERAL INFORMATION

A. This schedule shall be submitted by all Class A and Class B Natural Gas pipeline companies who own, operate, or lease underground storage facilities.

B. Respondents shall complete all data fields on this schedule annually.

C. Report all gas volumes in MMCF, rounded to three decimal places, at a uniform pressure base of 14.73 PSIA at 60° Fahrenheit.

D. Respondent Assigned Codes: All of the codes designated as "respondent assigned" must be numerical, beginning with "000001" and continuing in a numerical sequence until all components (or groups of components) of a similar type have been assigned a unique code. If a component (or group of components) is referenced in more than one schedule, it is essential that the same code be used to identify each component (or group of components). Therefore, each respondent must identify each component (or group of components) by a unique, sequential code. These codes must be consistent from schedule to schedule and from year to year.

Note: If a respondent has previously assigned UNIQUE codes to components (or groups of components) these codes may be used instead of sequential codes. These codes must be consistent from schedule to schedule and from year to year.

Examples of components or groups of components which require respondent assigned codes -

- Reservoir I.D.
- Transmission Line Code
- Compressor Station Code

E. The totals reported on this schedule shall equal the sum of the field quantities reported on Schedule 0410.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1	Quantity Total Base Gas (N9.3) MMCF: Enter the total volume of base (cushion) gas in all storage fields at the end of the year.
2	Quantity Total Working Gas (N9.3) MMCF: Enter the total volume of working gas (top storage) in all storage fields at the end of the year.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0442	ANNUAL UNDERGROUND STORAGE TOTALS	2 of 2

Data Field Number	Instructions
3	Quantity Total Gas (N9.3) MMCF: Enter the total volume of gas in all storage fields at the end of the year. (This entry must equal the sum of data fields 1 and 2 above.)
4	Quantity Total Annual Storage Injections (N9.3) MMCF: Enter the total quantity of gas injected into all storage fields during the year. (This entry must equal the sum of the January-December injections entered in data field 6 below.)
5	Quantity Total Annual Storage Withdrawal (N9.3) MMCF: Enter the total quantity of gas withdrawn from all storage fields during the year. (This entry must equal the sum of the January-December withdrawals entered in data field 7 below.)
6	Quantity of Injections - Monthly (N9.3) MMCF: Enter the sum quantity of gas injected into all storage fields for each month preprinted on this schedule.
7	Quantity of Withdrawals - Monthly (N9.3) MMCF: Enter the sum quantity of gas withdrawn from all storage fields for each month preprinted on this schedule.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0840	SALES OF NATURAL GAS BY COMMUNITIES	1 of 3

I. DESCRIPTION

This schedule is used to collect the details of sales of natural gas in communities of 10,000 population or more.

II. GENERAL INFORMATION

A. This schedule shall be submitted by all Class A and Class B Natural Gas Pipeline companies.

B. Respondents shall complete all data fields on this schedule annually.

C. Complete the information called for below for sales of gas in each community of 10,000 population or more, or according to operating districts constituting distinct economic areas if the respondent's records do not readily permit reporting by communities. Except for state boundaries, community areas need not hold rigidly to political boundaries and may embrace a metropolitan area and immediate environs. The information called for by this schedule, however, may be reported by individual communities of such size as required by a state regulatory commission concerned. Report in total for each state, sales by classes of service in other communities of smaller size. Main line sales to residential and commercial consumers, are to be reported in total by states. DO NOT include on this schedule Field and Main Line Sales to Industrial Customers. This data is to be reported on Schedule 0862, Field and Main Line Industrial Sales of Natural Gas.

D. Natural gas is defined for this schedule as either natural gas unmixed, or any mixture of natural or manufactured gas.

E. All volumes shall be reported in MMCF rounded to three decimal places at a uniform pressure base of 14.73 PSIA at 60° Fahrenheit.

F. Respondent Assigned Codes: All of the codes designated as "respondent assigned" must be numerical, beginning with "000001" and continuing in a numerical sequence until all components (or groups of components) of a similar type have been assigned a unique code. If a component (or group of components) is referenced in more than one schedule, it is essential that the same code be used to identify each component (or group of components). Therefore, each respondent must identify each component (or group of components) by a unique, sequential code. These codes must be consistent from schedule to schedule and from year to year.

Note: If a respondent has previously assigned UNIQUE codes to components (or groups of components) these codes may be used instead of sequential codes. These codes must be consistent from schedule to schedule and from year to year.

Examples of components or groups of components which require respondent assigned codes -

- Reservoir I.D.
- Transmission Line Code
- Compressor Station Code

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0840	SALES OF NATURAL GAS BY COMMUNITIES	2 of 3

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	State Abbreviation (N2): Enter the abbreviation for state, from the Register of Data Standards, IDSTAT.
2 (Key)	County Code (N3): Enter the code for county, from the Register of Data Standards, IDCNTY.
3 (Key)	Name of Community (A20): Enter the name of the community served. (IDCITY)
4	Population (N6) NO: Enter the population of the community served.
5	BTU Per Cubic Foot of Gas (N4.2) BTU/CF: Enter the British Termal Units (BTU) per cubic foot of gas.
6	Residential Operating Revenues (N8) DOL: Enter the operating revenues received from residential sales.
7	Residential - Quantity of Gas Sold (N7.3) MMCF: Enter the volume of gas sold to residential customers, in MMCF rounded to three decimal places.
8	Average Number of Residential Customers (N5) NO: Enter the average number of residential customers served within the community.
9	Commercial Operating Revenues (N8) DOL: Enter the operating revenues received from commercial sales.
10	Commercial - Quantity of Gas Sold (N7.3) MMCF: Enter the volume of gas sold to commercial customers, in MMCF rounded to three decimal places.
11	Average Number of Commercial Customers (N5) NO: Enter the average number of commercial customers served within the community.
12	Industrial Operating Revenues (N8) DOL: Enter the operating revenues received from industrial sales.
13	Industrial Quantity of Gas Sold (N7.3) MMCF: Enter the volume of gas sold to industrial customers, in MMCF rounded to three decimal places.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0840	SALES OF NATURAL GAS BY COMMUNITIES	3 of 3

Data Field Number	Instructions
14	Average Number of Industrial Customers (N5) NO: Enter the average number of industrial customers served within the community.
15	Total Operating Revenue (N8) DOL: Enter the total operating revenue received from residential, commercial and industrial sales in the community.
16	Total Quantity of Gas Sold (N7.3) MMCF: Enter the total volume of gas sold to residential, commercial and industrial customers served in the community, in MMCF rounded to three decimal places.
17	Average Number of Total Customers (N5) NO: Enter the average number of total residential, commercial and industrial customers served within the community.
18	Indicator Mixed Gas (N1): Enter "1" in this data field if the gas sold to the community is mixed; if not, enter "0". (INYONO)
19	Percentage of Natural Gas in Mixture (N2.1) PCT: Enter the percentage of natural gas in the mixture, rounded to one decimal place. If gas is unmixed, leave this data field blank.
20	Description of Components of Mixed Gas to the Community (A70): Describe the components of mixed gas sold to the community; i.e., whether natural and oil refinery gases, natural and coke oven gases, etc. (IDDESC)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0841	FIELD AND MAIN LINE INDUSTRIAL SALES OF NATURAL GAS	1 of 3

I. DESCRIPTION

This schedule is used to collect the details of natural gas sales to industrial customers served other than from local distribution systems operated by the respondent classifying between field sales and main line transmission sales.

II. GENERAL INFORMATION

A. This schedule shall be submitted by all Class A and Class B Natural Gas Pipeline respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. Field sales are defined as sales made from wells, from points along gathering lines in gas fields or production areas or from points along transmission lines within field or production areas.

D. Transmission sales are defined as sales made from points along transmission lines not within gas fields or production areas.

E. Natural gas is defined as either natural gas unmixed or any mixture of natural or manufactured gas.

F. Report separately sales to each field and main line industrial customer to which sales of 50 MMCF or more were made during the year. Other sales should be reported in total for each state, showing number of sales so grouped.

G. All volumes shall be reported in MMCF rounded to three decimal places at a uniform pressure base of 14.73 PSIA at 60° Fahrenheit.

H. Respondent Assigned Codes: All of the codes designated as "respondent assigned" must be numerical, beginning with "000001" and continuing in a numerical sequence until all components (or groups of components) of a similar type have been assigned a unique code. If a component (or group of components) is referenced in more than one schedule, it is essential that the same code be used to identify each component (or group of components). Therefore, each respondent must identify each component (or group of components) by a unique, sequential code. These codes must be consistent from schedule to schedule and from year to year.

Note: If a respondent has previously assigned UNIQUE codes to components (or groups of components) these codes may be used instead of sequential codes. These codes must be consistent from schedule to schedule and from year to year.

Examples of components or groups of components which require respondent assigned codes -

- Reservoir I.D.
- Transmission Line Code
- Compressor Station Code

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0841	FIELD AND MAIN LINE INDUSTRIAL SALES OF NATURAL GAS	2 of 3

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1	Indicator Field/Main Line (A1): Enter either "1" for field sale or "2" for main line sale. (INETOR)
2	Indicator Mixed Gas (N1): Enter "1" in this data field if the gas sold was mixed gas; if not, enter "0". (INTGMO)
3	Percentage of Natural Gas in Mixture (N2.1) PCT: Enter the percentage of natural gas in the mixture, rounded to one decimal place. If gas is unmixed, leave this data field blank.
4	Indicator Small/Large Certificate Sale (N1): Enter the type of certificate under which sale was made. Enter "1" for small or "2" for large. (INSLGM)
5	Docket Number (A9): Enter the latest effective docket number in which the delivery was authorized, including hyphen. (IDDCKT)
6	Field or Main Line Customer Name (A35): Enter the name of the field or main line customer who purchases 50 MMCF or more of gas during the reporting period. (IDNAME)
7	Indicator Associated Company (N1): Enter "1" if the customer is an associated company; if not, enter "0". (INTGMO)
8	Point of Delivery, State Abbreviation (N2): Enter the state abbreviation for delivery point, from the Register of Data Standards, IDSTAT.
9	Point of Delivery, County Code (N3): Enter the county code for delivery point, from the Register of Data Standards, IDCNTY.
10	Type of Sale (N1): Enter one of the following codes indicating type of sale: (TYPLPR) 6 = Firm 7 = Off peak 5 = Interruptible 4 = Other
11	BTU Per Cubic Foot of Gas (N4.2) BTU/CF: Enter the British Thermal Units (BTU) per cubic foot of gas.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0841	FIELD AND MAIN LINE INDUSTRIAL SALES OF NATURAL GAS	3 of 3

Data Field Number	Instructions
12	Quantity of Gas Sold (N7.3) MMCF: Enter the volume of gas sold, in MMCF rounded to three decimal places.
13	Total Revenue (N9) DOL: Enter the total dollar revenue for gas sold.
14	Revenue Portion Due to Adjustments (N7) DOL: Enter the adjustment portion due to adjustment provisions such as purchased gas, tax, BTU or other rate adjustments. The difference between data field 13 and data field 14 should be the revenues resulting from the base contract rate named in the docket entered in data field 5 above, Docket Number. The effect of purchased gas, tax, BTU, or other rate adjustment provision shall be shown as the quotient of the total annual revenues received for the year from the application of each rate adjustment provision divided by the annual volume of gas delivered.
15	Cents Per MCF - Total Revenue (N3.2) CTS/MCF: Enter the amount of cents per MCF for the total revenue, rounded to two decimal places.
16	Cents Per MCF - Adjustments (N3.2) CTS/MCF: Enter the cents per MCF for the portion due to adjustments, rounded to two decimal places.
17	Date Noncoincidental Peak Day Delivery (N6): Enter the date of the noncoincidental peak day delivery, in the format MMDDYY. (TMDATE)
18	Quantity Noncoincidental Peak Day Delivery (N7.3) MMCF: Enter the volume of the noncoincidental peak day delivery, in MMCF rounded to three decimal places. Indicate estimate by entering an "E" in the last character position of the data field.
19	Quantity Coincidental Peak Day Delivery (N7.3) MMCF: Enter the volume of coincidental peak day delivery, in MMCF rounded to three decimal places. Indicate estimate by entering an "E" in the last character position of the data field.
20	Date Coincidental Peak Day Delivery (N6): Enter the date of the coincidental peak day delivery, in the format MMDDYY. (TMDATE)
21	Standard Industrial Code (SIC) (N4): Enter the code, from the Register of Data Standards, TYSICL.
22	Description of Components of Mixed Gas (A72): Describe the components of mixed gas sold to customer, i.e., whether natural and oil refinery gases, natural and coke oven gases, etc. (IDDESC)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0842	NATURAL GAS SALES FOR RESALE	1 of 4

I. DESCRIPTION

This schedule is used to collect the details of natural gas sales to other gas utilities and to pipeline companies for resale.

II. GENERAL INFORMATION

A. This schedule shall be submitted by the following categories of Natural Gas Pipeline respondents:

Respondent Category	Data Field
(1) Class A and Class B Natural Gas Pipeline	All
(2) Class C and Class D Natural Gas Pipeline	1-12,16,19

B. Respondents shall complete all specified data fields on this schedule annually.

C. Report the particulars concerning sales of natural gas to other utilities and to pipeline companies for resale.

D. Natural gas means either natural gas unmixed, or any mixture of natural and manufactured gas.

E. Field sales are defined as sales made from wells, from points along gathering lines in gas fields or production areas or from points along transmission lines within fields or production areas.

F. Main lines (transmission) sales are defined as sales made from points along transmission lines not within gas fields or production areas.

G. Where consolidated bills for more than one point of delivery are rendered under an FPC rate schedule, the first point of delivery shall be entered on this schedule in data fields 6 and 7 and the additional points of delivery shall be entered on Schedule 0843. The remainder of the data reported on a consolidated basis corresponds to the billing. However, when consolidated bills for more than one point of delivery are not rendered under an FPC rate schedule, a logical entry will be completed for each point of delivery.

H. If deliveries are made to one customer at more than one delivery point, the peak day deliveries for the first delivery point shall be entered in data fields 14-15, and 17-18. Subsequent entries for peak day deliveries shall be entered in the logical entries for each point of delivery if the billing is on a non-conjunctive basis. The peak day deliveries should be shown in total for each customer if the billing is on a conjunctive basis.

I. All volumes shall be reported in MMCF rounded to three decimal places at a uniform pressure base of 14.73 PSIA at 60° Fahrenheit.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0842	NATURAL GAS SALES FOR RESALE	2 of 4

J. Respondent Assigned Codes: All of the codes designated as "respondent assigned" must be numerical, beginning with "000001" and continuing in a numerical sequence until all components (or groups of components) of a similar type have been assigned a unique code. If a component (or group of components) is referenced in more than one schedule, it is essential that the same code be used to identify each component (or group of components). Therefore, each respondent must identify each component (or group of components) by a unique, sequential code. These codes must be consistent from schedule to schedule and from year to year.

Note: If a respondent has previously assigned UNIQUE codes to components (or groups of components) these codes may be used instead of sequential codes. These codes must be consistent from schedule to schedule and from year to year.

Examples of components or groups of components which require respondent-assigned codes -

- Reservoir I.D.
- Transmission Line Code
- Compressor Station Code

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Field or Main Line Sale Indicator (N1): Enter one of the following codes: (INETOR) 1 = Field sale 2 = Main line
2 (Key)	Type of Sale (N1): Enter one of the following codes: (TYFLPR) 6 = Firm 7 = Off peak 5 = Interruptible 4 = Other
3 (Key)	Type Customer (N1): Enter one of the following codes: (TYCSSA) 1 = Interstate pipeline company 2 = Intrastate pipeline companies for resale under FPC schedules 3 = Gas utilities for resale under FPC rate schedules 4 = Other Note: For field sales only, codes 1 or 4 are valid entries.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0842	NATURAL GAS SALES FOR RESALE	3 of 4

Data Field Number	Instructions
4 (Key)	Customer Name (A35): Enter the name of company to whom the delivery was made. (IDNAME)
5	Associated Company Indicator (N1): Enter "1" if the company is an associated company; if not, enter "0". (INYONO)
6 (Key)	Point of Delivery, State Abbreviation (A2): Enter the state abbreviation for delivery point, from the Register of Data Standards, IDSTAT. For multiple location entries, see General Information, II-G.
7 (Key)	Point of Delivery, County Code (N3): Enter the county code for delivery point, from the Register of Data Standards, IDCNTY. For multiple location entries, see General Information II-G.
8	Tariff Rate Schedule (A6): Enter the rate schedule under which gas was sold. (IDDESC)
9	BTU Per Cubic Foot of Gas (N4.2) BTU/CF: Enter the British Thermal Units (BTU) per cubic foot of gas.
10	Quantity of Gas Sold (N7.3) MMCF: Enter the volume of gas sold, in MMCF rounded to three decimal places.
11	Total Revenue (N8) DOL: Enter the total dollar revenue for gas sold.
12	Average Cents Per MCF (N3.2) CTS/MCF: Enter the average cents per MCF for the total revenue, rounded to two decimal places.
13	Quantity Sum of Monthly Billing Demand (N7.3) MMCF: Monthly billing demands, as used in this data field are the number of MMCF in the respective months actually used in computing the demand portion of the customer's bills whereby such number of MMCF is multiplied by the demand portion of the tariff rate. Report in this data field the sum of the monthly billing demands for the number of months the customer received service or was subject to demand charges.
14	Quantity Noncoincidental Peak Day Delivery (N5.3) MMCF: Enter the volume of the noncoincidental peak day delivery, in MMCF rounded to three decimal places, for firm sales of 25,000 MMCF or more only. Indicate estimated volume by entering an "E" in the last character position of the data field. For multiple deliveries and non-conjunctive billings, see General Instruction, II-H.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0842	NATURAL GAS SALES FOR RESALE	4 of 4

Data Field Number	Instructions
15	Date Noncoincidental Peak Day Delivery (N6): Enter the date of the noncoincidental peak day delivery for firm sales of 25,000 MMCF or more only, in the format MMDDYY. For multiple deliveries and non-conjunctive billing, see General Instruction, II-H. (TMDATE)
16	Indicator Mixed Gas (N1): Enter "1" in this data field is the gas sold was mixed gas; if not, enter "0". (INYONO)
17	Percentage of Natural Gas in Mixture (N2.1) PCT: Enter the percentage of natural gas in the mixture, rounded to one decimal place. If the gas is unmixed, leave this data field blank.
18	Quantity Coincidental Peak Day Delivery (N5.3) MMCF: Enter the volume of the coincidental peak day delivery, in MMCF rounded to three decimal places, for firm sales of 25,000 MMCF or more only. Indicate estimated volume by entering an "E" in the last character position of the data field. For multiple deliveries and non-conjunctive billing, see General Instructions, II-H.
19	Date of Coincidental Peak Day Delivery (N6): Enter the date of the coincidental peak day delivery from firm sales of 25,000 MMCF or more only, in the format MMDDYY. For multiple deliveries and non-conjunctive billing, see General Instructions, II-H. (TMDATE)
20	Description of Components of Mixed Gas (A62): Describe the components of mixed gas sold to customers, i.e., whether natural and oil refinery gases, natural and coke oven gases, etc. If gas sold is unmixed, leave this data field blank. (IDDESC)

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0843	MULTIPLE POINTS OF DELIVERIES FOR SALES FOR RESALE	1 of 2

I. DESCRIPTION

This schedule details the multiple points of deliveries from Schedule 0855, when the billing is on a consolidated basis.

II. GENERAL INFORMATION

A. This schedule shall be submitted by all Class A and Class B Natural Gas Pipeline respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. This schedule is a supplement to Schedule 0842 and is to be used only when there are multiple delivery points and consolidated bills are rendered under an FPC rate schedule.

D. Respondent Assigned Codes: All of the codes designated as "respondent assigned" must be numerical, beginning with "000001" and continuing in a numerical sequence until all components (or groups of components) of a similar type have been assigned a unique code. If a component (or group of components) is referenced in more than one schedule, it is essential that the same code be used to identify each component (or group of components). Therefore, each respondent must identify each component (or group of components) by a unique, sequential code. These codes must be consistent from schedule to schedule and from year to year.

Note: If a respondent has previously assigned UNIQUE codes to components (or groups of components) these codes may be used instead of sequential codes. These codes must be consistent from schedule to schedule and from year to year.

Examples of components or groups of components which require respondent assigned codes -

- Reservoir I.D.
- Transmission Line Code
- Compressor Station Code

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Indicator Field/Main Line Sale (N1): Enter one of the following codes: (INETOR) 1 = Field sale 2 = Main line
2 (Key)	Type of Sale (N1): Enter one of the following codes: (TYPLPR)

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0843	MULTIPLE POINTS OF DELIVERIES FOR SALES FOR RESALE	2 of 2

Data Field Number	Instructions
2 (cont'd)	6 = Firm 7 = Off peak 5 = Interruptible 4 = Other
3 (Key)	Type Customer (N1): Enter one of the following codes: (TYCSSA) 1 = Interstate pipeline company 2 = Intrastate pipeline companies for resale under FPC rate schedules 3 = Gas utilities for resale under FPC rate schedules 4 = Other Note: For field sales only, codes 1 or 4 are valid entries.
4 (Key)	Customer Name (A35): Enter the name of the company to whom the delivery was made. (IDNAME)
5	Point of Delivery, State Abbreviation (N2): Enter the state abbreviation for delivery point, from the Register of Data Standards, IDSTAT.
6	Point of Delivery, County Code (N3): Enter the county code for delivery point, from the Register of Data Standards, IDCNTY.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0844	GAS STORED FOR OTHERS	1 of 1

I. DESCRIPTION

This schedule is used to collect information on gas stored for others by respondent, in underground storage.

II. GENERAL INFORMATION

A. This schedule is a supplement to Schedule 0410, Annual Underground Storage Summary, and shall be submitted by Class A and Class B Natural Gas pipeline companies who have indicated that gas is stored for others.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions and deletions.

C. Respondent Assigned Codes: All of the codes designated as "respondent assigned" must be numerical, beginning with "000001" and continuing in a numerical sequence until all components (or groups of components) of a similar type have been assigned a unique code. If a component (or group of components) is referenced in more than one schedule, it is essential that the same code be used to identify each component (or group of components). Therefore, each respondent must identify each component (or group of components) by a unique, sequential code. These codes must be consistent from schedule to schedule and from year to year.

Note: If a respondent has previously assigned UNIQUE codes to components (or groups of components) these codes may be used instead of sequential codes. These codes must be consistent from schedule to schedule and from year to year.

Examples of components or groups of components which require respondent assigned codes -

- Reservoir I.D.
- Transmission Line Code
- Compressor Station Code

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1	Field Code (N6): Enter the code identifying storage field, from the Register of Data Standards, IDGFFL.
2	Reservoir ID (N6): Enter the unique, sequential (respondent assigned) code identifying the reservoir, from the Register of Data Standards, NRCADL. See General Information, II-C.
3	Customer Name (A26): Enter the name of the customer for whom gas is stored. (IDNAME)
4	Quantity of Gas Stored (N6.3) MMCF: Enter the quantity of gas stored for customer, in MMCF rounded to three decimal places.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0845	TAKE-OFF-POINTS, SMALL GROUP AND CONJUNCTIVE SALES	1 of 2

I. DESCRIPTION

This schedule is used to collect information on small group deliveries and conjunctive billing.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A Natural Gas Pipeline companies having a system delivery capacity in excess of 100,000 MCF per day; where deliveries to a single customer are made at two or more points and conjunctive billing is used to determine charges, the volumes delivered shall be reported on the conjunctive basis; small deliveries (less than 200 MCF per day) which have little or no effect upon the operation of the pipeline may be grouped in an appropriate manner, i.e., between compressor stations or the last main line compressor station and the end of the pipeline.

B. Respondents shall complete all data fields on this schedule annually.

C. Respondent Assigned Codes: All of the codes designated as "respondent assigned" must be numerical, beginning with "000001" and continuing in a numerical sequence until all components (or groups of components) of a similar type have been assigned a unique code. If a component (or group of components) is referenced in more than one schedule, it is essential that the same code be used to identify each component (or group of components). Therefore, each respondent must identify each component (or group of components) by a unique, sequential code. These codes must be consistent from schedule to schedule and from year to year.

Note: If a respondent has previously assigned UNIQUE codes to components (or groups of components) these codes may be used instead of sequential codes. These codes must be consistent from schedule to schedule and from year to year.

Examples of components or groups of components which require respondent assigned codes –

- Reservoir I.D.
- Transmission Line Code
- Compressor Station Code

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Transmission Line Code (A6): Enter the unique (respondent assigned) code identifying transmission line. (IDEQPT)
2,4 (Key)	Compressor Station Code (A6): Enter the unique (respondent assigned) code identifying compressor stations between which deliveries were made. If deliveries were made between last compressor station and end of line, report in data field 2 only, leaving data field 4 blank. (IDEQPT)

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0845	TAKE-OFF-POINTS, SMALL GROUP AND CONJUNCTIVE SALES	2 of 2

Data Field Number	Instructions
3,5 (Key)	Map Reference (A16): Map reference numbers for compressor stations reported in data fields 2 and 4 above; enter as specified in the Register of Data Standards, LCCOOR.
6	Delivery Type (N1): Enter "1" for group sales or "2" for conjunctive billing. (INETOR)
7	Quantity Delivered (N7.3) MMCF: Enter the quantity delivered, in MMCF rounded to three decimal places.
8	Indicator if Estimated (N1): If quantity reported in data field 7 above is an estimate, enter "1"; if not, enter "0". (INYONO)
9 (Key)	Data Year (N4): Enter year for which data is reported, in the format YYYY. (IMYEAR)

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0846	UNAUTHORIZED OVERRUNS - PENALTIES AND WAIVERS	1 of 2

I. DESCRIPTION

This schedule is used to collect information on unauthorized overrun gas, penalties and waivers of penalties.

II. GENERAL INFORMATION

A. This schedule shall be completed by Class A and Class B Natural Gas Pipeline respondents from who resale customers took unauthorized overrun gas.

B. Respondents shall complete all data fields on this schedule annually.

C. Respondent Assigned Codes: All of the codes designated as "respondent assigned" must be numerical, beginning with "000001" and continuing in a numerical sequence until all components (or groups of components) of a similar type have been assigned a unique code. If a component (or group of components) is referenced in more than one schedule, it is essential that the same code be used to identify each component (or group of components). Therefore, each respondent must identify each component (or group of components) by a unique, sequential code. These codes must be consistent from schedule to schedule and from year to year.

Note: If a respondent has previously assigned UNIQUE codes to components (or groups of components) these codes may be used instead of sequential codes. These codes must be consistent from schedule to schedule and from year to year.

Examples of components or groups of components which require respondent assigned codes –

- Reservoir I.D.
- Transmission Line Code
- Compressor Station Code

III. DETAILED INSTRUCTIONS

The following data field-by-data fields instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1	Customer Code (N6): Enter the code identifying customer, from the Register of Data Standards, IDRESP.
2	Customer Name (A35): Enter the name of the customer. If more than one customer is being reported as in rate zones, enter the number of customers so grouped, e.g., "9 customers". (IDNAME)
3	FPC Rate Schedule Number (A11): Enter the primary rate schedule number, left justified, eliminating dashes and spaces. If more than one rate schedule is involved, enter the additional rate schedules in data field 10 below. (IDRATE)

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0846	UNAUTHORIZED OVERRUNS - PENALTIES AND WAIVERS	2 of 2

Data Field Number	Instructions
4	Volume of Overrun Gas (N6.3) MMCF: Enter the volume of gas taken, in MMCF rounded to three decimal places.
5	Amount of Fine (N6) DOL: Enter the dollar amount of the fine for overrun gas.
6	Period of Overrun (N1): Enter the code for period in which overrun occurred, as follows: (TYPKPM) 1 = During each of three highest days of system peak deliveries 2 = During the highest consecutive three-day system peak deliveries 3 = During the month of highest system deliveries 4 = On any day when a customer was penalized for taking unauthorized overrun gas while another customer, on the same day, received unauthorized overrun gas without penalty 5 = On any day when unauthorized overrun gas was taken by a customer while another customer, on the same day, was refused overrun gas
7	Indicate if Waived (N1): If the fine was waived, enter "1" in this data field; if not, enter "0". (INYONO)
8	Reason Waived (A1): Enter the code for reason waiver was granted, as follows: (INYONO) 0 = Tariff regulations, or no other customers were effected 1 = Failure of equipment 2 = Other, please specify in a footnote
9	Period for Which Waiver Granted (A13): Enter date, or dates, for which waiver was granted, in the format MMDDYY. If only one date, use left half of data field. (IDDESC)
10	Rate Schedule Number (A11): Use for additional rate schedule numbers, as per instructions for data field 3 above. (IDRATE)

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0847	CAPACITY OF UNDERGROUND STORAGE RESERVOIRS	1 of 2

I. DESCRIPTION

This schedule is used to collect data pertaining to the location and capacity of each underground storage reservoir operated by the respondent and used in compiling underground gas storage data.

II. GENERAL INFORMATION

A. This schedule shall be submitted by all Class A and Class B Natural Gas companies subject to Federal Power Commission jurisdiction that operate underground natural gas storage fields in the United States.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions and deletions.

C. All capacities will be reported in MMCF rounded to three decimal places.

D. Respondent Assigned Codes. All of the codes designated as "respondent assigned" must be numerical, beginning with "000001" and continuing in a numerical sequence until all components (or groups of components) of a similar type have been assigned a unique code. If a component (or group of components) is referenced in more than one schedule, it is essential that the same code be used to identify each component (or group of components). Therefore, each respondent must identify each component (or group of components) by a unique, sequential code. These codes must be consistent from schedule to schedule and from year to year.

Note: If a respondent has previously assigned UNIQUE codes to components (or groups of components) these codes may be used instead of sequential codes. These codes must be consistent from schedule to schedule and from year to year.

Examples of components or groups of components which require respondent assigned codes -

- Reservoir I.D.
- Transmission Line Code
- Compressor Station Code

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Field Code (A6): Enter the FPC assigned code number, from the Register of Data Standards, IDCPFL. If the field code is not listed, contact the Head, Supply and Production Section, BNG, Federal Power Commission, and a code will be assigned.
2 (Key)	Reservoir ID (N6): Enter a unique, sequential (respondent assigned) identification code, as specified in the Register of Data Standards, NRCADL.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0847	CAPACITY OF UNDERGROUND STORAGE RESERVOIRS	2 of 2

Data Field Number	Instructions
3	Field Name (A20): Enter the corresponding field name identifying each underground storage reservoir. (IDGPFL)
4 (Key)	State Abbreviation (A2): Enter the two character state abbreviation, from the Register of Data Standards, IDSTAT.
5 (Key)	County Code (N3): Enter the three digit county code, from the Register of Data Standards, IDCNTY.
6	Reservoir Storage Capacity (N10.3) MMCF: Report the certificated storage capacity of each reservoir, in MMCF rounded to three decimal places.
7	Field Status Code (A1): Enter one of the following codes: (TYGRST) A = Active P = Proposed R = Reinstated D = Development Stage F = Future Abandonment
8	Joint Ownership Indicator (N1): Enter a "1" if joint ownership; if not, enter "0". If joint ownership exists, respondent must complete Schedule 0851. (INYONO)

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0848	NATURAL GAS PIPELINE SYSTEM MAPS	1 of 2

I. DESCRIPTION

A system map(s) shall depict the facilities operated by the respondent for the production, gathering, transportation and sale of natural gas.

II. GENERAL INFORMATION

A. A system map(s) shall be submitted by all Class A and Class B Natural Gas pipeline companies subject to the jurisdiction of the Federal Power Commission.

B. The respondent shall submit the map(s) with the initial submission. Subsequent filings need not include the system map if no change has occurred in the facilities operated by the rapondent since the previous year's annual submission. However, if maps are not furnished for this reason, a written statement shall be submitted in lieu of the maps, stating the date of the raport period in which the maps were submitted.

C. Each map shall indicate the following:

(1) Graphic scale to which map is drawn.

(2) Date as of which the map represents the facts it purports to show.

(3) A legend giving all symbols and abbreviations used.

(4) Designation of facilities leased to or from another company, giving name of such other company.

D. Maps not larger than 24 inches square are desired. Larger maps may be submitted, however, if necessary to show essential information; the maps should be folded to 8 1/2" x 11" size.

III. DETAILED INSTRUCTIONS

The following information is to be indicated on the map(s):

(a) Transmission lines (colored in red), if they are not otherwise clearly indicated.

(b) Principal pipeline arteries of gathering systems.

(c) Sizes of pipe in principal pipelines shown on map.

(d) Normal directions of gas flow, indicated by arrows.

(e) Location of natural gas fields or pools in which the respondent produces or purchases natural gas.

(f) Location of compressor stations, products extraction plants, underground storage areas, recycling areas, stabilization plants, important purification plants, etc.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0848	NATURAL GAS PIPELINE SYSTEM MAPS	2 of 2

(g) Important main line interconnections with other natural gas companies, indicating in each case whether gas is received or delivered and name of connecting company.

(h) Principal communities in which respondent renders local distribution service.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0849	GAS PROCUREMENT ACTIVITY STATEMENT	1 of 1

I. DESCRIPTION

This schedule is used to collect details of gas procurement activity during the report year.

II. GENERAL INFORMATION

A. This schedule shall be completed by all Natural Gas pipeline companies subject to the jurisdiction of the Federal Power Commission.

B. Respondents shall complete all data fields on this schedule annually.

C. This schedule is narrative in format. Each line entry will contain a paragraph number, a line sequence number, and the narrative description of the activity. The descriptive information will be limited to 70 character positions per line entry. The description will include a general statement on, but not limited to:

(1) The company's gas procurement activity including future supply additions.

(2) The status of exploration and development activity in, or near, the general producing areas traversed by or available to the pipeline system to provide information which may be relied upon by the respondent with respect to applications for certificates under Section 7(c) of the Natural Gas Act (Statement of Policy, Docket Number P-239, 18 CFR 260.7).

(3) Future contract additions.

D. This schedule should be used to support and provide additional data for Schedule 0402, Pipeline System Deliverability Summary.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1	Paragraph Number (N2): Enter a two-digit paragraph sequence number. (NRCADL)
2	Line Sequence Number (N3): Enter a three-digit line sequence number within each paragraph. (NRCADL)
3	Activity Statement (A70): Enter the narrative description. (IDDESC)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0850	GAS SUPPLY PRODUCING AREAS - MAPS	1 of 2

I. DESCRIPTION

The map(s) to be provided with this schedule shall cover the producing areas traversed by the pipeline system as supporting documentation of Schedules 0404 through 0407.

II. GENERAL INFORMATION

A. The map(s) shall be submitted by all Class A and Class B Natural Gas pipeline companies subject to the jurisdiction of the Federal Power Commission.

B. The respondent shall submit the map(s) with the initial submission. Subsequent filings need not include the system map if no change has occurred in the facilities operated by the respondent since the previous year's submission. However, an alphabetical listing by fields of such reservoirs and the report year in which they were filed will be included as the first page, or pages, of this map schedule.

III. DETAILED INSTRUCTIONS

Each company shall submit:

1. A general map or maps covering the producing areas traversed by the pipeline system showing the location of the following:

(a) The principal facilities operated by the company including all principal pipeline facilities and processing plants used to deliver gas to its main pipeline system, indicating plant operator if other than company.

(b) River crossings and principal political divisions.

(c) The location of each gas supply source including production and storage fields, together with a clearly outlined reference to the field maps required by item 2 below.

2. A map shall be submitted for each field, except where more than one field can be shown without confusion on a single map. These maps shall be at a scale no smaller than one inch equals one mile, 1/5,280 (the denominator of this fraction shall be no larger than 5,280), clearly lettered and legible. All field maps shall be inserted following the general pipeline map or maps, item 1, alphabetically by field and shall include the following:

(a) The name of the field(s), the field code(s), the field location (state, county or parish) and if applicable, the group name and group code, from the Register of Data Standards, IDGPFL and IDGSPG.

(b) Every reservoir on each map - identified by name.

(c) Date of reporting year in which map is submitted, in the format MMDDYY.

(d) All survey and section lines - clearly identified.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0850	GAS SUPPLY PRODUCING AREAS - MAPS	2 of 2

(e) Acreage committed to the company for each reservoir.

(f) The proven productive limits of each reservoir, where known - outlined and identified.

(g) All oil wells, gas wells and dry holes, including wells outside the reservoir limits, which were considered in making the gas reserve estimates for the reservoir.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS. SCHEDULE 0851	OWNERSHIP OF UNDERGROUND STORAGE RESERVOIRS	1 of 2

I. DESCRIPTION

This schedule is used to collect the percent of ownership of each underground storage reservoir held in joint ownership.

II. GENERAL INFORMATION

A. This schedule shall be submitted by all Class A and Class B Natural Gas companies subject to Federal Power Commission jurisdiction who operate underground storage reservoirs under joint ownership.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions and deletions.

C. Respondent Assigned Codes. All of the codes designated as "respondent assigned" must be numerical, beginning with "000001" and continuing in a numerical sequence until all components (or groups of components) of a similar type have been assigned a unique code. If a component (or group of components) is referenced in more than one schedule, it is essential that the same code be used to identify each component (or group of components). Therefore, each respondent must identify each component (or group of components) by a unique, sequential code. These codes must be consistent from schedule to schedule and from year to year.

Note: If a respondent has previously assigned UNIQUE codes to components (or groups of components) these codes may be used instead of sequential codes. These codes must be consistent from schedule to schedule and from year to year.

Examples of components or groups of components which require respondent assigned codes -

- Reservoir I.D.
- Transmission Line Code
- Compressor Station Code

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Field Code (A6): Enter the FPC assigned code number, from the Register of Data Standards, IDGPFL. If the field code is not listed, contact the Head, Supply and Production Section, BNG, Federal Power Commission, and a code will be assigned.
2 (Key)	Reservoir ID (N6): Enter a unique, sequential (respondent assigned) identification code, as specified in the Register of Data Standards, NRCADL.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0851	OWNERSHIP OF UNDERGROUND STORAGE RESERVOIRS	2 of 2

Data Field Number	Instructions
3	Percent of Respondent Ownership in Reservoir (N3.2) PCT: Enter the percent of respondent ownership in the underground storage reservoir, rounded to two decimal places.
4	Name of Co-Owners (A26): Indicate the name of each co-owner. (IDNAME)
5	Percent of Co-Owner Interest (N3.2) PCT: Enter the percent of co-owner interest in the underground storage reservoir, rounded to two decimal places.
6	State Abbreviation (A2): Enter the state abbreviation in which the field (data field 1 above) is located, from the Register of Data Standards, IDSTAT.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0853	DISCLOSURE OF OTHER GAS SUPPLY FILINGS WITH FEDERAL AGENCIES	1 of 1

I. DESCRIPTION

This schedule is used to collect information on disclosure of other gas supply filings with Federal agencies.

II. GENERAL INFORMATION

A. This schedule is a supplement to Schedule 0401, Pipeline Gas Supply Synopsis, and shall be submitted by Natural Gas pipeline companies who have indicated a gas supply statement filed with other agency(ies).

B. Respondents shall complete all data fields on this schedule annually, subject to II-A above.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1	Filing Party (A35): Enter the name of the filing party: the respondent, its parent company, or an affiliate. (IDNAME)
2	Name of Report (A25): Enter the name of the report filed. (IDDESC)
3	Date of Report (N6): Enter the date the report was submitted, in the format MMDDYY. (TMDATE)
4	Recipient Government Agency (A35): Enter the name of the other Federal Government agency the report was filed with. (IDNAME)
5	Reconciliation of Any Gas Reserve Differences (A249): Describe that portion of the gas supply included in each filing belonging to the respondent which is different from that reported in the respondent's current report year filing. (IDDESC)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0000	FOOTNOTES TO FPC PUBLIC USE SCHEDULES	1 of 2

I. DESCRIPTION

This schedule is used to collect the text for all footnote references for a respondent submission.

II. GENERAL INFORMATION

A. This schedule shall be submitted when applicable by all respondents for reporting footnotes to FPC Public Use Schedules.

B. The footnote reference numbers must be unique within a particular submission.

C. The respondent has to indicate two major types of footnotes.

1. General Footnote - The General Footnote can refer to either the entire schedule or one data field on the schedule, i.e. all data which is reported for data field 5 on the schedule not just one specific value for data field 5.

2. Specific Footnote - The Specific Footnote can refer either to an entire logical entry, i.e. group of related data which separates as an entity on a schedule or a data item within the logical entry.

The following entries are provided as an example:

Type Footnote	Data Field 2 (Footnote No.)	Data Field 3 (Ref. ID)
1. General Footnote		
a. Entire schedule	001	GEN
b. All data values for data field 5 entries on this schedule	001	005
All data values for data field 6 entries on this schedule	001	006
2. Specific Footnote		
a. Entire logical entry	002	GEN
b. Data item entry	002	004
	002	006
	002	008

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number.

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DETAILED INSTRUCTIONS: SCHEDULE 0000	FOOTNOTES TO FPC PUBLIC USE SCHEDULES	2 of 2

Data Field Number	Instructions
1 (Key)	Schedule Number (N4): Enter the number of the schedule on which the footnote reference number was assigned, e.g., 0501 or 0505.
2 (Key)	Footnote Number (N3): Enter the unique footnote reference number from 001-999 for each particular submission.
3 (Key)	Reference Identification (A3): Enter "GEN" for Type 1a and 2a footnotes, i.e., footnotes that apply to the entire schedule (or to an entire logical entry) or enter the appropriate data field number for the specific data field value being footnoted (Type 1b or 2b).
4 (Key)	Line Sequence Number (N2): Enter 01, 02 etc., for each successive line of text.
5 (Key)	System Code (N6): This data field applies only to Electric respondents reporting data by syatem. Enter the six digit number code for the system, from the Register of Data Standards, IDSYST.
6 (Key)	Plant ID (N5): This data field applies only to Electric reapondents reporting data by plant. Enter the five digit numeric code for the plant, from the Register of Data Standards, IDPLNT.
7 (Key)	Project Development Code (A5): This data field applies only to Electric respondents reporting data by license projects. Enter the five digit numeric code for the license project, from the Register of Data Standards, IDLPRJ.
8	Text (A72): Enter the text of the footnote. Use successive lines as required for text. Repeat Data Fields 1-3, 5 or 6 as applicable, and increment Data Field 4 (Line Sequence Number) by 1.

FPC Form 151
(5-76)

R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 1000	SUPPORTING DOCUMENTATION	1 of 1

I. DESCRIPTION

This schedule is used to collect schedule related supporting documentation not required by the Public Use Schedules.

II. GENERAL INFORMATION

A. This schedule shall be submitted by any Federal Power Commission respondent who desires to provide supportive documentation or any additional information relating to the Public Use Schedules.

B. This schedule shall be completed only as deemed necessary by the respondent or where specifically requested by detailed instructions for other schedules.

FPC Form 151
(5-76)

FEDERAL POWER COMMISSION / REGULATORY INFORMATION SYSTEM

REGISTER OF DATA STANDARDS

DATA ITEMS

FORM NO. 153

DATA ITEM LIST MNEMONIC: IDGSPG

DATA ITEM LIST TITLE: ID, GAS SUPPLY GROUP

DATA ITEM LIST DESCRIPTION: IDENTIFIES GAS SUPPLY GROUPS ASSIGNED BY THE FPC TO FIELD OR CONTRACT AREAS OF FILING COMPANIES. CODES FOR GENERAL USE ARE GIVEN BELOW. CODES NOT LISTED ARE FOR USE BY ONLY THE COMPANY TO WHICH ASSIGNED.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST:

	ABBREVIATION
LIQUIFIED NATURAL GAS	L44507
CANADIAN GAS	M08276
EMERGENCY PURCHASES	M17231
FPC GAS TARIFF	M19519
GAS STORAGE FIELDS	M23900
MEXICAN GAS	M47758
MISCELLANEOUS	M48173
SHORT TERM CONTRACTS	M70206
SURPLUS GAS CONTRACT	M72584
SUBSTITUTE NATURAL GAS	S80000

DATA ITEM LIST MNEMONIC: IDNGAR

DATA ITEM LIST TITLE: ID, NATURAL GAS AREAS

DATA ITEM LIST DESCRIPTION: IDENTIFIES EXPORT/IMPORT SOURCES OF NATURAL GAS OR SUBDIVISIONS OR THE US DESIGNATED AS NATURAL GAS AREAS BY THE FPC.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST: (TO BE SUPPLIED WHEN FORM IS DUE).

DATA ITEM LIST MNEMONIC: IDCNTY

DATA ITEM LIST TITLE: ID, COUNTIES OF THE US.

DATA ITEM LIST DESCRIPTION: IDENTIFIES THE COUNTIES OF THE US. COUNTIES, AS FIRST ORDER SUBDIVISIONS OF MOST STATES, ARE CONSIDERED SYNONYMOUS WITH PARISH, BOROUGH, OR CENSUS DIVISION USED IN OTHERS. FOR RIS USE, THIS LIST IS SUPPLEMENTED WITH NATURAL GAS OFFSHORE AREAS.

DATA ITEM LIST SOURCE: FIPS PUB 6-2,SEP 15, 1973 AND FPC

DATA ITEM LIST:

	CODE	ABBREVIATION
OFFSHORE; STATE	00990	990
OFFSHORE; FEDERAL	00995	995
OFFSHORE; GENERAL (REST ARE FIPS)	00999	999

DATA ITEM LIST MNEMONIC: IDEQPT

DATA ITEM LIST TITLE: ID, FACILITIES/EQUIPMENT

DATA ITEM LIST DESCRIPTION: IDENTIFIES A FACILITY OR EQUIPMENT UNIT OR GROUP AS DETERMINED BY THE RESPONDENT OR OTHER AGENCY FOR WHICH A CODE LIST IS NOT MAINTAINED AT THE FPC.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST: (RESPONDENT SUPPLIED)

DATA ITEM LIST MNEMONIC: IDGPFL

DATA ITEM LIST TITLE: ID, GAS PLANTS/FIELDS

DATA ITEM LIST DESCRIPTION: IDENTIFIES GAS PLANTS OR FIELDS FOR WHICH PRODUCTION IS REPORTED TO THE FPC.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST: (TO BE SUPPLIED WHEN FORM IS DUE)

V 41 155 AUG 10 76 UMI

DATA ITEM LIST MNEMONIC: IDRESP

DATA ITEM LIST TITLE: ID, FPC RESPONDENTS AND OTHER PARTIES OF INTEREST

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST: (TO BE SUPPLIED WHEN FORM IS DUE.)

DATA ITEM LIST MNEMONIC: IDSTAT

DATA ITEM LIST TITLE: ID, STATES OF THE UNITED STATES

DATA ITEM LIST DESCRIPTION: IDENTIFIES THE 50 STATES, THE DISTRICT OF COLUMBIA, AND THE OUTLYING AREAS OF THE US, ALL OF WHICH ARE CONSIDERED FIRST ORDER SUBDIVISIONS OF THE US.

DATA ITEM LIST SOURCE: FIPS PUB 5-1, JUN 15, 1970

DATA ITEM LIST:

	CODE	ABBREVIATION
ALABAMA	01	AL
ALASKA	02	AK
AMERICAN SAMOA	03	AS
ARIZONA	04	AZ
ARKANSAS	05	AR
CALIFORNIA	06	CA
CANAL ZONE	07	CZ
COLORADO	08	CO

(REST TO BE SUPPLIED WHEN FROM IS DUE)

DATA ITEM LIST MNEMONIC: IDWELL

DATA ITEM LIST TITLE: ID, OIL/GAS WELLS

DATA ITEM LIST DESCRIPTION: IDENTIFIES AN OIL OR GAS WELL IN A MANNER PRESCRIBED BY THE AMERICAN PETROLEUM INSTITUTE. THIS IS A CHAIN DATA ITEM CONSISTING OF: STATE(2), COUNTY/PARISH/OFFSHORE AREA(3), WELL ID(5), DIRECTIONAL SIDETRACK ID(2), CSD DISTRICT(2).

DATA ITEM LIST SOURCE: AMERICAN PETROLEUM INSTITUTE (API)

DATA ITEM LIST: (TO BE SUPPLIED BY THE RESPONDENT WHEN FORM IS DUE)

DATA ITEM LIST MNEMONIC: LCCOOR

DATA ITEM LIST TITLE: LOCATION, GEOGRAPHICAL COORDINATES

DATA ITEM LIST DESCRIPTION: DESIGNATES A POINT ON THE SURFACE OF THE EARTH BY THE ANGEL EAST OR WEST OF GREENWICH AND NORTH OR SOUTH OF THE EQUATOR. THE FORMAT IS: DDMMSSN,DDDMMSSW WHERE D=DEGREES, M=MINUTES, AND S=SECONDS OF NORTH LATITUDE AND WEST LONGITUDE.

DATA ITEM LIST SOURCE: ANSI X3L8/196 (DRAFT)

DATA ITEM LIST: (TO BE SUPPLIED BY THE RESPONDENT WHEN THE FORM IS DUE.)

DATA ITEM LIST MNEMONIC: NRCADL

DATA ITEM LIST TITLE: NUMBER, CARDINAL

DATA ITEM LIST DESCRIPTION: IDENTIFIES A CARDINAL NUMBER ASSIGNED BY A RESPONDENT AS A REFERENCE OR SERIAL ID TO PERMIT DOCUMENT, PAGE, FOOTNOTE OR OTHER SIMILAR REFERENCE. ALLOWABLE DATA LENGTH TO MAXIMUM IS DETERMINED FROM SOURCE INPUT SCHEDULE.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST: (TO BE SUPPLIED BY RESPONDENT WHEN FORM IS DUE)

DATA ITEM LIST MNEMONIC: TYCTBS

DATA ITEM LIST TITLE: TYPE OF CURTAILMENT BASIS

DATA ITEM LIST DESCRIPTION: INDICATES THE BASIS OF CURTAILMENT OF DELIVERY.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST:

	CODE
CONTRACT DEMAND	1
ENTITLEMENT	2
MAXIMUM DAY	3

DATA ITEM LIST MNEMONIC: TYGPLT

DATA ITEM LIST TITLE: TYPE OF GAS PLANT

DATA ITEM LIST DESCRIPTION: INDICATES THE TYPE OF GAS PLANT BY PRINCIPAL PRODUCT.

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST:

	CODE	ABBREVIATION
LIQUIFIED PETROLEUM GAS	1	LPG
MANUFACTURED GAS	2	MFG
PRODUCT EXTRACTION	3	EXT
SYNTHETIC NATURAL GAS	4	SNG

DATA ITEM LIST MNEMONIC: TYGRGA

DATA ITEM LIST TITLE: TYPE OF GEOLOGIC AGE CLASS

DATA ITEM LIST DESCRIPTION: INDICATES THE GEOLOGIC ERA, SYSTEM AND SERIES OF GAS PRODUCING RESERVOIRS.

DATA ITEM LIST SOURCE: AAPG-CSD

DATA ITEM LIST:

	CODE
CENOZOIC	100
CENOZOIC QUATERNARY	110
CENOZIC QUATERNARY RECENT	111
CENOZOIC QUATERNARY PLEISTOCENE	112
CENOZIC TERTIARY	120
CENOZOIC TERTIARY PLIOCENE	121
CENOZOIC TERTIARY MIOCENE	122
CENOZOIC TERTIARY OLIGOCENE	123
CENOZOIC TERTIARY EOCENE	124
CENOZOIC TERTIARY PALEOCENE	125
MESOZIC	200
MESOZIC CRETACEOUS	210

(REST TO BE SUPPLIED WHEN FORM IS DUE.)

DATA ITEM LIST MNEMONIC: TYGRLT

DATA ITEM LIST TITLE: TYPE OF LITHOLOGIC CATEGORY

DATA ITEM LIST DESCRIPTION: INDICATES THE TYPE OF GEOLOGIC ENVIRONMENT OF OIL AND GAS RESOURCES.

DATA ITEM LIST SOURCE: AMERICAN PETROLEUM INSTITUTE (API)

DATA ITEM LIST:

SANDSTONE, (UNSPECIFIED)	10
SANDSTONE, UNCONSOLIDATED	11
SANDSTONE, SILTSTONE	12
SANDSTONE, GRAYWACKE	13
SANDSTONE, ARKOSE	14
SANDSTONE, GRANITE WASH	15
SANDSTONE, CONGLOMERATE	16
SANDSTONE, SEDIMENTARY BRECCIA	17
CARBONATE, (UNSPECIFIED)	20
CARBONATE, CALCITE (LIMESTONE)	21
CARBONATE, DOLOMITE	22
CARBONATE, CLASTIC	23
OTHER, (UNSPECIFIED)	30
OTHER, IGNEOUS	31
OTHER, METAMORPHIC	32
OTHER, SEDIMENTARY	33

DATA ITEM LIST MNEMONIC: TYTRAN

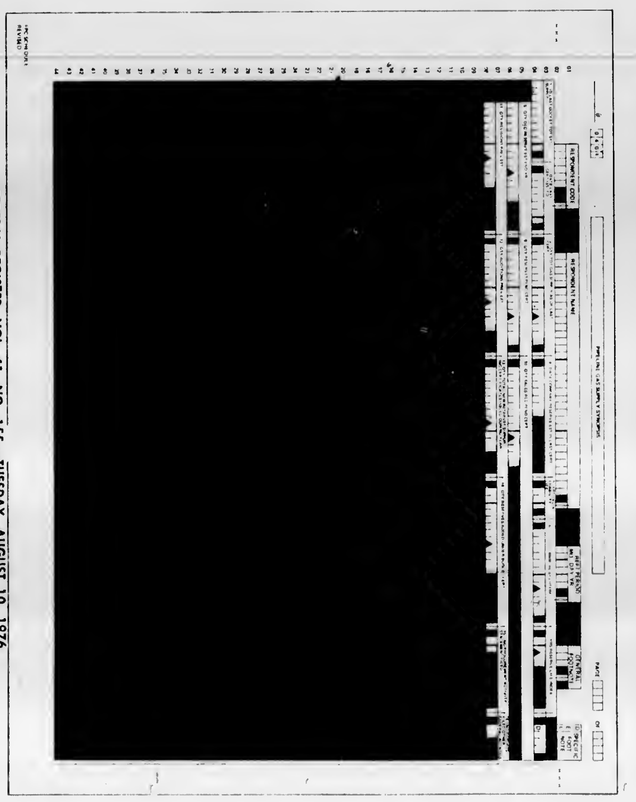
DATA ITEM LIST TITLE: TYPE OF TRANSPORTATION MODE

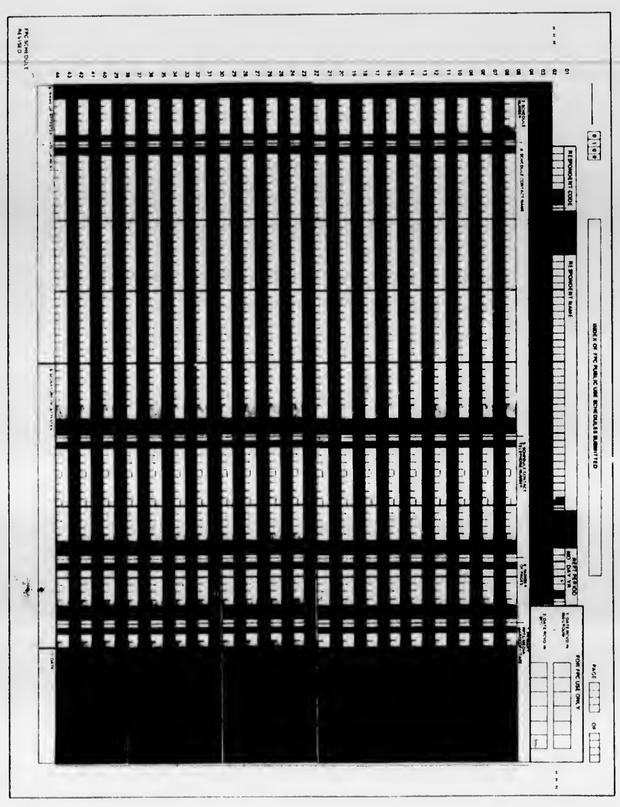
DATA ITEM LIST DESCRIPTION: INDICATES THE MODE OF TRANSPORT USUALLY USED FOR UTILITY FUELS. WHERE AN INTERMEDIATE STORAGE OR TRANSSHIPMENT POINT IS INVOLVED, A DOUBLE CODE OR ABBREVIATION IS USED, THE FIRST FOR THE INITIAL MODE, THE SECOND FOR THE FINAL MODE.

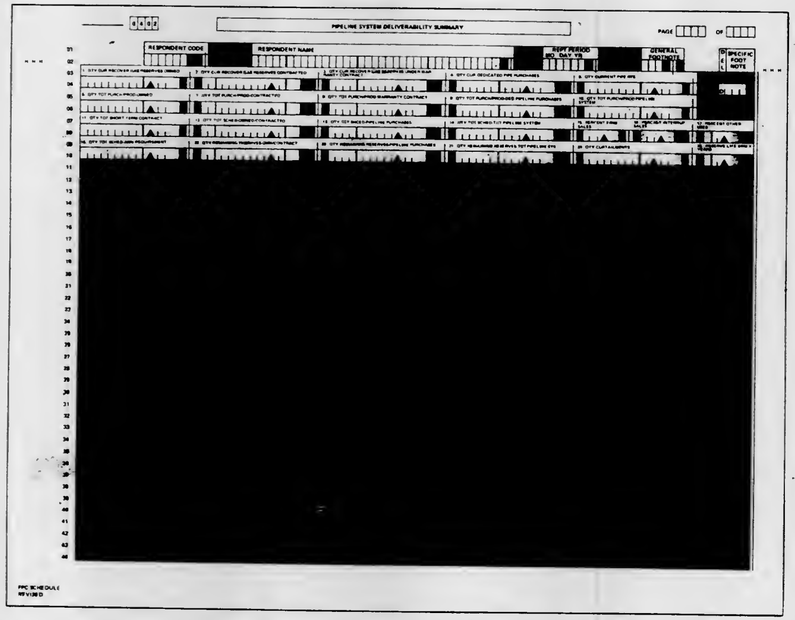
DATA ITEM LIST SOURCE: FPC STAFF

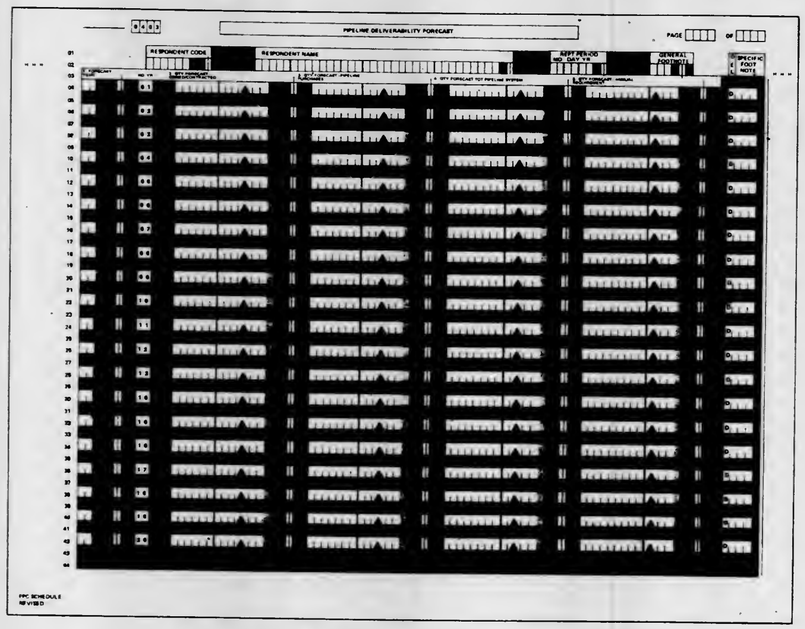
DATA ITEM LIST:

	CODE	ABBREVIATION
BARGE, UNSPECIFIED TYPE	10	B
BARGE, UNIT	12	A
SHIP, UNSPECIFIED TYPE	20	H
COLLIER	23	V
OIL TANKER	24	W
SHIP, LNG	25	L
RAIL, NON-UNIT TRAIN	31	R
RAIL, UNIT TRAIN	32	U
RAIL, TANK CAR	34	X
PIPELINE, COAL SLURRY	43	S
PIPELINE, GAS OR OIL	44	P
TRUCK, UNSPECIFIED TYPE	50	T
TRUCK, TANK	54	Y
TRUCK, LNG	55	Z
CONVEYOR BELT	81	C
OTHER	99	O

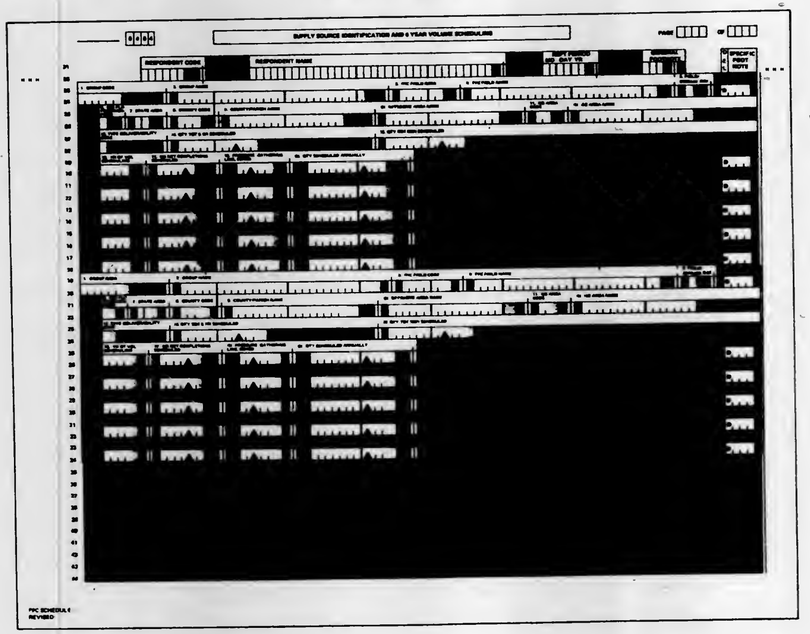


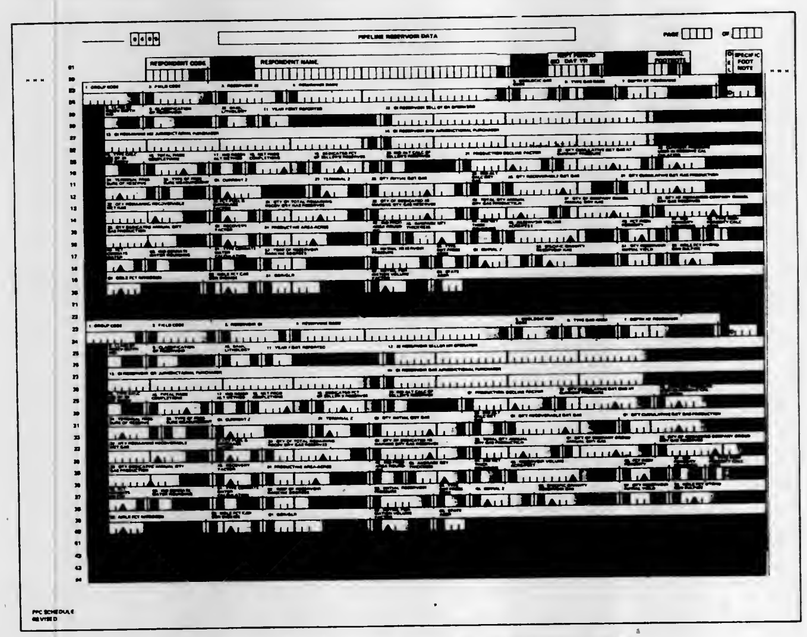






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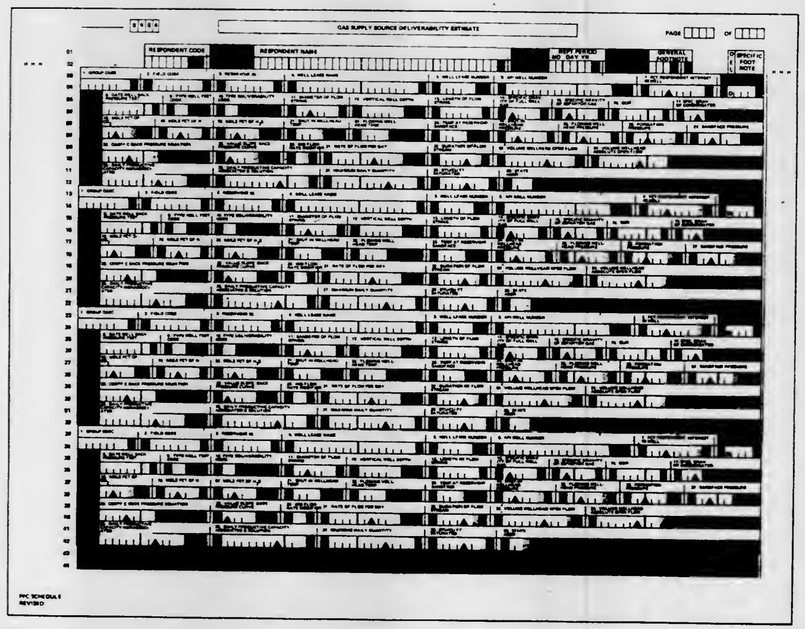


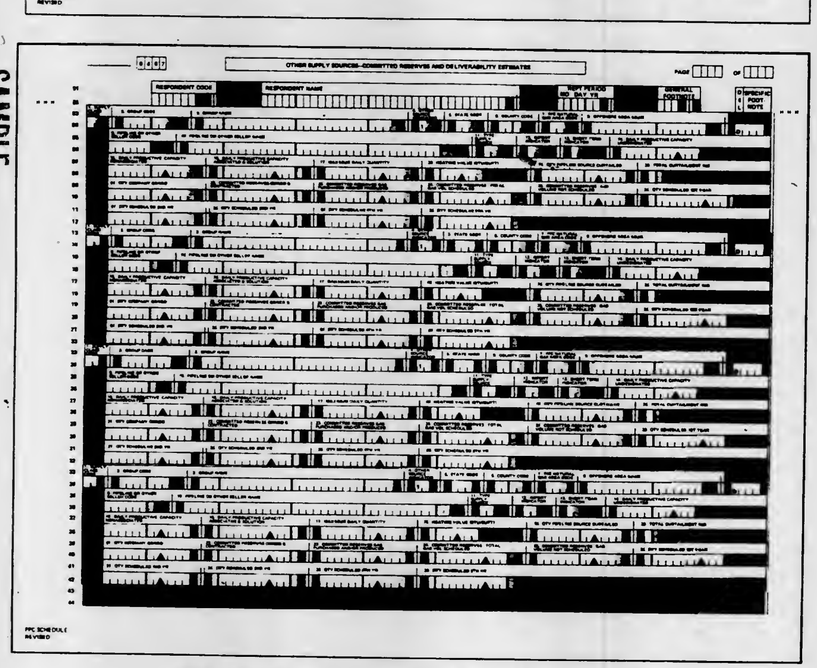


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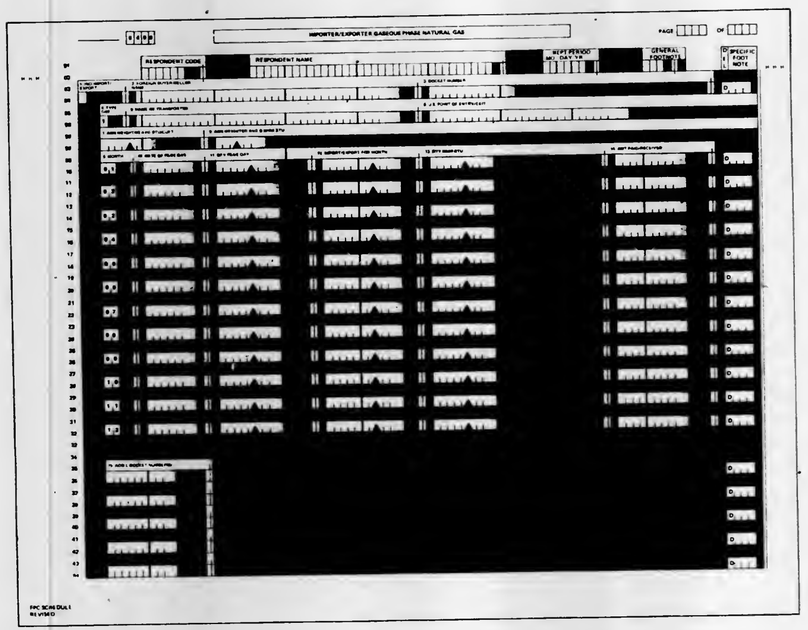
V 41 155 AUG 10 76 UMI

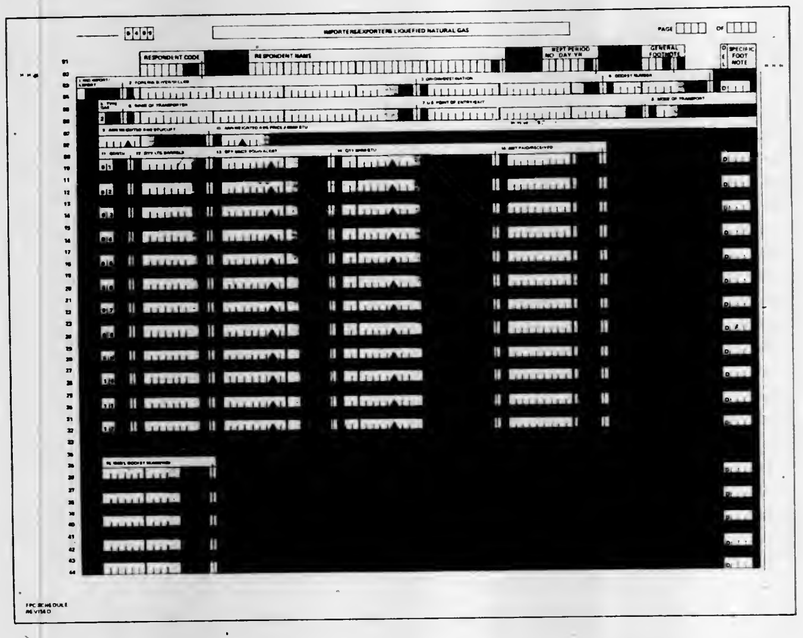
SAMPLE



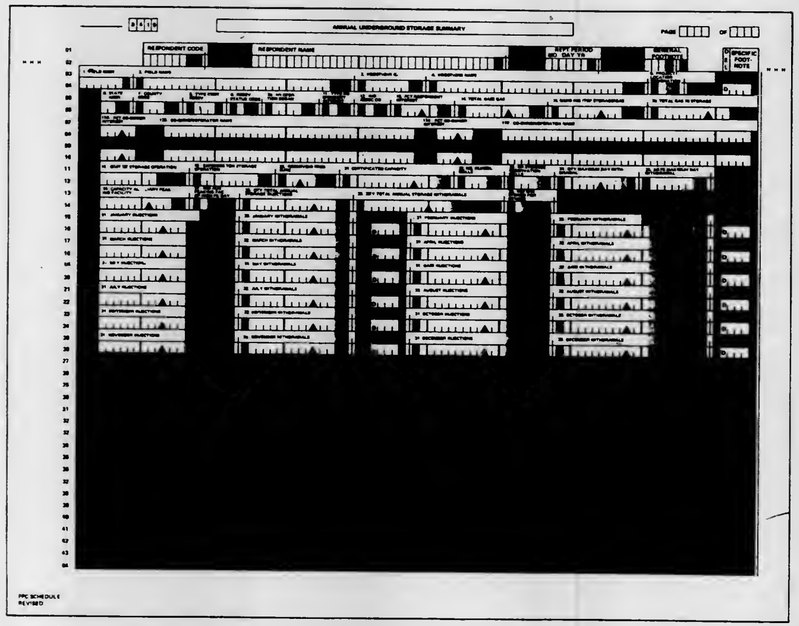


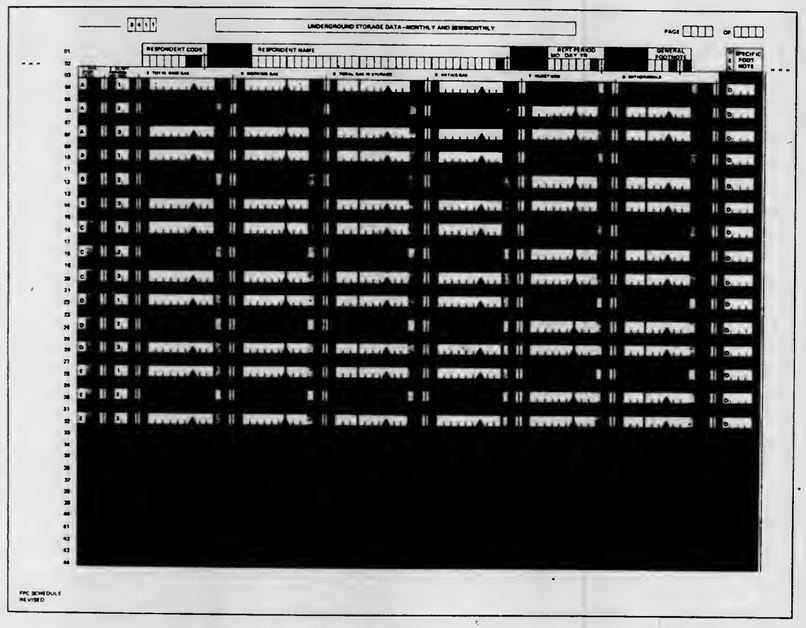
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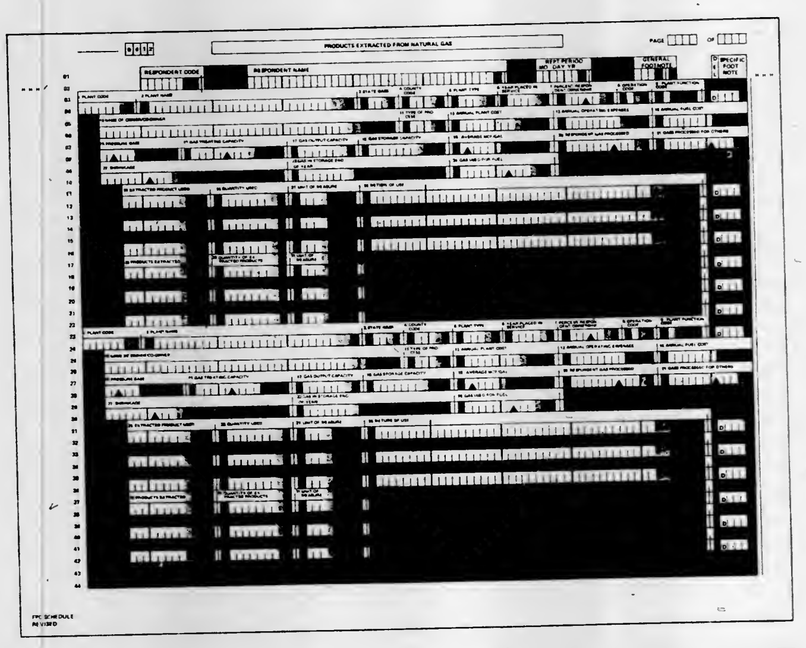


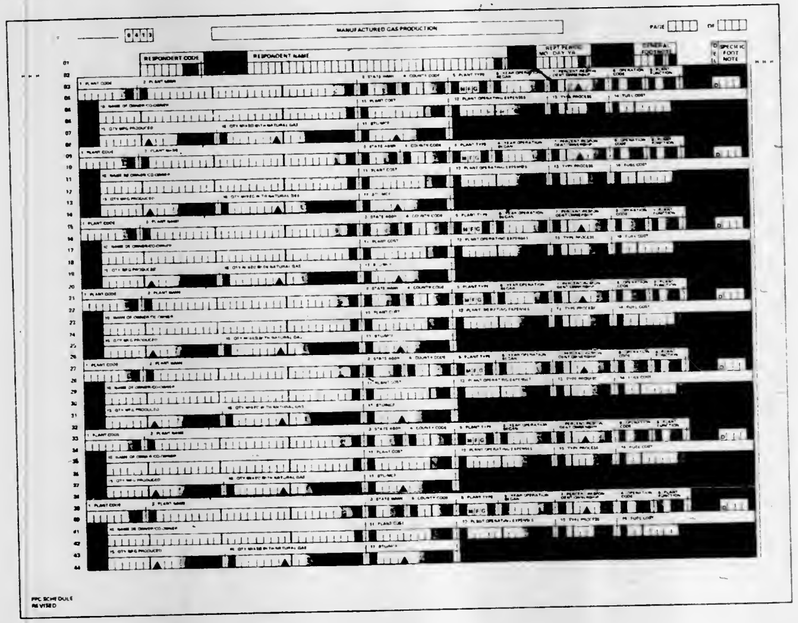
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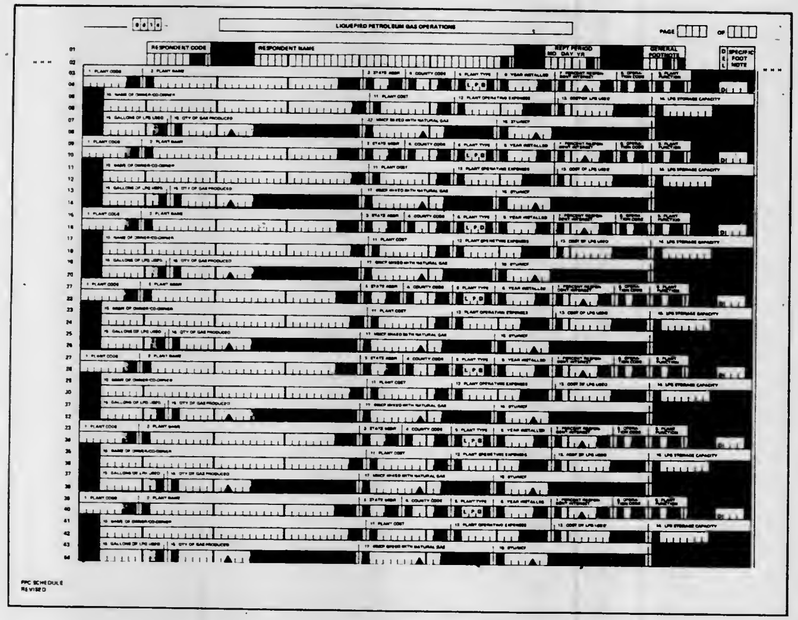


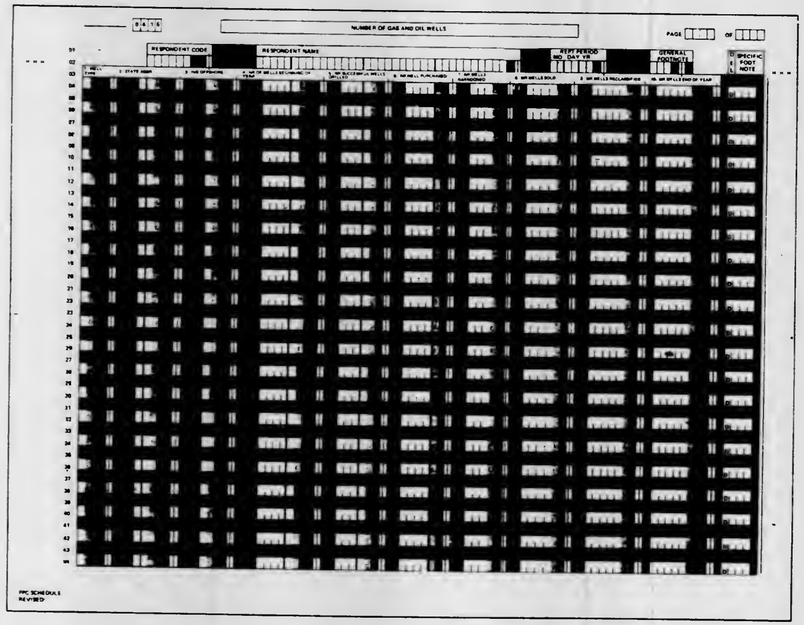
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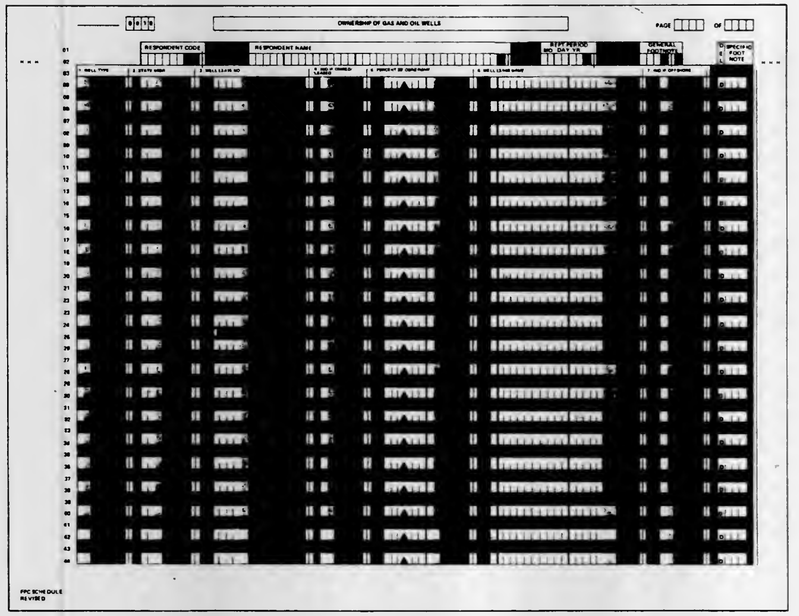


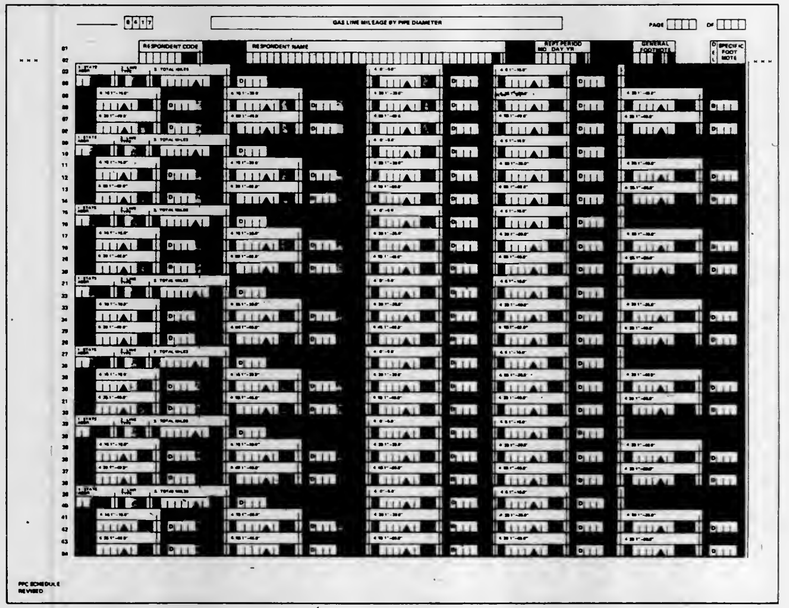


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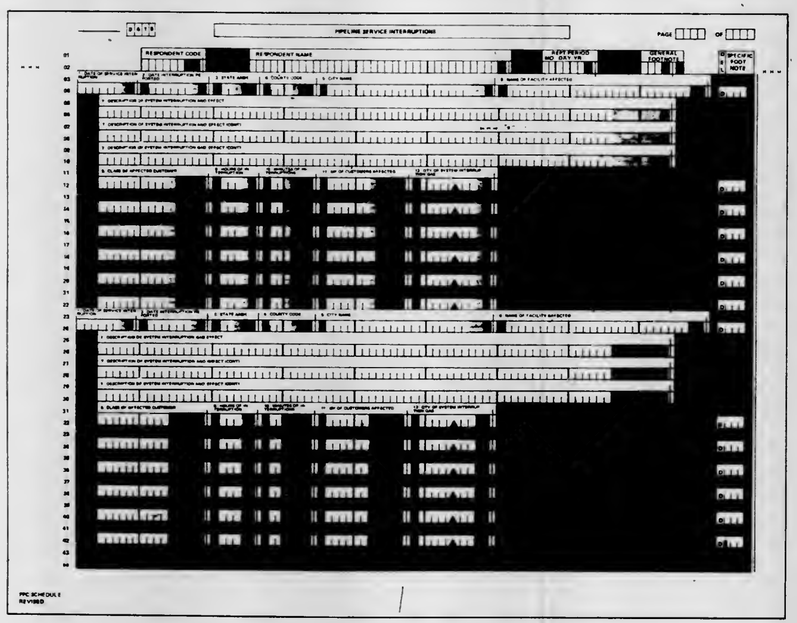




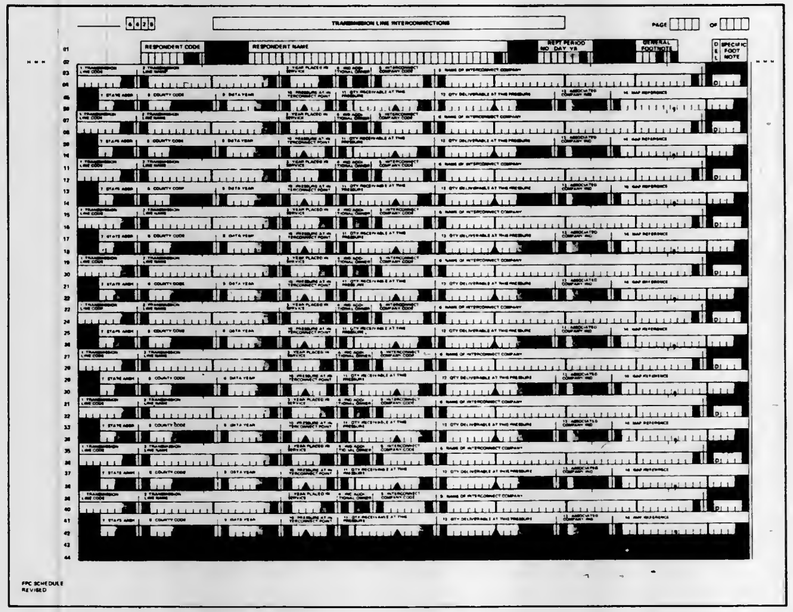


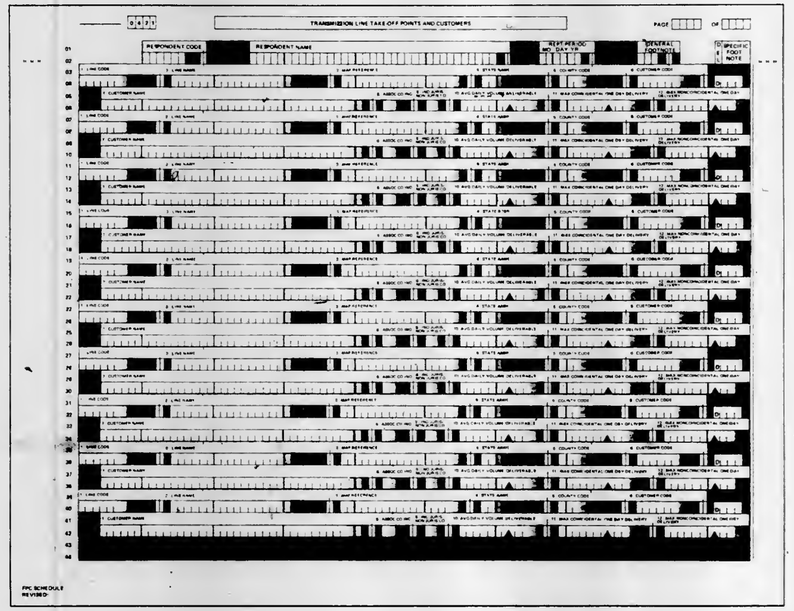
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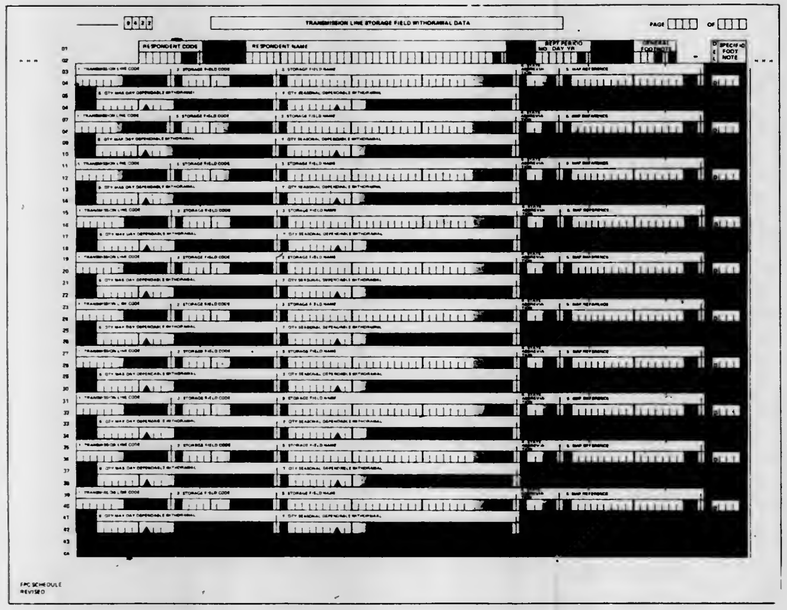


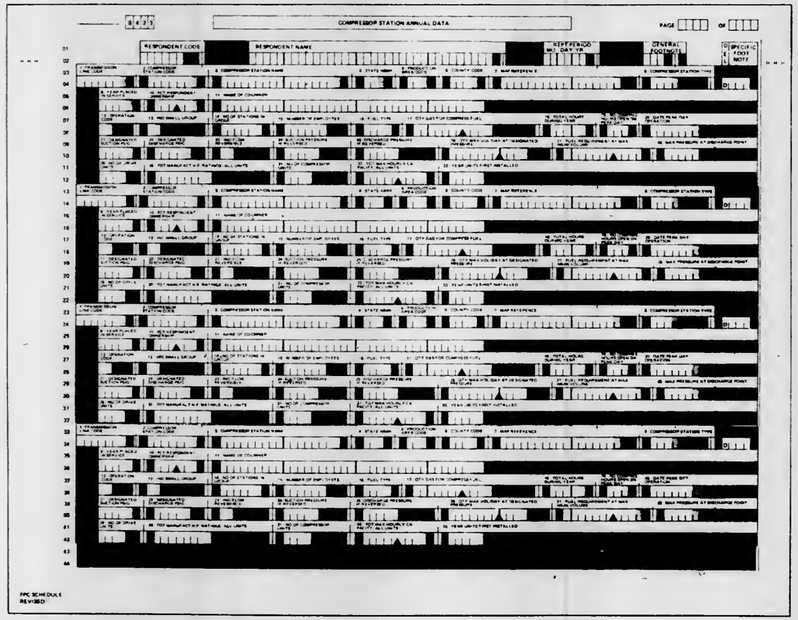


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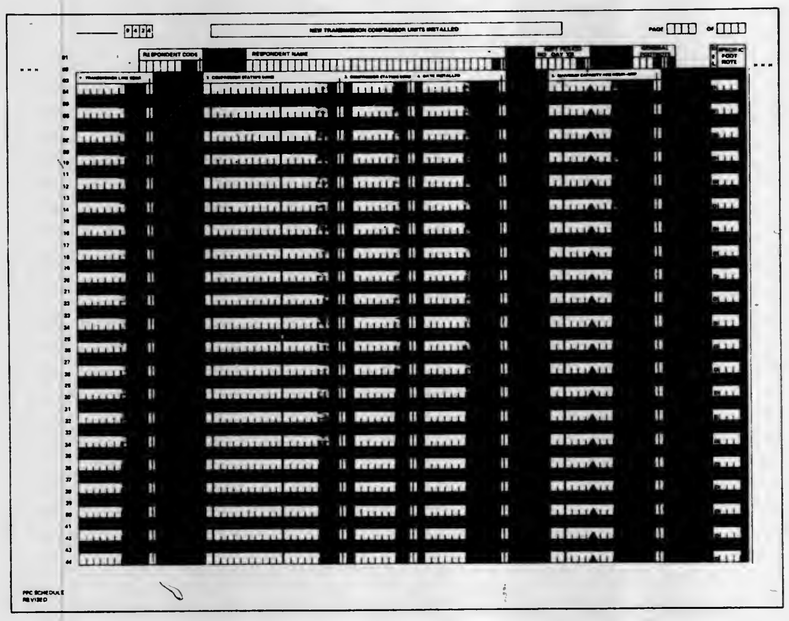
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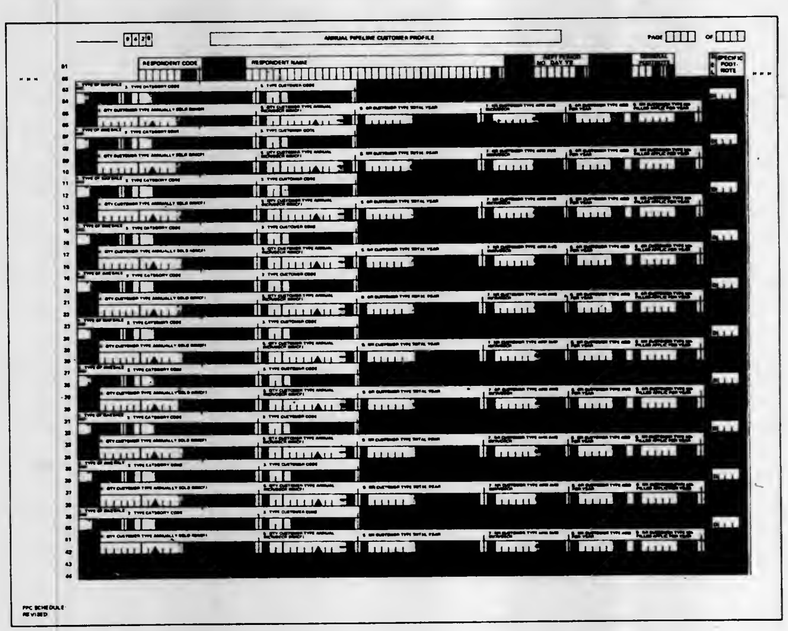
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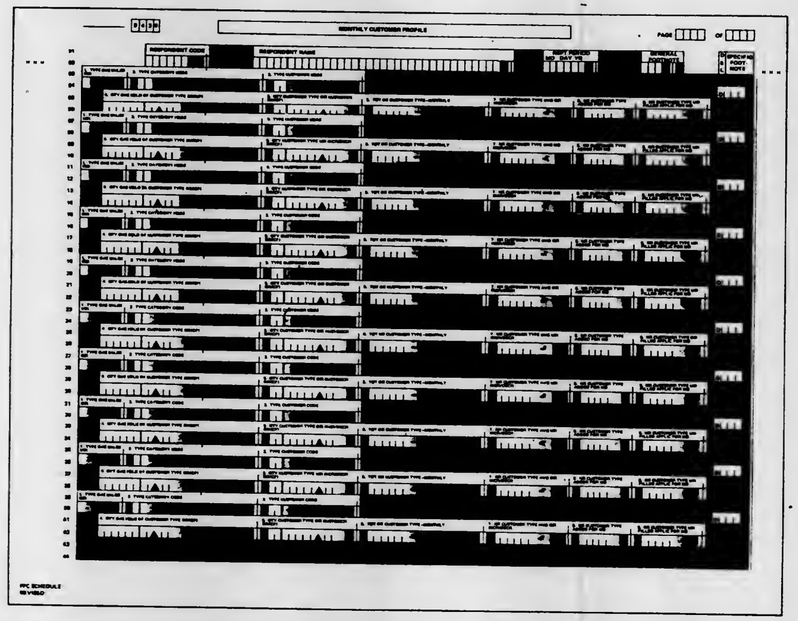


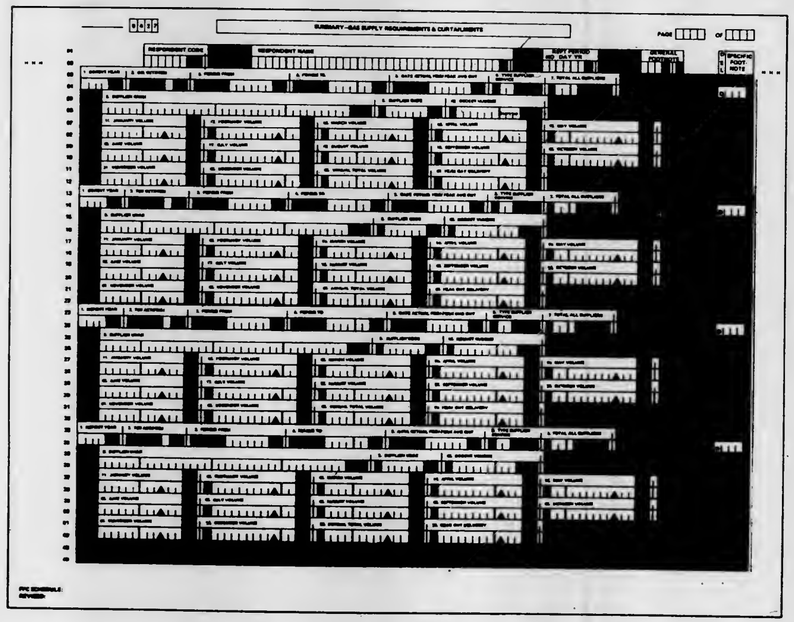
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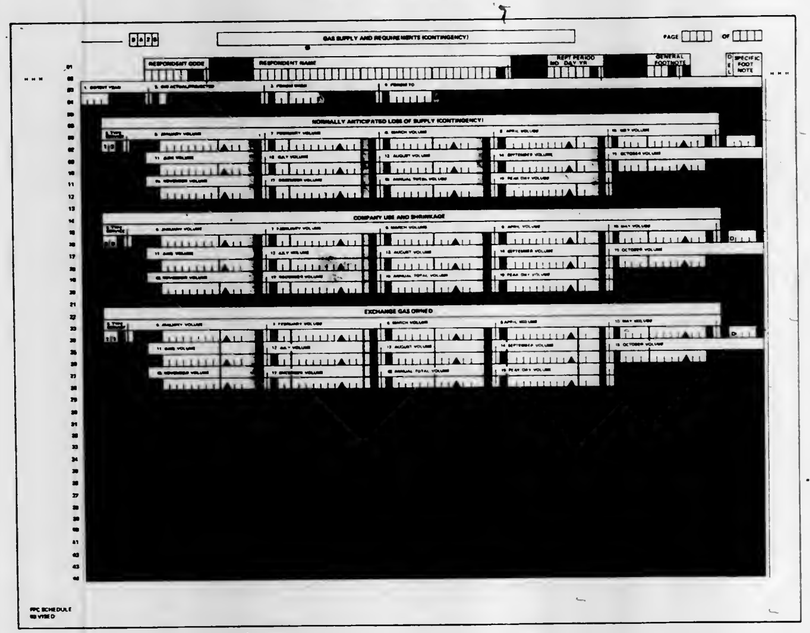


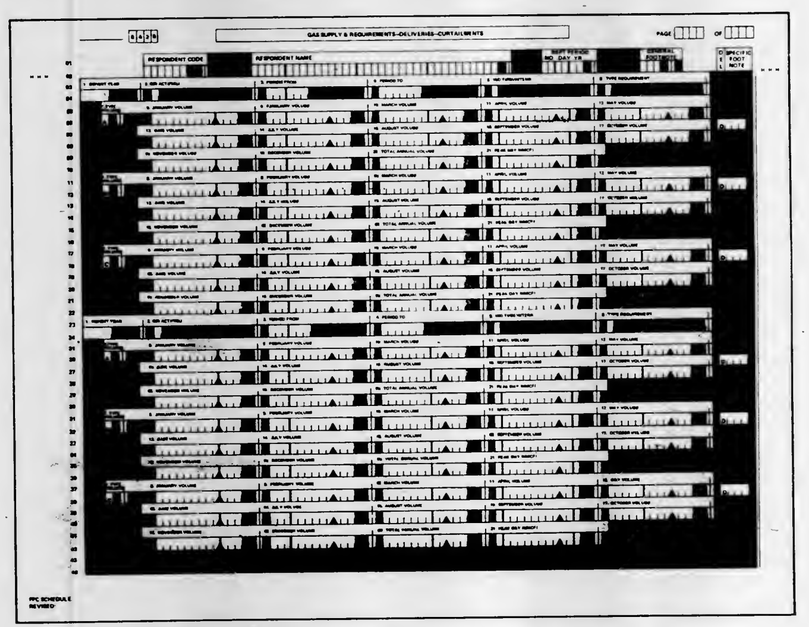


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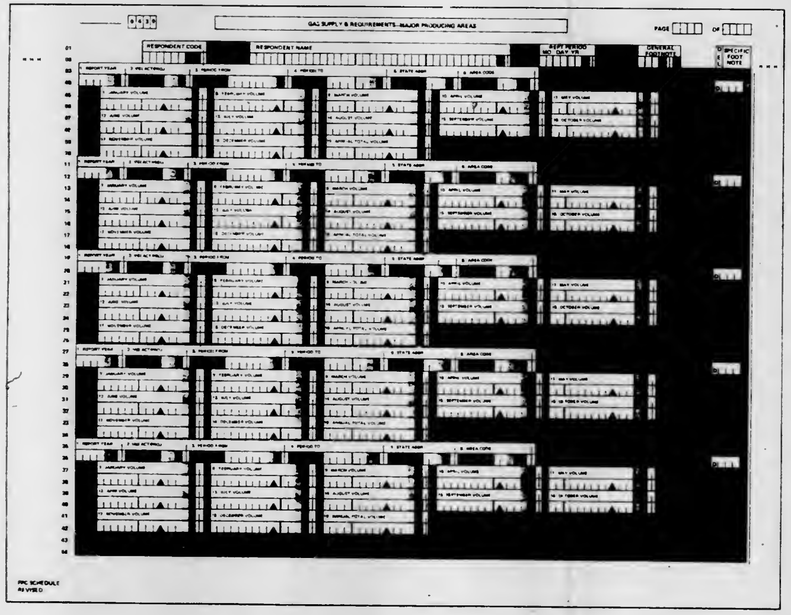


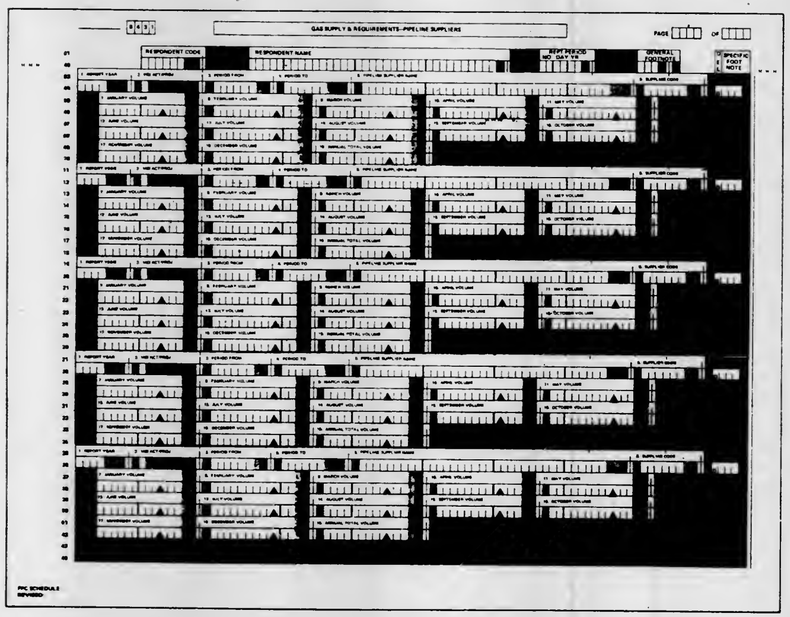


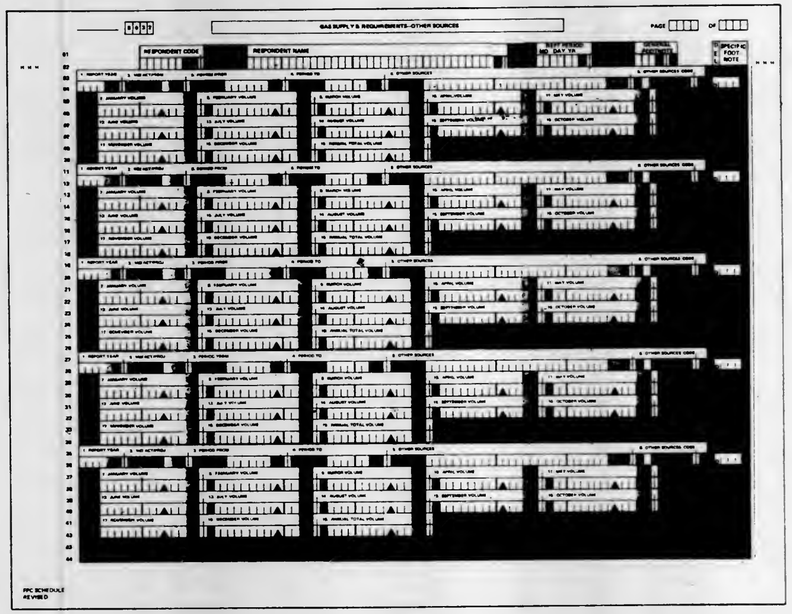


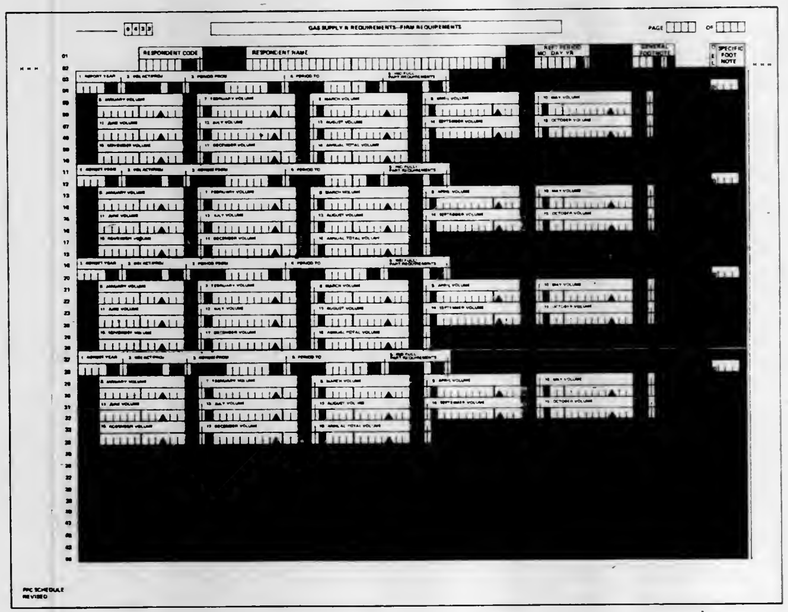


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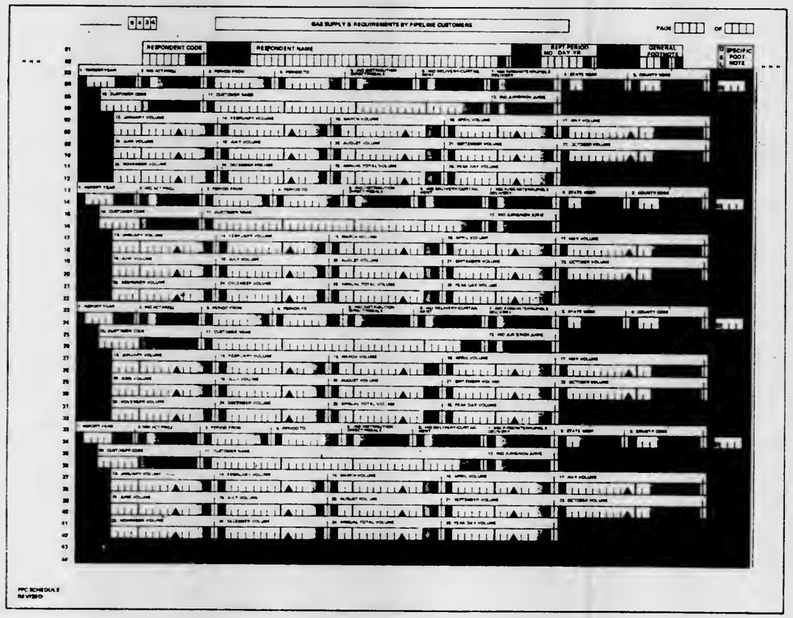


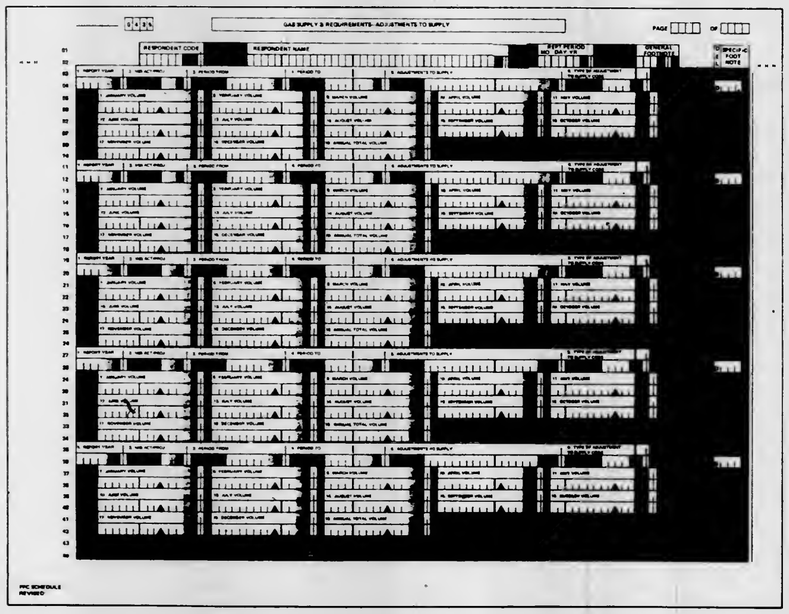


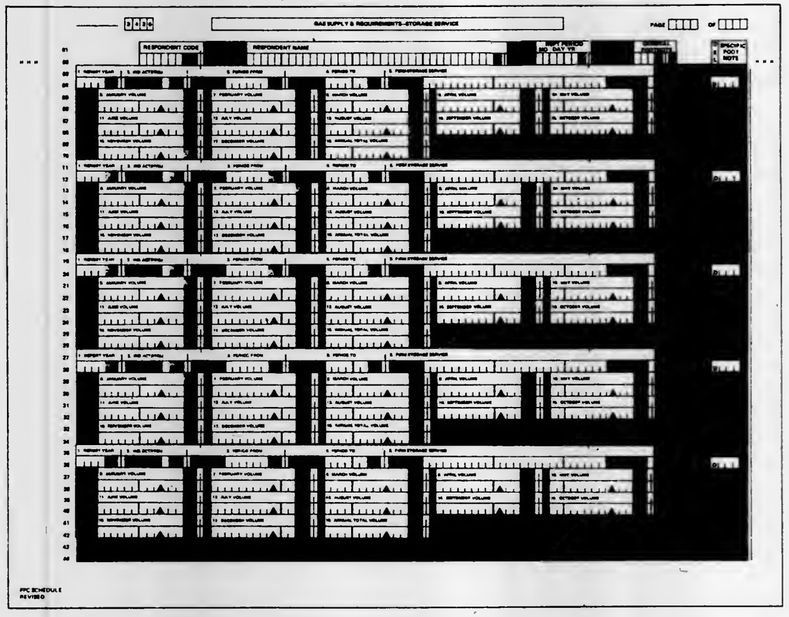


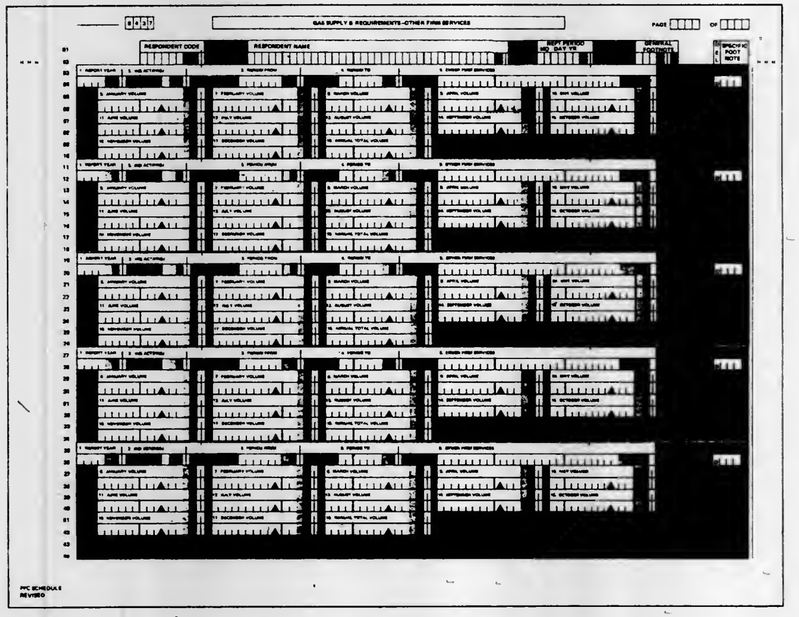


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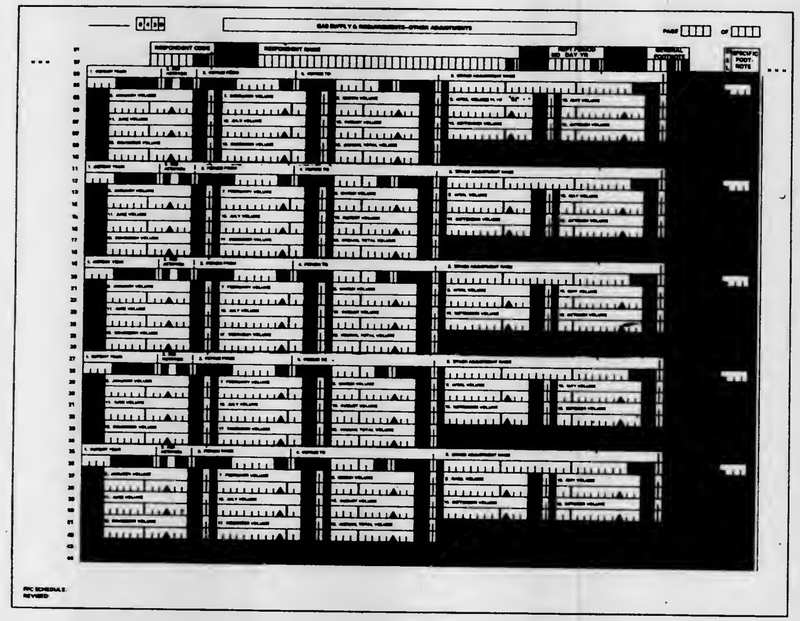


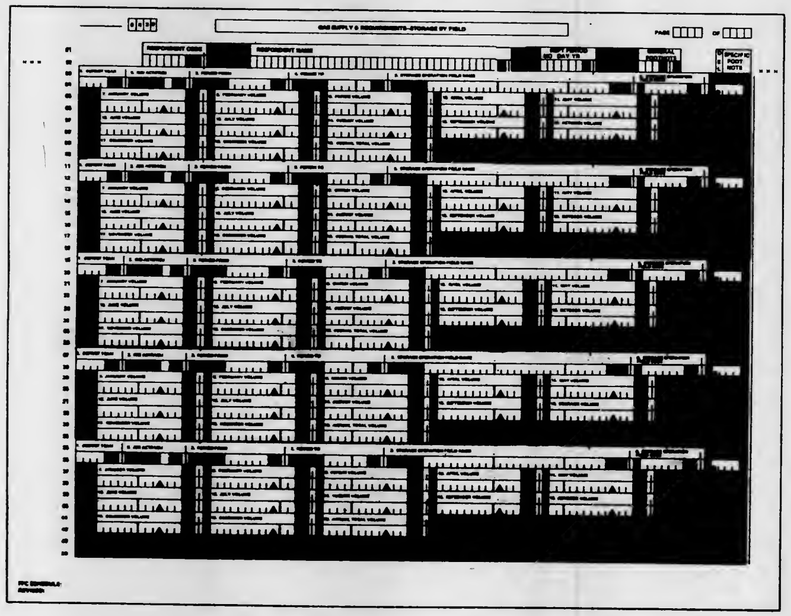


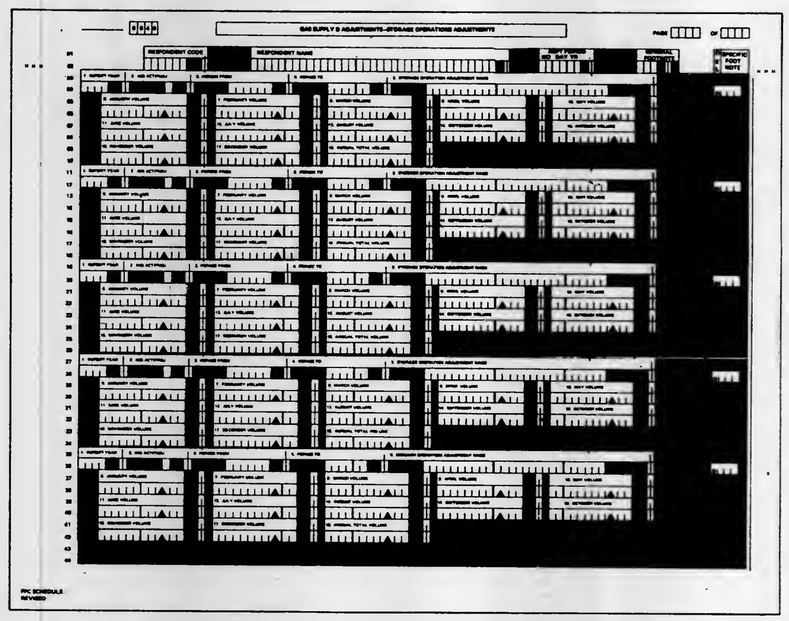


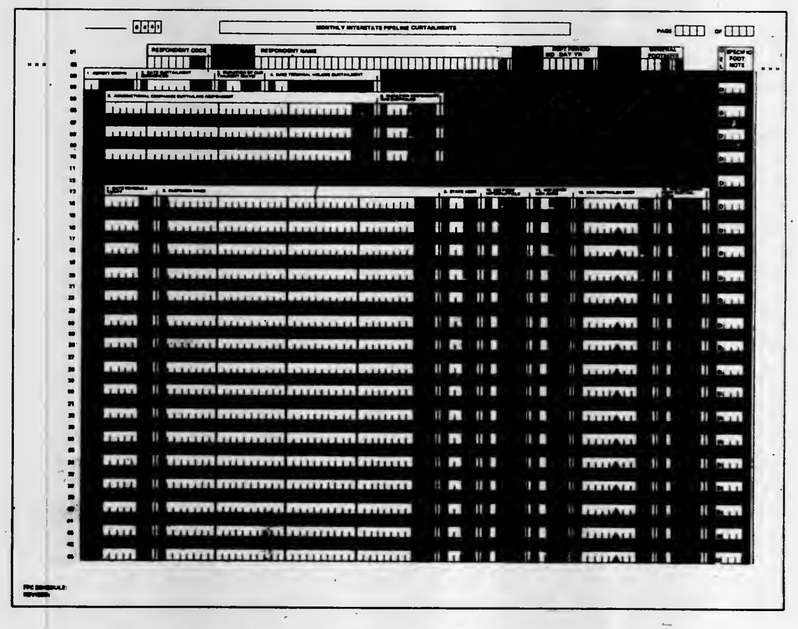


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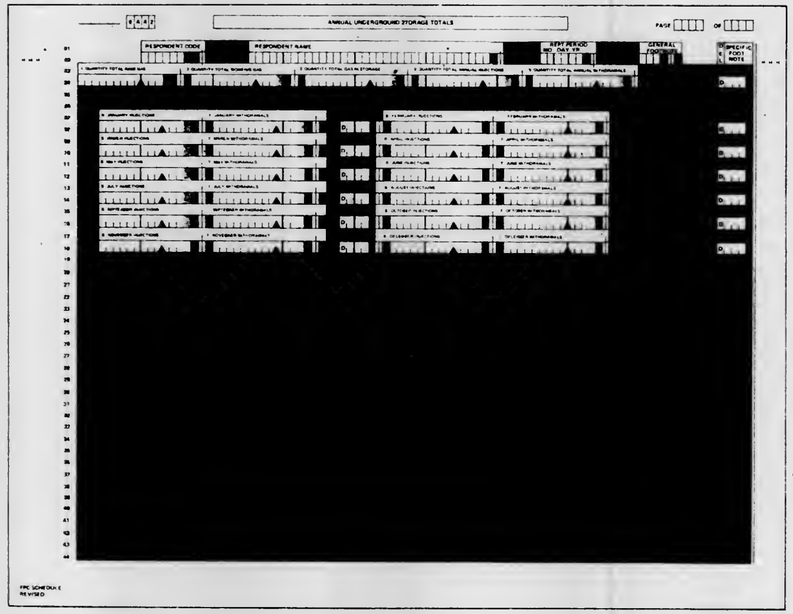


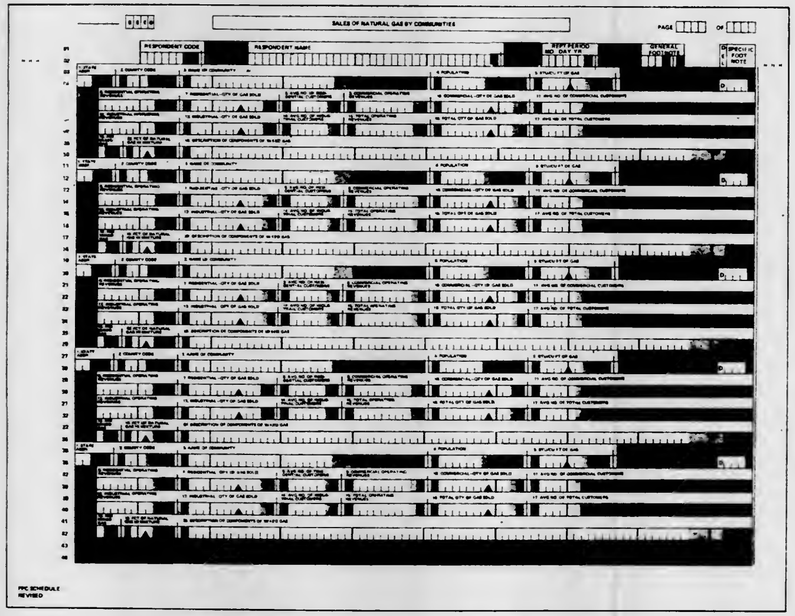


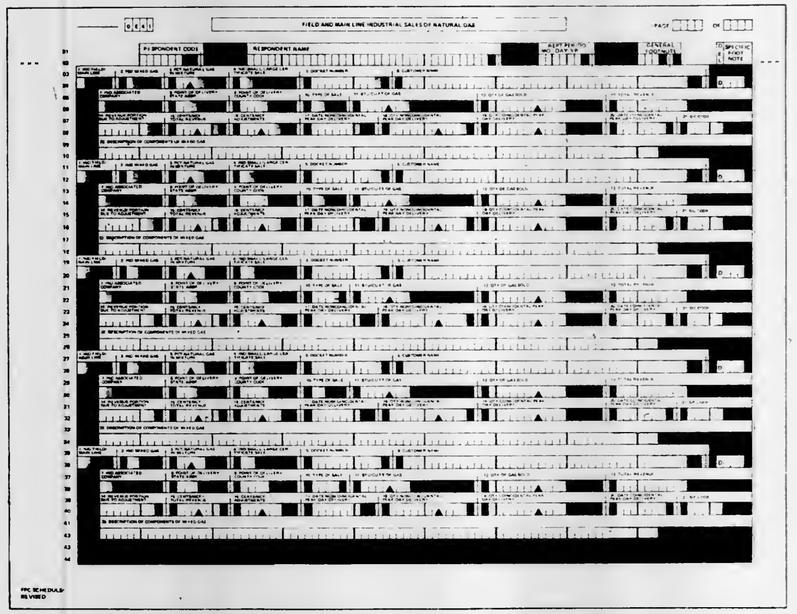


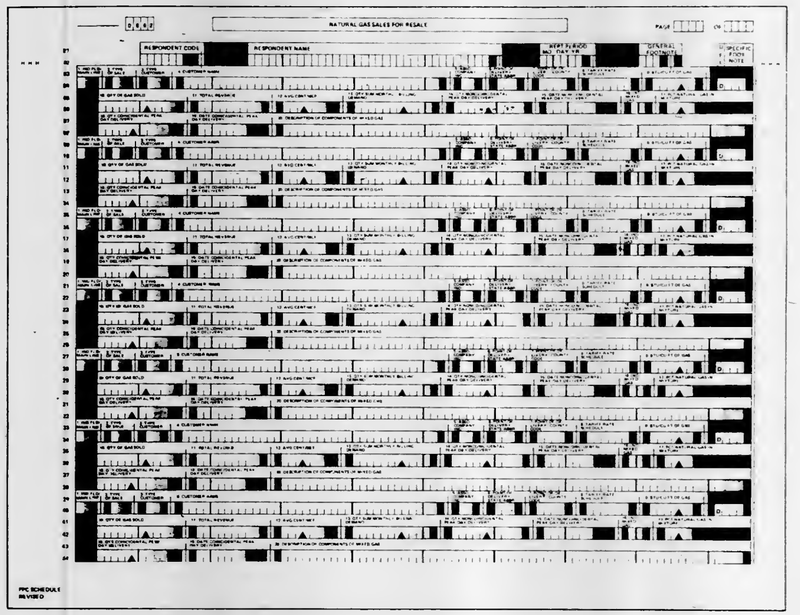


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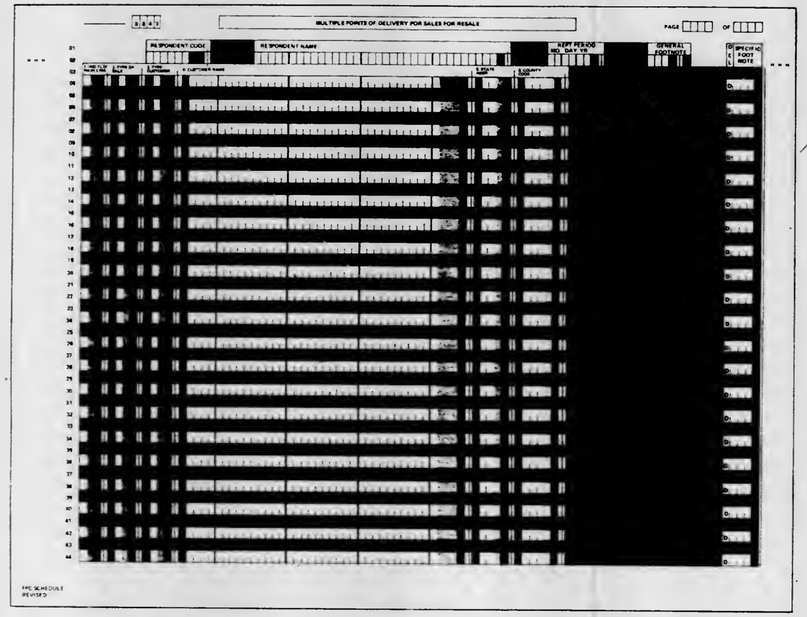


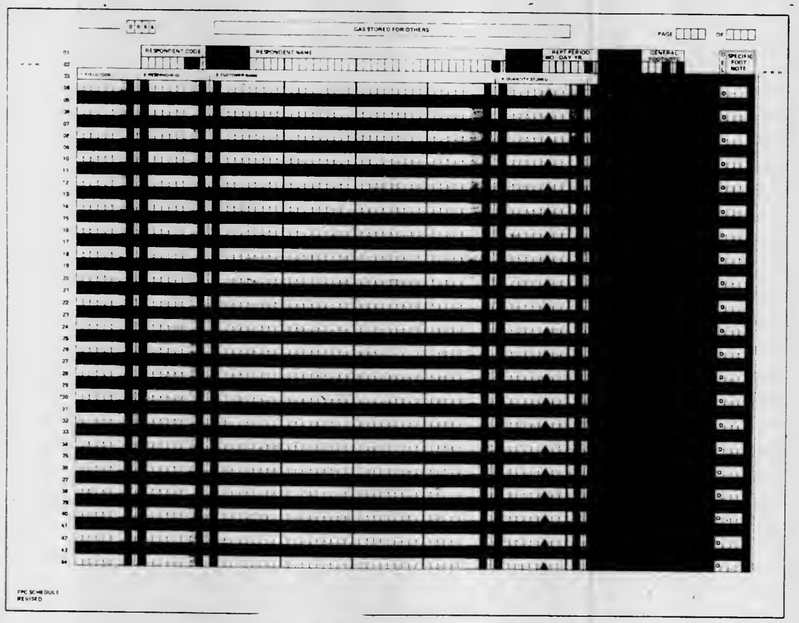


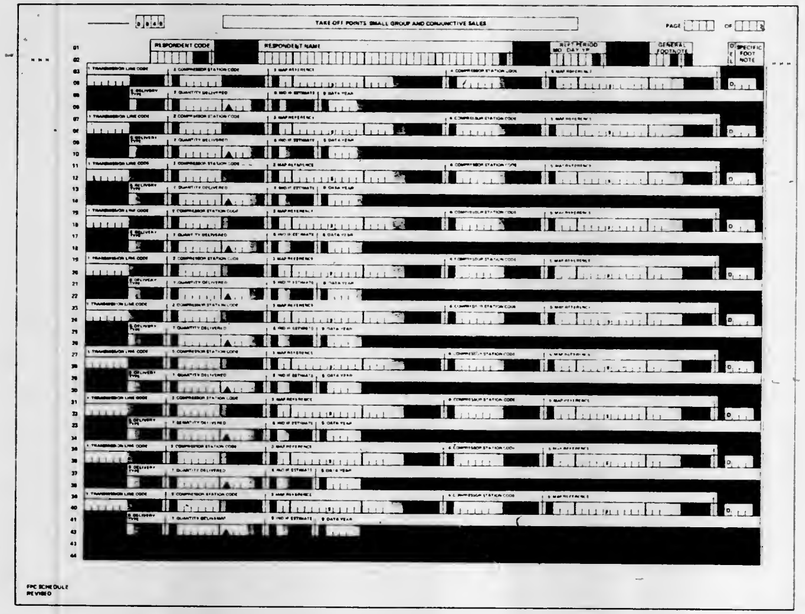


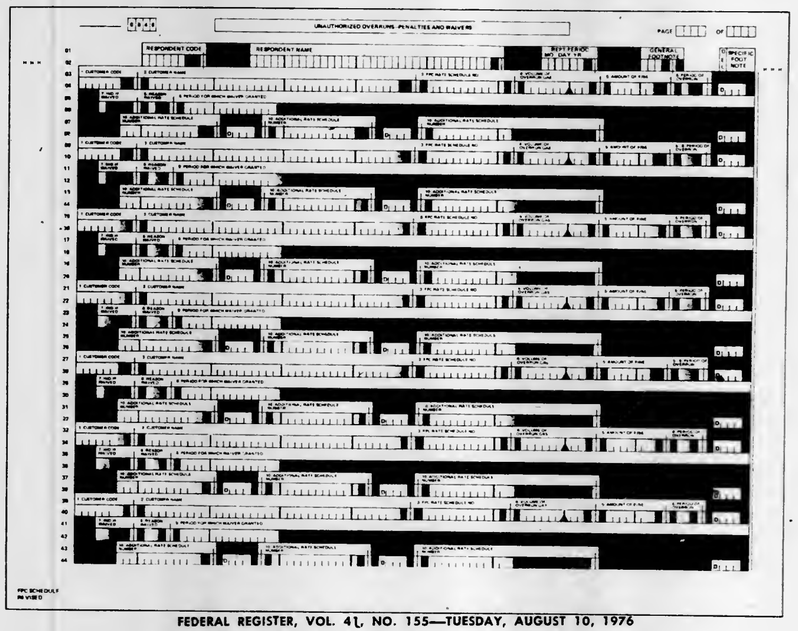


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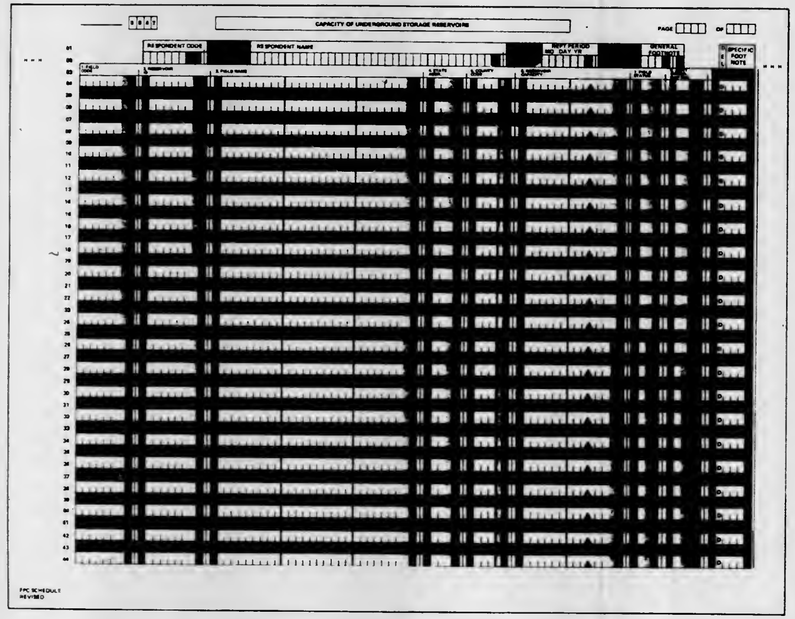


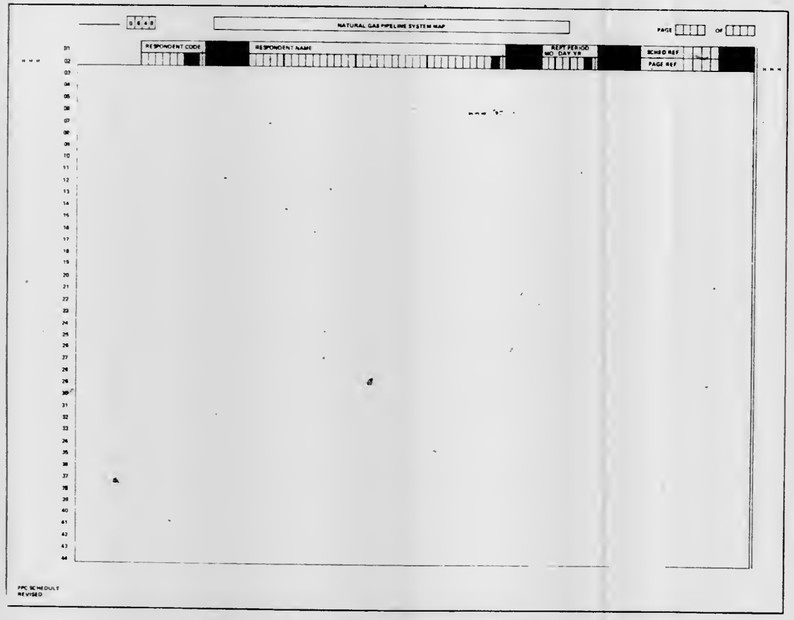




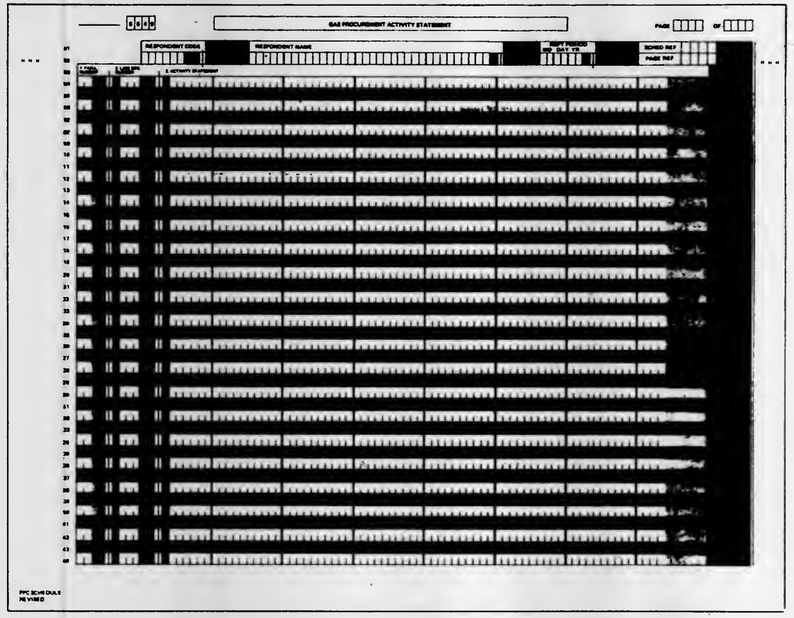


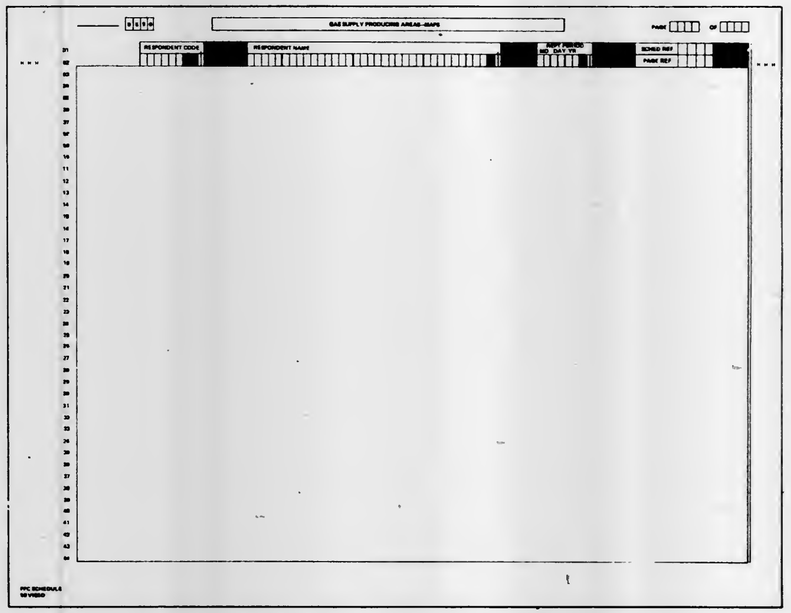
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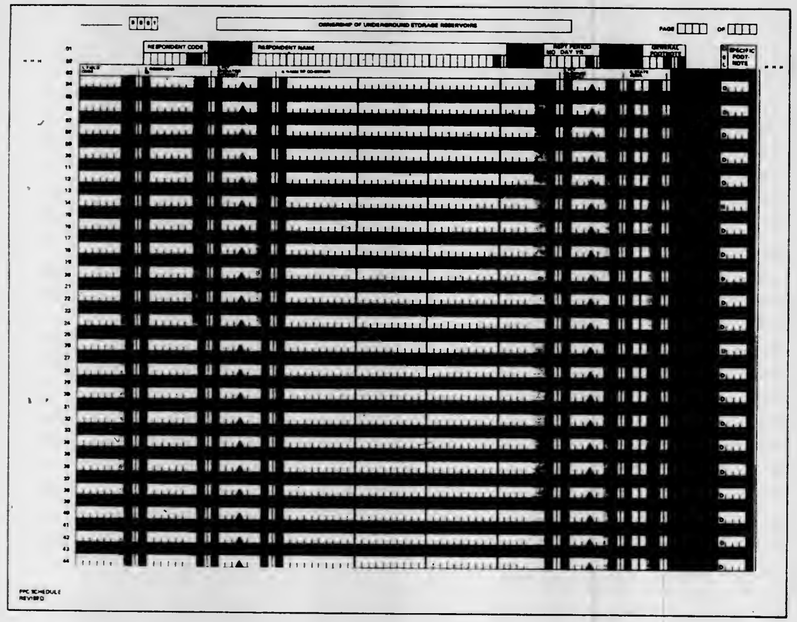


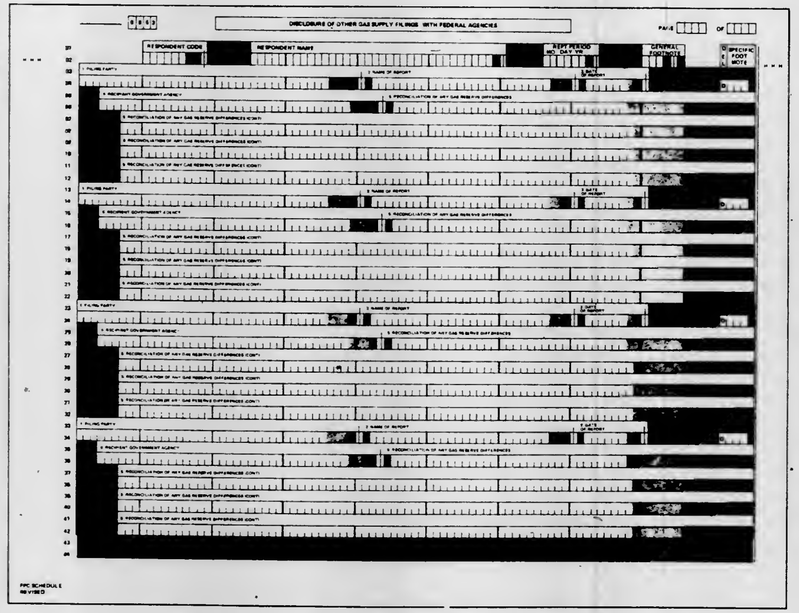
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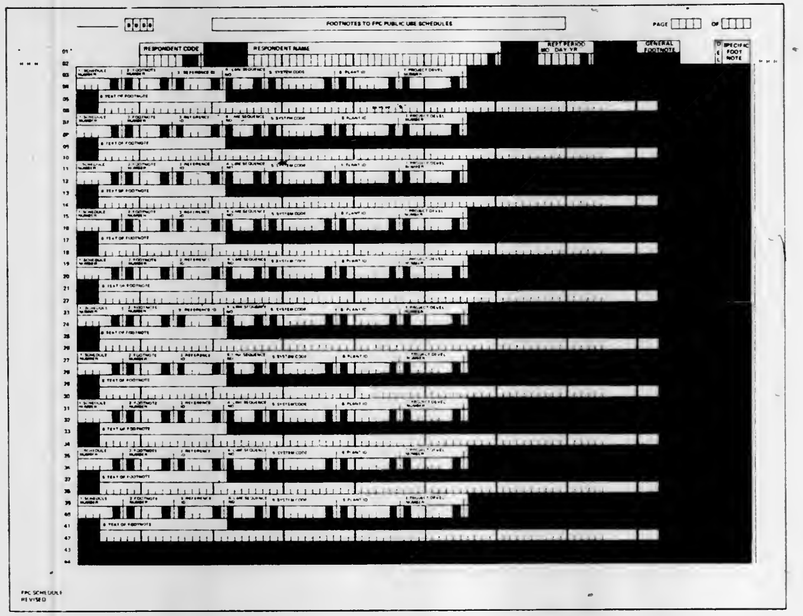


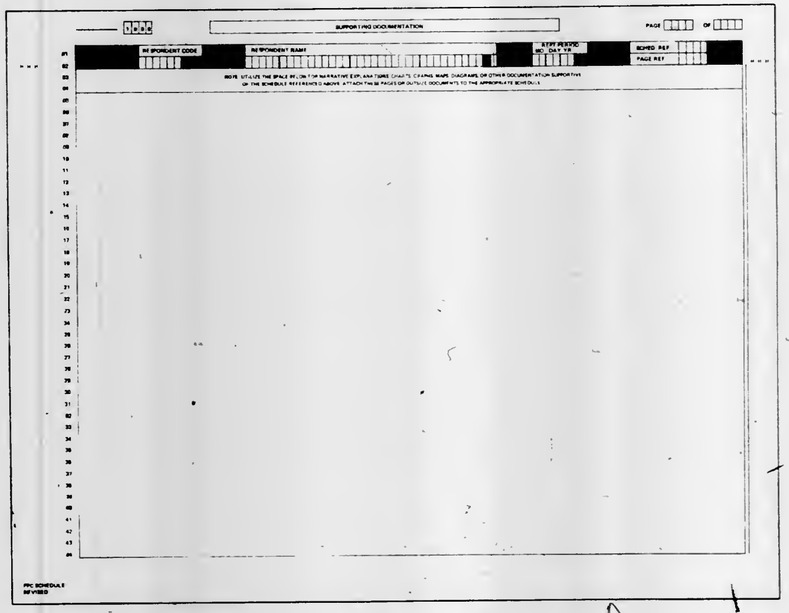


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[FR Doc.76-23055 Filed 8-9-76;8:45 am]

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[18 CFR Part 260]

[Docket No. RM76-28]

CORPORATE AND FINANCIAL REPORT FOR CLASS C AND CLASS D NATURAL GAS COMPANIES

Proposed New FPC Form No. 155

JULY 30, 1976.

Notice is hereby given pursuant to the Administrative Procedure Act, 5 U.S.C. 553 and sections 8, 9, 10(a), 14, 15, and 16 of the Natural Gas Act, (52 Stat. 825, 826, 828, 829, 830, 15 U.S.C. 717g, 717h, 717i, 717m, 717n, 717o), that the Commission gives notice it proposes to add § 260.24 to Part 260 of the Approved Forms under the Natural Gas Act to provide that new FPC Form No. 155 be required for reporting. The proposed new form would be entitled "Corporate and Financial Report for Class C and Class D Natural Gas Companies."

During a period of critical natural gas shortages, such as the nation is currently experiencing, the public interest requires that the Commission have available to its current and continuing information on the operations of companies which transport natural gas in interstate commerce. The interests of those companies regulated by the Commission also require an efficient and progressive means of regulation.

On September 26, 1973, in Docket No. R-438, the Commission issued Order No. 494, amending Part 2, Chapter I, Title 18 of the Code of Federal Regulations and setting forth Commission policy for the development of a fully automated computer regulatory system to provide such information. When developed and fully operative, the system will provide prompt and ready access to data contained in a central electronic data bank, eliminating the duplication of information now collected and reducing the quantity of existing manual files. This system will not only facilitate the evaluation and analysis of all data, but it will also accommodate the development of new regulatory techniques.

In Order No. 494, the Commission stated that all existing "hard copy" public use forms would be redesigned and consolidated to eliminate redundancies and that instructions for reporting would be clarified by use of Electronic Data Processing (EDP) Technology. Public use form information, as it is presently submitted, will be replaced by the submission of individual data elements within a general data element and code scheme. It is anticipated that this major system revision will result in the reduction of the total number of data items currently transmitted to the Commission by the respondents.

In Order No. 494, the Commission further stated that the development of the automated computer information system would be effected through the use of phased rulemaking proceedings in which various Commission reporting procedures and report forms would be restructured. To this end, Form No. 155 is designed to incorporate into a readily retrievable data processing system the corporate information and financial data currently submitted on FPC Form No. 2A.[1]

It is proposed that the present Annual Report Form No. 2A would be subdivided into two separate and distinct reporting portions. The corporate information and financial data portion would be embodied in a new report Form No. 155 under a new reporting system, which is discussed further in this rulemaking. The operation data portion would be incorporated under a separate report system and will be the subject of a separate rulemaking.

The general changes which are being proposed to the Commission's reporting requirements for the new report Form No. 155 are as follows:

1. For the most part, the requirements for all beginning of year figures (or end of previous year figures) and all comparison figures (increases/decreases and previous year/month figures) have been eliminated.

2. Duplicative data elements (data elements appearing on more than one schedule) have been eliminated to the extent feasible.

3. The filing requirement for certain information that experiences little change from year to year (often referred to as fixed data) is proposed to be reported completely in the initial submission, with only changed values being reported in subsequent submissions.

In addition to the changes described above, the Commission's filing requirements contained in the proposed Form No. 155 have been arranged, for the purpose of achieving more efficiency in the collection process. Respondents would be asked to utilize newly established account numbers as a supplement to the accounts contained in the Uniform Systems of Accounts for reporting purposes. Respondents would not be required to maintain these new accounts in their books of accounts or in their record-keeping system.

Specific details of the proposed reporting scheme and related procedures are included as separate attachments to this rulemaking as follows:

Attachment A contains general information about the preparation and submission of public use schedules. Specifically, the attachment covers the administrative background, standard definitions, general procedures for schedule preparation, rules for data preparation, data maintenance activities, and data keying and verification instructions, all known as Level I instructions.

Attachment B contains general subject instructions for corporate and financial schedules. Specifically, the attachment covers general information surrounding corporate and financial schedules, respondent coverage, standard definitions and codes, and general instructions, all known as Level II instructions.

Attachment C contains detailed instructions for each specific schedule to be submitted by the respondent, all known as Level III instructions.

Attachment D is a comparison and cross reference list. This list cross references current reporting requirements with that proposed, at the same time describing additions, deletions, and other pecularities related to the changeover.

Attachments E are data standards.

Attachment F contains a sample of schedules to be submitted by the respondent.

It is anticipated that a one-year period of parallel reporting will be required for system evaluation. Assuming successful operation of the new system within such time period, the present Form No. 2A for these respondents would then be eliminated.

All data and information submitted pursuant to this proposed form would be required to be subscribed and verified by a duly authorized executive officer of the respondent as being factually accurate and complete to the best of his or her knowledge according to the Commission's Rules of Practice and Procedures (18 CFR, Part 1). An original and four copies of each completed Form No. 155 would be required to be sent to the Federal Power Commission.

The Commission is considering the possibility of making available, through the Office of Public Information, copies of the input schedules as received, copies of verified hard copy printouts of the input schedules, and hard copy printouts of certain financial statements in a format similar to pages of the current public use forms.

Any interested person may submit to the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, to be received no later than September 29, 1976, data, views, comments or suggestions in writing concerning all or part of the proposed forms. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426, during regular business hours. The Commission will consider all such written submittals before acting on the matters herein proposed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Submittals to the Commission should indicate the name, title, mailing address and telephone number of the person to whom communications concerning the proposal should be addressed, and whether the person filing them requests a conference with the staff of the Federal Power Commission to discuss the proposed form. The staff, in its discretion, may grant or deny written requests for conference prior or subsequent to the filing of formal submittals.

In order to expedite and assist the Commission in its review and analysis of the comments it receives, all such submittals are to be presented according to response codes. Each segment of a respondent's comments is to be headed by one of the following response code numbers.

[1] 18 CFR 3.170(a)(13) and 260.2 (1975).

Response Code:

A. Compliance burden:
- 01 1. Costs of implementing proposed program.
- 02 2. Time frame expected.
- 03 3. Cost—manhours aspect.

B. Comments with respect to the following considerations:
- 04 1. Hardware.
- 05 2. Software.
- 06 3. Schedule design or layouts.
- 07 4. Media.
- 08 5. Preparation difficulties.
- 09 6. Certification.
- 10 7. Other.

C. Specific schedule comments:
- 11 1. Field size.
- 12 2. Field title.
- 13 3. Addition of a field.
- 14 4. Deletion of a field.
- 15 5. Addition of data elements.
- 16 6 Data standards.
- 17 7. Deletion of data elements.
- 18 8. Clarity of presentation.
- 19 9. Instruction narrative.
- 20 10. Combine schedules with other(s).
- 21 11. Add or delete schedule.

- 22 D. Duplicate reporting plan.
- 23 E. Acceptability for Federal and State use.
- 24 F. Acceptability for general public use.

G. General reaction:
- 25 1. Support the principles and purposes of the proposal.
- 26 2. No objections to principles and purposes of the proposals, but offering suggestions regarding implementation.
- 27 3. Oppose and disagree with the principle and purposes.
- 28 H. Other.

The proposed amendments to Part 260 of the Commission's Approved Forms under the Natural Gas Act would be issued pursuant to the authority granted the Federal Power Commission by the Natural Gas Act, as amended, particularly sections 8, 9, 10(a), 14, 15, and 16 (52 Stat. 825, 826, 828, 829, 830; 15 U.S.C. 717g, 717h, 717i, 717m, 717n, 717o).

Effective for the reporting year 1976, the Commission proposes to amend Part 260, Statements and Reports (Schedules), in Subchapter G—Approved Forms, Natural Gas Act, Chapter I, Title 18 of the Code of Federal Regulations by adding a new Section 260.24 prescribing new FPC Form No. 155, Corporate and Financial Report for Class C and Class D Natural Gas Companies, in the form set out in Attachment D hereto. New § 260.24 will read as follows:

§ 260.24 Form No. 155, Corporate and financial report for Class C and Class D natural gas companies.

(a) The form of the report for Class C and Class D natural gas companies, designated herein as FPC Form No. 155, is prescribed for the year 1976 and thereafter.

(b) Each natural gas company, as defined in the Natural Gas Act (52 Stat. 821) which is included in Class A or Class B as defined in the Commission's Uniform System of Accounts Prescribed for Natural Gas Companies Subject to the Provisions of the Natural Gas Act, shall prepare and file with the Commission for the year beginning January 1, 1976, or subsequently during the calendar year 1976 if its established fiscal year is other than the calendar year, and for each year thereafter, on or before the last day of the third month following the close of the calendar year or other established fiscal year, an original and such number of conformed copies of the above-designated FPC Form No. 155 as are indicated in the General Instruction set out in that form, all properly filled out and verified. The report shall be submitted in the original with four copies. An additional copy of said report will be retained by the respondent in its files.

(c) The report contains the following schedules:

General Corporate Information
Control Over Respondent
Corporations Controlled by Respondent
Corporate Officers/Directors
Security Holders and Voting Powers—Total
Security Holders and Voting Power
Notes to Security Holders and Voting Power
Annual Notes to Financial Data
Lists of Accounts
Capital Stock
Long Term Debt
Investment Tax Credits
Plant in Service or All Utility Plants
Operating Revenues
Detailed Account Data—Parts I through III
Gas Purchases
Gas Account Natural Gas
Accumulated Provisions for Depreciations, Depletion and Amortization of Utility Plant

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

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Attachment A

FEDERAL POWER COMMISSION

Corporate and Financial Reports for Class C and Class D Natural Gas Companies

R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	

LEVEL I

GENERAL INSTRUCTIONS

FOR THE

PREPARATION AND SUBMISSION

OF PUBLIC USE SCHEDULES

FPC Form 131
(5-76)

R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
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I. ADMINISTRATIVE BACKGROUND

The Federal Power Commission (FPC) has established an information system designed to improve the decision-making capabilities of the Commission. This program, the Regulatory Information System (RIS), was authorized by Commission Order 494, September 26, 1973, and features the following characteristics and capabilities:

- A consolidated data collection system designed to eliminate unnecessary or redundant reporting and to provide standardized data collection schedules.
- A comprehensive system for transmitting, processing, and accessing data requested of respondents by the Commission.
- Establishment of a modern computer facility at Commission headquarters featuring consolidated regulatory data bases and the associated automatic data processing (ADP) equipment and programming software necessary to store, validate, and access that data.

These instructions are intended to aid each respondent to understand the scope and objectives of the RIS system regarding source data collection and to provide clear and concise guidance for the completion of the revised public use schedules.

A. DATA COLLECTION CONCEPTS

The FPC public use schedules are designed to be vehicles for data collection, rather than for data display, by the Commission. This objective has guided the design of the layouts and instructions so as to achieve maximum efficiency in both data collection and subsequent processing. Within this basic design philosophy, the public use schedule data collection concept embodies the following design characteristics, some of which are described in greater detail in the subsequent chapters.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
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1. Optical Character Recognition (OCR) - All schedules have been designed with OCR requirements as one of the design constraints. This will allow for transition to optical scanning as a future alternative for data entry.

2. Seperation of Instructions - All instructions are separated from the schedules to which they apply, in order to make efficient use of form space. Instructions consist of three seperate levels, as follows:

- Level I - General (applicable to all schedules).
- Level II - General subject (applicable to natural gas operations, electric operations, or financial data).
- Level III - Detailed (applicable to individual schedules).

3. Seperation of Footnotes - Footnotes or other extraneous marks or comments intended to qualify or modify data must not be entered directly on any schedule. The public use schedules have been designed to minimize the need for footnotes through the establishment of distinct data elements which represent some data previously reported as footnotes. However where necessary to make the related data more meaningful, footnotes may be entered on a special footnote schedule designed for this purpose. On the primary data schedules, the respondent must enter only a unique footnote reference number to provide a link to the footnote schedule.

4. Reporting Requirements - Reporting frequencies of the new schedules vary from semi-monthly to biennially. For certain schedules, all data must be supplied with each submission. For the other schedules, all data must be supplied with an initial submission, and on subsequent submission of these schedules respondents need report only changes, additions and deletions. These requirements are specifically stated in the Detailed Instructions for each schedule in paragraph B under the heading "II. General Information".

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		3 of 22

5. Consolidated Schedules - Many of the public use schedules have been designed to consolidate data previously collected on more than one schedule. The consequence of such consolidation is a reduction in the total number of schedules. Furthermore, portions of some schedules may be inapplicable to certain respondents, as specified in the detailed instructions.

B. APPLICABILITY OF INSTRUCTIONS

The Commission will provide to each respondent all three levels of instructions, appropriate to the type of operation. For example, an electric utility will receive:

- Level I - General Instructions
- Level II - General Subject Instructions (Electric Operating Data)
  - General Subject Instructions (Corporate and Financial Data)
- Level III - Detailed Instructions (Electric Operating Schedules)
  - Detailed Instructions (Corporate and Financial Schedules)

Each respondent will also receive footnote schedules (with instructions) and free form (blank) schedules for the submission of narrative or graphic support data that will not be loaded into the Commission's data bases.

As the public use schedules undergo change in future reporting periods through the rulemaking process, modified layouts and instructions will be prepared by the Commission and mailed to the respondents, together with appropriate documentation that describes the authorization and the details of all such changes, additions, or deletions. The Commission will prepare the instructions in a manner suitable for looseleaf binders, so that they can be easily maintained by the respondents.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
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II. STANDARD DEFINITIONS

The following standard definitions are provided to aid the respondent in understanding the data collection concepts contained in these instructions.

A. RESPONDENT - Each corporation, person, agency, authority, or other legal entity or instrumentality, whether public or private, which is required, under the provisions of the Federal Power Act, the Natural Gas Act, or Commission Order, to submit information to the Federal Power Commission via public use forms. Respondents also include those organizations that voluntarily or upon request, provide data to the Commission.

B. PUBLIC USE SCHEDULE - A collection of functionally related data elements organized and formatted into an arrangement suitable for the collection of data; the instructions for preparation of a schedule are included in this definition.

C. DATA FIELD - Within a record or schedule, a specific area used for representing a particular data value, i.e., the spaces provided for data entry on a schedule.

D. DATA ELEMENT - A basic unit of identifiable and definable information. Data elements identify the data fields within a schedule.

E. DATA ITEM - The expression of a particular value of a data element. In cases where a data element identifies a column or row on a schedule, a data item is a specific entry within the column or row.

F. LOGICAL ENTRY - A collection of related characteristics, defined by data elements, associated with a specific "key" item of information. For example, "name", "address", "date of incorporation", and "total assets" are all attributes of the key item "company", which is identified by a company code. This entire collection of data elements is called a logical entry. Within the public use schedules, logical entries are blocks of data that may be repeated several times on a page.

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G. KEY ITEM IDENTIFICATION - A data element that provides a unique reference point for purposes of accessing or retrieving data. Within the public use schedules, the key item(s) uniquely identify groups of related data elements which by definition are logical entries. Normally, key items appear first within a logical entry and must always be completed by the respondent. The Detailed Instructions for each schedule explicitly identify those data elements that are "key".

Other, more specific, definitions of technical and financial date elements are contained in the Level II - General Subject Instructions.

III. GENERAL PROCEDURES FOR SCHEDULE PREPARATION

Many of the public use schedules have been designed so that different types of respondents can use the same basic schedules and instructions for the collection of identical data. For such schedules, the Detailed Instructions explain the unique data preparation requirements applicable to each type of respondent.

A. SCHEDULE SUBMISSION

The Commission will forward annually an appropriate number of copies of each schedule required of the respondent for the given reporting period.

All respondents shall forward the number of copies ordered by the Commission of each public use schedule to the Commission. Respondents submitting schedules on magnetic tape must also submit an attested working copy, appropriately completed, of the supplied schedules from which the tapes were prepared.

The specific report period for each schedule is listed in the General Subject Instructions (Level II) for the natural gas operations, electric operations, or financial data. The reporting period must be entered by the respondent on each schedule. Care must be exercised to ensure that the report period on each schedule (month, day, year) represents the ending date of the period to which the data applies, not the date the schedule was completed.

Prior to forwarding the schedules to the Commission, the respondent must complete Schedule 0100, Index of Public Use Schedules Submitted. A data field-by-data field instruction for Schedule 0100 shall be found in the Level III, Detailed Instructions for this schedule. All schedules should be carefully assembled, packaged, and forwarded to the following address:

Federal Power Commission
825 North Capitol Street, N.E.
Washington, D. C. 20426
Attn: Office of the Secretary

FEDERAL POWER COMMISSION
825 North Capitol Street, N.E.
Washington, D.C. 20426

ATTESTATION UNDER OATH

This report must be attested to under oath by an officer of the company. _____ (Insert here the name of the attester)

being first duly sworn according to law, certifies that he is _____ (Insert here the official legal title of attester)

of _____ (Insert here the exact legal title or name of respondent); that he has full power and authority to make the attestation; that he has read this report and is familiar with the contents therein; that to the best of his knowledge, information and belief, all estimates and matters therein set forth are true and correct and the said report is a correct statement of the business and affairs of the above-named respondent in respect to each and every matter set forth therein during the period from and including _____, 19___, to and including _____, 19___.

_____ (Signature of attester)

Subscribed and sworn to before me
this _____ day of _____, 19___.

_____ NOTARY PUBLIC

(SEAL)

FIGURE III-1. NOTIFICATION OF ATTESTATION

B. REPORTING MEDIA

The acceptable media for reporting public use data are magnetic tape with a working copy of the schedules or typed schedules.

Many respondents are capable of preparing the data via magnetic tape and have been directed by the Commission to do so. In addition, the respondent must attach associated attested working copy of the FPC supplied schedules from which the tapes were prepared.

C. SUPPORTING DOCUMENTATION

Additional statements, maps, diagrams, charts or other documentation supportive to the data schedules not otherwise specifically required or provided for should be inserted directly behind the schedules to which they apply. Respondents shall utilize FPC Schedule Number 1000 in all cases except those requiring oversize documents such as large maps. In all cases, the schedule number and page number of the schedule to which the supporting documentation applies must be entered, as well as the reporting period. Supporting documentation must not be stapled to the corresponding schedules.

D. ATTESTATION

The complete set of schedules filed for a given reporting period must be subscribed and verified by the duly authorized executive officer of the respondent, or of one of the respondents where a consolidated schedule is filed, who is qualified and authorized to prepare or supervise the preparation of the schedules and to certify their accuracy, completeness, and truthfulness. Such attestation will be submitted in the format specified in the Attestation Under Oath, displayed in Figure III-1.

Information submitted on magnetic tape must be accompanied by a working copy of each schedule used to create the magnetic tape. A single Attestation Under Oath will apply to all information, regardless of filing medium, submitted in the reporting period.

E. RESPONDENT COMMENTS AND SUGGESTIONS

The Regulatory Information System represents a significant departure from the previous methods of gathering and using information by the Commission. Like all new systems, areas for improvement will undoubtedly be discovered during actual operation. All respondents are encouraged to supply comments and suggestions to the Commission of specific data collection or schedule design problems.

All questions concerning schedule design, data entry rules, filing requirements, or administrative matters, should be directed to the Office of Regulatory Information Systems at Commission headquarters. The telephone number for inquiries at the Commission is (202) 275-4138.

This telephone number and the schedule mailing address will be the main contact points between the Commission and the respondents for matters relating to the data collection. Questions that cannot be handled directly will be routed to the appropriate bureau or office personnel for resolution.

IV. RULES FOR DATA PREPARATION

The respondent is instructed to rigorously conform to the following general rules for data entry when preparing the schedules prior to the time that the schedules are forwarded for typing.

A. DATA FIELD LENGTH

Do not exceed the data field lengths allocated for each data element. When the data field size is inadequate, leave the data field blank and enter the true value in a footnote.

B. JUSTIFICATION (DATA POSITIONING)

Right justify every numeric data field; that is, place the data in the right portion of the data field so that no blank spaces follow the last character. Unfilled leading characters should be left blank. All alphabetic data fields must be left justified; that is, they begin at the left boundary of the data field.

C. ALPHABETIC AND NUMERIC

The Detailed Instructions for each schedule define each data field as either alphabetic (A) or numeric (N). The instructions also specify the data field length, including implied decimal positions for fractional numbers. For example, (N7.3) means a numeric field with seven characters to the left and three characters to the right of the implied decimal position. (N6) implies a six digit integer number and (A22) defines a twenty-two character alphabetic data field.

Do not enter alphabetic or special characters in a data field defined to be numeric by the instructions. The only exceptions to this rule are a minus sign or an asterisk, as described later. Numeric data fields must be right-justified and can be preceded by blank spaces. A data field defined as alphabetic may include any

combination of numeric and alphabetic characters. If necessary, words should be abbreviated to fit an alphabetic data field within the allocated space.

D. NEGATIVE ENTRIES

To indicate a negative numeric value, type over the preprinted minus sign in the right-most character of the data field immediately after the last significant digit; for example, | 4917- | . Positive numbers require no sign within the data fields; simply right-justify the number. Only certain data fields may legitimately contain negative numbers. Those data elements that may be expected to generate negative numbers are identified in the Detailed Instructions and in the schedules, where a character position is reserved for the minus sign, which is printed.

E. NULL ENTRIES

Data fields that are not applicable to a given respondent's situation must be left blank. Do not write in "N/A", or "NONE", or "NO DATA", or any other null response. Numeric data fields that do apply to the respondent but for which the respondent has a legitimate value of zero must be so entered with zero, including all decimal positions. Numeric, alphabetic, or alpha-numeric data fields that do not apply must be left blank.

F. PERCENTAGES AND FRACTIONS

Numeric data fields expressed in percentages may contain a variable number of decimal positions. In the schedules, all decimal points are implied by a preprinted character (▲) that does not occupy a character position within the data field. For example: NN ▲ NNN

The fractional portion to the right of the decimal point should always be rounded to the last significant digit. For example, 11 2/3 should be entered as | 11 ▲ 667 | . Under no circumstances must a portion of a whole number be expressed in fractional notation for any numeric data field. Rather, use the decimal representation, as

illustrated by the preceding example of a percentage. For example, never enter 12 1/3 in a schedule; instead enter | 12 ▲ 333 | , assuming three decimal positions are requested.

G. SPECIAL CHARACTERS

As illustrated in the preceding section, all of the public use schedules have been designed with preprinted decimal point locators, where appliceble. The respondent is specifically requested not to enter doller signs, decimal points (.), commas (,), parentheses, technical symbols, or any other special characters on the schedules unless called for by the Detailed Instructions. For example, the number $53,429.48 would be entered as | 53429 ▲ 48 | and the number $45,237 would be entered as | 45237 ▲ 00 |

H. MULTIPLE PAGES

Multiple pages may often be necessary for the respondent to provide all of the data for a particular schedule. Additional pages may be requested of the Commission at any time. To minimize such requests, the Commission will analyze historical submission patterns and volumes for each schedule and attempt to tailor the number of pages mailed out with the number of pages submitted in the past. Each page of a schedule must be numbered in the upper right hand corner.

I. LISTS OF LEGITIMATE VALUES

A copy of the Register of Data Standards will be made available to each respondent. The Register must be a standard reference tool for personnel completing the schedules to assure valid data entries. Respondent-entered data that is inconsistent with values contained in the Register will be rejected, since validation procedures are also based on the Register.

Normally, the Detailed Instructions will not contain the lists of legitimate values, but will refer to the Register of Data Standards. However, certain data item lists were incorporated directly in the Detailed Instructions for the convenience of the respondent. In these cases the data item list mnemonic appears in parenthesis.

The respondent must use the approved values and is also cautioned not to alter the units of measure (i.e., MMcf or KW) defined in the Detailed Instructions.

V. DATA MAINTENANCE ACTIVITIES

When preparing the public use schedules, the respondent must be familiar with the procedures necessary to modify data on the Commission's data bases and to prepare footnotes, where necessary. These topics are covered in this chapter.

A. MODIFICATION OF DATA

New data may be entered directly on any of the public use schedules by the respondent. The respondent must be certain that all data fields identified as key by the instructions are properly completed. For each new entry all data must be completed for the initial submission. For subsequent submissions of this data, the following general rules apply.

Changes to existing data residing in Commission's data bases can be entered directly on any public use schedule. To determine whether a data element has changed, the respondent is to refer to the data reported for the last submission.

For data identified by the Detailed Instructions as periodically required to be submitted, the respondent must completely resubmit all requested data regardless of whether or not the data have actually changed. In other Detailed Instructions subsequent submissions require the respondent to submit only appropriate identification (key data fields) and changed data fields. For this type of data, the Commission maintains only the latest current values in the data base, and the last reported data will continue to be propagated as the current data. To delete the current value of a data element, the respondent must enter an asterisk (*) in the left-most position of the data field, regardless of the numeric or alphabetic nature of the data. The following example illustrates how to delete any single occurrence of a data element:

Data Field Title
*

To delete a data element in more than one logical entry, an asterisk must be entered by the respondent for each occurrence of the data element.

To delete an entire logical entry, a retired generator for instance, the respondent must type a "D" over the preprinted "D" contained to the right of each logical entry and must specify all key items necessary to uniquely identify the logical entry. The Detailed Instructions indicate which data elements are key items. When processed, all of the data for the entire logical entry will be deleted from the data base. No facility is provided for deleting, in a single action, all of the data for an entire respondent or for any major grouping of data above the logical entry level, such as the data for an entire plant. To accomplish major delete actions, the respondent must delete each logical entry separately. If such step-by-step action proves cumbersome for the respondent in view of a major delete action (a plant closure, for example), the respondent should notify the Commission in writing of the delete action and request appropriate steps to update the data bases.

B. FOOTNOTES

Footnotes cannot be placed directly on any public use data schedule. Instead, a single, separate schedule (FPC Schedule Number 0000) is used for footnote entry. The preparation of a respondent supplied footnote requires entry on both the source schedule and the footnote schedule.

All data schedules contain two blocks to signify the presence of a footnote. These footnote indicator data fields are called the General Footnote and the Specific Footnote. The General Footnote data field enables the respondent to supply additional information that pertains to either the entire schedule and/or to a particular column (all occurrences of a data element) within the schedule. The Specific Footnote may be for either a complete logical entry and/or a specific data element within any logical entry.

The footnote number must be assigned uniquely and cannot be repeated across schedules. For example, if Schedule 0102 has footnote numbers 014 and 015 assigned, the footnotes for schedule 0103 should begin at 016. The respondent must not number the footnotes starting from 001 for each schedule. All footnote reference numbers throughout all schedules submitted in a single reporting period must have unique numbers.

VI. DATA KEYING AND VERIFICATION INSTRUCTIONS

Data keying may be utilized by respondents who submit data via magnetic tape. The following keying (and, therefore, verification) instructions apply to all redesigned public use schedules, regardless of actual data content. Keying will produce 80-character records (refer to magnetic tape submission requirements).

Each record must always contain the same control data fields in columns 1-11. These data fields are:

- Data Field A - Schedule Number (Record Position 1-4)
- Data Field B - Page Number (Record Position 5-8)
- Data Field C - Line Number (Record Position 9-10)
- Data Field D - Record Type (Record Position 11)

Data Keying and Verification Instructions are described in Figure VI-1.

When keying from the Public Use Schedules, follow the general rules given below.

- Data Field A, Schedule Number, (Record Position 1-4) and Data Field B, Page Number, (Record Position 5-8) are obtained from the header area of the schedule. The schedule number is obtained from the upper left corner of the schedule and the page number from the upper right corner of the schedule.
- Data Field C, Line Number (Record Position 9-10) is preprinted to the left of each line in the margin of the schedule (even numbers such as 2, 4, 6, etc. are the only valid entries).
- In Data Field D, (Record Type) an "A" should be keyed in Position 11 of the first record keyed for a line.
- In record positions 12-80 of the record, key all data field separators (|) and all data that has been filled in by the respondent.

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DATA KEYING AND VERIFICATION INSTRUCTIONS

DATA FIELD	DATA FIELD NAME	COLUMNS FROM	COLUMNS TO	NUMBER OF COLUMNS	*	SPECIAL INSTRUCTIONS
	Common Data					
A	Schedule Number	1	4	4	N	Preprinted at the top left of all schedules
B	Page Number	5	8	4	N	Printed at top right of all schedules
C	Line Number	9	10	2	N	Preprinted on left margin of all schedules (even numbers)
D	Record Type (A = first record, B = second record)	11	11	1	A	A = First record for line B = Second record for line
E	Line Data	12	80	69		Key all data fields and their data field separators. Compress data as described in keying instructions.

* A - Alpha
N - Numeric

FIGURE VI-1. DATA KEYING AND VERIFICATION INSTRUCTIONS

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- o At the end of each line on the schedule, key a line terminator symbol (@). Note: In some instances, a second record (Record Type B) will be required solely for the line terminator symbol (@).
- o Normally, only one record will be required for a line. Should a second record be required for a line, duplicate Positions 1-10 from the "A" record, and key a "B" Position 11 of the second record.
- o Do not key data fields which are preprinted, including data field separators.
- o Do not key odd numbered lines (i.e., 3, 5, 7, 9, etc.).
- o Do not key lines in which the resondent has entered no data.

In the examples shown, a lower case b represents a blank.

A. DATA FIELD CONTENTS

The data keyed into Positions 1-11 of the keyed records is keyed according to the fixed format specified above. But the data keyed in the remainder of the positions of the records (12-80) are keyed in a variable format. That is, leading and trailing blanks in data fields are not keyed. For example, if a ten-position alpha-numeric data field on the schedule contains a single letter, only that letter is keyed:

"Abbb" is keyed "A | "

B. DATA FIELD SEPARATOR (|)

The variable format explained in A above, requires that the sum of each data field (in Positions 12-80) be indicated by following the data field contents with a data field separator symbol (|).

The data field separator is the vertical bar symbol, which is to be represented by a 12-7-8 punch, and a hexadecimal 4F in EBCDIC.

See the example in A above, or those that follow, for illustrations of the use of the data field separator.

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C. LINE TERMINATOR (@)

The end of a schedule line must be represented in the keyed record. The vertical bar (data field separator) following the last data field is to be followed with a line terminator symbol. This can require that a "B" record be keyed to provide the line terminator symbol (@).

The line terminator is the "@" symbol, which is to be represented by a 4-8 punch, and a hexadecimal 7C in EBCDIC.

D. CONTINUATION RECORD

In most cases, one line on a schedule will be represented by one 80-character record, but in some cases two records will be necessary to represent a single schedule line. In the first (or only) record, an "A" is keyed into Position 11. In the continuation record (there will not be more than one per line), after duplicating Positions 1-10 from the "A" record, key a "B" in Position 11 then continue keying from the schedule line. (Note that for two-record lines, Position 80 of the "A" record may occur in the middle of a data field on the schedule.)

E. BLANK LINES

Every data field in a schedule line, including blank data fields, must be represented in the keyed records. For a blank data field, key only a data field separator symbol (|). For example, if the first three data fields on a schedule line were blank they would be represented in the keyed record by three consecutive data field separators (in Positions 12-14).

F. DECIMAL POINTS IN NUMERIC DATA FIELDS

Many numeric data fields contain decimal points, indicated on the schedules by a preprinted ▲. (The only valid indication of a decimal point is the preprinted ▲. Use of a period is an error on the part of the individual filling in the data.) Because it is preprinted, it is not keyed. In order that the data field contents be

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properly entered in the RIS data base, all positions to the right of a preprinted decimal in a data field on a schedule must be keyed.

G. CONSOLIDATED EXAMPLE

This example illustrates the rules given above, as applied to an entry on line 16 of page 2 of a hypothetical Schedule 99.

Data Field Type:
a n n n n n n n n n n

Data Field Length:
35 10 10 8.2 3.3 10 10 10 10 10 10

Data Field Contents:
MIDWESTERN INTERNATIONAL 350 * 673␣21 24␣2bb 750000 b b 550000 622490 3575829400

Keyed Records: A Record –
0099000216AMIDWESTERNbINTERNATIONAL|350|*|67321|24200|750000||550000|622490|

B Record –
0099000216B3575829400@

H. CHARACTER SET

Keying should be accomplished using the standard EBCDIC alphebetic and numeric character set. The following are the only valid special characters which can be used:

EBCDIC SPECIAL CHARACTER

CHARACTER	EBCDIC HEX REP	CARD PUNCH	CHARACTER	EBCDIC HEX REP	CARD PUNCH
.	4B	12-3-8	-	60	11
(	4D	12-5-8	/	61	0-1
+	4E	12-6-8	,	6B	0-3-8
&	50	12	%	6C	0-4-8
$	5B	11-3-8	?	6F	0-7-8
*	5C	11-4-8	:	7A	2-8
)	5D	11-5-8	'	7D	5-8
;	5E	11-6-8	=	7E	6-8
			"	7F	7-8

Data Field Separator:
| 4F 12-7-8

Data Line Terminator:
@ 7C 4-8

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I. MAGNETIC TAPE SUBMISSION

The magnetic tape to be submitted shall be compatible with IBM 370/OS using 9-track standard IBM OS labels or using 9-track non-labelled tapes in EBCDIC code format at 800 or 1600 bpi. The logical record length shall be 80 characters. The blocking factor should be compatible with IBM OS tape blocking conventions.

All respondents submitting magnetic tape(s) must enclose with the tape the following information: name of company, name of contact about the magnetic tape and telephone number. Additionally the following information must be specified for labelled and non-labelled tapes:

LABELLED AND NON-LABELLED TAPES

- whether 800 or 1600 bpi
- whether labelled or non-labelled

LABELLED TAPES

- internal volume/serial number of tape
- data set name

NON-LABELLED TAPES

- block size in characters (length of physical record)
- external volume/serial number of tape

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Attachment B

FEDERAL POWER COMMISSION

Corporate and Financial Reports for Class C and Class D Natural Gas Companies

LEVEL II

GENERAL SUBJECT INSTRUCTIONS

FOR

CORPORATE AND FINANCIAL SCHEDULES

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APPENDIX 1. List of Corporate and Financial Schedules

Schedule Number	Schedule Name
0101	General Corporate Information
0102	Control Over Respondent
0104	Corporations Controlled by Respondent
0105	Corporate Officers/Directors
0106	Other Corporate Employees
0107	Security Holders and Voting Powers - Total
0108	Security Holders and Voting Powers
0110	Other Stockholder Information
0111	Notes to Security Holders and Voting Powers
0112	Annual Notes to Financial Data
0113	Descriptions of Construction Overhead Procedures
0114	Important Changes During the Year - Transmission or Distribution System
0115	Important Changes During the Year - Respondent Rate Proceedings
0116	Important Changes During the Year - Supplier Rate Proceedings
0117	Important Changes During the Year - New Sources of Gas
0118	Important Changes During the Year - New Generating Plants/Units
0120	Important Changes During the Year - Utility Plant Not Operated
0121	Company Employee Data
0122	Securities Issued During Year
0123	Securities Assumed, Refunded or Retired During Year
0124	List of Accounts - Part I (Electric Class A and Class B)
0124	List of Accounts - Part II (Natural Gas Class A and Class B)
0124	List of Accounts - Part III (Electric Class C and Class D)
0124	List of Accounts - Part IV (Natural Gas Class C and Class D)
0125	Investment in Subsidiary Companies - Equity Accounting
0126	Gas Stored Underground - Part II
0127	Gas Stored Underground - Part I
0128	Production Fuel Stocks
0129	Production Fuel Cost Data
0130	Gas Prepayments and Undelivered Gas Obligations
0132	Capital Stock
0133	Long-Term Debt
0134	Notes Payable
0135	Taxes Accrued, Prepaid and Charged During the Year
0136	Computation of Federal Income Tax Accruals for the Year
0137	Consolidated Federal Income Tax Return Information
0138	Accumulated Deferred Income Taxes
0139	Accelerated Amortization of Facilities
0140	Tax Deferrals Related to Other Property

Schedule Number	Schedule Name
0141	Investment Tax Credits
0142	Advances for Gas Prior to Initial Deliveries or Commission Certification
0143	Particulars for Estimating Depreciation, Depletion and Amortization of Utility Plant
0144	Plant in Service or all Utility Plants
0145	Completed Construction Not Classified
0146	Plant Purchased or Sold
0147	Experimental Plant Unclassified
0148	Utility Plant Leased to Others
0149	Plant and Production Properties Held for Future Use
0150	Construction Work in Progress
0151	Accumulated Provision for Depreciation of Utility Plant - Part I
0152	Accumulated Provision for Depreciation of Utility Plant - Part II (Electric and Gas)
0153	Accumulated Provision for Depletion and Amortization of Utility Plant (Account 111.00)
0154	Common Plant and Expense Data - Part II
0155	Common Plant and Expense Data - Part I
0156	Construction Overhead
0157	Natural Gas Reserves and Land Acreage
0158	Net Realizable Value of Estimated Hydrocarbon Reserves
0159	Operating Revenues
0160	Extraordinary Items
0161	Detailed Account Data - Part I
0162	Detailed Account Data - Part II
0163	Detailed Account Data - Part III
0164	Detailed Account Data - Part IV
0165	Monthly Statement of Electric Operating Revenue and Income - Part I
0166	Monthly Statement of Electric Operating Revenue and Income - Part II
0167	Revenue From Transportation of Gas of Others - Natural Gas
0168	Gas Purchases
0169	Professional and Other Consultative Services
0170	Lease Rental Charges - General Data
0171	Lease Rentals Charged
0172	Exploration and Development Expenses
0173	Regulatory Commission Expense
0174	Particulars Concerning Certain Income Accounts
0175	Exchange Gas Accounting - Part I
0176	Exchange Gas Accounting - Part II
0177	Research and Development Activities
0178	Natural Gas Production and Gathering Statistics
0179	Franchise Requirements
0180	Gas Used in Utility Operations - Credit
0181	Gas Account - Natural Gas

Schedule Number	Schedule Name
0182	Natural Gas Pipeline Company Monthly Statement - Revenues and Expenses - Part I
0183	Natural Gas Pipeline Company Monthly Statement - Revenues and Expenses - Part II
0184	Natural Gas Pipeline Company Monthly Statement - Operation and Maintenance Expenses
0185	Natural Gas Pipeline Company Monthly Statement - Supplemental Gas Supplies and Selected Data
0186	Natural Gas Pipeline Company Monthly Statement - Gas Revenues and Purchases
0187	Reconciliation of Reported Net Income With Taxable Income
0188	Accumulated Provision for Depreciation, Depletion, and Amortization of Utility Plant
0189	Changes in Estimated Natural Gas and Other Hydrocarbon Reserves
0190	Balance Sheet Accounts - Part I
0191	Balance Sheet Accounts - Part II
0192	Balance Sheet Accounts - Part III
0194	Income Statement Accounts
0195	Retained Earnings and Operating Revenues Accounts
0196	Operation and Maintenance Expenses Accounts
0197	Utility Plant - Municipal
0198	Long-Term Debt - Municipal
0199	Information Concerning Licenses and Location of Records
0200	Licensed Project Plant
0201	Licensed Project Plant - Classified by Developments
0202	Additions, Retirements and Adjustments - Licensed Project Plant
0205	Accumulated Provision for Depreciation of Licensed Project Plant - Balances and Changed During the Year
0206	Accumulated Provision for Depreciation of Licensed Project Plant According to Functional Classification
0207	Accumulated Provision for Amortization of Licensed Project Plant
0208	Accumulated Provision for Amortization of Licensed Project Plant According to Functionel Classification
0209	Depreciation Expense for Licensed Projects
0210	Amortization Expense for Licensed Project
0211	Amortization Reserve - Federal
0212	Operation of Licensed Projects and the Sale or Use of Energy Produced
0213	Environmental Facilities and Expenses
0214	Notes to Environmental Facilities and Expenses
0215	Monthly Notes to Financial Data
0639	Monthly Net Generation by Licensed Project
0640	Licensed Projects Annual Energy Deductions

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Schedule Number	Schedule Name
0695	Sales of Electricity by Rate Schedules
0696	Sales of Electricity by Communities
0697	Railroads and Interdepartmental Sales
0698	Sales of Water and Water Power
0704	Fish and Wildlife and Recreation Plants
0837	Taxes, Tax Equivalents, Contributions and Services During Year - Part I
0838	Taxes, Tax Equivalents, Contributions and Services During Year - Part II
0839	Expenditures for Certain Civic, Political and Other Related Activities

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I. GENERAL INFORMATION

These instructions apply to those schedules:

- Containing basic information on the respondent's corporate profile
- Providing detailed financial data about the Corporation's business activities.

The group of corporate and financial schedules represent a comprehensive selection of data covering the respondent's entire financial accounting operation.

The classification of respondents are:

a. Class A: Natural gas companies, public utilities, and licensees having operating revenues of $2,500,000 or more.

b. Class B: Natural gas companies, public utilities, and licensees having operating revenues of $1,000,000 or more but less than $2,500,000.

c. Class C: Natural gas companies, public utilities, and licensees having operating revenues of $150,000 or more but less than $1,000,000.

d. Class D: Natural gas companies, public utilities, and licensees having operating revenues of $25,000 or more but less than $150,000.

The schedules are organized into two subgroups based upon respondent reporting requirements: (1) annual or (2) monthly submissions. The grouping of schedules into their respective submission subgroups together with a reference to the old FPC form relationships is shown below:

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Subgroup	Respondent Category	Schedule Number(s)	Old FPC Form	Submission Date
Annual Submissions				
1	Class A & Class B (Electric Utilities and Licensees)	0101-0187, 0213-0214, 0695-0698, 0704 (less 0103, 0109, 0115, 0117, 0119, 0126, 0127, 0130, 0131, 0142, 0153, 0157, 0158, 0165, 0166, 0172, 0175, 0176, 0178, 0180-0186)	1	Annually (on or before March 31st
2	Class A & Class B (Natural Gas Companies)	0101-0181, 0187, 0189 (less 0103, 0109, 0118, 0119, 0131, 0165, 0166)	2	Annually (on or before March 31st)
3	Class C & Class D (Electric Utilities and Licensees)	0101, 0102, 0104 0105, 0108, 0111, 0112, 0124, 0132, 0133, 0141, 0144, 0159, 0161-0163, 0188	1F	Annually (on or before March 31st)
4	Federal Projects and Municipal (Electric)	0190-0192, 0194-0198, 0837-0839	1H	Annually (3 months following close of fiscal year for municipalities and Federal Projects report on fiscal year usually corresponding with FY of Government)
5	Class C & Class D (Natural Gas Companies)	0101, 0102, 0104, 0105, 0107-0108, 0111, 0112, 0124, 0132, 0133, 0141, 0144, 0159, 0161-0163, 0168, 0181, 0188	2A	Annually (on or before March 31st)
6	Licensed Projects (covers all major projects owned by the licensee)	0199-0202, 0205-0212, 0639-0640	9	Annually (on or before April 30th)

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Subgroup	Respondent Category	Schedule Number(s)	Old FPC Form	Submission Date
Monthly Submission				
1	Class A & Class B (Electric Utilities)	0165,0166,0215	5	Monthly (40 days after end of reporting month)
2	Class A & Class B (Natural Gas Companies whose combined gas sales for resale and gas transported or stored for a fee exceeding 50 million MCF)	0182-0186,0215	11	Monthly (40 days after end of reporting month)

Each schedule is identified by a schedule number and title (see Appendix 1, List of Corporate and Financial Schedules).

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II. STANDARD DEFINITIONS AND CODES

A. UNIFORM SYSTEMS OF ACCOUNTS

The required submission for Class A, Class B, Class C and Class D natural gas pipeline and electric utilities and licensees will be prepared in conformity with the "Uniform Systems of Accounts for Natural Gas Companies" or "Uniform Systems of Accounts for Public Utilities and Licensees" prescribed by Part 101, 104, 201 and 204 of Title 18 CFR. All mention of accounts, accounting requirements and terminology are to be interpreted in accordance with the said classifications.

For Municipal Electric Utilities and Federal Projects, the required submissions should be filled out in accordance with the individual schedule instructions which provide titles of data requirements to fit special respondent cases. Account numbers are related to each of the data titles to assist internal processing of data.

B. ACCOUNT NUMBERING SYSTEM

The new reporting system requires five digit numbers. In reporting the account numbers for the Uniform Systems of Accounts, the respondent must add zeros, either one or two as appropriate, after the number to complete the five digit system. For example, Account 101, Plant in Service, must be reported as Number 101.00; Account 419.1., Allowance for Funds Used During Construction, must be reported as 419.10.

C. SUPPLEMENTAL ACCOUNT NUMBERS

A system of Supplemental Account Numbers have been developed to accommodate the processing of the following types of information:

- Required data items that do not have assigned Uniform Systems of Account numbers (e.g., total assets, net income, etc.)
- Respondents with several reporting departments (e.g., electric, gas, steam, common, other)

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- Required additional breakdown of data from existing account numbers (e.g., depreciation expense, deferred taxes, etc.)

These categories of information add to and/or expand the data identified by the Uniform Systems of Accounts. The Supplemental Account Numbers are a necessary control to insure uniform reporting of certain data elements and will assist in the efficient processing of the various categories of information.

From the above considerations, many Supplemental Account Numbers are expressed using previously undefined numbers from the Uniform Systems of Accounts:

- A three digit code (e.g., 010.00 - Sources of Funds - Operation - Net Income) or
- A three digit code with decimal (e.g., 046.10 - Total Salaries and Wages)

Further, some existing accounts in the Uniform Systems of Accounts were expanded by addition of a decimal, as:

- Accumulated Deferred Income Taxes - Accelerated Amortization (281) expanded to
- Accumulated Deferred Income Taxes - Accelerated Amortization - Pollution Control Facilities (281.20)

Finally, to indicate reporting by different departments internal to the respondent's operations, a second decimal place was added to any existing Uniform System of Account number or any new Supplemental Account number as shown in the following examples:

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Example 1:

Uniform System of Account Number	Description
101	Plant in Service
expanded to -	
Supplemental Account	**Description**
Electric Respondents	
101.01	Plant in Service - Electric
101.02	Plant in Service - Gas
101.03	Plant in Service - Common
101.04	Plant in Service - Steam
101.05	Plant in Service - Other
Gas Respondents	
101.01	Plant in Service - Gas
101.02	Plant in Service - Electric
101.03	Plant in Service - Common
101.05	Plant in Service - Other

Example 2:

Supplemental Account	Description
281.20	Accumulated Deferred Income Taxes - Accelerated Amortization - Pollution Control Facilities
expanded to -	
Electric Respondents	
281.21	Accumulated Deferred Income Taxes - Accelerated Amortization - Pollution Control Facilities - Electric
281.22	Accumulated Deferred Income Taxes - Accelerated Amortization - Pollution Control Facilities - Gas
Gas Respondents	
281.21	Accumulated Deferred Income Taxes - Accelerated Amortization - Pollution Control Facilities - Gas
281.22	Accumulated Deferred Income Taxes - Accelerated Amortization - Pollution Control Facilities - Electric

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The instructions for each schedule list the specific account numbers or indicate where the respondent is required to report departmental information on the basis of supplemental account numbers.

D. SELECTED DEFINITIONS

The following definitions pertain to the indicated subgroups of Corporate and Financial schedules:

1. Annual Submission (Natural Gas Pipeline Respondents)

a. Gas Volumes: All gas volumes will be reported in MMCF rounded to three decimal places. Pressure base of gas volumes reported will be 14.73 PSIA at 60° Fahrenheit, pursuant to Exhibit H of Circular No. A-46, of the Bureau of the Budget issued February 1966.

b. Natural Gas means either natural gas unmixed or any mixture of natural and manufactured gas.

c. BTU per Cubic Foot: The total heating value expressed in BTU, produced by the combustion, at a constant pressure, of the amount of the gas which would occupy a volume of one cubic foot at a temperature of 60° Fahrenheit if saturated with water vapor and under a pressure equivalent to that of 30 inches of mercury at 32° Fahrenheit and under standard gravitational force (980.665 cm. per second^2) with air of the same temperature and pressure as the gas, when the products of combustion are cooled to the initial temperature of gas and air when the water formed by combustion is condensed to the liquid state. (Sometimes called gross heating value or total heating value).

2. Annual Submission (Electric Operating Respondents)

a. Electric Plant: A unit or group of units of the same or different generating type as long as they can be considered at the same physical site.

b. Electric System: The physically connected generation, transmission, distribution, and other facilities operated as an integral unit under one control, management, or operating supervision.

c. Electric Utility: All enterprises engaged in the production and/or transmission and/or distribution of electricity for use by the public, including investor-owned, cooperatively-owned, government-owned (municipal systems, Federal agencies, state projects, and public power districts); and where the data are not separable, those industrial plants contributing to the public supply.

3. Annual Submission (Licensees)

a. The term "project" means all the property covered by a single license number.

b. The term "Federal Project" means those electric projects operating under the supervision of the Alaska Power Administration, Bonneville Power Authority, Bureau of Indian Affairs, Colorado River Storage Project, Southeastern Power Administration, Southwestern Power Administration, Tennessee Valley Authority, U.S. Bureau of Reclamation, and U.S. Corps of Engineers.

4. Monthly Submission (Natural Gas Pipeline Respondents)

a. Imports are gas receipts into the United States of America from a foreign country.

b. Exports are gas deliveries out of the United States of America to a foreign country.

c. Firm Gas Sales to industrial customers are those made under schedules or contracts which anticipate no interruption.

d. Off-Peak Gas Sales to industrial customers are those made under schedules or contracts on a firm basis for periods specified for other than times of seller's peak requirements.

e. Interruptible Gas Sales to industrial customers are those made under schedules or contracts which provide for curtailment by the seller in order to protect service to firm customers.

III. GENERAL INSTRUCTIONS

A. ALL SCHEDULES

1. Information on Utility Departments

For companies having more than one utility department, report information on the basis of total company operations except where otherwise requested on the particular schedule.

2. Changes in Previous Year Reported Figures

Beginning of the year balances are not required on most of the financial schedules. Where amounts reported in the previous year (balance end of year) do not agree with beginning of year amounts for any reason, the respondent shall furnish an explanation of the reason in a footnote.

B. ANNUAL SUBMISSION SCHEDULES

1. Additional Submission

In addition to filing the Annual Submission of Schedules, each respondent shall also file with the Commission, immediately upon publication, five copies of its latest annual report to stockholders and of any annual financial or statistical report regularly prepared and distributed to bond-holders, security analysts, or industry associations. If reports to stockholders are not prepared, so state on Schedule 0112, "Annual Notes to Financial Data".

2. Letter by Certified Public Accountant

Class A and Class B respondents shall file with the original and each copy of the "Annual Submission of Schedules" a letter or report (required by Sections 41.10 - 41.12 of the Commission's Regulations under the Federal Power Act or Sections 158.10 - 158.12 of the Commission's Regulations under the Natural Gas Act) signed by independent certified accountants or independent licensed public accountant, certified or licensed

by a regulatory authority of a State or other political subdivision of the United States until December 31, 1975 and beginning January 1, 1976, and each year thereafter, only independent certified public accountants and independent licensed public accountants (licensed on or before December 31, 1970) will be authorized in attesting to the conformity, in all material repects, of the following schedules in this report with the Commission's applicable Uniform Systems of Accounts (statement certification includes applicable notes relating thereto) and published Commission accounting releases:

Schedule Number	Description
0124	List of Accounts (Part I or Part II)
0133	Long Term Debt
0136	Computation of Federal Income Tax Accruals for the Year
0137	Consolidated Federal Income Tax Return Information
0138	Accumulated Deferred Income Taxes
0139	Accelerated Amortization of Facilities
0140	Tax Deferrals Related to Other Property
0143	Particulars for Estimating Depreciation, Depletion and Amortization of Utility Plant
0144	Plant in Service or All Utility Plants
0145	Completed Construction Not Classified
0149	Plant and Production Properties Held for Future Use
0150	Construction Work in Progress
0151	Accumulated Provision for Depreciation of Utility Plant - Part I
0152	Accumulated Provision for Depreciation of Utility Plant - Part II
0154	Common Plant and Expense Data - Part II

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Schedule Number	Description
0155	Common Plant and Expense Data - Part I
0159	Operating Revenues
0162	Detailed Account Data - Part II
0163	Detailed Account Data - Part III (Only Information Pertaining to Retained Earnings Accounts)
0164	Detailed Account Data - Part IV (Only Information Pertaining to Plant Materials and Operating Supplies and Prepayments (Gas Respondents))
0187	Reconciliation of Reported Net Income with Taxable Income

The letter or report shall be in the following form unless unusual circumstances or conditions, explained in the letter or report, demand that it be varied:

In connection with our regular examination of the financial statements of for the year ended , on which we have reported separately under date of , we have also reviewed schedules ____ of the annual submission for the year filed with the Federal Power Commission, for conformity in all material respects with the requirements of the Federal Power Commission as set forth in its applicable Uniform Systems of Accounts and published Commission accounting releases. Our review for this purpose include such tests of the accounting records and such other auditing procedures as we considered necessary in the circumstances. Based on our review, in our opinion the accompanying schedules identified in the preceding paragraph (except as noted below)* conform in all material respects with the accounting requirements of the Federal Power Commission as set forth in its applicable Uniform Systems of Accounts and published accounting releases.

* Parenthetical phrase inserted only when exceptions are to be reported.

The letter or report shall state, additionally, which, if any, of the schedules set forth above do not conform to the Commission's requirements, and shall describe the descrepancies that exist.

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Attachment C

FEDERAL POWER COMMISSION

Corporate and Financial Reports for Class C and Class D Natural Gas Companies

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DETAILED INSTRUCTIONS: SCHEDULE 0100	INDEX OF FPC PUBLIC USE SCHEDULES SUBMITTED	1 of 2

I. DESCRIPTION

This schedule shall be used to identify the schedules which were submitted by each respondent.

II. GENERAL INFORMATION

A. This schedule shall be submitted by all Federal Power Commission respondents.

B. This schedule shall be completed for each submission of schedules to the Federal Power Commission.

C. The report period date required on line two of this schedule shall be the final date of the period covered by the submission i.e., if data is reported on a calendar year basis, the date to be reported is December 31, 1976, in the format MMDDYY
123176.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1	Date Received in Mail Room (N6): This date field is for Federal Power Commission internal processing only. (TMDATE)
2	Date Received in DBCG (N6): This date field is for Federal Power Commission internal processing only. (TMDATE)
3 (Key)	Schedule Number (N4): Enter the schedule number of each schedule being submitted in this submission.
4	Schedule Contact Name (A35): Enter the name of the individual to contact about the schedule number reported in data field 3 above. The format for the name is: Last Name, First Name or Initial, Middle Initial. (IDNAME)
5	Schedule Contact Telephone Number (A12): Enter the area code and telephone number, in the format NNN-NNN-NNNN. Be certain to over strike the preprinted hyphens (-).
6	Number of Pages (N4) NO: Enter the number of pages submitted for the schedule reported in data field 3 above.
7	Indicate Primary Reporting Media, Hardcopy or Tape (M1): Enter "1" if hardcopy is being submitted; or enter "2" if tape is being submitted. (IMETOR)

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DETAILED INSTRUCTIONS: SCHEDULE 0100	INDEX OF FPC PUBLIC USE SCHEDULES SUBMITTED	2 of 2

Data Field Number	Instructions
8	Name of Attestor: Enter the legal name of the individual who is attesting to the validity of the data content being submitted on each of the schedules reported in data field 3 above. (IDNAME)
9	Signature of Attestor: Enter the attestors legal signature in this data field. (IDNAME)
10	Date of Attestation: Enter the date of attestation, in the format MMDDYY. (TMDATE)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0101	GENERAL CORPORATE INFORMATION	1 of 2

I. DESCRIPTION

This schedule is used to collect general corporate information for a basic profile on the respondent.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A, Class B, Class C and Class D Natural Gas and Electric respondents.

B. Class A and B respondents shall complete all data fields on this schedule in their first submission. Class C and Class D respondents complete data fields 1 thru 6 only. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions, however, if data fields 10 and 11 are not being submitted, do not complete them as key data fields.

C. Report in data fields 1-9 general information on location of books, incorporation data and public accountants. Report in both data fields 10 and 11 information on the type of service provided (10) and the state(s) where the service is provided (11).

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Name of Officer with Custody of Corporate Books (A22): (IDNAME)
2	Location of Main Books (A22): Enter the state and city where general corporate books are kept. Enter the state appreviation, from the Register of Data Standards, IDSTAT, in the first two postions of this data field, followed by the city name (IDCITY).
3	Location of Other Books (A22): Enter the state and city where any other corporate books of accounts are kept, if different from that at which the general corporate books are kept. Enter the state abbreviation, from the Register of Data Standards, IDSTAT, in the first two positions of this data field, followed by the city name (IDCITY).
4	Incorporation State (A2): Enter the state abbreviation, from the Register of Data Standards, IDSTAT.
5	Incorporation Date (N6) Enter the date the respondent was incorporated, in the format MMDDYY. (TMDATE)
6	Special Law Reference (A20): If incorporated under a special law, give reference to such law. If not incorporated, state type of organization. (IDDESC)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0101	GENERAL CORPORATE INFORMATION	2 of 2

Data Field Number	Instructions
7	Public Accountant (A22): Enter the name of the respondent's independent certified public accountant or independent licensed public accountants (licensed on or before December 31, 1970). (IDNAME)
8	Address of Public Accountant (A22): Enter the state and city. Enter the state abbreviation, from the Register of Data Standards, IDSTAT, in the first two positions of this data field followed by the city name (IDCITY).
9	Date Public Accountant Initially Engaged (N6): Enter the date the public accountant was initially engaged, in the format MMDDYY. The latest year should only be shown if a change in accountants was made during the year. (TMDATE)
10 (Key)	Type of Service (A3): Enter separately each type of utility service furnished, from the following alphabetic abbreviations: (TYUTIL) GAS = Gas ELC = Electric WTR = Water OTH = Other
11 (Key)	State of Service (A2): Enter the abbreviation for each state where respondent supplies the service listed in data field 10 above, from the Register of Data Standards, IDSTAT.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0102	CONTROL OVER RESPONDENT	1 of 2

I. DESCRIPTION

This schedule is used to collect information on any corporations, business trusts or similar organizations or combinations of such organizations which held control over the respondent any time during the year.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A, Class B, Class C and Class D Natural Gas and Electric respondents. Class C and Class D respondents complete data fields 1 thru 4 only.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

C. In completing this schedule refer to the Uniform System of Accounts for a definition of control.

To summarize:

Direct control is that which is exercised without interposition of an intermediary.

Indirect control is that which is exercised by the interposition of an intermediary which exercises direct control.

Joint control is that in which neither interest can effectively control or direct action without the consent of the other, as where the voting control is equally divided between two holders, or each party holds a veto power over the other. Joint control may exist by mutual agreement or understanding between two or more parties who together have control within the meaning of the definition of control in the Uniform System of Accounts, regardless of the relative voting rights of each party.

D. Report in data fields 1-3 information on companies who directly control the respondent. Report in data field 4 if control over respondent was held under a trust arrangement. For natural gas respondents, if other companies are controlled by the organization listed in data field 1, list in data field 5 the name of each such company and complete data fields 6 and 7. For electric respondents, if control over respondents was in a holding company, list in data field 5 the name of each company in the chain of ownership from respondent to parent organization and complete data field 7.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Name of Controlling Corporation or Organization (A35): (IDNAME)

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DETAILED INSTRUCTIONS: SCHEDULE 0102	CONTROL OVER RESPONDENT	2 of 2

Data Field Number	Instructions
2	Description of Manner of Control (A40): (IDDESC)
3	Extent of Control (N3) PCT: Enter the extent of control in per cent, rounded to the nearest per cent.
4	Description of Trust Arrangements (A40): If control was held by a trustee(s), state name of trustee(s), name of beneficiary or beneficiaries for whom trust was maintained, and purpose of trust. (IDDESC)
5 (Key)	Other Controlled Company (A35): If other companies are controlled by the organization which holds control over the respondent, list the names of such companies in this data field. (IDNAME)
6	Kind of Business (A27): State the kind of business engaged in by the company listed in data field 5 above. This data field is not applicable to electric respondent. (IDDESC)
7	Extent of Control (N3): State the tier placement of the company listed in data field 5, above, to the controlling corporation or organization reported in field 1, above, by the following example of codes: (NRCADL) 001 - first tier-subsidiary 002 - second tier-subsidiary of tier 1 003 - third tier-subsidiary of tier 2

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0104	CORPORATIONS CONTROLLED BY RESPONDENT	1 of 2

I. DESCRIPTION

This schedule is used to collect information on all corporations, business trusts, joint ventures and similar organizations controlled directly or indirectly by the respondent at any time during the year.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A, Class B, Class C and Class D Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

C. In completing this schedule, refer to the Uniform System of Accounts for a definition of control.

To summarize:

Direct control is that which is exercised without interposition of an intermediary.

Indirect control is that which is exercised by the interposition of an intermediary which exercises direct control.

Joint control is that in which neither interest can effectively control or direct action without the consent of the other, as where the voting control is equally divided between two holders, or each party holds a veto power over the other. Joint control may exist by mutual agreement or understanding between two or more parties who together have control within the meaning of the definition of control in the Uniform System of Accounts, regardless of the relative voting rights of each party.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Name of Company Controlled (A35): (IDNAME)
2	Kind of Business (A30): (IDDESC)
3	Per Cent Voting Stock Owned (N3) PCT: Enter the per cent of voting stock owned, rounded to nearest per cent.
4	Particulars for Corporation Controlled (A144): If control ceased at any time during the year, furnish particulars regarding companies involved, manner of disposition and any other important aspects.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0104	CORPORATIONS CONTROLLED BY RESPONDENT	2 of 2

Data Field Number	Instructions
4 (cont'd)	If control was by other means than a direct holding of voting rights, state the manner in which control was held, naming any intermediaries involved. If control was held jointly with one or more other interests, state the fact and name the other interests; however, state if corporation is inactive. (IDDESC)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0105	CORPORATE OFFICERS/DIRECTORS	1 of 3

I. DESCRIPTION

This schedule is used to collect data on each general officer and director of the respondent who held office at any time during the year.

II. GENERAL INFORMATION

A. This schedule shall be submitted by the following categories of respondents:

Respondent Category	Data Fields
(1) Class A and Class B (Natural Gas and Electric)	All
(2) Class C and Class D (Natural Gas and Electric)	1-7,9,10

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

C. Report the particulars applicable to all officers and/or directors of the respondent for the reporting year. Other employees of the respondent whose annual salary is $25,000 per year or more ($35,000, if respondent's annual operating revenues are $50,000,000 or more) must also be reported on Schedule 0106, Other Corporate Employees.

D. If an individual is both an officer and director of the respondent, report separately the information called for in this schedule, once for the position of officer and once for the position of director.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Officer's/Director's Last Name (A15): (IDNAME)
2 (Key)	Officer's/Director's First Name and Middle Initial (A15): Enter the full first name and initial(s), separated by a space. (IDNAME)
3	Officer's/Director's Business Address (A22): For officers, enter the financial business address if different from the respondent's address. For directors, enter the principal business address if different from company address. Enter the two character abbreviation, from the Register of Data Standards, IDSTAT, followed by city name (IDCITY).

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0105	CORPORATE OFFICERS/DIRECTORS	2 of 3

Data Field Number	Instructions
4	Officer/Director Category (N1): Enter the one digit numeric code as follows: (TYOFDR) 1 = Officer 2 = Director 3 = Both 9 = Other
5	Officer/Director Title (A30): Enter the officer's and/or director's title at the end of the reporting year. If any officer/director retired during the year, write the word "retired" in this data field. If any officer/director otherwise left the respondent during the year, leave this data field blank. Abbreviate as necessary. Examples: V.P. - Vice President, Treas. - Treasurer, Sec. - Secretary, etc. (IDDESC)
6	Officer/Director Salary - Fee (N6) DOL: Report any salaries or regular fees paid during the year.
7	Director/Member of Executive Committee (N1): Indicate "1" for chairman of the executive committee; "2" for member of that committee; or "3" for neither. (TYEXCO)
8	Officer/Director Retirement Benefits (N6) DOL: Enter the annual benefits estimated to be payable to each of the three highest paid officers, and any director who is not an officer named herein, in the event of retirement at normal retirement date, pursuant to any pension or retirement plan.
9	Officer/Director Date Position or Term Began (N6): Enter the date, in the format MMDDYY, each officer first began the position listed in data field 5 above. Enter the date each director was first elected to the position of director. (TMDATE)
10	Officer/Director Date Retired or Otherwise Separated (N6): Enter the date, in the format MMDDYY, that any officer or director retired or otherwise left the respondent during the year. (TMDATE)
11	Director Meetings Attended (N2) NO: Enter the number of meetings each director attended during the past year.
12	Officer/Director Special Remuneration Value (N8) DOL: If any officer and/or director reported in this schedule received remuneration from respondent, directly or indirectly, other than from salary and/or fees reported in data field 6 above, enter the value of the remuneration (in dollars).

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0105	CORPORATE OFFICERS/DIRECTORS	3 of 3

Data Field Number	Instructions
13	Officer/Director Special Remuneration Type (A44): Enter the particulars concerning any special remuneration received by any officer and/or director reported in data field 12 above. Give the essentials of any plan for remuneration and/or the basis for determining the ultimate benefits received by each officer and/or director. (IDDESC)
14	Officer/Director Insurance Type (A126): State briefly any arrangement paid for by the respondent on behalf of any officer or director, such as life insurance and indemnity or liability insurance, etc., and the value of such arrangement. If the insurance benefits listed in this data field apply to all officers/directors, report the required information only once under the officer or director whose title is President or Chairman of the Board. (IDDESC)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0107	SECURITY HOLDERS AND VOTING POWERS - TOTAL	1 of 1

I. DESCRIPTION

This schedule is used to collect summary information on the total number of votes and total holders of voting securities of the respondent.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A and Class B Natural Gas and Electric respondents and Class C and Class D Natural Gas respondents.

B. Class A and Class B respondents shall complete all data fields on this schedule in their first submission. Class C and Class D respondents shall complete data fields 1-3 and 7. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions, and deletions.

C. Data should be reported as of the latest record date as specified in data field 7.

D. Separate issues of preference stock should be totaled and reported in data fields 2 and 5.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Total Votes - Common Stock (N9) NO.
2	Total Votes - Preferred Stock (N9) NO.
3	Total Votes - Other Voting Securities (N9) NO.
4	Total Number of Holders - Common Stock (N9) NO.
5	Total Number of Holders - Preferred Stock (N9) NO.
6	Total Number of Holders - Other Voting Securities (N9) NO.
7	Latest Record Date (N6): Enter the latest record date, in the format MMDDYY. (TMDATE)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0108	SECURITY HOLDERS AND VOTING POWERS	1 of 1

I. DESCRIPTION

This schedule is used to collect detailed information on holders of the respondent's outstanding securities and voting power thereof, to include:

(a) the ten security holders with the highest voting powers and,

(b) the security holdings and voting powers of any officer or director of the respondent not included in (a) above.

II. GENERAL INFORMATION

A. This schedule shall be completed by Class A, Class B, Class C and Class D Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields) and changed values, additions and deletions.

C. In data fields 4-7, state the number of votes which each security holder would have had the right to cast on the latest record date, if a meeting were then in order. The latest record date should be reported on Schedule 0107, data field 7.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field numbers:

Data Field Number	Instructions
1 (Key)	Name of Security Holder (A35): (IDNAME)
2	Location of Security Holder (A22): Enter the state abbreviation in the first two positions of the data field, from the Register of Data Standards, IDSTAT, followed by the city name (IDCITY).
3	Officer/Director Indicator (N1): If the security holder named in data field 1 above, is an officer or director within the respondent's organization, enter "1"; if not, enter "0". (INYONO)
4	Total Number of Votes (N8) NO.
5	Votes - Common Stock (N8) NO.
6	Votes - Preferred Stock (N8) NO.
7	Votes - Other Voting Securities (N8) NO.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0111	NOTES TO SECURITY HOLDERS AND VOTING POWERS	1 of 2

I. DESCRIPTION

This schedule is used to collect additional information related to (a) stock options, warrants or rights outstanding at end of the year, and (b) the voting rights and privileges carried by any security other than the rapondents common and praferred stock.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A, Class B, Class C and Class D Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually as necessary to support schedule Nos. 0107 and 0108.

C. This schedule supports information included on two schedules:

Schedule 0107 - "Security Holders and Voting Powers - Total"

Schedule 0108 - "Security Holders and Voting Powers."

D. Furnish particulars concerning any options, warrants, or rights outstanding at the end of the year for others to purchase securities of the respondent or any securities or other assets owned by the respondent. Particulars should include names of the parties granted the options, warrants or rights, the prices to be paid, expiration dates, and other material information relating to the exercise of the securities or assets. Specify the name of any officer, director, associated company, or any of the ten largest security holders who hold stock options warranty or rights at the end of the year.

E. Give complete description of any other security carrying voting rights and explain the circumstances whereby the security became vested with voting rights. If any class or issue of security (other than common or preferred stock) has any special privileges in the election of directors, trustees or managers, or in the determination of corporate action by any method, explain the extent and circumstances.

F. This schedule is not applicable to convertible securities or to any securities substantially all of which are outstanding in the hands of the general public where the options, warrants, or rights were issued on a prorata basis.

G. If the respondent needs additional space to complete the text information (data field 4) for any particular note, use a separate entry, repeating the same information in data fields 1 and 2 and using successive numbers (1, 2, 3, etc.) in data field 3.

III. DETAILED INSTRUCTIONS

The following data field-by data field instructions are cross-referenced to the corresponding schedule layouts by data field number:

Data Field Number	Instructions
1 (Key)	Type of Note (A60): Give a single word or short phrase identification such as: "options", "warrants," "rights," etc. (IDDESC)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0111	NOTES TO SECURITY HOLDERS AND VOTING POWERS	2 of 2

Data Field Number	Instructions
2 (Key)	Type of Note Sequence Number (N1): Use successive numbers to designate more than one occurrence of specific type of security or item listed in data field 1 above. If only one occurrence for a particular item, report "1". (NRCADL)
3 (Key)	Entry Continuation Number (N1): Use successive numbers to designate continuation entries of textual information for a particular item listed in data field 1. If only one textual entry is needed to report the required disclosure, enter "1". (NRCADL)
4	Text of Note (A249): (IDDESC)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0112	ANNUAL NOTES TO FINANCIAL DATA	1 of 4

I. DESCRIPTION

This schedule is used to collect information deemed necessary for adequate disclosure to support the financial data, including the financial statements, presented to the Commission in the annual filing, to include the following aspects:

A. Disclosures of all important accounting policies.

B. Disclosure of accounting changes made during the year which had significant effect on the reported net income.

C. Disclosure of all contingent assets or liabilities or significant commitments existing at the end of the year which have not been reflected in the financial data.

D. Disclosure of any other important changes occurring during the year which have not been provided elsewhere in the filing.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A, Class B, Class C and Class D Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. Respondents will use the following guidelines to report disclosure information, using titles underlined below as the Type of Note in data field 1:

1. Accounting Policies: In disclosing its accounting policies, the respondent should identify and describe the accounting principles it has utilized, the methods of applying those principles and the impact of such policies on the financial data submitted. Examples of accounting policies that may be considered significant together with suggested minimum disclosure requirements include:

(a) Plant and Depreciation

(b) Federal Income Tax Expense

(1) Details on the accounting treatment for Federal income taxes (flow through, full normalization, partial normalization).

(2) Details on the ratemaking treatment for Federal income taxes (flow through, full normalization, partial normalization).

(3) Details on accounting for the allocation of income taxes between utility and non-utility segments of company operations.

(4) Details on the accounting for IRS settlements as claim for refunds.

(5) Details on the accounting for recognition of operating loss carrybacks and carryforwards.

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DETAILED INSTRUCTIONS: SCHEDULE 0112	ANNUAL NOTES TO FINANCIAL DATA	2 of 4

(6) If the provisions of the tax laws are being utilized with respect to plant property (ADR class life and liberalized depreciation, repair allowance, etc.) for Federal income tax purposes and the resultant benefits are being flowed through the income statement, disclose the effect of such on the income statement.

(c) Investment Tax Credits

(1) Details on the method of accounting adopted for investment tax credits utilized in the current year.

(2) Details on whether the respondent has consented or is required by a regulatory commission to pass the benefits of investment tax credits along to consumers.

(3) For each year beginning with 1971, details on the ratemaking treatment of these credits to include option for (1) rate base treatment, (2) ratable flow through, (3) flow through in accordance with Section 46 (f) of the Internal Revenue Code, or (4) other method.

(d) Equity Accounting

(e) Unbilled Revenues

(f) Deferred Fuel Cost

Details on the accounting and ratemaking treatment for deferred fuel cost, to include whether specific approvals have been received from regulatory commissions to defer and recover these costs for ratemaking purposes.

(g) Deferrals of Expense or Other Items

(h) Reacquisition of Long Term Debt

(1) Details on the amount of gains and/or losses for the year from reacquistion of long term debt.

(2) Details on the accounting for such gains or losses (included in income/amortized).

(3) Details on the accounting treatment of unamortized debt discount and expense if different from the requirements of the Uniform System of Accounts.

(i) Pension Plan

(1) Details on the method of funding.

(2) Details on the pension cost for the current year charged to expense and capital accounts.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0112	ANNUAL NOTES TO FINANCIAL DATA	3 of 4

(3) Details on the amount of unfunded vested benefite.

(4) Details on the effect of the Security Act of 1974 on annual pension cost.

(5) Details on any changes in method of funding for the year.

(j) Research and Development

(k) Other

2. Accounting Changes: Information on important accounting changes should include the nature of and justification for the change, and should include the dollar effect of the change on the reported financial data. The respondent should utilize the following definition of an accounting change taken from Opinion No. 20 of the Accounting Principles Board for purposes of this requirement.

The term accounting change means a change in (a) an accounting principle, (b) an accounting estimate, or (c) the reporting entity.

In considering the importance of an accounting change, the respondent should consider the impact (or estimated impact), on not only the financial data for the current reporting period, but should also consider the financial impact of the changes on subsequent years results of operations.

3. Contingencies or Commitments: Information on all contingent assets or liabilities or significant commitments shall include all pertinent facts surrounding such matters. Examples of matters that should be reported in this section include:

(a) Particulars of all important legal proceedings pending at the end of the year and the results of proceedings culminated during the year, including the related accounting for any settlements.

(b) Commitments related to the respondent's construction program.

(c) Long term commitments on the purchase of fuel supply.

(d) Short term bank borrowing arrangements including open lines of credit, compensating balance arrangements, commitment fees, and average annual effective interest rates.

(e) Details on obligations incurred or assumed by respondent as guarantor for performance by another of any agreement or obligation. Such information shall include the amount of the obligation and the name of the commission authorizing assumption, if any, and date of authorization.

4. Other Important Changes: Information on other important changes during the year shall disclose all significant changes occuring during the year not provided for elsewhere in the Schedules in this filing.

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DETAILED INSTRUCTIONS: SCHEDULE 0112	ANNUAL NOTES TO FINANCIAL DATA	4 of 4

Examples of changes include changes in articles of incorporation or amendments to the corporate charter; acquisition of ownership in other companies; recognition, merger or consolidation with other companies, particulars if control over respondent was held by a receiver or trustee.

For securities assumed during the year, the name of the company from which the liability was assumed and other particulars of the transaction should be included in data field 4. For Class A and B respondents, if any unamortized discount, premium, expenses and/or gains or losses were taken over into the respondent's books, details of these amounts should be included in schedule 0123, "Securities Assumed, Refunded or Retired during the Year," data fields 5-9. Additional disclosure on the respondent's accounting policy with respect to gains and losses on security transactions should be included under item (h), above, of this schedule.

D. If the respondent needs additional space to complete the text information (data field 4) for any particular note, use a separate entry, repeating the same information in data fields 1 and 2 and using successive numbers (1, 2, 3, etc.) in data field 3.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Type of Note (A60): Examples: (IDDESC) Policies - Income Tax Expense Policies - Equity Accounting Changes - Unbilled Revenues Contingencies/Commitments - Construction Program
2	Note Number (N1): Use successive numbers to designate more than one occurrence of the type of note listed in data field 1 above. If only one occurrence is needed for a particular type note, enter "1". (NRCADL)
3	Entry Continuation Number (N1): Use successive numbers to designate continuation entries of textual information for a particular note. If only one textual entry is needed to report the required disclosure, enter "1" in this data field. (NRCADL)
4	Text of Note (A249): (IDDESC)

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0124	LIST OF ACCOUNTS - PART IV (NATURAL GAS CLASS C AND CLASS D)	1 of 9

I. DESCRIPTION

This schedule is used to collect the end of year balance or the amount for the year for certain accounts of the Uniform System of Accounts and certain other financial data that has been categorized as Supplemental Accounts. (For a discussion of the relationship between the two systems of accounts see General Instructions for Corporate, Economic and Other Financial Schedules.) This schedule replaces several former schedules which reported details of:

- Comparative Balance Sheet
- Statement of Income for the Year
- Statement of Retained Earnings for the Year
- Other supporting schedules, including account balances from numerous schedules.

The account numbers to be used from the two systems of accounts are listed in General Information, II-C.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class C and Class D Natural Gas respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. The data to be reported is structured upon the account groupings from the Uniform System of Accounts augmented by a system of Supplemental Accounts to integrate related data. Included on this schedule are five account groupings, each identified by title and source:

Account Group	Title	Source
1	Balance Sheet Accounts	Uniform System of Accounts/ Supplemental Accounts
2	Income Statement Accounts	Uniform System of Accounts/ Supplemental Accounts
3	Retained Earnings Accounts	Uniform System of Accounts
4	Other Accounts	Uniform System of Accounts/ Supplemental Accounts
5	Departmental Accounts	Supplemental Accounts

Those respondents with only one utility department in their internal organization shall report groups 1 through 4, while those with more than one department shall report groups 1 through 5.

Respondents should start each account group on a new schedule collection sheet. Within each group, account numbers should be listed according to numerical sequence.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0124	LIST OF ACCOUNTS - PART IV (NATURAL GAS CLASS C AND CLASS D)	2 of 9

1. Balance Sheet Accounts: Respondents shall report the applicable accounts from the Uniform System of Accounts and the Supplemental Accounts:

Uniform System of Accounts	Supplemental Accounts	Description	Details on Related Schedules
		ASSETS AND OTHER DEBITS	
		Utility Plant	
101.00		Gas plant in service	0144
102.00		Gas plant purchased or sold	0144
103.00		Gas plant in process of reclassification	0144
104.00		Gas plant leased to others	0144
105.00		Gas plant held for future use	0144
107.00		Construction work in progress - gas	0144
110.00		Accumulated provision for depreciation, depletion, and amortization of gas utility plant	0188
114.00		Gas plant acquisition adjustments	
116.00		Other gas plant adjustments	
	116.90	Total Utility Plant and Adjustments	
117.00		Gas stored underground - noncurrent	
118.00		Other utility plant	
119.00		Accumulated provision for depreciation and amortization of other utility plant	
	119.90	Net Utility Plant	
121.00		Nonutility property	
122.00		Accumulated provisions for depreciation and amortization of nonutility property	
	122.90	Net (Accounts 121.00 - 122.00)	
124.00		Other investments	
125.00		Special funds	
		CURRENT AND ACCRUED ASSETS	
131.00		Cash and working funds	
132.00		Temporary cash investments	
141.00		Notes receivable	
142.00		Customer accounts receivable	
143.00		Other accounts receivable	
144.00		Accumulated provision for uncollectable accounts - credit	
145.00		Notes receivable from associated companies	
146.00		Accounts receivable from associated companies	
150.00		Materials and supplies	
164.10		Gas stored underground - current	
164.20		Liquefied natural gas stored	
165.00		Prepayments	
170.00		Other current and accrued assets	
	179.90	Total Current and Accrued Assets	

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DETAILED INSTRUCTIONS: SCHEDULE 0124	LIST OF ACCOUNTS - PART IV (NATURAL GAS CLASS C AND CLASS D)	3 of 9

Uniform System of Accounts	Supplemental Accounts	Description	Details on Related Schedules
		DEFERRED DEBITS	
181.00		Unamortized debt expense	
182.00		Extraordinary property losses	
183.00		Other deferred debits	
187.00		Deferred losses from disposition of utility plant	
189.00		Unamortized loss on reacquired debt	
190.00		Accumulated deferred income taxes	
191.00		Unrecovered purchased gas costs	
	198.90	Total Deferred Debits	
	199.90	Total Assets and Other Debits	
		LIABILITIES AND OTHER CREDITS	
		PROPRIETARY CAPITAL	
201.00		Common capital stock	0132
204.00		Preferred capital stock	0132
207.00		Other paid-in capital	
212.00		Installments received on capital stock	
213.00		Discount on capital stock	
214.00		Capital stock expense	
215.00		Appropriated retained earnings	
216.00		Unappropriated retained earnings	
217.00		Reacquired capital stock	0132
218.00		Noncorporate proprietorship	
	219.90	Total Proprietary Capital	
		LONG-TERM DEBT	
221.00		Bonds	0133
223.00		Advances from associated companies	0161
224.00		Other long-term debt	0161
225.00		Unamortized premium on long-term debt	
226.00		Unamortized discount on long-term debt - debit	
	229.90	Total Long-Term Debt	
		CURRENT AND ACCRUED LIABILITIES	
231.00		Notes payable	
232.00		Accounts payable	
233.00		Notes payable to associated companies	
234.00		Accounts payable to associated companies	
235.00		Customer deposits	
236.00		Taxes accrued	
237.00		Interest accrued	

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0124	LIST OF ACCOUNTS - PART IV (NATURAL GAS CLASS C AND CLASS D)	4 of 9

Uniform System of Accounts	Supplemental Accounts	Description	Details on Related Schedules
238.00		Other current and accrued liabilities	
	249.90	Total Current and Accrued Liabilities	
		DEFERRED CREDITS	
252.00		Customer advances for construction	
253.00		Other deferred credit	
255.00		Accumulated deferred investment tax credits	0162
256.00		Deferred gains from disposition of utility plant	
257.00		Unamortized gain on reacquired debt	
281.00		Accumulated deferred income taxes - accelerated amortization property	
282.00		Accumulated deferrad income taxes - other property	
283.00		Accumulated deferred income taxes - other	
	284.90	Total Deferred Credits	
		OPERATING RESERVES	
261.00		Property insurance reserve	
262.00		Injuries and damages reserve	
263.00		Pensions and benefits reserve	
265.00		Miscellaneous operating reserves	
	269.90	Total Operating Reserve	
	299.90	Total Liabilities and Other Credits	

2. Income Statement Accounts: Respondents shall report the applicable accounts from the Uniform System of Accounts and Supplementary Accounts. Respondents with more than one department report in this group the totals of operating expenses for all departments, and in group 5, report separate details of operating expenses for each department.

Uniform System of Accounts	Supplemental Accounts	Description	Details on Related Schedules
		UTILITY OPERATING INCOME	
400.00		Operating revenues	
412.00		Revenues from plant leased to others	
401.00		Operation expense	
402.00		Maintenance expense	
403.00		Depreciation and depletion expense	

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DETAILED INSTRUCTIONS: SCHEDULE 0124	LIST OF ACCOUNTS - PART IV (NATURAL GAS CLASS C AND CLASS D)	5 of 9

Uniform System of Accounts	Supplemental Accounts	Description	Details on Related Schedules
404.00		Amortization of limited-term gas plant	
405.00		Amortization of other gas plant	
406.00		Amortization of gas plant acquisition adjustments	
407.10		Amortization of property losses	
408.10		Amortization of conversion expenses	
		Taxes other than income taxes, utility operating income	
409.10		Income taxes, utility operating income	
410.10		Provision for deferred income taxes, utility operating income	
411.10		Provision for deferred income taxes - credit, utility operating income	
411.40		Investment tax credit adjustments, utility operations	
411.60		Gains from disposition of utility plant	
411.70		Losses from disposition of utility plant	
413.00		Expenses of gas plant leased to others	
	413.90	Total Utility Operating Expenses	
	414.90	Net Utility Operating Income	
		OTHER INCOME AND DEDUCTIONS	
		OTHER INCOME	
415.00		Revenues from merchandising, jobbing and contract work	
416.00		Costs and expenses of merchandising, jobbing and contract work	
417.00		Revenues from nonutility operations	
417.10		Expenses of nonutility operations	
418.00		Nonoperating rental income	
419.00		Interest and dividend income	
419.10		Allowance for funds used during construction	
421.00		Miscellaneous nonoperating income	
421.10		Gain on disposition of property	
		OTHER INCOME DEDUCTIONS	
421.20		Loss on disposition of property	
425.00		Miscellaneous amortization	
426.10		Donations	
426.20		Life insurance	
426.30		Penalties	
426.40		Expenditures for certain civic, political and related activities	
426.50		Other deductions	

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DETAILED INSTRUCTIONS: SCHEDULE 0124	LIST OF ACCOUNTS - PART IV (NATURAL GAS CLASS C AND CLASS D)	6 of 9

Uniform System of Accounts	Supplemental Accounts	Description	Details on Related Schedules
		TAXES APPLICABLE TO OTHER INCOME AND DEDUCTIONS	
408.20		Taxes other than income taxes, other income, and deductions	
409.20		Income taxes, other income and deductions	
410.20		Provisions for deferred income taxes and other income and deductions	
411.20		Provision for deferred income taxes - credit, other income and deductions	
411.50		Investment tax credit adjustments, non-utility operation	
420.00		Investment tax credits	
	426.90	Net Other Income and Deductions	
		INTEREST CHARGES	
427.00		Interest on long-term debt	
428.00		Amortization of debt discount and expense	
428.10		Amortization of loss on reacquired debt	
429.00		Amortization of premium on debt - credit	
429.10		Amortization of gain on reacquired debt - credit	
430.00		Interest on debt to associated companies	
431.00		Other interest expense	
	431.90	Total Interest Charges	
	432.90	Income Before Extraordinary Items	
		EXTRAORDINARY ITEMS	
434.00		Extraordinary income	
435.00		Extraordinary deductions	
409.30		Income taxes - extraordinary items	
433.00		Balance transferred from net income	

3. Retained Earnings Accounts: Respondents shall report the applicable accounts for the Uniform System of Accounts:

Uniform System of Accounts	Supplemental Accounts	Description	Details on Related Schedules
436.00		Appropriations of retained earnings	
437.00		Dividends declared - preferred stock	
438.00		Dividends declared - common stock	
439.00		Adjustments to retained earnings	

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DETAILED INSTRUCTIONS: SCHEDULE 0124	LIST OF ACCOUNTS - PART IV (NATURAL GAS CLASS C AND CLASS D)	7 of 9

4. Other Accounts: Respondents shall report the applicable accounts from the Uniform System of Accounts and the Supplemental Accounts:

Uniform System of Accounts	Supplemental Accounts	Description	Details on Related Schedules
a. Gas Operating Revenue Accounts			
		SALES OF GAS	
480.00		Residential sales	0159
481.00		Commercial and industrial sales	0159
484.00		Interdepartmental sales	0159
483.00		Sales for resale	
	485.90	Total Sales of Gas	
		OTHER OPERATING REVENUES	
487.00		Forfeited discounts	
488.00		Miscellaneous service revenues	
489.00		Revenues from transportation of gas of others	
490.00		Sales of products extracted from natural gas	
491.00		Revenues from natural gas processed by others	
492.00		Incidental gasoline and oil sales	
493.00		Rent from gas property	
494.00		Interdepartmental rents	
495.00		Other gas revenues	
	495.90	Total Other Operating Revenues	
	496.90	Total Gas Operating Revenues	
b. Gas Operation and Maintenance Expense Accounts			
		Production expenses	
	709.90	Total manufactured gas production - operation and maintenance	
	718.90	Total natural gas production and gathering - operation and maintenance	
	719.90	Total products extraction - operation and maintenance	
	729.90	Total exploration and development - operation	
		Other gas supply expenses	
730.00		Natural gas purchases	
731.00		Other gas purchases	
731.10		Purchased gas cost adjustment	
732.00		Purchased gas expenses	
733.00		Gas withdrawn from underground storage - debit	
734.00		Gas delivered to underground storage - credit	

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DETAILED INSTRUCTIONS: SCHEDULE 0124	LIST OF ACCOUNTS - PART IV (NATURAL GAS CLASS C AND CLASS D)	8 of 9

Uniform System of Accounts	Supplemental Accounts	Description	Details on Related Schedules
735.00		Gas used in utility operations - credit	
736.00		Other gas supply expenses	
	736.90	Total Other Gas Supply Expenses	
	739.90	Total Production Expenses	
740.00		Operation supervision and labor	
741.00		Gas losses	
742.00		Operation supplies and expenses	
743.00		Storage well royalties	
744.00		Rents	
745.00		Maintenance of reservoirs and wells	
746.00		Maintenance of other underground storage plant	
747.00		Maintenance of other storage plant	
	749.90	Total storage expenses	
	759.90	Total transmission expenses	
	769.90	Total distribution expenses	
	905.90	Total customer accounts expenses	
	910.90	Customer service and informational expenses	
910.00		Sales expenses	
	939.90	Total administrative and general expenses	
	949.90	Total Gas Operation and Maintenance Expenses	

5. Departmental Accounts: Respondents with more than one utility department in their internal organization are required to report the following plant and income accounts on the basis of operating utility departments. Supplemental Account numbers have been established to collect this data. The Supplemental Account numbers will consist of a second decimal place after the appropriate Uniform System of Account numbers as follows: Gas department - XXX.X1; electric department - XXX.X2; common - XXX.X3; other departments - XXX.X5. When the basic number from the Uniform System of Accounts is a whole integer (e.g., 101), the Supplemental Account number will add a zero in the first decimal place (e.g., 101.0) and then the department code (e.g., 101.01). This has been adopted to insure uniformity with those few accounts from the Uniform System of Accounts with a decimal place (e.g., 401.1).

Uniform System of Accounts	Supplemental Accounts	Description	Details on Related Schedules
		UTILITY OPERATING INCOME	
400.00	XXX.X1 to	Operating revenues	
401.00	XXX.X5 for	Operation expense	
402.00	each Uniform	Maintenance expense	
403.00	System of	Depreciation and depletion expense	
404.00	Accounts Basic Number	Amortization and limited-term gas plant	

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0124	LIST OF ACCOUNTS - PART IV (NATURAL GAS CLASS C AND CLASS D)	9 of 9

Uniform System of Accounts	Supplemental Accounts	Description	Details on Related Schedules
405.00		Amortization of other gas plant	
406.00		Amortization of gas plant acquisition adjustment	
407.10		Amortization of property losses	
407.20		Amortization of conversion expenses	
408.10		Taxes other than income taxes, utility operating income	
409.10		Income taxes, utility operating income	
410.10		Provision for deferred income taxes, utility operating income	
411.10		Provision for deferred income taxes - credit, utility operating income	
411.40		Investment tax credit adjustments, utility operations	
411.60		Gains from disposition of utility plant	
411.70		Losses from disposition of utility plant	
	411.80	Total Utility Operating Expense	
	411.90	Net Utility Operating Income	

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): Refer to General Information, II-C.
2	Amount (N10) DOL.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0132	CAPITAL STOCK	1 of 2

I. DESCRIPTION

This schedule is used to collect selected details on capital stock included in Account 201.00, Common Stock Issued, Account 204.00, Preferred Stock Issued, and Account 217.00, Required Capital Stock.

II. GENERAL INFORMATION

This schedule shall be submitted by the following categories of respondents:

Respondent Category	Data Fields
(1) Class A & Class B Natural Gas and Electric	All
(2) Class C & Class D Natural Gas and Electric	1-4, 6, & 7

B. Respondents shall complete all specified data fields on this schedule annually.

C. Report the particulars called for concerning common and preferred stock at end of year. Report separately each series of and class of preferrad stock.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Class and Series of Stock (A40): The designation of each class of preferred stock shall show the dividend rate and whether the dividends are cumulative or noncumulative. Example: Preferred Series A 6% Cumulative. Shares authorized for each class of preferred stock should be shown once under the first series of each class as listed in data field 2. (IDDESC)
3	Number of Shares Authorized by Charter (N8) NO: Show the number of shares authorized by the articles of incorporation (as amended) at end of year.
4	Par or Stated Value Per Share (N5) DOL.
5	Call Price End of Year (N5) DOL.
6	Shares of Capital Stock Outstanding (N8) NO: State the total number of shares outstanding per balance sheet without reduction for amounts held by respondent.
7	Amount of Capital Stock Outstanding (N9) DOL. State the total amount outstanding per balance sheet without reduction for amounts held by respondent.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0132	CAPITAL STOCK	2 of 2

Data Field Number	Instructions
8	Number of Shares Held by Respondent as Reacquired Stock (N6) NO: Enter the total number of shares held by the respondent as reacquired stock as of the balance sheet date.
9	Cost of Reacquired Capital Stock (N7) DOL: Enter the cost of reacquired capital stock included in Account 217.00.
10	Number of Shares Held by Respondent in Sinking and Other Funds (N6) NO.
11	Cost of Stock Held in Sinking and Other Funds (N7) DOL.
12	Other Stock Particulars (A72): Give particulars of any nominally issued capital stock. If stock is pledged, state name of pledgee and purpose of pledge. State the amount of stock authorized by a regulatory commission but not issued at end of year. (IDDESC)

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0133	LONG-TERM DEBT	1 of 2

I. DESCRIPTION

This schedule is used to collect selected details on long-term debt included in Accounts 221.00, Bonds and 222.00, Reacquired Bonds.

II. GENERAL INFORMATION

A. This schedule shall be submitted by the following categories of respondents:

Respondent Category	Data Fields
(1) Class A & Class B Natural Gas and Electric	All
(2) Class C & Class D Natural Gas and Electric	1, 2, & 5-9

B. Repondents shall complete all appropriate data fields on this schedule annually.

C. For any long-carm debt retired during the year, complete information called for in data fields 1, 2, 6, and 8.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Class and Series Description of Obligation (A50): Enter class and series of long-term debt. For example: First Refunding Mortgage - Series B. (IDDESC)
3	Name of Issuing Company (A35): Enter the name of the company issuing the bonds for any bonds assumed by the respondent. (IDNAME)
4	Associated Company Indicator (N1): If company named in data field 3 above is an associated company, enter "1"; if not, enter "0". (INYONO)
5	Nominal Date of Issue (N6): Enter the date, in the format MMDDYY. (TNDATE)
6	Date of Debt Maturity (N6): Enter the date, in the format MMDDYY. (TNDATE)
7	Amount Outstanding (N9) DOL.
8	Amount of Interest for Year (N7) DOL: List the amount of interest expense for the year related to long-term debt listed in data field 2 above. Include any interest expense incurred

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0133	LONG-TERM DEBT	2 of 2

Data Field Number	Instructions
8 (cont'd)	during the year on any obligation retired or reacquired before end of year. Explain in a footnote, any difference between total of data field 8 and the total of Account 427.00, Interest on Long-Term Debt, and Account 430.00 Interest on Debt to Associated Companies.
9	Interest Rate of Debt (N2.3) PCT.
10	Reacquired Bonds Held by Respondent (N9) DOL: Enter the cost of reacquired bonds included in Account 222.00.
11	Sinking and Other Funds Held by Respondent (N9) DOL.
12	End of Year Redemption Price Per $100 (N3.2) DOL: Enter the redemption price (per $100) as of the end of the year. If noncallable, leave data field blank.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0141	INVESTMENT TAX CREDITS	1 of 2

I. DESCRIPTION

This schedule is used to collect information related to investment tax credits for the years 1962 to date.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A, Class B, Class C and Class D Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule in their first submission. On subsequent submissions, respondents shall submit only appropriate identification (key data fields and data fields 2 and 4) and changed values, additions, and deletions.

C. This schedule shall be prepared by the respondent regardless of the method of accounting adopted for the investment tax credits. The schedule collects details by years for all investment tax credits generated and utilized by the respondent beginning with 1962 through the current year. The required information for each year should be presented as adjusted at year end to reflect corrections of estimated amounts, carryback or carryforward of unused credits.

D. In the initial submission of this schedule, respondents will indicate Code "1" in data field 3 for each year's data. For subsequent submissions, respondents will use "1" (original) or "2" (corrected) as appropriate.

E. For electric respondents with more than one department, report tax credit for the electric department and the total of tax credits for all other departments. For natural gas respondents with more than one department, report tax credits for the gas department and the total of tax credits of all other departments.

II. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Year (N4): Beginning with 1962 enter the year. (THYEAR)
2	Rate (N2) PCT: Indicate 03 percent, 04 percent, 07 percent, 10 percent, 11 percent credits or other appropriate percent credits.
3	Indicator Original/Corrected (N1): Enter "1" at time of original submission. On subsequent submissions, enter "1" (original) or "2" (corrected) as appropriate. (INETOR)
4	Department (A3): Enter one of the following abbreviations to indicate department or operation: (TYUTIL) ELC = electric GAS = gas OTH = other

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0141	INVESTMENT TAX CREDITS	2 of 2

Data Field Number	Instructions
5	Credit Generated (N10) DOL: Enter the amount of investment tax credits generated from properties used in utility operations.
6	Credit Utilized (N10) DOL: Enter the amount of generated credits utilized in computing the Federal income tax liability for the year.
7	Unused Credit Available (N10) DOL: Enter the amount of unused tax credits available at end of each year.
8	Weighted Average Life of Property (N3.2) PCT: Enter the weighted average useful life of all eligible properties subject to the credit.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0144	PLANT IN SERVICE OR ALL UTILITY PLANT CLASS C AND CLASS D - PART II	1 of 2

I. DESCRIPTION

This schedule is used to collect detailed information on the additions, retirements, adjustments, transfers and end of year balances for utility plants.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class C and Class D Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. The following Uniform System of Accounts and Supplemental Accounts are to be reported by the appropriate respondents on this schedule.

Uniform System of Accounts	Supplemental Accounts	Description
Electric Respondents		
		ELECTRIC PLANT IN SERVICE
	303.90	Intangible plant
	319.90	Steam production
	339.90	Hydraulic production
	347.90	Other production
	359.90	Transmission plant
	379.90	Distribution plant
	399.90	General plant
101.00		Electric plant in service (total)
102.00		Electric plant purchased or sold
103.00		Electric plant in process of reclassification
104.00		Electric plant leased to others
105.00		Electric plant held for future use
107.00		Construction work in progress - electric
114.00		Electric plant acquisition adjustments
116.00		Other electric plant adjustments
118.00		Other utility plant
	119.90	Total Utility Plant
Natural Gas Respondents		
		GAS PLANT IN SERVICE
	303.90	Intangible plant
	320.90	Manufactured gas production plant
	339.90	Natural gas production and gathering plant
	347.90	Products extraction plant
	349.90	Total production plant
	359.90	Underground storage plant
	363.90	Local storage plant
	372.90	Transmission plant

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0144	PLANT IN SERVICE OR ALL UTILITY PLANT CLASS C AND CLASS D - PART II	2 of 2

Uniform System of Accounts	Supplemental Accounts	Description
	389.90	Distribution plant
	399.90	General plant
101.00		Total gas plant in service
102.00		Gas plant purchased or sold
103.00		Gas plant in process of reclassification
104.00		Gas plant leased to others
105.00		Gas plant held for future use
107.00		Construction work in progress - gas
114.00		Gas plant acquisition adjustments
116.00		Other gas plant adjustments
118.00		Other utility plant
	119.90	Total Utility Plant

D. Credit balances in data fields 2, 4, 5 and 6 should be indicated by a minus sign (-). Debit balances for plant retired (data field 3) should also be indicated by a minus sign.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): Enter the appropriate plant account number.
2 (Key)	Additions to Plant (N9) DOL: Enter additions for current year.
3	Retirements to Plant (N9) DOL: Enter retirements for current year.
4	Adjustments to Plant (N9) DOL: Enter the dollar amount of adjustments to plant account listed in data field 1 above.
5	Transfers of Plant in Service (N9) DOL: Enter reclassifications or transfers to plant within utility plant accounts or transfer from the detail plant in service function to another function.
6	Plant Balance End of Year (N10) DOL.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0159	OPERATING REVENUES	1 of 2

I. DESCRIPTION

This schedule is used to collect information pertaining to sales of electricity or natural gas and the number of utility customers for the year.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A, Class B, Class C and Class D Natural Gas and Electric respondents.

B. Natural gas respondents shall complete data fields 1-3 annually. Electric respondents shall complete data fields 1, 4 and 5 annually. Jurisdictional respondents for both natural gas and electric shall complete all data fields annually.

C. Report the requested information for the year for each of the following prescribed accounts:

1. Class A, Class B, Class C and Class D Electric respondents:

Uniform System of Accounts	Supplemental Accounts	Description
440.00		Residential sales
442.00		Commercial and industrial sales
	442.10	Small or commercial customers
	442.20	Large or industrial customers
444.00		Public street and highway lighting
445.00		Other sales to Public Authorities
447.00		Sales for resale
448.00		Interdepartmental sales
449.00		Other sales
	449.90	Total Sales of Electricity

2. Class A, Class B, Class C and Class D Natural Gas respondents:

Uniform System of Accounts	Supplemental Accounts	Description
480.00		Residential sales
481.00		Commercial and industrial sales
	481.10	Small or commercial customers
	481.20	Large or industrial customers
482.00		Other sales to Public Authorities
483.00		Sales for resale
484.00		Interdepartmental sales
	485.90	Total Sales of Gas

D. Number of customers shall be reported on the basis of number of meters, plus number of flat rate accounts, except that where separate meter readings are added for billing purposes, one customer should be counted for each group of meters so added. The average number of customers means the average of the 12 figures at the close of each month.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0159	OPERATING REVENUES	2 of 2

E. Natural gas means either natural gas unmixed or any mixture of natural and manufactured gas.

F. The classification of commercial and industrial sales according to small customer or commercial and large customer or industrial, may be according to the basis of classification regularly used by the respondent, provided such basis of classification is not greater generally than 1000 KW of demand for electricity or 200,000 MCF per year for natural gas companies.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2	Average Number of Monthly Natural Gas Customers (N7) NO.
3	Annual MMCF of Natural Gas Sold (N9.3) MMCF: Enter the annual MMCF, rounded to three decimal places.
4	Average Number of Monthly Electric Customers (N7) NO.
5	Annual MWH of Electricity Sold (N10) MWH.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0161	DETAILED ACCOUNT DATA - PART I	1 of 8

I. DESCRIPTION

This schedule is used to collect detailed information supporting the accounting entries of certain of the balance sheet accounts of the Uniform System of Accounts.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A, Class B, Class C and Class D Natural Gas and Electric respondents.

B. The following accounts are included in this schedule:

Uniform System of Accounts	Supplemental Accounts	Description
123.00		Investment in associated companies
123.10		Investment in subsidiary companies
124.00		Other investments
136.00		Temporary cash investments
145.00		Notes receivable from associated companies
146.00		Accounts receivable from associated companies
181.00		Unamortized debt expense
187.00		Deferred losses from disposition of utility plant
189.00		Unamortized loss on reacquired debt
215.00		Appropriated retained earnings
223.00		Advances from associated companies
224.00		Other long-term debt
225.00		Unamortized premium on long-term debt
226.00		Unamortized discount on long-term debt
233.00		Notes payable to associated companies
234.00		Accounts payable to associated companies
256.00		Deferred gains from disposition of utility plant
257.00		Unamortized gain on reacquired debt

Class A and Class B respondents report the details for all accounts listed on this schedule. Class C and Class D respondents report the details for Account 215.00 only.

C. Respondents shall report the information for each account listed above as specified in Part III, Detailed Instructions. Not every data field is required for every account. The data fields for each account shall be reported annually.

D. Total debits and credits for each account listed on this schedule should be provided for as the last entry for each account in data fields 3 and 4. Report the word "Total" in data field 2. Then report in data field 3 the total debits to the account, and in data field 4 the total credits to the account.

III. DETAILED INSTRUCTIONS

Instructions, cross-referenced to the schedule layout by data field number, are given below for each account to be reported.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0161	DETAILED ACCOUNT DATA - PART I	2 of 8

Accounts 123.00, 123.10, & 124.00

Report particulars for investments in associated and subsidiary companies and in other investments.

Investments in amounts of less than $10,000 may be grouped. For grouped items, enter the word "Other" in data field 2 together with the number of items grouped, i.e., Other (12). Report data for the grouped items in data fields 3, 4 and 5.

In reporting Account 123.10, include information pertaining to all investments other than common stock accounted for on the equity basis of accounting. Common stock investments under equity accounting should be included on Schedule 0125.

In reporting Account 124.00, do not include information pertaining to advances which are reported on Schedule 0142.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2)
2 (Key)	Description (A50): List separately each investment included in these accounts at any time during the year by the following groupings: Stock Bonds Advances Notes Other Provide a brief description of each investment to include name of issuer and where appropriate, the date acquired, the date issued and interest rate, i.e., Stock - ABC Corporation - 8/25/75 Note - XYZ Co. - 5/10/75 - 8% Stock - BCD Inc. - 3/1/75 Advances - Jones Corp. Bonds - Industrial Development - 8% State "Total" as last entry for each account. (IDDESC)
3	Debits - Amount (N9) DOL: Enter the amount of all purchases or other additions made during the year of the investment listed in data field 2 above.
4	Credits - Amount (N9) DOL: Enter the amount of all sales or other disposition made during the year of the investment listed in data field 2 above.
5	Balance End of Year (N9) DOL: Enter amount of investment at end of year.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0161	DETAILED ACCOUNT DATA - PART I	3 of 8

Data Field Number	Instructions
6	Particulars (A60): For advances which are open accounts, state "Open Account". For any investments which are pledged, state the name of the pledgee and the purpose of the pledge. For any investment which received the approval of a regulatory commission, give the name of the commission, date of authorization and the case or docket number. (IDDESC)
7	Principal Amount/Number of Shares (N9) NO.: For investments in bonds, enter the principal amount as of the end of the year. For investments in stock, enter the number of shares outstanding at the end of the year.
8	Revenues for Year (N8) DOL: Enter interest and dividends earned from investments during the year, including any revenues from securities disposed of during the year.
9	Date of Maturity (N6): Enter the date of maturity for each note or bond, in the format MMDDYY. (TMDATE)
10	Amount of Loss (N9) DOL: Enter the loss realized on disposition of the investment during the year.
11	Amount of Gain (N9) DOL: Enter the gain realized on disposition of the investment during the year.

Account 136.00.

Report information on temporary cash investments. Investments of less than $50,000 may be grouped. For grouped items enter the word "Other" in data field 2 with the number of items grouped, i.e., Other (12). Report data for the grouped items in data fields 3, 4 and 5.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): List separately each investment involved in this account by the following groupings: Notes Treasury Bills Commercial Paper Certificates of Deposit Other Provide a brief description of each investment to include name of issuer and where appropriate the date acquired and interest rate, i.e., Notes - General Motors Acceptance Corp. - 10/15/75 - 8%

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0161	DETAILED ACCOUNT DATA - PART I	4 of 8

Data Field Number	Instructions
2 (cont'd)	State "Total" as last entry. (IDDESC)
3	Debits - Amount (N9) DOL: Enter the amount of all purchases or other additions of the investment listed in data field 2 above, made during the year.
4	Credits - Amount (N9) DOL: Enter the amount of all sales or other disposition of the investment listed in data field 2 above, made during the year.
5	Balance End of Year (N9) DOL: Enter amount of investment at end of year.
8	Interest/Revenues for Year (N8) DOL: Enter the interest earned from the investment during the year.
10	Amount of Loss (N9) DOL: Enter the loss realized on disposition of the investment during the year.
11	Amount of Gain (N9) DOL: Enter the gain realized on disposition of the investment during the year.

Accounts 145.00, 146.00, 233.00, & 234.00

Report information on transactions with associated companies.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): For notes receivable or notes payable, state name of associated company, the date of note and interest rate. For accounts receivable or accounts payable, state name of associated company. State "Total" as last entry for each account. (IDDESC)
3	Debits - Amount (N9) DOL: Enter the total amount of debits for year for each note or account listed in data field 2 above.
4	Credits - Amount (N9) DOL: Enter the total amount of credits for year for each note or account listed in data field 2 above.
5	Balance End of Year (N9) DOL.
6	Particulars (A60): For each note, state the purpose for which the note was issued or received. If any note was received in satisfaction of any open account, state the number of years the account was open. For any note or account pledged or discounted, state the name of the third party. (continued)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0161	DETAILED ACCOUNT DATA - PART I	5 of 8

Data Field Number	Instructions
6 (cont'd)	If the respondent is holding collateral in connection with a note or open account, state the type and value of the collateral. (IDDESC)
8	Interest for Year (N8) DOL: Enter interest recorded during the year on accounts and notes listed in data field 2 above.
9	Date of Maturity (N6): For each note enter the date of maturity, in the format MMDDYY. (TMDATE)

Accounts 181.00, 225.00, & 226.00

Report information on unamortized expense, premium and discount on long-term debt.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): List the type of debt followed by the class and series of debt, i.e., First Mortgage Bonds - Series H - 6 1/8% Convertible Debentures - 6 1/4% Pollution Control Bonds - 7% State "Total" as last entry for each account. (IDDESC)
3	Debits - Amount (N9) DOL.
4	Credits - Amount (N9) DOL.
5	Balance End of Year (N9) DOL.
6	Particulars (A60): Explain the planned disposition for any undisposed amounts applicable to issues which were redeemed in prior years. (IDDESC) Explain the nature of any debits and credits other than amortization debited to Account 428.00, Amortization of Debt Discount and Expense, or credited to Account 429.00, Amortization of Premium on Debt - Credit.
9	Date of Maturity (N6): Enter the date of maturity of the related debt issue, in the format MMDDYY. (TMDATE)
12	Period of Amortization (A5): Enter the period amortization was debited to Account 428.00, in the format YY-YY. (IDDESC)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0161	DETAILED ACCOUNT DATA - PART I	6 of 8

Accounts 187.00, & 256.00

Report information related to deferrals of losses or gains to disposition of utility plant. Losses or gains on property with an original cost of less than $50,000 may be grouped. For grouped items, enter the word "Other" in data field 2 with the number of items grouped, i.e., Other (12). Report data for the grouped items in data fields 3, 4 and 5.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): Give a brief description of the property creating the deferred loss or gain and the date the loss or gain was originally recognized. Enter "Total" as last entry for each account. (IDDESC)
3	Debits - Amount (N9) DOL: For Account 187.00, enter the total amount of losses incurred from the disposition of utility plant during the year. For Account 256.00, enter the total amount of amortizations (to Account 411.60) of previously recorded gains during the year.
4	Credits - Amount (N9) DOL: For Account 187.00, enter the amount of amortizations during the year (to Account 411.70) of previously recorded losses. For Account 256.00, enter the total amount of gains resulting from the disposition of utility plant during the year.
5	Balance End of Year (N9) DOL.
6	Particulars (A60): Give the date of Commission approval of journal entries. Where approval has not been received, give explanation. (IDDESC)
10	Amount of Loss (N9) DOL: For Account 187.00, enter the amount of original loss on the disposition of the property.
11	Amount of Gain (N9) DOL: For Account 256.00, enter the amount of original gain on the disposition of the property.

Accounts 189.00 & 257.00

Report information on reacquired debt. Gains or losses of less than $25,000 may be grouped. For grouped items, enter the word "Other" in data field 2 with the number of items grouped, i.e., Other (12). Report data for the grouped items in data fields 3, 4 and 5.

If certain series of debt were reacquired at different times during the year, the information should be summarized and the totals reported in data fields 2-11.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0161	DETAILED ACCOUNT DATA - PART I	7 of 8

Gains and losses on particular class and series of debt reacquired during a year should not be netted, but the resulting gain or loss amounts should be classified and reported as either Account 189.00 or 257.00

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): Enter the type, class of debt and the year(s) the debt was reacquired, i.e., Sinking Fund Debentures - 5% - 1974 Sinking Fund Debentures - 5% - 1975 Enter "Total" as last entry for each account. (IDDESC)
3	Debits - Amount (N9) DOL.
4	Credits - Amount (N9) DOL.
5	Balance End of Year (N9) DOL.
6	Particulars (A60): If gain or loss resulted from a refunding transaction, state the maturity date of the new issue. (IDDESC) Explain any debits and credits other than amortization debited to Account 428.10, Amortization of Loss on Reacquired Debt or credited to Account 429.10, Amortization of Gain on Reacquired Debt - Credit.
7	Principal Amount (N9) DOL: Enter the principal amount of debt listed in data field 2 above, reacquired during the year.
9	Date of Maturity (N6): Enter the maturity date of long-term debt, in the format MMDDYY. (TMDATE)
10	Amount of Loss (N9) DOL: Enter the amount of loss realized for the year for each class and series of debt listed in data field 2 above.
11	Amount of Gain (N9) DOL: Enter the amount of gain realized from the year for each class and series of debt listed in data field 2 above.

Account 215.00

Report information on appropriations of retained earnings.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)

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Data Field Number	Instructions
2 (Key)	Description (A50): Describe the purpose of each appropriation of retained earnings. Enter "Total" as last entry. (IDDESC)
3	Debits - Amount (N9) DOL.
4	Credits - Amount (N9) DOL.
5	Balance End of Year (N9) DOL.
6	Particulars (A60): Explain the nature of any debit entries to this account during the year. (IDDESC)

Accounts 223.00 & 224.00

Report information on advances from associated companies and other long-term debt.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): For each advance made by an associated company included in Account 223.00, enter the name of the associated company. For other long-term debt included in Account 223.00, describe the nature of the debt. Enter "Total" as last entry for each account. (IDDESC)
3	Debits - Amount (N9) DOL: For advances, enter the principal amount repaid and any other debit entries during the year to the associated company listed in data field 2 above. For other debt, enter the principal amount and any other debit entries repaid during the year.
4	Credits - Amount (N9) DOL: For advances, enter the principal amount advanced and any other credit entries during the year by the associated company entered in data field 2 above. For other debt, enter the principal amount and any other credit entries issued during the year.
5	Balance End of Year (N9) DOL.
6	Particulars (A60): For associated company advances, state whether the advance is a note (demand or otherwise) or open account. If advance was authorized by a commission, state the name of the commission and date approved. For Account 223.00, enter the date the note was issued and the interest rate. (IDDESC)
8	Interest/Revenue for Year (N8) DOL: Enter the amount of interest for the year associated with the advances and other debt entered in data field 2 above.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0162	DETAILED ACCOUNT DATA - PART II	1 of 12

I. DESCRIPTION

This schedule is used to collect detailed information supporting the accounting entries to certain balance sheet and retained earning accounts of the Uniform System of Accounts and the Supplemental Accounts.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A, Class B, Class C and Class D Natural Gas and Electric respondents.

B. The following accounts are included on this schedule:

Uniform System of Accounts	Supplemental Accounts	Description
114.00		Utility plant acquisition adjustments
115.00		Accumulated provision for amortization of utility plant acquisition adjustments
116.00		Other utility plant adjustments
120.10		Nuclear fuel in process of refinement, conversion, enrichment and fabrication
	120.11	Nuclear fuel in process - fabrication
	120.12	Nuclear fuel in process - nuclear materials
	120.13	Nuclear fuel in process - allowance for funds used during construction
	120.14	Nuclear fuel in process - other overhead
120.20		Nuclear fuel materials and assemblies - stock account
120.30		Nuclear fuel assemblies in reactor
120.40		Spent nuclear fuel
120.50		Accumulated provision for amortization of nuclear fuel assemblies
121.00		Nonutility property
122.00		Accumulated provision for depreciation and amortization of nonutility property
	144.10	Accumulated provision for uncollectable accounts - utility customers
	144.20	Accumulated provision for uncollectable accounts - merchandise, jobbing, and contract work
	144.30	Accumulated provision for uncollectable accounts - officers and employees
	144.40	Accumulated provision for uncollectable accounts - other
157.00		Nuclear materials held for sale
	157.10	Nuclear materials held for sale - uranium
	157.20	Nuclear materials held for sale - plutonium
	157.30	Nuclear materials held for sale - other
182.00		Extraordinary property losses
183.00		Preliminary survey and investigation charges
183.10		Preliminary natural gas survey and investigation charges

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0162	DETAILED ACCOUNT DATA - PART II	2 of 12

Uniform System of Accounts	Supplemental Accounts	Description
183.20		Other preliminary survey and investigation charges
186.00		Miscellaneous deferred debits
209.00		Reduction in par or stated value of capital stock
210.00		Gain on resale or cancellation of reacquired capital stock
211.00		Miscellaneous paid-in capital
213.00		Discount on capital stock
214.00		Capital stock expense
216.10		Unappropriated undistributed subsidiary earnings
253.00		Other deferred credits
	255.10	Accumulated deferred investment tax credits - electric or gas department
	255.20	Accumulated deferred investment tax credits - other departments
261.00		Property insurance reserve
262.00		Injuries and damages reserve
263.00		Pensions and benefits reserve
264.00		Amortization reserve - Federal
265.00		Miscellaneous operating reserves
437.00		Dividends declared - preferred stock
438.00		Dividends declared - common stock
439.00		Adjustments to retained earnings

Class A and Class B Electric respondents report the detail for all accounts above except Accounts 183.10 and 183.20.

Class A and Class B Natural Gas respondents report the detail for all accounts above except Accounts 120.10 through 120.50, 157.00 through 157.30, 183.00 and 264.00.

Class C and Class D Natural Gas and Electric respondents report only the detail for Accounts 216.00, 255.10, 255.20, 437.00, 438.00 and 439.00.

C. Respondents shall report the information for each account as specified in Part III, Detailed Instructions. Not every data field is required for every account. The data fields for each account shall be reported annually.

D. Data fields 5 or 6 provide space for entry of one account number. If more than one account has been debited or credited for the item listed in data field 2, list the major account in data field 5 or 6 and the remaining accounts in data field 8, Particulars.

III. DETAILED INSTRUCTIONS

Instructions, cross-referenced to the schedule layout by data field number, are given below for each account to be reported.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0162	DETAILED ACCOUNT DATA - PART II	3 of 12

Accounts 114.00, 115.00 & 116.00

Report particulars for utility plant acquisition or other adjustments.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): Explain the nature of each plant acquisition adjustment in Account 114.00 and plant adjustment in Account 116.00. For companies who utilize Account 115.00, provide the same description for each acquisition adjustment as provided under Account 114.00. Include the name of the company from which the property was acquired. (IDDESC)
3	Debits - Amount (N9) DOL.
4	Credits - Amount (N9) DOL.
5	Contra Account Credited (N3.2): (ACCTML)
6	Contra Account Debited (N3.2): (ACCTML)
8	Particulars (A60): For acquisition adjustments occuring during the year, state date of transaction and date journal entries clearing Account 102.00, Plant Purchased or Sold, were accepted for filing by the Commission. Give the data Commission authorized the amortization of acquisition adjustments. Explain the plan of disposition of any acquisition adjustments not currently being amortized. (IDDESC)
9	Balance End of Year (N10) DOL.
10	Period of Amortization (A5): Enter the period of amortization by years, in the format YY-YY, i.e., 74-79. (IDDESC)

Accounts 120.10 through 120.14, 120.20 through 120.50, & 157.00 through 157.30

Report the costs incurred for nuclear fuel materials on hand, in reactor, and in cooling owned by the respondent.

If the nuclear fuel stock is obtained under leasing arrangements, details of the leasing arrangements should be included on Schedules 0170 and 0171.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
3	Debits - Amount (N9) DOL: Enter the amount of additions during year.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0162	DETAILED ACCOUNT DATA - PART II	4 of 12

Data Field Number	Instructions
4	Credits - Amount (N9) DOL: Enter the amount transferred, amortized during year or the amount of other reductions to the cost of nuclear fuel made during the year.
8	Particulars (A60): Explain the nature of all credit entries to Accounts 120.10 through 120.14, except transfers to Account 120.20. For Accounts 120.20, 120.30 and 120.40, state the estimated net salvage value of nuclear materials related to nuclear fuel included in each account. Explain the reason for any adjustments (data field 7) to the cost previously recorded in these accounts. (IDDESC)
9	Balance End of Year (N10) DOL.

Account 121.00

Report particulars for nonutility property.

Information on specific property having a cost under $100,000 should be grouped. For grouped items, enter the word "Other" in data field 2 with the number of item grouped, i.e., Other (12). Report data for the grouped items in data field 3, 4, and 9. Properties previously devoted to public service are separate and distinct from those allowed to be grouped under this instruction.

Total debits and credits should be provided for in data fields 3 and 4. Report the word "Total" as the last item in data field 2, in the first five spaces, and in data field 3, the total debits to the account and in data field 4, the total credits to the account.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): Give a brief description and state the location (city, state) of nonutility property. (IDDESC)
3	Debits - Amount (N9) DOL: Enter the cost of any property described in data field 2 above, which was purchased or otherwise transferred to Account 121.00 during the year.
4	Credits - Amount (N9) DOL: Enter the cost of property described in data field 2 above, which was sold or otherwise transferred from Account 121.00 during the year.
8	Particulars (A60): List details of sales, purchases or transfers of nonutility property. For all property previously devoted to public service list date of transfer to Account 121.00. (IDDESC)
9	Balance End of Year (N10) DOL.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0162	DETAILED ACCOUNT DATA - PART II	5 of 12

Data Field Number	Instructions
11	Name of Company/Department (A35): If property is leased to another company, enter the name of lessee in this data field. (IDNAME)

Account 122.00

Report particulars for depreciation and amortization of nonutility property.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): Enter the word "Total". (IDDESC)
3	Debits - Amount (N9) DOL: Enter the total debits to Account 122.00 for the year. Total debits include the book cost of plant retired, the cost of removal and any other debit adjustments to the reserve.
4	Credits - Amount (N9) DOL: Enter the total credits to Account 122.00 for the year. Total credits include depreciation and amortization accruals for the year, salvage and any other credit adjustments by the reserve.
9	Balance End of Year (N10) DOL: Enter the end of year balance for accumulated depreciation and amortization of nonutility property.

Accounts 144.10 through 144.40

Report particulars for uncollectable accounts.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
3	Debits - Amount (N9) DOL: Enter the total debits for the year to each supplemental account listed in data field 1 above. Total debits include all accounts written off and other debit adjustment to the reserve.
4	Credits - Amount (N9) DOL: Enter the total credits for the year to each supplemental account listed in data field 1 above. Total credits include the annual provision for uncollectable accounts for the year, collections of accounts previously written off and any other credit adjustments to the reserve.
9	Balance End of Year (N10) DOL.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0162	DETAILED ACCOUNT DATA - PART II	6 of 12

Account 182.00

Report particulars for extraordinary property losses.

Total debits and credits should be provided for in data fields 3 and 4. Report the word "Total" as the last item in data field 2, in the first five space, and in data field 3, the total debits to the account and in data field 4, the total credits to the account.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): Provide a description of each property loss included in this account. (IDDESC)
3	Debits - Amount (N9) DOL: Enter the amount of any additional extraordinary property losses incurred during the year from property described in data field 2 above.
4	Credits - Amount (N9) DOL: Enter the amount of extraordinary property losses charged off during the current year relative to property described in data field 2 above.
6	Contra Account Debited (N3.2): Enter the contra account debited with losses charged off during the year (data field 4 above). (ACCTML)
8	Particulars (A60): Enter date of abandonment or loss and date of Commission authorizing for use of Account 182.00. (IDDESC)
9	Balance End of Year (N10) DOL.
10	Period of Amortization (A5): Enter period of amortization by year, in the format YY-YY, i.e., 74-84. (IDDESC)

Accounts 183.00 or 183.10 and 183.20

Report particulars for expenditures for preliminary survey.

Preliminary survey items with total expenditures to date under $50,000 should be grouped. For grouped items, enter the word "Other" in data field 2 with the number of items grouped, i.e., Other (12). Report data for the grouped items in data fields 3, 4 and 9.

Total debits and credits should be provided for in data field 3 and 4. Report the word "Total" as the last item in data field 2, in the first five spaces, and in data field 3 the total debits to the account and in data field 4 the total credits to the account.

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0162	DETAILED ACCOUNT DATA - PART II	7 of 12

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): Describe the nature and purpose of each project for which preliminary survey and investigation work has been done for the purpose of determining the feasibility of projects under contemplation. (IDDESC)
3	Debits - Amount (N9) DOL.
4	Credits - Amount (N9) DOL.
6	Contra Account Debited (N3.2): (ACCTML)
9	Balance End of Year (N10) DOL.

Account 186.00

Report particulars for miscellaneous deferred debits.

Deferred debit items of less than $25,000 should be grouped. For grouped items enter the word "Other" in data field 2 with the number of items grouped, i.e., Other (12), Report data for the grouped items in data fields 3, 4 and 9.

Total debits and credits should be provided for in data fields 3 and 4. Report the word "Total" as the last item in data field 2, in the first five spaces, and in data field 3 the total debits to the account and in data field 4 the total credits to the account.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): Give a brief description of the nature of the miscellaneous deferred debit item. Miscellaneous work in progress and regulatory commission expenses should be stated separately under the following titles: (IDDESC) Miscellaneous Work in Progress Deferred Regulatory Commission Expenses
3	Debits - Amount (N9) DOL.
4	Credits - Amount (N9) DOL.
6	Contra Account Debited (N3.2): (ACCTML)
9	Balance End of Year (N10) DOL.
10	Period of Amortization (A5): For any deferred debit being amortized, enter the period of amortization, in the format YY-YY, i.e., 74-79. (IDDESC)

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RIS	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0162	DETAILED ACCOUNT DATA - PART II	8 of 12

Accounts 209.00, 210.00, 211.00, 213.00 and 214.00

Report particulars for other paid-in capital accounts.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): For Accounts 210.00, 213.00 and 214.00, state the class and series of stock to which each debit and credit are related. For Accounts 209.00 and 211.00, state the general nature of transactions which gave rise to the reported amounts. (IDDESC)
3	Debits - Amount (N9) DOL.
4	Credits - Amount (N9) DOL.
5	Contra Account Credited (N3.2): (ACCTML)
6	Contra Account Debited (N3.2): (ACCTML)
9	Balance End of Year (N10) DOL.

Account 216.10

Report particulars for unappropriated undistributed subsidiary earnings.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): Enter the word "Total". (IDDESC)
3	Debits - Amount (N9) DOL: Enter the amount of dividend received from subsidiaries and any other debit entries to this account during the year.
4	Credits - Amount (N9) DOL: Enter the amount of equity in subsidiary earnings and any other credit entries to this account during the year. Subsidiary losses should be included in data field 5 below, with the notation "Subsidiary Loss" included in data field 8 below.
5	Contra Account Credited (N3.2): (ACCTML)
8	Particulars (A60): Explain the nature of any debit or credit amounts included in data fields 4 or 5, other than subsidiary earnings or dividends. (IDDESC)
9	Balance End of Year (N10) DOL.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0162	DETAILED ACCOUNT DATA - PART II	9 of 12

Account 253.00

Report particulars for other deferred credits.

Report under this account any advance billings or receipts for gas sales or service classified in Account 253.00, but not related to take-or-pay arrangements. Take-or-pay arrangements should be included on Schedule 0131.

Other deferred credits or less than $25,000 should be grouped. For grouped items, enter the word "Other" in data field 2 with the number of items grouped, i.e., Other (12). Report data for the grouped items in data fields 3, 4 and 9.

Total debits and credits should be provided for in data fields 3 and 4. Report the word "Total" as the last item in data field 2, in the first five spaces, and in data field 3 the total debits to the account and in data field 4 the total credits to the account.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): Give a brief description of the nature of the other deferred credit item. (IDDESC)
3	Debits - Amount (N9) DOL.
4	Credits - Amount (N9) DOL.
5	Contra Account Credited (N3.2): (ACCTML)
9	Balance End of Year (N10) DOL.
10	Period of Amortization (A5): For any deferred credit being amortized, enter the period of amortization, in the format YY-YY, i.e., 74-79. (IDDESC)

Account 255.00

Report particulars for investment tax credits.

Information on investment tax credits should be stated separately for each of the applicable credit percentages. Do not group credit percentages.

Electric respondents with more than one utility department should report as the last entry for Account 255.10, the total of accumulated deferred investment tax credits for their electric department and as the last entry for Account 255.20, the total of accumulated deferred investment tax credits for all other departments combined. Natural Gas respondents with more than one utility department should report as the last entry for Account 255.10, the total of accumulated deferred investment tax credits for their gas department and as the last entry for Account 255.20, the total of accumulated deferred credits for all other departments combined.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0162	DETAILED ACCOUNT DATA - PART II	10 of 12

Respondents with only one utility department should report in data field 1, Account 255.00.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): In the first two spaces of data field 2, enter one of the following values: "03", "04", "07", "10" or "11" to indicate the appropriate investment tax credit rate. (IDDESC)
3	Debits - Amount (N9) DOL: Enter the amount of investment tax credits amortized to current year income related to each credit listed in data field 2 above.
4	Credits - Amount (N9) DOL: Enter the amount of investment tax credits deferred for the current year related to each credit listed in data field 2 above.
5	Contra Account Credited (N3.2): (ACCTML)
6	Contra Account Debited (N3.2): (ACCTML)
7	Adjustments - Amount (N9) DOL: Enter any adjustment of investment tax credit amounts previously recorded for this account.
8	Particulars (A60): Explain the reason for any adjustments (data field 7 above) to the account balance. Also include in this data field the amount of credits deferred for the year associated with leased property in the following manner: Leased property - $1,000,000. (IDDESC)
9	Balance End of Year (N10) DOL.
10	Period of Amortization (A5): Enter the average period over which the investment tax credits will be amortized to income, in the format YY-YY, i.e., 75-95. (IDDESC)

Accounts 261.00, 262.00, 263.00, 264.00, 265.00

Report particulars for operating reserve accounts.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): For accounts 216.00, 262.00, 263.00 and 264.00, state the nature of each entry included in data fields 3 and 4. For Account 265.00, identify each reserve therein separately and state the nature of the entry. If

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0162	DETAILED ACCOUNT DATA - PART II	11 of 12

Data Field Number	Instructions
2 (cont'd)	the entries in data fields 3-6 affect more than one department, indication of each department affected should be made by placing letter E (electric), G (gas) or O (other) at the end of this data field. (IDDESC)
3	Debits - Amount (N9) DOL.
4	Credits - Amount (N9) DOL.
5	Contra Account Credited (N3.2): (ACCTML)
6	Contra Account Debited (N3.2): (ACCTML)
8	Particulars (A60): For Account 261.00, Property Insurance Reserve and 262.00, Injuries and Damages Reserve, explain the nature of the risks covered by the reserves. (IDDESC)
9	Balance End of Year (N10) DOL.

Accounts 437.00 & 438.00

Report particulars for dividends declared.

Data Field Numbers	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): For Account 437.00, state the class and series of stock and the type of dividend (cash, stock, other forms). For Account 438.00, state the type of dividend and the dividend rate per share. Provide a detailed description if dividends are in forms other than cash or stock. (IDDESC)
9	Amount for Year (N10) DOL: Enter the total amount of dividends for each class and series listed in data field 2 above.

Account 439.00

Report particulars for adjustments to retained earnings.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): Describe briefly each debit or credit adjustment to retained earnings. The income tax effect of each adjustment to retained earnings should be included in data field 3 or 4 below, as appropriate. (IDDESC)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0162	DETAILED ACCOUNT DATA - PART II	12 of 12

Data Field Number	Instructions
3	Debits - Amount (N9) DOL.
4	Credits - Amount (N9) DOL.
5	Contra Account Credited (N3.2): (ACCTML)
6	Contra Account Debited (N3.2): (ACCTML)

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0163	DETAILED ACCOUNT DATA - PART III	1 of 9

I. DESCRIPTION

This schedule is used to collect detailed information supporting end of year balances or amounts for certain of the Uniform System of Accounts and the Supplemental Accounts.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A, Class B, Class C and Class D Natural Gas and Electric respondents.

B. The following accounts are included on this schedule:

Uniform System of Accounts	Supplemental Accounts	Description
154.00		Plant materials and operating supplies
	165.10	Prepaid insurance
	165.20	Prepaid rent
	165.30	Prepaid taxes
	165.40	Prepaid interest
	165.50	Gas prepayments
	165.60	Other prepayments
174.00		Miscellaneous current and accrued assets
202.00		Common stock subscribed
203.00		Common stock liability for conversion
205.00		Prefarred stock subscribed
206.00		Praferred stock liability for conversion
207.00		Premium on capital stock
208.00		Donations received from stockholders
212.00		Installments received on capital stock
242.00		Miscellaneous current and accrued liability
	252.10	Customer advances for construction - electric department
	252.20	Customer advances for construction - gas department
	252.30	Customer advances for construction - other
419.00		Interest and dividend income
421.00		Miscellaneous nonoperating income
	421.10	Gain on disposition of property
	421.20	Loss on disposition of property
425.00		Miscellaneous amortization
	426.10	Miscellaneous income deductions - donations
	426.20	Miscellaneous income deductions - inaurance
	426.30	Miscellaneous income deductions - penalties
	426.41	Expenditures for certain civic, political and related activities - radio, television, and motion picture advertising
	426.42	Expenditures for certain civic, political and related activities - newspaper, magazine and pamphlet advertising
	426.43	Expenditures for certain civic, political and related activities - inserts in customers' bills or reports to stockholders

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0163	DETAILED ACCOUNT DATA - PART III	2 of 9

Uniform System of Accounts	Supplemental Accounts	Description
	426.44	Expenditures for certain civic, political and related activities - newspaper and magazine editorial services
	426.45	Expenditures for certain civic, political and related activities - other advertising
	426.46	Expenditures for certain civic, political and related activities - expenses other than advertising
426.50		Miscellaneous income deductions - other deductions
430.00		Income on debt to associated companies
431.00		Other interest expenses
436.00		Appropriations of retained earnings
813.00		Other gas supply expenses
858.00		Transmission and compression of gas by others
930.30		Industry association dues
930.40		Nuclear power, experimental and general research expenses
930.50		Stockholder expenses
930.60		Other expenses

Class A and Class B Electric respondents report detail for all accounts listed above except Account 165.10 through 165.60, 491.00, 813.00 and 858.00.

Class A and Class B Natural Gas respondents report detail for all accounts listed above.

Class C and Class D Electric and Natural Gas respondents report detail for Accounts 426.41 through 426.46 and 436.00.

C. Respondents shall report the information for each account as specified in Part III, Detailed Instructions. Not every data field is required for every account. The data fields for every account shall be reported annually.

III. DETAILED INSTRUCTIONS

Instructions, cross-referenced to the schedule layout by data field number, are given below for each account to be reported.

Account 154.00

Report information for plant materials and operating supplies.

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DETAILED INSTRUCTIONS: SCHEDULE 0163	DETAILED ACCOUNT DATA - PART III	3 of 9

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): Refer to General Informatioo, II-B. (ACCTML)
2 (Key)	Description (A50): Furnish a breakdown of plant materiels and operating supplies included in Account 154.00, according to the general character of the items. Examples: (IDDESC) Electric: Poles and pole materials; Steel tower and fittings; Conductor-wire-cable-insulators; Substation materials; Underground materials; Other operations: Maintenance materials, Auto parts & supplies, Stationery & supplies, Production M&S and spare Gas: Steel pipe line; Well casing; Valves and fittings; Meters, regulators and parts; Miscellaneous machine parts, tools & electrical supplies; Compressor station engine parts; Building materials, poles, paint, etc.; Miscellaneous equipment & supplies
3	Balance End of Year (N10) DOL.
4	Particulars (A60): State the amount of any important inventory adjustment made during the year to the classes of material listed in data field 2 above. For any clasa of material listed in data field 2 above, that pertains to other than the primary department, state in this data field the department affected. (IDDESC)

Accounts 165.10 - 165.60

Natural Gas respondents report information on prepayments.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): Refer to General Information, II-B. (ACCTML)
2	Description (A50): Furnish a description for any prepayment reported in Supplemental Account 165.60, Other Prepayments. (IDDESC)
3	Balance End of Year (N10) DOL.

Accounts 174.00 & 242.00

Report information on miscellaneous current and accrued assets and liabilities or liabilities of less than $25,000 may be grouped. For grouped items, enter the word

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"Other" in data field 2 with the number of items grouped, i.e., Other (12). Report data for the grouped items in data field 3.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): Refer to General Information, II-B. (ACCTML)
2 (Key)	Description (A50): Describe current and accrued assets or liabilities. (IDDESC)
3	Balance End of Year (N10) DOL.

Accounts 202.00, 203.00, 205.00, 206.00, 207.00, 208.00 and 212.00

Report information on other capital stock accounts.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): Refer to General Information, II-B. (ACCTML)
2	Description (A50): For Accounts 202.00 and 205.00, enter the subscription price on each class of stock at year end. For Accounts 203.00 and 206.00, describe the agreement under which a conversion liability existed at end of year. For Account 208.00, provide an explanation of the origin and purpose of each donation. For Account 212.00, state each class and series of capital stock with an outstanding installment at year end. For Account 207.00, state the class and series of stock giving rise to the premium. Provide a brief explanation of any premiums arising from transactions with associated companies. If additional information is required for adequate disclosure, use data field 4, Particulars. (IDDESC)
3	Balance End of Year (N10) DOL: Enter the balance end of year associated with the item listed in data field 2 above.
4	Particulars (A60): Enter the number of shares at year end, if applicable. (IDDESC)

Accounts 252.10 - 252.30

For respondents with more than one utility department, report information on customer advances by departments.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): Refer to General Information, II-B. (ACCTML)
3	Balance End of Year (N10) DOL: Enter the balance of customer advances at the end of year for each account listed in data field 1 above.

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DETAILED INSTRUCTIONS: SCHEDULE 0163	DETAILED ACCOUNT DATA - PART III	5 of 9

Account 419.00

Report information on interest and dividend income.

Interest and dividend items in amounts of less than $10,000 may be grouped. For grouped items, enter the word "Other" in data field 2 with the number of items grouped, i.e., Other (12). Report data for the grouped items in data field 3.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): Income from investments included in Accounts 123.00, 124.00 and 136.00, should be grouped and listed in this data field as: Income from Investments - Accounts 123.00 and 124.00 Income from Investments - Account 136.00 Provide a description of any other income or expense items included in Account 419.00. (IDDESC)
3	Amount for Year (N10) DOL.

Account 421.00

Report information on miscellaneous nonoperating income.

Amounts of less than $10,000 may be grouped. For grouped items, enter the word "Other" in data field 2 with the number of items grouped, i.e., Other (12). Report data for the grouped items in data field 3.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): Provide a description of each miscellaneous nonoperating income and/or expense item. (IDDESC)
3	Amount for Year (N10) DOL.

Accounts 421.10, 421.20

Report information related to disposition of property.

Individual gain or losses relating to property with an original cost of less than $50,000 may be grouped with the number of items in data field 2.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)

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Data Field Number	Instructions
2 (Key)	Description (A50): Provide a brief description of the location of property (city and state) and original cost of property disposed of during the year. (IDDESC)
3	Amount for Year (N10) DOL: Enter amount of gain or loss associated with the disposition of property reported in data field 2 above.
4	Particulars (A60): Enter the name of the party acquiring the property, when acquired by another utility or an associated-company. Enter the classification of the property prior to its disposition (in-service, future use nonutility, etc.) Also enter the date of Commission approval of journal entries when approval is required, i.e., Commission approval 5.10.75. Where approval is required but has not been received, provide an explanation. (IDDESC)

Account 425.00

Report information on miscellaneous amortization.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): Describe the nature of items being amortized. (IDDESC)
3	Amount for Year (N10) DOL: Enter the total amount amortization charges for the year for each item listed in data field 2 above.
4	Particulars (A60): Enter the period of amortization for any item listed in data field 2 above. (IDDESC)

Accounts 426.10, 426.20, 426.30, & 426.50

Report information on miscellaneous income deduction accounts.

Amounts of less than $1,000 may be grouped. For grouped items, enter the word "Other" in data field 2 with the number of items grouped, i.e., Other (12). Report data for the grouped items in data field 3.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): Refer to General Information, II-B. (ACCTML)
2 (Key)	Description (A50): Report the nature of the income deduction and the payee. (IDDESC)

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DETAILED INSTRUCTIONS: SCHEDULE 0163	DETAILED ACCOUNT DATA - PART III	7 of 9

Data Field Number	Instructions
3	Amount for Year (N10) DOL.

Accounts 426.41 - 426.46

Report all expenditures incurred by the respondent during the year for the purpose of influencing public opinion with respect to the election or appointment of public officials, referenda, legislation or ordinances (either with respect to the possible adoption of new referenda, legislation or ordinances or repeal or modification of existing referenda, legislation or ordinances); approval, modification, or revocation of franchises; or for the purpose of influencing the decisions of public officials which are accounted for as Other Income Deductions, Expenditures for Certain Civic, Political and Related Activities; Account 426.40.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): Refer to General Information, II-B. (ACCTML)
2 (Key)	Description (A50): Indicate the nature and purpose of the activity. (IDDESC)
3	Amount for Year (N10) DOL.

Account 430.00

Report information related to interest on associated company debt.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): List the name of the associated company, the type of debt involved and interest rate: (IDDESC) Jones Company - Advance - 6% Ace Company - Note - 8%
3	Amount for Year (N10) DOL.

Account 431.00

Report information on other interest expense.

Amounts of less than $10,000 may be grouped. For grouped items, enter the word "Other" in data field 2 with the number of items grouped, i.e., Other (12). Report data for the grouped items in data field 3.

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DETAILED INSTRUCTIONS: SCHEDULE 0163	DETAILED ACCOUNT DATA - PART III	8 of 9

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): Describe the nature of the selected debt or other interest expense item. Include also the interest rate, if not provided elsewhere in this filing. Examples: (IDDESC) Customer Deposits - 7% Notes Payable - Banks - 8-9% Notes Payable - Commercial Paper - 7% Notes Payable - Other Other
3	Amount for Year (N10) DOL.

Account 436.00

Report information on appropriations of retained earnings made during the year.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): State purpose of any appropriation of retained earnings made during the year. (IDDESC)
3	Amount for Year (N10) DOL.

Account 813.00

Natural Gas repondents only report information on other gas supply expenses.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): Provide a description of the nature of the other gas supply expense item. (IDDESC)
3	Amount for Year (N10) DOL.

Account 858.00

Natural Gas respondents only report information on expenses paid for transmission and compression of gas by others.

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DETAILED INSTRUCTIONS: SCHEDULE 0163	DETAILED ACCOUNT DATA - PART III	9 of 9

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2 (Key)	Description (A50): State name of company and a description of the service performed. (IDDESC)
3	Amount for Year (N10) DOL.

Accounts 930.30 - 930.60

Report information on miscellaneous general expenses.

For Accounts 930.30 - 930.50, complete data fields 1 and 3 only.

Account 930.50, Stockholder Expenses, includes publishing and distributing information to stockholders.

For Account 930.60, list separately in data field 2 each item of miscellaneous other expense of $500 or more. Amounts of less than $500 may be grouped. For grouped items, enter the word "Other" in data field 2 with the number of items grouped, i.e., Other (12). Report data for the grouped items in data field 3.

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): Refer to General Information, II-B. (ACCTML)
2 (Key)	Description (A50): Describe each item of miscellaneous other expenses. (IDDESC)
3	Amount for Year (N10) DOL.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0168	GAS PURCHASES	1 of 4

I. DESCRIPTION

This schedule is used to collect data relating to gas purchases during the year.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A, Class B, Class C and Class D Natural Gas respondents.

B. Respondents shall complete all appropriate data fields on this schedule annually.

C. Class A and Class B Natural Gas respondents are to report information according to the following accounts:

Uniform System of Accounts	Supplemental Accounts	Description
800.00		Natural gas well head purchases
801.00		Natural gas field line purchases
802.00		Natural gas gasoline plant outlet purchases
803.00		Natural gas transmission line purchases
804.00		Natural gas city gate purchases
805.00		Othar gas purchases

Class C Natural Gas respondents report information according to the following accounts:

	730.01	Natural gas purchases - well head
	730.02	Natural gas purchases - field line
	730.03	Natural gas purchases - gasoline plant outlet
	730.04	Natural gas purchases - other
731.00		Other gas purchases

Class D Natural Gas respondents report information according to the following accounts:

730.00	Natural gas purchases
731.00	Other gas purchases

D. For Class A and Class B respondents, purchases of less than 100,000 MCF per year per contract from sellers not affiliated with the reporting company shall be grouped by account number according to jurisdictional and nonjurisdictional sales, except when the purchases were permanently discontinued during the reporting year. The number of purchases so grouped under each category shall be noted in a footnote. For example, Other Jurisdictional (10) or Other Nonjurisdictional (5).

E. For Class C and Class D respondents, field purchases of less than $25,000 per year from individual non-associated vendors shall be grouped by fields or production areas. For Class C and Class D respondents where purchases are from unitized fields or vendor is a partnership or joint interest arrangement, specify such fact in a footnote and give name of unit operator, principal partner, or largest owner of joint interest, as appropriate.

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DETAILED INSTRUCTIONS: SCHEDULE 0168	GAS PURCHASES	2 of 4

F. Report gas quantity in MMCF rounded to three decimal places at a uniform pressure base of 14.73 PSIA at 60° Fahrenheit. If the reported gas quantity is an estimated value, state such fact in a footnote.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): (ACCTML)
2* (Key)	Seller Code (N6): All respondents, enter the seller code, from the Register of Data Standards, IDRESP.
3	Et Al. Indicator (N1): Enter "1" to indicate that an et al. party is involved; otherwise, enter "0". If an et al. party is involved, the seller identified by data field 2 above should be the principle party.
4	State Abbreviation (A2): Class A and Class B respondents, enter the abbreviation, from the Register of Data Standards, IDSTAT, to designate the state where the gas is received. For Class C and Class D respondents, report the state abbreviation for well head or field line purchases.
5	County Code (N3): Class A and Class B respondents, enter the code, from the Register of Data Standards, IDCNTY, to designate the county where the gas is received. If the gas is received in more than one county, use the code designation for the county receiving the largest volume of gas. For Class C and Class D respondents, report the county code for well head or field line purchases.
6	Name of Producing Field or Plant (A26): Class A and Class B respondents, enter the name of the producing field if using Accounts 800.00 and 801.00. Class A and Class B respondents also, report the name of the field or plant contributing the largest volume of gas if purchases under a contract are from more than one field or plant. For Class C respondents, report the gas field or production for well head or field line purchases. (IDGFPL)
7	Associated Company Indicator (N1): All respondents, enter "1" in this data field if the seller is an associated company; if not, enter "0". (INYONO)

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DETAILED INSTRUCTIONS: SCHEDULE 0168	GAS PURCHASES	3 of 4

Data Field Number	Instructions
8	Rate Schedule Number (A11): For Class A, Class B, Class C and Class D respondents, report the assigned Federal Power Commission rate schedule number or small producer certificate docket number. If a sale is nonjurisdictional, enter "999" in this data field. For Class C and Class D respondents, intrastate purchases for which there is no required filing of a Federal Power Commission rate schedule shall be specified as "intrast". If for any purchase more than one rate schedule was in effect during the year, show the most recent rate schedule designation and in a footnote give superceded rate schedules and date of supersession or a succinct explanation. The operator's rate schedule designation is sufficient in cases where there are co-owners under the same purchase contract, but the entire volume of gas and amount, data fields 12 and 13 below, must be shown for the purchases under the particular contract. Rate schedule designations are not required with respect to small purchases grouped as permitted by General Information, II-D. (IDRATE)
9	Net Rate Effective December 31st of Report Year (N3.2) CTS/MCF: All respondents, state the average net rate in cents per MCF (rounded to two decimal places) as of December 31st, for the reported year, applicable to the volume shown in data field 12 below. The net rate includes all additive charges and tax reimbursements and is net of all applicable deductions and downward adjustments. The rate is effective if filed pursuant to applicable statutes and regulations and (as to Federal Power Commission rate schedules) permitted by the Commission to become effective.
10	Date of Current Contract (N6): All respondents, enter the date in the format MMDDYY, of the gas purchase contract. For Class A and Class B, show the date of the original contract if gas is purchased under a renegotiated contract. If new acreage is dedicated by ratification of an existing contract show the date of the ratification, rather than the date of the original contract. If gas is being sold from a different reservoir than the original dedicated acreage pursuant to Section 2.56 (f) (2) of the Commission's Rules of Practice and Procedure, report the original contract date as per usual practice. (TMDATE)
11	Approximate BTU Per Cubic Foot (N4) BTU/CF: All respondents, enter for each purchase the approximate BTU per cubic foot, determined in accordance with the definition of BTU per cubic foot of the General Instructions for this packet of schedules.

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DETAILED INSTRUCTIONS: SCHEDULE 0168	GAS PURCHASES	4 of 4

Data Field Number	Instructions
12	Quantity of Gas Purchased (N9.3) MMCF: All respondents, report the volume of purchased gas finally measured for the purpose of determining the amount payable for the gas. Include current year receipts of make-up gas that was paid for in prior years. Report gas in MMCF rounded to three decimal places.
13	Cost of Gas (N9) DOL: All respondents, state the amount paid and previously paid for the volumes of gas shown in data field 12 above.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0181	GAS ACCOUNT - NATURAL GAS	1 of 2

I. DESCRIPTION

This schedule is used to collect data on total quantities of natural gas received and delivered during the year.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class A, Class B, Class C and Class D Natural Gas Pipeline respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. Information on natural gas quantities received and delivered shall be reported by utilizing to the extent possible the appropriate Uniform System of Account numbers which were used to record the related cost. In addition, Supplemental Account numbers have been developed to handle instances where no Uniform System of Account numbers formerly existed. The following accounts shall be reported:

Uniform System of Accounts	Supplemental Accounts	Description	Receipts (Data Field 2)	Deliveries (Data Field 3)
	478.00	Natural gas produced	X	
	479.00	LPG & manufactured gas produced	X	
800.00		Natural gas well head purchases	X	
801.00		Natural gas field line purchases	X	
802.00		Natural gas gasoline plant outlet purchases	X	
803.00		Natural gas transmission line purchases	X	
804.00		Natural gas city gate purchases	X	
805.00		Other gas purchases	X	
806.00		Exchange gas	X	X
808.00		Gas withdrawn from storage - Debit	X	
809.00		Gas delivered to storage - Credit		X
810.00		Gas used for compression station fuel - Credit		X
811.00		Gas used for products extraction - Credit		X
812.00		Gas used for other utility operation - Credit		X
858.00		Transmission and compression of gas by others	X	X
927.00		Franchise requirements	X	X
480.00		Residential sales		X
	481.10	Commercial and industrial sales - small or commercial		X
	481.20	Commercial and industrial sales - large or industrial		X
482.00		Other sales to public authority		X
483.00		Sales for resale		X
484.00		Interdepartmental sales		X

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DETAILED INSTRUCTIONS: SCHEDULE 0181	GAS ACCOUNT - NATURAL GAS	2 of 2

Uniform System of Accounts	Supplemental Accounts	Description	Receipts (Data Field 2)	Deliveries (Data Field 3)
489.00		Revenues from transportation of gas of others	X	X
	940.00	Unaccounted for gas - total	X	X
	941.00	Unaccounted for gas - production system	X	X
	942.00	Unaccounted for gas - storage system	X	X
	943.00	Unaccounted for gas - transmission system	X	X
	944.00	Unaccounted for gas - distribution system	X	X
	945.00	Unaccounted for gas - other	X	X
	946.00	Other receipts/deliveries	X	X
	947.00	Total Gas Quantity	X	X

D. Class A and Class B respondents shall report utilizing all of the above accounts. Class C and Class D respondents shall report only Accounts 478.00, 946.00, and 940.00 through 945.00.

E. Report gas quantity in MMCF rounded to three decimal places, at a uniform pressure base of 14.73 PSIA at 60° Fahrenheit. If the reported gas quantity is an estimated value, state such fact in a footnote.

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): Enter the account number, from the Register of Data Standards, ACCTML, and General Information, II-C above.
2 (Key)	Quantity Received (N9.3) MMCF: Enter the quantity of gas received, in MMCF rounded to three decimal places.
3 (Key)	Quantity Delivered (N9.3) MMCF: Enter the quantity of gas delivered, in MMCF rounded to three decimal places.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: ACCUMULATED PROVISION FOR DEPRECIATION, SCHEDULE 0188 DEPLETION, AND AMORTIZATION OF UTILITY PLANT		1 of 2

I. DESCRIPTION

This schedule is used to collect data relating to changes in accumulated provisions for depreciation, depletion and amortization of utility plants for the year according to utility departments.

II. GENERAL INFORMATION

A. This schedule shall be submitted by Class C and Class D Natural Gas and Electric respondents.

B. Respondents shall complete all data fields on this schedule annually.

C. The following Supplemental Account numbers are to be used as a means of grouping information for reporting purposes:

Uniform System of Accounts	Supplemental Accounts	Description
Natural Gas respondents		
	110.10	Accumulated provision for depreciation, depletion and amortization of utility plant - gas
	110.20	Accumulated provision for depreciation, depletion and amortization of utility plant - other
Electric respondents		
	110.10	Accumulated provision for depreciation, depletion and amortization of utility plant - electric
	110.20	Accumulated provision for depreciation, depletion and amortization of utility plant - other

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number:

Data Field Number	Instructions
1 (Key)	Account Number (N3.2): State the Supplemental Account number listed in General Information, II-C. (ACCTML)
2 (Key)	Total Depreciation Accruals for the Year (N8) DOL: Report the total amount accruals for the year.
3	Net Charges for Plant Retired During Year (N8) DOL: State the net charges for plant retired, to include: book cost of plant, salvage and cost of removal.
4	Other Items - Net (N8) DOL: State the net amount of any other entries to the reserve during the year.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: ACCUMULATED PROVISION FOR DEPRECIATION SCHEDULE 0188 DEPLETION, AND AMORTIZATION OF UTILITY PLANT		2 of 2

Data Field Number	Instructions
5	Balance End of Year (N8) DOL: State the accumulated provision balance at the end of the year.
6 (Key)	Description of Other Debit/Credit (A40): Provide a description for each entry included in data field 4 above. (IDDESC)
7	Other Debit Items (N7) DOL: Enter the amount related to the debit item described in data field 6 above.
8	Other Credit Items (N7) DOL: Enter the amount related to the credit item described in data field 6 above.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0000 FOOTNOTES TO FPC PUBLIC USE SCHEDULES		1 of 2

I. DESCRIPTION

This schedule is used to collect the text for all footnote references for a respondent submission.

II. GENERAL INFORMATION

A. This schedule shall be submitted when applicable by all respondents for reporting footnotes to FPC Public Use Schedules.

B. The footnote reference numbers must be unique within a particular submission.

C. The respondent has to indicate two major types of footnotes.

1. General Footnote - The General Footnote can refer to either the entire schedule or one data field on the schedule, i.e. all data which is reported for data field 5 on the schedule not just one specific value for data field 5.

2. Specific Footnote - The Specific Footnote can refer either to an entire logical entry, i.e. group of related data which separates as an entity on a schedule or a data item within the logical entry.

The following entries are provided as an example:

Type Footnote	Data Field 2 (Footnote No.)	Data Field 3 (Ref. ID)
1. General Footnote		
a. Entire schedule	001	GEN
b. All data values for data field 5 entries on this schedule	001	005
All data values for data field 6 entries on this schedule	001	006
2. Specific Footnote		
a. Entire logical entry	002	GEN
b. Data item entry	002	004
	002	006
	002	008

III. DETAILED INSTRUCTIONS

The following data field-by-data field instructions are cross-referenced to the corresponding schedule layout by data field number.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 0000 FOOTNOTES TO FPC PUBLIC USE SCHEDULES		2 of 2

Data Field Number	Instructions
1 (Key)	Schedule Number (N4): Enter the number of the schedule on which the footnote reference number was assigned, e.g., 0501 or 0505.
2 (Key)	Footnote Number (N3): Enter the unique footnote reference number from 001-999 for each particular submission.
3 (Key)	Reference Identification (A3): Enter "GEN" for Type 1a and 2a footnotes, i.e., footnotes that apply to the entire schedule (or to an entire logical entry) or enter the appropriate data field number for the specific data field value being footnoted (Type 1b or 2b).
4 (Key)	Line Sequence Number (N2): Enter 01, 02 etc., for each successive line of text.
5 (Key)	System Code (N6): This data field applies only to Electric respondents reporting data by system. Enter the six digit number code for the system, from the Register of Data Standards, IDSYST.
6 (Key)	Plant ID (N5): This data field applies only to Electric respondents reporting data by plant. Enter the five digit numeric code for the plant, from the Register of Data Standards, IDPLNT.
7 (Key)	Project Development Code (A5): This data field applies only to Electric respondents reporting data by license projects. Enter the five digit numeric code for the license project, from the Register of Data Standards, IDLPRJ.
8	Text (A72): Enter the text of the footnote. Use successive lines as required for text. Repeat Data Fields 1-3, 5 or 6 as applicable, and increment Data Field 4 (Line Sequence Number) by 1.

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R&S	FEDERAL POWER COMMISSION REGULATORY INFORMATION SYSTEM	
DETAILED INSTRUCTIONS: SCHEDULE 1000	SUPPORTING DOCUMENTATION	1 of 1

I. DESCRIPTION

This schedule is used to collect schedule related supporting documentation not required by the Public Use Schedules.

II. GENERAL INFORMATION

A. This schedule shall be submitted by any Federal Power Commission respondent who desires to provide supportive documentation or any additional information relating to the Public Use Schedules.

B. This schedule shall be completed only as deemed necessary by the respondent or where specifically requested by detailed instructions for other schedules.

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(5-76)

Attachment D

FEDERAL POWER COMMISSION

Corporate and Financial Reports for Class C and Class D
Natural Gas Companies

V41N155 AUG 10 76 UMI

Comparison and Cross-Reference of Proposed OR1S Schedules
with FPC's Annual Report Form No. 2-A

Proposed ORIS Schedule No.	Title	Replaces (whole or in part) Schedule Page No.	U. S. of A. Account No. Reference	Highlights of Proposed Changes from Previous Reporting Requirements
0101	General Corporate Information	1	-	Respondents will complete all data fields on this schedule in their first submission, and on subsequent submissions, respondents shall submit only appropriate changes, additions, or deletions.
0102	Control Over Respondent	1	-	Data to be filed on a one-time basis, see proposed 0101, above. Represents data required by last instruction on page 1 (old).
0103	Corporations Controlled by Respondent	1	-	Data to be filed on a one-time basis, see proposed 0101, above. Represents data required by last instruction on page 1 (old).
0135	Corporate Officers/ Directors	3	-	Data to be filed on a one-time basis, see proposed 0101, above. No apparent reporting requirement changes, only format.
0137	Security Holders and Voting Powers - Total	3	-	Data to be filed on a one-time basis, see above, proposed 0101. Present reporting requirements of page 3 and has been spread to this and the next [illegible] proposed schedules, in order to accomodate the data processing system. No reporting requirements changed, only format as described above.
0138	Security Holders and Voting Powers	3	-	Data to be filed on a one-time basis, see proposed 0101 above. Covers data presently required by page 3 instruction. No reporting requirement changes, only [illegible]
0141	Notes to Security Holders and Voting Powers	3	-	Covers data presently required by page 3 instruction. No additional reporting requirement changes, only format.
0142	Notes to Financial Data	2, 3, 9	-	This schedule is proposed [illegible] for additional information [illegible] for adequate disclosure to support the data presently reported on the pages listed in column 3 and on the new proposed schedules containing financial data. No new or additional requirement, only the format and location of the notes to various schedules is proposed.
0154	List of Accounts - Pt. IV			
	1. Balance Sheet Accounts	4, 5	101-299	Report only the balance end of year, by account number, for each account within the Uniform System of Accounts. Deleted the requirement for reporting balance beginning of year and amount of increase or (decrease). Notes are to be reported at proposed 0112, detailed reporting by account in a few places which required aggregate reporting on old schedule. Supplemental Account numbers have been established for reporting purposes.
	2. Income Statement Accounts	8, 9	400-414, 433, 434-435	Report only the amount for the year, by account number. Deleted reporting of "Change from Prior Year." Supplemental account numbers have been established for reporting purposes.
	3. Retained Earnings Account	10	433, 438-439	Report only amount for year for each account listed. Details to be reported on proposed 0161.
	4. Others: a. Gas Operating Revenues	7	480-495	Report only amount for year for each account listed, details to be reported on proposed 0159.

Attachment B

- 2 -

Proposed ORIS Schedule No.	Title	Replaces (whole or in part) Schedule Page No.	U. S. of A. Account No. Reference	Highlights of Proposed Changes from Previous Reporting Requirements
0124	4. Others (Cont'd): b. Gas Operation Re- Maintenance Expense Acc't.	7	700-799, 900-949	Supplemental account numbers assigned for coding purposes. No new reporting requirements.
	5. Departmental Account	8, 9	400-411	Supplemental account numbers have been assigned to indicate the various departments, e.g. electric, gas, common, steam, other. Total for current year to be reported only. Deleted requirement for reporting "Change from Prior Year."
0132	Capital Stock	6	201, 204, 217	No new reporting requirements, only format.
0133	Long-Term Debt	6	221	No new reporting requirements, only format.
0141	Investment Tax Credits	15	-	Data to be filed on a one-time basis, with only changes, additions and [illegible] submitted thereafter, see proposed 0101, above. Information on the accounts for investment tax credits will be reported on proposed 0112.
0142	Plant In Service or All Utility Plants Class C and D - Part II	13	101-105, 107, 114, 118, 119, 300-399	Deleted reporting of balance beginning of year. Supplemental account numbers have been assigned to "total" for reporting purposes.
0159	Operating Revenues	7	480, 481, 483, 484	This schedule reports only quantity and number of customers. Supplemental account numbers assigned for reporting purposes. Changed the reporting of quantity of gas to MMcf at 14.73 psia at 60°F rounded to 3 decimal places.
0161	Detailed Account Data - Part I	19	215	No new reporting requirements, only format.
0162	Detailed Account Data - Part II	15, 16	216, 219, 437, 438, 439	No new reporting requirements, only format. Supplemental account numbers have been assigned for reporting purposes only of different departments. Balance beginning of year has been deleted.
0163	Detailed Account Data - Part III	16, 17	436, 426.4	Supplemental account numbers have been assigned to the 426.4 account for reporting purposes. Deleted requirement of reporting accounting entries for account 436.
0166	Gas Purchases	12	730, 731	Quantities reporting has been changed to Mcf at 14.73 psia at 60°F rounded to 3 decimal places. Class C will report by Account 731, Account 730 and supplemental account numbers 730.01 thru 730.04 (reporting purposes) and Class D will report by Account 730 only. There has been some clarifications made in the instructions for a better understanding of what is required to be reported.
0181	Gas Account - Natural Gas	14	-	Supplemental account numbers have been assigned for reporting purposes. Only required to report quantity of receipt of natural gas produced, other receipts/ deliveries and receipts/deliveries of unaccounted for gas. Quantity reporting is changed to Mcf at 14.73 psia at 60°F rounded to 3 decimal places.
0188	Accumulated Provision for Depreciation, Depletion and Amortization of Utility Plant	6	-	Supplemental account numbers have been assigned for reporting purposes. No new reporting requirements.

(The number of copies to be filed has been changed)
(from original and two to "original and four.")

Attachment E

FEDERAL POWER COMMISSION

Corporate and Financial Reports for Class C and Class D
Natural Gas Companies

V41 I155 AUG 10 76 UMI

DATA ITEM LIST MNEMONIC: ACGSCD

DATA ITEM LIST TITLE: FINANCIAL ACCOUNTS, GAS, C & D

DATA ITEM LIST DESCRIPTION: IDENTIFIES THE FINANCIAL ACCOUNTS COMPRISING THE UNIFORM SYSTEM OF ACCOUNTS AND RIS SUPPLEMENTARY ACCOUNTS (# ANNUAL ONLY, ## ANNUAL OR MONTHLY) FOR CLASS C & D GAS UTILITIES

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST:

	CODE
GAS PLANT IN SERVICE	101
GAS PLANT PURCHASED OR SOLE	102
GAS PLANT IN PROCESS OF RECLASSIFICATION	103
GAS PLANT LEASED TO OTHERS	104
GAS PLANT HELD FOR FUTURE USE	105
CONSTRUCTION WORK IN PROGRESS-GAS	107
ACCUMULATED PROVISION FOR DEPRECIATION, DEPLETION, AND...	110

(REST TO BE SUPPLIED WHEN FORM IS DUE.)

DATA ITEM LIST MNEMONIC: ACCTML

DATA ITEM LIST TITLE: FINANCIAL ACCOUNTS, MULTIPLE

DATA ITEM LIST DESCRIPTION: IDENTIFIES A MULTIPLE DATA ITEM FOR WHICH MORE THAN ONE DATA ITEM LIST MAY APPLY (SEE MULTIPLE LIST REFERENCES BELOW).

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST:

SEE THE FOLLOWING DATA ITEM LISTS AS APPLICABLE:

FINANCIAL ACCOUNTS, ELECTRIC A & B	ACELAB
FINANCIAL ACCOUNTS, ELECTRIC C & D	ACELCD
FINANCIAL ACCOUNTS, GAS A & B	ACGSAB
FINANCIAL ACCOUNTS, GAS C & D	ACGSCD
FINANCIAL ACCOUNTS, MUNICIPAL	ACMUNI
FINANCIAL ACCOUNTS, LICENSEE	ACLPRJ

DATA ITEM LIST MNEMONIC: IDCNTY

DATA ITEM LIST TITLE: ID, COUNTIES OF THE US.

DATA ITEM LIST DESCRIPTION: IDENTIFIES THE COUNTIES OF THE US. COUNTIES, AS FIRST ORDER SUBDIVISIONS OF MOST STATES, ARE CONSIDERED SYNONYMOUS WITH PARISH, BOROUGH, OR CENSUS DIVISION USED IN OTHERS. FOR RIS USE, THIS LIST IS SUPPLEMENTED WITH NATURAL GAS OFFSHORE AREAS.

DATA ITEM LIST SOURCE: FIPS PUB 6-2, SEP 15, 1973 AND FPC

DATA ITEM LIST:

	CODE	ABBREVIATION
OFFSHORE, STATE	00990	990
OFFSHORE, FEDERAL	00995	995
OFFSHORE, GENERAL	00999	999

(REST ARE FIPS)

DATA ITEM LIST MNEMONIC: IDRESP

DATA ITEM LIST TITLE: ID, FPC RESPONDENT AND OTHER PARTIES OF INTEREST

DATA ITEM LIST SOURCE: FPC STAFF

DATA ITEM LIST: (TO BE SUPPLIED WHEN FORM IS DUE.)

DATA ITEM LIST MNEMONIC: IDSTAT

DATA ITEM LIST TITLE: ID, STATES OF THE UNITED STATES

DATA ITEM LIST DESCRIPTION: IDENTIFIES THE 50 STATES, THE DISTRICT OF COLUMBIA, AND THE OUTLYING AREAS OF THE US, ALL OF WHICH ARE CONSIDERED FIRST ORDER SUBDIVISIONS OF THE US.

DATA ITEM LIST SOURCE: FIPS PUB 5-1, JUN 15, 1970

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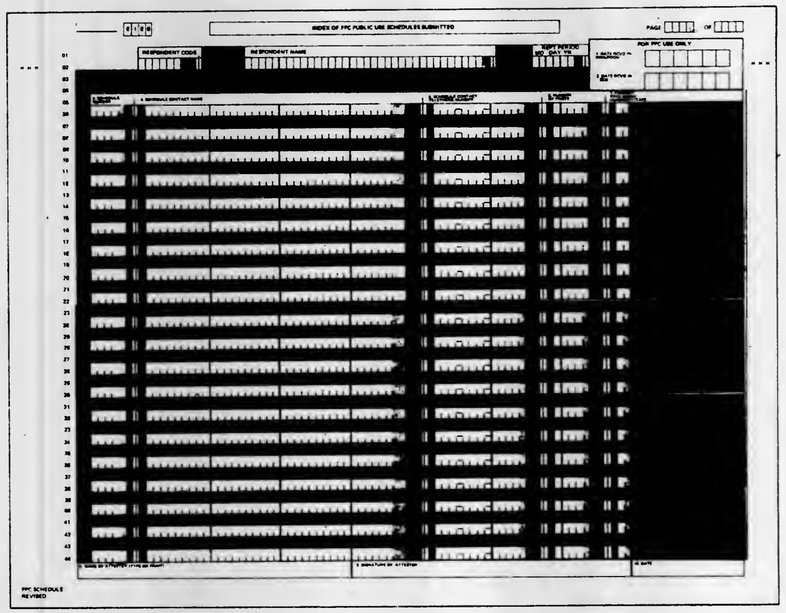
	CODE	ABBREVIATION
ALABAMA	01	AL
ALASKA	02	AK
AMERICAN SAMOA	03	AS
ARIZONA	04	AZ
ARKANSAS	05	AR
CALIFORNIA	06	CA
CANAL ZONE	07	CZ
COLORADO	08	CO

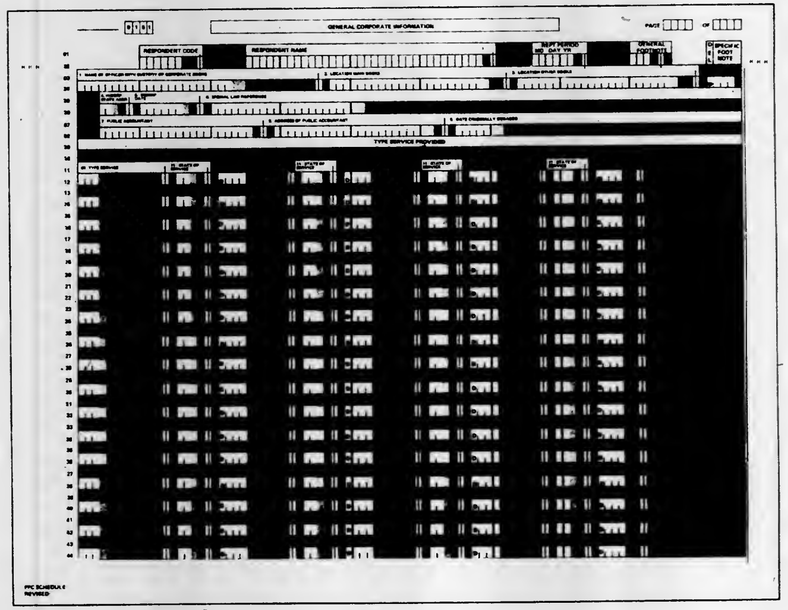
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Attachment F

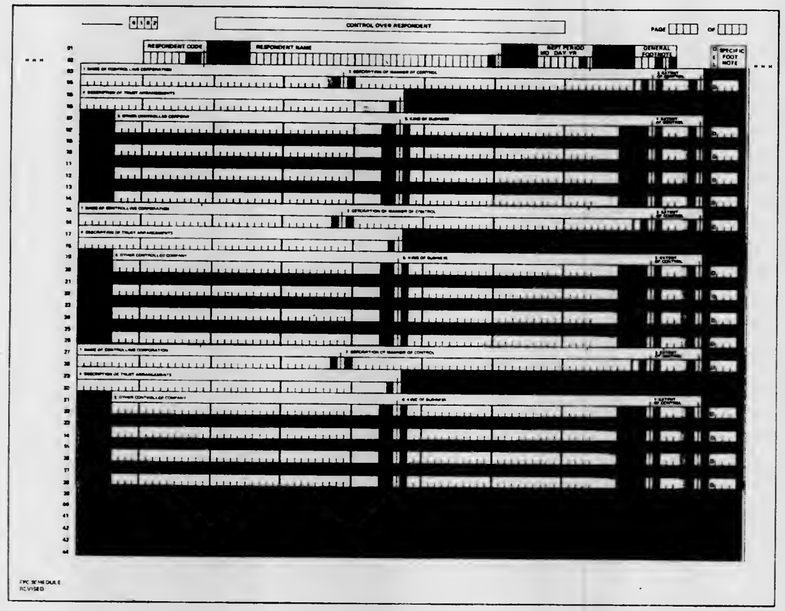
FEDERAL POWER COMMISSION

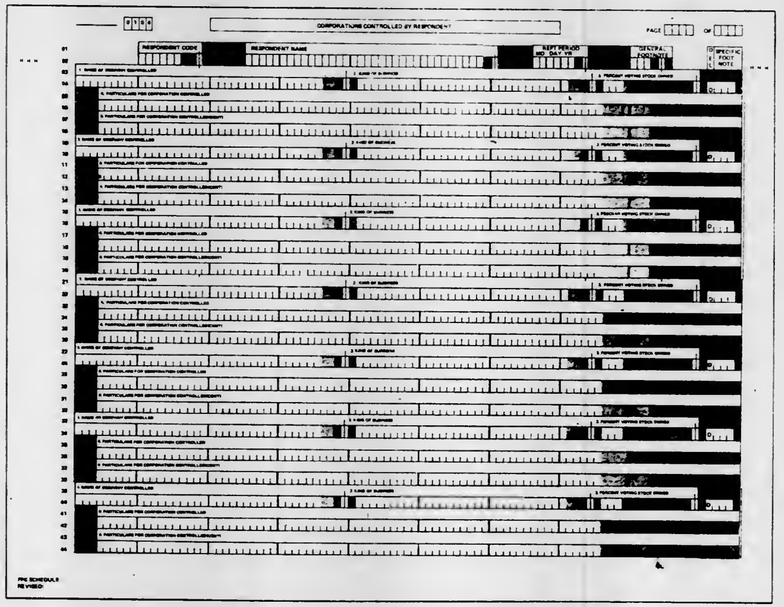
Corporate and Financial Reports for Class C and Class D
Natural Gas Companies

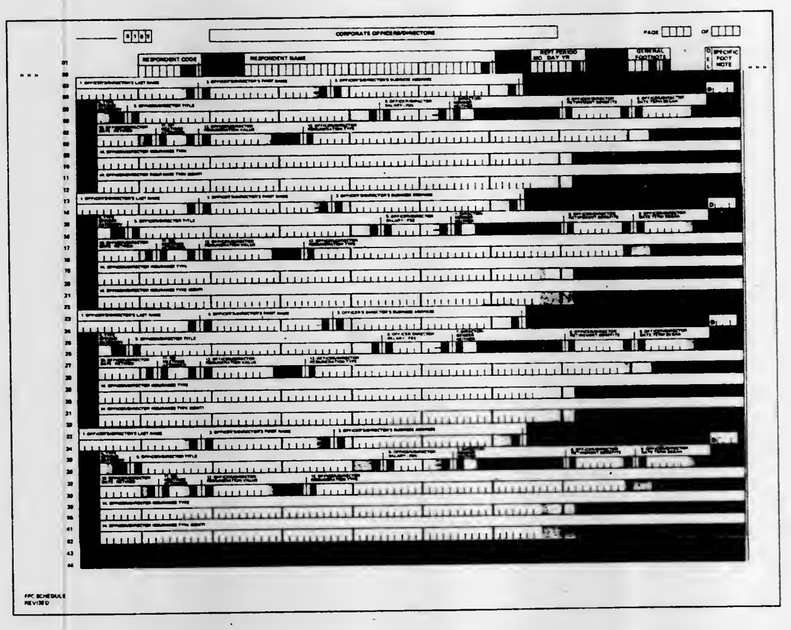


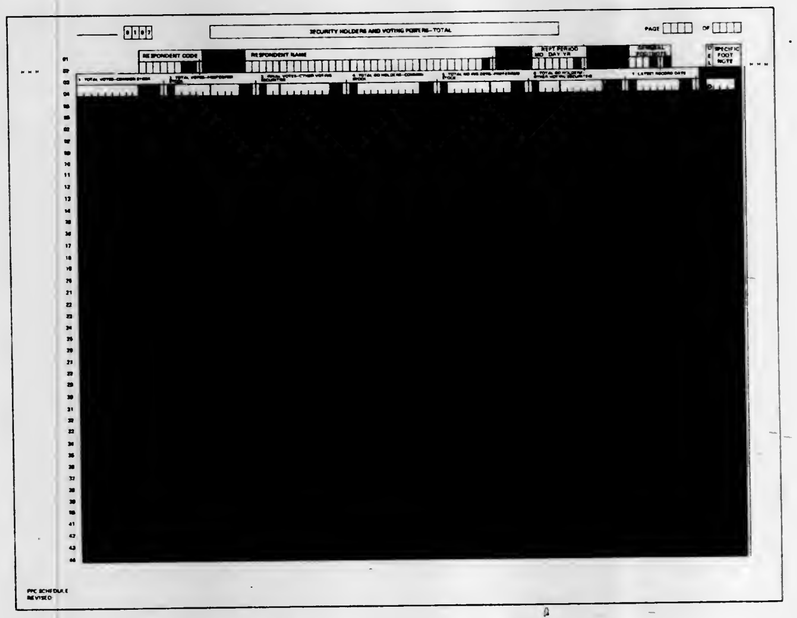


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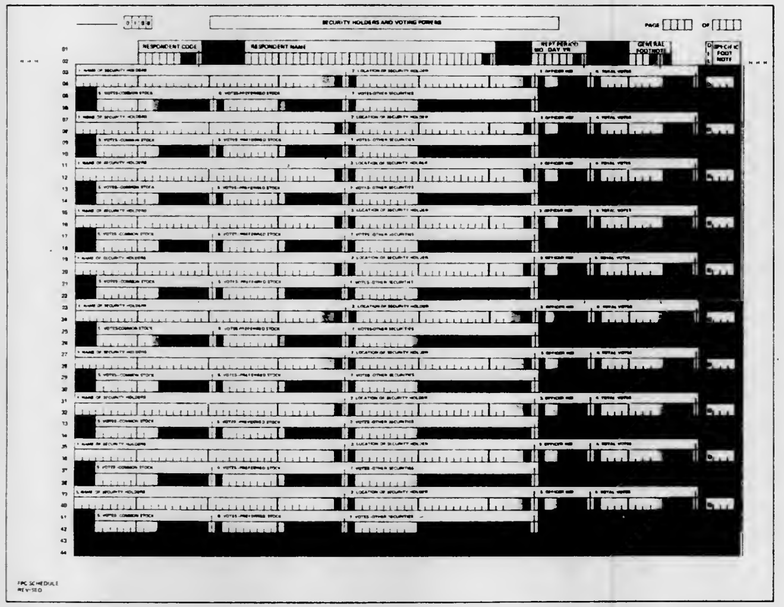


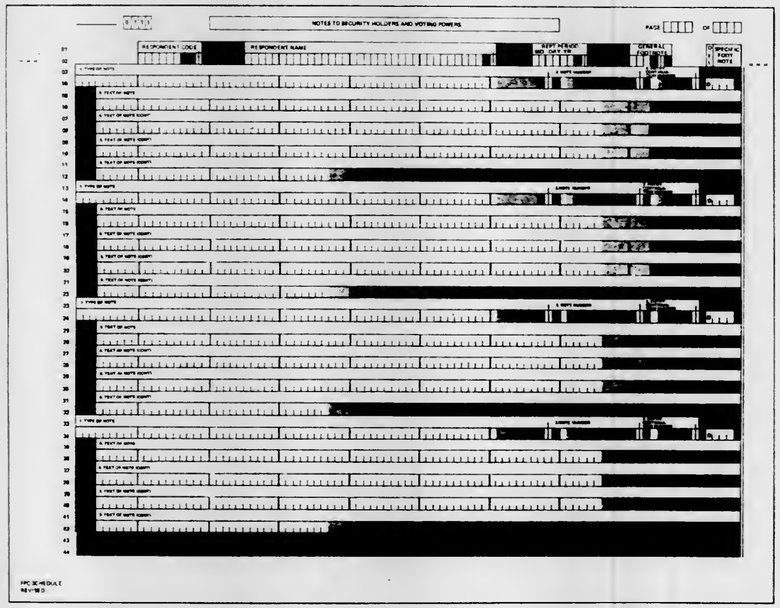


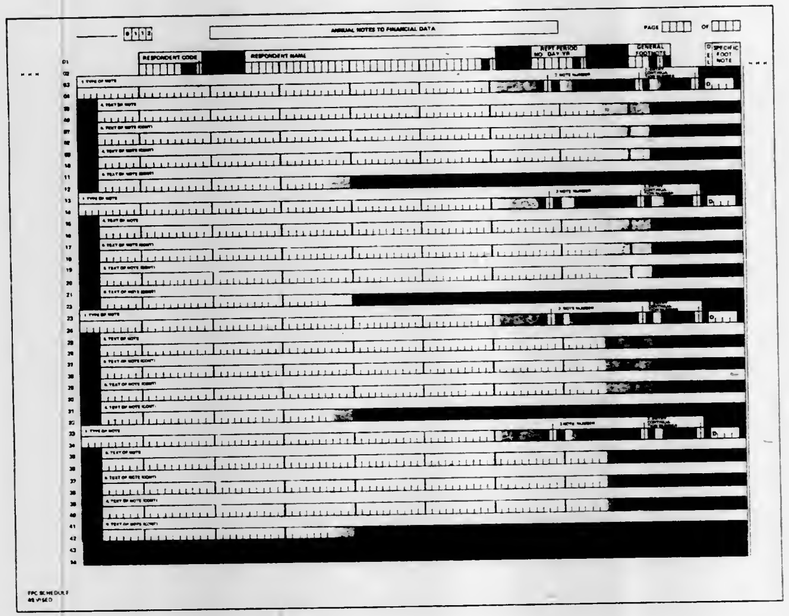


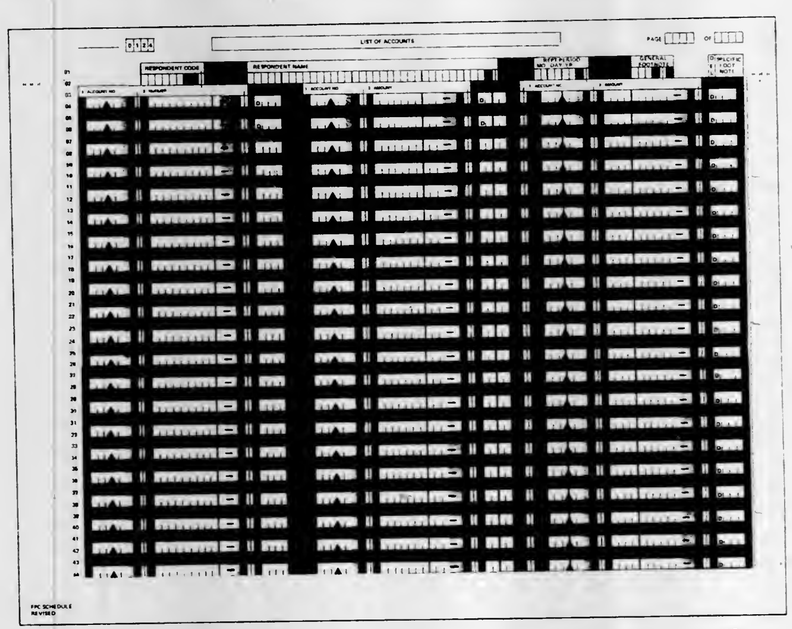


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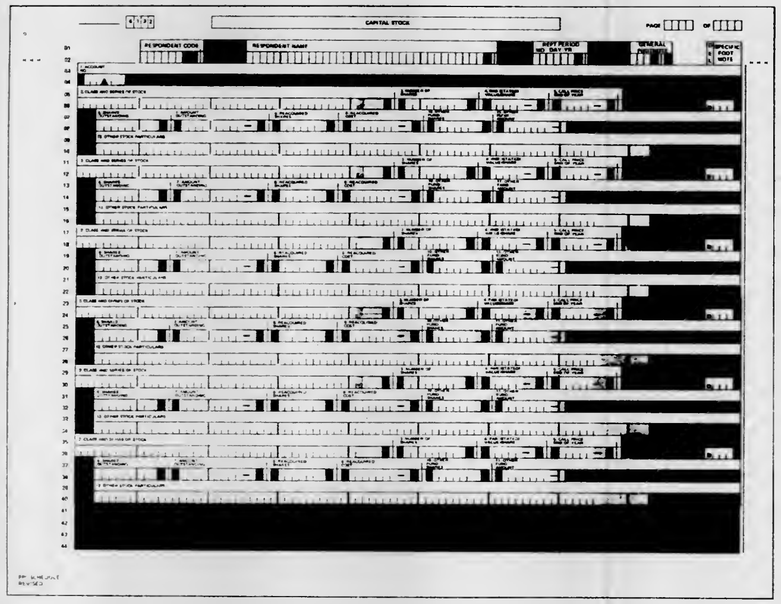


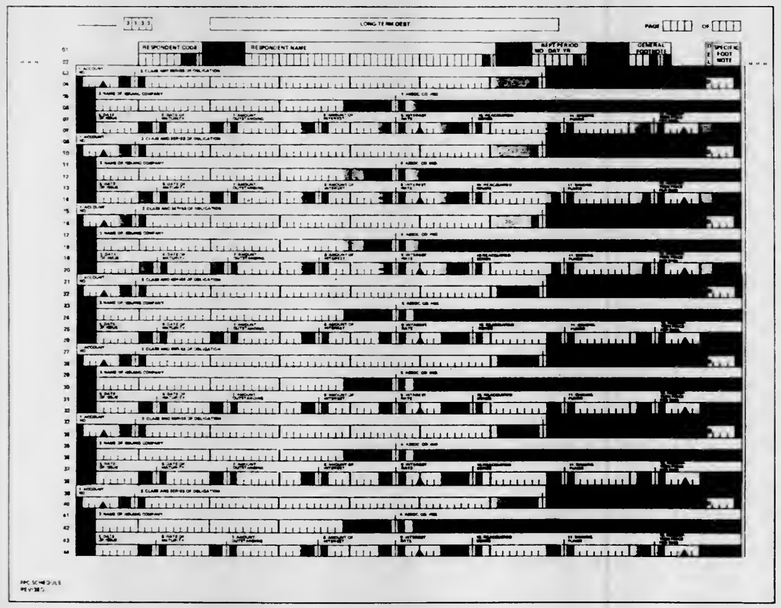


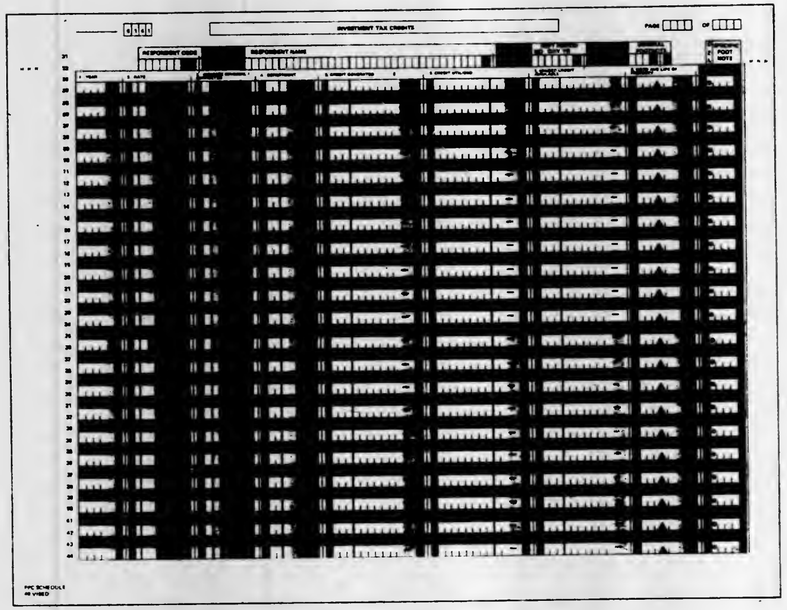


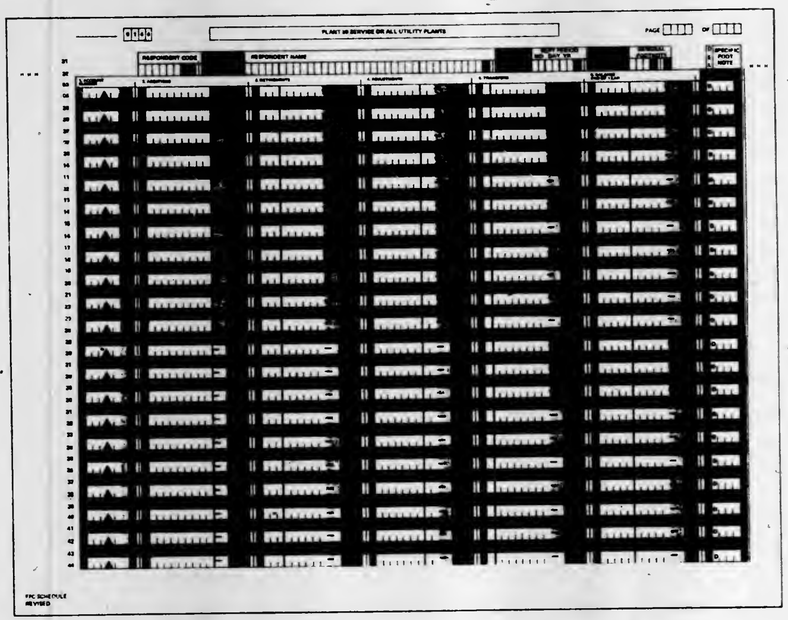


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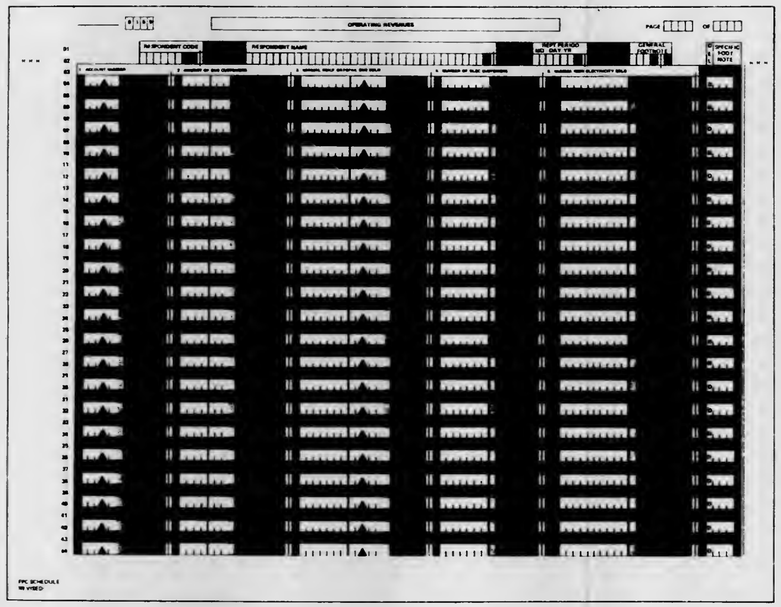


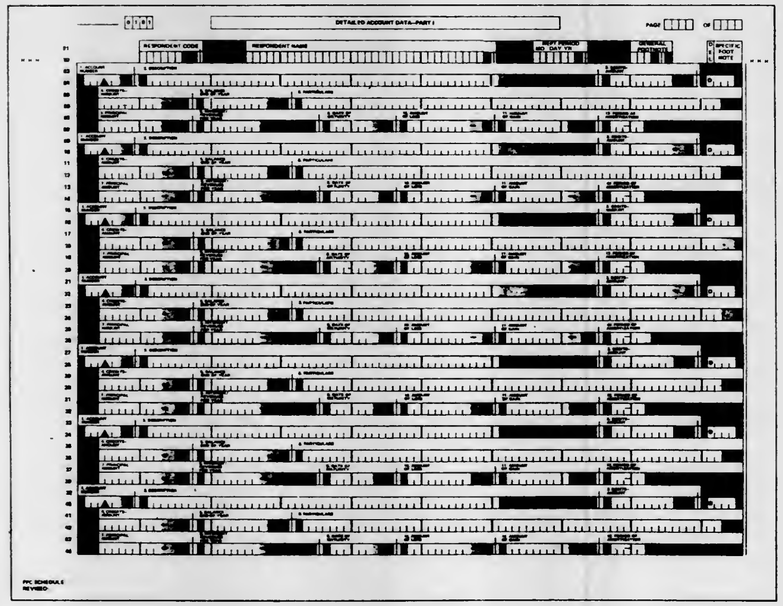


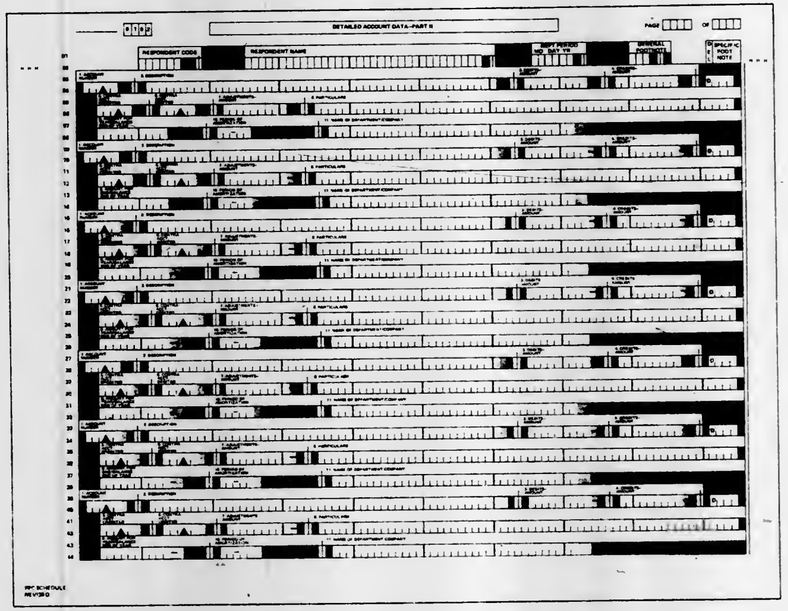


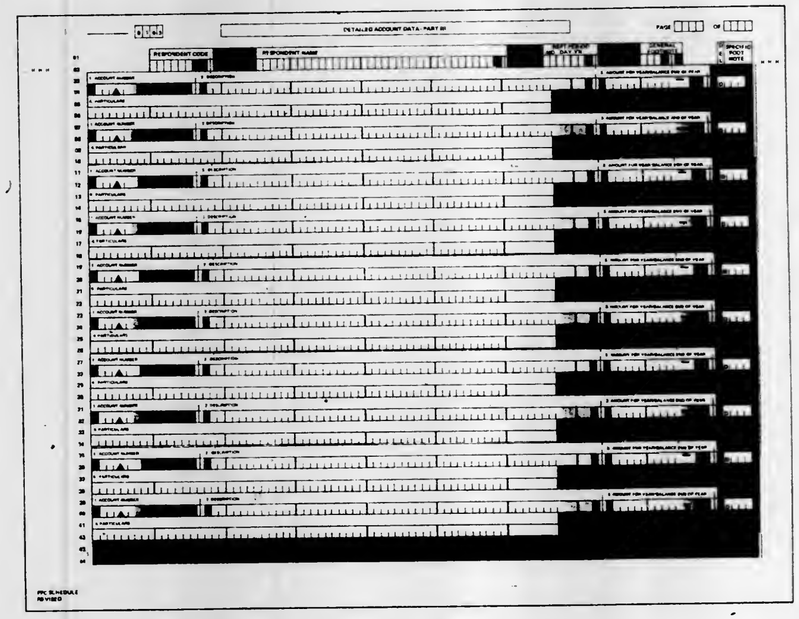


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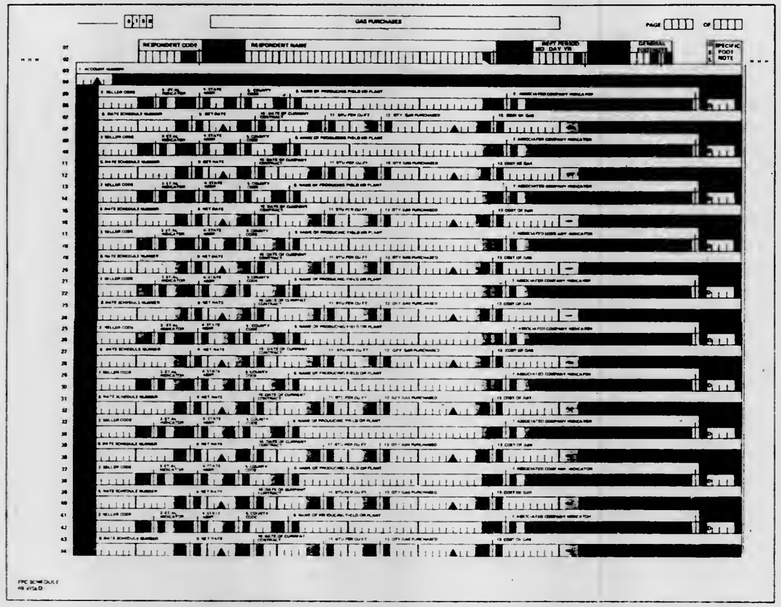




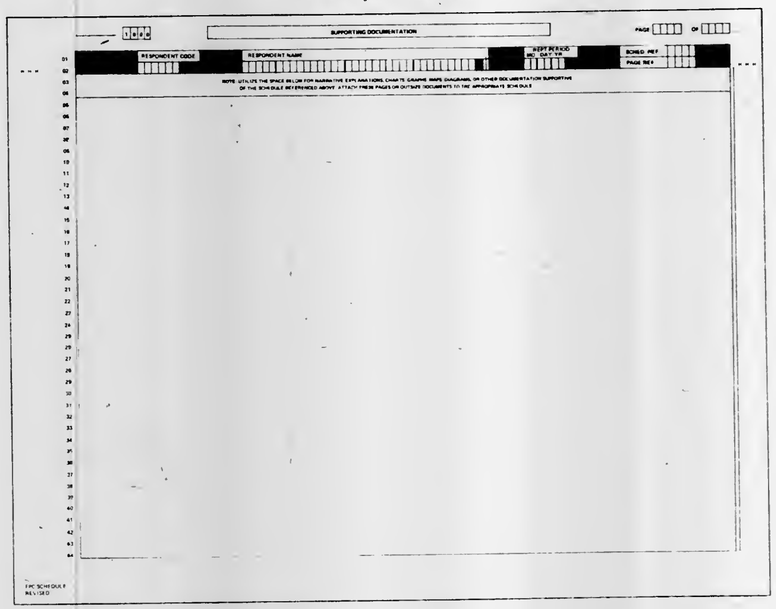


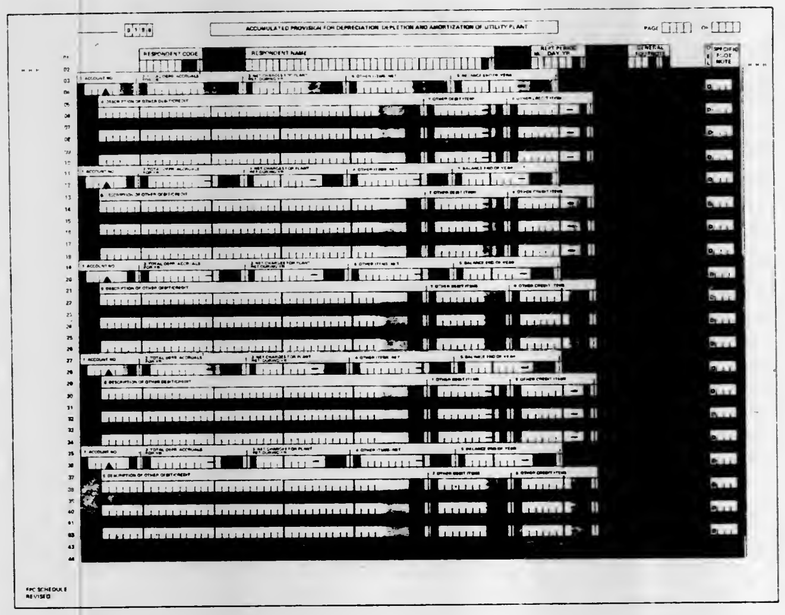


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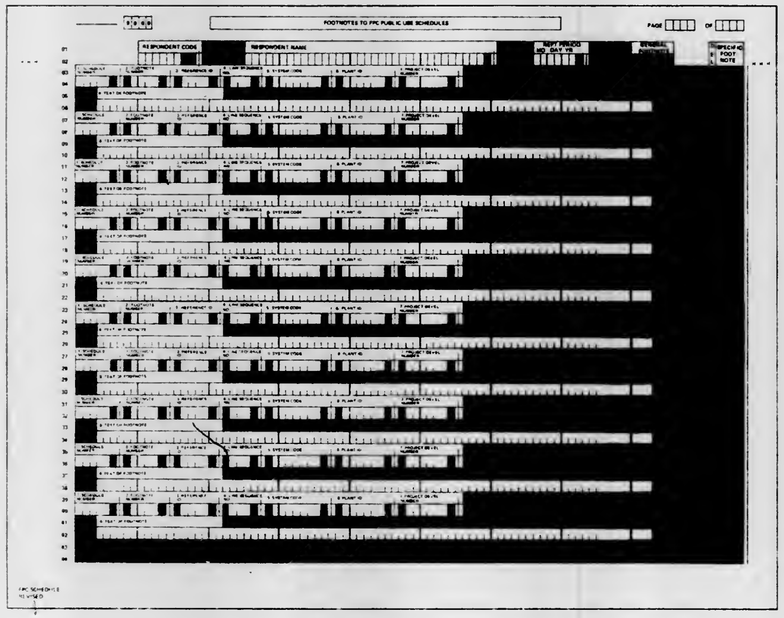








V 41 155 AUG 10 76 UMI



[FR Doc.76-23068 Filed 8-9-76;8:45 am]

federal register

TUESDAY, AUGUST 10, 1976

PART V:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

BASIC EDUCATIONAL OPPORTUNITY GRANT PROGRAM

V 41 155 AUG 10 76 UMI

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 190—BASIC EDUCATIONAL OPPORTUNITY GRANT PROGRAM

Eligibility of Part-Time Students and Method of Award Calculation

A notice of proposed rulemaking was published in the FEDERAL REGISTER on June 3, 1975 (40 FR 23970 et seq.) covering the eligibility of part-time students and the method of award calculation for students enrolling on less than a full-time basis for the Basic Educational Opportunity Grant Program. Interested parties were invited to submit written comments, suggestions, or objections with regard to the proposed Amendments.

In addition to verbal comments, a total of 21 written responses were received. The public comments received centered around four major issues: the exclusion of members of a religious community, society, or order (45 CFR 190.3(c) in the proposed rule, and 190.3(b) in the final rule); the reduction of grants in proportion to the degree to which a student is not attending an institution on a full-time basis (45 CFR 190.63); the $200 minimum grant which may be awarded to part-time students (45 CFR 190.62); and the use of actual costs of attendance in determining awards for students enrolling on less than a full-time basis (45 CFR 190.51).

COMMENT

Several comments were expressed with regard to the procedures established for determining awards for part-time students. One group of comments concerned the fact that the actual costs of attendance for part-time students typically are not in direct proportion to a student's enrollment status and suggested that the rate of payment for part-time students should be a higher percentage than the rates proposed in the regulations.

RESPONSE

This regulation was not changed. The proposed reductions of awards are in accord with the authorizing legislation which states that when "a student attends an institution of higher education on a less than full-time basis during an academic year, the amount of the Basic Grant to which that student is entitled shall be reduced in proportion to the degree to which that student is not so attending on a full-time basis * * *" (20 U.S.C. 1070a(a)(2)(A)(ii)). Consequently, the regulations provide that a part-time student's award is determined in terms of the reduced academic workload carried by the student rather than in terms of estimated student budgets for part-time students.

COMMENT

Several commenters were concerned with the use of actual costs of attendance in the determination of the student's award for students enrolling on a part-time basis. Commenters felt that the costs of attendance for less than full-time students should be derived by using the tuition and fees which would be charged that student if he were to enroll on a full-time basis. Otherwise, the part-time student would be penalized because his cost of education is lower and, therefore, he would receive a portion of a Scheduled Award which has already been reduced by virtue of the student's lower education costs.

RESPONSE

The regulations provide that the award for a part-time student shall be 50 percent or 75 percent of the award calculated for a full-time student. Therefore, for purposes of calculating the award for a part-time student, the cost of attendance would be based on a full-time enrollment status. However, the regulations were amended to assure that awards for a part-time student may never exceed one-half of that student's actual costs of attendance.

COMMENT

Several comments were received expressing concern that at full funding the minimum award which a student may receive is $200. It was felt that this ruling would exclude some part-time students whose need may be small but critical, and that this limitation should only apply to full-time students.

RESPONSE

The regulation was not changed. We have been advised by the Office of General Counsel that section 411(a)(2)(B)(iii) of Title IV of the Higher Education Act (20 U.S.C. 1070a(a)(2)(B)(iii)), which sets forth the minimum $200 award limitation, applies to both full-time and part-time students. Of course, a student whose original award for a full academic year was at least $200 will be paid any prorated payments for attendance of less than a full academic year even if such proration results in amounts of less than $200.

COMMENT

A number of commenters noted that the regulations did not accommodate differences in academic program structures among various types of schools in determining awards for part-time students and, therefore, certain inequities resulted in the computation of awards, particularly for students enrolled in institutions with non-standard academic calendars.

RESPONSE

In response to these comments, the Office of Education undertook a major review of the regulations and prepared award computation procedures which more closely reflected institutional and/or program differences to assure equal benefits regardless of where a student enrolls. However, to achieve the objective of increased equity, albeit for a limited class of students, the complexity of the award computation procedures were of necessity significantly increased. These procedures were issued as interim guidelines to all participating institutions in September of 1975.

However, actual use of these procedures at the institutional level resulted in additional comments to the effect that the revised computation procedures were difficult, if not impracticable, to administer, and significantly increased administrative burdens for the institutions.

As a consequence of these developments, a determination was made to issue the final regulations governing the part-time awards unchanged. These regulations provide for a simple computation procedure which is based on a percentage reduction of the Scheduled Award for all students regardless of where they enroll.

COMMENT

Several commenters expressed concern regarding the exclusion of members of religious orders (45 CFR 190.3(c) in the proposed regulation, and 190.3(b) in the final regulation). The regulation provides that a member of a religious order, who by direction of the order is pursuing a course of study at an institution of higher education, or who is receiving support and maintenance from the order, shall be deemed to have a family contribution of $1201, and, consequently would not be eligible to receive a Basic Grant. The comments received indicated that members of religious orders should meet the same requirements as any other candidate and should not be penalized for choosing to dedicate their lives as members of a particular religious community.

RESPONSE

The regulation has not been changed. This provision was included to provide comparability with similar ones governing the Supplemental Educational Opportunity Grant, College Work-Study and National Direct Student Loan Programs. The rationale for these provisions is the view that such individuals are not considered to have financial need which should be met by the Federal government since their religious order is responsible for their maintenance and support.

GENERAL COMMENTS

The requirement set forth in § 190.3(a)(1) is being deleted. This provision limiting the eligibility of students for the Basic Grant program to students who were not enrolled as regular students at any institution of higher education prior to April 1, 1973 was added by Congress in the various acts appropriating funds for the Basic Grants program. However, the appropriation act which appropriated funds for the Basic Grants program for the 1976–77 academic year, Pub. L. 94–94, dropped this limitation and, therefore this provision is being deleted from the regulation effective July 1, 1976. Regardless of the date the provisions contained in this notice become effective, the limitation described above will become inoperative on July 1, 1976.

Other technical amendments were made which assure consistency of terminology and procedure throughout the regulations. The proposed amendments, as published, also contained some technical inaccuracies and omissions which have been corrected in this publication of the regulations. The current regulations to which these amendments apply have been previously published on November 6, 1974 (39 FR 39412) and on December 2, 1974 (39 FR 41800).

In light of the foregoing, Part 190 of Title 45 of the Code of Federal Regulations is amended as set forth below.

Effective date: Pursuant to section 431(d) of the General Education Provisions Act, as amended (20 U.S.C. 1232(d)), these regulations have been transmitted to the Congress concurrently with the publication of this document in the FEDERAL REGISTER. That section further provides that regulations subject thereto shall become effective on the forty-fifth day following the date of such transmission, subject to the provisions therein concerning Congresssional action and adjournment, except that the provision limiting the eligibility of students enrolled in institutions of higher education prior to April 1, 1973 will become inoperable on July 1, 1976.

(Catalog of Federal Domestic Assistance No. 13.539, Basic Educational Opportunity Grant Program)

Dated: June 17, 1976.

T. H. BELL,
U.S. Commissioner of Education.

Approved: August 4, 1976.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

Part 190 of Chapter I of Title 45 of the Code of Federal Regulations is amended as follows:

§ 190.2 [Amended]

1. Section 190.2 is amended as follows: Paragraph (q) becomes (s); paragraph (r) becomes (t); and paragraphs (e) through (p) become (f) through (q). Also, the first sentence of paragraph (i) is revised; paragraph (m) is revised; and paragraphs (e) and (r) are added to read as follows:

* * * * *

(e) "Disbursement Schedule" means a table, effective for a given academic year, published by the Commissioner, which indicates the amount of a student's Basic Educational Opportunity Grant which would be paid to a three-quarter time or half-time student if such student is enrolled for the same number of months during an academic year as is required for a full-time student enrolled in the same program of study to complete a full school year. Such a table is based upon the student's expected family contribution, cost of attendance, and the part-time nature of the student's attendance.

* * * * *

(i) "Half-time student" means a student who is carrying at least a half-time academic work load but less than a three-quarter time work load measured in terms of (1) the tuition and fees customarily charged for half-time study by the institution and (2) the course work or other required activities as determined by the institution in which the student is enrolled: *Provided, however,* That such course work and activities amount to a minimum of (i) 6 semester hours or 6 quarter hours per academic term for institutions utilizing semesters, trimesters, or quarter hour systems; (ii) 12 semester hours or 18 quarter hours per school year for institutions which measure progress in terms of credit hours but which do not utilize semester, trimester, or quarter systems; or (iii) 12 clock hours per week for institutions which utilize clock hours to measure progress.

* * * * *

(m) "Payment Schedule" means a table effective for a given academic year, published by the Commissioner which indicates the amount of a full-time student's Scheduled Basic Educational Opportunity grant based on the Family Contribution Schedules effective for that academic year as described in Subpart C and D of this part, the cost of attendance at the institution in which the student is enrolled as defined in § 190.51, and the amount of funds available for making grants under this part for that academic year.

* * * * *

(r) "Three-quarter time student" means a student who is carrying at least a three-quarter time academic work load but less than a full-time work load measured in terms of (1) the tuition and fees customarily charged for three-quarter time study by the institution and (2) the course work or other required activities as determined by the institution in which the student is enrolled: *Provided, however,* That such course work and activities amount to a minimum of (i) 9 semester hours or 9 quarter hours per academic term for institutions utilizing semesters, trimesters, or quarter hour systems; (ii) 18 semester hours or 27 quarter hours per school year for institutions which measure progress in terms of credit hours but which do not utilize semester, trimester, or quarter systems; or (iii) 18 clock hours per week for institutions which utilize clock hours to measure progress. For students enrolled in an institution which measures progress in terms of both credit and clock hours, a student shall be considered a three-quarter time student at that institution if the sum of the fractions representing the number of credit hours taken by the student, when divided by 9 and the number of clock hours per week taken by the student when divided by 18 is equal to or greater than one, and if such student is charged the tuition and fees customarily charged for three-quarter time study by the institution. Furthermore, a student shall be considered a three-quarter time student if he undertakes a series of courses or seminars, which extends over a period not exceeding 18 weeks and which, if completed, would amount to the equivalent of at least 9 semester or 9 quarter hours and is charged the tuition and fees customarily charged for three-quarter time study by the institution.

(20 U.S.C. 1088(c)(2))

2. Section 190.3 is amended by deleting paragraphs (a)(1) and (b), and by adding new paragraph (b) so that § 190.3 reads as follows:

§ 190.3 Eligible student.

(a) A student is eligible to receive a Basic Educational Opportunity Grant under this part if he:

(1) Is accepted for enrollment or is enrolled in good standing as at least a half-time undergraduate student at an institution of higher education.

(2) Is enrolled in an eligible program as defined in § 190.2(f), and

(3) Is a citizen or national of the United States or is in the United States for other than a temporary purpose and is, or intends to become, a permanent resident thereof; or is a permanent resident of the Trust Territory of the Pacific Islands.

* * * * *

(b) A member of a religious community, society, or order who by direction of his or her order is pursuing a course of study in an institution of higher education or who receives support and maintenance from the community, society, or order shall be deemed to have a family contribution of not less than $1,201. For purposes of this part "a religious community, society, or order" includes an agency or organization which has, as a primary objective, the promotion of ideals and beliefs regarding a Supreme Being and which provides subsistence support to its members and require its members to forego monetary compensation or other support substantially beyond other support provided by the agency or organization.

NOTE.—For academic years 1973–1974 through 1975–1976 an additional eligibility criterion was that the student not be enrolled at any eligible institution of higher education prior to April 1, 1973.

3. Section 190.11 is amended to read as follows:

§ 190.11 Application.

In order to have the expected family contribution calculated for any academic year, a person shall submit to the Commissioner a form, approved by the Commissioner for that purpose, containing such information as the Commissioner may from time to time prescribe, unless the Commissioner specifically provides an alternative method of receiving such information. Information submitted shall

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be accurate and complete for the date on which the application is completed.

4. Section 190.15 is revised to read as follows:

§ 190.15 Request by applicant for recomputation of expected family contribution because of clerical or arithmetic error.

An applicant may request a recomputation of his expected family contribution if he believes a clerical or arithmetic error has occurred, or if the information submitted by the application was inaccurate for the date on which the application was completed. Such a request for recomputation shall be made in such form as the Commissioner may prescribe and must be received by the Commissioner no later than the cutoff date established annually by the Commissioner for such requests.

(20 U.S.C. 1070a(b)(2))

5. In § 190.51 paragraph (d) is revised to read as follows:

§ 190.51 Cost of attendance.

• • • • •

(d) In the case of students engaged in a program of study by correspondence, only the costs of tuition and fees determined in accordance with paragraph (a) of this section shall be recognized as a student's cost of attendance for the purposes of this part: *Provided however,* That travel and room and board costs incurred specifically in fulfillment of a required period of residential training may be recognized as a cost of attendance for such a student.

6. Section 190.62 is revised to read as follows:

§ 190.62 Calculation of basic educational opportunity grant awards at full-funding.

(a) When funds are available to satisfy such payments, the Commissioner will pay to each eligible applicant who is enrolled as a full-time student for any academic year a Basic Educational Opportunity Grant in an amount equal to $1400 minus his expected family contribution, except that no award will be made (1) which is in excess of 50 percent of the applicant's actual cost of attendance at the institution of higher education in which the applicant is enrolled, (2) which exceeds the difference between the expected family contribution of the applicant and his actual cost of attendance at the institution in which he is enrolled, or (3) which is less than $200.

(b) In the event that a student enrolls as a three-quarter time student, the amount of his award shall equal 75 percent of the award established in accordance with paragraph (a) of this section; provided that in no event shall the award exceed 50 percent of the cost of attendance of that three-quarter time student: *And provided further,* That no award will be made if the amount of such award after reduction in accordance with this section is less than $200.

(c) In the event that a student enrolls as a half-time student the amount of his award shall equal 50 percent of the award established in accordance with paragraph (a) of this section; provided that in no event shall the award exceed 50 percent of the cost of attendance of that half-time student: *And provided further,* That no award will be made if the amount of such award after reduction in accordance with this section is less than $200.

(20 U.S.C. 1070a(2))

7. Section 190.63 is revised to read as follows:

§ 190.63 Calculation of basic educational opportunity grant awards at less-than-full-funding.

(a) When funds are not available to fully satisfy all Basic Educational Opportunity Grant awards, each grant awarded to an eligible applicant who is enrolled as a full-time student shall be reduced in accordance with the provisions of section 411(b)(3) of the Act. The amount to be reduced in accordance with section 411(b)(3) will be the remainder of $1400 less the applicant's expected family contribution. No award will be made if the amount of such award after the application of the provisions of section 411(b)(3) of the Act is less than $50, nor may an award be made under this section to an applicant whose award was calculated to be less than $200 under § 190.62(a).

(b) In the event that a student enrolls as a three-quarter time student, the amount of his award shall equal 75 percent of the award established in accordance with paragraph (a) of this section; *Provided,* That in no event shall the award exceed 50 percent of the difference between the expected family contribution and the actual cost of attendance of that three-quarter time student: *And provided further,* That no award will be made if the amount of such award after reduction in accordance with this section is less than $50.

(c) In the event that a student enrolls as a half-time student, the amount of his award shall equal 50 percent of the award established in accordance with paragraph (a) of this section; *Provided,* That in no event shall the award exceed 50 percent of the difference between the expected family contribution and the actual cost of attendance of that half-time student: *And provided further,* That no award will be made if the amount of such award after reduction in accordance with this section is less than $50.

(20 U.S.C. 1070a(a)(2)(b)(iii))

8. Section 190.64 is revised to read as follows:

§ 190.64 Calculation of basic educational opportunity grant awards for less than a full school year.

(a) In the event that an applicant is enrolled as at least a half-time student in an eligible program which is less than a full school year in duration, the amount of his grant shall be reduced in the same proportion as that period of time bears to eight months.

(b) In the event that an applicant is enrolled as at least a half-time student in an eligible program which meets the definition of "school year", but the student enrolls for a period of time which is less than the full school year, the amount of his grant shall be reduced in the same proportion as the period of his enrollment bears to the length of such school year.

(20 U.S.C. 1070a(a)(2))

9. Section 190.65 is revised to read as follows:

§ 190.65 Calculation of basic educational opportunity grant awards for a school year which is longer than twelve months in length.

In the event that a student is enrolled as at least a half-time student for a school year which is longer than 12 months, the amount of a Basic Grant payable for an academic year shall be in the same proportion to his Scheduled Basic Educational Opportunity Grant or the amount determined from the appropriate Disbursement Schedule whichever is applicable, as the number of months of the school year occurring in the academic year for which payment is requested bears to twelve months.

(20 U.S.C. 1070a)

10. Section 190.66 is revised to read as follows:

§ 190.66 Calculation of basic educational opportunity grant awards for a school year which spans two academic years.

Subject to the provision of §§ 190.64 and 190.65, in the event that an applicant is enrolled as at least a half-time student for a school year which spans two academic years, the amount of his grant payable during any one academic year, by reason of enrollment in such school year, shall be equal to an amount which bears the same proportion to his Scheduled Basic Educationa' Opportunity Grant or the amount determined from the appropriate Disbursement Schedule, whichever is applicable, for that academic year as the number of months of such school year occurring within that academic year bears to the total number of months of that school year.

(20 U.S.C. 1070a)

11. Section 190.73 is amended by revising paragraph (b) to read as follows:

§ 190.73 Institutional agreements.

• • • • •

(b) The Commissioner will send to each institution with which he has an agreement pursuant to paragraph (a) of this section a payment schedule and a disbursement schedule for each academic year.

(20 U.S.C. 1070a)

12. Section 190.75 is revised to read as follows:

§ 190.75 Payment of basic educational opportunity grant awards.

(a) An institution shall make payment of a Basic Educational Opportunity Grant to a student on the basis of having made the following determinations:

(1) That the student applying for the grant meets the eligibility requirements of § 190.3. In making this determination the institution is entitled to rely on information provided by the student if the institution has no direct independent knowledge with respect to such information;

(2) That the student is enrolled as a full-time, three-quarter time, or half-time student;

(3) The amount equal to the actual cost of attendance of such student, calculated in accordance with § 190.51;

(4) The amount of the student's Scheduled Basic Educational Opportunity Grant, calculated in accordance with the payment scheduled in effect for the period involved;

(5) The amount by which the Scheduled Grant Award determined in subparagraph (4) of this paragraph should be adjusted for three-quarter and half-time students (this amount is set forth in the disbursement schedule in effect for the period involved); and

(6) The amount, if any, by which the amount determined in subparagraph (4) or (5) of this paragraph should be adjusted in accordance with §§ 190.64–190.66.

(b)(1) Payment of Basic Educational Opportunity Grant awards shall be made in equal amounts at least once at the beginning of each semester, trimester, or quarter for those institutions which utilize such academic units. For those institutions not utilizing such academic periods, payments shall be made in equal amounts not less than twice during that portion of the school year which falls within the academic year, with one payment to be made at the beginning and the other to be made at the midpoint of that portion of the school year which falls within the academic year; provided that if the portion of a school year which falls within an academic year is less than three months, only one payment need be made.

(2) Except where prohibited by § 190.76(c), funds paid to a student with respect to an academic period which has already been completed may be paid to such student in one lump sum payment.

(c)(1) Before making any payment to a student under this section, an institution shall confirm that the student meets or continues to meet the eligibility requirements of § 190.3.

(2) In addition to the requirement set forth in subparagraph (1) of this paragraph, the institution shall confirm at the beginning of each semester, trimester, or quarter (or for institutions not utilizing such academic periods, at the beginning and midpoint of the school year) and before making payment to a student for such period, that the student is entitled to receive the amount of the grant payment calculated for that period.

(3) If an institution determines at the beginning of a semester, trimester, or quarter, or for institutions not utilizing such academic periods, at the beginning and midpoint of the school year, that the amount calculated for that student no longer reflects the enrollment status of such student at that institution, it shall recalculate the amount of that student's grant payment for that period in accordance with paragraph (a) of this section.

(4) If an institution disburses funds to a student for a particular academic period and during that period the student increases or decreases his academic workload while continuing to meet the eligibility requirements of § 190.3, the institution may, but need not, adjust the amount of the student's grant attributable to that academic period in accordance with this section and with § 190.85.

(5) Except as provided in § 190.78, if an institution disburses funds to a student for a particular academic period and during that period the student becomes ineligible to participate in the program, the payment applicable to that period need not be returned by the student if such payment was not made on the basis of inaccurate information or statements provided by the student; however, the student shall not receive additional basic grant payments unless he reestablishes his eligibility.

(d) No grant may be paid under this part unless the student to whom it is made has filed with the institution of higher education which he intends to attend, or is attending, an affidavit on a form approved by the Commissioner stating that the money attributable to such grant will be used solely for expenses related to attendance or continued attendance at such institution. The student must sign the affidavit in the presence of a notary or other person who is legally authorized to administer oaths or affirmations and who does not take part in the recruiting of students for enrollment at such institution. The notary or other person must enter his signature and as applicable, his seal or stamp on the affidavit form.

(e) Payments to a student may be made by check or by credit to the student's account with the institution. If payments are made to a student by crediting his account, the institution shall retain a receipt signed by the student for each such transaction and the credit entry to the student's account shall be clearly identifiable.

(20 U.S.C. 1070a)

13. Section 190.85 is revised to read as follows:

§ 190.85 Recalculation of Basic Educational Opportunity Grant awards.

(a) The amount of a student's Basic Educational Opportunity Grant award for an academic year may be recalculated during that academic year if the amount of a student's expected family contribution is redetermined in accordance with § 190.15, § 190.39, or § 190.48; if the student enrolls at more than one institution during the course of an academic year; or if a student varies his academic workload from one-half, three-quarter, or a full-time enrollment.

(b) If a student's Basic Educational Opportunity Grant is adjusted in accordance with § 190.15, § 190.39, or § 190.48, or is increased because of a change in his academic workload, subsequent payments to the student shall be adjusted, based on the newly calculated scheduled award, to ensure that the student is paid the entire amount of his newly calculated award (subject to any adjustments pursuant to §§ 190.64–190.66) before the conclusion of the academic period for which the grant is made. However, an institution calculating an award under § 190.83(b) shall only pay that portion of the newly calculated award which is commensurate with that portion of the school year within the academic year for which the student is enrolled at that institution.

(20 U.S.C. 1070a)

14. Section 190.86 is amended by deleting the numbers (1) and (2) in paragraph (b). As revised, § 190.86(b) reads as follows:

§ 190.86 Calculation and disbursement of awards by the Commissioner of Education.

• • • • •

(b) The Commissioner will pay to a student his Basic Educational Opportunity Grant award computed in accordance with the relevant provisions of this part in equal amounts at least once each semester, trimester, or quarter for those institutions which utilize such academic units. For those institutions not utilizing such academic periods, payments will be made in equal amounts not less than twice during that portion of the school year which falls within the academic year, with one payment to be made at the beginning and the other to be made at the midpoint of that portion of the school year which falls within the academic year: *Provided,* That if the portion of a school year which falls within the academic year is less than three months, only one payment need be made.

[FR Doc.76-23232 Filed 8-9-76;8:45 am]

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federal register

TUESDAY, AUGUST 10, 1976



PART VI:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

■

PRIVACY ACT OF 1974

Systems of Records and Notice of Proposed Routine Uses Therefor

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

PRIVACY ACT OF 1974

Systems of Records and Notice of Proposed Routine Uses Therefor

Pursuant to the Privacy Act of 1974 (Pub. L. 93-579) as prescribed in 5 U.S.C. 552a(e)(4), the following notices of systems of records that are maintained by the Department of Health, Education, and Welfare are published as set forth below. These systems are currently ongoing and were either inadvertently omitted from past publications because of oversight or they are notices of contractor systems of records where the contracts were entered into before September 27, 1975.

Prior to the final adoption of the proposed routine uses for these notices, consideration in accordance with the requirements of 5 U.S.C. 552a(e)(11) will be given to comments which are submitted in writing on or before September 9, 1976. Comments should be addressed to the Director, Fair Information Practice Staff, Department of Health, Education, and Welfare, 200 Independence Ave., S.W., Washington, D.C. 20201. Comments received will be available for inspection in Room 526E, South Portal Building, at the above address.

Dated: July 30, 1976.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

NIH NIDR 0303.00

System name: Clinical Research: Study of Oral-Facial Clefts, DHEW/NIH/NIDR.

Security classification: None.

System location:
Westwood Building, NIH
5333 Westbard Avenue
Bethesda, MD 20014 - and at a hospital/clinic under contract.

Categories of individuals covered by the system: Women voluntarily participating in the study who previously gave birth to a child with cleft lip, with or without cleft palate, and an equal number of women planning pregnancies who will serve as controls.

Categories of records in the system: Medical records describing patients' blood and urine metabolic determinations, environmental factors to which they have been exposed, and health of their offspring.

Authority for maintenance of the system: 42 U.S.C. 241,288a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual.
2. Data are to be used by authorized contractor investigators in the conduct of the study and in the preparation of scientific reports.
3. To the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Appendix B Departmental Regulations (45 CFR Part 5b), Item 100).
4. Certain infectious diseases are reported to state government as required by law.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Locked file cabinets and coding system.

Retrievability: Name, patient number, or identifier code. NIH USE: Data analysis; program management; DHEW user (Craniofacial Anomalies Program Branch, NIDR) will receive data extracted by principal investigators from volunteer research records to determine possible metabolic and environmental etiologic factors during pregnancy associated with cleft lip with or without cleft palate in the offspring.

Safeguards: The records are maintained in locked cabinets with access limited to authorized personnel (system manager, principal investigator and his staff assigned to the project, project officer, contracting officer). For computerized records, safeguards are established in accordance with Departmental standards and National Bureau of Standards guidelines, e.g., security codes will be used limiting access to authorized personnel.

Retention and disposal: One year to indefinitely, depending on the requirements of the study. Records are shredded, burned or erased.

System manager(s) and address:
Chief, Craniofacial Anomalies Program Branch
National Institute of Dental Research, NIH
Westwood Building, Room 520
53333 Westbard Avenue
Bethesda, Maryland 20014

Notification procedure: To determine if a file exists, write to the System Manager and provide the following information:

1. approximate dates and place of treatment.
2. name of the study, if known.
3. an individual who requests notification of or access to a medical record shall, at the time the request is made, designate a responsible representative in writing who will be willing to review the record and inform the subject individual of its contents at the representative's discretion (these notification and access procedures are in accordance with Department Regulations (45 CFR, Part 5b.6), Federal Register, October 8, 1975, page 47411).

Record access procedures: Same as notification procedures. Requestors should also reasonably specify the record contents being sought.

Contesting record procedures: Write to system manager and reasonably identify the record and specify the information to be contested, in accordance with Department Regulations, Federal Register, October 8, 1975, page 47411 (45 CFR, Part 5b.7).

Record source categories: Hospital medical records, pathology and biochemistry laboratory records, and diaries on environmental factors kept by patients.

Systems exempted from certain provisions of the act: None.

NIH NHLI 0309.00

System name: National Heart and Lung Epidemiological and Biometric Studies. DHEW/NIH/NHLI.

Security classification: None.

System location: Records included in this system are located in hospitals, universities, research centers, research foundations, and coordinating centers under contract with the National Heart and Lung Institute, and in NHLI facilities in Bethesda, Maryland.

Categories of individuals covered by the system: Participants in these studies include 1) individuals who have been or who are presently being treated by the National Heart and Lung Institute, for diseases or conditions of the heart, lung, blood vessels and blood; 2) individuals whose physical, genetic, social, economic, enviornmental, behavioral or nutritional conditions or habits are being studied in relation to the incidence of heart, lung, blood vessel and blood diseases among human beings; and 3) normal volunteers who have agreed to provide control data germane to these studies.

Categories of records in the system: This system consists of a variety of clinical, medical, and statistical information resulting from or contained in research findings, medical histories, vital statistics, personal interviews, questionnaires, or direct observation. The system also includes records of current addresses of study participants, photographs, fingerprints, and correspondence from or about participants in these studies.

Authority for maintenance of the system: Sec. 412, 413 Public Health Service Act (42 U.S.C. 287a, 287b)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. Research data are made available to authorized, collaborating researchers, which includes DHEW contractors and grantees.
2. See Appendix B Departmental Regulations (45 CFR Part 5b), Items: 2,3,8,9,100,101, and 102.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Data may be stored in file folders, magnetic tapes or discs, punched cards, bound note books.

Retrievability: Information is retrieved by name and/or participant identification number. DHEW Uses: Summaries of data resulting from these studies are used by the National Heart and Lung Institute to monitor and evaluate the incidence of the diseases or the conditions under investigation and the relationship of various factors to the occurrence of these diseases, and for program planning and evaluation purposes.

Safeguards: Access to or disclosure of information is limited to authorized researchers, NHLI employees whose duties require the use of such information, and subject individuals themselves whose identity has been properly verified. Data stored in computers is accessed through the use of key words known only to principal investigatores or authorized personnel. All other information will be stored in locked files.

Retention and disposal: Records are retained by NIH indefinitely, as the documentation from scientific and medical research are normally permanent records.

System manager(s) and address:
Chief, Epidemiology Branch
National Heart and Lung Institute
Landow Building, C825
7910 Woodmont Avenue
Bethesda, MD 20014

Notification procedure:
NHLI Privacy Coordinator
Building 31, NIH
9000 Rockville Pike
Bethesda, MD 20014
Requestors must provide the following information in writing:
1. Full name
2. Name and location of research study

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3. Approximate dates of enrollment These notification procedures are in accordance with the DHEW regulations as published in the Federal Register, October 8, 1975, p.47411 (45 CFR, Part 5b.6).

Record access procedures: Same as notification. Requestors should also reasonably specify the record contents being sought. These access procedures are in accordance with the DHEW regulations as published in the Federal Register, October 8, 1975, p.47411 (45 CFR, Part 5b.6).

Contesting record procedures: System Manager as indicated above. The contestor must reasonably specify in writing the record contents at issue.

Record source categories: Information contained in these records is obtained directly from individual participants and from medical and clinical research observations.

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None.

NIH NICHD 0313.00

System name: Clinical trials dealing with phototherapy for neonatal hyperbilirubinemia--HEW/NIH/NICHD.

Security classification: None.

System location:

Bldg. 31, Room 2A-50
9000 Rockville Pike
Bethesda, Maryland 20014
And six contract sites performing the trials (See Appendix).

Categories of individuals covered by the system: Patients in clinical trials dealing with phototherapy in the newborn.

Categories of records in the system: Individual medical and laboratory records of subjects participating in the study.

Authority for maintenance of the system: 42 U.S.C. 241(g), 289d.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. Disclosure may be made to a congressional office from the record of an individual in response to an.inquiry from that office made at the request of that individual, parents, or guardian.
2. Certain infectious diseases are reported to state governments as required by law.
3. Information may be given to a primary care physician when treatment or follow-up of a condition noted during the one-year examination given each patient in the study is indicated.
4. To the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activity of the Public Health Service in connection with such individual. (Appendix B Departmental Regulations (45 CFR Part 5b), Item 100.)

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders, computer tapes or discs.

Retrievability: Name or identifier code. NIH Uses: Data analysis; program management; DHEW user (Office of the Scientific Director, NICHD) will receive unidentified, aggregate data extracted by the principal investigators from patient records describing the effects of phototherapy on the treatment of hyperbilirubinemia in newborns and the subsequent development of the patient.

Safeguards: The records are maintained in locked cabinets with access limited to authorized personnel (system manager, principal investigator and his staff assigned to the project, project officer, contracting officer). For computerized records, safeguards are established in accordance with Departmental standards and National Bureau of Standards guidelines, e.g. security codes will be used limiting access to authorized personnel.

Retention and disposal: One year to indefinitely, depending on the length of the patient follow-up required to complete the study. Records are shredded, burned or erased.

System manager(s) and address:

Chief, Section on Human Biochemical and Developmental Genetics, NPMB
Intramural Research Program, NICHD, NIH
Bldg. 10, 13N258
9000 Rockville Pike
Bethesda, Maryland 20014

Notification procedure: To determine if a file exists, write to the System Manager and provide the following information:

1. Approximate dates and place of treatment.
2. Name of the study, if known.
3. An individual who requests notification of or access to a medical record shall, at the time the request is made, designate a responsible representative in writing who will be willing to review the record and inform the subject individual of its contents at the representative's discretion (these notification and access procedures are in accordance with Department Regulations (45 CFR, Part 5b.6), Federal Register, October 8, 1975, page 47411).

Record access procedures: Same as notification procedures. Requestors should also reasonably specify the record contents being sought.

Contesting record procedures: Write to system manager and reasonably identify the record and specify the information to be contested, in accordance with Department Regulations, Federal Register, October 8, 1975, page 47411 (45 CFR, Part 5b.7).

Record source categories: Information provided by subjects and clinical investigators.

Systems exempted from certain provisions of the act: None.

APPENDIX I

N01-HD-4-2818

University of Cincinnati
College of Medicine
Cincinnati, Ohio 45219

Principal Investigator:
James M. Sutherland, M.D.

N01-HD-4-2819

State University of New York
Downstate Medical Center.
450 Clarkson Avenue
Brooklyn, NY 11203

Principal Investigator:
Dr. Audrey K. Brown

N01-HD-4-2820

Virginia Commonwealth University
Medical College of Virginia
1200 East Broad Street
Richmond, VA 23298

Principal Investigator:
Harold M. Maurer, M.D.

NO1-HD-4-2821

Long Island Jewish Hillside Medical Center
New Hyde Park
New York 11041

Principal Investigator:
Philip J. Lipsitz, M.D.

N01-HD-4-2822

Albert Einstein College of Medicine of Yeshiva University
1300 Morris Park Avenue
Bronx, NY 10461

Principal Investigator:
Lawrence M. Gartner, M.D.

N01-HD-4-2823

Professional Staff Association of the LAC/USC Medical Center
Women's Hospital, Room 919L
1240 Mission Road
Los Angeles, CA 90033

Principal Investigators:
Joan E. Hodgman, M.D.
Paul U. K. Wu, M.D.

NIH NINCDS 0315.00

System name: Neural Prosthesis & Biomedical Engineering Studies. HEW/NIH/NINCDS.

Security classification: None.

System location:

NIH
Federal Building, Room 120
7550 Wisconsin Ave.
Bethesda, Md 20014
and at hospitals and medical centers under contract. A list of locations is available upon request from system manager.

Categories of individuals covered by the system: Patients and normal volunteers, males and females, participating in clinical studies to determine the feasibility of neural prostheses, and in clinical studies related to the development of instrumentation for diagnosis and treatment of neurological and sensory disorders conducted under contract for the National Institute of Neurological and Communicative Disorders and Stroke.

Categories of records in the system: Clinical research data as related to studies which seek to determine the feasibility of neural prostheses and to develop instrumentation for diagnosis and treatment of neurological and sensory disorders.

Authority for maintenance of the system: 42 U.S.C. 421, 289a, 289c.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. Records are made available to approved or collaborating researchers, including DHEW contractors and grantees.
2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
3. To the Department of Justice or other appropriate Federal Agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged, to have arisen because of activity of the Public Health Service in connection with such individual. (Appendix B, Department Regulations (45 CFR Part 5b) Item 100.)

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: They are stored in file folders.

Retrievability: They are retrieved by name. HEW use: research on the feasibility and development of neural prostheses, and research related to the development of instrumentation for the diagnosis and treatment of neurological and sensory disorders. Clinical research data is used by the National Institute of Neurological and Communicative Disorders and Stroke and unidentified aggregate data may be used by other NIH scientists.

Safeguards: The records are maintained in cabinets with access limited to authorized personnel (system manager and members of his staff, project officer, and contracting officer).

Retention and disposal: Years at NIH: indefinitely.

System manager(s) and address:

Director, Fundamental Neurosciences Program
Federal Building, Room 120
7550 Wisconsin Ave
Bethesda, MD 20014

Notification procedure: Write To:

Head, Administrative Management Section
Building 31, Room 8A47
9000 Rockville Pike
Bethesda, MD 20014

and ask if a file exists with your name in the Neural Prothesis or Biomedical Engineering Studies. Also, designate a responsible representative who will be willing to review the record and inform you of its contents at his/her discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Part 5b.6) Federal Register, October 8, 1975, page 47411.)

Record access procedures: Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

Contesting record procedures: Write to system manager and reasonably identify the record and specify the information to be contested, in accordance with Department Regulations, Federal Register, October 8, 1975, page 47411 (45 CFR, Part 5b.7).

Record source categories: Patients, patients' families, hospital records and clinical investigators.

Systems exempted from certain provisions of the act: None.

NIH NINCDS 0316.00

System name: Clinical Research Studies dealing with Hearing, Speech and Language Disorders. HEW/NIH/NINCDS.

Security classification: None.

System location:

Federal Building, NIH
7550 Wisconsin Avenue
Bethesda, MD 20014
And at hospitals, medical centers, universities and educational settings under contract. A list of locations is available upon request from the System Manager.

Categories of individuals covered by the system: Patients and normal volunteers participating in clinical research studies dealing with hearing, speech and language disorders.

Categories of records in the system: Medical findings, clinical research data, medical and educational histories and research data on the hearing, speech, language and cognition of subjects being tested.

Authority for maintenance of the system: 42 U.S.C. 241, 289a, 289c.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. Records are made available to approved or collaborating researchers, including DHEW contractors and grantees.
2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
3. To the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activity of the Public Health Service in connection with such individual (Appendix B Departmental Regulations (45 CFR Part 5b) Item 100.)

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: They are stored in file folders.

Retrievability: Name or identifier code. HEW uses: Data analysis; program management; DHEW user (Communicative Disorders Program, National Institute of Neurological and Communicative Disorders and Stroke), will receive data extracted by principal investigators from patient and normal volunteer records on the effects of various factors on hearing, speech, language, and cognition.

Safeguards: The records are maintained in cabinets in offices where access is limited to authorized personnel (principal investigator and staff assigned to the project, project officer, contracting officer).

Retention and disposal: Years at NIH: one year to indefinitely, depending on the requirements of the specific study. Following completion of a specific study all individual identification will be removed, or the records destroyed.

System manager(s) and address:

Director, Communicative Disorders Program
Federal Building, NIH
7550 Wisconsin Avenue
Bethesda, Md. 20014

Notification procedure: Write To:

Head, Administrative Management Section
Building 31, Room 8A47
9000 Rockville Pike
Bethesda, Maryland 20014

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To ask if a file exists with your name in studies of Communication Disorders Program. Please supply the following information:

1. Approximate date and place of examination and/or treatment.
2. Name of the study, if known.
3. A responsible representative who will be willing to review the record and inform you of its contents at his/her discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Part 5b.6) Federal Register, October 8, 1975, page 47411).

Record access procedures: Same as notification procedures. Requests should also reasonably specify the record contents being sought.

Contesting record procedures: Write to system manager and reasonably identify the record and specify the information to be contested, in accordance with Department Regulations, Federal Register, October 8, 1975, page 47411 (45 CFR Part 5b.7).

Record source categories: Information provided by patients, patients' families, hospital records, school records, and clinical investigators.

Systems exempted from certain provisions of the act: None.

NIH NCI 0325.00

System name: Environmental Epidemiologic Studies in the Division of Cancer Cause and Prevention, HEW/NIH/NCI.

Security classification: None.

System location:

Landow Building, Room A521
7910 Woodmont Ave.
Bethesda, Md. 20014
and
Bldg. 12, NIH
9000 Rockville Pike
Bethesda, Md. 20014
and at hospitals, medical schools, universities, research institutions, commercial organizations, state agencies, and collaborating government agencies. A list of locations and contracts is available upon request from the System Manager.

Categories of individuals covered by the system: Patients with cancer and related diseases, (e.g., birth defects), patients with other diseases (e.g., heart disease), normal and other persons (e.g., family members) for the purpose of making comparisons.

Categories of records in the system: Medical records, progress reports, correspondence, epidemiological computerized data and records on biological specimens (e.g., blood, tumors, urine, etc.).

Authority for maintenance of the system: 42 U.S.C. 241, and 282.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. Disclosure may be made to DHEW contractors and collaborating researchers and their staff in the conduct of the study and in preparation of scientific reports.
2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual.
3. See other DHEW routine uses as published in the Federal Register, October 8, 1975, Page 47415, Appendix B, items 9 and 100 (45 CFR Part 5b).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders, microfilm, charts, graphs, computer tapes discs and punch cards.

Retrievability: By name and/or code number. NCI uses: to determine (1) factors or substances in the environment which cause cancer; (2) ways in which these factors or substances may cause cancer; and (3) characteristics of persons who may be particularly susceptible to the environmental factor(s) or substance(s) and/or to cancer.

Safeguards: DHEW contractors and collaborating researchers will comply with the provisions of the Privacy Act and with Department Regulations. Subjects participating in a clinical study will be advised that their identity will only be known to those who are involved in conducting the study and that any published findings will be in a format which precludes individual identification. Data will be kept in secured areas with access limited to authorized personnel (system manager, project officer, contracting officer, collaborating researchers, staff, and DHEW contractors). Data transmitted to the NCI will be in a non-personally identifiable form. For computerized records the contractor will comply, where appropriate, with Department standards and National Bureau of Standards Guidelines. For example, access is controlled by the use of security codes known only to authorized personnel.

Retention and disposal: One year to indefinitely depending on the project. Hard copy burned; computer tapes and discs erased.

System manager(s) and address:

Chief, Environmental Epidemiology Branch
National Cancer Institute
Landow Building, Room A521
7910 Woodmont Avenue
Bethesda, Maryland 20014

Notification procedure:

To determine if a file exists write to system manager and provide the following information:

a. System name: Environmental Epidemiologic Studies in the Division of Cancer Cause and Prevention
b. Complete name at time of study
c. Facility and home address at the time the study was undertaken
d. Date(s) at the time the information was provided (if known)
e. Birthdate
f. Disease type (if known)

Medical records notification procedures are in accordance with Departmental Regulations, Federal Register, October 8, 1975, page 47411 (45 CFR Part 5b.6) (See 12 below)

Record access procedures: The same information provided above for notification is also needed for access. (1) Non-Medical Records - written requests should be made to the System Manager providing identity verification consisting of either a notarization of the request or a certification that the individual is who he or she claims to be, and understands that the knowing and willful request for acquisition of a record pertaining to the individual under false pretenses is a criminal offense under the Act, subject to

5,000 fine. (2) Medical Records access procedures are in accordance with Departmental Regulations, Federal Register, October 8, 1975, page 47411 (45 CFR, Part 5b.6). Individuals seeking access to medical records should designate a representative (including address) who may be a physician, other health professional, or other responsible individual who would be willing to review the record and inform the subject individual of its contents, at the representative's discretion.

Contesting record procedures: Write to system manager and specify the record and the part(s) to be contested.

Record source categories: DHEW agencies, institutions under contract to the U.S. Government, universities, medical schools, hospitals, research institutions, commercial institutions, state agencies, other U.S. Government agencies, patients and normal volunteers, physicians, research investigators and other collaborating personnel.

Systems exempted from certain provisions of the act: None.

NIH NCI 0326.00

System name: Clinical Epidemiologic Studies in the Division of Cancer Cause and Prevention, HEW/NIH/NCI.

Security classification: None.

System location:

Landow Building, Room A521
7910 Woodmont Ave.
Bethesda, Md. 20014
and
Bldg. 12, NIH
9000 Rockville Pike
Bethesda, Md. 20014
and at hospitals, medical schools, universities, research institutions, commercial organizations, state agencies, and collaborating government agencies. A list of locations and contracts is available upon request from the System Manager.

Categories of individuals covered by the system: Patients with cancer and related diseases, (e.g., birth defects), patients with other diseases (e.g., heart disease), normal and other persons (e.g., family members) for the purpose of making comparisons.

Categories of records in the system: Medical records, progress reports, correspondence, epidemiological computerized data and records on biological specimens (e.g., blood, tumors, urine, etc.).

Authority for maintenance of the system: 42 U.S.C. 241, and 282.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. Disclosure may be made to DHEW contractors and collaborating researchers and their staff in the conduct of the study and in preparation of scientific reports.
2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual.
3. See other DHEW routine uses as published in the Federal Register, October 8, 1975. Page 47415, Appendix B, items 9 and 100 (45 CFR Part 5b).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders, microfilm, charts, graphs, computer tapes discs and punch cards.

Retrievability: By name and/or code number. NCI uses: to determine (1) factors or substances in the environment which cause cancer; (2) ways in which these factors or substances may cause cancer; and (3) characteristics of persons who may be particularly susceptible to the environmental factor(s) or substance(s) and/or to cancer.

Safeguards: DHEW contractors and collaborating researchers will comply with the provisions of the Privacy Act and with Department Regulations. Subjects participating in a clinical study will be advised that their identity will only be known to those who are involved in conducting the study and that any published findings will be in a format which precludes individual identification. Data will be kept in secured areas with access limited to authorized personnel (system manager, project officer, contracting officer, collaborating researchers, staff, and DHEW contractors). Data transmitted to the NCI will be in a non-personally identifiable form. For computerized records the contractor will comply, where appropriate, with Department standards and National Bureau of Standards Guidelines. For example, access is controlled by the use of security codes known only to authorized personnel.

Retention and disposal: One year to indefinitely depending on the project. Hard copy burned; computer tapes and discs erased.

System manager(s) and address:

Chief, Clinical Epidemiology Branch
National Cancer Institute
Landow Building, Room A521
7910 Woodmont Avenue
Bethesda, Maryland 20014

Notification procedure:

To determine if a file exists write to system manager and provide the following information:

a. System name: Clinical Epidemiologic Studies in the Division of Cancer Cause and Prevention
b. Complete name at time of study
c. Facility and home address at the time the study was undertaken
d. Date(s) at the time the information was provided (if known)
e. Birthdate
f. Disease type (if known)

Medical records notification procedures are in accordance with Departmental Regulations, Federal Register, October 8, 1975, page 47411 (45 CFR Part 5b.6) (See 12 below)

Record access procedures: The same information provided above for notification is also needed for access. (1) Non-Medical Records - written requests should be made to the System Manager providing identity verification consisting of either a notarization of the request or a certification that the individual is who he or she claims to be, and understands that the knowing and willful request for acquisition of a record pertaining to the individual under false pretenses is a criminal offense under the Act, subject to

5,000 fine. (2) Medical Records access procedures are in accordance with Departmental Regulations, Federal Register, October 8, 1975, page 47411 (45 CFR, Part 5b.6). Individuals seeking access to medical records should designate a representative (including address) who may be a physician, other health professional, or other responsible individual who would be willing to review the record and inform the subject individual of its contents, at the representative's discretion.

Contesting record procedures: Write to system manager and specify the record and the part(s) to be contested.

Record source categories: DHEW agencies, institutions under contract to the U.S. Government, universities, medical schools, hospitals, research institutions, commercial institutions, state agencies, other U.S. Government agencies, patients and normal volunteers, physicians, research investigators and other collaborating personnel.

Systems exempted from certain provisions of the act: None.

CDC NIOSH 0141.00

System name: Respiratory Disease Studies Involving Persons of West Virginia Coal Mining Communities HEW/CDC/NIOSH.

Security classification: None.

System location:

Appalachian Laboratory for Occupational Safety and Health, NIOSH
944 Chestnut Ridge Road
Morgantown, West Virginia 26505
and
Ian T. Higgins, M.D.
School of Public Health
Dept. of Epidemiology
University of Michigan
109 Observatory Street
Ann Arbor, MI 48104

Categories of individuals covered by the system: Miners, nonminers, wives of miners, and wives of non-miners living in Richwood, Mullens, and Marion Counties, West Virginia.

Categories of records in the system: Medical, occupational, and smoking histories; results of medical tests; demographic data.

Authority for maintenance of the system: Federal Coal Mine Health and Safety Act, Section 501 (30 U.S.C. 951).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual (see Appendix B of HEW Regulation, 45 C.F.R., part 5b, item 100).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders, computer tape, computer discs, computer cards, computer printouts.

Retrievability: The purpose of this system is to perform medical and epidemiological research and statistical analysis on the respiratory disease of coal miners and other workers in coal mining communities in West Virginia. The data is retrieved by name or case number.

Safeguards:

24-hour guard service in building
Locked building; locked rooms
Personnel screening
Locked computer room and computer tape vaults
Locked file cabinets
Computer tapes are password protected.

Retention and disposal: Records retained indefinitely. Disposal methods include erasing computer tapes and burning or shredding printouts or paper forms.

System manager(s) and address:

Director
National Institute for Occupational Safety and Health
5600 Fishers Lane, Park Bldg. - Room 3-32
Rockville, Maryland 20852

Notification procedure: To determine if a file exists, write the:

Privacy Act Coordinator
Management Analysis Office
Center for Disease Control
Atlanta, Georgia 30333 and provide the following information:
(1) approximate date(s)
and place of treatment or questionnaire administration, (2) name of study, if known; (3) an individual who requests notification of or access to a medical record shall, at the time the request is made, designate a responsible

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representative in writing who will be willing to review the record and inform the subject individual of its contents at the representative's discretion (these notification and access procedures are requirements of the Department Regulations, 45 C.F.R., Part 5b.6, Federal Register, October 8, 1975, page 47411).

Record access procedures: Same as notification procedure. Requesters should also reasonably specify the record contents being sought.

Contesting record procedures: Write the:

Privacy Act Coordinator
Management Analysis Office
Center for Disease Control Atlanta, Georgia 30333
Reasonably identify the record and specify the information to be contested in accordance with Department Regulations, Federal Register, October 8, 1975, page 47411 (45 C.F.R., Part 5b.7).

Record source categories: Information is obtained directly from individuals.

Systems exempted from certain provisions of the act: None. /*

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The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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"THE FEDERAL REGISTER—WHAT IT IS AND HOW TO USE IT"

Weekly Briefings at the Office of the Federal Register

(For Details, See 41 FR 22997, June 8, 1976)

RESERVATIONS: JANET SOREY, 523–5282

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 10—Energy

CHAPTER II—FEDERAL ENERGY OFFICE

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

Special Set-Aside Procedures for Middle Distillates

BACKGROUND AND PROPOSED AMENDMENT

On July 9, 1976 the Federal Energy Administration (which, effective July 31, 1976, became the Federal Energy Office and is hereinafter referred to as the "FEO") issued a notice of proposed rulemaking and public hearing (41 FR 28797; July 13, 1976) as to the adoption of Special Rule No. 3 for Subpart A of Part 211 (the "Special Rule"). The Special Rule as proposed provided for a special set-aside procedure for middle distillates administered by FEO's Regional Offices for the transitional period following the exemption of middle distillates from the Mandatory Price and Allocation Regulations on July 1, 1976.

As indicated in the notice, the special set-aside procedures derive from FEO's discussions with members of Congress regarding the middle distillate exemption proposals. In response to Congressional concerns, FEO committed that it would take certain actions following the effectiveness of the exemption to assure first that no unwarranted price increases would occur once controls were removed and secondly that marketers would be protected during the transitional period following removal of controls as to their ability to obtain supplies, which latter commitment is fulfilled by the issuance hereby of the Special Rule. With respect to the safeguards against price increases, FEO informed the Congress that FEO would institute a monitoring system for middle distillate prices, which was proposed by FEO on July 20, 1976 (41 FR 30281, July 22, 1976).

The Special Rule as proposed provided for the establishment of a set-aside program administered by FEO's Regional Offices for the period August 1976 through March 1977, which would operate to insure that no marketer would lose its supply source without adequate time to secure a new supplier. The proposal permitted marketers who have made diligent unsuccessful efforts to obtain supplies to be assigned as much as their previously authorized base period use from the special set-aside. These assignments could be made for periods of up to 90 days if required to permit the marketers to make their own supply arrangements or for longer if required to preclude hardships to consumers. The proposal also allowed assignments to be made directly to consumers under the same hardship criteria that existed previously for middle distillates in the state set-aside program. As proposed, the set-aside for each prime supplier constituted four percent of the estimated portion of its total supply of middle distillates for the particular month to be sold into the distribution system of a state for consumption therein.

Because the FEO regionally administered set-aside program could not be implemented before August 1976, FEO adopted an interim rule (Special Rule No. 2) on July 1, 1976 which continued the operation of the state set-aside program in a modified form for the month of July to assure that no marketer would lose its source of supply during that month.

Written comments were invited on the proposal through July 23, 1976 and the public hearing was held on July 22, 1976. Forty-eight written and oral comments were received. Among those offering comments were suppliers, including major integrated refining companies and large and small independent refining companies, potential recipients of relief, including resellers and marketer associations, and also State Offices which administer the state set-aside program. Most of the comments did not oppose the establishment of a transitional set-aside program for middle distillates. However, many of those commenting, including states, resellers, and the marketer associations, contended that the special set-aside should be administered by the State Offices, as was previously the case, rather than by the FEO Regional Offices.

SPECIAL SET-ASIDE PROCEDURES ADOPTED

FEO has carefully considered the comments of all persons who participated in this rulemaking and has concluded that the proposed set-aside procedures should be adopted, with certain modifications described below that reflect comments received and further analysis by FEO.

Administration by State Offices. FEO has first concluded that the State Offices should administer the special set-aside for middle distillates. During the administration of the state set-aside since its inception, the State Offices have accumulated valuable experience and expertise in dealing with the hardship requests of end-users and wholesale purchaser-consumers in a timely manner, and the procedures that the State Offices already have in place to handle set-aside requests will facilitate their processing of applications of eligible wholesale purchaser-resellers, as well as hardship requests of end-users and wholesale purchaser-consumers during this period. Inasmuch as the State Offices are continuing to administer the state set-aside for motor gasoline and propane, confusion will be avoided by permitting them to operate the special set-aside for middle distillates during the relatively short period it will be in effect.

With respect to whether the states themselves wish to manage the special set-aside, FEO has been apprised that at least forty wish to do so. In those cases where a state does not wish to operate the middle distillate set-aside, a provision has been included in the Special Rule whereby a state may elect to have the special set-aside for middle distillates administered by the appropriate FEO Regional Office that has jurisdiction over the state involved.

Guidelines. To assure uniform treatment to applicants and as an aid in administering the special set-aside procedures, FEO will issue guidelines for administration of the Special Rule to the State and Regional Offices. Among the criteria to be included is the requirement that a new supplier will not be assigned to an applicant merely because the current supplier has higher product prices. FEO does not anticipate that there will be any significant price increases for middle distillates as a result of decontrol, but different prices may continue to exist as among different suppliers following decontrol.

Supplier's Responsibilities. With respect to the obligations of a supplier after an assignment has been made, to prevent any pricing practice or other action which would have the effect of circumventing the objectives and purposes of the Special Rule, a provision has been added which makes it clear that the requirements of paragraph (b) of 10 CFR 210.62 prohibiting any form of discrimination among purchasers continue to apply.

State Representative. Under the proposal each supplier was required to designate as a representative within each state in which it is a prime supplier a firm doing business within the state. Some of the comments received indicated that various suppliers either have no personnel in one or more states or have personnel such as sales representatives, who may not be knowledgeable with respect to the firm's middle distillate distribution system for that state. Certain suppliers distribute their product on a regional (as opposed to a state-by-state) basis, and therefore the most knowledgeable representative of a supplier may be outside the particular state in which the applicant is located. For these reasons, in the final rule FEO is permitting the prime supplier to designate a state representative for the state, not necessarily within the state.

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(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended by Pub. L. 94-163; E.O. 11930, July 30, 1976)

In consideration of the foregoing, Part 211, Chapter II of Title 10, Code of Federal Regulations, is hereby amended as set forth below, effective immediately.

Issued in Washington, D.C., August 5, 1976.

MICHAEL F. BUTLER,
General Counsel.

The Appendix to Subpart A of Part 211 is amended by the addition of a Special Rule No. 3 to read as follows:

SPECIAL RULE NO. 3

1. *Scope.* This Special Rule provides for a set-aside program for middle distillates for the months of August 1976 through March 1977, as provided below, notwithstanding the exemption of middle distillates from the Mandatory Petroleum Allocation and Price Regulations effective July 1, 1976.

2. *Provision for middle distillate set-aside.* Notwithstanding the provisions of paragraphs (b) and (c) of § 210.35 and of paragraphs (b) (5) and (6) of § 211.1, a set-aside is hereby established for the months August 1976 through March 1977 for middle distillates for assignment by State Offices in accordance with the provisions of this Special Rule.

3. *Set-aside volume.* A prime supplier shall inform each appropriate State Office monthly of the estimated volume of middle distillates to be sold into a state for consumption within that state. The set-aside volume available in a state to a State Office for a particular month shall be the sum of the amounts calculated by multiplying four (4) percent by each prime supplier's estimated portion of its total supply for that month which will be sold into that state's distribution system for consumption within the state. The set-aside for a particular month cannot be accumulated or deferred; it shall be made available from stocks of prime suppliers whether directly or through their wholesale purchaser-resellers.

4. *State representative.* Each supplier shall designate a representative for each state in which the supplier is a prime supplier to act for and on behalf of the prime supplier with respect to set-aside petitions and assignments from the set-aside to be supplied by that prime supplier. Each prime supplier for a state shall designate its representative for that state and shall notify in writing the appropriate State and FEO Regional Offices of such designation within 10 days after the effective date of this Special Rule. The State Office shall to the maximum extent possible consult with a prime supplier's representative prior to issuing any authorizing document affecting set-aside volumes to be provided by the prime supplier.

5. *Eligible recipients of set-aside volumes.* The set-aside provided for by this Special Rule shall be utilized by the State Offices to meet hardship and emergency requirements of all wholesale purchaser-consumers and end users and to meet the supply needs of a wholesale purchaser-reseller in cases where the wholesale purchaser-reseller has demonstrated that it will not be able to obtain with diligent efforts in a particular month a volume of middle distillates equal to its base period use of middle distillates for that month as determined under this subpart and Subpart G of this part. To facilitate relief of the hardship and emergency requirements of wholesale purchaser-consumers and end-users, the State Office may also direct that a wholesale purchaser-reseller be supplied from the set-aside in order that the wholesale purchaser-reseller can supply the wholesale purchaser-consumers and end-users experiencing the hardship or emergency.

6. *Term of assignments.* Assignments to eligible wholesale purchaser-resellers under section 5 of this Special Rule by a State Office shall not be made for a period in excess of 90 days. Assignments for additional periods shall not be made to a firm unless necessary to preclude hardship and provide emergency requirements to ultimate consumers. No assignments to eligible recipients under section 5 of this Special Rule shall relate to any period subsequent to March 31, 1977.

7. *Application for assignment.* All applications for assignment under this Special Rule shall be made to the appropriate State Office, which Office has jurisdiction over the state in which the applicant conducts its business operations, in accordance with the procedures set forth in §§ 205.211-218 of Subpart Q of Part 205 of this chapter with respect to the state set-aside, except as otherwise provided in this Special Rule and except that all applications by wholesale purchaser-resellers must be in writing.

8. *Transfer of functions to FEO Regional Office.* Any state may elect irrevocably at any time to transfer administration of the middle distillate set-aside established by this Special Rule from its State Office to the FEO Regional Office which has jurisdiction over said state, and will inform the FEO Regional Office in writing of such election. In the event of an election described in the preceding sentence by a particular state, all applications by applicants conducting business within that state shall be made to the appropriate FEO Regional Office. With respect to applications made to an FEO Regional Office under this section all references to a State Office in this Special Rule and Subpart Q of Part 205 of this chapter shall be deemed to refer to the appropriate FEO Regional Office.

9. *Approval of application.* If a State Office approves an application for assignment, it shall assign a prime supplier and amount from the set-aside to the applicant. To determine an appropriate prime supplier, the State Office may coordinate with the state representatives of the prime suppliers.

10. *Authorizing document.* The State Office shall issue to an applicant granted an assignment a document authorizing such assignment. A copy of the authorizing document (or a summary) shall also be provided by the State Office to the designated state representative of the prime supplier assigned to the applicant. An authorizing document not presented to either the prime supplier or a designated local distributor of the prime supplier within ten (10) days of issuance shall expire after that time.

11. *Supplier's responsibilities.* When presented with an authorizing document, suppliers shall provide the assigned amount of middle distillates to an applicant. The authorizing document shall entitle the applicant to receive product from any convenient local distributor of the prime supplier from which the set-aside assignment has been made. Wholesale purchaser-resellers of prime suppliers shall, as non-prime suppliers, honor such authorizing documents upon presentation, and shall not delay deliveries required by the authorizing document while confirming such deliveries with the prime supplier. Any non-prime supplier which provides middle distillates pursuant to an authorizing document shall in turn receive from its prime supplier an equivalent volume of the product. The requirements of paragraph (b) of § 210.62 of this chapter continue to apply to suppliers to whom an authorizing document is presented pursuant to this Special Rule to prohibit any form of discrimination (including price discrimination) which has the effect of circumventing, frustrating, or impairing the objectives, purposes and intent of this Special Rule.

12. *Prime suppliers.* All prime suppliers shall supply middle distillates from their set-aside volume each month, as directed by the State Offices, not to exceed the total set-aside volume for middle distillates for that month for the state concerned.

13. *Release of set-aside.* At any time during the month, a State Office may order the release of part or all of a prime supplier's set-aside volume through the prime supplier's normal distribution system in the state.

14. *Orders issued by State Offices.* Authorizing documents and other orders issued pursuant to this Special Rule shall be in writing and effective immediately upon presentation to the prime supplier's designated state representative. Authorizing documents shall represent a call on the prime supplier's set-aside volumes for the month of issuance irrespective of the fact that delivery cannot be made until the following month. Any order issued by a State Office pursuant to this Special Rule may be appealed to the FEO Regional Office that has jurisdiction over the state involved, in acordance with the procedures set forth in Subpart H of Part 205 of this chapter. Any appeal from such an order shall be filed within ten (10) days of service of the order from which the appeal is taken. If a State Office fails to take action on an application within ten (10) days of filing, the applicant may treat the application as having been denied in all respects and may appeal therefrom as provided in this section.

15. *Products included within term middle distillates.* For purposes of this Special Rule the term middle distillates includes the following, all as defined in § 212.31 of this chapter: No. 1 heating oil, No. 1-D diesel fuel, No. 2 heating oil, No. 2-D diesel fuel and kerosene.

[FR Doc.76-23279 Filed 8-6-76;9:30 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Orgotein for Injection

Correction

In FR Doc. 76-22532 appearing on page 32583 in the issue of Wednesday, August 4, 1976, the effective date in the first and last paragraphs of the document reading "September 3, 1976" should read "August 4, 1976".

PART 555—CHLORAMPHENICOL DRUGS FOR ANIMAL USE

Chloramphenicol Tablets

Correction

In FR Doc. 76-22533 appearing on page 32583 in the issue of Wednesday, August 4, 1976, the effective date in the first and last paragraph of the document reading "September 3, 1976" should read "August 4, 1976".

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20368; FCC 76-748]

OFFSHORE RADIO TELECOMMUNICATIONS SERVICE

Creation

By the Commission: [1]

In the matter of amendment of Parts 2 and 21 [2] of the Commission's Rules to provide for the creation of an Offshore Radio Telecommunications Service (ORTS).

1. On February 26, 1975, the Commission, in response to a petition (RM-1985) filed June 7, 1972, by the Offshore Telephone Company (Offshore), issued a Notice of Proposed Rule Making (NPRM) and Notice of Inquiry (NOI) to amend parts 2 and 21 of the Rules and Regulations. The NPRM/NOI was published in the FEDERAL REGISTER on March 20, 1975 (40 FR 12678). The petition proposed the allocation of frequency spectrum and the promulgation of regulations necessary to permit the establishment of comprehensive common carrier radio services in the Outer Continental Shelf region of the Southern Louisiana Gulf Coast.[3] Petitioner suggested that the new service be called the Offshore Radio Telecommunications Service (ORTS).

2. Comments were filed by the Offshore Telephone Company (Offshore), the Association of Maximum Service Telecasters, Inc. (AMST), the Central Committee on Telecommunications of the American Petroleum Institute (API), ITT World Communications, Inc. (ITT), the Radio Broadcasting Company and Radio Dispatch Co. (Radio), the GTE Service Corporation (GTESC), the American Telephone and Telegraph Company (AT&T), the Mobile Marine Radio, Inc. (MMR), the Continental Oil Company (Continental), the CNG Producing Company (CNG), and the Placid Oil Company (Placid). Reply comments were filed by the Offshore Telephone Company, the Association for Maximum Service Telecasters, Inc., the Central Committee on Telecommunications of the American Petroleum Institute, and the American Telephone and Telegraph Company.

3. After careful review of all comments and reply comments, the Commission remains convinced that the establishment of an ORTS, essentially as proposed, would be in the public interest. In brief, we have decided that the use of television channel 17 on a shared basis by stations located offshore in the Gulf of Mexico will satisfy a confirmed need for additional common carrier radio communication in this area in a manner consistent with the most efficient use of the spectrum. However, as noted infra, we have decided to limit the allocation for ORTS to 4 MHz, and allocate the remaining 2 MHz for private use in the Industrial Services. Also, we have reduced the frequency separation for channel-pairs from 5 MHz to 3 MHz for the reasons noted in paragraph 11. The comments raised several issues which we deal with in the following paragraphs.

4. There was considerable difference of opinion regarding the need for the new communication service. AMST and AT&T maintained that no need has been demonstrated. On the other hand, API and Offshore offered several examples of what they perceive to be unfulfilled communication requirements in the Gulf. We are persuaded that the matter was correctly stated in the NPRM/NOI. Radio communication requirements are currently being met in a rather fragmentary manner by the common carrier Rural Radio Service and the Industrial Radio Services. There is an apparent need for a more flexible communication system of greater capacity and versatility. In addition to voice communication, the system must be capable of transmitting facsimile, teletype, telemetry and control data.

5. The comments reflected general agreement among potential subscribers that some level of common carrier radio communication is required in the offshore area of the Gulf. In addition to API, as a representative of the oil industry, statements of need were received from individual companies. Continental stated that it would expect to subscribe to such service where it was cost effective and satisfied reliability requirements. Placid emphasized the handicap imposed by their inability to communicate directly with their service companies due to the fact that the Commission Rules governing presently available services do not provide for interservice communication. CNG noted, that as a smaller company it would prefer, for economic reasons, to obtain its communication services from a common carrier.

6. Offshore stated, and we concur, that it is not possible to obtain firm quantitative information on unfulfilled requirements for common carrier communication services in the Gulf area at this time. The actual number of potential subscribers cannot be ascertained until the service is established. While it is Commission policy not to allocate spectrum to a new service unless it appears likely that the service will find public acceptance, we recognize that there can be no absolute guarantee of such acceptance. In this case, we are satisfied that sufficient evidence of need exists to make it highly probable that a viable common carrier service will emerge, if given the opportunity to develop.

7. Finally, we note that the only radio channels now authorized for common carrier service in the offshore area of the Gulf are available to the Rural Radio Service on a secondary basis. Priority is given to the Domestic Public Land Mobile Radio Service in the use of these frequencies. The Commission has recently authorized land mobile facilities near the Gulf area which may have an impact on the future use of the same frequencies on a secondary basis offshore. It is clear, therefore, that an allocation of spectrum for use by common carriers in the offshore area is warranted.

8. In its comments and reply comments API endorsed the shared use of television channel 17 in the Gulf, but questioned the allocation of the entire band of spectrum (6 MHz) for exclusive common carrier use. API submitted an alternate plan that both modified and extended the proposal contained in the NPRM/NOI. In brief, this plan would include television channels 16 and 18 as well as 17; extend shared use over a larger area of the Gulf; reduce separation of the duplex channels from 5 MHz to 3 MHz; space channels at 12.5 kHz; and allocate this spectrum for use by Industrial Radio Services as well as common carrier.

9. Those elements of the API proposal that would include Television Channels 16 and 18, and extend the geographic area of operation, are considered to be beyond the scope of this proceeding. As such, they will not be addressed in this rule making.

10. We have reviewed the status of radio channels available for private systems in the area of the Gulf under consideration, and find that the channels are highly congested and also restricted in their operational use. This condition is particularly acute in the case of fixed communications links. Present operational fixed assignments are made in the 72-76, 150-170, and 450-470 MHz frequency bands. Microwave systems are also extensively used. The VHF/UHF fixed systems are used to extend telephone type service from the multichannel microwave systems, allow platform-to-platform communications, and the many point-to-point telemetry and supervisory control requirements. It was found that the use of the 72-76 MHz band was restricted by protection requirements of nearby TV Channels 4 and 5. There are only five "splinter frequencies" in the 150-170 MHz band, all of which are heavily used and because of their narrow bandwidth are not suitable for voice operation. Frequencies in the 450-470 MHz band for fixed station use are subject to geographical restrictions by the Rules. Microwave systems operating in the Gulf area are severely congested in all frequency bands up to 6 GHz. We also find that the need for the wideband simplex channels as proposed in the NPRM/NOI for common carrier use is questionable. As a result of both findings, we have determined that the two (2) MHz of spectrum initially proposed for wideband simplex channels should instead be allocated for private use in the Industrial Radio Service.

11. We have reviewed the economic and technical implication of 3 MHz ver-

[1] Separate opinions of Commissioners Lee, Hooks and Quello filed as part of the original document.

[2] The original Notice of Proposed Rule Making was concerned with amendment of Parts 2 and 21 only. After review of comments received, it was determined by the Commission that Part 91 should also be amended.

[3] This zone is bounded by the coordinate lines 94°00' west longitude and 87°45' west longitude and by the three-mile limit along the Gulf Coast on the north and the outer continental shelf on the south.

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sus 5 MHz separation of paired channels for voice duplex operation and have decided that 3 MHz separation is both feasible, and preferable from a spectrum management viewpoint. We recognize that there are economic, space and weight penalties associated with the equipment required for the smaller separation. However, our information indicates that these penalties are not exorbitant; and, as a matter of public interest, are an acceptable cost relative to the increased flexibility of spectrum use that is gained.

12. We do not agree that 12.5 kHz channel spacing is feasible. The API recommendation is apparently based on the assumption that only fixed operation is to be authorized. However, we have decided to accommodate mobile as well as fixed operation. Accordingly, it is not possible to ensure the distance separation between stations that would be required to permit 12.5 kHz channel spacing.

13. Several alternatives to the establishment of the ORTS and/or the shared use of television channel 17 were suggested in the comments. MMR asserted that the communication deficiencies could be eliminated by an increase in the number of radio channels allocated to the Maritime Service in the medium and high frequency portion of the spectrum (2–22 MHz); together with a change in the rules for operation of maritime coastal stations for point-to-point communication. As noted in the NPRM/NOI, frequencies below 100 MHz have been determined to be unsuitable for the ORTS because of the effect of sky-wave propagation on communication reliability. In addition, a sufficient number of channels of the required bandwidth could not be made available in this part of the spectrum.

14. AMST proposed as an alternative to the ORTS that more intensive use be made of the frequencies allocated to the Industrial Radio Services, particularly in the 450–470 MHz band. Our information shows that these channels are very heavily used by the land mobile service in the coastal areas of the Gulf. Also, much of the ORTS traffic can be expected to occur in the near shore area. Therefore, to preclude interference, any spectrum allocation for ORTS in the 450–470 MHz band could not be used by land mobile onshore. As stated in paragraph 17, the primary virtue of sharing TV channel 17 is that the spectrum can be allocated for use in the Gulf by ORTS without preventing planned use of the same frequencies by another radio service.

15. Communication via satellite was also suggested as an alternate means of satisfying the communication requirements that have resulted in the ORTS proposal. We agree that there may be instances where satellite communication will find application in the Gulf area. Further, there is nothing in this rule making that precludes the use of such communication. We do not agree, that all requirements can be satisfied by this mode of communication. Satellite earth terminals are not feasible for much of the mobile equipment, and are too expensive for general application even at the fixed locations.

16. The remaining alternative to the shared use of television channel 17 (488–494 MHz) is to allocate frequencies in the 900 MHz region of the spectrum. Our analysis shows that such a solution, although workable, has disadvantages at this time. To achieve equivalent service reliability, greater power would be required. Also, equipment at 900 MHz is still in a developmental stage, whereas equipment at 490 MHz is available essentially 'off the shelf.' However, we wish to emphasize our interest in encouraging the use of 900 MHz. We recognize that as technology develops, the disadvantages noted should diminish. Thus, for future requirements of this type strong consideration should be given to the use of the 900 MHz region.

17. From the standpoint of spectrum management, the essential issue is not simply whether an allocation at 900 MHz is a feasible alternative, but whether it would also result in the most efficient use of the spectrum. We are convinced that it would not. Frequencies allocated to ORTS if the Gulf of Mexico will be rendered unuseable by other services for some distance inland along the Gulf coast. Consequently, an allocation of spectrum at 900 MHz for ORTS would foreclose future use of these frequencies by the land mobile or other services in the Gulf coastal region. On the other hand, existing television assignments near the Gulf coast preclude other uses of channel 17 within most of the inland areas because of potential interference. However, under proper restrictions this same channel can be used effectively in offshore areas which are separated from existing television assignments. The proposed ORTS therefore represents additional value which can be derived from channel 17 with virtually no impact on possible future onshore services. We conclude, therefore, that shared use of TV channel 17 as proposed for the ORTS is preferable to an allocation at 900 MHz.

18. AMST expressed concern that offshore operation on television channel 17 frequencies would result in interference to reception of the television signal of WMAU located at Bude, Mississippi. We have reviewed the protection criteria contained in the NPRM/NOI and have concluded from this analysis that the separation distances specified for cochannel operation provide an adequate margin of interference protection. The separation distances specified in the NPRM/NOI were based on the procedure developed in Docket 18261 to permit sharing of television channels 14–20 with the land mobile services. In this procedure, a desired-to-undesired signal ratio of 50db at the television station Grade B Contour was specified and the separation distances determined from propagation curves in FCC Report No. R–6602. These curves have since been incorporated in the FCC Rules and Regulations. For application to offshore operation, the interfering signal was assumed to be 15db greater than that used in R–6602 to account for propagation conditions in the Gulf area. Subsequent to publication of the NPRM/NOI, the Commission determined the separation distances using NBS Technical Note #101 and a computer model contained in ESSA Technical Report ERL 79–ITS:67. The results of this analysis agree very closely with the protection requirements specified in the NPRM/NOI. The fact that the Commission's results differ from those derived by AMST is due to the difference in assumption of the "Climate" input to the analysis. We recognize that there is a degree of uncertainty in predicting the level of the interference fields, or the percentage of time a given level will exist. However, this is offset by factors which make the protection ratio greater than indicated; viz., receiving antenna front-to-back ratio, cross polarization discrimination, and the fact that 50db is a greater signal ratio than required for the average receiver, or for interfering signals removed from either the visual or color subcarrier frequencies.

19. While our analysis confirmed the co-channel protection contained in the NPRM/NOI, it also indicated that the separation distances for adjacent channel protection should be increased slightly. These changes are included in Table C, Part 21, of the Appendix.

20. Both MMR and AMST have noted that the implementation of an ORTS as proposed would require the installation of radio equipment that would have no application outside the zone to be served in the Gulf of Mexico. They contend that this would place an unnecessary burden on operators of ships and aircraft who provide support services to the oil industry in this area. The Commission in this instance is proposing to satisfy a specific requirement for radio communication in a very limited geographic area with a minimum diversion of scarce spectrum from other uses. We recognize that this entails the procurement of radio equipment that has restricted application. However, we believe this to be a necessary compromise in order to achieve most efficient use of the spectrum and is in the overall public interest. We must assume that each private entity concerned will elect to subscribe to the ORTS only if it is in its economic interest to do so.

21. Several of the respondents commented on the merit of offshore sharing of television-channels in other coastal areas. The comments reflected divided opinion relative to the opportunity for such sharing, and contained only general information. In this specific case the Commission has concluded that sharing of UHF television Channel 17 is in the public interest. We are concerned, however, about the potential adverse impact of additional sharing in future development of UHF television services. For this reason, the Commission is initating a formal staff investigation of the future spectrum requirements of UHF television, and pending completion of that investigation, no additional sharing of UHF television channels for offshore telecommunications will be considered. Therefore, in the foreseeable future any expansion of this service will be accommodated in frequencies other than those allocated to UHF television.

22. Definitions proposed for § 21.1 of the Rules and Regulations have been amended to incorporate the changes suggested by Offshore.

23. In summary then, we have reviewed all comments and investigated all issues raised in response to our NPRM/NOI, and have concluded that:

(a) There are unfulfilled communication requirements in the Gulf of Mexico.

(b) These unfulfilled requirements create a need for additional spectrum for private systems as well as for common carrier services.

(c) The shared use of television channel 17 results in the most efficient allocation of spectrum to satisfy this requirement.

(d) Television channel 17 can be shared without interference to established broadcasting stations or adversely affecting the future growth of television service in the Gulf area.

24. In its comments, API proposed changes to the Rules that would modify operation by the Industrial Radio Services in the 450–470 MHz band. Consideration of such changes is deemed to be beyond the scope of this proceeding. We do note however, that the portion of the request pertaining to the Business Radio Service was granted by the proceeding in Docket 19478.

25. In consideration of the foregoing the Commission finds that amendment of the Rules to establish a new common carrier radio service in the prescribed area of the Gulf of Mexico, and the allocation of spectrum in the form of shared use of the 488–494 MHz band of frequencies in this prescribed area, is in the public interest. Authority for these rule amendments is contained in section 4(i), 303(c), and 303(r) of the Communications Act of 1934, as amended.

26. Accordingly, it is ordered, that effective September 17, 1976, Parts 1, 2, 21, and 91 of the Commission's rules are amended as set forth below. It is further ordered, That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Adopted: July 30, 1976.

Released: August 9, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

Parts 1, 2, 21, and 91 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

PART 1—PRACTICE AND PROCEDURE

1. Section 1.1113(f) is amended to read as follows:

§ 1.1113 Schedule of fees for Common Carrier Services.

* * * * *

(f) Offshore Radio Communications Service:	*Application fee*
Application for an initial construction permit or for relocation of Offshore Central or Relay Facilities [4]	$120
Application for other than initial construction permit and for modification of construction permit or license for Offshore Central or Relay Facilities [4]	45
Application for initial construction permit or for relocation of fixed subscriber facilities [4]	75
Application for other than initial construction permit and for modification of construction permit or license for fixed subscriber facilities	30
Application for license for operation of stations at temporary-fixed locations	90
Application for renewal of license of Offshore Central or Relay Facilities	75
Application for renewal of license of fixed subscriber station	15
Application for license, modification of license or renewal of license for individually licensed mobile stations:	
One unit per application	15
Each additional mobile unit per application	9

* * * * *

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

1. The Table of Frequency Allocations is amended by adding a new footnote designator, NG 114, to the band 470–512 MHz and by adding in proper numerical sequence the text of footnote NG 114 following the Table as shown below:

§ 2.106 Table of Frequency Allocations.

Band (megahertz) (7)	Service (8)	Class of station (9)	Frequency (megahertz) (10)	Nature of services of stations (11)
470–512	Broadcasting, land mobile, (NG 66), (NG 114).	Television broadcasting, land mobile, base.	.....	Broadcasting, public safety, industrial, land transportation, domestic public.

NG 114 In the offshore Louisiana Gulf Coast area, the band 488–494 MHz (TV Channel 17) is allocated to the Domestic Public and Industrial Radio Services in accordance with the regulation set forth in Parts 21 and 91, respectively.

* * * * *

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

1. Subpart B of the Table of Contents is amended to read as follows:

* * * * *

Subpart B—Applications and Licenses

GENERAL FILING REQUIREMENTS

21.9 Standard application forms for Domestic Public Land Mobile Radio, Rural Radio and Offshore Radio Telecommunications Services.

* * * * *

2. Section 21.0(a) is amended to read as follows:

§ 21.0 Scope and authority.

(a) The purpose of the rules and regulations in this part is to prescribe the manner in which portions of the radio spectrum may be more available for the use of radio for domestic communication common carrier operations which require transmitting facilities on land or in specified offshore coastal areas within the continental shelf.

* * * * *

3. Section 21.2 is amended to add or change definitions as follows:

§ 21.2 Definitions.

As used in this part:

Airborne station. A mobile station in the Domestic Public Land Mobile Radio Service or in the Offshore Radio Telecommunications Service aboard an aircraft.

* * * * *

Offshore central station. A fixed station in the Offshore Radio Telecommunications Service with facilities for interconnection with public correspondence circuits.

* * * * *

Offshore mobile station. A station in the Offshore Radio Telecommunications Service intended to be used while in motion or during halts at unspecified points.

Offshore private line service. A service whereby facilities for communications between an offshore subscriber station and an offshore central station are set aside for exclusive use or availability for use by a particular customer or group of customers and authorized users during stated periods of time.

Offshore radio telecommunications service. A public communications service for hire between stations located in the offshore coastal waters of the United States or its possessions.

Offshore repeater station. A fixed station used for the reception and automatic retransmission of the signals of another station or stations in offshore radio telecommunications service.

Offshore subscriber station. A fixed, temporary fixed or mobile station in the Offshore Radio Telecommunications

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Service used by a subscriber for communication with an offshore central station.

• • • • •

Temporary fixed offshore subscriber station. A station in the Offshore Radio Telecommunications Service which operates from various fixed locations for periods not exceeding six months.

§ 21.9 [Amended]

4. In § 21.9 the headnote is amended to read as follows:

21.9 Standard application forms for Domestic Public Land Mobile Radio, Rural Radio and Offshore Radio Telecommunications Services.

• • • • •

5. Section 21.15 is amended to add new paragraph (1) as follows:

§ 21.15 Technical content of applications.

• • • • •

(1) Each application for construction permit for an offshore central station or a fixed subscriber station in the Offshore Radio Telecommunications Service which proposes a new station or changes in the frequency, operating power or antenna height of a station already authorized shall be accompanied by technical engineering information with respect to:

(1) Type of antenna polarization used.

(2) Type of antenna used, including type number and manufacturer thereof.

(3) Antenna power gain expressed in decibels.

(4) Antenna radiation pattern (on letter size polar coordinate paper) showing the antenna power gain distribution in the horizontal plane expressed in decibels.

(5) Orientation of directional antenna array, expressed in degrees of azimuth with respect to True North.

(6) Antenna height above mean sea level.

(7) Antenna transmission line type, length and radio frequency power transmission losses, together with a description and power loss of all other devices in addition to the transmission line, between the output of the transmitter and the antenna radiating system expressed in decibels.

(8) Suitable maps or charts showing thereon the exact station location.

(9) Effective radiated power.

6. Section 21.43(b) is amended to read as follows:

§ 21.43 Period of construction.

• • • • •

(b) For stations in the Point-to-Point Microwave Radio and Offshore Radio Telecommunication Services, and except as may be limited by § 21.45(b), the construction permit issued by the Commission will specify the date of grant as the earliest date of commencement of construction and a maximum of 18 months thereafter as the time within which construction shall be completed and the station be ready for operation, unless otherwise determined by the Commission upon proper showing in any particular use.

7. Section 21.45, pararaph (a) is amended to read as follows:

§ 21.45 License period.

(a) Licenses for stations in the Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, Local Television Transmission, Multipoint Distribution and Offshore Radio Telecommunications Services will be issued for a period not to exceed 5 years; in the case of common carrier Television STL and Television Pickup stations to which are assigned frequencies allocated to the broadcast services, the authorization to use such frequencies shall, in any event, terminate simultaneously with the expiration of the authorization for the broadcast station to which such service is rendered except that licenses for developmental stations will be issued for a period not to exceed one year. Unless otherwise specified by the Commission, the expiration of regular licenses shall be on the following date in the year of expiration:

Domestic public land mobile radio service (miscellaneous carriers).	Apr. 1.
Domestic public land mobile radio service (telephone carriers).	July 1.
Domestic public land mobile radio service (all authorization pursuant to section 21.521—air and ground).	Sept. 1.
Rural radio service	Nov. 1.
Point-to-point microwave radio service.	Feb. 1.
Local television transmission service.	Do.
Multipoint distribution service.	May 1.
Offshore radio telecommunications service.	Aug. 1.

The expiration date of developmental licenses shall be one year from the date of the grant thereof. When a license is granted subsequent to the last renewal date of the class of license involved, the license shall be issued only for the unexpired period of the current license term of such class; *Provided however*, That the license for land and airborne mobile units issued in the Domestic Public Land Mobile Radio Service in the name of the person who is not the licensee of the base station with which the mobile unit will be associated shall be issued for a full five-year term from the date of grant thereof.

• • • • •

8. Section 21.108(a) and (b) is amended to read as follows:

§ 21.108 Directional antennas.

(a) Unless otherwise authorized upon specific request by the applicant, each station authorized under the rules of this part, other than base, mobile and auxiliary test stations operating in the Domestic Public Land Mobile Service and all classes of stations in the Offshore Radio Telecommunications Service, shall employ a directional antenna adjusted with the center of the major lobe of radiation in the horizontal plane directed toward the receiving station with which it communicates: *Provided, however*, Where a station communicates with more than one point, a multi- or omni-directional antenna may be authorized if necessary. New periscope antenna systems will not, under ordinary circumstances, be authorized.

(b) Stations operating below 2500 MHz (other than base mobile and auxiliary test stations in the Domestic Public Land Mobile Radio Service, stations in the Multipoint Distribution Service and all classes of stations in the Offshore Radio Telecommunications Service) which are required to use directional antennas shall employ antennas meeting the standards indicated below. (Maximum beamwidth is for the major lobe of radiation at the half power points. Suppression is the minimum attenuation required for any secondary lobe signal and is referenced to the maximum signal in the main lobe).

Frequency range	Maximum beamwidth (degrees)	Suppression
Below 512 MHz	80	10 dB
512 to 1000 MHz	20	13 dB
1500 to 2500 MHz	12	13 dB

• • • • •

9. Sections 21.110(a), (b) and (c) are amended to read as follows:

§ 21.110 Antenna polarization.

(a) Stations operating in the 72–76 MHz band, each base, mobile dispatch and auxiliary test station operating in the Domestic Public Land Mobile Radio Service and all classes of stations in the Offshore Radio Telecommunications Service shall employ an antenna which radiates a signal, the electrical component of which is vertically polarized.

(b) Unless otherwise authorized, each station operating on frequency below 512 MHz (other than base, mobile, dispatch, and auxiliary test stations in the Domestic, all classes of stations in the Offshore Radio Telecommunications Service, and stations operating in the 72–76 MHz band) shall employ an antenna which radiates a signal, the electrical component of which is horizontally polarized: *Provided, however*, That rural subscriber stations communicating with base stations may employ vertical polarization.

(c) Upon a satisfactory showing in each case that improved transmission will result and potentially harmful interference to other radio installations would be reduced, the Commission may authorize a station operating on frequencies below 512 MHz (other than base, mobile and auxiliary test stations in the Domestic Public Land Mobile Radio Service, all class of stations in the Offshore Radio Telecommunications Service, and stations in the 72–76 MHz band) to employ an antenna which radiates a signal, the electrical component of which is circularly or otherwise polarized.

• • • • •

10. Section 21.213 is amended by adding new paragraph (b) (4) as follows:

§ 21.213 Station identification.

• • • • •

(b) • • •

• • • • •

(4) A subscriber station in the Offshore Radio Telecommunications Service may identify itself by the special station designation assigned by the licensee or its assigned telephone number, provided adequate records are maintained by the licensee to permit ready identification of the subscriber station.

• • • • •

11. A new subpart L is added to read as follows:

Subpart L—Offshore Radio Telecommunications Service

Sec.

21.1000 Eligibility.
21.1001 Frequencies.
21.1002 Power limitations.
21.1003 Bandwidth and emission limitations.
21.1004 Modulation requirements.
21.1005 Permissible communication.
21.1006 Station at temporary locations.
21.1007 Modification of station operation at temporary locations.

Subpart L—Offshore Radio Telecommunications Service

§ 21.1000 Eligibility.

Authorizations for stations to be operated in this service will be issued to existing and proposed communications common carriers. Authorizations for subscriber stations will be issued to communication common carriers or to individual users of the service. Applications will be granted only in cases where it is shown that (a) the applicant is legally, financially, technically and otherwise qualified to render the proposed service and (b) there are frequencies available to enable applicant to render a satisfactory service and (c) the public interest, convenience or necessity would be served by a grant thereof.

§ 21.1001 Frequencies.

(a) On a shared basis with television broadcasting channel 17, the following frequencies are for assignment to stations of communication common carriers in the zone specified in Table A below together with the classes of station(s) to which they are normally assigned and the specific limitations, which are enumerated in paragraph (b) of this section:

Offshore central station frequencies (megahertz)	Offshore subscriber frequencies (megahertz)	Limitations
488.025	491.025	1
488.050	491.050	1
488.075	491.075	1
488.100	491.100	1
488.125	491.125	1
488.150	491.150	1
488.175	491.175	1
488.200	491.200	1
488.225	491.225	1
488.250	491.250	1
488.275	491.275	1
488.300	491.300	1
488.325	491.325	1
488.350	491.350	1
488.375	491.375	1
488.400	491.400	1
488.425	491.425	1,2
488.450	491.450	1,2
488.475	491.475	1,2
488.500	491.500	1,2
488.525	491.525	1,2
488.550	491.550	1,2
488.575	491.575	1,2
488.600	491.600	1,2
488.625	491.625	1,2
488.650	491.650	1,2
488.675	491.675	1,2
488.700	491.700	1,2
488.725	491.725	4
488.750	491.750	4
488.775	491.775	4
488.800	491.800	4
488.825	491.825	3
488.850	491.850	3
488.875	491.875	3
488.900	491.900	3
488.950	491.950	5
489.000	492.000	6
489.025	492.025	6
489.050	492.050	6
489.075	492.075	6
489.100	492.100	6
489.125	492.125	6
489.150	492.150	6
489.175	492.175	6
489.200	492.200	6
489.225	492.225	7
489.250	492.250	7
489.300	492.300	6
489.350	492.350	6
489.400	492.400	2
489.425	492.425	2
489.450	492.450	2
489.475	492.475	2
489.500	492.500	2
489.525	492.525	2
489.550	492.550	2
489.575	492.575	2
489.600	492.600	2
489.625	492.625	2
489.650	492.650	2
489.675	492.675	2
489.700	492.700	2
489.725	492.725	2
489.750	492.750	2
489.775	492.775	2
489.800	492.800	2
489.825	492.825	2
489.850	492.850	2
489.875	492.875	2
489.900	492.900	2
489.925	492.925	2
489.950	492.950	2
489.975	492.975	2
490.000	493.000	2

(b) Explanation of assignment limitations appearing in the frequency list of this section:

(1) These frequencies will be assigned for voice grade general communications.

(2) These frequencies may be assigned for private line service.

(3) These frequencies are available for emergency communication involving protecting of life property.

(4) These frequencies may be assigned to radio relay stations upon a satisfactory showing as to why it is impracticable to achieve the requisite communication without the use of radio relay stations operating on such frequencies.

(5) These frequencies shall be used only for emergency auto alarm and voice transmission pertaining to emergency conditions.

(6) These frequencies may be used for emergency shut-off remote control telemetry, environmental Data Acquisition and Dissemination, or facsimile transmissions.

(c) All frequencies listed in this section are subject to the following conditions:

(1) No fixed or temporary-fixed stations shall be located and no mobile stations shall be operated outside the limits of the zone specified in Table A.

(2) All classes of stations in the Offshore Radio Telecommunications Service shall afford protection to co-channel television stations in accordance with the values set out in Table B below.

(3) All classes of stations in the Offshore Radio Telecommunications Service shall afford protection to adjacent channel television stations in accordance with the values set out in Table C below.

(4) No airborne subscriber station shall be operated with an effective radiated power in excess of 1 watt or at heights in excess of 1000 feet above mean sea level and shall not be operated outside the limits of the zone specified in Table A. Further, to provide adjacent channel protection to TV channel 18, no airborne subscriber station shall operate within an 80 mile radial distance to Lake Charles, Louisiana.

(5) Antenna heights in excess of 200 feet above mean sea level will not be authorized, except that, surface mobile stations will be limited to a height of 30 feet above the waterline.

(6) Mobile stations shall not operate with effective radiated power in excess of 25 watts within 20 miles of the 3 mile limit. In all other areas, the effective radiated power shall not exceed 100 watts.

(7) On its regularly assigned frequency, an offshore central station may be used to perform the added functions of a repeater station when means are provided whereby the license of the radio system is able to turn the station on and off at will irrespective of the transmissions of subscriber units on the mobile frequency associated therewith.

TABLE A.—*Frequency availability for offshore radio telecommunications service use*

Offshore zone	Boundaries of zone	Frequencies (megahertz)
Southern Louisiana Zone.	From long. 87°45′ on the east to long. 94°00′ on the west and from the 3-in limit along the Gulf of Mexico shoreline on the north to the limit of the Outer Continental Shelf on the south.	Channel 17, 488–490, 491–493.

TABLE C.—*Protection of adjacent channel television stations by stations in the offshore radio telecommunications service* [1]

[0 db protection]

Distance beyond the 3-mi limit	Antenna height above sea level	
	100 ft ERP	200 ft ERP
Miles	*Watts*	*Watts*
4	25	6
5	40	10
6	65	15
7	100	25
8	150	35
9	215	50
10	295	70
11	400	100
12	530	130
13	685	170
14	870	215
15	1,000	270
16	1,000	415
17	1,000	505
18	1,000	610
19	1,000	730
20	1,000	865
21	1,000	1,000

[1] Table C applies only within an 80-mi radial distance of adjacent TV stations.

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§ 21.1002 Power limitations.

Stations in this service will not be permitted to exceed 1000 watts effective radiated power and shall not be authorized to use transmitters which have a rated power output in excess of the limits set forth in Section 21.107(b): *Provided, however,* That the effective radiated power of mobile stations operating within 20 miles of the 3 mile limit shall be 25 watts or less. In all other areas mobile stations may operate with effective radiated power of 100 watts. The effective radiated power of airborne stations is limited to 1 watt.

§ 21.1003 Bandwidth and emission limitations.

(a) Stations in this service normally will be authorized to use only type F3 emission for radiotelephony. The authorization to use type F3 emission will be construed include the use of tone signals or signaling devices the sole function of which is to establish and maintain communication.

TABLE B.—*Protection of co-channel television stations by stations in the offshore radio telecommunications service—maximum effective radiated power (watts)*

[65 dB protection]

Distance from transmitter to TV channel 17, Bude, Miss.	Antenna height above sea level		
	100 ft	150 ft	200 ft
Miles	*Watts*	*Watts*	*Watts*
210	1,000	1,000	1,000
205	1,000	900	800
200	800	710	630
195	590	520	450
190	450	400	330
185	320	280	240
180	250	210	175
175	175	150	130
170	130	110	100
165	95	80	70
160	65	55	50
155	50	40	35
150	35	30	25

NOTE: To determine the maximum permissible effective radiated power:

(1) Using the method specified in § 73.611, determine the distance between the proposed station and the protected cochannel television station. If the exact mileage does not appear in Table B, the next lower mileage separation figure is to be used.

(2) Entering the table at the mileage figure found in (1) above find opposite, a selection of powers that may be used for antenna height for the proposed station does not appear in Table B, use the power figure above the next greater antenna height.

(3) If the power found to be permitted following this procedure is lower than that determined hereafter from Table C, this lower figure is the maximum power that may be employed at the proposed station.

(b) Other types of emission may be authorized upon a satisfactory showing of need therefor. An application requesting such authorization shall fully describe the emission desired, shall indicate the bandwidth required for satisfactory communication, and shall state the purpose for which such emission is required.

(c) The maximum authorized bandwidth of emission and maximum authorized frequency deviation shall be as follows:

Type of emission	Authorized bandwidth (kilohertz)	Frequency deviation (kilohertz)
F3	20	5

(d) Other types of emission of bandwidths in excess of that specified in paragraph (c) of this section may be authorized upon an adequate showing of need therefor. An application requesting such authorization shall fully describe the modulation, emission and bandwidth desired, shall specify the bandwidth to be occupied and shall state the reasons why such emission or bandwidth is required.

§ 21.1004 Modulation requirements.

(a) The use of modulating frequencies higher than 3000 hertz for single channel radiotelephony or tone signaling is not authorized.

(b) The frequency deviation arising from modulation shall not exceed 5 kHz.

(c) Each transmitter, which has more than 1 watt power output employing type F3 emission shall be equipped with a device which will automatically prevent greater than normal audio level from modulating in excess of the limits specified in paragraph (b) of this section.

(d) Each transmitter, which employs type F3 emission, shall be equipped with a modulation limiter in accordance with the provisions of paragraph (c) of this section and also shall be equipped with a low pass audio filter installed between the modulation limiter and the modulated stage. At audio frequencies between 3 kHz and 20 kHz the filter shall have an attenuation greater than the antenuation at 1 kHz by at least:

$$60 \text{ Log}_{10} (f/3) \text{ decibels,}$$

Where "f" is the audio frequency in kilohertz. At audio frequencies above 20 kHz, the attenuation shall be at least 50 decibels greater than the attenuation at 1 kHz.

§ 21.1005 Permissible communications.

(a) Offshore Central Station shall communicate only with subscriber stations (fixed, temporary-fixed, mobile and airborne).

(b) Subscriber station normally are authorized to communicate with and through Offshore Central.

(c) The foregoing paragraphs of this section shall not be construed to prohibit stations in this service from communicating through radio relay stations authorized pursuant to the provisions of § 21.1001(b).

§ 21.1006 Station at temporary-fixed locations.

Authorizations may be issued upon proper application for the use of frequencies listed in § 21.1001(a) by stations in the Offshore Telecommunications Service for rendition of temporary service to subscribers under the following conditions:

(a) When a fixed station is to remain at a single location for less than 6 months and the location is considered to be temporary.

(b) When a fixed station, authorized to operate at temporary locations, is to remain at a single location for more than six months, applications (FCC Forms 401 and 403) for a station authorization designating that single location as a permanent location shall be filed at least thirty days prior to the expiration of the six-month period.

(c) The station shall be used only for rendition of communication service at points where regular facilities are not available or for restoration of communication service disrupted by storms or other emergencies.

(d) The antenna structure height employed at any location shall not exceed the criteria set forth in § 17.7 of this chapter unless, in each instance, authorization for use of a specific maximum antenna structure height has been obtained from the Commission prior to erection of the antenna. Request for such authorization shall be accompanied by FCC Form 714 and a sketch of the proposed antenna structure.

(e) Applications for authorizations to operate stations at temporary locations under the provisions of this Section shall be made upon FCC Form 401, and may be accompanied by completed 403 for simultaneous consideration provided the equipment to be used is of packaged design. Blanket applications may be submitted for the required number of transmitters.

§ 21.1007 Notification of station operation at temporary locations.

(a) The licensee of stations which are authorized pursuant to the provisions of § 21.1006 shall notify the Commission, its Engineer in Charge of the radio district wherein operation is to be conducted, of each period of operation at least two days prior to installation of the facilities. This notification shall include:

(1) The call sign and specific location of the transmitter.

(2) The location of the transmitter control point.

(3) The identity and location of the station with which it will communicate.

(4) The exact frequency or frequencies to be used.

(5) The commencement and anticipated termination dates of operation from each location. In the event the actual termination date differs from the previous notification, written notice thereof promptly shall be given to the Commission and its Engineer in Charge.

(b) Less than 2 days advance notice may be given when circumstances require shorter notice provided such notice is promptly given and the reasons in support of such notice are stated.

(c) A copy of the foregoing notification shall be posted with the station license (see § 21.114).

PART 91—INDUSTRIAL RADIO SERVICES

1. Section 91.115 is added to read as follows:

§ 91.115 Special provisions governing use of frequencies in the 488–494 MHz band (TV Channel 17) in the Southern Louisiana Offshore Zone.

The following special criteria shall govern the authorization and use of frequencies in the 488–494 MHz band within the Southern Louisiana Offshore Zone.

(a) The frequency bands from 490–491 and 493–494 MHz will be available for assignment to stations governed by this part within the Southern Louisiana Offshore Zone. The boundaries of the Southern Louisiana Offshore Zone are from longitude 87°45′ on the east to longitude 94°00′ on the west, and from the three mile limit along the Gulf of Mexico shoreline on the north to the limit of the outer continental shelf on the south. These frequencies may also be assigned to fixed stations located on shore designed to provide communications service within the zone.

(b) Offshore Base/Mobile, and offshore and shore fixed stations may be authorized.

(c) F2, F3, F4, F9, and A2, A3, A4, A9 emissions may be authorized.

(d) Offshore stations shall afford cochannel protection to TV Channel 17, Bude, Mississippi. Station operating parameters shall be in accordance with the values given in Table I.

TABLE I.—*Protection of co-channel television stations by offshore stations operating in the Southern Louisiana Zone—maximum effective radiated power (watts)*

[65 dB protection]

Distance from transmitter to TV channe 17, Bude, Miss.	Antenna height above sea level		
	100 ft	150 ft	200 ft
Miles	*Watts*	*Watts*	*Watts*
210	1,000	1,000	1,000
205	1,000	900	800
200	800	710	630
195	590	520	450
190	450	400	330
185	320	280	240
180	250	210	175
175	175	150	130
170	130	110	100
165	95	80	70
160	65	55	50
155	50	40	35
150	35	30	25

NOTE: To determine the maximum permissible effective radiated power:

(1) As specified in § 73.611 determine the distance between the proposed station and Channel 17, Bude, Miss. If the exact mileage does not appear in Table 1, the next lower milage separation is to be used.

(2) Opposite this milage figure ERPs are given that may be used for antenna heights of 100, 150 or 200 feet ASL. If the exact antenna height is not shown, the ERP allowed will be that shown for the next higher antenna height.

(e) Shore stations communicating point-to-point with offshore stations will be permitted at least the same ERP as the offshore station, but only in the direction of the offshore station. A directional antenna shall be used and the rearward radiated power from the antenna in a sector ±22½° from the line joining the shore antenna to Bude, Miss. shall not exceed those shown in Table 2.

TABLE 2.—*Maximum rearward effective radiated power allowed for shore stations in the Southern Louisiana Zone*

[Rearward effective radiated power from shore antenna in a sector ±22½° from the line joining the shore antenna to Bude, Miss.]

Distance from transmitter to TV channel 17 Bude, Miss.	Antenna height above ground					
	100 ft	150 ft	200 ft	300 ft	500 ft	750 ft
Miles	*Watts*	*Watts*	*Watts*	*Watts*	*Watts*	*Watts*
185	320	280	240	190	125	90
180	250	210	175	135	100	60
175	175	150	130	100	70	50
170	130	110	100	75	40	35
165	95	82	70	50	35	25
160	65	55	50	40	25	20
155	50	40	35	30	20	15
150	35	30	25	20	15	10
145	25	20	18	15	10	7
140	18	15	13	10	7	5
135	13	10	9	7	5	3
130	10	8	6	5	3	2
125	7	6	5	4	3	2
120	5	4	3	3	2	1

NOTE: As an example of the use of Tables 1 and 2, assume an offshore station located 180 miles from Bude, Miss. with an antenna height of 100 feet. Table 1 allows this station to operate with 250 watts ERP. Now assume the shore station communicating with the offshore station is 30 miles from the offshore station and 150 miles from Bude, Miss. The shore station antenna height is 500 feet above ground. The shore station will be allowed the same ERP as the offshore station (250 watts) in the direction of the offshore station. Table 2 indicates that the effective radiated power in a sector ±22½° from the line joining the shore antenna to Bude, Miss. can only be 15 watts. Consequently, a directional antenna must be used whose minimum front-to-back ratio over this 45° sector must be at least 12.2 dB. (250 watts forward power to 15 watts rearward power is a power ratio of 16.6 or 12.2 dB.)

(f) To provide co-channel protection to TV Channel 17, no shore station will be allowed closer than 120 miles from Bude, Miss., coordinates 31°22′19″ N and 90°45′05″ W.

(g) To provide adjacent channel protection to TV Channel 18 in Lake Charles, Louisiana, no shore or offshore stations shall be allowed within an 80 mile distance of Lake Charles, Louisiana, whose coordinates are 30°13′45″ N and 93°12′52″ W.

(h) Surface mobile stations shall not operate with an effective radiated power in excess of 25 watts within 20 miles of the three mile limit. In all other areas, the effective radiated power shall not exceed 100 watts with 30 foot maximum antenna height.

(i) No airborne station shall be operated with an effective radiated power in excess of 1 watt or at heights in excess of 1000 feet above mean sea level and shall not be operated outside the limits of the zone specified in Table A. However, to provide adjacent channel protection to TV channel 18, no airborne subscriber station shall operate within an 80 mile radial distance of Lake Charles, Louisiana.

(j) The following frequencies are available for assignment in all services for use in the Southern Louisiana Zone as defined in paragraph (a) of this section.

PAIRED FREQUENCIES (MEGAHERTZ)

Transmit (or receive)	*Receive (or transmit)*
490.025 to 490.975	493.025 to 493.975.

Only the first and last assignable frequencies are shown. Frequencies shall be assigned in pairs with 3 MHz spacing between transmit and receive frequencies. Assignable frequency pairs shall occur in increments of 25 kHz.

(k) Fixed stations operating point-to-point shall be assigned frequencies beginning with 490.025/493.025 MHz and progressing upwards utilizing available frequencies towards the end of the band. Offshore base/mobile stations shall be assigned frequencies beginning at 490.975/493.975 MHz and progressing downwards utilizing available frequencies towards the beginning of the band. All frequency assignments are subject to the conditions specified in § 91.8.

(l) Bandwidths other than 25 kHz may be authorized upon an adequate showing of need. An application requesting such authorization shall fully describe the modulation, emission and bandwidth desired, the bandwidth to be occupied, and justification for the request.

[FR Doc.76-23199 Filed 8-10-76;8:45 am]

[FCC 76-719; Docket No. 19905]

DOMESTIC PUBLIC RADIO SERVICES

Application Policies and Procedures, Etc.

In the matter of amendment of Parts 1 and 21 of the Commission's rules and regulations applicable to the Domestic Public Radio Services (other than Maritime Mobile).

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1. This proceeding was initiated by issuance of a *Notice of Proposed Rulemaking*, 44 F.C.C. 2d 556, 39 FR 1064 (January 4, 1974), for the purpose of clarifying and modifying various procedural rules in Parts 1 and 21 of the Commission's Rules and Regulations. The more important of the proposed changes related to the common carrier radio consolidation or "cut-off" rule, the redefinition of major amendments, and the establishment of new procedures for the legal processing of common carrier radio applications, both microwave and mobile.

2. In manner of background, this proceeding is intended to be the first of a series of rulemakings to "re-regulate" common carrier radio services in order to expedite the processing of applications and to remove obsolete substantive requirements. With this general objective, the Commission released another Notice of Proposed Rulemaking in Docket No. 20490, 55 F.C.C. 2d 36 (1975), intended to implement the use of new application forms and procedures to clarify application requirements, and to lay the basis for automatic data processing of common carrier radio applications.[1] Although they are obviously interrelated (particularly with regard to the definition of major amendments), both of these proceedings focus upon different functional steps involved in the processing of applications.

3. Comments were filed February 21, 1974, by fifteen parties: Aircall New York Corporation (Aircall), and it subsidiaries, Page Boy Inc. and Mobile Radio Message Service, Inc.; Airsignal International, Inc. (Airsignal) and its subsidiaries, Mobile Radio Telephone Service, Inc., Airsignal of California, Inc., Airsignal International of Pittsburgh, Pennsylvania, Inc., Airsignal International of Philadelphia, Inc., and WUI/TAS of Las Vegas, Nevada, Inc.; American Telephone and Telegraph Company (AT&T); American Satellite Corporation; Peter A. Bakal (Bakal) filing individually and for Capital Telephone Company, Inc.; Digital Paging Systems, Inc. (Digital); Eastern Microwave, Inc. (Eastern); Mobilfone, Inc. (Mobilfone); GTE Service Corporation (GTE); Daryal A. Myse, Esquire (Myse); National Association of Radiotelephone Systems (NARS); Stambler & Shrinsky, P.C.; United Video, Inc. (United Video); Vegas Instant Page, Inc. (VIP); and Western Union Telegraph Company (WU). Reply comments were filed by Airsignal, NARS, United Video and VIP.

4. In general, the comments supported the proposed rules, but some questions were raised concerning the contents of public notices; the common carrier "cut-off" rule; the definition of major amendments; the determination of mutually exclusive status; exceptions to the "cut-off" rule; and our proposed comparative evaluation procedure. However, Myse opposed the proposed rules, contending in general that Section 309 of the Communications Act [47 U.S.C. § 309—hereinafter cited as the "Act"] clearly sets forth the only legal processing procedures which may be followed. Instead of defining major amendments, NARS suggested a new processing procedure which would severely limit the discretionary amendment process. These questions, and other issues believed to be of greater significance, are discussed below. In addition, we have considered numerous other suggestions and proposals involving matters of a less substantial nature, but rather than specifically discussing them here, we have modified the rules as considered appropriate.

Procedural Concepts

5. Our major amendment proposals generally involved two procedural requirements—the statutory public notice period and the administrative "cut-off" rule—whose relationship appears to be the cause of some confusion as evidenced in the comments. The concepts are related by the fact that the same definition of a major amendment requires issuance of a statutory public notice which, in turn, causes both the statutory thirty day public notice period and the application of our administrative "cut-off" rule. Although the common carrier radio rules have not clearly distinguished these requirements, they have different origins and purposes which should be briefly noted. The origin of the public notice period is Section 309(b) of the Act which declares that no application (including applications for modification of a construction permit) in the case of a station in the broadcasting or common carrier services shall be granted by the Commission earlier than thirty days following issuance of a public notice by the Commission of the acceptance for filing of such application or of any substantial amendment thereof. This provision is designed specifically to give interested parties a thirty day opportunity to learn of an application or substantial amendment and to file a petition to deny prior to a grant as provided for by Section 309(d).[2] Exempted under Section 309(c) from the thirty day waiting period requirement are certain situations where the matters considered are of minor concern, and where the thirty day waiting period and the filing of a petition to deny would serve no useful purpose. Among these exceptions are "any minor amendment of an application" [§ 309(c)(1)] and any application for "a minor change in the facilities of an authorized station." [§ 309(c)(2)(A)]. Rather than precisely define these exceptions, Congress authorized the Commission under Section 309(g) "to adopt reasonable classifications of applications and amendments in order to effectuate the purposes of this section."

6. In contrast, the three branches of what is commonly called our "cut-off" rule originated in our need for an orderly administrative procedure to control the disposition of our caseload. See 47 U.S.C. § 154(j). First, to provide early consolidation of competing applications and to prevent processing disruption by late filings, we require an application for a frequency, previously applied for, to be filed within a certain date. Applications for Common Carrier Facilities, 13 F.C.C. 2d 415 (1958); see, *Ranger et. al.* (*Radio Cabrillo*) v. *F.C.C.*, 294 F. 2d 240 (D.C. Cir. 1961). Competing applications filed after this date are considered to be "cut-off" from comparative consideration. Secondly, to afford ample opportunity to file objections prior to a grant, and yet prevent the processing interruption caused by a late filed petition, we require petitions to deny to be filed within thirty days of the announcement of acceptance for filing of an application or substantial amendment thereto. 47 U.S.C. § 309(d)(1). Finally, we consider an application which is amended by a major amendment to be so changed as to be the equivalent of a newly filed application. Such an amended application is "cut-off" from immediate processing in order to avoid prejudicial surprise to other parties, to allow consideration of competing applications, to discourage the continual reprocessing of substantially changed applications, and to otherwise prevent unnecessary disruption of our processing. Applications for Common Carrier Facilities, supra.[3] In particular, we should note in this regard that the statutory requirement of a public notice for substantial amendments prevents processing of an application for at least thirty days in order to permit an opportunity for protests which themselves may further delay a grant or designation.[4] See, e.g., Western Union Telegraph Co., 25 Pike & Fischer Rad. Regs. 271, 276 (Adm. L. J. 1963).

Contents of Public Notices

7. These distinctions should be first borne in mind when considering the contents of public notices. AT&T and WU wished all amendments, particularly those associated with the technical parameters of a major amendment, to appear on public notice to allow updating of their data bases and the checking of prior service claims and frequency coordination requests. Minor amendments, they suggest, should be exempted from the thirty day public notice period. In our judgment, this suggestion appears to confuse changes which might affect frequency coordination with substantial changes which require a statutory public notice. Regardless of possible statutory classification of a change, a point-to-point microwave applicant is required under § 21.100(d) of our rules to coordinate prior to filing any change which could reasonably have an adverse impact on another user. If the problem cannot be resolved, and the objecting carrier deems the matter to be of sufficient importance, it may, of course, file a petition to deny or an informal objection. See, Report and Order in Docket No. 18920, 29 F.C.C. 2d 870, 930–31 (1971). In contrast, the Act requires public notice only of the acceptance for filing of a "substantial amendment", the definitions of which are the subject of this rulemaking. Consequently, we do not think that the public notice requirement of the Act requires us to anticipate all conceivable arguments or objections and then to undertake the substantial administrative burden of publishing the complete technical details contained in an application and any change thereto. We do recognize, however, the desirability of making more readily available to the public all of the technical parameters of proposals in the microwave services. Consequently, we are pursuing this goal in connection with the implementation of new automatic data processing procedures.

[1] Among other things, the First Report and Order in Docket No. 20490, 55 F.C.C. 2d 774 (1975), revised Section 21.20 ("Defective applications"). Although this rule was originally proposed in Docket No. 19905, the Commission decided subsequently that it should include more specific examples of common patent defects and be subject to further comment in Docket No. 20490.

[2] H.R. REP. No. 1800, 86th Cong., 2d Sess. 11 (1960); see, S. REP. No. 690, 86th Cong., 1st Sess. 2–5 (1959).

[3] This procedural treatment of substantially amended applications originated in Rule 55 of the Federal Radio Commission (1931).

[4] For similar reasons we are clarifying our definitions of substantial amendments to include those amendments which would convert a proposal into a "major action" under § 1.1305. See, Report and Order in Docket No. 19555, 49 F.C.C. 2d 1313 (1974).

The Common Carrier Radio "Cut-Off" Rule

8. One of the aims of this proceeding was to clarify the common carrier radio consolidation or "cut-off" rule for mutually exclusive applications. None of the comments objected to the basic approach of our proposals. Accordingly, we are revising the consolidation or "cut-off" rule in a new § 21.31 only to clarify the four requirements for an application seeking comparative consideration. These requirements are, first, that the application must be factually mutually exclusive as defined in § 21.31(a). Secondly, the application must be in a condition acceptable for filing, a revised requirement which we believe is, in light of case interpretation and past policy, less ambiguous than the present requirement of "substantial completeness." The present terminology has caused some processing confusion because it has been construed as establishing different standards for defective applications such that it is possible for a "skeleton" application to be otherwise unacceptable for filing and yet be "substantially complete" enough to be entitled to comparative consideration with a competing application.[5] In this regard, § 21.20 ("Defective applications") has been revised in Docket No. 20490 to clarify the necessity of substantial compliance with the Commission's Rules. First Report and Order in Docket No. 20490 55 F.C.C. 2d 744 (1975). Thirdly, the application must be in an acceptable condition as of the so called "cut-off" date. The present §§ 1.227(b)(3) and 21.30(b) imply that an application must be in acceptable condition when it is tendered.[6] We are eliminating this ambiguity. Finally, the application must be filed as of the consolidation "cut-off" date. As before, this requirement in § 21.30(b) is worded in the alternative—sixty days, or the day before final action is taken on the first filed application, whichever date comes first. We are clarifying this requirement, however, to stress that the sixty day period is no guarantee of comparative consideration to potential competitors.[7] The sixty day filing period is a conditional right because we will not delay the grant of an application beyond its statutory public notice period, if it is ready for action, in order to anticipate the possible filing of a competing application.

Definition of Major Amendments

9. We proposed to revise substantially the definition of "major amendments" to specify common examples in each radio service and to equate more clearly the term "major amendment" as used in our Rules with the term "substantial amendment" as used in section 309(b) of the Act. By allowing reference to the public notice philosophy of section 309, we suggested that this clarification would permit a policy test flexible enough to meet unanticipated factual situations caused by changing technology, yet firm enough to offer guidance and to avoid needless interlocutory conflicts on the classification of amendments. All of the comments appeared to endorse this general approach. However, NARS suggested an alternative procedure, numerous parties suggested alternative definitions of major amendments, and most desired an exception to the "cut-off" rule for major amendments reflecting a substantial change in ownership of existing facilities.[8] In connection with amendment of mutually exclusive applications, NARS suggested that, rather than define major amendments, the Commission should designate applications for hearing immediately upon expiration of a thirty day grace period. This period would be the only time discretionary amendments would be permitted in the absence of a demonstration that the amendment was necessitated by events which could not have been reasonably foreseen or controlled. Although we recognize the problem this proposal is designed to eliminate, we believe that NARS's procedure would only complicate our applications backlog and impose a severe administrative burden. Consequently, we think that reform of our existing procedure, with the definitional changes and "cut-off" rule exceptions discussed below, is more appropriate at this time.

Engineering Major Amendments

10. Although not meant to anticipate all of the possible engineering changes which could be considered to require a statutory public notice, the Commission did propose for each radio service specific examples of common engineering changes which would be considered major amendments. With respect to the Point-to-Point Microwave Service, we will briefly discuss the following alternative suggestions:

(a) Although AT&T and WU recommended measuring 3 dB power increases in terms of effective radiated power, we have retained the transmitter output power measurement because it is capable of being easily ascertained. In contrast, effective radiated power must be calculated not only in terms of the transmitter output, but also to include line loss and comparative antenna gain characteristics at various angles from the main lobe.

(b) With respect to increases in bandwidth, AT&T suggested that all increases in authorized bandwidth be considered major. However, for the reasons outlined in paragraph 7 above we do not believe increases of less than 10 percent necessitates classification as major, except where such a change would exceed the maximum specified in the rules.

(c) Although we believe that our allowance of a ten second change in coordinates allows reasonable flexibility for small site changes, some carriers were concerned about such a change causing a major azimuth change over a short path. However, in such circumstances the change in azimuth will constitute, in itself, a major amendment even if the change in coordinates does not.

(d) AT&T notes that a change of two degrees in azimuth on standard high performance antennas operating in the frequency range of 4 to 11 GHz can result in a 15 to 25 dB change in gain. However, this change would be restricted to the horizontal arc segment located along the main beam only and would, therefore, not be as much of a problem as it would otherwise appear. Nonetheless, we have decided to tighten this requirement somewhat by applying a one degree criteria.

(e) AT&T also suggested inclusion of "any change or correction which increases the antenna height above ground level in excess of 20 feet" because such a change could result in a loss of path shielding and increase interference possibilities. This appears to be a reasonable request and therefore we are adopting this suggestion.

11. To better meet the requirements of the Multipoint Distribution Service (MDS), we have created a separate subparagraph to define common MDS major engineering changes. Because of the close location of many MDS stations and the current lack of prior frequency coordination requirements, these examples re-

[5] *James River Broadcasting Co.* v. *FCC*, 399 F. 2d 581, 583 (D.C. Cir. 1968).

[6] Id.

[7] *Century Broadcasting Corp.* v. *FCC*, 310 F. 2d 864 (D. C. Cir. 1962); *see, Ridge Radio Corp.* v. *FCC*, 292 F. 2d 770, 773 (D. C. Cir. 1961).

[8] To avoid semantic confusion, most of the comments favored discontinuance of the term "major amendment" in favor of the statutory term "substantial amendment." While this suggestion has considerable merit, we have decided upon the continued use of the term "major amendment" because it is used elsewhere in our rules and will be more clearly equated by this rulemaking with its statutory equivalent.

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flect a somewhat more restrictive policy than in point-to-point microwave. Digital urged us to consider a service contour standard for MDS based upon area and population. While this approach has considerable merit, we do not believe that this proceeding is an appropriate vehicle for its implementation. Consequently, we believe that easily calculated, straight forward engineering definitions are more appropriate at this time for this developing service.

12. Our proposed examples of common engineering major amendments in the mobile radio services were generally criticized as being incomplete, ambiguous and restrictive. At GTE's suggestion, we have incorporated rules to deal with changes in transmitting antenna heights and effective radiated power. We have also incorporated AT&T's proposal to permit changes in geographical coordinates of 5 seconds of latitude or longitude, or both. As recommended by NARS, we have deleted ambiguous or unnecessary proposals concerning a number of points of communication and operating characteristics of a station. NARS also suggested that engineering changes be considered substantial only if they should change the land area within the service contour by twenty percent or more, or they change by ten percent or more the population encompassed within the original contour. Upon reflection, we agree that our proposed examples of common engineering changes were somewhat ambiguous. But we do not think that a general proportion of area or population test is a better approach since it would involve possibly disputed measurements, difficult economic assumptions, and would not adequately inform the public of the identity of significant technical changes. As a compromise approach, we have chosen as proposed to specify common major engineering changes, but we have incorporated for some of them a general engineering test which should better define the intent of the rules. Under this approach, some changes—changes in the height or geographic coordinates of a transmitting antenna and increases in effective radiated power or locations served—which might enlarge a station's service contour will be considered to be prima facie major amendments. But to better guide applicants as to what is intended by an "increase in the reliable service contour" we are specifying a standard engineering test which applicants can use should they wish to assume the burden of demonstrating that a proposed change is actually of a minor nature. Taken together, this approach and these modified rules should meet the varied requests of the parties to this proceeding. They should significantly decrease unnecessary interlocutory conflicts concerning the classification of common carrier radio engineering amendments and allow applicants for base stations a degree of flexibility in amending their applications.

OWNERSHIP MAJOR AMENDMENTS

13. The Commission proposed to recognize more explicitly as a major amendment a substantial change in ownership or control of an applicant, or the substitution of one applicant for another. Except for those of Airsignal, the many comments engendered by this proposal appeared to agree in principle that ownership changes to applications for new stations were public notice events which should elicit the "cut-off" rule to discourage "trafficking" in applications. However, the comments also urged an exemption for ownership changes to applications to modify the facilities of existing stations, although they differed as to whether an application for new frequencies should fall within this category.[9] NARS argued that applications for new frequencies or other facility modifications should "run with" the acquisition of an existing station because the public was notified, and the buyer found qualified to be a licensee, incidental to Commission approval of the assignment or transfer application. Otherwise, NARS contends that the value of common carrier properties would be diminished because a buyer does not know in advance whether long pending applications for new frequencies or facility improvements may be protested or dismissed prior to consummation of an assignment or transfer. On the other hand, NARS claims that the acquisition of an application for a new station which is not purchased incidental to the sale of an authorized station should be subject to public notice and the "cut-off" rule since a buyer could not claim that the public had had the opportunity to comment on his qualifications in connection with an assignment application, and the acquisition could result in "trafficking." Although basically agreeing with NARS, VIP distinguished an application for facility modification, which should run with an acquired station, from an application for an additional frequency which VIP considered to be equivalent to an application for a new station. However, Airsignal argued that ownership changes should not be major amendments because they bear no relationship to a determination of mutual exclusivity, restrict the business options of a licensee to assign his stations, and discourage new entrants who could be deprived of long pending guard band applications.

14. We believe that these comments on substantial ownership changes to pending applications should be evaluated in light of our administrative policy towards an unintended side effect of our common carrier "cut-off" rule which appears to have encouraged processing delays. Under this rule, a radio application is protected from the filing of a mutually exclusive application after sixty days from the date of the public notice listing it (or the first application with which it is in conflict) as acceptable for filing.[10] Since this precludes another applicant from filing for the frequency after that date, the only way he could claim the frequency would be to acquire the protected application. The longer such an application remains pending, the more valuable it becomes as other carriers discover a need for additional spectrum through normal business growth. Since delay is potentially rewarded, this situation appears to contribute to the backlog by encouraging the filing of: "skeleton" applications meeting only the minimal requirements for acceptance; unnecessary applications intended to "warehouse" frequencies; and numerous amendments or petitions as strategic devices to delay final action. Although we have attempted to police our procedures, the problem has been exacerbated by the lack of explicit common carrier radio rules, comparable to Rule § 1.525, to deal with "strike" applications or unreasonable agreements to amend or dismiss applications or pleadings. Nevertheless, we are also mindful that a broad prohibition against settlements or ownership changes to pending applications would not be in the public interest since it could prevent a common carrier applicant from resolving unnecessary disputes, from strengthening his financial position, or from acquiring facility improvement applications incidental to the purchase of an existing station.

15. Accordingly, we have sought by a compromise approach to weigh our statutory duty to inform the public and to protect our administrative process, against an obvious public interest in permitting applicants reasonable business flexibility to offer the rendition of the best public service. First, we reaffirm our opinion that a substantial change in the ownership or control of an applicant (other than in the case of a pro forma change), or the substitution of one applicant for another, is an event which changes the identity of the applicant and requires a statutory public notice and a thirty day opportunity for public comment. Furthermore, we believe that the definition of such a change should be by reference to Section 310(d) of the Act since this will allow reference to considerable case law on the subject and will avoid restrictive rule language which could not possibly anticipate all variations of ownership or control changes.

[9] NARS and Stambler & Shrinsky recommended old § 1.571(j)(2) as the definition of substantial ownership changes. This section has been recently revised in a manner similar to our proposal in this proceeding. See, Report and Order in Docket No. 20205, 53 F.C.C. 2d 1089 (1975).

[10] Compare § 21.30(b) with §§ 1.564(c), 1.571(c), and 1.227(b)(1). In contrast, the broadcast "cut-off" date under § 1.227(b) is generally the close of business on the day preceding that date (not less than thirty days after publication) designated by a second public notice (§ 1.571(c)) as the date an application will be considered ready for processing. In the interim period between a public notice announcing acceptance for filing (§ 1.564(c)) and designation of a processing date, a broadcast application has relatively little value as a claim upon the frequency since a competing applicant can file his own application rather than acquire a previously filed application.

16. In this regard, however, we do not believe that a statutory public notice is required for the adoption of applications for minor changes to (or modifications of) facilities which are acquired incidental to the transfer or assignment of an authorized station. Since section 309(c)(2)(A) of the Act does not require a public notice of the acceptance of such applications, we think that the public is adequately informed by the notice listing the acceptance for filing of the authorized station's transfer or assignment application. What constitutes an appropriate application for modification of existing facilities will be determined by reference to the rules of the specific radio service involved. This recognition, however, does not mean that we agree with NARS that applications for new stations or frequencies which appeared initially on public notice should be transferable without public announcement. The grant of a transfer or assignment application should not be construed as a blanket finding that a buyer is necessarily qualified to construct and operate new stations since, as an obvious example, the management ability to operate an existing, profitable business may differ from the substantial capital and engineering needed to construct new stations. Moreover, to accept NARS' argument would be to invite petitions to deny transfer or assignment applications for reasons which may be relevant only to a single construction permit application for a new station.

17. Secondly, we have decided that this is an appropriate time to make more explicit our policy towards settlement agreements as well as the applicability of the "cut-off" rule to ownership amendments to applications for new stations. Although other public interest questions may be involved in such situations, we believe that our policy should be clearly understood as a general procedural rule to focus upon the reasonableness of any consideration promised or received since this would concern the common financial incentives to delay grants or to unreasonably profit from our administrative process. However, while the "cut-off" rule is generally applicable to any major amendment which disrupts processing for the statutory thirty day public notice period, we believe an administrative exception would be justified for appropriate ownership or control changes which tend to reflect changes in business or financial factors overlaying the technical proposal. Relative to these factors, an application's technical proposal due to its engineering nature must be a stable basis for the presentation of the business proposal. Major engineering changes modify the basis of the application and may result in further processing delays caused by, for example, new electrical conflicts. See, e.g., Western Union Telegraph Co., supra. An applicant's business or financial proposal, on the other hand, is based generally upon changing service demands and economic conditions. Since an applicant's reaction to these changes may substantially enhance his ability to render public utility service, we think that it is reasonable to make an exception to the "cut-off" rule for appropriate ownership or control amendments which reflect such changes. If protests should result from the statutory public notice of such amendments, they should be considered prior to grant or to designation for hearing of the amended application.

18. Therefore, to implement this compromise approach we are adopting the procedures outlined in a new § 21.29. In general, these procedures are those of proposed § 21.28(d) expanded to make plain our policy towards not only withdrawal agreements between mutually exclusive applicants, but also ownership amendments and agreements to amend, or to dismiss, applications or pleadings. Under this new procedure, these actions will be generally permitted if the agreement (or understanding) involved is found to be in the public interest, and the consideration promised or paid reimburses only those legitimate and prudent costs directly assignable to the engineering, preparation, filing and advocacy of the withdrawn, dismissed, or amended application, amendment, or pleading.[11] As we proposed, direct "in-house" costs will be permitted, but indirect or overhead costs would be excluded. Where they exceed one thousand dollars, allowable direct costs would have to be verified by an itemized accounting. Finally, in response to suggestions, we have included a ten day period to notify initially the Commission of agreements, and allowed thirty days for the filing of a joint request for approval of agreements.

19. Although broadly written, § 21.29 does contain notable exceptions to its applicability which require some comment. First, its provisions are not applicable to the unilateral actions of an applicant or party, i.e., those actions which are not the result of an explicit agreement or understanding with another applicant or party. Secondly, not all agreements are subject—only those which result in a substantial change in ownership or control, allow grant of a mutually exclusive application, or settle an alleged substantial and material question of fact which would normally necessitate a hearing. In particular, § 21.29 is not applicable to strictly engineering agreements (such as may occur under prior frequency coordination) which resolve frequency conflicts and do not involve any consideration beyond the mutual benefit resulting from a settlement of an electrical conflict. And finally, this section is intended to encourage settlements by clarifying our policy and procedure. As explicitly recognized in paragraph (e), the Commission believes that appropriate settlement of conflicts in common carrier radio services is decidedly in the public interest because it expedites rendition of often essential public communications service and avoids unnecessary legal expenses which may be ultimately borne by the carrier's subscribers. Accordingly, the purpose of this section is to make clear that we will not encourage financial incentives for "strike" application or pleadings, unreasonable "buy-outs" of competitors, or any other procedural actions by persons primarily intending to delay grants or to unreasonably profit from our administrative processes. In short, we believe that this approach will encourage settlements, discourage processing abuses, allow applicants reasonable business flexibility, and yet assure the public of an opportunity to comment on ownership changes as they specifically relate to individual applications for new stations.

MUTUALLY EXCLUSIVE STATUS

20. Both NARS and Myse objected to the ambiguity of our definition of mutually exclusive status. NARS recommended a definition which specified electrical mutual exclusivity, and Myse contended that, in cases of "fringe" electrical interference or economic impact, a substantial and material question of fact is presented which would require in first instance a hearing to determine whether the applications were mutually exclusive so to be entitled to a further comparative hearing. Although we recognize that harmful electrical interference must be determined on a case-by-case basis, we have codified as a rebuttable presumption present Commission policy as to what constitutes mutually exclusive status.[12] To clarify this matter further, we may initiate a series of rulemakings for each radio service in order to establish and distinguish "permissable" and "negotiable" levels of electrical interference from that "harmful" interference which results in actual mutual exclusivity. In the interim, this approach will speed up our processing by guiding applicants and petitioners in cases of so called "fringe" mutual exclusivity, as well as make more explicit our insistence upon good faith cooperation or prior coordination to maximize spectrum utilization and to avoid unnecessary electrical conflicts. See, *F.C.C. v. WJR, The Goodwill Station, Inc.*, 337 US 265 (1949).

21. Although it has been Commission policy for some time,[13] AT&T, GTE, Myse, NARS and United Video objected strongly to our proposal to recognize

[11] We wish to emphasize that the term "legitimate and prudent" are intended to include only those costs that are reasonable and necessary in the preparation and filing of an application. It is not intended to include market surveys or other analyses intended for management decision making purposes, unless such a product is required by the Commission in connection with the application.

[12] Alleged "economic" mutual exclusivity will continue to be dealt with on a case to case basis or by rulemaking. See, Notice of Proposed Rulemaking in Docket No. 20870, FCC76-646 (July 7, 1976); Collier Electric Co., 14 Pike & Fischer Rad. Regs. 848 (1956). Also, we have recognized that mutual exclusivity can result from other practical situations, such as unnecessarily duplicative service to the same customers. Such situations will continue to be judged on a case by case basis as in the past.

[13] Applications for Common Carrier Facilities, 13 F.C.C. 2d 415, 416 (1968).

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more explicitly the applicability of the "cut-off" rule to applications which are "chain-reaction" mutually exclusive. In addition to equitable considerations, AT&T and GTE argued that this rule would prevent consideration of two proposals which, in combination, may be superior to a third proposal with which they were mutually exclusive. Although this argument has some merit, it implies an indefinite "chain reaction" which could create the serious procedural problems our rule was designed to prevent. See, *Ranger et al. (Radio Cabrillo) v. F.C.C.*, 294 F. 2d 240, 243 (D.C. Cir. 1961); *Ridge Radio Corp. v. FCC*, 292 F. 2d 770 (D.C. Cir. 1961). However, we will consider appropriate waivers to this rule where an applicant can demonstrate both good cause for his failure to timely file, and public interest reasons for late acceptance of his application.[14]

"CUT-OFF" RULE EXCEPTIONS

22. Although it is not generally Commission policy to grant waivers or allow exceptions to the consolidation "cut-off" rule, we proposed certain exceptions which were a balance between our need for an orderly administrative process and a recognition of compelling equitable, procedural, and public interest factors. The comments supported this proposal, suggesting only additional exceptions for substantial ownership changes and for site changes or other occurrences beyond the control of an applicant. Upon consideration, we have adopted in § 21.31(e) these suggestions as well as the following other exceptions. Paragraph (e) (1) is intended to reconcile the present § 21.30 (b) with the present § 21.23(b), and to end the effects of the "cut-off" rule at the discretion of the presiding officer when applications are designated for hearing or comparative evaluation. See, Empire Communications Co., 39 F.C.C. 2d 143 (Rev. Bd. 1973). Paragraph (e) (2) is a clarification of the exception now contained in the present § 21.30(b) and is intended to recognize engineering settlements which expedite processing by removing conflicts which would otherwise require resolution in a hearing. Similarly Paragraph (e) (4) is intended to encourage compromises between competing applications. And Paragraph (e) (6) is in the public interest. Paragraph (e) (3) is for substantial ownership amendments found to be in the public interest. Paragraph (e) (5) is intended to allow for the correction of typographical, transcription, or similar clerical errors whose discovery could not justfy the disruption of reopening a freqency to competing applications where such compromises are tended to recognize engineering changes necessitated by unforeseen events or technological obsolescence of equipment which would have to be considered later in a needless application for modification of facilities. Nevertheless, we stress that these exceptions will be strictly construed and do not represent a basic change in our policy of permitting very limited waivers of the consolidation "cut-off" rule.

COMPARATIVE EVALUATION PROCEDURE

23. Comments to our proposed new comparative evaluation procedure varied from complete opposition by AT&T, VIP, Myse and Stambler and Shrinsky, to largely unenthusiastic support by Aircall, Bakal, Mobilefone, NARS, Eastern and United Video. The oppositions generally contended that our proposal was premature or of doubtful utility since few applicants woud agree to a waiver of hearing rights. The supporters offered a few editorial suggestions (some of which we have incorporated), and a request by United Video that comments not be accepted from affiliated customers, that replies be accepted, and that applicants be required to waive their appellate rights also. Although the initial response to our proposal has not proved as promising as we would have hoped, we have nonetheless decided to adopt the procedure with minor changes and provision for acceptance of reply comments. While it may not be widely used, we believe that it will have some value in cases where applicants find they are not able to bear the expense or delay of a comparative hearing. And the experience it could provide may be helpful in developing future procedural changes concerning "paper hearings."

24. In addition to the items above, we have made numerous small editorial changes to remove ambiguities and have renumbered some rule sections to allow for other rulemakings. We appreciate that a change in organization can be inconvenient at first. To facilitate the transition and aid in cross-reference, we have included in attached Appendix I a table which indicates generally the derivation of the various rule sections. The text of the adopted rules is contained in Appendix II, attached hereto.

25. Accordingly, it is hereby ordered, That pursuant to the authority contained in Sections 4(i), 4(j) and 303 of the Communications Act of 1934 [47 U.S.C. Sections 154(i), 154(j), 303], Parts 1 and 21 of the Commission's Rules and Regulations are revised, as set forth below, effective September 17, 1976.

26. It is further ordered, That the proceedings in Docket No. 19905 are terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Adopted: July 27, 1976.

Released: August 10, 1976.

FEDERAL COMMUNCATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[14] Among the public interest arguments which may be made, for example, is a demonstration of the existence of a substantial and material question of transmitter site coverage which late acceptance of an application would raise as an issue in a comparative proceeding.

APPENDIX I

For informational purposes, the following is the general derivation of the amendments to Part 1 and Part 21 of the Commission's Rules:

Amendment Section:	*Derivation*
1.227(b)(3).	New—Substantive revision of old § 1.227(b)(3).
21.23(a)	New—Editorial revision of old § 21.23(a) to cross reference §§ 21.29 and 21.35.
21.23(b)	New—Editorial revision of old § 21.23(b).
21.23(c)	New—Substantive revision of old § 21.23 (c) and (d).
21.23(d)	New—Codification of policy announced by Public Notice dated October 16, 1972.
21.23(e)	Second sentence of old § 21.23(a).
21.23(f)	New—Revision of old § 0.291(k).
21.23(g)	First sentence of old §21.24.
21.24	Old § 21.24 deleted and section number reserved.
21.25	Editorial revision of old § 21.25.
21.26(c)	Deleted.
21.27(a)	New—Editorial revision of old § 21.26(c) to include information public notices and notices required by environmental rules of part 1.
21.27(b)	New—Editorial revision of old § 21.27(b).
21.27(c)	New—Editorial revision of old § 21.27(a) to cross reference new § 21.27(a) and 21.23.
21.28(a)	New—Editorial revision of § 21.28(a) and (c) to cross reference §§ 21.29 and 21.35.
21.28(b)	Renumbered some rule sections to old § 21.28(b) to cross reference §§ 21.29 and 21.35.
21.28(c)	New—editorial revision of last sentence of old § 21.28(c) to cross reference §§ 21.29 and 21.35.
21.29	New—substantive elaboration on last sentence of present § 21.28(b) and codification of current policy and procedure modeled after § 1.525.
21.30(a)	New—editorial revision of old § 21.27(c).
21.30(b)	New—editorial revision of old § 21.27(c) and § 21.30(c).
21.30(c)	New—substantive revision of old § 21.30(c).
21.31(a) and (b)	New—substantive revision of old § 21.30(b).
21.31(c)	New—codification of policy announced in "Applications for Common Carrier Facilities," 13 F.C.C. 2d 415 (1968).
21.31(d)	New—editorial combination of old § 21.28(d) and § 21.30(b).
21.31(e)	New—substantive revision of old § 21.30(b).
21.32(a)	New—47 U.S.C. § 309(a).

Amendment Section:	*Deviation*
21.32(b)	New—editorial combination of old § 21.27(e) and § 21.30(e).
21.32(c)	New—editorial combination of old § 21.27(f) and § 21.30(d).
21.32(d)	New—editorial revision of old § 21.20.
21.32(e)	New—editorial revision of old § 21.27(c).
21.32(f)	New—editorial revision of old § 21.27(f).
21.32(g)	New—editorial revision of old § 21.31.
21.32(h)	New.
21.33	Reserved.
21.34	Reserved.
21.35	New—Comparative evaluation procedure.
21.36	Reserved.
21.37	Reserved.
21.38	Reserved.
21.39(a),(b) and (c).	New—substantive revision of old § 21.32 to reflect 47 U.S.C. § 310(d).
21.39(d)	New—codification of current procedure modeled after § 1.541.
21.40(a),(b) and (c).	New.
21.41	Reserved.
21.42	Reserved.
21.43	Redesignation of old § 21.-33.
21.44	Redesignation of old § 21.-34.
21.45	Redesignation of old § 21.-35.

Parts 1 and 21 of Chapter I of Title 47 of the Code of Federal Regulations are amended to read as follows:

PART 1—PRACTICE AND PROCEDURE

1. § 1.227(b)(3) is revised to read as follows:

§ 1.227 Consolidations.

* * * * *

(b) * * *

(3) In common carrier cases (except for those involving either Public Coast stations in the Maritime Mobile Service, or stations in the Domestic Public Radio Services), any application that is mutually exclusive with another previously filed application will be considered with such prior filed application only if the later filed application is received by the Commission in a condition acceptable for filing prior to the close of business on the day preceding the day the earlier filed application is either designated for hearing or granted. Consolidation of cases involving Public Coast stations in the Maritime Mobile Services is provided for in paragraph (b)(4) of this section. In the Domestic Public Radio Services, no application will be entitled to comparative consideration with one or more conflicting applications unless such application, or such application as amended by a major amendment (as defined by § 21.23 of this chapter), meets the requirements of § 21.31 of this chapter.

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PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

2. Subpart B of the Table of Contents to Part 21 is amended to read as follows:

Subpart B—Applications and Licenses

GENERAL FILING REQUIREMENTS

Sec.
21.3 Station authorization required.
21.4 Eligibility for station license.
21.5 Formal and informal applications.
21.6 Filing of applications, fees, and number of copies.
21.7 Standard application forms for Point-to-Point Microwave Radio, Local Television Transmission and Multipoint Distribution Services.
21.8 [Reserved].
21.9 Standard application forms for Domestic Public Land Mobile Radio and Rural Radio services.
21.10 Special application requirements for the Domestic Public Land Mobile Radio and Rural Radio services.
21.11 Miscellaneous forms shared by all Domestic Public Radio services.
21.12 [Reserved].
21.13 General application requirements.
21.14 [Reserved].
21.15 Technical content of applications.
21.16 [Reserved].
21.17 Demonstration of financial qualifications.
21.18 [Reserved].
21.19 [Reserved].
21.20 Defective applications.
21.21 Inconsistent or conflicting applications.
21.22 Repetitious applications.
21.23 Amendment of applications.
21.24 [Reserved].
21.25 Application for temporary authorizations.

PROCESSING OF APPLICATIONS

21.26 Receipt of application.
21.27 Public notice period.
21.28 Dismissal and return of applications.
21.29 Ownership amendments and agreements to amend or to dismiss applications or pleadings.
21.30 Opposition to applications.
21.31 Mutually exclusive applications.
21.32 Consideration of applications.
21.33 [Reserved].
21.34 [Reserved].
21.35 Comparative evaluation of mutually exclusive applications.
21.36 [Reserved].
21.37 [Reserved].
21.38 [Reserved].
21.39 Transfer of control or assignment of station authorization.
21.40 Considerations involving transfer or assignment applications.
21.41 [Reserved].
21.42 [Reserved].
21.43 Period of construction.
21.44 Forfeiture of station authorizations.
21.45 License period.

* * * * *

3. § 21.23 is revised to read as follows:

§ 21.23 Amendment of applications.

(a) Any pending application may be amended as a matter of right if the application has not been designated either for hearing, or for comparative evaluation pursuant to § 21.35, *Provided however*, that amendments shall comply with the provisions of § 21.29 as appropriate.

(b) The Commission or the presiding officer may grant requests to amend an application designated for hearing or comparative evaluation only if a written petition demonstrating good cause is submitted and properly served upon the parties of record.

(c) The Commission will classify amendments on a case-by-case basis. Whenever previous amendments have been filed, the most recent amendment will be classified by reference to how the information in question stood as of the latest Public Notice issued which concerned the application. An amendment will be deemed to be a major amendment subject to § 21.27 and § 21.31 under any of the following circumstances:

(1) If in the Point-to-Point Microwave Radio Service and Local Television Transmission Service, the amendment results in a substantial modification of the engineering proposal such as (but not necessarily limited to):

(i) A change in, or an addition of, a radio frequency;

(ii) A change in polarization of the transmitted signal;

(iii) An increase in the transmitter output power of three (3) dB or more;

(iv) A change in type of transmitter emission or an increase in emission bandwidth of more than ten (10) percent;

(v) A change in the geographic coordinates of a station's transmitting antenna of more than ten (10) seconds of latitude or longitude, or both;

(vi) A change of more than one (1) degree in the azimuth of the center of the main lobe of radiation of a point-to-point station's transmitting antenna (including any deflections by repeating devices);

(vii) Any change which increases the antenna height by twenty (20) feet or more; or

(viii) Any changes or combination of changes which would cause harmful electrical interference to an authorized facility or result in a mutually exclusive conflict with another pending application.

(2) If in the Multipoint Distribution Service, the amendment results in a substantial modification of the engineering proposal such as (but not necessarily limited to):

(i) A change in, or an addition of, a radio frequency channel;

(ii) A change in polarization of the transmitted signal;

(iii) A change in type of transmitter emission or an increase in emission bandwidth of more than ten (10) percent;

(iv) A change in the geographic coordinates of a station's transmitting antenna of more than ten (10) seconds of latitude or longitude, or both;

(v) Any change which increases the antenna height by ten (10) feet or more;

(vi) Any technical change which would increase the effective radiated power in any direction by more than one and one-half (1.5) dB; or

(vii) Any changes or combination of changes which would cause harmful electrical interference to an authorized facility or result in a mutually exclusive conflict with another pending application.

(3) If in the Domestic Public Land Mobile Radio Service and Rural Radio Service, the amendment results in a substantial modification of the engineering proposal such as (but not necessarily limited to):

(i) A change in, or an addition of, a radio frequency;

(ii) A change in the class of station (e.g., from control to base);

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(iii) A change in the type of emission of a transmitter; or

(iv) The following modifications of base station facilities, unless a complete engineering showing can demonstrate that the resultant increase in the reliable service area contour (as defined by § 21.504) is less than ten (10) percent or one (1) mile as measured in miles along any of eight radials spaced every forty five (45) degrees from zero degree True North:

(A) A change in geographic coordinates of a station's transmitting antenna of more than five (5) seconds of latitude or longitude, or both;

(B) An increase in effective radiated power in any direction which would enlarge the service contour;

(C) A change in the height, or position of a transmitting antenna which would enlarge the service contour;

(D) An increase in the number of transmitter locations on the same frequency.

(4) If the amendment would convert a proposal into a major action under § 1.1305.

(5) If the amendment results in a substantial and material alteration of the proposed service.

(6) If the amendment specifies a substantial change in beneficial ownership or control (de jure or de facto) of an applicant such that the change would require, in the case of an authorized station, the filing of a prior assignment or transfer of control application under § 310(d) of the Communications Act of 1934 [47 U.S.C. § 310(d)]. *Provided however*, Such a change would not be considered major where it merely amends an application for modification of an authorized station to reflect a change in ownership or control of such station as previously approved by the Commission.

(7) If the amendment, or the cumulative effect of the amendment, is determined by the Commission otherwise to be substantial pursuant to § 309 of the Communications Act of 1934.

(d) In the Point-to-Point Microwave Radio Service and Local Television Transmission Service, a pending application may be amended by a major amendment to reflect the relocation of a proposed station site and a new application will not be required if:

(1) The geographic coordinates of the new station site are within twenty (20) miles of the coordinates of the original site; and,

(2) The relocated station would serve essentially the same purpose in the system as originally proposed.

(e) If a petition to deny (or other formal objection) has been filed, or if the Commission has published a notice that the application appears to be mutually exclusive with another application (or applications), any amendment (or other written communications) shall be served on the petitioner and on any such mutually exclusive applicant (or applicants), unless waiver of this requirement is granted pursuant to paragraph (f) of this section.

(f) The Commission may waive the service requirements of paragraph (e) of this section and prescribe such alternative procedures as may be appropriate under the circumstances to protect petitioners' interests and to avoid undue delay in a proceeding, if an applicant submits a request for waiver which demonstrates that the service requirement is unreasonably burdensome. Requests for waiver shall be served on petitioners. Oppositions to the petition may be filed within five (5) days after the petition is filed and shall be served on the applicant. Replies to oppositions will not be entertained.

(g) Any amendment to an application shall be signed and shall be submitted in the same manner, and with the same number of copies, as was the original application. Amendments may be made in letter form if they comply in all other respects with the requirements of this Chapter.

§ 21.24 [Reserved]

4. § 21.24 is deleted and marked reserved.

§ 21.25 [Amended]

5. In § 21.25(a) change reference from § 21.12 to § 21.5 and in § 21.25(b) change reference from § 21.27(c) to § 21.27(b).

§ 21.26 [Amended]

6. § 21.26(c) is deleted.

7. § 21.27 headnote and text are revised to read as follows:

§ 21.27 Public notice period.

(a) At regular intervals, the Commission will issue a public notice listing:

(1) The acceptance for filing of all applications and major amendments thereto;

(2) Significant Commission actions concerning applications listed as acceptable for filing;

(3) Information which the Commission in its discretion believes of public significance; and

(4) Special environmental considerations as required by Part I of this Chapter.

(b) The Commission will not grant any application until expiration of a period of thirty (30) days following the issuance date of a public notice listing the application, or any major amendment thereto, as acceptable for filing.

(c) As an exception to paragraphs (a)(1), (a)(2) and (b) of this section, the public notice provisions are not applicable to applications:

(1) For authorization of a minor technical change in the facilities of an authorized station where such a change would not be classified as a major amendment (as defined by § 21.23) were such a change to be submitted as an amendment to a pending application;

(2) For issuance of a license subsequent to a construction permit or, pending application for a grant of such license, any special or temporary authorization to permit interim operation to facilitate completion of authorized construction or to provide substantially the same service as would be authorized by such license;

(3) For extension of time to complete construction of authorized facilities;

(4) For temporary authorization pursuant to § 21.25(b);

(5) For authorization of facilities for remote pickup, temporary studio links and similar facilities which service a broadcast station;

(6) For an authorization under any of the proviso clauses of section 308(a) of the Communications Act of 1934 [47 U.S.C. 308(a)];

(7) For consent to an involuntary assignment or transfer of control of a radio authorization; or,

(8) For consent to a voluntary assignment or transfer of control of a radio authorization, where the assignment or transfer does not involve a substantial change in ownership or control.

8. § 21.28 is revised to read as follows:

§ 21.28 Dismissal and return of applications.

(a) Except as provided under § 21.29, any application may be dismissed without prejudice as a matter of right if the applicant requests its dismissal either prior to designation for hearing, or prior to selection of the comparative evaluation procedure of § 21.35. An applicant's request for the return of his application after it has been accepted for filing will be considered to be a request for dismissal without prejudice. Requests for dismissal shall comply with the provisions of § 21.29 as appropriate.

(b) A request to dismiss an application without prejudice will be considered either after designation for hearing, or after selection of the comparative evaluation procedure of § 21.35, only if:

(1) A written petition is submitted to the Commission and is properly served upon all parties of record;

(2) The petition is submitted before the issuance date of a public notice of Commission action denying the application; and

(3) The petition complies with the provisions of § 21.29 (whenever applicable) and demonstrates good cause.

(c) The Commission will dismiss an application for failure to prosecute or for failure to respond substantially within a specified time period to official correspondence or requests for additional information. Dismissal will be without prejudice prior to designation for hearing or selection of the comparative evaluation procedure of § 21.35, but may be made with prejudice for unsatisfactory compliance with § 21.29, or after designation for hearing or selection of the comparative evaluation procedure.

9. The present § 21.29 is revoked and a new headnote and text are added to read as follows:

§ 21.29 Ownership changes and agreements to amend or to dismiss applications or pleadings.

(a) Except as provided in paragraph (b) of this section, applicants or any other parties in interest to pending applications shall comply with the provisions of this section whenever:

(1) They participate in any agreement (or understanding) which involves any consideration promised or received, directly or indirectly, including any agreement (or understanding) for merger of interests or the reciprocal withdrawal of applications; and

(2) The agreement (or understanding) may result in either:

(i) A proposed change in the ownership of an applicant which would be classified as a major amendment under § 21.23, and for which an exemption under § 21.31(e) from the "cut-off" rule would be requested; or,

(ii) A proposed withdrawal, amendment or dismissal of any application(s), amendment(s), petition(s), pleading(s), or any combination thereof, which would thereby permit the grant without hearing of an application previously in contested status.

(b) The provisions of this section shall not be applicable to any engineering agreement (or understanding) which:

(1) Resolves frequency conflicts with authorized stations or other pending applications without the creation of new or increased frequency conflicts; and

(2) Does not involve any consideration promised or received, directly or indirectly (including any merger of interests or reciprocal withdrawal of applications), other than the mutual benefit of resolving the engineering conflict.

(c) For any agreement subject to this section, the applicant of an application which would remain pending pursuant to such an agreement will be considered responsible for the compliance by all parties with the procedures of this section. Failure of the parties to comply with the procedures of this section shall constitute a defect in those applications which are involved in the agreement and remain in a pending status.

(d) The principals to any agreement or understanding subject to this section shall comply with the standards of paragraph (e) of this section in accordance with the following procedure:

(1) Within ten (10) days after entering into the agreement, the parties thereto shall jointly notify the Commission in writing of the existence and general terms of such agreement, the identity of all of the participants and the applications involved;

(2) Within thirty (30) days after entering into the agreement, the parties thereto shall file any proposed application amendments, motions, or requests together with a copy of the agreement which clearly sets forth all terms and provisions, and such other facts and information as necessary to satisfy the standards of paragraph (e) of this section. Such submission shall be accompanied by the certification by affidavit of each principal to the agreement declaring that the statements made are true, complete, and correct to the best of their knowledge and belief, and are made in good faith.

(3) The Commission may request any further information which in its judgment it believes is necessary for a determination under paragraph (e) of this section.

(e) The Commission will grant an application (or applications) involved in the agreement (or understanding) only if it finds upon examination of the information submitted, and upon consideration of such other matters as may be officially noticed, that the agreement is consistent with the public interest, and the amount of any monetary consideration and the cash value of any other consideration promised or received is not in excess of those legitimate and prudent costs directly assignable to the engineering, preparation, filing, and advocacy of the withdrawn, dismissed, or amended application(s), amendment(s), petition(s), pleading(s), or any combination thereof. Where such costs represent the applicant's in-house efforts, these costs shall include only directly assignable costs and shall exclude the application of general overhead expenses. [The treatment to be accorded such consideration for interstate rate making purposes will be determined at such time as the question may arise in an appropriate rate proceeding.] An itemized accounting shall be submitted to support the amount of consideration involved except where such consideration (including the fair market value of any non-cash consideration) promised or received does not exceed one thousand dollars ($1,000.00). Where consideration involves a sale of facilities or merger of interests, the accounting shall clearly identify that portion of the consideration allocated for such facilities or interests and a detailed description thereof, including estimated fair market value. The Commission will not presume an agreement (or understanding) to be *prima facie* contrary to the public interest solely because it incorporates a mutual agreement to withdraw pending application(s), amendment(s), petition(s), pleading(s), or any combination thereof.

10. § 21.30 headnote and text are revised to read as follows:

§ 21.30 Opposition to applications.

(a) Petitions to deny (including petitions for other forms of relief) and responsive pleadings for Commission consideration must:

(1) Identify the application or applications (including applicant's name, station location, Commission file numbers and radio service involved) with which it is concerned;

(2) Be filed in accordance with the pleading limitations, filing periods, and other applicable provisions of §§ 1.41 through 1.52;

(3) Contain specific allegations of fact (except for those of which official notice may be taken), which shall be supported by affidavit of a person or persons with personal knowledge thereof, and which shall be sufficient to demonstrate that the petitioner (or respondent) is a party in interest and that a grant of, or other Commission action regarding, the application would be prima facie inconsistent with the public interest;

(4) Be filed within thirty (30) days after the date of public notice announcing the acceptance for filing of any such application or major amendment thereto (unless the Commission otherwise extends the filing deadline); and

(5) Contains a certificate of service showing that it has been mailed to the applicant no later than the date of filing thereof with the Commission.

(b) The Commission will classify as informal objections:

(1) Any petition to deny not filed in accordance with paragraph (a) of this section;

(2) Any petition to deny (or for another forms of relief) an application to which the thirty (30) day public notice period of § 21.27(b) does not apply; or

(3) Any comments on, or objections to, the grant of an application (other than the issuance of a license pursuant to a construction permit) where the comments or objections do not conform to either paragraph (a) of this section or other Commission rules and requirements.

(c) The Commission will consider informal objections, but will not necessarily discuss them specifically in a formal opinion if:

(1) The informal objection is filed at least one day before Commission action on the application; and

(2) The informal objection is signed by the submitting person (or his representative) and discloses his interest.

11. The present § 21.31 is revoked and a new headnote and text are added to read as follows:

§ 21.31 Mutually exclusive applications.

(a) The Commission will consider applications to be mutually exclusive if their conflicts are such that the grant of one application would effectively preclude by reason of harmful electrical interference, or other practical reason, the grant of one or more of the other applications. The Commission will presume "harmful electrical interference" to mean interference which would result in a material impairment to service rendered to the public despite full cooperation in good faith by all applicants or parties to achieve reasonable technical adjustments which would avoid electrical conflict.

(b) An application will be entitled to comparative consideration with one or more conflicting applications only if:

(1) The application is mutually exclusive with the other application; and

(2) The application is received by the Commission in a condition acceptable for filing by whichever "cut-off" date is earlier:

(i) Sixty (60) days after the date of the public notice listing the first of the conflicting applications as accepted for filing; or

(ii) One (1) business day preceding the day on which the Commission takes final action on the previously filed application (should the Commission act upon such application in the interval between thirty (30) and sixty (60) days after the date of its public notice).

(c) Whenever three or more applications are mutually exclusive, but not unl-

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formly so, the earliest filed application establishes the date prescribed in paragraph (b)(2) of this section, regardless of whether or not subsequently filed applications are directly mutually exclusive with the first filed application. [For example, applications A, B, and C are filed in that order. A and B are directly mutually exclusive, B and C are directly mutually exclusive. In order to be considered comparatively with B, C must be filed within the "cut-off" period established by A even though C is not directly mutually exclusive with A.]

(d) An application otherwise mutually exclusive with one or more previously filed applications, but filed after the appropriate date prescribed in paragraph (b)(2) of this section, will be returned without prejudice and will be eligible for refiling only after final action is taken by the Commission with respect to the previously filed application (or applications).

(e) For the purposes of this section, any application (whether mutually exclusive or not) will be considered to be a newly filed application if it is amended by a major amendment (as defined by § 21.23), except under the following circumstances:

(1) The application has been designed for comparative hearing, or for comparative evaluation (pursuant to § 21.35), and the Commission or the presiding officer accepts the amendment pursuant to § 21.23(b);

(2) The amendment resolves frequency conflicts with authorized stations or other pending applications but does not create new or increased frequency conflicts;

(3) The amendment reflects only a change in ownership or control pursuant to an agreement (or understanding) which is found by the Commission to be in the public interest under § 21.29 and from which a requested exemption from the "cut-off" requirements of this section is granted;

(4) The amendment reflects only a change in ownership or control which results from an agreement under § 21.29 whereby two or more applicants entitled to comparative consideration of their applications join in one (or more) of the existing applications and request dismissal of their other application (or applications) to avoid the delay and cost of comparative consideration;

(5) The amendment corrects typographical, transcription, or similar clerical errors which are clearly demonstrated to be mistakes by reference to other parts of the application, and whose discovery does not create new or increased frequency conflicts; or

(6) The amendment does not create new or increased frequency conflicts, and is demonstrably necessitated by events which the applicant could not have reasonably foreseen at the time of filing, such as, for example:

(i) The loss of a transmitter or receiver site by condemnation, natural causes, or loss of lease or option;

(ii) Obstruction of a proposed transmission path caused by the erection of a new building or other structure; or

(iii) The discontinuance or substantial technological obsolescence of specified equipment, whenever the application has been pending before the Commission for two or more years from the date of its filing.

12. The present § 21.32 is revoked and a new headnote and text are added to read as follows:

§ 21.32 Consideration of applications.

(a) Applications for an instrument of authorization will be granted if, upon examination of the application and upon consideration of such other matters as it may officially notice, the Commission finds that the grant will serve the public interest, convenience, and necessity.

(b) The grant shall be without a formal hearing if, upon consideration of the application, any pleadings or objections filed, or other matters which may be officially noticed, the Commission finds that:

(1) The application is acceptable for filing, and is in accordance with the Commission's rules, regulations, and other requirements;

(2) The application is not subject to comparative consideration (pursuant to § 21.31) with another application (or applications), except where the competing applicants have chosen the comparative evaluation procedure of § 21.35 and a grant is appropriate under that procedure;

(3) A grant of the application would not cause harmful electrical interference to an authorized station;

(4) There are no substantial and material questions of fact presented; and

(5) The applicant is legally, technically, financially and otherwise qualified, and a grant of the application would serve the public interest.

(c) If the Commission should grant without a formal hearing an application for an instrument of authorization which is subject to a petition to deny filed in accordance with § 21.30, the Commission will deny the petition by the issuance of a Memorandum Opinion and Order which will concisely report the reasons for the denial and dispose of all substantial issues raised by the petition.

(d) Whenever the Commission, without a formal hearing, grants any application in part, or subject to any terms or conditions other than those normally applied to applications of the same type, it shall inform the applicant of the reasons therefor, and the grant shall be considered final unless the Commission should revise its action (either by granting the application as originally requested, or by designating the application for a formal evidentiary hearing) in response to a petition for reconsideration which:

(1) Is filed by the applicant within thirty (30) days from the date of the letter or order giving the reasons for the partial or conditioned grant;

(2) Rejects the grant as made and explains the reasons why the application should be granted as originally requested; and,

(3) Returns the instrument of authorization.

(e) The Commission will designate an application for a formal hearing, specifying with particularity the matters and things in issue, if, upon consideration of the application, any pleadings or objections filed, or other matters which may be officially noticed, the Commission determines that:

(1) A substantial and material question of fact is presented;

(2) The Commission is unable for any reason to make the findings specified in paragraph (a) of this section and the application is acceptable for filing, complete, and in accordance with the Commission's rules, regulations, and other requirements;

(3) The application is entitled to comparative consideration (under § 21.31) with another application (or applications); or

(4) The application is entitled to comparative consideration (pursuant to § 21.31) and the applicants have chosen the comparative evaluation procedure of § 21.35 but the Commission deems such procedure to be inappropriate.

(f) The Commission may grant, deny, or take other action with respect to an application designated for a formal hearing pursuant to paragraph (e) of this section after an appropriate hearing conducted in accordance with the provisions of § 21.35 or Part 1 of this chapter.

(g) Whenever the public interest would be served thereby the Commission may grant one or more mutually exclusive applications expressly conditioned upon final action on the applications, and then either designate all of the mutually exclusive applications for a formal evidentiary hearing or (whenever so requested) follow the comparative evaluation procedures of § 21.35, as appropriate, if it appears:

(1) That some or all of the applications were not filed in good faith, but were filed for the purpose of delaying or hindering the grant of another application;

(2) That the public interest requires the prompt establishment of radio service in a particular community or area;

(3) That a delay in making a grant to any applicant until after the conclusion of a hearing on all applications might jeopardize the rights of the United States under the provisions of a international agreement to the use of the frequency in question; or

(4) That a grant of one application would be in the public interest in that it appears from an examination of the remaining applications that they cannot be granted because they are in violation of provisions of the Communications Act, other statutes, or of the provisions of this chapter.

(h) Reconsideration or review of any final action taken by the Commission will be in accordance with subpart A of Part 1 of this chapter.

13. The present § 21.33, "Period of construction", and the present § 21.34 "Forfeiture and termination of station authorization", are redesignated as §§ 21.43 and 21.44, respectively, and §§ 21.33 and 21.34 are reserved.

14. The present § 21.35, "License period," is redesignated § 21.45 and a new § 21.35 is added to read as follows:

§ 21.35 Comparative evaluation of mutually exclusive applications.

(a) In order to expedite action on mutually exclusive applications, the applicants may request the Commission to consider their applications without a formal hearing in accordance with the summary procedure outlined in paragraph (b) of this section, if:

(1) The applications are entitled to comparative consideration pursuant to § 21.31;

(2) The applications have not been designated for formal evidentiary hearing; and

(3) The Commission determines, initially or at any time during the procedure outlined in paragraph (b) of this section, that such procedure is appropriate, and that, from the information submitted and consideration of such other matters as may be officially noticed, there are no substantial and material questions of fact presented (other than those relating to the comparative merits of the applications which would preclude a grant under paragraphs (a) and (b) of § 21.32.

(b) Provided that the conditions of paragraph (a) of this section are satisfied, applicants may request the Commission to act upon their mutually exclusive applications without a formal hearing pursuant to the summary procedure outlined below:

(1) To initiate the procedure, each applicant will submit to the Commission a written statement containing:

(i) A waiver of his right to a formal hearing;

(ii) A request and agreement that, in order to avoid the delay and expense of a comparative formal hearing, the Commission should exercise its judgment to select from among the mutually exclusive applications that proposal (or proposals) which would best serve the public interest; and

(iii) The signature of a principal (and his attorney if so represented).

(2) After receipt of the written requests of all of the applicants the Commission (if it deems this procedure appropriate) will issue a notice designating the comparative criteria upon which the applications are to be evaluated and will request each applicant to submit, within a specified period of time, additional information concerning his proposal relative to the comparative criteria.

(3) Within thirty (30) days following the due date for filing this information, the Commission will accept concise and factual argument on the competing proposals from the rival applicants, potential customers, and other knowledgeable parties in interest.

(4) Within fifteen (15) days following the due date for the filing of comments, the Commission will accept concise and factual replies from the rival applicants.

(5) From time to time during the course of this procedure the Commission may request additional information from the applicants and hold informal conferences at which all competing applicants shall have the right to be represented.

(6) Upon evaluation of the applications, the information submitted, and such other matters as may be officially noticed the Commission will issue a decision granting one (or more) of the proposals which it concludes would best serve the public interest, convenience and necessity. The decision will report briefly and concisely the reasons for the Commission's selection and will deny the other application(s). This decision shall be considered final.

§§ 21.36–21.38 [Reserved]

15. Sections 21.36, 21.37 and 21.38 are [Reserved].

16. A new § 21.39 is added to read as follows:

§ 21.39 Transfer of control or assignment of station authorizations.

(a) No construction permit or station license, or any rights thereunder, shall be transferred, assigned, or disposed of in any manner, voluntarily or involuntarily, directly or indirectly, or by transfer of control of any corporation holding such permit or license, to any person except upon application to the Commission and upon finding by the Commission that the public interest, convenience, and necessity will be served thereby. The treatment to be accorded acquisition or disposition costs for interstate rate making purposes will be determined at such time as the question may arise in a rate proceeding.

(b) Requests for transfer of control or assignment authority shall be submitted on the application forms prescribed by § 21.11 of this chapter; shall be accompanied by the applicable showings required by §§ 21.13, 21.15, 21.17 and 21.40 of this chapter.

(c) In acting upon applications for transfer and assignment authority the Commission will not consider whether the public interest, convenience, and necessity might be served by the transfer, assignment, or disposal of the permit or license to a person other than the proposed transferee or assignee.

(d) The Commission shall be notified in writing promptly of the death or legal disability of an individual permittee or licensee, a member of a partnership, or a person directly or indirectly in control of a corporation which is a permittee or licensee. Within thirty (30) days after the occurrence of such death or legal disability, an application in accordance with the provisions of paragraph (b) of this section shall be filed requesting consent to involuntary assignment of such permit or license or for involuntary transfer of control of such corporation to a person or entity legally qualified to succeed to the foregoing interests under the laws of the place having jurisdiction over the estate involved.

17. A new § 21.40 is added to read as follows:

§ 21.40 Considerations involving transfer or assignment applications.

(a) The Commission will review a proposed transaction to determine if the circumstances indicate "trafficking" in licenses or construction permits whenever applications (except those involving a pro forma assignment or transfer of control) for consent to assignment of a common carrier construction permit or license, or for transfer of control of a corporate permittee or licensee, involve facilities which have been operated for less than two years by the proposed assignor or transferor. At its discretion, the Commission may require the submission of an affirmative, factual showing (supported by affidavits of a person or persons with personal knowledge thereof) to demonstrate that the proposed assignor or transferor has not acquired an authorization or operated a station for the principal purpose of profitable sale rather than public service. This showing may include, for example, a demonstration that the proposed assignment or transfer is due to changed circumstances (described in detail) affecting the licensee or permittee subsequent to the acquisition of the permit or license, or that the proposed transfer of radio facilities is incidental to a sale of other facilities or merger of interests.

(b) If a proposed transfer of radio facilities is incidental to a sale of other facilities or merger of interests, any showing requested under paragraph (a) of this section shall include an additional exhibit which:

(1) Discloses complete details as to the sale of facilities or merger of interests;

(2) Segregates clearly by an itemized accounting, the amount of consideration involved in the sale of facilities or merger of interests; and

(3) Demonstrates that the amount of consideration assignable to the facilities or business interests involved represents their fair market value at the time of the transaction.

(c) For the purposes of this section, the two year period is calculated using the following dates (as appropriate):

(1) The initial date of grant of the construction permit, excluding subsequent modifications;

(2) The date of consummation of an assignment or transfer, if the station is acquired as the result of an assignment of construction permit or license, or transfer of control of a corporate permittee or licensee; or

(3) The median date of the applicable commencement dates (determined pursuant to paragraphs (c) (1) and (2) of this section) if the transaction involves a system (such as a Point-to-Point Microwave System) of two or more stations. (The median date is that date so selected such that fifty percent of the commencement dates of the total number of stations, when arranged in chronological order, lie below it and fifty percent lie above it. When the number of stations is an even number, the median date will be a value half way between the two dates closest to the theoretical median).

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§§ 21.41–21.42 [Reserved]

18. §§ 21.41 and 21.42 are reserved.

[FR Doc.76–23352 Filed 8–10–76;8:45 am]

[Docket No. 20665, RM–2324; FCC 76–715]

PUBLIC, INDUSTRIAL AND LAND TRANSPORTATION RADIO SERVICES

Elimination of Required Annual Measurement of Transmitter Power, Frequency and Modulation and Specification of Transmitter Power in Terms of Output Power

In the matter of amendment of Parts 89, 91, and 93 of the Commission's rules and regulations to eliminate the required annual measurement of transmitter power, frequency and modulation, and to specify transmitter power in terms of output power.

1. On November 7, 1975, the Commission released a Notice of Proposed Rule Making (40 FR 52857) in the above-entitled matter which was published in the FEDERAL REGISTER on November 13, 1975. The Rule Making was issued in response to a petition from HT&B Electronics (HTB) requesting elimination of the annual transmitter power measurement currently required by the rules [1] and the specification of radio frequency output power as the preferred method of transmitter power measurement. In keeping with its policy of attempting to eliminate nonessential operating requirements, the Commission expanded the scope of the HTB petition and proposed elimination of the presently required annual measurement of transmitter frequency and modulation.[2]

2. A list of parties filing comments and reply comments is given in Appendix A. Subsequent to the reply comment deadline of February 14, 1976, the Commission received three filings intended as reply comments and 70 letters from individuals and concerns having an interest in this proceeding. While we were unable to include these showings with the official comments, we wish to assure these parties that their respective observations and concerns were substantially reflected in those comments filed in a timely manner.

ANNUAL MEASUREMENT OF TRANSMITTER POWER, FREQUENCY AND MODULATION

3. The Association of American Railroads (AAR), the American Automobile Association (AAA) and the Land Mobile Communications Council (LMCC) expressed general support for our proposal to eliminate the required annual measurement of transmitter power, frequency and modulation. The Special Industrial Radio Service Association (SIRSA) and the California Public Safety Radio Association, Inc. (CPSRA) also concurred with our proposal and expressed particular support for our policy of encouraging on-the-air measurement techniques. The GTE Service Corporation, the Forest Industries Telecommunications (FIT), the American Trucking Associations (ATA), the International Taxicab Association (ITA) and Yellow Cab of California also expressed their support of our proposal, citing the increased flexibility in maintenance policy which would result from the proposed de-regulation.

4. The Utilities Telecommunications Council (UTC) also concurred with our proposal, provided that the Commission require that measurements of transmitter power, frequency, and modulation, and the methods used to perform these measurements, be entered into the station records irrespective of the frequency or circumstances surrounding the measurements.[3] The Arizona Department of Public Safety also expressed its approval of our proposal, but recommended that this matter be reviewed in two years in order to assess its overall impact, particularly with respect to any noted increase in the number of interference incidents. The Associated Public Safety Communications Officers (APCO) expressed opinions similar to those of the Arizona Department of Public Safety. APCO cautioned, however, that in many solid state transmitters, a reduction in output power due to the deterioration of certain discreet components could result in an increase in spurious radiation, and thus a consequent increase in the interference potential.

5. The National Association of Manufacturers (NAM) was less optimistic and expressed the belief that with the ever increasing channel congestion, the complete and immediate elimination of periodic mandatory checks of transmitter performance could be unwise. Therefore, NAM suggested that the Commission limit its proposed de-regulation to the Chicago Region and evaluate the results at a later date, or else amend the rules to stipulate a measurement interval of 18 or 24 months.

6. Ratelco, Inc., also viewed the proposed de-regulation with disapproval. They stated their biggest problem is in convincing customers to make their mobiles available for routine preventive maintenance. Ratelco also expressed reservations about the use of on-the-air measurement techniques noting that a high percentage of required service is to correct receiver problems, dirty contacts, and intermittent transmit conditions caused by broken microphone cords and other physical problems. These statements were echoed in the numerous comments filed by other service organizations after the reply comment deadline.

7. The Land Mobile Section of the Communication Division of the Electronic Industries Association (EIA) also expressed the belief that the requirements for annual measurements and on-site inspection are in the best public interest and should be retained. EIA argued tha the existing rules help to assure the system integrity necessary for efficient spectrum utilization. "It is well accepted in the industry", states EIA, "that as a transmitter or receiver crystal ages it gradually changes frequency. This drift can cause the transmitter to be outside the Commission's tolerances and poses a potential interference problem for the users. The inevitable results of off-frenquency operation are interference to other users and a loss of effective radiating power from the drifting transmitter. Both require the system operator to increase his air time to repeat transmissions". Concluding, EIA pointed out that there is a large market for used equipment, much of which, while reconditioned, is nevertheless constructed to past (tube and crystal oven) technology.[4] The National Association of Business and Educational Radio (NABER) while expressing general support for the Commission's de-regulation policy, expressed in its comments many of the reservations voiced by the EIA.

8. In reply comments, Bell Communications of Helena, Arkansas, stated that in its experience, approximately 40 percent of the licensees in the Business Radio Service use system degradation as the motivating factor to have their equipment returned to the applicable technical standards.

9. After weighing the arguments we have concluded for the reasons listed below that it would be in the public interest to eliminate the annual measurement requirements as proposed. We are, however, as suggested by the Arizona Department of Public Safety, going to review this matter in the future in order to assess its overall impact on land mobile radio operations.

10. By proposing to delete these requirements it was not our intention to encourage laxity on the part of licensees with respect to system maintenance. It is emphasized that the deletion of these requirements does not in any way relieve the licensee of his responsibility to take appropriate measures to insure that the radio equipment is at all times operated in accordance with the applicable technical standards. The rules have and will continue to require licensees to operate their transmitters within the specified technical parameters. We point out, however, that in the case of the older tube type transmitters, it may be necessary to make measurements every few months to meet the technical standards in the rules, while longer intervals may suffice for the more modern solid state equipment. Eliminating these annual measurement requirements merely increases the licensee's flexibility in transmitter maintenance policy and procedure.

11. Also, it was not our intention to suggest that on-the-air measurements alone as noted in several of the comments, would suffice to safeguard system performance. In a time of even increasing frequency congestion, it is necessary that each licensee take effective measures to insure the integrity of his communications system. These measurements should include an evaluation of receiver performance in order that undue air time not be consumed in repeating messages lost due to poor effective receiver sensitivity. Receiver and antenna performance optimization, as well as the repair of damage resulting from rugged use, allows no alternative to regular on-site transceiver evaluation.

OUTPUT POWER VS. INPUT POWER

12. Our proposal to specify the use of transmitter output power in lieu of DC input power to the final radio frequency stage as the preferred method of transmitter power measurement received the support of all parties filing comments. Therefore, except for several minor changes as discussed below we are adopting this part of the item as proposed.

13. UTC, for example, recommended that we amend our definition of output power to read:

> The radio frequency output power of the transmitter's final stage as measured at the output terminals which terminate into a dummy or artificial load.

We agree that a refinement of our originally proposed definition could be advantageous. However, we feel that a provision should be made for output power measurement under radiating conditions. Accordingly, we have amended the Appendix to refine output power as:

> The radio frequency output power of a transmitter's final radio frequency stage as measured at the output terminal while connected to a load of the impedance recommended by the manufacturer.

14. UTC, in reviewing our proposed Appendix, also pointed out that:

> The last phrase in § 91.102(b) provides that "• • • the power of a transmitter shall be the maximum rated output power as specified by the manufacturer". However, § 91.106(c) provides that "The output power shall not exceed by more than 20 percent, the output power shown in the Radio Equipment List • • •", "• • • for purposes of uniformity and consistency in the rules, it is recommended that the phrase "shown in the Radio Equipment List" be substituted for the phrase "as specified by the manufacturer" in § 91.102(b).

We agree, and have so amended the Appendix.[5]

15. SIRSA, in its comments, objected to our conversion factor of .75 for transmitters below 25 MHz and .60 for transmitters above 25 MHz for converting transmitter final stage input power to output power stating that:

> It has been the experience of several of SIRSA's members that under current state-of-the-art conditions in the band 25–100 MHz, a transmitter with 500 watts input power is capable of producing 330 watts output power and, in fact, some of the newer base stations are capable of producing 350 watts output power. Similarly, new base stations operating in the band 100–215 MHz with 600 watts input power have a normal output of 375 watts.

16. We recognize that there are a few transmitters with final stage efficiencies greater than our specified value of .60 (for frequencies above 25 MHz). However, after further reviewing the data submitted by manufacturers for type acceptance, we have concluded that our value of .60 is well above the average. Moreover, as we indicated in the Notice of Proposed Rule Making, we are relaxing the output power tolerance from 10 to 20 percent in order to accommodate the relatively small number of units with exceptional efficiency. Accordingly, we do not feel that further adjustment to our efficiency factor is warranted.

17. In other comments, the United States Independent Telephone Association and the GTE Service Corporation pointed out that the 350 watt output power limit specified in §§ 89.111, 91.106 and 93.106 did not agree with the result of 360 watts obtained by using the procedure described in paragraph 6 of the Notice. We are aware of this slight discrepancy. Our motive in specifying the power as 350 watts was simply to suggest a figure which, in view of the other power limits specified, might be more easily remembered. Since no arguments were advanced demonstrative of the need for 360 watts output power, and since the decible difference resulting from the 10 watt reduction is insignicant, we have decided to retain the originally suggested value of 350 watts.

18. The Arizona Department of Public Safety has, in its comments requested that the Commission specify that transmitter output power be measured at the input to the antenna system, since such a measurement would then reflect the losses due to ancillary equipment such as duplexers and cavities. While this proposal would, at first glance, appear attractive, it poses a number of practical and administrative difficulties. For maximum accuracy, it would be necessary to measure the power actually delivered to the antenna in order to take into account normal transmission line losses. Needless to say, it would be difficult and impractical to climb the antenna tower each time a measurement is desired. The preferable approach would be to measure the transmitter output power and subtract the line losses. Secondly, output power has traditionally been interpreted to mean either the transmitter output power or the effective radiated power (ERP). Since ERP is not conveniently measured, it should be apparent that when we refer to the measurement of output power, unless otherwise specified, we mean the transmitter output power.

19. Moreover, it is our practice when enforcing the rules relating to transmitter power, to compare the measured transmitter output power with the value specified for that particular transmitter in the Commission publication, "Radio Equipment List—Equipment Acceptable for Licensing." Since transmitters have been type accepted for the output powers appearing in this list, it would be inappropriate to attempt to increase the transmitter power to the level necessary to compensate for ancillary equipment or line loss. While a number of conservatively designed transmitters are available which are capable of producing substantially more than their rated output power, it has been noted that tuning for such maximum power often results in the generaiton of undesired harmonic or spurious emissions.

20. In view of the fact that losses resulting from the use of particular cables, duplexers, cavities and the like are readily available from technical information supplied by the manufacturers, and can easily be summed in order to determine the overall transmission line loss, we believe that the measurement of actual antenna input power is unnecessary and that the authorization of this parameter would be largely without advantage. Therefore, for the sake of convenience and simplicity, we reaffirm our original proposal and specify that output power be measured at the transmitter output terminals while connected to a load of the impedance recommended by the manufacturer.

21. In concurrence with the foregoing, the Commission has determined that the public interest, convenience and necessity will be best served by the elimination of the requirement for annual measurement of transmitter power, frequency and modulation and by amending Parts 89, 91, and 93 of the Rules to specify the use of radio frequency output power as the preferred method of transmitter power measurement.

22. Accordingly, pursuant to the authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended, it is ordered, That effective September 9, 1976, Parts 89, 91 and 93 of the Commission's Rules and Regulations are amended as shown below. It is further ordered, that this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

APPENDIX A

Comments were filed by:

American Automobile Association, Inc.
American Petroleum Institute
American Trucking Associations, Inc.
Arizona Department of Public Safety
Associated Public-Safety Communications Officers, Inc.
Association of American Railroads
California Public-Safety Radio Association, Inc.
Electronic Industries Association
Forest Industries Telecommunications
GTE Service Corporation
International Taxicab Association
Land Mobile Communications Council
National Association of Business and Education Radio, Inc.
National Association of Manufacturers
Ratelco, Inc.
Special Industrial Radio Service Association, Inc.
United States Independent Telephone Association

[1] §§ 89.115(b)(3), 91.108(b)(3) and 93.108(b)(3).

[2] §§ 89.115 (a)(3) and (c)(3), 91.108 (a)(3) and (c)(3) and 93.108 (a)(3) and (c)(3.

[3] This information, however, is presently required by §§ 89.175, 91.160 and 93.160.

[4] Information received from service organizations indicates that approximately 30 percent of the equipment presently in use is of tube design.

[5] Because of their identical content, we have similarly amended §§ 89.103(b) and 93.102(b).

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Comments were filed by—Continued
Utilities Telecommunications Council
Yellow Cab Company of California

Reply Comments were filed by:
Bell Communications of Helena, Arkansas

Parts 89, 91, and 93 of the Commission's Rules and Regulations are amended as follows:

PART 89—PUBLIC SAFETY RADIO SERVICES

1. Section 89.3(b) is amended to add a new definition in alphabetical sequence to read as follows:

§ 89.3 Definitions.

• • • • • •

(b) • • •

Output power. The radio frequency output power of a transmitter's final radio frequency stage as measured at the output terminal while connected to a load of the impedance recommended by the manufacturer.

• • • • • •

2. Section 89.15(a)(2) is amended as follows:

§ 89.15 Frequency coordination procedures.

(a) • • •

• • • • • •

(2) Requests to change existing facilities by increasing the unauthorized output, or raising the authorized height of the antenna or moving the authorized station location (including the antenna), or by adding a base station within the licensee's existing area of operation.

• • • • •

3. Section 89.61(c)(10) is amended as follows:

§ 89.61 Request for special temporary authority.

• • • • • •

(c) • • •

(10) Output power of the transmitter.

• • • • • •

4. Section 89.101(d)(1) & par (p) are armended to read as follows:

§ 89.101 Frequencies.

• • • • • •

(d) • • •

(1) Notwithstanding the rule provisions relating to permissible communications, points of communication and emissions in the applicable subpart of this part, the frequencies 27.235, 27.245, 27.255, 27.265, and 27.275 MHz may be used to accomplish any radio communication requirement which is necessary to the licensee's activity: Provided, That all operations are otherwise in accordance with the rules in this chapter; that the bandwidth of emission does not exceed 8 kHz; and that output power is limited to no more than 20 watts.

• • • • • •

(p) The following frequencies may be assigned to fixed stations in the Public Safety Radio Services on a secondary, non-interference basis to land mobile operations in the Industrial (except Business) and Land Transportation Radio Services. All such use of these frequencies for fixed systems is limited to locations 100 or more miles from the center of any urbanized area of 200,000 or more population, except that the distance may be 75 miles if the output power does not exceed 20 watts. All such fixed systems are limited to a maximum of two frequencies and must employ directional antennas with a front-to-back ratio of at least 15 dB. For two-frequency systems the separation between transmit-receive frequencies is 5 MHz. The centers of urbanized areas of 200,000 or more populations are determined from the Appendix, page 226, of the U.S. Commerce Publication "Air Line Distance Between Cities in the United States." Urbanized areas of 200,000 or more population are defined in the U.S. Census of Population, 1960, Vol. 1, Table 23, page 1–50.

• • • • • •

5. Section 89.103 is amended as follows:

§ 89.103 Frequency stability.

(a) • • •

Frequency range (megahertz)	All fixed and base stations	Over 2 W	All mobile stations W or less
	Percent	*Percent*	*Percent*
Below 25	0.01	0.01	0.02
25 to 50	.002	.002	.0°5
50 to 450	[1].0005	.0005	.005
450 to 470	[4].00025	.0005	.0005
470 to 512	[4].00025	.0005	.0005
806 t. 821	[4].00015	.00025	.00025
851 to 866	.00015	.00 25	.00025
1427 to 1435	[4].03	.03	.03
Above 1435	([3])	([2 3])	([2 3])

[1] Stations authorized for operation on or before Dec. 1, 1961, in the frequency band 72–74.6 MHz may operate with a frequency tolerance of 0.005 pct.
[4] Operational fixed stations controlling mobile relay stations, through use of the associated mobile frequency, may operate with a frequency tolerance of 0.0005 pct.
[4] For control stations the frequency stability is 0.00025 pct.
[4] For fixed stations with power output above 120 Ws, the frequency tolerance is 0.01 pct if the necessary bandwidth of the emission does not exceed 3 kHz. For fixed station transmitters with a power of 120 W or less and using time division multiplex, the frequency tolerance may be increased to 0.05 pct.
[2] Radiolocation equipment using pulse modulation shall meet the following frequency tolerance. The frequency at which maximum emission occurs shall be within the authorized frequency band and shall not be closer than 1.5/T MHz to the upper and lower limits of the authorized frequency band where t₀ is the pulse duration in microseconds. For other radiolocation equipment, tolerances will be specified in the station authorization. See also sec. 89.121.
[3] The frequency tolerance for base and mobile stations will be specified in the station authorization.

(b) For the purpose of determining the frequency tolerance applicable to a particular transmitter in accordance with the foregoing provisions of this section, the power of a transmitter shall be the maximum rated output power as specified in the Commission's "Radio Equipment List".

6. Section 89.109(c) is amended as follows:

§ 89.109 Modulation requirements.

• • • • • •

(c) Each transmitter shall be equipped with a device which automatically prevents modulation in excess of that specified in this subpart which may be caused by greater than normal audio level: *Provided, however,* That this requirement shall not be applicable to transmitters authorized to operate as mobile stations with a maximum output power of 2 watts or less.

• • • • • •

7. Section 89.111(b) and (c) are amended to read as follows:

§ 89.111 Power and antenna height.

• • • • • •

(b) Except where the maximum power that may be used on a particular frequency is specifically designated in connection with the use of such frequency, the maximum power that will be authorized is shown in the following tabulation:

Frequency range (megahertz)	Maximum output power	Maximum effective radiated power
	Watts	*Watts*
1.3 to 3	1,500	
3 to 25	750	
25 to 100	300	
100 to 470	350	
470 to 512		1,000
806 to 821	([1])	([1])
851 to 866	([1])	([1])
2450 to 2500	5	
2500 to 10,550	([2])	
10,550 to 10,680	3	
Above 10,680	([3])	

[1] For power limitations see sec. 89.651.
[2] The output power of a transmitter on any authorized frequency in this service shall not exceed 2,000 W (33 dBW).
[3] To be specified in the station authorization.

(c) The output power shall not exceed by more than 20 percent the output power shown in the Radio Equipment List for transmitters included in this list, or the output power for the particular transmitter specifically listed on the station authorization.

8. Section 89.115 (a), (b), (b)(2) & (c) are amended; par (a) (3) & (4), (b)(3) & (c)(3) are deleted to read as follows:

§ 89.115 Transmitter measurement.

(a) The licensee of each station shall employ a suitable procedure to determine that the carrier frequency of each transmitter authorized to operate with an output power in excess of 2 watts, is maintained within the tolerance prescribed in this part. This determination shall be made, and the results thereof entered in the station records, in accordance with the following:

• • • • • •

(b) The licensee of each station shall employ a suitable procedure to determine that the transmitter output power of each transmitter authorized to operate with an output power in excess of two watts does not exceed the maximum figure specified on the current station authorization. On authorizations stating only the input power to the final radio frequency stage, the maximum permissible output power is 75 percent for frequencies below 25 MHz and 60 percent of the input power for frequencies above 25 MHz. If a non-DC final radio frequency stage is utilized, then the output power shall not exceed 75 percent of the input power. This determination shall be made, and the results thereof entered into the station records, in accordance with the following:

• • • • • •

(2) When any change is made in the transmitter which may affect the transmitter power output.

(c) The licensee of each station shall employ a suitable procedure to determine that the modulation of each transmitter authorized to operate with an output power in excess of 2 watts, does not exceed the limits specified in this part. This determination shall be made and the results thereof entered in the station records, in accordance with the following:

• • • • • •

9. Section 89.126(h) is amended to read as follows:

§ 89.126 Secondary alarm and signalling operations.

• • • • • •

(h) The output power shall not exceed 30 watts (at the remote site).

• • • • • •

10. Section 89.259(g)(6) is amended as follows:

§ 89.259 Frequencies available to the Local Government Radio Service.

(g) • • •

(6) Available for assignment: *Provided,* That the output power of any transmitter authorized to operate on this frequency shall not exceed 2 watts.

• • • • • •

11. Section 89.309(h) (9), (13), (14), (15) and (17) are amended as follows:

§ 89.309 Frequencies available to the Police Radio Service.

• • • • • •

(h) • • •

(9) This frequency is available for assignment to zone and interzone stations in the Police Radio Service for use with A1 emission only and an output power of 750 watts.

• • • • • •

(13) Subject to the restrictions contained in Section 89.111(a), base stations operating on this frequency and rendering service to state police mobile units may be authorized to use a maximum output power in excess of the maximum indicated in Section 89.111(b) but not in excess of 7500 watts: Provided, That such operation will cause no harmful interference to the service of other stations.

(14) This frequency may be assigned to fixed stations in the Police Radio Service in Alaska for point-to-point radiotelephone communications, using type A3 emission and an output power of 750 watts.

(15) This frequency may be assigned to fixed stations in the Police Radio Service in Alaska for point-to-point radiotelephone communications, using type A3 emission with output power of 750 watts, subject to the condition that no harmful interference is caused to the service of any police station employing type A1 emission on this frequency including any operations conducted in accordance with outstanding regional agreements and further subject to the condition that no harmful interference is caused to the service of any station, which in the discretion of the Commission may have priority on the frequency with which interference results.

• • • • • •

(17) The maximum output power of any transmitter authorized to operate on this frequency, after June 1, 1956, shall not exceed 2 watts. Licensees holding a valid authorization as of June 1, 1956, for base or mobile station operations on this frequency, with a power in excess of 2 watts, may continue to be authorized for such operation without regard to this power limitation.

• • • • • •

12. Section 89.359(g)(6) is amended as follows:

§ 89.359 Frequencies available to the Fire Radio Service.

(g) • • •

(6) The output power of any transmitter authorized to operate on this frequency shall not exceed 2 watts.

• • • • • •

PART 91—INDUSTRIAL RADIO SERVICES

13. Section 91.3 is amended to add a new definition in alphabetical sequence to read as follows:

§ 91.3 Definitions.

• • • • • •

Output Power. The radio frequency output power of a transmitter's final radio frequency stage as measured at the output terminal while connected to a load of the impedance recommended by the manufacturer.

• • • • • •

14. Section 91.7(b)(7) and (e)(4) are amended to read as follows:

§ 91.7 Relay and control stations.

• • • • • •

(b) • • •

(7) A mobile station associated with one or more mobile relay stations may be authorized to operate only on a mobile service frequency above 25 MHz which is available for assignment to mobile stations. In the Business Radio Service any low-power frequency below 450 MHz may be authorized for that purpose when such stations are limited to a maximum output power of 1 watt or less.

• • • • • •

(e) • • •

(4) Notwithstanding paragraph (e)(1) and (3) of this Section, in the Business and Special Industrial Radio Services in the frequency bands below 450 MHz only low power frequencies (2 watts or less output power) may be assigned for the purposes described in paragraph (e)(1) and (2) of this section.

15. Section 91.8(a) is amended as follows:

§ 91.8 Policy governing the assignment of frequencies.

(a) The frequencies which normally may be assigned to stations in any one of the several Industrial Radio Services are listed in the applicable subpart of this part. All licensees of stations in these services shall cooperate in the use of the frequencies assigned in order to minimize interference, and thereby obtain the most effective use of the authorized facilities. Each frequency or band of frequencies listed in this part is available on a shared basis only and will not be assigned for the exclusive use of any one licensee. The use of any frequency may be restricted as to specified geographical areas, maximum power, or such other operating conditions contained in this part or in the station authorization. Except for applications listed in paragraph (9)(1) of this section, each application for assignment of a new frequency or to change existing facilities by increasing the authorized output power, or raising the height of the antenna, or moving the authorized station location (including the location of the antenna), or by adding a base station within the licensee's existing area of operation shall be accompanied by evidence of frequency coordination in the form set forth either in paragraph (2) or (3) of this paragraph:

• • • • • •

16. Section 91.53(c)(10) is amended as follows:

§ 91.53 Procedure for obtaining special temporary authority.

• • • • • •

(c) • • •

(10) Output power of the transmitter.

• • • • • •

17. Section 91.102 is amended as follows:

§ 91.102 Frequency stability.

(a) • • •

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Frequency range (megahertz)	Transmitter output power: Fixed and base stations: Over 200 W	Fixed and base stations: 200 W or less	Mobile stations: Over 2 W	Mobile stations: 2 W or less
	Percent	*Percent*	*Percent*	*Percent*
Below 25 [1]	0.005	0.01	0.01	0.02
25 to 50	.002	.002	.002	.005
50 to 450	[2] .0005	[2] .0005	.0005	.005
450 to 170	[2] .00025	[2] .00025	.0005	[4] .0005
170 to 512	[3] .00025	.00025		
806 to 821	[5] .00015	[3] .00015	.00025	.00025
851 to 866	.00015	.00015	.00025	.00025
1427 to 1435	[6] .03	[6] .03	.03	.03
Above 1435	(7)	(7)	(7)	(7)

[1] Industrial Radiolocation Service stations operating in the frequency bands 70–90 kHz and 110–130 kHz will be required to maintain the carrier frequency of each authorized transmitter within 0.01 pct of the assigned frequency. Industrial Radiolocation Service stations operating in frequency bands above 130 kHz must comply with the tolerance requirements indicated in the column for fixed and base stations in this table.

[2] Stations authorized for operation on or before Dec. 1, 1961, in the frequency band 72–74.6 MHz may operate with a frequency tolerance of 0.005 pct.

[3] Operational fixed stations controlling mobile relay stations, through use of the associated mobile frequency, may operate with a frequency tolerance of 0.0005 pct.

[4] The frequency tolerance for base and mobile stations authorized to operate in these bands will be specified in the station authorizations.

[5] For control stations, the frequency stability is 0.00025 pct.

[6] For fixed stations with a output power above 120 W, the frequency tolerance is 0.01 pct if the necessary bandwidth of the emission does not exceed 3 kHz. For fixed station transmitters with a power of 120 W or less and using time division multiplex the frequency tolerance may be increased to 0.05 pct.

[7] Radar stations in the Industrial Radiolocation Service using pulse modulation shall meet the following frequency tolerances. The frequency at which maximum emission occurs shall be within the authorized frequency band and shall not be closer than 1.5/T MHz to the upper and lower limits of the authorized frequency band where tesla is the pulse duration in microseconds. For other equipment, tolerances will be specified in the station authorization.

(b) For the purpose of determining the frequency tolerance applicable to a particular transmitter in accordance with the foregoing provisions of this Section, the power of a transmitter shall be the maximum rated output power as specified in the Commission's "Radio Equipment List".

18. Section 91.105(c) is amended as follows:

§ 91.105 Modulation requirements.

• • • • • •

(c) Each transmitter first authorized or installed after July 1, 1950, shall be provided with a device which automatically will prevent modulation in excess of that specified in this subpart which may be caused by greater than normal audio level: *Provided, however,* That this requirement shall not be applicable to transmitters authorized to operate as mobile stations with a maximum output power of 2 watts or less.

• • • • • •

19. Section 91.106 (b) and (c) are amended to read as follows:

§ 91.106 Power and antenna height.

• • • • •

(b) • • •

Frequency range (megahertz)	Output power	Maximum effective radiated power
	Watts	*Watts*
1.6 to 6	1,500	
25 to 100	300	
100 to 216	350	
216 to 220	(1)	(1)
220 to 470	350	
470 to 512		1,000
806 to 821	(2)	(2)
851 to 866	(2)	(2)
2450 to 2500	5	
2500 to 10,550	(1)	
10,550 to 10,680	3	
Above 10,680	(1)	

[1] To be specified in the station authorization.

[2] For power limitations, see sec. 80.651.

[3] The output power of a transmitter on any authorized frequency in this service shall not exceed 2,000 W (33 BW).

(c) The output power shall not exceed by more than 20 percent the output power shown in the Radio Equipment List for transmitters included in this list, or the output power for the particular transmitter specifically listed on the station authorization.

20. Section 91.108 (a), (b), (b)(2) and (c) are amended; and par (a) (3) & (4), (b)(3) and (c)(3) are deleted to read as follows:

§ 91.108 Transmitter measurements.

(a) The licensee of each station shall employ a suitable procedure to determine that the carrier frequency of each transmitter authorized to operate with an output power in excess of 2 watts, is maintained within the tolerance prescribed in this part. This determination shall be made, and the results thereof entered in the station records, in accordance with the following:

• • • • • •

(b) The licensee of each station shall employ a suitable procedure to determine that the transmitter output power of each transmitter authorized to operate with an output power in excess of two watts does not exceed the maximum figure specified on the current station authorization. On authorizations stating only the input power to the final radio frequency stage, the maximum permissible output power is 75 percent for frequencies below 25 MHz and 60 percent of the input power for frequencies above 25 MHz. If a non-DC final radio frequency stage is utilized, then the output power shall not exceed 75 percent of the input power. This determination shall be made, and the results thereof entered into the station records, in accordance with the following:

• • • • • •

(2) When any change is made in the transmitter which may affect the transmitter output power.

(c) The licensee of each station shall employ a suitable procedure to determine that the modulation of each transmitter authorized to operate with an output power in excess of 2 watts, does not exceed the limits specified in this part. This determination shall be made and the results thereof entered in the station records, in accordance with the following:

• • • • • •

21. Section 91.254(b) (8) and (26) are amended to read as follows:

§ 91.254 Frequencies available.

(b) • • •

(8) Other provisions of this part notwithstanding, this frequency may be authorized for use with any type of emission which does not exceed an occupied bandwidth of 8 kHz for intermittent transmissions; further, authorizations may be issued to permit operation on this frequency by self-actuating or other electrical or mechanical means not under the direct control of any individual. All operations on this frequency are limited to a maximum output power of 20 watts.

• • • • • •

(26) This frequency may be assigned to fixed stations on a secondary non-interference basis to land mobile stations in the Public Safety and Land Transportation Radio Services. All use of these frequencies by fixed stations is limited to locations 100 or more miles from the center of any urbanized area of 200,000 or more population, except that the distance may be 75 miles if the output power does not exceed 20 watts. All fixed systems are limited to a maximum of two frequencies and must employ directional antennas with a front-to-back ratio of at least 15 dB. For two-frequency systems separation between transmit-receive frequencies is 5 MHz. Urbanized areas of 200,000 or more population are defined in the U.S. Census of Population, 1960, vol. 1, table 23, pages 1–50. The centers of urbanized areas are determined from the appendix, Page 226, of the U.S. Commerce publication "Air Line Distance Between Cities in the United States."

• • • • • •

22. Section 91.304(b)(6) & (29) are amended to read as follows:

§ 91.304 Frequencies available.

(b) • • •

(6) Other provisions of this part notwithstanding, this frequency may be authorized for use with any type of emission which does not exceed in an occupied bandwidth of 8 kHz, for intermittent transmissions; further, authorizations may be issued to permit operation on this frequency by self-actuating or other electrical or mechanical means not under the direct control of any individual. All operations on this frequency are limited to a maximum output power of 20 watts.

• • • • • •

(29) This frequency may be assigned to fixed stations on a secondary non-

interference basis to land mobile stations in the Public Safety and Land Transportation Radio Services. All use of these frequencies by fixed stations is limited to locations 100 or more miles from the center of any urbanized area of 200,000 or more population, except that the distance may be 75 miles if the output power does not exceed 20 watts. All fixed systems are limited to a maximum of two frequencies and must employ directional antennas with a front-to-back ratio of at least 15dB. For two-frequency systems separation between transmit-receive frequencies is 5 MHz. Urbanized areas of 200,000 or more population are defined in the U.S. Census of population, 1960, vol. 1, table 23, page 1–50. The centers of urbanized areas are determined from the appendix, page 226, of the U.S. Commerce publication "Air Line Distance Between Cities in the United States."

• • • • • •

23. Section 91.354(b)(6), (10) and (29) are amended to read as follows:

§ 91.354 Frequencies available.

(b) • • •

(6) Other provisions of this part notwithstanding, this frequency may be authorized for use with any type of emission which does not exceed an occupied bandwidth of 8 kHz, for intermittent transmissions; further, authorizations may be issued to permit operation on this frequency by self-actuating or other electrical or mechanical means not under the direct control of any individual. All operations on this frequency are limited to a maximum output power of 20 watts.

• • • • • •

(10) Authorizations to operate on this frequency will be issued for A2 or F2 emission for tone signalling or for a combination of such emission with A3 or F3 emission with a maximum bandwidth of 20 kHz. The output power shall not exceed 2 watts. The maximum distance between any transmitter and the center of the radiating portion of its antenna shall not exceed 25 feet. Operation on this frequency is subject to the condition that no harmful interference is caused to stations operating in the Business Radio Service.

• • • • • •

(29) This frequency may be assigned to fixed stations on a secondary non-interference basis to land mobile stations in the Public Safety and Land Transportation Radio Services. All use of these frequencies by fixed stations is limited to locations 100 or more miles from the center of any urbanized area of 200,000 or more population except that the distance may be 75 miles if the output power does not exceed 20 watts. All fixed systems are limited to a maximum of two frequencies and must employ directional antennas with a front-to-back ratio of at least 15 dB. For two-frequency systems separation between transmit-receive frequencies is 5 MHz. Urbanized areas of 200,000 or more population are defined in the U.S. Census of Population, 1960, Vol. 1, Table 23, page 1–50. The centers of urbanized areas are determined from the appendix, page 226, of the U.S. Commerce publication "Air Line Distance Between Cities in the United States."

• • • • • •

24. Section 91.404(b)(5) is amended to read as follows:

§ 91.404 Frequencies available.

(b) • • •

(5) Other provisions of this part notwithstanding, this frequency may be authorized for use with any type of emission which does not exceed an occupied bandwidth of 8 kHz, for intermittent transmission; further, authorizations may be issued to permit operation on this frequency by self-actuating or other electrical or mechanical means not under the direct control of any individual. All operations on this frequency are limited to a maximum output power of 20 watts.

• • • • • •

25. Section 91.454(b)(2) is amended to read as follows:

§ 91.454 Frequencies available.

(b) • • •

(2) Other provisions of this part notwithstanding, this frequency may be authorized for use with any type of emission which does not exceed an occupied bandwidth of 8 kHz, for intermittent transmission; further, authorizations may be issued to permit operation on this frequency by self-actuating or other electrical or mechanical means not under the direct control of any individual. All operations on this frequency are limited to a maximum output power of 20 watts.

• • • • • •

26. Section 91.504(b)(8), (14), (26) and (33) are amended to read as follows:

§ 91.504 Frequencies available.

(b) • • •

(8) Other rule provisions of this part notwithstanding, this frequency may be authorized for use with any type of emission which does not exceed an occupied bandwidth of 8 kHz, for intermittent transmission; further, authorizations may be issued to permit operation on this frequency by self-actuating or other electrical or mechanical means not under the direct control of any individual. All operations on this frequency are limited to a maximum output power of 20 watts.

• • • • • •

(14) This frequency is limited to a maximum output power of 2 watts; and each station authorized hereon will be classified and licensed as a mobile station. Any units of such a station, however, may be used to provide the operational functions of a base or fixed station; *Provided* no harmful interference is caused to mobile service operations and *Provided further,* That the separation between the control point and the center of the radiating portion of the antenna of any units so used shall not exceed

• • • • • •

(26) This frequency may be assigned to fixed stations on a secondary non-interference basis to land mobile stations in the Public Safety and Land Transportation Radio Services. All use of these frequencies by fixed stations is limited to locations 100 or more miles from the center of any urbanized area of 200,000 or more population, except that the distance may be 75 miles if the output power does not exceed 20 watts. All fixed systems are limited to a maximum of two frequencies and must employ directional antennas with a front-to-back ratio of at least 15 dB. For two frequency systems separation between transmit-receive frequencies is 5 MHz. Urbanized areas of 200,000 or more population are defined in U.S. Census of Population, 1960, Vol. 1, table 23, page 1–50. The centers of urbanized areas are determined from the appendix, page 226, of the U.S. Commerce publication "Air Line Distance Between Cities in the United States."

• • • • • •

(33) The maximum transmitter output power that will be authorized is 1 watt; and each station authorized will be classified and licensed as a mobile station. Any units of such a station, however, may be used to provide the operational functions of a base or fixed station. The antennas of transmitters operating on this frequency must be directly mounted or installed upon the transmitting unit: Provided, however, that when permanently installed aboard a vehicle, antenna and transmitter may be separated as required for convenience in mounting. Horizontal polarization will not be allowed; and the gain of antennas employed shall not exceed that of a half wave dipole. The maximum bandwidth that will be authorized is 20 kHz. This frequency is available for voice or tone control transmission, and subject to the condition that interference will not be caused to the reception of television channels 4 or 5. No protection from television interference will be afforded licensees operating on this frequency.

• • • • • •

27. Section 91.553(a) is amended as follows:

§ 91.553 Station limitations.

(a) Mobile relay stations will not be be authorized in the Business Radio Service within the continental limits of the United States, except when (1) such stations and all associated control and mobile stations are to be operated exclusively on frequencies above 450 MHz, or (2) when such stations are to be operated on frequencies designated for low power operation and are limited to a maximum output power of 1 watt with the mobile relay antenna system no more than 40 feet above the ground.

• • • • • •

28. Section 91.554(b)(8), (10), (13), (17), (20), (26), (27), (37), (38), (39), & (47) and par. (c) are amended to read as follows:

§ 91.554 Frequencies available.

• • • • • •

(b) • • •

(8) Other provisions of this part notwithstanding, this frequency may be au-

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thorized for use with any type of emission which does not exceed an occupied bandwidth of 8 kHz, for intermittent transmission; further, authorizations may be issued to permit operation on this frequency by self-actuating or other electrical or mechanical means not under the direct control of any individual. All operations on this frequency are limited to a maximum output power of 20 watts.

• • • • •

(10) Operation on this frequency is limited to a maximum output power of 110 watts.

• • • • •

(13) This frequency is limited to a maximum output power of 2 watts and each station authorized hereon will be classified and licensed as a mobile station. Any units of such a station, however, may be used to provide the operational functions of a base or fixed station, provided no harmful interference is caused to mobile service operations and further provided, that the separation between the control point and the center of the radiating portion of the antenna of any units so used shall not exceed 25 feet.

• • • • •

(17) Operation on this frequency is limited to a maximum output power of 35 watts.

• • • • •

(20) This frequency is limited to a maximum output power of 1 watt and each station authorized hereon will be classified and licensed as a mobile station. Any units of such a station, however, may be used to provide the operational functions of a base or fixed station, provided no harmful interference is caused to mobile service operations and further provided, that the separation between the control point and the center of the radiating portion of the antenna of any units so used shall not exceed 25 feet.

• • • • •

(26) Operation on this frequency is limited to an output power of 75 watts.

• • • • •

(27) Operation on this frequency is limited to an output power of 20 watts.

• • • • •

(37) This frequency is available for assignment to stations in the Business Radio Service for use at locations removed by 75 or more miles from the boundaries of airports in urbanized areas of 200,000 or more population, U.S. Census of Population, 1960, Vol. 1 Table 23 page 1–50. Maximum permissible output power is 110 watts.

(38) This frequency may be assigned to fixed stations in the Business Radio Service. All use of these frequencies by fixed stations is limited to locations 100 or more miles from the center of any urbanized area of 200,000 or more population, except that the distance may be 75 miles if the output power does not exceed 20 watts. All fixed systems are limited to a maximum of two frequencies and must employ directional antennas with a front-to-back ratio of at least 15 dB. For two frequency systems separation between transmit-receive frequencies is 5 MHz. Urbanized areas of 200,000 or more population are defined in U.S. Census of Population, 1960, Vol. 1 Table 23 page 1–50. The centers of urbanized areas are determined from the Appendix page 226, of the U.S. Commerce publication "Air Line Distance Between Cities in the United States."

(39) This frequency will be assigned only to stations operated with local control. Maximum output power may not exceed 110 watts. Overall height of antenna above ground may not exceed 100 feet. Control point location to be within one-half air mile of the transmitter location.

• • • • •

(47) This frequency will be assigned only for the specific purpose of one-way tone or voice paging. The output power shall not exceed 20 watts.

• • • • •

(c) Except for frequencies separated by 12.5 kHz from regularly assigned frequencies in the bands 460.650–460.875 MHz and 465.650–465.875 MHz, low power mobile stations of 2 watts or less output power may be assigned any frequency separated by 12.5 kHz from any mobile frequency in the band 450–470 MHz listed in paragraph (a) of this section. Such station may be used to provide any function of a base, mobile relay, or mobile station: *Provided*, That all operation is limited to the confines of an industrial complex. When used as a base station or mobile relay, the height of the antenna shall not exceed 20 ft. above ground. All operation is subject to the condition that harmful interference is not caused to adjacent mobile operations.

• • • • •

29. Section 91.555 is amended as follows:

§ 91.555 Exemption from technical standards.

Transmitters licensed in this Service which have an output power not exceeding 120 milliwatts are exempt from the technical requirements set out in Subpart C of this part: *Provided, however*, That the sum of the bandwidth occupied by the emitted signal plus the bandwidth required for frequency tolerance shall be so adjusted that any emission appearing on a frequency 40 kHz or more removed from the assigned frequency is attenuated at least 30 dB below the unmodulated carrier. Such transmitters may operate in the continuous carrier transmit mode.

30. Section 91.604(b) (9) is amended to read as follows:

§ 91.604 Frequencies available.

(b) • • •

(9) Station assignments on frequencies in this band will be made subject to the conditions that the maximum output power shall not exceed 375 watts and the maximum authorized bandwidth shall not exceed 2 kHz.

• • • • •

31. Section 91.730(b)(1), (3), (8) & (14) are amended to read as follows:

§ 91.730 Frequencies available.

• • • • •

(b) • • •

(1) This frequency is shared with the Forest Products and Petroleum Radio Services. The output power of all transmitters operating on this frequency shall not exceed 110 watts.

• • • • •

(3) Other provisions of this part notwithstanding, this frequency may be authorized for use with any type of emission which does not exceed an occupied bandwidth of 8 kHz, for intermittent transmission; further; authorizations may be issued to permit operation on this frequency by self-actuating or other electrical or mechanical means not under the direct control of any individual. All operations on this frequency are limited to a maximum output power of 20 watts.

• • • • •

(8) The maximum transmitter output power that will be authorized is 1 watt; and each station authorized will be classified and licensed as a mobile station. Any units of such a station, however, may be used to provide the operational functions of a base or fixed station. The antennas of transmitters operating on this frequency must be directly mounted or installed upon the transmitting unit: *Provided, however*, That when permanently installed aboard a vehicle, antenna and transmitter may be separated as required for convenience in mounting. Horizontal polarization will not be allowed; and the gain of antennas employed shall not exceed that of a half wave dipole. The maximum bandwidth that will be authorized is 20 kHz. This frequency is available for voice or tone control transmissions, and subject to the condition that interference will not be caused to the reception of television channels 4 or 5. No protection from television interference will be afforded licensees operating on this frequency.

• • • • •

(14) This frequency may be assigned to fixed stations on a secondary non-interference basis to land mobile stations in the Public Safety and Land Transportation Radio Services. All use of these frequencies by fixed stations is limited to locations 100 or more miles from the center of any urbanized area of 200,000 or more population, except that the distance may be 75 miles if the output power does not exceed 20 watts. All fixed systems are limited to a maximum of two frequencies and must employ directional antennas with a front-to-back ratio of at least 15 dB. For two frequency systems separation between transmit-receive frequencies is 5 MHz. Urbanized areas of 200,000 or more population are defined in U.S. Census of Population, 1960, Vol. 1 Table 23 page 1–50. The centers of urbanized areas are determined from the appendix, page 226, of the U.S. Commerce publication "Air Line Distance Between Cities in the United States."

• • • • •

32. Section 91.754(b) (3) and (10) are amended to read as follows:

§ 91.754 Frequencies available.

(b) • • •

(3) Other provisions of this part notwithstanding, this frequency may be authorized for use with any type of emission which does not exceed an occupied bandwidth of 8 kHz, for intermittent transmission; further, authorizations may be issued to permit operation on this frequency by self-actuating or other electrical or mechanical means not under the direct control of any individual. All operations on this frequency are limited to a maximum output power of 20 watts.

• • • • •

(10) This frequency may be assigned to fixed stations on a secondary non-interference basis to land mobile stations in the Public Safety and Land Transportation Radio Services. All use of these frequencies by fixed stations is limited to locations 100 or more miles from the center of any urbanized area of 200,000 or more population, except that the distance may be 75 miles if the output power does not exceed 20 watts. All fixed systems are limited to a maximum of two frequencies and must employ directional antennas with a front-to-back ratio of at least 15 dB. For two frequency systems separation between transmit-receive frequencies is 5 MHz. Urbanized areas of 200,000 or more population are defined in U.S. Census of Population, 1960, Vol. 1, Table 23, pages 1–50. The centers of urbanized areas are determined from the appendix, page 226, of the U.S. Commerce publication "Air Line Distance Between Cities in the United States."

• • • • •

PART 93—LAND TRANSPORTATION RADIO SERVICES

33. Section 93.7(b) is amended to add a definition in alphabetical sequence to read as follows:

§ 93.7 Definitions.

• • • • •

(b) • • •

Output power. The radio frequency output power of a transmitter's final radio frequency stage as measured at the output terminal while connected to a load of the impedance recommended by the manufacturer.

• • • • •

34. Section 93.9(a) is amended as follows:

§ 93.9 Frequency coordination.

(a) Except for applications listed in paragraph (a)(1) of this section, each application for assignment of a new frequency, or to change existing facilities by increasing the authorized output power or raising the height of the station antenna, or moving the authorized station location (including the location of the antenna), or by adding a base station within the licensee's existing area of operation shall be accompanied by evidence that the applicant is aware of and has complied with the requirement that he cooperate with other licensees in the selection of a frequency. Evidence of frequency coordination may be submitted in the form set forth either in paragraph (a) (2) or (3) of this section. In no instance will an application be granted where the proposed station is located less than 7 miles from an adjacent-channel station 15 kHz removed.

• • • • •

35. Section 93.53(c)(10) is amended as follows:

§ 93.53 Special temporary authority.

• • • • •

(c) • • •

(10) Output power of the transmitter.

• • • • •

36. Section 93.101(b) is amended to read as follows:

§ 93.101 Frequencies.

• • • • •

(b) The following frequencies may be assigned to fixed stations in the Land Transportation Radio Service on a secondary non-interference basis to Land Mobile Stations in the Public Safety and Industrial Radio Services. All such use of these frequencies for fixed stations is limited to locations 100 or more miles from the center of any urbanized area of 200,000 or more population except that the distance may be 75 miles if the output power does not exceed 20 watts. All such fixed systems are limited to a maximum of two frequencies and must employ directional antennas with a front-to-back ratio of at least 15 dB. For two-frequency operation the separation between transit and receive frequencies is 5 MHz. The center of urbanized areas of 200,000 or more population are determined from the Appendix, page 226 of the U.S. Commerce publication, "Air Line distance Between Cities in the United States."

• • • • •

37. Section 93.102(a) is amended to read as follows:

§ 93.102 Frequency stability.

(a) • • •

Frequency range (megahertz)	All fixed and base stations	All mobile stations	
		Over 2 W	2 W or less
	Percent	*Percent*	*Percent*
Below 25	0.01	0.01	0.02
25 to 50	.002	.002	.005
50 to 450	[1].0005	.0005	.005
450 to 470	[2][3].00025	.0005	[4].0005
470 to 512	[3].00025	.0005	.0005
806 to 821	[4].0015	.00025	.00025
851 to 866	.0015	.00025	.00025
1427 to 1435	[5].03	.03	.03
Above 1435	([6][7])	([6][7])	([6][7])

[1] Stations authorized for operation on or before Dec. 1, 1961, in the frequency band 73–74.6 MHz may operate with a frequency tolerance of 0.005 pct.

[2] A frequency tolerance of 0.0005 pct is permitted in the Railroad Radio Service for base stations operating on the frequencies 452.925, 452.950, 457.925, and 457.950 MHz used for remote control purposes in railroad yard and terminal areas.

[3] Operational fixed stations controlling mobile relay stations, through use of the associated mobile frequency, may operate with a frequency tolerance of 0.0005 pct.

[4] For control stations, the frequency stability is 0.00025 pct.

[5] For fixed stations with a output power above 120 W, the frequency tolerance is 0.01 pct if the necessary bandwidth of the emission does not exceed 3 kHz. For fixed station transmitters with a power of 120 W or less and using time division multiplex the frequency tolerance may be increased to 0.05 pct.

[6] Radiolocation equipment using pulse modulation shall meet the following frequency tolerance: The frequency at which maximum emission occurs shall not be closer than 1.5/T MHz to the upper and lower limits of the authorized frequency band where tesla is the pulse duration in microseconds. For other radiolocation equipment tolerances will be specified in the station authorization. See also sec. 93.111.

[7] The frequency tolerance for base and mobile stations will be specified in the station authorization.

(b) For the purpose of determining the frequency tolerance applicable to a particular transmitter in accordance with the foregoing provisions of this section, the power of a transmitter shall be the maximum rated output power, as specified in the Commission's "Radio Equipment List".

38. Section 93.105(c) is amended as follows:

§ 93.105 Modulation requirements.

• • • • •

(c) Each transmitter first authorized or installed after July 1, 1950, shall be provided with a device which automatically will prevent modulation in excess of that specified in this subpart which may be caused by greater than normal audio level: *Provided, however*, That this requirement shall not be applicable to transmitters authorized to operate as mobile stations with a maximum output power of 2 watts or less.

• • • • •

39. Section 93.106(b) and (c) amended to read as follows:

§ 93.106 Power and antenna height.

• • • • •

(b) • • •

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Frequency range (megahertz)	Maximum output power	Maximum effective radiated power
	Watts	*Watts*
30 to 100	300	
100 to 470	[1] 75	
470 to 512		1,000
806 to 821		(3)
821 to 866	(4)	(3)
2450 to 2500	5	
2500 to 10,550	(5)	
10,550 to 10,680	3	
Above 10,680	(5)	

[1] In the frequency band 450–470 MHz maximum output power in excess of 75 W but not in excess of 350 W may be authorized in accordance with the provision of subpt. E of this part, upon submission of the required showings.
[2] [Reserved].
[3] For power limitations see sec. 89.651.
[4] The output power of a transmitter on any authorized frequency in this service shall not exceed 2,000 W (33 dBW).
[5] To be specified in the station authorization.

(c) The output power shall not exceed by more than 20 percent the output power shown in the Radio Equipment List for transmitters included in this list, or the output power for the particular transmitter specifically listed on the station authorization.

40. Section 93.108 (a), (b), (b) (2) & (c) are amended; and pars (a) (3), (a) (4), (b) (3) and (c) (3) deleted to read as follows:

§ 93.108 Transmitter measurements.

(a) The licensee of each station shall employ a suitable procedure to determine that the carrier frequency of each transmitter authorized to operate with an output power in excess of 2 watts, is maintained within the tolerance prescribed in this part. This determination shall be made, and the results thereof entered in the station records, in accordance with the following:

* * * * *

(b) The licensee of each station shall employ a suitable procedure to determine that the transmitter output power of each transmitter authorized to operate with an output power in excess of two watts does not exceed the maximum figure specified on the current station authorization. On authorization stating only the input power to the final radio frequency stage, the maximum permissible output power is 75 percent for frequencies below 25 MHz and 60 percent of the input power for frequencies above 25 MHz. If a non-DC final radio frequency stage is utilized, then the output power shall not exceed 75 percent of the input power. This determination shall be made, and the results thereof entered into the station records, in accordance with the following:

* * * * *

(2) When any change is made in the transmitter which may affect the transmitter output power.

(c) The licensee of each station shall employ a suitable procedure to determine that the modulation of each transmitter authorized to operate with an output power in excess of 2 watts, does not exceed the limits specified in this part. This determination shall be made and the results thereof entered in the station records, in accordance with the following:

* * * * *

41. Section 93.254(a) is amended to read as follows:

§ 93.254 Frequencies below 952 MHz available for base, mobile and operational fixed stations.

(a) The following frequencies are available for assignment to base, mobile, or operational fixed stations in the Motor Carrier Radio Service, on a shared basis with stations in the same service and other services, subject to no protection from interference due to the operation of industrial, scientific, or medical devices on the frequency 27.12 MHz, and limited to the use of transmitters having not more than 20 watts output power.

FREQUENCIES (MHz)

27.235	27.265
27.245	27.275
27.255	

* * * * *

42. Section 93.352(b) (4) is amended as follows:

§ 93.352 Frequencies below 952 MHz available for base and mobile stations.

* * * * *

(b) * * *

(4) The maximum transmitter power that will be authorized is 1 watt; and each station authorized will be classified and licensed as a mobile station. Any units of such a station, however, may be used to provide the operational functions of a base or fixed station. The antennas of transmitters operating on this frequency must be directly mounted or installed upon the transmitting unit: *Provided, however,* That when permanently installed aboard a vehicle antenna and transmitter may be separated as required for convenience in mounting. Horizontal polarization will not be allowed; and the gain of antennas employed shall not exceed that of a half wave dipole. The maximum bandwidth that will be authorized is 20 kHz. This frequency is available for voice or tone control transmissions and subject to the condition that interference will not be caused to the reception of television channels 4 or 5. No protection from television interference will be afforded licensees operating on this frequency.

* * * * *

43. Section 93.355(c) (2) and (3) are amended to read as follows:

§ 93.355 Relay and repeater stations.

* * * * *

(c) * * *

(2) A mobile repeater station may be used only for the purpose of extending the transmitting and receiving range of pack-carried or hand-carried units of mobile stations. Such pack-carried or hand-carried units shall be operated only on a frequency or freqencies above 150 MHz and the output power shall not exceed 6 watts. The frequency and maximum power of the pack-carried or hand-carried transmitters which may be associated with a mobile repeater station shall be specified in the station authorization.

(3) The output power of a mobile repeater station, when transmitting as a repeater station on the frequency used for communication with its associated pack-carried or hand-carried units, shall not exceed 6 watts except when the same frequency is also used by the same station for direct communication with vehicular mobile units or with one or more base stations.

* * * * *

44. Section 93.356(a) is amended as follows:

§ 93.356 Frequencies below 952 MHz available for base mobile, and operational fixed stations.

(a) The following frequencies are available for assignment to base, mobile, or operational fixed stations in the Railroad Radio Service, on a shared basis with stations in the same service and other services, subject to no protection from interference due to the operation of industrial, scientific, or medical devices on the frequency 27.12 MHz, and limited to the use of transmitters having not more than 20 watts output power:

FREQUENCIES (MHz)

27.235	27.265
27.245	27.275
27.255	

* * * * *

45. Section 93.357(c) (3) (i) is amended as follows:

§ 93.357 Scope of service.

* * * * *

(c) * * *

(3) * * *

(i) The output power shall not exceed 30 watts.

* * * * *

46. Section 93.404(a) is amended as follows:

§ 93.404 Frequencies below 952 MHz available for base, mobile, and operational fixed stations.

(a) The following frequencies are available for assignment to base, mobile, or operational fixed stations in the Taxicab Radio Service, on a shared basis with stations in the same service and other services, subject to no protection from interference due to the operation of industrial, scientific, or medical devices on the frequency 27.12 MHz, and limited to the use of transmitters having not more than 20 watts output power:

FREQUENCIES (MHz)

27.235	27.265
27.245	27.275
27.255	

* * * * *

47. Section 93.504(a) is amended as follows:

§ 93.504 Frequencies below 952 MHz available for base, mobile, and operational fixed stations.

(a) The following frequencies are available for assignment to base, mobile, or operational fixed stations in the Automobile Emergency Radio Service on a shared basis with stations in the same service and other services, subject to no protection from interference due to the operation of industrial, scientific, or medical devices on the frequency 27.12 MHz, and limited to the use of transmitters having not more than 20 watts output power.

FREQUENCIES (MHz)

27.235	27.265
27.245	27.275
27.255	

* * * * *

[FR Doc.76-23206 Filed 8-10-76;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Ravalli National Wildlife Refuge, Montana

The following special regulations are issued and are effective August 11, 1976.

§ 32.12 Special regulations; migratory game birds.

MONTANA

RAVALLI NATIONAL WILDLIFE REFUGE

The hunting of ducks, geese, coot and mergansers will be permitted on portions of the Ravalli National Wildlife Refuge during the regular migratory bird hunting season and in accordance with the following additional special conditions:

1. All hunters must enter public hunting through appropriate check station.
2. All hunters must set blind selection pointer to "taken" upon selecting a blind, and return blind selection pointer to "open" upon leaving hunting area.
3. Placing blind selection pointer to "taken" determines occupant of blind.
4. During periods of high hunter demand, as determined by the Refuge Manager, hunters will be limited to one period only during a day: Period #1; Start of shooting hours to 12 Noon. Period #2; 1 p.m. until close of shooting hours.
5. Hunters must be within ten feet of designated blind sites while attempting to take and taking of waterfowl game birds.
6. Blind sites will be limited to five hunters each.
7. A designated area will be open to the taking of ducks, geese, coot and mergansers by means of falconry from the opening of the migratory waterfowl season through November 28. No firearms may be carried in this area.
8. The public hunting area will be closed to entry from one hour after sunset until one and one-half hour before sunrise.
9. No fishing equipment of any type will be permitted on the public hunting area.
10. Boats are not permitted.

The hunting area is designated by signs and delineated on maps available at Refuge Headquarters, No. 5 Third Street, Stevensville, Montana, and from the Area Manager, U.S. Fish and Wildlife Service, Room 3035, Federal Building, 316 No. 26th Street, Billings, Montana.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1977.

AUGUST 2, 1976.

R. C. TWIST,
Refuge Manager, Ravalli National Wildlife Refuge, Stevensville, Montana.

[FR Doc.76-23285 Filed 8-10-76;8:45 am]

PART 32—HUNTING

Ravalli National Wildlife Refuge, Montana

The following special regulations are issued and are effective August 11, 1976.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MONTANA

RAVALLI NATIONAL WILDLIFE REFUGE

The taking of white-tailed deer by bow and arrow will be permitted on designated areas of Ravalli National Wildlife Refuge by means of archery only from September 4 through October 10 and from October 24 through October 31, either sex deer, and from November 1 through November 28, antlered bucks only, in accordance with State regulations, and with the following additional special conditions:

1. All hunters must check in and out at checking stations.
2. No firearms may be carried in this area.
3. The public hunting area will be closed to entry from one hour after sunset until one and one-half hour before sunrise.

This hunting area will be designated by signs and delineated on maps available at Refuge Headquarters, No. 5 Third Street, Stevensville, Montana, and from the Area Manager, U.S. Fish and Wildlife Service, Room 3035, Federal Building, 316 No. 26th Street, Billings, Montana.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1977.

R. C. TWIST,
Refuge Manager, Ravalli National Wildlife Refuge, Stevensville, Montana.

AUGUST 2, 1976.

[FR Doc.76-23286 Filed 8-10-76;8:45 am]

Title 24—Housing and Urban Development

Subtitle A—Office of the Secretary, Department of Housing and Urban Development

[Docket No. R-76-397]

PART 10—RULEMAKING: POLICY AND PROCEDURES

Public Property, Loans, Grants, Benefits or Contracts

On June 4, 1976, the Department proposed a revision of 24 CFR Part 10, entitled Rule Making-Policy and Procedures (41 FR 22583). The proposal would update and clarify references made in Part 10 as it was first published on March 4, 1971, and would also prescribe certain rulemaking procedures provided under 5 U.S.C. 553, but not included in the original rule. Interested persons were invited to comment on the proposal no later than July 8, 1976.

In response, the Department received only one comment. The commenter, while agreeing that the proposal substantially improves the original rule, nevertheless criticized the definition of "rule" and the explanation of public procedure as arbitrary and vague. In particular, the comment inquired about the relationship between rules and HUD issuances such as handbooks, circulars and guides. As the preamble to the proposal pointed out, HUD's Unified Issuance System no longer includes circulars and guides (see also HUD Handbook 2130.1, available from the HUD Public Information Center, 451 7th Street, S.W., Washington, D.C. 20410). Handbooks are now the medium for disseminating instructions and advice to HUD personnel and program participants when such instructions and advice are not regulatory in nature. Neither handbooks nor notices, which are intermediate issuances complementing handbooks and periodically assimilated by them, are published in the FEDERAL REGISTER, although such regulatory provisions as they may contain may be promulgated separately by rule.

We recognize that the definition of Rule contained in § 10.2(a) is broad; however, this definition has been adopted from the conforming statute, 5 USC 551(4), with changes made only to meet HUD's particular program responsibility. We also consider the proposal to be sufficiently clear that public procedure includes the filing of written comments and, at the Secretary's discretion, oral presentation. See §§ 10.10 and 10.12. No further description of the term is needed.

The Department is not making any changes of its own to the proposal which is hereby adopted as published on June 4, 1976, 41 FR 22583, and set forth hereinafter.

Findings of inapplicability with respect to environmental and economic impact were prepared for the proposed rule and copies made available in the Office of the Rules Docket Clerk, Room 10141, 451 7th Street, SW., Washington, D.C. Since the Department has previously determined that adoption of this rule will not affect the quality of human environment or the

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national economy and since no change has been made in the substance of this rule, no further environmental or economic determination is being made at this time.

Effective date: This regulation shall be effective on August 11, 1976.

CARLA A. HILLS,
Secretary of Housing, and Urban Development.

Subpart A—General

Sec.
10.1 Policy.
10.2 Definitions.
10.3 Applicability.
10.4 Rules docket.

Subpart B—Procedures

10.6 Initiation of rule making.
10.8 Notice of proposed rule making.
10.10 Participation by interested persons.
10.12 Additional rule making proceedings.
10.14 Hearings.
10.16 Adoption of final rule.
10.18 Petitions for reconsideration.
10.20 Petitions for rule making.

AUTHORITY: The provisions of this Part 10 issued under Sec. 7(d) of the Department of Housing and Urban Development Act, 79 Stat. 670 (42 U.S.C. 3535(d)).

Subpart A—General

§ 10.1 Policy.

It is the policy of the Department of Housing and Urban Development to comply with rule making provisions of 5 U.S.C. 553 with respect to all HUD programs and functions, including matters that relate to public property, loans, grants, benefits, or contracts even though such matters are not subject to rule making under the statute. The Department therefore publishes general notices of proposed rulemaking in the FEDERAL REGISTER and gives interested persons an opportunity to participate in the rule making through submission of written data, views, and arguments with or without opportunity for oral presentation. Unless required by statute, notice and public procedure will be omitted if the Department determines in a particular case or class of cases that notice and public procedure are impracticable, unnecessary or contrary to the general interest. In a particular case, the reasons for the determination shall be stated in the rule making document. Notice and public procedure may also be omitted with respect to statements of policy, interpretative rules, rules governing the Department's organization or its own internal practices or procedures, or if a statute expressly so authorizes. A substantive rule will be published not less than 30 days before its effective date, unless it grants or recognizes an exemption or relieves a restriction or unless the rule itself states good cause for taking effect upon publication or less than 30 days thereafter. Statements of policy and interpretative rules will usually be made effective on the date of publication.

§ 10.2 Definitions.

(a) "Rule" means the whole or a part of a Departmental statement of general or particular applicability and future effect (1) designed to implement, interpret, or prescribe law or policy, or (2) describing the Department's organization, or its procedure or practice requirements.

(b) "Rule making" means the Departmental process for formulating, amending, or repealing a rule.

(c) "Secretary" means the Secretary or the Under Secretary of Housing and Urban Development, or any of the following heads of offices to whom the Secretary has expressly delegated authority to issue rules:

(1) Each Assistant Secretary of the Department and Deputy Assistant Secretary;

(2) The President of the Government National Mortgage Association;

(3) The Federal Insurance Administrator; or

(4) The Federal Disaster Assistance Administrator.

§ 10.3 Applicability.

(a) This part prescribes general rule making procedures for the issuance, amendment, or repeal of rules of the Secretary in which participation by interested persons is required by 5 U.S.C or by Department policy.

(b) The authority to issue rules, delegated by the Secretary, may not be redelegated unless expressly permitted.

§ 10.4 Rules docket.

(a) All documents relating to rule making procedures, including but not limited to advance notices of proposed rule making, notices of proposed rule making, written comments received in response to notices, withdrawals or terminations of proposed rule making, petitions for rule making, requests for oral argument in public participation cases, requests for extension of time, grants or denials of petitions or requests, transcripts or minutes of informal hearings, final rules and general notices are maintained in the Rules Docket Room, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

(b) Documents relating to rule making proceedings are public records. After a docket is established, any person may examine docketed material at any time during regular business hours, and may obtain a copy of any docketed material upon payment of the prescribed fee. (See Part 15 of this subtitle).

Subpart B—Procedures

§ 10.6 Initiation of rule making.

Rue making proceedings may be initiated on the Secretary's motion, or on the recommendation of a Federal State or local government or government agency, or on the petition of any interested person.

§ 10.8 Notice of proposed rule making.

Each notice of proposed rule making required by statute or by § 10.1 of this part is published in the Federal Register and includes—

(a) The substance or terms of the proposed rule or a description of the subject matter and issues involved;

(b) A statement of how and to what extent interested persons may participate in the proceeding;

(c) Where participation is limited to written comments, a statement of the time within which such comments must be submitted; and

(d) A reference to the legal authority under which the proposal is issued.

§ 10.10 Participation by interested persons.

(a) Unless the notice otherwise provides, any interested person may participate in rule making proceedings by submitting written data, views or arguments within the comment time stated in the notice. In addition, the Secretary may permit the filing of comments in response to original comments.

(b) In appropriate cases, the Secretary may provide for oral presentation of views in additional proceedings described in § 10.12.

§ 10.12 Additional rule making proceedings.

The Secretary may invite interested persons to present oral arguments, appear at informal hearings, or participate in any other procedure affording opportunity for oral presentation of views. The transcript or minutes of such meetings, as appropriate, will be kept and filed in the Rules Docket.

§ 10.14 Hearings.

(a) The provisions of 5 U.S.C. 556 and 557, which govern formal hearings in adjudicatory proceedings, do not apply to informal rule making proceedings described in this part. When opportunity is afforded for oral presentation, such informal "hearing" is a nonadversary, fact-finding proceeding. Any rule issued in a proceeding under this part in which a hearing is held is not based exclusively on the "record" of such hearing.

(b) When a hearing is provided, the Secretary will designate a representative to conduct the hearing, and if the presence of a legal officer is desirable, the General Counsel will designate a staff attorney to serve as the officer.

§ 10.16 Adoption of final rule.

All timely comments are considered in taking final action on a proposed rule. Each preamble to a final rule will contain a short analysis and evaluation of the significant issues set forth in the comments submitted, and a clear concise statement of the basis and purpose of the rule. Only relevant comments will be considered.

§ 10.18 Petitions for reconsideration.

Petitions for reconsideration of a final rule will not be considered. Such petitions, if filed, will be proposed as petitions for rule making in accordance with § 10.20.

§ 10.20 Petitions for rule making.

(a) Any interested person may petition the Secretary for the issuance, amendment, or repeal of a rule. Each petition shall—

(1) Be submitted to the Rules Docket Clerk, Room 10141, Department of Housing and Urban Development, Washington, D.C. 20410;

(2) Set forth the text or substance of the rule or amendment proposed or specify the rule sought to be repealed;

(3) Explain the interest of the petitioner in the action sought; and

(4) Set forth all data and arguments available to the petitioner in support of the action sought.

(b) No public procedures will be held directly on the petition before its disposition. If the Secretary finds that the petition contains adequate justification, a rule making proceeding will be initiated or a final rule will be issued as appropriate. If the Secretary finds that the petition does not contain adequate justification, the petition will be denied by letter or other notice, with a brief statement of the ground for denial. The Secretary may consider new evidence at any time; however, repetitious petitions for rule making will not be considered.

[FR Doc.76-23380 Filed 8-10-76;8:45 am]

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-2245]

PART 1915—IDENTIFICATION AND MAPPING OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

• The purpose of this notice is the identification of communities with areas of special flood or mudslide or erosion hazards in accordance with Part 1915 of Title 24 of the Code of Federal Regulations as authorized by the National Flood Insurance Program (42 U.S.C. 4001–4128). The identification of such areas is to provide guidance so that communities may adopt appropriate flood plain management measures to minimize damage caused by flood losses and to guide future construction, where practicable, away from locations which are threatened by flood hazards. •

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special flood hazards that is located within any community participating in the National Flood Insurance Program.

One year after the identification of the community as flood prone, the requirement applies to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition and construction in these areas unless the community has entered the program. The prohibition, however, does not apply to loans by a Federally regulated, insured, supervised or approved bank prior to March 1, 1976, to finance the acquisition of a previously occupied residential dwelling.

The effective date of identification shall be September 10, 1976, or the date which appears in this notice, whichever is later.

This 30 day period does not supersede the statutory requirement that a community, whether or not participating in the program, be given the opportunity for a period of six months to establish that it is not seriously flood prone or that such flood hazards as may have existed have been corrected by floodworks or other flood control methods. The six months period shall be considered to begin September 10, 1976 or the effective date of the Flood Hazard Boundary Map, whichever is later. Similarly, the one year period a community has to enter the program under Section 201(d) of the Flood Disaster Protection Act of 1973 shall be considered to begin September 10, 1976 or the effective date of the Flood Hazard Boundary Map, whichever is later.

Where several dates appear in the column set forth below marked Effective Date of Identification, the first date is the date of initial identification, and all other dates represent modification by additions or deletions to identified areas with special hazards.

Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas (FHBM's in effect).

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazard
Alabama	Marshall	Albertville, city of	H 010366 01 through H 010366 15.	Mayor, 201 South Broad St., Albertville, Ala. 35950	Oct. 1, 1976
Do.	Lawrence	Hillsboro, city of	H 010305 01 through H 010305 02.	Mayor, P.O. Box 41, Hillsboro, Ala. 35643	Do.
Do.	Jefferson	Hueytown, city of	H 010337 01 through H 010337 02.	Mayor, P.O. Drawer C, Hueytown, Ala. 35020	Do.
Do.	Cherokee	Lanett, city of	H 010029A 01 through H 010029A 02	Mayor, P.O. Box 290, Lanett, Ala. 36863	May 3, 1974 Aug. 6, 1976
Do.	Madison	Madison, city of	H 010308 01 through H 010308 27.	Mayor, P.O. Box 38, Madison, Ala. 35758	Oct. 1, 1976
Do.	Lawrence	Moulton, city of	H 010142A 01 through H 010142A 06.	Mayor, 123 Main St., Moulton, Ala. 35650	Mar. 22, 1974 Aug. 6, 1976
Do.	Colbert	Muscle Shoals, city of	H 010047A 01 through H 010047A 05.	Mayor, P.O. Box 2624, Muscle Shoals, Ala. 35660	Mar. 8, 1974 Aug. 6, 1976
Do.	Jackson	Stevenson, city of	H 010113A 01 through H 010113A 10.	Mayor, P.O. Box 36, Stevenson, Ala. 35772	May 10, 1974 Aug. 6, 1976
Do.	Cullman	Vinemont, city of	H 010365 01 through H 010365 02.	Mayor, City Hall, Vinemont, Ala. No ZIP code	Oct. 1, 1976
Arkansas	Johnson	Clarksville, city of	H 050112A 01 through H 050112A 03.	Mayor, City Hall, Clarksville, Ark. 72830	Nov. 30, 1973 Aug. 6, 1976
Do.	St. Francis	Hughes, city of	H 050188A 01	Mayor, City Hall, Hughes, Ark. 72348	Oct. 12, 1973
California	Kern	Bakersfield, city of	H 060077A 01 through H 060077A 15.	Deputy Director of Public Works, City Hall, 1501 Truxtun Ave., Bakersfield, Calif. 93301.	Aug. 6, 1974 Aug. 16, 1976
Do.	Tulare	Farmersville, city of	H 060405A 01	City Engineer, P.O. Box 3699, Visalia, Calif. 93277	Oct. 1, 1976
Do.	Los Angeles	Manhattan Beach, city of	H 060138A 01 through H 060138A 02.	City Engineer, Public Works Department, 1400 Highland Ave., Manhattan Beach, Calif. 90266.	July 26, 1974 Aug. 6, 1976
Do.	Orange	Yorba Linda, city of	H 060-38A 01 through H 060-38A 04.	City Engineer, P.O. Box A, 4845 Main St., Yorba Linda, Calif. 92686.	Aug. 9, 1974 Aug. 6, 1976
Connecticut	Tolland	Stafford Springs, borough of	H 090113A 01 through H 090113A 02.	Clerk, Town Hall, Warren Memorial Town Hall, Stafford Springs, Conn. 06076.	June 28, 1974 Aug. 6, 1976
Florida	Palm Beach	Palm Beach Gardens, city of	H 120221A 01 through H 120221A 06.	Mayor, 10500 North Military Trail, Palm Beach Gardens, Fla. 33403.	Jan. 23, 1974 Aug. 6, 1976
Do.	Orange	Winter Park, city of	H 120188A 01 through H 120188A 04.	Mayor, 401 South Park Ave., Winter Park, Fla. 32789	Oct. 18, 1974 Aug. 6, 1976
Illinois	Cook and Du Page.	Bartlett, village of	H 170059A 01 through H 170059A 05.	Village President, 228 South Main St., Bartlett, Ill. 60103	Apr. 12, 1974 Aug. 6, 1976
Do.	Cook	Glencoe, village of	H 170035A 01 through H 170035A 02.	Village President, 675 Village Ct., Glencoe, Ill. 60022	Nov. 2, 1973 Aug. 6, 1976
Do.	Montgomery	Hillsboro, city of	H 170313A 01	Mayor, 114 East, Hillsboro, Ill. 62049	May 17, 1974 Aug. 6, 1976

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State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazard
Do	Cook	Inverness, village of	H 170111A 01 through H 170111A 03.	Village President, 1850 Tweed Rd., Palatine, Ill. 60067	Mar. 22, 1974 Aug. 6, 1976
Do	Will	Rockdale, village of	H 170710A 01	Village President, Otis and Midland Aves., Rockdale, Ill. 60436.	Mar. 22, 1974 Aug. 6, 1976
Do	Winnebago	Roscoe, village of	H 170724A 01	Village President, 10595 Main St., Roscoe, Ill. 61073	Mar. 22, 1974
Do	Madison	South Roxana, village of	H 170449 01	Village President, 211 Sinclair, Box 107, South Roxana, Ill. 62087.	Oct. 1, 1976
Do	Menard	Tallula, village of	H 170803A 01	Mayor, Village Hall, Tallula, Ill. 62688	Mar. 29, 1974
Indiana	Clark	Clarksville, town of	H 180026A 01 through H 180026A 03.	President of Town Board, 409 West Harrison Ave., Clarksville, Ind. No ZIP code.	June 14, 1974
Do	Putnam	Cloverdale, town of	H 180215A 01 through H 180215A 04.	President of Town Board, P.O. Box 22, Cloverdale, Ind. 46120.	June 7, 1974 Aug. 6, 1976
Do	St. Joseph	Lakeville, town of	H 180226A 01	Mayor, City Hall, Lakeville, Ind. 46536	July 11, 1975 Aug. 6, 1976
Do	Lake	Hammond, city of	H 180134A 01 through H 180134A 07.	Mayor, 5925 Balumet Ave., Hammond, Ind. 46320	Mar. 15, 1974 Aug. 6, 1976
Do	Boone	Zionsville, town of	H 180016A 01 through H 180016A 04.	President of Town Board, 85 East Cedar St., Zionsville, Ind. 46077.	Apr. 12, 1974 Aug. 6, 1976
Iowa	Polk	Clive, city of	H 190488 01 through H 190488 02.	Mayor, City Hall, Clive, Iowa 50053	Oct. 1, 1976
Do	Madison	Patterson, city of	H 190151 01	Mayor, City Hall, Patterson, Iowa 50218	Do.
Kansas	Johnson	Mission Woods, city of	H 200172 01	Mayor, City Hall, Mission Woods, Kans. 66205	Do.
Kentucky	Calloway	Dexter, city of	H 210317 01	Calloway County Courthouse, Murray, Ky. 42071	Do.
Do	Todd	Guthrie, city of	H 210214A 01 through H 210214A 02.	Mayor, P.O. Box 125, Guthrie, Ky. 42234	June 7, 1974
Do	Madison	Richmond, city of	H 210157A 01 through H 210157A 03.	Mayor, City Hall, P.O. Box 250, Richmond, Ky. 40475	May 10, 1974 Aug. 6, 1976
Louisiana	St. Marys Parish	Franklin, city of	H 220095A 01 through H 220095A 03.	Mayor, City Hall, Franklin, La. 70538	Mar. 22, 1974 Aug. 6, 1976
Do	Madison Parish	Richmond, village of	H 220125 01 through H 220125 02.	Mayor, City Hall, Richmond, La. 71282	Oct. 1, 1976
Do	Livingston Parish.	Walker, town of	H 220121 01 through H 220121 02.	Town Clerk, Town Hall, Walker, La. 70785	Do.
Maine	Hancock	Bar Harbor, town of	H 230061A 01	Town Manager, Town Hall, Bar Harbor, Maine 04609.	Aug. 23, 1974 Aug. 6, 1976
Do	Knox	Cushing, town of	H 230224A 01 through H 230224A 10.	Chairman, Cushing, Maine 01563	Jan. 3, 1975 Aug. 6, 1976
Do	Cumberland	Falmouth, town of	H 230045A 01 through H 230045A 14.	Town Manager, Town Hall, 271 Falmouth Rd., Falmouth, Maine 04105.	Mar. 29, 1974 Aug. 6, 1976
Do	Penobscot	Glenburn, town of	H 230106A 01 through H 230106A 10.	Town Manager, Box 259, R.F.D. No. 4, Bangor, Maine. 04401.	Mar. 1, 1974 Aug. 6, 1976
Do	York	Hollis, town of	H 230150A 01 through H 230150A 13.	Selectmen, Town Hall, Hollis, Maine 04042	May 31, 1974 Aug. 6, 1976
Do	Franklin	Phillips, town of	H 230060A 01 through H 230060A 18.	Town Manager, Town Hall, Phillips, Maine 04966	June 14, 1974 Aug. 6, 1976
Do	Lincoln	Southport, town of	H 230221A 01 through H 230221A 14.	Chairman, Board of Selectmen, Office of Selectmen, West Southport, Maine 04576.	Jan. 17, 1975 Aug. 6, 1976
Do	Oxford	Stow, town of	H 230146A 01 through H 230146A 10.	Chairman, Board of Selectmen, North Fryburg, Maine 04058.	Jan. 24, 1975 Aug. 6, 1976
Massachusetts	Middlesex	Ashland, town of	H 250179A 01 through H 250179A 06.	Selectmen, Town Hall, Main St., Ashland, Mass. 01721	Feb. 8, 1974 Aug. 6, 1976
Do	Worcester	Clinton, town of	H 250300A 01 through H 250300A 01.	Selectmen, Town Hall, 242 Church St., Clinton, Mass. 01510.	Aug. 9, 1974 Aug. 6, 1976
Do	Berkshire	Hinsdale, town of	H 250006A 01 through H 250006A 08.	Selectmen, Town Hall, Hinsdale, Mass. 02135	Aug. 30, 1974 Aug. 6, 1976
Do	Essex	Lawrence, city of	H 250087A 01 through H 250087A 01.	Mayor, City Hall, 200 Common St., Lawrence, Mass. 01840.	Feb. 8, 1974 Aug. 6, 1976
Do	Norfolk	Millis, town of	H 250244A 01 through H 250244A 06.	Secretary of Planning Board, Millis Planning Board, Town Hall, Millis, Mass. 02054.	July 19, 1974 Aug. 6, 1976
Do	Middlesex	Westford, town of	H 250255A 01 through H 250255A 13.	Selectmen, Town Hall, 55 Main St., Westford, Mass. 01886.	Oct. 18, 1974 Aug. 6, 1976
Michigan	Calhoun	Bedford, township of	H 260052A 01 through H 260052A 10.	Township Supervisor, Township Hall, 115 South Uldricks Dr., Battle Creek, Mich. 49017.	Aug. 16, 1974 Aug. 6, 1976
Do	St. Clair	Berlin, township of	H 260192A 01 through H 260192A 11.	Township Clerk, 2220 Herville Rd., Capac, Mich. 48014	Aug. 23, 1974 Aug. 6, 1976
Do	Wayne	Canton, township of	H 260219A 01 through H 260219A 04.	Supervisor, 44568 Geddes Rd., Belleville, Mich. 48111	June 28, 1974 Aug. 6, 1976
Do	Genesee	Fenton, city of	H 260075 01 through H 260075 02.	Mayor, 402 Lincoln St., Fenton, Mich. 48430	Oct. 1, 1976
Do	Ottawa	Ferrysburg, city of	H 260184A 01 through H 260184A 02.	Mayor, P.O. Box 117, Ferrysburg, Mich. 49409	June 28, 1974 Aug. 6, 1976
Do	Genesee	Genesee, township of	H 260078A 01 through H 260078A 11.	Supervisor, 7244 North Genesee Rd., Genesee, Mich. 48437	May 24, 1974 Aug. 6, 1976
Do	Barrien	Oronoko, township of	H 260042A 01 through H 260042A 10.	Township Supervisor, Township Hall, P.O. Box 214, Berrien Springs, Mich.	Aug. 2, 1974 Aug. 6, 1976
Do	Iosco	Oscoda, township of	H 260101A 01 through H 260101A 08.	Township Supervisor, Township Hall, 110 South State St., Oscade, Mich. 48750.	Aug. 2, 1974 Aug. 6, 1976
Do	Allegan	Plainwell, city of	H 260068A 01 through H 260068A 02.	Mayor, 141 North Main St., Plainwell, Mich. 49080	May 17, 1974 Aug. 6, 1976
Minnesota	Dakota	Burnsville, city of	H 270022A 01 through H 270022A 08.	Mayor, 1313 East Highway 13, Burnsville, Minn. 55337	Mar. 29, 1974 Aug. 6, 1976
Do	Crow Wing	Crosby, city of	H 270094A 01 through H 270094A 02.	Mayor, 2 2d St. SE., Crosby, Minn. 56441	June 28, 1974 Aug. 6, 1976
Do	Roseau	Greenbush, city of	H 270413A 01	Mayor, City Hall, Greenbush, Minn. 56720	May 3, 1974 Aug. 6, 1976
Do	Morrison	Little Falls, city of	H 270266A 01 through H 270266A 03.	Mayor, City Hall, 110 1st Ave. SE., Little Falls, Minn. 56345.	June 21, 1974
Do	Todd	Long Prairie, city of	H 270479A 01 through H 270479A 02.	Mayor, City Hall, 239 Central Ave., Long Prairie, Minn. 56347.	Apr. 12, 1974 Aug. 6, 1976
Do	Kandiyohi	New London, city of	H 270220A 01	Mayor, City Hall, New London, Minn. 56273	Apr. 15, 1974 Aug. 6, 1976
Do	Renville	Olivia, city of	H 270400A 01	Mayor, 1009 West Lincoln, Olivia, Minn. 56277	Oct. 1, 1976
Do	Pennington	Thief River Falls, city of	H 270344A 01 through H 270341A 04.	Mayor, Box 528, Thief River Falls, Minn. 56701	June 14, 1974 Aug. 6, 1976
Do	Wadena	Wadena, city of	H 270495A 01 through H 270495A 02.	Mayor, City Hall, Wadena, Minn. 56482	June 21, 1974 Aug. 6, 1976
Mississippi	Leflore	Greenwood, city of	H 280102A 01 through H 280102A 04.	Mayor, P.O. Box 907, Greenwood, Miss. 38930	June 7, 1974 Aug. 6, 1976
Do	Sunflower	Indianola, city of	H 280464A 01 through H 280164A 02.	Mayor, P.O. Box 577, Indianola, Miss. 38751	May 24, 1974 Aug. 6, 1976
Missouri	Jasper	Carl Junction, city of	H 290179A 01 through H 290179A 03.	Mayor, City Hall, Carl Junction, Mo. 64834	Feb. 8, 1974 Aug. 6, 1976

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazard
Do	St. Louis	Warson Woods, town of	H 290393A 01 through H 290393A 02.	Mayor, City Hall, 10057 Manchester Rd., Warson Woods, Mo. 63122.	Jan. 9, 1974 Aug. 6, 1976
New Jersey	Hunterdon	Bloomsbury, borough of	H 340231A 01	Mayor, 44 Leigh St., Clinton, N.J. 08809	June 14, 1974 Aug. 6, 1976
Do	Camden	Brooklawn, borough of	H 340127A 01	Mayor, Borough Hall, Haakon Rd., Brooklawn, N.J. 08030	June 21, 1974 Aug. 6, 1976
Do	Cumberland	Fairfield, township of	H 340168A 01 through H 340168A 07.	Mayor, Main St., Fairton, N.J. 08320	May 10, 1974 Aug. 6, 1976
Do	Gloucester	Mantua, township of	H 340207A 01 through H 340207A 08.	Mayor, South Main St., Mantua, N.J. 08051	Mar. 22, 1974 Aug. 6, 1976
Do	Burlington	Mount Laurel, township of	H 340107A 01 through H 340107A 02.	Mayor, Municipal Center, P.O. Box 1872, Mount Laurel, N.J. 08054.	Jan. 9, 1974 Aug. 6, 1976
Do	do	New Hanover, township of	H 340108A 01 through H 340108A 06.	Mayor, P.O. Box 7, Township Hall, Cookstown, N.J. 08511.	Aug. 9, 1974 Aug. 6, 1976
Do	Morris	Roxbury, township of	H 340362A 01 through H 340362A 07.	Mayor, 230 Route 10, Succasunna, N.J. 07876	Mar. 29, 1974 Aug. 6, 1976
Do	Monmouth	Union Beach, borough of	H 340331A 01 through H 340331A 02.	Mayor, Florence Ave., Union Beach, N.J. 07735	Dec. 28, 1973 Aug. 6, 1976
Do	Bergen	Waldwick, borough of	H 340078A 01 through H 340078A 02.	Mayor, 15 East Prospect St., Waldwick, N.J. 07463	Jan. 9, 1974 Aug. 6, 1976
Do	Gloucester	Westville, borough of	H 340215A 01 through H 340215A 02.	Mayor, 144 Ground Point Rd., Borough Hall, Westville, N.J., 08093.	Mar. 8, 1974 Aug. 6, 1976
New York	Genesee	Alexander, town of	H 360277A 01 through H 360277A 10.	Supervisor, 10500 Gillate Rd., Alexander, N.Y. 14005	Oct. 1, 1976
Do	Erie	Amherst, town of	H 360226A 01 through H 360226A 15.	Town Supervisor, 5583 Main St., Williamsville, N.Y. 14221.	Mar. 8, 1974 Aug. 6, 1976
Do	Saratoga	Ballston, town of	H 360711A 01 through H 360711A 08.	Supervisor, 13 Martin Ave., Ballston Spa, N.Y. 12020	Aug. 2, 1974 Aug. 6, 1976
Do	Franklin	Bangor, town of	H 360268A 01 through H 360268A 06.	Supervisor, Town Hall, North Bangor, N.Y. 12966	Aug. 2, 1974 Aug. 6, 1976
Do	Steuben	Bath, town of	H 360766A 01 through H 360766A 11.	Town Supervisor, Municipal Bldg., Bath, N.Y. No ZIP code.	Oct. 1, 197
Do	Fulton	Broadalbin, town of	H 361128A 01 through H 361128A 10.	Supervisor, Rural Delivery No. 1, Broadalbin, N.Y. 12025.	Sept. 20, 1974 Aug. 6, 1976
Do	Cayuga	Brutus, town of	H 360104A 01 through H 360104A 06.	Town Supervisor, 2686 East Brutus, N.Y. 13166	Sept. 6, 1974
Do	Oneida	Camden, village of	H 360983A 01 through H 360983A 02.	Mayor, 74 2d St., Camden, N.Y. 13316	June 21, 1974 Aug. 6, 1976
Do	St. Lawrence	Canton, village of	H 360937A 01 through H 360937A 02.	Mayor, Municipal Bldg., Canton, N.Y. 13617	Aug. 16, 1974 Aug. 6, 1976
Do	Putnam	Carmel, town of	H 360669A 01 through H 360669A 12.	Supervisor, Town Hall, Carmel, N.Y. 10541	Sept. 13, 1974 Aug. 6, 1976
Do	Rensselaer	Castleton-on-Hudson, village of	H 360973A 01	Mayor, 126 South Main St., Castleton-on-Hudson, N.Y. 12033.	Mar. 1, 1974
Do	Chemung	Chemung, town of	H 360149 01 through H 360149 06.	Supervisor, Box 45, Chemung, N.Y. 14825	Oct. 1, 1976
Do	Broome	Colesville, town of	H 360041B 01 through H 360041B 05.	Town Supervisor, Rural Delivery No. 2, Harpursville, N.Y. 13787.	Apr. 18, 1975 June 28, 1974 Aug. 6, 1976
Do	Steuben	Corning, city of	H 360772B 01 through H 360772B 07.	Mayor, 11 East Market St., Corning, N.Y. 11830	Aug. 24, 1973 Dec. 7, 1973 Aug. 6, 1976
Do	Suffolk	Dering Harbor, village of	H 361524A 01	Mayor, Box 1, Shelter Island, N.Y. 11964	Dec. 20, 1974 Aug. 6, 1976
Do	Broome	Endicott, village of	H 360045 01 through H 360045 03.	Mayor, Village Hall, Endicott, N.Y. 13760	Oct. 1, 1976
Do	Franklin	Fort Covington, town of (including village of Fort Covington).	H 360270A 01 through H 360270A 04.	Town supervisor, Center St., Fort Covington, N.Y. 12937	Do.
Do	Delaware	Hamden, town of	H 360200A 01 through H 360200A 05.	Town supervisor, Town Hall, De Lancey, N.Y. 13752	June 28, 1974 Aug. 6, 1976
Do	do	Hancock, village of	H 360202A 01	Mayor, 66 East Front St., Hancock, N.Y. 13783	May 31, 1974 Aug. 6, 1976
Do	Oswego	Hannibal, town of	H 360651 01 through H 360651 05.	Supervisor, Fulton St., Hannibal, N.Y. 13074	Oct. 1, 1976
Do	Rockland	Hillburn, village of	H 360683A 01 through H 360683A 05.	Mayor, 37 5th St., Hillburn, N.Y. 10931	Mar. 15, 1974 Aug. 6, 1976
Do	Cortland	Homer, town of	H 360181A 01 through H 360181A 05.	Supervisor, 31 North Main St., Homer, N.Y. 13077	Sept. 20, 1974 Aug. 6, 1976
Do	Rensselaer	Hoosick, town of	H 361154A 01 through H 361154A 16.	Supervisor, 1 Abbott St., Hoosick Falls, N.Y. 12089	Nov. 1, 1974 Aug. 6, 1976
Do	Nassau	Kings Point, village of	H 360473A 01 through H 360473A 04.	Mayor, 32 Steppingstone Lane, Kings Point, N.Y. 11024	June 21, 1974 Aug. 6, 1976
Do	do	Lawrence, village of	H 360476A 01 through H 360476A 08.	Mayor, 196 Central Ave., Lawrence, N.Y. 11559	June 21, 1974 Aug. 6, 1976
Do	Niagara	Lewiston, town of	H 360502A 01 through H 360502A 13.	Supervisor, 1375 Ridge Rd., Lewiston, N.Y. 14092	Apr. 12, 1974 Aug. 6, 1976
Do	Cayuga	Meridian, village of	H 361520A 01 through H 361520A 02.	Mayor, Boota Bridge Rd., Meridian, N.Y. No ZIP code.	Dec. 6, 1974 Aug. 6, 1976
Do	Orange	Monroe, town of	H 360921A 01 through H 360921A 07.	Supervisor, 15 Lake St., Monroe, N.Y. 10950	June 28, 1974 Aug. 6, 1976
Do	Ulster	New Paltz, town of	H 360859B 01 through H 360859B 04.	Supervisor, P.O. Box 551, New Paltz, N.Y. 12561	Jan. 2, 1976 May 17, 1974 Aug. 6, 1976
Do	Fulton	Northampton, town of	H 361400A 01 through H 361400A 08.	Supervisor, 311 North 3d St., Northville, N.Y. 12134	Jan. 31, 1975 Aug. 6, 1976
Do	Tioga	Owego, town of	H 360839A 01 through H 360839A 13.	Supervisor, 23 Lake St., Owego, N.Y. 13827	Nov. 1, 1974 Aug. 6, 1976

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State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazard
Do	Dutchess	Pawling, town of	H 361341A 01 through H 361341A 06.	Supervisor, 160 Maple Blvd., Pawling, N.Y. 12564	Oct. 25, 1974 Aug. 6, 1976
Do	Saratoga	Providence, town of	H 361190A 01 through H 361190A 04.	Supervisor, Rural Delivery No. 1, Galway, N.Y. 12074	Nov. 15, 1974 Aug. 6, 1976
Do	Dutchess	Red Hook, town of	H 361143A 01 through H 361143A 06.	Supervisor, Town Administrator Bldg., 107 South Broadway, Red Hook, N.Y. 11201.	Oct. 18, 1974 Aug. 6, 1976
Do	Rensselaer	Rensselaer, city of	H 361032A 01 through H 361032A 02.	Mayor, 505 Broadway, Rensselaer, N.Y. 12144	July 26, 1974 Aug. 6, 1976
Do	Sullivan	Rockland, town of	H 360829A 01 through H 360829A 11.	Town Supervisor, Town Hall, Livingston Manor, N.Y. 12758.	June 28, 1974 Aug. 6, 1976
Do	Oswego	Scriba, town of	H 360663A 01 through H 360663A 12.	Supervisor, Rural Delivery 4, Oswego, N.Y. 13126	July 19, 1974 Aug. 6, 1976
Do	Putnam	Southeast, town of	H 361041 01 through H 361041 05.	Town Supervisor, Town Hall, Brewster, N.Y. 10509	Oct. 1, 1976
Do	Livingston	Springwater, town of	H 360290A 01 through H 360290A 04.	Town Supervisor, Rural Delivery 1, Wayland, N.Y. 14572	June 14, 1974 Aug. 6, 1976
Do	Chemung	Van Etten, village of	H 361056A 01	Mayor, Main St., Van Etten, N.Y. 14889	June 14, 1974 Aug. 6, 1976
Do	Cortland	Virgil, town of	H 360187A 01 through H 360187A 03.	Supervisor, Rural Delivery 2, Church St., Courtland, N.Y. 13045.	Mar. 29, 1974 Aug. 6, 1976
Do	Allegany	Wellsville, town of	H 360035A 01 through H 360035A 05.	Town Supervisor, Municipal Bldg., Wellsville, N.Y. 14895	Dec. 20, 1974 Aug. 6, 1976
Do	Oswego	West Monroe, town of	H 360664A 01 through H 360664A 06.	Supervisor, P.O. Box 4, West Monroe, N.Y. 13167	Sept. 20, 1974 Aug. 6, 1976
Do	Erie	Williamsville, village of	H 360263A 01	Mayor, 5583 Main St., Williamsville, N.Y. 14221	May 31, 1974 Aug. 6, 1976
Do	Oneida	Yorkville, village of	H 360568A 01	Mayor, Village Hall, Yorkville, N.Y. 13495	Feb. 22, 1974 Aug. 6, 1976
North Carolina	Catawba	Conover, city of	H 370033A 01	Mayor, P.O. Box 485, Conover, N.C. 28613	June 21, 1974 Aug. 6, 1976
Do	Chowan	Edenton, town of	H 370062A 01 through H 370062A 02.	Mayor, P.O. Box 300, Edenton, N.C. 27932	Feb. 15, 1974 Aug. 6, 1976
Do	Rutherford	Rutherfordton, town of	H 370219A 01 through H 370219A 02.	Mayor, North Washington and 1st Sts., Rutherfordton, N.C. No ZIP code.	Mar. 1, 1974 Aug. 6, 1976
Ohio	Licking	Alexandria, village of	H 390239A 01	Mayor, Village Hall, Alexandria, Ohio. No ZIP code	May 31, 1974
Do	Ashland	Ashland, city of	H 390007A 01 through H 390007A 09.	Mayor, 206 Claremont Ave., Ashland, Ohio 44805	Apr. 12, 1974 Aug. 6, 1976
Do	Cuyahoga	Brook Park, city of	H 390102A 01 through H 390102A 04.	Mayor, 6161 Engle Rd., Brook Park, Ohio 44142	June 7, 1974
Do	Mercer	Coldwater, village of	H 390394A 01	Mayr, 305 West Main St., Coldwater, Ohio 45828	June 7, 1974 Aug. 6, 1976
Do	Franklin	Gahanna, city of	H 390171A 01 through H 390171A 02.	Mayor, 200 Hamilton, Gahanna, Ohio 43230	May 17, 1974 Aug. 6, 1976
Do	Licking	Hartford, village of	H 390331A 01	Mayor, Croton, Ohio 43013	Sept. 13, 1974
Do	Cuyahoga	Olmsted Falls, city of	H 390672A 01 through H 390672A 02.	Mayor, 9722 Columbia Rd., Olmsted Falls, Ohio 44138	June 14, 1974 Aug. 6, 1976
Do	Putnam	Ottawa, village of	H 390472A 01 through H 390472A 02.	Mayor, 221 East Main St., Ottawa, Ohio 45875	June 7, 1974 Aug. 6, 1976
Do	Cuyahoga	Pepper Pike, city of	H 390125A 01 through H 390125A 02.	Mayor, 28000 Shaker Blvd., Pepper Pike, Ohio 44124	Apr. 5, 1974
Do	Shelby	Port Jefferson, village of	H 390506A 01	Mayor, Box 165, Port Jefferson, Ohio 45360	Aug. 9, 1974
Do	Athens	Trimble, village of	H 390021 01 through H 390021 02.	Mayor, Village Hall, Trimble, Ohio 45732	Oct. 1, 1976
Do	Franklin	Upper Arlington, city of	H 390178A 01 through H 390178A 05.	City Manager, 3600 Tremont Rd., Upper Arlington, Ohio 43220.	May 17, 1974 Aug. 6, 1976
Do	Wyandot	Upper Sandusky, city of	H 390592A 01 through H 390592A 03.	Mayor, 119 North 17th St., Upper Sandusky, Ohio 43351	Jan. 9, 1974 Aug. 6, 1976
Do	Lucas	Whitehouse, village of	H 390639A 01	Mayor, 6655 Providence St., Whitehouse, Ohio 43571	Mar. 29, 1974 Aug. 29, 1976
Oklahoma	Haskell	Keota, town of	H 400391 01	President, Town Hall, Main St., Keota, Okla. 74941	Oct. 1, 1976
Do	Le Flore	Spiro, town of	H 400413 01 through H 400413 02.	President, Town Hall, Spiro, Okla. 74959	Do.
Oregon	Marion	Aumsville, city of	H 410155A 01	Mayor, 595 Main St., Aumsville, Oreg. 97325	May 10, 1974
Do	Lane	Junction City, city of	H 410124A 01 through H 410124A 03.	Mayor, City Hall, Junction City, Oreg. 97448	May 10, 1974 Aug. 6, 1976
Do	Clackamas	Wilsonville, city of	H 410035A 01 through H 410035A 04.	Mayor, City Hall, Wilsonville, Oreg. 97070	Mar. 29, 1974 Aug. 6, 1976
Pennsylvania	Berk	Birdsboro, borough of	H 420127A 01	Mayor, 113 East Main St., Birdsboro, Pa. 19508	Oct. 25, 1974 Aug. 6, 1976
Do	Washington	Blaine, township of	H 422141A 01 through H 422141A 02.	Chairman, Rural Delivery 1, Avella, Pa. 15312	Oct. 18, 1974 Aug. 6, 1976
Do	Delaware	Chester, city of	H 420404A 01 through H 420404A 05.	Mayor, Municipal Bldg., 5th Welsh St., Chester, Pa. 19013.	Mar. 2, 1974 Aug. 6, 1976
Do	do	Chester, township of	H 420405A 01	President Board of Supervisors, 1327 Peterson Rd., Chester, Pa. 19013.	Dec. 28, 1973
Do	do	Chester Heights, borough of	H 420406A 01 through H 420406A 02.	Mayor, Borough Hall, Chester Heights, Pa. 19017	Mar. 30, 1973 Aug. 6, 1976
Do	Allegheny	Cheswick, borough of	H 420022A 01	Mayor, 1411 Spruce St., Cheswick, Pa. 15024	Feb. 1, 1974
Do	Clearfield	Clearfield, borough of	H 420300A 01 through H 420300A 04.	Mayor, 221 East Market St., Clearfield, Pa. 16830	Jan. 16, 1974 Aug. 6, 1976
Do	Delaware	East Lansdowne, borough of	H 420412 01	Mayor, 155 Hirst Ave., East Lansdowne, Pa. 19050	Oct. 1, 1976
Do	do	Edgemont, township of	H 420414A 01 through H 420414A 05.	Chairman, Township Supervisors, Township Hall, Gradyville, Pa. 19039.	Feb. 8, 1974 Aug. 6, 1976
Do	Bedford	Everett, borough of	H 420119A 01	Mayor, 101 East Main St., Everett, Pa. 15537	Aug. 9, 1974 Aug. 6, 1976
Do	Allegheny	Fox Chapel, borough of	H 420036A 01 through H 420036A 04.	Mayor, 401 Fox Chapel, Pittsburgh, Pa. 15238	July 26, 1974 Aug. 6, 1976
Do	Somerset	Garrett, borough of	H 420797A 01 through H 420797A 02.	Mayor, Box 218, Garrett, Pa. 15542	Apr. 12, 1974
Do	Susquehanna	Great Bend, borough of	H 421212 01 through H 421212 03.	Mayor, 319 Main St., Great Bend, Pa. 18821	Oct. 1, 1976
Do	Allegheny	Haysville, borough of	H 420042A 01	Mayor, 45 River Rd., Haysville, Pa. 15143	Aug. 9, 1974 Aug. 6, 1976
Do	Westmoreland	Hempfield, township of	H 420678A 01 through H 420678A 08.	Chairman, Board of Supervisors, 428 Bridge Ave., Greensburg, Pa. No ZIP code.	July 26, 1974 Aug. 6, 1976
Do	Huntingdon	Henderson, township of	H 420960A 01 through H420960A 01.	Chairman, Rural Delivery 3, Henderson, Pa. 16652	May 31, 1974 Aug. 6, 1976
Do	Elk	Horton, township of	H 421610A 01 through H 421610A 06.	Chairman, Township Hall, Brockport, Pa. 15823	Sept. 13, 1974 Aug. 6, 1976
Do	Lancaster	Lancaster, township of	H 420553A 01 through H 420553A 04.	Chairman, Township Supervisor, 1240 Maple Ave., Lancaster, Pa. No ZIP Code.	July 13, 1973 Aug. 6, 1976
Do	Lycoming	Lewis, township of	H 420643A 01 through H 420643A 06.	Chairman, Star Route, Trout Run, Pa. 17771	May 24, 1974 Aug. 6, 1976
Do	Chester	Lower Oxford, township of	H 421485A 01 through H 421485A 03	Chairman, Rural Delivery 1, Lincoln University, Pa. 19352	Oct. 18, 1974 Aug. 6, 1976

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazard
Do	Tioga	Middlebury, township of	H 421179A 01 through H 421179A 29.	Chairman, Board of Supervisors, Rural Delivery 2, Middlebury Center, Pa. 16935.	Sept. 20, 1974 Aug. 6, 1976
Do	Chester	Newlin, township of	H 421486A 01 through H 421486A 02.	Chairman, Rural Delivery 4, Box 775, Coatesville, Pa. 19320.	Nov. 1, 1974 Aug. 6, 1976
Do	Bucks	Newtown, borough of	H 420196A 01	Mayor, 35 Court St., Newtown, Pa. 18940	Mar. 22, 1974 Aug. 6, 1976
Do	Erie	North East, borough of	H 421359A 01 through H 421359A 03.	Mayor, 58 East Main St., North East, Pa. 16428	Nov. 8, 1974 Aug. 6, 1976
Do	Allegheny	Oakdale, borough of	H 420059A 01	Mayor, 606 1st St., Oakdale, Pa. 15071	Dec. 7, 1973 Aug. 6, 1976
Do	Clearfield	Osceola Mills, borough of	H 420813A 01	Mayor, 307 Pruner St., Osceola Mills, Pa. 16666	Mar. 29, 1974
Do	Bradford	Overton, township of	H 421402A 01 through H 421402A 05.	Chairman, Rural Delivery 2, New Albany, Pa. 18833	Aug. 30, 1974 Aug. 6, 1976
Do	Westmoreland	Penn, borough of	H 420895A 01	Mayor, Emett St., Penn, Pa. 15675	Apr. 12, 1974 Aug. 6, 1976
Do	Luzerne	Pringle, borough of	H 420624A 01	Mayor, Borough Hall, Evans St., Kingston, Pringle, Pa. 18704.	July 13, 1973 Aug. 6, 1976
Do	Crawford	Richmond, township of	H 421569A 01 through H 421569A 12.	Chairman, Rural Delivery No. 1, Guys Mills, Pa. 16327	Oct. 25, 1974 Aug. 6, 1976
Do	Delaware	Ridley, township of	H 420439A 01 through H 420439A 05.	President, Township Municipal Bldg., Folson, Pa. No ZIP code.	Apr. 27, 1973 Aug. 6, 1976
Do	Berks	Ruscombmanor, township of	H 421699 01 through H 421699 02.	Chairman, Rural Delivery 2, Fleetwood, Pa. 19522	Oct. 1, 1976
Do	Columbia	South Centre, township of	H 421137A 01 through H 421137A 07.	Chairman, Township Supervisors, Rural Delivery 5, Bloomsburg, Pa. 17815.	July 26, 1974 Aug. 6, 1976
Do	Allegheny	South Park, township of	H 421165A 01 through H 421165A 03.	Chairman, 2675 Brownsville, Rd., Library, Pa. 15129	June 28, 1974 Aug. 6, 1976
Do	Chester	West Bradford, township of	H 421495A 01 through H 421595A 03.	Chairman, Township Supervisors, 1535 Poorhouse Rd., Downingtown, Pa. No ZIP code.	Nov. 8, 1974 Aug. 6, 1976
Do	do	West Caln, township of	H 421497A 01 through H 421497A 04.	Supervisor, Rural Delivery 2, Coatsville, Pa. 19320	Sept. 6, 1974 Aug. 6, 1976
Do	Lancaster	West Cocalico, township of	H 421787A 01 through H 421787A 10.	Chairman, Rural Delivery 1, Ehnholds, Pa. 17569	Sept. 13, 1974 Aug. 6, 1976
Do	Westmoreland	Youngwood, borough of	H 420908A 01 through H 420908A 03.	Mayor, Borough Hall, Youngwood, Pa. 15697	June 21, 1974 Aug. 6, 1976
South Carolina	Greenville	Mauldin, city of	H 450198A 01 through H 450198A 09.	Mayor, P.O. Box 457, Mauldin, S.C. 29662	Aug. 16, 1974 Aug. 6, 1976
Do	Lexington	Pine Ridge, town of	H 450360A 01	Mayor, 1015 Fish Hatchery Rd., Pine Ridge, S.C. 29169	June 21, 1974 Aug. 6, 1976
Tennessee	Montgomery	Clarksville, city of	H 470137A 01 through H 470137A 15.	Mayor, Public Sq., Clarksville, Tenn. 37040	Sept. 6, 1974 Aug. 6, 1976
Do	Wilson	Lebanon, city of	H 470208A 01 through H 470208A 06.	Mayor, 119 South College St., Lebanon, Tenn. 37087	Apr. 12, 1974 Aug. 6, 1976
Do	Marshall	Lewisburg, city of	H 470121A 01 through H 470121A 07.	Mayor, City Administration Bldg., Ellington By-Pass, Lewisburg, Tenn. No ZIP code.	Mar. 1, 1974 Aug. 6, 1976
Do	Tipton	Mason, town of	H 470191 01	Mayor, P.O. Box 265, Mason, Tenn. 38049	Oct. 1, 1976
Do	McNairy	Michie, city of	H 470336 01 through H 470336 10.	Mayor, P.O. Box 48, Michie, Tenn. 38357	Do.
Do	Shelby	Millington, city of	H 470178A 01 through H 470178A 04.	Mayor, P.O. Box 247, Millington, Tenn. 38053	May 31, 1974 Aug. 6, 1976
Do	Claiborne	New Tazewell, town of	H 470030A 01 through H 470030A 05.	Mayor, P.O. Box 277, Tazewell, Tenn. 37825	June 28, 1974 Aug. 6, 1976
Do	Hardin	Saltillo, town of	H 470083A 01 through H 470083A 02.	Mayor, P.O. Box 97, Saltillo, Tenn. 38370	June 14, 1974 Aug. 6, 1976
Do	Obion	Union City, city of	H 470142A 01 through H 470142A 06.	Mayor, P.O. Box 9, Union City, Tenn. 38281	June 7, 1974 Aug. 6, 1976
Texas	Coryell	Copperas Cove, city of	H 480155A 01 through H 480155A 02.	Mayor, City Hall, 507 South Main St., P.O. Drawer 280, Copperas Cove, Tex. 76522.	Apr. 5, 1974 Aug. 6, 1976
Do	Marion	Jefferson, city of	H 480465A 01 through H 480465A 02.	Mayor, City Hall, 112 North Polk, Jefferson, Tex. 75657	June 7, 1974 Aug. 6, 1976
Do	Denton	Lewisville, city of	H 480195A 01 through H 480195A 16.	Planning Director, City Hall, 151 West Church St., Lewisville, Tex. 75067.	Mar. 15, 1974 Aug. 6, 1976
Do	Tarrant	North Richland Hill, city of	H 480607A 01 through H 480607A 07.	Mayor, City Hall, 4101 Norgan Circle, Fort Worth, Tex. 76118.	June 28, 1974 Aug. 6, 1976
Do	Lamb	Olton, city of	H 480896 01	Mayor, City Hall, 115 8th St., Olton, Tex. 79064	Oct. 1, 1976
Do	Collin	Parker, city of	H 480139 01 through H 480139 04.	Mayor, City Hall, Parker, Tex. 75002	Do.
Do	Frio	Pearsall, city of	H 480238A 01 through H 480238A 05.	Mayor, City Hall, 213 South Oak St., Pearsall, Tex. 78061	May 17, 1974 Aug. 6, 1976
Do	Guadalupe	Schertz, city of	H 480269A 01 through H 480269A 06.	Mayor, City Hall, Main and 1st St., P.O. Drawer 1, Schertz, Tex. 87154.	Mar. 1, 1974 Aug. 6, 1976
Do	Bosque	Walnut Springs, city of	H 480713 01	Mayor, City Hall, Walnut Springs, Tex. 76690	Oct. 1, 1976
Vermont	Franklin	Ensoburg Falls, village of	H 500050A 01 through H 500050A 02.	Chairman, Board of Trustees, Village Hall, Ensoburg Falls, Vt. 05450.	Apr. 5, 1974 Aug. 6, 1976
Do	Grand Isle	Isle La Motte, town of	H 500224A 01 through H 500224A 09.	Chairman, Isle La Motte, Vt. 05463	Nov. 1, 1974 Aug. 6, 1976
Virginia		Harrisonburg, city of	H 510076A 1 through H 510076A 03.	Mayor, 345 South Main St., Harrisonburg, Va. 22801	Aug. 16, 1974 Aug. 6, 1976
Do		Lexington, city of	H 510089A 01 through H 510089A 02.	Mayor, Box 922, Lexington, Va. 24450	Feb. 15, 1974 Aug. 6, 1976
Do		Lynchburg, city of	H 510003A 01 through H 510003A 17.	Mayor, Box 60, Lynchburg, Va. 24505	Aug. 9, 1974 Aug. 6, 1976
Do	Shenandoah	Unincorporated areas	H 510147A 01 through H 510147A 34.	County Administrator, P.O. Box 452, Woodstock, Va. No ZIP code.	Dec. 20, 1974 Aug. 6, 1976
Washington	Clark	Washougal, city of	H 530058A 01 through H 530058A 02.	Mayor, 1701 C St., City Hall, Washougal, Wash. 98671	Mar. 15, 1974 Aug. 6, 1976
West Virginia	Hardy	Moorefield town of	H 540052A 01 through H 540052A 02.	Mayor, Town Hall, Moorefield, W. Va. 26836	May 31, 1974 Aug. 6, 1976
Wisconsin	Dunn	Boyceville, village of	H 550119A 01	Village President, Village Hall, Boyceville, Wis. 54725	June 14, 1974 Aug. 6, 1976
Do	Vernon	Hillsboro, city of	H 550455A 01	Mayor, City Hall, Hillsboro, Wis. 54634	May 31, 1974 Aug. 6, 1976
Do	Columbia	Lodi, city of	H 550061A 01	Mayor, 113 South Main St., Lodi, Wis. 53555	Apr. 12, 1974
Do	Waukesha	Muskego, city of	H 550486A 01 through H 550486A 11.	Mayor, P.O. Box 25, Muskego, Wis. 53150	June 21, 1974 Aug. 6, 1976
Do	Milwaukee	Oak Creek, city of	H 550279A 01 through H 550279A 07.	Mayor, 8640 South Howell Ave., Oak Creek, Wis. 53154	Mar. 22, 1974 Aug. 6, 1976
Do	Dane	Oregon, village of	H 550089A 01	Village President, 127 Part St., Oregon, Wis. 53575	May 24, 1974 Aug. 6, 1976
Do	Sheboygan	Random Lake, village of	H 550429A 01	Village President, 665 Western Ave., Random Lake, Wis. 53075.	June 28, 1974 Aug. 6, 1976
Do	Shawano	Shawano, city of	H 550121A 01 through H 550421A 02.	Mayor, 213 East Green Bay St., Shawano, Wis. 54166	Nov. 30, 1973 Aug. 6, 1976
Do	Waukesha	Sussex, village of	H 550490A 01 through H 550490A 02.	Village President, N 62, W23996, Hickorty Dr., Sussex, Wis.	Apr. 12, 1974 Aug. 6, 1976
Do	Langlade	White Lake, village of	H 550233 01	Village President, Village Hall, White Lake, Wis. 54491	Oct. 1, 1976
Wyoming	Natrona	Edgerton, town of	H 560060 01 through H 560060 02.	Mayor, Town Hall, 309 North 2d St., Edgerton, Wyo. 82635.	Do.
Do	Fremont	Riverton, city of	H 560021A 01 through H 560021A 05.	Mayor, City Hall, Riverton, Wyo. 82501	Mar. 29, 1974 Aug. 6, 1976

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State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazard
Alabama	Butler	Greenville, city of	H 010329 01 through H 010329 07.	Mayor, P.O. Box 158, Greenville, Ala. 36037	Oct. 8, 1976
Do	Jefferson	Morris, town of	H 010284 01	Mayor, P.O. Box 163, Morris, Ala. 35116	Dc.
Do	Mobile	Prichard, city of	H 010170A 01 through H 010170A 10.	Mayor, P.O. Box 10427, Prichard, Ala. 36610	June 28, 1974 Aug. 13, 1976
Do	do	Wilmer, town of	H 010346 01 through H 010346 03.	Mayor, P.O. Box 70, Wilmer, Ala. 36857	Oct. 8, 1976
California	Los Angeles	Avalon, city of	H 060098 01	Mayor, City Hall, Avalon, Calif. 90704	Do.
Do	San Diego	La Mesa, city of	H 060292A 01 through H 060292A 04.	City Engineer, City Hall, 8130 Allison Ave., La Mesa, Calif. 92041.	Mar. 8, 1974 Aug. 13, 1976
Do	Los Angeles	Sierra Madre, city of	H 065059A 01 through H 065069A 03.	Mayor, 55 West Sierra Madre Blvd., City Hall, Sierra Madre, Calif. 91024.	June 28, 1974 Aug. 13, 1976
Colorado	Gilpin	Black Hawk, city of	H 080076A 01	Mayor, City Hall, Black Hawk, Colo. 80422	Aug. 30, 1976 Aug. 13, 1976
Do	Summit	Dillon, new town of	H 080237A 01 through H 080237A 02.	Mayor, P.O. Box 8, Dillon, Colo. 80435	Aug. 8, 1975 Aug. 13, 1976
Do	Prowers	Lamar, city of	H 080146A 01 through H 080146A 02.	City Administrator, City Hall, Lamar, Colo. 81052	Mar. 22, 1976 Aug. 13, 1976
Connecticut	Hartford	East Granby, town of	H 090025A 01 through H 090025A 09.	Selectmen, Town Hall, Center St., East Granby, Conn. 06026.	May 31, 1974 Aug. 13, 1976
Do	do	East Windsor, town of	H 090027A 01 through H 090027A 09.	Selectmen, Town Hall, 11 Rye St., Broad Brook, Conn. 06016.	Nov. 16, 1973 Aug. 13, 1976
Georgia	Liberty	Unincorporated areas	H 130123 01 through H 130123 43.	Chairman, Board of Commissioners, Liberty County, P.O. Box 81, Hinesville, Ga. 31313.	Oct. 8, 1976
Idaho	Kootenai	Hauser Lake, city of	H 160141 01 through H 160141 02.	City Clerk, Route 1, P.O. Box 218A, Hauser, Idaho 83854.	Do.
Do	Canyon	Nampa, city of	H 160038A 01 through H 160038A 05.	Mayor, City Hall, 203 12th Ave. South, Nampa, Idaho 83651.	May 31, 1974 Aug. 13, 1976
Do	Bannock	Pocatello, city of	H 160012A 01 through H 160012A 05.	Mayor, City Hall, 209 East Lewis St., Pocatello, Idaho 83201.	Mar. 1, 1974 Aug. 13, 1976
Illinois	Du Page	Bensenville, village of	H 170200A 01 through H 170200A 03.	Village President, 700 West Irving, Park Rd., Bensenville, Ill. 60106.	Aug. 13, 1976 Aug. 13, 1976
Do	St. Clair	Fairmont City, village of	H 170627 01	Village President, 2601 North 41st St., Fairmont City, Ill. 62201.	Oct. 8, 1976
Do	Cook	Harvey, city of	H 170100A 01 through H 170100A 03.	Mayor, 15320 Broadway, Harvey, Ill. 60426	June 28, 1974 Aug. 13, 1976
Do	Whiteside	Lyndon, village of	H 170917 01	Village President, P.O. Box 205, Lyndon, Ill. 61261	Oct. 8, 1976
Do	Cook	Northbrook, village of	H 170132A 01 through H 170132A 04.	Village Manager, 1225 Cedar Lane, Northbrook, Ill. 60062	Feb. 22, 1974 Aug. 13, 1976
Do	St. Clair	Washington Park, village of	H 170638 01 through H 170638 02.	Village President, 5621 Forest Blvd., East St. Louis, Ill. 62201.	Oct. 8, 1976
Indiana	Adams	Decatur, city of	H 180001A 01	Mayor, 225 West Monroe St., Decatur, Ind. 46733	Nov. 23, 1973 Aug. 13, 1976
Do	Newton	Kentland, town of	H 180182A 01	Mayor, 214 East Dunlap, Kentland, Ind. 47951	May 21, 1974
Do	Wayne	Milton, town of	H 180285A 01	President, Town Board, P.O. Box 398, Milton, Ind. 47357	Oct. 8, 1976
Iowa	Cedar	Tipton, city of	H 190057A 01 through H 190057A 02.	City Coordinator, City Hall, Tipton, Iowa 52772	Mar. 29, 1974 Aug. 13, 1976
Do	Grundy	Wellsburg, city of	H 190680 01	Mayor, City Hall, Wellsburg, Iowa 50680	Oct. 8, 1976
Do	Page	Yorktown, city of	H 190474 01	Mayor, City Hall, Yorktown, Iowa 51656	Do.
Kentucky	Edmonson	Brownsville, town of	H 210236 01	Mayor, City Hall, Brownsville, Ky. 42210	Do.
Do	Marshall	Hardin, city of	H 210303A 01 through H 210303A 02.	Mayor, City Hall, Hardin, Ky. 42048	June 14, 1974 Aug. 13, 1976
Do	Hart	Munfordville, city of	H 210243A 01 through H 210243A 02.	Mayor, Main St., Munfordville, Ky. 42765	Oct. 8, 1976
Do	Calloway	Murray, city of	H 210033A 01 through H 210033A 08.	Mayor, City Hall, Murray, Ky. 42071	June 14, 1974 Aug. 13, 1976
Maine	Knox	Camden, town of	H 230074A 01 through H 230074A 08.	Town Manager, Washington St., Camden, Maine 01843	May 31, 1974 Aug. 13, 1976
Do	Washington	Cherryfield, town of	H 230135A 01 through H 230135A 14.	Selectmen, Town Hall, Cherryfield, Maine 04622	Aug. 2, 1974 Aug. 13, 1976
Do	Somerset	Fairfield, town of	H 230125A 01 through H 230125A 18.	Clerk of the Land Use Board, P.O. Box 149, Fairfield, Maine 04937.	Nov. 1, 1974 Aug. 13, 1976
Do	Penobscot	Hampden, town of	H 230168A 01 through H 230168A 14.	Councilmen, Town Hall, Hampden, Maine 04444	Nov. 8, 1974 Aug. 13, 1976
Do	do	Holden, town of	H 230390A 01 through H 230390A 09.	Selectmen, P.O. Box 83, East Holden, Maine 05340	Feb. 7, 1975 Aug. 13, 1976
Do	Washington	Milbridge, town of	H 230142A 01 through H 230142A 16.	Selectmen, Town Hall, Milbridge, Maine 04658	Aug. 2, 1974 Aug. 13, 1976
Do	Aroostock	Monticello, town of	H 230431A 01 through H 230431A 12.	Town Manager, Office of Selectmen, P.O. Box 102, Monticello, Maine 04760.	Feb. 7, 1975 Aug. 13, 1976
Do	Knox	Rockport, town of	H 230077A 01 through H 230077A 09.	Administrative Assistant, P.O. Box 127, Rockport, Maine 04856.	Sept. 20, 1974 Aug. 13, 1976
Do	Aroostook	Sherman, town of	H 230033A 01 through H 230033A 12.	Town Manager, Town Hall, Sherman, Maine 04776	Aug. 2, 1974 Aug. 13, 1976
Do	Knox	Warren, town of	H 230081A 01 through H 230081A 16.	Town Manager, P.O. Box 128, Warren, Maine 04864	Sept. 6, 1974 Aug. 13, 1976
Massachusetts	Franklin	Charlemont, town of	H 250112A 01 through H 250112A 11.	Selectman, Town Hall, Main St., Charlemont, Mass. 01339.	Aug. 2, 1974 Aug. 13, 1976
Do	Barnstable	Eastham, town of	H 250006A 01 through H 250006A 08.	Chairman, Selectmen, Town Hall, Eastham, Mass. 02642	Mar. 22, 1974 Aug. 13, 1976
Do	Norfolk	Foxborough, town of	H 250239A 01 through H 250239A 08.	Selectmen, Town Hall, 40 South St., Foxborough, Mass 02035.	July 26, 1974 Aug. 13, 1976
Do	Berkshire	Monterey, town of	H 250030A 01 through H 250030A 09.	Selectmen, Town Hall, Main Rd., Monterey, Mass. 01245	Mar. 15, 1974 Aug. 13, 1976
Do	Middlesex	Pepperell, town of	H 250210A 01 through H 250210A 09.	Selectmen, Town Hall, Main St., Pepperell, Mass. 01463	Aug. 2, 1974 Aug. 13, 1976
Do	do	Townsend, town of	H 250219A 01 through H 250219A 11.	Selectman, Town Hall, 272 Main St., Townsend, Mass. 01469.	Sept. 20, 1974 Aug. 13, 1976
Do	Worcester	Westminister, town of	H 250347A 01 through H250347A 16.	Selectmen, Town Hall, 3 Bacon St., Westminister, Mass. 01473.	July 26, 1974 Aug. 16, 1976
Michigan	Jackson	Brooklyn, village of	H 260335 01 through H 260335 02.	President, Box 96, Brooklyn, Mich. 49230	Oct. 8, 1976
Do	Berrien	Buchanan, township of	H 260555 01 through H 260555 12.	Supervisor, 1280 Main Street Rd., Buchanan, Mich. 49107	Do.
Do	Saginaw	Chesaning, township of	H 260500 01 through H 260500 12.	Supervisor, P.O. Box 174, Chesaning, Mich. 48616	Do.
Do	Menominee	Gourley, township of	H 260455 01 through H 260455 11.	Supervisor, Rural Route 1, Wilson, Mich. 49896	Do.

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazard
Do	Saginaw	St. Charles, village of	H 260593 01 through H 260593 02.	Mayor, 621 Delle Ave., St. Charles, Mich. 48655	Do.
Do	Muskegon	White River, township of	H 260299 01 through H 260299 06.	Supervisor, 6200 Channel Trail, Route 3, Montague, Mich. 49437.	Do.
Minnesota	Aitkin	Aitkin, city of	H 270001A 01	Mayor, City Hall, Aitkin, Minn. 56431	Jan. 9, 1974 Aug. 13, 1976
Do	Stearns	Eden Valley, city of	H 270283A 01	Mayor, City Hall, Eden Valley, Minn. 55329	May 3, 1974 Aug. 13, 1976
Do	Pipestone	Edgerton, city of	H 270351A 01	Mayor, City Hall, Edgerton, Minn. 56128	Apr. 12, 1974 Aug. 13, 1976
Do	Cass	Federal Dam, city of	H 270060 01 through H 270060 03.	Mayor, City Hall, Federal Dam, Minn. 56641	Oct. 8, 1976
Do	McLeod	Glencoe, city of	H 270263A 01 through H 270263A 02.	Mayor, 804 East Franklin St., Glenco, Minn. 55336	June 7, 1974 Aug. 13, 1976
Do	Fillmore	Spring Valley, city of	H 270132A 01 through H 270132A 02.	Mayor, City Hall, Spring Valley, Minn. 55975	May 17, 1974 Aug. 13, 1976
Mississippi	Monroe	Gattman, village of	H 280117A 01	Mayor, P.O. Box 37, Gattman, Miss. 38841	July 19, 1974 Aug. 13, 1976
Do	Tishomingo	Iuka, city of	H 280266A 01 through H 280266A 06.	Mayor, 122 Front St., Iuka, Miss. 38852	Mar. 8, 1974 Aug. 13, 1976
Do	Hawamba	Mantachie, town of	H 280082A 01	Mayor, Box 3, Mantachie, Miss. 38855	June 21, 1974 Aug. 13, 1976
Do	Neshoba	Philadelphia, city of	H 280120A 01 through H 280120A 04.	Mayor, 525 Main St., Philadelphia, Miss. 39350	Aug. 23, 1974 Aug. 13, 1976
Missouri	Dekalb	Union Star, city of	H 290512A 01	Mayor, City Hall, Union Star, Mo. 64494	Feb. 21, 1975
Nebraska	Madison	Norfolk, city of	H 310147A 01 through H 310147A 04.	Mayor, City Hall, Norfolk, Nebr. 68701	Jan. 23, 1974 Aug. 13, 1976
New Hampshire	Carroll	Freedom, town of	H 330013A 01 through H 330013A 10.	Selectmen, Town Hall, Freedom, N.H. 03836	Aug. 30, 1974 Aug. 13, 1976
New Jersey	Ocean	Berkeley, township of	H 340369A 01 through H 340369A 17.	Mayor, P.O. Box B, Bayville, N.J. 08721	Aug. 2, 1974 Aug. 13, 1976
Do	Bergen	East Rutherford, borough of	H 340028A 01	Mayor, Patterson Ave. and Everett Pl., East Rutherford, N.J. 07073.	Apr. 12, 1974
Do	Cloucester	Franklin, township of	H 340202A 01 through H 340202A 17.	Mayor, Coles Mill Rd., Township Hall, Franklinville, N.J. 08322.	Sept. 13, 1974 Aug. 13, 1976
Do	Hudson	Kearny, town of	H 340221A 01 through H 340221A 04.	Mayor, 100 Kearny Ave., Kearny, N.J. 07032	June 28, 1974 Aug. 13, 1976
Do	do	Jersey City, city of	H 340223A 01 through H 340223A 11.	Mayor, 280 Grove St., Jersey City, N.J. 07302	July 25, 1975 Aug. 13, 1976
Do	Bergen	Little Ferry, borough of	H 340016A 01	Mayor, 1 Katherine St., Little Ferry, N.J. 07643	Dec. 28, 1973 Aug. 13, 1976
Do	do	Lyndhurst, township of	H 340018A 01 through H 340018A 02.	Mayor, Township Hall, Valley Brook Ave., Lyndhurst, N.J. 07071.	July 26, 1974
Do	Bergen and Hudson.	Hackensack Meadowlands District.	H 340570 01 through H 340570 21.	Executive Director, 1099 Wall St., West Lyndhurst, N.J. 07071.	Oct. 8, 1976
Do	Morris	Montville, township of	H 340340A 01 through H 340340A 04.	Mayor, 86 River Rd., Montville, N.J. 07045	Dec. 28, 1973 Aug. 13, 1976
Do	Bergen	Moonachie, borough of	H 340053A 01	Mayor, 70 Moonachie Rd., Moonchie, N.J. 07074	June 28, 1974
Do	do	North Arlington, borough of	H 340055A 01 through H 340055A 02.	Mayor, 214 Ridge Rd., North Arlington, N.J. 07032	Mar. 29, 1974
Do	Hudson	North Bergen, township of	H 340225B 01 through H 340225B 04.	Mayor, 711 Herman Rd., North Bergen, N.J. 07047	June 28, 1974 Oct. 31, 1976 Aug. 13, 1976
Do	Bergen	Rutherford, borough of	H 340072A 01 through H 340072A 02.	Borough Administrator, 176 Park Ave., Rutherford, N.J. 07070.	Apr. 12, 1974
Do	Hudson	Secaucus, town of	H 340226A 01	Mayor, 1203 Patterson Plank Rd., Secaucus, N.J. 07094	Oct. 5, 1973 Aug. 13, 1976
Do	Bergen	South Hackensack, township of	H 340515A 01	Mayor, 227 Phillips Ave., South Hackensack, N.J. 07606	June 14, 1974
New York	Dutchess	Beekman, town of	H 361333A 01 through H 361333A 04.	Town Supervisor, Route 216, Rural Delivery No. 1, Poughquag, N.Y. 12570.	Oct. 18, 1974 Aug. 13, 1976
Do	Monroe	Brighton, town of	H 360410A 01 through H 360410A 06.	Supervisor, 2300 Elmwood Ave., Rochester, N.Y. 14618	May 31, 1974 Aug. 13, 1976
Do	Essex	Chesterfield, town of	H 360264A 01 through H 360264A 14.	Supervisor, Keeseville, N.Y. 12944	Sept. 6, 1974 Aug. 13, 1976
Do	Sullivan	Cochecton, town of	H 360817A 01 through H 360817A 03.	Town Supervisor, Rural Delivery, Cochecton, N.Y. 12726.	Oct. 8, 1976
Do	Westchester	Cortlandt, town of	H 360906A 01 through H 360906A 11.	Town Supervisor, Municipal Bldg., VanWyck St., Croton-on-Hudson, N.Y. 10520.	May 31, 1974 Aug. 13, 1976
Do	Saratoga	Galway, town of	H 360716B 01 through H 360716B 12.	Supervisor, Box 226, Galway, N.Y. 12074	Dec. 26, 1975 June 14, 1974 Aug. 13, 1976
Do	Delaware	Harpersfield, town of	H 360203A 01 through H 360203A 04.	Town Supervisor, Harpersfield, N.Y. 13786	July 26, 1974 Aug. 13, 1976
Do	Erie	Lackawanna, city of	H 360247A 01 through H 360247A 03.	Mayor, 714 Ridge Rd., Lackawanna, N.Y. 14218	June 28, 1974 Aug. 13, 1976
Do	Nassau	Manorhaven, village of	H 360479A 01	Mayor, 93 Manorhaven Blvd., Port Washington, N.Y. 11050.	June 14, 1974 Aug. 13, 1976
Do	Orange	Mount Hope, town of	H 360625A 01 through H 360625A 07.	Town Supervisor, 38 Mount Hope Ave., Otisville, N.Y. 10963.	May 24, 1974 Aug. 13, 1976
Do	Chenango	Pharsalia, town of	H 361091A 01 through H 361091A 05.	Supervisor, Rural Delivery 1, McDonough, N.Y. 13801	Oct. 18, 1974 Aug. 13, 1976
Do	Oswego	Schroeppel, town of	H 360662A 01 through H 360662A 13.	Supervisor, Rural Delivery 1, Stewart's Corners Rd., Pennellville, N.Y. 13132.	May 10, 1974 Aug. 13, 1976
Do	Madison	Sullivan, town of	H 360040A 01 through H 360040A 19.	Supervisor, Rural Delivery 2, Chittenango, N.Y. 13037	Oct. 8, 1976
Do	Steuben	Thurston, town of	H 361213A 01 through H 361213A 05.	Supervisor, Route 1, Campbell, N.Y. 14821	Oct. 25, 1974 Aug. 13, 1976
Do	Tompkins	Ulysses, town of	H 360854A 01 through H 360854A 03.	Supervisor, 10 Elm St., Trumansburg, N.Y. 14886	Aug. 13, 1976
Do	Albany	Watervliet, city of	H 360016A 01 through H 360016A 02.	Mayor, City Hall, Watervliet, N.Y. 12189	Feb. 1, 1974 Aug. 13, 1976
Do	Otsego	Worcester, town of	H 361283A 01 through H 361283A 14.	Supervisor, 203 Main St., Worcester, N.Y. 12197	Nov. 1, 1974 Aug. 13, 1976
North Carolina	Durham	Durham, city of	H 370086A 01 through H 370086A 14.	Mayor, P.O. Box 2251, Durham, N.C. 27702	Feb. 1, 1974 Aug. 13, 1976
Do	Wilkes	North Wilkesboro, town of	H 370257A 01 through H 370257A 02.	Mayor, P.O. Box 218, North Wilkesboro, N.C. 28659	Apr. 12, 1974 Aug. 13, 1976
Ohio	Clark	Unincorporated areas	H 390732 01 through H 390732P28.	President, Township Commissioners, 31 North Limestone St., Springfield, Ohio 45502.	Oct. 8, 1976
Do	Licking	Pataskala, village of	H 390336 01	Mayor, 430 South Main St., Pataskala, Ohio 43062	Do.
Do	Pickaway	South Bloomfield, village of	H 390449A 01	Mayor, 5023 South Union, Ashville, Ohio 43103	June 28, 1974 Aug. 13, 1976
Do	Lucas	Toledo, city of	H 395373 01 through H 395373 51.	Mayor, 550 North Erie, Toledo, Ohio 43604	Oct. 8, 1976
Oklahoma	Roger Mills	Cheyenne, town of	H 400183A 01 through H 400183A 03.	Mayor, Town Hall, Cheyenne, Okla. 73628	June 28, 1974 Aug. 13, 1976

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State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazard
Pennsylvania	Washington	California, borough of	H 420848 01 through H 420848 04.	Mayor, P.O. Box 696, California, Pa. 15419	Oct. 8, 1976
Do.	Lancaster	Conoy, township of	H 420545A 01 through H 420545A 06.	Chairman, Rural Delivery 1, Bainbridge, Pa. 17502	Oct. 12, 1973 Aug. 13, 1976
Do.	Bradford	Franklin, township of	H 421398A 01 through H 421398A 05.	Chairman, Monroeton, Pa. 18832	Oct. 25, 1974 Aug. 13, 1976
Do.	Montgomery	Hatfield, township of	H 420699A 01 through H 420699A 03.	President, School Road, Chestnut St., Hatfield, Pa. 19440	July 26, 1974 Aug. 13, 1976
Do.	Bucks	Lower Makefield, township of	H 420191A 01 through H 420191A 05.	Township Manager, 1100 Edgewood Rd., Yardley, Pa. 19067.	May 10, 1974 Aug. 13, 1976
Do.	Westmoreland	Mount Pleasant, borough of	H 422181A 01 through H 422181A 02.	Mayor, P.O. Box 119, Mount Pleasant, Pa. 15666	June 21, 1974
Do.	Lycoming	Old Lycoming, township of	H 420652A 01 through H 420652A 03.	Supervisor, 1951 Green Ave., Williamsport, Pa. 17701	Aug. 31, 1973 Aug. 13, 1976
Do.	Lancaster	Penn, township of	H 421778A 01 through H 421778A 09.	Chairman, Board of Supervisors, Rural Delivery 2, Lititz, Pa. 17543.	May 31, 1974 Aug. 13, 1976
Do.	Franklin	St. Thomas, township of	H 421656A 01 through H 421656A 17.	Township Chairman of Supervisor, St. Thomas, Pa. 17201	Sept. 13, 1974 Aug. 13, 1976
Do.	Butler	Slippery Rock, township of	H 420222 01 through H 420222 04.	Chairman, Rural Delivery 1, Slippery Rock, Pa. 16052	Oct. 8, 1976
Do.	Huntingdon	Smithfield, township of	H 420194A 01 through H 420194A 05.	Chairman, Board of Supervisor, Rural Delivery 1, Huntingdon, Pa. 16652.	Feb. 8, 1974 Aug. 13, 1976
Do.	Centre	Snow Shoe, township of	H 421198A 01 through H 421198A 07.	Chairman, Rural Delivery, Clarence, Pa. 16829	Sept. 13, 1974 Aug. 13, 1976
Do.	Cambria	Spangler, borough of	H 420240A 01	Mayor, Borough Hall, Spangler, Pa. 15775	Feb. 1, 1974 Aug. 13, 1976
Do.	Mercer	Springfield, township of	H 421877A 01 through H 421877A 08.	Chairman, Township Secretary, Rural Delivery 1, Grove City, Pa. 16127.	Dec. 13, 1974 Aug. 13, 1976
Do.	Chester	Thornbury, township of	H 420230A 01 through H 420230A 03.	Chairman, Box 11, Westtown, Pa. 19395	Aug. 2, 1974 Aug. 13, 1976
Do.	Bucks	Warrington, town of	H 420268A 01 through H 420268A 04.	Chairman, Pickerton, Mill Creek Rds., Warrington, Pa. 18976.	June 28, 1974 Aug. 13, 1976
South Dakota	Meade	Sturgis, city of	H 460055B 01 through H 460055B 02.	Mayor, City Hall, Sturgis, S. Dak. 57785	Nov. 16, 1973 Oct. 18, 1974 Aug. 13, 1976
Do.	Brookings	Volga, city of	H 460223 01	Mayor, City Hall, Volga, S. Dak. 57071	Oct. 8, 1976
Tennessee	Sullivan	Kingsport, city of	H 470181A 01 through H 470181A 19.	Mayor, 225 West Center St., Kingsport, Tenn. 37660	Mar. 8, 1974 Aug. 13, 1976
Do.	Hawkins	Rogersville, city of	H 470086A 01 through H 470086A 06.	Mayor, 106 Kyle St., Rogersville, Tenn. 37857	Feb. 15, 1974 Aug. 13, 1976
Do.	Monroe	Tellico Plains, city of	H 470280A 01 through H 470280A 02.	Mayor, Town Hall, Tellico Plains, Tenn. 37385	Mar. 8, 1974 Aug. 13, 1976
Do.	Marion	Whitwell, city of	H 470118A 01 through H 470118A 05.	Mayor, 110 East Spring Ave., Whitwell, Tenn. 37397	Feb. 15, 1974 Aug. 13, 1976
Texas	Henderson	Malakoff, city of	H 480329A 01 through H 480329A 03.	Mayor, 107 North Terry St., Malakoff, Tex. 75148	Oct. 25, 1974 Aug. 13, 1976
Do.	Grimes	Navasota, city of	H 480265 01 through H 480265 02.	Mayor, City Hall, 201 East McAlpine, Tex. 77868	Oct. 8, 1976
Do.	Brazoria	Pearland, city of	H 480077A 01 through H 480077A 19.	Mayor, P.O. Box 1157, Pearland, Tex. 77581	Jan. 31, 1975 Aug. 13, 1976
Do.	Denton	Sanger, town of	H 480786 01	Assistant to the Mayor, P.O. Box 578, Sanger, Tex. 76266	Oct. 8, 1976
Do.	Winkler	Wink, city of	H 480675A 01	Mayor, 119 Hendricks, P.O. Box 397, Wink, Tex. 79789	June 28, 1974 Aug. 13, 1976
Vermont	Franklin	St. Albans, city of	H 500058A 01	Mayor, City Hall, St. Albans, Vt. 05478	May 17, 1974 Aug. 13, 1976
Do.	Washington	Barre, town of	H 500273A 01 through H 500273A 12.	Town Manager, Office of Town Manager, Websterville, Vt. 05678.	Aug. 30, 1974 Aug. 13, 1976
Do.	Orleans	Barton, town of	H 500081A 01 through H 500081A 11.	Chairman, R.F.D. No. 1, Barton, Vt. 95822	Nov. 15, 1974 Aug. 13, 1976
Do.	Franklin	Highgate, town of	H 500055A 01 through H 500055A 19.	Town Clerk, Box 67, Highgate Center, Vt. 05459	May 31, 1974 Aug. 13, 1976
Do.	Franklin	Montgomery, town of	H 500056A 01 through H 500056A 17.	Chairman, Board of Selectmen, R.F.D. No. 1, Richford, Vt. 05476.	June 21, 1974 Aug. 13, 1976
Virginia	Wise	Coeburn, town of	H 510176A 01 through H 510176A 04.	Mayor, Municipal Bldg., Coeburn, Va. 24230	May 10, 1974 Aug. 13, 1976
Do.	Middlesex	Unincorporated areas	H 510098A 01 through H 510098A 15.	Chairman, Board of County Supervisors, County Courthouse, Saluda, Va. 23149.	Dec. 20, 1974 Aug. 13, 1976
Washington	King	Bellevue, city of	H 530073A 01 through H 530073A 10.	Mayor, City Hall, 111 116th Ave. SE., Bellevue, Wash. 98009.	Aug. 2, 1974 Aug. 13, 1976
Do.	Thurston	Tumwater, city of	H 530192A 01 through H 530192A 09.	Mayor, City Hall, 2d and Bates, Tumwater, Wash. 98502	Jan. 24, 1974 Aug. 13, 1976
West Virginia	Braxton	Burnsville, town of	H 540010A 01 through H 540010A 02.	Mayor, Box 228, Burnsville, W. Va. 26335	Feb. 1, 1974 Aug. 13, 1976
Do.	Marshall	Glen Dale, city of	H 540109H 01 through H 540109H 02.	Mayor, 402 Welund Ave., Glen Dale, W. Va. 26038	June 28, 1974 July 9, 1976 Aug. 13, 1976
Wisconsin	Ashland	Ashland, city of	H 550005A 01 through H 550005A 05.	Mayor, 201 West 2d St., Ashland, Wis. 54806	Jan. 9, 1974 Aug. 13, 1976
Do.	Chippewa	New Auburn, village of	H 550046A 01 through H 550046A 02.	President, Route 2, New Auburn, Wis. 54757	July 19, 1974 Aug. 13, 1976
Utah	Sanpete	Gunnison, city of	H 490115A 01 through H 490115A 02.	City Recorder, City Hall, Gunnison, Utah 84634	Aug. 16, 1974 Aug. 13, 1976
Do.	Davis	North Salt Lake, city of	H 490048A 01 through H 490048A 04.	City Manager, 17 South Main St., North Salt Lake, Utah 84054.	June 28, 1974 Aug. 13, 1976

(National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969.)

Issued: July 26, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-23001 Filed 8-10-76;8:45 am]

[Docket No. FI-2134]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Changes Made in Determinations of City of Las Cruces, New Mexico

On June 25, 1976, at 41 FR 26415, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas. The list included Flood Insurance Rate Maps for portions of the City of Las Cruces, New Mexico.

The Federal Insurance Administration, after consultation with the Chief Executive Officer of the community, has determined that it is appropriate to modify the base (100-year) flood elevations of some locations in the City of Las Cruces, New Mexico. These modified elevations are currently in effect and amend the Flood Insurance Rate Map, which was in effect prior to this determination. A revised rate map will be published as soon as possible. The modifications are made pursuant to section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448) 42 U.S.C. 4001–4128, and 24 CFR Part 1916.

For rating purposes, the new community number is 355332A, and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

From the date of this notice, any person has 90 days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data. All interested parties are on notice that until the 90-day period elapses, the Administrator's new determination of elevations may itself be changed.

Any persons having knowledge or wishing to comment on these changes should immediately notify:

Mr. Harold R. Yungmeyer, City Manager, City of Las Cruces, P.O. Box 760, Las Cruces, New Mexico 88001.

Also, at this location is the map showing the new base flood elevations. This map is a copy of the one that will be printed. The numerous changes made in the base flood elevations on the Las Cruces, New Mexico Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the Las Cruces, New Mexico map.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: July 22, 1976.

H. B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-23381 Filed 8-10-76;8:45 am]

[Docket No. FI-2134]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Changes Made in Determinations of City of Alcoa, Tennessee, Base Flood Elevations

On June 25, 1976, at 41 FR 26415, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas. The list included Flood Insurance Rate Maps for portions of the City of Alcoa, Tennessee.

The Federal Insurance Administration, after consultation with the Chief Executive Officer of the community, has determined that it is appropriate to modify the base (100-year) flood elevations of some locations in the City of Alcoa, Tennessee. These modified elevations are currently in effect and amend the Flood Insurance Rate Map, which was in effect prior to this determination. A revised rate map will be published as soon as possible. The modifications are made pursuant to section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448) 42 U.S.C. 4001–4128, and 24 CFR Part 1916.

For rating purposes, the new community number is 475421A, and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

From the date of this notice, any person has 90 days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data. All interested parties are on notice that until the 90-day period elapses, the Administrator's new determination of elevations may itself be changed.

Any persons having knowledge or wishing to comment on these changes should immediately notify:

Honorable Andrew Knox, Mayor, City of Alcoa, Municipal Building, Alcoa, Tennessee 37701.

Also, at this location is the map showing the new base flood elevations. This map is a copy of the one that will be printed. The numerous changes made in the base flood elevations on the Alcoa, Tennessee Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the City of Alcoa, Tennessee map.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974)

Issued: July 23, 1976.

H. B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-23382 Filed 8-10-76;8:45 am]

[Docket No. FI-784]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Final Flood Elevation Determinations for City of Corpus Christi, Texas

On November 14, 1975, at 40 FR 53009, the Federal Insurance Administrator published a notification of modification of the base (100-year) flood elevations in Corpus Christi, Texas. Since that date, ninety days have elapsed, and the Federal Insurance Administrator has evaluated requests for changes in the base flood elevations, and after consultation with the Chief Executive Officer of the community, has determined no changes are necessary. Therefore, the modified flood elevations are effective as of October 31, 1975 and amend the Flood Insurance Rate Map which was in effect prior to that date.

The modifications are pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448) 42 U.S.C. 4001–4128, and 24 CFR Part 1916.

For rating purposes, the new community number is 485464 B and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for

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the second layer of insurance on existing buildings and contents.

The numerous changes made in the base flood elevations on the Corpus Christi Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the Corpus Christi map.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 29, 1968), as amended; (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974)

Issued: June 15, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-23383 Filed 8-10-76;8:45 am]

[Docket No. FI-852]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Final Flood Elevation Determinations for City of Richwood, Texas

On February 2, 1976, at 41 FR 4824, the Federal Insurance Administrator published a notification of modification of the base (100-year) flood elevations in the City of Richwood, Texas. Since that date, ninety days have elapsed, and the Federal Insurance Administrator has evaluated requests for changes in the base flood elevations, and after consultation with the Chief Executive Officer of the community, has determined no changes are necessary. Therefore, the modified flood elevations are effective as of January 16, 1976 and amend the Flood Insurance Rate Map which was in effect prior to that date.

The modifications are pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448) 42 U.S.C. 4001–4128, and 24 CFR Part 1916.

For rating purposes, the new community number is 485502 D and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The numerous changes made in the base flood elevations on the City of Richwood, Texas Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the Richwood map.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 29, 1968), as amended; (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974)

Issued: June 15, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-23384 Filed 8-10-76;8:45 am]

[Docket No. FI-863]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Final Flood Elevation Determinations for Borough of Belmar, New Jersey

On February 13, 1976, at 41 FR 6740, the Federal Insurance Administrator published a notification of modification of the base (100-year) flood elevations in Belmar, New Jersey. Since that date, ninety days have elapsed; and the Federal Insurance Administrator has evaluated requests for changes in the base flood elevations, and after consultation with the Chief Executive Officer of the community, has determined no changes are necessary. Therefore, the modified flood elevations are effective as of February 27, 1976 and amend the Flood Insurance Rate Map which was in effect prior to that date.

The modifications are pursuant to section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448) 42 U.S.C. 4001–4128, and 24 CFR Part 1916.

For rating purposes, the new community number is 345283C and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the final flood elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The numerous changes made in the base flood elevations on the Belmar, New Jersey Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the Belmar, New Jersey map.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: June 14, 1976.

R. W. KRIMM,
Acting Federal Insurance Administrator.

[FR Doc.76-23385 Filed 8-10-76;8:45 am]

[Docket No. FI-853]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Final Flood Elevation Determinations for Town of Westwood, Massachusetts

On February 2, 1976, at 41 FR 4823, the Federal Insurance Administrator published a notification of modification of the base (100-year) flood elevations in Westwood, Massachusetts. Since that date, ninety days have elapsed; and the Federal Insurance Administrator has evaluated requests for changes in the base flood elevations, and after consultation with the Chief Executive Officer of the community, has determined no changes are necessary. Therefore, the modified flood elevations are effective as of January 30, 1976 and amend the Flood Insurance Rate Map which was in effect prior to that date.

The modifications are pursuant to section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448) 42 U.S.C. 4001–4128, and 24 CFR Part 1916.

For rating purposes, the new community number is 255225A and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the final flood elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The numerous changes made in the base flood elevations on the Westwood Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the Westwood map.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: June 14, 1976.

R. W. KRIMM,
Acting Federal Insurance Administrator.

[FR Doc.76-23386 Filed 8-10-76;8:45 am]

[Docket No. FI-862]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Final Flood Elevation Determinations for City of Gretna, Louisiana

On February 13, 1976, at 41 FR 6739, the Federal Insurance Administrator published a notification of modification of the base (100-year) flood elevations in Gretna, Louisiana. Since that date, ninety days have elapsed; and the Federal Insurance Administrator has evaluated requests for changes in the base flood elevations, and after consultation with the Chief Executive Officer of the community, has determined no changes are necessary. Therefore, the modified flood elevations are effective as of February 13, 1976 and amend the Flood Insurance Rate Map which was in effect prior to that date.

The modifications are pursuant to section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448) 42 U.S.C. 4001–4128, and 24 CFR Part 1916.

For rating purposes, the new community number is 225198C and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the final flood elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The numerous changes made in the base flood elevations on the Gretna Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the Gretna, Louisiana map.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: June 11, 1976.

R. W. KRIMM,
Acting Federal Insurance Administrator.

[FR Doc.76-23387 Filed 8-10-76;8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Parts 17 and 222]

HAWAIIAN MONK SEAL

Proposed "Endangered" Status

CROSS REFERENCE: For a document issued jointly by the Department of Interior's U.S. Fish and Wildlife Service, and the Department of Commerce, National Oceanic and Atmospheric Administration, on the subject of the Hawaiian Monk Seal as a proposed "Endangered" Status, see FR Doc. 76-23275, appearing in the proposed rules section of this issue under the Department of Commerce, National Oceanic and Atmospheric Administration.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 910]

HANDLING OF LEMONS GROWN IN THE STATES OF CALIFORNIA AND ARIZONA

Proposed Approval of Expenses and Fixing of Rate of Assessment for 1976–77 Fiscal Year

This notice invites written comment relative to the proposed expenses of $378,000 and rate of assessment of $0.0315 per carton on lemons to support the activities of the Lemon Administrative Committee for the 1976–77 fiscal year under Marketing Order No. 910.

Consideration is being given to the following proposals submitted by the Lemon Administrative Committee, established pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in the State of Arizona and that part of the State of California south of a line drawn due east and west through the post office in Turlock, California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) That expenses that are reasonable and likely to be incurred by the Lemon Administrative Committee during the period August 1, 1976, through July 31, 1977, will amount to $378,000.

(2) That the rate of assessment for said period, payable by each handler in accordance with § 910.41, be fixed at $0.0315 per carton of lemons.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than August 31, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: August 6, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-23397 Filed 8-10-76;8:45 am]

Farmers Home Administration

[7 CFR Part 1813]

[FmHA Instruction 104.1]

AVAILABILITY OF INFORMATION

Release of Credit Reports

Notice is hereby given that the Farmers Home Administration (FmHA) has under consideration the amendment of § 1813.7(d) (2) and (3) of Part 1813, Title 7, Code of Federal Regulations (40 FR 21696). The purpose of this amendment is to implement provisions of the Privacy Act of 1974 which provide for the release of credit reports to the subject of the report in response to the subject's request.

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed amendments to the Chief, Directives Management Branch, Farmers Home Administration, United States Department of Agriculture, Room 6316, South Building, Washington, DC 20250, within 30 days from date of publication in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Chief, Directives Management Branch, during regular business hours (8:15 am to 4:45 pm).

As proposed § 1813.7(d) (2) and (3) will read as follows:

§ 1813.7 Availability of identifiable material.

* * * * *

(d) * * *

* * * * *

(2) FmHA will release credit reports from a credit reporting company to the subject of the report at the subject's request.

(3) Persons furnishing a credit reference from outside the Government can be promised confidentiality under the exemption made available by 5 U.S.C. 552a(k)(5) and implemented in 7 CFR 1.123 for Credit Report File, USDA/FmHA. The promise of confidentiality must be made in good faith, for good reasons, and only if confidentiality is requested by the source.

* * * * *

(5 U.S.C. 552, 552a, 559)

Dated: August 4, 1976.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.76-23345 Filed 8-10-76;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Parts 17 and 222]

HAWAIIAN MONK SEAL

Proposed "Endangered" Status

The Director, National Marine Fisheries Service, and the Director, U.S. Fish and Wildlife Service, hereby issue a notice of proposed rulemaking that would list the Hawaiian monk seal (*Monachus schauinslandi*) as an endangered species throughout its range, pursuant to section 4 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.) (hereinafter the Act). This proposed rulemaking would add this species to the List of Endangered and Threatened Wildlife found in 50 CFR 17.11 and and would reference such listing in 50 CFR 222.23. This proposed listing is based on a preliminary determination by the Director, National Marine Fisheries Service (hereinafter the Director and the NMFS, respectively), that the Hawaiian monk seal is an endangered species. The Hawaiian monk seal is found throughout the Hawaiian Archipelago, but is known to breed only on the islands of the Leeward Chain, including French Frigate Shoals, Laysan Island, Lisianski Island, Pearl and Hermes Reef, Midway Atoll, and Kure Atoll.

BACKGROUND

Section 4(a) of the Act states:

General.—The Secretary shall by regulation determine whether any species is an endangered or a threatened species because of any of the following factors:

(1) The present or threatened destruction, modification or curtailment of its habitat or range;

(2) Overutilization for commercial, sporting, scientific or educational purposes;

(3) Disease or predation;

(4) The inadequacy of existing regulatory mechanisms; or

(5) Other natural or man-made factors affecting its continued existence.

With the exception of enforcement responsibilities for certain plants, the Act defines "Secretary" to mean either the Secretary of the Interior or the Secretary of Commerce (as program responsibilities are vested pursuant to the provisions of Reorganization Plan Numbered 4 of 1970). Most marine species, including seals, are the sole responsibility of the Secretary of Commerce. The authority of the Secretary of Commerce has been delegated to the Director, NMFS.

In June 1975, a status review of the Hawaiian monk seal was completed wthin NMFS. This status review reported a rarity of the species, a high mortality in pups, a very low recruitment rate, and indications of population decline and harassment. The status review proposed that the species be classified as depleted under the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361–1407).

NMFS then sought the advice of the Marine Mammal Commission and its Committee of Scientific Advisors, providing them a copy of the NMFS status review. After reviewing available scientific information, the Commission on December 24, 1975, concurred with the NMFS assessment, supporting designation as depleted. In addition, the Commission recommended that the species be listed as an endangered species under the Endangered Species Act of 1973.

NMFS designated the Hawaiian monk seal as a depleted species (see 41 FR 30120, July 22, 1976). Although the moratorium on taking imposed by the Marine Mammal Protection Act of 1972 already applies to this species, the designation as depleted provides additional by prohibiting the issuance of permits to take for other than scientific research purposes.

Since December 1975, NMFS has conducted research efforts, in cooperation with the U.S. Fish and Wildlife Service, to supplement available data concerning the status and trends of the Hawaiian monk seal population. As a result of this research, the Northwest Fisheries Center, NMFS, released in May 1976, a preliminary document which reports the count of recent shipboard and beach surveys of this species. NMFS research on the species is continuing.

On May 26, 1976, the Marine Mammal Commission again recommended to NMFS the designation of the Hawaiian monk seal as an endangered species and in so doing transmitted on April 7, 1976, letter from the U.S. Coast Guard to the Commission (concerning Hawaiian monk seals on Kure Atoll and French Frigate Shoals) and the Commission's May 26, 1976 response thereto. This correspondence provided additional information and encouragement for protecting Hawaiian monk seals.

After preliminary consultation with officials of the State of Hawaii, the Director believes that the information now available to him clearly indicates the Hawaiian monk seal is presently in danger of extinction and supports the listing of this species as endangered.

SUMMARY OF FACTORS AFFECTING THE SPECIES

The findings in support of the Director's proposal are summarized herein and described under each of the five criteria of Section 4(a) of the Act.

(1) The present or threatened destruction, modification, or curtailment of its habitat or range. Beach areas formerly used by the Hawaiian monk seal as rookeries are now being used for man's activities. Successful rookery areas have been adandoned by the monk seal, a sensitive breeder easily frightened by man's activities and harassment by dogs. This curtailment of habitat is evidenced by a shift in rookeries from vegetative areas to non-vegetative, isolated, exposed sand pits. This is believed to be the cause of the severe decrease in reproductive success at Midway, and perhaps other areas, once considered major rookeries. The curtailment of habitat, and the shift from preferred to marginal rookeries, with the accompanying loss in recruitment, is the major factor threatening the species.

(2) Overutilization for commercial, sporting, scientific, or educational purposes. This factor is not applicable to the Hawaiian monk seal.

(3) Disease or predation. Shark predation, particularly on weaned pups, is an important cause of reduction in the already low population level of the Hawaiian monk seal. The number of sharks in waters surrounding the Hawaiian Islands may be increasing as a result of the cessation of the commercial shark fishery and shark control program in these waters. Disease is not known to be a factor in reduced population levels of this seal.

(4) The inadequacy of existing regulatory mechanisms. The Hawaiian monk seals in the Hawaiian Islands National Wildlife Refuge are subject to Federal jurisdiction under the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd), which prohibits most activities and strictly controls others by express authorization. While this law affords protection to all wildlife found within the refuge, not all islands of concern are included in the refuge. The Marine Mammal Protection Act of 1972, as amended, affords protection in all areas by imposing a moratorium on the taking of the Hawaiian monk seal; however, exceptions are provided for research and public display purposes. While no permits have been issued for the removal of living animals from the wild, several permits have been issued for field research and collection of specimen materials from dead animals. Additional protection, including protection for habitat, could be gained by listing the species as endangered under the Act.

(5) Other natural or man-made factors affecting its continued existence. Boat navigation and recreational activities in waters where the Hawaiian monk seal occurs may also deleteriously affect the species.

EFFECT OF THIS RULEMAKING

Section 9(a) of the Act sets forth a series of general prohibitions which apply to all endangered species of fish and wildlife.

With respect to any endangered species listed pursuant to section 4 of the Act, it is unlawful for any person subject to the jurisdiction of the United States to:

(1) Import any such species into, or export any such species from, the United States;

(2) Take any such species within the United States or the territorial sea of the United States;

(3) Take any such species upon the high seas;

(4) Possess, sell, deliver, carry, transport, or ship, by means whatsoever, any such species taken in violation of (2) and (3) above;

(5) Deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever and in the course of a commercial activity, any such species;

(6) Sell or offer for sale in interstate or foreign commerce any such species; or

(7) Violate any regulation pertaining to such species and promulgated by the Secretary pursuant to authority provided by the Act.

The term "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.

The Act further provides certain limited exceptions to those general prohibitions. These exceptions include: a grandfather clause for species held in captivity or a controlled environment on December 28, 1973, and not for commercial purposes (section 9(b) of the Act); a one-year limited exemption to minimize undue economic hardship tied to a previous contract commitment (section 10(b) of the Act); and permits for scientific purposes or enhancement of propagation or survival of the species (section 10(a) of the Act).

In addition, NMFS regulations published in Parts 217–222 and Part 225 of Title 50 of the Code of Federal Regulations, set forth rules and procedures which apply to all endangered species under the jurisdiction of the Secretary of Commerce. These regulations provide for general provisions, civil procedures, seizure and forfeiture procedures, importation and exportation at designated ports, general and specific permit provisions, and Federal/State cooperation and financial assistance. In the event that the Hawaiian monk seal is listed as an endangered species, these regulations would be applicable to the species.

INTERAGENCY COOPERATION

The listing herein proposed would make available the protection afforded by section 7 of the Act. That section reads as follows:

Section 7. The Secretary shall review other programs administered by him and utilize

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such programs in furtherance of the purposes of this Act. All other Federal departments and agencies shall in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to Section 4 of this Act and by taking such action necessary to insure that actions authorized, funded, or carried out by them do not jeopardize the continued existence of such endangered species and threatened species or result in the destruction or modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected States, to be critical.

No "critical habitat" has yet been determined by MMFS for the Hawaiian monk seal. However, the other provisions of section 7 would be applicable.

No critical habitat is presently proposed for the Hawaiian monk seal. However, the Director recognizes that loss of habitat is the principal threat faced by this species and will propose critical habitat in the future, as appropriate. NMFS will actively consider any and all written information, including maps, submitted on the matter of delineating critical habitat for the Hawaiian monk seal. The concept of critical habitat was discussed in the FEDERAL REGISTER on April 22, 1975 (40 FR 17764–17765).

PUBLIC COMMENTS SOLICITED

Pursuant to section 4(b) of the Act, the Director is notifying the Governor of the State of Hawaii and various interested Federal agencies with respect to this proposal and requests any comments and recommendations before making a final determination on listing.

The Director intends that the rules finally adopted be as accurate and effective as possible in the conservation of any endangered or threatened species. Therefore, any written comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests or any other interested party concerning any aspect of this proposed rulemaking are solicited. Comments are particularly sought concerning:

1. The existence of any other living members of this species;

2. Biological or other relevant data concerning any threat (or the lack thereof) to the Hawaiian monk seal;

3. The location of and reasons why any habitat of the Hawaiian monk seal should be determined to be "critical habitat" as provided for by section 7 of the Act; and

4. Additional information concerning the range and distribution of the Hawaiian monk seal.

Written comments, views, and other documents should be submitted, preferably in duplicate, to the Director, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235. All comments and other documents received no later than October 12, 1976, will be considered. The Director will consider requests for a public hearing, provided such requests are received by September 27, 1976. The holding of a public hearing is at the discretion of the Director.

The Director has determined that the proposed designation of the Hawaiian monk seal as an endangered species is not a major Federal action which would significantly affect the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. Accordingly, the preparation of an environmental impact statement on the proposed action is not required. The Declaration setting forth this determination is available for inspection in the Marine Mammals and Endangered Species Division, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C. Comments and other documents received pertaining to the proposed listing are available for public review in the Marine Mammals and Endangered Species Division, at the above address, or may be obtained by writing the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Accordingly, it is proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations by adding to § 17.11(i) under the class entitled "Mammals" and immediately before "Seal, Mediterranean Monk" the following:

§ 17.11 Endangered and threatened wildlife.

* * * * *

Species			Range				
Common name	Scientific name	Population	Known distribution	Portion of range where threatened or endangered	Status	When listed	Special rules
*	*	*	*	*	*	*	*
Seal, Hawaiian Monk	*Monachus schauinslandi*	NA	Hawaiian archipelago	Entire	E	15	NA
*	*	*	*	*	*	*	*

PART 222—ENDANGERED FISH OR WILDLIFE

§ 222.23 [Amended]

In addition, it is proposed to amend § 222.23(a) of Subpart C, Part 222 of Chapter II, Title 50 of the Code of Federal Regulations by adding "Hawaiian monk seal (*Monachus schauinslandi*)" immediately before "Mediterranean monk seal (*Monachus monachus*)" in the second sentence.

Dated: August 5, 1976.

ROBERT W. SCHONING,
Director,
National Marine Fisheries Service.

LYNN A. GREENWALT,
Director,
U.S. Fish and Wildlife Service.

[FR Doc.76–23275 Filed 8–10–76;8:45 am]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

[29 CFR Part 1601]

706 AGENCIES

Proposed Designation

Pursuant to § 1601.12 (i), Title 29 Chaptr 14 to the Code of Federal Regulations as revised and published in the FEDERAL REGISTER, 40 FR 3210M, January 20, 1975, the Equal Employment Opportunity Commission (hereinafter referred to as the Commission) proposes that the agencies listed below be designated as "706 Agencies" (§ 1601.12(c)). There are three (3) purposes for such designation: First, that the agencies receive charges deferred by the Commission pursuant to section 706 (c) and (d) of Title VII of the Civil Rights Act of 1964, as amended; second, that the Commission accord "substantial weight" to the final findings and orders of those agencies pursuant to § 1601.19B(e); and third, to commence the 15-day period within which any person or organization may file written comments as provided for under § 1601.12(i)(1). At the expiration of the 15-day period, the Commission may effect designation of each of the agencies by publishing the list of them as an amendment to § 1601.12(m). Additions to the list may be made by the Commission by similar notice and publication.

The proposed "706 Agency" is as follows:

SOUTH CAROLINA HUMAN AFFAIRS COMMISSION

Written comments pursuant to this notice must be filed with the Commission on or before August 24, 1976.

Signed at Washington, D.C. this 6th day of August 1976.

ETHEL BENT WALSH,
Vice Chairman, Equal Employment Opportunity Commission.

[FR Doc.76–23415 Filed 8–10–76;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 456]

ADVERTISING OF OPHTHALMIC GOODS AND SERVICES

Additional Hearings on Proposed Trade Regulation Rule

On April 2, 1976, the Presiding Officer published in the FEDERAL REGISTER (41 FR 14194) Final Notice of a proposed trade regulation rule proceeding concerning the Advertising of Ophthalmic Goods and Services. The notice included a schedule of dates and places of public hearings to be held in that proceeding. By a subsequent notice published in the FEDERAL REGISTER on April 16, 1976 (41 FR 16183) the date for the commencement of the public hearings in New York City was changed to July 19, 1976.

Commission attorneys and representatives of interested groups have informally requested that the Presiding Officer schedule an additional Washington, D.C. public hearing date for the purpose of allowing certain witnesses to present testimony concerning the proposed rule. The Commission attorneys and group representatives consider the testimony of these witnesses to be of particular importance to this proceeding. The witnesses were unable to participate in the hearings held previously in Washington, D.C. because there was insufficient time for the Commission staff and group representatives to prepare adequately for cross-examination of them.

In view of the above, the Presiding Officer has scheduled additional public hearings to be held commencing at 9:30 a.m., September 8, 1976, in Room 532 of the Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street, NW., Washington, D.C. and will confine the hearings to the testimony of those witnesses.

Prepared statements of witnesses at the mentioned public hearings will be made available for inspection in the office of Ann Stahl Guler, Room 421, of the Federal Trade Commission Building, in Washington, D.C. at the above address; Telephone No. (202) 523–3435, on and after August 20, 1976.

Issued: August 5, 1976.

HENRY B. CABELL,
Presiding Officer.

[FR Doc.76–23350 Filed 8–11–76;8:45 am]

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notices

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF STATE

Agency for International Development

URUGUAY, AID REPRESENTATIVE, ET AL.

Redelegation of Authority

Section I. Pursuant to the authority delegated to me by (i) Delegation of Authority No. 38 from the Administrator of A.I.D. dated April 10, 1964, as amended, and (ii) Delegation of Authority No. 99 from the Administrator of A.I.D. dated April 27, 1973, I hereby delegate to:

(a) The A.I.D. Representative in Uruguay,

(b) The A.I.D. Affairs Officer in Costa Rica, in Barbados, and in Jamaica;

(c) The Director of the United States A.I.D. Mission in all other countries in the Latin American Region of A.I.D.,

the following authorities with respect to the implementation of approved programs of A.I.D. for the country to which such official is assigned:

1. To sign project agreements, trust fund agreements, and grant agreements with foreign governments, foreign government agencies, and international organizations having a membership consisting primarily of such foreign governments,

2. To approve country contracts for capital projects financed in whole or in part by an A.I.D. grant, and

3. To sign Project Implementation Orders—Technical Services (PIO/T).

Section II. The authorities delegated in Section I are subject to all applicable provisions of law, and shall be exercised in conformity with all restrictions, regulations, manual orders and directives which are now in effect or which may be issued hereafter governing the operations of A.I.D. programs.

Section III. The authorities delegated in Section I may be exercised by persons who are serving in an acting capacity, and may be redelegated by the specified officials to their principal deputy.

Section IV. The redelegation of authority previously issued by me on October 1, 1973, is hereby rescinded as of this date. This deleagtion shall be deemed effective as of this date and shall continue in effect until rescinded by me.

Dated: July 9, 1976.

HERMAN KLEINE,
Assistant Administrator for Latin America.

[FR Doc.76-23289 Filed 8-10-76;8:45 am]

[CM-6/74]

SECRETARY OF STATE'S ADVISORY COMMITTEE ON PRIVATE INTERNATIONAL LAW

Meeting

A meeting of the Secretary of State's Advisory Committee on Private International Law will be held at 10 a.m. on Friday, September 17, 1976, in room 5519 of the Department of State. Members of the general public may attend and participate in the discussion subject to instructions of the Chairman.

The principal purpose of the meeting is to review draft conventions on conflict of laws relating to agency, marriage, and matrimonial property and to recommend positions which the United States might take on those drafts at the Thirteenth Session of the Hague Conference on Private International Law in October.

Members of the general public who desire to attend the meeting will be admitted up to the limits of the capacity of the meeting room. Entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. It is requested that prior to September 17, 1976, members of the general public who plan to attend the meeting inform their name, affiliation and address to Mr. Robert E. Dalton, Office of the Legal Adviser, Department of State; the telephone number is area code 202, 632-2107. All non-government attendees at the meeting should use the C Street entrance.

Dated: August 2, 1976.

ROBERT E. DALTON,
Executive Director.

[FR Doc.76-23464 Filed 8-10-76;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 76-221]

MARINO EXPRESS, INC.

Revocation of Customhouse Cartman's License No. 1983 Issued at Port of New York

AUGUST 5, 1976.

Notice is hereby given that on August 5, 1976, pursuant to the provisions of section 565, Tariff Act of 1930, as amended, and § 112.30 of the Customs Regulations (19 CFR 112.30), it was decided that Customhouse Cartman's License No. 1983 issued at the Port of New York on October 22, 1970, to Marino Express, Inc., Brooklyn, New York, be revoked. This revocation is effective on August 20, 1976. (CAR-3-02)

VERNON D. ACREE,
Commissioner of Customs.

[FR Doc.76-23396 Filed 8-10-76;8:45 am]

Federal Law Enforcement Training Center

PRIVACY ACT OF 1974

Proposed Change to a System of Records

Correction

In FR Doc. 76-22591 appearing in the issue of Wednesday, August 4, 1976, the eighth line of the second full paragraph on page 32615 reading "ington, D.C. 20220 on or before August." should read "ington, D.C. 20220 on or before September 3, 1976.".

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

SHORELINE EROSION ADVISORY PANEL

Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given of a meeting of the Shoreline Erosion Advisory Panel on August 30-31, 1976.

The meeting will be held in the meeting room (Brent I), Old Town Holiday Inn, 480 King Street, Alexandria, Virginia, from 0830 hours to 1630 hours on August 30, 1976 and from 0830 hours to 1230 hours on August 31, 1976.

The meeting will be devoted to presentations by the public and manufacturers of shore protection devices and methods; action to be taken by the Panel on recommended sites on the Atlantic, Gulf, Pacific, and Great Lakes Coasts, and Delaware Bay; and action on recommended devices for the recommended sites.

Participation by the public is scheduled on the agenda at 1130 to 1200 hours on August 31, 1976.

The meeting will be open to the public subject to the following:

1. Since seating capacity of the meeting room at the Old Town Holiday Inn limits public participation to not more than 30 people, advance notice of intent to attend, although not required, is requested in order to assure adequate arrangements for those wishing to attend.

2. Oral participation by public attendees is encouraged during those times scheduled on the agenda. Written statements may be submitted prior to the meeting or up to 30 days after the meeting.

Inquiries, notices of intent to attend the meeting, written statements for consideration of the Panel may be addressed to Colonel John H. Cousins, Executive Secretary, Shoreline Erosion Advisory Panel, Kingman Building, Fort Belvoir, VA 22060, Telephone (202) 325-7518.

Dated: August 5, 1976.

By authority of the Secretary of the Army.

R. S. SEEBERG,
LTC, U.S. Army, Acting Director, Administrative Management, TAGCEN.

[FR Doc.76-23273 Filed 8-10-76;8:45 am]

Office of the Secretary

DOD ADVISORY GROUP ON ELECTRON DEVICES

Advisory Committee Meeting

Working Group C (Mainly Imaging and Display) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session at 201 Varick Street, New York, NY 10014, on September 2, 1976.

The purpose of the Advisory Group is to provide the Director of Defense Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group C meeting will be limited to review of research and development programs which the Military Departments proposed to initiate with industry, universities or in their laboratories. This special device area includes such programs as Infrared and Night Vision Sensors. The review will include classified program details throughout.

In accordance with section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Advisory Group meeting concerns matters listed in section 552(b) of Title 5 of the United States Code, specifically subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptrollcr).

AUGUST 5, 1976.

[FR Doc.76-23292 Filed 8-10-76;8:45 am]

WAGE COMMITTEE

Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92-463, the Federal Advisory Committee Act, effective January 5, 1973, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, October 5, 1976; Tuesday, October 12, 1976; Tuesday, October 19, 1976; and Tuesday, October 26, 1976 at 9:45 a.m. in Room 1E801, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Manpower and Reserve Affairs) concerning all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Pub. L. 92-392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92-463, the Federal Advisory Committee Act, meetings may be closed to the public when they are "concerned with matters listed in section 552(b) of Title 5, United States Code." Two of the matters so listed are those "related solely to the internal personnel rules and practices of an agency," (5 U.S.C. 552(b)(2)), and those involving "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 U.S.C. 552(b)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) hereby determines that this meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 U.S.C. 552(b)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552(b)(4)).

However, members of the public who may wish to do so are invited to submit material in writing to the Chairman concerning matters believed to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by contacting the Chairman, Department of Defense Wage Committee, Room 3D281, The Pentagon, Washington, D.C.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

[FR Doc.76-23293 Filed 8-10-76;8:45 am]

AUGUST 5, 1976.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Power Projects 821 and 1577]

ALASKA

Restoration of Lands in Power Withdrawals

AUGUST 3, 1976.

1. In an order issued February 23, 1973 FR Doc. 73-3893, 38 FR 5685), the Federal Power Commission vacated the land withdrawals created by the filing of applications for licenses for Power Projects 821 and 1577, involving the following described lands:

(a) Power Project No. 821

CASCADE AND ROSA CREEKS, GRAVINA ISLAND, ALASKA

A parcel of land on the northeast side of Gravina Island, approximately 4 miles northwest of Ketchikan, as more particularly described in the above-referenced order. Containing approximately 81 acres.

(b) Power Project No. 1577

KODIAK ISLAND, ALASKA

A parcel of land near the west shore of Chip Cove, Moser Bay, an arm of Alitak Bay located within T. 36 S., R. 31 W., Seward Meridian, sections 23, 25, and 26, as more particularly described in the above-referenced order. Containing approximately 36.5 acres.

2. The lands described in paragraph 1 are hereby restored to operation of the applicable public land laws, subject to valid existing rights and the provisions of existing withdrawals. Those lands described in paragraph 1 that are within the Tongass National Forest are open to such disposition as may by law be made of national forest lands.

3. Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501.

CLAIR M. WHITLOCK,
Acting State Director.

[FR Doc.76-23287 Filed 8-10-76;8:45 am]

[AA-8332]

ALASKA

Restoration of Lands in Power Withdrawals

AUGUST 3, 1976.

1. In two orders issued February 28, 1973 (FR Doc. 73-4290 and FR Doc. 73-4289, 38 FR 6227, 6228), the Federal Power Commission vacated in their entirety the withdrawals of land pursuant to the applications for Power Projects 160, 162, 383, 689, 951, 1222, 1232, 2001, 2178, and 2505. The lands involved are briefly described below. More detailed descriptions are contained in the above-referenced orders.

(1) Power Project No. 160. Vicinity of Orca Inlet, Prince William Sound, Chugach National Forest, Alaska. All lands within one-quarter mile of Power Creek for 2 miles of its length beginning at and extending upstream from Eyak Lake.

(2) Power Project No. 162. Same lands as Project No. 160 (see item 1 above).

(3) Power project No. 383. Located approximately 8 miles southwest of Hyder, Alaska, in the Tongass National Forest in the vicinity of Soule Glacier River.

(4) Power Project No. 689. Located along the Soule Glacier River near Hyder, Alaska.

(5) Power Project No. 951. Located on Chichagof Island in the Tongass National Forest in the vicinity of Rust Lake and Sister Lake.

(6) Power Project No. 1222. Located on Ward Creek, Revillagigedo Island, about 3 miles northwest of Ketchikan, Alaska.

(7) Power Project No. 1232. Located near Port Walter, Baranof Island, in the Tongass National Forest.

(8) Power Project No. 2001. Located near Port Walter, Baranof Island, in the Tongass National Forest.

(9) Power Project No. 2178. Same lands as Project No. 160 (see item 1 above).

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(10) Power Project No. 2505. Located along Power Creek near Cordova, Alaska.

2. The lands described in paragraph 1 are within the Chugach and Tongass National Forests. The lands are hereby opened to such disposition as may by law be made of national forest lands.

3. Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501.

CLAIR M. WHITLOCK,
Acting State Director.

[FR Doc.76-23288 Filed 8-10-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation Number A360]

TEXAS

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following Texas Counties as a result of a severe hailstorm May 25, 1976, in Baylor County; hail and heavy rains May 25, 1976, in Bosque County; a hailstorm May 25, 1976, in Foard County; hail, damaging winds, and excessive rainfall May 25, 1976, in Somervell County; a serve thunderstorm with very high winds and hail May 31, 1976, in Starr County; hailstorms May 23 and May 25, 1976, in Swisher County; and excessive rainfall, a hailstorm, and excessive straight winds May 25, 1976, in Young County.

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94-68, and the provisions of 7 CFR 1832.-3(b) including the recommendation of Governor Dolph Briscoe that such designation be made.

Applications for emergency loans must be received by this Department no later than September 29, 1976, for physical losses and May 3, 1977, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, DC, this 5th day of August 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-23398 Filed 8-10-76;8:45 am]

Federal Crop Insurance Corporation

[Notice No. 111]

CITRUS—ALL FLORIDA COUNTIES

Closing Date Extension for Filing of Applications for the 1976 Crop Year

Pursuant to the authority contained in § 410.3 of Title 7 of the Code of Federal Regulations, the time for filing applications for citrus crop insurance in all Florida counties, where such insurance is otherwise authorized to be offered, is hereby extended until the close of business on August 31, 1976. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

Dated: July 22, 1976.

WARREN E. DIRKS,
Manager,
Federal Crop Insurance Corporation.

[FR Doc.76-23342 Filed 8-10-76;8:45 am]

Forest Service

TETON WILDERNESS ADDITION PROPOSAL

Public Hearing

Notice is hereby given in accordance with provisions of the Act of September 3, 1964 (78 Stat. 890, 16 U.S.C. 1131-1132) that a public hearing will be held, beginning at 2 p.m. on September 30, 1976, in the Teton County Courthouse, Jackson, Wyoming, on a proposal for an addition to the Teton Wilderness comprised of approximately 28,318 acres contiguous to the Teton Wilderness. The proposed addition to the Teton Wilderness is located in the Bridger-Teton National Forest in the County of Teton in the State of Wyoming.

A brochure containing a map and information about the proposed Wilderness may be obtained from the Forest Supervisor, Bridger-Teton National Forest, Forest Service Building, Jackson, Wyoming 83001.

Individuals and organizations may express their views by appearing at the hearing, or may submit written comments for inclusion in the official record to Forest Supervisor, Bridger-Teton National Forest, Forest Service Building, Jackson, Wyoming 83001. Written comments must be received within 30 days following the hearing dates to be included in the official record.

REXFORD A. RESLER,
Associate Chief.

AUGUST 5, 1976.

[FR Doc.76-23399 Filed 8-10-76;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

EXPORTERS' TEXTILE ADVISORY COMMITTEE

Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. IV, 1974) notice is hereby given that a meeting of the Exporters' Textile Advisory Committee will be held at 10 a.m., on September 28, 1976, in Room 3817, Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

The Committee which is comprised of 28 members involved in textile and apparel exporting, advises Department officials concerning ways of increasing U.S. exports of textile and apparel products.

The agenda for the meeting is as follows:

1. Review of Export Data.
2. Report on Conditions in the Export Market.
3. Recent Foreign Restrictions Affecting Textiles.
4. Other Business.

A limited number of seats will be available to the public on a first come basis. The public may file written statements with the Committee before or after the meeting. Oral statements may be presented at the end of the meeting to the extent time is available.

Copies of the minutes of the meeting will be made available on written request addressed to the DIBA Freedom of Information Officer, Freedom of Information Control Desk, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230.

Further information concerning the Committee may be obtained from Arthur Garel, Director, Office of Textiles, Main Commerce Building, U.S. Department of Commerce, Washington. D.C. 20230, telephone 202-377-5078.

Dated: August 5, 1976.

ALAN POLANSKY,
Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.76-23291 Filed 8-10-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

NATIONAL ADVISORY COUNCIL ON DRUG ABUSE

Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National Advisory body scheduled to assemble during the month of September 1976:

NATIONAL ADVISORY COUNCIL OF DRUG ABUSE

SEPTEMBER 27; 9:30 A.M., AND SEPTEMBER 28; 9:00 A.M.

Conference Room 873, Rockwall Building, Rockville, Maryland.

Open—September 27, 1:00-5:00 p.m., September 28.

Closed—September 27, 9:30 a.m. to 12:00 noon.

Contact Ms. Pamela Thurber, Rockwall Building, Room 840, 11400 Rockville Pike, Rockville, Md. 20352, 301-443-6618.

Purpose: The National Advisory Council on Drug Abuse advises and makes recommendations to the Secretary, Department of Health, Education, and Welfare, the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, and the Director, National Institute on Drug Abuse, on the development of new initiatives and priorities and the efficient administration of drug abuse research, training, demonstration, prevention and community services programs. The Council also gives advice on policies and priorities for drug abuse grants and contracts and reviews and make recommendations on grant applications.

Agenda: From 9:30 a.m. to 12:00 noon on September 27, the Council will conduct a final review of grant applications for Federal assistance and this session will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of sections 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Public Law 92-463 (5 U.S.C. Appendix I).

The remainder of the meeting from 1:00 p.m. on September 27 until 5:00 p.m. on September 28 will be devoted to a discussion of issues in the field of drug abuse, orientation to the programs of the Institute, development of priorities for action by the Council, and administrative announcements and will be open.

Agenda items are subject to change as priorities dictate.

Substantive program information, summaries of the meeting and rosters of the Council members can be obtained from the contact person listed above.

Dated: August 4, 1976.

CAROLYN T. EVANS,
Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.76-23343 Filed 8-10-76;8:45 am]

Food and Drug Administration

[Docket No. 75G-0336]

DEAN FOODS CO.

Filing of Petition for Affirmation of GRAS Status

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784-1788 (21 U.S.C. 321(s), 348, 371(a))) and the regulations for affirmation of GRAS status (21 CFR 121.40), published in the FEDERAL REGISTER of December 2, 1972 (37 FR 25705), notice is given that a petition (GRASP 6G0065) has been filed by Dean Foods Co., 1126 Kilburn Ave., Rockford, IL 61101 and placed on public display at the office of the Hearing Clerk, Food and Drug Administration, proposing affirmation that modified whey, modified whey-demineralized, and modified whey-demineralized-delactosed are generally recognized as safe (GRAS) for use in human food.

Any petition which meets the format requirements outlined in 21 CFR 121.40 is filed by the Food and Drug Administration. There is no prefiling review of the adequacy of data to support a GRAS conclusion. Thus the filing of a petition for GRAS affirmation should not be interpreted as a preliminary indication of suitability for affirmation.

Interested persons may, on or before October 12, 1976, review the petition and/or file comments (preferably in quintuplicate) with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852. Comments should include any available information that would be helpful in determining whether the substance is, or is not, generally recognized as safe. A copy of the petition and received comments may be seen in the office of the Hearing Clerk, address given above, during working hours, Monday through Friday.

Dated: August 3, 1976.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.76-23347 Filed 8-10-76;8:45 am]

[Docket No. 75G-0336]

LAND O'LAKES, INC.

Filing of Petition for Affirmation of GRAS Status

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784-1788 (21 U.S.C. 321(s), 348, 371(a))) and the regulations for affirmation of GRAS status (21 CFR 121.40), published in the FEDERAL REGISTER of December 2, 1972 (37 FR 25705), notice is given that a petition (GRASP 6G0075) has been filed by Land O'Lakes, Inc., P.O. Box 116, Minneapolis, MN 55440, and placed on public display at the office of the Hearing Clerk, Food and Drug Administration, proposing affirmation that modified whey-partially delactosed and, partially demineralized are generally recognized as safe (GRAS) for use in human food.

Any petition which meets the format requirements outlined in 21 CFR 121.40 is filed by the Food and Drug Administration. There is no prefiling review of the adequacy of data to support a GRAS conclusion. Thus the filing of a petition for GRAS affirmation should not be interpreted as a preliminary indication of suitability for affirmation.

Interested persons may, on or before October 12, 1976, review the petition and/or file comments (preferably in quintuplicate) with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852. Comments should include any available information that would be helpful in determining whether the substance is, or is not, generally recognized as safe. A copy of the petition and received comments may be seen in the office of the Hearing Clerk, address given above, during working hours, Monday through Friday.

Dated: August 3, 1976.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.76-23348 Filed 8-10-76;8:45 am]

Health Services Administration

GRANTS FOR COMPREHENSIVE HEMOPHILIA DIAGNOSTIC AND TREATMENT CENTERS

Availability of Application

Section 606 of Pub. L. 94-63 amended Title XI of the Public Health Service Act by adding a new section 1131 thereto. The new section 1131 gives the Secretary authority to make grants to public and nonprofit private entities for projects for the establishment of comprehensive hemophilia diagnostic and treatment centers.

It is anticipated that regulations implementing section 1131 will be published shortly; grants will not be made under the section until they are published. However, in order to facilitate the development of applications for viable projects under section 1131 prior to the expiration of the fiscal year 1976 funds appropriated for that purpose, the Secretary has concluded that he should provide potential applicants with preliminary information and guidance in developing such projects and applications therefor. Accordingly, notice is hereby given that preliminary information and guidance on developing applications for funds under section 1131 may be obtained by writing the Office for Maternal and Child Health, Bureau of Community Health Services, 5600 Fishers Lane, Room 7-15, Rockville, Maryland 20852. All information and guidance so obtained is provided subject to the understanding that it reflects preliminary policies only and that subsequent policy changes, as contained in the regulations, may require appropriate alterations in project applications and design.

Dated: August 2, 1976.

JOHN H. KELSO,
Deputy Administrator,
Health Services Administration.

[FR Doc.76-23282 Filed 8-10-76;8:45 am]

MISSOURI STATEWIDE PROFESSIONAL STANDARDS REVIEW COUNCIL

Nominations for Public Member Positions

Notice is hereby given that pursuant to section 1162(b) of the Social Security Act (the Act) [42 U.S.C. 1320c-11(b)], nominations are being accepted

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for public membership positions on the Missouri Statewide Professional Standards Review Council (Statewide Council). Section 1162(a) of the Act mandates that a Council shall be established in each State where there are located three or more Professional Standards Review Organizations (PSROs). As there are located three conditional PSROs in Missouri, the Missouri Statewide Council is being formed.

The PSRO program is established under Title XI, Part B of the Act, enacted by the 1972 Amendments to the Act (Pub. L. 92-603) to provide for physician-directed review of the utilization and quality of medical care services paid for by the Medicare, Medicaid, and Maternal and Child Health and Crippled Children Services programs. The Statewide Council component of the PSRO program will perform a number of functions, including: (1) Coordinating activities of PSROs and disseminating information and data among PSROs in the State under section 1162(c) of the Act; (2) reviewing PSRO reconsiderations under section 1159(a) of the Act; (3) reviewing PSRO sanction reports under section 1157 of the Act; (4) using its influence to assure that practitioners and providers comply with the obligations of the legislation under section 1160(c) of the Act; (5) assisting the Secretary of Health, Education, and Welfare in developing uniform data gathering and operating procedures among PSROs in the State, in evaluating PSRO performance, and, should it become necessary, in developing and arranging for a qualified replacement for a PSRO under section 1162(c) of the Act.

There will be four public representatives on the Statewide Council. Persons or organizations wishing to submit nominations for public members are advised that each nominee will be considered by the Secretary on the basis of whether such nominee is:

(1) Knowlegeable about health care in Missouri as provided under the Maternal and Child Health and Crippled Children Services, Medicare and Medicaid programs (Titles V, XVIII, XIX of the Social Security Act respectively),

(2) Willing and able to represent the interests of the public; and

(3) Willing and able to discharge the responsibilities of membership in the Statewide Council.

Special consideration will be given to qualified representatives of organizations and groups which are not otherwise included on the Statewide Council (PSRO representatives or physician representatives) or on the Statewide Council Advisory Group (nonphysician health care practitioners, hospitals, and other health care facilities). Since nominees for public member positions on the Statewide Council should represent a broad segment of public interest, involvement in community activities should be outlined in the curriculum vitae submitted with the nomination.

After due consideration of all nominees, including nominees of the Governor of Missouri, the Secretary of Health, Education, and Welfare will appoint four public representatives, at least two of whom shall have been recommended by the Governor under section 1162(b)(3) of the Act.

All nominations from the general public for public member positions on the Statewide Council, together with a curriculum vitae, should be sent to Holman R. Wherritt, M.D., Regional Health Administrator at Department of Health, Education, and Welfare, Region VII Office, 601 East 12th Street, Kansas City, Missouri 64106. To ensure consideration, nominations should be received on or before October 12, 1976. Further information concerning the nature and function of the Statewide Council and the role of public members in Council activities may be obtained by contacting the Office of the Regional Health Administrator at (816) 374-3291.

Dated: July 27, 1976.

JOHN H. KELSO,
Deputy Administrator,
Health Service Administration.

[FR Doc.76-23283 Filed 8-10-76;8:45 am]

RUTGERS COMMUNITY HEALTH PLAN

Qualified Health Maintenance Organizations

Notice is hereby given, pursuant to 42 CFR 110.605, that in the month of July 1976 the following entity has been determined to be a qualified health maintenance organization under section 1310 (d) of the Public Health Service Act (42 U.S.C. 300e-9(d)).

QUALIFIED HEALTH MAINTENANCE ORGANIZATION

Name, address, service area, and date of qualifiation. (Pre-operational qualified health maintenance organization: 42 CFR 110.603(c).)

1. Rutgers Community Health Plan, 88 College Avenue, New Brunswick, New Jersey 08903. Service area: Communities within a 15 mile radius of New Brunswick which includes all of Middlesex County and parts of Somerset, Union, Mercer, Monmouth and Morris Counties. Date of Qualification: July 1, 1976.

Files containing detailed information regarding this qualified health maintenance organization will be available for public inspection between the hours of 8:30 a.m. and 5 p.m., Monday through Friday, at the Office of the Administrator, Health Services Administration, Department of Health, Education, and Welfare, Room 14A-27, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852.

Questions about the review process or requests for information about qualified health maintenance organizations should be sent to the same office.

Dated: August 2, 1976.

JOHN H. KELSO,
Deputy Administrator,
Health Services Administration.

[FR Doc.76-23284 Filed 8-10-76;8:45 am]

Office of Education

TEACHER CORPS PROJECTS

Proposed Criteria for Selection of Applications

Pursuant to the authority contained in Part B-1 of the Education Professions Development Act of 1965, as amended (79 Stat. 1255-1258, as amended, 20 U.S.C. 1101-1107a), notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to issue the criteria set forth below as the basis on which applications submitted for Teacher Corps projects will be judged. Assistance under this program will be subject to Part 100a of Title 45 of the Code of Federal Regulations.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed criteria to the Teacher Corps, U.S. Office of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202. Comments received in response to this notice will be available for public inspection Mondays through Fridays between 8:30 a.m. and 4:30 p.m. at the Teacher Corps office, Room 1700 of the Donohoe Building, 400 Sixth Street, S.W., Washington, D.C.

All comments, suggestions, or objections to be considered must be received not later than September 27, 1976.

(Catalog of Federal Domestic Assistance Program No. 13.489, Teacher Corps—Operation and Training.)

Dated: June 23, 1976.

T. H. BELL,
Commissioner of Education.

Approved: August 4, 1976.

DAVID MATHEWS,
Secretary of Health,
Education, and Welfare.

I. CRITERIA FOR THE SELECTION OF TEACHER CORPS PROJECT APPLICATIONS

In addition to the criteria set forth in 45 CFR 100a.26(b), the following criteria will also be used as a basis for approving applications for Teacher Corps projects and in determining the amount of the award under approved applications:

(A) *Instructional Program.* The extent to which the proposed instruction program provides:

(i) Training options designed to enable Teacher Corps interns, teacher aids, and experienced teachers to provide individualized classroom instruction;

(ii) Adequate means for evaluating their competencies; and

(iii) Training to prepare these persons to serve in schools in areas having concentrations of low income families.

These low income areas are determined in accordance with Section 103 of Title I of the Elementary and Secondary Act of 1965, as amended. The training will relate to such matters as identifying children with learning and behavioral problems, diagnosing their special needs, and prescribing learning activities to meet those needs.

(20 U.S.C. 1101, 1103)

(B) *Community Based Education.* The extent to which the application sets forth opportunities for involvement of parents of children to be served by the proposed project in decision-making, planning, development, implementation, and evaluation of the project. There must be evidence that this participation has occurred during the development of the application and that provision is made for developing the capabilities of parents, residents in the community, and secondary education and college students to serve as part-time tutors or full-time instructional assistants in the project (including, where appropriate, provision for university courses). There must be procedure for adequate dissemination of program plans and evaluation to parents and the public.

(20 U.S.C. 1101, 1103, 1231d)

(C) *Institutional Adoption.* The extent to which the project is designed so that the successful elements of the project can be incorporated into the overall instructional program of the applicant institution or agency.

(20 U.S.C. 1101, 1103)

(D) *Needs Analysis.* Whether the retraining of experienced teachers and teacher aides, and the training of teacher interns, will be based on an analysis of the learning needs of children from low income families.

(20 U.S.C. 1101, 1103)

(E) *Multi-Cultural Consideration.* The extent to which the application supports activities that are responsive to the diverse cultures represented by the proposed project's target populations, and relates to the needs of the communities and students to be served by the Teacher Corps project. In applications for projects in areas where the target population is predominantly from one culture, there must be an indication of the extent to which the project will increase the children's knowledge of their own culture and other cultures as well.

(20 U.S.C. 1101, 1103)

(F) *Diagnostic-Prescriptive Teaching.* The extent to which the application contains provisions for training in:

(i) Skills needed to identify special learning problems;

(ii) Skills needed to diagnose particular learning needs; and

(iii) Skills needed to prescribe programs to meet these learning problems and needs.

The application must show how these skills can be applied to all children to be served by the project, and to improve the educational opportunities in the regular classroom for children with learning and behavioral problems. This must be an integral part of the program design for all projects.

(20 U.S.C. 1101, 1103)

(G) *School-Staff Focus.* The extent to which the proposed retraining of experienced teachers and teacher aides will be available to the entire educational staff of each school receiving a Teacher Corps intern team.

(20 U.S.C. 1101, 1103)

(H) *Field Based Instruction.* The extent to which appropriate aspects of the instruction for experienced teachers and teacher aides, teacher interns, or community volunteers, will be carried out in the school served by the project and the local community rather than at the participating college or university.

(20 U.S.C. 1101, 1103)

(I) *Collaborative Decision-Making.* The extent to which the application indicates that a school-community council for each participating school exists or will be developed to respond to the needs and wishes of those directly involved with the project (such as Teacher Corps members, staff, trainees, school administrators, and members of the community) and to those less directly involved (such as teacher unions, State Educational Agencies and other organizations which may influence or be affected by the project).

(20 U.S.C. 1101, 1103)

(J) *Intern Teams.* The extent to which the application sets forth a team organization which will be able to operate effectively in carrying out the purposes of the project. An intern team (except as otherwise determined by the Commissioner) consists of 4 interns led by an experienced teacher who is the team leader. There is one team for each Teacher Corps project.

(20 U.S.C. 1103)

(K) *Local Needs.* The extent to which the project has special characteristics which take account of local conditions (such as population density, housing patterns, etc.).

(20 U.S.C. 1101, 1103)

(L) *Equitable Geographical Distribution.* The extent to which approval of the project would further the equitable geographical distribution of projects, including proportional representation among urban and rural areas.

(20 U.S.C. 1101, 1103)

(M) *Management and Evaluation Plans.* The extent to which plans for program organization, management, and evaluation are set forth. Data collection procedures must be described based on program goals, performance criteria, and regular program review.

(20 U.S.C. 1101, 1103)

II. DEMONSTRATION REQUIREMENTS

Collectively, Teacher Corps projects should represent a coherent effort to demonstrate to all local educational agencies and communities the potential for training and retraining approaches. Therefore, each application for a Teacher Corps project must combine:

(i) The meeting of local educational needs and concerns, with

(ii) A demonstration project for the training of teacher interns and the retraining of experienced teachers and teacher aides that could have wider applicability than the local project.

To achieve this coherence and broader impact, the demonstration project must adopt one of the following broadly defined strategies:

(A) *The Training Complex.* This strategy is designed to provide training and retraining of educational personnel at a site located within or near the schools, and where a school program for children is to be conducted. The institution of higher education and the local educational agency establish the training complex where teacher interns and experienced teachers and teacher aides are to be trained and retrained. This is intended to become a permanent structure for training and retraining educational personnel for the local educational agency. Applications may show wide diversity in the features of a training complex, but they must describe plans for the direct involvement of training personnel from the institution of higher education at the training complex with school officials and the trainees, and a wide use of community and local educational agency resources for the development and delivery of both training and retraining.

(20 U.S.C. 1101, 1103)

(B) *Competency-Based Teacher Education.* This strategy specifies in advance what effective teachers should be able to do when the training is completed. It then measures their achievements by observing their work with children in a school. The training for experienced teachers, teacher interns, teacher aides, and community volunteers is delivered through sequential modules based on increasing their levels of competencies. Applications must describe how the proposed project will:

(i) Objectively define the needed competencies based on analysis of training and retraining needs:

(ii) Develop systematic management processes so that persons in training or retraining can evaluate their own learning needs and achievements;

(iii) Provide alternative modes of instruction to help trainees achieve the needed competencies relating to the improvement of educating students; and

(iv) Direct the use of university and other program resources towards meeting the needs of teacher interns, experienced teachers, teacher aides, and community volunteers within the local educational agencies served by the project.

(20 U.S.C. 1101, 1103)

(C) *Training for Implementing Alternative School Designs.* In local educational agencies where alternative school designs are planned, this strategy may be chosen to demonstrate, through a Teacher Corps project, a program of training teacher interns and retraining experienced teachers and teacher aides for implementing such an innovation. Applications must:

(i) Contain assurances that the local educational agency is already committed

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to an alternative design and that the institution of higher education involved in the Teacher Corps project will be able to demonstrate appropriate training and retraining activities;

(ii) Limit Teacher Corps resources to training and retraining, and provide evidence that locally controlled resources are committed to supporting other aspects of the project; and

(iii) Demonstrate a viable alternative strategy for improving the education of low income children by improving both the skills of educational personnel and the conditions under which education takes place.

(20 U.S.C. 1101, 1103)

(D) *Interdisciplinary Training Approaches.* This strategy should be chosen by those applicants who wish to demonstrate a training program for teacher interns and the retraining of experienced teachers and teacher aides that involves the participation in teacher education of representatives from various academic disciplines (such as the liberal and fine arts, physical and natural sciences, social sciences, and humanities). The approach selected must be aimed at increasing the educational opportunities of low income children by enriching and reorganizing the base of knowledge and experience for planning and managing learning activities. Applications must emphasize that there has been collaborative planning by representatives of diverse disciplines and that the proposed training and retraining is responsive to the cultural and community values of the families of the children to be served. Applications must also emphasize how and to what extent interrelationships among educational agencies and institutions (such as universities and local educational agencies) and other community institutions are to be improved by their choice of this strategy.

(20 U.S.C. 1101, 1103)

(E) *Training for the Systematic Adaption of Research Findings.* There is presently available, in immediately usable form, a substantial body of research results which has proven effective and is relevant to learning and educational processes for schools serving low income populations. This research represents a vast potential resource which, as yet, has not been organized into systemic or overall program demonstrations. These research findings can be incorporated into the design of Teacher Corps programs for the training of teacher interns and the retraining of experienced teachers and teacher aides by identifying training objectives, selecting approaches to training and evaluation, creating instructional materials and activities or adapting existing materials to new situations. Applications selecting this strategy must:

(i) Identify and describe the validated research findings that will be incorporated into a demonstration program of teacher intern training and the retraining of experienced teachers and teacher aides, and show the relationship of these research findings to the educational problems addressed by the application;

(ii) Indicate a plan for the systematic application of these findings to activities of practicing educational personnel; and

(iii) Show how the proposed program, based on these findings, will have applicability to other local educational agencies, and to educational groups, as a demonstration project.

(20 U.S.C. 1101, 1103)

[FR Doc.76-23294 Filed 8-10-76;8:45 am]

Office of the Secretary

PRIVACY ACT OF 1974

Systems of Records and Notice of Proposed Routine Uses Therefor

Pursuant to the Privacy Act of 1974 (Pub. L. 93-579) as prescribed in 5 U.S.C. 552a(e)(4), the following modified notices of systems of records that are maintained by the Department of Health, Education, and Welfare are published as set forth below. These systems are currently ongoing and the changed and/or additional information in the notices are indicated by italics.

Prior to the final adoption of the proposed additional/modified routine uses of these notices, consideration in accordance with the requirements of 5 U.S.C. 552a(e)(11) will be given to comments which are submitted in writing on or before September 10, 1976. Comments should be addressed to the Director, Fair Information Practice Staff, Department of Health, Education, and Welfare, 200 Independence Avenue, S.W., Washington, D.C. 20201. Comments received will be available for inspection in Room 526E, South Portal Building, at the above address.

Due to a format error the system notice on "Workers Exposed to Benzidine—(Bladder Cancer)—HEW/CDC/NIOSH" published in the FEDERAL REGISTER on June 29, 1976 was inadvertently published twice on pp. 26735 and 26736 with some of the changed and/or additional information in each system notice. In order to clarify the situation for the reader, this notice numbered CDC NIOSH 0024.01 is published again with all of the changed and/or additional information in one listing of the notice. The .01 part of the number 0024.01 indicates that this is the first set of modifications to that notice.

Dated: August 4, 1976.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

OS ASAM PT *05.02*

System name:

Employee Alcoholism, Drug Abuse and Emotional Problem Counselling and Referral Records HEW/OS/ASAM/PT.

Security classification:

None.

System location:

Personnel offices shown in Applicants for Employment Records, HEW System OS-ASAM-PT-1, Appendix 1 or designated offices performing counselling functions for employees in organizational units serviced by those personnel offices, *including the Public Health Employee Assistance Program offices listed in Appendix 1 of this notice.*

Categories of individuals covered by the system:

Department employees who have been counselled for work adjustment, personal or emotional health problems *and/or the abuse* of alcohol or drugs.

Categories of records in the system:

This system contains records *of employees who have been referred but not counseled; records of employees who have been counseled for work adjustment, personal or emotional problems, and/or alcohol or drug abuse; and records of members of employees' families who have been counselled.* Examples of information which may be found in this record system include the employee's name, SSN, date of birth, grade, job series, job title, leave record, service computation date, home address, home phone number, supervisor's name, name and address of the individual's personal physicans, social history, educational background, and performance appraisals. Other documents which may be found in the counsel's file *are notes made by the counselor,* copies of admonishments and reprimands received by the employee and a record of the supervisor's referral (if the employee was referred by the supervisor).

Authority for maintenance of the system: *44 U.S.C. 3101, 42 U.S.C. 4561, 21 U.S.C. 1180, and 5 U.S.C 7901.*

Routine uses of records maintained in the systems, including categories of users and the proposes of such uses:

In unusal circumstances, it may be appropriate to disclose information from this system of records: (1) in accordance with Appendix B Departmental Regulations (45 CFR Part 5b), Items 9, 101, 102; (2) To the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of components of the Department in connection with such individual. Such disclosures will be restrictively made; in particular, disclosures of information pertaining to an individual with a history of alcohol or drug abuse will be limited in compliance with the restrictions of the Confidentiality of Alcohol and Drug Abuse Patient Records regulations, 42 CFR Part 2.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Employee records are maintained in file folders and on index cards.

Retrievability:

Records are *filed* by name or by case number cross indexed with the employee's name. The records are used by counsellors to document the *nature of the individual's problem and progress and when necessary to refer individuals to appropriate community or private resources for treatment or rehabilitation. Anonymous information* from these records may also be used to produce summary descriptive statistics and analytical studies in support of the functions for which the records are collected and maintained.

Safeguards:

During the employment of the individual, records are maintained in confidential files separate from the Official Personnel Folder and are located in lockable metal containers or in secured rooms with access limited to those whose official duties require access. *Disclosure of the contents of records which pertain to an individual's alcohol or drug abuse is restricted under the provisions of the Confidentiality of Alcohol and Drug Abuse Patient Records regulations, 42 CFR, Part 2, as authorized by 21 U.S.C. 1175 and 42 U.S.C. 4582, as amended by P.L. 93-282. To the extent possible, identical restrictions will be applied to the disclosure of the contents of records pertaining to individuals with other problems who are participating in the Public Health Employee Assistance Program.*

Retention and disposal:

Counselling records may be maintained for as long as the employee continues to visit the counsellor. The records are destroyed upon separation or transfer of the employee or when the employee has ceased contact with the counsellor for two years.

System manager(s) and address:

For records of individuals participating in the Public Health Employee Assistance Program conducted by the Public Health Service: The responsible Administrator shown in Appendix 1 below. For other individuals' records: The Personnel Officer servicing the installation in which counseling was provided, as shown in Applicants for Employment Records, HEW System OS-ASAM-PT-1, Personnel Appendix 1.

Notification procedure:

Inquiries should be addressed to the system manager at the office where counseling was provided. Individual should provide name, grade, organization in which employed date of birth *and location and approximate date of counseling. When applicable, the special procedures for access to medical records will be followed (see 45 CFR 5b.6 in 40 Federal Register 47411). When the records pertain to an individual's alcohol or drug abuse, the procedures in 42 CFR 2.40 will also be followed.*

Record access procedures:

Same as above.

Contesting record procedures:

Requests for correction or amendment of records should be addressed to the appropriate system manager.

Record source categories:

Information in this system of records is: (1) supplied directly by the individual, or (2) supplied by a member of the individual's family, or (3) derived from information supplied by the individual, or (4) supplied by sources to whom the employee has been referred for assistance, or (5) supplied by Department officials, or *(6) supplied by program counselors.*

Appendix 1.—Officials of Public Health Employee Assistance Program (Public Health Service)

Administrator, ADAMHA Employee Assistance Program, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852.
Administrator, Public Health Employee Assistance Program, Personnel Management Office, Center for Disease Control, Atlanta, Georgia 30333.
Administrator, Public Health Employee Assistance Program, Food and Drug Administration, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852.
Administrator, Health Resources Administration Employee Assistance Program, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852.
Administrator, Health Services Administration Employee Assistance Program, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852.
Administrator, Public Health Employee Assistance Program, Office of Occupational Health, National Institutes of Health, Bethesda, Maryland 20010.
Administrator, Public Health Employee Assistance Program, Office of the Assistant Secretary for Health, 330 Independence Avenue SW., Washington, D.C. 20201.

OS ASAM PT *12.04*

System name:

Pay, Leave and Attendance Records. HEW/OS/ASAM/PT.

Security classification:

None.

System location:

Division of Central Payroll, Department of Health, Education, and Welfare, 330 Independence Avenue, S.W., Washington, D.C. 20201.

Payroll Liaison Representatives. See Personnel Appendix 1. Timekeepers in organizational units serviced by Payroll Liaison Representatives shown in Personnel Appendix 1. *Personnel offices shown in HEW System OS-ASAM-PT-1, Applicants for Employment Records, Appendix 1.*

Categories of individuals covered by the system:

All paid employees of the Department of Health, Education, and Welfare including PHS Commissioned Corps Personnel.

Categories of records in the system:

This system consists of a variety of records relating to pay and leave determinations made about each employee of the Department of Health, Education, and Welfare. In addition to the name of the employee, the system includes information such as the employee's date of birth, social security number, home address, grade or rank, employing organization, timekeeper number, salary, Civil Service Commission retirement fund contributions, pay plan, number of hours worked, annual and sick leave accrual rate and usage, annual and sick leave balance, FICA withholdings, Federal, state and city tax withholdings, Federal Employees Government Life Insurance withholdings, Federal Employees Health Benefits withholdings, garnishment documents, savings allotments, union and management association dues withholdings allotments, savings bonds allotments, and combined Federal Campaign allotments; for Commissioned Corps personnel information such as the following is included: years of service, payroll number, base pay, incentive pay, hazardous pay, allowances and Servicemen's Group Life Insurance.

Authority for maintenance of the system:

5 U.S.C. 5501 et. seq., 5525 et. seq., 6301 et. seq.; 42 U.S.C. 201 et. seq.; and P.L. 90-83.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information in this system of records is used or may be used:

a. To prepare W-2 Forms to submit to the Internal Revenue Service, *and to disclose to state and local government agencies having taxing authority pertinent records relating to employees, including name, home address, social security number (in accordance with Section 7 of Public Law 93-579), earned income, and amount of taxes withheld.*

b. In accordance with Appendix B Departmental Regulations (45 CFR Part 5b) Items 01, 3, 4, 5, 6, 7, 8, 9.

c. By the Civil Service Commission in the performance of its functions.

d. By the Department of Labor to make compensation determination in connection with a claim filed by the employee for compensation on account of a job-connected injury or disease.

e. To respond to court orders for garnishment of an employee's pay for allimony or child support.

f. To respond to orders from IRS for garnishment of an employee's pay for Federal income tax purposes.

g. To the Department of Treasury for the purposes of preparing and issuing employee salary and compensation checks and U.S. Savings Bonds.

h. By state offices of unemployment compensation in connection with claims filed by former DHEW employees for unemployment compensation.

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i. When an individual to whom a record pertains dies, to disclose information in the individual's record to heirs, executors and legal representatives of beneficiaries.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Magnetic tape, microfilm, punch cards and forms.

Retrievability:

Records are maintained by pay period and are retrievable by name, SSN and Timekeeper number within each pay period. They are used to insure that each employee receives the proper pay and allowances; that proper deductions and authorized allotments are made from the employee's salary; that the employee is credited and charged with the proper amount of sick and annual leave. Records are also used to produce summary descriptive statistics and analytical studies in support of the functions for which the records are collected and maintained and for related personnel management functions or pay studies, and for other purposes compatible with the intent for which the records system was created.

Safeguards:

Access to and use of these records are limited to personnel whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal:

A record (continuously updated) is maintained on the data disc for as long as employed. Source document microfilm records are kept 4 years then destroyed. Time card microfilm is kept 5 years then destroyed. Data file microfilm is kept 6 years then destroyed.

System manager(s) and address:

Director, Division of Central Payroll, P.O. Box 1825, Washington, D.C. 20013.

Notification procedure:

Same as System Manager. Also may contact, *as appropriate*, Payroll Liaison Representatives in Personnel Appendix 1 *or Personnel Officers shown in HEW System OS–ASAM–PT–1, Applicants for Employment Records, Appendix 1.* Provide name, social security number, timekeeper number and pay period about which inquiring.

Records access procedures:

Same as above.

Contesting record procedures:

Same as above.

Record source categories:

In formation in this system of records is (1) supplied directly by the individual, or (2) derived from information supplied by the individual, or (3) supplied by timekeepers and other Department officials.

Systems exempted from certain provisions of the act:

None.

PERSONNEL APPENDIX 1

DIVISION OF CENTRAL PAYROLL LIAISON OFFICERS

OS, TK Range, 00010–00497.

Payroll Liaison Officer, Office of the Secretary, Room 4309, HEW North Bldg., 330 Independence Avenue, SW., Washington, D.C. 20201.

OE, TK Range, 04000–04999.

Payroll Liaison Officer, Office of Education, Room 3092–E, FOB 06, 400 Maryland Ave., SW., Washington, D.C. 20202.

NIE, TK Range, 06000–06999.

Payroll Liaison Officer, National Institute of Education, Room 821, Marsh Bldg., 1832 M Street NW., Washington, D.C. 20208.

SRS.

Payroll Liaison Officer, Social and Rehabilitation Service, Room 1219, HEW South Bldg., 330 C Street SW., Washington, D.C. 20201.

SOCIAL SECURITY ADMINISTRATION HEADQUARTERS

SSA HQ, TK Range, 80000–89999.

Payroll Liaison Officer, SSA Headquarters, Room 1M10, Annex Bldg., 6401 Security Bldg., Baltimore, Maryland 21235.

SSA HQ.

Payroll Liaison Officer, BRSI Financial Mgmt. Branch, Room 237, West Bldg., 6401 Security Blvd., Baltimore, Maryland 21235.
SSA, TK Range, 00620–00624.

Payroll Liaison Officer, Universal Bldg., Room 93, 1875 Connecticut Ave. NW., Washington, D.C. 20009.

SOCIAL SECURITY ADMINISTRATION PROGRAM CENTERS

Mid Atlantic: MAPTC, TK Range, 20000–20499.

Payroll Liaison Officer, SSA, HEW Program Center, P.O. Box 12807, Philadelphia, Pennsylvania 19108.

North Eastern: NEPC, TK Range, 20500–20499.

Payroll Liaison Officer, SSA Program Center, 9605 Horace Harding Expressway, Flushing, New York 11368.

South Eastern: SEPC, TK Range, 40000–40999.

Payroll Liaison Officer, Birmingham Program Center, P.O. Box 1031, Birmingham, Alabama 35201.

Great Lakes: GI PC, TK Range, 50000–50999.

Payroll Liaison Officer, Chicago Program Center, 165 North Canal Street, Chicago, Illinois 60606.

Mid American: MAMPC, TK Range, 60000–60999.

Payroll Liaison Officer, 601 East 12th Street, Room 1459, Kansas City, Missouri 64106.

Western: WPC, TK Range, 70000–70999.

Payroll Liaison Officer, San Francisco Program Center, P.O. Box 2000, Richmond, California 94802.

Boston: TK Range, 26086–27707.

Payroll Liaison Officer, John F. Kennedy Federal Bldg., SSA, Government Center, Boston, Massachusetts 02203.

New York: TK Range, 27800–28435.

Payroll Liaison Officer, 26 Federal Plaza, Room 737, New York, New York 10007.

Philadelphia: TK Range, 31675–32146.

Payroll Laison Officer, P.O. Box 8788, Philadelphia, Pennsylvania 19101.

Atlanta: TK Range, 47115–47365.

Payroll Liaison Officer, Room 226, Peachtree-Seventh Bldg., 50 7th Street NW., Atlanta, Georgia 30323.

Cleveland: TK Range, 56408–56675.

Payroll Liaison Officer Room 100, 14725 Detroit Ave., Cleveland, Ohio 44107.

Chicago: TK Range, 55535–56359.

Payroll Liaison Officer, SSA Admin. BDOO, 300 South Wacker Drive, Chicago, Illinois 60606.

Kansas City: TK Range, 65765–66030.

Payroll Laison Officer, Regional Representatives, DHEW SSA, 601 E. 12th Street, Kansas City, Missouri 64106.

Dallas: TK Range, 67366–67780.

Payroll Laison Officer, DHEW SSA BDOO, Room 624, 1114 Commerce Street, Dallas, Texas 75202.

Denver: TK Range 69100–69230.

Payroll Laison Officer, Federal Office Bldg., 19th and Stout Streets, Denver, Colorado 80202.

Seattle: TK Range, 79505–79559.

Payroll Liaison Officer, DHEW Regional Representatives BDOO, RFK Plaza Bldg., Seattle, Washington 98101.

San Francisco

Payroll Liaison Officer, DHEW Personnel, 50 Fulton Street, San Francisco, California 94102.

Baltimore

Payroll Liason Officer, SSA, Room 245, Altmeyer Bldg., 6401 Security Blvd., Baltimore, Maryland 21235.

BHA, TK Range.

Payroll Liaison Officer, Room 335, Webb Bldg., 801 N. Randolph Street, Arlington, Virginia 22203.

REGIONAL OFFICES

Boston

Payroll Liaison Officer, HEW Personnel, Room 1503, JFK Federal Bldg., Boston, Massachusetts 02203.

New York

Payroll Liaison Officer, Room 937, 26 Federal Plaza, New York, New York 10007.

Philadelphia

Payroll Liaison Officer, Financial Management, P.O. Box 13716, Philadelphia, Pennsylvania 19101.

Atlanta

Payroll Liaison Officer, Room 404, 50 7th Street NE., Atlanta, Georgia 30323.

Chicago

Payroll Liaison Officer, DHEW Personnel, 300 S. Wacker Drive, Chicago, Illinois 60606.

Dallas

Payroll Liaison Officer, Region VI Personnel Office, DHEW, Room 1410, 1114 Commerce Street, Dallas, Texas 75202.

Kansas

Payroll Liaison Officer, Office of Regional Directors, DHEW, 601 East 12th Street, Kansas City, Missouri 64106.

Denver

Payroll Liaison Officer, Room 9019, Federal Office Bldg., 19th and Stout Street, Denver, Colorado 80202.

San Francisco

Payroll Liaison Officer, DHEW Personnel, 50 Fulton Street, San Francisco, California 94102.

Seattle

Payroll Liaison Officer, Regional Personnel Office, RFK Plaza Bldg., MS 627, Seattle, Washington 98101.

Cleveland

Payroll Liaison Officer, Room 500, 14600 Detroit Ave., Cleveland, Ohio 44107.

Black Lung

Payroll Liaison Officer, Room 423, P.O. Box 2518, Washington, D.C.

DATA OPERATIONS CENTERS

Payroll Liaison Officer, Room 423, P.O. Box 2518, Washington, D.C.
Payroll Liaison Officer, Data Operations Center, P.O. Box 2247, Albuquerque, New Mexico 87103.

U.S. PUBLIC HEALTH SERVICE HOSPITAL

San Francisco: TK Range, 72000–72284.

Payroll Liaison Officer, USPHS Hospital, 15th and Lake Street, San Francisco, California 94118.

Seattle: TK Range, 73000–73300.

Payroll Liaison Officer, USPHS Hospital, P.O. Box 3145, Seattle, Washington 98114.
Staten Island: TK Range, 23300–23840.
Payroll Liaison Officer, USPHS Hospital, Bay and Vanderbilt Streets, tSaten Island, New York 10304.

Saint Elizabeths: TK Range, 08010–08910.

St. Elizabeths Hospital, Room 120, E. Bldg., 2700 Martin Luther King Ave. SE., Washington, D.C. 20032.

Baltimore: TK Range, 24500–24610.

Payroll Liaison Officer, USPHS Hospital, 3100 Wyman Park Drive, Baltimore, Maryland 21211.

Boston: TK Range, 23005–23250.

Payroll Liaison Officer, USPHS Hospital, 77 Warren Street, Boston, Massachusetts 02135.

Carville: TK Range, 46500–46710.

Payroll Liaison Officer, USPHS Hospital, Carville, Louisiana 70721.

Galveston: TK Range, 62000–62100.

Payroll Liaison Officer, USPHS Hospital, 4400 Avenue N., Galveston, Texas 77550.

New Orleans: TK Range, 46000–46415.

Payroll Liaison Officer, USPHS Hospital, 210 State Street, New Orleans, Louisiana 70118.

Norfolk: TK Range, 24900–25155.

Payroll Liaison Officer, USPHS Hospital, 6500 Hampton Blvd., Norfolk, Virginia 23508.

INDIAN HEALTH SERVICE

Aberdeen: TK Range, 53400–53490.

Payroll Liaison Officer, PHS Indian Health Service, Room 300, Citizens Bldg., Aberdeen, South Dakota 57401.

Albuquerque: TK Range, 62700–63325.

Payroll Liaison Officer, Albuquerque Indian Health Service, Federal Office Bldg. and U.S. Courthouse, Room 4006, 500 Gold Avenue, Albuquerque, New Mexico 87101.

Anchorage: TK Range, 74005–75450.

Payroll Liaison Officer, Alaska Native Medical Center, P.O. Box 7–741, Anchorage, Alaska 99501.

Billings: TK Range, 53900–54155.

Payroll Liaison Officer, Indian Health Area Office, P.O. Box 2134, Billings, Montana 59103.

Oklahoma: TK Range, 63400–63985.

Payroll Liaison Officer, Oklahoma City Area, Indian Health Service, 388 Old Post Office and Courthouse Bldg., Oklahoma City, Oklahoma 73102.

Saratoga: TK Range, 63917.

Payroll Liaison Officer, Indian Health Service, 1970 Main Street, Saratoga, Florida 33577.

Phoenix: TK Range, 73501–73519, 73521–73952.

Payroll Liaison Officer, Phoenix Area Indian Health, 801 E. Indian Medical Center, Phoenix, Arizona 85021.

Phoenix: TK Range, 73520.

Payroll Liaison Officer, Phoenix Indian Medical Center, 4212 No. 16th Street, Phoenix, Arizona 85016.

Tucson

Payroll Liaison Officer, IHS–HPSC, P.O. Box 11340, Tucson, Arizona 85734.

PUBLIC HEALTH SERVICE

CDC, TK Range, 45000–45600, 74005–74085.

Payroll Liaison Officer, Center for Disease Control, Financial Management, 1600 Clifton Road NE., Atlanta, Georgia 30330.

NIH, TK Range, 10010–16571.

Payroll Liaison Officer, National Institutes of Heath, Room B1B, Bldg. 11, 9000 Rockville Pike, Bethesda, Maryland 20014.

FDA, TK Range, 09000–09934.

Payroll Liaison Officer, PDA Payroll Liaison Section, Accounting Branch, HFA–120, Room 11–82, Parklawn Bldg., 5600 Fishers Lane, Rockville, Maryland 20852.

NIOSH (CDC), TK Range, 03500–03579, 03600–03608, 52936–52949, 52930–52935, 69120.

Payroll Liaison Officer, DHEW, CDC, NIOSH, Financial Mgmt. Branch, Parklawn Bldg., DANAC 3–32 F, 5600 Fishers Lane, Rockville, Maryland 20852.

NIH

Payroll Liaison Officer, National Institute of Environmental Health Sciences, NIH, P.O. Box 12233, Research Triangle Park, North Carolina 27709.

HSMHA, TK Range, 02000–03878.

Payroll Liaison Officer, HSMHA (Parklawn), Room 1649, Parklawn Bldg., 5600 Fishers Lane, Rockville, Maryland 20852.

NIMH, TK Range, 03900–03999, 5200–52120.

Payroll Liaison Officer, NIMH, Room 1399 Parklawn Bldg., 5600 Fishers Lane, Rockville, Maryland 20852.

DHEW HSA FHPS, TK Range, 03400–03420.

Payroll Liaison Officer, Administrative Asst., 6525 Belcrest Road, West Hyattsville, Maryland 20782.

OASH OAM 0007.02

System name:

PHS Commissioned Corps General Personal Files and Records. HEW/OASH/OAM.

Security classification:

None.

System location:

Office of the Director, Commissioned Personnel Operations Division, Office of Personnel Management/OAM/PHS, Room 4A–15, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852.

Categories of individuals covered by the system:

Commissioned Officers, former Commissioned Officers, applicants to the Commissioned Corps of the Public Health Service.

Categories of records in the system:

Official Personnel Folders; Service Records Cards (summarizing personnel actions); Commissioned Officer leave records; file records of non-appointed applicants; Commissioned Officer Residency Deferment Program (CORD) files containing application forms and related documents; Selection Systems applications; identification and privilege card records; recommendations regarding payment of leprosy duty pay; and correspondence relating to the above.

Authority for maintenance of the system:

Public Health Service Act Section 201 et seq. (42 U.S.C. 202 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Limited information provided prospective employers upon inquiry. Employment confirmations provided FHA and financial institutions. DOD may obtain access in event of national emergency. VA may obtain information in event of past employment claim. Bureau of Prisons (Department of Justice), Coast Guard (Department of Transportation), and Environmental Protection Agency may obtain copies of personnel documents relating to Commissioned Officers on assignment to those agencies. *Records may be disclosed to individuals and organizations deemed qualified by the Secretary to carry out specific research solely for the purpose of carrying out such research (45 CFR, Part 5b, Appendix B, Item 101).*

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records kept in secured area. Derogatory information kept in locked safe.

Retrievability:

Alphabetically indexed by name of person and SSN. (Permission has been requested from the Department for the continued use in this system of the SSN as a use within Sec. 7(a)(2)(B) of the Privacy Act.) Used by HEW officials who conduct personnel operations for the Commissioned Corps.

Safeguards:

Secured area, safes, and building guard force.

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Retention and disposal:

Applicant files destroyed after two years if not used; leave records destroyed five years after separation; other files retained indefinitely. Identification and privilege cards and records disposed of when officer is no longer entitled to use.

System manager(s) and address:

Director, Commissioned Personnel Operations Division. (See System Location above.).

Notification procedure:

Write only System Manager.

Record access procedures:

Contact the System Manager shown above.

Contesting record procedures:

Contact System Manager.

Record source categories:

Information furnished by subject, references, reports of supervisors and other officials; personal actions; and doctors.

Systems exempted from certain provisions of the act:

None.

SSA HI CAR 0175.03

System name:

Carrier Medicare Claims Records HEW SSA.

Security class (If none, so state):

None.

System location:

Carriers, under contract to Social Security Administration (See Appendix C, section 4).

Categories of individuals covered by the system:

Recipients of Part B (Supplementary Medical) Medicare benefits.

Categories of records in the system:

Request for Payment; Provider Billing for Patient Services by Physician; Prepayment Plan for Group Medicare Practices Dealing through a Carrier; Request for Claim Number Verification; Payment Record Transmittal; Statement of Person Regarding Medicare Payment for Medical Services Furnished Deceased Patient; Report of Prior Period of Entitlement; itemized bills and other similar documents from beneficiaries required to support payments to physicians and other suppliers of Part B Medicare services.

Authority for maintenance of the system:

Sections 1842 and 1874 of title XVIII of the Social Security Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Routine uses for disclosure may be to:

a. Claimants, other than the data subject, their authorized representatives or representative payees to the extent necessary to pursue claims made under title XVIII of the Social Security Act (Medicare).

b. Third-party contacts by the Social Security Administration (without the consent of the individual to whom the information pertains) in situations where the party to be contacted has, or is expected to have, information relating to the individual's capability to manage his affairs or his eligibility for or entitlement to benefits under the Medicare program when:

(1) The individual is unable to provide the information being sought (an individual is considered to be unable to provide certain types of information when any of the following conditions exist: individual is incapable or of questionable mental capability, cannot read or write, cannot afford the cost of obtaining the information, a language barrier exists, or the custodian of the information will not, as a matter of policy, provide it to the individual), or

(2) The data are needed to establish the validity of evidence or to verify the accuracy of information presented by the individual, and it concerns one or more of the following: the individual's eligibility to benefits under the Medicare program; the amount of reimbursement; any case in which the evidence is being reviewed as a result of suspected abuse or fraud, concern for program integrity, or for quality appraisal, or evaluation and measurement system activities.

c. Third-party contacts by the Social Security Administration where necessary to establish or verify information provided by representative payees or payee applicants.

d. The Treasury Department for investigating alleged theft, forgery, or unlawful negotiation of Medicare reimbursement checks.

e. The United States Postal Service for investigating alleged forgery or theft of social security checks.

f. The Department of Justice for investigating and prosecuting violations of the Social Security Act to which criminal penalties attach, for representing the Secretary and for investigating issues of fraud by agency officers or employees, or violation of civil rights.

g. The Railroad Retirement Board for administering provisions of the Railroad Retirement and Social Security Acts relating to railroad employment.

h. Professional Standards Review Organizations (PSRO) for utilization review.

i. State Licensing Boards for review of unethical practices or nonprofessional conduct.

j. Providers and suppliers of services directly or dealing through fiscal intermediaries or carriers for administration of provisions of title XVIII.

k. Contractors under contract to the Social Security Administration for the performance of research and statistical activities directly relating to the Social Security Act.

l. State welfare departments pursuant to agreements with the Social Security Administration for administration of State supplementation payments for determinations of eligibility of Medicaid per Section 1634 of the Social Security Act.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records maintained on paper.

Retrievability:

System is indexed by health insurance claim number. The record is prepared by the beneficiary and is used by the carriers to determine amount of and entitlement to Part B benefits. The bills are retained by the carriers. The record is also used to update the Part B Physician/Supplier 25,000 listing. Disclosures of physician's customary charge data are made to state audit agencies in order to ascertain the correctness of Title XIX charges and payments.

Safeguards (access controls):

Unauthorized personnel are denied access to the records area. Disclosure is limited.

Retention and disposal:

Close out at the end of the calendar year in which paid, two additional years, transferred to Federal Records Center and destroy after another six years.

System manager(s) and address (include zip code):

Director, Bureau of Health Insurance, 6401 Security Boulevard, Baltimore, Maryland 21235.

Notification procedure:

Inquiries and requests for system records should be addressed to the most convenient social security office or to Social Security Administration, Bureau of Health Insurance, Health Insurance Inquiries Branch, Baltimore, Maryland 21235. The individual should furnish his or her health insurance claim number and name as shown on social security records.

Record access procedures:

The individual can obtain information on the procedures for gaining access to and contesting records from the most convenient social security office or from Social Security Administration, Bureau of Health Insurance, Health Insurance Inquiries Branch, Baltimore, Maryland 21235.

Contesting record procedures:

Same.

Record source categories:

The data contained in these records is furnished by the individual. In most cases, the identifying information is provided to the physician by the individual. The physician then adds the medical information and submits the bill to the carrier for payment.

Systems exempted from certain provisions of the act (if none, so state):

None.

SSA PO RSI 0175.02

System name:

Claims Folders and Post-Adjudicative Records of Applicants and Beneficiaries for Social Security Administration Benefits HEW SSA.

Security class (if none, so state):

None.

System location:

Retirement and Survivors Insurance Claims; Claims folders are maintained primarily in the Retirement and Survivors Insurance Program Centers and the *Division of International Operations (see Appendix A). Disability Insurance Claims;* Bureau of Disability Insurance (see Appendix B) or Division of International Operations (see Appendix A.) Black Lung Claims: Bureau of Disability Insurance (see Appendix B). Supplemental Security Income Claims: Claims for benefits based on age—Retirement and Survivors Insurance Program centers (see Appendix A). Claims for Disability or Blind: Benefits—Bureau of Disability Insurance (see Appendix B). In addition, claims folders are transferred to numerous other locations throughout the Social Security Administration, and infrequently may be temporarily transferred to other Federal agencies (Department of Justice, or Office of the General Counsel, Department of Health, Education, and Welfare). The disability claims folders are also transferred to State agencies for disability and vocational rehabilitation determinations (see Appendix B). The claims folders are generally set up in district or branch offices when claims for benefits are filed. They are retained there until all development has been completed, then are transferred to the appropriate reviewing offices as set out above. Supplemental security income claims folders are held in district or branch offices pending establishment of a payment record, or until the appeal period, in a denied claim situation, has expired. The folders are then transferred to the reviewing office. For district or branch office information, see Appendix P.

Categories of individuals covered by the system:

Claimants for retirement, survivors, disability, health insurance, or black lung benefits or supplemental security income payments.

Categories of records in the system:

The claims folder is established when a claim for benefits is filed. It contains applications for benefits, earnings record information established and maintained by the Social Security Administration, documents supporting factors of entitlement and continuing eligibility, payment documentation, and correspondence to and from claimants and/or representatives. It may also contain data collected as a result of inquiries or complaints; and evaluation and measurement study of effectiveness of claims policies. Separate files may be maintained of certain actions which are entered directly into the computer processes. These relate to report of changes of address, work status, and other post-adjudicative reports.

Authority for maintenance of the system:

Payment of benefits is directed by the following sections: Sections 202 (a)–(i), 223, 226, 228, and 1611 of the Social Security Act and Section 411 of the Federal Coal Mine and Health Safety Act.

Routine uses of record maintained in the system, including categories of users and the purposes of such uses:

Routine uses for disclosure may be to:

a. Third party contacts by the Social Security Administration (without the consent of the individual to whom the information pertains) in situations where the party to be contacted has, or is expected to have, information relating to the individual's capability to manage his affairs or his eligibility for or entitlement to benefits under the social security program when:

(1) The individual is unable to provide the information being sought (an individual is considered to be unable to provide certain types of information when any of the following conditions exist: individual is incapable or of questionable mental capability, cannot read or write, cannot afford the cost of obtaining the information, a language barrier exists, or the custodian of the information will not, as a matter of policy, provide it to the individual), or

(2) The data are needed to establish the validity of evidence or to verify the accuracy of information presented by the individual, and it concerns one or more of the following: the individual's eligibility to benefits under a social security program; the amount of a benefit payment; any case in which the evidence is being reviewed as a result of suspected abuse or fraud, concern for program integrity, or for quality appraisal, or evaluation and measurement system activities.

b. Third party contacts by the Social Security Administration where necessary to establish or verify information provided by representative payees or payee applicants.

c. A person (or persons) on the rolls when a claim is filed by an individual which is adverse to the person on the rolls; that is:

(1) An award of benefits to a new claimant precludes an award to a prior claimant; or

(2) An award of benefits to a new claimant will reduce the benefit payments to the individual(s) on the rolls; but only for information concerning the facts relevant to the interests of each party in a claim.

d. Employers or former employers for correcting or reconstructing earnings records and for social security tax purposes only.

e. The Treasury Department for collecting social security taxes or as otherwise pertinent to tax and benefit payment provisions of the Social Security Act, (including social security number verification services), for investigating alleged theft, forgery, or unlawful negotiation of social security checks, *and for purposes of garnishment to provide child support or alimony in accordance with a properly executed garnishment action in accordance with 47 U.S.C. 659.*

f. The United States Postal Service for investigating alleged forgery or theft of social security checks.

g. The Department of Justice for investigating and prosecuting violations of the Social Security Act to which criminal penalties attach, for representing the Secretary, and for investigating issues of fraud by agency officers or employees, or violation of civil rights.

h. The Department of State and the Veterans' Administration Regional Office Philippines for administering provisions of the Social Security Act in foreign countries through facilities and services of those agencies.

i. The Railroad Retirement Board for administering provisions of the Railroad Retirement and Social Security Act relating to railroad employment.

j. The Veterans' Administration for the purpose of administering 38 U.S.C. 412 (special payments to certain survivors of uninsured persons who die after 1956 while on active duty, active duty for training, or inactive duty training, or who die after 1956 due to a service-connected disability incurred after September 15, 1940).

k. The Department of Labor for administering provisions of Title IV of the Federal Coal Mine Health and Safety Act.

l. The Bureau of Census when it performs as a collecting agent or data processor for research and statistical purposes directly relating to the Social Security Act.

m. The Department of the Treasury, Office of Tax Analysis, for studying the effects of income taxes and taxes on earnings.

n. The Civil Service Commission for study of the relationship of civil service annuities to minimum social security benefits, and the effects on the trust fund.

o. State social security administrators for administration of agreements pursuant to section 218 (State and local).

p. State Welfare Departments for administering Sections 205(c)(2)(B)(i)(II) and 402(a)(25) of the Social Security Act requiring information about assigned social security numbers for Aid to Families with Dependent Children program purposes only.

q. State Welfare Department pursuant to agreements with the Social Security Administration for administration of State supplementation payments, for determinations of eligibility for Medicaid per section 1634, for enrollment of welfare recipients for medical insurance under Section 1843 of the Social Security Act, *and for conducting independent quality assurance reviews of supplemental security income recipient records,*

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provided that the agreement for Federal administration of the supplementation provides for such an independent review.

r. State Vocational Rehabilitation agencies for rehabilitation services.

s. State audit agencies for auditing State supplementation payments and Medicaid eligibility considerations.

t. Professional Standards Review Organizations (PSRO) and State Licensing Boards for review of unethical practices or nonprofessional conduct as provided in section 1165.

u. Providers and suppliers of services directly or dealing through fiscal intermediaries or carriers for administration of provisions of title XVIII.

v. Private medical and vocational consultants for use in making preparation for, or evaluating the results of, consultative medical examinations or vocational assessments which they were engaged to perform by the Social Security Administration or a State agency acting in accord with sections 221 or 1633.

w. Energy Resources Development Administration for their study of the long-term effects of low-level radiation exposure.

x. Specified business and other community members and Federal, State, and local agencies for verification of eligibility for benefits under section 1631(e).

y. Institutions or facilities approved for treatment of drug addicts or alcoholics as a condition of the individual's eligibility for payment under section 1611e and as authorized by regulations issued by the Special Action Office for Drug Abuse Prevention.

z. Contractors under contract to the Social Security Administration for the performance of research and statistical activities directly relating to the Social Security Act.

aa. Applicants, claimants, prospective applicants or claimants, other than the data subject, their authorized representaives or representative payees to the extent necessary to pursue social security claims and receive and account for benefit payments.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Claims folders are maintained in file cabinets by service area as set out in Location above.

Retrievability:

Filed in numerical sequence by social security number. The folders are used throughout the Social Security Administration for the purposes of determining, organizing, and maintaining documents for making normal determination as to eligibility to benefits, the amount of benefits, revewing continuing eligibility, holding hearings or administrative review processes, and to ensure that proper adjustments are made based on events affecting entitlement. The folder may be referred to State Disability Determination Sections or Vocational Rehabilitation Agencies in disability cases. They may also be used for quality review, evaluation, and measurement studies, and other statistical and research purposes.

The claims folder constitutes the basic record for payments and determinations under the Social Security Act and the Federal Coal Mine Health and Safety Act (black lung). Data are used to produce and maintain the master beneficiary record system (see Systems Notice) which is the automated payment system for retirement, survivors, and disability benefits; the supplemental security income automated system for the aged, blind, and disabled payments; the black lung payment process for black lung claims; and the Health Insurance and Billing and Collection Master record system for Hospital and supplementary medical (medicare) insurance benefits.

This paper file is controlled by the Social Security Administration Claims Control System while the claim is pending development for adjudication in the district or branch office, and by the Case Control System once the folder has been transferred to the reviewing office (program centers, Division of International Operations, or the Bureau of Disability Insurance).

Safeguards (access controls):

Claims folders are protected through limited access to Social Security Administration records, limited employee access to need to know. All employees are instructed in Social Security Administration confidentiality rules as a part of their initial orientation training.

Retention and disposal:

The claims folder is maintained in the reviewing office until the social security number becomes inactive (no one is entitled to benefits). It is then transferred for storage to the Federal Archives and Records Center to await destruction based on predetermined destruction dates; 5-year retention-no record of surviving potential beneficiaries; 20-year retention-withdrawn claims, claims disallowed or lump-sum death payments only; and 55-year retention-potential future claimants indicated in the file. When a subsequent claim is filed on the social security number the claim is recalled from the Records Center. Similarly, the claims files may be recalled from the Records Center at any time by the Social Security Administration as necessary in the administration of the social security programs.

System manager(s) and address (include zip code):

Director, Bureau of Retirement and Survivors Insurance, 6401 Security Boulevard, Baltimore, Maryland 21235.

Director, Bureau of Supplemental Security Income, 6401 Security Boulevard, Baltimore, Maryland 21235.

Director, Bureau of Disability Insurance, 6401 Security Boulevard, Baltimore, Maryland 21235.

Director, Bureau of Health Insurance, 6401 Security Boulevard, Baltimore, Maryland 21235.

Notification procedure:

Contact the most convenient social security office (see Appendix F for address and telephone information).

Record access procedures:

In order to find out if this system contains information about him, an individual may contact the most convenient social security office in person or in writing. The inquirer should provide his name, social security number, identify the type of claim he filed (retirement, survivors, disability, health insurance, black lung, special minimum payments, or supplemental security income) (if more than one claim was filed, each should be identified); whether he is or has been receiving benefits; whether payments are being received under his own social security number, and if not, the name and social security number under which received; if benefits has not been received, the approximate date and place the claim was filed; and his return address or his telephone number.

Contesting record procedures:

If upon review of the record, the individual wishes to contest any part of it, he may do so at the same offices where he accessed the record.

Record source categories:

This information is obtained from the claimants, accumulated by the Social Security Administration from reports of employers or self-employed individuals, various local, State, and Federal agencies, claimant representatives and other sources to support factors of entitlement and continuing eligibilities.

Systems exempted from certain provisions of the act (if none, so state):

None.

CDC NIOSH 0024.01

System name:

Workers Exposed to Benzidine—(Bladder Cancer)—HEW/CDC/NIOSH.

Security classification:

None.

System location:

Division of Field Studies and Clinical Investigations, NIOSH, U.S. Post Office & Courthouse, Cincinnati, Ohio 45202.

Southwest Ohio Regional Computer Center, Medical Sciences Building, University of Cincinnati, Cincinnati, Ohio 45202.

Johns Hopkins University, School of Hygiene and Public Health, 618 N. Wolfe Street, Baltimore, MD 21205.

Categories of individuals covered by the system:

Employees at Selected Plants Using Benzidine. *A list of selected plant sites will be made available to the public upon request to the system manager.*

Categories of records in the system:

Occupational History, Demographic Data.

Authority for maintenance of the system:

Occupational Safety and Health Act Section 20 (29 U.S.C. 669).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information from studies will be used by Johns Hopkins epidemiologists to conduct a medical screening program for early detection of possible bladder cancer in this group of workers. Also, see Appendix B of HEW Regulation (45 CFR, part 5b), item 100.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Computer Tape, Microfilm, Microfiche. Computer Printouts.

Retrievability:

The purpose of this system is to determine the cause and prevention of disease of industrial origin. There is no transfer of this information outside NIOSH. Name is the index used to retrieve records from this system.

Safeguards:

24-hour guard service in building, Locked building; locked rooms, Personnel screening, Locked computer room and computer tape vaults, Locked file cabinets, Computer tapes are password protected.

Retention and disposal:

Records are retained indefinitely. Disposal methods include erasing computer tapes and burning or shredding printouts.

System manager(s) and address:

Director, National Institute for Occupational Safety and Health, 5600 Fishers Lane, Park Bldg., Room 3-32, Rockville, Maryland 20852.

Notification procedure:

To determine if a file exists, write the Privacy Act Coordinator, Management Analysis Office, Center for Disease Control, Atlanta, GA 30333, and provide the following information: (1) approximate date(s) and place of treatment or questionnaire administration; (2) name of study if known; (3) an individual who requests notification of or access to a medical record shall, at the time the request is made, designate a responsible representative in writing who will be willing to review the record and inform the subject individual of its contents at the representative's discretion (these notification and access procedures are requirements of the Department regulations, 45 CFR, Part 5b.6, Federal Register, October 8, 1975, page 47411).

Record access procedures:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

Contesting record procedures:

Write the Privacy Act Coordinator, Management Analysis Office, Center for Disease Control, Atlanta, GA 30333. Reasonably identify the record and specify the information to be contested in accordance with Department regulations, Federal Register, October 8, 1975, page 47411 (45 CFR Part 5b.7).

Record source categories:

Information is obtained from employer records. Vital status information is obtained from Federal, State and Local governments and other available sources: Information is obtained from the individual and employer records.

Systems exempted from certain provisions of the act:

None.

[FR Doc.76-23280 Filed 8-10-76;8:45 am]

REVIEW PANEL ON NEW DRUG REGULATION

Meeting

Notice is hereby given, pursuant to Pub. L. 92-463, that the Review Panel on New Drug Regulation, established pursuant to 42 U.S.C. 217 a. by the Secretary of Health, Education, and Welfare, on February 21, 1975, will meet on Monday, August 30, 1976, at 9:15 a.m. and on Tuesday, August 31, 1976, at 8:30 a.m. in Room 5051 of the Department of Health, Education, and Welfare's North Building, 330 Independence Avenue, SW., Washington, D.C. The Review Panel will consider matters pertaining to its study of existing policies and procedures for the regulation of new drugs by the Food and Drug Administration. The meeting is open to the public.

Further information on the Review Panel may be obtained from Vida H. Beaven, Ph. D., Executive Secretary, Review Panel on New Drug Regulation, Room 3510, HEW North Building, 330 Independence Avenue, SW., Washington, D.C. 20201, telephone (202) 472-3002.

VIDA H. BEAVEN,
Executive Secretary, Review Pancl on New Drug Regulation.

AUGUST 3, 1976.

[FR Doc.76-23281 Filed 8-10-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N-76-576; OILSR No. 0-2844-02-588; LSED 76-71-IS]

HAULAPAI HIGHLANDS

Order of Suspension

Notice is hereby given that: On March 19, 1976, the Department of Housing and Urban Development, Office of Interstate Land Sales Registration, attempted to serve upon Carl Hanauer, President, Phase II Properties, Inc., 3443 North Central Avenue, Phoenix, Arizona 85012, a Notice of Proceedings and Opportunity for Hearing by certified mail and service of process was not possible since the addressee could not be located. On May 11, 1976 the Department published the Notice of Proceedings and Opportunity for Hearing in the FEDERAL REGISTER (41 FR 19247) pursuant to 44 U.S.C. 1508. The Developer has failed to answer or to request a hearing pursuant to 1720.160 within 15 days of the service by publication of the said Notice of Proceedings and Opportunity for Hearing. Accordingly, an Order of Suspension is being issued pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), as follows:

ORDER OF SUSPENSION

1. The Developer, having filed a Statement of Record for the above captioned subdivision pursuant to the provisions of the Interstate Land Sales Full Disclosure Act, 15 U.S.C. 1701 et seq. and the Rules and Regulations lawfully promulgated thereto pursuant to 15 U.S.C. 1718, had its Statement of Record become effective pursuant to 24 CFR 1710.21 of the Interstate Land Sales Regulations. Said Statement is still in effect.

2. As authorized 15 U.S.C. 1715, the authority and responsibility for administration of the Interstate Land Sales Full Disclosure Act has been delegated to the Assistant Secretary for Consumer Affairs and Regulatory Functions (41 FR 19365, May 12, 1976).

3. Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), if it appears to the Assistant Secretary for Consumer Affairs and Regulatory Functions at any time that a Statement of Record, which is in effect, includes any untrue statement of a material fact or omits to state any material fact required to be stated therein or necessary to make the Statement therein not misleading, the Assistant Secretary may, after notice, and after an opportunity for a hearing requested within 15 days of receipt of such notice, issue an order suspending the Statement of Record.

4. On March 19, 1976, the Department of Housing and Urban Development, Office of Interstate Land Sales Registration, attempted to serve upon Carl Hanauer, President, Phase II Properties, Inc., 3443 North Central Avenue, Phoenix, Arizona 85012, a Notice of Proceedings and Opportunity for Hearing by certified mail and service of process was not possible since the addressee could not be located. On May 11, 1976 a Notice of Proceeding and Opportunity for Hearing was served upon the Developer by publication in the FEDERAL REGISTER (41 FR 19247). The notice informed the Developer of information obtained by the Office of Interstate Land Sales Registration showing a change occurred affecting a material fact contained in the above-specified Statement of Record and Property Report. The Developer has failed to answer or to request a hearing pursuant to 24 CFR 1720.160 within 15 days of receipt of said Notice of Proceedings and Opportunity for Hearing.

Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1) the Statement of Record filed by the Developer covering its subdivision is hereby suspended, effective as of August 11, 1976. This Order of Suspension

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shall remain in full force and effect until the Statement of Record has been properly amended as required by the Interstate Land Sales Full Disclosure Act and the implementing Regulations.

This Order shall be served upon the Respondent by publication in the FEDERAL REGISTER pursuant to 44 U.S.C. 1508.

Any sales or offers to sell made by the Developer or its agents, successors, or assigns while this Order of Suspension is in effect will be in violation of the provisions of said Act.

Issued in Washington, D.C., Aug. 4, 1976.

CONSTANCE B. NEWMAN,
Assistant Secretary for Consumer Affairs and Regulatory Functions.

[FR Doc.76-23295 Filed 8-10-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 598-1; OPP-42016A]

FLORIDA

Approval of State Plan for Certification of Commercial and Private Applicators of Restricted Use Pecticides

Section 4(a)(2) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), and the implementing regulations of 40 CFR Part 171 require each State desiring to certify applicators to submit a plan for its certification programs. Any State certification program under this section shall be maintained in accordance with the State Plan approved under this section.

On May 13, 1976, notice was published in the FEDERAL REGISTER (41 FR 19755) of the intent of the Regional Administrator, EPA, Region IV, to approve, on a conditional basis, the Florida State Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides (Florida State Plan). Conditional approval was requested by the state of Florida pending promulgation and passage of regulations pursuant to Florida Statute 487, Florida Administrative Code, Chapters 5E-2 and 5E-9; Florida Statute 388, Florida Administrative Code, Chapters 10D-54.03, 10D-54.14; Florida Statute 482, Florida Administrative Code, Chapters 10D-55.06, 10D55.40 and 10D-55.42 and implementation of procedures proposed in letter from Department of Health and Rehabilitative Services to Department of Agriculture and Consumer Services dated March 2, 1976. Complete copies of the Florida State Plan were made available for public inspection at the Agency's Region IV office in Atlanta, at the office of the Florida Department of Agriculture and Consumer Services, Tallahassee, Florida, and at the Agency's Technical Services Division, Federal Register Section, Office of Pesticide Programs, EPA Headquarters, Washington, D.C.

There were no comments received concerning the State Plan during the 30 day comment period.

The Florida State Plan will remain available for public inspection at the office of Florida Department of Agriculture and Consumer Services in Tallahassee, Florida.

It has been determined that the Florida State Plan will satisfy the requirements of section 4(a)(2) of the amended FIFRA and 40 CFR Part 171 if proposed rules and regulations are promulgated and passed to augment existing legislation. Also Florida's Structural Pest Control Operators Certification Program has been reviewed and found to meet the Agency's standards for certain specific categories. Those applicators who currently hold such Florida licenses gained by written examination shall be considered fully certified.

Accordingly, the Florida State Plan is approved conditionally upon promulgation and passage of implementing regulations in accordance with and as prescribed in the Florida State Plan.

This conditional approval shall expire one (1) year from its effective date if these terms and conditions are not satisfied by that time. On or before the expiration of the period of conditional approval, a notice shall be published in the FEDERAL REGISTER concerning the extent to which these terms and conditions have been satisfied, and the approval status of the Florida State Plan as a result thereof.

Effective date. Pursuant to section 4(d) of the Administrative Procedure Act. 5 U.S.C. 553(d), the Agency finds that there is good cause for providing that the one year conditional approval granted herein to the Florida State Plan shall be effective immediately. Neither the Florida State Plan itself nor this agency's conditional approval of the plan create any direct or immediate obligations on pesticide applicators or other persons in the state of Florida. Delays in starting the work necessary to implement the Plan, such as may be occasioned by providing some later effective date for this conditional approval, are inconsistent with the public interest. Accordingly, this conditional approval shall become effective immediately.

Dated: June 24, 1976.

JOHN A. LITTLE,
Deputy Regional Administrator, Region IV.

[FR Doc.76-23272 Filed 8-10-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

DOMINICAN REPUBLIC; ASSIGNMENT OF STANDARD BROADCAST STATIONS

Notification List

Notification of new and changed assignments of standard broadcast stations in the Dominican Republic in accordance with Part III, Section F, Annex 2 of the North American Regional Broadcasting Agreement (Washington, D.C., 1950).

Dominican Republic list No., (1) June 28, 1976

Call letters	Location	Power (kilowatts)	Antenna	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of commencement of operation
		1600 kHz							
HIMR	Azua N. 18°27'00", W. 70°44'00"	1D/0.25N		U					
		1600 kHz							
HIBS	San Pedro de Macoris N. 18°27'00", W. 69°18'03"	1D/0.25N		U					

(1) FCC Note: By letter dated June 28, 1976 from the government of the Dominican Republic, information concerning the above stations was included along with other matters. Although not provided strictly in accordance with the notification procedures, the Commission recognizes this as a valid notification.

WALLACE E. JOHNSON,
Chief, Broadcast Bureau, Federal Communications Commission.

[FR Doc.76-23354 Filed 8-10-76;8:45 am]

[Docket No. 20864, File No. BPH-9439; Docket No. 20865, File No. BPH-9640]

ALLEGAN COUNTY BROADCASTERS, INC. AND ROBERT B. TAYLOR

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Allegan County Broadcasters, Inc., Otsego, Michigan, Requests: 100.9 MHz, Channel No. 265; 3 kW (H&V); 300 feet (H&V); Robert B. Taylor, Plainwell, Michigan, Requests: 100.9 MHz, Channel No. 265; 3 kW (H&V); for construction permits.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it for consideration the above-captioned applications of Allegan County Broadcasters, Inc. [Allegan], licensee of standard broadcast station WAOP, Otsego, Michigan, requesting a construction permit for a new FM broadcast station to serve Osego, Michigan; and Robert B. Taylor [Taylor], licensee of standard broadcast station WBUK, Portage, Michigan, requesting a construction permit for a new FM broadcast station to serve Plainwell, Michigan. Seeking the same channel to serve communities three miles apart, these applications are mutually exclusive.

2. Taylor's application is deficient in that its survey of community leaders fails to comply with the Commission's Primer on the Ascertainment of Community Problems by Broadcast Applicants, 27 FCC 2d 650 (1971). Taylor has consulted no leaders of students and youth; no representatives of the poor and unemployed, and no representatives of the elderly. Taylor's proposal also suffers from failure to correlate broadcast matter to particular ascertained problems, as required by question and answer 29 of the Primer. Further, the programs proposed do not appear responsive to the problems ascertained. The program "Directions", for example, described as a "religious type program" which "will give moral lessons to the community to help build character in local citizens * * *", is not responsive to any ascertained need for such lessons; in fact, no such need is reported. Similarly, "Agriculture USA" is described as designed to "help solve problems and needs related to farming and agribusiness", none of which were ascertained. For all five other programs proposed, the attempt at correlation is so vague and overly general as to reflect but a token effort to comply with the requirements of the Primer, as in Southeast Arkansas Radio, Inc., 47 FCC 2d 835, 30 RR 2d 769 (1974). For example, "Meet the Newsmaker" is described as follows:

'Meet the Newsmaker', produced by ABC News, is an interview with a government official or leader from a particular area of American life. Topics covered will be those of a national nature which also affect local communities such as Plainwell.[1]

[1] Taylor amendment of April 30, 1976, at 4.

Of the seven programs proposed to meet community needs, only "Conference" is locally produced, and its duration is a mere fifteen minutes per week. According to Taylor, however, "[i]n a very direct fashion this program will address itself to the local problems and needs listed in paragraph 'F' above."[2] Paragraph F contains all 32 of the problems and needs ascertained as a result of the applicant's surveys. The Taylor programming proposal is therefore analogous to that in Radio Marion, Inc., 52 FCC 2d 1229, 33 RR 2d 182 (1975), which was questioned because it simply pitted pre-planned or existing programs against ascertained problems and needs. In proposing only 15 minutes of Sunday morning programming per week to deal "very directly" with 32 problems, the Taylor proposal is less adequate than that in Risner Broadcasting, Inc., 32 FCC 2d 75, 23 RR 2d 61 (1971). The applicant in Risner proposed 45 minutes of weekly programming to meet the 18 of 33 needs regarded by it as worthy of attention, ⅔ to be broadcast on Saturday mornings; 14 of the problems were to be met in a 15-minute weekly discussion program like Taylor's "Conference". The Risner plan was held not to be "even a minimally adequate response to ascertained community problems and needs." Risner, supra, at 78.

3. At page 7 of its amendment of May 12, 1976, Allegan states that it selected community leaders so as to include, inter alia, professionals. The list of community leaders beginning at page 9 of the amendment includes one person identified as a member of the Society of American Military Engineers, one "Attorney (General Practice)", and one person affiliated with the American Society of Women Accountants, although her position in that organization is not specified. None of these three is identified as a leader of a professional organization. Membership in an organization or professional status alone do not necessarily qualify a person as a community leader for purposes of community ascertainment. As Allegan has therefore failed to consult leaders of a significant group, its ascertainment showing is defective[3] and a Suburban issue will be specified.[4]

4. The respective proposals, although for different communities, would serve substantial areas in common. Consequently, in addition to determining, pursuant to section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service, a contingent comparative issue will also be specified.

5. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. Because they are mutually exclusive they must be designated for hearing in a consolidated proceeding.

6. Accordingly, it is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary aural (1 mV/m or greater in the case of FM) service from the proposed operations, and the availability of other primary service to such areas and populations.

2. To determine the efforts made by Taylor to ascertain the public's needs and interests, in the following respects:

(a) whether Taylor's showing omits consultations with leaders of significant groups in the community; and

(b) whether the program service proposed by Taylor would meet the needs of the community sought to be served.

3. To determine the efforts made by Allegan to ascertain the public's needs and interests in the following respect:

(a) whether Allegan's showing omits consultations with leaders of significant groups in the community.

4. To determine, in light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

5. To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to section 307(b), which of the proposals in the above-captioned applications would, on a comparative basis, better serve the public interest.

6. To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

7. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to section 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and section 1.594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by section 1.594(g) of the rules.

FEDERAL COMMUNICATIONS COMMISSION
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-23353 Filed 8-10-76;8:45 am]

[2] Taylor amendment of April 30, 1976, at 5.
[3] Primer, question and answer 16.
[4] Suburban Broadcasters, 30 FCC 1021, 20 RR 951 (1961).

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FEDERAL POWER COMMISSION

[Docket No. ER76-110]

ARKANSAS POWER AND LIGHT CO.

Settlement Conference

AUGUST 4, 1976.

Take notice that on August 13, 1976, a conference of all parties to this proceeding and Commission Staff will be held in Room No. 8402 at the offices of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C., at 10 a.m.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, attendance at the conference will not be deemed to authorize intervention as a party in the proceeding.

All parties will be expected to come fully prepared to discuss the merits of all issues concerning the lawfulness of the proposed rate increase and any procedural matters preparatory to a full evidentiary hearing or to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference.

Letters concerning this conference are being mailed this date to all parties to the proceeding, all of the jurisdictional customers, and all affected state commissions.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-23355 Filed 8-10-76;8:45 am]

[Docket No. ER76-822]

BLACK HILL POWER AND LIGHT CO.

Filing

AUGUST 5, 1976.

Take notice that on July 30, 1976, Black Hills Power and Light Company (Black Hills) tendered for filing proposed changes in its electric rate schedules to the Wyoming Cities of Gillette and Upton. The proposed rates would increase revenues from those customers by $124,101 based upon estimated sales for the 12 month period ended September 30, 1977. Black Hills requests an effective date of September 30, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 17, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-23371 Filed 8-10-76;8:45 am]

[Docket No. ER76-797]

CLEVELAND ELECTRIC ILLUMINATING CO.

Filing of Interconnection Agreement

AUGUST 4, 1976.

Take notice that on July 21, 1976 the Cleveland Electric Illuminating Company (CEI) submitted for filing with the Commission an interconnection agreement between CEI and the City of Painesville, Ohio (Painesville). The agreement entered into on Jaunary 13, 1975, provides for the synchronous interconnection of CEI's 138 KV transmission system with Painesville's 13.8 KV transmission system. The filing consists of the interconnection agreement and five service schedules covering emergency service, short term service, limited term service, economy interchange, and coordination of scheduled maintenance of generating facilities.

CEI states that, due to the forced outage of Painesville's main boiler with the resulting loss of generation, CEI commenced emergency service to Painesville on July 19, 1976. Accordingly, CEI requests waiver of the notice requirements so that the interconnection agreement may take effect on July 19, 1976.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 13, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-23356 Filed 8-10-76;8:45 am]

[Docket No. RP75-8; PGA76-6]

COMMERCIAL PIPELINE CO., INC.

PGA Filing

AUGUST 4, 1976.

Take notice that on July 23, 1976, Commercial Pipeline Company, Inc. (Commercial) tendered for filing Thirteenth Revised Sheets No. 3A reflecting Puchased Gas Adjustments and effective dates as set out below:

Sheet No.	Current adjustments	Cumulative adjustments	Effective date
3A 13th revised.	$0.0045	$0.3111	Aug. 23, 1976

Commercial states that these revisions track precisely similar revisions in the tariff of Cities Service Gas Company, its sole supplier. Commercial requests waiver of notice to the extent required to permit said tariff sheets to become effective as proposed.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 16, 1976. Protests will be considered by the Commission in determining the appropriate action be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-23357 Filed 8-10-76;8:45 am]

[Docket No. ER76-807]

CONNECTICUT LIGHT AND POWER CO.

Purchase Agreement

AUGUST 5, 1976.

Take notice that on July 23, 1976, The Connecticut Light and Power Company (CL&P) tendered for filing a proposed Purchase Agreement with Respect to Various Gas Turbine Units (the "Unit Contract"), dated May 15, 1976 between (1) CL&P, The Hartford Electric Light Company (HELCO) and Western Massachusetts Electric Company (WMECO) and (2) Westfield Gas and Electric Department (Westfield).

CL&P states that the Unit Contract provides for a sale to Westfield of a specified percentage of capacity and energy from five gas turbine generating units (SL&P's Norwalk Harbor and Devon units and HELCO's South Meadow 10, Middletown and Torrington Terminal units) during the period from June 1, 1976 to October 31, 1977, and from two gas turbine generating units (WMECO's Doreen and Woodland Road units) during the period from November 1, 1977 to the termination of the Unit Contract, together with related transmission service.

Westfield's request to receive service under the Unit Contract is conditioned upon the Commission's permitting to become effective the following two contracts which have recently been entered into.

1. Resale Service Rate CD-1, Service Agreement between Western Massachusetts Electric Company and City of Westfield, Massachusetts (the "CD-1 Rate") dated as of June 1, 1976.

2. Purchase Agreement with Respect to Middletown Station (the "Purchase Agreement") dated as of June 1, 1976 by and among The Hartford Electric Light Company and Westfield Gas and Electric Department.

CL&P states that the capacity charge rate for the proposed service is a negotiated rate for the period from June 1, 1976 to October 31, 1977, and is a rate

determined on a cost-of-service basis for the period from November 1, 1977 to the termination date. The monthly transmission charge is equal to one-twelfth of the annual average unit cost of transmission service on the Northeast Utilities (NU) system determined in accordance with Section 13.9 of the New England Power Pool (NEPOOL) Agreement and the uniform rules adopted by the NEPOOL Executive Committee, multiplied by the number of kilowatts of winter capability which Westfield is entitled to receive. The variable maintenance charge was derived from historical costs and is comparable to the variable maintenance allowance used in New England Power Exchange ("NEPEX") computations.

CL&P states that copies of this rate schedule have been mailed or delivered to CL&P, Hartford, Connecticut, HELCO, Hartford, Connecticut, WMECO, West Springfield, Massachusetts and Westfield, Westfield, Massachusetts.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10).

All such petitions or protests should be filed on or before August 16, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-23372 Filed 8-10-76;8:45 am]

[Docket No. RP76-59]

EL PASO NATURAL GAS CO.

Order Denying Petition for Interlocutory Relief

AUGUST 4, 1976.

On June 21, 1976, Southwest Gas Corporation (Petitioner) filed a petition requesting the Commission to issue an order to condition El Paso Natural Gas Company's (El Paso) rates filed in this docket on January 30, 1976, so that if Petitioner's proposed rate design is ultimately determined to be just and reasonable, it would be applied as of August 1, 1976, the date the rates became effective subject to refund. The petition also requests that the Commission place the burden of proof on El Paso to justify its rate design. On July 7, 1976, El Paso filed an answer to the Petitioner's request. For the reasons discussed herein, we shall deny Petitioner's request.

On June 30, 1972, El Paso filed an application for a rate increase which was assigned Docket No. RP72-150. Subsequently, on January 15, 1973, Petitioner filed a complaint against El Paso, at Docket No. RP73-75, alleging that Petitioner was fully qualified to receive gas service pursuant to Rate Schedule G, and that El Paso's refusal to serve Petitioner under that schedule constituted discrimination against Petitioner. Such complaint was subsequently consolidated for disposition with the proceeding at Docket No. RP72-150.

As a result of our approval on February 14, 1974 (as subsequently confirmed on August 26, 1974) of a Settlement Agreement dated May 13, 1973, in Docket Nos. RP69-6, et al., all issues at Docket No. RP72-150, other than the rate design issues, were resolved. The Settlement Agreement reserved for trial in Docket No. RP72-150 the rate design issue raised by Petitioner, and this issue was subsequently consolidated with two additional El Paso rate proceedings, at Docket Nos. RP73-104 and RP74-57. These proceedings, together with El Paso's rate proceeding at Docket No. RP75-39, are currently the subject of settlement discussions between El Paso, the Commision Staff, El Paso's customers and various state commissions.

Petitioner states that it is actively participating in these settlement negotiations to achieve a settlement of the rate design issue that will control the rates that El Paso will place into effect, subject to refund, in this proceeding on August 1, 1976. Petitioner asserts that it has been unable to resolve the rate design issue in accordance with its interests and therefore requests the relief sought herein in order to protect its interests.

On July 7, 1976, El Paso filed a response to the petition, accompanied by a motion for its receipt. We will grant this motion and consider the response. In its answer, El Paso states that Petitioner's position "has no basis in law or Commission policy," and that the proponent of an issue must bear the burden of proof on that issue.[1] As to Petitioner's request to burden El Paso with the financial responsibility for any retroactive period in Docket No. RP76-59, El Paso noted that in Texas Eastern Transmission Corporation, Docket No. RP74-41, the Commission denied a similar request.

We note that the Petitioner is an intervenor in this proceeding and has participated in the settlement conferences held heretofore in relation to El Paso's previous rate filings. The Petitioner has all the rights attendant to its status as an intervenor herein including the right to participate in all settlement negotiations and to submit comments on a settlement agreement and to seek rehearing of the Commission's order on a proposed settlement, if one is filed. Moreover, in the event the rate design issue is reserved for hearing, the Petitioner may submit evidence and cross-examine on that issue and submit briefs prior to final Commission action. The issue cited by the Petitioner more properly should be raised and developed in the hearing established in this proceeding or resolved by the parties through settlement negotiations. Accordingly, the Commission will deny the subject petition. This action is without prejudice to any action the Commission may take upon receipt of a settlement record or a formal hearing record.

The Commission finds: Good cause exists to deny the petition filed on June 21, 1976 by the Southwest Gas Corporation.

The Commission orders: (A) The petition filed on June 21, 1976, by the Southwest Gas Corporation in Docket No. RP76-59 is hereby denied.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-23358 Filed 8-10-76;8:45 am]

[Docket No. RI76-126]

ENERGY DEVELOPMENT CORP.

Order Setting Matter for Hearing Establishing Procedures and Granting Intervention

AUGUST 4, 1976.

On May 19, 1976, Energy Development Corporation (EDC) filed in Docket No. RI76-126 a petition for special relief seeking a rate higher than the applicable area rate ceiling for sales of natural gas to Consolidated Gas Supply Corporation (Consolidated) from the Sandy River District, Iaeger E. C. Quadrangle, McDowell County, West Virginia.

EDC was issued a small producer certificate in Docket No. CS76-765. The currently effective contract between EDC and Consolidated provides for EDC to collect a price of $1.00 per Mcf, or the national rate, as adjusted, whichever is higher. Presently, there exists a contractual dispute between EDC and Consolidated as to whether an alleged contract amendment allows EDC a rate in excess of the original contract price. If Consolidated is correct in its interpretation of the contract dispute, then EDC's request for special relief must rely upon the Commission's authority under the Sierra-Doctrine[1] to sanction a rate in excess of a contract, if the contract rate can be shown to be so low as to adversely affect the public interest.

Pursuant to The Commission's general rules § 2.56 A(g) EDC seeks a price of $3.78 per Mcf to permit the recovery of its expenses for drilling, refracing, and operating its well No. Mcd-653. EDC based its need for the $3.78 per Mcf rate on the high drilling and completion costs incurred and a low recoverable reserve estimate of 75,000 Mcf.

EDC's petition was noticed on June 8, 1976. On June 14, 1976, the Public Service

[1] Michigan Wisconsin Pipeline Company, 34 FPC 621 (1965); Louisiana Pipe Line Company v. FPC, 344 F.2d 525 (U.S. App. D.C. 1965).

[1] FPC v. Sierra Pacific Power Co., 350 U.S. 348 (1956).

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Commission Of The State Of New York (PSCNY) filed a Notice of Intervention Requesting A Formal Hearing On The EDC Petition. On June 28, 1976, Consolidated filed a timely petition to intervene requesting that a formal hearing be held.

In light of the factual and legal issues raised by EDC's application, this proceeding should be set for hearing in order to provide EDC and other interested parties an opportunity to present evidence on the issues raised and on any other matters considered to be relevant to the proceeding.

The Commission finds: (1) It is necessary and in the public interest that the above-docketed proceeding be set for hearing.

(2) Good cause exists to grant Consolidated's petition to intervene.

(3) Pursuant to the provisions of § 1.8 (a) (1) of the Commission's rules of practice and procedure, PSCNY is entitled to intervene.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14 and 16 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR Chapter 1), a public hearing shall be held in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, to resolve the issues raised by EDC's petition.

(B) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5 (d)) shall preside at the hearing in this proceeding, with authority to establish and change all procedural dates, and to rule on all motions (with the sole exception of petitions to intervene, motions to consolidate and sever, and motions to dismiss, as provided for in the Rules of Practice and Procedure).

(C) EDC and all intervenors supporting EDC shall file their direct testimony and evidence on or before August 20, 1976. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, the Commission Staff, and all parties to this proceeding.

(D) The Presiding Administrative Law Judge shall preside at a pre-hearing conference to be held on September 2, 1976, at 9:30 a.m. e.s.t., in a hearing room at the address noted in Ordering Paragraph (A).

(E) Consolidated is permitted to intervene in the above-entitled proceeding, subject to the rules and regulations of the Commission; Provided, however, That its participation shall be limited to matters affecting asserted rights and interests specifically set forth in its petition for leave to intervene; and Provided, further, That the admission of Consolidated in the manner provided shall not be construed as recognition by the Commission that it might be aggrived because of any order or orders entered in this proceeding, and that it agrees to accept the record as it now stands.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-23359 Filed 8-10-76;8:45 am]

[Docket No. E-9446]

GREEN MOUNTAIN POWER CORP.

Filing of Revised Sheets

AUGUST 5, 1976.

Take notice that on July 30, 1976, Green Mountain Power Corporation (Green Mountain) tendered for filing modified copies of Third Revised Sheet Nos. 7 and 9 and Statement O—Fuel Cost Adjustment, pages 1 and 2.

Green Mountain states that by motion filed June 8, 1976, Green Mountain requested Commission approval of a settlement agreement among Green Mountain, the Commission Staff, and all intervenors, in resolution of all issues in the captioned proceeding. That settlement agreement provided. inter alia, for certain revisions to Third Revised Sheet 5 through 9 of Green Mountain's FPC Electric Tariff Original Volume 1, to become effective as of September 16, 1975, and to Green Mountain's Statement O—Fuel Cost Adjustment. Information showing the derivation of the revised rates was included in Green Mountain's motion.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedue. All such petitions or protests should be filed on or before August 16, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-23373 Filed 8-10-76;8:45 am]

[Project Nos. 2756 and 2764]

GREEN MOUNTAIN POWER CORP.

Extension of Time

AUGUST 4, 1976.

On July 27, 1976, the Green Mountain Power Corporation, Vermont, filed a motion to extend the time, fixed by notices of applications for preliminary permits issued April 2, 1976 and March 31, 1976, within which a party may file a protest or petition to intervene in the above-designated proceeding. The motion states that the City of Burlington concurs in the request.

Upon consideration, notice is hereby given that the time to file a protest or petition to intervene in these proceedings is extended to and including October 1, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-23360 Filed 8-10-76;8:45 am]

[Docket No. ER76-792]

INDIANA & MICHIGAN ELECTRIC CO.

Filing

AUGUST 4, 1976.

Take notice that Indiana & Michigan Electric Company ("I&M") on July 16, 1976 tendered for filing an unsigned agreement with the City of Mishawaka, Indiana ("Mishawaka"), pursuant to the Company's filed FPC Electric Tariff WS, as amended, and filed with the Commission, as amended, on May 28, 1976.

I&M states that the reason for the proposed changes is to place Mishawaka on Tariff WS upon the termination on September 23, 1976 of the existing agreement with Mishawaka. I&M requests an effective date for the filing so made of September 24, 1976.

I&M states that copies of the filing were served upon the City of Mishawaka and upon the Public Service Commission of Indiana.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 13, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-23362 Filed 8-10-76;8:45 am]

[Docket No. ER76-813]

JERSEY CENTRAL POWER & LIGHT CO.

Rate Change

AUGUST 4, 1976.

Take notice that on July 27, 1976 Jersey Central Power & Light Company (Jersey Central) tendered for filing increased tariff rates for all-requirements service to Allegheny Electric Cooperative Inc., and to the Boroughs of Butler Lavallette, Madison, Pemberton and Seaside Heights, New Jersey. Jersey Central states that the increase amounts

to $1,201,462, or 18 percent, based on calendar year 1976. The reason for the increase, according to Jersey Central, is increased costs since the 1972 test year underlying the present rates. The proposed effective date is August 27, 1976.

Jersey Central states that the demand charge would be increased from $3.18 to $3.45 per kw, the energy charge from 9.0 mills to 2.0 cents per kwh, and the untransformed service credit from 28 to 29 cents per kw.

Jersey Central also proposes to "phase in" an increase in the base cost of its fuel adjustment clause to the calendar year 1975 level. The purpose of this procedure, according to Jersey Central, is to recover unbilled fuel costs under the presently effective fuel adjustment clause that would not otherwise be recoverable.

Jersey Central proposes, in addition, (1) to increase the notice period for termination of service from one to three years (2) to lengthen the period of payment of bills from 10 to 30 days and to add a late payment charge of two percent per month and (3) to eliminate a discount for customers not subject to New Jersey Public Utility Gross Receipts and Franchise Taxes since all customers are presently exempt from such taxes and they have not been reflected in the cost of service study underlying the proposed rates. Jersey Central proposes to substitute a surcharge for recovery of the taxes in the event they are reimposed on the customers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 18, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-23363 Filed 8-10-76;8:45 am]

[Docket Nos. RI76-139, etc.]

JURISDICTIONAL SALES OF NATURAL GAS

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

AUGUST 4, 1976.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix "A" hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18, CFR, Chapter I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per 1,000 ft³* Rate in effect	Cents per 1,000 ft³* Proposed increased rate [4]	Rate in effect subject to refund in docket Nos.
RI76-139..	Helmerich & Payne, Inc.	4	6	Northern Natural Gas Co. (Kansas) (Hugoton-Anadarko area).	$78,750	Mar. 31, 1976		(3)	[5] 13.0	19.3	
					47,500	do		Jan. 16, 1976	19.3	23.1	
					72,500	do		July 2, 1976	23.1	28.9	
		7	11		4,698	do		(3)	10.6	19.3	
					972	do		Jan. 16, 1976	19.3	21.1	
					2,916	do		July 2, 1976	21.1	26.5	
		8	6		1,117	do		(3)	[5] 11.6	19.3	
					580	do		Jan. 16, 1976	19.3	23.3	
					855	do		July 2, 1976	23.3	28.2	
RI76-140..	J. M. Huber Corp.	7	8		498	Feb. 20, 1976		(3)	[5] 11.0	[5] 17.9872	
		7	9		473	Apr. 22, 1976		Apr. 23, 1976	[5] 17.9872	[5] 24.6303	
					466	do		July 2, 1976	[5] 24.6303	[5] 30.8960	
RI76-141..	Dorchester Gas Producing Co.	1	10	Northern Natural Gas Co. (Texas) (Hugoton-Anadarko area).	592,212	Mar. 30, 1976		Jan. 2, 1976	[5] 14.5	[5] 25.2675	
					354,816	do		July 2, 1976	25.2675	31.7187	

*Unless otherwise stated, the pressure base if 14.73 lb/in²a.
[3] Unless otherwise stated, the rate shown is the total rate, inclusive of any applicable British thermal units adjustment and tax.
[4] Accepted, for filing as of Jan. 1, 1976.
[5] The pressure base if 14.65 lb/in²a.

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As indicated in the tabulation the proposed increased rates reflecting the minimum rate established in Opinion No. 749 are accepted. The remaining proposed rate increases are to the rate ceilings established in Opinion No. 749 as of January 1 and July 1, 1976. They are suspended for one day from the proposed effective date pending resolution of the contract issue. The contractual dispute exists between the producers and the buyer over the right of the producers to request redetermination of the contract rate at this time. Dorchester and Helmerich & Payne have indicated that they intend to seek resolution of the contractual dispute in court litigation, and Helmerich & Payne has requested that this matter not be set for formal hearing pending such court litigation.

[FR Doc.76-23361 Filed 8-10-76;8:45 am]

[Docket No. ER76-810]

KENTUCKY UTILITIES CO.

Rate Change

AUGUST 5, 1976.

Take notice that on July 23, 1976, the Kentucky Utilities Company (K.U. Co.) tendered for filing a change in its Rate Schedule FPC No. 67 which is for service to Berea College.

K.U. Co. states that the proposed Contract provides for delivery at 69,000 volts, billing on Rate Schedule WPS-73 among other things.

Included with the K.U. Co. filing was a Certificate of Concurrence executed by Berea College.

The Company in its filing requested waiver of prior notice requirement under Section 35.11 which will allow earlier implementation of service arrangements under the contract, thereby relieving overloaded facilities.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol, Street, NE., Washington, DC 20426, in accordance with § 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 17, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not service to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-23374 Filed 8-10-76;8:45 am]

[Docket No. RP76-50]

MICHIGAN WISCONSIN PIPE LINE CO.

Order Granting Motion, Convening a Hearing for the Submission of a Stipulation and Agreement and Evidence Related Thereto and Establishing Procedures

AUGUST 4, 1976.

On December 29, 1975, Michigan-Wisconsin Pipe Line Company (Mich-Wisc) tendered for filing, in Docket No. RP76-50, seven tariff sheets[1] setting forth its proposed curtailment plan to be effective February 1, 1976. Mich-Wisc's filing was made pursuant to the requirement of the Commission order issued October 14, 1975, in Docket No. CP74-157. Notice of the filing was given on January 14, 1976 and protests or petitions to intervene were due on or before January 21, 1976.

By Commission order of January 30, 1976 the tariff sheets referred to above were accepted for filing, suspended and the use thereof deferred until February 2, 1976, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act. On February 10, 1976 Mich-Wisc filed a motion placing the subject tariff sheets into effect.

In response to a request by Mich-Wisc the Commission gave notice on March 30, 1976, that the Staff would preside at a conference of all interested parties on April 13, 1976. At the April 13, 1976 conference certain modifications to the proposed plan were suggested by Staff and the customers.

By motion filed July 2, 1976 Mich-Wisc requests we convene a hearing for the submission of a stipulation and agreement and evidence related thereto. Mich-Wisc states the stipulation and agreement incorporates the modifications suggested at the April 13, 1976 conference. Mich-Wisc further proposes to introduce, at the hearing hereinafter ordered, the final report of the Data Verification Committee, together with explanatory and supporting data.

The Commission finds: Good cause exists for granting Mich-Wisc's motion and convening a hearing for the purposes outlined in the motion and establishing procedures for the hearing as hereinafter ordered.

The Commission orders: (A) The motion filed by Mich-Wisc on July 2, 1976 is granted.

(B) On or before August 6, 1976, Mich-Wisc shall file with the Secretary of this Commission and serve all testimony and exhibits supporting the Stipulation and Agreement upon all parties to this proceeding including the Commission Staff.

(C) Pursuant to the authority of the Natural Gas Act particularly sections 7 and 15 thereof, of the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter 1), a public hearing will be held in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 at 10 a.m. on August 17, 1976 commencing with a prehearing conference concerning the matters involved in and the issues presented by this application.

(D) An Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See delegation of authority, 18 CFR 3.5(d)) shall preside at the hearing in this proceeding, with authority to establish and change all procedural dates, and to rule on all motions (with the sole exception of petitions to intervene, motions to consolidate and sever, and motions to dismiss, as provided for in the rules of practice and procedure.)

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-23364 Filed 8-10-76;8:45 am]

[1] The tariff sheets are designated as Second Revised Sheet No. 26 and Original Sheet Nos. 26A, 26B, 26C, 26D, 26E and 26F to Mich-Wisc's FPC Gas Tariff, Second Revised Volume No. 1.

[Docket No. RP71-16 (PGA 76-5)]

MIDWESTERN GAS TRANSMISSION CO.

Proposed Northern System PGA Rate Adjustment

AUGUST 4, 1976.

Take notice that on July 9, 1976, Midwestern Gas Transmission Company (Midwestern) tendered for filing Substitute Fifteenth Revised Sheet No. 5 in Third Revised Volume No. 1 of its FPC Gas Tariff, to be effective on September 10, 1976.

Midwestern states that the sole purpose of the revised tariff sheet is to reflect a PGA rate adjustment for its Northern System. Midwestern states that the PGA rate increase reflected on Substitute Fifteenth Revised Sheet No. 5 is based upon an increase, effective September 10, 1976, in the price which Midwestern is required to pay for gas to its Northern System supplier, Trans-Canada Pipe-Lines Limited (Trans-Canada).

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 12, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH E. PLUMB,
Secretary.

[FR Doc.76-23365 Filed 8-10-76;8:45 am]

[Docket No. CP74-187]

MONTANA POWER CO.

Petition To Amend

AUGUST 5, 1976.

Take notice that on July 19, 1976, The Montana Power Company (Petitioner), 40 East Broadway, Butte, Montana 59701, filed in Docket No. CP74-187 a petition to amend further the Commission's order, issued March 21, 1975, in said docket, as amended, pursuant to

section 3 of the Natural Gas Act by authorizing an increase in the annual volumes of natural gas which Petitioner can import from Canada into the United States at a border point near Aden, Alberta, Canada from 10,000,000 Mcf to 19,892,000 Mcf, effective November 1, 1976, as such volume is set forth in amendments to Canadian-Montana Pipeline Company's (Pipeline Company) export licenses issued by the National Energy Board of Canada (NEB), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that on April 29, 1976, the NEB issued orders authorizing Pipeline Company to export at Aden, Alberta, an additional quantity of gas to be purchased by Petitioner not to exceed 99,460 Mcf per day or 19,892,000 Mcf in any consecutive 12-month period commencing with November 1, 1976. Petitioner further states that it is currently authorized in the subject docket to import up to 99,460 Mcf of gas per day only 10,000,000 Mcf in any 12-month period at Aden. Petioner asserts that it imports from Canada more than 70 percent of the natural gas supply necessary to serve its market and that the ability of Petitioner to meet its market requirements and avoid curtailment of service directly depends on continued importation of natural gas under the authorization granted in the subject docket.

Any person desiring to be heard or to make any protests with reference to said petition to amend should on or before August 23, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rule of practice and procedure (18 CFR 1.8 or 1.10).

All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH E. PLUMB,
Secretary.

[FR Doc.76-23375 Filed 8-10-76;8:45 am]

[Docket No. CP76-448]

NATIONAL FUEL GAS DISTRIBUTION CORP.

Application

AUGUST 5, 1976.

Take notice that on July 19, 1976,[1] National Fuel Gas Distribution Corporation (Applicant), 10 Lafayette Square, Buffalo, New York 14203, filed in Docket No. CP76-448 an application pursuant to section 1(c) of the Natural Gas Act for exemption from the provisions of the Natural Gas Act and the regulations of the Commission pertaining thereto, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it sells natural gas to retail customers within the States of New York and Ohio and the Commonwealth of Pennsylvania and that all gas is purchased from its affiliate National Fuel Gas Supply Corporation at numerous delivery points in New York, Pennsylvania, and Ohio. Applicant further states that its New York division distributes gas in eleven counties within the western part of New York and that its Pennsylvania-Ohio division distributes gas in fourteen counties within the western portion of Pennsylvania and the two counties within Ohio adjacent to the Ohio-Pennsylvania border. It is indicated that all gas received by Applicant from out-of-state sources is consumed within the same state, except a de minimis amount of gas involved in that small portion of Applicant's distribution area which straddles the Pennsylvania-Ohio state line at Sharon, Pennsylvania, and Sharon, Ohio, and that the gas involved in these sales flows through Applicant's facilities in Sharon, Pennsylvania, and then continues across the Pennsylvania-Ohio state line for ultimate sale to Applicant's customers in Sharon, Ohio.

It is asserted that New York, Pennsylvania, and Ohio acting by and through their respective Public Service Commissions exercise jurisdiction over the rates (including rates for sales for resale), service and facilities of Applicant in those respective states.

Accordingly, Applicant requests exemption from Commission jurisdiction pursuant to section 1(c) of the Natural Gas Act since all gas received by it from out of state sources is sold in the state in which received, with the possible exception of considerably less than one percent of Applicant's total sales. Applicant states this amount represents local sales made in a bi-state municipality which are both incidental to Applicant's otherwise exclusively intrastate distribution function and deminimis in relation to Applicant's total sales volumes.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 24, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-23376 Filed 8-10-76;8:45 am]

[Docket No. ER76-811]

PACIFIC GAS AND ELECTRIC CO.

Proposed Changes in Rates and Charges

AUGUST 4, 1976.

Take notice that on July 26, 1976, Pacific Gas and Electric Company (PGandE) tendered for filing a notice of change in rates and charges of certain electric resale rate schedules under its FPC Electric Tariffs, Original Volumes Nos. 1 and 2. Based upon test period (calendar year 1976) conditions, PGandE estimates the change in rates would increase annual revenues from jurisdictional sales and services by approximately $6,388,000. Based on revenues for the period August, 1976 to July, 1977 the new rates will result in an average increase of 12.3%. The proposed effective date for the increased rates is August 25, 1976.

Copies of the filing were served upon PGandE's jurisdictional customers, the California Public Utilities Commission and the Public Service Commission of Nevada.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, Washington, D.C., 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 16, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-23366 Filed 8-10-76;8:45 am]

[Docket No. CI76-268]

PHILLIPS PETROLEUM CO.

Notice Cancelling Hearing

AUGUST 4, 1976.

Take notice that the hearing scheduled in the above-docketed proceeding at 10 a.m., Thursday, August 19, 1976, is hereby cancelled, inasmuch as Phillips Petroleum Company has amended the subject application and no longer requests a limited-term certificate.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-23367 Filed 8-10-76;8:45 am]

[1] The application was tendered for filing July 19, 1976; however, the fee required by § 159.1 of the regulations under the Natural Gas Act (18 CFR 159.1) was not paid until July 30, 1976. Thus, filing was not completed until the latter date.

V 41 156 AUG 11 76 UMI

[Docket No. ER76-809]

PUBLIC SERVICE COMPANY OF COLORADO

Filing of Initial Rate Schedule

AUGUST 4, 1976.

Take notice that Public Service Company of Colorado (PSCo) on July 23, 1976 tendered for filing as an initial rate schedule a contract for facilities, interconnections and transmission service between the United States Department of Interior Bureau of Reclamation Colorado River Storage Project, Fryingpan-Arkansas Project and Pick-Sloan Missouri Basin Program (USBR) and PSCo.

The Agreement provides for the accepting and transmitting of power and energy by each party for delivery on the system of the other party. Included in the Agreement is the establishment of the necessary facilities for the transmission of the power and energy.

PSCo states that copies of the filing were served upon all parties and affected state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such protests or petitions should be filed on or before August 13, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-23368 Filed 8-10-76;8:45 am]

[Docket No. ER76-814]

PUBLIC SERVICE ELECTRIC AND GAS CO.

Tariff Change

AUGUST 4. 1976.

Take notice that Public Service Electric and Gas Company of New Jersey (Public Service), on July 28, 1976, tendered for filing proposed changes in its FPC Electric Service Tariffs Nos. 53 and 54. The proposed changes would increase revenues from jurisdictional sales and service by $76,797 based on the twelve month period ending December 31, 1975. In addition, the proposed filing also slightly modified Public Service Electric and Gas Company's existing fuel adjustment clauses in the above tariffs to conform to § 35.14 of the Commission's regulations.

Public Service proposes an effective date of August 28, 1976. Public Service states that despite all efforts by it to combat increased costs, the continuing inflationary trend has affected practically all its operations. Due to these increased costs, Public Service states that it is becoming increasingly difficult for it to provide adequate and reliable service for the growing needs of its customers. The Company also contends that the rate increases are necessary to assure continued confidence in its financial integrity to provide earnings which will attract additional capital at reasonable cost to enable the Company to finance its electrical construction program.

Copies of the filing were served upon the public utility's jurisdictional customers, the Boroughs of Milltown and South River, and the New Jersey Board of Public Utility Commissioners.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 16, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-23369 Filed 8-10-76;8:45 am]

[Docket No. ER76-812]

SOUTHERN CALIFORNIA EDISON CO.

Filing of Initial Rate Schedule and Request for Waiver

AUGUST 5, 1976.

Take notice that on July 26, 1976, Southern California Edison Company (Edison) tendered for filing a September 26, 1976, Agreement with Valley Electric Association Inc. (Valley) representing a change in provisions of Rate Schedule FPC No. 44 whereby Edison serves an isolated load of Valley in exchange for Valley's serving four isolated loads of Edison. Under the new agreement Edison will make up for deficiencies in Valley's ability to continuously serve the Edison loads by scheduling energy to Valley over USBR owned transmission lines. The Edison supplied energy will be credited back to Edison at the time bills are rendered.

Edison states that the arrangement has been in effect on the basis of oral agreements since July of 1975 and that the energy and capacity so scheduled are necessary for continuous service to its isolated customers. For that reason Edison requests that the notice provisions of the Commision's regulations be waived and the filing be permitted to become effective as of July 1, 1975.

Copies of this filing were served upon Valley Electric and the Public Utilities Commission of the State of California.

Any person desiring to be heard or to protest this application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 16, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-23377 Filed 8-10-76;8:45 am]

[Docket No. RI76-138]

SOUTHERN UNION SUPPLY CO.

Petition for Special Relief

AUGUST 4, 1976.

Take notice that on July 21, 1976, Southern Union Supply Company (Petition), First International Building Dallas, Texas 75270, filed in Docket No. RI76-138 a petition for special relief from the base national rate as adjusted pursuant to § 2.56a(g) of the Commission's general policy and interpretations and § 1.7(b) of the Commission's rules of practice and procedure. Petitioner seeks a rate of approximately $1.13 and 86 cents per Mcf respectively for the sale of natural gas to its parent, Southern Union Company,[1] and El Paso Natural Gas Company [1] from No. 2 Gallagher State Well, Lea County, New Mexico. Petitioner's request includes a raw gas volume shrinkage factor of 20 percent in connection with the gathering, compression, and cleaning of such gas by Phillips Petroleum Company in addition to liquids extracted under contract dated April 30, 1976, performed prior to delivery to El Paso Natural Gas Company [1] for transportation to various points in Arizona, New Mexico and Texas where such gas will be delivered by Petitioner to its parent, Southern Union Company.

Petitioner further requests that the intermediate procedure be omitted and waives oral hearing and opportunity for filing exceptions. Petitioner further requests that a shortened notice period be provided.

Any persons desiring to be heard or to make any protest with reference to said petition should on or before August 20,

[1] Presently pending is Southern Union Supply Company's requested temporary authorizations based upon emergency conditions for sale of natural gas to its parent, Southern Union Company, under contract dated April 13, 1976 (Docket No. CI76-578) an to El Paso Natural Gas Company under contract dated April 30, 1976 (Docket No. CI76-579). Also, pending is El Paso Natural Gas Company certificate request for transportation and delivery of such natural gas under contract dated April 13, 1976 (Docket No. CI76-410).

1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-23370 Filed 8-10-76;8:45 am]

[Docket No. ER76-805]

WESTERN MASSACHUSETTS ELECTRIC CO.

Rate Schedule Filing

AUGUST 5, 1976.

Take notice that Western Massachusetts Electric Company (the "Company") on July 23, 1976, tendered for filing a proposed rate schedule governing firm electric service to the City of Westfield, Massachusetts. The proposed rate schedule is a contract demand form of rate, which rate form was agreed upon by the Company, the City of Westfield, and certain other of the Company's wholesale customers as part of the settlement approved by this Commission in Docket No. E-8798.

The Company states that the demand and energy charges in the proposed rate schedule have been designed to achieve the revenue levels found acceptable by this Commission in the settlement of Docket No. E-8798 and no revenue increase is being sought.

The Company proposed a June 1, 1976 effective date for the proposed rate schedule and states that the City of Westfield supports the waiver of the Commission's notice requirements to permit such effective date.

Copies of the filing were served upon the City of Westfield, Massachusetts and the Commonwealth of Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 16, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-23378 Filed 8-10-76;8:45 am]

[Docket No. RP72-41; (PGA76-1)]

WESTERN TRANSMISSION CORP.

Proposed Change in Rates Under Purchased Gas Cost Adjustment Clause

AUGUST 5, 1976.

Take notice that Western Transmission Corporation (Western), on July 27, 1976, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1. Western states that the proposed changes would increase the monthly charges for purchased gas to Colorado Interstate Gas Company, Western's sole jurisdictional customer, pursuant to the provisions of Section 18 of Western's FPC Gas Tariff. Original Volume No. 1.

Western's filing is proposed to become effective on September 1, 1976. This increase will compensate Western for increases in its current cost of purchased gas, the Company states.

Copies of this filing have been served upon Colorado Interstate Gas Company, Western states.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 17, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-23379 Filed 8-10-76;8:45 am]

FEDERAL TRADE COMMISSION

PRIVACY ACT OF 1974

Corrected Notices of Systems of Records

On July 21, 1976, the Commission published certain additions and modifications to its Privacy Act systems of records (41 FR 30087). The following systems were erroneously set out under the heading of "Additions of Systems of Records": FTC-7, Congressionag Correspondence, Office of General Counsel; FTC-28, Investigational, Legal, and Public Records; FTC-33, Preliminary Investigation Files; and FTC-39, Staff Advisory Opinion Records. These are not additional systems; rather they are systems to which modifications have been made, and should have been so listed at 41 FR 30092.

JAMES A. TOBIN,
Acting Secretary.

[FR Doc.76-23351 Filed 8-10-76;8:45 am]

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-27]

CHICORY ROOT—CRUDE AND PREPARED

Memorandum Opinion

PROCEDURAL BACKGROUND

On August 2, 1976, the presiding officer certified to the Commission two motions filed on July 27, 1976, by intervenor parties Wm. B. Reily & Co., Inc., Community Coffee Co., Inc., and American Coffee Co., Inc., that hearings in the above matter be transferred from Washington, D.C., to New Orleans, Louisiana (M 27-2), and that the temporary relief hearing scheduled for August 11, 1976, be continued (M 27-5). On July 29, 1976, the Commission received a submission from complainant opposing a continuation. Notice of the Commission's ordering of the investigation and of the scheduling of the temporary relief hearing, to begin in Washington on August 11, 1976, was published in the FEDERAL REGISTER of July 16, 1976 (41 FR 29496).

ORDER

(1) The motion of intervenor parties Wm. B. Reily & Co., Inc., Community Coffee Co., Inc., and American Coffee Co., Inc. (M 27-2), to transfer all hearings in this proceeding from Washington, D.C., to New Orleans, Louisiana, is denied.

(2) The motion of intervenor parties Wm. B. Reily & Co., Inc., Community Coffee Co., Inc., and American Coffee Co., Inc. (M 27-5), that the hearing set for August 11, 1976, be continued is denied.

OPINION

The Commission considers that requests for temporary relief under section 337 should be acted upon expeditiously. The Commission on July 8, 1976, ordered the present expedited schedule. Intervenor parties Wm. B. Reily & Co., Inc., Community Coffee Co., Inc., and American Coffee Co., Inc., in our judgment, have failed to show good cause why the noticed place of hearings and time of this hearing should be changed, and the Commission accordingly denies their motions.

By order of the Commission.

Issued: August 5, 1976.

KENNETH R. MASON,
Secretary.

[FR Doc.76-23290 Filed 8-10-76;8:45 am]

V 41 N 156 AUG 11 76 UMI

[Preliminary Investigation No. 603-TA-1]

TELEVISION RECEIVERS FROM JAPAN

Commission Memorandum Opinion

PROCEDURAL BACKGROUND

The Commission instituted this preliminary investigation on March 26, 1976, pursuant to section 603 of the Trade Act of 1974 (19 U.S.C. 2482), to determine whether to institute an investigation under section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337). A Notice of Preliminary Investigation was published in the FEDERAL REGISTER on April 8, 1976 (41 F.R. 14949). During the course of the preliminary investigation, the Commission recevied petitions [1] to quash various questionnaires sent by the investigative staff to petitioners.

ORDER

On July 16, 1976, the Commission denied the petitions to quash questionnaires, and also denied the request for oral argument.[2]

OPINION

The Commission, after considering the motions, has determined that the motions and requests for oral argument be denied because the Commission construes the questionnaires to be voluntary rather than mandatory. The Commission has directed its investigative staff to confer with the Matsushita companies and RCA Corporation to review the extent to which these companies are reasonably able and willing to supply, on a voluntary basis, information which is relevant to the preliminary investigation. The Commission wishes to encourage voluntary cooperation of the aforesaid concerns in order to assist the Commission in determining whether facts exist which would warrant the institution of an investigation under section 337 of the Tariff Act of 1930.

The Commission may seek the use of compulsory process in the event that resort to such process is reasonable and justifiable as provided under Commission rules.

Issued: August 6, 1976.

By Order of the Commission:

KENNETH R. MASON,
Secretary.

[FR Doc.76-23414 Filed 8-10-76;8:45 am]

[1] On June 30, 1976, the Commission received a "Petition of Matsushita Electric Industrial Co., Ltd., Matsushita Electric Trading Co., Ltd., Matsushita Electronics Corporation and Matsushita Electric Corporation of America to Quash Questionnaires of Investigative Staff of the United States International Trade Commission and Accompanying Request for Production of Documents." This petition was docketed by the Office of the Secretary as motion docket No. 603-TA-1-2. Also on June 30, 1976, the Commission received a "Petition by RCA Corporation to Quash Questionnaire and Request for the Production of Documents." This petition was docketed by the Office of the Secretary as motion docket No. 603-TA-1-3. On July 6, 1976, the Commission received from counsel for the Matsushita companies a request for oral argument in connection with their petition of June 30, 1976. This request for oral argument was docketed by the Office of the Secretary as motion docket No. 603-TA-1-4.

[2] Commissioner Abbondi did not participate in the Commission action.

INTERSTATE COMMERCE COMMISSION

[Notice No. 114]

ASSIGNMENT OF HEARINGS

AUGUST 6, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 115841 (Sub-No. 506), Colonial Refrigerated Transportation, Inc., now assigned September 13, 1976 at Washington, D.C., has been postponed indefinitely.

MC 82841 (Sub-No. 173), Hunt Transportation, Inc., now being assigned September 9, 1976 (2 days), at Denver, Colorado, in U.S. Court of Appeals Division 2, 4th Floor, Federal Courthouse, 1961 Stout Street.

MC 134323 Sub 80, Jay Lines, Inc., now being assigned for continued hearing, September 30, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 110328 (Sub-No. 11), Roy A. Leiphart Trucking, Inc., now assigned October 14, 1976, at Washington, D.C. is canceled and application dismissed.

MC 99952 (Sub-No. 2), Eagle Truck Lines, Inc., now assigned August 30, 1976, at Los Angeles, Calif. is canceled and application dismissed.

MC 58923 (Sub-Nos. 33 and 42), Georgia Highway Express, Inc. now being assigned November 8, 1976 (1 week), at Tallahasse, Florida in a hearing room to be later designated.

MC 113678 (Sub-No. 557), Curtis, Inc., Extension, now assigned September 8, 1976 at Denver, Colorado; will be held in the U.S. Court of Appeals, Division 2, 4th Floor Federal Courthouse, 1961 Stout Street.

MC 141966, Gina Marie Express Co., now assigned September 13, 1976 at Denver, Colorado; will be held in the U.S. Court of Appeals, Division 2, 4th Floor Federal Courthouse, 1961 Stout Street.

MC 124692 (Sub-No. 164), Sammons Trucking, now assigned September 14, 1976 at Denver, Colorado; will be held in the U.S. Court of Appeals, Division 2, 4th Floor Federal Courthouse, 1961 Stout Street.

MC 139468 (Sub-No. 15), International Contract Carriers, Inc., now assigned September 16, 1976 at Denver, Colorado; will be held in the U.S. Court of Appeals, Division 2, 4th Floor Federal Courthouse, 1961 Stout Street.

MC-F-12725, Best Refrigerated Express, Inc.—Investigation of Control—Scott Truck Line, Inc., and MC-F-12795, Best Refrigerated Express, Inc.—Control—Scott Truck Line, Inc., now assigned September 20, 1976 at Omaha, Nebraska; will be held in Room 616 Union Pacific Plaza, 110 North 14th Street, 14th & Dodge.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-23411 Filed 8-10-76;8:45 am]

[Notice No. 115]

ASSIGNMENT OF HEARINGS

AUGUST 6, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

CORRECTION [1]

MC 30561 Sub 3, Joseph Ruffin DBA Ruffin's Motor Freight, now being assigned September 8, 1976, (1 day), at Philadelphia, Pa., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-23412 Filed 8-10-76;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 6, 1976.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 43207—*Alloys or Metals to Korf, Texas.* Filed by Southwestern Freight Bureau, Agent, (No. B-624), for interested rail carriers. Rates on alloys or metals, in carloads, as described in the application, from points in Ohio, Pennsylvania and West Virginia, to Korf, Texas.

[1] This notice is insert the Sub No.

Grounds for relief—Market competition and rate relationship.

Tariff—Supplement 183 to Southwestern Freight Bureau, Agent, tariff 2-H, I.C.C. No. 5102. Rates are published to become effective on September 5, 1976.

FSA No. 43208—*Iron and Steel Articles to Points in Southern Territory.* Filed by Southwestern Freight Bureau, Agent, (No. B-615), for interested rail carriers. Rates on iron and steel articles, in carloads, as described in the application, from points in southwestern territory, to points in southern territory.

Grounds for relief—Carrier competition.

Tariff—Supplement 214 to Southwestern Freight Bureau, Agent, tariff 301-F, I.C.C. No. 5098. Rates are published to become effective on September 9, 1976.

By the Commission

ROBERT L. OSWALD,
Secretary.

[FR Doc 76 23413 Filed 8-10-76;8:45 am]

[Ex Parte No. MC-43]

Lease and Interchange of Vehicles by Motor Carriers

CORRECTED ORDER [1]

At a session of the Interstate Commerce Commission, Motor Carrier Leasing Board, held at its office in Washington, D.C., on the 14th day of July, 1976.

It appearing, That a petition has been filed by Ligon Specialized Hauler, Inc., (MC-119777 and numerous subs) and Cherokee Hauling & Rigging, Inc., (MC-127834 and numerous subs), under temporary common control, and Virginia Hauling Company, (MC-13806 and various subs) and Horne Heavy Hauling, Inc., (MC-35045 and subs 1, 9, 11 and 19), under permanent and temporary common control respectively, by Cherokee Hauling & Rigging Inc., for waiver of paragraphs (a) (3) and (c) of Section 1057.4 of the Lease and Interchange of Vehicles Regulations (49 CFR 1057), concerning equipment leased and interchanged by petitioners.

It further appearing, That petitioners have not advanced sufficient justification upon which to base a grant of relief from the requirements of paragraphs (a) (3) and (c) of Section 1057.4;

It further appearing, That the Bureau of Motor Carrier Safety, Federal Highway Administration, Department of Transportation recommends that the petition be held in abeyance for at least six months so that petitioners may have the opportunity to eliminate current inspection and maintenance deficiencies;

It is ordered, that the petition be, and, it is hereby denied.

By the Commission, Motor Carrier Leasing Boards, Board Members Teeple and Sibbald.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-23409 Filed 8-10-76;8:45 am]

SECTION 5b APPLICATION NO. 9

Lower Lakes Coal Demurrage Agreement

AUGUST 3, 1976.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of Section 5b of the Interstate Commerce Act.

Filed May 20, 1976 by: Harry N. Babcock, General Attorney, Law Department, Chessie System, P.O. Box 6419, Cleveland, OH 44101.

Agreement involves: Organization, practices, and procedures between and among rail common carrier members of Lake Coal Demurrage Committee for the joint consideration, initiation, or establishment of demurrage charges, and rules and regulations thereto, governing the detention of railroad cars loaded with coal or certain other commodities when held for unloading into vessels at lower lake points, as named in Agent Doyle's Tariff Nos. 551, ICC H-23 and 552, ICC H-24, supplements thereto and reissues thereof.

The complete application may be inspected at the Office of the Commission in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing within 30 days from the date of publication of this notice in the FEDERAL REGISTER. As provided by the General Rules of Practice of the Commission, persons other than applicants should fully disclose their interest and the position they intend to take with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application, without further or formal hearing.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-23410 Filed 8-10-76;8:45 am]

[1] This order corrects the order served herein July 21, 1976, in which the date of the order was inadvertently omitted.

V 41 1156 AUG 11 76 UMI

federal register

WEDNESDAY, AUGUST 11, 1976



PART II:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

BASIC EDUCATIONAL OPPORTUNITY GRANT PROGRAM

Notice of Proposed Rulemaking

V41/156 AUG 11 76 UMI

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 190]

BASIC EDUCATION OPPORTUNITY GRANT PROGRAM

Notice of Proposed Rulemaking

Pursuant to the authority contained in Subpart 1 of Part A of Title IV of the Higher Education Act of 1965 as amended (20 U.S.C. 1070a) notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to issue the following amendments to the regulations covering the basis for determining the expected family contribution schedules of both dependent and independent students for academic year 1977–78.

These amendments are being submitted for public comment and review by both Houses of Congress in advance of the February 1 deadline specified in section 411(a) of the Higher Education Act of 1965 as amended (20 U.S.C. 1070a) so that review of the Schedules may be completed earlier than May 1, which is the date listed in the statute. It is the opinion of the Commissioner that the May 1 deadline for Congressional action does not permit students, parents, and educational institutions sufficient time to make effective decisions concerning the packaging of student financial aid resources. The regulations to which these amendments are proposed were previously published on April 4, 1975 (40 FR 15248).

The proposed amendments provide for a 6% increase in the family size offsets used during the 1976–77 academic year. This increase in living allowance is an estimate, and will be changed in accordance with the actual increase in the Consumer Price Index as published by the Bureau of Labor Statistics at the end of the year. The intent of this increase is to take into account inflation of the basic cost of living during the current year.

The proposed regulations further require that in cases where a parent of a dependent applicant whose income and assets are taken into account in determining the annual adjusted family income has remarried, and the student is residing with that parent and that parent's spouse, the income and assets of that parent and that parent's spouse must be reported as available to the applicant, regardless of the family's tax filing status or of the step-parent's legal relationship to the applicant. This clarification assures greater equity of reported family resources for applicants in such circumstances.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed rules to Mr. Peter K. U. Voigt, Director, Division of Basic and State Student Grants, U.S. Office of Education, Room 4717, ROB–3, 400 Maryland Avenue, SW., Washington, D.C. 20202. Comments received in response to this notice will be available for public inspection at the above office Monday through Friday between 8:30 a.m. and 4:30 p.m. All relevant material must be received not later than September 10, 1976.

(Catalog of Federal Domestic Assistance No. 13.539, Basic Educational Opportunity Grant Program.)

Dated: June 21, 1976.

T. H. BELL,
Commissioner of Education.

Approved: August 4, 1976.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

Part 190 of Chapter I of Title 45 of the Code of Federal Regulations would be amended as follows:

PART 190—BASIC EDUCATIONAL OPPORTUNITY GRANT PROGRAM

1. In § 190.32(a), subparagraph (2) would become (2)(i), and subparagraph (a)(2)(ii) would be added to read as follows:

§ 190.32 Special definitions.

(a) * * *

(2)(i) * * *

(ii) In the case of a student whose parents are divorced and the parent whose income is taken into account pursuant to paragraph (a)(2)(i) of this section has remarried and the student is residing with that parent and the parent's spouse, the income of that parent's spouse shall also be considered in determining the annual adjusted family income.

* * * * * *

2. In § 190.33, paragraph (c)(1) would be revised to read as follows:

§ 190.33 The expected family contribution for dependent students from parents' and student's effective income.

* * * * * *

(c) * * *

(1) *Family size offset.* A family size offset is the amount specified in the following table. Family members include the student, the student's parents and the student's parents' dependents. If the parents are divorced or separated, family members shall include the student and any parent whose income is taken into account for the purpose of computing the annual adjusted family income and that parent's dependents. If the parents are divorced and the parent's spouse's income is taken into account for the purpose of computing the annual adjusted family income, family members shall include the student, that parent and spouse, and any dependents of that parent and/or spouse.

FAMILY SIZE OFFSETS

Family members:	Dollar amounts
2	3,850
3	4,650
4	5,950
5	7,000
6	7,950
7	8,800
8	9,700
9	10,600
10	11,500
11	12,400
12	13,300

* * * * * *

3. In § 190.35, paragraph (c) would be revised to read as follows:

§ 190.35 Computation of standard expected contribution from parents' assets.

* * * * * *

(c)(1) If the student's parents are separated, or divorced and not remarried, only the assets of the parent whose income is taken into account for the purpose of computing annual adjusted family income shall be considered.

(2) In the case of the student whose parents are divorced and the parent whose income is taken into account pursuant to § 190.32(a)(2)(i) has remarried, and the parent's spouse's income is also taken into consideration pursuant to § 190.32(a)(2)(ii), the assets of that parent and that parent's spouse shall also be considered.

4. In § 190.36, paragraph (b) would become (b)(1) and paragraphs (b)(2) through (b)(4) would be added to read as follows:

§ 190.36 Computation of expected contribution from parents' income, student's effective income, and parents' assets, adjusted for number of family members attending institutions of postsecondary education.

(b)(1) * * *

(2) Family members include the student, the student's parents and the student's parents' dependents.

(3) If the student's parents are separated, or divorced and not remarried, family members shall include the student and any parent whose income is taken into account for the purpose of computing annual adjusted family income and that parent's dependents.

(4) In the case of a student whose parents are divorced and the parent's spouse's income is taken into account for the purpose of computing the annual adjusted family income, family members shall include the student, that parent and spouse, and any dependents of that parent and/or spouse.

5. Section 190.43 would be amended by revising paragraph (c)(1) to read as follows:

§ 190.43 The expected family contribution for independent students from annual adjusted family income.

* * * * * *

(c) * * *

(1) *Family size offset.* A family size offset is the amount specified in the following table. Family members include the student and his dependents. If the student is divorced or separated, family size shall include any person whose income is taken into account for the purpose of computing the annual adjusted family income and his or her dependents.

FAMILY SIZE OFFSETS

Family members:	Dollar amounts
2	3,850
3	4,650
4	5,950
5	7,000
6	7,950
7	8,800
8	9,700
9	10,600
10	11,500
11	12,400
12	13,300

An offset of $1,050 shall be made for the single independent student.

* * * * * *

[FR Doc.76-23231 Filed 8-10-76;8:45 am]

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federal register

WEDNESDAY, AUGUST 11, 1976



PART III:

FEDERAL ELECTION COMMISSION

ADVISORY OPINION REQUESTS

V 41 I 156 AUG 11 76 UMI

FEDERAL ELECTION COMMISSION

[Notice 1976-37, AOR 1976-48 through 1976-55]

ADVISORY OPINION REQUESTS

Pursuant to 2 U.S.C. § 437f(c) and the procedures reflected in Part 112 of the Commission's Notice of Proposed Rulemaking, published on May 26, 1976 (41 F.R. 21590), advisory opinion requests 1976-48 through 1976-55 have been made public at the Commission. A copy of the original request is available for public inspection and purchase at the Federal Election Commission, Public Records Division, at 1325 K Street, NW., Washington, D.C. 20463.

Interested persons may submit written comments on any advisory opinion request within ten days after the date the request was made public at the Commission. These comments should be directed to the Office of the General Counsel, Advisory Opinion Section, at the Commission. Persons requiring additional time in which to respond to any advisory opinion requests will normally be granted such time upon written request to the Commission. All timely comments received by the Commission will be considered before the Commission issues an advisory opinion. Comments on pending requests should refer to the specific AOR number of the requests, and statutory references should be to the United States Code citations rather than to the Public Law citations.

A descriptive listing of each of the requests recently made public as well as the identification of the requesting party follows hereafter:

AOR 1976-48: Whether the activities of the Missouri Republican Host Committee, Inc., involve corporate or individual contributions or independent expenditures.—Requested by Joseph E. Stevens, Jr., Counsel, Missouri Republican Host Committee, Inc., Kansas City, Missouri.

AOR 1976-49: Transfer of funds from the Austin Campaign Committee to the Austin for Senate Campaign; method of attributing contributions.—Requested by Robert L. Millender, Co-chairman, Austin for Senate Committee, Detroit, Michigan.

AOR 1976-50: Whether an incorporated business may produce campaign shirts, sell them, and forward $1 of their purchase price to a candidate's principal campaign committee without incurring a corporate contribution.—Requested by Gordon K. Durnil, Treasurer, Friends of Dick Lugar Committee, Indianapolis, Indiana.

AOR 1976-51: Whether several individuals who share a policy concern, friendship, and an ethnic heritage and who discuss their common interest in contributing to Federal candidates are regarded as a political committee for purposes of disclosure and contribution limits if their combined expenses exceed $1,000.—Requested by Robert N. Thomson, Counsel, Democratic Senatorial Campaign Committee, Washington, D.C.

AOR 1976-52: Whether a candidate's general election excess campaign funds may be contributed to an unsuccessful 1974 candidate to retire the latter's 1974 campaign debts and applicable limit, if any.—Requested by Congressman Carroll Hubbard, Carroll Hubbard Re-election Campaign, Mayfield, Kentucky.

AOR 1976-53: Whether a candidate's principal campaign commitee may rent from the candidate an office in the candidate's home or pay for the candidate's groceries, heat, lights, mortgage, etc.—Requested by Lois Ann Murray, Treasurer, Iannitti for Congress, Warwick, Rhode Island.

AOR 1976-54: Whether continuing operating expenses incurred by the Harris for President Committee are qualified campaign expenses payment for which the Committee will be eligible to receive Federal matching funds.—Requested by Casey, Lane & Mittendorf for Harris for President Committee, Washington, D.C.

AOR 1976-55: Whether a candidate may transfer campaign funds remaining from a campaign for State office to his Federal campaign committee if the surplus is first regarded as personal income for tax purposes.—Requested by William M. McCaffrey, Treasurer, McCaffrey for Congress Committee, Warwick, Rhode Island.

Dated: July 27, 1976.

VERNON W. THOMSON,
Chairman for the
Federal Election Commission.

[FR Doc.76-23346 Filed 8-10-76;8:45 am]

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federal register

WEDNESDAY, AUGUST 11, 1976



PART IV:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

■

NATIONAL FLOOD INSURANCE PROGRAM

Flood Prone Areas of Communities Subject to Section 202 Prohibition of Federal and Federally Related Assistance

V 41 1 156 AUG 11 76 UMI

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[Docket No. N-76-376]

NATIONAL FLOOD INSURANCE PROGRAM

Flood-Prone Areas of Communities Subject to Section 202 Prohibition of Federal and Federally Related Assistance

The purpose of this notice is to provide a list of communities that contain areas of special flood hazard potentially subject to the provisions of Section 202 of the Flood Disaster Protection Act of 1973 (PL 93-234) on July 1, 1975, or an appropriate later date, and to provide a convenient reference for interested persons, communities, Federal agencies and instrumentalities, and others involved in assuring compliance with that section. This list supersedes and up-dates the list published in the FEDERAL REGISTER at 41 FR 23092-23142.

Section 202 provides that effective July 1, 1975, Federal agencies and federally supervised, approved, insured, or regulated lending institutions are prohibited from providing financial assistance or making loans for acquisition or construction purposes in areas which (a) have been designated by the Secretary of Housing and Urban Development as Special Flood Hazard Areas for at least one year; and (b) are in communities which are not participaing in the National Flood Insurance Program (42 U.S.C. §§ 4001-4128).

The prohibition does not apply to any loan made by a federally-supervised, approved, insured, or regulated lending institution made prior to March 1, 1976, to finance the acquisition of a previously occupied residential dwelling.

Each of the communities listed below received notice of its designation as flood-prone prior to October 1, 1975, and legal notice was furnished of such designation by publication under Part 1915 of Title 24 of the Code of Federal Regulations in the FEDERAL REGISTER. These communities have failed to provide the Federal Insurance Administrator with sufficient technical or scientific data to rebut their designation as flood prone nor have they as yet qualified for participation in the National Flood Insurance Program. Thus, the sanctions of Section 202 apply as of July 1, 1975, or one year after a community's identification, whichever is later, until the community participates in the program.

In order to continue Federal or federally related assistance or lending in its Special Flood Hazard Area, a community must apply for and be made eligible for participation in the program in accordance with 24 CFR (Parts 1909 to 1920). Communities may receive assistance in applying for participation by contacting the Federal Insurance Administration, 451 Seventh St., S.W., Washington, D.C. 20410 (202) 755-5581, or its toll-free numbers 800-424-8872 or 800-424-8873.

Communities on this list may be made eligible to participate in the program after the date of publication of this list. Such eligibility will be published periodically in the FEDERAL REGISTER under 24 CFR § 1914.4 List of eligible communities. At that time the sanctions of Section 202 will no longer apply to the communities listed below.

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
• UNINCORPORATED AREAS ONLY	ARIZONA	
040028	GILA COUNTY •	NOVEMBER 01, 1974
040106	TOMBSTONE, CITY	AUGUST 15, 1975
TOTAL IN THE STATE		2
• UNINCORPORATED AREAS ONLY	ARKANSAS	
050197	ALEXANDER, TOWN OF (PULASKI & SALINE)	APRIL 18, 1975
050198	ALMA, TOWN (CRAWFORD CO.)	JULY 11, 1975
050340	ALMYRA, TOWN (ARKANSAS CO.)	AUGUST 15, 1975
050017A	ALPENA, TOWN OF (BOONE CO.)	AUGUST 30, 1974 AND
		OCTOBER 03, 1975
050381	ALTUS, CITY (FRANKLIN CO.)	JULY 25, 1975
050383	AMITY, CITY OF (CLARK CO.)	FEBRUARY 21, 1975
050382	ASH FLAT, TOWN (SHARP CO.)	JUNE 27, 1975
050123	ASHDOWN, TOWN OF (LITTLE RIVER)	DECEMBER 04, 1974
050385	BALD KNOB, CITY OF (WHITE CO.)	FEBRUARY 19, 1975
050386	BARLING, CITY OF (SEBASTIAN)	APRIL 18, 1975
050306	BAUXITE, CITY OF (SALINE CO.)	APRIL 25, 1975
050386	BETHEL HEIGHTS, TOWN (BENTON CO.)	APRIL 25, 1975
050390	BLEVINS, CITY (HEMPSTEAD CO.)	APRIL 18, 1975
050391	BLUFF CITY, TOWN (NEVADA CO.)	JULY 18, 1975
050392	BONANZA, TOWN (SEBASTIAN CO.)	AUGUST 15, 1975
050382	BRADFORD, CITY OF (WHITE CO.)	FEBRUARY 21, 1975
050131	BRADLEY, CITY OF (LAFAYETTE CO.)	MAY 02, 1976
050393	BRINKLEY, CITY (MONROE CO.)	APRIL 25, 1975
050394	BULL SHOALS, CITY (MARION CO.)	APRIL 18, 1975
050310	CAMMACK, TOWN (PULASKI CO.)	JUNE 27, 1975
050397	CAULKSVILLE, TOWN (LOGAN CO.)	JULY 25, 1975
050313	CAVE CITY, CITY (INDEP.-SHARP CO.)	APRIL 18, 1975
050400	CHIDESTER, CITY (OUACHITA CO.)	APRIL 18, 1975
050404	DAMASCUS, TOWN (FAULKNER + VAN BUREN CO.)	APRIL 18, 1975
050405	DELIGHT, CITY (PIKE CO.)	FEBRUARY 14, 1975
050406	DENNARD, TOWN (FRANKLIN CO.)	JULY 11, 1975
050320	DIERKS, CITY OF (HOWARD)	SEPTEMBER 26, 1974
050408	DYER, TOWN (CRAWFORD CO.)	DECEMBER 25, 1975
050409	EDMONSON, TOWN (CRITTENDEN CO.)	AUGUST 30, 1974 AND
050219	ELKINS, TOWN OF (WASHINGTON CO.)	APRIL 09, 1976
050410	EMERSON, TOWN (COLUMBIA CO.)	APRIL 11, 1975
050019A	EVERTON, TOWN OF (BOONE CO.)	FEBRUARY 21, 1975
050413	FISHER, TOWN (POINSETT CO.)	AUGUST 30, 1974 AND
050414	FOUNTAIN HILL, TOWN OF (ASHLEY CO.)	NOVEMBER 07, 1975
050229A	GARNER, TOWN OF (WHITE CO.)	NOVEMBER 07, 1975
050329	GENTRY, CITY (BENTON CO.)	JUNE 27, 1975
050245	GILLHORE, TOWN (CRITTENDEN CO.)	SEPTEMBER 24, 1975
050247	GRIFFITHVILLE, TOWN (WHITE CO.)	APRIL 11, 1975
050248	GUION, TOWN (IZARD CO.)	JUNE 27, 1975
050249	GURDON, TOWN (CLARK CO.)	APRIL 25, 1975
050330	HARDY, TOWN (SHARP CO.)	APRIL 18, 1975
050250	HARRELL, TOWN (CALHOUN CO.)	AUGUST 25, 1975
050239A	HAVANA, CITY OF (YELL CO.)	AUGUST 15, 1975
050254	HECTOR, TOWN (POPE CO.)	AUGUST 15, 1975 AND
050225A	HIGGINSON, TOWN OF (WHITE CO.)	JANUARY 09, 1976
050334	HUNTINGTON, TOWN (SEBASTIAN CO.)	SEPTEMBER 19, 1975

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
050095	AKRON, TOWN (CHALE CO.)	JULY 18, 1975
010229	ALLGOOD, TOWN (CALHOUN CO.)	JANUARY 24, 1975
010242	BARBIE, TOWN (COVINGTON CO.)	JANUARY 10, 1975
010083A	BELK, TOWN OF (FAYETTE CO.)	DECEMBER 13, 1974
010092	BLACK, TOWN OF (BIBB CO.)	FEBRUARY 07, 1975
010056A	BRANTLEY, TOWN OF (CRENSHAW CO.)	DECEMBER 13, 1974
		JUNE 28, 1974
010119A	CARROLL, TOWN OF (JEFFERSON CO.)	JUNE 04, 1976
		SEPTEMBER 20, 1974
010120	CAROLINA, TOWN (COVINGTON CO.)	JANUARY 10, 1976
010233	CENTRE, CITY OF (CHEROKEE COU)	JANUARY 07, 1975
010239	COFFEE SPRINGS, TOWN OF (GENEVA CO.)	FEBRUARY 07, 1975
010234	CUSSETA, TOWN (CHAMBERS CO.)	DECEMBER 13, 1974
010103A	DOVANS, TOWN OF (CHAMBERS CO.)	AUGUST 16, 1974
010056A	DOZIER, TOWN OF (CRENSHAW CO.)	SEPTEMBER 20, 1974
010212	ELBERTA, TOWN OF (BALDWIN CO.)	NOVEMBER 15, 1974
010051	EVERGREEN, CITY (CONECUH CO.)	AUGUST 08, 1975
010027	FIVE POINTS, TOWN OF (CHAMBERS CO.)	NOVEMBER 18, 1975
010038	FULTON, TOWN (CLARKE CO.)	JUNE 07, 1974
010053A	GANTT, TOWN OF (COVINGTON CO.)	JANUARY 02, 1976
010057A	GLENWOOD, TOWN OF (CRENSHAW CO.)	SEPTEMBER 20, 1974
010293	HARPERSVILLE, TOWN (SHELBY CO)	APRIL 11, 1975
010295A	HELENA, TOWN (SHELBY CO)	JANUARY 10, 1975
		FEBRUARY 13, 1975
010218	HIDALAND CITY, TOWN (DALE CO)	JANUARY 31, 1975
010232	ONATCHEE, TOWN OF (CALHOUN CO)	JANUARY 24, 1975
010076	PALMERDALE, TOWN (DALE CO)	JANUARY 31, 1975
010075	PULLAND, TOWN OF (ESCAMBIA CO)	NOVEMBER 01, 1974
010159	PROVIDENCE, TOWN OF (MARENGO CO.)	SEPTEMBER 13, 1974
010182	RANDOLPH COUNTY •	JANUARY 24, 1975
010243	RED LEVEL, TOWN (COVINGTON CO)	APRIL 04, 1975
010253	REECE CITY, CITY OF (ETOWAH CO)	JULY 11, 1975
010238	RIVERSIDE, TOWN (ST. CLAIR CO)	JUNE 27, 1975
010224	SHEAD, TOWN (CALHOUN CO)	FEBRUARY 07, 1975
010291	STEELE, TOWN OF (ST. CLAIR COU)	JULY 18, 1975
010140	SPEETMATER, TOWN (MARENGO CO)	SEPTEMBER 13, 1974
010108	TAYLOR, TOWN OF (HOUSTON CO.)	APRIL 11, 1975
010292	VINCENT, TOWN (SHELBY CO)	
TOTAL IN THE STATE		37
• UNINCORPORATED AREAS ONLY	ALASKA	
020108	HOOPER BAY, CITY OF (UNORGANIZED BORO.)	JUNE 28, 1974
TOTAL IN THE STATE		

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• UNINCORPORATED AREAS ONLY

ARKANSAS

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
050120A	IMBODEN, TOWN (LAWRENCE CO)	MAY	03, 1974	AR
		OCTOBER	10, 1975	
050336	JUNCTION CITY, CITY (UNION CO)	APRIL	18, 1975	
050260	KNOXVILLE, TOWN OF (JOHNSON CO)	FEBRUARY	21, 1975	
050261	LEOLA, TOWN OF (GRANT CO)	FEBRUARY	21, 1975	
050338	LINCOLN, CITY (WASHINGTON CO)	JULY	18, 1975	
050339	LOCKESBURG, TOWN (SEVIER CO)	APRIL	18, 1975	
050347	MARSHALL, CITY (SEARCY CO)	APRIL	25, 1975	
050343	MCNEIL, CITY (COLUMBIA CO)	MAY	02, 1975	
050348	MELBOURNE, CITY (IZARD CO)	APRIL	11, 1975	
050266	MENIFEE, TOWN (CONWAY CO)	APRIL	25, 1975	
050049	MITCHELLVILLE, TOWN OF (DESHA CO)	NOVEMBER	08, 1974	
050095	MOUNT PLEASANT, TOWN OF (IZARD CO)	NOVEMBER	22, 1974	
050352	MOUNTAIN VIEW, CITY (STONE CO)	JUNE	27, 1975	
050051A	MOUNTAINBURG, TOWN OF (CRAWFORD CO)	MAY	03, 1974	AR
		NOVEMBER	28, 1975	T
050268	NORVELL, TOWN (CRITTENDEN CO)	AUGUST	15, 1975	
050269	OAK GROVE, TOWN OF (CARROLL CO)	FEBRUARY	21, 1975	
050270	OGDEN, TOWN (LITTLE RIVER CO)	SEPTEMBER	19, 1975	
050272	OKOLONA, TOWN (CLARK CO)	JULY	11, 1975	
050273	OXFORD, TOWN (IZARD CO)	APRIL	25, 1975	
050271	OZEAN, TOWN (RANDOLPH CO)	APRIL	18, 1975	
050360	PANGBURN, CITY (WHITE CO)	APRIL	18, 1975	
050007A	PARKDALE, CITY OF (ASHLEY CO)	MARCH	29, 1974	AR
		OCTOBER	31, 1975	
050276	PERRY, TOWN (PERRY CO)	JUNE	27, 1975	
050363	PLAINVIEW, CITY (YELL CO)	APRIL	18, 1975	
050364	PLUMERVILLE, CITY (CONWAY CO)	JUNE	27, 1975	
050277	POTTSVILLE, TOWN (POPE CO)	APRIL	25, 1975	
050279	PRATTSVILLE, TOWN (GRANT CO)	APRIL	25, 1975	
050090A	PRESCOTT, CITY OF (CLEVELAND CO)	MARCH	08, 1974	AR
		OCTOBER	10, 1975	
050284	RUSSELL, TOWN (WHITE CO)	APRIL	11, 1975	
050286	SCRANTON, TOWN (LOGAN CO)	APRIL	18, 1975	
050349	STEPHENS, CITY (OUACHITA CO)	JUNE	27, 1975	
050290	SULPHUR ROCK, TOWN (INDEPENDENCE CO)	APRIL	25, 1975	
050292	THORNTON, TOWN (CALHOUN CO)	JULY	25, 1975	
050093A	WALDO, CITY OF (COLUMBIA CO)	APRIL	05, 1974	AR
		OCTOBER	17, 1975	
050374	WHEATLEY, TOWN (ST. FRANCIS CO)	SEPTEMBER	19, 1975	
050290	WICKES, TOWN (POLK CO)	JUNE	27, 1975	
050299	WILTON, TOWN (LITTLE RIVER CO)	APRIL	11, 1975	
050077A	WINCHESTER, TOWN OF (CREEN CO)	AUGUST	30, 1974	AR
		OCTOBER	10, 1975	
050361	WINTHROP, TOWN (LITTLE RIVER CO)	SEPTEMBER	19, 1975	

TOTAL IN THE STATE 89

• UNINCORPORATED AREAS ONLY

CALIFORNIA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
060271	BARSTOW, CITY (SAN BERNARDINO CO)	JANUARY	17, 1975	
060017	BUTTE COUNTY •	SEPTEMBER	06, 1974	
060196A	CARMEL BY-THE-SEA, CITY OF (MONTEREY CO.)	JUNE	14, 1974	
060269	COACHELLA, CITY OF (RIVERSIDE CO)	MAY	17, 1974	
060110A	COMMERCE, CITY OF (LOS ANGELES CO)	JUNE	28, 1974	
060040	EL DORADO COUNTY •	AUGUST	02, 1974	
060445A	FERNDALE, CITY (HUMBOLDT CO)	DECEMBER	20, 1974	AR
		MARCH	26, 1974	
060386	HUGHSON, CITY OF (STANISLAUS CO)	MAY	24, 1974	
060256A	INDIO, CITY OF (RIVERSIDE CO)	MAY	31, 1974	AR
		AUGUST	06, 1975	
060056A	SELMA, CITY OF (FRESNO CO)	MAY	24, 1974	

TOTAL IN THE STATE 10

• UNINCORPORATED AREAS ONLY

COLORADO

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
080229	AGUILAR, TOWN OF (LAS ANIMAS CO)	JULY	11, 1975	
080003	BENNETT, TOWN OF (ADAMS CO)	NOVEMBER	22, 1974	
080148A	BOONE, TOWN OF (PUEBLO CO)	SEPTEMBER	06, 1974	AR
		JANUARY	09, 1976	
080210	COAL CREEK TOWN (FREMONT CO)	AUGUST	15, 1975	
080111	CROOK, TOWN OF (LOGAN CO)	NOVEMBER	08, 1974	
080237	DILLON TOWN (SUMMIT CO)	AUGUST	08, 1975	
080120A	DINOSAUR, TOWN OF (MOFFAT CO)	AUGUST	30, 1974	
080047A	DOVE CREEK, TOWN OF (DOLORES CO)	MAY	24, 1974	AR
		NOVEMBER	28, 1975	
080238	EAGLE TOWN (EAGLE CO)	AUGUST	15, 1975	
080056A	ELIZABETH, TOWN OF (ELBERT CO)	SEPTEMBER	06, 1974	AR
		FEBRUARY	06, 1976	
080212	EMPIRE, TOWN OF (CLEAR CREEK CO)	MAY	02, 1975	
080241	FIRESTONE TOWN (WELD CO)	SEPTEMBER	19, 1975	
080242	FLAGER TOWN (KIT CARSON CO)	SEPTEMBER	19, 1975	
080112	FLEMING, TOWN OF (LOGAN CO)	NOVEMBER	08, 1974	
080073A	FRASER, TOWN OF (GRAND CO)	SEPTEMBER	06, 1974	
080244	FREDERICK TOWN (WELD CO)	SEPTEMBER	26, 1975	
080213	GILCREST TOWN (WELD CO)	AUGUST	22, 1975	
080117A	GRAND JUNCTION, CITY OF (MESA CO)	FEBRUARY	01, 1974	AR
		JUNE	28, 1974	
080214	GRAND LAKE TOWN (GRAND CO)	AUGUST	15, 1975	
080079A	HOT SULPHUR SPRINGS, TOWN OF (GRAND CO)	NOVEMBER	22, 1974	
080044	HOTCHKISS, TOWN OF (DELTA CO)	JUNE	21, 1974	
080244A	IGNACIO, TOWN (LA PLATA CO)	MARCH	22, 1974	
080207	ILIFF, TOWN OF (LOGAN CO)	DECEMBER	27, 1974	
080251	KEENESBURG TOWN (WELD CO)	SEPTEMBER	19, 1975	
080057A	KIOWA, TOWN OF (ELBERT CO)	SEPTEMBER	06, 1974	AR
		FEBRUARY	27, 1976	
080033	KIT CARSON, TOWN OF (CHEYENNE CO)	DECEMBER	13, 1974	
080096A	LEADVILLE, CITY OF (LAKE CO)	MAY	17, 1974	
080253A	MANASSA TOWN (CONEJOS CO)	AUGUST	08, 1975	AR
		JULY	16, 1976	
080255	NEDERLAND TOWN (BOULDER CO)	AUGUST	22, 1975	
080256	NEW CASTLE TOWN (GARFIELD CO)	JULY	25, 1975	
080127A	NUCLA, TOWN OF (MONTROSE CO)	MAY	24, 1974	AR
		MARCH	26, 1976	
080178A	OTIS, TOWN OF (WASHINGTON CO)	MAY	24, 1974	AR
		OCTOBER	31, 1975	
080170	OVID, TOWN OF (SEDGWICK CO)	NOVEMBER	15, 1974	
085077B	PUEBLO, CITY OF (PUEBLO CO)	AUGUST	29, 1973	
080240	REDCLIFF TOWN (EAGLE CO)	SEPTEMBER	19, 1975	
085079A	RIFLE, CITY OF (GARFIELD CO)	JUNE	15, 1973	
080221	ROCKVALE TOWN (FREMONT CO)	JUNE	27, 1975	
080150	RYE, TOWN (PUEBLO CO)	JULY	18, 1975	
080223	SILT TOWN (GARFIELD CO)	JULY	25, 1975	
080200	SILVER PLUME, TOWN OF (CLEAR CREEK CO.)	DECEMBER	13, 1974	
080068	SIMLA, TOWN OF (ELBERT CO)	SEPTEMBER	13, 1974	
080106A	STARKVILLE, TOWN OF (LAS ANIMAS CO)	SEPTEMBER	06, 1974	AR
		JANUARY	23, 1976	
080229	SUGAR CITY TOWN (CROWLEY CO)	AUGUST	15, 1975	
080226,	VICTOR CITY (TELLER CO)	MAY	02, 1975	
080150A	YAMPA, TOWN OF (ROUTT CO)	MAY	24, 1974	AR
		JANUARY	02, 1976	

TOTAL IN THE STATE 95

• UNINCORPORATED AREAS ONLY

CONNECTICUT

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
090154	SALEM, TOWN OF (NEW LONDON CO)	FEBRUARY	21, 1975
090182	SCOTLAND, TOWN OF (WINDHAM CO.)	JANUARY	31, 1975

TOTAL IN THE STATE 2

• UNINCORPORATED AREAS ONLY

DELAWARE

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
100013A	KENTON, TOWN OF (KENT CO.)	SEPTEMBER	13, 1974	
100019A	LEIPSIC, TOWN OF (KENT CO.)	AUGUST	09, 1974	AR
		JANUARY	09, 1976	
100044A	MILLVILLE, TOWN OF (SUSSEX CO.)	OCTOBER	18, 1974	AR
		DECEMBER	12, 1975	
100056	ODESSA, TOWN OF (NEW CASTLE CO.)	JANUARY	31, 1975	

TOTAL IN THE STATE 4

• UNINCORPORATED AREAS ONLY

FLORIDA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
120323	BITHLO, TOWN OF (ORANGE CO.)	DECEMBER	13, 1974	
120324	BRISTOL, TOWN OF (LIBERTY CO.)	DECEMBER	13, 1974	
120016A	BROOKER, TOWN OF (BRADFORD CO.)	AUGUST	30, 1974	
120086	BUSHNELL, TOWN (SUMTER CO)	JULY	11, 1975	
120126A	CAMPBELLTON, CITY OF (JACKSON CO.)	SEPTEMBER	06, 1974	AR
		JANUARY	30, 1976	
120249	NORTH DAVENPORT, CITY OF (POLK CO)	JUNE	28, 1974	
120130A	SNEADS, TOWN OF (JACKSON CO.)	AUGUST	02, 1974	AR
		MAY	21, 1976	

TOTAL IN THE STATE 7

• UNINCORPORATED AREAS ONLY

GEORGIA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
130235A	ADAIRSVILLE, TOWN OF (BARTOW CO.)	JUNE	14, 1974	AR
		JANUARY	23, 1976	
130340	AILEY, TOWN (MONTGOMERY CO.)	APRIL	04, 1975	
130358	ALVATON, TOWN (MERIWEATHER CO.)	APRIL	04, 1975	
130270A	BAKER COUNTY •	MARCH	28, 1975	AR
		DECEMBER	26, 1975	
130265A	BALDWIN, TOWN OF (BANKS CO.)	JUNE	28, 1974	AR
		JANUARY	23, 1976	
130423	BALL GROUND, CITY (CHEROKEE CO.)	APRIL	04, 1975	
130115	BARTOW, CITY (JEFFERSON CO)	AUGUST	22, 1975	
130309A	BELLVILLE, CITY (EVANS CO.)	JULY	16, 1975	
130272	BETHLEHEM, TOWN (BARROW COUNTY)	JULY	11, 1975	
130402	BUSTON, CITY (THOMAS CO.)	APRIL	18, 1975	
130362	CUSTARCK, TOWN (MORGAN CO.)	APRIL	04, 1975	
130428	BOWMAN, CITY (ELBERT CO.)	APRIL	04, 1975	
130343	BRASELTON, CITY OF (JACKSON CO.)	APRIL	18, 1975	
130268	BRINSON, TOWN (COLQUITT CO.)	JULY	18, 1975	
130369	BUCKHEAD, TOWN (MORGAN CO.)	JULY	11, 1975	
130323	BUFORD, CITY (GWINNETT + HALL COS.)	APRIL	04, 1975	
130273	CARL, TOWN (BARROW COUNTY)	APRIL	11, 1975	
130435	CHALYBEATE SPRINGS, TOWN (MERIWEATHER CO.)	APRIL	18, 1975	
130332	CLERMONT, TOWN (HALL CO.)	APRIL	11, 1975	
130418	CLEVELAND, CITY (WHITE CO.)	APRIL	11, 1975	
130394	COHUTTA, CITY (MURRAY CO.)	APRIL	11, 1975	
130279	COLCHAN, CITY (COLQUITT CO.)	APRIL	04, 1975	
130355	COLBERT, TOWN (MADISON CO.)	APRIL	18, 1975	

• UNINCORPORATED AREAS ONLY

GEORGIA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
130329	CORNELIA, CITY (HABERSHAM CO.)	APRIL	11, 1975	
130146A	CRAWFORD, CITY OF (OGLETHORPE CO.)	JUNE	07, 1974	AR
		JANUARY	23, 1976	
130324	DACULA, TOWN (GWINNETT CO.)	APRIL	18, 1975	
130127A	DAHLONEGA, CITY OF (LUMPKIN CO.)	JUNE	28, 1974	AR
		JANUARY	23, 1976	
130069	DANSONVILLE, CITY (RANSON CO)	JANUARY	17, 1975	
130356	DEARING, TOWN (MCDUFFIE CO.)	APRIL	04, 1975	
130330	DEMOREST, TOWN (HABERSHAM CO.)	APRIL	04, 1975	
130215	DENTON, CITY OF (JEFF DAVIS CO)	DECEMBER	13, 1974	
130305	DOUGLASVILLE, CITY (DOUGLAS CO.)	APRIL	25, 1975	
130369	FORSYTH, CITY (MONROE CO.)	APRIL	11, 1975	
130313	FRANKLIN SPRINGS, CITY (FRANKLIN CO.)	APRIL	04, 1975	
130023A	GINARD, TOWN OF (DOUGLAS CO.)	SEPTEMBER	06, 1974	AR
		JANUARY	23, 1976	
130419	GLENWOOD, CITY (WHEELER CO.)	APRIL	04, 1975	
130325	GRAYSON, TOWN (GWINNETT CO.)	JULY	11, 1975	
130220	GREENSBORO, CITY OF (GREENE CO.)	DECEMBER	20, 1974	
130311A	HAGAN, CITY (EVANS CO.)	APRIL	18, 1975	AR
		JANUARY	23, 1976	
130107A	HAMPTON, CITY OF (HENRY CO.)	JUNE	28, 1974	
130299	HARALSON, TOWN (COWETA + MERIWEATHER COS.)	APRIL	18, 1975	
130192A	HELEN, CITY OF (WHITE CO.)	SEPTEMBER	06, 1974	AR
		OCTOBER	17, 1975	
130385	HILLTONIA, TOWN (SCREVEN CO.)	APRIL	11, 1975	
130221A	HINAN, CITY OF (SPAULDING CO.)	OCTOBER	18, 1974	AR
		JANUARY	23, 1976	
130291	HOMELAND, TOWN (CHARLTON CO.)	APRIL	11, 1975	
130271	HOMER, TOWN (BANKS COUNTY)	APRIL	18, 1975	
130344	HUSCHTON, TOWN (JACKSON COUNTY)	APRIL	11, 1975	
130375	JASPER, CITY (PICKENS CO.)	APRIL	11, 1975	
130043A	JONESBORO, CITY OF (CLAYTON CO.)	MAY	24, 1974	AR
		MARCH	05, 1976	
130277	KINGSTON, CITY (BARTOW CO)	APRIL	18, 1975	
130409	LINWOOD, TOWN (WALKER CO.)	APRIL	04, 1975	
130326	LOGANVILLE, CITY (GWINNETT + WALTON COS.)	APRIL	04, 1975	
130441	LOUISVILLE, CITY (JEFFERSON CO.)	AUGUST	15, 1975	
130128A	LUDOWICI, CITY OF (LONG CO.)	JUNE	14, 1974	AR
		JANUARY	23, 1976	
130224	MADISON, CITY OF (MORGAN CO)	FEBRUARY	21, 1975	
130392A	MARTIN, TOWN (STEPHENS CO)	APRIL	04, 1975	AR
		MAY	28, 1976	
130342	MCDONOUGH, CITY (HENRY CO.)	APRIL	11, 1975	
130421	MCINTYRE, TOWN (WILKINSON CO.)	APRIL	11, 1975	
130295	MENLO, TOWN (CHATTOOGA CO.)	APRIL	10, 1975	
130424	MINVILLE, CITY (EMANUEL CO)	JULY	11, 1975	
130376	MOLENA, CITY (PIKE CO.)	APRIL	11, 1975	
130300	MORELAND, TOWN (COWETA, COUNTY)	APRIL	18, 1975	
130252	MOUNTAIN CITY, TOWN (RABUN, CO.)	JANUARY	17, 1975	
130096A	MOUNTAIN VIEW, CITY OF (CLAYTON CO.)	MAY	10, 1974	
130353	NAYLOR, TOWN (LOWNDES CO.)	APRIL	25, 1975	
130296	NELSON, CITY (CHEROKEE + PICKENS CO.)	APRIL	11, 1975	
130114	NEWINGTON, TOWN OF (SCREVEN CO.)	SEPTEMBER	06, 1974	
130249	OAK PARK, TOWN (EMANUEL CO.)	JULY	18, 1975	
130334	OAKWOOD, TOWN (HALL CO.)	APRIL	04, 1975	
130164	ODUM, CITY (WAYNE CO)	JANUARY	03, 1975	AR
		DECEMBER	19, 1975	
130347	OXFORD, TOWN (NEWTON CO.)	APRIL	11, 1975	
130284	PULASKI, TOWN (EMANUEL CO.)	APRIL	04, 1975	
130426	RINCON, TOWN (EFFINGHAM CO.)	APRIL	11, 1975	
130247	RIVERSIDE, TOWN (COLQUITT CO.)	JULY	18, 1975	
130162A	ROCKY FORD, TOWN OF (SCREVEN CO.)	SEPTEMBER	06, 1974	
130363	RUTLEDGE, TOWN (MORGAN CO.)	AUGUST	08, 1975	
130439	SALE CITY, TOWN (MITCHELL CO.)	APRIL	04, 1975	
130184A	SCOTLAND, CITY OF (TELFAIR + WHEELER COS.)	AUGUST	30, 1974	
130301	SENOIA, CITY (COWETA CO.)	APRIL	04, 1975	
130339	SHILOH, CITY (HARRIS CO.)	APRIL	04, 1975	
130368	STILLMORE, TOWN (EMANUEL CO.)	APRIL	11, 1975	
130240A	STONE MOUNTAIN, CITY OF (DEKALB CO)	MAY	12, 1974	
130389	SUNNY SIDE, VILLAGE (SPALDING COUNTY)	APRIL	11, 1975	

• UNINCORPORATED AREAS ONLY

GEORGIA

COMMUNITY NUMBER	NAME		HAZARD AREA IDENTIFIED	
130003	SUWANEE, TOWN	(APPLING CO)	JANUARY	03, 1975
130328	SUWANEE, CITY (GWINNETT CO)		APRIL	04, 1975
130380	TALLULAH FALLS, CITY OF (HABERSHAM & RABUN COS)		APRIL	25, 1975
130288	TEMPLE, TOWN (CARROLL CO)		APRIL	11, 1975
130381	TIGER, TOWN (RABUN CO)		JULY	11, 1975
130422	TUCKASEGEE, TOWN (WILKINSON CO)		APRIL	04, 1975
130361	UVALDA, TOWN (MONTGOMERY CO)		APRIL	25, 1975
135165A	VERNONBURG, TOWN OF (CHATHAM CO)		JULY	27, 1973 AN
			OCTOBER	31, 1975
130116	WADLEY, CITY	(JEFFERSON CO)	AUGUST	22, 1975
130297	WINTERVILLE, CITY (CLARKE CO)		APRIL	11, 1975
130436	WOODBURY, TOWN (MERIWETHER CO)		JUNE	27, 1975

TOTAL IN THE STATE 94

• UNINCORPORATED AREAS ONLY

IDAHO

COMMUNITY NUMBER	NAME		HAZARD AREA IDENTIFIED	
160042	ALBION, TOWN	(CASSIA CO)	JANUARY	10, 1975
160128	ARIMO, CITY OF (BANNOCK CO)		AUGUST	22, 1975
160139	BASALT, CITY (BINGHAM CO)		AUGUST	08, 1975
160160	BUHL, CITY	(TWIN FALLS CO)	JUNE	27, 1975
160199	CAMBRIDGE, CITY (WASHINGTON CO)		AUGUST	08, 1975
160161	CASCADE, CITY	(VALLEY CO)	SEPTEMBER	19, 1975
160215A	CHATCOLET, CITY OF (BENEWAH CO)		SEPTEMBER	13, 1974 AN
			FEBRUARY	27, 1976
160005A	COUNCIL, CITY OF (ADAMS CO)		MAY	03, 1974 AN
			DECEMBER	12, 1975
160137	FRANKLIN, CITY	(FRANKLIN CO)	SEPTEMBER	05, 1975
160188	FRUITLAND, CITY	(PAYETTE CO)	SEPTEMBER	19, 1975
160009A	GARDEN, CITY OF (ADA CO)		DECEMBER	17, 1973
160139	HAGERMAN, CITY	(GOODING CO)	MAY	02, 1975
160143	IRWIN, CITY	(BONNEVILLE CO)	AUGUST	29, 1975
160173	KIMBERLY, CITY	(TWIN FALLS CO)	APRIL	25, 1975
160149	LEWISVILLE, CITY	(JEFFERSON CO)	AUGUST	08, 1975
160177	MACKAY CITY	(CUSTER CO)	MAY	02, 1975
160197	MALTA, TOWN OF (CASSIA CO)		DECEMBER	13, 1974
160178	MARSING CITY	(OWYHEE CO)	JUNE	27, 1975
160203	MOTIE SPRINGS, CITY (BOUNDARY CO)		AUGUST	22, 1975
160181	NEW MEADOWS, CITY OF (ADAMS CO)		FEBRUARY	21, 1975
160147	NOTUS, CITY	(CANYON CO)	SEPTEMBER	26, 1975
160005	OAKLEY, TOWN OF (CASSIA CO)		OCTOBER	18, 1974
160183	PARIS CITY	(BEAR LAKE CO)	SEPTEMBER	19, 1975
160148	PARKER, CITY	(FREMONT CO)	AUGUST	15, 1975
160185	POTLATCH CITY	(LATAH CO)	JULY	11, 1975
160186	PRESTON CITY	(FRANKLIN CO)	AUGUST	29, 1975
160152	ROBERTS, CITY	(JEFFERSON CO)	JANUARY	24, 1975
160154	SHAN VALLEY CITY	(BONNEVILLE CO)	AUGUST	29, 1975
160119A	VICTOR, CITY OF (TETON CO)		SEPTEMBER	04, 1974 AN
			DECEMBER	05, 1975
160195	WENDELL CITY	(GOODING CO)	JULY	11, 1975
160156	WESTON, CITY	(FRANKLIN CO)	JULY	18, 1975

TOTAL IN THE STATE 31

• UNINCORPORATED AREAS ONLY

ILLINOIS

COMMUNITY NUMBER	NAME		HAZARD AREA IDENTIFIED	
170035	ADELINE, VILLAGE	(OGLE CO)	JULY	11, 1975
170046	ALBION, VILLAGE	(EDWARDS CO)	AUGUST	15, 1975
170044	ALVIN, VILLAGE OF	(VERMILION CO)	FEBRUARY	21, 1975
170489	ANCHOR, VILLAGE OF	(MCLEAN CO)	DECEMBER	06, 1974
170687A	ANNA, CITY OF	(UNION CO)	MARCH	29, 1974 AN
			APRIL	30, 1976

• UNINCORPORATED AREAS ONLY

ILLINOIS

COMMUNITY NUMBER	NAME		HAZARD AREA IDENTIFIED	
170741	ASTORIA, TOWN OF	(FULTON CO)	JANUARY	31, 1975
170742A	AVON, VILLAGE OF	(FULTON CO)	OCTOBER	18, 1974 AN
			APRIL	16, 1976
170490A	BANDOLPH, VILLAGE OF	(MCDONOUGH CO)	SEPTEMBER	13, 1974
170489	BARTELSO, VILLAGE OF	(CLINTON CO)	MARCH	28, 1975
170494A	BATH, VILLAGE OF	(MASON CO)	DECEMBER	17, 1973
170845	BELGIUM, VILLAGE OF	(VERMILION CO)	MARCH	28, 1975
170608A	BLUFFS, VILLAGE OF	(SCOTT CO)	JUNE	07, 1974 AN
			JANUARY	30, 1976
170260	BOWEN, VILLAGE OF	(HANCOCK CO)	NOVEMBER	15, 1974
170848	BRAIDWOOD, CITY	(WILL CO)	APRIL	11, 1975
170488A	BROOKPORT, CITY OF	(MASSAC CO)	JUNE	07, 1974
170226	BROWNS, VILLAGE OF	(EDGAR CO)	NOVEMBER	15, 1974
170747	BRUSSELS, VILLAGE OF	(CALHOUN CO)	NOVEMBER	22, 1974
170746	BRYANT, VILLAGE OF	(FULTON CO)	DECEMBER	06, 1974
170850	BUREAU JUNCTION, VILLAGE OF	(BUREAU CO)	MARCH	28, 1975
170471A	BUSHNELL, CITY OF	(MCDONOUGH CO)	JUNE	07, 1974 AN
			APRIL	02, 1976
170785A	CAMARGO, VILLAGE OF	(DOUGLAS CO)	APRIL	05, 1974
170260A	CARROLLTON, CITY OF	(GREEN CO)	JUNE	07, 1974 AN
			MARCH	05, 1976
170039A	CASEY, CITY OF	(CLARK CO)	JUNE	28, 1974
170692	CEDARVILLE, VILLAGE	(STEPHENSON CO)	APRIL	11, 1975
170011	CHERRY, VILLAGE	(BUREAU CO)	JULY	11, 1975
170839	CLEAR LAKE, VILLAGE OF	(SANGAMON CO)	FEBRUARY	21, 1975
170044	CLINTON COUNTY •		DECEMBER	20, 1974
170823	CONNELL, VILLAGE OF	(LIVINGSTON CO)	MARCH	21, 1975
170646A	CREVE COEUR, VILLAGE OF	(TAZEWELL CO)	MARCH	01, 1974 AN
			APRIL	30, 1976
170422A	CULLOM, VILLAGE OF	(LIVINGSTON CO)	FEBRUARY	22, 1974
170292A	DANFORTH, VILLAGE OF	(KANKAKEE CO) (IROQUOIS CO)	FEBRUARY	22, 1974
			SEPTEMBER	13, 1974 AN
170761A	DE SOTO, VILLAGE OF	(JACKSON CO)	FEBRUARY	06, 1976
			APRIL	08, 1974 AN
170647	DEER CREEK, VILLAGE OF	(TAZEWELL CO)	APRIL	02, 1976
170458A	DUNGOLA, VILLAGE OF	(CUNION CO)	JUNE	28, 1974
			MARCH	08, 1974 AN
170875	DONELL, VILLAGE	(JACKSON CO)	JULY	02, 1974
170846	DUBOIS, VILLAGE OF	(WASHINGTON CO)	APRIL	18, 1975
170873	EAST BROOKLYN, VILLAGE OF	(GRUNDY CO)	MARCH	28, 1975
170432A	EAST GILLESPIE, VILLAGE	(MACOUPIN CO)	MARCH	21, 1975
170441A	EDWARDSVILLE, CITY OF	(MADISON CO)	JULY	19, 1974
			APRIL	05, 1974 AN
170251A	ELDRED, VILLAGE OF	(GREENE CO)	JULY	02, 1974
			DECEMBER	17, 1973 AN
170089A	ELLISVILLE, VILLAGE OF	(FULTON CO)	JANUARY	16, 1976
170849	ELWOOD, VILLAGE OF	(WILL CO)	MARCH	22, 1974
170663	FAIRMOUNT, VILLAGE	(VERMILION CO)	FEBRUARY	21, 1975
170818	FARMER CITY, CITY OF	(DE WITT CO)	AUGUST	08, 1975
170664	FITHIAN, VILLAGE OF	(VERMILLION CO)	MARCH	21, 1975
170827	FOREST CITY, VILLAGE OF	(MASON CO)	AUGUST	01, 1975
170283A	GALVA, CITY OF	(HENRY CO)	MARCH	28, 1975
170049A	GERMANTOWN, VILLAGE OF	(CLINTON CO)	JUNE	14, 1974
			MARCH	29, 1974 AN
170234A	GIBSON CITY, CITY OF	(FORD CO)	JULY	30, 1976
			MARCH	29, 1974 AN
170326A	GILBERTS, VILLAGE OF	(KANE CO)	JANUARY	30, 1976
			SEPTEMBER	04, 1974 AN
170885	GOLDEN GATE, VILLAGE	(WAYNE CO)	MAY	07, 1976
170002A	GOLDEN, VILLAGE OF	(ADAMS CO)	JUNE	27, 1975
170252A	GREENFIELD, CITY OF	(GREEN CO)	JUNE	07, 1974
			FEBRUARY	22, 1974 AN
170842	GREENUP, VILLAGE OF	(CUMBERLAND CO)	JULY	16, 1974
170548A	HAMMOND, VILLAGE OF	(PIATT CO)	MARCH	28, 1975
			JUNE	14, 1974 AN
170267A	HANCOCK COUNTY		APRIL	09, 1976
			JANUARY	24, 1975 AN
170465A	HAVANA, CITY OF	(MASON CO)	FEBRUARY	20, 1974 AN
			APRIL	05, 1974 AN
170666	HENNING, VILLAGE	(VERMILLION CO).	JANUARY	30, 1976
			AUGUST	29, 1975

• UNINCORPORATED AREAS ONLY

ILLINOIS

COMMUNITY NUMBER	NAME		HAZARD AREA IDENTIFIED	
170497A	HETTUNTH, VILLAGE OF	(MCLEAN CO)	JUNE	14, 1974
170253A	HILLVIEW, VILLAGE OF	(GREENE CO)	DECEMBER	06, 1974 AN
			JULY	30, 1976
170194A	HINCKLEY, VILLAGE OF	(DEKALB CO)	MARCH	01, 1974 AN
			JUNE	04, 1976
170852	HOLLOWAYVILLE, VILLAGE OF	(BUREAU CO)	MARCH	28, 1975
170349	INDIAN CREEK, VILLAGE OF	(LAKE CO)	AUGUST	23, 1974
170315A	JERSEYVILLE, CITY OF	(JERSEY CO)	JUNE	07, 1974 AN
			JUNE	04, 1976
170757A	JOPPA, VILLAGE OF	(MASSAC CO)	NOVEMBER	23, 1973 AN
			APRIL	23, 1976
170826	JUNCTION CITY, VILLAGE OF	(MARION CO)	MARCH	21, 1975
170840	KEYESPORT, VILLAGE OF	(CLINTON CO)	MARCH	21, 1975
170837	KINDERHOOK, VILLAGE OF	(PIKE CO)	MARCH	21, 1975
170740	LA PRAIRIE, TOWN OF	(ADAMS CO)	APRIL	25, 1975
170457A	LACON, CITY OF	(MARSHALL CO)	NOVEMBER	30, 1973 AN
			FEBRUARY	20, 1976
170373A	LAKE BLUFF (VILLAGE OF	(LAKE CO)	FEBRUARY	01, 1974 AN
			FEBRUARY	04, 1976
170458	LAROSE, VILLAGE OF	(MARSHALL CO)	OCTOBER	25, 1974
170500A	LEXINGTON, CITY OF	(MCLEAN CO)	JUNE	28, 1974
170118A	LINCOLNWOOD, VILLAGE OF	(COOK CO)	JUNE	21, 1974
170342	LISBON, VILLAGE OF	(KENDALL CO)	NOVEMBER	01, 1974
170844	LITTLE YORK, VILLAGE OF	(HANCOCK CO)	APRIL	11, 1975
170794A	LIVINGSTON, VILLAGE OF	(MADISON CO)	MARCH	22, 1974 AN
			JUNE	11, 1976
170301A	MAKANDA, VILLAGE OF	(JACKSON CO)	AUGUST	23, 1974 AN
			DECEMBER	26, 1975
170187A	MALTA, VILLAGE OF	(DEKALB CO)	JUNE	07, 1974
170549	MANSFIELD, VILLAGE	(PIATT CO)	JANUARY	03, 1975
170836	MAPLETON, VILLAGE OF	(PEORIA CO)	MARCH	28, 1975
170351	MAQUON, VILLAGE OF	(KNOX CO)	NOVEMBER	15, 1974
170769	MARIETTA, VILLAGE OF	(MARIETTA CO)	JANUARY	31, 1975
170650A	MARQUETTE HEIGHTS, CITY OF	(TAZEWELL CO)	MARCH	08, 1974 AN
			MARCH	26, 1976
170041A	MARTINSVILLE, CITY OF	(CLARK CO)	NOVEMBER	23, 1973 AN
			MARCH	26, 1976
170463	MASON COUNTY •		JANUARY	31, 1975
170833	MATHERVILLE, VILLAGE OF	(MERCER CO)	MARCH	28, 1975
170684	MAUNIE, VILLAGE OF	(WHITE CO)	JANUARY	09, 1974
170381A	METTAWA, VILLAGE OF	(CLARK CO)	OCTOBER	18, 1974 AN
			JULY	23, 1976
170880	MIDDLETOWN, VILLAGE OF	(LOGAN CO)	MARCH	28, 1975
170685A	MILL SHOALS, VILLAGE OF	(WHITE CO)	JULY	19, 1974 AN
			JULY	02, 1976
170838	MILLSTADT, VILLAGE OF	(ST. CLAIR CO)	MARCH	28, 1975
170230A	MONTROSE, VILLAGE OF	(EFFINGHAM CO)	AUGUST	23, 1974
170309A	MASON, CITY OF	(JEFFERSON CO)	AUGUST	16, 1974
170554A	NEBO, VILLAGE OF	(PIKE CO)	DECEMBER	28, 1973
170453	NEW BEDFORD, VILLAGE	(BUREAU CO)	JUNE	27, 1975
170555A	NEW CANTON, TOWN OF	(PIKE CO)	AUGUST	16, 1974
170847	NEW MINDEN, VILLAGE	(WASHINGTON CO)	JUNE	27, 1975
170769	NEWMAN, VILLAGE OF	(DOUGLAS CO)	NOVEMBER	29, 1974
170303A	NEATON, CITY OF	(CASPER CO)	DECEMBER	17, 1973 AN
			MAY	28, 1976
170430A	NIANTIC, VILLAGE OF	(MACON CO)	MARCH	01, 1974
170770A	NORRIS, VILLAGE OF	(FULTON CO)	DECEMBER	06, 1974
170872A	NORTH UTICA, VILLAGE OF	(LA SALLE CO)	MARCH	21, 1975 AN
			JANUARY	23, 1976
170832	OAKFORD, VILLAGE OF	(MENARD CO)	MARCH	21, 1975
170831	OAKWOOD HILLS, VILLAGE	(MCHENRY CO)	APRIL	18, 1975
170352A	ONEIDA, CITY OF	(KNOX CO)	JUNE	07, 1974
170441A	ORANGEVILLE, VILLAGE OF	(STEPHENSON CO)	AUGUST	16, 1974 AN
			MARCH	26, 1976
170871	ORIENT, VILLAGE	(FRANKLIN CO)	APRIL	04, 1975
170556A	PEARL, VILLAGE OF	(PIKE CO)	DECEMBER	28, 1973 AN
			MARCH	26, 1976
170797A	PECATONICA, VILLAGE OF	(WINNEBAGO CO)	APRIL	05, 1974 AN
			APRIL	02, 1976
170538	PERRY COUNTY •		DECEMBER	13, 1974

• UNINCORPORATED AREAS ONLY

ILLINOIS

COMMUNITY NUMBER	NAME		HAZARD AREA IDENTIFIED	
170542	PIATT COUNTY •		JANUARY	31, 1975
170272A	PONTOOSUC, VILLAGE OF	(HANCOCK CO)	JANUARY	16, 1974 AN
			MAY	28, 1976
170824	REDDICK, VILLAGE	(LIVINGSTON CO)	APRIL	18, 1975
170883	REYNOLDS, VILLAGE	(ROCK ISLAND CO)	APRIL	18, 1975
170693A	RIDOTT, VILLAGE OF	(STEPHENSON CO)	DECEMBER	17, 1973
170603A	RIVERTON, VILLAGE OF	(SANGAMON CO)	NOVEMBER	16, 1973 AN
			MARCH	05, 1976
170867	ROYALTON, VILLAGE OF	(FRANKLIN CO)	MARCH	21, 1975
170855	SADORUS, VILLAGE OF	(CHAMPAIGN CO)	MARCH	21, 1975
170605A	SCHUYLER COUNTY		JANUARY	03, 1975 AN
			JULY	02, 1976
170595A	SILVIS, CITY OF	(ROCK ISLAND CO)	MAY	31, 1974 AN
			MAY	21, 1976
170190	SOMONAUK, VILLAGE	(DEKALB CO)	JANUARY	24, 1975
170519A	SOUTH JACKSONVILLE, CITY OF	(MORGAN CO)	MARCH	29, 1974 AN
			JUNE	04, 1976
170874	SOUTH WILMINGTON, VILLAGE OF	(GRUNDY CO)	MARCH	21, 1975
170459A	SPARLAND, VILLAGE OF	(MARSHALL CO)	NOVEMBER	23, 1973 AN
			MARCH	05, 1976
170887	SPRING BAY, VILLAGE OF	(WOODFORD CO)	MARCH	28, 1975
170686	SPRINGERTON, VILLAGE OF	(WHITE CO)	DECEMBER	06, 1974
170600A	STONEFORT, VILLAGE OF	(SALINE CO)	AUGUST	30, 1974 AN
			JUNE	18, 1976
170775	ST. DAVID, VILLAGE OF	(FULTON CO)	DECEMBER	06, 1974
170801A	ST. FRANCISVILLE, VILLAGE OF	(LAWRENCE CO)	MARCH	29, 1974
170820	ST. MARIE, VILLAGE OF	(JASPER CO)	MARCH	21, 1975
170421	SUBLETTE, VILLAGE	(LEE CO)	JULY	25, 1975
170434A	SUMMERFIELD, VILLAGE OF	(ST. CLAIR CO)	MAY	03, 1974
170005A	TAMMS, VILLAGE OF	(ALEXANDER CO)	MAY	10, 1974 AN
			JUNE	11, 1976
170828	TOPEKA, TOWN OF	(MASON CO)	MARCH	21, 1975
170869	URBAIN, VILLAGE OF	(FRANKLIN CO)	MARCH	21, 1975
170559A	VALLEY CITY, VILLAGE OF	(PIKE CO)	DECEMBER	17, 1973 AN
			MARCH	19, 1976
170781A	VERMONT, VILLAGE OF	(FULTON CO)	NOVEMBER	29, 1974
170310A	WALTONVILLE, VILLAGE OF	(JEFFERSON CO)	AUGUST	23, 1974 AN
			MARCH	19, 1976
170450A	WAMAC, CITY OF	(CLINTON CO)	JUNE	28, 1974
170869	WATSEKA, VILLAGE OF	(IROQUOIS CO)	MARCH	21, 1975
170865	WAYNE, VILLAGE	(DUPAGE CO)	AUGUST	15, 1975
170259A	WHITE HALL, CITY OF	(GREENE CO)	APRIL	05, 1974 AN
			JUNE	04, 1976
170821	YALE, VILLAGE OF	(JASPER CO)	MARCH	21, 1975
170360A	YATES CITY, VILLAGE OF	(KNOX CO)	JUNE	14, 1974 AN
			JANUARY	30, 1976

TOTAL IN THE STATE 145

• UNINCORPORATED AREAS ONLY

INDIANA

COMMUNITY NUMBER	NAME		HAZARD AREA IDENTIFIED	
180012A	ADVANCE, TOWN OF	(BOONE CO)	SEPTEMBER	20, 1974
180031A	ALTON, TOWN OF	(CRAWFORD CO)	JANUARY	23, 1974 AN
			JULY	02, 1976
180303	AMBOY, TOWN OF	(MIAMI CO)	NOVEMBER	29, 1974
180497A	ANDREAS, TOWN OF	(CHRISTIAN CO)	JUNE	07, 1974
180315A	ARCADIA, TOWN OF	(HAMILTON CO)	FEBRUARY	01, 1974
180371	ATLANTA, TOWN	(HAMILTON CO)	JULY	11, 1975
180233A	AUSTIN, CITY OF	(SCOTT CO)	NOVEMBER	23, 1973 AN
			MARCH	19, 1976
180316A	BLOOMFIELD, TOWN OF	(GREENE CO)	NOVEMBER	23, 1973
180273A	BOONVILLE, CITY OF	(WARRICK CO)	DECEMBER	28, 1973 AN
			MAY	28, 1976
180087A	BROWNSBURG, TOWN OF	(HENDRICKS CO)	NOVEMBER	23, 1973 AN
			JUNE	18, 1976
180318A	BURLINGTON, TOWN OF	(CARROLL CO)	NOVEMBER	23, 1973 AN
			JUNE	11, 1976

• UNINCORPORATED AREAS ONLY

INDIANA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
180319A	CAMDEN, TOWN OF (CARROLL CO.)	NOVEMBER 23, 1973
180288A	CATLIN, TOWN OF (VERMILLION CO.)	MAY 31, 1974 AN
		MAY 21, 1976
180247A	CLEAR LAKE, TOWN OF (STEUBEN CO.)	DECEMBER 06, 1974 AN
		DECEMBER 12, 1975
		MAY 17, 1974
180167A	CONVERSE, TOWN OF (MIAMI CO.)	AUGUST 01, 1975
180378	CROTHERSVILLE, TOWN (JACKSON CO.)	DECEMBER 06, 1974
180044	DEKALB COUNTY *	DECEMBER 13, 1974
180054	DUBOIS COUNTY *	NOVEMBER 29, 1974
180104	DUPONT, TOWN OF (JEFFERSON CO.)	SEPTEMBER 20, 1974 AN
180261A	FAIRVIEW PARK, TOWN OF (VERMILLION CO.)	JUNE 11, 1976
		FEBRUARY 21, 1975
180390	FARMLAND, TOWN OF (RANDOLPH CO)	JULY 11, 1975
180372A	FORTVILLE, TOWN (HANCOCK CO.)	MAY 10, 1974 AN
180282A	FOUNTAIN CITY, CITY OF (WAY	APRIL 16, 1976
		FEBRUARY 21, 1975
180369	FOALERTON, TOWN OF (GRANT CO)	MARCH 21, 1975
180364	FRANCISO, TOWN OF (GIBSON CO)	FEBRUARY 01, 1974
180147A	FRENCH LICK, TOWN OF (ORANGE CO.)	DECEMBER 20, 1974
180070	FULTON COUNTY *	FEBRUARY 21, 1975 AN
180360A	GASTON, TOWN OF (DELAWARE CO)	OCTOBER 24, 1975
		NOVEMBER 23, 1973
180325A	GOSPORT, TOWN OF (OWEN CO.)	MARCH 21, 1975
180137A	GREENSBORO, TOWN OF (HENRY CO)	MARCH 21, 1975
180365	GREENVILLE, TOWN OF (FLOYD CO)	DECEMBER 13, 1974
180080	HAMILTON COUNTY *	NOVEMBER 23, 1973 AN
180009A	HARTFORD CITY, CITY OF (BLACKFORD CO.)	MARCH 05, 1976
		NOVEMBER 23, 1973
180327	HAZLETON, TOWN OF (GIBSON CO.)	OCTOBER 18, 1974
180225A	INDIAN VILLAGE, TOWN OF (ST. JOSEPH CO.)	AUGUST 08, 1975
180356	JAMESTOWN, TOWN (BOONE CO.)	DECEMBER 13, 1974
180108	JENNINGS COUNTY *	DECEMBER 17, 1973 AN
180193A	JUDSON, TOWN OF (PARKE CO.)	JUNE 11, 1976
		MARCH 21, 1975
180377	KENNARD, TOWN OF (HENRY CO)	NOVEMBER 30, 1973 AN
180090A	KNIGHTSTOWN, TOWN OF (HENRY CO)	DECEMBER 24, 1975
		MAY 24, 1974 AN
180172A	LADOGA, TOWN OF (MONTGOMERY CO.)	DECEMBER 24, 1975
		NOVEMBER 30, 1973
180035A	LEAVENWORTH, TOWN OF (CRAWFORD CO.)	SEPTEMBER 20, 1974 AN
180097A	LEWISVILLE, TOWN OF (HENRY CO.)	JUNE 25, 1976
		MARCH 21, 1975
180393	LITTLE YORK, TOWN OF (WASHINGTON CO)	OCTOBER 18, 1974 AN
180270A	LIVONIA, TOWN OF (WASHINGTON CO.)	JUNE 11, 1976
		DECEMBER 06, 1974
180307	MACY, TOWN OF (MIAMI CO.)	JANUARY 23, 1974 AN
180330A	MECCA, TOWN OF (PARKE CO.)	JUNE 18, 1976
		MARCH 21, 1975
180382	MILFORD, TOWN OF (KOSCIUSKO CO)	JULY 11, 1975
180363	MILLERSBURG, TOWN (ELKHART CO.)	DECEMBER 07, 1973
180010	MONTPELIER, TOWN OF (BLACKFORD CO.)	DECEMBER 20, 1974
180176	MORGAN COUNTY *	NOVEMBER 30, 1973
180336A	NEW PALESTINE, TOWN OF (HANCOCK CO.)	FEBRUARY 01, 1974
180337A	NEWBERRY, TOWN OF (GREENE CO.)	MAY 31, 1974 AN
180262A	NEWPORT, TOWN OF (VERMILLION CO.)	MAY 21, 1976
		FEBRUARY 21, 1975
180374	NORTH SALEM, TOWN OF (HENDRICKS CO)	MAY 10, 1974 AN
180072A	OAKLAND CITY, CITY OF (GIBSON CO.)	JUNE 11, 1976
		MAY 31, 1974
180206A	OGDEN DUNES, TOWN OF (PORTER CO.)	MAY 31, 1974 AN
180250A	ORLAND, TOWN OF (STEUBEN CO.)	APRIL 09, 1976
		APRIL 09, 1974
180188A	ORLEANS, TOWN OF (ORANGE CO.)	DECEMBER 17, 1973 AN
		DECEMBER 05, 1975
180229A	OSCEOLA, TOWN OF (ST. JOSEPH CO.)	NOVEMBER 23, 1973 AN
		OCTOBER 31, 1975
180189A	PAOLI, TOWN OF (ORANGE CO.)	FEBRUARY 01, 1974
		DECEMBER 20, 1974
180338	PARAGON, TOWN OF (MORGAN CO.)	
180192	PARKE COUNTY *	

• UNINCORPORATED AREAS ONLY

INDIANA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
180340A	PATOKA, TOWN (GIBSON CO.)	NOVEMBER 23, 1973 AN
		JULY 23, 1976
180395A	PERRYSVILLE, TOWN (VERMILLION CO.)	NOVEMBER 23, 1973 AN
		JUNE 11, 1976
180388	PINES, TOWN OF (PORTER CO)	MARCH 21, 1975
180213	PUTNAM COUNTY	JANUARY 03, 1975
180342A	RILEY, TOWN OF (VIGO CO.)	FEBRUARY 01, 1974
180096A	ROANOKE, TOWN OF (HUNTINGTON CO.)	DECEMBER 28, 1973 AN
		JULY 23, 1976
180071A	ROCHESTER, CITY OF (FULTON CO.)	FEBRUARY 15, 1974 AN
		APRIL 09, 1976
180343A	ROSEDALE, TOWN OF (PARKE CO.)	NOVEMBER 30, 1973 AN
		AUGUST 08, 1975
180218A	RUSSELLVILLE, TOWN OF (PUTNAM CO.)	SEPTEMBER 20, 1974
180373	SHIRLEY, TOWN (HANCOCK AND HENRY COS.)	JULY 11, 1975
180346A	SPRING LAKE PARK, TOWN OF (HANCOCK CO.)	FEBRUARY 01, 1974
180348A	STINESVILLE, TOWN OF (MONROE CO.)	FEBRUARY 01, 1974 AN
		MARCH 05, 1976
180349A	SULPHUR SPRINGS, TOWN OF (HENRY CO.)	FEBRUARY 01, 1974 AN
		APRIL 09, 1976
180370	SWEETSER, TOWN OF (GRANT CO)	FEBRUARY 21, 1975
180350A	TENNYSON, TOWN OF (WARRICK CO.)	FEBRUARY 01, 1974 AN
		JUNE 18, 1976
180198A	THOY, TOWN OF (PERRY CO.)	MAY 31, 1974
180351A	UNIVERSAL, TOWN OF (VERMILLION CO.)	FEBRUARY 01, 1974
180344	WAKARUSA, TOWN OF (ELKHART CO)	FEBRUARY 21, 1975
180175A	WAYNETOWN, TOWN OF (MONTGOMERY CO.)	MAY 31, 1974 AN
		APRIL 09, 1976
180265	WEST TERRE HAUTE, TOWN (VIGO CO)	NOVEMBER 22, 1974
180379	WHEATFIELD, TOWN (JASPER CO.)	JUNE 27, 1975
180313A	WHITING, CITY (LAKE CO)	JANUARY 10, 1975
180200A	WINSLOW, TOWN OF (PIKE CO.)	DECEMBER 17, 1973 AN
		JANUARY 30, 1976

TOTAL IN THE STATE 84

• UNINCORPORATED AREAS ONLY

IOWA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
190537	ADAIR, CITY (ADAIR & GUTHRIE COS)	AUGUST 22, 1975
190538	AFTON, TOWN (UNION CO.)	SEPTEMBER 26, 1975
190539	AGENCY, TOWN (WAPELLO CO)	SEPTEMBER 05, 1975
190525	AINSWORTH, TOWN (WASHINGTON CO)	SEPTEMBER 19, 1975
190541	ALBIA, CITY (MONROE CO)	SEPTEMBER 19, 1975
190138A	ALDEN, TOWN OF (HANCIN CO.)	JUNE 21, 1974 AN
		DECEMBER 26, 1975
190543	ALLERTON, TOWN (WAYNE CO)	SEPTEMBER 26, 1975
190546	ALTOONA, CITY (POLK CO)	SEPTEMBER 26, 1975
190899	ANCADIA, CITY OF	SEPTEMBER 26, 1975
190092A	ANION, TOWN OF (CRAWFORD CO.)	SEPTEMBER 06, 1974 AN
		MAY 14, 1976
190217	ASHTON, TOWN (OSCEOLA CO)	JULY 11, 1975
190548	ATKINS, CITY (BENTON CO)	AUGUST 22, 1975
190698	AURORA, CITY OF (BUCHANAN)	AUGUST 22, 1975
190701	BARNES CITY, TOWN OF (MAHASKA & POWESHIEK)	SEPTEMBER 19, 1975
190551	BATAVIA, CITY (JEFFERSON CO)	SEPTEMBER 26, 1975
190923	BATTLE CREEK, TOWN (IDA CO)	SEPTEMBER 26, 1975
190552	BAXTER, CITY (JASPER CO)	SEPTEMBER 12, 1975
190952	BLACKI, TOWN (MAHASKA CO)	SEPTEMBER 19, 1975
190900	BEAMAN, TOWN (GRUNDY CO.)	AUGUST 22, 1975
190303A	BELMOND, CITY OF (WRIGHT CO.)	MAY 03, 1974 AN
		AUGUST 22, 1975
190320	BLAIRSTOWN, TOWN (BENTON CO)	SEPTEMBER 19, 1975
190704	BLAKESBURG, TOWN OF (WAPELLO)	AUGUST 29, 1975
190517	BLOCKTON, TOWN (TAYLOR CO)	SEPTEMBER 26, 1975
190707	BONDURANT, CITY (POLK)	SEPTEMBER 05, 1975
190565	BOONE, CITY (BOONE CO)	SEPTEMBER 12, 1975

• UNINCORPORATED AREAS ONLY

IOWA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
190556	BOTUCH, TOWN (SIOUX CO)	AUGUST 29, 1975
190557	BRIGHTON, TOWN (WASHINGTON CO)	SEPTEMBER 19, 1975
190558	BRITT, CITY (HANCOCK CO)	AUGUST 08, 1975
190093	BUCK GROVE, TOWN OF (CRAWFORD CO.)	NOVEMBER 29, 1974
190277	CALLENDER, TOWN OF (WEBSTER CO.)	NOVEMBER 08, 1974
190712	CALUMET, TOWN OF (O'BRIEN)	SEPTEMBER 19, 1975
190492	CARTER LAKE, CITY (POTTAWATTAMIE CO)	SEPTEMBER 19, 1975
190713	CASTALIA, TOWN OF (WINNESHIEK)	SEPTEMBER 05, 1975
190562	CASTANA, TOWN (MONONA CO)	AUGUST 29, 1975
190269	CHILLICOTHE, TOWN OF (WAPELLO CO.)	NOVEMBER 08, 1974
190395	CHURDAN, TOWN (GREENE CO)	AUGUST 29, 1975
190336	CLARKSVILLE, TOWN (BUTLER CO)	SEPTEMBER 19, 1975
190514	CLUTIER, TOWN (TAMA CO)	JULY 25, 1975
190562	CORYDON, TOWN (WAYNE CO)	SEPTEMBER 19, 1975
190723	CRESCENT, TOWN OF (POTTAWATTAMIE)	SEPTEMBER 26, 1975
190921	DAKOTA CITY, TOWN OF (HUMBOLDT CO.)	NOVEMBER 08, 1974
190725	DALLAS, TOWN (MARION)	AUGUST 08, 1975
190109	DAVIS CITY, TOWN (DECATUR CO)	JULY 18, 1975
190496	DEEP RIVER, TOWN (POWESHIEK CO)	SEPTEMBER 19, 1975
190246	DEFIANCE, TOWN OF (SHELBY CO.)	DECEMBER 20, 1974
190095A	DELOIT, TOWN OF (CRAWFORD CO.)	AUGUST 30, 1974 AN
		DECEMBER 26, 1975
190359	DESOTO, TOWN (DALLAS CO)	SEPTEMBER 26, 1975
190501	DIAGONAL, TOWN (RINGGOLD CO)	AUGUST 29, 1975
190355	DICKENS, CITY OF (CLAY CO)	SEPTEMBER 05, 1975
190902	DIKE, TOWN (GRUNDY CO)	JULY 25, 1975
190724	DIXON, CITY (SCOTT)	SEPTEMBER 19, 1975
190946	DOON, TOWN (LYON CO)	SEPTEMBER 19, 1975
190097A	DOW CITY, TOWN OF (CRAWFORD CO.)	MAY 31, 1974 AN
		DECEMBER 19, 1975
190305A	DOWS, TOWN OF (WRIGHT CO.)	JUNE 21, 1974 AN
		DECEMBER 26, 1975
190569	DYSART, CITY (TAMA CO)	JULY 25, 1975
190573	EDGEWOOD, TOWN (CLAYTON-DELAWARE COS)	AUGUST 29, 1975
190728	ELDERON, TOWN (TAMA)	SEPTEMBER 26, 1975
190416	ELMA, TOWN (HOWARD CO)	SEPTEMBER 19, 1975
190356	EVERLY, TOWN (CLAY CO)	SEPTEMBER 19, 1975
190329	FAIRBANK, TOWN OF (BUCHANAN & FAYETTE COS.)	JULY 25, 1975
190578	FARLEY, TOWN (DUBUQUE CO)	AUGUST 29, 1975
190390	FARRAGUT, TOWN (FREMONT CO)	SEPTEMBER 26, 1975
190947	FENTON, TOWN (KOSSUTH CO.)	SEPTEMBER 19, 1975
190957	FERGUSON, TOWN (MARSHALL CO)	SEPTEMBER 26, 1975
190679	FONTANELLE, CITY (ADAIR CO)	JULY 18, 1975
190027	FREDERIKA, TOWN OF (GREMER CO.)	NOVEMBER 22, 1974
190308	FREDONIA, TOWN OF (LOUISA)	FEBRUARY 19, 1975
190731	GARDEN GROVE, TOWN OF (DECATUR)	SEPTEMBER 12, 1975
190580	GARNAVILLO, CITY (CLAYTON CO)	AUGUST 08, 1975
190321	GARRISON, TOWN (BENTON CO)	AUGUST 08, 1975
190947	GEORGE, CITY OF (LYON CO.)	AUGUST 15, 1975
190733	GOODELL, TOWN OF (HANCOCK)	AUGUST 15, 1975
190279A	GOURRIE, TOWN OF (WEBSTER CO.)	JUNE 28, 1974 AND
		FEBRUARY 06, 1976
190109A	GRANGER, TOWN OF (DALLAS CO.)	MARCH 22, 1974 AND
		JANUARY 02, 1976
190737	GRANVILLE, CITY OF (SIOUX)	SEPTEMBER 26, 1975
190738	GRAVITY, TOWN OF (TAYLOR)	SEPTEMBER 19, 1975
190159A	GREEN ISLAND, TOWN OF (JACKSON CO.)	OCTOBER 25, 1974
190587	GREENFIELD, CITY (ADAIR CO)	SEPTEMBER 19, 1975
190346	GRISWOLD, TOWN (CASS CO)	SEPTEMBER 19, 1975
190238A	HANCOCK, TOWN OF (POTTAWATTAMIE CO.)	AUGUST 30, 1974 AND
		DECEMBER 26, 1975
190280A	HANCOURT, TOWN OF (WEBSTER CO.)	DECEMBER 06, 1974
190590	HANTLEY, CITY OF	SEPTEMBER 26, 1975
190209	HASTINGS, TOWN (MILLS CO)	SEPTEMBER 19, 1975
190224A	HINTON, TOWN OF (PLYMOUTH CO.)	SEPTEMBER 06, 1974 AND
		DECEMBER 26, 1975
190593	HOLSTEIN, CITY (IDA CO)	SEPTEMBER 19, 1975
190510	HOSPERS, TOWN (SIOUX CO)	SEPTEMBER 26, 1975
190595	HULL, CITY (SIOUX CO)	SEPTEMBER 19, 1975

• UNINCORPORATED AREAS ONLY

IOWA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
190275A	INDIANOLA, CITY OF (WARREN CO.)	JUNE 07, 1974 AN
		APRIL 30, 1976
190598A	INWOOD, CITY (LYON CO)	AUGUST 08, 1975 AN
		JUNE 11, 1976
190511	IRETON, TOWN (SIOUX CO)	JANUARY 24, 1975
190023A	JANESVILLE, TOWN OF (BLACK HAWK AND BREMER CUS.)	DECEMBER 28, 1973 AN
		JANUARY 16, 1976
190396	JEFFERSON, CITY (GREENE CO)	AUGUST 29, 1975
190601	KALONA, CITY (WASHINGTON CO)	SEPTEMBER 26, 1975
190164A	KELLOGG, TOWN OF (JASPER CO.)	JUNE 21, 1974 AN
		JANUARY 16, 1976
190435	KOOTA, TOWN (KEOKUK CO)	SEPTEMBER 26, 1975
190602	KEYSTONE, TOWN (BENTON CO)	SEPTEMBER 19, 1975
190098	KIRON, CITY OF (CRAWFORD CO.)	NOVEMBER 08, 1974
190603	KNOXVILLE, CITY (MARION CO)	AUGUST 29, 1975
190430	LA MOTTE, TOWN (JACKSON CO)	SEPTEMBER 26, 1975
190752	LACONA, CITY OF (WARREN)	SEPTEMBER 19, 1975
190425	LADORA, TOWN (IOWA CO)	SEPTEMBER 19, 1975
190340	LAKE CITY, CITY (CALHOUN CO)	SEPTEMBER 26, 1975
190331	LAMONT, TOWN (BUCHANAN CO)	SEPTEMBER 12, 1975
190606	LANSING, TOWN OF (ALLAMAKEE CO.)	JANUARY 04, 1974
190310	LEHIGH, TOWN (WEBSTER CO)	SEPTEMBER 19, 1975
190311	LETTS, TOWN OF (LOUISA CO.)	DECEMBER 27, 1974
190347	LEWIS, TOWN (CASS CO)	AUGUST 22, 1975
190759	LIBERTYVILLE, TOWN OF (JEFFERSON)	SEPTEMBER 26, 1975
190417	LIME SPRINGS, TOWN (HOWARD CO)	SEPTEMBER 19, 1975
190761	LINEVILLE, TOWN OF (WAYNE)	SEPTEMBER 26, 1975
190032A	LINN GROVE, TOWN OF (BUENA VISTA CO.)	AUGUST 16, 1974 AN
		MARCH 05, 1976
190762	LISCOMB, CITY OF (MARSHALL)	SEPTEMBER 19, 1975
190944	LITTLE ROCK, TOWN (LYON CO)	SEPTEMBER 19, 1975
190078A	LITTLEPORT, TOWN OF (CLAYTON CO.)	AUGUST 23, 1974 AN
		FEBRUARY 06, 1976
190609	LONKVILLE, TOWN (CALHOUN CO)	SEPTEMBER 26, 1975
190765	LORIMOR, TOWN OF (UNION)	SEPTEMBER 19, 1975
190611	LOST NATION, CITY (CLINTON CO)	AUGUST 22, 1975
190612	LOVILIA, CITY (MONROE CO)	SEPTEMBER 19, 1975
190768	LUVERNE, TOWN OF (KOSSUTH & HUMBOLDT COS.)	SEPTEMBER 19, 1975
190165	LYNNVILLE, TOWN (JASPER CO)	JANUARY 03, 1975
190769	LYTTON, TOWN OF (CALHOUN & SAC COS.)	SEPTEMBER 26, 1975
190325	MADRID, CITY OF (BOONE CO.)	SEPTEMBER 19, 1975
190498	MALCOM, TOWN (POWESHIEK CO)	SEPTEMBER 19, 1975
190160A	MAQUOKETA, CITY OF (JACKSON, CO.)	JUNE 28, 1974 AN
		FEBRUARY 20, 1976
190377	MAYNARD, TOWN (FAYETTE CO)	SEPTEMBER 19, 1975
190458	MCINTIRE, TOWN (MITCHELL CO)	SEPTEMBER 26, 1975
190615	MEDIAPOLIS, TOWN (DES MOINES CO)	SEPTEMBER 26, 1975
190617	MELCHER, CITY (MARION CO)	AUGUST 08, 1975
190166	MINGO, TOWN (JASPER CO)	SEPTEMBER 05, 1975
190619	MITCHELLVILLE, CITY (POLK CO)	SEPTEMBER 19, 1975
190146A	MODALE, TOWN OF (HARRISON CO.)	OCTOBER 18, 1974
190161	MONMOUTH, TOWN (JACKSON CO)	JANUARY 17, 1975
190620	MONONA, TOWN OF (CLAYTON CO)	FEBRUARY 21, 1975
190622	MONTEZUMA, TOWN (POWESHIEK CO)	SEPTEMBER 26, 1975
190782	MONTOUR, CITY OF (TAMA)	SEPTEMBER 05, 1975
190783	MOORHEAD, TOWN OF (MONONA)	SEPTEMBER 19, 1975
190312	MORNING SUN, TOWN (LOUISA CO)	JANUARY 17, 1975
190625	MORMAY, TOWN (CLARKE CO)	SEPTEMBER 05, 1975
190610A	MYSTIC, CITY OF (APPANOOSE CO.)	NOVEMBER 01, 1974 AN
		JANUARY 30, 1976
190493	NEOLA, TOWN (POTTAWATTAMIE CO)	SEPTEMBER 19, 1975
190067A	NEW ALBIN, TOWN OF (ALLAMAKEE CO.)	MAY 17, 1974
190003	NODAWAY, TOWN (ADAMS CO)	AUGUST 22, 1975
190364	NORA SPRINGS, TOWN (FLOYD CO)	SEPTEMBER 26, 1975
190782A	NORTH BUENAVISTA, TOWN OF (CLAYTON CO.)	OCTOBER 18, 1974 AN
		MARCH 19, 1976
190632	NORWAY, CITY OF (BENTON CO.)	SEPTEMBER 26, 1975
190633	ODEBOLT, CITY (SAC CO)	AUGUST 29, 1975
190634	OGDEN, TOWN (BOONE CO)	AUGUST 29, 1975
190748	OKOBOJI, TOWN OF (DICKINSON)	SEPTEMBER 19, 1975
190294A	OTO, TOWN OF (WOODBURY CO.)	SEPTEMBER 13, 1974 AN
		JANUARY 23, 1976

• UNINCORPORATED AREAS ONLY

IOWA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
190172A	OXFORD, TOWN OF (JOHNSON CO.)	MAY	10, 1974 AN
		FEBRUARY	04, 1976
190397	PATON, TOWN OF (GREENE CO.)	SEPTEMBER	19, 1975
190151	PISGAH, TOWN OF (HARRISON CO.)	DECEMBER	06, 1974
190061A	PLYMOUTH, TOWN OF (CERRO GORDO CO.)	NOVEMBER	08, 1974 AN
		MAY	21, 1976
190442	PRAIRIE CITY, CITY OF (JASPER CO.)	AUGUST	29, 1975
190931	PRESTON, TOWN OF (JACKSON CO.)	SEPTEMBER	19, 1975
190919	PROTIVIN, TOWN OF (HOWARD CO.)	SEPTEMBER	12, 1975
190167A	READSBORO, TOWN OF (JASPER CO.)	NOVEMBER	01, 1974
190795	RHODES, TOWN OF (MARSHALL)	SEPTEMBER	19, 1975
190847	RICHLAND, TOWN OF (KEOKUK CO.)	SEPTEMBER	26, 1975
190100	RICKETTS, TOWN OF (CRAWFORD CO.)	NOVEMBER	22, 1974
190987	ROLFE, TOWN OF (POCAHONTAS CO.)	SEPTEMBER	06, 1975
190800	RUNNELLS, TOWN OF (POLK)	SEPTEMBER	19, 1975
190849	RUSSELL, TOWN OF (LUCAS CO.)	SEPTEMBER	26, 1975
190651A	SANBORN, CITY OF (O'BRIEN CO.)	SEPTEMBER	19, 1975 AN
		JULY	16, 1976
190132A	SHEFFIELD, TOWN OF (FRANKLIN CO.)	JUNE	28, 1974 AN
		JUNE	04, 1976
190467	SIDNEY, TOWN OF (FREMONT CO.)	AUGUST	29, 1975
190178A	SIGOURNEY, CITY OF (KEOKUK CO.)	MARCH	16, 1977
190458	SIOUX CENTER, CITY OF (SIOUX CO.)	SEPTEMBER	26, 1975
190066A	STANWOOD, TOWN OF (CEDAR CO.)	AUGUST	09, 1974 AN
		MAY	14, 1976
190141	STEAMBOAT ROCK, TOWN OF (HARDIN CO.)	JANUARY	03, 1975
190471	SUTHERLAND, TOWN OF (O'BRIEN CO.)	SEPTEMBER	26, 1975
190444	SHEA CITY, TOWN OF (CROSS SUTH CO.)	SEPTEMBER	19, 1975
190869	THOMPSON, TOWN OF (WINNEBAGO CO.)	SEPTEMBER	19, 1975
190173	TIFFIN, TOWN OF (JOHNSON CO.)	NOVEMBER	22, 1974
190467	TOLEDO, CITY OF (TAMA CO.)	SEPTEMBER	12, 1975
190868	TRAER, CITY OF (TAMA CO.)	SEPTEMBER	19, 1975
190362	VAN METER, TOWN OF (DALLAS CO.)	SEPTEMBER	26, 1975
190821	WALLINGFORD, TOWN OF (EMMETT)	SEPTEMBER	26, 1975
190476	WALNUT, TOWN OF (POTTAWATTAMIE CO.)	SEPTEMBER	19, 1975
190677	WASHINGTON, CITY OF (WASHINGTON CO.)	JUNE	28, 1974 AN
190090A	WHEATLAND, TOWN OF (CLINTON CO.)	APRIL	02, 1976
		SEPTEMBER	19, 1975
190688	WINFIELD, TOWN OF (HENRY CO.)	DECEMBER	20, 1974
190570	WOODBURN, TOWN OF (CLARKE CO.)	JULY	19, 1974 AN
190240A	ZEARING, TOWN OF (STORY CO.)	APRIL	09, 1976

TOTAL IN THE STATE

184

• UNINCORPORATED AREAS ONLY

KANSAS

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
200304	ARCADIA, CITY OF (CRAWFORD CO.)	AUGUST	15, 1975
200469	ARLINGTON, CITY OF (RENO CO.)	SEPTEMBER	26, 1975
200340	ATHOL, CITY OF (SMITH CO.)	DECEMBER	13, 1974
200308	BARNES, CITY OF (WASHINGTON CO.)	AUGUST	22, 1975
200349	BEATTIE, CITY OF (MARSHALL CO.)	AUGUST	29, 1975
200287A	BELLEVILLE, CITY OF (REPUBLIC CO.)	FEBRUARY	15, 1974 AN
		OCTOBER	31, 1975
200391	BISON, CITY OF (RUSH CO.)	AUGUST	29, 1975
200126	BLUFF CITY, CITY OF (HARPER CO.)	DECEMBER	27, 1974
200393	BROWNSON, CITY OF (BROWN CO.)	JULY	18, 1975
200394	BROOKVILLE, CITY OF (SALINE CO.)	SEPTEMBER	19, 1975
200473	BURDEN, CITY OF (COWLEY CO.)	SEPTEMBER	19, 1975
200130A	BURRTON, CITY OF (HARVEY CO.)	MARCH	15, 1974 AN
		OCTOBER	29, 1975
200479	CALDWELL, CITY OF (SUMNER CO.)	SEPTEMBER	19, 1975
		AUGUST	22, 1975
200476	CARBEN, CITY OF (MITCHELL CO.)	AUGUST	15, 1975
200477	CEDAR VALE, CITY OF (CHEUTAUGUA CO.)		

• UNINCORPORATED AREAS ONLY

KANSAS

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
200480	CHETOPA, CITY OF (LABETTE CO.)	SEPTEMBER	19, 1975
200004	COLONY, CITY OF (ANDERSON CO.)	DECEMBER	20, 1974
200400	CUBA, CITY OF (REPUBLIC CO.)	JULY	25, 1975
200403	DEARING, CITY OF (MONTGOMERY CO.)	JULY	25, 1975
200139	DELIA, CITY OF (JACKSON CO.)	AUGUST	30, 1974
200079	DENTON, CITY OF (DONIPHAN CO.)	DECEMBER	27, 1974
200404	DEXTER, CITY OF (COWLEY CO.)	JULY	25, 1975
200489	DOUGLASS, CITY OF (BUTLER CO.)	JULY	18, 1975
200235	DUNLAP, CITY OF (MORRIS CO.)	JANUARY	03, 1975
200406	DWIGHT, CITY OF (MORRIS CO.)	SEPTEMBER	19, 1975
200491	EASTBOROUGH, CITY OF (SEDGWICK CO.)	SEPTEMBER	19, 1975
200039B	EL DORADO, CITY OF (BUTLER CO.)	MAY	10, 1974 AND
		APRIL	30, 1976
200236A	ELKHART, CITY OF (MORTON CO.)	MAY	24, 1974 AND
		DECEMBER	05, 1975
200271	EMMETT, CITY OF (MIAMI CO.)	DECEMBER	20, 1974
200410	ESBON, CITY OF (JEWELL CO.)	AUGUST	29, 1975
200493	ESKRIDGE, CITY OF (WABAUNSEE CO.)	AUGUST	22, 1975
200028	FAIRVIEW, CITY OF (BROWN CO.)	NOVEMBER	08, 1974
200221	FONTANA, CITY OF (MIAMI CO.)	DECEMBER	20, 1974
200024	FULTON, CITY OF (BOURBON CO.)	JANUARY	10, 1975
200497	GALVA, CITY OF (MCPHERSON CO.)	AUGUST	15, 1975
200498A	GARDEN PLAIN, CITY OF (SEDGWICK CO.)	AUGUST	15, 1975 AND
		JANUARY	02, 1976
200342	GAYLORD, CITY OF (SMITH CO.)	DECEMBER	27, 1974
200419	GERDA SPRINGS, CITY OF (COWLEY-SUMNER COS.)	SEPTEMBER	12, 1975
200227	GLEN ELDER, CITY OF (MITCHELL CO.)	DECEMBER	27, 1974
200206	GOESSEL, CITY OF (MARION CO.)	NOVEMBER	22, 1974
200239A	GUFF, CITY OF (NEMAHA CO.)	NOVEMBER	08, 1974 AND
		DECEMBER	26, 1975
200111	GRANDVIEW PLAZA, CITY OF (GEARY CO.)	FEBRUARY	01, 1974 ANI
		AUGUST	09, 1974
200004	GREELEY, CITY OF (ANDERSON CO.)	NOVEMBER	22, 1974
200417	GREENLEAF, CITY OF (WASHINGTON CO.)	AUGUST	08, 1975
200418	GRENOLA, CITY OF (ELK CO.)	SEPTEMBER	26, 1975
200044	GRIDLEY, CITY OF (COFFEY CO.)	NOVEMBER	22, 1974
200365	HADDAM, CITY OF (WASHINGTON CO.)	DECEMBER	27, 1974
200029	HAMLIN, CITY OF (BROWN CO.)	SEPTEMBER	19, 1975
200502	HANOVER, CITY OF (WASHINGTON CO.)	JULY	18, 1975
200421	HARDTNER, CITY OF (BARBER CO.)	AUGUST	15, 1975
200422	HARTFORD, CITY OF (LYON CO.)	SEPTEMBER	26, 1975
200362	HARVEYVILLE, CITY OF (WABAUNSEE CO.)	NOVEMBER	08, 1974
200504	HAVILAND, CITY OF (KIOWA CO.)	AUGUST	22, 1975
200505	HILLSBORO, CITY OF (MARION CO.)	SEPTEMBER	26, 1975
200141A	HOLTON, CITY OF (JACKSON CO.)	FEBRUARY	22, 1974
200506	HOLYROOD, CITY OF (CLAY-NORTH CO.)	AUGUST	08, 1975
200424	HOPE, CITY OF (DICKINSON CO.)	SEPTEMBER	19, 1975
200507	HOWARD, CITY OF (ELK CO.)	AUGUST	08, 1975
200012	HURON, CITY OF (ATCHISON CO.)	DECEMBER	13, 1974
200116	INGALLS, CITY OF (GRAY CO.)	DECEMBER	20, 1974
200425	IUKA, CITY OF (PRATT CO.)	SEPTEMBER	26, 1975
200511	KANOPOLIS, CITY OF (ELLSWORTH CO.)	AUGUST	15, 1975
200512	KENSINGTON, CITY OF (SMITH CO.)	AUGUST	22, 1975
200307	KINCAID, CITY OF (ANDERSON CO.)	NOVEMBER	22, 1974
200329	KISMET, CITY OF (SEWARD CO.)	NOVEMBER	22, 1974
200422	LA CYGNE, CITY OF (LINN CO.)	MARCH	15, 1974 ANI
		DECEMBER	26, 1975
200103	LANE, CITY OF (FRANKLIN CO.)	DECEMBER	27, 1974
200189A	LANSING, CITY OF (LEAVENWORTH CO.)	AUGUST	23, 1974 ANI
		NOVEMBER	28, 1975
200343	LEBANON, CITY OF (SMITH CO.)	DECEMBER	20, 1974
200066A	LEROY, CITY OF (COFFEY CO.)	DECEMBER	28, 1973 ANI
		OCTOBER	24, 1975
200309	LIEBENTHAL, CITY OF (RUSH CO.)	JANUARY	03, 1975
200431	LINN, CITY OF (WASHINGTON CO.)	SEPTEMBER	05, 1975
200265A	LOGAN, CITY OF (PHILLIPS CO.)	JULY	19, 1974 ANI
		OCTOBER	17, 1975
200432	LONGTON, CITY OF (ELK CO.)	SEPTEMBER	19, 1975
200222	LOUISBURG, CITY OF (MIAMI CO.)	MARCH	01, 1974 ANI
		APRIL	14, 1976
200272	LOUISVILLE, CITY OF (POTTAWATOMIE CO.)	DECEMBER	06, 1974

• UNINCORPORATED AREAS ONLY

KANSAS

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
200310	MCCRACKEN, CITY OF (RUSH CO.)	NOVEMBER	22, 1974
200355	MORGANVILLE, CITY OF (CLAY CO.)	DECEMBER	20, 1974
200332	MORRILL, CITY OF (BROWN CO.)	NOVEMBER	22, 1974
200356	MORROWVILLE, CITY OF (WASHINGTON CO.)	DECEMBER	06, 1974
200197A	MOUND CITY, CITY OF (LINN CO.)	MARCH	01, 1974 ANI
		NOVEMBER	21, 1975 AN
200439	MOUND VALLEY, CITY OF (LABETTE CO.)	APRIL	16, 1976
200440	MULLINVILLE, CITY OF (KIOWA CO.)	AUGUST	22, 1975
200194	MUSCOTAH, CITY OF (ATCHISON CO.)	AUGUST	29, 1975
		NOVEMBER	22, 1974 AN
200360	NEOSHO FALLS, CITY OF (WOODSON CO.)	JULY	09, 1976
200204	NEOSHO RAPIDS, CITY OF (LYON CO.)	JANUARY	31, 1975
200199	NETAWAKA, CITY OF (JACKSON CO.)	JANUARY	03, 1975
200441	NORCATUR, CITY OF (DECATUR CO.)	NOVEMBER	22, 1974
200150A	NORTONVILLE, CITY OF (JEFFERSON CO.)	SEPTEMBER	12, 1975
		MARCH	01, 1974 AN
200444	OLPE, CITY OF (LYON CO.)	JUNE	18, 1976
200252A	OSAGE CITY, CITY OF (OSAGE CO.)	SEPTEMBER	26, 1975
		MARCH	01, 1974 AN
200545	OSWEGO, CITY OF (LABETTE CO.)	FEBRUARY	28, 1975
200311	OTIS, CITY OF (RUSH CO.)	SEPTEMBER	19, 1975
200546	OVERBROOK, CITY OF (OSAGE CO.)	NOVEMBER	22, 1974
200547	OXFORD, CITY OF (SUMNER CO.)	AUGUST	15, 1975
200357	PALMER, CITY OF (WASHINGTON CO.)	AUGUST	08, 1975
200198	PARKER, CITY OF (LINN CO.)	DECEMBER	20, 1974
200447	PERU, CITY OF (CHAUTAUQUA CO.)	FEBRUARY	07, 1975
200105A	POMONA, CITY OF (FRANKLIN CO.)	SEPTEMBER	26, 1975
		FEBRUARY	08, 1974 AN
200256	PORTIS, CITY OF (OSBORNE CO.)	DECEMBER	26, 1975
200448	PUTNAM, CITY OF (BUTLER CO.)	DECEMBER	27, 1974
200296	RAYMOND, CITY OF (RICE CO.)	SEPTEMBER	26, 1975
200288	REPUBLIC, CITY OF (REPUBLIC CO.)	DECEMBER	27, 1974
200312	RUSH CENTER, CITY OF (RUSH CO.)	DECEMBER	06, 1974
200315B	RUSSELL, CITY OF (RUSSELL CO.)	NOVEMBER	22, 1974
		FEBRUARY	08, 1974 AN
200455	SCAMMON, CITY OF (CHEROKEE CO.)	NOVEMBER	08, 1974
200397	SCHOENCHEN, CITY OF (ELLIS CO.)	SEPTEMBER	19, 1975
200527	SCRANTON, CITY OF (OSAGE CO.)	JANUARY	17, 1975
200528	SLOAN, CITY OF (CHAUTAUQUA CO.)	SEPTEMBER	19, 1975
200083	SEVERANCE, CITY OF (DONIPHAN CO.)	AUGUST	22, 1975
200457A	SEVENY, CITY OF (GREENWOOD CO.)	DECEMBER	20, 1974
		SEPTEMBER	26, 1975 AN
200529	SHANON SPRINGS, CITY OF (WALLACE CO.)	JUNE	11, 1974
200458	SHARON, CITY OF (BARBER CO.)	SEPTEMBER	12, 1975
200145	SOLDIER, CITY OF (JACKSON CO.)	AUGUST	22, 1975
200459	SOUTH HAVEN, CITY OF (SUMNER CO.)	NOVEMBER	22, 1974
200531	SPEARVILLE, CITY OF (FORD CO.)	SEPTEMBER	19, 1975
200524	ST. FRANCIS, CITY OF (CHEYENNE CO.)	SEPTEMBER	19, 1975
200274	ST. GEORGE, CITY OF (POTTAWATOMIE CO.)	SEPTEMBER	19, 1975
200526	ST. PAUL, CITY OF (NEOSHO CO.)	JANUARY	03, 1975
200367	TORONTO, CITY OF (WOODSON CO.)	SEPTEMBER	19, 1975
200534	TOWANDA, CITY OF (BUTLER CO.)	SEPTEMBER	19, 1975
200535	TRIBUNE, CITY OF (GREELEY CO.)	AUGUST	08, 1975
200349	TUTTLE, CITY OF (RENO CO.)	SEPTEMBER	19, 1975
200370	TYRO, CITY OF (MONTGOMERY CO.)	FEBRUARY	07, 1975
200373	WALNUT, CITY OF (CRAWFORD CO.)	JULY	25, 1975
200374	WALTON, CITY OF (HARVEY CO.)	AUGUST	22, 1975
200556	WATERVILLE, CITY OF (MARSHALL CO.)	JANUARY	24, 1975
200557	WEIR, CITY OF (CHEROKEE CO.)	AUGUST	29, 1975
200277A	WESTMORELAND, CITY OF (POTTAWATOMIE CO.)	SEPTEMBER	19, 1975
		MARCH	08, 1974 AN
200008	WESTPHALIA, CITY OF (ANDERSON CO.)	DECEMBER	26, 1975
200376	WETMORE, CITY OF (NEMAHA)	DECEMBER	20, 1974
200377	WHITE CITY, CITY OF (MORRIS CO.)	FEBRUARY	14, 1975
200086	WHITE CLOUD, CITY OF (DONIPHAN CO.)	SEPTEMBER	19, 1975
200569	WHITEWATER, CITY OF (BUTLER CO.)	DECEMBER	27, 1974
200146	WHITING, CITY OF (JACKSON CO.)	SEPTEMBER	19, 1975
200560	WILSON, CITY OF (ELLSWORTH CO.)	NOVEMBER	29, 1974
200379	WOODSTON, CITY OF (NORRIS CO.)	AUGUST	08, 1975

TOTAL IN THE STATE

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• UNINCORPORATED AREAS ONLY

KENTUCKY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
210070A	ALLEN, TOWN OF (FLOYD CO.)	SEPTEMBER	19, 1975
		DECEMBER	20, 1974
210043A	ARLINGTON, TOWN OF (CARLISLE CO.)	JULY	25, 1975
210044A	BARDWELL, TOWN OF (CARLISLE CO.)	JULY	25, 1975
		AUGUST	30, 1974
210104A	BERRY, TOWN OF (HARRISON CO.)	DECEMBER	27, 1974
		JULY	25, 1975
210187A	BOONEVILLE, CITY OF (OWSLEY CO.)	JULY	18, 1975
		JANUARY	03, 1975
210161A	BRADFORDSVILLE, CITY OF (MARION CO.)	SEPTEMBER	19, 1975
		SEPTEMBER	19, 1975
210023	BREATHITT COUNTY	MAY	10, 1974 AND
210201A	BROWNSBORO, CITY OF (CROCK CASTLE CO.)	FEBRUARY	20, 1976
		JANUARY	03, 1975
210158A	CALHOUN, TOWN OF (MCLEAN CO.)	MAY	17, 1974 AND
210042	CARLISLE COUNTY *	FEBRUARY	27, 1976
210053	CASEY COUNTY *	FEBRUARY	01, 1974
210057	CLAY COUNTY *	OCTOBER	18, 1974
210111	CLINTON, TOWN OF (HICKMAN CO.)	DECEMBER	13, 1974
210263	COAL RUN, CITY OF (PIKE CO.)	DECEMBER	27, 1974
210227A	CORBIN, CITY OF (WHITLEY CO.)	MAY	17, 1974
		JANUARY	10, 1975
210143	CRAB ORCHARD, TOWN OF (LINCOLN CO.)	JUNE	14, 1974 ANI
210060	CUMBERLAND COUNTY	FEBRUARY	20, 1976
210238A	FLORENCE, TOWN OF (BOONE CO.)	JUNE	14, 1974
		JANUARY	03, 1975
210038B	FORT THOMAS, CITY OF (CAMPBELL CO.)	FEBRUARY	01, 1974 ANI
		FEBRUARY	20, 1976
210272	FOSTER, CITY OF (BRACKEN CO.)	JANUARY	25, 1974 ANI
210030	FREDONIA, TOWN OF (CALDWELL CO.)	JUNE	25, 1976
210081	GARRARD COUNTY *	AUGUST	01, 1975
210046A	GHENT, TOWN OF (CARROLL CO.)	JULY	25, 1975
210251	GILBERTSVILLE, CITY OF (MARSHALL CO.)	OCTOBER	18, 1974
210076A	GLENCOE, CITY OF (GALLATIN CO.)	JANUARY	16, 1974
		JULY	25, 1975
210094	HARDIN COUNTY *	FEBRUARY	01, 1974 AN
210303	HARDIN, CITY OF (MARSHALL CO.)	JUNE	04, 1976
210165	HARDIN, TOWN OF (MARSHALL CO.)	OCTOBER	18, 1974
210032A	HAZEL, TOWN OF (CALLOWAY CO.)	JUNE	14, 1974
210110	HENRY COUNTY *	MAY	10, 1974
210077A	HICKMAN, CITY OF (FULTON CO.)	AUGUST	09, 1974
		OCTOBER	18, 1974
210112A	HOPKINS COUNTY *	JUNE	28, 1974 AN
		JUNE	04, 1976
210134	LAUREL COUNTY *	OCTOBER	18, 1974 AN
210309A	LEBANON JUNCTION, CITY OF (BULLITT CO.)	APRIL	23, 1976
210085	LEITCHFIELD, TOWN OF (GRAYSON CO.)	DECEMBER	27, 1974
210141	LEWIS COUNTY *	MARCH	15, 1974
210146	MARTIN COUNTY *	MAY	10, 1974
210071A	MARTIN, TOWN OF (FLOYD CO.)	DECEMBER	20, 1974
		DECEMBER	13, 1974
210233A	MCHENRY, TOWN OF (OHIO CO.)	MAY	24, 1974 AN
210153	MCLEAN COUNTY *	FEBRUARY	27, 1976
210019A	MILLERSBURG, CITY OF (BOURBON CO.)	OCTOBER	25, 1974
		DECEMBER	06, 1974
210242A	MORGANTOWN, TOWN OF (BUTLER CO.)	MAY	10, 1974 AN
210186	OWEN COUNTY *	FEBRUARY	20, 1976
210249	PETERSBURG, TOWN OF (BOONE CO.)	FEBRUARY	01, 1974
210299	PHELPS, CITY OF (PIKE CO.)	OCTOBER	18, 1974
210199	POWELL COUNTY *	JANUARY	23, 1974
		AUGUST	01, 1975
		NOVEMBER	29, 1974
210245A	ROCKPORT, TOWN OF (OHIO CO.)	FEBRUARY	01, 1974
210260	SADIEVILLE, CITY OF (SCOTT CO.)	JANUARY	03, 1975
210209	SHELBY COUNTY *	OCTOBER	18, 1974
210294	SOUTH CARROLLTON, CITY OF (MUHLENBERG CO.)	JULY	25, 1975
210274	SOUTHGATE, CITY OF (CAMPBELL CO.)	AUGUST	01, 1975
210123A	ST. MATTHEWS, CITY OF (JEFFERSON CO.)	DECEMBER	06, 1974
210212	TAYLOR COUNTY *	OCTOBER	18, 1974
210218A	UNIONTOWN, TOWN OF (UNION CO.)	MAY	17, 1974
210270	UNION, TOWN OF (BOONE CO.)	AUGUST	01, 1975

• UNINCORPORATED AREAS ONLY

KENTUCKY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
210192A	VICCO, CITY OF (PERRY CO.)	MAY	10, 1974 AN
		MARCH	05, 1976
210096A	VINE GROVE, CITY OF (HARDIN CO.)	MAY	17, 1974 AN
		MARCH	05, 1976
210298A	WHEAT CROFT, TOWN OF (WEBSTER CO.)	FEBRUARY	15, 1974 AN
		MARCH	05, 1976
210307	WINSTON PARK, TOWN OF (KENTON CO.)	JANUARY	23, 1974

TOTAL IN THE STATE 59

• UNINCORPORATED AREAS ONLY

LOUISIANA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
220114	ALBANY, VILLAGE OF (LIVINGSTON PARISH)	APRIL	12, 1974
220231	ANGIE, VILLAGE OF (WASHINGTON PARISH)	JANUARY	03, 1975
220354	ATHENS, VILLAGE OF (CLAIBORNE PARISH)	FEBRUARY	21, 1975
220026	BEAUREGARD PARISH	JANUARY	17, 1975
220314	BERNICE TOWN (UNION CO)	JANUARY	17, 1975
220315	BLANCHARD VIL (CADDO CO)	SEPTEMBER	19, 1975
220316	BONITA VIL (MOREHOUSE CO)	AUGUST	22, 1975
220147A	BOYCE, TOWN OF (RAPIDES PARISH)	APRIL	05, 1974
220266	CALVIN VIL (UNION CO)	AUGUST	29, 1975
220318	CHATHAM TOWN (JACKSON CO)	SEPTEMBER	19, 1975
220319	CHOUDRANT VIL (LINCOLN CO)	JUNE	27, 1975
220320	CLARKS VIL (CALDWELL CO)	AUGUST	15, 1975
220268	CONVERSE VIL (SABINE PARISH)	AUGUST	29, 1975
220234A	COTTLINE, VILLAGE OF (LACOURSE PARISH)	APRIL	05, 1974 AN
		OCTOBER	17, 1975
220280	DRY PRONG VIL (GRANT CO)	SEPTEMBER	24, 1975
220324	ELIZABETH TOWN (ALLEN CO)	JULY	25, 1975
220284	EVERGREEN, VILLAGE OF (AVOYELLES PARISH)	SEPTEMBER	26, 1975
220325	FARMERVILLE TOWN (UNION CO)	MAY	02, 1975
220326	FLORIEN VIL (SABINE PARISH)	JULY	26, 1975
220285	FOLSOM VIL (ST. TAMMANY CO)	JULY	18, 1975
220117A	FRENCH SETTLEMENT, VILLAGE OF (LIVINGSTON PAR.)	OCTOBER	25, 1974 AN
		MARCH	12, 1976
220288	GEORGETOWN VIL (GRANT CO)	AUGUST	15, 1975
220327	GIBSLAND TOWN (BIENVILLE CO)	JULY	11, 1975
220289	GILLIAM, VILLAGE OF (CADDO PARISH)	SEPTEMBER	19, 1975
220290	GOLDONNA VIL (NATCHITOCHES CO)	SEPTEMBER	19, 1975
220291	GRAND CANE VIL (DE SOTO CO)	MAY	02, 1975
220331	HODGE VIL (JACKSON CO)	JULY	11, 1975
220332	HORNBECK VIL (VERNON CO)	AUGUST	15, 1975
220295	HOSSTON TOWN (CADDO CO)	JULY	25, 1975
220296	IDA, VILLAGE OF (CADDO PARISH)	AUGUST	15, 1975
220252	JONESBORO, TOWN (JACKSON PARISH)	SEPTEMBER	12, 1975
220335	JUNCTION CITY, CITY (CLAIBORNE-UNION CO)	JULY	18, 1975
220114	LIVINGSTON, VILLAGE (LIVINGSTON PARISH)	SEPTEMBER	19, 1975
220336	LOGANSPORT TOWN (DE SOTO CO)	AUGUST	15, 1975
220338	MARION VIL (UNION CO)	MAY	02, 1975
220256	MONTGOMERY, TOWN (GRANT PARISH)	SEPTEMBER	19, 1975
220007A	MORSE, TOWN (CACADIA PARISH)	NOVEMBER	23, 1973 AN
		MARCH	12, 1976
220302	NORWOOD VIL (EAST FELICIANA CO)	JULY	11, 1975
220012A	OBERLIN, CITY OF (ALLEN PARISH)	JUNE	21, 1974 AN
		NOVEMBER	14, 1975
220203A	PEARL RIVER, TOWN OF (ST. TAMMANY PARISH)	MAY	24, 1974 AN
		JULY	09, 1976
220305	POLLOCK, VILLAGE OF (GRANT PARISH)	AUGUST	15, 1975
220307	REEVES VIL (ALLEN CO)	AUGUST	15, 1975
220308	ROBESSA TOWN (CADDO CO)	JULY	18, 1975
220212A	ROSELAND, TOWN OF (TANGIPAHOA PARISH)	OCTOBER	26, 1973 AN
		APRIL	09, 1976
220258	SIBLEY, VILLAGE OF (WEBSTER PARISH)	FEBRUARY	07, 1975
220050A	SICILY ISLAND, VILLAGE OF (CATAHOULA PARISH)	DECEMBER	28, 1973
220310	SIKES, VILLAGE OF (WINN PARISH)	APRIL	25, 1975
220311	SIMPSON VIL (VERNON CO)	AUGUST	08, 1975

• UNINCORPORATED AREAS ONLY

LOUISIANA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
220312	SIMSBORO, VILLAGE OF (LINCOLN PARISH)	FEBRUARY	07, 1975
220259	SLAUGHTER, TOWN OF (EAST FELICIANA PAR.)	SEPTEMBER	19, 1975
220120	SPRINGFIELD, TOWN OF (LIVINGSTON PARISH)	AUGUST	23, 1974
220137A	STERLINGTON, TOWN OF (OUACHITA PARISH)	DECEMBER	17, 1973 AN
		JANUARY	09, 1976
220205A	SUN, VILLAGE OF (ST. TAMMANY PARISH)	AUGUST	30, 1974 AN
		APRIL	16, 1976
220069A	TURKEY CREEK, VILLAGE OF (EVANGELINE PARISH)	AUGUST	30, 1974 AN
		OCTOBER	31, 1975
220234A	VARNADO, VILLAGE OF (WASHINGTON PARISH)	OCTOBER	25, 1974 AN
		APRIL	30, 1976
220230	WASHINGTON PARISH	JANUARY	10, 1975
220352	WILSON VIL (EAST FELICIANA CO)	JULY	18, 1975
220353	ZACHLE TOWN (SABINE PARISH)	AUGUST	15, 1975

TOTAL IN THE STATE 66

• UNINCORPORATED AREAS ONLY

MAINE

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
230303	ALEXANDER, TOWN OF (WASHINGTON CO.)	DECEMBER	06, 1974
230043	ALNA, TOWN OF (LINCOLN CO)	JANUARY	03, 1975
230272	AMHERST, TOWN (HANCOCK CO)	JANUARY	24, 1975
230200	ANDROSCOGGIN, TOWN (CUMBERLAND)	JANUARY	17, 1975
230200	BALDWIN, TOWN OF (CUMBERLAND)	FEBRUARY	14, 1975
230252	BELMONT, TOWN (WALDO CO)	MARCH	14, 1975
230194A	BERWICK, TOWN OF (YORK CO.)	AUGUST	09, 1974 AN
		JULY	30, 1976
230130	BUXTON, TOWN OF (YORK CO)	JULY	26, 1974
230274	BURLINGTON, TOWN OF (PENOBSCOT COU)	FEBRUARY	07, 1975
230275	CARMEL, TOWN OF (PENOBSCOT CO)	FEBRUARY	28, 1975
230276	CHARLESTON, TOWN OF (PENOBSCOT CO)	FEBRUARY	21, 1975
230278	CLIFTON, TOWN OF (PENOBSCOT COU)	FEBRUARY	07, 1975
230307	COLUMBIA, TOWN OF (WASHINGTON)	FEBRUARY	14, 1975
230280	COXHALL, TOWN (PENOBSCOT CO)	FEBRUARY	21, 1975
230309	CRAWFORD, TOWN OF (WASHINGTON CO)	JANUARY	17, 1975
230148A	DAYTON, TOWN OF (YORK CO)	JUNE	28, 1974 AN
		JULY	30, 1976
230279	DEDHAM, TOWN (HANCOCK CO)	APRIL	18, 1975
230084	DRESDEN, TOWN OF (LINCOLN CO.)	SEPTEMBER	20, 1974
230217A	EDGECOMB, TOWN (LINCOLN CO)	JANUARY	03, 1975 AN
		APRIL	23, 1976
230359	EMBDEN, TOWN OF (SOMERSET CO)	FEBRUARY	21, 1975
230237	FAYETTE, TOWN OF (KENNEBEC CO.)	NOVEMBER	29, 1974
230225	FRIENDSHIP, TOWN (KNOX CO)	JANUARY	03, 1975
230166	GILEAD, TOWN OF (OXFORD COU)	FEBRUARY	07, 1975
230360	GREENFIELD, TOWN OF (PENOBSCOT CO)	FEBRUARY	21, 1975
230219	HARRINGTON, TOWN OF (WASHINGTON CO)	FEBRUARY	21, 1975
230425	HERSET, TOWN OF (AROOSTOOK CO.)	DECEMBER	20, 1974
230362	JACKMAN, TOWN (SOMERSET CO)	JANUARY	24, 1975
230315	JONESBORO, TOWN OF (WASHINGTON)	FEBRUARY	14, 1975
230363	LAGRANGE, TOWN OF (PENOBSCOT CO.)	FEBRUARY	28, 1975
230193	LEBANON, TOWN OF (YORK COU)	FEBRUARY	07, 1975
230427	LINNEUS, TOWN OF (AROUSTUCK CO.)	FEBRUARY	21, 1975
230428	LITTLETON, TOWN OF (AROUSTOOK CO.)	MARCH	21, 1975
230173	LIVERMORE, TOWN OF (ANDROSCOGGIN CO.)	NOVEMBER	08, 1974
230395	LOWELL, TOWN OF (PENOBSCOT CO)	FEBRUARY	21, 1975
230429	LUDLOW, TOWN OF (AROUSTUCK CO)	FEBRUARY	21, 1975
230286	MARIAVILLE, TOWN (HANCOCK CO)	MARCH	14, 1975
230410	MEDFORD, TOWN OF (PISCATAQUIS)	FEBRUARY	14, 1975
230176	MERCER, TOWN OF (SOMERSET CO.)	FEBRUARY	28, 1975
230261	MONTVILLE, TOWN OF (WALDO CO)	FEBRUARY	07, 1975
230363	MOOSE RIVER, TOWN (SOMERSET CO)	FEBRUARY	21, 1975
230287	MT. DESERT, TOWN (HANCOCK CO)	JANUARY	24, 1975
230218	NEWCASTLE, TOWN OF (LINCOLN CO.)	JANUARY	17, 1975
230318	NORTHFIELD, TOWN OF (WASHINGTON)	FEBRUARY	21, 1975
		JANUARY	17, 1975
		FEBRUARY	21, 1975
		FEBRUARY	14, 1975

• UNINCORPORATED AREAS ONLY

MAINE

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
230160	ORRINGTON, TOWN OF (PENOBSCOT COU)	FEBRUARY	07, 1975
230269	OTIS, TOWN (HANCOCK CO)	APRIL	18, 1975
230412	PARKMAN, TOWN OF (PISCATAQUIS)	FEBRUARY	14, 1975
230159	PARSONFIELD, TOWN OF (YORK CO.)	JUNE	28, 1974
230143	PEMBROKE, TOWN OF (WASHINGTON CO.)	OCTOBER	18, 1974
230030	PERHAM, TOWN (AROOSTOOK CO)	APRIL	18, 1975
230330	PORTER, TOWN OF (OXFORD COU)	FEBRUARY	07, 1975
230264	PROSPECT, TOWN OF (WALDO)	FEBRUARY	14, 1975
230011A	SABATTUS, TOWN OF (ANDROSCOGGIN CO.)	MAY	31, 1974 AN
		JUNE	18, 1976
230206	SEBAGO, TOWN (CUMBERLAND CO)	JANUARY	17, 1975
230291	SEDGWICK, TOWN (HANCOCK CO)	JANUARY	24, 1975
230198	SHAPLEIGH, TOWN (YORK CO)	JANUARY	17, 1975
230415	SHIRLEY, TOWN (PISCATAQUIS CO)	JANUARY	24, 1975
230292	SORRENTO, TOWN (HANCOCK CO)	JANUARY	24, 1975
230400	SPRINGFIELD, TOWN (PENOBSCOT CO.)	JANUARY	24, 1975
230323	STEUBEN, TOWN OF (WASHINGTON CO)	FEBRUARY	21, 1975
230335	STOCKHOLM, TOWN (AROOSTOOK CO)	JANUARY	10, 1975
230294A	STONINGTON, TOWN OF (HANCOCK CO)	FEBRUARY	21, 1975 AN
		JUNE	04, 1976
230183	ST. FRANCIS, TOWN OF (AROOSTOOK CO.)	DECEMBER	20, 1974
230329	TOPSFIELD, TOWN (WASHINGTON CO)	MARCH	14, 1975
230298	TREMONT, TOWN OF (HANCOCK CO.)	JANUARY	31, 1975
230299	TRENTON, TOWN (HANCOCK CO)	JANUARY	24, 1975
230248	VASSALBOROUGH, TOWN OF (KENNEBEC COU)	FEBRUARY	07, 1975
230403A	VEAZIE, TOWN (PENOBSCOT CO.)	JANUARY	03, 1975 AN
		JULY	30, 1976
230139	WALES, TOWN OF (ANDROSCOGGIN CO)	FEBRUARY	21, 1975
230301	WALTHAM, TOWN (HANCOCK CO.)	JANUARY	03, 1975
230262	WASHINGTON, TOWN OF (KNOX CO.)	SEPTEMBER	06, 1974
230039	WESTON, TOWN OF (AROOSTOOK CO)	FEBRUARY	21, 1975
230222	WESTPORT, TOWN (LINCOLN CO)	JANUARY	03, 1975
230087	WHITEFIELD, TOWN OF (LINCOLN CO.)	JULY	26, 1974
230328	WHITING, TOWN OF (WASHINGTON CO)	FEBRUARY	07, 1975
230409	WINN, TOWN (PENOBSCOT CO)	JANUARY	24, 1975

TOTAL IN THE STATE 75

• UNINCORPORATED AREAS ONLY

MARYLAND

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
240102A	DEER PARK, TOWN OF (GARRETT CO.)	NOVEMBER	08, 1974
240104	GALESTOWN, TOWN (DORCHESTER CO)	JULY	11, 1975
240114	LUKE, TOWN (ALLEGANY CO)	JULY	18, 1975
240059A	QUEEN ANNE, TOWN OF (QUEEN ANNES CO.)	AUGUST	09, 1974

TOTAL IN THE STATE 4

• UNINCORPORATED AREAS ONLY

MASSACHUSETTS

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
250048	ACUSHNET, TOWN OF (BRISTOL CO.)	SEPTEMBER	06, 1974
250134	BLANDFORD, TOWN OF (HAMPDEN CO.)	JULY	26, 1974
250135	BRIMFIELD, TOWN OF (HAMPDEN CO.)	JULY	19, 1974
250136	CHESTER, TOWN OF (HAMPDEN CO.)	JULY	19, 1974
250068	CHILMARK, TOWN OF (DUKES CO)	DECEMBER	06, 1974
250300	CLINTON, TOWN OF (WORCESTER CO.)	AUGUST	09, 1974
250191A	DUNSTABLE, TOWN OF (MIDDLESEX CO.)	NOVEMBER	29, 1974 AN
		JULY	16, 1976
250160	EAST HAMPTON, TOWN OF (HAMPSHIRE CO.)	JUNE	21, 1974
250305A	GARDNER, CITY OF (WORCESTER CO.)	SEPTEMBER	06, 1974 AN
		MARCH	12, 1976
250070	GAY HEAD, TOWN OF (DUKES CO.)	DECEMBER	06, 1974

• UNINCORPORATED AREAS ONLY

MASSACHUSETTS

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
250071	GOSNOLD, TOWN OF (DUKES CO.)	DECEMBER	20, 1974
250139	GRANVILLE, TOWN OF (HAMPDEN CO.)	AUGUST	30, 1974
250311	HUBBARDSTON, TOWN OF (WORCESTER CO.)	SEPTEMBER	06, 1974
250121	LEYDEN, TOWN OF (FRANKLIN COU)	FEBRUARY	07, 1975
250146	MONTGOMERY, TOWN OF (HAMPDEN CO.)	NOVEMBER	22, 1974
250032	NEW ASHFORD, TOWN OF (BERKSHIRE CO.)	NOVEMBER	22, 1974
250329	OAKHAM, TOWN OF (WORCESTER CO.)	AUGUST	02, 1974
250326A	PAXTON, TOWN OF (WORCESTER CO.)	JULY	26, 1974 AN
		JULY	30, 1976
250168	PELHAM, TOWN OF (HAMPSHIRE CO.)	JUNE	28, 1974
250036	PERU, TOWN OF (BERKSHIRE CO.)	NOVEMBER	01, 1974
250169	PLAINFIELD, TOWN OF (HAMPSHIRE CO.)	NOVEMBER	01, 1974
250101	ROWLEY, TOWN OF (ESSEX CO.)	JULY	26, 1974
250128	SHUTESBURY, TOWN OF (FRANKLIN CO)	FEBRUARY	21, 1975
250151	TOLLAND, TOWN (HAMPDEN CO)	APRIL	04, 1975
255222A	TRURO, TOWN OF (BARNSTABLE CO.)	APRIL	20, 1973
250043	TYRINGHAM, TOWN OF (BERKSHIRE CO.)	NOVEMBER	29, 1974
250130	WARWICK, TOWN (FRANKLIN CO)	JANUARY	24, 1975
250044	WASHINGTON, TOWN OF (BERKSHIRE CO.)	NOVEMBER	01, 1974
250131	WENDELL, TOWN (FRANKLIN CO)	JANUARY	17, 1975
250074	WEST TISBURY, TOWN OF (DUKES)	FEBRUARY	14, 1975
250047	WINDSOR, TOWN OF (BERKSHIRE CO.)	NOVEMBER	22, 1974

TOTAL IN THE STATE 31

• UNINCORPORATED AREAS ONLY

MICHIGAN

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
260535	ANN ARBOR, TOWNSHIP (WASHTENAW CO.)	AUGUST	15, 1975
260508	ATHENS, VILLAGE (CALHOUN CO)	SEPTEMBER	19, 1975
260529	BANGOR, CITY (VAN BUREN CO.)	SEPTEMBER	26, 1975
260210A	BANGOR, TOWNSHIP (VAN BUREN CO)	JANUARY	10, 1975 AN
		JANUARY	09, 1976
260192	BERLIN, TOWNSHIP OF (ST. CLAIR CO.)	AUGUST	23, 1974
260027A	BLAINE, TOWNSHIP OF (GENZIE CO.)	SEPTEMBER	20, 1974 AN
		JULY	09, 1976
260339	BLISSFIELD, VILLAGE (LENAWEE CO.)	SEPTEMBER	12, 1975
260530	BREEDSVILLE, VILLAGE (VAN BUREN CO.)	SEPTEMBER	26, 1975
260467	BROOKS, TOWNSHIP (NEWAYGO CO.)	JULY	18, 1975
260801	BRITTON, VILLAGE OF (SHIAWASSEE CO.) PI	SEPTEMBER	19, 1975
260073	BURTON, TWP (GENESEE CO)	AUGUST	16, 1974
260569	CENTREVILLE, VILLAGE (ST. JOSEPH CO.)	JULY	11, 1975
260426	CHARLESTON, TOWNSHIP (KALAMAZOO CO.)	JULY	25, 1975
260560	CLARENCE, TOWNSHIP (CALHOUN CO)	SEPTEMBER	26, 1975
260437	CLINTON, VILLAGE (LENAWEE CO.)	APRIL	18, 1975
260195A	CLYDE, TOWNSHIP OF (ST. CLAIR CO.)	JULY	26, 1974 AN
		JUNE	04, 1976
260510	COLON, TOWNSHIP (ST. JOSEPH CO.)	JULY	18, 1975
260433	COLUMBIAVILLE, VILLAGE (LAPEER CO.)	JULY	11, 1975
260531	COLUMBIA, TOWNSHIP (VAN BUREN CO.)	SEPTEMBER	05, 1975
260512	CONSTANTINE, VILLAGE (ST. JOSEPH CO.)	JULY	25, 1975
260491	COOPERSVILLE, VILLAGE OF	SEPTEMBER	26, 1975
260515	CROSWELL, CITY (SANILAC CO.)	APRIL	11, 1975
260459	CUSTER, VILLAGE (MASON CO.)	SEPTEMBER	26, 1975
260438	DEERFIELD, VILLAGE (LENAWEE CO.)	SEPTEMBER	12, 1975
260536	DEXTER, TOWNSHIP (WASHTENAW CO.)	JULY	10, 1975
260549	DOUGLAS, VILLAGE (ALLEGAN CO)	SEPTEMBER	26, 1975
260391	EATON RAPIDS, TOWNSHIP (EATON CO.)	SEPTEMBER	12, 1975
260369	EDWARDSBURG, VILLAGE (CASS CO.)	JULY	11, 1975
260563	ELBERTA, VILLAGE (BENZIE CO)	SEPTEMBER	19, 1975
260349	ELLSWORTH, VILLAGE (ANTRIM CO.)	APRIL	11, 1975
260327A	EVART, CITY (OSCEOLA CO.)	APRIL	25, 1975 AN
		FEBRUARY	06, 1976
260406	FIFE LAKE, VILLAGE (GRAND TRAVERSE CO.)	JULY	11, 1975
260525	GILFORD, TOWNSHIP (TUSCOLA CO.)	SEPTEMBER	19, 1975
260543	HARRISVILLE, CITY (ALCONA CO.)	SEPTEMBER	26, 1975
260532	HARTFORD, CITY (VAN BUREN CO.)	JULY	11, 1975

• UNINCORPORATED AREAS ONLY

MICHIGAN

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
260347	HEATH, TOWNSHIP CALLEGAN CO.)	AUGUST	22, 1975
260489	HERSET, VILLAGE COSCEOLA CO.)	JULY	11, 1975
260485	HESPERIA, VILLAGE COCKLAND CO.)	JULY	11, 1975
260137A	HINTON, TOWNSHIP OF CHECOSTA CO.)	SEPTEMBER	06, 1974 AN
		JULY	23, 1976
260462	HOLLAND, TOWNSHIP CMISSAUKEE CO.)	AUGUST	01, 1975
260418	HUBBARDSTON, VILLAGE CIONIA • CLINTON COS.)	SEPTEMBER	26, 1975
260493	HUDSONVILLE, CITY COTTAWA CO.)	SEPTEMBER	05, 1975
260084	ITHACA, CITY OF CGNATIOT CO.)	DECEMBER	27, 1974
260490	JONESVILLE, VILLAGE CHILLSDALE CO.)	SEPTEMBER	26, 1975
260594	KIMBALL, TOWNSHIP CST. CLAIR COI	SEPTEMBER	19, 1975
260341	KINDERHOOK, TOWNSHIP CBRANCH CO.)	AUGUST	08, 1975
260501	KOCHVILLE, TOWNSHIP CSAGINAW CO.)	JULY	25, 1975
260412	LAKE LINDEN, VILLAGE CHOUGHTON CO.)	APRIL	11, 1975
260443	LAKEVIEW, VILLAGE CMONTCALM CO.)	JULY	11, 1975
260533	LAWTON, VILLAGE CVAN BUREN CO.)	SEPTEMBER	26, 1975
260014	LINCOLN, TOWNSHIP OF CARENAC CO.)	JUNE	19, 1974
260398	LINDEN, VILLAGE CGENESEE CO.)	SEPTEMBER	26, 1975
260389	MAPLE RAPIDS, VILLAGE CCLINTON CO.)	APRIL	25, 1975
260543	MARENGO, TOWNSHIP OF (CALHOUN COUNTY)	SEPTEMBER	19, 1975
260326	MARION, VILLAGE COSCEOLA CO.)	APRIL	25, 1975
260310	MELVINDALE, CITY CWAYNE CO)	JANUARY	10, 1975
260356	MIDDLEVILLE, VILLAGE CBARRY CO.)	JULY	18, 1975
260486	MILLS, TOWNSHIP COGEMAW CO.)	JULY	25, 1975
260350	MONITOR, TOWNSHIP CBAY CO.)	JULY	25, 1975
260585	MORLEY, VILLAGE (MECOSTA COI	SEPTEMBER	19, 1975
260521	NEW HAVEN, TOWNSHIP CSHIAWASEE CO.)	JULY	25, 1975
260340	NEWAYGO, CITY CNEWAYGO CO.)	SEPTEMBER	12, 1975
260338	NORTH BRANCH, VILLAGE CLAPEER CO.)	SEPTEMBER	12, 1975
260332	NORWAY, CITY CDICKINSON CO.)	JULY	11, 1975
260502	OAKLEY, VILLAGE CSAGINAW CO.)	SEPTEMBER	26, 1975
260413	OSCEOLA, TOWNSHIP CHOUGHTON CO.)	SEPTEMBER	26, 1975
260425	PARMA, VILLAGE CJACKSON CO.)	JULY	11, 1975
260634	PERRINGTON, VILLAGE OF CGNATIOT CO.)	AUGUST	29, 1975
260534	PINE GROVE, TOWNSHIP CVAN BUREN CO.)	JULY	25, 1975
260440	POWERS, VILLAGE CMENOMINEE CO.)	JULY	11, 1975
260469	RAVENNA, VILLAGE CMUSKEGON CO.)	SEPTEMBER	26, 1975
260402	RICHFIELD, TOWNSHIP CGENESEE CO.)	JULY	11, 1975
260240B	RIVERVIEW, CITY OF CWAYNE CO.)	MAY	03, 1974 AN
		FEBRUARY	28, 1975 AN
		FEBRUARY	13, 1976
260522	RUSH, TOWNSHIP CSHIAWASEE CO.)	AUGUST	08, 1975
260421	SARANAC, VILLAGE CIONIA CO.)	JULY	11, 1975
260557	STEVENSVILLE, VILLAGE CBERRIEN COI	SEPTEMBER	26, 1975
260243	SUMPTER, TOWNSHIP OF CWAYNE CO)	JUNE	28, 1974
260503	TAYMOUTH, TOWNSHIP CSAGINAW CO.)	AUGUST	15, 1975
260504	TITTABAWASEE, TOWNSHIP CSAGINAW CO.)	AUGUST	15, 1975
260351	TUNNEL, TOWNSHIP CANEHAC CO.)	JULY	18, 1975
260339	ULBY, VILLAGE CHURON CO.)	APRIL	11, 1975
260524	VERNON, VILLAGE CSHIAWASEE CO.)	JULY	11, 1975
260567	WAKEFIELD, CITY OF (GOGEBIC CO.)	SEPTEMBER	19, 1975
260508	WALES, TOWNSHIP CST. CLAIR CO.)	AUGUST	08, 1975
260349	WEESAW, TOWNSHIP OF CBERRIEN CO.)	JUNE	28, 1974
260470	WHITE CLOUD, CITY CNEWAYGO CO.)	APRIL	11, 1975
260329	YALE, CITY CST. CLAIR CO.)	APRIL	11, 1975
260432	YATES, TOWNSHIP CLAKE CO.)	AUGUST	15, 1975
260541	YORK, TOWNSHIP CWASHTENAW CO.)	JULY	18, 1975

TOTAL IN THE STATE 89

• UNINCORPORATED AREAS ONLY

MINNESOTA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
270492	ALDRICH, CITY OF (WADENA COU)	FEBRUARY	07, 1975
270345A	ASKOV, CITY OF CPINE CO.)	OCTOBER	25, 1974 AN
		AUGUST	29, 1975

• UNINCORPORATED AREAS ONLY

MINNESOTA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
270417A	AURORA, CITY OF CST. LOUIS CO.)	APRIL	05, 1974 AN
		JUNE	25, 1976
270552	AVOCA, CITY CMURRAY CO)	JANUARY	10, 1975
270443	AVON, CITY OF CSTEARNS CO.)	MARCH	29, 1974
270564	BAUDETTE, CITY OF CLAKE OF THE WOODS CO.)	DECEMBER	27, 1974
270555A	BEJOU, CITY CMAHNOMEN CO)	JANUARY	03, 1975 AN
		MAY	14, 1976
270241	BISCAY, CITY OF CMCLEOD CO.)	NOVEMBER	15, 1974
270556	BLACKDUCK, CITY CBELTRAMI CO)	AUGUST	01, 1975
270333A	BLUFFTON, CITY OF COTTER TAIL CO.)	AUGUST	09, 1974 AN
		JUNE	25, 1976
270293	BORUP, CITY OF CMORRISON CO.)	OCTOBER	25, 1974
270070	BRANCH, CITY OF CCHISAGO CO.)	AUGUST	30, 1974
270319	BRECKSTER, CITY CNOBLES CO)	APRIL	25, 1975
270557	BROOK PARK, CITY OF CPINE CO.)	OCTOBER	25, 1974
270388A	BROOKS, CITY OF CRED LAKE CO.)	AUGUST	09, 1974
270191A	BROWNSVILLE, CITY OF CHOUSTON CO.)	OCTOBER	18, 1974 AN
		JULY	02, 1976
270262A	BROWNTON, CITY OF CMCLEOD CO.)	MAY	03, 1974
270294A	BUCKMAN, CITY OF CMORRISON CO.)	AUGUST	09, 1974
270281	CEDAR MILLS, CITY OF (MEEKER)	FEBRUARY	14, 1975
270275	CEYLON, CITY CMARTIN CO)	APRIL	11, 1975
270312A	CHANDLER, CITY OF CMURRAY CO.)	AUGUST	09, 1974 AN
		NOVEMBER	21, 1975
270484A	CHOKIO, CITY OF CSTEVENS CO.)	MAY	03, 1974
270684A	CLEAR LAKE, CITY CSHERBURNE CO.)	JANUARY	03, 1975 AN
		SEPTEMBER	12, 1975
270559	CLEARWATER, CITY OF CCLEARWATER CO.)	NOVEMBER	01, 1974
270560	CLEVELAND, CITY OF CLESUEUR CO.)	DECEMBER	27, 1974
270363A	CLIMAX, CITY OF CPOLK CO.)	SEPTEMBER	20, 1974 AN
		JUNE	11, 1976
270029A	CLINTON, CITY OF CBIG STONE CO.)	MAY	17, 1974 AN
		JUNE	04, 1976
270468A	CLONTARF, CITY OF CSWIFT CO.)	JULY	19, 1974
270541	COHOCH, CITY OF CBROWN CO.)	NOVEMBER	01, 1974
270542	CULOGNE, CITY OF CCARVER CO.)	NOVEMBER	01, 1974
270035A	CONFREY, CITY OF CBROWN CO.)	SEPTEMBER	20, 1974 AN
		DECEMBER	26, 1975
270025	CONNELL, CITY CBIG STONE CO)	JANUARY	24, 1975
270282A	CUSHOS, CITY OF CREEKEN CO.)	MAY	17, 1974
270319A	COURTLAND, CITY OF CNICOLLET CO.)	JULY	19, 1974
270313A	CURRIE, CITY OF CMURRAY CO.)	AUGUST	02, 1974 AN
		JULY	16, 1976
270369A	CYRUS, CITY OF CPOPE CO.)	AUGUST	09, 1974
270395	DANUBE, CITY OF CRENVILLE CO.)	SEPTEMBER	20, 1974
270469A	DANVERS, CITY OF CSWIFT CO.)	AUGUST	09, 1974
270334A	DEER CREEK, CITY OF COTTER TAIL CO.)	AUGUST	16, 1974 AN
		JUNE	04, 1976
270470	DEGRAFF, CITY OF CSWIFT CO.)	AUGUST	09, 1974
270117A	DELAVAN, CITY OF CFAIRBAULT CO.)	AUGUST	16, 1974 AN
		JUNE	04, 1976
270543	DELHI, CITY OF CNOBLES CO)	NOVEMBER	01, 1974
270346	DENHAM, CITY CPINE CO)	OCTOBER	25, 1974
270225	DUNNELLON, CITY CKITTSON CO)	JANUARY	24, 1975
270566A	DUVEN, CITY OF CULMSTEAD CO.)	JANUARY	24, 1975
		NOVEMBER	01, 1974 AN
270059A	EAST GULL LAKE, CITY OF CCASS CO.)	OCTOBER	17, 1975
		DECEMBER	20, 1974 AN
270283	EDEN VALLEY, CITY OF CSTEARNS CO.)	OCTOBER	10, 1975
270320A	ELLSWORTH, CITY OF CNOBLES CO.)	MAY	03, 1974
270295A	ELMDALE, CITY OF CMORRISON CO.)	MAY	03, 1974
270119	ELMORE, CITY OF CFAIRBAULT CO.)	AUGUST	09, 1974
270457	EMMONS, CITY OF CFREEBORN CO.)	MAY	18, 1974
270336A	ENHAND, CITY OF COTTER TAIL CO.)	DECEMBER	27, 1974
270422A	EVELETH, CITY OF CST. LOUIS CO.)	AUGUST	09, 1974
		JUNE	07, 1974 AN
270329A	EYOTA, CITY OF COLMSTEAD CO.)	JULY	16, 1976
270396A	FAIRFAX, CITY OF CRENVILLE CO.)	APRIL	12, 1974
270276A	FAIRMONT, CITY OF CMARTIN CO.)	MARCH	29, 1974
		JUNE	07, 1974 AN
		DECEMBER	12, 1975

• UNINCORPORATED AREAS ONLY

MINNESOTA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
270366A	FISHER, CITY OF CPOLK CO.)	AUGUST	02, 1974
270569	FRANKLIN, CITY CST. LOUIS CO)	APRIL	25, 1975
270570	FRAZEE, CITY OF CBECKER CO.)	NOVEMBER	15, 1974
270496A	FREEPORT, CITY OF CSTEARNS CO.)	MAY	03, 1974 AN
		AUGUST	08, 1975
270571	FUNKLEY, CITY CBELTRAMI CO)	JULY	11, 1975
270136A	GENEVA, CITY OF CFREEBORN CO.)	SEPTEMBER	06, 1974 AN
		JULY	02, 1976
270296	GENOLA, CITY OF CMORRISON COU)	FEBRUARY	07, 1975
270439A	GIBBON, CITY OF CSIBLEY CO.)	JUNE	21, 1974
270088A	GUNVICK, CITY OF CCLEARWATER CO.)	AUGUST	23, 1974 AN
		JUNE	04, 1976
270142B	GOODHUE, CITY OF CGOODHUE CO.)	MAY	24, 1974 AN
		APRIL	23, 1976
270026A	GRACEVILLE, CITY OF CBIG STONE CO.)	MAY	17, 1974 AN
		NOVEMBER	14, 1975
270277A	GRANADA, CITY OF CMARTIN CO.)	AUGUST	02, 1974
270447A	GREENWALD, CITY OF CSTEARNS CO.)	AUGUST	23, 1974 AN
		JUNE	11, 1976
270361A	HACKENSACK, CITY OF CCASS CO.)	SEPTEMBER	20, 1974
270573	HADLEY, CITY CMURRAY CO)	APRIL	11, 1975
270227	HALMA, CITY OF (KITTSON COI	JANUARY	31, 1975
270574	HANLEY FALLS, CITY (YELLOW MEDICINE CO)	JULY	11, 1975
270071A	HARRIS, CITY OF CCHISAGO CO.)	SEPTEMBER	20, 1974 AN
		OCTOBER	24, 1975
270355	HATFIELD, CITY OF (PIPESTONE COI	JANUARY	31, 1975
270338A	HENNING, CITY OF COTTER TAIL CO.)	MAY	03, 1974 AN
		OCTOBER	31, 1975
270002A	HILL CITY, CITY OF CAITKIN CO.)	NOVEMBER	08, 1974
270409A	HILLS, CITY OF CROCK CO.)	APRIL	12, 1974
270578A	HOFFMAN, CITY OF (GRANT COI	JANUARY	31, 1975
270494A	HOLDINGFORD, CITY OF CSTEARNS CO.)	MAY	17, 1974
270138	HOLLANDALE, CITY OF CFREEBORN CO.)	SEPTEMBER	20, 1974
270356A	HOLLAND, CITY OF CPIPESTONE CO.)	AUGUST	30, 1974 AN
		DECEMBER	05, 1975
270471	HOLLOWAY, CITY OF CSWIFT CO.)	SEPTEMBER	06, 1974
270229	HUMBOLDT, CITY OF CKITTSON CO.)	AUGUST	09, 1974
270367A	IHLEN, CITY OF CPIPESTONE CO.)	AUGUST	02, 1974 AN
		JULY	02, 1976
270235A	INTERNATIONAL FALLS, CITY OF CKOOCHICHING CO.)	JUNE	07, 1974 AN
		MARCH	26, 1976
270579	IONA, CITY OF CMURRAY CO.)	DECEMBER	20, 1974
270580	IRON JUNCTION, CITY OF CST. LOUIS CO.)	OCTOBER	25, 1974
270098A	JENKINS, CITY OF CCROW WING CO.)	AUGUST	23, 1974 AN
		JULY	09, 1976
270205A	KELIHATIN, CITY OF CITASCA CO.)	MAY	03, 1974
270455	KELLOGG, CITY OF (WABASHA CO)	JANUARY	31, 1975
270523	KENT, CITY CWILKIN CO)	AUGUST	01, 1975
270143A	KENYON, CITY OF CGOODHUE CO.)	MAY	24, 1974 AN
		JULY	16, 1976
270204A	LA PRAIRIE, CITY OF CITASCA CO.)	AUGUST	23, 1974 AN
		OCTOBER	17, 1975
270062A	LAKE SHORE, CITY OF CCASS CO.)	SEPTEMBER	13, 1974 AN
		DECEMBER	19, 1975
270517A	MADELIA, CITY OF CWATONWAN CO.)	APRIL	12, 1974 AN
		MAY	28, 1976
270242	MADISON, CITY OF CLAC QUI PARLE CO.)	APRIL	12, 1974
270467	MAPLE LAKE, CITY CWRIGHT CO.)	JANUARY	10, 1975
270032A	MAPLETON, CITY CBLUE EARTH CO)	APRIL	25, 1975 AN
		OCTOBER	03, 1975
270243A	MARIETTA, CITY OF CLAC QUI PARLE CO.)	SEPTEMBER	06, 1974 AN
		JULY	09, 1976
270053A	MAYER, CITY OF CCARVER CO.)	NOVEMBER	23, 1973
270507	MAYNARD, CITY OF CCHIPPEWA CO.)	NOVEMBER	15, 1974
270467A	MAZEPPA, CITY OF CWABASHA CO.)	JULY	19, 1974
270588	MCINTOSH, CITY OF CPOLK CO.)	NOVEMBER	29, 1974
270493B	MENAHGA, CITY OF CWADENA CO.)	APRIL	12, 1974 AN
		AUGUST	29, 1975 AN
270110A	MENDOTA HEIGHTS, CITY OF CDAKOTA CO.)	JANUARY	30, 1976
		NOVEMBER	23, 1973 AN
		APRIL	16, 1976

• UNINCORPORATED AREAS ONLY

MINNESOTA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
270109	MENDOTA, CITY OF CDAKOTA CO.)	FEBRUARY	08, 1974
270367A	MENTOR, CITY OF CPOLK CO.)	DECEMBER	20, 1974 AN
		JULY	02, 1976
270270A	MIDDLE RIVER, CITY OF CMARSHALL CO.)	JULY	19, 1974
270111A	MIESVILLE, CITY OF CDAKOTA CO.)	JULY	19, 1974 AN
		JANUARY	23, 1976
270488A	MILLVILLE, CITY OF CWABASHA CO.)	AUGUST	02, 1974 AN
		MARCH	26, 1976
270499	MINNEISKA, CITY OF CWABASHA CO.)	JULY	11, 1975
270122A	MINNESOTA LAKE, CITY OF CFAIRBAULT CO.)	MAY	17, 1974
270405A	MORRISTOWN, CITY OF CRICE CO.)	MARCH	29, 1974 AN
		SEPTEMBER	12, 1975
270300A	MOTLEY, CITY OF CMORRISON CO.)	AUGUST	02, 1974 AN
		DECEMBER	19, 1975
270429	MOUNTAIN IRON, VILLAGE OF CST. LOUIS CO.)	MAY	24, 1974
270473A	MURDOCK, CITY OF CSWIFT CO.)	AUGUST	23, 1974
270451	NEW MUNICH, CITY OF CSTEARNS CO.)	OCTOBER	25, 1974
270497A	NEW RICHLAND, CITY OF CWASECA CO.)	APRIL	12, 1974
270315A	NICOLLET, CITY OF CNICOLLET CO.)	APRIL	05, 1974
270590	NIELSVILLE, CITY OF CPOLK CO.)	NOVEMBER	01, 1974
270591	NIMROD, CITY CWADENA CO)	APRIL	18, 1975
270592	NORCROSS, CITY OF CGRANT CO.)	DECEMBER	13, 1974
270072A	NORTH BRANCH, CITY OF CCHISAGO CO.)	MAY	10, 1974 AN
		APRIL	09, 1976
270512A	OAK PARK HEIGHTS, CITY OF CWASHINGTON CO.)	MARCH	22, 1974 AN
		APRIL	16, 1976
270594	ODIN, CITY OF CWATONWAN CO.)	DECEMBER	13, 1974
270595	OKABENA, CITY OF CJACKSON CO.)	DECEMBER	27, 1974
270309	OKLEE, CITY CRED LAKE CO)	JULY	11, 1975
270448	ORR, CITY OF CST. LOUIS CO.)	DECEMBER	13, 1974
270458	OSSEO, CITY CHENNEPIN CO.)	JANUARY	10, 1975
270004A	PALISADE, CITY OF CAITKIN CO.)	AUGUST	02, 1974 AN
		JUNE	11, 1976
270291A	PEASE, CITY OF CMILLE LACS CO.)	AUGUST	02, 1974 AN
		FEBRUARY	13, 1976
270128A	PETERSON, CITY OF CFILMORE CO.)	AUGUST	30, 1974
270063A	PILLAGER, CITY OF CCASS CO.)	JULY	19, 1974
270596	PLATO, CITY OF CMCLEOD CO.)	NOVEMBER	01, 1974
270221	PRINSBURG, CITY OF CKANDIYOHI CO.)	AUGUST	23, 1974
270218A	QUAMBA, CITY OF CKANNABEC CO.)	AUGUST	09, 1974
270223A	REGAL, CITY OF (KANDIYOHI CO)	JANUARY	31, 1975 AN
		FEBRUARY	13, 1976
270065	REMER, CITY CCASS CO)	JULY	11, 1975
270565	REVERE, CITY CREDWOOD CO.)	APRIL	11, 1975
270597	RICE, CITY CBENTON CO)	JANUARY	17, 1975
270453A	RICHMOND, CITY OF CSTEARNS CO.)	MARCH	29, 1974
270341	RICHVILLE, CITY OF COTTER TAIL CO.)	OCTOBER	25, 1974
270021	RONNEBY, CITY CUENTON CO)	JULY	11, 1975
270455A	ROSCOE, CITY OF CSTEARNS CO.)	AUGUST	02, 1974 AN
		JUNE	04, 1976
270073A	RUSH CITY, CITY OF CCHISAGO CO.)	MAY	10, 1974 AN
		MARCH	19, 1976
270360A	RUTHTON, CITY OF CPIPESTONE CO.)	AUGUST	09, 1974
270350	RUTLEDGE, CITY OF CPINE CO)	AUGUST	09, 1974
270402A	SACRED HEART, CITY OF CRENVILLE CO.)	MAY	03, 1974
270046A	SCANLON, CITY OF CCARLTON CO.)	NOVEMBER	02, 1973 AN
		JULY	09, 1976
270402	SEAFORTH, CITY OF CREDWOOD CO.)	DECEMBER	13, 1974
270499B	SEBEKA, CITY OF CWADENA CO.)	APRIL	12, 1974 AN
		JULY	11, 1975 AN
270462	SILVER LAKE, CITY CMCLEOD CO.)	MAY	28, 1976
270477	SKYLINE, CITY CBLUE EARTH CO)	JANUARY	24, 1975
270208	SQUAW LAKE, CITY CITASCA CO.)	JUNE	27, 1975
270352	STURGEON LAKE, CITY OF CPINE CO.)	AUGUST	01, 1975
270601	ST. ANTHONY, CITY OF (STEARNS CO.)	OCTOBER	25, 1974
270032A	ST. CLAIR, CITY OF CBLUE EARTH CO.)	JULY	11, 1975
270458A	ST. STEPHEN, CITY OF CSTEARNS CO.)	AUGUST	23, 1974
270660B	S. INTERNATIONAL FALLS, CTY CKOOCHICHING CO.)	AUGUST	23, 1974
		JANUARY	17, 1975 AN
		SEPTEMBER	12, 1975 AN
		JULY	30, 1976

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• UNINCORPORATED AREAS ONLY

MINNESOTA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
270409	TAOPI, CITY OF (HOWER CO)	JANUARY	24, 1975
270240A	TAUNTON, CITY OF (LYON CO.)	JULY	19, 1974 AN
		NOVEMBER	14, 1975
270247A	THOMSON, CITY OF (CARLTON CO.)	AUGUST	02, 1974 AN
		JUNE	04, 1976
270405	TOWER, CITY OF (ST. LOUIS CO.)	DECEMBER	13, 1974
270361A	TROSKY, CITY OF (PIPESTONE CO.)	AUGUST	09, 1974 AN
		JULY	16, 1976
270406	TURTLE RIVER, CITY OF (BELTRAMI CO)	AUGUST	01, 1975
270139A	TWIN LAKES, CITY OF (FREEBORN CO.)	AUGUST	02, 1974 AN
		JUNE	04, 1976
270255	TYLER, CITY OF (LINCOLN CO.)	MAY	03, 1974
270306	UPSALA, CITY OF (MORRISON CO.)	OCTOBER	25, 1974
270407	VERNDALE, CITY OF (WADENA CO.)	OCTOBER	25, 1974
270408	VERNON CENTER, CITY OF (LE SUEUR CO)	JANUARY	03, 1975
270409	VESTA, CITY OF (REDWOOD CO)	JANUARY	10, 1975
270498	WALDORF, CITY OF (WASECA CO.)	AUGUST	09, 1974
270147A	WANAMINGO, CITY OF (GOODHUE CO.)	MAY	10, 1974 AN
		AUGUST	29, 1975
270210A	WARBA, CITY OF (ITASCA CO.)	SEPTEMBER	13, 1974 AN
		DECEMBER	26, 1975
270286A	WATKINS, CITY OF (MEEKER CO.)	APRIL	12, 1974 AN
		JULY	02, 1976
270610	WATSON, CITY OF (CHIPPEWA CO.)	DECEMBER	06, 1974
270466	WAVERLY, CITY OF (WRIGHT CO.)	JANUARY	17, 1975
270279A	WELCOME, CITY OF (MARTIN CO.)	MAY	10, 1974 AN
		JULY	16, 1976
270412	WILLIAMS, CITY OF (LAKE OF THE WOODS CO.)	NOVEMBER	29, 1974
270413	WINGER, CITY OF (POLK CO)	JANUARY	31, 1975
270427A	WINTON, CITY OF (ST. LOUIS CO.)	AUGUST	02, 1974 AN
		JULY	02, 1976
270529A	WOLVERTON, CITY OF (WILKIN CO.)	AUGUST	09, 1974 AN
		DECEMBER	19, 1975
270615	WOOD LAKE, CITY OF (YELLOW MEDICINE CO)	JANUARY	17, 1975
270048A	WRIGHT, CITY OF (CARLTON CO.)	SEPTEMBER	13, 1974
270211	ZEMPLE, CITY OF (ITASCA CO.)	JUNE	27, 1975

TOTAL IN THE STATE 184

• UNINCORPORATED AREAS ONLY

MISSISSIPPI

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
280087	BAY SPRINGS, TOWN OF (JASPER CO)	AUGUST	01, 1975
280156A	BRAXTON, VILLAGE OF (SIMPSON CO.)	JULY	19, 1974 AN
		JULY	16, 1976
280240	CHUNKY, TOWN OF (NEWTON CO.)	DECEMBER	20, 1974
280220	CLARKE COUNTY •	NOVEMBER	29, 1974
280188	EDEN, VILLAGE OF (YAZOO CO.)	JULY	19, 1974
280006	ETHEL, TOWN OF (ATTALA COU)	FEBRUARY	07, 1975
280117	GATTMAN, VILLAGE OF (MONROE CO.)	JULY	19, 1974
280045A	GEORGETOWN, TOWN OF (COPIAH CO.)	AUGUST	02, 1974
280093	LAFAYETTE COUNTY •	DECEMBER	27, 1974
280149A	LAKE, TOWN OF (SCOTT CO.)	JULY	19, 1974 AN
		JUNE	25, 1976
280209	LENA, TOWN OF (LEAKE CO)	OCTOBER	25, 1974
280208	MCCOOL, VILLAGE OF, (ATTALA CO)	JANUARY	31, 1975
280225	MONTICELLO, TOWN OF (LAWRENCE CO.)	DECEMBER	27, 1974
280048	MT. OLIVE, TOWN OF (COVINGTON CO)	AUGUST	01, 1975
280219	PACHUTA, TOWN OF (CLARKE CO.)	NOVEMBER	08, 1974
280234	PONTOTOC COUNTY •	NOVEMBER	29, 1974
280147A	PUCKETT, TOWN OF (RANKIN CO.)	AUGUST	23, 1974 AN
		JULY	02, 1976
280090A	SALLIS, VILLAGE OF (ATTALA CO.)	AUGUST	09, 1974 AN
		JANUARY	30, 1976
280151	SEBASTOPOL, VILLAGE OF (SCOTT COU)	FEBRUARY	07, 1975
280049	SEMINARY, VILLAGE OF (COVINGTON CO.)	AUGUST	01, 1975
280034A	SHUBUTA, TOWN OF (CLARKE CO.)	JUNE	07, 1974 AN
		JUNE	25, 1976

• UNINCORPORATED AREAS ONLY

MISSISSIPPI

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
280226	SILVER CREEK, TOWN OF (LAWRENCE CO.)	JULY	11, 1975
280263	TUCCOPOLA, TOWN OF (POTOTOC CO.)	DECEMBER	13, 1974
280237	UNION COUNTY •	DECEMBER	13, 1974
280122	UNION, TOWN OF (NEWTON COU)	FEBRUARY	07, 1975
280098A	WALNUT GROVE, TOWN OF (LEAKE CO)	JUNE	28, 1974 AN
		JULY	16, 1976
280238	WAYNE COUNTY •	DECEMBER	20, 1974
280025A	WINSTONVILLE, TOWN OF (BOLIVAR CO.)	JULY	19, 1974 AN
		JUNE	25, 1976

TOTAL IN THE STATE 28

• UNINCORPORATED AREAS ONLY

MISSOURI

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
290761	AIRPORT DRIVE, VILLAGE OF (JASPER)	FEBRUARY	14, 1975
290035A	AMAZONIA, TOWN OF (ANDREW CO.)	AUGUST	16, 1974 AN
		FEBRUARY	06, 1976
290762	AMORET, CITY OF (BATES CO)	FEBRUARY	21, 1975
290217A	ANDERSON, CITY OF (MCDONALD CO.)	MAY	17, 1974 AN
		DECEMBER	26, 1975
290247	ANNADA, VILLAGE OF (PIKE COU)	FEBRUARY	07, 1975
290227A	ARNISTON, TOWN OF (MISSISSIPPI CO.)	MAY	03, 1974
290281	APPLETON, CITY OF (ST. CLAIR COU)	FEBRUARY	07, 1975
290061A	ARCHIE, TOWN OF (CASS CO.)	JUNE	07, 1974 AN
		DECEMBER	12, 1975
290765	ASBURY, CITY OF (JASPER CO)	FEBRUARY	21, 1975
290961	AUGUSTA, VILLAGE OF (ST. CHARLES CO.)	DECEMBER	06, 1974
290767	BAKERSFIELD, VILLAGE (OZARK CO.)	APRIL	25, 1975
290768	BARNARD, CITY (NODAWAY CO.)	JULY	11, 1975
290769	BATES, VILLAGE OF (LAFAYETTE CO.)	AUGUST	08, 1975
290921A	BELL CITY, CITY OF (STODDARD CO.)	OCTOBER	18, 1974 AN
		NOVEMBER	21, 1975
290756	BEVIER, CITY OF (MACON)	FEBRUARY	14, 1975
290158	BIGELOW, VILLAGE (HOLT CO)	JULY	18, 1975
290757	BILLINGS, CITY (CHRISTIAN CO.)	JUNE	27, 1975
290758	BISMARCK, CITY OF (ST. FRANCIS COU)	FEBRUARY	07, 1975
290139	BLAND, CITY OF (GASCONADE CO.)	MAY	17, 1974
290771	BLODGETT, VILLAGE (SCOTT CO.)	APRIL	25, 1975
290772	BLOOMSDALE, CITY (STE. GENEVIEVE CO.)	JULY	11, 1975
290783	BOSWORTH, CITY (CARROLL CO)	JANUARY	17, 1975
290274	BRAGG CITY, CITY OF (PEMISCOT COU)	FEBRUARY	07, 1975
290616	BRASHEAR, CITY OF (ADAIR)	FEBRUARY	14, 1975
290759	BRAYMER, CITY (CALDWELL CO.)	APRIL	25, 1975
290760	BRECKENRIDGE, CITY OF (CALDWELL COU)	FEBRUARY	07, 1975
290739	BUFFALO, CITY (DALLA CO.)	MAY	02, 1975
290111	BUNCETON, CITY OF (COOPER CO.)	APRIL	25, 1975
290119A	BURKEN, TOWN OF (REYNOLDS CO.)	SEPTEMBER	06, 1974 AN
		APRIL	09, 1976
290620	CAINSVILLE, CITY (HARRISON CO.)	APRIL	25, 1975
290623	CALLAO, CITY OF (MACON)	FEBRUARY	14, 1975
290129A	CAMPBELL, CITY OF (DUNKLIN CO.)	MARCH	29, 1974 AN
		JUNE	11, 1976
290180A	CANTERVILLE, TOWN OF (CASS CO.)	DECEMBER	28, 1973 AN
		FEBRUARY	06, 1976
290625	CENTERTOWN, VILLAGE (COLE CO.)	MAY	02, 1975
290626	CENTERVIEW, CITY (JOHNSON CO.)	APRIL	25, 1975
290303A	CENTER, TOWN OF (CRALLS CO.)	JULY	24, 1973
290627	CHILHOWEE, CITY OF (JOHNSON CO.)	APRIL	25, 1975
290628	CHULA, CITY (LIVINGSTON CO.)	MAY	02, 1975
290630A	CLARKSDALE, CITY OF (DE KALB CO)	FEBRUARY	21, 1975
290629	CLARK, CITY OF (RUDOLPH CO)	FEBRUARY	21, 1975
290599	CLEARMONT, CITY (NODAWAY CO.)	JULY	18, 1975
290028A	CLIFF CAMP, CITY OF (IRON CO.)	JUNE	14, 1974
290402	CONCEPTION JUNTION, CITY (NODAWAY CO.)	APRIL	25, 1975

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MISSOURI

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
290196A	CONWAY, TOWN OF (LACLEDE CO.)	MAY	10, 1974 AN
		NOVEMBER	21, 1975
290609	COUNTRY CLUB VILLAGE, TOWN (ANDREW)	AUGUST	22, 1975
290605	CUNGILL, TOWN (CALDWELL CO.)	APRIL	18, 1975
290430A	CRANE, CITY OF (STONE CO.)	JUNE	07, 1974 AN
		OCTOBER	31, 1975
290610	CROSS TIMBERS, VILLAGE OF (HICKORY CO)	FEBRUARY	21, 1975
290464	DALTON, VILLAGE OF (CHARITON CO.)	DECEMBER	13, 1974
290146	DARLINGTON, VILLAGE OF (GENTRY CO.)	DECEMBER	13, 1974
290747	DEEPWATER, CITY (HENRY CO.)	SEPTEMBER	26, 1975
290655	DELTA, CITY OF (CAPE GIRARDEAU CO)	DECEMBER	06, 1974
290953	DENVER, VILLAGE OF (WORTH CO.)	NOVEMBER	22, 1974
290613	DES ARC, VILLAGE (IRON CO.)	APRIL	18, 1975
290465A	DEWITT, CITY OF (CARROLL CO.)	SEPTEMBER	06, 1974 AN
		APRIL	02, 1976
290182A	DUENWEG, CITY OF (JASPER CO.)	MAY	03, 1974 AN
		OCTOBER	24, 1975
290586	EAGLEVILLE, VILLAGE (HARRISON CO.)	APRIL	18, 1975
290466A	ELLSINORE, CITY OF (CARTER CO.)	OCTOBER	18, 1974 AN
		NOVEMBER	15, 1975
290219	ELMER, CITY OF (MACON CO.)	DECEMBER	06, 1974
290567	EMMA, CITY (LAFAYETTE CO.)	APRIL	18, 1975
290925A	ESSEX, TOWN OF (STODDARD CO.)	SEPTEMBER	06, 1974 AN
		DECEMBER	26, 1975
290730	ESTHER, CITY OF (ST. FRANCOIS CO)	FEBRUARY	21, 1975
290589	EVERTON, CITY (DADE CO.)	APRIL	18, 1975
290591	FAIR GROVE, CITY (GREENE CO.)	JUNE	27, 1975
290616	FARBER, CITY OF (AUDRAIN CO.)	NOVEMBER	01, 1974
290292	FARLEY, TOWN (PLATTE CO)	JANUARY	24, 1975
290731	FORSYTH, CITY OF (TANEY COU)	FEBRUARY	07, 1975
290066A	FREEMAN, CITY OF (CASS CO.)	NOVEMBER	08, 1974 AN
		JANUARY	16, 1976
290977	FREMONT, VILLAGE OF (CARTER CO)	FEBRUARY	21, 1975
290931A	GALENA, CITY OF (STONE CO.)	AUGUST	30, 1974 AN
		OCTOBER	31, 1975
290733	GALLATIN, CITY OF (DAVIESS)	FEBRUARY	14, 1975
290151A	GALT, CITY OF (GRUNDY CO.)	OCTOBER	18, 1974 AN
		APRIL	02, 1976
290735	GOLDEN CITY, CITY OF (BARTON CO)	FEBRUARY	21, 1975
290736	GOODMAN, CITY OF (MC DONALD CO)	FEBRUARY	21, 1975
290594	GRAHAM, CITY (NODAWAY CO.)	AUGUST	15, 1975
290460	GRANDIN, CITY OF (CARTER CO.)	NOVEMBER	08, 1974
290710	GREENFIELD, CITY (DADE CO.)	APRIL	25, 1975
290596	GREENTOP, CITY OF (SCHYLER CO)	FEBRUARY	21, 1975
290597A	HALE, CITY OF (CARROLL CO)	FEBRUARY	21, 1975
290712	HALLSVILLE, CITY OF (BOONE)	FEBRUARY	14, 1975
290308A	HENRIETTA, CITY OF (RAY CO.)	OCTOBER	18, 1974
290672	HERMITAGE, CITY (HICKORY CO)	APRIL	25, 1975
290575	HOUSTONIA, CITY (PETTIS CO)	SEPTEMBER	19, 1975
290715	HUMANSVILLE, CITY (POLK CO.)	JULY	11, 1975
290577	HUME, CITY OF (BATES CO)	FEBRUARY	21, 1975
290578	HUNNEWELL, CITY OF (SHELBY CO)	FEBRUARY	21, 1975
290580	IRON GATES, VILLAGE (JASPER CO)	FEBRUARY	14, 1975
290721	JAMESPORT, CITY OF (DAVIESS COU)	FEBRUARY	07, 1975
290722	JASPER, CITY OF (JASPER CO)	FEBRUARY	21, 1975
290724	KNOB NOSTER, CITY (JOHNSON CO.)	JUNE	27, 1975
290266A	KOSHKONONG, CITY OF (OREGON CO)	SEPTEMBER	06, 1974 AN
		DECEMBER	12, 1975
290696	LA BELLE, CITY OF (LEWIS)	FEBRUARY	14, 1975
290701	LA MONTE, CITY (PETTIS CO.)	MAY	02, 1975
290703	LA PLATA, CITY OF (MACON)	FEBRUARY	14, 1975
290152A	LAMAR, CITY OF (GRUNDY CO.)	OCTOBER	18, 1974
290540	LEADINGTON, VILLAGE (ST. FRANCOIS CO)	APRIL	18, 1975
290581	LEASBURG, VILLAGE OF (CRAWFORD CO)	JANUARY	31, 1975
290707	LEXINGTON, CITY (LAFAYETTE CO.)	JULY	25, 1975
290653A	LINN CREEK, CITY OF (CAMDEN CO.)	OCTOBER	25, 1974 AN
		NOVEMBER	28, 1975
290115	LOCK SPRINGS, TOWN (DAVIESS CO)	JULY	11, 1975
290082A	LURAY, VILLAGE OF (CLARK CO.)	OCTOBER	18, 1974 AN
		OCTOBER	31, 1975

• UNINCORPORATED AREAS ONLY

MISSOURI

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
290031A	LUTESVILLE, CITY OF (DOLLINGER CO.)	MAY	10, 1974 AN
		DECEMBER	19, 1975
290200A	MARIONVILLE, CITY OF (LAWRENCE CO.)	MAY	17, 1974 AN
		OCTOBER	17, 1975
290565	MARQUAND, CITY (MADISON CO)	APRIL	18, 1975
290444A	MARTHASVILLE, VILLAGE OF (WARREN CO.)	SEPTEMBER	13, 1974
290349A	MARY RIDGE, VILLAGE OF (ST. LOUIS CO.)	APRIL	05, 1974 AN
		DECEMBER	26, 1975
290686	MAYSVILLE, CITY (DE KALB CO.)	JULY	25, 1975
290566	MEADVILLE, CITY (LINN CO)	APRIL	25, 1975
290567A	MERCER, CITY (MERCER CO)	APRIL	04, 1975
290271A	METZ, TOWN OF (OSAGE CO.)	SEPTEMBER	13, 1974 AN
		NOVEMBER	28, 1975
290499	MILL SPRING, VILLAGE OF (WAYNE CO.)	DECEMBER	13, 1974
290570	MINDENMINES, CITY (BARTON CO)	APRIL	18, 1975
290571	MINERAL POINT, VILLAGE (WASHINGTON CO)	AUGUST	08, 1975
290207	MONTICELLO, VILLAGE OF (CLERIS CO.)	DECEMBER	27, 1974
290690	MONTROSE, CITY (HENRY CO.)	APRIL	18, 1975
290405A	NELSON, CITY OF (CALLAWAY CO.)	OCTOBER	18, 1974 AN
		DECEMBER	26, 1975
290548	NEW BLOOMFIELD, CITY (CALLAWAY CO)	MAY	02, 1975
290549	NEW CAMBRIA, CITY (MACON CO)	JULY	25, 1975
290550	NEW HAMPTON, CITY (HARRISON CO)	AUGUST	08, 1975
290078A	NIAL, CITY OF (CHRISTIAN CO)	JUNE	28, 1974 AN
		JANUARY	16, 1976
290218A	NOEL, TOWN OF (MCDONALD CO.)	MAY	24, 1974 AND
		NOVEMBER	14, 1975
290059A	NORBORNE, CITY OF (CARROLL CO.)	APRIL	05, 1974
290293A	NORTHROOM, TOWN OF (PLATTE CO.)	JULY	19, 1974 AND
		NOVEMBER	14, 1975
290694	OAK GROVE, CITY (JACKSON CO.)	JULY	11, 1975
290670	OREGON, CITY (HOLT CO.)	JULY	18, 1975
290355	OSBORN, CITY (CLINTON CO)	JULY	18, 1975
290556	OTTERVILLE, CITY (COOPER CO)	APRIL	25, 1975
290229A	PALMYRA, CITY OF (MARION CO.)	MARCH	29, 1974 AND
		JULY	18, 1975
290533	PARNELL, CITY (NODAWAY CO)	MAY	02, 1975
290676	PERRY, CITY OF (MALLS COU)	FEBRUARY	14, 1975
290535	PINEVILLE, CITY (MCDONALD CO)	APRIL	18, 1975
290428A	PUXICO, TOWN OF (STODDARD CO.)	MARCH	08, 1974 AND
		JULY	02, 1976
290541	RAVENWOOD, CITY (NODAWAY CO)	JUNE	27, 1975
290542	RAYMONDVILLE, VILLAGE OF (TEXAS)	FEBRUARY	14, 1975
290455	RICH HILL, CITY OF (BATES)	FEBRUARY	14, 1975
290485	RITCHEY, TOWN OF (NEWTON CO)	JANUARY	10, 1975
290381A	RIVERVIEW, CITY OF (ST. LOUIS CO)	JUNE	28, 1974 AND
		NOVEMBER	14, 1975
290438	ROCKAWAY BEACH, TOWN (TANEY CO)	JANUARY	10, 1975
290510	ROCKVILLE, CITY OF (BATES CO)	FEBRUARY	21, 1975
290304	ROSENDALE, CITY OF (ANDREW)	FEBRUARY	14, 1975
290463	SALISBURY, CITY OF (CHARITON COU)	FEBRUARY	07, 1975
290519	SCHELL CITY, CITY (VERNON CO)	APRIL	18, 1975
290521	SELIGMAN, CITY (BARRY CO.)	APRIL	25, 1975
290665	SHELDINA, CITY (SHELBY CO.)	APRIL	25, 1975
290666	SHELBYVILLE, CITY (SHELBY CO.)	APRIL	18, 1975
290522	SHELDON, CITY OF (VERNON CO)	JANUARY	31, 1975
290987A	SHOAL CREEK DRIVE, TOWN OF (NEWTON CO.)	AUGUST	16, 1974
290177A	SIBLEY, VILLAGE OF (JACKSON CO.)	AUGUST	30, 1974 AN
		JANUARY	16, 1976
290212A	SILEX, VILLAGE OF (LINCOLN CO.)	NOVEMBER	22, 1974 AN
		DECEMBER	05, 1975
290525	SKIDMORE, CITY (NODAWAY CO)	JULY	18, 1975
290530	SPICKARD, CITY OF (GRUNDY COU)	FEBRUARY	07, 1975
290988	STELLA, CITY OF (NEWTON CO)	FEBRUARY	21, 1975
290071A	STRASBURG, CITY OF (CASS CO.)	AUGUST	16, 1974 AN
		NOVEMBER	14, 1975
290135A	ST. CLAIR, TOWN OF (FRANKLIN CO.)	APRIL	12, 1974 AN
		DECEMBER	05, 1975
290662	ST. ROBERT, CITY OF (PULASKI COU)	FEBRUARY	07, 1975
290507	SUMMERSVILLE, CITY OF (SHANNON & TEXAS CO)	JANUARY	31, 1975

• UNINCORPORATED AREAS ONLY

MISSOURI

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
290076	SUMNER, TOWN	CHAMILTON CO)	JANUARY 10, 1975
290040	TIPTON, CITY CMONITEAU CO)		JANUARY 17, 1975
290228A	TUSCUMBIA, VILLAGE OF CMILLER CO)		OCTOBER 25, 1974 AN
			NOVEMBER 21, 1975
290514	URBANA, VILLAGE COALLAS CO)		JUNE 27, 1975
290446	VIBURNUM, CITY OF CIRON CO)		FEBRUARY 21, 1975
290631	WALKER, CITY CVERNON CO)		APRIL 18, 1975
290633	WARSVILLE, CITY CCOLE CO)		JULY 11, 1975
290648	WARRENTON, CITY OF (WARREN COU)		FEBRUARY 07, 1975
290024	WASHBURN, TOWN CBARRY CO)		JANUARY 10, 1975
290644	WAVERLY, CITY OF CLAFAYETTE CO)		JULY 11, 1975
290651	WELLINGTON, CITY CLAFAYETTE CO)		SEPTEMBER 19, 1975
290483	WENTWORTH, TOWN CNEWTON CO)		JANUARY 10, 1975
290635	WILSBORO, VILLAGE CATCHISON CO)		JULY 11, 1975
290452A	WILLIAMSVILLE, CITY OF CWAYNE CO)		OCTOBER 18, 1974 AN
			MARCH 05, 1976
290654A	WRIGHT CITY, CITY OF (WARREN COU)		FEBRUARY 07, 1975 AN
			NOVEMBER 19, 1975
290085A	WYACONDA, CITY OF CCLARK CO)		OCTOBER 18, 1974 AN
			NOVEMBER 19, 1975
290033A	ZALMA, VILLAGE OF CBOLLINGER CO)		OCTOBER 25, 1974 AN
			NOVEMBER 07, 1975

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• UNINCORPORATED AREAS ONLY

MONTANA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
300089A	ALBERTON, TOWN CMINERAL CO)		JUNE 27, 1975
300068	BAINVILLE, TOWN CROOSEVELT CO)		JANUARY 03, 1975
300012A	BIG SANDY, TOWN OF CCHOUTEAU CO)		MARCH 29, 1974
300090	BROCKTON, TOWN CROOSEVELT CO)		JUNE 27, 1975
300107A	CASCADE, CITY OF (CASCADE)		FEBRUARY 14, 1975
300108	CIRCLE, TOWN CMCCONE CO)		AUGUST 29, 1975
300091	CLYDE PARK, TOWN CPARK CO)		JANUARY 03, 1975
300020	CENTON, TOWN OF CFERGUS CO)		DECEMBER 27, 1974
300053	CLONSON, TOWN OF CPHILLIPS CO)		DECEMBER 27, 1974
300092	DUTTON, TOWN CTETON CO)		APRIL 25, 1975
300049A	FAIRVIEW, TOWN OF CRICHLAND CO)		AUGUST 16, 1974 AN
			MAY 14, 1976
300070A	FORSYTH, CITY OF CROSEBUD CO)		MARCH 08, 1974 AN
			JANUARY 16, 1976
300013A	FORT BENTON, CITY OF CCHOUTEAU CO)		MAY 10, 1974 AN
			NOVEMBER 28, 1975
300093	FROID, TOWN CROOSEVELT CO)		APRIL 18, 1975
300041	GLASGOW, CITY OF CVALLEY CO)		JANUARY 09, 1974
300021	GRASS RANGE, TOWN OF CFERGUS CO)		DECEMBER 27, 1974
300095	HINGHAM, TOWN CHILL CO)		JULY 11, 1975
300006	JOLIET, TOWN OF CCARBON CO)		DECEMBER 27, 1974
300116	JORDAN, TOWN CGARFIELD CO)		JUNE 27, 1975
300096	KEVIN, TOWN CTOOLE CO)		JUNE 27, 1975
300031	LAVINA, TOWN CGOLDEN VALLEY CO)		JANUARY 24, 1975
300100	MOORE, TOWN CFERGUS CO)		AUGUST 08, 1975
300074A	PLAINS, TOWN OF CSANDERS CO)		MARCH 22, 1974 AN
			DECEMBER 19, 1975
300119	POLSON, CITY CLAKE CO)		SEPTEMBER 24, 1975
300122	ROMAN, CITY CLAKE CO)		APRIL 25, 1975
300649	ROSEBUD COUNTY •		AUGUST 02, 1974
300124A	SCOBEY, CITY CDANIELS CO)		JULY 18, 1975
300126	SHERIDAN, TOWN CMADISON CO)		SEPTEMBER 19, 1975
300037A	STANFORD, TOWN OF CJUDITH BASIN CO)		JUNE 28, 1974
300123	ST. IGNATIUS, TOWN OF (LAKE)		FEBRUARY 19, 1975
300127	SUNBURST, TOWN CTOOLE CO)		JANUARY 10, 1975
300128	SUPERIOR, TOWN CMINERAL CO)		MAY 02, 1975
300130	THOMPSON FALLS, TOWN OF (SANDERS COU)		FEBRUARY 07, 1975
300131	TOWNSEND, TOWN CBROADWATER CO)		MAY 02, 1975
300134	WALKERVILLE, CITY CSILVER BOW CO)		JULY 18, 1975

• UNINCORPORATED AREAS ONLY

MONTANA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
300100	WESTBY, TOWN CSHERIDAN CO)		AUGUST 15, 1975
300047A	WHITE SULPHUR SPRINGS, CITY OF CMEAGHER CO)		MAY 24, 1974 AN
			JANUARY 16, 1976
300052	WINNETT, TOWN OF CPETROLEUM CO)		DECEMBER 27, 1974

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• UNINCORPORATED AREAS ONLY

NEBRASKA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
310243	ALEXANDRIA, VILLAGE CTHAYER CO)		SEPTEMBER 12, 1975
310341	ARAPAHOE, CITY CFURNAS CO)		JULY 25, 1975
310342	ARNOLD, VILLAGE CCUSTER CO)		AUGUST 15, 1975
310004	ARTHUR, VILLAGE CARTHUR CO)		JANUARY 10, 1975
310246	ASHTON, VILLAGE CSHERMAN CO)		JULY 11, 1975
310247	AVOCA, VILLAGE CCASS CO)		JULY 11, 1975
310247A	BARNESTON, TOWN OF CGAGE CO)		SEPTEMBER 06, 1974 AN
			NOVEMBER 21, 1975
310248	BARTLEY, VILLAGE CRED WILLOW CO)		JULY 25, 1975
310347	BAYARD, CITY OF (MORRILL CO)		AUGUST 08, 1975
310348	BEAVER CITY, CITY CFURNAS CO)		JULY 11, 1975
310249	BELGRADE, VILLAGE CNANCE CO)		MAY 02, 1975
310224	BELLWOOD, VILLAGE OF CBUTLER CO)		NOVEMBER 22, 1974
310250	BENEDICT, VILLAGE CYORK CO)		APRIL 18, 1975
310349	BENKELMAN, CITY COUNDY CO)		AUGUST 08, 1975
310066	BIG SPRINGS, VILLAGE OF CDEUEL CO)		DECEMBER 20, 1974
310252	BLADEN, VILLAGE CWEBSTER CO)		JULY 11, 1975
310253	BRUNING, VILLAGE OF (THAYER CO)		JANUARY 31, 1975
310149	BURCHARD, VILLAGE OF (PAWNEE CO)		NOVEMBER 08, 1974
310161	BURR, VILLAGE OF COTOE CO)		DECEMBER 06, 1974
310355	CALLAWAY, VILLAGE CCUSTER CO)		SEPTEMBER 19, 1975
310256	CAMPBELL, VILLAGE CFRANKLIN CO)		AUGUST 22, 1975
310257	CARROLL, VILLAGE OF (WAYNE CO)		JANUARY 31, 1975
310258	CEDAR RAPIDS, VILLAGE CBOONE CO)		JANUARY 10, 1975
310359	CLARKSON, CITY CCOLFAX CO)		JANUARY 17, 1975
310C40A	CLAY CENTER, CITY OF CCLAY CO)		MARCH 22, 1974
310123A	COOK, VILLAGE OF CJOHNSON CO)		OCTOBER 18, 1974 AN
			NOVEMBER 28, 1975
310264	CORTLAND, VILLAGE CGAGE CO)		JULY 11, 1975
310267	DAVENPORT, VILLAGE CTHAYER CO)		JULY 11, 1975
310268	DAWSON, VILLAGE CRICHARDSON CO)		JULY 11, 1975
310041	DEWEESE, VILLAGE OF CCLAY CO)		NOVEMBER 08, 1974
310269	DILLER, VILLAGE CJEFFERSON CO)		AUGUST 29, 1975
310270	DIX, VILLAGE CKIMBALL CO)		SEPTEMBER 26, 1975
310343	DODGE, VILLAGE CDODGE CO)		AUGUST 15, 1975
310007	DUNNING, VILLAGE OF CBLAINE CO)		DECEMBER 20, 1974
310273	DWIGHT, VILLAGE CBUTLER CO)		JULY 18, 1975
310C60	EDDYVILLE, VILLAGE OF CDAWSON CO)		NOVEMBER 29, 1974
310125A	ELK CREEK, VILLAGE OF CJOHNSON CO)		NOVEMBER 01, 1974 AN
			NOVEMBER 21, 1975
310369	ELMWOOD, VILLAGE CCASS CO)		AUGUST 29, 1975
310365	ELSMERE, VILLAGE CGOSPER CO)		SEPTEMBER 05, 1975
310276	EUSTIS, VILLAGE CFRONTIER CO)		SEPTEMBER 19, 1975
310114A	EWING, VILLAGE OF CHOLT CO)		MAY 03, 1974 AN
			MAY 14, 1976
310277	FAIRFIELD, CITY CCLAY CO)		AUGUST 22, 1975
310367	FAIRMONT, CITY CFILLMORE CO)		SEPTEMBER 12, 1975
310061A	FARNAM, VILLAGE OF CDAWSON CO)		NOVEMBER 03, 1974 AN
			DECEMBER 05, 1975
310368	FORT CALHOUN, CITY CWASHINGTON CO)		JULY 25, 1975
310278	GILTNER, VILLAGE CHAMILTON CO)		APRIL 25, 1975
310279	GLENVIL, VILLAGE CCLAY CO)		JULY 18, 1975
310373	GREELEY, VILLAGE CGREELEY CO)		JULY 11, 1975
310374	GREENWOOD, VILLAGE CCASS CO)		SEPTEMBER 26, 1975
310280	GURLEY, VILLAGE CCHEYENNE CO)		JULY 18, 1975

• UNINCORPORATED AREAS ONLY

NEBRASKA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
310281	HAIGLER, VILLAGE COUNDY CO)		AUGUST 15, 1975
310376	HARTINGTON, CITY CCEDAR CO)		SEPTEMBER 26, 1975
310213A	HAY SPRINGS, CITY OF CSHERIDAN CO)		MARCH 22, 1974 AN
			NOVEMBER 07, 1975
310377A	HEMINGFORD, VILLAGE CBOX BUTTE CO)		AUGUST 08, 1975
310282	HOLBROOK, VILLAGE CFURNAS CO)		JULY 11, 1975
310288	HOLSTEIN, VILLAGE CADAMS CO)		JULY 18, 1975
310380	HOWELLS, VILLAGE CCOLFAX CO)		JANUARY 17, 1975
310381A	HUMPHREY, VILLAGE CPLATTE CO)		JULY 11, 1975 AN
			OCTOBER 03, 1975
310292	JACKSON, VILLAGE OF CDAKOTA CO)		DECEMBER 20, 1974
310293	JUNIATA, VILLAGE CADAMS CO)		JANUARY 17, 1975
310097	LEFELLEN, VILLAGE CGARDEN CO)		JANUARY 10, 1975
310177A	LINDSAY, VILLAGE OF CPLATTE CO)		NOVEMBER 08, 1974 AN
			DECEMBER 05, 1975
310296	LONG PINE, CITY CBROWN CO)		AUGUST 08, 1975
310367	LYMAN, VILLAGE CSCOTTS BLUFF CO)		APRIL 25, 1975
310085	MAYWOOD, VILLAGE OF CFRONTIER CO)		DECEMBER 20, 1974
310302	MERNA, VILLAGE CCUSTER CO)		MAY 02, 1975
310304	MURPOE, VILLAGE OF CPLATTE CO)		AUGUST 29, 1975
310391	MORRILL, VILLAGE CSCOTTS BLUFF CO)		AUGUST 15, 1975
310156A	NEMAHA, VILLAGE OF CNEMAHA CO)		AUGUST 30, 1974 AN
			MAY 14, 1976
310C70A	NICKERSON, TOWN OF CDODGE CO)		JANUARY 23, 1974
310159	OAK, VILLAGE OF CNUCKOLLS CO)		NOVEMBER 15, 1974
310081	ONEIDA, VILLAGE OF CFILLMORE CO)		NOVEMBER 08, 1974
310044	ONG, VILLAGE OF CCLAY CO)		NOVEMBER 08, 1974
310396	OXFORD, VILLAGE CFURNAS-HARLAN CO)		MAY 02, 1975
310367	PALMER, VILLAGE CHAMRICK CO)		JUNE 27, 1975
310165A	PALMYRA, VILLAGE OF COTOE CO)		SEPTEMBER 06, 1974 AN
			DECEMBER 24, 1975
310308	PETERSBURG, VILLAGE CBOONE CO)		JULY 25, 1975
310216	PILGER, VILLAGE OF CSTANTON CO)		DECEMBER 06, 1974
310309	PLEASANT DALE, VILLAGE CSEWARD CO)		JULY 11, 1975
310310	POLK, VILLAGE CPOLK CO)		JUNE 27, 1975
310067A	PONCA, CITY OF CDIXON CO)		APRIL 12, 1974 AN
			JANUARY 23, 1976
310311	POTTER, VILLAGE CCHEYENNE CO)		SEPTEMBER 05, 1975
310202A	PRAGUE, VILLAGE OF CSAUNDERS CO)		NOVEMBER 15, 1974 AN
			DECEMBER 26, 1975
310397	RANDOLPH, CITY CCEDAR CO)		APRIL 25, 1975
310138A	RAYMOND, VILLAGE OF CLANCASTER CO)		OCTOBER 18, 1974 AN
			DECEMBER 12, 1975
310312	RISING CITY, VILLAGE CBUTLER CO)		JULY 11, 1975
310139	ROCA, VILLAGE OF CLANCASTER CO)		NOVEMBER 29, 1974
310313	ROSELIE, VILLAGE CTHURSTON CO)		APRIL 25, 1975
310314	ROSELAND, VILLAGE CADAMS CO)		JULY 18, 1975
310214A	RUSHVILLE, CITY OF CSHERIDAN CO)		MAY 03, 1974 AN
			APRIL 02, 1976
310315	RUSKIN, VILLAGE OF (NUCKOLLS CO)		JANUARY 31, 1975
310165A	SALEM, VILLAGE OF CRICHARDSON CO)		NOVEMBER 08, 1974
310316	SCOTIA, VILLAGE CGREELEY CO)		MAY 02, 1975
310317	SHICKLEY, VILLAGE OF (FILLMORE CO)		MAY 02, 1975
310318	SHUBERT, VILLAGE CRICHARDSON CO)		JULY 18, 1975
310319	SNYDER, VILLAGE CDODGE CO)		JUNE 27, 1975 AN
			MARCH 19, 1976
310396	SPALDING, VILLAGE CGREELEY CO)		JANUARY 10, 1975
310320	SPRINGVIEW, VILLAGE CKEYA PAHA CO)		JULY 11, 1975
310322	STAPLEHURST, VILLAGE CSEWARD CO)		JANUARY 10, 1975
310323	STAPLETON, VILLAGE OF (LOGAN CO)		FEBRUARY 21, 1975
310171	STEINAUER, VILLAGE OF CPAWNEE CO)		NOVEMBER 22, 1974
310324	STELLA, VILLAGE CRICHARDSON CO)		JULY 11, 1975
310106	STUCKMAN, VILLAGE OF CHAMILTON CO)		DECEMBER 06, 1974
310172	TABLE ROCK, VILLAGE OF CPAWNEE CO)		NOVEMBER 01, 1974
310325	TAYLOR, VILLAGE CLOUP CO)		JULY 11, 1975
310326	THEDFORD, VILLAGE CTHOMAS CO)		JULY 11, 1975
310328	UPLAND, VILLAGE CFRANKLIN CO)		JULY 11, 1975
310903	VALENTINE, CITY CCHERRY CO)		JULY 11, 1975
310329	VENANGO, VILLAGE CPERKINS CO)		JULY 11, 1975
310330	VERDON, VILLAGE CRICHARDSON CO)		SEPTEMBER 26, 1975

• UNINCORPORATED AREAS ONLY

NEBRASKA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
310331	WACO, VILLAGE CYORK CO)		MAY 02, 1975
310909	WAKEFIELD, CITY COIXON-WAYNE COS)		AUGUST 29, 1975
310332	WALLACE, VILLAGE CLINCOLN CO)		JULY 25, 1975
310905	WAUSA, VILLAGE CKNOX CO)		AUGUST 08, 1975
310205A	WESTON, VILLAGE OF CSAUNDERS CO)		OCTOBER 18, 1974 AN
			FEBRUARY 20, 1976
310336	WINSIDE, VILLAGE CWAYNE CO)		JULY 18, 1975
310049	WISNER, TOWN OF CCUMING CO)		DECEMBER 07, 1973
310337	WYNOT, VILLAGE CCEDAR CO)		APRIL 25, 1975

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• UNINCORPORATED AREAS ONLY

NEW HAMPSHIRE

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
330152	ACWORTH, TOWN OF CSULLIVAN CO)		SEPTEMBER 13, 1974
330174	ALBANY, TOWN CCARROLL CO)		JANUARY 17, 1975
330041	ALEXANDRIA, TOWN OF (GRAFTON CO)		FEBRUARY 21, 1975
330175	ATKINSON, TOWN CROCKINGHAM CO)		JANUARY 03, 1975
330176	AUBURN, TOWN OF (ROCKINGHAM CO)		FEBRUARY 28, 1975
330177	BARNSTEAD, TOWN CBELKNAP CO)		JANUARY 03, 1975
330044	BENTON, TOWN OF CGRAFTON CO)		DECEMBER 27, 1974
330105	BOSCAWEN, TOWN OF CMERRIMACK CO)		MARCH 15, 1974
330180	BROOKLINE, TOWN OF CHILLSBOROUGH CO)		APRIL 04, 1975
330124	CANDIA, TOWN OF (ROCKINGHAM CO)		FEBRUARY 21, 1975
330030	CARROLL, TOWN CCOOS CO)		JANUARY 24, 1975
330181	CHATHAM, TOWN CCARROLL CO)		JANUARY 03, 1975
330182	CHESTER, TOWN OF (ROCKINGHAM CO)		FEBRUARY 21, 1975
330109	CHICHESTER, TOWN OF CMERRIMACK CO)		APRIL 05, 1974
330184	CLARKSVILLE, TOWN CCOOS CO)		JANUARY 03, 1975
330185	COLUMBIA, TOWN CCOOS CO)		JANUARY 03, 1975
330156	CROYDON, TOWN OF CSULLIVAN CO)		NOVEMBER 29, 1974
330199	DANVILLE, TOWN CROCKINGHAM CO)		JANUARY 17, 1975
330060	DORCHESTER, TOWN CGRAFTON CO)		MARCH 14, 1975
330201	DUMMER, TOWN CCOOS CO)		JANUARY 17, 1975
330202	DUNBARTON, TOWN CMERRIMACK CO)		JANUARY 17, 1975
330204	EATON, TOWN CCARROLL CO)		JANUARY 17, 1975
330012	EFFINGHAM, TOWN CCARROL CO)		JANUARY 17, 1975
330112	EPSOM, TOWN OF CMERRIMACK CO)		MARCH 15, 1974
330204	ERROL, TOWN CCOOS CO)		JANUARY 17, 1975
330013	FREEDOM, TOWN OF CCARROLL CO)		AUGUST 30, 1974
330131	FREMONT, TOWN OF CROCKINGHAM CO)		AUGUST 09, 1974
330004	GILFORD, TOWN OF (BELKNAP CO)		FEBRUARY 21, 1975
330208	GILMANTON, TOWN (BELKNAP CO)		JANUARY 17, 1975
330054	GRAFTON, TOWN CGRAFTON CO)		JANUARY 17, 1975
330209	GREENFIELD, TOWN CHILLSBOROUGH CO)		APRIL 04, 1975
330212	HARRISVILLE, TOWN CCHESHIRE CO)		JANUARY 24, 1975
330114	HENNIKER, TOWN OF CMERRIMACK CO)		MARCH 15, 1974
330214	HILL, TOWN OF (MERRIMACK COU)		FEBRUARY 07, 1975
330092	HUDSON, TOWN OF CHILLSBOROUGH CO)		MARCH 08, 1974
330215	JAFFREY, TOWN CCHESHIRE CO)		JANUARY 24, 1975
330033	JEFFERSON, TOWN OF (COOS CO)		FEBRUARY 21, 1975
330216	KENSINGTON, TOWN OF (ROCKINGHAM CO)		JANUARY 31, 1975
330217	KINGSTON, TOWN CROCKINGHAM CO)		JANUARY 17, 1975
330040	LANDAFF, TOWN OF CGRAFTON CO)		DECEMBER 06, 1974
330159	LANGDON, TOWN (SULLIVAN CO)		JANUARY 03, 1975
330140	LEMPSTER, TOWN OF (SULLIVAN CO)		JANUARY 31, 1975
330062	LINCOLN, TOWN OF (GRAFTON CO)		FEBRUARY 21, 1975
330117	LOUDON, TOWN OF CMERRIMACK CO)		AUGUST 02, 1974
330218	LYNDEBOROUGH, TOWN OF (HILLSBOROUGH CO)		FEBRUARY 21, 1975
330219	MADBURY, TOWN CSTRAFFORD CO)		JANUARY 17, 1975
330220	MADISON, TOWN CCARROLL CO)		JANUARY 17, 1975
330221	MASON, TOWN OF (HILLSBOROUGH CO)		FEBRUARY 21, 1975
330222	MIDDLETON, TOWN OF (STRAFFORD CO)		JANUARY 31, 1975
330035	MILAN, TOWN OF CCOOS CO)		JUNE 28, 1974
330149	MILTON, TOWN OF (STRAFFORD COU)		FEBRUARY 07, 1975
330068	MONROE, TOWN OF CGRAFTON CO)		NOVEMBER 29, 1974
330224	MOUNT VERNON, TOWN CHILLSBOROUGH CO)		JANUARY 17, 1975

• UNINCORPORATED AREAS ONLY

NEW HAMPSHIRE

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
330227	NEW DUNBARN, TOWN OF (SULLIVAN COU)	FEBRUARY	07, 1975	
330224	NEWBURY, TOWN OF (MERRIMACK CO.)	JANUARY	31, 1975	
330229	NEWINGTON, TOWN OF (ROCKINGHAM CO)	FEBRUARY	21, 1975	
330137	NOTTINGHAM, TOWN OF (ROCKINGHAM CO)	JUNE	28, 1974	
330069	ORANGE, TOWN (GRAFTON CO)	JANUARY	10, 1975	
330188	PITTSBURG, TOWN OF (COOS CO.)	JANUARY	31, 1975	
330147	RANDOLPH, TOWN (COOS CO)	JANUARY	03, 1975	
330188	RICHMOND, TOWN (CHESHIRE CO)	JANUARY	03, 1975	
330189	RINDGE, TOWN (CHESHIRE CO)	APRIL	04, 1975	
330190	ROLLINSFORD, TOWN (STRAFFORD CO)	JANUARY	03, 1975	
330172	ROXBURY, TOWN OF (CHESHIRE)	FEBRUARY	14, 1975	
330071	RUMNEY, TOWN OF (GRAFTON CO.)	MARCH	15, 1974	
330191	SANDOWN, TOWN (ROCKINGHAM CO)	JANUARY	03, 1975	
330143	SEABROOK, TOWN OF (ROCKINGHAM CO.)	AUGUST	02, 1974	
330193	SOUTH HAMPTON, TOWN OF (ROCKINGHAM CO)	FEBRUARY	28, 1975	
330162	SPRINGFIELD, TOWN (SULLIVAN CO)	JANUARY	17, 1975	
330194	STEWARTSTOWN, TOWN (COOS CO)	JANUARY	10, 1975	
330195	STODDARD, TOWN (CHESHIRE CO)	JANUARY	17, 1975	
330197	STRATHAM, TOWN OF (ROCKINGHAM CO)	FEBRUARY	28, 1975	
330170	SURRY, TOWN (CHESHIRE CO)	JANUARY	03, 1975	
330173A	TROY, TOWN (CHESHIRE CO)	JANUARY	03, 1975	AM
		JULY	23, 1976	
330165	UNITY, TOWN OF (SULLIVAN CO.)	MAY	31, 1974	
330019A	WAKEFIELD, TOWN OF (CARROLL CO.)	JULY	26, 1974	AM
		JUNE	25, 1976	
330168	WARREN, TOWN OF (GRAFTON CO.)	SEPTEMBER	13, 1974	
330166	WASHINGTON, TOWN OF (SULLIVAN CO.)	DECEMBER	27, 1974	
330235	WEARE, TOWN OF (HILLSBOROUGH)	FEBRUARY	14, 1975	
330238	WESTMORELAND, TOWN (CHESHIRE CO)	JANUARY	17, 1975	
330040	WHITEFIELD, TOWN OF (COOS CO.)	JULY	26, 1974	
330124	WILMOT, TOWN OF (MERRIMACK CO.)	AUGUST	16, 1974	
330239	WOLFEBORO, TOWN (CARROLL CO)	JANUARY	17, 1975	

TOTAL IN THE STATE 83

• UNINCORPORATED AREAS ONLY

NEW JERSEY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
340122A	AUDUBON PARK, BOROUGH OF (CAMDEN CO.)	JUNE	21, 1974	
340529A	GWEEN, TOWNSHIP OF (SUSSEX CO.)	NOVEMBER	01, 1974	AM
		MAY	14, 1976	
340345A	KINNELON, BOROUGH OF (MORRIS CO.)	JULY	13, 1973	
340559	MONTAGUE, TOWNSHIP OF (SUSSEX CO)	MARCH	28, 1975	
340212A	SOUTH HARRISON, TOWNSHIP OF (GLOUCESTER CO)	JUNE	28, 1974	AM
		JULY	02, 1976	
340118A	SPRINGFIELD, TWP (BURLINGTON CO)	JULY	26, 1974	AM
		MAY	28, 1976	
340533	TABERNACLE, TOWNSHIP OF (BURLINGTON COU)	FEBRUARY	07, 1975	
340544	TAVISTOCK, BOROUGH OF (CAMDEN CO.)	NOVEMBER	29, 1974	
340537	TETERBORO, BOROUGH OF (BERGEN CO)	NOVEMBER	01, 1974	
340479B	WINFIELD, TOWNSHIP OF (UNION CO.)	MARCH	08, 1974	AM
		OCTOBER	17, 1975	

TOTAL IN THE STATE 10

• UNINCORPORATED AREAS ONLY

NEW MEXICO

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
350110	CARRIZOZO, TOWN (LINCOLN CO)	AUGUST	22, 1975	
350050A	CHAMA, VILLAGE OF (RIO ARRIBA CO.)	AUGUST	16, 1974	AM
		DECEMBER	12, 1975	
350111	CLOUDCROFT, VILLAGE (OTERO CO)	JUNE	27, 1975	
350037	COLUMBUS, VILLAGE OF (LUNA CO.)	DECEMBER	13, 1974	
350100	LES MOINES, VILLAGE (UNION CO)	JULY	11, 1975	
350112	DEXTER, TOWN (CHAVES CO)	MAY	02, 1975	
350114	LOVING, VILLAGE (EDDY CO)	AUGUST	08, 1975	
350076A	MAGDALENA, VILLAGE OF (SOCORRO CO.)	AUGUST	02, 1974	AM
		FEBRUARY	20, 1976	
350106	MAXWELL, VILLAGE (COLFAX CO)	SEPTEMBER	19, 1975	
350115A	MELROSE, VILLAGE (CURRY CO)	JULY	25, 1975	AM
		NOVEMBER	28, 1975	
350097	PECOS, VILLAGE OF (SAN MIGUEL CO.)	JUNE	27, 1975	
350116	QUESTA, VILLAGE (TAOS CO)	JANUARY	17, 1975	
350L32A	TATUM, TOWN OF (LEA CO.)	JUNE	21, 1974	AM
		JANUARY	16, 1976	
350117	TEXICO, TOWN (CURRY CO)	AUGUST	29, 1975	
350109	WILLARD, VILLAGE (TORRANCE CO)	SEPTEMBER	05, 1975	

TOTAL IN THE STATE 15

• UNINCORPORATED AREAS ONLY

NEW YORK

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
360324A	ADAMS, TOWN OF (JEFFERSON CO.)	MAY	31, 1974	AM
		MAY	07, 1976	
361252A	ALBION, TOWN OF (ORLEANS CO.)	OCTOBER	25, 1974	AM
		DECEMBER	12, 1975	
361361	ALLEN, TOWN OF (ALLEGHANY CO.)	JANUARY	31, 1975	
360980A	ALMA, TOWN OF (ALLEGANY CO.)	DECEMBER	13, 1974	AM
		MAY	28, 1976	
361260	AMBOY, TOWN OF (OSWEGO CO.)	NOVEMBER	15, 1974	
361385	AUSTERLITZ, TOWN OF (COLUMBIA CO.)	DECEMBER	27, 1974	
360518	AVA, TOWN OF (ONEIDA CO.)	JUNE	28, 1974	
361054A	BALDWIN, TOWN OF (CHEMUNG CO.)	MAY	31, 1974	
360166A	BEEKMANTOWN, TOWN OF (CLINTON CO.)	AUGUST	30, 1974	AM
		FEBRUARY	27, 1976	
361096A	BELFAST, TOWN OF (ALLEGANY CO.)	OCTOBER	18, 1974	AM
		JULY	16, 1976	
361392	BELLMONT, TOWN (FRANKLIN CO)	JANUARY	17, 1975	
361342	BIRDSALL, TOWN (ALLEGANY CO)	JANUARY	03, 1975	
361127A	BLEECKER, TOWN OF (FULTON CO.)	NOVEMBER	22, 1974	AM
		NOVEMBER	14, 1975	
361490A	BLOOMINGDALE, VILLAGE OF (ESSEX CO.)	NOVEMBER	15, 1974	AM
		JUNE	11, 1976	
361415	BOYLSTON, TOWN (OSWEGO CO)	JANUARY	03, 1975	
361207A	BRADFORD, TOWN OF (STEUBEN CO.)	DECEMBER	13, 1974	AM
		FEBRUARY	27, 1976	
360521A	BRIDGEWATER, TOWN OF (ONEIDA CO.)	SEPTEMBER	06, 1974	AM
		JULY	16, 1976	
360522A	BRIDGEWATER, VILLAGE OF (ONEIDA CO.)	MAY	31, 1974	AM
		JUNE	11, 1976	
361128	BROADALBIN, TOWN OF (FULTON CO.)	SEPTEMBER	20, 1974	
361480	BRUSHTON, VILLAGE OF (FRANKLIN CO.)	NOVEMBER	15, 1974	
361414	BURLINGTON, TOWN OF (OTSEGO CO.)	NOVEMBER	22, 1974	
361098	BURNS, TOWN OF (ALLEGANY CO.)	NOVEMBER	08, 1974	
361445	BUTLER, TOWN OF (WAYNE CO.)	NOVEMBER	29, 1974	
361247A	BUTTERNUTS, TOWN OF (OTSEGO CO.)	DECEMBER	13, 1974	AM
		JUNE	25, 1976	
361208	CAMERON, TOWN (STEUBEN CO)	JANUARY	10, 1975	
361129A	CARUGA, TOWN OF (FULTON CO.)	NOVEMBER	08, 1974	AM
		JUNE	25, 1976	
360043A	CARNOLLTON, TOWN OF (CATTARAUGUS CO.)	SEPTEMBER	20, 1974	AM
		MAY	07, 1976	

• UNINCORPORATED AREAS ONLY

NEW YORK

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
361243	CASTILE, TOWN OF (WYOMING CO.)	DECEMBER	27, 1974	
361643	CASTILE, VILLAGE OF (WYOMING CO)	FEBRUARY	28, 1975	
360328C	CHAMPION, TOWN OF (JEFFERSON COU)	MAY	31, 1974	AM
		FEBRUARY	07, 1975	
360944A	CHARLESTON, TOWN OF (MONTGOMERY CO.)	JULY	26, 1974	AM
		MAY	28, 1976	
360136	CHERRY CREEK, VILLAGE OF (CHAUTAUQUA CO.)	MAY	10, 1974	
360249	CHESTERFIELD, TOWN OF (ESSEX CO.)	SEPTEMBER	06, 1974	
361254	CLARENDON, TOWN OF (ORLEANS CO)	MARCH	28, 1975	
360529A	CLAYVILLE, VILLAGE OF (ONEIDA CO.)	MAY	24, 1974	AM
		JULY	30, 1976	
361173A	CLIFTON, TOWN OF (ST. LAWRENCE CO.)	NOVEMBER	29, 1974	AM
		DECEMBER	26, 1975	
361380	CLINTON, TOWN (CLINTON CO)	JANUARY	24, 1975	
360743A	COBLESKILL, VILLAGE OF (SCHOHARIE CO.)	JUNE	07, 1974	AM
		SEPTEMBER	12, 1975	
360069A	COLD SPRING, TOWN OF (CATTARAUGUS CO.)	JUNE	21, 1974	AM
		JUNE	25, 1976	
360045A	CONEWANGO, TOWN OF (CATTARAUGUS CO.)	JUNE	28, 1974	AM
		JULY	16, 1976	
360108A	CONQUEST, TOWN OF (CAYUGA CO.)	AUGUST	16, 1974	AM
		SEPTEMBER	12, 1975	
360360A	CONSTABLEVILLE, VILLAGE OF (LEWIS CO.)	AUGUST	09, 1974	AM
		MAY	28, 1976	
361441	COURTLAND, CITY OF (CORTLAND CO.)	FEBRUARY	14, 1975	
361375	COVENTRY, TOWN (CHENANGO CO)	JANUARY	17, 1975	
361099	CUBA, TOWN (ALLEGANY CO)	JANUARY	24, 1975	
361386	CUTLER, TOWN OF (CORTLAN CO)	FEBRUARY	28, 1975	
361381	DANNEMORA, TOWN OF (CLINTON COU)	FEBRUARY	07, 1975	
361209	DANSVILLE, TOWN (STEUBEN CO)	JANUARY	24, 1975	
360300A	DANUBE, TOWN OF (HERKIMER CO.)	APRIL	05, 1974	AM
		JUNE	18, 1976	
361368	DELEVAN, VILLAGE (CATTARAUGUS CO)	JANUARY	03, 1975	
361175	DEPEYSTER, TOWN OF (ST. LAWRENCE)	FEBRUARY	14, 1975	
361524	DERING HARBOR, VILLAGE OF (SUFFOLK CO.)	DECEMBER	20, 1974	
360369A	DIANA, TOWN OF (LEWIS CO.)	SEPTEMBER	13, 1974	AM
		JUNE	1976	
361122A	DICKINSON, TOWN OF (FRANKLIN CO.)	NOVEMBER	08, 1974	AM
		JANUARY	09, 1976	
360908A	DUBBS FERRY, VILLAGE OF (WESTCHESTER CO.)	MAY	17, 1974	AM
		JUNE	11, 1976	
361410	DRESDEN, TOWN OF (WASHINGTON CO.)	FEBRUARY	14, 1975	
361189	EDINBURG, TOWN OF (SARATOGA CO.)	NOVEMBER	01, 1974	
361176A	EDWARDS, TOWN (ST. LAWRENCE CO)	JANUARY	24, 1975	AM
		FEBRUARY	06, 1976	
361963A	EDWARDS, VILLAGE OF (ST. LAWRENCE CO.)	NOVEMBER	15, 1974	AM
		FEBRUARY	06, 1976	
361499	ELBA, VILLAGE (GENESEE CO)	JANUARY	24, 1975	
361491	ELIZABETHTOWN, VILLAGE (ESSEX CO)	JANUARY	24, 1975	
361382	ELLENBURG, TOWN (CLINTON CO)	MARCH	14, 1975	
361074A	ELLINGTON, TOWN OF (CHAUTAUQUA CO.)	OCTOBER	25, 1974	AM
		JULY	09, 1976	
361374	ERIN, TOWN (CHEMUNG CO)	JANUARY	10, 1975	
361149	ESSEX, TOWN OF (ESSEX CO.)	DECEMBER	20, 1974	
361418	EXETER, TOWN (OTSEGO CO)	JANUARY	10, 1975	
360302A	FAIRFIELD, TOWN OF (HERKIMER CO.)	MARCH	29, 1974	AM
		JULY	09, 1976	
360071A	FARMERSVILLE, TOWN OF (CATTARAUGUS CO.)	JUNE	28, 1974	AM
		JUNE	11, 1974	
360073A	FRANKLINVILLE, VILLAGE OF (CATTARAUGUS CO.)	MAY	31, 1974	
361397	FRANKLIN, TOWN (FRANKLIN CO)	JULY	18, 1975	
361323	FREETOWN, TOWN (CORTLAND CO)	JANUARY	17, 1975	
361195A	FULTON, TOWN OF (SCHOHARIE CO.)	NOVEMBER	08, 1974	AM
		JANUARY	30, 1976	
361561	GALWAY, VILLAGE OF (SARATOGA CO.)	JANUARY	31, 1975	
361101	GENESEE, TOWN OF (ALLEGANY CO.)	DECEMBER	13, 1974	
361452A	GENESEO, VILLAGE OF (LIVINGSTON CO.)	NOVEMBER	15, 1974	ANI
		NOVEMBER	14, 1975	
360111A	GENOA, TOWN OF (CAYUGA CO.)	JUNE	28, 1974	ANI
		JUNE	18, 1976	

• UNINCORPORATED AREAS ONLY

NEW YORK

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
360336A	GLEN PARK, VILLAGE OF (JEFFERSON CO.)	MARCH	29, 1974	
361295	GLEN, TOWN (MONTGOMERY CO)	JANUARY	17, 1975	
361170	GOUVERNEUR, TOWN (ST. LAWRENCE CO)	JANUARY	24, 1975	
361343	GRANGER, TOWN (ALLEGANY CO)	JANUARY	03, 1975	
361210	GREENWOOD, TOWN (STEUBEN CO)	JANUARY	03, 1975	
361005A	GROVE, TOWN OF (ALLEGANY CO)	JUNE	28, 1974	ANI
		JULY	09, 1976	
361451A	HARRISVILLE, VILLAGE OF (LEWIS CO.)	NOVEMBER	15, 1974	ANI
		MAY	28, 1976	
361239	HARTFORD, TOWN OF (washington CO.)	DECEMBER	27, 1974	
361271A	HARTWICK, TOWN OF (OTSEGO CO.)	OCTOBER	25, 1974	ANI
		JULY	09, 1976	
361513A	HEAD OF THE HARBOR, VILLAGE OF (SUFFOLK CO.)	NOVEMBER	15, 1974	ANI
		JULY	02, 1976	
361179	HOPKINTON, TOWN OF (ST. LAWRENCE CO.)	NOVEMBER	15, 1974	
361434	HORNELL, TOWN OF (STEUBEN CO.)	DECEMBER	27, 1974	
360078A	HUMPHREY, TOWN OF (CATTARAUGUS CO.)	AUGUST	30, 1974	ANI
		JULY	16, 1976	
360293A	HUNTER, VILLAGE OF (GREENE CO.)	AUGUST	16, 1974	ANI
		JUNE	11, 1976	
361008A	INDEPENDENCE, TOWN OF (ALLEGANY CO.)	SEPTEMBER	06, 1974	ANI
		JUNE	11, 1976	
360079A	ISCHUA, TOWN OF (CATTARAUGUS CO.)	MAY	31, 1974	ANI
		MAY	21, 1976	
360958	ITALY, TOWN OF (YATES CO.)	JUNE	28, 1974	
361212A	JASPER, TOWN OF (STEUBEN CO.)	NOVEMBER	01, 1974	ANI
		JULY	02, 1976	
361244A	JAVA, TOWN OF (WYOMING CO.)	OCTOBER	25, 1974	ANI
		JULY	02, 1976	
361151A	KEENE, TOWN OF (ESSEX CO.)	NOVEMBER	01, 1974	ANI
		JULY	16, 1976	
360266A	KEESEVILLE, VILLAGE OF (ESSEX CO.)	MAY	31, 1974	ANI
		MAY	21, 1976	
361350A	LACONA, VILLAGE OF (OSWEGO CO.)	NOVEMBER	22, 1974	ANI
		JUNE	18, 1976	
361326	LAPEER, TOWN OF (CORTLAND CO)	FEBRUARY	28, 1975	
361419	LAURENS, TOWN (OTSEGO CO)	JANUARY	03, 1975	
361285	LEICESTER, TOWN OF (LIVINGSTON CO.)	OCTOBER	18, 1974	
361456	LEICESTER, VILLAGE (LIVINGSTON CO)	JANUARY	10, 1975	
360080A	LEON, TOWN OF (CATTARAUGUS CO.)	MAY	31, 1974	AM
		JUNE	18, 1976	
361162	LEWIS, TOWN OF (ESSEX CO.)	NOVEMBER	29, 1974	
360360A	LEWIS, TOWN OF (LEWIS CO.)	JUNE	28, 1974	AM
		JULY	09, 1976	
360309A	LITCHFIELD, TOWN OF (HERKIMER CO.)	MARCH	15, 1974	AM
		APRIL	09, 1976	
361458	LIVONIA, VILLAGE (LIVINGSTON CO)	JANUARY	10, 1975	
360753A	LODI, TOWN OF (SENECA CO.)	JULY	26, 1974	AM
		MAY	28, 1976	
361530A	LODI, VILLAGE OF (SENECA CO)	FEBRUARY	28, 1975	AM
		JANUARY	16, 1976	
361406	LONG LAKE, TOWN (HAMILTON CO)	JULY	25, 1975	
360083A	LYNDON, TOWN OF (CATTARAUGUS CO.)	AUGUST	09, 1974	
360371A	LYONSDALE, TOWN OF (LEWIS CO.)	AUGUST	16, 1974	AM
		JULY	16, 1976	
360089	MACHIAS, TOWN OF (CATTARAUGUS CO.)	OCTOBER	18, 1974	
361292A	MADISON, TOWN OF (MADISON CO.)	DECEMBER	20, 1974	AM
		JUNE	04, 1976	
361327A	MARATHON, TOWN OF (CORTLAND CO.)	NOVEMBER	29, 1974	AM
		JULY	02, 1976	
361272A	MARYLAND, TOWN OF (OTSEGO CO.)	OCTOBER	18, 1974	AM
		JUNE	25, 1976	
361132	MAYFIELD, TOWN (FULTON CO)	JANUARY	17, 1975	
361352	MILFORD, VILLAGE (OTSEGO CO)	JANUARY	10, 1975	
361153A	MINERVA, TOWN OF (ESSEX CO.)	DECEMBER	20, 1974	AM
		JULY	09, 1976	
361125	MOIRA, TOWN OF (FRANKLIN CO.)	NOVEMBER	15, 1974	
361383	MOORES, TOWN OF (CLINTON)	FEBRUARY	14, 1975	
361488	MOORES, VILLAGE (CLINTON CO)	JANUARY	03, 1975	
360117A	MURAVIA, TOWN OF (CAYUGA CO.)	JUNE	14, 1974	AM
		JUNE	18, 1976	

* UNINCORPORATED AREAS ONLY

NEW YORK

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
361389	MONTAM, TOWN OF CESSEX CO.)	NOVEMBER	22, 1974	
360706A	MORRISTOWN, TOWN OF (ST. LAWRENCE CO.)	SEPTEMBER	06, 1974	AM
		JULY	16, 1976	
360906	MORRISVILLE, VILLAGE OF (MADISON CO.)	MARCH	08, 1974	
361353A	MORRIS, VILLAGE OF (OTSEGO CO.)	NOVEMBER	15, 1974	AM
		MAY	28, 1976	
360086A	NAPOLI, TOWN OF (CATTARAUGUS CO.)	JUNE	14, 1974	AM
		JANUARY	02, 1976	
		NOVEMBER	22, 1974	
361155	NASSAU, TOWN OF (RENSSELAER CO.)	MARCH	22, 1974	AM
360675A	NASSAU, VILLAGE OF (RENSSELAER CO.)	MARCH	05, 1976	
		JANUARY	31, 1975	
361920	NEW LISBON, TOWN OF (OTSEGO CO.)	JUNE	07, 1974	AM
360838A	NEWARK VALLEY, VIL (TIOGA CO)	APRIL	30, 1976	
		JUNE	07, 1974	
360838A	NICHOLS, VILLAGE OF (TIOGA CO.)	JANUARY	31, 1975	
361900	NORTHAMPTON, TOWN OF (FULTON CO.)	JANUARY	03, 1975	
361900	ONEIDA, TOWN (HERKIMER CO)	NOVEMBER	08, 1974	AM
361134	OPPENHEIM, TOWN OF (FULTON CO.)	JUNE	18, 1976	
		NOVEMBER	22, 1974	AM
361394	ORISKANY FALLS, VILLAGE OF (ONEIDA CO.)	JUNE	18, 1976	
		OCTOBER	25, 1974	AM
361262A	ORWELL, TOWN OF (OSWEGO CO.)	JUNE	04, 1976	
		MAY	10, 1974	AM
360657A	OSWEGO, TOWN OF (OSWEGO CO.)	MAY	14, 1976	
		MAY	31, 1974	AM
360090A	OTTO, TOWN OF (CATTARAUGUS CO.)	SEPTEMBER	19, 1975	
		NOVEMBER	29, 1974	
361913	PALATINE, TOWN OF (MONTGOMERY CO.)	FEBRUARY	07, 1975	
361263	PALERMO, TOWN OF (OSWEGO COU)	JANUARY	17, 1975	
361925	PARISHVILLE, TOWN (ST. LAWRENCE CO)	DECEMBER	27, 1974	
361357	PARISH, TOWN OF (OSWEGO CO.)	JUNE	28, 1974	AM
360904A	PERRY, TOWN OF (WYOMING CO.)	MAY	07, 1976	
		JANUARY	31, 1975	
361920	PIERCEFIELD, TOWN OF (ST. LAWRENCE CO.)	AUGUST	09, 1974	AM
361027A	PIKE, VILLAGE OF (WYOMING CO.)	APRIL	30, 1976	
		SEPTEMBER	06, 1974	
360375	PINCKNEY, TOWN OF (LEWIS CO.)	OCTOBER	25, 1974	
361277	PITTSFIELD, TOWN OF (OTSEGO CO.)	NOVEMBER	08, 1974	
361278	PLAINFIELD, TOWN OF (OTSEGO CO.)	AUGUST	16, 1974	AM
361029A	PORTAGE, TOWN OF (LIVINGSTON CO.)	JUNE	18, 1976	
		JANUARY	17, 1975	
361306	PRESTON, TOWN (CHENANGO CO)	NOVEMBER	15, 1974	
361366A	PROSPECT, VILLAGE OF (ONEIDA CO.)	NOVEMBER	15, 1974	
361190	PROVIDENCE, TOWN OF (SARATOGA CO.)	AUGUST	02, 1974	
360781	RATHBONE, TOWN OF (STEUBEN CO.)	JANUARY	10, 1975	
361548	RED CREEK, VILLAGE (WAYNE CO)	FEBRUARY	28, 1975	
361366	RED HOUSE, TOWN OF (CATTARAUGUS CO)	NOVEMBER	22, 1974	
361265	REDFIELD, TOWN OF (OSWEGO CO.)	DECEMBER	06, 1974	
360019	RENSSELAERVILLE, TOWN OF (ALBANY CO.)	OCTOBER	18, 1974	
361279	RICHFIELD, TOWN OF (OTSEGO CO.)	DECEMBER	20, 1974	AM
361216A	RICHFORD, TOWN OF (TIOGA CO.)	JULY	23, 1976	
		JANUARY	10, 1975	
361967	RICHVILLE, VILLAGE (ST. LAWRENCE CO)	FEBRUARY	07, 1975	AM
361257A	RIDGEWAY, TOWN OF (ORLEANS COU)	JANUARY	16, 1976	
		NOVEMBER	01, 1974	AM
361186A	ROSSIE, TOWN OF (ST. LAWRENCE CO.)	MARCH	24, 1976	
		FEBRUARY	14, 1975	
361928	RUSSEL, TOWN OF (ST. LAWRENCE)	NOVEMBER	01, 1974	AM
361121A	RUSSIA, TOWN OF (HERKIMER CO.)	JUNE	18, 1976	
		JUNE	07, 1974	AM
360317A	SALISBURY, TOWN OF (HERKIMER CO.)	JULY	16, 1976	
		NOVEMBER	15, 1974	
361358A	SANDY CREEK, VILLAGE OF (OSWEGO CO.)	APRIL	18, 1975	
360171	SARANAC, TOWN (CLINTON CO)	DECEMBER	20, 1974	AM
361229A	SAVANNAH, TOWN OF (WAYNE CO.)	JUNE	25, 1976	
		SEPTEMBER	13, 1974	
360172	SCHUYLER FALLS, TOWN OF (CLINTON CO.)	MAY	31, 1974	AM
360122A	SCIPIO, TOWN OF (CAYUGA CO.)	MAY	28, 1976	
		JUNE	14, 1974	AM
360124A	SENNETT, TOWN OF (CAYUGA CO.)	MAY	14, 1976	
		JANUARY	10, 1975	
361549A	SHARON SPRINGS, VILLAGE (SCHOHARIE CO)			

* UNINCORPORATED AREAS ONLY

NEW YORK

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
361258A	SHELBY, TOWN OF (ORLEANS CO.)	NOVEMBER	08, 1974	AM
		DECEMBER	12, 1975	
361373	SHERMAN, TOWN OF (CHAUTAUQUA CO.)	JANUARY	17, 1975	
360099A	SOUTH DAYTON, VILLAGE OF	MAY	31, 1974	AM
		JUNE	18, 1976	
360100	SOUTH VALLEY, TOWN OF (CATTARAUGUS CO.)	SEPTEMBER	06, 1974	
361288A	SPARTA, TOWN OF (LIVINGSTON CO.)	NOVEMBER	08, 1974	AM
		JUNE	11, 1976	
361471A	SPENCER, VILLAGE OF (TIOGA CO.)	NOVEMBER	15, 1974	
361118	STAFFORD, TOWN OF (GENESEE CO)	JANUARY	24, 1975	
361170	STEPHENTOWN, TOWN OF (RENSSELAER CO.)	DECEMBER	20, 1974	
360126A	STERLING, TOWN OF (CAYUGA CO.)	JULY	26, 1974	AM
		JULY	09, 1976	
360555A	STEUBEN, TOWN OF (ONEIDA CO.)	JUNE	28, 1974	AM
		JULY	09, 1976	
361492V	STOCKHOLM, TOWN (ST. LAWRENCE CO)	JANUARY	03, 1975	
361136	STRATFORD, TOWN OF (FULTON CO.)	NOVEMBER	15, 1974	
361157A	ST. ARMAND, TOWN OF (ESSEX CO.)	OCTOBER	25, 1974	AM
		JULY	02, 1976	
360456A	ST. JOHNSVILLE, TOWN OF (MONTGOMERY CO.)	AUGUST	16, 1974	AM
		JUNE	04, 1976	
361330	TAYLOR, TOWN (CORTLAND CO)	JULY	11, 1975	
361213	THURSTON, TOWN OF (STEUBEN CO.)	OCTOBER	25, 1974	
360960A	TORREY, TOWN OF (YATES CO.)	MAY	31, 1974	AM
		JANUARY	09, 1976	
360557A	TRENTON, VILLAGE OF (ONEIDA CO.)	AUGUST	30, 1974	AM
		JUNE	18, 1976	
360059A	TRIANGLE, TOWN OF (BROOME CO.)	APRIL	05, 1974	AM
		NOVEMBER	21, 1975	
361436	TROUPSBURG, TOWN OF (STEUBEN CO)	FEBRUARY	21, 1975	
361057A	VETERAN, TOWN OF (CHEMUNG CO.)	OCTOBER	25, 1974	AM
		JUNE	18, 1976	
360131A	VICTORY, TOWN OF (CAYUGA CO.)	JULY	26, 1974	AM
		MARCH	05, 1976	
360733A	VICTORY, VILLAGE OF (SARATOGA CO.)	APRIL	05, 1974	
361102	VILLENOVA, TOWN OF (CHAUTAUQUA CO.)	OCTOBER	18, 1974	
361228B	WALWORTH, TOWN OF (WAYNE CO.)	DECEMBER	13, 1974	AM
		OCTOBER	10, 1975	AM
		MAY	28, 1976	
361985	WAMPSVILLE, VILLAGE (MADISON CO)	JANUARY	17, 1975	
361368	WARD, TOWN (ALLEGANY CO)	JANUARY	17, 1975	
360543A	WATERVILLE, VILLAGE OF (ONEIDA CO.)	JUNE	14, 1974	AM
		JUNE	18, 1976	
360321	WEBB, TOWN (HERKIMER CO)	JULY	18, 1975	
361112	WELLS, TOWN OF (HAMILTON CO.)	NOVEMBER	29, 1974	
360564A	WESTERN, TOWN OF (ONEIDA CO.)	AUGUST	02, 1974	AM
		JULY	23, 1976	
361282A	WESTFORD, TOWN OF (OTSEGO CO.)	OCTOBER	25, 1974	AM
		JUNE	11, 1976	
361246	WETHERSFIELD, TOWN OF (WYOMING CO.)	DECEMBER	13, 1974	
361238A	WHITE CREEK, TOWN OF (WASHINGTON CO.)	OCTOBER	18, 1974	AM
		JULY	23, 1976	
361331A	WILLET, TOWN OF (CORTLAND CO.)	DECEMBER	20, 1974	AM
		JUNE	11, 1976	
361267A	WILLIAMSTOWN, TOWN OF (OSWEGO CO.)	NOVEMBER	01, 1974	AM
		JULY	02, 1976	
360267A	WILLSBORO, TOWN OF (ESSEX CO.)	NOVEMBER	08, 1974	AM
		JUNE	25, 1976	
361161	WILMINGTON, TOWN (ESSEX CO)	JANUARY	17, 1975	
361103	WIRT, TOWN (ALLEGANY CO)	APRIL	11, 1975	
361263	WORCESTER, TOWN OF (OTSEGO CO.)	NOVEMBER	01, 1974	
361202	WRIGHT, TOWN OF (SCHOHARIE CO.)	NOVEMBER	08, 1974	
361104	YORKSHIRE, TOWN (CATTARAUGUS CO)	APRIL	11, 1975	

TOTAL IN THE STATE 216

* UNINCORPORATED AREAS ONLY

NORTH CAROLINA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
370350	AUTRYVILLE, TOWN (SAMPSON CO)	JULY	25, 1975	
370088	BATTLEBORO, TOWN (EDGECOMBE CO)	AUGUST	15, 1975	
370210	CHINA GROVE, TOWN OF (ROWAN CO.)	JANUARY	09, 1974	
370321	CRAMERTON, TOWN (GASTON CO)	JULY	11, 1975	
370322	DALLAS, TOWN (GASTON CO)	JUNE	27, 1975	
370369	EAST LAURINBURG, TOWN (SCOTLAND CO)	JULY	11, 1975	
370326	HOOKERTON, TOWN (GREENE CO)	SEPTEMBER	26, 1975	
370138	JOHNSTON COUNTY	JANUARY	03, 1975	
370303	LARKDALE, TOWN (CLEVELAND CO)	JULY	11, 1975	
370144	LENOIR COUNTY *	DECEMBER	27, 1974	
370323	LOWELL, TOWN (GASTON CO)	AUGUST	15, 1975	
370090A	MACCLESFIELD, TOWN OF (EDGECOMBE CO.)	JANUARY	09, 1974	AM
		JUNE	11, 1976	
370101A	MCADENVILLE, CITY OF (GASTON CO.)	JUNE	21, 1974	AM
		JULY	16, 1976	
370309	MOCKSVILLE, TOWN (DAVIE CO)	JULY	11, 1975	
370349	ORRUM, TOWN (ROBESON CO)	APRIL	25, 1975	
370337	PINE BLUFF, TOWN (MOORE CO)	JULY	11, 1975	
370318	PRINCEVILLE, TOWN (EDGECOMBE CO)	JULY	25, 1975	
370324	RANLO, TOWN (GASTON CO)	JUNE	27, 1975	
370341	RICHLANDS, TOWN (ONSLOW CO)	JULY	11, 1975	
370106	ROBBINSVILLE, TOWN OF (GRAHAM CO.)	JUNE	14, 1974	
370258A	RONDA, TOWN OF (WILKES CO.)	SEPTEMBER	06, 1974	AM
		MAY	14, 1976	
370220	SAMPSON COUNTY *	DECEMBER	20, 1974	
370005A	SPARTA, CITY (ALLEGANY CO.)	FEBRUARY	15, 1974	AM
		JULY	02, 1976	
370093A	SPEED, TOWN OF (EDGECOMBE CO.)	JANUARY	09, 1974	AM
		APRIL	02, 1976	
370356	SPINDALE, TOWN OF (RUTHERFORD CO.)	JUNE	27, 1975	
370075A	VANCEBORO, TOWN OF (CRAVEN CO.)	MARCH	01, 1974	AM
		JULY	02, 1976	
370360	WAGRAM, TOWN (SCOTLAND CO)	AUGUST	08, 1975	
370254	WAYNE COUNTY *	DECEMBER	27, 1974	
370269A	WEAVERVILLE, TOWN OF (BUNCOMBE CO.)	NOVEMBER	29, 1974	AM
		MAY	28, 1976	
370345	WINFALL, TOWN (PERQUIMANS CO)	JULY	25, 1975	

TOTAL IN THE STATE 30

* UNINCORPORATED AREAS ONLY

NORTH DAKOTA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
380152	ADAMS, CITY (WALSH CO)	JULY	25, 1975	
380159	ANAMOOSE, CITY (MCHENRY CO)	JANUARY	17, 1975	
380166	ANTHUR, CITY OF (CASS)	FEBRUARY	14, 1975	
380045	BALFOUR, CITY (MCHENRY CO)	SEPTEMBER	05, 1975	
380080	BATHGATE, CITY OF (PEMBINA CO.)	NOVEMBER	22, 1974	
380215	BEACH, CITY (GOLDEN VALLEY CO)	JULY	11, 1975	
380157	BERTHOLD, CITY (WARD CO)	JULY	11, 1975	
380158	BINFORD, CITY OF (GRIGGS)	FEBRUARY	14, 1975	
380128	BISBEE, CITY OF (TOWNER CO)	FEBRUARY	21, 1975	
380216	BOWBELLS, CITY OF (BURKE COU)	FEBRUARY	07, 1975	
380159	BOWDON, CITY (WELLS CO)	JULY	11, 1975	
380160	BUFFALO, CITY OF (CASS)	FEBRUARY	14, 1975	
380217A	CANDO, CITY (TOWNER CO)	JANUARY	10, 1975	AM
		SEPTEMBER	26, 1975	
380121	COURTENAY, CITY OF (STUTSMAN CO.)	DECEMBER	27, 1974	
380093	CRANE, CITY OF (RAMSEY CO.)	NOVEMBER	15, 1974	
380039	DAWSON, CITY OF (KIDDER CO.)	DECEMBER	06, 1974	
380027	DODGE, CITY (DUNN CO)	APRIL	26, 1975	
380222	DRAKE, CITY OF (MCHENRY CO)	FEBRUARY	21, 1975	
380223A	EDGELEY, CITY (LA MOURE CO)	JULY	25, 1975	AM
		FEBRUARY	27, 1976	
380275A	ELLENDALE, CITY OF (DICKEY CO)	FEBRUARY	21, 1975	AM
		SEPTEMBER	12, 1975	
380227	FINLEY, CITY OF (STEELE)	FEBRUARY	14, 1975	

* UNINCORPORATED AREAS ONLY

NORTH DAKOTA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
380169	FLARTON, CITY OF (BURKE COU)	FEBRUARY	07, 1975	
380171	FORTUNA, CITY (DIVIDE CO)	JULY	25, 1975	
380172	GACKLE, CITY (LOGAN CO)	AUGUST	22, 1975	
380035	GILBY, CITY OF (GRAND FORKS CO.)	NOVEMBER	22, 1974	
380174	GLENBURN, CITY OF (RENVILLE)	FEBRUARY	14, 1975	
380175	GOLDEN VALLEY, CITY (MERCER CO)	JUNE	27, 1975	
380176	GRANVILLE, CITY (MCHENRY CO)	JANUARY	17, 1975	
380177	GRENORA, CITY (WILLIAMS CO)	MAY	02, 1975	
380229	GWINNER, CITY (SARGENT CO)	JANUARY	10, 1975	
380096	HAMBURG, CITY OF (RAMSEY CO.)	NOVEMBER	29, 1974	
380178	HANNAFORD, CITY (GRIGGS CO)	JANUARY	17, 1975	
380131A	HATTON, CITY OF (TRAILL CO.)	MAY	10, 1974	
380233	HETTINGER, CITY (ADAMS CO)	JULY	11, 1975	
380048	KARLSRUHE, CITY (MCHENRY CO)	JANUARY	10, 1975	
380234	KENMARE, CITY (WARD CO)	MAY	02, 1975	
380075A	LAKOTA, CITY OF (NELSON CO.)	MAY	03, 1974	AM
		DECEMBER	26, 1975	
380184	LANSFORD, CITY OF (BOTTINEAU)	FEBRUARY	14, 1975	
380095	LANTON, CITY OF (RAMSEY CO.)	DECEMBER	06, 1974	
380003A	LEEDS, CITY OF (BENSON CO.)	APRIL	05, 1974	AM
		JANUARY	02, 1976	
380043	LEHR, CITY OF (LOGAN + MCINTOSH COS.)	NOVEMBER	22, 1974	
380237	LIDGERWOOD, CITY OF (RICHLAND)	FEBRUARY	14, 1975	
380187	LITCHVILLE, CITY (BARNES CO)	JANUARY	17, 1975	
380009A	MADDOCK, CITY OF (BENSON CO.)	MARCH	08, 1974	AM
380037	MANVEL, CITY (GRAND FORKS CO)	NOVEMBER	15, 1974	
380115	MARMARTH, CITY OF (SLOPE CO.)	JANUARY	10, 1975	
380208	MAXBASS, CITY OF (BOTTINEAU CO.)	NOVEMBER	29, 1974	
380240	MAY, CITY OF (MCLEAN CO.)	NOVEMBER	22, 1974	
380238	MCVILLE, CITY OF (NELSON)	NOVEMBER	22, 1974	
380124	MEDINA, CITY OF (STUTSMAN CO.)	FEBRUARY	14, 1975	
380240	MINNEHAUKAN, CITY (BENSON CO)	DECEMBER	20, 1974	
380241	MOHALL, CITY (RENVILLE CO)	JANUARY	17, 1975	
380125	MONTPELIER, CITY OF (STUTSMAN CO.)	SEPTEMBER	19, 1975	
380189	MUNICH, CITY (CAVALIER CO)	NOVEMBER	15, 1974	
380031A	NEW ROCKFORD, CITY OF (EDDY CO.)	JANUARY	17, 1975	
		NOVEMBER	23, 1973	AM
380243	NEW SALEM, CITY OF (MORTON CO)	APRIL	16, 1976	
380009	NEWBURG, CITY OF (BOTTINEAU CO.)	FEBRUARY	21, 1975	
380192	OSNABROCK, CITY OF (CAVALIER CO.)	DECEMBER	06, 1974	
380193	PAGE, CITY OF (CASS)	FEBRUARY	21, 1975	
380073	PARSHALL, CITY OF (MOUNTRAIL CO.)	FEBRUARY	14, 1975	
380247	RAY, CITY (WILLIAMS CO)	NOVEMBER	29, 1974	
380197	RECORD, CITY (ADAMS CO)	AUGUST	08, 1975	
380129	ROCK LAKE, CITY OF (TOWNER CO.)	FEBRUARY	21, 1975	
380088	RUGBY, CITY OF (PIERCE CO.)	NOVEMBER	22, 1974	
		MARCH	22, 1974	AM
		OCTOBER	03, 1975	AM
		MAY	21, 1976	
380201	RYDER, CITY (WARD CO)	SEPTEMBER	19, 1975	
380202	SANBORN, CITY OF (BARNES CO)	FEBRUARY	21, 1975	
380145	SAWYER, CITY OF (WARD CO)	JANUARY	31, 1975	
380203	SHARON, CITY OF (STEELE)	FEBRUARY	14, 1975	
380204	SHERWOOD, CITY OF (RENVILLE)	FEBRUARY	14, 1975	
380010	SOURIS, CITY OF (BOTTINEAU CO.)	NOVEMBER	29, 1974	
380096	STARKWEATHER, CITY OF (RAMSEY CO.)	DECEMBER	06, 1974	
380251	STEELE, CITY OF (KIDDER CO)	FEBRUARY	21, 1975	
380252	STRASBURG, CITY OF (EMMONS)	FEBRUARY	14, 1975	
380127	STREETER, CITY OF (STUTSMAN CO.)	NOVEMBER	22, 1974	
380249	ST. THOMAS, CITY OF (PEMBINA CO)	FEBRUARY	21, 1975	
380206	SURREY, CITY (WARD CO)	JUNE	27, 1975	
380040	TAPPEN, CITY OF (KIDDER CO.)	DECEMBER	06, 1974	
380208	THOMPSON, CITY OF (GRAND FORKS)	FEBRUARY	14, 1975	
380210	TOWER CITY, CITY (BARNES CO.)	JANUARY	10, 1975	
380253	TOWNER, CITY OF (MCHENRY CO)	JANUARY	31, 1975	
380041A	TURTLE LAKE, CITY OF (MCLEAN CO.)	MARCH	22, 1974	
380041	TUTTLE, CITY OF (KIDDER CO.)	NOVEMBER	29, 1974	
380050	UPHAM, CITY OF (MCHENRY CO.)	DECEMBER	06, 1974	
380043A	WASHBURN, CITY OF (MCLEAN CO.)	MARCH	22, 1974	AM
		JANUARY	16, 1976	
380074	WHITE EARTH, CITY OF (MOUNTRAIL CO.)	DECEMBER	20, 1974	

• UNINCORPORATED AREAS ONLY

NORTH DAKOTA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
380211	MILDROSE, CITY OF	(WILLIAMS CO)	AUGUST 15, 1975
380045A	MILTON, CITY OF (MCLEAN AND BURLEIGH CO.)		MAY 24, 1974
380212	MIMBLEDON, CITY OF	(WARNES)	FEBRUARY 14, 1975
380213	WING, CITY OF	(BURLEIGH CO)	JUNE 27, 1975

TOTAL IN THE STATE 89

• UNINCORPORATED AREAS ONLY

OHIO

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
390727	ALBANY, VILLAGE OF	(ATHENS)	FEBRUARY 14, 1975
390329	ALEXANDRIA, VILLAGE OF	(LICKING CO.)	MAY 31, 1974
390688	AMANDA, VILLAGE (FAIRFIELD CO.)		JULY 25, 1975
390015	AMESVILLE, VILLAGE	(ATHENS CO)	JULY 25, 1975
390241	ARCADIA, VILLAGE	(HANCOCK CO)	JULY 11, 1975
390207A	ARLINGTON HEIGHTS, VILLAGE OF (HAMILTON CO.)		FEBRUARY 01, 1974 AN
390698	ATHALIA, VILLAGE (CLARENCE CO.)		DECEMBER 05, 1975
390159A	BALTIMORE, VILLAGE OF (FAIRFIELD CO.)		AUGUST 01, 1975
390024	BARNESVILLE, VILLAGE OF (BELMONT CO.)		JUNE 21, 1974 AN
390495	BERGHOLZ, VILLAGE (JEFFERSON CO.)		APRIL 16, 1976
390650A	BERLIN HEIGHTS, VILLAGE OF (ERIE CO.)		JUNE 07, 1974
390674	BETHESDA, VILLAGE OF	(BELMONT COU)	JULY 25, 1975
390500A	BETTSVILLE, VILLAGE OF (SENECA CO.)		APRIL 05, 1974
390079	BLANCHESTER, VILLAGE OF (CLINTON CO.)		JULY 25, 1975
390749	BOSTON HEIGHTS, VILLAGE (SUMMIT CO)		FEBRUARY 07, 1975
390728	BUCHTEL, VILLAGE OF	(ATHENS COU)	APRIL 18, 1975
390753	BURBANK, VILLAGE (WAYNE CO)		AUGUST 02, 1974 AN
390488A	BURGOON, VILLAGE OF (SANDUSKY CO.)		JULY 16, 1976
390719	BUTLERVILLE, VILLAGE OF	(WARREN)	FEBRUARY 14, 1975
390461	CAMDEN, VILLAGE OF (PREBLE CO.)		MAY 10, 1974
390607	CEDARVILLE, VIL	(GREENE CO)	JANUARY 10, 1975
390217A	CHAUNCEY, VILLAGE OF (ATHENS CO.)		JUNE 21, 1974 AN
390008	CHESAPEAKE, VIL	(LAWRENCE CO)	APRIL 16, 1976
390058A	CHRISTIANSBURG, VILLAGE OF (CHAMPAIGN CO.)		JANUARY 10, 1975
390678	CLIFTON, VILLAGE (CLARK CO.)		AUGUST 09, 1974
390326A	COAL GROVE, VILLAGE OF (LAWRENCE CO.)		AUGUST 08, 1975
390291A	COALTON, VILLAGE OF (JACKSON CO.)		JUNE 14, 1974 AN
390466A	COLUMBUS GROVE, VILLAGE OF (PUTNAM CO.)		MAY 21, 1976
390711	COMMERCIAL POINT, VILLAGE OF	(PICKAWAY COU)	FEBRUARY 01, 1974 AN
390575A	CRESTON, VILLAGE OF (WAYNE CO.)		MAY 21, 1976
390187	CROWN CITY, VILLAGE (GALLIA CO)		FEBRUARY 08, 1974
390712	DARBYVILLE, VILLAGE OF	(PICKAWAY COU)	MAY 28, 1976
390049A	DELLMOT, VILLAGE OF (CARROLL CO.)		JANUARY 10, 1975
390061A	DONNELSVILLE, VILLAGE OF (CLARK CO.)		FEBRUARY 07, 1975
390720	DOYLESTOWN, VILLAGE OF	(WAYNE)	AUGUST 09, 1974
390467A	DUPONT, VILLAGE OF (PUTNAM CO.)		SEPTEMBER 13, 1974
390060A	EAST ROCHESTER, VILLAGE OF (COLUMBIA CO.)		APRIL 18, 1975
390747	EDISON, VILLAGE (HURON CO)		MARCH 28, 1975
390719	ELDORADO, VILLAGE OF	(PREBLE CO)	MARCH 29, 1974
390656A	ELIDA, VILLAGE OF (ALLEN CO.)		MARCH 01, 1974
390219	EVENDALE, VILLAGE OF (HAMILTON CO.)		MAY 31, 1974
390948	FORT JENNINGS, VILLAGE OF (PUTNAM CO.)		AUGUST 30, 1974
390924	FRAZEYSBURG, VILLAGE OF (MUSKINGHAM CO.)		DECEMBER 27, 1974
390185	GALLIA COUNTY •		JULY 18, 1975
390612	GENOA, VIL	(OTTAWA CO)	AUGUST 09, 1974
390469A	GILBOA, VILLAGE OF (PUTNAM CO.)		AUGUST 23, 1974
390942A	GLENFORD, VILLAGE OF (PERRY CO.)		AUGUST 08, 1975
390735	GLENMILLOW, VILLAGE (CUYAHOGA CO)		DECEMBER 20, 1974
390619	GRAFTON, VILLAGE OF (LORAIN CO.)		

• UNINCORPORATED AREAS ONLY

OHIO

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
390559A	HANOEN, VILLAGE OF (VINTON CO.)		FEBRUARY 01, 1974 AN
390269	HAMLER, VILLAGE OF (HENRY CO.)		MAY 07, 1974
390699	HANGING ROCK, VILLAGE OF	(LAWRENCE CO)	APRIL 12, 1974
390702	HANOVERTON, VILLAGE (LUCAS CO.)		MARCH 28, 1975
390250	HARDIN COUNTY		AUGUST 08, 1975
390331	HARTFORD, VILLAGE OF (LICKING CO.)		JANUARY 03, 1975
390619	HARTVILLE, VILLAGE (STARK CO)		SEPTEMBER 13, 1974
390110A	HIGHLAND HGTS, CITY (CUYAHOGA CO)		JULY 25, 1975
390741	HONDALE, VILLAGE (JEFFERSON CO)		JULY 25, 1975 AN
390505A	JACKSON CENTER, VILLAGE OF (SHELBY CO.)		DECEMBER 05, 1975
390019A	JACKSONVILLE, VILLAGE OF (ATHENS CO.)		JULY 11, 1975
390246A	JENERA, VILLAGE OF (HANCOCK CO.)		MAY 31, 1974 AN
390471A	KALIDA, VILLAGE OF (PUTNAM CO.)		JULY 09, 1974
390201A	KIMBOLTON, VILLAGE OF (GUERNSEY CO.)		MAY 17, 1974
390416	KIRTLAND, VIL	(LAKE CO)	AUGUST 09, 1974
390306	KNOX COUNTY •		MARCH 01, 1974
390470A	LEESBURG, VILLAGE OF (HIGHLAND CO.)		DECEMBER 04, 1974
390050A	LILESVILLE, VILLAGE OF (CARROLL CO.)		AUGUST 08, 1974
390617	LEWISBURG, VIL	(PREBLE CO)	JANUARY 31, 1975
390298A	LISBON, VILLAGE OF (COLUMBIANA CO.)		FEBRUARY 15, 1974
390691	LOCKBOURNE, VILLAGE OF	(FRANKLIN COU)	APRIL 05, 1974 AN
390223	LOCKLAND, CITY OF (HAMILTON CO.)		SEPTEMBER 26, 1975
390661A	LUCAS, VILLAGE OF (RICHLAND CO.)		APRIL 18, 1975
390750	MACEDONIA, VILLAGE (SUMMIT CO)		APRIL 18, 1975
390748	MARBLEHEAD, VILLAGE (OTTAWA CO)		FEBRUARY 08, 1974 AN
390226A	MARIEMONT, VILLAGE OF (HAMILTON CO.)		JANUARY 10, 1975
390376	MARION, CITY	(MARION CO)	SEPTEMBER 05, 1975
390756	MARSEILLES, VILLAGE (WYANDOT CO)		APRIL 18, 1975
390259A	MCGUFFEY, VILLAGE OF (HARDIN CO.)		MAY 10, 1974
390370	MEDINA COUNTY		JANUARY 10, 1975
390392	MERCER COUNTY •		FEBRUARY 14, 1975
390869	MILLERSPORT, VILLAGE OF	(FAIRFIELD COU)	JANUARY 31, 1975
390941A	MILLVILLE, VILLAGE OF (BUTLER CO.)		JUNE 07, 1974 AN
390409	MONROE COUNTY •		MAY 07, 1976
390396A	MONTEZUMA, VILLAGE OF (MERCER CO.)		FEBRUARY 14, 1975
390581A	MONTPELIER, VILLAGE OF (WILLIAMS CO.)		AUGUST 09, 1974 AN
390920	MORGAN COUNTY		MAY 28, 1976
390746	MORNAL, VILLAGE (MARION CO)		MAY 31, 1974
390249A	MOUNT CORY, VILLAGE OF (HANCOCK CO.)		JANUARY 10, 1975
390421A	MOUNT ORAB, VIL	(BROWN CO)	APRIL 18, 1975
390722	NEVADA, VILLAGE OF	(WYANDOT)	SEPTEMBER 20, 1974
390709	NEW STRAITSVILLE, VILLAGE OF	(PERRY COU)	JULY 25, 1975 AN
390285A	NORTH FAIRFIELD, VILLAGE OF (HURON CO.)		MAY 07, 1976
390479	NORTH HAMPTON, VILLAGE OF	(CLARK COU)	FEBRUARY 14, 1975
390734	NORTH RANDALL, VILLAGE (CUYAHOGA CO)		FEBRUARY 07, 1975
390726	NORTHFIELD, VILLAGE OF	(SUMMIT COU)	MARCH 15, 1974 AN
390422	NORTHWOOD, VIL	(WOOD CO)	APRIL 09, 1976
390433A	OAK HARBOR, VILLAGE OF (OTTAWA CO.)		FEBRUARY 07, 1975
390176A	ORET2, VILLAGE OF (FRANKLIN CO.)		APRIL 18, 1975
390737	ORANGE, VILLAGE (CUYAHOGA CO)		AUGUST 30, 1974
390191A	OSGOOD, VILLAGE OF (DARKE CO.)		SEPTEMBER 20, 1974
390150A	OSTRANDER, VILLAGE OF (DELAWARE CO.)		MARCH 28, 1975
390680	OWENSVILLE, VILLAGE OF	(CLERMONT CO)	MAY 03, 1974
390439A	PAYNE, VILLAGE OF (PAULDING CO.)		JULY 25, 1975
390625	PLAIN CITY, VIL	(MADISON CO)	MAY 03, 1974 AN
390287A	PLYMOUTH, VILLAGE OF (HURON CO.)		MAY 21, 1976
390953	PORTAGE COUNTY •		DECEMBER 27, 1974
390700	PROCTORVILLE, VILLAGE (LAWRENCE CO.)		APRIL 18, 1975
390499A	RARDEN, VILLAGE OF (SCIOTO CO.)		AUGUST 23, 1974 AN
			MAY 21, 1976

• UNINCORPORATED AREAS ONLY

OHIO

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
390724	RICHMOND, VILLAGE (JEFFERSON CO.)		AUGUST 22, 1975
390492	RIVERLEA, VILLAGE OF	(FRANKLIN COU)	JANUARY 31, 1975
390744	ROCHESTER, VILLAGE (LORAIN CO)		AUGUST 08, 1975
390445A	ROGERS, VILLAGE OF (COLUMBIANA CO.)		MARCH 22, 1974
390003	ROME, VILLAGE	(ADAMS CO)	JULY 25, 1975
390427	SABINA, VIL	(CLINTON CO)	JULY 25, 1975
390684A	SALEM, CITY OF (COLUMBIANA CO.)		MAY 03, 1974 AN
390706	SARANSVILLE, VILLAGE OF	(NOBLE CO)	JULY 23, 1974
390371	SEARING, VILLAGE	(MONROE CO)	MARCH 28, 1975
390710	SHAWNEE, VILLAGE OF	(PERRY COU)	AUGUST 08, 1975
390503	SHELBY COUNTY •		FEBRUARY 07, 1975
390059A	SHERRODSVILLE, VILLAGE OF (CARROLL CO.)		DECEMBER 20, 1974
390647	SHREVE, VILLAGE OF (WAYNE CO.)		AUGUST 09, 1974 AN
390046	SOMERVILLE, VILLAGE (BUTLER CO)		JUNE 04, 1974
390312	SOUTH MOUNT VERNON, VILLAGE OF (KNOX CO.)		MARCH 29, 1974
390485A	SOUTH SALEM, VILLAGE OF (ROSS CO.)		JULY 25, 1975
390059A	ST. PARIS, VILLAGE OF (CHAMPAIGN CO.)		JUNE 21, 1974
390546A	SUGAR CREEK, VILLAGE OF (TUSCARAWAS CO.)		AUGUST 23, 1974
390632	SWANTON, VIL	(FULTON CO)	JUNE 07, 1974
390690	THURSTON, VILLAGE OF	(FAIRFIELD COU)	MAY 31, 1974 AN
390755	TONTOGANY, VILLAGE (WOOD CO)		JUNE 11, 1976
390704	UNION, VILLAGE OF	(MONTGOMERY)	JULY 25, 1975
390648A	VAN BUREN, VILLAGE OF (HANCOCK CO.)		JANUARY 31, 1975
390475	VAUGHNSVILLE, TOWN OF (PUTNAM CO.)		APRIL 18, 1975
390469A	VERNONA, VILLAGE OF (PREBLE CO.)		FEBRUARY 14, 1975
390169	VINTON, VILLAGE OF (GALLIA CO.)		MARCH 22, 1974
390699A	WAITE HILL, VILLAGE OF (LAKE CO.)		NOVEMBER 15, 1974
390733	WARSAW, VILLAGE (COSHOCTON CO)		OCTOBER 18, 1974 AN
390087A	WASHINGTONVILLE, VILLAGE OF (COLUMBIANA & MAHONING		MAY 28, 1974
390565A	WATHESVILLE, VILLAGE OF (WARREN CO.)		DECEMBER 27, 1974
390293A	WELLSTON, CITY OF (JACKSON CO.)		DECEMBER 17, 1973 AN
390438	WEST JEFFERSON, VIL (MADISON CO)		JUNE 25, 1976
390681	WEST LAFAYETTE, VILLAGE (COSHOCTON CO.)		APRIL 18, 1975
390321	WICKLIFFE, CITY	(LAKE CO)	NOVEMBER 09, 1973 AN
390672A	WILLIAMSBURG, VILLAGE OF (CLERMONT CO.)		JUNE 04, 1974
390522	WILMOT, VILLAGE	(STARK CO)	NOVEMBER 09, 1973 AN
390459A	WINDHAM, VILLAGE OF (PORTAGE CO.)		JUNE 04, 1974
390345A	ZANESFIELD, VILLAGE OF (LOGAN CO.)		FEBRUARY 15, 1974 AN
390752	ZOAR, VILLAGE (TUSCARAWAS CO)		JUNE 11, 1976
			JULY 25, 1975
			JULY 25, 1975
			JULY 25, 1975
			MARCH 29, 1974
			AUGUST 08, 1975
			MARCH 15, 1974
			OCTOBER 18, 1974
			APRIL 18, 1975

TOTAL IN THE STATE 147

• UNINCORPORATED AREAS ONLY

OKLAHOMA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
400077A	ADDINGTON, TOWN OF (JEFFERSON CO.)		OCTOBER 18, 1974 AN
400344	ARNETT, TOWN (ELLIS CO.)		APRIL 16, 1976
400261	BESSIE, TOWN (WASHITA CO.)		AUGUST 15, 1975
400350	BOKOSHE, TOWN (LE FLORE CO.)		AUGUST 15, 1975
400038A	BOSWELL, TOWN OF (CHOCTAW CO.)		SEPTEMBER 19, 1975
400264	BRANAN, TOWN (KAY CO.)		MARCH 15, 1974
400061A	BRISTOW, CITY OF (CREEK CO.)		JUNE 27, 1975
			JUNE 28, 1974 AN
400351	BUFFALO, TOWN (HARPER CO.)		DECEMBER 26, 1975
400149	BURBANK, TOWN (OSAGE CO)		JULY 25, 1975
400175A	BYNG, TOWN OF (PONTOTOC CO.)		JANUARY 10, 1975
			AUGUST 30, 1974 AN
400269	CALVIN, TOWN (HUGES CO.)		DECEMBER 05, 1975
			SEPTEMBER 19, 1975

• UNINCORPORATED AREAS ONLY

OKLAHOMA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
400270	CAMARGO, TOWN (DEWEY CO.)		SEPTEMBER 19, 1975
400355	CARMEN, TOWN (ALFALFA CO.)		SEPTEMBER 19, 1975
400356	CEMENT, TOWN (CADDO CO.)		AUGUST 29, 1975
400187A	CHELSEA, CITY OF (ROGERS CO.)		DECEMBER 28, 1973 AN
400183	CHEYENNE, TOWN OF (ROGER MILLS CO.)		DECEMBER 12, 1975
400280	CLEO SPRINGS, TOWN (MAJOR CO.)		JUNE 28, 1974
400225	COHA, TOWN	(MARSHALL CO)	SEPTEMBER 12, 1975
400122	COUNCIL HILL, TOWN OF (MUSKOGEE CO.)		JANUARY 10, 1975
400226A	DACOMA, TOWN OF (WOODS CO.)		DECEMBER 13, 1974
400209A	DAVISON, TOWN OF (TILLMAN CO.)		NOVEMBER 08, 1974 AN
400229A	FORT SUPPLY, TOWN OF (WOODWARD CO.)		DECEMBER 12, 1975
400032	GENE AUTRY, TOWN OF (CARTER CO.)		JULY 26, 1974
400013A	GREENFIELD, TOWN OF (BLAINE CO.)		MAY 24, 1974 AN
400140A	HANRAH, TOWN OF (OKLAHOMA CO.)		JANUARY 16, 1976
400029A	HYDRO, TOWN OF (CADDO CO.)		NOVEMBER 08, 1974
			AUGUST 30, 1974
			AUGUST 02, 1974 AN
			JUNE 04, 1974
			JULY 26, 1974 AN
			DECEMBER 05, 1975
400007	JET, TOWN OF (ALFALFA CO.)		DECEMBER 06, 1974
400290	KANSAS, TOWN (OKLAWAHA CO.)		SEPTEMBER 26, 1975
400071	KINTA, CITY OF (HASKELL CO.)		NOVEMBER 08, 1974
400149A	KREBS, CITY OF (PITTSBURG CO.)		DECEMBER 28, 1973 AN
400297	LANGSTON, TOWN (LOGAN CO.)		JANUARY 09, 1976
400298	LEEDEY, TOWN (DEWEY CO.)		SEPTEMBER 19, 1975
400096	LOGAN COUNTY •		MAY 02, 1975
400058A	LONE WOLF, TOWN OF (KIOWA CO.)		DECEMBER 27, 1974
400014	LONGDALE, TOWN OF (BLAINE CO.)		MAY 03, 1974
400063	LUTAL, TOWN	(KINGFISHER CO)	DECEMBER 13, 1974
400303	MANNSVILLE, TOWN (JOHNSTON CO.)		APRIL 25, 1975
400304	MARBLE CITY, TOWN (SEQUOYAH CO.)		SEPTEMBER 26, 1975
400113	MENO, TOWN OF (MAJOR CO.)		SEPTEMBER 26, 1975
400306	MILBURN, TOWN (JOHNSTON CO.)		NOVEMBER 15, 1974
400314	OAKS, TOWN (DELAWARE CO.)		SEPTEMBER 24, 1975
400217A	OKAY, TOWN OF (WAGONER CO.)		AUGUST 29, 1975
			AUGUST 16, 1974 AN
400158	PEORIA, TOWN OF (OTTAWA CO.)		FEBRUARY 06, 1976
400321	RED BIRD, TOWN (WAGONER CO.)		NOVEMBER 22, 1974
400325	ROCKY, TOWN (WASHITA CO.)		JUNE 27, 1975
400176	ROFF, CITY OF (PONTOTOC CO.)		SEPTEMBER 19, 1975
400088A	ROOSEVELT, TOWN OF (KIOWA CO.)		MARCH 22, 1974
			NOVEMBER 01, 1974 AN
400061A	SHATTUCK, TOWN OF (ELLIS CO.)		FEBRUARY 13, 1976
			MAY 24, 1974 AN
400055A	THOMAS, CITY OF (CUSTER CO.)		APRIL 30, 1974
			APRIL 05, 1974 AN
400077A	TISHOMINGO, CITY OF (JOHNSTON CO.)		APRIL 23, 1974
			JANUARY 16, 1974 AN
400180	WANETTE, TOWN OF (POTTAWATOMIE CO.)		MAY 07, 1976
400109	WRIGHT CITY, TOWN (MCCURTAIN CO)		DECEMBER 20, 1974
400454	WYNONA, CITY (OSAGE CO.)		JANUARY 10, 1975
400455	YALE, CITY (PAYNE CO.)		SEPTEMBER 26, 1975
			AUGUST 22, 1975

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OREGON

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
410009	HALFWAY, TOWN	(BAKER CO)	SEPTEMBER 26, 1975
410037	PHESCOTT, CITY	(COLUMBIA CO)	JANUARY 10, 1975
410166	ST. PAUL, CITY OF (MARION CO.)		NOVEMBER 22, 1974

TOTAL IN THE STATE 3

• UNINCORPORATED AREAS ONLY

PENNSYLVANIA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
422508	ADDISON, TOWNSHIP OF (SOMERSET CO.)	JANUARY	03, 1975	
421667	ALEPPO, TOWNSHIP OF (GREENE CO.)	DECEMBER	27, 1974	
422529	ALLEGHENY, TOWNSHIP OF (VENANGO CO.)	JANUARY	17, 1975	
422609	ALLEGHENY, TOWNSHIP OF (SOMERSET CO.)	JANUARY	03, 1975	
422341	ALLEGHENY, TOWNSHIP OF (BUTLER CO)	MARCH	28, 1975	
421928A	ALLEN, TOWNSHIP OF (NORTHAMPTON CO.)	SEPTEMBER	06, 1974	ANI
		MAY	21, 1976	
422361	ASHLAND, TOWNSHIP OF (CLARION CO.)	JANUARY	10, 1975	
422297	ATWOOD, BOROUGH OF (ARMSTRONG CO.)	JANUARY	31, 1975	
422928	ATR, TOWNSHIP OF (FULTON COU)	FEBRUARY	07, 1975	
422935	BANKS, TOWNSHIP OF (INDIANA CO.)	JANUARY	17, 1975	
421643	BARNETT, TOWNSHIP OF (FOREST CO.)	DECEMBER	27, 1974	
422490	BARNETT, TOWNSHIP OF (JEFFERSON CO.)	DECEMBER	27, 1974	
421883	BARREE, TOWNSHIP OF (HUNTINGDON CO.)	DECEMBER	06, 1974	
422972	BASTRESS, TOWNSHIP OF (LYCOMING COU)	FEBRUARY	07, 1975	
421738	BEALE, TUANSHIP (JUNIATA CO)	DECEMBER	06, 1974	
422129A	BEALLSVILLE, BOROUGH OF (WASHINGTON CO.)	DECEMBER	13, 1974	ANI
		JULY	16, 1976	
422544	BEAR LAKE, BOROUGH OF (WARREN CO.)	DECEMBER	27, 1974	
421547A	BEAVER, TOWNSHIP OF (COLUMBIA CO.)	NOVEMBER	01, 1974	ANI
		JULY	09, 1976	
422362	BEAVER, TOWNSHIP (CLARION CO.)	JANUARY	24, 1975	
422441	BEAVER, TOWNSHIP (JEFFERSON CO.)	JANUARY	17, 1975	
422032A	BEAVER, TOWNSHIP OF (SNYDER CO.)	NOVEMBER	01, 1974	AN
		JULY	30, 1976	
422385	BEAVER, TOWNSHIP OF (CRAWFORD CO)	FEBRUARY	28, 1975	
421459	BELFAST, TOWNSHIP OF (FULTON CO.)	DECEMBER	20, 1974	
420009A	BELLEVUE, BOROUGH OF (ALLEGHENY CO.)	DECEMBER	26, 1973	
422185	BELL, TOWNSHIP OF (WESTMORELAND CO.)	SEPTEMBER	13, 1974	
422494	BELL, TOWNSHIP OF (JEFFERSON CO.)	DECEMBER	13, 1974	AN
		JULY	23, 1976	
422612	BENEZETTE, TOWNSHIP OF (ELK COU)	FEBRUARY	07, 1975	
421749	BENTON, TWP (CLACKAWANNA CO)	JANUARY	10, 1975	
421052A	BETHEL, TOWNSHIP OF (BERKS CO.)	SEPTEMBER	20, 1974	AN
		MAY	28, 1976	
421606	BETHEL, TWP (DELAWARE CO)	JANUARY	24, 1975	
421973	BINGHAM, TOWNSHIP OF (PUTTER CO.)	NOVEMBER	29, 1974	
420982	BIRMINGHAM, BOROUGH OF (HUNTINGDON CO.)	DECEMBER	06, 1974	
421709	BLACK LICK, TOWNSHIP OF (INDIANA CO.)	NOVEMBER	15, 1974	
422510	BLACK, TOWNSHIP (SOMERSET CO.)	JANUARY	24, 1975	
422141	BLAINE, TOWNSHIP OF (WASHINGTON CO.)	OCTOBER	18, 1974	
421332	BLOOMFIELD, TOWNSHIP OF (BEDFORD CO)	JANUARY	31, 1975	
421962	BLUDNING GROVE, TOWNSHIP OF (PIKE CO.)	NOVEMBER	08, 1974	
421515	BOGGS, TOWNSHIP OF (CLEARFIELD CO.)	NOVEMBER	15, 1974	—
421301A	BOGGS, TOWNSHIP OF (ARMSTRONG CO.)	AUGUST	30, 1974	AN
		APRIL	09, 1976	
420873A	BOLIVAR, BOROUGH OF (WESTMORELAND CO.)	JUNE	14, 1974	AN
		APRIL	30, 1976	
420799A	BOSWELL, BOROUGH OF (SOMERSET CO.)	JULY	26, 1974	AN
		APRIL	16, 1976	
421262	BRADFORD WOODS, BOROUGH (ALLEGHENY CO)	JANUARY	03, 1975	
421516	BRADFORD, TOWNSHIP OF (CLEARFIELD CO.)	DECEMBER	06, 1974	
421517	BRADY, TOWNSHIP OF (CLEARFIELD CO.)	NOVEMBER	15, 1974	
422241	BRADY, TOWNSHIP OF (BUTLER CO.)	OCTOBER	25, 1974	
420297A	BRISBIN, BOROUGH OF (CLEARFIELD CO.)	SEPTEMBER	20, 1974	ANI
		JUNE	04, 1976	
422511	BROTHERSVALLEY, TWP (SOMERSET CO.)	JANUARY	10, 1975	
421660	BRUSH CREEK, TOWNSHIP OF (FULTON CO)	MARCH	28, 1975	
421710	BRUSH VALLEY, TWP (INDIANA CO)	JANUARY	03, 1975	
421711	BUFFINGTON, TOWNSHIP OF (INDIANA CO.)	DECEMBER	27, 1974	
421054A	BURLINGTON, TOWNSHIP OF (BRADFORD CO.)	SEPTEMBER	13, 1974	ANI
		MAY	07, 1976	
420298	BURNSIDE, BOROUGH OF (CLEARFIELD CO.)	NOVEMBER	15, 1974	
421303A	BURRELL, TOWNSHIP OF (ARMSTRONG CO.)	SEPTEMBER	20, 1974	ANI
		JUNE	11, 1976	
421929	BUSHKILL, TOWNSHIP OF (NORTHAMPTON CO.)	NOVEMBER	08, 1974	
422364	CALLENSBURG, BOROUGH OF (CLARION CO.)	JANUARY	31, 1975	
420213A	CALLERT, BOROUGH OF (BUTLER CO.)	AUGUST	09, 1974	
422108	CANAL, TOWNSHIP OF (VENANGO CO.)	DECEMBER	06, 1974	
421713	CANOE, TWP (INDIANA CO)	JULY	11, 1975	
421685	CARBON, TWP (HUNTINGDON CO)	JANUARY	10, 1975	

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PENNSYLVANIA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
420795	CASSELMAN, BOROUGH OF (SOMERSET CO.)	NOVEMBER	08, 1974	
421686	CASS, TOWNSHIP OF (HUNTINGDON CO.)	DECEMBER	27, 1974	
420129	CENTERPORT, BOROUGH OF (BERKS CO.)	NOVEMBER	22, 1974	
420347	CENTERVILLE, BOROUGH OF (CRAWFORD CO.)	MARCH	28, 1975	
421417A	CENTER, TOWNSHIP OF (BUTLER CO.)	SEPTEMBER	13, 1974	ANI
		APRIL	30, 1976	
422310	CENTER, TWP (BEAVER CO.)	JANUARY	17, 1975	
421056A	CENTRE, TOWNSHIP OF (BERKS CO.)	NOVEMBER	01, 1974	ANI
		NOVEMBER	07, 1975	
422251	CHAPMAN, BOROUGH OF (NORTHAMPTON CO.)	NOVEMBER	15, 1974	
422545	CHERRY GROVE, TOWNSHIP OF (WARREN CO.)	DECEMBER	27, 1974	
422530	CHERRYTREE, TOWNSHIP (VENANGO CO.)	JANUARY	10, 1975	
422342	CHERRY, TOWNSHIP (BUTLER CO.)	JANUARY	10, 1975	
421885	CHESTNUT HILL, TOWNSHIP OF (MONROE CO.)	NOVEMBER	15, 1974	
421519	CHEST, TOWNSHIP OF (CLEARFIELD CO.)	NOVEMBER	15, 1974	
422604	CHEST, TOWNSHIP (CAMBRIA CO)	JANUARY	10, 1975	
421974A	CLARA, TOWNSHIP OF (POTTER CO.)	OCTOBER	18, 1974	AME
		MAY	14, 1976	
421221A	CLARENDON, BOROUGH (WARREN CO)	SEPTEMBER	06, 1974	AME
		MAY	21, 1976	
421687	CLAY, TOWNSHIP OF (HUNTINGDON CO.)	DECEMBER	13, 1974	
422343	CLAY, TOWNSHIP (BUTLER CO.)	JANUARY	17, 1975	
422334	CLEARFIELD, TOWNSHIP (BUTLER CO.)	JANUARY	10, 1975	
421937	CLEARFIELD, TWP (CAMBRIA CO)	JULY	18, 1975	
422077	CLIFFORD, TOWNSHIP OF (SUSQUEHANNA CO.)	DECEMBER	27, 1974	
421761	CLIFTON, TWP (CLACKAMANNA CO)	JANUARY	24, 1975	
422532	CLINTONVILLE, BOROUGH OF (VENANGO CO.)	DECEMBER	27, 1974	
422345	CLINTON, TOWNSHIP (BUTLER CO.)	JANUARY	10, 1975	
422197	CLINTON, TOWNSHIP OF (LYCOMING CO)	NOVEMBER	29, 1974	
420984	COALMONT, BOROUGH OF (HUNTINGDON CO)	MARCH	28, 1975	
421830	COGAN HOUSE, TOWNSHIP (LYCOMING CO)	APRIL	04, 1975	
422470	COLD SPRING, TOWNSHIP (LEHIGH CO.)	APRIL	04, 1975	
421334	COLERAIN, TWP (BEDFORD CO)	JANUARY	03, 1975	
422346	CONCORD, TOWNSHIP (BUTLER CO.)	JANUARY	17, 1975	
421715	CONEMAUGH, TOWNSHIP OF (INDIANA CO.)	DECEMBER	06, 1974	
421906	CONEWAGO, TOWNSHIP OF (DAUPHIN CO.)	DECEMBER	27, 1974	
421341	CONNEAUT, TOWNSHIP OF (ERIE CO.)	DECEMBER	13, 1974	
422347	CONNEAUT, TOWNSHIP (CRAWFORD CO.)	JANUARY	10, 1975	
421623	CONNELLSVILLE, TOWNSHIP OF (FAYETTE CO.)	DECEMBER	20, 1974	
421913	CONNOQUENESSING, BOROUGH OF (BUTLER CO.)	NOVEMBER	15, 1974	
421549	CUNNINGHAM, TWP (COLUMBIA CO)	JANUARY	03, 1975	
422186	COOK, TOWNSHIP OF (WESTMORELAND CO.)	SEPTEMBER	20, 1974	
421521	COVINGTON, TOWNSHIP OF (CLEARFIELD CO.)	DECEMBER	06, 1974	
422455	COVINGTON, TOWNSHIP (CLACKAMANNA CO.)	JANUARY	10, 1975	
421230	CURRANSHANNOCK, TOWNSHIP OF (ARMSTRONG CO.)	SEPTEMBER	13, 1974	
421535A	CRAWFORD, TOWNSHIP OF (CLINTON CO.)	DECEMBER	20, 1974	AND
		MAY	28, 1976	
421928	DALE, BOROUGH OF (CAMBRIA CO)	MARCH	21, 1975	
421319	DARLINGTON, BOROUGH (BEAVER CO)	JANUARY	24, 1975	
421940	DEAN, TOWNSHIP OF (CAMBRIA CO.)	NOVEMBER	08, 1974	
421189A	DECATUR, TOWNSHIP OF (CLEARFIELD CO.)	SEPTEMBER	20, 1974	AND
		JUNE	18, 1976	
422976A	DEER CREEK, TWP (MERCER CO.)	JANUARY	10, 1975	AND
		JULY	16, 1976	
422118	DEERFIELD, TOWNSHIP OF (WARREN CO.)	NOVEMBER	15, 1974	
421176A	DEERFIELD, TOWNSHIP OF (TIOGA CO.)	AUGUST	30, 1974	AND
		MAY	21, 1976	
420690A	DELAWARE WATER GAP, BOROUGH OF (MONROE CO.)	JUNE	21, 1974	AND
		MAY	28, 1976	
421984	DINGMAN, TOWNSHIP OF (PIKE)	FEBRUARY	14, 1975	
422146	DONEGAL, TOWNSHIP OF (WASHINGTON CO.)	DECEMBER	06, 1974	
421187A	DONEGAL, TOWNSHIP OF (WESTMORELAND CO.)	JUNE	21, 1974	AND
		JULY	02, 1976	
421689	DUBLIN, TOWNSHIP OF (HUNTINGDON CO.)	DECEMBER	13, 1974	
421681A	DUDLEY, BOROUGH OF (HUNTINGDON CO.)	NOVEMBER	08, 1974	AND
		NOVEMBER	14, 1975	
422431	DUNKARD, TWP (GREENE CO.)	JANUARY	10, 1975	
421716	E WHEATFIELD, TWP (INDIANA CO)	JANUARY	24, 1975	
422527	EAGLES MERE, BOROUGH (SULLIVAN CO.)	JANUARY	24, 1975	
422252	EAST BANGOR, BOROUGH OF (NORTHAMPTON CO.)	NOVEMBER	15, 1974	

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PENNSYLVANIA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
420215A	EAST BUTLER, BOROUGH OF (BUTLER CO.)	JULY	26, 1974	AND
		JULY	16, 1976	
422268	EAST CARROLL, TOWNSHIP OF (CAMBRIA)	FEBRUARY	14, 1975	
422259	EAST CONEMAUGH, BOROUGH OF (CAMBRIA CO.)	NOVEMBER	15, 1974	
422389	EAST FALLOWFIELD, TOWNSHIP (CRAWFORD CO.)	JANUARY	10, 1975	
422147	EAST FINLEY, TOWNSHIP OF (WASHINGTON CO.)	NOVEMBER	29, 1974	
422218	EAST HOPEWELL, TOWNSHIP OF (YORK CO.)	DECEMBER	27, 1974	
421248A	EAST HUNTINGDON, TOWNSHIP OF (WESTMORELAND CO.)	SEPTEMBER	20, 1974	AN
		MAY	21, 1976	
422436	EAST MAHONING, TOWNSHIP (INDIANA CO.)	JANUARY	17, 1975	—
420108A	EAST ROCHESTER, BOROUGH OF (BEAVER CO.)	FEBRUARY	01, 1974	AN
		APRIL	16, 1976	
422360	EAST SIDE, BOROUGH OF (CAMBRIA CO.)	JANUARY	31, 1975	
421337	EAST ST. CLAIR, TOWNSHIP OF (BEDFORD CO)	FEBRUARY	28, 1975	
422314	EASTVALE, BOROUGH OF (BEAVER CO.)	JANUARY	31, 1975	
422348	EAU CLAIRE, BORO (BUTLER CO.)	JANUARY	10, 1975	
420109A	ECONOMY, BOROUGH OF (BEAVER CO.)	APRIL	05, 1974	AN
		JUNE	04, 1976	
421772A	EDEN, TOWNSHIP OF (LANCASTER CO.)	AUGUST	30, 1974	AN
		MAY	07, 1976	
420228	EHRENFELD, BOROUGH OF (CAMBRIA CO.)	AUGUST	09, 1974	
421867	ELDERO, TOWNSHIP OF (MONROE CO.)	DECEMBER	06, 1974	
422546	ELDERO, TOWNSHIP (WARREN CO.)	JANUARY	17, 1975	
422443	ELDERO, TOWNSHIP (JEFFERSON CO.)	JANUARY	17, 1975	
422048	ELK LICK, TOWNSHIP OF (SOMERSET CO.)	DECEMBER	27, 1974	
421752A	ELMHURST, TOWN OF (CLACKAMANNA CO.)	OCTOBER	18, 1974	AN
		APRIL	30, 1976	
422189A	FAIRFIELD, TOWNSHIP OF (WESTMORELAND CO.)	SEPTEMBER	06, 1974	AN
		MAY	21, 1976	
422049	FAIRHOPE, TOWNSHIP OF (SOMERSET CO.)	NOVEMBER	15, 1974	
421865	FAIRVIEW, TOWNSHIP OF (MERCER CO.)	NOVEMBER	29, 1974	
422380	FERGUSON, TOWNSHIP (CLEARFIELD CO.)	JANUARY	03, 1975	
422067	FOREST CITY, BOROUGH OF (SUSQUEHANNA CO.)	NOVEMBER	22, 1974	
421419A	FORWARD, TOWNSHIP OF (BUTLER CO.)	SEPTEMBER	13, 1974	AN
		APRIL	16, 1976	
421502	FOXBURG, BOROUGH OF (CLARION CO.)	DECEMBER	20, 1974	
422315	FRANKFORT SPRINGS, BORO (BEAVER CO.)	JANUARY	17, 1975	
422543	FRANKLIN, BOROUGH OF (CAMBRIA CO.)	JANUARY	10, 1975	
422284	FRANKLIN, TOWNSHIP OF (CHESTER CO.)	NOVEMBER	29, 1974	
422595	FRANKLIN, TOWNSHIP (GREENE CO)	JANUARY	03, 1975	
422573	FRANKLIN, TOWNSHIP OF (HUNTINGDON CO.)	DECEMBER	27, 1974	
422350	FRANKLIN, TOWNSHIP (BUTLER CO.)	JANUARY	24, 1975	
422121	FREEHOLD, TWP (WARREN CO)	JANUARY	24, 1975	
422432	FREEPORT, TWP (GREENE CO.)	JANUARY	03, 1975	
422110	FRENCH CREEK, TOWNSHIP OF (VENANGO CO.)	NOVEMBER	22, 1974	
421537	GALLAGHER, TOWNSHIP OF (CLINTON CO)	FEBRUARY	21, 1975	
421427	GERMAN, TWP (FAYETTE CO)	JANUARY	03, 1975	
422433	GILMORE, TWP (GREENE CO.)	JANUARY	10, 1975	
422381	GIRARD, TOWNSHIP (CLEARFIELD CO.)	APRIL	04, 1975	
420112A	GLASGOW, BOROUGH OF (BEAVER CO.)	AUGUST	16, 1974	AN
		APRIL	30, 1976	
422437	GLEN CAMPBELL, BORO (INDIANA CO.)	JANUARY	24, 1975	
420305A	GLEN HOPE, BOROUGH OF (CLEARFIELD CO.)	DECEMBER	20, 1974	AN
		JUNE	04, 1976	
421522	GRAHAM, TWP (CLEARFIELD CO)	JANUARY	03, 1975	
421717	GRANT, TOWNSHIP OF (INDIANA CO.)	JANUARY	31, 1975	
421670A	GREENE, TWP (GREENE CO)	JANUARY	17, 1975	AN
		MAY	14, 1976	
421365	GREENFIELD, TOWNSHIP OF (ERIE CO.)	DECEMBER	06, 1974	
422456	GREENFIELD, TOWNSHIP (LACKAWANNA CO.)	JANUARY	10, 1975	
422512	GRELNVILLE, TOWNSHIP (SOMERSET CO.)	APRIL	04, 1975	
421523	GREENWOOD, TOWNSHIP OF (CLEARFIELD CO.)	DECEMBER	20, 1974	
422396	GREENWOOD, TOWNSHIP (CRAWFORD CO.)	JANUARY	17, 1975	
421444	GREEN, TWP (FOREST CO)	JANUARY	24, 1975	
421539A	GRUGAN, TOWNSHIP OF (CLINTON CO.)	NOVEMBER	08, 1974	AN
		JULY	23, 1974	
421886	HAMILTON, TOWNSHIP OF (MONROE CO.)	NOVEMBER	22, 1974	
421223	HANOVER, TOWNSHIP OF (BEAVER CO.)	SEPTEMBER	04, 1974	
422081A	HANFORD, TOWNSHIP OF (SUSQUEHANNA CO.)	SEPTEMBER	20, 1974	AN
		MAY	28, 1976	

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422528	HARTLETON, BOROUGH OF (UNION CO.)	DECEMBER	27, 1974	
421503	HAWTHORNE, BOROUGH OF (CLARION CO.)	DECEMBER	27, 1974	
421728	HEATH, TOWNSHIP OF (JEFFERSON CO.)	DECEMBER	06, 1974	
421049A	HEIDELBERG, TOWNSHIP OF (BERKS CO.)	DECEMBER	06, 1974	AN
		JUNE	04, 1976	
421626	HENRY CLAY, TOWNSHIP OF (FAYETTE CO.)	DECEMBER	06, 1974	
421399	HERRICK, TWP (BRADFORD CO)	APRIL	04, 1975	
422289	HIGHLAND, TOWNSHIP OF (CHESTER CO.)	NOVEMBER	29, 1974	
422319	HOCKSTOWN, BOROUGH OF (BEAVER CO.)	JANUARY	31, 1975	
421581	HOPEWELL, TOWNSHIP OF (CUMBERLAND CO.)	DECEMBER	27, 1974	
421690	HOPEWELL, TOWNSHIP OF (HUNTINGDON CO.)	DECEMBER	06, 1974	
421610	HUNTER, TOWNSHIP OF (ELK CO.)	SEPTEMBER	13, 1974	
420307A	HOUTZDALE, BOROUGH OF (CLEARFIELD CO.)	MAY	17, 1974	
421525	HUSTON, TOWNSHIP OF (CLEARFIELD CO.)	DECEMBER	20, 1974	
421323A	INDEPENDENCE, TOWNSHIP OF (BEAVER CO.)	AUGUST	30, 1974	AN
		JUNE	18, 1976	
420300A	IRVONA, BOROUGH OF (CLEARFIELD CO.)	APRIL	12, 1974	
422534	IRWIN, TOWNSHIP OF (VENANGO CO.)	JANUARY	31, 1975	
420502A	JACKSONVILLE, BOROUGH OF (INDIANA CO.)	DECEMBER	13, 1974	AN
		MAY	21, 1976	
421593	JACKSON, TOWNSHIP OF (DAUPHIN CO.)	JANUARY	31, 1975	
421671A	JACKSON, TOWNSHIP OF (GREENE CO.)	DECEMBER	20, 1974	AN
		JUNE	04, 1976	
421552	JACKSON, TOWNSHIP OF (COLUMBIA CO.)	DECEMBER	13, 1974	
421691	JACKSON, TOWNSHIP OF (HUNTINGDON CO.)	DECEMBER	13, 1974	
422535	JACKSON, TOWNSHIP (VENANGO CO.)	JANUARY	24, 1975	
422601	JACKSON, TOWNSHIP OF (LYCOMING CO)	MARCH	28, 1975	
421889	JACKSON, TWP (MONROE CO)	JANUARY	03, 1975	
421421A	JEFFERSON, TOWNSHIP OF (BUTLER CO.)	NOVEMBER	01, 1974	AN
		JUNE	25, 1976	
422457	JEFFERSON, TOWNSHIP (CLACKAMANNA CO.)	JANUARY	03, 1975	
421429	JEFFERSON, TWP (FAYETTE CO)	JANUARY	03, 1975	
422422	JENKS, TOWNSHIP (FOREST CO.)	JANUARY	17, 1975	
422519	JENNERS, BOROUGH OF (SOMERSET CO.)	DECEMBER	27, 1974	
422383	JURUDIN, TOWNSHIP (CLEARFIELD CO)	JANUARY	17, 1975	
420218	KANE CITY, BOROUGH OF (BUTLER CO.)	NOVEMBER	08, 1974	
421524	KARTHAUS, TOWNSHIP OF (CLEARFIELD CO.)	NOVEMBER	29, 1974	
421981	KEATING, TOWNSHIP OF (POTTER CO.)	NOVEMBER	22, 1974	
421923	KINGSLEY, TOWNSHIP OF (FOREST CO.)	DECEMBER	27, 1974	
421342	KING, TOWNSHIP OF (BEDFORD CO.)	JANUARY	31, 1975	
421209A	KISKIMINETAS, TOWNSHIP OF (ARMSTRONG CO.)	SEPTEMBER	20, 1974	ANI
		MAY	21, 1976	
421730	KNOX, TOWNSHIP OF (JEFFERSON CO.)	DECEMBER	20, 1974	
421983	LAKE, TOWNSHIP OF (MERCER CO.)	JANUARY	31, 1975	
421422A	LANCASTER, TOWNSHIP OF (BUTLER CO.)	SEPTEMBER	06, 1974	ANI
		MAY	07, 1976	
422336	LANGHORNE MANOR, BOROUGH OF (BUCKS)	FEBRUARY	14, 1975	
422057	LAPORTE, BOROUGH OF (SULLIVAN CO.)	DECEMBER	20, 1974	
422515	LARIMER, TOWNSHIP (SOMERSET CO.)	JANUARY	10, 1975	
422285	LATHROP, TOWNSHIP OF (SUSQUEHANNA CO.)	NOVEMBER	29, 1974	
421954	LAUSANNE, TWP (COLUMBIA CO)	JANUARY	03, 1975	
422334	LE RAYSVILLE, BORO (BRADFORD CO.)	JANUARY	24, 1975	
422567	LEBANON, TWP (WAYNE CO.)	JANUARY	03, 1975	
421540A	LEIGY, TOWNSHIP OF (CLINTON CO.)	DECEMBER	20, 1974	AN
		MAY	28, 1976	
422200	LEMON, TOWNSHIP OF (WYOMING CO.)	NOVEMBER	29, 1974	
422086	LENOX, TOWNSHIP OF (SUSQUEHANNA CO.)	DECEMBER	20, 1974	
422425	LETTERKENNY, TOWNSHIP OF (FRANKLIN CO.)	DECEMBER	20, 1974	
421662A	LICKING CREEK, TOWNSHIP OF (FULTON CO.)	DECEMBER	20, 1974	ANI
		APRIL	30, 1976	
422368	LICKING, TOWNSHIP (CLARION CO.)	JANUARY	24, 1975	
422409	LIGONIER, BOROUGH OF (WASHINGTON CO.)	APRIL	12, 1974	
421430A	LILLY, BOROUGH OF (CAMBRIA CO.)	NOVEMBER	01, 1974	ANI
		JUNE	04, 1976	
422547	LIMESTONE, TOWNSHIP OF (WARREN CO.)	DECEMBER	27, 1974	
422588	LIMESTONE, TOWNSHIP (CLYCOMING CO)	JANUARY	24, 1975	
422514	LINCOLN, TOWNSHIP (SOMERSET CO.)	JANUARY	10, 1975	
421693	LINCOLN, TWP (HUNTINGDON CO)	JANUARY	03, 1975	
421533	LOGANTON, BOROUGH OF (CLINTON CO.)	NOVEMBER	08, 1974	
421694	LOGAN, TOWNSHIP OF (HUNTINGDON CO.)	DECEMBER	06, 1974	
421582	LOWER MIFFLIN, TOWNSHIP OF (CUMBERLAND CO.)	DECEMBER	27, 1974	

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422263	LOWER NAZARETH, TOWNSHIP OF (NORTHAMPTON CO.)	NOVEMBER	15, 1974	
422517	LOWER TURKEYFOOT, TWP (SOMERSET CO.)	JANUARY	24, 1975	
421630	LOWER TYRONE, TOWNSHIP OF (FAYETTE CO.)	DECEMBER	06, 1974	
421811	LOYALHILL, TOWNSHIP OF (CLEARFIELD CO.)	DECEMBER	20, 1974	
420309	LUMBER CITY, BOROUGH (CLEARFIELD CO)	FEBRUARY	14, 1975	
421553	MADISON, TOWNSHIP OF (COLUMBIA COU)	FEBRUARY	07, 1975	
421308	MADISON, TOWNSHIP OF (ARMSTRONG CO.)	NOVEMBER	22, 1974	
421765	MADISON, TWP (LACKAWANNA CO)	JANUARY	03, 1975	
420310A	MAHAFFEY, BOROUGH OF (CLEARFIELD CO.)	AUGUST	30, 1974	ANI
		APRIL	23, 1976	
421584	MAIN, TOWNSHIP OF (COLUMBIA CO)	FEBRUARY	28, 1975	
421325	MANNS CHOICE, BOROUGH OF (BEDFORD CO.)	DECEMBER	13, 1974	
420219A	MARION TWP (BUTLER CO)	JUNE	02, 1974	AN
		JULY	02, 1976	
421935	MCCRERSVILLE, BOROUGH OF (NORTHUMBERLAND CO.)	DECEMBER	27, 1974	
421881	MENNO, TOWNSHIP OF (MIFFLIN CO.)	NOVEMBER	22, 1974	
422352	MERCER, TOWNSHIP (BUTLER CO.)	JANUARY	10, 1975	
422044	MEYERSDALE, BOROUGH OF (SOMERSET CO.)	NOVEMBER	15, 1974	
421443	MIDDLE TAYLOR, TOWNSHIP OF (CAMBRIA CO.)	NOVEMBER	22, 1974	
422518	MIDDLECREEK, TOWNSHIP (SOMERSET CO.)	JANUARY	03, 1975	
422519	MILFORD, TOWNSHIP (SOMERSET CO.)	JANUARY	03, 1975	
421871A	MILL CREEK, TOWNSHIP OF (MERCER CO.)	DECEMBER	20, 1974	
421495	MILLER, TOWNSHIP OF (HUNTINGDON CO.)	NOVEMBER	29, 1974	
421954	MILLER, TWP (PERRY CO)	JANUARY	17, 1975	
421613	MILLSTONE, TOWNSHIP OF (ELK CO)	MARCH	21, 1975	
422536	MINERAL, TOWNSHIP OF (VENANGO CO.)	JANUARY	31, 1975	
421673	MOUNTJOY, TWP (GREENE CO)	JULY	16, 1976	
421744	MONROE, TOWNSHIP (JUNIATA CO)	JANUARY	10, 1975	
422426	MONTGOMERY, TOWNSHIP OF (FRANKLIN CO.)	DECEMBER	13, 1974	
421719	MONTGOMERY, TWP (INDIANA CO)	JANUARY	03, 1975	
421674	MORGAN, TOWNSHIP OF (GREENE CO.)	NOVEMBER	01, 1974	
421696	MORRIS, TOWNSHIP OF (HUNTINGDON CO.)	NOVEMBER	22, 1974	
420692	MT. POCONO, BOROUGH OF (MONROE CO.)	JANUARY	24, 1975	
421847A	MUNCY, TOWNSHIP (LYCOMING CO)	DECEMBER	20, 1974	AN
		JULY	30, 1976	
422243	MUNSTER, TOWNSHIP OF (CAMBRIA CO.)	NOVEMBER	22, 1974	
421348	NAPIER, TOWNSHIP OF (BEDFORD CO.)	JANUARY	31, 1975	
420889A	NEW ALEXANDRIA, BOROUGH OF (WESTMORELAND CO.)	JUNE	28, 1974	AN
		OCTOBER	17, 1975	
420799	NEW BALTIMORE, BOROUGH OF (SOMERSET CO.)	NOVEMBER	08, 1974	
422012	NEW CASTLE, TOWNSHIP OF (SCHUYLKILL CO.)	DECEMBER	27, 1974	
422322	NEW GALILEE, BOROUGH OF (BEAVER CO.)	JANUARY	31, 1975	
422484	NEW LEBANON, BORO (MERCER CO.)	JANUARY	24, 1975	
422485	NEW VERNON, TOWNSHIP OF (MERCER CO.)	JANUARY	31, 1975	
420312A	NEW WASHINGTON, BOROUGH OF (CLEARFIELD CO.)	DECEMBER	20, 1974	AN
		JUNE	04, 1976	
420311	NEWBURG, BOROUGH OF (CLEARFIELD CO.)	NOVEMBER	29, 1974	
421579	NEWVILLE, BOROUGH OF (CUMBERLAND CO.)	JANUARY	31, 1975	
421795	NORTH BEAVER, TOWNSHIP OF (LAWRENCE)	FEBRUARY	14, 1975	
422182	NORTH BELLE VERNON, BOROUGH OF (WESTMORELAND CO.)	NOVEMBER	29, 1974	
422203	NORTH BRANCH, TOWNSHIP OF (WYOMING CO.)	NOVEMBER	29, 1974	
421385A	NORTH FAYETTE, TWP (ALLEGHENY CO)	SEPTEMBER	20, 1974	AN
		JUNE	18, 1976	
421086	NORTH HEIDELBERG, TOWNSHIP OF (BERKS CO.)	SEPTEMBER	13, 1974	
422438	NORTH MAHONING, TWP (INDIANA CO.)	JANUARY	10, 1975	
422209	NORTH MORELAND, TOWNSHIP OF (WYOMING CO.)	NOVEMBER	15, 1974	
422111	OAKLAND, TOWNSHIP OF (VENANGO CO.)	DECEMBER	13, 1974	
422354	OAKLAND, TOWNSHIP (BUTLER CO.)	JANUARY	10, 1975	
421615A	OHIOPYLE, BOROUGH OF (FAYETTE CO.)	JANUARY	31, 1975	AN
		MARCH	19, 1976	
421732	OLIVER, TOWNSHIP OF (JEFFERSON CO.)	DECEMBER	13, 1974	
421401	ONEILL, TWP (BRADFORD CO)	JANUARY	24, 1975	
420313	OSCEOLA MILLS, BOROUGH OF (CLEARFIELD CO.)	MARCH	29, 1974	
421860	OTTO, TOWNSHIP OF (MCKEAN CO.)	NOVEMBER	15, 1974	
422568	OVERFIELD, TOWNSHIP OF (WYOMING CO.)	DECEMBER	27, 1974	
421402	OVERTON, TOWNSHIP OF (BRADFORD CO.)	AUGUST	30, 1974	
421968	PALMYRA, TOWNSHIP OF (PIKE CO.)	DECEMBER	13, 1974	
421991	PANXUISE, TWP (MONROE CO)	APRIL	11, 1975	
421219A	PARKER, TOWNSHIP OF (BUTLER CO.)	SEPTEMBER	20, 1974	ANI
		JULY	16, 1976	
422325	PATTERSON HEIGHTS, BORO (BEAVER CO.)	JANUARY	17, 1975	

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422496	PENNSBURG, BOROUGH OF (MONTGOMERY CO.)	DECEMBER	27, 1974	
421848	PENN, TOWNSHIP (LYCOMING CO)	NOVEMBER	01, 1974	
421630	PENN, TOWNSHIP OF (CLEARFIELD CO.)	NOVEMBER	29, 1974	
422449	PERRY, TOWNSHIP (JEFFERSON CO.)	JANUARY	10, 1975	
422038	PERRY, TWP (SNYDER CO)	JANUARY	03, 1975	
420221	PETROLIA, BOROUGH OF (BUTLER CO.)	NOVEMBER	22, 1974	
421190	PIKE, TOWNSHIP OF (CLEARFIELD CO.)	SEPTEMBER	06, 1974	
421903	PIKE, TOWNSHIP OF (BRADFORD CO.)	NOVEMBER	01, 1974	
422445	PINECREEK, TOWNSHIP (JEFFERSON CO.)	JANUARY	24, 1975	
422538	PINEGROVE, TOWNSHIP (VENANGO CO.)	JANUARY	24, 1975	
421720	PINE, TWP (INDIANA CO)	JANUARY	03, 1975	
421984	PLEASANT VALLEY, TOWNSHIP OF (POTTER CO.)	NOVEMBER	29, 1974	
421327	PLEASANTVILLE, BOROUGH OF (BEDFORD CO.)	NOVEMBER	29, 1974	
421313A	PLUM CREEK, TOWNSHIP OF (ARMSTRONG CO.)	SEPTEMBER	06, 1974	ANI
		JUNE	18, 1976	
420509A	PLUMVILLE, BOROUGH OF (INDIANA CO.)	AUGUST	09, 1974	ANI
		OCTOBER	10, 1975	
422539	PLUM, TOWNSHIP (VENANGO CO.)	JANUARY	24, 1975	
421733	POLK, TOWNSHIP OF (JEFFERSON CO.)	DECEMBER	06, 1974	
421965	PUNTAGE, TOWNSHIP OF (POTTER CO.)	DECEMBER	13, 1974	
422355	PUNTENSVILLE, BORO (BUTLER CO.)	JANUARY	10, 1975	
422446	PORTER, TOWNSHIP OF (JEFFERSON)	FEBRUARY	14, 1975	
422327	PUTTER, TOWNSHIP OF (BEAVER CO.)	DECEMBER	13, 1974	
422356	PROSPECT, BORO (BUTLER CO.)	JANUARY	17, 1975	
421655	QUINCY, TOWNSHIP OF (FRANKLIN CO.)	DECEMBER	27, 1974	
421721	RAYNE, TWP (INDIANA CO)	JANUARY	17, 1975	
421445	READE, TOWNSHIP OF (CAMBRIA CO.)	DECEMBER	06, 1974	
421315	REDBANK, TOWNSHIP OF (ARMSTRONG CO.)	DECEMBER	06, 1974	
422540	RICHLAND, TOWNSHIP (VENANGO CO.)	JANUARY	24, 1975	
422375	RICHLAND, TOWNSHIP (CLARION CO.)	JANUARY	17, 1975	
422447	RINGGOLD, TOWNSHIP (JEFFERSON CO.)	JANUARY	03, 1975	
421557	ROARING CREEK, TOWNSHIP OF (COLUMBIA CO.)	DECEMBER	13, 1974	
422113	ROCKLAND, TWP (VENANGO CO)	JANUARY	10, 1975	
422045	ROCKWOOD, BOROUGH OF (SOMERSET CO.)	DECEMBER	06, 1974	
422255	ROSELTO, BOROUGH OF (NORTHAMPTON CO.)	NOVEMBER	15, 1974	
420824	ROSEVILLE, BOROUGH OF (TIOGA CO.)	DECEMBER	13, 1974	
421734A	ROSE, TOWNSHIP OF (JEFFERSON CO.)	SEPTEMBER	20, 1974	ANI
		JUNE	18, 1976	
421986	ROULETTE, TOWNSHIP OF (POTTER CO.)	DECEMBER	20, 1974	
422302	RURAL VALLEY, BORO (ARMSTRONG CO.)	JANUARY	24, 1975	
422376	SALEM, TOWNSHIP (CLARION CO.)	JANUARY	10, 1975	
422192A	SALEM, TOWNSHIP OF (WESTMORELAND CO.)	SEPTEMBER	20, 1974	AN
		JUNE	25, 1976	
420492	SALTILLO, BOROUGH OF (HUNTINGTON CO.)	JANUARY	31, 1975	
420505	SALTSBURG, BORO (INDIANA CO)	APRIL	18, 1975	
421874	SANDY LAKE, TOWNSHIP OF (MERCER CO.)	DECEMBER	13, 1974	
422357	SAXONBURG, BOROUGH OF (BUTLER CO.)	DECEMBER	27, 1974	
421757	SCOTT, TOWNSHIP OF (LACKAWANNA CO.)	DECEMBER	27, 1974	
422542A	SCRUBGRASS, TOWNSHIP OF (VENANGO CO)	FEBRUARY	28, 1975	
420071B	SEWICKLEY HTS, BORO (ALLEGHENY CO)	MARCH	22, 1974	AN
		MAY	17, 1974	AN
		JUNE	04, 1976	
420802	SHANKSVILLE, BOROUGH OF (SOMERSET CO.)	NOVEMBER	15, 1974	
421585A	SHIPPENSBURG, TWP (CUMBERLAND CO)	SEPTEMBER	06, 1974	AN
		JUNE	25, 1976	
420117A	SHIPPING PORT, BOROUGH OF (BEAVER CO.)	FEBRUARY	01, 1974	AN
		MAY	14, 1974	
422338	SILVERDALE, BORO (BUCKS CO.)	JANUARY	03, 1975	
421349	SNAKE SPRING, TWP (BEDFORD CO)	JANUARY	24, 1975	
421219A	SOUTH BEND, TOWNSHIP OF (ARMSTRONG CO.)	SEPTEMBER	20, 1974	AN
		MAY	14, 1976	
420100	SOUTH BETHLEHEM, BOROUGH OF (ARMSTRONG CO)	JUNE	28, 1974	
421619	SOUTH CONNELLSVILLE, BOROUGH OF (FAYETTE CO.)	NOVEMBER	08, 1974	
422310	SOUTH HEIGHTS, BOROUGH OF (BEAVER CO.)	JANUARY	31, 1975	
422194	SOUTH HUNTINGDON, TOWNSHIP OF (WESTMORELAND CO.)	AUGUST	09, 1974	
422439	SOUTH MAHONING, TWP (INDIANA CO.)	JANUARY	24, 1975	
421586	SOUTH NEWTON, TOWNSHIP OF (CUMBERLAND CO.)	DECEMBER	27, 1974	
422523	SOUTHAMPTON, TOWNSHIP OF (SOMERSET CO.)	DECEMBER	27, 1974	
421351	SOUTHAMPTON, TOWNSHIP OF (BEDFORD CO.)	FEBRUARY	07, 1975	
421587	SOUTHAMPTON, TOWNSHIP OF (CUMBERLAND CO.)	DECEMBER	27, 1974	

• UNINCORPORATED AREAS ONLY

PENNSYLVANIA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
422127	SOUTHWEST, TOWNSHIP OF (WARREN CO.)	NOVEMBER	22, 1974	
421619	SPRING CREEK, TOWNSHIP OF (ELK CO.)	DECEMBER	06, 1974	
421677	SPRINGHILL, TWP (GREENE CO)	APRIL	11, 1975	
421570A	SPRING, TOWNSHIP OF (CRAWFORD CO.)	MAY	31, 1974	AN
		JULY	09, 1976	
421745	SPRUCE HILL, TOWNSHIP OF (JUNIATA CO.)	NOVEMBER	22, 1974	
421408	STANDING STONE, TOWNSHIP OF (BRADFORD CO.)	SEPTEMBER	20, 1974	
421407A	STEVENS, TOWNSHIP OF (BRADFORD CO.)	NOVEMBER	01, 1974	AN
		JUNE	25, 1976	
420162	STRAUSSTOWN, BORO (BERKS CO)	JANUARY	24, 1975	
421328	ST. CLAIRSVILLE, BOROUGH OF (BEDFORD CO.)	JANUARY	31, 1975	
422191A	ST. CLAIR, TOWNSHIP OF (WESTMORELAND CO.)	SEPTEMBER	20, 1974	AN
		JUNE	18, 1976	
422489	SUGAR GROVE, TOWNSHIP OF (MERCER CO.)	JANUARY	31, 1975	
422549	SUGAR GROVE, TOWNSHIP (WARREN CO.)	JANUARY	24, 1975	
421658	SUGARLOAF, TWP (COLUMBIA CO)	APRIL	04, 1975	
422349	SUMMERHILL, TOWNSHIP OF (CRAWFORD CO.)	JANUARY	31, 1975	
422068	SUMMIT, TWP (SOMERSET CO)	JANUARY	03, 1975	
421990	SYLVANIA, TOWNSHIP OF (POTTER CO.)	DECEMBER	06, 1974	
422397	S. SHENANGO, TOWNSHIP (CRAWFORD CO.)	JANUARY	03, 1975	
421469A	TAYLOR, TOWNSHIP OF (CENTRE CO.)	DECEMBER	20, 1974	AN
		MAY	28, 1976	
422339	TELFORD, BOROUGH OF (MONTGOMERY CO.)	JANUARY	10, 1975	
421664	THOMPSON, TOWNSHIP (FULTON CO.)	DECEMBER	13, 1974	
422576	THREE SPRINGS, BORO (HUNTINGDON CO)	JANUARY	24, 1975	
422448	TIMBLIN, BORO (JEFFERSON CO.)	JANUARY	24, 1975	
420468A	TIONESTA, TOWNSHIP OF (FOREST CO.)	NOVEMBER	29, 1974	AN
		JUNE	26, 1976	
421113A	TOWANDA, TOWNSHIP OF (BRADFORD CO.)	JULY	26, 1974	AN
		JUNE	18, 1976	
422550	TRIUMPH, TWP (WARREN CO.)	JANUARY	17, 1975	
420315	TROUTVILLE, BOROUGH OF (CLEARFIELD CO.)	DECEMBER	06, 1974	
421115	TULPEHOCKEN, TOWNSHIP OF (BERKS CO.)	NOVEMBER	08, 1974	
421898	TUNKHANNOCK, TOWNSHIP OF (MONROE CO.)	JANUARY	31, 1975	
421961	TYRONE, TOWNSHIP OF (PERRY CO.)	JANUARY	31, 1975	
422584	UNIONDALE, BORO (SUSQUEHANNA CO.)	JANUARY	24, 1975	
421573A	UNION, TOWNSHIP OF (CRAWFORD CO.)	AUGUST	30, 1974	AN
		MAY	21, 1976	
422449	UNION, TOWNSHIP OF (JEFFERSON CO.)	DECEMBER	27, 1974	
422430	UNION, TOWNSHIP OF (FULTON CO.)	DECEMBER	27, 1974	
421704	UNION, TOWNSHIP (HUNTINGDON CO)	DECEMBER	06, 1974	
421531	UNION, TWP (CLEARFIELD CO)	JANUARY	17, 1975	
421118	UPPER BERN, TOWNSHIP OF (BERKS CO.)	SEPTEMBER	20, 1974	
421934	UPPER NAZARETH, TOWNSHIP OF (NORTHAMPTON CO.)	DECEMBER	27, 1974	
422525	UPPER TURKEYFOOT, TOWNSHIP OF (SOMERSET CO.)	DECEMBER	27, 1974	
421120	UPR TULPEHOCKEN, TWP(BERKS CO)	JANUARY	10, 1975	
420841A	UTICA, BOROUGH OF (VENANGO CO.)	AUGUST	16, 1974	AN
		MAY	28, 1976	
421620	VANDERGRIFT, BOROUGH OF (FAYETTE CO.)	JANUARY	31, 1975	
421748	VANDLING, BOROUGH OF (LACKAWANNA)	FEBRUARY	14, 1975	
420355A	VENANGO, BOROUGH OF (CRAWFORD CO.)	AUGUST	30, 1974	
422359	VENANGO, TOWNSHIP (BUTLER CO.)	JANUARY	24, 1975	
421579A	VENANGO, TOWNSHIP OF (CRAWFORD CO.)	MAY	31, 1974	AN
		JUNE	11, 1976	
422543	VICTORY, TOWNSHIP OF (VENANGO CO.)	JANUARY	31, 1975	
421577	W FALLOWFIELD, TWP (CRAWFORD CO)	JANUARY	17, 1975	
422577	WALKER, TWP (HUNTINGDON CO.)	JANUARY	10, 1975	
420316	WALLACETON, BOROUGH OF (CLEARFIELD CO.)	NOVEMBER	08, 1974	
420062	WALL, BOROUGH OF (ALLEGHENY CO.)	APRIL	25, 1974	
421408	WARREN, TOWNSHIP OF (WARREN CO.)	JANUARY	31, 1975	
422232	WARRINGTON, TOWNSHIP (YORK CO)	DECEMBER	27, 1974	
421705	WARRIORS MARK, TWP (HUNTINGDON CO)	JANUARY	17, 1975	
422450	WARSAW, TOWNSHIP (JEFFERSON CO.)	JANUARY	17, 1975	
420224A	WASHINGTON, TOWNSHIP OF (BUTLER CO.)	SEPTEMBER	13, 1974	AN
		MAY	21, 1976	
422194A	WASHINGTON, TOWNSHIP OF (WESTMORELAND CO.)	SEPTEMBER	06, 1974	AN
		MAY	28, 1976	
421678	WASHINGTON, TOWNSHIP OF (GREENE CO.)	NOVEMBER	01, 1974	
421317	WASHINGTON, TOWNSHIP OF (ARMSTRONG CO.)	NOVEMBER	15, 1974	
422378	WASHINGTON, TOWNSHIP OF (CLARION CO.)	JANUARY	17, 1975	
421383	WASHINGTON, TOWNSHIP OF (BERKS CO.)	NOVEMBER	22, 1974	

• UNINCORPORATED AREAS ONLY

PENNSYLVANIA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
421948	WASHINGTON, TOWNSHIP OF (CAMBRIA CO.)	NOVEMBER	22, 1974	
422207	WASHINGTON, TOWNSHIP OF (WYOMING CO.)	DECEMBER	06, 1974	
422468	WASHINGTON, TOWNSHIP OF (LAWRENCE COU)	FEBRUARY	07, 1975	
421722	WASHINGTON, TWP (INDIANA CO)	DECEMBER	22, 1974	
422551	WATSON, TWP (WARREN CO.)	JANUARY	10, 1975	
422027	WAYNE, TOWNSHIP OF (SCHUYLKILL CO.)	NOVEMBER	29, 1974	
421679	WAYNE, TOWNSHIP OF (GREENE CO.)	DECEMBER	27, 1974	
421599	WAYNE, TWP (DAUPHIN CO)	JANUARY	17, 1975	
422526	WELLERSBURG, BOROUGH OF (SOMERSET CO.)	JANUARY	31, 1975	
421740A	WEST ABLINGTON, TOWNSHIP OF (LACKAWANNA CO.)	DECEMBER	20, 1974	AN
		JUNE	18, 1976	
422507	WEST BEAVER, TWP (SNYDER CO.)	JANUARY	24, 1975	
422156	WEST BETHLEHEM, TOWNSHIP OF (WASHINGTON CO.)	NOVEMBER	29, 1974	
422028	WEST BRUNSWICK, TWP (SCHUYLKILL CO)	JANUARY	10, 1975	
421104	WEST BUFFALO, TOWNSHIP OF (UNION CO.)	NOVEMBER	01, 1974	
422545	WEST FINLEY, TOWNSHIP OF (WASHINGTON CO.)	DECEMBER	27, 1974	
422304	WEST FRANKLIN, TWP (ARMSTRONG CO.)	JANUARY	10, 1975	
421542	WEST KEATING, TOWNSHIP OF (CLINTON CO.)	DECEMBER	06, 1974	
421723	WEST MAHONING, TWP (INDIANA CO)	JANUARY	24, 1975	
422029	WEST PENN, TOWNSHIP OF (SCHUYLKILL CO.)	NOVEMBER	15, 1974	
421123A	WEST ROCKHILL, TOWNSHIP OF (BUCKS CO.)	SEPTEMBER	13, 1974	
422402	WEST SHENANGO, TOWNSHIP (CRAWFORD CO.)	JANUARY	17, 1975	
421460	WEST TAYLOR, TOWNSHIP OF (CAMBRIA CO.)	NOVEMBER	22, 1974	
421841	WETMORE, TWP (MCKEAN CO)	JULY	26, 1975	
421480A	WHITELEY, TOWNSHIP OF (GREENE CO.)	DECEMBER	27, 1974	AN
		APRIL	30, 1976	
422258	WHITE, TOWNSHIP OF (CAMBRIA CO.)	NOVEMBER	22, 1974	
420400A	WILLIAMSTOWN, BOROUGH OF (DAUPHIN CO.)	JUNE	28, 1974	AN
		JUNE	25, 1976	
421601	WILLIAMS, TOWNSHIP OF (DAUPHIN CO.)	DECEMBER	13, 1974	
421215A	WINSLOW, TWP (JEFFERSON CO)	SEPTEMBER	20, 1974	AN
		MAY	14, 1976	
420157A	WOMELSDORF, BOROUGH OF (BERKS CO.)	MAY	24, 1974	
421330	WOODBURY, BOROUGH OF (BEDFORD CO.)	DECEMBER	06, 1974	
421355A	WOODBURY, TOWNSHIP OF (BEDFORD CO.)	JANUARY	31, 1975	AN
		MAY	21, 1976	
422403	WOODCOCK, BOROUGH OF (CRAWFORD CO.)	SEPTEMBER	13, 1974	
421532	WOODWARD, TWNSHIP OF (CLEARFIELD CO.)	DECEMBER	27, 1974	
422306	WORTHINGTON, BORO (ARMSTRONG CO.)	DECEMBER	27, 1974	
422492	WORTH, TWP (MERCER CO.)	JANUARY	24, 1975	
420944A	YORK HAVEN, BOROUGH OF (YORK CO.)	JANUARY	24, 1975	AN
		MARCH	19, 1976	
421726	YOUNG, TWP (INDIANA CO)	DECEMBER	20, 1974	

TOTAL IN THE STATE 457

• UNINCORPORATED AREAS ONLY

SOUTH CAROLINA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
450201	ALLENDALE COUNTY •	NOVEMBER	29, 1974	
450222A	ATLANTIC BEACH, TOWN OF	AUGUST	23, 1974	
450203	BAMBERG COUNTY •	NOVEMBER	29, 1974	
450204	BARNWELL COUNTY •	DECEMBER	20, 1974	
450116	BETHUNE, TOWN (KERSHAW CO)	JULY	18, 1975	
450232	CAMERON, TOWN (CALHOUN CO)	JANUARY	03, 1975	
450077	CONWAY, TOWN OF (FLORENCE CO.)	OCTOBER	25, 1974	
450124A	CROSS HILL, TOWN OF (LAURENS CO.)	SEPTEMBER	06, 1974	ANI
		JUNE	18, 1976	
450040	DARLINGTON COUNTY •	DECEMBER	27, 1974	
450045A	DILLON, TOWN OF (DILLON CO.)	MAY	17, 1974	ANI
		JUNE	18, 1976	
450079A	EDGEFIELD, TOWN OF (EDGEFIELD CO.)	MAY	24, 1974	ANI
		MARCH	05, 1976	
450222A	EHRHARDT, TOWN OF (BAMBERG CO.)	JULY	19, 1974	ANI
		JUNE	18, 1976	
450118	ELGIN, TOWN (KERSHAW CO)	JANUARY	24, 1975	

• UNINCORPORATED AREAS ONLY

SOUTH CAROLINA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
450010A	FAIRFAX, TOWN OF (ALLENDALE CO.)	MAY	31, 1974	ANI
		APRIL	23, 1976	
450132	GILBERT, TOWN OF (LEXINGTON CO.)	OCTOBER	25, 1974	
450210	GRAY COURT, TOWN OF (LAURENS CO.)	DECEMBER	13, 1974	
450103A	HOLLY HILL, TOWN OF (ORANGEBURG CO.)	JUNE	07, 1974	ANI
		APRIL	23, 1976	
450037A	HOLLYWOOD, TOWN OF (CHARLESTON CO.)	SEPTEMBER	06, 1974	ANI
		APRIL	23, 1976	
450220	JAMESTOWN, TOWN OF (BERKELEY COU)	FEBRUARY	07, 1975	
450063	LAMAR, TOWN (DARLINGTON CO)	JULY	18, 1975	
450120	LYNCHBURG, TOWN (LEE CO)	JULY	10, 1975	
450150	MCCOLL, TOWN (MARLBORO CO)	JULY	25, 1975	
450080A	OLANTA, TOWN OF (FLORENCE CO.)	MAY	24, 1974	
450081A	PAMPLICO, TOWN OF (FLORENCE CO.)	MAY	10, 1974	
450053	PAXVILLE, TOWN OF (CLARENDON CO.)	AUGUST	09, 1974	
450135A	PELION, TOWN OF (LEXINGTON CO.)	AUGUST	09, 1974	ANI
		JUNE	04, 1976	
450218	REEVESVILLE, TOWN OF (DORCHESTER CO.)	DECEMBER	27, 1974	
450071A	RIDGEVILLE, TOWN OF (DORCHESTER CO.)	MAY	31, 1974	ANI
		APRIL	30, 1976	
450145A	RUFFSVILLE, TOWN OF (ORANGEBURG CO.)	SEPTEMBER	20, 1974	
450212	SALEM, TOWN OF (OCONEE CO.)	NOVEMBER	08, 1974	
450145A	SELLERS, TOWN OF (MARION CO.)	JUNE	07, 1974	AN
		JULY	23, 1976	
450155	SILVERSTREET, TOWN (NEWBERRY CO)	JANUARY	24, 1975	
450057A	SHOALS, TOWN OF (COLLETON CO.)	SEPTEMBER	06, 1974	ANI
		JUNE	18, 1976	
450011	SYCAMORE, TOWN OF (ALLENDALE CO.)	OCTOBER	25, 1974	
450084A	TIMMONSVILLE, TOWN OF (FLORENCE CO.)	MAY	24, 1974	
450012A	ULMERS, TOWN OF (ALLENDALE CO.)	AUGUST	16, 1974	AN
		JUNE	11, 1976	

TOTAL IN THE STATE 36

• UNINCORPORATED AREAS ONLY

SOUTH DAKOTA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
460152	ALCESTER, CITY (UNION CO)	JULY	11, 1975	
460153	ALEXANDRIA, CITY (HANSON CO)	JUNE	27, 1975	
460096	ALPENA, TOWN OF (JERAULD CO.)	SEPTEMBER	26, 1975	
460077	ASHTON, CITY OF (SPINK CO.)	DECEMBER	06, 1974	
460098	AURORA, TOWN (BROOKINGS CO)	JUNE	27, 1975	
460058	BALTIC, TOWN OF (MINNEHAHA CO.)	DECEMBER	04, 1974	
460155	BEMESFORD, CITY (CLINCOLN CO.)	JULY	18, 1975	
460105	CLARemont, TOWN (BROWN CO)	APRIL	25, 1975	
460165	CLEAR LAKE, CITY OF	AUGUST	08, 1975	
460008	COLUMBIA, TOWN OF (BROWN CO.)	DECEMBER	06, 1974	
460078	CONDE, TOWN OF (SPINK CO.)	DECEMBER	20, 1974	
460167	CORSICA, TOWN (DOUGLAS CO)	SEPTEMBER	24, 1975	
460107	CRESBARD, TOWN (FAULK CO)	JULY	18, 1975	
460148	DE SMET, CITY (KINGSBURY CO)	JULY	11, 1975	
460079	DOLAND, TOWN OF (SPINK CO)	FEBRUARY	07, 1975	
460164	DUPREE, CITY OF (ZIEBACH CO.)	APRIL	25, 1975	
460076A	EDGEMONT, CITY OF (FALL RIVER CO.)	JANUARY	02, 1974	AN
		JANUARY	16, 1976	
460172	ELKTON, CITY (BROOKINGS CO)	AUGUST	22, 1975	
460177	GARRETSON, CITY (MINNEHAHA CO)	SEPTEMBER	26, 1975	
460112	GARY, CITY OF (DEUEL CO.)	JUNE	27, 1975	
460115	HARTI, TOWN (HAMLIN CO)	JUNE	27, 1975	
460181	HENKELO, CITY (CAMPBELL CO)	JULY	11, 1975	
460118	HUMBOLDT, TOWN (MINNEHAHA CO)	SEPTEMBER	05, 1975	
460120	IRENE, TOWN (TURNER CO.)	JULY	11, 1975	
460121	IROQUOIS, CITY (BEADLE CO.)	JULY	18, 1975	
460186	KIMBALL, CITY (BRULE CO)	AUGUST	08, 1975	
460124	LAKE NORDEN, CITY (HAMLIN CO)	SEPTEMBER	19, 1975	
460189	LAKE PRESTON, CITY (KINGSBURY CO)	JULY	18, 1975	

• UNINCORPORATED AREAS ONLY

SOUTH DAKOTA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
460125	LANGFORD, TOWN (MARSHALL CO)	JUNE	27, 1975	
460190	LEAD, CITY OF (LAWRENCE COU)	FEBRUARY	07, 1975	
460192	LENNOX, CITY (LINCOLN CO)	SEPTEMBER	26, 1975	
460193	LEOLA, CITY (MCPHERSON CO)	JUNE	27, 1975	
460195	MCINTOSH, CITY (CORSON CO)	SEPTEMBER	19, 1975	
460208	MURDO, CITY (JONES CO)	SEPTEMBER	19, 1975	
460127	NEW EFFINGTON, TOWN (ROBERTS CO)	JULY	25, 1975	
460209	NEWELL, CITY (BUTTE CO)	JULY	18, 1975	
460080	NORTHVILLE, TOWN OF (SPINK CO.)	DECEMBER	13, 1974	
460211	PARKER, CITY (TURNER CO)	JUNE	27, 1975	
460130	PEEVER, CITY (ROBERTS CO)	AUGUST	15, 1975	
460132	PULLOCK, TOWN (CAMPBELL CO)	JUNE	27, 1975	
460133	PUKANA, TOWN (BRULE CO)	SEPTEMBER	19, 1975	
460134	RANDIA, TOWN (CLARK CO)	JULY	25, 1975	
460137	ROSLYN, TOWN (DAY CO)	APRIL	25, 1975	
460214	SELBY, CITY (WALWORTH CO)	JULY	25, 1975	
460138	ST. FRANCIS, TOWN (TODD CO)	SEPTEMBER	19, 1975	
460139	ST. LAWRENCE, TOWN (HAND CO)	JULY	18, 1975	
460141	SUMMIT, TOWN (ROBERTS CO)	JULY	18, 1975	
460143	TEA, TOWN (LINCOLN CO)	SEPTEMBER	19, 1975	
460145	TULARE, TOWN (SPINK CO)	JULY	25, 1975	
460082	TURTON, TOWN OF (SPINK CO.)	DECEMBER	20, 1974	
460221	VALLEY SPRINGS, TOWN (MINNEHAHA CO)	SEPTEMBER	26, 1975	
460146	VEBLEN, TOWN OF (MARSHALL CO.)	APRIL	25, 1975	
460147	WESSINGTON, CITY (BEADLE CO.)	AUGUST	22, 1975	
460151	WORTHING, TOWN (LINCOLN CO)	AUGUST	22, 1975	

TOTAL IN THE STATE 59

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TENNESSEE

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
470234	ADAIR, TOWN OF (MADISON COU)	FEBRUARY	07, 1975	
470159	ADAMS, TOWN OF (ROBERTSON CO.)	NOVEMBER	15, 1974	
470262	ARLINGTON, TOWN (SHELBY CO)	JULY	25, 1975	
470285	ATWOOD, TOWN OF (CARROLL CO.)	JULY	18, 1975	
470007	BELL BUCKLE, TOWN OF (BEDFORD CO.)	JUNE	14, 1974	
470246	BELLS, TOWN (CROCKETT CO)	JANUARY	10, 1975	
470219	BENTON COUNTY	JANUARY	10, 1975	
470128A	BETHEL SPRINGS, TOWN OF (MCNAIRY CO.)	JUNE	28, 1974	ANI
		APRIL	02, 1976	
470220	BLOUNT COUNTY	JANUARY	10, 1975	
470057A	BRADFORD, TOWN OF (GIBSON CO.)	JUNE	21, 1974	ANI
		APRIL	23, 1976	
470120	CHAPEL HILL, TOWN OF (MARSHALL CO.)	JUNE	14, 1974	
470160	CROSS PLAINS, TOWN (ROBERTSON CO)	JANUARY	24, 1975	
470046	DICKSON COUNTY •	DECEMBER	06, 1974	
470166A	EAGLEVILLE, TOWN OF (RUTHERFORD CO.)	AUGUST	23, 1974	AN
		JULY	02, 1976	
470271A	ENGLEWOOD, CITY OF (MCMINN CO.)	JULY	02, 1976	
		APRIL	11, 1975	
470242	FAIRVIEW, CITY (WILLIAMSON CO)	SEPTEMBER	06, 1974	
470129A	FINGER, TOWN OF (MCNAIRY CO.)	JANUARY	24, 1975	
470247	GADSDEN, TOWN (CROCKETT CO)	JANUARY	31, 1975	
470244	GARLAND, TOWN OF (TIPTON COU)	JULY	18, 1975	
470286	GIBSON, TOWN OF (GIBSON CO.)	SEPTEMBER	13, 1974	AN
470190A	GILT EDGE, CITY OF (TIPTON CO.)	JULY	02, 1976	
		JANUARY	31, 1975	
470255	GRAND JUNCTION, CITY OF (HARDEMAN COU)	JUNE	21, 1974	AN
470161A	GREENBRIER, CITY OF (ROBERTSON CO.)	JUNE	18, 1976	
		JANUARY	24, 1975	
470226	HANCOCK COUNTY	DECEMBER	20, 1974	
470084	HENDERSON COUNTY •	JANUARY	03, 1975	
470259A	HENNING, TOWN (LAUDERDALE CO)	JUNE	14, 1974	AN
470101A	IRON CITY, CITY OF (LAWRENCE CO.)	JUNE	25, 1974	
		MARCH	28, 1975	
470052	JAMESTOWN, CITY OF (FENTRESS CO)			

• UNINCORPORATED AREAS ONLY

TENNESSEE

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
470224	KENTON, TOWN OF (GIBSON CO.)	DECEMBER	27, 1974	
470289	KINGSTON SPRINGS, CITY OF (CHEATHAM CO.)	JULY	18, 1975	
470121	LEWISBURG, CITY OF (MARSHALL CO.)	MARCH	01, 1974	
470245	LYNNVILLE, CITY OF (GILES CO.)	JUNE	14, 1974	
470251	MEDINA, CITY (GIBSON CO)	JANUARY	03, 1975	
470139	MORGAN COUNTY	JANUARY	17, 1975	
470291	PEGRAM, TOWN OF (CHEATHAM CO.)	JULY	18, 1975	
475442	PIGEON FORGE, CITY OF (SEVIER CO.)	AUGUST	31, 1972	
470149	PUTNAM COUNTY •	SEPTEMBER	13, 1974	
470131	RAMER, TOWN OF (MCNAIRY CO.)	NOVEMBER	29, 1974	
470277	RICHARD CITY, CITY OF (MARION CO.)	FEBRUARY	01, 1974	
470162A	RIDGETOP, CITY OF (ROBERTSON CO.)	JUNE	07, 1974	AN
		JUNE	18, 1976	
470235	RIVES, CITY OF (OBION CO.) (OBION CO.)	JANUARY	03, 1975	
470061A	RUTHERFORD, TOWN OF (GIBSON CO.)	JUNE	07, 1974	AN
		JUNE	25, 1976	
470083	SALTILLO, TOWN OF (HARDIN CO.)	JUNE	14, 1974	
470078	SIGNAL MOUNTAIN, TOWN OF (HAMILTON CO.)	JUNE	14, 1974	
470239	SPENCER, TOWN OF (VAN BUREN COU)	FEBRUARY	07, 1975	
470254	STANTON, TOWN (HAYWOOD CO.)	JANUARY	03, 1975	
470277	STEWART COUNTY •	SEPTEMBER	13, 1974	
470279A	SURGOINSVILLE, CITY OF (HAWKINS CO.)	MAY	17, 1974	
470280	TELLICO PLAINS, CITY OF (MONROE CO.)	MARCH	08, 1974	
470282A	TRACY CITY, CITY OF (GRUNDY CO.)	MAY	10, 1974	AN
		JULY	02, 1976	
470249	TRIMBLE, TOWN (DYER CO)	JANUARY	03, 1975	
470009A	WARTRACE, TOWN OF (BEDFORD CO.)	JUNE	14, 1974	AN
		APRIL	23, 1976	
470248	WHITE BLUFF, TOWN (DICKSON CO)	JULY	11, 1975	
470118	WHITEVILLE, CITY OF (HARDIN CO.)	FEBRUARY	15, 1974	
470254	YORKVILLE, CITY (GIBSON CO)	JUNE	27, 1975	

TOTAL IN THE STATE 55

• UNINCORPORATED AREAS ONLY

TEXAS

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
480490A	CACTUS, CITY OF (MOORE CO.)	JUNE	14, 1974	AN
		MARCH	26, 1976	
480369A	CADDO MILLS, CITY OF (HUNT CO.)	JUNE	28, 1974	AN
		MARCH	12, 1976	
480365A	CELESTE, CITY OF (HUNT CO.)	JUNE	21, 1974	AN
		MAY	26, 1976	
480564A	CENTER, CITY OF (SHELBY CO.)	MARCH	01, 1974	AN
		JANUARY	02, 1976	
481202	CHILLICOTHE, CITY OF (HARDEMAN CO.)	JULY	18, 1975	
481141	CHINA GROVE, CITY (BEXAR CO)	APRIL	25, 1975	
480702	CHRISTINE, CITY (ATASCOSA CO)	JULY	11, 1975	
480535	CLARKSVILLE, CITY OF (GREGG CO.)	JULY	11, 1975	
480169A	COCKRELL HILL, CITY OF (DALLAS CO.)	DECEMBER	07, 1973	AN
		JUNE	11, 1976	
480149	COLORADO COUNTY •	OCTOBER	25, 1974	
480104A	COMBES, TOWN OF (CAMERON CO.)	MAY	10, 1974	AN
		MAY	21, 1976	
480193	COOPER, CITY OF (DELTA CO.)	JANUARY	09, 1973	
480527A	CORRIGAN, CITY OF (POLK CO.)	MAY	24, 1974	AN
		APRIL	09, 1976	
480909A	CRANDALL, CITY OF (KAUFMAN CO.)	MARCH	08, 1974	AN
		MAY	21, 1976	
481149	DODD CITY, TOWN (FANNIN CO)	JULY	18, 1975	
480761	DUDSON, TOWN (COLLINGSWORTH CO)	APRIL	25, 1975	
480088A	EARLY, CITY OF (BROWN CO.)	MAY	17, 1974	AN
		JANUARY	30, 1976	
480895	EARTH, CITY (LAMB CO)	MAY	02, 1975	
481145	EASTON, VILLAGE (GREGG AND RUSK COS)	JULY	18, 1975	
480809	ECTOR, TOWN (FANNIN CO)	JULY	11, 1975	
480743	EDEN, VILLAGE (CONCHO CO)	MAY	02, 1975	
480635A	EDGEWOOD, CITY OF (VAN ZANDT CO.)	JUNE	14, 1974	AN
		APRIL	02, 1976	
480977	ENOCH, TOWN (BRAZOS CO)	AUGUST	08, 1975	
480207	ENNIS, CITY OF (ELLIS CO.)	JUNE	28, 1974	
480277	ESTELLINE, CITY OF (HALL CO.)	NOVEMBER	08, 1974	
481069	FAIRVIEW, TOWN (COLLIN CO)	JANUARY	10, 1975	
480755	FARMERSVILLE, CITY (COLLIN CO)	JULY	11, 1975	
480226A	FLOYDADA, CITY OF (FLOYD CO.)	MAY	31, 1974	AN
		JANUARY	09, 1976	
480946A	FOLLETT, CITY OF (LIPSCOMB CO.)	JUNE	28, 1974	AN
		AUGUST	15, 1975	
480003A	FRANKSTON, CITY OF (ANDERSON CO.)	AUGUST	16, 1974	AN
		JANUARY	09, 1976	
480523A	FRIONA, CITY OF (PARMER CO.)	APRIL	12, 1974	
480435A	GIDDINGS, CITY (LEE CO.)	JUNE	28, 1974	AN
		JANUARY	16, 1976	
480579A	GLEN ROSE, CITY (SOMERVELL CO)	AUGUST	23, 1974	AN
		FEBRUARY	06, 1976	
480880	GODLEY, TOWN (JOHNSON CO)	AUGUST	22, 1975	
480936	GOLDTHWAITE, CITY (MILLS CO)	AUGUST	29, 1975	
480889	GONEE, CITY (KNOX CO)	JULY	11, 1975	
481103	GORMAN, CITY (EASTLAND CO)	AUGUST	08, 1975	
480969	GRAFORD, TOWN (PALO PINTO CO.)	JULY	11, 1975	
480881	GRANDVIEW, CITY (JOHNSON CO)	JULY	11, 1975	
481046	GRANGER, CITY OF (WILLIAMSON COU)	FEBRUARY	07, 1975	
481149	GRANITE SHOALS, TOWN (BURNET CO)	JULY	18, 1975	
480328	GUN BARREL CITY, CITY OF (HENDERSON CO.)	NOVEMBER	08, 1974	
480832	GUNTER, TOWN (GRAYSON CO)	JULY	11, 1975	
480153A	GUSTINE, TOWN OF (COMANCHE CO.)	AUGUST	02, 1974	AN
		MARCH	19, 1976	
480273A	HALE CENTER, CITY OF (HALE CO.)	MAY	10, 1974	
481011	HAPPY, CITY OF (RANDALL & SWISHER)	FEBRUARY	14, 1975	
480738	HART, CITY (CASTRO CO)	JUNE	27, 1975	
480680	HASKELL, CITY OF (TARRANT CO.)	NOVEMBER	01, 1974	
481056	HAWKINS, CITY (WOOD CO)	SEPTEMBER	12, 1975	
480201A	HEDLEY, CITY OF (DONLEY CO.)	NOVEMBER	08, 1974	AN
		JANUARY	23, 1974	
480458A	HEWITT, CITY OF (MCLENNAN CO.)	JANUARY	23, 1974	AN
		MARCH	12, 1976	
480843	HICO, TOWN (HAMILTON CO)	AUGUST	22, 1975	
481105	HIGHLAND VILLAGE, CITY OF (DENTON CO.)	SEPTEMBER	19, 1975	

• UNINCORPORATED AREAS ONLY

TEXAS

COMMUNITY NUMBER	NAME		HAZARD AREA IDENTIFIED		
480649Y	HULLIDAY, CITY	CARCHER CO]	APRIL	18, 1975	
480810	HUNEY GROVE, CITY	CFANNIN CO]	JULY	11, 1975	
480373	HUTCHINSON COUNTY •		FEBRUARY	07, 1975	
481072	IREDELL, TOWN OF	CBOSQUE CO•]	NOVEMBER	01, 1974	
480800	ITALY, TOWN	CELLIS CO]	AUGUST	15, 1975	
480882	JOSHUA, CITY	CJOHNSON CO]	JUNE	27, 1975	
480417	KENDALL COUNTY •		DECEMBER	27, 1974	
480479A	KERMIT, CITY OF	CWINKLER CO•]	MAY	24, 1974	AN
			JULY	23, 1976	
480890A	KNOX CITY, CITY	CKNOX CO•]	AUGUST	15, 1975	AN
			JULY	23, 1976	
481012	KRESS, CITY OF	CSWISHER CO]	FEBRUARY	21, 1975	
480779	KYLE, CITY	CHAYS CO]	JULY	25, 1975	
480475A	LACOSTE, CITY OF	CMEDINA CO•]	JANUARY	09, 1974	ANI
			FEBRUARY	27, 1976	
480811	LADONIA, TOWN	CFANNIN CO]	JULY	11, 1975	
481169	LAKEPORT, TOWN	CGREGG CO]	AUGUST	29, 1975	
480278	LAKEVIEW, TOWN OF	CHALL CO•]	DECEMBER	06, 1974	
480812	LEONARD, CITY	CFANNIN CO]	JULY	25, 1975	
480902	LEXINGTON, TOWN OF	CLEE CO]	FEBRUARY	21, 1975	
480549A	LINDALE, CITY OF	CSMITH CO•]	MARCH	22, 1974	ANI
			JANUARY	23, 1976	
480451A	LLANO, CITY OF	CLLANO CO•]	DECEMBER	28, 1973	ANI
			JUNE	11, 1976	
480900	LOMETA, TOWN	CLAMPASAS CO]	MAY	02, 1975	
480368	LONE OAK, CITY	CHUNT CO]	JUNE	27, 1975	
481109	LUMAINE, TOWN OF	CMITCHELL CO•]	JUNE	27, 1975	
481110	LUCAS, TOWN OF		JULY	25, 1975	
480268	MARION, CITY OF	CGUADALUPE CO•]	JANUARY	09, 1974	
480208	MARPEARL, CITY OF	CELLIS CO•]	NOVEMBER	29, 1974	
480257A	MCLEAN, CITY OF	CGRAY CO•]	MAY	17, 1974	AND
			JANUARY	30, 1976	
480546	MCLENDON-CHISHOLM, CITY	CROCKWALL CO•]	SEPTEMBER	26, 1975	
481020	MEADOW, TOWN	CTERRY CO]	AUGUST	22, 1975	
480700	MEDARGEL, TOWN	CARCHER CO]	AUGUST	22, 1975	
481016	MENKEL, CITY	CTAYLOR CO]	MAY	02, 1975	
480376A	MENTZON, CITY OF	CIRION CO•]	JULY	26, 1974	AND
			FEBRUARY	27, 1976	
480541A	MIAMI, CITY OF	CROBERTS CO•]	MAY	24, 1974	AND
			JUNE	11, 1976	
480802	MILFORD, TOWN	CELLIS CO]	AUGUST	29, 1975	
480479A	MINEOLA, CITY OF	CWOOD CO•]	MAY	03, 1974	AND
			JUNE	04, 1976	
480518	MINGUS, CITY	CPALO PINTO CO]	MAY	02, 1975	
480937	MITCHELL COUNTY		APRIL	12, 1974	
481003	MOHAN, CITY	CSHACKLEFORD CO]	APRIL	26, 1975	
480433A	MOULTON, TOWN OF	CLAVACA CO•]	APRIL	05, 1974	AN
			MARCH	05, 1976	
480767	MUENSTER, CITY	CCOOKE CO]	JULY	25, 1975	
480920	NEW HOME, TOWN	CLYNN CO]	SEPTEMBER	05, 1975	
481120	NEWARK, CITY	CWISE CO]	JUNE	27, 1975	
480500A	NEWTON, CITY OF	CNEWTON CO•]	JUNE	07, 1974	AN
			JUNE	04, 1976	
480936A	NORMANGEE, CITY OF	CLEON CO•]	AUGUST	16, 1974	AN
			MARCH	05, 1976	
480937A	OAKWOOD, TOWN OF	CLEON CO•]	MAY	24, 1974	AN
			FEBRUARY	06, 1976	
480206A	ODESSA, CITY OF	CECTOR CO•]	JUNE	28, 1974	
481082	OZONA, CITY OF	CCROCKETT CO•]	DECEMBER	07, 1973	
480852	PALACIOS, CITY	CMATAGORDA CO]	JULY	25, 1975	
480771	PADUCAH, CITY OF	CCOTTLE CO•]	JUNE	27, 1975	
480509A	PERRYTON, CITY OF	COCHILTREE CO•]	SEPTEMBER	13, 1974	
480763	PILOT POINT, TOWN	CDENTON CO]	AUGUST	08, 1975	
480116A	PITTSBURG, CITY OF	CCAMP CO•]	JANUARY	23, 1974	AN
			MAY	28, 1976	
480784	PONDER, CITY	CDENTON CO]	AUGUST	22, 1975	
480834	PUTTSBURG, TOWN	CGRAYSON CO]	SEPTEMBER	19, 1975	
480757	PRINCETON, CITY	CCOLLIN CO]	JULY	25, 1975	
480141A	PROSPER, TOWN OF	CCOLLIN CO•]	JUNE	21, 1974	AN
			JANUARY	30, 1976	

• UNINCORPORATED AREAS ONLY

TEXAS

COMMUNITY NUMBER	NAME		HAZARD AREA IDENTIFIED		
480645A	PYOTE, CITY OF	CWARD CO•]	AUGUST	16, 1974	
480370A	QUITMAN, CITY OF	CHUNT CO•]	APRIL	12, 1974	AN
			APRIL	16, 1976	
481057	QUITMAN, CITY	CWOOD CO]	SEPTEMBER	12, 1975	
480205A	RANGER, CITY OF	CEASTLAND CO•]	MAY	17, 1974	AN
			APRIL	23, 1976	
480628A	RANKIN, CITY OF	CUPTON CO•]	MAY	10, 1974	AN
			MARCH	12, 1976	
480803	RED OAK, TOWN	CELLIS CO]	MAY	02, 1975	
481158	RETREAT, TOWN	CNAVARRO CO]	JULY	11, 1975	
480957	RICE, CITY	CNAVARRO CO]	SEPTEMBER	26, 1975	
480562A	RICHLAND SPRINGS, CITY	CSAN SABA CO•]	NOVEMBER	08, 1974	AN
			MARCH	05, 1976	
480958	RICHLAND, TOWN	CNAVARRO CO]	JULY	25, 1975	
480795	RISING STAR, TOWN	CEASTLAND CO]	SEPTEMBER	26, 1975	
480765	ROANOKE, CITY	CDENTON CO]	SEPTEMBER	05, 1975	
480749	ROBERT LEE, CITY	CCOKE CO]	JUNE	27, 1975	
480229A	RUNGE, CITY OF	CFISHER CO•]	MAY	17, 1974	
481120	RUNGE, TOWN	CKARNES CO]	APRIL	25, 1975	
481039	SABINAL, CITY	CUVALDE CO]	SEPTEMBER	26, 1975	
480940	SAINT JO, CITY	CMONTAGUE CO]	JUNE	27, 1975	
480667A	SAN PERLITA, CITY OF	CWILLACY CO•]	OCTOBER	25, 1974	AN
			JUNE	18, 1976	
480751	SANTA ANNA, TOWN	CCOLEMAN CO]	JUNE	27, 1975	
480119A	SANTA ROSA, CITY OF	CCAMERON CO•]	MAY	17, 1974	AN
			APRIL	02, 1976	
480728	SKELLYTOWN, TOWN	CCARSON CO]	MAY	02, 1975	
481163	SOUTHMAYD, TOWN	CGRAYSON CO]	SEPTEMBER	12, 1975	
480988A	SPLENDORA, CITY OF	CMONTGOMERY CO•]	AUGUST	30, 1974	AN
			MARCH	05, 1976	
480375A	STINNETT, CITY OF	CHUTCHINSON CO•]	MAY	31, 1974	AN
			JANUARY	16, 1976	
480673A	STOCKDALE, CITY OF	CWILSON CO•]	MAY	31, 1974	AN
			OCTOBER	10, 1975	
481009	STRATFORD, TOWN	CSHERMAN CO]	JULY	11, 1975	
480355A	SUNDOWN, CITY OF	CHOCKLEY CO•]	APRIL	12, 1974	AN
			MARCH	19, 1976	
480995	TATUM, CITY	CRUSK CO]	JULY	11, 1975	
481049	THRALL, CITY OF	CWILLIAMSON CO]	FEBRUARY	21, 1975	
480835	TILDA, TOWN	CGRAYSON CO]	AUGUST	08, 1975	
480868	TOLAR, TOWN	CHOOD CO]	JULY	18, 1975	
480836	TOM BEAN, TOWN	CGRAYSON CO]	JULY	18, 1975	
480315	TOMBALL, CITY	CHARRIS CO]	JANUARY	24, 1975	
480819	TRENTON, TOWN	CFANNIN CO]	AUGUST	15, 1975	
481017	TUSCOLA, TOWN	CTAYLOR CO]	AUGUST	29, 1975	
481018	TYE, CITY	CTAYLOR CO]	JULY	11, 1975	
480849	UNCERTAIN, CITY	CHARRISON CO]	JULY	18, 1975	
480837	VAN ALSTYNE, TOWN OF	CGRAYSON CO•]	JULY	18, 1975	
480863	VERNS, TOWN	CJOHNSON CO]	JULY	11, 1975	
480463A	VERNON, CITY OF	CWILBARGER CO•]	MAY	17, 1974	AN
			JANUARY	16, 1976	
480741	WELLS, TOWN	CCHEROKEE CO]	JULY	11, 1975	
480652	WHARTON COUNTY •		AUGUST	02, 1974	
480841	WHITE OAK, TOWN	CGREGG CO]	AUGUST	22, 1975	
480838	WHITESBORO, TOWN	CGRAYSON CO]	JULY	11, 1975	
480633A	WILLS POINT, CITY OF	CVAN ZANDT CO•]	MAY	17, 1974	AN
			FEBRUARY	27, 1976	
480475	WINK, CITY OF	CWINKLER CO•]	JUNE	28, 1974	
480573A	WINONA, CITY OF	CSMITH CO•]	NOVEMBER	01, 1974	AN
			JANUARY	23, 1976	
480372A	WOLFE CITY, CITY OF	CHUNT CO•]	JUNE	28, 1974	
480434	YOAKUM, CITY OF	CLAVACA CO•]	MAY	10, 1974	
480687	ZAPATO COUNTY •		AUGUST	02, 1974	

TOTAL IN THE STATE 184

• UNINCORPORATED AREAS ONLY

UTAH

COMMUNITY NUMBER	NAME		HAZARD AREA IDENTIFIED		
490123	AURORA, TOWN OF	CSEVIER CO]	JANUARY	31, 1975	
490194	BEAR RIVER, CITY	CBOX ELDER CO]	SEPTEMBER	05, 1975	
490002	BEAVER, CITY OF	CBEAVER CO•]	JUNE	11, 1974	
490163	CEDAR FORT, TOWN OF	CUTAH COU]	FEBRUARY	07, 1975	
490095A	CIRCLEVILLE, TOWN OF	CPIUTE CO•]	AUGUST	02, 1974	AN
			JUNE	11, 1976	
490014	CLARKSTON, TOWN	CCACHE CO]	SEPTEMBER	06, 1975	
490007	ELWOOD, TOWN	CBOX ELDER CO]	JANUARY	24, 1975	
490169A	ENTERPRISE, CITY OF	CWASHINGTON CO•]	AUGUST	16, 1974	
490198	FIELDING, TOWN	CBOX ELDER CO]	AUGUST	06, 1975	
490199	FRANCIS, TOWN	CSUMMIT CO]	JULY	25, 1975	
490164	GENOLA, TOWN OF	CUTAH COU]	FEBRUARY	07, 1975	
490165	GOSHEN, TOWN OF	CUTAH COU]	FEBRUARY	07, 1975	
490180	HUNTSVILLE, TOWN OF	CWEBER CO•]	JUNE	21, 1974	
490185	LOA, TOWN OF	CWAYNE CO•]	DECEMBER	20, 1974	
490202	MANILA, TOWN	CDAGGETT CO]	SEPTEMBER	19, 1975	
490020	MENDON, CITY	CCACHE CO]	JULY	18, 1975	
490211	MIDVALE, CITY	CSALT LAKE CU]	SEPTEMBER	26, 1975	
490203	PLYMOUTH, TOWN	CBOX ELDER CO]	AUGUST	22, 1975	
490100A	RANDOLPH, TOWN OF	CRICH CO•]	AUGUST	16, 1974	
490030	TRENTON, TOWN	CCACHE CO]	JUNE	27, 1975	
490147	UINTAH COUNTY •		FEBRUARY	19, 1976	
490037A	WELLINGTON, CITY OF	CCARBON CO•]	JULY	28, 1974	ANI
			APRIL	09, 1976	

TOTAL IN THE STATE 22

• UNINCORPORATED AREAS ONLY

VERMONT

COMMUNITY NUMBER	NAME		HAZARD AREA IDENTIFIED		
500279	ATHENS, TOWN OF	CWINDHAM CO•]	DECEMBER	06, 1974	
500082A	BARTON, VILLAGE OF	CORLEANS CO•]	NOVEMBER	08, 1974	AN
			APRIL	16, 1976	
500227	BELVIDERE, TOWN OF	CLAMOILLE CO•]	DECEMBER	06, 1974	
500234	BROOKFIELD, TOWN OF	CORANGE CO•]	DECEMBER	13, 1974	
500245	BRUNSWICK, TOWN OF	CORLEANS CO•]	DECEMBER	13, 1974	
500107A	CABOT, VILLAGE OF	CWASHINGTON CO•]	SEPTEMBER	06, 1974	
500083	CHARLESTON, TOWN OF	CORLEANS CO•]	AUGUST	09, 1974	
500185	DANVILLE, TOWN	CCALEDONIA CO]	JANUARY	17, 1975	
500249	DERBY CENTER, VILLAGE OF	CORLEANS CO]	MARCH	28, 1975	
500229	EDEN, TOWN OF	CLAMOILLE CO•]	DECEMBER	06, 1974	
500318	ELMORE, TOWN	CLAMOILLE CO]	APRIL	11, 1975	
500051	ENOSBURG, TOWN OF	CFRANKLIN CO•]	AUGUST	09, 1974	
500035A	ESSEX JCT., VILLAGE OF	CCHITTENDEN CO•]	JUNE	28, 1974	AN
			JULY	30, 1976	
500210	FERDINAND, TOWN OF	CESSEX CO•]	DECEMBER	13, 1974	
500251	GLOVER, TOWN OF	CORLEANS CO•]	DECEMBER	20, 1974	
500129A	GRAFTON, TOWN OF	CWINDHAM CO•]	DECEMBER	06, 1974	AN
			APRIL	02, 1976	
500211	GRANBY, TOWN OF	CESSEX CO•]	DECEMBER	13, 1974	
500203	GRANVILLE, TOWN OF	CADDISON CO•]	JANUARY	24, 1975	
500187	HARDWICK, VILLAGE OF	CCALEDONIA CO•]	DECEMBER	20, 1974	
500313	HUBBARDTON, TOWN OF	CRUTLAND CO•]	DECEMBER	13, 1974	
500252	INASBURG, TOWN OF	CORLEANS CO•]	DECEMBER	20, 1974	
500253	JAY, TOWN OF	CORLEANS CO•]	SEPTEMBER	13, 1974	
500188	KIRBY, TOWN OF	CCALEDONIA CO•]	DECEMBER	13, 1974	
500048	LUNENBURG, TOWN OF	CESSEX CO•]	JUNE	28, 1974	
500213	MAIDSTONE, TOWN OF	CESSEX CO•]	DECEMBER	13, 1974	
500167	MONKTON, TOWN	CADDISON CO]	JANUARY	24, 1975	
500255	MORGAN, TOWN OF	CORLEANS CO•]	JANUARY	31, 1975	
500262	MT. TABOR, TOWN	CRUTLAND CO]	JANUARY	10, 1975	
500265	N. WESTMINSTER, VILL	CWINDHAM CO]	JANUARY	10, 1975	
500190	NEWARK, TOWN	CCALEDONIA CO•]	JANUARY	10, 1975	
500284	NEWFANE, VILLAGE	CWINDHAM CO]	JANUARY	03, 1975	
500256	NEWPORT, TOWN OF	CORLEANS CO•]	NOVEMBER	01, 1974	
500180	NORTH BENNINGTON, VILLAGE OF	CBENNINGTON CO]	FEBRUARY	21, 1975	

• UNINCORPORATED AREAS ONLY

VERMONT

COMMUNITY NUMBER	NAME		HAZARD AREA IDENTIFIED		
500214	NORTON, TOWN OF	CESSEX CO]	MARCH	28, 1975	
500294	PERKINSVILLE, VILL	CWINDSOR CO]	JANUARY	03, 1975	
500181	PERU, TOWN	CBENNINGTON CO]	JANUARY	10, 1975	
500218	RICHFORD, TOWN OF	CFRANKLIN CO•]	AUGUST	02, 1974	
500183	SANDGATE, TOWN OF	CBENNINGTON CO•]	JANUARY	31, 1975	
500184	SEARSBURG, TOWN OF	CBENNINGTON CO•]	NOVEMBER	15, 1974	
500247	SOMERSET, TOWN OF	CWINDHAM CO•]	NOVEMBER	22, 1974	
500321	STRATTON, TOWN OF	CWINDHAM CO•]	JANUARY	31, 1975	
500249	SUDBURY, TOWN	CRUTLAND CO]	JANUARY	24, 1975	
500198	SUTTON, TOWN OF	CCALEDONIA CO•]	DECEMBER	13, 1974	
500270	TINMOUTH, TOWN OF	CRUTLAND CO•]	DECEMBER	06, 1974	
500288	TOWNSEND, VILLAGE OF	CWINDHAM CO•]	NOVEMBER	29, 1974	
500215	VICTORY, TOWN OF	CESSEX CO•]	DECEMBER	13, 1974	
500077A	WASHINGTON, TOWN OF	CORANGE CO]	JUNE	28, 1974	AN
			FEBRUARY	20, 1976	
500233	WATERVILLE, TOWN OF	CLAMOILLE CO•]	DECEMBER	20, 1974	
500078	WELLS RIVER, VILLAGE OF	CORANGE CO•]	AUGUST	09, 1974	
500272	WEST HAVEN, TOWN	CRUTLAND CO]	JANUARY	03, 1975	
500267	WESTFIELD, TOWN OF	CORLEANS CO•]	SEPTEMBER	06, 1974	
500203	WESTFORD, TOWN	CCHITTENDEN CO]	JANUARY	03, 1975	
500190	WESTMINSTER, VILLAGE OF	CWINDHAM CO•]	DECEMBER	20, 1974	
500311	WESTMORE, TOWN	CORLEANS CO]	JANUARY	03, 1975	
500204	WHEELOCK, TOWN OF	CCALEDONIA CO•]	NOVEMBER	15, 1974	

TOTAL IN THE STATE 55

• UNINCORPORATED AREAS ONLY

VIRGINIA

COMMUNITY NUMBER	NAME		HAZARD AREA IDENTIFIED		
510242	BELLE HAVEN, TOWN OF	CACCOMACK CO•]	NOVEMBER	01, 1974	
510218A	HALLWOOD, TOWN OF	CACCOMACK CO•]	AUGUST	09, 1974	AN
			MAY	28, 1976	
510121A	MATHARKET, TOWN OF	CPRINCE WILLIAM CO•]	AUGUST	09, 1974	
510316	MILLSBORO, TOWN	CLOUDON CO]	APRIL	04, 1975	
510309	LUNENBURG COUNTY •		JULY	25, 1975	
510226A	NEW CASTLE, TOWN OF	CCRAIG CO•]	AUGUST	09, 1974	
510322	ROTKINS, TOWN OF	CSOUTHAMPTON CO•]	MAY	31, 1974	
510308	SPOTSYLVANIA COUNTY •		JULY	11, 1975	

TOTAL IN THE STATE 8

• UNINCORPORATED AREAS ONLY

WASHINGTON

COMMUNITY NUMBER	NAME		HAZARD AREA IDENTIFIED		
530107	ALMIRA, TOWN OF	CLINCOLN CO•]	DECEMBER	06, 1974	
530280	CONNELL, TOWN	CFRANKLIN CO]	JULY	11, 1975	
530108A	CRESTON, TOWN OF	CLINCOLN CO•]	DECEMBER	20, 1974	AN
			APRIL	02, 1976	
530233	DARRINGTON, TOWN	CSNOHOMISH CO]	JULY	11, 1975	
530246	ELMER CITY, TOWN	COKANOGAN CO]	AUGUST	22, 1975	
530150A	FRIDAY HARBOR, TOWN OF	CSAN JUAN CO•]	NOVEMBER	29, 1974	
530285	GOLD BAR, TOWN	CSNOHOMISH CO]	SEPTEMBER	19, 1975	
530110	HARRINGTON, TOWN OF	CLINCOLN CO•]	DECEMBER	13, 1974	
530289	KALAMA, TOWN	CCOWLITZ CO]	JULY	11, 1975	
530291	LAKE STEVENS, TOWN	CSNOHOMISH CO]	SEPTEMBER	05, 1975	
530178	LATAH, TOWN OF	CSPOKANE CO•]	DECEMBER	06, 1974	
530250	MALDEN, TOWN	CWHITMAN CO]	JULY	18, 1975	
530253	MOSSYROCK, CITY OF	CLEWIS COU]	FEBRUARY	07, 1975	
530235	MUKILTEO, TOWN	CSNOHOMISH CO]	JULY	11, 1975	
530259	PRESCOTT, TOWN	CWALLA WALLA CO]	JULY	18, 1975	
530112	REARDAN, TOWN	CLINCOLN CO]	JANUARY	10, 1975	
530042A	REPUBLIC, TOWN OF	CFERRY CO•]	JUNE	07, 1974	AN
			JANUARY	16, 1976	

• UNINCORPORATED AREAS ONLY

WASHINGTON

COMMUNITY NUMBER	NAME		HAZARD AREA IDENTIFIED	
530039	ROCK ISLAND, TOWN	(DOUGLAS CO.)	JANUARY	24, 1975
530262	ROY, TOWN	(PIERCE CO.)	JULY	18, 1975
530243	S OLE ELUM, TOWN	(KITTITAS CO.)	JULY	11, 1975
530234	SKYKOMISH, TOWN OF	(KING)	FEBRUARY	14, 1975
530249	SPRINGDALE, TOWN	(STEVENS CO.)	MAY	02, 1975
530031	STARBUCK, CITY	(COLUMBIA CO.)	JANUARY	03, 1975
530255	TIETON, TOWN	(YAKIMA CO.)	JULY	11, 1975
530303	TOLEDO, TOWN	(LEWIS CO.)	JULY	11, 1975
530266A	VADER, TOWN	(LEWIS CO.)	SEPTEMBER	05, 1975
530184	WAVERLY, TOWN OF	(SPOKANE CO.)	NOVEMBER	15, 1974
530268	WILKESON, TOWN	(PIERCE CO.)	AUGUST	29, 1975
530308	WOODWAY, TOWN	(SNOHOMISH CO.)	SEPTEMBER	19, 1975
530309	YARROW POINT, TOWN	(KING CO.)	AUGUST	08, 1975

TOTAL IN THE STATE 30

• UNINCORPORATED AREAS ONLY

WEST VIRGINIA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
540051	HARDY COUNTY *	APRIL	25, 1975
540053	HARRISON COUNTY *	JULY	11, 1975
540065	LEWIS COUNTY *	FEBRUARY	21, 1975
540278	MONROE COUNTY	JULY	25, 1975
540140	PRESTON COUNTY	JULY	25, 1975
540224	RITCHIE COUNTY*	APRIL	25, 1975
540183	ROANE COUNTY *	APRIL	29, 1975
540213	WOOD COUNTY	JANUARY	17, 1975

TOTAL IN THE STATE 8

• UNINCORPORATED AREAS ONLY

WISCONSIN

COMMUNITY NUMBER	NAME		HAZARD AREA IDENTIFIED	
550009A	ALMENA, VILLAGE OF	(BARRON CO.)	SEPTEMBER	06, 1974 AND
			MAY	14, 1976
550179A	BARNEVELD, VILLAGE OF	(IOWA CO.)	MAY	17, 1974 AND
			DECEMBER	26, 1975
550526	BEAR CREEK, VILLAGE OF	(OUTAGAMIE CO.)	NOVEMBER	22, 1974
550311	BELGIUM, VILLAGE OF	(OZAUKEE CO.)	JUNE	07, 1974
550068A	BELL CENTER, VILLAGE OF	(CRAWFORD CO.)	JANUARY	09, 1974
550493A	BIG FALLS, VILLAGE OF	(WAUPACA CO.)	AUGUST	30, 1974
550148A	BOSCOBEL, CITY OF	(GRANT CO.)	DECEMBER	17, 1973
550161A	BROWNTOWN, VILLAGE OF	(GREEN CO.)	JANUARY	09, 1974 AND
			JUNE	04, 1976
550018A	CABLE, VILLAGE OF	(BAYFIELD CO.)	AUGUST	30, 1974 AND
			NOVEMBER	21, 1975
550011A	CAMERON, VILLAGE OF	(BARRON CO.)	DECEMBER	28, 1973 AND
			MAY	28, 1976
550358A	CAZENOVIA, VILLAGE OF	(RICHLAND CO.)	AUGUST	23, 1974 AND
			OCTOBER	24, 1975
550371A	CUMBATH, VILLAGE OF	(RUSK CO.)	AUGUST	30, 1974 AND
			MARCH	19, 1976
550069A	DESOTO, VILLAGE	(CRAWFORD CO.)	JANUARY	09, 1974 AND
			MAY	14, 1976
550461A	EAGLE RIVER, CITY OF	(VILAS CO.)	DECEMBER	28, 1973
550417A	ELAND, VILLAGE OF	(SHAWANO CO.)	AUGUST	23, 1974 AND
			MARCH	19, 1976
550249A	ELDERON, VILLAGE OF	(MARATHON CO.)	JULY	19, 1974 AND
			JULY	30, 1976

• UNINCORPORATED AREAS ONLY

WISCONSIN

COMMUNITY NUMBER	NAME		HAZARD AREA IDENTIFIED	
550129A	FAIRCHILD, VILLAGE OF	(EAU CLAIRE CO.)	MAY	31, 1974 AND
			JUNE	04, 1976
550250A	FENWOOD, VILLAGE OF	(MARATHON CO.)	AUGUST	02, 1974 AND
			MAY	14, 1976
550110A	FORESTVILLE, VILLAGE OF	(DOOR CO.)	NOVEMBER	30, 1973
550367	FORTVILLE, VILLAGE OF	(RUSK CO.)	MAY	31, 1974
550230A	FRANCIS CREEK, VILLAGE OF	(MANITOWOC CO.)	MAY	17, 1974
550372	GLEN FLORA, VILLAGE OF	(RUSK CO.)	NOVEMBER	08, 1974
550050A	GRANTON, VILLAGE OF	(CLARK CO.)	AUGUST	30, 1974
550202A	HUSTLER, VILLAGE OF	(JUNEAU CO.)	AUGUST	23, 1974 AND
			MAY	14, 1976
550379A	INGRAM, VILLAGE OF	(RUSK CO.)	SEPTEMBER	06, 1974
550393A	IRONTON, VILLAGE OF	(SAUK CO.)	AUGUST	16, 1974
550396A	LIME RIDGE, VILLAGE OF	(SAUK CO.)	AUGUST	23, 1974 AND
			APRIL	23, 1976
550102A	LORELL, VILLAGE OF	(DODGE CO.)	MAY	17, 1974
550439A	LUBLIN, VILLAGE OF	(TAYLOR CO.)	SEPTEMBER	20, 1974
550170A	MARQUETTE, VILLAGE OF	(GREEN LAKE CO.)	DECEMBER	28, 1973
550419	MATTOON, VILLAGE OF	(SHAWANO CO.)	AUGUST	30, 1974
550288A	MELVINA, VILLAGE OF	(MONROE CO.)	AUGUST	30, 1974 AND
			MAY	28, 1976
550152A	MOUNT HOPE, VILLAGE OF	(GRANT CO.)	AUGUST	30, 1974 AND
			MAY	14, 1976
550205A	NECEDAH, VILLAGE OF	(JUNEAU CO.)	JANUARY	09, 1974 AN
			MAY	28, 1976
550096	NEW AUBURN, CITY OF	(CHIPPEWA CO.)	JULY	19, 1974
550350	NORTH BAY, VILLAGE OF	(RACINE CO.)	SEPTEMBER	06, 1974
550500A	OGDENSBURG, VILLAGE OF	(WAUPACA CO.)	AUGUST	23, 1974 AN
			MAY	28, 1976
550113A	OLIVER, VILLAGE OF	(DOUGLAS CO.)	AUGUST	30, 1974 AN
			JUNE	18, 1976
550457A	ONTARIO, VILLAGE OF	(VERNON CO.)	JANUARY	09, 1974
550427A	OOSTBURG, VILLAGE OF	(SHEBOYGAN CO.)	JUNE	28, 1974 AN
			JUNE	04, 1976
550062A	PARDEEVILLE, VILLAGE OF	(COLUMBIA CO.)	DECEMBER	28, 1973 AN
			APRIL	30, 1976
550114A	POPLAR, VILLAGE OF	(DOUGLAS CO.)	DECEMBER	28, 1973 AN
			MAY	14, 1976
550155A	POTOSI, VILLAGE OF	(GRANT CO.)	DECEMBER	28, 1973
550401A	PRAIRIE DU SAC, VILLAGE OF	(SAUK CO.)	DECEMBER	07, 1973
550508A	REGRANITE, VILLAGE OF	(WAUSHARA CO.)	MAY	17, 1974 AN
			MAY	28, 1976
550222	ROCKLAND, VILLAGE OF	(LA CROSSE CO.)	JULY	11, 1975
550556	SHOREWOOD HILLS, VILLAGE OF	(DANE CO.)	JANUARY	31, 1975
550230A	SHULLSBURG, CITY OF	(LAFAYETTE CO.)	MAY	17, 1974 AN
			MAY	28, 1976
550231A	SOUTH WAYNE, VILLAGE OF	(LAFAYETTE CO.)	DECEMBER	07, 1973 AN
			MAY	28, 1976
550388	STANTON, TOWN OF	(ST. CROIX CO.)	NOVEMBER	15, 1974
550387A	STAR PRAIRIE, VILLAGE OF	(ST. CROIX CO.)	DECEMBER	28, 1973 AN
			MAY	28, 1976
550353A	STURTEVANT, VILLAGE OF	(RACINE CO.)	MAY	24, 1974
550406	TROY, VILLAGE OF	(SAUK CO.) (SAUK CO.)	DECEMBER	06, 1974
550207	UNION CENTER, VILLAGE OF	(JUNEAU CO.)	NOVEMBER	15, 1974
550257A	UNITY, CITY OF	(MARATHON CO.)	SEPTEMBER	20, 1974
550519A	VESPER, VILLAGE OF	(WOOD CO.)	AUGUST	02, 1974 AND
			JUNE	04, 1976
550507A	WILD ROSE, VILLAGE OF	(WAUSHARA CO.)	MAY	31, 1974 AND
			JUNE	04, 1976
550156A	WOODMAN, VILLAGE OF	(GRANT CO.)	JANUARY	16, 1974 AND
			AUGUST	08, 1975
550025	WRIGHTSTOWN, VILLAGE OF	(BROWN CO.)	AUGUST	22, 1975

TOTAL IN THE STATE 59

• UNINCORPORATED AREAS ONLY

WYOMING

COMMUNITY NUMBER	NAME		HAZARD AREA IDENTIFIED	
560041	CHUGWATER, TOWN OF	(PLATTE CO.)	DECEMBER	13, 1974
560069	COWLEY, TOWN	(BIG HORN CO.)	SEPTEMBER	19, 1975
560018	DUBOIS, TOWN OF	(FREMONT CO.)	JANUARY	23, 1974
560025A	EAST THERMOPOLIS, TOWN OF	(HOT SPRINGS CO.)	NOVEMBER	08, 1974 AND
			FEBRUARY	06, 1976
560061	ENCAMPMENT, TOWN	(CARBON CO.)	SEPTEMBER	26, 1975
560062	GLENDO, TOWN	(PLATTE CO.)	AUGUST	15, 1976
560005A	GREYBULL, TOWN	(BIG HORN CO.)	JUNE	21, 1974
560063	HANNA, TOWN	(CARBON CO.)	AUGUST	22, 1975
560028	KAYCEE, TOWN OF	(JOHNSON CO.)	NOVEMBER	22, 1974
560035	KEMMERER, TOWN OF	(LINCOLN CO.)	MARCH	29, 1974
560064	LINGLE, TOWN	(GOSHEN CO.)	AUGUST	15, 1976
560073A	LOVELL, TOWN	(BIG HORN CO.)	AUGUST	06, 1975
560074	LUSK, TOWN	(NIOBRARA CO.)	SEPTEMBER	19, 1975
560075	LYMAN, TOWN	(UINTA CO.)	SEPTEMBER	19, 1975
560077	MOORCROFT, TOWN	(CROOK CO.)	SEPTEMBER	19, 1975
560046A	MANCHESTER, TOWN OF	(FREMONT CO.)	SEPTEMBER	06, 1974 AND
			MARCH	12, 1976
560021	RIVERTON, CITY OF	(FREMONT CO.)	MARCH	29, 1974
560003	ROCK RIVER, CITY OF	(ALBANY COU)	FEBRUARY	07, 1975
560078	SHOSHONI, TOWN	(FREMONT CO.)	AUGUST	15, 1975
560047	SINCLAIR, TOWN	(CARBON CO.)	JULY	25, 1975
560065	TEN SLEEP, TOWN OF	(WASHAKIE CO.)	DECEMBER	13, 1974
560024	TOWER, TOWN OF	(GOSHEN CO.)	DECEMBER	06, 1974

TOTAL IN THE STATE 22

National Total 3,365

(National Flood Innsurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804 Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, (34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.)

Issued: July 29, 1976.

HOWARD B. CLARK,
Acting Federal
Insurance Administrator.

[FR Doc.76-23178 Filed 8-10-76;8:45 am]

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THURSDAY, AUGUST 12, 1976

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NOTE: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

WAREHOUSE REGULATIONS

Age Requirement for Granting of Sampler's, Inspector's, Grader's and Weigher's Licenses Deleted

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Agricultural Marketing Service, pursuant to authority conferred by section 28 of the U.S. Warehouse Act (7 U.S.C. 268) is amending warehouse regulations appearing in Parts 103 (Tobacco), 105 (Broomcorn), 106 (Dry Beans), 108 (Sirup) and 111 (Cottonseed) of Subchapter E of Chapter I in Title 7 of the Code of Federal Regulations to delete the requirement that persons applying for licenses to sample, inspect, grade or weigh commodities, furnish satisfactory evidence that they have passed their 21st birthday. The regulations under the U.S. Warehouse Act for warehouses storing the commodities cited herein require that applicants for licenses under the Act to sample, inspect, grade or to weigh the commodities shall furnish, among other things, satisfactory evidence that they have passed their 21st birthday. There has been a general trend away from establishing the beginning of adulthood at age 21. Age is not a factor in ability to perform commodity sampling, inspection, grading and weighing. Current regulations under the U.S. Warehouse Act for warehouses storing grain, cotton, wool and nuts do not require the furnishing of evidence by applicants of passing their 21st birthday. The change will make all regulations under the U.S. Warehouse Act consistent in this respect.

PART 103—TOBACCO WAREHOUSES

Paragraph (b) of § 103.52 is revised to read as follows:

§ 103.52 Applications; samplers', inspectors', graders', and weighers'.

* * * * *

(b) Each such application shall be signed by the applicant, shall be verified by him under oath or affirmation administered by a duly authorized officer, and shall contain or be accompanied by (1) the name and location of a warehouse or warehouses licensed, or for which application for license has been made under the act in which tobacco sought to be sampled, inspected, graded, or weighed under such license is or may be stored, (2) a statement from the warehouseman conducting such warehouse showing whether the applicant is competent and is acceptable to such warehouseman for the purpose, (3) satisfactory evidence that he has had at least one year's experience in the kind of service for which a license is sought or the equivalent of such experience, and that he is competent to perform such services, except in the case of applicants for weighers' licenses one month's experience will be sufficient, (4) a statement by the applicant that he agrees to comply with and abide by the terms of the act and the regulations in this part so far as the same may relate to him, and (5) such other information as the Service may deem necessary: *Provided*, That when an application for a license to sample, to inspect, to grade, or to weigh tobacco is filed by a person who does not intend to sample, to inspect, to grade, or to weigh for any particular licensed warehouseman but who does intend to sample, to inspect, to grade, or to weigh tobacco stored or to be stored in a licensed warehouse and to issue certificates therefor, as provided for by the Act and the regulations in this part, independent of the warehouse receipt, issued to cover such tobacco, it shall not be necessary to furnish such statement as is required by subparagraph (2) of this paragraph.

* * * * *

PART 105—BROOMCORN WAREHOUSES

Paragraph (b) of § 105.51 is revised as follows:

§ 105.51 Application forms.

* * * * *

(b) Each such application shall be in English, shall be assigned by the applicant, shall be verified by him under oath or affirmation administered by a duly authorized officer, and shall contain or be accompanied by (1) the name and location of a warehouse or warehouses licensed, or for which application for license has been made, under the Act, in which broomcorn sought to be inspected, graded, and weighed under such license is or may be stored; (2) a statement from the warehouseman conducting such warehouse showing whether the applicant is competent and is acceptable to such warehouseman for the purpose; (3) satisfactory evidence that he has had at least one year's experience in the kind of service for which license is sought or the equivalent of such experience and that he is competent to perform such services, except in the case of applicants for weighers' licenses one month's experience will be sufficient; (4) a statement by the applicant that he agrees to comply with and abide by the terms of the act and the regulations in this part so far as the same may relate to him; and (5) such other information as the Administrator may deem necessary: *Provided*, That when application for license to inspect or grade broomcorn is filed by a person who does not intend to inspect or grade broomcorn for any particular licensed warehouseman but who does intend to inspect or grade broomcorn stored or to be stored in a licensed warehouse and to issue inspection or grade certificates therefor, as provided by the Act and the regulations in this part, independent of the warehouse receipts issued to cover such broomcorn, it shall not be necessary to furnish such statement as is required by subparagraph (2) of this paragraph.

* * * * *

PART 106—DRY BEAN WAREHOUSES

Paragraph (b) of § 106.59 is revised to read as follows:

§ 106.59 Inspector's and weigher's application.

* * * * *

(b) Each such application shall be in English, shall be signed by the applicant, shall be verified by him under oath or affirmation administered by a duly authorized officer, and shall contain or be accompanied by (1) the name and location of a warehouse or warehouses licensed, or for which application for license has been made, under the Act, in which beans sought to be inspected and weighed under such license are or may be stored, (2) a statement from the warehouseman conducting such warehouse showing whether the applicant is competent and is acceptable to such warehouseman for the purpose, (3) satisfactory evidence that he has had at least one year's experience in the kind of service for which a license is sought or the equivalent of such experience, and that he is competent to perform such services, except in the case of applicants for weigher's licenses one month's experience will be sufficient, (4) a statement by the applicant that he agrees to comply with and abide by the terms of the Act and the regulations in this part so far as the same may relate to him, and (5) such other information as the Service may deem necessary: *Provided*, That when an application for a license to inspect beans is filed by a person who does not intend to inspect for any particular licensed warehouseman but who does intend to inspect beans stored or to be stored in a licensed warehouse and to issue inspectors' certificates therefor, as provided for

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by the Act and the regulations in this part, independent of the warehouse receipts issued to cover such beans, it shall not be necessary to furnish such statement as is required by subparagraph (2) of this paragraph.

* * * * *

PART 108—SIRUP WAREHOUSES

Paragraph (b) of § 108.52 is revised as follows:

§ 108.52 Inspector's and weigher's application.

* * * * *

(b) Each such application shall be signed by the applicant, shall be verified by him under oath or affirmation administered by a duly authorized officer, and shall contain or be accompanied by (1) the name and location of a warehouse or warehouses licensed, or for which application for license has been made, under the Act, in which sirup sought to be inspected and weighed under such license is or may be stored; (2) a statement from the warehouseman conducting such warehouse showing whether the applicant is competent and is acceptable to such warehouseman for the purpose; (3) satisfactory evidence that he has had at least one year's experience in the kind of service for which a license is sought or the equivalent of such experience, and that he is competent to perform such services, except in the case of applicants for weighers' licenses one month's experience will be sufficient; (4) a statement by the applicant that he agrees to comply with and abide by the terms of the Act and this part so far as the same may relate to him; and (5) such other information as the Service may deem necessary: *Provided,* That when an application for a license to inspect sirup is filed by a person who does not intend to inspect for any particular licensed warehouseman but who does intend to inspect sirup stored or to be stored in a licensed warehouse or warehouses and to issue inspector's certificates therefor, as provided for by the Act and this part, independent of the warehouse receipts issued to cover such sirup, it shall not be necessary to furnish such statement as is required by subparagraph (2) of this paragraph.

* * * * *

PART 111—COTTONSEED WAREHOUSES

Paragraph (b) of § 111.62 is revised as follows:

§ 111.62 Inspector's, grader's, weigher's application.

* * * * *

(b) Each such application shall be in English, shall be signed by the applicant, shall be verified by him under oath or affirmation administered by a duly authorized officer, and shall contain or be accompanied by (1) the name and location of a warehouse or warehouses licensed, or for which application for license has been made, under the Act in which cottonseed sought to be inspected, graded, and weighed under such license is or may be stored; (2) a statement from the warehouseman conducting such warehouse showing whether or not the applicant is competent and is acceptable to such warehouseman for the purpose; (3) satisfactory evidence that he has had at least one year's experience in the kind of service for which a license is sought or the equivalent of such experience, and that he is competent to perform such services, except in the case of applicants for weighers' licenses one month's experience will be sufficient; (4) a statement by the applicant that he agrees to comply with and abide by the terms of the Act and the regulations in this part so far as the same may relate to him; and (5) such other information as the Administrator may deem necessary: *Provided,* That when an application for a license to grade cottonseed is filed by a person who does not intend to grade cottonseed for any particular licensed warehouseman but who does intend to grade cottonseed stored or to be stored in a licensed warehouse and to issue grade certificates therefor, as provided for by the Act and the regulations in this part, independent of the warehouse receipts issued to cover such cottonseed, it shall not be necessary to furnish such statement as is required by subparagraph (2) of this paragraph.

* * * * *

No prior notices or public procedures are being given as the changes do not add additional restrictions and there is little or no likelihood of any objection to them. Prior notice would be unnecessary and contrary to the public interest.

This amendment shall become effective August 12, 1976.

Done at Washington, D.C., August 9, 1976.

WILLIAM T. MANLEY,
Acting Administrator.

[FR Doc.76-23541 Filed 8-11-76;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Valencia Orange Reg. 540]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period August 13–19, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.840 Valencia Orange Regulation 540.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the respective quantities of Valencia oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges continues slow. Prices f.o.b. for the week ending August 5 were $3.50 a carton on 727 cars as compared with $3.57 per carton on 638 cars during the prior week. Track and rolling supplies at 366 cars were up 6 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Valencia oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation util 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 10, 1976.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period August 13, 1976, through August 19, 1976, are hereby fixed as follows:

(i) District 1: 270,000 cartons;

(ii) District 2: 330,000 cartons;

(iii) District 3: Unlimited."

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 11, 1976.

FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-23800 Filed 8-11-76;12:06 p.m.]

[Tokay Grape Reg. 12]

PART 926—TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALIFORNIA

Grade and Container Markings

This regulation, issued under the amended marketing agreement and Order No. 926, as amended (7 CFR Part 926), specifies certain grade and container marketing requirements for fresh Tokay grapes shipped from San Joaquin County, California, during the period August 15 through September 30, 1976. The requirements are that such grapes meet the grade and size specifications of U.S. No. 1 Table grade and that at least 30 percent, by count, of the berries in the lower 25 percent, by count, of each bunch shall show characteristic color. Each container of such grapes must bear a Federal-State Inspection Service lot number in plain letters and figures on one outside end. These regulatory provisions are the same as the provisions that were in effect during the previous four seasons.

Findings. (1) Pursuant to the amended marketing agreement and Order No. 926, as amended (7 CFR Part 926), which regulate the handling of fresh Tokay grapes grown in the San Joaquin County, California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the Industry Committee, established under the aforesaid marketing agreement and order, and other available information, it is found that the regulation of Tokay grapes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) This regulation is based upon an appraisal of the current and prospective crop and marketing conditions for Tokay grapes. The committee estimates that 1976 production of Tokay grapes will be 148,185 tons. This is 1,622 tons less than the 1975 crop of 149,807 tons. Fresh shipments are estimated at 23,000 tons as compared to about 28,150 tons last season. The grade and container requirements hereinafter provided are necessary to prevent the handling of fresh Tokay grapes of lesser quality so as to provide consumers with good quality fruit, consistent with the overall quality of the crop, while maintaining orderly marketing conditions in the interest of producers and consumers. The requirement for more even distribution of color (30 percent of the grapes in the lower quarter of each bunch showing characteristic color) is also included to assure the availability, to consumers, of Tokay grapes of satisfactory quality. Compliance with the container marking requirement will verify inspection thus assuring compliance with the quality requirements specified herein.

(3) It is further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than August 15, 1976. A reasonable determination as to supply of, and the demand for, Tokay grapes must await the development of the crop thereof, and adequate information thereon was not available to the Industry Committee until July 27, 1976, on which date an open meeting was held, after giving due notice thereof, to consider the need for and the extent of regulation of shipments of such grapes. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such grapes are expected to begin on or about August 20, 1976; this regulation should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this regulation are identical with the aforesaid recommendation of the committee, information concerning such provisions and effective time has been disseminated among handlers of such grapes; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

§ 926.313 Tokay Grape Regulation 12.

Order. (a) During the period August 15, 1976, through September 30, 1976, no handler shall ship:

(1) Any Tokay grapes, grown in the production area, which do not meet the grade and size specifications of U.S. No. 1 Table Grapes and the following additional requirement: Of the 25 percent, by count, of the berries of each bunch which are attached to the lower part of the main stem, including laterals, at least 30 percent, by count, shall show characteristic color; or

(2) Any container of Tokay grapes, grown in the production area, unless such container bears, in plain letters and figures on one outside end, a Federal-State Inspection Service lot stamp number showing that such grapes have been inspected in accordance with the established grade set forth in this section.

(b) *Definitions.* As used herein, the terms "handler", "ship", and "production area" shall have the same meaning as when used in the amended marketing agreement and order; "U.S. No. 1 Table Grapes" and "characteristic color" shall have the same meaning as when used in the United States Standards for Table Grapes (7 CFR 51.880–51.912).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 9, 1976.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-23540 Filed 8-11-76;8:45 am]

Title 9—Animals and Animal Products

CHAPTER II—PACKERS AND STOCKYARDS ADMINISTRATION, DEPARTMENT OF AGRICULTURE

PART 201—REGULATIONS UNDER THE PACKERS AND STOCKYARDS ACT

Registrations

On May 27, 1976, notice was published (41 FR 21646) of a proposed amendment to § 201.13 (9 CFR 201.13) of the regulations under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.). Any person who wished to submit written data, views, or arguments concerning the proposed amendment was invited to do so. After consideration of all relevant matter submitted by interested persons, the decision has been made to issue the amendment as proposed.

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Accordingly, the regulations under the Packers and Stockyards Act, § 201.13 is hereby revised to read as follows:

§ 201.13 Registrants to report changes in name, address, control or ownership.

(a) Whenever any change is made in the name or address or in the management or nature or in the substantial control or ownership of the business of a registrant such registrant shall report such change in writing to the Administrator, Washington, D.C. within 10 days after making such change.

This amendment shall become effective August 12, 1976.

Done at Washington, D.C., August 6, 1976.

(Sec. 407 of the Packers and Stockyards Act, 42 Stat. 159, as amended, 7 U.S.C. 204; 37 FR 2846 et seq.)

MARVIN L. MCLAIN,
Administrator, Packers and Stockyards Administration.

[FR Doc.76-23539 Filed 8-11-76;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY OFFICE

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Exemption of Certain Middle Distillates; Clarifying Amendments and Corrections

On June 15, 1976, FEA issued two separate amendments providing for the exemption of certain products from price and allocation controls. The first amendment provided for exemption of No. 2 heating oil and No. 2-D diesel fuel (41 FR 24516, June 16, 1976) and the second amendment provided for exemption of No. 1 heating oil, No. 1-D diesel fuel and kerosene (41 FR 24518, June 16, 1976).

In each case, the exemption was made effective July 1, 1976 or the first day following the expiration of the 15-day review period under section 551 of the EPCA, whichever is later, unless this amendment is disapproved by either House of Congress pursuant to the review procedures set forth in section 551 of the EPCA.

The 15-day review period having expired without section 551 disapproval in the case of both amendments prior to July 1, 1976, both amendments became effective July 1, 1976.

One of the possible outcomes under the section 551 review procedure was that one of the two amendments would meet with section 551 disapproval and not the other. In order to provide for this contingency, the amendments relating to each of the two separate exemption actions contained amended definitions of "covered products" in § 212.31 which were alternative in nature. That is, the amendments relating to the exemption of No. 1 heating oil, No. 1-D diesel fuel and kerosene included a revised definition of "covered products" which deleted those three products from that definition and retained No. 2 heating oil and No. 2-D diesel fuel as covered products, while the amendments implementing the exemption of No. 2 heating oil and No. 2-D diesel fuel revised the definition of "covered products" to exclude these two products while retaining No. 1 heating oil, No. 1-D diesel fuel and kerosene as covered products.

As a consequence of the exemption of both of these groups of products on July 1, 1976, and the effectiveness of all of the various implementing amendments relating to those two exemption actions (including both of the alternative amended definitions of "covered products"), the definition of "covered products" in § 212.31 was modified by both amendments, but has been rendered technically ambiguous because neither of the individual amendments reflects the combined effect of both amendments on that definition. Today's clarifying amendment therefore revises the definition of "covered products," effective July 1, 1976, to recognize in a single amendment the combined effect of both amendments by deleting No. 1 and No. 2 heating oil, No. 1-D and No. 2-D diesel fuel and kerosene from the list of covered products.

Another possible ambiguity arises from the fact that, in view of the uncertainty as to what congressional action (if any) would be taken under the review procedures of section 551 of the EPCA, each of the two separate exemption actions contained a provision revoking Part 215. The revocation amendment appearing first in the FEDERAL REGISTER (41 FR 24516, June 16, 1976) should be cited as the FEA action which revoked Part 215. The second revocation action (at 41 FR 24518) is redundant.

The amendments relating to the two exemption actions also contained provisions prohibiting or restricting the reallocation by refiners, resellers and retailers of increased product costs from the exempt products concerned to products remaining subject to controls. The amendments to the reallocation amendments applicable to resellers and retailers subject to 10 CFR Part 212, Subpart F, inadvertantly used the terms "increased costs" and "maximum allowable prices," which are terms applicable to refiners and are not defined or otherwise used in Subpart F. These amendments are corrected to exclude these terms and to substitute terminology compatible with Subpart F definitions and terms. As now amended, Subpart F provides that no increased product costs relating to any of the exempt products under discussion may be reallocated to the prices of any covered product.

In view of the technical nature of today's amendments, notice and comment concerning the amendments are unnecessary.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159 as amended by Pub. L. 94-163; Energy Policy and Conservation Act, Pub. L. 93-164; E. O. 11790, 39 FR 23185; E.O. 11930, 41 FR 32399).

In consideration of the foregoing, Part 212 of Chapter II of Title 10 of the Code of Federal Regulations is amended as set forth below, effective July 1, 1976.

Issued in Washington, D.C., August 6, 1976.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Office.

1. The definition of "covered products" in § 212.31 is revised to read as follows:

§ 212.31 Definitions.

* * * * *

"Covered products" means aviation fuels, benzene, butane, crude oil, gas oil, gasoline, greases, hexane, lubricant base oil stocks, lubricants, naphthas, natural gas liquids, natural gasoline, propane, special nahpthas (solvents), toluene, unfinished oils, xylene, and other finished products. A blend of two or more particular covered products is considered to be that particular covered product constituting the major proportion of the blend.

* * * * *

2. Paragraphs (i) (2) (i) (B) and (i) (2) (ii) (B) of § 212.93 are revised to read as follows:

§ 212.93 Price rule.

* * * * *

(i) *Reallocation of increased product costs among products.*

* * * * *

(2) * * *

(i) *General refinery products.*

* * * * *

(B) Beginning on April 21, 1976, no increased product costs for No. 1 heating oil, No. 2-D diesel fuel, or kerosene may be reallocated to prices for any covered product.

(ii) *No. 2 oils.*

* * * * *

(B) Beginning on April 21, 1976, no increased product costs for No. 2 oils may be reallocated to prices for any covered product.

[FR Doc.76-23477 Filed 8-9-76;12:24 pm]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 76-NE-32; Amdt. 39-2688]

PART 39—AIRWORTHINESS DIRECTIVE

General Electric Co. CT58 Engines

Amendment 39-332, 31 FR 16606, AD 67-01-02, as amended by Amendment 39-536 and further amended by Amendment 39-1085 established reduced cyclic and hourly life limits of first stage compressor rotor disks. After issuing Amendment 39-1085, due to service experience with low-cycle-per-hour operators, the agency has determined that deletion of the hourly life limit without change to the cyclic life limit is warranted. Therefore, the AD is being further amended to remove the 2,900 hourly limit with no change to the 9,900 cycle life limit.

Since this amendment relieves a restriction, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697) § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-332, 31 FR 16606, AD 67-01-02, as amended by Amendment 39-536 and further amended by Amendment 39-1085, is further amended as follows:

1. By amending the first sentence of the first paragraph to read: Amendment 39-332 as amended by Amendment 39-536 and Amendment 39-1085 is further amended by Amendment 39-2688.

2. By amending Paragraph (a) to read: Disks with more than 9,700 cycles on October 15, 1970, prior to the accumulation of 200 additional cycles.

3. By amending Paragraph (b) to read: Disks with 9,700 cycles or less on October 15, 1970, before 9,900 cycles.

This amendment becomes effective August 24, 1976.

(Secs. 313(a), 601, and 603 Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Burlington, Massachusetts, on August 2, 1976.

QUENTIN S. TAYLOR,
Director,
New England Region.

[FR Doc.76-23256 Filed 8-11-76;8:45 am]

[Docket No. 76-NW-13-AD; Amdt. 39-2676]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 727 Series Airplanes

Correction

In FR Doc. 76-22101, appearing at page 32206, in the issue for Monday, August 2, 1976, in the first column on page 32207, the fourth and fifth lines of the last complete paragraph, designated "A.", should read "aft hinges in elevator bays 2 and 5 (left and right) for compatibility in accordance with".

[Docket No. 15981; Amdt. 39-2695]

PART 39—AIRWORTHINESS DIRECTIVES

Mitsubishi Model MU-2B Series Airplanes

There have been reports of failure of the cowling latches between the engine nacelle upper door and side doors on certain Mitsubishi Model MU-2B series airplanes that have resulted in opening of the cowling upper door in-flight, separation of the door panel, and subsequent loss of control of the airplane. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require an inspection for misalignment and modification, as necessary, of the cowling latches between the engine nacelle upper door and side doors on certain Mitsubishi Model MU-2B, MU-2B-10, MU-2B-15, MU-2B-20, MU-2B-25, MU-2B-30, and MU-2B-35 airplanes.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

MITSUBISHI HEAVY INDUSTRIES LTD. Applies to Models MU-2B, MU-2B-10, MU-2B-15, MU-2B-20 and MU-2B-25 airplanes with serial numbers 004 through 318, and Models MU-2B-30 and MU-2B-35 airplanes with serial numbers 501 through 654, certificated in all categories.

Compliance is required as indicated.

To prevent failure of the cowling latches between the engine nacelle upper door and side doors, possible separation of the engine nacelle upper cowling panel and subsequent loss of control of the airplane, accomplish the following:

Within the next 25 hours time in service after the effective date of this AD, unless already accomplished, inspect and modify, as necessary, the cowling latches between the engine nacelle upper door and side doors in accordance with the instructions contained in Mitsubishi Service Bulletin No. 171A dated July 14, 1975, or an FAA-approved equivalent, approved by the Chief, Engineering and Manufacturing District Office, FAA, Pacific-Asia Region, Honolulu, Hawaii.

This amendment becomes effective September 2, 1976.

Issued in Washington D.C. on August 6, 1976.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.76-23434 Filed 8-11-76;8:45 am]

[Docket No. 13890; Amdt. Nos. 47-18; 49-8]

PART 47—AIRCRAFT REGISTRATION

PART 49—RECORDING OF AIRCRAFT TITLES AND SECURITY DOCKETS

Aircraft Registry Mailing Address

These amendments to Parts 47 and 49 of the Federal Aviation Regulations provide a new mailing address for the FAA Aircraft Registry in Oklahoma City, Oklahoma, for use by the public in submitting documents to the Aircraft Registry.

Interested persons have been given an opportunity to participate in the making of these amendments by a notice of proposed rule making, Notice No. 74-26, published in the Federal Register on July 15, 1974 (39 FR 25953). Forty-four public comments were received in response to the Notice, and each has been considered in the adoption of these amendments.

The majority of the comments opposed the proposals concerning a "close of business" receipt of documents, and the return of documents found to be defective at the time of recordation examination. The FAA has carefully considered these comments and has determined that the intent of the Notice to provide more expeditious and effective service can be met through administrative changes in Registry procedures which can be implemented without rule-making action. Accordingly, the proposed changes to § 49.19 are being withdrawn.

Since these proposals are being withdrawn, it is appropriate to describe current Aircraft Registry procedures:

Mailed conveyances are delivered to a room where cashier and index personnel are collocated. The mail is opened, the money processed, and the conveyance indexed. Conveyances delivered personally are time-stamped and indexed as they are received. Two indexes are prepared, one using the N number of the aircraft or other identifying description, and the other using an alphabetical listing of the parties to the transactions.

Index sheets are delivered to the title search room each day on an hourly basis, and are computerized at the end of each day and week. This allows individuals who are searching aircraft titles to make their opinions contingent only upon the conveyances filed during the current one-hour period.

In addition to the withdrawal of the proposed changes to § 49.19, the FAA is also withdrawing proposed new § 49.20 regarding the return of defective conveyances. This action is based upon substantive public comments received in response to the proposal. With the withdrawal of this proposal, the Aircraft Registry will continue current procedures which provide for (1) retention of a defective conveyance in suspense with a notice of deficiency being sent to the appropriate party; or, (2) return of the conveyance for correction.

The withdrawal of these proposals does not preclude the FAA from issuing, in the future, other notices concerning this subject, nor commit the agency to any future course of action.

With respect to the proposal for a separate post office box number for the exclusive use of the Aircraft Registry, no opposition was submitted and the FAA has determined that the proposal should be adopted. This action will assist in the expeditious processing of all incoming mailed conveyances by reducing handling time.

(Sec. 313(a), 501, 502, and 503 Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1401, 1402, and 1403) sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, Parts 47 and 49 of the Federal Aviation Regulations are amended, effective September 8, 1976, as follows:

1. By amending § 47.19 to read as follows:

§ 47.19 FAA Aircraft Registry.

Each application, request, notification, or other communication sent to the FAA under this part must be mailed to the FAA Aircraft Registry, Department of Transportation, Post Office Box 25504, Oklahoma City, Oklahoma 73125, or de-

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livered to the Registry at 6400 South MacArthur Boulevard, Oklahoma City, Oklahoma.

2. By amending § 49.11 to read as follows:

§ 49.11 FAA Aircraft Registry.

To be eligible for recording, a conveyance must be mailed to the FAA Aircraft Registry, Department of Transportation, Post Office Box 25504, Oklahoma City, Oklahoma 73125, or delivered to the Registry at 6400 South MacArthur Boulevard, Oklahoma City, Oklahoma.

Issued in Washington, D.C., on August 2, 1976.

JOHN L. MCLUCAS,
Administrator.

[FR Doc.76-23258 Filed 8-11-76;8:45 am]

[Airspace Docket No. 76-AL-7]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Annette Island, Alaska; Alteration of Controlled Airspace

• The purpose of this amendment to Part 71 of the Federal Aviation Administration is to amend the description of the Annette Island, Alaska, transition area. •

Controlled airspace designated in the description by reference to the Gravina Island RBN is no longer needed and the radio beacon has been decommissioned.

Since this action reduces airspace dimensions and does not impose any burden on airspace users, it is a minor matter in which the public would have no particular desire to comment. Therefore, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., November 4, 1976, as hereinafter set forth.

Section 71.181 (41 FR 440) Annette Island, Alaska, transition area is amended by deleting "within 5 miles southwest of the 331° bearing from the Gravina Island RBN, extending from the 14-mile radius area to 8 miles northwest of the RBN."

(Sec. 307(a) Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Anchorage, Alaska, on July 29, 1976.

LYLE K. BROWN,
Director, Alaskan Region.

[FR Doc.76-23403 Filed 8-11-76;8:45 am]

[Airspace Docket No. 76-RM-7]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Casper, Wyoming; Alteration of Control Zone and Transition Area

On June 21, 1976, a notice of proposed rule making was published in the FEDERAL REGISTER (41 FR 24902) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the control zone and transition area at Casper, Wyoming.

Interested persons were given 30 days in which to submit written comments, suggestions or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date: This amendment shall be effective 0901 G.m.t., November 4, 1976.

(Sec. 307(a) Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)), and of sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Aurora, Colorado, on July 30, 1976.

M. M. MARTIN,
Director,
Rocky Mountain Region.

§ 71.171 [Amended]

In § 71.171 (41 FR 355) amend the description of the Casper, Wyoming, control zone as follows:

CASPER, WYOMING

That airspace within 5 miles each side of the Casper VORTAC 216° radial extending from the VORTAC to 33 miles southwest of the VORTAC and within 3 miles each side of the ILS localizer west course, extending from 1 mile east to 10 miles west of the Johnson LOM.

§ 71.181 [Amended]

In § 71.181 (41 FR 440) amend the description of the Casper, Wyoming, transition area as follows:

CASPER, WYOMING

That airspace extending upward from 700 feet above the surface within a 27 mile radius of the Casper ASR (latitude 42°55'17" N., longitude 106°27'14" W.); and that airspace extending upward from 1200 feet above the surface within a 43 mile radius of the Casper ASR; within an area extending from the 43 mile radius circle to an arc of a 42 mile radius circle centered on the Casper VORTAC bounded on the north by the Casper VORTAC 060° radial and on the south by the Casper VORTAC 111° radial; and that airspace extending upward from 11,500 feet MSL, extending from the 43 mile radius circle to an arc of a 60 mile radius circle centered on the Casper VORTAC, bounded on the east by the west edge of V19 and on the south by the north edge of V298.

[FR Doc.76-23402 Filed 8-11-76;8:45 am]

[Airspace Docket No. 76-NW-15]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Moses Lake, Washington; Alteration of Transition Area

On June 1, 1976, an editorial change to the description of the Moses Lake, Washington, Transition Area was published in the FEDERAL REGISTER (41 FR 22050). Several words were inadvertently omitted from the description text.

The purpose of this amendment is to publish the correct description of the Moses Lake, Washington, Transition Area. Since it is editorial in nature, notice and public procedures thereon are deemed unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended as hereinafter set forth:

In § 71.180 (41 FR 551), the description of the Moses Lake, Washington, Transition Area, when published in the FEDERAL REGISTER, is amended to read:

MOSES LAKE, WASHINGTON

That airspace extending upward from 700 feet above the surface within a 19-mile radius of Grant County Airport (latitude 47°12'29" N., longitude 119°19'05" W.), within 7 miles southeast and 12 miles northwest of the Ephrata VORTAC 043° and 223° radials extending from 8 miles southwest to 19 miles northeast of the VORTAC; that airspace extending upward from 1,200 feet above the surface bounded on the north by latitude 47°45'00" N., on the east by the arc of a 52-mile radius circle centered on Fairchild Air Force Base, Washington, (latitude 47°36'55" N., longitude 117°39'20" W.), on the southeast by V-112W, on the south by V-298, and on the west by longitude 120°00'00" W.

(Sec. 307(a) Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Seattle, Washington, on July 30, 1976.

C. B. WALK, JR.,
Director, Northwest Region.

[FR Doc.76-23401 Filed 8-11-76;8:45 am]

[Airspace Docket No. 76-RM-9]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Extension and Designation of Federal Airways

On June 1, 1976, a Notice of Proposed Rule Making (NPRM) was published in the Federal Register (41 FR 22095) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate V-380 from O'Neill, Nebr., to Mankato, Kans., and extend V-71 from Columbus, Nebr., to Bismarck, N. Dak.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., November 4, 1976, as hereinafter set forth.

§ 71.123 [Amended]

§ 71.123 (41 FR 307) is amended as follows:

1. In V-71 "Columbus, Nebr.," is deleted and "Columbus, Nebr.; O'Neill, Nebr.; Winner, S. Dak.; Pierre, S. Dak.; Bismarck, N. Dak.;" is substituted therefor.

2. V-380 is added as follows:
"From O'Neill, Nebr.; via Wolbach, Nebr.; Grand Island, Nebr.; Hastings, Nebr.; to Mankato, Kans."

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C. on August 5, 1976.

WILLIAM E. BROADWATER,
Chief, Airspace and Air
Traffic Rules Division.

[FR Doc.76-23431 Filed 8-11-76;8:45 am]

[Airspace Docket No. 76-WA-12]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Reporting Point Rescission

• The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to rescind the Rex, Ga., reporting point. The Rex VORTAC is no longer used for en route navigation and therefore not required as a compulsory reporting point. •

Because this action merely rescinds a reporting point in accordance with the requirements of current air traffic control procedures without altering any route structure or designated airspace, it is a minor matter on which the public would have no particular desire to comment. Therefore, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., November 4, 1976, as hereinafter set forth.

§ 71.203 [Amended]

§ 71.203 (41 FR 623) is amended as follows: "Rex, Ga." is deleted.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on August 5, 1976.

WILLIAM E. BROADWATER,
Chief, Airspace and Air
Traffic Rules Division.

[FR Doc.76-23430 Filed 8-11-76;8:45 am]

[Airspace Docket No. 76-WE-23]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

• The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the description of the Vandenberg AFB, California control zone. •

The Vandenberg AFB Airport Control Tower is presently operating from 0800 to 1700 hours local time daily, Monday through Friday. The Vandenberg AFB control zone is dependent upon the tower for required weather reporting and communications with airport traffic. Thus the control zone will have to be discontinued during the hours the tower is closed. To make this possible, a change is required in the designation of the control zone to allow part-time operation. In addition, the Vandenberg AFB Outer Marker has been decomissioned. It is, therefore, necessary to make an editorial change to the description of the Vandenberg AFB control zone to delete the reference to the Outer Marker and substitute the Vandenberg AFB TACAN therein.

Since these alterations are minor in nature, involve no change in airspace boundaries, and impose no additional burden on any person, compliance with the notice and public procedures provisions of the Administrative Procedures Act is unnecessary and the amendment may be effective in less than 30 days.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 GMT, September 9, 1976 as hereinafter set forth.

§ 71.171 [Amended]

In § 71.171 (41 FR 355) the description of the Vandenberg AFB, California control zone is amended to read as follows:

VANDENBERG AFB, CALIFORNIA

Within a 5 mile radius of Vandenberg AFB, Lompoc, California (latitude 34°43'50" N, longitude 120°34'30" W); within 2 miles each side of the Vandenberg AFB ILS localizer southeast course, extending from 5 miles radius zone to 8.2 miles southeast of the Vandenberg AFB TACAN and within 1 mile radius of Lompoc Airport (latitude 34°39'55" N, longitude 120°27'55" W) excluding that portion within R-2516. This control zone will be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously established as published in the Airman's Information Manual.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Los Angeles, California on August 2, 1976.

ROBERT H. STANTON,
Director, Western Region.

[FR Doc.76-23429 Filed 8-11-76;8:45 am]

[Airspace Docket No. 76-GL-19]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

On June 7, 1976, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (41 FR 22844) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 73 of the Federal Aviation Regulations that would alter the Camp Ripley, Minn., Restricted Area R-4301 and change the designated altitude and time of designation.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. The only comment received had no objection to the proposal.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0901 G.M.t., November 4, 1976, as hereinafter set forth.

§ 73.43 [Amended]

In § 73.43 (41 FR 680) the description of Restricted Area R-4301 Camp Ripley, Minn., is deleted and the following is substituted therefor:

R-4301 Camp Ripley, Minn. Boundaries. Beginning at Lat. 46°18'54"N., Long. 94°29'02"W.; thence along south bank of Crow Wing River and west bank of Mississippi River to Lat. 46°10'49"N., Long. 94°21'52"W.; to Lat. 46°07'11"N., Long. 94°21'52"W.; thence along the west bank of Mississippi River to Lat. 46°06'22"N., Long. 94°21'10"W.; to Lat. 46°06'22"N., Long. 94°22'15"W.; to Lat. 46°06'03"N., Long. 94°22'15"W.; to Lat. 46°06'03"N., Long. 94°26'06"W.; to Lat. 46°08'00"N., Long. 94°26'06"W.; to Lat. 46°08'00"N., Long. 94°30'00"W.; to Lat. 46°18'18"N., Long. 94°30'00"W.; to point of beginning.

Designated altitudes. Surface to 27,000 feet MSL.

Time of designation. 0730 to 2400 local times daily. Other times as specified by NOTAM issued 24 hours in advance.

Controlling agency. Federal Aviation Administration, Minneapolis ARTC Center.

Using agency. Commanding Officer, Camp Ripley, Minn.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C. on August 5, 1976.

WILLIAM E. BROADWATER,
Chief, Airspace and Air
Traffic Rules Division.

[FR Doc.76-23433 Filed 8-11-76;8:45 am]

[Airspace Docket No. 76-SO-28]

PART 73—SPECIAL USE AIRSPACE

Designation of Temporary Restricted Areas; Correction

In FR Doc. 76-20125 appearing on page 29092 in the FEDERAL REGISTER of July 15, 1976, the description of R-2911A Brave Shield XV in paragraph (4) is corrected in the first line by deleting "30°39'00" " and substituting "30°38'45" " therefor. Also, paragraph (4) is corrected in the fourth line by deleting "30°43'00"" and substituting "30°42'50" " therefor. Also, paragraph (4) is corrected in the fifth line by deleting "86°38'00" " and substituting "86°38'02" " therefor.

Issued in Washington, D.C. on August 5, 1976.

WILLIAM E. BROADWATER,
Chief, Airspace and Air
Traffic Rules Division.

[FR Doc.76-23432 Filed 8-11-76;8:45 am]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Docket No. 15980; Amdt. No. 95-267]

PART 95—IFR ALTITUDES

Miscellaneous Changes

The purpose of this amendment to Part 95 of the Federal Aviation Regulations (14 CFR Chapter I) is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or any portion of a route. These altitudes, when used in conjunction with the current changeover points for the routes or portions of routes, also assure navigational coverage that is adequate and free of frequency interference.

Since situations exist which demand immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for

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making this amendment effective within less than 30 days from publication.

(Secs. 307 and 1110 Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1510); and sec. 6 (c) Department of Transportation Act (49 U.S.C. 1655(c)).)

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 FR 5662), Subpart C of Part 95 of the Federal Aviation Regulations is amended as follows, effective September 9, 1976.

Issued in Washington, D.C., on August 3, 1976.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

§95.48 GREEN FEDERAL AIRWAY 8
is amended by adding:

FROM	TO	MEA
Wildwood, Alas. NDB	*Campbell Lake, Alas. NDB	2000

*3800–MCA Campbell Lake NDB, N-bound

§95.48 GREEN FEDERAL AIRWAY 8
is amended to delete:

FROM	TO	MEA
Wildwood Alas. LF/RBN	Delta Island INT, Alas.	1900
Delta Island INT, Alas.	*Campbell Lake, Alas. LF/RBN	2000

*3800–MCA Campbell Lake LF/RBN, N-bound

§95.626 BLUE FEDERAL AIRWAY 26
is amended by adding:

FROM	TO	MEA
Campbell Lake, Alas. NDB	*Peters Creek, Alas. NDB	4800

*5000–MCA Peters Creek NDB, N-bound

§95.626 BLUE FEDERAL AIRWAY 26
is amended to delete:

FROM	TO	MEA
Campbell Lake, Alas. NDB	Willo INT, Alas.	4100
Willo INT, Alas.	Peters Creek, Alas. NDB	4800

§95.1001 DIRECT ROUTES—U.S.
is added to read:

FROM	TO	MEA
Hobbs, N.M. VOR	Texico, N.M. VOR	*7000

*5600–MOCA

§95.1001 DIRECT ROUTES—U.S.
is amended to read:

FROM	TO	MEA
Bisly INT, Ga.	*Flinn INT, Ga.	2000
*2500–MRA		
Ogden, Utah VORTAC	Daton INT, Wyo.	#22000 MAA–30000

#MEA is established with a gap in navigation signal coverage.

Daton INT, Wyo.	Jackson, Wyo. VOR	13000 MAA–25000

§95.1001 DIRECT ROUTES—U.S.
is amended to read in part:

FROM	TO	MEA
Tulsa, Okla. VOR	Davis, Okla. VOR	*3500

§95.6001 VOR FEDERAL AIRWAY 1
Is amended to delete:

FROM	TO	MEA
Sunbury INT, N.C. Via E alter. *1600–MOCA	Norfolk, Va. VOR Via E alter.	*2000

§95.6001 VOR FEDERAL AIRWAY 1
Is amended to read in part:

FROM	TO	MEA
Kinston, N.C. VOR Via E alter.	Pinetown INT, N.C. Via E alter.	2000

§95.6003 VOR FEDERAL AIRWAY 3
is amended to delete:

FROM	TO	MEA
Florence, S.C. VOR Via E alter.	Fayetteville, N.C. VOR Via E alter.	1900
Fayetteville, N.C. VOR Via E alter.	Coats INT, N.C. Via E alter.	2000
Coats INT, N.C. Via E alter.	Raleigh-Durham, N.C. VOR Via E alter.	2700

§95.6004 VOR FEDERAL AIRWAY 4
Is amended to read in part:

FROM	TO	MEA
Lansing INT, Kans.	Kansas City, Mo. VOR	2600
Hallsville, Mo. VOR	St. Paul INT, Mo.	2600
St. Paul INT, Mo.	St. Louis, Mo. VOR	*2400

*1800–MOCA

§95.6006 VOR FEDERAL AIRWAY 6
Is amended to read in part:

FROM	TO	MEA
Elliott INT, Iowa Via S alter.	Winterset INT, Iowa Via S alter.	*3600
*2700–MOCA		
Mila INT, Iowa Via S alter.	Bussey INT, Iowa Via S alter.	*2700
*2300–MOCA		

§95.6010 VOR FEDERAL AIRWAY 10
Is amended to read in part:

FROM	TO	MEA
Emporia, Kans. VOR	Napoleon, Mo. VOR	*3000
*2400–MOCA		
Napoleon, Mo. VOR	Kirksville, Mo. VOR	*3000
*2400–MOCA		
De Soto INT, Kans. Via N alter.	Napoleon, Mo. VOR Via N alter.	3000
Napoleon, Mo. VOR Via N alter.	Lawson INT, Mo. Via N alter.	2500
Lawson INT, Mo. Via N alter.	Kirksville, Mo. VOR Via N alter.	*3000
*2400–MOCA		

§95.6012 VOR FEDERAL AIRWAY 12
Is amended to read in part:

FROM	TO	MEA
Emporia, Kans. VOR	Napoleon, Mo. VOR	*3000
*2400–MOCA		
Napoleon, Mo. VOR	*Odessa INT, Mo.	2600
*4000–MRA		
Odessa INT, Mo.	Boonville INT, Mo.	*2700
*2100–MOCA		
Boonville INT, Mo.	Columbia, Mo. VOR	*2500
*2300–MOCA		

VOR FEDERAL AIRWAY 12—cont'd.

FROM	TO	MEA
Moser INT, Tex. Via S alter. *8000–MRA **5200–MOCA	*Westside INT, Tex. Via S alter.	**6000
Westside INT, Tex. Via S alter.	Amarillo, Tex. VOR Via S alter.	6000
Amarillo, Tex. VOR Via S alter. *4700–MOCA	Brisc INT, Tex. Via S alter.	*5300

§95.6013 VOR FEDERAL AIRWAY 13
is added to read:

FROM	TO	MEA
Grantsburg, Wis. VOR Via E alter.	Duluth, Minn. VOR Via E alter.	3300
Duluth, Minn. VOR *3200–MOCA	U.S. Canadian Border	*4000

§95.6013 VOR FEDERAL AIRWAY 13
is amended by adding:

FROM	TO	MEA
Grantsburg, Wis. VOR Via E alter.	Duluth, Minn. VOR Via E alter.	3300
Duluth, Minn. VOR *3200–MOCA	U.S. Canadian Border	*4000

§95.6013 VOR FEDERAL AIRWAY 13
is amended to read in part:

FROM	TO	MEA
Butler, Mo. VOR	Napoleon, Mo. VOR	2600
Napoleon, Mo. VOR *2500–MOCA	Plattsburg, INT, Mo.	*3000

§95.6014 VOR FEDERAL AIRWAY 14
Is amended to read in part:

FROM	TO	MEA
Neosho, Mo. VOR Via S alter	Billings INT, Mo. Via S alter	3000

§95.6021 VOR FEDERAL AIRWAY 21
is amended to read in part:

FROM	TO	MEA
Fairfield, Utah VOR	*Salt Lake City, Utah VOR	9600

*8000–MCA Salt Lake City VOR, S-bound

§95.6071 VOR FEDERAL AIRWAY 71
Is amended to read in part:

FROM	TO	MEA
Natchez, Miss. Via W alter. *2500–MRA **1800–MOCA	*Tulla INT, La. Via W alter.	**6000

VOR FEDERAL AIRWAY 71—cont'd.

FROM	TO	MEA
Tulla INT, La. Via W alter. *3000–MRA	*Bosco INT, La. Via W alter.	2000
Bosco INT, La. Via W alter.	Monroe, La. VOR Via W alter.	2000

§95.6114 VOR FEDERAL AIRWAY 114
is amended to read in part:

FROM	TO	MEA
Amarillo, Tex. VOR Via S alter.	Childress, Tex. VOR Via S alter.	5000

§95.6116 VOR FEDERAL AIRWAY 116
is amended to read in part:

FROM	TO	MEA
Excelsior INT, Mo. *4000–MRA **2300–MOCA	*Tina INT, Mo.	**3000

§95.6129 VOR FEDERAL AIRWAY 129
is amended to read in part:

FROM	TO	MEA
Hibbing, Minn. VOR *2900–MOCA	International Falls, Minn. VOR	*3500

§95.6140 VOR FEDERAL AIRWAY 140
is amended to read in part:

FROM	TO	MEA
Amarillo, Tex. VOR Via N alter. *4700–MOCA	Brisc INT, Tex. Via N alter.	*5300

§95.6144 VOR FEDERAL AIRWAY 144
is amended by adding:

FROM	TO	MEA
Linden, Va. VOR	Huntly INT, Va.	5000
*Huntly INT, Va.	Blue Ridge INT, Va.	4000

*4700–MCA Huntly INT, W-bound

§95.6159 VOR FEDERAL AIRWAY 159
is amended to read in part:

FROM	TO	MEA
Springfield, Mo. VOR *6000–MRA **2300–MOCA	*Bolivar INT, Mo.	**2700
Bolivar INT, Mo. *2100–MOCA	Augie INT, Mo.	*2700
Augie INT, Mo. *2300–MOCA	Holden INT, Mo.	*2700
Holden INT, Mo. *2400–MOCA	Napoleon, Mo. VOR	*3000
Napoleon, Mo. VOR *2500–MOCA	Plattsburg INT, Mo.	*3000
Plattsburg INT, Mo.	St. Joseph, Mo. VOR	3000
Dogwood, Mo. VOR	Ford DME Fix, Mo.	4200

§95.6161 VOR FEDERAL AIRWAY 161
Is amended to delete:

FROM	TO	MEA
U.S. Canadian Border *2900–MOCA	Whitemouth INT, Can.	#7000

#For that airspace over U.S. Territory

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§95.6161 VOR FEDERAL AIRWAY 161
Is amended to read in part:

FROM	TO	MEA
Butler, Mo. VOR	Napoleon, Mo. VOR	2600
Napoleon, Mo. VOR	Lawson INT, Mo.	2500
Lawson INT, Mo. *2500–MOCA	Lamoni, Iowa VOR	*2900
Mason City, Iowa VOR	Rochester, Minn. VOR	3000

§95.6172 VOR FEDERAL AIRWAY 172
Is amended to read in part:

FROM	TO	MEA
Neola, Iowa VOR *5000–MRA **2800–MOCA	*Menlo INT, Iowa	**4000
Menlo INT, Iowa *2800–MOCA	Linde INT, Iowa	*4000
Linde INT, Iowa *2200–MOCA	Grimes INT, Iowa	*2800
Charlotte INT, Iowa *2200–MOCA	Thomson INT, Ill.	*2600

§95.6174 FOR FEDERAL AIRWAY 174
Is amended to delete:

FROM	TO	MEA
Elkins, W. Va. VOR	Moorefield INT, W. Va.	6800
Moorefield INT, W. Va.	Linden, Va. VOR	5000
Linden, Va. VOR	Huntly INT, Va.	5000
*Huntly INT, Va. *4700–MCA Huntly INT, W-bound	Blue Ridge INT, Va.	4000

§95.6174 VOR FEDERAL AIRWAY 174
Is amended by adding:

FROM	TO	MEA
Elkins, W.Va. VOR	Front Royal, Va. VOR	6800

§95.6175 VOR FEDERAL AIRWAY 175
is amended to read in part:

FROM	TO	MEA
Des Moines, Iowa VOR *2400–MOCA	Linde INT, Iowa	*2800
Linde INT, Iowa *3900–MRA **2600–MOCA	*Manning INT, Iowa	**4000

§95.6206 VOR FEDERAL AIRWAY 206
is amended to read in part:

FROM	TO	MEA
Napolean, Mo. VOR *2400–MOCA	Kirksville, Mo. VOR	*3000

§95.6218 VOR FEDERAL AIRWAY 218
Is amended to read in part:

FROM	TO	MEA
Grand Rapids, Minn. VOR *2600–MOCA	Minneapolis, Minn. VOR	*5500

§95.6222 VOR FEDERAL AIRWAY 222
Is amended to read in part:

FROM	TO	MEA
Lake Charles, La. VOR *1300–MOCA	Moxie INT, La.	*1500
Moxie INT, La. *1500–MOCA	Morganza INT, La.	*5000

§95.6238 VOR FEDERAL AIRWAY 238
Is amended to read in part:

FROM	TO	MEA
Lenox INT, Mo. *2400–MOCA	Delmar INT, Mo.	*3000

§95.6239 VOR FEDERAL AIRWAY 239
Is amended to read in part:

FROM	TO	MEA
Thomas INT, Mo.	Jefferson City, Mo. VOR	2500

§95.6242 VOR FEDERAL AIRWAY 242
Is amended to read:

FROM	TO	MEA
International Falls, Minn. VOR	U.S. Canadian Border	3000

§95.6245 VOR FEDERAL AIRWAY 245
Is amended to read in part:

FROM	TO	MEA
Jackson, Miss. VOR *2700–MRA	*Sharon INT, Miss.	2000 MAA–7000
Sharon INT, Miss.	Columbus, Miss. VOR	2400 MAA–7000

§95.6261 VOR FEDERAL AIRWAY 261
Is amended to read:

FROM	TO	MEA
Wichita, Kans. VOR	INT 204 M rad Manhattan VOR & 013 M rad Wichita VOR	3400
INT 204 M rad Manhattan VOR & 013 M rad Wichita VOR	Manhattan, Kans. VOR	3000

§95.6280 VOR FEDERAL AIRWAY 280
Is amended to read in part:

FROM	TO	MEA
Moser INT, Tex. *8000–MRA **5200–MOCA	*West Side INT, Tex.	**6000
West Side INT, Tex.	Amarillo, Tex. VOR	6000
West Side INT, Tex. Via S alter.	Amarillo, Tex. VOR Via S alter.	6000
Texico, N.M. VOR Via S alter. *8000–MRA **5500–MOCA	*West Side INT, Tex. Via S alter.	**7000

§95.6286 VOR FEDERAL AIRWAY 286
Is amended to delete:

FROM	TO	MEA
Moorefield INT, W. Va. *5300–MOCA	Rileyville INT, Va.	*8000
Rileyville INT, Va.	Casanova, Va. VOR	5000

§95.6286 VOR FEDERAL AIRWAY 286
Is amended by adding:

FROM	TO	MEA
Elkins, W.Va. VOR	Casanova, Va. VOR	6600

§95.6298 VOR FEDERAL AIRWAY 298
Is added to read:

FROM	TO	MEA
Yakima, Wash. VOR Via N alter.	Pasco, Wash. VOR Via N alter.	6000

§95.6300 VOR FEDERAL AIRWAY 300
Is amended to read in part:

FROM	TO	MEA
Sault Ste Marie, Mich. VOR *2500–MOCA	U.S. Canadian Border	*6000

§95.6430 VOR FEDERAL AIRWAY 430
is amended by adding:

FROM	TO	MEA
Grand Rapids, Minn. VOR *2700	Duluth, Minn. VOR	*3200

§95.6424 VOR FEDERAL AIRWAY 424
is amended to read in part:

FROM	TO	MEA
Napoleon, Mo. VOR *2300–MOCA	Macon, Mo. VOR	*2700

§95.6440 VOR FEDERAL AIRWAY 440
is amended to read in part:

FROM	TO	MEA
*Hapit INT, Alas. *11000–MRA **2000–MOCA	Cenia DME Fix, Alas.	**9000

§95.7005 JET ROUTE NO. 5 is amended by adding:

FROM	TO	MEA	MAA
Seattle, Wash. VORTAC	U.S. Canadian Border	18000	45000

§95.7501 JET ROUTE NO. 501 is amended to delete:

FROM	TO	MEA	MAA
Bethel, Alas. VORTAC	Nivak DME Fix, Alas.	26000	45000

§95.7501 JET ROUTE NO. 501 is amended to read in part:

FROM	TO	MEA	MAA
Point Reyes, Calif. VORTAC	Medford, Ore. VORTAC	#22000	45000

#MEA is established with a gap in navigation signal coverage.

By amending Sub-part D as follows:

§95.8003 VOR FEDERAL AIRWAY CHANGEOVER POINTS

AIRWAY SEGMENT FROM	TO	CHANGEOVER POINT DISTANCE FROM
V-200 is amended to delete:		
Meeker, Colo. VORTAC Via N alter.	Hayden, Colo. VOR Via N alter.	25 Meeker
V-286 is added to read:		
Elkins, W. Va. VOR	Casnova, Va. VOR	45 Elkins

§95.8005 JET ROUTES CHANGEOVER POINTS

AIRWAY SEGMENT FROM	TO	CHANGEOVER POINTS DISTANCE FROM
J-501 is amended to delete:		
Ukiah, Calif. VORTAC	Medford, Ore. VORTAC	121 Ukiah

[FR Doc.76-23400 Filed 8-11-76;8:45 am]

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[Docket No. 15979; Amdt. No. 1033]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Information Center, AIS-230, 800 Independence Avenue, SW, Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, *effective October 7, 1976.*

Vernal, UT—Vernal Arpt., VOR Rwy 34, Amdt. 4

• • • *effective September 23, 1976.*

Paso Robles, CA—Paso Robles Muni. Arpt., VOR/DME-B, Amdt. 1
Ft. Collins-Loveland, CO—Ft. Collins-Loveland Arpt., VOR/DME-A, Amdt. 2
Mt. Vernon, IL—Mt. Vernon-Outland Arpt., VOR Rwy 23, Amdt. 6
Shelbyville, IN—Shelbyville Muni. Arpt., VOR Rwy 18, Amdt. 3
Ottumwa, IA—Ottumwa Industrial Arpt., VOR Rwy 31, Amdt. 11
Ottumwa, IA—Ottumwa Industrial Arpt., VOR/DME Rwy 13, Amdt. 3
Baton Rouge, LA—Ryan Arpt., VOR Rwy 4, Amdt. 12
Baton Rouge, LA—Ryan Arpt., VORTAC Rwy 22, Amdt. 4
Niles, MI—Jerry Tyler Memorial Arpt., VOR Rwy 3, Amdt. 2
Lakewood, NJ—Lakewood Arpt., VOR Rwy 6, Amdt. 1
Toms River, NJ—Robert J. Miller Air Park, VOR Rwy 6, Amdt. 4
Okmulgee, OK—Okmulgee Muni. Arpt., VOR-A, Amdt. 7
Galeton, PA—Cherry Springs Arpt., VOR-A, Amdt. 4
Terrell, TX—Terrell Muni. Arpt., VOR/DME Rwy 36, Original
Fond du Lac, WI—Fond du Lac County Arpt., VOR/DME Rwy 18, Amdt. 2
Fond du Lac, WI—Fond du Lac County Arpt., VOR/DME Rwy 36, Amdt. 2
Madison, WI—Morey Arpt., VOR-A, Amdt. 2
Madison, WI—Morey Arpt., VOR-B, Amdt. 1
Prairie du Chien, WI—Prairie du Chien Muni. Arpt., VOR/DME Rwy 29, Amdt. 1
Sheboygan, WI—Sheboygan County Memorial Arpt., VOR Rwy 3, Amdt. 1
Sheboygan, WI—Sheboygan County Memorial Arpt., VOR Rwy 21, Amdt. 1

• • • *effective September 9, 1976.*

Unalakleet, AK—Unalakleet Arpt., VOR-C, Amdt. 3
Unalakleet, AK—Unalakleet Arpt., VOR/DME-A, Amdt. 5

• • • *Effective July 29, 1976.*

San Juan, PR—Puerto Rico Int'l Arpt., VOR Rwy 7 and 10, Amdt. 4

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, *effective September 23, 1976.*

Birmingham, AL—Birmingham Muni. Arpt., LOC Rwy 23, Original
Birmingham, AL—Birmingham Muni. Arpt., LOC (BC) Rwy 23, Amdt. 5, cancelled
Brunswick, GA—Brunswick-Golden Isles Muni. Arpt., LOC Rwy 7, Original
Hutchinson, KS—Hutchinson Muni. Arpt., LOC (BC) Rwy 31, Amdt. 9
Baton Rouge, LA—Ryan Arpt., LOC (BC) Rwy 31, Amdt. 11
Albuquerque, NM—Albuquerque Int'l Arpt., LOC (BC) Rwy 17, Amdt. 12
Martinsburg, WV—Eastern West Virginia Regional Arpt., LOC Rwy 8, Amdt. 1
Martinsburg, WV—Eastern West Virginia Regional Arpt., LOC (BC) Rwy 26, Amdt. 3
Fond du Lac, WI—Fond du Lac County Arpt., SDF Rwy 36, Amdt. 1

• • • *effective August 26, 1976.*

Ponca City, OK—Ponca City Muni. Arpt., SDF Rwy 17, Original

• • • *effective July 29, 1976.*

Chicago, IL—Chicago O'Hare Int'l Arpt., LOC (BC) Rwy 14L, Original, cancelled

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, *effective September 23, 1976.*

Birmingham, AL—Birmingham Muni. Arpt., NDB Rwy 5, Amdt. 24
Birmingham, AL—Birmingham Muni. Arpt., NDB Rwy 23, Amdt. 11
Ft. Collins-Loveland, CO—Ft. Collins-Loveland Arpt., NDB Rwy 33, Amdt. 5
Hutchinson, KS—Hutchinson Muni. Arpt., NDB Rwy 13, Amdt. 8
Baton Rouge, LA—Ryan Arpt., NDB Awy 13, Amdt. 19
Many, LA—Hart Arpt., NDB Rwy 11, Amdt. 1
York, PA—York Arpt., NDB-A, Amdt. 6
Fond du Lac, WI—Fond du Lac County Arpt., NDB Rwy 9, Amdt. 1
Sheboygan, WI—Sheboygan County Memorial Arpt., NDB Rwy 21, Amdt. 2

• • • *effective August 26, 1976.*

Flemingsburg, KY—Fleming-Mason Arpt., NDB Rwy 25, Original
Ponca City, OK—Ponca City Muni. Arpt., NDB Rwy 17, Original
Ponca City, OK—Ponca City Muni. Arpt., NDB (ADF)-1, Amdt. 8, cancelled
Ponca City, OK—Ponca City Muni. Arpt., NDB (ADF) Rwy 17, Amdt. 4, cancelled
Parkersburg WV—Wood County Arpt. Gill Robb Wilson Field, NDB Rwy 3, Amdt. 1

• • • *effective August 19, 1976.*

Oconto, WI—Oconto Muni. Arpt., NDB Rwy 11, Original

• • • *effective August 2, 1976.*

Long Beach, CA—Long Beach (Daugherty Field), NDB Rwy 30, Amdt. 4

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, *effective September 23, 1976.*

Birmingham, AL—Birmington Muni. Arpt., ILS Rwy 5, Amdt. 30
Bloomington, IL—Bloomington-Normal Arpt., ILS Rwy 29, Amdt. 2
Mt. Vernon, IL—Mt. Vernon-Outland Arpt., ILS Rwy 23, Amdt. 1
Ottumwa, IA—Ottumwa Industrial Arpt., ILS Rwy 31, Amdt. 1
Hutchinson, KS—Hutchinson Muni. Arpt., ILS Rwy 13, Amdt. 9
Baton Rouge, LA—Ryan Arpt., ILS Rwy 13, Amdt. 20

• • • *effective August 26, 1976.*

Houston, TX—William P. Hobby Arpt., ILS Rwy 12, Original
Parkersburg, WV—Wood County Arpt. Gill Robb Wilson Field, ILS Rwy 3, Amdt. 4

• • • *effective July 30, 1976.*

Long Beach, CA—Long Beach (Daugherty Field), ILS Rwy 30, Amdt. 27

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, *effective September 23, 1976.*

Baton Rouge, LA—Ryan Arpt., RADAR-1, Amdt. 3
Madison, WI—Morey Arpt., RADAR-1, Amdt. 1

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, *effective September 23, 1976.*

Ft. Collins-Loveland, CO—Ft. Collins-Loveland, RNAV Rwy 15, Original
Ft. Collins-Loveland, CO—Ft. Collins-Loveland, RNAV Rwy 33, Original
Ottumwa, IA—Ottumwa Industrial Arpt., RNAV Rwy 22, Amdt. 1

• • • *effective July 29, 1976.*

San Juan, PR—Puerto Rico Int'l Arpt., RNAV Rwy 10, Amdt. 3

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510, and Sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c).)

Issued in Washington, D.C., on August 5, 1976.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the Federal Register on May 12, 1969, (35 FR 5610).

JAMES M. VINES,
Chief,
Aircraft Programs Division.

[FR Doc.76-23428 Filed 8-11-76;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER IX—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 905—COORDINATION OF FEDERAL AND FEDERALLY ASSISTED PROGRAMS AND PROJECTS

Intergovernmental and Inter-Agency Coordination

On April 30, 1976 the National Oceanic and Atmospheric Administration published in the FEDERAL REGISTER (41 FR 18068-18070) proposed procedures to achieve the intergovernmental and interagency coordination required by Office of Management and Budget (OMB) Circular A-95.

Interested persons were invited to submit written comments on the proposed regulations, and the following changes are hereby made as a result of comments received: Parts 905.3 (a), 905.5 (d) and 905.7 are revised to permit use of clearinghouse notification of intent forms if required by the clearinghouse as an alternative to Form SF424, and Part 905.3 (a) is revised to add subparagraph (4) regarding environmental impact information requirements.

Revised OMB Circular A-95 in its entirety (including its Attachment E, Form 424, Federal Assistance Preapplication, Application, Notification of Intent, or Report of Federal Action) appears in the FEDERAL REGISTER Vol. 41, No. 8 of Tuesday, January 13, 1976. Form SF424 will be furnished on request to grantees by the NOAA Grants Officer or by Program Officers of NOAA's Office of Coastal Zone Management and National Marine Fisheries Service.

Part 905 is issued under the authority of Section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, Title IV of the Intergovernmental Cooperation Act of 1968, and Section 102 (2) (c) of the National Environmental Policy Act of 1969, and implementing Office of Management and Budget Circular A-95, revised January 2, 1976. The final rules and regulations in their entirety appear below.

AUGUST 4, 1976.

T. P. GLEITER,
Assistant Administrator
for Administration.

Part 905 is set forth below:

Sec.
905.1 General.
905.2 NOAA Programs covered.
905.3 Project notification and review system.
905.4 Clearinghouse functions.
905.5 Consultation and review.
905.6 Clearinghouse comments and recommendations.
905.7 Re-review of applications.
905.8 NOAA procedures for implementation of OMB Circular A-95.
905.9 Roles and responsibilities.

§ 905.1 General.

Office of Management and Budget Circular A-95, Evaluation, Review and Coordination of Federal and Federally Assisted Programs and Projects, Part I, establishes a network of State and areawide planning and development clearinghouses which will aid in the coordination of Federal or federally assisted projects and programs with State, areawide, and local planning for orderly growth and development.

§ 905.2 Programs covered.

The requirements of Circular A-95 apply to the following NOAA programs listed in the Catalog of Federal Domestic Assistance:

11.405 Anadromous & Great Lakes Fisheries Development
11.407 Commercial Fisheries Research & Development
11.418 Coastal Zone Management Program Development
11.419 Coastal Zone Management Program Administration
11.420 Coastal Zone Management—Estuarine Sanctuaries

§ 905.3 Project notification and review system.

Part I of Circular A-95 requires applicants for assistance under any of the above five NOAA programs to comply with the provisions of the Project Notification and Review System in order to facilitate coordinated planning on an intergovernmental basis. The essential parts of the Project Notification and Review System are:

(a) *Notification of intent.* Any agency of State or local government or any organization undertaking to apply for assistance to a project or major substantive modification thereto under any of the above five NOAA programs is required to notify (use Form SF424 or clearinghouse Notification of Intent (NOI) forms if required) both the State and areawide planning and development clearinghouses in the jurisdiction of which the project is to be located of its intent to apply for assistance at such time as it determines it will develop an application. Notification will include a summary description of the project for which assistance is sought. The summary description will contain the following information, as appropriate and to the extent available:

(1) Identity of the applicant agency or organization.

(2) The geographic location of the project to be assisted. A map should be provided, if appropriate.

(3) A brief description of the proposed project to be assisted by type, purpose, general size or scale, estimated cost, or other characteristics which will enable the clearinghouses to identify agencies of State or local government having plans, programs, or projects that might be affected by the proposed project.

(4) A statement as to whether or not the applicant has been advised by NOAA that he will be required to submit environmental impact information in connection with the proposed project.

(5) The NOAA program title and number under which assistance is sought.

(6) The estimated date the applicant expects to formally file an application.

(b) *Applicant responsibility.* Potential applicants are responsible for contacting the clearinghouses in their project location as early as possible to obtain forms and instructions for insuring expeditious clearinghouse review.

(c) *Federally recognized Indian Tribes.* Applications from federally recognized Indian tribes are not subject to the requirements of Part I of Circular A-95. However, Indian tribes may voluntarily participate in the Project Notification and Review System and are encouraged to do so. NOAA will notify the appropriate State and areawide clearinghouses of any applications from federally recognized Indian tribes upon their receipt.

§ 905.4 Clearinghouse functions.

State and areawide clearinghouse functions include, but are not limited to:

(a) Evaluating the significance of proposed Federal or federally assisted projects to State, areawide, or local plans and programs.

(b) Receiving and disseminating project notifications (the State clearinghouse notifies State agencies; the areawide clearinghouse notifies local agencies) and providing liaison between such agencies and the applicant.

(c) Providing public agencies charged with enforcing or furthering the objectives of State and local civil rights laws with opportunity to review and comment on the civil rights aspects of the project for which assistance is sought.

§ 905.5 Consultation and review.

(a) State and areawide clearinghouses may have 30 days after receipt of a project notification in which to inform State and local or regional governments or agencies that may be affected by the proposed project and arrange, as may be necessary, to consult with the applicant thereon. The review may be completed in this period and comments may be submitted to the applicant.

(b) If the review is not completed during this period, the clearinghouse may work with the applicant in the resolution of any problems raised by the proposed project during the period in which the application is being completed.

(c) In cases where no project notification has been submitted and the clearinghouse receives only a completed application, it may have 60 days to review the completed application. If a completed application is submitted during the first 30 days after a notification has been submitted, the clearinghouse may have 30 days plus the number of days remaining in the initial 30 days to review a completed application. Where clearinghouses have not completed their review during the 30 day notification period, they are strongly urged to give the applicant formal notice to that effect. Where reviews have been completed prior to completion of an application, an information copy will be supplied to the clearinghouse, upon request, when the application is submitted to the funding agency.

(d) Analysis of the timing requirement for clearinghouse review discloses that such review consists of two stages: (1)

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Stage 1—*When only a Notification of Intent (complete or partial Form SF 424 or clearinghouse NOI forms if required) is submitted to the Clearinghouse*—(i) Clearinghouse has 30 days to review. Clearinghouse *may* complete review and send comments to applicant. Upon completion of application (complete Form SF 424), applicant will submit an information copy to the clearinghouse, upon request, when submitting the application to NOAA for funding.

(ii) Clearinghouse *does not* complete review; notifies applicant; resolves problems, if any, with applicant; applicant completes application.

(iii) When a completed application is submitted during the first 30 days *after* a Notification of Intent has been submitted, clearinghouse has 30 days plus the number of days remaining in the initial 30 day notification period to complete review.

(2) Stage 2—*When only a completed application is submitted to clearinghouse*—Clearinghouse has 60 days to review.

(e) Written comments submitted to the areawide clearinghouses by other jurisdictions, agencies, or parties will be included as attachments to the comments of areawide clearinghouses, when they are at variance with the clearinghouse comments; and others from whom comments were solicited and received should be listed.

§ 905.6 Clearinghouse comments and recommendations.

(a) Applicants will include with the completed application submitted to NOAA:

(1) All comments and recommendations made by or through clearinghouses, along with a statement that such comments have been considered prior to submission to NOAA of the application; or

(2) Where no comments have been received from a clearinghouse, a statement that the procedures outlined in paragraphs 905.3 and 905.5 above have been followed and that no comments or recommendations have been received.

(b) The objectives of clearinghouse comments and recommendations are:

(1) To assure maximum consistency of the proposed project with State, areawide, and local comprehensive plans;

(2) To assist NOAA in determining whether the project is in accord with Federal laws, particularly those requiring consistency with State, areawide, or local plans. Comments or recommendations may include, but need not be limited to, information about the extent to which the proposed project:

(i) Duplicates, runs counter to, or needs to be coordinated with other projects or activities being carried out in or affecting the area; or

(ii) Might be revised to increase its effectiveness or efficiency in relationship to other State, area, or local programs and projects.

Applications for continuation or renewal grants or applications not submitted to or acted upon by NOAA within one year after completion of clearinghouse review will be subject to re-review upon request of the clearinghouse (use Form SF 424 or clearinghouse NOI forms if required).

§ 905.8 NOAA procedures for implementation of OMB Circular A–95.

Part I of Circular A–95 requires NOAA to:

(a) Inform potential applicants for assistance under the programs indicated in Paragraph 2 above of the requirements of OMB Circular A–95, Part 1, (1) in program information materials, (2) in response to inquiries respecting application procedures, (3) in preapplication conferences, or (4) by other means which will assure earliest contact between applicant and clearinghouses.

(b) Assure that all applications for assistance under programs covered by A–95 have been submitted to appropriate clearinghouses for review prior to their submission to NOAA for funding.

(c) Return applications to the applicant which do not carry evidence that both areawide and State clearinghouses have been given an opportunity to review the application, with instructions to applicant that the requirements of Part I, OMB Circular A–95, must be fulfilled.

(d) Insure that all applications contain a State Application Identifier (SAI) number. (This is mandatory for use in notifying clearinghouses of action taken on the application.)

(e) Notify such clearinghouses within seven working days of any major action taken on such applications that have been reviewed by said clearinghouses. Major actions will include awards, rejections, returns for amendment, deferrals, or withdrawals.

(f) Use Standard Form 424 for the Report of Federal Action to Clearinghouses.

(g) Where a clearinghouse has recommended against approval of an application or has recommended approval only with specific and major substantive changes, and NOAA approves the application substantially as submitted, NOAA will provide the clearinghouse, along with the action notice, an explanation therefor.

(h) Where a clearinghouse has recommended against approval of a project because it conflicts with or duplicates another Federal or federally assisted project, NOAA will consult with the agency assisting the referenced projects prior to acting, if it plans to approve the application.

§ 905.9 Roles and responsibilities.

a. *Assistant Administrator for Coastal Zone Management/Regional Director National Marine Fisheries Service* shall: (1) Inform potential applicants for assistance under such programs of the requirements of OMB Circular A–95, Part I,

(i) in program informational materials, (ii) in response to inquiries respecting application procedures, (iii) in preapplication conferences, or (iv) by other means which will assure earliest contact between applicant and clearinghouses.

(2) Assure that all applications for assistance under programs covered by OMB Circular A–95, Part I have been submitted to appropriate clearinghouses for review prior to their submission to NOAA. In cases where applications are received by the program office and the applicant has not submitted a Notification of Intent or an application to the State and areawide clearinghouses, the applicant should be notified that it will be necessary to submit the application to the clearinghouses for review and that NOAA will not be able to take any funding action until the review has been completed (or the time for review has expired). When the applicant receives the clearinghouse reviews, it will be necessary to complete a new application face page (SF 424) and forward it and all comments received to NOAA.

(3) Evaluate the comments furnished by the clearinghouses and make the final determination of NOAA's action:

(4) Furnish a copy of the application face page (Form SF 424) to rejected, deferred, or withdrawn applications to the NOAA Grants Officer/Regional Contracting Officer in time for him to comply with the requirement of notifying the clearinghouses within seven working days of the changed status of an application.

(5) Where a clearinghouse has recommended against approval of an application or approval only with specific and major substantive changes, and NOAA approves the application substantially as submitted, the Assistant Administrator for Coastal Zone Management/Regional Director, National Marine Fisheries Service, will provide the clearinghouse an explanation thereof.

(6) Where a clearinghouse has recommended against approval of a project because it conflicts with or duplicates another Federal or federally assisted project, the Assistant Administrator for Coastal Zone Management/Regional Director, National Marine Fisheries Service, will consult with the agency assisting the referenced projects prior to funding the application.

(b) *NOAA Grants Officer.* The Grants Officer (AD113) shall serve as the administering official in the Headquarters Office. Contracting Officers in the Regional NMFS Offices shall serve as administering officials in these offices. These administering officials shall be responsible for notifying the clearinghouses within seven working days of any major action taken on applications which have been reviewed by the clearinghouses. Major actions will include awards, rejections, deferrals, or withdrawals. The face page of the application, SF 424, will be utilized for this purpose.

[FR Doc.76-23448 Filed 8-11-76;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket 9026]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

New England Tractor Trailer Training of Massachusetts, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.15 Business status, advantages or connections; 13.15–20 Business methods and policies; 13.15–30 Connections or arrangements with others; 13.15–195 Nature; 1315.225 Personnel or staff; 13.15–250 Qualifications and abilities; 13.15–265 Service; § 13.42 Connection of others with goods; § 13.50 Dealer or seller assistance; § 13.55 Demand, business or other opportunities; § 13.60 Earnings and profits; § 13.70 Fictitious or misleading guarantees; § 13.105 Individual's special selection or situating; § 13.115 Jobs and employment service; § 13.143 Opportunities; § 13.190 Results; § 13.205 Scientific or other relevant facts; § 13.225 Services; § 13.250 Success, use or standing. Subpart—Contracting for sale in any form binding on buyer prior to specified time period: § 13.527 Contracting for sale in any form binding on buyer prior to end of specified time period. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533–20 Disclosures; 13.533–45 Maintain records; 13.533–45(k) Records, in general; 13.533–50 Maintain means of communication; 13.533–55 Refunds, rebates and/or credits; 13.533–60 Release of general, specific, or contractual constrictions, requirements, or restraints. Subpart—Failing to maintain records: § 13.1051 Failing to maintain records; 13.1051–20 Adequate. Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 Furnishing means and instrumentalities of misrepresentation or deception. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: Business methods, policies, and practices; § 13.1395 Connections and arrangements with others; § 13.1490 Nature § 13.1520 Personnel or staff; §13.1535 Qualifications; §13.1540 Reputation, success or standing; § 13.1553 Services. Goods: § 13.1608 Dealer or seller assistance; § 13.1610 Demand for on business opportunities; § 13.1615 Earnings and profits; § 13.1663 Individual's special selection or situation; § 13.1670 Jobs and employment; § 13.1697 Opportunities in product or service; § 13.1730 Results; § 13.1740 Scientific or other relevant facts; § 13.1755 Success, use, or standing. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1863 Limitations of product; § 13.1870 Nature; § 13.1892 Sales contract, right-to-cancel provision; § 13.1895 Scientific or other relevant facts; § 13.1905 Terms and conditions; 13.1905–50 Sales contract. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.1935 Earnings and profits; § 13.1960 Free service; § 13.1985 Individual's special selection or situation; § 13.1995 Job guarantee and employment; § 13.2015 Opportunities in product or service; § 13.2063 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

In the Matter of New England Tractor Trailer Training of Massachusetts, Inc., a corporation, New England Tractor Trailer Training of Connecticut, Inc., a corporation, and Arlan Greenberg, individually and as an officer of said corporations.

Consent order requiring a Quincy, Mass., and Somers, Conn., truck driver training school, among other things, to cease misrepresenting employment opportunities, placement services, the training their personnel have as vocational counselors, and the behind-the-wheel road-driving instruction furnished as part of their course. Further, respondents are required to disclose pertinent information regarding their courses of instruction; furnish prospective consumers with a three-day cooling-off period; search their files for previous purchasers, make refunds in accordance with the provisions of the order, and submit notarized affidavits attesting to those actions; and to institute and maintain a surveillance program to insure compliance with the order.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:[1]

ORDER

I. *It is ordered* That respondents New England Tractor Trailer Training of Massachusetts, Inc., New England Tractor Trailer Training of Connecticut, Inc. corporations, their successors and assigns, and their officers and Arlan Greenberg, individually and as an officer of said corporations and respondents' officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with advertising, offering for sale, sale or distribution of courses of study, training or instruction in the field of truck driving or any other subject, trade or vocation or of any other product or service in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing orally, visually, in writing or in any other manner, directly or by implication, that:

(a) Respondents operate, represent or are affiliated with trucking companies, employers of truck drivers or any industry for which enrollees of any course are being trained; or misrepresenting, in any manner, the nature of respondents' business.

(b) Employment is being offered when the real purpose of such offer is to obtain leads to prospective purchasers of such training courses.

(c) Respondents have been requested by trucking companies or any other business or organization to train persons for specific jobs; or misrepresenting, in any manner, respondents' connection or affiliation with any industry or any member thereof.

(d) There is a need or demand of any size, proportion or magnitude for persons completing any of the courses offered by the respondents in the field of truck driving or any other field, or otherwise representing that opportunities for employment, or opportunities of any size, figure or number are available to such persons or that persons completing said courses will or may earn any specific amount of money, or otherwise representing by any means the prospective earnings of such persons except as hereafter provided in Paragraph 6 of the order.

(e) Respondents or others provide a placement service which will or may secure a job for graduates of said courses.

(f) Graduates of said courses are assured of placement in the positions for which they have been trained; or representing that graduates of said courses will easily attain employment or that said courses are effective in preparing or qualifying any graduate for employment.

(g) Any person engaged in the promotion, offering for sale, sale, distribution or other use of said courses is a trained admissions counselor or vocational counselor; or misrepresenting the training, experience, title, qualifications or status of such person or the import or meaning of any advice given by or any other statement made by any such person.

(h) Respondents accept only qualified candidates for enrollment in said courses.

(i) Said courses provide a minimum of 20 hours of road-driving instruction, when such representations do not accurately disclose the actual number of hours of behind-the-wheel road-driving instruction furnished to enrollees; or misrepresenting, in any manner, the number of actual hours of behind-the-wheel road-driving instruction furnished to enrollees.

2. Placing advertisements in "Help Wanted" columns, or failing to specify, clearly and conspicuously, as a condition to the publication of classified advertisements seeking leads to prospective purchasers, that such advertisements be published only in the education, instruction or similar columns of classified advertising.

3. Failing to disclose, in writing, clearly and conspicuously, prior to the signing of any contract, to any prospective enrollee of any truck driver training course offered by respondents, the following information:

(a) The title "Important Information" printed in ten (10) point bold face type across the top of the form.

[1] Copies of the Complaint, Appendices, Decision and Order filed with the original document.

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(b) Paragraphs providing the following information:

(1) Many employers of truck drivers prescribe a minimum age of twenty-one (21) years of age for drivers.

(2) A tractor trailer operator's license issued by the state is necessary to qualify an individual to operate a tractor trailer.

(3) Many employers of truck drivers give preferential consideration in hiring to driver applicants with actual truck-driving experience.

4. Failing to disclose, clearly and conspicuously, in advertisements, in catalogs, brochures and on letterheads that respondents' business is solely and exclusively that of a private school, not affiliated with any members of the trucking industry or any member of any other industry.

5. Failing to keep adequate records which may be inspected by Commission staff members upon reasonable notice which substantiate the data and information required to be disclosed by Paragraph 6 of this order and prescribed in Appendix A.

6. Failing to disclose, in writing, clearly and conspicuously, prior to the signing of any contract, to any prospective enrollee of any course of instruction offered by respondents, the following information in the format prescribed in Appendix A and for a base period designated as described in Appendix B:

(1) The number and percentage of enrollees who have failed to complete their course of instruction, such percentage to be computed separately for each course of instruction offered by respondents at each school, location or facility;

(2) The placement rate, ratio or percentage for enrollees and graduates, and also the numbers upon which such rates, ratios or percentages are based; such rate or percentage to be computed separately for each course of instruction offered by respondents at each school, location or facility;

(3) The salary range of respondents' graduates as to the same graduates used to compute the placement percentage in (2) above;

(4) A list of firms or employers which are currently hiring graduates of said courses in substantial numbers and in the positions for which such graduates have been trained, and the number of such graduates hired, as to the same graduates used to compute the placement percentage in (2) above.

Provided, however, This Paragraph shall be inapplicable to any school newly established by respondents in a metropolitan area or county, whichever is larger, where they previously did not operate a school, or to any course newly introduced by respondents, until such time as the new school or course has been in operation for the base period established pursuant to Appendix B as prescribed in this Paragraph. However, during such period, the following statement, and no other, shall be made in lieu of the Appendix A Disclosure Form required by this Paragraph:

DISCLOSURE NOTICE

This school (or course, as the case may be) has not been in operation long enough to indicate what, if any, actual employment or salary may result upon graduation from this school (course).

7.(a) Contracting for the sale of any course of instruction in the form of a sales contract or any other agreement which does not contain in immediate proximity to the space reserved in the contract for the signature of the prospective enrollee in bold face type of a minimum size of ten (10) points, a statement in the following form:

You, the prospective enrollee, may cancel this transaction at any time prior to midnight of the tenth business day after the date of this transaction. See attached notice of cancellation form for an explanation of this right.

(b) Failing to furnish each prospective enrollee, at the time he signs the sales contract or otherwise agrees to enroll in a course of instruction offered by respondents, a complete form in duplicate, which shall be attached to the contract or agreement, and easily detachable, and which shall contain in ten (10) point bold face type the following information and statements:

NOTICE OF CANCELLATION

(Enter date of transaction) ---------- (Date)

You may cancel this transaction, without any penalty or obligation, within ten (10) business days from the above date.

If you cancel, any payments made by you under the contract or sale, and any negotiable instrument executed by you will be returned within ten (10) business days following receipt by the seller of your cancellation notice, and any security interest arising out of the transaction will be cancelled.

If you cancel, you must make available to the seller at your residence, in substantially as good condition as when received, any goods delivered to you under this contract or sale: Or you may, if you wish, comply with the instructions of the seller regarding the return shipment of the goods at the sellers' expense and risk.

If you do make the goods available to the seller and the seller does not pick them up within twenty (20) days of the date of your notice of cancellation, you may retain or dispose of the goods without any further obligation. If you fail to make the goods available to the seller, or if you agree to return the goods to the seller and fail to do so, then you remain liable for payment for said goods.

To cancel this transaction, mail or deliver a signed and dated copy of this cancellation notice or any other written notice, or send a telegram, to (Name of seller), at (address of seller's place of business) not later than midnight of ----------.

(Date)

I hereby cancel this transaction.

---------- ----------

(Date) (Buyer's signature)

(c) Failing to orally inform each prospective enrollee of his right to cancel at the time he signs a contract or agreement for the sale of any course of instruction.

(d) Misrepresenting in any manner the prospective enrollee's right to cancel.

(e) Failing or refusing to honor any valid notice of cancellation by a prospective enrollee and within ten (10) business days after the receipt of such notice, to: (i) refund all payments made under the contract or sale; (ii) return any goods or property traded in, in substantially as good condition as when received by respondent; (iii) cancel and return any negotiable instrument executed by the prospective enrollee in connection with the contract or sale.

(f) During the cancellation period described herein, respondents shall not initiate contacts with such contracting persons other than contacts permitted by this paragraph.

8. Making any representations of any kind whatsoever in connection with the advertising, promoting, offering for sale, sale or distribution of courses of study, training or instruction in the field of truck driver training or any other course offered to the public in any field in commerce for which respondents have no reasonable basis prior to the making or dissemination thereof.

9. Furnishing or otherwise placing in the hands of others the means and instrumentalities by and through which the public may be misled or deceived in the manner, or by the acts and practices prohibited by the order.

II. 1. *It is further ordered.* That: (a) Respondents herein deliver, by registered mail, a copy of this Decision and Order to each of their present and future franchisees, licensees, employees, sales representatives, agents, solicitors, brokers, independent contractors or to any other person who promotes, offers for sale, sells or distributes any course of instruction included within the scope of this order;

(b) Respondents herein provide each person or entity so described in subparagraph (a) of this Paragraph with a form returnable to the respondents clearly stating his or her intention to be bound by and to conform his or her business practices to the requirements of this order; retain said statement during the period said person or entity is so engaged; and make said statement available to the Commission's staff for inspection and copying upon request.

(c) Respondents herein inform each person or entity described in subparagraph (a) of this paragraph that the respondents will not use or engage or will terminate the use or engagement of any such party, unless such party agrees to and dose file notice with the respondents that he or she will be bound by the provisions contained in this order;

(d) If such party as described in subparagraph (a) of this paragraph will not agree to file the notice set forth in subparagraph (b) above with the respondents and be bound by the provisions of this order, the respondents shall not use or engage or continue the use or engagement of such party to promote, offer for sale, sell or distribute any course of instruction included within the scope of this order;

(e) Respondents herein inform the persons or entities described in subparagraph (a) above that the respondents are obligated by this order to discontinue dealing with or to terminate the use or engagement of persons or entities who continue on their own the deceptive acts or practices prohibited by this order;

(f) Respondents herein institute a program of continuing surveillance adequate to reveal whether the business practices of each said person or entity described in subparagraph (a) above conform to the requirements of this order;

(g) Respondents herein discontinue dealing with or terminate the use or engagement of any person described in subparagraph (a) above, who continues on his or her own any act or practice prohibited by this order as revealed by the aforesaid program of surveillance.

(h) Respondents herein maintain files containing all injuries or complaints from any source relating to acts or practices prohibited by this order, for a period of two years after their receipt, and that such files be made available for examination by a duly authorized agent of the Federal Trade Commission during the regular hours of the respondents' business for inspection and copying.

2. *It is further ordered,* That respondent corporations shall forthwith distribute a copy of this order to each of their operating divisions.

3. *It is further ordered,* That the respondent corporations shall notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondents such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the respondents which may affect compliance obligations arising out of this order.

4. *It is further ordered,* That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

III. *It is further ordered,* That: 1. Respondents shall submit to the Commission, within five (5) days after the date this order is served on respondents (hereinafter "date of service"), a notarized affidavit, executed by respondents' President, to the effect that respondents have made or have caused to be made a good faith search of documents that pertain to purchasers of respondents' tractor trailer training course of instruction, and that respondents, to the best of their knowledge, have previously or simultaneously with said affidavit submitted to the Commission the names of all tractor trailer course purchasers covered by this agreement.

2. Respondents or their designee shall make an inquiry in writing on the one hundred and twentieth (120th) day after the date of service, in the language, manner and form shown in Appendices C and D, via certified mail with return receipt requested and with a self-addressed, postage prepaid envelope, to the home address of each former purchaser of one of respondents' tractor trailer courses who appears on a list of such purchasers to be supplied to respondents by the Commission within sixty (60) days after the date of service.

3. With respect to each purchaser whose mailed inquiry is returned undelivered or whose aforesaid return receipt card is not returned, respondents or their designee shall have a duty to mail on the one hundred and forty-fifth (145th) day after the date of service the same inquiry, via first class mail to such purchaser's business address as appears in personal information records, including but not limited to personal qualification charts, placement records, and survey records, maintained by respondents.

4. On the two hundred and seventieth (270th) day after the date of service, corporate respondents shall pay a refund, by check, in an amount derived in accordance with Part III of this order, to each "eligible class member" determined in accordance with Part III of this order.

5. "Eligible class member" means only those persons who:

(a) Enrolled during the period of time from January 1, 1973 to December 31, 1973 in respondents' tractor trailer courses; and

(b) Did not have his course tuition paid in full by a state or local department or division of vocational rehabilitation; and

(c) Completed respondents' tractor trailer course; and

(d) (1) Sought employment as a tractor trailer truck driver; or

(2) For reasons related to the sufficiency or quality of the training, or job demand, elected not to seek employment as a tractor trailer truck driver; and

(e) After completion of respondents' course, did not attain employment as a tractor trailer truck driver.

6. Each refund shall be accompanied by a letter in the language, manner and form shown in Appendix E; and a notice in the language, manner and form shown in Appendix F shall be sent via first class mail, with the sender's return address on the face of the envelope, to the last known home address of all persons whose returned questionnaire show them to be ineligible for a refund under Part III of this order.

7. Corporate respondents shall make pro rata refund payments to each eligible class member based upon the proportion that total tuitions paid by or for all such members bear to the total amount available for refunds as provided in Part III of this order, except that members whose tuition was paid in part by a state or local department or division of vocational rehabilitation shall receive a pro rata refund based only on that amount of their tuition not paid by a state or local department or division of vocational rehabilitation. In no event shall any member receive an amount greater than the tuition paid by or for such member.

8. Corporate respondents shall ultimately provide a sum of no greater than twenty five thousand dollars ($25,000) solely to provide refunds under Part III of this order. No charges against this amount shall be made for administrative costs, which shall be absorbed by the corporate respondents.

9. Respondents shall deposit, on or before the tenth business day after the date of service, the sum of ten thousand dollars ($10,000) into an account at a banking institution to be agreed on between respondents and the Commission's representative. The principal amount of said bank account shall be available only for the payment of refunds under the provisions of Part III of this order. Withdrawals and orders against this account shall, by agreement, be effective only when countersigned by the individual respondent, together with the Commission's representative.

10. Respondents shall file, within one hundred and eighty (180) days after the date of service, under Rule 3.61(d) of the Commission's Rules of Practice, a written request for advice as to whether their determination of who is an eligible class member complies with the terms of this order provision. Respondents shall submit simultaneously with their request all Appendix D questionnaires they have received as of the date said request for advice is filed. Respondents shall also, at this time, present any challenges to the factual accuracy of any questionnaire together with substantiating material; such challenges and substantiating material shall be presented solely as a means of assisting the Commission in furnishing respondents an advisory opinion pursuant to said Rule 3.61(d); *Provided,* That the Commission shall render its advice to respondents and return all Appendix D questionnaires to respondents within two hundred and forty (240) days after the date of service.

11. Corporate respondents or their designee shall contact and deliver a refund check to each eligible class member or his legal representative. For such purpose, corporate respondents shall, among other things, request the last known address of the eligible class member from the Postal Service, telephone the eligible class member or request the assistance of the Social Security Administration.

12. Respondents shall, on the two hundred and eightieth (280th) day after the date of service, file with the Commission a report in writing setting forth the manner and form in which they have complied with Part III of this order.

13. Respondents shall maintain records and documents for two (2) years after the date this order is served on respondents, which demonstrate that respondents have complied with Part III of this order.

14. It is agreed that should any duty required to be performed on a day certain under Part III of this order fall upon a non-business day, the parties

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herein may perform such duties on the next following business day.

It is further ordered That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

The Decision and Order was issued by the Commission July 13, 1976.

JAMES A. TOBIN,
Acting Secretary.

[FR Doc.76-23453 Filed 8-11-76;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-949]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the Borough of Bangor, Northampton County, Pennsylvania

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the Borough of Bangor, Northhampton County, Pennsylvania under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Secretary's Office, Town Hall, 60 North 5th Street, Bangor, Pennsylvania.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Martins Creek	North corporate limits	562	60	80
	Dam (upstream)	554	40	80
	Pennsylvania Ave	522	20	20
	Market St	514	340	400
	South Main St	510	10	840
	Chestnut St. (extended)	510	10	700
	Kline St. (extended)	488	180	100
	Church St. (extended)	486	370	60
	Messinger St	478	180	80
	Miller St. (extended)	476	360	60
	Southern corporate	466	520	130

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 27, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76—23393 Filed 8-11-76;8:45 am]

[Docket No. FI-906]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the City of Lock Haven, Clinton County, Pennsylvania

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the City of Lock Haven, Clinton County, Pennsylvania under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, 20 East Church Street, Lock Haven, Pennsylvania.

Accordingly, the Administator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
West branch of Susquehanna River.	Northwest corporate limit	569	(1)	1,144
	Lusk Run Rd. (extended)	567	(1)	170
	Intersection Route 120 and Penn Central RR.	567	(1)	620
	6th St	566	(1)	1,390
	5th St. (extended)	566	(1)	2,275
	4th St. (extended)	566	(1)	3,120
	3rd St. (extended)	566	(1)	3,930
	Bellefonte Ave. (extended to river)	566	(1)	5,690
	Vesper St. (extended)	565	(1)	7,390
	Jay St. (extended to southern corporate limit).	565	(1)	5,600
	Henderson St. (extended to new highway).	565	(1)	4,990
	Washington St	565	(1)	5,160
	Grant St. (extended)	564	(1)	3,700
	Race St. (extended)	564	(1)	3,485
	Lock Haven Airport	564	(2)	

[1] Corporate limit.
[2] All of airport.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 23, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-23389 Filed 8-11-76;8:45 am]

[Docket No. FI-947]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the Township of Lower Macungie, Lehigh County, Pennsylvania

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the Township of Lower Macungie, Lehigh County, Pennsylvania under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Township must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Meeting Room, Township Building, Indian Creek Road, Lower Macungie, Pennsylvania.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Little Lehigh Creek	Weidas Mill Bridge	311	80	210
	Riverdale Farm Bridge	319	100	100
	Route 29	329	150	250
	Pennsylvania Turnpike extended	333	320	50
	Wild Cherry Lane	348	440	220
	Mill Creek Rd	362	280	290
	Kidd Farm Rd	371	250	350
	Route 100	374	300	120
	Spring Creek Rd	380	300	200
	Smith Lane	385	50	400
	Hilltop Rd	401	150	280
Swabia Creek	Sauerkraut Lane	348	140	180
	Brockside Rd	356	80	100
	Gehman's Rd	384	180	180
	Schoeneck Rd	410	50	680
	Gun Club Rd	451	80	60
Swabia Creek tributary.	Mountain Rd	525	100	80
Spring Creek	Route 100	374	200	120
	Corporate limits	382	120	420
Trad Creek	Hilltop Rd	394	150	140
	Ash Lane	398	160	20

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 27, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-23388 Filed 8-11-76;8:45 am]

[Docket No. FI-908]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the Borough of Rose Valley, Delaware County, Pennsylvania

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the Borough of Rose Valley, Delaware County, Pennsylvania under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with these criteria and reflect the base flood

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elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Borough Office, Old Mill Lane, Rose Valley.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Vernon Run	Rose Valley		75	150
	Corporate limits North		75	100
Unnamed tributary	Corporate limits North		25	50
Ridley Creek	Royleneroft Lane (extended)	96	125	(1)
	Old Mill Lane (extended)	89	400	125
	South corporate limits near South Longpoint Lane.	75	125	125
	South corporate limits near Tomorden Drive.	68	100	(1)

[1] West corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 23, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-23390 Filed 8-11-76;8:45 am]

[Docket No. FI-968]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the Borough of South Renovo, Clinton County, Pennsylvania

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the Borough of South Renovo, Clinton County, Pennsylvania under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Main desk of the Renovo Library, Renovo.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
West branch Susquehanna River.	Upstream corporate limit	660		200
	2d St	660		30
	3d St	660		40
	Route 144 Bridge	660		30
	5th St	659		250
	7th St	659		50
	Downstream corporate limit	658		120

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 27, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-23392 Filed 8-11-76;8:45 am]

[Docket No. FI-960]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the Township of Union, Washington County, Pennsylvania

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the Township of Union, Washington County, Pennsylvania under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Township must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publications of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Township Building, Gastonville, Pennsylvania.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Unnamed tributary	Cardox Rd		210	450
	Ridge Rd		345	400
	Shady Rd		360	350
	Jack St		600	490
	College Rd		1,090	360
Peters Creek	Corporate limits		150	200
	Finleyville town limit		60	110
	Patterson Rd		675	550
	Ridge Rd		260	575
Monongahela River	At corporate limits at Elrama	749	540	(1)
	Gold Club Rd. (extended)	751	110	(1)
	Coal Bluff Rd. (extended)	751	210	(1)
	Houston Run Rd. (extended)	752	40	(1)
	At RR yard in Courtney	753	55	(1)

[1] Corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 27, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-23391 Filed 8-11-76;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 7427]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

PART 301—PROCEDURE AND ADMINISTRATION

Inclusion of Self-Employment Tax in Estimated Tax and Increase of Applicable Percentage From 70 Percent to 80 Percent

To officers and employees of the Internal Revenue Service and others concerned:

PREAMBLE

By a notice of proposed rulemaking appearing in the FEDERAL REGISTER for January 6, 1975 (40 FR 1044), amendments to the Income Tax Regulations (26 CFR Part 1) and the Regulations on Procedure and Administration (26 CFR Part 301) were proposed in order to conform such regulations to the provisions of sections 102 and 103 of the Tax Adjustment Act of 1966 (80 Stat. 62, 64) (relating to the inclusion of the self-employment tax in the estimated tax and relating to the increase of the percentage which estimated tax must be of actual tax in order for an individual to avoid having an underpayment of estimated tax), and to minor amendments made by sections 102(a) and 104(a) of the Revenue and Expenditure Control Act of 1968 (82 Stat. 251, 264); section 301(b) (12) and (13) of the Tax Reform Act of 1969 (83 Stat. 586); section 203(b)(7) of the Act of March 17, 1971 (Pub. L. 92–5, 85 Stat. 11); section 203(b)(7) of the Act of July 1, 1972 (Pub. L. 92–336, 86 Stat. 420); section 203 (b)(7) and (d) of the Act of July 9, 1973 (Pub. L. 93–66, 87 Stat. 153); and section 5 (b)(7), (d), and (f) of the Act of December 31, 1973 (Pub. L. 93–233, 87 Stat. 954). All such relevant matter as was presented by interested persons regarding the rules proposed having been considered, the proposed amendments of the regulations are adopted by this document without change except for two minor clerical matters.

ADOPTION OF AMENDMENTS TO THE REGULATIONS

On January 6, 1975, a notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 1044) with respect to the Income Tax Regulations (26 CFR Part 1) under sections 170, 1403, 6015, 6017, and 6654 of the Internal Revenue Code of 1954, and the Regulations on Procedure and Administration (26 CFR Part 301) under sections 6015, 6211, and 6654 of the Code to conform such regulations to the provisions of sections 102 and 103 of the Tax Adjustment Act of 1966 (80 Stat. 62, 64) and to minor amendments made by sections 102(a) and 104(a) of the Revenue and Expenditure Control Act of 1968 (82 Stat. 251, 264); section 301(b) (12) and (13) of the Tax Reform Act of 1969 (83 Stat. 586); section 203(b)(7) of the Act of March 17, 1971 (Pub. L. 92–5, 85 Stat. 11); section 203(b)(7) of the Act of July 1, 1972 (Pub. L. 92–336, 86 Stat. 420); section 203 (b)(7) and (d) of the Act of July 9, 1973 (Pub. L. 93–66, 87 Stat. 153); section 5 (b)(7), (d), and (f) of the Act of December 31, 1973 (Pub. L. 93–233, 87 Stat. 954). After consideration of all relevant matter presented by interested persons regarding the proposed rules, the amendment is hereby adopted as proposed, subject to the following changes to reflect the prior amendment of § 1.6654 by Treasury Decision 7384 (40 FR 49321), and to make current the statutory provisions and historical note set forth in § 301.6654:

Paragraph 1. Section 1.6654, as set forth in paragraph 11 of the appendix to the notice of proposed rulemaking, is amended by deleting subsection (a) of section 6654 and the historical note therefrom.

Par. 2. Section 301.6654, as set forth in paragraph 17 of the appendix to the notice of proposed rulemaking, is amended by revising section 6654(a) and the historical note to read as follows:

§ 301.6654 Statutory provisions; failure by individual to pay estimated income tax.

Sec. 6654. *Failure by individual to pay estimated income tax*—(a) *Addition to the tax.* In the case of any underpayment

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of estimated tax by an individual, except as provided in subsection (d), there shall be added to the tax under chapter 1 and the tax under chapter 2 for the taxable year an amount determined at an annual rate established under section 6621 upon the amount of the underpayment (determined under subsection (b)) for the period of the underpayment (determined under subsection (c)).

* * * * *

[Sec. 6654 as amended by sec. 1(a)(4), Act of Sept. 25, 1962 (Pub. Law 87-682, 76 Stat. 575); secs. 102(b)(1), (2), (3) and 103(a), Tax Adjustment Act 1966 (80 Stat. 62, 64); sec. 301(b)(13), Tax Reform Act 1969 (83 Stat. 586); sec. 203(b)(7), Act of March 17, 1971 (Pub. Law 92-5, 85 Stat. 11); sec. 203(b)(7), Act of July 1, 1972 (Pub. Law 92-336, 86 Stat. 420); sec. 203(b)(7) and (d), Act of July 9, 1973 (Pub. Law 93-66, 87 Stat. 153); sec. 5(b)(7), Act of Dec. 31, 1973 (Pub. Law 93-233, 87 Stat. 954); sec. 7(c), Act of Jan. 3, 1975 (Pub. Law 93-625, 88 Stat. 2115)]

Because the portion of the amendment made by this Treasury decision to § 301.6654 which was not included in the notice of proposed rulemaking published in the FEDERAL REGISTER for January 6, 1975, is merely clerical in nature, it is hereby found that it is unnecessary to issue such portion of that amendment with notice and public procedure thereon under section 553(b) of title 5 of the United States Code, or subject to the effective date limitation of subsection (d) of such section.

NOTE.—This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; (26 U.S.C. 7805)).

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: July 29, 1976.

CHARLES M. WALKER,
Assistant Secretary of the Treasury.

INCOME TAX REGULATIONS

PARAGRAPH 1. Paragraph (c) of § 1.170-2 is amended by revising subparagraphs (1)(i) and (2)(iv). These amended provisions read as follows:

§ 1.170-2 Charitable deductions by individuals; limitations (before amendment by Tax Reform Act of 1969).

* * * * *

(c) *Unlimited deduction for individuals*—(1) *In general.* (i) The deduction for charitable contributions made by an individual is not subject to the 10- and 20-percent limitations of section 170(b) if in the taxable year and each of 8 of the 10 preceding taxable years the sum of his charitable contributions paid during the year, plus his payments during the year on account of Federal income taxes, is more than 90 percent of his taxable income for the year (or net income, in years governed by the Internal Revenue Code of 1939). In determining the applicability of the 10- and 20-percent limitations of section 170(b) for taxable years beginning after December 31, 1957, there may be substituted, in lieu of the amount of income tax paid during any year, the amount of income tax paid in respect of such year, provided that any amount so included for the year in respect of which payment was made shall not be included for any other year. For the purpose of the first sentence of this paragraph, taxable income under the 1954 Code is determined without regard to the deductions for charitable contributions under section 170, for personal exemptions under section 151, or for a net operating loss carryback under section 172. On the other hand, for this purpose net income under the 1939 Code is computed without the benefit only of the deduction for charitable contributions. See section 120 of the Internal Revenue Code of 1939. The term "income tax" as used in section 170(b)(1)(C) means only Federal income taxes, and does not include the taxes imposed on self-employment income, on employees under the Federal Insurance Contributions Act, and on railroad employees and their representatives under the Railroad Retirement Tax Act by chapters 2, 21, and 22, respectively, or corresponding provisions of the Internal Revenue Code of 1939. For purposes of section 170(b)(1)(C) and this paragraph, the amount of income tax paid during a taxable year shall be determined (except as provided in subdivision (ii) of this subparagraph) by including all payments made by the taxpayer during such taxable year on account of his Federal income taxes (whether for the taxable year or for preceding taxable years). Such payments would include any amount paid during the taxable year as estimated tax (exclusive of any portion of such amount for taxable years beginning after December 31, 1966, which is attributable to the self-employment tax imposed by chapter (2) for that year, payment of the final installment of estimated tax (exclusive of any portion of such installment, for taxable years beginning after December 31, 1966, which is attributable to the self-employment tax imposed by chapter 2) for the preceding taxable year, final payment for the preceding taxable year, and any payment of a deficiency for an earlier taxable year, to the extent that such payments do not exceed the tax for the taxable year for which payment is made. Any payment of income tax with respect to which the taxpayer receives a refund or credit shall be reduced by the amount of such refund or credit. Any such refund or credit shall be applied against the most recent payments for the taxable year in respect of which the refund or credit arose.

* * * * *

(2) *Joint returns.* * * *

(iv) *Allocation.* Whenever it is necessary to allocate the joint tax liability or the combined taxable income, or both, for a taxable year for which a joint return was filed, a computation shall be made for the taxpayer and for his spouse or former spouse showing for each of them the Federal income taxes and taxable income which would be determined if separate returns had been filed by them for such taxable year. The joint tax liability and combined taxable income for such taxable year shall then be allocated proportionately to the income taxes and taxable income, respectively, so computed. Whenever it is necessary to determine the separate payments made by a taxpayer in respect of a joint tax liability, the amount paid by him during the taxable year as estimated tax (exclusive of any portion of such amount for taxable years beginning after December 31, 1966, which is attributable to the self-employment tax imposed by chapter 2) for that year shall be included to the extent it does not exceed his allocable portion of the joint tax under chapter 1 (exclusive of tax under section 56) for the taxable year, and any amount paid by him for a prior year (whether as the final installment of estimated tax—exclusive of any portion of such installment, for taxable years beginning after December 31, 1966, which is attributable to the self-employment tax imposed by chapter 2—for the preceding taxable year, or a final payment for the preceding year, or the payment of a deficiency for an earlier year) shall be included to the extent such amount, when added to amounts previously paid by him for such prior year, does not exceed his allocable portion of the joint tax liability for the prior year.

* * * * *

PAR. 2. Section 1.1403 is amended by adding a paragraph (3) to section 1.1403(b) and by revising the historical note. These added and amended provisions read as follows:

§ 1.1403 Statutory provisions; miscellaneous provisions.

Sec. 1.1403. *Miscellaneous provisions.* * * *
(b) *Cross references.* * * *

(3) For provisions relating to declarations of estimated tax on self-employment income, see section 6015.

[Sec. 1403 as amended by sec. 103(m), Social Security Amendments 1960 (74 Stat. 938); sec. 102(b)(6), Tax Adjustment Act 1966 (80 Stat. 64)]

PAR. 3. Section 1.1403-1 is amended to read as follows:

§ 1.1403-1 Cross references.

For provisions relating to the requirement for filing returns with respect to net earnings from self-employment, see § 1.6017-1. For provisions relating to declarations of estimated tax on self-employment income, see §§ 1.6015(a) to 1.6015(j)-1, inclusive. For other administrative provisions relating to the tax on self-employment income, see the applicable sections of the regulations in this part (§ 1.6001-1 et seq.) and the applicable sections of the regulations in Part 301 of this chapter (Regulations on Procedure and Administration).

PAR. 4. Section 1.6015(b)-1 is amended by revising paragraphs (a), (b), and (c). These amended provisions read as follows:

§ 1.6015(b)-1 Joint declaration by husband and wife.

(a) *In general.* A husband and wife may make a joint declaration of estimated tax even though they are not living together. However, a joint declaration may not be made if they are separated under a decree of divorce or of separate maintenance. A joint declaration may not be made if the taxpayer's spouse is a nonresident alien (including a nonresidnt alien who is a bona fide resident of Puerto Rico during the entire taxable year) or if his spouse has a different taxable year. If the gross income of each spouse meets the requirements of section 6015(a), either a joint declaration must be made or a separate declaration must be made by each. If a joint declaration is made, the amount estimated as the income tax imposed by chapter 1 (other than by section 56) must be computed on the aggregate estimated taxable income of the spouses (see section 6013(d)(3) and § 1.2-1), while (for taxable years beginning after December 31, 1966) the amount estimated as the self-employment tax imposed by chapter 2 must be computed on the separate estimated self-employment income of each spouse. See sections 1401 and 1402 and § 1.6017-1(b)(1). The liability with respect to the estimated tax, in the case of a joint declaration, shall be joint and several.

(b) *Application to separate returns.* The fact that a joint declaration of estimated tax is made by them will not preclude a husband and his wife from filing separate returns. In case a joint declaration is made but a joint return is not made for the same taxable year, the payments made on account of the estimated tax for such year may be treated as payments on account of the tax liability of either the husband or wife for the taxable year or may be divided between them in such manner as they may agree. In the event the husband and wife fail to agree to a division, such payments shall be allocated between them in accordance with the following rule. The portion of such payments to be allocated to a spouse shall be that portion of the aggregate of all such payments as the amount of tax imposed by chapter 1 (other than by section 56) shown on the separate return of the taxpayer (plus, for taxable years beginning after December 31, 1966, the amount of tax imposed by chapter 2 shown on the return of the taxpayer) bears to the sum of the taxes imposed by chapter 1 (other than by section 56) shown on the separate returns of the taxpayer and his spouse (plus, for taxable years beginning after December 31, 1966, the sum of the taxes imposed by chapter 2 shown on the returns of the taxpayer and his spouse). For example, assume that for calendar year 1972 H and his spouse W make a joint declaration of estimated tax and, pursuant thereto, pay a total of $19,500 of estimated tax. H and W subsequently file separate returns for 1972 showing tax imposed by chapter 1 (other than by section 56) in the amount of $11,500 and 8,000, respectively. In addition, H's return shows a tax imposed by chapter 2 in the amount of $500. H and W fail to agree to a division of the estimated tax paid. The amount of the aggregate estimated tax payments allocated to H is computed as follows:

(1) Amount of tax imposed by chapter 1 (other than by section 56) shown on H's return	$11,500
(2) Plus: Amount of tax imposed by chapter 2 shown on H's return	$500
(3) Total taxes imposed by chapter 1 (other than by section 56) and by chapter 2 shown on H's return	$12,000
(4) Amount of tax imposed by chapter 1 (other than by section 56) shown on W's return	$8,000
(5) Total taxes imposed by chapter 1 (other than by section 56) and by chapter 2 shown on both H's and W's returns	$20,000
(6) Proportion of such taxes shown on H's return to total amount of such taxes shown on both H's and W's returns ($12,000 ÷ 20,000)	60%
(7) Amount of estimated tax payments allocated to H (60% of $19,500)	$11,700

Accordingly, H's return would show remaining tax liability in the amount of $300 ($12,000 taxes shown less $11,700 estimated tax allocated).

(c) *Death of spouse.* (1) A joint declaration may not be made after the death of either the husband or wife. However, if it is reasonable for a surviving spouse to assume that there will be filed a joint return for himself and the decreased spouse for his taxable year and the last taxable year of the decreased spouse he may, in making a separate declaration for his taxable year which includes the period comprising such last taxable year of his spouse, estimate the amount of the tax imposed by chapter 1 (other than by section 56) on his and his spouse's taxable income on an aggregate basis and compute his estimated tax with respect to such chapter 1 tax in the same manner as though a joint declaration had been filed.

(2) If a joint declaration is made by husband and wife and thereafter one spouse dies, no further payments of estimated tax on account of such joint declaration are required from the estate of the decedent. The surviving spouse, however, shall be liable for the payment of any subsequent installments of the joint estimated tax, unless an amended declaration setting forth the separate estimated tax for the taxable year is made by such spouse. Such separate estimated tax shall be paid at the times and in the amounts determined under the rules prescribed in section 6153. For purposes of (i) the making of such an amended declaration by the surviving spouse, and (ii) the allocation of payments made pursuant to a joint declaration between the surviving spouse and the legal representative of the decedent in the event a joint return is not filed, the payments made pursuant to the joint declaration may be divided between the decedent and the surviving spouse in such proportion as the surviving spouse and the legal representative of the decedent may agree. In the event the surviving spouse and the legal representative of the decedent fail to agree to a division, such payments shall be allocated in accordance with the following rule. The portion of such payments to be allocated to the surviving spouse shall be that portion of the aggregate amount of such payments as the amount of tax imposed by chapter 1 (other than by section 56) shown on the separate return of the surviving spouse (plus, for taxable years beginning after December 31, 1966, the amount of tax imposed by chapter 2 shown on the return of the surviving spouse) bears to the sum of the taxes imposed by chapter 1 (other than by section 56) shown on the separate returns of the surviving spouse and of the decedent (plus, for taxable years beginning after December 31, 1966, the sum of the taxes imposed by chapter 2 shown on the returns of the surviving spouse and of the decedent); and the balance of such payments shall be allocated to the decedent. This rule may be illustrated by analogizing the surviving spouse described in this rule to H in the example contained in paragraph (b) of this section and the decedent in this rule to W in that example.

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PAR. 5. Section 1.6015(c) is amended to read as follows:

§ 1.6015(c) Statutory provisions; declaration of estimated income tax by individuals; estimated tax.

Sec. 6015. *Declaration of estimated income tax by individuals.* * * *

(c) *Estimated tax.* For purposes of this title, in the case of an individual, the term "estimated tax" means—

(1) The amount which the individual estimates as the amount of the income tax imposed by chapter 1 for the taxable year (other than the tax imposed by section 56), plus

(2) The amount which the individual estimates as the amount of the self-employment tax imposed by chapter 2 for the taxable year, minus

(3) The amount which the individual estimates as the sum of any credits against tax provided by part IV of subchapter A of chapter 1.

[Sec. 6015(c) as amended by sec. 102(a), Tax Adjustment Act 1966 (80 Stat. 62); sec. 301(b)(12), Tax Reform Act 1969 (83 Stat. 586)]

PAR. 6. Section 1.6015(c)-1 is amended to read as follows:

§ 1.6015(c)-1 Definition of estimated tax.

In the case of an individual, the term "estimated tax" means—

(a) The amount which the individual estimates as the amount of the income tax imposed by chapter 1 (other than the tax imposed by section 56 or, for taxable years ending before September 30, 1968, the tax surcharge imposed by

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section 51) for the taxable year, plus

(b) For taxable years beginning after December 31, 1966, the amount which the individual estimates as the amount of the self-employment tax imposed by chapter 2 for the taxable year, minus

(c) The amount which the individual estimates as the sum of any credits against tax provided by part IV of subchapter A of chapter 1. These credits are those provided by section 31 (relating to tax withheld on wages), section 32 (relating to tax withheld at source on nonresident aliens and foreign corporations and on tax-free covenant bonds), section 33 (relating to foreign taxes), section 34 (relating to the credit for dividends received on or before December 31, 1964), section 35 (relating to partially tax-exempt interest), section 37 (relating to retirement income), section 38 (relating to the investment credit), section 39 (relating to certain uses of gasoline, special fuels, and lubricating oils), section 40 (relating to expenses of work incentive programs), section 41 (relating to contributions to candidates), and section 42 (relating to overpayments of tax). An individual who expects to elect to pay the optional tax imposed by section 3, or one who expects to elect to take the standard deduction allowed by section 144, should disregard any credits otherwise allowable under sections 32, 33, and 35 in computing his estimated tax since, if he so elects, these credits are not allowed in computing his tax liability. See section 36.

For example, if a self-employed individual estimates that his liabilities for income tax and self-employment tax for 1973 will be $1,600 and $400, respectively, he is required to declare and pay an estimated tax of $2,000 for that year.

PAR. 7. Paragraph (b) of § 1.6015(d)–1 is amended to read as follows:

§ 1.6015(d)–1 Contents of declaration of estimated tax.

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(b) *Computation of estimated tax.* In computing the estimated tax the taxpayer should take into account the following:

(1) The amount estimated as the income tax imposed by chapter 1 (other than by section 56) for the taxable year after the application of any allowable amounts estimated as the credit for foreign taxes, the dividends received credit (for dividends received on or before December 31, 1964), the credit for partially tax-exempt interest, the retirement income credit, the investment credit, the credit for expenses of work incentive programs, the credit for contributions to candidates, the credit for overpayments of tax, but without regard to the credit under section 31 for tax withheld on wages or to the credit under section 39 for certain uses of gasoline, special fuels, and lubricating oils;

(2) For taxable years beginning after December 31, 1966 (and, if the taxpayer so desires, for an earlier taxable year), the amount estimated as the tax on self-employment income imposed by chapter 2;

(3) The amounts estimated by the taxpayer as the credits under section 31 for tax withheld on wages and under section 39 for certain uses of gasoline, special fuels, and lubricating oils; and

(4) The excess, if any, of the sum of the amounts shown under subparagraphs (1) and (2) of this paragraph over the amount shown under subparagraph (3) of this paragraph, which excess shall be the estimated tax for such taxable year.

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PAR. 8. Section 1.6015(c)–1 is amended to read as follows:

§ 1.6015(c)–1 Amendment of declaration.

In the making of a declaration of estimated tax, the taxpayer is required to take into account the then existing facts and circumstances as well as those reasonably to be anticipated relating to prospective gross income, allowable deductions, and estimated credits for the taxable year. Amended or revised declarations may be made in any case in which the taxpayer estimates that his gross income, deductions, or credits will differ from the gross income, deductions, or credits reflected in the previous declaration. An amended declaration may also be made based upon a change in the number of exemptions to which the taxpayer may be entitled for the then current taxable year. However, only one amended declaration may be filed during any interval between installment dates. See paragraph (d) of § 1.6073–1. An amended declaration may be filed jointly by husband and wife even though separate declarations have previously been filed. An amended declaration must be made on Form 1040–ES (marked "Amended"). See, however, paragraph (c) of § 1.6015(d)–1 for procedure to be followed if the prescribed form is not available.

PAR. 9. Paragraph (b) of § 1.6015(g)–1 is amended to read as follows:

§ 1.6015(g)–1 Short taxable years of individuals.

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(b) *Income and income tax placed on annual basis.* For the purpose of determining whether the anticipated income and tax for a short taxable year resulting from a change of annual accounting period necessitates the filing of a declaration, income and income tax imposed by chapter 1 (other than by section 56) shall be placed on an annual basis in the manner prescribed in section 443(b)(1). Thus, for example, an unmarried taxpayer who changes from a fiscal year basis to a calendar year basis beginning January 1, 1973, will have a short taxable year beginning July 1, 1972, and ending December 31, 1972. If his anticipated gross income for such short taxable year consists solely of wages (as defined in section 3401(a)) in the amount of $11,000, his total gross income and his gross income from such wages for the purpose of determining whether a declaration is required is $22,000, the amount obtained by placing anticipated income of $11,000 upon an annual basis. Since the taxpayer's anticipated gross income from wages when placed upon an annual basis is in excess of $20,000, he is required to file a declaration of estimated tax for the short taxable year unless the estimated tax can reasonably be expected to be less than $100. However, for taxable years beginning after December 31, 1966, the amount which the individual estimates as the amount of self-employment tax imposed by chapter 2 shall be computed on the actual self-employment income for the short period.

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PAR. 10. Section 1.6017–1 is amended by adding a paragraph (d) which reads as follows:

§ 1.6017–1 Self-employment tax returns.

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(d) *Declaration of estimated tax with respect to taxable years beginning after December 31, 1966.* For taxable years beginning after December 31, 1966, section 6015 provides that the term "estimated tax" includes the amount which an individual estimates as the amount of self-employment tax imposed by chapter 2 for the taxable year. Thus, individuals upon whom self-employment tax is imposed by section 1401 must make a declaration of estimated tax if they meet the requirements of section 6015(a), except as otherwise provided under section 6015(i).

PAR. 11. Section 1.6654 is amended by revising subsections (a), (b), (d) and (f) of section 6654 and by revising the historical note. The amended provisions read as follows:

§ 1.6654 Statutory provisions; failure by individual to pay estimated income tax.

Sec. 6654. *Failure by individual to pay estimated income tax.* • • •

(b) *Amount of underpayment.* For purposes of subsection (a), the amount of the underpayment shall be the excess of—

(1) The amount of the installment which would be required to be paid of the estimated tax were equal to 80 percent (66⅔ percent in the case of individuals referred to in section 6073 (b), relating to income from farming or fishing) of the tax shown on the return for the taxable year or, if no return was filed, 80 percent (66⅔ percent in the case of individuals referred to in section 6073 (b), relating to income from farming or fishing) of the tax for such year, over

(2) The amount, if any, of the installment paid on or before the last date prescribed for such payment.

• • • • •

(d) *Exception.* Notwithstanding the provisions of the preceding subsections, the addition to the tax with respect to any underpayment of any installment shall not be imposed if the total amount of all payments of estimated tax made on or before the last date prescribed for the payment of such installment equals or exceeds the amount which would have been required to be paid on or before such date if the estimated tax were whichever of the following is the least—

(1) The tax shown on the return of the individual for the preceding taxable year, if a return showing a liability for tax was filed by the individual for the preceding taxable year and such preceding year was a taxable year of 12 months.

(2) An amount equal to 80 percent (66⅔ percent in the case of individuals referred to in section 6073(b), relating to income from farming or fishing) of the tax for the taxable year computed by placing on an annualized basis the taxable income for the months in the taxable year ending before the month in which the installment is required to be paid and by taking into account the adjusted self-employment income (if the net earnings from self-employment (as defined in section 1402(a)) for the taxable year equal or exceed $400). For purposes of this paragraph—

(A) The taxable income shall be placed on an annualized basis by—

(i) Multiplying by 12 (or, in the case of a taxable year of less than 12 months, the number of months in the taxable year) the taxable income (computed without deduction of personal exemptions) for the months in the taxable year ending before the month in which the installment is required to be paid,

(ii) Dividing the resulting amount by the number of months in the taxable year ending before the month in which such installment date falls, and

(iii) Deducting from such amount the deductions for personal exemptions allowable for the taxable year (such personal exemptions being determined as of the last date prescribed for payment of the installment).

(B) The term "adjusted self-employment income" means—

(i) The net earnings from self-employment (as defined in section 1402(a)) for the months in the taxable year ending before the month in which the installment is required to be paid, but not more than

(ii) The excess of (I) an amount equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective for the calendar year in which the taxable year begins, over (II) the amount determined by placing the wages (within the meaning of section 1402(b)) for the months in the taxable year ending before the month in which the installment is required to be paid on an annualized basis in a manner consistent with clauses (i) and (ii) of subparagraph (A).

(3) An amount equal to 90 percent of the tax computed, at the rates applicable to the taxable year, on the basis of the actual taxable income and the actual self-employment income for the months in the taxable year ending before the month in which the installment is required to be paid as if such months constituted the taxable year.

(4) An amount equal to the tax computed, at the rates applicable to the taxable year, on the basis of the taxpayer's status with respect to personal exemptions under section 151 for the taxable year, but otherwise on the basis of the facts shown on his return for, and the law applicable to, the preceding taxable year.

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(f) *Tax computed after application of credits against tax.* For purposes of subsections (b) and (d), the term "tax" means—

(1) The tax imposed by this chapter 1 (other than by section 56), plus

(2) The tax imposed by chapter 2, minus

(3) The credits against tax allowed by part IV of subchapter A of chapter 1, other than the credit against tax provided by section 31 (relating to tax withheld on wages).

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PAR. 12. Section 1.6654–1 is amended by revising paragraphs (a) (1) and (4) and by revising example (1) of paragraph (c), to read as follows:

§ 1.6654–1 Addition to the tax in the case of an individual.

(a) *In general.* (1) Section 6654 imposes an addition to the taxes under chapters 1 and 2 of the Code in the case of any underpayment of estimated tax by an individual (with certain exceptions described in section 6654(d)). This addition to the tax is in addition to any applicable criminal penalties and is imposed whether or not there was reasonable cause for the underpayment. The amount of the underpayment for any installment date is the excess of—

(i) The following percentages of the tax shown on the return for the taxable year or, if no return was filed, of the tax for such year, divided by the number of installment dates prescribed for such taxable year:

(A) 80 percent in the case of taxable years beginning after December 31, 1966, of individuals not referred to in section 6073(b) (relating to income from farming or fishing);

(B) 70 percent in the case of taxable years beginning before January 1, 1967, of such individuals; and

(C) 66⅔ percent in the case of individuals referred to in section 6073(b); over

(ii) The amount, if any, of the installment paid on or before the last day prescribed for such payment.

• • • • •

(4) The term "tax" when used in subparagraph (1)(i) of this paragraph shall mean—

(i) The tax imposed by chapter 1 of the Code (other than by section 56 or, for taxable years ending before September 30, 1968, the tax surcharge imposed by section 51), plus

(ii) For taxable years beginning after December 31, 1966, the tax imposed by chapter 2 of the Code, minus

(iii) All credits allowed by part IV, subchapter A of chapter 1, except the credit provided by section 31, relating to tax withheld at source on wages. For the disallowance of certain credits in the case of taxpayers who elect to use the standard deduction or to pay the optional tax imposed by section 3, see section 36.

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(c) *Examples.* • • •

Example (1). An individual taxpayer files his return for the calendar year 1972 on April 15, 1973, showing a tax (income and self-employment tax) of $30,000. He had paid a total of $20,000 of estimated tax in four installments of $5,000 on each of the four installment dates prescribed for such year. No other payments were made prior to the date the return was filed. Since the amount of each installment paid by the last date prescribed for payment thereof is less than one-quarter of 80 percent of the tax shown on the return, the addition to the tax is applicable in respect of the underpayment existing as of each installment date and is computed as follows:

(1) Amount of tax shown on return	$30,000
(2) 80 percent of item (1)	$24,000
(3) One-fourth of item (2)	$6,000
(4) Deduct amount paid on each installment date	$5,000
(5) Amount of underpayment for each installment date (item (3) minus item (4))	$1,000
(6) Addition to the tax:	
1st installment—period 4–15–72 to 4–15–73	$60
2nd installment—period 6–15–72 to 4–15–73	$50
3rd installment—period 9–15–72 to 4–15–73	$35
4th installment—period 1–15–73 to 4–15–73	$15
Total	$160

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PAR. 13. Section 1.6654–2 is amended to read as follows:

§ 1.6654–2 Exceptions to imposition of the addition to the tax in the case of individuals.

(a) *In general.* The addition to the tax under section 6654 will not be imposed for any underpayment of any installment of estimated tax if, on or before the date prescribe for payment of the installment, the total amount of all payments of estimated tax made equals or exceeds the least of the following amounts—

(1) The amount which would have been required to be paid on or before the date prescribed for payment if the estimated tax were the tax shown on the return for the preceding taxable year, provided that the preceding taxable year was a year of 12 months and a return showing a liability for tax was filed for such year. However, this subparagraph shall not apply with respect to any taxable year which ends on or after September 30, 1968, for which a tax is imposed by section 51 (relating to tax surcharge), in the case of a payment of estimated tax the time prescribed for payment of which is on or after September 15, 1968.

(2) The amount which would have been required to be paid on or before the date prescribed for payment if the estimated tax were an amount equal to a percentage of the tax computed by placing on an annual basis the taxable income for the calendar months in the taxable year ending before the month in which the installment is required to be paid. That percentage is 80 percent in the case of taxable years beginning after December 31, 1966, of individuals not referred to in section 6073(b) (relating to income from farming or fishing), 70 percent in the case of taxable years beginning before January 1, 1967, of such individuals, and 66⅔ percent in the case individuals referred to in section 6073(b). With respect to taxable years beginning after December 31, 1966, the adjusted self-employment income shall be taken into account in determining the amount referred to in this subparagraph if net earnings from self-employment (as defined in section 1402(a)) for the taxable year equal or exceed $400. For purposes of this subparagraph—

(i) Taxable income shall be placed on an annual basis by—

(A) Multiplying by 12 (or the number of months in the taxable year if less than 12) the taxable income (computed without the standard deduction and without the deduction for personal exemptions), or the adjusted gross income if the standard deduction is to be used, for the calendar months in the taxable year ending

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before the month in which the installment is required to be paid,

(B) Dividing the resulting amount by the number of such calendar months, and

(C) Deducting from such amount the standard deduction, if applicable, and the deduction for personal exemptions (such personal exemptions being determined as of the date prescribed for payment of the installment).

(ii) The term "adjusted self-employment income" means—

(A) The net earnings from self-employment (as defined in section 1402(a)) for the calendar months in the taxable year ending before the month in which the installment is required to be paid, computed as if such months constituted the taxable year, but not more than

(B) The excess of—

(1) For taxable years beginning after 1966, $6,6000,

(2) For taxable years beginning after 1971, $9,000,

(3) For taxable years beginning after 1972, $10,800,

(4) For taxable years beginning after 1973, $13,200 and

(5) For taxable years beginning after 1974, an amount equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective for the calendar year in which the taxable year begins, over the amount of the wages (within the meaning of section 1402(b)) for such calendar months placed on an annual basis. For this purpose, wages are annualized in a manner consistent with subdivision (i) (A) and (B) of this subparagraph, that is, by multiplying by 12 (or the number of months in the taxable year in the case of a taxable year of less than 12 months) the wages for such calendar months and dividing the resulting amount by the number of such months.

(3) An amount equal to 90 percent of the tax computed, at the rates applicable to the taxable year, on the basis of the actual taxable income for the calendar months in the taxable year ending before the month in which the installment is required to be paid, as if such months constituted the entire taxable year. For taxable years beginning after December 31, 1966, such computation shall include the tax imposed by chapter 2 on the actual self-employment income for such months. For purposes of this subparagraph, the term "actual self-employment income" means—

(i) The net earnings from self-employment (as defined in section 1402(a)) for such calendar months, computed as if such months constituted the taxable year, but not more than

(ii) The excess of—

(A) For taxable years beginning after 1966, $6,600,

(B) For taxable years beginning after 1971, $9,000,

(C) For taxable years beginning after 1972, $10,800,

(D) For taxable years beginning after 1973, $13,200, and

(E) For taxable years beginning after 1974, an amount equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective for the calendar year in which the taxable year begins, over the amount of wages (within the meaning of section 1402 (b)) for such months.

(4) The amount which would have been required to be paid on or before the date prescribed for payment if the estimated tax were an amount equal to a tax determined on the basis of the tax rates and the taxpayer's status with respect to personal exemptions under section 151 for the taxable year, but otherwise on the basis of the facts shown on the return for the preceding taxable year and the law applicable to such year, in the case of an individual required to file a return for such preceding taxable year.

In the case of a taxpayer whose taxable year consists of 52 or 53 weeks in accordance with section 441(f), the rules prescribed by paragraph (b) of § 1.441–2 shall be applicable in determining, for purposes of subparagraph (1) of this paragraph, whether a taxable year was a year of 12 months and, for purposes of subparagraphs (2) and (3) of this paragraph, the number of calendar months in a taxable year preceding the date prescribed for payment of an installment of estimated tax. For the rules to be applied in determining taxable income for any period described in subparagraphs (2) and (3) of this paragraph in the case of a taxpayer who employs accounting periods (*e.g.*, thirteen 4-week periods or four 13-week periods) none of which terminates with the end of the applicable period described in subparagraph (2) or (3)) of this paragraph, see paragraph (a)(5) of § 1.6655–2.

(b) *Meaning of terms.* As used in this section and § 1.6654–3—

(1) The term "tax" means—

(i) The tax imposed by chapter 1 of the Code (other than by section 56), plus

(ii) For taxable years beginning after December 31, 1966, the tax imposed by chapter 2 of the Code, minus

(iii) The credits against tax allowed by part IV, subchapter A, chapter 1 of the Code, other than the credit against tax provided by section 31 (relating to tax withheld on wages), and without reduction for any payments of estimated tax.

(2) The credits against tax allowed by part IV, subchapter A, chapter 1 of the Code, are—

(i) In the case of the exception described in paragraph (a)(1) of this section, the credits shown on the return for the preceding taxable year,

(ii) In the case of the exceptions described in paragraph (a)(2) and (3) of this section, the credits computed under the law and rates applicable to the current taxable year, and

(iii) In the case of the exception described in paragraph (a)(4) of this section, the credits shown on the return for the preceding taxable year, except that if the amount of any such credit would be affected by any change in rates or status with respect to personal exemptions, the credits shall be determined by reference to the rates and status applicable to the current taxable year.

A change in rate may be either a change in the rate of tax, such as a change in the rate of tax imposed by section 1 or section 1401, or a change in a percentage affecting the computation of a credit, such as a change in the rate of withholding under chapter 3 of the Code or a change in the percentage of a qualified investment which is specified in section 46 for use in determining the amount of the investment credit allowed by section 38.

(3) The term "return for the preceding taxable year" means the income tax return for such year which is required by section 6012(a)(1) and, in the case of taxable years beginning after December 31, 1966, the self-employment tax return for such year which is required by section 6017.

(c) *Examples.* The following examples illustrate the application of the exceptions to the imposition of the addition to the tax for an underpayment of estimated tax, in the case of an individual whose taxable year is the calendar year:

Example (1). A, a married man with one child and a dependent parent, files a joint return with his spouse, B, for 1955 on April 15, 1956, showing taxable income of $44,000 and a tax of $16,760. A and B had filed a joint declaration of estimated tax on April 15, 1955, showing an estimated tax of $10,000 which was paid in four equal installments of $2,500 each on April 15, June 15, and September 15, 1955, and January 15, 1956. The balance of $6,760 was paid with the return. A and B have an underpayment of estimated tax of $433 (¼ of 70 percent of $16,760, less $2,500) for each installment date. The 1954 calendar year return of A and B showed a liability of $10,000. Since the total amount of estimated tax paid by each installment date equalled the amount that would have been required to be paid on or before each of such dates if the estimated tax were the tax shown on the return for the preceding year, the exception described in paragraph (a)(1) of this section applies and no addition to the tax will be imposed.

Example (2). Assume the same facts as in example (1), except that the joint return of A and B for 1954 showed taxable income of $32,000 and a tax liability of $10,400. Assume further that only two personal exemptions under section 151 appeared on the 1954 return. The exception described in paragraph (a)(1) of this section would not apply. However, A and B are entitled to four exemptions under section 151 for 1955. Taxable income for 1954 based on four exemptions, but otherwise on the basis of the facts shown on the 1954 return, would be $30,800. The tax on such amount in the case of a joint return would be $9,836. Since the total amount of estimated tax paid by each installment date exceeds the amount which would have been required to be paid on or before each of such dates if the estimated tax were $9,836, the exception described in paragraph (a)(4) of this section applies and no addition to the tax will be imposed.

Example (3). C, who is self-employed (other than as a farmer or fisherman), has annualized taxable income of $6,900 for the period January 1, 1967, through August 31, 1967, the income tax on which is $1,171. For the same period his net earnings from self-employment are $5,000 and his wages are $2,000. The estimated tax payments made by C for 1967 on or before September 15, 1967, total $1,200. For the purposes of the exception described in paragraph (a)(2) of this section, the adjusted self-employment income is $3,600, computed as follows:

(1) Net earnings from self-employment	$5,000
(2) $6,600 minus annualized wages ($6,600−3,000 ($2,000×12÷8))	$3,600
(3) Lesser of (1) or (2)	$3,600

The tax on C's adjusted self-employment income would be $230.40 ($3,600×6.4 percent). Since the total amount of estimated tax paid on or before September 15, 1967, exceeds $1,121.12, that is, 80 percent of $1,401.40 ($1,171+230.40), the exception described in paragraph (a)(2) of this section applies and no addition to tax will be imposed.

Example (4). D, who is self-employed (other than as a farmer or fisherman), has actual taxable income of $3,800 for the period January 1, 1967, through August 31, 1967, the income tax on which is $586. For the same period his net earnings from self-employment are $5,000 and his wages are $2,000. The estimated tax payments made by D for 1967 on or before September 15, 1967, total $840. For the purposes of the exception described in paragraph (a)(3) of this section, the actual self-employment income for this period is $4,600, computed as follows:

(1) Net earnings from self-employment	$5,000
(2) $6,600 minus wages ($6,600−2,000)	$4,600
(3) Lesser of (1) or (2)	$4,600

The tax on D's actual self-employment income would be $294.40 ($4,600×6.4 percent). Since the total amount of estimated tax paid by September 15, 1967, exceeds $792.36, that is, 90 percent of $880.40 ($586+294.40), the exception described in paragraph (a)(3) of this section applies and no addition to tax will be imposed.

Example (5). E and F, his spouse, filed a joint return for the calendar year 1967 showing a tax liability of $10,000. The liability, attributable primarily to income received during the last quarter of the year, included both income and self-employment tax. Their aggregate payments of estimated tax on or before September 15, 1967, total $1,350, representing three installments of $450 paid on each of the first three installment dates prescribed for the taxable year. Since each installment paid, $450, was less than $2,000 (¼ of 80 percent of $10,000), there was an underpayment on each of the installment dates. Assume that the exceptions described in paragraph (a) (1) and (4) of this section do not apply. Actual taxable income for the three months ending March 31, 1967, was $2,000 and for the five months ending May 31, 1967, was $4,500. Actual self-employment income, for the same periods, was $2,000 and $4,000, respectively. Since the amounts paid by the April 15 and June 15 installment dates, $450 and $900, respectively, exceed $376.20 and $873.90, respectively (90 percent of the income tax on the actual taxable income of $2,000 and $4,500 respectively, determined on the basis of a joint return, and the self-employment tax on the actual self-employment income of $2,000 and $4,000, respectively), the exception described in paragraph (a)(3) of this section applies and no addition to the tax will be imposed for the underpayments on the April 15 and June 15 installment dates. For the eight months ending August 31, 1967, actual taxable income, assuming E and F did not elect to use the standard deduction, was $7,500; net earnings from self-employment were $6,000; and wages were $2,700. Since the total amount paid by the September 15 installment date, $1,350, was less than $1,381.14 (90 percent of the income tax on the actual taxable income of $7,500 determined on the basis of a joint return and the self-employment tax on actual self-employment income of $3,900 ($6,600–2,700)), the exception described in paragraph (a)(3) of this section does not apply to the September 15 installment. Furthermore, the exception described in paragraph (a)(2) of this section does not apply, as illustrated by the following computation:

(1) Income tax:	
Taxable income for the period ending August 31, 1967 (without deduction for personal exemptions) on an annual basis ($8,700×12÷8)	$13,050.00
Deduction for two personal exemptions	1,200.00
	$11,850.00
Tax on $11,850 (on the basis of a joint return)	$2,227.00
(2) Self-employment tax:	
Net earnings from self-employment	$6,000.00
Adjusted self-employment income ($6,600−4,050 annualized wages ($2,700×12÷8))	$2,550.00
Tax on adjusted self-employment income ($2,550×6.4 percent)	$163.20
(3) Total tax ($2,227.00+163.20)	$2,390.20
(4) ¾ of 80 percent of $2,390.20	$1,434.12
Amount paid by Sept. 15, 1967	$1,350.00

An addition to the tax will thus be imposed for the underpayment of $1,550 ($2,000−450) on the September 15 installment.

Example (6). Assume the same facts as in example (5) and assume further that adjusted gross income for the eight months ending August 31, 1967, was $9,200 and the amount of deductions (other than the deduction for personal exemptions) not allowable in determining adjusted gross income aggregated only $500. If E and F elect, they may use the standard deduction in computing the tax for purposes of the exceptions described in paragraph (a) (2) and (3) of this section. Taxable income for purposes of the exception described in paragraph (a) (3) of this section would be reduced to $7,080 ($9,200 less $1,200 for two personal exemptions and $920 for the standard deduction). The income tax thereon is $1,205.20; income tax and self-employment tax-total $1,454.80 ($1,205.20+249.60 ($3,900×6.4 percent)). Since the amount paid by the September 15 installment date, $1,350, exceeds $1,309.32 (90 percent of $1,454.80), the exception described in paragraph (a)(3) of this section applies. However, the exception described in paragraph (a)(2) of this section does not apply, as illustrated by the following computation:

Adjusted gross income for the period ending August 31, 1967	$9,200.00
Adjusted gross income annualized ($9,200×12÷8)	$13,800.00
Taxable income annualized ($13,800 minus $1,200 for two personal exemptions and $1,000 for the standard deduction)	$11,600.00
Income tax on $11,600 (on basis of a joint return)	$2,172.00
Self-employment tax on adjusted self-employment income ($2,550×6.4 percent)	$163.20
Total tax ($2,172.00+163.20)	$2,335.20
¾ of 80 percent of $2,335.20	$1,401.12
Amount paid by Sept. 15, 1967	$1,350.00

Example (7). G was a married individual, 73 years of age, who filed a joint return with his wife, H, for the calendar year 1956. H, who was 70 years of age, had no income during the year. G had taxable income in the amount of $7,000 for the eight-month period ending on August 31, 1956, which included $2,000 of dividend income (after excluding $50 under section 116) and $900 of rental income. The $7,000 figure also reflected a deduction of $2,400 for personal exemptions ($600×4), since G and H are both over 65 years of age. The application of the exception described in paragraph (a) (2) of this section to an underpayment of estimated tax on the September 15 installment date may be illustrated by the following computation:

Taxable income for the period ending August 31, 1956 (without deduction for personal exemptions) on an annual basis ($9,400×12÷8)	$14,100.00
Deduction for personal exemptions	$2,400.00
Taxable income on an annual basis	$11,700.00
Tax (on the basis of a joint return)	$2,642.00
Dividends received for 8-month period	$2,050.00
Less: Amount excluded from gross income under section 116	$50.00
Dividends included in gross income	$2,000.00
Dividend income annualized ($2,000×12÷8)	$3,000.00
Dividends received credit under section 34 (4 percent of $3,000)	$120.00
Tax less dividends received credit	$2,522.00
Retirement income (as defined in section 37(c)) includes:	
Dividend income (to extent includnded in gross income)	$2,000.00
Rental income	$900.00
Total retirement income	$2,900.00
Limit on amount of retirement income under section 37(d)	$1,200.00
Retirement income credit under section 37 (20 percent of $1,200)	$240.00
Tax less credits under section 34 and section 37	$2,282.00
Amount determined under the exception described in paragraph (a)(2) of this section (¾ of 70 percent of $2,282)	$1,198.05

(d) *Determination of taxable income for installment periods*—(1) *In general.* (i) In determining the applicability of the exceptions described in paragraph (a) (2) and (3) of this section, there must be an accurate determination of the amount of income and deductions for the calendar months in the taxable year preceding the installment date as of which the determination is made, that is, for the period terminating with the last day of the third, fifth, or eighth month of the taxable year. For example, a taxpayer distributes year-end bonuses to his employees but does not determine the amount of the bonuses until the last month of the taxable year. He may not deduct any portion of such year-end bonuses in determining his taxable income for any installment period other than the final installment period for the taxable year, since deductions are not allowable until paid or accrued, depending on the taxpayer's method of accounting.

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(ii) If a taxpayer on an accrual method of accounting wishes to use either of the exceptions described in paragraph (a) (2) and (3) of this section, he must establish the amount of income and deductions for each applicable period. If his income is derived from a business in which the production, purchase, or sale of merchandise is an income-producing factor requiring the use of inventories, he will be unable to determine accurately the amount of his taxable income for the applicable period unless he can establish, with reasonable accuracy, his cost of goods sold for the applicable installment period. The cost of goods sold for such period shall be considered, unless a more exact determination is available, as such part of the cost of goods sold during the entire taxable year as the gross receipts from sales for such installment period is of gross receipts from sales for the entire taxable year.

(2) *Members of partnerships.* The provisions of this subparagraph shall apply in determining the applicability of the exceptions described in paragraph (a) (2) and (3) of this section to an underpayment of estimated tax by a taxpayer who is a member of a partnership.

(i) For purposes of determining taxable income, there shall be taken into account—

(A) The partner's distributive share of partnership items set forth under section 702,

(B) The amount of any guaranteed payments under section 707(c), and

(C) Gains or losses on partnership distributions which are treated as gains or losses on sales of property.

(ii) For purposes of determining net earnings from self-employment (for taxable years beginning after December 31, 1966) there shall be taken into account—

(A) The partner's distributive share of income or loss, described in section 702 (a)(9), subject to the special rules set forth in section 1402(a) and §§ 1.1402 (a)–1 to 1.1402(a)–16, inclusive, and

(B) The amount of any guaranteed payments under section 707(c), except for payments received from a partnership not engaged in a trade or business within the meaning of section 1402(c) and § 1.1402(c)–1.

In determining a partner's taxable income and, for taxable years beginning after December 31, 1966, net earnings from self-employment, for the months in his taxable year which precede the month in which the installment date falls, the partner shall take into account items set forth in sections 702 and 1402 (a) for any partnership taxable year ending with or within his taxable year to the extent that such items are attributable to months in such partnership taxable year which precede the month in which the installment date falls. For special rules used in computing a partner's net earnings from self-employment in the case of the termination of his taxable year as a result of death, see section 1402(f) and § 1.1402(f)–1. In addition, a partner shall include in his taxable income and, for taxable years beginning after December 31, 1966, net earnings from self-employment, for the months in his taxable year which precede the month in which the installment date falls guaranteed payments from the partnership to the extent that such guaranteed payments are includible in his taxable income for such months. See section 706 (a), section 707(c), paragraph (c) of § 1.707–1 and section 1402(a).

(iii) The provisions of subdivision (i) (A) and (B) and subdivision (ii) of this subparagraph may be illustrated by the following examples:

Example (1). A, whose taxable year is the calendar year, is a member of a partnership whose taxable year ends on January 31. A must take into account, in determining his taxable income for the installment due on April 15, 1973, all of his distributive share of partnership items described in section 702 and the amount of any guaranteed payments made to him which were deductible by the partnership in the partnership taxable year beginning on February 1, 1972, and ending on January 31, 1973. A must take into account, in determining his net earnings from self-employment, his distributive share of partnership income or loss described in section 702(a)(9), subject to the special rules set forth in section 1402(a) and §§ 1.1402(a)–1 to 1.1402(a)–16, inclusive.

Example (2). Assume that the taxable year of the partnership of which A, a calendar year taxpayer, is a member ends on June 30. A must take into account in the determination of his taxable income and net earnings from self-employment for the installment due on April 15, 1973, his distributive share of partnership items for the period July 1, 1972, through March 31, 1973; for the installment due on June 15, 1973, he must take into account such amounts for the period July 1, 1972, through May 31, 1973; and for the installment due on September 15, 1973, he must take into account such amounts for the entire partnership taxable year of July 1, 1972, through June 30, 1973 (the date on which the partnership taxable year ends).

(3) *Beneficiaries of estates and trusts.* In determining the applicability of the exceptions described in paragraph (a) (2) and (3) of this section as of any installment date, the beneficiary of an estate or trust must take into account his distributable share of income from the estate or trust for the applicable period (whether or not actually distributed) if the trust or estate is required to distribute income to him currently. If the estate or trust is not required to distribute income currently, only the amounts actually distributed to the beneficiary during such period must be taken into account. If the taxable year of the beneficiary and the taxable year of the estate or trust are different, there shall be taken into account the beneficiary's distributable share of income, or the amount actually distributed to him as the case may be, during the months in the taxable year of the estate or trust ending within the taxable year of the beneficiary which precede the month in which the installment date falls. See subparagraph (2) of this paragraph for examples of a similar rule which is applied when a partner and the partnership of which he is a member have different taxable years.

(e) *Special rule in case of change from joint return or separate return for the preceding taxable year*—(1) *Joint return to separate returns.* In determining the applicability of the exceptions described in paragraph (a) (1) and (4) of this section to an underpayment of estimated tax, a taxpayer filing a separate return who filed a joint return for the preceding taxable year shall be subject to the following rule: The tax—

(i) Shown on the return for the preceding taxable year, or

(ii) Based on the tax rates and personal exemptions for the current taxable year but otherwise determined on the basis of the facts shown on the return for the preceding taxable year, and the law applicable to such year,

shall be that portion of the tax which bears the same ratio to the whole of the tax as the amount of the tax for which the taxpayer would have been liable bears to the sum of the taxes for which the taxpayer and his spouse would have been liable had each spouse filed a separate return for the preceding taxable year. For rules with respect to the allocation of joint payments of estimated tax, see section 6015(b) and § 1.6015(b)–1(b).

(2) *Examples.* The rule in paragraph (1) of this paragraph may be illustrated by the following examples:

Example (1). H and W filed a joint return for the calendar year 1955 showing taxable income of $20,000 and a tax of $5,280. Of the $20,000 taxable income, $18,000 was attributable to H, and $2,000 was attributable to W. H and W filed separate returns for 1956. The tax shown on the return for the preceding taxable year, for purposes of determining the applicability of the exception described in paragraph (a)(1) of this section to an underpayment of estimated tax by H for 1956, is determined as follows:

Taxable income of H for 1955	$18,000
Tax on $18,000 (on basis of separate return)	$6,200
Taxable income of W for 1955	$2,000
Tax on $2,000 (on basis of separate return)	$400
Aggregate tax of H and W (on basis of separate returns)	$6,600
Portion of 1955 tax shown on joint return attributable to H (6200/6600×5280)	$4,960

Example (2). Assume the same facts as in example (1) and that H and W file a joint declaration of estimated tax for 1956 and pay estimated tax in amounts determined on the basis of their eligibility for three rather than two exemptions for 1956. H and W ultimately file separate income tax returns for 1956. Assume further that the exception described in paragraph (a)(1) of this section does not apply. The tax based on the tax rates and personal exemptions for 1956 but otherwise determined on the basis of the facts shown on the return for 1955 and the law applicable to 1955, for purposes of determining the applicability of the exception described in paragraph (a)(4) of this section to an underpayment of estimated tax by H for 1956, is determined as follows:

Taxable income of H and W for 1955 based on additional personal exemption for 1956	$19,400
Tax on 1955 income based on joint return rate for 1956	$5,076
Portion of 1955 tax attributable to H (computed as in example (1) but allowing benefit of additional exemption to H)	5900/6300
Portion of tax attributable to H based on tax rates and personal exemptions for 1956 but otherwise on facts on 1955 return ($5900/6300×$5,076)	$4,754

Example (3). Assume that H and W had the same taxable income in 1972 as in 1955, and that they filed a joint return for 1972 and separate returns for 1973. Assume further that H's taxable income for 1972 included net earnings from self-employment in excess of the $9,000 maximum base for the self-employment tax for 1972, and that the joint return filed by H and W for 1972 showed tax under chapter 1 (other than section 56) and tax under chapter 2 totaling $5,055. The tax shown on the return for 1972, for purposes of determining the applicability of the exception described in paragraph (a)(1) of this section to an underpayment of estimated tax by H for 1973, is determined as follows:

Taxable income of H for 1972	$18,000
Chapter 1 tax (other than section 56 tax) on $18,000 (on basis of separate return)	$5,170
Self-employment income of H for 1972	$9,000
Chapter 2 tax on $9,000	$675
Total of such taxes	$5,845
Taxable income of W for 1972	$2,000
Chapter 1 tax (other than section 56 tax) on $2,000 (on basis of separate return)	$310
Aggregate tax of H and W (on basis of separate returns)	$6,155
Portion of 1972 tax shown on joint return attributable to H (5845/6155×$5,055)	$4,800.40

(3) *Separate return to joint return.* In the case of a taxpayer who files a joint return for the taxable year with respect to which there is an underpayment of estimated tax and who filed a separate return for the preceding taxable year—

(i) The tax shown on the return for the preceding taxable year, for purposes of determining the applicability of the exception described in paragraph (a)(1) of this section, shall be the sum of both the tax shown on the return of the taxpayer and the tax shown on the return of the taxpayer's spouse for such preceding year, and

(ii) The facts shown on both the taxpayer's return and the return of his spouse for the preceding taxable year shall be taken into account for purposes of determining the applicability of the exception described in paragraph (a)(4) of this section.

(4) *Example.* The rules described in subparagraph (3) of this paragraph may be illustrated by the following example:

Example. H and W filed separate income tax returns for the calendar year 1954 showing tax liabilities of $2,640 and $350, respectively. In 1955 they married and participated in the filing of a joint return for that year. Thus, for the purpose of determining the applicability of the exceptions described in paragraph (a)(1) and (4) of this section to an underpayment of estimated tax for the year 1955, the tax shown on the return for the preceding taxable year is $2,990 ($2,640 plus $350).

PAR. 14. Section 1.6654–3 is amended by revising paragraph (b) to read as follows:

§ 1.6654–3 Short taxable years of individuals.

* * * * *

(b) *Rules as to application of section 6654(d).*

(1) In any case in which the taxable year for which an underpayment of estimated tax exists is a short taxable year due to a change in annual accounting periods, in determining the tax—

(i) Shown on the return for the preceding taxable year (for purposes of section 6654(d)(1)), or

(ii) Based on the personal exemptions and rates for the current taxable year but otherwise on the basis of the facts shown on the return for the preceding taxable year, and the law applicable to such year (for purposes of section 6654(d)(4)),

the tax will be reduced by multiplying it by the number of months in the short taxable year and dividing the resulting amount by 12.

(2) If the taxable year for which an underpayment of estimated tax exists is a short taxable year due to a change in annual accounting periods, in annualizing the taxable income for the months in the taxable year preceding an installment date, for purposes of section 6654(d)(2), the personal exemptions allowed as deductions under section 151 shall be reduced to the same extent that they are reduced under section 443(c) in computing the tax for a short taxable year.

(3) If "the preceding taxable year" referred to in section 6654(d)(4) was a short taxable year, for purposes of determining the applicability of the exception described in section 6654(d)(4), the tax, computed on the basis of the facts shown on the return for the preceding year, shall be the tax computed on the annual basis in the manner described in section 443(b)(1) (prior to its reduction in the manner described in the last sentence thereof). If the tax rates or the taxpayer's status with respect to personal exemptions for the taxable year with respect to which the underpayment occurs differs from such rates or status applicabe to the preceding taxable year, the tax determined in accordance with this subparagraph shall be recomputed to reflect the rates and status applicable to the year with respect to which the underpayment occurs.

REGULATIONS ON PROCEDURE AND ADMINISTRATION

PAR. 15. Section 301.6015–1 is amended to read as follows:

§ 301.6015–1 Declaration of estimated income tax by individuals.

For provisions relating to requirements of declarations of estimated income tax by individuals, see § 1.6015 of this chapter (Income Tax Regulations).

PAR. 16. Section 301.6211 is amended by revising subsection (b)(1) of section 6211 and by adding a historical note. The amended and added provisions read as follows:

§ 301.6211 Statutory provisions; definition of a deficiency.

Sec. 6211. *Definition of a deficiency.* * * *

(b) *Rules for application of subsection (a).* For purposes of this section—

(1) The tax imposed by subtitle A and the tax shown on the return shall both be determined without regard to payments on account of estimated tax, without regard to the credit under section 31, and without regard to so much of the credit under section 32 as exceeds 2 percent of the interest on obligations described in section 1451.

* * * * *

[Sec. 6211 as amended by sec. 102(b)(4), Tax Adjustment Act 1966 (80 Stat 64)]

PAR. 17. Section 301.6654 is amended by revising subsections (a), (b), (d) and (f) of section 6654 and by revising the historical note. The amended provisions read as follows:

§ 301.6654 Statutory provisions; failure by individual to pay estimated income tax.

Sec. 6654. *Failure by individual to pay estimated income tax*—(a) *Addition to the tax.* In the case of any underpayment of estimated tax by an individual, except as provided in subsection (d), there shall be added to the tax under chapter 1 and the tax under chapter 2 for the taxable year an amount determined at an annual rate established under section 6621 upon the amount of the underpayment (determined under subsection (b)) for the period of the underpayment (determined under subsection (c)).

(b) *Amount of underpayment.* For purposes of subsection (a), the amount of the underpayment shall be the excess of—

(1) The amount of the installment which would be required to be paid if the estimated tax were equal to 80 percent (66⅔ percent in the case of individuals referred to in section 6073 (b), relating to income from farming or fishing) of the tax shown on the return for the taxable year or, if no return was filed, 80 percent (66⅔ percent in the case of individuals referred to in section 6073 (b), relating to income from farming or fishing) of the tax for such year, over

(2) The amount, if any, of the installment paid on or before the last date prescribed for such payment.

* * * * *

(d) *Exception.* Notwithstanding the provisions of the preceding subsections, the addition to the tax with respect to any underpayment of any installment shall not be imposed if the total amount of all payments of estimated tax made on or before the last date prescribed for the payment of such installment equals or exceeds the amount which would have been required to be paid on or before such date if the estimated tax were whichever of the following is the least—

(1) The tax shown on the return of the individual for the preceding taxable year, if a return showing a liability for tax was filed by the individual for the preceding taxable year and such preceding year was a taxable year of 12 months.

(2) An amount equal to 80 percent (66⅔ percent in the case of individuals referred to in section 6073(b), relating to income from farming or fishing) of the tax for the taxable year computed by placing on an annualized

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basis the taxable income for the months in the taxable year ending before the month in which the installment is required to be paid and by taking into account the adjusted self-employment income (if the net earnings from self-employment (as defined in section 1402(a)) for the taxable year equal or exceed $400). For purposes of this paragraph—

(A) The taxable income shall be placed on an annualized basis by—

(i) Multiplying by 12 (or, in the case of a taxable year of less than 12 months, the number of months in the taxable year) the taxable income (computed without deduction of personal exemptions) for the months in the taxable year ending before the month in which the installment is required to be paid,

(ii) Dividing the resulting amount by the number of months in the taxable year ending before the month in which such installment date falls, and

(iii) Deducting from such amount the deductions for personal exemptions allowable for the taxable year (such personal exemptions being determined as of the last date prescribed for payment of the installment).

(B) The term "adjusted self-employment income" means—

(i) The net earnings from self-employment (as defined in section 1402(a)) for the months in the taxable year ending before the month in which the installment is required to be paid, but not more than

(ii) The excess of (I) an amount equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective for the calendar year in which the taxable year begins, over (II) the amount determined by placing the wages (within the meaning of section 1402(b)) for the months in the taxable year ending before the month in which the installment is required to be paid on an annualized basis in a manner consistent with clauses (i) and (ii) of subparagraph (A).

(3) An amount equal to 90 percent of the tax computed, at the rates applicable to the taxable year, on the basis of the actual taxable income and the actual self-employment income for the months in the taxable year ending before the month in which the installment is required to be paid as if such months constituted the taxable year.

(4) An amount equal to the tax computed, at the rates applicable to the taxable year, on the basis of the taxpayer's status with respect to personal exemptions under section 151 for the taxable year, but otherwise on the basis of the facts shown on his return for, and the law applicable to, the preceding taxable year.

• • • • • •

(f) *Tax computed after application of credits against tax.* For purposes of subsections (b) and (d), the term "tax" means—

(1) The tax imposed by this chapter 1 (other than by section 56), plus

(2) The tax imposed by chapter 2, minus

(3) The credits against tax allowed by part IV of subchapter A of chapter 1, other than the credit against tax provided by section 31 (relating to tax withheld on wages).

• • • • • •

[Sec. 6654 as amended by sec. 1 (a) (4), Act of Sept. 25, 1962 (Pub. L. 87-682, 76 Stat. 575); secs. 102 (b) (1), (2), (3) and 103 (a), Tax Adjustment Act 1966 (80 Stat. 62, 64); sec. 301 (b) (13), Tax Reform Act 1969 (83 Stat. 586); sec. 203 (b) (7), Act of March 17, 1971 (Pub. L. 92-5, 85 Stat. 11); sec. 203 (b) (7), Act of July 1, 1972 (Pub. L. 92-336, 86 Stat. 420); sec. 203 (b) (7) and (d), Act of July 9, 1973 (Pub. L. 93-66, 87 Stat. 153); sec. 5(b) (7), Act of Dec. 31, 1973 (Pub. L. 93-233, 87 Stat. 954); sec. 7 (c), Act of Jan. 3, 1975 (Pub. L. 93-625, 88 Stat. 2115)]

[FR Doc.76-23557 Filed 8-9-76;4:15 pm]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 76-034]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Housatonic River, Connecticut

This amendment changes the regulations for the CONRAIL (Penn Central) railroad drawbridge across the Housatonic River, mile 3.9, to permit more restrictive operations. Generally, the draw would open on signal from 5 a.m. to 7 a.m., 9 a.m. to 4 p.m., and 5:45 p.m. to 9 p.m. From 9 p.m. to 5 a.m. the draw would open on signal if notice is given by 4 p.m. This amendment was circulated as a public notice dated March 17, 1976, by the Commander, Third Coast Guard District, and was published in the FEDERAL REGISTER as a notice of proposed rule making (CGD 76-034) on March 15, 1976, (41 FR 10914). Nine responses were received. Eight favored the proposed change while one objected to the proposal to limit openings to one in any sixty-minute period from 5:30 a.m. to 7 a.m. and from 5:45 p.m. to 8:15 p.m. A radiotelephone has been installed on this bridge to coordinate passages of more than one vessel during an opening for these periods; and it is felt that this would eliminate the need for additional openings. For this reason this objection is not considered valid at this time.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising § 117.125 to read as follows:

§ 117.125 Housatonic River, Conn.; bridges.

(a) *US-1 bridge, mile 3.5* (1) The draw shall open on signal, except that from 7 a.m. to 9 a.m., Monday through Friday, and from 4 p.m. to 5:45 p.m., daily, the draw need not open for the passage of vessels.

(2) *Signals.* (i) The opening signal from a vessel is one long blast followed by one short blast.

(ii) The acknowledging signal from the draw tender is one long blast followed by one short blast when the draw will open; or four short blasts when the draw will not open. A red flag by day or a red light at night may also be used to indicate that the draw will not open.

(b) *Penn Central Railroad Bridge, mile 3.9.* (1) The draw shall open on signal from 5 a.m. to 9 p.m. except that—

(i) Monday through Friday, excluding holidays or an emergency, the draw need not open from 7 a.m. to 9 a.m., and from 4 p.m. to 5:45 p.m.; and

(ii) the draw need not open more than once in any 60-minute period from 5:30 a.m. to 7 a.m.; and from 5:45 p.m. to 8:15 p.m., except on Saturdays, Sundays, and federal holidays.

(2) From 9 p.m. to 5 a.m., the draw shall open on signal if the vessel operator gives notice to the chief dispatcher of the railroad before 4 p.m. on the day of the intended passage.

(3) A delay of up to 20 minutes in the opening of the draw may be expected if a train is approaching the bridge so closely that the train may not be safely stopped.

(4) The signals for the railroad bridge are as follows:

(i) The opening signal from a vessel is one long blast followed by two short blasts.

(ii) The acknowledging signal from the draw tender is one long blast when the draw will open, and four short blasts when the draw will not open. A red flag by day or a red light at night may be used to indicate that the draw will not open.

(c) The owners of the bridges shall post notices on both the upstream and downstream side of each bridge setting forth the requirements in this section for each bridge.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4).)

Effective date: This revision shall become effective on September 13, 1976.

Dated: August 6, 1976.

A. F. FUGARO,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.76-23421 Filed 8-11-76;8:45 am]

CHAPTER II—CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

PART 207—NAVIGATION REGULATIONS

Black Rock Canal and Lock, New York

On 28 May 1976 there was published in the FEDERAL REGISTER (Vol. 41, No. 105, page 21786) a notice of proposed rulemaking to amend 33 CFR 207.590 which regulates the use, administration and navigation of the Black Rock Lock and Dam, Buffalo, New York. The proposed revision reflects current operating procedures for the lock with regard to a change in radio equipment for ship-shore communication and lockage of pleasure craft. Interested parties were given the opportunity to submit comments or objections on or before 28 June 1976.

No comments have been received and accordingly, the proposed amendment is hereby established without change and is set forth below effective August 12, 1976.

Dated: July 14, 1976.

Approved:

VICTOR V. VEYSEY,
Assistant Secretary of the Army (Civil Works).

Section 207.590 is amended to read as follows:

§ 207.590 Black Rock Canal and Lock at Buffalo, N.Y.; use, administration and navigation.

• • • • • •

(l) Radio Control of vessel movement in Black Rock Canal

(1) • • •

(2) • • •

(3) The Black Rock Lock radio communication equipment operates on VHF(FM) frequencies as follows: VHF—156.8 Mcs—Channel 16—Safety and Calling, VHF—156.7 Mcs—Channel 14—Working; VHF—156.6 Mcs—Channel 12—Working. A listening watch is maintained on VHF Channel 16.

(4) • • •

(i) Vessels desiring to enter the Black Rock Canal from either the Buffalo Outer Harbor or the Buffalo River shall call the Black Rock Lock on VHF Channel 16 or by land telephone approximately 15 minutes before the estimated time of arrival at Buffalo Harbor Traffic Lighted Bell Buoy 1 located at latitude N. 42°50.1' and longitude W. 78°55.4'. Information to be furnished the Black Rock Lock Operator should include the name of the vessel, position, destination, length, draft (forward and aft) and the type of cargo. A second call shall be made to the lock when the vessel is abreast of the Buffalo Harbor Light on the southerly end of the detached West Breakwater. Information furnished the vessel by the Lock Operator will assure the vessel operator of the proper time to enter the Black Rock Canal with a view to safety and minimum delay.

(ii) Vessels desiring to enter the Black Rock Canal from either the Buffalo Outer Harbor or the Buffalo River shall call the Black Rock Lock on VHF Channel 16 or by land telephone to 876-5454 immediately before departing a dock and again when abreast of the North Breakwater South End Light on the southerly end of the North Breakwater.

(iii) In any radio communication from a vessel to the Black Rock Lock, the VHF(FM) frequencies will be utilized.

• • • • • •

(m) Black Rock Lock: All vessels and boats desiring to use the lock shall signal by two long and two short whistle blasts.

(1) • • •

(2) • • •

(3) Commercial vessels will receive preference in passage through the locks. Small vessels such as row, sail, and motor boats, bent on pleasure only, will be passed through the lock in company with commercial vessels when small vessels can be safely accommodated or in the absence of commercial vessels may be passed through the lock individually or together in one lockage on the hour if northbound, and on the half hour if southbound. However, commercial vessels will receive preference which could delay the passage of pleasure craft. Pleasure craft will not be permitted to pass through the lock with vessels carrying inflammable cargo. Vessels and other large boats when in the lock shall fasten one head line and one spring line to the snubbing posts on the lock walls, and the lines shall not be cast off until the signal is given by the lockmaster for the boats to leave the lock.

[FR Doc.76-23452 Filed 8-11-76;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

[Public Land Order 5598; I-017301]

IDAHO

Powersite Restoration No. 653; Partial Revocation of Powersite Reserves Nos. 207, 214, 259, and 461

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910, 36 Stat. 847; 43 U.S.C. 141 (1970), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), and the determination of the Federal Power Commission in DA-599-Idaho issued July 30, 1971, it is ordered as follows:

1. The Executive Orders of October 14 and 19, 1911, April 16, 1912, and October 27, 1914, creating Powersite Reserves numbered 207, 214, 259, and 461, respectively, are hereby revoked so far as they affect the following described lands:

BOISE MERIDIAN

POWERSITE RESERVE NO. 207

T. 12 N., R. 3 E.,
Sec. 35, lot 8.
T. 13 N., R. 4 E.,
Sec. 6, lot 13;
Sec. 8, lots 3 and 6;
Sec. 17, island (unsurveyed) and lot 10;
Sec. 20, lot 11;
Sec. 29, lots 2, 5, 10;
Sec. 30, lots 7, 9, 11;
Sec. 31, island (unsurveyed).
Containing 361.75 acres in Valley County.

POWERSITE RESERVE NO. 214

T. 11 N., R. 3 E.,
Sec. 23, NE¼NW¼;
Sec. 34, SE¼NE¼.
Containing 80 acres in Valley County.

POWERSITE RESERVE NO. 259

T. 7 N., R. 1 E.,
Sec. 13, S½SW¼;
Sec. 14, SE¼SE¼.
Containing 120 acres in Gem County.

POWERSITE RESERVE NO. 461

T. 7 N., R. 1 W.,
Sec. 24, lot 6.
Containing 39.99 acres in Gem County.

The areas described in paragraph 1 aggregate 601.74 acres of which 430.45 acres, plus the two unsurveyed islands, are public lands. The 310.45 acres of public land restored from Powersite Reserve No. 207 lie in parcels along the North Fork Payette River, two to seven miles south of Cascade, Idaho, in Valley County. Vegetation generally is lodgepole pine, willows, and native forage grasses. The 120-acre parcel restored from Powersite Reserve No. 259 is located two miles northeast of Montour, Idaho. State Highway 52 passes between the Payette River and the tract. Topography is steep. Sagebrush, rabbitbrush, medusahead rye, and cheatgrass are the vegetation. The lands described in Powersite Reserve Nos. 214, 461, and lot 8 sec. 35, T. 12 N., R. 3 E.; lot 2 sec. 29, T. 13 N., R. 4 E., in Powersite Reserve No. 207 are patented. The patented lands aggregate 171.29 acres.

2. At 10 a.m. on September 11, 1976, the public lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on September 11, 1976, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The lands have been open to applications and offers under the mineral leasing laws and to location under the general mining laws.

The State of Idaho has waived its preference rights under the Federal Power Act, 41 Stat. 1075, as amended, 16 U.S.C. 818.

Inquiries concerning the lands should be addressed to Chief, Division of Technical Services, Bureau of Land Management, Boise, Idaho 83724.

JACK O. HORTON,
Assistant Secretary of the Interior.

AUGUST 6, 1976.

[FR Doc.76-23458 Filed 8-11-76;8:45 am]

Title 49—Transportation

CHAPTER I—MATERIALS TRANSPORTATION BUREAU, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER D—PIPELINE SAFETY

[Amdt. No. 195-11; Docket No. OPSO-35]

PART 195—TRANSPORTATION OF LIQUIDS BY PIPELINE

Offshore Pipeline Facilities

This amendment modifies many of the design, construction, testing, operation, and maintenance regulations in Part 195 as they relate to the offshore transportation by pipeline in interstate or foreign commerce of hazardous materials, petroleum, or petroleum products. The amendment also enlarges the scope of Part 195 by deleting the exemption in § 195.1(b)(4) for rural gathering lines located offshore.

The purpose of the amendment is to more clearly delineate the applicability of Part 195 to offshore liquid pipelines and to better assure the safe operation of those pipelines. In accordance with section 8(a) of the Deepwater Port Act of 1974 (33 USC 1507(a)), the offshore pipelines subject to the regulations in Part 195 and this amendment include the pipeline facilities which are part of a deepwater port.

Most of the amendments pertain to steel pipelines, which are the ones commonly used offshore. Part 195 does not provide general safety requirements for the transportation of commodities in pipelines made from materials other than steel. As provided by § 195.8, any transportation by pipeline made from material other than steel is regulated for safety on an individual basis.

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This amendment does not change the accident report requirements of Subpart B, which apply to both offshore and onshore transportation by pipeline.

On September 17, 1975, the Materials Transportation Bureau (MTB) proposed to make this amendment by issuing Notice 75–4 (40 FR 43740, Sept. 23, 1975). Interested persons were invited to submit written comments by October 20, 1975. However, acting on a request by the American Petroleum Institute (API), by Notice 75–4A (40 FR 48940, Oct. 20, 1975) MTB extended the deadline for written comments to December 1, 1975, and scheduled a public hearing on the matter in Washington, D.C., on November 17, 1975. The extension allowed all interested persons additional time to study the benefits and problems connected with the proposed rule changes.

The comments received in writing and at the public hearing have been fully considered by MTB. A discussion of the significant comments and their disposition in developing the final rules is set forth hereinafter in the order that the amendments were proposed in the Notice. Some of the proposed amendments have not been adopted as final. Those which have, are adopted under the same section numbers used in the Notice. Editorial modifications in the final rules which do not alter the substance of the proposed amendments are not discussed.

RETROACTIVITY

A few commenters were concerned about the expense and ecological damage that would result if the proposed amendments to the construction requirements for offshore pipelines were applied to pipelines laid before the final rules become effective. One commenter even suggested that a "grandfather" clause should be added to exempt existing pipelines from the proposed burial requirements.

These comments indicate an apparent misunderstanding of the intended applicability of the proposed amendments. Notice 75–4 proposed to amend existing safety standards, and the proposals should have been interpreted within the framework of those standards. Part 195 now provides in §§ 195.100, 195.200, and 195.300 that requirements for design, construction, and testing of pipelines only apply to new pipelines or to pipelines which are replaced, relocated, or otherwise changed. Notice 75–4 did not propose that these general rules be modified so as to retroactively apply any of the proposed amendments affecting the design, construction, or testing of offshore pipelines.

In addition, although the commenters did not estimate how many existing pipelines would be nonconforming if the proposed amendments were applied retroactively, MTB does not believe that the various hazards against which the amendments were intended to protect warrant retroactive application of the final rules. In the absence of a compelling reason to the contrary, MTB believes that the development of a new safety standard does not make existing facilities unsafe which do not meet the new standard. Nevertheless, should MTB learn of safety problems with existing offshore liquid pipelines due to inadequate design, construction, or testing, it will either deal with the pipelines involved on an individual basis or issue another general notice of proposed rulemaking regarding those problems which can be solved through the regulatory process.

Section 195.1 Scope. The existing Paragraph (b)(4) of this section excludes from the coverage of Part 195, except for Subpart B—Accident Reporting, pipelines operated by a carrier for the transportation of petroleum in rural areas between a production facility and the carrier's trunk line reception point. These pipelines are commonly referred to as "gathering lines." MTB proposed in Notice 75–4 that § 195.1(b)(4) be amended so as to subject gathering lines located offshore to the design, construction, testing, operation, and maintenance rules in Part 195, in addition to the presently applicable reporting requirements. This proposed extension of Part 195 was made because of safety considerations relevant to gathering lines carrying petroleum offshore and because of the Congressional mandate expressed in section 21(a) of the Deepwater Port Act of 1974 (33 USC 1520(a)) that oil pipelines on the Outer Continental Shelf be regulated for safety purposes.

Responding to the public invitation to comment in Notice 75–4, the U.S. Environmental Protection Agency expressed support for the proposed extension of jurisdiction because of its pollution prevention benefits.

An adverse reaction was expressed, however, by several commenters from the offshore petroleum industry. These commenters argued that the precise effect of the proposed regulation of offshore gathering lines could not be evaluated because Part 195 does not clearly state the meaning of the term "gathering line." Similarly, it was argued that since the term "production facility" in § 195.1(b)(4) is not defined, the beginning of a gathering line is unclear, and thus the proposed extension of jurisdiction could be interpreted to cover production oriented facilities, such as flow lines.

MTB believes that the difficulty expressed by these commenters arises because of their view that offshore pipelines which carry hydrocarbons between a well and any initial processing equipment are commonly associated with the industry of producing petroleum rather than with the industry of transporting petroleum to refineries or markets. Also, these pipelines are known both as "flow lines" and "gathering lines" and are regulated for safety and other purposes by the U.S. Department of the Interior (DOI).

This indistinctness between production and transportation is of slight significance, however, in view of the recently completed Memorandum of Understanding (MOU) between the Department of Transportation (DOT) and DOI regarding the regulation of offshore pipelines. Under the MOU, which was published in the FEDERAL REGISTER on June 11, 1976 (41 FR 23746), DOT exercises exclusive responsibility for the safety regulation of oil and gas offshore pipelines downstream to the shore from the outlet flange of each facility where hydrocarbons are produced, or where produced hydrocarbons are first separated, dehydrated, or otherwise processed, whichever facility is farther downstream. Also, DOT regulation includes subsequent online transmission equipment but not any subsequent production equipment. DOI regulates the pipelines upstream from these locations. As shown in item 1 below, § 195.1 is amended to include this provision of the MOU and indicate the limits of the jurisdiction of Part 195 over offshore pipelines.

MTB recognizes that the MOU does not completely resolve the confusion regarding the meaning of the term "gathering line." However, the purpose of Notice 75–4 as it relates to offshore gathering lines was to extend the scope of Part 195 to cover all offshore transportation of petroleum by pipeline in interstate or foreign commerce within the jurisdiction of DOT under 18 U.S.C. 831–835. Therefore, to the extent that gathering lines between the aforementioned outlet flanges and a trunkline are subject to that jurisdiction, their inclusion within the scope of Part 195 is consistent with the purpose of the rulemaking proposal.

The industry commenters also speculated that the cost of compliance would far exceed the safety benefits to be gained because there have not been any deaths or injuries attributable to offshore gathering lines. The commenters did not submit any cost or benefit data, though, to support their charge, pleading lack of sufficient time to make the necessary studies. MTB believes to the contrary that the cost of compliance should not be high because the standards in Part 195 do not largely differ from the industry standards and practices to which offshore gathering lines are designed, constructed, operated, and maintained. These industry standards and practices are by and large based on the B31.4 Code "Liquid Petroleum Transportation Piping Systems," published by the American National Standards Institute, the 1966 edition of which served as a basis for Part 195. Also, since the design and construction requirements in Part 195 are not to be applied retroactively to existing pipelines, the costs which some commenters projected in this area will not exist. Further, as indicated by one commenter at the public hearing, the total cost of compliance must take into account the likely savings in operating costs and insurance rates due to the reduced potential for accidents.

As for benefits, MTB does not agree with the argument that the absence of deaths and injuries means there would be no benefit from safety regulation. If the argument were valid, a gathering line which is patently unsafe by any standard would present no safety problem because, fortuitously, deaths or injuries have not yet occurred. One commenter stated at the public hearing that "Offshore construction requires the highest degree of technology to cope with forces and phenomena encountered. It also requires the very best equipment available. • • •" Given this situation for pipeline transportation offshore, it is reasonable to conclude that offshore gathering lines located downstream from the aforementioned outlet flanges are so similar to offshore trunk lines, which are currently subject to the safety requirements of Part 195, that there is a comparable need for regulation. Clearly, the record does not contain technical justification for an opposite view. Rather, it appears that the many factors which can cause the failure of an offshore trunk line and resulting consequences can also cause gathering lines to fail.

Section 195.2 Definitions. Since the issuance of Part 195 (34 FR 15473, Oct. 4, 1969), the term "offshore" has been defined in this section as "beyond the line of ordinary low water along that portion of the coast of the United States that is in direct contact with the open seas and beyond the line marking the seaward limit of inland waters."

MTB proposed in Notice 75–4 to broaden this definition to include "lands beneath inland navigable waters" as that term is defined in the Submerged Lands Act (43 U.S.C. 1331). One reason for the proposal was to ensure that pipelines in many inland bodies of water, like Chesapeake Bay, meet the same requirements as pipelines within the area now defined as "offshore" because of alleged similarities of operating conditions.

Proposing to broaden the existing definition of "offshore" had the simultaneous effect of proposing that all proposed and existing regulations in Part 195 written in terms of "offshore" apply to pipelines crossing inland navigable waters (except where otherwise specifically provided). MTB considered this result in formulating the various proposed substantive amendments in Notice 75–4 regarding "offshore" pipelines. In addition, interested persons were asked to comment on whether any of the proposed amendments should be modified in view of their intended applicability to inland navigable waters.

Commenters were unanimously opposed to the proposal, generally stating that few, if any, inland waters present the same safety problems as open seas regarding the design construction, operation, and maintenance of pipeline facilities. The commenters pointed out that different construction techniques are used for river and bay crossings than for pipelines within the area now defined as "offshore." For instance, at inland water crossings, commenters stated that during construction pipe is usually connected onshore and then pulled into a prepared ditch. Also, even when inland water crossings are laid from a barge, commenters noted that unlike open sea conditions, the water is usually not as deep, and, consequently, the location of the pipeline can be ascertained from the surface or divers can work with comparative ease. Commenters further stated that the stresses imposed by pipe laying operations are less, overburden and dynamic loads are seldom significant design considerations, and inland water crossings can be inspected more easily.

One commenter expressed concern that for pipelines crossing inland waters, imposing design requirements not essential for safety would be wasteful of natural resources and energy due to the additional materials required and fuel needed to manufacture, construct, and operate the pipelines. The commenter, however, did not estimate the quantity of additional materials and fuel that would be required if the proposed definition of "offshore" were adopted.

Furthermore, commenters were concerned that designating "lands beneath inland navigable waters" as "offshore" would be confusing in light of the present understanding of the term "offshore." In addition, because dry washes in the West, accretion, and filled areas are "lands beneath inland navigable waters" as defined in the Submerged Lands Act, subjecting pipelines in those areas to "offshore" safety requirements would be onerous.

Clearly, the comments did not support the establishment of a broader definition of "offshore," even to the extent of including within the existing definition large inland bodies of water. In view of these comments, the proposed definition is not adopted because of the apparent confusion and uncertainty which would result in the industry from applying "offshore" requirements to pipelines in inland water areas and because the record shows that operating conditions in inland water areas are not generally similar to open sea operating conditions as asserted in the notice. This decision does not mean, however, that the various substantive amendments proposed in Notice 75–4 for "offshore" pipelines are likewise not adopted as they relate to pipelines crossing inland navigable waters. Some of the proposed amendments have been so adopted, others have not. The decision on whether or not each proposed amendment written in terms of "offshore" should be adopted for either open sea or inland navigable waters, or both, is based on the merits of the proposal, as discussed hereinafter.

Section 195.106. Notice 75–4 proposed that a design factor of 0.50 or less be used in the design formula for pipelines on an offshore platform and within 300 feet therefrom. If the proposed design factor were used instead of 0.72 as now required, any new, replaced, or relocated pipe which is installed would have a lower operating stress level. The comments indicate that for pipe risers on platforms, it is industry practice to use a design factor of 0.60, and that for underwater pipelines the existing 0.72 is used. A few commenters questioned the need for a more stringent design factor in terms of the expected costs and benefits, especially for pipelines within 300 feet of a platform. Other commenters stated that the external force of water on pipelines provides additional safety. In view of these comments and the level of potential hazards involved, the final rule is changed to provide that a design factor of 0.60 must be used for pipelines on platforms, including risers. The existing factor of 0.72 is not changed as it applies to pipelines located within 300 feet of a platform because of the protection provided by water depth and because these pipelines are not subject to the same causes of excessive stresses as are pipelines on platforms.

MTB believes that pipelines on platforms which are being constructed in inland navigable waters have the same need for protection against increased stresses as pipelines on offshore platforms, due to the similarity of operating conditions which can cause excessive stress levels and the confinement of personnel. Therefore, the final rule provides that a design factor of 0.60 must be used for pipe, including risers, on platforms located in inland navigable waters as well as offshore.

Sections 195.230 and 195.232. The only change to these sections is that the term "lay barge" used in the Notice is replaced with the term "pipelay vessel." This change is made so that as adopted the proposed exception from the existing welding requirements for offshore pipelines is not restricted to pipelines being installed from a vessel called a "lay barge" but applies to pipelines installed from any similar type of marine craft designed to lay offshore pipelines. The change is consistent with the objective of the proposal which was to eliminate the hazard associated with the removal, rather than repair, of unacceptable welds on pipelines being installed under the operating and working conditions of a lay barge. In view of the comments which indicate that laying pipelines in inland waters from a pipelay vessel is not as hazardous as laying pipelines in open seas, the proposed amendments to §§ 195.230 and 195.232 have not been adopted as they relate to installation of pipelines in inland waters.

One commenter objected to the proposal to allow the repair of welds on pipe being installed from a lay barge, arguing that if unacceptable welds may not be repaired onshore, then offshore welds should likewise not be repaired. MTB does not agree with this comment because, as discussed in the Notice, many safety problems arise in connection with removal of welds from pipelines being installed offshore from a lay barge which do not occur onshore. These problems create potential hazards to both the pipeline and the installation personnel which, in the opinion of MTB, overcome the safety advantages from removing unacceptable welds.

Section 195.234. The existing paragraph (e)(1) of this section requires that 100 percent of the girth welds must be nondestructively tested in locations

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where a loss of commodity might pollute a body of water. Notice 75–4 proposed to amend this rule to explicitly require that 100 percent of the girth welds be nondestructively tested on pipelines in offshore areas as well as in inland waters not encompassed by the proposed definition of "offshore." Commenters did not disagree with the desirability of 100 percent testing in these areas. They pointed out, however, that as far as an open sea environment is concerned, due to the peculiarities and unforeseeable working conditions which exist there, a requirement for 100 percent testing would be too stringent. MTB concurs with these commenters, and, accordingly, has changed the final rule to provide that in offshore situations where 100 percent testing is impracticable, only 90 percent of each day's welds need be nondestructively tested. The final rule is consistent with the nondestructive testing requirement of 49 CFR 192.243(d)(3) which applies to gas pipelines crossing navigable rivers.

The final rule continues to require the nondestructive testing of 100 percent of the girth welds on pipelines in or near any body of water which is not an "offshore" area, but where loss of commodity could reasonably be expected to pollute the body of water.

One commenter suggested that the final rule should identify those methods of nondestructive testing which will clearly indicate weld defects. Although this comment appears to be outside the scope of the Notice, MTB believes that the suggested amendment would unnecessarily restrict carriers in meeting the existing regulatory tests prescribed by § 195.228 for determining the acceptability of welds.

Sections 195.238 and 195.242. As proposed, these sections are amended to provide that submerged but unburied pipelines must comply with corrosion control requirements. All comments received on these sections favored the proposed amendments.

Section 195.246. Notice 75–4 proposed that a new paragraph (b) be added to this section requiring that offshore pipelines in water not more than 200 but at least 12 feet deep be installed so that the top of the pipeline is below the natural bottom. The proposal was intended to provide for protection of these offshore pipelines against possible interference by fishing trawlers, damage by hurricanes, and underwater currents. MTB recognized, however, that installation below the bottom might not be an appropriate safety measure in all cases, and thus included in the proposal a provision that pipelines need not be buried where they are otherwise appropriately protected or where unstable soil conditions would subject the pipelines to greater external forces when buried than when they are laid directly on the bottom.

Two commenters objected to the proposed burial requirement as rigid and arbitrary and not an appropriate general rule for all situations. MTB believes that this comment does not warrant changing the final rule, however, in view of the flexibility which the proposed rule would provide by permitting carriers to use a means of protection other than burial. MTB does not believe that offshore pipelines should be permitted to be installed without any means of protection. The proposed requirement for burial below the bottom is, therefore, adopted as final, with exceptions as discussed below.

Another commenter criticized the proposed amendment because it would permit a carrier, at its discretion, not to bury a pipeline in areas of unstable soil. Without considering the merits of this comment, in the final rule MTB has deleted the proposed exception regarding unstable soil as unnecessary. It is unnecessary because the normal industry safety practice is to protect pipeslines in areas of unstable soil by either burial or an appropriate alternate means. If an appropriate alternate means is used, the exception in the proposed amendment which was intended to allow the use of that means would apply.

Although Notice 75–4 provided an exception from the proposed burial requirement for pipelines which are "otherwise appropriately protected," MTB now believes the exception for alternative means of protection should be written in more precise terms to avoid confusion in understanding the requirement. Therefore, in the final rule, the exception is changed to apply to the types of protection which are normally used in the industry in lieu of burial—support on stanchions, anchors, and heavy concrete coating. MTB believes that a pipeline protected by any of these means would be "appropriately protected" as stated in the Notice. Also, under the final rule, a means of protection may be used other than the ones which are named if it provides a level of protection equivalent to those named. MTB anticipates that criteria governing the appropriate level of protection of offshore pipelines will be the subject of future rulemaking. MTB is now seeking additional information on the safety of offshore pipelines to serve as a basis for that criteria. If adopted, the criteria would eliminate the need to specify acceptable means of protection and allow more flexibility in providing that protection.

The amendment to § 195.246 does not apply to pipelines in inland navigable waters since the burial requirement contained in § 195.248 appears to provide sufficient protection for those pipelines.

Section 195.248. MTB proposed that this section be amended to require that pipelines installed offshore in water less than 12 feet deep be installed with at least 36 inches of cover, but that pipelines in a river, stream, harbor, or deepwater port safety zone must have at least 48 inches of cover regardless of water depth. The existing rule requires that crossings of bodies of water with at least 100 feet from high water mark to high water mark be installed with 48 inches of cover, except that 18 inches is permitted in rock excavation. In general, the comments to this section did not object to the proposed amendment, and it is adopted as final, except as discussed below.

One commenter suggested that the final rule be changed to include an exception for situations where it is impractical to provide the requisite cover and to allow alternative means of protection, such as installation above the water on pilings. The substance of this comment was provided for in the proposal by an exception which would allow less cover where it is impracticable to comply with the minimum cover requirements. Also, § 195.254(a)(1) now permits overhead crossings of bodies of water. Nevertheless, in light of this comment, the final rule is changed to allow one half the minimum required cover in areas of rock excavation.

Another commenter suggested that the proposed 48 inches of cover for harbor areas may be insufficient to protect against heavy anchors. MTB agrees that 48 inches may not be enough in all cases, but as a minimum standard to be applied generally, it is acceptable. Presumably, if a carrier is faced with a safety problem involving heavy anchors, it will voluntarily provide more than the minimum amount of cover or additional protection. If a situation arises where lack of sufficient cover threatens life or property, MTB is empowered to require the carrier involved to remedy the situation even though the carrier is in compliance with § 195.248.

In the final rule, the proposed amendment that would have extended the existing 48-inch cover requirement to specifically identified inland waters is not adopted. In consideration of the comments concerning the proposed definition of "offshore" with respect to inland waters, MTB believes the wording of the existing requirement is sufficient to cover those inland water situations where 48 inches of cover is needed to protect against damage to the pipeline by environmental and other external causes. This decision does not apply to pipelines in deepwater port safety zones. The proposed 48-inch cover requirement is adopted for those pipelines as proposed.

One commenter suggested that § 195.248 be amended to require a minimum amount of cover over offshore pipelines in water more than 12 feet deep. Protection for these pipelines is provided by the amendment to § 195.246. Based on available information and in view of the existing industry installation practices, MTB believes that except in a deepwater port safety zone, it is not now necessary to regulate the cover over offshore pipelines in water at least 12 feet deep.

Section 195.258. Notice 75–4 proposed that a new paragraph (b) be established to require that submerged offshore valves be marked, or located by conventional survey techniques, to facilitate quick location when operation of the valve is necessary. Commenters did not object to the proposal to the extent that it would apply offshore, as the term "offshore" is now defined in Part 195. The comments which opposed applying the proposed requirement to submerged valves in inland navigable waters were based on the general objection to applying "offshore" requirements to pipelines in inland waters rather than on the merits of the proposal. MTB believes that the proposed requirement is reasonable and because of operating circumstances, necessary for the safe operation of a submerged valve. Therefore, the final rule is adopted as proposed for submerged valves located offshore and in inland navigable waters.

Section 195.260. Notice 75–4 proposed that paragraph (c) be amended to require that valves be installed in offshore areas at locations that will minimize damage or polution from an accidental discharge. Commenters did not object to the proposal to the extent that it would apply to pipelines in areas within the meaning of the existing definition of "offshore." As for inland water areas, upon reconsideration of the proposal, MTB believes that the requirement of § 195.260(c) for placement of valves is sufficient to protect against damage or pollution from a discharge in inland waters, and that no further valve placement requirement is necessary with respect to inland waters. As finally adopted, the proposed amendment only applies to pipelines in areas within the existing definition of "offshore."

Section 195.306. This section requires that water must be used as a test medium, except that liquid petroleum may be used under certain conditions. MTB proposed to amend paragraph (b) to prohibit the use of liquid petroleum as a test medium in offshore pipelines. The rationale for this proposal, as stated in the Notice, was alleged difficulties in locating and containing a discharge due to a testing failure on underwater pipelines. Commenters did not object to the proposed amendment to the extent that it would apply to pipelines in areas now defined as "offshore." As for pipelines in inland waters, MTB now believes, in light of the comments concerning the proposed new definition of "offshore," that the difficulties associated with a testing failure on pipelines in inland waters do not warrant prohibiting the use of liquid petroleum as a test medium for those pipelines. Therefore, as finally adopted, the proposed amendment only applies to pipelines in areas within the existing definition of "offshore."

One commenter suggested that permitting the use of air or natural gas as a test medium for offshore pipelines would save construction costs without any sacrifice in safety. MTB has not evaluated the merits of this suggestion since it is outside the scope of the proposed amendment to § 195.306. It will, however, be considered within the context of any future rulemaking action regarding the applicability to offshore pipelines of Subpart E—Hydrostatic Testing.

Section 195.410. Notice 75–4 proposed that a new paragraph (e) be added to this section to require that pipe risers on offshore platforms that are exposed to damage by marine traffic be marked in accordance with proposed specifications. The comments received on this section opposed the proposed marking requirement. One comment stated that adequate protection is already provided by the Coast Guard's requirements for navigational aids on platforms which involve warning lights and fog signals (33 CFR Part 67). Also, objections were raised concerning the maintenance of signs and the difficulty of reading them from an approaching vessel. Finally, commenters emphasized that the relatively few serious incidents which have resulted from vessels contacting platforms did not involve pipe risers.

On the basis of these comments and other considerations, MTB now believes that additional information is needed to determine whether marking offshore pipe risers would be a significant safety benefit. Therefore, the proposed amendment is not adopted as a final rule. The issue may be reopened by a future notice of proposed rulemaking if warranted by the additional information which MTB is seeking on the safety of offshore pipelines.

Section 195.412. Paragraph (b) of this section presently requires carriers to inspect each crossing of a pipeline under a navigable waterway, except for offshore pipelines, every five years to determine the condition of the crossing. Because of the alleged difficulties in locating, repairing, and containing leaks from underwater pipelines, MTB proposed in Notice 75–4 that the required frequency of inspection be increased to every year and that the requirement be applied to all pipelines within the area covered by the proposed new definition of "offshore." MTB anticipated that if the proposal were adopted, conducting more frequent inspections would cause carriers to correct unsafe conditions in time to prevent an actual leak.

Two commenters opposed the proposed amendment, basically stating that an annual inspection of the thousands of inland crossings would be burdensome for the industry and unwarranted by the record of consequences of failures at water crossings. Further, these commenters questioned the practicability of more frequent underwater inspections of pipelines located seaward of the coastline. Other commenters were concerned that the proposed amendment did not provide details of the inspection. None of the commenters, however, indicated that the existing 5-year inspection requirement is adequate.

Based on its review of the comments to Notice 75–4, MTB now believes that information on the required frequency and nature of inspecting underwater pipelines is inconclusive. Pipeline safety problems are caused by the effects of both inland and offshore waters on pipelines and by underwater operating conditions. However, little, if any, substantive information was submitted in this proceeding from which MTB could determine the correlation between inspection frequency and correcting underwater safety problems. As a consequence, MTB is seeking further information upon which a rational determination can be made about the required frequency of underwater inspections. Pending the availability of that information, MTB has decided that the existing requirement of § 195.412(b) should be retained. MTB anticipates that the matter will be addressed again in a future notice of proposed rulemaking.

One commenter suggested that for offshore pipelines, biweekly patrols by air or water craft be required to observe route conditions. In view of this comment, it should be noted that § 195.412(a) now requires each carrier to inspect the surface conditions of each pipeline right-of-way every two weeks. This requirement applies equally to offshore and onshore pipelines.

Section 195.416. MTB proposed that paragraph (a) of this section be amended to require that cathodically protected offshore pipelines be tested every 6 months to determine if the protection is adequate. The existing rule, which applies only to underground pipelines (either offshore or onshore), requires testing every 12 months. MTB anticipated that if the proposal were adopted, the likelihood of leaks developing due to faulty cathodic protection would be reduced. Moreover, additional testing appeared doubly justified because leaks occurring offshore are more difficult to locate, contain, and repair than onshore leaks.

All of the comments on this section opposed adoption of the proposed amendment. One commenter stated that it would be illogical to require more frequent testing of offshore pipelines than onshore pipelines because corrosion occurs more uniformly and is more predictable offshore. Other commenters argued that testing every 6 months would be impractical because of unforeseeable travel and weather problems, the need for additional personnel, and the difficulties associated with testing a cathodic protection system offshore. Still others argued that the 12-month period of testing is not inadequate.

MTB recognizes the many practical problems associated with the testing of cathodic protection on offshore pipelines. MTB also recognizes that, in general, corrosion occurs offshore at a more uniform rate than onshore because the offshore environment is constantly corrosive. However, MTB is not convinced that these factors overcome the apparent benefits from more frequent testing offshore.

In an offshore underwater environment the need for maintenance is not as observable as onshore. Damage to pipelines by anchor dragging, wave or current action, mud slides, or trawls may go undetected for longer periods of time than onshore. Would disruption of a cathodic protection system by an external cause which goes undetected for 12 months raise the potential for the occurrence of leaks to an unsafe level?

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What would be the cumulative effect of accelerated corrosion due to a defective or disrupted system over successive 12-month periods?

On the other hand, can a uniform rate of corrosion be taken into account as a design factor so that offshore testing of cathodic protection may be performed less frequently than onshore?

MTB believes that the record does not provide satisfactory information on these questions. A final rule is, therefore, not adopted at this time. The proposal is withdrawn pending receipt of the additional information which MTB is seeking by study contract on the hazards and safety practices in an offshore environment. The study is needed to provide for more comprehensive regulation of the safety of offshore pipelines. If warranted by the additional information, MTB will issue a future notice of proposed rulemaking on the frequency of testing issue.

In view of the comments which indicate that underwater leaks in inland waters do not present problems of the same magnitude as leaks in open seas and the impracticality of scheduling more frequent tests on underwater portions of an essentially onshore pipeline, MTB has decided that a more frequent testing requirement should not be adopted for pipelines crossing inland waters.

EFFECTIVE DATE

Notice 75-4 requested that interested persons comment on the amount of time that would be needed to comply with the amendments being proposed. The relatively few comments received on this question indicate that design and construction regulations which apply to new, replaced, or relocated pipelines require a longer lead time for compliance than regulations for operation or maintenance. One commenter suggested that as much as 2 years lead time be allowed for lines in the planning stage but not yet under construction. Taking these comments into account and the amount of time reasonably needed for compliance, MTB has decided that the final rules are to become effective November 1, 1976, except as follows:

1. Amendments to §§ 195.106, 195.246, 195.248, 195.258, and 195.260 do not become effective until August 1, 1977.

2. The cathodic protection requirements of § 195.414 do not apply to offshore pipelines located between a production facility and a carrier's trunkline reception point until August 1, 1977.

3. Offshore pipelines located between a production facility and a carrier's trunkline reception point which are constructed before August 1, 1977, need not comply with the design and construction requirements of Subparts C, D, and E of Part 195.

Provisions have been added to §§ 195.402(d) and 195.414 to provide for the extended effective dates regarding an offshore pipeline between a production facility and a trunkline.

In consideration of the foregoing, Part 195 of Title 49 of the Code of Federal Regulations is amended as set forth below:

1. In § 195.1, the word "and" is deleted from paragraph (b)(3), paragraph (b)(4) is amended to read as follows, and a new paragraph (b)(5) is added to read as follows:

§ 195.1 Scope.

• • • • • •

(b) • • •

(4) Except for Subpart B of this part, transportation of petroleum in onshore pipelines in rural areas between a production facility and a carrier's trunkline reception point, and

(5) Transportation in offshore pipelines which are located upstream from the outlet flange of each facility on the Outer Continental Shelf where hydrocarbons are produced or where produced hydrocarbons are first separated, dehydrated, or otherwise processed, whichever facility is farther downstream.

2. In § 195.106, paragraph (a) is amended as follows:

§ 195.106 Internal design pressure.

(a) • • •

F=A design factor of 0.72, except that a design factor of 0.60 is used for pipe, including risers, on a platform located offshore or on a platform in inland navigable waters, and 0.54 is used for pipe that has been cold worked to meet the specified minimum yield strength and is subsequently heated, other than by welding to 600° F. or more.

• • • • • •

3. Section 195.230 is amended to read as follows:

§ 195.230 Welds: Repair of defects.

(a) Except as provided in paragraph (b) of this section, a weld that is found unacceptable under § 195.228 may not be repaired unless—

(1) There are no cracks in the weld;

(2) The segment of the weld to be repaired was not previously repaired; and

(3) The weld is inspected after repair to assure its acceptability.

(b) In the case of offshore pipelines, a weld on a pipeline being installed from a pipelay vessel may be repaired if the repair is made in accordance with established written welding procedures that have been tested under § 195.214 to assure that they will produce sound ductile welds.

4. Section 195.232 is amended to read as follows:

§ 195.232 Welds: Removal of defects.

Except for offshore pipelines being installed from a pipelay vessel, a cylinder of the pipe containing the weld must be removed and the ends rebeveled whenever—

(a) The weld contains one or more cracks;

(b) The weld is not acceptable under § 195.228 and is not repaired; or

(c) The weld was repaired and the repair did not meet the requirements of § 195.228.

5. In § 195.234, paragraph (e)(1) is amended to read as follows:

§ 195.234 Welds: Nondestructive testing and retention of testing records.

• • • • • •

(e) • • •

(1) At any onshore location where a loss of commodity could reasonably be expected to pollute any stream, river, lake, reservoir, or other body of water, and any offshore area unless impracticable, in which case only 90 percent of each day's welds need be tested.

• • • • • •

6. In § 195.238, paragraphs (a)(1) and (b) are amended to read as follows:

§ 195.238 External coating.

(a) No pipeline system component may be buried or submerged unless that component has an external protective coating that—

(1) Is designed to mitigate corrosion of the buried or submerged component;

• • • • •

(b) All pipe coating must be inspected just prior to lowering the pipe into the ditch or submerging the pipe, and any damage discovered must be repaired.

7. In § 195.242, paragraph (a) is amended to read as follows:

§ 195.242 Cathodic protection system.

(a) A cathodic protection system must be installed for all buried or submerged facilities to mitigate corrosion that might result in structural failure. A test procedure must be developed to determine whether adequate cathodic protection has been achieved.

• • • • • •

8. In § 195.246, the existing first paragraph is designated as paragraph (a) and a new paragraph (b) is added to read as follows:

§ 195.246 Installation of pipe in a ditch.

(a) • • •

(b) All offshore pipe in water at least 12 feet deep but not more than 200 feet deep, as measured from the mean low tide, must be installed so that the top of the pipe is below the natural bottom unless the pipeline is supported by stanchions, held in place by anchors or heavy concrete coating, or an equivalent level of protection is provided.

9. Section 195.248(a) is amended to read as follows:

§ 195.248 Cover over buried pipeline.

(a) Unless specifically exempted in this subpart, all pipe must be buried so that it is below the level of cultivation. Except as provided in paragraph (b) of this section, the pipe must be installed so that the cover between the top of the pipe and the ground level, road bed, river bottom, or sea bottom, as applicable, complies with the following table:

Location	Cover (inches)	
	For normal excavation	For rock excavation[1]
Industrial, commercial, and residential areas	36	30
Crossings of inland bodies of water with a width of at least 100 ft from high water mark to high water mark	48	18
Drainage ditches at public roads and railroads	36	36
Deepwater port safety zone	48	24
Other offshore areas under water less than 12 ft-deep as measured from the mean low tide	36	18
Any other area	30	18

[1] Rock excavation is any excavation that requires blasting or removal by equivalent means.

• • • • •

10. In § 195.258, the existing first paragraph is designated as paragraph (a) and a new paragraph (b) is added to read as follows:

§ 195.258 Valves: General.

(a) • • •

(b) Each submerged valve located offshore or in inland navigable waters must be marked, or located by conventional survey techniques, to facilitate quick location when operation of the valve is required.

11. Section 195.260(c) is amended to read as follows:

§ 195.260 Valves: Location.

• • • • • •

(c) On each mainline at locations along the pipeline system that will minimize damage or pollution from accidental liquid discharge, as appropriate for the terrain in open country, for offshore areas, or for populated areas.

• • • • • •

12. Section 195.306(b) is amended to read as follows:

§ 195.306 Test medium.

• • • • • •

(b) Except for offshore pipelines, liquid petroleum that does not vaporize rapidly may be used as the test medium if—

(1) The entire pipeline section under test is outside of cities and other populated areas; and

(2) There are no persons, other than those conducting the test, within 1,000 feet of the test section.

13. Section 195.402(d) is amended to read as follows:

§ 195.402 General requirements.

• • • • • •

(d) No carrier may operate any part of a pipeline system upon which construction was begun after March 31, 1970, or in the case of offshore pipelines located between a production facility and a carrier's trunkline reception point, after July 31, 1977, unless it was designed and constructed as required by this part.

14. In § 195.414 a new paragraph (d) is added to read as follows:

§ 195.414 Cathodic protection.

• • • • • •

(d) Notwithstanding the deadlines for compliance in paragraphs (a), (b), and (c) of this section, this section does not apply to offshore pipelines located between a production facility and a carrier's trunkline reception point until August 1, 1977.

(Sec. 6, Pub. L. 89-670, 80 Stat. 937, 49 USC 1655; 18 USC 831-835; 40 FR 43901, 49 CFR 1.53).

Issued in Washington, D.C. on August 9, 1976.

JAMES T. CURTIS, Jr.,
Director,
Materials Transportation Bureau.

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Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

SUBCHAPTER B—TAKING, POSSESSION, TRANSPORTATION, SALE, PURCHASE, BARTER, EXPORTATION, AND IMPORTATION OF WILDLIFE

PART 20—MIGRATORY BIRD HUNTING

Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds in the Contiguous United States and Alaska

The Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755; 16 U.S.C. 703 et seq.), as amended, authorizes and directs the Secretary of the Interior, having due regard for the zones of temperature and for the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory game birds, to determine when, to what extent, and by what means such birds or any part, nest, or egg thereof may be taken, hunted, captured, killed, possessed, sold, purchased, shipped, carried, exported, or transported.

This final rulemaking notice is the seventh in a series of proposed and final rulemaking documents published during the annual regulatory process for establishing migratory game bird hunting seasons in the United States. It deals specifically with amending Subpart K of 50 CFR 20 to set open hunting seasons, certain closed areas, shooting hours and bag and possession limits for mourning doves, white-winged doves, band-tailed pigeons, rails, woodcock, snipe, and gallinules; for September teal seasons; for sea ducks in certain defined areas of the Atlantic Flyway; for Canada goose hunting in Wisconsin; and for waterfowl, coots, snipe, and cranes in Alaska. The first notice in the series consisted of proposed rule making dealing with the establishment of open hunting seasons, daily bag and possession limits, and shooting hours for the 1976-77 season in Puerto Rico and the Virgin Islands, and was published in the FEDERAL REGISTER on May 12, 1976 (41 FR 19341) with a comment period ending June 26, 1976. The third notice in the series consisted of supplemental proposed rulemaking dealing with proposed early season frameworks and proposed Canada goose hunting regulations in Wisconsin, and was published in the FEDERAL REGISTER on July 2, 1976 (41 FR 27382), with a 15-day comment period ending July 17, 1976. The fourth notice in the series consisted of final frameworks for selecting open season dates for hunting migratory birds in Puerto Rico and the Virgin Islands during the 1976-77 season and was published in the FEDERAL REGISTER on July 16, 1976 (41 FR 29387). The fifth notice in the series consisted of final rulemaking amending Section 20.101 of 50 CFR Part 20 to reflect seasons, limits, and shooting hours for Puerto Rico and the Virgin Islands for the 1976-77 season and was published in the FEDERAL REGISTER on July 22, 1976 (41 FR 30119). The sixth notice in the series consisted of final frameworks for selecting open season dates for hunting migratory birds in the contiguous United States and Alaska during the 1976-77 season and was published in the FEDERAL REGISTER on July 28, 1976 (41 FR 31383).

In this connection, the "Final Environmental Statement for the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FES 75-54)" was filed with the Council on Environmental Quality on June 6, 1975, and notice of availability was published in the FEDERAL REGISTER on June 13, 1975 (40 FR 24241).

The Annual Regulations Conference for Migratory Shore and Upland Game Birds convened on June 22, 1976, in accordance with the notice published in the FEDERAL REGISTER on May 21, 1976 (41 FR 20901). The purposes of this meeting were for the Committee to review the status of mourning doves, woodcock, band-tailed pigeons, white-winged doves, rails, gallinules, and common snipe and discuss proposed hunting regulations for the 1976-77 hunting season. This meeting was open to the public and statements by interested persons were received and considered.

Compliance with Section 7 of the Endangered Species Act of 1973. Section 7 of this Act provides that, "The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act." Consequently, The Service reviewed all migratory bird regulations being contemplated this year and concluded that none of the proposals, if implemented, would jeopardize any population of birds designated as endangered or threatened under the Act. As in the past, hunting regulations this year are designed to remove or alleviate chances of conflict between seasons for migratory game birds and the protection of endangered or threatened species. Examples of such consideration include closures of desig-

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nated areas in Alaska and the Aleutian Islands to the taking of Canada geese, for the protection of the Aleutian Canada goose (*Branta canadensis leucopareia*); closures in Puerto Rico for protection of the Plain pigeon (*Columba inornata wetmorei*) and Puerto Rican parrot (*Amazona vittata*); protection of all species of rails in the Pacific Flyway, for the protection of the California, light-footed, and Yuma clapper rails, (*Rallus longirostris* spp.); and the setting of limited lesser sandhill crane seasons in the Central Flyway so as to alleviate risks to the whooping crane (*Grus americana*).

Regulations Promulgation. After analysis of the migratory game bird survey data obtained through investigations conducted by the U.S. Fish and Wildlife Service, by State game departments, and by other sources, and consideration of all comments received on the March 3, 1976, proposals (41 FR 9177), the Service published in the FEDERAL REGISTER on July 2, 1976 (41 FR 27382) supplemental proposed rulemaking containing Proposed Regulations Frameworks for 1976–77 Early Hunting Seasons on Certain Migratory Game Birds. The proposed frameworks contained more specific information than the earlier regulatory proposals (41 FR 9177; March 3, 1976) concerning outside season dates within which hunting seasons could be selected, and season lengths, shooting hours, and bag and possession limits, and areas to be hunted. A 15-day comment period was allowed, ending July 17, 1976.

After due consideration of all comments received on the proposed frameworks, the Service published in the FEDERAL REGISTER on July 28, 1976 (41 FR 31383) Final Regulations Frameworks for 1976–77 Early Hunting Seasons on Certain Migratory Game Birds. Copies of the final frameworks were also sent to the officials of the State game departments who were invited to submit recommendations for hunting seasons which complied with the shooting hours, daily bag and possession limits, season lengths and areas specified in the frameworks.

The taking of the designated species of migratory birds is prohibited unless open hunting seasons are specifically provided. The amendments will permit taking of the designated species within specified periods of time beginning as early as September 1, as has been the case in past years, and benefit the public by relieving existing restrictions.

The Fish and Wildlife Service is of the view that, although the rulemaking process for migratory bird hunting must, by its nature, operate under severe time constraints, every attempt should be made to give the public the greatest possible opportunity to comment on the regulations; thus, when the above-mentioned proposed rulemaking was published, the Service established what it believed were the longest periods possible for public comment. In doing this, the Service recognized that at the period's close, time would be of the essence. That is, if there were a delay in the effective date of these regulations after this final rulemaking, the Service is of the opinion that the printing and distribution of Federal and State regulatory announcements and leaflets would be delayed to the extent that hunters would not have regulatory information available prior to the beginning of the hunting seasons. The Service therefore finds "good cause" exists, within the terms of 5 U.S.C. 553 (d)(3) of the Administrative Procedure Act; and these regulations will, therefore, take effect immediately upon publication.

Accordingly, each State game department having had an opportunity to participate in selecting the hunting seasons desired for its State on those species of migratory birds for which open seasons are now to be prescribed, and consideration having been given to all other relevant matters presented, it is determined that certain sections of Title 50, Chapter I, Subchapter B, Part 20, Subpart K, are amended as follows:

Section 20.102 is amended to read as follows:

§ 20.102 Seasons, limits, and shooting hours for Alaska.

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species designated in this section are prescribed as follows:

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS

	Ducks	Coots	Brant	Geese	Common (Wilson's) snipe	Lesser Sandhill (Little Brown) cranes
Daily bag limit	7[1]	15	4	6[2]	8	2
Possession limit	21[1]	15	8	12[2]	16	4
Shooting hours	One-half hour before sunrise to sunset daily.					
Season dates in:						
Tribilof and Aleutian Islands, east of Unimak Pass except Unimak Island.	Oct. 9–Jan. 21				Sept. 1–Nov. 4.	Sept. 1–Oct. 15.
Kodiak (State Game Management Unit 8).	Sept. 11–Oct. 10 and Nov. 6–Jan. 21				Sept. 1–Nov. 4.	Sept. 1–Oct. 15.
Aleutian Islands, west of Unimak Pass.	Oct. 9–Jan. 21 (season closed on Canada geese)				Sept. 1–Nov. 4.	Sept. 1–Oct. 15.
Remainder of Alaska and Unimak Island.	Sept. 1–Dec. 16				Sept. 1–Nov. 4.	Sept. 1–Oct. 15.

[1] In addition to the basic daily bag and possession limits, a daily bag limit of 15 and a possession limit of 30 is permitted singly or in the aggregate of the following species: scoter, eider, oldsquaw, harlequin, and American and red-breasted mergansers.

[2] The daily bag and possession limits may not include more than 4 daily and 8 in possession of white-fronted and Canada geese, singly or in the aggregate. In addition to the daily bag and possession limits on other geese, the daily bag limit is 6 and the possession limit is 12 on emperor geese.

Section 20.103 is amended to read as follows:

§ 20.103 Seasons, limits, and shooting hours for mourning and white-winged doves and wild pigeons.

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species designated in this section are prescribed as follows:

(a) MOURNING DOVES—EASTERN MANAGEMENT UNIT

Daily bag limit	12
Possession limit	24

Shooting hours: 12 o'clock noon until sunset.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS

Seasons in:	
Alabama:	
North zone[1]	Sept. 18–Nov. 3. Dec. 24–Jan. 15.
South zone[1]	Oct. 25–Jan. 2.
Connecticut	Closed.
Delaware	Sept. 11–Oct. 2. Nov. 22–Dec. 11. Dec. 20–Jan. 15.
Florida	Oct. 2–Oct. 31. Nov. 13–Nov. 28. Dec. 18–Jan. 10.
Georgia	Sept. 4–Oct 9. Dec. 11–Jan. 13.
Illinois	Sept. 1–Nov. 9.
Indiana	Closed.
Kentucky	Sept. 1–Oct. 31. Dec. 11–Dec. 19.
Louisiana:	
North zone[2]	Sept. 4–Sept. 19. Oct. 16–Nov. 14. Dec. 18–Jan. 10.
South zone[2]	Oct. 16–Nov. 28. Dec. 18–Jan. 12.

[1] In Alabama, the South Zone consists of the Counties of Baldwin, Clarke, Coffee, Conecuh, Covington, Dale, Escambia, Geneva, Henry, Houston, Mobile, Monroe, and Washington. The North Zone consists of the remaining counties.

[2] In Louisiana, the North Zone is defined as that area lying north of Interstate Highway 10 from the Texas State line to Baton Rouge, Interstate Highway 12 from Baton Rouge to Slidell, and Interstate Highway 10 from Slidell to the Mississippi State line. The South Zone consists of the remainder of Louisiana.

Seasons in:	
Maine	Closed.
Maryland	Sept. 1–Oct. 28. Dec. 20–Dec. 31.
Massachusetts	Closed.
Michigan	Closed.
Mississippi:	
North zone[2]	Sept. 4–Sept. 26. Nov. 6–Nov. 28. Dec. 11–Jan. 3.
South zone[2]	Sept. 25–Oct. 17. Nov. 6–Nov. 28. Dec. 11–Jan. 3.
New Hampshire	Closed.
New Jersey	Closed.
New York	Closed.
North Carolina	Sept. 4–Oct. 16. Dec. 20–Jan. 15.
Ohio	Sept. 1–Oct. 16. Nov. 15–Dec. 8.
Pennsylvania	Sept. 1–Nov. 9.
Rhode Island	Sept. 8–Nov. 16.
South Carolina	Sept. 18–Oct. 23. Nov. 19–Nov. 27. Dec. 22–Jan. 15.
Tennessee	Sept. 1–Sept. 30. Oct. 9–Oct. 17. Dec. 18–Jan. 15.
Vermont	Closed.
Virginia	Sept. 11–Nov. 6. Dec. 20–Jan. 1.
West Virginia	Sept. 1–Nov. 9.
Wisconsin	Closed.
Seasons in:	
Nebraska (shooting hours—15 minutes before sunrise until sunset).	Sept. 1–Oct. 15.
New Mexico[1]	Sept. 1–Oct. 30.
North Dakota	Closed.
Oklahoma	Sept. 1–Oct. 30.
South Dakota	Closed.
Texas:[3]	
North zone shooting hours:	
12 noon until sunset	Sept. 1–Oct. 14.
½ hour before sunrise until sunset	Jan. 1–Jan. 16.
South Zone—Counties of Cameron, Willacy, Hidalgo, Starr, Zapata, Webb, and Maverick — Shooting hours:	
12 noon until sunset	Sept. 25–Nov. 2.
½ hour before sunrise until sunset	Jan. 1–Jan. 16.
Remainder of south zone shooting hours:	
12 noon until sunset	Sept. 25–Nov. 7.
Seasons in:	
Texas—Continued	
Remainder of south zone shooting hours—Continued	
½ hour before sunrise until sunset	Jan. 1–Jan. 16.
Wyoming	Sept. 1–Sept. 30.

[1] In New Mexico, the daily bag limit is 10 and the possession limit is 20 white-winged and mourning doves, singly or in the aggregate of these species.

[2] In Mississippi, the North Zone is defined as that area lying north of State Highway 12 to Kosciusko, and north of State Highway 14 from Kosciusko to the Alabama line. The South Zone consists of the remainder of Mississippi.

[3] In Texas, the North Zone consists of the counties of Kinney, Uvalde, Medina, Bexar, Comal, Hays, Travis, Williamson, Milam, Robertson, Leon, Houston, Cherokee, Nacogdoches, and Shelby and all counties north and west thereof. The Southern Zone consists of all counties south and east of the North Zone.

(b) MOURNING DOVES—CENTRAL MANAGEMENT UNIT

Daily bag limit	10
Possession limit	20

Shooting hours: One half four before sunrise until sunset daily except as noted otherwise.

CHECK STATE REGUATIONS FOR ADDITIONAL RESTRICTIONS

Seasons in:	
Arkansas	Sept. 1–Oct. 5. Dec. 15–Jan. 8.
Colorado (shooting hours—sunrise until sunset)	Sept. 1–Oct. 30.
Iowa	Closed.
Kansas	Sept. 1–Oct. 30.
Minnesota	Closed.
Missouri	Sept. 1–Oct. 30.
Montana	Closed.
Seasons in:	
Texas—Continued	
Remainder of south zone shooting hours—Continued	
½ hour before sunrise until sunset	Jan. 1–Jan. 16.
Wyoming	Sept. 1–Sept. 30.

(c) MOURNING DOVES—WESTERN MANAGEMENT UNIT

Daily bag limit	10
Possession limit	20

Shooting hours: One-half hour before sunrise until sunset.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS

Seasons in:	
Arizona	Sept. 1–Sept. 20 Dec. 11–Jan. 9
California[1]	Sept. 1–Sept. 30 Nov. 20–Dec. 5
Idaho	Sept. 1–Sept. 19
Nevada[1]	Sept. 1–Oct. 20
Oregon	Sept. 1–Sept. 30
Utah	Sept. 1–Sept. 30
Washington	Sept. 1–Sept. 30

[1] In those counties of California and Nevada having an open season on white-winged doves, the daily bag limit is 10 and the possession limit is 20 mourning and white-winged doves, singly or in the aggregate of these species.

NOTICE.—Hawaii—Subject to the applicable provisions of the preceding sections of this part, mourning doves may be taken in accordance with the State regulations.

(d) WHITE-WINGED DOVES

Shooting hours;

All States except Texas—One-half hour before sunrise until sunset.

Texas only—12 o'clock noon until sunset.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS

Seasons in—	Season dates	Limits: Bag	Limits: Possession
Arizona	Sept. 1–Sept. 20	10	10
California:[1]			
Counties of Imperial, Riverside and San Bernardino	Sept. 1–Sept. 30 Nov. 20–Dec. 5	10	20
Remainder of State	Closed		
Nevada:[1]			
Counties of Clark and Nye	Sept. 1–Oct. 20	10	20
Remainder of State	Closed		
New Mexico[1]	Sept. 1–Oct. 30	10	20
Texas:			
Counties of Brewster, Cameron, Culberson, El Paso, Hidalgo, Hudspeth, Jeff Davis, Kinney, Maverick, Presidio, Starr, Terrell, Val Verde, Webb, Willacy, and Zapata.	Sept. 1–6, and Sept. 11–12	10	20
Remainder of State	Closed		

[1] In California, Nevada, and New Mexico, the daily bag limit is 10 and the possession limit is 20 white-winged and mourning doves, singly or in the aggregate of both species.

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(c) BAND-TAILED PIGEONS

Shooting hours: One-half hour before sun-rise until sunset.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS

Seasons in—	Season dates	Limits	
		Bag	Possession
Arizona [1]	Oct. 9–Nov. 7	5	10
California:			
Counties of Butte, Del Norte, Glen, Humboldt, Lassen, Mendocino, Modoc, Plumas, Shasta, Sierra, Siskiyou, Tehama, and Trinity.	Oct. 2–Oct. 17	6	6
Remainder of State	Dec. 11–Dec. 26	6	6
Colorado [1] (shooting hours—sunrise until sunset)	Sept. 4–Oct. 3	5	10
New Mexico: [1]			
North Zone [2]	Sept. 1–Sept. 20	5	10
South Zone [2]	Oct. 2–Oct. 21	5	10
Oregon	Sept. 1–Sept. 30	5	5
Utah [1]	Sept. 1–Sept. 30	5	10
Washington	Sept. 1–Sept. 30	5	5

[1] Every hunter must have been issued and carry on his person while hunting band-tailed pigeons a properly validated special band-tailed pigeon hunting permit issued by the game department of each respective State for the open season in that State. Such a special band-tailed pigeon hunting permit will be issued upon application to the State game department of the State in which hunting is to be done. Permits issued by any State will be valid in that State only. This season shall be open only in the areas described, delineated, and designated as such by the States of Arizona, Colorado, New Mexico, and Utah in their respective hunting regulations.

[2] In New Mexico the North Zone is defined as that area lying north and east of a line following U.S. Highway 60 from the Arizona State line east to Interstate Highway 25 at Socorro and then south along Interstate Highway 25 to the Texas State line. The South Zone is defined as that area lying south and west of a line following U.S. Highway 60 from the Arizona State line east to Interstate Highway 25 at Socorro and then south along Interstate Highway 25 to the Texas State line.

Section 20.104 is amended to read as follows:

§ 20.104 Seasons, limits, and shooting hours for rails, woodcock, and common (Wilson's) snipe.

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species designated in this section are prescribed as follows:

	Rails (Sora and Virginia)	Rails (Clapper and King)	Woodcock	Common snipe (Wilson's)
Daily bag limit	[1] 25	See footnote 2	5	8
Possession limit	[1] 25	See footnote 2	10	16
Shooting hours	One-half hour before sunrise until sunset daily on all species, except as noted otherwise.			
CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS.				
Seasons in the Atlantic Flyway:				
Connecticut	Sept. 1–Nov. 6	Sept. 1–Nov. 6	Oct. 16–Dec. 4	Oct. 16–Dec. 4.
Delaware	Sept. 1–Nov. 9	Sept. 1 Nov. 9	{Oct. 25 Nov. 10; Nov. 22–Jan. 6}	{Oct. 6 Nov. 10; Nov. 22–Jan. 31}
Florida	Sept. 1–Nov. 9	Sept. 1–Nov. 9	Dec. 19–Feb. 20	Nov. 13–Feb. 27.
Georgia	Sept. 18–Nov. 26	Sept. 18–Nov. 26	Nov. 20–Jan. 23	Nov. 20–Feb. 28.
Maine: [4]				
Management Units 1 and 2.	Sept. 1–Nov. 9	Closed	Sept. 24–Nov. 27 (5 daily; 10 possession).	Sept. 24–Nov. 27.
Management Units 3–8.	Sept. 1–Nov. 9	Closed	Oct. 1–Nov. 27 (4 daily; 8 possession).	Oct. 1–Nov. 27.
Maryland	Sept. 1–Nov. 9	Sept. 1–Nov. 9	Oct. 5–Dec. 8	Sept. 17–Jan. 1.
Massachusetts	Sept. 1–Nov. 6	Closed	Oct. 9–Dec. 4	Sept. 1–Nov. 6.
New Hampshire	Closed	Closed	Sept. 24–Nov. 27	Sept. 24–Nov. 27.
New Jersey [4]	Sept. 1–Nov. 9	Sept. 1–Nov. 9	{Oct. 9–Dec. 4; Dec. 18–Dec. 25}	Deferred.
New York: [4 5]				
North Zone	Sept. 1–Nov. 4	Closed	Sept. 1–Nov. 23	Sept. 1–Nov. 4.
South Zone	Sept. 1–Nov. 4	Closed	Oct. 1–Nov. 23	Sept. 1–Nov. 4.
Long Island Area	Closed	Closed	Oct. 1–Nov. 23	Closed.
North Carolina	Sept. 1–Nov. 9	Sept. 1–Nov. 9	Nov. 20–Jan. 22	Oct. 2–Jan. 15.
Pennsylvania	Sept. 1–Nov. 9	Closed	Oct. 16–Dec. 18	Oct. 16–Dec. 18.
Rhode Island	Sept. 20–Nov. 28	Sept. 20–Nov. 28	{Oct. 16–Dec. 10; Dec. 20–Dec. 28}	Sept. 13–Dec. 10; Dec. 20–Dec. 28.
South Carolina	Sept. 18–Nov. 26	Sept. 18–Nov. 26	Nov. 25–Jan. 28	Deferred.
Vermont	Sept. 25–Dec. 3	Closed	Sept. 25–Nov. 28	Sept. 25–Nov. 28.
Virginia	Sept. 6–Nov. 13	Sept. 6–Nov. 13	Nov. 8–Jan. 11	Deferred.
West Virginia	Oct. 16–Dec. 24	Closed	Oct. 16–Dec. 18	Sept. 1–Dec. 16.
Seasons in the Mississippi Flyway:				
Alabama	Nov. 12–Jan. 20	Nov. 12–Jan. 20	Nov. 26–Jan. 31	Nov. 14–Feb. 28.
Arkansas	Nov. 7–Jan. 15	Closed	Dec. 1–Feb. 3	Nov. 1–Feb. 15.
Illinois	Sept. 1–Nov. 9	Closed	Oct. 15–Dec. 15	Oct. 15–Dec. 15.
Indiana	Sept. 4–Nov. 12	Closed	Sept. 18–Nov. 21	Sept. 1–Nov. 21.
Iowa (shooting hours—sunrise until sunset):	Sept. 4–Nov. 12	Closed	Sept. 18–Nov. 21	Sept. 4–Dec. 19.
Kentucky	Nov. 12–Jan. 20	Closed	{Oct. 9–Dec. 3; Dec. 11–Dec. 19}	{Oct. 9–Dec. 3; Dec. 11–Dec. 19.}
Louisiana	Nov. 6–Jan. 14	Nov. 6–Jan. 14	Dec. 4–Feb. 6	Nov. 6–Feb. 20.

See footnotes at end of table.

	Rails (Sora and Virginia)	Rails (Clapper and King)	Woodcock	Common snipe (Wilson's)
Michigan: [4]				
Zone 1	Sept. 15–Nov. 14	Closed	Sept. 15–Nov. 12	Sept. 15–Nov. 14.
Zone 2	Sept. 15–Nov. 14	Closed	Sept. 15–Nov. 14	Sept. 15–Nov. 14.
Zone 3	Sept. 15–Nov. 14	Closed	Oct. 20–Nov. 14	Sept. 15–Nov. 14.
Minnesota	Sept. 1–Nov. 4	Closed	Sept. 1–Nov. 4	Sept. 1–Nov. 4.
Mississippi	Oct. 30–Jan. 7	Oct. 30–Jan. 7	Dec. 11–Feb. 13	Nov. 25–Feb. 22.
Missouri	Sept. 1–Nov. 9	Closed	Oct. 1–Dec. 4	Oct. 1–Dec. 4.
Ohio	Sept. 1–Nov. 9	Closed	Sept. 24–Nov. 27	Sept. 1–Dec. 16.
Tennessee	Deferred	Closed	{Oct. 23–Nov. 28; Feb. 1–Feb. 28}	Oct. 23–Nov. 28; Feb. 1–Feb. 28.
Wisconsin	Deferred	Closed	Sept. 18–Nov. 21	Deferred.
Seasons in the Central Flyway:				
Colorado [6] (shooting hours—sunrise until sunset).	Sept. 1–Nov. 9	Closed	Closed	Sept. 1–Dec. 2.
Kansas	Sept. 11–Nov. 19	Closed	Oct. 9–Dec. 12	Sept. 11–Dec. 26.
Montana [4]	Closed	Closed	Closed	Deferred.
Nebraska (shooting hours—15 minutes before sunrise until sunset).	Sept. 1–Nov. 9	Closed	Closed	Sept. 15–Nov. 18
New Mexico [6]	Deferred	Closed	Deferred	Deferred.
North Dakota	Closed	Closed	Closed	Sept. 18–Nov. 21.
Oklahoma	Sept. 1–Nov. 9	Closed	Nov. 20–Jan. 16	Oct. 23–Feb. 6.
South Dakota	Closed	Closed	Closed	Sept. 1–Oct. 31.
Texas	Sept. 1–Nov. 9	Closed	Deferred	Deferred.
Wyoming [4]	Deferred	Closed	Deferred	Deferred.
Seasons in the Pacific Flyway:				
Colorado (shooting hours—sunrise to sunset).	Closed	Closed	Closed	Sept. 1–Dec. 2.

No seasons are prescribed for rails.
Snipe seasons have been deferred by all other States in the Pacific Flyway. Consult waterfowl regulations to be published later for information concerning these seasons.

[1] The bag and possession limits for sora and Virginia rails apply singly or in the aggregate of these 2 species.
[2] In addition to the limits on sora and Virginia rails, in the States of Connecticut, Delaware, Maryland, New Jersey, and Rhode Island, there is a daily bag limit of 10 and possession limit of 20 clapper and king rails, singly or in the aggregate of these 2 species, and in the States of Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Texas, and Virginia, there is a daily bag limit of 15 and possession limit of 30 clapper and king rails, singly or in the aggregate of these 2 species.
[3] In New Jersey the season for king rails is closed and the season for woodcock is closed on Nov. 5 and reopens on Nov. 6 at 9 a.m.
[4] In the State of New York, shooting hours for woodcock are sunrise until sunset daily.
[5] For description of zones or management units within a State, see the State's regulations.
[6] Seasons apply to Central Flyway portion of State only.

NOTE.—Some States may select rail, woodcock and snipe seasons at the time they select their duck seasons in August. Consult waterfowl regulations to be published later for information concerning these seasons.

Section 20.105 is amended to read as follows:

§ 20.105 Seasons, limits, and shooting hours for waterfowl, coots, and gallinules.

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species designated in this section are prescribed as follows:

(a) *Sea Ducks.* (1) An open season for taking scoter, eider, and oldsquaw ducks is prescribed according to the following table during the period between September 18, 1976, and January 20, 1977, in all coastal waters and all waters of rivers and streams seaward from the first upstream bridge in the States of Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut; in those coastal waters of the State of New York lying in Long Island and Block Island Sounds and associated bays eastward from a line running between Miamogue Point in the Town of Riverhead to Red Cedar Point in the Town of Southampton, including any ocean waters of New York lying south of Long Island; in any waters of the Atlantic Ocean and, in addition, in any tidal waters of any bay which are separated by at least one mile of open water from any shore, island, and emergent vegetation in the States of New Jersey, South Carolina, and Georgia; and in any waters of the Atlantic Ocean and/or in any tidal waters of any bay which are separated by at least 800 yards of open water from any shore, island, and emergent vegetation in the States of Delaware, Maryland, North Carolina, and Virginia: *Provided, That* any such areas have been described, delineated, and designated as special sea duck hunting areas under the hunting regulations adopted by the respective States. In all other areas of these States and in all other States in the Atlantic Flyway, sea ducks may be taken only during the regular open season for ducks.

(2) The daily bag limit is 7 and the possession limit 14, singly or in the aggregate of these species. During the regular duck season in the Atlantic Flyway, States may set in addition to the limits prescribed for such seasons a daily bag limit of 7 and possession limit of 14 scoter, eider, and oldsquaw ducks, singly or in the aggregate of these species.

(3) Shooting hours are one-half hour before sunrise until sunset daily.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS

Seasons in:	
Connecticut	Sept. 25–Jan. 8.
Delaware	Oct. 2–Jan. 15.
Georgia	Deferred.
Maine	Deferred.
Maryland	Deferred.
Massachusetts	Sept. 25–Jan. 8.
New Hampshire	Sept. 18–Jan. 2.
New Jersey	Sept. 18–Jan. 1.
New York	Sept. 22–Jan. 6.
North Carolina	Deferred.
Rhode Island	Oct. 1–Jan. 15.
South Carolina	Deferred.
Virginia	Deferred.

(4) Notwithstanding the provisions of this Part 20, the shooting of *crippled* waterfowl from a motorboat under power will be permitted in the States of Maine, Massachusetts, New Hampshire, Rhode Island, Connecticut, New York, Delaware, Virginia, and Maryland in those areas described, delineated, and designated in their respective hunting regulations as being open to sea duck hunting.

NOTE.—States with deferred seasons may select sea duck seasons at the time they select their waterfowl seasons in August. Consult waterfowl regulations to be published later for information concerning these later seasons.

(b) *Teal.* September season: An open season for teal ducks (blue-winged, green-winged and cinnamon) is prescribed according to the following table in those areas which are described, delineated, and designated in the hunting regulations of the following States:

Daily bag limit	4
Possession limit	8

Shooting hours:
All States except Tennessee—Sunrise to sunset.
Tennessee only—one hour after sunrise until one hour before sunset by State regulation.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS.

Seasons in the Mississippi Flyway:

Alabama	Sept. 18–Sept. 26
Arkansas	Sept. 18–Sept. 26
Illinois	Sept. 11–Sept. 19
Indiana [1]	Sept. 11–Sept. 19
Kentucky	Sept. 4–Sept. 12
Louisiana	Sept. 18–Sept. 26

[1] In Indiana the shooting hours are 7 a.m. to 6 p.m. E.S.T. The Jasper-Pulaski and Hovey Lake Fish and Wildlife Areas and portions of the Kankakee, LaSalle and Pigeon River Fish and Wildlife Areas are closed to teal hunting by State regulations.

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Seasons in Mississippi Flyway—Continued

Mississippi	Sept. 11–Sept. 19
Missouri	Sept. 11–Sept. 19
Ohio	Sept. 3–Sept. 11
Tennessee	Sept. 18–Sept. 26

Seasons in the Central Flyway:

Colorado [2]	Sept. 4–Sept. 12
Kansas [3]	Sept. 11–Sept. 19
New Mexico	Sept. 18–Sept. 26
Oklahoma	Sept. 11–Sept. 19
Texas	Sept. 18–Sept. 26

[2] Only in Lake and Chaffee Counties and that portion of eastern Colorado east of U.S. Highway 85 from the Wyoming State line to its intersection with U.S. Interstate Highway 25 to the New Mexico State line.

[3] The entire State is open except the Marais des Cygnes Waterfowl Management Area in Linn County and the Neosho Waterfowl Management Area in Neosho County.

(C) GALLINULES

Daily bag limit	15
Possession limit	30

Shooting hours: One-half hour before sunrise to sunset.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS.

Seasons in the Atlantic Flyway:

Connecticut	Sept. 1–Nov. 6.
Delaware	Sept. 1–Nov. 9.
Florida [1]	Sept. 1–Nov. 9.
Georgia	Deferred.
Maine	Sept. 1–Nov. 9.
Maryland	Sept. 1–Nov. 9.
Massachusetts	Sept. 1–Nov. 6.
New Hampshire	Closed.
New Jersey	Sept. 1–Nov. 9.
New York:	
North and South Zones	Sept. 1–Nov 4.
Long Island Area	Closed.
North Carolina	Sept. 1–Nov. 9.
Pennsylvania	Sept. 1–Nov. 9.
Rhode Island	Sept. 20–Nov. 28
South Carolina	Sept. 18–Nov. 26
Vermont	Sept. 25–Dec. 3.
Virginia	Deferred.
West Virginia	Deferred.

Seasons in the Mississippi Flyway:

Alabama	Nov. 12–Jan. 20.
Arkansas	Nov. 7–Jan. 15.
Illinois	Closed.
Indiana	Sept. 4–Nov. 12.
Iowa	Closed.
Kentucky	Nov. 12–Jan. 20.
Louisiana	Sept. 18–Nov. 26.
Michigan	Deferred.

See footnotes at end of table.

Seasons in Mississippi Flyway—Continued

Minnesota	Deferred
Mississippi	Oct. 30–Jan. 7.
Missouri	Sept. 1–Nov. 9.
Ohio	Sept. 1–Nov. 9.
Tennessee	Deferred.
Wisconsin	Deferred.

Seasons in the Central Flyway:

Colorado [2]	Closed
Kansas	Closed
Montana [2]	Deferred.
Nebraska	Closed.
New Mexico [2]	Deferred.
North Dakota	Closed.
Oklahoma	Sept. 1–Nov. 9.
South Dakota	Closed.
Texas	Sept. 1–Nov. 9.
Wyoming [2]	Deferred.

Seasons in the Pacific Flyway:

All States and portions thereof.	Deferred.

[1] The gallinule season in Florida applies to the Florida gallinule only. No open season on purple gallinules in Florida.

[2] Seasons apply to Central Flyway portion of State only.

NOTE.—States with deferred seasons may select gallinule seasons at the time they select their waterfowl seasons in August. Consult waterfowl regulations to be published later for information concerning these later seasons.

(d) *Canada geese in Wisconsin.* (1) In Wisconsin during the 1976–77 hunting season, the harvest quota of Canada geese will be 28,000 birds.

(2) State regulations will describe the area known as the Horicon Zone, and specify the number of geese to be harvested in that area.

(3) Seasons and limits for Canada geese:

Daily bag limit: 1.
Possession limit: 1.
Season dates: Deferred.

(4) Each person hunting Canada geese in the Horicon Zone must have been issued in his name and carry on his person a valid Horicon Zone Canada goose hunting permit with a correspondingly numbered report card and metal Canada goose tag. To be valid, the permit must remain attached to the report card until a Canada goose is reduced to possession.

(e) *Atlantic, Mississippi, and Central Flyways.*

* * * * * * *

(Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 703–711))

Effective date: August 12, 1976.

GEORGE W. MILIAS,
Acting Director,
U.S. Fish and Wildlife Service.

AUGUST 3, 1976.

[FR Doc.76-22949 Filed 8-11-76;8:45 am]

PART 32—HUNTING

National Elk Refuge, Wyoming

The following special regulation is issued and is effective August 12, 1976.

§ 32.32 Special regulations: big game; for individual wildlife refuge areas.

WYOMING

NATIONAL ELK REFUGE

Public hunting of elk on the National Elk Refuge, Wyoming, is permitted from October 23 through November 11, 1976, only on the area designated by signs as open to hunting. This open area, comprising 16,327 acres is delineated on maps available at refuge headquarters, Jackson, Wyoming, and from the Area Manager, U.S. Fish and Wildlife Service, Federal Building, Room 3035, 316 N. 26th, Billings, Montana 59101. Hunting shall be in accordance with all applicable State regulations covering the hunting of elk subject to the following special conditions:

(1) A special permit is required in addition to a valid 1976 State Elk Hunting license. Eighty special permits (for two hunt periods) shall be issued to applicants by drawing at refuge headquarters at 3:30 p.m. on Friday, October 22, 1976 and every Friday thereafter through November 5, 1976. Thirty permits will be valid for the Saturday through Monday period; ten permits valid Sunday and Monday; thirty permits valid for the Tuesday through Thursday period; and ten permits valid Wednesday and Thursday. No hunting will be permitted on Fridays.

(2) Applicants for a special permit must have a hunter safety certification or a current hunter safety instructor card.

(3) Access to the refuge shall be only through the main gate east of refuge headquarters in Jackson.

(4) Motorized vehicle travel in the hunt area is prohibited. Entry into the hunt area will be restricted to foot or horseback travel. Hunters may use horses for riding and packing. Retrieval of kills will be either by dragging, backpacking, wheeled carts (non-motorized), or by horse packing.

(5) Persons without permits may accompany special permit holders, but only permit holders are allowed to possess a firearm. Anyone entering hunt area must have fluorescent orange exterior garments.

(6) Persons successful in drawing a permit may not draw again in succeeding drawings.

(7) Citizens Band (C.B.) radios are not allowed in hunt area.

(8) Vehicles are to be parked only in designated parking areas.

(9) Permits will be revoked in the event of a violation of refuge regulations and violations can result in denial of future privileges as per the Code of Federal Regulations.

The provisions of this special regulation supplement the regulations which govern hunting on a wildlife refuge area generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 11, 1976.

DON E. REDFEARN,
Refuge Manager, National Elk Refuge, Jackson, Wyoming.

AUGUST 4, 1976.

[FR Doc.76-23536 Filed 8-11-76; 8:45 am]

PART 32—HUNTING

Clear Lake National Wildlife Refuge

The following special regulation is issued and is effective on August 28, 1976.

§ 32.32 Special Regulations; big game; for individual wildlife refuge areas.

CALIFORNIA

CLEAR LAKE NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Clear Lake National Wildlife Refuge, California, is permitted on the area designated by signs as open to hunting, and delineated on a map available at the refuge headquarters, Route 1, Box 74, Tulelake, California 96134, and from the Regional Director, Fish and Wildlife Service, P.O. Box 3737, Portland, Oregon 97208.

Hunting of big game is permitted during the period August 28 through September 6, 1976, in accordance with all applicable State regulations subject to the following special conditions:

Special Conditions: 1. Antelope only, may be hunted.

2. Only five hunters shall be allowed on the Peninsula "U" section at any one time, on a first-come first-served basis. The area will be open the following days: August 28 and 29, and September 4, 5 and 6, 1976. Entrance will be granted only at the gate located on the Clear Lake Road. This station will be opened from 6:00 a.m. to one hour after sundown. The refuge will be closed when the kill quota is reached even though the season may still be open.

The provisions of these special regulations are effective through September 6, 1976.

DONALD J. HANKLA,
Acting Regional Director,
Fish and Wildlife Service.

[FR Doc.76-23459 Filed 8-11-76;8:45 am]

PART 32—HUNTING

DeSoto National Wildlife Refuge

The following special regulation is issued and is effective on August 12, 1976.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NEBRASKA

DE SOTO NATIONAL WILDLIFE REFUGE

Public hunting of deer on the DeSoto National Wildlife Refuge, Nebraska, is permitted on the areas designated by signs as open to hunting, subject to the following special regulations:

(1) Archery deer hunting will be allowed on that portion of the area located west of the present Missouri River channel. This area, comprising 1,200 acres, is delineated on maps available at refuge headquarters and from the Area Manager, U.S. Fish and Wildlife Service, 601 E. 12th Street, Federal Building, Kansas City, Missouri 64106. Hunting shall be in accordance with all state regulations governing the hunting of deer with bow and arrow and shall be permitted only during the regular Nebraska archery season, September 18 through November 12, 1976, and November 22 through December 31, 1976.

(2) Muzzleloader deer hunting will be allowed on a limited special permit basis on that portion of the refuge located within the state of Nebraska east of the present Missouri River channel. This area contains approximately 3,350 acres. A total of 100 special permits will be issued by the Nebraska Game and Parks Department and the permit must be exhibited in order to enter upon the area. Muzzleloader rifles are the only weapons allowed and deer are the only legal wildlife species that may be taken during the muzzleloader season. Hunting will be in accordance with all applicable state and federal regulations governing the hunting of deer with muzzleloaders and shall be permitted for five consecutive days following the close of the Iowa-Nebraska waterfowl hunting seasons. Specific deer hunting dates will be determined following the establishment of waterfowl hunting season dates.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1976.

DAVID E. HEFFERNAN,
Assistant Refuge Manager, DeSoto National Wildlife Refuge, Missouri Valley, Iowa 51555.

JULY 27, 1976.

[FR Doc.76-23460 Filed 8-11-76;8:45 am]

PART 32—HUNTING

De Soto National Wildlife Refuge

The following special regulation is issued and is effective on August 12, 1976.

§ 32.32 Special Regulations: big game; for individual wildlife refuge areas.

IOWA

DE SOTO NATIONAL WILDLIFE REFUGE

Public archery hunting of deer on the DeSoto National Wildlife Refuge, Iowa, is permitted only on the area designated by signs as open to hunting. This open area comprising 660 acres is delineated on a map available at the refuge headquarters and from the Area Manager, U.S. Fish and Wildlife Service, 601 E. 12th Street, Kansas City, Missouri 64106. Hunting shall be in accordance with all state regulations governing the hunting of deer with bow and arrow and shall be permitted only during the regular Iowa archery deer season, October 2 through November 26, 1976.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations, Part 32, and are effective through November 26, 1976.

DAVID E. HEFFERNAN,
Assistant Refuge Manager, DeSoto National Wildlife Refuge, Missouri Valley, Iowa 51555.

JULY 27, 1976.

[FR Doc.76-23461 Filed 8-11-76;8:45 am]

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 240—REGULATED COMMERCIAL FISHERIES

1976 Herring Catch Quota

On May 21, 1976 there were published in the FEDERAL REGISTER (41 FR 20885), amendments to Part 240—Regulated Commercial Fisheries, Subpart E, which among other things established a catch quota for herring of 9,400 metric tons for the period January 1 to June 30, 1976, in Division 5Z of Subarea 5 and Statistical Area 6 in the ICNAF Convention Area of the Northwest Atlantic. In addition, directed fishing for herring was prohibited in Division 5Z of Subarea 5 and Statistical Area 6 during the period January 1 to June 30, 1976, with vessels greater than 110 feet (33.5 meters) in length.

At the annual meeting in Montreal, Canada, June 8–23, 1976, the International Commission for the Northwest Atlantic Fisheries (ICNAF) agreed to a total allocation of 12,400 metric tons of herring for the United States for 1976. This total annual allocation includes the 9,400 metric tons provided for the period January 1 to June 30, 1976. The prohibition of using vessels greater than 110 feet in length in a directed fishery for herring in Division 5Z of Subarea 5 and Statistical Area 6 has been removed for the remainder of 1976.

Accordingly, § 240.41 (a)(3) and (4) are revised to read as follows:

§ 240.41 Catch quota.

(a)(1) * * *

(3) The annual catch of herring by persons or fishing vessels fishing in Division 5Z of Subarea 5 and Statistical Area 6 shall not exceed 12,400 metric tons.

(4) A directed fishery for herring in Division 5Z of Subarea 5 and Statistical Area 6 is permitted with purse seiners or vessels of any length from July 1 to December 31, 1976.

These regulations are issued under the authority contained in the Northwest Atlantic Fisheries Act of 1950 (16 U.S.C. 986). Because of the need for immediate guidance with respect to the provisions contained in these regulations and the fact that they relate to a foreign affairs function of the United States under 5

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U.S.C. 553(a)(1), it is found unnecessary to issue a notice of proposed rule making under 5 U.S.C. 553(b) or subject these regulations to the effective date limitation of 5 U.S.C. 553(d). Therefore, under the provisions of 5 U.S.C. 553(d)(3) and 553(b)(B), these regulations are effective on August 12, 1976.

Issued at Washington, D.C., and dated August 9, 1976.

ROBERT W. SCHONING,
Director,
National Marine Fisheries Service.

[FR Doc.76-23471 Filed 8-11-76;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Part 1]

CUSTOMS FIELD ORGANIZATION

Proposed Change in Customs Region IV

In order to provide better Customs service in Tampa, Florida, Customs district (Region IV), it is proposed to establish a Customs port of entry at Orlando, Florida.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR, 1949–1953 Comp., Ch. II), and pursuant to authority provided by Treasury Department Order No. 190, Rev. 11 (41 FR 20198), Orlando, Florida, is hereby proposed as a Customs port of entry in the Tampa, Florida, Customs district (Region IV).

The geographical limits of the proposed port of entry will include all the territory within the following boundaries:

Beginning at the intersection of the Seaboard Coast Line Railroad right-of-way and the Bee Line Expressway (State Road No. 528), proceeding in an easterly direction along the Bee Line Expressway to its intersection with State Road No. 15, then proceeding due south to the boundary between Orange and Osceola Counties, Florida, then proceeding west along the boundary between Orange and Osceola Counties, Florida, to the Seaboard Coast Line Railroad right-of-way, then proceeding northerly along the Seaboard Coast Line Railroad right-of-way to its intersection with the Bee Line Expressway.

Prior to the adoption of the foregoing proposal, consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229, and received on or before September 13, 1976.

Written material or suggestions submitted will be available for public inspection in accordance with section 103.8 (b) of the Customs Regulations (19 CFR 103.8(b)), at the Regulations Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

Dated: August 9, 1976.

DAVID R. MACDONALD,
Assistant Secretry of the Treasury.

[FR Doc.76-23650 Filed 8-11-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 32]

HUNTING

Proposed Opening of Ottawa National Wildlife Refuge, Ohio, to Hunting of Migratory Game Birds

Notice is hereby given that it is proposed that 50 CFR Part 32 be amended by the addition of the Ottawa National Wildlife Refuge, Ohio, to the list of refuge areas open for the hunting of migratory game birds, which is published at 50 CFR § 32.11.

Pursuant to the authority of 16 U.S.C. § 668dd(d), as redelegated to the Director of the United States Fish and Wildlife Service at DM 242.1.1, the Director may open refuge areas to public hunting upon a determination that it would be in accordance with provisions of all laws applicable to the area, would be compatible with the principles of sound wildlife management, would otherwise be in the public interest and that such use is compatible with the major purposes for which such areas were established. As a general rule, most areas within the National Wildlife Refuge System are closed to hunting until officially opened by regulation. It is the purpose of this proposed rulemaking to allow the hunting of migratory game birds on the Ottawa National Wildlife Refuge, which is presently prohibited.

Furthermore, pursuant to the requirements of § 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. § 4332(2)(C)), an environmental assessment has been prepared on this proposal which will help determine whether this rulemaking constitutes a major federal action significantly affecting the human environment. A copy of this assessment is available at the address below.

The policy of the Department of the Interior is, whenever practical, to afford the public an opportunity to participate in the rulemaking process. Therefore, interested persons may submit written comments, suggestions, or objections regarding the proposed amendment to the Regional Director, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111 by September 10, 1976.

Accordingly, it is proposed to amend § 32.11, in Title 50 of the Code of Federal Regulations by the addition of:

OHIO

Ottawa National Wildlife Refuge

Dated: August 6, 1976.

LYNN A. GREENWALT,
Director,
U.S. Fish and Wildlife Service.

[FR Doc.76-23422 Filed 8-11-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 911]

HANDLING OF LIMES GROWN IN FLORIDA

Consideration is being given to the following proposal, as hereinafter set forth, which would continue through October 30, 1976, suspension of the use of 10-pound containers for the handling of fresh Florida limes. Such suspension is scheduled to end on August 28. The suspension is effective under Lime Regulation 27 (38 FR 12323; 15726; 41 FR 19299; 30343) which continues to authorize the use of six containers with minimum content requirements of 20 pounds and 38 pounds, net weight of limes.

The proposed amendment was submitted by the Florida Lime Administrative Committee, established under the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal reflects the committee's appraisal of present and prospective marketing conditions for limes.

The committee reports that trade reaction has been favorable during the period of suspension of the 10-pound containers and that supplies of limes will continue heavy through October 30. Limiting shipments to the larger 20- and 38-pound containers results in lower container costs and handling and marketing charges for a given volume of limes. Indications are that the lower packing charges enables lower f.o.b. prices. Such prices should encourage increased sales during the period of heaviest lime supplies and help maintain orderly marketing conditions.

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same in quadruplicate with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than August 18, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Such proposal reads as follows:

Amend the provisions of paragraph (a)(2) of § 911.329 (Lime Regulation 27; 38 FR 12323; 15726; 41 FR 19299; 30343) to read as follows:

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§ 911.329 Lime Regulation 27.

(a) • • •

(2) During the period August 29, 1976, through October 30, 1976, no handler shall handle any variety of limes, grown in the production area, in containers having inside dimensions of 12 x 9⅝ x 3¾ inches and 12 x 9⅝ x 5 inches: *Provided*, That during such period and thereafter no handler shall handle between the production area and any point outside thereof any variety of limes, grown in the production area, in individual bags having a capacity of more than 4 pounds net weight of limes.

• • • • • •

Dated: August 9, 1976.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-23544 Filed 8-11-76;8:45 am]

[7 CFR Part 927]

BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

Proposed Rulemaking

This notice invites written comments relative to the continuation of Pear Regulation 15 (§ 917.315; 41 FR 31181) which will expire on September 15, 1976. Said regulation specifies that all interstate shipments of fresh Beurre D'Anjou, Beurre Bosc, Winter Nelis, and Doyenne du Comice varieties of winter pears grown in Oregon, Washington, or California must meet certain grade, size and other requirements. Those requirements for Beurre D'Anjou variety are that such pears grade at least U.S. No. 2 and be not smaller than 165 size. However, any handler may ship a quantity of 180 size that grade at least U.S. No. 1 which quantity may not exceed 2 percent of his total D'Anjou shipments grading U.S. No. 1 or better. Beurre D'Anjou pears bearing unhealed skin punctures not exceeding 3/16 inch in diameter may be shipped if they otherwise grade at least U.S. No. 1 and are not smaller than 135 size. All such pears shipped from the Medford, Hood River-White Salmon-Underwood, Wenatchee, and Yakima Districts must have had their core temperature lowered to 35° Fahrenheit, or less, prior to shipment as certified by the Federal-State Inspection Service.

Beurre Bosc pears must grade at least U.S. No. 2 and be not smaller than 180 size. Beurre Bosc pears bearing unhealed skin punctures not exceeding 3/16 inch in diameter may be shipped if they otherwise grade at least U.S. No. 1 and are not smaller than 135 size.

Winter Nelis pears must grade at least U.S. No. 2 and be not smaller than 195 size.

Doyenne du Comice pears must grade at least U.S. No. 2 and be not smaller than 165 size, however, such pears bearing unhealed skin punctures not exceeding 3/16 inch in diameter may be shipped if they otherwise grade at least U.S. No. 1 and are not smaller than 135 size.

The regulation also provides that any handler may ship not more than 200 standard western pear boxes of any variety of uninspected pears on a single conveyance after having secured permission from the Control Committee to do so. All such shipments must be reported to the committee to facilitate spot check inspections.

Accordingly, consideration is being given to the following proposal submitted by the Control Committee, established pursuant to the marketing agreement, as amended, and Order No. 927, as amended (7 CFR Part 927), which regulate the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposal is to amend § 927.315 (Pear Regulation 15; 41 FR 31181) to continue the effective period thereof through Jnue 30, 1977, except that the aforementioned core temperature requirements for Beurre D'Anjou pears would be continued through October 15, 1976. Unless so amended the regulation will expire on September 15, 1976.

All persons who desire to submit written data, views, or arguments for consideration in connection with Winter Pear Regulation 15, as published in the FEDERAL REGISTER on July 27, 1976 (41 FR 31181), or the proposed amendment published herein, shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than August 27, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed regulation is as follows:

§ 927.315 Pear regulation 15.

Order. (a) During the period August 1, 1976, through June 30, 1977, no handler shall ship any of the following varieties of pears which do not meet the requirements hereinafter specified.

(1) Beurre D'Anjou pears shall be of a size not smaller than 165 size and shall grade at least U.S. No. 2 except that any handler may ship a quantity of Beurre D'Anjou pears that are not smaller than 180 size and not less than U.S. No. 1 grade which quantity shall not exceed 2 percent of the total U.S. No. 1 or better grades of such variety shipped by the handler, during the aforesaid period: *Provided*, That pears of such variety which bear unhealed skin punctures not exceeding 3/16 of an inch in diameter may be shipped if they otherwise grade at least U.S. No. 1 and are of a size not smaller than 135 size;

(2) Beurre D'Anjou pears shipped from the Medford, Hood River-White Salmon-Underwood, Wenatchee, and Yakima Districts through October 15, 1976, shall have an appropriate certification by the Federal-State Inspection Service, issued prior to shipment, showing that the core temperature of such pears has been lowered to 35° Fahrenheit or less;

(3) Beurre Bosc pears shall grade at least U.S. No. 2 and shall be of a size not smaller than 180 size: *Provided*, That pears of such variety which bear unhealed skin punctures not exceeding 3/16 of an inch in diameter may be shipped if they otherwise grade at least U.S. No. 1 and are of a size not smaller than 135 size;

(4) Doyenne du Comice pears shall be of a size not smaller than 165 size and shall grade at least U.S. No. 2: *Provided*, That pears of such variety which bear unhealed skin punctures not exceeding 3/16 of an inch in diameter may be shipped if they otherwise grade at least U.S. No. 1 and are of a size not smaller than 135 size; and

(5) Winter Nelis pears shall be of a size not smaller than 195 size and shall grade at least U.S. No. 2.

(b) During the aforesaid period, each handler may ship on any one conveyance up to, but not to exceed, 200 standard western pear boxes of any variety of pears, or an equivalent quantity of pears in other containers computed by weight to the nearest 5 pounds, without regard to the inspection requirements of § 927.60(a), under the following conditions:

(1) Each handler desiring to make shipments of pears pursuant to this paragraph shall first apply to the committee, on forms furnished by the committee, for permission to make such shipments. At the time of any such shipment the handler shall report to the committee, on forms supplied by the committee, the car or truck number and the destination of the shipment.

(2) On the basis of such individual reports the committee shall require spot check inspection of such shipments.

(c) When used herein, "U.S. No. 1" and "U.S. No. 2" shall have the same meaning as when used in the United States Standards for Winter Pears such as Anjou, Bosc, Winter Nelis, Comice, and Other Similar Varieties (7 CFR 51.1300–51.1323); "135 size", "165 size", "180 size", and "195 size" shall mean that the pears of such designated sizes will pack, in accordance with the sizing and packing specifications of a standard pack as specified in said United States Standards, 135, 165, 180, or 195 pears, respectively, in a standard western pear box (inside dimensions 18 inches long by 11½ inches wide by 8½ inches deep); and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.)

Dated: August 9, 1976.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-23543 Filed 8-11-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1]

[Docket No. 75P-0370]

SMALL INDIVIDUAL SERVING SIZE PACKAGED FOODS

Type-Size Exemption for Package Labels

The Food and Drug Administration (FDA) is proposing to permit a 1/32-inch type size to be used to print the information required on the labels of small packaged foods if the food is for institutional food service use and if there is insufficient space on the package to print the information required by existing regulations. Comments may be filed on or before October 12, 1976.

The Commissioner of Food and Drugs received a petition on behalf of Avoset Food Corp., a SmithKline Corp., Philadelphia, PA, proposing to amend § 1.8d (c) (21 CFR 1.8d(c)) to permit use of 1/32-inch type for information specified in § 1.8d(b) as required for labels of single-serving packages of foods or condiments intended principally for institutional food service use. The petitioner requested that § 1.8d(c) be amended by adding a new paragraph to read as follows:

§ 1.8d—Food labeling; information panel.

• • • • • •

(c) • • •

(5) Packaged foods are exempt from the type-size requirements of this paragraph: *Provided*, That

(i) The package is designed such that it has a single surface available to bear labeling, whose total printable area is less than three (3) square inches.

(ii) The package is designed to contain a single serving of food or condiment.

(iii) The package is intended principally for institutional food service use.

(iv) The label information includes a full list of ingredients in accordance with regulations in this part and the policy expressed in § 3.88 of this chapter.

(v) The information required by paragraph (b) of this section appears in accordance with the provisions of this paragraph (c) except that the type-size is not less than 1/32 inch in height.

In support of the proposal, the SmithKline Corp. contended that small-portion foods such as salad dressings, cream, table sirups, and others intended principally for institutional food service in prepackaged single-serving containers are subject to labeling requirements of § 1.8d. The packages are often designed so that the food is held in a cup that is covered with foil or paper laminate that adheres to the rim of the cup so as to seal the container. The petitioner asserted that this cover, which has no more than 3 square inches available to bear labeling, provides the only suitable label space and that space is insufficient to print all information required by § 1.8d (b).

Further, the petitioner stated that the proposed regulation provides a practical alternative to existing type size requirements: even in the absence of nutrition information labeling, it is often physically impossible to comply with the existing regulations.

The stated intent of the petitioner's proposal is to permit information on package labels of single servings of food or condiments to be printed in not less than 1/32-inch type size and that there be no requirement that nutrition labeling be included, provided there is insufficient space available to print the required information in the not less than 1/16-inch type size as presently required by § 1.8d(c).

The full petition is available for inspection at the Office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852.

The Commissioner has considered the petition and agrees that the proposal should be published for comment. However, the regulation as proposed by the petitioner would also have the effect of exempting packages of food sold at retail. Because the Commissioner has noted consistent consumer objections to type size exemption for retail package labels, and because the petitioner presented no information showing that such an exemption was needed for packages sold at retail, the Commissioner is proposing to exclude from the exemption the labels of small packaged foods intended for retail sale.

The regulation proposed by the petitioner would also exempt the labels of all packaged foods having a single surface available to bear labeling if the printable area is less than 3 square inches, whether or not there is sufficient space to print the information in the required type size. For example, although there may be insufficient space available on the package label to print the required information for a food such as a "salad dressing" in a type size of not less than 1/16 inch in height, there would likely be space available on a package label of the same size to print in 1/16-inch type the required information for a food such as "cream". The Commissioner has consistently opposed exemptions because of small label size if available container or package area has not been fully used. The Commissioner has also opposed type-size exemptions on the basis of insufficiency of labeling space if it is caused by including nonmandatory information or giving unnecessary prominence to required information. Accordingly, the Commissioner advises that packages having sufficient space available to meet present labeling requirements would not be entitled to the proposed exemption, regardless of the size of the printable area. Packages that have sufficient area for printing the required information in a 1/16-inch type size will be required to do so.

The Commissioner is proposing to expand the exemption to include packages with more than one surface available to bear labeling if the total printable area is less than 3 square inches. The petitioner based its proposal on a particular packaging style, i.e., a cup sealed with foil or paper laminate adhering to the rim. On this basis, the petitioner proposed that the exemption be applicable to packages having a single surface available to bear labeling. The Commissioner recognizes that there may be other packaging styles that have more than a single surface available to bear labeling but that nevertheless have a total surface area of 3 square inches or less available to bear labeling. The Commissioner, therefore, concludes that the proposed exemption should not be limited to packages with a "single surface available to bear labeling" and is deleting this provision from the proposed regulation; so, when the other conditions are met, the exemption will be applicable to packages of other designs with 3 square inches or less of surface area available for labeling.

The Commissioner has carefully considered the environmental effects of the proposed regulation and, because the proposed action would not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. The Commissioner has also carefully considered the inflation impact of the proposed regulation in accordance with Executive Order 11821, OMB Circular A–107, and the Guidelines issued by the Department of Health, Education, and Welfare. No major inflation impact has been found. Copies of the FDA environmental and inflation impact assessments are on file with the Hearing Clerk, Food and Drug Administration.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201, 403, 701 (a), 52 Stat. 1040–1042 as amended, 1047–1048 as amended, 1055 (21 U.S.C. 321, 343, 371(a))) and under authority delegated to him (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), the Commissioner proposes that Part 1 be amended in § 1.8d by adding new paragraph (c) (5) to read as follows:

§ 1.8d Food labeling: Information panel.

• • • • • •

(c) • • •

(5) Individual serving-size packages of food served with meals in restaurants, institutions, and on board passenger carriers, and not intended for sale at retail, are exempt from type-size requirements of this paragraph, provided:

(i) The package has a total area of less than 3 square inches available to bear labeling;

(ii) There is insufficient area on the package available to print all required information in a type size of 1/16 inch in height;

(iii) The label information includes a full list of ingredients in accordance with regulations in this part and the policy expressed in § 3.88 of this chapter; and

(iv) The information required by paragraph (b) of this section appears on the label in accordance with the provisions of this paragraph, except that the type size is not less than 1/32 inch in height.

• • • • • •

Interested persons may, on or before October 12, 1976, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville,

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MD 20852, written comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: August 6, 1976.

JOSEPH P. HILE,
Acting Commissioner of Food and Drugs.

[FR Doc.76-23468 Filed 8-11-76;8:45 am]

[21 CFR Part 500]

[Docket No. 76N-0287]

TIMED-RELEASE DOSAGE FORM DRUGS FOR VETERINARY USE

Proposal To Require NADA Approval

The Food and Drug Administration proposes to redesignate and amend the timed-release dosage form regulation as it relates to new animal drug status. Interested persons have until October 12, 1976, to submit comments.

In the FEDERAL REGISTER of May 9, 1959 (24 FR 3756), the Commissioner of Food and Drugs issued § 200.31 *New drug status of timed-release dosage form drugs* (21 CFR 200.31, formerly § 3.512 before recodification published in the FEDERAL REGISTER of March 27, 1975 (40 FR 13996)) providing that dosage form drugs that are designed to release the active ingredient(s) over a prolonged period are not generally recognized as safe for such use and therefore are new drugs as defined in section 201(p) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(p)). When this section was promulgated, section 201(p) of the act did not distinguish between new drugs for use in man and those for use in other animals. At the time the Animal Drug Amendments of 1968 (Pub. L. 90-399) redefined section 201(p) of the act to exempt from its provisions a new animal drug and established a new section 201(w) (21 U.S.C. 321(w)) defining a new animal drug, § 200.31 was not revised accordingly, even though its provisions continued to apply to timed-release drugs for use in animals.

The Commissioner is now proposing a new regulation regarding timed-release drugs for use in animals; it provides that in addition to questions relating to the safety of such articles, questions relating to their effectiveness must be addressed. Enactment of the Drug Amendments of 1962 included the additional requirement that drugs must be shown to be effective before approval.

Drugs produced in timed-release dosage form are designed to release the active ingredients of the drugs over a prolonged period of time. It is possible that an unsafe overdosage of drugs could occur if such products are improperly made and the active ingredients are released at one time or over too short a time interval; also, such products may not be effective if the active ingredients are not released at the proper rate. All timed-released dosage form drugs for veterinary use are regarded as new animal drugs within the meaning of section 201(w) of the act. The labeling claims of this kind of drug product, i.e., claims of delayed, prolonged, controlled, or sustained release of all or only some of the active ingredients of a drug, have no effect on the new animal drug status of such article.

An NADA is necessary to demonstrate safety and effectiveness of the drug by establishing that the article is properly made to assure a controlled release of the total dosage of the active drug ingredient(s) at a safe and effective rate. Data submitted in the NADA must demonstrate that the formulation and manufacturing procedures for the drug will ensure release of the active ingredient(s) of the drug at a safe and effective rate under conditions of use and that these release characteristics will be maintained until the expiration date of the drug. When the drug is used in food-producing animals, food from such animals must be evaluated for safety because drug residues may be present.

Timed-release dosage form animal drugs that are introduced into interstate commerce are deemed to be adulterated within the meaning of section 501(a)(5) of the act (21 U.S.C. 351(a)(5)) and subject to regulatory action unless such animal drug is the subject of an approved NADA. The interim marketing provisions of § 510.450 (21 CFR 510.450) do not apply to timed-release products covered under the proposed regulation below.

The Commissioner has carefully considered the environmental effects of the proposed regulation and, because the proposed action will not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. The Commissioner has also carefully considered the inflation impact of the proposed regulation as required by Executive Order 11821, OMB Circular A-107, and the Guidelines issued by the Department of Health, Education, and Welfare, and no major inflation impact has been found. Copies of the FDA environmental and inflation impact assessments are on file with the Hearing Clerk, Food and Drug Administration.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 512, 701 (a), 52 Stat. 1055, 82 Stat. 343-351 (21 U.S.C. 360b, 371(a))) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), it is proposed that Part 500 be amended in Subpart B by adding § 500.26 to read as follows:

§ 500.26 Timed-release dosage form drugs.

(a) Drugs are being offered in dosage forms that are designed to release the active ingredients over a prolonged period of time. There is a possibility of unsafe overdosage or ineffective dosage if such products are improperly made and the active ingredients are released at one time, over too short or too long a period of time, or not released at all. Drugs marketed in this form, which are referred to by such terms as timed-release, controlled-release, prolonged-release, sustained-release, or delayed-release drugs, are regarded as new animal drugs within the meaning of section 201(w) of the Federal Food, Drug, and Cosmetic Act.

(b) Timed-release dosage form animal drugs that are introduced into interstate commerce are deemed to be adulterated within the meaning of section 501(a)(5) of the act and subject to regulatory action unless such animal drug is the subject of an approved new animal drug application as required by paragraph (a) of this section.

(c) The fact that the labeling of this kind of drug may claim delayed, prolonged, controlled, or sustained-release of all or only some of the active ingredients does not affect the new animal drug status of such articles. A new animal drug application is required in any such case.

(d) New animal drug applications for timed-release dosage form animal drugs must contain, among other things, data to demonstrate safety and effectiveness by establishing that the article is manufactured using procedures and controls to ensure release of the total dosage at a safe and effective rate. Data submitted in the new animal drug application must demonstrate that the formulation of the drug and the procedures used in its manufacture will ensure release of the active ingredient(s) of the drug at a safe and effective rate and that these release characteristics will be maintained until the expiration date of the drug. When the drug is intended for use in food-producing animals, data submitted must also demonstrate that, with respect to possible residues to the drug, food derived from treated animals is safe for consumption.

Interested persons may, on or before October 12, 1976, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: August 5, 1976.

JOSEPH P. HILE,
Acting Commissioner of Food and Drugs.

[FR Doc.76-23469 Filed 8-11-76;8:45 am]

Office of Education

[45 CFR Part 146]

MODERN FOREIGN LANGUAGE AND AREA STUDIES

Proposed Mandatory Requirements

In accordance with section 503 of the Education Amendments of 1972 (Pub. L. 92-318) and pursuant to the authority contained in Title VI of the National Defense Education Act of 1958, as amended (20 U.S.C. 511-513), the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Title 45 of the Code of Federal Regulations by amending Part 146, with accompanying guidelines, to read as set forth below.

The proposed regulations contains all mandatory requirements for the program. The guidelines contain material in the nature of suggestions and recommendations for program management and operation.

1. PROGRAM PURPOSE

It is the purpose of this part to provide Federal financial assistance to institutions of higher education (a) for the establishment and operation of centers for the teaching of modern foreign languages and such other related fields needed to provide a full understanding of the areas in which such languages are commonly used and international studies with other than a modern foreign language and area studies focus, (b) for the establishment and operation of programs in international studies and the international aspects of professional and other fields of study at the undergraduate level and graduate level, (c) for the award of fellowships to individuals undergoing advanced training in any center, or under any program receiving Federal financial assistance under the Act, and (d) for research, including (1) the conduct of studies and surveys to determine the need for increased or improved instruction in modern foreign languages and other related fields; (2) research on more effective teaching methods; and (3) development of specialized materials for training in foreign languages or related fields.

(20 U.S.C. 511, 512)

2. SECTION 503 PROCEDURES AND EFFECT

Section 503 of the Education Amendments of 1972 requires the Commissioner to study all rules, regulations, guidelines, or other published interpretations or orders issued by him or by the Secretary after June 30, 1965, in connection with, or affecting, the administration of Office of Education programs; to report to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representative concerning such study; and to publish in the FEDERAL REGISTER such rules, regulations, guidelines, interpretations, and orders, with an opportunity for public hearing on the matters so published. The regulations and guidelines proposed below reflect the results of this study as it pertains to programs authorized by Title VI of the National Defense Education Act of 1958. Upon publication of the revised Part 146 in final form, after comments and hearing, all preceding rules, regulation, guidelines, and other published interpretations and orders issued in connection with or affecting Title VI of the National Defense Education Act will be superseded, effective 30 days after such publication.

3. EFFECT OF OFFICE OF EDUCATION GENERAL PROVISIONS REGULATIONS

The proposed regulations do not include provisions relating to general fiscal and administrative matters which are covered in the overall Office of Education General Provsions Regulation (45 CFR 100a).

4. CITATIONS OF LEGAL AUTHORITY

As required by section 431(a) of the General Education Provisions Act (20 U.S.C. 1232(a)) and section 503 of the Education Amendments of 1972 (Pub. L. 92-318), a citation of statutory or other legal authority for each section or other division of the regulations and guidelines has been placed in parentheses on the line following the text of the section.

On occasion, a citation appears at the end of a subdivision of the section. In that case the citation is to all that appears in that section between the citation and the next preceding citation. When the citation appears only at the end of the section, it applies to the entire section.

5. OPPORTUNITY FOR PUBLIC HEARING

Pursuant to section 503(c) of the Education Amendments of 1972, the Commissioner will provide interested parties an opportunity for a public hearing on these regulations and guidelines. A hearing will be held on September 28, 1976, commencing at 10 a.m., at the Office of Education in the auditorium of Regional Office Building Three, located at 7th and D Streets, SW., Washington, D.C. 20202. The purpose of the hearing is to receive comments and suggestions on the published materials. Parties interested in attending the hearing should notify the Office of Education, 400 Maryland Avenue, SW., Room 4012, FOB 6, Washington, D.C. 20202, Attention: Chairman, Office of Education Task Force on section 503, and are urged to shubmit a written copy of their comments with such notification. Each party planning to make oral comments at the hearing is urged to limit his or her presentation to a maximum of fifteen minutes.

Written comments and recommendations may also be sent to the above address. All relevant material received prior to the date of the hearing will be considered. Comments and suggestions submitted in writing will be available for review in the above office between the hours of 8:30 a.m. and 4:00 p.m. Monday through Friday of each week.

(Catalog of Federal Domestic Assistance Nos. 13.434 (Foreign Language and Area Studies—Fellowships), 13.435 (Foreign Language and Area Studies—Centers), and 13.436 (Foreign Language and Area Studies—Research))

Dated: May 27, 1976.

T. H. BELL,
U.S. Commissioner of Education.

Approved: August 4, 1976.

MARJORIE LYNCH,
Acting Secretary of Health, Education, and Welfare.

Part 146 is revised to read as follows:

PART 146—MODERN FOREIGN LANGUAGE AND AREA STUDIES

Subpart A—General Provisions

Sec.
146.1 Scope and purpose.
146.2 Definitions.
146.3 General provisions regulations.

Subpart B—International Studies Centers

146.11 Scope.
146.12 Core instructional activities.
146.13 Educational outreach activities.
146.14 Criteria for selection of centers.
146.15 Applications.
146.16 Allowable costs.
146.17 Multiyear projects.

Subpart C—Graduate and Undergraduate International Studies Programs

146.21 Scope.
146.22 Graduate international studies programs: activities.
146.23 Undergraduate international studies programs: activities.
146.24 Criteria for selection of graduate and undergraduate international studies programs.
146.25 Applications.
146.26 Allowable costs.
146.27 Multiyear projects.

Subpart D—Foreign Language and Area Studies Fellowships

146.31 Fellowship authorization.
146.32 Allocation of fellowships among institutions.
146.33 Criteria for determination of institutional fellowship quotas.
146.34 Institutional applications.
146.35 Student eligibility.
146.36 Application and selection of fellows.
146.37 Duration, amount, and payment of fellowships.
146.38 Employment.
146.39 Oath and criminal information.
146.40 Student responsibilities.
146.41 Responsibilities of institutions receiving quotas of fellowships.

Subpart E—Research and Studies

146.51 Scope.
146.52 Eligible applicants.
146.53 Applications.
146.54 Research activities.
146.55 Criteria for selection of research projects.

AUTHORITY: Sec. 503 Education Amendments of 1972, Pub. L. 92-318; Title VI, National Defense Education Act of 1958 (20 U.S.C. 511-513).

Subpart A—General Provisions

§ 146.1 Scope and purpose.

It is the purpose of this part to provide Federal financial assistance to institutions of higher education (a) for the establishment and operation of centers for the teaching of modern foreign languages and such other related fields needed to provide a full understanding of the areas in which such languages are commonly used and international studies with other than a modern foreign language and area studies focus, (b) for the establishment and operation of programs in international studies and the international aspects of professional and other fields of study at the undergraduate level and graduate level, (c) for the award of fellowships to individuals undergoing advanced training in any center, or under any program receiving Federal financial assistance under the Act, and

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(d) for research, including (1) the conduct of studies and surveys to determine the need for increased or improved instruction in modern foreign languages and other related fields; (2) research on more effective teaching methods; and (3) development of specialized materials for training in foreign languages or related fields.

(20 U.S.C. 511, 512)

§ 146.2 Definitions.

(a) "Act" means Title VI of the National Defense Education Act of 1958 as amended.

(20 U.S.C. 511–513)

(b) "Academic year" means a period of time, generally not less than 8 months, in which a full-time student would normally be expected to complete the equivalent of two semesters, two trimesters, or three quarters.

(c) "Center" means an officially designated academic unit of an institution of higher education (or a combination of institutions), with its own administrative structure, encompassing various academic disciplines, such as anthropology, art, business, economics, education, history, law, music, and political science, through which a concentration of educational resources is made available for training in modern foreign languages, for instruction in related fields needed to provide a full understanding of the areas, regions, or countries in which such languages are commonly used, or for training and research in international studies and the international aspects of professional and other fields of study.

(20 U.S.C. 511–512)

(d) "Institution of higher education" means an institution of higher education as defined in section 103(b) of the National Defense Education Act of 1958.

(20 U.S.C. 403)

(20 U.S.C. 511–512 unless otherwise noted)

§ 146.3 General provisions regulations.

Assistance under this part is subject to the applicable provisions of Subchapter A of this chapter relating to fiscal, administrative property management, and other matters (General Provisions for Office of Education Programs—45 CFR 100a).

(20 U.S.C. 511–512)

Subpart B—International Studies Centers

§ 146.11 Scope.

(a) The Commissioner is authorized to award grants to and contracts with institutions of higher education or consortia of such institutions to pay part of the costs of operating international studies centers. A center may be one of the following two types:

(1) One type of center will provide instruction primarily during the academic year on both the graduate level and the undergraduate level (unless undergraduate instruction is not offered at the institution) in modern foreign languages and area studies or in international studies with other than a modern foreign language and area studies focus.

(2) The other type of center will offer instruction during the academic year on the undergraduate level in modern foreign language and area studies or international studies with other than a modern foreign language and area focus. This undergraduate center shall provide training for students planning to continue their study at the graduate or professional level and shall also help to prepare students for direct entrance into a profession, such as education or business, in which specialized training in international studies plays a significant role.

(b) Such centers may focus upon one world region and offer instruction in its principal languages and in related disciplines necessary to provide a full knowledge of that area or they may focus upon international or comparative multidisciplinary studies. The majority of the centers funded, either at the undergraduate, graduate, or combined graduate and undergraduate levels, will focus on single world areas. Such world areas include East Asia (including Japan, China, and Korea), South Asia (India, Sri Lanka, and Pakistan), the Middle East (including North Africa), the Soviet Union and Eastern Europe, Africa, Latin America, Southeast Asia (including Indonesia and the Philippines as well as Vietnam, Cambodia, Laos, Thailand, Malaysia, and Burma), contemporary Western Europe, Canada, and Inner Asia. Of the total number of centers assisted, it is anticipated that not more than 20 percent will be undergraduate centers and not more than 20 percent will be centers with other than a primary focus on foreign language and area studies, such as comparative area studies or international affairs.

(c) Center activities shall be carried out primarily within the United States and principally on the campus (or campuses) of the institution(s) involved.

(20 U.S.C. 511(a))

§ 146.12 Core instructional activities.

(a) Centers offering instruction in modern foreign language and area studies must concentrate on one world region (such as East Asia or Africa) and offer instruction in two or more of that region's principal languages. They shall also offer instruction in other fields which are needed to provide a full understanding of the areas, regions, or countries in which the languages are commonly used.

(b) Centers offering instruction in international studies with other than a single area studies focus may offer instruction in international relations (such as diplomacy, law, economics, and politics), in comparative approaches to topics of transnational concern (such as food and hunger, international trade and business, energy and environment), or with an interregional studies focus. This type of center must also provide multidisciplinary instruction and foreign language training.

(c) All centers shall include in their core offerings both interdisciplinary approaches to the world area or topic of the center and a wide range of disciplines, such as anthropology, economics, fine arts, geography, history, music, philosophy and religion, political science, and sociology, which may be needed for improved understanding of that world area or topic. Centers shall also incorporate in their core instructional offerings, where relevant, professional training in such fields as education, business, journalism, architecture and urban planning, law, public administration, library science, and the health professions, if such training is available at their institutions. Linkages with such professional training programs may be accomplished in a variety of ways, such as cross-listing of courses and cross-registration, offering of courses on the area or topic of the center's focus in the professional school, preparation of special center courses designed for students in professional training, and formulation of joint degree programs.

(20 U.S.C. 511(a))

§ 146.13 Educational outreach activities.

(a) In addition to the instruction provided in § 146.12, centers shall provide two or more of the services listed in paragraph (b) of this section (educational outreach activities) to agencies, organizations, and individuals interested in the resources of the center but not a part of the institution(s) operating the center, except that at least one of the services shall be a service listed in paragraphs (b) (1) or (2) of this section.

(b) Outreach activities may include—

(1) Assistance, such as sharing of library resources, faculty workshops, and cross-registration of students, to other institutions of higher education, particularly those with teacher education programs and two-year colleges;

(2) Assistance, such as in-service teacher training, bibliographic assistance, textbook evaluation, curriculum development, and direct instructional services, to state and local elementary and secondary educational agencies;

(3) Assistance, such as workshops and special courses, to the business community; and

(4) Sharing of resources, such as general lectures, films, and book and art exhibits, with the community at large.

(c) Centers shall expend an amount for outreach activities which represents at least 15 percent of the grant funds awarded under the subpart.

(20 U.S.C. 511(a))

§ 146.14 Criteria for selection of centers.

(a) In addition to evaluation on the basis of criteria found in the Office of Education General Provisions 45 CFR 100a.26(b), the Commissioner will further evaluate applications for Federal support to operate international studies centers in accordance with the following criteria:

(1) The quality of the institution's existing instruction for the world area or topic for which Federal assistance is requested, as evidenced by existing course offerings, faculty qualifications, and the nature and extent of relevant library holdings;

(2) The extent to which the proposed instructional activities of the center will

strengthen existing international studies of the institution both in range and in depth;

(3) The degree of the center's intra-institutional cooperation; i.e., the extent to which cooperative arrangements have been worked out with other departments, schools, and special and professional programs on campus and the extent to which the center includes appropriate multi-and inter-disciplinary instruction;

(4) The reasonableness of the allocation of Federal funds among center activities;

(5) The amount and percentage of financial support to be provided to the center by the institution during the grant period. Such support may be measured in terms of the number of tenured faculty in the center, the percent of their time spent on the center's program and the extent to which the core program is built into the regular budget of the institution, including the estimated support for the second and third years of the proposed project;

(6) The regular coursework, language training, courses in area or international studies, and provisions for overseas experience which will be provided students participating in center programs;

(7) The nature and extent of assistance to be provided by the center for educational outreach activities; and

(8) The extent to which provision is made by the institution for overseas experience for faculty and students, and for cooperation with foreign scholars, institutions, and governments.

(b) In order to help achieve a reasonable geographic distribution of Title VI international studies centers throughout the United States the Commissioner will, consistent with desired program excellence, take into account the proximity of any proposed center to any other center focusing on the same world area or specialized field of study in awarding grants under this program.

(20 U.S.C. 511(a))

§ 146.15 Applications.

(a) Applicants for funds under this subpart shall file an application with the Commissioner before the closing date for such applications established annually by the Commissioner. Such applications shall describe the activities to be undertaken and shall contain sufficient information to enable the Commissioner to evaluate the application on the basis of the criteria established in § 146.14.

(b) Applications from a consortium of institutions of higher education shall designate one of the member institutions as the grantee institution.

(20 U.S.C. 511(a))

§ 146.16 Allowable costs.

(a) Funds awarded under this subpart may be used to pay for those costs reasonably related to the operation of a center.

(b) Funds awarded under this subpart may not be used for financial assistance for students or for center research.

(20 U.S.C. 511(a))

§ 146.17 Multiyear projects.

(a) The Commissioner may require that institutions applying for assistance under this subpart project their goals and activities over a three-year period. Multiyear approval is intended to offer projects a reasonable degree of stability over time and to facilitate additional long range planning.

(b) Approval of multiyear projects shall not commit the Federal government to provide financial assistance from appropriations not currently available and the funding of these projects after the initial year of support is subject to annual evidence of satisfactory performance and the availability of funds.

(20 U.S.C. 511(a)).

Subpart C—Graduate and Undergraduate International Studies Programs

§ 146.21 Scope.

The Commissioner is authorized to award grants to and contracts with institutions of higher education or consortia of such institutions to pay part of the costs of establishing and operating graduate and undergraduate international studies programs. Such programs will focus on the development of international components in course offerings and new methods for teaching international studies.

(20 U.S.C. 511(a))

§ 146.22 Graduate international studies programs: activities.

(a) The Commissioner may award grants to and contracts with institutions of higher education conferring post-baccalaureate degrees or to consortia of such institutions to assist in the initiation and development of (1) international components for existing problem- or topic-oriented courses of study or (2) instruction on a problem or topic of contemporary concern to an existing international studies program. The resulting program must provide instruction related to more than one of the world regions listed in § 146.11(b) and shall provide course offerings of a comparative or interdisciplinary nature that will strengthen linkages among disciplines and among various international studies programs and professional schools. Such programs will bring an interdisciplinary and comparative focus to problems, issues, or topics of mutual concern among nations.

(b) Institutions must make foreign language training available to students enrolled in programs developed under this subpart.

(c) In order to receive funds, the institution must assure that the activities initiated under this subpart will be continued after Federal support has been terminated.

(d) Program activities shall be carried out within the United States and principally on the campus (or campuses) of the institution(s) involved. Program activities may take place throughout the calendar year during both the summer and the academic year; however, such activities may not be carried out exclusively in the summer.

(20 U.S.C. 511(a))

§ 146.23 Undergraduate international studies programs: activities.

(a) The Commissioner may award grants to and contracts with institutions of higher education or to consortia of such institutions, to assist them in providing an effective international perspective to the undergraduate general education program, particularly in the first two years of postsecondary study. Such programs shall provide instruction in more than one of the world areas listed in § 146.11(b).

(b) Institutions shall make foreign language training available to students enrolled in programs developed under this subpart.

(c) In order to receive funds, the institution must assure that the activities initiated under this subpart will be continued after Federal support has been terminated.

(d) Program activities shall be carried out within the United States and principally on the campus (or campuses) of the institution(s) involved. Program activities may take place throughout the calendar year during both the summer and the academic year; however, such activities may not be carried out exclusively in the summer.

(20 U.S.C. 511(a))

§ 146.24 Criteria for selection of graduate and undergraduate international studies programs.

In addition to evaluation on the basis of criteria found in the Office of Education General Provisions at 45 CFR 100a.26(b), the Commissioner will further evaluate applications for Federal support for graduate and undergraduate international studies programs in accordance with the following criteria:

(a) The international nature, contemporary relevance, and interdisciplinary and comparative dimensions of the program;

(b) The extent to which provision is made for evaluation of the effect of the program on those receiving training;

(c) The institution's capability to provide foreign language study;

(d) The commitment of the institution to the establishment and operation of the program as evidenced by maximum use of available resources (including institutional financial support);

(e) The reasonableness of the allocation of Federal funds among program activities; and

(f) The extent to which a clearly improved educational experience will be available at the institution for students within two years and the caliber of program that will be continued after Federal support is withdrawn.

(20 U.S.C. 511(a))

§ 146.25 Applications.

(a) Applicants for funds under this subpart shall file an application with the Commissioner before the closing date for

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such applications established annually by the Commissioner. Such applications shall describe the activities to be undertaken and shall contain sufficient information to enable the Commissioner to evaluate the application on the basis of the criteria established in § 146.24.

(b) Applications from a consortium of institutions of higher education shall designate one of the member institutions as the grantee institution.

(20 U.S.C. 511(a))

§ 146.26 Allowable costs.

(a) Funds awarded under this subpart may be used to pay for those costs reasonably related to the operation of a program.

(b) Funds awarded under this subpart may not be used to pay for financial assistance for students or for program research and dissemination activities.

(20 U.S.C. 511(a))

§ 146.27 Multiyear projects.

(a) The Commissioner may require that institutions applying for assistance under this subpart project their goals and activities over a three year period. Multiyear approval is intended to offer projects a reasonable degree of stability over time and to facilitate additional long range planning.

(b) Approval of multiyear projects shall not commit the Federal government to provide financial assistance from appropriations not currently available and the funding of these projects after the initial year of support is subject to annual evidence of satisfactory performance and the availability of funds.

(20 U.S.C. 511(a)).

Subpart D—Foreign Language and Area Studies Fellowships

§ 146.31 Fellowship authorization.

(a) Foreign language and area studies fellowships may be awarded through eligible institutions of higher education to graduate students who are undergoing advanced training in modern foreign languages, in related area studies or in international studies at any center as defined in § 146.2(c), or in any program funded under Subpart C of this part, if such students provide reasonable assurance that they will, upon completion of their training, be available for teaching service in an institution of higher education, an elementary or secondary school, or for such other service of a public nature as defined in § 146.35(b).

(b) For purposes of this subpart an "eligible institution" means an institution of higher education operating a center or conducting a program authorized under Subpart C of this part.

(20 U.S.C. 511(b)).

§ 146.32 Allocation of fellowships among institutions.

In order to insure that the students who are selected to receive fellowships under this subpart shall receive training in programs and centers of the highest quality, the Commissioner requests applications from eligible institutions for quotas of fellowships. Such applications are reviewed on the basis of the criteria set forth in § 146.33 and quotas of fellowships will be allocated to institutions whose applications are selected in accordance with such criteria.

(20 U.S.C. 511(b)).

§ 146.33 Criteria for determination of institutional fellowship quotas.

In addition to evaluation on the basis of criteria found in the Office of Education General Provisions at 45 CFR 100a.26(b), the Commissioner will evaluate applications for quotas of foreign language and area studies fellowships from institutions of higher education in accordance with the following criteria:

(a)(1) The extent to which an institution which is applying for a quota of fellowships in African studies includes as part of its language and area studies program such disciplines as economics, history, humanities (art, drama, music, philosophy, religion), sociology, and languages other than Swahili;

(2) The extent to which an institution which is applying for a quota of fellowships in East Asian studies includes as part of its language and area studies program such disciplines as anthropology, economics, geography, sociology, and humanities;

(3) The extent to which an institution which is applying for a quota of fellowships in East European Studies includes as a part of its language and area studies program such disciplines as anthropology, geography, humanities, sociology, and languages other than Russian;

(4) The extent to which an institution which is applying for a quota of fellowships in Latin American studies includes as part of its language and area studies program such disciplines as humanities, sociology, Portuguese, and Amerindian languages;

(5) The extent to which an institution which is applying for a quota of fellowships in Middle Eastern studies includes as part of its language and area studies program such disciplines as anthropology, economics, geography, humanities, political science, sociology, and languages other than Hebrew;

(6) The extent to which an institution which is applying for a quota of fellowships in South Asian studies includes as part of its language and area studies program such disciplines as anthropology, humanities, linguistics, literature, sociology, and geography;

(7) The extent to which an institution which is applying for a quota of fellowships in Southeast Asian studies includes as part of its language and area studies program such disciplines as economics, history, humanities, linguistics, literature, and sociology; and

(8) The extent to which an institution which is applying for a quota of fellowships in Western European studies includes as part of its language and area studies program such disciplines as anthropology, economics, geography, philosophy and religion, political economy, sociology, and languages other than French, German, Italian, or Spanish;

(b) The quality of the institution's existing foreign language and area studies program for the area for which a quota of fellowships is being requested as evidenced by course offerings, faculty, and library holdings;

(c) The degree to which the center or the program of the institution has provided for intra-institutional cooperation with other foreign language and area programs and the nature and extent of coordination with the institution's professional schools and other special university programs;

(d) The degree of institutional commitment to the development of the program as evidenced by faculty appointments, university scholarships and teaching assistantships, funding of library acquisitions, and continuing support from the institution's general funds;

(e) The degree requirements of the institution's foreign language and area studies center or program and whether proficiency in one or more foreign languages is required;

(f) The extent to which the institution's foreign language and area studies center or program provides extracurricular activities which enhance the student's foreign language proficiency and knowledge of the world area he is studying; and

(g) The extent to which the institution's center or program includes in its offerings professional training such as business, law, journalism or education, and the quality of such offerings.

(h) Lowest priority will be given to applications for fellowships from centers or programs focusing on France, Germany, Italy, and Spain.

(20 U.S.C. 511(b)).

§ 146.34 Institutional applications.

Applicants for quotas of fellowships under this subpart shall file an application with the Commissioner before the closing date for such applications established annually by the Commissioner. Such applications shall contain sufficient information to enable the Commissioner to evaluate the applications on the basis of the criteria in § 146.33.

(20 U.S.C. 511(b)).

§ 146.35 Student eligibility.

(a) *General.* To be eligible to receive a fellowship under this subpart a person shall:

(1) Be a citizen or national of the United States or in the United States for other than a temporary purpose with the intent to become a permanent resident thereof;

(2) Provide reasonable assurance that on completion of training he will (i) be available for teaching in an institution of higher education or in an elementary or secondary school or (ii) be available for other service of a public nature, as defined in paragraph (b) of this section;

(3) Subscribe to the oath and supply the information required in § 146.39;

(4) Have earned a baccalaureate or comparable degree before the fellowship begins;

(5) Be accepted for graduate level training in foreign languages and appropriately related area studies in a center or program with a quota of fellowships;

(6) Agree to pursue full-time study in accordance with his university's requirement during the entire award period, except as provided in § 146.37.

(b) *Other service of a public nature.* "Other service of a public nature" means employment with Federal, State or local governments, international organizations in which the United States participates, or nonprofit, nonsectarian organizations the activities of which contribute significantly to the conduct of United States foreign relations; or such other employment that will contribute to the Nation's cultural, educational, or scientific understanding of other countries.

(20 U.S.C. 511(b)).

§ 146.36 Application and selection of fellows.

(a)(1) *Application.* Applications for fellowships under this subpart shall be submitted to an institution which has received a quota of fellowships and shall be submitted to that institution before the closing date for such applications established by that institution. Such applications shall contain sufficient information to enable the applicant to be evaluated in accordance with the selection criteria set forth in paragraph (b) of this section, but shall in any event include the applicant's general academic record, career goal, educational background, language background and self evaluation of language competence, employment history, and proposed study program.

(2) In addition to the requirements set forth in paragraph (a)(1) of this section, if an individual applies for a fellowship with the intent of using that fellowship to support Ph.D. dissertation research in the United States, he shall also provide a brief description of his project, including

(i) The definition title of the project and signature of his graduate advisor;

(ii) The project statement of purpose;

(iii) The definition and delimitation of the precise topic to be investigated;

(iv) A description of methods by which research goals are to be attained;

(v) A statement as to the use of the relevant foreign language as a major research tool; and

(vi) A description of proposed travel within the United States considered to be research-related.

(b) *Selection.* The Commissioner shall select fellows and alternates from nominees submitted by institutions receiving quotas of fellowships for particular world areas. The Commissioner shall select, and the institutions shall nominate, fellows and alternates on the basis of the following criteria:

(1) A high level of academic ability as evidenced by such indices as grade point average, class ranking, or such other measures as the institutions may choose to use;

(2) Whether the applicant will major in an area of the world listed in § 146.33(a);

(3) Whether the applicant's study program includes those disciplines listed in § 146.33(a) for the language and area to be studied;

(4) The extent to which the applicant's study plan includes appropriate foreign language training through formal study;

(5) For a fellowship in Japanese or Chinese, the extent to which at least one year of college instruction in either of those languages has been successfully completed or equivalent proficiency in either language has been achieved;

(6) For a fellowship in Russian, the extent to which at least two years of college instruction in that language has been successfully completed or equivalent proficiency in that language has been achieved;

(7) For a fellowship in Latin American Spanish, the extent to which at least three years of college instruction in that language has been successfully completed or equivalent proficiency in that language has been achieved; and

(8) For a fellowship in any of the other languages, the extent to which documented competency in the language for which the fellowship is sought has been acquired.

(9) Lowest priority shall be given to a nominee who does not intend to pursue foreign language training or who is a native speaker of the language for which an award is sought.

(c) In addition to the criteria specified in paragraph (b) of this section, no fellowship shall be awarded if the Commissioner is of the view that an award to a particular individual would not be in the best interests of the United States.

(20 U.S.C. 511(b))

§ 146.37 Duration, amount, and payment of fellowships.

(a) *Duration.* Fellowships under this subpart will be awarded for one academic year and may not be revoked without the approval of the Commissioner nor may they be postponed to an academic year subsequent to that specified in the award. No applicant may receive more than a cumulative total of 48 months fellowship support (including the time period of the grant applied for) under Title VI of the National Defense Education Act and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act (Pub. L. 87-256—Fulbright-Hays Act). Of the 48 months maximum, support for dissertation research is limited to either (1) 12 months overseas under Fulbright-Hays and 9 months in the United States under Title VI for dissertation completion or (2) a maximum of 18 months in the United States for dissertation research.

(b) *Amount.* Each individual selected by the Commissioner for a fellowship will receive the cost of tuition and fees, a dependency allowance of $500.00 for each dependent, and a maintenance allowance in the amount of (1) $2000.00 for the first post-baccalaureate year of study; (2) $2200.00 for any year of study falling between the first and terminal year; and (3) $2400.00 for the terminal year of study, the year in which the student completes the Ph.D. degree.

(c) If a fellow is enrolled in an established advanced language program overseas, set up by an American institution of higher education and approved by the Commissioner for purposes of this subpart, tuition charges shall reflect the tuition costs of the overseas program only; if required by university policy, a nominal fee for in absentia registration at the home institution may be included in the award.

(d) Payments shall be made in installments to cover a specific period of the academic year, and shall be paid as long as the fellow is enrolled and in good standing. If a fellow acquires a dependent after the award is offered but before he has registered for the term, the full allowance for the new dependent will be added to the award. For any dependent acquired after registration for the term, no adjustments will be made until the subsequent term. In the event of overpayment or underpayment of award benefits, the student must notify his institution so that appropriate allowance adjustments can be made; however, all award increases are subject to the availability of funds. Overpayments may not be retained by the student.

(20 U.S.C. 511(b)).

§ 146.38 Employment.

A fellow may accept limited employment during the fellowship period, preferably in a job related to his field of study, provided that such employment does not prolong the time normally required to complete the fellow's course of study.

(20 U.S.C. 511(b)).

§ 146.39 Oath and criminal information.

(a) In conformity with 1001(f) of the National Defense Education Act, no funds under a fellowship or stipened may be paid to any individual unless such individual has subscribed to an oath or affirmation in the following form:

I do solemnly swear (or affirm) that I will bear true faith and allegiance to the United States of America and will support and defend the Constitution and laws of the United States against all its enemies, foreign and domestic.

(b) No fellowship stipend shall be awarded to any individual unless such individual has provided the Commissioner with a full statement regarding any crimes of which he has ever been convicted (other than crimes committed before attaining 16 years of age and minor traffic violations for which a fine of $25 or less was imposed) and regarding any criminal charges punishable by confinement of 30 days or more which may be pending against him at the time of his application for such stipend.

(20 U.S.C. 581(f)).

§ 146.40 Student responsibilities.

(a) The student shall submit to the Commissioner through the grantee institution, a report after each award period giving a full account of his accomplishments under the award and his future

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study or employment plans. No fellowship funds shall be released to a student who has not met the reporting requirements of a previous award.

(b) The student is responsible for informing the institution of any change in the number of his dependents, his study program, or academic status.

(20 U.S.C. 511(b)).

§ 146.41 Responsibilities of institutions receiving quotas of fellowships.

(a) Each institution of higher education receiving a quota of fellowships shall:

(1) Publicize its quota(s) of fellowships and its foreign language and area studies programs;

(2) Set a deadline for fellowship applications;

(3) Screen applications and recommend nominees;

(4) Notify applicants that, subject to final approval by the Commissioner, they have been recommended as a fellow or alternate;

(5) Issue to each approved fellow, after the term begins, the amount of funds to cover benefits under this subpart to which the fellow is entitled; and

(6) Notify the Commissioner of any change in the number of dependents, study program, or academic status of a fellow.

(b) If a fellowship is vacated during the academic year, the institution must obtain approval from the Commissioner prior to making a fellowship substitution from the alternates listed in the official grant agreement.

(20 U.S.C. 511(b))

Subpart E—Research and Studies

§ 146.51 Scope.

Under this subpart, the Commissioner is authorized to award contracts for studies and surveys to determine the need for increased or improved instruction in modern foreign languages and other fields needed to provide a full understanding of the areas, regions, or countries in which such languages are commonly used, to conduct research on more effective methods of teaching such languages and such fields, and to develop specialized materials for use in training students and teachers.

(20 U.S.C. 512)

§ 146.52 Eligible applicants.

Public and private agencies, organizations and institutions as well as individuals are eligible to receive contracts under this subpart.

(20 U.S.C. 512)

§ 146.53 Applications.

(a) Applicants for support under this subpart shall file an application with the Commissioner before the closing date established annually by the Commissioner. Such applications shall contain sufficient information to enable the Commissioner to evaluate the applications on the basis of the criteria established in § 146.56.

(b) Requests for information shall be sent to the Division of International Education, Bureau of Postsecondary Education, Office of Education, Washington, D.C. 20202.

(20 U.S.C. 512)

§ 146.54 Research activities.

Activities conducted under this subpart may include:

(a) Studies and surveys, including conferences, to assess the state of the art of foreign language and international studies instruction in the United States, to determine new emphases needed, to identify priority needs for specialized materials, and to define and analyze national trends through, for example, surveys of enrollments, degree requirements, and newly developing types of training programs;

(b) Research in teaching methodology (1) which applies linguistic theories and concepts of modern language pedagogy to projects that can thereby be expected to increase the understanding of second language acquisition and to improve language teaching, and (2) which applies modern teaching approaches to international studies;

(c) The preparation of specialized instructional materials, particularly for modern foreign languages which are not widely taught in the United States and for which there is only a limited commercial market; and for international studies concerned with the non-Western world.

(20 U.S.C. 512)

§ 146.55 Criteria for selection of research projects.

In addition to evaluation on the basis of criteria found in the Office of Education General Provisions at 45 CFR 100a.-26(b), the Commissioner will evaluate applications in accordance with the following criteria:

(a) For research, studies, and surveys the criteria are—

(1) The extent to which the proposed activity may be expected to develop new knowledge significant to the purpose of section 602 of the Act.

(2) The extent to which problems, questions, or hypotheses to be dealt with are well formulated, and reflect adequate knowledge of other related research;

(3) The specificity of the statement of procedures to be followed, including sampling techniques, controls, data to be gathered, and statistical and other analyses to be done; and

(4) The adequacy of the proposed teaching, testing, and research methodology.

(b) For the development of instructional materials, the criteria are—

(1) The extent to which the proposed work may contribute significantly to strengthening international studies programs of educational institutions;

(2) The extent to which all existing related materials are cited or accounted for, including a critical commentary on their adequacy, in the justification of the proposal.

(3) The degree of specificity concerning the final form of the projected instructional materials.

(4) The degree to which the proposed contents and final form of the materials reflect an empirical knowledge of the organization for instruction and academic practices of those American institutions in which they will ultimately be used; and

(5) The extent to which provision has been made for pretesting the materials in the classroom and for revision before publication.

(20 U.S.C. 512)

APPENDIX—GUIDELINES

National Defense Education Act of 1958 as amended, Title VI Sections 601–603
Grants to Institutions of Higher Education for International Studies
Centers and Programs and Foreign Language and Area Studies Fellowships; Contracts for Research and Studies

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CHAPTER I—INTRODUCTION

PART 1—GUIDELINES

§ 1.1 Scope of guidelines.

(a) The guidelines contained in this document are recommendations and suggestions for meeting the legal requirements which apply to assistance under the National Defense Education Act, Title VI, Section 601–603. The legal requirements include the Act itself (20 U.S.C. 511–513) and the regulations (45 CFR 146). The guidelines are not to be construed as requirements. However, where the guidelines set forth a permissible means of meeting a legal requirement, the guidelines may be relied upon.

(20 U.S.C. 1441; 113 Congl Rec. 5936, 5939 (daily ed. May 23, 1967)); *United States* v. *Jefferson County Board of Education*, 372 F. 2d 836, 857 (1966))

(b) Where a guideline is issued in connection with or affecting a provision in the regulations, the pertinent regulation will be cited after the citation of legal authority for the guideline, in the parentheses following the guideline. For example, if the legal authority for the guideline is Section 601(a) of the Act (20 U.S.C. 511(a)), and the guideline affects Section 146.12(d) of the regulation (45 CFR 146.12(d)), the following citation will be placed on the line immediately following the guideline: (20 U.S.C. 511(a); 45 CFR 146.12(d)). If no particular section of the regulation is affected, no citation to the Code of Federal Regulations (CFR) will be made.

(20 U.S.C. 1232(a))

CHAPTER II—INTERNATIONAL STUDIES CENTERS

PART 1—PROGRAM OUTLINE

§ 1.1 Core instructional activities.

(a) The core instructional offerings of a center should encompass a variety of disciplines and options for professional training at the various degree levels. While center proposals for Federal funding may include summer intensive language programs, symposia, or workshops (inservice teacher training programs, for example), the major effort of a center should be focused on instruction during the regular academic year.

(20 U.S.C. 511(a); 45 CFR 146.12)

(b) Federal funds may be used to assist a wide variety of the center's instructional program: faculty salaries (including teaching assisstants and language informants), administrative salaries, library staff salaries, teaching materials (including library acquisitions), and faculty travel. Federal funds may also be used to develop further resources for the center: faculty development, revision of existing courses, development of new courses or seminars, hiring of new personnel, summer intensive langauge programs, and forging of new linkages with professional schools and other programs at the institution.

(20 U.S.C. 511(a); 45 CFR 146.16)

§ 1.2 Educational outreach activities.

(a) The educational outreach activities of a center may take a variety of forms, as appropriate to the center's purposes and resources and to needs and interests of such interested parties as other institutions of higher education, elementary and secondary educational agencies, business, and the community at large. Information about examples of outreach activities which have been undertaken by centers is available from the International Studies Branch, Division of International Education, Bureau of Postsecondary Education, Office of Education, Washington, D.C. 20202. However, no list of past or present examples should be considered complete; centers are encouraged to be imaginative and to create appropriate categories of activities here as well as in their core instructional offerings. Many outreach activities may be part of the institution's normal program; nonetheless, where justified, they should be included in any application for Federal support if they are an integral part of the center's activities. Applicants should keep in mind that one of the criteria used in evaluating applications for centers is the extent to which the applicant is carrying out or will carry out such activities.

(20 U.S.C. 511(a); 45 CFR 146.13)

(b) Federal funds for outreach activities may be used for teaching and administrative salaries, faculty travel (for example, in organizing a workshop for teachers at any level of education), honoraria for visiting lectures, dissemination of information about center activities and resources, and collection of materials for loan or rental to other educational agencies. Further, with regard to such educational outreach activities, in view of the limited Federal funds available for all international studies needs, they should not be used for the travel, meals, or lodging of persons attending special workshops.

(20 U.S.C. 511(a); 45 CFR 146.16)

CHAPTER III—GRADUATE AND UNDERGRADUATE INTERNATIONAL STUDIES PROGRAMS

PART 1—PROGRAM OUTLINE

§ 1.1 Graduate international studies programs.

(a) Graduate international studies programs should focus on issues or problems of both contemporary and future importance involving more than one geographic region of the world, one of which could be North America.

(b) Examples of subjects on which graduate programs may be based are:

(1) International trade and business;
(2) Comparative environmental studies;
(3) The Atlantic Community; and
(4) Population growth and planning.

(c) While proposed programs for Federal funding may include summer symposia or workshops, the main efforts of the program should be focused on instruction during the regular academic year.

(d) Federal funds may be used to permit the recipient institution to develop or rework curricula, orient faculty, purchase library books and periodicals, or perhaps accelerate plans for the hiring of new people to round out existing staff resources.

(e) Proposed programs which have a mixed graduate/undergraduate character will be considered and should be submitted in the graduate category.

(f) Programs usually have a very limited administrative structure and are generally not officially designated academic units (such as centers).

(20 U.S.C. 511(a); 45 CFR 146.22, 146.24, and 146.26)

§ 1.2 Undergraduate international studies programs.

(a) Proposals for undergraduate international studies programs may focus on any of several approaches for strengthening the international dimensions of the general education portion of the instructional program at eligible institutions. Examples of some approaches are listed below, but are not intended to be all-inclusive, nor are these approaches in any way mutually exclusible:

(1) A broad, integrated approach to the contemporary world. Through this kind of approach, international dimensions might be introduced in an interdisciplinary, or multidisciplinary settings.

(2) The comparative approach to foreign area studies and world problems. Proposals may provide for development of programs which would move curricula from concern solely with American and Western European models to a context in which other cultures would be seriously studied also. Topical studies drawing on different disciplines and examining in different societies such phenomena as urbanization, man and his environment, violence and conflict resolution, and social change and economic development may provide further possibilities for developing a comparative perspective.

(3) The development of a broader view of the world through the arts, music, and drama. A program which focuses on the arts should be concerned as well with the larger cultural context.

(4) Transnational concerns, involving a wide range of topics and issues which transcend the boundaries of nation states. Such common super-state problems as environment, disease, food supply, conflict resolution, and social change may be useful ways to introduce international studies to the undergraduate curriculum.

(5) Intercultural communication. Two categories of special relevance for American education are (i) improvements in foreign language instruction and (ii) intercultural communication broadly speaking—interaction and development of mutual understanding, or "cultures speaking to cultures." A program with special attention to language instruction might encourage fresh approaches to the learning of both language itself and language as a "window" on foreign cultures(s), developing students' understanding of systems of verbal and non-verbal communication. Cross-cultural or inter-cultural training strives to develop in an individual an awareness of the impact of one's own culture and the culture of others on one's own attitudes, habits, behavior and perception in interaction with others, to increase appreciation of other cultures, and to enhance ability to affect behavior in interaction with persons of other cultures.

(b) While proposed programs for Federal funding may include summer symposia or workshops, the main efforts of the program should be focused on instruction during the regular academic year.

(c) Federal funds may be used to permit the recipient institution to develop or rework curricula, orient faculty, purchase library books and periodicals, or perhaps accelerate plans for the hiring of new people to round out existing staff resources.

(d) Programs usually have a very limited administrative structure and are generally not officially designated academic units (such as centers).

(20 U.S.C. 511(a); 45 CFR 146.23, 146.24, and 146.26)

CHAPTER IV—GUIDELINES FOR FOREIGN LANGUAGE AND AREA STUDIES FELLOWSHIPS

PART 1—ADMINISTRATIVE PROVISIONS

§ 1.1 Formation of committees.

(a) It is recommended that the initial step for an institution which intends to apply for allocations of fellowships for one or more language and area study center or program should be the appointment by the university administration of a committee responsible to the graduate dean (1) for the preparation of proposals and (2) for the nomination of candidates at institutions receiving an allocation of fellowships.

(b) It is suggested that the chairman of this committee be the dean of the graduate school or his designee and that the other members of the committee be faculty members in the departments and professional schools which participate in the language and area studies center or program.

§ 1.2 Responsibilities of the committee and the committee chairman.

(a) The committee should be responsible for reviewing applications and recommending candidates for fellowships.

(b) The committee chairman should be responsible for:

(1) Forwarding the forms, cards, and instructions to nominees;

(2) Advising applicants (including any who might be temporarily located abroad) of the importance of prompt mailing of all required forms;

(3) Instructing applicants to complete and return to him all forms;

(4) Forwarding to the Office of Education forms completed by the nominees. The committee chairman should retain for the institution's files one copy of the Biographical Data form containing personal background, language background, and educational information on the student; together with documented dependency information when applicable.

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(5) Forwarding to the Commissioner any requests for supplements;

(6) Completing, signing, and forwarding to the Commissioner (i) the List of Nominees/Alternates which contains the names of recommended fellowship candidates by language and world area; (ii) Institutional Summary of Fellowships which contains the number of nominees by world area; (iii) the List of Awardees and Benefits which contains the names of the actual fellowship holders and the total cost of benefits to be paid to them.

(20 U.S.C. 511(b)); 45 CFR 146.23–25 and 146.28).

§ 1.3 *Declination of award by principal candidate.*

(a) If a fellow declines an award before the beginning of the fall term, the committee may select from its list of approved alternates an eligible alternate to fill the vacancy thus created. The committee chairman should promptly request approval of the Commissioner, giving the name of the candidate who declined the award, the reason (if possible) for his declination, the name of the alternate selected to fill the vacancy, and the estimated cost of the award to the alternate.

(20 U.S.C. 511(b); 45 CFR 146.35).

§ 1.4 *Vacated fellowships.*

(a) If a student vacates a fellowship in the course of the academic year, the institution should seek approval of the Commissioner if it desires to use the balance of the fellowship for an approved alternate, beginning with the term following the one in which the original holder of the fellowship relinquished it.

(20 U.S.C. 511(b); 45 CFR 146.35).

§ 1.5 *Reallocating awards.*

(a) If more than one language and area studies center or program within an institution receives a quota of awards, the appropriate official of the institution may, with prior approval of the Commissioner, reallocate awards among these centers or programs in order to meet priorities set forth in 45 CFR 146.35 and changing program and student needs.

(20 U.S.C. 511(b); 45 CFR 146.35).

CHAPTER V—GUIDELINES FOR RESEARCH

PART 1—APPLICATIONS

§ 1.1 *Application procedures.*

(a) For the information of applicants, proposals and applications under this subpart should conform to the information requirements set forth in HEW procurement regulations (41 CFR 3–4.5202–1(b)).

(b) Additional information about proposals and applications is available from the Division of International Education. It is advisable to provide a brief project outline for preliminary discussion before submitting a formal application.

(20 U.S.C. 512; 45 CFR 146.53 and 41 CFR 3–4.5202(b))

PART 2—RESEARCH ACTIVITIES

§ 2.1 *Studies and surveys.*

Federal funds may be used to assist projects designed to assess the state of the art of foreign language, area, and other international studies in the United States, determine new emphases, identify needs and priorities for specialized materials, and define and analyze national trends, for example, through surveys of enrollments, degree requirements, or newly developing types of training programs. Assistance is available to support conferences only if the conference is primarily concerned with activities authorized by Section 602 of the Act. Assistance to professional organizations to hold annual or periodic conventions which serve primarily organizational aims and which have been taking place without Federal Support thus far, cannot be justified.

(20 U.S.C. 512; 45 CFR 146.55)

§ 2.2 *Research in teaching methodology.*

(a) For foreign languages: Studies may be assisted for investigation of certain aspects of the processes of second-language acquisition, which can be expected to increase an understanding of such processess and thereby contribute to the development of more effective teaching approaches; and for experimental projects for applying modern concepts of foreign language teaching pedagogy and for testing their effectiveness in controlled situations. With the growing significance of foreign language competence as an integral part of education in fields other than language teaching, such as international economics, industry, law, tourism, and trade, projects exploring appropriate approaches to language training specifically for the professions will also be considered.

(b) For international studies: Studies and experimental projects may be assisted for development of more effective methods of teaching about foreign areas, intercultural communication, and other aspects of international education. Methodologies which might be explored, for example, could include interdisciplinary or team teaching, or other innovative curriculum approaches to international studies.

(20 U.S.C. 512; 45 CFR 146.55)

§ 2.3 *Preparation of specialized instructional materials.*

(a) For languages which are not widely taught in the United States and which are of little or no interest for commercial publication: Decisions about Federal assistance will be guided by the recommendations on priority needs resulting from national conferences (such as the Conference on the Uncommonly-taught Languages held in Columbia, Maryland, from September 29 to October 2, 1974; the report from this conference, *Material Development Needs in the Uncommonly-taught Language: Priorities for the Seventies*, is available from the Center for Applied Linguistics, 1611 North Kent Street, Arlington, Virginia 22209) and conferences of language specialists representing a geographic or linguistic world area. National languages, languages of major regional or cultural significance, and other languages for which instruction is not widely available in the United States will be given priority. North American Indian languages, Hawaiian, Somoan, Micronesian, and languages native to the United States and its territories, are not considered foreign languages in this context. Since research is supported only in modern foreign languages, languages nearing extinction, although of linguistic interest, will not be considered. Materials for the study of English as a foreign language do not fall within the purview of NDEA Title VI. French, German, Italian, and Spanish are considered commonly-taught languages requiring no Federal assistance for general materials development.

(b) For international studies, primarily concerned with the non-Western world: General reference works, specialized research tools, or basic materials in a given field of study or world area are assigned a higher priority than studies focusing on specific periods, phenomena, and personalities.

(20 U.S.C. 512; 45 CFR 146.55)

[FR Doc.76–23551 Filed 8–11–76;8:45 am]

Social Security Administration

[20 CFR Part 404]

[Reg. No. 4]

FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

Procedures, Payment of Benefits, and Representation of Parties; Interrelationship of Old-Age, Survivors, and Disability; Insurance Program With the Railroad Retirement Program-Railroad Retirement Act Amendments of 1974

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553) that the amendments to the regulations set forth in tentative form below are proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare.

Current regulations describe the general relationships of the Railroad Retirement Act with the Old-Age, Survivors, and Disability Insurance Programs of the Social Security Act, tell when services in the railroad industry are overed for social security purposes after 1936 and the circumstances under which the services are not covered, the conditions under which eligibility to Railroad Retirement benefits may or may not bar payment of social security benefits, the use of railroad compensation as wages and the purposes for which it may be used, presumptions which may be used in allocating railroad compensation for social security purposes, and the definition of a compensation quarter of coverage. The regulations also contain an expedited benefit payment procedure applicable to all title II benefits except those involving disability and negotiated checks. Sections 404.968 and 404.968a are revised to reflect the extension of the expedited benefit payment procedure provided under section 205(q) of the Social Security Act to benefit payments certified to the Railroad Retirement Board for payment pursuant to section 205(i) of the Social Security Act. The proposed amendments also revise and update § 404.1410 to reflect the successive benefit bases as determined under section 230 of the Social Security Act (42 U.S.C. 430), as amended by section 5 of Pub. L. 93–233, enacted December 31, 1973. On September 17, 1975, amendments were published (40 F.R. 42863) which updated Subparts E and K of Regulations No. 4 with respect to the revised contribution and benefit rates. Revisions are also necessary to update cross-references because of enactment of the Railroad Retirement Act of 1974 (Pub. L. 93–445, 88 Stat. 1305, 45 U.S.C. 228a ff), which in effect replaces the Railroad Retirement Act of 1937. One such revision, with respect to compensation quarters of coverage, indicates that beginning January 1975, the granting of compensation quarters of coverage based on service and earnings will no longer be applicable for periods after January 1975 but may continue to be granted for prior periods.

A new § 404.1413 has been added listing the categories of cases that will be certified to the Railroad Retirement Board. The provisions of § 404.1413 apply to an individual who first becomes entitled to benefits under title II of the Social Security Act after 1974, and has completed 10 years of service under the Railroad Retirement Acts of 1937 or of 1974, or to the wife or husband of a worker who has completed 10 years of service under such Acts or to the survivor of such a worker if such survivor is entitled, or could upon application become entitled, to an annuity under section 2 of the Railroad Retirement Act of 1974, and any other person entitled to benefits under section 202 of the Social Security Act on the basis of the wages and self-employment income of such a worker (except a survivor of such a worker where the worker did not have a "current connection," as defined in section 1(o) of the Railroad Retirement Act of 1974) with the railroad industry at the time of his death. The amount of such benefits shall be certified to the Railroad Retirement Board for certification of payment to the Secretary of the Treasury together with any benefits payable under the Railroad Retirement Act of 1974 for payment in a single check.

Consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare, Social Security Administration, P.O. Box 1585, Baltimore, Maryland 21203, on or before November 10, 1976.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Information, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue, SW., Washington, D.C. 20201.

The proposed amendments are issued under the authority of sections 202(l), 205, and 1102 of the Social Security Act, 64 Stat. 482, as amended, 53 Stat. 1368, as amended, and 49 Stat. 647 as amended; 42 U.S.C. 402(l), 405, and 1302.

(Catalog of Federal Domestic Assistance Program Nos. 13.802, Social Security-Disability Insurance, and 13.803–4, Social Security Retirement and Survivors Insurance.)

Dated: June 14, 1976.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: August 6, 1976.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

Part 404 of Chapter III, Title 20, of the Code of Federal Regulations is amended as follows:

1. Sections 404.968 and 404.968a(b) are amended to read as follows:

§ 404.968 Certification of payment.

Determination or decision providing for payment. When a determination or decision has been made under any provision of §§ 404.905 to 404.963, inclusive, to the effect that a payment or payments under title II of the Act should be made to any person, the Social Security Administration shall, except as hereafter provided, certify to the Managing Trustee of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund, as appropriate, the name and address of the person to be paid (see § 404.1601), the amount of the payment or payments from the appropriate Trust Fund, and the time at which such payment or payments should be made. (See also § 404.1413.)

§ 404.968a Expedited benefit payments.

. . . . . .

(b) *Applicability of section.* (1) This section applies to monthly benefits payable under title II of the Act, including benefits payable under section 228, except as provided in subparagraph (2) of this paragraph; and to those cases to be certified by the Secretary to the Railroad Retirement Board to the same extent as it does to those cases to be certified by him to the Managing Trustee.

(2) This section does not apply:

. . . . . .

2. Section 404.1401 is amended to read as follows:

§ 404.1401 General relationship of Railroad Retirement Act with the old-age, survivors, and disability insurance program of the Social Security Act.

The Railroad Retirement Act sets up a system of benefits for railroad employees, their dependents and survivors, and has been integrated with the Social Security Act to provide a coordinated system of retirement, survivor, dependent, and disability benefits payable on the basis of an individual's work in the railroad industry and in employement and self-employment covered by the Social Security Act. With respect to the coordination between the two programs, the Railroad Retirement Act distinguishes between "career" railroad workers and those individuals who may be considered "casual" railroad workers. The line of demarcation is generally 10 years of service in the railroad industry, including service prior to 1937. The Railroad Retirement Act transfers to the old-age, survivors, and disability insurance system the compensation records of individuals who at the time of retirement, onset of disability, or death have less than 10 years of service in the railroad industry and meet certain other requirements. Any compensation paid to such individuals for such service after 1936 becomes wages under the Social Security Act (to the extent they do not exceed the annual wage limitations described in § 404.1027(a)). Whatever benefits are payable to them, their dependents, and their survivors are computed on the basis of the combined compensation and social security covered earnings creditable to the individuals' records. The compensation paid to individuals with 10 or more years of railroad service remain under the Railroad Retirement Act, but in certain circumstances, the compensation of such workers who die may be transferred to the old-age, survivors, and disability insurance program (see §§ 404.1402(b) and 404.1407). Under certain circumstances (see § 404.1413), certification of benefits payable under the provisions of the Social Security Act will be made to the Railroad Retirement Board. The Railroad Board will certify such benefits to the Secretary of the Treasury.

3. Section 404.1402 is amended to read as follows:

§ 404.1402 When services in the railroad industry are covered.

Services performed by an individual in the railroad industry which would, but for the provisions of this section, be excepted from "employment" by reason of § 404.1017 shall be considered to be included under "employment" as defined in section 210 of the Social Security Act in the following situations:

(a) For the purpose of determining entitlement to, or the amount of, any monthly benefits or lump-sum death payment on the basis of the wages and self-employment income of an individual where the years of service in the railroad industry are less than 10;

(b) For the purpose of determining entitlement to, or the amount of, any survivor monthly benefit or any lump-sum death payment on the basis of the wages and self-employment income of an individual whose years of service in the railroad industry were 10 or more but a "current connection", as defined in section 1(o) of the Railroad Retirement Act of 1974 (45 U.S.C. 228a), with the railroad industry did not exist at the time of death; (in such cases, survivor benefits are not payable under the Railroad Retirement Act);

(c) For the purpose of determining entitlement to a period of disability (see Subpart B of this part) on the basis of the wages and self-employment income of an individual; or

(d) For the purpose of applying the provisions of section 203 of the Act concerning deductions from benefits under the retirement test (see Subpart E of this part).

4. Paragraph (a) of § 404.1405 is amended to read as follows:

§ 404.1405 When the provisions of § 404.1402 do not apply.

(a) *Awards by the Railroad Retirement Board prior to October 30, 1951.* The provisions of § 404.1402(a) shall not apply with respect to the wages and self-employment income an an individual if, prior to October 30, 1951, the Railroad Retirement Board has awarded under the Railroad Retirement Act a retirement annuity to such individual or a survivor annuity with respect to the death of such individual and such retirement or survivor annuity, as the case may be, was payable at the time an application for benefits is filed under the Social Security Act on the basis of the wages and self-employment income of such individual. A pension payable under section 6 of the Railroad Retirement Act of 1937 as in effect prior to the Railroad Retirement Act of 1974, or an annuity paid in a lump

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sum equal to its commuted value under section 3(i) of the Railroad Retirement Act in effect prior to the Social Security Act of October 30, 1951, is not a "retirement or survivor annuity" for the purpose of this paragraph.

* * * * *

5. Section 404.1406 is amended to read as follows:

§ 404.1406 Eligibility to railroad retirement benefits as a bar to payment of social security benefits.

Notwithstanding the fact that, pursuant to the preceding provisions of this subpart, services rendered by an individual in the railroad industry are in employment, no lump-sum death payment or survivor monthly benefits shall be paid (except as provided in § 404.1407) under the regulations in this part on the basis of such individual's wages and self-employment income if any person, upon filing application therefor, would be entitled to an annuity under section 2 of the Railroad Retirement Act of 1974 or a lump-sum payment under section 6(b) of such Act with respect to the death of that individual; or for periods prior to 1975, would have been entitled to an annuity under section 5 or a lump-sum payment under section 5(f)(1) of the Railroad Retirement Act of 1937 with respect to the death of that individual.

6. Section 404.1407 is amended to read as follows:

§ 404.1407 When railroad retirement benefits do not bar payment of social security benefits.

The provisions of § 404.1406 shall not operate if:

(a) The survivor is, or upon filing application would be, entitled to a monthly benefit with respect to the death of an insured individual for a month prior to January 1947, if such monthly benefit is greater in amount than the survivor annuity payable to such survivor after 1946 under the Railroad Retirement Act; or

(b) The residual lump-sum payment provided by section 6(c) of the Railroad Retirement Act of 1974 (or section 5(f)(2) of the Railroad Retirement Act of 1937 prior to the 1974 Act) with respect to the death of an insured individual is paid by the Railroad Retirement Board pursuant to an irrevocable election filed with the Board by a widow, widower, or parent of such individual to waive all future annuities or benefits based on the combined record of earnings and compensation to which such widow, widower, or parent might become entitled, but only to the extent that widow's, widower's, or parent's benefits may be payable under the regulations of this part to such widow, widower, or parent, as the case may be, solely on the basis of the wages and self-employment income of such deceased individual and without regard to any compensation which may be treated as wages pursuant to § 404.1408.

7. Section 404.1408 is amended to read as follows:

§ 404.1408 Compensation to be treated as wages.

Where, pursuant to the preceding provisions of this subpart, services rendered by an individual in the railroad industry are considered to be in employment as defined in section 210 of the Social Security Act (see Subpart K of this part) any compensation (as defined in section 1(h) of the Railroad Retirement Act of 1974 or prior to the 1974 Act, section 1(h) of the Railroad Retirement Act of 1937) received by such individual for such services shall constitute wages provided that the provisions of § 404.1406 do not operate to bar the payment of benefits under title II of the Social Security Act; except that any compensation attributable as having been paid during any month on account of military service creditable under section 1 of the Railroad Retirement Act of 1974 (or section 4 of the Railroad Retirement Act of 1937 prior to the 1974 Act) shall not constitute wages for purposes of title II of the Social Security Act if, based on such military service, wages are deemed to have been paid to such individual during such month under the provisions described in § 404.1308 or § 404.1309.

8. Section 404.1410 is amended to read as follows:

§ 404.1410 Presumptions on basis of certified compensation record.

(a) *Years prior to 1975.* Where the Railroad Retirement Board certifies to the Social Security Administration a report of record of compensation, which is treated as wages under § 404.1408, and periods of service which do not identify the months or quarters in which such compensation was paid, the sum of the compensation quarters of coverage (see § 404.1412) will be presumed, in the absence of evidence to the contrary, to represent an equivalent number of quarters of coverage (see §§ 404.103 and 404.104). No more than four quarters of coverage shall be credited to an individual in a single calendar year.

(b) Compensation paid in a calendar year will, in the absence of evidence to the contrary, be presumed to have been paid in equal proportions with respect to all months in the year in which the employee will have been in railroad service. (For years prior to 1975, see § 404.1412.)

(c) *Allocation of compensation to months of service.* If by means of the presumptions in this section an individual does not have an insured status (see Subpart B of this part) on the basis of quarters of coverage with which he is credited, or a deceased individual's primary insurance amount (see § 404.201) may be affected because he attained age 22 after 1936, the Administration may request the Railroad Retirement Board to furnish a report of the months in which such individual rendered service for compensation which is treated as wages under § 404.1408 if it appears the identification of such months may result in an insured status or if it will affect such primary insurance amount.

(d) *Effect of self-employment income and maximum earnings.* However, if such individual also had self-employment income for a taxable year and the sum of such income and wages (including compensation which is treated as wages under § 404.1408) paid to or received by him during such taxable year equals the following amounts, each calendar quarter any part of which falls in such taxable year, shall be a quarter of coverage:

(1) After 1950 and prior to 1955, equals $3,600 of remuneration;

(2) After 1954 and prior to 1959, equals $4,200 of remuneration;

(3) After 1958 and prior to 1966, equals $4,800 of remuneration;

(4) After 1965 and prior to 1968, equals $6,600 of remuneration;

(5) After 1967 and beginning prior to 1972, equals $7,800 of remuneration (including a fiscal year which began in 1971 and ended in 1972);

(6) Beginning after 1971 and prior to 1973, equals $9,000 of remuneration;

(7) Beginning after 1972 and prior to 1974, equals $10,800 of remuneration;

(8) Beginning after 1973 and prior to 1975, equals $13,200 of remuneration;

(9) Beginning after 1974 and prior to 1976, equals $14,100 of remuneration;

(10) Beginning after 1975 and prior to 1977, equals $15,300 of remuneration; or

(11) Beginning after 1976, an amount equal to the contribution and benefit base as determined under Section 230 of the Social Security Act which is effective for such calendar year.

This subsection is an exception to the rule in paragraph (a) of this section concerning a presumption applicable to conversion of railroad compensation into quarters of coverage for years prior to 1975.

§ 404.1411 [Removed]

9. Section 404.1411 is deleted.

10. Section 404.1412 is revised to read as follows:

§ 404.1412 Compensation quarters of coverage.

As used in this subpart, a compensation quarter of coverage is any quarter of coverage computed with respect to compensation paid to an individual for railroad employment after 1936 and prior to 1975 in accordance with the provisions for determining such quarters of coverage as contained in section 5(l)(4) of the Railroad Retirement Act of 1937. (For years beginning 1975, see § 404.1410 (b)).

13. A new § 404.1413 is added to read as follows:

§ 404.1413 Certification of payment to Railroad Retirement Board.

Certification of benefits shall be made to the Railroad Retirement Board upon final decision of the Secretary of Health, Education, and Welfare that any person is entitled to any payment or payments under title II and that certification shall include the name and address of the person so entitled to received such payment or payments, the amount of such payment or payments, and the time at which such payment or payments should be made which shall provide for payment on behalf of the Managing Trustee if:

(a) The claimant will have completed 10 years of service under the Railroad Retirement Act of 1937, the Railroad Retirement Act of 1974, or any combination of service under such Acts; or

(b) The claimant is the wife or husband of an individual who has completed 10 years of service under the Railroad Retirement Act of 1937, the Railroad Retirement Act of 1974, or any combination of service under such Acts; or

(c) The claimant is the survivor of an individual who had completed 10 years of service under the Railroad Retirement Act of 1937, the Railroad Retirement Act of 1974, or any combination of service under such Acts, if such survivor is entitled, or could upon application be entitled to an annuity under section 2 of the Railroad Retirement Act of 1974; or

(d) The claimant is entitled to benefits under section 202 of the Social Security Act on the basis of the wages and self-employment income of an individual who has 10 years of railroad service (except a survivor of such individual if such individual did not have a "current connection", as defined in section 1(o) of the Railroad Retirement Act of 1974 (45 U.S.C. 228a) with the railroad industry at the time of his death).

The applicability limitations identified in paragraphs (a) through (d) of this section affects any claimant who first becomes entitled to benefits under title II of the Social Security Act after 1974. (See also § 404.968.)

[FR Doc.76-23552 Filed 8-11-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Borough of Ho-Ho-Kus, New Jersey

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the Borough of Ho-Ho-Kus, New Jersey.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of Ho-Ho-Kus must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Borough Hall, East Franklin Turnpike, Ho-Ho-Kus, New Jersey 07423.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor W. Stuart Thompson, Jr., Borough Hall, East Franklin Turnpike, Ho-Ho-Kus, New Jersey 07423. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Ho-Ho-Kus Brook	Maple Ave.	123		550
	Warren Ave. (downstream side)	129	20	55
	Erie railroad (downstream side)	141	25	10
Saddle River	Rogert Rd	99	100	170
	Hollywood Ave	102	100	70
Saddle Brook	East Saddle River Rd	93	450	530

[1] To corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 28, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc 76-22314 Filed 8-11-76;8:45 am]

[24 CFR Part 1917]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Belleair Bluffs, Florida

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the City of Belleair Bluffs, Florida.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of Belleair Bluffs must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, 115 Florence Drive, Belleair Bluffs, Florida 33540.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor J. Wilson Reed, City Hall, 115 Florence Drive, Belleair Bluffs, Florida 33540. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width—Distance from coastline to V-zone boundary	
			Left	Right
Gulf of Mexico	Sunset Dr. (extended)	14		150
	Del Rio Dr. (extended)	14		55

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 27, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-23302 Filed 8-11-76;8:45 am]

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[24 CFR Part 1917]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the City of Casa Grande, Pinal County, Arizona

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4 (a)) hereby gives notice of his proposed determinations of flood elevations for the City of Casa Grande, Pinal County, Arizona.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the main lobby of City Hall, 300 East Fourth Street, Casa Grande.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Robert Amos Hawkins, City Hall, 300 East Fourth Street, Casa Grande, Arizona 85222. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from northern corporate limit north of Kortsen Rd. to 100-yr flood boundary facing downstream	
			Left	Right
North Branch of Santa Cruz Wash.	Western corporate limit	1,362	1,380	(1)
	Thornton Rd.	1,371	1,320	(1)
			From bank of stream to 100-yr flood boundary facing downstream	
	Pinal Ave.	1,381	2,300	(1)
	Casa Grande Ave. (extended)	1,385	[2] 4,780	(1)
	Trekell Rd.	1,388	3,320	(1)
	East corporate limit at Colorado Ave. (extended)	1,391	[1] 1,600	(1)
	Corporate limit at Peart Rd.	1,391		(1)

[1] To corporate limit.
[2] 140 ft short of Kortsen Rd.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 23, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-23296 Filed 8-11-76;8:45 am]

[24 CFR Part 1917]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Cooper City, Florida

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the City of Cooper City, Florida.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of Cooper City must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, 9090 SW 50th Place, Cooper City, Florida 33328.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Robert A. Bramford, City Hall, 9090 SW 50th Place, Cooper City, Florida 33328. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from northern corporate limit north of Kortsen Rd. to 100-yr flood boundary facing downstream	
			Left	Right
Canals	Whole community	7		

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 27, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-23303 Filed 8-11-76;8:45 am]

[24 CFR Part 1917]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of El Cerrito, California

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the City of El Cerrito, California.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of El Cerrito must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, 10890 San Pablo Avenue, El Cerrito, California 94530.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Richard V. Brown, City Manager, City Hall, San Pablo Avenue, El Cerrito, California 94530. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Cerrito Creek	Yosemite Ave.	13.6	1,400	(1)
	Santa Clara Ave.	13.3	(1)	(2)
	Belmont Ave.	13.2	(2)	(2)

[1] To corporate limits.
[2] Entire street.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 27, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-23297 Filed 8-11-76;8:45 am]

[24 CFR Part 1917]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the City of Freeport, Stephenson County, Illinois

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968; P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4 (a)) hereby gives notice of his proposed determinations of flood elevations for the City of Freeport, Stephenson County, Illinois.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City must adopt flood plain

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management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Engineer's Office, City Hall, 228 West Stephenson Street, Freeport.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Mark McLeRoy, City Hall, 228 West Stephenson Street, Freeport, Illinois 61032. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Pecatonia River	Southern corporate limits	759	----	150
	Chicago, Milwaukee, & St. Paul RR. bridge.	761	----	900
	West Stephenson St. bridge	764	340	20
	Illinois Central RR. bridge	765	120	20
	Van Buren St. bridge	767	20	20
	Northwest Ave	768	560	950
	Northern corporate limits	768	900	1,950

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 13, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-23306 Filed 8-11-76;8:45 am]

[24 CFR Part 1917]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Harrington, Delaware

The Federal Insurance Administer, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (Section 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the City of Harrington, Delaware.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of Harrington must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Offices, 103 Fleming Street, Harrington, Delaware 19952.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor William A. Minner, City Offices, 103 Fleming Street, Harrington, Delaware 19952. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Brown's Branch, south.	3,200 ft upstream from Route 431	45	----	240
	4,800 ft upstream from Route 431	48	----	160

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 27, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-23299 Filed 8-11-76;8:45 am]

[24 CFR Part 1917]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Harbor Springs, Michigan

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (Section 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the City of Harbor Springs, Michigan.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of Harbor Springs must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, 349 East Main Street, Harbor Springs, Michigan 49740.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Josephine Ford, 349 East Main Street, Harbor Springs, Michigan 49740. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Little Traverse Bay	State St. (extended)	583	90	(1)
	Zoll St. (extended)	583	100	(1)

1 To shoreline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 13, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-23307 Filed 8-11-76;8:45 am]

[24 CFR Part 1917]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Macon, Missouri

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (Section 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the City of Macon, Missouri.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of Macon must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, Macon, Missouri 63552.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Roy Kisor, City Hall, Macon, Missouri 63552. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

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Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Dock Creek tributary No. 1.	Rustic Dr	285	40	60
Salt River tributary No. 3.	U.S. Highway 63 (upstream side)	825	180	160
	5th St	832	70	30
	6th St	836	80	90
Salt River tributary No. 4.	Main St	832	110	100
Salt River tributary No. 5.	Riggs St	833	40	150
Salt River tributary No. 6.	Walnut St	814	130	60
	Hilldale Dr	821	120	180
Salt River tributary No. 7.	Vine St	807	110	80
	Walnut St	835	100	90

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 27, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-23313 Filed 8-11-76;8:45 am]

[24 CFR Part 1917]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Township of Middle, New Jersey

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (Section 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the Township of Middle, New Jersey.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of Middle, New Jersey must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at 55 Mechanic Street, Cape May Courthouse, Middle, New Jersey 08210.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Sam De Vico, 55 Mechanic Street, Cape May Courthouse, Middle, New Jersey 08210. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)
Atlantic Ocean	Avalon Blvd	9	To intersection with Garden State Parkway.
	Stond Harbor Blvd	9	Do.
	Ocean Dr	9	Entire road.
	North Wildwood Blvd	9	To 1,500 ft east of intersection with Garden State Parkway.
	Route 47	9	To intersection with Garden State Parkway.
Delaware Bay	Beach Ave	9	Entire road.
	Reeds Beach Rd	9	To 2,100 ft west of intersection with Beach Ave.
	Kimbles Beach Rd	9	To 2,900 ft west of end of road.
	Millman Rd	9	Entire road.
	Bucknell Ave	9	Do.
	Geneva Ave	9	Do.
	Lehigh Ave	9	Do.
	Eldredge Ave	9	Do.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 14, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-23315 Filed 8-11-76;8:45 am]

[24 CFR Part 1917]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Milford, Delaware

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (Section 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the City of Milford, Delaware.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of Milford must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Office, Milford, Delaware 19963.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Harman McNatt, City Offices, P.O. Box 159, Milford, Delaware 19963. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Mullet Run	U.S. 113 (upstream side)	24	120	360
Mispillion River	do	18	500	500
	Church St	10	280	510
	Washington St	9	90	300
Presbyterian Branch	U.S. 113 (upstream side)	22	720	90
	Woodland Dr	20	110	130
	Lakelawn Dr	17	70	40

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 27, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-23300 Filed 8-11-76;8:45 am]

[24 CFR Part 1917]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Milton, Florida

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (Section 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the City of Milton, Florida.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in indentified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of Milton must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, Milton, Florida 32570.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Mapoles, City Hall, P.O. Box 312, Milton, Florida 32570. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

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Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Backwater River	Madison St.	13	760	(1)
	Monroe St.	13	1,190	(1)
	U.S. Highway 90	13	400	(1)
	Oak St.	13	730	(1)
	Pine St.	13	1,150	(1)
	Louisville & Nashville R.R.	13	2,810	(1)

[1] Extends to corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 27, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-23304 Filed 8-11-76;8:45 am]

[24 CFR Part 1917]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Muskegon, Michigan

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (Section 1917.4 (a)), hereby gives notice of his proposed determination of flood elevations for the City of Muskegon, Michigan.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of Muskegon must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, 933 Terrace Street, Muskegon, Michigan 49443.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Donald E. Jackson, City Hall, 933 Terrace Street, Muskegon, Michigan 49443. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)
Muskegon Lake	Wilcox	584	800 from shore.
	Torrent	584	1,000 from shore.
	24 (extended)	584	1,300 from shore.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 23, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-23308 Filed 8-11-76;8:45 am]

[24 CFR Part 1917]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Richmond Heights, Missouri

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (Section 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the City of Richmond Heights, Missouri.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of Richmond Heights must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, 133 Big Bend Boulevard, Richmond Heights, Missouri 63117.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Richard F. Provagnik, 133 Big Bend Boulevard, Richmond Heights, Missouri 63117. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Hampton Creek	West Bruno Ave.	465	10	80
	Laclede Station Rd.	470	30	10
	Elinor Ave.	475	20	0
	Dale Ave.	483	55	55
	U.S. Highway 40	484	15	15
	South Dr.	494	45	40
	Park Dr.	508	5	115
Claytonia Creek	West Bruno Ave.	465	105	40
	Bredell Ave.	469	65	65
	Dale Ave.	477	15	20
	Lovella Ave.	481	10	35
	U.S. Highway 40	486	0	50
	Wise Ave.	493	20	20
	Clayton Rd.	512	15	15
Black Creek	Hoover Ave.	483	40	35
	Clayton Rd.	486	15	20

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 28, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-23312 Filed 8-11-76;8:45 am]

[24 CFR Part 1917]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Stephenson, Michigan

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (Section 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the City of Stephenson, Michigan.

Under this Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of Stephenson must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, Stephenson, Michigan 49887.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Herbert Corey, Stephenson, Michigan 49887. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Little Cedar River	Mill St.	674	0	40
	Menominee St.	674	40	10
	River Rd.	677	90	80

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(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 13, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-23309 Filed 8-11-76;8:45 am]

[24 CFR Part 1917]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of St. Louis Park, Minnesota

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the City of St. Louis Park, Minnesota.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of St. Louis Park must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, 5005 Minnetonka Boulevard, St. Louis Park, Minnesota 55416.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor James R. Dahl, City Hall, 5005 Minnetonka Boulevard, St. Louis Park, Minnesota 55416. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Minnehaha Creek	West 34th St	908	280	70
	West 36th St	905	170	300
	West 37th St	905	950	910
	Louisiana Ave	894	110	1,280
	Excelsior Blvd	892	60	40
	Yosemite Ave	891	40	40

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 22, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-23311 Filed 8-11-76;8:45 am]

[24 CFR Part 1917]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Thomasville, Georgia

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the City of Thomasville, Georgia.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of Thomasville must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, 144 East Jackson Street, Thomasville, Georgia 31792.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify mayor J. A. Bracey, City

Hall, 144 East Jackson Street, Thomasville, Georgia 31792. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Oquina Creek (Steam Mill Branch).	Pine Tree Blvd. North	191	440	520
	Cassidy Rd. (upstream side)	203	440	160
	Albany Rd. (upstream side)	206	150	160
	Cairo Rd. (upstream side)	216	150	1,020
	Inner Blvd. (near Felix St.)	232	200	160
	Wolf St	240	50	160
	West Clay St	248	100	60
	Campbell St	260	360	420
Oquina Creek (Bruce's Branch).	Chatham Dr. (upstream side)	202	80	40
	Walcott St. (upstream side)	209	70	30
	Glenwood Dr	213	80	260
	East Clay St	220	120	180
Good Water Creek	Pine Tree Blvd. North	267	300	240
	Patterson St	270	80	200
Olive Creek	Pine Tree Blvd. South	197	140	440
	Old Monticello Rd. (upstream side)	214	140	200
	Tuxedo Dr	223	260	190
Tributary No. 1	Glenwood Dr	202	120	280
Tributary No. 2	Tuewal St	210	200	90
	Partridge Dr	212	140	160
Tributary No. 3	Vine St	214	40	120
Tributary No. 4	West Clay St	240	90	300
	Lester St	260	220	300
Tributary No. 5	North College St	252	80	40
Tributary No. 7	Gordon Ave	243	240	30
Tributary No. 8	Louis Rd	254	100	80
	Mildred Lane	259	180	100
	Fletcher St. (upstream side)	264	80	100
Tributary No. 9	Edison St	273	40	80
	Straw Rd. (downstream side)	281	70	140
Tributary No. 11	Blackshear St	288	210	80

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 14, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-23305 Filed 8-11-76;8:45 am]

[24 CFR Part 1917]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Town of Clayton, Delaware

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the Town of Clayton, Delaware.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Town of Clayton must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Town Offices, 314 Main Street, Clayton, Delaware 19938.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor John T. Roth, Town Offices, 314 Main Street, Clayton, Delaware 19938. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

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Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Green's Branch	School Lane	36	180	40

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 27, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-23298 Filed 8-11-76;8:45 am]

[24 CFR Part 1917]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Town of Smyrna, Delaware

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (Section 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the Town of Smyrna, Delaware.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Town of Smyrna must adopt flood plain management measures that the consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Town Hall, 107 South Main Street, Smyrna, Delaware 19977.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor James T. Pappas, Sr., Town Hall, 107 South Main Street, Smyrna, Delaware 19977. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Mill Creek	Route 137	16	400	70
Green's Branch	Main St.	10	160 ft west from Providence Dr.	

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 27, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-23301 Filed 8-11-76;8:45 am]

[24 CFR Part 1917]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Township of Union, (Union County), New Jersey

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (Section 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the Township of Union, New Jersey.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Township of Union must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Municipal Building, Friberber Park, Union, New Jersey 07083. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor John Zimmerman, Municipal Building, Friberber Park, Union, New Jersey 07083. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Elizabeth River	Union Ave	66	200	(1)
	Salem Rd	42	150	(1)
	North Ave	30	370	(1)
Trotters Lane Branch	Woodland Rd	52	35	85
	North Ave	35	45	25
Lehigh Valley Branch	Huguenot Ave	54	240	100
	Potter Ave	47	170	280
West Branch, Elizabeth River.	Self Master Parkway	59	80	40
	Vaux Hall Rd	49	70	80
Lightning Brook	Union Ave	57	20	320
Irvington Branch, Lightning Brook.	Oswood Ter	117	100	90
	Stanley Ter	91	90	130
South West Branch Lightning Brook.	Vaux Hall Rd	92	35	35
	Balmoral Ave	83	160	280
Maplewood Branch, Lightning Brook.	Foot of Cherry St	79	240	40
Rahway River	Morris Ave	89	570	(1)
	Milltown Rd	83	150	(1)
	U.S. Route 22, east bound	78	80	(1)
East Branch Rahway Branch 10-34.	Vaux Hall Rd	96	40	(1)
	Liberty Ave to Springfield Rd	84	220	280
Vaux Hall Branch	Vaux Hall Rd	114	240	150
	Liberty Ave	90	720	960
Vaux Hall subbranch	I-78 ramp	90	120	80

[1] Outside corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 14, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-23316 Filed 8-11-76;8:45 am]

[24 CFR Part 1917]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Village of Sutton's Bay, Michigan

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (Section 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the Village of Sutton's Bay, Michigan.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Village of Sutton's Bay must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Village Hall, Sutton's Bay, Michigan 49682.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. William Gregory, President, Village Council, Village Hall, Sutton's Bay, Michigan 49682. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width: Approximate distance in feet from shore to boundary of the 100-yr flood
Sutton's Bay	East Pine View Rd	582.4	30
	1st St	582.4	40
	Madison St	582.4	25
	Jefferson St	582.4	15
	Broadway	582.4	35
	Consord St	582.4	20
	Race St	582.4	30

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(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 26, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-23310 Filed 8-11-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

[14 CFR Part 39]

[Docket No. 76-WE-15-AD]

AIRWORTHINESS DIRECTIVES

McDonnell Douglas Model DC-9 Series Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to McDonnell Douglas Model DC-9 Series airplanes having certain model seat belts installed on the flight attendant's seat located on the aft pressure bulkhead door. It has been determined that the flight attendant seat belts of cerncern might not provide proper restraint to the occupant. A bungee cord, intended to pull the seat belt retractor shroud out of the way during the automatic seat retracting cycle, holds the shroud against the door structure when the seat is occupied and seat belt is buckled. Since the bungee cord is stronger than the belt retraction spring, the retractor is unable to snug the belt against the occupant. Should subsequent deceleration occur, the bungee cord could stretch permitting the seat occupant to move about 4", which, in turn, might result in the occupant "submarining" out from under the seat belt, particularly if the shoulder harness is also buckled. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed Airworthiness Directive would on McDonnell Douglas Model DC-9 series airplanes prohibit the use of certain seats or require the seat belt installation to be modified or replaced in a manner approved by the Chief, Aircraft Engineering Division, FAA, Western Region.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Information on the economic, environmental and energy impact that might result because of adoption of the proposed rule is requested. Communications should identify the docket number and be submitted in duplicate to the Department of Transportation, Federal Aviation Administration, Western Region, Attention: Regional Counsel, Airworthiness Rule Docket, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009. All communications received on or before September 14, 1976 will be considered by the agency before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655 (c)).)

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), Section 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

MCDONNELL DOUGLAS CORPORATION: Applies to McDonnell Douglas Model DC-9 series airplanes certificated in all categories, having American Safety Flight Systems Inc. seat belt Models 444657 or 444660 installed on the flight attendant's seat located on the aft pressure bulkhead door.

Compliance required within the next 300 hours time in service after the effective date of this AD unless already accomplished.

To prevent possible injury to the occupant of the flight attendant's seat, accomplish either of the following:

(a) Install a placard on the flight attendant's seat, located on the aft pressure bulkhead door which reads:

"DO NOT OCCUPY", or

(b) Replace or modify the seat belt installation including the bungee cord on the flight attendant's seat located on the aft pressure bulkhead door, to provide proper restraint of the occupant, in a manner approved by the Chief, Aircraft Engineering Division, FAA, Western Region.

NOTE.—The subject seat belts were installed at a particular time during factory production and may also have been installed in the field in accordance with Service Bulletin 25-147.

Issued in Los Angeles, California, on August 3, 1976.

ROBERT H. STANTON,
Director, FAA Western Region.

[FR Doc.76-23437 Filed 8-11-76;8:45 am]

Federal Aviation Administration

[14 CFR Part 45]

[Docket No. 15977; Notice No. 76-16]

IDENTIFICATION AND REGISTRATION MARKING

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending § 45.13 of the Federal Aviation Regulations to prohibit the removal, change, or placement of information on identification (ID) plates required by § 45.11 and the removal and installation of ID plates on aircraft, aircraft engines, propellers, and propeller blades and hubs, without the approval of the Administrator.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, S.W., Washington, D.C. 20591. All communications received on or before November 8, 1976, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Each aircraft and aircraft engine is required by § 45.11 of the Federal Aviation Regulations to be identified by means of a fireproof identification (ID) plate that contains specified identification information. Propellers, and propeller blades and hubs must also be identified by ID plates or other approved method such as stamping, engraving and etching. The identification information includes the name of the builder, aircraft model, builders' serial number, and information necessary to identify the aircrafts' type design. An aircraft must be shown to conform to its type design before the FAA will issue it an original airworthiness certificate and subsequent repairs and modification to the aircraft must be compatible with that type design. To assure the continued accuracy of the information, § 45.13(b) provides that no person may remove or change identification information without the approval of the Administrator.

However, questions have arisen with respect to the interpretation of these regulations, and the FAA is aware that ID plates have been altered and switched from one aircraft to another in an apparent effort to avoid the time and expense of establishing that the aircraft conforms to an FAA approved type design and, therefore, is entitled to an airworthiness certificate. For example, ID plates have been removed from aircraft that have been destroyed in accidents or that are otherwise no longer flyable. These ID plates have been sold and installed on "look-alike" aircraft built from spare and surplus parts and military surplus aircraft. They are then used to obtain airworthiness certificates for these aircraft under the guise of obtaining duplicate copies of a lost or destroyed airworthiness certificate for the aircraft that the ID plate was originally installed on.

Although the extent of the practice described above is not known, the FAA believes it should be eliminated. Accordingly, it is proposed to amend Part 45 by adding a new § 45.13(c) to specifically prohibit any person from removing or installing an ID plate required by § 45.11 without the approval of the Administrator. In addition, § 45.13(b) would be amended to provide that no person may remove, change, or place identification information required by Part 45, without the approval of the Administrator.

This amendment is proposed under sections 307(c), 313(a), 501 and 502 of the Federal Aviation Act of 1958 [49 U.S.C. 1348(c), 1354(a), 1401, and 1402] and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend Part 45 of the Federal Aviation Regulations by amending § 45.13(b) and by adding a new § 45.13 (c) to read as follows:

§ 45.13 Identification data.

* * * * *

(b) No person may remove, change, or place identification information on an identification plate required by § 45.11 of this part, without the approval of the Administrator.

(c) No person may install or remove an identification plate required by § 45.11 of this part, without the approval of the Administrator.

Issued in Washington, D.C., on July 30, 1976.

R. P. SKULLY,
Director, Flight Standards Service.

[FR Doc.76-23257 Filed 8-11-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-SW-42]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a transition area at Anahuac, Tex.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before September 13, 1976, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (41 FR 440), the following transition area is added:

ANAHUAC, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Chambers County Airport (latitude 29°46'12" N., longitude 94°39'51" W.) and within 3 miles each side of the 137° bearing from the Chambers County RBN (latitude 29°46'23" N., longitude 94°39'47" W.) extending from the 5-mile-radius area to 8.5 miles southeast of the RBN.

The proposed transition area will provide controlled airspace for aircraft executing the proposed NDB RWY 30 (Original) instrument approach procedure to Chambers County Airport.

(Sec. 307(a) Federal Aviation Act of 1958 (49 U.S.C. 1348) and of sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Fort Worth, TX, on August 2, 1976.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.76-23404 Filed 8-11-76;8:45 am]

[14 CFR Parts 71 and 73]

[Airspace Docket No. 76-RM-13]

RESTRICTED AREA

Alteration and Extension

The Federal Aviation Administration (FAA) is considering amendments to Parts 71 and 73 of the Federal Aviation Regulations that would alter and extend Restricted Areas R-6404 A/B/C, Hill AFB, Utah.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Rocky Mountain Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 10445 East 25th Avenue, Aurora, Colorado 80010. All communications received on or before September 13, 1976, will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, S.W., Washington, D.C. 20591.[1] An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Request for copies of this Notice of Proposed Rule Making should be addressed to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-230, 800 Independence Avenue, SW., Washington, D.C. 20591.

[1] Map filed as part of the original document.

The proposed amendments would redesign, alter the designated altitudes and change the time of designation of Restricted Area R-6404 A/B/C to:

R-6404A HILL AFB, UTAH

Boundaries. Beginning at Lat. 41°15'00" N., Long. 113°43'50" W.; to Lat. 41°10'40" N., Long. 112°45'00" W.; to Lat. 41°00'00" N., Long. 112°45'00" W.; to Lat. 41°00'00" N., Long. 112°56'30" W.; to Lat. 40°51'30" N., Long. 112°56'30" W.; to Lat. 40°48'30" N.; Long. 113°40'00" W.; to point of beginning.
Designated altitudes. Surface to FL 580.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Salt Lake City ARTC Center.
Using agency. Commander, Hill AFB, Utah.

R-6404B HILL AFB, UTAH

Boundaries. Beginning at Lat. 41°10'40" N., Long. 112°45'00" W.; to Lat. 41°07'00" N., Long. 112°39'00" W.; to Lat. 41°01'00" N., Long. 112°39'00" W.; to Lat. 40°51'30" N., Long. 112°56'30" W.; to Lat. 41°00'00" N., Long. 112°56'30" W.; to Lat. 41°00'00" N., Long. 112°45'00" W.; to point of beginning.
Designated altitudes. 100 feet AGL to FL 580.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Salt Lake City ARTC Center.
Using agency. Commander, Hill AFB, Utah.

In addition, Restricted Area R-6404C would be deleted in § 71.151.

The using agency anticipates increased usage (fifty-four F-4D aircraft) of the proposed consolidated area and has indicated a need for the eastern boundary expansion in order to conduct more realistic training by tactical fighter aircraft.

(Sec. 307(a) Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on August 5, 1976.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc 76-23435 Filed 8-11-76;8:45 am]

[14 CFR Part 75]

[Airspace Docket No. 76-SO-64]

JET ROUTES

Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would realign the present jet routes overlying Memphis, Tenn., commensurate with the proposed relocation of the Memphis, Tenn., VOR/DME, at lat. 35°03'45" N., Long. 89°58'53" W., on December 30, 1976.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before September 13, 1976, will be considered before action is taken on the proposed amendment. The proposal con-

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tained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591.[1] An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Request for copies of this Notice of Proposed Rule Making should be addressed to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-230, 800 Independence Avenue, SW., Washington, D.C. 20591.

The proposed amendment would:

1. Realign Jet Route J-41 in part from Birmingham, Ala., Memphis, Tenn., Springfield, Mo.

2. Realign Jet Route J-66 in part from Little Rock, Ark.; Memphis, Tenn.; to Rome, Ga.

3. Realign Jet Routes J-29, J-35, J-42, J-71 and J-118 via the (relocated) Memphis VORTAC.

These airspace actions are necessitated by the proposed relocation of the Memphis, Tenn., VOR/DME, at Lat. 36°03'45" N., Long. 89°58'53" W., on December 30, 1976.

(Sec. 307(a) Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on August 5, 1976.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76-23436 Filed 8-11-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Parts 220 Through 229]

[FRL 598-6]

OCEAN DUMPING; PROPOSED REVISION OF REGULATIONS AND CRITERIA

Extension of Public Comment Period

On June 28, 1976, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER proposed revision of ocean dumping regulations and criteria (41 FR 26644 et seq.). In that publication it was stated that a Draft Environmental Impact Statement (DEIS) on the proposed revision was available for inspection.

Because sufficient copies of this DEIS were not available for distribution until August 3, and because EPA has received a request to extend the public comment period on the proposed revision of the ocean dumping regulations and criteria and on the DEIS will be extended until September 24, 1976.

(33 U.S.C. 1421 and 1418.)

Dated: August 6, 1976.

ANDREW W. BREIDENBACH,
Assistant Administrator for Water and Hazardous Materials.

[FR Doc.76-23416 Filed 8-11-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20413 et al]

FM BROADCAST STATIONS: TABLE OF ASSIGNMENTS

Iowa, et al.

In the matter of amendment of § 73.202 (b), Table of Assignments, FM Broadcast Stations. (Ankeny, Iowa; Copperas Cove, Tex.; Davis, Calif.; Emmetsburg, Ia.; Frankfort, Mich.; Hiawatha, Kans.; Howell, Mich.; Jewett, Ohio; New Lexington, Ohio; Ottawa, Ohio; Selmer, Tenn.; Yoakum, Tex.) Docket No. 20413; RM-2416, RM-2470, RM-2505, RM-2510, RM-2492, RM-2511, RM-2496, RM-2508, RM-2486, RM-2504, RM-2509, RM-2483.

1. We have under consideration in this proceeding the comments filed in response to our further notice of proposed rule making which proposed the assignment of Channel 288A to Copperas Cove, Texas (1970 population 10,818), as its second FM assignment.[1] Comments were filed by KOVE Broadcasting Company ("KOVE"), a partnership between Ted C. Connnell and Gaylon W. Christie, original petitioners in this proceeding; and B. Rex Samford, petitioner and present applicant for a new FM broadcast station on Channel 276A at Copperas Cove.[2]

2. Connell and Christie sought the assignment stating that Copperas Cove could support two FM broadcast stations, and the assignment would avoid a comparative hearing with regard to Channel 276A. They presented information to demonstrate that Copperas Cove had experienced a rapid increase in population (136.9 in the last Census decade) and estimated the 1975 population at 17,000.

3. In the Notice the Commission found that the proposal had merit but noted its concern that such an assignment would preclude possible future assignments of Channels 288A, 289 and 290 for twelve communities in the surrounding area. We asked that interested parties show, if possible, alternative FM channels available to these communities. KOVE presents an engineering statement indicating that at least one FM channel assignment is available to the twelve communities listed by the Commission in the Further Notice, with the exception of Killeen, Texas. With respect to Killeen, KOVE commented that it already has one FM broadcast station, one standard broadcast station, and one noncommercial educational FM broadcast station. Furthermore, KOVE states that Killeen is less than 10 miles from Copperas Cove and would receive the signal of any station licensed there. The Commission's engineering study found that only nine of the twelve communities have alternative channels available; however, each of the other three (Cameron, Stephenville and Killeen) have one commercial FM channel assigned to them.

4. B. Rex Samford, applicant for a construction permit on Channel 276A at Copperas Cove (BBH-9673), states that although it harbors reservations as to the ability of the community to support two broadcast stations, it is willing to construct and operate a station in competition with a second local facility. Therefore, Samford interposes no objection to the assignment of a second FM channel to Copperas Cove. Samford notes that KOVE's present application for Channel 276A is inconsistent with its representation to apply for the second channel and the Commission should hold KOVE accountable for its representation.

5. In its comments, KOVE has failed to state its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly, as required by our Notice (para. 2, Appendix II). Furthermore, KOVE has not indicated its willingness to withdraw its application for Channel 276A if Channel 288A is assigned to Copperas Cove. Samford has indicated no interest in Channel 288A, and no other party has expressed an interest in applying for the station on the channel. Absent compelling circumstances, the Commission will not assign a channel without a clear statement of intention by an interested party that it will apply for a station on the channel if authorized.[3]

6. Although no party has clearly stated its present intention to apply for the new channel if assigned, there are two parties applying for one Class A station at Copperas Cove. Samford has indicated willingness to operate a second station, and petitioner evidences its continuing interest by filing comments with regard to a second assignment. Based upon the population, rapid growth, economy, and social information presented, we find that it would be in the public interest to make a second assignment to Copperas Cove. The assignment is consistent with our population guidelines which provide for two commercial assignments in communities of this size. We have not, however, received assurance that the channel would be utilized promptly if assigned.

7. An interested party must state clearly and affirmatively its intention to apply for a construction permit on Channel 288A at Copperas Cove before we shall continue with this proceeding. Should that party be KOVE or Samford, they will also be required to state an intention to withdraw the conflicting application for Channel 276A if it is still pending.[4] If such a statement of intent is not forthcoming, the proposed assignment would be denied. Ogallala, Nebraska, 42 F.C.C. 2d 720 (1973); 47 F.C.C. 2d 200 (1974).

8. Authority for the action contained herein appears in sections 4(i), 5(d)(1), 303, and 307(b) of the Communications Act, as amended; and § 0.281(b)(6) of the Commission's rules and regulations.

9. Interested parties may file comments on or before September 13, 1976, and reply comments on or before October 5, 1976.

Adopted: July 29, 1976.

Released: August 6, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-23526 Filed 8-11-76;8:45 am]

[47 CFR Part 73]

[Docket No. 20885; RM-2649]

TABLE OF ASSIGNMENTS, FM BROADCAST STATIONS

Park City, Utah

1. Richard H. Albert (petitioner), filed a petition requesting the assignment of Class C FM Channel 300 to Park City, Utah. No other revisions in the FM Table of Assignments, Section 73.202(b), were proposed, and no supporting or opposing comments were received. Petitioner states that, if the channel is assigned, he will promptly file an application for a construction permit.

2. Summit County (population 5,879)[1] contains the small community of Park City which has 1,193 residents. There is neither an AM or FM assignment at Park City.

3. Park City is located approximately 21 miles southeast of Salt Lake City and 30 miles north of Provo, Utah. Petitioner states that, during the height of the snow ski season, thousands of tourists visit Park City to take advantage of the numerous resort facilities. He adds that public agencies have predicted a permanent population by 1980 of from 16,000 to 37,000 persons. Petitioner points out that Park City does not have a daily newspaper or a broadcast facility carrying local news, thus the community is greatly restricted in dealing with community problems. He notes that information, such as severe weather warnings, are of great importance to the residents of this area. Petitioner states that, while Park City is close to Salt Lake City, the two cities are separated by very rugged terrain and, due to this terrain, Park City is unable to receive reliable reception from the existing broadcast facilities in Salt Lake City.

4. Large areas of preclusion occur on Channel 300 and Channel 299 with a small area being precluded on Channel 298. The area in which preclusion would occur includes more than 50 cities whose populations are 1,000 persons or more. The largest cities among these are Pocatello, Idaho (40,036), Ogden (69,478), Logan (22,333), and Provo, Utah (53,131). There are a number of channel assignments in the precluded areas which are presently open and unapplied for. Petitioner avers that the proposed Class C station would serve Park City and a number of small communities adjacent to Park City representing an additional population of approximately 18,000 persons.

5. Although the proposed channel assignment complies with the requirements of the minimum mileage separation rule (§ 73.207(a)), it is a Class C channel. In the case herein where the community has a population of 1,193 persons, it is the usual practice to assign a Class A channel in accordance with the population guidelines.[2] Thus, before the Commission is able to determine whether the requested assignment would be in the public interest, additional information is needed. Petitioner should submit in his comments, a Roanoke Rapids-Goldsboro, N.C., 9 F.C.C. 672 (1967), showing, as modified by Anamosa-Iowa City, Ia., 40 F.C.C 2d 250 (1974), setting forth the areas and populations which would be provided with a first and second aural service from a Park City Channel 300 facility.

6. Comments are invited on the following proposal to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules:

City	Channel No.	
	Present	Proposed
Park City, Utah		300

7. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures used, and filing requirements are contained below and are incorporated herein.

8. Interested parties may file comments on or before September 13, 1976, and reply comments on or before October 5, 1976.

Adopted: July 29, 1976.

Released: August 6, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the Notice of proposed rule making to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of proposed rule making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of proposed rule making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of

[1] Map filed as part of the original document.

[1] Channel 276A was assigned by Report and Order, 40 FR 49335 (1975).

[2] BPH-9673.

[3] The Commission found the equivalent of such a commitment in Sun Valley, Idaho, 41 FR 27364, adopted June 18, 1976, in similar circumstances. However, in that case at least one of the two applicants clearly stated its unequivocal intent to proceed if a second FM channel was assigned. In general the Commission requires at least one party to affirmatively state its intention to utilize a new assignment.

[4] See Billings, Montana, 41 Fed. Reg. 21363, para. 6, adopted May 13, 1976. See also §§ 1.518 and 73.240(a)(1) of the FCC rules.

[1] All population figures are taken from the 1970 U.S. Census.

[2] Further notice of proposed rule making in Docket No. 14185, 27 FR 7797 (1962), incorporated by reference in the Third Report, Memorandum Opinion and Order in Docket No. 14185, Para. 25, 40 F.C.C. 747, 758 (1963).

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the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc.76-23525 Filed 8-11-76;8:45 am]

FEDERAL ENERGY OFFICE

[10 CFR Part 212]

NATURAL GAS LIQUIDS

Class Exception on Retroactive Application; Supplemental Decision, Order and Public Hearing

The Federal Energy Office hereby gives notice that a public hearing will be held on a proposal to issue a supplemental Decision and Order to the Class Exception issued by the FEA Office of Exceptions and Appeals on August 29, 1975. "Class Exception-Retroactive Application to Subpart K," 2 FEA Par. 34901 (August 29, 1975) (40 FR 40824; September 4, 1975). The proposed supplemental order would clarify the August 29, 1975 Decision as to the extent of the exception relief provided therein with respect to certain natural gas processors.

The FEO has previously set forth the proposal to issue a supplemental Decision and Order to the Class Exception and solicited comments with regard to its proposal. 41 FR 24609 (June 17, 1976). Copies of all comments received by the FEO are available to the public in the Public Docket Room of the Office of Private Grievances and Redress, Room B-210, 2000 M Street, NW., Washington, D.C., between the hours of 1 and 5 p.m.

In the comments received by the FEO concerning the proposal to issue the supplemental Decision and Order, a number of persons have requested that the FEO hold a public hearing in connection with this matter. In view of the interest which has been expressed in a public hearing on this matter and the effect which the issuance of the proposed Decision and Order would have on the firms involved, the FEO has determined that a public hearing should be held with respect to the proposal to issue a supplemental Decision and Order to the August 29, 1975 Class Exception in order to afford interested parties an opportunity to present their views. The public hearing will be held on August 26, 1976, in Room 2105, 2000 M Street, NW., Washington, D.C.

Any person who has an interest in the subject matter, or who is a representative of a group or class of persons that has such an interest may make a written request for an opportunity to make an oral presentation. Such a request should be directed to Executive Communications, FEO, and must be received before 4:30 p.m., August 18, 1976. Such a request may be hand delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he or she is a proper representative of a group or class of persons that has such an interest; and to give a concise summary of the proposed oral presentation and phone number where he or she may be contacted through August 25, 1976. Each person selected to be heard will be so notified by the FEO before 4:30 p.m., August 20, 1976, and must submit 100 copies of his or her statement to Regulation Development Office, FEO, Room 2214, 2000 M Street, NW., Washington, D.C., before 4:30 p.m., e.s.t. on August 25, 1976.

The FEO reserves the right to select the persons to be heard at the hearing, to schedule their respective presentations and to establish the procedures governing the conduct of the hearing. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEO official will be designated to preside at the hearing. This will not be a judicial or evidentiary-type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross-examination of persons presenting statements. Any decision made by the FEO with respect to the subject matter of the hearing will be based on all information available to the FEO. At the conclusion of all initial oral statements, if time permits, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested persons may submit questions to be asked of any person making a statement at the hearing to Executive Communications, FEO, before 4:30 p.m., August 24, 1976. Any person who wishes to ask a question at the hearing may submit the question, in writing, to the presiding officer. The FEO or the presiding officer, if the question is submitted at the hearing, will determine whether the question is relevant, and whether the time limitations permit it to be presented for an answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by the FEO and made available for inspection at the FEO Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

Issued in Washington, D.C., August 6, 1976.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Office.

[FR Doc.76-23478 Filed 8-9-76;12:24 pm]

GENERAL SERVICES ADMINISTRATION

[41 CFR Parts 101-2, 101-26]

DISCREPANCIES OR DEFICIENCIES IN GSA OR DOD SHIPMENTS, MATERIAL, OR BILLINGS

Notice of Proposed Changes

The General Services Administration proposes to amend the regulations issued in Subparts 101-2.1 and 101-26.3 of the Federal Property Management Regulations (FPMR) and to establish new Subpart 101-26.8. FPMR 101-2.1 concerns the procedures used by GSA in billing for supplies and services furnished Government agencies and the procedures for payment and adjustment of those billings. FPMR 101-26.3 concerns the procurement of GSA stock items and includes policy and procedures for reporting and obtaining adjustments for overages, shortages, and damages of those items.

It is proposed to change the minimum dollar value in FPMR 101-2.1 below which adjustments of billings and payments are not required and should not be requested. It is also proposed to change FPMR 101-26.3 to remove the regulations therefrom; to revise and augment those regulations so removed; and, with proper cross referencing, to include them in new Subpart 101-26.8.

These proposed changes result in part from a joint decision by officials of the General Services Administration (GSA) and the Department of Defense (DOD) to establish a $25.01 minimum below which adjustments will not be made in billings or payments for any one line item on a bill for material or shipments from or directed by GSA or DOD. Further, in the interests of promoting the national supply system concept, GSA and DOD policy and procedures governing the reporting of discrepancies or deficiencies in shipments, material, or billings have been standardized as feasible with respect to their effect on civil executive agencies. This standardization is reflected in applicable DOD regulations and in the GSA regulations proposed for new Subpart 101-26.8.

To provide uniformity in the application of GSA and DOD policy and procedures, it is planned to implement these procedures on September 1, 1976. However, the regulatory aspects of the proposed policy will not be effective until approved by the Administrator of General Services and subsequently published in the FEDERAL REGISTER.

Written comments concerning the proposed amendment may be submitted to the General Services Administration (F), Washington, DC 20406, on or before August 25, 1976.

In consonance with the foregoing, it is proposed to amend the FPMR as follows:

PART 101-2—PAYMENTS TO GSA FOR SUPPLIES AND SERVICES FURNISHED GOVERNMENT AGENCIES

Subpart 101-2.1—Billings, Payments, and Adjustments

Section 101-2.104 is amended as follows:

§ 101-2.104 Adjustments.

* * * * *

(c) Adjustments of billings or payments are not required and should not be requested or made whenever the difference involved, resulting from over or under deliveries or over or under charges, represents an amount of $25 or less on any one line item on a bill. This practice regarding adjustments is not to be construed to eliminate billings and payments for requisitioned items of $25 or less. In connection with GSA Federal Supply Service activities, Subpart 101-26.8 is applicable to adjustments for discrepancies or deficiencies in shipments or material. To minimize followup, research, and collection costs on intragovernmental transactions, agencies are urged to follow the most liberal policy possible in determining whether or not to request adjustments. To further expedite settlement of accounts between GSA and the billed agencies, such settlements may be made by mutual agreement, regardless of amount, without reference to the General Accounting Office.

* * * * *

PART 101-26—PROCUREMENT SOURCES AND PROGRAMS

The table of contents for Part 101-26 is amended by adding the following reserved and new entries:

Sec.
101-26.307-1 [Reserved]
101-26.307-2 [Reserved]
101-26.307-3 [Reserved]

Subpart 101-26.8—Discrepancies or Deficiencies in GSA or DOD Shipments, Material, or Billings

101-26.800 Scope of subpart.
101-26.801 Applicability.
101-26.802 Exclusions.
101-26.803 Discrepancies or deficiencies in shipments, material, or billings.
101-26.803-1 Reporting discrepancies or deficiencies.
101-26.803-2 Adjustments.

Subpart 101-26.3—Procurement of GSA Stock Items

Section 101-26.307 is revised and §§ 101-26.307-1, 101-26.307-2, and 101-26.307-3 are deleted and reserved as follows:

§ 101-26.307 Processing overages, shortages, and damages.

(a) Transportation-type discrepancies shall be processed in accordance with the instructions in Subpart 101-40.7 when the discrepancies are the fault of the carrier and occur while the shipments are in the possession of:

(1) International ocean or air carriers, regardless of who pays the transportation charges, except where shipment is on a through Government bill of lading (TGBL). (Discrepancies in shipments on a TGBL shall be reported as prescribed in Subpart 101-26.8.)

(2) Carriers within the continental United States, when other than GSA or DOD pays the transportation charges.

(b) Reporting discrepancies or deficiencies in material or shipments and processing requests for or documenting adjustments in billings from or directed by GSA activities shall be in accordance with the provisions of Subpart 101-26.8.

§ 101-26.307-1 [Reserved]

§ 101-26.307-2 [Reserved]

§ 101-26.307-3 [Reserved]

New Subpart 101-26.8 is added as follows:

Subpart 101-26.8—Discrepancies or Deficiencies in GSA or DOD Shipments, Material, or Billings

Sec.
101-26.800 Scope of subpart.
101-26.801 Applicability.
101-26.802 Exclusions.
101-26.803 Discrepancies or deficiencies in shipments, material, or billings.
101-26.803-1 Reporting discrepancies or deficiencies.
101-26.803-2 Adjustments.

Subpart 101-26.8—Discrepancies or Deficiencies in GSA or DOD Shipments, Material, or Billings

§ 101-26.800 Scope of subpart.

This subpart prescribes a uniform system for reporting discrepancies or deficiencies in material or shipments and processing requests for or documenting adjustments in billings from or directed by GSA or Department of Defense (DOD) activities.

§ 101-26.801 Applicability.

This subpart is applicable to all civilian executive agencies, including their contractors when authorized. Military activities should follow the applicable DOD or military service/agency regulations in reporting discrepancies or deficiencies in shipments or material, or requesting adjustments in billings from or directed by GSA unless exempted therefrom, in which case the provisions of this § 101-26.801 apply.

§ 101-26.802 Exclusions.

The provisions of this regulation are not applicable to shipments and billings related to the stockpile of strategic and critical materials or excess or surplus property; or to billings for services, space, communications, and printing which are covered by Subpart 101-2.1.

§ 101-26.803 Discrepancies or deficiencies in shipments, material, or billings.

§ 101-26.803-1 Reporting discrepancies or deficiencies.

(a) When discrepancies or deficiencies are incurred in shipments or material, activities shall document such discrepancies or deficiencies with sufficient information to enable initiation and processing of claims against carriers and suppliers for shortages, damages, and the disposition of any overages or incorrect items. Procedures for documenting such discrepancies or deficiencies including those for documenting and reporting quality deficiencies are set forth in the GSA Handbook, Discrepancies or Deficiencies in GSA or DOD Shipments, Material, or Billings, promulgated by the Commissioner, Federal Supply Service.

(1) Discrepancies or deficiencies other than those outlined in paragraph (2) of this section shall be reported on the forms and within the time frames and dollar limitations prescribed in the handbook referenced above.

(2) Transportation-type discrepancies shall be processed in accordance with the instructions in Subpart 101-40.7 when the discrepancies are the fault of the carrier and occur while the shipments are in the possession of:

(i) International ocean or air carriers, regardless of who pays the transportation charges, except where shipment is on a through Government bill of lading (TGBL). (Discrepancies in shipments on a TGBL shall be reported as prescribed in the GSA handbook referenced in paragraph (1) of this section.)

(ii) Carriers within the continental United States, when other than GSA or DOD pays the transportation charges.

(b) Reports shall be prepared promptly and mailed to the appropriate GSA or DOD office in order to avoid delay in adjustment actions and complication of claim actions against carriers or suppliers.

§ 101-26.803-2 Adjustments.

GSA and DOD will adjust billings whenever the difference involved, resulting from over or under charges or discrepancies or deficiencies in shipments or material, exceeds $25 per line item on a bill submitted in accordance with the provisions of this Subpart 101-26.8 and the GSA Handbook, Discrepancies or Deficiencies in GSA or DOD Shipments, Material, or Billings.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).)

Dated: July 29, 1976.

J. H. BOLTON,
Acting Commissioner,
Federal Supply Service.

[FR Doc.76-23455 Filed 8-11-76;8:45 am]

INTERNATIONAL TRADE COMMISSION

[19 CFR Part 201]

NONADJUDICATIVE HEARINGS

Conduct

The Commission is considering amendments to title 19, part 201, of the Code of Federal Regulations that would revise section 201.12, concerning the conduct of nonadjudicative hearings.

Interested persons may participate in the proposed rulemaking by submitting

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such written data, views, or arguments as they may desire. Communications should be submitted to the Office of the Secretary, United States International Trade Commission, Washington, D.C. 20436. All communications received on or before September 13, 1976, will be considered before action is taken on the proposed amendment. Comments received will be available for public examination in the Office of the Secretary.

The Commission's proposed changes would provide for the assignment, where appropriate, of employees to preside over hearings and for the delineation of the powers and duties of presiding officials. In addition, the proposed changes provide for the submission of witnesses' prepared statements and for oral summaries of such statements in testimony.

It is proposed to revise § 201.12 of Part 201 of Title 19 of the Code of Federal Regulations to read as follows:

§ 201.12 Conduct of nonadjudicative hearings.

(a) *Presiding officials.*

(1) *Who presides.* Public hearings in nonadjudicative investigations will be conducted by the Commission, one or more Commissioners, or by one or more designated employees; in all cases the transcript of the testimony at a hearing will be presented for the consideration of the Commission.

(2) *Powers and duties.* The Commission, one or more Commissioners, or one or more designated employees shall have all the powers necessary to conduct fair and impartial hearings, to take necessary action to avoid delay in the disposition of proceedings, including the prescription of time allocated to testimony, argument, and questioning, to regulate the course of hearings and the conduct of the parties and their counsel therein, and to maintain order.

(b) *Order of testimony.* Unless otherwise ordered by the presiding officials, witnesses will give testimony in the order designated by the Secretary of the Commission. Each witness, after being duly sworn, will be permitted to proceed with his or her testimony without interruption except by presiding officials. Witnesses are encouraged to summarize any prepared statements orally. Prepared statements, however, will be made a part of the transcript.

(c) *Questioning of witnesses.* After completing testimony, a witness may be questioned by any member of the Commission or by its staff. Any person who has entered an appearance in accordance with § 201.13 may, with the permission of the presiding official, direct questions to the witness, but only for the purpose of assisting the Commission in obtaining relevant and material facts with respect to the subject matter of the investigation.

(d) *Submission of prepared statements.* Copies of witnesses' prepared statements should be filed with the Office of the Secretary of the Commission three (3) business days prior to the hearing or as close to actual presentation at the hearing as possible, and submission of such statements shall comply with § 201.8 of this subpart.

(e) *Certification of testimony.* Evidence, oral or written, submitted at hearings will upon order of the Commission be subject to verification from books, papers, and records of the parties submitting the evidence and from any other available sources.

(f) *Oral argument.* When, in the opinion of the presiding official, time permits and the nature of the proceedings and the complexity or importance of the questions of fact or law involve warrant, the presiding official may allow oral argument after conclusion of the testimony in a hearing. The presiding official will determine in each instance the time to be allowed for argument and the allocation thereof.

(g) *Briefs.* Briefs of the evidence produced at the hearing and arguments thereon may be presented to the Commission by parties interested who have entered an appearance. Unless otherwise ordered, twenty (20) clear copies shall be filed with the Secretary of the Commission. Time to be allowed for submission of briefs will be set after conclusion of testimony and oral argument, if any.

(f) *Hearing transcripts.* All hearings are stenographically reported. The Commission does not distribute transcripts of the records of such hearings. Parties interested may inspect them at the Commission's office in Washington, D.C., or purchase them from the official reporter.

Issued: August 9, 1976.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.76-23545 Filed 8-11-76;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[49 CFR Part 801]

FEE SCHEDULE

Proposed Revision

Pursuant to section (a)(4)(A) of the Freedom of Information Act (Pub. L. 93-502, November 21, 1974, amending 5 U.S.C. 552) (Act) fee schedules for publications must be published in the FEDERAL REGISTER. In 1975, after notice, the National Transportation Safety Board (Board) issued its regulation implementing the Act. In an amended Appendix to 49 CFR Part 801, which was published at 41 FR 16805, April 22, 1976, a price list for publications and reproduction of factual investigative records and other documents was established, based on the contract prices established in the then current contract between the Board and the commercial reproducer. Certain changes in the fee schedule are now required to reflect the terms of a new contract with the commercial reproducer and to indicate revisions in cost of publications.

Written comments by the public are invited. Comments may be submitted to the Office of General Counsel, National Transportation Safety Board, 800 Independence Avenue, SW, Washington, D.C. 20594, on or before September 13, 1976.

Accordingly, the National Transportation Safety Board hereby proposes to revise the Appendix to 49 CFR Part 801 to read as follows:

APPENDIX—FEE SCHEDULE

1. Special services fees (pursuant to 31 U.S.C. 483a). Upon request, services relating to public documents are available at the following fees:

(a) Subscriptions (Calendar year):

(1) Initial decisions of the administrative law judges—$40.00 for one subscription, $30.00 for each additional subscription.

(2) Board safety enforcement opinions and orders—$20.00 for one subscription, $15.00 for each additional subscription.

(3) Board aircraft accident (probable cause) reports, brief format—$40.00 (U.S.) and $80.00 (foreign).

(4) Aircraft accident reports, narrative—$35.00 (U.S.) and $70.00 (foreign).

(5) Board safety recommendations—$60.00.

NOTE.—Subscription orders for (a)(3) and (4), above, should be forwarded to the National Technical Information Service, P.O. Box 1551, Springfield, Virginia 22151.

(b) Document certification under the Board's seal—$4.00.

(c) Computer tapes and services for aviation accidents. Duplication of computer tapes (or a fraction thereof)—$40.00.

NOTE.—Computer tape requests should be addressed to the Chief, Information Systems Division, Bureau of Technology, National Transportation Safety Board, Washington, D.C. 20594.

(d) The basic fees set forth provide for ordinary first-class postage prepaid. If registered, certified, air, or special delivery mail is used, postal fees therefor will be added to the basic fee. Also, if special handling or packaging is required, such costs will be added to the basic fee.

(e) Subscription fees for (a) above are waived for qualifying foreign countries, international organizations, nonprofit public safety entities, State and Federal transportation agencies, and colleges and universities, after approval by the Board's Managing Director. In addition, subscription fees may be waived or reduced for other recipients not in any of the foregoing categories, when determined by the Managing Director to be appropriate in the interest of and contributing to the Board's program.

2. Commercial reproduction fees and search fees. Pursuant to 5 U.S.C. 552 as amended, reproduction of the documents listed below is accomplished by commercial contract. Requests must be forwarded to the Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594. The contractor may bill and/or collect full payment before duplicating the requested documents. Fees are subject to change depending upon the Board's annual contract award.

Current fees are:

(a) Photocopy:

Size (in inches):	
8½ by 11	$0.25
8½ by 14	.25
10 by 14	.25
14 by 18	.25
18 by 24	.25

(b) Photographic prints:

Size (in inches):	
8 by 10 black/white	$1.35
5 by 7 color	2.65
8 by 10 color	4.50
2 by 2 color slide	.50
2 by 2 black/white slide	.25
4 by 10 X-ray	.50

(c) Minimum charge for reproduction—$3.00.

(d) Regular service—Usually, two weeks' time is required to service a request for reproduction. General aviation accident files dated prior to January 1, 1964, and air carrier accident files dated prior to January 1, 1963, are no longer available. Accident files for all transportation modes, dating from January 1, 1964, through December 31, 1972, are stored at the Federal Records Center; In filling any request for reproduction of these files, approximately two additional weeks will be needed for retrieval.

(e) Expedited service—A 20-percent surcharge will be made for 24-hour service and a 10-percent surcharge for 48-hour service. Expedited delivery service will be handled as follows:

Step 1. Customer places telephone or written request to the Board's Public Inquiries Section for desired accident file.

Step 2. The Board forwards order form and file to contractor.

Step 3. Contractor sends advance billing invoice, which shows total cost, to customer.

Step 4. Customer calls contractor direct and verifies that he is wiring payment to contractor, as specified by contractor, or customer returns a copy of the contractor's invoice with full payment enclosed.

Step 5. Contractor copies documents and mails them to the customer.

NOTE.—Expedited service commences when the contractor has received payment or when telephone arrangements have been made with the contractor.

(f) Document search fee—The Board has determined that it is in the public interest to limit search fees to documents which require commercial reproduction. Further, the fee has been reduced to the labor cost for a minimum time-search. Therefore, a $4.00 search fee is required only for:

(1) Factual accident investigation reports, statements, photographs, and other material contained in the Board's accident investigation files.

(2) Accident investigation information not in the Board's public files.

(3) Responses to safety recommendations from recipients of such recommendations.

NOTE.—The $4.00 search fee will be included in the commercial reproduction firm's invoice.

(g) Documents requiring commercial reproduction for copies:

(1) Transcripts of public hearings.

(2) Factual accident investigation reports and information (see (e) (1) and (2) above).

3. Reproduction fees. All documents in the Board's public files may be examined, without charge, in the Board's public reference room, located in the Public Inquiries Section. There is a self-service duplicator in the reference room, which is available to the public for reproduction at a nominal cost.

4. Documents available without commercial reproduction cost until limited supplies are exhausted:

(1) Press releases.

(2) Aircraft accident reports, narrative, and brief format probable cause reports (on request for specific accidents).

(3) Surface accident reports.

(4) Special studies.

(5) Safety Board regulations (49 CFR Parts 800 through 845).

(6) Indexes to initial decisions, Board orders, opinions and orders, and staff manuals and instructions.

(7) Statistical data published by the Board.

(8) Safety recommendations.

5. Documents for sale by the Government Printing Office:

(1) Board's annual report.

(2) Volume I, National Transportation Safety Board Decisions (1967-1972).

Approved by the National Transportation Safety Board on August 5, 1976.

Signed at Washington, D.C., August 9, 1976.

KAY BAILEY,
Vice Chairman.

[FR Doc.76-23558 Filed 8-11-76;8:45 am]

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notices

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Meeting

AUGUST 2, 1976.

The USAF Scientific Advisory Board Electro-Optics Panel will hold meetings on September 16–17, 1976 in the Wright-Patterson Air Force Base, Ohio, from 8:30 a.m. to 5:00 p.m. both days.

The Panel will receive classified informational briefings on terminal guidance technology.

The meetings concern matters listed in Section 552(b) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly the meetings will be closed to the public.

For further information contact the Scientific Advisory Board Secretariat at (202) 697-8845.

JAMES L. ELMER,
Major, USAF Executive,
Directorate of Administration.

[FR Doc.76-23450 Filed 8-11-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

YAVAPAI-TONTO APACHE INDIAN RESERVATION

Change in Administrative Direction

AUGUST 4, 1976.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

Notice is hereby given that effective July 1, 1976, the Yavapai-Tonto Apache Indian Reservation will be under the administrative direction of the Truxton Canon Agency, Valentine, Arizona. The Superintendent of Truxton Canon Agency is authorized to assume administrative direction and coordination for the Yavapai-Tonto Apache Indian Reservation.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.76-23456 Filed 8-11-76;8:45 am]

Bureau of Land Management

[Serial No. Colo.—24224]

COLORADO

Proposed Withdrawal and Reservation of Lands

The Bureau of Land Management of the Department of the Interior has filed an application for withdrawal of the lands described below. The lands would be withdrawn from all forms of appropriation under the public land laws, including location and entry under the general mining laws, (30 U.S.C. Ch. 2) but not the mineral leasing laws, subject to valid existing rights. The withdrawal would prohibit the construction of roads under Revised Statutes 2477 and other authorities, except under authorization of Special Land Use Permits (43 CFR 2920). The lands would not be withdrawn from exchange under section 8 of the Taylor Grazing Act of June 28, 1934, (48 Stat. 1272), as amended (43 U.S.C. 315g).

The applicant desires to have the lands withdrawn as the proposed Brown's Canyon Primitive Area, and for protection of scenic, historic, geologic and primitive and other natural environment values in the Arkansas River Valley for the enjoyment and use of present and future generations.

On or before September 13, 1976, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 700 Colorado State Bank Building, Denver, Colorado 80202.

The Department's regulations (43 CFR 2351.4(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing or potential demand for the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved are:

NEW MEXICO PRINCIPAL MERIDIAN

T. 50 N., R. 8 E.,
Sec. 2, lots 3 and 4.
T. 51 N., R. 8 E.,
Secs. 11 to 13, inclusive;
Sec. 14, E½, NW¼, and E½SW¼;
Sec. 23, E½, E½W½;
Sec. 24;
Sec. 25, W½;
Sec. 26, E½, E½W½, SE¼SW¼SW¼;
Sec. 34, S½NE¼NE¼, SE¼NE¼;
Sec. 35, N½NW¼, SW¼NW¼, NW¼SW¼, S½SW¼.

SIXTH PRINCIPAL MERIDIAN

T. 15 S., R. 77 W.,
Secs. 18 to 20, inclusive, and 29;
Sec. 30, lots 2, 3, and 4, E½ and E½W½;
Secs. 31 and 32.
T. 16 S., R. 77 W.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 17 S., R. 77 W.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 18 S., R. 77 W.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.
T.

NEW MEXICO PRINCIPAL MERIDIAN

NEW MEXICO

T. 17 S., R. 32 E.,
Sec. 15, SW¼.

This pipeline will convey natural gas across .356 mile of national resource land in Lea County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-23534 Filed 8-11-76;8:45 am]

National Park Service

CONSULTING COMMITTEE TO THE NATIONAL SURVEY OF HISTORIC SITES AND BUILDINGS

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Consulting Committee to the National Survey of Historic Sites and Buildings will be held at 8:30 a.m., d.s.t., on September 10, 1976, in Conference Room 7000–B in the Department of the Interior Building, Washington, D.C.

The purpose of the Consulting Committee is to review and evaluate studies of potential national historic landmarks prepared by the National Survey. The Committee's evaluation is the initial screening of potential historic landmarks. Its recommendations are forwarded to the Secretary of the Interior's Advisory Board on National Parks, Historic Sites, Buildings, and Monuments for a final review.

The members of the Consulting Committee are:

Dr. Richard H. Howland (Chairman), Washington, D.C.
Dr. Patrick G. Porter, Cambridge, Massachusetts.
Mr. Herbert E. Kahler, Alexandria, Virginia.
Dr. Walter L. Creese, Urban, Illinois.
Professor Frederick D. Nichols, Charlottesville, Virginia.
Dr. Henry A. Millon, New York, New York.
Mr. James Biddle, Washington, D.C.
Mr. Charles E. Less, Columbia, South Carolina.
Major Gen. John W. Huston, Washington, D.C.
Dr. Dorothy B. Porter, Washington, D.C.

The subjects that are to be evaluated are:

1. A segment of the subtheme "Architecture".

2. A part of the subtheme "Science and Invention".

3. A partial study of the theme "The Contemplative Society" considering properties associated with the role of Afro-Americans in several subthemes within this subject field.

4. A partial study of the subtheme "Political and Military Affairs After 1914".

The following special studies will also be considered:

1. Dumbarton Oaks, Washington, D.C.
2. Railroad Train Sheds remaining in the United States.
3. Bently Hall, Meadville, Pennsylvania.
4. Pemberton House, Vicksburg, Mississippi.
5. Missouri Botanical Garden, St. Louis, Missouri.
6. Delaware Canal, Easton to Bristol in Pennsylvania.
7. Abbotts Farm Historic District, vic. Trenton, N.J.

The meeting will be open to the public. However, facilities and space for accommodating the public are limited. It is expected that not more than 10 persons will be able to attend the sessions. Any member of the public may file with the Consulting Committee a written statement on the subjects to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Mr. Cornelius W. Heine, Chief, Historical and Architectural Surveys Division, 202–523–5295. Minutes of the meeting will be available for public inspection six weeks after the meeting at the Office of the Chief, Historical and Architectural Surveys Division, National Park Service, Department of the Interior, Washington, D.C. 20240.

Dated: August 6, 1976.

JERRY L. ROGERS,
Acting Director, Office of Archeology and Historic Preservation.

[FR Doc.76-23521 Filed 8-11-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

SHIPPERS ADVISORY COMMITTEE

Public Meeting

Pursuant to the provisions of § 10(a)(2) of the Federal Advisory Committee Act (86 Stat. 770), notice is hereby given of a meeting of the Shippers Advisory Committee established under Marketing Order No. 905 (7 CFR Part 905). This order regulates the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida and is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The committee will meet in the A. B. Michael Auditorium of the Florida Citrus Mutual Building, 302 South Massachusetts Avenue, Lakeland, Florida, at 10:30 a.m., on September 9, 1976.

The meeting will be open to the public and a brief period will be set aside for public comments and questions. The agenda of the committee includes analysis of current information concerning market supply and demand factors, and consideration of recommendations for regulation of shipments of the named fruits.

The names of committee members, agenda, summary of the meeting and other information pertaining to the meeting may be obtained from Frank D. Trovillion, Manager, Growers Administrative Committee, P.O. Box R, Lakeland, Florida 33802; telephone 813–682–3103.

Dated: August 9, 1976.

WILLIAM T. MANLEY,
Acting Administrator.

[FR Doc.76-23542 Filed 8-11-76;8:45 am]

Agricultural Research Service

NATIONAL PLANT GENETICS RESOURCES BOARD

Public Meeting

Pursuant to the provisions of the Federal Advisory Committee Act of October 6, 1972, (Public Law 92–463, 86 Stat. 770–779) notice is hereby given that a public meeting of the National Plant Genetics Resources Board will be held on Thursday, September 9, 1976, in Room 3109, South Building, U.S. Department of Agriculture, 14th and Independence Avenue, S.W., Washington, D.C. 20250. The meeting is open to the public and will convene at 9:00 a.m. Members of the public may submit comments before or after the meeting.

The purpose of the meeting is to advise the Secretary and leaders of the National Association of State Universities and Land Grant Colleges on actions and policies regarding the collection, maintenance, and utilization of plant genetic resources; the coordination of plant germplasm collection plans among several national agencies and international organizations; the assessment of national needs and identification of high priority programs for conserving and utilizing plant genetic materials to minimize genetic vulnerability.

Copy of the agenda and further information concerning the meeting may be obtained by contacting Dr. C. F. Lewis, National Program Staff, Agricultural Research Service, U.S. Department of Agriculture, BARC West, Beltsville, Maryland 20705. His telephone number is (301) 344–3884.

Done at Washington, D.C., this 5th day of August 1976.

T. W. EDMINSTER,
Administrator.

[FR Doc.76-23475 Filed 8-11-76;8:45 am]

Forest Service

CHAUGA UNIT PLAN

Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Chauga Unit Plan, Sumter National Forest, South Carolina. USDA–FS–R8–FES (Adm.)–75–4.

This unit contains 37,436 acres of National Forest land located on the Andrew Pickens Ranger District, Sumter National Forest in Oconee County, South Carolina. Major actions are harvesting timber products, development and maintenance of wildlife improvements, development of recreation facilities for dispersed recreation, and construction and reconstruction of roads.

This final environmental statement was transmitted to CEQ August 3, 1976. Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service,
South Agriculture Bldg., Room 3230,
12th St. & Indepedence Ave., S.W.,
Washington, D.C. 20250.
USDA, Forest Service,
1720 Peachtree Road, N.W., Room 804,
Atlanta, Georgia 30309.
USDA, Forest Service,
Francis Marion and Sumter National Forest,
1801 Assembly St.—Second Floor,
Columbia, South Carolina 29201.

A limited number of single copies are available upon request to Forest Supervisor, Francis Marion and Sumter National Forest, 1801 Assembly Street—Second Floor, Columbia, South Carolina 29201.

Copies of the environmental statement have been sent to various Federal, State, and Local agencies as outlined in the CEQ guidelines.

Dated: August 3, 1976.

DAVID F. JOLLY,
Regional Environmental Coordinator.

[FR Doc. 76-23441 Filed 8-11-76;8:45 am]

GRANDE RONDE PLANNING UNIT

Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Grande Ronde Planning Unit, Wallowa-Whitman National Forest, Oregon, USDA–FS–R6–DES(Adm.)–76–15.

The environmental statement concerns a proposed land use allocation.

The draft environmental statement was submitted to CEQ on August 4, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3210, 12th St. & Independence Ave., S.W., Washington, D.C. 20250.
USDA, Forest Service, Pacific Northwest Region, 319 SW Pine Street, Portland, Oregon 97204.
Wallowa-Whitman National Forest, Federal Building, Baker, Oregon 97814.

A limited number of single copies are available upon request to Forest Supervisor, A. G. Oard, Wallowa-Whitman National Forest, Federal Building, Baker, Oregon 97814.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor A. G. Oard, Federal Building, Baker, Oregon 97814. Comments must be received by October 3, 1976, in order to be considered in the preparation of the final environmental statement.

CURTIS L. SWANSON,
Regional Environmental Coordinator, Planning Programing and Budgeting.

AUGUST 4, 1976.

[FR Doc.76-23443 Filed 8-11-76;8:45 am]

LAND USE PLAN, MOHAWK UNIT, PLUMAS AND TAHOE NATIONAL FORESTS

Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Land Use Plan, Mohawk Unit, Plumas and Tahoe National Forests, California, USDA–FS–R5–DES(Adm)–76–6.

The environmental statement concerns a proposed land use management plan for the 120,000 acres of National Forest lands known as the Mohawk Unit of the Plumas and Tahoe National Forests, in Plumas and Sierra Counties, California. Twenty-six thousand acres within this Unit have been inventoried as "roadless".

This draft environmental statement was transmitted to the Council on Environmental Quality (CEQ) on August 3, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. & Independence Ave. SW., Washington, D.C. 20250.
Regional Forester, U.S. Forest Service, Rm. 529, 630 Sansome Street, San Francisco, California 94111.
Forest Supervisor's Office, Plumas National Forest, 159 Lawrence Street, Quincy, California 95971.
Supervisor's Office, Tahoe National Forest, Highway 49 and Coyote Streets, Nevada City, California 95959.

A limited number of copies are available, upon request, from Forest Supervisor Lloyd Britton, Plumas National Forest, Box 1500, Quincy, California 95971.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental effect for which comments have not been specifically requested.

Comments concerning the proposed action, and requests for additional information should be addressed to Forest Supervisor Lloyd Britton, Plumas National Forest, Box 1500, Quincy, California 95971. Comments must be received within 60 days after transmittal to CEQ in order to be considered in the preparation of the final environmental statement.

T. W. KOSKELLA,
Deputy Regional Forester.

AUGUST 3, 1976.

[FR Doc.76-23439 Filed 8-11-76;8:45 am]

TIMBER MANAGEMENT PLAN FOR THE MT. HOOD NATIONAL FOREST

Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a Draft Environmental Statement for the Mt. Hood National Forest Timber Management Plan, USDA–FS–R6–DES(Adm)–76–14.

The environmental statement concerns a proposed revision of the Timber Management Plan of the Mt. Hood National Forest. The current plan was prepared in 1962 and is outdated. Significant advances in intensive forest management and in the methods for determining annual harvest levels have occurred since the last plan was prepared. The changes need to be reflected in a new Timber Management Plan. The environmental statement describes a proposed action and several alternatives based on different levels of management intensity and different management strategies. The proposed action best meets resource and Forest Service policy requirements while allowing the harvest of 69.14 million cubic feet (364.5 million board feet) of timber annually. The proposed action programs an additional 9.24 million cubic feet (44.7 million board feet) of timber annually above the level set by the current plan. The proposed plan includes an aggressive effort to salvage dead timber, to reforest cutover land and to apply intensive silvicultural practices on those acres of land available for timber production. Reforestation of nonstocked backlog acres is planned, as well as planting genetically superior trees in the last two years of the ten year period encompassed in the proposed plan. The Mt. Hood Timber Management Plan does not propose land allocations to various uses; rather, it sets levels of timber harvest on the area allocated to timber production by Land Use Planning processes and coordinates timber harvest with other uses.

This Draft Environmental Statement was transmitted to CEQ on August 5, 1976.

Copies are available for inspection during regular working hours at the following locations:

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USDA, Forest Service, South Agriculture Bldg., Room 3210, 12th Street and Independence Avenue, SW., Washington, D.C. 20250.
USDA, Forest Service, Pacific Northwest Regional Office, 319 SW. Pine, Portland, Oregon 97204.
Mt. Hood National Forest Supervisor's Office, 2440 SE. 195th, Portland, Oregon 97233.
Barlow Ranger Station, Dufur, Oregon 97021.
Bear Springs Ranger Station, Maupin, Oregon 97037.
Clackamas Ranger Station, Estacada, Oregon 97023.
Columbia Gorge Ranger Station, Troutdale, Oregon 97060.
Estacada Ranger Station, Estacada, Oregon 97023.
Hood River Ranger Station, Parkdale, Oregon 97047.
Zigzag Ranger Station, Zigzag, Oregon 97073.

Colleges and libraries in the vicinity of the Mt. Hood National Forest have reference copies available.

A limited number of single copies are available upon request to Forest Supervisor, Mt. Hood National Forest, 2440 S.E. 195th, Portland, Oregon 97233.

Copies of thee environmental statement have been sent to various federal, state and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public and from state and local agencies which are authorized to develop and enforce environmental standards, and from federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor, Mt. Hood National Forest, 2440 S.E. 195th, Portland, Oregon 97233.

Comments must be received by October 25, 1976, in order to be considered in the preparation of the final environmental statement.

CURTIS L. SWANSON,
Regional Environmental Coordinator, Planning, Programing and Budgeting.

AUGUST 5, 1976.

[FR Doc.76-23442 Filed 8-11-76;8:45 am]

TIMBER MANAGEMENT PLAN OTTAWA NATIONAL FOREST

Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement on the Timber Management Plan for the Ottawa National Forest, USDA-FS-R9-FES-(ADM)-76-03.

The environmental statement concerns a proposed plan for managing the timber resources on the Ottawa National Forest for the period 7/1/76 through 6/30/83. The Ottawa National Forest is located in parts of Gogebic, Ontonagon, Iron, Houghton, and Baraga Counties, Michigan.

This final environmental statement was transmitted to CEQ on August 4, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3231, 12th St. & Independence Ave., SW., Washington, D.C. 20250.
USDA, Forest Service, Eastern Region, 633 West Wisconsin Avenue, Milwaukee, Wisconsin 53203.
USDA Forest Service, Ottawa National Forest, Ironwood Michigan 49938.

A limited number of single copies are available upon request to Forest Supervisor, Ottawa National Forest, Ironwood Michigan 49938.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

CURTIS L. SMITH,
Acting Regional Forester.

AUGUST 4, 1976.

[FR Doc.76-23440 Filed 8-11-76;8:45 am]

Soil Conservation Service

CEDAR CREEK WATERSHED PROJECT, TEXAS

Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Cedar Creek Watershed Project, Rockwall, Kaufman, Van Zandt, Henderson and Hunt Counties, Texas.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. George Co. Marks, State Conservationist, Soil Conservation Service, has determined that the preparation and review of an environmental impact statement is not needed for this portion of the project.

The project concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment supplemented by six single purpose floodwater retarding structures.

The negative declaration is being filed with the Council on Environmental Quality and copies are being sent to various federal, state, and local agencies. The basic data developed during the environmental assessment is on file and may be reviewed by interested parties at the Soil Conservation Service, First National Bank Building, Temple, Texas 76501. A limited number of copies of the negative declaration is available from the same address to fill single copy requests.

No administrative action on implementation on the proposal will be taken until August 27, 1976.

(Catalog of Federal Domestic Assistance Program No. 10.904, Flood Control Act—Public Law 78-534.)

Dated: July 28, 1976.

JAMES W. MITCHELL,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.76-23446 Filed 8-11-76;8:45 am]

POND RUN WATERSHED PROJECT, WEST VIRGINIA

Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500), and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for a portion of the Pond Run Watershed Project, Wood County, West Virginia.

The environmental assessment of this federal action indicates that this portion of the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. Craig M. Right, State Conservationist, Soil Conservation Service, has determined that the preparation and review of an environmental impact statement is not needed for this portion of the project.

The project concerns a plan for watershed protection and flood prevention. The planned works of improvement included in the negative declaration are land treatment measures and one floodwater retarding structure.

The negative declaration is being filed with the Council on Environmental Quality and copies are being sent to various federal, state, and local agencies. The basic data developed during the environmental assessment is on file and may be reviewed by interested parties at the Soil Conservation Service, Federal Building, 75 High Street, Morgantown, West Virginia 26505. A limited number of copies of the negative declaration is available from the same address to fill single copy requests.

No administrative action on implementation of the proposal will be taken until August 27, 1976.

Dated: August 3, 1976.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—PL 83-566, 16 USC 1001-1008.)

JOSEPH W. HAAS,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.76-23445 Filed 8-11-76;8:45 am]

WATERSHED PLANNING

Authorization

This provides notice of authorization dated July 28, 1976, to the concerned state conservationists of the Soil Conservation Service to provide planning assistance to specified local organizations for the indicated watersheds. The state conservationists may now proceed with investigations and surveys as necessary to develop watershed plans under authority of the Watershed Protection and Flood Prevention Act (Public Law 83-566), as amended. Environmental assessments will be made in accordance with the requirements of the National Environmental Policy Act (Public Law 91-190), concurrently with the preparation of the watershed plans.

Persons interested in these projects may contact the local organizations or the state conservationists as indicated below:

California: *Tehachapi Watershed;* 32,420 acres; Kern County. Sponsors—Tehachapi Soil Conservation District, Tehachapi City Council, and Tehachapi-Cummings County Water District. State Conservationist—Mr. George H. Stone, Jr., Soil Conservation Service, 2828 Chiles Road, Davis, California 95616.

Colorado: *Rito Seco Watershed;* 22,700 acres; Costilla County. Sponsors—Costilla Soil Conservation District, Town of San Luis, Costilla County Board of Commisioners, and Colorado State Conservation Board. State Conservationist—Mr. Merritt D. Burdick, Soil Conservation Service, P.O. Box 17107, Denver, Colorado 80217.

Montana: *Lower Birch Creek Watershed;* 248,000 acres; Pondera County. Sponsors—Pondera County Canal and Reservoir Company and Pondera County Conservation District. State Conservationist—Mr. Van K. Haderlie, Soil Conservation Service, Federal Building, P.O. Box 970, Bozeman, Montana 59715.

Tennessee: *Conasauga Watershed;* 73,486 acres; McMinn, Monroe, and Polk Counties. Sponsors—Monroe County Soil Conservation District, Polk County Soil Conservation District, McMinn County Soil Conservation District, and McMinn County Council. State Conservationist—Mr. Donald C. Bivens, Soil Conservation Service, 561 U.S. Court House, Nashville, Tennessee 37203.

Texas: *Big Creek (Fort Bend County) Watershed;* 145,664 acres; Fort Bend County. Sponsors—Coastal Plains Soil and Water Conservation District, Fort Bend County Drainage District, City of Rosenberg, and Fort Bend County Drainage District. State Conservationist—Mr. George C. Marks, Soil Conservation Service, 16-20 South Main Street, P.O. Box 648, Temple, Texas 76501.

Missouri (and Iowa): *West Fork of Big Creek Watershed* (Amendment); 166,000 acres; Daviess and Harrison Counties, Missouri, and Ringold and Decatur Counties, Iowa. Sponsors—Harrison County Soil and Water Conservation District, Harrison County Court, Ringold County Soil Conservation District, Ringold County Supervisors, Decatur County Soil Conservation District, Decatur County Supervisors, Daviess County Soil and Water Conservation District, and Daviess County Court. State Conservationist—Mr. Kenneth G. McManus, Soil Conservation Service, Parkade Plaza Shopping Center, P.O. Box 459, Columbia, Missouri 65201.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Public Law 83-566).

Date: JULY 30, 1976.

VICTOR H. BARRY, JR.,
Acting Administrator, Soil Conservation Service.

[FR Doc.76-23444 Filed 8-11-76;8:45 am]

Office of the Secretary

PRIVACY ACT OF 1974

Systems of Records

Notice is hereby given of changes in the name and location of the system of records for USDA/OA-2, Management Information System, originally published in the FEDERAL REGISTER, 40 FR 38919 (August 27, 1975). The system name is being changed to more accurately describe the system. The location is being changed for more effective, efficient, and economical operation.

In consideration of the foregoing, notice is hereby given that USDA/OA-2, Management Information System is revised to read as set forth below.

Dated: August 6, 1976.

EARL L. BUTZ,
Secretary.

System name: Management Information and Data Analysis System.

System location: Computer files are maintained on the computer Sciences Infonet System with main offices at 650 North Sepulveda, El Segundo, California. Source documents and printouts are kept in the Headquarters Office, Office of Audit, Administration Building, 14th and Independence Avenue, S.W., Washington, D.C. 20250 and in the following Regional Offices:

Northeast, Room 422 Federal Building, Hyattsvile, Maryland 20782.
Southeast, Room 900, 1447 Peachtree Street, N.E., Atlanta, Georgia 30309.
Midwest, Room 800, 1 North Wacker Drive, Chicago, Illinois 60606.
Southwest, 3916 South General Bruce Drive, Temple, Texas 76501.
Great Plains, 8930 Ward Parkway, Kansas City, Missouri 64141.
Western, Room 522, 555 Battery Street, San Francisco, California 94111.

Categories of individuals covered by the system: OA professional employees.

Categories of records in the system: The USDA/OA Management Information and Data Analysis System provides OA management with a wide range of information on OA operations including data that can be used to evaluate the job performance of all OA professional employees. The system identifies individual audit assignments of employees and provides information on their use of direct and indirect time; significant dates relating to the audit such as starting date, exit conference date, and report release date; the number and significance of audit findings and the identity of all the professionals who participated in the assignment.

Authority for maintenance of the system: 5 U.S.C. 301, 7 CFR 2.81

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Provided upon request to the General Accounting Office for reviewing OA operations. Disclosure may also be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Computer disks and/or magnetic tape.

Retrievability: Information in the system can be retrieved by OA Headquarters and by the applicable inputting region listed above. Retrieval can be by audit report number, employee social security number, and geographic location.

Safeguards: Normal computer security is maintained over access to disks and magnetic tapes. Printouts are available within USDA as necessary and are kept under lock when not in use. Source documents are kept in file cabinets in the offices listed above.

Retention and disposal: Disks and/or tapes are cleared, retired, or destroyed when no longer useful in accordance with General Services Administration and USDA retirement and/or destruction schedules.

System manager(s) and address: Assistant Director, Policy and Resources, OA, USDA, Washington, D.C. 20250, or the appropriate Regional Director at the address specified above.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him, from the appropriate System Manager. If the specific location of the record is not known, the individual should address his request to the Assistant Director, Policy and Resources, who, if necessary, will refer it to the appropriate Regional Office. A request for information pertaining to an individual should contain: name, address, and particular information requested.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate System Manager.

Contesting record procedures: Same as access procedures described above.

Record source categories: Information in the system comes entirely from OA employees.

[FR Doc.76-23546 Filed 8-11-76;8:45 am]

V 41 I 157 AUG 12 76 UMI

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

BROOKHAVEN NATIONAL LAB.

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76-00369. Applicant: Brookhaven National Laboratory, Associated Universities, Inc., Upton, Long Island, New York 11973. Article: 2(Two) Infrared optical data transmission systems. Manufacturer: Triskelion Ag., Switzerland. Intended use of article: The article is intended to be used in conjunction with a tandem accelerator in research programs to investigate the properties of atomic nuclei. In particular, nuclei in high states of excitation are produced by charged particle accelerators and the various properties of their excited energy levels are determined and compared with the predictions of nuclear models.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides the capability of operation within a high-voltage particle accelerator at high pressure in terminals placed at 10,000,000 volts above ground potential. The National Bureau of Standards (NBS) advises in its memorandum dated July 6, 1976 that (1) the capability of the article described above is pertinent to the applicant's intended purposes, and (2) NBS knows of no commercially available infrared optical data transmission system of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76-23504 Filed 8-11-76;8:45 am]

EMI BRAIN SCANNER SYSTEMS

Consolidated Decision on Applications for Duty Free Entry of Scientific Articles

The following is a consolidated decision on applications for duty-free entry of EMI Brain Scanner Systems pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended. (15 CFR 301). (See especially Section 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76-00362. Applicant: The Carney Hospital, 2100 Dorchester, Boston, Massachusetts 02124. Article: EMI Scanner System with Magnetic Tape Unit and Diagnostic Display Console. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used to analyze certain physical properties of normal cerebral tissue and a wide variety of pathological lesions involving the brain and related structures, without the necessity of contact (invasive) media, and without patient hazard or discomfort. Results from scans will be used to train and educate interns and residents, neurological and related disorders, their causes, treatment and cures as well as serve to further the education and understanding of staff physicians. Application received by Commissioner of Customs: March 31, 1976. Advice submitted by the Department of Health, Education, and Welfare on: June 23, 1976. Article ordered: May 18, 1975.

Docket number: 76-00364. applicant: Memorial Hospital, 1901 Arlington Street, Sarasota, Florida 33579. Article: EMI Scanner Tomographic System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used to make three dimensional X-ray examinations of the brain with such precision as to discriminate between different types or qualities of brain tissue, thus enabling the production (by computer) of a picture of the brain structure at any point, without introducing contrast dyes, air, etc. into the brain, without using high levels of radiation, and without discomfort and risk to the patient. Research will be conducted to expand the medical knowledge about causes of and treatment of diseases of the brain. The article will also be used for educational purposes in courses in radiologic technology and post graduate medicine. Application received by Commissioner of Customs: April 2, 1976. Advice submited by the Department of Health, Education, and Welfare on: June 24, 1976. Article ordered: April 15, 1975.

Docket Number: 76-00370. Applicant: Kentucky Baptist Hospital, 810 Barret Avenue, Louisville, Kentucky 40204. Article: EMI Scanner with Magnetic Tape System and Diagnostic Display Console. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used for the investigations of brain tumors, hematomas and atrophy. A study will be made as to the way malignant tumors extend into different areas of the brain in an effort to determine whether or not they follow the pathways of the nerve tracts in the brain. In addition, the article will also be used for educating the entire Greater Louisville medical community in the indications for computerized X-ray tomography examination and the benefits to the patients which may be derived. Application received by Commissioner of Customs: April 8, 1976. Advice submitted by the Department of Health, Education, and Welfare on: June 24, 1976. Article ordered: May 19, 1975.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, was being manufactured in the United States at the time the articles were ordered. Reasons: Each foreign article is a newly developed system which is designed to provide precise transverse axial X-ray tomography. Although competitive systems are now being manufactured domestically, none of these systems were available at the time the articles were ordered. The Department of Health, Education, and Welfare (HEW) advised in its respectively cited memoranda that the sensitivity and the non-invasive methodology of each article are pertinent to the purposes for which each foreign article is intended to be used. HEW also advised that it knows of no domestic instrument of equivalent scientific value to any of the articles to which the foregoing applications relate for such purposes as these articles are intended to be used which was being manufactured in the United States at the time the articles were ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which was being manufactured in the United States at the time the articles were ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76-23505 Filed 8-11-76;8:45 am]

HARVARD UNIVERSITY ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before September 1, 1976.

Amended regulations issued under cited Act, (15 CFR 301) prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76-00485. Applicant: Harvard University, Purchasing Department, 75 Mt. Auburn Street, Cambridge, Mass. 02138. Article: Mass Spectrometer, Model DMS1073. Manufacturer: AEI Scientific Apparatus Ltd., United Kingdom. Intended use of article: The article is intended to be used as an analytical tool in many phases of organic, inorganic, biochemical, and biological research. Research projects to be carried out will include the following:

1. Product Identification Problems.
2. Characterization of Biologically Active Molecules.
3. Structural studies on important natural products using very small (unweighable) amounts.
4. Studies on the biosynthesis of prostaglandins and isoprenoids.
5. Projects involving the total synthesis of complex natural products.
6. Mechanistic studies.
7. Organometallic Chemistry.
8. VPC-Mass Spectra.
9. Organic Synthesis.
10. Aspects of organoboron chemistry.
11. The Metabolism of Pyrrolic Compounds.
12. An Analytical Method for Detecting Tetrachlorodibenzo-*p*-Dioxin.
13. A search among extracts of insect resistant plants for anti-juvenile hormones or anti-ecdysone activities.
14. Investigation of the carcinogenic hydrocarbons occurring in carbon black.
15. Study of the presence of chlorinated hydrocarbons in drinking water (as a result of chlorination).

Application received by Commissioner of Customs: July 20, 1976.

Docket Number: 76-00488. Applicant: Baylor College of Medicine, 1200 Moursund, Houston, Texas 77030. Article: Electron Microscope, Model JEM-100C with side entry goniometer and accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for a variety of research and diagnostic projects which include: (1) high resolution studies of the plasma membrane of cardiac muscle cells, (2) microanalysis of particulate material within myocardial cells in normal and during pathologic conditions, (3) investigation of the role of the transverse tubules and sarcoplasmic reticulum in the normal and pathologic heart, (4) study of the growth patterns of endothelial cells over the surfaces of prosthetic materials which are employed in artificial heart valves and vessel grafts, and (5) diagnostic purposes in studies of approximately 200 surgical specimens per year. The article will also be used for the training of medical students, house staff physicians, attending physicians, and technical staff. Application received by Commissioner of Customs: July 22, 1976.

Docket Number: 76-00489. Applicant: Washington University School of Medicine, 660 South Euclid, St. Louis, Missouri 63110. Article: Electron Microscope, JEM 100C with side entry goniometer and accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for the study of a variety of biological materials including native and reconstituted lipoproteins, vascular tissues, endocrine tissues, cell membranes, etc. The ultrastructural as well as immunological and biological activity of native and synthetic lipoproteins will be characterized and compared in studies designed to elucidate the structure and function of apoproteins and lipid constituents of lipoproteins and their role in pathogenesis of atherosclerotic vascular disease. The permeability of capillaries and venules of the heart to electron dense markers including ferritin and peroxidase type markers will be examined in a variety of pathophysiological conditions including diabetes mellitus and ischemic injury in studies designed to investigate the pathogenesis of diabetic microangiopathy and ischemic injury to vessels. Experiments will also be performed to demonstrate and characterize insulin receptor sites on fat cell membranes using ferritin labelled insulin conjugates. Application received by Commissioner of Customs: July 22, 1976.

Docket Number: 76-00490. Applicant: Frederick Cancer Research Center, P.O. Box B, Frederick, Maryland 21701. Article: Electron Microscope, Model HU-12A. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article is intended to be used in a variety of collaborative research projects ranging from viruses, molecular genetics, cytochemistry, and cell surface markers which include: (a) immunoelectron microscopy of normal and pathologic cells to determine the presence of cross-reactive antigens with different microorganisms used in immunotherapy, (b) ultrastructural studies of animal and human tumors, (c) chronological studies of tissue ultrastructure studies of animal and human tumors, (c) chronological studies of tissue ultrastructure during invasion of normal tissues by tumor cells, during treatment of the tumor with various chemotherapeutic and immunotherapeutic agents and during regression of the tumor, (d) autoradiography studies at the ultrastructural level of normal and pathologic tissues, (e) studies of cell surfaces as they are modified by physiologic and pathologic agents, (f) studies on viral ultrastructure *in situ* and in isolated preparations, (g) microscopy of critical point dried single cells and thick sections. Application received by Commissioner of Customs: July 22, 1976.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76-23506 Filed 8-11-76;8:45 am]

ILLINOIS NATURAL HISTORY SURVEY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76-00335. Applicant: Illinois Natural History Survey, Natural Resources Building, Urbana, Illinois 61801. Article: Electron Microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for a variety of research purposes which will include the following:

(1) Identification of specific protozoa and fungi.

(2) Ultrastructural studies for characterizing and describing new species of insect pathogens.

(3) Studies of mechanisms by which many insect pathogens enter host cells.

(4) Studies of the ultrastructural changes resulting from insect diseases.

(5) Studies involving the nature of ascus apical apparatus and conidian ontogeny.

(6) Determination of the effects of various sterols on plasma membranes.

(7) Studies of the ultrastructural effects of chemically identified pollutants on plants and animals.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time Customs received the application (March 8, 1976). Reasons: The foreign article is a relatively simple, easy to operate, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programming. The article provides 7 Angstroms point-to-point resolution, an accelerating voltage of 60 kilovolts (KV), and low distortion magnifications from 140-60,000X (Magnifications of 140 to 1000X are within the normal, light microscopic range). Thus the article covers the range

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of light and electron microscopy. The domestic instrument available at the time the application was received by Customs was Adam David Company's (AD) Model EMU–4C, a more complex instrument (designed for the use of an experienced operator) which provides low distortion magnification at 500X and higher. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated June 18, 1976 that the best low magnification capabilities available specifically in the optical range at 140X, as well as, relative simplicity are pertinent to the purposes for which the foreign article is intended to be used. HEW also advises that the EMU–4C did not have equivalent low magnification and is too complex. Furthermore, HEW advises that AD's Model PA–1 was in a development stage at the time the application was received by Customs. In this regard, it is noted that a prototype of the PA–1 was first shown by AD in November, 1974. Neither the Department of Commerce nor its consultants have been able to determine or verify the capabilities of the PA–1 as of the date of this decision. Thus, the Department does not have a sufficient basis for ruling that AD was able to supply the PA–1 within a normal delivery time at the time the foreign article was ordered.

We, therefore, find that the Model EMU–4C was not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used at the time the application was received by Customs.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the application was received by Customs.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.76–23507 Filed 8–11–76;8:45 am]

MANAGEMENT-LABOR TEXTILE ADVISORY COMMITTEE

Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. IV, 1974), notice is hereby given that a meeting of the Management-Labor Textile Advisory Committee will be held on September 29, 1976 at 1:00 p.m. in Room 4833, Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

The Committee, which is comprised of 37 members, was established by the Secretary of Commerce on April 23, 1962 to advise U.S. Government officials on problems and conditions in the textile and apparel industry and furnish information on world trade in textiles and apparel.

The agenda for the meeting will be as follows: 1. Review of import trends. 2. Implementation of textile agreements. 3. Report on conditions in the domestic market. 4. Other business.

A limited number of seats will be available to the public on a first-come basis. The public may file written statements with the Committee before or after each meeting. Oral statements may be permitted at the end of the meeting to the extent time is available.

Copies of the minutes of the meeting will be made available on written request addressed to the DIBA Freedom of Information Officer, Freedom of Information Control Desk, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230.

Further information concerning the Committee may be obtained from Arthur Garel, Director, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202–377–5078.

Dated: August 9, 1976.

ALAN POLANSKY,
Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.76-23501 Filed 8–11–76;8:45 am]

MASSACHUSETTS INSTITUTE OF TECHNOLOGY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75–00356–33–46040. Applicant: Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, Massachusetts 02139. Article: Electron Microscope, Model EM 201. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article is intended to be used to study the etiology and pathogenesis of cancer through a program of investigation primarily at the cellular level. The article will be employed in a wide variety of studies ranging from the visualization of nucleic acid chains to the classification of various types of cells in a primary culture of mouse tissue. The article will also be used in the training of graduate students, post-doctoral fellows and research associates by the use of the article in the various research programs.

Comments: No comments have been received with respect to this application.

Decision: Application denied. An instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (December 14, 1973).

Reasons: This application is a resubmission of Docket Number 74–00544–33–46040 which was denied without prejudice to resubmission on September 17, 1974 for informational deficiencies. In this application, in reply to Question 8, the applicant alleges that the article provides the following pertinent features:

(1) High resolution that is capable of resolving 3.4 Angstroms (Å) during routine operation.

(2) Best of current solid-state electronics and a floor space requirement of only 4 x 3 feet.

(3) Electronically controlled beam tilt.—The enhanced contrast of dark field operation through an electronically controlled beam tilt which, (after scanning the grid in the normal transmission mode to locate a section of the specimen that has to be examined using only scattered electrons in a dark field) enables the beam to be rapidly tilted and photographed with the area of interest remaining in focus following beam tilting, and permits high resolution dark field operation.

(4) Capability of adding an electron probe for x-ray microanalysis.

(5) Automatic exposure system.

(6) An objective aperture holder for three apertures of varving size which can be interchanged without breaking the column vacuum.

(7) Alignment is needed only for the objective lens and electron gun.

(8) Quick, accurate focusing, through the use of an electronic wobbler and of electronic circuitry which keeps the image in focus in spite of wide magnification changes.

(9) A single mini-condenser lens as opposed to a double condenser system, so that one control, rather than several is needed to adjust illumination.

(10) A 35 millimeter (mm) film camera and plate camera which can be used in any sequence without shutting down the instrument.

(11) Specimen change with minimum delay. The specimen chamber is automatically prepumped by the mechanical pump in the instrument.

(12) Automatic pumping and automatic transport of plates and film for routine use by an operator after as little as one hour of instruction.

(13) High reliability because of superior engineering and solid-state electronics.

(14) Superior service.

(15) Accelerating voltages from 40 to 100 kilovolts (kv).

(16) Low specimen contamination.

(17) Totally automatic pumping.

The applicant states that features (5) to (12) cited above are design features which allow for simple and convenient use by the operator making it impossible to damage the instrument.

At the time the foreign article was ordered there were two domestic electron microscopes available, the ETEM 101, a low-resolution, simple instrument manufactured by Elektros Incorporated, and the EMU–4C, supplied by the Adam David Company.

The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated June 18, 1976 that the principal use intended for the article is in research with the teaching use at a sophisticated level. Therefore, HEW advises, the Model EMU–4C electron microscope which is supplied by the Adam David Company is the domestic instrument most closely comparable to the foreign article. HEW further advises that the applicant provides no pertinent specification within the meaning of subsection 301.2(n) of the regulations upon which duty-free entry can be based. As to the specific allegations of the applicant in reply to Question 8, in the order listed above, the following is noted:

(1) The foreign article has a 4Å point-to-point guarantee. The EMU–4C has a 5Å point-to-point guarantee. HEW advises that the difference in resolution guarantee between the foreign article and the EMU–4C is not scientifically significant for the applicant's intended work.

(2) HEW advises that instrument floor space requirements and the nature of electronic design are not scientifically pertinent.

(3) HEW advises that convenience in tilt and dark field use are not scientifically pertinent.

(4) Subsection 301.6(a)(3) of the regulations prohibits consideration of the applicant's intention to purchase accessories in the future, such as the electron probe for x-ray microanalysis.

(5) HEW advises that an automatic exposure system is a convenience which is not pertinent.

(6) HEW advises that capabilities conferred by aperture design are conveniences which are not pertinent.

(7) HEW advises that ease of alignment is a convenience which is not pertinent.

(8) The EMU–4C with a fine focusing control calibrated from 60Å to 1 micron is capable of accurate focusing. Moreover, HEW advises that the EMU–4C provides a beam wobbler that is scientifically equivalent to that of the article and that ease of focusing is a convenience which is not pertinent.

(9) HEW advises that the condenser system of the article is a convenience which is not pertinent.

(10) HEW advises that both the article and the EMU–4C provides equivalent camera features. HEW further finds that any capabilities conferred by the article's camera design are conveniences which are not pertinent.

(11) HEW advises that speed of specimen change is a convenience which is not pertinent.

(12) We find that automatic pumping and transport of plate and film are conveniences which are not pertinent. Moreover, HEW advises that these automatic features and speed in developing operator proficiency are cost-related features which are not pertinent.

(13) We find that reliability, which is a cost of ownership associated with the level of maintenance, is not a pertinent specification. HEW concurs with this finding: In general, information which can lead to a direct quantitative comparison of the reliability (i.e., ability to conform to specifications without excessive breakdown) of two instruments is almost never available. When a specification is "guaranteed" the manufacturer is stating, in effect, that the necessary steps have been taken to verify ability to meet this obligation. Thus a guaranteed specification presupposes a determination of reliability to some "engineered-in" degree. Customarily, manufacturers neither issue quantitative specifications on reliability nor guarantee reliability. Moreover, the reliability of a single instrument can, and frequently does, improve abruptly with time (for example, as the manufacturer gains experience and makes minor modifications dictated by such experience). No two instruments of the same model supplied by the same manufacturer will have identical records insofar as reliability is concerned and a documented history of poor reliability does not mean that such performance will not vastly improve with the very next instrument (and subsequent instruments) produced. Without strong and substantive supporting evidence in the record that the reliability of two instruments were measurably different and the difference in reliability precluded performance of the work intended, reliability could not be considered a justifiable basis for duty-free entry under P.L. 89–651. While reputations with respect to reliability which are derived from subjective, word-of-mouth allegations or even personal experience may, reasonably or otherwise, enter into a person's decision to buy a particular instrument, such a yardstick could not serve as a clear-cut, objective basis for duty-free entry.

Moreover, we would reemphasize that reliability is considered a cost-related consideration for duty-free entry purposes which by regulation and by Congressional intent is not a sufficient basis for the granting of duty-free entry.

(14) HEW advises that projections of service needs is cost-related and is not pertinent.

(15) The accelerating voltages of the EMU–4C are 25, 50, 75 and 100 kv. HEW advises that the accelerating voltages of the EMU–4C are scientifically equivalent to those of the article.

(16) HEW advises that the EMU–4C is scientifically equivalent to the article with respect to anti-contamination features.

(17) As noted in the discussion of feature (12) above, totally automatic pumping is a cost-related convenience feature which is not pertinent.

The applicant related features (5) to (12) above to simple and convenient use of the article by inexperienced operators. Moreover, the applicant claims that the EMU–4C is too complex for instruction of students in routine use of the electron microscope. To support this claim the applicant cites the Department's decision appearing in the FEDERAL REGISTER on October 8, 1974 (39 FR 36125). In this connection, we note that each decision is based on specifics placed in the record (e.g., the particular end use intended, the foreign article and accessories involved, advice from consultants, etc.), and other information available to the Department at the time of decision. Thus a decision for approval of an application for an electron microscope does not automatically confer approval on subsequent applications even if these applications are similar in certain respects and involve the same basic instrument. The cited decision was based not only on simplicity but on the low distortion, low magnification capability of the foreign instrument. (HEW finds the magnification capabilities of the EMU–4C and the EM 201 or EM 201C to be equivalent.) The simplicity aspect of the cited decision involved educationally oriented purposes and a comparison of the EMU–4C with the Zeiss EM 9S–2, which (like the domestic ETEM 101) is less complex than either the EMU–4C or the EM 201 and, unlike these two instruments, is designed for essentially teaching purposes. With respect to cases similar to the captioned application in essential details, HEW has advised that "the article [the EM 201] is also a relatively complex instrument" and that "the EM 201C is, like the EMU–4C, a relatively complex instrument designed for research use" (e.g., Dockets No. 75–00259–33–46040 and 75–00489–33–46040 respectively). Moreover, several prior cases involving a comparison of the EMU–4C and the EM 201 (or 201C) can be cited wherein HEW has advised that simplicity and ease of operation of the EM 201 series are not established or proven and are not pertinent (e.g., Dockets No. 74–00392–33–46040, 74–00384–33–46040, 74–00403–33–46040).

The applicant states, "• • • The Adam David Co. is not a competitive supplier of electron microscopes in the U.S. This is typified by the fact that the firm is not listed in the "Guide to Scientific Instruments" published by *Science 186 (1974)* while 14 major suppliers are. It would be unwise for anyone to purchase an electron microscope from a firm that has such a tenuous commitment to becoming competitive in the field of building electron microscopes. • • • "We note that although the applicant's conclusion as to the commitment of a manufacturer might affect a purchasing decision, such matters are not pertinent to the determination of scientific equivalency. We further note that inclusion in the "Guide to Scientific Instruments" costs no money and merely requires submission of an easily completed form and company literature well in advance of publication. Adam David Company had an exhibition booth at scientific meetings,

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had advertised, responded to requests for quotations, and delivered instruments from 1973 to 1975.

For the foregoing reasons, we find that the Model EMU-4C electron microscope was of equivalent scientific value to the foreign article for such purposes as the article was intended to be used at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.76-23508 Filed 8-11-76;8:45 am]

NATIONAL RADIO ASTRONOMY OBSERVATORY, ASSOCIATED UNIVERSITIES, INC.

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 987) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76-00420. Applicant: National Radio Astronomy Observatory Associated Universities, Inc., P.O. Box 0, 1000 Bullock Blvd., Socorro, NM 87801. Article: TE_{01} Mode Helical Circular Waveguides and Coupling Sleeves. Manufacturer: Sumitomo Electric, Japan. Intended use of article: The article is intended to be used as part of the very Large Array radio telescope to transmit radio wavelength radiation received from extraterrestrial objects to recording apparatus. The study of this radiation enables astronomers to study the sources of energy, origin, and evolution of the universe.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign articles which are custom-made provide (1) low loss of signal strength over the long transmission paths (21 kilometers) required by the Very Large Array radio telescope under construction by the applicant, (2) transmission of wide signal bandwidths, needed for handling very high data rates, (3) very low signal distortion (VSWR) and (4) elimination of the need for complex electronic amplifiers (repeaters) at 800 meters along the transmission line. The National Bureau of Standards (NBS) advises in its memorandum dated July 9, 1976 that the capabilities of the articles described above are pertinent to the applicant's intended use. NBS also advises that it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for such purposes as the articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.76-23503 Filed 8-11-76;8:45 am]

OHIO STATE UNIVERSITY RESEARCH FOUNDATION

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76-00392. Applicant: The Ohio State University Research Foundation, 1314 Kinnear Road, Columbus, Ohio 43212. Article: Weather Station, RIMCO MKIII and accessories. Manufacturer: Rauchfuss Instruments and Staff Pty. Ltd., Australia. Intended use of article: The article is intended to be used to accomplish the objectives of National Science Foundation Grant ATM75-15513, "The Paleoclimate of the Quelccaya Ice Cap, Peru, and its relationship to Paleoclimate in high latitudes." The following specific observations will be conducted:

At one or, preferably, two sites on the ice cap (at the top of the main and southern domes long-period self-recording weather stations will be erected. Records of wind velocity and direction, dry bulb temperature, sunshine duration, atmospheric pressure and humidity will be recorded over the following 12-month period.

During the period of the field work on the ice cap standard surface meteorological observations will be made at synoptic hours, including surface wind velocity and direction (handheld instrument), dry- and wet-bulb temperatures (sling psychrometer), atmospheric pressure (aneroid), and sunshine duration (sunshine recorder). The primary purpose of these observations is to calibrate and establish the reliability of the self-recording systems, but they will also be of value, when used in conjunction with satellite photographs, for preliminary interpretations of the variations of data obtained on the 1975 specimens.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The article provides the capability of unattended recording of various functions for periods of up to 12 months. The National Bureau of Standards (NBS) advises in its memorandum dated July 13, 1976 that (1) the capability of the article described above is pertinent to the applicant's intended uses (2) NBS knows of no comparable domestic instrument which matches the pertinent capability and (3) it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended purposes.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.76-23509 Filed 8-11-76;8:45 am]

PENNSYLVANIA STATE UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76-00387. Applicant: The Pennsylvania State University, Department of Biochemistry & Biophysics, 618 Life Sciences Building, University Park, PA 16802. Article: Cryokit, Model LKB 14800-1 and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for producing frozen thin-sections of (a) the epiphyseal plate of normal and vitamin D deficient young rats and/or chicks, (b) intestinal mucosa of the same animals, (c) avian shell gland at various phases of the laying cycle, (d) possibly developing teeth of young rats which will be studied in the electron microscope with particular attention being given to the existence and location of the mineral inclusions.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to an accessory for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used and is pertinent to the applicant's purposes.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.76-23510 Filed 8-11-76;8:45 am]

UNIVERSITY OF CALIFORNIA—IRVINE

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76-00379. Applicant: The Regents of the University of California, University of California, University of California, Irvine, Irvine, California 92717. Article: Electron Microscope, Model JEM 100C/SEG (Side Entry Goniometer) ±60 degrees eucentric goniometer. Manufacturer: JEOL, Japan. Intended use of article: The article is intended to be used for the investigation of varied research problems ranging from studies of molecules to studies on organs, tissues and cells. Research projects to be conducted will include the following:

(1) Investigating various aspects of the synaptic vesicles in the nervous system.

(2) Ultrastructural examination of active gene complexes.

(3) Study of various aspects of cell ultrastructure following exposure to a laser microbeam.

(4) Study of the cell surface employing both transmission and scanning electron microscopy.

The article will also be used for teaching electron microscopy to undergraduates, graduates students, and postdoctoral students.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (February 4, 1976). Reasons: The foreign article is equipped with a eucentric side entry goniometer stage with ±60° tilt, 360° rotation holder and a guaranteed resolution of 7 Angstrom (point-to-point). The most closely comparable domestic instrument is the Model EMU-4C electron microscope supplied by the Adam David Company. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated June 24, 1976 that the characteristics of the article described above are pertinent to the applicant's intended purposes. HEW further advised that domestic instruments do not provide an equivalent resolution with an eucentric goniometer stage. We, therefore, find that the EMU-4C is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.76-23513 Filed 8-11-76;8:45 am]

UNIVERSITY OF CALIFORNIA—LIVERMORE

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76-00385. Applicant: University of California, Lawrence Livermore Laboratory, Post Office Box 803, Livermore, California 94550. Article: Monochromator type THRP and accessories. Manufacturer: Jobin-Yvon, France. Intended use of article: The article is intended to be used in a laser isotope separation program. Specifically the unit will be used in the laser stabilization system as an absolute standard for the setting of the laser array wavelength. Investigations will be conducted for evaluation of laser stabilization schemes suitable for use in commercial processes for laser photoseparation of isotopes.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a resolution greater than 1:270,000 (1:300,000). The National Bureau of Standards (NBS) advises in its memorandum dated July 8, 1976 that (1) the capability described above is pertinent to the applicant's intended use, (2) NBS knows of no comparable domestic instrument which matches the pertinent specification and (3) it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended uses.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.76-23512 Filed 8-11-76;8:45 am]

UNIVERSITY OF MISSOURI—ST. LOUIS

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76-00375. Applicant: University of Missouri—St. Louis, 8001 Natural Bridge Road, St. Louis, Missouri 63121. Article: Miniature Micromanipulators, Model MM-33 with GO-5 magnetic base and accessories. Manufacturer: Narishige Scientific Instruments Laboratory, Japan. Intended use of article: The article is intended to be used in the course Neurophysiology (Biology 322) for experimental studies of nerve cell function.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides right and left hand magnetic bases, blocks with rack and pinion movement, piezo-electric drive, and low alternating current interference light source. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated July 16, 1976 that the capabilities described above are pertinent to the applicant's intended purposes. HEW further advises that it knows of no domestic instrument or apparatus of equivalent scientific value to

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the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76-23514 Filed 8-11-76;8:45 am]

UNIVERSITY OF NORTH CAROLINA—GREENSBORO

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76-00411. Applicant: University of North Carolina—Greensboro, Greensboro, North Carolina 27412. Article: Model CPS-2 Coherent NMR Pulse Spectrometer with one (1) 5mm sample probe, one (1) 10mm sample probe. Manufacturer: Spin-Lock Electronics, Ltd., Canada. Intended Use of Article: The article is intended to be used primarily as a research tool to study water protons in various aqueous systems. Parameters of interest include: T_1, the spin-lattice relaxation time; T_2, the spin-spin relaxation time; $T_{1\rho}$, the analog of T_1 in the rotating reference frame; and D, the diffusion coefficient. Initial experiments planned for this instrument include an investigation of these NMR parameters in various gels and ion-exchange resins. Experiments are also planned to investigate the effects of pressure on these four NMR parameters in various aqueous solutions and model systems.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides the capability to obtain relaxation times T_1, T_2, and T_1 rho. The National Bureau of Standards (NBS) advises in its memorandum dated July 19, 1976 that the capability of the article described above is pertinent to the applicant's intended uses. NBS also advises that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76-23515 Filed 8-11-76;8:45 am]

UNIVERSITY OF PENNSYLVANIA

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00376. Applicant: University of Pennsylvania, Department of Chemistry, 231 S. 34th Street, Philadelphia, Pa. 19174. Article: NMR Spectrometer accessories, consisting of Standard Plug-in Unit, frequency 8 MHz with Standard Probe Head. Manufacturer: Spin-Lock Ltd., Canada. Intended use of article: The articles are plug-in units which will be used for the to convert an existing 33 MHz spectrometer to 8 MHz so that it can be used for the study of the nuclear magnetic relaxation of solid D_2 temperatures below 1K. The article will also be used in the course Chemistry 999 to give graduate students experience in original scientific research.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to compatible accessories for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used, and is pertinent to the applicant's purposes. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated July 16, 1976 that it knows of no domestic instrument of equivalent scientific value to the article for its intended uses. The Department of Commerce knows of no other similar accessories being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76-23516 Filed 8-11-76;8:45 am]

UNIVERSITY OF VERMONT

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76-00350. Applicant: University of Vermont, Department of Animal Sciences, Carrigan Hall, Burlington, Vermont 05401. Article: Particle Size Classifier. Manufacturer: Turners Asbestos Fibres Ltd., United Kingdom. Intended use of article: The article is intended to be used in determining the factors which limit forage intake in production animals of the ruminant group (this includes cattle, sheep, and goats).

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides the capability for wet sifting with standardized brushing and waterflow. The Department of Health, Education, and Welfare (HEW) in its memorandum dated June 23, 1976 that the capability described above is pertinent to the applicant's intended uses. HEW also advises that it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended purposes.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Programs No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76-23517 Filed 8-11-76;8:45 am]

WAKE FOREST UNIVERSITY ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6 (c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before September 1, 1976.

Amended regulations issued under cited Act, (15 CFR 301) prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76-00481. Applicant: Wake Forest University, Winston-Salem, N.C. 27109. Article: Electron Microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for educational purposes in the following courses:

(1) *Biology III, Introductory Biology*—a general introduction to biological sciences presented in hierarchical order from molecular and cellular through organismic to environmental and evolutionary levels.

(2) *Biology 151, Introductory Cell Biology*—a sound and rigorous introduction to the concepts and methods of cell biology.

(3) *Biology 372, Histology, Cytology and Microtechnique*—a program of advanced study in the structure and function of cells and tissues and the associated research methods.

(4) *Biology 373, Methods in Electron Microscopy*—advanced training in the theory and methodology of electron microscopy.

(5) *Biology 391-4, Special Problems in Biology*—student development of their creativity and research capability by pursuing an independent research program.

Application received by Commissioner of Customs: July 19, 1976.

Docket Number: 76-00482. Applicant: Texas A & M University, College of Science-Womack, Department of Physics, College Station, Texas 77843. Article: Pulsed Platinum NMR Thermometer, Model PLM-3. Manufacturer: Instruments for Technology Oy, Ab, Finland. Intended use of article: The article is intended to be used for research involving the study of the properties of liquid and solid ^3He at very low temperatures where important quantum mechanical effects are dominant. The experiments will investigate exchange energy and magnetic effects in solid ^3He and Cooper pairing mechanisms in superfluid ^3He which is the only magnetic superfluid presently known in nature. These phenomena have to be studied at temperatures as low as one millikelvin above absolute zero. Application received by Commissioner of Customs: July 19, 1976.

Docket Number: 76-00483. Applicant: University of Illinois, Urbana-Champaign Campus, Purchasing Division, 223 Administration Building, Urbana, Ill. 61801. Article: Bremsstrahlung Monochromator. Manufacturer: Chalk River Nuclear Laboratories, Canada. Intended use of article: The article will be used at the Physics Research Laboratory to take advantage of the continuous high quality electron beam expected from the microtron now being installed. Photon scattering and other photon reactions in the energy range up to 50 MeV will be investigated with an energy resolution 10 times better than has been possible in the past. Application received by Commissioner of Customs: July 19, 1976.

Docket Number: 76-00484. Applicant: Children's Hospital Medical Center, 300 Longwood Avenue, Boston, Massachusetts 02115. Article: Ultramicrotome, Model LKB 8800A with accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in the ultrastructural study of the developing brain: in particular, the time of synapse formation and three dimensional structure of the cortex, retina, and cerebellum. Specifically the article will be used in preparation of serial ultrathin sections of plastic embedded embryonic nervous system tissue. Application received by Commissioner of Customs: July 19, 1976.

Docket Number: 76-00486. Applicant: Texas Christian University, Chemistry Department, Fort Worth, Texas 76129. Article: Nuclear Magnetic Resonance Spectrometer, Model JNM-F-60. Manufacturer: JEOL, Ltd., Japan. Intended use of article: The article is intended to be used for rapid proton and C-13 studies of CIDNP phenomena induced by the photochemical decomposition of dioxetanes and related materials, the determination of organic natural product structures using C-13 NMR. These will usually involve small amounts of materials and pose problems of line assignments which can only be resolved by using sophisticated experimental techniques.

Application received by Commissioner of Customs: July 20, 1976.

Docket Number: 76-00487. Applicant: State Laboratory Institute, 305 South Street, Boston, Mass. 02130. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used as a tool that will permit rapid and accurate diagnosis of selected human and animal virus diseases. The materials to be studied include specimens which will be examined directly for virus and/or viral antigens in skin lesions; vesicle fluid; tissue from organs including brain, liver, lung, spleen, pancreas and other organs; exfoliated cells from throat and the reproductive system; biopsy specimens; leucocytes; exudates; and transudates.

Application received by Commissioner of Customs: July 20, 1976.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76-23511 Filed 8-11-76;8:45 am]

WASHINGTON UNIVERSITY SCHOOL OF MEDICINE

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76-00351. Applicant: Washington University School of Medicine, 4566 Scott Avenue, St. Louis, Missouri 63110. Article: Nihon Kohden PC-2A Oscilloscope Camera. Manufacturer: Nihon Kohden Kogyo Co. Lt., Japan. Intended use of article: The article is intended to be used for studies of the responses for amacrine and ganglion cells in the rabbit retina. Antagonist to various synaptic transmitters will be applied to the retina, to see if and how they affect the responses of the cells.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides operation in a lighted room and continuous recording capability. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated June 23, 1976 that the capabilities described above are pertinent to the applicant's intended purposes. HEW further advises that it knows of no domestic cameras of equivalent scientific value to the foreign article for the applicant's intended uses.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76-23518 Filed 8-11-76;8:45 am]

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WASHINGTON UNIVERSITY SCHOOL OF MEDICINE

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76-00357. Applicant: Washington University School of Medicine, 660 South Euclid, St. Louis, Missouri 63110. Article: Electron Microscope, Model JEM-100B, including vacuum system. Manufacturer: JEOL, Japan. Intended use of article: The article is intended to be used for studies of a variety of biological materials including native and reconstituted lipoproteins, vascular tissues, endocrine tissues, and cell membranes, etc. The ultrastructural as well as immunological and biological activity of native and synthetic lipoproteins will be characterized and compared in studies designed to elucidate the structure and function of apoproteins and lipid constituents of lipoproteins and their role in the pathogenesis of atherosclerotic vascular disease.

The permeability of capillaries and venules of the heart to electron dense markers including ferritin and peroridase type markers will be examined in a variety of pathophysiological conditions including diabetes mellitus and ischemic injury in studies designed to investigate the pathogenesis of diabetic microangiopathy and ischemic injury to vessels.

Experiments will also be performed to demonstrate and characterize insulin receptor sites on fat cell membranes using ferritin labelled insulin conjugates.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which the article is intended to be used, was being manufactured in the United States at the time Customs received the application (March 26, 1976).

Reasons: The foreign article has a specified resolving capability of 3 Angstroms. The most closely comparable domestic instrument available at the time Customs received the application was Adam David Company's (AD) Model EMU-4C electron microscope. The Model EMU-4C has a specified resolving capability of five Angstroms. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated June 23, 1976 that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We, therefore, find that the Model EMU-4C was not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used at the time Customs received the application.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, which was being manufactured in the United States at the time Customs received the application.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76-23519 Filed 8-11-76;8:45 am]

SEMICONDUCTOR TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. IV, 1974), notice is hereby given that a meeting of the Semiconductor Technical Advisory Committee will be held on Tuesday, September 14, 1976, at 9:30 a.m. in Room 5230, Main Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C.

The Semiconductor Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, the Acting Assistant Secretary for Administration, approved the recharter and extension of the Committee for two additional years, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to semiconductor products, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The Committee meeting agenda has four parts:

GENERAL SESSION

(1) Opening remarks by the Chairman, Mr. Robert L. Pritchard.

(2) Presentation of papers or comments by the public.

(3) Discussion of Foreign Availability and whether or not a subcommittee should be formed.

EXECUTIVE SESSION

(4) Discussion of matters properly classified under Executive Order 11652 dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The public will be permitted to attend the General Session, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (4), the Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on November 25, 1975, pursuant to Section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b)(1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of the national security. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under the Executive Order. All Committee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Room 3100, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202-377-4196.

The Complete Notice of Determination to close portions of the series of meetings of the Semiconductor Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER on December 24, 1975 (40 Fed. Reg. 59461).

Dated: August 6, 1976.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.76-23500 Filed 8-11-76;8:45 am]

Economic Development Administration

LISBON SHOES, INC.

Petition for a Determination of Eligibility

A petition under Section 251 of the Trade Act of 1974 (Pub. L. 93-618), initially accepted April 27, 1976, from Lisbon Shoes, Inc. 9 Whitcher Street, Lisbon, New Hampshire 03585, was subsequently withdrawn and resubmitted. The amended petition from the producer of women's footwear was accepted for filing on August 5, 1976. Consequently, the United States Department of Commerce has resumed its investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

JACK W. OSBURN, Jr.,
Chief, Trade Act Certification Division, Office of Planning and Program Support

[FR Doc.76-23553 Filed 8-11-76;8:45 am]

National Bureau of Standards

COMPUTER NETWORKING STANDARDS FOR LIBRARY AND INFORMATION SCIENCE COMMUNITY

Task Force Meeting

A task force has been established to address the problem of developing high-level computer-to-computer protocols for the nationwide interchange of information among existing and planned library and information science networks.

Members of the task force have been designated by the National Commission on Libraries and Information Science on the basis of their recognized experience and knowledge in the area of computer-to-computer data interchange for this class of application and competence in developing related computer networking standard protocols. The task force will receive technical support from the NBS Institute for Computer Sciences and Technology.

The results of the task force effort, expected to be completed in about one year, will be provided directly to the American National Standards Institute, the American Library Association, and the American Society for Information Science for their respective consideration in development and adoption of standards directed specifically to the library and information science community.

All meetings of this task force will be open to the public; the purpose of this public notice is to announce the first task force meeting which will be held at the National Bureau of Standards, Gaithersburg, Maryland, on September 1 and 2, 1976. The meeting will convene on September 1 at 10 a.m. in Dining Rooms A and B of the NBS Administration Building; adjournment by 4 p.m. on September 2 is anticipated. A schedule for future meetings of the task force will be developed at this first meeting and published in the Federal Register.

For further information, interested members of the public may contact John L. Little, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234, telephone: 301/921-3723.

Dated: August 9, 1976.

ERNEST AMBLER,
Acting Director.

[FR Doc.76-23520 Filed 8-11-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 76N-0235; DESI 12301]

CHLORDIAZEPOXIDE AND CHLORDIAZEPOXIDE HYDROCHLORIDE PREPARATIONS

Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice and Opportunity for Hearing

Correction

In FR Doc. 76-19324 appearing in the issue of Tuesday, July 6, 1976, in the ninth line of the second full paragraph in the second column on page 27769, the word "a" should read "no".

[Docket No. 75N-0266]

MEDICAL DEVICES

Performance Standards Activities

The Food and Drug Administration (FDA) in this notice is advising all interested persons of its activities to date in the development of medical device performance standards and is indicating its intentions concerning the development and formal adoption of performance standards in the future.

On May 28, 1976, the President signed into law the Medical Device Amendments of 1976, Pub. L. 94-295. This legislation, which amends the Federal Food, Drug, and Cosmetic Act by adding new sections 513 through 521 (21 U.S.C. 360c through 360k), provides FDA with significant new authority to assure the safety and effectiveness of medical devices intended for human use. Among the most important provisions of the new amendments is the authority under section 514 to prescribe performance standards for medical devices.

As stated in section 513(a) of the act, devices requiring performance standards are those devices for which the general controls alone are insufficient to provide reasonable assurance of safety and effectiveness and for which there is sufficient information to establish a performance standard to provide such assurance. Devices requiring performance standards are also subject to the general control provisions of the act. These include existing controls prohibiting adulterated or misbranded devices, and new controls which include registration of device manufacturers; authority to ban certain devices; requirements respecting notification of risks and repair, replacement or refund; requirements to keep records and make reports; requirements restricting the sale, distribution or use of certain devices; and requirements with respect to good manufacturing practice.

A performance standard established under section 514 of the act for a device shall, among other things and where necessary to provide reasonable assurances of its safe and effective performance, include: (1) provisions respecting the construction, components, ingredients, and properties of the device and its compatibility with power systems and connections to such systems; (2) provisions for the testing of the device; and (3) provisions for the measurement of the performance characteristics of the device. The performance standard also shall, where appropriate, require the use and prescribe the form and content of labeling for the proper installation, maintenance, operation, and use of the device. Design-related requirements that are necessary to provide safe and effective performance or that reduce the likelihood of human error by improving device safety and efficacy may be included in a performance standard. See House Report No. 94-853, Medical Device Amendments, February 29, 1976 on page 26.

The Commissioner of Food and Drugs intends to issue a proposed procedural regulation in the FEDERAL REGISTER to explain the requirements of section 514, and describe how FDA will initiate, develop, promulgate, amend or repeal performance standards for medical devices. The procedural regulation to be proposed will apply to the development of all medical device standards, including standards for in vitro diagnostic products heretofore governed by the procedures set forth in Part 809 (21 CFR Part 809). In the interim, work on the development of in vitro diagnostic products standards will continue in accordance with the procedures in Part 809, to the extent that such procedures are consistent with the requirements of section 514 of the act.

Section 514 does not require that a procedural regulation governing standards development be effective at the time FDA initiates standards activities. The Food and Drug Administration will continue to proceed with the development of performance standards that may eventually be suitable for publication as proposed regulations according to procedures provided in section 514.

For several years, FDA has been engaged in activities designed to encourage the development of voluntary performance standards for medical devices. These efforts have been aimed primarily at developing criteria for measuring the performance characteristics of certain currently marketed devices that may present an unusual or serious risk of injury to persons treated with such products. Prior to the passage of the recent device amendments, FDA contemplated the possibility of adopting such standards as legal requirements for specific devices, relying upon the general rule making authority conferred by section 701(a) of the act. Wholly apart from the possible need for enforceable legal requirements, however, FDA encouraged and aided the development of device performance stand-

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ards that manufacturers could use as guides or targets in designing and making their products.

The Food and Drug Administration intends to continue to promote such voluntary efforts because they contribute to assuring the safety and effectiveness of marketed devices. Voluntary or privately recognized performance standards will not be a substitute for the formal promulgation of standards under section 514 of the act for any device that is classified in the performance standard catgeory. However, voluntary or privately recognized standards can serve as informal standards prior to classification as well as during the development of formal standards for devices that are not candidates for immediate attention, and they may be the basis for subsequent formal FDA standards.

In an effort to review the adequacy of existing standards, and as a guide for the development of new standards, FDA prepares annually the "Medical Device and Diagnostic Products Standards Survey" (Ref. 1). This survey is a comprehensive list of current national and international standards activities for medical devices and diagnostic products. The lists in this survey include voluntary and regulatory standards, tentative and recommended standards, glossaries of technical terms, and proposed standards. The standards listed in this survey include the identity of criteria for such attributes as performance, sensitivity, accuracy, materials, safety, durability, and other areas concerning safety and effectiveness of medical devices and diagnostic products. In the past, the survey has been published annually in two parts. The section for international and foreign standards activities was published in January 1976; the national section was published in July 1975.

A number of groups outside the agency, including the American Society for Testing and Materials (ASTM), the American National Standards Institute (ANSI), the Association for the Advancement of Medical Instrumentation, and the American Dental Association have made significant contributions to the development and establishment of voluntary standards. In 1972, FDA surveyed all organizations known to be involved in the process of developing such standards; the results of this survey are in a report entitled "Medical Device Standards Survey" (Ref. 2) dated May 15, 1972. This survey was discussed at the National Medical Device Standards Conference held in May 1972, under the joint sponsorship of the Association for the Advancement of Medical Instrumentation and FDA, to discuss the development of medical device standards.

One of the recommendations of the National Medical Device Standards Conference was that the "FDA should consider the immediate development of resources for the coordination and stimulation of standards activities" (Ref. 3). The Commissioner agreed with this recommendation, and concluded that there was a need for the development of new device standards and for the informal endorsement of some existing standards.

In October 1972, FDA invited 21 organizations to participate in a meeting (Ref. 4) to discuss recommendations of the National Medical Device Standards Conference and to find ways to improve coordination of medical device standards activities in the United States. It was proposed at this meeting that ANSI establish a new technical advisory board for medical device standards, with FDA providing a chairman. The formal motion stated:

This body (the representatives present) goes on record as requesting that ANSI establish a coordinating body for standards in the medical device field and that this committee, or Technical Advisory Board, operate under the following guidelines and objectives:

1. Coordinate the development of medical device standards in an unbiased manner;

2. Stimulate the development of medical device standards for performance and safety;

3. Establish priorities for medical device standards development;

4. Promote a more effective and better organized communication system among physicians, engineers, hospitals, manufacturers, and government in the area of medical device standards;

5. Assure that all disciplines, interests, and competent standards organizations are involved in the coordination of standards development activities;

6. Promote an effective exchange of information about standards activities among different organizations;

7. Promote international standards activities through coordination with ANSI;

8. Examine the requests for standards development and determine the validity of need; and

9. Recommend the appropriate organization for fulfilling a recognized and valid need for a standard.

We further propose to that organization that the Medical Device Technical Advisory Board be duly constituted under ANSI procedures and that members of this group (the representatives present) be invited to serve on this Technical Advisory Board.

A second motion was passed providing for FDA to chair the first Medical Device Technical Advisory Board; this board was subsequently established by ANSI and later renamed the Medical Device Standards Management Board. Presently, it has over 50 members from voluntary standards organizations and government and professional societies.

The Commissioner has sought to encourage the voluntary development of standards. Formation of the Medical Device Standards Management Board provides coordination between FDA and persons involved with the voluntary system to allow for the establishment of timely and viable voluntary consensus standards with economy of effort. The Food and Drug Administration is working closely with voluntary standards organizations such as the ASTM and the American Dental Association with the objective of acquiring the acceptance of several consensus standards already developed by these organizations in the areas of orthopedic implants and dental materials and to identify the need for standards that have not yet been developed. The Food and Drug Administration is working closely with American National Standards Committee Z-79 on Anesthesia Devices to develop safety and performance standards for continuous-flow gas machines.

The participation of FDA in international voluntary standards-making activities has resulted in the United States assuming secretariats for a number of international standards subcommittees. In fiscal year 1974, FDA contracted with ANSI (Ref. 5) to provide partial support for the initial development of the two United States secretariats, Subcommittee S/C2 on Cardiovascular Implants and Subcommittee S/C3 on Neurosurgical Implants of the International Organization for Standardization Technical Committee 150 on Surgical Implants. The first international meeting of the two subcommittees was held in Miami, Florida, in October 1974. The Food and Drug Administration is also participating with the International Electrotechnical Commission in the development of voluntary international electrical and electronic standards.

As a supplement or alternative to the voluntary consensus system, FDA has developed medical device standards both intramurally, and on contract, extramurally. Contracts have been awarded to extramural organizations to develop standards for electrocardiographs, electromagnetic compatibility, electrosurgical devices, infant incubators and warmers, and environmental performance for hospital and emergency mobile medical devices. An intramural standard is being developed for insulin syringes.

Food and Drug Administration activities in the standards area are as follows:

1. *Cardiac defibrillators.* Development of a performance standard for cardiac defibrillators was initiated in 1973. A competitive bid contract (Ref. 6) for development of the standard was awarded to the Utah Biomedical Testing Laboratory; the contract and its subsequent modification extended over a period of 1 year and was completed in September 1974. The revised Utah Bomedical Testing Laboratory contract included two open review meetings to provide manufacturers and users an early input in the development of the standard. The first draft was available in April 1974 and was December 1973 and was discussed in an open 2-day meeting at the Utah Biomedical Testing Laboratory. A second draft was available in April 1974 and was discussed at a meeting of the American National Standards Committee MD 105 on Medical Electronics in conjunction with the Association for the Advancement of Medical Instrumentation Annual Conference in New Orleans. The third draft of the standard was discussed at a November 1974 meeting of the standards subcommittee of the Association for the Advancement of Medical Instrumentation on high frequency therapeutic devices. As a result of these meetings, a fourth draft was distributed for comment to individuals and organizations interested in a further refinement of the document. This resulted in a fifth draft (Ref. 7), which incorporated the input of manufacturers; users, including physicians, hospital engineers, and nurses; and government agencies, including the Veterans Administration and the military.

2. *Electrocardiographs.* Development of a performance standard for electrocardiographs was initiated in 1974. The contract for development of a standard was awarded to the Utah Biomedical Testing Laboratory on a task-order basis, pursuant to FDA's major laboratory support contract (Refs. 8 and 9). The contract starting date was September 26, 1974, and the first draft was completed in May 1975. The first public review was held in Salt Lake City, Utah, on July 2, 1975. A second draft standard was prepared and reviewed publicly on November 20, 1975, in conjunction with the annual American Heart Association meeting in Anaheim, California. The third draft standard (Ref. 10) was presented at the International Electrotechnical Commission 62D WG1 meeting in Friedburg, Germany, in April 1976 where it met with favorable reviews.

3. *Orthopedic implants.* In 1973, FDA reviewed and commented on existing orthopedic material and implant standards of ASTM Committee F4. Subsequently, a cooperative effort between ASTM Committee F4 on Surgical Implants and FDA resulted in improvements in the orthopedic material standards. The FDA revised orthopedic material standards (Ref. 11) identified by FDA and ASTM designations are as follows:

a. FDA-MDS-013-0017 (ASTM F 55-75) Standard on Bar and Wire, Stainless Steel, for Surgical Implants.

b. FDA-MDS-013-0018 (ASTM F 56-75) Standard on Sheet, Strip, and Plate, Stainless Steel, for Surgical Implants.

c. FDA-MDS-013-0019 (ASTM F 138-75) Standard on Bar and Wire, Stainless Steel, Low Inclusion Content for Surgical Implants.

d. FDA-MDS-013-0020 (ASTM F 139-75) Standard on Sheet, Strip, and Plate, Stainless Steel, Low Inclusion Content, for Surgical Implants.

e. FDA-MDS-013-0021 (ASTM F 67-75) Standard on Strip, Sheet and Plate, Unalloyed Titanium, for Surgical Implants.

f. FDA-MDS-013-0040 (ASTM F 67-75) Standard on Forgings, Unalloyed Titanium, for Surgical Implants.

g. FDA-MDS-013-0041 (ASTM F 67-75) Standard on Bars and Billets, Unalloyed Titanium, for Surgical Implants.

h. FDA-MDS-013-0029 (ASTM F 75-75) Standards on Shot and Pig, Cobalt-Base (Cobalt-Chromium-Molybdenum) Casting Alloy for Surgical Implants.

i. FDA-MDS-013-0030 (ASTM F 90-75) Standard on Sheet, Strip, and Plate, Cobalt-Base (Cobalt-Chromium-Tungsten-Nickel) Alloy for Surgical Implants.

j. FDA-MDS-013-0042 (ASTM F 90-75) Standard on Bar and Wire, Cobalt-Base (Cobalt-Chromium-Tungsten-Nickel) Alloy for Surgical Implants.

Additionally, in 1974, FDA issued a contract to the Utah Biomedical Testing Laboratory for a feasibility study concerning the retrieval, testing and evaluation of various orthopedic implants, including those removed for failure and "off-the-shelf" (Ref. 12); a final report was released in September 1975 (Ref. 13). The knowledge gained from this study should permit refinement in future revisions in orthopedic implant standards, test methods, and retrieval and analysis techniques.

4. *Dental materials and devices.* In 1973, EDA identified as acceptable the seven dental materials standards listed below that were developed by the American Dental Association and promulgated as American National Standards (ANS). The standards were presented to the FDA classification panel on dental devices which recommended that FDA accept them as standards in the future. The following seven standards (Ref. 14) are identified by FDA and ANS designations:

a. FDA-MDS-033-0007 (ANS MD 156.1) Standard for Dental Amalgam Alloy.

b. FDA-MDS-033-0008 (ANS MD 156.5) Standard for Dental Casting Gold Alloy.

c. FDA-MDS-033-0009 (ANS MD 156.6) Standard for Dental Mercury.

d. FDA-MDS-033-0010 (ANS MD 156.7) Standard for Dental Wrought Gold Wire Alloy.

e. FDA-MDS-033-0011 (ANS MD 156.14) Standard for Dental Chromium Cobalt Casting Alloy.

f. FDA-MDS-033-0012 (ANS MD 156.12) Standard for Denture Base Polymer.

g. FDA-MDS-033-0013 (ANS MD 156.13) Standard for Denture Cold-Curing Repair Resin.

The Food and Drug Administration, in conjunction with the classification panel on dental devices, will review additional American National Standards for Dental Materials and Devices to determine whether they should be considered for formal adoption following verification.

5. *Disposable insulin syringes.* On March 7, 1974, FDA held a meeting to afford all interested persons the opportunity to comment on the most effective way to eliminate or reduce the problem of insulin dosage error caused by variations in the design of syringes and the mixing of different insulins. Representatives of insulin syringe manufacturers and the American Diabetes Association attended the meeting. Participants at the meeting agreed that a performance standard for syringes was needed and should be developed under the direction of FDA (Ref. 15).

On April 3, 1975, a public hearing was held (Ref. 16) pursuant to the FEDERAL REGISTER announcement of February 28, 1975 (40 FR 8580), to allow all persons an opportunity to present data, technical information, and views concerning a second draft of a proposal to establish a performance standard for disposable insulin syringes. A third draft (Ref. 17) was issued about September 15, 1975, and on the basis of comments received, a fourth draft is being prepared.

6. *Hearing aids.* On December 20, 1973, FDA requested the ANSI to develop a performance standard for hearing aids. This request subsequently was forwarded to both the American National Standards Committee S-3 on Bioacoustics and its working group S-3-48 on hearing aids. Work was begun on the development of the standard. The Food and Drug Administration, in reviewing the work of the committee 3 months after the operation began, concluded that the goal of developing a performance standard within 1 year would not be met. Therefore, FDA began to develop an intramural standard, and the hearing aid industry embarked on a similar development project through its trade group. Several meetings between FDA and the industry were held to resolve differences in their respective draft documents. Both the industry draft and FDA draft were presented in April 1975 to the S-3-48 working group, and as a result, S-3-48 prepared a consensus draft for submission to the American National Standards Committee S-3 for letter ballot. On February 16, 1976, this document successfully underwent American National Standards Committee S-3 review, and it has been forwarded to ANSI for publication as an American National Standard for Specification of Hearing Aid Characteristics, S.3:22 (Ref. 18). Copies are available from the Acoustical Society of America, Standards Secretariat, 335 East 45th St., New York, NY 10017.

7. *Environmental performance standard for hospital and emergency mobile medical devices.* Since the environmental conditions of temperature, humidity, mechanical shock, vibration, and power line voltage variation to which hospital and emergency mobile medical devices are subjected are presently undefined, FDA issued a contract (Ref. 19) to the Emergency Care Research Institute to develop an environmental performance standard for hospital and emergency mobile medical devices.

Definitions of hospital, emergency, vehicle, and field environments will be established through a comprehensive data gathering program. These definitions of the respective environments will be used to develop the medical device environmental performance criteria and certification test methods. A notice of availability will be published when this draft of the performance and test method standard is available.

8. *Medical device electromagnetic compatibility standard.* The electromagnetic compatibility performance standard for medical devices is considered to be baseline standard applicable to devices used in medical facilities and emergency vehicles. This standard will provide useful

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guidelines for consideration of the electromagnetic environment in the design of medical devices. The standard is being developed under a 30-month extramural contract that began in July 1974 with McDonnell Douglas Astronautics Company-East (Ref. 20). The first draft of the performance standard was available from the contractor as of January 12, 1976. The second draft was available as of June 11, 1976 from the contractor. A public review meeting is scheduled for mid-September 1976 at the contractor's facility in St. Louis.

9. *Cardiac pacemakers.* The Food and Drug Administration issued a contract (Ref. 21) in May 1974 to the Association for the Advancement of Medical Instrumentation for the development of definitive terminology, labeling, and standards for implantable cardiac pacemakers. This document was completed in August 1975 and presently is being reviewed by the FDA Cardiovascular Devices Advisory Panel. The draft of the standard (Ref. 22) is currently being reviewed by FDA.

10. *Electrosurgical devices.* The Food and Drug Administration issued a contract (Ref. 23) in June 1975 to the Emergency Care Research Institute for the development of a performance and safety standard for electrosurgical devices. The first draft of the standard was issued in November 1975, and the first open review meeting was held in January 1976. A second draft was issued in April 1976, with the second open review meeting held on June 10, 1976. Final delivery of the draft standard to FDA is scheduled for September 1976.

11. *Infant incubators and warmers.* The Food and Drug Administration issued a contract (Ref. 24) to the Emergency Care Research Institute on June 27, 1975, to develop a standard for infant incubators and warmers. An open review meeting to discuss the requirements of the devices was held in October 1975. The comments received as a result of that meeting, as well as those received from informal communications with users and manufacturers, were collated and incorporated into the first draft of the standard, which was issued in March 1976. An open review meeting was held in Philadelphia on April 15, 1976, to discuss these standards. The second draft was made available in June 1976, and an open review meeting is scheduled for August 9, 1976. The contract calls for receipt of the final draft standard by September 1976.

12. *Research evaluation of performance requirements for neurosurgical implants.* Task Order Number 15 (Ref. 25) was issued to the Utah Biomedical Testing Laboratory to perform a comprehensive review of recent research and standard making activities in the field of neurosurgical implants. The objective of this study was to identify key aspects of neurosurgical devices and materials for which existing standards are deficient or for which standards do not exist. In addition, the Utah Biomedical Testing Laboratory was required to make recommendations regarding the applicability of existing standards to neurosurgical implants and devices. The literature search has been completed, and the final report is scheduled for delivery to FDA by July 30, 1976.

13. *Cardiac monitor performance and safety requirements study.* In March 1976, FDA issued Task Order Number 22 (Ref. 26) to the Utah Biomedical Testing Laboratory to perform a study of cardiac monitor safety and efficacy. On the basis of a literature review and surveys of manufacturers and user hospitals, recommendations for performance and safety criteria will be developed and presented in a report to FDA in November 1976. Meetings with national (the Association for the Advancement of Medical Instrumentation) and international (the International Electrotechnical Commission) groups working on these issues have taken place.

14. *Electroconvulsive therapy device performance safety requirements study.* In March 1976, FDA issued Task Order Number 19 (Ref. 27) to the Utah Biomedical Testing Laboratory to perform a study of safety and performance requirements for electroconvulsive therapy devices. On the basis of an analysis of available information, the Utah Biomedical Testing Laboratory will make specific recommendations as to which safety and performance characteristics of electroconvulsive therapy devices are essential for minimizing patient and operator hazards. This report is scheduled for submission to FDA by October 31, 1976.

15. *In vitro diagnostic products standards.* The development of in vitro diagnostic products standards is still in the formative stages. Notices on the availability of draft documents in this area will be published in the FEDERAL REGISTER in the future.

REFERENCES

1. "Medical Device and Diagnostic Products Standards Survey," International Section, January 1976; National Section, July 1975.
2. "Medical Device Standards Survey," May 1972.
3. AAMI/FDA National Medical Device Standards Conference, May 20–21, 1975.
4. Minutes, FDA Meeting on Medical Device Standards, October 1972.
5. Contract 223–73–5158: Partial Support of the ANSI Secretariat Activities of SC 2 and 3 of ISO/TC 150 on Implants for Surgery (Scope of Work).
6. Contract 223–73–5253 and Modification 1: Study of Defibrillator Safety and Performance Criteria.
7. Fifth Draft of Cardiac Defibrillator Standard (FDA–MDS–021–0001).
8. Task Order Number 6 Under Contract 223–74–5253; Study of Safety and Performance Criteria for Diagnostic Electrocardiographs.
9. Contract 223–74–5253: Laboratory Support for the Bureau of Medical Devices and Diagnostic Products (Scope of Work).
10. Third Draft of Electrocardiograph Standard, March 1976.
11. Orthopedic Implant Material Standards—10.
12. Contract 223–74–5252: Research Evaluation of Performance Requirements for Metallic Orthopedic Implants (Scope of Work).
13. Daniels, A. U. et al., "Research Evaluation of Performance Requirements for Metallic Orthopaedic Implants," Utah Biomedical Testing Laboratory, TR 148–003, September 10, 1975 (NTIS No. PB–247710).
14. Dental Material Standards—7.
15. Minutes, FDA Meeting on Insulin Dosage Error, March 7, 1974.
16. Minutes, FDA Meeting on Standard for Disposable Insulin Syringe, April 3, 1975.
17. Third Draft of Insulin Syringe Standard (FDA–MDS–122–0003).
18. ANSI Hearing Aid Standard (S. 3:22).
19. Contract 223–74–5230: Development of an Environmental Performance Standard for Hospital and Emergency Mobile Medical Devices (Scope of Work).
20. Contract 223–74–5246: Development of an Electromagnetic Compatibility Standard for Medical Devices (Scope of Work).
21. Contract 223–74–5083: Development of Definitive Terminology, Labeling, and Standards for Implantable Cardiac Pacemakers (Scope of Work).
22. Draft of Cardiac Pacemaker Standard.
23. Contract 223–75–5011: Standard for Performance and Safety of Electrosurgical Devices (Scope of Work).
24. Contract 223–75–5012: Infant Incubator and Infant Warmers Standard (4) (Scope of Work).
25. Task Order Number 15 under contract 223–74–5253: Research Evaluation of Performance Requirements for Neurosurgical Implants.
26. Task Order Number 22 under contract 223–74–5253: A Study of Cardiac Monitor Safety and Efficacy.
27. Task Order Number 19 under contract 223–74–5253: A Study of Electroconvulsive Therapy Device Safety and Efficacy.

The references cited in this notice are available for review in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852. Reference 13 is also available from the National Technical Information Service, United States Department of Commerce, Springfield, VA 22161. Reference 18 is also available from the Acoustical Society of America, Standards Secretariat, 335 E. 45th St., New York, NY 10017.

Dated: August 3, 1976.

JOSEPH P. HILE,
Acting Commissioner of Food and Drugs.

[FR Doc.76-23470 Filed 8-11-76;8:45 am]

Office of Education

RIGHT TO READ STATE LEADERSHIP AND TRAINING PROGRAM

Extension of Closing Date for Receipt of Applications

Notice was published in the FEDERAL REGISTER on May 27, 1976 (41 FR 21666) establishing a closing date of June 28 for the receipt of applications for awards under the Right to Read State Leadership and Training Program pursuant to section 705(a)(3) of Title VII, Pub. L. 93–380 (20 U.S.C. 1921(a)(3)).

The purpose of this notice is to extend the closing date for the receipt of applications under the Right to Read State Leadership and Training Program in order to permit new applications from State educational agencies which were not previously funded under the program and which therefore did not receive application packages from the U.S. Office of Education prior to the closing date.

New applications from State educational agencies will be accepted under the program until August 23, 1976. The original and two copies of the application must be received by the U.S. Office of Education Application Control Center on or before August 23, 1976.

A. *Applications sent by mail.* Applications sent by mail should be addressed as follows: U.S. Office of Education, Grant Procurement Management Division, Application Control Center, 400 Maryland Avenue, SW., Washington, D.C. 20202, Attention: 13.533B. Applications sent by mail will be considered to be received on time by the Application Control Center if:

(1) The applications were sent by registered or certified mail not later than August 18, 1976, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The applications are received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.)

B. *Hand delivered applications.* Applications to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, 7th and D Streets, SW., Washington, D.C. 20202. Hand delivered applications will be accepted daily between the hours of 8:30 a.m. and 4 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

C. *Authority.* The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR 100, 100a). Final regulations governing the State Leadership and Training Program (45 CFR 162, Subpart F) were published in the FEDERAL REGISTER on May 26, 1976.

D. *Program Information and forms.* Information and application forms may be obtained from the Right to Read Program, U.S. Office of Education, Room 2130, 400 Maryland Avenue, SW., Washington, D.C. 20202.

(20 U.S.C. 1921(a)(3))

(Catalog of Federal Domestic Assistance Number 13.533, Right to Read—Elimination of Illiteracy)

Dated: August 6, 1976.

WILLIAM F. PIERCE,
Acting Commissioner of Education.

[FR Doc.76-23563 Filed 8-11-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD–356; FDAA–513–DR]

PENNSYLVANIA

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Pennsylvania, dated July 7, 1976, is hereby amended to include the following area determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 7, 1976:

Manchester Township (in Wayne County).

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: August 5, 1976.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.76-23472 Filed 8-11-76;8:45 am]

[Docket No. NFD–357; FDAA–518–DR]

VERMONT

Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–74–285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on August 5, 1976, the President declared a major disaster as follows:

I have determined that the damage to certain areas of the State of Vermont resulting from severe storms, high winds, and flooding beginning about July 11, 1976, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93–288. I therefore declare that such a major disaster exists in the State of Vermont.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–74–285, I hereby appoint Mr. E. Paul Hartzell, HUD Region I, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of Vermont to have been adversely affected by this declared major disaster:

The Counties of:

Bennington	Rutland
Orange	Windsor

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

Dated: August 5, 1976.

THOMAS P. DUNNE,
Administrator, Fedcral Disaster Assistance Administration.

[FR Doc.76-23473 Filed 8-11-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Office of Pipeline Safety Operations

[Docket No. Pet. 76–11W]

TRANS-ALASKA CRUDE OIL PIPELINE

Grant of Waiver

By petition dated October 18, 1975, the Alyeska Pipeline Service Company (Alyeska) requested that the pipe bending requirement of 49 CFR 195.212(e) be repealed and, in the interim, that Alyeska be granted a waiver from compliance with the requirement with respect to the Trans-Alaska crude oil pipeline. Section 195.212(e) (now § 195.212(b)(3)) provides that for each field bend of steel pipe containing a longitudinal weld, "the longitudinal weld must be as near as practicable to the neutral axis of the bend." In its petition, Alyeska alleged that this requirement is unnecessary for the quality or integrity of a pipeline.

In response to Alyeska's request, the Materials Transportation Bureau (MTB) sought additional information from Alyeska to show why the bending requirement is not necessary as alleged. In addition, in connection with a separate rulemaking proceeding on pipe bending, MTB asked interested persons to submit technical information on whether it is unnecessary from a safety standpoint for a longitudinal weld to be located near the neutral axis during bending (Docket No. OPS–23, Notice 75–7, 40 FR 60076, Dec. 31, 1975). The information submitted by Alyeska and commenters to Notice 75–7 is summarized as follows: First, a recommended safety practice that longitudinal seams be near the neutral axis initially appeared in the 1966 edition of the industry code for liquid pipelines, American National Standards Institute B31.4 Code, which served as a basis for § 195.212(b)(3). This safety practice was developed prior to general usage of the internal bending mandrel and was intended to prevent damage to pipe at the weld seam by the die or stiffback during bending. The recommended practice was not included, however, in the 1975 edition of the B31.4 Code primarily because use of the internal bending mandrel to provide support for pipe prevents it from being damaged during bending. The fact that protruding welds on spiral welded pipe had been regularly placed against the die or stiffback during bending without consequent damage to the pipe also led to the 1975 deletion. Secondly, thou-

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sands of bend sections were installed before the advent of the recommended practice or requirement that the longitudinal seam be near the neutral axis, and there has not been a single liquid pipeline accident reported under 49 CFR Part 195 which was caused by failure of a weld seam in a bend section. Thirdly, the likelihood that stresses during bending will not adversely affect the integrity of a longitudinal seam weld is enhanced by the recent improvements in seam welding technology, quality control, and materials chemistry. Fourthly, modern bending machines and internal bending mandrels commonly used by industry provide control and protection of the pipe, especially large diameter high strength thin wall pipe where damage would be more likely to occur, which was unavailable as recently as 10 years ago. Finally, burst test data obtained on the Portland-Montreal pipeline system in 1965 for 24-inch X-52 steel pipe shows that with seams on both the inside and outside of the bend, ruptures occurred in the body of the pipe without damage to the weld seams.

After considering all available information, MTB finds that under modern pipe manufacturing and bending techniques, there is little, if any, risk of pipe damage from placing a longitudinal seam in a position other than near the neutral axis during bending. This finding is further supported by test data, the current recommended industry bending practice, and the absence of reported failures due to bending in MTB failure records. Moreover, if damage does occur at a longitudinal seam during bending, the bend would be rejected under other performance standards for pipe bends in § 195.212. Accordingly, subject to the following conditions, the granting of Alyeska's request for waiver from 49 CFR 195.212(b)(3) appears appropriate and in the public interest, and the waiver is hereby granted effective immediately:

1. All bends must be made using an internal bending mandrel.

2. Alyeska shall report all unacceptable seam damage due to bending and bend failures during testing to MTB.

Because of the significance of the findings herein, MTB will issue a notice of proposed rulemaking to modify the general requirement in 49 CFR 195.212(b)(3) consistent therewith.

(Sec. 6, Pub. L. 89-670, 80 Stat. 937 (49 USC 1655); (18 USC 831-835); 40 FR 43901, 49 CFR 1.53).

Issued in Washington, D.C. on August 3, 1976.

JAMES T. CURTIS, Jr.,
Director,
Materials Transportation Bureau.

[FR Doc.76-23498 Filed 8-11-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 29617; Order 76-8-40]

AIR PANAMA INTERNACIONAL, S.A.

Order of Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 28th day of July, 1976.

By tariff revisions filed July 2, 1976, which became effective August 1, 1976,[1] Air Panama Internacional, S.A. (Air Panama) proposed tariff rule changes permitting individual return travel by members of groups traveling under its existing 3/21-day group excursion fares.[2]

Complaints requesting suspension and investigation have been filed by Braniff Airways, Inc. (Braniff) and Pan American World Airways, Inc. (Pan American), accompanied by motions to file late which will be granted. Air Panama has filed a motion, which will be granted, to file an otherwise unauthorized document in late reply to Braniff and Pan American.

In general, both complainant carriers contend that the group fares are already low and that given the relative lack of restrictions attached to their use, the individual return facility will cause the fares to become the effective selling fare in the markets served by Air Panama. In order to be eligible to use the fare, passengers need only purchase tickets at the counter and board the aircraft in groups of 4 or 6. Both carriers further argue that there is no valid economic justification for the filing, which both maintain could result in severe erosion of the existing fare structure, and which Braniff further maintains is an attempt by Air Panama to legalize past unlawful practices. Finally, both carriers point out that an individual return facility is contrary to Board policy and accepted practice regarding group-fare travel.

In reply to Braniff and Pan American, Air Panama contends that both carriers have failed to submit evidence or argument sufficient to warrant suspension of the provision and requests denial of the relief sought and dismissal of the complaints. Air Panama contends that the group excursion fares have been published in tariffs for almost three years without a travel-together requirement; that it filed the instant rule at the informal suggestion of the Board's Tariffs Section; that the provision is identical to and taken from similar rules now in effect for domestic group fares and thus is lawful and consistent with other rules in effect and with Board policy; that it is aware of and rejects the suggestion that a rule requiring group-fare passengers to travel together in both directions is legally required by Board policy or decision; that if the subject rule is suspended, the group fare will continue to be available with no travel-together requirement; and that foreign carriers are not required under Board regulations to submit economic justification in support of their filings.

Upon full consideration of the tariff filing, the complaints and answer, and all other relevant factors, the Board has determined to suspend, pending investigation, Air Panama's filing.

Air Panama's group excursion fares carry no restrictions such as requirements for advance reservation, or advance ticket purchase. Rather, under Air Panama's rules, passengers can be assembled at the ticket counter in groups sufficient to meet Air Panama's low minimum-group requirements (4–6 passengers). The lower levels usually associated with group fares have been considered justified in the past because of the alleged cost savings stemming from handling and ticketing passengers as a group rather than individually. Air Panama's group excursion fares are steeply discounted from the normal economy fare and are among the lowest fares offered in the affected markets.[3] An individual return facility would effectively erase the sole meaningful distinction between the group fare and individual economy fares. Given the lack of any other meaningful tariff restrictions, the group fare could thus largely supplant the normal economy fare, as well as other higher-rated individual travel fares, in the markets concerned.[4] Air Panama's rule, in short, would erode the economic basis for the group fare level itself and dilute the overall fare level in the affected markets.[5]

Air Panama states that suspension of the instant proposal would leave the group fare with no travel-together requirement. It is the Board's opinion that all fares offered as "group" fares carry a requirement, implicit in the word "group," that passengers travel together from point of origin to point of destination and return unless otherwise clearly stated in the governing tariff rules. Finally, Air Panama's contention that it need not submit justification for its tariff proposals is contrary to the provisions of sec. 211.165 of the Board's Economic Regulations.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and

[1] Air Panama Internacional, S.A., Tariff C.A.B. No. 1, Rule No. 47, 10th Revised Page 34–D, and Rule No. 48, 5th Revised Page 34–E.

[2] Minimum groups of 4 persons for travel from the U.S. to points in South/Central America and minimum groups of 6 persons for travel to the U.S. from points in South/Central America.

[3] For example, the group excursion fares offer discounts ranging from 43.7 to 48.9 percent off Air Panama's published New York-Panama round-trip normal economy fare and discounts ranging from 50.0 to 54.5 percent off the applicable IATA-agreed round-trip normal economy fare.

[4] Air Panama refers to domestic group fares which permit open returns as precedent for its own rule. These domestic fares are much more restrictive in their application than are Air Panama's group fares. Furthermore, such low fares cannot burden normal fares under the ratemaking standards developed in the *Domestic Passenger-Fare Investigation*, contrary to the case with Air Panama's rule.

[5] Based upon data available to the Board, Air Panama's revenue passenger-mile cost for its B–727 equipment is estimated to be 5.90 cents per mile, based upon a 60 percent load factor and excluding any element for economic return. Air Panama's southbound New York-Panama group excursion fare yields only 4.98 cents per mile and its northbound Panama-New York fare yields a slightly higher 5.48 cents per mile. Thus, in the absence of mealingful restrictions to protect other higher-rated fares in the structure, it is evident that Air Panama's below-cost group excursion fares would seriously erode the overall financial position of all carriers serving the market.

particularly sections 204(a), 403, 404, 801, and 1002 thereof,

It is ordered that:

1. An investigation be instituted to determine whether the provisions set forth below, and rules, regulations, or practices affecting such provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to take appropriate action to prevent the use of such provisions or rules, regulations, or practices;

2. Pending hearing and decision by the Board, the tariff provisions specified below are suspended and their use deferred from August 10, 1976 to and including August 9, 1977, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. This order shall be submitted to the President[6] and shall become effective on August 9, 1976;

4. The investigation ordered herein be assigned for hearing before an administrative law judge of the Board at a time and place hereafter to be designated;

5. Copies of this order be filed in the aforesaid tariffs and be served upon Air Panama International, S.A. Braniff Airways, Inc., and Pan American World Airways, Inc.;

6. The motions by Air Panama Internacional, S.A. Braniff Airways, Inc., and Pan American World Airways, Inc. for leave to file late-filed or unauthorized documents be and hereby are granted; and

7. Except to the extent granted herein, the complaints of Braniff Airways, Inc. and Pan American World Airways, Inc. in Docket 29499 and Docket 29508 be and hereby are dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

LOCAL PASSENGER TARIFF No. 1, C.A.B. No. 1 ISSUED BY AIR PANAMA INTERNACIONAL, S.A.

On 10th Revised Page 34–D and 5th Revised Page 34–E the following provisions in Rule No. 47(5) and Rule No. 48(5):

• • • as a single group on the same flight from point of origin to outbound destination.

and

When travel is on the return portion of a roundtrip, the members may travel individually.

[FR Doc.76-23549 Filed 8-11-76;8:45 am]

[6] This order was submitted to the President on July 28, 1976.

CHICAGO-VANCOUVER ROUTE PROCEEDING

Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on September 21, 1976, at 9:30 a.m. (local time), in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge William A. Kane, Jr.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and six copies to the Judge of (1) proposed statements and issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before September 3, 1976, and the other parties on or before September 13, 1976. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., August 6, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-23547 Filed 8-11-76;8:45 am]

[Docket 21448]

SPOKANE-MONTANA POINTS SERVICE INVESTIGATION

Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on September 28, 1976, at 9:30 a.m. (local time), in Room 1003, Hearing Room A, Universal North Building, 1875 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Frank M. Whiting.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and six copies to the Judge of (1) proposed statements and issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before September 3, 1976, and the other parties on or before September 16, 1976. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., August 6, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-23548 Filed 8-11-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 598-7]

AMBIENT AIR MONITORING REFERENCE AND EQUIVALENT METHODS

Equivalent Method Designation

Notice is hereby given that EPA, in accordance with 40 CFR Part 53 (40 FR 7044, February 18, 1975), has designated another equivalent method for the measurement of ambient concentrations of sulfur dioxide. This new equivalent method is an automated method (analyzer) utilizing a measurement principle based on coulometric titration for the detection of SO_2.

The method is: EQSA–0876–011, "Philips PW9700 SO_2 Analyzer" consisting of the following components: PW9710/00 Chemical Unit with PW9711/00 Electrolyte SO_2, PW9720/00 Electrical Unit, PW9721/00 Filter set SO_2, PW9730/00 Sampler Unit or vendor-approved alternate particulate filter PW9740/00 SO_2 Source operated with a 0 to 0.5 ppm range and with a reference voltage of 760 millivolts. This method was previously available from Philips Electronic Industries, Inc.; 750 South Fulton Avenue Mount Vernon. NY 10550.

A test analyzer representative of this method has been tested by its manufacturer, in accordance with the test procedures specified in 40 CFR Part 53. After reviewing the results of these tests and other information submitted by the applicant, EPA has determined, in accordance with Part 53, that this method should be designated as an equivalent method. The information submitted by the applicant will be kept on file at the address shown below and will be available for inspection to the extent consistent with 40 CFR Part 2 (EPA's regulations implementing the Freedom of Information Act).

As an equivalent method, this method is acceptable for use by States and other control agencies for purposes of section 51.17(a) of 40 CFR Part 51 ("Requirements for Preparation, Adoption, and Submittal of Implementation Plans") as amended on February 18, 1975 (40 FR 7042). For such use, the method must be used in strict accordance with the operation or instruction manual provided with the method and subject to any limitations (e.g., operating range) specified in the applicable designation (see description of method above). User modifications of a designated method used for purposes of § 51.17(a) are permitted only with prior approval of EPA, as provided in Part 53. Provisions concerning modification of such methods by users were promulgated on March 17, 1976 (FEDERAL REGISTER, Vol. 41, page 11255).

It is EPA's understanding that this method is no longer in production by its manufacturer, although some analyzers may still be available from the address given above. Designation of this method is thus primarily intended to benefit owners of existing analyzers used for purposes of section 51.17(a). However,

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analyzers bearing the above model numbers and sold prior to this designation require certain modifications in order to be identical to the designated method and thus achieve designated status. These modifications include both hardware changes to the analyzer and a supplemental operation and instruction manual. The vendor has indicated that modification services will be made available. Owners of existing model PW9700 analyzers who wish to upgrade their analyzers to designated status should consult the vendor at the address given above to determine the cost and specific availability of such services.

Designation of this equivalent method will provide assistance to the States in establishing and operating their air quality surveillance systems under 40 CFR 51.17(a). Additional information concerning this action may be obtained by writing to the Director, Environmental Monitoring and Support Laboratory, Department E (MD–76), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

Dated: August 6, 1976.

WILSON K. TALLEY,
Assistant Administrator for Research and Development.

[FR Doc.76–23417 Filed 8–11–76;8:45 am]

[FRL 598–8]

AMBIENT AIR MONITORING REFERENCE AND EQUIVALENT METHODS

Receipt of Application for Reference or Equivalent Method Determination

Notice is hereby given that on July 19, 1976, the Environmental Protection Agency received an application from Columbia Scientific Industries, to determine if its MEC Models 1100–1, 1100–2, and 1100–3 ozone analyzers should be designated by the Administrator of the EPA as reference methods under 40 CFR Part 53, promulgated February 18, 1975 (40 FR 7044). If, after appropriate technical study, the Administrator determines that these methods should be so designated, notice thereof will be given in a subsequent issue of the FEDERAL REGISTER.

Dated: August 6, 1976.

WILSON K. TALLEY,
Assistant Administrator for Research and Development.

[FR Doc.76–23418 Filed 8–11–76;8:45 am]

[FRL 598–4; OPP–00031]

STATE-FEDERAL FIFRA IMPLEMENTATION ADVISORY COMMITTEE (SFFIAC)

Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that a two-day meeting of the State-Federal FIFRA Implementation Advisory Committee (SFFIAC) will be held from 8:30 a.m. to 4:30 p.m. on Thursday, September 16, and from 8:30 a.m. to approximately 12:30 p.m. on Friday, September 17. The meeting will be held in Room 3906–3908, of the Environmental Protection Agency, Waterside Mall, 401 M Street, S.W., Washington, DC 20460.

This is the fifth meeting of the full Committee. A complete agenda has not, as yet, been developed. However, the agenda will contain items relating to implementation of key sections of the amended Federal Insecticide, Fungicide, and Rodenticide Act. A considerable portion of the available time will also be devoted to Regional reports and to reports by the chairmen of the five Working Groups responsible to SFFIAC. In addition, the Chairman of the Working Group on Training, responsible primarily to the Extension Committee on Organization and Policy, will present his report.

The meeting will be open to the public. All communications regarding this meeting should be addressed to P. H. Gray, Jr., SFFIAC Executive Secretary, Operations Division, Office of Pesticide Program, Environmental Protection Agency, 401 M Street, S.W., Washington, DC, (202) 755–7014.

Dated: August 5, 1976.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.76–23419 Filed 8–11–76;8:45 am]

[FRL 598–5; OPP–00030]

STATE-FEDERAL FIFRA IMPLEMENTATION ADVISORY COMMITTEE (SFFIAC) WORKING GROUP ON RESOURCES AND FUNDING

Open Meeting

Pursuant to P.L. 92–463, notice is hereby given that a meeting of the State-Federal FIFRA Implementation Advisory Committee's Working Group on Resources and Funding will be held on Wednesday, September 15, 1976, at 9:00 a.m. in Room 2117, Waterside Mall, 401 M Street, S.W., Washington, DC.

This is the second meeting of the Working Group on Resources and Funding. The meeting will be concerned primarily with the phasing of EPA funding in support of pesticide applicator training and certification in fiscal year 1977 and beyond.

The meeting will be open to the public. Any member of the public wishing to attend should contact P. H. Gray, Jr., SFFIAC Executive Secretary, Operations Division (WH–570), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, S.W., Washington, DC 20460, (202) 755–7014.

Dated: August 5, 1976.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.76–23420 Filed 8–11–76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. I–259]

INTERNATIONAL AND SATELLITE RADIO APPLICATIONS ACCEPTED FOR FILING

Common Carrier Services Information

AUGUST 9, 1976.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the rights to return any of these applications if, upon further examination, it is determined they are defective and not in conformance with the Commission's Rules Regulations or its policies. Final action will not be taken on any of these applications earlier than 31 days following the date of this notice. Section 309(d)(1).

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

SATELLITE COMMUNICATIONS SERVICES

444–DSE–P/L–76 RCA Global Communications, Inc. (as trustee), Atlanta, Georgia. For authority to construct and operate a domestic communications satellite earth station at this location. Lat. 33 51 00. Long. 84 28 56. Rec. freq: 3700–4200 MHz. Trans. freq: 5925–6425 MHz. Emission 36000F9. With a 10 meter antenna.

445–DSE–P/L–76 Alpine Cablevision, Inc. Alexandria/Pineville, Louisiana. For authority to construct, own and operate a domestic communications satellite Receive-Only earth station at this location. Lat. 31 21 18 Long. 92 23 14. Rec. freq: 3700–4200 MHz. Emission 36000F9. With a 10 meter antenna.

446–DSE–P/L–76 Teleprompter Corporation, Muscoy, California. For authority to construct and operate a domestic communications satellite Receive-Only earth station at this location. Lat. 34 09 13 Long. 117 19 55. Rec. freq: 3700–4200 MHz. Emission 36000F9. With a 10 meter antenna.

447–DSE–P–76 Hampton Roads Cablevision Company, Newport News, Virginia. For authority to construct, own and operate a domestic communications satellite Receive-Only earth station at this location. Lat. 37 05 28 Long. 76 27 16. Rec. freq: 3700–4200 MHz. Emission 36000F9. With a 10 meter antenna.

448–DSE–P/L–76 Palmer Broadcasting Company, Naples, Florida. For authority to construct, own and operate a domestic communications Receive-Only earth station at this location. Lat. 26 03 00. Long. 81 42 16. Rec. freq: 3700–4200 MHz. Emission 34000F9. With a 10 meter antenna.

449–DSE–P–76 Harris Corporation Electronic System Division, Melbourne, Florida. For authority to construct and operate a Developmental satellite earth station at this location. Lat. 28 05 02. Long. 80 37 02. Rec. freq: 3700–4200 MHz. Trans. freq: 5925–6425 MHz. Emission 36000F9. With an 11 meter antenna.

[FR Doc.76–23523 Filed 8–11–76;8:45 am]

[Report No. 995]

RECONSIDERATION OF ACTIONS IN RULE MAKING PROCEEDINGS

Petitions Filed

AUGUST 9, 1976.

Docket or RM No.	Rule No.	Subject	Date received
20508	Pt. 76	Amendment of pt. 76 of the Commission's rules and regulations concerning the cable television channel capacity and access channel requirements of sec. 76.251.	
		Filed by Gerald S. Pallor, coordinator of programing for community project of New Paltz Communications, Inc.	June 16, 1976
		Filed by John D. Matthews and Charles H. Heleln, attorneys for Coachella Valley Television, Colony Communications, Inc., Complete Channel TV, Inc., Cox Cable Communications, Inc., Gulf Coast Television, Inc., Sammons Communications, Inc., Sioux Falls Cable Television, Televents Affiliated Systems, The TM Communications Company.	June 21, 1976
		Filed by Stuart F. Feldstein and John V. Kenny, attorneys for National Cable Television Association, Inc. and Walter Kaitz and Spencer Kaitz, attorneys for California Cable Television Association.	Do.

NOTE.—Oppositions to petitions for reconsideration must be filed within 15 days after publication of this public notice in the FEDERAL REGISTER. Replies to an opposition must be filed within 10 days after time for filing oppositions has expired.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76–23524 Filed 8–11–76;8:45 am]

J. SHERWOOD, INC. AND STRAFFORD BROADCASTING CORP.

Construction Permits; Memorandum Opinion and Order

1. Before the Review Board is a petition to enlarge issues, filed November 12, 1975, by J. Sherwood, Inc., (Sherwood), (Rochester, New Hampshire), requesting the addition of ascertainment, financial and business practice issues against Strafford Broadcasting Corporation (Strafford). (Rochester, New Hampshire).[1]

ASCERTAINMENT ISSUE

2. In support of its request for an ascertainment issue, petitioner cites numerous alleged defects in Strafford's survey of community needs and problems. As an initial matter, Sherwood argues, Strafford's demographic showing contains no information concerning the community's female population, its educational interests or its labor unions and does not provide a specific listing of those groups which the applicant considers to be significant in its proposed service area. Moreover, petitioner submits, several groups which appear from Strafford's demographic data to occupy important places in the community—namely manufacturers, organized religion, tourism, environmentalists, local government, French-Canadians, and women [2]—are not represented in its survey of community leaders.[3] With respect to Strafford's survey of leaders outside of its proposed community of license, Sherwood contends that one major community has been omitted and that other communities are not represented by persons who could be expected to have a broad overview of community problems there. And, petitioner continues, insofar as its opponent's survey of the general public is concerned, the number of persons contacted is too small and the methodology employed to select them cannot be determined from the application form.[4] Turning finally to Strafford's evaluation of community needs and problems and its proposed programming to meet them, Sherwood urges that the accuracy of the survey results is questionable and the adequacy of the programming proposal subject to serious doubt.

3. We begin with petitioner's challenge to its opponent's demographic showing. The Primer on Ascertainment of Community Problems by Broadcast Applicants, 27 FCC 2d 650, 21 RR 2d 1507 (1971), requires applicants to submit to the Commission such data as is necessary to indicate the composition of their proposed cities of license. Q. and A. 9 of the *Primer, supra*, 27 FCC 2d at 683, 21 RR 2d at 1543. While Strafford's demographic data could have been more precise in that the applicant did not provide a specific listing of all community groups, we do not believe that a further inquiry into this matter is warranted in light of petitioner's failure to establish that any significant element of the community was not identified by Strafford. In this regard, we must reject as erroneous Sherwood's assertion that its opponent neglected the female, educational and labor interests of its community. Strafford's demographic data includes separate statistics for men and women, where appropriate, a description of the area's colleges and universities, a chart showing the educational characteristics of the population, and a breakdown of the labor force by occupation and by industry. In the absence of a specific showing to the contrary, we cannot conclude that this information is inadequate. See Q. and A. 10 of the *Primer, supra*, 27 FCC 2d at 683, 21 RR 2d at 1543. We do, however, believe that an issue is warranted to determine whether Strafford compiled its demographic data before interviewing community leaders, as required by Q. and A. 10 of the *Primer, supra*, 27 FCC 2d at 683, 21 RR 2d at 1543. In response to Sherwood's allegations in this regard, Strafford contends that it "precisely" followed Primer requirements. The applicant provides no specific factual information in support of this contention and we therefore cannot accept its claim as dispositive of this question.

4. Turning next to Strafford's survey of community leaders in its proposed city of license, we find Sherwood's allegations in some respects erroneous. Thus, Strafford's data shows interviews with the president of a manufacturing firm, a local contractor, the vice-president of an insurance company, and the director of the local Chamber of Commerce, all of whom can be said to represent the community's business interests. And, in light of the applicant's explanation that the Chamber of Commerce supplies all tourist and travel information, we believe that Strafford can legitimately rely upon its interview with the director of that group to satisfy its obligations to survey the community. With regard to local government, we cannot conclude, in the absence of evidence to the contrary, that Strafford's interviews with the mayor, with the city's superintendent of schools and with its representative to the New Hampshire General Court were inadequate to ascertain the needs and interests of that group. Finally, insofar as environmentalists are concerned, petitioner's allegation that Strafford did not

[1] Also before the Board are an errata to the petition to enlarge issues, filed November 14, 1976, by Sherwood; an opposition, filed January 22, 1976, by Strafford; comments, January 22, 1976, by the Broadcast Bureau; and a reply, filed March 24, 1976, by Sherwood. In addition, the Board has before it a supplement and request for acceptance, filed April 30, 1976, by Strafford. Strafford's supplement contains an amendment to its ascertainment showing which has been accepted by the presiding Administrative Law Judge. This material is relevant to the issues at hand and its acceptance is not opposed by any of the other parties to this proceeding. Accordingly, we will grant Strafford's request and accept its supplementary pleading.

[2] The absence of any demographic data concerning women makes it difficult to assess Strafford's efforts in this regard, petitioner contends.

[3] Strafford's amendment to its ascertainment showing (see note 1, *supra*) has mooted several other matters raised by Sherwood in its petition. Thus, while Strafford's original showing did not indicate the residence and/or organizational title of all of the leaders contacted, its amended showing provides this information. Another matter raised by Sherwood—the timing of Strafford's interviews—is resolved by the affidavit of Marcia L. Nescot, Strafford's president. According to Ms. Nescot, the original interviews were conducted within one month of the filing of Strafford's application.

[4] In her affidavit, Ms. Nescot identifies the person who conducted Strafford's survey of the general public as a prospective employee of its proposed station, thereby answering a question raised in the petition to enlarge issues.

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contact anyone concerned with the question of whether an oil refinery should be built in southeastern New Hampshire, notwithstanding its identification of this question as "the prime issue in local news," affords no basis for adding an issue. The fact that an issue of concern exists does not establish that there is a significant group as contemplated by the Primer.

5. In four significant respects, we believe that Sherwood's objections to its opponent's community leader survey are well founded. In its study of the community's composition. Strafford states that Rochester has a large number of Roman Catholic churches in addition to the old New England Protestant churches and adds that visitors to the city from an urban area "would find more importance placed on churches than they would expect." Yet, Strafford has included no representatives of organized religion in its survey of community leaders.[8] Likewise, while the applicant's demographic data shows a significant French-Canadian ethnic influence and a sizable population for whom French is the mother tongue, its survey included no contacts with persons identified as representatives of the French-Canadian community. In opposition to this part of Sherwood's request, Strafford asserts that it interviewed a person of French-Canadian descent, a teacher at a Catholic school, and a librarian who initiated a French language section in the Rochester public library. None of these persons has been shown to represent the community's French-Canadian population in any meaningful sense, however, and we therefore cannot accept them as satisfactory spokesmen for this admittedly significant portion of the population. *Cf. A. V. Bamford* v. *F.C.C.*, No. 75–1309, United States Court of Appeals for the District of Columbia Circuit, decided March 29, 1976, 36 RR 2d 1231. Finally, with respect to Rochester's women's organizations, Strafford's interviews with two leaders of women's groups do not appear to be adequate to satisfy the requirements of the *Primer* in this regard. The failure to contact adequate leaders of all significant groups is a serious defect in an ascertainment showing, see for example, Voice of Dixie, Inc., 45 FCC 2d 1027, 29 RR 2d 1127 (1974), reconsideration denied 47 FCC 2d 526, 30 RR 2d 851 (1974), and in our opinion, petitioner has raised sufficient doubt as to Strafford's efforts toward women's groups, toward organized religion and toward the community's French-Canadian population to warrant further investigation at hearing.[9]

[8] While Strafford did interview a Sister Superior who teaches at the Rochester Catholic School, the applicant does not appear to rely upon this contact as representing organized religion.

[9] As a related matter, Sherwood urges that Strafford's survey of twenty-eight leaders is per se inadequate to ascertain the needs and problems of a city of almost 18,000. The number of interviews conducted by Strafford is not on its face unreasonable, we believe, and in any event, the important consideration is not the size of the survey but the representativeness of its contents. See RAM Enterprises, 57 FCC 2d 844, 35 RR 2d 1507 (Rev. Bd. 1976).

As for Strafford's survey of leaders outside of its proposed city of license, the *Primer, supra,* requires applicants to ascertain problems outside of their community of license through consultations with leaders who can be expected to have a broad overview of community problems. Q. and A.'s 6 and 7, 27 FCC 2d at 682–683, 21 RR 2d at 1542–1543. Sherwood faults its opponent for omitting the community of Newmarket, New Hampshire, from its survey efforts and for chosing in other communities persons whose positions do not indicate a broad familiarity with community affairs. With regard to the first matter, Strafford maintains that the *Primer, supra,* mandates ascertainment only in "major" communities within the proposed service area, and argues that Newmarket, with its population of approximately 2,500 is not a "major" community in relation to Rochester with its population of almost 18,000. Moreover, the applicant urges, Newmarket is on, not within, the proposed 1 mV/m contour and has virtually no socio-economic relations with the proposed city of license. With respect to petitioner's second allegation Strafford includes in its amendment to its ascertainment showing a detailed explanation of the leadership role of each individual contacted in its survey of outlying communities. This explanation, which is not challenged by the other parties to this proceeding, establishes that the individuals contacted are active in and knowledgeable about community affairs. Compare Azalea Corporation, 47 FCC 2d 151, 30 RR 2d 584 (Rev. Bd. 1974). Given this information, and in light of Strafford's uncontroverted justification for its omission of Newmarket from its survey, we will not order a further inquiry into this aspect of the applicant's ascertainment showing.

7. We will, however, require an inquiry into Strafford's methodology for surveying the general public. In response to Sherwood's assertion that the Strafford application fails to specify the method used to obtain a random sample as required by Q. and A. 13(b) of the *Primer supra,* 27 FCC 2d at 684, 21 RR 2d at 1544, Marcia L. Nescot states in her affidavit that names for the survey were selected "at random" from the Rochester area telephone book. This statement is not specific enough to demonstrate that a random sample was either sought or obtained. See United Broadcasting Company (KBAY), 58 FCC 2d 1346, 36 RR 2d 1556 (Rev. Bd. 1976); Gilbert Broadcasting Co., 51 FCC 2d 238, 32 RR 2d 1290 (Rev. Bd. 1975). At the same time, we do not believe that petitioner has raised a substantial question as to the size of Strafford's survey. Of the sixty-two members of the general public contacted by the applicant, thirty-one reside in Rochester. Under Q. and A. 14 of the *Primer, supra,* 27 FCC 2d at 684, 21 RR 2d at 1544–1545, an applicant must contact a sufficient number of members of the general public to assure a generally random sample. Strafford's survey efforts, and particularly its thirty-one consultations in Rochester,[7] do not seem to per se inadequate to satisfy this requirement and petitioner has provided no specific evidence warranting a contrary conclusion.

8. With respect to Strafford's evaluation of community needs and problems, we do not agree with petitioner that the applicant was obligated to separate the results of its community leader surveys from the results of its general public survey. See Lexington County Broadcasters, Inc., 40 FCC 2d 694, 27 RR 2d 416 (Rev. Bd. 1973). We also do not concur in Sherwood's assessment of its opponent's programming proposal as being totally unresponsive to the needs and problems ascertained in its survey. A programming proposal will be questioned only upon a showing that it is patently insufficient to significantly meet the needs of the proposed service area. Southeast Arkansas Radio, Inc., 57 FCC 2d 351, 35 RR 2d 1441 (1976). Petitioner here has made no such showing and our own review of Strafford's proposal, which includes four programs specifically addressed to ascertained needs—a twenty-minute guest interview program to be broadcast once a week, a sixty-minute call-in program to be broadcast five times a week, a fifteen-minute interview program to be broadcast once a week, and a thirty-minute nationally syndicated public affairs program to be broadcast once a week—does not support a finding of patent insufficiency.[8]

FINANCIAL ISSUE

9. In support of its request for a financial issue, Sherwood first asserts that Strafford will not have available sufficient funds to meet its construction and first year operating costs. Specifically, petitioner argues, the $100,000 bank loan upon which Strafford relies to meet proposed expenses of $69,709.64 must be reduced by $21,750, the balance of an outstanding mortgage included in the loan, and by first year interest payments of $10,500, leaving the applicant with only

[7] While interviews with members of the general public outside of the proposed city of license will be considered in evaluating a survey, the sufficiency of the survey must be judged primarily on the basis of the showing with regard to the city of license. *Eastern Broadcasting Co.*, 50 FCC 2d 599, 32 RR 2d 601 (1975).

[8] In the event that an amendment is filed in response to the ascertainment issues being added herein and the amendment raises questions with regard to the adequacy of the applicant's program proposal, the presiding Administrative Law Judge may, in his discretion, expand the inquiry to encompass this matter.

$67,750.[9] Moreover, Sherwood continues, the bank's commitment letter sets forth real estate owned by the Strafford Broadcasting Corporation as security for the proposed loan, but the Corporation has not documented its willingness to pledge this asset to the bank. With respect to Strafford's estimated cost, petitioner contends that the applicant has not budgeted funds to pay its grant fee and further submits that the $31,420 allocated by its opponent for salaries is unreasonable on its face for a proposed staff of nine persons.

10. Strafford in opposition contends that it now has available from its bank loan sufficient funds to meet its proposed expenses and offers, in support of its contention, a letter from its bank to Marcia L. Nescot stating that the balance on her mortgage as of December 2, 1975, was $16,798.63.[10] Strafford also submits a letter dated November 24, 1975, from Ms. Nescot to the bank stating that the real estate owned by Strafford may be used as security for the proposed $100,000 loan. As for its estimated expenses, Strafford maintains that it has allocated $1,450.00 for miscellaneous expenses including its grant fee and asserts that its salary estimates are entirely reasonable in light of the fact that only six employees—three full-time and three part-time—will be paid by the proposed FM station.[11]

11. In the Board's opinion, Strafford has effectively resolved all of petitioner's allegations. Thus, with regard to the proposed $100,000 bank loan, the commitment letters included in the Strafford application clearly indicate that the balance of the outstanding mortgage is constantly declining [12] and we cannot, under these circumstances, hold the applicant to a figure which is outdated. Rather, we believe it more realistic to view Strafford's financial position in terms of present conditions and as the applicant has established in its opposition pleading, the balance of its mortgage has now been reduced to a point where its loan will produce adequate funds. As for Strafford's failure to document the availability of real estate to secure the loan, the letter from Ms. Nescot to the bank permitting such an arrangement cures this defect in the applicant's financial showing, thereby resolving the problem raised by Sherwood in its petition.[13] Sherwood's contention that its opponent has failed to allocate funds for a grant fee appears to be erroneous, and its bare assertion that Strafford's proposed salary allocations are inadequate is not supported by any specific allegation of fact controverting Strafford's justification for its estimate. Cf. Radio Geneva, Inc., 42 FCC 2d 254, 27 RR 2d 1680 (Rev. Bd. 1973). In short, we do not believe that Sherwood has raised a substantial question concerning its opponent's financial proposal and we will accordingly decline to add the requested issue.

BUSINESS PRACTICE ISSUE

12. Sherwood submits in support of its request for a business practice issue a copy of a rate card for Station WWNH [14] dated March 1, 1974, which describes the station as having 5,000 watts of power day and night and includes a coverage map depicting the station's 0.5, 1.0, and 5.0 mV/m contours. It is petitioner's contention that this rate card is deceptive in that it fails to indicate that Station WWNH's nighttime coverage area is smaller than its daytime coverage area and in that it utilizes a coverage map with contours that are significantly different than those found on the official map filed with the Commission. Citing Key Broadcasting Corporation, 50 FCC 2d 357, 32 RR 2d 445 (Rev. Bd. 1975); Athens Broadcasting Co., Inc., 27 FCC 2d 7, 20 RR 2d 1115 (Rev. Bd. 1971); and SENCland Broadcasting Systems, Inc., 26 FCC 2d 827, 20 RR 2d 926 (Rev. Bd. 1970); Sherwood maintains that further inquiry into Strafford's conduct is warranted.

13. In opposition, Strafford asserts that its rate card coverage map was based on a map depicting the actual contours of the station prepared by a professional engineer. Moreover, the applicant urges, the rate card in question was used for only a year and a half (from March 1, 1974 until October 1, 1975), was mailed out only on request, and was not widely circulated.[15] This careful and limited use of the rate card negates any inference of bad faith on its part, Strafford urges, making an issue against it unnecessary.

14. The Review Board will add the requested issue. A licensee of the Commission is required to deal candidly and truthfully with the public and the use of inaccurate coverage maps is not consistent with this requirement. See Gainesville Media, Inc., FCC 76R–167, 37 RR 2d 708 (Rev. Bd. 1976). Strafford in its opposition does not deny that it prepared and distributed a rate card with a coverage map differing substantially from the official map submitted to the Commission. Nor does it dispute petitioner's assertion that the difference between its daytime coverage area and its nighttime coverage area is not indicated on its rate card. Furthermore, we cannot accept Strafford's reliance upon a professional engineer's map, allegedly depicting its station's actual non-directional contours, absent any showing as to the manner in which it was prepared. Under these circumstances, we must conclude that Sherwood has raised a serious question as to Strafford's operation of Station WWNH which cannot be resolved solely on the basis of Strafford's claims of good faith and lack of intent to deceive. We will therefore authorize a further inquiry into this matter.

15. Accordingly, it is ordered, That the supplement and request for acceptance, filed April 30, 1976, by Strafford Broadcasting Corporation, IS GRANTED, and the supplement attached thereto IS ACCEPTED; and

16. It is further ordered, That the petition to enlarge issues, filed November 12, 1975, by J. Sherwood, Inc., IS GRANTED to the extent indicated herein and IS DENIED in all other respects; and

17. It is further ordered, That the issues in this proceeding ARE ENLARGED to include the following:

(a) To determine the efforts made by Strafford Broadcasting Corporation to ascertain the needs and interests of its proposed community of license in the following respects:

(1) whether Strafford's demographic data was compiled before the applicant conducted its community leader interviews; and

(2) whether Strafford adequately interviewed leaders of women's groups, of organized religion and of the community's French-Canadian population; and

(3) whether Strafford's survey of the general public included consultations with a random sample of members of the general public.

(b) To determine whether Strafford Broadcasting Corporation prepared and distributed an inaccurate coverage map for Station WWNH and, if so, to determine the effect thereof on its basic and/or comparative qualifications to be a Commission licensee.

18. It is further ordered, That the burden of proceeding with the introduction of evidence under issue (b) added herein SHALL BE upon J. Sherwood, Inc., that the burden of proceeding under issue (a) SHALL BE upon Strafford Broadcasting Corporation, and that the burden of

[9] Sherwood's calculations are based on figures taken from a November 6, 1974 letter from the Rochester Savings Bank and Trust Company to Marcia L. Nescot.

[10] Subtracting this figure plus $10,500 for interest payments from the $100,000 loan would leave Strafford with $72,701.37.

[11] Three persons who are currently employed by its Rochester AM station will work for the FM station, Strafford states, but their salaries will continue to be paid by the AM operation.

[12] Strafford's application contains a July 16, 1974 letter from the Rochester Savings Bank and Trust Company to Marcia L. Nescot listing the outstanding mortgage balance as approximately $23,000 and a November 6, 1974 letter listing the balance as approximately $21,750.

[13] Sherwood argues that the two letters included in Strafford's opposition pleading should be disregarded because they have not been formally added to the application by an appropriate amendment. We do not agree. The material submitted by Strafford does not substantively alter its financial showing but instead merely serves to clarify the existing proposal and to correct a technical defect in it. Cf. Edward G. Atsinger, III, 30 FCC 2d 493, 22 RR 2d 236 (Rev. Bd. 1971).

[14] Station WWNH is wholly owned by Strafford.

[15] In this regard petitioner provides station records indicating that only 43 rate cards were mailed out to the public.

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proof under both issues SHALL BE upon Strafford Broadcasting Corporation.

Adopted: August 3, 1976.

Released: August 10, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-23528 Filed 8-11-76;8:45 am]

FEDERAL ENERGY OFFICE

APPEALS AND APPLICATIONS FOR EXCEPTION

Issuance of Decisions and Orders

WEEK OF JULY 5 THROUGH JULY 9, 1976

Notice is hereby given that during the week of July 5 through July 9, 1976, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Exceptions and Appeals of the Federal Energy Office. The following summary also contains a list of submissions which were dismissed by the Office of Exceptions and Appeals and the basis for the dismissal.

PETITION FOR SPECIAL REDRESS

International Trading & Transport, Ltd.; St. Rose, La.; FSG–0016; Residual fuel oil

International Trading and Transport, Ltd. (IT&T) filed a Petition for Special Redress Relief in which it sought a determination that the FEA has no statutory or regulatory authority to regulate the fees charged by a broker of covered products. IT&T also requested that the FEA issue a further order directing members of its compliance staff to cease investigating the prices which it had charged for covered products. In considering the Petition for Special Redress, the FEA found that although IT&T characterized its business dealings as brokerage activities, the FEA regulatory program does not involve the use of the term "broker." The FEA regulatory program focuses instead on sales transactions and establishes price controls over the prices which "resellers" charge for the covered products which they sell. The FEA noted that in arriving at a conclusion as to which, if any, of the activities of a firm are governed by the FEA Mandatory Petroleum Price Regulations, it is necessary to first arrive at a determination as to whether the firm's activities involve covered products. A further determination must then be made whether, with respect to a particular transaction, the activities in which the firm engages involve the purchase and resale of covered products without substantially changing their form. The FEA further found that title to covered products in its own name or as an agent for an undisclosed principal, or can be deemed to have taken title in its own name, and then resells those products, IT&T falls within the scope of the reseller definition specified in Section 212.31 irrespective of the characterization placed on those activities by IT&T. The FEA also noted that in other situations the independence with which IT&T acts and the extent to which it is responsible for such matters as the loss or impairment of the goods which are in its custody, the extent to which it takes custody of the goods, and whether there is a specified brokerage commission involved in the transaction are important factors in arriving at a determination as to whether a firm is a reseller with respect to a particular transaction.

The FEA stated that the ultimate determination of whether a firm is a reseller in a particular transaction is a factual determination which must be made on a case-by-case analysis. In considering whether to direct the auditors to cease their investigation of IT&T, the FEA held that the special redress relief which IT&T seeks might be appropriate where a firm which is under investigation by the FEA compliance staff is facing significant difficulties in comparison to its resources in complying with the requirements of the investigation, where substantial legal questions exist as to whether the firm is subject to the jurisdiction of the FEA, and where the factual nature of the firm's transactions are sufficiently clear to permit an immediate determination of the legal issues involved. However the FEA found that IT&T had failed to satisfy these criteria. The present IT&T Petition for Special Redress was therefore dismissed without prejudice to any further submission which the firm might wish to file in view of the principles set forth in the Decision and Order.

REQUESTS FOR EXCEPTION

Commonwealth Oil Refining Co., Inc.; Washington, D.C.; FEE–2358; *Refined Petroleum Products*

The Commonwealth Oil Refining Company, Inc. (Corco) filed an Application for Exception from the provisions of 10 CFR 212.83(h). The exception request, if granted, would permit Corco to allocate the increased costs which it incurs as a result of a tax on imports levied by the Commonwealth of Puerto Rico exclusively to the prices of refined petroleum products which the firm sells in Puerto Rico. In its Application, Corco contended that the intended effect of the Puerto Rican tax on imports is to levy a tax only on Puerto Rican consumption of petroleum products. In support of that contention, Corco pointed out that the Commonwealth of Puerto Rico provides a credit for taxes paid on crude oil or petroleum products which are subsequently exported from the island to the United States mainland or other markets. Corco claimed that this policy objective is being frustrated by the application to it of 10 CFR 212.83(h), which requires the cost to Corco of the Puerto Rican tax on imports to be applied equally to all of the firm's sales of covered petroleum products, i.e., to sales made in the continental United States as well as to sales made in Puerto Rico. In considering the Corco Application, the FEA concluded that the tax on imports was, by its own terms, designed to apply only to crude oil and petroleum products which were imported into and consumed in Puerto Rico, and therefore there would be no purpose served in preventing Corco from recouping the entire amount of the Puerto Rican tax on imports in the prices of the products which it sells in Puerto Rico. Accordingly, the FEA found that the application of the provisions of Section 212.83 to Corco under these circumstances resulted in a gross inequity and exception relief was granted to the firm. In its exception application, Corco also requested that exception relief be approved retroactive to December 22, 1975, the date on which a complementary federal supplemental import fee was removed. The FEA noted that in order to sustain a request for retroactive exception relief a firm must make a showing of severe and irreparable injury. After analyzing the facts presented in the case, the FEA held that Corco failed to make the requisite showing since it could certainly have protected its interests by filing a timely Application for Exception. Therefore, although prospective exception relief from the application of Section 212.83 (h) was approved, Corco's request for retroactive exception relief was denied.

Irving Oil Corporation; Bangor, Maine; FPI–0095; Residual Fuel Oil

Irving Oil Corporation (Irving) filed an Application for Exception from the provisions of 10 CFR 213.35(c) which, if granted, would result in the issuance of an Order by the FEA authorizing the firm to import 3,500,000 barrels of residual fuel oil into PAD District I on a fee-exempt basis during the current allocation period. In its Application for Exception, Irving stated that if it is required to pay import fees on the residual fuel oil which it imports during the present allocation period, it will incur a serious financial hardship which will threaten its economic viability. In the Decision which it issued, the FEA noted that Subpart D of 10 CFR, Part 205, has recently been amended to include new guidelines applicable to the determination of requests for exception filed under Part 213. After considering Irving's request in light of those guidelines, the FEA found that payment of of the fee would place the firm at a significant disadvantage in the New England residual fuel oil market. The FEA also found that Irving's attempts to secure domestic supplies of residual fuel oil at competitive prices have been largely unsuccessful, and the firm will probably have to continue to rely primarily on imported products. In addition, the data which Irving submitted indicated that in the absence of exception relief the firm will incur a substantial operating loss in its fiscal year ending December 31, 1976. Based on these considerations, the FEA concluded that exception relief should be granted. However, the FEA also determined that the specific relief which the firm requested was in excess of its actual requirements. The FEA therefore ordered that Irving be permitted to import and additional 3,275,000 barrels on a fee-exempt basis during the current allocation period.

Kalama Chemical, Inc.; Kalama, Wash.; FPI–0091; Unfinished Toluene

Kalama Chemical, Inc. filed an Application for Exception from the provisions of 10 CFR 213.35(c) which, if granted, would permit it to import 360,000 barrels of unfinished toluene into PAD District V on a license fee-exempt basis during the current allocation period. In considering Kalama's exception request, the FEA determined that the firm cannot obtain adequate supplies of domestic toluene because of high land transportation costs and unavailability of coastal tanker space. The FEA also found that Kalama is the only U.S. manufacturer of phenol which uses toluene rather than benzene or cumene as a petrochemical feedstock. Since benzene and cumene may be imported on a fee-free basis while toluene may not, the FEA concluded that the requirement that Kalama pay import fees under these conditions places the firm at a competitive disadvantage and results in an unfair distribution of the regulatory burdens which are imposed on Kalama and similarly situated firms. Accordingly, exception relief was approved for the current allocation period. However, the quantity of toluene for which Kalama requested exception relief was reduced by the amount of toluene which it stated it could obtain domestically in the current period and by the amount of fee-exempt licenses it had already received for that period.

M. J. Mitchell; Dallas, Tex.; FEE–2460; Crude Oil

M. J. Mitchell (Mitchell) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, which if granted, would permit Mitchell to sell crude oil produced from the Mitchell State Minnelusa Sand Unit in Campbell County, Wyoming at upper-tier ceiling prices. In considering Mitchell's application, the FEA found that the costs of producing crude oil from the Unit have increased to the point where Mitchell's production costs now exceed the revenues which he is able to obtain by selling crude oil at lower-tier ceiling price levels. In view of these circumstances, the FEA concluded that Mitchell currently lacks an economic incentive to continue to operate the Sand Unit. In accordance with previous precedents, exception relief was approved which permits Mitchell to sell 40.7786 percent of the crude oil produced for the benefit of the working interest owners of the Unit at upper-tier ceiling prices.

Shell Oil Co.; Houston, Tex.; FEE–2539 (Conley); FEE–2540 (Halley); FEE–2542 (Lirette); FEE–2543 (O'Keene); Natural Gas Liquids

Shell Oil Company (Shell) filed Applications for Exception from the provisions of 10 CFR 212.165, which, if granted, would permit the firm to increase the prices which it charges for natural gas liquids and natural gas liquid products at its Conley, Halley, Lirette and O'Kenne gas processing plants. In considering these applications, the FEA noted that, as a general rule, exception relief will be granted to any gas processing plant which can demonstrate that the nonproduct costs which it has experienced since May 1973 have increased materially in excess of the $.005 per gallon pass through permitted under Section 212.165. See Superior Oil Co., 2 FEA Par. 80,271 (August 29, 1975). The FEA found that Shell had made such a showing with respect to its Conley, Halley, Lirette and O'Keene plants and granted the firm exception relief for those plants for the period July 8, 1976 through September 30, 1976.

Sun Oil Co.; Dallas, Tex.; FEE–2502 (Burnell); FEE–2503 (Carney); FEE–2504 (Concho); FEE–2505 (Cowder); FEE–2506 (Heyser); FEE–2507 (Luby); FEE–2508 (Markham); FEE–5209 (Maurice); FEE–2510 (Peoria); FEE–2511 (Robstown); FEE–2512 (Steedman); FEE–2513 (Qonkawa); FEE–2514 (Mermentau); FEE–2515 (Spivey); FEE–2516 (Canales); FEE–2517 (Delhi); FEE–2518 (Dragon Trail); FEE–2519 (Halley); FEE–2520 (Jameson); FEE–2521 (Mayfield); Natural Gas Liquids

Sun Oil Company (Sun) filed 20 Applications in which it requested that the exception relief granted to the firm by the FEA on February 13, 1976, March 12, 1976 and March 31, 1976 be extended for additional periods of time. Sun Oil Co., 3 FEA Par. 83,102 (February 13, 1976); Sun Oil Co., 3 FEA Par. 83,129 (March 12, 1976); and Sun Oil Co., 3 FEA Par. 83,153 (March 31, 1976). In the previous Decisions, the FEA determined that Sun would experience a gross inequity as a result of the application to it of the provisions of 10 CFR, Part 212, Subpart K and granted exception relief to the firm which permitted it to increase the non-product costs which it calculates pursuant to Section 212.165 for the natural gas liquids and natural gas liquid products produced at 20 of its gas processing plants from the date of issue of the Decision and Order through June 30, 1976. In considering Sun's present submissions, the FEA determined that the firm continued to incur non-product cost increases in the first quarter of 1976 at 14 of the 20 plants which substantially exceed the $.005 per gallon pass-through permitted under the provisions of Section 212.165. Based upon the criteria set forth in Superior Oil Co., 2 FEA Par. 83,271 (August 29, 1975), the FEA determined that continued exception relief for the Burnell, Carney, Concho, Cowden, Heyser, Maurice, Peoria, Robstown, Steedman, Tonkawa, Mermentau, Canales, Dragon Trail and Mayfield plants is warranted. The FEA therefore granted the exception applications with respect to those 14 plants for the period July 1, 1976 through September 30, 1976. However, the FEA denied exception relief for the Luby, Markham, Spivey, Delhi, Halley, and Jameson plants on the grounds that the adjusted non-product unit cost increases experienced at those plants amounted to less than $.005 per gallon and were therefore not material for the purposes of exceptions analyses under the standards established in previous FEA Decisions.

REQUEST FOR STAY

Boston Gas Co., Washington, D.C., FES–0867; *Propane*

The Boston Gas Company (Boston Gas) requested that the provisions of a Decision and Order issued to the firm on May 27, 1976 by the FEA be stayed pending final FEA action on its Appeal of that Order, a Request for Interpretation which Boston Gas filed with the FEA Office of General Counsel and an Application for Assignment of synthetic natural gas (SNG) feedstocks which the firm stated that it intends to file pursuant to the provisions of 10 CFR 211.29. See Boston Gas Company, 3 FEA Par. 87,026 (May 27, 1976). In the May 27 Order the FEA rescinded an exception which had previously been granted to the firm by FEO Region I on March 8, 1974. Under the terms of the March 8, 1974 exception decision, Boston Gas had been permitted to use propane as a feedstock for an SNG plant which it operates in Everett, Massachusetts. In the May 27, 1976 Decision and Order, the FEA concluded that allocations to the Boston Gas SNG facility should be governed by the comprehensive regulatory program set forth in Section 211.29 which the FEA adopted subsequent to the date on which the original exception decision was issued. However, in order to avoid any disruption in the operation of the Boston Gas SNG plant and to afford the firm a full opportunity to pursue its administrative remedies under Section 211.29, the decision to rescind the exception was made effective as of January 1, 1977. In considering Boston Gas' request for a stay of the May 27 Order, the FEA found that Boston Gas failed to demonstrate that any irreparable injury or serious hardship would result to the firm or its customers in the absence of a stay since there are nearly six months remaining prior to the effective date on which the March 8, 1974 exception decision would be rescinded. The FEA also concluded that Boston Gas had failed to make a prima facie showing that it would prevail on the merits of its Appeal. The Application for Stay was therefore denied.

Terible Herbst Oil Co., Inc.; Las Vegas, Nev.; FES–2635; *Motor Gasoline*

Terible Herbst Oil Company, Inc. (Herbst) requested that the provisions of 10 CFR 211.9 be stayed and the firm be immediately assigned a new supplier of motor gasoline to replace the Fletcher Oil and Refining Company (Fletcher) pending a final determination on an Application for Exception which Herbst submitted. In considering the Application for Stay the FEA determined that Herbst's contention that it would experience an irreparable injury if a stay were denied was unsupported by the record in the proceeding. In making this determination, the FEA found that the financial data provided for Herbst and its affiliate, Herbst Supply, indicated that both companies are maintaining profitable operations and that Herbst had failed to provide any documentation to support its claim that it would be compelled to close a number of retail gasoline stations unless a stay were granted. In addition, the FEA determined that Herbst had failed to substantiate its allegation that a denial of the stay would result in a more immediate hardship to it than to Fletcher while the data provided by Fletcher in opposition to the Herbst request indicated that approval of the stay could produce a severe disruption in Fletcher's business activities. Finally, the FEA determined that the competitive price data which Herbst provided in support of its application indicated that Fletcher's prices for gasoline are no greater than the prices which certain of Herbst's competitors pay for gasoline and consequently, Herbst had failed to make a prima facie showing that it would prevail on the merts of its exception application. The Application for Stay was therefore denied.

SUPPLEMENTAL ORDER

General Crude Oil Co.; Houston, Tex.; FES–0042; *Crude oil*

On May 29, 1976 the FEA issued a Remedial Order to General Crude Oil Company (General Crude). In the Remedial Order the Deputy Assistant Administrator for Compliance of the FEA found that from December 1, 1973 until the present time General Crude had been unlawfully pricing certain crude oil which it produced and sold to Armour Oil Company (Armour). According to the Remedial Order General Crude had been calculating price of the product as if it were residual fuel oil rather than crude oil. On the basis of the findings made General Crude was ordered to immediately reduce its selling prices to lawful levels, Make refunds to Armour for overcharges for the period December 1, 1973 through June 30, 1975, and recalculate its selling prices for the period July 1, 1975 to the present time. General Crude was also directed to refund all overcharges which it made to Armour during the latter period.

On June 29, 1975 the FEA stayed those provisions of the Remedial Order which required General Crude to make immediate refunds for past overcharges. The approval of the stay was however conditioned upon General Crude placing the funds involved in an escrow account pending a final determination on its Appeal of the Remedial Order. At the same time the FEA declined to stay the provisions of the Remedial Order which directed General Crude to immediately reduce the prices which it charges to Armour to lawful levels. On June 29, 1976 General Crude requested that the FEA issue a Supplemental Order staying any requirement that General Crude immediately reduce the prices of the product which it sells to Armour. In considering General Crude's request, the FEA rejected the firm's argument that a fixed price contract which exists between General Crude and Armour would prevent it from recovering the revenues involved through future price adjustments. The FEA noted that General Crude had filed an Application for Exception requesting that it be permitted to increase its selling prices by almost 100 percent over the same contractual price which it represented would not be increased in its Application for Stay. The FEA further noted however that since residual fuel oil has been decontrolled effective June 1, 1976 the firm might not be able to ever recover the revenues which it would otherwise have received if it prevails on the merits of its Appeal.

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In order to prevent the occurrence of that type of potential injury the FEA granted the request for further stay subject to the condition that General Crude place the funds involved into the escrow account which it is required to establish under the terms of the June 25, 1976 Order.

DISMISSALS

The following submission was dismissed following a statement by the applicant indicating that the relief requested was no longer needed:

Babcock & Wilcox; New York, N.Y.; FEE–2581

The following submissions were dismissed for failure to correct deficiencies in the firm's filing as required by the FEA Procedural Regulations:

Pennsylvania Petroleum Corp.; South Norwalk, Conn.; FEE–2566
Petroleum Corp.; of Texas; Brockenridge, Tex.; FEE–2573

The following submissions were dismissed on the grounds that the requests are now moot:

Cleveland Illuminating Co.; Cleveland, Ohio; FEE–2695
Intercoastal Marine Supplies; Washington, D.C.; FST–0008

TEMPORARY STAY

The following Application for Temporary Stay was denied on the grounds that the applicant had failed to make a compelling showing that temporary stay relief was necessary to prevent an irreparable injury:

Arizona Fuels Corp.; Washington, D.C.; FST–0009

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Private Grievances and Redress, Room B–120, 2000 M Street, NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1 p.m. and 5 p.m., e.s.t., except Federal holidays. They are also available in "Energy Management; Federal Energy Guidelines", a commercially published loose leaf reporter system.

MICHAEL F. BUTLER,
General Counsel.

AUGUST 6, 1976.

[FR Doc.76–23479 Filed 8–9–76;12:24 pm]

TIME OIL CO.

Consent Order

I. INTRODUCTION

Pursuant to 10 CFR 205.197(c), the Federal Energy Office (FEO) hereby gives notice of a Consent Order which, on July 12, 1976, was executed between Time Oil Company (Time) and FEO's predecessor agency, the Federal Energy Administration (FEA). In accordance with that section, FEO will receive comments with respect to this Consent Order. Although this Consent Order has been signed and tentatively accepted by FEA/FEO, it may, after consideration of comments received, withdraw its acceptance of the Consent Order and, if appropriate, attempt to negotiate an alternative order.

II. THE CONSENT ORDER

Time Oil Company, located at 2737 West Commodore Way, Seattle, Washington 98199, is a firm engaged in the refining and marketing of petroleum products.

As the result of an audit conducted by FEA of the calculations required to be made by Time under FEA price regulations, FEA advised Time that Time had erroneously calculated its May 15, 1973 product costs and increased product costs during various months of measurement for gasoline and distillates. The erroneous costs calculations resulted from Time's failure to include or exclude certain purchases, exchange transactions, and transportation costs; from the use of erroneous cost data input information; and from a programming error in its data processing program.

In resolution of the issues raised by the audit results, the FEA and Time executed a Consent Order on July 12, 1976, the significant terms of which provide, in part, that Time has corrected its "banks" of improper or overstated increased product costs by deducting the following sums from its available costs carried forward on its Forms FEO–96:

(a) $7,368,317 from gasoline carryover costs on its July 1975 Form FEO–96;

(b) $108,961 from gasoline carryover costs and $36,321 from distillate carryover costs on its September 1975 Form FEO–96;

(c) $357,040 from gasoline carryover costs and $12,195 from distillate carryover costs on its November 1975 Form FEO–96;

The provisions of 10 CFR 205.197, including the publication of this notice, are applicable to the Consent Order.

Actions already taken by Time in correcting its reported amounts of increased product costs are subject to modification if the FEA/FEO determines that such modification is necessary after the receipt of public comments.

III. SUBMISSION OF WRITTEN COMMENTS

Interested persons are invited to comment on this Consent Order by submitting such comments in writing to: Jack B. Robertson, Regional Administrator, 1923 Federal Building, 915 Second Avenue, Seattle, Washington 98174, Attention: John Kent, Regional Counsel. Copies of this Consent Order may be received free of charge by written request to this same address or by telephoning (206) 422–7295.

Comments should be identified on the outside of the envelope and on documents submitted with the designation "Comments on Time Consent Order." All comments received by 5 p.m., p.d.t. on the 30th calendar day following publication of this Notice will be considered by the FEA/FEO in evaluating the Consent Order.

Any information or data which, in the opinion of the person furnishing it, is confidential must be identified as such and submitted in accordance with the procedures outlined in 10 CFR 205.9(f).

Issued in Washington, D.C., August 6, 1976.

MICHAEL F. BUTLER,
General Counsel.

[FR Doc.76–23480 Filed 8–9–76;12:24 pm]

VOLUNTARY AGREEMENT AND PLAN OF ACTION TO IMPLEMENT THE INTERNATIONAL ENERGY PROGRAM

Proposed Amendments and Request for Comment

The Federal Energy Office hereby gives notice of its recommendation to the Attorney General for his approval of two amendments to the Voluntary Agreement and Plan of Action to Implement the International Energy Program. FEO is seeking public comment on these proposed amendments pursuant to the procedures set out below.

The first proposed amendment provides that during an IEA allocation systems test participants may consult and advise with the IEA Secretariat, US Government, or other entities whether or not such consultation takes place in a meeting. To the extent that such actions are not in a meeting they are subject to FEO regulations governing "communications." See 10 CFR 209.34(b). This change is necessary to permit an effective test of the IEA emergency allocation system since as part of this test it will be necessary at times for members of the Industry Supply Advisory Group (ISAG) to consult among themselves and with other IEA reporting companies outside of actual sessions of the ISAG.

The second proposed change would amend the last sentence of section 5(b)(1) to make clear that it only applies to written information. Any provision or exchange of confidential or proprietary information, whether or not written, would still have to be approved by the Administrator and the Attorney General, and such exchanges may be conditioned as the Administrator or the Attorney General deems appropriate in light of the specific circumstances. The amendment would also change the Agreement to provide that such information would be provided only upon request to the Administrator, Attorney General, and Federal Trade Commission. FEO expects to continue generally the present practice of requiring that all written material be submitted to the Administrator, but the change would provide some greater flexibility for the Administrator and Attorney General in dealing with the exchange of data and information during an allocation systems test.

These amendments as proposed have been forwarded for approval to the Attorney General and for comment to the Federal Trade Commission and the Department of State pursuant to section 9(a) and 11(b) of the Voluntary Agreement. After receiving public comment FEO will forward to the same agencies any changes in the proposed amendments which FEO believes appropriate as well as copies of any public comment.

The Attorney General must approve the amendments pursuant to section section 252(d) of the Energy Policy and Conservation Act (Pub. Law 94–163, Dec. 22, 1975) and sections 9(a) and 11(b) of the Voluntary Agreement. The amendments will become effective upon approval by the Administrator and the Attorney General, but in no case sooner than twenty days after submission to the Attorney General. Notice of such approvals and the effectiveness of the amendments will be published in the FEDERAL REGISTER. By agreement with the Department of Justice, this notice shall constitute on behalf of the Attorney General the notice provided for in section 11(b) of the Voluntary Agreement.

Interested persons are invited to submit written data, views, or arguments with respect to these amendments to Executive Communications, Room 3309, Federal Energy Office, Box II, The Federal Building, Washington, D.C. 20461. Comments should be identified on the outside of the envelope and on the documents submitted to the Federal Energy Office with the designation "Voluntary Agreement—Amendments." Fifteen (15) copies should be submitted. All comments received by 4:30 p.m., September 1, 1976 will be considered by the Federal Energy Office in evaluating the amendments.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEO reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

In consideration of the foregoing, it is proposed that the Voluntary Agreement and Plan of Action to implement the International Energy Program be amended as set out below. For reference, the full text of the Voluntary Agreement is set out at 41 F.R. 13998 (April 1, 1976), subject to the amendments published at 41 F.R. 24772 (June 18, 1976).

Issued in Washington, D.C., August 6, 1976.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Office.

1. The first sentence of section 5(b)(1) is amended by inserting after the words "subsection 5(c)" the words "or, as necessary, during an IEA allocation systems test".

2. The fourth sentence of 5(b)(1) is amended to read:

Any written confidential or proprietary information or data furnished or exchanged pursuant to this section shall be retained by the participant furnishing such data and provided upon request to the Administrator, the Attorney General, and the Federal Trade Commission.

[FR Doc.76–23451 Filed 8–9–76;10:23 am]

FEDERAL MARITIME COMMISSION

PUERTO RICO MARITIME SHIPPING AUTHORITY AND PORT AUTHORITY OF NEW YORK AND NEW JERSEY

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before September 1, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Mr. Mario F. Escudero, Morgan, Lewis and Bockius, 1800 M Street NW., Washington, D.C. 20036.

Agreement No. T–3328, between Puerto Rico Maritime Shipping Authority (PRMSA) and Port Authority of New York and New Jersey (Port) provides for the 15-year lease (with options to renew) of premises located at the Elizabeth-Port Authority Marine Terminal in Elizabeth, New Jersey. The premises are to be used for the loading, unloading and handling of passengers, baggage and cargo moving on or from seagoing vessels. PRMSA has the right to berth vessels it operates or acts as general agent for and other vessels with the consent of the Port. PRMSA has the exclusive right to collect dockage and wharf usage charges from such secondary users. As compensation, PRMSA shall pay as basic rental $2,791,223.05 per annum plus 17 percent of 107.5 percent of the total sum reimbursed to PRMSA as set forth in section 39 of the Agreement. Agreement No. T–3328 will supersede Agreement No. T–3036, between PRMSA and Sea-Land Service, Inc., which provides for the sublease of the above-mentioned facilities.

Dated: August 6, 1976.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76–23550 Filed 8–11–76;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP72–110 (PGA76–9b)]

ALGONQUIN GAS TRANSMISSION CO.

Rate Change Pursuant to Purchased Gas Cost Adjustment Provision

AUGUST 5, 1976.

Take notice that Algonquin Gas Transmission Company ("Algonquin Gas"), on July 28, 1976, tendered for filing Second Substitute Seventeenth Revised Sheet No. 10 and Second Substitute Revised Seventeenth Revised Sheet No. 10 to its FPC Gas Tariff, First Revised Volume No. 1.

These sheets are being filed pursuant to Algonquin Gas' Purchased Gas Cost Adjustment Provision set forth in Section 17 of the General Terms and Conditions of its FPC Gas Tariff, First Revised Volume No. 1. The rate changes are being filed to reflect revised rates filed by its supplier, Texas Eastern Transmission Corporation, on July 20, 1976.

The proposed effective date of these tariff sheets are July 1, 1976, and July 2, 1976, respectively.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 20, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of his filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–23481 Filed 8–11–76;8:45 am]

[Docket ER 76–819]

CENTRAL ILLINOIS LIGHT CO.

Rate Change

AUGUST 5, 1976.

Take notice that Central Illinois Light Company, on July 29, 1976 tendered for filing pursuant to Section 205 of the Federal Power Act and Part 35 of the Commission's regulations thereunder a change in rates for electric service rendered under the following rate schedules:

Rate Schedule FPC No. 17, applicable to the Village of Riverton, Ill.
Rate Schedule FPC No. 18, applicable to the Village of Chatham, Ill.
Rate Schedule FPC No. 19, applicable to the Corn Belt Electric Cooperative, Inc.

The proposed changes would increase revenues from jurisdictional sales and

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service by $715,000 based on the 12-month period ending June 30, 1977.

The Company states that with the present rates it would earn a rate of return of only 2.07 percent on sales to the municipalities and 2.71 percent on sales to Corn Belt during the twelve months ended June 30, 1977. Continuing increases in costs of labor, capital and materials and supplies are expected to further reduce Company's earnings. Company states that the rate changes made by this filing are necessary to compensate for these increasing costs. The Company proposes the increased rates become effective after a five month suspension, on February 1, 1977.

Copies of the appropriate rate schedule changes and revenue comparisons were served upon Company's jurisdictional customers and the Illinois Commerce Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 17, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-23482 Filed 8-11-76;8:45 am]

[Docket No. CP76-449]

COLUMBIA GULF TRANSMISSION CO.

Application

AUGUST 5, 1976.

Take notice that on July 20, 1976, Columbia Gulf Transmission Company (Applicant), 3805 West Alabama Avenue, Houston, 77027, filed in Docket No. CP76-449 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain gas purchase facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authorization to abandon, in the Hollywood Field, Terrebonne Parish, Louisiana, its measuring station No. 585 and 0.85 mile of 6-inch supply line used to take gas for the account of Columbia Gas Transmission Corporation (Columbia) which was purchased from Texaco Inc. Applicant states that the wells connected to the facilities be abandoned are no longer capable of producing and that the reservoirs from which gas was produced are depleted. It is indicated that the gas purchase contract involved has been terminated by a cancellation agreement, dated February 28, 1975, executed by Columbia and Texaco Inc.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 26, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commisison on this application if no petition to intervene is filed within the time required herein, if the Commssion on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commisison on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-23484 Filed 8-11-76;8:45 am]

[Docket No. CP76-450]

COLUMBIA GAS TRANSMISSION CORP. AND COLUMBIA GULF TRANSMISSION CO.

Application

AUGUST 5, 1976.

Take notice that on July 20, 1976, Columbia Gas Transmission Corporation (Columbia Transmission), P.O. Box 1273, Charleston, West Virginia 25325, and Columbia Gulf Transmission Company (Columbia Gulf), 3805 West Alabama Avenue, Houston, Texas 77027, filed in Docket No. CP76-450 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas in interstate commerce for Cabot Corporation by means of existing facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that Columbia Gulf would receive from Cabot up to 1,000 Mcf of gas per day at an existing interconnection in Block 285, Eugene Island Area, offshore Louisiana, and transport such gas to Columbia Transmission for Cabot's account at an existing interconnection in Boyd County, Kentucky. Columbia Gulf would charge 31.21 cents per Mcf of gas received for transportation and would retain 3.1 percent of the gas for company-use and unaccounted-for gas.

The application states further that Columbia Transmission would transport up to 1,000 Mcf of gas per day received in Boyd County, Kentucky, for Cabot's account for delivery to Cabot at an existing point of delivery at Columbia Transmission's Lanham compressor station in Kanawha County, West Virginia. Columbia Transmission would charge 21.99 cents per Mcf of gas received for transportation and would retain 3.6 percent of the gas for company-use and unaccounted-for gas.

It is stated that the gas which would be transported would be a daily volume equal to 25 percent of the gas which would be attributable to Cabot's unit interest in daily gas production from the Eugene Island Block 273 Field Unit, but no more than 1,000 Mcf of gas per day. The gas volumes to be transported are said to be those retained pursuant to the gas sales agreement between Cabot and Michigan Wisconsin Pipe Line Company, on file as Cabot's FPC Gas Rate Schedule No. 102.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 26, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-23483 Filed 8-11-76;8:45 am]

[Docket No. ER76-806]

HARTFORD ELECTRIC LIGHT CO.

Filing of Purchase Agreement

AUGUST 5, 1976.

Take notice that on July 23, 1976, The Hartford Electric Light Company (HELCO) tendered for filing a proposed Purchase Agreement with Respect to Middletown Station, dated June 1, 1976 between (1) HELCO and (2) Westfield Gas and Electric Department (Westfield).

HELCO states that the Purchase Agreement provides for a sale to Westfield of a specified percentage of capacity and energy from four oil-fired steam generating units (Middletown Unit Nos. 1, 2, 3 and 4) during the period from June 1, 1976 to October 31, 1979, together with related transmission service.

Westfield's request to receive service under the Purchase Agreement is conditioned upon the Commission's permitting to become effective the following two contracts which have recently been entered into.

1. Resale Service Rate CD-1, Service Agreement between Western Massachusetts Electric Company and City of Westfield, Massachusetts (the "CD-1 Rate") dated as of June 1, 1976.

2. Purchase Agreement with Respect to Various Gas Turbines (the "Unit Contract") dated as of May 15, 1976 by and among The Connecticut Light and Power Company, The Hartford Electric Light Company and Western Massachusetts Electric Company and Westfield Gas and Electric Department.

HELCO states that the capacity charge rate for the proposed service is a rate determined on a cost-of-service basis. The monthly transmission charge is equal to one-twelfth of the annual average unit cost of transmission service on the Northeast Utilities (NU) system demined in accordance with section 13.9 of the New England Power Pool (NE POOL) Agreement and the uniform rules adopted by the NEPOOL Executive Committee, multiplied by the number of kilowatts of winter capability which Westfield is entitled to receive. The energy charge is based on Westfield's portion of the applicable fuel expenses and no special cost-of-service studies were made to derive this charge.

HELCO states that copies of this rate schedule have been mailed or delivered to HELCO, Hartford, Connecticut and Westfield, Westfield, Massachusetts.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 16, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-23485 Filed 8-11-76;8:45 am]

[Docket No. CP74-157]

MICHIGAN WISCONSIN PIPE LINE CO.

Motion To Amend

AUGUST 5, 1976.

Take notice that on July 12, 1976, Michigan Wisconsin Pipe Line Company (Michigan Wisconsin), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP74-157 a motion to amend further the Commission's order, issued September 6, 1974, in said docket, as amended, pursuant to section 7(c) of the Natural Gas Act by authorizing a change in natural gas service for Wisconsin Fuel and Light Company (Wisconsin Fuel) and Wisconsin Public Service Corporation (Wisconsin Public), all as more fully set forth in the motion which is on file with the Commission and open to public inspection.

The motion indicates that Wisconsin Fuel and Wisconsin Public presently receive some natural gas service from Michigan Wisconsin under the latter's Rate Schedule LVS-1 in addition to service for the large majority of their requirements under conventional two-part Rate Schedules ACQ-1 and ACQ-2. It is said that the service agreement between Michigan Wisconsin and Wisconsin Fuel for service under Rate Schedule LVS-1 provides for a maximum daily quantity (MDQ) of 6,000 Mcf, of which 3,600 Mcf are firm (40 percent of the MDQ under Rate Schedule LVS-1 is subject to curtailment), and a maximum annual volume limitation of 1,812,145 Mcf and that the service agreement between Michigan Wisconsin and Wisconsin Public for service under Rate Schedule LVS-1 provides for an MDQ of 13,250 Mcf, of which 7,950 Mcf are firm, and a maximum annual volume limitation of 2,985,331 Mcf.

Michigan Wisconsin asserts that in order to achieve increased marketing flexibility, as well as a decrease in their overall cost of gas, Wisconsin Fuel and Wisconsin Public have requested Michigan Wisconsin to agree to and to obtain authorization to change the firm portion of the MDQ and the annual volume contracted for under the LVS service agreement from such service to service under Rate Schedule ACQ-1 (this also necessitates a change of some part of the service received under Rate Schedule ACQ-2 to Rate Schedule ACQ-1).

It is indicated that Wisconsin Fuel's and Wisconsin Public's present LVS and ACQ service and the proposed service are as follows:

Company	Rate schedule	Maximum daily quantity (1,000 ft³)	Maximum annual quantity (1,000 ft³)
Presently effective service agreements:			
Wisconsin Fuel	ACQ-1	30,508	5,369,408
	ACQ-2	27,492	3,051,612
	LVS-1	6,000	1,812,145
Total		64,000	10,233,165
Wisconsin Public	ACQ-1	264,768	46,599,168
	ACQ-2	48,232	5,353,752
	LVS-1	13,250	2,985,331
Total		326,250	54,938,251
Proposed service agreements:			
Wisconsin Fuel	ACQ-1	52,240	9,194,240
	ACQ-2	9,360	1,038,960
Total		61,600	10,233,200
Wisconsin Public	ACQ-1	297,121	52,293,296
	ACQ-2	23,829	2,645,019
Total		320,950	54,938,315

Michigan Wisconsin submits that in view of the fact that the revised service agreements would not result in any increase in peak day or annual entitlement, it has consented to the changes in service and requests that the order of September 6, 1974, in the instant docket be amended by authorizing MDQ of 52,240 Mcf and 9,360 Mcf under Rate Schedules ACQ-1 and ACQ-2, respectively, for Wisconsin Fuel and MDQ of 297,121 Mcf and 23,829 Mcf under Rate Schedules ACQ-1 and ACQ-2, respectively, for Wisconsin Public, all commencing September 1, 1976.

Any person desiring to be heard or to make any protest with reference to said motion should on or before August 27, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-23486 Filed 8-11-76;8:45 am]

[Docket No. CP76-440]

NATIONAL FUEL GAS SUPPLY CORP.

Application

AUGUST 5, 1976.

Take notice that on July 15, 1976, National Fuel Gas Supply Corporation (Ap-

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plicant), 308 Seneca Street, Oil City, Pennsylvania 16301, filed in Docket No. CP76-440 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to render a transportation service of up to a maximum daily volume of 8,000 Mcf of gas in the State of New York, on a best efforts basis through the use of existing and underutilized facilities, for its principal customer and affiliate, National Fuel Gas Distribution Corporation (Distribution), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The gas to be transported (local purchase gas) is proposed to be purchased by Distribution from independent producers in the producing areas of Cattaraugus, Chautauqua, Wyoming, Allegany, Genessee and/or Erie Counties, New York, and it is indicated that these volumes cannot be transported to market by Distribution due to lack of pipeline capacity in the producing area. Applicant proposes to charge Distribution a transportation rate of 1.0 cent per Mcf, and the service is proposed for an initial term of 10 years.

Applicant states that the proposed service is in the public interest since it would obviate the construction by Distribution of duplicative facilities and reduce curtailments on Distribution's system.

Any person desiring to be heard or to make any protest with reference to said application should on or before Aug. 23, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-23487 Filed 8-11-76;8:45 am]

[Docket Nos. E-9136; E-9140; ER76-301, etc.]

NEW ENGLAND POWER CO.

Filing of Revised Tariff Sheets

AUGUST 5, 1976.

Take notice that on July 27, 1976, the New England Power Company (NEPCO) tendered for filing revised tariff sheets in accordance with the terms of the settlement in the referenced proceeding approved by order of the Commission issued July 12, 1976. NEPCO states that the tariff sheets are in two parts relating to two separate periods during the effective period of Rate R-9: (1) June 1, 1975-August 1, 1975, and (2) August 2, 1975-February 29, 1976. The two part effective period was caused by the filing of NEP's revised fuel clause (in accordance with Order No. 517). The revised fuel clause was accepted for filing and made effective as of August 2, 1975.

NEPCO further states that it is also tendering for filing a tariff sheet revising NEP's currenlty effective tariff Rate R-10. The sole effect of this revision is to reduce the charge for delivery at subtransmission voltage from 46¢ to 5¢ per kw of demand. NEPCO requests waiver of notice requirements of Section 35.11 of the Commission's Regulations so that the tariff revisions may have an effective date of March 1, 1976. NEPCO states such retroactive effective date is necessary in order that the revision may coincide with the effective date of the R-10 tariff as was contemplated by the parties to the R-9 settlement.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure. All such petitions or protests should be filed on or before August 16, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-23488 Filed 8-11-76;8:45 am]

[Docket No. CP76-438]

NORTHERN NATURAL GAS CO.

Application

AUGUST 5, 1976.

Take notice that on July 12, 1976, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP76-438 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to continue the operation of certain side valve facilities and to construct and operate certain pipeline and side valve facilities for the exchange of natural gas with Phillips Petroleum Company (Phillips), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it and Phillips, as parties to the Gray County Gas Exchange Agreement, exchange natural gas pursuant to the terms of Rate Schedule X-18 of Applicant's FPC Gas Tariff, Original Volume No. 2. Applicant further states that under the terms of an amendment to Gray County Gas Exchange Agreement, dated October 1, 1973, it is presently receiving natural gas from the Phillips King "E" No. 1 well through a 4-inch side valve on its gathering line in Ochiltree County, Texas, and that it has been advised by the Commission that an appropriate filing should be made to obtain certificate authorization to utilize such side valve for the receipt of exchange gas from Phillips under the exchange agreement. Accordingly, Applicant requests such authorization by the subject filing.

Additionally, Applicant also proposes to establish the following new exchange points to accommodate the delivery of exchange gas by Applicant to Phillips under amendments to the Gray County Gas Exchange Agreement:

(1) *Amendment of February 19, 1976:* Applicant would deliver to Phillips gas volumes produced by Custer No. 2 well located in Beaver County, Oklahoma and Phillips would operate Applicant's existing measuring facilities serving this low-pressure well and would provide connection on its gathering system for facilities to be constructed and operated by Applicant.

(2) *Amendment of March 1, 1976:* Applicant would deliver natural gas to Phillips from a point on Applicant's 30-inch main pipeline located in Moore County, Texas, to be known as the Donnelson Delivery Point, and Applicant has agreed to tap its pipeline to provide the point of connection with measuring facilities which would be constructed and operated by Phillips.

(3) *Amendment of May 12, 1976:* Applicant would deliver natural gas to Phillips produced from the King "C" No. 1-4JT well located in Lipscomb County, Texas, and Phillips would operate Applicant's existing measuring facilities serving this well and would provide connection on its low pressure gathering system for connection to facilties to be constructed by Applicant.

The application shows the estimated cost of the proposed facilities to be $4,680 which cost would be financed from cash on hand and from funds generated through operations.

Applicant asserts that the continued operation of the exchange point in Ochiltree County, Texas, as well as the establishment of the proposed exchange points would augment flexibility and balance in the operation of the currently authorized exchange.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 24, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-23489 Filed 8-11-76;8:45 am]

[Docket No. RP72-121 (PGA76-5)]

SOUTHWEST GAS CORP.

Filing of Tariff Sheet

AUGUST 5, 1976.

Take notice that on July 19, 1976, Southwest Gas Corporation (Southwest) tendered for filing Sixteenth Revised Sheet No. 3A, constituting Original PGA-1 in its FPC Gas Tariff, Original Volume No. 1. According to Southwest, the purpose of this filing is to increase the rates of Southwest under its Purchased Gas Adjustment Clause in Section 9 of its General Terms and Conditions contained in its FPC Volume No. 1.

Southwest states the instant notice of change in rates is occasioned solely by an increase in the cost of purchased gas which will become effective on September 10, 1976, applied to the volumes purchased for the twelve-month period ended May 31, 1976.

Southwest further states that copies of the filing have been mailed to the Nevada Public Service Commission, the California Public Utilities Commission, Sierra Pacific Power Company and the California-Pacific Utilities Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 21, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-23490 Filed 8-11-76;8:45 am]

[Docket No. CP76-453]

UNITED GAS PIPE LINE CO.

Application

AUGUST 5, 1976.

Take notice that on July 22, 1976, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP76-453 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas in interstate commerce for Mid Louisiana Gas Company (Mid Louisiana) from Erath, Vermilion Parish, Louisiana, to Scotlandville, East Baton Rouge Parish, Louisiana, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that Mid Louisiana has acquired the right to purchase 20 percent of the gas attributable to Exxon Corporation's 30 percent interest in the gas produced in Block 335, East Cameron area, offshore Louisiana, and that Sea Robin Pipeline Company would transport up to 10,000 Mcf of gas per day from this source to Applicant at Erath for the account of Mid Louisiana. Applicant proposes to receive up to 10,000 Mcf of gas per day for Mid Louisiana and to transport this gas for delivery to Mid Louisiana at Scotlandville where Applicant is said to have an existing interconnection with Mid Louisiana for the exchange of gas under Applicant's Rate Schedule X-24. It is stated that no new facilities will be required by Applicant to perform the proposed service.

The agreement between Applicant and Mid Louisiana provides for the delivery of gas by Applicant to Mid Louisiana at Scotlandville or at such other authorized point of interconnection as may be mutually agreeable. The agreement also provides for the delivery by Applicant to Mid Louisiana of 98.5 percent of the thermal equivalent of the gas received by Applicant for transportation, with the remainder to be regarded as gas used, lost, or unaccounted-for by Applicant. Imbalances in deliveries would be corrected, insofar as practicable, during the following month, the agreement provides. The agreement also provides that Applicant might transport in excess of 10,000 Mcf of gas per day if tendered by Mid Louisiana. Applicant proposes to charge Mid Louisiana a cost of service rate, initially provided to be 15.81 cents per Mcf of the gas delivered to Mid Louisiana.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 23, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-23491 Filed 8-11-76;8:45 am]

[Docket No. CP61-79]

UNITED GAS PIPE LINE CO. AND TEXAS GAS TRANSMISSION CORP.

Petition To Amend

AUGUST 5, 1976.

Take notice that on July 19, 1976, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, and Texas Gas Transmission Corporation

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(Texas Gas), P.O. Box 1160, Owensboro, Kentucky 42301, filed in Docket No. CP 61-79 a petition to amend the order issuing a certificate of public convenience and necessity in said docket pursuant to section 7(c) of the Natural Gas Act, by which petition Petitioners request authorization to exchange natural gas at an additional point, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Pursuant to the certificate issued in the instant docket Petitioners are authorized to exchange natural gas at various points. Petitioners now propose to add an additional point at an existing measuring station on Texas Gas' 8-inch pipeline in section 28, T. 7 S., R. 3 W., Jefferson Davis Parish, Louisiana, where gas would be received from Amerada Hess Corporation for the account of United. It is stated that Texas Gas would deliver equivalent volumes to United at mutually agreeable existing authorized points of exchange.

The petition states that the gas delivered to Texas Gas would be from production in the South Elton Field in Jefferson Davis Parish where Texas Gas has a pipeline and United does not. Thus, it is stated, United would be able to take additional volumes into its system without the construction of additional facilities to do so, by means of the instant exchange.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 25, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-23492 Filed 8-11-76;8:45 am]

FEDERAL RESERVE SYSTEM

FIRST HANOVER PARK CORPORATION

Formation of Bank Holding Co.

First Hanover Park Corporation, Chicago, Illinois, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company through acquisition of 80 per cent of the voting shares of First State Bank & Trust Co. of Hanover Park, Hanover Park, Illinois. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than September 2, 1976.

Board of Governors of the Federal Reserve System, August 4, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-23454 Filed 8-11-76;8:45 am]

FOREIGN-TRADE ZONES BOARD

[Docket No. 7-76]

GEORGIA FOREIGN-TRADE ZONE, INC. ATLANTA, GEORGIA

Foreign-Trade Zone Application and Public Hearing

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the Georgia Foreign-Trade Zone, Inc. (a Georgia non-profit corporation), 1200 Commerce Building, Atlanta, Georgia, requesting a grant of authority for establishment of a foreign-trade zone within a 1,200-acre industrial park in Shenandoah, Coweta County, Georgia, which adjoins the Atlanta Customs Port of Entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act of 1934, as amended (19 U.S.C. 81) and the regulations of the Board (15 CFR Part 400). It was formally filed on July 30, 1976. Under Act No. 21 (H.B. No. 15) State of Georgia, approved by the Governor February 23, 1965, the applicant is empowered to seek authority to establish, operate and maintain foreign-trade zones within the State of Georgia.

The proposal calls for a foreign-trade zone of 33 acres to be situated within a 1,200-acre industrial park in Shenandoah a New Town, under Title VII of the Housing Act of 1970, in Coweta County, Georgia, adjacent to the City of Newnan. The industrial park is owned by Shenandoah, Ltd., a Georgia limited partnership, which will operate the zone for Georgia Foreign-Trade Zone, Inc. Initially the operator will activate 5 acres of the zone area and construct a 50,000 square foot warehouse/assembly building. Additional facilities will be constructed as tenants require. The foreign-trade zone is designed to serve the growing international trade related activity in the area, and complement the other services and advantages being made available in the industrial park.

The application includes economic data and information concerning the need for zone services. Among the initial zone tenants and users are: two food processors, a manufacturer of bottling machinery, a manufacturer of institutional furniture, a building material importer, an importer/exporter of industrial machinery, an industrial chemical company, a firm which imports/exports cigarette lighters, an international freight forwarder, and a firm which assembles recreational vans. These firms would use the zone for storage, processing and light manufacturing.

In accordance with the Board's regulations an examiners committee has been appointed to investigate the application and report thereon to the Board. The committee consists of: David S. Williamson, Chairman, District Office Director, U.S. Department of Commerce, 1365 Peachtree Street, N.E., Atlanta, Georgia 30309; James R. Cahill, Director, Inspection and Control Division, Region IV, U.S. Customs Service, 7370 N.W. 36th Street, Miami, Florida 33166; and Colonel Charles L. Blalock, District Engineer, U.S. Army Engineer District, Mobile, P.O. Box 2288, Mobile, Alabama 36628.

In connection with its investigation of the proposal the examiners committee will hold a public hearing on September 22, 1976, beginning at 9 a.m., in Room 556, Federal Office Building, 275 Peachtree Street, Atlanta. The purpose of the hearing is to help inform interested persons about the proposal, to provide an opportunity for their expression of views, and to obtain information useful to the examiners committee.

Interested persons or their representatives will be given the opportunity to present their views at the hearing. Such persons should by September 10, notify the Board's Executive Secretary in writing at the address below of their desire to be heard. Instead of an oral presentation, written statements may be submitted to the examiners committee, care of the Executive Secretary, at any time from the date of this notice through October 25, 1976. A copy of the application and accompanying exhibits will be available during this time for public inspection at each of the following locations:

Office of the District Director, U.S. Department of Commerce, Suite 600, 1365 Peachtree Street, NE., Atlanta, Georgia 30309.
Office of the Executive Secretary, Foreign-Trade Zones Board, Room 6886B, U.S. Department of Commerce, Washington, D.C. 20230.

Dated: August 6, 1976.

JOHN J. DA PONTE, JR.,
Executive Secretary,
Foreign-Trade Zones Board.

[FR Doc.76-23502 Filed 8-11-76;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on August 5, 1976. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FCC forms are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed forms, comments (in triplicate) must be received on or before August 30, 1976, and should be addressed to Mr. John M. Lovelady, Acting Assistant Director, Regulatory Reports Review, Room 5216, 425 I Street, NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

FEDERAL COMMUNICATIONS COMMISSION

FCC requests an extension no change clearance of FCC Form 400, Application for Authorization in the Safety and Special Radio Services (Industrial, Land Transportation, Public Safety, and Citizens Class A). The Commission had adopted and prescribed in its Rules and Regulations (Sections 89.59(a), 91.56(a), and 93.56(a)) the use of this form. FCC Form 400 is required to be filed when applying for a new or modified radio station authorization (other than fixed point-to-point microwave stations) in the Public Safety, Industrial, and Land Transportation Radio Services. It is also required to be filed for new, modified, and renewed Citizens Class A authorizations in the Citizens Radio Service. FCC estimates respondent burden to average 4.3 hours per response. The FCC receives approximately 156,000 applications annually.

FCC requests an extension no change clearance of FCC Form 400-S, Supplemental Information for Trunked and Conventional Systems (806-821 MHz and 851-866 MHz Bands), required when making application for trunked or conventional systems of communications to operate in the 806-821 MHz and 851-866 MHz frequency bands in accordance with the provisions of Subpart S or Part 89 of the FCC Rules and Regulations. FCC Form 400-S will supplement FCC Form 400, Application for Radio Station Authorization in the Safety and Special Radio Services, in all cases except when the facility falls within the Chicago, Illinois, region in which case it will supplement FCC Form 425, Application for Radio Station Authorization. Respondent burden varies according to the size and complexity of the system. FCC estimates respondent burden to average 2 hours per response. The FCC estimates approximately 1500 supplemental forms will be filed during the coming year.

FCC requests an extension no change clearance of FCC Form 405-A, Application for Renewal of Radio License (Short Form). The Commission has adopted and prescribed in its Rules and Regulations (Sections 81.37, 83.36(a), 87.33, 89.59(g), 91.56(g), 93.56(f), and 99.11(d) the use of this form. FCC Form 405-A is required to be filed when applying for renewal of a station license when there has been no change (other than mailing address, name of vessel, or licensee's name) in the information shown on the station license being renewed or in the most recent full application for that license in the following classes of station licenses:

Part 81—Maritime (Land Stations) and Alaska—Public Fixed; Part 83—Maritime (a. Ship Stations which include Radiotelegraphy, b. Ship Radiotelephone Stations if required by Title III, Part II of the Communications Act, or Safety of Life At Sea Convention, c. Ship Radio-location Stations.); Part 87—Aviation (except Aircraft); Part 89—Public Safety; Part 91—Industrial; Part 93—Land Transportation; and Part 99—Disaster.

FCC estimates respondent burden to average 30 minutes per response. The FCC receives approximately 35,000 applications annually.

FCC requests an extension no change clearance of FCC Form 425, Application for Radio Station Authorization (Industrial, Public Safety, Land Transportation, Broadcast Remote Pickup and Citizens Class A). The Commission has adopted and prescribed in its Rules and Regulations (Sections 21.14(a), 74.404, 89.60, 91.57, 93.57, and 95.19) the use of this form. FCC Form 425 is required to be filed for a new, renewal of, or modification to a radio station authorization (other than fixed point-to-point microwave stations and radiolocation stations) in the Chicago Regional Area in the Industrial, Public Safety, Land Transportation, Broadcast Remote Pickup and Citizens Class A Radio Services. FCC Form 425 is also required to accompany applications on FCC Form 401 in the Rural Radio and Domestic Public Land Mobile Radio Service. FCC estimates respondent burden to average 7 hours per response. The FCC receives approximately 18,000 applications annually.

FCC requests an extension no change clearance of FCC Form 702, Application for Consent to Assignment of Radio Station Construction Permit or License (For Stations in Services Other Than Broadcast). The Commission has adopted and prescribed in its Rules and Regulations (Sections 1.924, 21.11(d), 23.50, and 5.55 (i) the use of this form. FCC Form 702 is required to be filed when applying for consent to assignment of radio station construction permit or license for stations in services other than broadcast. FCC estimates respondent burden to average 2 hours per response. The FCC receives approximately 239 applications annually.

FCC requests an extension no change clearance of FCC Form 756, Application for Radio Operator License (Other than Amateur License and Restricted Radiotelephone Operator Permit). The Commission has adopted and prescribed in its Rules and Regulations (Section 1.83(a)(2)) the use of this form. FCC Form 756 is required to be filed when applying for a new, renewed, replacement, or duplicate commercial operator license other than amateur license and restricted radiotelephone operator permit. Respondent burden is estimated to average 5 minutes per response. The FCC receives approximately 220,000 applications annually.

FCC requests an extension no change clearance of FCC Form 757-B, Application for Re-examination for Commercial or Amateur Radio Operator License Prior to Expiration of Waiting Period. FCC Form 757-B is required to be filed by those seeking a waiver to Sections 13.27 and 97.33 of the Commission's rules which require that persons who fail an examination must wait 30 or 60 days before being re-examined. FCC estimates respondent burden to average 5 minutes per response. The FCC receives approximately 2500 applications annually.

FCC requests an extension no change clearance of FCC Form 762-F, Interference of Standard Broadcast, FM Broadcast, of Television Reception. FCC Form 762-F is used to acknowledge receipt of interference complaints with respect to standard broadcast, FM broadcast, or television reception. The form asks that additional information be submitted to the FCC in order to resolve the interference problem. FCC estimates respondent burden to average 10 minutes per response. The FCC receives approximately 5500 forms annually.

FCC requests an extension no change clearance of FCC Form 809, Application for Periodic Survey (Great Lakes Agreement). The Commission has adopted and prescribed in its Rules and Regulations (Section 83.46(c)) the use of this form. FCC Form 809 is required to be filed when applying for the annual survey of radio stations on board ships subject to the Great Lakes Radio Agreement. FCC estimates respondent burden to average 30 minutes per response. The FCC receives approximately 500 applications annually.

NORMAN F. HEYL,
Regulatory Reports
Review Officer.

[FR Doc.76-23522 Filed 8-11-76;8:45 am]

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

MEETING

AUGUST 9, 1976.

Pursuant to sec. 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. IV, 1974), notice is hereby given that the National Advisory Committee on Oceans and Atmosphere (NACOA) will hold a meeting on Tuesday, September 14, 1976. The session will be open to the public and will be held in Room 6802 of the U.S. Department of Commerce Building, 14th Street between Constitution Avenue and E Street NW., Washington, D.C. beginning at 9 a.m.

The Committee, consisting of 25 non-Federal members appointed by the President from State and local governments, industry, science and other appropriate areas, was established by Congress by Pub. L. 92-125, on August 16, 1971, as amended. Its duties are to (1) undertake a continuing review of national ocean policy, coastal zone management and the progress of the marine and atmospheric science and service programs of the

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United States, (2) submit a comprehensive annual report to the President and to the Congress setting forth an overall assessment of the status of the Nation's marine and atmospheric activities on or before 30 June of each year, and (3) advise the Secretary of Commerce with respect to the carrying out of the purpose of the National Oceanic and Atmospheric Administration.

The Agenda will include the following topics:

0900–0915 Opening Remarks—Dr. William J. Hargis, Jr.
0915–1000 Executive Branch Comments on NACOA's 5th Annual Report—Dr. Robert M. White, Administrator, NOAA.
1000–1045 Discussion of NACOA Draft Report on National Sea Grant Program—Dr. William C. Ackermann, NACOA.
1045–1330 Discussion of NACOA Work Plan—Dr. William J. Hargis, Jr.
Adjournment at approximately 1:30 p.m.

The public is welcome at these sessions and will be admitted to the extent of the seating available. Persons wishing to make formal statements should notify the Chairman in advance of the meeting. The Chairman retains the perogative to place limits on the duration of oral statements and discussions. Written statements may be submitted before or after each session.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Dr. Douglas L. Brooks, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, Department of Commerce Building, Room 5225, Washington, D.C. 20230. The telephone number is 377–3343.

DAVID A. KATCHER,
Acting Executive Director.

[FR Doc.76–23560 Filed 8–11–76;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–247]

CONSOLIDATED EDISON CO. OF NEW YORK, INC.

Availability of Final Environmental Statement for the Selection of the Preferred Closed Cycle Cooling System at Indian Point Unit No. 2

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR 51, notice is hereby given that the Final Environmental Statement prepared by the Commission's Office of Nuclear Reactor Regulation, related to the selection of the preferred closed cycle cooling system for Indian Point Unit No. 2 located in Westchester County New York is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. and in the Hendrick Hudson Free Library, 31 Albany Post Road, Montrose, New York 10048. The Final Environmental Statement is also being made available at the New York State Office of Planning Services, 488 Broadway, Albany, New York 12207 and the Tri-State Regional Planning Commission, 1 World Trade Center, New York, New York 10048.

The notice of availability of the Draft Environmental Statement for the selection of the preferred closed cycle cooling system and requests for comments from interested persons was published in the FEDERAL REGISTER (41 FR 8000) on February 23, 1976. The comments received from Federal, State, local and interested members of the public have been included as an appendix to the Final Environmental Statement.

Copies of the Final Environmental Statement (Document No. NUREG–0042) may be purchased, at current rates, from the National Technical Information Service, Springfield, Va. 22161. ($10.75 printed copy; $2.25 microfiche).

Dated at Rockville, Maryland, this 4th day of August, 1976.

For the Nuclear Regulatory Commission.

GEORGE W. KNIGHTON,
Chief, Environmental Projects Branch No. 1, Division of Site Safety and Environmental Analysis.

[FR Doc.76–23277 Filed 8–11–76;8:45 am]

[Docket Nos. 50–369 and 50–370]

DUKE POWER CO.; WILLIAM B. MCGUIRE NUCLEAR STATIONS, UNITS 1 AND 2

Order Extending Construction Completion Dates

Duke Power Company is the holder of Construction Permits Nos. CPPR–83 and CPPR–84 issued by the Atomic Energy Commission[1] on February 26, 1973, for construction of the William B. McGuire Nuclear Station, Units 1 and 2 presently under construction at the Company's site on the shore of Lake Norman in Mecklenburg County, North Carolina.

On December 30, 1975, Duke Power Company filed a request for an extension of the completion dates. Duke Power Company submitted additional information in support of its request on July 1, 1976. The extension has been requested because construction had been delayed due to, among other things, (1) increased delivery time of materials and components due in part to changing design requirements and the inability of many suppliers to deliver materials at the required time, (2) expected slower rate of load growth than originally anticipated and unfavorable conditions in the financial markets which made it difficult to obtain financial resources on reasonable terms necessary to maintain their previous construction schedule, and (3) decrease in rate of construction progress due to a reduction in work force.

This action involves no significant hazards consideration: good cause has been shown for the delay; and the requested extension is for a reasonable period, the bases for which are set forth in a staff evaluation, dated August 3, 1976.

Copies of the above documents and other related material are available for public inspection and copying at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Public Library of Charlotte and Mecklenburg County, 310 North Tryon Street, Charlotte, North Carolina 28202.

It is hereby ordered, That the latest completion dates are extended for CPPR–83 from February 1, 1976 to August 1, 1978 and for CPPR–84 from March 1, 1977 to August 1, 1979.

Date of issuance: August 3, 1976.

For the Nuclear Regulatory Commission.

R. C. DEYOUNG,
Deputy Director, Division of Project Management, Office of Nuclear Reactor Regulation.

[FR Doc.76–23161 Filed 8–11–76;8:45 am]

[1] Effective January 20, 1975, the Atomic Energy Commission became the Nuclear Regulatory Commission and Permits in effect on that day were continued under the authority of the Nuclear Regulatory Commission.

[Docket No. 50–389]

FLORIDA POWER & LIGHT CO. (ST. LUCIE NUCLEAR POWER PLANT, UNIT NO. 2)

Order for Evidentiary Hearing

An evidentiary hearing on the matters remanded to the Licensing Board by ALAB–335 (June 29, 1976), will be held September 8–10, 1976. Hearings will begin at 9:30 a.m. each day at the Holiday Inn Oceanside, Banquet Room, Highway A–1–A, Hutchinson Island, Florida.

Dated at Bethesda, Md., this 3d day of August 1976.

It is so ordered.

The Atomic Safety and Licensing Board.

EDWARD LUTON,
Chairman.

[FR Doc.76–23158 Filed 8–11–76;8:45 am]

INTERNATIONAL ATOMIC ENERGY AGENCY DRAFT SAFETY GUIDE

Availability of Draft for Public Comment

The International Atomic Energy Agency (IAEA) is developing a limited number of internationally acceptable codes of practice and safety guides for nuclear power plants. These codes and guides will be developed in the following five areas: Government Organization, Siting, Design, Operations, and Quality Assurance. The purpose of these codes and guides is to provide IAEA guidance to countries beginning nuclear power programs.

The IAEA Codes of Practice and Safety Guides are developed in the following way. The IAEA receives and collates relevant existing information used by member countries. Using this collation as a starting point, an IAEA Working Group of a few experts then develops a preliminary draft. Following this, an IAEA Technical Review Committee reviews the preliminary draft and modifies it to the extent necessary to develop a draft acceptable to the IAEA Technical Review Committee. This draft Code of Practice or Safety Guide is then sent to the IAEA Senior Advisory Group which reviews and modifies the draft as necessary to reach agreement on the draft and then forwards it to the IAEA Secretariat to obtain comments from the member states.

IAEA draft Safety Guide SG–G3 "The Conduct of Regulatory Review and Assessment of License Applications" has just been developed and the NRC is soliciting U.S. public comment on it.

An IAEA Working Group, consisting of Mr. M. J. Turner of the United Kingdom, Mr. R. Zammite of France and Mr. A. Eiss (Nuclear Regulatory Commission) of the United States developed this draft from an IAEA collation during a meeting on June 28 to July 2, 1976. An opportunity for public comment exists prior to review of this draft at the next meeting of the IAEA Technical Review Committee on Governmental Organization on November 22–26, 1976. Opportunities for public comment on later drafts will also be presented as this draft is later sent to the IAEA Senior Advisory Group, then to the Member States.

In order to have comments in time for consideration for the November 1976 meeting in Vienna, Austria of the IAEA Technical Review Committee, comments on this draft Safety Guide are requested by September 15, 1976. Single copies of this draft may be obtained by a written request to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(5 U.S.C. 522(a).)

Dated at Rockville, Md., this 30th day of July 1976.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director,
Office of Standards Development.

[FR Doc.76–23162 Filed 8–11–76;8:45 am]

INTERNATIONAL ATOMIC ENERGY AGENCY DRAFT SAFETY GUIDE

Availability of Draft for Public Comment

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In order to have comments in time for consideration for the November 1976 meeting in Vienna, Austria of the IAEA Technical Review Committee, comments on this draft Safety Guide are requested by September 15, 1976. Single copies of this draft may be obtained by a written request to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(5 U.S.C. 522(a).)

Dated at Rockville, Md., this 2d day of August 1976.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director,
Office of Standards Development.

[FR Doc.76–23163 Filed 8–11–76;8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 2.4, "Review of Experiments for Research Reactors," describes procedures acceptable to the NRC staff for the licensee's review and approval of experiments performed at research reactor facilities. This guide endorses ANSI Standard N401–1974, "Review of Experiments for Research Reactors."

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 2.4 will, however, be particularly useful in evaluating the need for an early revision if received by October 8, 1976.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a).)

Dated at Rockville, Md., this 3d day of August 1976.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director,
Office of Standards Development.

[FR Doc.76–23159 Filed 8–11–76;8:45 am]

ROUTINE USE OF PLUTONIUM-POWERED CARDIAC PACEMAKERS

Notice of Availability of Final Generic Environmental Statement

NOTE.—The following notice is being reprinted in its entirety with corrections.

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commisison Regulations in 10 CFR Part 51, notice is hereby given that the Final Environmental Statement prepared by the Commission's Office of Nuclear Material Safety and Safeguards, related to the proposed routine of plutonium-powered cardiac pacemakers is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C.

The notice of availability of the Draft Environmental Statement for the routine use of plutonium-powered cardiac pacemakers and request for comments from interested persons was published in the FEDERAL REGISTER January 16, 1975 (FR 40 2863). The comments received from Federal agencies, State and local officials and interested members of the public have been included as appendices to the Final Environmental Statement.

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Copies of the Final Environmenal Statement (Document No. NUREG–0060) may be purchased on or about August 12, 1976 for $9.25 a printed copy and $2.25 for microfiche from the National Technical Information Service, Springfield, Virginia, 22161.

Dated at Bethesda, Md., this 23d day of July 1976.

For the Nuclear Regulatory Commission.

BERNARD SINGER,
Chief, Radioisotopes Licensing Branch, Division of Fuel Cycle and Material Safety.

[FR Doc 76-23160 Filed 8-11-76;8:45 am]

[Docket No. 50-296]

TENNESSEE VALLEY AUTHORITY

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 1 to Facility Operating License No. DPR–68 issued to Tennessee Valley Authority which revised Technical Specifications for operation of the Browns Ferry Nuclear Plant, Unit 3, located in Limestone County, Alabama. The amendment is effective as of its date of issuance

This amendment revises the temporary restrictions contained on page 1a of the Technical Specifications (Appendix A) to permit operation of the Browns Ferry Nuclear Plant Unit 3 at power levels of one percent or less of rated power (i.e., 33 megawatts thermal). This modification to the temporary restrictions from those contained in the Technical Specifications appended to the initial Facilty Operating License is based on (1) the satisfactory completion and resolution, as reported by the Commission's Office of Inspection and Enforcement, of two previously incomplete items of construction, and (2) the staff's conclusions contained in Supplement Number 8 to the Safety Evaluation Report related to the operation of the Browns Ferry Nuclear Plant, issued August 2, 1976 (copy enclosed) on four matters on which our review was incomplete as described in Supplement Number 8 to the Safety Evaluation Report, Issued July 2, 1976. Our evaluation of three of these matters resulted in the addition of conditions to the license requiring conformance to forthcoming analyses or plant modifications for suppression pool hydrodynamic loads during a postulated loss-of-coolant accident, dynamic loads associtaed with relief valve operation, and fire protection; and an accelerated training program for plant fire brigade members. Operation of Browns Ferry Unit 3 at one percent or less rated power is acceptable prior to completion of the detailed fire protection procedures and the content of the fire training program in accordance with the fire protection criteria delineated in Section 2.0 of Supplement Number 2 to the Safety Evaluation Supporting the Operation after the Restoration and Modification of the Browns Ferry Nuclear Plant, Units 1 and 2 Following the March 22, 1975 Fire, issued July 3, 1976.

Issuance of the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I which are set forth in the license amendment.

For further details with respect to this action, see (1) Amendment No. 1 to License No. DPR–68, and (2) the Commission's related Safety Evaluation Report, Supplement No. 9 dated August 2, 1976. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Athens Public Library, South and Forrest, Athens, Alabama.

A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management.

Dated at Bethesda, Md., this 2d day of August 1976.

For the Nuclear Regulatory Commission.

JOHN F. STOLZ,
Chief, Light Water Reactors Branch No. 1, Division of Project Management.

[FR Doc.76-23166 Filed 8-11-76;8:45 am]

[Docket Nos. STN 50-518, STN 50-521]

TENNESSEE VALLEY AUTHORITY (HARTSVILLE NUCLEAR PLANT A UNITS 1 AND 2); (HARTSVILLE NUCLEAR PLANT B UNITS 1 AND 2)

Hearing on Applicants Request for an LWA–2, (Part 1)

At a Special Prehearing Conference held in Nashville, Tennessee on July 27, 1976, counsel for all of the parties submitted a schedule for hearings on T.V.A.'s request for an LWA–2.

The proposed schedule was presented in two parts. The first part covers a foundation grouting program and the placement of dental and fill concrete. T.V.A. contends that to avoid delays in the plant construction schedule, part 1 activities must begin early in September and be completed by November of this year. It was the view of all the parties that a hearing on T.V.A.'s entire LWA–2 request could not be completed that soon.

For the reasons set out above, T.V.A.'s LWA–2 request will be heard in two parts at separate sessions.

Part 1 of the LWA–2 request will be heard on August 17, 1976 in Courtroom Number 1, U.S. Courthouse, 8th Avenue and Broad Street, Nashville, Tennessee beginning at 10:00 A.M.

Findings of fact and conclusions of Law will be submitted by all parties on August 24, 1976.

The Schedule for hearings on Part 2 activities under the LWA–2 request will be announced at the close of the August 17, 1976 hearings.

The public is invited to attend this hearing.

It is so ordered.

Issued at Bethesda, Md., this 4th day of August 1976.

For the Atomic Safety and Licensing Board,

JOHN F. WOLF,
Chairman.

[FR Doc.76-23278 Filed 8-11-76;8:45 am]

TOPICAL REPORT

Issuance and Availability

The Nuclear Regulatory Commission has issued a second supplement to WASH–1238, "Environmental Survey of Transportation of Radioactive Materials to and from Nuclear Power Plants."

Supplement II, "Potential Releases of Cesium from Irradiated Fuel in a Transportation Accident," (NUREG–0069) was prepared to present the information available at this time on cesium release. It is being published in accordance with the commitment to issue revisions or supplements to WASH–1238 to accommodate new information made at the time § 51.20(g) was added to 10 CFR Part 51 (40 FR 1005).

This document is available for inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. Copies may be purchased at current rates from the National Technical Information Service, Springfield, Virginia 22161. (Paper copy: $3.50, Microfiche: $2.25)
(5 U.S.C. 552(a).)

Dated at Rockville, Md., this 29th day of July 1976.

For the Nuclear Regulatory Commission.

ROBERT B. MINOQUE,
Director, Office of Standards Development.

[FR Doc.76-23164 Filed 8-11-76;8:45 am]

[Dockets Nos. 50-266 and 50-301]

WISCONSIN ELECTRIC POWER CO. AND WISCONSIN MICHIGAN POWER CO.

Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 19 and 24 to Facility Operating Licenses Nos. DPR–24 and DPR–27 issued to Wisconsin Electric Power Company and Wisconsin Michigan Power Company, which revised Technical Specifications for operation of the Point Beach Nuclear Plant Units Nos. 1 and 2, located in the town of Two Creeks, Manitowoc County, Wisconsin. The amendments are effective as of the date of issuance.

These amendments consist of changes in the Technical Specifications that involve changes to the administrative controls section, excluding any substantive changes to the Plant Reporting Requirements and were submitted in response to our request of October 18, 1974. Changes to the Plant Reporting Requirements, Technical Specification 15.6.9, were issued in a separate licensing action on January 9, 1976.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental statement, negative declaration or environmnetal impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the applications for amendment dated June 1 and 29, 1976, (2) Amendment No. 19 to License No. DPR–24, (3) Amendment No. 24 to License No. DPR–27, and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the University of Wisconsin—Stevens Point Library, ATTN: Mr. Arthur M. Fish, Stevens Point, Wisconsin 54481.

A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 2d day of August 1976.

For the Nuclear Regulatory Commission.

GEORGE LEA,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.76-23165 Filed 8-11-76;8:45 am]

[Docket No. PRM–100–3]

CENTRAL MAINE POWER CO.

Definition of "Capable Fault"; Filing of Petition for Rule Making

Notice is hereby given that Elwin W. Thurlow, President and Chief Executive Officer, Central Maine Power Company, and Jon S. Readnour, Attorney, by letter dated July 12, 1976, have filed with the Nuclear Regulatory Commission, a petition for rule making on behalf of the Company.

The petitioners request that the Commission amend 10 CFR Part 100, Appendix A (Seismic and Geologic Siting Criteria for Nuclear Power Plants), to change Section III (Definitions) as follows, either:

(1) by adding a new paragraph to the definition of "capable fault" immediately after Section III(g)(3):

A fault is not a capable fault within this definition where movements at or near the ground surface are caused by types of forces that are not of earthquake-related tectonic origin, such as glacial ice shove, glacial rebound, meteorite impacts, landslides, fissures and craters; or

(2) by adding the following new sentence to the end of Section III(g)(1):

Such movements shall be of earthquake-related tectonic origin as distinct from disruptions resulting from forces such as glacial ice shove, glacial rebound, meteorite impacts, landslides, fissures and craters.

The petitioners state that the basis for the proposed amendment is to eliminate the ambiguity that exists between the definition of "capable fault" and the obvious intent of Appendix A. The petitioners further state that the primary purpose of Appendix A is to "describe procedures for determining the quantitative vibratory ground motion design basis at a site *due to earthquakes*" (emphasis added). However, it may be argued that the present definition of "capable fault" in Section III(g) of Appendix A includes any movement of a fault, even that due to glacial ice shove, glacial rebound or other classes of movements at or near the surface that are not earthquake-related and are, therefore, of no safety significance.

The petitioners state that the expressed intent of Appendix A is to insure a plant design that will maintain structural integrity during an earthquake. The petitioners submit, however, that contrary to this intent, the definition of "capable fault" may be read to include all "faults" which have exhibited "movement . . . within the past 35,000 years," and thus arguably include those faults where movement was due to non-earthquake-related forces. Since movements due to non-earthquakes-related forces are not of safety significance, especially for earthquake design, they should be expressly excluded from the definition. It is the view of the peetitioners that the Appendix A definition of "capable fault" could present potential interpretational problems and create possible future delay and financial risks while regulatory ambiguities are resolved.

A copy of the petition for rule making is available for public inspection in the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. A copy of the petition may be obtained by writing to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

All interested persons who desire to submit written comments or suggestions concerning the petition for rule making should send their comments to the Secretary of the Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by October 12, 1976.

Dated at Washington, D.C. this 9th day of August 1976.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.76-23574 Filed 8-11-76;8:45 am]

[Docket No. RM–50–5]

GENERIC ENVIRONMENTAL STATEMENT ON MIXED OXIDE FUEL

Prehearing Conference

The prehearing conference scheduled by the Commission in its Notice of Hearing published in the FEDERAL REGISTER January 6, 1976 (par. 6, 41 FR 1133) was deferred by notice published February 12, 1976 because the hearing board had not yet been appointed. (41 FR 6343) Notice of the Appointment of the board was published in the FEDERAL REGISTER on July 29, 1976. (41 FR 31621) The notice of July 29 stated that, after its appointment, the board would set the date, time and location for the prehearing conference.

DATE, TIME AND LOCATION

A prehearing conference in this matter is hereby scheduled to begin at 9:30 a.m. on Wednesday, September 15, 1976 at Washington, D.C. (The precise location will be announced in the near future.) The prehearing conference will continue, if necessary, on Thursday, September 16, 1976.

The board expects that the health, safety and environmental portion of the final environmental statement will be issued before September 15, 1976, the date scheduled for the prehearing conference. If this portion of the final statement is not then available, the board believes a discussion of prehearing matters such as those described below would nonetheless be useful. The board therefore intends to hold the conference on September 15 even if this portion of the final statement is not available. We realize that, in this event, a subsequent prehearing conference on this portion of the final statement may be necessary after the final statement is issued.

The board does not expect that the draft safeguards supplement to the environmental statement will be available before September 15, 1976. We plan to schedule another prehearing conference after the draft safeguards supplement becomes available.

MATTERS TO BE DISCUSSED

1. *Requests for full participation.* The Notice of Hearing published January 6 states that one purpose of the prehearing conference will be to rule on requests to become a full participant which were

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filed after February 5, 1976, the deadline prescribed in the Notice of Hearing. The notice states (par. 3(c)):

Untimely requests to become a full participant will not be granted by the hearing board unless warranted based upon consideration of (1) the extent to which the requestor's full participation will delay the proceeding, (2) the extent to which the requestor's interest will be represented by other participants or may be served by limited participation, (3) the extent to which the requestor's full participation may reasonably be expected to contribute to informed decisionmaking, (4) whether the requestor can demonstrate good cause for failure to file on time.

Two late-filed requests for full participation have been submitted: (1) Power Authority of the State of New York, request dated March 18, 1976 supported by motion dated April 12, 1976; and (2) Wisconsin Electric Power Co., Madison Gas and Electric Co., Wisconsin Power and Light Co., and Wisconsin Public Service Corp., request dated June 8, 1976 supported by motion dated July 14, 1976.

Each movant contends that it has satisfied the criteria quoted above. Good cause for late filing in the first case is alleged to be a misunderstanding as to whether a timely request for that movant had in fact been filed. In the second case movants rely upon the changed circumstances created by the May 26, 1976 decision of the U.S. Court of Appeals for the Second Circuit reversing that part of the Commission's decision of November 14, 1976 concerning interim commercial licensing of mixed oxide facilities. Movants in the second case represent that the Court of Appeals decision changed their earlier conclusion not to seek full participation because the Court's decision made early resolution of this proceeding essential to their interests.

Each of the two motions was filed before the appointment of a hearing board was announced. Each of the movants represents that its participation will be consolidated with that of an existing full participant. No opposition has been filed to either motion.

Under all the circumstances, the board leans toward granting both motions. We will, however, wait until the prehearing conference to act upon them in case any participant wishes to discuss them.

2. *Requests for limited participation.* Those wishing to be limited participants were asked to notify the Secretary of the Commission on or before February 5, 1976. Anyone wishing to do so "by filing a written statement may do so by filing the statement with the hearing board at any time prior to the conclusion of the hearing without requesting special permission of the hearing board." Notice of Hearing, par. 3(d). Consequently, there is no need for the board to rule on late-filed requests for limited participation insofar as those requests seek only written participation.

The board invites discussion at the prehearing conference of any limits or conditions which might be imposed on oral participation by limited participants. See Notice of Hearing, par. 3(d).

3. *Consolidation of participation.* The board is aware that several commercial reactor licensees and applicants have agreed to consolidate, as have at least two environmental spokesmen. We urge all full participants to consider whether any other full participants may have substantially the same interests or questions; and, if so, to consolidate requests for discovery, suggestions for questions, presentation of evidence, concluding statements of position, and requests for cross-examination on particular issues after completion of the legislative-type hearing. See Notice of Hearing, par. 3(e). We invite discussion of this subject at the prehearing conference.

4. *Scheduling of the hearing on health, safety and environmental issues.* The Notice of Hearing states: "The hearing will commence as soon as practicable after issuance of the portion of the final impact statement relating to health and environmental matters" (par. 6) It also provides: "All direct testimony on behalf of full participants shall be filed in writing 14 days in advance of the hearing, or within such greater or lesser time as may be fixed by the hearing board." (par. 5(c))

The board has briefly discussed a schedule such as the following for the filing of written testimony and the beginning of the hearing on health, safety and environmental issues:

X	The date when the final statement on health, safety and environmental subjects is issued.
X+30 days	Written testimony submitted by proponents of plutonium recycling on all pertinent subjects which they wish to address.
X+45 days	Written testimony submitted by opponents of recycling on all pertinent subjects they wish to address, including any desired rebuttal of any proponents' testimony. Other full participants who do not class themselves as opponents or proponents would meet the same deadline.
X+60 days	Proposals for questions to be asked by hearing board submitted to board by opponents, proponents and others. Rebuttal testimony submitted by proponents and others.
X+65 days	Objections to questions submitted.
X+75 days	Hearing begins. (During the hearing, opportunity could be provided for submission of further questions to the board during or after the oral testimony of a witness if that testimony suggested the need for further questioning.)

The Commission's Regulatory Staff has filed a motion dealing with the submission of questions to the board and the timing of questioning on particular subjects. (Regulatory Staff Motion Re: Hearing Procedures dated July 29, 1976) The proposals made in this motion may be inconsistent with a schedule such as that above because the motion seems to imply that a different date would be set for filing testimony and questions on each of a list of subjects. However, the Staff's proposals might produce a more orderly hearing record. They might also be more conducive to the use of panels of experts on a particular subject representing a variety of participants but appearing at the same time to answer questions.

The board invites discussion of these and any other scheduling ideas at the prehearing conference.

5. *Service of documents on hearing board members.* Each participant is requested to send two copies of each document which that participant files in this proceeding to each board member, one copy to be sent care of the Secretary of the Nuclear Regulatory Commission, Washington, D.C., 20555, and one copy to the following address:

George Bunn, Law School, University of Wisconsin, Madison, Wisconsin 53706.
Albert Carnesale, Prog. for Science and International Affairs, Harvard University, 9 Divinity Avenue, Cambridge, Massachusetts 02138.
Melvin Carter, Director, Office of Interdisciplinary Programs, Georgia Institute of Technology, Atlanta, Ga. 30332.
Frank L. Parker, Department of Environment and Water Resources Engineering, Vanderbilt University, Nashville, Tenn. 37235.
Kline Weatherford, P.O. Box 333, Montrose, Ala. 36559.

Ex Parte Communications

The Notice of Hearing calls upon the board to conduct a legislative-type hearing. (par. 2 & 4) However, it offers the possibility of later cross-examination on specific issues. (par. 11) Moreover, it requires that decision of disputed issues of material fact or opinion be based upon the record, unless full participants are advised of the substance of the fact or opinion which is to be decided upon nonrecord evidence and unless full participants are provided an opportunity to controvert that fact or opinion. (par. 14)

Given the hybrid nature of the proceeding, the board expects all participants (and anyone acting in behalf of any of them) to refrain from offering to board members any evidence or argument concerning any fact or opinion which is material to this proceeding except through the procedures for submission of written statements, testimony, motions or other documents set forth in the Notice of Hearing.

Dated: August 4, 1976.

For the GESCO Hearing Board.

GEORGE BUNN,
Chairman.

[FR Doc.76-23575 Filed 8-11-76;8:45 am]

NATIONAL SCIENCE FOUNDATION

COMMITTEE MANAGEMENT

Determination of Renewal

Pursuant to the Federal Advisory Committee Act, P.L. 92-463, I have hereby determined that the 29 advisory groups listed below are necessary and are in the public interest in connection with the performance of duties imposed upon the National Science Foundation by the National Science Foundation Act of 1950, as amended, and other applicable law. This determination follows consultation with the Office of Management and Budget (OMB), pursuant to § 14(a)(1) of the Federal Advisory Committee Act and OMB Circular No. A-63, Revised.

Advisory Committee for Research Applications Policy
Advisory Committee for Science Education
Advisory Panel for Anthropology
Advisory Panel for Astronomy
Advisory Panel for Atmospheric Sciences
Advisory Panel for Chemistry
Advisory Panel for Computer Science and Engineering
Advisory Panel for Developmental Biology
Advisory Panel for Earth Sciences
Advisory Panel for Ecological Sciences (formerly Environmental Biology)
Advisory Panel for Economics
Advisory Panel for Electrical Sciences and Analysis
Advisory Panel for Genetic Biology
Advisory Panel for History and Philosophy of Science
Advisory Panel for Human Cell Biology
Advisory Panel for Mathematical Sciences
Advisory Panel for Metabolic Biology
Advisory Panel for Neurobiology
Advisory Panel for Oceanography Project Support (formerly Oceanography)
Advisory Panel for Physics
Advisory Panel for Political Science
Advisory Panel for Psychobiology
Advisory Panel for Regulatory Biology
Advisory Panel for Social and Developmental Psychology (formerly Social Psychology)
Advisory Panel for Sociology
Advisory Panel for Systematic Biology
Advisory Panel on the Materials Research Laboratories
International Decade of Ocean Exploration Proposal Review Panel
National Magnet Laboratory Visiting Committee

Authority for these advisory groups shall expire on September 1, 1978, unless the Director of the National Science Foundation formally determines that continuance is in the public interest.

H. GUYFORD STEVER,
Director.

AUGUST 9, 1976.

[FR Doc.76-23499 Filed 8-11-76;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 76-33]

SAFETY RECOMMENDATIONS AND RESPONSES

Notice of Availability and Receipt

Aviation Safety Recommendations.—The National Transportation Safety Board, by letter of August 4 to the Federal Aviation Administration, expressed the belief that many of the accidents attributed to "unfavorable winds" could have been prevented by increased emphasis on the subject during pilot training and by the expedited development of a simple, economical wind-measuring system for use particularly at relatively small airports which are used primarily by general aviation aircraft. The Board, therefore, recommended that FAA expedite the development for operational purposes of such a wind-measuring system. This recommendation, No. A-76-85, is designated Class II, for priority followup.

The Board also recommended that FAA, in coordination with the National Oceanic and Atmospheric Administration/National Weather Service: Through the FAA/NWS Working Group on Improving Pilot Education, place special emphasis on the hazards associated with unfavorable winds during the landing regime, by various means such as (1) discussions at safety seminars and clinics sponsored by the General Aviation Accident Prevention Program Specialists; (2) changes in the Private Pilot's Test Guide (AC 61-32A); (3) changes in the Private Pilot's Handbook of Aeronautical Knowledge (AC-61-23A); (4) changes in Pilot Exam-O-Grams; (5) addition of appropriate questions in both written and oral pilot examinations and checks; and (6) assuring through FAA Inspectors that Pilot Schools certificated under 14 CFR 141, highlight the problem in their training syllabi specified in 14 CFR 141.55(6)(b)(2). This recommendation, No. A-76-86, is also for priority followup.

In view of its continued concern about the large number of weather-related accidents, the Board will soon release a special study, "Nonfatal, Weather-Involved General Aviation Accidents," based on 7,856 such accidents which occurred from 1964 through 1974. The Board published in 1974 a comparable study entitled "Fatal, Weather-Involved, General Aviation Accidents," report No. NTSB-AAAS-74-2.

Railroad Safety Recommendations.—Three recommendations, Nos. R-76-42 through R-76-44, concerning automatic train control were issued by the Safety Board in its August 1 letter addressed to eight transit organizations. The recommendations followed investigation of the collision last January 9 in Chicago, Illinois, between two Chicago Transit Authority trains. A complete report of the accident will be released by the Safety Board in the near future.

In its August 1 letter, the Safety Board recommended that the Bay Area Rapid Transit District, the Massachusetts Bay Transportation Authority, the Port Authority Transit Corporation, the New York City Transit Authority, the Port Authority Trans-Hudson Corporation, the Washington Metropolitan Area Transit Authority, the Southeastern Pennsylvania Transportation Authority, and the Greater Cleveland Regional Transit Authority: Prohibit trains with inoperative automatic train control or cab signals from departing a terminal for main track operation (R-76-42); develop a procedure to discharge passengers and remove trains from service immediately if they develop automatic train control problems or cab signal problems while en route (R-76-43); and insure that communication facilities are adequate for dependable operational control and that proper procedures are in effect to provide emergency warnings and instructions (R-76-44). Recommendation R-76-42 is designated Class I, for urgent followup; R-76-43 and R-76-44 are Class II recommendations, for priority followup.

Letters in Response to Safety Board Recommendations.—Addressees of earlier Board recommendation letters in the aviation, highway, pipeline, and railroad transportation modes have recently supplied responses as follows:

Federal Aviation Administration letter of July 26 supplements FAA's letters of April 2 (41 FR 15922, April 15, 1976) and April 26 (41 FR 18730, May 6, 1976) concerning the Board's recommendations A-76-59 through A-76-64 which were aimed at overcoming engine disintegration as a result of bird strikes. FAA's July 26 letter states that the General Electric Company, through full-scale controlled engine failure testing, has been able to reproduce the mode of compressor failure experienced by the Overseas National Airlines DC-10 last November 12—the accident at John F. Kennedy International Airport which prompted the subject recommendations. The letter discusses tests conducted on CF6-6 and CF6-50 engines. FAA has been a participant in the test program planning, and concurs that the controlled unbalance tests were more severe than could be encountered by in-service bird strikes and that a viable field modification program to the engine has been proposed by General Electric to eliminate future high-pressure compressor case failures. FAA states that notices of proposed rulemaking have been issued specifying that the modification of in-service engines commence immediately with a scheduled completion date of June 1, 1977, for CF6-50 model and July 1, 1977, for the CF6-6 model engines. The modification is being incorporated in all new production engines.

FAA letter of July 30 speaks to recommendations A-76-67 through 70 which concern the adequacy of regulations and procedures pertaining to U.S.-flag air carrier operations into foreign airports. According to the letter, FAA does not concur with these four recommendations. FAA believes that the authority of pilots-in-command on our flag and supplemental air carriers and commercial operators to check visibility at foreign airports should be retained until such time as the standards of the various foreign countries are revised, through ICAO, to prohibit unrestricted "look-see." Within the next 60 days FAA will issue an Air Carrier Operations Bulletin asking its Principal Operations Inspectors to assure that air carriers provide instructions in their manuals to caution their pilots not to execute an approach if the reported weather in foreign countries is well below their landing minimums; also, if a missed approach is necessary because of weather conditions, pilots should seriously consider proceeding to an alternate airport

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rather than attempting another approach.

Federal Railroad Administration letter of July 26 comments on recommendations R–76–1 through R–76–5 which concern promulgation of and compliance with Federal regulations pertaining to radio operations and adequate signal systems for railroads. These regulations followed investigation of the rear end collision of two Texas & Pacific Railway Company (T&P) freight trains at Meeker, Louisiana, May 30, 1975. (See 41 FR 5353, February 5, 1976.) FRA assures the Board that upon promulgation of Federal regulations covering train/radio operations, FRA field inspectors will monitor radio usage and compliance by carrier employees. FRA has contacted T&P concerning compliance with FCC regulations pertaining to radio operations by its employees.

Specific to recommendation R–76–3, FRA believes that the immediate answer to assuring an adequate backup system for mainline freight trains lies with training given to employees on the operating rules, and through an effective testing program, rather than installation of additional mechanical and electrical devices. Re R–76–4, FRA is now finalizing the version of new signaling rules which was proposed earlier in FRA Docket No. RSOR–2. Regarding enforcement of regulations pertaining to maintenance of train braking systems (R–76–5), FRA notes that following the accident investigation, T&P added extra car repairmen to the maintenance forces at Avondale and Alexandria, Louisiana. The carrier is also considering the establishment of car repair facilities at towns between those points, according to FRA. The FRA letter also comments on several previously published Safety Board recommendations relative to train collision accidents which were referenced in report No. NTSB–RAR–75–9 on the T&P accident.

Materials Transportation Bureau letter of July 30 responds to recommendations P–76–9 through P–76–11, issued following investigation of the gas pipeline explosion which demolished the west wall of a 25-story commercial building in New York City, April 22, 1974. In answer, MTB states that its preliminary evaluation of the recent contract study, "Rapid Shutdown of Failed Pipeline Systems and Limiting of Pressure to Prevent Pipeline Failures Due to Overpressure," indicates that excess flow valves may be a practical safety device for certain situations. Upon completion of evaluation, expected by January 1977, MTB will know whether a proposed rulemaking should be issued on the subject of excess flow valves or other means of shutting down a low-pressure distribution system.

Specific to P–76–10, which asked for a more realistic definition in 49 CFR Part 192 of an operator's responsibility for gas piping inside buildings, MTB believes that the existing definition of "service line" precisely defines an operator's responsibility, consistent with Congressional intent to regulate the transportation of gas until it is sold and delivered to the ultimate consumer. This recommendation raises the question whether the standards in 49 CFR Part 192 are appropriate for interior piping, according to MTB. Although most of the standards are intended more for underground or exterior systems than for interior piping, MTB said that some specifically refer to piping inside buildings—§ 192.353 provides a standard for customer meters inside buildings, § 192.375 regulates plastic service lines inside buildings, and §192.377 concerns interior copper piping. Those standards which are not written specifically in terms of piping inside buildings are applicable to the extent that they can reasonably be performed. MTB believes the applicable standards relating to periodic inspection, operation, and maintenance—subjects which may not be covered by local building codes—are appropriate for public safety. MTB recognizes that a large portion of the jurisdictional pipelines inside buildings are behind walls and generally inaccessible to an operator after installation, making compliance with many of the applicable safety requirements difficult, but MTB does not believe that this situation justifies amending 49 CFR Part 192 to exclude certain interior piping from regulation.

National Railroad Passenger Corporation (Amtrak) letter of July 21 is in reply to the Safety Board's letter of June 28 (41 FR 29223, July 15, 1976) concerning recommendations R–72–27, R–75–4, and R–75–5. Amtrak states that to date it has placed on order 492 Amfleet cars, 235 B-Level cars, 6 turbine train sets manufactured in France, and 7 turbine train sets manufactured in the United States. Of these equipment orders, more than 250 Amfleet cars, 6 French-built turbine train sets, and 2 American-built turbine train sets have been delivered, all equipped with emergency escape windows; also 3 American-built turbine train sets and 61 metroliners have been equipped with emergency escape windows. According to the letter, Amtrak is formulating a retirement schedule for its older, conventional passenger cars, and phaseout of service all of the conventional equipment within the next 5 years. When Amtrak completes its retirement schedule, the cars selected for retention will be equipped with emergency escape windows. Amtrak states that together with the railroads, it is attempting to develop a program for the benefit of rescue personnel. A similar program for employees is also in progress.

Connecticut Department of Transportation letter of July 30 indicates that a meeting is being arranged between representatives of ConRail and the Department to work out details of complying with recommendations R–76–46 and R–76–47. The recommendations were issued by the Safety Board on July 28 while investigating the July 13 collision of two ConRail commuter trains in New Canaan, Connecticut. (See 41 FR 32795, August 5, 1976.)

New York Metropolitan Transit Authority letter of July 19 concerns recommendations R–75–34 and R–75–35 which followed Board investigation of the January 2, 1975, collision of two Penn Central trains at the Botanical Garden Station in New York City. (See 40 FR 39563, August 28, 1975.) MTA notes that Penn Central last fall established procedures for assuring that personnel conform with company requirements for physical examinations; also, MTA has requested confirmation that ConRail is continuing to follow the new procedures. Concerning alteration of the interiors of existing M–1 commuter cars, MTA states that after careful study by its engineers and qualified consultants, energy-absorbing padding for seat backs and grab bars has been designed. MTA expects to complete its Retrofitting Program by the end of this year.

Recreational Vehicle Industry Association letter of July 23 is in reply to the Safety Board's letter of June 22 concerning recommendations H–76–8 through H–7610. (See 41 FR 29223, July 15, 1976.) RVIA states that the Safety Board will be informed of the results of its proposal to the National Fire Protection Association this fall. RVIA is conducting six fixed-barrier tests on fuel system integrity and will summarize the results for the Board. RVIA also plans to provide the Board with copies of the materials that are being prepared for its members' use in regard to the seatbelt campaign.

Safety Board Letters in Reply to Recommendation Addressees' Responses.—To the U.S. Coast Guard, Board letter of July 27 is in reply to Coast Guard's letter of June 2 (41 FR 24639, June 17, 1976) and indicates approval of Coast Guard's actions on recommendations M–76–1, 2, 3, 4, 5, 9, and 10. The Board, however, does not fully agree with Coast Guard's proposed actions in regard to recommendations M–76–6, 7, and 8, and will hold these recommendations open subject to further review of mutual positions.

To MAPCO, Inc., Board letter of July 30 replies to MAPCO's June 15 letter regarding recommendations P–76–22 through P–76–25. (See 41 FR 26079, June 24, 1976.) These recommendations resulted from investigation of the February 25, 1976, pipeline accident near Witharral, Texas. The Board expressed appreciation of MAPCO's rapid response to and general compliance with these recommendations. However, with respect to P–76–24, recommending use of internal pipeline inspection equipment to detect longitudinal pipe seam defects, it is the Board's understanding that an 8-inch internal inspection device is not now available and that compliance with the recommendation at this time will not be possible. The Board suggests that MAPCO keep abreast of any developments in useable internal inspection equipment and advise the Board. With respect to P–76–25, recommending a pressure not to exceed 1,155 psig until the line section was retested hydrostatically, it is the Board's understanding that MAPCO's retesting experience on this pipe showed that the lowest pressure at which failure occurred was 1,700 psig. The Board agrees that a 350-psig pressure reduction below this point to a 1,350-psig pressure limitation is satisfactory until the line can be retested hydrostatically.

Safety recommendation letters are available to the general public; single copies may be obtained without charge. Copies of the letters responding to safety recommendations and Safety Board replies may be obtained at a cost of $4.00 for service and 10¢ per page for reproduction. All requests must be in writing, identified by recommendation number and date of publication of this FEDERAL REGISTER notice. Address inquires to: Publications Unit, National Transportation Safety Board, Washington, D.C. 20594.

(Sec. 307 of the Independent Safety Board Act of 1974 (Pub. L. 93–633, 88 Stat. 2172 (49 U.S.C. 1906)).)

MARGARET L. FISHER,
Federal Register Liaison Officer.

AUGUST 9, 1976.

[FR Doc.76-23559 Filed 8-11-76;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on August 5, 1976 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF HEALTH EDUCATION AND WELFARE

Office of Education:
Report for Determining Final Payment Pursuant to Title I of Public Law 81–874, annually, LEA's, Warren Topelius, 395–5872.

DEPARTMENT OF AGRICULTURE

Economic Research Service:
Survey of the Feed Manufacturing Industry, single time, livestock and poultry feed manufacturers, Lowry, R. L., 395–3772.

DEPARTMENT OF COMMERCE

Bureau of Census:
Survey of Municipal or Township Finances, F–21A, single time, local governments—city and county officials, Ellett, C. A., 395–5867.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary:
Letter to local educational agencies verifying effectiveness of services provided by general assistance centers and consultants, single time, local education agencies, Caywood, D. P. 395–3443.

DEPARTMENT OF LABOR

Employment Standards Administration:
Application for Authority for an Institution of Higher Education to Employ Its Full-Time Students, Etc., WH–201, on occasion, institutions of higher education, Lowry, R. L., 395–3772.

REVISIONS

DEPARTMENT OF COMMERCE

Bureau of Census:
General Revenue Sharing Survey, RS–12C, single time, local government officials, Ellett, C. A., 395–5867.

DEPARTMENT OF HEALTH EDUCATION, AND WELFARE

Public Health Service:
State plan certification form and State health plan budget, annually, State agencies, Lowry, R. L., 395–3772.

Alcohol, Drug Abuse, and Mental Health Administration:
Client Oriented Data Acquisition Process (CODAP), ADAMNIDA, monthly, federally funded drug abuse treatment programs, Human Resources Division, Richard Elsinger, 395–3532.

Health Services Administration:
Sickle Cell Clinic Reporting Forms, HSABCHS0909, quarterly sickle cell clinics, Warren Topelius, 395–5872.

Office of Education:
Application for Grants To Strengthen Developing Institutions (Title III, Public Law 89–329), OE–1049, on occasion, institutions of higher education, Lowry, R. L., 395–3772.

Application for Federal Assistance (Nonconstruction Programs) for Emergency School Aid Act, Title VII, Public Law 92–318 as amended—Instructions and Supplementary, OE–116–1, annually, LEA's and other eligible applicants, Warren Topelius, 395–5872.

Application for Assistance Under Emergency School Aid Act Title VII, Public Law 92–318 as Amended by Public Law 93–380 (NPOS), OE–116, annually, nonprofit organizations, Lowry, R. L., 395–3772.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Production and Mortgage Credit:
Application for Section 8 Housing Assistance Payments Program—Existing Housing, HUD–52515, on occasion, public housing agencies, Housing, Veterans and Labor Division, 395–3532.

DEPARTMENT OF LABOR

Bureau of Labor Statistics:
Sample Refinement—FLSA Exemption Studies, BLS 3064, single time, nonfarm business establishments, Maria Gonzalez, 395–6132.

EXTENSIONS

NATIONAL SCIENCE FOUNDATION

Grantees Monthly Cash Request, 176, monthly, institutions of higher education, Lowry, R. L., 395–3772.

Grantees Quarterly Grant Expenditures Report, 449, quarterly, institutions of higher education, Lowry, R. L., 395–3772.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education:
Application for Federal Assistance—Library Research and Demonstration Program, OE 336, on occasion, LHE's, Warren Topelius, 395–5872.

Office of Human Development:
Case Service Report: Federal-State Program of Vocational Rehabilitation, OS–22–75, on occasion, State VR agencies, Sunderhauf, M. B., 395–6140.

Public Health Service:
Application for HSMHA Health Service Project Grant, HSM 550–1, on occasion, private nonprofit organizations, Marsha Traynham, 395–4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76-23533 Filed 8-11-76;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on August 3, 1976 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the clearance office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF COMMERCE

Bureau of Census:
Survey of Registration and Voting Records Check, RAV–500, single time, State and county agencies, Maria Gonzalez, 395–6132.

DEPARTMENT OF DEFENSE

Departmental and other profile—Ammunition Production Base, single-time, selected producers of ammunition, Warren Topelius, 395–5872.

DEPARTMENT OF THE INTERIOR

National Park Service:
Visitor Use Studies—Four Utah Parks Regions, single time, visitors to various national parks, Warren Topelius, 395–5872.

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration:

Application for Registration and Renewal (Type B), DEA-225, DEA-225A, on occasion, registrants under the Controlled Substances Act, Warren Topelius, 395-5872.

Application for Permit To Import Controlled Substances for Domstic and/or Scientific Purposes, DEA-357, on occasion, drug firms requesting to import controlled substances, Warren Topelius, 395-5872.

Application for Registration and Renewal (Type A), DEA-224, 224A, 224B, on occasion, registrants under the Controlled Substances Act, Warren Topelius, 395-5872.

Application for Registration and Renewal (Narcotic Treatment), DEA-363, DEA-363A, on occasion, registrants under the Narcotic Addict Treatment Act, Warren Topelius, 395-5872.

DEPARTMENT OF LABOR

Employment Standards Administration:

Application for Authority for an Institution of Higher Education To Employ its Full-Time Students, Etc., WH-201, on occasion, institutions of higher education, Lowry, R. L., 395-3772.

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration:

National Accident Sampling System Occupant Interview Form, HS-367, on occasion, occupant of motor vehicle in accident, Lowry, R. L., 395-3772.

REVISIONS

DEPARTMENT OF AGRICULTURE

Economic Research Service, Cotton Warehouse Cost Survey, annually, cotton warehouses, Warren Topelius, 395-5872.

EXTENSIONS

Agricultural Marketing Service, Application For Offpremise Freezing of Eggs and Egg Products, PY 38, on occasion, egg products processors, Lowry, R. L., 395-3772.

Economic Research Service, Affiliated Food Retailer Survey, annually, affiliated retail grocery groups, Warren Topelius, 395-5872.

Rural Electrification Administration, Account System Requirements for Telephone Borrowers of REA, REA 461-1, on occasion, REA borrowers with loans for telephone facilities, Warren Topelius 395-5872.

DEPARTMENT OF COMMERCE

Bureau of East-West Trade Submission of Additional Copy of Shippers Export Declaration on Exportations of Certain Commodities, EAR386.3(F)3, on occasion, commercial exporters, Warren Topelius, 395-5872.

DEPARTMENT OF JUSTICE

Drug Enforcement Administration, Information From State Agencies RE. Registrants, BND-276, on occasion, State licensing boards, Warren Topelius, 395-5872.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc. 76-23584 Filed 8-11-76;8:45 am]

INDUSTRIAL REPORTS

Notice of Public Hearing

Pursuant to Public Law 92-463, notice is hereby given of a public hearing to be held by the Office of Management and Budget under the provisions of the Federal Reports Act of 1942 (44 U.S.C. 3506).

The purpose of the hearing is for the Office of Management and Budget to determine whether or not the continuation of certain Current Industrial Reports compiled by the Bureau of the Census and financed by business organizations are necessary to the proper performance of the Department of Commerce.

The hearing, to be held in Room 2010, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. on September 14, 1976, at 9:30 a.m., will be open to public observation and participation.

Further information regarding the hearing may be obtained from the Statistical Policy Division, Office of Management and Budget, Room 10201, New Executive Office Building, Washington, D.C. 20503, Telephone (202) 395-3772.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc.76-23463 Filed 8-11-76;8:45 am]

POSTAL RATE COMMISSION

[Docket No. RM76-5]

PERMANENT SERVICE LIST

Filing of Periodic Reports

AUGUST 6, 1976.

By notice of April 5, 1976, the Postal Rate Commission initiated rulemaking proceedings in the above-captioned proceeding for the purpose of developing procedures for securing data from the United States Postal Service.[1] Subsequent to the issuance of the notice and receipt of comments from the Postal Service and several parties, the Commission determined that this rulemaking proceeding could be facilitated by a technical conference. An Order convening the conference was therefore issued on July 6, 1976.[2]

The Order convening the technical conference invited participation by any interested party.[3] Pursuant to that invitation, the Order convening the technical conference was served on all persons listed in the Commission's general service list which, at that time, served as a preliminary service list for these proceedings.

Of the approximately 185 persons served,[4] five parties attended the technical conference which was held August 5, 1976. By agreement of the parties present and in view of the importance of this proceeding to the Commission's regulatory functions, it was determined that the service list should include interested persons in addition to those who were in attendance. To avoid an excessive cost burden to the participating parties, however, it has been determined that the permanent service list for this proceeding shall consist only of those persons who respond to the instant notice and indicate a desire to appear on the new permanent service list for this proceeding. These responses should be filed with the Secretary of the Commission on or before August 13, 1976.

A transcript of the technical conference and all filings heretofore made in this proceeding are on file and available for public inspection in the Dockets Section of the Postal Rate Commission.

JAMES R. LINDSAY,
Secretary.

[FR Doc.76 23537 Filed 8-11-76;8:45 am]

[1] 41 FR 14903 (April 8, 1976).
[2] Commission Order No. 128.
[3] Id. at 4

[4] Copies of the instant notice are being served on all persons listed in the Commission's general service list.

[Order No. 133; Docket No. RM76-4]

PRIVATE EXPRESS STATUTES; IMPLEMENTING REGULATIONS

Policy Statement

In the matter of statement of general policy determining lack of jurisdiction and order terminating proceeding; Washington, D.C. 20268, August 6, 1976.

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I. INTRODUCTION AND BACKGROUND

This statement of policy is being promulgated pursuant to section 3603 of the

Postal Reorganization Act of 1970[1] (hereinafter referred to as the Act) in order to resolve the question of the Postal Rate Commission's (Commission) jurisdiction over the United States Postal Service's (Postal Service or Service) regulations implementing the Private Express Statutes.[2] The question of Commission jurisdiction over the Postal Service's administration of the Private Express Statutes (PES) derives its origins from two earlier proceedigs, Docket Nos. MC73-1 and C75-1. In each of these proceedings, United Parcel Service (UPS) brought this question before the Commission advocating that the Commission assert jurisdiction over the Postal Service's regulations implementing the PES.

Our purpose in initiating this proceeding can best be understood in the context of the recent history of the PES. Section 7 of the Act[3] directed the Board of Governors of the Postal Service to submit to Congress and the President a report and recommendation for the modernization of the PES and the regulations and administrative practices pertinent thereto. Responding to this directive, on June 29, 1973, the Board transmitted its report, "The Private Express Statutes and Their Administration" which recommended that no statutory changes be made in the PES. The Board found, however, that the then existing regulations and administrative practices should be improved, principally through the issuance of a revised and coherent set of regulations. See Governors' Report, p. 13 and Appendix G thereto. Accordingly, on July 2, 1973, the Postal Service published a notice of proposed rulemaking, which included new regulations designed to conform to this recommendation,[4] and concurrently invited the submission by interested parties of "data, views, or arguments" pertinent to the proposed regulations.[5]

On October 9, 1973, before the regulations became effective,[6] UPS filed a memorandum[7] in the then pending classification proceedings, Docket No. MC73-1, taking exception to the Postal Service's revised regulations which, according to UPS, expanded the scope of the Postal Service's monopoly beyond its statutory limits. UPS contended that these regulations were invalid since they had been promulgated without compliance with sections 3623 and 3624 of the Act, i.e., a hearing on the record and the submission of a recommended decision to the Board of Governors. UPS, and other parties who urged assertion of Commission jurisdiction over the PES regulations in MC73-1, contended that these regulations would have a substantial effect on the scope and practical application of PES and thus impinge upon Commission regulatory functions. The thrust of their arguments focused upon the theory that our power to interpret the word "letter" as used in 39 U.S.C. § 3623(d)—which speaks of "letters sealed against inspection" carries with it the authority to define letter as used in the context of the PES, 39 U.S.C. 601. In addition, it was asserted that our ratemaking and classification powers under §§ 3622 and 3623 could be impaired and/or circumvented by the Postal Service's ability to unilaterally expand or contract the scope of its monopoly by altering the definition of the word "letter" as used in section 601 of title 39.

On April 29, 1975, in Docket No. MC73-1, we accepted certification of the following question:

> Does the Postal Rate Commission have jurisdiction over the Postal Service's regulations which purport to implement the Private Express Statutes?

At that time we noted that we had not reached a decision as to whether MC73-1 was an appropriate forum for resolving this question.

On May 5, 1975, UPS filed a complaint in a separate proceeding, pursuant to 39 U.S.C. 3662, again placing in issue the jurisdictional question (Docket No. C75-1). In that proceeding—as in MC73-1—UPS controverted the Postal Service's power to unilaterally promulgate, without Commission review, rules affecting the scope of the postal monopoly. Specifically, UPS asserted that the Postal Service was without power to unilaterally issue regulations in the form of an opinion[8] construing certain common carrier tariffs and supplements as "letters" and thus subject to the Postal Service's monopoly emanating from the PES. UPS sought various relief, including the exercise of Commission jurisdiction over Postal Service regulations implementing the PES and a Commission order directing the Postal Service to stay enforcement of its opinion pertaining to these tariffs and supplements pending resolution of the jurisdictional issue. On May 29, 1975, the Postal Service dealt with the issue raised by UPS in a further interpretation[9] of its regulations which had the effect of substantially modifying its previous opinion and rendering the complaint moot. Following the Service's opinion on reconsideration, we dismissed the complaint before us without prejudice and without granting any affirmative relief."[10] However, in terminating Docket C75-1, we took cognizance of the broader jurisdictional issue raised in Docket No. C75-1 which had not yet been resolved in Docket No. MC73-1. Thus motivated by the fact that this jurisdictional issue cut across the boundaries of our various regulatory functions, including or ratemaking and mail classification powers, we instituted these proceedings, through a "Notice of inquiry," soliciting the comments of interested parties.[11]

Our review of the relevant statutes and case law, and of the comments filed in this proceeding, leads us to adopt the following polices with regard to the Postal Service's regulations administering the Private Express Statutes:

1. The Commission will assert no general jurisdiction to review PES regulations as such; but

2. Under certain special circumstances (not now specifically apparent) the principles of ancillary jurisdiction may support, or require, consideration of PES matters as an adjunct to the exercise of our express statutory functions. In arriving at these policy conclusions we have analyzed each of our main statutory functions, in the manner described below.

II. THE COMMISSION LACKS GENERAL JURISDICTION OVER THE POSTAL SERVICE'S REGULATIONS IMPLEMENTING THE PRIVATE EXPRESS STATUTES

A. INTRODUCTION

At the outset, we note that there are three ways in which jurisdiction over the PES regulations might arise:

1. Congress might have specifically granted to the Commission the authority to review the Service's regulations;

2. Even absent an express grant of jurisdiction, the scheme of the Act might necessarily imply that the Commission was expected and intended to exercise a general power of regulatory supervision over the Service's administration of its monopoly; or

3. The jurisdiction to review the Service's PES regulations—if it exists at all—would be ancillary. It would arise only where its exercise was imperative in order to permit the Commission effectively to execute its expressly delegated or clearly implied functions.

No specific grant of jurisdiction over the PES is conferred upon the Commission by the Act as we read it, nor has any party pointed to such a delegation. No judicial interpretation has declared that such a delegation exists. Nor can we find anything in the purpose or structure of the Act as a whole which fairly implies that Congress intended us to exercise a general supervisory power over the PES. As we stated in our Notice of

[1] 39 U.S.C. 101 et seq. (1970), Pub. L. 91-375, 84 Stat. 719, et seq.

By this statement of policy we are publishing an exposition of our views on the questions covered, in the manner contemplated by 5 U.S.C. 553(b). The issuance of such statements is the recognized procedure for this purpose. See the general discussion of policy statements in Pacific Gas & Electric Co. v. FPC, 506 F. 2d 33, 38 (D.C. Cir., 1974).

[2] The Private Express Statutes are found in 18 U.S.C. 1693-99, 1724; 39 U.S.C. 601-06 (1970).

[3] Pub. L. No. 91-375, 84 Stat. 783.

[4] 38 Fed. Reg. 17512 (July 2, 1973).

[5] *Id.* at 17513.

[6] The final rules underwent substantial revisions and were not effected until 1975. 39 C.F.R. Parts 310, 320 (1975).

[7] Memorandum of United Parcel Service on the Commission's Jurisdiction over Special Services, Interim Changes in the Classification Schedule, nad Regulations Implementing the Private Express Statutes, October 9, 1973.

[8] See Postal Service letter opinion dated January 23, 1975, addressed to Chief Postal Inspector, a copy of which is attached to UPS' complaint in Docket No. C75-1.

[9] 40 FR 23295 (May 29, 1975).

[10] Commission Order No. 93, October 22, 1975, dismissing complaint without prejudice.

[11] 40 FR 50329 (October 29, 1975).

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Inquiry, there seems little doubt that the Postal Service has primary, if not exclusive, administrative responsibility for the enforcement of its monopoly.

On the other hand, we must be prepared to take all steps needed to insure the complete execution of those functions Congress has delegated to us. It is for that reason that we find that in some concrete cases—not now before us—we may be not only empowered but required to exercise ancillary jurisdiction over the PES regulations.[13]

A review of the comments filed in this proceeding indicates that most of the discussion has focused upon the possible application of 39 U.S.C. 3623 (classification) and section 3661 (changes in service) to private express questions. Nevertheless, section 3622 (rates) and section 3662 (complaints) have also been put forward as potential bases for Commission involvement in questions regarding the PES. We believe that all four of the statutory provisions continuing grants of jurisdiction to this Commission should be examined in connection with this question. We therefore discuss them in the order in which they appear in the Act. With regard to each of the four sections mentioned above, we have inquired into whether a grant—either express or necessarily implied—of general jurisdiction over the PES regulations can be found. In no case have we found such a grant to exist.

B. JURISDICTION DOES NOT LIE UNDER 39 U.S.C. 3622

In fixing rates under section 3622 of the Act, the Commission first determines the costs which can (and therefore must) be attributed on the basis of causation to the various classes of mail. The remaining, institutional costs must then be assigned to the several classes. In our past rate decisions we have adopted, and fully explained, our method of doing so, which involves the analysis of demand for the various classes of service and the distribution of institutional costs accordingly.[14] We have determined the relative elasticity of the classes of mail, as indicated by the record, and where a class exhibited a relatively low elasticity of demand we have assigned to it a relatively higher share of institutional costs.

Associated Third Class Mail Users (ATCMU) argues that if the Commission does not assume jurisdiction to review the PES regulations, the relationships involved in this demand analysis will become distorted as the result of Postal Service amendments to the scope of the monopoly. The result of this, in ATCMU's opinion, would be to undermine the validity of our rate determinations. ATCMU states: [15]

> * * * For example, if the Postal Service through its regulations were unilaterally to free a significant portion of first class mail from the Private Express restrictions, use of that class, and concomitantly Postal Service revenues, might well drop substantially. Any Commission classification or rate decision based upon prior revenue would then be of little value. In fact, any conclusions that the Commission might make in rate proceedings regarding the elasticity of the mail classes could conceivably be rendered widely inaccurate were the Postal Service to revise the regulations on monopoly mail.

Abstractly considered, ATCMU's argument has some plausibility. However, we believe it overlooks the proper limits of the ratemaking process, as well as the other remedies available to a party who believes that the postal monopoly is being wrongly extended or contracted.

The end-product of a section 3622 rate proceeding is not a determination of the elasticity of demad for a particular class of mail, but the setting of a rate which complies with the statutory criteria. We do not fix rates (as ATCMU implicitly assumes) for the purpose of preserving a particular market structure. If the Postal Service should alter the structure of its monopoly, and thereby change the elasticity of demand for, or the total usage of, a certain class of mail, the Commission would be apprised of this fact by the evidence in the next rate proceeding and adjust rates accordingly.[16] It is not part of the Commission's functions to maintain forever the same relative demand for the different classes of mail service; accordingly, there is no evident reason why the fact that a change in PES regulations may work a change in relative demand elasticities should be viewed as implying a power in the Commission to review Postal Service regulations defining the monopoly.

To the extent that a party contends that an extension or contraction of the monopoly is actually improper (i.e., inconsistent with the letter or spirit of the Private Express Statutes), a remedy is available more directly than through the ratemaking processes of this Commission. As we note below (p. 26), the Postal Service's PES rules are fully subject to the rulemaking provisions of the Administrative Procedure Act. A party aggrieved by the substance of a new regulation may participate in the section 553 rulemaking procedure and then obtain judicial review of the resulting order. Similarly, 5 U.S.C. 553(e) guarantees the right to petition for issuance, amendment, or repeal of an agency rule, and judicial review is again available. We believe that this is a clearer and more direct remedy than an auxiliary determination made in the context of a rate case under section 3622.

ATCMU appears to harbor some concern that the Postal Service might alter the monopoly in such a way as to cause revenues to "drop substantially." While it is understandable that a mailer might be aggrieved as a result of Postal Service policies regarding the PES which had this effect, it does not appear to us that this possibility requires our conclusion to be changed. In the first place, the historic experience of the Postal Service, and the Post Office Department before it, indicates that the monopoly is regarded as a revenue-protection measure.[18] The Post Office Department's official publication "Restrictions on Transportation of Letters" states, at page ii, that

> * * * The primary purpose of these [Private Express] laws is to safeguard the revenues of the Government derived from the transportation of letters for others by prohibiting competition with the Post Office Department in the carriage of letters by persons seeking to engage in the delivery of letters for compensation.

Apart from the long-continued practice of the postal system to treat the monopoly as a revenue protection measure, any suspension of the Private Express Statutes by Postal Service rule, such as ATCMU appears to hypothesize, would be subject to a "public interest" standard. See 39 U.S.C. 601(b). This standard would, of course, be judicially enforceable.

Accordingly, we find, first, that we lack jurisdiction over the PES regulations due to the absence of express statutory authority in section 3622. We also find that the parties hereto have not shown

[13] The doctrine that an agency may exercise powers not explicitly delegated, to the extent such exercise is reasonably ancillary to the effective execution of specifically-assigned duties, is discussed fully in Davis, Administrative Law Treatise (1970 Supp.), Section 2.00-2. It is sufficient to say here that the principle of permitting such extensions of jurisdiction where the agency must exercise the additional authority in order to carry out its normal functions is well established, and does not depend on Congress' knowledge (or lack of it), at the time of enactment, of the subject matter on which ancillary jurisdiction is exercised. See United States v. Midwest Video Corp., 406 U.S. 649, 660–61 (1972). We would emphasize that such ancillary jurisdiction as we may be called upon to exercise in a future case is not in any sense "created" by the statements made herein. It is clear from the court cases in which the ancillary jurisdiction doctrine has been developed that such jurisdiction is always available to an agency which finds its exercise necessary in a particular fact situation, regardless of whether the agency has previously published a statement of its views on the question.

[14] Opinion and Recommended Decision of the Postal Rate Commission, Docket No. R74–1, pp. 1–623 et seq.; Opinion and Recommended Decision of the Postal Rate Commission, Docket No. R76–1, pp. 118–23, 130 et seq. (unofficial print).

[15] See Comments of ATCMU, p. 4.

[16] Such a rate proceeding could be either a general rate case initiated by the Service under section 3622, or a complaint filed by a mailer under section 3662, based on the allegation that in view of the changed relative elasticities of the classes of mail there should be a corresponding revision of the institutional cost assignments and of the resulting rates.

[18] United States Post Office Department, Restrictions on Transportation of Letters, P.O.D. Publication 111 (5th ed., July 1967), p. ii (hereinafter "P.O.D. Publication 111"). Reprinted as Appendix B, Part II to "The Private Express Statutes and their Administration" (June 29, 1973). The President's Commission on Postal Organization (Kappel Commission) expressed a similar conclusion. See Towards Postal Excellence (June, 1968), p. 129.

that such general jurisdiction is implied by Congress' assignment to the Commission of the ratemaking function.

C. THE COMMISSION'S MAIL CLASSIFICATION FUNCTIONS UNDER SECTION 3623 DO NOT REQUIRE EXERCISE OF JURISDICTION OVER THE SERVICE'S PRIVATE EXPRESS REGULATIONS.

Those parties who addressed this jurisdictional issue in the context of our mail classification functions, § 3623 of the Act, focus their arguments on whether the Commission's power to define the word "letter" as used in § 3623(d) of the Act—which speaks of "letters sealed against inspection"—carries with it the concomitant authority to define the same word as used in that portion of the PES, section 601 of title 39 which states that "A letter may be carried outside the mails when * * * " certain requirements are satisfied.[17]

Proponents of the Commission's assertion of jurisdiction over the Postal Service's regulations implementing the PES have contended in these proceedings that in order for the Commission to carry out its statutory duties under § 3623 of the Act—that is, to approve and recommend changes in the mail classification schedule—the Commission is compelled to define the word "letter" as used in section 3623.[19] They further argue that, applying the rule of statutory construction that when identical words are used in different provisions of the same statute—the words have the same meaning in both sections, the definition of "letter" adopted by the Commission pursuant to its responsibilities under section 3623 would also delineate the extent of the Postal Service's monopoly over letter mail.

In opposition thereto, other respondents to the Notice of Inquiry contend that reliance upon this rule of statutory construction in these circumstances is misconceived since this rule of construction is applicable only in those instances where the dual usage of the same term related to the same subject or common purpose.[20] Specifically, they argue that this rule of statutory construction is not applicable herein since the term "letter" as used in section 3623 relates to the object of establishing a "fair and equitable classification system" of mail including a class of mail sealed against inspection, whereas the term "letter" as used in the PES relates to an entirely different subject, the Postal Service's administration of the PES, the object of which is the preservation of postal revenues.[21]

Thus, having determined that this rule of statutory construction is not germane, these respondents maintain that the proper methodology to be employed in defining the term "letter" as used in these two sections of the Act, is by resorting to the statute's legislative history and the historical context in which the terms are used. They cite the Postal Service's longstanding practice of expounding the term in two different senses. The Service's position is exemplified by the following statement appearing in a 1967 Post Office Publication: [21]

> [t]he determination of whether a particular type of matter is a "letter" for the purposes of The Private Express Statutes has no bearing on the determination of whether the same matter.

belongs to any particular class of mail pursuant to the mail classification system currently in effect. With regard to the legislative history of the Act, it is noted that the PES were incorporated without change into the Act.[22] Thus it is asserted that Congress—being cognizant of the pre-existing dichotomy between the interpretation of the term "letter" in these different areas—had by not expressly altering the separate administration of the PES and mail classification statutes and by failing to provide any relevant legislative history in this regard intended to carry forward the pre-existing dichotomy.

We believe that this argument is sound. The rule is that an administrative construction of a statute, or of a statutory term, is presumed correct if Congress—having knowledge of that construction—reenacts the legislation unchanged.[23] In the present case, we think it highly probable that Congress had notice of the Post Office Department's dual construction of the word "letters" at the time it was considering the Postal Reorganization Act. It is quite clear from the statute itself that Congress considered the whole question of the Private Express Statutes during its deliberations on postal reorganization. Section 7 of the Act (84 Stat. 783) contains a legislative finding that the entire structure of the mail monopoly needed further study and a direction to the newly-established Postal Service to conduct such as investigation. The reports of the Kappel Commission and certain of its contractors had discussed the Private Express Statutes at considerable length.[24] Congress examined the Kappel report and relied on its findings. The Senate Committee stated [25] that:

> Background information available to the Committee has been voluminous and helpful: from the views and findings appearing in the four-volume report of the President's Commission on Postal Organization to the expert testimony recorded in the printed hearings. * * *

The Kappel Commission report was also cited as a source by the House Committee. See H.R. Rep. No. 91–1104, 91st Cong., 2d Sess. 6 (1970). This case is not one, therefore, in which Congress reenacted a long and complicated statute containing certain matters which, so far as appears, were not reexamined at all during the legislative process. The indications are, instead, that Congress concerned itself in some detail with the Postal monopoly.[26]

We thus find that Congress was aware of the substance of Post Office Department interpretation and administration of the PES. Indeed, we find it difficult to suppose that the most authoritative single document on the subject—POD Publication No. 111—could have been ignored by Congress. This volume (whose discussion of this issue was partly paraphrased in the Kappel Commission Annex already cited) was an official Post Office publication, issued by its General Counsel, containing both the text of the Private Express Statutes and the Post Office's interpretations thereof. It was sold to the public by the Superintendent of Documents for use as a guide to mailers and others desiring to know their rights and obligations under the Private Express Statutes. POD Publication No. 111 states quite explicitly in section 27, at pp. 24–25, that "letters" has one meaning in the PES context and another in connection with classification:

> The determination whether a particular type of matter is a "letter" for purposes of The Private Express Statutes has no bearing on the determination of whether the same matter is first-, second-, third-, or fourth-(parcel post) class matter when it is carried

[17] Section 601(b) of title 39 which grants the Postal Service the power to "suspend the operation of any part of this section" has been interpreted by the Postal Service as a means to contract or expand the scope of its postal monopoly. While certain parties to these proceedings have offered comments bearing on this suspension power, we are herein limiting ourselves to a discussion of the question of our power to review Postal Service regulations. That is the basic issue before us. Moreover, given our essentially negative jurisdictional conclusions respecting review of the Service's rules, it would be pointless for us to enter upon an abstract discussion of whether the suspension power exists at all.

[19] See Comments of United Parcel Service, pp. 5–7; Comments of Associated Third Class Mail Users, pp. 5–7.

[20] See Comments of Purolator Services, Inc.; American Retail Federation; and United States Postal Service.

[20] See p. 12, *supra*.

[21] POD Publication 111, Part IID, Permissible Carriage of Letters, § 27, p. 24 (1967).

[22] Compare title 39, cha. 6, with former title 39, ch. 9, Pub. L. No. 86–682, 74 Stat. 727–28.

[23] 2A Sutherland, Statutory Construction section 49.09 (4th ed., 1973), citing numerous cases. The Court of Appeals for the District of Columbia Circuit has held that where the construction has been consistently maintained and can be shown to have come to Congress' attention, reenactment without change "is almost conclusive evidence that the interpretation has congressional approval." Kay v. FCC, 443 F.2d 638, 647 (D.C. Cir. 1970) (footnote omitted). See also Udall v. Tallman, 380 U.S. 1, 16–18 (1965); United States v. Midwest Oil Co., 236 U.S. 459, 472–473 (1915).

[24] See, e.g., Towards Postal Excellence, Annex, vol. II, "Marketing," p. 6–5. The discussion there stresses both the definitional significance of the word "letters" and the fact that the monopoly created by the Private Express Statutes cuts across the boundaries of mail classes.

[25] S. Rep. No. 91–912, 91st Cong., 2d Sess. 2 (1970).

[26] Indeed, the Chairman of the House Post Office and Civil Service Committee stated in debate that the existing private express laws were being retained. See 116 Cong. Rec. 27596 (1970).

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by the postal service. The classification of matter in the mails is governed by statutes entirely different from The Private Express Statutes. • • • It follows that some matters which are "letters" for purposes of The Private Express Statutes may be entitled to transmission through the mails at the rate of postage applicable to third- or fourth-class matter, while other such "letters" must bear postage at the first-class rate. [Footnotes omitted.]

We conclude, therefore, that when Congress in 1970 left the word "letters," without qualification or explanation, in both Chapter 6 and section 3623 of the new title 39, it must have intended to preserve the dual senses in which the Post Office Department had used the term. Such Congressional sanction of the definitional dichotomy would preclude us from ruling that the term must bear the same meaning in both contexts. Accordingly, we reject the contention that section 3623(d), by employing the word "letters"-requires us to assume jurisdiction over the PES regulations.

Our finding that the definitional attributes of the word "letter" in these two sections of the Act are independent of each other resolves the section 3623 jurisdictional question. Since no party has demonstrated, nor do we perceive, any other basis of implementing jurisdiction over the PES through § 3623, we find that our classification authority does not provide a predicate for jurisdiction over the Postal Service's regulations implementing the PES. In this regard we believe it unlikely that any action taken by the Postal Service affecting the scope of the PES will bear on any mail classification system established pursuant to § 3623. For example, a finding that some types of advertising matter, normally mailed third class, are considered "letters" under PES, does not change the character of that mail for classification purposes. It is still third-class mail.

It is also argued that section 7 of the Act, which requires the Postal Service to submit to Congress and the President, within two years, certain recommendations concerning the PES, its administration, and the regulations under it, provides a basis for Commission jurisdiction to review the Service's PES regulations.[28] The argument is that, by demanding this report from the Service, Congress showed that it "did not intend the Postal Service itself to review the Private Express Statutes or the implementing regulations."[29]

We believe that section 7 of the Act implies no more than that Congress anticipated turning its own attention to the problems of the mail monopoly at some future time, and wished to be fully informed on the subject before doing so. It may be that Congress in the future will revise the PES, and perhaps limit or even abolish the Service's power to interpret them by rule. None of this, however, suggests any role for the Postal Rate Commission in reviewing the existing activities of the Service with regard to the PES.[30] Even if we assume that ATCMU is correct in stating that Congress did not intend the Service to have sole control of the PES, that fact would not create jurisdiction in us.[30]

D. THE COMMISSION HAS NO GENERAL PRIVATE EXPRESS JURISDICTION UNDER 39 U.S.C. 3661

Several of the comments received by the Commission on the question of PES jurisdiction have been addressed to the scope of our authority under section 3661 of title 39. These may be divided into two categories: analyses which squarely confront the jurisdictional issue,[31] and critiques of the efficacy of any action the Commission might take, using the procedural mechanism set forth in section 3661, should it undertake to resolve PES questions under that section.[32]

We believe that, considered from the standpoint of the purpose Congress sought to achieve by enacting section 3661, these two questions are interrelated. That is to say, both the limitation of section 3661 jurisdiction to changes "in the nature of postal services" and the mechanism by which section 3661 cases are initiated by the Postal Service and terminated by the issuance of an advisory opinion (rather than a recommended decision) indicate that the essential purpose of the provision is to contribute to the efficient management of a postal system providing useful and adequate service—not to settle disputes over the legality of Postal Service actions. We said in our recent advisory opinion concerning the Retail Analysis Program[33] that

> • • • we regard § 3661 as having two principal functions in the scheme of postal reorganization. It is designed both (1) to provide an independent, expert critique of Postal Service programs before they are put into practice, and (2) to allow the public to contribute views, objections, and insights to the planning and execution of service changes.

As we likewise pointed out in that opinion, this is why the procedures created by section 3661 so heavily emphasize prospective evaluation of Postal Service programs. Advice of the type that section contemplates is clearly most valuable when rendered before the program is put into practice.[34]

Moreover, the decision to make section 3661 essentially an aid to (or in proper cases a check upon) postal management explains Congress' considered determination[35] that the Commission should issue only advisory opinions in service change cases.

We are thus led to the conclusion that this provision is neither designed for, nor particularly well adapted to, the kind of decision here at issue. While, as the history of the Retail Analysis Program shows, an aggrieved mailer may be able to trigger a section 3661 proceeding by invoking the aid of the courts to compel the Service to request an advisory opinion, an outside party cannot initiate such a proceeding directly. The resulting decision cannot be regarded as binding on the Service. While it is possible to characterize the statute as one which provides an ineffective remedy,[36] we believe that closer analysis indicates than section 3661 was not intended to be primarily a remedial provision.

This does not mean that matters involving the PES regulations could never arise in a section 3661 case. It is conceivable that situations could arise where a service change in the statutory sense is so intimately connected with a change in the scope of the mail monopoly that the two would have to be considered together in order to arrive at a meaningful advisory opinion. In such situations we might well be required to examine the proposed change in the PES rules as well as the planned change in service. What is significant, however, is that such circumstances would arise only where the PES matter was ancillary to a proposed change in postal services. The PES issue would not itself constitute or imply a service change independently requiring an exercise of our jurisdiction.

Since much of the discussion herein has focused on the nature and effectiveness of remedies available under section 3661, we believe it important to point out that a substantial range of remedies against a possible abuse of the PES is available outside the processes of this Commission. Parts 310 and 320 of title 39, CFR, are the regulations under which the statutorily critical term "letter" is defined and suspensions of the Private Express Statutes are effectuated. Prior to any such amendment, the Service must conduct a rulemaking proceeding under the provisions of the Administrative Procedure Act, requiring public notice of the proposed change and the solicitation of comments.[37] Any rule adopted would then be subject to judicial review under 5 U.S.C. 701–706, with the possibility of a stay of the effective date thereof pending appeal.

Nor would parties be constrained to wait until the Postal Service proposed an amendment in order to advocate positions with regard to the PES regulations. The APA procedures for rulemaking, which 39 CFR 310.7 adopts as a whole, include a provision [5 U.S.C. 553(e)] that

> Each agency shall give an interested person the right to petition for the issuance, amendment, or repeal of a rule.

Thus an interested person can initiate the rulemaking process, and obtain judicial review of the Service's disposition of the petition.

The existence of these remedies—which unlike the procedures of section 3661 are clearly intended to resolve litigious controversy rather than to assist management—means that our construction of that section does not leave the public without access to administrative and judicial forums competent to decide private express questions. Indeed, any remedy we might try to fashion under section 3661 would be duplicative of relief already obtainable in other ways. We conclude, therefore, that assertion of jurisdiction to review PES regulations under section 3661 would advance no policy of the Act, and would contravene what we believe to be the preferable construction of that section's language and purpose. Other remedies are available elsewhere, so that no party need be deprived of his day in court on these issues. Our consideration of PES regulations in § 3661 proceedings, accordingly, will be limited to those cases where such consideration is unavoidably necessary to an adequate consideration of a change in the nature of postal services for the purpose of advising the Service thereon.

E. THE ROLE OF 39 U.S.C. 3662

Under section 3662 of title 39, any interested person may file a complaint with the Commission alleging that "the Postal Service is charging rates which do not conform to the policies" of title 39, or that he is "not receiving postal service in accordance with the policies of this title." The broad scope of these provisions means that it is neither easy nor particularly useful to speculate as to the fact situations that might come before us under section 3662.

Accordingly, we shall not now declare any particular class of complaints involving administration of the PES to be unacceptable under that section. The principles and policies discussed elsewhere in this order, however, will govern in section 3662 cases. Persons contemplating filing complaints raising PES issues should therefore consider the factual situations they intend to raise in light of our discussion herein. We anticipate that unless a complainant clearly established (1) that our regulatory functions could not be executed absent assertion of jurisdiction to review the PES regulations, and, (2) that the applicable policies of the Act could not be carried out without Commission directives concerning such regulations,[38] such complaints would be dismissed for want of jurisdiction.

III. ADMINISTRATION AND OVERSIGHT OF PRIVATE EXPRESS MATTERS IN OTHER FORUMS

Aside from the legal issue, there are sound practical and policy considerations which persuade us against the exercise of jurisdiction over PES matters.

In addition to the Postal Service rulemaking procedures referred to previously (pp. 26–27, supra), the Postal Service regulations provide hearing procedures whereby aggrieved parties may contest adverse PES rulings [39 CFR Part 959 (1975)]. These cases are heard, in the first instance, by independent hearing officers, and all the procedural requirements of due process are provided. Furthermore, unlike proceedings before this Commission, such Postal Service rulings are appealable directly to the courts pursuant to 5 U.S.C. 702.

Finally, we believe that Congress is the ultimate forum for parties seeking relief from allegedly adverse PES determinations.[39] In the end, any determination to expand or contract the postal monopoly must be predicated upon a legislative, not an administrative decision. In this connection, we note that two House subcommittees having responsibility for postal matters recently reviewed the PES and concluded that no changes were necessary.[40]

IV. CONCLUSION

We thus determine, as a matter of Commission policy, that we will not assert a general jurisdiction over the PES regulations.[41] Should it be demonstrated (under a state of facts we do not now attempt to hypothesize) that exercise of ancillary jurisdiction in that area is required for the effective execution of our statutory duties, it would be our policy to exercise such derivative jurisdiction. The scope of such exercise would be strictly delimited by the fact situation present in the individual case. The necessity of invoking ancillary jurisdiction would have to be demonstrated in each case by the proponent of Commission action.

The Commission orders: (A) The foregoing statement is adopted as the Commission's formal expression of its general policy respecting its functions under the Postal Reorganization Act in relation to the Private Express Statutes and their administration and constitutes an answer to the question certified to the Commission by the Presiding Officer in Docket No. MC73–1.

(B) The foregoing statement of general policy shall be observed and in effect from and after the date of its issuance.

(C) The proceedings in Docket RM 76–4 are hereby terminated.

By the Commission. Commissioner Saponaro concurring, filed a separate statement, attached hereto.[42]

JAMES R. LINDSAY,
Secretary.

APPENDIX

Party	Date filed
American Bankers Association	Dec. 1, 1975
American Newspaper Publishers Association	Do.
American Retail Federation	Do.
Assistant General Counsel (Litigation)	Nov. 21, 1975
Associated Third Class Mail Users	Do.
Columbia Gas System	Jan. 16, 1976
Computer Law and Tax Report	Do.
Council on Wage and Price Stability	Do.
GTE Service Corporation	Dec. 1, 1975
National Armored Car Association	Nov. 28, 1975
Penney, J. C., Co., Inc.	Dec. 1, 1975
Purolator Services, Inc.	Nov. 28, 1975
United States Postal Service	Nov. 13, 1975
United Parcel Service	Dec. 1, 1975

[FR Doc.76-23538 Filed 8-11-76;8:45 am]

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[28] See Comments of ATCMU, p. 3.

[29] Id.

[30] The Council on Wage and Price Stability (Council) filed an extensive argument recommending that a symposium be convened in order to study the impact of the PES upon mail services and to ascertain whether—as the Council suggests—allowing competition "would result in significant benefits to the economy and to the mail user." In this analysis the Council addresses various factors bearing upon the propriety of maintaining the PES as they presently exist, such as cream skimming, cross-subsidization, and the effects of the monopoly on postal rates. The issue of whether the postal monopoly should be maintained as it presently exists is clearly a legislative determination beyond our jurisdiction; thus, in our opinion it would be more fruitful for the Council to propound its arguments before Congress.

[30] Moreover, we would be most reluctant—as a matter of statutory construction—to assume that Congress embodied a permanent grant of jurisdiction in a temporary, transitional section of the Postal Reorganization Act. (Section 7 of the Act is not part of Title 39, U.S.C., as codified.)

[31] See Comments of the Assistant General Counsel (Litigation), Purolator Services, Inc., United Parcel Service and the United States Postal Service.

[32] See Comments of Associated Third Class Mail Users.

[33] Retail Analysis Program for Facilities Deployment, Docket No. N75–1 (April 22, 1976), pp. 65–66 (mimeo print).

[34] *Id.*, p. 66.

[35] Congress had before it an alternative proposal that Commission decisions be binding for a certain period. See H.R. Rep. No. 91–1363, 91st Cong., 2d Sess. 87 (1970).

[36] See Comments of Associated Third Class Mail Users, p. 8.

[37] See CFR 310.7; 5 U.S.C. 553. In fact, such a rulemaking has been held. See pp. 2–3, supra.

[38] In analyzing whether execution of the policies of the Act requires such Commission directives, parties should pay particular attention to the availability of remedies under 39 CFR 310.7.

[39] In this regard, the Comments of the Council on Wage and Price Stability relative to the repeal of the PES are more appropriately directed to the Congress.

[40] See Joint Report of the Subcommittee on Postal Facilities, Mail, and Labor Management and the Subcommittee on Postal Service of the Committee on Post Office and Civil Service, House of Representatives, 93d Cong., 2d Sess. Summary of Observations and Recommendations on United States Postal Service Activities During First Session of Ninety-Third Congress 52 (Comm. Print No. 93–17, 1974). The Report also stated that "some of the exclusions and suspensions included in the proposed Postal Service regulations are more properly the subject of legislation." Id.

[41] In our Notice of Inquiry in this proceeding, we posed a number of specific questions to which we requested the parties to address themselves. These questions were not, of course, intended as a rigid specification of issues in the proceeding; rather, they were designed to elicit information which the parties might be able to contribute to our deliberations. Accordingly we do not find it necessary to discuss each of them specifically.

To the extent the questions can useful be answered by way of explanation of our jurisdictional findings, we have done so in the discussion aobve. Otherwise, we believe that an attempt to provide an answer would, in view of our jurisdictional findings, be an abstract exercise of no particular utility either to the Commission or to the parties.

[42] Concurring statement filed as part of the original document.

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SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

DIVERSIFIED INDUSTRIES, INC.

Suspension of Trading

AUGUST 6, 1976.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Diversified Industries, Inc. being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from August 9, 1976 through August 18, 1976.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-23493 Filed 8-11-76;8:45 am]

[File No. 500–1]

MICRON CORP.

Suspension of Trading

AUGUST 6, 1976.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Micron Corporation being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 9:45 a.m. (e.d.t.) on August 6, 1976 through August 15, 1976.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-23494 Filed 8-11-76;8:45 am]

[File No. 500–1]

EQUITY FUNDING CORPORATION OF AMERICA AND ORION CAPITAL CORP.

Suspension of Trading

AUGUST 6, 1976.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Equity Funding Corporation of America, including Orion Capital Corporation, being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 9:45 a.m. (e.d.t.) on August 6, 1976 through August 15, 1976.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-23495 Filed 8-11-76;8:45 am]

[Release No. 34–12689; File No. SR–MSTC–76–9]

MIDWEST SECURITIES TRUST CO.

Self-Regulatory Organization; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on July 2, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows: Statement of the Terms of Substance of the Proposed Rule Change Proposed Amendments to Rule 6, Sections 2 through 7 Brackets indicate deletions and underlinings indicate new material.

Stock Dividends

Sec. 2 [Stock dividends and cash dividends shall be credited or debited as hereinafter set forth to the depository accounts of each Depository Participant by the Corporation on the basis of the aggregate of such Participant's depository free postions and pledged positions on the cut-off date (herein called "cut-off date positions").]

[(a) On the seventh business day (or such earlier day as the Corporation may prescribe) following the payment date for a cash dividend, each Depository Participant shall be entitled to collect an amount equal to the dividend or such Participant's cut-off date positions.]

[(b)] On the date the Corporation receives certificates representing a stock dividend, the depository account of each Depository Participant shall be credited to reflect the stock dividend on all securities included in [such Participant's cut-off date positions] *depository free positions in such account on the cut-off date, and the pledgee account of each Pledgee Participant shall be credited to reflect the stock dividend on all securities credited thereto on the cut-off date.* Fractional shares shall not be credited in respect of any stock dividend or other distribution. In lieu thereof, the Corporation shall credit an amount of cash in respect of fractional shares based on the value of fractional shares used by the issuer if available, or, if not, on the market price of the security as determined by the Corporation (which determination shall be final and binding on all Participants). *Cash in lieu of fractional shares (herein called "cash in lieu") shall be credited to accounts of Participants in accordance with Section 3, below.*

Cash Dividends and Cash in Lieu of Fractional Shares

Sec. 3. On the seventh business day (or such earlier day as the Corporation may prescribe) following the payment date for a cash dividend, and on the date the Corporation credits accounts of Participants to reflect any stock dividend or other distribution for which cash in lieu is required to be credited by the Corporation, each Depository Participant shall be entitled to collect an amount equal to the dividend or the cash in lieu, as the case may be, attributable to the aggregate of such Participant's depository free positions and pledged positions on the cut-off date for such dividend or distribution. Subject to the provisions of Section 7 below, cash dividends and cash in lieu shall not be credited to pledgee accounts.

Distribution Other Than Dividends

Sec. [3.]4. The procedures set forth in Section [2(b)]2 shall apply to distributions other than dividends, except that for such distributions the Corporation shall determine the date on which the distribution shall be credited to the [depository] accounts of the Participants entitled thereto.

Dividend Reports

Sec. [4.]5. As soon as practicable after the record date for [dividends and other distributions] *each cash dividend, the Corporation shall furnish each Depository Participant,* and as soon as practicable after the ex-distribution date for *each* distribution[s] other than a *cash* dividend[s], the Corporation shall furnish each Depository Participant *and each Pledgee Participant,* with one or more dividend reports showing, among other things, [such Participant's cut-off date positions] *the securities of the class affected by the dividend or other distribution credited to such Participant's accounts with the Corporation as of the cut-off date,* the date such dividend is payable or distribution is distributable, and the accountability of the Corporation in respect of such dividend or distribution.

Unclaimed Dividends

Sec. [5.]6. No change.

General

Sec. [6.]7. No change.

Failure to Receive Certificates

Sec [7.]8. No change.

The proposed rule change will allow for the crediting of certificates representing stock dividends and similar distributions in respect of securities in pledged positions to the account of the pledgee, rather than that of the pledgor. Also, the proposed rule change will allow Midwest Securities Trust Company to continue to credit cash dividends and cash-in-lieu in respect of securities in pledged positions to the account of the pledgor.

The proposed rule change will facilitate the prompt and accurate clearance and settlement of securities transactions.

Comments have neither been solicited nor received.

The Midwest Securities Trust Company believes that no burdens have been placed on competition.

Within 35 days of the date of publication of this notice in the FEDERAL REGISTER, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

a. By order approve such proposed rule change, or

b. Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within 21 days of the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

AUGUST 4, 1976.

[FR Doc.76-23497 Filed 8-11-76;8:45 am]

[Rel. No. 9389; 811-2440]

TDP&L INVESTMENT ACCOUNT "B", INC.

Filing of Application Pursuant to Section 8(f) of the Act for an Order Declaring That Company Has Ceased To Be an Investment Company

AUGUST 5, 1976.

Notice is hereby given that TDP&L Investment Account "B", Inc., 28 State Street, Boston, Mass. 02109, ("Fund"), an open-end, diversified management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on May 26, 1976, pursuant to section 8(f) of the Act for an order of the Commission declaring that the Fund has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The Fund was incorporated in Maryland on August 27, 1973. On November 23, 1973, the Fund registered under the Act by filing its Notification of Registration on Form N–8A. On the same date, it filed a Registration Statement under the Act on Form N–8B–1 and a Registration Statement under the Securities Act of 1933 on Form S–5, which became effective on January 23, 1975. The application states that on December 6, 1974, Wellington Management Company, subadviser to the Fund and parent to the Fund's investment adviser, became the sole shareholder of the Fund, and that, subsequent to that date, the Fund has sold no additional shares. The Board of Directors of the Fund has unanimously resolved that the Fund should cease to do business as an investment company and liquidate its assets. Wellington Management Company has approved the recommendation of the Fund's Board by a unanimous vote of its Board of Directors.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than August 31, 1976, at 5:30 pm, submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such requests shall be served personally or by mail upon the Fund at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date, unless the Commission thereafter orders a hearing upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-23496 Filed 8-11-76;8:45 am]

[Rel. No. 34–12687]

MIDWEST STOCK EXCHANGE, BOSTON STOCK EXCHANGE AND NASD

Approval of Fingerprint Plans

The Securities and Exchange Commission today announced the approval of a fingerprinting plan submitted by the Midwest Stock Exchange, Inc. ("MSE"), for a five month pilot period beginning August 1, 1976, and ending December 31, 1976 pursuant to paragraph (c) of Rule 17f–2 [17 CFR § 240.17f–2] under Section 17(f)(2) of the Securities Exchange Act of 1934 (the "Act") [15 U.S.C. 78a et seq., as amended by Pub. L. No. 94–29 (June 4, 1975)]. Under the terms of this plan, the exchange will collect fingerprint cards submitted by its members, forward the cards to the Attorney General of the United States for identification and appropriate processing, and return the fingerprint cards and any information received as a result of such processing to the submitting members. This plan is approved pursuant to the fingerprinting program established in Rule 17f–2.[1] The Commission also announced the approval of amendments to the plans of the Boston Stock Exchange, Inc. ("BSE") and the National Association of Securities Dealers, Inc. ("NASD").

Approval of Midwest Stock Exchange Plan. Pursuant to the provisions of paragraph (c) of Rule 17f–2, the Midwest Stock Exchange submitted a plan whereby it would collect fingerprint cards from its members, forward such records to the FBI, the fingerprint processing arm of the Attorney General, for identification and appropriate processing, and thereafter return the fingerprint cards and any information received from the FBI to the participating entities submitting such records. The Commission has reviewed the procedures detailed in the plan, and having due regard for the public interest, the protection of investors, and the fulfillment of the Commission's functions under the provisions of the Act, declares the plan to be effective on August 1, 1976 for a

[1] Plans submitted by the Boston Stock Exchange, Inc., the National Association of Securities Dealers, Inc., the New York Stock Exchange, Inc., and the Pacific Stock Exchange, Inc., were approved by the Commission on June 22, 1976. See Securities Exchange Act Release No. 12566 (June 22, 1976), for the approval of these plans, a discussion of the background and purpose of Rule 17f–2, and the role of self-regulatory organizations in implementing the mandate of Section 17(f) of the Act. Plans submitted by the American Stock Exchange, Inc. and the Philadelphia Stock Exchange, Inc. were approved by the Commission on July 8, 1976. See Securities Exchange Act Release No. 12609 (July 8, 1976).

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five month period, ending December 31, 1976.[3]

The Midwest Stock Exchange, through its role as intermediary in accordance with the terms of its plan and the provisions of Rule 17f-2, undertakes no responsibility other than the conveyance of fingerprint records and criminal history record information between participating entities and the Attorney General of the United States.

Amendments to Boston Stock Exchange and NASD Plans. The Boston Stock Exchange, Inc. and the National Association of Securities Dealers, Inc. submitted amendments to their fingerprint plans which the Commission has approved. Under the terms of the BSE amendment, the exchange will transmit fingerprint records for employees and associated persons of non-bank registered transfer agents for issues solely listed on BSE, Massachusetts chartered bank transfer agents, and non-member New England securities firms. Under the terms of the NASD amendment, the association will transmit fingerprint records for employees and associated persons of non-bank registered transfer agents for NASDAQ-listed securities and of SECO brokers and dealers.

It is anticipated that MSE, BSE, and NASD will contact those organizations covered by the terms of their plans directly regarding submission of fingerprints pursuant to the plans. Partners, directors, officers, and employees of such organizations who do not meet the conditions for exemption from fingerprinting under paragraphs (a) or (b) of the rule may satisfy the requirements of paragraph (a) by submission of fingerprints to these self-regulatory organizations pursuant to paragraph (c) of the rule and in accordance with the provisions of the plans.

Statutory Basis and Competitive Considerations. The approval of the fingerprinting plan filed by the Midwest Stock Exchange and the amendments to the plans of the Boston Stock Exchange, Inc., and the National Association of Securities Dealers, Inc. is made pursuant to Sections 2, 17(f), and 23(a) of the Securities Exchange Act of 1934. The Commission has determined that the approval of the plan and the amendment would impose no burden on competition not necessary or appropriate in furtherance of the purposes of the Act and is not inconsistent with the public interest or the protection of investors.

Solicitation of Public Comment. All interested persons are invited to submit written statements of views and comments on the approval of the MSE fingerprint plan and the amendments to the BSE and NASD plans to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. They should refer to File No. S7-605. All comments will be available for public inspection.

Dated: August 4, 1976.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-23127 Filed 8-11-76;8:45 am]

[3] At the end of this pilot period, the Commission will evaluate the program and consider the permanent approval of all of the plans submitted by self-regulatory organizations.

[Rel. No. 34-12674; File No. SR NYSE-76-34]

NEW YORK STOCK EXCHANGE, INC.

Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on June 14, 1976, the above mentioned self-regulatory organization filed with the Securities and Exchange Commission proposed rule changes as follows:

TEXT OF PROPOSED RULE CHANGES

Rule 405(a)—

(1) Every member organization is required to make reasonable effort to ascertain the essential facts relative to every customer, every account and every person holding power of attorney over any account serviced by such member organization.

(2) Every member, allied member, *registered representative, or other sales person* [organization] is required [through a general partner, a principal executive officer or a person or persons designated under the provisions of Rule 342(b)(1) (¶ 2342)] to [(1) Use due diligence] *make reasonable effort to ascertain* [learn] the essential facts relative to every customer, [every order,] every [cash or margin] account [accepted or carried by such organization] and every person holding power of attorney over any account [accepted or carried by such organization] *serviced by such member, allied member, registered representative, or other sales person.*

[Supervision of Accounts]

(b)—*Every member organization which services an account is required through a person or persons designated under the provisions of Rule 342(b)(1) to:*

[(2)] *(1)* Supervise *compliance with the provisions of Rule 405(a) by every member, allied member, registered representative or other sales person of such member organization* [diligently all accounts handled by registered representatives of the organization].

[(3)] *(2)* Specifically approve the opening of an account prior to or promptly after the completion of any transaction for the account of or with a customer, provided, however, that in the case of branch offices, the opening of an account for a customer may be approved by the manager of such branch office but the action of such branch office manager shall within a reasonable time be approved by [a general partner, a principal executive officer or] a person [or persons] designated under the provisions of Rule 342(b)(1)(¶ 2342). The [member, general partner, officer or] designated person approving the opening of the account shall, prior to giving [his] approval, be [personally] informed as to the essential facts relative to the customer and [to the nature of] the proposed account and shall indicate [his] approval in writing on a document which is part of the permanent records of [his office or] *the member* organization.

* * * *Supplementary Material:*

.10 Application of Rule 405(a) and (b)

For purposes of this rule: (a) the member, allied member, registered representative or other sales person servicing an account shall be deemed to be the person having direct contact with the customer, i.e., the person accepting orders or rendering reports; (b) in the case of accounts that are introduced to a member or member organization on a disclosed basis, the introducing organization shall be deemed to be servicing the account.

.20 Common Purchase and Sale Accounts

To facilitate the isolated purchase or sale of securities valued at $2,000 or less for a person who does not have an account, member organizations are not required to comply with Rule 405 (a) or (b) or Rule 409. Instead a common purchase or sale account may be established for this purpose provided;

(a) In the case of a purchase: (1) Full payment is received prior to the execution of the order, except in the case of securities being distributed pursuant to a prospectus or offering circular; (2) A confirmation is sent to the customer; and (3) Prompt delivery of the security is made to the customer.

(b) In the case of sales: (1) The securities are not part of any distribution and are received in good delivery form at or prior to the entry of the order in the exact amount to be sold; (2) The customer is identified as the individual in whose name the securities are registered; (3) A confirmation is sent to the customer; and (4) Full payment to the customer is made on or immediately following settlement date.

The record for transactions executed in common purchase and sale accounts shall include: customer's name and address, name and amount of securities, date and amount of deposit, if any, date securities are received or delivered, date bought or sold, amount per share, total amount debited or credited to the account, total amount of check issued or received by customer, and date of disbursement.

[(4) Common Sales Accounts]

[To facilitate the isolated liquidation of securities valued at $1,000 or less registered in the name of an individual who does not have an account, and which are not part of any distribution, a member organization may sell the securities through a common sales account set up for the specific purpose of handling such sales without sending a periodic statement to the customer as required by Rule 409, provided:

(a) The customer is identified as the individual in whose name the securities are registered,

(b) The securities are received by the member, at or prior to the time of the entry of the order, in the exact amount to be sold in good delivery form,

(c) A confirmation is sent to each customer,

(d) All proceeds of such sales are paid out on or immediately following settlement date, and

(e) The record made in the common sales account includes as to each transaction: customer's name and address, name and amount of securities to be sold, date received, date sold, amount per share, total amount credited to the account, total amount of check issued to the customer and the date of disbursement.]

[* * * Supplementary Material:]

[.10 Application of Rule 405(1) and (3) (§ 2405).—

In the case of a margin account carried by a member organization for a nonmember corporation, definite knowledge should be had to the effect that the nonmember corporation has the right under its Charter and By-laws to engage in margin transactions for its own account and that the persons from whom orders and instructions are accepted have been duly authorized by the corporation to act on its behalf. It is advisable in each such case for the carrying organization to have in its possession a copy of the corporate Charter, By-laws and authorizations. Where it is not possible to obtain such documents, a member or allied member in the member organization carrying the account should prepare and sign a memorandum for its files indicating the basis upon which he believes that the corporation may properly engage in margin transactions and that the persons acting for the corporation have been duly authorized to do so.]

[In the case of a cash account carried for a non-member corporation, the carrying member organization should assure itself through a general partner or an officer who is a holder of voting stock that persons entering orders and issuing instructions with respect to the account do so upon the proper authority.]

[When an agency account is carried by a member organization its files should contain the name of the principal for whom the agent is acting and written evidence of the agent's authority.]

[When Estate and Trustee accounts are involved a member organization should obtain counsel's advice as to the documents which should be obtained.]

[In the case of accounts which are introduced by one member or member organization to another and are carried on a disclosed basis, the introducer will not be held to any responsibility under Rule 405 (1) and (3) (¶ 2405) when the essential facts concerning a particular customer are obtained directly by the clearing organization and the opening of the account is approved by a member or allied member in the clearing organization "prior to or promptly after the completion of any brokerage transaction" and that is the understanding between the two.]

[As an alternative method of handling the investigation and approval of such accounts the clearing organization may treat the introducing organization, for the purposes of Rule 405(1) and (3) (¶ 2405), as though it were its branch office. Under these circumstances, the introducer will learn the essential facts with respect to each customer, and a general partner, a principal executive officer or a person or persons designated under the provision of Rule 342(b)(1) (¶ 2342) of the introducing organization will give an approval for the opening of the account. The information obtained must subsequently be passed upon by a member or allied member in the clearing organization and any further inquiry which the clearing organization might feel is desirable should be made. However, the mere fact that the account is being introduced by another member, or member organization is not sufficient information to permit a member or allied member in the carrying organization to approve the opening of the account.]

[Information as to the country of which a customer is a citizen is deemed to be an essential fact.]

NYSE STATEMENT OF PURPOSE OF PROPOSED RULE CHANGES

Rule 405 currently requires every member organization, through a general partner, principal executive officer or other designated person to use due diligence to learn the essential facts relative to every customer, order, and account accepted or carried by a member organization. The Rule further provides for the supervision of accounts handled by registered representatives and the approval of all new accounts. The supplementary material of the Rule contains provisions for common sales accounts, treatment of cash and margin accounts carried for nonmember corporations, and delineation of responsibilities of introducing and carrying member organizations for compliance with the provisions of the Rule for accounts carried on a disclosed basis.

Because the essential facts and methods of supervison involve so many variables, the requirements have intentionally been left somewhat broad. The Exchange's approach has been to provide member organizations with a set of basic guidelines upon which they must expand appropriately in order to protect the firm's financial position, thereby insuring, in any situation, that the Exchange's facilities are being utilized properly.

Since the inception of Rule 405, substantially increased product lines, greatly expanded markets and a dramatic growth in the number of broker/dealer participants in the industry have significantly changed the complexion of the business. Continuing technological advances, proliferation of legal liabilities, and the trend toward broker/dealer specialization in specific aspects of the business, point to the appropriateness of reviewing the applicability and effectiveness of the various provisions of the Rule. The proposed amendments contained herein are designed to conform the Rule with the numerous interpretations of the many facets of Rule 405.

1. *Place initial responsibility to learn the essential facts upon the individual handling the account*

Rule 405 currently places the responsibility for learning the essential facts relative to every customer, order, cash or margin account or person holding power of attorney upon a *general partner, a principal executive officer, or person designated supervisory responsibility under Rule 342.* These procedures would be more efficiently and expeditiously accomplished if initial responsibility to obtain the essential facts rested with the individual handling the account (usually a registered representative). A more thorough initial investigation would avert many problems that can arise if detailed investigation is put off until final approval of an account.

Member organization procedures for collecting and learning essential facts and recommending securities transactions are, for the most part, accomplished by the individual registered representative, member or allied member who actually services the account. As a practical matter, the Exchange has taken the position that, where a member organization requires a registered representative to obtain the essential facts and the registered representative fails to do so, the representative as well as the individual charged with the supervisory responsibility under the Rule, may be charged with a violation of the Rule. The proposed amendments will conform the Rule with its actual interpretation and enforcement.

The proposed amendments would replace the term, "due diligence", with "make reasonable inquiry" because of the implications attached to "due diligence" in connection with underwritings. Also, since initial responsibility for ascertaining the essential facts will now rest with that individual with direct customer contact, a new term "other sales persons" is being introduced to encompass all individuals who may handle customer accounts but who are not required to be registered with the Exchange, such as individuals engaged exclusively in the sale of commodities or insurance.

2. *Provide for common purchase accounts in addition to common sales accounts for the isolated purchase or sale of securities and increase the maximum valuation of securities eligible to be purchased or sold for an individual without opening an account from $1,000 to $2,000*

The existing provisions permitting the isolated liquidation of securities valued at $1,000 or less would be moved from the amended rule to the Supplementary Material and would be increased from $1,000 to $2,000 to reflect the impact of

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inflation since the provisions were adopted in 1969. These provisions were originally intended to allow member organizations to sell securities for individuals who had acquired small amounts of stock other than through the member organization, e.g., through inheritance, stock of employer, etc. The Rule allows individuals to dispose of such securities through a member organization without requiring the member organization to incur the expense involved in opening and maintaining an account for the individual. The Exchange believes similar procedures should be established for individuals wishing to make small isolated purchases of securities on a cash basis. The text of these provisions has been rewritten to improve clarity, but the procedures remain unchanged.

3. *Eliminate Supplementary Material which is no longer applicable*

The amendments would eliminate the Supplementary material (Rule 405.10) dealing with the responsibilities of introducing and carrying member organizations for ascertaining the essential facts and approving new accounts. The amended Rule would assign these responsibilities to the servicing member organization—i.e., the member organization accepting the account from the customer. This change would be consistent with establishing a logical progression of responsibility, since the introducing firm generally undertakes the gathering of new account information; collection of all documentation and agreements necessary to sustain the account, supervision of personnel handling accounts, responsibility for recommendations made by salesmen and, in most instances, executes the order, reporting the execution to the carrying member organization. The carrying member organization, however, would retain responsibility for compliance with Regulation T (margins) and would continue to bear the capital burden for the introduced accounts. Other functions and responsibilities inherent in the carrying relationship could still be contractually allocated.

In the past, the Exchange has always had a higher net capital minimum dollar amount requirement for its members than non-members have had under SEC regulations. However, the new SEC Uniform Net Capital Rule [17 CFR § 240.15c3–1] imposes similar capital requirements on all requirements on all registered broker/dealers who do business with the public. This uniform capital requirement, coupled with the proposed amendments to Rule 405, underlie the proposal that member organizations not be required to be responsible for ascertaining detailed essential facts for accounts introduced by non-member organizations for which they perform carrying functions only.

Supplementary material containing suggested procedures for the handling of cash and margin accounts for non-member corporations, agency, estate and trust accounts, is being deleted from the Rule and will be more appropriately handled through an Information Memo.

NYSE STATEMENT OF BASIS UNDER THE ACT OF PROPOSED RULE CHANGES

The proposed amendments are consistent with the principles embodied within Section 6(b)(5) of the Act which provides that an exchange shall not be registered as a national securities exchange unless its rules are designed to "prevent fraudulent and manipulative acts and practices." The proposed amendments are consistent with this section in that they enhance the ability of Exchange organizations to protect their capital from undue risks resulting from fraudulent and manipulative acts of customers.

(i) Inapplicable
(ii) Inapplicable
(iii) Inapplicable
(iv) Inapplicable
(v) The proposed amendments would serve to protect Exchange member organizations' capital from undue risks resulting from fraudulent and manipulative acts. (See Discussion above.)
(vi) Inapplicable
(vii) Inapplicable
(viii) Inapplicable

COMMENT RECEIVED FROM MEMBERS, PARTICIPANTS OR OTHERS ON PROPOSED RULE CHANGES

One comment on the proposed amendments was received from a member organization through the Securities Industry Association with respect to a listing of minimum essential facts, contained in a preliminary draft of the proposed amendments that has subsequently been removed.

NYSE STATEMENT OF BURDEN ON COMPETITION INAPPLICABLE

Within 35 days of the date of publication of this notice in the FEDERAL REGISTER, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submissions will be available for inspection in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the above mentioned self-regulatory organization. All submissions should refer to the file number reference in the caption above and should be submitted on or before days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JULY 30, 1976.

[FR Doc.76-23426 Filed 8-11-76;8:45 am]

[Rel. No. 19638]

OHIO POWER CO.

Construction of Pollution Control Equipment

AUGUST 4, 1976.

In the matter of Ohio Power Company, 301 Cleveland Avenue, SW., Canton, Ohio, 44702; (70-5886).

Notice is hereby given that Ohio Power Company ("Ohio Power"), an electric utility subsidiary company of American Electric Power Company, Inc., a registered holding company, has filed an application-declaration, and an amendment thereto, with this Commission designating Sections 9(a) and 12(d) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 44(b)(3) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, as amended, which is summarized below, for a complete statement of the proposed transactions.

Ohio Power states that in order to comply with prescribed environmental quality control standards of the State of West Virginia it has been and will be necessary to construct certain high efficiency electrostatic precipitators ("Project") for particulate emission control and related facilities at its Mitchell Plant. By resolution of March 4, 1975, Marshall County, West Virginia ("County") determined that it would authorize and issue one or more series of its pollution control revenue bonds ("Revenue Bonds") to finance the cost of engineering, design, acquisition, and construction of the Project.

Ohio Power proposes to enter into an agreement of sale ("Agreement") with the County whereby the County will construct and equip the Project. To finance the Project, the County will issue Revenue Bonds in an initial principal amount of $25,000,000 ("Series A Bonds") and additional Revenue Bonds in principal amounts presently estimated not to exceed $45,000,000, sufficient to cover construction costs of the Project. The proceeds from the sale of the Series A Bonds will be deposited by the County with a Trustee ("Trustee") under an Indenture to be entered into between the County and such Trustee (the "Indenture") pursuant to which the Series A Bonds are to be issued and secured. Such proceeds will be applied to payment of the cost of construction of the project. The Agreement also will provide for the sale of the Project to Ohio Power the payment by Ohio Power of the purchase price of the Project in semi-annual installments over a term of years, and the assignment and pledge to the Indenture Trustee of the County's interest in, and of the monies

receivable by the City under, the Agreement.

The Agreement will provide that each installment of the purchase price for the Project payable by Ohio Power will be in such an amount (together with other monies held by the Trustee under the Indenture for that purpose) as will enable the County to pay, when due, (i) the interest on the Revenue Bonds, any additional bonds and any refunding bonds, (ii) the principal amount of the Revenue Bonds, any additional bonds and any refunding bonds payable at the time of their respective stated maturities and (iii) amounts, including any accrued interest, payable in connection with any mandatory redemption of the Revenue Bonds, any additional bonds or any refunding bonds. The Agreement also obligates Ohio Power to pay the fees and charges of the Trustee, as well as certain administrative expenses of the County. The Agreement further provides that Ohio Power may prepay the purchase price of the Project (i) by paying, under certain conditions, amounts sufficient to redeem all the Revenue Bonds then outstanding and all other amounts payable under the Indenture or (ii) at any time by depositing in the Indenture's Bond Fund or delivering to the Trustee amounts sufficient to provide for the release of the Indenture. Upon prepayment, Ohio Power may terminate the Agreement.

Ohio Power proposes to convey equipment previously constructed ("Existing Facilities"), subject to its First Mortgage Lein, to the County. Ohio Power will receive out of the proceeds of the Bonds, an amount equal to Ohio Power's original cost of the existing facilities. The existing facilities will thereupon become a part of the project. Proceeds received by Ohio Power in reimbursement of the cost of construction of the Project, as defined in the Agreement, are to be applied to the payment of unsecured short-term debt of Ohio Power. As of June 30, 1976, Ohio Power's short-term debt amouted to $52,000,000 and at the time of the sale of the project, such short-term debt will not exceed $65,000,000.

It is contemplated that the Revenue Bonds will be sold by the County pursuant to arrangements with a group of underwriters represented by Blyth Eastman Dillon & Co., Inc. In accordance with the laws of the State of West Virginia, the interest rate to be borne by the Revenue Bonds will be fixed by the County Commission of the County. While Ohio Power will not be a party to the underwriting arrangements for the Revenue Bonds, the Agreement will provide that the terms of the Revenue Bonds and their sale by the County shall be satisfactory to Ohio Power.

Ohio Power has been advised that the annual interest rates on obligations, interest on which is tax exempt, historically have been and can be expected at the time of issue of the Revenue Bonds to be 1½% to 2½% lower than the rates on obligations of like tenor and comparable quality, interest on which is fully subject to federal income tax.

The Series A Bonds will be dated on or about the first day of the month in which they are issued, will bear interest semi-annually and will mature at a date or dates not more than 30 years from the date of their issuance. It is expected that the Series A Bonds will not be redeemable at the option of the County within 10 years from their issue date except under certain circumstances. Series A Bonds will be subject to mandatory redemption under the circumstances and terms specified in the Indenture.

Fees and expenses incident to the proposed disposition of the Existing Facilities and the acquisition of the Project (as distinguished from and excluding fees and expenses incident to the sale of the Revenue Bonds by the County payable out of the proceeds of such sale) will be supplied by amendment. It is stated that the Public Utility Commission of Ohio has jurisdiction over the proposed transaction and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than August 30, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the application-declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended, or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary

[FR Doc.76-23423 Filed 8-11-76;8:45 am]

[Rel. No. 12677]

OPTIONS CLEARING CORP.

Approval of Proposed Rule Changes

AUGUST 2, 1976.

In the matter of The Options Clearing Corporation, 6150 Sears Tower, 233 South Wacker Drive, Chicago, Illinois 60606; (SR-OCC-76-5).

On June 2, 1976, The Options Clearing Corporation ("OCC") filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b-4 thereunder, a proposed rule change amending certain OCC By-Laws and Rule 604 to permit clearing members to deposit as margin or as contributions to the OCC clearing fund, United States Government securities having maturities of five years or less from the date of issue. In addition, the proposed rule change specifies the method to be used by OCC in determining the current market value of Government securities for the purpose of margin and clearing fund deposits.

In accordance with Section 19(b) of the Act and Rule 19b-4 thereunder, notice of the proposed rule change was published in the FEDERAL REGISTER (41 Fed. Reg. 24785, June 18, 1976) and the public was invited to comment thereon. Notice of the filing and an invitation for comments also appeared in Securities Exchange Act Release No. 34-12537, June 11, 1976. By letter dated June 19, 1976 OCC amended its submission. This letter has been placed in the public file and has been incorporated in the submission.

The Commission has reviewed the proposed rule change contained in File No. SR-OCC-76-5 and finds that it is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies, and in particular, the requirements of Section 17A and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change contained in File No. SR-OCC-76-5 be, and hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-23424 Filed 8-11-76;8:45 am]

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[Rel. No. 19637]

PENNSYLVANIA POWER CO.

Sale of First Mortgage Bonds

AUGUST 4, 1976.

In the matter of Pennsylvania Power Company, 1 East Washington Street, New Castle, Pennsylvania 16103; (70-5884).

Notice is hereby given that Pennsylvania Power Company ("Pennsylvania"), an electric utility subsidiary company of Ohio Edison Company ("Ohio Edison"), a registered holding company and an electric utility company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Pennsylvania proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, up to $15,000,000 principal amount of First Mortgage Bonds (the "new bonds"), to mature in not less than 5 years and not more than 30 years. The interest rate (which will be a multiple of ⅛ of 1%) and the price (which will be not less than 100%, unless Pennsylvania shall authorize a lower percentage not less than 99%, and shall not exceed 102.75% of the principal amount of the bonds thereof) will be determined by competitive bidding. The new bonds will be issued under the Indenture, dated as of November 1, 1945, between Pennsylvania and The First National Bank of the City of New York (now Citibank, N.A.), Trustee, as heretofore amended and supplemented, and as to be further amended and supplemented by a Supplemental Indenture to be dated as of the first day of the calendar month in which the new bonds are to be issued. The terms of the issue preclude Ohio Edison, with certain exceptions, from redeeming any new bonds prior to July 1, 1981, if such redemption is for the purpose of refunding such bonds with proceeds of funds borrowed at a lower effective interest cost. Ohio Edison shall notify prospective bidders no later than 72 hours prior to the time designated for the submission of bids of (1) the number of series of new bonds to be created and (2) the maturity date of the bonds.

Pennsylvania now also proposes to issue $1,321,000 principal amount of First Mortgage Bonds, 3¼% Series due 1982 ("Sinking Fund Bonds"). The bonds will be issued under the Indenture of Pennsylvania and The First National Bank of the City of New York, Trustee, as amended and supplemented. The bonds are to be of the series provided for by the Third Supplemental Indenture dated as of February 1, 1952, and will be identical with those previously authorized.

Proceeds of the sale of the new bonds will be applied to the repayment of part of unsecured short-term indebtedness of Pennsylvania or to construction expenditures. It is stated that Pennsylvania anticipates that it will have short-term debt outstanding of approximately $18,500,000 at the time of the sale of the new bonds. It is estimated that construction expenditures will amount to $68,364,000 in 1976.

The fees and expenses to be incurred in connection with the proposed issue and sale of the new bonds and the fees and expenses of counsel for the underwriters, to be paid by the successful bidders, will be supplied by amendment. The fees, commissions, and expenses to be incurred in connection with the Sinking Fund Bonds are estimated at $2,250, including legal fees of $750 and Trustee fees of $1,400. It is stated that the Public Utilities Commission of Ohio has jurisdiction over the proposed transactions and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than August 30, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-23425 Filed 8-11-76;8:45 am]

VETERANS ADMINISTRATION

CENTRAL OFFICE EDUCATION AND TRAINING REVIEW PANEL

Meeting

The Veterans Administration gives notice pursuant to Public Law 92-463 that a meeting of the Central Office Education and Training Review Panel, authorized by Section 1790(b), Title 38, United States Code, will be held in Room ₳53, Veterans Administration Central Office, 810 Vermont Avenue, NW., Washington, DC on August 30, 1976, at 10 a.m. The meeting will be held for the purpose of reviewing the July 16, 1976 decision of the Director, Veterans Administration Regional Office, St. Louis, Missouri, that benefits to all eligible persons enrolled in American Automation Training, Inc. and National Meat Packers Training, Inc. both at 3435 Broadway, Kansas City, Missouri 64111 and Standard Technical Institute, 2628 McGee Trafficway, Kansas City, Missouri 64108 be discontinued effective July 31, 1976.

The meeting will be open to the public up to the seating capacity of the conference room. Because of the limited seating capacity, it will be necessary for those wishing to attend to contact Mr. Halsey A. Dean, Chief Field Operations, Education and Rehabilitation Service, Veterans Administration Central Office (phone 202 389-2850) prior to August 25, 1976.

Dated: August 5, 1976.

R. L. ROUDEBUSH,
Administrator.

[FR Doc.76-23438 Filed 8-11-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 116]

ASSIGNMENT OF HEARINGS

AUGUST 9, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 5623 (Sub-No. 27), Arrow Trucking Co.; MC 42011 (Sub-No. 17), D. Q. Wise & Co., Inc.; MC 61231 (Sub-No. 85), Ace Lines, Inc.; MC 72243 (Sub-No. 53), The Aetna Freight Lines, Incorporated; MC 74321 (Sub-No. 115), B. F. Walker, Inc.; MC 83539 (Sub-No. 411), C&H Transportation Co., Inc.; MC 83835 (Sub-No. 124), Wales Transportation, Inc.; MC 85811 (Sub-No. 8), Amsco Transportation, Inc.; MC 106497 (Sub-No. 123), Parkhill Truck Company; MC 106775 (Sub-No. 39), Atlas Truck Line, Inc.; MC 107993 (Sub-No. 42), J. J. Willis Trucking Co.; MC 110817 (Sub-No. 20), E. L. Farmer & Company; MC 113459 (Sub-No. 101), H. J. Jefferies Truck Line, Inc.; MC 119700 (Sub-No. 29), Steel Haulers, Inc.; MC 119777 (Sub-No. 322), Ligon Specialized Hauler, Inc. and MC 119908 (Sub-No. 29), Western Lines, Inc., now assigned September 30, 1976 at Dallas, Texas, will be held in Tax Court Room 330, U.S. Post Office & Courthouse Building, Bryan & Ervay Streets.

MC 130253 Sub 1, Douglas Patrick Stoffers and Michael J O'Meara, now being assigned October 5, 1976 (3 days), at Madison, Wis., in a hearing room to be later designated.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-23561 Filed 8-11-76;8:34 am]

FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 9, 1976.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distance points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 43209—*Joint Water-Rail Container Rates—Far Eastern Shipping Company.* Filed by Far Eastern Shipping Company, (No. 4), for itself and interested rail carriers. Rates on general commodities, from rail carriers terminals on the U.S. Atlantic and Gulf Coast, to ports in Hong Kong, Japan, Australia and The Philippines.

Grounds for relief—Water competition.

Tariff—Far Eastern Shipping Company Westbound tariff No. 4, ICC No. 4, F.M.C. No. 16. Rates are published to become effective on September 1, 1976.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-23562 Filed 8-11-76;8:45 am]

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FILING OF PETITION; DECLARATORY ORDER

No. MC–C–9133 (Notice of filing of petition for declaratory order), filed July 20, 1976. Petitioner: GLEASON TRANSPORTATION CO., INC., Bellows Falls, Vt. Petitioner's representative: Frederick T. O'Sullivan, P.O. Box 2184, Peabody, Mass. 01960. By petition filed July 20, 1976, petitioner seeks a ruling as to the lawfulness of certain of its motor carrier operations purportedly conducted under the exemption of section 203(b)(6) of the Interstate Commerce Act. Specifically, petitioner requests issuance of a declaratory order to the effect that the bulk transportation of a blend of milk, skim milk and "skim condensed milk", from the facilities of Greensboro Farm Products, Inc., located at Canastota, N.Y., to the facilities of Dannon Yogurt, located at Ridgefield, N.J., is exempt from regulation by this Commission. Petitioner states that the confusion stems from its consignee's use of the terminology "skim condensed milk" to name the product which composes 16 percent of the blend. "Condensed skim milk" is produced by putting skim milk through an evaporator which boils off water under a vacuum. The purpose of the process is to raise the milk solid level in the skim milk from 8.7 percent to approximately 34 percent. No sugars, stabilizers or other additives are put into the blend.

Petitioner has received an informal opinion which states that due to the processing involved in the manufacture of the above-described product, it is not a commodity the transportation of which is exempt from regulation. It believes however, that the involved commodity is exempt under Administrative Ruling No. 119, issued April 26, 1972, which exempts skim milk with two-thirds of the water removed. Petitioner argues that the Commission's formal interpretation should be based on the physical composition of the involved product and not on the label assigned to it by the consignee, and seeks an order declaring that the above-described traffic is within the exemption of section 203(b)(6) of the Interstate Commerce Act.

No oral hearing is contemplated at this time, but any person (including petitioner) interested in making representations in favor of, or against, the relief sought in the petition may do so by the submission of written data, views, or arguments. An original and fifteen (15) copies of such data, views, or arguments shall be filed with this Commission on or before September 27, 1976. A copy of each representation should be served upon petitioner's representative. Written material or suggestions submitted will be available for public inspection at the Offices of the Interstate Commerce Commission, 12th and Constitution, Washington, D.C., during regular business hours. Notice to the general public of the matters herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-23408 Filed 8-11-76;8:45 am]

[Volume No. 43]

PETITIONS FOR MODIFICATION, INTERPRETATION, OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

AUGUST 6, 1976.

Permanent authority petitions and applications; finance matters (including temporary authorities); railroad abandonments; alternate route deviation letter-notices; and intrastate applications concurrently seeking authority on interstate or foreign commerce.

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission within on or before September 13, 1976. Such protest shall comply with special rule 247 (d) of the Commission's general rules of practice (49 CFR 1100.247) [1] and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

No. MC 1756 (Sub-No. 4) (Notice of filing of petition to add an additional origin point), filed July 23, 1976. Petitioner: PEOPLE'S EXPRESS CO., 497 Raymond Blvd., Newark, N.J. 07105. Petitioner's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Petitioner holds a motor *common carrier* Certificate in No. MC 1756 (Sub-No. 4), issued September 19, 1963, authorizing transportation over irregular routes, of *wine*, in containers, between the plantsite of United Vintners, Inc., located at Port Newark, N.J., on the one hand, and, on the other, points in Nassau, Suffolk, and Westchester Counties, N.Y. By the instant petition, petitioner seeks to modify its Certificate by adding Port Jersey, N.J., as an additional origin point to the above authority.

No. MC 15119 (Notice of filing of petition to modify territorial description), filed July 23, 1976. Petitioner: APPEL BROS., INC., 295 13th St., Jersey City, N.J. 07302. Petitioner's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Petitioner holds a motor *contract carrier* Permit in No. MC 15119, issued March 16, 1961, authorizing transportation over irregular routes, of *packing house products* and *dairy products*, between New York, N.Y., and points in Hudson and Passaic Counties, N.J., on the one hand, and, on the other, points in Nassau and Westchester Counties, N.Y., and points in Essex, Hudson, Middlesex, Mercer, Bergen, Morris, Passaic, Somerset, and Union Counties, N.J. By the instant petition, petitioner seeks to modify its Permit by adding Suffolk County, N.Y., as an additional radial point to the above authority.

No. MC 94393 and (Sub-No. 3) (Notice of filing of petition to modify commodity description), filed July 26, 1976. Petitioner: W. J. CASEY TRUCKING & RIGGING CO., INC., 1200 Springfield Road, Union, New Jersey 07083. Petitioner's representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, N.J. 08904. Petitioner holds motor *common carrier* Certificates in No. MC 94393 and (Sub-No. 3), issued March 3, 1955 and August 28, 1957, respectively, authorizing transportation (1) in MC 94393, over irregular routes, of *heavy machinery, tanks, masts, boats, art exhibits, cranes, electric devices, tools, wire, poles, and store refrigerators*, between points in the New York, N.Y., commercial zone as defined in 1 M.C.C. 665, on the one hand, and, on the other, points in Connecticut, New York, New Jersey, and those in Pennsylvania on and east of U.S. Highway 15; and (2) in MC 94393 (Sub-No. 3), as pertinent, over irregular routes, of *heavy machinery and factory equipment*, between points in New Jersey and New York within 75 miles of Montclair, N.J., including Montclair. By the instant petition, petitioner seeks in both MC 94393 and (Sub-No. 3) to delete from the commodity description "heavy machinery" and substitute in lieu thereof, the following description: "Commodities requiring special handling or rigging because of size or weight."

No. MC 108313 (Sub-No. 12) (Notice of filing of petition to add a commodity), filed July 21, 1976. Petitioner: CALEDONIA LINES, INC., P.O. Box 8, Caledonia, N.Y. 14423. Petitioner's representative: Karen R. Schicker (same address as applicant). Petitioner holds a motor *contract carrier* Permit in No. MC 108313 (Sub-No. 12), issued April 5, 1974, authorizing transportation over irregular routes, of *compressed gases and liquid chemicals*, in bulk (except petroleum products), between points in Indiana, Connecticut, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Vermont, under a continuing contract, or contracts, with Jones Chemicals, Inc., located at Caledonia, N.Y. By the instant petition, petitioner seeks to modify its Permit by deleting the exception from the above authority.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC 109533 (Sub-No. 74) (Notice of filing of petition to modify territorial description), filed July 30, 1976. Petitioner: OVERNITE TRANSPORTATION COMPANY, 1100 Commerce Road, P.O. Box 1216, Richmond, Va. 23209. Petitioner's representative: Eugene T. Liipfert and Mark J. Andrews, Suite 1100, 1660 L St. NW., Washington, D.C. 20036. Petitioner holds a motor *common carrier* Certificate in No. MC 109533 (Sub-No. 74), issued May 24, 1976, authorizing transportation over irregular route, of *general commodities* (except those of unusual value, classes A and B explosives, households goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and new household furniture), between Gallipolis, Ohio, on the one hand, and, on the other, points in Pennsylvania and West Virginia south of a line beginning at the West Virginia-Pennsylvania State line and extending eastward along U.S. Highway 22 to junction Pennsylvania Highway 60, thence along Pennsylvania Highway 60 to Pittsburgh, Pa.; west of a line beginning at Pittsburgh and extending southward along U.S. Highway 19 to junction West Virginia Highway 100 (formerly unnumbered highway) just south of the Pennsylvania-West Virginia State line, thence along West Virginia Highway 100 through Maidsville, W. Va., to junction U.S. Highway 19, thence along U.S. Highway 19 to Summerville, W. Va., and thence along West Virginia Highway 39 to junction U.S. Highway 60 and north of a line beginning at the Kentucky-West Virginia State line and extending eastward along U.S. Highway 60 to junction West Virginia Highway 39, including points on the indicated portions of the highways specified, restricted against the transportation of structural steel and parts for coal mining machinery, coal handling machinery, coal preparation machinery, steamboat boilers, and equipment, machinery and parts used in conjunction with steamboat boilers, and further restricted against the transportation of iron, steel, and iron and steel articles which originate at points located within the afore-defined areas in Pennsylvania and West Virginia and are destined to Gallipolis, Ohio. By the instant petition, petitioner seeks to modify its Certificate by adding Bluefield, W. Va., and Covington, Va., as additional base radial points to the above authority.

No. MC 123179 and (Sub-Nos. 2 and 3) (Notice of filing of petition for declaratory order or modification of certificates), filed June 29, 1976. Petitioner: ARROW FREIGHT LINES, INC., 80 Progress St., West Springfield, Mass. 01089. Petitioner's representative: Arthur M. Marshall, 135 State St., Suite 200, Springfield, Mass. 01103. Petitioner holds motor *common carrier* Certificates in No. MC 123179 and (Bub-Nos. 2 and 3), issued March 9, 1961, June 7, 1961, and January 29, 1963, respectively, authorizing transportation (1) in MC 123179, over irregular routes, of (a) *new household furnishings and new furniture*, uncrated, between West Springfield, Mass., and points in Massachusetts, within ten miles thereof, on the one hand, and, on the other, points in Connecticut, New Hampshire, New Jersey, New York, and Vermont; (b) *new furniture*, uncrated, from Chicopee and Chicopee Falls, Mass., to points in Pennsylvania; and (c) *furniture returned for repairs*, uncrated, from points in Pennsylvania, Connecticut, New Hampshire, New Jersey, New York, and Vermont, to Chicopee and Chicopee Falls, Mass.; (2) in MC 123179 (Sub-Nos. 2), over irregular routes, of (a) *new furniture*, from Springfield, Mass., to points in that part of Maine south of a straight line beginning at the United States-Canada Boundary line near Penobscot Lake, and extending in a southeasterly direction through Bangor and Ellsworth Falls, to the shore of the Atlantic Ocean; (b) *damaged* or *rejected shipments* of new furniture, from the above-described destination points, to Springfield, Mass.; and (c) *new furniture*, between Springfield, Mass., on the one hand, and, on the other, points in Rhode Island; and (3) in MC 123179 (Sub-No. 3), over irregular routes, of (a) *new furniture*, uncrated, from West Springfield, Mass., and points in Massachusetts within 10 miles thereof, to points in Maine, on, north, and east of a line beginning at the port of entry on the United States-Canada boundary line located near Penobscot Lake, Maine, and extending in a southeasterly direction through Bangor and Ellsworth, Maine, to the Atlantic Ocean; and (b) *furniture*, returned for repairs, uncrated, from points in Rhode Island, and points in Maine, on, north, and east of a line beginning at the port of entry on the United States-Canada boundary line located near Panobscot Lake, Maine, and extending in a southeasterly direction through Bangor and Ellsworth, Maine, to the Atlantic Ocean, to West Springfield, Mass., and points in Massachusetts, within 10 miles thereof. By the instant petition, petitioner seeks an interpretation by the Commission that the term "uncrated" includes items wrapped, in cartons or without covering or packing.

No. MC 127820 (Sub-Nos. 3 and 4) (Notice of filing of petition to modify territorial description), filed July 2, 1976. Petitioner: TRANS-SERVICE, INC., P.O. Box 612, 1943 South Lawn Extended, Coshocton, Ohio 43812. Petitioner's representative: Taylor C. Burneson, 1631 Northwest Professional Plaza, Columbia, Ohio 43220. Petitioner holds motor *contract carrier* permits in No. MC 127820 (Sub-Nos. 3 and 4) issued September 27, 1968 and July 13, 1971, respectively, authorizing transportation, over irregular routes, in MC 127820 (Sub-No. 3), of *Gloves, boots, products, materials*, and *supplies* used in the manufacture, sale, and packaging of gloves and boots, and diagnostic equipment and apparatus, (1) from Coshocton and Canton, Ohio, to Los Gatos and Emeryville, Calif., under a continuing contract, or contracts, with Edmont-Wilson Division of Becton, Dickinson Company, located at Coshocton, Ohio; and (2) from Los Gatos, Calif., to Coshocton and Canton, Ohio; and in MC 127820 (Sub-No. 4), of *Gloves, and products, materials, and supplies* used in the manufacture, packaging, and sale of gloves, (1) from Los Gatos, Calif., to Itasca and Broadview, Ill., and Massillon, Ohio; and (2) from Emeryville, Calif., to Itasca and Broadview, Ill., and Coshocton, Canton, and Massillon, Ohio, under a continuing contract, or contracts, with Bection, Dickinson and Company, located at Rutherford, N.J. By the instant petition, petitioner seeks to modify the Permit in MC 127820 (Sub-No. 3), so as to serve Benicia, Calif., as a destination point in lieu of Emeryville, Calif.; and in MC 127820 (Sub-No. 4), so as to serve Benicia, Calif., as an origin point in lieu of Emeryville, Calif.

No. MC 133478 (Sub-No. 8) (Notice of petition) (Correction), filed July 7, 1976, published in the FEDERAL REGISTER issue of July 29, 1976, and republished as corrected this issue. Petitioner: HEARIN TRANSPORTATION, INC., P.O. Box 25448, 8565 SW. Beaverton Hillsdale Hwy., Portland, Oreg. 97225. Petitioner's representative: Nick I. Goyak, 555 Benjamin Franklin Plaza, Portland, Oreg. 97258. The purpose of this partial republication is to indicate the correct docket number assigned to this proceeding as MC 133478 (Sub-No. 8), in lieu of MC 133487 (Sub-No. 8) as was previously published. The rest of the publication remains as previously published.

No. MC 135007 (Sub-No. 4) (Notice of filing of petition to add an additional origin point), filed July 21, 1976. Petitioner: AMERICAN TRANSPORT, INC., P.O. Box 37406, Millard Station, Millard, Nebr. 68137. Petitioner's representative: Frederick J. Coffman, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Petitioner holds a motor *contract carrier* Permit in No. MC 135007 (Sub-No. 4), issued May 16, 1973, authorizing, as pertinent, transportation over irregular routes, of *floor covering* and *floor tile*, from Lancaster, Pa., to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Missouri, Montana, Nebraska, New Mexico, Nevada, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming. By the instant petition, petitioner seeks to modify its Permit by adding Landisville in East Hampfield Township, Pa., as an additional origin point to the above authority.

No. MC 135639 (Notice of filing of petition to remove restriction), filed June 3, 1976. Petitioner: QUEENSWAY, INC., 196 N. Keyser Avenue, Old Forge, Pa. 18518. Petitioner's representative: Herbert M. Canter, 305 Montgomery St., Syracuse, N.Y. 13202. Petitioner holds a motor *common carrier* Certificate in No. MC 135639, issued July 12, 1976, authorizing transportation over regular routes, of

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general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment), between Rochester, N.Y., and New York, N.Y., serving (a) all intermediate points, and (b) Old Forge, Pa., Geneva, N.Y., and points in the New York, N.Y., Commercial Zone, as defined by the Commission, as off-route points, with service at Elmira and Syracuse, N.Y., and Scranton and Wilkes-Barre, Pa., restricted to the transportation of fresh fruits and vegetables: From Rochester over New York Highway 96 to junction New York Highway 14, thence over New York Highway 14 to Elmira, N.Y., thence over New York Highway 17 to Binghamton, N.Y., thence over U.S. Highway 11 to Scranton, Pa., thence over U.S. Highway 611 (formerly portion Alternate U.S. Highway 611) to Portland, Pa., thence over U.S. Highway 46 to junction New Jersey Highway 31 (formerly New Jersey Highway 69), thence over New Jersey Highway 31 to junction U.S. Highway 22, thence over U.S. Highway 22 to Newark, N.J., thence over city streets to Jersey City, N.J., thence across the Hudson River (also via Holland Vehicular Tunnel) to New York, and return over the same route. By the instant petition, petitioner seeks to remove the restriction at Elmira and Syracuse, N.Y., which limits service to the transportation of fresh fruits and vegetables.

REPUBLICATIONS OF GRANTS OF OPERATING RIGHTS AUTHORITY PRIOR TO CERTIFICATION

The following grants of operating rights authorities are republished by Order of the Commission to indicate a broadened grant of authority over that previously noticed in the FEDERAL REGISTER.

An original and one copy of protests to the granting of the authority must be filed with the Commission on or before September 13, 1976. Such protest shall comply with special rule 247(d) of the Commission's general rules of practice (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition shall not be tendered at this time. A copy of the protest shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

No. MC 119880 (Sub-No. 78) (Republication), filed January 26, 1976, and published in the FEDERAL REGISTER issue of March 4, 1976, and republished this issue. Applicant: DRUM TRANSPORT, INC., P.O. Box 2056, East Peoria, Ill. 61611. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106. An Order of the Commission, Review Board Number 3, dated July 8, 1976, and served July 26, 1976, finds that the present and future public convenience and necessity require operations by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle over irregular routes in the transportation of *Wine*, in bulk, in tank vehicles, from the facilities of Bear Mountain Winery located at or near Di Giorgio, Calif., to the facilities of Guadadupe Valley Winery Incorporated, located at or near New Braunfels, Tex. The purpose of this republication is to indicate applicant's grant of authority to transport wine in lieu of Alcoholic liquors as previously published in the FEDERAL REGISTER.

No. MC 141020 (Sub-No. 1) (Republication), filed January 13, 1976, and published in the FEDERAL REGISTER issue of February 26, 1976, and republished this issue. Applicant: WAYNE TEECE, doing business as CANADIAN CAMPING TOURS, 250 One Palliser Square, Calgary, Alberta, Canada T2G 0P6. Applicant's representative: Wayne Teece (same address as applicant). An Order of the Commission, Review Board Number 3, dated July 12, 1976, and served July 26, 1976, finds that the present and future public convenience and necessity require operations by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, in the transportation of *Passengers*, and *their baggage* in special and charter operations, in a seasonal operation during the months of June through September inclusive beginning and ending at those ports of entry on the International Boundary Line, between the United States and Canada in Alaska and extending to points in Alaska, restricted to operations originating at Calgary, Alberta, Canada. The purpose of this republication is to indicate (1) applicant's grant of common carrier authority in lieu of contract carrier authority as originally sought (2) the grant of special and charter operations in lieu of charter operations; and (3) to indicate the deletion "of" camping equipment" from the grant of authority.

No. MC 141699 (Republication), filed January 12, 1976, published in the FEDERAL REGISTER issue of February 20, 1976, and republished this issue. Applicant: WORSLEY TRANSPORT, INC., North Norwood Street, Wallace, N.C. 28466. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Suite 1030, Washington, D.C. 20006. An Order of the Commission, Review Board Number 3, dated June 23, 1976, and served July 15, 1976, finds that the present and future public convenience and necessity require operations by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle over irregular routes, in the transportation of *Petroleum and petroleum products* (except petrochemicals), in bulk, between points in Anson, Beaufort, Bladen, Brunswick, Carteret, Chatham, Columbus, Craven, Cumberland, Dare, Duplin, Durham, Edgecombe, Franklin, Greene, Harnett, Hoke, Hyde, Johnston, Jones, Lenoir, Moore, Martin, Nash, New Hanover, Onslow, Orange, Pamlico, Pender, Pitt, Richmond, Robeson, Sampson, Scotland, Tyrrell, Wake, Washington, Wayne, and Wilson Counties, N.C., on the one hand, and, on the other, points in Georgetown, Williamsburg, Florence, Horry, Marion, Dillon, Darlington, Marlboro, and Chesterfield Counties, S.C. The purposes of this republication are to indicate (1) applicant's grant of common carrier authority in lieu of contract carrier authority as originally sought; (2) authority to handle "in bulk" petroleum and petroleum products; and (3) the exception of "petrochemicals" from the commodity description.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

The following applications are governed by Special Rule 247 of the Commission's general rules of practice (49 CFR 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 531 (Sub-No. 341), filed June 29, 1976. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, P.O. Box 14048, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Midland, Mich., to points in California.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

No. MC 2962 (Sub-No. 61), filed July 8, 1976. Applicant: A. & H. TRUCK LINE, INC., 1111 East Louisiana Street, Evansville, Ind. 47717. Applicant's representative: Robert H. Kinker, 711 McClure Building, P.O. Box 464, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Henderson, Ky., and Hopkinsville, Ky., serving the intermediate points of Madisonville, Earlington, and Mortons Gap, Ky.; from Henderson over U.S. Highway 41 to Madisonville, thence over U.S. Highway 41A to the junction of U.S. Highway 41, thence over U.S. Highway 41 to Hopkinsville, and return over the same route.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Hopkinsville or Madisonville, Ky.

No. MC 3854 (Sub-No. 31), filed July 12, 1976. Applicant: BURTON LINES, INC., P.O. Box 11306, East Durham Station, Durham, N.C. 22703. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building, roofing and insulating boards and panels*, from Woodstock, Va., to points in North Carolina and South Carolina.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 5470 (Sub-No. 108), filed July 8, 1976. Applicant: TAJON, INC., R.D. No. 5, P.O. Box 146, Mercer, Pa. 16137. Applicant's representative: Don Cross, 700 World Center Building, 918 Sixteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals*, in dump vehicles, from Coatesville, Pa., to Buffalo, N.Y.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Philadelphia, Pa.

No. MC 222179 (Sub-No. 19), filed August 2, 1976. Applicant: FREEMAN TRUCK LINE, INC., P.O. Drawer 925, Oxford, Miss. 38655. Applicant's representative: John Paul Jones, 189 Jefferson Avenue, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities the transportation of which requires the use of special equipment), (1) Between Yazoo City, Miss., and Jackson, Miss., over U.S. Highway 49, and return over the same route, serving all intermediate points, and serving the off-route points of Tinsley, Valley, Crupp, Anding, and Oil City, Miss., and (2) Between Pickens, Miss., and Jackson, Miss., over U.S. Highway 51 and also Interstate Highway 55, and return over the same routes, serving all intermediate points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at both Jackson, Miss., and Memphis, Tenn.

No. MC 28551 (Sub-No. 5), filed July 12, 1976. Applicant: GENERAL CARTAGE CO., a Corporation, 1511 Pearl Street, Waukesha, Wis. 53186. Applicant's representative: William H. Towle, 180 North La Salle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities, in containers;* and (2) *empty containers*, between Milwaukee and Waukesha, Wis., on the one hand, and, on the other, points in Wisconsin (except points in Milwaukee, Waukesha, Jefferson, Ozaukee, Racine, Walworth, and Washington Counties, Wis.), restricted to the transportation of shipments having a prior or subsequent movement by rail or water.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 26396 (Sub-No. 132), filed July 13, 1976. Applicant: POPELKA TRUCKING CO., a Corporation doing business as THE WAGGONERS, Box 990, Livingston, Mont. 59047. Applicant's representative: Jacob P. Billig, 2033 K St., NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and fittings, and accessories* necessary for the installation thereof, from the facilities of Certain-Teed Corporation, at McPherson, Kans., to points in Colorado, Idaho, Minnesota, Montana, Nebraska, North Dakota, South Dakota, and Wyoming.

NOTE.—Applicant holds contract carrier authority in MC 136777 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 32367 (Sub-No. 22), filed June 24, 1976. Applicant: RED & WHITE MARKET & TRANSFER, INC., 1214 East South Street, Hastings, Nebr. 68901. Applicant's representative: Gailyn L. Larsen, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: 1 (a) *Agricultural machinery and equipment and land rollers*, between Hastings, Nebr., on the one hand, and, on the other, points in Colorado, Kansas, Iowa, Minnesota, and South Dakota; (b) *agricultural machinery, farm implements*, and *parts thereof*, and *farm tools*, between Hastings, Nebr., on the one hand, and, on the other, points in Missouri, Oklahoma, and Texas; (c) *farm machinery and parts, farm implements and tools* and *wagons and parts*, from Hastings, Nebr., to St. Paul, Minn., Sioux Falls, S. Dak., points in that part of Iowa north of U.S. Highway 6 and west of U.S. Highway 65, and those in that part of Minnesota west of U.S. Highway 65 and south of U.S. Highway 14, including points on the indicated portions of the highways specified; *parts, farm implements and tools, and wagons and parts*, from St. Paul, Minn., to Algona, Charles City, and Spencer, Iowa, and Omaha and Hastings, Nebr.; (2) *farm truck bodies*, from Hastings, Nebr., to points in Illinois, Indiana, Kentucky, North Dakota, Wyoming, Montana, Louisiana, Missouri, Oklahoma, Texas, Utah, and Idaho, (3) *lumber, sheet metal, and hardware*, from points in Illinois, Indiana, Kentucky, and Louisiana to Hastings, Nebr.; (4) *lumber, aluminum sheet, nuts, bolts, rivets, sheet metal* (formed or unformed), and *rejected shipments* of farm truck bodies, from points in Missouri, Oklahoma, Texas, Utah, and Idaho to Hastings, Nebr.; (5) *farm truck body parts*, from Louisville, Ky., to Hastings, Nebr.

(6) *Farm machinery and parts*, from Hastings, Nebr., to points in Iowa, Illinois, Missouri, Kansas, Colorado, South Dakota, North Dakota, Minnesota, Wyoming, Montana, and Indiana, (7) *machinery, parts, supplies*, and *materials used in the manufacture of farm machinery*, from points in Iowa, Illinois, Missouri, Kansas, Colorado, North Dakota, South Dakota, Minnesota, Wyoming, Montana, and Indiana to Hastings, Nebr.; and (8) (a) Agricultural and *industrial machinery and equipment*, and *parts thereof* between Hastings, Nebr., on the one hand, and, on the other, points in Montana, Wyoming, Colorado, North Dakota, South Dakota, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Illinois, Indiana, Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Ohio, Kentucky, Michigan, Tennessee, North Carolina, South Carolina, Alabama, Georgia, Florida, Mississippi, Louisiana, Arkansas, Wisconsin, Arizona, New Mexico, Nevada, California, Idaho, Utah, Washington, and Oregon; and (b) *tubing*, from Delta, Ohio, to Hastings, Nebr. Part 1(d) is restricted to traffic originating at and destined to the named origin and destination points. Parts 1(a), 1(b), 1(c), 2, 3, 4, 5, 6, 7, 8(a), and 8(b) above are restricted to

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traffic originating at or destined to Hastings, Nebr.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Lincoln or Hastings, Nebr.

No. MC 43038 (Sub-No. 458), filed July 13, 1976. Applicant: COMMERCIAL CARRIERS, INC., 10701 Middlebelt Road, Romulus, Mich. 48174. Applicant's representative: Paul H. Jones, 29725 Shacket Avenue, Madison Heights, Mich. 48071. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles and trucks*, in secondary movements, from railhead ramps, at Phoenix, Ariz., to points in California.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Los Angeles or San Francisco, Calif., or Washington, D.C.

No. MC 47142 (Sub-No. 113), filed July 9, 1976. Applicant: C. I. WHITTEN TRANSFER COMPANY, P.O. Box 1833, 4417 Earl Court, Huntington, W. Va. 25719. Applicant's representative: J. G. Dail, Jr., P.O. Box 567, McLean, Va. 22101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Weapons, ammunition, and drugs* which are designated sensitive by the United States Government, between points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 51146 (Sub-No. 471), filed July 8, 1976. Applicant SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, from points in Stone County, Miss., to points in Connecticut, Delaware, Illinois, Iowa, Indiana, Kentucky, Massachusetts, Maine, Maryland, Michigan, Minnesota, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; and (2) *materials and supplies* used in the manufacture of paper and paper products, from points in the destination states named in (1) above to points in Stone County, Miss.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 51146 (Sub-No. 472), filed June 28, 1976. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foods, in mixed loads with canned goods*, from the plantsites and storage facilities of Tillie Lewis Foods, Inc., located at Stockton, Modesto, and Pittsburg, Calif., to points in Alabama, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 52657 (Sub-No. 735), filed July 13, 1976. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, Ill. 60620. Applicant's representative: James Bouril (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers and trailer chassis* (other than those designed to be drawn by passenger automobiles), in initial movements, in truckaway service, *dump bodies and parts, materials and supplies* (except commodities in bulk), used in the manufacture, assembly or servicing of commodities described above, when moving in such shipments and on the same load with such commodies, from New Wilmington, Pa., to points in the United States (including Alaska, but excluding Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Chicago, Ill.

No. MC 73688 (Sub-No. 69), filed July 1, 1976. Applicant: SOUTHERN TRUCKING CORPORATION, 1500 Orenda Avenue, P.O. Box 7182, Memphis, Tenn. 38107. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials, siding, asphalt and insulating materials*, from Memphis, Tenn., to points in Louisiana and Missouri.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Memphis, Tenn. or Washington, D.C.

No. MC 94201 (Sub-No. 140), filed June 23, 1976. Applicant: BOWMAN TRANSPORTATION, INC., P.O. Box 17744, Atlanta, Ga. 30316. Applicant's representative: Charles Ephraim, 1250 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between the terminal facilities of Bowman Transportation Inc., located at or near Cusseta, Ala., on the one hand, and, on the other, Atlanta, Ga.: (a) From Cusseta, Ala., over U.S. Highway 29 and Interstate Highway 85 to Atlanta, Ga., and return over the same route; (b) From Cusseta, Ala., over U.S. Highway 29 and Interstate Highway 85 to junction U.S. Highway 431, thence over U.S. Highway 431 to junction Alabama Highway 22, located at or near Roanoke, Ala., thence over Alabama Highway 22 to the Alabama-Georgia state line, thence over Georgia Highway 34 to Newnan, Ga., thence over U.S. Highway 29 and Interstate Highway 85 to Atlanta, Ga., and return over the same route; and (c) From Cusseta, Ala., over U.S. Highway 29 and Interstate Highway 85 to junction U.S. Highway 280, thence over U.S. Highway 280 to junction Georgia Highway 85 located at or near Columbus, Ga., thence over Georgia Highway 85 to Atlanta, Ga., and return over the same route, service in connection with the above routes, is authorized to and from all intermediate and all off-route points in Tallapoosa, Chambers, Lee, Macon, Russell and Bullock Counties, Ala., and Chattahoochee, Muscogee, Harris, and Troup Counties, Ga., restricted to the transportation of traffic moving to, from, or through Atlanta, Ga., and points within 15 miles of Atlanta.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 94201 (Sub-No. 141), filed July 6, 1976. Applicant: BOWMAN TRANSPORTATION, INC., a Corporation, P.O. Box 17744, Atlanta, Ga. 30316. Applicant's representative: Maurice F. Bishop, 601–09 Frank Nelson Bldg., Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the plantsite, warehouse and storage facilities of Union Camp Corporation, located at or near Franklin, Va., to Louisville, Ky. and points within its Commercial Zone, and points in Illinois, Indiana, Ohio, and Michigan.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 94350 (Sub-No. 363), filed July 13, 1976. Applicant: TRANSIT HOMES, INC., P.O. Box 1628, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vhecile, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Howard and Mitchell Counties, Tex., to points in Colorado, Kansas, Louisiana, New Mexico, Oklahoma, and Texas; and (2) *Buildings, in sections*, mounted on wheeled undercarriages, from points in Howard and Mitchell Counties, Tex., to points in Kansas and Louisiana.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 106398 (Sub-No. 744), filed June 29, 1976. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, Okla. 74103. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles in initial movement and *buildings*, in sections mounted on wheeled undercarriages, from Minnehaha County, S. Dak., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Sioux Falls, S. Dak.

No. MC 106674 (Sub-No. 201), filed July 1, 1976. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies and equipment* used in the manufacture, distribution and installation of building materials, gypsum and gypsum products (except liquid commodities in bulk), from points in Illinois, Iowa, Kansas, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, Tennessee, West Virginia, and Wisconsin, to the plantsite of the United States Gypsum Company, Martin County, Ind.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Indianapolis, Ind.

No. MC 106920 (Sub-No. 66), filed July 2, 1976. Applicant: RIGGS FOOD EXPRESS, INC., West Monroe Street, P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 11th Street, N.W. #805, Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food products, and food ingredients*, in mechanically refrigerated equipment (except in bulk), from the plantsites of and warehouse facilities utilized by Archer Daniels Midland Company located in Decatur, Ill.; also shipping products for Wilsey Foods, Inc., to points in Alabama, Connecticut, Delaware, Georgia, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Chicago, Ill.

No. MC 107403 (Sub-No. 978), filed June 29, 1976. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Maleic Anhydride*, in bulk, in tank vehicles from the plantsite of Ashland Chemical Company, Inc. located at or near Neal, W. Va., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 107403 (Sub-No. 980), filed July 1, 1976. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *Products* derived from corn; and (2) *blends* containing products derived from corn, in bulk, in tank vehicles, from the plantsite of Clinton Corn Processing Company located at Montezuma, N.Y., to points in the United States (except Alaska and Hawaii), restricted to the transportation of traffic originating at the above described facilities.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 107839 (Sub-No. 169), filed July 13, 1976. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 2121 East 67th Avenue, Denver, Colo. 80216. Applicant's representative: David E. Driggers, Suite 1600 Lincoln Center, 1660 Lincoln St., Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and articles*, used in the manufacture, distribution and sale of foodstuffs, when moving in mixed loads with foodstuffs (except commodities in bulk, in tank vehicles), from the facilities of Keebler Company, at or near Atlanta and Macon, Ga., to points in Arizona, Arkansas, California, Colorado, Idaho, Kansas, Missouri, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, restricted to the transportation of traffic originating at the named facilities, and destined to points in the named destination states.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Chicago, Ill.

No. MC 108053 (Sub-No. 131), filed July 9, 1976. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., P.O. Box 129, Fremont, Nebr. 68025. Applicant's representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except in bulk), from the facilities utilized by Rich Products Corporation, located at or near Buffalo, N.Y., to points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 109397 (Sub-No. 333), filed July 12, 1976. Applicant: TRI-STATE MOTOR TRANSIT COMPANY, a Corporation, P.O. Box 113 (Business I–44), Joplin, Mo. Applicant's representative: Max G. Morgan, 223 Cludad Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pet foods*, from San Diego, Calif., to points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, Texas, Wisconsin, and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at San Diego, Los Angeles, or San Francisco, Calif.

No. MC 109397 (Sub-No. 334), filed July 9, 1976. Applicant: TRI-STATE MOTOR TRANSIT CO., Post Office Box 113, (Bus. Rte I–44 East), Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and agricultural equipment, implements and attachments, accessories and parts* for farm machinery and agricultural implements, from points in Steuben County, N.Y., to points in the United States, including Alaska, but excluding Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Chicago, Ill.

No. MC 109478 (Sub-No. 145), filed July 12, 1976. Applicant: WORSTER MOTOR LINES, INC., R.D. 1, Gay Road, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 West Tenth St., Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and such materials and supplies* as are used in the manufacture and distribution thereof, from South Dayton, N.Y., to Jersey City, N.J. and points in New Jersey within 25 miles of Jersey City, N.J.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 109692 (Sub-No. 38), filed July 13, 1976. Applicant: GRAIN BELT TRANSPORTATION COMPANY, 340 North James, Kansas City, Kans. 66118. Applicant's representative: Lucy Kennard Bell, 910 Brookfield Bldg., 101 West Eleventh, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Manhattan, Kans., to points in Colorado, Iowa, Missouri and Oklahoma.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo. or Washington, D.C.

No. MC 110525 (Sub-No. 1161), filed July 6, 1976. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Products derived from corn and blends containing products derived from corn*, in bulk, in tank vehicles, from the Clinton Corn Processing Company plant

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site, located at Montezuma, N.Y., to points in the United States (except Alaska and Hawaii), restricted to traffic originating at the above described facilities.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 111545 (Sub-No. 225), filed July 8, 1976. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road, SE., Marietta, Ga. 30065. Applicant's representative: Robert E. Born, Station A, P.O. Box 6426, Marietta, Ga. 30065. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products*, from the plantsite and warehouse facilities of El Campo Aluminum Company, located at El Campo, Tex., to points in Arizona, California, Colorado, Utah, and points in and east of Iowa, Kansas, Minnesota, Nebraska, Oklahoma and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Houston, Tex.

No. MC 112595 (Sub-No. 66), filed July 12, 1976. Applicant: FORD BROTHERS, INC., Box 727, Ironton, Ohio 45638. Applicant's representative: James W. Muldoon, 50 West Broad St., Suite 1815, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Huntington, Ind., to points in Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Columbus, Ohio or Washington, D.C.

No. MC 112617 (Sub-No. 346), filed July 13, 1976. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, 1292 Fern Valley Rd., Louisville, Ky. 40221. Applicant's representative: Leonard A. Jaskiewicz, Suite 501, 1730 M St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, between the site of the Paducah-McCracken County Riverport Authority, at or near Paducah, Ky., on the one hand, and, on the other, points in Alabama, Arkansas, Georgia, Illinois, Indiana, Kentucky, Mississippi, Missouri, Ohio, Tennessee, West Virginia and Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Washington, D.C.

No. MC 112617 (Sub-No. 347), filed June 23, 1976. Applicant: LIQUID TRANSPORTERS, INC., 1292 Fern Valley Road, P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Leonard A. Jaskiewicz, 1730 M St. NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn, cane and beet products*, in bulk, in tank vehicles, from the plant site and warehouse facilities of Amalgamaize Company, located at or near Decatur, Ala., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Washington, D.C.

No. MC 112750 (Sub-No. 329), filed June 28, 1976. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, and written instruments* (except currency and negotiable securities), between Baltimore, Md., and Richmond, Va., on the one hand, and, on the other, points in West Virginia, under a continuing contract, or contracts, with Federal Reserve Bank of Richmond.

NOTE.—Applicant holds common carrier authority in MC 111729 and subs thereunder; therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 113362 (Sub-No. 299), filed July 12, 1976. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Raymond W. Ellsworth, P.O. Box 227, Seneca, Pa. 16346. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor covering and materials and supplies*, used in the distribution and installation of floor covering, from the plantsite and storage facilities of Armstrong Cork Company, located in East Hempfield Township, Pa., to Des Moines and Davenport, Iowa, and points in Texas, restricted to traffic originating at the afore-mentioned origin points, and destined to the afore-mentioned destination points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 113678 (Sub-No. 629), filed July 8, 1976. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Alcoholic beverages* (except malt beverages and commodities in bulk); and (2) *non-alcoholic beverages* (except in bulk), when moving in mixed shipments with alcoholic beverages, from Hartford, Conn.; Lawrenceburg, Ind.; Boston, Mass.; Lynchburg and Tullahoma, Tenn., and points in Illinois, Kentucky, Maryland, Michigan, Missouri, New York, Ohio and Pennsylvania, to Minneapolis and St. Paul, Minn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Paul, Minn. or Denver, Colo.

No. MC 113678 (Sub-No. 630), filed July 8, 1976. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Lincoln and Omaha, Nebr. to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Omaha, Nebr. or Denver, Colo.

No. MC 114045 (Sub-No. 443), filed June 23, 1976. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, D/FW Airport, Tex. 75261. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods*, in vehicles equipped with mechanical refrigeration, from Cincinnati, Ohio, to Phoenix, Ariz.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Dallas, Tex.

No. MC 114123 (Sub-No. 43), filed July 8, 1976. Aplicant: HERMAN R. EWELL, INC., East Earl, Pa. 17519. Applicant's representative: John M. Musselman, 410 North Third St., P.O. Box 1146, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Products derived from corn and blends containing products derived from corn*, in bulk, in tank vehicles, from the plantsite of Clinton Corn Processing Company, located at Montezuma, N.Y., to points in the United States (except Alaska and Hawaii), restricted to traffic originating at the above described facilities.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 114194 (Sub-No. 188), filed July 12, 1976. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. 62201. Applicant's representative: Ernest A. Brooks, II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime, limestone, calcium carbonate of*, in bulk, from Ste. Genevieve, Mo., to points in Iowa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo.

No. MC 114211 (Sub-No. 275), filed July 8, 1976. Applicant: WARREN TRANSPORT, INC., 324 Manhard St., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Charles W. Singer, 2440 E. Commercial Blvd., Ft. Lauderdale, Fla. 33308. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Motorcycles, recreational vehicles, snowmobiles and machines, accessories and parts;* and (2) *equipment, materials and supplies* used in the manufacture, distribution or sale of the

commodities in (1) above, between Thief River Falls, Minn., on the one hand, and, on the other, points in the United States including Alaska but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Minneapolis, Minn.

No. MC 114552 (Sub-No. 118), filed July 13, 1976. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, paneling and composition board*, from Charleston, S.C., to points in the United States in and east of Illinois, Kentucky, Mississipi, Tennessee and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Charleston, S.C.

No. MC 115311 (Sub-No. 192), filed June 8, 1976. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, Ga. 31061. Applicant's representative: K. Edward Wolcott, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic pipe fittings, and materials and supplies* used in the installation thereof, (1) from the plantsite and facilities of Certain-Teed Products Corporation, located at or near Waco, Tex., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina and Tennessee; (2) from the plantsite and facilities of Certain-Teed Products Corporation, located at or near Eads, Tenn., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina and Texas; (3) from the plantsite and facilities of Certain-Teed Products Corporation, located at or near McPherson, Kans., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee and Texas; and (4) from the plantsite and facilities of Certain-Teed Products Corporation, located at or near Social Circle, Ga., to points in Kansas, Oklahoma and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Atlanta, Ga.

No. MC 115654 (Sub-No. 53), filed June 25, 1976. Applicant: TENNESSEE CARTAGE COMPANY, INC., Candy Lane, P.O. Box 1193, Nashville, Tenn. 37202. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (except in bulk), in vehicles equipped with mechanical refrigeration, from the plantsite and warehouse facilities of Blue Grass Provisions located at or near Crescent Springs, Ky., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Missouri and Tennessee, restricted to the transportation of traffic originating at the plantsite and warehouse facilities of Blue Grass Provisions.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Nashville, Tenn. or Louisville, Ky.

No. MC 115860 (Sub-No. 10), filed July 6, 1976. Applicant: DALBY TRANSFER AND STORAGE, INC., P.O. Box 7187, Colorado Springs, Colo. 80933. Applicant's representative: John P. Thompson, 450 Capitol Life Center, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Irrigation systems, parts and supplies*, from points in El Paso County, Colo., to points in Alabama, Arkansas, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, North Carolina, North Dakota, Ohio, Oregon, South Carolina, South Dakota, Tennessee, Washington, Wisconsin, and ports of entry on the International Boundary line between the United States and Canada, located in Montana and North Dakota; and (2) *materials, supplies and equipment*, used in the manufacture, servicing, sale and distribution of sprinkler irrigation systems, from points in Arkansas, California, Illinois, Iowa, Nebraska, North Carolina, Ohio, Oregon, Texas, Utah, Washington, and Wisconsin, to points in El Paso County, Colo., restricted to shipments originating at or destined to, points in El Paso County, Colo.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 116880 (Sub-No. 5), filed June 10, 1976. Applicant: WALTER D. DAVIS, INC., Bangor Street, P.O. Box 339, Houlton, Maine 04730. Applicant's representative: Peter L. Murray, 30 Exchange Street, Portland, Maine 04111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings complete, knocked down or in sections, and component parts thereof and equipment and materials* incidental to the erection of such buildings when transported in connection therewith, from Houlton, Maine, to points in Alabama, Arizona, California, Florida, Idaho, Iowa, Kentucky, Louisiana, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Tennessee, Texas, Washington, Wisconsin and Wyoming, under a continuing contract, or contracts, with Ward Cabin Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Portland or Bangor, Maine or Boston, Mass.

No. MC 117119 (Sub-No. 585), filed July 9, 1976. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., a Corporation, P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Margarine cooking and salad oil, lard, and shortening* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Swift Edible Oil, Division of Swift & Co., located at Ft. Worth, Tex., to points in Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington and Wyoming, restricted to traffic originating at the named origin point and destined to points in the states named.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 117344 (Sub-No. 257), filed July 9, 1976. Applicant: THE MAXWELL CO., 10380 Evendale Drive, P.O. Box 15010, Cincinnati, Ohio 45215. Applicant's representative: James R. Stiverson, 1396 West Fifth Avenue, Columbus, Ohio 43212. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic liquid plastics*, in bulk, from Cincinnati, Ohio, to ports of entry on the International Boundary line between the United States and Canada located at or near Buffalo, Lewiston, and Roosevelttown, N.Y.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 117765 (Sub-No. 209), filed July 2, 1976. Applicant: HAHN TRUCK LINE, INC., 5315 N.W. 5th St., P.O. 75218, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Quarried granite blocks*, from points in Greer, Kiowa and Comanche Counties Okla., to points in Galveston and Harris Counties Tex.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla.

No. MC 117851 (Sub-No. 22), filed July 2, 1976. Applicant: JOHN CHEESEMAN TRUCKING, INC., 501 North First Street, Fort Recovery, Ohio 45846. Applicant's representative: Earl N. Merwin, 85 East Gay Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plumbing supplies and materials* (except in bulk), (a) from Addison, Ill., to points in Alabama, Arizona, Arkansas, Connecticut, Delaware, Florida, Georgia, Idaho, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Mexico, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, and the District of Columbia; (b) from Delphi, Ind., to points in Arizona, Idaho, Montana, Nevada, New Mexico, Utah, and Washington; (c) from Frankfort, Ind., to points in Alabama,

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Arizona, Connecticut, Delaware, Florida, Georgia, Idaho, Maine, Maryland, Massachusetts, Montana, Nevada, New Hampshire, New Mexico, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Utah, Vermont, Virginia, Washington, and the District of Columbia; (d) from Gadsden, Ala., to points in Arizona, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Massachusetts, Michigan, Minnesota, Montana, Nevada, New Hampshire, New Mexico, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Texas, Utah, Virginia, Washington, and West Virginia; (e) from Kokomo, Ind., to points in Arizona, Idaho, Maine, Massachusetts, Montana, Nevada, New Hampshire, New Mexico, Rhode Island, Utah, Vermont, and Washington; (f) from Woodbridge, N.J., to points in Alabama, Arizona, Arkansas, Florida, Georgia, Idaho, Illinois, Iowa, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nevada, New Mexico, North Carolina, South Carolina, Tennessee, Texas, Utah, and Washington.

(g) From Plymouth, Ind. to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia; (h) from Springville, Ala., to points in Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia; (i) from Los Angeles, Calif., to Delphi, Ind.; (j) from Knoxville, Tenn., to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming and the District of Columbia; (k) from Alliance, Ohio to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia; and (l) from Collier, W. Va., to Gadsden, Ala., Koko, Ind., and Woodbridge, N.J.; and

(2) *furniture, cabinets*, from Mentor, Ohio to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia, under a continuing contract or contracts with Gerber Plumbing Fixtures Corp.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 118159 (Sub-No. 180), filed July 8, 1976. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., Dawson Station, P.O. Box 51366, Tulsa, Okla. 74151. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from points in Stone County, Miss., to points in Alabama, Arkansas, California, Florida, Georgia, Kansas, Louisiana, Missouri, Nebraska, North Carolina, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee and Texas; and (2) *materials and supplies* used in the manufacture of paper and paper products, from points in the destination states named in (1) above to points in Stone County, Miss.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 119399 (Sub-No. 60), filed July 1, 1976. Applicant: CONTRACT FREIGHTERS, INC., 2900 Davis Boulevard, P.O. Box 1375, Joplin, Mo. 64801. Applicant's representative: David L. Sitton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, closures therefor, paper containers and bottle carriers*, from Sand Springs and Sapulpa, Okla., to points in Alabama, Colorado, Florida, Georgia, Kentucky, Mississippi and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Tulsa or Oklahoma City, Okla.

No. MC 119988 (Sub-No. 95), filed July 8, 1976. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 103 East, Lufkin, Tex. 75901. Applicant's representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from points in California to points in Arkansas, Illinois, Indiana, Iowa, Kentucky, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Texas, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either San Francisco or Oakland, Calif.

No. MC 120737 (Sub-No. 43), filed July 8, 1976. Applicant: STAR DELIVERY & TRANSFER, INC., P.O. Box 39, South Fourth Avenue, Canton, Ill. 61520. Applicant's representative: Charles E. Long (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rubber articles*, from Conneautville, Pa., to LaPorte, Ind., Louisville, Ky., and Memphis, Tenn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 121142 (Sub-No. 14), filed July 13, 1976. Applicant: J & G EARLEDGE, INC., 189 Julienne St., P.O. Box 1637, Jackson, Miss. 39205. Applicant's representative: James N. Clay, III, 2700 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (A) Regular routes: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), Between Greenville, Miss. and Jackson, Miss.: From Greenville over U.S. Highway 82 to Winona, thence south over U.S. Highway 51 and Interstate Highway 55 to Jackson, serving all intermediate points on U.S. Highway 82 and as off-route points those in Carroll, Leflore, Montgomery, Sunflower, and Washington Counties; (B) Alternate route: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), Between Greenville, Miss. and Jackson, Miss: From Greenville south over Mississippi Highway 1 to junction with U.S. Highway 61, thence south over U.S. Highway 61 to junction with Interstate Highway 20, thence east over Interstate Highway 20 to Jackson, serving no intermediate points as an alternate route only; and (C) Irregular routes: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Greenville and Rosedale, Miss., on the one hand, and, on the other, points in Bolivar, Carroll, Grenada, Leflore, Montgomery, Sunflower, and Washington Counties, Miss., restricted in (A) and (B) and (C) above against traffic originating at, destined to or interchanged at Memphis, Tenn. and points within its commercial zone.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Greenville, Greenwood, or Jackson, Miss.

No. MC 123392 (Sub-No. 68), filed July 9, 1976. Applicant: JACK B. KELLEY, INC., Route 1 Box 400, Amarillo, Tex. 79106. Applicant's representative: Austin L. Hatchell, Perry Brooks Bldg., Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid ethylene* in bulk, in cryogenic trailers, from Clinton, Iowa to Calument City, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Amarillo, or Dallas, Tex.

No. MC 123407 (Sub-No. 318), filed July 9, 1976. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass*, from Kingsport and points in Hawkins County, Tenn. to points in Arkansas, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 124027 (Sub-No. 14), filed July 12, 1976. Applicant: MIDWEST BULK, INCORPORATED, 901 Lyndale Avenue, Neenah, Wis. 54956. Applicant's representative: Frank M. Coyne, Anchor Bldg., 25 West Main Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cinders*, in bulk, from Kaukauna, Wisc., to West Chicago, Ill.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Madison, Wisc., or Chicago, Ill.

No. MC 124078 (Sub-No. 694), filed June 30, 1976. Applicant: SCHWERMAN TRUCKING CO., 611 South 28 St., Milwaukee, Wis. 53215. Applicant's representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, Wis. 53201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, in tank vehicles, from Janesville, Wis., to points in Cook County, Ill.

NOTE.—Applicant holds contract carrier authority in No. MC 113832 Sub No. 68, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Milwaukee, Wis.

No. MC 124174 (Sub-No. 107), filed June 14, 1976. Applicant: MOMSEN TRUCKING CO., a Corporation, P.O. Box 37490, Omaha, Nebr. 68137. Applicant's representative: Marshall D. Becker, Suite 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles* (except commodities in bulk in tank vehicles) (1) from points in Cook, Du Page, Lake and Will Counties, Ill., and Lake and Porter Counties, Ind., and Fairless Hills, Pa., to the plantsite or storage facilities of Morton Building Company located at or near Winfield, Kans., restricted to traffic destined to Winfield, Kans.; and (2) from points in Du Page County, Ill., to the plantsite or storage facility of Morton Building Company located at or near Spencer, Iowa.

NOTE.—Applicant holds contract carrier authority in MC 128342, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either Omaha, Nebr., or Chicago, Ill.

No. MC 124679 (Sub-No. 69), filed July 7, 1976. Applicant: C. R. ENGLAND & SONS, INC., 975 West 2100 South, Salt Lake City, Utah 84119. Applicant's representative: Daniel E. England, 716 Newhouse Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and cheese products*, from the plantsite and storage facilities of the L. D. Schreiber Cheese Company, located at Logan, Utah, to points in Arizona, California, Idaho, Nevada, Oregon, Utah, Washington, and Wyoming.

NOTE.—Applicant holds contract carrier authority in No. MC 128813 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Green Bay, Wis. or Salt Lake City, Utah.

No. MC 125308 (Sub-No. 3) (Correction), filed May 19, 1976, published in the FEDERAL REGISTER issue of July 1, 1976, and republished as corrected this issue. Applicant: KARL S. ROBINSON TRUCKING COMPANY, INC., 3817 South State Street, Salt Lake City, Utah 84115. Applicant's representative: Thomas A. Duffin, 510 Ten Broadway Building, Salt Lake City, Utah 84101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel and metal girders, panels, columns, beams, bracing, tie rods, girts, purlins, trusses, and accessories* used in connection therewith; (2) *long wall, open pit and tunnel mining equipment and supplies, and accessories* used in connection therewith; (3) *steel and metal thickener structures*, including motors and operating apparatus used in connection therewith and *flotation cells, tanks and steel and metal components and equipment* for liquid pollution control; and (4) *steel and metal precipitators, and accessories*, including, duck work, veins, hoppers, bracing, trusses, columns, beams and bag house with components for air pollution, from Salt Lake City, Utah, to points in the United States, including Alaska but excluding Hawaii, and on return the commodities listed in (1) through (4) and *related materials* for dunnage, packing, securing and hauling the above listed commodities.

NOTE.—The purpose of this republication is to indicate applicant's contracting shipper, Western Steel Company, Inc., which was omitted in the previous publication. If a hearing is deemed necessary, the applicant requests it be held at Salt Lake City, Utah.

No. MC 125433 (Sub-No. 80), filed June 17, 1976. Applicant: F-B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, Utah 84104. Applicant's representative: Kenneth W. Barber (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cabs, seat, or guards*, operator, canopy type, machine or vehicle, including but not limited to roll-over cages, from the plantsite and storage facilities of SAF-T-CAB, Inc., located at or near Fresno, Calif., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either San Francisco, Calif., or Salt Lake City, Utah.

No. MC 126078 (Sub-No. 1), filed July 7, 1976. Applicant: BERNARD J. HEMMINGER, doing business as, QUICK VAN LINES, 1800 Griswold Avenue, Sterling, Ill. 61081. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Home appliances*, from Ripon, Wis., to points in Illinois and Iowa, under a continuing contract or contracts, with Hardware Products Company, located at Sterling, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 126791 (Sub-No. 5), filed June 30, 1976. Applicant: BEAR VAN LINES, 1855 East Avenue, Sand City, Calif. 93955. Applicant's representative: Bob Gleason, 15 South Grady Way, Suite 217, Renton, Wash. 98055. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Santa Cruz, San Benito, Monterey, San Luis Obispo, Santa Barbara, Napa, Alameda, Sonoma, Contra Costa, San Francisco, Marin, Solano, Santa Clara, San Mateo, Stanislaus, Yolo, San Joaquin, Sacramento, Ventura, Los Angeles, Orange, San Bernardino, Riverside, and San Diego Counties, Calif., on the one hand, and, on the other, points in California, restricted to the transportation of traffic having a prior or subsequent movement beyond said points in containers, and further restricted to the performance of pickup and delivery service in connection with

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packing, crating, and containerization or unpacking, uncrating and decontainerization of such traffic.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 126855 (Sub-No. 5) (Correction), filed May 18, 1976, published in the FEDERAL REGISTER issue of July 15, 1976, and republished as corrected this issue. Applicant: STERLING TRUCKING, INC., 2 Kenny Place, Saddle Brook, N.J. 07662. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. 10038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Compound*, used in the manufacture and distribution of tin cans and pails, from Cambridge, Mass., to Saddle Brook, N.J.; (2) *wire* used in the manufacture and distribution of tin cans and pails, from Jacksonville, Fla. and Fairless Hills, N.J., to Saddle Brook, N.J.; (3) *Plastic grips*, used in the manufacture of tin cans and pails, from Cortland, Ohio, to Saddle Brook, N.J.; (4) *cold rollers sheet steel, tin plate and black plate*, used in the manufacture and distribution of tin cans and pails, from Philadelphia, and Dravosburg, Pa., Waukegan, Ill. and Yorkville, Ohio, to Saddle Brook and Elizabeth, N.J.; and (5) *plastic containers, and steel and tin cans and pails*, from Saddle Brook, N.J., to points in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Mississippi, North Carolina, South Carolina, Tennessee, West Virginia, Wisconsin and New Hampshire (except Wilton, N.H.), under a continuing contract, or contracts, with Fein Container Corporation.

NOTE.—The purpose of this republication is to correct applicant's requested authority, which was published incorrectly. If a hearing is deemed necessary, the applicant requests it be held at either Newark, N.J. and New York, N.Y.

No. MC 128772 (Sub-No. 12) (Correction), filed June 3, 1976, published in the FEDERAL REGISTER issue of July 8, 1976, as 12872 (Sub-No. 12), and republished as corrected this issue. Applicant: STAR BULK TRANSPORT, INC., 821 North Front St., New Ulm, Minn. 56073. Applicant's representative: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from Rochester, Minn., to Little Rock, Ark.; Atlanta, Ga.; Peoria, Ill.; Chariton, Iowa; Detroit, Mich.; St. Louis and Springfield, Mo.; Louisburg and Charlotte, N.C.; Los Angeles Calif.; Brentwood, Syracuse and Buffalo, N.Y.; Cleveland, Toledo and Cincinnati, Ohio; Chester, S.C.; Dallas, El Paso and Fort Worth, Tex.; Roanoke, Va.; Omaha, Nebr. and Denver, Colo., under a continuing contract, or contracts with Pace Dairy Foods Company.

NOTE.—The purpose of this republication is correct applicant's Docket Number, published as No. MC 128722 (Sub-No. 12), in lieu of No. MC 128772 (Sub-No. 12). If a hearing is deemed necessary, the applicant requests it be held at Cincinati, Ohio or Washington, D.C.

No. MC 129309 (Sub-No. 3), filed June 25, 1976. Applicant: N & K LEASING CO., a Corporation, 2501 Henry Street, Muskegon, Mich. 49441. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Alpena, Mich., to the port of entry on the International Boundary line between the United States and Canada, located at Sault Ste. Marie, Mich.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Detroit, Mich., or Chicago, Ill.

No. MC 129394 (Sub-No. 2), filed July 9, 1976. Applicant: RONALD HACKENBERGER, doing business as, RON'S TRUCKING SERVICE, Route 250 North, Route 3, Norwalk, Ohio 44857. Applicant's representative: Richard H. Brandon, 220 West Bridge Street, P.O. Box 97, Dublin, Ohio 43017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Limestone products* in bulk, in dump vehicles, from Maple Grove, Ohio to Weirton, W. Va. and Ashland Ky. under a continuing contract or contracts with Federal Lime & Stone Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 133591 (Sub-No. 26) filed June 28, 1976. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303. Mount Vernon, Mo. 65712. Applicant's representative: Harry Ross, 58 South Main Street, Winchester, Ky. 40391. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Household appliances and apparatus, lawn and garden care apparatus, lighting fixtures, power tools, hand tools and parts, accessories and display racks* for such items, including but not limited to toasters, hot plates, coffee urns, ice crushers, broilers and roasters, fans, knives, corn poppers, heaters, food mixers, percolators, waffle irons, griddles, home exercise apparatus, timers, switches, clocks, wagons, fluorescent light fixtures, shears, sickles, trowels, lawn mowers, cultivators, food warmers and juice extractors (except commodities which because of size or weight require use of special equipment), from Columbia and Sedalia, Mo., to points in Arizona, California, Colorado, Idaho, Montana, New Mexico, Nevada, Oregon, Texas, Utah, Washington and Wyoming.

NOTE.—Applicant holds contract carrier authority in No. MC 134494 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC134572 (Sub-No. 1), filed July 12, 1976. Applicant: LAWRENCE MASSENGILL, P.O. Box 36, Hickory Flat, Miss. 38633. Applicant's representative: P. Connor Wiggins, Jr., 909–100 North Main Bldg., Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coke*, from Holt, Ala., to points in Arkansas, Louisiana, Mississippi and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Birmingham, Ala.

No. MC 135616 (Sub-No. 10), filed July 9, 1976. Applicant: PERRYSBURG TRUCKING CO., INC., 24982 Thompson Road, Perrysburg, Ohio 43351. Applicant's representative: Herbert Alan Dubin, 1819 H Street, N.W., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass*, from the facilities of C–E Glass, Division of Combustion Engineering, Inc., located at or near Cinnaminson, N.J., to points in and east of Arkansas, Iowa, Louisiana, Minnesota and Missouri, under a continuing contract, or contracts, with C–E Glass, Division of Combustion Engineering, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 135639 (Sub-No. 5), filed July 1, 1976. Applicant: QUEENSWAY, INC., 105 N. Keyser Avenue, Old Forge, Pa. 18518. Applicant's representative: Joseph F. Hoary, 121 S. Main St., Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from New Hyde Park, N.Y., to points in Illinois, Indiana, Minnesota, Ohio, Pennsylvania, West Virginia. Wisconsin, and points in New York west of Interstate Highway 81.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 135640 (Sub-No. 4), filed July 13, 1976. Applicant: STALEY EXPRESS, INC., 2501 N. Brush College Road, Decatur, Ill. 62526. Applicant's representative: Paul E. Steinhour, 918 E. Capital Avenue, Springfield, Ill. 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food products and food ingredients*, in mechanically refrigerated equipment (except in bulk), from the plant and warehouse facilities owned and operated by Archer Daniels Midland Company located in Decatur, Ill.; also, shipping products for Wilsey Foods, Inc. and others, to Kansas City, Kans., and points in Arkansas, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin, restricted to traffic originating at origin and destined to named states.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Springfield or Chicago, Ill.

No. MC 135732 (Sub-No. 22) (Correction), filed June 7, 1976, published in the FEDERAL REGISTER issue of July 8, 1976, republished as corrected this issue. Applicant: AUBREY FREIGHT LINES, INC., 605 Grove Street, P.O. Box 503, Elizabeth, N.J. 07202. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* that are manufactured and sold by GAF Corporation and *materials, equipment and supplies*, used or useful in the manufacture and sale of such commodities (except commodities in bulk), in mechanical refrigerated equipment, between the facilities of GAF Corporation, located at Binghamton, Johnson City, Vestal and Rensselear, N.Y., Linden, N.J.; Shelby and Elyria, Ohio; Portland, Oreg.; Calvert City, Ky., and their Commercial Zones as defined by the Commission, on the one hand, and, on the other, points in California, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Missouri, Minnesota, North Carolina, Ohio, Pennsylvania, Tennessee, Texas, Wisconsin and the District of Columbia, restricted against interlining or tacking at origin and destination.

NOTE.—The purpose of this republication is to correct applicant's commodity description. If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y. or Washington, D.C.

No. MC 135809 (Sub-No. 6), filed July 9, 1976. Applicant: B–H TRANSFER CO., a Corporation, P.O. Box 151, Sandersville, Ga. 31082. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Sodium tripolyphosphate and tetrasodium pyrophosphate*, dry, in bulk, in pneumatic tank vehicles, from Sandersville, Ga., to points in DeKalb, Fulton, Glascock, Jefferson, Twiggs, Washington, and Wilkerson Counties, Ga., and points in Aiken and York Counties, S.C., restricted to shipments having an immediate prior movement by rail.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 135895 (Sub-No. 10), filed June 21, 1976. Applicant: DON RAY BOYD AND JACKIE ROGERS, a Partnership, doing business as B & R DRAYAGE COMPANY, North Bierdman Road, Jackson, Miss. 39208. Applicant's representative: Douglas C. Wynn, P.O. Box 1295, Greenville, Miss. 38701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fibreboard, paper and paperboard boxes, cans and containers*, (a) between the plant sites and warehouses of Container Corporation of America located at or near Kenner, La., on the one hand, and, on the other, points in Mississippi; and (b) between the plant sites and warehouses of Underwood Glass Company located at or near Harahan, La., on the one hand, and, on the other, points in Alabama, Mississippi and Tennessee; and (2) *bottles, carboys, demijohns and jars, and closures*, between the plant sites and warehouses of Underwood Glass Company located at or near Harahan, La., on the one hand, and, on the other, points in Alabama, Mississippi and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Jackson, Miss.; New Orleans, La.; or Memphis, Tenn.

No. MC 135962 (Sub-No. 2), filed June 30, 1976. Applicant: MAR-KAY CARTAGE, INC., 24232 Miles Road, Bedford Heights, Ohio 44128. Applicant's representative: Earl N. Merwin, 85 East Gay St., Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* dealt in by retail department stores, between Cleveland, Ohio and Pittsburgh, Pa., under a continuing contract, or contracts, with Joseph Horne Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Columbus or Cleveland, Ohio.

No. MC 136228 (Sub-No. 22), filed July 8, 1976. Applicant: LUISI TRUCK LINES, INC., P.O. Box 606, Milton-Freewater, Oreg. 97862. Applicant's representative: Phillip G. Skofstad, 18448 S.E. Pine, Portland, Oreg. 97233. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hanging beef carcases, and fresh and frozen meat*, in boxes, from Wallula, Wash., to Portland, Clackamas, and Eugene, Oreg.; and (2) *meat meal and blood meal feed ingredients*, in bulk, from Wallula, Wash., to Portland, Oreg.

NOTE.—Applicant holds contract carrier authority in No. MC 136531 (Sub-No. 2), therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Portland, Oreg.

No. MC 136247 (Sub-No. 12), filed July 9, 1976. Applicant: WRIGHT TRUCKING, INC., 409 17th Street SW., Jamestown, N. Dak. 58401. Applicant's representative: Richard P. Anderson, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass beverage containers*, from Rosemount, Minn., to James, N. Dak., restricted to traffic originating at the plantsite and storage facilities of Brockway Glass Company, Inc., at Rosemount, Minn., and destined to the plantsite and storage facilities of Coca-Cola Bottling Co., at Jamestown, N. Dak.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Fargo or Jamestown, N. Dak., or Minneapolis, Minn.

No. MC 138003 (Sub-No. 10), filed July 8, 1976. Applicant: ROBERT F. KAZIMOUR, P.O. Box 2011, Cedar Rapids, Iowa 52406. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Appliances, furnaces, and air conditioners*, between points in Arizona, California, Idaho, Montana, Nevada, Oregon, Washington and Utah, and Louisville, Ky., restricted to a transportation service to be performed under a continuing contract, or contracts, with General Electric Company of Louisville, Ky.

NOTE.—Applicant holds common carrier authority in MC 140612 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Louisville, Ky. or Lincoln, Nebr.

No. MC 138741 (Sub-No. 21), filed July 8, 1976. Applicant: E. K. MOTOR SERVICE, INC., 2005 North Broadway, Joliet, Ill. 60435. Applicant's representative: Tom B. Kretsinger, 910 Brookfield Bldg., 101 West Eleventh, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and building materials* (except iron and steel articles and commodities in bulk), from the Kansas City, Mo.-Kansas Commercial Zone to points in Iowa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo. or Washington, D.C.

No. MC 138991 (Sub-No. 15), filed July 9, 1976. Applicant: K. J. TRANSPORTATION, INC., P.O. Box 9764, Rochester, N.Y. 14623. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wooden kitchen cabinets, bathroom vanities, shower enclosures, and disposals*, from Rochester, N.Y., to points in the United States (except Alaska and Hawaii); and (2) *materials, supplies and equipment* used in the manufacture of the commodities named in (1) above, from points in the United States (except Alaska and Hawaii), to Rochester, N.Y., under a continuing contract or contracts with Villa Mfg., Division of G. J. Industries.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Rochester or Buffalo, N.Y.

No. MC 139312 (Sub-No. 5) (Correction), filed May 6, 1976, published in the FEDERAL REGISTER issue of July 8, 1976, as MC 142084, republished as corrected this issue. Applicant: JOE H. TIDWELL, doing business as, NORTHEAST TRUCK BROKERS, P.O. Box 826, Pharr, Tex. 78577. Applicant's representative: Thomas R. Kingsley, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used clothing, used rags and used burlap*, from points in Alabama, Florida, Georgia, Iowa, Illinois, Kansas, Kentucky, Louisiana, Maryland, Michigan, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, West Virginia and Wisconsin to Nogales, Ariz.; McAllen, Tex. and ports of entry on the International Boundary line between the United States and the Republic of Mexico located in Texas.

NOTE.—The purpose of this republication is to change the docket number MC 139312 (Sub-No. 5) in lieu of MC 142084 which was

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previously published in error. If a hearing is deemed necessary, the applicant requests it be held at Brownsville or San Antonio, Tex.

No. MC 139642 (Sub-No. 4), filed July 2, 1976. Applicant: BAMA TRANSPORTATION COMPANY, INC., 5247 East Pine, Tulsa, Okla. 74115. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies* (except in bulk) used in the manufacture of bakery products, between Tulsa, Okla., on the one hand, and, on the other, points in the United States (except Alaska, Hawaii, and Oklahoma), under a continuing contract, or contracts, with Base Incorporated located at Tulsa, Okla.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Tulsa or Oklahoma City, Okla.

No. MC 139905 (Sub-No. 6), filed June 25, 1976. Applicant: R. B. STUCKY AND N. M. STUCKY, a Partnership, doing business as S & S DAIRIES, Route 2 Moundridge, Kans. 67107. Applicant's representative: Clyde N. Christey, 514 Capitol Federal Building, 700 Kansas Avenue, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar*, from Rocky Ford, Colo., to Wichita, Kans.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 139906 (Sub-No. 8), filed July 13, 1976. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 748, Salt Lake City, Utah 84110. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned fruits and vegetables* (except commodities in bulk, or those which because of size or weight require special handling or special equipment), from Salem and Eugene, Oreg., to points in Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara and Ventura Counties, Calif.

NOTE.—Applicant holds contract carrier authority in MC 134599 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Lincoln, Nebr. or Salt Lake City, Utah.

No. MC 139984 (Sub-No. 2), filed July 8, 1976. Applicant: BRADFORD FILM TRANSIT, INC., 718 North Senate Avenue, Indianapolis, Ind. 46202. Applicant's representative: Robert W. Loser, II, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Movie film, theater supplies, and advertising materials*, (1) between Cincinnati, Ohio and Indianapolis, Ind.; and (2) between points in Marion, Hamilton, Hancock, Shelby, Johnson, Morgan, Hendricks, and Boone Counties, Ind.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind. or Cincinnati, Ohio.

No. MC 140146 (Sub-No. 4), filed June 25, 1976. Applicant: JEFFERY P. JENKS, doing business as, JENKS CARTAGE COMPANY, 1294 Madison Ave., Painesville, Ohio 44077. Applicant's representative: Michael Laird, Penthouse Level, New Market Place, Painesville, Ohio 44077. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid membrane forming, concrete curing compounds, and air entraining admixture* in drums, and *materials and supplies* used in the manufacture thereof, between the Murphy-Phoenix plantsite, located at Madison, Ohio and points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Massachusetts, Maryland, Missouri, Mississippi, Michigan, Minnesota, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin and the District of Columbia, under a continuing contract, or contracts, with The Murphy-Phoenix Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Lake County, Geauga County, or Ashtabula County, Ohio.

No. MC 140166 (Sub-No. 3), filed July 12, 1976. Applicant: JOHN L. SMITH, an Individual, P.O. Box 186, Moreland, Idaho 83256. Applicant's representative: Dennis M. Olsen, 485 "E" St., Idaho Falls, Idaho 83401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feeds*, bagged and bulk, for on farm and other delivery, from Pocatello, Idaho, to points in Maricopa County, Ariz.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Idaho Falls, or Boise, Idaho, or Salt Lake City, Utah.

No. MC 140178 (Sub-No. 4), filed July 13, 1976. Applicant: BRAY DELIVERY, INC., 6856 Knoll, St. Louis, Mo. 63134. Applicant's representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, Mo. 63105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ladies clothing*, between St. Louis, Mo., and Fairview Heights, Ill., under a continuing contract with Thomas W. Garland, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo., or Springfield, Ill.

No. MC 140231 (Sub-No. 2) (Amendment), filed March 4, 1976, published in the FEDERAL REGISTER issue of April 1, 1976, republished as amended this issue. Applicant: LUMBER DISTRIBUTORS, INC., Building 149, Southside, Port Newark, N.J. 07114. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, and wood products*, from points in Middlesex, Somerset, and Monmouth Counties, N.J. to points in Connecticut, Delaware, Maryland, New York and Pennsylvania.

NOTE.—The purpose of this republication is to amend the commodity description by including wood products.

HEARING: October 20, 1976 (2 days), at 9:30 a.m. Local Time, at New York, N.Y., in a hearing room to be later designated.

No. MC 140693 (Sub-No. 7), filed June 29, 1976. Applicant: BEER TRANSPORTATION COMPANY, 1120 Germantown Avenue, Philadelphia, Pa. 19123. Applicant's representative: Edward J. Kiley, 1730 M St., N.W., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and *related advertising materials*, from Latrobe, Pa., to points in New Hampshire.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia, Pa., or Washington, D.C.

No. MC 140709 (Sub-No. 4), filed July 7, 1976. Applicant: FANKHAUSER BROTHERS, INC., 139 Hillside, El Dorado, Kans. 67042. Applicant's representative: Clyde N. Christey, 514 Capitol Federal Bldg., 700 Kansas Avenue, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road oils and asphalt*, from the Apco Refinery, located at or near Arkansas City, Kans., the Mid-America Refining Co., Inc., located at or near Chanute, Kans., and the Mobile Oil Corporation Refinery, located at or near Augusta, Kans., to points in Missouri, south of Interstate Highway 70 and west of Missouri State Highway 19.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 140865 (Sub-No. 1), filed July 8, 1976. Applicant: JAMES T. GARRETT, doing business as, AMERICAN CONTRACT CARRIER, 14769 San Bernardino Avenue, Fontana, Calif. 92335. Applicant's representative: Jerry Solomon Berger, 433 North Camden Drive, 6th Floor, Beverly Hills, Calif. 90210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such products* as are ordinarily dealt in by wholesalers and distributors of health foods including vitamins and minerals (except commodities in bulk), from points in Illinois, Indiana, Louisiana, New Jersey, New York, Texas and Wisconsin to points in Los Angeles and Orange Counties, Calif., under a continuing contract or contracts with Kahan & Lessin Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Fontana or Los Angeles, Calif.

No. MC 141475 (Sub-No. 2), filed July 7, 1976. Applicant: CORA H. MABE, BOBBY L. MABE, and ERNIE M. MABE, doing business as MABE TRUCKING COMPANY, P.O. Box 121, Saltville, Va. 24370. Applicant's representative: Richard J. Lee, 4070 Falstone Road, Richmond, Va. 23234. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, from the plantsite of Greenfield Lumber Co., located at or near Meadowview, Va., to Kingsport, Tenn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Roanoke, Va., or Richmond, Va.

No. MC 141550 (Sub-No. 2), filed July 14, 1976. Applicant: HOPPY LINES, INC., 420 Devonshire Drive, Brea, Calif. 92621. Applicant's representative: Kenneth F. Dudley, 611 Church St., P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Welding rods and wire*, from the plants of Airco Welding Products, at Cleveland, Ohio; Chester, W. Va.; and Sparrows Point, Md., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming, under contract with Airco Welding Products, Division of Airco, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 141622 (Sub-No. 1) (Correction), filed April 26, 1976, published in the FEDERAL REGISTER issue of May 27, 1976, as MC 125751 (Sub-No. 1), and republished as corrected this issue. Applicant: H. & W. CARRIERS, INC., P.O. Box 73, Camargo, Ill. 61919. Applicant's representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel pipe, fabricated steel pipe, valves, elbows, joints, machinery, reducers, flanges, steel pipe configurations, and re-enforcing rods;* and (2) *tools, machines, parts, supplies, and equipment* used to install or erect the commodities named in (1) above at natural gas pumping stations, chemical plants, petroleum pumping stations, and natural gas compressor stations, between the plantsite and storage facilities of J. L. Allen Co., located at or near Ficklin, Ill., on the one hand, and, on the other, points in Indiana, Iowa, Kansas, Kentucky, Missouri, Minnesota, Michigan, North Carolina, Ohio, Pennsylvania, and Wisconsin, under a continuing contract, or contracts, with J. L. Allen Co.

NOTE.—The purpose of this republication is to correct the Docket number, published as MC 125751 (Sub-No. 4), in lieu of MC 141622 (Sub-No. 1). Applicant holds common carrier authority in No. MC 125751, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or St. Louis, Mo.

No. MC 141867 (Sub-No. 1), filed June 10, 1976. Applicant: SPECIALIZED TRUCKING SERVICE, INC., 1523 18th NE., Puyallup, Wash. 98371. Applicant's representative: Jack R. Davis, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (I) (a) *Bottles, containers, jars, glassware, and plastic articles;* (b) *covers, stoppers, closures, plugs and corks* for bottles, containers, jars, and plastic articles; (c) *sprayers and dispensers* for containers; (d) *cardboard and corrugated boxes, packaging materials, and pallets;* and (e) *pallets and dunnage, and returned and rejected shipments for compensation, on return*, (1) from points in the Seattle, Wash., Commercial Zone, to points in Colorado, Idaho, Montana, Nevada, and Utah; (2) from points in the Portland, Oreg., Commercial Zone, to points in Nevada; and (3) between points in California, on the one hand, and, on the other, points in Colorado, Idaho, Montana, Oregon, Utah, Washington, and Wyoming; II(a) *cans can ends, tops, covers, closures, cartons and parts thereof;* and (b) *pallets and dunnage, and returned and rejected shipments for compensation, on return*, between points in California, on the one hand, and, on the other, points in Oregon and Washington; and III *equipment, materials, and supplies*, used in the manufacture of glass and plastic containers and packaging materials, (1) between points in California, on the one hand, and, on the other, points in Oregon and Washington; and (2) from points in Idaho, Montana, and Wyoming, to points in California, Oregon, and Washington.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 141879 (Sub-No. 1), filed June 29, 1976. Applicant: CHILDRESS BROTHERS, P.O. Box 525, Briscoe, Tex. 79011. Applicant's representative: William D. Lynch, P.O. Box 912, Austin, Tex. 78767. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wooden mouldings, door-jams, and related millwork items*, when moving in specially designed side-door closed van trailers, between points in Hemphill County, Tex., on the one hand, and, on the other, points in California, Colorado, Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, Nevada, New Mexico, Ohio, Oklahoma, Tennessee, and Wisconsin; (2) *lumber*, when moving in specially designed side-door closed van trailers, from points in Missouri, Tennessee, and Wisconsin, to points in Hamphill County, Tex.; and (3) *wooden mouldings, door-jams, and related millwork items*, having a prior movement by water, when moving in specially designed side-door closed van trailers, from Galveston, Tex., to points in Texas, under a continuing contract, or contracts, with Canadian Millwork, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Amarillo, Lubbock, or Dallas, Tex., or Oklahoma City, Okla.

No. MC 141953 (Sub-No. 3), filed July 12, 1976. Applicant: R & L, INC., Rural Route 2, Grand Island, Nebr. 68801. Applicant's representative: Gailyn L. Larsen, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients, and animal health products*, from the facilities of Con Agra, at or near Sioux City, Iowa, to points in Sherman, Hamilton, Merrick, Hall, Adams, Buffalo, and Kearney Counties, Nebr., under contract with Hartman Feeds, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Grand Island or Lincoln, Nebr.

No. MC 142009 (Sub-No. 1), filed June 16, 1976. Applicant: DEAN'S READY MIXED, INC., 517 West Hearne Street, Albemarle, N.C. 28001. Applicant's representative: Vaughan S. Winborne, 1108 Capital Club Building, Raleigh, N.C. 27601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, in vehicles equipped with mechanical unloading devices, between Norwood, N.C., and points in South Carolina, under a continuing contract, or contracts, with Stanly Shale Products.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Raleigh or Charlotte, N.C.

No. MC 142135 (Sub-No. 1), filed July 9, 1976. Applicant: PRIORITY DISPATCH, INC., 1217 Dalton Street, Cincinnati, Ohio 45203. Applicant's representative: Michael Spurlock, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (1) between points in Adams, Brown, Butler, Champaign, Clark, Clermont, Clinton, Darke, Fayette, Franklin, Greene, Hamilton, Highland, Madison, Miami, Montgomery, Pickaway, Preble, Ross, Scioto, and Warren Counties, Ohio; and (2) between points in Adams, Brown, Butler, Champaign, Clark, Clermont, Clinton, Darke, Fayette, Franklin, Greene, Hamilton, Highland, Madison, Miami, Montgomery, Pickaway, Preble, Ross, Scioto, and Warren Counties, Ohio, on the one hand, and, on the other, points in Kentucky and points in Bartholomew, Boone, Brown, Clark, Dearborn, Decatur, Fayette, Floyd, Franklin, Hamilton, Hancock, Harrison, Hendricks, Henry, Jackson, Jefferson, Jennings, Johnson, Marion, Morgan, Ohio, Ripley, Rush, Scott, Shelby, Switzerland, Union, Washington, and Wayne Counties, Ind., restricted in (1) and (2) above to individual articles not exceeding one hundred pounds in weight, moving in shipments not exceeding five hundred pounds in weight, from one consignor to one consignee in a single day, and further restricted in (1) and (2) above to shipments moving on bills of lading issued by American Delivery Systems, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

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No. MC 142160 (Sub-No. 1), filed June 22, 1976. Applicant: DELVE SWAN TRUCKING COMPANY, INC., Highway 11 North, P.O. Box 693, Purvis, Miss. 39475. Applicant's representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, (1) from the plant site of Purvis Hardwood Lumber Company, Inc., located at Bogalusa, La., to the plantsite of Purvis Hardwood Lumber Company, Inc., located at Purvis, Miss.; and (2) from the plantsite of Purvis Hardwood Lumber Company, Inc., located at Purvis, Miss., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, under a continuing contract, or contracts, in (1) and (2) above, with Purvis Hardwood Lumber Company, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Hattiesburg or Jackson, Miss.

No. MC 142201 (Sub-No. 1), filed June 30, 1976. Applicant: BELGIUM STANDARD WASTE MANAGEMENT, 69 Maplecrete Road, Concord, Ontario, Canada. Applicant's representative: Michael Bellewech, Jr., 20 Cathedral Park, Buffalo, N.Y. 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Food waste materials*, in containers, mounted on truck and trailer chassis, from ports of entry on the International Boundary line between the United States and Canada, located along the Niagara River, to West Seneca, N.Y.; and (2) *empty containers*, from West Seneca, N.Y., to the origin points named in (1) above, under a continuing contract, or contracts, with Bakery Salvage Corp., located at West Seneca, N.Y.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Buffalo, N.Y., or Rochester, N.Y.

No. MC 142261, filed June 24, 1976. Applicant: JUERGENS PRODUCE & FEED COMPANY, West 3rd Street, Box 667, Carroll, Iowa 51401. Applicant's representative: Merle R. Danner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal health products*, (1) from the plantsite of Juergens Produce & Feed Company, located at Carroll, Iowa, to Bridgeton, Mo.; and (2) from the plantsite of Juergens Produce & Feed Company, located at Carroll, Iowa, to Kansas City, Mo., and Omaha, Nebr., on return.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Omaha, Nebr., or Des Moines, Iowa.

No. MC 142225 (Sub-No. 1), filed July 2, 1976. Applicant: GYPSUM SUPPLY COMPANY, Route 4, Tifton, Ga. 31794. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Blvd., P.O. Box 1267, Arlington, Va. 22201. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *Wet gypsum*, in bulk, in dump vehicles, from the facilities of Occidental Chemical Co. located at or near White Springs, Fla., to points in Georgia on and south of U.S. Highway 80, under a continuing contract or contracts, with Georgia Gypsum Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 142236, filed June 30, 1976. Applicant: ATKINSON WRECKER & SUPPLY CORP., 735 South 600 West, Salt Lake City, Utah 84101. Applicant's representative: Dale A. Kimball, 1800 Beneficial Life Tower, 36 South State Street, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel products and steel scrap*, between points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, under a continuing contract, or contracts, with Salt Lake Hardware, Steelco, Idaho Plumbing and Heating Co., and Atkinson Steel Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Salt Lake City, Utah.

No. MC 142244, filed June 14, 1976. Applicant: LLOYD WEST and BURDETT WEST, a partnership, doing business as WEST BROTHERS CONSTRUCTION COMPANY, Canada Hollow Road, Millport, Pa. 16739. Applicant's representative: Ronald W. Malin, Bankers Trust Building, Jamestown, N.Y. 14701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wooden dowels and wooden tool handles*, between Portville and Frankfort, N.Y., and Delaware, Piqua, and Columbus, Ohio, under contract with the Union Fork & Hoe Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Buffalo, N.Y.

No. MC 142247, filed July 8, 1976. Applicant: FRED SOUTH, doing business as FRED'S MOBILE HOME SERVICE, Route 2, Abingdon, Va. 24210. Applicant's representative: Emmitt F. Yeary, 161 East Main Street, Abingdon, Va. 24210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes*, between points in Florida, Georgia, Kentucky, North Carolina, Tennessee, Virginia, and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Abingdon, Roanoke, or Arlington, Va.

No. MC 142248, filed June 29, 1976. Applicant: SPEEDY STORAGE & CARTAGE (1975) LTD., 2345 Second Ave. A North, Lethbridge, Alberta, Canada. Applicant's representative: Joe Gerbase, 100 Transwestern Building, Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between Sweet Grass, Mont., and ports of entry on the International Boundary line between the United States and Canada located at or near Sweet Grass, Mont., restricted to interchange only.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Billings or Great Falls, Mont.

No. MC 142249 (Sub-No. 1), filed July 8, 1976. Applicant: A. T. NICHOLS TRUCKING CO., INC., Route 1, Millers Creek, N.C. 28651. Applicant's representative: Charlotte S. Bennett, P.O. Box 889, Wilkesboro, N.C. 28697. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise and commodities* as dealt in by Lowe's Companies, Inc., both retail and wholesale, and *such equipment, materials, and supplies* used in connection therewith (including but not limited to general commodities, forest products, building materials), between Lowe's Companies, Inc., stores, located in North Carolina, South Carolina, Virginia, West Virginia, Tennessee, and Georgia, under a continuing contract with Lowe's Companies, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Charlotte, N.C.

No. MC 142253, filed June 24, 1976. Applicant: M & D LEASING, INC., doing business as YORK COMMERCIAL TRUCKING CO., 2200 Monroe St., York, Pa. 17404. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Ave. NW., Suite 600, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Compressed fireplace logs*, from the shipping and warehouse facilities of Agnew Environmental Products located at or near Millington, Tenn., Memphis, Tenn., and York, Pa., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and the District of Columbia, under a continuing contract, or contracts, with Agnew Environmenal Products.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn.

No. MC 142256, filed June 21, 1976. Applicant: BILLMAN'S MOBILE HOME SERVICE, INC., Route No. 1, Parsons, Kans. 67357. Applicant's representative: Richard C. Dearth, 1712 Broadway, Parsons, Kans. 67357. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *House trailers, mobile homes and modular homes* assembled and unassembled, *and parts or portions* thereof, between points in Kansas, Oklahoma, Missouri, Arkansas, Texas and Nebraska.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 142257, filed June 22, 1976. Applicant: STYER TRANSPORTATION CO., a Corporation, 2045 Iberia Avenue, Lakeville, Minn. 55044. Applicant's representative: Charles E. Nieman, 1110 Northwestern Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and parts, and petroleum products* (except in bulk), between the facilities of Deere & Company, at Bloomington, Minn., on the one hand, and, on the other, points in Minnesota.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Minneapolis or St. Paul, Minn.

No. MC 142262, filed July 12, 1976. Applicant: BERNARD PAVELKA TRUCKING, INC., Route 1, Glenvil, Nebr. 68941. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* (except in bulk), from Milwaukee, Wis., and St. Paul, Minn., to Hastings and Beatrice, Nebr., under a continuing contract or contracts, with DeMars Distributing Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 142264, filed July 7, 1976. Applicant: RAYMOND E. PATTERSON, doing business as RAY PATTERSON MOTORS, 389 East Main, Greenwood, Ind. 46142. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Used motor vehicles*, in truckaway service, between points in Illinois, Indiana, Kentucky, Ohio, Michigan and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind. or Louisville, Ky.

No. MC 142266, filed June 22, 1976. Applicant: JAMES W. EWING, 1016 Stoneville Street, Pittsburgh, Pa. 15221. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clothing, shoes and such mechandise* dealt in by retail department stores; between stores and warehouses of Hughes & Hatcher, Inc., located at points in Ohio and Pennsylvania, under a continued contract or contracts with Hughes & Hatcher, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Pittsburgh, Pa. or Washington, D.C.

No. MC 142267, filed June 23, 1976. Applicant: DON LLEWELLYN, P.O. Box 456, Lavelle, Pa. 17943. Applicant's representative: Don Llewellyn (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Envelopes* and *paper*, from the plantsite of Tri-State Envelope Corporation, located at Ashland, Pa., to points in Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Maryland, Massachusetts, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia; and (2) *materials and supplies* used in the manufacture of envelopes, from the destination points named in (1) above, to the Tri-State Envelope Corporation located at Ashland, Pa., under a continuing contract, or contracts, with Tri-State Envelope Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Scranton or Harrisburg, Pa.

No. MC 142268, filed June 25, 1976. Applicant: GORSKI BULK TRANSPORT, INC., Box 700, Harrow, Ontario, Canada. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, between the ports of entry on the International Boundary line between the United States and Canada, located in Maine, Michigan, Minnesota, New Hampshire, New York, and Vermont, on the one hand, and, on the other, points in the United States located in and east of Iowa, Minnesota, Missouri and Texas.

NOTE.—Dual operations and common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Buffalo, N.Y.; Detroit, Mich.; or Washington, D.C.

No. MC 142269, filed June 29, 1976. Applicant: EAGLE HAWK CORP., doing business as ALL IOWA LTL PERISHABLE SERVICE, Route 2, Box 46, Eagle Grove, Iowa 50533. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), between Omaha, Nebr., on the one hand, and, on the other, points in Iowa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 142283 (Sub-No. 1), filed July 12, 1976. Applicant: VOORHORST, INC., 2099 East Packard Highway, Charlotte, Mich. 48813. Applicant's representative: Karl L. Gotting, 1200 Bank of Lansing, Lansing, Mich. 48933. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, in bulk and in bags, from the plantsites of Ralston Purina Company located at or near Richmond, Lafayette and Milford, Ind., to Lansing, Novi, Decatur, Freeland, Pigeon and Vicksburg, Mich.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Lansing or Detroit, Mich.

PASSENGER APPLICATIONS

No. MC 136596 (Sub-No. 4), filed June 14, 1976. Applicant: NORMAN H. DAVIS, doing business at DAVIS SERVICE CO., 408 State Road, Croydon, Pa. 19020. Applicant's representative: James H. Sweeney, P.O. Box 684, Woodbury, N.J. 08096. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *Passengers and baggage* of passengers in the same vehicle, (1) Regular: Between Bristol, Pa. and Philadelphia, Pa.: Commencing at Bristol, Pa., over city streets to the Burlington-Bristol Bridge, thence over said bridge to U.S. Highway 130 in New Jersey, thence south on U.S. Highway 130 to junction of U.S. Highway 30, thence over U.S. Highway 30 to Philadelphia, Pa., serving all intermediate points for discharging passengers in Philadelphia, Pa., returning over same route for discharging passengers at Bristol, Pa. and all intermediate points in New Jersey; and (2) Irregular: Charter and special operations: Beginning and ending at points in Lower Bucks County, Pa., points in New Jersey located on U.S. Highway 130, between Burlington, N.J. and Camden, N.J., including points named, and Philadelphia, Pa. and extending to points in Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, excluding presently authorized points and services in MC 136596 (Sub-No. 1).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Philadelphia, Pa., Trenton, N.J., or Washington, D.C.

No. MC 142243 (Sub-No. 1), filed July 12, 1976. Applicant: JACK L. SOWARDS, doing business as GLOBE GUARD SERVICE, P.O. Box 1095, Southgate, Mich. 48195. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers who are train crews*, and *their personal effects and baggage*, between points in Ohio and Michigan, under contract with Detroit, Toledo & Ironton Railroad Company, restricted to movements to or from the terminals and railroad right-of-way of the Detroit, Toledo & Ironton Railroad Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Detroit or Lansing, Mich.; or Toledo, Ohio.

BROKER APPLICATIONS

No. MC 12942 (Sub-No. 3), filed June 23, 1976. Applicant: METRIC TEEN TOURS, INC., 2 Overhill Road, Scarsdale, N.Y. 10583. Applicant's representative: Arthur Wagner, 600 Madison Avenue, New York, N.Y. 10022. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Scarsdale, Larchmont and New Rochell, N.Y., to sell or offer to sell the transportation of *Passengers*, restricted to youth groups accompanied by tour directors and super-

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visors or chaperons, *and their baggage*, in special and charter operations, in round-trip, all expense tours, by motor carriers, between points in the United States, including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either White Plains or New York, N.Y.

No. MC 130373 (Amendment), filed March 15, 1976, published in the FEDERAL REGISTER issue of June 24, 1976, and republished as amended this issue. Applicant: JAMES BURTON HAM AND WILBUR JACKSON RIDER, a Partnership, doing business as RADIO TOURS, Route 2, P.O. Box 609, Kinston, N.C. 28501. Applicant's representative: James Burton Ham (Same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Kinston, N.C., to sell or offer to sell the transportation of *passengers*, in groups or as individuals *and their baggage*, in sight-seeing and pleasure tours, by motor, air, water and rail carriers, beginning and ending at points in North Carolina east of the western boundaries of Cumberland, Franklin, Harnett, Robeson, Wake, and Warren Counties, N.C., including points in Beaufort, Bertie, Bladen, Brunswick, Camden, Carteret, Chowan, Columbus, Craven, Currituck, Dare, Duplin, Edgecombe, Gates, Greene, Halifax, Hertford, Hyde, Johnston, Jones, Lenoir, Martin, Nash, New Hanover, Northhampton, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Pitt, Sampson, Tyrrell, Washington, Wayne, and Wilson Counties, N.C., and extending to points in the United States, including Alaska and Hawaii.

NOTE.—The purpose of this amendment is to indicate the correct territory sought. If a hearing is deemed necessary, the applicant requests it be held at either Kinston or Raleigh, N.C.

No. MC 130392, filed June 14, 1976. Applicant: TRAVEL-EEZ, INCORPORATED, 42 Pearl NW., Grand Rapids, Mich. 49502. Applicant's representative: Gale L. Wisner (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Grand Rapids, Mich. to sell or offer to sell the transportation of *groups of passengers and their baggage*, in special and charter operations in escorted sightseeing and pleasure tours, by motor, air, water, and rail carriers, beginning and ending at points in Michigan and extending to points in the United States, including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Grand Rapids or Lansing, Mich.

No. MC 130394, filed July 13, 1976. Applicant: AIDA GROUP TRAVEL COORDINATORS & TRAVEL AGENTS, INC., 3180 University Avenue, Suite 615, San Diego, Calif. 92104. Applicant's representative: Aida Gicanti (same address as applicant). Authority sought to engage in operations, in interstate or foreign commerce, as a *broker* at San Diego, Calif., to sell or offer to sell the transportation of *groups of passengers and their baggage*, in special and charter operations, in round-trip all expense escorted tours, by motor carriers, beginning and ending at San Diego, Calif. and extending to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at San Diego, Calif.

No. MC 130396, filed July 30, 1976. Applicant: SEA & SKI STUDENT TRAVEL SERVICES, INC., 7308 Durbin Terrace, Bethesda, Md. 20034. Applicant's representative: Andrew J. Gessow (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Bethesda, Md. to sell or offer to sell the transportation of *groups of passengers and their baggage*, restricted to high school and college sutdents, in round-trip charter operations, by motor common carriers, beginning and ending at points in the District of Columbia and its commercial zone, and extending to points in Florida and Vermont.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 130397, filed June 24, 1976. Applicant: RICHARD G. SCHALLER, doing business as WESTERN TRAVEL CLUB OF OJAI, 2530 Bonmark Drive, Ojai, Calif. 93023. Applicant's representative: Richard G. Schaller (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Ojai, Calif., to sell or offer to sell the transportation of *groups of passengers and their baggage*, in special and charter operations, in round-trip escorted tours, by motor, water and air carriers, beginning and ending at points in Ventura County, Calif., and extending to points in the United States including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Santa Barbara or Los Angeles, Calif.

FREIGHT APPLICATION

No. FF-420 (Sub-No. 1), filed June 24, 1976. Applicant: PERFECT PAK COMPANY, 12169 Venture Boulevard, Studio City, Calif. 91604. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by rail, motor, water and express, in the transportation of (1) *Used household goods and unaccompanied baggage;* and (2) *used automobiles*, between points in the United States, including Hawaii and Alaska, restricted in (2) above to the transportation of export and import traffic.

NOTE.—Applicant states that the purpose of this filing is to add Alaska to its present authority. If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

FINANCE APPLICATIONS

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to sections 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the requested authority must be filed with the Commission on or before September 13, 1976. Such protest shall comply with Special Rules 240(c) or 240(d) of the Commission's general rules of practice (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

MOTOR CARRIER OF PASSENGERS

No. MC-F-12902. Authority sought for purchase by MIDLAND LINES, INC., 503 Sixth Avenue North, Minneapolis, MN 55405, of the operating rights and property of ZEPHYR LINES, INCORPORATED, 505 Sixth Avenue North, Minneapolis, MN 55402, and for acquisition by JEFFERSON LINES, INC., 503 Sixth Avenue, North, Minneapolis, MN 55405, of control of such rights through the purchase. Applicants' attorneys: J. G. Dail, Jr., P.O. Box 567, McLean, Va. 22101 and David M. Beadie, 1300 Northwestern Bank Building, Minneapolis, MN 55402. Operating rights sought to be transferred: *Passengers and their baggage, and express, mail, and newspapers*, in the same vehicle with passengers as a *common carrier* over regular routes between Minneapolis, Minn., and Wahpeton, N. Dak., serving all intermediate points, between Sisseton, S. Dak., and Morris, Minn., serving all intermediate points; between Minneapolis, Minn., and Ashland, Wis., serving all intermediate points except New Richmond, Wis., and points east thereof to junction Wisconsin Highways 64 and 46, and Turtle Lake, Wis., on traffic originating at or destined to St. Paul and Minneapolis, Minn.; *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, between Glenwood, Minn., and Doran, Min.; serving all intermediate points, with service at the intermediate point of Elbow Lake, Minn., restricted against the transportation of passengers originating at, destined to, or interchanged at Fargo, N. Dak., or Moorhead, Minn.; *Passengers and their baggage, and newspapers and package express*, in the same vehicle with passengers, between Ashland, Wis., and Ironwood, Mich., serving all intermediate points; between Morris, Minn. and Wahpeton, N. Dak., serving all intermediate points; between Glenwood, Minn., and Doran, Minn., serving all intermediate points, with service at the intermediate point of Elbow Lake, Minn., restricted against the transportation of passengers originating at, destined to, or interchanged at Fargo, N. Dak., or Moorhead, Minn.; between junction Wisconsin Highway 35 and U.S. Highway 12 and Durand, Wis., serving all intermediate points; between Minneapolis, Minn., and Mora, Minn., serving all intermediate points; between Minneapolis, Minn., and Hutchinson, Minn., serving all intermediate points; between junction Minnesota-Wisconsin State line and Interstate Highway 94 and junction Wisconsin Highway 65 and Interstate Highway 94 near Roberts, Wis., serving all intermediate points; between junction Wisconsin Highway 65 and Interstate Highway 94, and Star Prairie, Wis., serving all intermediate points; between Star Prairie, Wis., and Deer Park, Wis., serving all intermediate points; between Graceville, Minn., and Wheaton, Minn., serving no intermediate points; between St. Paul, Minn., and Rice Lake, Wis., serving all intermediate points;

Passengers and their baggage and express and newspapers in the same vehicle with passengers, between Minneapolis, Minn., and Canby, Minn., serving all intermediate points; between Minneapolis, Minn., and Watertown, S. Dak., serving all intermediate points; between Madison, Minn., and junction U.S. highways 212 and 75, serving all intermediate points; between St. Paul, Minn., and Webster, Wis., serving all intermediate points; between junction Minnesota-Wisconsin State line and Interstate Highway 94, and junction Wisconsin Highway 65 and Interstate Highway 94 near Roberts, Wis., serving all intermediate points; between junction Wisconsin Highway 65 and Interstate Highway 94, and Star Prairie, Wis., serving all intermediate points; between Star Prairie, Wis., and Deer Park, Wis., serving all intermediate points; between Deer Park, Wis., and junction U.S. Highway 8 and Wisconsin Highway 46, serving all intermediate points; between junction U.S. Highway 8 and Wisconsin Highway 35, and Cameron, Wis., serving all intermediate points; between Cameron, Wis., and Rice Lake, Wis., serving all intermediate points; The above-described authority to transport passengers was issued pursuant to an application filed after January 1, 1967, and, therefore, no incidental charter operations in interstate or foreign commerce are authorized by section 208(c) of the Interstate Commerce Act, as amended November 10, 1966. *Passengers and their baggage, in the same vehicle with passengers*, in round trip charter operations, over irregular routes, beginning and ending at points in Chicago, Washington, Ramsey, Hennepin, Carver, McLeod, Sibley, Renville, Redwood, Lyon, Lincoln, Yellow Medicine, Chippewa and Lac Qui Parle Counties, Minn., Codington and Deuel Counties, S. Dak., and St. Croix, Barron, Polk, and Burnett Counties, Wis., and extending to points in the United States (except Alaska and Hawaii). Midland Lines, Inc., holds no authority from this Commission. However, it is affiliated with JEFFERSON LINES, INC., 503-6th Avenue, North, Minneapolis, Minn., 55405, which is authorized to operate as a common carrier in Arkansas, Iowa, Minnesota, Missouri, Nevada, and Texas. Application has not been filed for temporary authority under section 210a(b).

MOTOR CARRIER OF PROPERTY

No. MC-F-12859. Authority sought for purchase by COPPER FREIGHT LINES, INC., an Alaska Corporation, dba COPPER FREIGHT LINES, 3025 Rampart Drive, Anchorage, Alaska, 99501, of the operating rights of AURORA DELIVERY, INC., an Alaskan Corporation, dba AURORA DELIVERY, Box 6043 Airport Annex, Anchorage, Alaska, 99502, and for acquisition by JACK AND MARY WALLACE, 1000 Ermine St., Anchorage, AK., 99504, LEONARD WILLBANKS, 310 Oceanview Dr., Anchorage, AK., 99502, and JERRY L. JEFFRIES, P.O. Box 60136 Airport Annex, Fairbanks, AK., 99701, of control of such rights through the purchase. Applicants' Attorney: A. Robert Hahn, Jr., 542 West 2nd Avenue, Anchorage, Alaska, 99501. Operating rights sought to be transferred: *General commodities*, with exceptions as a *common carrier* over regular routes between Anchorage, Alaska, and Wasilla, Alaska, serving all intermediate points, from Anchorage over Alaska Highway 1 to Palmer, Alaska, thence over Alaska Highway 3 to Wasilla and return over the same route: *General commodities*, with exceptions as a *common carrier* over irregular routes between all points within 100 air miles of Anchorage, Alaska, which are north of a line drawn in an east west direction through Anchorage, Alaska.

No. MC-F-12899. Authority sought for purchase by OWENS BROS., INC., P.O. Box 247, Dansville, New York 14437, of a portion of the operating rights of BEVERAGE TRANSPORT, INC. (BANKRUPT) BY JAMES B. DOYLE, TRUSTEE IN BANKRUPTCY, 529 Times Square Bldg., 45 Exchange Street, Rochester, N.Y., 14614, of control of such rights through the purchase. Applicants' representatives: S. Michael Richards and Raymond A. Richards, Registered I.C.C. Practitioners, 44 North Avenue, Webster, New York, 14580. Operating rights sought to be transferred: *Malt beverages*, in containers, as a *common carrier* over irregular routes, from Columbus, Ohio, to points in that part of New York on and west of a line beginning at the Pennsylvania-New York State line and extending north along Interstate Highway 81 to Binghamton, thence along New York Highway 12 to the St. Lawrence River; *baby supplies*, when moving in mixed loads with foodstuffs (presently authorized), from the plant site of Gerber Products Company at Rochester, N.Y., to points in Westchester, Nassau, and Suffolk Counties, N.Y., and New York, N.Y.; *beverages* (except malt beverages), in containers, from Union, N.J., to points in Connecticut. Vendee is authorized to operate as a *common carrier* in Connecticut, New Jersey, New York, Ohio, Pennsylvania, Delaware, the District of Columbia, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Rhode Island, Virginia, West Virginia, and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12900. Authority sought for merger by K. J. TRANSPORTATION, INC., P.O. Box 9764, 1000 Jefferson Road, Rochester, New York, 14623, with (B) TRI-NORTHEASTERN TRANSPORT, INC., South Main Street, Lyndonville, New York, 14098, and for K. J. TRANSPORTATION, INC., also to purchase a portion of (BB) BEVERAGE TRANSPORT, INC. (Bankrupt) by James B. Doyle, Trustee in Bankruptcy, 529 Times Square Building, 45 Exchange Street, Rochester, New York, of control of such rights through the transactions. Applicants' representatives: S. Michael Richards and Raymond A. Richards, Registered I.C.C. Practitioners, 44 North Avenue, Webster, N.Y., 14580. Operating rights sought to be merged and purchased: (B) *Foodstuffs* (except frozen foodstuffs and except in bulk), and *materials, supplies and equipment* used in the manufacture, sale, or distribution of foodstuffs (except frozen foodstuffs and except in bulk), as a *common carrier* over irregular routes between Owensboro, Ky., on the one hand, and, on the other, points in those parts of Ohio, Indiana, and Illinois on and south of Interstate Highway 70 (except points west of Interstate Highway 55 and points east of Interstate Highway 77), and to points in Tennessee and Kentucky; (1) *unfrozen foodstuffs* (except in bulk), from Owensboro, Ky., to points in Jefferson, St. Charles, and St. Louis Counties, Mo., and points in those parts of Indiana and Illinois north of U.S. Highway 70; and (2) *materials, supplies and equipment* used in the manufacture, sale and distribution of the commodities specified in (1) above, from points in the destination territory specified in (1) above, to Owensboro, Ky., with restrictions. (BB) Malt beverages, in containers, as a *common carrier*, over irregular routes from Columbus, Ohio to all points in Genesee, Monroe, Erie and Oswego Counties, New York. (Only a portion of BEVERAGE TRANSPORT, INC.'s MC 119539 (Sub-No. 6), is involved. OWENS BROS., INC., has a pending application in No. MC-F-12899, to purchase all of BEVERAGE TRANSPORT, INC. MC 119539 (Sub-No. 6). In the instant application OWENS BROS., INC. has assigned its interest in the above described portion of MC 119539 (Sub-No. 6) to K. J. TRANSPORTATION, INC. Vendee is authorized to operate as a *contract carrier in* Connecticut, Delaware, the District of Columbia, Illinois, Indiana, Iowa, Kentucky, Maryland, Maine, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Virginia, Rhode Island, West Virginia, and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

NOTE.—KENT L. JOHNSON, Vice President/Secretary, of transferee is an agent for and manages TRI-NORTHEASTERN TRANSPORT, INC. Although this officer does not

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own any stock in TRI-NORTHEASTERN, he does direct much of the day to day operation.

MC 138991 (Sub-No. 16) is a directly related matter.

No. MC–F–12901. Authority sought for purchase by EASTERN EXPRESS, INC., 1450 Wabash Avenue, Terre Haute, IN., 47808, of a portion of the operating rights of ASSOCIATED TRANSPORT, INC., THOMAS J. CAHILL, TRUSTEE IN BANKRUPTCY, c/o Arthur S. Olick, 39th Floor, 630 Fifth Avenue, New York, N.Y. 10020, and for acquisition by AMERICAN EXPORT INDUSTRIES, INC., and MR. ALBERT E. RISING, JR., both of 26 Broadway, New York, N.Y., 10004, and ISBRANDTSEN COMPANY, INC., P.O. Box 123, Bowling Green Station, N.Y., 10004, of control of such rights through the purchase. Applicants' attorneys: Richard R. Sigmon, 1111 E Street, N.W., Washington, D.C. 20004, Fritz R. Kahn, Suite 1100 1660 L St., N.W., Washington, D.C., 20036, and Lee B. Ledford, 26 Broadway, New York, N.Y. 10004. Operating rights sought to be transferred. *General commodities*, with exceptions as a *common carrier* over regular routes between points in Tennessee as follows: from Knoxville over U.S. Highway 129 to Maryville. Service is authorized to and from the off-route points of Alcoa, from Knoxville over U.S. Highway 25W via Caryville to Jellico, from Caryville over Tennessee Highway 63 to junction unnumbered highway near Pioneer, thence over unnumbered highway via Elk Valley to Jellico. Service is authorized to and from the off-route points of Briceville, Beech Grove and Wooldridge, from Knoxville over Tennessee Highway 33 to Halls Cross Roads, thence over unnumbered highway to junction Tennessee Highway 71, and thence over Tennessee Highway 71 to Coal Creek, from Clinton over Tennessee Highway 61 to junction Tennessee Highway 71, thence over Tennessee Highway 71 to Coal Creek, from La Follette over Tennessee Highway 63 to Arthur, return over these routes, service is authorized to and from all intermediate points; between Knoxville, Tenn., and Asheville, N.C., serving all intermediate points, those within 10 miles of Knoxville, and off-route points in N.C. within 10 miles, from Knoxville over U.S. Highway 70 to Asheville, and return; between Nashville, Tenn., and Knoxville, Tenn., from Nashville over U.S. Highway 70N to junction U.S. Highway 70S, thence over U.S. Highway 70S to Crossville, thence over U.S. Highway 70 to Knoxville, and return over the same route, service is not authorized to or from the intermediate points; service is authorized to and from the Clinton Engineer Works and Oak Ridge, Tenn., as off-route points in connection with said carrier's otherwise authorized regular route operations;

Service is authorized to and from Lowland Tenn., and points within three miles of Lowland, as off-route points in connection with said carrier's presently authorized regular route operations through Morristown and Newport, Tenn; between Knoxville, Tenn., and Chattanooga, Tenn., from Knoxville over U.S. Highway 129 to junction U.S. Highway 411, thence over U.S. Highway 411 to junction unnumbered highway, formerly Tennessee Highway 60, thence over unnumbered highway to Cleveland, and thence over U.S. Highway 11 to Chattanooga, and return over the same route, service is authorized to and from all intermeditate points between Cleveland and Knoxville including Cleveland, and the off-route points of Ocoee, Tellico Plains, Vonore, and Alcoa, Tenn; between Madisonville, Tenn., and Ducktown, Tenn., from Madisonville over Tennessee Highway 68 to Ducktown, and return over the same route, service is authorized to and from all intermediate points; between Benton, Tenn., and Copperhill, Tenn., from Benton over unnumbered highway to Parksville, Tenn., thence over U.S. Highway 64 to Ducktown, Tenn., thence over Tennessee Highway 68 to Copper Hill, and return over the same route, service is authorized to and from the intermediate point of Postelle, Tenn., and the off-route points of Turtletown and Isabella, Tenn.; serving Greenland, Tenn., as an off-route point in connection with carrier's regular route operations to and from Kingsport, Tenn.; serving the site of Melton Hill Dam of the Tennessee Valley Authority, located southwest of Knoxville, Tenn., on the Clinch River, and points within five miles thereof, as off-route points in connection with carrier's regular route operations from Nashville to Knoxville, Tenn.; serving the plant site of the Blue Ridge Shoe Company (subsidiary of Melville Shoe Corporation) near Mountain City, Tenn., as an off-route point in connection with carrier's regular route operations; between Nashville, Tenn., and Cumberland City, Tenn., serving no intermediate points, from Nashville over Tennessee Highway 12 to junction Tennessee Highway 49, thence over Tennessee Highway 49 to Erin, Tenn., thence over Tennessee Highway 149 to Cumberland City, and return over the same route; serving the plantsite of the Firestone Tire and Rubber Company near Nashville, Tenn., as an off-route point in connection with carrier's authorized regular route operations.

General commodities, with exceptions, as a *common carrier* over irregular routes serving the Sequoyah Nuclear Power Plant of the Tennessee Valley Authority near Daisy, Tenn., as an off-route point in connection with carriers authorized regular route operations to and from Chattanooga, Tenn. Vendee is authorized to operate as a *common carrier* in Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Maryland, Kentucky, Massachusetts, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Wisconsin, the District of Columbia, Georgia, Maine, New Hampshire, South Carolina, Virginia, West Virginia, and Michigan. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12903. Authority sought for purchase by OVERNITE TRANSPORTATION COMPANY, 1100 Commerce Road (zip code 23224), P.O. Box 1216, Richmond, VA, 23209, of a portion of the operating rights and properties of SOUTHERN FORWARDING COMPANY,* 728 Alston Avenue, Memphis, TN, 38102, and for acquisition by J. Harwood Cochrane, 1100 Commerce Road, Richmond, VA, 23224, of control of such rights through the purchase. Applicants' attorneys: Eugene T. Liipfert, 1660 L Street, N.W. Suite 1100, Washington, D.C. 20036, and James N. Clay III, 2700 Sterick Building, Memphis, TN, 38103. Operating rights and property sought to be transferred: *General commodities*, with exceptions as a common carrier over regular routes between Memphis, Tenn., and Louisville, Ky., serving Nashville, Tenn., and all intermediate points in Tennessee on U.S. Highway 31–W, between Nashville and the Tennessee-Kentucky State line and intermediate points in Kentucky and the off-route points of Albany and Jeffersonville, Ind., with restrictions; from Bowling Green, Ky., to Memphis, Tenn., serving the intermediate point of Franklin, Ky., and all intermediate points on U.S. Highway 31–W between Bowling Green and Franklin, Ky.; between Bowling Green, Ky., and Atwood, Tenn., as an alternate route for operating convenience only in connection with carrier's otherwise authorized regular route operations, serving no intermediate points, and serving the termini for purpose of joinder only; between Louisville, Ky., and Nashville, Tenn., serving the intermediate point of Bowling Green, Ky., with restrictions; serving the plant site of the Ford Motor Company, located at junction Westport Road and Murphy Lane, near Louisville, Ky., as an off-route point in connection with carrier's authorized regular-route operations from and to Louisville, Ky.; between Nashville, Tenn., and Mitchellville, Tenn., serving all intermediate points, from Nashville over U.S. Highway 31–W to Mitchellville, and return over the same route. Vendee is authorized to operate as a *common carrier* in Alabama, Florida, Tennessee, North Carolina, South Carolina, Kentucky, Virginia, West Virginia, Ohio, Delaware, Maryland, New Jersey, Georgia, Indiana, Mississippi, Arkansas. Application has been filed for temporary authority under section 210a(b).

FC–76677 is a directly related matter.

No. MC–F–12904. Authority sought for purchase by WILSON FREIGHT COMPANY, 3636 Follett Avenue, Cincinnati, OH 45223, of a portion of the operating rights of ASSOCIATED TRANSPORT, INC., THOMAS J. CAHILL, TRUSTEE IN BANKRUPTCY, c/o ARTHUR S. OLICK, 39th Floor, 630 Fifth Avenue, New York, N.Y. 10020, and for acquisition by DAVID M. GANTZ, JOSEPH M. GANTZ, S. DAVID SHOR, and JOHN E. SHORE, all of 3636 Follett Avenue, Cincinnati, OH 45223, of control of such rights through the purchase. Applicants' attorneys: Milton H. Bortz, 3636 Follett Avenue, Cincinnati, OH 45223, and Fritz R. Kahn, Suite 1100, 1660 L St. NW., Washington, D.C. 20036. Operating rights sought to be transferred: *General commodities*, with exceptions as a *common carrier* over regular routes between Atlanta, Ga., and Rome, Ga., from Atlanta over U.S. Highway 41 to Cartersville, Ga., thence over U.S. Highway 411 to Rome, and return over the same route, service is authorized at intermediate and off-route points within 10 miles of Atlanta, Georgia, and those within one mile of Rome, Georgia; between Rome, Ga., and Plainville, Ga., serving no intermediate points, from Rome over Georgia Highway 53 to junction unnumbered highway (approximately five miles northeast of Shannon, Ga.), thence over unnumbered highway to Plainsville, and return over the same route; (1) serving the Watts Bar Nuclear Plant and Dam Site of the Tennessee Valley Authority (TVA) located at or near Spring City, Tenn., as an off-route point in connection with carrier's otherwise authorized regular-route operations, (2) between the T.V.A. Facility specified in (1) above and Plainville, Ga., from the aforesaid T.V.A. facility over Tennessee Highway 68 to junction U.S. Highway 27, thence over U.S. Highway 27 to Chattanooga, Tenn., thence over Interstate Highway 75 to junction Georgia Highway 53, thence over Georgia Highway 53 to junction unnumbered highway (approximately five miles northeast of Shannon, Ga.) thence over unnumbered highway to Plainville, and return over the same route, serving the intermediate point of Chattanooga, Tenn., for purposes of joinder only, (3) between the T.V.A. Facility specified in (1) above and Newport, Ky., from the aforesaid T.V.A. Facility over Tennessee Highway 68 to junction U.S. Highway 27, thence over U.S. Highway 27 to junction U.S. Highway 70, thence over U.S. Highway 70 to junction Interstate Highway 75, thence over Interstate Highway 75 to Newport, Ky., and return over the same route, serving the intermediate points (a) of junction U.S. Highway 70 and Tennessee Highway 58, and (b) of junction U.S. Highway 70 and U.S. Highway 11, for the purpose of joinder only;

(4) Between the T.V.A. facility specified in (1) above and junction Tennessee Highway 58 and U.S. Highway 70, from the aforesaid T.V.A. facility over Tennessee Highway 68 to junction Tennessee Highway 58, thence over Tennessee Highway 58 to junction U.S. Highway 70 and return over the same routes; (5) between the T.V.A. facility specified in (1) above and junction U.S. Highway 11 and U.S. Highway 70, from the aforesaid T.V.A. facility over Tennessee Highway 68 to junction U.S. Highway 11 thence over U.S. Highway 11 to junction U.S. Highway 70, and return over the same route; restricted in both (4) and (5) at the U.S. Highway 70 termini to service for purpose of joinder only. Vendee is authorized to operate as a *common carrier* in Arkansas, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12905. Authority sought for purchase by LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Oklahoma City, OK., 73108, of a portion of the operating rights of ASSOCIATED TRANSPORT, INC., THOMAS J. CAHILL, TRUSTEE IN BANKRUPTCY, of control of such rights through the purchase. Applicants' attorneys: Richard H. Champlin, P.O. Box 82488, Oklahoma City, OK., 73108, Roland Rice, 1111 E St., N.W., Washington, D.C., and Fritz R. Kahn, Suite 1100, 1660 L St., N.W. Washington, D.C., 20036. Operating rights sought to be transferred: *General commodities*, with exceptions, as a *common carrier* over regular routes between Erie, Pa., and Cleveland, Ohio, serving all intermediate points, between Buffalo, N.Y., and Cleveland, Ohio, serving all intermediate points, service is authorized at off route points in Ohio within 15 miles of the above specified routes; between Ashtabula, Ohio, and Cleveland, Ohio; between Asheville, N.C., and Burlington, N.C., serving all intermediate points, and serving off-route points within 25 miles of Asheville, those within 15 miles of Burlington and all other off-route points within 10 miles of said routes; between Asheville, N.C., and Oxford, N.C., serving all intermediate points, and serving off-route points within 25 miles of Asheville and Charlotte, N.C., and all other off-route points within 10 miles of said routes; between Shelby, N.C., and Rutherfordton, N.C., serving all intermediate points, and serving off-route points within 25 miles of Shelby and those within 10 miles of said route; between Shelby, N.C., and Lenoir, N.C., serving all intermediate points, and serving off-route points within 25 miles of Shelby and those within 10 miles of said routes; between Shelby, N.C., and China Grove, N.C., serving all intermediate points, and serving off-route points within 25 miles of Shelby and those within 10 miles of said route; between Shelby, N.C., and Landis, N.C., serving all intermediate points, and serving off-route points within 25 miles of Shelby and those within 10 miles of said route; between Fallston, N.C., and Polkville, N.C., serving all intermediate points, and serving off-route points within 10 miles of said route; between Great Falls, S.C., and Conover, N.C., serving all intermediate points, and serving off-route points within 10 miles of said route; between Great Falls, S.C., and Lincolnton, N.C., serving all intermediate points, and serving off-route points within 25 miles of Charlotte, N.C., and those within 10 miles of said route;

Between Grover, N.C., and Kings Mountain, N.C., serving all intermediate points, and serving off-route points within 10 miles of said route; between Stanley, N.C., and Dallas N.C., serving all intermediate points, and serving off-route points within 10 miles of said route; between Chester, S.C., and Lynchburg, Va., serving all intermediate points, and serving off-route points within 25 miles of Charlotte, N.C., and those within 10 miles of said route; between Mooresville, N.C., and Salisbury, N.C., serving all intermediate points, and serving off-route points within 10 miles of said route; between Cooleemee, N.C., and Mocksville, N.C., serving all intermediate points, and serving off-route points within 10 miles of said route; between Lexington, N.C., and junction U.S. Highway 311 and U.S. Highway 220, serving all intermediate points, and serving off-route points within 10 miles of said route; between Larinburg, N.C., and Greensboro, N.C., serving all intermediate points, and serving off-route points within 10 miles of said route; between Mcoll, S.C., and Fayetteville, N.C., serving all intermediate points, and serving off-route points within 10 miles of said route; between Davidson, N.C., and Concord, N.C., serving all intermediate points, and serving off-route points within 10 miles of said route; between Aberdeen, N.C., and junction U.S. Highway 1 and U.S. Highway 58, serving all intermediate points, and serving off-route points within 10 miles of said route; between Burlington, N.C., and Raleigh, N.C., serving all intermediate points, and serving off route points within 15 miles of Burlington and those within 10 miles of said route; between Durham, N.C., and junction Virginia Highway 49 and U.S. Highway 58, serving all intermediate points, and serving off-route points within 10 miles of said route; between Henderson, N.C., and junction North Carolina Highway 49 and North Carolina Highway 62, serving all intermediate points, and serving off route points within 10 miles of said route; between Danville, Va., and Junction North Carolina Highway 49 and U.S. Highway 220, serving all intermediate points, and serving off-route points within 15 miles of Burlington, N.C., and those within 10 miles of said route;

Between Jonesboro, N.C., and Ridgeway, Va., serving all intermediate points, and serving off-route points within 15 miles of Burlington, N.C., and those in Virginia within 10 miles of Virginia Highway 87 and U.S. Highway 220; between Ridgeway, Va., and Roanoke, Va., serving intermediate and off-route points within 10 miles of said route; between South Hill, Va., and Richmond Va., serving intermediate points and off-route points within 10 miles of U.S. Highway 1 between South Hill and a 20 mile radius of Richmond, Va., unrestricted; and serving Richmond and points within 20 miles of Richmond, restricted to traf-

*NOTE.—The stockholders of Southern Forwarding Company are filing a contemporaneous application under Section 212(b) for transfer to them of all of the assets of the company and have agreed to transfer a portion of the assets to transferee.

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fic moving to or from points other than Washington, D.C., Baltimore, Md., and points within 5 miles of Baltimore, Md.; between Norlina, N.C., and Norfolk, Va., serving intermediate and off-route points within 10 miles; between Roxboro, N.C., and South Hill, Va., serving all intermediate points; between junction U.S. Highway 29 and North Carolina Highway 49, near Charlotte, N.C. (formerly junction alternate U.S. Highway 29 and U.S. Highway 29, and China Grove, N.C., serving no intermediate points, the authority granted herein to the extent that it duplicates any authority heretofore granted to be held by carrier, shall not be construed as conferring more than one operating right; between Greenville, S.C., and Salisbury, N.C., service is authorized to and from all intermediate points; between Lawrenceville, Va., and Bristol, Va., service is authorized to and from all intermediate points; between Asheville, N.C., and Burlington, N.C., service is authorized to and from all intermediate points; between Knoxville, Tenn., and Dillisboro, N.C., service is authorized to and from all intermediate points; between points in North Carolina as follows: from Franklin over U.S. Highway 23 to Asheville, thence over U.S. Highway 74 to Kings Mountain, from Marshall over North Carolina Highway 213 to junction U.S. Highway 23, from Marion over U.S. Highway 221 to Rutherfordton, thence over North Carolina Highway 108 to Tryon, service is authorized to and from all intermediate points.

Between junction U.S. Highway 221 and North Carolina Highway 26, South of Marion, N.C., and Gaffney, S.C., service is authorized to and from all intermediate points; between Conover, N.C., and Great Falls, S.C., from Conover over U.S. Highway 321 via Gastonia, N.C., and Yorks, S.C., to Chester, S.C., thence over South Carolina Highway 97 to Great Falls, no exceptions are specified to the general commodity description for that segment of the route between Gastonia and York, including authorized points of service, service is authorized to and from all intermediate points: between Chester, S.C., and Statesville, N.C., service is authorized to and from all intermediate points; between Rock Hill, S.C., and Salckburg, S.C.; between York, S.C., and Burlington, N.C., service is authorized to and from all intermediate points; between points in North Carolina as follows, from Dallas over North Carolina Highway 275 to Stanley, thence over North Carolina Highway 27 to Charlotte, from Mooresville over North Carolina Highway 150 to junction North Carolina Highway 152, thence over North Carolina Highway 152 to China Grove, from Mooresville over North Carolina Highway 150 to Salisbury, thence over U.S. Highway 601 to Mocksville, from Mooresville over North Carolina Highway 801 to junction U.S. Highway 601, from Winston-Salem over U.S. Highway 52 to Lexington, from Winston-Salem over North Carolina Highway 109 to Thomasville, from Winston-Salem over U.S. Highway 311 to High Point, from Kernersville over North Carolina Highway 150 to junction U.S. Highway 311, service is authorized to and from all intermediate points; between junction U.S. Highway 74 and North Carolina Highway 120, and Laurens, S.C., service is authorized to and from all intermediate points; between Whitmire, S.C., and Hendersonville, N.C., service is authorized to and from the intermediate points of Union, S.C., and those between Union and Hendersonville, no exceptions are specified to the general commodity description for that segment of the route between Whitmire and Union; between points in South Carolina as follows, from Landrum over South Carolina Highway 14 to Greer, thence over unnumbered highway to Travelers Rest, from Greenville over U.S. Highway 25 to Ware Shoals, from Greenville over U.S. Highway 276 to Laurens, thence over U.S. Highway 78 to Clinton, and thence over South Carolina Highway 72 to Whitmire, from Mauldin over unnumbered highway to Woodruff, from Clemson College over U.S. Highway 76 to Anderson, service is authorized to and from all intermediate points; between Gainesville, Ga., and Athens, Ga.

From Gainesville over U.S. Highway 129 to Athens, no service is authorized to or from intermediate points, return over these routes, service is authorized to and from the off-route points of Bryson City, Ela, Hartland, Hudson and Lenoir, N.C., Belton, Honea Path, Iva, Lockhart and Slater, S.C., those within ten miles of Atlanta, and those within ten miles of Knoxville, and those in Georgia, North Carolina, and South Carolina within ten miles of the above-specified routes, except routes 28 and 29, that portion of route 22 at which intermediate points shall not be served, and that portion of route 9 which is between York, S.C., and Gastonia, N.C.; between Atlanta, Ga.; and junction U.S. Highway 23 and Georgia Highway 20 at or near Buford, Ga., no service is authorized to or from intermediate points; between junction U.S. Highway 29 and Alternate U.S. Highway 29 near Charlotte, N.C., and junction U.S. Highway 29 and alternate U.S. Highway 29 near Salisbury, N.C., no service is authorized to or from intermediate points; between Johnson City, Tenn., and North Wilkesboro, N.C., serving all intermediate points; between West Jefferson, N.C., and Winston-Salem, N.C., serving all intermediate points, and serving the off-route point of Bethania, N.C., the authority granted herein, to the extent that it duplicates any authority heretofore granted to or now held by carrier, shall not be construed as conferring more than one operating right; between Lawrenceville, Ga., and Richmond, Va.; between Greenville, S.C., and Lynchburg, Va.; between Danville, Va., and South Hill, Va.; between Danville, Va., and Richmond, Va.; between Danville, Va., and Lynchburg, Va.; between Slater, S.C., and Whitmire, S.C.; between Statesville, N.C., and Great Falls, S.C.; between Danville, Va., and Asheboro, N.C.; between Salisbury, N.C., and Marion, N.C.; between Salisbury, N.C., and Shelby, N.C.; between Conover, N.C., and Marion, N.C.; between Winston-Salem, N.C., and Fayetteville, N.C.; between Sanford, N.C., and Fayetteville, N.C.; between Winston-Salem, N.C., and Lexington, N.C.

Between Winston-Salem, N.C., and junction U.S. Highways 311 and 220; between Greensboro, N.C., and Carthage, N.C.; between Ramseur, N.C., and junction North Carolina Highways 22 and 27; between Reidsville, N.C., and Pittsboro, N.C.; between Greensboro, N.C., and Raleigh, N.C.; between Henderson, N.C., and Carthage, N.C.; between Franklinton, N.C., and Lillington, N.C.; between junction U.S. Highway 64 and North Carolina Highway 55 and junction North Carolina Highway 55 and U.S. Highway 501 (formerly alternate U.S. Highway 15); between Sanford, N.C., and Raleigh, N.C.; between Nelson, N.C., and junction North Carolina Highways 49 and 62; serving the following intermediate and off-route points in connection with all of the above described routes: South Carolina: All intermediate points in South Carolina except those on South Carolina Highway 13 south and west of Easley, not including Easley; and those within ten miles of Greenville, those within five miles of Spartanburg, those within three miles of the regular routes, except those within three miles of South Carolina Highway 13 (other than the indicated radius of Greenville), without restriction; North Carolina: those on and within three miles of the above-specified routes, those within 30 miles of Shelby, those within 30 miles of Charlotte, those within ten miles of Burlington, those within ten miles of Hickory, and those within 15 miles of Greensboro, without restriction; Virginia: Danville, Altavista, and South Boston; between Atlanta, Ga., and junction U.S. Highway 23 and Georgia Highway 20, at McDonough, Ga., serving no intermediate points; between Martinsville, Va., and Danville, Va., service is not authorized to or from intermediate points; between Junction U.S. Highway 70A and U.S. Highway 70 near Hillsboro, N.C., and junction U.S. Highway 70A and U.S. Highway 70 near university, N.C., service is not authorized to or from intermediate or off-route points.

Between junction U.S. Highway 23 and North Carolina Highway 36 and junction U.S. Highway 23 and Tennessee Highway 81, service is not authorized to or from intermediate points; between Decatur, Ga., and junction U.S. Highways 29 and 78, service is not authorized to or from intermediate points; service is authorized to and from all points within 15 miles of Atlanta, Ga., as intermediate and off-route points in connection with said carrier's presently authorized regular-route operations, the authority granted herein and that previously granted said carrier, to the extent they duplicate, shall not be construed as conferring more than one operating right; between Charleston, S.C., and Sumter, S.C., service is authorized to and from all intermediate points except those between Charleston and the junction of

U.S. Highway 52 and South Carolina Highway 261 (formerly South Carolina Highway 216), service is authorized to and from the off-route points of Summert n, Paxville, Turbeville, New Zion, Olanta, Lamar, and Elliott, S.C., those within five miles of Florence, Hartsville, and Sumter, S.C., respectively, and those within ten miles of Charleston, S.C.; between Charlotte, N.C., and Marion, S.C., service is authorized to and from the intermediate and off route points of Monroe, N.C., and Pageland, Mount Croghan, Ruby, Chesterfield, Cheraw, Bennettsville, Clio, Dillon, Mullins, Jefferson, Blenheim, McColl, Latta, and Nichols, S.C.; between Millens, S.C., and Dillon, S.C., with restrictions; between Myrtle Beach, S.C., and Hartsville, S.C., service is authorized to and from all intermediate points, and the off route points in a territory in North Carolina, and South Carolina bounded by a line beginning at Myrtle Beach, S.C., and extending along U.S. Highway 501 via Marion, S.C., to Rowland, N.C., thence along U.S. Highway 301 to Lumberton, N.C., thence along North Carolina Highway 211 to Bolton, N.C., and thence along U.S. Highway 76 to Wrightsville Beach, N.C., including points on the designated highways between Marion and Wrightsville Beach; between Myrtle Beach, S.C., and Wilmington, N.C., service is authorized to and from all intermediate points and the off route points of Conway and Wampee, S.C., and Southport, N.C.

Between Charlotte, N.C., on the one hand, and, on the other, points in that part of South Carolina within 150 miles of Charlotte east of a line extending from the North Carolina-South Carolina State line along South Carolina Highway 49 to York, thence along U.S. Highway 321 via Chester to Rockton, thence along South Carolina Highway 34 (formerly South Carolina Highway 213) to Ridgeway, thence along U.S. Highway 21 to Columbia, and thence along U.S. Highway 321 to Ulmers, including points on the highways specified, any repetition in the statement of the authority granted herein shall be construed as conferring only a single operating right; alternate routes for operating convenience only: between Fayetteville, N.C., and Delco, N.C., in connection with otherwise authorized operations between Burlington, N.C., and Wilmington, N.C., serving no intermediate points; between Franklin, Va., and Windsor, Va., in connection with otherwise authorized regular route operations between Franklin, Va., and Richmond, Va., via Suffolk, Va., serving no intermediate points, and serving Windsor for joinder purposes only; between Charleston, S.C., and Greenville, S.C., serving no intermediate points; between Roanoke, Va., and Huntington, W. Va., serving all intermediate points in West Virginia, all points within 5 miles of Roanoke, and the off route points of Bluefield and Princeton, W. Va., with restrictions, the authority granted herein to the extent that it duplicates any authority heretofore granted to or now held by carrier shall not be construed as conferring more than one operating right. Vendee is authorized to operate as a *common carrier* in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

No. MC-F-12906. Authority sought for purchase by ROADWAY EXPRESS, INC., 1077 Gorge Blvd., P.O. Box 471, Akron, OH 44309, of a portion of the operating rights of MEADORS FREIGHT LINE, INC., 1080 S. River Industrial Blvd., SE., Atlanta, GA 30315, and for acquisition by ROUSH VOTING TRUST, also of Akron, OH 44309, of control such such rights through the purchase. Applicants' attorney: William O. Turney, 7101 Wisconsin Avenue, Suite 1010, Washington, D.C. 20014. Operating rights sought to be transferred: *General commodities*, with exceptions as a *common carrier* over regular routes (1) between Cartersville, Ga., and the Georgia-Tennessee State line, serving all intermediate points; (2) between Chatsworth, Ga., and Dalton, Ga., serving no intermediate points and serving the termini for purpose of joinder only; (3) between Chatsworth, Ga., and Calhoun, Ga., serving no intermediate points and serving the termini for purpose of joinder only; (4) between junction Georgia Highway 156 and U.S. Highway 411, and Calhoun, Ga., serving no intermediate points and serving the termini for purpose of joinder only; (5) between Fairmount, Ga., and Calhoun, Ga., serving no intermediate points and serving the termini for purpose of joinder only; (6) between junction Georgia Highway 140 and U.S. Highway 411, and Adairsville, Ga., serving no intermediate points and serving the termini for purpose of joinder only; (7) between Cartersville, Ga., and Canton, Ga., serving no intermediate points and serving the termini for purpose of joinder only, with restrictions: *property*, between Elizabeth, Georgia, and the Georgia-Tennessee State line, via State Highway No. 3-N and No. 5, serving all intermediate points north of Marietta, Georgia, including Canton, Tate, Ellijay, Blue Ridge, and McCaysville; with the right to serve the following off-route points: Whitestone, Georgia, via County Road, and Marble Hill, Georgia, via State Highway No. 53 and serving Marietta for joinder purposes only. This Certificate of Registration evidences a right to engage in operations, in interstate or foreign commerce, as described, only insofar as such operations do not duplicate those authorized in Certificate No. MC 117604, issued by the Interstate Commerce Commission. Vendee is authorized to operate as a *common carrier* in Alabama, Arkansas, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

MC 2202 (Sub-No. 517) is a directly related matter.

No. MC-F-12907. Authority sought for purchase by WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mount Vernon, MO 65712, of the operating rights of HOWARD W. MIXON AND FRED MIXON, JR., a partnership, d/b/a MIXON BROTHERS, P.O. Box 307, Idabel, OK 74745, and for acquisition by WAYNE DANIEL, CHARLES A. DANIEL, WESLEY W. DANIEL, DAN A. DANIEL, and DORIS DANIEL, all of P.O. Box 303, Mount Vernon, MO 65712, of control of such rights through the purchase. Applicants' attorney: Harry Ross, 58 South Main Street, Winchester, KY 40391. Operating rights sought to be transferred: *Cooked bakery products*, unfrozen, as a *common carrier* over irregular routes, from Hope, Ark., to points in Washington, Oregon, California, Arizona, Nevada, Idaho, Montana, Wyoming, Colorado, New Mexico, Texas, Utah, and Oklahoma, with no transportation for compensation on return except as otherwise authorized. Vendee is authorized to operate as a *common carrier* in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12909. Authority sought for purchase by DUFF TRUCK LINE, INC., Broadway and Vine Streets, Lima, OH., 45802, of a portion of the operating rights of ASSOCIATED TRANSPORT INC., THOMAS J. CAHILL, TRUSTEE IN BANKRUPTCY, P.O. Box 157, Carlstadt, N.J., 07072, and 630 Fifth Avenue, N.Y., N.Y., 10020, respectively, and for acquisition by L. EUGENE DUFF, 1422 Fox Run Drive, Limia, OH., of control of such rights through the purchase. Applicant's attorneys: A. David Millner, P.O. Box 1409, 167 Fairfield Rd., Fairfield, N.J., 07006, Fritz R. Kahn, 1660 L St., N.W., Washington, D.C. 20036, and Arthur Olick, 630 Fifth Ave., N.Y., N.Y 10020. Operating rights sought to be transferred: *general commodities* with exceptions, as a *common carrier* over regular routes between Detroit, Mich., and Toledo, Ohio, serving all intermediate points, from Detroit over U.S. Highway 25 to Toledo, Ohio, and return over the same route, serving the off-route points in Wayne County, Mich., in connection with carrier's regular route operations described above; between Toledo, Ohio,

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and junction U.S. Highway 24 and 25, north of Monroe, Mich., serving no intermediate points, from Toledo over U.S. Highway 24 to junction U.S. Highway 25, north of Monroe, Mich., and return over the same route, with restrictions; serving the site of the Kaiser-Frazer Corporation Plant near Ypsilanti, Mich., as an off-route point in connection with carrier's regular route operations authorized above, serving the plant sites of the Packard Motor Car Company and Chrysler Corporation located 15½ and 8½ miles, respectively, north of Detroit, Mich., as off-route points in connection with carrier's regular route operations between Detroit, Mich., and Toledo, Ohio authorized above, serving the sites of the Ford Motor Company plant located at the northeast intersection of Mound Road and 17-mile Road in Sterling Township, Macomb County, Mich., and located at the intersection of Michigan Highway 218 (Wixom Road) and unnumbered highway (West Lake Drive) north of the Interstate Highway 96 (formerly U.S. Highway 16), in Novi Township, Oakland County, Mich., as off-route points in connection with carrier's regular route operations to and from Detroit, Mich., and the commercial zone thereof, authorized above, serving the site of the Ford Motor Company plant located near the unincorporated of Textile and McKean Road, in Washtenaw County, Mich., as an off-route point in connection with carrier's regular route operations to and from Detroit, Mich., authorized above; serving the plant site of the Ford Motor Company, at Van Dyke and 18 mile Road, Sterling Township, (Macomb County), Mich., as an off-route point in connection with carrier's authorized regular route operations to and from Detroit, Mich.; serving the plant site of Ford Motor Company, located at or near Romeo, Mich., as an off-route point in connection with carrier's authorized regular-route operations. Vendee is authorized to operate as a *common carrier* in New Jersey, New York, Pennsylvania, Maryland, Ohio, Connecticut, Delaware, the District of Columbia, Illinois, Indiana, Kentucky, Maine, Massachusetts, Michigan, Missouri, Georgia, North Carolina, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and New Hampshire. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12910. Authority sought for purchase by MAISLIN TRANSPORT OF DELAWARE, INC., 7401 Newman Boulevard, LaSalle, Quebec, Canada, of a portion of the operating rights of ASSOCIATED TRANSPORT, INC., THOMAS J. CAHILL, TRUSTEE IN BANKRUPTCY, %Thomas J. Cahill, Esq., 630 Fifth Avenue, N.Y., N.Y. 10020, and for acquisition by MAISLIN INDUSTRIES LTD., 7401 Newman Boulevard, LaSalle, Quebec, Canada, of control of such rights through the purchase. Applicants' attorneys: A. David Millner, P.O. Box 1409, 167 Fairfield Road, Fairfield, N.J. 07006, Fritz R. Kahn, 1660 L St., N.W., Washington, D.C. 20036, and Arthur Olick, 630 Fifth Avenue, New York. N.Y. 10002. Operating sought to be transferred: *General commodities*, with exceptions as a *common carrier* over regular routes between Pittsburgh, Pa., and Erie, Pa., from Pittsburgh over U.S. Highway 19 to Erie, with restrictions, return over these routes, service is not authorized to or from intermediate points. Vendee is authorized to operate as a *common carrier* in New Jersey, New York, Pennsylvania, Maryland, Ohio, Delaware, District of Columbia, Illinois, Indiana, Kentucky, Maine, Massachusetts, Michigan, Missouri, Georgia, North Carolina, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and New Hampshire. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12911. Authority sought for purchase by MUSHROOM TRANSPORTATION CO., INC., 845 East Hunting Park Avenue, Philadelphia, PA., 19124, of a portion of the operating rights of ASSOCIATED TRANSPORT, INC., THOMAS J. CAHILL, TRUSTEE IN BANKRUPTCY, c/o Thomas J. Cahill, 630 Fifth Avenue, New York, N.Y., 10020, and for acquisition by ROBERT G. CUTAIAR, 2069 Winthrop Rd., Huntingdon Valley, PA., 19006, ROBERT F. CUTAIAR, 7628 Oak Lane Rd., Cheltenham, PA., 19012, and RICHARD W. CUTAIAR, 221 E. St. Louis Ave., Wildwood Crest, N.J., 08260, of control of such rights through the purchase. Applicants' attorneys: A. David Millner, P.O. Box 1409, 167 Fairfield Ave., Fairfield N.J., 07006, Fritz R. Kahn, 1660 L St., N.W., Washington, D.C., 20036, and Arthur Olick, 630 Fifth Ave., New York, N.Y., 10002. Operating rights sought to be transferred: *General commodities* as a *common carrier* over regular routes between Baltimore, Md., and Cumberland, Md., serving no intermediate points, between Pittsburgh, Pa., and Cumberland, Md., serving intermediate and off-route points within 15 miles of Pittsburgh, between the Bedford Toll Gate and junction Pennsylvania Turnpike and U.S. Highway 30 at Irwin, Pa., for operating convenience only, serving no intermediate points, and with no service to or from the termini, with restrictions. Vendee is authorized to operate as a *common carrier* in New Jersey, New York, Pennsylvania, Maryland, Ohio, Connecticut, Delaware, the District of Columbia, Illinois, Indiana, Kentucky, Maine, Massachusetts, Michigan, Missouri, Georgia, North Carolina, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and New Hampshire. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12912. Authority sought for purchase by UNITED TRUCKING SERVICE, INCORPORATED, 3047 Lonyo Road, Detroit, MI 48209, of a portion of the operating rights of ASSOCIATED TRANSPORT, INC., THOMAS J. CAHILL, TRUSTEE IN BANKRUPTCY, c/o Thomas J. Cahill, 630 Fifth Avenue, New York, N.Y. 10020, and for acquisition by John J. Dooley, 3047, Lonyo Road, Detroit, MI 48209, of control of such rights through the purchase. Applicants' attorneys: A. David Millner, P.O. Box 1409, 167 Fairfield Ave., Fairfield, N.J. 07006, Fritz R. Kahn, 1660 L St., N.W., Washington, D.C. 20036, and Arthur Olick, 630 Fifth Ave., New York, N.Y. 10002. Operating rights sought to be transferred: General commodities, with exceptions as a *common carrier* over regular routes between Cincinnati, Ohio, and Cleveland, Ohio, serving the intermediate points of Xenia, Ohio, and those between Xenia and Cincinnati; between Indianapolis, Ind., and Louisville, Ky., serving all intermediate points; between Dayton, Ohio, and Muncie, Ind., serving all intermediate points; between Columbus, Ohio and Cambridge, Ohio, serving all intermediate points; between Delphos, Ohio, and Salem, Ohio, serving all intermediate points, and the off-route points of Galion and Shelby, Ohio; between Barberton, Ohio, and Findlay, Ohio, serving all intermediate points, and the off-route point of Rittman, Ohio; between Massillon, Ohio, and Cambridge, Ohio, serving all intermediate points; between Toledo, Ohio, and Youngstown, Ohio, serving all intermediate points, and the off-route points of Garrettsville and Niles, Ohio; between Cambridge City, Ind., and Connersville, Ind., serving all intermediate points; between Cleveland, Ohio, and Canton, Ohio, serving all intermediate points; between Norwalk, Ohio, and Youngstown, Ohio, serving all intermediate points; between Barberton, Ohio, and Warren, Ohio, serving all the intermediate points; between Mansfield, Ohio, and Lodi, Ohio, serving all intermediate points.

Between Cleveland, Ohio, and Medina, Ohio, serving all intermediate points; between Bucyrus, Ohio, and junction Ohio Highway 4 and U.S. Highway 20, serving all intermediate points; serving the off-route points in Summit and Cuyahoga Counties, Ohio, those within ten miles of Louisville, Ky., and those within five miles of Youngstown, Ohio, in connection with carrier's regular route operations described above; from Evansville, Ind., to Louisville, Ky., serving no intermediate points; between Delaware, Ohio, and Mansfield, Ohio, serving no intermediate points; between Lodi, Ohio, and Medina, Ohio, serving no intermediate points, serving points within ten miles of Canton, Ohio, as intermediate and off-route points in connection with carrier's regular route operations to and from Canton, Ohio, authorized above; between points in Indiana, as alternate routes for operating convenience only in connection with carrier's regular route operations authorized hereinabove, serving no intermediate points, as follow: from Dunreith over Indiana Highway 3 to junction Indiana Highway 403, thence over Indiana Highway 403 to junction U.S. Highway 31, and return over the same route, from Pendleton over Indiana Highway 9 to junction U.S. Highway 31, and return over the same route, from Connersville over Indiana Highway 44 to junction U.S. Highway 52, thence

over U.S. Highway 52 to Indianapolis, and return over the same route; serving the site of the Ford Motor Company plant, in Brownhelm Township, Lorain County, Ohio, near the intersection of U.S. Highway 6 and Baumhart Road, as an off-route point in connection with carrier's regular route operations between Toledo and Youngstown, Ohio, authorized hereinabove, serving the site of the Warrick Works of the Aluminum Company of America plant, located near Newburgh, Warrick County, Ind., as an off-route point in connection with carrier's regular route operations to and from Evansville, Ind., authorized hereinabove; between Louisville, Ky., and junction U.S. Highway 42 and 40 (at or near Lafayette, Ohio), as an alternate route for operating convenience only in connection with carrier's regular route operations authorized hereinabove, serving no intermediate points.

Between Sharonville, Ohio, and junction U.S. Highways 25 and 40 (at or near Vandalia, Ohio), as an alternate route for operating convenience only in connection with carrier's regular route operations authorized hereinabove, serving no intermediate points, and serving Sharonville for purpose of joinder only, from Sharonville over U.S. Highway 25 to junction U.S. Highway 40, and return over the same route; between points in Ohio, as alternate routes for operating convenience only in connection with carrier's regular route operations authorized hereinabove, serving no intermediate points, as follows, from Tiffin over Ohio Highway 101 to junction Ohio Highway 113, thence over Ohio Highway 113 to junction U.S. Highway 20, and return over the same route, from Salem over U.S. Highway 62 to Youngstown, and return over the same route, from Salem over Ohio Highway 45 to Warren, and return over the same route, from Salem over Alternate Ohio Highway 14 (formerly portion Ohio Highway 14) to junction Ohio Highway 14, thence over Highway 14 to Ravenna, and return over the same route, from Wooster over Ohio Highway 5 to Barberton, and return over the same route, from Wooster over Ohio Highway 3 to Medina, and return over the same route, from Norwalk over U.S. Highway 250 to Wooster, and return over the same route, from Cleveland over Ohio Highway 10 to junction U.S. Highway 20, and return over the same route, from Shelby over Ohio Highway 61 to New Haven, and return over the same route, from Bucyrus over Ohio Highway 98 to junction Ohio Highway 61, and return over the same route, from Delaware over U.S. Highway 42 to junction U.S. Highway 40, and return over the same route; between Sidney, Ohio, and Union City, Ind., as an alternate route for operating convenience only in connection with carrier's regular route operations authorized herein above, serving no intermediate points; between junction U.S. Highway 31 and alternate U.S. Highway 31 (North of and near Columbus, Ind.) and junction U.S. Highways 31 and 50 (near and East of Seymour, Inc.), as an alternate route for operating convenience only in connection with carrier's regular route operations between Indianapolis, Ind., and Louisville, Ky., authorized hereinabove, serving no intermediate points.

Between Bowling Green, Ky., and Auburn, Ky., serving all intermediate points, and all off-route points within five miles of Auburn, Ky., with restrictions; between Louisville, Ky., and junction U.S. Highways 42 and 40, at or near Lafayette, Ohio, as an alternate route for operating convenience only in connection with carrier's regular route operations authorized hereinabove, serving no intermediate points; between Louisville, Ky., and Dayton, Ohio, as an alternate route for operating convenience only in connection with carrier's regular route operations authorized hereinabove, serving no intermediate points and serving junction U.S. Highways 42 and 25 for joinder purposes only; between Louisville, Ky., and Nashville, Tenn., serving the intermediate points of Kosmosdale, Fort Knox, and Elizabethtown, Ky., restricted to the delivery of northbound traffic only; and serving all other intermediate points without restriction, and the off-route points of Mammouth Cave, Brownsville, Rocky Hill, Smith's Grove, and Morgantown, Ky., and Portland and Old Hickory, Tenn., alternate routes for operating convenience only; between junction U.S. Highway 40 and Indiana Highway 1, and junction Indiana Highways 1 and 38, in connection with carrier's regular-route operations authorized hereinabove, serving no intermediate points, and serving the termini for purpose of joinder only; between Tiffin, Ohio, and Bellevue, Ohio, in connection with carrier's regular-route operations authorized hereinabove, serving no intermediate points; any duplication of authority granted herein or to the extent that such authority duplicates any heretofore granted to or now held by carrier shall not be construed as as conferring more than one operating right; between Louisville, Ky., and junction Interstate Highway 75 and U.S. Highway 60. Vendee is authorized to operate as a common carrier in New Jersey, New York, Pennsylvania, Maryland, Ohio, Connecticut, Delaware, District of Columbia, Illinois, Indiana, Kentucky, Maine, Massachusetts, Michigan, Missouri, Georgia, North Carolina, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, New Hampshire. Application has been filed for temporary authority under section 210a(b).

Docket No. AB–26 (Sub-No. 8), (Notice), Live Oak, Perry and South Georgia Railway Company abandonment of operations between Foley Junction and Live Oak, in Taylor, Lafayette, and Suwannee Counties, Florida, was published in the June 23, 1976, FEDERAL REGISTER on page 25945 and the July 6, 1976, FEDERAL REGISTER on page 27807. The FEDERAL REGISTER notices were prematurely published. Disregard both publications.

OPERATING RIGHTS APPLICATIONS DIRECTLY RELATED TO FINANCE PROCEEDINGS

The following operating rights applications are filed in connection with pending finance applications under section 5(2) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with pending transfer applications under section 212 (b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the authorities must be filed with the Commission on or before September 13, 1976. Such protests shall comply with Special Rule 247(d) of the Commission's general rules of practice (49 CFR § 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its applications.

No. MC 58923 (Sub-No. 44) (Correction), filed May 21, 1976, published in the FEDERAL REGISTER issue of July 1, 1976, and republished as corrected this issue. Applicant: GEORGIA HIGHWAY EXPRESS, 2090 Jonesboro Road, S.E., Atlanta, Ga. 30315. Applicant's representative: Bates Block, 3300 First National Bank Tower, Atlanta, Ga. 30315. The purpose of this partial republication is to correct applicant's representative's name and address. This is a matter directly related to a finance proceeding in MC–F–12847, published in the FEDERAL REGISTER issue of June 9, 1976. The rest of the notice remains the same.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Charlotte, N.C., or Washington, D.C.

No. MC 85413 (Sub-No. 12), filed June 7, 1976. Applicant: LONG'S EXPRESS, INC., 2006 Seminary Avenue, Richmond, Va. 23220. Applicant's representative: Francis W. McInerny, 1000 Sixteenth Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) Between Mechanicsville (Waldrop P.O.) Va., and Charlottesville, Va.: From Mechanicsville (Waldrop P.O.) over Virginia Highway 22 and U.S. Highway 250 to Charlottesville and return over the same route; (2) from Mineral over Virginia Highway 618 to junction of Virginia Highway 601 and Virginia Highway Highway 618 near Bumpass, *thence over Virginia Highway 601 to junction with Virginia Highway 715*, thence over Virginia Highway 739 to junction with Virginia Highway 738, thence over Virginia Highway 738 to the junction of U.S. Highway 1, thence over U.S. Highway 1 to Ashland, Va., and return over the same route; (3) Between Richmond, Va., and the intersection of U.S. Highway 33 and Virginia State Highway 54: From

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Richmond over U.S. Highway 33 to the intersection of Virginia Highway 54 and return over the same route; (4) Between Richmond, Va., and Ford Motor Company Plant on Lewis Road, over U.S. Highway 60 and Lewis Road.

Limitation: Service requested to be in conjunction with and supplemental to service now being rendered by the applicant, restricted to the transportation of property originating at the Ford Motor Company Plant, destined for points on or beyond the certificated routes of the applicant, or originating on or beyond the certificated routes of the applicant, destined for the Ford Motor Company Plant. No service shall be rendered to or from intermediate points, and there shall be no interchange of traffic at or within 15 miles of Richmond, Va. (5) Between the junction of U.S. Highway 1 and Virginia Highway 625 and the junction of Virginia Highway 626 and Virginia Highway 625: From junction of U.S. Highway 1 and Virginia Highway 625 over Virginia Highway 625 and return over the same route; (6) Between the junction of Virginia Highway 625 and Virginia Highway 681 and the junction of U.S. Highway 33 and Virginia Highway 681: From the junction of Virginia Highway 625 and Virginia Highway 681 over Virginia Highway 681 to its junction with U.S. Highway 33, and return over the same route; (7) Between the junction of U.S. Highway 33 and Virginia Highway 722 and the junction of Virginia Highway 681 and Virginia Highway 722: From the junction of U.S. Highway 33 and Virginia Highway 722 over Virginia Highway 722 to its junction with Virginia Highway 681, and return over the same route; (8) Between the junction of Virginia Highway 681 and Virginia Highway 683 and Ashland, Virginia: From the junction of Virginia Highway 681 and Virginia Highway 683 over Virginia Highway 683 to its junction with Virginia Highway 626, thence over Virginia Highway 626 to its junction with Virginia Highway 1306, thence over Virginia Highway 1306 to Ashland return over the same route; (9) Between the junction of U.S. Highway 1 and Virginia Highway 657 and the junction of Virginia Highway 626 and Virginia Highway 657: From the junction of U.S. Highway 1 and Virginia Highway 657 over Virginia Highway 657 to its junction with Virginia Highway 626 and return over the same route; (10) Between Ashland, Va. and Hanover, Va.: From Ashland over Virginia Highway 54 to Hanover, Va. and return over the same route.

(11) Between the junction of Virginia Highway 54 and Virginia Highway 669 and the junction of Virginia Highway 666 and Virginia Highway 669: From Virginia Highway 54 and its junction with Virginia Hwy. 669, over Virginia Hwy. 669 to its junction with Virginia Highway 666 and return over the same route; (12) Between the junction of U.S. Highway 1 and Virginia Highway 641 and the junction of U.S. Highway 1 and Virginia Highway 641: From the junction of U.S. Highway 1 and Virginia Highway 641 northerly through Elletts Crossing to the junction of U.S. Highway 1 and Virginia Highway 641, and return over the same route; (13) Between the junction of U.S. Highway 1 and Virginia Highway 641 and the junction of Virginia Highway 667: From the junction of U.S. Highway 1 and Virginia Highway 641 over Virginia Highway 641 to its junction with Virginia Highway 667 and return over the same route; (14) Between the junction of U.S. Highway 1 and Virginia Highway 690 and the junction of Virginia Highway 688 and Virginia Highway 690: From the junction of U.S. Highway 1 and Virginia Highway 690 over Virginia Highway 690 to its junction with Virginia Highway 688; (15) Between the junction of Virginia Highway 738 and Virginia Highway 739 and North Anna River: From the junction of Virginia Highway 738 and Virginia Highway 739 over Virginia Highway 738 to North Anna River, and return over the same route; (16) Between Beaverdam, Va., and Montpelier, Va.: From Beaverdam over Virginia Highway 715 to Montpelier and return over the same route; (17) Between the junction of U.S. Highway 33 and Virginia Highway 610 and the junction of Virginia Highway 611 and Virginia Highway 677: From the junction of U.S. Highway 33 and Virginia Highway 610 over U.S. Highway 610 to its junction Virginia Highway 677, thence over Virginia Highway 677 to its junction with Virginia Highway 611, and return over the same route.

(18) Between Cuckoo, Va. and Apple Grove, Va.: From Cuckoo over U.S. Highway 522 to Apple Grove and return over the same route; (19) Between the junction of U.S. Highway 33 and U.S. Highway 522 and Louisa, Va.: From the junction of U.S. Highway 33 and U.S. Highway 522 over U.S. Highway 33 to Louisa, and return over the same route; (20) Between the junction of U.S. Highway 522 and Virginia Highway 605 and the junction of Virginia Highway 677: From the junction of U.S. Highway 522 and Virginia Highway 605 over Virginia Highway 605 to its junction with Virginia Highway 677, and return over the same route; (21) Between Harts Shop, Va. and Poindexters Store, Va.: From Harts Shop over Virginia Highway 614 to Poindexters Store and return over the same route; (22) Between Mineral, Va. and Wares Cross Roads, Va.: From Mineral over U.S. Highway 522 to Wares Cross Roads, and return over the same route; (23) Between the junction of U.S. Highway 33, Virginia Highway 22 and Virginia Highway 613 and the junction of Virginia Highway 613 and Virginia Highway 649: From the junction of U.S. Highway 33, Virginia Highway 22 and Virginia Highway 613 to the junction of Virginia Highway 613 and Virginia Highway 649 over Virginia Highway 613 and return over the same route; (24) Between the junction of U.S. Highway 33 and Virginia Highway 22 and Green Springs, Va.: From the junction of U.S. Highway 33 and Virginia Highway 22 over U.S. Highway 33 to Green Springs, and return over the same route; (25) Between the junction of Virginia Highway 22 and Virginia Highway 615 and Thelma, Va.: From the junction of Virginia Highway 22 and Virginia Highway 615 over Virginia Highway 615 to Thelma, and return over the same route; (26) Between the junction of U.S. Highway 33 and Virginia Highway 632 and Virginia Highway 649 and the South Ana River: From the junction of U.S. Highway 33 and Virginia Highway 632 over Virginia Highway 632 to Virginia Highway 649, thence over Virginia Highway 649 to the South Ana River and return over the same route; (27) Between Richmond, Va. and Bowling Green, Va.: From Richmond over U.S. Highway 301 (Virginia Highway 2) to Bowling Green and return over the same route, serving all intermediate points, and *Hanover Industrial School, Janie Porter Barrett School for Girls, and Lane's Bakery as off route points;* (28) Between Bolling Green, Va. and Fort Camp A. P. Hill, Va.: From Bolling Green over U.S. Highway 301 to Fort Camp A. P. Hill and return over the same route: (29) *Between Bowling Green, Va. and Terrell Farm, Va.:* from Bowling Green over Virginia Highway 207 to Terrell Farm (approximately three miles east of U.S. Highway 1 and return over the same route.

Between Bowling Green, Va. and the intersection of Virginia Highway 2 with U.S. Highway 17: From Bowling Green over Virginia Highway 2 to its intersection with U.S. Highway 17 and return over the same route; (31) Between Richmond, Va. and junction of Interstate Highway 95 and Virginia Highway 54 via Interstate Highway 95, serving all access and interchange routes between the routes applied for and applicant's presently authorized service routes, including the following: (a) between the junction of Interstate Highway 95 and Virginia Highway 54, over Virginia Highway 54 to Hanover, Va. and return over the same route; (b) between the junction of Interstate Highway 95 and Virginia Highway 54 and Ashland, Va. over Virginia Highway 54, and return over the same route; (c) between the junction of U.S. Highway 1 and Virginia Secondary Highway 656 and the junction of U.S. Highway 301 (Virginia Highway 2) and Virginia Secondary Highway 657 over Virginia Secondary Highway 656 and 657, and return over the same route; (d) between the junction of Interstate Highway 95 and Virginia Highway 73 and the junction of U.S. Highway 1 and Virginia Highway 73 over Virginia Highway 73, and return over the same route; and (e) service is also authorized at the General Motors Parts Division Warehouse at or near the intersection of Lewis Road and U.S. Highway 60; (32) Between the junction of Interstate Highway 94 and Virginia Highway 54 and the junction of Interstate Highway 95 and Virginia Secondary Highway 606 over Interstate Highway 95, together with all its interchanges connecting with applicant's

other authority, and return over the same route; (33) Between the junction of Interstate Highway 95 and Virginia Secondary Highway 602 and the junction of U.S. Highway 301 (Virginia Highway 2) and Virginia Secondary Highway 654 over Virginia Secondary Highways 602, 652 and 654 (Hanover and Caroline Counties), and return over the same route; (34) Between the junction of Interstate Highway 95 and Virginia Highway 207 and Terrell's Farm (approximately 2 miles east of Interstate Highway 95) over Virginia Highway 207 (Caroline County), and return over the same route.

(35) Between the junction of Interstate Highway 95 and Virginia Secondary Highway 639 and the junction of Virginia Highway 2 and Virginia Secondary Highway 626 over Virginia Secondary Highways 639, 664, 638 and 626 (Caroline County), and return over the same route; (36) Between the junction of Interstate Highway 95 and Virginia Secondary Highway 606 and the junction of Virginia Highway 2 and Virginia Secondary Highway 606 over Virginia Secondary Highway 606 (Spotsylvania and Caroline Counties), and return over the same route; (37) Between the junction of Virginia Highway 207 and Virginia Secondary Highway 601 and the junction of U.S. Highway 301 (Virginia Highway 2) and Virginia Secondary Highway 601 over Virginia Secondary Highway 601, and return over the same route; (38) Between the intersection of Virginia Secondary Highway 618 and Virginia Secondary Highway 601 in Louisa County and the intersection of Virginia Secondary Highway 601 and Virginia Highway 208 in Spotsylvania County over Virginia Secondary Highway 601, and return over the same route; (39) Between the intersection of Virginia Secondary Highway 601 and Virginia Secondary Highway 652 in Louisa County and the intersection of Virginia Secondary Highway 652 with Virginia Highway 208 in Louisa County over Virginia Secondary Highway 652 and return over the same route; (40) Between the intersection of U.S. Highway 522 and Virginia Highway 208 at Wares Crossroads in Louisa County and the intersection of Virginia Highway 208 with Virginia Secondary Highway 601 in Spotsylvania County over Virginia Highway 208, and return over the same route; (41) Between the intersection of Virginia Secondary Highway 618 and Virginia Secondary Highway 700 in Louisa County and the intersection of Virginia Secondary Highway 700 with Virginia Secondary Highway 652 in Louisa County over Virginia Secondary Highway 700; thence over the proposed extension of Virginia Secondary Highway 700 to the Virginia Electric & Power Co. plant site, and return over the same route.

(42) Between the intersection of U.S. Highway 522 and Virginia Highway 208 at Wares Crossroads, in Louisa County and the intersection of U.S. Highway 522 and Virginia Secondary Highway 629 in Orange County over U.S. Highway 522, and return over the same route; (43) Between the intersection of U.S. Highway 522 and Virginia Secondary Highway 719 in Louisa County and the intersection of Virginia Secondary Highway 719 and Virginia Secondary Highway 652 at Belmont in Spotsylvania County over Virginia Secondary Highway 719, and return over the same route; (44) Between Richmond, Va. and Charlottesville, Va., over Interstate Highway 64, serving all routes between Interstate Highway 64 and carrier's present authority, over U.S. Highway 33 and Virginia Highway 22 and U.S. Highway 250, and all interchange routes off Interstate Highway 64 leading to and from said highways, including, but not limited to, the following: (a) between the junction of Interstate Highway 64 with Virginia Highway 623 and the junction of U.S. Highway 33 with Virginia Highway 623 over Virginia Highway 623, and return over the same route; (b) between the junction of Interstate Highway 64 with Virginia Highway 617 and the junction of Virginia Highway 610 with Virginia Highway 677 via Virginia Highway 617 to and over Virginia Highway 610 to its junction with Virginia Highway 677, and return over the same route; (c) between the junction of Interstate Highway 64 with U.S. Highway 522 and Apple Grove, Va., over U.S. Highway 522, and return over the same route; (d) between the junction of Interstate Highway 64 with Virginia Highway 605 and the junction of Virginia Highway 605 with Virginia Highway 677 over Virginia Highway 605 and return over the same route.

(e) Between the junction of Interstate Highway 64 with Virginia Highway 208 and Louisa, Va., over Virginia Highway 208, and return over the same route; (f) between the junction of Interstate Highway 64 with U.S. Highway 15 and the junction of U.S. Highway 15 with Virginia Highway 22 (Waldrop, Va.) over U.S. Highway 15, and return over the same route; and (g) between the junction of Interstate Highway 64 with Virginia Highway 616 and the junction of Virginia Highway 22 with Virginia Highway 616 (Keswick, Va.) over Virginia Highway 616 and return over the same route; (45) Between Fredericksburg, Va. and Thornburg, Va.: From Fredericksburg, Va. over Interstate Highway 95 and return over the same route; and (46) Between Fredericksburg, Va. and New Post, Va.: From Fredericksburg, Va. over U.S. Highway 17 to New Post, Va. and return over the same route, service is authorized at all intermediate points and at off route points within two miles of the highways identified in Routes 1 through 46 above.

NOTE.—The purpose of this application is to convert a Certificate of Registration to a Certificate of Public Convenience and Necessity. This is a matter directly related to a Section 5(2) finance proceeding in MC-F-12851 published in the FEDERAL REGISTER issue of June 17, 1976. If a hearing is deemed necessary, the applicant requests it be held at either Richmond, Va. or Washington, D.C.

No. MC 106451 (Sub-No. 15), filed June 7, 1976. Applicant: COOK MOTOR LINES, INC., P.O. Box 370, Akron, Ohio 44309. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: IRREGULAR ROUTES: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment) between Zanesville and Union Township, Ohio and points in Muskingum County, Ohio, on the one hand, and, on the other, points in Ohio. REGULAR ROUTES: (A) *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment): (1) Between Zanesville, Ohio, and Woodsfield, Ohio, serving all intermediate points: From Zanesville, Ohio, to Woodsfield, Ohio, via Ohio State Route 146 to Cumberland, Ohio, thence over Ohio State Route 76 to junction of Ohio State Route 215, thence over Ohio State Route 215 to Belle Valley, thence over U.S. Route 21 to Caldwell and Ohio State Route 73 through Summerfield to Woodsfield; (2) Between Woodsfield, Ohio, and Woodsfield, Ohio, serving all intermediate points: From Woodsfield, Ohio, over Ohio State Route 78 to junction Ohio State Route 7, thence over Ohio State Route 7 to junction Ohio State Route 800, thence over Ohio State Route 800 to Woodsfield; (3) Between Cumberland and Belle Valley, Ohio, in connection with carrier's presently authorized regular route operations, serving no intermediate points, for operating convenience only: From Cumberland, Ohio over Ohio State Route 340 to Belle Valley, Ohio.

(4) Between Cumberland, and Caldwell, Ohio, in connection with carrier's presently authorized regular route operations, serving no intermediate points except those herein specifically authorized, for operating convenience only: From Cumberland, Ohio over Ohio State Route 146 to junction Ohio State Route 672, thence over Ohio State Route 672 to Glenwood, Ohio, and thence over Old U.S. Highway 21 to Caldwell, Ohio; (B) *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment): (1) Between Zanesville, Ohio, and Marietta and Batesville, Ohio, serving all intermediate points (except as otherwise noted): (a) From Zanesville, Ohio, over U.S. Highway 40 via Cambridge to junction Ohio Highway 800, thence over Ohio Highway 800 to Barnesville, and thence over Ohio Highway 147 via Baileys Mills to Batesville; (b) From junction unnumbered highway and U.S. Highway 40 over such unnumbered highway via Norwich to junction U.S. Highway 40: From junction unnumbered highway and U.S. Highway 40 over such unnum-

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bered highway via Fairview to junction U.S. Highway 40; from junction unnumbered highway via Hendrysburg to junction U.S. Highway 40; (c) From Zanesville, over U.S. Highway 40 to junction Ohio Highway 265, thence over Ohio Highway 265 via Lore City to junction Ohio Highway 147, and thence over Ohio Highway 147 to Batesville; (d) From Zanesville to Lore City as specified immediately above, thence over Ohio Highway 285 to Senecaville, thence over Ohio Highway 313 to the junction of Old U.S. Highway 21, thence over Old U.S. Highway 21 to Marietta; and (e) From Zanesville to Cambridge as specified immediately above, thence over Old U.S. Highway 21 to Marietta.

(2) Between Cambridge and Byesville, Ohio serving all intermediates points: From Cambridge over Morton Avenue, crossing the right of way of the Baltimore and Ohio Railroad Company, to the plantsites of Cambridge Glass Company and Andrews Lumber and Box Company, thence over Ohio Highway 209 (formerly U.S. Highway 21) to the plantsite of the Radio Corporation of America, thence over Ohio Highway 209 to Byesville; (3) Between junction Ohio Highway 375 to Marietta, Ohio serving all intermediate points: (a) From junction Ohio Highway 375 and Old U.S. Highway 21, thence over Ohio Highway 375 to Marietta; (b) From junction Ohio Highway 326 and Old U.S. Highway 21, over Ohio Highway 326 to Marietta; (4) Between Ohio Highway 78 and Ohio Highway 60, over county roads serving the plantsite of the Central Ohio Cola Company; (5) Between Beverly, Ohio and the plantsites of Ohio Power Company and Interlake Iron Corporation located at or near Beverly, Ohio: From Beverly, over Ohio Highway 76 and county roads to the plantsites of Ohio Power Company and Interlake Iron Corporation, and return over the routes named in (1)(a), (b), (c), and (d), (2), (3), (a), and (b), (4) and (5) above to Zanesville, Ohio; (6) Between Caldwell and Malta, over Ohio Highway 78, serving all intermediate points; (7) Between Zanesville, Ohio, and Marietta, Ohio: (a) from Zanesville, Ohio, over Ohio Highway 146 via Cumberland, to Pleasant City and thence over Old U.S. Highway 21 to Marietta, and return over the same route serving all intermediate points (except those between Zanesville and Pleasant City on Ohio Highway 146); and (b) From Zanesville, Ohio, to Cumberland, Ohio as specified immediately above, thence over Ohio Highway 340 to Belle Valley, and thence over Old U.S. Highway 21 to Marietta, and return over the same routes, serving all intermediate points (except Cumberland and those between Zanesville and Cumberland) (C) *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, livestock, commodities requiring special equipment, dairy products, house trailers, monuments, and oil and gas well equipment): Between junction U.S. Highway 40 and the Zanesville Municipal Airport located in Perry Township, Muskingum County, Ohio, serving all intermediate points: From junction U.S. Highway 40 and Ohio Highway 797, thence over Ohio Highway 797 to Zanesville Municipal Airport, and return over the same route. Note: The purpose of this filing is to convert a Certificate of Registration to Certificate of Public Convenience and Necessity. This is a matter directly related to a Section 5(2) finance proceeding in MC–F–12860, published in the FEDERAL REGISTER issue of June 24, 1976. If a hearing is deemed necessary, the applicant requests it be held at either Columbus, Ohio, or Washington, D.C.

MOTOR CARRIER ALTERNATE ROUTE DEVIATION

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Commission's deviation rules—Motor Carriers of Property (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before September 13, 1976.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PROPERTY

No. MC–30319 (Sub-No. 133) (Deviation No. 11), SOUTHERN PACIFIC TRANSPORT COMPANY OF TEXAS AND LOUISIANA, P.O. Box 6187, Dallas, Tex. 75222, filed July 26, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Shreveport, La., over U.S. Highway 71 to Alexandria, La., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Shreveport, La., over U.S. Highway 171 to junction Louisiana Highway 5, thence over Louisiana Highway 5 to Logansport, La., thence over U.S. Highway 84 to Tenaha, Tex., thence over U.S. Highway 59 to Lufkin, Tex., thence over U.S. Highway 69 to Beaumont, Tex., thence over Interstate Highway 10 to Lafayette, La., thence over U.S. Highway 167 to junction Louisiana Highway 10, thence over Louisiana Highway 10 to Lebeau, La., thence over U.S. Highway 71 to Alexandria, La., and return over the same route.

No. MC 108859 (Deviation No. 8), CLAIRMONT TRANSFER CO., P.O. Box 717, 1803 Seventh Ave. North, Escanaba, Mich. 49829, filed July 26, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Rapid City, Ill., over Interstate Highway 80 to junction Interstate Highway 74, thence over Interstate Highway 74 to junction U.S. Highway 41 near Veedersburg, Ind., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Rapids City, Ill., over Illinois Highway 84 to Fulton, Ill., thence over U.S. Highway 30 to junction Illinois Highway 2, thence over Illinois Highway 2 via Sterling and Dixon, Ill., to junction Illinois Highway 38, thence over Illinois Highway 38 to De Kalb, Ill., thence over Illinois Highway 23 to Sycamore, Ill., thence over Illinois Highway 64 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction U.S. Highway 41 in Chicago, Ill., thence over U.S. Highway 41 to Veedersburg, Ind., and return over the same route.

No. MC 108859 (Deviation No. 9), CLAIRMONT TRANSFER CO., P.O. Box 717, 1803 Seventh Avenue North, Escanaba, Mich. 49829, filed July 29, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Dixon, Ill., over U.S. Highway 52 to junction U.S. Highway 51, thence over U.S. Highway 51 to junction Interstate Highway 74, thence over Interstate Highway 74 to junction U.S. Highway 41 near Veedersburg, Ind., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Dixon, Ill., over Illinois Highway 38 to De Kalb, Ill., thence over Illinois Highway 23 to Sycamore, Ill., thence over Illinois Highway 64 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction U.S. Highway 41 in Chicago, Ill., thence over U.S. Highway 41 to Veedersburg, Ind., and return over the same route.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Commission's Deviation Rules—Motor Carriers of Passengers (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before September 13, 1976.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 707) (Cancels Deviation No. 689), GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077, filed July 22, 1976. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over deviation routes as follows: From Marion, Ill., over Interstate Highway 57 to junction Interstate Highway 24, thence over Interstate Highway 24 to junction Kentucky Highway 305, thence over Kentucky Highway 305 to Paducah, Ky., with the following access routes: (1) From Vienna, Ill., over Illinois Highway 146 to junction Interstate Highway 24, and (2) From Metropolis, Ill., over U.S. Highway 45 to junction Interstate Highway 24 and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Marion, Ill., over Illinois Highway 37 to junction Illinois Highway 146, thence over Illinois Highway 146 to junction U.S. Highway 45, thence over U.S. Highway 45 to Paducah, Ky., and return over the same route.

MOTOR CARRIER INTRASTATE APPLICATIONS

The following application for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's general rules of practice (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

California Docket No. A56161, filed December 30, 1975. Applicant: ARROW TRUCKING CO. OF CALIFORNIA, INC., 920 Heinz Avenue, Berkeley, Calif. 94710. Applicant's representative: Daniel W. Baker, 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Certificate of public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities*, between all points on or within 25 miles of points on the following routes: 1. U.S. Highway 101 between San Rafael and Salinas, inclusive; 2. State Highway 17 between San Rafael and Santa Cruz, inclusive; 3. State Highway 1 between Santa Cruz and Monterey, inclusive; 4. Interstate Highway 80 between San Francisco and Sacramento, inclusive; 5. State Highway 4 between its junction with Interstate Highway 80 near Pinole, and Stockton, inclusive; 6. Interstate Highway 580 between Oakland and its junction with Interstate Highway 5 near the San Joqauin-Stanislaus County boundary line, inclusive; 7. Interstate Highway 205 between its junctions with Interstate Highways 580 and 5, inclusive; 8. Interstate Highway 5 between Stockton and its junction with State Highway 152, near Los Banos, inclusive; 9. State Highway 99 between Sacramento and Fresno, inclusive; and 10. State Highway 152 between its junctions with Interstate Highway 5, near Los Banos, and State Highway 99, near Chowchilla. Restrictions: No service shall be provided: (a) To, from or between points on or within 5 miles of U.S. Highway 101 north of Novato; and (b) For the transportation of containers that have had a prior or will have a subsequent movement by air or water, except this restriction shall not preclude carrier from transporting containers which are less than 20 feet in length, moving via water carriers. In performing the service herein authorized applicant may make use of any and all streets, roads, highways and bridges necessary or convenient for the performance of said service, except that pursuant to the authority herein granted, carrier shall not transport any shipments of:

1. Used household goods, personal effects and office, store and institutional furniture, fixtures and equipment not packed in accordance with the crated property requirements set forth in Item 5 of Minimum Rate Tariff 4–B. 2. Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis. 3. Livestock, viz.: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stage, swine or wethers. 4. Liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles. 5. Commodities when transported in bulk in dump trucks or in hopper-type trucks. 6. Commodities when transported in motor vehicles equipped for mechanical mixing in transit. 7. Logs. 8. Articles of extraordinary value. 9. Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper; and 10. Fresh fruits and vegetables. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time and place not yet fixed. Requests for procedural information should be addressed to the Public Utilities Commission, State of California, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102 and should not be directed to the Interstate Commerce Commission.

California Docket No. A56564, filed June 17, 1976. Applicant: GEORGE LANGE TRUCKING, INC., 999 Newhall Street, P.O. Box 26070, San Jose, Calif. 95159. Applicant's representative: Robert K. Lancefield, 2470 El Camino Real, S. #108, P.O. Box 11415, Palo Alto, Calif. 94306. Certificate of Public Convenience and Necessity sought to operate a freight service as a highway common carrier as follows: Transportation of *General commodities*, (except the following: (a) Used household goods and personal effects not packed in accordance with the crated property requirements; (b) livestock; (c) liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles; (d) commodities when transported in bulk in dump trucks or in hopper-type trucks; (e) commodities when transported in motor vehicles equipped for mechanical mixing in transit; (f) logs; (g) fresh fruits and vegetables; (h) automobiles, trucks and buses; and (i) class A and B ammunition and explosives, between all points and places in the San Francisco Territory, defined in Exhibit A, and all points within 15 miles of any point in said territory. In performing the service herein authorized, applicant may make use of any and all streets, roads, highways and bridges necessary or convenient for the performance of said service. SAN FRANCISCO TERRITORY includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Boundary Line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway 101; southerly along an imaginary line 1 mile west of and paralleling U.S. Highway 101 to its intersection with Southern Pacific Company right of way at Arastradero Road; southeasterly along the Southern Pacific Company right of way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue.

Easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to E. Parr Avenue; easterly along E. Parr Avenue to the Southern Pacific Company right of way; southerly along the Southern Pacific Company right of way to the Campbell-Los Gatos city limits, easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U.S. Highway 101; northwesterly along U.S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga

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Avenue to Estates Drive; westerly along Estates Drive, Harbor Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Oakland-Berkeley boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway 40 (San Pablo Avenue); northerly along U.S. Highway 40 to and including the City of Richmond; southwesterly along the highway extending from the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said waterfront and shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to point

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of beginning. Intrastate, interstate and foreign commerce authority sought. HEARING: Date, time and place not yet fixed. Requests for procedural information should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102 and should not be directed to the Interstate Commerce Commission.

Texas Docket No. 002339A1A, filed July 16, 1976. Applicant: ALAMO EXPRESS, INC., 51 Essex Street, P.O. Box 18747, Serna Station, San Antonio, Tex. 78218. Applicant's representative: Phillip Robinson, P.O. Box 2207, Austin, Tex. 78767. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities*, as follows: Between Victoria, Texas, and site of the Coleta Creek Power Station of Central Power and Light Company near Fannin, Texas, as follows: From Victoria, Texas, over U.S. Highway 59 to Fannin, Texas, and thence over F.M. Road 2987 to the site of the Coleta Creek Power Station of Central Power and Light Company and return, serving no intermediate points, and joining, tacking, and coordinating the authority sought with other authority contained in Common Carrier Motor Carrier Certificate No. 002600 and MC 2226 and subs thereunder. Intrastate, interstate, and foreign commerce authority sought.

HEARING: Date, time, and place not yet fixed. Requests for procedural information should be addressed to the Railroad Commission of Texas, Transportation Division, Capitol Station—P.O. Drawer 12967, Austin, Texas 78711, and should not be directed to the Interstate Commerce Commission.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-23407 Filed 8-11-76;8:45 am]

federal register

THURSDAY, AUGUST 12, 1976

THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

PART II:

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

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POLICIES AND PROCEDURES FOR CONSIDERING ENVIRONMENTAL IMPACTS

Request for Public Comment

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. 15978; Proposed FAA Order 1050.1B]

POLICIES AND PROCEDURES FOR CONSIDERING ENVIRONMENTAL IMPACTS

Request for Public Comment

Pursuant to the guidelines of the Council on Environmental Quality (CEQ) appearing in 40 CFR Part 1500, and of the Department of Transportation published in the FEDERAL REGISTER on September 30, 1974, (38 FR 35234), the Federal Aviation Administration (FAA) proposes to revise its policies and procedures for consideration of environmental impacts required by section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA) (Pub. L. 91-190; 42 U.S.C. 4332(2)(C)), as amended.

The proposed procedures appended to this notice are in the form of an internal directive, FAA Order 1050.1B, entitled "Policies and Procedures for Considering Environmental Impacts," which would replace FAA Order 1050.1A, dated June 19, 1973, entitled "Procedure for Considering Environmental Impacts of Proposed FAA Actions."

In addition to NEPA, which is applicable to all Federal agencies, other Federal laws and directives require that the FAA consider environmental and other effects of various actions taken by the agency. These laws and directives include—

1. Section 4(f) of the Department of Transportation Act of 1966 (Pub. L. 89-670, as amended by Pub. L. 90-495);
2. Pertinent sections of the Airport and Airway Development Act of 1970 (Pub. L. 91-258), as amended;
3. Section 106 of the National Historic Preservation Act of 1966 (Pub. L. 89-665);
4. Executive Order 11593: "Protection and Enhancement of the Cultural Environment," dated May 13, 1971;
5. Executive Order 11296: "Flood Hazard Evaluation Guidelines," dated August 10, 1966;
6. Sections 303 and 307 of the Coastal Zone Management Act of 1972 (Pub. L. 92-583);
7. Section 2 of the Water Bank Act (Pub. L. 91-559);
8. Section 2 of the Fish and Wildlife Coordination Act (Pub. L. 85-624);
9. The Noise Control Act of 1972 (Pub. L. 92-574);
10. 36 CFR Part 800: "Procedures for the Protection of Historic and Cultural Properties;"
11. DOT Order 5660.1: "Preservation of the Nation's Wetlands," dated June 21, 1975;
12. The Endangered Species Act of 1973 (Pub. L. 93-205);
13. The Archaeological and Historic Preservation Act (Pub. L. 93-291);
14. OMB Circular No. A-95 "Evaluation, Review, and Coordination of Federal Assistance Programs and Projects;" and
15. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91-646).

The procedures set forth in proposed FAA Order 1050.1B utilize the environmental impact statement, in those instances required by NEPA, as the vehicle by which the FAA makes the findings, determinations, and clearances required by the laws enumerated. FAA Order 1050.1B, if adopted, is proposed to include the provisions of proposed FAA Order 5050.2A regarding environmental assessments under the airport development program. If FAA Order 5050.2A is adopted and its provisions are subsequently included in FAA Order 1050.1B, FAA Order 5050.2A will be cancelled. Proposed FAA Order 5050.2A, which is not republished with this notice, was previously published for comment in the FEDERAL REGISTER on August 20, 1975 (40 FR 36516).

It should also be noted that paragraph 324 of the proposed FAA Order includes guidelines for making noise assessments.

Interested persons are invited to comment on proposed FAA Order 1050.1B by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to: Federal Aviation Administration, Office of Chief Counsel, Attention: AGC-24, 800 Independence Avenue, S.W., Washington, D.C. 20591. All communications received on or before September 27, 1976, will be considered by the Administrator before taking action on the proposed Order. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the docket both before and after the closing date for comments.

In consideration of the foregoing, the FAA proposes to issue FAA Order 1050.1B, "Policies and Procedures for Considering Environmental Impacts" as set forth below, together with the provisions involving airport development which were previously published in the FEDERAL REGISTER for comment as proposed FAA Order 5050.2A.

Issued in Washington, D.C. on August 4, 1976.

JOAN B. BARRIAGE,
Acting Director
of Environmental Quality.

POLICIES AND PROCEDURES FOR CONSIDERING ENVIRONMENTAL IMPACTS

FOREWORD

1. *Purpose.* This order establishes policies and procedures for the preparation of environmental impact statements and negative declarations and requires consideration of environmental impacts in decision making.

2. *Distribution.* This directive is distributed to Washington Headquarters, National Aviation Facilities Experimental Center, Aeronautical Center, and area offices to branch level, regional headquarters to section level and to all field offices and facilities.

3. *Cancellation.*

a. This directive cancels Order 1050.1A, Procedures for Considering Environmental Impacts of Proposed FAA Actions; Order 1050.2, Environmental Assessments of ILS Facilities Systems; Order 1050.3, Environmental Assessments of ARSR Facilities Systems; Order 1050.4, Environmental Assessments for Remote Communications Air/Ground; Order 1050.5, Environmental Assessment for Radar Microwave Link Systems; Order 1050.6, Environmental Assessment of an Air Traffic Control Tower; Order 1050.7, Environmental Assessment for Airport Surveillance Radar; Order 1050.8, Environmental Assessment for VHF Omnidirectional Range/Tactical Air Navigational (VORTAC); Order 1050.9, Conservation of Energy; Order 5050.2A, Procedures and Policy for Processing Airport Development Actions Affecting the Environment; and

b. Order 7040.2A, Aircraft Sound Descriptor System, is cancelled (one year from approval date).

4. *Explanation of changes.*

a. *This order* consolidates FAA directives regarding policies and procedures for considering environmental impacts. It includes guidance on content and preparation, processing and filing of environmental impact statements and negative declarations, and guidance on citizen involvement.

b. *Each service* has a separate appendix covering its actions, which assigns responsibility for evironmental procedures, determines timing for preparation and filing of environmental documentation, and establishes measures to mitigate adverse environmental impacts and to consider alternatives.

c. *This order* instructs the agency on statutory and administrative requirements involving the policy and procedures for considering environmental impacts.

5. *Effective date.* See paragraph 324 for the effective date of that paragraph. All other provisions are effective as of the approval date of this directive.

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CHAPTER 1. POLICIES AND AUTHORITY

1. *Policy.* The FAA will comply with both the procedures and the policies of the National Environmental Policy Act of 1969 (hereafter NEPA) and related orders and statutes.

a. *FAA policy is* to integrate national environmental objectives into existing agency policies and missions;

(1) To avoid or minimize adverse environmental effects wherever possible by considering project alternatives or measures to mitigate adverse impacts;

(2) To restore or enhance environmental quality to the fullest extent practicable;

(3) To make a special effort to preserve the natural beauty of the countryside, public park and recreation lands, wildlife and waterfowl refuges, and historic sites;

(4) To preserve, restore and enhance wetlands;

(5) To preserve, protect, develop, and where possible, to restore or enhance the resources of the Nation's coastal zone;

(6) To promote an environment free from noise that jeopardizes health and welfare;

(7) To consult with and inform individuals and groups who are affected by or known to have an interest in an action, or who can speak knowledgeably on the impacts of proposed actions;

(8) To develop programs and activities in cooperation with State and local governments.

b. *FAA's environmental assessment and consultation process:*

(1) Provides officials and other decision makers, as well as the public, with an understanding of the potential environmental effects of proposed actions; and

(2) Assures that decision making must include environmental assessments along with economic, technical and other factors.

c. *Environmental impact statements* (hereafter EIS) and negative declarations (hereafter ND) serve:

(1) To document and record compliance with these policies and procedures; and

(2) To reflect a thorough review of all relevant environmental factors, utilizing a systematic, interdisciplinary approach.

d. *These policies* are supplementary to other agency policies established under other statutes and directives.

2. *Background.* This Order implements agency actions required by the statutes and directives cited in subparagraphs a. through p. This Order references procedures in subparagraphs q. through s.

a. *The National Environmental Policy Act of 1969* (P.L. 91-190) establishes a broad national policy to promote efforts to improve the relationship between humans and their environment, and provides for the creation of a Council on Environmental Quality (hereafter CEQ). NEPA sets out certain policies and goals concerning the environment, and requires that, to the fullest extent possible, the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with those policies and goals.

(1) *Section 102 of NEPA* is designed to insure that environmental considerations are given careful attention and appropriate weight in all decisions of the Federal Government.

(2) *Section 102(2)(C)* of NEPA requires that all agencies of the Federal Government shall:

Include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

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(i) The environmental impact of the proposed action;

(ii) Any adverse environmental effects which cannot be avoided should the proposal be implemented;

(iii) Alternatives to the proposed action;

(iv) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and

(v) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statements and views of the Federal, State, and local agencies which are authorized to develop and enforce environmental standards shall be made available to the President, the Council on Environmental Quality and to the public as provided by section 552 of Title 5, United States Code, and shall accompany the proposal through the existing agency review processes.

(3) *Section 102(2)(A) of NEPA* requires all agencies of the Federal Government to "utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and decision making which may have an impact on man's environment * * *"

(4) *Section 102(2)(D)(iv) of NEPA* (P.L. 94-83) provides that if a State agency with statewide jurisdiction prepares an FIS for a major Federal action funded under a program of grants to states, and the proposed action may have significant impacts upon another State or any Federal land management entity, the responsible Federal official shall provide early notification to, and solicit views from, such Federal entity or other State regarding the impacts of the proposed action, and if there is any disagreement, shall prepare a written assessment of these impacts and views for incorporation into the statement.

b. *Executive Order 11514*, Protection and Enhancement of Environmental Quality, dated March 4, 1970, orders all Federal agencies to "initiate measures needed to direct their policies, plans, and programs so as to meet national environmental goals."

c. *Guidelines from the President's Council on Environmental Quality* (38 F.R. 20549, 40 C.F.R. 1500 et seq., August 1, 1973) provides guidance to agencies for the preparation of environmental impact statements.

d. *DOT Order 5610.1B, Procedures for Considering Environmental Impacts*, September 30, 1974, provides guidelines for considering environmental impacts of transportation actions.

e. *Section 4(f) of the Department of Transportation Act of 1966* (P.L. 89-670 as amended by P.L. 90-495 hereafter, Section 4(f)) states, "It is hereby declared to be the national policy that special effort should be made to preserve the natural beauty of the countryside and public parks and recreational lands, wildlife and waterfowl refuges, and historic sites. The Secretary . . . shall not approve any program or project which requires the use of any publicly owned land from a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance as determined by the Federal, State, or local officials having jurisdiction thereof, or any land from an historic site of national, State, or local significance as so determined by such officials unless (1) there is no feasible and prudent alternative to the use of such land, and (2) such program includes all possible planning to minimize harm to such park, recreational area, wildlife and waterfowl refuge, or historic site resulting from such use."

f. *The Airport and Airway Development Act of 1970* as amended (P.L. 91-258, hereafter the Airport Act) establishes an airport development grant program.

(1) *Section 16(c)(1)(A) of the Airport Act* provides that an airport development project may be approved only if the Secretary is satisfied that the project is reasonably consistent with plans (existing at the time of approval of the project) of planning agencies for development of the area in which the airport is located.

(2) *Section 16(c)(3) of the Airport Act* requires consideration of the interests of communities in or near which airport development projects are proposed.

(3) *Section 16(c)(4) of the Airport Act* directs that each airport development project "provide for the protection and enhancement of the natural resources and the quality of environment of the Nation"; and provides that the Secretary may not authorize a project found to have an adverse effect unless he finds, in writing, after full and complete review, that "no feasible and prudent alternative exists and that all possible steps have been taken to minimize such adverse effect."

(4) *Sections 16(d) and (e) of the Airport Act* require, as a condition to approval of certain airport projects, that:

(a) An opportunity be afforded for a public hearing for consideration of economic, social, and environmental effects; and

(b) Assurances be obtained that the project will be located, designed, constructed, and operated so as to comply with applicable air and water quality standards.

(5) *Section 18(4) of the Airport Act* requires that assurances be obtained that "appropriate action, including the adoption of zoning laws, has been or will be taken, to the extent reasonable, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft."

g. *The Noise Control Act of 1972* (P.L. 92-574) states the policy to "promote an environment for all Americans that is free from noise that jeopardizes their health and welfare."

h. *Section 106 of the National Historic Preservation Act of 1966* (P.L. 89-665 hereafter, the Historic Preservation Act) requires the head of any Federal agency having jurisdiction over a Federal or federally-assisted undertaking to take into account, prior to approving the undertaking, its effect on any district, site, building, structure, or object that is included in the National Register of Historic Places, and to give the Advisory Council on Historic Preservation a reasonable opportunity to comment on the undertaking.

i. *Executive Order 11593, Protection and Enhancement of the Cultural Environment*, requires that Federal plans and programs contribute to the preservation and enhancement of sites, structures, and objects of historical, architectural, or archaeological significance.

j. *36 CFR Part 800 (39 FR 3365, January 25, 1974) Procedures for the Protection of Historic and Cultural Properties*, establishes procedures to ensure that historic and cultural resources are given proper consideration in the preparation of environmental impact statements.

k. *Executive Order 11296, Flood Hazard Evaluation Guidelines*, requires Federal agencies to evaluate flood hazards in planning facilities, constructing buildings and facilities, disposing of lands and properties, and land use planning.

l. *The Coastal Zone Management Act of 1972* (P.L. 90-583) states that "it is national policy (a) to preserve, protect, develop, and where possible, to restore or enhance, the resources of the Nation's coastal zone * * *" (section 303); and requires all Federal or federally supported activities affecting the zone to be carried out in a manner consistent with State coastal zone management programs (section 307).

m. *Section 2 of the Water Bank Act* (P.L. 91-559) declares that "* * * it is in the public interest to preserve, restore, and improve the wetlands of the Nation * * *"

n. *Section 2 of the Fish and Wildlife Coordination Act* (P.L. 85-684) requires, with certain limited exceptions, that "whenever the waters of any stream or other body of water are proposed or authorized to be * * * impounded, diverted, the channel deepened, or the stream or other body of water otherwise controlled or modified for any purpose whatever * * * by any department or agency of the United States, or by any public or private agency under Federal permit or license, such department or agency shall first consult with the United States Fish and Wildlife Service, Department of the Interior, and with the head of the agency exercising administration over the wildlife resources of the particular State wherein the * * * control facility is to be constructed * * *" (subsection (a)). Reports and recommendations of the Secretary of the Interior and any other applicable officials must be included in the report prepared or submitted by the agency responsible for constructing the project to the Congress or other agency having authority to approve the project (subsection (b)).

o. *Preservation of the Nation's Wetlands*, DOT Order 5660.1, of June 21, 1975, provides information on the definition and significance of wetlands, and declares the policy to assure the protection, preservation, and enhancement of the nation's wetlands to the fullest extent practicable during the planning, construction, and operation of transportation facilities and projects.

p. *The Endangered Species Act of 1973* (P.L. 93-205) requires that all Federal agencies shall, in consultation with the Secretaries of Interior and Commerce, carry out programs for the conservation of endangered or threatened species listed by the Department of the Interior and insure that actions authorized, funded, or carried out by them do not jeopardize the continued existence of the endangered species or result in the destruction or modification of the habitat of such species to an extent which is determined by the Secretary (of the Interior or Commerce) to be critical.

q. *The Archaeological and Historic Preservation Act of 1974* (P.L. 93-291) provides for notifying the Secretary of the Interior of activities which "may cause irreparable loss or destruction of significant scientific, prehistorical, historical, or archaeological data." Agencies may request the Secretary of the Interior to undertake the recovery, protection and preservation of such data, including preliminary survey or other investigation as needed, analysis, and publication; or the agency may undertake the activity itself.

r. *OMB Circular No. A-95* requires notification to State and regional clearinghouses of any action which affects areawide or community development.

s. *The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970* (P.L. 91-646) provides for relocating individuals and businesses displaced by public action, prescribes payments and procedures, and authorizes the use of project funds to build last resort housing.

3. *Definitions applicable to this order.*

a. *Major Federal Action Significantly Affecting the Quality of the Human Environment* includes any Federal action falling within the scope of paragraph 301 of this Order. These actions require the preparation of an EIS.

b. *Environmental Impact Assessment Report* refers to a report prepared outside FAA, which analyzes the environmental impact of a proposed action. The report may serve as the basis, in whole or in part, for the FAA's draft environmental impact statement (hereafter DEIS) or ND.

c. *Preliminary environmental review* is a pre-EIS or pre-ND look at environmental impacts of proposed actions and services to alert program officers of the action's possible significant impacts on the quality of the human environment or of impacts which may be highly controversial on environmental grounds.

d. *Draft Environmental Impact Statement* is the document that reflects FAA's initial evaluation of the environmental impact of a proposed action. The agency makes its own evaluation and assumes responsibility for the DEIS. It is distributed by FAA to the Council on Environmental Quality (hereafter CEQ) and other appropriate Federal, State and local agencies for comment and is made available to the public.

e. *Final Environmental Impact Statement* (hereafter FEIS) is the document that reflects FAA's final evaluation of the environmental impact of a proposed action. The EIS is the vehicle for considering the environmental impacts of a proposed Federal action. The EIS shall accompany the proposed action through the Federal decision-making process.

f. *Negative. Declaration* represents a determination by the responsible official that a particular action is not one significantly affecting the quality of the human environment and that coordination and review pursuant to Section 102(2)(C) of NEPA is not required. Except for differences in complexity and scope, the documentation supporting a ND is similar to that supporting an EIS.

g. *Prior Action Affirmation* is a finding that a proposed action is within the scope of a previously approved EIS or ND, that preparation of a new EIS or ND is not necessary, and, therefore, that the prior Federal action may be affirmed.

h. *Human Environment* includes the aggregate of all external conditions and influences (ecological, biological, economic, social, cultural, historical, aesthetic, etc.) that affect the life of a human.

i. *Responsible Official* is the official who makes the final determination as to whether the environmental requirements for a proposed agency action have been satisfied and who approves the EIS or ND.

j. *Program Officer(s)* are the agency officers assigned by the responsible official, to undertake preliminary environmental reviews and to prepare environmental assessments, EISs, or NDs.

k. *Noise Sensitive Areas* may include residential neighborhoods, educational health, and religious structures and sites, and outdoor recreation, cultural, and historic sites. A noise sensitive area is one where noise may interfere with the usual activities associated with use of the land. Whether sound interferes with a particular use depends upon the level of noise exposure received and the type of activities involved. A site which is unacceptable for a particular use outside of a structure may be acceptable for the same activity when it is located inside a structure which has adequate noise attenuation features.

4. *SCOPE.* Except as provided below, the requirements in this order apply to, but are not limited to, the following: all grants, loans, contracts, leases, construction, research activities, rulemaking and regulatory actions, certifications, licensing, permits, plans submitted to the agency by State or local agencies which require FAA approval, and legislation proposed by FAA.

a. *Class action or program statement.* A general class of actions or a program may be covered by a single EIS or ND when the environmental impacts of all actions in the class or program, alternatives thereto, and measures to mitigate adverse environmental impacts are substantially similar.

b. *Exceptions to the Requirement for an EIS or ND:*

(1) Assistance in the form of general revenue sharing with no FAA control over the subsequent use of the funds;

(2) Administrative and opertaing procurements (e.g., general supplies and replacement parts and equipment including contracts for professional services);

(3) Personnel actions (e.g., promotions, hirings);

(4) Planning grants which do not imply a project commitment;

(5) Project amendments (e.g., increases in costs) which do not alter the environmental impact of the action;

(6) Legislative proposals not originating in FAA;

(7) Policy and planning documents not intended for or which do not cause direct implementation of project or system actions;

(8) Agreements with foreign governments, international organizations, or U.S. Government departments calling for the provision of technical assistance, advice or services in foreign countries;

(9) Organizational changes within the FAA;

(10) Emergency measures regarding the air or ground safety;

(11) The development and implementation of job related training programs;

(12) The planning and development of projects and programs leading to Aeromedical Applications and Standards; personnel efficiency and performance;

(13) The approval or issuance of certificates covering medicals, airmen, delegated authority, ground schools; out-of-agency training; and aircraft repair-maintenance not affecting noise, emissions or wastes;

(14) In addition to the exceptions noted above, each of the Service Appendices may provide for exceptions of specific types of projects or categories of actions carried out by that Service, providing that these excepted actions are not major Federal actions significantly affecting the quality of the human environment.

c. *Actions accepted* from this Order or for which class EISs or NDs have been filed do not require further documentation.

d. *An action* which has been excepted in this order or for which a class EIS or ND has been filed, but which in a particular case significantly affects the quality of the human environment requires the preparation of an EIS.

5. *Affirming prior actions.* The preparation of a new EIS or ND is not necessary when it can be documented that: the proposed action conforms to plans or projects for which a prior EIS or ND has been filed; the data and analyses contained in the previous EIS or ND are still substantially valid; and that all pertinent conditions and requirements of the prior approval have or will be met in the current action. In this case, no additional assessment or coordination is required by this order, and the responsible official may affirm the prior action subject to review for legal sufficiency.

6. *Changes to this directive.* The Director, Office of Environmental Quality (hereafter AEQ-1) is responsible for and may make changes in Chapters 1-4 of this directive, and each office or service director may make changes in his respective appendix, subject to AEQ-1 and Office of the Chief Counsel (hereafter AGC) coordination provided:

a. The change does not affect policy, delegations of authority, or assignment of responsibilities outside the service's authority;

b. The Administrator has not specifically reserved authority to make the change;

c. Substantial changes obtain the concurrence of the Office of the Assistant Secretary for Environment, Safety and Consumer Affairs (hereafter TES) and the Office of the General Counsel (hereafter TGC) and are published for comment in the FEDERAL REGISTER.

7. *Responsibilities.* Agency officials are responsible for implementing this order as follows:

a. *Compliance* with the policies and procedures of this order is the responsibility of:

(1) The regional directors for all actions originating in the regions;

(2) The headquarters office and service directors for all actions originating at headquarters; and

(3) The center directors for all actions originating at centers.

b. *Service directors* are responsible, in addition, for:

(1) Revising their appendixes of this order, as appropriate;

(2) Providing supplemental guidelines for implementing this order in their program areas, as appropriate; and

(3) Consulting with and advising responsible officials on matters within their operational areas.

c. *Regional Directors* are responsible, in addition, for developing programs for:

(1) Assigning personnel and other resources necessary to assess and document all relevant environmental factors;

(2) Preparing and filing EISs and NDs as appropriate; and

(3) Assuring appropriate internal coordination of actions that cross program lines.

d. *Office of Environmental Quality* (hereafter AEQ) is responsible for:

(1) Overseeing FAA's environmental policies and procedures;

(2) Developing and coordinating policies and procedures under this order;

(3) Assisting services in developing guidance for their program areas;

(4) Consulting with and advising responsible officials in their implementation of this order; and

(5) Developing training programs in cooperation with the Office of Personnel and Training and the services.

e. *The Chief Counsel* and regional and center counsels provide legal counsel to all elements of FAA regarding the legal sufficiency of environmental documents.

f. *Other responsibilities* regarding specific program areas are set forth in Appendices 1-6 of this order.

8.-199. *Reserved.*

CHAPTER 2. PRELIMINARY CONSIDERATIONS AND PROCEDURES

SECTION 1. PRELIMINARY ENVIRONMENTAL REVIEW

200. *Planning and development stage.* The environmental impacts of proposed actions shall be assessed and considered concurrently with initial planning, development, or site considerations.

201. *Initial review.* Preliminary environmental review shall indicate whether the proposed project could significantly affect the environment with respect to noise, land,

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air, and water quality; and is located in wetlands, coastal zones, or historic or archaeological sites; or areas inhabited by endangered species; or areas protected under DOT Section 4(f); and whether the action would be highly controversial on environmental grounds. Documentation is not required except as necessary to alert program officers to foreseeable environmental impacts and controversies at the earliest stages of consideration.

a. Preliminary review should include a visit to the site. This visit should be made concurrently with any other preliminary on-site visit(s).

b. Secondary sources should also be used, including:

(1) Maps and aerial photos, such as those available from U.S. Coast and Geodetic Survey, local land use planners and transportation and engineering agencies;

(2) Interviews with land use planners, engineers and local experts in forestry, fish and wildlife, agriculture, endangered species, historic preservation and archaeology;

(3) Reference sources, such as the National Register of Historic Places, and similar State or local listings.

202. *Budget stage.* The Office of Budget is responsible for assuring appropriate environmental consideration and documentation at the budget stage. Criteria for environmental consideration in the facilities budget process are at Appendix 2, paragraph 7.

203. *Research.* Criteria for environmental consideration of research activities are in Appendix 1.

204.–205. *Reserved.*

SECTION 2. PRELIMINARY CONSULTATION PROCEDURES

206. *Consultation.* Affected local units of government, and pertinent Federal and State agencies (see Appendix 7) should be consulted early in the process of preparing a DEIS, ND, or environmental impact assessment report. Advice received early in project development could be helpful in preparing EISs or NDs. Input on the environmental impacts of the proposed action shall be considered, as appropriate, in determining whether the proposed action requires an EIS or ND and in preparing the DEIS or ND. This consultation with State and local agencies may be done through A–95 procedures.

207. *Citizen involvement.* Citizen involvement should be initiated at the earliest practical time and continued throughout the development of the proposed project in order to obtain meaningful input. Examples of citizen groups are: environmental, conservation, public service, education, labor, business or aviation and airspace user organizations and citizen advisory committees.

a. *Methods of communication to be used include:*

(1) Individual contacts, citizen advisory committees, telephone, and mail;

(2) Public hearings or meetings;

(3) Information for the public or through the media;

(4) Bulk mailings, advertisements or notices in local newspapers or public places; and

(5) Up-to-date mailing lists of special interest groups and other interested parties at the National, regional, and local levels.

b. *Comments from these individuals* and groups shall be considered in preparing an EIS or ND. A summary of citizen involvement and the environmental issues raised shall be documented in the EIS or ND.

c. *Citizen involvement* may be appropriate in defining the scope of work of an environmental impact assessment report developed by an applicant for aid or a consultant, or of a DEIS being developed by FAA.

208. *A–95 Review.* Notification of the proposed or planned action which has an impact on areawide or community development shall be submitted to appropriate state and areawide clearinghouses and normally through clearinghouses to designated public agencies, including those state and local agencies which are authorized to develop and enforce environmental standards. A–95 procedures should be helpful in alerting program officers and responsible officials to possible environmental controversies. Comments on the environmental effects of proposed actions are inputs to an EIS or ND, and shall be attached to the DEIS when it is circulated for review.

209. *Public hearing.*

a. The following elements are to be considered in deciding whether a public hearing or the opportunity for a public hearing is appropriate:

(1) The magnitude of the proposal in terms of environmental impact or controversy, economic costs, the size and location of the geographic area involved and the uniqueness or size of commitment of the resources involved;

(2) The degree of interest in the proposal, as evidence by requests from the public and from Federal, State, and local authorities that a hearing be held;

(3) The complexity of the issue and the likelihood that information will be presented at the hearing which will be of assistance to the agency in fulfilling its responsibilities;

(4) The extent to which public involvement already has been achieved through other means, such as earlier public hearings, meetings with citizen representatives, and/or written comments on the proposed action; and

(5) When a public hearing is required by law.

b. The following shall be included in the notice for a public hearing or for the opportunity for a public hearing:

(1) A description of the proposed action;

(2) If a hearing is being held, the time, date, and place of the public hearing; and

(3) The availability and location of a DEIS, ND or environmental impact assessment report.

c. Notice of the hearing shall be in an areawide or local newspaper of general circulation.

d. A DEIS, ND, or environmental impact assessment report shall be available to the public 30 days prior to the public hearing.

e. The responsible official may assign program officers the responsibility for convening a hearing and serving as hearing officer.

210. *Notification of preparation of EIS.* Interested parties, including pertinent Federal, State, and local agencies shall receive early notification of an agency decision to prepare an EIS. This may be done by including notification of the decision to prepare an EIS with A–95 project notification and submitting them to Federal as well as state, regional, and local agencies or through other procedures. This shall include notice of the proposed action and solicit views on its impacts from any affected Federal land management entity or State clearinghouse (or other agency designated by the Governor).

211.–299. *Reserved.*

CHAPTER 3. ENVIRONMENTAL IMPACT STATEMENTS AND NEGATIVE DECLARATIONS

SECTION 1. DETERMINATION WHETHER AN ACTION IS A MAJOR FEDERAL ACTION SIGNIFICANTLY AFFECTING THE QUALITY OF THE HUMAN ENVIRONMENT

300. *Environmental assessment.* Prior to undertaking an action which has not been excepted by this Order, all relevant environmental factors shall be assessed (see paragraphs 324–343). If it is concluded that the proposed action is a major Federal action significantly affecting the quality of the human environment, the responsible official shall prepare and file an EIS. If it is concluded that the action is not a major Federal action significantly affecting the quality of the human environment, the responsible official shall prepare and file an ND.

301. *Actions requiring environmental impact statements.*

a. *An EIS* shall be prepared where an agency action:

(1) Has an effect that is not minimal on properties protected under Section 4(f) of the DOT act or Section 106 of the Historic Preservation Act;

(2) Is likely to be highly controversial on environmental grounds;

(3) Is likely to have a significant impact on natural, ecological, cultural, or scenic resources of National, State, or local significance, including endangered species or wetlands;

(4) Is likely to be highly controversial with respect to the availability of adequate relocation housing;

(5) Causes substantial division or disruption of an established community, or disrupts orderly, planned development, or is determined to be significantly inconsistent with plans or goals that have been adopted by the community in which the project is located;

(6) Causes a significant increase in surface traffic congestion;

(7) Has a significant impact on noise levels of noise sensitive areas;

(8) Has a significant impact on air quality or violates the Standards for air quality of the Environmental Protection Agency or an affected locality or state;

(9) Has a significant impact on water quality or may contaminate a public water supply system;

(10) Is inconsistent with any Federal, State or local law or administrative determination relating to the environment;

(11) Directly or indirectly affects human beings by creating a significant impact on the environment.

b. *In determing* whether a proposed Federal action requires an EIS, not only the overall, cumulative impact of the proposed action, but also the consequences of subsequent related actions must be considered.

(1) If the action would permit further contemplated actions, the impacts of both those actions and the proposed action must be considered in determining whether to prepare an EIS.

(2) If an EIS is required, it must be processed before making a commitment which would enable the future action to foreclose or narrow the consideration of alternatives or mitigating measures.

c. *A proposed action* is considered highly controversial when the action is opposed on environmental grounds by a Federal, State, or local government or by a substantial number of the persons affected by such action. A controversy over the amount of acquisition or relocation payments is not a controversy with respect to the availability of relocation housing.

302. *In case of doubt* as to whether an EIS is necessary for a particular action, the responsible official or program officer may consult with AEQ and AGC.

303–304. *Reserved.*

SECTION 2. NEGATIVE DECLARATIONS

305. *Format.*

a. The ND may be a separate document, in which case it shall include a heading or statement identifying it as such, e.g.: Department of Transportation, Federal Aviation Administration, (Originating Region, Office, Service or Center) Negative Environmental Declaration (Subject of Declaration) (Date).

b. Or, the ND may be incorporated in other program documents.

c. The ND shall conclude that the action is not a major Federal action significantly affecting the quality of the human environment, and consequently, no environmental impact statement is required. Suggested language is:

The opinion of the undersigned, upon careful review of this proposed action, is that pertinent environmental factors have been assessed and adequately documented, and the action is not a major Federal action significantly affecting the quality of the human environment.

d. All NDs shall be dated and signed by the responsible official.

306. *Scope of documentation.*

a. Depending on the complexity and degree of impact of a proposed action, a ND may range in content from a simple statement, supported with pertinent facts, that the action is not a major Federal action significantly affecting the quality of the human environment to an analysis involving the format and content necessary for environmental statements.

b. The ND shall include a brief description of the proposed action and its purpose.

c. The ND shall assess and document all relevant matters set forth in paragraphs 324 to 343 as necessary to support the conclusion that the action is not a major Federal action significantly affecting the quality of the human environment. It shall include any measures to minimize adverse impacts on the environment.

d. The ND shall identify and discuss the alternatives considered, particularly those which mitigate environmental impacts, including the alternative of no action.

e. The ND shall determine the proposed action's consistency or inconsistency with community planning, and shall document the basis for the determination.

f. If a ND includes a Section 4(f) determination, include the material called for in paragraph 329. AGC, or his designee, shall review the Section 4(f) determination for legal sufficiency. The document must reflect consultation with the Department of the Interior and, where appropriate, the Department of Agriculture or the Department of Housing and Urban Development.

g. Where wetlands are involved, the ND shall document the outcome of consultations with the U.S. Fish and Wildlife Service and the pertinent state resources agency.

h. Where affected properties are included in or eligible for inclusion in the National Register of Historic Places, the ND shall include: (1) if the effect is not adverse, documentation and outcome of consultations with the State Historic Preservation Office (hereafter SHPO) and evidence that the Advisory Council on Historic Preservation (hereafter ACHP) reviewed the determination of no adverse effect; and (2) if the effect is adverse, documentation and outcome of consultations with the SHPO and the ACHP, including a Memorandum of Agreement with the ACHP or account of actions to be taken in response to comments of ACHP.

307. *Responsible officials.*

a. At the field level, NDs shall be reviewed by pertinent staff and program offices and may be approved by the Regional or Center Director.

b. Responsible officials shall send NDs originating in FAA headquarters to AEQ and to AGC for review. After review for legal sufficiency by AGC, the Service or Office Director may sign the ND.

308. *Coordination.* NDs are required to be coordinated outside of the FAA only where coordination is required by law or administrative directive (e.g., for Section 4(f), Section 106, or wetlands impact).

309. *Distribution.* A copy of the ND is filed in the office of the responsible official and a copy forwarded to the appropriate Service Director for review for consistency with the policy and procedures of this order. Service Directors may waive this requirement, subject to AEQ concurrence.

310. *Availability for public information.* NDs are public information, and as such shall be made available upon request pursuant to FAA procedures.

311.–315. Reserved.

SECTION 3. FORMAT OF ENVIRONMENTAL IMPACT STATEMENTS

316. *Format.*

a. *Heading of Environmental Impact Statements.* Each EIS shall be headed as indicated below and shall state which public laws are applicable to the proposed action. For example: Department of Transportation, Federal Aviation Administration, (Originating Region, Office, Service or Center) Final (or Draft) Environmental Impact Statement (Subject) (Date).

This statement is submitted for review pursuant to the following public law requirements: Section 102(2)(C) of P.L. 91–910, 42 U.S.C. 4321; Section 4(f) of P.L. 89–670, Section 106 of the National Historic Preservation Act; etc. . . . as applicable.

b. *Summary.* The format for the summary which shall accompany draft and final EISs is as follows:

Summary

( ) Draft ( ) Final (Check one)

Department of Transportation, Federal Aviation Administration. Name, address, and telephone number of individual who can be contacted for additional information about the proposed action or the statement.

(1) Name of Action. (Check one) ( ) Legislative ( ) Administrative

(2) Brief description, purpose and location of action, indicating which State(s) and counties are particularly affected.

(3) Summary of environmental impact and adverse environmental effects.

(4) List alternatives considered.

(5) For draft statements, list all Federal, State, and local agencies and any other sources from which comments have been requested.

(6) For final statements, list all Federal, State, and local agencies and other sources from which written comments have been solicited and received.

(7) Date(s) the draft statement and the final statement, if issued, were made available to the CEQ and to the public.

(8) Date of the public hearing, if one was held.

c. *Signature.* Each DEIS and FEIS shall be dated and signed by the responsible official.

317.–319. *Reserved.*

SECTION 4. CONTENT OF ENVIRONMENTAL IMPACT STATEMENTS

320. *General.* EISs document the consideration and evaluation of environmental impacts in FAA decision making.

a. *The required information* should be presented in easily understood language.

(1) Documents should be detailed, yet succinct, including analysis of all relevant environmental impacts of a proposed action and its reasonable alternatives.

(2) Analysis of facts, references to literature, special studies or textual material within the statement shall support conclusions.

(3) Do not include unnecessary information, and summarize, consolidate or reference less important material.

b. *Although adherence* to a rigid format is not required, preparation and review is facilitated by adhering to typical presentation styles.

(1) The document should refer at appropriate points to any underlying studies, data sources, or other information considered in its preparation.

(2) Reference data need not be attached but shall be listed and made available to the responsible official or any member of the public upon request.

321. *Description.*

a. Each EIS shall begin with a concise description of the proposed Federal action, a statement of its purpose, a brief summary of the need for the action, and an indication of any related contemplated actions. The description also shall contain or refer to figures, charts, photographs, or tables in the document as necessary to illustrate the action to be taken, and any significant airport or facility community environmental interfaces. All illustrations and reproductions should be legible, free of clutter, and in a form which is understandable. Airport development actions shall include foreseeable related facility installations and procedural actions. Facilities actions not involving airport development shall include foreseeable related procedural actions.

b. The document shall identify any other Federal activity in the affected area which is related to the proposed action (e.g., highways, housing relocation). It shall include a description of the interrelationships and cumulative environmental impacts of all related Federal projects in planning and development.

c. The document shall indicate how the proposed action conforms to or conflicts with the specific terms of adopted Federal, State, regional, or local land use plans, policies, and controls, which include state coastal zone management programs, if any, for the area affected. Actions should be consistent with these plans, policies, and controls to the maximum extent possible. Efforts to reconcile any conflicts or inconsistencies also shall be described, along with the results achieved.

322. *Background information.* A section describing or discussing background information may be appropriate. This section should highlight related developments to date and present a general overview of significant aspects of the situation under review. It may include such items as bond actions, action pertinent to the proposal by the community or citizen groups and any other unique and significant factors associated with the project.

323. *Probable impacts.* The document shall describe and appraise relevant probable impacts, both beneficial and adverse, of the proposed actions on the human and natural environment and shall:

a. Include those adverse effects which cannot be averted should the proposal be implemented;

b. Describe the actions to be taken to enhance beneficial impacts; and

c. Document the assessment of all relevant environmental factors in paragraphs 324 to 343 to the extent necessary to consider the environmental impacts of a proposed action and its alterations.

324. *Noise.*

a. *Background.*

(1) The purpose of noise analyses is to present information about the effects of noise on noise sensitive areas;

(2) Because noise effects vary with different human activities, the appropriate quantitative measure or descriptor of noise

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exposure may vary, depending on the activity under discussion and the availability of substantive scientific data relating noise level to impact on humans.

(3) This section refers to three measures of noise exposure any one or more of which may be required, depending on the circumstances:

(a) Peak level in dB(A);

(b) Duration above a reference noise level in minutes or other time measure; and

(c) An aggregated noise measure, such as Composite Noise Rating (hereafter CNR), Noise Exposure Forecast (hereafter NEF, Day/Night Level (hereafter Ldn) or Equivalent Noise Level (hereafter Leq).

b. *Requirements.* The analyses shall include information for three conditions: the present condition; the condition forecast WITHOUT the proposed change; and, the condition forecast WITH the proposed change. All interrelated actions (e.g., installation of navigation aids and air traffic control procedures) shall be considered.

(1) For actions involving airport location, runway location, major runway extension, or runway strengthening which would permit operation by larger or noisier aircraft, the following noise information shall be presented:

(a) Continuous contours showing the boundaries of all areas exposed to noise levels equal to or greater than NEF 30; or Ldn 65; or CNR 100.

(b) This paragraph is effective _____ (one year from the approval of this directive). It applies to DEISs and NDs filed 12 months after the effective date of this Order, and to FEISs filed 24 months after the effective date of this Order.

For noise sensitive areas identified in (a) if the proposed action is highly controversial because of noise impacts or if they will be exposed to jet operations for the first time, or if the noise increase is greater than 3 units (NEF, Ldn, CNR), then for those areas (for the future condition with the proposed project and the future condition without the proposed project) provide average duration above 65, 75, 85, 95, 105, and 115 dB(A) for a complete day's operation, for the evening period, (7 p.m.–10 p.m.) and for the night period (10 p.m.–7 a.m.). This information may be provided on a discrete basis for selected points in intervals of not more than 3,000 feet. For these same points provide NEF, Ldn, or Leq.

(2) For new jet arrival or jet departure tracks (Arrival or departure tracks are flight segments within 3,000 feet above the surface.) the following noise information shall be presented for noise sensitive areas:

(a) The information described in 1 (a) and (b); or

(b) Peak noise level and frequency of occurrence for total daily, evening and night periods for selected points in intervals of not more than 3,000 feet.

(3) For actions other than c. (1) and (2), for example, intermittent stationary sources (e.g., cooling towers) or mobile sources (non-jet aircraft in flight, aircraft taxiing or surface vehicles) provide peak noise levels and frequency of occurrence at noise sensitive areas.

(4) For stationary sources which produce relatively steady levels of noise, provide noise level and duration at noise sensitive areas.

(5) Policy, administrative, and regulatory actions, particularly those which are environmentally protective with effects dispersed across the air transportation system, may not reasonably be assessed using traditional noise analyses methods. In such cases, the analyses may use innovative methods. This, however, does not diminish the preparer's principal responsibility for assuring and defending the adequacy of the analysis.

c. *Exceptions.*

(1) Unless required by section b. (1), noise analysis is not required for those actions which cause increases of less than 2dB or 1 unit NEF and is not controversial. There are respectively:

(a) Actions which result in reductions in distance between the noise source and noise sensitive areas of less than 20% (without change in the noise characteristics of the source) and which do not expose new land areas to noise.

(b) Any action that does not increase total daily operations by more than 25% along any arrival or departure flight track (runway utilization rates, ratio of day-to-night operations and the relative proportions of different aircraft types remaining unchanged).

(2) However, all actions which cause the accumulated, incremental changes to exceed the limits of c. (1) require a noise analysis. Accumulation may be computed starting with the approval date of this Order or the date of the last prior analysis under 324b., whichever is later.

d. *Format.*

(1) The presentation of noise analysis shall be intelligible to lay and technical readers.

(a) The text shall present principal findings.

(b) Detail required to derive the findings shall be included in appendices, but shall also be referenced in the text.

(2) The following graphics are required where an action falls under 324b.(1):

(a) Layout plan of the present and, where relevant, proposed airport; and

(b) A map of the airport vicinity including the following for each condition analyzed:

1 runway location and orientation;
2 flight tracks used in the analysis;
3 land use, present and planned;
4 noise sensitive areas, by type;
5 zoning, proposed property acquisition, or other land use controls; and
6 prominent legible noise exposure data.

(3) Analyses under 324b. (2) and b. (3) and b. (4) require all relevant items under (2)(b) above but in no case less than item (b)*3*, (b)*4*, and a convenient display or cross reference of the noise information to the locations to which it applies.

e. *Analysis.* The general literature on the effects of noise on man and on recommended land use or exposure criteria varies in depth, breadth, accuracy and reliability. The use of such information is an effort by the FAA to make the state-of-the-art visible to the public. The information, therefore, should permit lay and technical readers to relate noise exposure data to an understanding of its potential effects. Accordingly, the following analysis is required:

(1) A description, in terms suitable for lay and technical readers, of the noise descriptors used in the analysis both for single event measures (for example peak noise levels) in dBA, EPNdB, PNdB and cumulative measures (for example CNR, Ldn). The explanation of the descriptors shall convey the technical as well as the conceptual significant of the noise measures.

(2) A discussion of:

(a) any non-standard data or calculation procedures used or derived for the purpose of dealing with any unique aspect of the analysis;

(b) clear and concise references to source data or procedures; and

(c) noise from other than aircraft operations if the additive effect is significant.

(3) An analysis describing the expected noise exposure of each noise sensitive activity in the area with the following considerations:

(a) A discussion of noise impact for each noise sensitive area, including such information as the number of people and schools and the size of residential land area exposed to specified noise levels, describing any incompatibility between the noise and existing or planned land uses. (e.g., residential, cultural, religious, educational, industrial, agricultural, or recreational.)

(b) The analysis shall, to the extent reasonable, discuss potential effects of noise and hearing, communications interference (with consideration to educational, occupational, recreational, and religious activities), sleep interference, and annoyance, both within the context of outdoor activities as well as indoor activities.

(c) Consideration shall be given to the amount of acoustical protection provided by construction and architectural characteristics as well as climatological situations which might affect life styles and therefore alter the "average" interpretations placed on the effects of noise.

f. *Records.* The proposing office shall assure that sufficient information is retained to permit an independent review to recreate the complete noise exposure analysis.

325. *Air quality.* Air quality should be examined by estimating the pollutant impact of the proposed action in terms of existing and forecast operations. Air pollutant concentrations as well as total amounts of pollutants should be estimated and evaluated, as necessary, for consistency with state implementation plans for air quality under the Clean Air Act and other State or local standards, EPA indirect source regulation (40 CFR 51.18), if applicable, and other applicable standards. Air pollution effects of increased surface traffic resulting from increased air traffic should be estimated and considered. Methods should be proposed or referenced for controlling and minimizing air pollution resulting from construction of the project.

326. *Water quality.* Water quality requirements, available water resources, and impact on existing water tables should be considered. Facilities for treatment and disposal of wastes also should be considered and evaluated for consistency with applicable standards. Action taken to minimize pollution due to surface runoff, which may include pollution infiltration from areas of extensive grading and pavement or placement of piles, should be discussed. Short-term and long-term effects of construction upon area drainage and aquifers should also be discussed.

327. *Social impacts.* A proposed action may have social and community impacts. Where displacement of people or businesses or disruption of established communities occurs, the following information from secondary sources and community sources, when available, should be included in order to determine the manageability of relocation:

a. An estimate of the numbers and the characteristics of households to be displaced (e.g., minorities, income levels, renter or owner, elderly, large families);

b. Impact on the neighborhood and housing where relocation is likely to take place;

c. Disruption or impact on the stability and cohesion of any established community;

d. A description of businesses to be displaced and general effects of business dislocation on the economy of the community;

e. Ability to provide adequate relocation housing for the types of families to be displaced and a description of actions proposed to remedy any insufficiency, including, if necessary, housing of last resort, as authorized by Section 205(a) of the Uniform Relocation Assistance and Real Properties Acquisition Policies Act of 1970.

f. Effects of surface traffic disruption including effects on access to community facilities, recreation areas, and places of residence and business.

g. Results of consultation regarding the impacts with local officials, relocation or other social agencies, and community groups.

h. A description of any special location advisory services to be provided for the elderly, handicapped, or illiterate regarding interpretation of benefits and other assistance available.

328. *Induced socio-economic impacts.* These impacts may include shifts in the patterns of population movement and growth, public service demands, and changes in business and economic activity. The effects of these impacts should be estimated and discussed in consultation with pertinent local officials.

329. *Dot section 4(f).* This section requires identification of and special effort to preserve public parks, recreation areas, wildlife and waterfowl refuges, and historic sites, and areas of natural scenic beauty of local, state, or national significance affected by the proposed action. The description should include size, activities, and relationship to other similarly used lands in the vicinity.

a. The use of public parks, recreation areas, wildlife and waterfowl refuges, and historic sites, must be avoided if there is a feasible and prudent alternative.

b. A publicly owned park, recreation area, refuge, or historic site is presumed to be significant unless there is a statement of insignificance by the Federal, State, or local official having jurisdiction thereof. Any such statement of insignificance is subject to review.

c. Where Federal lands are administered for multiple uses, the Federal official having jurisdiction over the lands shall determine whether the subject lands are in fact being used for park, recreation, wildlife, waterfowl, or historic purposes.

d. The discussion of the alternative of taking no action and of alternative designs and locations shall include cost estimates with figures showing percentage differences in total project costs and technical feasibility assessments.

e. Analysis of the environmental impact of alternatives shall include evidence that unusual factors or unique problems are present and that the cost or community disruption resulting from alternatives reach extraordinary magnitudes.

f. If there is no feasible and prudent alternative to the use of such land, include a statement of actions taken or to be taken to minimize harm to the protected area. This may include using project funds to replace or improve land and facilities and designing measures such as planting or screening to mitigate any adverse effects. Also include evidence of other measures to enhance and maintain natural beauty.

g. If land is involved which was acquired with Federal grant money (i.e., open space under Department of Housing and Urban Development; various conservation programs under Department of Interior), the final documentation shall include an appropriate communication or finding from the grantor agency.

h. The documentation shall reflect consultation with the Department of the Interior and, as pertinent, the Department of Housing and Urban Development or the Department of Agriculture.

i. The document shall include a statement that there is no feasible and prudent alternative to the use of the land and that the action includes all possible planning to minimize harm.

j. Questions regarding the application of Section 4(f) should be referred to AEQ.

330. *Historical and archaeological sites.* The document should specify actions to be taken to preserve and enhance districts, sites, buildings, structures, and objects of historical, architectural, archaeological, or cultural significance affected by the project.

a. The statement should identify, through consulting the National Register of Historic Places and National Register Criteria (36 C.F.R. Part 800), whether proposed actions will affect properties included in or eligible for inclusion in the National Register.

(1) The National Register of Historic Places is published each February in the FEDERAL REGISTER.

(2) Monthly additions and listings of eligible properties are published in the FEDERAL REGISTER the first Tuesday of each month.

(3) The Secretary of the Interior will advise, upon request, whether properties are eligible for the National Register.

b. If application of the ACHP's Criteria of Effect indicates that the project will affect a property included in or eligible for inclusion in the National Register of Historic Places, the document should state the effect.

(1) Evaluation of the effect should be made in consultation with the SHPO and in accordance with the ACHP's Criteria of Adverse Effect (36 C.F.R. Part 800).

(2) Determinations of no adverse effect should be documented with evidence of the application of ACHP's Criteria of Adverse Effect, the views of the SHPO and review by the ACHP.

c. If the project will have an adverse effect upon property included in or eligible for inclusion in the National Register of Historic Places, the FEIS must include either an executed Memorandum of Agreement or comments from the ACHP with an account of actions to be taken in response to these comments. Procedures for obtaining a Memorandum of Agreement or the comments of the Council are found in 36 C.F.R. Part 800.

d. To determine whether the project will affect properties of state or local historical, architectural, archaeological, or cultural significance that are not included in or eligible for inclusion in the National Register, the responsible official should consult with the SHPO, with the local official having jurisdiction of the property, and where appropriate, with historical societies, museums, or academic institutions having expertise with regard to the property.

e. Use of land from historic properties of Federal, State, and local significance, as determined by the official having jurisdiction thereof, involves Section 4(f) of the DOT Act. The document should include evidence necessary to support a Section 4(f) determination.

f. Any foreseeable irreplaceable loss or destruction of significant scientific, prehistorical, historical, or archaeological data shall be identified in the document, with evidence of notice provided to the Secretary of the Interior and measures described to undertake the recovery, protection, and preservation of such data, including preliminary survey, salvage, or other investigations as needed. The FAA has an agreement with the Department of the Interior for assuring compliance with the Archaeological and Historic Preservation Act of 1974, providing for oversight relative to mitigation of damage to archaeological and historic data incident to construction activities of FAA or FAA assisted projects.

331. *Flood hazard evaluation.* To comply with Executive Order 11296 and Flood Hazard Guidelines for Federal Executive Agencies, promulgated by the Water Resources Council, describe measures to handle flood hazard problems and how they can be implemented during project development. When a project under consideration encroaches on a flood plain, the EIS should include evidence that studies have been made and agencies have been consulted.

332. *Considerations relating to wetlands.* Where impacts on wetlands, including control, modification, impoundment, diversion, and channel deepening of streams or other bodies of water are involved, the document should include:

a. Information on location, types, and extent of wetlands areas that might be affected by the proposed action;

b. An assessment of the impacts on the wetlands and associated wildlife from both construction and operation of the project;

c. A statement of the measures to be taken to preserve, protect and enhance wetlands and to avoid, to the fullest extent practical, drainage, filling, or interference with wetlands or the water resources supplying them;

d. Results of coordination with the local representative of the Department of the Interior, the Department of Commerce, and any other officials such as the Corps of Engineers with special expertise concerning the impacts of the project on the wetlands and the worth to the community and to the nation of the particular wetlands area involved; and

e. A statement as to whether the proposed action should proceed and upon what conditions.

333. *Coastal zone management programs.* Where the proposed action is within or may affect the land or water uses in the area covered, by a state coastal zone management program, the document shall include evidence of consultation with the state coastal zone management agency. If a state coastal zone management program has been approved by the U.S. Department of Commerce, the statement shall include the following:

a. For FAA assisted actions, include a determination as to consistency with the approved state coastal zone management program. Also include a record of coordination as specified in the Coastal Zone Management Act, and evidence that necessary permits, if required, will be or have been secured.

b. If the proposed action is issuance of a FAA license or permit, the applicant shall provide a certification that the proposed action complies with the state's approved program and that such activity will be conducted in a manner consistent with the program. The document shall include a record of coordination with the state coastal zone management agency.

c. If it is determined that the proposed project is inconsistent with the state's approved program, the responsible official shall not approve the action except upon a finding by the Secretary of Commerce that the proposed action is consistent with the purposes or objectives of the Coastal Zone Management Act or necessary in the interest of national security. The EIS shall document this finding.

334. *Energy supply and natural resources development.* Where applicable, the report should reflect consideration of whether the project will have any effect on either the production or consumption of energy and other natural resources, and include the analysis of any such effects if they are significant.

335. *Construction impacts.* In general, adverse impacts during construction will be of less concern than long-term impacts of a proposal. Nonetheless, the report should appropriately address such matters as the following, identifying any special problem areas:

a. Noise impacts from construction or delivery of materials through residential areas and any specifications providing maximum noise levels;

b. Effect of spoil disposal on borrow areas and disposal sites (include reference to pertinent specifications);

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c. Controls on air pollution from dust, burning, etc. (with reference to pertinent specifications or advisory circulars); and

d. Impacts on water quality from run-off and associated sedimentation and control measures (reference specifications or advisory circulars).

336. *Wildlife and waterfowl.* Long-term loss may accrue by virtue of reduction of the overall wildlife carrying capacity of a given land area. Where part of a wildlife habitat is removed it should be determined whether the remaining habitat is sufficient. These long-term losses may be described in general terms unless a threatened or endangered species is involved.

337. *Impacts relating to endangered and threatened species of fauna and flora.* The document should include evidence that the proposed action will not jeopardize the continued existence of endangered or threatened species or result in the destruction or modification of critical habitat of these species.

a. If any species listed by the Department of the Interior as endangered or threatened exist in the area of the proposed action's potential impact, the document should provide evidence of consultation with the Regional Director of the Fish and Wildlife Service (hereafter FWS) or the National Marine Fisheries Service (hereafter NMFS), as appropriate, regarding the impacts of the action on the species. The FWS, Department of the Interior, is responsible for protection of terrestrial and freshwater species; the NMFS, Department of Commerce, is responsible for protection of marine species.

b. The document should describe the anticipated effects of the proposed action and alternatives to the action on listed species, the nature of the listed species' habitat, and whether the FWS or NMFS has determined that habitat to be critical.

c. The final statement should summarize the results of consultation with FWS or NMFS and indicate any specific measures which will be taken to conserve listed species and to avoid destruction or modification of critical habitat.

338. *Light emissions.* Aviation lighting required for the purposes of security, obstruction clearance, and navigational guidance, may create an annoyance among people in the vicinity of the installation. In this instance, documentation shall include:

a. Site location with a diagram of lights or light system.

b. Description of lights, as to their purpose, installation, beam angle and measurements, intensity, color, flashing-sequence, and other pertinent characteristics of the particular system and its use.

c. Measures to lessen any annoyance, such as shielding or angular adjustments.

339. *Visual impacts.* Any special significant visual impacts shall be described, particularly in areas of natural beauty or historic or architectural significance.

340.–343. *Reserved.*

344. *Actions to minimize unavoidable adverse effects.* Actions to be taken to minimize unavoidable adverse effects should be described.

345. *Alternatives.* An EIS or, as appropriate, an ND thoroughly and objectively evaluates the environmental impact of all reasonable alternatives, particularly those which mitigate environmental impacts, and sets forth the reasons why the alternatives are rejected.

a. *Sufficient analysis* of the environmental impact of the alternatives should accompany the proposed action through the review process in order not to foreclose prematurely options which might enhance environmental quality or have a less detrimental effect.

b. *Alternatives include* taking no action or postponing action pending further study; rejection of these alternatives requires an examination of the need for the project and the consequences of taking no action.

c. *Where appropriate,* satisfying the increased transportation needs by using alternative transportation modes should be considered.

346. *Relationship between short-term uses of man's environment and the maintenance and enhancement of long-term productivity.* The document must examine the extent to which the proposed action involves tradeoffs between short-term environmental gains at the expense of long-term losses and long-term gains at the expense of short-term losses and the extent to which the proposed action forecloses future options.

347. *Irreversible and irretrievable commitments of resources.* The document must examine the extent to which the proposed action would irreversibly and irretrievably curtail the range of beneficial uses of the environment including cultural as well as natural resources. If a project involves new, unusual or limited sources or types of materials, include a quantitative estimate and description. Normally, labor and materials required to accomplish a project do not significantly curtail the range of beneficial uses of the environment.

348. *Citizen involvement.* Document a summary of citizen involvement, including meetings and public hearings, and any environmental issues raised.

349. *Summary of impacts.* A summary of the conclusions and significant points developed is desirable.

SECTION 5. PREPARATION OF DRAFT ENVIRONMENTAL IMPACT STATEMENTS OR NEGATIVE DECLARATIONS

350. *Timing of draft statement preparation.* Prepare DEISs and NDs at the earliest practical time prior to the first significant decision point in the program or project development process. In this way, the analysis of environmental effects and the exploration of alternatives with respect thereto are significant inputs to the decision making process.

351. *Applications.* The program officer may request each applicant for a grant, loan, permit, or other approval to which this order applies, to submit, with the original application, an environmental impact assessment report.

a. *Regardless of the nature* of the applicant's participation, the responsible official or the program officer must furnish guidance, actively participate in preparing the DEIS, FEIS, and ND, and make his own evaluation prior to approval. The responsible official shall take responsibility for the scope and content of an EIS or ND by signing it.

b. *The responsible official* shall appropriately limit the actions an applicant may take prior to completion and approval of FEISs and subsequent approval of the application.

352. *Use of consultants.* Consultants may prepare background or preliminary material and assist in preparing a DEIS, FEIS, or ND for which FAA takes responsibility.

a. *Exercise care in selecting consultants* and in reviewing their work to insure complete, objective consideration of all relevant project impacts and alternatives, particularly if the consultant may expect further contracts based on the outcome of the environmental decision.

b. *Citizen participation* may be appropriate in selecting a consultant and defining the scope of his services.

353. *Scope of statement.* The action which the statement covers must have significance and utility independent of subsequent related actions. The action shall be broad enough in scope to avoid segmentation of projects and irreversible commitments of resources in subsequent actions, and to insure meaningful consideration of alternatives. An airport development EIS or ND should include foreseeable related supporting facilities including navigational aids and procedural actions. A facilities EIS or ND not involving airport development should include foreseeable related procedural actions.

354. *Inclusion of environmental determinations.* An EIS or ND shall include relevant environmental determinations under Section 4(f) of the DOT Act and the documentation for other environmental findings and determinations as required.

355. *Interdisciplinary approach.* Section 102(2)(A) of NEPA requires each Federal agency to apply a systematic, interdisciplinary approach in planning and decision making which may impact the environment. To assure that all environmental impacts are identified and assessed, all relevant disciplines should be represented. If the applicant's staff does not contain the necessary disciplines, use of professional services available in other Federal, State, or local agencies, universities, or consulting firms is appropriate.

356. *Internal review process.*

a. *Before an office* or service files or submits an EIS or ND for public review, it shall submit it to other pertinent program divisions and staff officers.

b. *The purposes* of this review process are:

(1) to assure that the document covers all related foreseeable agency actions by agency elements;

(2) that it consolidates environmental assessments of all pertinent divisions; and

(3) that commitments that all the responsibility of other divisions or offices will be carried out.

c. *Regional Directors* are responsible for designating a lead division or office to carry out this internal review.

357. *Regulations.* For regulations or rulemaking, the DEIS or ND should be available to reviewing agencies and the public prior to or concurrently with the notice of proposed rulemaking.

358. *Legislative proposals.*

a. *Before the FAA submits* to the Congress a legislative proposal, the office which originates the legislation shall, in accordance with OMB Bulletin 72–6, "Proposed Federal Actions Affecting the Environment," prepare, circulate, and file with CEQ an environmental statement or prepare and file a ND.

b. *The Office of the Secretary* shall clear the draft of the environmental statement for proposed legislation and submit it to the Office of Management and Budget (hereafter OMB) for circulation in the normal legislative clearance process.

(1) If the scheduling of congressional hearings on legislation does not allow adequate time for the completion of a FEIS, furnish Congress and make available to the public a DEIS, pending transmittal of the comments as received, and the final text.

(2) Forward NDs to the Congress, if requested.

359. *Lead agency.*

a. *As specified in CEQ guidelines,* one statement should be prepared for all Federal actions involved if more than one agency:

(1) Directly sponsors an action,

(2) Is directly involved in an action through funding or issuing of permits or licenses, or

(3) Is involved in a group of actions directly related to each other because of functional interdependence and geographic proximity.

b. *In such cases,* CEQ requirements may be satisfied if:

(1) The agencies jointly prepare a statement, or

(2) The agencies designate a lead agency to assume supervisory responsibility for the preparation of the statement. The other agencies would then provide assistance regarding their areas of jurisdiction and expertise.

c. *Refer questions concerning "lead agency"* designation to headquarters (AEQ–1) for resolution with CEQ through TES.

SECTION 6. PROCESSING OF DRAFT ENVIRONMENTAL IMPACT STATEMENTS

360. *Public Notice.* Each responsible official shall assure that press releases, official notices, or other appropriate media announce to the public that a DEIS has been prepared and is being circulated and that comments on the environmental impact of the proposed action are being solicited.

a. Where appropriate, make the notification in cooperation with the project's sponsor.

b. The announcement shall contain information on the availability of the DEIS.

361. *Copies.* The responsible official shall have printed sufficient copies of DEISs and FEISs to meet anticipated demand. A fee not to exceed reproduction costs may be charged for copies requested by the public if the original set of copies is exhausted.

362. *Circulation and availability of DEIS.*

a. *Circulate the DEIS* to agencies which have "jurisdiction by law or special expertise with respect to any environmental impact involved" or "which are authorized to develop and enforce environmental standards." These agencies are set forth in Appendix 7. In addition, circulate the DEIS to:

(1) CEQ (5 copies), TES (2 copies), AEQ–1 (1 copy), AGC or designee (1 copy), the Service Director, other elements of DOT, and other FAA services as appropriate;

(2) to state and local agencies, including agencies that commented substantively on the A–95 notification, affected cities and counties, and other known to have an interest in the action.

(3) A–95 agencies may be used, by mutual agreement, for securing review of DEISs by State and local agencies.

b. *In addition,* make the EIS available at a sponsor's office, local public libraries, and at other appropriate locations of general public access.

363. *Time for comment.*

a. *A time period for comment* may not be less than 45 days from the Friday of the week following receipt of the DEIS by CEQ, other agencies, and the public. Requests for reasonable extensions of time, when warranted by the magnitude and complexity of the statement or the extent of citizen interest, shall be granted.

b. *If no comments* or requests for extension are received within 45 days, it may be presumed that the agency consulted has no comments to make.

364.–369. *Reserved.*

SECTION 7. CHANGE OF DRAFT ENVIRONMENTAL IMPACT STATEMENT TO NEGATIVE DECLARATION

370. *General.* After circulation of a DEIS the responsible official may determine that the proposed action is not a major Federal action significantly affecting the quality of the human environment and prepare a ND. The document shall include any substantive coments received on the DEIS, and resolution of any controversies or conflicts.

371. *Approval authority.* The official with authority to approve a FEIS has authority to approve the change to a ND. Approval is subject to review for legal sufficiency by AGC for headquarters action and by Regional or Center Counsel for field action. The documentation should include language such as the following:

A draft environment impact statement for the proposed action has been prepared and federally coordinated in the manner contemplated by Section 102(2)(C) of the National Enviromental Policy Act of 1969. A careful and thorough evaluation of the facts and issues contained in the draft statement and comments received from the public and other Federal agencies having jurisdiction by law and special expertise in environmental matters, support a determination that the proposed action is not a major Federal action significantly, affecting the quality of the human environment and is not highly controversial on environmental grounds.

372. *Public notification.*

a. *If a DEIS is changed* to a ND as a result of the public review process, send a copy to all agencies and individuals who commented substantively on the DEIS or requested copies of the FEIS, and make copies available to the public.

b. *The decision* to change a DEIS to a ND should be published in the appropriate local media in the same manner as was the DEIS.

c. *Include* the change in the quarterly lists of EISs anticipated or in preparation that AEQ sends to CEQ.

d. *After transmittal* of notification of the change, the 30 day waiting period is not applicable and the action can proceed.

373.–374. *Reserved.*

SECTION 8. PREPARATION, APPROVAL AND DISTRIBUTION OF FINAL ENVIRONMENTAL IMPACT STATEMENT

375. *Utilization of comments.*

a. *Comments received on the DEIS* and inputs (in summary form, if appropriate) from citizen participation, and public hearings shall accompany the FEIS through the normal internal project or program review process.

b. *In preparing a FEIS,* revise the DEIS, as appropriate, to reflect comments received, issues raised through the community involvement and public hearing process, or other consideration. Follow each comment with an appropriate response, or reference to subject's discussion in the statement. Include copies of all substantive commenting letters. If the number of comments is too voluminous to include, consult AEQ.

c. *Identify and discuss* any unresolved environmental issues and efforts to resolve them through further consultation. For instance, where an agency comments that the statement contains inadequate analysis or that the impacts are too adverse for approval, either resolve the issue or document in the FEIS efforts to resolve the issue, and set forth any action that will result.

376. *Approval of final environmental impact statements.*

a. *For FEISs which originate at headquarters,* the Office or Service Director shall send 1 copy each to AEQ and AGC for review. After AGC review for legal sufficiency, the Director or designee should transmit two copies to appropriate elements of OST for concurrence, if required, with a request for concurrence within 15 to 30 days, depending upon the complexity of the statement. Following concurrence, if required, the Office or Service Director may approve the FEIS and file it with CEQ.

b. *For FEISs originating in the field,* not subject to headquarter's concurrence, the Regional Director or Center Director shall approve and file the FEIS with CEQ, following review for legal sufficiency by the Regional Counsel.

c. *For FEISs originating in regions or centers,* but subject to headquarters concurrence, the Regional Director or Center Director approves the FEIS and submits it to the appropriate Service or Office Director. The Service or Office shall send copies to AEQ and to AGC for review. After AGC review for legal sufficiency, the Service or Office Director shall transmit two copies to any appropriate elements of OST for concurrence, if required, with a request for concurrence within 15 to 30 days, depending on the statement's complexity. Following concurrence, the Service Director may file the FEIS with CEQ.

d. *For FEISs originating in regions or centers,* but where authority to approve FEIS is retained in headquarters, the region or center shall send the proposed FEIS to the appropriate Service or Office Director. The service or office shall send copies to AEQ and AGC for review. After AGC review for legal sufficiency, the Service or Office Director shall transmit two copies to any appropriate element of OST for concurrence, if required, with a request for concurrence within 15 to 30 days, depending on the statement's complexity. Following concurrence, the Office or Service Director or other responsible official may approve the FEIS and file it with CEQ.

e. *All statements involving Section 4(f) of* the DOT Act are subject to AGC review for legal sufficiency in headquarters.

377. *OST concurrence.*

a. *TES must concur* on FEISs for project in the following categories:

(1) All actions not involving airport development;

(2) Any new airport serving a metropolitan area, construed as a Standard Metropolitan Statistical Area (SMSA);

(3) Any new runway or runway extension for an airport, any part of which is located in an SMSA and is either certificated under Section 612 of the Federal Aviation Act of 1958, as amended, or used by large aircraft (except helicopters) of commercial operators;

(4) Any project to which a Federal, state, or local government agency has expressed opposition on environmental grounds; and

(5) Any project for which TES requests an opportunity to review and concur in the final statement or for which FAA requests such review and concurrence by TES.

b. *Any projects in the above categories* which also fall under Section 4(f) of the DOT Act will require concurrence by the DOT Office of the General Counsel (TGC) as well as TES.

378. *Decisions reserved to the secretary.* If an action requires the personal approval of the Secretary or Assistant Secretary pursuant to a request by them or by TES or TGC, a brief memorandum requesting the Secretary's or Deputy Secretary's approval of the action shall accompany the FEIS. The memorandum shall have signature lines for the concurrence of the Assistant Secretary for Environment, Safety, and Consumer Affairs, the General Counsel, and the Deputy Secretary (when the Secretary approves), and for the approval of the Secretary or Deputy Secretary, is appropriate.

379. *Availability pending approval.* Proposed final statements may be made available to the public and Federal, State, or local agencies pending final approval and filing with CEQ, with the concurrence of the responsible official, if they carry notation that the statement is not approved and filed.

380. *Distribution of approved environmental impact statements.* The originating FAA region, center, or service shall simultaneously distribute the EIS as follows:

a. Fives copies to:

General Counsel, Council on Environmental Quality, 722 Jackson Place, N.W., Washington, D.C. 20006.

b. One copy to AEQ and to the Service Director;

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c. One copy to EPA, if the DEIS was rated LO–1 by EPA; five copies otherwise (See Appendix 8). In the event EPA has comments on a FEIS, the responsible official shall make every reasonable effort to resolve conflicts;

d. A copy of the FEIS shall also be sent to each Federal, State and local agency to private organizations which made substantial comments on the draft statement and to individuals who requested a copy of the final statement or who made substantive comment on the draft.

e. One copy to any sponsor, applicant, or grantee;

f. One copy to appropriate state and areawide clearinghouses unless otherwise designated by the governor;

g. Additional copies shall be sent to accessible locations to be made available to the general public, including headquarters and regional offices; state, metropolitan, and regional clearinghouses (unless the governor designates some other distribution point); and local public libraries;

h. Environmental statements, comments received, and underlying documents will be made available to the public without charge to the fullest extent practical or at a reduced charge which is not more than the actual cost of reproducing copies; and

i. After filing the EIS with CEQ and after the expiration of the 30 day waiting period, AEQ shall send a copy of the EIS to the DOT Library (Attn: TAD 491.1).

381. *Implementing actions.* The implementing administrative action for the project can occur no sooner than 90 days after the DEIS has been circulated for comment and filed with CEQ and no sooner than 30 days after the date the FEIS has been filed with CEQ, provided to the commenting agencies and made available to the public.

382.–389. *Reserved.*

SECTION 3. SUPPLEMENTAL ACTIONS

390. *Supplemental or amended statements.* The responsible official may supplement or amend a DEIS or FEIS when substantial changes are made in a proposed action or where significant new information regarding its environmental impact comes to light. A supplemental or amended FEIS requires TES concurrence if the FEIS required TES concurrence. Consult CEQ, through AEQ and TES, with respect to the need for, or desirability of, recirculating the statement—whether DEIS or FEIS—for the appropriate period.

391. *Implementation of commitments in environmental statements.* The responsible official shall assure, through funding agreements, contract specifications, preferential arrival and departure procedures, directives, other project review or implementation procedures, and other appropriate follow-up actions that the agency and applicants carry out any actions to minimize adverse environmental effects set forth in the approved statement. Submit any proposed deviation from prescribed action that may reduce protection to the environment to AEQ. Submit deviations to TES for concurrence, if TES concurred in the approved statement.

392.–399. *Reserved.*

CHAPTER 4. ADDITIONAL PROVISIONS

400. *Review of environmental statements prepared by other agencies.* Other Federal, State or local agencies may consult FAA for assistance in analyzing environmental impacts which fall within the agency's functional area of responsibility. FAA generally should limit itself to providing a competent and cooperative advisory and consultative service on proposals affecting aviation and FAA responsibilities.

a. *Comments* should be organized in a manner consistent with the structure of the draft statement and should identify alternatives or modifications that may enhance environmental quality or avoid or minimize adverse environmental impacts and inaccuracies or omissions.

b. *FAA projects* that are environmentally related to the proposed action should be identified so that interrelationships may be discussed in the final statement.

c. *Environmental monitoring* for which FAA has special expertise may be suggested and encouraged during construction, start-up, or operation phases.

d. *Other agencies consulting* with FAA and requesting review of their DEIS should be advised to transmit their EISs to FAA regional offices. The following types of matters, however, should be referred to FAA headquarters for comment:

(1) Actions with national policy implications;

(2) Projects that involve natural, ecological, cultural, scenic, historic, or park or recreation resources of national significance. nificance;

(3) Legislation or regulations having national impacts or national program proposals;

(4) Projects affecting the transportation of hazardous materials; and

(5) Water resources projects. Refer these projects to the Water Resources Coordinator, U.S. Coast Guard (hereafter G–WS). Refer items (1)–(4) to TES. In referring these matters to headquarters, the Regional Office is encouraged to prepare a proposed Departmental response.

e. *Regional Offices should review* DEISs that do not have national implications. Comments should be forwarded directly to the office which the originating agency designates for receipt of comments. If the receiving office believes that another DOT office also has an interest or is in a better position to respond, it should transmit the statement to the other office. If FAA and other DOT administrations comment at the regional level, the Secretarial Representative or his designee shall coordinate the comments.

f. *When appropriate*, the FAA should coordinate a response with Departmental offices having special expertise in the subject matter.

g. *Comments shall be submitted* within the time limits set forth in the request, unless the office responsible for submitted comments seeks and receives an extension of time. Comments should be concise, and should specify any changes desired either in the action proposed or in the environmental statement or both. Any lengthy analysis should be preceded by a summary of the principal areas of comment, the conclusions, and the recommendations, if any.

h. *Comments shall be distributed as follows:* The original and one copy to the requesting agency, one copy to AEQ, one copy to TES–70, one copy to CEQ, and one copy to the Secretarial Representative if a regional office prepared the comment. Requests by the public for copies should be referred to the agency originating the statement.

401. *Lists of environmental impact statements anticipated or under preparation.*

a. By the tenth day following the end of a calendar quarter, each region shall forward to AEQ a list of environmental impact statements anticipated or under preparation.

b. Drop from the list EISs already circulated.

c. Include in the list NDs which:

(1) Were listed previously in reports to AEQ as anticipated EISs;

(2) Involve impacts similar to those of other actions for which a statement was prepared; and

(3) Are prepared in response to CEQ requests.

d. AEQ shall compile these lists, transmit them to CEQ and TES, and make them available to the public.

402. *Emergency action procedures.* The CEQ guidelines allow modification of requirements in case of a national emergency, a disaster or similar great urgency. The processing times may be reduced or, if the emergency situation warrants, preparation and processing of a DEIS, FEIS, or negative declaration may be abbreviated. Such reduction in processing time should be requested from CEQ only for those projects where the need for immediate action requires processing in other than the normal manner.

403. *Application of section 102(2)(C) procedure to existing projects and programs.* The Section 102(2)(C) procedure applies to major Federal actions having a significant effect on the environment even though they arise from projects or programs initiated prior to enactment of NEPA on January 1, 1970. In assessing the environmental effect of proceeding with such a project and in evaluating alternatives, consideration shall be given to the status of work and degree of completion. If the project or program is continued, it must, to the extent feasible, be shaped so as to enhance and restore environmental quality, avoid or minimize adverse environmental consequences, and consider environmental consequences not fully evaluated at the outset of the project or program.

404. *Land acquisition and construction of facilities.* Public sponsors, or other aviation agencies, or private parties have the authority to acquire land or to construct facilities for operation by the FAA without prior approval by the FAA. Such action, if inconsistent with the policies of this Order, could prejudice a decision by the FAA on proposed changes in an airport which would use the land thus acquired, or on requests for reimbursement for the property, or construction or operation of the facility.

a. *When FAA is notified* or becomes aware of a possibility that such a situation may be occurring, FAA will advise the public sponsor, other aviation agency or private party:

(1) That such actions must be consistent with pertinent environmental policy as expressed in this order;

(2) And that the manner in which the particular property was acquired or the facility constructed will be carefully considered by the FAA prior to approval of any future FAA action involving it.

b. *FAA will give particular attention* to its responsibilities under DOT Section 4(f) to insure that a special effort is made to preserve the natural beauty of countryside, public parks, and recreation lands, wildlife and waterfowl refuges, and historic sites. FAA will not approve actions requiring the use of DOT Section 4(f) properties unless there is no feasible and prudent alternative and the program includes all possible planning to minimize harm.

c. *FAA also will give particular attention* to actions involving properties included in or eligible for inclusion in the National Register of Historic Places and the provisions of Title VI of the Civil Rights Act of 1964 and the Uniform Relocation Assistance and Real Properties Acquisition Policies Act of 1970.

d. *An action by a sponsor*, other aviation agency or private party which has acquired land or constructed a facility for operation by FAA, but without prior approval by FAA, will be reviewed to determine that the action was consistent with the policies of this order and has not precluded full and objective consideration of alternatives.

405. *Environmental impact statements or negative declarations on requests from foreign sources.*

a. Requests for FAA action by a foreign government, manufacturer or operator may fall within criteria requiring preparation of an EIS or ND. All initial FAA requests to such a foreign applicant for information which FAA needs to prepare an EIS or ND, should be forwarded through the civil aviation authority of the applicant's government. Copies of the DEIS, FEIS, and notices of any public hearings planned on the proposed action should be furnished to the applicant, the appropriate foreign civil aviation authority, and the Washington embassy of the country in which the applicant is located.

b. Any substantial differences arising in the course of the EIS between the originating FAA organization and a foreign applicant should be referred to AEQ which will consult with the Assistant Administrator for International Aviation Affairs to resolve any problems.

406.–499. *Reserved.*

APPENDIX 1. SYSTEMS RESEARCH, ENGINEERING & DEVELOPMENT

1. *General.* This appendix provides guidance and assigns functional responsibilities for the conduct of environmental assessments and the preparation, coordination, executive review, and approval of environmental assessments, EISs and NDs which concern Research, Engineering & Development (hereafter RE&D) programs of FAA.

2. *Scope.* The RE&D cycle includes such activities as promulgation of directives policies, plans, programs, budgets, legislative proposals, system design, test evaluation, specification, demonstration, etc. When in the judgement of the responsible RE&D official sufficient environmental impact data is available, an environmental assessment is to be conducted and, where appropriate, an EIS or ND is to be prepared as specified in this order. All activities not specifically excepted in this order are subject to environmental assessment, EISs or NDs, including such RE&D programs as:

a. *Air Traffic Control:*
(1) *System Program #01.*
(2) *New Radar Systems Program #02.*
(3) *New Communications Systems Program #06.*
(4) *Runways/Taxiways Program #08.*
(5) *Flow Control Program #11.*
(6) *Enroute Control Program #12.*
(7) *Flight Service Station Program #13.*
(8) *Technology Program #16.*
(9) *Support Program #21.*

b. *Navigation:*
(1) *Navigation Program #04.*
(2) *Approach & Standing Systems Program #07.*

c. *Aircraft Safety:*
(1) *Environmental Program #20* (Noise/Pollution/Quality);

d. *Selection Orders* introducing new equipments, procedures, techniques (products of RE&D) into the National Aviation System (NAS) or National Airport System (NSA); and

e. *Plans, Programs* such as the SRDS Technical Program Document (TPD), FAA NAS 10-YEAR PLAN RE&D, and NEW SYSTEM DESIGNS.

3. *Excepted actions.* RE&D programs excepted from the requirement for an EIS or ND are:

a. *Air Traffic Control* Radar Beacon System (ATCRBS), Program #03; Proximity Warning Indicator/Collision Avoidance Systems (PWS, CAS) Program #05; Landside/Oceanic Satellites Program #17;

b. *Aviation Weather.* Weather Data Acquisition, Processing Criteria, Accident Prevention and Survival, Program #15;

c. *Aircraft Safety Program 18*, Anti-Hijacking, Flight Safety Criteria, Accident Prevention and Survival;

d. *Aviation Medicine Program 19* Biomedical Aspects of Design, Personnel Efficiency and Performance; and

e. *Policy Analysis*, System Analysis, System Design Studies.

4. *Procedures and responsibilities.* Functionally responsible officials Lead Directors of Systems Research and Development Service (hereafter SRDS), Office of Systems Management (hereafter OSEM), and NAFEC or their designees (i.e., Division Chief, Branch Chief, Section Chief, Manager, etc.) of Offices or Services will, on a case by case basis,

a. Determine whether a proposed RE&D program action requires an EIS or ND and assure preparation and coordination with the Office or Service concerned, AEQ and AGC of an appropriate statement;

b. Determine if RE&D activities are excepted under paragraph 3 above;

c. Review and approve documentation prepared per subparagraph a. above;

d. Assure consultation with responsible and expert agencies and organizations and invite their comment;

e. Distribute EIS as required;

f. Participate with other offices, services and centers in the conduct of assessments and the preparation, processing and evaluation of an EIS or ND for major actions involving;

(1) Development of systems with future cumulative significant environmental impact;

(2) The inclusion into the NAS or NSA of new equipment and techniques developed in RE&D programs;

g. Assure submission to AEQ of quarterly list of EISs anticipated or in preparation of RE&D efforts;

h. Conduct periodic reviews of RE&D actions implementing this Order;

i. Assure retention of documentation files by the organizational component having program or subprogram responsibility; and

j. Prepare and transmit to AEQ a publicly available record which sets forth reasons for a determination that although an EIS may be required, its preparation is still premature and thus unnecessary. Such a record should be updated when significant new information becomes available.

5. *Environmental impact statement or negative declaration.* In determining whether RE&D programs and plans which have not been excepted require preparation of an assessment, EIS or ND factors specified in paragraphs 324–343 should be considered, as well as the following factors:

a. The magnitude of Federal investment in the program;

b. The likelihood of widespread application of the technology;

c. The degree of environmental impact which would occur if the technology were widely applied; and

d. The extent to which continued investment is likely to restrict future alternatives.

6. *Timing of EIS.*

a. *General.* An EIS or ND should be prepared late enough in the development cycle to contain meaningful information but early enough for analysis of environmental impact effects and alternative courses of action to be significant inputs in the program decision making process.

b. *Specific.* An EIS or ND where required should be completed:

(1) *On or before* completion of RE&D and before introduction into the NAS or NSA;

(2) *Prior to*, or with submission for comment to outside organizations of draft standards (RE&D products) or technical data packages per 9500.4; and

(3) *Prior to* submission of draft Orders, Notices, Advisory Circulars to outside organizations for comment.

7. *Mitigating measures.* Responsible RE&D Directors, or their designees, shall specify in an EIS measures to be taken to mitigate or minimize significant adverse environmental effects. These may include:

a. Selecting alternate actions which most effectively minimize adverse impacts;

b. Conducting field tests in areas least likely to cause significant adverse environmental impacts;

c. Locating laboratories and demonstration centers with a view to avoiding adverse environmental impacts; and

d. Minimizing potential adverse effects in the RE&D cycle (design, installation, test, evaluation and specific action).

APPENDIX 2. AIRWAY FACILITIES

1. *General.* Facilities and Equipment projects; the establishment of new facilities; and Maintenance Programs, ranging from component/equipment modification to major changes in the facilities, may impact the environment. This appendix sets forth environmental procedures to be used regarding Airway Facilities (hereafter AAF), the categories of projects which require an EIS or ND, and those which are not subject to an EIS or ND.

2. *Environmental responsibilities.*

a. The Regional AF division shall implement the environmental procedures associated with all assigned F&E and maintenance projects within the regions, other than those projects for which a class ND has been prepared. Such procedures are to include NDs or EISs. These EISs or NDs shall cover all factors relating to the siting of the facility, increases or decreases in operational usage, noise impacts, the impact of light emissions and other known impacts on the environment.

b. Regional AF division personnel are responsible for preparing, coordinating and processing the environmental actions relating to their assigned programs. They shall transmit copies of these documents as set forth in Chapter 3 with copies to AAF–1 and AEQ–1.

c. AAF is responsible for providing environmental assessment guidance for its assigned programs.

(1) It shall complete class NDs or EISs where appropriate and provide them to the regions to minimize the need for more extensive assessments.

(2) It is responsible for establishing environmental procedures and guidelines for National, Airspace System programs, facilities and housing.

(3) To assist the regions in maintaining uniformity of procedures, it shall provide EIS and ND review and coordination.

3. *Environmental impact statements or negative declarations.* Environmental assessments should be developed along with economic and technical considerations in the facility siting and design. Careful consideration of the specific site and the effect of aircraft operations should never be overlooked. Where the individual location impact or the operational use of the facility indicates significant environmental impact or where significant controversy exists or is expected, an EIS should be prepared and circulated in accordance with this Order.

4. *Projects subject to environmental assessments and procedures.* The following categories of projects are subject to an environmental assessment and preparation of an EIS or ND:

a. Establishment or relocation of facilities normally located off airports, such as Air

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Route Traffic Control Centers (hereafter ARTCC), Air Route Surveillance Radars (hereafter ARSRs), Beacon Only Sites, and Flight Service Stations (hereafter FSS). These facilities may affect the environment because of their land or access requirements; the electronic emissions generated by their operation; their impact on water and sewerage facilities, power distribution facilities, rainfall runoff and traffic flow from public roadways; and their impact on personnel in a given locale;

b. Establishment or relocation of facilities used for communications and enroute navigation such as the VHF Omn. Range (hereafter VOR) or with TACON (hereafter VOR TAC), Remote Center Air Ground (hereafter RCAG) and Radar Microwave Links (hereafter RMLs). The environmental impact of these facilities normally results from providing access to the remote facility and constructing the facility itself;

c. Establishment or relocation of Instrument Landing Systems (hereafter ILS), Approach Light Systems (hereafter ALS), Runway End Identifier Lights (hereafter REILS). In most instances these facilities are the subject of environmental controversy because of the impact of operational use and the location of certain elements off airports;

d. Establishment of FAA housing, sanitation systems, fuel storage and distribution systems and power source and distribution systems normally should be assessed because of their location, and their impact on community land use planning;

e. A nonfederal entity should prepare an environmental impact assessment report for proposed establishment of non-federal facilities such as ILS or TVOR, for which procedures or acceptance by FAA for maintenance and operation is prearranged or anticipated. A copy of this report should be transmitted to FAA so an EIS or ND may be prepared prior to the FAA's acceptance of the facility with inventory; and

f. Any other facility, including those which are excepted or for which a class ND has been filed, which significantly impacts the quality the human environment or is highly controversial on environmental grounds requires preparation of an EIS.

5. *Class negative declarations.*

a. Class NDs have been filed for the following actions which will not have a significant impact on the quality of the human environment:

(1) Installation of remote transmitter/receiver (hereafter RT/R) facilities when on airport property;

(2) Replacement of older units with engine generators and power plants, used in emergencies when commercial power fails;

(3) Installation of equipment on airports, such as Runway Visual Range equipment (hereafter RVRs), Visual Approach Slope Indicators (hereafter VASI).

b. Actions for which class NDs have been filed normally require no further environmental consideration.

6. *Excepted projects.*

a. Upgrading of building electrical systems or maintenance to existing buildings (including painting, replacement of siding, etc.);

b. Minor expansion of facilities where personnel complements are minimal and which require no additional land, and where expansion is due to remodeling of space in current quarters or existing buildings;

c. Upgrading of facilities to improve operational capacity, e.g.,

(1) Existing runway approach lighting installations;

(2) Conversion of VOR to VORTAC; and

(3) Conversion of ILS to Category II or III standards;

d. Wind and other weather instruments located on airports;

e. Demolition and removal of buildings and structures, except where they are of historical, archaeological and architectural significance as officially designated by Federal, State or local government;

f. Replacement or reconstruction of a structure or facility with a new one of substantially the same size and purpose, where location will be on the same site as the existing building/facility;

g. Water, sewage, electrical, gas or other utility extension of temporary duration to serve construction;

h. New gardening or landscaping, or the maintenance of existing landscape;

i. Accessory on site structures including storage buildings, garages, small parking areas, and signs and fences;

j. Grading on land with a slope of less than 10 percent, except where located near waterways in any wetland in an officially designated (by Federal, State, or local government agency) scenic area, or in officially mapped areas of severe geologic hazard;

k. Filling of earth into previously evacuated land with material compatible with the natural features of the site;

l. Minor trenching and backfilling where the surface is restored and the evacuated material is protected against wash and runoffs during the construction period;

m. Replacement of power and control cables for facilities, such as ALS, ASR, ILS and RTR when on airport property;

n. Repairs and resurfacing of existing access to remote facilities such as ARSR, RCAG, RML, and VORTACs;

o. Installtaion of equipment on airports, such as Cloud Height Indicators (hereafter CHI) and Hygrothermometers; and

p. Installation of equipment within a facility that provides for modernization or enhancement of the service provided by that facility, such as Radar Bright Display equipment (hereafter RBDE) with Plan View Displays (hereafter PVD), Direct Access Radar Channel (hereafter DARC), beacon system on an existing radar and test sets.

7. *Environmental considerations during budgetary process.* The environmental impact of proposed projects should be considered during the budgetary process. It is not necessary that EISs or NDs be filed prior to budgeting for a given project. However, where significant, environmentally adverse project impacts are known or anticipated, the project justification should identify all pertinent factors to enable a determination of whether to include the project in the budget or to consider alternatives.

8. *Implementation of commitments on an EIS or ND.* For projects where commitments to protect the environment are detailed in an EIS or ND, the Regional Airways Facilities Division Chief shall include the appropriate statement to implement the commitment in land acquisition or construction design documents.

9. *Timing of environmental procedures.*

a. Environmental assessments should be initiated with the beginning of design or engineering effort for the project.

b. No Procurement Request (hereafter PR) for construction will be submitted to the Procurement Office for action until the EIS or ND, if required, has been completed and filed.

c. If the project requires the acquiring of property interests, no formal contact with the property owner for the purpose of acquiring these interests, including any offer, should be made prior to filing a FEIS or ND, except for:

(1) Emergency situations;

(2) Obtaining rights-of-entry for such purposes as preparation for site testing, obtaining data, property surveys, etc.;

(3) Those cases where the review process indicates that the proposed site warrants further engineering study and requires an EIS. It may be in the agency's interest to obtain an option or other document to assure the availability of the property pending the filing of the Final EIS. In this event, the DEIS should state that the FAA has entered into an option and the reason for the option; that alternate sites are being considered through the EIS process; and that a decision to exercise the option will not be made until completion of the review and filing of the FEIS.

APPENDIX 3. AIR TRAFFIC

1. *General.* Air traffic personnel are involved in the assessment of aircraft noise resulting from new or revised air traffic control procedures. The most significant actions that would require environmental assessments are terminal area procedures.

2. *Environmental responsibilities.*

a. *Regional Offices.* Responsibility for environmental assessments, preparation of EISs and NDs may be delegated to field facilities, or retained within the regional office, with assistance from the field facilities. Regional offices and field facilities shall provide input to an environmental assessment when requested by Air Traffic Service (hereafter AAT) or other services.

b. *Headquarters.* The office originating the proposed action is responsible for making environmental assessments and the preparing NDs or EISs. Input may be requested from regional offices and field facilities for an action originating within Headquarters.

c. *Cooperation Between Services.* Actions originated by other Services may result in another action for which AAT is responsible. For example: Airports Service (hereafter AAS) may add a new runway to an airport which could result in the establishment of a Standard Instrument Departure (hereafter SID) or Standard Terminal Arrival Route (hereafter STAR). In accordance with the requirement for early assessment as well as avoiding duplication, air traffic offices shall provide their input, if possible, when requested by the other Service as other Services are to provide their input when requested by Air Traffic.

3. *Environmental impact statements or negative declarations.*

a. After completion of the environmental assessment and consultations if required, the originator of the proposal will determine whether the action will or will not require an EIS or ND.

b. If the action is excepted from the requirements for an EIS or ND, no further action is required except to note briefly the exception in the project folder. The note will serve as evidence that environmental procedures have been considered.

c. If the action is one which requires an ND, the ND shall be prepared, in accordance with Chapter 3. The ND may range in content from a single statement, supported with facts, to analysis involving the format and content of an EIS. The ND may be filed separately or inserted as part of the project file to serve as evidence that the potential environmental impact of the proposed action has indeed been considered and does not significantly affect the quality of the human environment.

d. If the action comes under the category for which an EIS is required, one should be prepared involving the format and contents outlined in Chapter 3 of this Order.

4. *Actions subject to environmental assessments and procedures.* The following actions are subject to environmental assesment and preparation of an EIS or ND.

a. Establishment or modification of Terminal Control Areas (TCA).

b. New or revised SIDs, STARs and other preferential IFR departure and arrival procedures (other than IAPs) for that part of the operations conducted at less than 3,000

feet above the surface where such operations are routinely routed over noise sensitive areas which may include residential neighborhoods, educational, health, religious sites and structures, cultural, historical and outdoor recreational areas.

c. Special use airspace (restricted areas, warning areas, prohibited areas, alert areas and military operations areas (MOAs)). If the floor of the proposed area is below 3,000 feet above the surface or if supersonic flight is anticipated at any altitude, this airspace shall not be designated, established, or modified until:

(1) The notice (NPRM or non-rule circularization) contains a statement supplied by the requesting or using agency that they will serve as lead agency for purposes of compliance with NEPA.

(2) The notice contains the name and address, supplied by the requesting or using agency, of the office representing the agency to which comments on the environmental aspects can be addressed (applicable only if an EIS is to be filed by the requesting agency);

(3) The notice contains the name and address supplied by the requesting or using agency, of the office representing the agency to which comments on any land-use problems can be addressed (applicable only if special use airspace extends to the surface); and

(4) The rule, determination, or other publication of the airspace action contains a statement, supplied by the requesting agency, that the requirements of NEPA have been met.

d. The provisions of paragraph b. (1) through b. (4) are not applicable to special use airspace actions if minor adjustments are made such as raising the altitudes or, if a change is made in the designation of the controlling or using agency.

5. *Excepted actions.*

a. Determinations under FAR Part 77, "Objects Affecting Navigable Airspace" and determinations under FAR Part 157, "Notice of Construction, Alteration, Activation and Deactivation of Airports."

b. Procedural actions to the extent covered by a previously filed EIS or ND in the establishment of en route or terminal navigation aids, when environmental circumstances have not changed.

c. Actions taken under FAR Part 71, "Designation of Federal Airways, area Low Routes, Controlled Airspace and Reporting Points."

d. Actions taken under FAR Part 75, "Establishment of Jet Routes and Area High Routes;" FAR Part 99, "Security Control of Air Traffic;" FAR Part 101, "Moored Balloons, Kites, Unmanned Rockets and Unmanned Free Balloons;" and FAR Part 105, "Parachute Jumping."

e. Procedural actions dictated by emergency determinations.

f. SIDs, STARs and other preferential departure and arrival routes which do not cause traffic to be routinely routed over noise sensitive areas which may include residential neighborhoods, education, health, religious sites and structures, cultural, historical and outdoor recreational areas or those above 3,000 feet above the surface.

6. *Timing of environmental procedures.* An environmental assessment should be conducted when a procedure or action is first proposed or coordinated. If the action originates within the Regional Office, it may be necessary to request input from field facilities. This preliminary step will help determine whether an EIS or ND is appropriate and help identify the scope of environmental objections. If an action is found to be controversial, alternative courses of action should be considered or the proposed action may be changed to mitigate the environmental impact, so as not to constitute a significant environmental impact.

7. *Mitigating noise impacts.* Where specific anti-noise measures and/or procedures are required and can be provided without derogation of safety, the following shall apply:

a. Arrival and departure flightpaths should be established over the least congested areas. If this is impractical, fan-out departures and arrivals should be considered in order to reduce the concentration of noise over any one portion of the surrounding communities.

b. In developing departure procedures, aircraft climb capabilities should be considered and an effort made to minimize low altitude operations. Specified altitudes should also be considered in conjunction with arrival procedures.

c. Noise abatement considerations require that every effort be made, through use of navigational aids, radar vectoring, or off-course climbs, to route instrument flight rules aircraft, during visual flight rules or IFR weather conditions, along flightpaths compatible with noise abatement routes.

d. Where present navigational system and/or aids are not compatible with potential noise abatement procedures, relocation or establishment of new facilities should be considered.

APPENDIX 4. FLIGHT STANDARDS

1. *General.* Flight Standards (hereafter FS) programs and project actions shall be given proper environmental consideration in accordance with the procedures and guidance contained within this order. These actions, are categorized as: excepted from environmental procedures because they are not major Federal actions significantly affecting the quality of the human environment, class NDs or, requiring an EIS or ND. Documentation of the environmental impact of all actions not excepted by this order is required.

2. *Environmental responsibilities.*

a. The Flight Standards Division Chiefs shall implement the environmental assessment procedures including developing an EIS or ND as appropriate. In the Western Region and European Region the Chief, Aircraft Engineering Division and Chief, Aircraft Certification Staff, respectively, shall implement actions involving certification of aircraft products and parts. Normally, the Division responsible for the action is responsible for the environmental assessment. Division Chiefs may delegate environmental responsibility to appropriate branches or district/field offices, or they may retain the responsibility within the Division with assistance from the branches or district field offices. FS Divisions shall coordinate with and assist as necessary AF, AT, AS and others on those actions involving environmental impacts crossing Division lines. The Headquarters Divisions with assistance from the regions will develop and coordinate class ND Actions.

b. Documentation including analysis of environmental factors, shall be retained in the project folder to substantiate environmental assessment. This should be prepared for all projects not excepted, to support the decision that an EIS or ND will be prepared.

c. In the Washington Headquarters, each EIS and ND pertaining to a regulatory project will be prepared for the signature of the Service Director and a concurrence signature of AFS-900.

3. *Environmental impact statement or negative declarations.* Environmental consideration of Flight Standards actions require assessment of all relevant environmental factors. A decision as to whether the action's impact requires a ND or an EIS is based on the assessment.

4. *Actions subject to environmental assessments and procedures.* The following FS actions are subject to environmental procedures, analysis and a decision as to whether to prepare a ND or EIS:

a. Certificates: New amended or supplemental aircraft types for which environmental regulations do not yet exist, or engine types for which emission regulations do not yet exist;

b. Aircraft/avionic maintenance bases to be operated by the FAA; the program officer is the Chiefs of Flight Inspection Field Offices, or Regional Flight Standards Division Chiefs or Headquarters Aircraft Programs Division Chief as appropriate;

c. Regulations, rules, standards and exemptions;

d. Authorization to exceed Mach 1/Flight under FAR 91.55; and

e. Operating specifications and amendments thereto involving authorizing new use of an airport, or the introduction of a new type of aircraft to an airport. When actions cross regional boundaries, coordination among regions is expected.

f. Pilot training schools; and

g. New Instrument Approach Procedures, Departure Procedures, En Route Procedures and modification to currently approved instrument procedures, which are conducted below 3000 feet above the surface and which will tend to significantly increase noise over noise sensitive areas. This requires consideration of those operations that will be routinely routed over noise sensitive areas and includes residential neighborhoods; education, health, and religious sites; cultural, historical and recreation areas. A significant increase in noise is based on reduction of distance between aircraft and noise sensitive areas of more than 20%.

5. *Excepted actions.*

a. Certificates: New, amended or supplemental aircraft type that meet environmental regulations or new, amended or supplemental engine types that meet emission regulations, where an environmental analysis has been prepared in connection with the regulatory action; medical, airmen, export, manned free balloon type, glider type, propeller type, supplemental type not affecting noise, emission or waste; mechanic schools, repair stations and other air agency ratings;

b. Special flight authorizations controlled by operating limitations, FARs 21.193, 21.199 and 91.42;

c. All delegations of authority under section 314 of the FAA Act (49 U.S.C. 1301) e.g. designated examiners and engineering representatives;

d. Approvals of aircraft and engine repairs, parts and alterations not affecting noise, emissions or wastes;

e. Aircraft and engine certifications or approvals under regulations which have been covered by prior EISs or NDs provided there has been no significant change or circumstances;

f. Acoustic change actions that demonstrate compliance with FAR Part 36;

g. Operating specifications authorizing alternate use of an airport, administrative revisions to operating specifications;

h. Regulatory documents which cover administrative or procedural requirements;

i. Instrument Approach Procedures, Departure Procedures, and En Route Procedures conducted at 3000 feet or more above the surface; instrument procedures conducted below 3000 feet above the surface which do not cause traffic to be routinely routed over noise sensitive areas; modifications to currently approved instrument procedures conducted below 3000 feet above the surface that do not significantly increase noise over noise sensitive areas; and increases to minimum altitudes and landing minima. Noise sensitive areas may include residential neighborhoods; educational, health, and religious

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sites; cultural, historical and outdoor recreational areas. A significant increase in noise is based on a reduction of distance between aircraft and noise sensitive areas of more than 20%.

j. On-going actions for which exceptions or NDs have been prepared, normally, need only documentation in their project folders that the actions is not subject to further environmental consideration. However, should it be determined that a particular action in the above category has a significant impact on the quality of the human environment or is highly controversial, an EIS will be required; and

k. Denials of: (1) a petition for exemption; (2) a petition for reconsideration of a denial of exemption; or (3) a petition for reconsideration of a denial of a petition for rulemaking.

6. *Timing of environmental procedures.* Environmental assessments shall be initiated at the earliest practical point in time, along with technical, economic and operational considerations. In order to obtain public participation in the environmental assessment, a statement will be placed in the preamble of each NPRM soliciting comments on the effect of the proposals on the environment. EISs or NDs shall be prepared so that analysis of the environmental impacts and alternate courses of action are significant inputs to the decision. The EIS or ND shall be filed prior to action, for example, in the case of certificates, prior to issuance.

APPENDIX 5. LOGISTICS

1. *General.* Logistics Service (hereafter ALG) actions, while basically a service function in support of agency needs or actions initiated by other FAA elements, are subject to the procedures and guidance of this order. ALG shall assure the filing of the EIS or ND prior to land acquisition and construction, per Appendix 2 paragraph 8 and Appendix 5 paragraph 4. This section delineates the responsibilities of ALG in processing proposed FAA actions and the categories of actions initiated in ALG which require an EIS or ND and those which are excepted from environmental procedures or have filed a class ND.

2. *Environmental responsibilities.* Through the negotiations and procurement processing of actions proposed by agency elements, ALG is responsible for:

a. Converting commitments contained in an EIS or ND into contract clauses applicable to completed products, contractor's facilities, performance of services, and land acquisition documents;

b. Negotiating the cost and application of environmental requirements in contracts;

c. Assuring through inspection and review that the contractor meets environmental requirements in the contract, and administers penalty provisions as provided in applicable contract clauses;

d. Assuring that leases, loans, agreements, permits, easements, and any instrument negotiated with respect to donations, condemnations, purchases, or improvements involving real or personal property, and all utility or service contracts, conform with established environmental standards and incorporate pertinent terms relative thereto; and

e. Assuring that no solicitation or proposal for bids for construction or formal contact with property owners for the purpose of initiating negotiations to acquire land shall be made prior to filing a FEIS or ND, except as provided in Appendix 2 paragraph 9. c.

3. ***Environmental impact statements or negative declarations.*** The environmental considerations of ALG actions shall be documented in an EIS or ND. An environmental assessment shall be developed along with design or specifications to determine whether the action requires an EIS or ND. Preparation of the EIS or ND shall be in accordance with Chapter 3.

4. *Actions subject to environmental assessments and procedures.* The agency acquisition of land for and the construction of new office buildings is subject to environmetal procedures, assessment and a decision as to whether its impact requires a ND or EIS (ALG-200 is responsible for these environmental procedures).

5. *Excepted actions.*

a. Motor Fleet Management (purchase of new motor vehicles), where such vehicles are obtained from General Services Administration (GSA) under a lease arrangement or through a direct purchase as part of a national buy;

b. Use of space in buildings which are constructed for or controlled by GSA;

c. Lease of existing buildings;

d. Lease of buildings or portions of buildings on airports constructed for FAA by a private contractor;

e. Lease of space for a firm term of one year or less; and

f. Acquisition of land for an existing leased operational facility.

APPENDIX 6. AIRPORT DEVELOPMENT

This material was previously published for public comment in the FEDERAL REGISTER on August 24, 1975 (40 F.R. 36516).

APPENDIX 7. CONSULTATION AND DISTRIBUTION OF ENVIRONMENTAL IMPACT STATEMENTS

1. *Consultation-coordination.* Agencies consulted by the FAA in connection with the preparation or coordination of environmental impact statements are those which have "jurisdiction by law or special expertise with respect to any environmental impact involved," or "which are authorized to develop and enforce environmental standards." As appropriate to the scope and impact, draft and final statements will be sent to the following state, local, and Federal agencies with jurisdiction by law or expertise with respect to any environmental impacts involved.

a. *State and Local Agencies.*

(1) State, areawide or local clearinghouses.

(2) Other State and local agencies, including those with expertise in environmental matters.

(3) Affected city or county.

b. *Special interest groups* and other interested parties at National, State and local levels (see paragraph 207).

c. *Federal Agencies.* Distribution to Federal agencies consulted by the FAA include the regional offices of the agencies and DOT model administrations listed below. Those to be sent to the Department of Interior (DOI) or the Department of Commerce (DOC) shall be sent directly to the Washington headquarters of these Departments, at addresses shown, not to the regional offices.

(1) Environmental Protection Agency.

(2) Department of Agriculture.

(3) Department of Commerce (headquarters), Office of the Deputy Assistant Secretary for Environmental Affairs, U.S. Department of Commerce, Washington, D.C. 20230.

(4) Department of Defense.

(5) Department of Health, Education, and Welfare.

(6) Department of Housing and Urban Development.

(7) Department of the Interior (headquarters) [1]

Assistant Secretary—Program Policy, Attn. Director, Environmental Project Review, Department of the Interior, Washington, D.C. 20240.

(8) Department of Transportation (TES-1, 2 copies).

(9) Council on Environmental Quality (5 copies).

(10) Energy Research & Development Administration.

(11) Advisory Council on Historic Preservation.

(12) Federal Energy Administration.

(13) U.S. Nuclear Regulatory Commission (3 copies).

(14) National Capital Planning Commission.

(15) Delaware River Basin Commission

(16) Tennessee Valley Authority (10 copies).

(17) Appalachian Regional Commission.

(18) Susquehanna River Basin Commission.

d. *General.* Unless specifically requested by the reviewing agency, only one copy of the statement is required. Exceptions to this are the following:

(1) Federal Energy Administration—five copies.

(2) Department of the Interior:

(a) Twelve copies for projects in each state, except those listed in (b) and (c) below.

(b) Thirteen copies for projects in North and South Dakota, Nebraska, Kansas, Oklahoma and Texas.

(c) Fourteen copies for projects in Alaska, Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyomirg.

2. *Subject areas of environmental impact and Federal and Federal-State agencies with jurisdiction by law or special expertise to comment thereon.*

a. *Air—Air Quality.*

Department of Agriculture—Forest Service (effects on vegetation)
Nuclear Regulation Commission (radioactive substances)
Department of Health, Education and Welfare
Environmental Protection Agency
Department of the Interior—
- Bureau of Mines (fossil and gaseous fuel combustion)
- Fish and Wildlife Service (effect on wildlife)
- Bureau of Outdoor Recreation (effects on recreation)
- Bureau of Land Management (public lands)
- Bureau of Indian Affairs (Indian lands)

National Aeronautics and Space Administration (remote sensing, aircraft emissions)
Department of Transportation—
- Assistant Secretary for Systems Development and Technology (auto emissions)
- United States Coast Guard (vessel emissions)

b. *Water—Water Quality.*

Department of Agriculture—
- Soil Conservation Service
- Forest Service

U.S. Nuclear Regulatory Commission (radioactive substances)
Department of the Interior—
- Bureau of Reclamation
- Bureau of Land Management (public lands)
- Bureau of Indian Affairs (Indian lands)
- Fish and Wildlife Service (fresh water species)
- Bureau of Outdoor Recreation
- Geological Survey
- Office of Saline Water

Environmental Protection Agency
Department of Health, Education, and Welfare
Department of Defense—
- Army Corps of Engineers
- Department of the Navy (ship pollution control)

National Aeronautics and Space Administration (remote sensing)
Department of Transportation — United States Coast Guard (oil spills, ship sanitation)
Department of Commerce—National Marine Fisheries Service (salt water species)
Water Resources Council
River Basin Commissions (as geographically appropriate)

c. *Fish and Wildlife.*

Department of Agriculture—
- Forest Service
- Soil Conservation Service

Department of Commerce—National Marine Fisheries Service (salt water species)
Department of the Interior—
- Fish and Wildlife Service (fresh water species)
- Bureau of Land Management
- Bureau of Outdoor Recreation

Environmental Protection Agency

d. *Solid Waste.*

U.S. Nuclear Regulatory Commission (radioactive waste)
Department of Defense—Army Corps of Engineers
Department of Health, Education, and Welfare
Department of the Interior—
- Bureau of Mines (mineral waste, mine acid waste, municipal solid waste, recycling)
- Bureau of Land Management (public lands)
- Bureau of Indian Affairs (Indian lands)
- Geological Survey (geologic and hydrologic effects)
- Office of Saline Water (demineralization)

Department of Transportation—United States Coast Guard (ship sanitation)
Environmental Protection Agency
River Basin Commissions (as geographically appropriate)
Water Resources Council

e. *Noise.*

Department of Commerce—National Bureau of Standards
Department of Health, Education, and Welfare
Department of Housing and Urban Development (land use and building materials aspects)
Department of Labor—Occupational Safety and Health Administration
Department of Transportation—Assistant Secretary for Systems Development and Technology
Environmental Protection Agency
National Aeronautics and Space Administration

f. *Radiation.*

U.S. Nuclear Regulatory Commission
Department of Commerce—National Bureau of Standards
Department of Health, Education, and Welfare
Department of the Interior—
- Bureau of Mines (uranium mines)
- Mining Enforcement and Safety Administration (uranium mines)

Environmental Protection Agency

g. *Transportation and Handling of Hazardous Materials.*

U.S. Nuclear Regulatory Commission (radioactive substances)
Department of Commerce—
- Maritime Administration
- National Marine Fisheries Service (salt water species)

Department of Defense—
- Armed Services Explosive Safety Board
- Army Corps of Engineers (navigable waterways)

Department of Transportation—
- Federal Highway Administration, Bureau of Motor Carrier Safety
- United States Coast Guard
- Federal Railroad Administration
- Assistant Secretary for Systems Development and Technology
- Office of Hazardous Materials
- Office of Pipeline Safety

Environmental Protection Agency

h. *Energy and Natural Resources Conservation.*

Department of Agriculture—
- Forest Service
- Soil Conservation Service

Department of Commerce—National Bureau of Standards (energy efficiency)
Department of Housing and Urban Development—Federal Housing Administration (housing standards)
Department of the Interior—
- Office of Energy Conservation
- Bureau of Mines
- Bureau of Reclamation
- Geological Survey
- Power Marketing Administration

Federal Energy Administration
Energy Research and Development Administration
Department of Transportation
Environmental Protection Agency
Federal Power Commission
General Services Administration (design and operation of buildings)
Tennessee Valley Authority

i. *Protection of Environmentally Critical Areas—Floodplains, Wetlands, Beaches and Dunes, Unstable Soils, Steep Slopes, Aquifer Recharge Areas, etc.*

Department of Agriculture—
- Agricultural Stabilization and Conservation Service
- Soil Conservation Service
- Forest Service

Department of Commerce—National Marine Fisheries Service (salt water species)
Department of Defense—Army Corps of Engineers
Department of Housing and Urban Development (urban and floodplain areas)
Department of the Interior—
- Office of Land Use and Water Planning
- Bureau of Outdoor Recreation
- Bureau of Reclamation
- Fish and Wildlife Service (fresh water species)
- Bureau of Land Management
- Geological Survey

Environmental Protection Agency (pollution effects)
National Aeronautics and Space Administration (remote sensing)
River Basins Commissions (as geographically appropriate)
Water Resources Council

j. *Land Use in Coastal Areas.*

Department of Agriculture—
- Forest Service
- Soil Conservation Service (soil stability, hydrology)

Department of Commerce—National Marine Fisheries Service (salt water species)
Department of Defense—Army Corps of Engineers (beaches, dredge and fill permits, Refuse Act permits)
Department of Housing and Urban Development (urban areas)
Department of the Interior—
- Office of Land Use and Water Planning
- Fish and Wildlife Service
- National Park Service
- Geological Survey
- Bureau of Outdoor Recreation
- Bureau of Land Management (public lands)

Department of Transportation — United States Coast Guard (bridges, navigation)
Environmental Protection Agency
General Services Administration
Office of Economic Opportunity

k. *Density and Congestion Mitigation.*

Department of Health, Education, and Welfare
Department of Housing and Urban Development
Department of the Interior—
- Office of Land Use and Water Planning
- Bureau of Outdoor Recreation

Department of Transportation
Environmental Protection Agency

l. *Neighborhood Character and Continuity.*

Department of Health, Education, and Welfare
Department of Housing and Urban Development
National Endowment for the Arts
Office of Economic Opportunity

m. *Historic, Architectural, and Archaeological Preservation.*

Advisory Council on Historic Preservation
Department of Housing and Urban Development
Department of the Interior—
- National Park Service
- Bureau of Land Management (public lands)
- Bureau of Indian Affairs (Indian lands)

General Services Administration
National Endowment for the Arts

n. *Outdoor Recreation.*

Department of Agriculture—
- Forest Service
- Soil Conservation Service

Department of Defense—Army Corps of Engineers
Department of Housing and Urban Development (urban areas)
Department of the Interior—
- Bureau of Land Management
- National Park Service
- Bureau of Outdoor Recreation
- Fish and Wildlife Service (fresh water species)
- Bureau of Indian Affairs

Environmental Protection Agency
National Aeronautics and Space Administration (remote sensing)
River Basin Commissions (as geographically appropriate)
Water Resources Council

3. *Offices within Federal and Federal-State agencies for information regarding the agencies' NEPA activities and for receiving other agencies' impact statements for which comments are requested.*

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Office of Architectural and Environmental Preservation, Suite 430, 1522 K Street, N.W., Washington, D.C. 20005, 254-3974.

ENVIRONMENTAL PROTECTION AGENCY

Director, Office of Federal Activities, 401 M Street, S.W., Washington, D.C. 20460, 755-0777.

[1] Thirteen copies for projects in North and South Dakota, Nebraska, Kansas, Oklahoma, and Texas; fourteen copies for projects in Alaska, Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming; and twelve copies for projects in other states.

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Regional Administrator, I, Room 2303, John F. Kennedy Federal Bldg., Boston, Mass. 02203, (617) 223-7210.
Regional Administrator, II, Room 908, 26 Federal Plaza, New York, New York 10007, (212) 264-2525.
Regional Administrator, III, Curtis Bldg., 6th & Walnut Sts., Philadelphia, Pa. 19106, (215) 597-9801.
Regional Administrator, IV, 1421 Peachtree Street, NW., Atlanta, Ga. 30309, (404) 526-5727.
Regional Administrator, V, 1 N. Wacker Drive, Chicago, Illinois 60606, (312) 353-5250.
Regional Administrator, VI, 1600 Patterson Street, Suite 1100, Dallas, Texas 75201, (214) 749-1962.
Regional Administrator, VII, 1735 Baltimore Avenue, Kansas City, Missouri 64108, (816) 374-5493.
Regional Administrator, VIII, Suite 900, Lincoln Tower, 1860 Lincoln Street, Denver, Colorado 80203, (303) 837-3895.
Regional Administrator, IX, 100 California Street, San Francisco, California 94111, (415) 556-2320.
Regional Administrator, X, 1200 Sixth Avenue, Seattle, Washington 98101, (206) 442-1220.

DEPARTMENT OF AGRICULTURE

Office of the Secretary, Attn: Coordinator Environmental Quality Activities, Washington, D.C. 20250, 447-39655.

APPALACHIAN REGIONAL COMMISSION

Office of the Alternate Federal Co-Chairman, 1666 Connecticut Avenue, N.W., Washington, D.C. 20235, 967-4103.

U.S. DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Region IV: Regional Environmental Officer, Room 404, 50 Seventh Street, N.E., Atlanta, Georgia 30323, (404) 526-5817.
Region V: Regional Environmental Officer, Room 712, New Post Office Building, 433 West Van Buren Street, Chicago, Illinois 60607, (312) 353-1644.
Region VI: Regional Environmental Officer, 1114 Commerce Street, Dallas, Texas 75202, (214) 749-2236.
Region VII: Regional Environmental Officer, 601 East 12th Street, Kansas City, Missouri 64106, (816) 374-3584.
Region VIII: Regional Environmental Officer, 9017 Federal Building, 19th and Stout Streets, Denver, Colorado 80202, (303) 837-4178.
Region IX: Regional Environmental Officer, 50 Fulton Street, San Francisco, California 94102, (415) 556-1970.
Region X: Regional Environmental Officer, Arcade Plaza Building, 1321 Second Street, Seattle, Washington 98101, (206) 442-0490.

U.S. NUCLEAR REGULATORY COMMISSION

Assistant Director for Environmental Projects, Division of Reactor Licensing, Washington, D.C. 20555, 492-7000.

DEPARTMENT OF DEFENSE

Office of the Assistant Secretary for Defense (Health and Environment), Room 3E172, The Pentagon, Washington, D.C. 20301, 697-2111.

DELAWARE RIVER BASIN COMMISSION

Office of the Secretary, Post Office Box 360, Trenton, N.J. 08603, (609) 883-9500.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Environmental Affairs, Office of the Assistant Secretary for Administration and Management, Washington, D.C. 20202, 963-4456.
Region I: Regional Environmental Officer, Room 2007B, John F. Kennedy Center, Boston, Massachusetts 02203, (617) 223-6837.
Region II: Regional Environmental Officer, Federal Building, 26 Federal Plaza, New York, New York 10007, (212) 264-1308.
Region III: Regional Environmental Officer, P.O. Box 13716, Philadelphia, Pennsylvania 19101, (215) 597-6498.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Director, Office of Community and Environmental Standards, Room 7206, Washington, D.C. 20410, 755-5980.
Regional Administrator I: Environmetal Clearance Officer, Room 405, John F. Kennedy Federal Building, Boston, Massachusetts 02203, (617) 223-4066.
Regional Administrator II: Environmental Clearance Officer, 26 Federal Plaza, New York, New York 10007, (212) 264-8068.
Regional Administrator III: Environmental Clearance Officer, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106, (215) 597-2560.
Regional Administrator IV: Environmental Clearance Officer, Peachtree-Seventh Building, Atlanta, Georgia 30323, (404) 526-5585.
Regional Administrator V: Environmental Clearance Officer, 360 North Michigan Avenue, Chicago, Illinois 60601, (312) 353-5680.
Regional Administrator VI: Environmental Clearance Officer, Federal Office Building, 819 Taylor Street, Fort Worth, Texas 76102, (817) 334-2867.
Regional Administrator VII: Environmental Clearance Officer, 911 Walnut Street, Kansas City Missouri 64106, (816) 374-2661.
Regional Administrator VIII: Environmental Clearance Officer, Samsonite Building, 1051 Sonth Broadway, Denver, Colorado 80209, (303) 837-4061.
Regional Administrator IX: Environmental Clearance Officer, 450 Golden Gate Avenue, Post Office Box 36003, San Francisco, California 94102, (415) 556-4752.
Regional Administrator X: Environmental Clearance Officer, Room 226, Arcade Plaza Building, Seattle, Washington 98101, (206) 583-5415.

SUSQUEHANNA RIVER BASIN COMMISSION

Office of the Executive Director, 5012 Lenker Street, Mechanicsburg, Pa. 17055, (717) 737-0501.

TENNESSEE VALLEY AUTHORITY

Office of the Director of Environmental Research and Development, 720 Edney Building, Chattanooga, Tennessee 37401, (615) 755-2002.

DEPARTMENT OF TRANSPORTATION

Director, Office of Environmental Affairs, Office of the Assistant Secretary for Environment, Safety and Consumer Affairs, Washington, D.C. 20590, 426-4357.

U.S. COAST GUARD

Office of Marine Environment and Systems, 400 7th Street, S.W., Washington, D.C. 20590, 426-2007.

FEDERAL HIGHWAY ADMINISTRATION

Office of Environmental Policy, 400 7th Street, S.W., Washington, D.C. 20590, 426-0351.

FEDERAL RAILROAD ADMINISTRATION

Office of Policy and Plans, 400 7th Street, S.W., Washington, D.C. 20590, 426-1567.

URBAN MASS TRANSPORTATION ADMINISTRATION

Office of Program Operations, 400 7th Street, S.W., Washington, D.C. 20590, 426-4020.

APPENDIX B. DEFINITIONS OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

1. *Environmental impact of the action.*

a. *LO—Lack of Objection.* EPA has no objection to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

b. *ER—Environmental Reservations.* EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these impacts.

c. *EU—Environmentally Unsatisfactory.* EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

2. *Adequacy of the impact statement.*

a. *Category 1—Adequate.* The draft impact statement adequately sets forth the environment impact of the proposed project or action as well as alternatives reasonably available to the project or action.

b. *Category 2—Insufficient Information.* EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

c. *Category 3—Inadequate.* EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

[FR Doc.76-23255 Filed 8-11-76;8:45 am]

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List of Public Laws

This is a continuing numerical listing of public bills which have become law, together with the law number, the title, the date of approval, and the U.S. Statutes citation. The list is kept current in the FEDERAL REGISTER and copies of the laws may be obtained from the U.S. Government Printing Office.

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The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
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Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER C—CIVIL RIGHTS

PART 230—EXTERNAL PROGRAMS

Construction Contract Equal Opportunity Compliance Procedures

● *Purpose.* The purpose of this document is to provide public notice regarding standardized Federal Highway Administration policies and procedures in implementation and review of construction contract equal opportunity compliance. ●

The matters affected relate to grants, benefits, or contracts within the purview of 5 U.S.C. 553(a)(2), thus general notice of proposed rulemaking is not required.

Effective date: August 30, 1976.

Issued on August 4, 1976.

NORBERT T. TIEMANN,
Federal Highway Administrator.

23 CFR, Chapter I is amended by adding a new subpart D to Part 230, reading as follows:

Subpart D—Construction Contract Equal Opportunity Compliance Procedures

Sec.

230.401 Purpose.
230.403 Applicability.
230.405 Administrative responsibilities.
230.407 Definitions.
230.409 Contract compliance review procedures.
230.411 Guidance for conducting reviews.
230.413 Review reports.
230.415 Consolidated compliance reviews.
Appendix A—Sample show cause notice.
Appendix B—Sample corrective action plan.
Appendix C—Sample show cause rescission.
Appendix D—Equal opportunity compliance review process flow chart.

AUTHORITY: 23 U.S.C. 140(a), 315; E.O. 11246; 41 CFR 60-1; 49 CFR 1.48.

Subpart D—Construction Contract Equal Opportunity Compliance Procedures

§ 230.401 Purpose.

The purpose of the regulations in this subpart is to prescribe policies and procedures to standardize the implementation of the equal opportunity contract compliance program, including compliance reviews, consolidated compliance reviews, and the administration of areawide plans.

§ 230.403 Applicability.

The procedures set forth hereinafter apply to all nonexempt direct Federal and Federal-aid highway construction contracts and subcontracts, unless otherwise specified.

§ 230.405 Administrative responsibilities.

(a) *Federal Highway Administration (FHWA) responsibilities.*

(1) The FHWA has the responsibility to ensure that contractors meet contractural equal opportunity requirements under E.O. 11246, as amended, and Title 23, United States Code, and to provide guidance and direction to States in the development and implementation of a program to assure compliance with equal opportunity requirements.

(2) The Federal Highway Administrator or a designee may inquire into the status of any matter affecting the FHWA equal opportunity program and, when considered necessary, assume jurisdiction over the matter, proceeding in coordination with the State concerned. This is without derogation of the authority of the Secretary of Transportation, Department of Transportation (DOT), the Director, DOT Departmental Office of Civil Rights (OCR) or the Director, Office of Federal Contract Compliance Programs (OFCCP), Department of Labor.

(3) Failure of the State highway agency (SHA) to discharge the responsibilities stated in § 230.405(b)(1) may result in DOT's taking any or all of the following actions (see Appendix A to 23 CFR Part 630, Subpart C "Federal-aid project agreement"):

(i) Cancel, terminate, or suspend the Federal-aid project agreement in whole or in part;

(ii) Refrain from extending any further assistance to the SHA under the program with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received from the SHA; and

(iii) Refer the case to an appropriate Federal agency for legal proceedings.

(4) Action by the DOT, with respect to noncompliant contractors, shall not relieve a SHA of its responsibilities in connection with these same matters; nor is such action by DOT a substitute for corrective action utilized by a State under applicable State laws or regulations.

(b) *State responsibilities.*

(1) The SHA's, as contracting agencies, have a responsibility to assure compliance by contractors with the requirements of Federal-aid construction contracts, including the equal opportunity requirements, and to assist in and cooperate with FHWA programs to assure equal opportunity.

(2) The corrective action procedures outlined herein do not preclude normal contract administration procedures by the States to ensure the contractor's completion of specific contract equal opportunity requirements, as long as such procedures support and sustain the objectives of E.O. 11246, as amended. The State shall inform FHWA of any actions taken against a contractor under normal State contract administration procedures, if that action is precipitated in whole or in part by noncompliance with equal opportunity contract requirements.

§ 230.407 Definitions.

For the purpose of this subpart, the following definitions shall apply, unless the context requires otherwise:

(a) "Actions," identified by letter and number, shall refer to those items identified in the process flow chart. (Appendix D);

(b) "Affirmative Action Plan" means a written positive management tool of a total equal opportunity program indicating the action steps for all organizational levels of a contractor to initiate and measure equal opportunity program progress and effectiveness. (The Special Provisions [23 CFR 230 A, Appendix A] and areawide plans are Affirmative Action Plans.);

(c) "Affirmative Actions" means the efforts exerted towards achieving equal opportunity through positive, aggressive, and continuous result-oriented measures to correct past and present discriminatory practices and their effects on the conditions and privileges of employment. These measures include, but are not limited to, recruitment, hiring, promotion, upgrading, demotion, transfer, termination, compensation, and training;

(d) "Areawide Plan" means an Affirmative Action Plan approved by the Department of Labor to increase minority and female utilization in crafts of the construction industry in a specified geographical area pursuant to E.O. 11246, as amended, and taking the form of either a "Hometown" or an "Imposed" Plan.

(1) "Hometown Plan" means a voluntary areawide agreement usually developed by representatives of labor unions, minority organizations, and contractors, and approved by the OFCCP for the purpose of implementing the equal employment opportunity requirements pursuant to E.O. 11246, as amended,

(2) "Imposed Plan" means mandatory affirmative action requirements for a specified geographical area issued by OFCCP and, in some areas, by the courts;

(e) "Compliance Specialist" means a Federal or State employee regularly employed and experienced in civil rights policies, practices, procedures, and equal opportunity compliance review and evaluation functions;

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(f) "Consolidated Compliance Review" means a review and evaluation of all significant construction employment in a specific geographical (target) area;

(g) "Construction" shall have the meanings set forth in 41 CFR 60–1.3(e) and 23 U.S.C. 101(a). References in both definitions to expenses or functions incidental to construction shall include preliminary engineering work in project development or engineering services performed by or for a SHA;

(h) "Corrective Action Plan" means a contractor's unequivocal written and signed commitment outlining actions taken or proposed, with time limits and goals, where appropriate to correct, compensate for, and remedy each violation of the equal opportunity requirements as specified in a list of deficiencies. (Sometimes called a conciliation agreement or a letter of commitment.);

(i) "Contractor" means any person, corporation, partnership, or unincorporated association that holds a FHWA direct or federally assisted construction contract or subcontract regardless of tier;

(j) "Days" shall mean calendar days;

(k) "Discrimination" means a distinction in treatment based on race, color, religion, sex, or national origin;

(l) "Equal Employment Opportunity" means the absence of partiality or distinction in employment treatment, so that the right of all persons to work and advance on the basis of merit, ability, and potential is maintained;

(m) "Equal Opportunity Compliance Review" means an evaluation and determination of a nonexempt direct Federal or Federal-aid contractor's or subcontractor's compliance with equal opportunity requirements based on:

(1) Project Work Force—employees at the physical location of the construction activity;

(2) Area Work Force—employees at all Federal-aid, Federal, and non-Federal projects in a specific geographical area as determined under § 230.409(b)(9); or

(3) Home Office Work Force—employees at the physical location of the corporate, company, or other ownership headquarters or regional managerial offices, including "white collar" personnel (managers, professionals, technicians, and clericals) and any maintenance or service personnel connected thereto;

(n) "Equal Opportunity Requirements" is a general term used throughout this document to mean all contract provisions relative to equal employment opportunity (EEO), subcontracting, and training;

(o) "Good Faith Effort" means affirmative action measures designed to implement the established objectives of an Affirmative Action Plan;

(p) "Show Cause Notice" means a written notification to a contractor based on the determination of the reviewer (or in appropriate cases by higher level authority) to be in noncompliance with the equal opportunity requirements. The notice informs the contractor of the specific basis for the determination and provides the opportunity, within 30 days from receipt, to present an explanation why sanctions should not be imposed;

(q) "State highway agency" (SHA) means that department, commission, board, or official of any State charged by its laws with the responsibility for highway construction. The term "State" should be considered equivalent to "State highway agency." With regard to direct Federal contracts, references herein to SHA's shall be considered to refer to FHWA regional offices, as appropriate.

§ 230.409 Contract compliance review procedures.

(a) *General.* A compliance review consists of the following elements:

(1) Review Scheduling (Actions R–1 and R–2).

(2) Contractor Notification (Action R–3).

(3) Preliminary Analysis (Phase I) (Action R–4).

(4) Onsite Verification and Interviews (Phase II) (Action R–5).

(5) Exit Conference (Action R–6).

(6) Compliance Determination and Formal Notification (Actions R–8, R–9, R–10, R–11, R–12).

The compliance review procedure, as described herein and in Appendix D provides for continual monitoring of the employment process. Monitoring officials at all levels shall analyze submissions from field offices to ensure proper completion of procedural requirements and to ascertain the effectiveness of program implementation.

(b) *Review scheduling (Actions R–1 and R–2).* Because construction work forces are not constant, particular attention should be paid to the proper scheduling of equal opportunity compliance reviews. Priority in scheduling equal opportunity compliance reviews shall be given to reviewing those contractor's work forces:

(1) Which hold the greatest potential for employment and promotion of minorities and women (particularly in higher skilled crafts or occupations);

(2) Working in areas which have significant minority and female labor forces within a reasonable recruitment area;

(3) Working on projects that include special training provisions; and

(4) Where compliance with equal opportunity requirements is questionable. (Based on previous PR–1391's (23 CFR 230A, Appendix C) Review Reports and Hometown Plan Reports).

In addition, the following considerations shall apply:

(5) Reviews specifically requested by the Washington Headquarters shall receive priority scheduling;

(6) Compliance Reviews in geographical areas covered by areawide plans would normally be reviewed under the Consolidated Compliance Review Procedures set forth in § 230.415.

(7) Reviews shall be conducted prior to or during peak employment periods.

(8) No compliance review shall be conducted that is based on a home office work force of less than 15 employees unless requested or approved by Washington Headquarters; and

(9) For compliance reviews based on an area work force (outside of areawide plan coverage), the Compliance Specialist shall define the applicable geographical area by considering:

(i) Union geographical boundaries;

(ii) The geographical area from which the contractor recruits employees, i.e. reasonable recruitment area;

(iii) Standard Metropolitan Statistical Area (SMSA) or census tracts; and

(iv) The county in which the Federal or Federal-aid project(s) is located and adjacent counties.

(c) *Contractor notification (Action R–3).* (1) The Compliance Specialist should usually provide written notification to the contractor of the pending compliance review at least 2 weeks prior to the onsite verification and interviews. This notification shall include the scheduled date(s), an outline of the mechanics and basis of the review, requisite interviews, and documents required.

(2) The contractor shall be requested to provide a meeting place on the day of the visit either at the local office of the contractor or at the jobsite.

(3) The contractor shall be requested to supply all of the following information to the Compliance Specialist prior to the onsite verification and interviews.

(i) Current Form PR–1391 developed from the most recent payroll;

(ii) Copies of all current bargaining agreements;

(iii) Copies of purchase orders and subcontracts containing the EEO clause;

(iv) A list of recruitment sources available and utilized;

(v) A statement of the status of any action pertaining to employment practices taken by the Equal Employment Opportunity Commission (EEOC) or other Federal, State, or local agency regarding the contractor or any source of employees;

(vi) A list of promotions made during the past 6 months, to include race, national origin, and sex of employee, previous job held, job promoted into; and corresponding wage rates;

(vii) An annotated payroll to show job classification, race, national origin and sex;

(viii) A list of minority- or female-owned companies contacted as possible subcontractors, vendors, material suppliers, etc.; and

(ix) Any other necessary documents or statements requested by the Compliance Specialist for review prior to the actual onsite visit.

(4) For a project review, the prime contractor shall be held responsible for ensuring that all active subcontractors are present at the meeting and have supplied the documentation listed in § 230.409(c)(3).

(d) *Preliminary analysis (Phase I). (Action R–4).* Before the onsite verification and interviews, the Compliance Specialist shall analyze the employment patterns, policies, practices, and programs of the contractor to determine whether

or not problems exist by reviewing information relative to:

(1) The contractor's current work force;

(2) The contractor's relationship with referral sources, e.g., unions, employment agencies, community action agencies, minority and female organizations, etc.;

(3) The minority and female representation of sources;

(4) The availability of minorities and females with requisite skills in a reasonable recruitment area;

(5) Any pending EEOC or Department of Justice cases or local or State Fair Employment Agency cases which are relevant to the contractor and/or the referral sources; and

(6) The related projects (and/or contractor) files of FHWA regional or division and State Coordinator's offices to obtain current information relating to the status of the contractor's project(s), value, scheduled duration, written corrective action plans, PR–1391 or Manpower Utilization Reports, training requirements, previous compliance reviews, and other pertinent correspondence and/or reports.

(e) *Onsite verification and interviews (Phase II) (Action R–5).* (1) Phase II of the review consists of the construction or home office site visit(s). During the initial meeting with the contractor, the following topics shall be discussed:

(i) Objectives of the visit;

(ii) The material submitted by the contractor, including the actual implementation of the employee referral source system and any discrepancies found in the material; and

(iii) Arrangements for the site tour(s) and employee interviews.

(2) The Compliance Specialist shall make a physical tour of the employment site(s) to determine that:

(i) EEO posters are displayed in conspicuous places in a legible fashion;

(ii) Facilities are provided on a nonsegregated basis (e.g. work areas, washrooms, timeclocks, locker rooms, storage areas, parking lots, and drinking fountains);

(iii) Supervisory personnel have been oriented to the contractor's EEO commitments;

(iv) The employee referral source system is being implemented;

(v) Reported employment data is accurate;

(vi) Meetings have been held with employees to discuss EEO policy, particularly new employees; and

(vii) Employees are aware of their right to file complaints of discrimination.

(3) The Compliance Specialist should interview at least one minority, one nonminority, and one woman in each trade, classification, or occupation. The contractor's superintendent or home office manager should also be interviewed.

(4) The Compliance Specialist shall, on a sample basis, determine the union membership status of union employees on the site (e.g. whether they have permits, membership cards, or books, and in what category they are classified [e.g., A, B, or C]).

(5) The Compliance Specialist shall also determine the method utilized to place employees on the job and whether equal opportunity requirements have been followed.

(6) The Compliance Specialist shall determine, and the report shall indicate the following:

(i) Is there reasonable representation and utilization of minorities and women in each craft, classification or occupation? If not, what has the contractor done to increase recruitment, hiring, upgrading, and training of minorities and women?

(ii) What action is the contractor taking to meet the contractual requirement to provide equal employment opportunity?

(iii) Are the actions taken by the contractor acceptable? Could they reasonably be expected to result in increased utilization of minorities and women?

(iv) Is there impartiality in treatment of minorities and women?

(v) Are affirmative action measures of an isolated nature or are they continuing?

(vi) Have the contractor's efforts produced results?

(f) *Exit conference (Action R–6).* (1) During the exit conference with the contractor, the following topics shall be discussed:

(i) Any preliminary findings that, if not corrected immediately or not corrected by the adoption of an acceptable voluntary corrective action plan, would necessitate a determination of noncompliance;

(ii) The process and time in which the contractor shall be informed of the final determination (15 days following the onsite vertification and interviews); and

(iii) Any other matters that would best be resolved before concluding the onsite portion of the review.

(2) Voluntary corrective action plans may be negotiated at the exit conference, so that within 15 days following the exit portion of the review, the Compliance Specialist shall prepare the review report and make a determination of either:

(i) Compliance, and so notify the contractor; or

(ii) Noncompliance, and issue a 30-day show cause notice.

The acceptance of a voluntary corrective action plan at the exit conference does not preclude a determination of noncompliance, particularly if deficiencies not addressed by the plan are uncovered during the final analysis and report writting. (Action R–7) A voluntary corrective action plan should be accepted with the understanding that it only address those problems uncovered prior to the exit conference.

(g) *Compliance determinations (Action R–8).* (1) The evidence obtained at the compliance review shall constitute a sufficient basis for an objective determination by the Compliance Specialist conducting the review of the contractor's compliance or noncompliance with contractual provisions pursuant to E.O. 11246, as amended, and FHWA EEO Special Provisions implementing the Federal-Aid Highway Act of 1968, where applicable.

(2) Compliance determinations on contractors working in a Hometown Plan Area shall reflect the status of those crafts covered by Part II of the plan bid conditions. Findings regarding Part I crafts shall be transmitted through channels to the Washington Headquarters, Office of Civil Rights.

(3) The compliance status of the contractor will usually be reflected by positive efforts in the following areas:

(i) The contractor's equal employment opportunity (EEO) policy;

(ii) Dissemination of the policy and education of supervisory employees concerning their responsibilities in implementing the EEO policy;

(iii) The authority and responsibilities of the EEO officer;

(iv) The contractor's recruitment activities, especially establishing minority and female recruitment and referral procedures;

(v) The extent of participation and minority and female utilization in FHWA training programs;

(vi) The contractor's review of personnel actions to ensure equal opportunities;

(vii) The contractor's participation in apprenticeship or other training;

(viii) The contractor's relationship (if any) with unions and minority and female union membership;

(ix) Effective measures to assure nonsegregated facilities, as required by contract provisions;

(x) The contractor's procedures for monitoring subcontractors and utilization of minority and female subcontractors and/or subcontractors with substantial minority and female employment; and

(xi) The adequacy of the contractor's records and reports.

(4) A contractor shall be considered to be in compliance (Action R–9) when the equal opportunity requirements have been effectively implemented, or there is evidence that every good faith effort has been made toward achieving this end. Efforts to achieve this goal shall be result-oriented, initiated and maintained in good faith, and emphasized as any other vital management function.

(5) A contractor shall be considered to be in noncompliance (Action R–10) when:

(i) The contractor has discriminated against applicants or employees with respect to the conditions or privileges of employment; or

(ii) The contractor fails to provide evidence of every good faith effort to provide equal opportunity.

(h) *Show cause procedures.* (1) *General.* Once the onsite verification and exit conference (Action R–5) have been completed and a compliance determination made, (Action R–8), the contractor shall be notified in writing of the compliance determination. (Action

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R–11 or R–12) This written notification shall be sent to the contractor within 15 days following the completion of the onsite verification and exit conference. If a contractor is found in noncompliance (Action R–10), action efforts to bring the contractor into compliance shall be initiated through the issuance of a show cause notice (Action R–12). The notice shall advise the contractor to show cause within 30 days why sanctions should not be imposed.

(2) *When a show cause notice is required.* A show cause notice shall be issued when a determination of noncompliance is made based upon:

(i) The findings of a compliance review;

(ii) The results of an investigation which verifies the existence of discrimination; or

(iii) Areawide plan reports that show an underutilization of minorities (based on criteria of U.S. Department of Labor's Optional Form 66 "Manpower Utilization Report") throughout the contractor's work force covered by Part II of the plan bid conditions.

(3) *Responsibilty for issuance.* (i) Show cause notices will normally be issued by SHA's to federally assisted contractors when the State has made a determination of noncompliance, or when FHWA has made such a determination and has requested the State to issue the notice.

(ii) When circumstances warrant, the Regional Federal Highway Administrator or a designee may exercise primary compliance responsibility by issuing the notice directly to the contractor.

(iii) The Regional Federal Highway Administrators in Regions 8, 10, and the Regional Engineer in Region 15 shall issue show cause notices to direct Federal contractors found in noncompliance.

(4) *Content of show cause notice.* The show cause notice must: (See sample—Appendix A)

(i) Notify the contractor of the determination of noncompliance;

(ii) Provide the basis for the determination of noncompliance;

(iii) Notify the contractor of the obligation to show cause within 30 days why formal proceedings should not be instituted;

(iv) Schedule (date, time, and place) a compliance conference to be held approximately 15 days from the contractor's receipt of the notice;

(v) Advise the contractor that the conference will be held to receive and discuss the acceptability of any proposed corrective action plan and/or correction of deficiencies; and

(vi) Advise the contractor of the availability and willingness of the Compliance Specialist to conciliate within the time limits of the show cause notice.

(5) *Preparing and processing the show cause notice.* (i) The State or FHWA official who conducted the investigation or review shall develop complete background data for the issuance of the show cause notice and submit the recommendation to the head of the SHA or the Regional Federal Highway Administrator, as appropriate.

(ii) The recommendation, background data, and final draft notice shall be reviewed by appropriate State or FHWA legal counsel.

(iii) Show cause notices issued by the SHA shall be issued by the head of that agency or a designee.

(iv) The notice shall be personally served to the contractor or delivered by certified mail, return receipt requested, with a certificate of service or the return receipt filed with the case record.

(v) The date of the contractor's receipt of the show cause notice shall begin the 30-day show cause period. (Action R–13).

(vi) The 30-day show cause notice shall be issued directly to the noncompliant contractor or subcontractor with an informational copy sent to any concerned prime contractors.

(6) *Conciliation efforts during show cause period.*

(i) The Compliance Specialist is required to attempt conciliation with the contractor throughout the show cause time period. Conciliation and negotiation efforts shall be directed toward correcting contractor program deficiencies and initiating corrective action which will maintain and assure equal opportunity. Records shall be maintained in the State, FHWA division, or FHWA regional office's case files, as appropriate, indicating actions and reactions of the contractor, a brief synopsis of any meetings with the contractor, notes on verbal communication and written correspondence, requests for assistance or interpretations, and other relevant matters.

(ii) In instances where a contractor is determined to be in compliance after a show cause notice has been issued, the show cause notice will be rescinded and the contractor formally notified (Action R–17). The FHWA Washington Headquarters, Office of Civil Rights, shall immediately be notified of any change in status.

(7) *Corrective action plans.* (i) When a contractor is required to show cause and the deficiencies cannot be corrected within the 30-day show cause period, a written corrective action plan may be accepted. The written corrective action plan shall specify clear unequivocal action by the contractor with time limits for completion. Token actions to correct cited deficienes will not be accepted. (See Sample Corrective Action Plan—Appendix B)

(ii) When a contractor submits an acceptable written corrective action plan, the contractor shall be considered in compliance during the plan's effective implementation and submission of required progress reports. (Action R–15 and R–17).

(iii) When an acceptable corrective action plan is not agreed upon and the contractor does not otherwise show cause as required, the formal hearing process shall be recommended through appropriate channels by the compliance specialist immediately upon expiration of the 30-day show cause period. (Action R–16, R–18, R–19)

(iv) When a contractor, after having submitted an acceptable corrective action plan and being determined in compliance is subsequently determined to be in noncompliance based upon the contractor's failure to implement the corrective action plan, the formal hearing process must be recommended immediately. There are no provisions for reinstituting a show cause notice.

(v) When, however, a contractor operating under an acceptable corrective action plan carries out the provisions of the corrective action plan but the actions do not result in the necessary changes, the corrective action plan shall be immediately amended through negotiations. If, at this point, the contractor refuses to appropriately amend the corrective action plan, the formal hearing process shall be recommended immediately.

(vi) A contractor operating under an approved voluntary corrective action plan (i.e. plan entered into prior to the issuance of a show cause) must be issued a 30-day show cause notice in the situations referred to in paragraphs (h) (7) (iv) and (v) of this section, i.e. failure to implement an approved corrective action plan or failure of corrective actions to result in necessary changes.

(i) *Followup reviews.* (1) A followup review is an extension of the inital review process to verify the contractors performance of corrective action and to validate progress report information. Therefore, followup reviews shall only be conducted of those contractors where the initial review resulted in a finding of noncompliance and a show cause notice was issued.

(2) Followup reviews shall be reported as a narrative summary referencing the initial review report.

(j) *Hearing process.* (1) When such procedures as show cause issuance and conciliation conferences have been unsuccessful in bring contractors into compliance within the prescribed 30 days, the reviewer (or other appropriate level) shall immediately recommend, through channels, that the Department of Transportation obtain approval from the Office of Federal Contract Compliance Programs for a formal hearing (Action R–19). The Contractor should be notified of this action.

(2) Recommendations to the Federal Highway Administrator for hearing approval shall be accompanied by full reports of findings and case files containing any related correspondence. The following items shall be included with the recommendation:

(i) Copies of all Federal and Federal-aid contracts and/or subcontracts to which the contractor is party;

(ii) Copies of any contractor or subcontractor certifications;

(iii) Copy of show cause notice;

(iv) Copies of any corrective action plans; and

(v) Copies of all pertinent Manpower Utilization Reports, if applicable.

(3) SHA's, through FHWA regional and division offices, will be advised of decisions and directions affecting contractors by the FHWA Washington Headquarters, Office of Civil Rights, for the Department of Transportation.

(k) *Responsibility determinations.* (1) In instances where requests for formal hearings are pending OFCCP approval, the contractor may be declared a nonresponsible contractor for inability to comply with the equal opportunity requirements.

(2) SHA's shall refrain from entering into any contract or contract modification subject to E.O. 11246, as amended, with a contractor who has not demonstrated eligibility for Government contracts and federally assisted construction contracts pursuant to E.O. 11246, as amended.

§ 230.411 Guidance for conducting reviews.

(a) *Extensions of time.* Reasonable extensions of time limits set forth in these instructions may be authorized by the SHA's or the FHWA regional office, as appropriate. However, all extensions are subject to Washington Headquarters approval and should only be granted with this understanding. The Federal Highway Administrator shall be notified of all time extensions granted and the justification therefor. In sensitive or special interest cases, simultaneous transmittal of reports and other pertinent documents is authorized.

(b) *Contract completion.* Completion of a contract or seasonal shutdown shall not preclude completion of the administrative procedures outlined herein or the possible imposition of sanctions or debarment.

(c) *Home office reviews outside regions.* When contractors' home offices are located outside the FHWA region in which the particular contract is being performed, and it is determined that the contractors' home offices should be reviewed, requests for such reviews with accompanying justification shall be forwarded through appropriate channels to the Washington Headquarters, Office of Civil Rights. After approval, the Washington Headquarters, Office of Civil Rights, (OCR) shall request the appropriate region to conduct the home office review.

(d) *Employment of women.* Executive Order 11246, as amended, implementing rules and regulations regarding sex discrimination are outlined in 41 CFR Part 60–20. It is the responsibility of the Compliance Specialist to ensure that contractors provide women full participation in their work forces.

(e) *Effect of exclusive referral agreements.* (1) The OFCCP has established the following criteria for determining compliance when an exclusive referral agreement is involved:

(i) It shall be no excuse that the union, with which the contractor has a collective bargaining agreement providing for exclusive referrals failed to refer minority or female employees.

(ii) Discrimination in referral for employment, even if pursuant to provisions of a collective bargaining agreement, is prohibited by the National Labor Relations Act and Title VII of the Civil Rights Act of 1964, as amended.

(iii) Contractors and subcontractors have a responsibility to provide equal opportunity if they want to participate in federally involved contracts. To the extent they have delegated the responsibility for some of their employment practices to some other organization or agency which prevents them from meeting their obligations, these contractors must be found in noncompliance.

(2) If the contractor indicates that union action or inaction is a proximate cause of the contractor's failure to provide equal opportunity, a finding of noncompliance will be made and a show cause notice issued, and:

(i) The contractor will be formally directed to comply with the equal opportunity requirements.

(ii) Reviews of other contractors with projects within the jurisdiction of the applicable union locals shall be scheduled.

(iii) If the reviews indicate a pattern and/or practice of discrimination on the part of specific union locals, each contractor in the area shall be informed of the criteria outlined in § 230.411(e)(1) of this section. Furthermore, the FHWA Washington Headquarters, OCR, shall be provided with full documentary evidence to support the discriminatory pattern indicated.

(iv) In the event the union referral practices prevent the contractor from meeting the equal opportunity requirements pursuant to the E.O. 11246, as amended, such contractor shall immediately notify the SHA.

§ 230.413 Review reports.

(a) *General.* (1) The Compliance Specialist shall maintain detailed notes from the beginning of the review from which a comprehensive compliance review report can be developed.

(2) The completed compliance review report shall contain documentary evidence to support the determination of a contractor's or subcontractor's compliance status.

(3) Findings, conclusions, and recommendations shall be explicitly stated and, when necessary, supported by documentary evidence.

(4) The compliance review report shall contain at least the following information.[1] (Action R–20)

(i) Complete name and address of contractor.

(ii) Project(s) identification.

(iii) Basis for the review, i.e. area work force, project work force, home office work force, and target area work force.

(iv) Identification of Federal or Federal-aid contract(s).

(v) Date of review.

(vi) Employment data by job craft, classification, or occupation by race and sex in accordance with (iii) above. This shall be the data verified during the onsite.

(vii) Identification of local unions involved with contractor, when applicable.

(viii) Determination of compliance status: compliance or noncompliance.

(ix) Copy of show cause notice or compliance notification sent to contractor.

(x) Name of the Compliance Specialist who conducted the review and whether that person is a State, division or regional Compliance Specialist.

(xi) Concurrences at appropriate levels.

(5) Each contractor (joint venture is one contractor) will be reported separately. When a project review is conducted, the reports should be attached, with the initial report being that of the prime contractor followed by the reports of each subcontractor.

(6) Each review level is responsible for ensuring that required information is contained in the report.

(7) When a project review is conducted, the project work force shall be reported. When an areawide review is conducted (all Federal-aid, Federal, and non-Federal projects in an area), then areawide work force shall be reported. When a home office review is conducted, only home office work force shall be reported. Other information required by regional offices shall be detached before forwarding the reports to the Washington Headquarters, OCR.

(8) The Washington Headquarters, OCR, shall be provided all of the following:

(i) The compliance review report required by § 230.413(a)(4).

(ii) Corrective action plans.

(iii) Show cause notices or compliance notifications.

(iv) Show cause recissions.

While other data and information should be kept by regional offices (including progress reports, correspondence, and similar review backup material), it should not be routinely forwarded to the Washington Headquarters, OCR.

(b) *Administrative requirements.*

(1) *State conducted reviews:*

(i) Within 15 days from the completion of the onsite verification and exit conference, the State Compliance Specialist will:

(A) Prepare the compliance review report, based on information obtained;

(B) Determine the contractor's compliance status;

(C) Notify the contractor of the compliance determination, i.e., send the contractor either notification of compliance or show cause notice; and

(D) Forward three copies of the compliance review report, and the compliance notification or show cause notice to the FHWA division EEO Specialist.

(ii) Within 10 days of receipt, the FHWA division EEO Specialist shall:

(A) Analyze the State's report, ensure that it is complete and accurate;

(B) Resolve nonconcurence, if any;

[1] The Federal Highway Administration will accept completed Form FHWA–86 for the purpose. The form is available at the offices listed in 49 CFR Part 7, Appendix D.

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(C) Indicate concurrence, and, where appropriate, prepare comments; and

(D) Forward two copies of the compliance review report, and the compliance notification or show cause notice to the Regional Civil Rights Director.

(iii) Within 15 days of receipt, the FHWA Regional Civil Rights Director shall:

(A) Analyze the report, ensure that it is complete and accurate;

(B) Resolve nonconcurrence, if any;

(C) Indicate concurrence, and, where appropriate, prepare comments; and

(D) Forward one copy of the compliance review report, and the compliance notification or show cause notice to the Washington Headquarters, OCR.

(2) *FHWA division conducted reviews:*

(i) Within 15 days from the completion of the onsite verification and exit conference, the division EEO Specialist shall:

(A) Prepare compliance review report, based on information obtained;

(B) Determine the contractor's compliance status;

(C) Notify the State to send the contractor the compliance determination, i.e. either notification of compliance or show cause notice; and

(D) Forward two copies of the compliance review report and the compliance notification or show cause notice to the Regional Civil Rights Director.

(ii) Within 15 days of receipt, the FHWA Regional Civil Rights Director will take the steps outlined in § 230.413 (b)(1)(iii).

(3) *FHWA region conducted reviews.*

(i) Within 15 days from the completion of the onsite verification and exit conference the regional EEO Specialist shall:

(A) Prepare the compliance review report, based on information obtained;

(B) Determine the contractor's compliance status;

(C) Inform the appropriate division to notify the State to send the contractor the compliance determination i.e. either notification of compliance or show cause notice; and

(D) Forward one copy of the compliance review report, and the compliance notification or show cause notice to the Washington Headquarters, OCR.

(4) Upon receipt of compliance review reports, the Washington Headquarters, OCR, shall review, resolve any nonconcurrences, and record them for the purpose of:

(i) Providing ongoing technical assistance to FHWA regional and division offices and SHA's;

(ii) Gathering a sufficient data base for program evaluation;

(iii) Ensuring uniform standards are being applied in the compliance review process;

(iv) Initiating appropriate changes in FHWA policy and implementing regulations; and

(v) Responding to requests from the General Accounting Office, Office of Management and Budget, Senate Subcommittee on Public Roads, and other agencies and organizations.

§ 230.415 Consolidated compliance reviews.

(a) General. Consolidated compliance reviews shall be implemented to determine employment opportunities on an areawide rather than an individual project basis. The consolidated compliance review approach shall be adopted and directed by either Headquarters, region, division, or SHA, however, consolidated reviews shall at all times remain a cooperative effort.

(b) OFCCP policy requires contracting agencies to ensure compliance, in hometown an imposed plan areas, on an areawide rather than a project basis. The consolidated compliance review approach facilitates implementation of this policy.

(c) Methodology. (1) Selection of a Target Area. In identifying the target area of a consolidated compliance review (e.g. SMSA, hometown or imposed plan area, a multicounty area, or an entire State), consideration shall at least be given to the following facts:

(i) Minority and female work force concentrations;

(ii) Suspected or alleged discrimination in union membership or referral practices by local unions involved in highway construction;

(iii) Present or potential problem areas;

(iv) The number of highway projects in the target area; and

(v) Hometown or imposed plan reports that indicate underutilization of minorities or females.

(2) Determine the Review Period. After the target area has been selected, the dates for the actual onsite reviews shall be established.

(3) Obtain Background Information. EEO–3's Local Union Reports, should be obtained from regional offices of the EEOC. Target area civilian labor force statistics providing percent minorities and persent females in the target area shall be obtained from State employment security agencies or similar State agencies.

(4) Identify Contractors. Every nonexempt federally assisted or direct Federal contractor and subcontractor in the target area shall be identified. In order to establish areawide employment patterns in the target area, employment data is needed for all contractors and subcontractors in the area. However, only those contractors with significant work forces (working prior to peak and not recently reviewed) may need to be actually reviewed onsite. Accordingly, once all contractors are identified, those contractors which will actually be reviewed onsite shall be determined. Compliance determinations shall only reflect the status of crafts covered by Part II of plan bid conditions. Employment data of crafts covered by Part I of plan bid conditions shall be gathered and identified as such in the composite report, however, OFCCP has reserved the responsibility for compliance determinations on crafts covered by Part I of the plan bid conditions.

(5) Contractor Notification. Those contractors selected for onsite review shall be sent a notification letter as outlined in § 230.409(c) along with a request for current workforce data[2] for completion and submission at the onsite review. Those contractors in the target area not selected for onsite review shall also be requested to supply current workforce data as of the onsite review period, and shall return the data within 15 days following the onsite review period.

(6) Onsite Reviews. Compliance reviews shall then be conducted in accordance with the requirements set forth in § 230.409. Reviewers may use Form FHWA–86, Compliance Data Report, if appropriate. It is of particular importance during the onsite reviews that the review team provide for adequate coordination of activities at every stage of the review process.

(7) Compliance Determinations. Upon completion of the consolidated reviews, compliance determinations shall be made on each review by the reviewer. Individual show cause notices or compliance notifications shall be sent (as appropriate) to each reviewed contractor.

The compliance determination shall be based on the contractor's target area work force (Federal, Federal-aid and non-Federal), except when the target area is coincidental with hometown plan area, compliance determinations must not be based on that part of a contractor's work force covered by Part I of the plan bid conditions, as previously set forth in this regulation. For example: ABC Contracting, Inc. employs carpenters, operating engineers, and cement masons. Carpenters and operating engineers are covered by Part II of the plan bid conditions, however, cement masons are covered by Part I of the plan bid conditions. The compliance determination must be based only on the contractor's utilization of carpenters and operating engineers.

(d) Reporting. (1) Composite Report. A final composite report shall be submitted as a complete package to the Washington Headquarters, OCR, within 45 days after the review period and shall consist of the following:

(i) Compliance review report, for each contractor and subcontractor with accompanying show cause notice or compliance notification.

(ii) Work force data to show the aggregate employment of all contractors in the target area.

(iii) A narrative summary of findings and recommendations to include the following:

(A) A summary of highway construction employment in the target area by craft, race, and sex. This summary

[2] The Consolidated Workforce Questionnaire is convenient for the purpose and appears as Attachment 4 to Volume 2, Chapter 2, Section 3 of the Federal-Aid Highway Program Manual, which is available at the offices listed in 49 CFR Part 7, Appendix D.

should explore possible patterns of discrimination or underutilization and possible causes, and should compare the utilization of minorities and females on contractor's work forces to the civilian labor force percent for minorities and females in the target area.

(B) If the target area is a plan area, a narrative summary of the plan's effectiveness with an identification of Part I and Part II crafts. This summary shall discuss possible differences in minority and female utilization between Part I and Part II crafts, documenting any inferences drawn from such comparisons.

(C) If applicable, discuss local labor unions' membership and/or referral practices that impact on the utilization of minorities and females in the target area. Complete and current copies of all collective bargaining agreements and copies of EEO–3, Local Union Reports, for all appropriate unions shall accompany the composite report.

(D) Any other appropriate data, analyses, or information deemed necessary for a complete picture of the areawide employment.

(E) Considering the information compiled from the summaries listed above, make concrete recommendations on possible avenues for correcting problems uncovered by the analyses.

(2) Annual Planning Report. The proper execution of consolidated compliance reviews necessitates scheduling, along with other fiscal program planning. The Washington Headquarters, OCR, shall be notified of all planned consolidated reviews by August 10 of each year and of any changes in the target area or review periods, as they become known. The annual consolidated planning report shall indicate:

(i) Selected target areas:

(ii) The basis for selection of each area; and

(iii) The anticipated review period (dates) for each target area.

APPENDIX A—SAMPLE SHOW CAUSE NOTICE

Certified Mail, Return Receipt Requested
Date
Contractor's Name
Address
City, State, and Zip Code

DEAR CONTRACTOR: As a result of the review of your (Project Number) project located at (Project Location) conducted on (Date) by (Reviewing Agency), it is our determination that you are not in compliance with your equal opportunity requirements and that good faith efforts have not been made to meet your equal opportunity requirements in the following areas:

List of Deficiencies
1.
2.
3.

Your failure to take the contractually required affirmative action has contributed to the unacceptable level of minority and female employment in your operations, particularly in the semiskilled and skilled categories of employees.

The Department of Labor regulations (41 CFR 60) implementing Executive Order 11246, as amended, are applicable to your Federal-aid highway construction contract and are controlling in this matter (see Required Contract Provisions, Form PR–1273, Clause II). Section 60–1.20(b) of these regulations provides that when equal opportunity deficiencies exist, it is necessary that you make a commitment in writing to correct such deficiencies before you may be found in compliance. The commitment must include the specific action which you propose to take to correct each deficiency and the date of completion of such action. The time period allotted shall be no longer than the minimum period necessary to effect the necessary correction. In accordance with instructions issued by the Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, your written commitment must also provide for the submission of monthly progress reports which shall include a head count of minority and female representation at each level of each trade and a list of minority employees.

You are specifically advised that making the commitment discussed above will not preclude a further determination of noncompliance upon a finding that the commitment is not sufficient to achieve compliance.

We will hold a compliance conference at _____ at _____ on _____
(Address) (Time) (Date)
for you to submit and discuss your written commitment. If your written commitment is acceptable and if the commitment is sufficient to achieve compliance, you will be found in compliance during the effective implementation of that commitment. You are cautioned, however, that our determination is subject to review by the Federal Highway Administration, the Department of Transportation, and OFCCP and may be disapproved if your written commitment is not considered sufficient to achieve compliance.

If you indicate either directly or by inaction that you do not wish to participate in the scheduled conference and do not otherwise show cause within 30 days from receipt of this notice why enforcement proceedings should not be instituted, this agency will commence enforcement proceedings under Executive Order 11246, as amended.

If your written commitment is accepted and it is subsequently found that you have failed to comply with its provisions, you will be advised of this determination and formal sanction proceedings will be instituted immediately.

In the event formal sanction proceedings are instituted and the final determination is that a violation of your equal opportunity contract requirements has taken place, any Federal-aid highway construction contracts or subcontracts which you hold may be canceled, terminated, or suspended, and you may be debarred from further such contracts or subcontracts. Such other sanctions as are authorized by Executive Order 11246, as amended, may also be imposed.

We encourage you to take whatever action is necessary to resolve this matter and are anxious to assist you in achieving compliance. Any questions concerning this notice should be addressed to (Name, Address, and Phone).

Sincerely yours,

APPENDIX B—SAMPLE CORRECTIVE ACTION PLAN

Deficiency 1: Sources likely to yield minority employees have not been contacted for recruitment purposes.

Commitment: We have developed a system of written job applications at our home office which readily identifies minority applicants. In addition to this, as a minimum, we will contact the National Association for the Advancement of Colored People (NAACP), League of Latin American Citizens (LULAC), Urban League, and the Employment Security Office within 20 days to establish a referral system for minority group applicants and expand our recruitment base. We are in the process of identifying other community organizations and associations that may be able to provide minority applicants and will submit an updated listing of recruitment sources and evidence of contact by _____.
(Date)

Deficiency 2: There have been inadequate efforts to locate, qualify, and increase skills of minority and female employees and applicants for employment.

Commitment: We will set up an individual file for each apprentice or trainee by _____.
(Date)
in order to carefully screen the progress, ensure that they are receiving the necessary training, and being promoted promptly upon completion of training requirements. We have established a goal of at least 50 percent of our apprentices and trainees will be minorities and 15 percent will be female. In addition to the commitment made to deficiency number 1, we will conduct a similar identification of organizations able to supply female applicants. Based on our projected personnel needs, we expect to have reached our 50 percent goal for apprentices and trainees by _____.
(Date)

Deficiency 3: Very little effort to assure subcontractors have meaningful minority group representation among their employees.

Commitment: In cooperation with the Regional Office of Minority Business Enterprise, Department of Commerce, and the local NAACP, we have identified seven minority-owned contractors that may be able to work on future contracts we may receive. These contractors (identified in the attached list) will be contacted prior to our bidding on all future contracts. In addition, we have scheduled a meeting with all subcontractors currently working on our contracts. This meeting will be held to inform the subcontractors of our intention to monitor their reports and require meaningful minority representation. This meeting will be held on _____
(Date)
and we will summarize the discussions and current posture of each subcontractor for your review by _____.
(Date)
Additionally, as requested, we will submit a PR–1391 on _____,
(Date)
_____,
(Date)
_____.
(Date)
Finally, we have committed ourselves to maintaining at least 20 percent minority and female representation in each trade during the time we are carrying out the above commitments. We plan to have completely implemented all the provisions of these commitments by _____.
(Date)

APPENDIX C—SAMPLE SHOW CAUSE RESCISSION

Certified Mail, Return Receipt Requested
Date
Contractor
Address
City, State, and Zip Code

DEAR CONTRACTOR: On _____,
(Date)
you received a 30-day show cause notice from this office for failing to implement the required contract requirements pertaining to equal employment opportunity.

Your corrective action plan, discussed and submitted at the compliance conference held on _____, has
(Date)
been reviewed and determined to be acceptable. Your implementation of your corrective action plan shows that you are now taking the required affirmative action and

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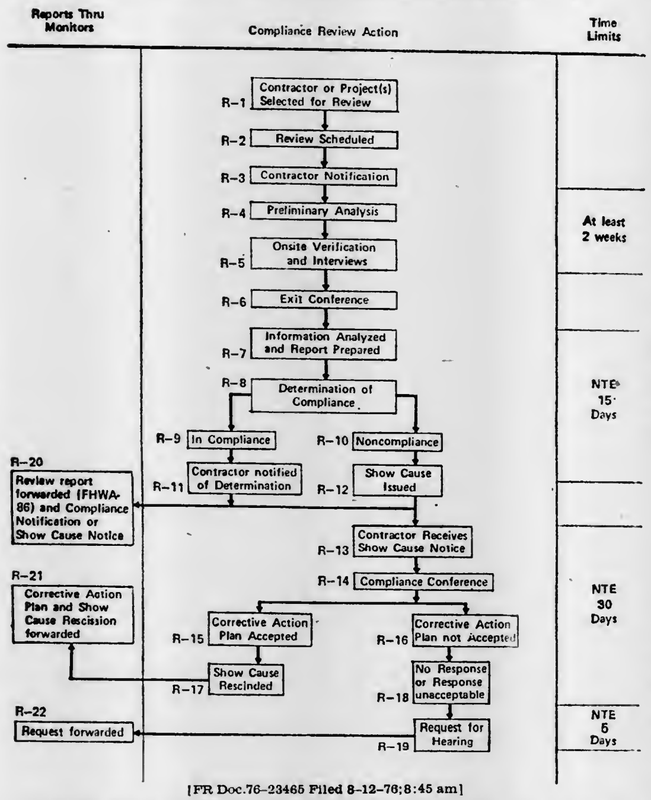
can be considered in compliance with Executive Order 11246, as amended. If it should later be determined that your corrective action plan is not sufficient to achieve compliance, this Rescission shall not preclude a subsequent finding of noncompliance.

In view of the above, this letter is to inform you that the 30-day show cause notice of ---------- (Date) is hereby rescinded. You are further advised that if it is found that you have failed to comply with the provisions of your corrective action plan, formal sanction proceedings will be instituted immediately.

Sincerely,

Appendix D

EQUAL OPPORTUNITY COMPLIANCE REVIEW PROCESS FLOW CHART 46



[FR Doc.76-23465 Filed 8-12-76;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Action

Section 213.3359 is amended to reflect the following title change from Confidential Aide to the Director to Motor Vehicle Operator.

Effective August 13, 1976, § 213.3359(g) is revised as set out below:

§ 213.3359 ACTION.

• • • • • •

(g) One Motor Vehicle Operator to the Director.

• • • • • •

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-23630 Filed 8-12-76;8:45 am]

Department of State

Section 213.3304 is amended to show that one position of Secretary (Stenography) to the Assistant Secretary for East Asian and Pacific Affairs is reestablished under Schedule C.

Effective August 13, 1976, § 213.3304(j) is added as set out below:

§ 213.3304 Department of State.

• • • • • •

(j) *Office of the Assistant Secretary for East Asian and Pacific Affairs.* (1) One Secretary (Stenography) to the Assistant Secretary.

• • • • • •

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-23634 Filed 8-12-76;8:45 am]

PART 213—EXCEPTED SERVICE

Farm Credit Administration

Section 213.3343 is amended to show that one position of Secretary (Stenography) to the Governor is expected under Schedule C.

Effective August 13, 1976, § 213.3343 (h) is added as set out below:

§ 213.3343 Farm Credit Administration.

• • • • • •

(h) One Secretary (Stenography) to the Governor.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-23631 Filed 8-12-76;8:45 am]

PART 213—EXCEPTED SERVICE

National Credit Union Administration

Section 213.3357 is amended to show that one position of Executive Officer (Policy Implementation), to the Administrator is excepted under Schedule C.

Effective August 13, 1976, § 213.3357(e) is added as set out below:

§ 213.3357 National Credit Union Administration.

• • • • • •

(e) One Executive Officer (Policy Implementation).

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-23632 Filed 8-12-76;8:45 am]

PART 213—EXCEPTED SERVICE

National Foundation on the Arts and the Humanities

Section 213.3182 is amended to show that two additional positions of Program Officer, State-Based Programs, Division of Public Programs, National Endowment for the Humanities are excepted under Schedule A until September 30, 1980.

Effective August 13, 1976, § 213.3182 (b) (14) is amended as set out below:

§ 213.3182 National Foundation on the Arts and the Humanities.

• • • • • •

(b) *National Endowment for the Humanities.* • • •

(14) Until September 30, 1980, seven Program Officers, State-Based Programs, Division of Public Programs.

• • • • • •

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-23633 Filed 8-12-76;8:45 am]

Title 7—Agriculture

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER D—PROVISIONS COMMON TO MORE THAN ONE PROGRAM

[Amdt. 2]

PART 790—INCOMPLETE PERFORMANCE BASED UPON ACTION OR ADVICE OF AN AUTHORIZED REPRESENTATIVE OF THE SECRETARY

Change of Title; Deputy Administrator

7 CFR Part 790 is amended to change the name of the Deputy Administrator, State and County Operations, wherever it appears, to Deputy Administrator, Programs.

This change is applicable to all programs set forth in this Title 7 to which this Part is made applicable by individual program regulations. Since this amendment merely brings the provisions of Part 790 into line with the current designation of the Deputy Administrator, and since correction of the references to the Deputy Administrator should be made as soon as possible in order to inform producers and others, it is hereby found and determined that compliance with the notice and public procedure provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest. Accordingly, this amendment shall become effective August 12, 1976.

Signed at Washington, D.C., on August 6, 1976.

SEELEY G. LODWICK,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.76-23745 Filed 8-12-76;8:45 am]

[Amdt. 2]

PART 791—AUTHORITY TO MAKE PAYMENTS WHEN THERE HAS BEEN A FAILURE TO COMPLY FULLY WITH THE PROGRAM

Change of Title; Deputy Administrator

Change of Title 7 CFR Part 791 is amended to change the name of the Deputy Administrator, State and County Operations, wherever it appears, to Deputy Administrator, Programs.

This change is applicable to all programs set forth in this Title 7 to which this part is made applicable by individual program regulations. Since this amendment merely brings the provisions of Part 791 into line with the current designation of the Deputy Administrator, and since correction of the references to the Deputy Administrator should be made as soon as possible in order to inform producers and others, it is hereby found and determined that compliance with the notice and public procedure provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest. Accordingly, this amendment shall become effective on August 12, 1976.

Signed at Washington, D.C., on August 6, 1976.

SEELEY G. LODWICK,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.76-23746 Filed 8-12-76;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Reg. 52]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period August 15–21, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.352 Lemon Regulation 52.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is less than normal for this time of year due to cooler weather over much of the U.S. Average f.o.b. price was $6.40 per carton the week ended August 7, 1976, compared to $6.49 per carton the previous week. Track and rolling supplies at 150 cars were down 25 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 10, 1976.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period August 15, 1976, through August 21, 1976, is hereby fixed at 265,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

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(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 12, 1976.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-23939 Filed 8-12-76;11:47 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Amdt. 11]

PART 1472—WOOL

Subpart—Payment Program for Shorn Wool and Unshorn Lambs (Pulled Wool) (1966–70)

PRICE SUPPORT PAYMENTS FOR 1969 AND 1970 MARKETING YEARS

Pursuant to the authority granted to the Secretary of Agriculture in Pub. L. 94–312, 90 Stat. 690, dated June 21, 1976, the regulations (7 CFR 1472.1201—1472.1255) issued by Commodity Credit Corporation under the National Wool Act of 1954, as amended (7 U.S.C. 1781 et seq.), containing the requirements with respect to the price support payment program for shorn wool and unshorn lambs (pulled wool) for 1966–70 are amended as provided below. In order to insure the equitable treatment of ranchers and farmers who sold their wool in 1969 and 1970, this amendment shall be effective as to all sales of wool in 1969 and 1970.

Section 1472.1207 is amended by adding the following new paragraph (f):

§ 1472.1207 Marketing within a specified marketing year.

• • • • •

(f) A promissory note or other promise to pay, as well as a check not honored, may be considered as payment to the producer for the wool if the Deputy Administrator, Programs, ASCS, makes a determination that (1) the producer acted in good faith in the marketing of his wool, (2) the wool was not returned to the producer, (3) the producer was not aware and did not suspect that the document tendered in payment for the wool was not worth its face value at the time he accepted the document as payment for the wool, and (4) the producer has made a diligent effort to obtain payment for his wool from the purchaser. In any case where such a determination is made, the amount of the price support payment may be computed on the basis of:

(i) The net sales proceeds received, or

(ii) In the case of any producer who failed to realize the amount provided for in the sales document, the lesser of the following:

(A) The net sales proceeds based on the price the producer would have received had there been no default of payment under such document, or

(B) The fair market value of the commodity concerned at the time of sale.

The Secretary of Agriculture may reconsider any application filed for the payment of price support with respect to any shorn wool and unshorn lambs (pulled wool) marketed during the 1969 and 1970 marketing years and to make such payment adjustments as he determines fair and equitable on the basis of this paragraph (f).

(Sec. 4, 62 Stat. 1070, sec. 5, 62 Stat. 1072 (15 U.S.C. 714b, 714c) secs. 702–708, 68 Stat. 910–912, as amended (7 U.S.C. 1781–1787, as amended).)

Signed at Washington, D.C., on August 6, 1976.

SEELEY G. LODWICK,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.76-23663 Filed 8-12-76;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Grapefruit Reg. 76, Amdt. 9]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Amendment of Grade and Size Regulations

This amendment increases specified grade and size requirements applicable to domestic and export shipments of Florida grapefruit for the period August 16 through September 26, 1976. The amendment is designed to maintain orderly marketing and provide consumers with an ample supply of acceptable quality fruit.

Notice was published in the FEDERAL REGISTER on July 12, 1976 (41 FR 28528), that consideration was being given to a proposal to amend Grapefruit Regulation 76 (§ 905.563; 40 FR 42317, 49785, 54420, 58446; 41 FR 15829, 18673, 19965, 23184, 24575), effective pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposed amendment was recommended by the Shippers Advisory Committee and Growers Administrative Committee, established under said amended marketing agreement and order. The notice provided that all written data, views, or arguments in connection with the proposed amendment be submitted by August 4, 1976. None were received.

The amendment reflects the Department's appraisal of the need for regulation of shipments of Florida grapefruit during the period August 16 through September 26, 1976, based on the available supply and current and prospective demand by domestic and export market outlets. The action is necessary to maintain orderly marketing conditions by preventing the adverse effect on the market caused by shipment of lower-quality and smaller-size grapefruit when more than ample supplies of the more desirable grades and sizes are available to serve consumers' needs. The amendment is consistent with the objectives of the act of promoting orderly marketing and protecting the interest of consumers.

After consideration of all relevant matter presented, including the proposal set forth in the aforesaid notice and other available information, it is hereby found that the regulation of shipments of Florida grapefruit, as hereinafter set forth, is in accordance with said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for making this amendment effective at the time hereinafter set forth and for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) notice of proposed rulemaking concerning this amendment was published in the FEDERAL REGISTER on July 12, 1976 (41 FR 28528), and no objection to such amendment was received; (2) the regulatory provisions are the same as those contained in said notice; and (3) compliance with the regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

Order. In § 905.563 (Grapefruit Regulation 76; 40 FR 42317, 49785, 54420, 58446; 41 FR 15829, 18673, 19965, 23184, 24575) the provisions of paragraph (a) and subparagraphs (1) through (4) thereof and paragraph (b) and subparagraphs (1) and (3) thereof are amended to read as follows:

§ 905.563 Grapefruit Regulation 76.

(a) During the period August 16, 1976, through September 26, 1976, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(1) Any seeded grapefruit, grown in the production area, which do not grade at least U.S. No. 1;

(2) Any seeded grapefruit, grown in the production area, which are of a size smaller than $3^{12}/_{16}$ inches in diameter, except that a tolerance for seeded grapefruit smaller than such minimum diameter shall be permitted as specified in § 51.761 of the United States Standards for Grades of Florida Grapefruit;

(3) Any seedless grapefruit, grown in the production area, which do not grade at least Improved No. 2; or

(4) Any seedless grapefruit, grown in the production area, which are of a size smaller than $3^{9}/_{16}$ inches in diameter, except that a tolerance for seedless grapefruit smaller than such minimum diameter shall be permitted as specified in § 51.761 of the United States Standards for Grades of Florida Grapefruit.

(b) During the period August 16, 1976, through September 26, 1976, no handler shall ship to any destination outside the continental United States other than to Canada or Mexico:

(1) Any seeded grapefruit, grown in the production area, which do not grade at least U.S. No. 1;

(2) • • •

(3) Any seedless grapefruit, grown in the production area, which do not grade at least Improved No. 2; or

(4) • • •

• • • • • •

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.)

Dated: August 11, 1976, to become effective August 16, 1976.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.76-23940 Filed 8-12-76;11:50 am]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-961; Docket No. 28460]

PART 253—COMMISSIONS FOR SALE OF AIR TRANSPORTATION

Adoption of Part

Correction

In FR Doc. 76–21221, appearing at page 30107 in the issue for Thursday, July 22, 1976, the following correction should be made. On page 30108, in the first column, footnote No. 10 should be added to read as follows:

[10] Article XI, 1960 revision, Standard Form of Bilateral Air Transport Agreement.

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C-2828]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

United Audio Products Inc.

Subpart—Coercing and intimidating: § 13.358 Distributors; § 13.370 Suppliers and sellers. Subpart—Combining or conspiring: § 13.405 To discriminate unfairly or restrictively in general; § 13.425 To enforce or bring about resale price maintenance; § 13.430 To enhance, maintain or unify prices; § 13.450 To limit distribution or dealing to regular, established or acceptable channels or classes; § 13.470 To restrain or monopolize trade; § 13.497 To terminate or threaten to terminate contracts, dealings, franchises, etc. Subpart—Controlling, unfairly, seller-suppliers: § 13.530 Controlling, unfairly, seller-suppliers. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533–45 Maintain records; 13.533–45(k) Records, in general; 13.533–65 Renegotiation and/or amendment of contracts. Subpart—Cutting off access to customers or market; § 13.560 Interfering with distributive outlets. Subpart—Cutting off supplies or service: § 13.610 Cutting off supplies or service; § 13.655 Threatening disciplinary action or otherwise. Subpart—Failing to maintain records: § 13.1051 Failing to maintain records. Subpart—Maintaining resale prices: § 13.1145 Discrimination; 13.1145–5 Against price cutters; 13.1145–45 In favor of price maintainers; § 13.1155 Price schedules and announcements; § 13.1160 Refusal to sell; § 13.1165 Systems of espionage; 13.1165–80 Requiring information of price cutting.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 6, 38 Stat. 719, as amended; 15 U.S.C. 45)

In the Matter of United Audio Products Inc., a Corporation

Consent order requiring a Mount Vernon, N.Y., manufacturer, importer and distributor of high fidelity audio components, among other things to cease maintaining resale prices and engaging in restrictive trade practices. Further, the order requires respondent to maintain records; reinstate dealers terminated for non-conformance with previously required pricing schedules and to take appropriate action against those distributors found to be in violation of the order.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:[1]

ORDER

I

It is ordered, That respondent United Audio Products, Inc., a corporation, its successors and assigns and respondent's employees, agents, representatives, including sales representatives or other independent contractors, directly or through any corporation, subsidiary, division or other device, in connection with the manufacture, importation, distribution, offering for sale and sale of high fidelity audio components and other products in or affecting commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Establishing, continuing or enforcing any contracts, agreements, understandings or arrangements with distributors or retail dealers of respondent's products (hereinafter distributors and retail dealers are referred to in this Order as "dealers") which have the purpose or effect of fixing, establishing, maintaining, or enforcing the prices at which respondent's products are to be resold.

2. Fixing, establishing, controlling or maintaining the prices at which dealers may advertise, promote, offer for sale or sell respondent's products.

3. Publishing, disseminating, circulating or providing by any other means, any suggested resale prices; *provided however*, That subsequent to two (2) years after the date on which this Order becomes final, respondent may suggest resale prices if it is clearly and conspicuously stated on each page of any price list, book, tag, advertising or promotional material or other document that the price is suggested.

4. Requiring any dealer to enter into written or oral agreements or understandings that such dealer will adhere to established or suggested prices for respondent's products as a condition to receiving or retaining its dealership.

5. Refusing to sell or threatening to refuse to sell to any dealer who desires to engage in the sale of respondent's products for the reason that such dealer will not enter into an understanding or agreement with respondent to advertise or sell said products at respondent's established or suggested resale price.

6. Threatening to withhold or withholding earned cooperative advertising credits or allowances from any dealer because said dealer advertises respondent's products at retail prices other than that which respondent deems appropriate or has approved.

7. Disseminating or circulating any warranty registration form or any other document which requires or requests that the retail price paid by the ultimate consumer for respondent's products be stated and reported to respondent.

8. Securing or attempting to secure any promises or assurances from dealers or prospective dealers regarding the prices at which such dealers will advertise or sell respondent's products or requesting or requiring any dealer or prospective dealer to obtain approval from respondent for prices offered by said dealers in advertisements for respondent's products.

9. Requiring, soliciting or encouraging any dealer, person or firm either directly or indirectly to report the identity of any dealer, person or firm who does not adhere to any resale or retail price for any of respondent's products, or acting on reports so obtained by refusing or threatening to refuse sales to any dealer, person or firm so reported.

10. Terminating, threatening, intimidating, coercing, delaying shipments, or taking any other action to prevent the sale of respondent's products by a dealer because said dealer has advertised or sold, is advertising or selling, or is suspected of advertising or selling such products at other than prices that respondent may deem to be appropriate or has approved.

11. Establishing, continuing or enforcing, by refusal to sell, termination or threat thereof, delay in shipment or threat thereof, or in any other manner, any contract, agreement, understanding, or arrangement or method of doing business which has the purpose or effect of restricting or limiting in any manner the customers or classes of customers to whom dealers may sell respondent's products.

12. Convening or participating in any meeting for the purpose of undertaking or engaging in any of the acts or practices prohibited by this Order.

In connection with the foregoing provisions under Part I of this Order, it is further provided that after the expiration of five (5) years from the date this Order becomes final, nothing contained in this Order shall prohibit respondent from lawfully exercising such rights, if any, as it may have to distribute and establish resale prices for its products under fair trade laws then in effect.

II

It is further ordered, That respondent shall:

[1] Copies of the Complaint, Decision and Order filed with the original document.

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1. Forthwith upon this Order becoming final, mail or deliver, and obtain signed receipts therefor, copies of this Order to every present dealer, to every dealer terminated by respondent since January 1, 1972 and to every new dealer for a period of three (3) years.

2. Forthwith distribute a copy of this Order to each of its operating divisions and subsidiaries and to all officers, sales personnel, sales agents, sales representatives and advertising agencies and secure from each such entity or person a signed statement acknowledging receipt of said Order.

3. Within thirty (30) days from the date on which this Order becomes final, mail or deliver, and obtain a signed receipt therefor, written notice to all of respondent's sales personnel, sales agents and sales representatives and advertising agencies informing such persons that their violation of any provision of this Order may result in the termination of said employment or business relationship. Respondent shall obtain prior approval from the New York Regional Office of the Federal Trade Commission of said written notification.

4. Forthwith terminate the employment or business relationship with any person or firm willfully violating any provision of this Order and take appropriate disciplinary and corrective action, which may include termination, for nonwillful violation.

5. Within sixty (60) days from the date on which this Order becomes final, mail or deliver, and obtain a signed receipt therefor, a written offer of reinstatement upon the same terms and conditions available to respondent's other dealers, to any distributor or dealer located in an area where resale prices were not or could not be lawfully controlled who was terminated by respondent from January 1, 1972 to the effective date of this order unless respondent can establish that the dealer terminated does not or did not at the time of termination have good credit or that the dealer does not have reasonably adequate facilities for selling respondent's products, and forthwith reinstate any such distributor or dealer who within thirty (30) days thereafter requests, in writing, reinstatement.

III

It is further ordered, That respondent:

1. Notify the Commission at least thirty (30) days prior to any proposed change in the respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation of or dissolution of subsidaries or any other such change in the corporation which may affect compliance obligations arising out of the Order.

2. For a period of three (3) years from the date this Order becomes final, establish and maintain a file of all records referring or relating to respondent's refusal during such period to sell its products to any dealer, which file shall contain a record of a communication to each such dealer explaning respondent's refusal to sell, and which file will be made available for Commission inspection on reasonable notice; and, annually, for a period of three (3) years from the date hereof, submit a report to the Commission's New York Regional Office listing the names and addresses of all dealers with whom respondent has refused to deal during the preceding years, a description of the reason for the refusal and the date of the refusal.

IV

It is further ordered, That in the event the Commission hereafter issues any Order which is less restrictive than the provisions of Paragraphs I, II, or III, Sections 1 through 12, of this Order, in any proceeding involving alleged resale price maintenance of a manufacturer or supplier of audio components subject to investigation by the Commission pursuant to File No. 741 0042, then the Commission shall, upon the application of United Audio Products, Inc., reconsider this Order and may reopen this proceeding in order to make whatever revisions, if any, are necessary to bring the foregoing paragraphs into conformity with the less stringent restrictions imposed upon respondent's competitors.

The Decision and order was issued by the Commission July 12, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-23586 Filed 8-12-76;8:45 am]

Title 19—Customs Duties

CHAPTER I—CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 76-225]

PART 159—LIQUIDATION OF DUTIES

Countervailing Duties—Cap Screws From Italy

On February 17, 1976, a Notice of Preliminary Countervailing Duty Determination was published in the FEDERAL REGISTER (41 FR 7157). The notice stated that on the basis of an investigation conducted pursuant to § 159.47(c), Customs Regulations (19 CFR 159.47(c)), a preliminary determination was made that bounties or grants are being paid or bestowed, directly or indirectly, within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to in this notice as "the Act") on the manufacture, production or exportation of iron or steel cap screws, ¼" in diameter and over, from Italy. Measures preliminarily determined to constitute bounties or grants included certain tax rebates under Italian Law 639. The program involves the rebate of both basic rate and specific incidence taxes to manufacturers and exporters of certain steel products, including cap screws.

The notice stated that certain portions of the Italian Law 639 rebates, which are the subject of this investigation, have been determined in previous proceedings under the Act to constitute bounties or grants within the meaning of the Act.

The notice further stated that before a final determination would be made in the proceeding, consideration would be given to any relevant data, views or arguments submitted in writing within 30 days from the date of publication of the notice of preliminary determination.

After consideration of all information received, it is hereby determined that bounties or grants are paid or bestowed, directly or indirectly, on exports of iron or steel cap screws, ¼" in diameter and over, from Italy within the meaning of section 303 of the Act. The bounties or grants are in the form of rebates of the basic rate taxes, which include Customs duties and border fees related to importations of plant and equipment, various stamp taxes, mortgage taxes, publicity taxes, surtaxes, taxes on governmental licenses and permits, and registration taxes.

Accordingly, notice is hereby given that iron or steel cap screws, ¼" in diameter and over imported directly or indirectly from Italy, if entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the FEDERAL REGISTER, will be subject to payment of countervailing duties equal to the net amount of any bounty or grant determined or estimated to have been paid or bestowed.

Effective on or after the date of publication of this notice in the FEDERAL REGISTER and until further notice, upon the entry for consumption or withdrawal from warehouse for consumption of such dutiable iron or steel cap screws, ¼" in diameter and over, imported directly or indirectly from Italy, which benefit from bounties or grants, there shall be collected, in addition to any other duties estimated or determined to be due, countervailing duties in the amount of 15 Lire per kilo.

Any merchandise subject to the terms of this order shall be deemed to have benefited from a bounty or grant if such bounty or grant has been or will be paid or credited, directly or indirectly, upon the manufacture, production, or exportation of such iron or steel cap screws.

§ 159.47 [Amended]

The table in § 159.47(f) of the Customs Regulations (19 CFR 159.47(f)) is amended by inserting in the column headed "Country", the name "Italy." The column headed "Commodity" is amended by inserting the words "Cap screws, ¼" in diameter and over, of iron or steel." The column headed "Treasury Decision" is amended by inserting the number of this Treasury Decision, and the words "Bounty Declared—Rate" in the column headed "Action."

(Sec. 303 of the Act. (R.S. 251, as amended, secs. 303, as amended, 624, 46 Stat. 687, 759; (19 U.S.C. 66, 1303, 1624))).

G. R. DICKERSON,
Acting Commissioner of Customs.

Approved: August 9, 1976.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76-23595 Filed 8-12-76;8:45 am]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1952—APPROVED STATE PLANS FOR THE ENFORCEMENT OF STATE STANDARDS

Arizona Plan—Approved Supplements; Correction

FR Doc. No. 76-22007 appearing in the issue of July 30, 1976 (41 FR 31812) contained an inadvertent omission in the last line of § 1952.354(g). The date in that line should be "July 22, 1976". As corrected, § 1952.354(g) reads as follows:

§ 1952.354 Completed developmental steps.

* * * * *

(g) In accordance with the requirements of § 1952.10, the Arizona State poster was approved by the Assistant Secretary on July 22, 1976.

Signed at Washington, D.C., this 9th day of August 1976.

B. M. CONCKLIN,
Deputy Assistant Secretary of Labor.

[FR Doc.76-23792 Filed 8-12-76;8:45 am]

PART 1952—APPROVED STATE PLANS FOR THE ENFORCEMENT OF STATE STANDARDS

Hawaii Plan; Level of Federal Enforcement

1. *Background.* Part 1954 of Title 29, Code of Federal Regulations, sets out procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act) for the evaluation and monitoring of State plans which have been approved under section 18(c) of the Act and 29 CFR Part 1902. Section 1953.4 of this chapter provides guidelines and procedures for the exercise of discretionary Federal enforcement authority under section 18(e) of the Act with regard to Federal standards in issues covered under an approved State plan. In accordance with § 1954.3(b) of this chapter, Federal enforcement authority will not be exercised as to occupational safety and health issues covered under a State plan where a State is operational. A State is determined to be operational under § 1954.3(b) of this chapter when it has provided for the following requirements: enacted enabling legislation, approved State standards, a sufficient number of qualified enforcement personnel and provisions for review of enforcement actions. In determining whether and to what extent a State plans meets the operational guidelines, the results of evaluations conducted under 29 CFR Part 1954 are taken into consideration. Once this determination has been made, under § 1954.3(f) of this chapter, a notice of the determination of the operational status of a State plan as described in an agreement setting forth the Federal-State responsibilities is to be published in the FEDERAL REGISTER.

2. *Notice of Hawaii Operational Agreement.* (a) In accordance with the provisions of § 1954.3(f) of this chapter, notice is hereby given that it has been determined that Hawaii has met the following conditions for operational status:

(1) Enactment of Hawaii Revised Statutes, Chapter 396, (Hawaii Occupational Safety and Health Law) effective May 16, 1972, and amendments which became effective June 4, 1974, and May 6, 1975.

(2) Promulgation of State standards covering all issues as defined by 29 CFR Parts 1910 and 1926, with the exception of Federal maritime standards covered by 29 CFR 1910.13 through 1910.16. On March 11, 1974, the State adopted Federal standards on an emergency basis. On July 11, 1974, Hawaii promulgated one set of State standards which integrates the standards contained in 29 CFR Part 1910 and Part 1926. State standards covering issues defined in Subparts E, F, H, I, J, L, M, O and R of 29 CFR Part 1910 were found to be at least as effective as the comparable Federal standards and were approved by the Assistant Secretary on December 28, 1973 (39 FR 1010). State standards covering issues defined by Subparts D, G, K, N, P, Q and S of 29 CFR Part 1910 and by 29 CFR Part 1926 were found to be at least as effective as the comparable Federal standards and were approved by the Regional Administrator in accordance with 29 CFR 1953.4, effective December 27, 1974 (39 FR 44823).

(3) A sufficient number of qualified safety and health personnel employed under an approved merit system: namely, fourteen (14) Occupational Safety and Health Compliance Officers and five (5) Environmental Health Specialists as of January 5, 1976.

(4) Operation since March 1974, of a review and appeals system under the Labor and Industrial Relations Appeals Board, providing the mechanism for employers and employees to contest enforcement actions and/or abatement dates. The Rules of Practice and Procedure of the Labor and Industrial Relations Appeals Board were promulgated on September 4, 1970.

(5) State enforcement of Federal standards from March 11, 1974 through July 11, 1974, and of State standards since July 11, 1974, monitored under Subpart C of Part 1954, including three semi-annual evaluations covering the period from March 1, 1974 through September 30, 1975.

(b) In addition, the State has provided under its plan for:

(1) Notification to employers and employees since November, 1974, of rights and responsibilities under the Hawaii Occupational Safety and Health Law by requiring the display of a State poster in all work places covered by the plan, which poster was approved by the Assistant Secretary on February 4, 1975 (40 FR 6336).

(2) Occupational accident and illness recordkeeping and reporting by employers covered under the plan, effective April, 1974.

(3) Responding to complaints filed with or referred to the Hawaii Department of Labor and Industrial Relations for violation of the prohibition against discrimination by employers against employees for exercising their rights under the Hawaii Occupational Safety and Health Law.

(4) Assurances of the rights of employers and employees and their representatives consistent with the provisions of the Federal Act and its implementing regulations.

Pursuant to this finding, an agreement effective May 9, 1976, and incorporated as part of the Hawaii plan has been entered into between Joshua C. Agsalud, Director, Department of Labor and Industrial Relations, and Gabriel J. Gillotti, Regional Administrator for Occupational Safety and Health of the U.S. Department of Labor, providing that Federal enforcement activity under section 18(e) of the Act will not be initiated with regard to Federal occupational safety and health standards in the issues covered under 29 CFR Part 1910 and Part 1926, where State standards are in effect and operational, except those areas listed below retained and/or exercised by the Federal Government under the Act.

Under the agreement, Federal responsibility under the Act will continue to be exercised, among other things, with regard to: Complaints about violations of the discrimination provisions of section 11(c) of the Act (29 U.S.C. 660); enforcement of standards promulgated under the Act subsequent to the agreement where necessary to protect employees as in the case of temporary emergency standards promulgated under section 6(c) of the Act (29 U.S.C. 655(c)), until such time as the State shall have adopted equivalent standards in accordance with Subpart C of 29 CFR Part 1953; enforcement of the agricultural standards of 29 CFR Part 1928 until such time as the State shall have promulgated comparable agricultural standards; enforcement of Federal standards in the maritime and longshoring issues covered by 29 CFR 1910.13 through 1910.16, which issues have been specifically excluded from coverage under the plan; and investigations and inspections for the purpose of evaluating the State plan under sections 18 (c) and (f) of the Act (29 U.S.C. 667 (e) and (f)).

In accordance with this agreement and effective as of May 19, 1976, Subpart Y of Part 1952 is hereby amended as set forth below:

Section 1952.312 is revised to read as follows:

§ 1952.312 Level of Federal enforcement.

Pursuant to §§ 1902.20(b)(1)(iii) and 1954.3 of this chapter under which an agreement has been entered into with Hawaii, effective May 19, 1976, and based on a determination that Hawaii is operational in the issues covered by the Hawaii occupational safety and health plan, discretionary Federal enforcement authority under section 18(e) of the Act (29 U.S.C. 667(e)) will not be initiated with regard to Federal occupational safety and health standards in issues covered under 29 CFR Part 1910 and 29 CFR Part 1926. The U.S. Department of Labor will continue to exercise authority, among other things, with regard to complaints filed with the U.S. Department of Labor about violations of the

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discrimination provisions of section 11 (c) of the Act (29 U.S.C. 660(c)); Federal standards promulgated subsequent to the agreement where necessary to protect employees, as in the case of temporary emergency standards promulgated under section 6(c) of the Act (29 U.S.C. 655(c)), in the issues covered under the plan and the agreement until such time as Hawaii have adopted equivalent standards in accordance with Subpart C of 29 CFR Part 1953; agricultural standards of 29 CFR Part 1928 until such time as Hawaii shall have promulgated comparable agricultural standards; standards in the maritime issues covered by 29 CFR 1910.13 through 1910.16, which issues have been specifically excluded from coverage under the plan; investigations and inspections for the purpose of the evaluation of the Hawaii plan under sections 18 (e) and (f) of the Act (29 U.S.C. 667 (e) and (f)); and the completion of enforcement activities conducted prior to the effective date of the operational agreement. The Regional Administrator for Occupational Safety and Health will make a prompt recommendation for the resumption of the exercise of Federal enforcement authority under section 18 (e) of the Act (29 U.S.C. 667(e)) whenever, and to the degree, necessary to assure occupational safety and health protection to employees in Hawaii.

(Secs. 8(g)(2), 18, Pub. L. 91-596, 84 Stat. 1600, 1608 (29 U.S.C. 657(g)(2), 667).)

Signed at Washington, D.C., this 9th day of August 1976.

B. M. CONCKLIN,
Deputy Assistant Secretary of Labor.

[FR Doc.76-23730 Filed 8-12-76;8:45 am]

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Kentucky Public Service Commission State Poster; Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act) for review of changes and progress in the development and implementation of State plans which have been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On July 31, 1973, notice was published in the FEDERAL REGISTER of the approval of the Kentucky Plan and the adoption of Subart Q of Part 1952 containing the decision and describing the plan (38 FR 20322). On May 24, 1976, Kentucky submitted a supplement to the plan involving a developmental change. (See Subpart B, 29 CFR Part 1953.) The supplement contains the Kentucky Safety and Health Poster for use by the Public Service Commission which serves as the State agency in the administration of the occupational safety and health law with respect to utilities. The poster is to be posted at all Public Service Commission covered workplaces in the State.

2. *Description of the poster.* The Kentucky Public Service Commission Safety and Health Poster for use by those utilities regulated by the Public Service Commission contains, among other things, provisions notifying employees of their obligations and protections under the Kentucky Occupational Safety and Health legislation (KRS Chapter 338); their right to request inspections and their right to remain anonymous as a result; their right to participate in inspections; their protection against discharge or discrimination under both Federal and State law; and their right to file complaints about the administration of the State program with the Occupational Safety and Health Administration. The poster also contains provisions for sanctions and for prompt notice to employers and employees when alleged violations occur.

3. *Location of the plan and its supplement for inspection and copying.* A copy of this supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Room N-3112, 200 Constitution Avenue, NW., Washington, D.C. 20210; Office of the Regional Administrator, Occupational Safety and Health Administration, Suite 587, 1375 Peachtree Street, NE., Atlanta, Georgia 30309; and Office of the Commissioner of Labor, Kentucky Department of Labor, Capital Plaza Tower, Frankfort, Kentucky 40601.

4. *Public participation.* Under § 1953.2 (c) of this chapter the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) may prescribe alternative procedures to expedite the review process or for any other good cause which may be consistent with applicable law. The Assistant Secretary finds that the Kentucky Public Service Commission Safety and Health Poster incorporates all of the provisions required under 29 CFR 1952.10(a)(5) and 29 CFR 1903.2(a)(3) (39 FR 39036). Accordingly, it is felt that further opportunity for public comment and notice is unnecessary.

5. *Decision.* After consideration, the Kentucky Public Service Commission Safety and Health Poster described above is approved under Part 1953. This decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally. In accordance with the provisions of 29 CFR 1903.2 (a)(2), posting of this Kentucky poster by utility employers regulated by the Public Service Commission shall constitute compliance with the posting requirements of section 8(c)(1) of the Act. In addition Subpart Q is hereby amended to reflect completion of a developmental step by redesignating the existing text of § 1952.234 as paragraph (a) and adding a new paragraph (b) to read as follows:

§ 1952.234 Completed developmental steps.

* * * * *

(b) In accordance with the requirements of § 1952.10 the Kentucky Public Service Commission Safety and Health Poster was approved by the Assistant Secretary on August 9, 1976.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667).)

Signed at Washington, D.C., this 9th day of August 1976.

B. M. CONCKLIN,
Deputy Assistant Secretary of Labor.

[FR Doc.76-23731 Filed 8-12-76;8:45 am]

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Tennessee Plan; Amendment to Level of Federal Enforcement

1. *Background.* Part 1954 of Title 29, Code of Federal Regulations, sets out procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act) for the evaluation and monitoring of State plans which have been approved under section 18(c) of the Act and 29 CFR Part 1902. Section 1954.3 of this chapter provides guidelines and procedures for the exercise of discretionary Federal enforcement authority under section 18(e) of the Act with regard to Federal standards in issues covered under an approved State plan. In accordance with § 1954.3(b) of this chapter, Federal enforcement authority will not be exercised as to occupational safety and health issues covered under a State plan where a State is operational.

A State is determined to be operational under § 1954.3(b) of this chapter when it has provided for the following requirements: Enacted enabling legislation, approved State standards, a sufficient number of qualified enforcement personnel and provisions for the review of enforcement actions. In determining whether and to what extent a State plan meets the operational guidelines, the results of evaluations conducted under 29 CFR Part 1954 are taken into consideration. Once this determination has been made, under § 1954.3(f) of this chapter, a notice of the determination of the operational status of a State plan as described in an agreement setting forth the Federal-State responsibilities is to be published in the FEDERAL REGISTER.

On December 23, 1974, notice was published in the FEDERAL REGISTER (39 FR 44200) that it had been determined that Tennessee had met the conditions for operational status and of the signing of an agreement effective November 11, 1974, between Eugene W. Fowinkle, Commissioner of the Tennessee Department of Public Health, Ben O. Gibbs, Commissioner of the Tennessee Department of Labor, and Donald E. MacKenzie, Regional Administrator for Occupational Safety and Health.

On February 2, 1976, the Supreme Court of Tennessee held in the case of *"Fowinkle vs. Southern Railway Company,"* 553 S.W. 2d 278 (1976) that railroad employers are not covered under the Tennessee Occupational Safety and Health Act of 1972 (hereinafter referred to as TOSHA) (Title 50, chapter 5, TCA).

2. *Notice of the amendment to Tennessee operational agreement.* In accordance with § 1954.3(f)(3) of this chapter, notice is hereby given that an agreement effective April 14, 1976, and incorporated as part of the Tennessee plan has been entered into between Eugene Fowinkle, Commisioner of the Tennessee Department of Public Health, James G. Neeley, Commissioner of the Tennessee Department of Labor, and Donald E. Mackenzie, Regional Administrator for Occupational Safety and Health, the U.S. Department of Labor, to amend the agreement that became effective November 11, 1974, in that Federal responsibility under the Act will be exercised with regard to working conditions in railroads, except as to working conditions as to which other Federal agencies exercise statutory authority to prescribe or enforce standards or regulations affecting occupational safety or health. This Federal responsibility will continue only until such time as the State is able to reassume jurisdiction in this area.

The agreement is subject to revision or termination by the Assistant Secretary of Labor for Occupational Safety and Health upon substantial failure by the State to comply with any of its provisions, or when the results of evaluation under 29 CFR Part 1954 reveal that State operations covered by the agreement fail in a substantial manner to be at least as effective as the Federal program.

In accordance with this agreement and effective as of April 14, 1976, Subpart P of 29 CFR Part 1952 is hereby amended as set forth below.

Section 1952.222 is amended to read as follows:

§ 1952.222 Level of Federal enforcement.

Pursuant to § 1902.20(b)(1)(iii) and § 1954.3 of this chapter under which an agreement has been entered into with Tennessee, effective November 11, 1974, and as amended April 14, 1976, and based on a determination that Tennessee is operational in issues covered by the Tennessee occupational safety and health plan, discretionary Federal enforcement authority under section 18(e) of the Act (29 U.S.C. 667(c)) will not be initiated with regard to Federal occupational safety and health standards in issues covered under Part 1910 and Part 1926 of this chapter. The U.S. Department of Labor will continue to exercise authority, among other things, with regard to: Complaints filed with the U.S. Department of Labor about violations of the discrimination provisions of section 11 (c) of the Act (29 U.S.C. 660(c)); Federal standards promulgated subsequent to the agreement where necessary to protect employees, as in the case of temporary emergency standards promulgated under section 6(c) of the Act (29 U.S.C. 655(c)), in the issues covered under the plan and the agreement until such time as Tennessee shall have adopted equivalent standards in accordance with Subpart C of Part 1953 of this chapter; Standards in §§ 1910.13 through 1910.16 of this chapter which issues have been specifically excluded from coverage under the Tennessee plan; working conditions in railroads, except working conditions as to which other Federal agencies exercise statutory authority to prescribe or enforce standards or regulations affecting occupational safety and health; and investigations and inspections for the purpose of the evaluation of the Tennessee plan under section 18 (e) and (f) of the Act (29 U.S.C. 667 (e) and (f)). The Regional Administrator for Occupational Safety and Health will make a prompt recommendation for resumption of exercise of Federal enforcement authority under section 18(e) of the Act (29 U.S.C. 667(e)) whenever, and to the degree, necessary to assure occupational safety and health protection to employees in Tennessee.

(Secs. 8(g)(2), 18, 84 Stat. 1600, 1608 (29 U.S.C. 657(g)(2), 667).)

Signed at Washington, D.C., this 3rd day of August 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-23732 Filed 8-12-76;8:45 am]

Title 32—National Defense

CHAPTER V—DEPARTMENT OF THE ARMY

PART 581—PERSONNEL REVIEW BOARDS

Army Discharge Review Board; Procedural Rules

The Army Discharge Review Board has revised its rules of procedure which presently appear in 32 CFR 581.2. The revised rules were effective on April 30, 1976 and will apply to all cases pending before the Army Discharge Review Board as well as to new appeals. These rules will revise the present coverage in 32 CFR 581.2.

Since the rules specify Agency procedure to be followed, notice of proposed rule making and the procedures thereto are not necessary.

Dated: July 29, 1976.

WILLIAM E. WEBER,
Colonel, Infantry, President, Army Discharge Review Board.

In consideration of the foregoing and for the reasons given by the authority of section 301, title I, act of 22 June 1944 (10 U.S.C. 1553), 32 CFR 581.2 is revised as follows:

§ 581.2 Army Discharge Review Board.

(a) Constitution, applicability, purpose, and jurisdiction.

(1) The Army Discharge Review Board (ADRB), an entity which may consist of such number of panels as the Secretary of the Army may deem necessary, is an administrative agency created within the Department of the Army, under authority of section 301, title I, act of June 22, 1944 (10 U.S.C. 1553) to review on its own motion or upon application by or on behalf of the individual concerned, the discharge or dismissal of former members of the Army. The scope of the inquiry of the ADRB will be to determine whether the discharge received was equitably and properly given. When the ADRB determines in an individual case that the discharge was not equitably and properly given, it is authorized, in the manner herein prescribed, to direct The Adjutant General to take appropriate action, that is, to change, correct, or modify any discharge or dismissal, and to issue a new discharge, such direction being subject to review and modification by the Secretary of the Army. Such remedial action is intended primarily to insure that no discharged or dismissed former member of the Army will be deprived unjustly of any benefit provided by law for former members of the military service by reason of a type of discharge or dismissal inequitably or improperly given.

(2) The ADRB will not review a discharge or dismissal given by reason of the sentence of general court-martial.

(3) The ADRB has no authority to revoke any discharge or dismissal, to reinstate any person in the military service subsequent to his discharge or dismissal, or to recall any person to active duty.

(b) Definitions. (1) ADRB. An administrative agency (entity) designated by the Secretary of the Army consisting of one or more panels.

(2) ADRB Panel. A panel consisting of five officers for the purpose of hearing a discharge review appeal. Panels are located at Washington, D.C. and at such field installations as designated by the Secretary of the Army.

(3) ADRB Field Panel. A panel located at fixed field installations as designated by the Secretary of the Army.

(4) ADRB Traveling Panel. A panel designated to hear a discharge review appeal at locations other than Washington, D.C. and the fixed field installations.

(5) ADRB Hearing Examiner. An experienced ADRB panel member designated to conduct a video tape hearing.

(6) President of the ADRB. An officer designated by the Secretary of the Army to control operations of the ADRB and its panels. Only the president of the ADRB will execute action under this regulation in the name of the Secretary. In the event of absence or inconvenience of the president of the ADRB, the next senior line officer member on the ADRB in Washington, D.C., will serve as acting president for all purposes.

(7) Presiding Officer. The senior line officer member of any ADRB panel convened by the president of the ADRB for the purpose of conducting hearings.

(8) Secretary-Recorder of the ADRB. An officer designated by the president of the ADRB performing the functions as directed, and with the authority to administer oaths in accordance with Article 136, Uniform Code of Military Justice.

(9) Alternate Secretary-Recorder. An officer designated by the president of the ADRB to exercise certain secretary-recorder functions for a panel of the ADRB.

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(10) Legal Advisor of the ADRB. An officer of the Judge Advocate General's Corps assigned to the ADRB to provide opinions and guidance on legal matters relating to ADRB functions.

(11) Medical Consultant of the ADRB. An officer of the Army Medical Corps assigned to the ADRB to provide opinions and guidance on medical matters relating the ADRB functions.

(12) Members of the ADRB. Officers assigned to or, when authorized by the Secretary of the Army upon request by the president of the ADRB, detailed by installation commanders to hear discharge review cases as scheduled by the president of the ADRB.

(13) Applicant. An ex-service member of the Army who, in accordance with statutory and regulatory provisions, requests to have an appeal heard by the ADRB.

(14) Counsel. Any individual designated by the applicant to represent him in his appeal before the ADRB or an accredited representative of an organization recognized by the Administration for Veterans Affairs, chapter 39, United States Code. Under no circumstances will counsel, compensation for counsel, or travel expenses for applicant or counsel be provided by agencies of the United States Army.

(15) Video Tape Hearing. A hearing conducted by an ADRB Hearing Examiner at which an applicant is given the opportunity to present his appeal to the Hearing Examiner, with the entire presentation, including cross-examination by the Hearing Examiner recorded on video tape. This video tape presentation is later displayed to an ADRB panel designated by the president of the ADRB. Video tape hearings shall be conducted only at the request of the applicant and with the concurrence of the president of the ADRB.

(c) Composition. (1) Members. (i) As designated by the Secretary of the Army, the ADRB will have one or more panels, each consisting of five officers with the senior line officer member of each panel acting as presiding officer.

(ii) The president of the ADRB is designated by the Secretary of the Army and is responsible for the operation of the ADRB and its panels. He will prescribe the operating procedures of the panels and schedule hearings by the panels.

(iii) For the purpose of maintaining the number of members needed to conduct hearings, additional members may be appointed to the ADRB by the Secretary or be detailed to a panel by an installation commander when requested by the president of the ADRB. In any proceeding a member who has not been present at prior sessions of a panel may participate thereafter if that member has read or has read to him the record of proceedings held during his absence of prior to his participation.

(2) Secretary-Recorder. (i) The secretary-recorder and designated alternate secretary-recorders shall have authority to administer oaths as granted in Article 136. Uniform Code of Military Justice, and shall perform such other duties as requested by the president of the ADRB. The secretary-recorder or alternate secretary-recorders will not serve as counsel for the applicant nor for the Government.

(ii) The alternate secretary-recorders of panels tenanted at installations outside the Washington, D.C., area shall, as directed by the president of the ADRB, cordinate the activities of panels conducting hearings at such installations and shall be suported by installation commanders as established by separate directive. The alternate secretary-recorders will report directly to the president of the ADRB.

(d) Administrative personnel. Such administrative personnel as are required for the proper functioning of the ADRB and its panels will be furnished by the Secretary of the Army or by installation commanders when so directed by the Secretary of the Army.

(e) Application for review. (1) The applicant will submit a written request for a review by the ADRB and such other statements or affidavits as he desires to present.

(2) The request will be made on a DD Form 293 (Application for Review of Discharge or Separation from the Armed Forces of the United States) which may be requisitioned through normal publications supply channels. When an individual is requested to complete DD Form 293, he will be given a copy of DD Form 293—Privacy Act Statement (fig. 1). DD Form 293—Privacy Act Statement will be reproduced on 8 x 10½ inch paper. The request will state in brief the full name, service number and/or social security number, and grade and organization or assignment at date of discharge of the period whose discharge or dismissal is in question; the date and place of discharge; the type and nature of the discharge or dismissal; the basis of the claim for review; what corrective action is desired of the ADRB; whether the applicant desires to be represented by counsel before a panel of the ADRB and, if so, the name and address of counsel so designated; and the address to which all correspondence in connection with the review is to be sent.

(3) The request will be signed by the former officer or enlisted man or woman or, if deceased, by the surviving spouse, next-of-kin, or legal representative. If former member is deceased, proof of death must accompany the request. If the applicant is mentally incompetent, his or her spouse, next-of-kin, or legal guardian will sign the request. Such requests must be accompanied by legal proof of the mental incompetency.

(4) No application for review will be granted unless received by the Department of the Army within 15 years after the date of the discharge or dismissal.

(5) The request for review will be forwarded to:

Commander, US Army Reserve Components Personnel & Administration Center, 9700 Page Boulevard, St. Louis, MO 63132.

(6) Upon receipt of an application, The Adjutant General will verify that the provisions of paragraphs (e) (2) and (3) of this section have been met. The Adjutant General will then assemble the originals or certified copies of all available Department of the Army records pertaining to the former service man or woman named in such application. Such records, together with the application and any supporting documents, will be transmitted to the president of the ADRB, Washington, D.C.

(f) Convening of a panel of the ADRB. (1) Panels located in Washington, D.C., will be convened at the call of the president of the ADRB. Panels designated to conduct hearings in other locations will convene at the time and place indicated by the president of the ADRB to consider cases directed to the panels by him in accordance with established procedures. Presiding officers may, when authorized by the president of the ADRB, modify the time and place of scheduled hearings, and will recess and adjourn the panels in accordance with established procedures.

(2) Panels of the ADRB will assemble in open or closed session for the consideration and determination of cases presented to them. Cases in which no request for either a personal or video tape hearing is made by the applicants will be considered only by a panel in Washington, D.C., in closed session on the basis of all documentary evidence presented to the ADRB, including any briefs submitted by the applicant. Cases in which the applicant has elected to present his appeal by means of a video tape hearing will be considered only by a panel in Washington, D.C., in closed session on the basis of the video tape and all documentary evidence presented to the ADRB, including any briefs submitted by the applicant.

(g) Hearings. (1) General. (i) An applicant, upon request, is entitled by law to appear before a panel of the ADRB in open session, either in person or by counsel of his selection. As used in this regulation, the term "counsel" will be construed to include members of the Federal bar in good standing, the bar of any State in good standing, accredited representatives of veterans' organizations recognized by the Veterans Administration under 72 Stat. 1238; 38 U.S.C. 3402 and such other persons not barred by law, regulations, or customs who, in the opinion of the panel, are considered to be competent to present equitably and comprehensively the claim of the applicant for review. In no case will the expenses or compensation of counsel for the applicant be paid for by the Government.

(ii) An applicant may, upon request and for his own convenience, be offered an opportunity to appear by video tape hearing. The use of such video tape hearings is encouraged, in appropriate cases, since it does not require the applicant and his counsel to travel to the panel location. Video tape hearings will be conducted as directed by the president of the ADRB.

(iii) In every case in which either a personal or video tape hearing is requested, the ADRB will transmit to the applicant and to designated counsel for the applicant, if any, a written notice

stating the time and place of hearing. The record will contain evidence that written notice to the applicant and his counsel, if any, has been given.

(iv) An applicant who requests either a personal or video tape hearing and who, after being duly advised of the time and place of hearing, fails to appear without previous satisfactory arrangement with the ADRB will be considered as having waived his right of appearance. In such cases, the applicant's case will be presented only to a panel in Washington, D.C., and will be reviewed on the evidence contained in his military record or any other evidence which may have been provided by the applicant.

(2) Conduct of hearing. (i) Conduct of hearings will be in accordance with this regulation. Applicant and/or his counsel may have access to the records considered by the panel in the case except such classified material the disclosure of which would jeopardize defense interests of the United States. When necessary to acquaint the applicant with the substance of a document classified by intelligence agencies, the Assistant Chief of Staff for Intelligence, Department of the Army, on the request of the ADRB will prepare a summary of, or extract from the document, deleting all references to sources of information and other matter the disclosure of which, in his opinion, would be detrimental to the defense interests of the United States.

(ii) In the conduct of its inquiries, the ADRB and its panels will not be limited by the restrictions of common law rules of evidence.

(iii) In all cases in which the applicant appears in person or by video tape hearing, or in which counsel makes an appearance for the applicant, the president of the ADRB shall cause a sufficient record of the proceedings and testimony to be prepared.

(3) Witnesses. The testimony of witnesses may be presented either in person or by affidavits. If a witness testifies in person he will be subject to examination by members of the panel.

(4) Continuances. A panel may continue a hearing on its own motion. A request for continuance by or on behalf of the applicant may be granted at the discretion of the panel, if a continuance appears necessary to insure a full and fair hearing.

(5) Withdrawal. An applicant may withdraw his request for review at any time without prejudice.

(6) Expenses. Expenses incurred by the applicant, his witnesses, or in the procurement of their testimony, whether in person or by affidavit, will not be paid by the Government.

(7) Challenges. Challenges shall be for cause only and will be ruled on by the presiding officer, or the next senior line officer member if the presiding officer is challenged. Applicants who elect to appear by video tape hearing will be considered to have waived their right to challenges for cause.

(h) Finding and conclusion of a panel of the ADRB. (1) The panel will make a finding in closed session in each case as to whether the applicant was or was not properly discharged.

(2) On the basis of its finding in each case the panel, in closed session, will prepare a conclusion as to whether corrective action will be taken by the Department of the Army with respect to the discharge under consideration. No corrective action which exceeds the jurisdiction of the ADRB, as defined in paragraph (a), will be taken.

(3) The finding and conclusion of a majority of the panel will constitute the finding and conclusion of the panel.

(4) When in the judgment of the president of the ADRB, the finding and/or conclusion of a Field Panel of the ADRB may be contrary to law, regulation or policy, or may be inequitable or not supported by the evidence in the record of hearing, he will cause one of the following actions to be taken:

(i) Return the case to the Field Panel for a review and submission of detailed rationale.

(ii) Submit the case without comment to a Review Panel consisting of five officers in the grade of 0-6. This Review Panel will review the case and take one of the following actions:

(A) When the Review Panel determines that the Field Panel's finding and conclusion is contrary to law, regulation or policy, or is not supported by the evidence, the Review Panel shall submit an advisory opinion and rationale, and, by majority vote, shall submit a recommended finding and conclusion.

(B) When the Review Panel determines that the Field Panel's finding and conclusion was unanimous and is not contrary to law, regulation or policy, and is supported by the evidence, the Review Panel shall submit only an advisory opinion and rationale, including its judgment as to an equitable resolution.

(C) When the Review Panel determines that the Field Panel's finding and conclusion was not unanimous (whether a minority report was submitted or not) and is not contrary to law, regulation or policy, and is supported by the evidence, the Review panel shall submit an advisory opinion and rationale, including its judgment as to an equitable resolution, and, by unanimous vote, may submit a recommended finding and conclusion.

(iii) Upon receipt of the Review Panel's advisory opinion and rationale, and recommendations, the president of the ADRB may take action to approve or reject the Field Panel's finding and conclusion and, if rejected, substitute therefore the Review Panel's recommended finding and conclusion. In any case in which the Field Panel's finding and conclusion is not contrary to law, regulation or policy, and is supported by the evidence, and in which a minority report was submitted but the Review Panel did not, by unanimous vote, submit a recommended finding and conclusion, the complete case with the minority report and majority comments, together with the Review Panel's advisory opinion and rationale, shall be submitted by the president of the ADRB to the Office of the Secretary of the Army for final resolution.

(i) Minority reports. In case of a disagreement between members of a panel, a minority report may be submitted. The reasons for the minority report and majority comments will be submitted to the president of the ADRB. Minority reports submitted by Field Panels will be handled in accordance with paragraph (h)(4) of this section. Whenever a minority report is submitted by other than a Field Panel, the complete case with the minority report and majority comments shall be submitted by the president of the ADRB to the Office of the Secretary of the Army for final resolution.

(j) Directive to The Adjutant General. Except in minority report cases submitted to the Office of the Secretary of the Army for final resolution, the president of the ADRB will, in the name of the Secretary of the Army, issue a directive to The Adjutant General specifying the action to be taken as a result of the ADRB's review of discharge or dismissal of former members of the US Army. Presiding officers, other than the president of the ADRB, will not take the foregoing action. They will return the completed case to the president of the ADRB for final action.

(k) Record of proceedings. (1) When the proceedings in any case have been concluded, the secretary-recorder with the assistance of alternate secretary-recorders will prepare a complete record thereof. Such record will include the application for review, a record of the proceedings and testimony, if any, affidavits, papers, and documents considered by the ADRB, all briefs and written arguments filed in the case; the finding and conclusion of the panel of the ADRB; the directive to The Adjutant General, any minority report prepared by dissenting members of the panel; and all other papers and documents necessary to reflect a true and complete history of the proceedings. The record so prepared will be signed by the president of the ADRB and authenticated by the secretary-recorder as being true and complete. In the event of the absence or incapacity of the secretary-recorder, the record may be authenticated by a designated alternate secretary-recorder.

(2) Release of information from such records will be in accordance with AR 340-17 and 340-21.

(l) Transmittal of records and action by The Adjutant General. Designated alternate secretary-recorders will forward cases heard by their panels, and as approved by the presiding officers, to the president of the ADRB for final disposition. Except in minority report cases submitted to the Office of the Secretary of the Army for final resolution, the record of the proceedings in each case will be transmitted by the secretary-recorder to The Adjutant General for appropriate Department of the Army action to carry out the directions of the ADRB. The Adjutant General will perform such administrative acts as may be necessary, and thereafter will notify the applicant and his counsel, if any, of the action taken. Written notice specifying the action taken and the date thereof will be

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transmitted by The Adjutant General to the president of the ADRB to be filed as a part of the records of the ADRB pertaining to each case. The Adjutant General, upon written request from the applicant, his guardian, or legal representative, will furnish a copy of the directive to the Secretary of the Army, and a copy of the record of proceedings and testimony, if any, provided that such record of proceedings and testimony has been reduced to written form. If it should appear that furnishing a copy of the record of proceedings and testimony would prove injurious to the physical or mental health of the applicant, such information will be furnished only to the guardian or legal representative of the applicant.

(m) Consideration initiated by the ADRB. The president of the ADRB may, at any time, direct consideration of a case which appears, on the face of the record, likely to result in a decision favorable to the former member without the knowledge or presence of the former member. If, upon consideration by a panel, such a case does not result in a decision favorable to such member, it will be returned to the files with no formal action recorded and will be considered without prejudice if and when an appeal is made by the former member. If such consideration results in a decision favorable to the former member. The Adjutant General will be directed to notify the member at his last known address. Only the president of the ADRB may schedule the hearing of such cases.

(n) Rehearings. When a panel has formally considered the case of an applicant and its decision has been approved in the name of the Secretary of the Army, the ADRB will not grant a rehearing unless the basis of the request indicates material evidence, not available at the time of the original hearing, which will likely result in a decision contrary to that reached at the original hearing. The president of the ADRB will make the final determination pertaining to authorization of rehearing.

(o) Changes in procedure of the ADRB. The ADRB may initiate recommendation for such changes in procedures as established herein as may be deemed necessary for the proper functioning of the ADRB. Such changes will be subject to the approval of the Secretary of the Army. Panel presiding officers will submit each recommendation to the president of the ADRB.

(p) Army-Navy-Air Force coordination. Periodic liaison will be conducted with similar boards of the Navy and Air Force to exchange ideas and to discuss common problems.

(q) Applications. This regulation applies to the USAR and to the NG concerning those records of former members of the NG maintained by the Federal Government.

[FR Doc.76-23670 Filed 8-12-76;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 4—SCHEDULE FOR RATING DISABILITIES

Extension of Convalescent Rating Periods

On page 27086 of the FEDERAL REGISTER of July 1, 1976, there was published a notice of proposed regulatory development to amend Part 4 of Title 38, Code of Federal Regulations to extend the convalescent rating periods provided under §§ 4.29 and 4.30 and to make several editorial changes.

It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with OMB Circular A-107.

Effective dates: An amendment to Appendix A, Table of Amendments and Effective Dates since 1946 is added to include effective dates. The effective date is August 9, 1976.

Approved: August 9, 1976.

R. L. ROUDEBUSH,
Administrator.

1. In § 4.29, paragraphs (a), (c) and (e) are revised, a new paragraph (f) is added and the present paragraph (f) is redesignated (g) so that paragraphs (a), (c), (e), (f) and (g) read as follows:

§ 4.29 Ratings for service-connected disabilities requiring hospital treatment or observation.

A total disability rating (100 percent) will be assigned without regard to the provisions of the rating schedule when it is established that a service-connected disability has required hospital treatment in a Veterans Administration or an approved hospital for a period in excess of 21 days or hospital observation at Veterans Administration expense for a service-connected disability for a period in excess of 21 days.

(a) Subject to the provisions of paragraphs (d), (e) and (f) of this section, this increased rating will be effective the first day of continuous hospitalization and will be terminated effective the last day of the month of hospital discharge (regular discharge or release to non-bed care) or effective the last day of the month of termination of treatment or observation for the service-connected disability or effective the last day of the month following release to non-bed care. A third consecutive authorized absence of 14 days will be regarded as the equivalent of hospital discharge and will interrupt hospitalization effective on the last day of the month in which the third 14 day period begins, except where there is a finding that convalescence is required as provided by paragraph (e) or (f) of this section. The termination of these total ratings will not be subject to § 3.105(e) of this chapter.

* * * * *

(c) The assignment of a total disability rating on the basis of hospital treatment or observation will not preclude the assignment of a total disability rating otherwise in order under the regular provisions of the rating schedule, and consideration will be given to the propriety of such a rating in all instances and to the propriety of its continuance after discharge. Particular attention, with a view to proper rating under the rating schedule, is to be given to the claims of veterans discharged from hospital, regardless of length of hospitalization, with indications on the final summary of expected confinement to bed or house, or to inability to work with requirement of frequent care of physician or nurse at home.

* * * * *

(e) The total hospital rating if convalescence is required may be continued for periods of 1, 2, or 3 months in addition to the period provided in paragraph (a) of this section.

(f) Extension of periods of 1, 2 or 3 months beyond the initial 3 months may be made upon approval of the Adjudication Officer.

(g) Meritorious claims of veterans who are discharged from the hospital with less than the required number of days but need post-hospital care and a prolonged period of convalescence will be referred to the Director, Compensation and Pension Service, under § 3.321(b) of this chapter.

2. Section 4.30 is revised to read as follows:

§ 4.30 Convalescent ratings.

(a) Subject to Veterans Administration regulations governing effective dates for increased benefits, where the report at hospital discharge indicates entitlement under paragraph (a) (1), (2) or (3) of this section, a total rating (100 percent) will be granted following hospital discharge (regular discharge or release to non-bed care), effective from the date of hospital admission and continuing for a period of 1, 2, or 3 months from the first day of the month following such hospital discharge. These total ratings will be granted if the hospital treatment of the service-connected disability resulted in

(1) Surgery necessitating posthospital convalescence. The initial grant of a total rating will be limited to 1 month, with one or two extensions of periods of 1 month each in exceptional cases.

(2) Surgery with severe postoperative residuals shown at hospital discharge, such as incompletely healed surgical wounds, stumps of recent amputations, therapeutic immobilization of one major joint or more, application of a body cast, or the necessity for house confinement, or the necessity for continued use of a wheelchair or crutches (regular weight-bearing prohibited). Initial grants may be for 1, 2, or 3 months.

(3) Immobilization by cast, without surgery, of one major joint or more shown at hospital discharge or performed on an outpatient basis. Initial grants may be for 1, 2, or 3 months.

A reduction in the total rating will not be subject to § 3.105(e) of this chapter. The total rating will be followed by an open rating reflecting the appropriate schedular evaluation; where the evidence is inadequate to assign the schedular evaluation, a physical examination will be scheduled prior to the end of the total rating period.

(b) A total rating under this section will require full justification on the rating sheet and may be extended as follows:

(1) Extensions of 1, 2 or 3 months beyond the initial 3 months may be made under paragraph (a) (1), (2) or (3) of this section.

(2) Extensions of 1 or more months up to 6 months beyond the initial 6 months period may be made under paragraph (a) (2) or (3) of this section upon approval of the Adjudication Officer.

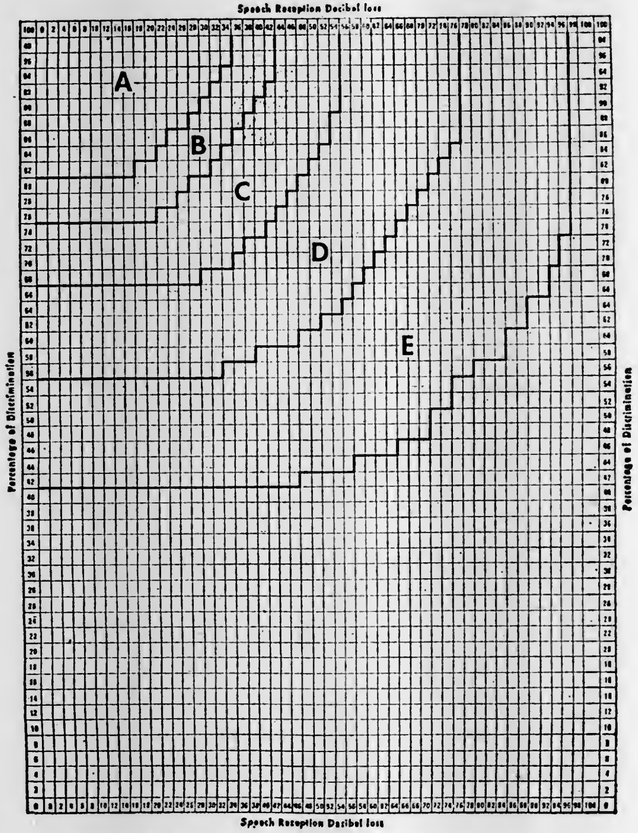
3. Section 4.83 is revised to read as follows:

§ 4.83 Ratings at scheduled steps and distances.

In applying the ratings for impairment of visual acuity, a person not having the ability to read at any one of the scheduled steps or distances, but reading at the next scheduled step or distance, is to be rated as reading at this latter step or distance. That is, a person who can read at 20/100 but who cannot read at 20/70 should be rated as seeing at 20/100.

4. Immediately following § 4.87, Tables IV and V are revised to read as follows:

TABLE IV



(This chart showing the literal designation of hearing loss is based on the ISO (ANSI) norm.) [ ]

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TABLE V.—*Ratings for hearing impairment (with diagnostic code)*

Hearing in better ear			Hearing in poorer ear					
			Conversational voice in feet					
			0 ft	1 to 4 ft	5 to 7 ft	8 to 9 ft	10 to 14 ft	15 to 40 ft
			Pure tone audiometry decibel loss					
Conversational	Pure tone audiometry average decibel loss at 3 frequencies: 500, 1,000 and 2,000 (either air conduction or BSR)	Speech reception impairment literal designation	Average 100 or more	Average not more than 99; none more than 105	Average not more than 79; none more than 90	Average not more than 57; none more than 70	Average not more than 45; none more than 55	Average not more than 37; none more than 45
			Speech reception impairment literal designation					
			F	E	D	C	B	A
0 ft	Average 100 or more	F	[1] 80 (6277)					
1 to 4 ft	Average not more than 99; none more than 105.	E	60 (6278)	60 (6283)				
5 to 7 ft	Average not more than 79; none more than 90.	D	40 (6279)	40 (6284)	40 (6288)			
8 to 9 ft	Average not more than 57; none more than 70.	C	30 (6280)	30 (6285)	30 (6289)	20 (6292)		
10 to 14 ft	Average not more than 45; none more than 55.	B	20 (6281)	20 (6286)	20 (6290)	10 (6293)	10 (6295)	
15 to 40 ft	Average not more than 37; none more than 45.	A	10 (6282)	10 (6287)	10 (6291)	0 (6294)	0 (6296)	0 (6297)

[1] Entitled to special monthly compensation.

This chart is based upon ISO (ANSI) norm.

5. Section 4.115 is revised to read as follows:

§ 4.115 Nephritis.

Albuminuria alone is not nephritis, nor will the presence of transient albumin and casts following acute febrile illness be taken as nephritis. The glomerular type of nephritis is usually preceded by or associated with severe infectious disease; the onset is sudden, and the course marked by red blood cells, salt retention, and edema; it may clear up entirely or progress to a chronic condition. The nephrosclerotic type, originating in hypertension or arteriosclerosis, develops slowly, with minimum laboratory findings, and is associated with natural progress. Separate ratings are not to be assigned for disability from disease of the heart and any form of nephritis, on account of the close interrelationships of cardiovascular disabilities.

6. In § 4.115a, the note following diagnostic code 7500 is revised to read as follows:

§ 4.115a Schedule of ratings—genitourinary system.

DISEASES OF THE GENITOURINARY SYSTEM

7500 Kidney, removal of one, with nephritis, infection, or pathology of the other

* * * * *

NOTE.—The absence of one kidney prior to enlistment or the congenital nonfunctioning of one kidney will require a deduction of 30 percent from the 60 percent rating under Code 7500; when, under these circumstances, a total disability on the basis of unemployability is considered to exist, the claims folder will be referred to the Director, Compensation and Pension Service, under § 3.321(b) of this chapter.

* * * * *

7. Section 4.116 is revised to read as follows:

§ 4.116 Rating gynecological conditions.

In rating disability from gynecological conditions the following will not be considered as ratable conditions: (a) the natural menopause, (b) amenorrhea, when this is based upon developmental defect or abnormality, and (c) pregnancy and childbirth and their incidents, except surgical complications under certain circumstances. The surgical complications of pregnancy will not be held the result of service except when additional disability resulted from treatment therein or they are otherwise directly attributable to unusual circumstances of service. Congenital malformations are not ratable conditions. New growths are to be rated in accordance with the effect upon parts or organs involved whose function is impaired or whose resection or excision is indicated. The excision of uterus, ovaries, etc., prior to the natural menopause is considered disabling.

8. In § 4.116a, diagnostic codes 7624 and 7625 are revised to read as follows:

§ 4.116a Schedule of ratings—gynecological conditions.

* * * * *

7624 Fistula, rectovaginal
Rate as ano, fistula in, under diagnostic code 7335.

7625 Fistula, urethrovaginal
Rate as urethra, fistula of, under diagnostic code 7519.

* * * * *

9. Section 4.125 is revised to read as follows:

§ 4.125 General considerations.

The field of mental disorders represents the greatest possible variety of etiology, chronicity and disabling effects, and requires differential consideration in these respects. These sections under mental disorders are concerned with the rating of psychiatric conditions and specifically psychotic, psychoneurotic and psychophysiologic disorders, as well as mental disorders accompanying organic brain disease. Advances in modern psychiatry during and since World War II have been rapid and profound and have extended to the entire medical profession a better understanding of and deeper insight into the etiological factors, psychodynamics, and psychopathological changes which occur in mental disease and emotional disturbances. The psychiatric nomenclature employed is based upon the Diagnostic and Statistical Manual of Mental Disorders, 1968 Edition, American Psychiatric Association. This nomenclature has been adopted by the Department of Medicine and Surgery of the Veterans Administration. It limits itself to the classification of disturbances of mental functioning. To comply with the fundamental requirements for rating psychiatric conditions, it is imperative that rating personnel familiarize themselves thoroughly with this manual (American Psychiatric Association Manual, 1968 Edition) which will be hereinafter referred to as the APA manual.

10. Section 4.127 is revised to read as follows:

§ 4.127 Mental deficiency and personality disorders.

Mental deficiency and personality disorders will not be considered as disabilities under the terms of the schedule. Attention is directed to the outline of personality disorders in the APA manual. Formal psychometric tests are essential in the diagnosis of mental deficiency. Brief emotional outbursts or periods of confusion are not unusual in mental deficiency or personality disorders and are not acceptable as the basis for a diagnosis of psychotic reaction. However, properly diagnosed superimposed psychotic reactions developing after enlistment, i.e., mental deficiency with psychotic reaction or personality disorder with psychotic reaction, are to be considered as disabilities analogous to, and ratable as, schizophrenic reaction, unless otherwise diagnosed.

11. Section 4.130 is revised to read as follows:

§ 4.130 Evaluation of psychiatric disability.

The severity of disability is based upon actual symptomatology, as it affects social and industrial adaptability. Two of the most important determinants of disability are time lost from gainful work and decrease in work efficiency. The rating board must not underevaluate the emotionally sick veteran with a good work record, nor must it overevaluate his or her condition on the basis of a poor work record not supported by the psychiatric disability picture. It is for this reason that great emphasis is placed upon the full report of the examiner, descriptive of actual symptomatology. The record of the history and complaints

is only preliminary to the examination. The objective findings and the examiner's analysis of the symptomatology are the essentials. The examiner's classification of the disease as "mild," "moderate," or "severe" is not determinative of the degree of disability, but the report and the analysis of the symptomatology and the full consideration of the whole history by the rating agency will be. In evaluating disability from psychotic reactions it is necessary to consider, in addition to present symptomatology or its absence, the frequency, severity, and duration of previous psychotic periods, and the veteran's capacity for adjustment during periods of remission. Repeated psychotic periods, without long remissions, may be expected to have a sustained effect upon employability until elapsed time in good remission and with good capacity for adjustment establishes the contrary. Ratings are to be assigned which represent the impairment of social and industrial adaptability based on all of the evidence of record. Evidence of material improvement in psychotic reactions disclosed by field examination or social survey should be utilized in determinations of competency, but the fact will be borne in mind that a person who has regained competency may still be unemployable, depending upon the level of his or her disability as shown by recent examinations and other evidence of record.

APPENDIX A—TABLE OF AMENDMENTS AND EFFECTIVE DATES SINCE 1946

1. Section 4.29 is revised to read as follows:
4.29 Introductory portion preceding paragraph (a); March 1, 1963.

Paragraph (a) "first day of continuous hospitalization"; April 8, 1959.
Paragraph (a) "terminated last day of month"; December 1, 1962.
Paragraph (a) penultimate sentence; November 13, 1970.
Paragraph (b); April 8, 1959.
Paragraph (c); August 16, 1948.
Paragraph (d); August 16, 1948.
Paragraph (e); March 1, 1963.
Paragraph (f); August 9, 1976.

NOTE.—Application of this section to psychoneurotic and psychophysiologic disorders effective October 1, 1961.

2. Section 4.30 is revised to read as follows:
4.30 Introductory portion of paragraph (a) preceding subparagraph (1); July 6, 1950.

Paragraph (a) (1); June 9, 1952.
Paragraph (a) (2); June 9, 1952.
Paragraph (a) (3); June 9, 1952. Effective as to outpatient treatment March 10, 1976.
Paragraph (b) (1); March 1, 1963.
Paragraph (b) (2); August 9, 1976.

[FR Doc.76-23476 Filed 8-12-76;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 599-5]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

New York State Implementation Plan; Correction

In FR Doc. 76-20979 appearing on pages 29817 and 29818 in the issue for Tuesday, July 20, 1976 make the following changes:

On page 29818 in column 2, the fifth through seventh lines of paragraph (c) (30) should be deleted and replaced with, "§§ 225.2(c) covering three power plants.".

On page 29818 in column 2, the third line of paragraph (c) (31) should read, "§§ 225.2(c) submitted on March".

Dated: August 6, 1976.

GERALD M. HANSLER,
Regional Administrator,
Environmental Protection Agency.

[FR Doc.76-23564 Filed 8-12-76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 76-754]

PART 1—PRACTICE AND PROCEDURE

Format for Briefs

1. Section 1.277 of the rules was recently amended to specify the format for briefs filed with the Commission and to provide that the exceptions and argument shall not exceed 50 double-spaced typewritten pages. (FCC 76-237, April 2, 1976, Docket 20626). To avoid confusion or mistake, it seems desirable to be more specific as to which of the contents of the brief are counted in determining compliance with the 50 page limit. We are therefore adding the following sentence to § 1.277(c): The table of contents and table of citations are not counted in the 50 page limit; however, all other contents of or attachments to the brief are counted.

2. The revised rule is set out in the attached Appendix. Authority for this rule is contained in sections 4(i) and (j) and 303(r) of the Communicatons Act of 1934, as amended, 47 U.S.C. 154(i) and (j) and 303(r). Because the amendment involves a matter of procedure, compliance with the prior notice and effective date provisions of 5 U.S.C. 553 is unnecessary.

3. Accordingly, *it is ordered*, effective August 20, 1976, That § 1.277 of the rules and regulations is amended as set out below.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Adopted: August 5, 1976.

Released: August 12, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

In Part 1 of Chapter I of Title 47 of the Code of Federal Regulations, § 1.277 (c) is revised to read as follows:

§ 1.277 Exceptions; oral argument.

* * * * *

(c) Except by special permission, the consolidated brief and exceptions will not be accepted if the exceptions and argument exceed 50 double-spaced typewritten pages in length. (The table of contents and table of citations are not counted in the 50 page limit; however, all other contents of and attachments to the brief are counted.) Within 10 days, or such other time as the Commission may specify, after the time for filing exceptions has expired, any other party may file a reply brief, which shall not exceed 25 double-spaced typewritten pages. If exceptions have been filed, any party may request oral argument not later than five days after the time for filing replies to the exceptions has expired. The Commission in its discretion will, by order, grant or deny the request for oral argument. Within five days after release of the Commission's order designating an initial decision for oral argument, as provided in paragraph (d) of this section, any party who wishes to participate in oral argument shall file written notice of intention to appear and participate in oral argument; and failure to file written notice shall constitute a waiver of the opportunity to participate.

* * * * *

[FR Doc.76-23683 Filed 8-12-76;8:45 am]

[FCC 76-756]

PART 1—PRACTICE AND PROCEDURE

Length of Pleadings

1. In a recent Report and Order in Docket 20626, we stated that "pleadings in excess of the prescribed length because of appendices and other * * * attachments will be returned without consideration." (58 FCC 2d 865, at para. 36). However, we failed to amend the pertinent provision of the rules (§ 1.48 (a)), which reads as follows:

(a) Affidavits, statements, and other materials which are submitted with and factually support a pleading are not counted in determining the length of the pleading. Other materials submitted with the pleading will be disregarded.

Affidavits and other materials factually supporting a pleading are often required or appropriately submitted for other reasons. It is not our intention that they be counted in determining the length of the pleading. However, other (argumentative) materials, in the form of affidavits or otherwise, will be counted in determining the length of the pleading; and if the length of the pleading, as so computed, is greater than permitted by the rules, the pleading and all attachments will be returned without consideration. Section 1.48(a) is amended herein to reflect this policy.

2. The amended rule is set out in the attached Appendix. Authority for the amendment is contained in sections 4(i) and (j) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and (j) and 303(r). Because the amendment involves a matter of procedure, compliance with the prior notice and effective date provisions of 5 U.S.C. 553 is unnecessary.

3. Accordingly, *it is ordered*, effective August 20, 1976, That § 1.48 of the rules and Regulations is amended as set out below.

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(Secs. 4, 303, 48 Stat., as amended, 1066, filed 47 U.S.C. 184, 603.)

Adopted: August 5, 1976.

Released: August 12, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

In Part 1 of Chapter I of Title 47 of the Code of Federal Regulations, § 1.48(a) is revised to read as follows:

§ 1.48 Length of pleadings.

(a) Affidavits, statements, and other materials which are submitted with and factually support a pleading are not counted in determining the length of the pleading. If other materials are submitted with a pleading, they will be counted in determining its length; and if the length of the pleadings, as so computed, is greater than permitted by the provisions of this chapter, the pleading will be returned without consideration.

* * * * *

[FR Doc.76-23687 Filed 8-12-76;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

[Docket No. 35867]

PART 1307—FREIGHT RATE TARIFFS, CLASSIFICATION OF MOTOR CARRIERS

PART 1310—FREIGHT RATE TARIFFS AND CLASSIFICATION OF MOTOR COMMON CARRIERS

Revision of Regulations for the Construction, Filing, and Posting of Tariffs of Common Carriers of Property by Motor Vehicle and Tariffs of Certain Common Carriers by Water

Correction

In FR Doc. 76-21147, appearing at page 30590 in the issue of Monday, July 26, 1976 make the following changes to the flush paragraph following § 1310.27(l)(6)(iv) on page 30630:

1. In the sixth line the reference "(A)" should read "(i)".
2. In the eighth line the reference "(B)" should read "(ii)".
3. In the twelfth line the reference "(C)" should read "(iii)".
4. In the fifteenth line the reference "(D)" should read "(iv)".

[Ex Parte No. 277 (Sub No. 3)]

PART 1124—REGULATIONS GOVERNING THE ADEQUACY OF INTERCITY RAILROAD PASSENGER SERVICE

Smoking

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 11th day of August, 1976.

Upon consideration of the record in the above-entitled proceeding including the report and order of the Commission entered March 29, 1976, the petition for reconsideration filed June 8, 1976, by the National Railroad Passenger Corporation and the reply to said petition filed July 6, 1976, by Action on Smoking and Health; and

It appearing, that in the said report and order, the Commission issued modifications of the Regulations Governing the Adequacy of Intercity Railroad Passenger Service, 49 CFR 1124.1 through 1124.28; that among other things, the report and order modified the regulations concerning smoking on board passenger trains, required carriers to provide a summary of rights to passengers which shall be printed either on the standard ticket envelope provided to ticket purchasers or on a separate sheet enclosed therein and required all cars to carry first aid kits; and that the National Railroad Passenger Corporation (Amtrak) seeks reconsideration of these regulations;

It further appearing, that the regulations as modified by said report and order prohibit smoking in any dining car; that in its petition Amtrak contends that said prohibition is likely to deter potential customers and may result in passenger resentment to the enforcement of this regulation; that, as asserted in said report and order, we do not believe that such prohibition will cause undue hardship to the smoking passenger in comparison to the discomfort suffered by the non-smoking passenger if the Amtrak proposal was adopted; and that accordingly Amtrak's request concerning dining cars should be denied;

It further appearing, that the regulation adopted by said report and order permitted smoking in a ratio of up to one smoking parlor or dome car for every nonsmoking parlor or dome car in the consist; that in this petition Amtrak states that all of its equipment containing dome space is either a diner, lounge, sleeper or coach car; that Amtrak believes that smoking should be prohibited or permitted in dome space based on the designation of the underlying car; that dome space may well be frequented by persons interested in an enhanced view of the scenery for a lengthy period of time; that if there is only one car in the consist with dome space, permitting smoking may deter nonsmoking passengers from availing themselves of such space; and that Amtrak's proposal concerning dome space should be denied;

It further appearing, that Amtrak asserts in its petition that it does not operate more than one parlor car on any of its trains; that the effect of the regulation concerning parlor cars effectively prohibits smoking by passengers in parlor car accommodations; that me believe, because of the relatively few persons who utilize parlor car accommodations, permitting smoking in such cars would not unduly burden the nonsmoking passenger and would enable smokers to purchase first class accommodations; and that parlor cars should be deleted from regulation 21(b)(3) and inserted in regulation 21(b)(1);

It further appearing, that Amtrak requests that the dissemination of passenger rights be accomplished by posting notices in cars or by publishing them in time tables and that first aid kits be made available only in food service cars;

It further appearing, that Amtrak fails to set forth any substantive arguments for modification of the method of dissemination of the summary of passenger rights and the requirement for first aid kits to be placed in all cars, and, therefore, the request for such modifications should be denied;

It further appearing, that in order to make clear as to what type of food service car regulation 21(b)(2) refers, the words "full service" should be added to that regulation before the words "dining cars";

It further appearing, that this decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969;

It is ordered, That, except to the extent granted, the petition be, and it is hereby, denied;

It is further ordered, That 49 CFR 1124.21 should be modified to read as follows:

§ 1124.21 Allocation of space for nonsmokers and smokers.

(a) Smoking shall not be permitted on trains except in appointed areas with fire resistant materials and equipped with ventilation systems adequate to exchange air completely in reasonably short periods of time.

(b) On train cars meeting the above requirements, smoking may be permitted as follows:

(1) Smoking may be permitted in private sleeping cars, snack cars, parlor cars, and lounge cars.

(2) Smoking is not permitted in any full service dining car.

(3) Smoking may be permitted in any other car in a ratio of up to one smoking car for every nonsmoking car of its type in the consist. Unreserved coach, reserved coach, and dome cars shall each be considered a separate "type" of car.

(4) Pipe and cigar smoking is not permitted on board trains except in private sleeping cars and in cars which have been designated as smoking areas in their entirety.

(c) Each car shall be clearly designated as smoking or nonsmoking by placards placed in conspicuous locations.

It is further ordered, That this order shall be effective August 13, 1976.

It is further ordered, That notice of this order shall be given the general public by depositing a copy thereof in the office of the Secretary of the Commission, at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Commissioner Brown[1], dissenting in part, separate expression; Commissioners Murphy and Corber not participating.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-23918 Filed 8-12-76;10:58 am]

[1] Dissenting statement filed as part of the original.

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Parts 1 and 101]

GENERAL PROVISIONS

Operations

Notice is hereby given that under the authority of 5 U.S.C. 301, R.S. 251, as amended (19 U.S.C. 66), 77A Stat. 14 (19 U.S.C. 1202, Gen. Hdnote 11), sec. 624, 46 Stat. 759 (19 U.S.C. 1624), 79 Stat. 1317 (Reorganization Plan 1 of 1965), it is proposed to revise the Customs Regulations, presently set forth in Part 1, which set forth general provisions relating to the operations of the United States Customs Service.

This proposed revision is part of the general revision of the Customs Regulations, and will replace Part 1 with a new Part 101. Part 101 follows a new format, and contains changes or additions in language to clarify the former provisions. The principal changes in the provisions of proposed Part 101 from those presently set forth in Part 1 are as follows:

1. A new § 101.0 outlines the scope of the proposed new part.

2. Section 101.1 revises various definitions used in Chapter I of Title 19, Code of Federal Regulations.

3. Section 101.8 specifies the addresses of the several Customs laboratories, as updated by Treasury Decision 74-20.

4. Section 101.9 incorporates in the text certain national holidays formerly enumerated in footnote 10, under § 1.7(a).

5. Section 101.10, relating to the Customs seal, incorporates the current description of the Customs seal as set forth in Treasury Decision 74-181.

Also included as part of the proposed revision is a parallel reference table showing the relationship of the proposed provisions of Part 101 to those presently in 19 CFR Part 1.

Accordingly, it is proposed to amend the Customs Regulations as set forth below:

1. Chapter I of Title 19, Code of Federal Regulations, is amended by deleting Part 1.

2. Chapter I of Title 19, Code of Federal Regulations, is amended by adding a new part, Part 101, to read as follows:

PART 101—GENERAL PROVISIONS

Sec.
101.0 Scope.
101.1 Definitions.
101.2 Authority of Customs officers.
101.3 Customs regions, districts and ports.
101.4 Entry and clearance of vessels at Customs stations.
101.5 Customs preclearance offices in foreign countries.
101.6 Assignment of Customs regions to regional directors, internal affairs.
101.7 Office of Investigations.
101.8 Customs laboratories.
101.9 Hours of business.
101.10 Customs seal.
101.11 Identification cards.

AUTHORITY: R.S. 251, as amended, sec. 624, 46 Stat. 759, 77A Stat. 14, 79 Stat. 1317; 5 U.S.C. 301, 19 U.S.C. 66, 1202 (Gen. Hdnote 11), 1624, Reorganization Plan 1 of 1965; 3 CFR 1965 Supp. Additional authority and statutes interpreted or applied are cited in the text or following the section affected.

§ 101.0 Scope.

This part sets forth general regulations governing the authority of Customs officers, and the location of Customs regions, districts, and ports of entry, and of Customs stations. It further sets forth regulations concerning the entry and clearance of vessels at Customs stations, a listing of Customs preclearance offices in foreign countries, a listing of regional directors of internal affairs and the regions they service, as well as a listing of the domestic field offices and foreign offices of the Office of Investigations. In addition, this part lists the various Customs laboratories and their loctions, and contains provisions concerning the hours of business of Customs offices, the Customs seal, and the identification cards issued to Customs officers and employees.

§ 101.1 Definitions.

As used in this chapter, the following terms shall have the meanings indicated unless either the context in which they are used requires a different meaning or a different definition is prescribed for a particular part or portion thereof:

(a) *Area.* "Area" refers to any of the three administrative areas created in the Customs district of New York City, New York, which is coextensive with Customs Region II, New York City, New York, and identified as Kennedy Airport Area, Newark Area, and New York Seaport Area, each of which is under the jurisdiction of an area director of Customs.

(b) *Customs district.* A "Customs district" is the geographical area under the jurisdiction of a district director of Customs.

(c) *Customs region.* A "Customs region" is the geographical area under the jurisdiction of a regional commissioner of Customs.

(d) *Customs station.* A "Customs station" is any place, other than a port of entry, at which Customs officers or employees are stationed, under the authority contained in article IX of the President's Message of March 3, 1913 (T.D. 33249), to enter and clear vessels, accept entries of merchandise, collect duties, and enforce the various provisions of the Customs and navigation laws of the United States.

(e) *Customs territory of the United States.* "Customs territory of the United States" includes only the States, the District of Columbia, and Puerto Rico.

(f) *Date of entry.* The "date of entry" or "time of entry" of imported merchandise shall be the effective time of entry of such merchandise, as defined in § 141.68 of this chapter.

(g) *Date of exportation.* "Date of exportation" or "time of exportation" shall be as defined in § 152.1(c) of this chapter.

(h) *Date of importation.* "Date of importation" means, in the case of merchandise imported otherwise than by vessel, the date on which the merchandise arrives within the Customs territory of the United States. In the case of merchandise imported by vessel, "date of importation" means the date on which the vessel arrives within the limits of a port in the United States with intent then and there to unlade such merchandise.

(i) *Duties.* "Duties" means Customs duties and any internal revenue taxes which attach upon importation.

(j) *Entry or withdrawal for consumption.* "Entry or withdrawal for consumption" means entry for consumption or withdrawal from warehouse for consumption.

(k) *Importer.* "Importer" means the person primarily liable for the payment of any duties on the merchandise, or an authorized agent acting on his behalf. The importer may be:

(1) The consignee, or
(2) The importer of record, or
(3) The actual owner of the merchandise, if an actual owner's declaration and superseding bond has been filed in accordance with § 141.20 of this chapter, or
(4) The transferee of the merchandise, if the right to withdraw merchandise in a bonded warehouse has been transferred in accordance with subpart C of Part 144 of this chapter.

(l) *Port and port of entry.* The terms "port" and "port of entry" refer to any place designated by Executive order of the President, by order of the Secretary of the Treasury, or by Act of Congress, at which a Customs officer is authorized to accept entries of merchandise to collect duties, and to enforce the various provisions of the Customs and navigation laws. The terms "port" and "port of entry" incorporate the geographical area under the jurisdiction of a port director

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when such port is one other than a district headquarters port. (The Customs District of the Virgin Islands, although under the jurisdiction of the Secretary of the Treasury, has its own Customs laws (48 U.S.C. 1406(l)). This district, therefore, is outside the Customs territory of the United States and the ports thereof are not "ports of entry" within the meaning of these regulations.)

(m) *Principal field officer.* A "Principal field officer" is an officer in the field service whose immediate supervisor is located at Customs Service Headquarters.

§ 101.2 Authority of Customs officers.

(a) *Supremacy of delegated authority.* Action taken by any person pursuant to authority delegated to him by the Secretary of the Treasury, whether directly or by subdelegation, shall be valid despite the existence of any statute or regulation, including any provision of this chapter, which provides that such action shall be taken by some other person. Any person acting under such delegated authority shall be deemed to have complied with any statute or regulation which provides or indicates that it shall be the duty of some other person to perform such action.

(b) *Consolidation of functions.* Any reorganization of the Customs Service or consolidation of the functions of two or more persons into one office which results in the failure of a designated customs officer to perform an action required by statute or regulation, shall not invalidate the performance of that action by any other Customs officer.

§ 101.3 Customs regions, districts and ports.

(a) *Redesignation of Customs districts and ports of entry.* The Assistant Secretary of the Treasury for Enforcement, Operations, and Tariff Affairs, pursuant to authority delegated to him by the Secretary of the Treasury, is authorized from time to time, as the needs of the Customs Service may require, to rearrange or consolidate the Customs districts, to discontinue ports of entry by abolishing them and establishing others in their place, and to change the location of the headquarters in any Customs district as the needs of the Customs Service may require.

(b) *Customs regions, districts and ports of entry listed.* The following is a list of Customs regions and districts, with a list of the ports in each district. (The Customs region of New York City, New York, is coextensive with the Customs district of New York City, New York). The first-named port in each district, listed in capital letters, is the headquarters port. Many of the ports listed were created by the President's message of March 3, 1913, concerning a reorganization of the Customs Service pursuant to the Act of August 24, 1912 (37 Stat. 434; 19 U.S.C. 1). Subsequent orders of the President or of the Secretary of the Treasury which affected these ports, or which created (or subsequently affected) additional ports, are cited in parentheses following the name of the ports.

Region		Districts		
No.	Headquarters	Name and headquarters	Area	Ports of entry
I	Boston, Mass.	Portland, Maine.	The States of Maine and New Hampshire except the county of Coos.	Portland, Maine, including territory described in E.O. 9297, Feb. 1, 1943; 8 F.R. 1479.
				Bangor, Maine, including Brewer, Maine (E.O. 9297, Feb. 1, 1943; 8 F.R. 1479).
				Bar Harbor, Maine, including Mount Desert Island, the city of Ellsworth, and the townships of Hancock, Sullivan, Sorrento, Gouldsboro, and Winter Harbor (E.O. 4572, Jan. 27, 1927).
				Bath, Maine, including Booth Bay and Wiscasset (E.O. 4358, Dec. 15, 1925).
				Belfast, Maine, including Searsport (E.O. 6751, June 28, 1).
				Bridgewater, Maine (E.O. 8079, Apr. 4, 1939; 4 F.R. 1475).
				Calais, Maine, including townships of Calais, Robbinston, and Baring (E.O. 6284, Sept. 13, 1933).
				Eastport, Maine, including Lubec and Cutler (E.O. 4296, Aug. 26, 1925).
				Fort Fairfield, Maine.
				Fort Kent, Maine.
				Houlton, Maine (E.O. 4156, Feb. 14, 1925).
				Jackman, Maine, including the townships of Jackman, Sandy Bay, Bald Mountain, Holeb, Attean, Lowelltown, Dennistown, and Moose River (T.D. 54083).
				Jonesport, Maine, including the towns (townships) of Beals, Jonesboro, Roque Bluffs, and Machiasport (E.O. 4296, Aug. 26, 1925; E.O. 8695, Feb. 25, 1941).
				Limestone, Maine.
				Madawaska, Maine.
				Portsmouth, N.H., including Kittery, Maine).
				Rockland, Maine.
				Van Buren, Maine.
				Vanceboro, Maine.
		St. Albans, Vt.	The State of Vermont and the county of Coos, N.H.	St. Albans, Vt., including townships of St. Albans and Swanton (E.O. 3925, Nov. 13, 1923; E.O. 7632, June 15, 1937; 2 F.R. 1042).
				Alburg, Vt.
				Beecher Falls, Vt.
				Burlington, Vt., including the town of South Burlington (T.D. 54677).
				Derby Line, Vt.
				Highgate Springs, Vt., including township of Highgate (E.O. 7632, June 15, 1937; 2 F.R. 1042).
				North Troy, Vt.
				Norton, Vt., including the territory described in T.D. 73-249.
				Richford, Vt.
		Boston, Mass.	The State of Massachusetts	Boston, including territory and waters adjacent thereto described in T.D. 56493.
				Fall River, including territory described in T.D. 54476.
				Gloucester.
				Lawrence, including the territory described in T.D. 71-12; E.O. 5444, Sept. 16, 1930; E.O. 10088, Dec. 3, 1949; 14 F.R. 7287.
				New Bedford.
				Plymouth.
				Salem, including Beverly, Marblehead, Lynn, and Peabody (E.O. 9207, July 29, 1942).
				Springfield (T.D. 69-189).
				Worcester.
		Providence, R.I.	The State of Rhode Island	Providence, including the territory described in T.D. 67-3.
				Newport.
		Bridgeport, Conn.	The State of Connecticut	Bridgeport, including territory described in T.D. 68-224.
				Hartford, including territory described in T.D. 68-224.
				New Haven, including territory described in T.D. 68-224.
				New London, including territory described in T.D. 68-224.
		Ogdensburg, N.Y.	The counties of Clinton, Essex, Franklin, St. Lawrence, Jefferson, and Lewis, in the State of New York.	Ogdensburg.
				Alexandria Bay, including territory described in E.O. 10042, Mar. 10, 1949; 14 F.R. 1155.
				Cape Vincent.
				Champlain-Rouses Point, including territory described in T.D. 67-68.
				Chateaugay.
				Clayton.
				Fort Covington.
				Massena (T.D. 54834).
				Trout River (T.D. 56074).
		Buffalo, N.Y.	The counties of Oswego, Oneida, Onondaga, Cayuga, Seneca, Wayne, Broome, Tompkins, Chenango, Madison, Cortland, Hamilton, Schuyler, Chemung, Herkimer, Monroe, Ontario, Livingston, Yates, Steuben, Orleans, Genesee, Wyoming, Allegany, Erie, Niagara, Cattaraugus, Chautauqua, and Tioga, in the State of New York.	Buffalo-Niagara Falls, N.Y. (T.D. 56512)
				Oswego.
				Rochester.
				Rochester.
				Sodus Point.
				Syracuse.
				Utica.

Region		Districts		
No.	Headquarters	Name and headquarters	Area	Ports of entry
II	New York City N.Y.	New York City N.Y.	The counties of Sussex, Passaic, Hudson, Bergen, Essex, Union, Middlesex, and Monmouth, in the State of New Jersey and that part of the State of New York not expressly included in the districts of Buffalo and Ogdensburg. (The district is divided into 3 areas; namely, Kennedy Airport area, Newark area, and New York seaport area, the limits of which are described in T.D. 71-19.)	New York, N.Y., including territory described in E.O. 4206, Apr. 15, 1925; T.D. 53786.
				Albany, N.Y.
				Perth Amboy, N.J.
III	Baltimore, Md.	Philadelphia, Pa.	The State of Pennsylvania except the county of Erie, the State of Delaware, and that part of the State of New Jersey not included in the district of New York City.	Philadelphia, Pa., including Camden and Gloucester City, N.J., and territory described in E.O. 7840, Mar. 15, 1938; 3 F.R. 687; T.D. 53738 and T.D. 54303.
				Chester Pa. (E.O. 7706, Sept. 11, 1937; 2 F.R. 1848).
				Harrisburg, Pa. (T.D. 71-233).
				Pittsburgh, Pa. including the territory described in T.D. 67-197.
				Wilkes-Barre/Scranton, Pa., including the territory described in T.D. 75-64.
				Wilmington, Del., including territory described in T.D. 54202; E.O. 4496, Aug. 12, 1926.
		Baltimore, Md.	The State of Maryland except the counties of Montgomery and Prince Georges.	Baltimore, Md., including territory described in T.D. 68-123.
				Annapolis, Md.
				Cambridge, Md. (E.O. 3888, Aug. 13, 1923).
				Crisfield, Md.
		Washington, D.C.	The District of Columbia, the counties of Montgomery and Prince Georges, in the State of Maryland; the counties of Loudoun, Fairfax, and Arlington, and the city of Alexandria, in the State of Virginia, including any independent cities and towns with the boundaries of such counties.	Washington, D.C., including the territory described in T.D. 68-67.
				Alexandria, Va. (T.D. 68-67).
		Norfolk, Va.	The State of Virginia except the counties of Loudoun, Fairfax, and Arlington, and the city of Alexandria, including any independent cities and towns within the boundaries of such counties, and the State of West Virginia.	Norfolk and Newport News, including the waters and shores of Hampton Roads.
				Cape Charles City.
				Charleston, W. Va., including the territory described in T.D. 73-221.
				Reedville.
				Richmond-Petersburg, including the territory described in T.D. 68-179.
IV	Miami, Fla.	Wilmington, N.C.	The State of North Carolina	Wilmington, including townships of Northwest, Wilmington, and Cape Fear (E.O. 7701, Dec. 3, 1937; 2 F.R. 2679, and territory described in E.O. 10042, Mar. 10, 1949; 14 F.R. 1155).
				Beaufort-Morehead City (T.D. 55637).
				Charlotte (T.D. 50079).
				Durham (E.O. 4876, May 3, 1928), including territory described in E.O. 9433, Apr. 6, 1944; 9 F.R. 3761.
				Reidsville (E.O. 5159, July 18, 1929), including territory described in E.O. 9433, Apr. 6, 1944; 9 F.R. 3761.
				Winston-Salem (E.O. 2366, Apr. 24, 1916).
		Charleston, S.C.	The State of South Carolina	Charleston, including territory described in T.D. 53994.
				Georgetown.
				Greenville-Spartanburg, S.C., including territory described in T.D. 70-148.
		Savannah, Ga.	The State of Georgia, except the north shore of the St. Marys River and the city of St. Marys, Ga.	Savannah, including territory described in E.O. 8367, Mar. 5, 1940; 5 F.R. 985.
				Atlanta, including territory described in T.D. 55548.
				Brunswick.
		Tampa, Fla.	The north shore of the St. Marys River and the city of St. Marys, Ga., and all the State of Florida lying east of the east bank of the Ochlockonee River except the counties of Hendry, Indian River, St. Lucie, Martin, Okeechobee, Palm Beach, Collier, Broward, Monroe, and Dade.	Tampa, including territory described in T.D. 68-91.
				Boca Grande.
				Fernandina Beach, including St. Marys, Ga. (T.D. 53033).
				Jacksonville (T.D. 69-45).
				Port Canaveral, Fla., including territory described in T.D. 66-212.
				St. Petersburg (E.O. 7928, July 14, 1938; 3 F.R. 1749, including territory described in T.D. 53994.
		Miami, Fla.	The counties of Hendry, Indian River, St. Lucie, Martin, Okeechobee, Palm Beach, Collier, Broward, Monroe, and Dade in the State of Florida.	Miami, Fla., including territory described in T.D. 53514.
				Key West, including territory described in T.D. 53994.
				Port Everglades (E.O. 5770, Dec. 31, 1931), including territory described in T.D. 53514. Mail: Fort Lauderdale, Fla.
				West Palm Beach (E.O. 4324, Oct. 15, 1925), including territory described in T.D. 53514.

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Region		Districts		
No.	Headquarters	Name and headquarters	Area	Ports of entry
		San Juan, P.R.	The Commonwealth of Puerto Rico.	San Juan, including territory described in T.D. 54017. Aguadilla. Fajardo. Guanica. Humacao, including the territory described in T.D. 70-157. Jobos (E.O. 9162, May 13, 1942). Mayaguez (T.D. 22305). Ponce, including territory described in T.D. 54017.
		Charlotte Amalie, St. Thomas, V.I.	All of the Virgin Islands of the United States.	Charlotte Amalie, St. Thomas, V.I. Christiansted, St. Croix. Coral Bay, St. John. Cruz Bay, St. John. Frederiksted, St. Croix.
V	New Orleans, La.	Mobile, Ala.	The State of Alabama and that part of the State of Mississippi lying south of lat. 31° N., and that part of the State of Florida lying west of the east bank of the Ochlockonee River.	Mobile, Ala., including territory described in E.O. 10042, Mar. 10, 1949; 14 F.R. 1155. Apalachicola, Fla. Birmingham, Ala. Carrabelle, Fla. (E.O. 7508, Dec. 11, 1936; 1 F.R. 2149). Gulfport, Miss. Panama City, Fla. (E.O. 3919, Nov. 1, 1923). Pascagoula, Miss., including territory described in T.D. 56333. Pensacola, Fla. Port St. Joe, Fla. (E.O. 7818, Feb. 17, 1938; 3 F.R. 503).
		New Orleans, La.	The States of Tennessee, Arkansas, and Louisiana, except the parishes of Cameron and Calcasieu and that part of the State of Mississippi lying north of lat. 31°.	New Orleans, La., including territory described in T.D. 74-206. Baton Rouge, La. (E.O. 5993, Jan. 13, 1933), including territory described in T.D. 53514 and T.D. 54381. Chattanooga, Tenn. Greenville, Miss., including the territory described in T.D. 73-325. Knoxville, Tenn., including the territory described in T.D. 75-128. Little Rock-North Little Rock, Ark., including territory described in T.D. 70-146. Memphis, Tenn. Morgan City, La., including territory described in T.D. 66-266. Nashville, Tenn. Vicksburg, Miss., including territory described in T.D. 72-123.
VI	Houston, Tex.	Port Arthur, Tex.	That part of the State of Texas from Sabine Pass north along State line to north boundary line of Shelby County; west to Neches River; down western shore of said river to north boundary of Jefferson County; westerly along said boundary to east boundary of Liberty County; south of Gulf; also the parishes of Cameron and Calcasieu in the State of Louisiana	Beaumont, Orange, Port Arthur, and Sabine, Tex., including territory described in T.D. 74-231. Lake Charles, La. (E.O. 5475, Nov. 3, 1930) (including territory described in T.D. 54137.
		Galveston, Tex.	The Counties of Galveston, Matagorda, Chambers, Calhoun, Refugio, Brazoria, San Patricio, Nueces, and Aransas in the State of Texas.	Galveston, including Port Bolivar and Texas City. Corpus Christi (E.O. 8288, Nov. 22, 1939; 4 F.R. 4691).
			the State of Texas.	Freeport (E.O. 7632, June 15, 1937; 2 F.R. 1042). Port Lavaca-Point Comfort, Tex. (T.D. 56115).
		Houston, Tex.	That part of the State of Texas lying north of lat. 34° N. and that part of the State of Texas lying east of long. 97° W., except the territory embraced in the Port Arthur and Galveston districts. Also, the counties of Dallas and Tarrant and the State of Oklahoma.	Houston, Tex., including territory described in T.D. 54409. Amarillo, Tex. (T.D. 75-129). Dallas/Fort Worth, Tex., including territory described in T.D. 73-227. Oklahoma City, Okla., including territory described in T.D. 66-132. Tulsa, Okla. (T.D. 69-142).
		Laredo, Tex.	That part of the State of Texas lying west of long. 97° W. and east of the Pecos River except that territory included in the Houston and Galveston districts.	Laredo. Brownsville, Tex. (including territory described in T.D. 54900. Del Rio. Eagle Pass. Hidalgo (E.O. 3609, Jan 9, 1922): Lubbock, Tex. (T.D. 75-143). Progreso, Tex. (T.D. 71-278). Rio Grande City. Roma (E.O. 4830, Mar. 14, 1928): San Antonio.
		El Paso, Tex.	That part of the State of Texas lying west of the Pecos River and the States of New Mexico and Colorado.	El Paso, Tex. (T.D. 54407). Albuquerque, N. Mex., including the territory described in T.D. 74-304. Columbus, N. Mex. Denver, Colo. Fabens, Tex. (E.O. 4869, May 1, 1928). Presidio, Tex. (E.O. 2702, Sept. 7, 1917).

Region		Districts		
No.	Headquarters	Name and headquarters	Area	Ports of entry
VII	Los Angeles, Calif.	Nogales, Ariz.	The State of Arizona	Nogales, including the territory described in T.D. 71-196. Douglas, including territory described in E.O. 9382, Sept. 25, 1943; 8 F.R. 13083. Lukeville (E.O. 10088, Dec. 3, 1949; 14 F.R. 7287). Naco. Phoenix, Ariz. (T.D. 71-103). San Luis (E.O. 5322, Apr. 9, 1930). Sasabe (E.O. 5608, Apr. 22, 1931).
		San Diego, Calif.	The counties of San Diego and Imperial in the State of California.	San Diego (T.D. 54741), including the territory described in T.D. 66-229. Andrade (E.O. 4780, Dec. 13, 1927). Calexico. Tecate (E.O. 4780, Dec. 13, 1927).
		Los Angeles, Calif.	That part of the State of California lying south of the northern boundaries of the counties of San Luis Obispo, Kern, and San Bernardino, except the counties of San Diego and Imperial and that part of the State of Nevada comprising Clark County.	Los Angeles-Long Beach, including territory described in T.D. 55341; T.D. 56383. Las Vegas, Nev., including the territory described in T.D. 73-55. Port San Luis.
VIII	San Francisco, Calif.	San Francisco, Calif.	That part of the State of California lying north of the northern boundaries of the counties of San Luis Obispo, Kern, and San Bernardino, and the State of Utah and the State of Nevada except Clark County.	San Francisco-Oakland, Calif., including all points on San Francisco Bay and territory described in E.O. 10042, Mar. 10, 1949; 14 F.R. 1155; and T.D. 53738 and including territory described in T.D. 56020. Eureka, Calif. Fresno, Calif., including the territory described in T.D. 74-18. Reno, Nev., including the territory described in T.D. 73-56. Salt Lake City, Utah (T.D. 69-76).
		Honolulu, Hawaii.	The State of Hawaii	Honolulu (T.D. 53514). Hilo. Kahului. Nawiliwili-Port Allen (E.O. 4385, Feb. 25, 1926), including the territory described in T.D. 56424.
		Portland, Oreg.	The State of Oregon and that part of the State of Washington which embraces the waters of the Columbia River and the north bank of the said river west of long. 119° W.	Columbia River (Portland, Astoria, Longview), including territory described in T.D. 73-338. Coos Bay, Oreg. (E.O. 4094, Oct. 28, 1924, E.O. 5193, Sept. 14, 1929; E.O. 5445, Sept. 16, 1930; E.O. 9333, Mar. 23, 1943; 10 F.R. 3173). Newport, Oreg.
		Seattle, Wash.	The State of Washington except that part which embraces the waters of the Columbia River and the north bank of the said river west of long. 119° W.	Puget Sound (Seattle, Anacortes, Bellingham, Everett, Friday Harbor, Neah Bay, Olympia, Port Angeles, Port Townsend, Tacoma), including the territory described in T.D. 75-130. Aberdeen, including territory described in T.D. 56229. Blaine (E.O. 5835, Apr. 13, 1932). Boundary (T.D. 67-65). Danville. Ferry. Frontier (T.D. 67-65). Laurier. Lynden (E.O. 7632, June 15, 1937; 2 F.R. 1042). Metaline Falls, (E.O. 7632, June 15, 1937; 2 F.R. 1042). Nighthawk. Oroville (E.O. 5206, Oct. 11, 1929). South Bend-Raymond (T.D. 53576). Spokane. Sumas.
		Anchorage, Alaska.	The State of Alaska.	Anchorage, Alaska (T.D. 55295; T.D. 68-50). Alcan, Alaska (T.D. 71-210). Fairbanks (E.O. 8064, Mar. 9, 1939; 4 F.R. 1191). Juneau. Ketchikan, Alaska, including the territory described in T.D. 74-100. Kodiak, Alaska (T.D. 55206). Pelican (E.O. 10238, Apr. 27, 1951; 16 F.R. 3627). Petersburg (E.O. 4132, Jan. 24, 1925). Sand Point (T.D. 53514). Sitka, including territory described in T.D. 55609. Skagway. Wrangell, including territory described in T.D. 56420.
		Great Falls, Mont.	The States of Montana, Idaho, and Wyoming.	Great Falls, Mont. Butte, Mont., including the territory described in T.D. 73-121. Del Bonita, Mont. (E.O. 7947, Aug. 9, 1938; 3 F.R. 1955). Mail: Cut Bank, Mont. Eastport, Idaho. Morgan, Mont. (E.O. 7632, June 15, 1937; 2 F.R. 1042.) Mail: Loring, Mont. Opheim, Mont. (E.O. 7632, June 15, 1937; 2 F.R. 1042). Piegan, Mont. (E.O. 7632, June 15, 1937; 2 F.R. 1042). Mail: Babb, Mont. Porthill, Idaho. Raymond, Mont. (E.O. 7632, June 15, 1937; 2 F.R. 1042).

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Region		Districts		
No.	Headquarters	Name and headquarters	Area	Ports of entry
				Roosville, Mont. (E.O. 7632, June 15, 1937; 2 F.R. 1042). Mail: Eureka, Mont.
				Scobey, Mont. (E.O. 7632, June 15, 1937; 2 F.R. 1042).
				Sweetgrass, Mont.
				Turner, Mont. (E.O. 7632, June 15, 1937; 2 F.R. 1042).
				Whitetail, Mont. (E.O. 7632, June 15, 1937; 2 F.R. 1042).
				Whitlash, Mont. (E.O. 7632, June 15, 1937; 2 F.R. 1042).
IX	Chicago, Ill..	Pembina, N. Dak.	The States of North and South Dakota and the counties of Kittson, Roseau, Lake of the Woods, Marshall, Beltrami, Polk, Red Lake, and Pennington in the State of Minnesota.	Pembina, N. Dak.
				Ambrose, N. Dak. (E.O. 5835, Apr. 13, 1932).
				Antler, N. Dak.
				Baudette, Minn. (E.O. 4422, Apr. 19, 1926).
				Carbury, N. Dak. (E.O. 5137, June 17, 1929).
				Dunseith, N. Dak. (E.O. 7632, June 15, 1937; 2 F.R. 1042).
				Fortuna, N. Dak. (E.O. 7632, June 15, 1937; 2 F.R. 1042).
				Hannah, N. Dak.
				Hansboro, N. Dak.
				Malda, N. Dak. (E.O. 7632, June 15, 1937; 2 F.R. 1042).
				Neche, N. Dak.
				Noonan, N. Dak. (E.O. 7632, June 15, 1937; 2 F.R. 1042).
				Northgate, N. Dak.
				Noyes, Minn. (E.O. 5835, Apr. 13, 1932).
				Pinecreek, Minn. (E.O. 7632, June 15, 1937; 2 F.R. 1042).
				Portal, N. Dak.
				Roseau, Minn. (E.O. 7632, June 15, 1937; 2 F.R. 1042).
				Sarles, N. Dak.
				Sherwood, N. Dak.
				St. John, N. Dak. (E.O. 5835, Apr. 13, 1932).
				Walhalla, N. Dak.
				Warroad, Minn.
				Westhope, N. Dak. (E.O. 4236, June 1, 1925).
		Minneapolis, Minn.	The State of Minnesota except those counties in the Pembina, N. Dak., and Duluth, Minn., districts.	Minneapolis-St. Paul, including the territory described in T.D. 69-15.
		Duluth, Minn.	The counties of Kocchiching, Itaschi, St. Louis, Carlton, Pine, Lake, Cook, Clay, Aitkin, Norman, Wilkin, Ottertail, Becker, Mahnomen, Clearwater, Hubbard, Wadena, Cass, and Crow Wing in the State of Minnesota and the counties of Douglas, Bayfield, Ashland, and Iron in the State of Wisconsin, and the island of Isle Royale in the State of Michigan.	Duluth, Minn., and Superior Wis., including the territory described in T.D. 55904.
				Ashland, Wis.
				Grand Portage, Minn (T.D. 56073).
				International Falls-Ranier, Minn., including the territory described in T.D. 66-246.
		Milwaukee, Wis.	The State of Wisconsin, except the counties of Douglas, Bayfield, Ashland, and Iron and the county of Menominee in the State of Michigan.	Milwaukee, including the territory described in T.D. 72-105.
				Green Bay, including the townships of Ashwaubenon, Allouez, Preble, and Howard, and the city of De Pere (T.D. 54597).
				Manitowoc.
				Marinette, including Menominee, Mich.
				Racine, including the city of Kenosha and the townships of Mt. Pleasant and Somers (T.D. 51884).
				Sheboygan.
		Chicago, Ill..	The State of Illinois lying north of lat. 39° N.; that part of the State of Indiana north of lat. 41° N.; and the States of Iowa and Nebraska.	Chicago, Ill., including the territory described in T.D. 71-121.
				Des Moines, Iowa, including the territory described in T.D. 75-104.
				Omaha, Nebr., including the territory described in T.D. 73-228.
				Peoria, Ill., including the territory described in T.D. 72-130.
		Cleveland, Ohio.	The States of Ohio, Kentucky, that part of the State of Indiana lying south of lat. 41° N., and the county of Erie in the State of Pennsylvania.	Cleveland, Ohio, including the territory described in T.D. 54734.
				Akron, Ohio (E.O. 4597, Feb. 25, 1927).
				Ashtabula, Ohio.
				Cincinnati, Ohio, including the territory described in T.D. 75-144.
				Columbus, Ohio.
				Conneaut, Ohio.
				Dayton, Ohio.
				Erie, Pa.
				Evansville, Ind.
				Indianapolis, Ind.
				Lawrenceburg, Ind., including Greendale (E.O. 6634, Mar. 7, 1934).
				Louisville, Ky.
				Sandusky, Ohio.
				Toledo, Ohio, including the territory described in T.D. 71-157.
		St. Louis, Mo.	The States of Missouri and Kansas, and that part of the State of Illinois lying south of 39° N. lat.	St. Louis, Mo., including the territory described in T.D. 69-224.
				Kansas City, Mo., including Kansas City, Kans., and North Kansas City, Mo. E.O. 8528, Aug. 27, 1940, including the territory described in T.D. 67-56.
				St. Joseph, Mo.
				Wichita, Kans., including the territory described in T.D. 74-93.

Region		Districts		
No.	Headquarters	Name and headquarters	Area	Ports of entry
		Detroit, Mich.	The State of Michigan except the island of Isle Royale and the county of Menominee, Mich.	Detroit, including the territory described in E.O. 9073, Feb. 25, 1942; 7 F.R. 1588; and T.D. 53738.
				Muskegon (E.O. 6315, Dec. 22, 1939), including territory described in T.D. 56230.
				Port Huron, including territory described in T.D. 53576.
				Saginaw-Bay City (T.D. 53738).
				Sault Ste. Marie.

§ 101.4 Entry and clearance of vessels at Customs stations.

(a) *Entry at Customs station.* A vessel shall not be entered or cleared at a Customs station, or any other place that is not a port of entry, unless entry or clearance is authorized by the district director for the district in which such station or place is located pursuant to the provisions of section 447, Tariff Act of 1930, as amended (19 U.S.C. 1447).

(b) *Authorization to enter.* Authorization to enter or be cleared at a Customs station shall be granted by the district director for the district in which such station or place is located provided the district director is notified in advance of the arrival of the vessel concerned and the following conditions are met:

(1) Such Customs supervision as may be necessary can be provided,

(2) All applicable Customs and navigation laws and regulations are complied with,

(3) The owner, master or agent of a vessel sought to be entered at a Customs station reimburses the Government for the salary and expenses of the Customs officer or employee stationed at or sent to such Customs station or other place which is not a port of entry for services rendered in connection with the entry or clearance of such vessel, and

(4) Except as otherwise provided by these regulations, the Government is reimbursed by the interested parties for the expenses, including any per diem allowed in lieu of subsistence, but not the salary of a Customs officer or employee for services rendered in connection with the entry or delivery of merchandise.

(c) *Customs stations designated.* The Customs stations and the ports of entry having supervision thereof are listed below:

District	Customs stations	Port of entry having supervision
Portland, Maine	Bucksport, Maine	Belfast.
	Coubrn Gore, Maine	Jackman.
	Easton, Maine	Fort Fairfield.
	Forest City, Maine	Houlton.
	Hamlin, Maine	Van Buren.
	Knoxford Line (Mars Hill)	Bridgewater.
	Monticello, Maine	Houlton.
	Orient, Maine	Do.
St. Albans, Vt.	Alburg Springs, Vt	Alburg.
	Beebe Plaine, Vt	Derby Line.
	Canaan, Vt	Beecher Falls.
	East Richford, Vt	Richford.
	Morses Line, Vt	Do.
	Newport, Vt	Derby Line, Vt.
	Pittsburg, N.H	Beecher Falls.
	West Berkshire, Vt	Richford.
Boston, Mass	Provincetown, Mass	Plymouth.
Ogdensburg, N.Y	Cannons Corners, N.Y	Mooers.
	Churubusco, N.Y	Chateaugay.
	Hegansburg, N.Y	Massena.
	Jamieson's Line, N.Y	Tront River.
	Morristown, N.Y	Ogdensburg.
	Waddington, N.Y	Do.
Philadelphia, Pa	Atlantic City, N.J	Philadelphia.
	Lewes, Del	Do.
	Port Norris, N.J	Do.
	Tuckerton, N.J	Do.
Baltimore, Md	Salisbury, Md	Baltimore.
Miami, Fla	Fort Pierce, Fla	West Palm Beach.
Mobile, Ala	Biloxi, Miss	Mobile.
New Orleans, La	Gramercy, La	New Orleans.
	Houma, La	Morgan City.
Houston, Tex	Muskogee, Okla	Tulsa, Oklahoma.
Laredo, Tex	Amistad Dam, Tex	Del Rio.
	Falcon Dam, Tex	Roma.
	Los Ebanos, Tex	Hidalgo.
El Paso, Tex	Antelope Wells, N. Mex. (mail: Hachita, N. Mex.).	Columbus.
	Fort Hancock, Tex	Fabens.
	Marathon, Tex	El Paso.
Nogales, Ariz	Lochiel, Ariz	Nogales.
	Tucson, Ariz	Do.
San Diego, Calif	Campo, Calif	Tecate.
Los Angeles, Calif	Port Hueneme, Calif	Los Angeles.
San Francisco, Calif	Monterey, Calif	San Francisco.
Seattle, Wash	Point Roberts, Wash	Blaine.
Anchorage, Alaska	Annette Island, Alaska	Ketchikan.
	Eagle, Alaska	Fairbanks.
	Haines, Alaska	Skagway.
	Hyder, Alaska	Ketchikan.
	Tok, Alaska	Fairbanks.
Great Falls, Mont	Wild Horse, Mont	Great Falls.
	Willow Creek, Mont	Do.
Pembina, N. Dak	Grand Forks, N. Dak	Pembina.
	Lancaster, Minn	Noyes.
	Oak Island, Minn	Warroad.

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District	Customs stations	Port of entry having supervision
Duluth, Minn	Crane Lake, Minn	International Falls/Ranier.
	Ely, Minn	Grand Portage.
Cleveland, Ohio	Fairport, Ohio	Cleveland.
	Huron, Ohio	Sandusky.
	Lorain, Ohio	Cleveland.
	Marblehead-Lakeside, Ohio	Sandusky.
	Put-in-Bay, Ohio	Do.
Detroit, Mich	Algonac, Mich	Port Huron.
	Alpena, Mich	Saginaw-Bay City.
	Detour, Mich	Sault Ste. Marie.
	Escanaba, Mich	Do.
	Grand Haven, Mich	Muskegon.
	Houghton, Mich	Sault Ste. Marie.
	Marine City, Mich	Port Huron.
	Marquette, Mich	Sault Ste. Marie.
	Roberts Landing, Mich. (mail: Route 1, Algonac, Mich.)	Port Huron.
	Rogers City, Mich	Saginaw-Bay City.

(d) *Temporary Customs stations.* Customs stations may be designated for a temporary time only, to provide Customs facilities where needed because of certain large-scale operations. Because these designations change from time to time they are not listed. However, current information as to the existence of such stations in any district may be obtained from the district director.

§ 101.5 Customs preclearance offices in foreign countries.

Listed below are the preclearance offices in foreign countries where United States Customs officers are stationed and the Customs districts under which they function:

Customs office:	*Customs district having supervision*
Montreal, Quebec	St. Albans, Vt.
Toronto, Ontario	Buffalo, N.Y.
Kindley Field, Bermuda	Kennedy Airport area, Jamaica, N.Y.
Nassau, Bahama Islands	Miami, Fla.
Vancouver, British Columbia	Seattle, Wash.
Prince Rupert, British Columbia	Anchorage, Alaska.
Winnipeg, Manitoba	Pembina, N. Dak.

§ 101.6 Assignment of Customs regions to regional directors, internal affairs.

The offices of the regional directors, internal affairs, and the regions they service are as follows:

Region office	Address	ZIP code
Boston	U.S. customhouse, room 1100, 2 India St., Boston, Mass	02109
New York	U.S. Customs Service, 6 World Trade Center, room 502, New York, N.Y	10048
Baltimore	U.S. customhouse, room 421, 40 South Gay St., Baltimore, Md	21202
Miami	U.S. Customs Service, P.O. Box 3201, Miami, Fla	33101
New Orleans	U.S. Customs Service, room 13053, Federal Bldg, 701 Loyola Ave., New Orleans, La.	70113
Houston	U.S. Customs Service, suite 1375 1 Allen Center, 500 Dallas St., Houston, Tex	77002
Los Angeles	U.S. Customs Service, P.O. Box 3323, Terminal Island Station, San Pedro, Calif	90731
San Francisco	U.S. Customs Service, room 2066, 61 Market St., San Francisco, Calif	94105
Chicago	U.S. Customs Service, suite 1529, 55 East Monroe St., Chicago, Ill	60603

§ 101.7 Office of Investigations.

(a) *Domestic field offices.* The domestic field offices of the Office of Investigations with the areas of jurisdiction aligned to existing Customs regions and districts are as follows:

Region	District	Office	Address
I Boston, Mass			Regional Director (investigations), U.S. Customhouse, 100 Summer St., Suite 1828, Boston, Mass. 02110.
		Derby Line, Vt	Resident Agent, P.O. Box 368, Derby Line, Vt. 05831.
		New Haven, Conn	Resident Agent, 770 Chapel St., Suite 2B, New Haven, Conn. 06510.
	Portland, Maine		Special Agent in Charge, Room 17, U.S. Customhouse, Portland, Maine 04111.
		Houlton, Maine	Resident Agent, P.O. Box 432, Houlton, Maine 04730.
	Buffalo, N.Y		Special Agent in Charge, 111 SW, Huron St., Buffalo, N.Y. 14202.
	Ogdensburg, N.Y		Special Agent in Charge, 127 North Water St., Ogdensburg, N.Y. 13669.
		Rouses Point, N.Y	Special Agent in Charge, P.O. Box 68, Rouses Point, N.Y. 12979.
II New York, N.Y			Regional Director (investigations), U.S. Customs Service, P.O. Box 938, Church St. Station, New York, N.Y. 10008.
	Newark, N.J		Special Agent in Charge, 400 Delancey St., Newark, N.J. 07105.
	J.F.K. International Airport, New York, N.Y.		Special Agent in Charge, John F. Kennedy International Airport, 160-19 Rockaway Blvd., Jamaica, N.Y. 11430.
III Baltimore, Md			Regional Director, (investigations), U.S. Appraisers Stores Building, Room 810, 103 South Gay St., Baltimore, Md. 21202.
		Falls Church, Va	Special Agent in Charge, 701 West Broad St, Room 301, Falls Church, Va. 22046.
	Philadelphia, Pa		Special Agent in Charge, U.S. Customs Service 2d and Chestnut Sts., Philadelphia, Pa. 19106

Region	District	Office	Address
		Pittsburgh, Pa	Resident Agent, Office of Investigations, Federal Bldg., Room 2236, 1001 Liberty Ave., Pittsburgh, Pa. 15222.
	Norfolk, Va		Special Agent in Charge, U.S. Customs Service, Room 201, U.S. Customhouse, 101 East Main St., Norfolk, Va. 23510.
IV Miami, Fla			Regional Director, (investigations), 1330 NE. Bayshore Dr., Miami, Fla. 33132.
		West Palm Beach, Fla.	Resident Agent, 700 Clematis St., Room 253, West Palm Beach, Fla. 33402.
	Tampa, Fla		Special Agent in Charge, P.O. Box 1516, Tampa, Fla. 33601.
		Jacksonville, Fla	Resident Agent, 2701 Talleyrand Ave., Jacksonville, Fla. 32206.
	San Juan, P.R		Special Agent in Charge, U.S. Customs Service, P.O. Box. S-1272, Old San Juan, P.R. 00902.
		Ponce, P.R	Resident Agent, P.O. Box 127, Ponce, P.R. 00731.
		Mayaguez, P.R	Resident Agent, U.S. Customhouse, P.O. Box 3226, Marina Station, Mayaguez, P.R. 00708.
	Charleston, S.C		Special Agent in Charge, P.O. Box 856, Charleston, S.C. 29402.
	Savannah, Ga		Special Agent in Charge, Drawer A, Savannah, Ga. 31408.
		Atlanta, Ga	Resident Agent, 1585 Phoenix Blvd., Suite 5, Atlanta, Ga. 30349.
	Wilmington, N.C		Special Agent in Charge, P.O. Box 898, Wilmington, N.C. 28401.
	St. Thomas, V.I		Special Agent in Charge, P.O. Box 698, Charlotte-Amalie, St. Thomas, V.I. 00801.
		St. Croix, V.I	Resident Agent, P.O. Box 1801, Christiansted, St. Croix, V.I. 00820.
V New Orleans, La			Regional Director, (investigations), Canal-Lasalle Bldg., Suite 2440, 1440 Canal St., New Orleans, La. 70112.
		Nashville, Tenn	Resident Agent, 1719 West End Bldg., Room 303, Nashville, Tenn. 37203.
	Mobile, Ala		Special Agent in Charge, International Trade Center, P.O. Box 1704, Mobile, Ala. 36601
VI Houston, Tex			Regional Director (investigations), Suite 1380, 500 Dallas Ave., Houston, Tex. 77002.
		Dallas, Tex	Resident Agent, 1114 Commerce St., 17th Floor, Dallas, Tex. 75202.
	Laredo, Tex		Special Agent in Charge, P.O. Box 498 Laredo, Tex. 78040.
		Brownsville, Tex	Resident Agent, 700 Paredes Ave., Suite 210, Brownsville, Tex. 78520.
		Del Rio, Tex	Resident Agent, P.O. Drawer 1169, Del Rio, Tex. 78440.
		Eagle Pass, Tex	Resident Agent, P.O. Box 828, Eagle Pass, Tex. 78852.
		McAllen, Tex	Resident Agent, 2600 North 10th St., McAllen, Tex. 78501.
		San Antonio, Tex	Resident Agent, 1802 NE. Loop 410, Suite 302, San Antonio, Tex. 78217.
	El Paso, Tex		Special Agent in Charge, P.O. Box 10719, El Paso, Tex. 79997.
		Albuquerque, N. Mex.	Resident Agent, 5301 Central Ave., NE., Suite 919, 1st National Bank Bldg. East, Albuquerque, N. Mex. 87108.
		Denver, Colo	Resident Agent, 721 19th St., Room 404, P.O. Box 2771, Denver, Colo. 80201.
VII Los Angeles, Calif.			Regional Director, (investigations), 300 Sonth Ferry St., Room 2037, Terminal Island, San Pedro, Calif. 90731.
	Nogales, Ariz		Special Agent in Charge, P.O. Box 1385, Nogales, Ariz. 85612.
		Yuma, Ariz	Resident Agent, P.O. Box 5752, Yuma, Ariz. 85364.
		Douglas, Ariz	Resident Agent, P.O. Box 1076, 1065 F Ave., Glenn Bldg., Douglas, Ariz. 85607.
		Tucson, Ariz	Resident Agent, P.O. Box 2911, Tucson, Ariz. 85702.
		Phoenix, Ariz	Resident Agent, P.O. Box 2259, Phoenix, Ariz. 85002.
	San Diego, Calif		Special Agent in Charge, P.O. Box 187, San Ysidro, Calif. 92073.
		Calexico, Calif	Resident Agent, P.O. Box 1510, Calexico, Calif. 92231.
VIII San Francisco, Calif.			Regional Director, (investigations) 661 Market St., Room 300, San Francisco, Calif. 94105.
	Honolulu, Hawaii		Special Agent in Charge, 1000 Bishop St., Suite 1210, Honolulu, Hawaii 96813.
	Great Falls, Mont		Special Agent in Charge, P.O. Box 71, Great Falls, Mont. 59403.
	Seattle, Wash		Special Agent in Charge, 909 1st Ave., Seattle, Wash. 98174.
		Blaine, Wash	Resident Agent, P.O. Box 1300, Blaine, Wash. 98230.
		Spokane, Wash	Resident Agent, P.O. Box 1453, Spokane, Wash. 99210.
	Anchorage, Alaska		Special Agent in Charge, P.O. Box 199, Anchorage, Alaska 99510.
	Portland, Oreg		Special Agent in Charge, P.O. Box 2841, Portland, Oreg. 97208.
IX Chicago, Ill			Regional Director, (investigations), 55 East Monroe St., Suite 1423, Chicago, Ill. 60603.
	Duluth, Minn		Special Agent in Charge, Melerhoff Bldg., Room 507, 325 Lake Ave., South, Duluth, Minn. 55802.
	St. Louis, Mo		Special Agent in Charge, 120 South Central Ave., Suite 440, St. Louis, Mo. 63105.
		Independence, Mo	Resident Agent, Federal Bldg., Room 250, 301 West Lexington St., Independence, Mo. 64050.

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Region	District	Office	Address
	Detroit, Mich		Special Agent in Charge, Room 501, 243 West Congress St., Detroit, Mich. 48226.
	Milwaukee, Wis		Special Agent in Charge, 628 East Michigan St., Room 208, Milwaukee, Wis. 53202.
	Cleveland, Ohio		Special Agent in Charge, Plaza 9, 55 Erieview Plaza, Room 210, Cleveland, Ohio 44114.
		Cincinnati, Ohio	Resident Agent, Federal Bldg., Post Office Box 1035, Fountain Sq. Station, Cincinnati, Ohio 45201.
		Indianapolis, Ind	Resident Agent, Combs-Gates Complex, Building 3, Weir Cook Airport, Indianapolis, Ind. 46241.
	Pembina, N. Dak		Special Agent in Charge, P.O. Box 192, Pembina, N. Dak. 58271.
	Minneapolis, Minn		Special Agent in Charge, 574 Federal Bldg., Fort Snelling, Twin Cities, Minneapolis, Minn. 55111.

(b) *Customs foreign offices.* The Customs foreign offices are as follows:

Foreign office	Address	Area of jurisdiction
Montreal, Canada	Senior Customs Representative, American Consulate General, Montreal, Canada, 1558 McGregor Ave., Montreal 109, P.Q., Canada.	(Domestic offices may conduct investigations in Canada subject to such coordination procedures as may be established by the Foreign Investigations Branch, Headquarters.)
Taipei, Taiwan, China, Republic of.	Customs Attache, American Embassy, Box 2, APO San Francisco, Calif. 96263.	Taiwan.
London England	Customs Attache, American Embassy, Box 40, FPO New York, N.Y. 09510.	Gibraltar, Iceland, Ireland, and the United Kingdom, including Channel Islands.
Paris, France	Customs Attache, American Embassy, D. Building, Room 211, APO New York, N.Y. 09777.	Belgium, France, including Corsica, Luxembourg, Monaco, the Netherlands, Portugal, and Spain.
Bonn, Germany	Customs Attache, American Embassy, Box 100, APO New York, N.Y. 09080.	Austria, Czechoslovakia, Denmark, East Germany, Finland, Liechtenstein, Norway, Poland, Sweden, Switzerland, the Union of Soviet Socialist Republics, and West Germany, including West Berlin.
Frankfurt Germany	Senior Customs Representative, American Consulate General, APO New York, N.Y. 09757.	
Hong Kong, British Crown Colony.	Senior Customs Representative, American Consulate General, Box 30, FPO San Francisco, Calif. 96659.	Australia, Ceylon, Hong Kong, Malay Archipelago, including Malaysia, the Philippines, and Indonesia, New Zealand, and all of the Asian continent east of the border of Iran with the Union of Soviet Socialist Republics, Afghanistan, and Pakistan, and nearby islands politically part of states thereon, except for South Korea and the eastern portion of the Union of Soviet Socialist Republics.
Rome, Italy	Customs Attache, American Embassy, APO New York, N.Y. 09794.	Albania, Bulgaria, Cyprus, Greece, including Crete, Hungary, Italy, including Sardinia and Sicily, Malagasy Republic, Malta, Romania, Yugoslavia, all of the African continent and nearby islands politically part of states thereon, and all of the Asian continent west of the border of Iran with the Union of Soviet Socialist Republics, Afghanistan, and Pakistan, including Asia Minor (Turkey), the Arabian Peninsula, and nearby islands politically part of states thereon.
Tokyo, Japan	Customs Attache, American Embassy, APO San Francisco, Calif. 96503.	Japan, including Ryukyu Islands.
Mexico City, Mexico	Customs Attache, American Embassy, Room 353, Apartado Postal 88-bis, Mexico, D.F., Mexico 20521.	Central America, Mexico, and South America (Domestic offices may conduct investigations in Mexico subject to such coordination procedures as may be established by the Foreign Investigations Branch, Headquarters.).

§ 101.8 Customs laboratories.

The addresses of the several Customs laboratories and the Customs regions they serve are as follows:

Address and Region

408 Atlantic Ave., Boston, Mass. 02210—I.
201 Varick St., New York, N.Y. 10014—II.
103 South Gay St., Baltimore, Md. 21202—III.
P.O. Box 2112, U.S. Customhouse, San Juan, P.R. 00903—IV.
Customhouse, 1-3 East Bay St., Savannah, Ga. 31401—IV.
423 Canal St., New Orleans, La. 70130—V, VI.
301 Broadway, San Antonio, Tex. 78205—VI.
300 South Ferry St., San Pedro, Calif. 90731—VII.
630 Sansome St., San Francisco, Calif. 94111—VIII.
610 South Canal St., Chicago, Ill. 60607—IX.

§ 101.9 Hours of business.

Except as specified in paragraphs (a)–(g) of this section, each Customs office shall be open for the transaction of general Customs business between the hours of 8:30 a.m. and 5 p.m. on all days of the year:

(a) *Saturdays, Sundays and national holidays.* In addition to Saturdays, Sundays, and any other calendar day designated as a holiday by Federal statute or Executive order, Customs offices shall be closed on the following national holidays:

(1) The first day of January.
(2) The third Monday of February.
(3) The last Monday of May.
(4) The fourth day of July.
(5) The first Monday of September.
(6) The second Monday of October.
(7) The fourth Monday of October.
(8) The fourth Thursday of November.
(9) The twenty-fifth day of December.

If a holiday falls on Saturday, the day immediately preceding such Saturday will be observed. If a holiday falls on Sunday, the day immediately following such Sunday will be observed. (5 U.S.C. 6103(b)(1); (E.O. No. 11582, January 1, 1971; 34 FR 2957; 3 CFR Ch. 11)

(b) *Local conditions requiring different hours.* If, because of local conditions, different but equivalent hours are required to maintain adequate service, such hours shall be observed provided the Commissioner of Customs approves them and provided further that a notice of business hours is prominently displayed at the principal entrance and in each public room of the Customs office.

(c) *Fixing of hours.* At each port or station where there is no full-time Customs employee, the appropriate district director shall, with the approval of the regional commissioner of Customs, fix the hours during which the Customs office will be open for the transaction of general Customs business. Notice of such hours shall be prominently displayed at the principal entrance of the office.

(d) *State and local holidays.* Each Customs office shall be open for the transaction of business on all state and local holidays occurring on days other than Saturdays, Sundays, and national holidays listed in paragraph (a) of this section. The appropriate principal field officer may excuse any employee(s) without charge to leave when a state or local holiday interferes with the performance of his work in a Customs office.

(e) *Services performed outside a Customs office.* Customs services required to be performed outside a Customs office shall be furnished between the hours of 8 a.m. and 5 p.m. (or between the corresponding hours at ports where different but equivalent hours are required for the maintenance of adequate service and are approved by the Commissioner of Customs) on all days when the Customs office is open for the transaction of general Customs business. The regional commissioner of Customs shall, from time to time, and upon reasonable advance notice to the principal local officer concerned, issue instructions for the furnishing of such services on Saturdays.

(f) *Customs services not within prescribed hours.* Where there is a regularly recurring need for Customs services outside the hours prescribed in paragaphs (a)–(e) of this section and the volume and duration of the required services are uniformly such as to require, of themselves or in immediately consecutive combination with other essential Customs activities of the port, the full time of one or more Customs employees, the necessary number of regular tours of duty to furnish such services on all days of the year except Sundays and national holidays may be established with the approval of the Commissioner of Customs.

(g) *Customs services furnished private interests.* Other than as specified in this section, Customs services shall be furnished private interests only in accordance with the provisions of section 24.16 of this chapter.

§ 101.10 Customs seal.

(a) *Design.* According to the design furnished by the Department of the Treasury, the Customs seal of the United States shall consist of the seal of the Department of the Treasury surrounded by an outer circle in which appear the words "Treasury" at the top and "U.S. Customs Service" at the bottom.

(b) *Use of the Customs seal.* The Customs seal currently in official use, including the dies, rolls, plates, and like devices now in the possession of the Bureau of Engraving and Printing, shall continue to be equally effective as the official seal of the United States Customs Service and shall continue to be so used by each Customs officer and employee having possession of the seal until that particular device requires replacing and is replaced. Use of the United States Customs seal shall be restricted in the following manner:

(1) The Customs seal of the United States shall be impressed upon all official documents requiring the impress of a seal. It shall be impressed upon all marine documents and landing certificates, certificates of weight, gauge, or measure, and similar classes of documents for outside interests.

(2) The impress of the seal is not necessary on documents passing within the Customs Service nor shall the seal be used in the manner of a notary seal to indicate authority to administer oaths.

§ 101.11 Identification cards.

Each Customs employee shall be issued an appropriate identification card with that employee's photograph and signature, signed by the appropriate issuing officer.

Prior to the adoption of this revision, consideration with be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Attention: Regulations Devision, Washington, D.C. 20229, and received on or before October 12, 1976.

Written material or suggestions submitted will be available for public inspection in accordance with section 103.8(b) of the Customs Regulations (19 CFR 103.8(b)), at the Regulations Division, United States Customs Service, Headquarters, Washington, D.C., during regular business hours.

VERNON D. ACREE,
Commissioner of Customs.

Approved: August 3, 1976.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

APPENDIX I—PARALLEL REFERENCE TABLE

(This table shows the relation of proposed Part 101 to 19 CFR 1)

Proposed part 101: section—	*19 CFR section*
101.0	New.
101.1(a)	New.
101.1(b)	1.2(a).
101.1(c)	1.2(a).
101.1(d)	1.3(a), footnote 5.
101.1(e)	New.
101.1(f)	1.11.
101.1(g)	1.11.
101.1(h)	1.11.
101.1(i)	1.11.
101.1(j)	1.11.
101.1(k)	1.11.
101.1(l)	1.2(b), footnote 2.
101.1(m)	New.
101.2(a)	1.1 (a), (b).
101.2(b)	1.1(c).
101.3(a)	Footnote 1 to 1.2(b).
101.3(b)	1.2(c).
101.4(a)	1.3(b).
101.4(b)	1.3 (b) and (c).
101.4(c)	1.3(d).
101.4(d)	Footnote 7 to 1.3(d).
101.5	1.4.
101.6	1.4a.
101.7	1.5.
101.8	1.6.
101.9(a)	1.7 (a), footnote 10.
101.9(b)	1.7(b).
101.9(c)	1.7(c).
101.9(d)	1.7(d).
101.9(e)	1.7(e).
101.9(f)	1.7(f).
101.9(g)	1.7(g).
101.10(a)	1.8(a).
101.10(b)	1.8(a).
101.10(b)(1)	1.8(b).
101.10(b)(2)	1.8 (b) and (c).
101.11	1.9.

[FR Doc.76-23209 Filed 8-12-76;8:45 am]

[19 CFR Parts 18, 123, 144]

TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT, CUSTOMS RELATIONS WITH CANADA AND MEXICO, AND WAREHOUSE AND REWAREHOUSE ENTRIES AND WITHDRAWALS

Proposed Amendments

Notice is hereby given that under the authority of R.S. 251, as amended (19 U.S.C. 66), sections 552, 553, 557, 623, 624, 46 Stat. 742, as amended, 744, as amended, 759, as amended (19 U.S.C. 1552, 1553, 1557, 1623, 1624), it is proposed to amend Parts 18, 123, and 144 of the Customs Regulations (19 CFR Parts 18, 123, 144) to set forth new procedures in connection with the transportation of bonded merchandise.

Currently, the Customs Regulations do not specifically provide for the time of receipt, delivery, or notification of arrival of merchandise transported in bond, with the exception of transit air cargo and merchandise being transported for exportation (§§ 6.21 and 18.20 of the Customs Regulations, respectively). The resulting lack of control over the movement of bonded merchandise jeopardizes the security of such merchandise.

In order to achieve more control over the movement of bonded merchandise it is proposed to make the following amendments to the Customs Regulations.

It is proposed to amend § 18.2(a) of the Customs Regulations to provide that within five days after the presentation of an entry for merchandise to be transported in bond, the forwarding carrier must take receipt of the merchandise, provided that any lay order period and extension thereof have expired and that no other entry is filed. If the forwarding carrier fails to take receipt of the merchandise within the prescribed period, the transportation entry shall be canceled and the merchandise shall be treated as unclaimed as of the date of original arrival. This proposal will prevent the use of a transportation entry to hold merchandise at the importation site after the expiration of the lay order period (§ 4.37 of the Customs Regulations).

It is proposed to amend §18.2(c) of the Customs Regulations to provide that, except for transit air cargo provided for in § 6.21 of the Customs Regulations, bonded merchandise destined to a final port of destination in the United States, or for export from the United States, shall be delivered to Customs at its port of destination or exportation within 30 days after the date of receipt by the forwarding carrier at the port of origin. Failure to deliver such merchandise within the prescribed period shall constitute an irregular delivery and the initial bonded carrier shall be subject to the penalties therefor (section 18.8 of the Customs Regulations). This proposal will give Customs officers a standard to use in determining when an irregular delivery occurs. Certain editorial changes to § 18.2(c) of the Customs Regulations are also proposed.

It is proposed to amend §§ 18.2(d) and 18.7(a) of the Customs Regulations to provide that promptly, but no more than 72 hours, exclusive of Saturdays, Sundays, and national holidays, after the arrival of bonded merchandise at the port of destination (or delivery of bonded merchandise to the exporting carrier at the port of exportation, in the case of § 18.7(a)), the delivering carrier shall surrender the in-bond manifest (the appropriate Customs Form 7512 or 7520, or the TIR carnet, and related Customs Form 7512–C (destination)) to the district director as notice of arrival of the merchandise. If the in-bond manifest is lost in transit, the in-bond carrier shall report the arrival of the merchandise within the prescribed period and shall be responsible for obtaining copies of the original in-bond manifest. Failure to surrender the in-bond manifest or report the arrival of bonded merchandise within the specified period shall constitute an irregular delivery and the initial bonded carrier shall be subject to the penalties therefor (section 18.8 of the Customs Regulations). This proposal will make the beginning of the lay order period more closely coincide with the actual time of arrival of the bonded merchandise at the port of destination or exportation, instead of allowing the beginning of that period to be unnecessarily delayed by a failure of the carrier or broker to promptly report the arrival of the merchandise.

In order to help establish uniformity in Customs transactions with carriers of bonded merchandise, and to provide more control over the improper handling of such merchandise at its port of destination or exportation, it is proposed to amend § 18.8 of the Customs Regulations to provide that the only acceptable proof of proper delivery of bonded merchandise to Customs at the port of des-

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tination or exportation shall be a properly receipted copy of the in-bond document (the appropriate Customs Form 7512 or 7520, or the TIR carnet). In addition, several editorial changes to § 18.8 (a) of the Customs Regulations are proposed.

The revised in-bound control system has required changes in the Customs control card (Customs Form 7512–C, Transportation Entry and Manifest of Goods). Inasmuch as the Customs Regulations do not presently provide who shall prepare this form, it is proposed to amend § 18.2 (b) of the Customs Regulations to provide that it shall be prepared by the carrier or shipper whenever merchandise is being transported in bond.

The Customs Form 7512–C previously used was a two-part carbon set. Both parts were the same. The new Customs Form 7512–C is also a two-part carbon set but the two parts are not the same. Accordingly, it is proposed to delete the words "in duplicate" after the words "Customs Form 7512–C" wherever they appear in the Customs Regulations and to substitute the word "destination" for "duplicate" wherever that word appears in the Customs Regulations in reference to the second part of Customs Form 7512–C.

The proposed amendments will, if adopted, apply to merchandise in transit through the United States to foreign countries (§§ 18.20–18.24 of the Customs Regulations) and merchandise withdrawn from warehouse for transportation or transportation and exportation (§§ 144.36 and 144.37(b) of the Customs Regulations) because §§ 18.20(c), 144.36(f), and 144.37(b)(1) of the Customs Regulations incorporate by reference the general provisions for transportation in bond (§§ 18.1–18.8 of the Customs Regulations). In addition, the amendments will, if adopted, apply to baggage in transit from port to port in Canada or Mexico through the United States because § 123.64(a) of the Customs Regulations states that such baggage may be transported in bond through the United States in accordance with the procedures in §§ 18.13, 18.14, and 18.20–18.24 of the Customs Regulations except where modified by § 123.64. Section 18.20 of the Customs Regulations, as noted above, incorporates by reference the general provisions for transportation in bond (§§ 18.1–18.8 of the Customs Regulations).

Because the time limits proposed in §§ 18.2(a), (c), and (d) of the Customs Regulations will, if adopted, also apply to merchandise in transit through the United States to foreign countries (§§ 18.20–18.24 of the Customs Regulations) it is proposed to amend § 18.20(c) of the Customs Regulations by deleting the sentence "If the merchandise is not forwarded within 30 days from the date the entry is filed, the entry shall be canceled and the merchandise treated as unclaimed as of the date of original arrival."

It is proposed to make the in-bond control system apply to truck shipments transiting the United States. To accomplish this, it is proposed to amend § 123.4 of the Customs Regulations to provide that except as otherwise provided in that section, merchandise transported in such trucks shall be forwarded in accordance with the general provisions for transportation in bond (§§ 18.1–18.8 of the Customs Regulations).

Accordingly, it is proposed to amend Parts 18, 123, and 144 of the Customs Regulations (19 CFR Parts 18, 123, 144) in the manner set forth below:

PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

It is proposed to amend paragraph (a), the first sentence of paragraph (b), and paragraph (c) and (d) of § 18.2 to read as follows:

§ 18.2 Receipt by carrier; manifest.

(a) (1) Within five working days after the presentation of an entry for merchandise to be transported in bond, the forwarding carrier must take receipt of the merchandise; *Provided*, That any lay order period and extension thereof have expired and that no other entry is filed. If the forwarding carrier fails to take receipt of the merchandise within the prescribed period, the transportation entry shall be canceled and the merchandise shall be treated as unclaimed as of the date of original arrival.

(2) When merchandise is delivered to a bonded carrier for transportation in bond, the merchandise shall be laden on the conveyance under the supervision of a Customs officer unless the transporting conveyance is not to be sealed with Customs seals or the lading inspector accepts the check of the carrier as to the merchandise laden thereon. The carrier's receipt shall be given immediately to the lading inspector on the Customs in-bond document (the appropriate Customs Form 7512 or 7520, or the TIR carnet) covering the merchandise. In the case of a TIR carnet, the receipt shall be given on the appropriate vouchers in the following form:

Received the cargo listed herein for delivery to Customs at the indicated port of destination or exportation, or for direct exportation.

Name of Carrier (or Exporter)

Attorney or Agent of Carrier (or Exporter)

Date

(b) A Customs in-bond document containing a description of the merchandise and Customs control card (Customs Form 7512–C) shall be prepared by the carrier or shipper whenever merchandise is being transported in bond. The Customs in-bond document shall be signed by the agent of the carrier. • • •

(c) (1) After the merchandise has been laden and the in-bond carrier or his agent has receipted the in-bond document, either Customs Form 7512, Customs Form 7520 (in duplicate), or the TIR carnet, together with the related Customs Form 7512–C (destination), shall be delivered as a manifest to the conductor, master, or person in charge to accompany the merchandise to its port of destination or exportation. If more than one conveyance is used to transport merchandise, the Customs Form 7512–C (destination) shall accompany the first conveyance, and two copies of Customs Form 7512 shall accompany each conveyance as a manifest of the merchandise transported by that conveyance. A TIR carnet (see § 18.3(b)) shall not be used if more than one conveyance is required.

(2) Except transit air cargo provided for in § 6.21 of this chapter, bonded merchandise destined to a final port of destination in the United States, or for export from the United States, shall be delivered to Customs at its port of destination or exportation within 30 days from the date of receipt by the forwarding carrier at the port of origin. Failure to deliver such merchandise within the prescribed period shall constitute an irregular delivery and the initial bonded carrier shall be subject to the penalties therefor (see § 18.8).

(d) Promptly, but no more than 72 hours, exclusive of Saturdays, Sundays, and national holidays, after the arrival of bonded merchandise at the port of destination, the delivering carrier shall surrender in the in-bond manifest (the in-bond document and related Customs Form 7512–C (destination)) to the district director as notice of arrival of the merchandise. If the in-bond manifest is lost in transit, the in-bond carrier shall report the arrival of the merchandise within the prescribed period and shall be responsible for obtaining copies of the original in-bond manifest. Failure to surrender the in-bond manifest or report the arrival of bonded merchandise within the prescribed period shall constitute an irregular delivery and the initial bonded carrier shall be subject to the penalties therefor (see § 18.8).

• • • • •

It is also proposed to amend the second and fourth sentences of paragraph (b) of § 18.3 to read as follows:

§ 18.3 Transshipment; transfer by bonded cartmen.

• • • • •

(b) • • • The Form 7512 and Customs Form 7512–C (destination) which accompanied the shipment to the place of transshipment shall be presented to the district director there. • • • The original copies of the Form 7512 and the related Form 7512–C (destination) shall be delivered to the conductor, master, or person in charge of the first conveyance. • • •

• • • • •

It is also proposed to amend paragraph (a) of § 18.7 to read as follows:

§ 18.7 Lading for exportation, verification of.

(a) Promptly, but no more than 72 hours, exclusive of Saturdays, Sundays, and national holidays, after the delivery of bonded merchandise to the exporting carrier at the port of exportation, the delivering carrier shall surrender the in-bond manifest (the in-bond document and related Customs Form 7512–C (destination)) to the district director as notice of arrival of the merchandise. If the in-bond manifest is lost in transit, the in-bond carrier shall report the arrival of the merchandise within the prescribed period and shall be responsible for obtaining copies of the original in-bond manifest. Failure to surrender the in-bond manifest or report the arrival of bonded merchandise within the prescribed period shall constitute an irregular delivery and the initial bonded carrier shall be subject to the penalties therefore (see section 18.8).

• • • • •

It is also proposed to amend paragraph (a) of § 18.8 to read as follows:

§ 18.8 Liability for shortage, irregular delivery, or nondelivery; penalties.

(a) The initial bonded carrier shall be responsible for shortage, irregular delivery, or nondelivery at the port of destination or exportation of bonded merchandise received by it for carriage. The only acceptable proof of proper delivery of bonded merchandise to Customs at the port of destination or exportation shall be a properly receipted copy of the in-bond document (the appropriate Customs Form 7512 or 7520, or the TIR carnet). When sealing is waived, any loss found to exist at the port of destination or exportation shall be presumed to have occurred while the merchandise was in the possession of the carrier, unless conclusive evidence to the contrary is produced.

• • • • •

It is also proposed to amend the last sentence of paragraph (b) of § 18.13 to read as follows:

§ 18.13 Procedure; manifest.

• • • • •

(b) • • • Two copies of Form 7520 and the related Customs Form 7512–C (destination) shall be delivered to the carrier to accompany the baggage and shall be delivered by the carrier to the district director of Customs at the port of destination as a notice of arrival.

• • • • •

§ 18.20 [Amended]

It is also proposed to amend paragraph (c) of § 18.20 by deleting the last sence.

PART 123—CUSTOMS RELATIONS WITH CANADA AND MEXICO

§ 123.42 [Amended]

It is proposed to amend paragraphs (a)(1) and (b) of § 123.42 by substituting the word "(destination)" for the word "(duplicate").

It is also proposed to amend § 123.42 by adding a new paragraph (c) to read as follows:

• • • • •

(c) *Forwarding procedure.* Except as otherwise provided in this section, merchandise transported in the trucks shall be forwarded in accordance with the general provisions for transportation in bond (§§ 18.1–18.8 of this chapter).

• • • • •

§ 123.64 [Amended]

It is proposed to amend paragraph (b) of section 123.64 by substituting the word "(destination)" for the word "(duplicate)".

PART 144—WAREHOUSE AND REWAREHOUSE ENTRIES AND WITHDRAWALS

§ 144.36 and 144.37 [Amended]

It is proposed to amend paragraph (c) of § 144.36 and paragraph (a) of § 144.37 by deleting the words "in duplicate."

Prior to the adoption of these amendments, consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229, and received on or before September 13, 1976.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.8(b) of the Customs Regulations (19 CFR 103.8(b)), at the Regulations Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

Approved: August 5, 1976.

R. RAYMOND,
Acting Commissioner of Customs.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76–23617 Filed 8–12–76;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 20]

MIGRATORY BIRDS

Supplemental Proposed Rulemaking

Notice is hereby given that pursuant to the authority contained in the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 703–711), it is proposed to amend Part 20 of Title 50, Code of Federal Regulations. This supplemental proposed rulemaking is the eighth in a series of proposed and final rulemaking documents for migratory bird hunting regulations. It deals specifically with proposed regulations frameworks for 1976–77 late hunting seasons for waterfowl, coots, and gallinules; lesser sandhill (little brown) cranes in parts of North Dakota, South Dakota, New Mexico, Texas, Colorado, Oklahoma, Montana, and Wyoming; and common (Wilson's) snipe in the Pacific Flyway.

The first notice of proposed rulemaking in the series dealt with the establishment of open hunting seasons, daily bag and possession limits, and shooting hours for the 1976–77 season in the contiguous United States, Alaska, and Hawaii and was published in the FEDERAL REGISTER on March 3, 1976 (41 FR 9177) with a comment period ending May 1, 1976. The second notice of proposed rulemaking in the series dealt with the establishment of hunting seasons, daily bag and possession limits, and shooting hours for the 1976–77 season in Puerto Rico and the Virgin Islands and was published in the FEDERAL REGISTER on May 12, 1976 (41 FR 19341), with a comment period ending June 26, 1976. The third notice in the series consisted of supplemental proposed rulemaking dealing with proposed early season frameworks and proposed Canada goose regulations in Wisconsin, and was published in the FEDERAL REGISTER on July 2, 1976 (41 FR 27382), with a 15-day comment period ending July 17, 1976. The fourth notice in the series consisted of final frameworks for selecting open season dates for hunting migratory birds in Puerto Rico and the Virgin Islands during the 1976–77 season and was published in the FEDERAL REGISTER on July 16, 1976 (41 FR 29387). The fifth notice in the series consisted of final rulemaking amending § 20.101 of 50 CFR Part 20 to reflect seasons, limits, and shooting hours for Puerto Rico and the Virgin Islands for the 1976–77 season and was published in the FEDERAL REGISTER on July 22, 1976 (41 FR 30119). The sixth notice in the series consisted of final frameworks for selecting open season dates for hunting migratory birds in the contiguous United States, Alaska and Hawaii during the 1976–77 season and was published in the FEDERAL REGISTER on July 28, 1976 (41 FR 31383). The seventh notice in the series consisted of amendments to Subpart K of 50 CFR 20 to set open hunting seasons, certain closed areas, shooting hours and bag and possession limits for mourning doves, white-winged doves, band-tailed pigeons, rails, woodcock, snipe, and gallinules; for September teal seasaons; for sea ducks in certain defined areas of the Atlantic Flyway; for Canada goose hunting in Wisconsin; and for waterfowl, coots, snipe, and cranes in Alaska.

In this connection, the "Final Environmental Statement for the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FES 75–74)" was filed with the Council on Environmental Quality on June 6, 1975, and notice of availability was published in the FEDERAL REGISTER on June 13, 1975 (40 FR 25241).

The Annual Regulations Conference for Migratory Shore and Upland Game Birds convened on June 22, 1976, in accordance with the notice published in the FEDERAL REGISTER on May 21, 1976 (41 FR 20901). The purposes of this meeting were for the Committee to review the status of mourning doves, woodcock, band-tailed pigeons, white-winged doves, rails, gallinules, and common snipe and discuss proposed hunting regulations for the 1976–77 hunting season. This meeting was open to the public and statements by interested persons were received.

The Waterfowl Regulations Public Hearing was held on August 5, 1976, in accordance with the notice published in the FEDERAL REGISTER on July 8, 1976 (41 FR 27988). The purpose of the hearing was to review U.S. Fish and Wildlife Service staff recommendations for hunting regulations governing the taking of waterfowl and other species of migratory birds for which framework reg-

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ulations have not been finalized. This hearing was open to the public and statements by interetsed persons were received.

COMMENTS RECEIVED DURING COMMENT PERIOD SERVICE RESPONSES, AND MISCELLANEOUS CHANGES FROM PROPOSED RULEMAKING.

There was published in the FEDERAL REGISTER on March 3, 1976 (41 FR 9177) notification of proposed rulemaking for certain migratory game bird hunting regulations during 1976–77. These proposals related both to species for which regulations must be set early (in August for seasons opening as early as September 1) and those for which regulations are set late (in September for seasons opening in October or later). As of May 28, a total of 82 responses to these proposals had been received. These represented 3 flyway councils, 1 flyway technical committee, 12 States, 14 private organizations, and 49 individuals. A few comments were received subsequent to May 28, 1976. Comments relating to early seasons were summarized and discussed in the FEDERAL REGISTER dated July 2, 1976 (41 FR 27382); 6 additional comments relating to early season regulations were discussed in the FEDERAL REGISTER dated July 28, 1976 (41 FR 31383).

This section of the document summarizes those written comments relating to the proposed regulations for late seasons; a number of these comments were submitted in conjunction with others offered in response to early season regulations recommendations. Except for a few comments that are judged to warrant separate treatment, the comments and responses to them are discussed in the same order, and as numbered, in the FEDERAL REGISTER dated March 3, 1976 (41 FR 9177).

STATEMENT OF WILDLIFE PRESERVES, INC.

In a statement dated April 29, 1976, this organization indicated its desire that all comments submitted last year in its letter dated August 25, 1975, be applied to this year's proposed regulations. Because of the scope of the comments, the August 1975 letter was published in its entirety in the FEDERAL REGISTER dated September 5, 1975 (40 FR 41097) and detailed responses were given in the same document. These items included species identification, shooting hours, enforcement of regulations, crippling losses, season lengths, complexity of shooting regulations, bag limits, black ducks, goldeneyes, mergansers, geese (particularly greater snow geese and brant in the Atlantic Flyway), and alleged problems regarding public participation in the regulatory process. Wildlife Preserves, Inc., provided no new data or substantive information in its 1976 communication beyond that provided in 1975. The Service has reconsidered the comments of Wildlife Preserves, Inc., as presented in its August 1975 letter, as well as Service responses to them, in the light of 1976 regulatory proposals. It is judged that responses provided by the Service on September 5, 1975 (40 FR 41097) are relevant in 1976. There being no significant changes in either the comments or the responses to them, further discussion is deemed unnecessary at this time.

STATEMENT OF DEFENDERS OF WILDLIFE, INC.

Two individuals submitted comments on behalf of this organization. John W. Grandy expressed strong concern about the hours within which hunting has been traditionally allowed for migratory game birds, and recommended that they be changed to one-half hour after sunrise to shortly before sunset. Toby Cooper expressed similar concern about shooting hours and additionally commented upon a variety of items including black ducks, mergansers, and regulations for canvasbacks, redheads, greater snow geese, Atlantic brant, whistling swans, bag limits for coots, and need for improved species identification of waterfowl by hunters.

Response: Most of the items commented upon were responded to in the FEDERAL REGISTER dated September 5, 1975 (40 FR 41096). It is noted that discussions regarding shooting hours have been held with Defenders of Wildlife, Inc., and other conservation organizations, during which the Service presented an examination and analysis of available information relating to shooting hours. No evidence has been found that the present shooting hour regulations adversely affect any migratory game bird species or populations. Further comments on other items noted by Toby Cooper appear later.

STATEMENT OF FUND FOR ANIMALS, INC.

This organization expressed concern about the pre-sunrise shooting hours traditionally allowed. The matter of shooting hours for waterfowl hunting is addressed above in response to comments from Defenders of Wildlife, Inc.

STATEMENT OF NATIONAL AUDUBON SOCIETY

Comments were submitted by Charles H. Callison and Joseph P. Linduska on behalf of this organization. The National Audubon Society expressed concern about hunting one-half hour before sunrise, and recommended that the point system for waterfowl be discontinued or substantially modified. Particular concern was expressed about hunters reordering ducks taken under the point system and the enforceability of the present regulation which does not allow reordering was challenged. (Reordering theoretically allows a hunter to attain a higher daily bag than when the point values are accumulated in the same sequence that the ducks were actually taken.)

Response: The matter of shooting hours for waterfowl was addressed previously. The Service has participated in several meetings with representatives of the National Audubon Society and other conservation organizations to discuss the point system, particularly to define the specific areas of concern and to seek solutions to alleged problems. As a result of these meetings, several versions of alternative regulatory language have been developed and are presently under study. It is extremely important that any proposed change in the point system regulation be made known to management agencies, waterfowl hunters, and the public well in advance of the hunting season so that it can be adequately reviewed and discussed. Such an opportunity for public discussion is considered necessary in view of the decision rendered by the Court of Appeals in the law suit involving Fund for Animals v. Frizzell (Civ. No. 75-2054, C.A. D.C., 1975). In view of the short time remaining before the hunting season commences, it is judged inadvisable to propose such a change for the 1976–77 hunting season. The Service will further consider proposed changes in the point system regulation in consultation with others having an interest in the point system regulations.

STATEMENT OF NATIONAL WILDLIFE FEDERATION

Thomas L. Kimball recommended that special or bonus scaup seasons be prohibited whenever there is a likelihood of taking scarce species accidentally. Concern was also expressed about possible regulatory relaxations for canvasbacks and redheads.

Response: Special scaup seasons are permitted only after certain criteria have been met. For example, such seasons are authorized only where and when no substantial hazards would accrue to species other than scaup. Canvasbacks and redheads are discussed later.

STATEMENT OF SOCIETY FOR ANIMAL PROTECTIVE LEGISLATION

Christine Stevens, writing on behalf of this organization, opposed shootinig hours commencing before sunrise and objected to lengthening the greater snow goose season.

Response: Shooting hours have already been addressed. The current proposals for greater snow goose hunting in the Atlantic Flyway do not provide for longer seasons.

SUMMARY OF WRITTEN COMMENTS BY ITEMS

In addition to the above comments, the following comments were made with regard to the proposals announced in the FEDERAL REGISTER dated March 3, 1976. Some comments are in reaction to the wording of the proposal and do not necessarily reflect a position on the item itself. Those shown in opposition to the proposal either favored more restrictive or more lenient regulations.

1. *Shooting hours.* Although considerable differences of opinion were reflected in the comments received on this matter, the weight of the 20 comments were in favor of shooting hours as proposed. Most of the comments related to shooting before sunrise, an item which was addressed previously.

2. *Framework dates for ducks and geese.* Although considerable differences of opinion were reflected in the comments received on this matter, the weight

of the 11 comments were in favor of the framework dates as proposed. The Central Flyway Council urged that provisions be made for separate seasons on dark (Canada and white-fronted) geese and light (snow and blue) geese as a means for improving management of these species. Concern was expressed by 2 States on the opening date of the sea duck season in the northern part of the Atlantic Flyway. As a result of these comments, the opening date for sea duck seasons was modified from September 1 to September 18 (41 FR 27382; July 2, 1976). Most of the opposing views to the proposed frameworks advocated broader framework dates. No data were presented to support the views; consequently, no other changes are contemplated.

3. *Black ducks.* The weight of the 5 comments on black ducks strongly favored the proposal. One comment advocated greater protection for the species. Considerations for this species were noted in the FEDERAL REGISTER dated September 5, 1975 (40 FR 41098). Surveys in January of 1976 indicated improvement in the status of the black duck.

6. *Extra blue-winged teal option.* Although considerable differences of opinion were reflected in the comments received on this matter, the weight of the 8 comments were in favor of retention of the extra blue-winged teal option. One State opposed retention of the extra blue-winged teal option under conventional regulations noting that the provision is not equitable to the treatment of the species under the point system in which up to 10 teal per day could be taken under recent-year point systems.

Response: The setting of point system categories and allocations to species are determined after consultation and consideration of comments by flyway councils, other organizations, and the public. Point system values are not designed to provide species by species equality between point system and conventional regulations. No other comments were received regarding the alleged inequities between the point system and conventional season bag limits for blue-winged teal. Nonetheless, this concern will be considered during the continuing review of the point system.

Organizations expressing concern about the option questioned the wisdom of allowing bonus or extra teal in the bag, alleging that there is a lack of adequate specific population data supporting the validity of such regulations.

Response: The Service's population and harvest surveys are reviewed annually and should it appear that excessive harvests are being extracted from various species or management populations, appropriate action will be taken to modify regulations.

7. *Special scaup season.* Although differences of opinion were reflected in the comments received on this matter, the weight of the 6 comments favored the special scaup season proposal. Opposition to this season was largely based on alleged detrimental effects upon the scaup populations. No new data or information was provided.

Response: The same considerations expressed for the extra blue-winged teal option again apply.

8. *Extra scaup bonus.* Although differences of opinion were reflected in the comments received on this matter, the weight of the 7 comments favored the extra scaup bonus. Opposition to this proposal was again largely based upon alleged detrimental or undetermined effects upon scaup populations.

Response: The same considerations expressed for the extra blue-winged teal option again apply.

9. *Mergansers.* Although differences in opinion were reflected in the comments received on this matter, the weight of the 8 comments favored the proposal. Opposition to regulations for these species was largely based upon alleged detrimental or unknown effects upon merganser populations. No data or new information were provided to support the contentions.

Response: The same considerations expressed for the extra blue-winged teal option again apply. Furthermore, the Service notes that the hooded merganser is afforded special protection under both conventional and point system regulations throughout the United States. The other two species of mergansers are far more abundant throughout most of the country.

10. *Canvasbacks and redheads.* The weight of the 46 comments received on these two species strongly favored the proposal. The FEDERAL REGISTER dated March 3, 1976 (41 FR 9179) advised that possible relaxations would be considered should populations equal or exceed those of 1975. The proposal received considerable support with most of the opposing views advocating continuation of present restrictions on one or both species.

Response: Detailed proposals regarding canvasbacks and redheads are elaborated upon in a following statement.

11. *Goose and brant seasons.* Although differences in opinion were reflected in the comments received on this matter, the weight of the 24 comments favored the proposal. Most of the opposition to the proposed goose and brant seasons was in reponse to a proposed extension in the length of the greater snow goose season from 30 to 50 days and to continuation of the brant season, both in the Atlantic Flyway.

Response: Modified proposals for these two species are discussed in detail in a following statement.

One Flyway Council recommended that hunting season framework dates be allowed to change annually according to the Saturday closest to October 1. This recommendation was later dropped by that Council.

14. *Whistling swans.* Although differences in opinion were reflected in the comments received on this matter, the weight of the 4 comments favored the proposal. One comment expressed general concern about hunting seasons on swans.

Response: Whistling swan hunting is permitted only in Utah and single counties in Montana and Nevada. All participants are required to possess special hunting permits and the number of these issued annually is rigidly controlled by State and Federal regulations. Each permittee may take only one swan per year. Each harvested swan must be immediately marked with a special metal tag. The number of permits issued each year has been very small in relation to the numbers of available whistling swans. There is no evidence that the very limited and tightly controlled hunting seasons are having any adverse effect upon the growing population of whistling swans. Swan hunting is not permitted in areas frequented by the far less numerous trumpeter swan.

15. *Lesser sandhill (little brown) crane.* Although differences in opinion were reflected in the comments received on this matter, the weight of the 4 comments favored the proposal. Two organizations registered opposition to sandhill crane hunting based on concern for accidental shooting of the endangered whooping crane or apprehension about the effects of hunting upon sandhill crane populations.

Response: The hunting of sandhill cranes is permitted only in areas and at such times that no threat to whooping cranes would likely arise. Seasons can be quickly terminated if necessary. For the first time, in 1975, all sandhill crane hunters in the eight Central Flyway States in which sandhill crane hunting was permitted were required to obtain special Federal hunting permits. The sandhill-crane harvest survey indicated that interest in sandhill crane hunting is rather light and that harvests are small in comparison to the number of birds available and the reproductive capability of the species. For example, an estimated 9,497 sandhill cranes were reported harvested by 6,949 participating hunters.

OTHER MISCELLANEOUS WRITTEN COMMENTS

A variety of miscellaneous comments, chiefly opinions lacking supporting information, were received. These suggested implementation of stabilized daily bag limits with hunting season length fluctuating as needed, termination of the baiting restriction, opening of State and Federal refuges and sanctuaries to hunting, delaying duck seasons if crops are unharvested, reopening of local areas to waterfowl hunting, closing a local area in Alaska to hunting, requiring that hunters use trained retrievers to reduce crippling loss, and providing for subsistence taking of waterfowl by Alaskan natives outside the provisions of the various migratory bird treaties to which the United States is a party. The latter comment was submitted by the Mauneluk Association of Kotzebue, Alaska. This comment was received subsequent to the final rulemaking for 1976–77 Alaska waterfowl regulations and therefore is not appropriate for consideration and comment here.

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One organization suggested that States where Sunday hunting is prohibited and rigidly enforced should be allowed additional or substitute hunting days.

Response: The Service believes that compensatory hunting days for areas where Sunday hunting is prohibited by State or local laws and regulations is neither necessary nor appropriate. There is no evidence that Sunday closures result in a significant decrease in total seasonal harvest of waterfowl in areas where such closures are in effect. In fact, days during which hunting is prohibited or restricted sometimes result in increased harvests when hunting recurs.

All of the foregoing statements, comments, and suggestions were given consideration in the development of the framework proposals for late season regulations. In addition, the verbal and written statements presented at the Waterfowl Regulations Public Hearing on August 5, 1976, in Washington, D.C., were given consideration. Among the statements were those by the National Audubon Society, Defenders of Wildlife, Inc., National Wildlife Federation, Ducks Unlimited, Inc., The Wildlife Society, various waterfowl flyway councils, State conservation agencies, sportsmen's organizations, and individuals. While there was some disagreement on some issues—notably shooting hours and the point system—general support for most of the proposed late season regulation frameworks was evident. Transcripts of this meeting, including the statements presented, are available to interested parties.

In order to more fully inform the public of the rationale for various regulatory proposals being advanced, the Service provides the following additional information for selected items involving significant departures from the 1975–76 regulations, and others that may be of particular interest. Most hunting regulations being proposed this year generally do not differ from those in effect last year.

Canvasbacks and Redheads

Management rationale calls for management of canvasbacks and redheads independently when and where feasible, and management within species by eastern and western populations. Recent surveys of major canvasback and redhead production areas during the spring and summer provide information on the current status of these two species. The 1976 canvasback breeding population index was 682 thousand birds, no change (3 percent below) from the 1975 index, 20 percent above the ten-year average, and 21 percent above the long-term (1955–75) average. A three-year running average is believed to be a better measure of populations than survey data from a single year. The three-year average for 1974–76 stands at 627 thousand canvasbacks, no change (1 percent below) from the 1973–75 average, and 13 percent above the long-term average. It ranked as the fourth highest three-year index on record. July surveys indicated that good water conditions persisted during the brood rearing period.

Similar surveys of redheads indicated that the 1976 breeding population index stands at 896 thousand, no change (8 percent below) from the 1975 index, 24 percent above the ten-year average, and 36 percent above the long-term average. The three-year index for 1974–76 was 828 thousand, an increase of 6 percent above the 1973–75 average, and 29 percent above the long-term average. The 1974–76 index ranks as the highest on record.

In view of the above information on population status, it is believed that some relaxation can be made in redhead hunting regulations but that hunting regulations for the eastern population of canvasbacks should be generally similar to those in effect during the 1975–76 hunting season. This involves closing key concentration areas to canvasback hunting. During the winter of 1975–76 increased numbers of canvasbacks were inventoried in the Pacific Flyway. The status of the western population of canvasbacks is deemed sufficient to permit up to 2 canvasbacks daily in the San Francisco Bay area in order to bring it into conformity with the rest of the Pacific Flyway. The proposed relaxations for redheads are reflected by proposed changes in point allocations (reduction from 100 to 70 points) out side closed areas, reexamination of areas closed in 1975–76 to canvasback and redhead hunting to ascertain those where the combined harvest of canvasbacks and redheads has been predominantly redheads in the past. As in previous years, the Atlantic Flyway has the option of an open season on canvasbacks and redheads with a bag and possession limit of 1 canvasback or 1 redhead (or a point value of 100 points for canvasbacks, and 70 points for redheads under the point system) except in specified closed areas for canvasbacks and redheads in lieu of flywaywide closures on the two species. Emphasis would be placed on retention of closed areas where high numbers of canvasbacks have been historically taken. Canvasbacks wintering in the Pacific Flyway constitute a separate population. Because of increases in canvasbacks wintering in that flyway, including the San Francisco Bay area, it is proposed that the daily bag limit consist of two rather than one canvasback daily, in an aggregate bag limit with redheads. This change would result in uniform canvasback and redhead regulations throughout the Pacific Flyway.

Atlantic Flyway

Atlantic Brant

Atlantic brant production is expected to be poor this year because of persistent snow and ice cover on nesting areas traditionally utilized by these birds. The expected fall flight of these brant is estimated at about 115 thousand birds, nearly all of which will be potential breeders next spring. Since geese nesting in the high Arctic frequently experience boom or bust production, annual recruitment cannot be predicted simply on the basis of breeding population size. Because the Atlantic brant population is rebuilding from a population low in 1972, and a large proportion of the population consists of birds that are potential breeders for the spring of 1977, it is proposed that the season in the Atlantic Flyway remain closed this year to return as many breeding-age brant as possible to the breeding grounds in 1977. In the event that nesting conditions are again unfavorable in 1977, a sizable population of sexually mature brant should be available for the 1978 breeding season. The objective is to permit the Atlantic brant population to attain a level that will permit more satisfactory hunting seasons than can be afforded this year.

Zoning of Upstate New York for Duck Seasons

New York submitted a proposal to the Atlantic Waterfowl Council for a four-year experimental study of duck hunting in three zones of Upstate New York. The Council endorsed the concept of zoning and the proposal was accepted by the Service with modifications (including season length penalties) to maintain harvests in the Upstate Area at levels consistent with those that would occur without zoning. Provisions include annual evaluations of duck populations, harvests, and hunter movements and attitudes. The primary purposes of the zoning experiment are to provide hunting opportunitiy in the three zones during times most desired within the waterfowl season framework, and to permit greater flexibility in optimizing species management capabilities.

Mississippi Flyway

Ducks

In view of the generally favorable conditions for duck production in 1976 and no significant change in the fall flight index for the Mississippi Flyway, the Mississippi Flyway Council recommended several minor changes in duck hunting regulations for the 1976–77 hunting season. These included permitting the season to open any day of the week rather than Wednesday at noon, an increase in the conventional bag limit for 4 ducks daily and 8 in possession to 5 daily and 10 in possession, and an increase in the number of mallards permitted within the basic daily bag limit from 2 daily and 4 in possession to 3 daily and 6 in possession. However, in accordance with Council recommendations the proposed increase in the number of permitted mallards is focused on male mallards and is designed to affect female mallards as little as possible. Accordingly, the number of female mallards permitted under the conventional bag limit is proposed to be reduced from 2 daily and 4 in possession to 1 daily and 2 in possession. Under point system regulations, it is proposed to continue the female mallard as a high point bird, with the point value of the male mallard being reduced from 35 points to 25 points. Other recommendations were to remove mergansers from the duck bag limit and establish separate bag limits of 5 daily and 10 in possession, of which only 1 daily and 2 in possession may be hooded mergansers. Also, under the point-system bag limit

option, it is proposed that the 90-point category be reduced to 70 points, and the 35-point category reduced to 25 points in order to reduce the spread in point values and to bring point categories into conformity with those existing in other flyways.

Geese

Habitat conditions for production of Canada geese which migrate into the Mississippi Flyway were favorable in 1976, and the Mississippi Flyway Council recommended small changes in regulations for these geese, including an increase in the harvest quota in the Lac Qui Parle Quota Zone in Minnesota from 4,000 to 5,000 birds, an increase in bag limits for Canada geese in a portion of Kentucky and in Alabama from 1 daily and 2 in possession to 2 daily and 4 in possession, and further restricting areas open to Canada goose hunting in Mississippi and Alabama to afford greater protection to Canada geese. Provisions to effect these recommended changes are proposed herein.

Central Flyway

Ducks

The proposed frameworks incorporate recommendations of the Central Flyway Waterfowl Council that, in consideration of the status of the species using the Flyway, the basic daily bag limit be reduced from 6 to 5 ducks, the limit on female mallards remain at one daily, and the general restriction of 3 mallards be removed to permit some additional opportunity to harvest male mallards which continue to have higher survival rates than do females. Also incorporated are recommendations to decrease the point values of some ducks from 25 to 20 points, including male mallards, outside the High Plains Mallard Management Unit to permit some additional harvest opportunity, especially on male mallards. Point values and other restrictions remain the same for all species except redheads which are discussed elsewhere.

Geese

The proposed frameworks incorporate recommendations of the Central Flyway Waterfowl Council that, in consideration of the long-term upward trend in the populations of lesser snow geese using the Flyway and the increasing crop damages resulting from large goose concentrations in the wintering areas, the length of the season on light (snow, including blue) geese be extended to 86 days in the eastern tier of States in the Central Flyway and that the daily bag and possession limits be increased to 5 geese in New Mexico and Texas west of U.S. Highway 81. These changes are expected to result in modest increases in the snow goose harvest and help prevent excessive concentrations of these geese from occurring north of traditional wintering areas. In addition, it is believed that these changes in snow goose regulations will have the desirable result of relieving some harvest pressure on other species such as white-fronted geese. All restrictions on other geese are proposed to remain unchanged from 1975.

Pacific Flyway

Canada Goose Closure Area in California

During the 1975–76 hunting season, a minor boundary change was made by State regulations of the Sacramento Valley area which had been closed to the taking of Canada geese prior to December 1 for the protection of the endangered Aleutian Canada goose. The closed area redefinition afforded additional protection to the endangered species. This adjustment was based on new band recovery data and extensive field observations of marked birds during the fall and winter of 1975. It is proposed that the new boundary description of the Sacramento Valley closed area will appear in the Federal hunting regulations effective during the 1976–77 season.

Public Comment Invited

The Director intends that finally adopted rules be as responsive as possible to all concerned interests. He therefore desires to obtain the comments and suggestions of the public, other concerned governmental agencies, and private interests on these proposed frameworks and will take into consideration the comments and testimony received. Comments, testimony, and any additional information received may lead to final regulations differing from the proposed frameworks contained herein.

Special circumstances are involved in the establishment of these regulations which limit the amount of time which the Service can allow for public comment. Specifically, two considerations compress the time in which the rulemaking process must operate: the need, on the one hand, to establish final rules at a point early enough in the summer to allow affected State agencies to appropriately adjust their licensing and regulatory mechanisms, and, on the other hand, the unavailability before mid-June of specific, reliable data on this year's status of some migratory shore and upland game bird populations. However, it is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Director (FWS/MBM), U.S. Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240. All revelant comments received no later than August 23, 1976, will be considered. Comments received will be available for public inspection during normal business hours at the Service's office in Room 257, U.S. Department of the Interior, C Street between 18th and 19th Streets, Washington, D.C.

It is therefore proposed to amend 50 CFR Part 20 in the manner set forth below.

This notice of proposed rulemaking is issued under the authority of the Migratory Bird Treaty Act (40 Stat. 755; 16 U.S.C. 703–711).

Dated: August 10, 1976.

LYNN A. GREENWALT,
Director,
U.S. Fish and Wildlife Service.

Proposed Regulations Frameworks for 1976–77 Late Hunting Seasons on Certain Migratory Game Birds

Pursuant to the Migratory Bird Treaty Act, the Secretary of the Interior has approved proposed frameworks for season lengths, shooting hours, bag and possession limits, and outside dates within which States may select seasons for hunting waterfowl, coots, and gallinules; cranes in parts of North Dakota, South Dakota, New Mexico, Texas, Colorado, Oklahoma, Montana, and Wyoming; and common snipe in the Pacific Flyway. Frameworks are summarized below.

General

States may split their season for ducks or geese into two segments of equal or unequal lengths. Exceptions are noted in appropriate sections.

Shooting hours in all States, on all species, and for all seasons are ½ hour before sunrise until sunset, except that September teal season shooting hours are sunrise to sunset.

States in the Atlantic, Mississippi, and Central Flyways selecting neither a September teal season nor the point system may select an extra daily bag and possession limit of 2 and 4 blue-winged teal, respectively, for 9 consecutive days designated during the regular duck season. These extra limits are in addition to the regular duck bag and possession limits.

States in the Atlantic, Mississippi and Central Flyways may select a special scaup-only hunting season not to exceed 16 consecutive days, with daily bag and possession limits of 5 and 10 scaup, respectively, subject to the following conditions:

1. The season must fall between October 1, 1976, and January 31, 1977, in the Atlantic and Mississippi Flyways, and between October 2, 1976, and January 31, 1977, in the Central Flyway, all dates inclusive.

2. The season must fall outside the open season for any other ducks except sea ducks.

3. The season must be limited to areas mutually agreed upon between the State and the Service prior to September 3, and

4. These areas must be described and delineated in State hunting regulations.

or

As an alternative, States in the Atlantic, Mississippi, and Central Flyways, except those selecting a point system, may select an extra daily bag and possession limit of 2 and 4 scaup, respectively, during the regular duck hunting season, subject to conditions 3 and 4 listed above. These extra limits are in addition to the regular duck limits and apply during the entire regular duck season.

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Selection of the point system for any State entirely within a flyway must be on a statewide basis, except if New York selects the point system, conventional regulations may be retained for the Long Island Area. New York may not select the point system within the Upstate zoning option.

States in the Atlantic, Mississippi, and Central Flyways are reminded that if they did not select their rail, woodcock, snipe, gallinule, and sea duck seasons in July, they should do so at the time they make their waterfowl selections.

Frameworks for open seasons and season lengths, bag and possession limit options, and other special provisions are listed below by Flyway.

ATLANTIC FLYWAY

Between October 1, 1976, and January 20, 1977, States in this Flyway may hold open seasons on ducks, coots, and mergansers of: (a) 45 days, with basic daily bag and possession limits of 4 and 8 ducks, respectively, of which no more than 2 in the daily bag and 4 in possession may be black ducks; or (b) 45 days, with basic daily bag and possession limits of 5 and 10 ducks, respectively, of which no more than 1 in the daily bag and 2 in possession may be black ducks. Under either Option (a) or (b), a 50-day season may be selected provided the season is opened on a Wednesday at noon, local time. If the 50-day season is split, each segment must open on a Wednesday at noon, local time.

In the Atlantic Flyway, two options for canvasbacks and redheads are offered: (a) Continued flywaywide closure; or (b) closure of those areas which in the aggregate account for 50 percent or more of the flywaywide harvest of canvasbacks, based on harvest information for the 1961–70 period. If the latter option is selected, one canvasback or one redhead in the daily bag and possession is permitted (except in closed areas) in those States selecting conventional regulations. In those States selecting point system regulations, except in closed areas, the canvasback is assigned 100 points each and the redhead is assigned 70 points each.

Under conventional and point system options, the daily bag and possession limits may not include more than 2 and 4 wood ducks, respectively.

The daily bag limit on mergansers is 5, only 1 of which may be a hooded merganser. The possession limit is 10, only 2 of which may be hooded mergansers.

The daily bag and possession limits of coots are 15 and 30, respectively.

The Lake Champlain area of New York State must follow the waterfowl seasons, daily bag and possession limits, and shooting hours selected by Vermont. This area includes that part of New York State lying east and north of a boundary running south from the Canadian border along U.S. Highway 9 to New York Route 22 south of Keeseville, along New York Route 22 to South Bay, along and around the shoreline of South Bay to New York Route 22, along New York Route 22 to U.S. Highway 4 at Whitehall, and along U.S. Highway 4 to the Vermont border.

In lieu of a special scaup season, Vermont may, for the Lake Champlain Area, select a special scaup and goldeneye season not to exceed 16 consecutive days, with a daily bag limit of 3 scaup or 3 goldeneyes or 3 in the aggregate and a possession limit of 6 scaup or 6 goldeneyes or 6 in the aggregate, subject to the same provisions that apply to the special scaup season elsewhere.

The State of New York may, for the Long Island Area, select season dates and daily bag and possession limits which differ from those in the remainder of the State.

Upstate New York (excluding the Lake Champlain area) may be divided into three zones (West, North, South) on an experimental basis for the purpose of setting separate waterfowl seasons. Option (a) or (b) for seasons and bag limits is applicable to each zone in the Upstate area within the Flyway framework; only conventional regulations may be selected. The West Zone will be permitted the full number of days offered under Options (a) or (b), with or without the Wednesday noon opening. In addition, a split season without penalty may be selected in the West Zone. The North Zone and the South Zone must take a 5-day reduction in season length under either option, with or without the Wednesday noon opening. The basic daily bag limit on ducks in each zone is 4 daily and 8 in possession, and the restrictions applicable to Options (a) and (b) of the regular season for the Flyway also apply. Teal and scaup bonus birds, if offered, shall be applicable to the Upstate zones, but the 16-day special scaup season will not be allowed.

The zones are defined as follows:

The West Zone is that portion of Upstate New York lying west of a line commencing at a point at the north shore of the Salmon River and its junction with Lake Ontario and extending easterly along the north shore of the Salmon River to its intersection with Interstate Highway 81, then southerly along Interstate Highway 81 to the Pennsylvania border.

The North and South Zones are bordered on the west by the boundary described above and are separated from each other as follows:

Starting at the intersection of Interstate Highway 81 and New York Route 49 and extending easterly along Route 49 to its junction with Route 8 in the City of Utica, then southerly along Route 8 to its intersection with Interstate Highway 90 in the City of Utica, then along Interstate Highway 90 easterly to the Massachusetts border.

As an alternative to conventional bag limits for ducks, a 45-day season with a point-system bag limit may be selected by States in the Atlantic Flyway during the framework dates prescribed. A 50-day season may be selected provided the season is opened on a Wednesday at noon, local time. If the 50-day season is split, each segment must open on a Wednesday at noon, local time. Point values for species and sexes taken are as follows: in Florida only, the fulvous tree duck counts 100 points each; in all States the canvasback counts 100 points each (except in closed areas); the female mallard, black duck, mottled duck, wood duck, redhead (except in closed areas) and hooded merganser count 70 points each; the blue-winged teal, green-winged teal, pintail, gadwall, shoveler, scaup, sea ducks, and merganser (except hooded) count 10 points each; the male mallard and all other species of ducks count 25 points each. The daily bag limit is reached when the point value of the last bird taken, added to the sum of the point values of the other birds already taken during that day, reaches or exceeds 100 points. The possession limit is the maximum number of birds which legally could have been taken in 2 days.

In any State in the Atlantic Flyway selecting both point-system regulations and a special sea duck season, sea ducks count 10 points each during the point-system season, but during any part of the regular sea duck open season falling outside the point-system season, regular sea duck daily bag and possession limits of 7 and 14 sea ducks, respectively, apply.

Coots have a point value of zero, but the daily bag and possession limits are 15 and 30, respectively, as under the conventional limits.

Between October 1, 1976, and January 20, 1977, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, West Virginia, New Jersey, Delaware, Maryland, and Virginia (excluding those portions of the Cities of Virginia Beach and Chesapeake lying east of Interstate 64 and U.S. Highway 17) may select 70-day seasons on Canada geese; the daily bag and possession limits are 3 and 6 geese, respectively. North Carolina, South Carolina, and those portions of the Cities of Virginia Beach and Chesapeake lying east of Interstate 64 and U.S. Highway 17 in Virginia may select 50-day seasons on Canada geese within the above framework; the daily bag and possession limits are 1 and 2 geese, respectively.

The season is closed on Canada geese in Florida and Georgia.

Between October 1, 1976, and January 20, 1977, but within their regular waterfowl season, States in the Atlantic Flyway may select 30-day seasons on snow geese (including blue geese); the daily bag and possession limits are 2 and 4 geese, respectively.

The season is closed on Atlantic brant.

For snow geese (including blue geese) the Secretary shall close the season within 48 hours upon recommendation of the Director, Fish and Wildlife Service, that such closure is necessary to avoid excessive harvest.

MISSISSIPPI FLYWAY

Between October 1, 1976, and January 20, 1977, States in this Flyway may hold concurrent 50-day seasons on ducks, coots and mergansers. The daily bag limit for ducks is 5, and may include no more than 3 mallards and black ducks in the aggregate (only 2 of which may be black ducks and only 1 of which may be a female mallard) and 2 wood ducks. The possession limit is 10, including no more

than 6 mallards and black ducks in the aggregate (only 4 of which may be black ducks and only 2 of which may be female mallards) and 4 wood ducks.

Except in closed areas, the limit on canvasbacks and redheads is 1 canvasback daily and 1 in possession or 1 redhead daily and 1 in possession. Under the point system, canvasbacks count 100 points each and redheads count 70 points each, except in closed areas. Areas closed to canvasback and redhead hunting are:

Mississippi River—Entire river, both sides, from Altom Dam upstream to Prescott, Wisconsin, at confluence of St. Croix River.

Alabama—Baldwin and Mobile Counties.

Louisiana—Caddo, St. Charles, and St. Mary Parishes; that portion of Ward 1 formerly designated as Ward 6 of St. Martin Parish; and Catahoula Lake in LaSalle and Rapides Parishes.

Michigan—Arenac, Bay, Huron, Macomb, Monroe, St. Clair, Tuscola, and Wayne Counties, and those adjacent waters of Saginaw Bay south of a line extending from Point au Gres in Sec. 6 T18N, R7E (Arenac County) to Sand Point in Sec. 11, T17N, R9E (Huron County), the St. Clair River, Lake St. Clair, the Detroit River and Lake Erie, under jurisdiction of the State of Michigan.

Minnesota—Sibley and Nicollet Counties, and the area encompassed by a boundary beginning at the North Dakota border on U.S. Highway 2, then east on U.S. Highway 2 to Bemidji, then south on U.S. Highway 71 to U.S. Highway 12 at Willmar, then west on U.S. Highway 12 to the South Dakota border, then north along the South Dakota and North Dakota border to the point of beginning.

Ohio—Land and water areas comprising Erie, Ottawa and Sandusky Counties.

Tennessee—Kentucky Lake lying north on Interstate Highway 40.

Wisconsin—In the Mississippi River Zone, all that part of Wisconsin west of the CB&Q railroad in Grant, Crawford, Vernon, La Cross, Trempealeau, Buffalo, Pepin, and Pierce Counties. Also, Dodge and Winnebago Counties and the land and water areas extending 100 yards from the shorelines of Lake Poygan in Waushara County, Lake Winnebago in Calumet and Fond du Lac Counties, and Rush Lake, Fond du Lac County.

Consideration will be given to reopening those areas in which the canvasback harvest comprises no more than 20 percent of the combined canvasback-redhead harvest, based on 1961–70 harvest information.

The daily bag limit on mergansers is 5, only 1 of which may be a hooded merganser. The possession limit is 10, only 2 of which may be hooded mergansers.

The daily bag and possession limits on coots are 15 and 30, respectively.

As an alternative to conventional bag limits for ducks, a 50-day season with point-system bag and possession limits may be selected by States in the Mississippi Flyway during the framework dates prescribed. Point values for species and sexes taken are as follows: except in closed areas, the canvasback counts 100 points; the redhead (except in closed areas), female mallard, wood duck, black duck and hooded merganser count 70 points each; the pintail, blue-winged teal, cinnamon teal, gadwall, shoveler, scaup, green-winged teal and mergansers (except hooded merganser) count 10 points each; the male mallard and all other species of ducks count 25 points each. The daily bag limit is reached when the point value of the last bird taken, added to the sum of the point values of the other birds already taken during that day, reaches or exceeds 100 points. The possession limit is the maximum number of birds which legally could have been taken in 2 days.

Coots have a point value of zero, but the daily bag and possession limits are 15 and 30, respectively, as under the conventional limits.

In that portion of Louisiana west of a boundary beginning at the Arkansas-Louisiana border on Louisiana Highway 3; then south along Louisiana Highway 3 to Shreveport; then east along Interstate 20 to Minden; then south along Louisiana Highway 7 to Ringgold; then east along Louisiana Highway 4 to Jonesboro; then south along U.S. Highway 167 to Lafayette; then southeast along U.S. Highway 90 to Houma; then south along the Houma Navigation Channel to the Gulf of Mexico through Cat Island Pass—the season on ducks, coots and mergansers may extend 5 additional days, provided that the season opens on November 6, 1976. If the 5-day extension is selected, and if point-system regulations are selected for the State, point values will be the same as for the rest of the State.

The waterfowl seasons, limits, and shooting hours in the Pymatuning Reservoir area of Ohio will be the same as those selected by Pennsylvania. The area includes Pymatuning Reservoir and that part of Ohio bounded on the north by County Road 306 known as Woodward Road, on the west by Pymatuning Lake Road, and on the south by U.S. Highway 322.

Between October 1, 1976, and January 20, 1977, States in this Flyway, except Louisiana, may select 70-day seasons on geese, with daily bag and possession limits of 5 geese, to include no more than 2 white-fronted geese. Regulations for Canada geese are shown below by State.

Between October 1, 1976, and February 14, 1977, Louisiana may select a 70-day season on snow (including blue) and white-fronted geese, with daily bag and possession limits of 5 geese, to include no more than 2 white-fronted geese. The season on Canada geese is closed in Louisiana.

In Minnesota, in the:

(a) Lac Qui Parle Quota Zone—the season on Canada geese closes after 45 days or when 5,000 birds have been harvested, whichever occurs first. The daily bag limit is 1 Canada goose or 2 white-fronted geese, or 1 of each; the possession limit is 2 Canada and 2 white-fronted geese. The quota zone is that area encompassed by a boundary described as follows: beginning at Montevideo, then west on U.S. Highway 212 to U.S. Highway 75, then north on U.S. Highway 75 to State Highway 7 at Odessa, then north on County State Aid Highway 21, Big Stone County, to U.S. Highway 12, then east on U.S. Highway 12 to County State Aid Highway 17, Swift County, then south on C.S.A.H. 17 and C.S.A.H. 9, Chippewa County, to State Highway 40, then east on State Highway 40 to State Highway 29, then south on State Highway 29 to point of beginning at Montevideo.

(b) Southeastern Zone (same description as in 1971)—The season for Canada geese may extend for 70 consecutive days. The daily bag limit is 1 Canada goose or 2 white-fronted geese or 1 of each; the possession limit is 2 Canada and 2 white-fronted geese.

(c) Remainder of the State—The season on Canada geese may not exceed 45 days. The daily bag limit is 1 Canada goose or 2 white-fronted geese or 1 of each; the possession limit is 2 Canada and 2 white-fronted geese.

In Iowa, the season for Canada geese may extend for 45 consecutive days. The daily bag and possession limits are 2 Canada geese.

In Missouri, in the:

(a) Swan Lake Quota Zone (same description as in 1971—the season on Canada geese closes after 45 days or when 25,000 birds have been harvested, whichever occurs first. The daily bag limit is 1 Canada goose or 2 white-fronted geese, or 1 of each; the possession limit is 2 Canada and 2 white-fronted geese.

(b) Southeastern area (east of U.S. Highway 67 and south of Crystal City)—State may select a 45-day season on Canada geese between December 1, 1976, and January 20, 1977, with a daily bag limit of 2 Canada geese or 2 white-fronted geese or 1 of each; and a possession limit of 4 Canada and white-fronted geese in the aggregate, of which no more than 2 may be white-fronted geese.

(c) Remainder of the State—the season on Canada geese may not exceed 45 days. The daily bag limit is 2 Canada geese or 2 white-fronted geese or 1 of each; the possession limit is 2 Canada and 2 white-fronted geese.

In Wisconsin, the harvest of Canada geese is limited 28,000. The daily bag limit is 1 Canada goose or 2 white-fronted geese or 1 of each; the possession limit is 2 Canada and 2 white-fronted geese. In the Horicon Zone, to be defined by State regulations, Canada goose hunting is restricted to those persons holding valid Horicon Zone Canada goose hunting permits issued by the State.

In Illinois, the harvest of Canada geese is limited to 28,000, with 22,000 birds allocated to the Southern Illinois Zone (same description as in 1971). The daily bag limit is 2 Canada geese or 2 white-fronted geese or 1 of each; the possession limit is 4 Canada geese and white-fronted geese in the aggregate, of which no more than 2 may be white-fronted geese. The season on Canada geese may open at a later date in the Southern Illinois Quota Zone and extend to January 20, 1977, or until the Zone's quota of

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22,000 birds is reached, whichever occurs first.

In Michigan, Ohio and Indiana, the daily bag limit is 1 Canada goose or 2 white-fronted geese or 1 of each; the possession limit may include no more than 2 Canada and 2 white-fronted geese, except in Michigan, the possession limit on Canada geese is 1.

In Kentucky, the daily bag limit is 2 Canada geese or 2 white-fronted geese or 1 of each; the possession limit is 4 Canada geese and white-fronted geese in the aggregate, of which no more than 2 may be white-fronted geese.

In Tennessee, the daily bag limit is 1 Canada goose and the possession limit is 2 Canada geese, except that in the Counties of Shelby, Lake, Tipton, Lauderdale, Dyer, and Obion, the daily bag and possession limits are 2 Canada geese.

In Mississippi, in the Sardis Reservoir Area (that area encompassed by Interstate Highway 55 on the west, State Highway 7 on the east, State Highway 310 on the north and State Highway 6 on the south), the daily bag limit is 1 Canada goose and the possession limit is 2 Canada geese. In the remainder of the State, the season on Canada geese is closed.

In Alabama, the season is closed on all geese in the Counties of Chambers, Henry, Russell and Barbour. Elsewhere in Alabama, the daily bag limit is 2 Canada geese or 2 white-fronted geese or 1 of each; the possession limit is 4 Canada and white-fronted geese in the aggregate, of which not more than 2 may be white-fronted geese.

In Arkansas, the Canada goose season will be concurrent with, and the same length as, the duck season, subject to State closure of designated areas. The daily bag limit is 1 Canada goose and the possession limit is 2 Canada geese.

When it has been determined by the Director that the quota of Canada geese allotted to the State of Illinois, to the Swan Lake Area of Missouri, and to the Lac Qui Parle Area of Minnesota will have been filled, the season for taking Canada geese in the respective area will be closed by the Director upon giving public notice through local information media at least 48 hours in advance of the time and date of closing.

Geese taken in Illinois and Missouri and in the Kentucky Counties of Ballard, Hickman, Fulton, and Carlisle may not be transported, shipped, or delivered for transportation or shipment by common carrier, the postal service, or by any person except as the personal baggage of the hunter taking the birds.

Central Flyway

Between October 2, 1976, and January 23, 1977, concurrent seasons on ducks, including mergansers, and coots, may be selected in Central Flyway States and portions of States.

The basic season may include no more than 60 days and bag limits on ducks and mergansers, singly or in the aggregate, are 5 daily and 10 in possession. The aggregate daily bag limit on ducks and mergansers may include no more than 1 hooded merganser, 2 wood ducks and 1 female mallard, and the possession limit may include no more than 2 hooded mergansers, 4 wood ducks and 2 female mallards.

The bag limit on coots is 15 daily and 30 in possession.

The daily bag and possession limits, except in closed areas, may include no more than 1 canvasback or 1 redhead. Except in closed areas, canvasbacks count 100 points each and redheads 70 points each under the point system. The areas closed to canvasback and redhead hunting are:

North Dakota—that portion lying east of State Highway 3, including all or portions of 27 counties.

South Dakota—the Counties of Brookings, Codington, Day, Kingsbury, Roberts, Marshall, and Hamlin.

Texas—the Counties of Brazoria, Chambers, Galveston, Harris, and Jefferson.

Consideration will be given to reopening those areas in which the canvasback harvest comprises no more than 20 percent of the combined canvasback-redhead harvest, based on 1961–70 harvest information.

The season is closed on the Mexican duck.

As an alternative to conventional bag and possession limits for ducks, point-system regulations may be selected for States and portions of States in this Flyway. The point system season length in the High Plains Mallard Management Unit portions of Colorado, Kansas, Montana, Nebraska, New Mexico, Texas, Oklahoma, North Dakota, South Dakota, and Wyoming is 83 days, provided, that the last 23 days of such season must begin on or after December 13, 1976. The season length for those portions of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas not included in the High Plains Mallard Management Unit may not exceed 60 days. The High Plains area, roughly defined as that portion of the Central Flyway which lies between the 100th meridian and the Continental Divide, shall be described in State regulations.

The point values for species and sexes taken in the Central Flyway are as follows: Except in closed areas, canvasbacks count 100 points each; the hen mallard, wood duck, redhead (except in closed areas), and hooded merganser count 70 points each; the blue-winged teal, green-winged teal, cinnamon teal, scaup, pintail, gadwall, shoveler, and mergansers (except the hooded merganser) count 10 points each; all other species and sexes of ducks count 20 points each. The daily bag limit is reached when the point value of the last bird taken, when added to the sum of the point values of other birds already taken during that day, reaches or exceeds 100 points. The possession limit is the maximum number of birds which legally could have been taken in 2 days.

Coots have a point value of zero, but the daily bag and possession limits are 15 and 30 respectively, as under the conventional limits.

Those portions of Colorado and Wyoming lying west of the Continental Divide, that portion of New Mexico lying west of the Continental Divide plus the entire Jicarilla Apache Indian Reservation, and that portion of Montana which includes the Counties of Hill, Chouteau, Cascade, Meagher, and Park and all counties west thereof, must select open season on waterfowl and coots in accordance with the framework for the Pacific Flyway.

Between October 2, 1976, and January 23, 1977, States in this Flyway may select goose seasons as follows:

(a) For the Central Flyway portions of Montana, Wyoming and Colorado, States may select seasons of 93 days, with daily bag and possession limits of 2 and 4 geese, respectively.

(b) For the Central Flyway portion of New Mexico and that portion of Texas west of U.S. Highway 81, States may select seasons of 93 days with a daily bag limit of 5 geese which may include no more than 2 dark (Canada and white-fronted) geese and a possession limit of 5 geese which may include no more then 4 dark geese.

(c) The States of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma and Texas (for that portion east of U.S. Highway 81) may select seasons of 86 days for light (snow and blue) geese and seasons of 72 days for dark (Canada and white-fronted) geese subject to the following:

Seasons for light and dark geese need not be concurrent.

The daily bag and possession limits may not exceed 5 geese during periods when such light and dark goose seasons may be concurrent.

The daily bag and possession limit shall be 5 light geese.

The daily bag limit may include no more than 2 dark geese and possession limit may include no more than 4 dark geese subject to the following:

In North Dakota the daily bag limit may include no more than 1 Canada goose and 1 white-fronted goose or 2 white-fronted geese. The possession limit may include no more than 2 Canada or 2 white-fronted geese or 1 of each. The season on dark geese may not extend beyond November 14, 1976.

In South Dakota, except in the following listed Counties, the daily bag limit may include no more than 1 Canada goose and 1 white-fronted goose and the possession limit may include no more than 2 Canada geese or 2 white-fronted geese or 1 of each and the season on dark geese may not extend beyond November 28, 1976. In the Counties of Buffalo, Campbell, Corson, Dewey, Hughes, Potter, Stanley, Sully and Walworth, the daily bag and possession limits may include no more than 1 Canada goose and the season on dark geese may not extend beyond November 14, 1976. In the Counties of Brule, Charles Mix and Gregory, the daily bag and possession limits may include no more than 1 Canada goose and the season on dark geese may not extend beyond November 28, 1976.

In Nebraska, the season on dark geese may not extend beyond December 19, 1976. The daily bag limit may include no more than 1 Canada goose and 1 white-fronted goose and the possession limit may include no more than 2 Canada geese or 2 white-fronted geese or 1 of each except that, in that portion of the State west of U.S. Highway 183, prior to November 22, the daily bag limit may include no more than 2 Canada geese and the possession limit no more than 4 Canada geese.

In Kansas the season on Canada and white-fronted geese may not extend beyond December 26, 1976. The daily bag limit may include no more than 1 Canada goose and 1 white-fronted goose and the possession limit may include no more than 2 Canada geese or 2 white-fronted geese or 1 of each.

In the Oklahoma Counties of Alfalfa, Bryan, Johnston, and Marshall, the State may select either:

(a) A season of 72 days with a daily bag limit of no more than 1 Canada goose and 1 white-fronted goose, and a possession limit of no more than 2 Canada geese or 2 white-fronted geese or 1 of each.

or

(b) A season of 53 days (within the 72-day period selected for the remainder of the State) with a daily bag limit of no more than 2 Canada geese or 1 Canada goose and 1 white-fronted goose, and a possession limit of no more than 2 Canada geese or 2 white-fronted geese of 1 of each.

In the remainder of Oklahoma, the daily bag limit may include no more than 2 Canada geese or 1 Canada goose and 1 white-fronted goose and the possession limit no more than 2 Canada geese or 2 white-fronted geese or 1 of each.

In that portion of Texas east of U.S. Highway 81, the State may select either:

(a) A season of 72 days with a daily bag limit of no more than 1 Canada goose or 1 white-fronted goose and a possession limit of no more than 2 Canada geese or 2 white-fronted geese or 1 of each.

(b) A season of 64 consecutive days commencing no earlier than November 14, 1976, with a daily bag limit of no more than 1 Canada goose and 1 white-fronted goose and a possession limit of no more than 2 Canada geese or 2 white-fronted geese or 1 of each.

In all States in the Flyway, the daily bag and possession limits may include no more than 1 Ross' goose.

Colorado, New Mexico, Oklahoma, Texas, Montana and Wyoming may select a season on the lesser sandhill (little brown) crane with daily bag and possession limits of 3 and 6, respectively, within an October 2, 1976–January 18, 1977, framework as follows:

(a) 36 consecutive days from October 2 through November 8, 1976, in the Central Flyway portion of Colorado except the San Luis Valley area.

(b) 93 consecutive days between October 23, 1976, and January 31, 1977, in the New Mexico Counties of Chaves, Curry, De Baca, Eddy, Lea, Quay, and Roosevelt, and in that portion of Texas west of a boundary from the Oklahoma border along U.S. Highway 287 to U.S. Highway 87 at Dumas, along U.S. Highway 87 and including all of Howard and Lynn Counties to U.S. Highway 277 at San Angelo, and along U.S. Highway 277 to the International Toll Bridge in Del Rio.

(c) 58 consecutive days beginning on or after November 27, 1967, in that portion of Oklahoma west of U.S. Highway 81, and in that portion of Texas east of a boundary from the Oklahoma border along U.S. Highway 287 to U.S. Highway 27 at Dumas, then along U.S. Highway 87 to San Angelo, and west of a line running north from San Angelo along U.S. Highway 277 to Abilene, along State Highway 351 to Albany, along U.S. Highway 283 to Vernon, and then along U.S. Highway 183 east to the Oklahoma border.

(d) 37 consecutive days to open with the goose season in Phillips County, Montana.

(e) 30 consecutive days beginning on or after October 9, 1976, in Platte and Goshen Counties, Wyoming.

North Dakota and South Dakota may select sandhill crane seasons of: 30 consecutive days between November 6 and December 5, 1976, in the North Dakota Counties of Kidder, Stutsman, Benson, Emmons, Pierce, McLean, Sheridan, and Burleigh; and in that part of South Dakota enclosed by a boundary described as follows: from the North Dakota border, south on U.S. Highway 83 to U.S. Highway 212, west on U.S. Highway 212 to the Promise Road, north on the Promise Road to State Highway 20, north on State Highway 20 to U.S. Highway 12, northwest on U.S. Highway 12 to State Highway 63, north on State Highway 63 to the North Dakota border.

All persons hunting sandhill cranes in the above designated areas of the Central Flyway must obtain and possess valid Federal permits issued by the appropriate State conservation agency on an equitable basis without charge.

Pacific Flyway

Between October 2, 1976, and January 23, 1977, concurrent 93-day seasons on ducks, mergansers, coots, and gallinules may be selected in Pacific Flyway States and portions of States, *except* the Columbia Basin Area. Basic daily bag and possession limits on ducks and 7 and 14, respectively.

No more than 2 redheads or 2 canvasbacks or 1 of each may be taken daily and no more than 4 singly or in the aggregate may be possessed.

The season is closed on the Mexican duck.

The daily bag and possession limits on mergansers are 5 and 10, respectively, of which no more than 1 daily and 2 in possession may be hooded mergansers.

The daily bag and possession limits on coots and gallinules are 25 singly or in the aggregate.

For that portion of California lying south of the Tehachapi Mountains and west of the Colorado River Area (as described in Title 14 California Fish and Game Code, Section 502), the State may designate season dates differing from those in the remainder of the State.

Waterfowl season dates for Clark and Lincoln Counties in Nevada and the Colorado River Area of California must coincide with season dates selected by Arizona for waterfowl. Waterfowl season dates for the Tule Lake Area of California must coincide with season dates selected by Oregon for waterfowl.

In the Columbia Basin Area of Washington, Oregon and Idaho, between October 2, 1976, and January 23, 1977, the season lengths for ducks, mergansers, coots and gallinules may be 100 days with all seasons to run concurrently. The daily bag limit is 7 ducks and the possession limit is 14 ducks, to include no more than 2 redheads or 2 canvasbacks or 1 of each daily, and no more than 4 singly or in the aggregate in possession. The bag limit on mergansers is 5 daily and 10 in possesion, of which no more than 1 daily and 2 in possession may be hooded mergansers. The daily bag and possession limits on coots and galinules are 25 singly or in the aggregate.

Between October 2, 1976, and January 23, 1977, 93-day seasons on geese may be selected in States or portions of States in this Flyway, except the Columbia Basin area. The basic daily bag and possession limits are 6, provided, that the daily bag limit includes no more than 3 snow geese and 3 geese of the dark species (Canada and white-fronted); the daily bag and possession limits are proportionately reduced in those areas where special restrictions apply to Canada geese. In Washington and Idaho, the daily bag and possession limits are 3 and 6 geese, respectively.

Three areas in California are restricted to the hunting of Canada geese in order to protect the Aleutian Canada goose for which no hunting is allowed and are described as follows:

(1) In the Counties of Del Norte, Humboldt and Mendocino, there will be a complete closure on Canada geese during the 1976–77 waterfowl hunting season.

(2) In the Sacramento Valley in the area described as follows: beginning at the town of Willows in Glenn County proceed south on Interstate Highway 5 to the junction with Hahn Road north of the town of Arbuckle in Colusa County; then easterly on Hahn Road and the Grimes-Arbuckle Road to the town of Grimes on the Sacramento River, then south on the Sacramento River to the Tisdale By-pass; then easterly on the Tisdale By-pass to where it meets O'Banion Road; then easterly on O'Banion Road to State Highway 99; then northerly on State Highway 99 to its junction with the Gridley-Colusa Highway in the town of Gridley in Butte County; then westerly on the Gridley-Colusa Highway to its junction with the River Road; then northerly on the River Road to the Princeton Ferry; then westerly across the Sacramento River to State Highway 45; then northerly on State Highway 45 to its junction with State Highway 162; then continuing northerly on State Highway 45–162 to the town of Glenn; then westerly on State Highway 162 to the

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point of beginning in the town of Willows, the hunting season for taking Canada geese will not open until December 15, 1976, and will then continue to the end of the 1976–77 waterfowl hunting season.

(3) In the San Joaquin Valley in the area described as follows: beginning at the city of Modesto in Stanislaus County proceeding west on State Highway 132 to the junction of Interstate 5; then southerly on Interstate 5 to the junction of State Highway 152 in Merced County; then easterly on State Highway 152 to the junction of State Highway 59; then northerly on State Highway 59 to the junction of State Highway 99 at the city of Merced; then northerly and westerly to the point of beginning; the hunting season here for taking Canada geese will close on December 15, 1976.

In the Washington Counties of Adams, Franklin, Grant, Walla Walla, Lincoln, Douglas, Yakima, Benton, Klickitat, and Kittitas, and in the Oregon Counties of Morrow, Wasco, Sherman, Gilliam, Umatilla, Union and Wallowa, the goose season must run concurrently with the Columbia Basin duck season and the bag limits for geese are to be the same as in the general goose season in their respective States.

In that portion of the State of Idaho lying west of U.S. Highway 93 (except Boundary, Bonner, Kootenai, Benewah, Shoshone, Latah, Nez Perce, Lewis, Clearwater and Idaho Counties); in the Oregon Counties of Baker and Malheur; in that portion of Montana and Wyoming placed in the Pacific Flyway, the daily bag and possession limit is 2 Canada geese and the season on Canada geese may not extend beyond December 31, 1976.

In that portion of Idaho lying east of U.S. Highway 93; in that portion of Colorado placed in the Pacific Flyway; in the State of Utah except Washington County, the season on Canada geese may be no more than 72 days and the season on Canada geese may not extend beyond December 19, 1976.

In the State of Arizona; in that portion of New Mexico placed in the Pacific Flyway; in Clark and Lincoln Counties, Nevada; in Washington County, Utah; and in the Tehachapi waterfowl area of California, the season on Canada geese may be no more than 72 days. The daily bag and possession limit is 2 Canada geese and the season on Canada geese may not extend beyond January 2, 1977.

In that portion of California Fish and Game District 22 for which California selects the open season (that portion of District 22 lying outside the Colorado River area), the daily bag limit is 1 Canada goose with 2 in possession and the season on Canada geese may be no more than 72 days and the season on Canada geese may not extend beyond January 2, 1977.

In all States in the Flyway, the daily bag and possession limits may include no more than 1 Ross' goose.

Between October 23, 1976, and February 23, 1977, States in this Flyway may select an open season on black brant of 93 days with daily bag and possession limits of 4 and 8 brant, respectively.

In Utah, Nevada and Montana, an open season for taking a limited number of whistling swans may be selected subject to the following conditions: (a) the season must run concurrently with the duck season; (b) in Utah, no more than 2,500 permits may be issued, authorizing each permittee to take 1 whistling swan; (c) in Nevada, no more than 500 permits may be issued, authorizing each permittee to take 1 whistling swan in Churchill County; (d) in Montana, no more than 500 permits may be issued, authorizing each permittee to take 1 whistling swan in Teton County; (e) permit forms and correspondingly numbered metal locking seals furnished by the Service must be issued by the appropriate State conservation agency on an equitable basis without charge.

Open seasons on common (Wilson's) snipe, coinciding with the duck season locally in effect, may be selected for States or portions of States in this Flyway. The daily bag and possession limits are 8 and 16, respectively.

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1004]

[Docket No. AO–160–A53]

MILK IN THE MIDDLE ATLANTIC MARKETING AREA

Decision on Proposed Amendments to Marketing Agreement and to Order

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the Middle Atlantic market area. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR Part 900), at the Baltimore-Washington International Airport, Maryland, on May 20, 1976 pursuant to notice thereof issued on May 4, 1976 (41 FR 18862).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Program Operations, on July 6, 1976 (41 FR 28308), filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein, subject to the following modifications:

Under the heading "Findings and Conclusions," paragraphs 18, 21, 23 and 24 are changed.

The material issue on the record of the hearing relates to increasing the rate of deduction under the advertising and promotion program from 5 cents per hundredweight to 7 cents per hundredweight of producer milk.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

Rate of deduction for the advertising and promotion program. The rate at which the advertising and promotion program is funded from producer monies should be increased from 5 cents per hundredweight to 7 cents per hundredweight of producer milk.

The advertising and promotion program was established under the Middle Atlantic order in February 1972 with respect to marketings on and after April 1 of that year. The program has been funded since its inception through a monthly 5-cent per hundredweight assessment on milk delivered during the month by participating producers. The money is deducted by the market administrator from the producer-settlement fund and turned over to an agency organized by producers and producers' cooperative associations. Certain reserves are withheld by the market administrator to cover the administrative costs incurred by him and refunds to producers.

The advertising and promotion agency is responsible for the development and implementation of programs and projects approved by the Secretary and designed to carry out the purposes of the Act. The scope of the agency's activities may include the establishment of research and development projects, advertising on a non-brand basis, sales promotion, and educational and other programs designed to improve or promote the domestic marketing and consumption of milk and its products.

The advertising and promotion program is a voluntary program. Accordingly, each producer, on a quarterly basis, is given an opportunity to request a refund of the money withheld from his pool proceeds. About 10 percent of the producers in the market received a refund for the first quarter of 1976.

Four cooperative associations whose members supply about 60 percent of the milk regulated under the order proposed that the rate of deduction for funding the advertising and promotion program be increased from the present 5 cents to 7 cents. Proponents indicated that it was their belief that the program has contributed to an increase in Class I sales during various periods and has minimized declining sales during times of rising milk prices. It was their position, however, that the current funding rate is no longer adequate to maintain the promotional effort initially contemplated by producers and subsequently established under the program. Proponents claimed that the current inflationary trend in the economy has caused the cost of all advertising and promotion activities to rise significantly. At the same time, producer contributions to the program have remained relatively constant. Thus, they contended, inflation has caused a reduction in advertising and promotion expenditures and thus a reduction in the effectiveness of the program.

Opposition to an increase in the funding rate was expressed by a cooperative association representing slightly less than 10 percent of the producers on the market. The cooperative indicated that if the rate of deduction were increased in the Middle Atlantic market, comparable rate increases probably would be requested in other markets having similar programs. Opponent claimed that this would be an undesirable development at this time since dairy farmers were only now beginning to recover from a recent unprecedented cost-price squeeze. The opposing cooperative also claimed that any attempt in surrounding areas to bring the funding rate in line with the proposed rate under Order 4 could threaten the participation in the programs for such areas. Also, it was claimed that the data for the Middle Atlantic market show no significant improvement in fluid milk sales since the start of the advertising and promotion program, thus raising a question as to the potential effectiveness of any increased funding. In addition, the cooperative indicated that producer participation in the program has been falling steadily since the program was initiated and that a higher funding rate would aggravate this situation.

As indicated at the outset, the funding rate for the advertising and promotion program should be increased by 2 cents per hundredweight of producer deliveries. An increase in the funding rate is necessary if the promotional effort under the program is to be maintained at the general level which producers initially supported when the program was established and which a majority of the producers continue to support. At the program's inception, producers supported the current funding rate of 5 cents per hundredweight with the expectation that this rate would permit a given level of advertising and promotion activity. Although producer contributions under the program have remained relatively constant, inflationary conditions within the economy have seriously curtailed the amount of promotional activity that can be generated by the available funds. Since the start of the program, the purchasing power of the dollar, for example, has declined about 35 percent in terms of wholesale prices, and about 26 percent on the basis of consumer prices.

The Order 4 advertising and promotion agency disburses the bulk of its available funds to the United Dairy Industry Association (UDIA) and the several dairy councils that operate within the Middle Atlantic market. During the period of April 1972 through December 1975, UDIA received $5,727,423 from the Order 4 agency. About three-fourths of this amount was used for local advertising; the remainder was spent on national programs. The local dairy councils received $1,793,406 during this period.

The UDIA carries out its activities through three sub-organizations. Consumer advertising is handled by the American Dairy Association. The National Dairy Council conducts nutrition research and nutrition education programs. The research arm of UDIA is Dairy Research, Inc., which pursues the development of new dairy products and processing techniques.

A representative of UDIA testified at the hearing as to the costs attendant to advertising through various media. The witness indicated that on a national basis UDIA has experienced the following cost increases since 1972 for the most commonly used media:

Media:	Percent increase
Spot television	50
Nighttime network TV	33
Spot radio	28
Daily newspapers	30

It was pointed out that in advertising milk a media mix might be used that would consist of 60 percent spot television, 25 percent spot radio, and 15 percent nighttime television. With this particular media mix, the cost of advertising today is 42 percent higher than in 1972, thus requiring a 42 percent increase in expenditures if the 1972 level of advertising is to be maintained. If, on the other hand, advertising expenditures are held at the 1972 level, only 70 percent as much advertising can be purchased today as previously.

The UDIA witness further noted that in the past year advertising costs in the Middle Atlantic market have increased more than they have nationally. Spot television for prime time (8–11 p.m.) is up 33 percent locally versus a 27 percent increase for the nation. For fringe prime time (early and late evening), costs are up 32 percent in the Order 4 area compared to 29 percent nationally. For daytime advertising, costs are up 61 percent locally versus 21 percent nationally.

In addition to testimony regarding UDIA activities, witnesses also described the activities of the local dairy councils and the need for additional funding. Such organizations provide nutrition education to various groups and persons in the local communities. Through personal contacts by staff people, literature, films and exhibits, the dairy councils emphasize the importance of a nutritionally adequate diet, including the use of milk and other dairy products.

As in the case of advertising, dairy council activities likewise have been adversely affected by the recent inflationary trend in the economy. Witnesses indicated that such activities have either been curtailed or held at less than normally desired expenditure levels because of the higher cost of carrying out these activities.

While costs under the advertising and promotion program have been increasing, producer contributions to the program have remained relatively constant. For example, funds transferred by the market administrator to the Order 4 agency totaled $2,117,804 in 1973, $2,121,863 in 1974, and $2,162,677 in 1975. Any significant increase in available funds is not likely except through an increase in the rate at which monies are deducted from producers' returns for the program.

In support of their proposal, proponents indicate that the advertising and promotion program has had a "positive" effect on the per capita consumption of milk. They stated that prior to the start of the program per capita sales in the market had been declining. Proponents claimed that the program reversed this sales trend except during a period of rapidly rising milk prices. They contended that even in this latter situation the program had a positive effect by minimizing the sales decline.

The opposing cooperative, on the other hand, claimed that there is no conclusive evidence that the advertising and promotion program has improved milk sales in the Middle Atlantic market. The cooperative contended in its brief that an increase in the program's funding rate should be adopted only if the record demonstrates that the program has produced positive results that are sufficient to justify program expenditures.

The cooperative reiterated this position in its exceptions to the recommended decision and indicated that this is the paramount economic consideration in determining whether a rate increase is justified.

Serious question must be raised as to whether the record evidence in fact demonstrates one way or the other that the advertising and promotion program has in fact caused milk sales to be at a level higher than otherwise would have been the case without such a program. The effectiveness of advertising is difficult to measure, and a valid evaluation of the program would need to be based on a more extensive study than presumably was undertaken by either the proponent or opponent cooperatives. It would seem a prudent step, of course, for those producers participating in the program to seek such an evaluation of the advertising and promotion activities that they are funding.

Adoption of the proposed increase in funding should not be denied, however, for lack of a reasonable determination at this time of the effectiveness of the current program. As indicated in the decision supporting the adoption of this program, the enabling legislation for advertising and promotion programs under Federal orders was envisioned as the authority for a self-help program under which milk producers could collect and spend their own funds to improve their own markets for milk.[1] An essential feature of this legislation is that such programs are to be voluntary with respect to contributions by producers. Producers wishing not to contribute to the program have the option of requesting a refund of the assessments against their deliveries. Thus, Order 4 producers opposing the advertising and promotion program simply need not participate. A substantial majority of the producers in the market, however, have indicated their support of a program funded at a higher rate and they should be given the opportunity to participate in such a program if they so wish.

[1] Official notice is taken of the Assistant Secretary's decision on proposed amendments to the Middle Atlantic Order that was issued on January 14, 1972 (37 FR 793).

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In its brief, the opposing cooperative stated that such substantial support by producers for the proposal under consideration does not constitute "evidence with respect to the economic and marketing conditions which relate to the proposed amendments" and does not in itself constitute a sufficient or proper justification for adopting the proposal. In its exceptions, the cooperative further indicated that while it does not question the Secretary's authority to weigh the desires of local producers it does believe that the Department gave excessive weight to this factor in its recommended decision.

While other considerations are involved, producer support is an important consideration. The intent of the enabling legislation includes recognition of the desire of producers to have a program designed to improve or promote the domestic marketing and consumption of milk and its products. Testimony at the hearing indicates that a substantial majority of the producers in the market support such a program and, as implied in the court decision quoted by opponent in its brief on another point, the Secretary is entitled to weigh the desires of local producers in reaching his decision. With respect to producer support, it is noted that although the opposing cooperative, as an organization, objects to an increase in the funding rate it does support the current program, and over half of its members on the Middle Atlantic market are participants. Contrary to opponent's contention, such evidence of support and actual participation does reflect economic and marketing conditions in the Middle Atlantic market.

The opposing cooperative further stated in its brief that any proposal adopted must be "reasonable and supported by adequate evidence." The cooperative contended that the proposal under consideration does not meet these conditions.

It is recognized that what is "reasonable" and what constitutes "adequate evidence" becomes a matter of judgment. Nevertheless, in light of the enabling legislation, it is concluded that the proposal adopted herein is reasonable and that it is supported by adequate evidence regarding the economic and marketing conditions in the market.

We find no basis for the conclusion reached by the opposing cooperative in its exceptions that the proposed amendments adopted herein are not based on "reliable, probative and substantial evidence."

The opposing cooperative also argued at the hearing and in its exceptions that the Department should not rely in its decision on the presumption that the advertising and promotion program is voluntary. It claimed that at best the program is only "quasi-voluntary" because the procedure for obtaining refunds of the assessments against their marketings is "unduly burdensome on dairy farmers."

The current refund procedure was established at the time the program was initiated. The procedure is in accordance with the statutory requirements regarding refunds under advertising and promotion programs. It should be noted that the refund procedure was proposed and supported by the producers at the time the program was adopted, and producers have not sought any change in this procedure since then.

As justification for not adopting a higher funding rate, the opposing cooperative contended that producer participation in the program is declining and that increased deductions would accelerate this decline. It is true that there has been a very gradual decline in the participation rate since the program started. However, about 90 percent of the producers are still participants. It is not possible, of course, to determine in advance what impact a higher funding rate might have on producer participation. The substantial support among producers for a higher funding rate would suggest that the impact might be minimal. In any case, speculation that there might be some further decline in producer participation does not represent a valid basis for denying adoption of the proposal.

Another argument offered by the opposing cooperative against the proposal was that an increase in the funding rate under Order 4 would generate requests for similar increases in other markets where advertising and promotion programs, both Federal and state, are in effect. The cooperative contended that dairy farmers are just now recovering from recent adverse economic conditions and that this is an inopportune time for a reduction in returns to producers as a result of a higher funding rate. In addition, the cooperative expressed concern about the potential decline in producer participation in these other programs as a result of any increased funding.

In this case, also, there is no way of determining in advance what impact any changes in the Order 4 advertising and promotion program might have on similar programs in neighboring markets. Again, however, this is not a valid consideration in deciding on the appropriateness of the funding rate for the Middle Atlantic market.

To implement the conclusions of this decision, several parts of the order must be amended to reflect the change in the rate of deduction, i.e., from 5 cents to 7 cents per hundredweight. In addition, certain changes should be made in several provisions that were intended to be applicable only at the time the advertising and promotion program became effective. For example, one provision would require the market administrator, "promptly after the effective date of this amending order," to notify participating producers of their opportunity to nominate Agency representatives. Then, "within 30 days after the effective date of this amending order," the market administrator would be required to conduct a referendum to determine representation on the Agency. In still another case, producers would not be limited to filing refund requests during the quarterly 15-day filing period now prescribed but instead could file such requests anytime "during the period following the effective date of this amending order to the beginning of the first full calendar quarter for which the opportunity exists for such producers to request refunds" in accordance with the presently used procedure.

The several provisions should be revised in such a manner that the amended order, upon effectuation, will not instruct the market administrator to carry out certain activities or permit certain refund procedures not intended to be applicable at this time.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conlusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on Exceptions

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing Agreement and Order

Annexed hereto and made a part hereof are two documents, a Marketing Agreement regulating the handling of milk, and an Order amending the order regulating the handling of milk in the Middle Atlantic marketing area, which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the Federal Register.[2] The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

Determination of Producer Approval of the Advertising and Promotion Program and Determination of Representative Period

June 1976 is hereby determined to be the representative period for the purpose of ascertaining whether the order provisions constituting the Advertising and Promotion Program, as hereby proposed to be amended, in the order regulating the handling of milk in the Middle Atlantic marketing area are separately approved or favored by producers, as defined under the terms of the order (as amended and as hereby proposed to be amended), who during such representative period were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on August 9, 1976.

Richard L. Feltner,
Assistant Secretary.

Order[1] amending the order, regulating the handling of milk in the Middle Atantic Marketing Area

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Middle Atlantic marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Middle Atlantic marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Program Operations, on July 6, 1976 (41 FR 28308), and published in the Federal Register on July 9, 1976, shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein:

§ 1004.61 [Amended]

1. In § 1004.61, paragraphs (a)(3) and (b)(1) (i) and (ii) are amended by changing the number "5" to "7."

§ 1004.71 [Amended]

2. In § 1004.71, paragraph (b)(2) is amended by changing the number "5" to "7."

§ 1004.76 [Amended]

3. In § 1004.76, paragraph (b)(5) is amended by changing the number "5" to "7."

4. In § 1004.113, paragraph (c)(1) is revised to read as follows:

§ 1004.113 Selection of Agency members.

* * * * * *

(c) * * *

(1) Promptly after the initial effective date of the advertising and promotion program under this order, and annually thereafter, the market administrator shall give notice to participating producer members of such cooperative and participating nonmember producers of their opportunity to nominate one or more Agency representatives, as the case may be, and also shall specify the number of representatives to be selected.

* * * * * *

§ 1004.120 [Amended]

5. In § 1004.120, the last sentence of paragraph (c) is deleted and paragraph (d) is amended by changing the number "5" to "7."

6. In § 1004.121, paragraphs (a), (b), and (c) are revised to read as follows:

§ 1004.121 Duties of the market administrator.

* * * * * *

(a) Within 30 days after the initial effective date of the advertising and promotion program under this order, and annually thereafter, conduct a referendum to determine representation on the Agency pursuant to § 1004.113(c);

(b) Set aside the amounts subtracted under § 1004.61(a)(3) into an advertising and promotion fund, separately accounted for, from which shall be disbursed:

(1) To the Agency each month, all such funds less any necessary amount held in reserve to cover refunds pursuant to paragraph (b)(4) of this section; payments, if any, to producers or states pursuant to paragraph (b)(2) and (3) of this section; and payments to cover expenses of the market administrator incurred in the administration of the advertising and promotion program (including audit).

(2) To producers, a refund of the amounts of mandatory checkoff for advertising and promotion programs required under authority of state law applicable to such producers, but not in amounts that exceed a rate of 7 cents per hundredweight on the volume of milk pooled by any such producer for which deductions were made pursuant to § 1004.61(a)(3).

(3) To any state after the end of each calendar quarter, a payment on behalf of any producer for which a specific authorization has been received pursuant to § 1004.120(d), but not in an amount that exceeds a rate of 7 cents per hundredweight of such producer's milk pooled for which deductions were made pursuant to § 1004.61(a)(3) for such calendar quarter.

(4) To each producer after the end of each calendar quarter, a refund for which the producer has made application pursuant to § 1004.120. Such refund shall be at a rate of 7 cents per hundredweight of such producer's milk pooled for which deductions were made pursuant to § 1004.61(a)(3) for such calendar quarter, less the amount of any refund otherwise made to, or on behalf of, the producer pursuant to paragraph (b)(2) and (3) of this section.

(c) Forward to each new producer a copy of the provisions of the advertising and promotion program (§§ 1004.110 through 1004.122).

* * * * * *

[FR Doc.76-23748 Filed 8-12-76;8:45 am]

[1] Marketing agreement filed as part of original document.

[2] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

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[7 CFR Part 1124]

[Docket No. AO-368-A9]

MILK IN THE OREGON-WASHINGTON MARKETING AREA

Decision on Proposed Amendments to Marketing Agreement and to Order

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the Oregon-Washington marketing area. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR Part 900), at Beaverton, Oregon, on March 10–11, 1976, pursuant to notice thereof issued on February 24, 1976 (41 FR 8189).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Program Operations, on July 1, 1976 (41 FR 27844), filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein, subject to the following modifications:

1. A new paragraph is added following the last paragraph under issue 1.

2. Three new paragraphs are added just preceding that last paragraph under issue 2.

3. Five new paragraphs are added following the ninth paragraph under issue 3.

The material issues on the record of the hearing relate to:

1. Diversion of producer milk.
2. Location adjustments.
3. Partial payments to producers.
4. Charges on overdue obligations.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Diversion of producer milk.* The diversion provisions of the order should be revised to provide that milk of a dairy farmer shall be eligible for diverson as producer milk only after such dairy farmer's status as a producer has been established on the basis of physical receipt of milk at a pool plant. In addition, during the months of September, October, or November, at least one delivery must be received at a pool plant during the month to qualify such producer's milk for diversion privileges during the month.

A producer who meets the one day delivery requirement in all three months, September-November, is eligible to have his milk diverted as producer milk in any subsequent months through August, without further qualifying deliveries to a pool plant. A producer whose milk was not received at a pool plant at least one day during each of the months of September–November also must make one delivery of his milk to a pool plant during any month to qualify his milk for diversion during such month. When this delivery requirement has been met for three consecutive months, such producer's milk is eligible for diversion as producer milk in subsequent months through August without further deliveries to a pool plant.

A producer's milk now may be diverted only after a previous receipt of such producer's milk at a pool plant, and in any month at least three deliveries of his milk must be made to a pool plant. The order limits diversions of producer milk in the aggregate, by either a cooperative or a proprietary handler, to a quantity no greater than that delivered to a pool plant(s) in the same month. This quantity limitation was not at issue in this proceeding.

The diversion provisions are intended to facilitate the efficient handling of the market's reserve milk supply. Milk not needed at a pool plant may be handled most efficiently by movement directly from the farms (diverted) to nonpool manufacturing plants rather than by receipt at a pool plant and subsequent transfer.

The Farmers Cooperative Creamery Association, Portland Independent Milk Producers Association and the Corvallis Milk Producers Association, representing their member producers on the market, jointly requested a modification of the diversion qualification provisions applicable to a cooperative association as the diverting handler. They proposed a one delivery requirement during each month of September, October, and November as a condition for diversion of any producer's milk in such months and in the succeeding months through August each year.

Their proposal as noticed would apply to milk of "member producers" only whereas the diversion provisions of the order currently are not so limited. At the hearing, proponents modified their proposal to apply to any producer. In their post hearing brief they indicated that it was neither relevant nor their intent to make a substantive change in the diversion rule which would limit diversions to milk of cooperative members.

A corollary proposal by Safeway Stores, Inc., included in the hearing notice, would modify the diversion rules applicable to proprietary handlers essentially in the same manner as that proposed by the three cooperatives. At the hearing, all parties testifying on the diversion issue recognized the need for a similar application of diversion provisions to both cooperative associations and proprietary handlers.

Supporting the diversion rule changes applicable to both cooperatives and proprietary handlers were two additional cooperative associations, four non-cooperative producer groups and associations, and a proprietary handler.

The chief reasons given in support of the proposed relaxation of the receipt requirements were that such revision would save substantial uneconomic hauling and handling expenses now being necessarily incurred to preserve producer status for a large quantity of reserve milk associated with the market and would provide maximum flexibility for the handling of market fluid milk reserves.

A recent institutional change in the market was cited on the record as support of the proposed revision of the diversion qualification provisions.

The three proponent cooperatives federated in the fall of 1974. This facilitated a more efficient means of supplying milk to plant operations in the Portland, Corvallis, McMinnville and Tillamook areas. The spokesman for the federation stressed the need for a coordinated marketing system so that plants are supplied with that milk closest to the area where produced with resulting substantial transportation savings.

Prior to the formation of this federation, the Farmers Cooperative Creamery Association of McMinnville (the only one of the three with processing facilities) and the two bargaining cooperatives, Portland Independent Milk Producers Association and Corvallis Milk Producers Association, were experiencing an overlap in supplying fluid milk to pool plants in the heavy populated Upper Willamette Valley portion of the marketing area and in the disposition of their reserve supplies. Under the OWMI federation, the two non-operating cooperatives assume primary responsibility for supplying milk for bottling use in the Portland and Corvallis area, and the operating cooperative assumes the function of handling the reserves and providing supplemental Grade A milk supplies for the fluid market, as needed.

As a result, the McMinnville plant changed status from a pool plant to a nonpool plant in January 1975. However, its member milk has been attached to other pool plants for purposes of pooling. Since that time, during the months of heavy production (beginning in April and extending through August), the Farmers Cooperative Creamery has experienced considerable difficulty in finding pool plant outlets for meeting the three delivery requirements necessary to qualify the milk of its member producers for diversion. In some cases this has necessitated the hauling of members' milk to a pool plant to be unloaded and reloaded for return to the McMinnville plant for manufacturing solely to maintain producer status for such milk.

Mayflower Farms, a cooperative association operating three pool plants under the order, supported the proponents' proposal to relax the present qualification standards. The spokesman for this cooperative association testified to having problems in qualifying some of its producers for diversion during the spring and summer months of relatively higher milk production.

It is the position of this association that the diversion provisions must continue to provide a basis for producer identification with the market. It is also the contention of the association that proponents' proposal provides a maximum flexibility for producers to find the best alternative for handling reserve milk supplies and will allow them to divert

milk to nonpool plants at a savings in hauling costs.

A representative of fifteen Grade A milk producers all of whom are located in the Myrtle Point area stated that the cost of hauling their milk to a Clackamas pool plant (near Portland, about 212 miles) to meet the three delivery requirements ranges from 81.5 to 91.5 cents per hundredweight compared to about 32 cents per hundredweight hauling cost when such milk is diverted to a nearby manufacturing plant at Myrtle Point.

The volume of bulk milk diverted to nonpool plants has increased significantly in the past few years. In 1975, 138.6 million pounds of producer milk was diverted to nonpool plants compared to only 61.9 million pounds in 1974. This increase in the volume of reserve producer milk that must be moved to manufacturing outlets has intensified marketing problems which cannot be satisfactorily resolved under the existing diversion provisions.

The problems encountered in handling reserve producer milk supplies necessitated suspension of the three delivery requirements for producer milk for the months of April, May, June, and July 1976 (41 FR 15398). These four months in which milk production is seasonally heaviest in relation to demand in the market fall within the nine-month period (December-August) for which qualifying deliveries will not be required for diversions under the provisions adopted herein.

Considerable savings in hauling costs can be effected for those producers located in areas more remote from pool plant facilities by reducing the number of deliveries necessary for milk of individual producers in establishing eligibility for diversion.

In this connection, the milk of producers whose farms are located nearest to pool plants may be moved to such plants on a more regular basis while milk of more distant producers may be moved to nearby nonpool manufacturing plants, unless otherwise needed for fluid use in the market.

Having concluded that the present deliveries which a producer is required to meet to establish eligibility is a deterrent in the efficient handling of the market's reserve milk supplies, it is now necessary to determine the extent of relaxation which can be permitted and still retain adequate assurance against abuse of the diversion privileges. With no delivery requirement, the milk of an individual producer could be diverted to a manufacturing plant continuously for an indefinite period of time. Under such circumstance, there would be no assurance that such diverted milk continues to be qualified for fluid use and accordingly has a bona fide claim of association with the fluid market.

Appropriately, for the milk of a producer to be diverted as producer milk during the period of December through August, it should be required that such producer establish diversion eligibility by a single delivery for each of the three months of the preceding September–November period. Such eligibility performance established by the producer over a 3-month period will provide adequate evidence of such producer's association with the Oregon–Washington fluid market and that his milk is of acceptable quality for the fluid market.

A producer whose milk has not been received at a pool plant for at least one day during each of the months of September–November should be required to have at least one delivery of his milk received at a pool plant in any month to qualify his milk for diversion during such month. Once such producer has met this delivery requirement for any three consecutive months, beginning during or after the September–November period, his milk should have diversion privileges for any subsequent months through August in the identical manner as a producer who met the delivery requirement in the September–November period. This is appropriate since such producer would have met substantially the same prerequisite for diversion as discussed above for the September–November period.

An additional eligibility requirement currently provided in the order, and retained herein, is that, notwithstanding the specific performance requirements discussed above, any producer must have had his milk physically received at a pool plant before his milk may be diverted. This requirement, in connection with the other eligibility requirements herein adopted, will serve the common purpose of demonstrating that those producers whose milk is diverted do in fact have a bona fide association with the fluid milk market.

OWMI suggested in their exceptions that the term "production" rather than "delivery" be used to establish diversion eligibility. Such exception provides no basis to alter the findings contained in the recommended decision.

2. *Location Adjustments.* The location adjustment provisions of the order should be modified to provide a 10 cent location adjustment for any plant located in the Oregon counties of Jackson and Josephine.

The present location adjustment rate under the order is 15 cents for a plant located between 100 and 110 miles from the nearer of Eugene or Portland, Oregon. An additional 1.5 cents adjustment is applicable for each 10 miles or fraction thereof with respect to any plant located in excess of 110 miles from the nearer of such basing points. The amount of location adjustment applicable at a plant located 100 miles or more from the nearer of such basing points but within the Oregon counties of Clatsop, Coos, Douglas, Lane, Lincoln, and Tillamook (all within the marketing area), however, is limited to a maximum of 10 cents. Elsewhere in the marketing area or in Grant County, Wash., the rate is limited to a maximum of 20 cents.

The testimony adduced at the hearing centered primarily on the question of whether or not the present location adjustments applicable to plants located in the Oregon portion of the marketing area should be eliminated. Most of such testimony was confined to location pricing at plants in the southern Oregon segment (Grants Pass, Klamath Falls, and Medford area) of the marketing area. Producers and handlers took diverse positions regarding this matter.

The principal cooperative in the market (Mayflower Farms), operating three regulated plants under the order (two of which are subject to the 20 cent location adjustment), proposed that Medford, Oregon be added as a basing point from which distances are measured in determining location adjustments. If adopted, their proposal would eliminate location adjustments at seven pool plants (including their Medford plant) located in the Oregon counties of Jackson, Josephine, and Klamath. Their proposal was supported by several organizations of producers.

Proposals of another cooperative association and a proprietary handler (both based at Roseburg, Oregon), which would eliminate all location adjustments under the order, were included in the hearing notice. However, proponents abandoned such proposals at the hearing. They joined with certain producers in the southern Oregon area who supported adding Medford as a basing point and proposed expanding the radius to 150 miles from the basing points of Medford and Eugene as the area within which no location adjustments would apply. Under this proposal, all location adjustments would be eliminated for plants located within the Oregon portion of the marketing area.

The OWMI, one producer, and a Caldwell, Idaho handler (a cooperative association operating a pool supply plant) proposed that the "base" pricing zone be extended to cover all territory within 150 miles of Portland, Eugene, and Medford. No substantial evidence was offered in support of the proposal, however.

A group of handlers operating plants in the southern and east central Oregon portions of the marketing area opposed any change in location adjustments. The spokesman for this group held that there has been no significant changes in marketing conditions within the Oregon portion of the marketing area since the present location adjustments in the order became effective.

Location adjustments, an essential tool in establishing milk prices under Federal milk orders, generally reflect the cost of moving milk from distant points to the central market. They implement continuing intermarket and intra market price alignment and promote equity among handlers in the cost of milk under the terms of the order. In the absence of appropriate location adjustments, plants distant from the central market could not compete for sales in the central market. It is within this context that the present location adjustment provisions in the Oregon-Washington order were developed.

The existing location pricing structure under the order was established by the decision of the Assistant Secretary issued November 11, 1971 (36 FR 21819) official notice of which is taken. In this deci-

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sion, the Assistant Secretary concluded that location adjustments recognize the greater value of producer milk f.o.b. plants in or near the principal population centers (principally in the Willamette Valley between Portland and Eugene and the population centers located therein) as compared to its value at other locations including the Washington portion of the marketing area and the coastal, eastern and southern Oregon portions, thereof. He further concluded that location adjustments were necessary at certain locations in the marketing area to maintain a proper price alignment with nearby markets.

As previously indicated, there were essentially three proposals presented and discussed at the hearing that, if adopted, would change in varying degrees the present location pricing structure under the order. Most of the testimony that was presented in support of the proposals, however, was directed to the elimination of location adjustments in the southern Oregon (Jackson, Josephine, and Klamath Counties) portion of the marketing area. Proponents testimony was focused on establishing that circumstances have changed in southern Oregon since the 1971 decision providing location adjustments for the first time at plants located in that area.

In support of the proposal, the witness for Mayflower Farms contended that present location adjustment rates applicable at plants in southern Oregon are no longer appropriate in light of current marketing conditions in the area. He held that increased population in southern Oregon had changed supply-demand conditions and that the closing of several plants had resulted in significant changes in the areas of supply. The spokesman for the cooperative testified that as a result, the Medford fluid operation has experienced a tight supply situation during the past year. This he stated occurred because part of the sales volume formerly handled in the cooperative's Coos Bay plant, which ceased fluid operations in 1974, was transferred to the Medford plant and because of an overall increase in sales. However, the witness was able to cite only one instance (October 1975) when it was necessary to obtain a load of milk from a plant in the base zone (the McMinnville cooperative plant), to meet the needs of its Medford operation.

The witness further testified that the tight supply situation has been ameliorated by Arden Farms discontinuation of operations at its Grants Pass distributing plant. Milk which the cooperative supplied to that plant is now being channeled through Mayflower's Medford operation. The Grants Pass packaged business of Arden Farms is now being served from its Portland operation.

Several other proponent producer spokesmen testified to a tightening supply situation in southern Oregon. They held this resulted from a decline in the number of producers in the area.

The record evidence does not support proponents contention that milk supplies are tight. Southern Oregon continues to be a surplus milk production area. It is basically rural and production greatly exceeds Class I needs. In 1975, only about 48 percent of the Grade A milk locally produced in the region (Coos, Jackson, Josephine and Klamath Counties) was utilized as Class I by local plants. This compares to about 51 percent in 1974.

Milk in excess of local distributing plants' needs in southern Oregon must be disposed of by movement to other plants. Limited quantities of milk are processed at the two local manufacturing plants, at Grants Pass and Klamath Falls. The bulk of the milk in the area not needed for fluid use, however, must be moved to more distant plants located at Eugene and Myrtle Point, Oregon for processing. While the excess milk of the area is used principally for manufacturing at these plants, it is available for use in fluid milk processing as needed.

The fact that milk does move from the base zone (Portland-Eugene area) to southern Oregon (a location adjustment zone) under certain circumstances is not a sufficient basis for elimination of location adjustments as proponent cooperative argued. It is not unusual for handlers to distribute milk in lower-priced zones within the same market, or even into other markets with somewhat lower Class I prices. Such movements reflect management decisions which are unrelated to the terms of regulation. The purpose of location adjustment is to appropriately reflect the value of milk at the plant of initial receipt rather than its value at the location disposition is made. If a producer delivers his milk to a plant located in the base zone, he assumes the cost of hauling the milk from the farm to the market center(s) and under such circumstances he should be compensated for such cost at the base zone price. Conversely, if the producer delivers his milk to an outlying plant located nearer his farm, the price to such producer appropriately may not reflect the value of milk at the market center(s), since in such circumstances it is the purchasing handler who thus would bear the cost of transporting the milk from the initial point of receipt to the market center.

Various proponents urging elimination of location adjustments in southern Oregon or throughout the Oregon portion of the marketing area suggested that the supply-management program operated by the Oregon Department of Agriculture eliminates any need for location adjustments in the Oregon portion of the marketing area. At the hearing, an official of the Milk Audit and Stabilization Division of the Oregon Department of Agriculture appeared as a witness to explain the Oregon supply-management program. He testified that the program is operated in conjunction with the Oregon "quota" plan.

Under the supply-management program, the State is authorized to direct as needed the receipts of quota milk in excess of the Class I and Class II needs of any handler to other handlers to supplement their total Class I and Class II requirements. The responsible State official stated that while the program recognizes the normal supply arrangements betweeen a producer and handler, it does implement the movement of excess quota milk as needed for Class I and II uses. According to the witness, both the producer and handler benefit by the program since it adjusts the seasonal and holiday supply patterns to implement the highest practical utilization of the quota milk supply.

Participation in the State quota plan by any producer is voluntary. The principal cooperative spokesman testified that about 90 percent of the cooperative's members participate in the plan. In 1975 about 83 percent of the total production in the three southern Oregon counties was under the quota plan. In view of this and considering that the State has call on only that portion of quota milk that is in excess of a handler's total Class I and Class II requirements, the amount of quota milk that can be moved under the supply-management program for Class I use can reasonably be expected to be quite limited.

The argument that the State supply management nullifies the need for location adjustments are not valid. As indicated above, the State supply system moves quota milk not only for fluid use but also for manufacturing of certain products (Class II). Further, the program does not involve all producers or handlers in the market.

Several proponent witnesses advocating discontinuation of location adjustments for Oregon based plants suggested that a recent innovation by the State of repooling total producer returns under the quota plan nullifies location pricing in the Oregon portion of the order's marketing area. Since its inception in 1970, the order has provided that producers, who so desire, may assign to the State of Oregon the returns otherwise due them for their milk in order that the State may redistribute such returns in accordance with the terms of the Oregon quota plan. Until last fall, the price paid to producers for quota milk under the plan was subject to the same location adjustments that apply to base milk under the order. Since that time, according to the testimony of certain witnesses, producer returns are repooled by the State to the end that the same quota price applies to a participating producer irrespective of the location of the plant to which his milk is delivered.

The four handlers opposing any change in location adjustments expressed concern in their post-hearing brief that the repooling of producer returns under the Oregon quota plan might be illegal pursuant to the Act which requires uniform prices to all producers subject to location adjustments. Consideration of this argument, however, is not relevant to the issue at hand since it involves matters beyond the scope of this rule-making proceeding.

Since location adjustments are specifically authorized by the Act and are intended to adjust the basic price to reflect the value of milk at the location at which delivery is made, it would not be appropriate to consider a change in location pricing solely on the ground that producer payments under the Oregon quota plan (which does not involve all producers in the market) differs from the manner in which producer payments are paid under the Federal order.

An important feature of this regulation is that handlers regulated under the order and similarly located are uniformly subject to the same minimum class prices on all their milk. The uniformity of pricing among handlers is specifically prescribed in the Act. Location adjustments assist in carrying out the statutory requirement of uniformity in prices to all handlers.

The proposals to add Medford as an additional basing point for computing location adjustments at plants beyond 100 or 150 miles from such basing point would result in higher Class I and uniform base prices at outlying plants located in California that could become associated with the market. Proponents pointed out that there presently are no California plants pooled under the order and that this was not the case in 1971 when the present location adjustments were adopted for southern Oregon. Thus, proponents maintained that there is no longer need to consider the relationship of order prices in southern Oregon to plants located outside the marketing area in northern California.

In his 1971 decision, the Assistant Secretary concluded that the Class I and uniform prices for base milk which would be applicable at plant locations outside the marketing area must appropriately reflect the value of milk at such locations relative to its value f.o.b. the marketing area. These findings are equally pertinent to the current marketing situation. To provide location adjustments which would increase the price structure at outlying northern California plants would distort the existing price alignment among competing regulated and non-regulated plants which is essential for continuing orderly marketing in the region. Thus, to increase Class I prices at plants located in northern California, as advocated by proponents, could only have the effect of limiting outside handlers access to the regulated market.

In view of the foregoing considerations, it is concluded that the general pattern of location pricing in the Oregon-Washington order must be maintained both at the handler and producer level. Accordingly, the proposals to add Medford as a basing point and to extend the base zone to 150 miles from either Portland, Eugene, or Medford, which in effect would eliminate all location pricing in the marketing area except at certain plants in southeastern Washington, are denied.

Notwithstanding, some modification of the location adjustments applicable in the southern Oregon counties of Jackson and Josephine is appropriate. It is concluded that in this area the present maximum 20 cent adjustment should be revised to a maximum 10 cent adjustment.

At the time of the hearing, there were five pool plants located in the two county area, four in the Medford area and one at Grants Pass. Presently, a 20 cent per hundredweight location adjustment applies at Medford and a 19.5 cent rate at Grants Pass.

The five handlers located in the two-county area compete with a handler located at Roseburg for both milk supplies and sales. No location adjustment applies at the latter handler's plant since it is in the base zone. The Roseburg plant is located about 71 miles south of the Eugene basing point and 68 and 96 miles from Grants Pass and Medford, respectively.

A substantial part of the milk supply for the Roseburg handler is obtained from dairy farmers located in the Grants Pass area. Also, this production area is a major source of milk supplies for the nearby Grants Pass–Medford handlers. The relationship of the price structure at plants located in or near this supply area with the Roseburg plant price is thus an important consideration.

Using the 1.5-cent per 10 mile transportation rate as a measure of price alignment which is generally used as an indicator of the cost of bulk movements of milk, the present price in the Roseburg area relative to the price in either Grants Pass or Medford appears to provide producers in the Grants Pass supply area with a more remunerative market than is the case if such producers deliver to nearby plants. In this connection if producers delivering to the Grants Pass-Medford plants in the location adjustment areas shipped their milk instead to the Roseburg area at which no location adjustments apply, they would incur additional increased hauling costs of about 10 cents per hundredweight. The present order, however, provides a unform price for base milk 20 cents higher for delivery to a plant in the Roseburg area than in the Grants Pass-Medford area. For producers who have a choice of outlets, there thus is an economic incentive to ship to the Roseburg area plant rather than to Grants Pass-Medford area plants. There is little doubt that this has occurred without regard to need for fluid milk supplies at the Roseburg location since considerable volume of this milk also is moving to manufacturing outlets. If this situation is allowed to continue, it could, over time jeopardize an adequate supply of milk for handlers in the two county area.

Accordingly, limiting the location adjustment applicable to plants in the Grants Pass-Medford area to ten cents, as herein provided, appears reasonable under existing circumstances and will more appropriately reflect the value of milk at such location in relation to the nearby plant where no location adjustment applies.

A Medford proprietary handler excepted to the recommended modification of location adjustments described above. The handler claimed that no one proposed such a modification and there was insufficient evidence in the record to support the recommendation.

The fact that no interested party specifically proposed the change in location adjustments as adopted in the recommended decision provides no basis for taking a different position on this matter. Paramount in the resolution of an issue (location adjustments in this case) is the evidence adduced at the hearing. Such evidence is not restricted to the terms of a specific proposal but is received relative to all aspects of marketing conditions having a relationship to any and all issues of the proceeding.

It is concluded, therefore, that on the basis of the available evidence placed in the record, and for the reasons already set forth, the adoption of a lower location adjustment applicable at plants located in these two Oregon counties is reasonable under the present marketing situation. Accordingly, the exception is denied.

Testimony suggests that certain other areas of the Oregon portion of the marketing area also might warrant a reconsideration of location adjustments, particularly in the Bend-Redmond area. The record evidence in this regard was not compelling.

3. *Partial payments to producers.* The order should provide that all handlers be required to make partial payments to producers, or to cooperative associations that collect for their members, for producer milk delivered during the first 15 days of the month. Such payments to individual producers should be made on or before the last day of the month. Payments to cooperative associations should be made two days earlier. The rate of payment should be not less than the Class III price for the preceding month.

The order does not now provide for partial payments to producers. Most handlers in the market, however, make some form of partial payments to individual producers. The rates, time of payment and other aspects of such payments vary among handlers.

The three cooperative associations of the OWMI federation proposed partial payments to producers, or to a cooperative association(s) authorized to collect payments for milk of their member producer deliveries. They proposed that the rate of payment be the Class III price for the preceding month.

This proposal was supported by Mayflower Farms, a producer organization (a non-cooperative association) and a proprietary handler. There was no opposition to the proposal.

In support of the proposal, various spokesmen stated that most of the handlers in the market presently make partial payments in varying degrees to individual producers and cooperative associations. They stated, however, that there are a few handlers who do not make such payments for producer milk which cooperatives cause to be delivered to their respective pool plants as a bulk tank handler. The witnesses pointed out that even though the cooperatives do not receive partial payments on such milk they nevertheless pay a partial payment to all their member producers. This, it was contended, places an additional financial burden on cooperative associations and in effect provides a subsidy to those handlers who purchase part or all of their producer milk in this manner. In further support of their proposal, proponents argued that a uniform partial payment plan to producers and

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cooperative associations under the order will eliminate certain handler inequities that now exist under the present voluntary partial payment practices in the market.

Provisions requiring handlers to make partial payments to producers each month are customarily included in Federal milk orders. Such provisions assure producers supplying the market a uniform and more orderly system of partial payments, and reduce the period they must wait to be reimbursed in part for their milk sales.

With the diversity of partial payment practices existing in the Oregon-Washington market, producers supplying the market can not be assured of a regular partial payment schedule for milk delivered during the first part of the month. Under current milk production practices, producers require substantial operating capital. They must make substantial cash outlays during the month and have the ready cash available to meet such obligations. Requiring handlers to make regular and uniform partial payments for milk delivered during the first part of the month will improve the ability of producers to meet their financial obligations during the month.

Partial payment provisions, as herein adopted, also provide handlers with a uniform payment procedure. As indicated, many of these handlers in the market presently are making some form of partial payments to producers. Such payment practices among handlers, however, vary considerably because of their voluntary nature. Such variation in payment practices, can result in certain handlers who make partial payments being financially disadvantaged over others who take a longer period in accumulating the necessary funds for the purchase of their milk. This contributes to market disorder by affecting the competitive position of handlers in the market.

Requiring a handler to make partial payments to producers for milk he receives during the first half of the month, is not unreasonable. When only a final settlement for producer milk is required, payable by the 16th of the next month, any handler not making partial payments has had the use of the money resulting from its sale for up to 45 days.

Various proprietary handlers excepted to the date adopted in the recommended decision when partial payments would be required to be made by handlers. Exceptors pointed out that they follow a business practice of billing customers monthly and that payments are not received from customers until about the 10th to the 15th day of the following month. Under such circumstances, the exceptors contend, if they are required to make a partial payment to producers before they receive payment from their customers, it would seriously affect their operating capital to the extent that they would have to borrow additional capital to meet such payment obligations. This, they pointed out, would result in additional operating costs in the form of interest on loans.

The cost that a handler may incur in meeting partal payment obligations must be considered a necessary business expense to be borne by the handler. There is no reason why producers should be required to incur any of the handler's business expenses by delaying the date when partial payments are due.

One exceptor requested that if mandatory partial payments are adopted, the due date for such payments be instituted on a gradual basis, i.e., that the partial payment for milk deliveries on the 1st through the 16th of the month be initially made on the 12th of the following month. This due date to be advanced two days each month until the partial payment due date coincides with that set forth in the recommended decision. This procedure, he pointed out, would give handlers a period of time to adjust their financial arrangements to compact with the additional partial payment requirement. The allowance of a six month period for the partial payment plan to be fully implemented is not warranted on the basis of the record evidence and the considerations set forth in these findings.

The points raised by the exceptors were taken into consideration in arriving at the position adopted herein and do not provide a basis for reaching a different conclusion regarding this issue.

The three cooperative associations of the OWMI federation excepted to the proposed date that partial payments should be made to producers. They reiterated the position they took at the hearing. The cooperatives exceptions provide no basis, however, for taking a different position on this matter.

In view of these considerations, greater equity among producers and handlers can be achieved by requiring mandatory partial payments for producer milk.

The rate of partial payment should be not less than the Class III price for the preceding month. No adjustment should be made for butterfat content or plant location. Use of the Class III price for the previous month in making the partial payment will minimize the possibility of any overpayments on the part of a handler. The proposal of Mayflower Farms to use a partial payment rate of 120 percent of the Class III price for the preceding month is denied since its use could result in an increased incidence of overpayments by handlers.

Proponents suggested that handlers be required to make partial payments directly to producers. Presently, handlers under the order are required to make a single payment to the market administrator reflecting the total value of their milk according to its use classification. The market administrator then pays individual producers or their cooperatives. For those producers who are under the Oregon State Quota Plan, the payments due such participating quota producers are paid to the State for redistribution to individual producers in accordance with the Plan.

No substantial purpose would be served in requiring that monies for partial payments to producers be channeled through the market administrator. Such a procedure likely would only delay a producer's receipt of the partial payment. Accordingly, it should be provided that partial payments be paid by such handlers directly to producers and/or cooperative associations.

A handler should be required to make partial payment only to producers who have not discontinued delivery of milk to the handler as of the 15th day of the month. This will essentially remove any possibility of over payments.

The order should provide that partial payments to a cooperative association, either in its capacity as the marketing agent of the producer or in its capacity as a bulk tank handler, be made at least two days prior to the last day of the month. This procedure is necessary in order that a cooperative will have the monies in hand to pay its members on the same dates that other producers are paid.

4. *Charges on overdue obligations.* The current charge on overdue payment obligations should be increased to three-fourths of 1 percent. Such charge should be applied on the first day that a payment is overdue and shall be increased by three-fourths of 1 percent on the 1st day of each succeeding month until the obligation is paid.

The order now applies a charge of one-half of 1 percent per month on handler obligations to the market administrator that are overdue. Such obligations include those due the producer-settlement fund, the administrative expense fund, and the marketing service fund, all of which are maintained by the market administrator. Currently, the late payment charge does not apply until the beginning of the first month following the date that the payment was due. Unpaid obligations, including late payment charges are further increased by one-half of 1 percent on the first day of each succeeding month until the obligations are paid.

The three cooperative associations of the OWMI federation proposed that the charge on overdue obligations be increased to at least three-fourths of 1 percent, to be applied on the fourth day following the due date of such obligation and at a similar rate on the first day of each month thereafter until the entire obligation is paid. At the hearing, proponents modified their proposal as it appeared in the hearing notice to require that a handler's unpaid obligation be increased at least three-fourths of one percent on the fourth day after the due date and on the same day of each month thereafter.

Another cooperative association supported an increase in the late payment charge to three fourths of 1 percent per month. This association proposed, however, that the late payment charge be applied on the 3rd day after the due date of such obligation.

In support of a late payment charge of three-fourths of 1 percent per month and advancing the date in which such charge should apply, witnesses for the four cooperative associations indicated

that such changes are necessary to encourage prompt payment of obligations to the market administrator by regulated handlers. Witnesses stressed that late payments by handlers are a serious problem in the market and have impeded the ability of the market administrator to make required payments from the producer settlement fund on time, thus necessitating a delay in payments to certain producers in the market.

Proponents argued that the present charge on overdue obligations as provided by the order is not encouraging prompt payment of handler obligations but rather is providing a situation wherein some handlers are finding it to their financial advantage to delay payment obligations to the market administrator as a means of obtaining additional operating capital. This, they pointed out, creates an inequitable situation among handlers in the market since those handlers who are delinquent in their payments can have a substantial financial advantage over handlers who make timely payments to the market administrator.

The position of proponent cooperatives regarding charges on overdue obligations was supported by one other cooperative associated with the market, a proprietary handler and two producer groups (non-cooperative associations).

It is essential that payments to the funds maintained by the market administrator be made promptly so that the order may be administered in an efficient and timely manner. The successful operations of a Federal milk order depends, in large measure, upon prompt compliance by all regulated parties. The order provides for a sequence of dates that must be met by a handler that enables the market administrator to execute producer payments on schedule. Failure on the part of a handler to meet such due dates, including the payment due dates, is unfair to producers and other handlers and undermines the confidence which handlers and producers have in the program.

Prompt payment of amounts due the administrative expense and marketing funds, also, is essential to the performance by the market administrator of the various administrative functions prescribed by the order in a timely and efficient manner.

The charge on overdue accounts and the date that charges on overdue obligations apply are designed to encourage prompt settlement of accounts. The rate of charge, however, must be such that it does not provide an incentive for handlers to use producer money as a source of credit. Moreover, it is not reasonable to provide a grace period which can only encourage a delay in payments due the market administrator beyond the due date.

In this market, all handlers are required to make payments to the market administrator for the total value of all their milk according to its classification. The market administrator then pays individual producers or cooperative associations who do not participate in the Oregon Quota Plan.[1] With respect to producers participating in the Oregon quota plan (thus authorizing the State to collect for them) the market administrator pays the State the total amount otherwise due each participating quota producer. The State, in turn, settles with such producers and cooperative associations in accordance with the terms of the Oregon plan.

The market administrator usually mails handlers' billings on the 14th day of the month, following the month the transactions were made. This is the date he is required under the terms of the order to announce the uniform prices. If the 14th falls on a Saturday or Sunday the billings are mailed either the prior Friday or the following Monday, depending upon the extent that handler reports are available to the market administrator at the time. It should be noted, however, that since each handler's obligation to the market administrator reflects the full use value of his milk the uniform price announcement is not a necessary condition to the mailing by the market administrator of handler's billings. Hence, such billing reasonably can be issued promptly following receipt of a handler's report.

The due date for payment of handlers' obligations to the market administrator is the 16th and the market administrator in turn is required to make payments to individual producers by the 20th and two days earlier (18th) for such payments that are made to cooperative associations and to the State. Under the current provisions of the order, a handler has at least 14 days after the due date to make payment to the market administrator, from the 16th to the 30th or 31st of the month before he incurs a late payment charge. Since the current provisions do not specify what is considered as the date of payment—i.e., the postmark date of mailing, or the date payment actually is received in the market administrator's office, the postmark has been accepted as the "date of receipt."

Any handler, therefore, who posts his payment in the mail just prior to the first of the month following the due date incurs no additional charge. In such circumstances, he has the continued use of producer monies and is indemnified by the prolonged grace period presently allowed.

It is quite evident that the incidence of late payments by handlers is a serious problem and that the present order provisions as they relate to charges on overdue obligations are not achieving their desired purpose. Data submitted in evidence by the market administrator detailed the payment practices of 43 handlers required to make payments to the producer settlement and administrative funds during each of the six months, July through December 1975. During the six month period there were 258 payments made by the 43 handlers to the market administrator. For this period, only 63 percent of handler payments were received by the market administrator from the 16th through the 20th of the month. On a monthly basis, the number of payments received by the 20th during such period ranged from 54 to 70 percent. During the next five day period (21st through the 25th) payments were received during the 6-month period from 26 percent of the handlers. During the two periods of the 26th through the 30th, and the 31st (when applicable), and the 1st of the following month through the 3rd, payments from an average of 5 handlers in each period were received by the market administrator.

In terms of money owed, the payment delinquency experience for this period was a little better. For the same six month period, 73 percent of the total value of handler payments were received by the market administrator between the 16th and 20th of the month. The market administrator cannot be expected to make full payments to producers, cooperatives, and/or the State, whichever the case may be, if all payments from handlers are not available to him on the dates such payments are required to be made—i.e., the 18th to cooperatives and the State, and the 20th to individual producers. To accommodate to such payment delinquencies, the market administrator withholds funds from the particular producer(s) who supply a delinquent handler until such handler submits payment for his order obligations.

The current provisions for late payment charge, therefore, have had little impact in encouraging prompt handler payments. Since payments apparently are made in time to avoid a late charge in the majority of circumstances, the increase in the rate on overdue obligations as adopted herein reasonably can be expected to increase the flow of money to the market administrator and thus to implement final payment to producers on the prescribed payment dates.

Because of the extent of the late payment problem that has persisted in the market, it is appropriate that charges on overdue obligations apply on the first day that such obligation is overdue. Further, any such overdue obligation should be increased by three-fourths of 1 percent on the first day of each succeeding month until the obligation is paid.

A late payment charge of this amount should apply irrespective of whether the obligation is paid for example three or four days late or nearly a month late. If the late payment charge were treated as interest and computed on a daily basis, the order would merely represent a banking service for handlers who desire to use producer funds as an alternative source of money at the going interest rate. This is not the intended purpose of the late payment charge. Rather, it is a charge that will induce handlers to pay their obligations to the market administrator on time.

Proponents' proposal to provide either a 3 or 4 day grace period for payment to reach the market administrator could not achieve the objective sought.

[1] The Oregon quota plan is discussed in more detail elsewhere in these findings.

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The application of the late payment charge on the day following the date when payment is due may require some adjustment in the billing procedures of the market administrator to handlers. In this connection, the market administrator may need to reduce the period customarily taken to notify a handler of his monthly obligations so that the handler in turn will have sufficient time to mail the payment by the due date. This adjustment can be accomplished within the framework of the existing order and thus requires no amendatory action.

Proprietary handlers and the proponent OWMI federation excepted to the recommended decision to eliminate the grace period before a late payment charge is assessed on overdue payment obligations by handlers to the market administrator. For reasons already set forth, such provisions as modified in this proceeding are appropriate under the present marketing arrangements in the Oregon-Washington order market, and the exceptions therefore are denied.

RULINGS ON PROPOSED FINDINGS AND CONCLUSIONS

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

GENERAL FINDINGS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

RULINGS ON EXCEPTIONS

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

MARKETING AGREEMENT AND ORDER

Annexed hereto and made a part hereof are two documents, a MARKETING AGREEMENT[1] regulating the handling of milk, and an ORDER amending the order regulating the handling of milk in the Oregon-Washington marketing area, which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

DETERMINATION OF PRODUCER APPROVAL AND REPRESENTATIVE PERIOD

March 1976 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Oregon-Washington marketing area is approved or favored by producers, as defined under the terms of the order (as amended and as hereby proposed to be amended), who during such representative period were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on August 6, 1976.

RICHARD L. FELTNER,
Assistant Secretary.

Order[2] amending the order, regulating the handling of milk in the Oregon-Washington Marketing Area

FINDINGS AND DETERMINATIONS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) Findings. A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Oregon-Washington marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Oregon-Washington marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Program Operations, on July 1, 1976 and published in the FEDERAL REGISTER on July 7, 1976 (41 FR 27844), shall be and are the terms and the provisions of this order, amending the order, and are set forth in full herein.

1. In § 1124.11, paragraphs (a) and (b) are revised as follows:

§ 1124.11 Producer.

* * * * *

(a) A cooperative association may divert for its account to a nonpool plant the milk of any producer whose milk has been received previously at a pool plant and from whom at least one delivery per month during each of the months of September, October and November is received at a pool plant, except that in the case of any producer whose milk has not been received at a pool plant for at least one day during each of the preceding months of September–November such producer shall be required to have at least one delivery of his milk received at a pool plant in any month to qualify his milk for diversion during such month. This delivery requirement for diversion purposes shall continue until such producer's milk has been received at a pool plant for three consecutive months beginning during or after the September–November period. The aggregate quantity diverted may not exceed the aggregate quantity received during the month from all such producers at pool plants. Two or more cooperative associations may have their allowable diversions computed on the basis of the combined deliveries of milk by their member producers if each association has filed such a request in writing with the market administrator on or before the first day of the month such agreement is effective. This request shall specify the basis for assigning any over-diverted milk to the producer members of each cooperative association according to a method approved by the market administrator.

(b) A handler in his capacity as the operator of a pool plant may divert for his account to a nonpool plant the milk of any producer whose milk has been received previously at a pool plant and from whom at least one delivery per month during each of the months of September, October, and November is received at his pool plant(s) and who is not a member of a cooperative association which is diverting milk pursuant to paragraph (a) of this section during the month, except that in the case of any producer whose milk has not been received at a pool plant for at least one day during each of the preceding months of September–November such producer shall be required to have at least one delivery of his milk received at a pool plant in any month to qualify his milk for diversion during such month. This delivery requirement for diversion purposes shall continue until such producer's milk has been received at a pool plant for three consecutive months beginning during or after the September–November period. The aggregate quantity diverted may not exceed the aggregate quantity received during the month from all producers at his pool plant(s);

* * * * *

2. In § 1124.52, paragraph (a) is revised as follows:

§ 1124.52 Location adjustment to handlers.

(a) The Class I price for producer milk and other source milk (for which a location adjustment is applicable) at a plant 100 miles or more from the nearer of the Multnomah County Court House in Portland, Oreg., or the city hall in Eugene, Oreg., by the shortest hard-surfaced highway distance as determined by the market administrator, shall be reduced 15 cents and an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 110 miles: *Provided*, That the location adjustment applicable at a plant located 100 miles or more from the nearer of such basing points but within the Oregon counties of Clatsop, Coos, Douglas, Jackson, Josephine, Lane, Lincoln, and Tillamook shall be not more than 10 cents and the location adjustment applicable at a plant located elsewhere in the marketing area or in Grant County, Wash., shall not be more than 20 cents; and

* * * * *

§ 1124.62 [Amended]

3. In § 1124.62 *Obligations of handler operating a partially regulated distributing plant*, the reference "1124.81(b)" in paragraph (a)(1)(i) is changed to "§ 1124.81(c)".

4. Section 1124.81 is revised as follows:

§ 1124.81 Payments to the producer-settlement fund.

On or before the 16th day after the end of each month, each handler shall pay to the market administrator his net pool obligation computed pursuant to § 1124.70, less:

(a) Payments made pursuant to § 1124.82a;

(b) The amount of the deductions and payments authorized by individual producers or cooperative associations which are itemized on the handler's producer payroll; and

(c)(1) The value at the weighted average price computed pursuant to § 1124.71 (a) applicable at the location of the plant(s) from which received (not to be less than the Class III price) with respect to other source milk for which values are computed pursuant to § 1124.70(e); and

(2) In the calculation of the total amount of the deductions and charges to be subtracted, the deductions and charges to be considered with respect to each individual producer shall not be greater than the total value of the milk received from such producer.

§ 1124.82 [Amended]

5. In § 1124.82 *Payments from the producer-settlement fund*, the reference to "§ 1124.81(a)" in paragraph (a) is changed to "§ 1124.81 (a) and (b)".

6. A new § 1124.82a is added as follows:

§ 1124.82a Partial payments to producers and to cooperative associations.

(a) On or before the last day of each month, each handler shall make payment, subject to paragraph (b) of this section, to each producer, who had not discontinued shipping milk to such handler before the 15th day of the month, for milk received from such producer during the first 15 days of the month, at not less than the Class III price per hundredweight for the preceding month;

(b) In making payments to producers pursuant to paragraph (a) of this section, each handler, on or before the second day prior to the date specified in such paragraph, shall pay to each cooperative association that so requests for those producers for whom it markets milk and who are certified to the market administrator by the cooperative association as having authorized the cooperative association to receive such payment an amount equal to the sum of the individual payments otherwise due such producers pursuant to paragraph (a) of this section; and

(c) On or before the second day prior to the last day of the month, each handler shall make payment to a cooperative association for milk received from such association in its capacity as a handler described in § 1124.7 (c) and

(d) for milk received during the first 15 days of the month at not less than the Class III price per hundredweight for the preceding month.

§ 1124.83 [Amended]

7. In § 1124.83 *Location differentials to producers and on nonpool milk*, the reference "§ 1124.81(b)" in paragraph (b) is changed to "§ 1124.81(c)".

8. In § 1124.85, paragraph (b) is revised as follows:

§ 1124.85 Adjustment of accounts.

* * * * *

(b) Any unpaid obligation of a handler pursuant to §§ 1124.81, 1124.86, and 1124.87, or paragraph (a) of this section, including any obligation incurred under this paragraph, shall be increased three-fourths of 1 percent on the next day following the due date of such obligation and at a similar rate on the first day of each month thereafter until paid.

[FR Doc.76-23749 Filed 8-12-76;8:45 am]

Animal and Plant Health Inspection Service

[9 CFR Part 327]

IMPORTATION OF MEAT AND MEAT PRODUCTS

Proposed Addition of Republic of China, Taiwan, to List of Approved Countries

● *Purpose.* The purpose of this docket is to propose adding the Republic of China, Taiwan, to the list of countries from which carcasses, parts thereof, meat, and meat food products of cattle, sheep, swine, and goats may be imported into the United States. ●

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553 that pursuant to the authority contained in the Federal Meat Inspection Act, as amended (21 U.S.C. 601 et seq.), the Animal and Plant Health Inspection Service is considering amending § 327.2(b) of the Federal meat inspection regulations (9 CFR 327.2(b)) by adding the Republic of China, Taiwan, to the list of countries specified therein.

Statement of Considerations. Section 20 of the Federal Meat Inspection Act (21 U.S.C. 620) prohibits the importation into the United States of carcasses, parts thereof, meat, and meat food products of cattle, sheep, swine, or goats capable of use as human food, unless they comply with all the provisions of the Act and regulations issued thereunder applicable to such articles in commerce within the United States. Such articles from approved plants in the countries listed in § 327.2(b) are eligible for importation into the United States as provided in the regulations. The laws and regulations of the Republic of China, Taiwan, concern-

[1] Marketing agreement filed as part of original document.

[2] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

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ing these matters have been reviewed and appear to be acceptable. Further, on-site reviews of the export meat inspection program of the Republic of China, Taiwan, indicate that it is equal to our program in the United States. Certificates issued by the Republic of China, Taiwan, officials for export of carcasses, parts thereof, meat, and meat food products to the United States, are reliable.

Any person wishing to submit written data, views, or arguments concerning the proposed amendment may do so by filing them, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, or if the material is deemed to be confidential, with the Foreign Programs Staff, Field Operations, Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, by September 9, 1976.

Any person desiring opportunity for oral presentation of views should address such requests to the Staff identified in the preceding paragraph, so that arrangements may be made for such views to be presented prior to the date specified in the preceding paragraph. A record will be made of all views orally presented.

All written submissions and records of oral views made pursuant to this notice will be made available for public inspection in the Office of the Hearing Clerk during regular hours of business, unless the person makes the submission to the Staff identified in the preceding paragraph and requests that it be held confidential. A determination will be made whether a proper showing in support of the request has been made on grounds that its disclosure could adversely affect any person by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and privileged or confidential. If it is determined that a proper showing has been made in support of the request, the material will be held confidential; otherwise, notice will be given of denial of such request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential (7 CFR 1.27(c)).

Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., on August 5, 1976.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.76-23344 Filed 8-12-76;8:45 am]

DEPARTMENT OF LABOR

Employment Standards Administration

[20 CFR Parts 701, 702]

LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT AND RELATED STATUTES

Proposed Procedural Rules

Notice is hereby given that the Employment Standards Administration of the U.S. Department of Labor proposes to amend certain provisions of 20 CFR 701 and 702, which contain the rules of the Department of Labor governing the administration of the Longshoremen's and Harbor Workers' Compensation Act, 33 U.S.C. 90 et al., as amended by Pub. L. 92-576, 86 Stat. 1251. The proposed amendments are intended to clarify and expand certain procedural rules applicable to filing, processing and adjudication of claims. Special attention is appropriately given to the following proposed amendments:

1. Section 701.201 is revised to reflect that the Office of Workmen's Compensation Programs has been redesignated as the Office of Workers' Compensation Programs. A similar amendment is being made in 20 CFR 701.301(a)(5).

2. Section 702.101 is revised to reflect the establishment of two new compensation districts—District No. 11 and District No. 12—and to indicate that the boundaries of Districts No. 10 and 14 have been revised. These changes are deemed appropriate for proper administration.

3. 20 CFR 702.161 of the Secretary's regulations as amended describes the circumstances under which a claimant shall be entitled to obtain a lien against the assets of a carrier or employer which is unable to pay appropriate compensation. Section 702.161(b) describes the rights of subrogation to which the special fund established pursuant to section 44 of the Act may be entitled.

4. Section 17(b) of the Act, 33 U.S.C. 917(b), provides that if a trust fund created in accordance with section 302 (c) of the Labor-Management Relations Act of 1947, 29 U.S.C. 186(c), under a collective bargaining agreement has paid an employee disability benefits which must be paid back by the employee if he receives compensation under the Act, the Secretary or his designee may place a lien on the compensation due the employee under the Act in favor of the trust fund. 20 CFR 702.161 of the Secretary's regulations simply repeats the language of section 17(b) of the Act. It is proposed, therefore, to describe more fully the operation of sections 17(b) in a new § 702.-162. As proposed § 702.162 sets forth the procedures pursuant to which liens may be requested and the criteria by which such request will be judged.

5. Section 14(g) of the Act, 33 U.S.C. 914(g), provides for the imposition of a civil penalty in the amount of $100 whenever an employer fails to notify the deputy commissioner that the final payment of compensation has been made. Such report must be submitted within "sixteen days after the final payment of compensation." It is proposed to amend 20 CFR 702.235 to define "final payment" for purposes of section 14(g) of the Act.

6. Section 49 of the Act, 33 U.S.C. 949, generally prohibits the discharge of an employee or employment discrimination against an employee by an employer because such employee claimed or attempted to claim compensation from the employer or because of his testimony in a proceeding under the Act. The proposed § 702.271-702.275 describes the procedures available to any person seeking redress against an employer because of an alleged violation of section 49.

7. Section 33 of the Act, 33 U.S.C. 933, sets forth the rights and duties of various persons in those situations where a third party may be liable in damages to an employee who is entitled to compensation under the Act. It is proposed that a new § 702.281 be added to the Secretary's regulations which will require the employee to promptly notify the employer and the deputy commissioner whenever certain actions are taken in relation to a third party claim.

8. In defining the term physician, the Secretary has been guided by the definition given to that term under the Federal Employee's Compensation Act, 5 U.S.C. 8101 et seq. On September 7, 1974, Pub. L. 93-416 amended the definition of physician in section 8101(a) of title 5, United States Code to include "podiatrists, dentists, clinical psycologists, optometrists, and chiropractors." The proposed § 702.404 will conform the definition of physician as it is used under the Act to that of the Federal Employees' Compensation Act.

9. In addition to the foregoing, these proposed amendments to Parts 701 and 702 contain other technical and clarifying provisions. The proposed amendments shall be applicable to all claims pending adjudication on the date of adoption of these amendments and to all other claims as may subsequently be adjudicated pursuant to the Act.

Interested persons are invited to submit written comments concerning these proposed rules to the Director, Office of Workers' Compensation Programs, United States Department of Labor, Washington, D.C. 20211, on or before September 13, 1976.

Pursuant to authority contained in section 39 of the Act as amended, 33 U.S.C. 939, I propose to amend Parts 701 and 702 of Chapter VI of Title 20, Code of Federal Regulations, as set forth below.

1. It is proposed to amend § 701.201 to read as follows:

§ 701.201 Establishment of the Office of Workers' Compensation Programs.

The Assistant Secretary of Labor for Employment Standards, by authority vested in him by the Secretary of Labor in Secretary's Order 16-75, 40 FR 55913, established in the Employment Standards Administration (ESA) an Office of Workers' Compensation Programs (OWCP) by Employment Standards Order 2-75, 40 FR 56743. The Assistant Secretary has further designated as the head thereof a Director who, under the general supervision of the Assistant Secretary, shall administer the programs assigned to that Office by the Assistant Secretary.

2. It is proposed to amend § 701.301 (a)(5) to read as follows:

§ 701.301 Definitions and use of terms.

(a) • • •

(5) "Office of Workers' Compensation Programs" or "OWCP" or "the Office" means the Office of Workers' Compensation Programs in the Department of Labor, described in § 701.201 of this part. Whenever the term "Office of Workmen's Compensation Programs" appears in this part or in Part 702, it shall have the same meaning as "Office of Workers' Compensation Programs."

• • • • •

3. It is proposed to amend § 702.101 to read as follows:

§ 702.101 Establishment of compensation districts.

Pursuant to section 39(b) of the Longshoremen's and Harbor Workers' Compensation Act, 33 U.S.C. 939(b), the following compensation districts have been established:

District No. 1. Comprises the States of Massachusetts, Maine, New Hampshire, Vermont, Rhode Island, and Connecticut; with headquarters at Boston, Mass.

District No. 2. Comprises the States of New York and New Jersey; with headquarters at New York, N.Y.

District No. 3. Comprises the States of Pennsylvania, Delaware, and West Virginia; with headquarters at Philadelphia, Pa.

District No. 4. Comprises the State of Maryland and the District of Columbia; with headquarters at Baltimore, Md.

District No. 5. Comprises the State of Virginia; with headquarters at Norfolk, Va.

District No. 6. Comprises the States of Florida, North Carolina, Kentucky, Tennessee, South Carolina, Georgia, Alabama, and Mississippi; with headquarters at Jacksonville, Fla.

District No. 7. Comprises the States of Louisiana and Arkansas; with headquarters at New Orleans, La.

District No. 8. Comprises the States of Texas, Oklahoma, and New Mexico; with headquarters at Houston, Tex.

District No. 9. Comprises the States of Ohio, Indiana, and Michigan; with headquarters at Cleveland, Ohio.

District No. 10. Comprises the States of Illinois, Minnesota, and Wisconsin; with headquarters at Chicago, Ill.

District No. 11. Comprises the States of Missouri, Iowa, Kansas and Nebraska; with headquarters at Kansas City, Mo.

District No. 12. Comprises the States of Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming; with headquarters at Denver, Colo.

District No. 13. Comprises the States of California, Arizona, and Nevada; with headquarters at San Francisco, Calif.

District No. 14. Comprises the States of Washington, Idaho, Oregon, and Alaska; with headquarters at Seattle, Wash.

District No. 15. Comprises the State of Hawaii; with headquarters at Honolulu, Hawaii.

4. It is proposed to amend § 702.104 to read as follows:

§ 702.104 Transfer of individual case file.

(a) At any time after a claim is filed, the deputy commissioner having jurisdiction therof may, with the prior or subsequent approval of the Director, transfer such case to the deputy commissioner in another compensation district for the purpose of making an investigation, ordering medical examinations, or taking such other action as may be necessary or appropriate to further develop the claim. If, after filing a claim, the claimant moves to another compensation district, the deputy commissioner may, upon request by the claimant and with the approval of the Director, transfer the case to such other compensation district.

(b) The deputy commissioner making the transfer may by letter or memorandum to the deputy commissioner to whom the case is transferred give advice, comments, suggestions, or directions if appropriate to the particular case. The transfer of cases shall be by registered or certified mail. All interested parties shall be advised of the transfer.

5. It is proposed to amend § 702.161 to read as follows:

LIENS ON COMPENSATION

§ 702.161 Liens against assets of insurance carriers and employers.

(a) Where a claimant is entitled to compensation under the provisions of this Act, and the carrier or employer shall have suffered insolvency, bankruptcy, or reorganization in bankruptcy proceedings and be unable to pay appropriate compensation, the claimant shall have a lien against the assets of such carrier or employer, or both. Such lien shall be without limit and shall be entitled to preference and priority in the distribution of the assets of such carrier or employer, or both.

(b) Where payments have been made from the special fund pursuant to section 18(b) of the Act and section 704.145 (f) of this part, the Secretary of Labor shall, for the benefit of the fund, be subrogated to all the rights of the person receiving such payments including the right of lien and priority provided for by section 17(a) of the Act, 33 U.S.C. 917(a). The Secretary may institute proceedings under either section 18 or 21 (c) of the Act, 33 U.S.C. 918 or 921(c), or both, to recover the amount expended by the fund or so much as in the judgment of the Secretary is possible, or the Secretary may settle or compromise any such claim.

6. It is proposed to add a new § 702.162 which will read as follows:

§ 702.162 Liens on compensation authorized under special circumstances.

(a) Pursuant to section 17(b) of the Act, 33 U.S.C. 917(b), when a trust fund which complies with section 302(c) of the Labor-Management Relations Act of 1947, 29 U.S.C. 186(c) [LMRA], established pursuant to a collective bargaining agreement in effect between an employer and an employee entitled to compensation under this Act, has paid disability benefits to an employee which the employee is legally obligated to repay by reason of his entitlement to compensation under this Act, a lien may be authorized on such compensation in favor of the trust fund for the amount of such payments.

(b)(1) An application for such a lien shall be filed on behalf of the trust fund with the deputy commissioner for the compensation district where the claim for compensation has been filed. 20 CFR 702.101. Such application shall include a certified statement by an authorized official of the trust fund that:

(i) The trust fund is entitled to a lien in its favor by reason of its payment of disability payments to a claimant-employee (including his name therein);

(ii) The trust fund was created pursuant to a collective bargaining agreement covering the claimant-employee;

(iii) The trust fund complies with section 302(c) of the Labor-Management Relations Act of 1947, 29 U.S.C. 186(c);

(iv) The trust agreement contains a subrogation provision entitling the fund to reimbursement for disability benefits paid to the claimant-employee who is entitled to compensation under the Longshoremen's Act;

(2) The statement shall also state the amount paid to the named claimant-employee and whether such disability benefit payments are continuing to be paid.

(3) If the claimant has signed a statement acknowledging receipt of disability benefits from the trust fund and/or a statement recognizing the trust fund's entitlement to a lien against compensation payments which may be received under the Longshoremen's and Harbor Workers' Compensation Act as a result of his present claim and for which the fund is providing disability payments, such statement[s] shall also be included with or attached to the application.

(c) Upon receipt of this application, the deputy commissioner shall, within a reasonable time, notify the claimant, the employer and/or its compensation insurance carrier that the request for a lien has been filed and each shall be provided with a copy of the application. If the claimant disputes the right of the trust fund to the lien or the amount stated, if any, he shall, within a reasonable time, notify the deputy commissioner and he shall be given an opportunity to challenge the right of the trust fund to, or the amount of, the asserted lien; notice to either the employer or its compensation insurance carrier shall constitute notice to both of them.

(d) If the claim for compensation benefits is resolved without a formal hearing and if there is no dispute over the amount of the lien or the right of the trust fund to the lien, the deputy commissioner may order and impose the lien and he shall notify all parties of the amount of the lien and manner in which it is to be paid.

(e) If the claimant's claim for compensation cannot be resolved informally, the deputy commissioner shall transfer the case to the Office of the Chief Administrative Law Judge for a formal hearing, pursuant to section 19(d) of the Act, 33 U.S.C. 919(d), and 20 CFR 702.-317. The deputy commissioner shall also submit therewith the appliction for the lien and all documents relating thereto.

(f) If the administrative law judge issues a compensation order in favor of the claimant, he may include therein a lien in favor of the trust fund if it is determined that the trust fund has satisfied all of the requirements of the Act and regulations.

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(g) If the claim for compensation is not in dispute, but there is a dispute as to the right of the trust fund to a lien, or the amount of a lien, the deputy commissioner shall transfer the matter together with all documents relating thereto to the Office of the Chief Administrative Law Judge for a formal hearing pursuant to section 19(d) of the Act, 33 U.S.C. 919(d), and 20 CFR 702.317.

(h) In the event that either the deputy commissioner or the administrative law judge is not satisfied that the trust fund qualifies for a lien under section 17(b), he may require further evidence including but not limited to the production of the collective bargaining agreement, trust agreement, or portions thereof.

(i) Before any such lien is finally approved, if the trust fund has provided continued disability payments after the application for a lien has been filed, the trust fund shall submit a further certified statement showing the total amount paid to the claimant as disability payments. The claimant shall likewise be given an opportunity to contest the amount alleged in this subsequent statement.

(j) In approving a lien on compensation, the deputy commissioner or administrative law judge shall not order an initial payment to the trust fund in excess of the amount of the past due compensation. The remaining amount to which the trust fund is entitled may thereafter be deducted from the affected employee's subsequent compensation payments and paid to the trust fund, but any such payment to the trust fund shall not exceed 10 percent of the claimant-employee's bi-weekly compensation payments.

7. It is proposed to amend § 702.212 to read as follows:

CLAIMS

§ 702.212 Claims for compensation; time limitations.

(a) Claims for compensation for disability or death shall be filed with the deputy commissioner in the compensation district in which the injury or death occurred. A claim may be any writing evidencing a claimant's intent to claim compensation and benefits provided by this Act. Such claims may be filed anytime after the first 7 days of disability following an injury, or at anytime after death. However, the right to such compensation shall be barred unless a claim therefor is filed within 1 year of such injury or death, except as provided in §§ 702.213 and 214.

(b) The time limitations set forth, supra, do not apply to claims filed under section 49 of the Act, 33 U.S.C. 949, see § 702.271.

8. It is proposed to amend § 702.235 to read as follows:

§ 702.235 Report by employer of final payment of compensation.

(a) Within 16 days after the final payment of compensation has been made, the employer shall notify the deputy commissioner on a form prescribed by the Secretary, stating that such final payment has been made, the total amount of compensation paid, the name and address of the person(s) to whom payments were made, the date of the injury or death and the name of the injured or deceased employee, and the inclusive dates during which compensation was paid.

(b) A "final payment of compensation" for the purpose of applying the penalty provision of § 702.236 of this subpart shall be deemed any one of the following or other payment of compensation which anticipates no further payments under the Act:

(1) The last payment of compensation made in accordance with a compensation order awarding disability or death benefits, issued by either a deputy commissioner or an administrative law judge;

(2) The payment of an agreed settlement approved under section 8(i)(A) or (B), of the Act, 33 U.S.C. 908(i);

(3) A lump sum payment of future compensation payments commuted under section 14(j) of the Act, 33 U.S.C. 914(j);

(4) The last payment made pursuant to an agreement reached by the parties through informal proceedings.

9. It is proposed to add new § 702.271 which will read as follows:

§ 702.271 Review of discharge or other acts of discrimination.

(a) Under the provisions of section 49 of the Act, 33 U.S.C. 949, any employer or its duly authorized agent who discharges, or in any other manner discriminates against an employee because he or she has claimed or attempted to claim compensation or has testified or is about to testify in a proceeding under this Act, shall be liable to a penalty of not less than $100 nor more than $1,000.

(b) When a deputy commissioner receives a complaint from an employee alleging discrimination as defined under section 49, he or she shall, within five working days, initiate specific inquiry to determine all the facts and circumstances pertaining thereto. This may be accomplished by interviewing the employee, employer representatives and other parties who may have information about the matter. Interviews may be conducted by written correspondence, telephone or personal interview.

(c) If circumstances warrant, the deputy commissioner may also conduct an informal conference on the issue as described in §§ 702.312–314.

(d) Any employee discriminated against is entitled to be restored to his employment and to be compensated by the employer for any loss of wages arising out of such discrimination provided that the employee is qualified to perform the duties of the employment. If it is determined that the employee has been discriminated against, the deputy commissioner shall also determine whether the employee is qualified to perform the duties of the employment. The deputy commissioner may use medical evidence submitted by the parties or he may arrange to have the employee examined by a physician selected by the deputy commissioner. The cost of the medical examination arranged for by the deputy commissioner may be charged to the special fund established by section 44, 33 U.S.C. 944.

10. It is proposed to add a new § 702.272 which will read as follows:

§ 702.272 Informal recommendation by deputy commissioner.

(a) If the deputy commissioner determines that the employee has been discharged or suffered discrimination and is able to resume his or her duties, the deputy commissioner will recommend that the employer reinstate the employee and/or make such restitution as is indicated by the circumstances of the case, including compensation for any wage loss suffered as the result of the discharge or discrimination. The deputy commissioner may also assess the employer an appropriate penalty, as determined under authority vested in the deputy commissioner by the Act. If the employer and employee accept the deputy commissioner's recommendation, it will be incorporated in an order and mailed to each party within 10 days.

(b) If the parties do not agree to the recommendation, the deputy commissioner shall, within 10 days after receipt of the rejection, prepare a memorandum summarizing the disagreement, mail a copy to all interested parties, and shall within 14 days thereafter refer the case to the Office of the Chief Administrative Law Judge for hearing pursuant to § 702.317.

11. It is proposed to add a new § 702.273 which will read as follows:

§ 702.273 Adjudication by Office of the Chief Administrative Law Judge.

The Office of Administrative Law Judges is responsible for final determinations of all disputed issues connected with the discrimination complaint, except the amount of penalty to be assessed, and shall proceed with a formal hearing as described in §§ 702.331 to 702.394.

12. It is proposed to add a new § 702.274 which will read as follows:

§ 702.274 Imposition of penalty.

(a) After a decision is rendered by an administrative law judge, the matter will be referred to the deputy commissioner, who will review the decision and determine the amount of the penalty, if any, to be assessed against the employer.

(b) If a penalty is to be assessed, the employer shall be advised by letter of the amount and rationale therefor, and shall be requested to submit payment by check to the deputy commissioner within 30 days following the date of the letter. The check will be transmitted to the National Office, Division of Longshore and Harbor Workers' Compensation, for deposit in the special fund as described in section 44, 33 U.S.C. 944.

13. It is proposed to add a new § 702.275 which will read as follows:

§ 702.275 Employer's refusal to pay penalty.

In the event the employer refuses to pay the penalty assessed, the deputy commissioner shall refer the complete administrative file to the Associate Director, Division of Longshore and Harbor Workers' Compensation, for subsequent transmittal to the Associate Solicitor for Employee Benefits, with the request that appropriate legal action be taken to recover the penalty.

14. It is proposed to add a new § 702.281 which will read as follows:

§ 702.281 Third party action.

(a) Every person claiming benefits under this Act (or the representative) shall promptly notify the employer and the deputy commissioner when:

(1) A claim is made that someone other than the employer or person or persons in its employ, is liable in damages to the claimant because of the injury or death and identify such party by name and address.

(2) Legal action is instituted by the claimant or the representative against some person or party other than the employer or a person or persons in his employ, on the ground that such other person is liable in damages to the claimant on account of the compensable injury and/or death; specify the amount of damages claimed and identify the person or party by name and address.

(3) Any settlement, compromise or any adjudication of such claim has been effected and report the terms, conditions and amounts of such resolution of claim. (Caution: See 33 U.S.C. 933(g))

15. It is proposed to amend § 702.312 to read as follows:

§ 702.312 Informal conferences: Called by and held before whom.

Informal conferences shall be called by the deputy commissioner or his designee assigned or reassigned the case and held before that same person, unless such person is absent or unavailable. When so assigned, the designee shall perform the duties set forth below assigned to the deputy commissioner, except that a compensation order following an agreement shall be issued only by a person so designated by the Director to perform such duty.

16. It is proposed to amend § 702.315 (a) to read as follows:

§ 702.315 Conclusion of conference; agreement on all matters with respect to the claim.

(a) Following an informal conference at which agreement is reached on all issues, the deputy commissioner shall, within 10 days after conclusion of the conference, embody the agreement in a memorandum or within 30 days issue a formal compensation order, to be filed and mailed in accordance with § 702.349. Where the problem was of such nature that it was resolved by telephone discussion or by exchange of written correspondence, the parties shall be notified by the same means that agreement was reached and the deputy commissioner shall prepare, a memorandum or order setting forth the terms agreed upon. In either instance, when the employer or carrier has agreed to pay, reinstate or increase monetary compensation benefits, or to restore or appropriately change medical care benefits, such action shall be commenced immediately upon becoming aware of the agreement, and without awaiting receipt of the memorandum or the formal compensation order.

* * * * *

17. It is proposed to amend § 702.316 to read as follows:

§ 702.316 Conclusion of conference; no agreement on all matters with respect to the claim.

When it becomes apparent during the course of an informal conference or other informal proceedings (such as correspondence on a claim, telephone discussion or other informal communications) that agreement on all issues cannot be reached, the deputy commissioner shall bring the conference or informal proceedings to a close and within 10 days thereafter prepare a memorandum setting forth only the issue or issues in dispute, such pertinent background as may be appropriate thereto, and his recommendations for resolution of the dispute. Copies of this memorandum shall then be sent by certified mail to each of the parties or their representatives, who shall then have 14 days in which to signify in writing to the deputy commissioner whether they agree or disagree with his recommendations. If they agree, the deputy commissioner shall proceed as in § 702.315(a). If they disagree (Caution: See § 702.134(b)), then the deputy commissioner may schedule such further conference or conferences as, in his opinion, may bring about agreement or, if he is satisfied that any further conference would be unproductive or if any party has requested a hearing, he shall within 10 days after determination or after receipt of a request prepare the case for transfer to the Office of the Chief Administrative Law Judge (see § 702.331 et seq.).

18. It is proposed to amend § 702.403 to read as follows:

§ 702.403 Employee's right to choose physician; limitations.

The employee shall have the right to choose his attending physician from among those authorized by the Director, OWCP, to furnish such care and treatment. In determining the choice of a physician, consideration must be given to availability, the employee's condition and the method and means of transportation. Generally 25 miles from the place of injury, or the employee's home is a reasonable distance to travel, but other pertinent factors must also be taken into consideration.

19. It is proposed to amend § 702.404 to read as follows:

§ 702.404 Physician defined.

The term "physician" includes doctors of medicine (MD), surgeons, podiatrists, dentists, clinical psychologists, optometrists and osteopathic practitioners within the scope of their practice as defined by State law. The term also includes chiropractors, but payment for their services will be limited to charges for physical examinations, related laboratory tests and x-rays made or required by a chiropractor to diagnose a subluxation of the spinal column, and treatment consisting of manual manipulation of the spine to correct a subluxation shown by x-ray. Physicians defined in this part may interpret their own x-rays. All physicians in these categories are authorized by the Director to render medical care under the Act. Naturopaths, faith healers and other practitioners of the healing arts which are not listed herein are not included within the term "physician" as used in this part.

20. It is proposed to amend § 702.411 (a) to read as follows:

§ 702.411 Special Examinations; Nature of Impartiality of Specialists.

(a) The special examinations required by § 702.408 shall be accomplished in a manner designed to preclude prejudgment by the impartial examiner. No physician previously connected with the case shall be present, nor may any other physician selected by the employer, carrier, or employee be present. The impartial examiner may be made aware, by any party or by the OWCP, of the opinions, reports, or conclusions of any prior examining physician with respect to the nature and extent of the employee's impairment, its cause, or its effect upon the wage-earning capacity of the injured employee, if the Deputy Commissioner determines that, for good cause, such opinions, reports or conclusions shall be made available.

* * * * *

21. It is proposed to amend § 702.412 to read as follows:

§ 702.412 Special examinations; costs chargeable to employer or carrier.

(a) The Director or his designee ordering the special examination shall have the power in the exercise of his discretion, to charge the cost of the examination or review to the employer, to the insurance carrier, or to the special fund established by section 44 of the Act, 33 U.S.C. 944.

(b) The Director or his designee may also order the employer or the insurance carrier to provide the employee with the services of an attendant, where the deputy commissioner considers such services necessary, because the employee is totally blind, has lost the use of both hands or both feet or is paralyzed and unable to walk, or because of other disability making the employee so helpless as to require constant attendance in the discretion of the deputy commissioner. Fees payable for such services shall be in accord with the provisions of § 702.413.

22. It is proposed to amend § 702.413 to read as follows:

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§ 702.413 Fees for medical services; prevailing community charges.

All fees charged by physicians for the care of persons covered by this Act, or any other charges for medical treatment or supplies within the purview of this Act, shall be limited to such charges for similar treatment, services or supplies as prevail in the community in which the physician, medical facility or supplier is located. In those jurisdictions where there are official State medical fee schedules for workers' compensation, they may be used as guidelines.

Signed at Washington, D.C., this 4th day of August, 1976.

JOHN C. READ,
Assistant Secretary for Employment Standards.

[FR Doc.76-23555 Filed 8-12-76;8:45 am]

Occupational Safety and Health Administration

[29 CFR Part 1952]

ALASKA

Proposed Supplement to Approved Plan

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under Section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) for the review of changes and progress in State plans which have been approved in accordance with Section 18 (c) of the Act and 29 CFR Part 1902. On August 10, 1973, notice was published in the FEDERAL REGISTER (38 FR 21628) of the approval of the Alaska Plan and the adoption of Subpart R to Part 1952 containing the decision. On February 5, 1976, the State of Alaska submitted to the Seattle Regional Office of the Occupational Safety and Health Administration a supplement to the plan involving a developmental change. Following regional review, the supplement was forwarded to the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter referred to as the Assistant Secretary) for his determination as to whether it should be approved. The supplement is described below.

2. *Description of the supplement.* The State has submitted a revision to the plan to change the number of industrial hygienists employed under its plan. The revision reduces the original commitment of four industrial hygienists to three industrial hygienists (two (2) enforcement; one (1) consultation). The State has determined through experience in industrial hygiene enforcement and consultation activities that three hygienists provide sufficient overall State coverage. The State will include an additional industrial hygiene position in its 1977 fiscal year budget, beginning October 1, 1976. However, the fourth industrial hygienist would not be hired prior to completion of the State's three year developmental period also on October 1, 1976.

3. *Location of the plan and its supplement for inspection and copying.* A copy of the plan and the supplement may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Room N-3112, 200 Constitution Avenue, NW., Washington, D.C. 20210; Office of the Regional Administrator, Occupational Safety and Health Administration, Room 6048, 909 First Avenue, Seattle, Washington 98174; and the Alaska Department of Labor, Juneau, Alaska 99801.

4. *Public participation.* Interested persons are hereby given until September 13, 1976 in which to submit written data, views, and arguments concerning whether the supplement should be approved. Such submissions are to be addressed to the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Room N-3112, 200 Constitution Avenue, NW., Washington, D.C. 20210, where they will be available for inspection and copying.

Any interested person may request an informal hearing concerning the proposed supplement by filing particularized written objections with respect thereto within the time allowed for comments with the Associate Assistant Secretary for Regional Programs. If in the opinion of the Assistant Secretary, substantial objections are filed which warrent further public discussion, a formal or informal hearing on the subjects and issues involved may be held.

The Assistant Secretary shall consider all revelant comments, arguments, and requests submitted in accordance with this notice and shall thereafter issue his decision as to approval or disapproval of the supplement, make appropriate amendments to Subpart R of Part 1952 and initiate further proceedings, if necessary.

(Secs. 8(g), 18, Pub. L. 91-596, 84 Stat. 1600, 1608 (29 U.S.C. 657(g), 667).)

Signed at Washington, D.C., this 9th day of August 1976.

B. M. CONCKLIN,
Deputy Assistant Secretary of Labor.

[FR Doc.76-23728 Filed 8-12-76;8:45 am]

Office of Federal Contract Compliance Programs

[41 CFR Part 60-1]

OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS

State and Local Government Equal Employment Opportunity Requirements for Federally Assisted Construction Contracts

On March 28, 1975 (40 FR 14091) the Secretary of Labor solicited comments on a proposed amendment to § 60-1.4(b) (2) of Chapter 60, Title 41, Code of Federal Regulations, which would require U.S. Department of Labor approval of state and local government equal employment requirements to be included in federally assisted construction contracts already subject to federal minority hiring and/or training plans established pursuant to Executive Order 11246, as amended, and which would establish standards and procedures for such approvals.

After considering all comments received, the Department of Labor has decided to withdraw the proposed amendment.

Dated: August 9, 1976.

W. J. USERY, Jr.,
Secretary of Labor.

JOHN C. READ,
Assistant Secretary for Employment Standards.

LAWRENCE Z. LORBER,
Director, Office of Federal Contract Compliance Programs.

[FR Doc.76-23554 Filed 8-12-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Child Support Enforcement

[45 CFR Part 302]

STATE PLAN REQUIREMENTS

Good Cause for Refusing To Cooperate

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Director, Office of Child Support Enforcement, with the approval of the Secretary of Health, Education, and Welfare.

The basis of this proposal is section 208 of Pub. L. 94-88 which amends section 454 of the Act to provide that the State IV-D agency will not undertake to establish paternity or secure support when the State IV-A agency determines in accordance with standards prescribed by the Secretary (see proposal amending 45 CFR 232 published today at 42 FR 34299) that such action would be against the best interests of the child.

The purpose of this proposal is to require that the agency administering the State plan under title IV-D of the Act not attempt to establish paternity or collect support in any case in which a finding has been made that the caretaker relative has good cause for refusing to cooperate. An exception is provided where the State IV-A agency has determined that child support enforcement could proceed without risk of substantial danger, physical harm, or undue harrassment if the enforcement activities did not involve the participation of the caretaker relative.

The Office believes that there are situations in which it could be against the best interests of the child for the caretaker relative to cooperate, but that child support enforcement could proceed without risk of harm to the child or its caretaker relative. For example, a State's child support agency may be able to secure child support without any involvement on the part of the caretaker relative. It could be determined by the State that the absent parent would not make any reprisals against the child or caretaker relative if he knew that all action against him was taken by the State independent of the caretaker relative.

Prior to the adoption of the proposed regulation, consideration will be given to written comments, suggestions, or objections thereto addressed to the Director, Office of Child Support Enforcement, Department of Health, Education, and Welfare, P.O. Box 2372, Washington, D.C. 20013, and received on or before September 13, 1976.

Such comments will be available for public inspection in room 5225 of the Department's offices at 330 C Street, SW., Washington, D.C., beginning approximately two weeks after publication of this notice in the FEDERAL REGISTER, on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (area code 202-245-0950).

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302))

(It is hereby certified that the economic and inflationary effects of this proposal have been carefully evaluated in accordance with Executive Order No. 11821.)

Dated: July 1, 1976.

ROBERT FULTON,
Director, Office of Child Support Enforcement.

Approved: August 6, 1976.

MARJORIE LYNCH,
Acting Secretary.

Part 302, Chapter III, Title 45 of the Code of Federal Regulations is amended by revising § 302.31 to read as follows:

§ 302.31 Establishing paternity and securing support.

The State plan shall provide that: (a) The IV-D agency will undertake:

(1) In the case of a child born out of wedlock with respect to whom an assignment under § 232.11 of this title is effective, to establish the paternity of such child; and

(2) In the case of any child with respect to whom such assignment is effective, to secure support for such child from any person who is legally liable for such support, utilizing reciprocal arrangements adopted with other States when appropriate; and

(b) The IV-D agency will not undertake to establish paternity or secure child support if there has been a finding of good cause pursuant to 45 CFR 232.12 unless there has been a determination by the State or local IV-A agency pursuant to 45 CFR 232.12(g) that child support enforcement may proceed without the participation of the caretaker relative. If there has been such a determination, the IV-D agency will undertake to establish paternity or secure child support but may not involve the caretaker relative in such undertaking.

[FR Doc.76-23563 Filed 8-12-76;8:45 am]

Social and Rehabilitation Service

[45 CFR Part 232]

SPECIAL PROVISIONS APPLICABLE TO TITLE IV-A

Good Cause for Refusing to Cooperate

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare.

This proposal is designed to implement section 208 of Pub. L. 94-88, which requires the Secretary to prescribe standards for use by State agencies in determining whether an applicant or recipient has good cause for refusing to cooperate (as required by section 402(a)(26)(B) of the Act) because such cooperation would not be "in the best interests of the child." The purpose of this proposal is to specify standards under which State and local welfare agencies shall determine the best interests of the child. The basis of the standards proposed herein is the Service's belief that the "best interests of the child" necessitate a balance between protecting the children and their caretaker relatives from potential harm and maintaining the integrity of the Child Support Enforcement program which can secure important legal and financial benefits for children.

In developing the proposed regulations we have attempted to accomplish two goals which are difficult to achieve simultaneously: protect children and their custodial parents or caretaker relatives from being harmed by the child support process; and, maintain the integrity of the Child Support Enforcement program under title IV-D of the Act. Further, the mandate from Congress is that the child's right to support, to inheritance, and to know who his father is deserves the higher social priority unless identification of the father is clearly against the best interests of the child. If standards are drawn too tightly, they prevent the creation of a loophole in the child support program but expose the child to the risk of harm. If standards are drawn too loosely, they guarantee more than adequate protection but have the potential for seriously damaging the Child Support Enforcement program. The Service believes that the Child Support Enforcement program produces significant benefits for children, including the establishment of paternity which can result in the entitlement to veterans and social security benefits, as well as the direct financial benefits of child support. The program also results in benefits to taxpayers through reimbursement of assistance payments. It is hoped that public comments will assist in refining the achievement of our goals.

Under the proposed regulations, the applicant for, or recipient of, Aid to Families with Dependent Children (AFDC) would be excused from cooperating in establishing paternity or securing support in five specific circumstances as outlined in § 232.13(d). Cases in which the applicant's or recipient's cooperation would be likely to result in in substantial danger, physical harm, or undue harassment to the child or its caretaker relative, would presumably be the major category. Others include forcible rape, incest, adoption, and related circumstances. In order to establish this good cause for refusing to cooperate, the applicant or recipient would be required by § 232.13(e) to provide either evidence of the five specific circumstances or sufficient information to the welfare agency to permit an investigation to verify the circumstances. The State would be required by § 232.13(1) to maintain records on the number of applicants and recipients claiming to have good cause, the number of applicants or recipients found to have good cause, and similar information.

The confidentiality of all information obtained by the Title IV-A agency and the Title IV-D agency would be protected under the applicable safeguarding regulations, 45 CFR 205.50 and 302.18, which provide in essence that the use or disclosure of information concerning applicants or recipients of AFDC or Child Support Enforcement Services will be limited to purposes directly connected with the administration of the Federal or Federally assisted programs (under titles I, IV, X, XIV, XVI, XIX, or XX) including establishing eligibility, providing benefits and services, and investigations and proceedings in connection with the administration of such programs.

Other major provisions of the proposed regulations are as follows:

1. The welfare agency must notify any applicant or recipient who would be required to cooperate of the provisions for cooperation and good cause for refusing to cooperate. (§ 232.13(b))

2. The welfare agency may find that good cause exists only if evidence supplied by the applicant or recipient establishes a prima facie case, or an investigation verifies the claim of good cause, or through a combination of evidence and an investigation. (§ 232.13(f))

3. Evidence is defined to include such items as court, medical, law enforcement and social services records. (§ 232.13(g))

4. In cases involving risk of danger, harm or harrassment, the welfare agency must make a determination of whether child support enforcement could proceed without such risk if the enforcement or collection activity did not involve the participation of the caretaker relative. (§ 232.13(h))

5. The welfare agency may not deny, delay or discontinue assistance pending a determination of good cause if the applicant or recipient has supplied the necessary information (§ 232.13(i))

Other standards were considered in developing the proposed regulations, but were tentatively rejected, pending public comments, in the belief that they were inappropriate to the best interests of the child. For example, an applicant or recipient could be excused from cooperating merely on the basis of an assertion that to cooperate would be against the best interests of the child. This was rejected on the belief that such a procedure would tip the balance too far away from protecting the integrity of the Child Support Enforcement program and could result in spurious claims. We also considered allowing the welfare agency to determine good cause without specifying in the regulations which circumstances would be against the best interests of the child. This was rejected on the basis that this would result in no standards at all and would be inconsistent with the requirements of the

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statute. Finally, we considered limiting the standards to those affecting only the child. This approach was rejected on the belief that, under certain circumstances, adverse consequences to the child's caretaker relative are in fact against the best interests of the child and could outweigh the benefits to the child in the form of paternity and support.

Although all comments are welcome and will be taken into consideration, there are several aspects of the proposal for which we are particularly desirous of obtaining comments. Those areas are as follows:

1. Are there circumstances in which it would be against the best interests of the child to require cooperation other than those listed in § 232.13(d)?

2. Are there any circumstances listed in § 232.13(d) which are outweighed by the legal and financial benefits that result from establishing paternity and collecting support and should therefore be excluded?

3. Are there any items of evidence which should either be added to or deleted from the list in § 232.13(g)?

4. Is there any better aproach to implementing the good cause provision than by specifying each circumstance involving the best interests of the child, and requiring evidence or an investigation to prove the existence of the circumstance?

Prior to the adoption of the proposed regulation, consideration will be given to written comments, suggestions, or objections thereto addressed to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, P.O. Box 2372, Washington, D.C. 20013, and received on or before September 12, 1976.

Such comments will be available for public inspection in room 5225 of the Department's offices at 330 C Street, S.W., Washington, D.C., beginning approximately two weeks after publication of this Notice in the FEDERAL REGISTER, on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (area code 202-245-0950).

(Catalog of Federal Domestic Assistance Program No. 13.761, Public Assistance—Maintenance Assistance (State Aid)

(It is hereby certified that the economic and inflationary affects of this proposal have been carefully evaluated in accordance with Executive Order No. 11821.)

Dated: July 1, 1976.

ROBERT FULTON,
Administrator, Social and Rehabilitation Service.

Approved: August 6, 1976.

MARJORIE LYNCH,
Acting Secretary.

Part 232, Chapter II, Title 45 of The Code of Federal Regulations is amended by revising § 232.12 and by adding a new § 232.13, as set forth below:

§ 232.12 Cooperation in obtaining support.

The State plan must provide that:

(a) As a condition of eligibility for assistance, each applicant for or recipient of AFDC will be required to cooperate (unless good cause for refusing to do so is determined to exist in accordance with § 232.13 of this chapter) with the State in:

(1) Identifying and locating the parent of a child with respect to whom aid is claimed;

(2) Establishing the paternity of a child born out of wedlock with respect to whom aid is claimed;

(3) Obtaining support payments for such applicant or recipient and for a child with respect to whom aid is claimed; and

(4) Obtaining any other payments or property due such applicant or recipient of such child.

(b) "Cooperate" includes the following:

(1) Appearing at the offices of the State or local agency or the child support agency as necessary to provide verbal or written information, or documentary evidence, known to, possessed by, or reasonably obtainable by him, that is relevant to achieving the objectives of paragraph (a) of this section;

(2) Appearing as a witness at court or other hearings or proceedings necessary to achieving the objectives of paragraph (a) of this section;

(3) Providing information, or attesting to the lack of information, under penalty of prejury; and

(4) After an assignment under § 232.11 has been made, paying to the child support agency any child support payments received from the absent parent which are covered by such assignment.

(c) If the child support agency notifies the State or local agency of evidence of failure to cooperate, the State or local agency shall act upon such information in order to enforce the eligibility requirements of this section.

(d) If the relative with whom a child is living fails to comply with the requirements of paragraph (a) of this section, such relative shall be denied eligibility without regard to other eligibility factors.

(e) If the relative with whom a child is living is found to be ineligible for assistance because of failure to comply with the requirements of paragraph (a) of this section, any aid for which such child is eligible (determined without regard to the needs of the caretaker relative) will be provided in the form of protective payments as described in § 234.60 of this chapter.

§ 232.13 Good cause for refusing to cooperate.

The State plan must provide that:

(a) An applicant for, or recipient of, AFDC may claim to have good cause for refusing to cooperate as required by § 232.12 of this chapter;

(b) The State or local agency shall notify any applicant for, or recipient of, AFDC who is required to cooperate pursuant to § 232.12 of this chapter, prior to requiring such cooperation, that:

(1) The applicant or recipient may claim to have good cause for refusing to cooperate;

(2) The applicant or recipient must comply with the requirements of paragraph (e) of this section in order to permit a determination of good cause for refusing to cooperate; and

(3) Unless the State or local agency determines pursuant to the provisions of this section that there is good cause for refusing to cooperate, the applicant or recipient is required, as a condition of eligibility, to cooperate pursuant to section 232.12 of this chapter.

(c) The State or local agency shall determine, for each applicant for, or recipient of, AFDC who claims to have good cause for refusing to cooperate, whether or not such applicant or recipient has good cause for refusing to cooperate. The applicant or recipient shall be determined to have good cause only if cooperation would be against the best interests of the child (as determined pursuant to paragraphs (d), (e), and (f) of this section) for whom support would be sought;

(d) It is "against the best interests of the child" only if one or more of the following circumstances exists:

(1) The applicant's or recipient's cooperation in establishing paternity and securing support is likely to result in substantial danger, physical harm, or undue harassment to the child or the caretaker relative with whom the child is living;

(2) The child for whom support is sought was conceived as a result of incest or forcible rape, and proceeding to establish paternity and secure support would, in the opinion of the State or local agency, be detrimental to the child or caretaker relative;

(3) Legal proceedings for the adoption of the child are pending before a court of competent jurisdiction;

(4) The applicant's or recipient's legal rights to the child have been terminated by a court of competent jurisdiction; or

(5) The applicant or recipient is planning to relinquish, or has relinquished, the child to a public or licensed social agency for the purposes of adoption, or the applicant or recipient is actively engaged (for a period not to exceed 3 months) with a public or licensed private social agency in resolving the issue of whether to keep or relinquish the child for adoption;

(e) An applicant for, or recipient of, AFDC who claims to have good cause for refusing to cooperate will be required to:

(1) Provided evidence, as defined in paragraph (g) of this section of the existence of the circumstances specified in paragraph (d) of this section; or

(2) Provide sufficient information, such as the absent parent's name and address, to permit an investigation or enable the agency to assist the applicant or recipient in obtaining information to determine the existence of one or more of the circumstances specified in paragraph (d) of this section;

(f) The State or local agency will find that good cause for refusing to cooperate exists only if:

(1) The evidence supplied pursuant to paragraph (e)(1) of this section establishes a prima facie case that cooperating would be against the best interests of the child; or

(2) An investigation of the circumstances of the case verifies the applicant's or recipient's claim that cooperating would be against the best interests of the child; or

(3) A combination of both the evidence supplied pursuant to paragraph (e)(1) of this section and an investigation of the circumstances of the case establishes that cooperating would be against the best interests of the child;

(g) "Evidence" includes only the following:

(1) Birth certificates or medical or law enforcement records which indicate that the child was conceived as the result of incest or forcible rape;

(2) Court documents or other records which indicate that legal proceedings for adoption are pending before a court of competent jurisdiction;

(3) Court, medical, criminal, child protective services, social services or law enforcement records which indicate the likelihood of violent behavior on the part of the absent parent;

(4) Court documents that demonstrate that parental rights have been terminated;

(5) A written statement from a public or licensed private social agency that the applicant or recipient has relinquished, or is planning to relinquish, the child for adoption, or is actively engaged with the agency in resolving the issue of whether to keep or relinguish the child for adoption; and

(6) Such other elements as SRS may determine constitute acceptable evidence;

(h) If the State or local agency makes a determination of good cause on the basis of the circumstances specified in paragraph (d)(1) of this section, it shall also make a determination of whether or not child support enforcement could proceed without risk of substantial danger, physical harm, or undue harassment to the child or caretaker relative if the enforcement or collection activities did not involve the participation of the caretaker relative;

(i) The State or local agency will not deny, delay, or discontinue assistance pending a determination of good cause for refusal to cooperate if the applicant or recipient has complied with the requirements of paragraph (e) of this section;

(j) The State or local agency will promptly report to the IV-D agency all cases in which it has determined that there is good cause for refusal to cooperate and specify those cases, if any, in which it has determined pursuant to paragraph (h) of this section that child support enforcement may proceed without the participation of the caretaker relative;

(k) The State or local agency will periodically review, not less frequently than at each redetermination of eligibility required by § 206.10(a)(9) of this chapter, all cases in which a finding of good cause has been made pursuant to this section. If the agency determines that circumstances have changed such that good cause no longer exists, it will rescind its findings and proceed to enforce the requirements of § 232.12 of this chapter;

(l) The State shall maintain such records relating to its activities under this section as will permit it, upon being required to do so by SRS, to produce reports concerning at least the following:

(1) The number of cases in which the applicant or recipient claimed to have good cause for refusing to cooperate;

(2) The number of cases in which the applicant or recipient was found to have good cause for refusing to cooperate;

(3) The number of cases in which the applicant or recipient was found not to have good cause for refusing to cooperate;

(4) The number of cases in which the applicant or recipient was found to have good cause for refusing to cooperate but there was a determination pursuant to paragraph (h) of this section that child support enforcement may proceed without the participation of the caretaker relative; and

(5) For those cases in which good cause was found

(i) Which of the circumstances specified in paragraph (d) of this section was found to exist; and

(ii) Whether the finding of good cause was made pursuant to paragraph (f)(1), (2), or (3) of this section.

[FR Doc.76-23652 Filed 8-12-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistance Secretary for Community Planning and Development

[24 CFR Part 570]

[Docket No. R-76-410]

COMMUNITY DEVELOPMENT BLOCK GRANTS

Applications and Criteria for Discretionary Grants

On February 27, 1976, the Department of Housing and Urban Development (HUD) published in the FEDERAL REGISTER (41 FR 8612) regulations setting forth application requirements and criteria for awarding discretionary grants under title I of the Housing and Community Development Act of 1974. Those regulations apply to grants made from appropriations for Fiscal Year 1976.

Notice is hereby given that HUD proposes to amend 24 CFR Part 570, Subpart E, Applications and Criteria for Discretionary Grants, for the purpose of making discretionary grants in Fiscal Year 1977. This amendment affects only grants made from general purpose funds for metropolitan and nonmetropolitan areas which are described in § 570.402.

Additional changes are proposed in § 570.400 which is a general introductory section that precedes specific regulations for each discretionary funding source under the community development block grant program. The changes in § 570.400, however, which are technical in nature, are all for the purpose of transferring material to § 570.402 which deals exclusively with general purpose funds for metropolitan and nonmetropolitan areas. Specifically, all references to preapplications, dates for submitting preapplications and full applications for general purpose funds, and letters to proceed, all of which apply only to general purpose funds, are moved from § 570.400 to § 570.402.

The significant changes to § 570.402 are discussed below:

1. Paragraph (b) sets forth the requirements for preapplications which were previously a part of Section 570.400. Changes to this paragraph indicate that the purpose of the preapplication is for HUD to make funding decisions by comparing the conditions of substandard housing and poverty and proposed activities or programs of applicants. The Secretary may establish a single maximum grant amount on a State by State basis for assistance under this section.

2. Paragraph (b)(1) sets forth the scope of the preapplication.

3. Paragraph (b)(2) specifies the items that are to be submitted as a part of the preapplication including a report on the status of prior assistance received by the applicant under this Part.

4. Paragraph (b)(3) indicates that the earliest and latest dates for submission of preapplications for general purpose funds for nonmetropolitan areas are October 15, 1976, and November 30, 1976, respectively, and for metropolitan areas are January 15, 1977, and February 15, 1977, respectively.

5. Paragraph (b)(4) specifies that applicants are to transmit preapplications concurrently to HUD and the appropriate State and areawide A-95 clearinghouses. The preapplications will serve as a notice of intent to apply for federal funds. A thirty day A-95 review period prior to submission of the preapplication to HUD will no longer be required.

6. Paragraph (b), Criteria for selection, and paragraph (c), HUD review procedures, as published in § 570.402 on February 27, 1976 in the FEDERAL REGISTER (41 FR 8612), have been combined to form a new paragraph (c), HUD review procedures. The new paragraph states that each HUD Regional Office shall establish a review and rating system.

7. Paragraph (c)(1) sets forth three threshold requirements that must be met before a preapplication may be considered for rating. A negative finding on one or more of the threshold factors would disqualify a preapplication from consideration. The first threshold factor is performance by the applicant with previous community development block grants. The standards of performance shall measure progress toward completion of approved activities by taking into account among other factors—expenditures and obligations of funds; award of third party contracts; the provision of other Federal, State, or local funds committed to the activities; and compliance with the applicable block grant program requirements. The second threshold is whether the applicant has taken appropriate local steps to provide for assisted housing in accordance with a previously approved housing assistance plan if such plan exists. Where housing has not actually been provided, such steps may include the removal of impediments to

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the development of assisted housing in local ordinances and land use requirements, the formation of a local housing authority where necessary to carry out the housing assistance plan, the provision of sites for assisted housing, and other actions appropriate for implementing the housing assistance plan. The third threshold is that the activities proposed in the preapplication appear eligible for assistance in accordance with § 570.200.

8. Paragraph (e)(2) sets forth the criteria for selection of preapplications meeting the threshold requirements for funding. The extent of substandard housing conditions, the proportion and extent of poverty, and the alleviation of serious threats to health and safety were part of the criteria for Fiscal Year 1976. New criteria in paragraph (c)(2) are the extent to which the proposed activities are designed to benefit low and moderate-income families in paragrph (c)(2)(iii); paragraph (c)(2)(iv), the extent to which the proposed activities are designed to support the expansion or conservation of the applicant's low- and moderate-income housing stock (including infrastructure and facilities in support of housing); and paragraph (c)(2)(vi) which permits the Regional Administrator to grant, at his discretion, additional consideration for preapplications which have evidence of firm commitments of other Federal or State funds for a portion of the cost of activities.

9. Paragraph (c)(3) sets forth the range of the maximum percentage of the total points which may be assigned to each selective criterion in the base rating system of one hundred percent developed by HUD Regional Offices. The activities or programs proposed in the preapplication receive a greater weight than the base demographic characteristic of the applicant. Paragraph (c)(3)(vi) provides that the percentage assigned at the discretion of the Regional Administrator for the criteria in paragraph (c)(2)(vi) may not be more than ten percent in addition to the base rating system. Paragraph (c)(3)(vi) clarifies that in those instances where an applicant proposes a program of coordinated activities in a general location to meet a specific objective, the program as a whole shall receive a single rating and not the individual activities. In other cases, activities shall be rated separately.

10. Paragraph (c)(4) sets forth a special procedure that may be used only in cases where there is an imminent threat to public health or safety which is of such an extraordinary nature that it requires immediate action to be alleviated. For example, a community with documented cases of serious disease resulting from a contaminated drinking water supply would have an immediate threat to public health appropriate for assistance; whereas, a community which has been ordered to improve the quality of its water supply over the next five years would not receive consideration under this provision. Under the qualifying circumstances, the Secretary may immediately invite an application for assistance under this section to alleviate the imminent threat at any time by waiving the preapplication requirements of paragraph (b) of this section in which case no rating under paragraph (c) of this section shall be required. Prior to the approval of such an application, HUD shall verify the nature, urgency, and the immediacy of the threat with appropriate authorities other than the applicant.

11. Paragraph (d) sets forth the requirements for full applications for general purpose funds for metropolitan and nonmetropolitan areas previously a part of § 570.400. Changes indicate that HUD shall invite full applications based upon review of preapplications or the special procedure set forth in paragraph (c)(4) of this section for imminent threats. The Secretary may invite an applicant to submit a full application for an amount less than requested in its preapplication. In determining the amount an applicant is invited to submit a full application for, the Secretary may take into account the level and complexity of the activities proposed and the capacity of the applicant to complete the activities within a reasonable period of time and within estimated costs.

12. Paragraph (d)(1) indicates that full applications shall comply with the requirements of § 570.303 and include schedules showing target dates for the start and the completion of all proposed activities.

13. Paragraph (d)(3) indicates that full applications are to be submitted to the appropriate A–95 State and areawide clearinghouses for review and comment at least 45 days prior to submission to HUD.

14. Paragraph (d)(5) sets forth HUD procedures for review of full applications. Paragraph (d)(5)(i) sets forth the conditions for accepting a full application. Paragraph (d)(5)(ii) prescribes that the HUD review of full applications will insure that any other resources necessary for the completion of proposed activities are available; that any conditions that were a part of the invitation for full application are satisfied; and that any findings of inconsistency developed through the A–95 process have been resolved.

The Secretary will notify the applicant in writing that the full applications has been approved, partially approved, disapproved or otherwise not acted upon.

Paragraph (d)(5)(iii) specifies that the Secretary may make conditional approvals for reasons set forth in paragraphs (e)(1) through (e)(4) of § 570.306 and to insure the provision of other resources committed to complete activities within a reasonable period of time.

15. Paragraph (e) sets forth requirements for general purpose grants for metropolitan and nonmetropolitan areas previously contained in § 570.400.

16. Paragraph (f) sets forth requirements regarding amendments to applications for general purpose funds for metrolopitan and nonmetropolitan areas. Such amendments must have prior HUD approval which may be granted when the circumstances are beyond the control of the recipient or when funds remain after completion of all approved activities. If new activities are to be added or substituted, such new activities shall receive a rating comparable to the original rating of the activities in the initial application.

17. Paragraph (g) contains clarification of the citizen participation requirements of this Part as these apply to preapplications and applications for assistance under this section. Applicants shall inform citizens of the maximum grant amount, the criteria for selection, and that the number of preapplications may substantially exceed the number of applications to be funded. Applicants shall comply with all public hearing requirements of paragraph (e)(4)(ii) of § 570.303 prior to submission of a preapplication, and additional public hearings are not required prior to submission of the full application unless the substance of the preapplication has been altered significantly. All applicable citizen participation requirements shall be met nonetheless prior to resubmission in the current year of a preapplication which was submitted in a previous year.

18. Paragraph (h) sets forth the requirements for applications by States. A differentiation is made between the requirements for a State application in behalf of units of general local government and for direct assistance to the State. The requirements for a State application in behalf of units of general local government are essentially as previously stated with a clarification of the housing assistance plan requirements. For an included unit of general local government with a HUD approved housing assistance plan conforming to the current requirements of paragraph (c) of § 570.303, the approved housing assistance plan may be included in the State application by reference. For an included unit of general local government which does not have a current approved housing assistance plan, a housing assistance plan meeting the requirements of paragraph (c) of § 570.303 and adopted by the unit of general local government shall be submitted as a part of the State application. In those instances where a State is submitting an application for direct assistance for itself and not in behalf of units of general local government and the area to be served is multijurisdictional, regional, or statewide in nature, a HUD approved 701 housing element may serve as the housing assistance plan for the purposes of this section.

Interested persons are invited to participate in the making of the final rule by submitting written comments or views on the proposed amendments. Comments should be filed with the Office of the Rules Docket Clerk, Room 10141, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. All relevant materials received on or before September 14, 1976, will be considered before adoption of final rules. Copies of comments will be available for examination during business hours at the above address.

In connection with the environmental review of the proposed amendments to §§ 570.400 and 570.402, a Finding of Inapplicability has been made under HUD Handbook 1390.1, (38 FR 19182). A copy of the Finding is available for inspection in the Office of the Rules Docket Clerk, Room 10141, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C.

It is hereby certified that the economic and inflationary impacts of these proposed regulations have been carefully evaluated in accordance with OMB Circular No. A–107.

(Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.), and Section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).)

In consideration of the foregoing, it is proposed to amend 24 CFR Part 570 as follows:

1. Section 570.400 would be amended by revising paragraph (d)(1) and deleting paragraphs (b), (c)(2)(i), (d)(2), and (e) as follows:

§ 570.400 General.

* * * * *

(b) [Reserved]
(c) * * *
(2) * * *
(i) [Reserved]

* * * * *

(d) *Meeting the requirements of OMB Circular A–95.* (1) *General.* All applicants under this subpart must comply with the requirements set forth in OMB Circular A–95, Federally-recognized Indian tribes are not subject to the regular A–95 requirements; however, they are encouraged to participate voluntarily in the A–95 Project Notification and Review System. HUD will notify the appropriate State and areawide clearinghouses of any applications from Federally recognized Indian tribes upon their receipt.

(2) [Reserved]
(e) [Reserved]

* * * * *

2. Section 570.402 would be revised to read as follows:

§ 570.402 General purpose funds for metropolitan and nonmetropolitan areas.

(a) *Eligible applicants.* Eligible applicants are States, and units of general local government as defined in § 570.3(v), excluding metropolitan cities, urban counties and units of general local government which are included in urban counties as described in § 570.105(b)(3)(ii) and (iii). For the purpose of this section, the second sentence in § 570.3(v) includes those entities described in § 570.403(b)(1), (2) and (3).

(b) *Preapplications.* Preapplications are required for grants from general purpose funds for metropolitan and nonmetropolitan areas. The purpose of the preapplication is for HUD to make funding decisions by comparing the conditions of substandard housing and poverty within an applicant's jurisdiction and the activities or programs proposed by the applicant in accordance with the criteria for selection, with similar conditions and activities from other jurisdictions. The Secretary may establish a single maximum grant amount on a State-by-State basis for assistance under this part.

(1) *Scope of preapplication.* A preapplication may include any number of eligible activities up to the maximum dollar amount established by the Secretary for all applicants within that State. A preapplication may propose activities to be undertaken during any reasonable period of time necessary to complete them. The applicant shall apply for discretionary funds in an amount, which together with other resources that may be available, will be adequate to complete the proposed activities without additional block grant funds. While a recipient remains eligible for discretionary grant funding in subsequent years, an applicant shall not assume that additional funding will be available in subsequent years to continue or expand activities. A preapplication may not, however, be only for planning purposes, as defined in § 570.200(a)(12).

(2) *Submission requirements.* Preapplications shall be submitted on HUD forms to the appropriate HUD Area Office and shall consist of the following:

(i) A brief description of the applicant's community development needs and objectives;

(ii) A description of the activities to be carried out with assistance provided under this Part;

(iii) An estimate of the cost of the proposed activities;

(iv) A map of the applicant's jurisdiction;

(v) The certification required under § 570.303(e)(4);

(vi) The status of any prior assistance under this Part.

(3) *Preapplication submission date.* The Secretary will establish from time to time the earliest and latest dates for submission of preapplications for each fiscal year. For Fiscal Year 1977, the earliest submission date will be October 15, 1976, and the latest submission date will be November 30, 1976 for nonmetropolitan areas, and the earliest submission date will be January 15, 1977, and the latest submission date will be February 15, 1977, for metropolitan areas.

(4) *Modified OMB Circular A–95 procedures for preapplications.* The following special procedure applies to the general purpose funds for metropolitan and nonmetropolitan areas for which a preapplication is required. A copy of the preapplication shall be submitted to the appropriate A–95 State and areawide clearinghouses concurrent with the submission of the preapplication to HUD. The submission of the preapplication will serve as the notification of intent to apply for a Federal grant. The clearinghouses should respond to the applicant regarding their review of the preapplication.

(c) *HUD review procedures.* Each HUD Regional Office shall establish a review and rating system to evaluate preapplications within its jurisdiction. The Regional Administrator may permit variations on a State by State basis, within the limitations pursuant to § 570.402(c)(3). Copies of HUD review and rating systems may be obtained from the appropriate Regional or Area Office prior to submission of a preapplication. HUD will review preapplications based upon the criteria set forth in § 570.402(c)(2). Applicants will be advised of HUD's determinations and judgments on the preapplication, and the availability of funds.

(1) *Threshold factors.* The review and rating system will provide that affirmative determinations shall be made on each of the following threshold factors in order for a preapplication to be considered for rating.

(i) With respect to previously approved assistance under this Part, the applicant has satisfactorily met the performance standards established by HUD. These standards will take into account progress toward completion of approved activities as measured by such factors as expenditure of funds; obligation of funds; award of third party contracts; provision of committed funds from other Federal, State, or local sources; and compliance with applicable program requirements.

(ii) The applicant has taken appropriate local actions to provide assisted housing in accordance with any HUD-approved housing assistance plan applicable to the applicant's jurisdiction. Where housing has not actually been provided, such local actions may include the removal of impediments to the development of assisted housing in local ordinances and land use requirements, the formation of a local housing authority when necessary to carry out the housing assistance plan, the provision of sites for assisted housing when resources are available, and other actions appropriate for implementation of the housing assistance plan.

(iii) Based on information contained in the preapplication, the proposed activities appear to be eligible.

(2) *Criteria for selection.* Preapplications which meet the threshold requirements shall be rated competitively in accordance with the following selection criteria:

(i) Extent of substandard housing conditions as represented by the sum of the number of overcrowded housing units as defined in § 570.3(i) and the number of housing units lacking plumbing, expressed both as an absolute amount and as a percentage of the total housing units within the jurisdiction of the unit of general local government.

(ii) The proportion and extent of poverty as defined in § 570.3(j) and expressed both as an absolute amount and as a percentage of the total population within the jurisdiction of the unit of general local government.

(iii) The extent to which the proposed activities or program are designed exclusively, principally, or incidentally to benefit low- or moderate-income families.

(iv) The extent to which the proposed activities or program are designed to support the expansion or conservation of the low- or moderate-income housing stock (including infrastructure or facilities in support of housing).

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(v) The activities or program as proposed are designed to alleviate a serious threat to health or safety.

(vi) At the discretion of the Regional Administrator, additional points may be awarded to those preapplications which involve matching other Federal or State grants or which involve identifiable commitments of other Federal or State resources, including Federal grants administered by States.

(3) *Numerical ratings.* Rating systems developed pursuant to § 570.402(c) shall assign numerical ratings for each criterion set forth in § 570.402(c)(2). In each Regional rating system, § 570.402(c)(3)(i) through (v) shall total one hundred percent of the base rating system. § 570.402(c)(3)(vi) shall be in addition to the base rating system if included. The range of maximum percentage of points for each criterion shall be:

(i) Ten to fifteen percent for the substandard housing described in the criterion in § 570.402(c)(2)(i), one-half for absolute amount and one-half for percent;

(ii) Five to ten percent for poverty described in the criterion in § 570.402(c)(2)(ii), one-half for absolute amount and one-half for percent;

(iii) Twenty-five to thirty-five percent for benefits to families of low- or moderate-income in the criterion in § 570.402(c)(2)(iii);

(iv) Twenty-five to thirty-five percent for housing efforts in the criterion in § 570.402(c)(2)(iv);

(v) Ten to twenty percent for health or safety pursuant to the criterion as described in § 570.402(b)(2)(v);

(vi) In addition to the ratings assigned pursuant to § 570.402(c)(2)(i) through (v), a maximum of an additional ten percent may be assigned for involvement of other resources described in the criterion in § 570.402(c)(2)(vi).

(vii) Activities shall normally receive numerical ratings individually in accordance with § 570.402(c)(3)(iii) through (vi) except that groups of activities which are designed as a coordinated effort concentrated within a general location to meet a specific objective shall receive a single rating jointly as a program and not as individual activities.

(4) *Imminent threat to public health or safety.* Notwithstanding the provisions of § 570.402(b), the Secretary may, at any time, invite a full application for funds available under this section in response to a request for assistance to alleviate an imminent threat to public health or safety that requires immediate resolution by waiving the requirements of § 570.402(b). The urgency and the immediacy of the threat shall be verified by HUD with an appropriate authority other than the applicant prior to approval of the application. For example, an applicant with documented cases of disease resulting from a contaminated drinking water supply would have an immediate threat to public health, while an applicant ordered to improve the quality of its drinking water supply over the next five years would not have an imminent threat within the definition of this paragraph.

(d) *Applications.* HUD shall invite full applications based upon the review of preapplication or based upon an imminent threat to public health or safety pursuant to § 570.402(c)(4). The Secretary may request that an applicant submit a full application for assistance under this Part for an amount less than requested by the applicant in its preapplication. In determining the amount of the grant for which an applicant is invited to submit a full application, the Secretary may take into account the level and complexity of the proposed activities and the capacity of the applicant to complete such activities within a reasonable period of time and within estimated costs.

(1) *Application requirements.* Full applications will be accepted only upon invitation from HUD. Addition of new activities from those proposed in the preapplication will not be approved if such addition or substitution will lower HUD's rating of the preapplication. Full applications shall meet the application requirements of § 570.303 and shall include schedules showing target dates for start up and completion of all proposed activities.

(2) *Timing of submission.* The latest date for submission of a full application shall be established by HUD at the time an applicant is invited to submit a full application.

(3) *Modified OMB Circular A-95 procedure for full applications.* At least 45 days prior to the submission of a full application to HUD for general purpose funds for metropolitan and nonmetropolitan areas, the applicant shall transmit the application to the appropriate State and areawide clearinghouses for review and comment unless the clearinghouses relinquish this requirement. They shall be provided forty-five days for review and comment.

(4) *Waiver of application requirements.* The provisions of § 570.304 shall also apply to applications under this section.

(5) *HUD review and approval of full application.* (i) *Acceptance of application.* Upon receipt of the full application, the HUD Area Office will accept it for review, provided that it has been received before the deadline established pursuant to § 570.402(d)(2); the application requirements specified in § 570.402(d)(1) are complete, except with regard to those applications for which certain submission requirements are waived pursuant to § 570.402(d)(4); the funds requested do not exceed the amount of the invitation by HUD; and any comments and recommendations received from clearinghouses are attached to the application.

(ii) *HUD action on full applications.* Full applications will be reviewed to insure that any other necessary resources that may be required to complete the proposed activities are in fact available; that any conditions that may have been established at the time of invitation to submit a full application have been satisfied; and that any findings on inconsistency developed through the OMB Circular A-95 process have been resolved. The Secretary will notify the applicant in writing that the full application has been approved, partially approved, disapproved, or otherwise not acted on for any reason.

(iii) *Conditional approval.* The Secretary may make conditional approval, in which case the grant will be approved, but the utilization of funds for affected activities will be restricted. Conditional approvals will be made only pursuant to § 570.306(e)(1) through (e)(4) and to insure provision of other resources committed to complete activities with a reasonable period of time and within estimated costs.

(e) *Letter to proceed.* In response to a request by a unit of general local government, the Secretary may, in cases of demonstrated need, issue a letter to proceed authorizing an applicant for funds to incur costs for the planning and preparation of an application for funds available under this subpart. Reimbursement for such costs will be dependent upon HUD approval of such application. Costs incurred by an applicant prior to notification of a funding approval or issuance of a letter to proceed by HUD are not eligible for assistance under this Part.

(f) *Program amendments.* Recipients shall request prior HUD approval for all program amendments to approved applications under § 570.402. HUD approval of program amendments may be granted to those requests which meet the following criteria:

(1) The program amendment is necessitated by actions beyond the control of the applicant, or funds remain after completion of all approved activities, and

(2) In cases where activities are added or are significantly altered, the new activities shall have a rating under the criteria of § 570.402(c) comparable to rating of the original activities.

(g) *Citizen participation.* The citizen participation requirements of this Part shall be met by the applicant prior to the submission of the preapplication. Preapplications from a previous year being resubmitted are again required to meet all citizen participation requirements for the current year. As a part of the information provided pursuant to § 570.303(e)(1), the applicant shall inform citizens of the maximum discretionary grant for which the applicant may apply, the criteria for selection of preapplications, and that the number of preapplications submitted may substantially exceed the number of applications that may be ultimately approved from the available funds. The requirements of § 570.303(e)(4)(ii) shall be met prior to the submission of the preapplication. Additional public hearings are not required for the full application unless there have been significant changes in the activities.

(h) *Applications submitted by states.* States (including the Commonwealth of Puerto Rico) may apply for general purpose funds for metropolitan and nonmetropolitan areas to carry out eligible activities in metropolitan and nonmetropolitan areas, respectively. Separate applications are required for metropolitan and nonmetropolitan areas. A State may at its option submit separate applications for each metropolitan area for which it seeks funds or submit a single application for more than one metropolitan area, provided that such application clearly identifies the proposed cost attributable to each metropolitan area.

(1) *Applications in behalf of units of general local government.* If a State is submitting an application for assistance under this section in behalf of a unit or units of general local government, the provisions of § 570.303 shall apply only to those units of general local government covered by a State application. The application shall be pursuant to an agreement with the covered units of general local government.

(2) *State applications for direct assistance.* If a State is submitting an application for direct assistance for itself and not in behalf of units of general local government for activities which are otherwise eligible pursuant to § 570.200, the provisions of § 570.303 shall be applied on a statewide basis.

(3) *State application housing assistance plans.* (i) In those instances where there is a HUD approved housing assistance plan meeting the requirements of § 570.303(c) for units of general local government in which the activities are to be carried out, the State need only indicate in the application that it subscribes to and adopts such housing assistance plan.

(ii) In those instances where there is no HUD approved housing assistance plan for a covered unit of general local government, the State shall submit as a part of its application a housing assistance plan adopted by the unit of general local government.

(iii) In those instances where the State is applying for direct assistance and the activities are by nature multijurisdictional, regional, or statewide in nature, a HUD approved State 701 housing element may serve as a housing assistance plan for the purposes of this section.

(4) *Activities in urban counties and metropolitan cities.* A State may not apply for activities to be located in or carried out in metropolitan cities, urban counties or units of general local government which are included in urban counties, unless such funds have been reallocated in accordance with § 570.107.

Issued at Washington, D.C., August 9, 1976.

DAVID O. MEEKER, Jr.,
FAIA, AIP, Assistant Secretary for Community Planning and Development.

[FR Doc.76-23705 Filed 8-12-76;8:45 am]

Federal Insurance Administration

[24 CFR Part 1917]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Collins, Erie County, New York

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Town of Collins, Erie County, New York.

Under these acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Town must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Main Entrance in Town Hall, 14093 Mill Street, Collins.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Robert F. Gaylord, Supervisor, Town Hall, 14093 Mill Street, Collins, New York 14034. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Clear Creek	West corporate limits	713	0	220
	Bagdad Rd. (north)	798	30	0
	Bagdad Rd. (central)	812	5	10
	Conrail	829	240	50
	Bagdad Rd. (south)	862	10	30
	Jennings Rd	971	20	40
	North Division Rd. (extended)	1,000	5	170
	School St	1,080	230	50
	Collins Center Zoar Rd	1,094	200	30

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 13, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-23317 Filed 8-12-76;8:45 am]

[24 CFR Part 1917]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Evans, Erie County, New York

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Town of Evans, Erie County, New York.

Under these acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Town must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review on the Bulletin Board in Evans Town Hall, 42 North Main Street, Angola.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Robert R. Catalino, Supervisor for the Town of Evans, 42 North Main Street, Angola, New York 14006. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

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Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from shoreline to 100-year flood boundary
Lake Erie	1,000 ft SW of Eighteen mile Creek mouth.	580	20
	600 from Lake Shore Rd. at Hamilton Dr.	580	60
	Delameter Rd. (extended)	580	50
	New Haven Rd. (extended)	580	80
	Larkin Rd. (extended)	579	80
	North of Shell Rd.	579	1,600
	South of Shell Rd. (extended)	579	110
			Area flooded
	Ainsworth Rd	579	850 ft along Ainsworth from Westminster Rd.
	Westminster Rd.	579	800 ft along Westminister from Lake Shore Rd.
			Width in feet from shoreline to 100-year flood boundary
	Beach Rd. (extended)	579	100
	Waterman Rd. (extended)	579	110
	Central Ave. (extended)	579	30
	Bergywood Ave. (extended)	579	100
	Pt. Breeze	579	100
	Summerdale Dr. (extended)	579	60
	South corporate limits	579	80
			Width in feet from bank of stream to 100-yr flood boundary facing downstream
			Left / Right
Muddy Creek	Lake Shore Rd	583	20 / 280
	Pearl St. (extended)	586	320 / 80
	Oakland St.	588	320 / 100
	Reeves Rd.	589	760 / 200
	Corporate limits	591	180 / 300
Delaware Creek	Lake Shore Rd.	580	20 / 20
	Birch St.	588	40 / 340
	Herr Rd.	609	20 / 320
	Norfolk-Western R.R.	645	20 / 80
	Holland Rd.	653	60 / 260
	Corporate limits	661	380 / 170
Big Sister Creek	Lake Shore Rd.	582	270 / 430
	Dennis Rd (extended)	589	200 / 380
	Route 5	606	60 / 210
	Gold St.	608	70 / 40
	North corporate limit of Angola	621	60 / 70
	East corporate limit of Angola (extended).	644	70 / 260
	Route 20	655	10 / 100
	Route 90	666	20 / 20
	Rythor Rd.	680	90 / 50
	Derby Rd.	699	40 / 50
	Pontiac Rd.	710	20 / 120
	South corporate limit	738	20 / 20
Eighteenmile Creek	Lake Shore Rd.	581	50 / (1)
	Route 5	586	20 / (1)
	Norfolk-Western R.R.	601	20 / (1)
	Versailles Rd.	613	50 / (1)
	Town of Eden corporate limits	622	20 / (1)

[1] Corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 26, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76 23319 Filed 8-12-76;8:45 am]

[24 CFR Part 1917]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Kirkwood, Broome County, New York

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Town of Kirkwood, Broome County, New York.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Town must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood

elevations are available for review at the Town Hall, Box 502, Crescent Drive, Kirkwood, New York.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Arthur J. Shafer, Town Supervisor for Kirkwood, Town Hall, Box 502, Crescent Drive, Kirkwood, New York 13795. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Susquehanna River	Upstream corporate limits	867	(1)	1,080
	Gorman Rd. (extended)	866	(1)	510
	Blakesley Rd. (extended)	863	(1)	760
	Conklin-Kirkwood connection	861	(1)	200
	Trim St. (extended)	857	(1)	140
	Ostrum Rd. (extended)	855	(1)	160
	Loughlin Rd. (extended)	851	(1)	470
	Downstream corporate limits	850	(1)	200

[1] Corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 28, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-23318 Filed 8-12-76;8:45 am]

[24 CFR Part 1917]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Town of Belhaven, North Carolina

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the Town of Belhaven, North Carolina.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Town of Belhaven must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Town Hall, Belhaven, North Carolina 27810.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor C. O. Boyette, Town Hall, Belhaven, North Carolina 27810. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level
Pungo River and Pantego Creek	Entire town, except the 300 northernmost feet of U.S. Route 264.	7

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 26, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-23320 Filed 8-12-76;8:45 am]

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[24 CFR Part 1917]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Roseburg, Oregon

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the City of Roseburg, Oregon.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of Roseburg must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, 900 S.E. Douglas Street, Roseburg, Oregon 97470.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Mike Wyatt, City Hall, 900 S.E. Douglas Street, Roseburg, Oregon 97470. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
South Umpqua River	Oak Street Bridge	448.5	210	168
	Washington Drive Bridge	448.5	164	160
	I-5 Bridge	448.0	220	120
	Stewart Park Drive Bridge	438.5	268	410
Deer Creek	Pearce Road Bridge	474.0	570	400
	Foot Bridge	466.5	80	160
	Douglas Avenue Bridge	461.0	100	380
	Fowler Street Bridge	450.5	560	240
	Jackson Street Bridge	450.5	776	210
	Diamond Lake Boulevard Bridge	450.0	1400	36
	U.S. Route 99 Bridge	449.5	80	168

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 27, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-23321 Filed 8-12-76;8:45 am]

[24 CFR Part 1917]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Township of Abington, Montgomery County, Pennsylvania

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Township of Abington, Montgomery County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Township must adopt flood plain mangement measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available or review at the Township Engineer's Office, Municipal Building, 1176 Old York Road, Abington.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. George F. Shuster, Jr., President of the Board of Commissioners, 1176 Old York Road, Abington, Pennsylvania 19001. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Baeder Run	Jenkintown Rd	226	150	110
	Cross Rd. (extended)	230	150	50
	Pleasant Ave. (extended)	242	75	50
	Running Brook Rd	250	100	200
	Highland Ave	267	75	50
	Abington Ave	295	80	40
North Baeder Run	Hilltop Rd. (extended)	260	100	75
	Harte Rd	274	140	50
	Highland Ave	300	100	150
Pennypack Creek	Southeast corporate limits	100	280	170
	Moredon Rd	101	120	20
	McFadden Dr. (extended)	108	360	330
	Reading Co., RR	113	170	340
	Huntingdon Pike	114	250	220
	Northeast corporate limits	115	140	1,120
Meadow Brook	Reading Co. RR	116	880	50
	Valley Rd	119	700	450
	Meadowbrook Rd	124	70	220
	Cox Rd. (extended)	136	300	130
	Old Valley Rd	152	150	210
	Susquehanna St. Rd	155	130	120
Sandy Run	Northwest corporate limits	218	100	250
	Susquehanna St. Rd	224	150	150
			Total flood width	
	Woodland Rd	244	470	
	Easton Rd	252	400	
	Hamilton Ave	275	280	
	Reading RR	280	300	
	Old York Rd	300	150	
	Old Welsh Rd	314	180	
			Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Tributary No. 1	Avondale Ave. (extended)	238	200	220
	Susquehanna St. Rd	243	120	100
Tacony Creek	Downstream corporate limits	211	(1)	400
	Reading RR	220	500	450
	Upstream corporate limits	222	100	350

[1] Corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 29, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc 76-23322 Filed 8-12-76;8:45 am]

[24 CFR Part 1917]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Borough of Clifton Heights, Delaware County, Pennsylvania

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Borough of Clifton Heights, Delaware County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Council Room, Borough Building, 7 South Springfield Road, Clifton Heights.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor E. Jack Ippoliti, 7 South Springfield Road, Clifton Heights, Pennsylvania 19018. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

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Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Darby Creek	Conrail tracks	59	(1)	50
	Broadway Ave. (extended)	61	(1)	180
	Baltimore Pike (upstream side)	71	(1)	380
	Jackson Ave. (extended)	71	(1)	480
	Bridge St. (extended)	81	(1)	30
	Upstream of dam	94	(1)	170
	SEPTA	96	(1)	150
	North corporate limit	102	(1)	70

[1] Corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 13, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-23323 Filed 8-12-76;8:45 am]

[24 CFR Part 1917]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Township of Hanover, Luzerne County, Pennsylvania

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Township of Hanover, Luzerne County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Town must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Hanover Municipal Building, 1267 Sans Souci Parkway, Wilkes-Barre, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Joseph Halesey, Chairman of the Hanover Board of Commissioners, 1267 Sans Souci Parkway, Wilkes-Barre, Pennsylvania 18702. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Susquehanna River	Upstream corporate limits	545	90	(1)
	Conrail Bridge	542	130	(1)
	Downstream corporate limits	542	2,010	(1)
Solomon Creek	Conrail Bridge	585	90	130
	Middle Rd	548	70	70
	Upstream corporate limits	538	1,220	600
	Fellows St	534	180	1,320
	Conrail Bridge	520	10	10
Spring Creek	Upstream corporate limits	594	15	30
	Conrail Bridge	561	60	20

[1] Corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued July 23, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.23326 Filed 8-12-76;8:45 am]

[24 CFR Part 1917]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Township of Plains, Luzerne County, Pennsylvania

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Township of Plains, Luzerne County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Township must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Tax Office in the Municipal Building, 126 North Main Street, Plains, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Clem Falchek, President of the Board of Commissioners, Municipal Building, 126 North Main Street, Plains, Pennsylvania 18705. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Susquehanna River	At bridge, Wilkes-Barre connecting R R	551	130	(2)
	Hanes St. (extended)	552	500	(2)
	Popular St. (extended)	552	[1] 1,030	(2)
	Price St. (extended)	552	[1] 2,900	(2)
	Mack St. (extended)	552	3,160	(2)
	Hancock St. (extended)	552	3,060	(2)
	Opposite downstream end of Culver Island.	553	2,080	(2)
	Courtright St. (extended)	553	[1] 1,870	(2)
	Upstream corporate limits	554	680	(2)
Mill Creek	River Rd	551	(2)	50
	Main St	551	(2)	40
	Oak St	587	(2)	80
	North St. (extended)	598	(2)	590
	Cleveland St	599	[1] 320	320

[1] Certain areas are contained within or surrounded by 100-yr flood boundaries, but are elevated above 100-yr flood elevations. For clarification refer to the Flood Insurance Rate Maps currently on display at the above-mentioned address.
[2] Corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 22, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-23328 Filed 8-12-76;8:45 am]

[24 CFR Part 1917]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Borough of Leesport, Berks County, Pennsylvania

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Borough of Leesport, Berks County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Borough Hall, 222 Spring Garden Street, Leesport.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Walter Spatz, Borough Hall, 222 Spring Garden Street, Leesport, Pennsylvania 19533. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

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Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Schuylkill River	Southeast corporate limit	281	40	760
	Apple St. (extended)	283	300	220
	East Wall St	284	590	50
	Shackamaxon St. (extended)	286	380	(1)
	Arlington Dr. (extended)	287	650	
	Northwest corporate limits	288	800	(1)

[1] Corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 13, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-23324 Filed 8-12-76;8:45 am]

[24 CFR Part 1917]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Township of Loyalsock, Lycoming County, Pennsylvania

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4 (a)) hereby gives notice of his proposed determinations of flood elevations for the Township of Loyalsock, Lycoming County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Township must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Loyalsock Township Building, 2501 East Third Street, Williamsport.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Bruce E. Henry, Secretary of the Board of Supervisors, 2501 East Third Street, Williamsport, Pennsylvania 17701. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Lycoming Creek	Upstream corporate limit	574	560	(1)
	Route 15	569	1,040	(1)
	Hayes Lane	555	1,310	(1)
	Liberty Dr	550	1,560	(1)
	Route 15	538	100	(1)
	Downstream corporate limit	536	5	(1)
West branch Susquehanna River	Upstream corporate limit	527	80	(1)
	Tinsman Ave. (extended)	526	320	(1)
	Canfields Lane (extended)	524	2,570	(1)
Loyalsock Creek	Upstream corporate limit	566	(1)	50
	Konkle Rd. (extended)	538	(1)	240
	Route 220	529	(1)	70
	Conrail	521	(1)	50

[1] Corporate limit.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 22, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.23325 Filed 8-12-76;8:45 am]

[24 CFR Part 1917]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Borough of Myerstown, Lebanon County, Pennsylvania

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4 (a)) hereby gives notice of his proposed determinations of flood elevations for the Borough of Myerstown, Lebanon County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Borough Hall, 515 South College Street, Myerstown.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify the Honorable Lester Frantz, 36 East Main Street, Myerstown, Pennsylvania 17067. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Tulpehocken Creek	Corporate limits	437	630	160
	Cherry St	442	110	380
	Railroad St	445	160	280
	College St	448	110	220
	Locust St	449	120	(1)

[1] Corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 22, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-23329 Filed 8-12-76;8:45 am]

[24 CFR Part 1917]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Borough of North Wales, Montgomery County, Pennsylvania

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Borough of North Wales, Montgomery County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Counter in the Municipal Building, 300 School Street, North Wales.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Leon T. Lewis, Jr., Municipal Building, 300 School Street, North Wales, Pennsylvania 19454. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

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Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Dodsworth Run	10th St.	426	50	50
	9th St./Box Inlet	411	50	100
	Montgomery Ave	388	60	60
	8th St.	379	30	30

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 13, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-23330 Filed 8-12-76;8:45 am]

[24 CFR Part 1917]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Wilkes-Barre, Luzerne County, Pennsylvania

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the City of Wilkes-Barre, Luzerne County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Main Entrance of City Hall, North Washington and East Market Streets, Wilkes-Barre.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Walter W. Lisman, City Hall, North Washington and East Market Streets, Wilkes-Barre, Pennsylvania 18711. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Susquehanna River	Conrail Bridge near Gordon Ave	546	210	(1)
	West Market Street Bridge	548	110	(1)
	North Street Bridge	549	200	(1)
	Corporate limits	551	570	(1)
Solomon Creek	Waller Street Bridge	540	730	1,750
	Barney Street Bridge	541	940	1,930
	Reagent Street Bridge	542	740	2,530
	Franklin Street Bridge	543	680	2,500
	Strauss Lane Bridge	555	240	110
Mill Creek	Sidney Street Bridge	557	15	15
	Mill Street Bridge	568	20	20
	Mayock Street Bridge	587	25	(1)
	Corporate limits	598	50	(1)
Laurel Run	Conrail Bridge	560	10	20
	Conrail Bridge near Railroad St	568	10	20
	Mill Street Bridge	575	10	15
	Govier Street Bridge	580	20	20

1 Corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 13, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-23327 Filed 8-12-76;8:45 am]

[24 CFR Part 1917]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Belle Fourche, Butte County, South Dakota

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the City of Belle Fourche, Butte County, South Dakota.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the City Hall in the Auditor's office, Belle Fourche, South Dakota.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Henry Hespe, 1309 Elkhorn Street, Belle Fourche, South Dakota 57717. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Redwater River	11th Ave	3,015	440	(1)
	Harding St. (extended)	3,014	1,210	(1)
	Stoltz St. (extended)	3,013	1,350	(1)
Belle Fourche River	Corporate Limits	3,012	30	300
	7th Ave. (extended)	3,012	450	80
	8th Ave. (extended)	3,011	1,100	20
	Custer St. (extended)	3,010	140	
Hay Creek	7th Ave	3,035	50	100
	National St	3,033	20	120
	6th Ave. (south)	3,027	40	150
	Lawrence St. (extended)	3,021	40	110
	Jackson St. (extended)	3,017	530	25
	Indian St. (extended)	3,015	440	100
	10th Ave	3,015	20	200

Source of flooding	Location	Area flooded
Belle Fourche River	Western corporate limit	Majority of area south of Chicago & Northwestern R.R., west of 5th Ave., and north of National St.

1 Corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 22, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc 76-23331 Filed 8-12-76;8:45 am]

[24 CFR Part 1917]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Sturgis, Meade County, South Dakota

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the City of Sturgis, Meade County, South Dakota.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Council Room, City Hall, 1147 Sherman Street, Sturgis.

V41158 AUG 13 76 UMI

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify the Honorable Harold Kelly, Mayor of Sturgis, 1147 Sherman Street, Sturgis, South Dakota 57785. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Bear Butte Creek	Upstream corporate limits	3,460	120	480
	3d St.	3,409	505	445
	Junction Ave.	3,394	110	70
	Downstream corporate limits	3,348	85	310
Vanocker Creek	Upstream corporate limits	3,501	10	5
	Arlette St.	3,499	90	155
	Tilford St.	3,456	385	30
	Douglas St.	3,410	545	225
	Lazelle St.	3,376	160	350
Deadman Gulch	Upstream corporate limits	3,492	80	170
	Davenport St.	3,478	220	160
	Baldwin St.	3,462	(1)	190
Doland Creek	Upstream corporate limits	3,436	440	80
	Spruce St.	3,415	380	415
	Main St.	3,398	120	225
	Lazelle St.	3,386	280	300
Cook Canyon	11th St.	3,472	50	95
	Sherman St.		95	80

[1] Coincides with flood plan, Vanocker Creek.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 22, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-23332 Filed 8-12-76;8:45 am]

[24 CFR Part 1917]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Conroe, Montgomery County, Texas

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the City of Conroe, Montgomery County, Texas.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Bulletin Board in the Municipal Building, 505 West Davis Street, Conroe.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor W. T. Hooper, City Hall, P.O. Box 386, Conroe, Texas 77301. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
West Fork, West Branch Alligator Creek.	Cartwright Rd.	210	30	35
	Upstream side, Interstate 45	205	110	60
	Upstream side of Wilson Rd.	199	90	240
	Upstream side of Semands Ave.	199	60	280
	Oaklawn Dr. (extended)	185	40	250
West Branch Alligator Creek.	Upstream side of Cartwright Rd.	222	130	180
	Windswept Dr.	225	50	15
	Hillcrest Dr.	211	35	45
	Northpine Dr.	206	25	15
	Wilson Rd.	198	115	60
	Upstream side Semands Ave.	192	250	135
	Center line of Interstate 45 (north crossing).	186	235	175
	100 ft downstream from point of confluence of West Fork, West Branch Alligator Creek and West Branch Alligator Creek.	185	265	240
	Center line of Interstate 45 (south crossing).	182	135	85
Alligator Creek	Center line of Cartwright Rd.	235	65	95
	South Woody Creek Dr.	227	75	75
	Pacific St.	211	75	95
	North Thompson St.	203	145	50
	North Robertson St.	195	65	75
	Center line of Interstate 75.	185	75	55
	Bethe St. (extended)	182	140	120
	Austin St. (extended)	180	900	790
	Cable St. (extended)	180	825	615
	Center line of Interstate 45	174	135	115
	Santa Fe RR.	169	215	95
Live Oak Branch	Live Branch Rd.	196	200	160
	Center line of State Highway 105	185	185	135
	Greenway Dr.	182	135	165
North Fork Stewarts Creek.	Hilbig Rd.	206	135	105
	East Semands St. (extended)	188	110	75
Stewarts Creek	Dallas St.	181	240	205
	Airport Rd.	181	185	55
	Upstream side of East Davis St.	179	400	485
	F Ave.	175	1,120	230
	Silverdale Dr. (extended)	168	935	300
Possum Branch	Airport Rd.	181	125	175
	East Phillips St.	188	350	145
	Upstream side of Santa Fe RR.	187	125	580
	F Ave.	177	235	170
Silverdale Creek	Wagers St.	187	100	85
	Silverdale Dr.	185	120	145
Grand Lake Creek	Mallie St. (extended)	176	20	80
	Jewel St. (extended)	170	80	100
	Center line of Interstate Highway 45	166	235	200
	Crabtrell St.	161	270	10

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 23, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-23334 Filed 8-12-76;8:45 am]

[24 CFR Part 1917]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of San Angelo, Tom Green County, Texas

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the City of San Angelo, Tom Green County, Texas.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Main Lobby in City Hall Plaza, San Angelo.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Robert L. McClellan, P.O. Box 1751, San Angelo, Texas 76901. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

V41158 AUG 13 76 UMI

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
South Concho River	Atchison, Topeka and Santa Fe RR	1,816	120	130
	Chadbourne St	1,819	50	300
	Ben Ficklin Dam	1,833	400	770
	East Ave. L	1,844	640	280
Red Arroyo	U.S. Highway 67	1,882	1,160	220
	Knickerbocker Rd	1,856	530	260
	Atchison, Topeka and Santa Fe RR	1,872	180	120
	South Abe St	1,835	180	810
	Chadbourne St	1,823	70	440
North Concho River	East 24th St	1,848	110	1,070
	East 14th St	1,835	200	220
	Caddo St	1,829	40	20
	Beauregard Ave	1,823	100	0
	Chadbourne St	1,813	100	40
	Atchison, Topeka and Santa Fe RR	1,806	20	60
Concho River	Bell St	1,803	180	80
	Woodruff St. (extended)	1,801	220	140
East Angelo Draw	39th St	1,873	300	150
	East 28th St	1,861	260	220
	Hughes St	1,848	380	180
	Harris Ave. (extended)	1,823	380	500
South Fork of Red Arroyo	Corporate limits	1,877	260	300
	Forest Trail	1,872	380	460
	College Hills Blvd	1,870	1,780	1,200
	Dam	1,911	220	110
	State Highway 306	1,886	240	540
Brentwood Park Arroyo	Howard St	1,870	80	320
	North Monroe St	1,853	100	160
	South Madison St. (extended)	1,850	110	130
West Branch	Confluence with South Fork of Red Arroyo	1,892	680	360
	1,600 ft Upstream from confluence with South Fork Red Arroyo	1,900	240	180
	3,200 ft Upstream from confluence with South Fork Red Arroyo	1,910	230	280

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 22, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-23333 Filed 8-12-76;8:45 am]

[24 CFR Part 1917]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Stephenville, Erath County, Texas

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the City of Stephenville, Erath County, Texas.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, 354 North Belknap Street, Stephenville.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Donald R. Jones, City Hall, 354 North Belknap Street, Stephenville. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Town Creek	Upstream corporate limit	1,364	175	95
	Brenda St	1,328	60	160
	West Washington St	1,324	200	45
	Downstream corporate limit	1,310	115	150
Bosque River	Upstream corporate limit	1,276	(1)	680
	Route 108	1,270	(1)	225
	F.M. 8	1,263	80	280
	East Washington St	1,252	115	220
	South Graham St	1,244	295	265
	U.S. Route 377, 67	1,239	1,080	90
	Downstream corporate limit	1,237	730	540
East Fork Dey Branch	At S.C.S. Dam No. 7	1,280	50	20
	Clark St	1,260	40	100
Dry Branch	Upstream corporate limit	1,263	80	100
	Confluence Dry Branch	1,255	500	520

[1] Corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968); effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 13, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-23335 Filed 8-12-76;8:45 am]

[24 CFR Part 1917]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Town of Manchester, Vermont

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the Town of Manchester, Vermont.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Town of Manchester must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Town Hall, Manchester Center, Vermont 05255.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Henry Lambert, Town Manager, Manchester Center, Vermont 05225. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Batten Kill	Union St	682	10	435
	Vermont R.R. (6.0 miles from town boundary)	695	480	270
	Depot St	698	10	390
West Branch Batten Kill	Bonnet St	751	140	210
Lye Brook	Lye Brook Rd	749	(1)	35
Hourn Brook	Glen Rd	788	5	240
Bromley Brook	Route 11 Rd	883	260	25

[1] To Batten Kill.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 26, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-23336 Filed 8-12-76;8:45 am]

V 41 1158 AUG 13 76 UMI

[24 CFR Part 1917]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Poquoson, York County, Virginia

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4(a) hereby gives notice of his proposed determinations of flood elevations for the Town of Poquoson, York County, Virginia.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Town must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Bulletin Board, City Hall, 830 Poquoson Avenue, Poquoson.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Joseph K. Bunting, Poquoson, Virginia 23662. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from shoreline to 100-yr flood boundary. Entire area flooded except area—
Chesapeake Bay	Within corporate limits of City of Poquoson.	8.5	South of intersection Pasture Rd. and Hunts Neck Rd.
		8.5	Surrounding intersection Yorktown Rd. and Emmaus Rd.
		8.5	East and south of intersection Little Florida Rd. and Wythe Creek Rd.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 28, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-23337 Filed 8-12-76;8:45 am]

[24 CFR Part 1917]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for Brown County, Wisconsin

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the County of Brown County, Wisconsin.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the County of Brown, Wisconsin must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Brown County Courthouse, 125 South Adam Street, Green Bay, Wisconsin 54301.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Don Holloway, County Executive, Brown County Courthouse, 125 South Adam Street, Green Bay, Wisconsin 54301. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level[2]	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Suamico River	North Lake View Dr	585.7	30	40
	C. & N.W. RR	588.5	100	80
	Velp Ave	590.0	80	60
	Riverside Dr	594.5	20	40
	C.M.S.T.P. & P. RR	597.4	20	50
	St. Pat's Dr	610.4	30	70
	Stream Rd	617.4	60	170
Branch River	Old Truss Bridge	839.4	300	1080
	County Trunk Highway G Bridge (downstream).	839.7	600	100
	County Trunk Highway G (south of C.T.H. Z.).	841.2	20	50
	County Trunk Highway Z	845.6	100	300
Neshota River	Truss Bridge	680.1	660	310
	Highway 96	701.4	50	50
Fox River	Highway 172	585.5	90	280
East River	Memory Ave	580.4	300	1,490
	County Trunk Highway XX	590.2	3,100	1,150
	County Trunk Highway G	591.1	1,600	50
	Ledgeview Rd	592.6	230	280
	Highway 32	604.7	65	20
	C.M.S.T.P. & P. RR	617.0	20	410
	Highway 57	634.4	65	60
Dutchman Creek	County Trunk Highway H	588.9	20	20
	County Trunk Highway GG	592.4	75	10
	Gross Avenue	585.8	30	15
Ashwaubenon Creek	U.S. Highway 41	589.7	(1)	10
	County Trunk Highway GG	600.8	50	100
	Grant Rd	625.3	30	40
Plum Creek	Company Trunk Highway D	592.3	(1)	40
Duck Creek	C.B. & W. RR	668.8	77	100
	Overland Dr	663.2	100	130
Trout Creek	Riverdale Dr	679.1	0	400
	Brookwood West Road	707.8	10	5
	Shady Dr			

[1] Area not included.
[2] Outside corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 23, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-23338 Filed 8-12-76;8:45 am]

[24 CFR Part 1917]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Durand, Wisconsin

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the City of Durand, Wisconsin.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of Durand must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, 112 East Main Street, Durand, Wisconsin 54736.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor David Castleberg, 112 East Main Street, Durand, Wisconsin 54736. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

V 41 1158 AUG 13 76 UMI

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of corporate boundary to 100-yr flood boundary (feet)
Chippewa River	7th Ave. West	712	140
	4th Ave. West	713	310
	1st Ave. East	713	260
	6th Ave. East (extended)	714	1,350

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 27, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-23339 Filed 8-12-76;8:45 am]

[24 CFR Part 1917]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Oshkosh, Wisconsin

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the City of Oshkosh, Wisconsin.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of Oshkosh, Wisconsin must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, Oshkosh, Wisconsin 54901.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. William Fruch, City Manager, P.O. Box 1130, Oshkosh, Wisconsin 54901. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Fox River	Congress St	750	1,090	30
	Wisconsin Ave	749	0	0
	Main St	749	0	0

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: July 22, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-23340 Filed 8-12-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 599-6]

[40 CFR Part 52]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Tennessee: Revised SO_2 Emission Limits

On August 8, 1974 (39 FR 28528), the Administrator approved, with certain exceptions, revised SO_2 emission limits for the Tennessee implementation plan. These were contained in Chapter XIV of the Tennessee air pollution control regulations, which was rewritten by the State to include all its SO_2 emission limiting rules, including those for sulfuric acid plants. Chapter XIV as now constituted sets the following SO_2 emission limits for fuel combustion and process sources respectively: Polk County (Class 1A)—1.6#/10^6 Btu and 500 ppm; Maury, Roane, and Sullivan Counties (Class I)—1.6#/10^6 Btu and 1000 ppm; Humphreys County (Class II)—3#/10^6 Btu and 1000 ppm; and all other Counties (Class III)—4#/10^6 Btu and 2000 ppm. The Administrator at that time disapproved these revised limits as they applied to large fuel combustion sources (heat input of 1000 million Btu or more per hour) in Humphreys and Roane Counties, leaving in effect for these sources the Tennessee plan's original SO_2 emission limit of 1.2#/10^6 Btu.

The State now proposes to delete the existing Chapter XIV of its regulations and replace it with a new one, styled Chapter 1200-3-14. This was adopted after notice and public hearing on October 23, 1975, became State law on March 20, 1976, and was submitted to EPA as a proposed plan revision on April 30, 1976. In support of the proposed SO_2 revision, the State of Tennessee also submitted a revised SO_2 control strategy intended to show that the revised limits will not interfere with the attainment and maintenance of the national ambient air quality standards. The purpose of this notice is to describe the provisions of Chapter 1200-3-14 and to invite public comment on it.

A new County classification system is established which applies throughout Chapter 1200-3-14. There are six classifications and the Counties in them are as follows: Class I—Polk; Class II—Humphreys, Maury, and Roane; Class III—Sullivant; Class IV—Shelby; Class V—Anderson, Davidson, Hamilton, Hawkins, Knox, and Rhea; Class VI—all others.

Paragraph (1) of rule .02 deals with fuel burning sources in operation prior to April 3, 1972, the date on which the original regulations of the Tennessee plan became effective. For Shelby County, allowable emisisons depend on the fuel burned: coal—4#/10^6 Btu; No. 5 and No. 6 fuel oil and solid fuels other than coal—2.7#/10^6 Btu; and for other fuels—0.5#/10^6 Btu. In all other counties, the emission limits depend on source size and/or County classification. In Sullivan County, the limit is 2.4#/10^6 Btu for all sources; in Class V Counties, 4#/10^6 Btu; and in Class VI Counties, 5#/10^6 Btu. For larger sources, those with a rated capacity of less than 1000 million Btu/hr. input, the limit is 1.2#/10^6 Btu in Polk, Humphreys, Maury, and Roane Counties; for sources with a rated capaciyt of less than 1000 million Btu/hr., the limit is 1.6#/10^6 Btu in Polk County, and 5#/10^6 Btu in Humphreys, Maury, and Roane Counties. In addition to meeting these emission limits, owners or operators of larger sources must demonstrate that their SO_2 emissions, either alone or in combination with emissions from other sources, will not interfere with the attainment and maintenance of the national ambient air quality standards; the same sources must also conduct ambient air quality monitoring in a manner prescribed by the State. Finally, for sources subject to paragraph (1), allowable emissions will be calculated on the basis of maximum rated capacity of all fuel combustion units at a plant.

Paragraph (2) of rule .02 provides emission limits for units constructed after April 3, 1972. For units with a rated capacity of more than 250 million Btu per hour, limits are set which are equivalent to those set forth at 40 CFR 60.43

in the Agency's New Source Performance Standards—0.8#/10^6 Btu when liquid fossil fuel is burned; 1.2#/10^6 when solid fossile fuel is burned. For smaller units, are imits are set as follows: Class I County—1.6#/10^6 Btu; Class II and VI Counties—5#/10^6 Btu; Class III County—2.4#/10^6 Btu; and Class IV and V Counties—4#/10^6 Btu.

Rule .03 sets forth emission limits for process sources, which include thermal oxidizers and incinerators. In Polk County, the limit is 500 ppm; in Humphreys, Maury, Roane, and Sullivan Counties, 1000 ppm; in all others, 2000 ppm. Process sources in Shelby County may request to be regulated on an alternative basis rather than meet the 2000 ppm standard; this alternative involves not exceeding the source's SO_2 emission capacity as of 1974, and is limited by certain safeguards. These 1974 emission limits are contained in Table 9-F of the revised control strategy. For regulations to be approvable, they must contain an identifiable emission limit. An additional requirement is that sources which emitted more than 1000 tons of SO_2 during calendar year 1972 or during any succeeding calendar year must perform ambient air quality monitoring and satisfy the State that their emissions, either alone or in combination with those of other sources, will not interfere with the attainment and maintenance of the national ambient air quality standards. All new process sources must use best available control technology as determined by the State.

All emission limits set forth in rules .02 and .03 are expressed as one-hour averages.

Maintenance of air quality should not be a major problem for most of the State. Modelling indicates that ambient SO_2 concentrations, even under worst conditions, will not approach the national standards. Therefore an adequate margin for normal growth exists. In isolated cases, the introduction of a major new source may have to be accompanied by a tightening of regulations or by a trade-off in emissions from existing sources.

The materials submitted by Tennessee are available for public inspection during normal business hours at the following locations:

Air & Hazardous Materials Division, Environmental Protection Agency, 1421 Peachtree Street, NE., Atlanta, Georgia 30309.

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

Division of Air Pollution Control, Tennessee Department of Public Health, Room 256, Capitol Hill Building, 301 Seventh Avenue, Nashville, Tennessee 37219.

The public is invited to participate in the present rulemaking by submitting written comments on the proposed Tennessee revision. To be considered, comments must be received on or before September 13, 1976, and should be addressed to Archie Lee at the Atlanta address given above. After considering all relevant comments and other available information in the light of requirements set forth in the Clean Air Act and in the Agency's implementing regulations (40 CFR Part 51), the Administrator will take approval/disapproval action on the Tennessee revision described in this notice.

(Section 110(a) of the Clean Air Act (42 U.S.C. 1857c-5(a)))

Dated: July 22, 1976.

JOHN A. LITTLE,
Regional Administrator,
Region W.

[FR Doc.76-23566 Filed 8-12-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 15]

[Docket No. 20620; RM-2426]

OPERATION OF WIDE-BAND SWEPT RF EQUIPMENT AS ANTI-PILFERAGE DEVICES

Order Extending Time To File Comments

In the matter of the amendment of Part 15 to provide for the operation of wide-band swept RF equipment used as anti-pilferage devices.

1. The Knogo Corporation has requested a thirty-day extension of time for filing comments in this proceeding, on the grounds that, it has undertaken a broad review of its position in this proceeding. The additional time is also required to permit its newly retained counsel to familiarize himself with the matters at issue.

2. Because of the Commission's desire to have the most definitive response possible, Knogo's request is granted.

3. Accordingly, under the authority granted by § 0.241(d), *it is ordered*, That the time for filing comments is extended to September 9, 1976 and the time for filing reply comments is extended to September 20, 1976.

Adopted: August 6, 1976.

Released: August 10, 1976.

RAYMOND E. SPENCE,
Chief Engineer.

[FR Doc.76-23686 Filed 8-12-76;8:45 am]

[47 CFR Part 73]

[Docket No. 20841; FR-2644]

TABLE OF ASSIGNMENTS FM BROADCAST STATIONS

Alabama: Order Extending Time for Filing Comments and Reply Comments

By the Chief, Broadcast Bureau:

1. On June 22, 1976, the Commission adopted a Notice of proposed rule making in the above-entitled proceeding (41 FR 27390). The dates for filing comments and reply comments are presently August 6 and August 26, 1976, respectively.

2. On July 29, 1976, counsel for Phillips Radio, Inc., requested that the time for filing comments be extended to and including August 20, 1976. Counsel states that he is preparing comments, based on an engineering study, for submission in this proceeding proposing the assignment of Channel 252A to Chickasaw, Alabama, as a counterproposal. In addition, he states, because of his vacation schedule and the need to compile comparative demographic data concerning the communities of Theodore and Chickasaw, additional time is necessary.

3. We are of the view that the public interest would be served by extending the time in this proceeding. Accordingly, *it is ordered*, That the dates for filing comments and reply comments are extended to and including August 20 and September 10, 1976, respectively.

4. This action is taken pursuant to authority found in Sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

Adopted: August 6, 1976.

Released: August 10, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-23685 Filed 8-12-76;8:45 am]

[47 CFR Part 73]

[Docket No. 20863; RM-2624]

TABLE OF ASSIGNMENTS; FM BROADCAST STATIONS

New York: Order Extending Time for Filing Comments and Reply Comments

1. On June 23, 1976, the Commission adopted a Notice of proposed rule making in the above-entitled proceeding (41 FR 27389). The dates for filing comments and reply comments are presently August 9 and August 30, 1976, respectively.

2. On July 30, 1976, counsel for Promedia Communications, Incorporated, requested that the time for filing comments and reply comments be extended to and including September 8 and September 29, 1976, respectively. Counsel states that he was on vacation between July 15 and July 26 and was unable to be in contact with his client or to research the questions raised in the proceeding; that during the period immediately prior to vacation, he was preparing for the continuing cable television hearings of the Communications Subcommittee of the House Committee on Interstate and Foreign Commerce; and that coordination between himself and the consulting engineer was made more difficult by the engineer's business residence being located in Massachusetts, necessitating correspondence by mail.

3. It appears that the requested extension of time is warranted. Accordingly, *It is ordered*, That the dates for filing comments and reply comments are extended to and including September 8 and September 29, 1976, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1)

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and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

Adopted: August 6, 1976.

Released: August 10, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-23684 Filed 8-12-76;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Part 1]

[Docket No. RM76-24]

SETTLEMENT OF DISPOSITION OF PARTICULAR ISSUES IN PROCEEDINGS

Extension of Time

AUGUST 6, 1976.

On July 30, 1976, the Section of Administrative Law of the American Bar Association filed a motion to extend the date for filing comments in the above-designated proceeding (41 FR 30688, July 26, 1976).

Upon consideration, notice is hereby given that the date for filing comments is extended to and including September 8, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-23751 Filed 8-12-76;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

[34 CFR Ch. I]

OFFICE OF FEDERAL PROCUREMENT POLICY

Proposed Regulations; Public Meeting; Invitation for Public Comment

The Office of Federal Procurement Policy ((OFPP), Office of Management and Budget, plans to promulgate the following OFPP Regulations Nos. 1 and 2 pursuant to the authority and requirements of Pub. L. 93-400, 41 U. S.C. 401 (the Act), and invites the written comments of interested parties for consideration in the drafting of the regulations.

Regulation No. 1 is in implementation of the Act's requirements for establishment of (i) a system of coordinated and, to the extent feasible, uniform procurement regulations for the executive agencies, and (ii) criteria and procedures for soliciting the viewpoints of interested parties in the development of procurement policies and regulations. Regulation No. 2 is in implementation of the Act's requirement for a regulation governing designated formal meetings of this Office held for the purpose of establishing procurement policies and regulations.

Regulation No. 1, establishing the Federal Procurement Regulatory System, was previously published for comment in the FEDERAL REGISTER (41 FR 779) on January 5, 1976. Because it has been extensively revised since that time, in the light of comments received from executive agencies and the public, it is considered desirable to publish it once more in its revised form for further comment. Regulation No. 2, establishing criteria and procedures for public meetings of OFPP, was previously published for comment in the FEDERAL REGISTER (40 FR 60124) on December 31, 1975. Although only minor revisions have been made in Regulation No. 2, it too is reissued for comment in order that the two regulations may be considered together.

A public meeting for the purpose of formal discussion of the two regulations will be held September 21, 1976, in Room 2008, New Executive Office Building, 726 Jackson Place, NW., Washington, D.C., from 10 a.m. until 4:30 p.m. Any interested person or organization desiring to make an oral presentation at the meeting shall provide an advance copy or a written statement, with a request to be heard, which must be received at the Office of Federal Procurement Policy not later than September 17, 1976. Copies of agency, industry, and public comments on the initial drafts of the two regulations are available for examination in the Office of Management and Budget Library, Room G-102, New Executive Office Building, during the hours 9 a.m.-5 p.m. Entrance to the building may be facilitated by telephoning 395-3487 approximately one hour before arrival.

Comments on the proposed Office of Federal Procurement Policy Regulations Nos. 1 and 2 must be received by October 13, 1976, to be considered. Comments should be addressed to the Administrator for Federal Procurement Policy, Office of Management and Budget, Washington, D.C. 20503.

HUGH E. WITT,
Administrator for Federal Procurement Policy.

TO THE HEADS OF EXECUTIVE DEPARTMENTS AND ESTABLISHMENTS

AUGUST 9, 1976.

Subject: Proposed Office of Federal Procurement Policy Regulations Nos. 1 and 2

Enclosed are revised drafts of two regulations proposed to be issued by this Office pursuant to the authority and requirements of Public Law 93-400, 41 U.S.C. 401.

The first implements the requirements for establishment of (i) a system of coordinated and, to the extent feasible, uniform procurement regulations for the executive agencies, and (ii) criteria and procedures for soliciting the viewpoints of interested parties in the development of procurement policies and regulations. The second implements the requirement for a regulation governing designated formal meetings of this Office held for the purpose of establishing procurement policies and regulations.

Proposed Regulation No. 1, establishing the Federal Procurement Regulatory System, was previously mailed to you for comment on December 22, 1975, and was published in the FEDERAL REGISTER (41 FR 779) on January 5, 1976. Because it has been extensively revised since that time, in the light of both agency and industry comments, we are publishing it in its revised form for further comment. Regulation No. 2, establishing criteria and procedures for public meetings of this Office, was previously mailed for comment on January 6, 1976, and was published in the FEDERAL REGISTER (40 FR 60124) on December 31, 1975. Although only minor revisions have been made in proposed Regulation No. 2, it too is reissued for comment in order that the two regulations may be considered together.

A public meeting for the purpose of formal discussion of the two regulations will be held at 10 a.m., September 21, 1976, in Room 2008, New Executive Office Building. If your agency desires to make an oral presentation, please submit a written statement and a request to be heard to this Office not later than September 17, 1976. Copies of agency, industry, and public comments on the initial drafts of the two regulations are available for examination in the Office of Management and Budget Library, Room G-102, New Executive Office Building.

Official agency views on the enclosed draft Office of Federal Procurement Policy Regulations Nos. 1 and 2 are requested by October 13, 1976.

Questions may be referred to Mr. LeRoy J. Haugh, Assistant Administrator for Regulations, telephone (202) 395-6186.

HUGH E. WITT,
Administrator.

REGULATION NO. 1

FEDERAL PROCUREMENT REGULATORY SYSTEM

1. *Purpose.* a. The purpose of this regulation is to establish the Federal Procurement Regulatory System (FPRS), an integrated system of coordinated and, to the extent feasible, uniform procurement regulations for the executive agencies, under the direction of the Administrator for Federal Procurement Policy.

b. The objectives of the system are to bring greater coordination, simplicity, and uniformity into the Federal procurement process, to arrest and reduce the proliferation of diverse and inconsistent procurement regulations, including those implementing or supplementing the primary regulations, and to establish criteria and procedures for public participation in the regulatory process.

2. *Background.* Pub. L. 93-400, which established the Office of Federal Procurement Policy (OFPP), delineates the functions of the Administrator for Federal Procurement Policy. This regulation implements the following provisions of that law:

a. Establishment of a system of coordinated and, to the extent feasible, uniform procurement regulations for the executive agencies; and

b. Establishment of criteria and procedures for soliciting the viewpoints of interested parties in the development of procurement policies, regulations, procedures, and forms.

3. *Authority.* Under Pub. L. 93-400, authority overall direction of Federal procurement policy is vested in the Administrator for Federal Procurement Policy. All executive agency procurement

policies, regulations, procedures, and forms are subject to those prescribed by the Administrator, who shall, in the development of such policies, regulations, procedures, and forms, consult with the executive agencies affected. This authority extends to the procurement aspects of all agency regulations and procedures, whether or not promulgated as part of agency procurement regulations.

4. *Applicability.* a. The provisions of this regulation apply to all executive agencies of the Federal Government making procurements from appropriated funds of:

(i) Property other than real property in being;

(ii) Services, including research and development; and

(iii) Construction, alteration, repair, or maintenance of real property;

and to all executive agencies issuing regulations affecting Federal procurement policy.

b. The term "executive agency" means an executive department, a military department, and an independent establishment within the meaning of sections 101, 102, and 104(1), respectively, of Title 5, United States Code, and also a wholly-owned Government corporation within the meaning of section 101 of the Government Corporation Control Act (31 U.S.C. 846).

5. *Federal Procurement Regulatory System (FPRS).* a. The FPRS, under the direction of OFPP, is hereby established, and shall consist of the following primary procurement regulations: OFPP Regulations; the Armed Services Procurement Regulation (ASPR), applicable to the Department of Defense (DOD) and to the National Aeronautics and Space Administration (NASA); and the Federal Procurement Regulations (FPR), applicable, except for NASA, to the civilian executive agencies and in certain authorized areas to all executive agencies. In addition, the FPRS includes the subsidiary procurement regulations of executive agencies which implement or supplement the ASPR or FPR, as well as the procurement aspects of all intra-agency regulations, procedures, directives, manuals, or other issuances. Also included are the procurement aspects of all interagency regulations, standards, guidelines, and other directives which are applicable to Federal contractors or subcontractors, or which are to be implemented through the Federal procurement process.

b. OFPP Regulations will be issued by the Administrator for Federal Procurement Policy, will be published in Title 41 of the Code of Federal Regulations, and will be independent of the Office of Management and Budget (OMB) system of Circulars and Bulletins. (Some instructions issued through the OMB system of Circulars and Bulletins, published in Title 34 of the Code of Federal Regulations, may also affect procurement policy, but the applicability and implementation of such Circulars and Bulletins will be as provided in that system.)

c. In addition to issuing regulations, OFPP will, on a selective basis, coordinate the development of, or approve in advance, the text of ASPR and FPR provisions. Such OFPP coordination or approval will be transmited to DOD and the General Services Administration (GSA) by numbered letter.

d. OFPP Regulations shall generally be implemented through the ASPR and FPR, and, except as otherwise specified in a particular OFPP Regulation, executive agencies other than DOD and GSA shall not themselves issue regulations or procedures directly implementing OFPP Regulations. Regulations issued by executive agencies implementing or supplementing the ASPR or FPR, as applicable, shall not contain provisions which are inconsistent with coverage in the ASPR or FPR, except as necessitated by special statutory provisions, or by special agency needs arising from program requirements or agency operations, in which case the procedures in paragraph e below shall be followed.

e. Any agency subject to the FPR, or major component of such an agency, which has a need for a regulation inconsistent with the FPR, whether necessitated by statute, by program requirements, or by agency operations, shall notify OFPP and GSA when it initiates the development of such a regulation, and shall not promulgate the regulation without GSA's concurrence. If the agency is unable to reach agreement with GSA on the need for, or content of, an inconsistent regulation, the matter shall be resolved by OFPP. A like procedure shall be applicable to NASA in the promulgation of regulations inconsistent with the ASPR.

f. Nothing herein is intended to stifle beneficial innovation in procurement procedures. Exceptions or deviations from the ASPR and FPR may continue to be granted in the same manner as provided in those regulations. Records of both individual and class deviations shall be maintained by DOD and GSA, and shall be furnished to OFPP quarterly. Instructions regarding deviations from a policy or procedure prescribed by a particular OFPP Regulation will be set forth in such regulation.

g. OFPP cognizance of procurement policy extends to the procurement aspects of regulations issued by any executive agency. These include, for example, regulations implementing the Service Contract Act, or pertaining to small business, equal employment opportunity, clean air, or contract safety standards, issued by such agencies as the Department of Labor, the Small Business Administration, and the Environmental Protection Agency. Accordingly, any executive agency proposing to issue a regulation which, although not primarily concerned with the procurement process, may have an effect on Federal procurement, shall, if the regulation is to be applicable to other agencies, consult with DOD, GSA, and the other principal agencies affected, and shall submit the regulation for review by the Administrator for Federal Procurement Policy before promulgation.

h. Any DOD directive, circular, procedure, or other issuance which is to be implemented in whole or in part through the ASPR, or which otherwise has an effect on procurement policy or procedure, shall be submitted for review by the Administrator for Federal Procurement Policy before promulgation.

6. *Development and Issuance of the ASPR and FPR.* a. Subject to the general guidance of the Administrator for Federal Procurement Policy, the Secretary of Defense and the Administrator of General Services are authorized to prescribe instructions and procedures for the development and issuance of the ASPR and FPR, respectively.

b. DOD and GSA shall closely coordinate the development and revision of the ASPR and FPR in order to minimize duplication of effort and achieve the greatest feasible uniformity in the two regulations. As part of such process, OFPP shall be consulted on significant issues, and otherwise irreconcilable differences shall be resolved by the Administrator for Federal Procurement Policy. In areas where both primary regulations have coverage, neither agency will amend that coverage without the concurrence of the other. The ASPR and FPR shall be made uniform except to the extent necessary to accommodate significant differences in laws, program requirements, or agency operations. "Uniform," for this purpose, means identical except for unavoidable differences required to identify agency organizational elements or officials, to identify documents incorporated by reference, or to describe inherently different organizational procedures.

c. Those parts of the ASPR and FPR which are uniform shall be so identified in those regulations.

d. In the development of the ASPR and FPR, the views and, so far as possible, agreement of agencies and departments affected shall be obtained.

7. *Public Participation.* a. The views of interested nongovernmental parties and organizations shall be given due consideration in the formulation of Federal procurement policy. Accordingly, the public will be afforded an opportunity to comment on proposed OFPP Regulations, and on proposed significant changes or additions to the ASPR and FPR, including related procurement regulations such as Defense Procurement Circulars, by means of the publication of a notice in the FEDERAL REGISTER. Such notice shall include a statement of background and purpose sufficient to explain the reason for the proposed issuance and the text or a summary of the proposed issuance, and shall invite interested parties to comment. If a summary is published, the notice shall advise where the text may be examined. The notice shall also advise whether a copy of any related agency or other official report or recommendation is available for examination.

b. Lists will be maintained of industry associations, professional societies, and other interested parties that have expressed a continuing desire to comment on proposed OFPP Regulations or proposed changes in the ASPR and FPR, and comments on significant changes will ordinarily be solicited directly from such associations and parties in addition

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to any notice that may be published in the FEDERAL REGISTER.

c. The solicitation of views from outside the Government may be waived, with the advance approval of the Administrator for Federal Procurement Policy, when circumstances make such solicitation impracticable, such as a requirement to implement a new statute in a relatively short time or when the proposed issuance is not considered to be significant.

d. Normally, at least 60 days shall be provided for the submission of comments, unless a shorter time period is required by unusual circumstances.

e. Unsolicited proposals for changes or additions to OFPP Regulations, the ASPR, and FPR shall be considered, and the reasons for any rejection shall be furnished to the proposers.

f. The foregoing procedures shall not be applicable to ASPR or FPR issuances which implement without substantive change OFPP Regulations or policies which have themselves been developed pursuant to such procedures.

g. Procurement regulations of executive agencies and their major components shall be issued in a manner consistent with the foregoing procedures, except that such procedures need not be followed for regulations which implement without substantive change one of the primary regulations.

h. Intra-agency regulations or directives which deal primarily with matters other than procurement, or which are concerned primarily with matters of agency procedure or management, shall be subject to the foregoing procedures only if their procurement aspects are considered by an agency to be of significant public interest; questionable cases should be referred to OFPP.

8. *Public Meetings.* a. A public meeting shall be convened in connection with the adoption, amendment, or repeal of a procurement policy or regulation whenever an agency determines that such a meeting would be likely to develop significant additional information or views, or would otherwise benefit the consideration of the issues involved.

b. When a public meeting is to be held, notice shall be published in the FEDERAL REGISTER at least 30 days prior thereto. (Such notice may be given at the same time the proposed regulation or policy is published for comment, in which case the notice period may run concurrently with the time allowed for comment.) The notice shall give the time and place of the meeting and shall include a statement of purpose and either the text or a summary of the matter to be considered. If a summary is published, the notice shall advise where the text may be examined. If the purpose of the meeting is to further the development of a policy or regulation for which there is no preliminary text or other formulation, the notice shall include background information and describe the issues to be considered. The notice shall advise whether a copy of any related agency or other official report or recommendation is available for examination. The notice shall also invite interested organizations, associations, firms, and members of the public to submit data, views, or arguments in writing, and shall offer an opportunity for oral presentation by or on behalf of any interested party requesting to be heard and making a written submission which is received at least one working day in advance of the meeting.

c. Any executive agency proposing to convene a public meeting in connection with the development of a procurement policy or regulation shall coordinate such action with OFPP, in order to ensure participation by all interested agencies and to avoid undue burden on the interested public which might result from meetings on the same topic held by different agencies. A public meeting should ordinarily not be convened by an individual executive agency except in connection with a proposed regulation peculiar to that agency's enabling statute, program requirements, or operations.

d. In addition to publication of a notice in the FEDERAL REGISTER, a notice shall be published in the *Commerce Business Daily*. Such notice should be forwarded to the Director of the *Commerce Business Daily* at least two weeks prior to the desired publication date, and should follow the normal format of the Daily's "Business News" items. The length should be less than 150 words, and should refer to a source for obtaining further details.

e. Criteria and procedures for public meetings involving proposed policies and regulations of the Office of Federal Procurement Policy are the subject of a separate OFPP Regulation.

9. *Advance Notice to OFPP.* DOD and GSA shall give the Administrator for Federal Procurement Policy advance notice of all major procurement regulations under consideration at the time development of such regulations is initiated. The purposes of this requirement are: (a) To enable the Administrator to keep the Congress fully and currently informed; (b) to permit timely designation by the Administrator of proposed procurement policies and regulations which shall be subject to formal public meetings of the OFPP; (c) to permit identification of regulations whose text is to be approved by the Administrator; and (d) to ensure the maximum feasible uniformity in the regulations.

10. *Reporting.* DOD and GSA shall submit to OFPP a quarterly report listing all open cases or actions in process to adopt, repeal, or amend the primary procurement regulations (ASPR and FPR) and the subsidiary procurement regulations of the executive agencies and their major components. Reports shall be obtained from the agencies for this purpose. Such listing shall be brief, but descriptive enough to indicate the substance and purpose of each action contemplated and the relative priorities of the actions. Matters believed to be of particular or unusual significance shall be stressed appropriately. The disposition of cases closed since the previous report shall be described.

11. *Implementation.* Implementation of the reequirement of Section 6.b. hereof, that the ASPR and FPR shall be made uniform, shall be through a plan to be developed by DOD and GSA and approved by OFPP. Similarly, the applicability of the ASPR to NASA shall be the subject of a plan to be developed by DOD and NASA and approved by OFPP.

REGULATION NO. 2

PUBLIC MEETINGS OF THE OFFICE OF FEDERAL PROCUREMENT POLICY

1. *Purpose.* This regulation provides for the conduct of formal public meetings by the Office of Federal Procurement Policy (OFPP) in connection with the establishment of procurement policies by the Administrator for Federal Procurement Policy.

2. *Authority.* Section 14(b) of the Office of Federal Procurement Policy Act (Pub. L. 93-400; 41 U.S.C. 412(b)) provides that the Administrator shall, by regulation, require that formal meetings of the Office, as designated by him, for the purpose of establishing procurement policies and regulations, shall be open to the public, and that public notice of each such meeting shall be given not less than 10 days prior thereto.

3. *Applicability.* This regulation applies to all procurement policy and regulation matters designated by the Administrator pursuant to 2 above in accordance with the criteria set forth in 6 below.

4. *Scheduling.* In matters designated by him, the Administrator will schedule one or more formal public meetings of the OFPP in connection with the establishment of OFPP policies and regulations.

5. *Conduct.* Meetings will be conducted to provide an opportunity for formal discussion of policies or regulations under consideration by OFPP. Members of the public who have made written submissions at least one working day in advance of the meeting shall be permitted to make brief oral presentations. The Administrator may require that such oral presentations be limited to a brief summary of the main points in the written submissions. At his discretion, the Administrator may allow other members of the public an opportunity to comment briefly on matters under discussion. In any case, the conduct of such meetings and the participation of all present will be subject to the control and direction of the Administrator at all times.

6. *Criteria.* A public meeting shall be convened in connection with the adoption, amendment or repeal of an OFPP policy or regulation when the Administrator determines that a public meeting would materially benefit the consideration of the issues, or would be likely to develop significant additional information or views, or would provide useful public visibility to the policy determination of the Office. However, the convening of such a meeting may be forgone if the Administrator determines that it is not feasible, as in matters of urgency or for other good cause.

7. *Notice.* Notice of any such public meeting shall normally be published in the FEDERAL REGISTER at least 30 days prior thereto. If comments have not previously been invited on the policy or regulation being considered, notice of the meeting shall normally be published at least 60 days prior thereto. The notice shall give the time, place, and purpose of the meeting and shall include either the text or a summary of the matter to be considered. If a summary is published, the notice shall advise where the text may be examined. If the purpose of the meeting is to further the development of a policy or regulation for which there is no preliminary text or other formulation, the notice shall include background information and describe the issues to be considered. If a copy of any related agency or other official report or recommendation is available for inspection, the notice shall advise where it may be examined. The notice shall also invite interested organizations, associations, firms, and members of the public to comment in writing and shall offer an opportunity for oral presentation by or on behalf of any interested party requesting to be heard and making a written submission which is received at least one working day in advance of the meeting. The notice may set a time limit for oral presentations if considered necessary. In addition to publication of a notice in the FEDERAL REGISTER, a brief notice shall be published in the "Business News" section of the *Commerce Business Daily*, which shall refer to a source for obtaining further details.

[FR Doc.76-23582 Filed 8-12-76;8:45 am]

V 41 158 AUG 13 76 UMI

notices

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

REGIONAL ADVISORY COMMITTEE ON BANKING POLICIES AND PRACTICES FOR THE SECOND NATIONAL BANK REGION

Meeting

A meeting of the Advisory Committee on Banking Policies and Practices for the Second National Bank Region will be held at The Club, World Trade Center, 107th Floor, Room A, New York City, New York, on Monday, August 30th, 1976. The meeting will begin at 9:30 a.m. and run until 4 p.m. Topics to be discussed will include an update on the regional implementation of the Haskins & Sells recommendations, EFTS, CBCTs and other topics of interest in the Region. The meeting will be open to the public and interested members will be admitted on a first come basis.

Persons or groups planning to make statements please submit three copies to the Regional Administrator of National Banks, Second National Bank Region, 33 Liberty Street, New York, New York 10005, prior to August 25, 1976.

Dated: August 9, 1976.

ROBERT BLOOM,
Acting Comptroller of the Currency.

[FR Doc.76-23679 Filed 8-12-76;8:45 am]

REGIONAL ADVISORY COMMITTEE ON BANKING POLICIES AND PRACTICES FOR THE FOURTEENTH NATIONAL BANK REGION

Meeting

A meeting of the Advisory Commiteee on Banking Policies and Practices for the Fourteenth National Bank Region will be held September 10, 1976, at the Casa Sirena Motor Hotel, Oxnard, California. The meeting will be from 8:30 a.m. to 4:30 p.m. and will be open to the public. Interested members of the public will be admitted on a first come basis. Topics to be discussed will include a discussion in the consumer area, regional implementation of the Haskins & Sells recommendations, EFTS, and other topics of interest in the Region.

Persons or groups planning to make statements please submit three copies of such statement to the Regional Administrator of National Banks, Fourteenth National Bank Region, 555 California Street, Suite 3939, San Francisco, California 94104 prior to September 8, 1976.

Dated: August 9, 1976.

ROBERT BLOOM,
Acting Comptroller of the Currency.

[FR Doc.76-23678 Filed 8-12-76;8:45 am]

Internal Revenue Service

[Application No. D-333]

EMPLOYEE BENEFIT PLANS

Pendency of Exemption Relating to a Transaction Involving the Given International Employees' Stock Bonus Plan

CROSS REFERENCE: For a document issued jointly by the Department of the Treasury, Internal Revenue Service, and the Department of Labor, Office of Employee Benefits Security, on the subject of the pendency of an exemption relating to a transaction involving the Given International Employees' Stock Bonus Plan see FR Doc. 76-23466 appearing in the notices section of this issue under the Department of Labor, Office of Employee Benefits Security.

Office of the Secretary

[Public Debt Series No. 20-76]

TREASURY BONDS OF 1996-2001

Interest Rates

AUGUST 9, 1976.

The Secretary of the Treasury announced on August 6, 1976, that the interest rate on the bonds described in Department Circular, Public Debt Series No. 20-76 dated July 29, 1976, will be 8 percent per annum. Accordingly, the bonds are hereby redesignated 8 percent Treasury Bonds of 1996-2001. Interest on the bonds will be payable at the rate of 8 percent per annum.

DAVID MOSSO,
Fiscal Assistant Secretary.

[FR Doc.76-23669 Filed 8-12-76;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

REGIONAL DISCHARGE REVIEW SYSTEM

Establishment

The Army Discharge Review Board (ADRB) is authorized under 10 U.S.C. 1553 to review the discharge or dismissal of any former member of the Army either at the request of the former member or upon the Board's motion. A person who requests a review of a discharge or dismissal is entitled to appear before the Board in person or by counsel. In a memorandum dated June 18, 1975, the Department of Defense directed the military services to establish procedures for the review of discharges in locations outside of Washington, D.C. The purpose of the Department of Defense directive is to make it easier and less expensive for applicants who live at great distances from Washington, D.C., to appear in person before the Board.

Pursuant to this directive, the Army has now in part time operation Regional Panels in each of the following locations: Atlanta, Georgia; Colorado Springs, Colorado; San Francisco, California; and Indianapolis, Indiana. These panels convene and conduct hearings for a number of days each month on a continuing basis as determined by President, ADRB. The ADRB has expanded its operations as they presently appear in 32 CFR 581.2.

ADDITIONAL HEARING LOCATIONS

Notice is hereby given that approval has been granted for the Army Discharge Review Board (ADRB) to conduct hearings, within assigned resources, in areas other than those mentioned above, when the concentration of petitioners in a geographical area so warrants. This expanded availability will facilitate personal appearances before the Board.

ADRB Traveling Panels and Hearing Examiners are tentatively scheduled in accordance with the listing below. Travel to any particular location on the schedule will be at the discretion of the ADRB President based on the number of applications received from that location. The initial hearings by the traveling groups will be for cases already on hand and prepared for presentation. An applicant desiring to bring his case before one of the ADRB traveling units must submit an application at least six months before the visit scheduled for his location as indicated in the chart below. A former soldier desiring to apply for a review of his discharge may obtain information on how to initiate a discharge review from the local Veterans Administration Office or Commander, US Army Reserve Components Personnel and Administrative Center (USARCPAC), 9700 Page Boulevard, St. Louis, Missouri 63132. The ADRB traveling program will continue as long as there are sufficient applicants.

A Traveling Panel, consisting of six field grade officers, can hear and decide a case referred to it. Under the Hearing Examiner concept, an officer from the ADRB and a video technician travel to a field location where applicants, with counsel, present their cases before the Examiner and the video camera. The Examiner may, if appropriate, question the applicants and any witnesses that appear. A panel of the ADRB in Washington, D.C., will then hear the applicant's case by viewing the video tape and reviewing the applicant's personnel file and any written evidence introduced at the hearing. The Hearing Examiner is not a voting member of the ADRB panel deciding the case. His role is to present the video tape and evidence gathered in the field to the panel.

A three-month test of Traveling Panels and Hearing Examiners conducted in 12 cities and two penal institutions earlier this year proved the concept to be workable and well received in the areas visited.

The following table reflects the tentative annual schedule for ADRB Traveling Panels and Hearing Examiners and the dates by which applications must be submitted:

Month	Location			Application submission date
	Traveling panel	Hearing examiner	Hearing examiner	
January	None scheduled	None scheduled	None scheduled	
February	Los Angeles, Calif	Mobile, Ala	Spokane, Wash	Mar 1 to Aug 31.
March	Salt Lake City, Utah	Syracuse, N.Y	Hawaii [1]	Apr 1 to Sep 30.
April	Jackson, Miss	Phoenix, Ariz	Puerto Rico [1]	May 1 to Oct 31.
May	Pittsburgh, Pa	Omaha, Nebr	Las Vegas, Nev	Jun 1 to Nov 30.
June	Minneapolis, Minn	Buffalo, N.Y	Shreveport, La	Jul 1 to Dec 31.
July	Seattle, Wash	Helena, Mont	Alaska [1]	Aug 1 to Jan 31.
August	Austin, Tex	Raleigh, N.C	Madison, Wis	Sep 1 to Feb 28.
September	St. Petersburg, Fla	Oklahoma City, Okla	Norfolk, Va	Oct 1 to Mar 31.
October	Boston, Mass	Boise, Idaho	El Paso, Tex	Nov 1 to Apr 30.
November	Kansas City, Mo	Portland, Maine	Flint, Mich	Dec 1 to May 31.
December	None scheduled	None scheduled	None scheduled	

[1] Scheduled only when sufficient applications have been received.

Notice is hereby given that, since the foregoing itinerary is subject to modification and since, following receipt of a new application, the ADRB must obtain the petitioner's military records before a hearing may be scheduled, the receipt of an application by the ADRB is not tantamount to scheduling such hearing. Petitioners and/or their counsel will be notified by mail of the date and place of their hearing when personal appearance is requested.

Dated: August 9, 1976.

WILLIAM E. WEBER,
Colonel, Infantry, President, Army Discharge Review Board.

[FR Doc.76-23671 Filed 8-12-76;8:45 am]

Office of the Secretary

DDR&E HIGH ENERGY LASER REVIEW GROUP (HELRG) VULNERABILITY, EFFECTS AND HARDENING PANEL

Closed Meeting

Pursuant to the provisions of section 10 of Appendix I, Title 5, United States Code, notice is hereby given that a closed meeting of the DDR&E High Energy Laser Review Group Vulnerability, Effects and Hardening Panel will be held jointly with the Laser Hardened Materials and Structures Group and the Structures and Materials Intelligence Seminar at 0830 on Monday and Tuesday, September 27-28, 1976 at Annapolis, Maryland and on Wednesday and Thursday, September 29-30, 1976 at Fort Meade, Maryland. The purpose is to review matters pertaining to the Department of Defense high energy laser program.

The subject of the meeting is classified in accordance with subparagraph (1) of section 552(b) of Title 5 of the U.S. Code.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

AUGUST 10, 1976.

[FR Doc.76-23681 Filed 8-12-76;8:45 am]

DEFENSE INDUSTRY ADVISORY GROUP IN EUROPE (DIAGE)

Closed Meeting

The Defense Industry Advisory Group in Europe (DIAGE) will hold a closed meeting on September 16, 1976, in the United States Mission to the North Atlantic Treaty Organization, Brussels, Belgium, on matters involving classified defense information and proprietary company data which come under the purview of subparagraph (4), section 552(b) Title 5 USC.

The agenda topics will be: Status of NATO projects, and discussion of activities of U.S. defense industry firms in Europe.

Any person desiring information about the advisory group may telephone Brussels 241.44.00 ext 5727, or write to the Executive Secretary, Defense Industry Advisory Group—Europe, USNATO, HQS NATO. 1110 Brussels, Belgium.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, OASD (Comptroller).

AUGUST 10, 1976.

[FR Doc.76-23680 Filed 8-12-76;8:45 am]

DEPARTMENT OF JUSTICE

Office of the Attorney General

VOTING RIGHTS ACT AMENDMENTS OF 1975

Partial List of Determinations Made Pursuant to Section 4(b) of the Voting Rights Act of 1965, as Amended

Section 4(b) of the Voting Rights Act of 1965, 42 U.S.C. 1973, et seq., as amended by the Voting Rights Act Amendments of 1975 (Pub. L. 94-73) requires that the Director of the Census determine whether, in any State or any political subdivision of a State "less than 50 percentum of the citizens of voting age were registered on November 1, 1972, or that less than 50 percentum of such persons voted in the Presidential Election of November 1972." (42 U.S.C. 1973b(b).) Section 4(b) requires the Attorney General to determine whether any State or political subdivision of a State "maintained on November 1, 1972, any test or device," 42 U.S.C. 1973b(b). For purposes of this determination test or device is defined as "any practice or requirement by which any State or political subdivision provided any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, only in the English language, where the Director of the Census determines that more than 5 percentum of the citizens of voting age residing in such State or political subdivision are members of a single language minority." (42 U.S.C. 1973b(f)(3).)

The Director of the Bureau of the Census and the Attorney General have made their respective determinations pursuant to sections 4(b) and 4(f)(3) with regard to some States and political subdivisions. Those jurisdictions which to date have been determined to meet the requirements of Section 4(b) and for which determinations have not been previously published in the FEDERAL REGISTER are listed in the following table. Determinations of coverage of additional jurisdictions under section 4(b) will appear in later issues of the FEDERAL REGISTER.

Dated: August 9, 1976.

EDWARD H. LEVI,
Attorney General.

Dated: August 10, 1976.

VINCENT P. BARABBA,
Director, Bureau of the Census.

STATES OR POLITICAL SUBDIVISIONS COVERED UNDER SECTION 4(B) OF THE VOTING RIGHTS ACT OF 1965, AS AMENDED BY THE VOTING RIGHTS ACT AMENDMENTS OF 1975

Specified language minority:	*State or political subdivision*
Spanish heritage.	Florida:
	Collier County.
	Hendry County.
	Michigan:
	Clyde Township, (Allegan County).
	Buena Vista Township (Saginaw County).

[FR Doc.76-23651 Filed 8-12-76;8:45 am]

V 41 158 AUG 13 76 UMI

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

FAIRBANKS DISTRICT ADVISORY BOARD

Meeting

Notice is hereby given that the Fairbanks District Advisory Board of the Bureau of Land Management will meet at the Fairbanks Inn Banquet Room, 1521 Cushman Street, Fairbanks Alaska, October 15–16, 1976, beginning at 8 a.m. both days. The meeting will be concerned primarily with the following issues: Wild and Scenic Rivers; National Petroleum Reserve Number 4; Minerals Management (access and invalid claims as a result of ANCSA withdrawals); and, Recreational Use Permit System.

The meeting will be open to the public. Time will be made available beginning at 1 p.m. on Friday, October 15, for brief statements by members of the public and, also, on Saturday, October 16, beginning at 1 p.m. Those wishing to make an oral statement should notify the District Manager, Fairbanks District, Bureau of Land Management, 1028 Aurora Drive, Fairbanks, Alaska 99701 by the close of business on October 12, 1976. Any interested person or organization may file a written statement with the Board for its consideration. Such statements may be submitted at the meeting or mailed to the District Manager, Fairbanks District, Bureau of Land Management. Further information concerning the meeting may be obtained from Bill Robertson, Public Affairs Officer, Fairbanks District, Bureau of Land Management, 1028 Aurora Drive, Fairbanks, Alaska 99701, or by calling (901) 452–4725.

CURTIS V. MCVEE,
State Director, Alaska.

[FR Doc 76–23587 Filed 8–12–76;8:45 am]

OUTER CONTINENTAL SHELF

Approval of Official Protraction Diagrams

1. Notice is hereby given that, effective with this publication, the following OCS Official Protraction Diagram, appeared on the date indicated, is available, for information only, in the Outer Continental Shelf Office, Bureau of Land Management, Anchorage, Alaska. In accordance with Title 43, Code of Federal Regulations, this protraction diagram is the basic record for the description of mineral and oil and gas lease offers in the geographic area it represents.

OUTER CONTINENTAL SHELF PROTRACTION DIAGRAM

Description:	Approval Date
NN 4–2 Mitrofania Island (revised)	July 15, 1976

2. Copies of this diagram are for sale at two dollars ($2.00) per sheet by the Manager, Outer Continental Shelf Office, Bureau of Land Management, P.O. Box 1159, Anchorage, Alaska 99510.

The street address is 800 "A" Street, Anchorage, Alaska. Checks or Money Orders should be made payable to the Bureau of Land Management.

EDWARD J. HOFFMANN,
Manager, Alaska Outer Continental Shelf Office.

[FR Doc.76–23594 Filed 8–12–76;8:45 am]

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93–205).

Applicant: International Crane Foundation, City View Road, Baraboo, Wisconsin 53913. George W. Archibald, Ph. D., Director.

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. IMPORT OR EXPORT LICENSE [ ] PERMIT [X]

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Importation of six (6) cranes (endangered species) for propagation and scientific research purposes at Baraboo, Wisconsin

3. APPLICANT: (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
George W. Archibald, PhD
International Crane Foundation
City View Road
Baraboo, Wisconsin 53913

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
[ ] MR. [ ] MRS. [ ] MISS [ ] MS.
HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Non-profit research center for propagation of cranes

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
International Crane Foundation Research Center

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
George W. Archibald 608–356–3553

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
Wisconsin

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Import from Holland, and West Germany to Baraboo, Wisconsin direct (quarantine Clifton, N.J.)

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? [X] YES [ ] NO
(If yes, list license or permit number)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? [ ] YES [ ] NO
(If yes, list jurisdictions and type of document)
not required

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF

10. DESIRED EFFECTIVE DATE: 15 Sep 76

11. DURATION NEEDED

12. ATTACHMENTS: THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.11(b)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
4 Incl: Certificate submitted according to 50 CFR 13. Statement and picturen submitted as requested in 50 CFR 17.22

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) George W. Archibald
DATE June 23, 1976.

FORM 3-200 (6-75)

INTERNATIONAL CRANE FOUNDATION,
Baraboo, Wis., May 6, 1976.

C. R. BAVIN,
Chief, Division of Law Enforcement,
U.S. Department of the Interior,
Fish and Wildlife Service,
Washington, D.C. 20240.

DEAR DR. BAVIN: The International Crane Foundation is requesting an Endangered Species Permit for the importation of the following cranes for breeding purposes:

1 pair (male and female) White Naped Cranes (*Grus vipio*), from Mr. Jack Van der Brink, Amsterdam, Holland.

1 pair (male and female) White Naped Cranes (*Grus vipio*), from Mr. Wolfe Brom, Director, Walsrode Bird Park, Walsrode, West Germany.

1 each male Siberian Crane (*Grus leucogeranus*), from Mr. Wolfe Brem, Director, Walsrode Bird Park, Walsrode, West Germany.

1 each male Siberian Crane (*Grus leucogeranus*), from Dr. Heinz-Georg Klos, Director, West Berlin Zoo, West Berlin, West Germany.

The above listed birds are available for shipment and the owners are willing to ship them to us for propagation purposes.

These birds will be shipped via air to Clifton, New Jersey quarantine station for 30 days, then to Chicago, Illinois, and then they will be transported via truck from Chicago, Illinois to Baraboo, Wisconsin.

Please make the expiration date no less than 6 months for this permit as there is much coordinating to be done regarding so many quarantine units.

Sincerely,

MILDRED L. ZANTOW,
Administrator.

Submitted under "Rules and Regulations" Title 50, FEDERAL REGISTER, Vol. 40, No. 223, Tuesday, November 18, 1975, Part 17.22 Permits for scientific purposes or for the enhancement of propagation or survival.

1. To import 2 each adult female White Naped Cranes (*Grus vipio*), 2 each adult male White Naped Cranes (*Grus vipio*), and 2 each adult male Siberian Cranes (*Grus leucogeranus*) for propagation purposes.

2. These cranes are in captivity at the present time having been removed from the wild.

3. The only supply of these cranes at the present time is from the wild or from collectors who have breeding stock in their possession.

4. The exact location of removal from the wild is not known at the International Crane Foundation.

5. The cranes to be covered by this permit are the property of Mr. Jack Vande Brink of Amsterdam, Holland and the Walsrode Zoo, Walsrode, West Germany and are to be shipped to ICF on loan for propagation.

6. These cranes will be kept at the International Crane Foundation, City View Road, Baraboo, Wisconsin in individual confines. Each will have an enclosed wooden structure 15' x 15', and an outdoor exercise pen 40' x 60'. There are 15 such confines in the immediate area. Enclosed photo.

Dr. George Archibald is a Ph. D. from Cornell University, New York. He has studied and researched cranes in many countries of the world. At the present time he has 13 of the existing 15 species in his care at the International Crane Foundation. Dr. Archibald is considered an authority on crane care and propagation.

I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts of Subchapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

GEORGE W. ARCHIBALD,
Director,
International Crane Foundation.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. This application has been assigned File Number PRT 2–215–07; please refer to this number when submitting comments. All relevant comments received on or before September 12, 1976 will be considered.

Dated: August 9, 1976.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76–23675 Filed 8–12–76;8:45 am]

Office of the Secretary

FREDERICK B. DYER

Appointee's Statement of Financial Interests

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER.

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on June 30, 1976, as Regional Power Liaison Representative, WSCC (NWPP), DEPA, an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

None.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

FREDERICK B. DYER.

AUGUST 6, 1976.

[FR Doc.76–23588 Filed 8–12–76;8:45 am]

S. RIGGS SHEPPERD

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 12, 1976.

Dated: July 27, 1976.

RIGGS SHEPPERD,

[FR Doc.76–23589 Filed 8–12–76;8:45 am]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[PPQ 639]

SOIL SAMPLES

List of Approved Laboratories for Receipt

Correction

In FR Doc. 76–20427 appearing on page 29450 in the issue of Friday, July 16, 1976, the following corrections should be made:

(1) On page 29451, in the alphabetical listings under "B" the following name was omitted: "Burton, Joe C., Milwaukee, WI" (10–30–77)".

(2) On page 29452, in the first column, in the listing of 'Delaware University', "Newark, SE" should have read "Newark, DE".

(3) On page 29453, in the first column, in the listing for 'International Geochemics, Ltd.', "Gretha, LA" should have read "Gretna, LA".

(4) On page 29454, in the third column, in the first listing for 'Soil and Plant Laboratory, Inc.' the date now reading "6–30–7)" should have read "(6–30–77)".

(5) On page 29455, in the second column, in the first listing for 'Tulane University', "LO" should have read "LA".

Commodity Credit Corporation

COMMODITY CREDIT CORPORATION ADVISORY BOARD

Cancelled Meeting

The meeting of the Commodity Credit Corporation Advisory Board scheduled for August 23 and 24, 1976 notice of which was published in the FEDERAL REGISTER on July 30, 1976 (41 FR 31922) has been cancelled.

Signed at Washington, D.C. on August 6, 1976.

SEELEY G. LODWICK,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc.76–23662 Filed 8–12–76;8:45 am]

V 41 158 AUG 13 76 UMI

Farmers Home Administration

NEWLY CONSTRUCTED HOUSING FOR LOWER-INCOME FAMILIES IN RURAL AREAS

Memorandum of Understanding on Use of Section 8 of the United States Housing Act of 1937 and Section 515 of the Housing Act of 1949

CROSS REFERENCE: For a document agreeing to policies, procedures and joint arrangements set forth in the memorandum of understanding on the above-mentioned subject, see FR Doc. 76-23706, Department of Housing and Urban Development appearing in the Notices Section of this issue.

Packers and Stockyards Administration

LOGAN COUNTY LIVE STOCK MARKET, INC., RUSSELLVILLE, KENTUCKY, ET AL.

Proposed Posting of Stockyards

The Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

KY-162	Logan County Live Stock Market Inc., Russellville, Kentucky.
KY-161	Henry County Stock Yards, Inc., Sligo, Kentucky.
NC-147	Mountain Livestock Auction, Murphy, North Carolina.
ND-131	Central Livestock Association, Inc., Dickinson, North Dakota.
OK-196	Fairfax Livestock Auction, Fairfax, Oklahoma.
OK-195	Woodward Livestock Auction, Inc., Woodward, Oklahoma.
WI-134	Equity Livestock Auction Market, Monroe, Wisconsin.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule, may do so by filing them with the Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, United States Department of Agriculture, Washington, D.C. 20250, by August 27, 1975.

All written submissions made pursuant to this notice shall be made available for public inspection at such times and places in a manner convenient to the public business (7 U.S.C. 1.27(b)).

Done at Washington, D.C., this 10th day of August, 1976.

EDWARD L. THOMPSON,
Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.76-23664 Filed 8-12-76;8:45 am]

Rural Electrification Administration

BASIN ELECTRIC POWER COOPERATIVE

Draft Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration intends to prepare a Draft Environmental Impact Statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 in connection with an anticipated request for a loan guarantee commitment for Basin Electric Power Cooperative, 1717 East Interstate Avenue, Bismarck, North Dakota 58501, to provide for new generation facilities and related transmission facilities.

The proposed generating facilities are expected to consist of two 450 MW lignite-fired steam generating units. It is presently proposed that these units will be constructed adjacent to the site of the planned American Natural Gas coal gasification plant near Beulah, North Dakota. The two plants propose to mutually share and exchange certain joint operations including water, coal and steam. Possible transmission facilities are being studied.

Interested persons are invited to submit comments which may be helpful in preparing the Draft Environmental Impact Statement.

Comments should be forwarded to the Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, with a copy to the borrower whose address was given above. Additional information may be obtained at the borrower's office during regular business hours.

Dated at Washington, D.C., this 6th day of August, 1976.

DAVID A. HAMIL,
Administrator.

[FR Doc.76-23667 Filed 8-12-76;8:45 am]

BASIN ELECTRIC POWER COOPERATIVE AND TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION, INC.

Proposed Loan Guarantees

Under the authority of Pub. L. 93-32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20-22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing guarantees supported by the full faith and credit of the United States of America for loans in the approximate amount of $668,000,000 to Basin Electric Power Cooperative of Bismarck, North Dakota, and $381,000,000 to Tri-State Generation and Transmission Association, Inc. of Denver, Colorado, for undivided interest shares of the proposed Missouri Basin Power Project. These loan funds will be used to finance Basin's 42.27 percent share and Tri-State's 24.13 percent share of the Missouri Basin Power Project, which consists of a generation plant having three 500 MW coal-fired units, approximately 621 miles of transmission line (including 60 miles of double circuit transmission facilities) and various related facilities. The total cost of the Missouri Basin Power Project is currently estimated by REA to be $1,581,000,000.

Legally organized lending agencies capable of making, holding and servicing the loans proposed to be guaranteed may obtain information on the proposed project, including the engineering and economic feasibility studies and the proposed schedule for the advances to the borrowers of the guaranteed loan funds from Mr. James L. Grahl, Manager, Basin Electric Power Cooperative, 1717 East Interstate Avenue, Bismarck, North Dakota 58501.

In order to be considered, separate loan proposals should be developed for Basin's proposed 42.27 percent share and for Tri-State's proposed 24.13 percent share of the Missouri Basin Power Project and submitted within 30 days of the date of this notice. Proposals for Basin's share should be submitted to Mr. Grahl and financing proposals for Tri-State's share should be submitted to Mr. William E. Mickey, Manager, Tri-State Generation and Transmission Association, Inc., Post Office Box 29198, Denver, Colorado 80229. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Basin Electric Power Cooperative, Tri-State Generation and Transmission Association, Inc., and the Rural Electrification Administration deem appropriate. Prospective lenders are advised that guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20-22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 10th day of August 1976.

DAVID H. ASKEGAARD,
Acting Administrator,
Rural Electrification Administration.

[FR Doc.76-23763 Filed 8-12-76;8:45 am]

MINNKOTA POWER COOPERATIVE, INC.

Draft Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration intends to prepare a Draft Environmental Impact Statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 in connection with an anticipated request for a loan guarantee commitment for Minnkota Power Cooperative, Inc., Box 1318, Grand Forks, North Dakota 58201, to provide for new generation facilities and related transmission facilities.

The proposed generating facilities are a joint venture to construct a nominal 440 MW generating station near Beulah, North Dakota. The participants at this time include Minnkota Power Cooperative, Inc. (30 percent share), Otter Tail Power Company (35 percent share), Montana-Dakota Utilities Company (20 percent share), Northwestern Public Service Company (10 percent share), and Minnesota Power and Light Company (5 percent share). Possible transmission facilities are being studied.

Interested persons are invited to submit comments which may be helpful in preparing the Draft Environmental Impact Statement.

Comments should be forwarded to the Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, with a copy to the borrower whose address was given above. Additional information may be obtained at the borrower's office during regular business hours.

Dated at Washington, D.C., this 5th day of August, 1976.

DAVID A. HAMIL,
Administrator.

[FR Doc.76-23666 Filed 8-12-76;8:45 am]

UNITED POWER ASSOCIATION

Draft Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration intends to prepare a Draft Environmental Impact Statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 in connection with a request for a loan guarantee commitment for United Power Association, Elk River, Minnesota 55330, to provide new generation facilities.

The proposed generating facilities include three 25 MW combustion turbines to be constructed in Minnesota near the towns of Pine City, Cambridge, and Maple Lake, respectively.

Interested persons are invited to submit comments which may be helpful in preparing the Draft Environmental Impact Statement.

Comments should be forwarded to the Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, with a copy to the borrower whose address was given above. Additional information may be obtained at the borrower's office during regular business hours.

Dated at Washington, D.C., this 6th day of August, 1976.

DAVID A. HAMIL,
Administrator.

[FR Doc.76-23668 Filed 8-12-76;8:45 am]

DEPARTMENT OF COMMERCE

Bureau of the Census

VOTING RIGHTS ACT AMENDMENTS OF 1975

Partial List of Determinations Made Pursuant to Section 4(b) of the Voting Rights Act of 1965, as Amended

CROSS REFERENCE: For a document issued jointly by the Department of Justice, Office of the Attorney General, and the Department of Commerce, Bureau of the Census, on the subject of a partial list of determinations made pursuant to section 4(b) of the Voting Rights Act of 1965, as amended by the Voting Rights Act Amendments of 1975, see FR Doc. 76-23651 appearing in the notices section of this issue under Department of Justice, Office of the Attorney General.

Domestic and International Business Administration

[Order No. 43-2 Amdt. 3]

BUREAU OF INTERNATIONAL COMMERCE

Organization and Function

This order effective July 4, 1976 amends the material appearing at 39 FR 20622 of June 12, 1974, 39 FR 35694 of October 3, 1974, and 40 FR 41160 of September 5, 1975.

DIBA Organization and Function Order 43-2, dated March 25, 1974, as amended, is hereby further amended as follows:

1. Section 5. *Office of Export Development.* Subsection 5.10a is revised as follows to reflect the transfer of staff support for the President's Interagency Committee on Export Expansion (PICEE):

a. The President's Export Council Staff shall promote Government dialogue with U.S. business by providing coordination, program guidance and support services to the President's Export Council (PEC), the Regional Export Councils (REC) and the District Export Councils (DEC); shall assist the PEC in communicating its recommendations through the Secretary of Commerce to the President, the Council on International Economic Policy, and the President's Interagency Committee on Export Expansion (PICEE); and shall provide coordination and support services for PICEE.

2. Subsection 5.03 Export Information Division is revised by a pen and ink change to reflect transfer of the control intelligence function to the Bureau of East-West Trade:

Delete: and shall support the export control function of the Department and the economic defense activities of other U.S. agencies.

3. Subsection 5.04 Domestic Export Programs Division is amended as follows to reflect the transfer of PICEE staff support to the Office of the Director, OED:

.04 The Domestic Export Programs Division shall serve as the focal point for conducting domestic programs which stimulate an interest in exporting and provide information and assistance to firms interested in international trade. In this regard it shall organize conferences, seminars and other promotional techniques to familiarize U.S. industry with the advantages of exporting; shall develop promotional literature to acquaint U.S. firms with export opportunities and procedures and with BIC programs; shall direct the national multiplier program which enlists the support of service organizations such as banks and airlines in delivery of informational material on overseas marketing opportunities to carefully identified elements of industry; shall work with trade associations to promote exporting among their membership; shall serve as Washington liaison with DIBA's District Offices in support of the Export Assistance Masters Program (TEAM) which utilizes graduate university students to prepare foreign market surveys for individual U.S. firms; shall stimulate and arrange visits to expositions and industry for foreign businessmen and government officials; shall identify, with the assistance of the foreign Service, prospective foreign buyers and shall direct these buyers to appropriate domestic trade shows and arrange for meetings with U.S. manufacturers in order to facilitate sales; shall provide development, scheduling and displays for and shall participate in selected domestic trade shows to promote DIBA and Departmental programs; shall administer the President's "E" and "E Star" Award and other national incentive programs; shall direct national marketing and advertising efforts undertaken to stimulate export awareness; shall serve as liaison for the Bureau of International Commerce with the Office of Field Operations for the preparation of comprehensive prepackaged sales programs for the District Offices to use in their calls on target industries.

4. Section 6. *Office of International marketing* is revised to reflect the creation of a new division—*Operational Planning Division* and the abolishment of the Program Coordination Division, as follows:

.01 The Office of the Director includes: The Director who shall plan and direct the execution of the policies and programs of the Office, and the Deputy Director who shall provide principal direction to overseas operations, coordinate the development of individual Country Commercial Programs and the scheduling of trade promotion events, assure concurrence with Government policy and program documents such as Policy Analysis and Resource Allocation (PARA) and Country Analysis and Strategy Papers (CASP), and perform the functions of the Director in his absence. The Office of the Director shall also prepare or coordinate the preparation of OIM Publications, including the Commercial News for the Foreign Service. The Director shall supervise and direct the following:

.02 The Assistant Director for Program Development shall develop and coordinate information programs for industry; collect and disseminate foreign market data; be responsible for developmental planning of international trade promotion events; and maintain the planning interface with U.S. industry for all international trade promotion events.

a. The Operational Planning Division shall have responsibility for all phases of planning and market research specification development for all international trade promotion events including trade fairs, trade center exhibitions, trade missions, the joint export expansion program, technical sales seminars

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and catalog events; analyze manufacturer/end-user relationships to develop new themes and precise definitions of targeted event participants; plan and prepare Global Market Surveys within each industry segment; establish international market research requirements; and develop and maintain a working relationship with U.S. industry to insure that the business community needs and desires are reflected in all planning.

b. The Market Research Division shall analyze market research bids received from contractors, determine the contractor, and arrange for the printing and production of Global Market Surveys and sectoral studies which are multiple product studies in a country.

5. Subsection 6.05 is revised as follows:

.05 The Developed Markets and Emergent Market areas shall each be responsible for the content and overall management of country marketing programs for assigned territory within global export priorities and targets established by the Office of Market Planning; serve as the focal point in DIBA for the development of the Country Commercial Program; provide overseas marketing information and counseling services to the U.S. business community and to other U.S. Government agencies; identify key economic, trade, financial and marketing problems in overseas country or country groupings; provide to the U.S. business community a regular review of the prospects for increased U.S. exports in significant overseas markets on a geographical basis; provide for development in detail of the annual country commercial programs; schedule and direct trade promotional activities within the country, including Trade Centers and commercial fairs; within the framework of Bureau-approved country programs, provide guidance and direction to overseas personnel engaged in commercial activities; i.e., the Commercial Foreign Service, Trade Center staffs, commercial fair staffs, and other trade promotion personnel; and maintain contact with foreign government representatives in the United States on matters concerning the marketing programs developed for their countries.

In addition to the functions set forth in paragraph .05, the Office of the Assistant Director for Emergent Markets shall administer the Department's responsibilities pursuant to the China Trade Act of 1922, as amended.

6. The attached BIC organization chart supersedes the organization chart dated August, 1975. A copy of the chart is on file with the original of this document in the Office of the FEDERAL REGISTER.

CHARLES W. HOSTLER,
Deputy Assistant Secretary for International Commerce.

Approved:

DONALD E. JOHNSON,
Deputy Assistant Secretary for Domestic and International Business.

[FR Doc.76-23581 Filed 8-12-76;8:45 am]

[Order No. 48-1]

OFFICE OF FIELD OPERATIONS

Organization and Function

This order effective July 26, 1976 supplements the material appearing at 41 FR 1935 of January 13, 1976.

Section 1. *Purpose.* This order prescribes the scope of authority of the Deputy Assistant Secretary for Field Operations and describes the functions of the Office of Field Operations.

Section 2. *Organization and Line of Authority.* .01 The Deputy Assistant Secretary for Field Operations shall report and be responsible to the Assistant Secretary for Domestic and International Business. The Deputy Assistant Secretary shall be assisted by the Deputy Director who will coordinate Program development and implementation and who will also perform the functions of the Deputy Assistant Secretary in the latter's absence.

.02 The Deputy Assistant Secretary shall head the following organizational elements:

Office of the Deputy Assistant Secretary, District Offices, Satellite Offices.

Section 3. *Office of the Deputy Assistant Secretary.* .01 The Deputy Assistant Secretary for Field Operations shall be responsible to the Assistant Secretary, Domestic and International Business. He shall plan and direct the execution of policies and programs of the Office of Field Operations which shall serve as the principal medium of contact with the business community at local levels through District Offices located in principal cities throughout the country.

.02 The Deputy Director shall assist in the direction of the Office and perform the functions of the Deputy Assistant Secretary in his absence.

.03 OFO Headquarters Office shall plan, direct, control and evaluate effectiveness of the field implementation of DIBA programs and the business-related programs of other Commerce organizations, and shall be responsible for assisting DIBA Bureaus and other Commerce organizations in the planning and design of business information. Field implementation includes the delivery of export information and related business aids; the conduct of domestic marketing and business reference services, including publication of the Commerce Business Daily and guidance and direction of Federal Preparedness Programs, Crisis Management and Emergency Operations. The Office of the Director also shall be responsible for issuing and maintaining the Field Operations Manual and for the necessary administrative liaison between the Directorate of Administrative Management for DIBA, and the field structure.

.04 Each District Office under the direction of a District Office Director shall serve as the Department's principal medium of contact wtih the business community within its area. Under guidelines and priorities established by the DAS/FO, District Offices shall ascertain the needs and desires for information and assistance relevant to the private economy that fall within the scope of Commerce's responsibilities; deliver to business and industry export promotion and expansion programs, information, and services; maintain and operate domestic informational services and related activities; and effect support and multiplier activities with business and professional organizations, state and local government agencies, educational institutions, and other appropriate organizations. In addition, District Office Directors designated as Emergency Coordinators shall, in coordination with other appropriate Commerce District Directors, execute such Federal Preparedness Planning, Crisis Management and Emergency Operations as are outlined in D.O.O. 40-1 and as may be directed by the Department.

.05 Each Satellite Office under the direction of the responsible District Office Director shall serve as a vehicle to complement the efforts of District Office in carrying out the Department's foreign trade and domestic trade business programs in its area, and to coordinate State and Federal activities related to these programs. Under guidelines and priorities established by District Office Directors, Satellite Offices shall answer business inquiries; make out-of-office calls on local business firms to promote and encourage the use of the business services of the Department; establish an "account executive program" for providing services to firms having high export potential; counsel firms on business problems; conduct both domestic and international trade seminars; and explain, as appropriate, to personnel of the agency in which the Satellite Office is located, the services available to business firms from the Department of Commerce.

Section 4. *Administrative and Public Affairs.* .01 The Office of Public Affairs, DIBA shall furnish public affairs and information services to the Office of Field Operations and its District Offices.

.02 The Directorate of Administrative Management, DIBA shall furnish management, budget, personnel, travel and administrative services. The Directorate will also serve as liaison with Departmental elements providing other administraitve services.

LEONARD S. MATTHEWS,
Assistant Secretary for Domestic and International Business.

[FR Doc.76-23571 Filed 8-12-76;8:45 am]

National Bureau of Standards

FEDERAL INFORMATION PROCESSING STANDARDS TASK GROUP 15, COMPUTER SYSTEMS SECURITY

Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. 1 (Supp. IV, 1974), notice is hereby given that the Federal Information Processing Standards Task Group 15 (FIPS TG-15), "Computer Systems Security" will hold a meeting from 9 a.m. to 4 p.m. on Tuesday, September 21, 1976 in Room B-163, Building 222 and on Wednesday, September 22 and Thursday, September 23, 1976 in Room B-27, Building 225 of the National Bureau of Standards at Gaithersburg, Maryland.

The purpose of this meeting is to review the efforts of the task teams in their specific assignments and to continue the development of guidelines in the management and technological areas of information processing security.

The meeting will be open to the public, who may participate with oral or written statements. Inquiries may be addressed to Miss Susan K. Reed, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234 (phone 301-921-3861).

Dated: August 10, 1976.

ERNEST AMBLER,
Acting Director.

[FR Doc.76-23764 Filed 8-12-76;8:45 am]

National Oceanic and Atmospheric Administration

ECOLOGICAL SERVICES, TEXAS INSTRUMENTS, INC.

Receipt of Application for Endangered Species Permit

Notice is hereby given that the following Applicant has applied in due form for a permit to take an endangered species of fish for scientific purposes as authorized by the Endangered Species Act of 1973 (16 U.S.C. 1531-1543) and the National Marine Fisheries Service Regulations Governing Endangered Fish and Wildlife Permits (50 CFR 217-222).

Ecological Services, Texas Instruments, Inc., P.O. Box 237, Buchanan, New York 10511, to take for research purposes, an endangered species of fish, the shortnose sturgeon (*Acipenser brevirostrum*) in the Hudson River in the State of New York during a 3-year period.

The Applicant will in the course of assessing the status of fish populations and the impact of power generation facilities on these populations occasionally take shortnose sturgeon by such means as gill netting or trawling. Live specimens so captured will be measured, weighed and returned immediately to the Hudson River. Any specimen found dead upon the retrieval of the collecting gear will be preserved after being weighed and measured. Such specimens will be deposited in scientific collections.

The data collected from these occasionally captured specimens will be provided to other researchers who are conducting more extensive work on shortnose sturgeon.

Documents submitted in connection with this application are available for review in the following offices:

Director, National Marine Fisheries Service, Department of Commerce, 3300 Whitehaven Street, NW., Washington, D.C.; and Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

Written data or views, or requests for a public hearing on this application, should be submitted to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before September 13, 1976. The holding of such a hearing is at the discretion of the Director. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate.

Any statements and opinions that may be contained in this notice in support of this application are summarized from information supplied by the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: August 6, 1976.

HARVEY M. HUTCHINGS,
Acting Associate Director, for Resource Management, National Marine Fisheries Service.

[FR Doc.76-23703 Filed 8-12-76;8:45 am]

INTERNATIONAL MARINE MAMMAL PROGRAM

Report of NOAA/FWS Task Force

Under section 108(a) of the Marine Mammal Protection Act, the Secretaries of Commerce and Interior, through the Secretary of State, are charged with the responsibility to see that the concepts embodied in the Act are implemented in the conservation of all marine mammals in all parts of the world.

Therefore, the National Oceanic and Atmospheric Administration (NOAA) and the U.S. Fish and Wildlife Service (FWS) established a Task Force to prepare recommendations for an International Marine Mammal Program. The Task Force report, which does not necessarily reflect policy of NOAA or FWS, but which will be used to help develop it, will now be submitted to an interagency committee of all interested government agencies. In order to give all interested individuals an opportunity to express their views for consideration by the interagency committee, copies of the Task Force report are available from the Office of International Affairs, National Oceanic and Atmospheric Administration, Main Commerce Building, Room 5804, Washington, D.C. 20230 (telephone 202-377-2977). Comments on the report, directed to the same address, are requested by August 27, 1976.

Dated: August 10, 1976.

ROBERT W. SCHONING,
Director, National Marine Fisheries Service.

[FR Doc.76-23701 Filed 8-12-76;8:45 am]

STATE OF OREGON

Public Hearing on Draft Environmental Impact Statement

Notice is hereby given that the Office of Coastal Zone Management, National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, will hold two public hearings for the purpose of receiving comments on the draft environmental impact statement for the Coastal Zone Management Program of the State of Oregon.

The first hearing will be held in the Oregon State University Marine Science Center Auditorium, Newport, Oregon, at 7:30 p.m., Wednesday, September 15, 1976. The second hearing will be held on September 16, 1976, at 7:30 p.m., in the Multnomah County Courthouse, County Commissioners Chambers, 1021 SW. 4th Street, Portland, Oregon.

The views of interested persons and organizations are solicited. These may be expressed orally or in written statements. Presentations will be scheduled on a first-come, first served basis, but may be limited to a maximum of ten minutes or as otherwise appropriate. Priority will be given to those with written statements. Time will be available at the end of the meeting for persons without statements to present their views orally. The Office of Coastal Zone Management staff may question any speaker following presentation of his statement. No verbatim transcript of the hearing will be maintained; but staff present will record the general thrust of remarks.

Persons or organizations wishing to be heard on this matter should contact the Office of Coastal Zone Management as soon as possible so that an appearance schedule may be drawn up and definite times established for presentations. Please contact:

Grant Dehart, National Oceanic and Atmospheric Administration, Office of Coastal Zone Management, 3300 Whitehaven Street NW., Washington, D.C. 20235 (phone: 202/634-4235).

Written comments may also be submitted by mail to the Office of Coastal Zone Management. Such comments must be received before September 24, 1976, to be considered for inclusion in the final environmental impact statement.

Copies of the draft environmental impact statement may be obtained by contacting the Office of Coastal Zone Management or:

Oregon Land Conservation and Development Commission, 1175 Court Street, NE., Salem, Oregon 97310 (phone: 503/378-4926).

The statement is also available for inspection by the public, both at the Office of Coastal Zone Management and at the following locations:

Astoria Public Library, 450 10th Avenue, Astoria, Oregon 97103.
Bandon Public Library, Box 128, Bandon, Oregon 97411.
Bay City Library, Bay City, Oregon 97107.
Chetco Community Library, Box 1097, Brookings, Oregon 97415.
Coos Bay Public Library, 525 West Anderson, Coos Bay, Oregon 97420.
Coquille Public Library, 101 North Birch, Coquille, Oregon 97423.
Myrtle Point Library, 435 Fifth Street, Myrtle Point, Oregon 97458.
Newport Public Library, 251 West Olive Street, Newport, Oregon 97365.
North Bend Public Library, 1925 McPherson Avenue, North Bend, Oregon 97459.

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Pacific City Library, Pacific City, Oregon 97135.
Port Orford Public Library, Box 328, Port Orford, Oregon 97465.
Powers Public Library, Box 559, Powers, Oregon 97466.
Garibaldi Public Library, Gilchrist, Oregon 97737.
Gold Beach Library, Box 625, Gold Beach, Oregon 97444.
Langlois Library, Box 26, Langlois, Oregon 97450.
Lincoln City Library, 1213 N. Highway 101, Lincoln City, Oregon 97367.
Manzanita Library, Manzanita, Oregon 97130.
Waldport Public Library, Box 650, Waldport, Oregon 97394.
Yachats Public Library, Box 234, Yachats, Oregon 97498.
Library Clatsop County Courthouse, 1680 Lexington, Astoria, Oregon 97103.
Library, Oregon State University, Corvallis, Oregon 97331.
Reedsport Public Library, Reedsport, Oregon 97467.
Seaside Public Library, 60 North Roosevelt Drive, Seaside, Oregon 97138.
Tillamook County Library, 210 Ivy Avenue, Tillamook, Oregon 97141.
Toledo Public Library, 150 North Alder Street, Toledo, Oregon 97391.
Southwestern Oregon Community College Library, Box 518, Empire Station, Coos Bay, Oregon 97420.
Library, Umpqua Community College, P.O. Box 967, Roseburg, Oregon 97470.
Library, University of Oregon, Eugene, Oregon 97403.

Comments may address the adequacy of the impact statement and/or the nature of the Oregon Coastal Zone Management Program itself.

Following consideration of the comments received at this hearing, as well as written comments submitted, the Office of Coastal Zone Management will prepare the final environmental impact statement pursuant to the National Environmental Policy Act of 1969 and implementing guidelines.

T. P. GLEITER,
Assistant Administrator for Administration.

[FR Doc.76-23677 Filed 8-12-76;8:45 am]

ROBERT ELSNER

Modification of Permit

Notice is hereby given that, pursuant to the provisions of § 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), the Scientific Research Permit issued to Robert Elsner, Institute of Marine Science, University of Alaska, Fairbanks, Alaska 99701, on July 3, 1974, is modified in the following manner:

The period of validity, during which the authorized marine mammals may be taken, is extended from August 1, 1976, to August 1, 1973.

This modification is effective on August 13, 1976.

The permit, as modified, and documentation pertaining to the modification is available for review in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and
Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99801.

Dated: July 27, 1976.

JACK W. GEHRINGER,
Deputy Director, National Marine Fisheries Service.

[FR Doc.76-23702 Filed 8-12-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 76N-0282; DESI 4589]

ALCOHOL-DEXTROSE INTRAVENOUS SOLUTIONS

Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice and Opportunity for Hearing

In a notice (DESI 4589; Docket No. FDC-D-490 (now Docket No. 76N-0282)) published in the FEDERAL REGISTER July 28, 1972 (37 FR 15184), the Food and Drug Administration announced its conclusions that the drug products described below are effective for increasing caloric intake and less than effective (possibly effective and lacking substantial evidence of effectiveness) for certain other indications. The notice provided an opportunity for hearing for the indication concluded at that time to lack substantial evidence of effectiveness. No person submitted data in support of the possibly effective indications, and they are now reclassified as lacking substantial evidence of effectiveness. This notice offers an opportunity for hearing concerning the possibly effective indications which are now reclassified as lacking substantial evidence of effectiveness and states the conditions for marketing the drugs for the indication for which they continue to be regarded as effective. Persons who wish to request a hearing may do so on or before September 13, 1976.

The notice that follows does not pertain to the indication stated in the July 28, 1972 notice to lack substantial evidence of effectiveness. No person requested a hearing concerning it, and it is no longer allowable in labeling. Any such product labeled for that indication is subject to regulatory action.

1. That part of NDA 4-589 pertaining to 5 percent Alcohol, 5 percent Dextrose in Normal Saline: McGraw Laboratories, 1015 Grandview Ave., Glendale, CA 91201.

2. That part of NDA 4-589 pertaining to 5 percent Alcohol, 5 percent Dextrose in Distilled Water; McGraw Laboratories.

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. An approved new drug application is a requirement for marketing such drug products.

In addition to the holder(s) of the new drug application(s) specifically named above, this notice applies to all persons who manufacture or distribute a drug product, not the subject of an approved new drug application, that is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD-310), 5600 Fishers Lane, Rockville, MD 20852.

A. *Effectiveness classification.* The Food and Drug Administration has reviewed all available evidence and concludes that the drugs are effective for the indication listed in the labeling conditions below. The drugs now lack substantial evidence of effectiveness for the indications evaluated as possibly effective in the July 28, 1972 notice.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* The drug is in sterile aqueous solution form suitable for intravenous administration.

2. *Labeling conditions.* a. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the act and regulations, and the labeling bears adequate information for safe and effective use of the drug. The Indication is as follows:

For increasing caloric intake.

3. *Marketing status.* a. Marketing of such drug products that are now the subject of an approved or effective new drug application may be continued provided that, on or before October 12, 1976, the holder of the application submits, if he has not previously done so, (i) a supplement for revised labeling as needed to be in accord with the labeling conditions described in this notice, and complete container labeling if current container labeling has not been submitted, and (ii) a supplement to provide updating information with respect to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD-356H (21 CFR 314.1(c)) to the extent required in abbreviated applications (21 CFR 314.1 (f)).

b. Approval of an abbreviated new drug application (21 CFR 314.1(f)) must be obtained prior to marketing such product. Marketing prior to approval of a new drug application will subject such products, and those persons who caused the products to be marketed, to regulatory action.

C. *Notice of opportunity for hearing.* On the basis of all the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), 21 CFR 314.111 (a)(5), and 21 CFR 300.50, demonstrating the effectiveness of the drug(s) for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice.

Notice is given to the holder(s) of the new drug application(s), and to all other interested persons, that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application(s) (or, if indicated above, those part of the application(s) providing for the drug product(s) listed above) and all amendments and supplements thereto providing for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have all the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. An order withdrawing approval will not issue with respect to any application(s) supplemented, in accord with this notice, to delete the claim(s) lacking substantial evidence of effectiveness.

In addition to the ground for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6), e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310, 314), the applicant(s) and all other persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above (21 CFR 310.6), are hereby given an opportunity for a hearing to show why approval of the new drug application(s) providing for the claim(s) involved should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and all identical, related, or similar drug products.

If an applicant or any person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before September 13, 1976, a written notice of appearance and request for hearing, and (2) on or before October 12, 1976, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this proposal to withdraw approval. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of such drug product. Any such drug product labeled for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice of opportunity for hearing shall be filed in quintuplicate. Such submissions, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk (address given below) during working hours, Monday through Friday.

Communications forwarded in response to this notice should be identified with the reference number DESI 4589, directed to the attention of the appropriate office named below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

Supplements (identify with NDA number): Division of Surgical-Dental Drug Products (HFD-160), Rm. 18B-08, Bureau of Drugs.

Original abbreviated new drug applications (identify as such): Division of Generic Drug Monographs (HFD-530), Bureau of Drugs.

Request for Hearing (identify with Docket number appearing in the heading of this notice): Hearing Clerk, Food and Drug Administration (HFC-20), Rm. 4-65.

Requests for the report of the National Academy of Sciences-National Research Council: Data Preparation Branch (HFD-614), Division of Drug Information Resources, Bureau of Drugs.

Other communications regarding this notice: Drug Efficacy Study Implementation Project Manager (HFD-101), Bureau of Drugs.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-1053, as amended (21 U.S.C. 352, 355)) and under the authority delegated to the Director of the Bureau of Drugs (21 CFR 5.31) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)).

Dated: August 5, 1976.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc. 76-23628 Filed 8-12-76;8:45 am]

[DESI 9296]

CERTAIN ANTIHYPERTENSIVE COMBINATION DRUGS

Drugs for Human Use; Drug Efficacy Study Implementation

In a notice published in the FEDERAL REGISTER of October 11, 1973 (38 FR 28093), the Commissioner of Food and Drugs withdrew approval of that part of NDA 12-359 providing for Salutensin Tablets containing protoveratrine A, reserpine, and hydroflumethiazide. The basis for that action was the drug product lacked substantial evidence of effectiveness as a fixed combination. The product had been used in the treatment of high blood pressure. The manufacturer reformulated the product to delete the component protoveratrine A leaving only reserpine and hydroflumethiazide in the product. Combinations similar to that reformulated product were reviewed in the Drug Efficacy Study, were concluded to be effective for the treatment of hypertension, and that conclusion was published in the FEDERAL REGISTER of February 6, 1973 (38 FR 3418) (DESI 9296). The Director of the Bureau of Drugs concludes that the reserpine and hydroflumethiazide combination is also effective for the treatment of hypertension. The notice that follows states that conclusion and sets forth the conditions for marketing such product.

NDA 12-359; Salutensin Tablets containing hydroflumethiazide and reserpine; Bristol Laboratories, Division Bristol-Myers Co., P.O. Box 657, Syracuse, NY 13201.

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. An approved new drug application

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is a requirement for marketing such drug products.

In addition to the holder(s) of the new drug application(s) specifically named above, this notice applies to all persons who manufacture or distribute a drug product, not the subject of an approved new drug application, that is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD–310), 5600 Fishers Lane, Rockville, MD 20852.

A. *Effectiveness classification.* The Food and Drug Administration has reviewed all available evidence and concludes that the drug is effective for the indications listed in the labeling conditions below.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* The drug is in tablet form suitable for oral administration.

2. *Labeling conditions.* a. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the act and regulations, and the labeling bears adequate information for safe and effective use of the drug. The Indication is as follows:

For treatment of hypertension (see box warning). The labeling should contain the following warning in a box and dosage statement.

WARNING

This fixed combination drug is not indicated for initial therapy of hypertension. Hypertension requires therapy titrated to the individual patient. If the fixed combination represents the dosage so determined, its use may be more convenient in patient management. The treatment of hypertension is not static, but must be reevaluated as conditions in each patient warrant.

DOSAGE: As determined by individual titration (see box warning).

3. *Marketing status.* a. Marketing of such drug products that are now the subject of an approved or effective new drug application may be continued provided that, on or before October 12, 1976, the holder of the application submits, if he has not previously done so, (i) a supplement for revised labeling as needed to be in accord with the labeling conditions described in this notice, and complete container labeling if current container labeling has not been submitted, and (ii) a supplement to provide updating information with respect to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD–356H (21 CFR 314.1(c)) to the extent required in abbreviated applications (21 CFR 314.1(f)).

b. Approval of an abbreviated new drug application (21 CFR 314.1(f)) must be obtained prior to marketing such products. Marketing prior to approval of a new drug application will subject such products, and those persons who caused the products to be marketed, to regulatory action.

Communications forwarded in response to this notice should be identified with the reference number DESI 9296, directed to the attention of the appropriate office named below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

Supplements (identify with NDA number): Division of Cardio-Renal Drug Products (HFD–110), Rm. 16B–45, Bureau of Drugs.

Original abbreviated new drug applications (identify as such): Division of Generic Drug Monographs (HFD–530), Bureau of Drugs.

Other communications regarding this notice: Drug Efficacy Study Implementation Project Manager (HFD–101), Bureau of Drugs.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–1053, as amended (21 U.S.C. 352, 355)) and under the authority delegated to the Director of the Bureau of Drugs (21 CFR 5.31) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)).

Dated: August 5, 1976.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.76–23625 Filed 8–12–76;8:45 am]

[Docket No. 76N–0281; DESI 8943]

CERTAIN CARBONIC ANHYDRASE INHIBITORS

Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice and Opportunity for Hearing

In a notice (DESI 8943; Docket No. FDC–D–306 (now Docket No. 76N–0281)) published in the FEDERAL REGISTER, July 25, 1972 (37 FR 14828), the Food and Drug Administration announced its conclusions that the drug products described below containing dichlorphenamide are effective in the adjunctive treatment of glaucoma, and the drug product containing ethoxzolamide is effective in the adjunctive treatment of glaucoma and edema due to congestive heart failure. The drug products were also classified as less than effective (possibly effective, probably effective, and lacking substantial evidence of effectiveness) for certain other indications. The notice provided an opportunity for hearing for the indications concluded at that time to lack substantial evidence of effectiveness. No person submitted data in support of the probably effective or possibly effective indications, and they are now reclassified as lacking substantial evidence of effectiveness. The holders of the new drug applications listed below have deleted all less-than-effective indications from the labeling of the drug products. This notice offers an opportunity for hearing concerning the probably effective and possibly effective indications, which are now reclassified as lacking substantial evidence of effectiveness, and states the conditions for marketing the drugs for the indications for which they continue to be regarded as effective. Persons who wish to request a hearing may do so on or before September 13, 1976. Other products included in the July 25, 1972 notice are not affected by this notice.

The notice that follows does not pertain to the indications stated in the July 25, 1972 notice to lack substantial evidence of effectiveness. No person requested a hearing concerning them, and they are no longer allowable in labeling. Any such product labeled for those indications is subject to regulatory action.

1. NDA 11–047; Cardrase Tablets containing ethoxzolamide; The Upjohn Co., 7171 Portage Rd., Kalamazoo, MI 49002.

2. NDA 12–499; Oratrol Tablets containing dichlorphenamide; Alcon Laboratories, Inc., 6201 S. Freeway Rd., Box 1959, Ft. Worth, TX 76101.

3. NDA 11–366; Daranide Tablets containing dichlorphenamide; Merck Sharp & Dohme, Division of Merck & Co., Inc., West Point, PA 19486.

4. NDA 16–144; Ethamide Tablets containing ethoxzolamide; Allergan Pharmaceuticals, Inc., 2525 DuPont Dr., P.O. Box DP, Irvine, CA 92664 (NDA 16–144 was approved after publication of the July 25, 1972 notice. Although it was not included in that notice, the conclusions described herein apply to it.)

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. An approved new drug application is a requirement for marketing such drug products.

In addition to the holder(s) of the new drug application(s) specifically named above, this notice applies to all persons who manufacture or distribute a drug product, not the subject of an approved new drug application, that is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD–310), 5600 Fishers Lane, Rockville, MD 20852.

A. *Effectiveness classification.* The Food and Drug Administration has reviewed all available evidence and concludes that the drugs are effective for the indications listed in the labeling conditions below. The drugs now lack substantial evidence of effectiveness for the indications evaluated as probably effective and possibly effective in the July 25, 1972 notice.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* The drug is in conventional tablet form suitable for oral administration.

2. *Labeling conditions.* a. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the act and regulations, and the labeling bears adequate information for safe and effective use of the drug. The Indications are of follows:

ETHOXZOLAMIDE

The adjunctive treatment of: edema due to congestive heart failure; chronic simple (open angle) glaucoma, secondary glaucoma, and preoperatively in acute angle closure glaucoma where delay of surgery is desired in order to lower intraocular pressure.

DICHLORPHENAMIDE

For adjunctive treatment of: chronic simple (open angle) glaucoma, secondary glaucoma, and preoperatively in acute angle closure glaucoma where delay of surgery is desired in order to lower intraocular pressure.

3. *Marketing status.* a. Marketing of such drug product that is now the subject of an approved or effective new drug application may be continued provided that, on or before October 12, 1976, the holder of the application submits, if he has not previously done so, (i) a supplement for revised labeling as needed to be in accord with the labeling conditions described in this notice, and complete container labeling if current container labeling has not been submitted, and (ii) a supplement to provide updating information with respect to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD–356H (21 CFR 314.1(c))) to the extent required in abbreviated applications (21 CFR 314.1(f)).

b. Approval of an abbreviated new drug application (21 CFR 314.1(f)) must be obtained prior to marketing such product. Marketing prior to approval of a new drug application will subject such products, and those persons who caused the products to be marketed, to regulatory action.

C. *Notice of opportunity for hearing.* On the basis of all the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111(a)(5), demonstrating the effectiveness of the drug(s) for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice.

Notice is given to the holder(s) of the new drug application(s), and to all other interested persons, that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application(s) and all amendments and supplements thereto providing for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have all the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. An order withdrawing approval will not issue with respect to any application(s) supplemented, in accord with this notice, to delete the claim(s) lacking substantial evidence of effectiveness.

In addition to the ground for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6), e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310.314), the applicant(s) and all other persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above (21 CFR 310.6), are hereby given an opportunity for a hearing to show why approval of the new drug application(s) providing for the claim(s) involved should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and all identical, related, or similar drug products.

If an applicant or any person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before September 13, 1976, a written notice of appearance and request for hearing, and (2) on or before October 12, 1976, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this proposal to withdraw approval. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of such drug product. Any such drug product labeled for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice of opportunity for hearing shall be filed in quintuplicate. Such submissions, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk (address given below) during working hours, Monday through Friday.

Communications forwarded in response to this notice should be identified with the reference number DESI 8943, directed to the attention of the appropriate office named below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

Supplements (identify with NDA number): Division of Anti-Infective Drug Products (HFD–140), Rm. 12B–23, Bureau of Drugs.

Original abbreviated new drug applications (identify as such): Division of

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Generic Drug Monographs (HFD-530), Bureau of Drugs.

Request for Hearing (identify with Docket number appearing in the heading of this notice): Hearing Clerk, Food and Drug Administration (HFC-20), Rm. 4-65.

Requests for the report of the National Academy of Sciences-National Research Council: Data Preparation Branch (HFD-614). Division of Drug Information Resources, Bureau of Drugs.

Other communications regarding this notice: Drug Efficacy Study Implementation Project Manager (HFD-101), Bureau of Drugs.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-1053, as amended (21 U.S.C. 352, 355)) and under the authority delegated to the Director of the Bureau of Drugs (21 CFR 5.31) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)).

Dated: August 5, 1976.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc 76-23627 Filed 8-12-76;8:45 am]

[Docket No. 76N-0312; DESI's 7913 and 9130]

CERTAIN STEROID PREPARATIONS FOR OPHTHALMIC AND/OR OTIC USE

Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice and Opportunity for Hearing

In a notice (DESI 9130; Docket No. FDC-D-221 (now Docket No. 76N-0312)) published in the FEDERAL REGISTER of August 26, 1970 (35 FR 13605), and in a subsequent notice (DESI 7913; Docket No. FDC-D-323 (now also Docket No. 76N-0312)) published in the FEDERAL REGISTER of October 22, 1971 (36 FR 20451), the Food and Drug Administration announced its conclusions that certain steroid preparations described below are effective for the treatment of various inflammatory disorders of the eye and/or ear. The notices also classified the preparations as less than effective (probably effective, possibly effective, and lacking substantial evidence of effectiveness) for certain other indications and provided an opportunity for hearing for the indications concluded at that time to lack substantial evidence of effectiveness. No person submitted data in support of the probably or possibly effective indications, and they are now reclassified as lacking substantial evidence of effectiveness. This notice offers an opportunity for hearing concerning the probably effective and possibly effective indications, which are now reclassified as lacking substantial evidence of effectiveness, and states the conditions for marketing the drugs for the indications for which they continue to be regarded as effective. Persons who wish to request a hearing may do so on or before September 13, 1976.

The notice that follows does not pertain to the indications stated in the August 26, 1970 or the October 22, 1971 notices to lack substantial evidence of effectiveness. No person requested a hearing concerning them, and they are no longer allowable in labeling. Any such product labeled for those indications is subject to regulatory action.

1. NDA 8-765; Cortisone Acetate Ophthalmic Ointment containing 1.5 percent cortisone acetate; The Upjohn Co., 7171 Portage Rd., Kalamazoo, MI 49002.

2. That part of NDA 7-913 pertaining to Cortone Acetate Ophthalmic Suspension containing 0.5 percent cortisone acetate; Merck Sharp & Dohme, Division of Merck & Co., Inc., West Point, PA 19486.

3. NDA 9-018; Hydrocortone Ophthalmic Ointment containing 1.5 percent hydrocortisone acetate and Suspension containing 0.5 percent and 2.5 percent hydrocortisone acetate; Merck Sharp & Dohme.

4. NDA 10-231; Hydrin-2 Ophthalmic Suspension containing 2 percent hydrocortisone acetate; Riker Laboratories, Inc., Subsidiary 3M Co., 19901 Nordhoff St., Northridge, CA 91324.

5. NDA 10-645; Optef Eye Drops containing 0.2 percent hydrocortisone; The Upjohn Co.

6. NDA 9-130; Cortril Ophthalmic Ointment containnig 0.5 percent and 2.5 percent hydrocortisone acetate; Pfizer Laboratories, Division Pfizer Inc., 235 E. 42d St., New York, NY 10017.

7. NDA 9-825; Isopto Hydrocortisone Eye Drops containing 0.5 percent and 2.5 percent hydrocortisone with hydroxypropyl methylcellulose; Alcon Laboratories, Inc., 6201 S. Freeway, Box 1959, Ft. Worth, TX 76101.

8. NDA 10-639; Hydeltrasol Ophthalmic Solution containing 0.5 percent prednisolone sodium phosphate; Merck Sharp & Dohme.

9. NDA 11-028; Hydeltrasol Ophthalmic Ointment containing 0.25 percent prednisolone sodium phosphate; Merck Sharp & Dohme.

10. NDA 13-422; Maxidex Ophthalmic Solution containing 0.1 percent dexamethasone; Alcon Laboratories, Inc.

11. NDA 11-984; Decadron Phosphate Ophthalmic Solution containing 0.1 percent dexamethasone sodium phosphate; Merck Sharp & Dohme.

12. NDA 11-977; Decadron Phosphate Ophthalmic Ointment containing 0.05 percent dexamethasone sodium phosphate; Merck Sharp & Dohme.

The following drug products were not included in the August 26, 1970 or the October 22, 1971 notices, but the conclusions described in this notice are applicable to them.

1. NDA 9-816; Cortef Aectate Ophthalmic and Otic Suspension containing hydrocortisone acetate; The Upjohn Co.

2. NDA 9-817; Cortef Acetate Opthalmic Ointment containing hydrocortisone acetate; The Upjohn Co.

3. That part of NDA 10-439 pertaining to Isopto P.H.N. Opthalmic Solution containing hydrocortisone or hydrocortisone acetate; Alcon Laboratories, Inc.

4. NDA 8-054; Cortogen Ophthalmic Suspension containing cortisone acetate; Schering Corp., Galloping Hill Rd., Kenilworth, NJ 07033.

5. NDA 9-841; Isopto Cortisone Ophthalmic Suspension containing cortisone acetate; Alcon Laboratories, Inc.

6. NDA 10-776; Delta Cortef Eye Solution containing prednisolone acetate; The Upjohn Co.

7. That part of NDA 7-913 pertaining to Cortone Acetate Ophthalmic Ointment containing cortisone acetate; Merck, Sharp & Dohme.

In a notice published in the FEDERAL REGISTER of October 27, 1971 (36 FR 20619), the approval of NDA 7-913 for Cortone Acetate Ophthalmic Ointment and Suspension was withdrawn on the ground of failure to submit required reports under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)). At the time that notice was published, no final conclusions concerning its less than effective (probably effective) indication had been reached. Those conclusions have now been reached, and the purpose of including Cortone (cortisone acetate) Ophthalmic Ointment and Suspension in this notice is to inform all interested persons of such conclusions and offer them the opportunity to request a hearing concerning all issues relating to its legal status.

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. An approved new drug application is a requirement for marketing such drug products.

In addition to the holder(s) of the new drug application(s) specifically named above, this notice applies to all persons who manufacture or distribute a drug product, not the subject of an approved new drug application, that is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice to determine whether it covers any drug product he manufacturers or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufacturers or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD-310), 5600 Fishers Lane, Rockville, MD 20852.

A. *Effectiveness classification.* The Food and Drug Administration has reviewed all available evidence and concludes that the drugs are effective for the indications listed in the labeling conditions below. The drugs now lack substantial evidence of effectiveness for the indications evaluated as probably or possibly effective in the August 26, 1970 and the October 22, 1971 notices. The probably effective indications in the October 22, 1971 notice included the otic indication for dexamethasone sodium phosphate 0.05 percent. This 0.05 percent strength of dexamethasone sodium phosphate now lacks substantial evidence of effectiveness for the otic indication.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein, except that abbreviated applications are not appropriate for hydrocortisone preparations for otic use containing less than 0.5 percent hydrocortisone since such low strengths have not been shown to be effective for that route of administration. The manufacturer's labeling for the product described in this notice that contains 0.2 percent hydrocortisone does not recommend the product for otic use.

1. *Form of drug.* The drugs are in ointment, aqueous solution, or aqueous suspension forms formulated to be suitable for the intended route of administration. Dosage forms for ophthalmic use shall be sterile.

2. *Labeling conditions.* a. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription." Labels for ophthalmic preparations state that the preparation is sterile.

b. The drug is labeled to comply with all requirements of the act and regulations, and the labeling bears adequate information for safe and effective use of the drug. The Indications are as follows:

OPHTHALMIC

Steroid responsive inflammatory conditions of the palpebral and bulbar conjunctiva, cornea, and anterior segment of the globe, such as allergic conjunctivitis, acne rosacea, superficial punctate keratitis, herpes zoster keratitis, iritis, cyclitis, selected infective conjunctivitis when the inherent hazard of steroid use is accepted to obtain an advisable diminution in edema and inflammation: corneal injury for chemical or thermal burns, or penetration of foreign bodies.

OTIC

(For all except the 0.05 percent dexamethasone sodium phosphate)

Steroid responsive inflammatory conditions of the external auditory meatus, such as allergic otitis externa, selected purulent and nonpurulent infective otitis externa when the hazard of steroid use is accepted to obtain an advisable diminution in edema and inflammation.

3. *Marketing status.* a. Marketing of drug products that are now the subject of an approved or effective new drug application may be continued provided that, on or before October 12, 1976, the holder of the application submits, if he has not previously done so, (1) a supplement for revised labeling as needed to be in accord with the labeling conditions described in this notice, and complete container labeling if current container labeling has not been submitted, and (ii) a supplement to provide updating information with respect to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD-356H (21 CFR 314.1(c)) to the extent required in abbreviated applications (21 CFR 314.1(f)).

b. Approval of an abbreviated new drug application (21 CFR 314.1(f)) must be obtained prior to marketing such product. Marketing prior to approval of a new drug application will subject such products, and those persons who caused the products to be marketed, to regulatory action.

C. *Notice of opportunity for hearing.* On the basis of all the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111(a)(5), demonstrating the effectiveness of the drug(s) for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice.

Notice is given to the holder(s) of the new drug application(s), and to all other interested persons, that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application(s) (or, if indicated above, those parts of the application(s) providing for the drug product(s) listed above) and all amendments and supplements thereto providing for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have all the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. An order withdrawing approval will not issue with respect to any application(s) supplemented, in accord with this notice, to delete the claim(s) lacking substantial evidence of effectiveness.

In addition to the ground for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6), e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310, 314), the applicant(s) and all other persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above (21 CFR 310.6), are hereby given an opportunity for a hearing to show why approval of the new drug application(s) providing for the claim(s) involved should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and all identical, related, or similar drug products.

If an applicant or any person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before September 13, 1976, a written notice of appearance and request for hearing, and (2) on or before October 12, 1976, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this proposal to withdraw approval. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of such drug product. Any such drug product labeled for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s)

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who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice of opportunity for hearing shall be filed in quintuplicate. Such submissions, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk (address given below) during working hours, Monday through Friday.

Communications forwarded in response to this notice should be identified with the reference number DESI 7913 or 9130, as appropriate, directed to the attention of the appropriate office named below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

Supplements (identify with NDA number): Division of Anti-Infective Drug Products (HFD–140), Rm. 12B–45, Bureau of Drugs.

Original abbreviated new drug applications (identify as such): Division of Generic Drug Monographs (HFD-530), Bureau of Drugs.

Request for Hearing (identify with Docket number appearing in the heading of this notice): Hearing Clerk, Food and Drug Administration (HFC–20), Rm. 4–65.

Requests for the report of the National Academy of Sciences-National Research Council: Data Preparation Branch (HFD–614), Division of Drug Information Resources, Bureau of Drugs.

Other communications regarding this notice: Drug Efficacy Study Implementation Project Manager (HFD–101), Bureau of Drugs.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–1053, as amended (21 U.S.C. 352, 355)) and under the authority delegated to the Director of the Bureau of Drugs (21 CFR 5.31) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)).

Dated: August 5, 1976.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.76–23623 Filed 8–12–76;8:45 am]

[FDA–225–76–2003]

FOOD, FOOD CONTAINERS, AND FOOD-RELATED ARTICLES AND EQUIPMENT

Memorandum of Understanding With Consumer Product Safety Commission

The Food and Drug Administration is announcing that a Memorandum of Understanding has been executed with the Consumer Product Safety Commission on July 26, 1976. The purpose of the memorandum is to delineate areas of jurisdiction in the administration of the Consumer Product Safety Act and the Federal Food, Drug, and Cosmetic Act with respect to food, food containers, and food-related articles and equipment.

Pursuant to the announcement published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697) that future memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs is issuing this notice.

MEMORANDUM OF UNDERSTANDING
BETWEEN THE
CONSUMER PRODUCT SAFETY COMMISSION
AND THE
FOOD AND DRUG ADMINISTRATION

PURPOSE

The purpose of this Memorandum of Understanding is to delineate the areas of jurisdiction of the respective signatories for administration of the Consumer Product Safety Act and the Federal Food, Drug, and Cosmetic Act with respect to food, food containers, and food-related articles and equipment.

LEGAL BACKGROUND

A. *CPSC Responsibilities.* The Consumer Product Safety Commission (CPSC) administers the Consumer Product Safety Act (CPSA) (15 U.S.C. 2051 *et seq.*), which was enacted to protect the public from unreasonable risks of injury associated with consumer products. In order to accomplish its mission the Commission is authorized, among other things to issue consumer product safety standards, to establish requirements for warnings and instructions, to declare consumer products banned hazardous products when the public cannot be protected adequately by feasible consumer product safety standards, and to require manufacturers, distributors, and retailers to report potential substantial product hazards associated with consumer products to the Commission, and after opportunity for a hearing, to give notice, and/or repair, replace, or refund the purchase price of the consumer product found to present a substantial product hazard.

The term "consumer product" is defined in section 3(a)(1) of the CPSA (15 U.S.C. 2052(a)(1)) as follows:

The term "consumer product" means any article, or component part thereof, produced or distributed (i) for sale to a consumer for use in or around a permanent or temporary household or residence, a school, in recreation, or otherwise, or (ii) for the personal use, consumption or enjoyment of a consumer in or around a permanent or temporary household or residence, a school, in recreation, or otherwise; but such term does not include—* * *

(I) food, The term "food" as used in this subparagraph means all "food", as defined in section 201(f) of the Federal Food, Drug, and Cosmetic Act, * * *

Thus, articles classified as "food" under the Federal Food, Drug, and Cosmetic Act (FDC Act) (21 U.S.C. 301 et seq.) are not "consumer products" and cannot be regulated under the CPSA.[1] The definition of the term "food" in Section 201(f) of the FDC Act (21 U.S.C. 321(f)) is, therefore, critical in delineating the scope of CPSC's jurisdiction over "consumer products":

The term "food" means (1) articles used for food or drink for man or other animals, (2) chewing gum, and (3) articles used for components of any such article.

B. *FDA Responsibilities.* The Food and Drug Administration (FDA) of the Department of Health, Education, and Welfare has the responsibility for enforcing the FDC Act which, among other things, prohibits the introduction into interstate commerce of articles of food that are adulterated or misbranded. An "adulterated food", as described in section 402 (21 U.S.C. 342), is one which, because of its contents is, among other things, injurious to health or otherwise unfit for food. A "misbranded food", under section 403 of the Act (21 U.S.C. 343), is one which, among other things, is false or misleading in any particular of its labeling. The purpose of the FDC Act is to ensure that foods are wholesome, safe to eat, produced under sanitary conditions, and labeled and packaged in a truthful, informative, and nondeceptive manner. Under the FDC Act, FDA is also responsible for ensuring that "food additives", as defined in section 201(s) (21 U.S.C. 321(s)), are safe under the conditions of their intended use.

NEED FOR CLARIFICATION

The need for this Memorandum of Understanding arose because of uncertainty concerning the scope of the statutory exclusion under the CPSA for all articles defined as "food" by the FDC Act. The need for clarification is acute because determination of whether a potentially hazardous consumer article is a "food" determines as well whether consumers are to be protected from risk of injury or illness by CPSC pursuant to the CPSA or by FDA pursuant to the FDC Act. Congress recognized the need for cooperation between CPSC and other federal agencies when, in section 29(c) of the CPSA (15 U.S.C. 2078(c)), it provided that the Commission and the heads of other departments and agencies engaged in administering programs related to product safety shall, to the maximum extent practicable, cooperate and consult in order to insure fully coordinated efforts.

While this Memorandum addresses the significant food-related jurisdictional issues encountered since enactment of the CPSA in 1972, it is recognized by the two agencies that additional points needing clarification may arise in the future and that changes in this agreement may become necessary.

AGREEMENT

CPSC and FDA have agreed upon the following principles:

[1] Substances which are "foods" subject to the FDC Act are also excluded from the definition of "hazardous substance" under section 2(f)2 of the Federal Hazardous Substances Act (15 U.S.C. 1261(f)2). They therefore cannot be regulated by CPSC under that Act. However, under section 2(2)(C) of the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471(2)(C)), "food" may be made subject by CPSC to a child-resistant (special) packaging requirement.

A. *Aerosol Propellants.* Aerosol propellants included in a food product may be substantially dissipated before the food is ingested. Nevertheless, they are "components" of food and thus "food" within the meaning of the FDC Act and subject to regulation by FDA.

B. *Food Contact Surfaces (Migration).* Articles having food contact surfaces, such as food containers, and food cooking, eating, and preparation articles, from which there is migration of a substance from the contact surface to the food are food "components" and thus "food" within the meaning of the FDC Act and subject to regulation by FDA. *Natick Paperboard Co. v. Weinberger*, 525 F. 2d 1102 (1st Cir. 1975); *United States v. Articles of Food Pottery*, 370 F. Supp. 371 (E.D. Mich. 1974). However, in any case where there is migration, FDA will have regulatory authority over the article as a "food", and CPSC will have regulatory authority over the article for hazards unrelated to migration (see paragraph C below).

C. *Food Contact Surfaces (No "Migration").* Articles employed in the preparation or holding of food may cause contamination or spoilage without migrating or otherwise becoming a component of the food, e.g., home canning equipment that fails to provide a seal adequate to keep air from passing into stored food; pressure cookers, slow cookers, refrigerators, or freezers which fail to perform at proper temperatures, thereby rendering food unfit to eat; can openers which, in opening a can, cause metal particles from the can (not from the can opener) to be deposited in food. Because such articles do not present a hazard by becoming components of food, they are subject to regulation as "consumer products" by CPSC under the CPSA. (FDA may, of course, take action under the FDC Act against food contaminated or spoiled by such articles if interstate commerce is involved. FDA may also regulate the equipment and procedures employed by commercial processors of food which has been or is to be shipped in interstate commerce when necessary to assure the wholesomeness or safety of such food.)

D. *Food Containers (Mechanical Hazards).* Food containers may present mechanical risks of injury not related to food contamination or spoilage, e.g., a defect in the container which leads to an explosion or breakage of the container, sharp edges presented by the container, defects in the nozzle, etc. Because such articles do not present hazards by becoming components of food, they are subject to regulation by CPSC under the CPSA. Such articles may also be subject to overlapping jurisdiction of FDA under the FDC Act, because FDA has jurisdiction over a food container (even where the container is not a food) which "is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents (food) injurious to health," and because FDA has jurisdiction as well over a food which "bears * * * any * * * deleterious substance" (Sec. 402(a)(1), (6) of the FDC Act, 21 U.S.C. 342(a)(1), (6)).

E. *Technical Assistance.* The Food and Drug Administration will provide, upon the request of CPSC, technical assistance, such as evaluation of sealing efficiency of home canning lids, where FDA determines that it has the technical and laboratory capability to provide such assistance. Results of all evaluations will be reported to CPSC.

F. *Future Jurisdictional Questions.* Each agency will fully cooperate with the other in administrative, regulatory, and technical matters, and will continue to discuss and reach understandings in future jurisdictional questions. This agreement may be modified by mutual consent of both parties, and may be terminated by either party upon a thirty (30) day advance written notice to the other. Any modification or notice of termination will be published in the FEDERAL REGISTER.

For the Consumer Product Safety Commission:

S. JOHN BYINGTON,
Chairman.

Dated: July 23, 1976.

For the Food and Drug Administration:

SHERWIN GARDNER,
for Alexander M. Schmidt, M.D.
Commissioner of Food and Drugs.

Dated: July 26, 1976.

Effective date: This Memorandum of Understanding became effective July 26, 1976.

Dated: August 9, 1976.

JOSEPH P. HILE,
Acting Associate Commissioner for Compliance.

[FR Doc.76–23629 Filed 8–12–76;8:45 am]

[Docket No. 76N–0316; DESI 11657]

PROPIOLACTONE FOR STERILIZATION

Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice and Opportunity for Hearing

In a notice (DESI 11657; Docket No. FDC–D–305 (now Docket No. 76N–0316)) published in the FEDERAL REGISTER of July 17, 1971 (36 FR 13285), the Food and Drug Administration announced its conclusions that the drug product described below is effective for the sterilization of arterial and osseous (bone) tissue grafts and rabies vaccine. The drug product was also classified as possibly effective for the sterilization of other vaccines and lacking substantial evidence of effectiveness for certain other indications. The notice provided an opportunity for hearing for the indications lacking substantial evidence of effectiveness. No person requested a hearing. The manufacturer of the drug product has deleted the indications classified as possibly effective and lacking substantial evidence of effectiveness. No data were submitted in support of the possibly effective indication.

This notice offers an opportunity for hearing concerning the possibly effective indication, which is now reclassified as lacking substantial evidence of effectiveness, and sets forth the conditions for marketing the drug for the indications for which it continues to be regarded as effective. Persons who wish to request a hearing may do so on or before September 13, 1976.

The notice that follows does not pertain to the indications stated in the July 17, 1971 notice to lack substantial evidence of effectiveness. No person requested a hearing concerning those indications, and they are no longer allowable in labeling. Any such drug product labeled for those indications is subject to regulatory action.

NDA 11–657; Betaprone containing propiolactone; Fellows Medical Division, Chromalloy Inc., 12741 Capital Ave., Oak Park, MI 48237.

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. An approved new drug application is a requirement for marketing such drug products.

In addition to the holder(s) of the new drug application(s) specifically named above, this notice applies to all persons who manufacture or distribute a drug product, not the subject of an approved new drug application, that is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD–310), 5600 Fishers Lane, Rockville, MD 20852.

A. *Effectiveness classification.* The Food and Drug Administration has reviewed all available evidence and concludes that the drug is effective for the indications listed in the labeling conditions below and lacks substantial evidence of effectiveness for all its other labeled indications.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* The drug is in liquid form suitable for sterilization of biological materials (not to be used as an injection for humans or animals).

2. *Labeling conditions.* a. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the act and regulations, and the labeling bears adequate information for safe and effective use of the drug. The indications are as follows:

Propiolactone is indicated for the sterilization of (a) arterial and osseous

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(bone) tissue grafts; and (b) rabies vaccine.

3. *Marketing status.* a. Marketing of such drug products that are now the subject of an approved or effective new drug application may be continued provided that, on or before October 12, 1976 the holder of the application submits, if he has not previously done so, (i) a supplement for revised labeling as needed to be in accord with the labeling conditions described in this notice, and complete contafner labeling if current container labeling has not been submitted, and (ii) a supplement to provide updating information with respect to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD–356H (21 CFR 314.1(c)) to the extent required in abbreviated applications (21 CFR 314.1(f)).

b. Approval of an abbreviated new drug application (21 CFR 314.1(f)) must be obtained prior to marketing such product. Marketing prior to approval of a new drug application will subject such products, and those persons who caused the products to be marketed, to regulatory action.

C. *Notice of opportunity for hearing.* On the basis of all the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111 (a)(5), demonstrating the effectiveness of the drug(s) for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice.

Notice is given to the holder(s) of the new drug application(s), and to all other interested persons, that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application(s) and all amendments and supplements thereto providing for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have all the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. An order withdrawing approval will not issue with respect to any application(s) supplemented, in accord with this notice, to delete the claim(s) lacking substantial evidence of effectiveness.

In addition to the ground for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6), e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310, 314), the applicant(s) and all other persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above (21 CFR 310.6), are hereby given an opportunity for a hearing to show why approval of the new drug application(s) providing for the claim(s) involved should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and all identical, related, or similar drug products.

If an applicant or any person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before September 13, 1976, a written notice of appearance and request for hearing, and (2) on or before October 12, 1976, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this proposal to withdraw approval. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of such drug product. Any such drug product labeled for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice of opportunity for hearing shall be filed in quintuplicate. Such submissions, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk (address given below) during working hours, Monday through Friday.

Communications forwarded in response to this notice should be identified with the reference number DESI 11657, directed to the attention of the appropriate office named below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

Supplements (identify with NDA number): Division of Surgical-Dental Drug Products (HFD–160), Rm. 18B–08, Bureau of Drugs.

Original abbreviated new drug applications (identify as such): Division of Generic Drug Monographs (HFD–530), Bureau of Drugs.

Request for Hearing (identify with Docket number appearing in the heading of this notice): Hearing Clerk, Food and Drug Administration (HFC–20, Rm. 4–65.

Requests for the report of the National Academy of Sciences-National Research Council: Data Preparation Branch (HFD–614), Division of Drug Information Resources, Bureau of Drugs.

Other communications regarding this notice: Drug Efficacy Study Implementation Project Manager (HFD–101), Bureau of Drugs.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–1053, as amended (21 U.S.C. 352, 355)) and under the authority delegated to the Director of the Bureau of Drugs (21 CFR 5.31) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)).

Dated: August 5, 1976.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.76–23624 Filed 8–12–76;8:45 am]

[Docket No. 76N–0319; DESI 5319]

RADIOPAQUE MEDIUM CONTAINING SODIUM ACETRIZOATE AND POVIDONE

Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice and Opportunity for Hearing

In a notice (DESI 5319; Docket No. FDC–D–310 (now Docket No. 76N–0319)) published in the FEDERAL REGISTER of June 18, 1971 (36 FR 11765), the Food and Drug Administration announced its conclusions that the drug product described below is effective in hysterosalpingography and possibly effective for the mechanical release of tubal obstruction. The manufacturer of the drug product has deleted the possibly effective indication from the labeling. No person has submitted any data in support of the possibly effective indication, and that indication is now reclassified as lacking substantial evidence of effectiveness. This notice offers an opportunity for a hearing concerning that indication and sets forth the conditions for marketing the drug product for the indication for which it continues to be regarded as effective. Persons who wish to request a hearing may do so on or before September 13, 1976.

NDA 9–008; Salpix Contrast Medium; containing sodium acetrizoate and povidone; Ortho Pharmaceutical Corp., Rt. 202, Raritan, NJ 08869.

Such drugs are regarded as new drugs (21 U.S.C. 321 (p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. An approved new drug application is a requirement for marketing such drug products.

In addition to the holder(s) of the new drug application(s) specifically named above, this notice applies to all persons who manufacture or distribute a drug product, not the subject of an approved new drug application, that is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD–310), 5600 Fishers Lane, Rockville, MD 20852.

A. *Effectiveness classification.* The Food and Drug Administration has reviewed all available evidence and concludes that the drug is effective for the indications listed in the labeling conditions below. The drug now lacks substantial evidence of effectiveness for the indication evaluated as possibly effective in the June 18, 1971 notice.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* Preparations containing sodium acetrizoate and povidone are in sterile form suitable for hysterosalpingography.

2. *Labeling conditions.* a. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the act and regulations, and the labeling bears adequate information for safe and effective use of the drug. The Indication is as follows:

For use in hysterosalpingography.

3. *Marketing status.* a. Marketing of such drug products that are now the subject of an approved or effective new drug application may be continued provided that, on or before October 12, 1976, the holder of the application submits, if he has not previously done so, (i) a supplement for revised labeling as needed to be in accord with the labeling conditions described in this notice, and complete container labeling if current container labeling has not been submitted, and (ii) a supplement to provide updating information with respect to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD–356H (21 CFR 314.1(c)) to the extent required in abbreviated applications (21 CFR 314.1 (f)).

b. Approval of an abbreviated new drug application (21 CFR 314.1(f)) must be obtained prior to marketing such product. Marketing prior to approval of a new drug application will subject such products, and those persons who caused the products to be marketed, to regulatory action.

C. *Notice of opportunity for hearing.* On the basis of all the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111(a)(5), and 21 CFR 300.50, demonstrating the effectiveness of the drug(s) for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice.

Notice is given to the holder(s) of the new drug application(s), and to all other interested persons, that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application(s) and all amendments and supplements thereto providing for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have all the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. An order withdrawing approval will not issue with respect to any application(s) supplemented, in accord with this notice, to delete the claim(s) lacking substantial evidence of effectiveness.

In addition to the ground for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6), e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310, 314), the applicant(s) and all other persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above (21 CFR 310.6), are hereby given an opportunity for a hearing to show why approval of the new drug application(s) providing for the claim(s) involved should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and all identical, related, or similar drug products.

If an applicant or any person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing he shall file (1) on or before September 13, 1976, a written notice of appearance and request for hearing, and (2) on or before October 12, 1976, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this proposal to withdraw approval. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of such drug product. Any such drug product labeled for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

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A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice of opportunity for hearing shall be filed in quintuplicate. Such submissions, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk (address given below) during working hours, Monday through Friday.

Communications forwarded in response to this notice should be identified with the reference number DESI 5319, directed to the attention of the appropriate office named below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

Supplements (identify with NDA number): Division of Oncology and Radiopharmaceutical Drug Products (HFD–150), Rm. 17–34, Bureau of Drugs.

Original abbreviated new drug applications (identify as such): Division of Generic Drug Monographs (HFD–530), Bureau of Drugs.

Request for Hearing (identify with Docket number appearing in the heading of this notice): Hearing Clerk, Food and Drug Administration (HFC–20), Rm. 4–65.

Request for the report of the National Academy of Sciences-National Research Council: Data Preparation Branch (HFD–614), Division of Drug Information Resources, Bureau of Drugs.

Other communications regarding this notice: Drug Efficacy Study Implementation Project Manager (HFD–101), Bureau of Drugs.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–1053, as amended (21 U.S.C. 352, 355)) and under the authority delegated to the Director of the Bureau of Drugs (21 CFR 5.31) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)).

Dated: August 5, 1976.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.76–23626 Filed 8–12–76;8:45 am]

Health Services Administration

APPOINTMENT OF UNIFORMED GUARDS AS SPECIAL POLICEMEN

Delegation of Authority

Notice is hereby given that, in furtherance of the delegation of authority to the Secretary of Health, Education, and Welfare by the Administrator of General Services concerning the appointment of uniformed guards of the Department of Health, Education, and Welfare as special policemen for duty in connection with the policing of the Staten Island, New York, U.S. Public Health Service Hospital (41 FR 19162, May 10, 1976), the following delegation, with authority to redelegate, has been made effective:

1. From the Secretary of Health, Education, and Welfare to the Assistant Secretary for Health, pursuant to the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, and the Act of June 1, 1948 (62 Stat. 281), as amended, authority to appoint uniformed guards as special policemen, to make all needful rules and regulations, and to annex to such rules and regulations such reasonable penalties (not to exceed those prescribed in 40 USC 318(c) as will ensure their enforcement for the protection of persons and property at the U.S. Public Health Service Hospital, Staten Island, New York, over which the United States has exclusive jurisdiction. Such authority to be exercised in accordance with the limitations and requirements of the above cited acts and the policies, procedures, and controls prescribed by the General Services Administration.

Dated: August 5, 1976.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.76–23654 Filed 8–12–76;8:45 am]

Office of Child Support Enforcement

AUDIT AND PENALTY REQUIREMENTS

Availability of Draft Policies

On July 9, 1976, the Office of Child Support Enforcement (OCSE) published in the FEDERAL REGISTER (40 FR 28344) a Notice of Intent to Publish Proposed Regulation on Audit and Penalty Requirements Under Title IV–D of the Social Security Act. OCSE has developed draft proposed regulations preparatory to publication of a Notice of Proposed Rule Making. In order to obtain maximum possible participation in the development of the proposed rule, OCSE is making this draft available commencing August 16, 1976 to interested States organizations and individuals upon request.

Copies may be requested by writing to:

Department of Health, Education, and Welfare, Office of Child Support Enforcement, 330 C St. SW., Washington, D.C. 20201, ATTN: Ms. Dunn

or telephoning (202) 245–8717.

Dated: August 10, 1976.

DON WORTMAN,
Action Director, Office of Child Support Enforcement.

[FR Doc.76–23676 Filed 8–12–76;8:45 am]

Office of the Secretary

[Contract No. HEW—100–76–0133]

DESIGN OF AN ANALYTIC MODEL AND SURVEY INSTRUMENT FOR DATA ON SINGLE-PARENT HOUSEHOLDS FOR A FOLLOW-ON SIE SURVEY

Contract Award

Pursuant to section 606 of the Community Services Act of 1974 (Pub. L. 93–644) 42 U.S.C. 2946, this agency announces the award of Contract No. HEW—100–76–0133 to Radd Associates, Ltd., 1750 Pennsylvania Avenue NW., Suite 301, Washington, D.C. 20006 for a research project entitled, "Design of an Analytic Model and Survey Instrument for Data on Single-Parent Households for a Follow-On SIE Survey." This effort will include: 1) the design of a questionnaire to be administered to a sample of single heads of families, with minor children, identified by the Survey of Income and Education (Bureau of the Census); and 2) the development of a model for analyzing the resulting data. The purpose of the follow-on survey is to generate basic demographic data about this population. The cost of this contract is $9,251.96 and the intended completion date is July 19, 1976.

Dated: August 9, 1976.

WILLIAM A. MORRILL,
Assistant Secretary for Planning and Evaluation.

[FR Doc.76–23656 Filed 8–12–76;8:45 am]

EVALUATION OF PERSONAL CARE ORGANIZATIONS AND OTHER IN-HOME ALTERNATIVES TO NURSING HOME CARE FOR ELDERLY AND LONG-TERM DISABLED

Program Results

Pursuant to section 606 of the Community Services Act of 1974 (Pub. L. 93–644) 42 U.S.C. 2946, this agency announces the results, findings, data, or recommendations reported as a result of activities associated with HEW project entitled, "Evaluation of Personal Care Organizations and Other In-Home Alternatives to Nursing Home Care for the Elderly and Long-Term Disabled."

This final report focused upon the identification, critical assessment and integration of the available evidence concerning the cost-effectiveness and efficiency of in-home alternatives to institutional care. Major findings revealed a lack of standard methodologies and instruments across previous studies, limitations in size of programs, and little variation in location. Because of these limitations, results of these projects will provide only answers in the most qualified sense on the effectiveness and cost-efficiency of alternatives to institutionalization.

Experimentation using local day care and home care projects did not appear feasible due to the negativism exhibited toward randomization among clients in addition to the limited capacity of such projects to significantly alter the scope of their operations.

Finally, this report described requirements of a prospective design to assess alternatives to institutional care. The feasibility of the experimental options was judged on the basis of four factors: technical, contractual, environmental, and financial.

A copy of this report will be filed and available as soon as possible, from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

Dated: August 9, 1976.

WILLIAM A. MORRILL,
Assistant Secretary of Planning and Evaluation.

[FR Doc.76–23660 Filed 8–12–76;8:45 am]

OFFICE OF THE ASSISTANT SECRETARY, COMPTROLLER

Statement of Organization, Functions, and Delegations of Authority

Part 1 of the statement of organization, functions, and delegations of authority for the Department of Health, Education and Welfare, Office of the Secretary, is amended to revise Section 1W0902—Division of Accounting Operations (39 FR 42407, December 5, 1974, as amended). The change is made to expand the mission statement and to reflect the transfer of systems programming and analysis support from the Division of Systems Planning to the Division of Accounting Operations under the Deputy Assistant Secretary, Finance. This change is reflected as follows:

Replace Section 1W0902.00 Mission with the following Section 1W0902.00 Mission. The Division of Accounting Operations provides accounting, financial reporting, and fiscal services for the Office of the Secretary, which includes the Working Capital and Consolidated Funds, Office of Human Development, Departmental Management, Office for Civil Rights and the Office of Consumer Affairs.

Add to Section 1W0902.20 Functions the following:

11. Plans, develops, and maintains the accounting system for the Office of the Secretary.

Dated: August 5, 1976.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.76–23655 Filed 8–12–76;8:45 am]

POLICY ANALYSIS SOURCE BOOK FOR SOCIAL PROGRAMS

Program Results

Pursuant to section 606 of the Community Services Act of 1974 (Pub. L. 93–644) 42 USC 2946, this agency announces the results of the HEW project entitled "The Policy Analysis Source Book for Social Programs." The Source Book was prepared by the National Planning Association under contract to the National Science Foundation's Research Applied to National Needs Program, with support from NSF and HEW's Policy Research Program.

The Source Book is an annotated bibliography of materials analyzing the effectiveness and efficiency of current and alternative social programs, including health, housing, education, income maintenance, transportation, social services, energy, and environmental protection.

The 1,200 page, two volume Source Book contains about 4,000 abstracts, each summarizing the scope and findings of a book, article, or report dealing with social programs or problems. Items were selected on the basis of policy relevance and quality. Indexing is designed to enable a user to find materials using a given methodology such as benefit-cost analysis, or dealing with a specific aspect of program effectiveness such as income distribution effects, regardless of original source or subject field. The book is intended for the desk-side use of policy analysts and evaluators. It provides quick reference to pertinent materials a busy staff person would otherwise never know about.

The basic purpose of the Source Book is to improve the quality of the analysis and information used in reaching social decisions. It is primarily intended for use by Federal government staff, but will also be of value to state and local officials, academic researchers, and others concerned with improving the functioning of social programs.

The approach used in creating the Source Book was to select the small portion of research, analysis, and evaluation most useful and relevant to policy-making. Journals, libraries, bibliographies, and experts were consulted to obtain nominations. No known substitute in coverage or focus exists, since most other systems or collections include all material from specific sources or on a given subject, regardless of its policy relevance.

Copies of the book are available through the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, at a price of $15.00 paperbound.

Dated: August 9, 1976.

WILLIAM A. MORRILL,
Assistant Secretary for Planning and Evaluation.

[FR Doc. 76–23659 Filed 8–12–76;8:45]

[Modification of Contract No. HEW–100–75–0179]

PROJECT SHARE: CAPACITY BUILDING CLEARINGHOUSE

Contract Modification

Pursuant to section 606 of the Community Services Act of 1974 (Pub. L. 93–644) 42 USC 2946, this agency announces the modification of Contract No. HEW–100–75–0179 to Aspen Systems Corporation, 11600 Nabel Street, Rockville, MD 20852, for a research project entitled "Project Share: A National Clearinghouse for Improving the Management of Human Services." The purpose of this project is to meet the need expressed by State and local officials for current information on innovative approaches to planning and managing the delivery of human services by acquiring, announcing, and making available documents relevant to the planning, management, and delivery of human services, by providing a source of documentary and reference services, and by analyzing and synthesizing reports describing human services integration activities. The estimated increase in the contract is $286,834, and the intended completion date is June 30, 1977.

Dated: August 9, 1976.

WILLIAM A. MORRILL,
Assistant Secretary for Planning and Evaluation.

[FR Doc.76–23658 Filed 8–12–76;8:45 am]

[Contract No. HEW–100–76–0170]

RESEARCH ON SOCIAL INSURANCE

Contract Award

Pursuant to section 606 of the Community Services Act of 1974 (Pub. L. 93–644), 42 USC 2946, this agency announces the award of contract No. HEW–100–76–0170 to the National Bureau of Economic Research, Inc., 204 Junipero Serra Boulevard, Stanford, CA 94305. The purpose of this project is to conduct a critical review of the existing literature in social insurance, to identify the major analytical and policy issues, and to conduct research in selected areas where the previous research is inadequate. The estimated cost of this contract is $156,890.00 and the intended completion date is June 30, 1977.

Dated: August 9, 1976.

WILLIAM A. MORRILL,
Assistant Secretary for Planning and Evaluation.

[FR Doc.76–23657 Filed 8–12–76;8:45 am]

YEAR ROUND SCHOOL EVALUATION DESIGN

Program Results

Pursuant to section 606 of the Community Services Act of 1974, (Pub. L. 93–644) 42 USC 2946, this agency announces the results of an HEW project entitled "Year Round School Evaluation Design."

This project reviewed the history of year-round schools in the United States, ascertained the extent of year-round school programs in 1975, reviewed the research literature, and presented case studies of programs; which were planned but never implemented, implemented and discontinued or are ongoing.

Considerable interest and activity in year-round schools at the State and local level was identified and contrasted with a lack of knowledge at the Federal level. The general inadequacy of existing year-round school research was identified and

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a proposed agenda for research at the Federal level was described.

A copy of this report will be available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

Dated: August 9, 1976.

WILLIAM A. MORRILL,
Assistant Secretary for Planning and Evaluation.

[FR Doc.76-23661 Filed 8-12-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N-76-589]

NEWLY CONSTRUCTED HOUSING FOR LOWER-INCOME FAMILIES IN RURAL AREAS

Memorandum of Understanding on Use of Section 8 of the United States Housing Act of 1937 and Section 515 of the Housing Act of 1949

I. INTRODUCTION

For the purpose of encouraging and facilitating the use of assistance under Section 8 of the United States Housing Act of 1937 and Section 515 of the Housing Act of 1949, as amended, to provide newly constructed housing for lower-income families in rural areas, the Department of Agriculture (hereinafter referred to as the Farmers Home Administration (FmHA)) and the Department of Housing and Urban Development (HUD) hereby agree to the policies, procedures and joint working arrangements set forth in this Memorandum. The Secretary of each Department will expedite all necessary actions to implement this Memorandum.

II. PROPERTY STANDARDS

FmHA agrees that any Section 515 Rural Rental Housing Project to be assisted by the Section 8 Housing Assistance Payments Program pursuant to this Memorandum will be in accord with HUD Minimum Property Standards, (7 CFR 1804.-3) and appropriate State and local laws, codes, ordinances and regulations.

III. CONTRACT AND FAIR MARKET RENTS

A. FmHA agrees to provide interest credit on any newly constructed Section 515 project to be assisted by Section 8 housing assistance payments to reduce the effective interest rate applicable to the Section 8 units by one percentage point below the FmHA interest rate in effect for Section 515 loans at the time of loan closing.

B. HUD agrees to accept FmHA certifications on a project-by-project basis that Contract Rents are reasonable based on the quality, location, amenities and management and maintenance services to be provided and do not exceed the applicable Fair Market Rents for newly constructed Section 8 units. HUD will provide the FmHA State Directors on request with the current applicable Fair Market Rents for newly constructed Section 8 units as published in the FEDERAL REGISTER and in effect at the time the certification is made.

C. HUD agrees to provide the FmHA State Directors on request with the current income limits for determining eligibility for the Section 8 program.

IV. SITE AND NEIGHBORHOOD STANDARDS

The site (location) and neighborhood standards to be set forth in the revised FmHA regulations which have been agreed to by HUD and FmHA shall be applicable to all newly constructed Section 515 projects to be assisted by Section 8 housing assistance payments. HUD agrees to accept FmHA's certification as to compliance with such standards on a project-by-project basis.

V. EQUAL OPPORTUNITY REQUIREMENTS

A. FmHA agrees to assure compliance with Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Orders 11063 and 11246, and Section 3 of the Housing and Urban Development Act of 1968 and will issue regulations pursuant thereto.

B. HUD agrees to accept certifications from FmHA that projects approved by FmHA will be developed and operated in accordance with the provisions of paragraph V(A) above.

VI. ENVIRONMENTAL STANDARDS

A. HUD and FmHA have issued regulations to implement the National Environmental Policy Act (NEPA) in accordance with guidelines issued by the Council on Environmental Quality (CEQ). HUD and FmHA agree to discuss their environmental regulations, procedures and forms to achieve uniform thresholds and forms.

B. FmHA shall comply with NEPA and all rules, regulations and requirements issued by FmHA pursuant thereto including:

1. Environmental assessments will be made for such projects with 5 or more units;

2. The suitability and effect of the existing environment will be considered for each project for which an assessment is required, as well as the impacts that would result from a project approval;

3. Proposals shall be rejected if, after appropriate modifications to a proposal, there would remain environmental impacts which are unacceptable under NEPA and FmHA policies.

C. HUD agrees to accept the certification that sites approved by FmHA are in accordance with the provisions of paragraph VI (B) above.

VII. RELOCATION

In the case of a Public Housing Agency (PHA)-Owner project which is to be constructed on a site which has occupants, the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 will be met.

VIII. DAVIS-BACON WAGE RATES

A. FmHA agrees to assure that not less than the wages prevailing in the locality, as predetermined by the Secretary of Labor pursuant to the Davis-Bacon Act (49 Stat. 1011), shall be paid to all laborers and mechanics employed in the development of any new construction project with nine or more assisted units.

B. HUD agrees to accept a certification on a project-by-project basis from FmHA that there will be compliance with the provisions of paragraph VIII (A) above.

IX. OTHER FEDERAL REQUIREMENTS

FmHA agrees to comply with the following requirements:

1. Clean Air and Federal Water Pollution Control Act and all rules and regulations and requirements issued by FmHA pursuant thereto.

2. The National Historic Preservation Act (Pub. L. 89-665), the Archeological and Historic Preservation Act of 1974 (Pub. L. 93-291) and Executive Order 11593 on Protection and Enhancement of the Cultural Environment.

X. DISTRIBUTION OF HOUSING ASSISTANCE FUNDS

A. Housing assistance funds shall be allocated by HUD in accordance with the requirements of Section 213(d)(1) of the Housing and Community Development (HCD) Act of 1974 and HUD regulations pursuant thereto.

B. The HUD field office director, in planning the utilization of housing assistance funds in accordance with the Section 213(d)(1) factors, shall consult with the appropriate FmHA State Director(s) in order that the use of the housing assistance funds be coordinated as nearly as possible with FmHA Section 515 activities.

C. HUD agrees to make a set-aside during Fiscal Year 1976, including the transition quarter, sufficient Section 8 contract authority to assist not less than 4,000 newly constructed dwelling units to be financed by the FmHA under the Section 515 rural rental housing program. Subject to congressional authorization of contract authority, HUD agrees to make a set-aside of such assistance for not less than 10,000 units in subsequent fiscal years.

D. To the extent any Section 8 housing assistance funds set-aside for use with Section 515 projects are not committed to such projects 45 days prior to the end of any fiscal year, HUD may withdraw and redistribute such funds except that HUD will not withdraw any Section 8 funds which FmHA advises HUD will be committed before the end of the fiscal year. Funds shall be deemed to be committed for such projects after receipt and review by HUD of the Form AD-621 (Preapplication for Federal Assistance) and the verification by HUD's Regional Accounting Division of the availability of funds.

XI. BASIC PROCESSING

A. When FmHA has a completed Form AD-621 (Preapplication for Federal Assistance) for a section 515 project for which a commitment for Section 8 assistance is desired, it shall transmit a copy of the completed form and all completed attachments with a covering letter stating that Section 8 is desired. Upon receipt thereof, the HUD field office director shall initiate reviews under Section 213 of the HCD Act, all reviews to establish acceptability under HUD's previous participation requirements, and any reviews necessary to establish consistency with the Section 8 requirements. HUD shall indicate to FmHA any negative information on the proposed project as submitted, the availability of funds and that funding is contingent upon compliance with Section 213 requirements and clearance under the previous participation requirements.

B. Such reports as may be deemed necessary by HUD and FmHA concerning Section 8/Section 515 projects will be provided to HUD.

XII. EXECUTION OF AGREEMENTS TO ENTER INTO HOUSING ASSISTANCE PAYMENTS CONTRACT AND HOUSING ASSISTANCE PAYMENTS CONTRACT

A. HUD will prepare an Agreement to Enter Into Housing Assistance Payments Contract for execution by the owner only after receipt of certifications on a project-by-project basis by FmHA. The certifications to be submitted at this time are as specified in paragraphs III(B), IV, V(B), VI(C), and VIII(B).

B. HUD will prepare a Housing Assistance Payments Contract for execution by HUD and the owner after the project is completed and FmHA submits on a project-by-project basis, certifications that:

1. The project was completed in accordance with the requirements of the Agreement to Enter Into Housing Assistance Payments Contract.

2. The project is in good and tenantable condition.

3. The project has been constructed in substantial compliance with drawings and specifications except for ordinary punchlist items or incomplete work awaiting seasonal opportunity.

4. There has been no change in management capability.

C. If HUD has any information or other substantial reason to question the correctness of any FmHA certification, HUD shall promptly bring the matter to the attention of FmHA and FmHA shall advise HUD of its final determination in the matter.

XIII. HUD REVIEW RESPONSIBILITIES

A. FmHA assumes no responsibility for assuring compliance by the owner with the terms of the Housing Assistance Payments (HAP) Contract. FmHA and HUD agree to attempt to work out procedures for FmHA to assume responsibility for Housing Assistance Payments Contract compliance for Private-Owner and Public Housing Agency-Owner projects.

B. It is understood that to carry out its responsibilities for the administration of the Section 8 program, HUD may audit and review FmHA Section 8 related activities for compliance with outstanding HUD requirements covered by the provisions of this Memorandum of Understanding.

XIV. INTER-DEPARTMENTAL TASK FORCE

FmHA and HUD agree to the establishment of an inter-departmental task force, consisting of Headquarters and field office personnel, which will periodically, and as needed, convene for the purpose of reviewing program issues and recommending solutions thereto to assure the effective coordination of the Section 8 and Section 515 in areas served by the FmHA.

XV. TRAINING

FmHA and HUD agree to make available appropriate personnel to carry out any inter-departmental training that may be necessary to implement an effective combination of the Section 8 and Section 515 programs.

Dated: June 23, 1976.

CARLA A. HILLS,
Secretary of Housing and Urban Development.

EARL L. BUTZ,
Secretary of Agriculture.

[FR Doc.76-23706 Filed 8-12-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 27114 etc.]

PAN AMERICAN WORLD AIRWAYS, INC.-TRANS WORLD AIRLINES, INC.

Route Agreement; Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on September 8, 1976, at 9:30 a.m. (local time), in Room 1003, Hearing Room D, Universal North Building, 1875 Connecticut Avenue, NW., Washington, D.C., before the undersigned.

For information concerning the issues and other details involved in this proceeding, interested persons are referred to Order 76-7-40, dated July 12, 1976, instituting this proceeding, Order 76-8-20, dated August 4, 1976, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., August 9, 1976.

ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc 76-23693 Filed 8-12-76;8:45 am]

[Docket 28848]

WICHITA CASE; IMPROVED AUTHORITY

Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on September 13, 1976, at 9:30 a.m. (local time), in the First Floor Auditorium, Kansas Gas and Electric Company Building, 201 North Market Street, Wichita, Kansas, before the undersigned administrative law judge.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on June 22, 1976, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., August 9, 1976.

GREER M. MURPHY,
Administrative Law Judge.

[FR Doc.76-23692 Filed 8-12-76;8:45 am]

CIVIL SERVICE COMMISSION

ADVISORY COMMITTEE ON ADMINISTRATIVE LAW JUDGES

Establishment

The Advisory Committee on Administrative Law Judges has been established in the public interest by the Chairman of the Civil Service Commission under the authority of 5 U.S.C. 1305 and pursuant to the applicable provisions of the Federal Advisory Committee Act, Pub. L. 92-463.

The purpose of the Committee is to make recommendations to the Civil Service Commission for improvements in managerial effectiveness and utilization of Administrative Law Judges in the Federal Government in connection with recruitment and selection, selective certification procedures, classification, administrative support and facilities, productivity (including processing time and quality of decisional work), standards of performance (including discipline), and trends in legislation requiring formal APA hearings and an increase in the number of Administrative Law Judges.

Copies of the Committee's charter will be filed with Committees of the Congress and with the Library of Congress in accordance with section 9(c) of the Federal Advisory Committee Act. Inquiries regarding this notice may be addressed to Arthur L. Burnett, Assistant General Counsel, Legal Advisory Division, Office of General Counsel, Civil Service Commission.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.76-23635 Filed 8-12-76;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1976

Proposed Addition

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92-28; 85 Stat. 77, of the proposed addition of the following commodity to Procurement List 1976, November 25, 1975 (40 FR 54742).

Class 8465: Bag, Soiled Clothes, Nylon; 8465-00-122-3869.

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Comments and views regarding the proposed addition may be filed with the Committee on or before September 13, 1976. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

This notice is automatically cancelled six months from the date of this FEDERAL REGISTER.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.76-23614 Filed 8-12-76;8:45 am]

PROCUREMENT LIST 1976

Proposed Deletions

Notice is hereby given pursuant to section 2(a) (2) of Pub. L. 92-28; 85 Stat. 77, of the proposed deletion of the following commodities from Procurement List 1976, November 25, 1975 (40 FR 54742).

MILITARY RESALE ITEM NUMBERS AND DESCRIPTIONS

906—Broom, corn
921—Mop, self-wringing
927—Mophead, wet
929—Mop, dusting
930—Applicator, wax
931—Refill, wring easy mop
938—Refill, wax applicator
939—Refill, mophead, dusting
942—Cloth, dish
943—Cloth, dishwashing
953—Scrubber, plastic
967—Bag, laundry
981—Cloth, all purpose
982—Cloth, polishing
984—Cloth, wash
985—Bib, terrycloth
992—Mat, floor
997—Duster, all purpose

Comments and views regarding these proposed deletions may be filed with the Committee on or before September 13, 1976. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

This notice is automatically cancelled six months from the date of this FEDERAL REGISTER.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.76-23673 Filed 8-12-76;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

FOOD, FOOD CONTAINERS, AND FOOD-RELATED ARTICLES AND EQUIPMENT

Memorandum of Understanding With the Food and Drug Administration

CROSS REFERENCE: For a document giving notice of a Memorandum of Understanding between the U.S. Consumer Product Safety Commission and the Food and Drug Administration regarding certain related objectives in carrying out their respective responsibilities in the administration of the Consumer Product Safety Act and the Federal Food, Drug, and Cosmetic Act with respect to food, food containers, and food-related articles and equipment, see FR Doc. 76-28269 appearing at page 34342 of this issue of the FEDERAL REGISTER.

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Receipt

Environmental impact statements received by the Council on Environmental Quality from August 2 through August 6, 1976. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements in forty-five (45) days from this FEDERAL REGISTER notice of availability. (September 27, 1976) The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at cost, from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Coordinator of Environmental, Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 359-A, Washington, D.C. 20250, (202) 447-3965.

FOREST SERVICE

Draft

Magpie-Confederate Planning Unit, Helena N.F., Broadwater, Lewis and Clark Counties, Montana. August 2: Proposed is the implementation of a Multiple Use Plan for the Magpie-Confederate Planning Unit, Helena National Forest. The unit encompasses 83,773 acres of National Forest in the Big Belt Mountains of Montana. The goal of the proposed plan is economic stability of the surrounding community with proper use of resources. Adverse impacts range from those normally associated with complete vegetation removal by clear-cutting and dozer piling, road construction, or mining, to selective removal of grass and forbs by grazing cattle or wildlife. (194 pages) (ELR ORDER No. 61130.)

Ninemile-Mill Unit Plan, Lolo N.F., several Counties in Montana, August 4: The proposed action is for the implementation of a revised multiple use plan for the Ninemile-Mill Planning Unit, Lolo National Forest. This action affects 120,950 acres of National Forest land of which 115,262 acres are in Missoula County, 5,120 acres are in Mineral County, 330 acres are in Lake County, and the remaining 238 acres are in Sanders County. Adverse effects include alteration of the natural landscape and disturbance of the natural condition of vegetation, soil, water, and wildlife. (199 pages) (ELR ORDER No. 61137.)

Gallina Unit Plan, Santa Fe National Forest, Rio Arriba and Sandoval Counties, New Mexico, August 6: Proposed is a management plan for the 59,780 acre Gallina Planning Unit, Santa Fe National Forest. The proposal recognizes the need to continue commodity management at about the current level while continuing the protection of amenity values. Adverse effects include temporary impacts from commodity production resulting in soil disturbance, dust from unsurfaced roads, vegetative debris, and surface erosion when ground cover is reduced (115 pages). (ELR Order No. 61145.)

Final

Twelvemile Unit Land Use Plan, Salmon National Forest, Lemhi County, Idaho, August 2: Proposed is a land use plan for the 54,500 acre Twelvemile Planning Unit, Salmon National Forest, which is located in the north central portion of Idaho. The major environmental effects resulting from project implementation will be due to timber harvest, access road construction, and possible mining activities. Adverse effects include landscape alterations due to implementation of resource activities and some accelerated erosion and water degradation associated with access road construction (206 pages). Comments made by: HUD, DOI, EPA, USDA, State agencies and concerned citizens. (ELR Order No. 61124.)

Long Park Reservoir, Daggett County, Utah, August 2: The proposed project provides for constructing an earth filled dam approximately 103 feet high and 725 feet long, located at Long Park in Sections 13, 14, and 15 on National Forest lands within Daggett County, Utah. The reservoir capacity will be about 13,700 acre feet with a surface area of 400 acres. Adverse effects include the inundation of about 400 acres of timber and forage producing land, and considerable soil disturbance. (102 pages). Comments made by: DOI, USDA, State and local agencies, and concerned citizens. (ELR Order No. 61121.)

Salina Planning Unit, Fishlake National Forest, Sevier County, Utah, August 2: Proposed is a Land Use Plan for the 328,990-acre Salina Planning Unit located on the Fishlake National Forest, Utah. Adverse effects include the elimination of vegetative cover by mining, road construction, and heavy recreation pressure. Some wildlife habitat, primarily big game winter range, will be destroyed where the remainder of I-70 is to be constructed. (97 pages.) Comments made by: USDA, DOC, EPA, DOI, FEA, State and local agencies, and concerned citizens. (ELR Order No. 61123.)

Ryan Park Winter Sports Site, Medicine Bow National Forest, Carbon County, Wyo., August 2: Proposed is the allocation of 280 acres of National Forest land adjacent to Ryan Park, Wyoming for a winter sports site. The current allocation of 67 acres for a winter sports site at the nearby Ryan Park Ski Village would be terminated. Adverse effects include the loss of 10 acres of land from wood production, and an increase in the consumption of energy. (155 pages). Comments made by: EPA, DOI, USDA, State and local agencies, and concerned citizens. (ELR Order No. 61116.)

SOIL CONSERVATION SERVICE

Final

Anasco River Watershed, Puerto Rico, August 2: This project entails the construction of flood detention and sediment control structures and 26.62 miles of channel works in the Anasco River Watershed, Puerto Rico. Impacts include the conversion of 145 acres of crop and pasture land into channels, the conversion of 78 acres of crop and pasture land into maintenance berms and spoil areas, relocation of 25 families and 2 farms, loss of agricultural and wildlife use on 88 acres, inundation of 4,720 feet of perennial streams, and increased turbidity in project channels during construction. (114 pages). Comments made by: DOT, HEW, COE, EPA, DOC, HUD, Commonwealth agencies, and private organizations. (ELR Order No. 61129.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Development, Attention: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue, SW., Washington, D.C. 20314. (202) 693-6795.

Draft

Bay Port and Caseville Harbors, Maintenance, Michigan, August 3: Proposed is the maintenance dredging of the navigation channels at Bay Port and Caseville Harbors during May and June of 1977 (FY 1977) to remove the shoaling. It is estimated that about 17,000 cubic yards of unpolluted material must be removed from Bay Port Harbor and about 30,000 cubic yards from Caseville Harbor. Adverse effects include temporary turbid conditions and a decline in water quality in dredging and disposal areas. Aquatic life in both locations will be disturbed or destroyed. (Detroit District) (134 pages). (ELR Order No. 61134.)

Final

Red Rock Dam and Lake, Maintenance, several counties, Iowa, August 2: Proposed is the operation and maintenance of Red Rock Dam and Lake Red Rock which provides flood protection and low-flow augmentation downstream. Adverse impacts include periodic inundation of terrestrial habitat between 725 msl and 780 msl, an estimated 4,400 acre-feet of sediment deposited in the upper reaches of the lake, seasonal fluctuations in Lake levels resulting in an unstable environment for aquatic life, and period inundation of historical and archaeological sites. (Rock Island District) (295 pages) Comments made by: EPA, DOI, DOC, USDA, DOT, HEW, and State and local agencies, and concerned citizens. (ELR Order No. 61118.)

Grand Haven Harbor, Shore Damage Mitigation, Ottawa County Mich., August 4: Proposed is a project to mitigate shore erosion in the vicinity of Grand Haven Harbor that is attributable to the Federal navigation structures at the harbor. Sediment accumulation at the harbor mouth will serve as the unpolluted source of material for seven beach nourishment supply sites. The dredging will cause temporary benthic damage, displacement of fish, night-time nuisance light, exhaust emissions discharge, inconvenience during operations, and associated detraction from the recreational and aesthetic qualities of the area. (Detroit District). (217 pages).

Comments made by: DOI, USDA, DOC, DOT, and FPC. (ELR Order No. 61136.)

Iatan Steam-Electric Generating Facility, Platte County, Mo., August 6: Kansas City Power and Light Company and St. Joseph Light and Power Company have applied for a permit for proposed construction of a 630 Megawatt coal-fired steam-electric generating facility and appurtenant structures on and in the Missouri River near the town of Iatan, Missouri. The project will require the displacement of 2 families. The use of a once-through cooling system would adversely affect plankton, fish, fish eggs, and larvae carried through the system. Some fish would be lost from impingement on the intake screens. Construction disruption would result. (Kansas City District) (204 pages) Comments made by: USDA, HUD, DOC, 2HEW, 2DOI, 2EPA, FPC, and State and local agencies. (ELR Order No. 61149.)

Conchas Lake O&M, Canadian River, San Miguel, County, N. Mex., August 3: Proposed is the continued operation and maintenance of Conchas Lake for irrigation and flood control. Project implementation would involve implementation of the current Master Plan including expansion and upgrading of roads and project lands and landscaping. Adverse effects include the loss of existing vegetation and small animal habitat, and the intermittent inundation of some 13,375 acres. (Albuquerque District). (111 pages). Comments made by: IBWC, DOI, HEW, ERDA, EPA, AHP, USDA. FPC and State agencies. (ELR Order No. 61133.)

Fort Fisher and Vicinity, New Hanover County, N.C., August 6: The statement proposes a project that would preserve the Fort Fisher Historic Site and related facilities by means of a rubble revetment along the entire upland bluff fronting the Site, artificial beach fill, and periodic beach replenishment. Temporary construction disruption would result. (Wilmington District). (98 pages). Comments made by: DOI, DOT, EPA, and State agencies. (ELR Order No. 61147.)

San Juan Harbor, Puerto Rico, August 6: The statement refers to consideration of a plan to deepen, widen, and possibly realign and extend San Juan Harbor navigation channels, turning basins, maneuvering areas, and anchorages, creation of a new anchorage and cruiseship basin and incorporation of Sabana approach channel into the authorized Federal project. Adverse impacts include the destruction of benthic organisms, temporary increased turbidity and some localized increased toxicity. (133 pages). Comments made by: USDA, DOC, DOI, FPC, EPA, DOT, USCG, and Commonwealth agencies. (ELR Order No. 61146.)

Lavon Lake, East York Trinity River, Texas, August 2: The statement refers to the on-going modification of Lavon Lake, East York Trinity River, for increased storage of conservation water. The project is operated for flood control, water conservation, and recreational purposes. Adverse impact of the action includes the commitment of 10,230 acres of agricultural lands to project measures. (Fort Worth District). (144 pages). Comments made by: USCG, USDA, HEW, DOI, and State and local agencies, and concerned citizens. (ERL Order No. 61119.)

Offshore Terminal & Submarine Pipeline, Permit, Virgin Islands, August 6: Proposed is the issuance of a dredge and construction permit to Hess Oil Virgin Islands Corporation (HOVIC) for the purpose of constructing an offshore oil tanker unloading terminal and submarine pipeline approximately 2 miles south of the HOVIC refinery at Limetree Bay, St. Croix. Adverse effects include destruction of 4½ acres of reef coral habitat and killing of some fish by blasting. Suffocation of adjacent corals, benthic algaes, and seagrasses would also occur due to suspended solids. (Jacksonville District) (195 pages). Comments made by: DOC, EPA, DOI, USCG, USDA, and FPC. (ELR Order No. 61148.)

Supplement

Saw Mill River Flood Control (S-2), New York, August 4: The supplement concerns the modified plan for flood control on the Saw Mill River at Yonkers, New York. The modified plan consists of a U-shaped concrete channel in lieu of the vertical sheet pile plan previously recommended. The project will result in the loss of fish and wildlife habitat and the aesthetic effect of the modified appearance of the streams and the land due to the presence of structural works. (New York District). (104 pages). Comments made by: HUD, DOI, EPA, HEW, AHP, and State and local agencies, N.Y. University. (ELR Order No. 61135.)

DEPARTMENT OF DEFENSE

NAVY

Contact: Mr. Peter M. McDavitt, Special Assistant to the Assistant Secretary of the Navy (Installations and Logistics) Washington, D.C. 20350, (202) 692-3227.

Draft

NAS OCEANA/ALF FENTRESS Land Use Zoning, Virginia, August 4: Proposed are restrictive use easements on lands in high accident potential areas and high noise areas adjacent to NAS OCEANA in Virginia Beach, Virginia, and adjacent to ALF FENTRESS in Chesapeake, Virginia. Also proposed is the acquisition, by fee title, of land within the runway clear zone at NAS OCEANA. Adverse effects are expected to be minimal and include a potential reduction of the value and marketability of the land involved, and removal from the city tax rolls of the land to be acquired by fee title. (67 pages). (ELR Order No. 61138.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7258, 451 7th Street, SW., Washington, D.C. 20410, (202) 755-6308.

Draft

White Marsh Joint Venture, Baltimore County, Md., August 4: Proposed is a subdivision of 430 acres with local planning and zoning approval for 3,000 mixed housing units, in White Marsh, Maryland. The residential community is part of a larger 1,500 acre development which will include a 200 acre shopping mall, an office park, and industrial development. Negative impacts include conversion of woodland to urban use, some increase in air pollution and noise levels and increased traffic congestion on local roads. (Region 3). (70 pages). (ELR Order No. 61141.)

104h

The following are Community Development Block Grant statements prepared and circulated directly by applicants pursuant to section 104(h) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local chief executive. (Copies are not available from HUD).

Final

Park Forest—Richton Park Stormwater Retention, Illinois, August 6: Proposed is the construction of one stormwater detention basin in Park Forest Census Tract 8304, Illinois. The project will benefit all persons in the Villages of Park Forest and Richton Park by preventing the flooding that now occurs on the project site and adjacent area, and by increasing active recreational facilities. Adverse effects include disturbance of marshland. (214 pages). Comments made by: EPA, DOI, State agencies, and concerned groups and individuals. (ELR Order No. 61150.)[1]

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260,

[1] CEQ did not receive copies of the draft EIS or publish notice of its availability, but it appears that all other appropriate parties did receive copies by early June. EPA's date of receipt was June 1. In such cases, CEQ counts the review period from EPA's receipt date. Thus the minimum review period for the draft EIS expired on July 15. The 30 day review period for the final EIS begins, as usual, on CEQ's date of receipt, which was August 6.

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Department of the Interior, Washington, D.C. 20240, 202-343-3891.

BUREAU OF LAND MANAGEMENT

Draft

Emery Power Plant, Emery County Utah, August 3: Proposed is the construction and operation of two 420 megawatt coal-fired, steam-electric generating units by the Utah Power and Light Co. in Emery County, Utah. Two 345 Kilovolt transmission lines would deliver power to substations near Camp Williams and Sigurd, with a third line tying the two substations together. The project would meet Class II air quality limitations under the Prevention of Significant Deterioration Regulations, but the plant would be within a 100 mile radius of a number of National Parks, Recreational areas, Monuments and Forests, all of which have the potential of redesignation to a Class I area. (679 pages). (ELR Order No. 61131.)

BUREAU OF OUTDOOR RECREATION

Final

Upper Delaware National Scenic River, Pennsylvania, and New York, August 2: The statement refers to a proposal that 75.4 miles of the Upper Delaware River, between Hancock, New York and Matamoras, Pennsylvania, be included in the National Wild and Scenic River System upon a determination by the Secretary of the Interior that adequate land protection measures have been taken. No significant adverse effects are anticipated on ecological systems. (176 pages). Comments made by: DOI, USDA, DOD, HUD, EPA, FPC, TVA, State and local agencies, and concerned citizens. (ELR Order No. 61127.)

New River Gorge, National Wild and Scenic Rivers, Fayette, Summers, and Raleigh Counties, W. Va. Proposed is the legislative designation of the New River Gorge in West Virginia as part of the National Wild and Scenic Rivers System under overall management of the National Park Service. Inclusion in the System will provide protection of existing scenic, recreational, historic, fish and wildlife, and water quality values of the river. No significant adverse effects are anticipated on ecological systems (157 pages). Comments made by: USDA, COE, DOI, EPA, FPC, State and local agencies. (ELR Order No. 61128.)

NATIONAL PARK SERVICE

Final

Knife River Indian Villages National Historic Site, Mercer County, N. Dak., August 2: The National Park Service proposes the establishment of Knife River Indian Villages National Historic Site in North Dakota, to protect and interpret a cluster of four Indian village sites on 1291.56 acres of land near the confluence of the Knife and Missouri Rivers north of Stanton, North Dakota. The project will result in social impact from acquisition of properties and ecological impact through increased visitor use (94 pages). Comments made by: USDA, DOI, USA, EPA. (ELR Order No. 61126.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street, SW., Washington, D.C. 20590, 202-426-4357.

FEDERAL AVIATION ADMINISTRATION

Draft

Anchorage International Airport, N-S Runway, Alaska, August 4: Proposed is the construction of a new North-South runway at Anchorage International Airport, Alaska. Construction plans also include a parallel taxiway system, runway and and taxiway lighting, navigational aids, service roads, a storm drain system, and security fencing. Adverse effects include loss of relatively undisturbed habitat due to clearing, grading, and gravel extraction necessitated by runway and ancillary construction. (4 volumes). (ELR Order No. 61140.)

Mecklenburg-Brunswick Regional Airport, Mecklenberg, and Brunswick counties, Va., August 4: Proposed is a new aviation airport project to serve Mecklenburg and Brunswick Counties, Virginia. The project would include land acquisition, construction of paved runway, taxiway, parking apron, airport access road and relocation of a secondary road. Adverse impacts include the clearing of 273 acres of farmland and 60 acres of woodland, the loss of wildlife habitat and exposure to noise in excess of 100 CNR of 2 churches, 2 residences and a store. (78 pages). (ELR Order No. 61143.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

Hawaii Belt Road, Holualoa-Papa, Kona County, Hawaii, August 4: The proposed project consists of the construction over a 12- to 15-year period of approximately 31 miles of highway in the districts of North and South Kona on the island of Hawaii. The project would extend from Keala Kowaa Helau at Honolulu to Milolii Junction at Papa. Adverse effects include the displacement of about 12 resident individuals and families. The possibility exists for some adverse effect on the archeologically important Kona Field System. (154 pages). (ELR Order No. 61139.)

Interstate 15 West Interchange, American Falls Dam, Power County, Idaho, August 2: Proposed is Project RS-RSG-1721(19) which would improve State Highway 39 through the City of American Falls. The project begins at the east end of the American Falls Dam and ends at the I-15W interchange east of the city. Approximately 2 miles of urban secondary highway would be built with four lanes, curb and gutter, painted median and left turn bays in the urban area. Also, a new railroad crossing structure would be provided. Adverse impacts include displacement of residences and businesses, short term effects on air and noise quality and the conversion of private residential, commercial, and agricultural lands to highway use. (Region 10), (57 pages). (ELR Order No. 61125.)

FAP Route 409, O'Fallon to Sandoval, St. Clair, Clinton, and Marion counties Ill., August 3: Proposed is the completion of a freeway system known as F-409, which begins at I-64 near O'Fallon, generally parallels U.S. Route 50 across the state, and connects to an already existing freeway in Indiana near Vincennes. It intersects with I-64 on the west, I-57 in the middle, and F-411 near the eastern border of the state. Between I-64 and I-57, the portion from U.S. Route 51 to I-57 has received Design Approval. This statement covers the remaining portion in this area, that being from I-64 to U.S. Route 51. Adverse effects include acquisition of 1,800 acres of right-of-way and the relocation of between 7 and 14 families. (Region 5), (171 pages). (ELR Order No. 61132.)

New Hampshire Route 9, Sullivan-Nelson-Stoddard, Cheshire County N.H., August 2: Proposed is the improvement of a deficient two-lane section of N.H. Route 9 located in the communities of Sullivan, Nelson, and Stoddard. Four two-lane corridors will be constructed on new location with a minimum 200 foot controlled access right-of-way. The adverse impacts include acquisition of property, residences and businesses, increased noise levels and intrusion upon conservation areas, wetlands and wildlife habitat. (Region 1), (256 pages). (ELR Order No. 61120.)

Knowlton Bridge and Approaches (State Truck Highway 34), Marathon County, Wisc., August 6: Proposed is the construction of a new bridge over Lake DuBay and the updating of the approaches to that bridge to current standards. This bridge carries State Truck Highway 34 and is called the Knowlton Bridge. The project begins just north of the community of Dancy in south central Marathon County and proceeds north across Lake DuBay, ending at a recently constructed portion of Highway 34 north of Knowlton. Adverse effects include acquisition of approximately 37 acres of land and the displacement of one home. (110 pages). (ELR Order No. 61144.)

Final

Iowa 9, Waukon to Lansing, Allamakee County, Iowa, August 2: Proposed is the upgrading of a segment of Iowa 9 in Allamakee County from 7th Street S.E. in Waukon, northeasterly approximately 17.4 miles to 2nd Street in Lansing. The proposed construction would consist of 24-foot wide pavement with 10-foot stabilized shoulders on an improved vertical and horizontal alignment. Adverse impacts include the loss of 65 to 90 acres of pastureland, the removal of wildlife habitat, and an increase in dust and noise levels. (134 pages). Comments made by: HEW, HUD, USDA, DOI, EPA, COE, DOT, USCG, and State agencies. (ELR Order No. 61122.)

Interstate 20, Dallas and Kaufman Counties, Tex., August 2; The statement refers to the construction of I-20 on new location from the intersection of U.S. 175 and I.H. 635, east to east of Forney in the cities of Balch Springs, Kleberg, Mesquite, Forney, and Terrell. The proposed project consists of a 4 to 8 lane controlled access freeway facility. Adverse impacts include the displacement of 105 residences, and 4 businesses, the crossing of 8 farms and temporary increases in air, water, and noise pollution during construction. (242 pages). Comments made by: HEW, HUD, COE, USDA, DOI, EPA, State and local agencies, and concerned citizens. (ELR Order No. 61117.)

Virgin Islands. The proposed highway improvement is a continuation of the Cross Island Highway, St. Croix, Virgin Islands. The project would begin at the Sunny Isle intersection in Estate Sion Farm, proceed in a generally easterly direction, and terminate at the Contentment Road/Centerline Road junction in Estate Herman Hill, Project length is approximately 2.75 miles. Subject to the alternate chosen, between 2 and 6 residences will be displaced. (Region 1), (125 pages.) Comments made by: DOT, EPA, DOI. (ELR Order No. 61142.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.76-23704 Filed 8-12-76;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

[ERDA-1548]

INTENSE NEUTRON SOURCE FACILITY LOS ALAMOS SCIENTIFIC LABORATORY, NEW MEXICO

Availability of Final Environmental Statement

Notice is hereby given that the Final Environmental Statement, ERDA-1548, Intense Neutron Source Facility, Los Alamos Scientific Laboratory, Los Alamos, New Mexico, was issued pursuant to the Energy Research and Development Administration's (ERDA) implementation of the National Environmental Policy Act of 1969. The statement was prepared in support of legislative action related to the ERDA request for appropriation of funds for Fiscal Year 1977 for the project.

Copies of the final statement are available for public inspection in the ERDA public document rooms at:

ERDA Headquarters, 20 Massachusetts Avenue, NW. Washington, D.C.
Albuquerque Operations Office, Kirtland Air Force Base East, Albuquerque, New Mexico.
Chicago Operations Office, 9800 South Cass Avenue, Argonne, Illinois.
Idaho Operations Office, 550 Second Street, Idaho Falls, Idaho.
Oak Ridge Operations Office, Federal Building, Oak Ridge, Tennessee.
Richland Operations Office, Federal Building. Richland, Washington.
San Francisco Operations Office, 1333 Broadway, Oakland, California.
Savannah River Operations Office, Savannah River Plant, Aiken, South Carolina.

Copies have been furnished to those who commented on the draft statement that was issued by the Energy Research and Development Administration as ERDA-1548, January 28, 1976. Copies are also available for public inspection at designated Federal Depository Libraries.

A limited number of single copies are available for distribution by the Technical Information Center, P.O. Box 62, Oak Ridge, Tennessee 27830 (615) 483-8611, Extension 34672. The statement is also available from the National Technical Information Service, Springfield, Virginia 22161.

Dated at Germantown, Maryland, this 10th day of August 1976.

For the Energy Research and Development Administration.

JAMES L. LIVERMAN,
Assistant Administrator for Environment and Safety.

[FR Doc.76-23720 Filed 8-12-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 599-3]

ECOLOGY ADVISORY COMMITTEE

Renewal

Pursuant to section 7(a) of the Office of Management and Budget Circular No. A-63, Transmittal Memorandum No. 1, dated July 19, 1974, it is hereby determined that renewal of the Ecology Advisory Committee of the Science Advisory Board is in the public interest in connection with the performance of duties imposed on the Agency by law. The charter which continues the Ecology Advisory Committee through August 8, 1978, unless otherwise sooner terminated, will be filed at the Library of Congress.

JOHN QUARLES,
Acting Administrator.

AUGUST 6, 1976.

[FR Doc.76-23569 Filed 8-12-76;8:45 am]

[FRL 596-7]

CALIFORNIA

Marine Sanitation Device Standard

On May 26, 1976, notice was given that the State of California had petitioned the Administrator, Environmental Protection Agency, to determine, pursuant to section 312(f)(3) of Pub. L. 92-500, that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for that portion of San Diego Bay that is less than 30 feet deep at mean lower low water (MLLW), Mission Bay, Oceanside Harbor, and Dana Point Harbor (41 FR 21516, May 26, 1976). The portions of San Diego Bay affected by this determination are those waters less than 30 feet in depth at mean lower low water as determined from the most recent National Oceanic and Atmospheric Administration chart.

Section 312(f)(3) states:

[A]fter the effective date of the initial standards and regulations promulgated under this section, if any State determines that the protection and enhancement of the quality of some or all of the waters within such State require greater environmental protection, such State may completely prohibit the discharge from all vessels of any sewage, whether treated or not, into such waters, except that no such prohibition shall apply until the Administrator determines that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for such waters to which such petition would apply.

Following an examination of the petition and supporting information, and in consideration of all comments received pursuant to the May 26 FEDERAL REGISTER notice, I have determined that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for that portion of San Diego Bay that is less than 30 feet deep at mean lower low water (MLLW), Mission Bay, Oceanside Harbor, and Dana Point Harbor. This determination is made pursuant to section 312(f)(3) of Pub. L. 92-500.

In its petition, the State of California certified that there are six pump-out facilities for San Diego Bay, which include Harbor Police, Pearson Standard, Union Oil, Harbor Island Marina, Marina Cortez, and Coronado Cay's Marina, two pump-out facilities for Mission Bay, one pump-out facility in Oceanside Harbor, and two pump-out facilities for Dana Point Harbor. The State certified that adequate treatment is available for sewage removed from all vessels.

All pump-out facilities in San Diego Bay have an adjacent water depth of at least 10 feet and the Harbor Police facility has an approximate water depth of 20 feet. Pump-out facilities in the Bay can serve pleasure crafts and small boats that are able to dock. Merchant vessels for which adequate pump-out facilities are not provided in San Diego Bay, would not be subject to this determination since these vessels would not be able to traverse areas of less than 30 foot depth because of their greater drafts. Such ships would require berthing accommodations located outside of the designated area. Areas in San Diego Bay deeper than 30 feet should have greater flushing action in those waters, and, therefore, less potential for pollution from vessel sewage discharges.

One of the facilities at Mission Bay has an adjacent water depth of 20 feet, which is the depth of the dredged entrance channel. The other pump-out facility in Mission Bay has an adjacent water depth of eight feet. The Harbor District pump-out facility in Oceanside Harbor is located immediately adjacent to the entrance channel, which is dredged to approximately 19 feet. Both of the pump-out facilities located in Dana Point Harbor have an adjacent water depth of approximately 10 feet, which is the depth of the Harbor and which will accommodate all vessels that can use the other harbor facilities.

Each bay or harbor addressed by this determination has at least one pump-out facility that is available for use on a 24-hour basis. Other privately operated facilities normally are available during daylight hours. The pump-out rates of the dockside facilities vary between five and ten gallons per minute and all of the pumping units discharge directly to the sanitary sewer and to a treatment facility that meets State and Federal requirements. A survey conducted by the California Regional Water Quality Control Board revealed no evidence of boat overcrowding at any of the pump-out facilities. Most boats require only five minutes to empty the holding tanks.

The Agency received only one comment pursuant to the May 26 FEDERAL REGISTER notice of receipt of the State of California's petition; the San Diego County Department of Public Health commented in support of the State's petition.

Dated: August 6, 1976.

JOHN QUARLES,
Acting Administrator.

[FR Doc.76-23568 Filed 8-12-76;8:45 am]

[599-4]

SCIENCE ADVISORY BOARD ECOLOGY ADVISORY COMMITTEE

Open Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that a meeting of the Ecology Advisory Committee of the Science Advisory Board will be held beginning at 9 a.m., September 13-14, 1976, in the Administrator's Conference Room (Room 1101), Waterside Mall West Tower, 401 M Street, SW., Washington, D.C.

This is the ninth meeting of the Ecology Advisory Committee. The agenda includes a report on the Science Advisory Board activities; review of EPA's National Ecology Research Plan 1978-1982; discussions on the value of long-term ecosystem research to EPA's missions; ecological problems in the Office of Water and Hazardous Materials; a briefing on the Agency's standards and regulations development process; and member items of interest.

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The meeting is open to the public. Any member of the public wishing to attend, participate, or obtain additional information should contact Dr. J. Frances Allen, Executive Secretary, Ecology Advisory Committee, (703) 557-7720.

THOMAS D. BATH,
Staff Director,
Science Advisory Board.

AUGUST 6, 1976.

[FR Doc.76-23570 Filed 8-12-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 816]

DOMESTIC PUBLIC RADIO SERVICES

Common Carrier Services Information; Applications Accepted for Filing

AUGUST 9, 1976.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's rules and regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (see § 309(c) of the Communications Act), applications filed under Part 68, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and section 214 applications within 30 days of the date of this notice and within 20 days for Part 68 applications.

In order for an application filed under Part 21 of the Commission's Rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier; (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. [See §§ 1.227(b)(3) and 21.30(b) of the Commission's rules.]

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

22541-CD-P-76 Greenville Telephone Answering Service (New) C.P. for a new 1-way station to operate on 152.24 MHz. to be located 1625 Dayton Road, Greenville, Ohio.

22542-CD-P-76 Swartzlander Radio Limited (New) C.P. for a new station to operate on 454.250 MHz. to be located at 1375 N. SR590, Gibsonburg, Ohio.

22543-CD-P-76 John W. Bennett (KQK772) C.P. to replace transmitter operating on 43.22 MHz located at Hurley Hospital, Begole & 6th Ave., Flint, Michigan.

22544-CD-P-76 Massachusetts-Connecticut Mobile (KQK747) C.P. to relocate and change antenna system operating on 158.70 MHz located at Andrews Hill, 1 mile West of Naugatuck, Connecticut.

22545-CD-P-76 L&L Service, Inc. d/b as Metro Communication Service (KIY519) C.P. for additional facilities to operate on 152.15 MHz to be located at City Water Tower, Colbert Height, Alabama.

22546-CD-P-76 Radio Paging, Inc. (KKI445) C.P. for additional facilities to operate on 72.24 MHz to be located at a new site described as Loc. #6: One Shell Plaza, Houston, Texas.

22547-CD-P-76 Industrial Communications Systems, Inc. (KSV926) C.P. to change antenna system operating on 158.70 MHz at approximately 23.3 miles West of downtown Los Angeles, Caddie Peak, California.

22548-CD-P-76 Airsignal of California, Inc. (KWU256) C.P. to change antenna system operating on 35.22 MHz located at Del Webb Town House, 2200 Tulare, Fresno, California.

22549-CD-P-76 Indiana Bell Telephone Company, Incorporated (KSC874) C.P. to change antenna system operating on 152.78 MHz located at 116 East Taylor Street, Kokomo, Indiana.

22550-CD-P-76 Farmers Independent Telephone Co. (New) C.P. for a new 1-way station to operate on 152.51 MHz. to be located at the Telephone Office, Faiun, Wisconsin.

22551-CD-P-(2)-76 Comex, Inc. (KCI295) C.P. for additional facilities to operate on 152.24 MHz at Loc. #2: Uncanoonuc Mtn., near Manchester; and 152.24 MHz at Loc. #3 Plausawa Hill, Pembroke, New Hampshire.

22552-CD-P-76 Radio Phone Communications, Inc. (KIG297) C.P. for additional facilities to operate on 35.58 MHz to be located at a new site described Loc. #2 to be located Northwest Intersection of Va., #190 & Centerville Turnpike, Virginia Beach, Virginia.

22553-CD-TC-76 Rosa I. Alonson Consent to Transfer of Control from Rosa I. Alonso, TRANSFEROR to Santos Mateo Negron and Santiago Acosta Rivera TRANSFEREE. (KUS408) (WWA336) St. Thomas, Virginia Island.

22554-CD-P-76 Otis L. Hale dba Mobilfone Communications (KLB500) C.P. for additional facilities to operate on 152.12 MHz at a new site described as Loc. #6: 5.6 miles NE of Benton Post Office, Exit 121 on Interstate 30, Benton, Arkansas.

22555-CD-TC-(2)-76 Empire Dispatch, Inc. Consent to Transfer of Control from Irene Eleanor Cooper, Executrix of Estate of Kenneth Hawn Cooper aka Kenneth H. Cooper, deceased, TRANSFEROR to Irene E. Cooper, TRANSFEREE. Stations: KAA279, Greely, Colorado and KRS659, Fort Collins, Colorado.

22559-CD-P-(6)-76 Pacific Northwest Bell Telephone Company (KOA246) C.P. to replace transmitter, change antenna system and relocate facilities operating on 35.26, 152.51, 152.54, 152.63, 152.66, & 152.69 MHz to be located on Sentinel Hill near SW Fairmount Boulevard, Portland, Oregon.

22560-CD-AL-(6)-76 Charlotte Electronics Corporation, acting by its Division, Charlotte Message Center. Consent to Assignment of License from Charlotte Message Center, ASSIGNOR to Charlotte Message Center, Inc., ASSIGNEE. Stations: KIM-903 & KRS668, Fort Myers, Florida; KRH-640 & KRM952, Naples, Florida; KIQ513, Punta Gorda, Florida; and KSV894, Immokalee Florida.

22561-CD-P-(2)-76 General Communications, Inc. (KEC516) C.P. for additional facilities to operate on 43.58 MHz at (2) new sites described as Loc. #2: 50 Presidential Plaza, Syracuse, New York; and Loc. #3: Corner Route 173 and Palmer Road, 7 miles ESE of Syracuse, New York.

22562-CD-P-(3)-76 John W. Bennett Radio Paging Service. Consent to Assignment of License from Bennett Radio Paging Service, ASSIGNOR to Bennett Communications Systems, Inc., ASSIGNEE. Station: Owosso, Michigan; KOP326 & KQK772, Flint, Michigan.

22656-CD-P-76 General Telephone Company of Illinois (KJU818) C.P. for additional facilities to operate on 152.63 MHz located 1 mile SW of Jacksonville, Illinois.

22566-CD-P-(2)-76 Digital Paging Systems of Pittsburgh, Inc. (KGA252) C.P. for additional facilities to operate on 454.025 & 454.125 MHz to be located at a new site described as Loc. #4: 1715 Grandview Avenue, Pittsburgh, Pennsylvania.

22567-CD-ML-76 Southwestern Bell Telephone Company (KKB395) Modification of License to change base frequency from 152.72 MHz to 152.69 MHz located 5 miles SSE of Goldsmith, Texas; and repeater frequency from 157.98 MHz to 157.95 MHz located at same location.

22568-CD-P-76 Indiana Bell Telephone Company Incorporated (KSC873) C. P. to relocate facilities operating on 152.57 MHz to be located 1100 Feet West of South 23rd and Raible Streets, Anderson, Indiana.

22571-CD-ML-76 Radio and Eletronic Service Company, Inc., dba Mobilfone (KIF 649) Modification of license to change frequency from 454.025 MHz to 454.325 MHz located at 3101 North "R" Street, Pensacola, Florida.

22572-CD-AL-76 L. T. Niethammer and Valera M. Mitchell dba Delta Mobile Radio Service. Consent to Assignment of License from Delta Mobile Radio Service, ASSIGNOR, to Delta Mobile Radio Service, Inc., ASSIGNEE. Station: KMJ221, Mt. Vaca, California.

22573-CD-P-(2)-76 Lester B. Biddle, Jr. (NEW) C. P. for a new 2-way station to operate on 454.100 & 454.200 MHz to be located at 100 Beck Avenue, Panama City, Florida.

22574-CD-P-76 Chicago Communications Service, Inc. (NEW) C. P. for a new 2-way station to operate on 454.225 MHz to be located at intersection of Arlington Heights Road and Hwy. 12, Arlington Heights, Illinois.

22575-CD-P-76 Lancaster Alarm Co., Inc. (NEW) C. P. for a new 2-way station to operate on 454.175 MHz to be located at North Queen and Chestnut Streets, Lancaster, Pennsylvania.

22576-CD-P-76 Airsignal Of Nevada, Inc. (KWU211) C. P. to relocate facilities operating on 35.22 MHz at Loc. #3 to be located at Black Mountain, 6.5 miles SW of Henderson, Nevada.

MAJOR AMENDMENT

Airsignal International of Philadelphia Pennsylvania, Inc. (KGC223) FN: 21765-CD-P-76. Amend to add the base frequency 43.58 MHz to Loc. #8 described as 2.5 miles ENE of Bridgeton (Cumberland) New Jersey; and to add a new Loc. #9: described as Claridge Hotel, Indiana & Boardwalk, Atlantic City (Atlantic) New Jersey to operate on the base frequencies 35.22 MHz & 43.58 MHz.

Correction

FN: 22468-CD-MP-76 Rogers Radio Communications Service, Inc. (KTS204) Lake Zurich, Illinois. Correct Location to read Loc. #8 instead of Loc. #7. All other particulars are to remain as reported on FN #816, dated July 26, 1976.

INFORMATIVE

It appears that the following applications may be mutually exclusive and subject to the Commission's Rules regarding Ex Parte presentations by reasons of potential electrical interference:

35.22 MHz & 43.58 MHz.

Airsignal International of Philadelphia, Pennsylvania, Inc., Atlantic City, N.J. 21765-CD-P-76 (as amended)

Radio Telephone Service, Inc., Atlantic City, N.J. 22117-CD-P-(3)-76

RURAL RADIO

60383-CR-P-76 The Mountain States Telephone and Telegraph Company (NEW) C. P. for a new Rural Subscriber station to operate on 157.95 to be located 8.6 miles South of Buford, Wyoming.

60384-CR-P-76 RCA Alaska Communications, Inc. (WGF82) C. P. to change frequency from 162.3V MHz to 162.15 MHz located at FAA VHF Bldg. at Cordova Airport, Alaska.

60387-CR-AL-(2)-76 Charlotte Message Center Consent to Assignment of Radio Station License from Charlotte Electronics Corporation, acting by its division, Charlotte Message Center, ASSIGNOR to Charlotte Message Center, Inc., ASSIGNEE. Stations: KJG88 & KJG89, Temporary-Fixed Location.

60434-CR-TC-76 West Indies Communications, Inc. Consent to Transfer of Control from Rosa I. Alonso, TRANSFEROR to Santos Mateo Negro & Santiago Acosta Rivera, TRANSFEREES. Station: WWY45, Temporary-Fixed Location.

POINT TO POINT MICROWAVE RADIO SERVICE

4695-CF-P-76 Same (NEW) Egmont Key, Florida Lat. 27 35 11 N.-Long. 82 45 43 W. C.P. for a new station on station on frequency 2172.0V MHz toward St. Petersburg, Florida on azimuth 29.2 degrees.

4696-CF-P-76 Same (KGP51) Causeway 7845 22nd St. Causeway, Tampa, Florida Lat. 27 55 11 N.-Long. 82 22 0 W. C.P. to change polarization from horizontal to vertical on frequency 5974.9 and 6093.5 MHz toward MacDill AFB.

4697-CF-P-76 Same (KRT56) MacDill AFB Sage Site 2-129, Tampa, Florida Lat. 27 50 4 N.-Long. 82 28 16 W. C.P. to change polarization from horizontal to vertical on frequency 6226.9 and 6345.5 MHz toward Causeway.

4718-CF-P-76 Puerto Rico Telephone Company (NEW) Esperanza and Ferrocarril Sts., San German, Puerto Rico Lat. 18 04 56 N.-Long. 67 02 44 W. C.P. for a new station on frequency 11685.0V MHz toward Monte Estado, Puerto Rico on azimuth 37.9 degrees.

4719-CF-P-76 Same (WWT48) Monte Estado 2M1SSW, Maricao, Puerto Rico Lat. 18 09 05 N.-Long. 66 59 22 W. C.P. to add communications on frequency 10915.0V MHz toward San German, Puerto Rico on azimuth 217.9 degrees.

4721-CF-P-76 Southern Bell Telephone and Telegraph Company (KJJ86) 7.5 mile North of Polk City, Florida Lat. 28 17 38 N.-Long. 81 50 07 W. C.P. to change frequencies 6286.2H to 6197.2V and 6406.8H to 4198H MHz toward LK Hamilton, Florida, on azimuth 141. degrees; replace transmitter and increase output power.

4722-CF-P-76 Same (KJM35) Water Tank Road, LK Hamilton, Florida, Lat. 28 02 53 N.-Long. 81 36 51 W. C.P. to change frequencies 6034.2H to 5945.2V and 6152.8H to 4180H MHz toward Polk City, Florida on azimuth 321.5 degrees; change frequencies 5960.0H to 5945.2H and 6078.6H 60 4180H MHz toward Frostproof, Florida on azimuth 179.9 degrees replace transmitters and increase output power.

4723-CF-P-76 Same (KJM36) 4 miles WSM of Frostproof, Florida Lat. 27 43 57 N.-Long. 81 35 41 W. C.P. to change frequencies from 6212.0H to 6197.2V and 6330.7H to 4198H MHz toward LK Hamilton, Florida on azimuth 356.9 degrees; change frequency 6192.2H to 6345.5H MHz toward Avon Park, Florida on azimuth 149.0 degrees; replace transmitters and increase output.

4631-CF-P-76 Southwestern Bell Telephone Company (NEW) Albany Tower 2.5 miles SW of Albany, Texas Lat. 32 42 56 N./Long. 99 19 11 W. C. P. For a new station on frequency 2126.8V MHz toward Albany Repeater, Texas on azimuth 236.0 degrees.

4632-CF-P-76 Same (NEW) Albany Repeater 10 miles SW of Albany, Texas Lat. 32 38 14 N./Long. 99 27 24 W. C.P. For a new station on frequency 2152.4H MHz toward Abilene, Texas on azimuth 231. degrees and 2176.8V MHz toward Albany Tower, Texas on azimuth 55.9 degrees.

4633-CF-P-76 Same (KYO86) 366 North Cypress Abilene, Texas Lat. 32 27 08 N./Long. 99 44 03 W. C.P. To add a point of communication on frequency 2112.4H MHz toward Albany Repeater, Texas on azimuth 51.7 degrees.

4659-CF-R-76 Indiana Bell Telephone Company (KYS50) Location: within territory of the grantee. Application for renewal of radio station license (Developmental) expiring September 12, 1976. Term: September 12, 1976 to September 12, 1977.

4681-CF-P-76 South Central Bell Telephone Company (KLK82) 1002 Main Street, Columbus, Mississippi Lat. 33 29 43 N./Long. 88 25 17 W. C.P. To add frequency 3730H MHz toward West Point, Mississippi on azimuth 299.6 degrees; replace to move antenna for 5937.8H MHz toward West Point, Mississippi.

4682-CF-P-76 Same (KLT63) 22 South Division St., West Point, Mississippi Lat. 33 36 14 N./Long. 88 39 00 W. C.P. to add frequency 3770H MHz toward Aberdeen, Mississippi on azimuth 13.1 degrees, and 3770H MHz toward Columbus, Mississippi on azimuth 119.5 degrees; increase tower height, replace and move antenna for 5204.7H MHz toward Starkvill, and 6219.5H MHz toward Columbus.

4683-CF-P-76 Same (KLR70) 7 miles North of Aberdeen, Mississippi Lat. 33 55 37 N./Long. 88 33 36 W. C.P. to change frequency 5967.4V 6071.2V MHz to 3730H toward Tupelo, Mississippi on azimuth 340.2 degrees; and 2720H MHz toward West Point on azimuth 193.1 degrees; increase tower height, replace to move antennas.

4684-CF-P-76 Same (KLR71) 337 North Broadway, Tupelo, Mississippi Lat. 34 15 38 N./Long. 88 42 18 C.P. To change frequency 6264.0V 6352.9V MHz to 3770H MHz toward Aberdeen, Mississippi on azimuth 160.1 degrees; increase tower height, replace and move antanna for 3770V to 6213.0H MHz toward Pontotoc, and 6345.5H MHz toward Ecru.

4694-CF-P-76 General Telephone Company of Florida (KIY21) 830 Arlington Ave, St. Petersburg, Florida Lat. 27 46 19 N./Long. 82 38 44 W. C.P. To add point of communication on frequency 2122.0V MHz toward Egmont Key, Florida on azimuth 209.2 degrees.

4620-CF-MP-76 Microvideo, Inc. (KLH35) 0.5 Mile North of Silverton, Texas. (Lat. 34° 33'08" N., Long. 101°17'24" W.): Modification of C.P. (2843-C1-R-71) to replace transmitters (5945.0H, 6000.0H and 6300.-0H MHz) to 6182.4H, 6241.7H and 6301.0H MHz toward, Memphis, Texas on azimuth 73.4°.

4621-CF-MP-76 Microvideo, Inc. (KLH36) 0.7 Mile West of Memphis, Texas. (Lat. 34°43' 47" N., Long. 100°33'59" W.): Modification of C.P. (2844-C1-R-71) to replace transmitters (6135.0H, 6190.0H and 6245.-0H MHz) to 5960.H, 6019.3H and 6078.6H MHz toward Wellington & Childress, both in Texas, via power split, on azimuths 136.8 & 64.2°, respectively.

4622-CF-MP-76 Microvideo, Inc. (KLU60) Southeast edge of Childress, Texas. (Lat. 30°24'25" N., Long. 100°12'05" W.): Modification of C.P. (6453-C1-R-71) to replace transmitters (5945.0V, 6000.0V and 6300.0V MHz) to 6241.7V, 6301.0V and 6360.3V MHz toward Paducah & Quanah, both in Texas, via power split, on azimuth 195.9° & 103.8°, respectively.

4654-CF-P-76 American Television Relay, Inc. (KKB98) 28.8 Miles SE of Farmington, New Mexico. (Lat. 36°24'54" N., Long. 107°50'39" W.): C.P. to add 6226.9V & 6404.8V MHz toward Durango, New Mexico, on azimuth 357.3 degrees. (Applicant requests waiver of Section 21.701(1) of the Commission's Rules.)

4655-CF-P-76 Mountain Microwave Corporation (NEW) 2.8 Miles SSW of Durango, Colorado. (Lat. 37°13'58" N., Long. 107° 53'33" W.): C.P. to add 5960.0H & 6019.3H MHz toward Silverton, Colorado, via passive reflector, on azimuth 14.0 degrees. (Applicant requests waiver of Section 21.701 (i) of the Commission's Rules.)

4656-CF-P-76 Mountain Microwave Corporation (KYO71) 4.5 Miles North of Silverton, Colorado. (Lat. 37°52'26" N., Long. 107° 40'11" W.): C.P. to add 6271.4V & 6330.7V MHz toward Waterdog Peak, via passive reflector, on azimuth 116.4°.

4657-CF-P-76 Mountain Microwave Corporation (KBT68) 1.3 Miles SE of Montrose, Colorado. (Lat. 38°23'15" N., Long. 107° 40'26" W.): C.P. to add 11015H & 11175.H MHz toward Grand Junction, Colorado, on azimuth 313.0°.

4690-CF-P-76 Eastern Microwave, Inc. (KCL72) 2 Miles NW of Adams, Massachusetts. (Lat. 42°38'14" N., Long. 73°10' 07" W.): C.P. to add 5945.2V MHz toward Bennington, Vermont, on azimuth 195°21'.

4691-CF-P-76 Newhouse Alabama Microwave, Inc. (WBB359) Volcan Parkway, Birmingham, Alabama. (Lat. 33°29'25" N., Long. 86°47'53" W.): C.P. to add 11015.0V & 1175.0V MHz toward Gate City, Alabama, on azimuth 40.8°.

4710-CF-P-76 Transportation Microwave Corporation (WSM 28) 4.0 miles NE of Monroe, New York, Blooming Grove, New York. (Lat. 41°22'41" N., Long. 74°08'12" W.): Modification of Construction permit to change location of receive station—6785.0V MHz toward Mahwah, New Jersey, on azimuth 190.7°.

V41158 AUG 13 76 UMI

4711-CF-P-76 Transportation Microwave Corporation (WSM 29) Bald Mtn., 3 miles NW of Mahwah, New Jersey. (Lat. 41°07' 14" N., Long. 74°12'03" W.): Modification of Construction permit to change transmit station (6615.0V MHz toward Mountain L & 6585.0V MHz toward Jersey City, New Jersey) location to as above listed.

4712-CF-P-76 Transportation Microwave Corporation (WSM 30) 418 Duncan Ave., Jersey City, New Jersey. (Lat. 40°43'58" N., Long. 74°05'12" W.): Modification of Construction permit to change location of receive station—6745.0V MHz toward Mahwah, New Jersey, on azimuth 347.5°

The following renewal applications for the term ending February 1, 1981, have been received:

Pacific Telatronics, Inc.

File No.	Call sign	Station name	Location	State
7815-CF-R-76	KNM 58	Sacramento	2490 Garden Highway	California.
7816-CF-R-76	KNM 59	Red Hill	26 mi northeast of Marysville	Do.
7817-CF-R-76	KNM 60	Cohasset Ridge	KHSL TV site	Do.
7818-CF-R-76	KPN 74	King Mountain	8 mi east of Wolf Creek	Oregon.
7819-CF-R-76	KPQ 90	Vineyard Hill	6 mi north of Corvallis	Do.
7820-CF-R-76	KPQ 91	Blanton Heights	3.5 mi south of Eugene	Do.
7821-CF-R-76	KPQ 92	Harness Mountain	19 mi south of Cottage Grove	Do.
7822-CF-R-76	KPQ 99	Soda Mountain	13 mi southwest of Ashland	Do.
7823-CF-R-76	KPR 20	Hamaker Mountain	Near Keno	Do.
7824-CF-R-76	KTG 38	Shasta Bally Mountain.	13 mi west of Redding	California.
7825-CF-R-76	KTG 39	Horse Mountain	7 mi southwest of Willow Creek	Do.
7826-CF-R-76	KTG 46	Mount Bradley	1.5 mi west of Dunsmuir	Do.

[FR Doc.76-23527 Filed 8-12-76;8:45 am]

[FCC 76R-228; Docket No. 20832; File No. BPH-9308]

GREAT TRAILS BROADCASTING CORP.

Construction Permit To Change Site and for Other Changes

1. The above-captioned application was designated for hearing by Memorandum Opinion and Order, FCC 76-502, released June 15, 1976, to determine, inter alia, whether the proposal of Great Trails Broadcasting Corporation (Great Trails) would realistically provide a local transmission facility to its proposed community of license (Suburban Community issue). In designating that issue, the Commission—without discussion—placed the burden of going forward on parties respondent Group One Broadcasting Co. (Group One) and WAVI Broadcasting Corporation (WAVI) and the burden of proof upon the applicant. Now before the Review Board is a motion to modify burden of proceeding, filed June 30, 1976, by Group One and WAVI, in which they urge that, consistent with the nature of the Suburban Community issue and applicable precedent, both burdens should be placed upon Great Trails.[1]

2. As properly noted by the Bureau, while it is true that the Commission need not place all burdens on an applicant when an issue is precipitated—such as here—by a petition to deny, it has customarily done so when the issue in question is raised by the terms of the application itself, rather than on extrinsic facts alleged by petitioners.[2] Rust Communications Group, Inc., FCC 76R-44, 36 RR 2d 244.

Here, it is evident from a reading of the designation Order that the primary factors upon which the Commission relied in determining that a Suburban Community issue was warranted were apparent upon a reading of Great Trails' application itself.[3] Moreover, it has been the customary practice in specifying Suburban Community issues to place both the burden of proceeding and proof on the applicant whose proposals are drawn into question. See, e.g., Berwick Broadcasting Corporation, 12 FCC 2d 8, 12 RR 2d 665 (Rev. Bd. 1968); Centerville Broadcasting Co., 21 RR 2d 216 (Rev. Bd. 1971). And, Great Trails has presented no argument which would persuade us to depart from this practice here.

3. Accordingly, *it is ordered*, That the motion to modify burden of proceeding, filed June 30, 1976, by Group One Broadcasting Co. and WAVI Broadcasting Corporation (WAVI) is granted; and that the fourth ordering clause of the designation Order herein (FCC 76-502, released June 15, 1976) is modified to read as follows:

It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof on Issues 1 and 2 herein shall be on the applicant.

Adopted: August 3, 1976.

Released: August 10, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-23658 Filed 8-12-76;8:45 am]

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[1] Other related pleadings before the Board for consideration are: (a) Broadcast Bureau's comments, filed July 9, 1976; (b) opposition, filed July 14, 1976, by Great Trails; and (c) reply, filed July 23, 1976, by Group One and WAVI.

[2] See section 309(e) of the Communications Act of 1934, as amended.

[3] In the absence of a reasoned analysis with respect to the allocation of burdens, the Board may appropriately entertain the present request. Atlantic Broadcasting Co., 5 FCC 717, 8 RR 2d 991 (1966).

FEDERAL MARITIME COMMISSION

HOLT HAULING AND WAREHOUSING SYSTEM, INC., PIERPONT MANAGEMENT CO. AND RETLA STEAMSHIP CO.

Revisions

Notice of revisions filed by:

Ms. Amy Loeserman Klein, Galland, Kharasch, Calkins & Brown, Canal Square, 1054 Thirty-First Street, NW., Washington, D.C. 20007.

Notice of Agreement No. T-3323, among Holt Hauling and Warehousing System, Inc. (Holt), Pierpoint Management Company (Pierpoint) and Retla Steamship Company (Retla), appeared in the FEDERAL REGISTER on July 16, 1976, (41 FR 29493). The parties have now submitted three revised pages to the agreement, viz: pages 12, 12a and 39. The substance of the revisions will allow Pierpoint or Retla to perform necessary dredging, which Holt fails to perform, deducting such costs from the rent due. Holt shall assist in securing any licenses, permits or authorizations that may be advisable or required. The dredging shall be carried out to the maximum extent and manner permissible in accordance with the applicable rules and regulations of any governing public authority. Holt shall also provide, upon Pierpoint's request, suitable removable camels to allow a vessel to safely moor at a distance of four feet from the face of the pier. The recources available to Pierpoint and Retla in the event the depth as set forth in the agreement is not provided, are set forth in the revisions. An additional seven (7) days from the date of publication of this notice in the FEDERAL REGISTER will be allowed for comments with respect to the revised pages.

Interested parties may inspect and obtain a copy of the revisions at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the revisions at the Field Offices located at New York, New York; New Orleans, Louisiana; San Francisco, California; and Old San Juan, Puerto Rico. Comments on such revisions, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573. Any person desiring a hearing on the proposed revisions shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the revisions (as indicated hereinabove) and the statement should indicate that this has been done.

By order of the Federal Maritime Commission.

Dated: August 10, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-23724 Filed 8-12-76;8:45 am]

[No. 76-38]

ISLA GRANDE MARINE TERMINAL, SAN JUAN, PUERTO RICO

Further Enlargement of Time To Respond

Counsel for Puerto Rico Ports Authority has moved for an extension of time to respond to the order to show cause in this proceeding. Counsel also has filed various other motions concerning procedural aspects of the matter. In order to permit orderly consideration of these latter motions, we are extending the filing dates herein for one week.

Accordingly, it is ordered that affidavits of fact and memoranda of law shall be filed by respondents on or before August 16, 1976. Reply affidavits and memoranda shall be filed by Hearing Counsel, interveners and respondents on or before August 30, 1976. Requests for hearing shall be filed on or before September 7, 1976.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-23723 Filed 8-12-76;8:45 am]

PUERTO RICO PORTS AUTHORITY AND PUERTO RICO MARITIME SHIPPING AUTHORITY

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before September 2, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

E. J. Sheppard, Esquire, Morgan, Lewis and Bockius, 1800 M Street, NW., Washington, D.C. 20036.

Agreement No. T-3211, as amended by T-3211-1, between Puerto Rico Ports Authority (Ports) and Puerto Rico Maritime Shipping Authority (PRMSA), provides for the 15-year lease by Ports to PRMSA of Parcels IV-F and IV-G, consisting of 9.98 cuerdas, located in the Central Market Development in Puerto Nuevo, Puerto Rico. PRMSA shall be entitled to the exclusive use of the premises for: (1) the operation and handling of vans, containers and highway vehicles; and (2) the reception, handling, delivery and temporary storage incidental to its transportation of cargo transported or to be transported. As compensation, PRMSA shall pay an annual rental of $12,800 per cuerda plus utility charges. After the first three-year period Ports will establish a new rental to reflect any increase in rental for comparably situated lots in the same area subject to review every three years thereafter on the same basis.

By order of the Federal Maritime Commission.

Dated: August 9, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-23721 Filed 8-12-76;8:45 am]

[No. 76-44]

TRI-STATE TERMINALS, INCORPORATED V. TRANSOCEANIC TERMINAL CORPORATION, ET AL.

Filing of Complaint

AUGUST 9, 1976.

Notice is hereby given that a complaint filed by Tri-State Terminals against Transoceanic Terminal Corporation, Federal Marine Terminals, Inc., and Federal Commerce and Navigation Company, Limited was served August 9, 1976. The complaint alleges that respondents have violated sections 15 and 16 of the Shipping Act, 1916 by virtue of various agreements and activities involving Lake Michigan traffic at the Port of Chicago and the Port of Indiana.

Hearing in this matter shall commence on or before February 9, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.23722 Filed 8-12-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. RP76-116 etc]

ALABAMA-TENNESSEE NATURAL GAS CO. ET AL.

Hearing Dates

AUGUST 10, 1976.

Pursuant to the directives prescribed in the Commission's order issued on July 20, 1976, in the above-styled proceedings the following dates will be fixed for the purpose of convening formal hearings with respect to particular interstate pipeline companies as provided for in the latter order:

Company	Docket No.	Date
El Paso Natural Gas Co.	RP76-122	Aug. 23, 1976
Texas Gas Transmission Corp.	RP76-129	Aug. 24, 1976
Trunkline Gas Co.	RP76-132	Aug. 31, 1976
Panhandle Eastern Pipe Line Co.	RP76-127	Sept. 1, 1976
Texas Eastern Transmission Corp.	RP76-131	Sept. 7, 1976
Cities Service Gas Co.	RP76-118	Sept. 9, 1976
Columbia Gas Transmission Corp.	RP76-119	Do.
Northwest Pipeline Corp.	RP76-126	Do.
Transwestern Pipeline Co.	RP76-121	Sept. 14, 1976
Transcontinental Gas Pipe Line Corp.	RP76-130	Do.
Arkansas-Louisiana Gas Co.	RP76-117	Do.
United Gas Pipe Line Co.	RP76-133 [1]	----------

[1] United Gas Pipe Line Co. is presently involved in an on-going curtailment hearing. The presiding judge has certified to the Commission the question relating to adequacy of the curtailment hearing record to provide the information sought by the above-styled proceeding involving United. A specific hearing date will be set for United when and if necessary.

Formal hearings are not contemplated for the following remaining pipelines specified in the above-styled proceedings and unless specifically noticed on or before September 3, 1976, such hearings will not be convened:

Company	Docket No.
Alabama-Tennessee Natural Gas Company	RP76-116
East Tennessee Natural Gas Company	RP76-120
Eastern Shore Natural Gas Company	RP76-121
Lawrenceburg Gas Transmission Corporation	RP76-123
Louisiana-Nevada Transit Company	RP76-124
Mid-Louisiana Gas Company	RP76-125
Tennessee Natural Gas Lines, Inc.	RP76-126

The aforementioned formal hearings scheduled herein will be held in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 at 10 a.m., e.d.t.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-23750 Filed 8-12-76;8:45 am]

[Docket No. CP76-5]

CONSOLIDATED GAS SUPPLY CORP.

Motion To Amend

AUGUST 9, 1976.

Take notice that on July 6, 1976,[1] Consolidated Gas Supply Corporation (Con-

See footnote of p. 34358.

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solidated), 4 Gateway Center, Pittsburgh, Pennsylvania 15222, filed in Docket No. CP76–5 a motion to amend the Commission's order issued December 2, 1975, in said docket pursuant to section 7(c) of the Natural Gas Act by authorizing Consolidated to render in 1976 and 1977 an additional one-year storage service for Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), consisting of an additional storage capacity volume of 500,000 Mcf and an additional daily demand volume of 3,300 Mcf of gsa, all as more fully set forth in the motion which is on file with the Commission and open to public inspection.

Consolidated states that the order of December 2, 1975, authorized it to render storage service for Tennessee for each of two injections and withdrawal seasons, beginning with the 1975 summer injection period and ending with the 1976–1977 withdrawal period, under Consolidated's supplemental storage service program, as follows:

[In thousands of cubic feet (11.73 lbs in 3 air)]

Period	Daily storage volume	Storage capacity volume
1st 12 mo of service	26,100	3,940,000
2d 12 mo of service	22,800	3,440,000

Consolidated indicates that these storage services were purchased by Tennessee for the purpose of enabling it to render off-peak storage services during both twelve-month periods to ten of its existing New England distribution customers with a total storage volume of 3,440,000 Mcf and to render a similar storage service during only the first twelve-month period to East Tennessee Natural Gas Company (East Tennessee), also an existing customer of Tennessee, with a total storage volume of 500,000 Mcf.

Consolidated now requests that the order of December 2, 1975, be amended to authorize it to render in the second twelve-month period the identical services rendered during the first twelve-month period for Tennessee, consisting in total of a storage capacity volume of 3,940,000 Mcf and a daily demand volume of 26,100 Mcf and representing additional volumes of 500,000 Mcf and 3,300 Mcf, respectively, to the volumes certificated by the December 2, 1975, order for the later period.

The application indicates that the proposed expanded storage service is requested by Tennessee to enable it to continue to render for another year, as requested by East Tennessee, the same storage service to East Tennessee rendered during the 1975–76 period.

Any person desiring to be heard or to make any protest with reference to said motion to amend should on or before August 24, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–23757 Filed 8–12–76;8:45 am]

[1] The motion was tendered for filing July 6, 1976; however, the fee required by Section 159.1 of the Regulations under the Natural Gas Act (18 CFR 159.1) was not paid until July 30, 1976. Thus, filing was not completed until the latter date.

LANDS WITHDRAWN IN PROJECT NO. 1307

Order Vacating Land Withdrawal

AUGUST 6, 1976.

The Forest Service, United States Department of Agriculture, has requested that the land withdrawal for Project No. 1307 be vacated in its entirety, thereby requiring Commission consideration under Section 24 of the Federal Power Act.

The withdrawal for Project No. 1307 was effectuated February 23, 1935, pursuant to the filing by Henry Dahlem of Cody, Wyoming, of an application for license, and covers all United States lands (approximately 2 acres) lying within the boundary of the project as shown on map Exhibit F (FPC No. 1307–1). Protraction of public land surveys indicated that the lands lie within the unsurveyed NW¼ of sec. 12, T. 52 N., R. 109 W., Sixth Principal Meridian, Wyoming. Notice of the withdrawal was given to the General Land Office (now Bureau of Land Management) by letter dated March 13, 1935.

Project No. 1307 was a 17-horsepower diversion-conduit development on Grinnell Creek, a small tributary of the North Fork Shoshone River, near the east entrance to Yellowstone National Park, in Park County, Wyoming. The 25-year license for the project expired on April 5, 1960, and the project was subsequently operated under authority of a Forest Service special use permit which terminated May 14, 1971. The Forest Service reports that power development was discontinued prior to May 14, 1971, and that the project ditch is now included in a resort special use permit. Reactivation of the power plant is considered unlikely as the area is now served by a rural electric cooperative.

The Commission finds. The land withdrawal for Project No. 1307 no longer serves a useful purpose and should be vacated in its entirety.

The Commission orders. The land withdrawal for Project No. 1307 is hereby vacated in its entirety.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–23752 Filed 8–12–76;8:45 am]

[Docket No. CP74–187]

MONTANA POWER CO.

Petition To Amend

AUGUST 9, 1976.

Take notice that on July 19, 1976, The Montana Power Company (Petitioner), 40 East Broadway, Butte, Montana 59701, filed in Docket No. CP74–187 a petition to amend further the Commission's order issued March 21, 1975, in said docket, as amended, pursuant to Section 3 of the Natural Gas Act by authorizing Petitioner to import nautral gas from Canada to the United States at a border price of $1.80 (Canadian) per million Btu's, effective September 1, 1976, and $1.94 (Canadian) per million Btu's, effective January 1, 1977, as such price is set forth in amendments to Canadian-Montana Pipeline Company's (Pipeline Company) export licenses issued by the National Energy Board of Canada (NEB), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that it currently is authorized in this docket to import at a border point near Aden, Alberta, Canada, natural gas purchased from Pipeline Company at a price of $1.60 per million Btu's. It is further stated that on June 17, 1976, the NEB issued amendments to Pipeline Company's export licenses establishing the proposed higher border prices for the exportation of natural gas. Petitioner asserts that it imports from Canada more than 70 percent of the natural gas supply necessary to serve its market and that the ability of Petitioner to meet its market requirements and avoid curtailment of service directly depends on continued importation of natural gas under the authorization granted in the subject docket.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 24, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene

in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–23758 Filed 8–12–76;8:45 am]

[Docket No. ER76–824]

NORTHERN INDIANA PUBLIC SERVICE CO.

Filing of Revised Tariff Sheet

AUGUST 6, 1976.

Take notice that on July 30, 1976, The Northern Indiana Public Service Company (Northern Indiana) tendered for filing a change to its FPC Electric Service Tariff, Second Revised Volume No. 1 for service to the Kosciusko County Rural Electric Membership Corporation and the LaGrange County Rural Electric Membership Corporation.

Northern Indiana states that copies of this filing have been mailed to all interested customers.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 19, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–23753 Filed 8–12–76;8:45 am]

[Docket No. ER76–818]

NORTHERN STATES POWER CO. (MINNESOTA)

Proposed Rate Increase

AUGUST 6, 1976.

Take notice that Northern States Power Company, Minneapolis, Minnesota, (NSP) on July 29, 1976, tendered for filing Sixth Revised Schedule A to NSP's contracts with the following sixteen total requirements wholesale customers:

	FPC Rate Schedule No.
City of Anoka	338
City of Arlington	378
Village of Brownton	324
Village of Buffalo	369
City of Chaska	323
City of Granite Falls	355
Home Light and Power Co	335
Village of Kasota	318
Village of Kasson	379
City of Lake City	361
Village of North Saint Paul	371
City of Saint Peter	325
City of Shakopee	368
Town of Valley Springs	366
City of Waseca	380
City of Winthrop	364

The rate schedule is proposed to be effective for deliveries of power and energy on and after September 1, 1976, but NSP requests, in accordance with a settlement agreement in Docket No. E–9148 that the proposed increase be suspended by the Commission so as to allow the increase to become effective for deliveries of power and energy on and after January 1, 1977.

NSP states that the proposed rate schedule will increase revenues from the total requirements sales by $1,453,000, based on sales for the June 1, 1976, to May 31, 1977, test year. The proposed increase is needed, NSP states, so that the revenues will more nearly recover NSP's costs in rendering the service.

As provided in § 35.2 of the regulations under the Federal Power Act, a copy of the proposed rate schedule and comparative billing data have been mailed to each of NSP's customers affected by the proposed change, to the Minnesota Public Service Commission, and to the South Dakota Public Utilities Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 17, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–23754 Filed 8–12–76;8:45 am]

[Docket No. CP76–459]

NORTHWEST PIPELINE CORP.

Application

AUGUST 6, 1976.

Take notice that on July 30, 1976, Northwest Pipeline Corporation (Applicant), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP76–459 an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.7 (b) of the Regulations thereunder (18 CFR 157.7(b)) for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1977, and operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas which would be purchased from producers and other sellers thereof, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in connecting to its pipeline system supplies of natural gas which may become available from various producing areas generally co-extensive with its pipeline system or the systems of other pipeline companies which may be authorized to transport gas for the account of or exchange gas with Applicant.

Applicant states that the total cost of the proposed facilities would not exceed $9,000,000 and that the cost of any single project would not exceed $1,500,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 30, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–23755 Filed 8–12–76;8:45 am]

[Docket No. ER76–821]

TOLEDO EDISON CO.

Service Agreement

AUGUST 6, 1976.

Take notice that The Toledo Edison Company, on July 30, 1976, tendered for filing proposed changes in its FPC Electric Service Tariff, Original Volume Number 1 applicable to sales to Municipalities for Resale. The changes consist of filing a Service Agreement executed by the Village of Oak Harbor, Ohio and Sixth Revised Sheet Number 3, List of Purchasers.

Toledo Edison states that the executed Service Agreement with the Village of Oak Harbor provides that the Village will be served under rate Municipal Resale Service Rate—Small and that the Service Agreement replaces a contract (Rate Schedules FPC Number 16) which

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will expire on August 31, 1976. An effective date of September 1, 1976 has been requested for the filed Service Agreement.

Copies of this filing were served upon the Village of Oak Harbor, Ohio and the Public Utilities Commission of Ohio.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with § 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 19, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc 76-23756 Filed 8-12-76;8:45 am]

[Docket No. RP76-135]

CITIES SERVICE GAS CO.

Proposed Changes in FPC Gas Tariff

AUGUST 6, 1976.

Take notice that Cities Service Gas Company (Cities Service) on July 23, 1976, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1, consisting of the following tariff sheets:

Seventeenth Revised Sheet PGA-1
Third Revised Sheet No. 28
First Revised Sheet No. 29
Fourth Revised Sheet No. 37D
Original Sheet Nos. 37K, 37L, and 37M

Cities Service states that the filing proposes an increase above its presently effective rates which would increase revenues from jurisdictional sales by $13,489,441, based on the test period (the twelve months ended March 31, 1975, adjusted for known changes through December 31, 1976).

Cities Service states that the increased rates are required to reflect a rate of return of 12.60 percent, additional advance payments to producers for natural gas supplies, increases in plant and related cost of service items, increases in the cost of materials, supplies, wages and services, increases in ad valorem, payroll, franchise and state income taxes, and a reduction in gas purchase and sales volumes.

Cities Service's filing also includes in its General Terms and Conditions a minor amendment to Article 6 and a new Article 23 containing an advance payments rate adjustment provision.

Cities Service proposes an effective date of August 23, 1976, and states that copies of this filing were served on each of its customers and affected state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 16, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-23638 Filed 8-12-76;8:45 am]

[Docket No. ER76-804]

COMMONWEALTH EDISON CO.

Tariff Change

AUGUST 6, 1976.

Take notice that on July 22, 1976 Commonwealth Edison (Com Ed) tendered for filing a new Appendix E dated July 31, 1976 to the Facility Use Agreement between it and Illinois Power Company (Illinois), dated March 1, 1964. Under this Appendix E, Com Ed has provided two 345,000 volt disconnect switches and transmission towers at the point of interconnection near Illinois' Latham substation on Com Ed's 345 Kv line No. 2102.

Com Ed requests waiver of the notice requirements in order to permit the retroactive payment of the monthly facilities use charge of $1,932 to June 1, 1974.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 20, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-23639 Filed 8-12-76;8:45 am]

[Docket No. ER76-817]

INDIANAPOLIS POWER & LIGHT CO.

Filing of Rate Increase, and Petition for Waiver of Prefiling Requirements

AUGUST 6, 1976.

Take notice that on July 29, 1976, Indianapolis Power & Light Company (Indianapolis) tendered for filing rate schedules in the form of agreements which set forth the rates, charges, terms and conditions for providing wholesale electric service to all Indiana Rural Electric Membership Corporations (REMC) it serves. The new rate is intended to supersede and replace existing agreements and rates designated as Indianapolis Power & Light Company Rate Schedules FPC No. 10 and FPC No. 11, as amended, with respect to the type of service enumerated above.

The only customers presently affected by the proposed new rates are Boone County REMC and Morgan County REMC. Both have completed arrangements with Indianapolis, dated as of October 1, 1976, which bind Indianapolis to render service under the new rates for a period of two (2) years after their effective date, unless, in the case of Morgan County REMC, service by Indianapolis is replaced with that of another supplier.

Indianapolis alleges that the structure of the new rates have not been changed from the present rate; that the principal change in the new rates is to provide a total increase of $252,292 in annual revenues based upon the test year ended December 31, 1975, producing a rate of return for such test year of 8.10% on the original cost, less depreciation, of its facilities devoted to wholesale service under the new rates.

Indianapolis proposes that the Commission waive its prefiling of testimony and exhibits requirement, and any other requirement not satisfied by the subject filing. Indianapolis further proposes, in light of the fact that the present services contract rates to the REMCs expire October 23, 1976, that the new rate be effective as of that date.

Indianapolis states that copies of this filing, and all pertinent data, have been sent to Morgan County REMC, Boone County REMC and the Public Service Commission of Indiana.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 25, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-23640 Filed 8-12-76;8:45 am]

[Docket No. RI76-131]

MARINE CONTRACTORS AND SUPPLY, INC.

Amended Petition for Special Relief

AUGUST 6, 1976.

Take notice that on July 23, 1976, Marine Contractors and Supply, Inc., P.O. Box 27344, Houston, Texas, filed an amended petition to its June 10, 1976 petition for special relief in Docket No. RI76-131 pursuant to §§ 2.76 and 1.11 of the Commission's regulations (18 CFR 2.76 and 1.11). In its June 10, 1976 petition, Marine Contractors and Supply, Inc. requested a rate of $1.00 per Mcf. for the sale of gas from the Lucy Field, (Rob 9 Suc consolidated unit) St. Charles Parish, Louisiana to Transcontinental Gas Pipe Line Corp., 2700 South Post Oak Road, Houston, Texas. That petition was noticed on July 8, 1976, in the FEDERAL REGISTER at 41 FR 28019. The amended petition requests a rate of 85¢ per Mcf. and in all other terms is identical to its June 10, 1976 petition.

Any person desiring to be heard or to make any protest with reference to said petition should on or before August 30, 1976, filed with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-23641 Filed 8-12-76;8:45 am]

[Docket No. RP76-100]

MICHIGAN WISCONSIN PIPE LINE CO.

Order Granting Late Interventions

AUGUST 6, 1976.

By order issued May 28, 1976, in the captioned proceeding, the Commission accepted and suspended a proposed rate increase in the captioned proceeding. Untimely petitions to intervene have been received from Michigan Power Company, Natural Gas Pipeline Company of America, Iowa Electric Light and Power Company, and The Public Service Commission of Wisconsin. The Commission believes that the interest of these petitioners is sufficient to warrant intervention.

The Commission finds: It is desirable and in the public interest to allow the above-named petitioners to intervene.

The Commission orders: (A) The above-named petitioners are hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission: *Provided, however,* That participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in their petitions to intervene; and *Provided further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The interventions granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-23642 Filed 8-12-76;8:45 am]

[Docket No. ER76-644]

MISSOURI PUBLIC SERVICE CO.

Request for Extension of Time for Filing Revised Rate Schedules

AUGUST 6, 1976.

Take notice that on July 22, 1976, Missouri Public Service Company (MPS) tendered for filing a request for a 180 day extension to file Revised Rate Schedules "A" and "C" to its Interchange Agreement with the City of Independence, Missouri, FPR Rate Schedule No. 26. MPS states that the additional time is needed to mutually agree upon revised schedules. Schedule "C" has a fuel clause which does not conform to the Commission's Order No. 517 according to MPS.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 20, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-23643 Filed 8-12-76;8:45 am]

[Docket No. RP76-106]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Order Granting Late Interventions

AUGUST 6, 1976.

By order issued June 30, 1976, the Commission accepted and suspended a proposed increase in rates in the captioned docket. Timely and untimely petitions to intervene have been received from the following parties:

Central Illinois Light Company
Iowa Electric Light and Power Company
Iowa Power and Light Company
Mississippi River Transmission Corporation
Northern Indiana Public Service Company
Wisconsin Southern Gas Company, Inc.
Illinois Commerce Commission

The Commission believes that the interest of these petitioners is sufficient to warrant intervention.

The Commission finds: It is desirable and in the public interest to allow the above-named petitioners to intervene.

The Commission orders: (A) The above-named petitoners are hereby permitted to intervent in these proceedings subject to the rules and regulations of the Commission; *Provided, however,* That participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in their petitions to intervene; and *Provided further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The interventions granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-23644 Filed 8-12-76;8:45 am]

[Docket No. CP73-219]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Petition To Amend

AUGUST 5, 1976.

Take notice that on July 19, 1976, Natural Gas Pipeline Company of America (Petitioner), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP73-219 a petition to amend the order accompanying Opinion No. 693 (51 FPC 1446) issuing a certificate of public convenience and necessity in said docket pursuant to Section 7(c) of the Natural Gas Act, by which petition Petitioner requests authorization to transport an increased volume of natural gas for United Gas Pipe Line Company (United) and Trunkline Gas Company (Trunkline) in Louisiana, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioner states that it is authorized in the instant docket to transport up to 200,000 Mcf of natural gas per day for United and up to 300,000 Mcf of natural gas per day for Trunkline. Petitioner requests authorization to transport from the existing Holly Beach delivery point in Cameron Parish to the existing Erath redelivery point in Vermilion Parish up

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to 50,000 Mcf of gas per day on a firm basis and up to 20,000 Mcf of gas per day on a best efforts basis for United for 18 months from the date that Stingray Pipeline Company's (Stingray) facilities to the West Cameron Block 533 Field, as proposed in Docket No. CP75-329, are completed and placed in service. It is stated that the gas would be delivered or be caused to be delivered by United from production in Blocks 532, 533, 586, and 587 in the West Cameron Area, offshore Louisiana.

Petitioner also requests authorization to transport from the Holly Beach delivery point to the existing Cameron redelivery point in Cameron Parish a total of 400,000 Mcf of gas per day commencing October 1, 1976, and a total of 460,000 Mcf of gas per day commencing the date additional facilities, proposed by Stingray in Docket No. CP76-96, are placed in service. The service rendered by Petitioner for Trunkline would be reduced at such times as United is delivering the increased volumes as proposed in the instant petition and at such times as Trunkline is transporting for Petitioner up to 50,000 Mcf of gas per day.

The additional transportation services proposed in the instant petition would be rendered at the rates provided by Petitioner's Rate Schedules X-48 and X-49, the rate schedules for the existing services for United and Trunkline, respectively, the petition states.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 26, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-23636 Filed 8-12-76;8:45 am]

[Docket No. CP76-463]

NORTHWEST PIPELINE CORP.

Application

AUGUST 6, 1976.

Take notice that on August 2, 1976, Northwest Pipeline Corporation (Applicant), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP76-463 an application pursuant to section 7 of the Natural Gas Act and § 157.7(g) of the regulations thereunder (18 CFR 157.7(g)) for a certificate of public convenience and necessity authorizing the construction and for permission for and approval of the abandonment, during the calendar year 1977, and operation of field gas compression and related metering and appurtenant facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in the construction and abandonment of facilities which would not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of the proposed construction and abandonment would not exceed $3,000,000 and that the cost of any single project would not exceed $500,000. These costs would be financed with working funds, supplemented, as necessary, by short-term borrowings.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 31, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-23645 Filed 8-12-76;8:45 am]

[Docket No. RP73-89 (PGA 76-2A)]

SEA ROBIN PIPELINE CO.

Filing of Revised Tariff Sheet

AUGUST 6, 1976.

Take notice that on July 20, 1976, Sea Robin Pipeline Company (Sea Robin) tendered for filing Tenth Revised Sheet No. 4 to its FPC Gas Tariff, Original Volume No. 1 to become effective July 2, 1976.

This filing is being made pursuant to Commission order issued June 30, 1976 to reflect the elimination from the purchased gas cost in Sea Robin's May 14, 1976 PGA filing, volumes and costs related to three new purchase contracts which did not materialize by July 1, 1976.

A copy of the revised tariff sheet with supporting data is being mailed to all of Sea Robin's jurisdictional customers and interested state commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 17, 1976. Protests will be considered by the Commisslon in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-23646 Filed 8-12-76;8:45 am]

[Docket No. CP71-151]

SOUTHERN ENERGY CO.

Application To Amend

AUGUST 6, 1976.

Take notice that on July 23, 1976, Southern Energy Company (Applicant) filed in Docket No. CP71-151 an application to amend the Commission's Opinion No. 622 and order issued June 28, 1972, in said docket (47 FPC 1624), as modified on rehearing by Opinion No. 622-A and order (48 FPC 723), pursuant to section 3 of the Natural Gas Act by removing the price limitation and allowing the contract pricing formula to operate without limitation on the price of liquefied natural gas (LNG) to be imported by Applicant or, in the alternative, by raising the ceiling on the operation of the contract pricing formula from 83.0 cents per million Btu's to 131.0 cents per million Btu's of LNG, all as more fully set forth in the application to amend which is on file with the Commission and open to public inspection.

Applicant states that Opinion No. 622, as modified, authorized it to import LNG from Algeria which LNG would be purchased from El Paso Algeria Corporation (El Paso) under a contract with a pricing formula which permits changes in the LNG price based on changes in (i) the price El Paso pays for LNG; (ii) the costs of tankers and other facilities; (iii) operating expenses, and (iv) the cost of debt. It is further stated that said contract pricing formula was approved but that the import authorization granted Applicant limited the price to 83.0 cents per million Btu's. It is indicated that the ceiling price of 83.0 cents per million Btu's was based on a 1972 cost estimate and that Opinion No. 622-A provided that the limitation on the price for LNG could be raised upon a showing that actual costs reasonably and prudently incurred exceeded the cost estimates upon which the 83.0-cent price was based.

Applicant asserts that 95 percent of El Paso's costs have now been incurred or contracted for and the total cost and resulting price to Applicant is therefore known with a great deal of certainty, and that the actual, reasonably and prudently incurred costs experienced by El Paso have exceeded the 1972 estimates upon which the 83.0-cent price was based. Applicant states that the current estimate of the price under the contract formula in the first full year of full deliveries is 130.29 cents per million Btu's.

Accordingly, Applicant requests that the Commission find that the additional costs incurred and to be incurred by El Paso serve the present and future public convenience and necessity and, therefore, that the Commission remove the price limitation and allow the contract pricing formula to operate without limitation. Applicant requests, in the alternative, that the Commission raise the ceiling on the operation of the contract pricing formula from 83.0 cents per million Btu's to 131.0 cents per million Btu's.

Any person desiring to be heard or to make any protest with reference to said application to amend should on or before August 27, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-23647 Filed 8-12-76;8:45 am]

[Docket Nos. RP74-41 and RP75-73 (PGA 76-5A)]

TEXAS EASTERN TRANSMISSION CORP.

Proposed Changes in FPC Gas Tariff

AUGUST 5, 1976.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on July 20, 1976 tendered for filing proposed changes in its FPC Gas Tariff, Fourth Revised Volume No. 1, the following sheets; accordingly to Texas Eastern:

Second Substitute Twentieth Revised Sheet No. 14
Second Substitute Twentieth Revised Sheet No. 14A
Second Substitute Twentieth Revised Sheet No. 14B
Second Substitute Twentieth Revised Sheet No. 14C
Second Substitute Twentieth Revised Sheet No. 14D
Second Substitute Revised Twentieth Revised Sheet No. 14
Second Substitute Revised Twentieth Revised Sheet No. 14A
Second Substitute Revised Twentieth Revised Sheet No. 14B
Second Substitute Revised Twentieth Revised Sheet No. 14C
Second Substitute Revised Twentieth Revised Sheet No. 14D

Texas Eastern states that these sheets are being issued in substitution of tariff sheets filed by Texas Eastern on May 17, 1976 and June 15, 1976, for a PGA rate increase and a reduction due to repayments of advance payments, respectively. Texas Eastern states that such May 17, 1976 and June 15, 1976 filings were approved by the Commission by letter orders dated June 30, 1976 and July 8, 1976, respectively. Texas Eastern states that the PGA filing of May 17, 1974 was suspended, in part, for one day and accepted effective July 2, 1976, and accepted, in part, without suspension effective July 1, 1976, subject to revisions by Texas Eastern to reflect a change in rates by one of its pipeline suppliers.

Texas Eastern asserts that the above tariff sheets comply with the requirements of the Commission's letter order of June 30, 1976 and also reflect the advance payment reduction approved by letter order dated July 8, 1976. Texas Eastern requests effective dates for the above tariff sheets consistent with the effective dates allowed in the abovementioned letter orders.

Texas Eastern states that copies of the filing were served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 18, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-23637 Filed 8-12-76;8:45 am]

[Docket No. RP76-84]

UNITED GAS PIPE LINE CO.

Order Granting Intervention

AUGUST 6, 1976

On April 9, 1976, United Gas Pipe Line Company (United) filed proposed tariff sheets which would increase its jurisdictional revenues. United requested that the tariff sheets be allowed to become effective on May 9, 1976.

Public notice of United's proposed rate increase was issued on April 16, 1976, with protests and petitions to intervene due on or before April 28, 1976. On June 25, 1976, an untimely petition to intervene was received from Algonquin Gas Transmission Company (Algonquin). Having reviewed Algonquin's petition, the Commission concludes that Algonquin has an interest in this proceeding which is sufficient to warrant its intervention herein.

The Commission finds: It is desirable and in the public interest to allow Algonquin to intervene in these proceedings.

The Commission orders: (A) Algonquin is hereby permitted to intervene in these proceedings subject to the rules and regulations of the Federal Power Commission: *Provided, however*, That participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the notice of intervention; and *Provided further*, That the admission of such intervenor shall not be construed as recognition by the Federal Power Commission that it might be aggrieved because of any order or orders of the Federal Power Commission entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc 76-23648 Filed 8-12-76;8:45 am]

[Docket No. RP73-94 (PGA 76-2)]

VALLEY GAS TRANSMISSION, INC.

Order Granting Intervention

AUGUST 6, 1976.

On May 14, 1976, Valley Gas Transmission, Inc. (Valley Gas) filed a proposed tariff sheet pursuant to its Purchased Gas Cost Provision. Valley Gas requested that the tariff sheet be allowed to become effective on July 1, 1976.

Public notice of Valley Gas proposed tariff revision was issued on May 21, 1976, with protests and petitions to intervene due on or before June 7, 1976. On June 7, 1976, a timely petition to intervene was received from Tennessee Gas Pipeline Company, a division of Tenneco, Inc. (Tennessee). Having reviewed Tennessee's petition, we conclude that

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Tennessee has an interest in this proceeding which is sufficient to warrant its intervention herein.

The Commission finds: It is desirable and in the public interest to allow Tennessee to intervene in these proceedings.

The Commission orders: (A) Tennessee is hereby permitted to intervene in these proceedings subject to the rules and regulations of the Federal Power Commission; *Provided, however,* That participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the notice of intervention; and *Provided further,* That the admission of such intervenor shall not be construed as recognition by the Federal Power Commission that it might be aggrieved because of any order or orders of the Federal Power Commission entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-23649 Filed 8-12-76;8:45 am]

FEDERAL RESERVE SYSTEM

[H. 2, 1976 No. 30]

BOARD OF GOVERNORS

Actions; Applications and Reports Received During the Week Ending July 24, 1976

ACTIONS OF THE BOARD

Report on bill, S. 3163, letter to Chairman Proxmire of the Senate Banking, Housing and Urban Affairs Committee commenting on a bill that would permit interest to be paid on demand deposits that consist of public funds of the United States or of a State or a political subdivision or instrumentality of a State.

Further consideration early next year to the question whether commercial banks should be permitted to pay the same ceiling rate of interest on Individual Retirement Accounts as thrift institutions.

Amendments to Regulation G, Securities Credit By Persons Other Than Banks, Brokers, Or Dealers, to reduce the amount of paperwork and reporting required in the regulation of securities credit.

Letter to Senator Biden, Chairman of the Consumer Affairs subcommittee of the Banking, Housing and Urban Affairs Committee in response to questions raised relating to violations of the Truth in Lending Act.

American Security Corporation, Washington, D.C., issuance of order announcing determination that ASC is entitled to grandfather privileges with respect to certain nonbanking activities.

Citibank Overseas Investment Corporation, New York, New York, consent for an additional extension of time within which to establish a branch in San Juan, Puerto Rico.[1]

First Citizens Bank of Butte, Butte, Montana, extension of time for three months within which First Citizens Bank of Butte may accomplish membership in the Federal Reserve System.[1]

Dauphin Deposit Corporation, Harrisburg, Pennsylvania, extension of time of three months from August 1, 1976, to November 1, 1976, in which to consummate acquisition of 100 per cent of the voting shares of Dauphin Deposit Bank and Trust Company, Harrisburg, Pennsylvania.[1]

First Bancshares of Florida, Inc., Boca Raton, Florida, extentension of time until October 19, 1976, within which to acquire shares of and open Vero Beach National Bank, Vero Beach, Florida.[1]

Kentucky National Corporation, Louisville, Kentucky, 90-day extension of time, from July 24, 1976, to October 24, 1976, within which the de novo Northern Michigan Bank of Kingsford, Kingsford, Michigan, shall be opened for business; and to extend from July 24 to October 24, 1976, the time within which the Corporation may consummate acquisition of Northern Michigan Bank of Kingsford, Kingsford, Michigan.[1]

Northern Michigan Corporation, Escanaba, Michigan, extension of time from July 24, 1976, to October 24, 1976, within which the de novo Northern Michigan Bank of Kingsford, Kingsford, Michigan, shall be opened for business; and to extend from July 24 to October 24, 1976, the time within which the Corporation may consummate acquisition of Northern Michigan Bank of Kingsford, Kingsford, Michigan.[1]

Northeast United Bancorp, Inc., of Texas, Fort Worth, Texas, extension of time to November 17, 1976, in which to consummate the acquisition of First State Bank, Bedford, Texas.[1]

Republic of Texas Corporation, Dallas, Texas, extension of time to October 27, 1976, within which to consummate the acquisition of Brae Bayou National Bank, Houston, Texas and to open for business.[1]

Redwood National Mortgage Company, San Francisco, California, a subsidiary of Redwood Bancorp, also of San Francisco, extension of time to October 24, 1976, within which to divest itself of unimproved property in Albany, California.[1]

Peoples State Bank of Holland, Michigan, extension of time to December 19, 1976, within which to establish a branch in the vicinity of 501 West Main Street, Holland Township, Michigan.[1]

Foxworth Bank, Foxworth, Mississippi, investment in bank premises.[1]

NOTE.—The H.2 release is now published in the FEDERAL REGISTER. It will continue to be sent, upon request, to anyone desiring a copy.

To Establish a Domestic Branch Pursuant to Section 9 of the Federal Reserve Act.

APPROVED

Union Trust Company of Maryland, Baltimore, Maryland. Branches to be established at the following locations:

A. In the Bel Air Plaza Shopping Center, Bel Air, Hartford County.

B. In the College Center Building, Towson State College, Baltimore County.[2]

First Bank and Trust Company of South Bend, South Bend, Indiana. Branch to be established at the southeast corner of State Road No. 23 and Rittersweet Road, Grander, Harris Township, St. Joseph County.[2]

Louisville Trust Bank, Inc., Louisville, Kentucky. Branch to be established at 3940 Westport Road, Louisville, Jefferson County.[2]

Seattle Trust and Savings Bank, Seattle, Washington. Branch to be established on the southeast corner of N.E. 85th Street and 124th Avenue N.E. in the unincorporated King County.[2]

International Investments and Other Actions Approved Pursuant to Sections 25 and 25(a) of the Federal Reserve Act and Sections 4(c)(9) and 4(c)(13) of the Bank Holding Company Act of 1956, as amended.

First Chicago International Banking Corporation; Chicago, Illinois: Board interpretation re: letter of credit transactions.

State of New York Banking Department, New York, New York: views of the board for establishment of an agency in New York City by The Sumitomo Trust and Banking Company, Limited, Osaka, Japan.

First Chicago International Finance Corporation, Chicago, Illinois: Investment—to acquire First Chicago Investments Canada Limited, Toronto, Canada.

Security Pacific Overseas Corporation, Los Angeles, California: regarding the sale of mutual funds.

Allied Bank International, New York, New York: Investment to establish and wholly-own a de novo Bank and Trust Company in Nassau, to be known as Allied Bank and Trust Company (Bahamas) Limited.

First National City Overseas Investment Corporation, New York, New York: FNC Comercio E. Participacoes S.A. to issue debt obligations, Rio de Janeiro, Brazil.

American National Overseas Corporation, Chicago, Illinois: Investment—to enter into a joint venture, Americorp-Servicos Assessoria E. Particiapoes Limitada, Brazil.

To Merge Pursuant to Section 18(c) of the Federal Deposit Insurance Act.

APPROVED

First Guaranty Bank, Hurt, Virginia for prior approval to merge with Schoolfield Bank and Trust Company, Danville, Virginia.

To Form a Bank Holding Company Pursuant to Section 3(a)(1) of the Bank Holding Company Act of 1956.

APPROVED

Bancook Corporation, Cook, Nebraska, for approval to acquire 80 per cent or more of the voting shares of Farmers Bank of Cook, Cook, Nebraska.[2]

Hastings State Company, Hastings, Nebraska, for approval to acquire 80 percent or more of the voting shares of Hastings State Bank, Hastings, Nebraska.

DENIED

C N Banc Holding Corporation, Maplewood, Missouri, for approval to acquire 80 per cent or more of the voting shares of Citizens National Bank of Greater St. Louis, Maplewood, Missouri.

To Expand A Bank Holding Company Pursuant to Section 4(c)(8) of the Bank Holding Company Act of 1956.

APPROVED

Mellon National Corporation, Pittsburgh, Pennsylvania, for approval to acquire 100 per cent of the voting shares of Local Loan Company, Chicago, Illinois.

[1] Application processed on behalf of the Board of Governors under delegated authority.

[2] Application processed by the Reserve Bank on behalf of the Board of Governors under delegated authority.

DELAYED

Southwest Bancshares, Inc., Houston, Texas, notification of intent to engage in de novo activities (originating loans as principal, originating loans as agents, servicing loans for nonaffiliated individuals, partnerships, and corporations; servicing loans for subsidiaries of Southwest Bancshares, Inc. and such other activities as may be incident to the business of a mortgage company) at 2901 West Loop South, Houston, Texas, through a subsidiary, Southwest Bancshares Mortgage Company (7/21/76).[3]

REACTIVATED

Manufacturers Hanover Corporation, New York, New York, notification of intent to engage in de novo activities (of a consumer finance business including without limitation making or acquiring, for its own account or for the account of others, loans and other extensions of credit such as would be made by a finance company, servicing loans and other extensions of credit for any person; and acting as agent or broker for the sale of credit related life accident and health insurance and consumer credit related property (including non-filing insurance) and casualty insurance which is related to extension of credit made or acquired by Ritter Finance Company and/or its direct and indirect subsidiaries) at King Street, Elizabethtown, North Carolina, through its subsidiary, Ritter Finance Company, Inc., of North Carolina (6/30/76).[3]

Root River Agency, Inc., Preston, Minnesota, notification of intent to engage in de novo activities (an agriculture credit company) at 100 Anthony, North, Preston, Minnesota (7/23/76).[3]

PERMITTED

Citicorp, New York, New York, notification of intent to engage in de novo activities, (consumer personal lending, preauthorized consumer revolving credit; and acting as broker for the sale of consumer credit related life/accident and health insurance and consumer credit related property and casualty insurance; if these proposals are effected, the subsidiary will offer to sell insurance as follows: credit life/accident and health or individual decreasing or level (in the case of single payment loans) life insurance to cover the outstanding balance of consumer credit transactions singly or jointly with their spouses or cosigners in the case of life coverage in the event of death, or, to make the contractual monthly payments on the consumer credit transactions in the event of the obligators' disability to the extent permissible under applicable State insurance laws and regulations; and individual casualty insurance on personal property subject to security agreements and to include liability coverage in home or automobile owner "package" policies where such is the general practice; further, in regard to the sale of credit related insurance, the subsidiary will not act as a general insurance agency) at 1701 North Kipling Street, Suite 205, Lakewood, Colorado, through its subsidiary, Nationwide Financial Service Corporation and its subsidiary, Citicorp Person-to-Person Financial Center, Inc. (7/24/76).[3]

CB&T Bancshares, Inc., Columbus, Georgia, notification of intent to engage in de novo activities (writing and issuing credit life insurance policies and credit accident and health insurance policies in connection with the extensions of credit such as would be made by a second mortgage company) at 1148 Broadway, Columbus, Georgia, through a subsidiary, CB&T Homeowners, Inc. (7/24/76).[3]

Flagship Banks, Inc., Miami Beach, Florida, notification of intent to continue to engage through a subsidiary known as Flagship Service Corporation (Company), a subsidiary, Flagship Bank of Tampa in the following activities now being performed by Company (providing bookkeeping or data processing services for the internal operations of the holding company and its subsidiaries and storing and processing other banking, financial or related economic data such as performing payroll, accounts receivable or payable, or billing services). After reorganization, Company will be a direct wholly-owned subsidiary of Flagship Banks, Inc.; activities will be conducted at 120 Andalusia Avenue, Coral Gables; 4720 Cypress Street, Tampa; 103 Century 21 Drive, Suite 110, Building No. 2, Jacksonville; and 5800 Diplomat Circle, Ambassador Building, Orlando, all located in Florida (7/24/76).[3]

Bankshares of Nebraska, Inc., Grand Island, Nebraska, notification of intent to engage in de novo activities (sale of credit life and credit disability (accident and health) insurance on extensions of credit) at First Center, 3413 West Thirteenth Street, Grand Island, Nebraska, through a subsidiary, First Savings Company (7/22/76).[3]

BankAmerica Corporation, San Francisco, California, notification of intent to engage in de novo activities (making or acquiring for its own account loans and other extensions of credit, servicing for itself or others loans and other extensions of credit such as would be made or provided by a finance company, including but not limited to the following specific activities: making of consumer installment loans, purchasing installment sales finance contracts, making loans and other extensions of credit to small businesses, and making loans secured by real or personal property or a combination thereof; acting as agent or broker for the sale of credit life and credit accident and health insurance, and credit related property and casualty insurance in connection with extensions of credit by FinanceAmerica Corporation) at offices to be located at 31 A Black Horse Pike, Runnemede, New Jersey, through its subsidiary, FinanceAmerica Corp., a New Jersey Corporation (7/19/76).[3]

Patagonia Corporation, Tucson, Arizona, notification of intent to engage in de novo activities (originating residential mortgages and mortgages on commercial real estate for sale to permanent investors; servicing of mortgages for permanent investors; and interim lending for land development and construction financing where the loan will be sold to a permanent investor) at 1700 First Avenue, Yuma, Arizona, through its subsidiary, Western American Mortgage Company (7/22/76).[3]

WITHDRAWN

CHAMBANCO, INC., Chambers, Nebraska, for approval to acquire the assets of Adams & Adams Insurance Agency, Chambers, Nebraska.

Harvard State Company, Harvard, Nebraska, for approval to acquire the assets of Voorhees Insurance Agency, Harvard, Nebraska.

APPLICATIONS RECEIVED

To Become a Member of the Federal Reserve System Pursuant to Section 9 of the Federal Reserve Act.

The Central Trust Company of Canal Winchester, Canal Winchester, Ohio.

To Establish a Domestic Branch Pursuant to Section 9 of the Federal Reserve Act.

Old Kent Bank of Kentwood, Kentwood, Michigan. Branch to be established in the vicinity of 52nd Street and Eastern Avenue, S.E., Kentwood.

To Merge Pursuant to Section 18(c) of the Federal Deposit Insurance Act.

First Virginia Bank of Colonial Heights, Colonial Heights, Virginia for prior approval to merge with Richmond National Bank, Richmond, Virginia.

To Form a Bank Holding Company Pursuant to Section 3(a)(1) of the Bank Holding Company Act of 1956.

Nabach, Inc., Farmer City, Illinois, for approval to acquire 52.27 percent of the voting shares of State National Bank in Lincoln, Lincoln, Illinois.

Sidney Holding Company, Sidney, Montana to acquire 80.5 percent of the voting shares of The Sidney National Bank, Sidney, Montana.

To Expand a Bank Holding Company Pursuant to Section 3(a)(3) of the Bank Holding Company Act of 1956.

LITCO Corporation of New York, Garden City, New York, for approval to acquire 100 percent of the voting shares of Long Island Bank, Hicksville, New York, successor by conversion to Long Island National Bank, Hicksville, New York.[2]

Tower-Soudan Agency, Inc., Tower, Minnesota, for approval to acquire an additional 43.67 percent of the voting shares of State Bank of Tower, Tower, Minnesota.[2]

First City Bancorporation of Texas, Inc., Houston, Texas, for approval to acquire 100 percent of the voting shares (less directors' qualifying shares) of First City Bank-Northeast, N.A., Houston, Texas.

To Expand a Bank Holding Company Pursuant to Section 4(c)(8) of the Bank Holding Company Act of 1956.

Citicorp, New York, New York, notification of intent to engage in de novo activities (purchasing and servicing for its own account consumer installment sales finance contracts, and will act as broker for the sale of consumer credit related life and accident and health insurance and consumer credit related property and casualty insurance on purchased consumer installment

[3] 4(c)(8) and 4(c)(12) notifications processed by Reserve Bank on behalf of the Board of Governors under delegated authority.

[2] Application processed by the Reserve Bank on behalf of the Board Governors under delegated authority.

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sales finance contracts; said insurance will only be offered when such transactions are the equivalent of direct extensions of consumer credit by the subsidiary. If this proposal is effected, the subsidiary will offer to sell insurance as follows: group credit life and accident and health insurance to cover the outstanding balances on consumer installment sales finance contracts to the obligator, singly or jointly with their spouses or co-signers in the case of life coverage, in the event of death, or, to make the contractual monthly payments on consumer installment sales finance transactions in the event of the obligators' disability to the extent permissible under applicable state insurance laws and regulation; individual casualty insurance on personal property subject to security agreements; further, in regard to the sale of credit related insurance, the subsidiary will not act as a general insurance agency) at Mall View Office Park, 5313 50th Street, Building B, Suite 5, Lubbock, Texas, through its subsidiary, Nationwide Financial Corporation (7/21/76).[2]

Florida National Banks of Florida, Inc., Jacksonville, Florida, notification of intent to engage in de novo activities (the business of acting as agent for the sale of credit life and accident and health insurance directly related to extensions of credit by the bank holding company and/or its banking and nonbanking subsidiaries), at Titusville, Opa-Locka, Miami, Fort Pierce, Coral Gables, Madison, Bushnell, Bartow, De Land, St. Petersburg, Ft. Lauderdale, Daytona Beach, Pensacola, Jacksonville, Orlando, Vero Beach, Port St. Joe, West Palm Beach, Key West, Gainesville, Brent, Starke, Lakeland, Chipley, Belle Glade, Ocala, Perry and Fernandina Beach, all located in Florida (7/20/76).[2]

Century Financial Corporation of Michigan, Saginaw, Michigan, for approval to acquire all the voting shares of Century Life Insurance Company of Michigan, Phoenix, Arizona, (underwriting, as reinsurer, credit life and credit accident and health insurance which is directly related to extensions of credit by the bank holding company system).

Nabach, Inc., Farmer City, Illinois, for approval to continue to engage in the provision of investment advisory service for State National Bank in Lincoln, Lincoln, Illinois.

Security Pacific Corporation, Los Angeles, California, notification of intent to engage in de novo activities (making or acquiring for its own account, or for the account of others, loans and extensions of credit, including making consumer installment personal loans, to small businesses and other extensions of credit such as would be made by a factoring company or a commercial finance company, and acting as broker or agent for the sale of consumer-related life/accident and health insurance and consumer related property and casualty insurance) at 16052 Beach Blvd, Huntington Beach, California, through its subsidiary, Security Pacific Finance Corp. (7/16/76).[2]

[2] Application processed by the Reserve Bank on behalf of the Board of Governors under delegated authority.

[3] 4(c)(8) and 4(c)(12) notifications processed by Reserve Bank on behalf of the Board of Governors under delegated authority.

NOTICES

REPORTS RECEIVED

Current Report Filed Pursuant to Section 13 of the Securities Exchange Act.

Bank of the Commonwealth, Detroit, Michigan.

PETITIONS FOR RULEMAKING

None.

Board of Governors of the Federal Reserve System, August 6, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-23700 Filed 8-12-76;8:45 am]

CUBANC CORP.

Order Approving Formation of Bank Holding Company

CUbanc Corp., Columbus, Ohio, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 100 per cent (less directors' qualifying shares) of the voting shares of The Alexandria Bank Company, Alexandria, Ohio ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a recently formed corporation organized for the purpose of becoming a bank holding company [1] through the acquisition of Bank. Bank holds total deposits of approximately $2.8 million, representing 1.1 percent of total deposits in commercial banks in the relevant banking market [2] and is the smallest of five banking organizations in the market.[3]

Since Applicant has no present operations or subsidiaries, consummation of the proposed transaction would not have any adverse effect on existing or potential competition,[4] nor would it increase the concentration of banking resources or have an adverse effect on other banks in the relevant market. Thus, the Board concludes that competitive considerations are consistent with approval of the application.

The financial and managerial resources of Applicant and Bank are regarded as satisfactory and the future prospects for each appear favorable. Applicant will not incur debt incident to the subject proposal. It is expected that, following consummation of this proposal, Bank will increase interest rates it pays on savings deposits, initiate a credit card program, and expand its hours of operation. Accordingly, considerations relating to the convenience and needs of the communities to be served lend some weight toward approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

By order of the Board of Governors, effective August 4, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-23694 Filed 8-12-76;8:45 am]

FIRST YUKON BANKSHARES, INC.

Order Approving Formation of Bank Holding Company

First Yukon Bankshares, Inc., Oklahoma City, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 84.77 percent of the voting shares of The First National Bank of Yukon, Yukon, Oklahoma ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, a nonoperating corporation with no subsidiaries, was organized for the purpose of becoming a bank holding company through the acquisition of Bank. Bank holds deposits of $23.7 million [1] and is the 30th largest bank in the relevant banking market,[2] controlling less than one per cent of the total deposits in commercial banks in the

[1] Applicant was organized by The Ohio Central Credit Union, Inc., Columbus, Ohio, and The Ohio Credit Union League, Columbus, Ohio. Applicant's shares are to be held by seven individuals and 24 State chartered credit unions. No credit union will own more than 5 percent of the outstanding voting shares of Applicant.

[2] The relevant banking market is approximated by Licking County except for the Townships of Jersey, Lima, and Etna.

[3] All banking data are as of June 30, 1975.

[4] No credit union that will share in the ownership of Applicant operates in the relevant banking market.

[5] Voting for this action: Chairman Burns and Governors Wallich, Coldwell, Jackson, Partee, and Lilly. Absent and not voting: Governor Gardner.

[1] All banking data are as of December 31, 1975.

[2] The relevant banking market is approximated by the Oklahoma City SMSA, which is comprised of Canadian, Cleveland, McClain, Oklahoma and Pottawatomie Counties.

market. Upon acquisition of Bank, Applicant would control approximately 0.2 per cent of the total commercial bank deposits in the State of Oklahoma. Since the proposed transactions is essentially a reorganization of Bank's present ownership into corporate form, consummation of the proposal would not appear to have any adverse effects on other banks or on competition in the relevant market. Therefore, competitive considerations are consistent with approval of the application.

The financial and managerial resources of Applicant and Bank are regarded as satisfactory. The future prospects of Applicant are dependent upon those of Bank, which also are regarded as satisfactory. Although Applicant will assume debt in acquiring the shares of Bank, it appears that income and management fees from Bank will provide sufficient revenue to Applicant to service the debt adequately without adversely affecting the financial condition of Bank. In addition, Applicant has committed that, during the period of debt amortization, it will not retire or pay dividends on any of its non-cumulative preferred stock until after each respective year's principal and interest payments of Applicant's acquisition debt have been amortized as projected and unless Bank's capital has been maintained as projected. Accordingly, considerations relating to banking factors are consistent with approval. Although consummation of the transaction would have no immediate effect on area banking needs, considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. It is the Board's judgment that consumation of the proposed transaction would be consistent with the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[1] effective August 6, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-23695 Filed 8-12-76;8:45 am]

FORT SAM HOUSTON BANKSHARES, INC.

Order Approving Acquisition of Greenwood Life Insurance Co.

Fort Sam Houston Bankshares, Incorporated, San Antonio, Texas ("Applicant"), a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR § 225.4(b)(2)), to acquire 100 percent of the outstanding shares of Greenwood Life Insurance Company, San Antonio, Texas ("Company"), a company that will engage in the activity of underwriting credit life insurance and credit accident and health insurance that is directly related to extensions of credit by the bank holding company system. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(10)).

Notice of the applications, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (41 FEDERAL REGISTER 23759). The time for filing comments and views has expired, and the Board has considered the application and all comments received in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant, the 34th largest banking organization in Texas, controls one bank, National Bank of Fort Sam Houston, San Antonio, with deposits of approximately $129.2 million, representing 1.3 percent of the total deposits in commercial banks in the State.[1]

Company is an existing life insurance company,[2] the activities of which are limited to reinsurance of ordinary life policies issued by its present parent company, Government Personnel Mutual Life Insurance Company ("GPMLIC"). After consummation, Company would terminate its captive reinsurance activities for its present parent,[3] and commence both reinsurance activities and direct underwriting activities for Applicant. Since the proposal thus essentially involves a de novo activity, consummation of the transaction would not have any significant adverse effects on existing or potential competition in the relevant market.[4]

Credit life and credit accident and health insurance is generally made available by banks and other lenders and is designed to assure repayment of a loan in the event of death or disability of the borrower. In connection with its addition of credit insurance underwriting to the list of permissible activities for bank holding companies, the Board stated:

> To assure that engaging in the underwriting of credit life and credit accident and health insurance can reasonably be expected to be in the public interest, the Board will only approve applications in which an applicant demonstrates that approval will benefit the consumer or result in other public benefits. Normally, such a showing would be made by a projected reduction in rates or increase in policy benefits due to bank holding company performance of this service.

Applicant's Bank, through two policies issued by an unaffiliated insurance company, now offers to its customers credit life insurance on a single life in connection with installment and revolving credit loans it originates. Rates now being charged for this coverage are 39.9 percent below maximum rates permitted by State law. Applicant proposes to reduce current rates by 3.57 percent resulting in rates that are 42.1 percent below State regulatory maxima. Applicant further proposes to begin offering coverage on single payment consumer loans and coverage on joint lives when applicable. The proposed rates for this coverage are 3.55 percent below State regulatory maxima. Moreover, Bank currently does not offer credit accident and health insurance to its credit customers. Applicant proposes to provide this coverage at 3.51 percent below State regulatory maxima. As an additional public benefit, Applicant would increase maximum credit life insurance coverage from $10,000, the present maximum, to $20,000 except on revolving credit loans, where the limit would remain at $10,000. Applicant also proposes to extend from one month to three months the period during which coverage on the life of a borrower in default would continue.

Although policies currently in use by Bank do not contain a suicide exclusion provision, Applicant proposes to include such a provision in its policies from Company. The suicide exclusion is a standard provision in policies issued by the six credit-related insurance subsidiaries of bank holding companies presently doing business in Texas. The Board does not view Applicant's proposed addition of the suicide exemption provision as significantly reducing the net public benefits that will result from the implementation of the other elements of the Applicant's proposal. Accordingly, the Board finds that Applicant's proposed premium rate reductions and its

[1] Voting for this action: Chairman Burns and Governors Wallich, Coldwell, Jackson, Partee and Lilly. Absent and not voting: Governor Gardner.

[1] All banking data are as of December 31, 1975, and reflect bank holding company acquisitions and formations as of April 1, 1976.

[2] Company holds life insurance policies with a face value of $236,500 pursuant to reinsurance agreements with its present parent. It does so to qualify as an insurer, and thereby retain its charter, under the Texas Insurance Code. At the time of consummation, Company will simultaneously reinsure approximately $3.8 million face value of insurance in force formerly underwritten by Bank's present insurance underwriter in connection with past extensions of credit by Bank. The reinsurance transaction is to be undertaken to allow Company to retain its charter; thereafter, Company will begin its underwriting activities.

[3] In order to ensure that Company will engage in no insurance activities carried over from its former parent that are impermissible for subsidiaries of bank holding companies, a clause in the contract of sale between Applicant and GPMLIC provides that the reinsurance agreements in existence between the two parties shall be terminated and that GPMLIC shall recapture all of such reinsurance, thereby relieving Company as reinsurer immediately following consummation.

[4] The San Antonio SMSA is the relevant credit-related insurance market for purposes of analyzing the competitive effects of the proposal.

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proposed increases in policy coverage are procompetitive and in the public interest.

Based upon the foregoing and other considerations reflected in the record, including a commitment by Applicant to maintain on a continuing basis the public benefits that the Board has found to be reasonably expected to result from this proposal and upon which the approval of this proposal is based, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiares as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Dallas, pursuant to authority hereby delegated.

By order of the Board of Governors,* effective August 6, 1976.

GRIFFITH L. GARWOOD.
Assistant Secretary of the Board.

[FR Doc.76-23696 Filed 8-12-76;8:45 am]

LITCO CORPORATION OF NEW YORK

Acquisition of Bank

LITCO Corporation of New York, Garden City, New York, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Long Island National Bank, Hicksville, New York. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 24, 1976.

Board of Governors of the Federal Reserve System, August 6, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-23697 Filed 8-12-76;8:45 am]

*Voting for this action: Chairman Burns and Governors Wallich, Coldwell, Jackson, Partee, and Lilly. Absent and not voting: Governor Gardner.

SEILON, INC.

Acquisition of Bank

Seilon, Inc., Toledo, Ohio, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to retain approximately .4 per cent of the voting shares of Nevada National Bancorporation (formerly First Bancorporation), Reno, Nevada. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 7, 1976.

Board of Governors of the Federal Reserve System, August 6, 1976.

GRIFFITH L. GARWOOD.
Assistant Secretary of the Board.

[FR Doc 76-23698 Filed 8-12-76;8:45 am]

SPALDING CITY CORP.

Formation of Bank Holding Company

The Spalding City Corporation, Spalding City, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of Spalding City Bank, Spalding, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit vews in writing to the Secretary, Board of Governors of the Federal Reserve System. Washington, D.C. 20551 to be received no later than September 8, 1976.

Board of Governors of the Federal Reserve System, August 9, 1976.

GRIFFITH L. GARWOOD.
Assistant Secretary of the Board.

[FR Doc.76-23699 Filed 8-12-76;8:45 am]

FEDERAL TRADE COMMISSION

HARMSCO, INC.

Denial of Application for Waiver of Magnuson-Moss Warranty Act

I. By application dated September 4, 1975, Harmsco, Inc. (Harmsco), a manufacturer of swimming pool water treatment systems, requested a waiver of section 102(c) of the Magnuson-Moss Warranty Act, Pub. L. 93-637, 15 U.S.C. 2302(c) (the "Act").

Section 102(c) of the Act provides that no warrantor of a consumer product may condition has written or implied warranty of such product on the consumer's using, in connection with such product, any article or service (other than one provided without charge) identified by brand, trade or corporate name, unless a waiver of this provision is granted by the Commission.

Harmsco seeks the waiver in order to use the following clause in its warranty:

This guarantee is void if filter cartridges other than those manufactured by Harmsco, Inc. are used in this filter.

As required by section 102(c), the Commission published Harmsco's application in the December 18, 1975 FEDERAL REGISTER for public comment. The record was open for comment until February 16, 1976. The only evidence submitted and arguments made in connection with the waiver application were those of the applicant.

The application of Harmsco, Inc. for a waiver of section 102(c) is denied for the reasons set forth below.

II. There are two distinct products under consideration in this waiver request: (1) The filter unit ("unit") and (2) the filter cartridge ("cartridge"). The unit consists of pumps, pipes, tank, housing and related components. Harmsco's proposed warranty covers only the unit. The unit is a relatively expensive product with a service life expectancy of at least ten years (as evidenced by the duration of the warranty against defects offered by the manufacturer).

The cartridge is a cylindrical device which is inserted into the unit which acts as the filtering element. The unit pumps water through the cartridge to be filtered. Harmsco seeks a waiver so that the cartridge may be identified by brand name in the unit's warranty and its use made a condition of warranty coverage. Cartridges must be replaced regularly throughout the life-cycle of the unit to keep the filtration system operating; their cost is minor in comparison to the cost of the unit.

Section 102(c) provides that "the prohibition of this subsection may be waived by the Commission if—

(1) The warrantor satisfies the Commission that the warranted product will function properly only if the article or service so identified is used in connection with the warranted product and

(2) The Commission finds that such a waiver is in the public interest."

In support of the waiver request the applicant has submitted the following materials:

(1) Two photographs of weighted barrels each supported by three cartridges. One barrel is supported by three non-Harmsco cartridges while the other is supported by three Harmsco cartridges. These photographs show that the non-Harmsco cartridges deform under a weight of 255 lbs. while Harmsco cartridges can support at least 440 lbs. without similar deformation. There is no

indication on the record of the relevance of this feature to the statutory standard.

(2) Three advertisements for Harmsco cartridges. These advertisements set out the applicant's product claims for its products. There is no documentation in the advertisement supporting the advertised claims.

(3) A "Swimming Pool Filter Evaluation Program" report dated September 22, 1972 by Enviro-Engineers, Inc., 600 Bancroft Way, Berkeley, California ("1972 Report"). This report, commissioned by Harmsco compares the performance of the Harmsco filtration system to three other systems in six different areas: turbidity, pH, alkalinity, oil and grease, residual chlorine and hardness. The other systems used sand, sand and gravel, and earth, respectively, instead of cartridges as the filtering element. This report concludes that the Harmsco system has better overall performance characteristics than the other systems tested.

(4) A "Filter Evaluation Program" report dated January 24, 1974 by Engineering Science, Inc., 600 Bancroft Way, Berkeley, California ("1974 Report"). Also commissioned by Harmsco, this report contains 11 pages of description of test procedures, results and conclusions. Harmsco's cartridges were compared to systems using sand, earth and two different non-Harmsco cartridges as filtering elements. These systems were compared in terms of turbidity removal, length of filtration cycle, and filtration capacity. This report concludes that the Harmsco system gives better overall performance than both the non-cartridge systems. It further concludes that Harmsco cartridges used in conjunction with a Harmsco unit perform better than other cartridges used in conjunction with the same unit.

Initially, the two reports raise a crucial question: does a demonstration that the tied-in product is more efficient than, or superior in performance to, other products of the same kind satisfy the statutory standard that "the warranted product will function properly only if" the tied-in product is used in connection with it. To answer this an understanding of the underlying policy of section 102(c) is necessary.

The clear purpose of section 102(c) is to prohibit the implementation of tying arrangements by means of warranties. Tying arrangements have long been held to be "unreasonable in and of themselves whenever a party has sufficient economic power with respect to the tying product to appreciably restrain competition in the free market for the tied product and a 'not insubstantial' amount of interstate commerce is affected". "Northern Pacific R. Co. v. U.S.", 356 U.S. 1, 5–6 (1958). Congress indicated in section 102(c) its intention to prohibit those tying arrangements imposed upon consumers by means of a penalty of loss of warranty coverage.

With this background in mind, the Commission believes that a mere demonstration of the superior performance characteristics does not satisfy the "function properly" standard.

The proper functioning of the warranted product is not necesarily the best functioning of that product. Some consumers may wish to choose a lower level of performance in consideration of other factors such as price or availability. To consumers making such a choice the warranted product is still "functioning properly" in acordance with their desires, even though it may not perform at its highest efficiency.

This construction of section 102(c) does not prohibit a warrantor from requiring the consumer to use a secondary product or service of praticular objective specifications if the warrantor possesses a reasonable basis to conclude that such specifications: (1) Are reasonably related to the warranted product's performance or the warrantor's liability under the written warranty; and (2) are not being used to evade the prohibition of Section 102(c). For example, Harmsco may require the use of a cartridge with a particular porosity. (This specification is given as an illustration; it is not the Commission's view of an appropriate standard.) In contrast to brand name identification, such a requirement does not reduce competition because consumers may choose among those brands meeting the specifications, allowing any manufacturer to compete for the consumer's business.

Even assuming, arguendo, that a showing of superior performance would meet the statutory standard, the test reports submitted by Harmsco fail to demonstrate this, as the relevance and validity of the reports' conclusions are subject to considerable doubt.

The 1972 Report does not demonstrate such superior performance, as it does not compare Harmsco cartridges to other cartridges; rather, it compares Harmsco cartridges to filtration systems using sand, sand and gravel, and earth as the filtering element. These other elements are incompatible with the Harmsco unit. Thus while the report may support an assertion that cartridge filtration systems, in general, are superior to other types of filtration systems, it is not responsive to the issues that section 102(c) poses.

While the 1974 Report similarly compares Harmsco cartridge systems with non-cartridge systems, it also compares them with other cartridge systems. To this extent the 1974 Report gives more support to Harmsco's assertion that Harmsco cartridges are superior to other cartridges. However, this report has other weaknesses which compromise its validity as support for the assertion that Harmsco cartridges are superior to other cartridges.

First, there is no indication that the two non-Harmsco cartridges compared to the Harmsco cartridge are a representative sample of all possible substitute cartridges. Without such a showing, the Commission is unable to rely on the report's conclusions.

Second, the non-Harmsco cartridges were physically altered to fit into the Harmsco unit used in the tests conducted. This alteration raises serious doubts as to the validity of the test results. The applicant for a waiver bears the burden of proving that such comparative tests follow proper methodology in reaching their conclusions.

III. Accordingly, the Commission has concluded that Harmsco has failed to satisfy the statutory standard for obtaining a waiver of Section 102(c). The request is denied.

(Sec. 102, 88 Stat. 2183 (15 U.S.C. 2302).)

By direction of the Commission dated August 4, 1975.

CHARLES TOBIN.
Secretary.

[FR Doc.76-23707 Filed 8-12-76;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on August 6, 1976. See 44 U.S.C. 3512(c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed EEOC form are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed form, comments (in triplicate) must be received on or before August 31, 1976, and should be addressed to Mr. John M. Lovelady, Acting Assistant Director, Regulatory Reports Review, Room 5216, 425 I Street, NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202–376–5425.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

EEOC requests clearance of a revision to Form EEO–1, Equal Employment Opportunity Employer Information Report. The filing of this report is required of all employers with 100 or more employees and certain Federal government contractors and first-tier subcontractors with 50 or more employees who are subject to Title VII of the Civil Rights Act of 1964, as amended by the Equal Em-

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ployment Opportunity Act of 1972. Form EEO-1 will be revised to reflect five new race/ethnic categories as follows:

a. *White* (Not of Hispanic Origin). All persons having origins in any of the original peoples of Europe, North Africa, the Middle East, or the Indian Subcontinent.

b. *Black* (Not of Hispanic Origin). All persons having origins in any of the black racial groups.

c. *Hispanic*. All persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.

d. *Asian or Pacific Islanders*. All persons having origins in any of the original peoples of the Far East, Southeast Asia, or the Pacific Islands. This area includes, for example, China, Japan, Korea, the Philippine Islands, and Samoa.

e. *American Indian or Alaskan Native*. All persons having origins in any of the original peoples of North America.

EEOC estimates respondent burden to average 20 hours per respondent. There are approximately 40,000 respondents as estimated by EEOC.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.76-23689 Filed 8-12-76;8:45 am]

INTERNATIONAL TRADE COMMISSION

[332-73]

HARMONIZED COMMODITY DESCRIPTION AND CODING SYSTEM

Public Notice of Hearings on Certain Draft Chapters

The United States International Trade Commission hereby gives notice that public hearings will be held at 10 a.m., e.d.t., on September 2, 1976, in the Hearing Room of the U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436 on drafts of, and U.S. comments on, the following chapters of the Harmonized Commodity Description and Coding System:

Chapter 64: Footwear, gaiters and the like; parts of such articles.
Chapter 69: Ceramic products.
Chapter 70: Glass and glassware.

The purpose of this hearing is to obtain the comments and views of interested parties with respect to draft chapters of the Harmonized Commodity Description and Coding System, and of the U.S. comments submitted in connection therewith.

Requests to appear at the hearings on these chapters must be filed in writing with the Secretary of the Commission not later than August 27, 1976. Parties who have properly entered an appearance by this date will be individually notified of the date on which they are scheduled to appear. Such notice will be sent as soon as possible after August 27, 1976. Any person who fails to receive such notification by August 31, 1976, should immediately communicate with the Office of the Secretary of the Commission. Parties wishing to submit written comments in lieu of attendance at the hearings should do so by September 13, 1976.

In its public notice issued May 10, 1976, regarding hearings on the chapters of the Harmonized Commodity Description and Coding System (41 FR 19781 of May 13, 1976) interested parties were notified regarding the rules governing the conduct of the hearings, and the submission of written statements. The Commission's notice of May 10, 1976, applies to the hearings on the chapters being released today to the extent that it is applicable.

In its public notice of May 4, 1976 (41 FR 18716 of May 6, 1976), the Commission identified those chapters which have been considered thus far by the Harmonized System Committee, and the chapters for which a technical team draft has been released. Since that notice was issued the Commission has received the following draft chapters prepared by the technical team:

Chapter 12: Oil seeds and oleaginous fruit; miscellaneous grain seeds and fruit; industrial and medical plants; straw and fodder.
Chapter 16: Preparations of meat, of fish, of crustaceans or molluscs.
Chapter 17: Sugar and sugar confectionary
Chapter 24: Tobacco.
Chapter 27: Mineral fuels, mineral oils and products of their distillation; bituminous substances, mineral waxes.
Chapter 63: Old clothing and old textile articles; rags.
Chapter 87: Vehicles, other than railway or tramway rollingstock, and parts thereof.
Chapter 88: Aircraft and parts thereof.
Chapter 89: Ships, boats, and floating structures.
Chapter 98: Miscellaneous manufactured articles.

Copies of the foregoing chapters and of the chapters and U.S. comments thereon which are the subject of the hearing are available for public inspection at the offices of the Commission at 701 E Street NW., Washington, D.C. 20436 or at 6 World Trade Center, New York, New York 10048.

Issued: August 9, 1976.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.76-23610 Filed 8-12-76;8:45 am]

NATIONAL CREDIT UNION ADMINISTRATION

PRIVACY ACT OF 1974

Adoption of Routine Use

On page 19872 of the May 13, 1976, edition of the FEDERAL REGISTER (41 FR 19872), pursuant to the provisions of the Privacy Act of 1974 (Pub. L. 93-579), the National Credit Union Administration proposed an addition to the routine uses of each of its systems of records as previously published on pages 47427-47434 of the FEDERAL REGISTER of October 8, 1975. Interested persons were given until June 18, 1976, to submit written comments as to whether this proposal should be adopted, rejected or modified.

In view of the fact that no unfavorable comments were received, the proposed addition is hereby adopted and shall be effective immediately.

C. AUSTIN MONTGOMERY,
Administrator.

AUGUST 6, 1976.

[FR Doc.76-23665 Filed 8-12-76;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

ADP SERVICES

Government Reliance on the Private Sector

The longstanding policy of Government reliance on the private sector for goods and services, currently expressed in OMB Circular A-76, has not been effectively implemented in many cases, including Government requirements for data processing services. Executive agencies are extensively involved in the operation of ADP activities which provide services that are available from commercial sources.

To facilitate agency efforts to improve the implementation of Circular A-76 in this functional area, supplemental guidance has been prepared in the form of a draft Transmittal Memorandum to the Circular. All interested parties are invited to submit their views and comments on this Memorandum for consideration by the Office of Federal Procurement Policy. Responses should be received by September 15, 1976 and should be addressed to:

Administrator for Federal Procurement Policy, Office of Management and Budget, 726 Jackson Place, NW., Washington, D.C. 20503.

Dated at Washington, D.C., on August 10, 1976.

HUGH E. WITT,
Administrator.

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET

[Circular No. A-76; Transmittal Memorandum No. —]

TO THE HEADS OF EXECUTIVE DEPARTMENTS AND ESTABLISHMENTS

SUBJECT: GOVERNMENT RELIANCE ON COMMERCIAL SERVICES TO MEET AUTOMATIC DATA PROCESSING REQUIREMENTS

1. *Purpose.* This memorandum provides guidance for executive agencies in meeting their requirements for general purpose data processing services in accordance with the Government's general policy of reliance on the private sector for its needs, as set forth in Office of Management and Budget (OMB) Circular No. A-76, Policies for Acquiring Commercial or Industrial Products and Services for Government Use.

2. *Authority and scope.* This Transmittal Memorandum is issued under the authority granted to the Office of Federal Procurement Policy by Pub. L. 93-400 to monitor, and revise "policies, regulations, procedures, and forms relating to reliance by the Federal Government on the private sector to provide needed property and services" (41 U.S.C. 405). It is applicable to all general purpose data processing activities operated and managed by executive agencies that provide services that are obtainable from a private source, as defined in Circular No. A-76.

3. *Background.* It is the longstanding policy of the Federal Government to rely on the private enterprise system to satisfy its needs for products and services, except in those specific cases where it is clearly demonstrated to be in the National interest for an agency to provide a product or service for its own use. In the area of data processing, agencies have generally purchased or leased equipment and facilities to provide their automatic data processing (ADP) services. In this approach, the nature and degree of reliance on the private sector is distinctly different from acquisition of the needed service directly from a private source.

An agency that procures facilities instead of services generally maintains a staff with the expertise necessary to perform system design, software development, operation, maintenance, and logistic support. The service approach, which shifts the agency role from performance to management of the ADP function, does not eliminate the need for in-house expertise, but establishes it at the level necessary to prepare service performance specifications and to monitor the performance of commercial services. Under the policy of Circular No. A-76, direct procurement of services, with all the associated functions being performed in the private sector, is the preferred alternative for meeting data processing requirements.

4. *Policy.* Consistent with the Government's general policy of reliance on the private sector, agencies will obtain ADP services from competitive commercial sources in preference to direct operation of in-house activities, except as provided in paragraph 5 of Circular No. A-76. All Government ADP activities that meet the Circular No. A-76 definition of a commercial or industrial activity are subject to the requirements of the Circular, including a "new start" review for initiation, expansion, upgrade, replacement, or modernization. Current agency ADP operations that cannot be justified under the criteria specified in Circular No. A-76 and this Transmittal Memorandum shall be terminated in a planned and appropriate manner.

5. *Planning and management guidelines.* Each agency will initiate a positive action program to ensure that the policy and requirements of this Transmittal Memorandum are fully and effectively implemented. This program will include the following elements:

a. Review (and revision as necessary) of all agency instructions and directives related to the acquisition of ADP support to identify and incorporate Circular No. A-76 requirements with emphasis on the application of this policy early in the ADP system planning process.

b. Maximum emphasis on "new starts" to avoid capital investment and financial commitments for new, expanded, or modernized facilities for ADP activities that have not been reviewed and justified under Circular No. A-76.

c. Preparation of a multiyear plan, to be included in the Spring ADP Plan submitted annually to OMB, beginning with the 1977 submission. This plan should project new and continuing ADP requirements, and include a schedule of actions that will achieve greater reliance on the private sector for ADP services. Where appropriate, agencies should set goals and make use of Management by Objective (MBO) methodology to increase reliance on the private sector.

d. Development of a program outline for achieving greater reliance on commercial services, with milestones and specific targets where appropriate, for submission to OMB within ninety days from the date of issuance of this Transmittal Memorandum.

6. *Acquisition guidelines.* Agency policies and procedures for acquiring ADP hardware, software, and services must reflect the policy of Circular No. A-76 and provide for the efficient procurement of commercial ADP services. As a minimum, the following guidelines will be implemented immediately:

a. Government ADP requirements normally will be expressed in terms of the services to be performed, rather than the equipment and software to be used in performing these services. The statement of requirements should allow the contractor maximum flexibility in the type of equipment and personnel used, as long as satisfactory services are provided.

b. Agency requests to the General Services Administration (GSA) for delegation of procurement authority for acquisition of ADP equipment to be operated by the agency will include a specific statement indicating that the proposed acquisition has been reviewed and approved under the provisions of Circular No. A-76, or an explanation of why the Circular does not apply.

c. Studies to determine whether a commercial or industrial ADP activity can be justified on the basis of cost should be limited to situations where there is reason to assume that in-house costs will be significantly less than competitive commercial prices. When cost studies are made they will include all the cost elements specified in Circular No. A-76. The cost differential favoring reliance on commercial sources will reflect the possibility of early obsolescence and the uncertainty of requirements which are characteristic of ADP operations. This differential (which Circular No. A-76 specifies should normally be at least 10 percent for any new start) should be established for each cost study at a level that is appropriate for the degree of risk and uncertainty involved in Government operation of that particular activity. In the case of ADP activities, this differential can be substantially more than 10 percent.

d. In the preparation of a cost comparison, particular attention must be given to the following areas to ensure an equitable and accurate result.

(1) Determination of a valid commercial cost figure presents a serious problem—generally this requires solicitation of competitive bids for the required services. Commercial firms have indicated a willingness to provide cost or price proposals if they are assured that an objective cost study will be made.

(2) The Government and commercial cost estimates must be based on equivalent services.

(3) Fair market value of equipment and facilities used in existing Government ADP activities, which would become excess if the service were obtained commercially, must be determined and included in the study as a cost of Government performance.

(4) Determination of the proper residual or salvage value of equipment that the agency proposes to acquire, in order to ensure the correct depreciation cost in the cost comparison.

e. More comprehensive guidelines are being developed to assist agencies in calculating both the Government and commercial costs of providing ADP services. In the interim, guidance available in Circular No. A-76 and this Memorandum will be used.

7. *Termination guidelines.* All agency ADP activities should be reviewed by September 30, 1977 to determine whether Government performance is justified under the exception criteria of Circular No. A-76. When a Government commercial or industrial activity is to be terminated or reduced, the action must be carefully planned to ensure transition without the disruption of vital services. Agency planning should include:

a. All reasonable consideration for Government employees displaced by termination or curtailment of Government ADP activities, including a phased reduction of operations to facilitate reassignment and reduction by attrition.

b. Careful coordination of contract services, including a period of overlap, when necessary, to avoid disruption of the agency mission.

8. *Inquiries.* Inquiries concerning this Transmittal Memorandum may be submitted to the Office of Management and Budget, Office of Federal Procurement Policy, 726 Jackson Place, NW., Washington, D.C. 20503, telephone 395-3327 (IDS Code 103).

JAMES T. LYNN,
Director.

[FR Doc.76-23691 Filed 8-12-76;8:45 am]

[Policy Letter No. 76-1]

OFFICE OF FEDERAL PROCUREMENT POLICY

Energy Policy

AUGUST 6, 1976.

TO THE HEADS OF EXECUTIVE DEPARTMENTS AND ESTABLISHMENTS

Subject: Federal Procurement Policy Concerning Energy Conservation.

Pub. L. 94-163, the Energy Policy and Conservation Act, establishes a number of Federal energy conservation measures, one of which is to promote energy conservation and efficiency through procurement policies and decisions of the Federal Government. Responsibility for this program was delegated to me by section 3 of Executive Order 11912, April 13, 1976.

In the furtherance of this program, you are requested to ensure that the principles of energy conservation and efficiency are applied in the procurement of property and services whenever the application of such principles would be meaningful and practicable and consistent with agency programs and operational needs. These principles may be appropriate for application, along with price and other relevant factors, in the formulation of purchase requests and solicitations and during the evaluation and selection of bids and proposals. In addition, with respect to procurement of consumer products, as defined under Part B of Title III (42 U.S.C. 6291) of the Energy Policy and Conservation Act, agencies should take cognizance of energy use/efficiency labels (42 U.S.C. 6294) and prescribed energy efficiency standards (42 U.S.C. 6295).

Specific procedural implementation of this policy will be promulgated in the Armed Services Procurement Regulation and the Federal Procurement Regulations.

HUGH E. WITT,
Administrator.

[FR Doc.76-23585 Filed 8-12-76;8:45 am]

PRIVACY ACT OF 1974

Reports on New Systems

The purpose of this notice is to list reports on new systems filed with the Office of Management and Budget to give

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members of the public the opportunity to make inquiries about them and to comment on them.

The Privacy Act of 1974 requires that agencies give advance notice to the Congress and the Office of Management and Budget of their intent to establish or modify systems of records subject to the Act (5 U.S.C. 552a(o)). During the period July 26 through August 6, 1976 the Office of Management and Budget received the following reports on new (or revised) systems of records.

GENERAL SERVICES ADMINISTRATION

System name. Council of Governments (COG) Computerized Carpool Matching System.

Report date. July 23, 1976.

Agency point of contact. Philip Schmidt, Director of Management Services, General Services Administration (BR), Washington, D.C. 20405.

DEPARTMENT OF DEFENSE

System names. (1) Army Child Protection Case Management Files; (2) Army Apprenticeship Program Participation Files.

Report date. July 27, 1976.

Agency point of contact. William T. Cavaney, Executive Director, Defense Privacy Board, 1000 Independence Ave., SW., Washington, D.C. 20314.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc.76-23690 Filed 8-12-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 19641; 70-5885]

APPALACHIAN POWER CO.

Proposed Agreement With Municipal Authority for Construction of Pollution Control Equipment Financed by Sale of Revenue Bonds

AUGUST 6, 1976.

Notice is hereby given that Appalachian Power Company ("Appalachian"), 40 Franklin Road, Roanoke, Virginia 24009, an electric utility subsidiary company of American Electric Power Company Inc., a registered holding company, has filed an application-declaration and an amendment thereto with this Commission designation sections 9(a), 10 and 12(d) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 44(b)(3) promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application-declaration, as amended, which is summarized below, for a complete statement of the proposed transaction.

Appalachian states that in order to comply with prescribed environmental quality control standards of the State of West Virginia it has been and will be necessary to construct a certain high efficiency electrostatic precipitator ("the Project") for particulate emission control and related facilities at its John E. Amos Generating Station ("the Plant"). By resolution of February 7, 1975, Putnam County, West Virginia ("County") determined that it would authorize and issue one or more series of its pollution control revenue bonds ("Revenue Bonds") to finance the acquisition, construction and installation of the Project.

Appalachian proposes to enter into an agreement of sale ("Agreement") with the County whereby the County will construct and equip the Project. To finance the Project, the County will issue Revenue Bonds in an initial principal amount of $25,000,000 ("Series A Bonds") and additional Revenue Bonds in principal amounts presently estimated not to exceed $65,000,000, sufficient to cover construction costs of the Project. The proceeds from the sale of the Series A Bonds will be deposited by the County with a Trustee ("Trustee") under an indenture to be entered into between the County and such Trustee (the "Indenture") pursuant to which the Series A Bonds are to be issued and secured. Such proceeds will be applied to payment of the cost of construction of the Project. The Agreement also will provide for the sale of the Project to Appalachian, the payment by Appalachian of the purchase price of the Project in semi-annual installments over a term of years, and the assignment and pledge to the Indenture Trustee of the County's interest in, and of the monies receivable by the County under, the Agreement.

The Agreement will provide that each installment of the purchase price for the Project payable by Appalachian will be in such an amount (together with other monies held by the Trustee under the Indenture for that purpose) as will enable the County to pay, when due, (i) the interest on the Revenue Bonds, any additional bonds and any refunding bonds, (ii) the principal amount of the Revenue Bonds, any additional bonds and any refunding bonds payable at the time of their respective stated maturities and (iii) amounts, including any accrued interest, payable in connection with any mandatory redemption of the Revenue Bonds, any additional bonds or any refunding bonds. The Agreement also obligates Appalachian to pay the fees and charges of the Trustee, as well as certain administrative expenses of the County. The Agreement further provides that Appalachian may prepay the purchase price of the Project (i) by paying, under certain conditions, amounts sufficient to redeem all the Revenue Bonds then outstanding and all other amounts payable under the Indenture or (ii) at any time by depositing in the Indenture's Bond Fund or delivering to the Trustee amounts sufficient to provide for the release of the Indenture. Upon prepayment, Appalachian may terminate the Agreement.

Appalachian proposes to convey equipment previously constructed (the "Existing Facilities"), subject to Appalachian's First Mortgage Lien to the County, and Appalachian will receive out of the Revenue Bond proceeds, an amount equal to Appalachian's original cost of the Existing Facilities. The Existing Facilities will thereupon become a part of the Project. Proceeds received by Appalachian in reimbursement of the cost of construction, as defined in the Agreement, are to be applied in connection with its 1976 construction program. Appalachian estimated that its construction costs in 1976 will be approximately $137,000,000. Appalachian had expended $5,748,000 for the Existing Facilities as of March 31, 1976, and it is estimated that the Project will cost approximately $90,000,000.

It is contemplated that the Revenue Bonds will be sold by the County pursuant to arrangements with a group of underwriters represented by Blyth Eastman Dillon & Co. Incorporated. In accordance with the laws of the State of West Virginia, the interest rate to be borne by the Revenue Bonds will be fixed by the County Commission of the County. While Appalachian will not be a party to the underwriting arrangements for the Revenue Bonds, the Agreement will provide that the terms of the Revenue Bonds and their sale by the County shall be satisfactory to Appalachian.

Appalachian has been advised that the annual interest rates on obligations, interest on which is tax exempt, historically have been and can be expected at the time of issue of the Revenue Bonds to be 1½% to 2½% lower than the rates on obligations of like tenor and comparable quality, interest on which is fully subject to federal income tax.

The Series A Bonds will be dated on or about the first day of the month in which they are issued, will bear interest semi-annually and will mature at a date or dates not more than 30 years from the date of their issuance. It is expected that the Series A Bonds will not be redeemable at the option of the County within 10 years from their issue date except under certain circumstances. Series A Bonds will be subject to mandatory redemption under the circumstances and terms specified in the Indenture.

The fees and expenses incident to the proposed disposition of the Existing Facilities and the acquisition of the Project (as distinguished from and excluding fees and expenses incident to the sale of the Revenue Bonds by the County payable out of the proceeds of the sale) will be supplied by amendment. It is stated that the Virginia State Corporation Commission and the West Virginia Public Service Commission have jurisdiction over the proposed transaction and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than August 31, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended, or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-23572 Filed 8-12-76;8:45 am]

[811-1994]

LIGHTHOUSE FUND B, INC.

Filing of Application for Order Declaring That Applicant Has Ceased To Be an Investment Company

Notice is hereby given that Lighthouse Fund B, Inc. ("Applicant"), 2211 Congress Street, Portland, Maine 04112, registered under the Investment Company Act of 1940 (the "Act") as a diversified, open-end, management investment company, filed an application on July 20, 1976, pursuant to section 8(f) of the Act, for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant, a Delaware corporation, registered under the Act on December 31, 1969. Applicant states that, on June 24, 1976, at a Special Meeting of shareholders, the sale of substantially all of Applicant's assets to Sigma Capital Shares, Inc. ("Sigma"), an open-end, diversified, management investment company registered under the Act, in return for shares of Sigma, was approved by Applicant's shareholders. Thereafter, on June 25, 1976, the sale of Applicant's assets to Sigma was consummated. Applicant states that the Sigma shares received in the sale have been distributed, pro-rata, to its shareholders and that as a consequence, Applicant is a shell corporation and will be dissolved in accordance with Delaware law.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than September 2, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-23762 Filed 8-12-76;8:45 am]

[Release No. 12688]

NASDAQ, INC.

Order Granting Extension of the Temporary Exemption From Registration

AUGUST 4, 1976.

By order dated February 6, 1976 (Release No. 34-12079) the Commission temporarily exempted NASDAQ, Inc. from registration as a securities information processor. The February 6, 1976 order stated that the exemption would extend from thirty (30) days after consummation of the sale of the NASDAQ system to the NASD and, upon receipt of an application for registration or exemption from registration, would continue for ninety (90) days following publication of notice of such application. By order dated March 10, 1976 (Release No. 34-12190) the Commission extended the exemption provided by the February 6, 1976 order for a period of fifteen (15) days to allow NASDAQ, Inc. additional time within which to file its application for registration.

On March 22, 1976, pursuant to Section 11A(b)(1) of the Securities Exchange Act of 1934 (the "Act"),[1] NASDAQ, Inc. filed an application with the Commission for registration as a securities information processor.[2] Section 11A(b)(3) of the Act requires the Commission to grant or deny the registration application within ninety days of the date notice of such application is published.[3]

Review of the NASDAQ, Inc. application raised certain technical questions for which additional information is required. NASDAQ, Inc., pursuant to section 11A(b)(3) of the Act, consented by letter dated June 28, 1976 to a thirty (30) day extension of time for Commission action upon its application so that it could discuss the necessary additional information with the Commission staff. Although, NASDAQ, Inc. has now completed its preparation and compilation of the necessary additional information to supplement its application, Commission action would be required on the application as supplemented by August 5, 1976. In view of the time required by NASDAQ, Inc. for preparation of this additional information and for review by the NASD Board of Governors, NASDAQ, Inc. has consented by letter dated July 29, 1976 to an additional forty-five (45) day extension of time to provide the Commission with a sufficient period for review of this additional information.

The Commission finds that an extension until September 20, 1976[4] of the February 6, 1976 and March 10, 1976 orders granting NASDAQ, Inc. a temporary exemption from registration is appropriate and consistent with the public interest, the protection of investors, and the purposes of section 11A of the Act provided, however, that all terms and conditions of the February 6, 1976 order shall continue in full effect during the term of this exemption.

Accordingly, *it is ordered*, Pursuant to section 11A(b)(1) of the Act, that the ninety (90) day exemptive period following publication of notice of the NASDAQ, Inc. application for registra-

[1] Section 11A(b)(1) of the Act provides for the registration with the Commission of those securities information processors which perform the function of "an exclusive securities information processor on behalf of a national securities exchange or registered securities association. NASDAQ, Inc. performs the functions of an exclusive securities information processor on behalf of the National Association of Securities Dealers, Inc., a registered securities association.

[2] Notice of the application was given by Release No. 34-12289 (March 31, 1976), 41 FR 14794 (April 7, 1976), 9 SEC Docket 323 (April 13, 1976).

[3] Section 11A(b)(3) states that "[w]ithin ninety days of the date of publication of such notice (or within such longer period as to which the applicant consents) the Commission shall—

(A) by order grant such registration, or

(B) institute proceedings to determine whether registration should be denied.

[4] The extension of the temporary exemption until September 20, 1976 makes the temporary exemption coterminous with the time period (90 days following publication of notice of the application plus the additional 75 days to which NASDAQ, Inc. has consented) within which the Commission is required to act on the application for registration.

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tion as a securities information processor is hereby extended as of July 6, 1976 until September 20, 1976. It is further ordered that NASDAQ, Inc., during the term of this exemption, is subject to all terms and conditions of the February 6, 1976 order (Release No. 34–12079) which initially exempted NASDAQ, Inc. from registration.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–23573 Filed 8–12–76;8:45 am]

[File No. SR–NYSE–76–26]

NEW YORK STOCK EXCHANGE, INC.

Order Approving Proposed Rule Changes

On April 16, 1976, the New York Stock Exchange, Inc. (the "NYSE"), 11 Wall Street, New York, New York 10005, filed with the Commission, pursuant to section 19(b) of the Securities Exchange Act of 1934 (the "Act") 15 U.S.C. 78s(b), as amended by Pub. L. No. 94–29 (June 4, 1975), and Rule 19b–4 thereunder, 17 CFR 240.19b–4, proposed rule changes to revise a number of rules and constitutional provisions, which relate to the regulation of the structure and composition of member organizations, in order to eliminate "unnecessary regulatory constraints on the capital raising efforts of member organizations" and permit utilization of "new avenues of equity and debt financing." Notice of the proposed rule changes, together with the terms of substance, was given by publication of a Commission release (Release No. 34–12409 (May 5, 1976)) in the FEDERAL REGISTER (41 FR 20032 (May 14, 1976)). Interested persons were invited to submit written data, views and arguments concerning the proposal by June 4, 1976. The Commission has not received any comments concerning the proposed rule changes.

The overall approach taken by the NYSE in SR–NYSE–76–26 represents a constructive, initial step in the elimination of undue regulation of member organizations and their associated persons. The NYSE would reduce the regulation of member corporations with "freely transferable securities" by utilizing a new narrower definition, "publicly-held securities." A "publicly held security" would include any class of equity security issued by a member corporation which is owned beneficially by one hundred or more persons who are not members, allied members, or employees of such corporation. Current restrictions and limitations on freely and non-freely transferable securities and holders thereof generally are reduced and, in some cases, totally removed.

With respect to Article I, section 3(h), Article IX, sections 7(b) (1), (g), (h), (i), and (j), of the NYSE Constitution and NYSE Rules 2, 85, 91, 92, 96, 98, 99, 100, 102, 104, 105, 112, 113, 311, 312, 313, 314 (supplementary material only), 315, 317, 318, 320, 323, 324 and 325,[1] the Commission finds that the proposed rule changes in SR–NYSE–76–26 are consistent with the requirements of the Act and rules and regulations thereunder applicable to national securities exchanges.[2]

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, 15 U.S.C. 78s(b)(2), that the proposed amendments to Article I, section 3(h), Article IX, sections 7(b)(1), (g), (h), (i), and (j), of the NYSE Constitution and NYSE Rules, 2, 85, 91, 92, 96, 98, 99, 100, 102, 104, 105, 112, 113, 311, 312, 313, 314 (supplementary material only), 315, 317, 318, 320, 323, 324 and 345 bc, and hereby are, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–23761 Filed 8–12–76;8:45 am]

[Release Nos. 33–5729, 34–12662, 35–19629, IC–9369, AS–193; File No. S7–647]

REQUEST BY ARTHUR ANDERSEN & CO.

Partial Response and Solicitation of Comments on Certain Questions; Correction

In FR Doc. 76–22737 appearing at page 32810 in the FEDERAL REGISTER of August 5, 1976, in paragraph (2) in the first column the words "having substantial authoritative support and those" should be inserted between the words "as" and "contrary" in the 7th and 8th lines.

GEORGE A. FITZSIMMONS,
Secretary.

AUGUST 10, 1976.

[FR Doc.76–23760 Filed 8–12–76;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 02/02–0076]

BENEFICIAL CAPITAL CORP.

Approval of the Transfer of Control of a Small Business Investment Company

On May 14, 1976, a notice was published in the FEDERAL REGISTER (41 FR 20038) stating that Beneficial Capital Corp., 10 East 40th Street, New York, New York 10016, had filed an application with the Small Business Administration (SBA), pursuant to § 107.701 of the rules and regulations governing small business investment companies (13 CFR 107.701 (1976)), for the transfer of control of this company to Mr. John J. Hoey.

Interested parties were given until the close of business May 29, 1976, to submit their comments to SBA.

Notice is hereby given that, having considered the application and all other pertinent information, SBA approved this application for transfer of control effective July 28, 1976.

Dated: August 6, 1976.

DANIEL SCHLESINGER,
Acting Deputy Associate Administrator for Investment.

[FR Doc.76–23590 Filed 8–12–76;8:45 am]

[License No. 05/07–0078]

CONTINENTAL ILLINOIS VENTURE CORP.

Application for Transfer of Ownership and Control

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the regulations governing Small Business Investment Companies (13 CFR 107.701 (1976)) for transfer of ownership and control of the Continental Illinois Venture Corporation (CIVC), 231 South LaSalle Street, Chicago, Illinois 60604, a Federal Licensee under the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C. 661 et seq.).

CIVC was licensed on April 2, 1970, and its private paid-in capital and paid-in surplus totalled $3,111,800 at July 31, 1976. The Class "A" voting common stock of CIVC is owned 29 percent by Continental Illinois Corporation (CIC), Chicago, Illinois, 20 percent by Continental Illinois Employees Profit Sharing Trust, Chicago, Illinois, 17 percent by Leo Burnett Company, Inc., Chicago, Illinois, 17 percent by Illinois Central Industries, Inc., Chicago, Illinois, 17 percent by Universal Oil Products Company, Des Plaines, Illinois. In addition, the Class "B" non-voting common stock is owned 83 percent by CIC and 17 percent by Mr. John L. Hines. Mr. Hines also holds 10,000 warrants for CIVC stock.

Pub. L. 94–305 permits CIC to own 100 percent of a small business investment company (SBIC). As such, CIC proposes to purchase all the Class "A," Class "B" and warrants not already held by CIC with the result that CIC will own all of the issued and outstanding common shares of CIVC.

The proposed transfer of control is subject to the prior approval of SBA. Assuming consummation of the proposed transfer of ownership and control, the management of CIVC will be:

John L. Hines, President, Chief Executive Officer and Director, 231 South LaSalle Street, Chicago, Illinois 60604.
Leo B. Engemann, Vice President and Treasurer, 231 South LaSalle Street, Chicago, Illinois 60604.
James J. Vavruska, Secretary and Assistant Treasurer, 231 South LaSalle Street, Chicago, Illinois 60604.
Samuel B. Guren, Investment Officer and Assistant Secretary, 231 South LaSalle Street, Chicago, Illinois 60604.
Barbara A. Klocek, Investment Officer and Assistant Secretary, 231 South LaSalle Street, Chicago, Illinois 60604.
Kevin J. Hallagan, Assistant Secretary, 231 South LaSalle Street, Chicago, Illinois 60604.
Edward M. Cummings, Director, 231 South LaSalle Street, Chicago, Illinois 60604.
John H. Perkins, Director, 231 South LaSalle Street, Chicago, Illinois 60604.
George R. Baker, Director, 231 South LaSalle Street, Chicago, Illinois 60604.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed new shareholder and management, and the probability of successful operations of the company under such management (including profitability and financial soundness) in accordance with the Act and regulations.

Notice is further given that any person may, not later than 15 days from the date of publication of this Notice, submit written comments on the proposed transfer of ownership and control to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

A copy of this Notice will be published in a newspaper of general circulation in Chicago, Illinois.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: August 6, 1976.

DANIEL SCHLESINGER,
Acting Deputy Associate Administrator for Investment.

[FR Doc.76–23591 Filed 8–12–76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Office of Pipeline Safety Operations

[Docket No. 76–12W]

TRANS-ALASKA PIPELINE

Anticipated Petition for Waivers

Alyeska Pipeline Service Company (Alyeska) has advised the Department of Transportation that it expects to petition the Director of the Materials Transportation Bureau for waivers of provisions applicable to the construction of liquid pipelines. Alyeska is the company formed by the owners of the trans-Alaska pipeline system to design, construct and operate the pipeline. In its advice to the Department, and in testimony before cognizant Congressional Committees in mid-July 1976, statements made on behalf of Alyeska have included the following information:

Late in the summer of 1975 it came to the attention of Alyeska and to officials of the State of Alaska, the Department of the Interior and the Department of Transportation, that there were possible problems with the quality of girth welds, made in the field to join adjacent sections of pipe, and with the radiographic record of girth welds made during the 1975 construction season. Alyeska undertook a reexamination of its 1975 weld and radiograph programs. It determined that of the welds that were accepted in 1975, some 3,995 welds were apparently not radiographed in conformance with applicable requirements, or were radiographed and found to be not in conformity with the Bureau's construction standards (49 CFR Part 195), and in particular, the requirements for weld acceptability, weld repair, and replacement of defective welds.

Of the approximately 1,400 radiographic defects initially determined, it subsequently appeared that some 307 related to welds which had been scheduled for 1975 but had, in fact, not been made. Another 237 welds have now been radiographed by Alyeska. Of the remaining radiographic deficiencies, there are 61 welds for which there is not any radiograph on file, and of that number, 21 are identified by Alyeska as being in "critical areas." Additionally, another 59 radiographic deficiencies, or a total of 80, are both in critical areas and significant in nature. Alyeska includes in the "significant" category radiographs which purport to be of two or more welds but are, in fact, duplicates of one weld.

A total of 2,552 welds were found by x-rays to have discontinuities in excess of the criteria set forth in section 6 of the American Petroleum Institute Standard for Welding Pipelines and Related Facilities (13th ed. 1973) (API–1104), which is incorporated by reference in 49 CFR 195.228, or other variations from the construction standards set forth in Subpart D of 49 CFR 195. As of recent date, remedial work has been undertaken on more than half of those defective welds, leaving a balance of 1,235. Of that figure, some 760 welds are located in "critical areas" meaning, according to Alyeska, under riverbeds, in permafrost, or in other areas of difficult access or environmental sensitivity.

The radiographic deficiencies are measured against the requirement for radiographic inspection of all main line girth welds, which is set forth in Section 3.2.2.3 of the Stipulations for the Agreement and Grant of Right-of-Way for the Trans-Alaska Pipeline, entered into by the United States, acting through the Secretary of the Interior, and by the owner-permittees, but could also be discrepancies in the program intended by Alyeska to demonstrate compliance with 49 CFR 195.234. Since paragraph (a) of § 195.234 provides that nondestructive testing may be performed by any process that will clearly indicate defects affecting weld integrity, use of other accepted techniques for nondestructive testing could meet the Bureau's requirements, but would be at variance with the Stipulation. Alyeska has not explicitly indicated whether it will petition the Department of the Interior for any amendment to or other relief from the present requirements of the Stipulation. In an August 5 news release, however, Alyeska announced that "it has suspended, pending further review, its efforts to develop an acoustic imaging system as an independent tool for examination of buried welds." That news release also stated that Alyeska now believes "the necessary additional development of the system and its acceptance by the government agencies as an independent tool could not occur within the time remaining for construction of the pipeline."

Alyeska has stated its belief that the 1,235 welds, including the 760 located in areas of "critical" access, do not pose a risk to the safety and integrity of the pipeline. Accordingly, it is to be anticipated that Alyeska will apply for waivers with respect to all or a substantial portion of those welds. Although the Bureau is not yet in receipt of any such waiver request, Alyeska has announced in its August 5 news release that it "will apply at this time for exceptions to strict pipeline weld specifications for 11 welds buried beneath rivers" and "* * * that other applications may be filed later." It is expected that Alyeska will not request a waiver for any weld containing a crack.

It is anticipated that in support of its petition(s) Alyeska will present the results of tests being conducted by or for the British Welding Institute. Those tests are intended to establish fracture toughness, by use of crack opening displacement (COD) method, and impact toughness, by use of the Charpy notch test. Further, Alyeska is expected to present a fracture mechanics analysis that is intended to demonstrate mathematical relationships between dimensions of defects of various types and the associated risks of crack formation and crack propagation. Those relationships may be stated as functions of the length, depth and orientation of weld defects or arc burns and, in some cases, functions of other characteristics such as the radial (weld depth) location. Depth, orientation and location may be either estimated by interpretation of radiographs or measured by use of ultrasonic techniques.

In this connection, the National Bureau of Standards (NBS) is serving as technical consultant to the Bureau's Office of Pipeline Safety Operations. The NBS will prepare an analysis of test procedures and methodology, and an assessment of the adequacy of the statistical data base. It will also prepare its own evaluation of any submitted fracture mechanics analysis, including specifically, provision for safety margins taking into consideration projected normal operating conditions, abnormal loading, fatigue cycling, corrosion fatigue cycling, anticipated temperature ranges, and other environmental conditions. The NBS evaluations and analyses will be made part of the record of proceedings on any petition that relies upon the fracture mechanics concept.

Thus, the anticipated petition(s) and the proceedings thereon may raise issues requiring analysis of interrelated technical problems. This Notice is accordingly published to bring the nature of those problems to the attention of interested Federal and State agencies and

[1] The Commission's approval of amendments to the rules, particularly section 7(b)(1) of Article IX and Rules 318 and 324, is subject, nevertheless, to the Commission's review pursuant to Section 31(b) of the Securities Acts Amendments of 1975. See, e.g., Securities Exchange Act Release No. 12157 (March 2, 1976).

Section 7(g) of Article IX and Rule 311 are approved as filed in Securities and Exchange Commission File No. SR–NYSE–76–26 which reflects proposed rule changes covered by pending Securities and Exchange Commission File No. SR–NYSE–76–3.

[2] On August 6, 1976, the NYSE consented to an extension of time until October 15, 1976, within which the Commission is required to act pursuant to section 19(b)(2) of the Act on the proposed amendments to Rules 314 (body of the rule), 321, and 322 contained in Securities and Exchange Commission File No. SR–NYSE–76–26. The Commission understands that the NYSE will withdraw the proposed amendment to Rule 419, which was rescinded by the NYSE in Securities and Exchange Commission File No. SR–NYSE–76–25 Securities Exchange Act Release No. 12550 (June 17, 1976).

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other interested persons at the earliest practicable time.

Further, since the nature of the anticipated petition(s) is unusual and the number of weld deficiencies to be addressed may be large, this Notice sets forth a preliminary determination of the information and data required for processing any request for a waiver to allow girth weld defects or arc burns greater than allowed by 49 CFR Part 195, Subpart D, on the basis of a fracture mechanics concept.

REQUIREMENT I—EVALUATION OF PROPOSED ALTERNATIVE MAXIMUM ALLOWABLE WELD DEFECT AND ARC BURN SIZES

Discussion. Alternative allowable defect sizes should be proposed applicable to each type of defect, other than cracks, for which a waiver is being requested. If a waiver is being requested for any arc burns, allowable arc burn sizes should be proposed. Proposed alternative allowable weld defect and proposed allowable arc burn sizes must be supported by fracture mechanics analyses using the worst case fatigue stress spectrum. For analysis, these defects must be assumed to be surface cracks equal in size to twice the proposed allowable weld defect or arc burn size (in both length and depth). These assumed defects must not grow in size such that stressing to the maximum credible service stress could cause leakage. The crack growth analyses must account for both cyclic and sustained stresses in the most deleterious service environments and temperatures.

For weld defects the final output of the analysis shall be a proposed allowable defect size curve with weld defect depth (Y axis) versus weld defect length (X axis); defects having sizes which fall below this curve will be within the proposed acceptance limits. For arc burns, the final output of the analysis shall be a proposed allowable arc burn size curve with arc burn depth (Y axis) versus arc burn length (X axis); arc burns having sizes which fall below this curve will be within the proposed acceptance limits. Requests for waiver of any weld defects or arc burns which fall above their respective curve must be the subject of separate submittals, as describe in Requirement III.

SUPPORTING INFORMATION AND DATA

1. A minimum fracture toughness value for the pipeline shall be established by documenting the fracture toughness in sufficient notch locations and temperatures for the weld metal and the heat-affected zone that is representative of the pipeline welds and, in the case of arc burns, for the base metal. The toughness value used in the fracture mechanics analyses shall be the minimum toughness at 10° C below the minimum anticipated service temperature.

2. A maximum fatigue crack growth rate for the pipeline shall be established by documenting the fatigue crack growth behavior of the weld metal and heat-affected zone that is representative of the pipeline welds and operating conditions and, in the case of arc burns, representative of the base metal. The fatigue crack growth rate used in the fracture mechanics analyses shall be the maximum fatigue growth rate multiplied by an assumed safety factor of four.

3. A minimum threshold for sustained load crack growth shall be established by documenting for each of the service environments the sustained load cracking behavior of the weld metal and the heat-affected zone that is representative of the pipeline welds and, in the case of arc burns, representative of the base metal. The minimum threshold established shall be used as a terminal condition for the fracture mechanics analyses.

4. The worst case fatigue stress spectrum, the worst case instantaneous credible stress, and the appropriate residual stress, all representative of pipeline welds and heat-affected zones shall be used in the proposed allowable weld defect analysis. Similarly, the worst case of hoop stresses shall be used in the proposed allowable arc burn analysis. Documentation of stress analysis methodology and derivation is necessary for proper assessment of the operating and residual stresses.

5. Any request shall contain relevant documentation of the material property data. This includes tensile, elastic, impact, and corrosion properties of the weld, heat-affected, and base material at appropriate temperatures and environments.

REQUIREMENT II—EVALUATION OF INDIVIDUAL DEFECTS OR ARC BURNS FOR WHICH WAIVER IS REQUESTED AGAINST ALLOWABLE DEFECT AND ARC BURN SIZES ESTABLISHED UNDER REQUIREMENT I

SUPPORTING INFORMATION AND DATA

1. In the case of weld defects, inspection data shall be provided for each individual weld for which a waiver is requested. These data shall include defect type, location and dimensions (length and depth). The methodology used to obtain these data shall also be described. The dimensions of non-planar defects such as porosity and slag inclusions may be determined from radiographs; uncertainties in these measurements and differences in interpretations shall be described. The length of planar defects, such as lack of penetration or lack of fusion, may also be determined from radiographs; uncertainties in these measurements and differences in interpretations shall be described. The depth of planar defects should be determined by a nondestructive test method specifically designed for depth measurement, such as ultrasonics reflection methods. If radiographs are used to determine the depth of planar defects, an additional assumed safety factor of two shall be applied to the estimated depth.

2. In the case of arc burns, inspection data shall be provided for each individual arc burn for which a waiver is requested. These data shall include the location and the maximum length and depth of the arc burn heat-affected area. The methodology used to obtain these data shall also be described. The length of heat-affected areas may be determined from radiographs; uncertainties in these measurements and differences in interpretations shall be described. The depth of each heat-affected area shall be determined by estimating on a conservative basis the depth of other arc burns of representative severity using appropriate metallographic examination techniques and applying an additional assumed safety factor of two to this estimated depth.

REQUIREMENT III—EVALUATION OF SPECIAL CASES NOT MEETING ALLOWABLE DEFECT OR ARC BURN SIZE CRITERIA ESTABLISHED UNDER REQUIREMENT I

Discussions. Separate submittals are required to establish alternative acceptance standards for defects and arc burns that exceed the allowable size criteria that may be established on the worst case basis for Requirement I. This submittal must be based on the fatigue stress spectrum, environment and location of the defect under consideration. All other technical requirements are the same as specified in Requirement I.

The inspection data provided for each individual weld defect or arc burn shall include the maximum width of that defect or arc burn. The width of weld defects and arc burns may be determined the manner described in Requirement II for determining the length of weld defects and arc burns.

For the most critical combinations of weld defects, arc burns and operating conditions, full (or large) scale tests may be required to demonstrate that the pipeline retains an acceptable level of integrity.

Supporting Information and Data. Except as described in the discussion above, the supporting information and data requirements are the same as specified for Requirements I and II.

Docket No. 76–12W is being established in the Office of Pipeline Safety Operations, 2100 Second Street, SW., Washington, D.C. 20590, at this time to receive any written views or comments that interested persons may wish to submit based on the general discussion of the anticipated waiver petition(s), the statement of evaluation requirements and the description of the required information and data set forth in this Notice. Upon receipt of a petition for waiver from Alyeska, the Bureau will publish a supplemental notice in the FEDERAL REGISTER under this docket number describing the petition, making it available for public inspection and inviting public comment on the specific requests made in the petition.

Persons planning to file comments on this Notice or on the anticipated petition(s) who wish to be served with copies of future notices issued by the Bureau in this matter, may file with the Docket Clerk at the above address a request to be placed on the Notice Mailing List for Docket No. 76–12W.

All comments received will be considered and will be made available in the docket for public inspection along with

the petition(s) and related analyses for public inspection upon receipt.

(18 U.S.C. 831–835, 49 CFR 1.53(g).)

Issued in Washington, D.C., on August 12, 1976.

CESAR DELEON,
Acting Director, Office of Pipeline Safety Operations.

[FR Doc.76–23938 Filed 8–12–76;11:35 am]

DEPARTMENT OF LABOR

Bureau of Labor Statistics

BUSINESS RESEARCH ADVISORY COUNCIL'S COMMITTEE ON MANPOWER AND EMPLOYMENT

Meeting

The BRAC Committee on Manpower and Employment will meet at 10 a.m., September 22, 1976, at the General Accounting Office Building, 441 G Street, NW., Room 2106, Washington, D.C. The agenda for the meeting is as follows:

1. New program proposals.
2. Report on status of the Local Area Unemployment Statistics (LAUS) Program.

This meeting is open to the public. It is suggested that persons planning to attend this meeting as observers contact Kenneth G. Van Auken, Executive Secretary, Business Research Advisory Council on (Area Code 202) 523–1559.

Signed at Washington, D.C., this 10th day of August 1976.

JULIUS SHISKIN,
Commissioner of Labor Statistics.

[FR Doc.76–23725 Filed 8–12–76;8:45 am]

Employment and Training Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 USC 1924 (b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75, published January 29, 1975 (40 FR 4393). In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Employment and Training, 601 D St., NW, Washington, D.C. 20213.

Signed at Washington, D.C. this 9th day of August 1976.

BEN BURDETSKY,
Deputy Assistant Secretary for Employment and Training.

Applications received during the week ending August 6, 1976

Name of applicant	Location of enterprise	Principal product or activity
Nichols Realty, Inc	Brattleboro, Vt	Sale of cars and trucks.
Nuroco Woodwork, Inc	Whitefield, N.H	Manufacture of furniture.
Herbert P. Vaillancourt	Van Buren, Maine	Manufacture of cedar shingles.
Glen & Mohawk Milk Association, Inc	Fultonville, N.Y	Receiver and processor of milk and milk products.
Bountiful Ridge Nurseries, Inc	Somerset County, Md	Sale of fruit trees and berry bushes.
William Francis Helbling	Wayne County, Pa	Manufacture and sale of electric wire, cable, and cordsets.
Neill, C.C. & E., Inc	Hickory, N.C	Skilled nursing and intermediate care facility.
Cadillac Malleable Iron Co., Inc. (tenant of City of Marion).	Marion, Ala	Manufacture of ferrous castings.
South Carolina Agri-Development Corp. (SCAD).	Orangeburg, S.C	Grading, packaging, and sale of farm produce.
American Olivine Corp	Dillsboro, N.C	Production of sand and gravel for blast furnace flux and refractory mixes.
AGRI-Plus	Fort Valley, Ga	Manufacture and distribution of agricultural chemicals.
Zartic Frozen Meats, Inc	Cedartown, Ga	Production of frozen meats and seafood.
Manderley Nursing Homes, Inc	Osgood, Ind	Comprehensive nursing home—intermediate care.
Wright Realty	Buffalo, Minn	Constructing and leasing a retail outlet for farm supplies.
Newberry Truck & Implement Co	Newberry, Mich	Sale and repair of cars and trucks.
Madison Grain Co	Tallulah, La	Grain elevator.
Bethesda Foundation	Clarinda, Iowa	Nursing home.
Oakland Feeding Corp	Oakland, Iowa and Bassett and Gresham, Nebr.	Cattle feedlots and grain elevator.
Design Homes of Silt, Colorado, Inc	Silt, Colo	Production of modular homes.
Nelson's Dressed Meats, Inc	Monte Vista, Colo	Slaughtering and sale of beef, pork, and lamb.
Kalispell Feed and Grain Supply, Inc	Kalispell, Mont	Sales of farm supplies.
Winco, Inc	Alamosa, Colo	Distribution of petroleum products and auto accessories.

[FR Doc.76–23615 Filed 8–12–76;8:45 am]

INDIAN AND NATIVE AMERICAN PROGRAMS

Fiscal Year 1977 Allocations

The Employment and Training Administration announces the tentative allocation of Fiscal Year 1977 funds for use by each designated Indian and Native American prime sponsor to continue public service employment and comprehensive employment and training programs under titles II and III (section 302) of the Comprehensive Employment and Training Act (CETA) during the period September 1, 1976 through September 30, 1977. These allocations are for planning purposes only and are subject to change. The following list represents the tentative allocations by designated prime sponsor:

FY 77 PLANNING ALLOCATIONS

ALABAMA

99–6–648–30–152: Mr. Houston L. McGhee, Chief, Creek Nation East of the Mississippi, Tribal Council, Route 3, Box 286, Atmore, Alabama 36502.

II	
III	$133,432
VI	
Summer	
Total	133,432

ALASKA

99–7–124–30–14: Mr. Dennis J. Tiepelman, President, Maunelluk Association, Inc., P.O. Box 256, Kotzebue, Alaska 99752.

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II	
III	$195,631
VI	
Summer	
Total	195,631

99-7-120-30: Mr. Al Ketzler, President, Tanana Chiefs Conference, Inc., First and Hall Streets, Fairbanks, Alaska 99701.

II	
III	$347,983
VI	
Summer	
Total	347,983

99-7-119-30-3: Mr. Herbert Smelcer, President, Copper River Native Assn, Inc., Drawer G, Copper Center, Alaska 99573.

II	
III	$42,319
VI	
Summer	
Total	42,319

99-7-118-30-2: Mr. Cecil Barnes, President, North Pacific Rim Native Corporation, 912 East 15th Avenue, Anchorage, Alaska 99501.

II	
III	$69,513
VI	
Summer	
Total	69,513

99-7-123-30-7: Mr. Robert W. Madden, General Manager, Kawerak, Inc., P.O. Box 505, Nome, Alaska 99762.

II	
III	$288,373
VI	
Summer	
Total	288,373

ALASKA

99-7-117-30-1: Ms. Vera M. Shaflestad, Executive Director, The Aleut League, 833 Gambell Street, Anchorage, Alaska 99501.

II	
III	132,620
VI	
Summer	
Total	132,620

99-7-121-30-5: Mr. Joseph Upicksoun, President, Arctic Slope Regional Corporation, P.O. Box 426, Barrow, Alaska 99723.

II	
III	107,673
VI	
Summer	
Total	107,673

99-7-064-30-8: Mr. Wallace D. Leask, Mayor, Metlakatla Indian Community, P.O. Box 8, Metlakatla, Alaska 99926.

II	5,472
III	196,104
VI	
Summer	
Total	201,576

99-7-089-30-9: Mr. George Miller, Jr., Tanaina Corporation, P.O. Box 1210, Kenai, Alaska 99611.

II	
III	62,376
VI	
Summer	
Total	62,376

99-7-113-30-10: Ms. Jeanmarie Larson, Executive Director, Cook Inlet Native Association, P.O. Box 515, Anchorage, Alaska 99510.

II	
III	214,688
VI	
Summer	
Total	214,688

99-7-115-30-12: Mr. Frank R. Peterson, Executive Director, Kodiak Area Native Association, Box 172, Kodiak, Alaska 99615.

II	
III	89,613
VI	
Summer	
Total	89,613

ALASKA

99-7-116-30-13: Mr. Boris Kosbruk, President, Bristol Bay Native Association, P.O. Box 179, Dillingham, Alaska 99576.

II	
III	$160,797
VI	
Summer	
Total	160,797

99-7-114-30-11: Ms. Juanita M. Corwin, Executive Director, Central Council of the Tlingit and Haida Indians of Alaska, 130 Seward Street, Room 412, Juneau, Alaska 99801.

II	
III	$414,069
VI	
Summer	
Total	414,069

99-7-122-30-6: Mr. Oscar Kwagley, Executive Director, Yupiktak Bista, Inc., P.O. Box 219, Bethel, Alaska 9959.

II	
III	$689,703
VI	
Summer	
Total	689,703

ARIZONA

99-7-476-30-26: Mr. Herschel Andrews, Vice President, Salt River Pima-Maricopa Community Manpower Programs, Route 1, Box 216, Scottsdale, Arizona 85256.

II	$5,368
III	110,295
VI	
Summer	
Total	115,663

99-7-181-30-27: Mr. Cecil Williams, Chairman, The Papago Council, The Papago Tribe of Arizona, P.O. Box 837, Sells, Arizona 85634.

II	$76,395
III	401,378
VI	
Summer	
Total	477,773

99-7-059-30-28: Mr. Peter MacDonald, Chairman, Navajo Tribal Council, The Navajo Tribe of Indians, Window Rock, Arizona 86515.

II	$798,295
III	5,940,118
VI	
Summer	
Total	6,738,413

99-7-057-30-29: Mr. Abbott Sekaquaptewa, Chairman, Hopi Tribal Council, P.O. Box 123, Oraibi, Arizona 86039.

II	$28,080
III	317,351
VI	
Summer	
Total	345,431

99-7-268-30-30: Sister Mary Rose Christy, Project Director, Arizona Indian Centers, Inc., Suite 908, 2721 N. Central Avenue, Phoenix, Arizona 85004.

II	
III	$103,378
VI	
Summer	
Total	103,378

ARIZONA

99-7-054-30-31: Mr. Alexander Lewis, Sr., Governor, Gila River Indian Community, P.O. Box 97, Sacaton, Arizona 85247.

II	$20,613
III	475,587
VI	
Summer	
Total	496,200

99-7-492-30-32: Mr. Tony Chana, Chairman of the Board, American Indian Association, Inc., 2512 S. 6th Avenue, Tucson, Arizona 85713.

II	
III	$238,437
VI	
Summer	
Total	238,437

99-7-173-30-33: Mr. Buck Kitcheyan, Tribal Chairman, San Carlos Apache Tribe, P.O. Box 0, San Carlos, Arizona 85550.

II	$22,643
III	306,709
VI	
Summer	
Total	329,352

ARKANSAS

99-7-174-30-34: Mr. Ronnie Lupe, Tribal Chairman, White Mountain Apache Tribe, P.O. Box 708, Whiteriver, Arizona 85941.

II	$29,870
III	400,315
VI	
Summer	
Total	430,185

99-7-498-30-35: Mr. Anthony Drennan, Sr., Chairman, Tribal Council, Colorado River Indian Tribes, Route 1, Box 23-B, Parker, Arizona 85344.

II	$7,433
III	66,138
VI	
Summer	
Total	73,571

99-7-053-30-36: Ms. Grace McCullah, Executive Director, The Indian Development District of Arizona, 1230 East Camelback Road, Phoenix, Arizona 85014.

II	$11,735
III	130,387
VI	
Summer	
Total	142,122

99-7-195-30-37: Mr. Syd Beane, Executive Director, Phoenix Indian Center, 4025 North 2nd Street, Phoenix, Arizona 80012.

II	
III	$323,152
VI	
Summer	
Total	323,152

CALIFORNIA

99-7-086-30-38: Ms. Cosma L. Childs, Chairperson, Candelaria American Indian Council, 2739 Buckaroo Avenue, Oxnard, California 93030.

II	
III	$96,352
VI	
Summer	
Total	96,352

99-7-085-30-39: Mr. Lincoln D. Billedeaux, Executive Director, Indian Centers, Inc., 1127 W. Washington Blvd., Los Angeles, California 90015.

II	
III	$1,237,720
VI	
Summer	
Total	1,237,720

99-7-084-30-40: Mr. Matthew L. Calac, Executive Director, Americans for Indian Future and Traditions, Inc., 803 Robinson Building, 520 E. Street, San Diego, California 92101.

II	
III	$249,399
VI	
Summer	
Total	249,399

99-7-686-30-43: Mr. Milton Marks, Chairperson, Tri-County Indian Development Council, Inc., P.O. Box 4911, Eureka, California 95501.

II	
III	$251,300
VI	
Summer	
Total	251,300

99-7-082-30-44: Mr. David Peri, Chairman of the Board, YA-KA-AMA Indian Education and Development, Inc., 6215 Eastside Road, Healdsburg, California 95448.

II	
III	$129,568
VI	
Summer	
Total	129,568

99-7-499-30-45: Mr. Gus M. Adams, Director, Indian Center of San Jose, Inc., 90 South Second Street, San Jose, California 95113.

II	
III	$209,477
VI	
Summer	
Total	$209,477

99-7-056-30-41: Mr. Banning Taylor, Chairman, Board of Directors, California Tribal Chairman's Association, 2427 Marconi Avenue, Suite No. 7, Sacramento, California 95821.

II	$19,959
III	126,404
VI	
Summer	
Total	$146,363

99-7-458-30-42: Mr. Karl Mathiesen, Chief Councilman, Sacramento Indian Center, Inc., Employment and Training Program, 2007 O Street, Sacramento, California 95814.

II	
III	$151,703
VI	
Summer	
Total	$151,703

99-7-081-30-46: Mr. Karl Mathiesen, Chairman of the Board, Region IX American Indian Council, 330 Ellis Street, Room 518, San Francisco, California 94102.

II	
III	$709,183
VI	
Summer	
Total	$709,183

99-7-170-30-47: Mr. Timothy D. DeAsis, Executive Director, Orange County Indian Center, Inc., 127 Topanga Drive, Anaheim, California.

II	
III	$179,935
VI	
Summer	
Total	$179,935

99-7-055-30-48: Mr. Lawrence M. Blacktooth, Chairman, The Inter-Tribal Council of California, Inc., Manpower Consortium, 2969 Fulton Avenue, Sacramento, California 97821.

II	$21,882
III	1,704,914
VI	
Summer	
Total	1,726,796

99-7-175-30-49: Mr. John Ayner, President, San Joaquin Council for the American Indian, Inc., P.O. Box 68, 144 Mun Kwok Ln., Suite 446, Stockton, California 95202.

II	
III	$72,219
VI	
Summer	
Total	72,219

CONNECTICUT

99-7-381-30-60: Mr. Brian Myles, Executive Director, American Indians for Development, P.O. Box 117, Meriden, Connecticut 06450.

II	
III	$117,550
VI	
Summer	
Total	117,550

COLORADO

99-7-060-30-85: Mr. Manuel L. Sandos, Director, Training Service Section, Colorado Division of Employment and Training, 770 Grant Street, Room 222, Denver, Colorado 80203.

II	$13,937
III	101,320
VI	
Summer	
Total	115,257

99-7-076-30-86: Mr. Clarence Acoya, Chairperson, Denver Native Americans United Employment and Training Program, 1525 Josephone, Denver, Colorado 80206.

II	
III	$332,294
VI	
Summer	
Total	332,294

DELAWARE

No Prime Sponsor Selected Yet.

III	$26,226

DISTRICT OF COLUMBIA

FLORIDA

99-7-052-30-77: Mr. Buffalo Tiger, Chairman Miccosukee Tribe of Indians of Florida, P.O. Box 4404, Tamiami Station, Miami Florida 33144.

II	$3,441
III	70,934
VI	
Summer	
Total	74,375

99-7-004-30-70: Mr. Howard E. Tommie, Chairman, Seminole Tribe of Florida, 6073 Stirling Road, Hollywood, Florida 33024

II	$3,201
III	83,579
VI	
Summer	
Total	86,780

99-7-692-30-72: Ms. Jan Tuveson, Co-Director, Florida Governor's Council On Indian Affairs, 105 E. College Avenue, Tallahassee, Florida 32301.

II	
VII	$255,541
VI	
Summer	
Total	255,541

GEORGIA

99-7-691-30-71: Mr. Tommy Hess, Director, Georgia Department of Human Resources, Economic Opportunity Office, 618 Ponce de Leon Avenue, N.E., Atlanta, Georgia 30308.

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II	
III	$97,722
VI	
Summer	
Total	97,722

HAWAII

99-7-688-30-52: Mr. Robert Y. Watada, Administrator, State of Hawaii, Department of Labor and Industrial Relations, Office of Manpower Planning, 720 Kapiolani Blvd., Room 302, Honolulu, Hawaii 96813.

II	
III	$41,622
VI	
Summer	
Total	41,622

ILLINOIS

No Prime Sponsor Selected Yet.

III	$419,221

INDIANA

99-6-696-30-159: Mr. Emerson DeLaney, President, Indian Brotherhood Council, Inc., 117 State Street, Hammond, Indiana 46320

III	$150,258

IOWA

IDAHO

99-7-066-30-16: Mr. Cornell Tahdooahnippah, Executive Director, Idaho Inter-Tribal Policy Board, Inc., 910 Sonna Building, Suite 214, Boise, Idaho 83702.

II	$26,566
III	271,899
VI	
Summer	
Total	289,465

99-7065-30-15: Mr. Richard A. Halfmoon, Chairman, Nez Perce Tribal Executive Council, P.O. Box 305, Lapwai, Idaho 83540.

II	$4,164
III	88,824
VI	
Summer	
Total	92,988

KANSAS

99-7-168-30-78: Mr. Joy R. Hunter, Executive Director, Mid-American All Indian Council, Inc., 1650 East Central, Wichita, Kansas 67214.

II	
III	$155,149
VI	
Summer	
Total	155,149

99-7-178-30-80: Mr. C. J. Morris, Chairman, United Tribes of Kansas and Southeast Nebraska, P.O. Box 147, Horton, Kansas 66439.

II	$7,433
III	321,958
VI	
Summer	
Total	329,391

KENTUCKY

LOUISIANA

99-7-503-30-131: Mr. L. M. Burgess, Chairman, Board of Directors, Indian Manpower Services, Inc., 11764 S. Harrells Ferry Road, Baton Rouge, Louisiana 70816.

II	$ 551
III	279,354
VI	
Summer	
Total	279,905

MAINE

99-7-001-30-61: Mr. Allen Sockabasin, President, Tribal Governors, Inc., Maine Indian Manpower Services, 93 Main Street, Orono, Maine 04473.

II	$ 4,232
III	226,719
VI	
Summer	
Total	230,951

MARYLAND

99-6-349-30-161: Ms. Marion Pines, Director, Mayor's Office of Manpower Resources, 701 St. Paul Street, Suite 105, Baltimore, Maryland 21202.

II	
III	$196,497
VI	
Summer	
Total	196,497

MASSACHUSETTS

99-7-494-30-62: Mr. Clifford Saunders, Executive Director, Boston Indian Council, Inc., 105 S. Huntington Avenue, Jamaica Plain, Massachusetts 02130.

II	
III	$221,097
VI	
Summer	
Total	221,097

99-7-650-30-63: Mr. Anthony P. Lacerda, Director, Yarmouth CETA Consortium, 66 Center Street, Hyannis, Massachusetts 02601.

II	
III	$38,432
VI	
Summer	
Total	38,432

MICHIGAN

99-7-694-30-132: Mr. J. Wagner Wheeler, Executive Director, Grand Rapids Inter-Tribal Council, 756 Bridge Street, NW., Grand Rapids, Michigan 49508.

II	
III	$96,538
VI	
Summer	
Total	96,538

99-7-172-30-133: Mr. Michael C. Parish, Executive Director, Inter-Tribal Council of Michigan, Inc., 405 East Easterday Avenue, Sault Ste. Marie, Michigan 49783.

II	$12,698
III	
VI	
Summer	
Total	12,698

99-7-695-30-134: Mr. Vince Adams, Chairman, North American Indian Association Of Detroit, Inc., 360 John R, Detroit, Michigan 48226.

II	
III	$282,570
VI	
Summer	
Total	282,570

99-7-507-30-135: Mr. Joseph K. Lumsden, Tribal Chairman, Sault Ste. Marie Tribe of Chippewa Indians, 206 Greenough Street, Sault Ste. Marie, Michigan 49783.

II	
III	$55,707
VI	
Summer	
Total	55,707

99-7-007-30-136: Mr. L. John Fufkins, Chairman, Michigan Commission on Indian Affairs, Office of American Indian Manpower Programs, State Secondary Complex, 7150 Harris Drive, Lansing, Michigan 48926.

II	
III	$549,441
VI	
Summer	
Total	549,441

MINNESOTA

99-7-017-30-137: Mr. Roger A. Jourdain, Chairman, Red Lake Tribal Council, Red Lake, Minnesota 56671.

II	$16,518
III	172,144
VI	
Summer	
Total	188,662

99-7-204-30-138: Mr. Harold LaRosa, Chairman, Urban American Indian Center, 1530 East Franklin Avenue, Minneapolis, Minnesota 55404.

II	$3,854
III	598,399
VI	
Summer	
Total	602,253

99-7-009-30-139: Mr. William J. Houle, Chairman, Fond du Lac Reservation Business Committee, Cloquet, Minnesota 55720.

II	$3,200
III	78,284
VI	
Summer	
Total	81,484

99-7-012-30-140: Mr. David R. Munnell, Chairman, Leech Lake Reservation Business Committee, Box 308, Cass Lake, Minnesota 56633.

II	$11,975
III	249,464
VI	
Summer	
Total	261,439

99-7-254-30-141: Mr. Bill Dwer, Chairman, American Indian Fellowship Association, 101 N. 1st Avenue, East, Duluth, Minnesota 55802.

II	$310
III	55,768
VI	
Summer	
Total	56,078

MINNESOTA

99-7-008-30-142: Mr. Arthur Gahbow, Chairman, Mille Lacs Reservation Community Action Program, Star Route, Onamia, Minnesota 56359.

II	$2,581
III	45,007
VI	
Summer	
Total	47,588

99-7-010-30-143: Mr. Harry Boness, Sr., Chairman, Nett Lake Reservation Business Committee, Nett Lake, Minnesota 55772.

II	$2,822
III	97,176
VI	
Summer	
Total	99,998

99-7-011-30-144: Mr. Rueben Rock, Chairman, White Earth Reservation Business Committee, P.O. Box 274, White Earth, Minnesota 56591.

II	$12,801
III	168,205
VI	
Summer	
Total	181,006

MISSISSIPPI

99-7-005-30-74: Mr. Calvin J. Isaac, Tribal Chief, Mississippi Band of Choctaw Indians, Tribal Office Building, Route 7, Box 21, Philadelphia, Mississippi 39350.

II	$18,204
III	455,192
VI	
Summer	
Total	473,396

MISSOURI

99-7-237-30-79: Ms. Mayme Mattawaoshshe, Executive Director, Region VIII American Indian Council, Inc., Indian Employment and Training, 310 Armour Road, Suite 212, Kansas City, Missouri 64116.

II	
III	278,621
VI	
Summer	
	278,621

MONTANA

99-7-032-30-92: Mr. Charles D. Plumage, President, Fort Belknap Indian Community, Fort Belknap Agency, Harlem, Montana.

II	$9,395
III	178,624
VI	
Summer	
Total	188,019

99-7-074-30-87: Mr. Charles E. Fisher, Board Chairman, Montana United Indian Association, P.O. Box 786, Helena, Montana 59601.

II	
III	$416,600
VI	
Summer	
Total	416,600

99-7-035-30-89: Mr. John Windy Boy, Chairman, Business Committee of the Chippewa Cree Tribe, Rocky Boy Route, Box Elder, Montana 59521.

II	$12,905
III	156,785
VI	
Summer	
Total	169,690

99-7-030-30-90: Mr. Patrick Stands Over Bull, Chairman, Crow Tribe of Indians, Crow Tribal Council, P.O. Box 371, Crow Agency, Montana 59022.

II	$16,449
III	163,332
VI	
Summer	
Total	179,781

99-7-006-30-88: Mr. Earl Old Person, Chairman, Blackfeet Tribal Business Council, Browning, Montana 59417.

II	$19,409
III	440,791
VI	
Summer	
Total	460,200

MONTANA

99-7-033-30-94: Mr. Norman Hollow, Tribal Chairman, Fort Peck Tribal Executive Board, Assiniboine and Sioux Tribes, Fort Peck Indian Reservation, Box 1027, Poplar, Montana 59255.

II	$20,372
III	290,040
VI	
Summer	
Total	310,412

99-7-034-30-93: Mr. Allen Rowland, Tribal President, Northern Cheyenne Tribal Council, P.O. Box 128, Lame Deer, Montana 59043.

II	$14,728
III	169,627
VI	
Summer	
Total	184,355

99-7-031-30-91: Mr. Harold W. Mitchell, Jr., Tribal Council Chairman, The Confederated Salish and Kootenai Tribes of the Flathead Reservation, Flathead Sub-Agency, Dixon, Montana 59831.

II	$10,392
III	211,275
VI	
Summer	
Total	221,667

NEBRASKA

99-7-509-30-84: Ms. Jan R. Searcy, Executive Director, United Indians of Nebraska, 1270 South 119 Court, Omaha, Nebraska 68144.

II	
III	$176,797
VI	
Summer	
Total	176,797

99-7-014-30-81: Mr. Edward L. Cline, Chairman, Omaha Tribe of Nebraska, Omaha Tribal Council, Macy, Nebraska 68039.

II	$8,534
III	134,573
VI	
Summer	
Total	143,107

99-7-236-30-83: Mr. Enid Goodteacher, Tribal Chairman, Santee Sioux Tribe of Nebraska, Route 2, Niobrara, Nebraska 68760.

II	$1,961
III	92,473
VI	
Summer	
Total	94,434

99-7-087-30-82: Mr. Art May, Chairman, Nebraska Indian Inter-Tribal Development Corporation, P.O. Box 238, Winnebago, Nebraska 68071.

II	$5,093
III	106,314
VI	
Summer	
Total	111,407

NEVADA

II	$
III	
VI	
Summer	
Total	

99-7-058-30-51: Mr. Larry M. Manning, Chairman, Executive Board, Inter-Tribal Council of Nevada, Inc., 98 Colony Road, Reno, Nevada 89502.

II	$33,413
III	453,499
VI	
Summer	
Total	486,912

NEW HAMPSHIRE

NEW JERSEY

99-6-651-30-155: Mr. William R. Mate, Administrator, Comprehensive Employment and Training Act, Department of Labor and Industry, State of New Jersey, Labor and Industry Building, John Fitch Plaza, Trenton, New Jersey 08625.

II	
III	$221,463
VI	
Summer	
Total	221,643

NEW MEXICO

99-7-023-30-126: Mr. Delfin J. Lovato, Chairman, All Indian Pueblo Council, Inc., P.O. Box 6005, Station B, 1015 Indian School Road, N.W., Albuquerque, New Mexico 87107.

II	$106,609
III	1,164,739
VI	
Summer	
Total	1,271,348

99-7-146-30-129: Mr. Chavey P. Coho, President, Ramah Navajo School Board, Inc., Box 248, Ramah, New Mexico 87321.

II	
III	$79,816
VI	
Summer	
Total	79,816

99-7-021-30-128: Mr. Virgil Wyaco, Acting Governor, Pueblo of Zuni, Zuni Tribal Council, P.O. Box 339, Zuni, New Mexico 87327.

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II	$26,704
III	298,636
VI	
Summer	
Total	325,340

99-7-077-30-127: Mr. Gerald T. Wilkinson, Executive Director, National Indian Youth Council, 201 Hermosa, N.W., Albuquerque, New Mexico 87108.

III	$437,138

NEW YORK

99-7-522-30-54: Mr. Rudolph Hart, Head Chief, St. Regis Mohawk Tribe, Cultural Center, Hogansburg, New York 13655.

II	$9,085
III	129,833
VI	
Summer	
Total	138,918

99-7-689-30-66: Mr. Luke M. Abrams, President, Native American Manpower, Inc., 250 Summer Street, Buffalo, New York 14222.

II	
III	$245,102
VI	
Summer	
Total	245,102

99-7-002-30-55: Mr. Robert C. Hoag, President, Seneca Nation of Indians, Manpower Programs, P.O. Box 344, Salamanca, New York 14779.

II	$25,156
III	599,536
VI	
Summer	
Total	624,692

New York City—No prime sponsor selected yet.

II	2,168
III	$577,884
	580,052

NORTH CAROLINA

99-7-003-30-75: Mr. John A. Crowe, Principal Chief, Eastern Bank of Cherokee Indians, P.O. Box 487, Cherokee, North Carolina 28719.

II	$27,943
III	352,250
VI	
Summer	
Total	380,193

99-7-067-30-73: Mr. Kenneth R. Maynor, Executive Director, Lumbee Regional Development, Association, Inc., P.O. Box 68, Pembroke, North Carolina 28372.

II	
III	$2,003,698
VI	
Summer	
Total	2,003,698

99-7-070-30-69: Mr. A. Bruce Jones, Executive Director, North Carolina Commission of Indian Affairs, 235 Heart of Raleigh Motel, Raleigh, North Carolina 27603.

II	
III	$661,872
VI	
Summer	
Total	661,872

NORTH DAKOTA

99-7-165-30-98: Mr. Warren W. Means, Executive Director, United Tribes Educational Technical Center, 3315 South Airport Road, Bismark, North Dakota 58501.

II	
III	$129,978
VI	
Total	129,978

99-7-075-30-95: Mr. Edwin J. Henry, Tribal Chairman, Turtle Mountain Tribal Council, Turtle Mountain Band of Chippewa Indians, Belcourt, North Dakota 58316.

II	$14,178
III	427,173
VI	
Summer	
Total	441,351

99-7-002-30-97: Mr. Wayne Packineau, Acting Chairperson, Three Affiliated Tribes, Division of Indian and Native American Programs, Box 597, New Town, North Dakota 58763.

II	$13,662
III	152,069
VI	
Summer	
Total	165,731

99-7-046-30-96: Mr. Pat McLaughlin, Chairman, Standing Rock Sioux Tribe, Manpower Program, Fort Yates, North Dakota 58538.

II	$32,416
III	289,853
VI	
Summer	
Total	322,269

99-7-037-30-100: Mr. Carl McKay, Tribal Chairman, Devils Lake Sioux Tribe, Manpower Programs, Fort Totten, North Dakota 58335.

II	$6,642
III	169,564
VI	
Summer	
Total	176,206

OHIO

99-7-350-30-155: Ms. Ruby Hooper, Chairwoman, Cleveland American Indian Center, Inc., 5500 Lorain Avenue, Cleveland, Ohio 44102.

III	$196,140

99-6-496-30-156: Mr. Soloman Brokeshoulder, Chairman, Tecumseh Confederacy, 147 Hill Street, Xena, Ohio 45385.

III	$103,259

OKLAHOMA

99-7-029-30-117: Mr. Leonard Biggoose, Chairman, Ponca Tribe of Indians, P.O. Box 11 (White Eagle), Ponca City, Oklahoma 74601.

II	
III	$106,322
VI	
Summer	
Total	106,322

99-7-027-30-121: Mr. Ross O. Swimmer, Principal Chief, Cherokee Nation, P.O. Box 119, Tahlequah, Oklahoma 74464.

II	
III	$2,049,369
VI	
Summer	
Total	2,049,369

99-7-022-30-119: Mr. Sylvester J. Tinker, Principal Chief, Osage Tribal Council, P.O. Box 178, Pawhuska, Oklahoma 74056.

II	$7,399
III	165,994
VI	
Summer	
Total	173,393

99-7-048-30-116: Mr. Howard Goodbear, Tribal Chairman, Cheyenne and Arapaho, Tribes of Oklahoma, P.O. Box 38, Concho, Oklahoma 73022.

II	
III	$271,295
VI	
Summer	
Total	271,295

99-7-041-30-125: Mr. C. David Gardner, Principal Chief, Choctaw Nation of Oklahoma, Box 59, Durant, Oklahoma 74701.

II	
III	$732,510
VI	
Summer	
Total	732,510

99-7-036-30-115: Mr. Bob Glago, Director, United Urban Indian Club, Inc., 1212 North Hudson, Oklahoma 73103.

II	
III	$527,834
VI	
Summer	
Total	527,834

OKLAHOMA

99-7-038-30-124: Mr. Russell B. Ellis, Director, Central Tribes of the Shawnee Area, Inc., Box 2427, University Station, Shawnee, Oklahoma 74802.

II	
III	$264,135
VI	
Summer	
Total	264,135

99-7-025-30-122: Mr. Edward F. Mouss, Executive Director, Creek Nation, Department of Manpower, P.O. Box 1114, Okmulgee, Oklahoma 74447.

II	
III	$611,829
VI	
Summer	
Total	611,829

99-7-072-30-120: Mrs. Evelyn F. Stephens, Executive Director, Oklahoma Tribal Assistance Program, Inc., P.O. Box 2841, Tulsa, Oklahoma 74101.

II	
III	$567,320
VI	
Summer	
Total	567,320

99-7-047-30-113: Mr. Bob Cannon, Chairman, Kiowa Tribe of Oklahoma, P.O. Box 1028, Anadarko, Oklahoma 73005.

II	
III	$377,754
VI	
Summer	
Total	377,754

99-7-140-30-118: Mr. Dana A. Knight, Chairman, North Central Inter-Tribal Council, Inc., 315 S. Pine, P.O. Box 2384, Ponca City, Oklahoma 74601.

II	
III	$101,745
VI	
Summer	
Total	101,745

99-7-042-30-114: Mr. Overton James, Governor, Chickasaw Nation of Oklahoma, CETA Program, West First at Muskogee, Box 645, Sulphur, Oklahoma 73086.

II	
III	$429,788
VI	
Summer	
Total	429,788

OKLAHOMA

99-7-051-30-123: Mr. Edwin Tanyan, Principal Chief, Seminole Nation of Oklahoma, 4th and Brown, Wewoka, Oklahoma 74884.

II	
III	$186,104
VI	
Summer	
Total	186,104

99-7-182-30-112: Mr. James M. Cox, Chairman, Comanche Indian Tribe, P.O. Box 1127, Lawton, Oklahoma 73501.

III	$255,098

OREGON

99-7-164-30-18: Mr. Lowell Curley, Chairman, Urban Indian Council, 2326 NW. Westover, Portland, Oregon 97210.

II	
III	$278,990
VI	
Summer	
Total	278,990

99-7-088-30-17: Mr. Butch Crume, Project Director, The Klamath Tribe, 4054 South 6th Street, P.O. Box 5123, Klamath Falls, Oregon 97601.

II	
III	$105,368
VI	
Summer	
Total	105,368

99-7-256-30-19: Mr. Ken Smith, General Manager, The Confederated Tribes of the Warm Springs Indian Reservation, P.O. Box 548, Warm Springs, Oregon 97761.

II	$4,956
III	493,472
VI	
Summer	
Total	498,428

PENNSYLVANIA

99-7-642-30-57: Mr. Russell Simms, Executive Director, Council of Three Rivers American Indian Center, Inc., 803 N. Homewood Avenue, Pittsburgh, Pennsylvania 15208.

II	
III	$85,932
VI	
Summer	
Total	85,932

99-7-477-30-58: Mr. Mack C. Lynch, President, United American Indians of Delaware Valley, Inc., 225 Chestnut Street, Philadelphia, Pennsylvania 19106.

II	
III	$136,843
VI	
Summer	
Total	136,843

99-7-649-30-59: Mr. James L. Crews, Chairman, Susquehannock Area, American Indians, Inc., 610 N. 3rd Street, Harrisburg, Pennsylvania 17107.

II	
III	$63,407
VI	
Summer	
Total	63,407

RHODE ISLAND

99-7-510-30-64: Mr. William Wilcox, Director, Rhode Island Indian Council, Inc., D.N.A.P. CETA III, 56 Washington Street, Providence, Rhode Island 02903.

II	
III	$92,823
VI	
Summer	
Total	92,823

SOUTH CAROLINA

SOUTH DAKOTA

99-7-043-30-104: Mr. Al Trimble, President, Oglala Sioux Tribe, P.O. Box G, Pine Ridge, South Dakota 57770.

II	$47,145
III	640,600
VI	
Summer	
Total	687,745

99-7-040-30-102: Ms. Elnita Rank, Chairperson, Crow Creek Sioux Tribe, P.O. Box 636, Fort Thompson, South Dakota 57339.

II	$5,196
III	102,476
VI	
Summer	
Total	107,672

99-7-063-30-107: Tribal Chairman, Yankton Sioux Tribe, Route No. 3, Wagner, South Dakota 57380.

II	$8,775
III	87,352
VI	
Summer	
Total	96,127

99-7-044-30-105: Mr. Edward J. Driving Hawk, President, Rosebud Sioux Tribe, Rosebud Indian Reservation, Rosebud, South Dakota 57570.

II	$47,454
III	488,929
VI	
Summer	
Total	536,383

99-7-165-30-101: Mr. Frank A. Lawrence, Executive Director, United Sioux Tribes Development Corporation, P.O. Box 1193, Pierre, South Dakota 57501.

II	
III	$457,218
VI	
Summer	
Total	457,218

99-7-039-30-99: Mr. Wayne Ducheneaux, Tribal Chairman, Cheyenne River Sioux Tribe, Manpower Program, P.O. Box 768, Eagle Butte, South Dakota 57625.

II	$10,048
III	276,356
VI	
Summer	
Total	286,404

99-7-073-30-103: Mr. Michael B. Jandreau, Chairman, Lower Brule Sioux Tribe, Lower Brule, South Dakota 57548.

II	$723
III	42,574
VI	
Summer	
Total	43,297

99-7-045-30-106: Mr. Jerry Flute, Tribal Chairman, Sessiton-Wahpeton Sioux Tribe, R.R. No. 2, Box 144, Sessiton, South Dakota 57262.

II	$15,004
III	149,551
VI	
Summer	
Total	164,555

TENNESSEE

99-7-360-30-76: Mr. Ron Cononger, Executive Director, United Southeastern Tribes, Inc., 1101 Kermit Drive, Nashville, Tennessee 37217.

II	
III	$200,574
VI	
Summer	
Total	200,574

TEXAS

99-6-693-30-160: Mr. Ward A. Phelan, Director, Indian Employment Training Service, Inc., P.O. Box 206, Livingston, Texas 77351.

II	$4,404
III	533,952
VI	
Summer	
Total	538,356

99-7-078-30-111: Mr. Leroy Mason, Chairperson, Dallas Inter-Tribal Center, 3361/2 W. Jefferson, Dallas, Texas 75208.

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II	-------
III	$368,959
VI	-------
Summer	-------
Total	368,959

UTAH

99-7-049-30-109: Mr. Lester M. Chapoose, Chairman, Uintah and Ouray Tribal Business Committee, P.O. Box 129, Fort Duchesne, Utah 84026.

II	$6,710
III	109,238
VI	-------
Summer	-------
Total	115,948

99-7-163-30-110: Mr. Raymond Carroll, Chairman of the Board, Utah Native American Consortium, Inc., 120 West 1300 South, Salt Lake City, Utah 84115.

II	$69
III	199,229
VI	-------
Summer	-------
Total	199,298

VERMONT

VIRGINIA

99-6-745-30-162: Mr. Maurice B. Rowe, Chairman, Governors Manpower Services Council, State Capitol, Richmond, Virginia 23219.

II	$1,307
III	211,649
VI	-------
Summer	-------
Total	212,956

WASHINGTON

99-7-347-30-24: Mr. Dowayne Goodon, Executive Director, Native American Center, West 1704—10th Avenue, Spokane, Washington 99204.

II	-------
III	$109,834
VI	-------
Summer	-------
Total	109,834

99-7-071-30-22: Mr. Leo J LaClair, Executive Director, Small Tribes Organization of Western Washington, P.O. Box 578, Sumner, Washington 98390.

II	$30,214
III	717,264
VI	-------
Summer	-------
Total	747,478

99-7-068-30-20: Mr. Joseph B. DeLaCruz, CHE-HO-QUI-SHO Indian Consortium, Quinault Indian Tribe, P.O. Box 1228, Taholah, Washington 98587.

II	$6,677
III	118,801
VI	-------
Summer	-------
Total	125,478

99-7-184-30-23: Mr. Mel White, Chairman, Eastern Washington Indian Consortium, Box 223, Wellpinit, Washington 99040.

II	$49,278
III	682,895
VI	-------
Summer	-------
Total	732,173

99-7-511-30-25: Mr. Gregory W. Frazier, Executive Director, Seattle Indian Center, Inc., 619 Second Avenue, Seattle, Washington 98104.

II	-------
III	$114,306
VI	-------
Summer	-------
Total	414,306

99-7-069-30-21: Ms. Linda E. Day, Executive Director, Northwest Intertribal Council, 2731 10th Avenue, Everett, Washington 98201.

II	$40,434
III	147,763
VI	-------
Summer	-------
Total	188,197

WISCONSIN

99-7-013-30-146: Ms. Ada Deer, Chairperson, Menominee Restoration Committee, P.O. Box 397, Keshena, Wisconsin 54135.

II	$22,234
III	271,625
IV	-------
Summer	-------
Total	293,959

99-7-016-30-147: Mr. Peter Christensen, Executive Director, Great Lakes Inter-Tribal Council, Inc., Manpower Consortium, Box 5, Lac du Flambeau, Wisconsin 54538.

II	$26,670
III	212,004
IV	-------
Summer	-------
Total	238,674

99-7-497-30-148: Mr. Eugene W. Taylor, Chairman, St. Croix Tribal Council, Star Route, Webster, Wisconsin 54893.

II	$2,374
III	67,344
IV	-------
Summer	-------
Total	69,718

99-7-227-30-149: Ms. Petronelle Martin, Executive Director, Milwaukee Area American Indian Manpower Council, Inc., 3701 W. Lisbon Avenue, Milwaukee, Wisconsin 53208

II	-------
III	$190,653
VI	-------
Summer	-------
Total	190,653

99-7-019-30-150: Mr. Mitchell Whiterabbit, Tribal Chairman, Wisconsin Winnebago Committee, CETA office, VW—Stevens Point, Nelson Hall, 3rd Floor, Stevens Point, Wisconsin 54481.

II	$5,575
III	88,789
IV	-------
Summer	-------
Total	94,364

WISCONSIN

99-7-500-30-151: Mr. Leonard E. Miller, Jr., Tribal Chairman, Stockbridge-Munsee Community, Route 1, Bowler, Wisconsin 54416.

II	$2,409
III	31,423
VI	-------
Summer	-------
Total	33,832

99-7-018-30-152: Mr. Odric Baker, Chairman, Lac Courte Oreilles Governing Board Route 2, Stone Lake, Wisconsin 54876.

II	$11,769
III	97,994
VI	-------
Summer	-------
Total	109,763

997-015-30-153: Mr. Purcell Powless, Tribal Chairman, Oneida Tribe of Indians of Wisconsin, Inc., Oneida, Wisconsin 54155.

II	$5,403
III	191,751
VI	-------
Summer	-------
Total	197,154

99-7-199-30-154: Mrs. Betty Jack President of the Board, American Indian Child Placement and Development Program, Inc., 525 University Avenue, Madison, Wisconsin 53703.

II	-------
III	$115,669
VI	-------
Summer	-------
Total	115,669

WYOMING

99-7-050-30-108: Mr. Robert N. Harris, Shoshone Council Chairman, Mr. Arnold Headley, Arapahoe Council Chairman, Shoshone and Arapahoe Tribes, Box 217, Fort Washakie, Wyoming 82514.

II	$24,226
III	343,358
VI	-------
Summer	-------
Total	367,584

Signed at Washington, D.C., this 12th day of July, 1976.

ROBERT J. MCCONNON,
Director,
Office of National Programs.

[FR Doc.76-23556 Filed 8-12-76;8:45 am]

Office of Employee Benefits Security

[Application No. D-333]

EMPLOYEE BENEFIT PLANS

Pendency of Exemption Relating to a Transaction Involving the Given International Employees' Stock Bonus Plan

Notice is hereby given of the pendency before the Department of Labor (the Department) and the Internal Revenue Service (the Service) of a proposed exemption from the restrictions of section 406(a) and section 406 (b)(1) and (b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the taxes imposed by section 4975(a) and (b) of the Internal Revenue Code of 1954 (the Code), by reason of section 4975(c)(1)(A) through (E) of the Code. The pending exemption was requested in an application filed by Given International (Given) and the trustee of the Given International Employees' Stock Bonus Plan (Plan) to exempt the sale of certain plan assets to the Crocker National Bank (Crocker). The application was filed pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75-26, 1975-1 C.B. 722.

Summary of facts and representations. The application contains facts and representations with regard to the pending exemption, which are summarized below. Interested persons are referred to the application on file with the Department and the Service for a complete statement of the facts and representations.

1. The plan is a stock bonus plan which was established on August 28, 1967. Contributions to the plan have consisted of Given's $100 par value, six percent cumulative preferred stock. The Plan currently holds 2,747 shares of such stock, which constitutes all the outstanding shares of Given preferred stock. The preferred stockholders have, at the present time, the only voting rights of Given stockholders because Given's articles of incorporation provide that if Given should miss four consecutive dividend payments, which has occurred, all the voting rights of the common stock are shifted to the preferred stock. The trustee of the Plan, Mr. Howard Given, currently has the authority to exercise the voting rights of the preferred stock held by the Plan.

2. In 1974, Given suffered certain financial reverses and became unable to pay its unsecured obligations as they became due. In May 1975, Given was indebted to Crocker for approximately $23,000,000, and virtually all of Given's assets were pledged to Crocker as collateral for the debt. In addition, Given was indebted to its general unsecured creditors for approximately $3,250,000.

3. By September 1975, Given was unable to remain in business without the financial support of Crocker; and Crocker was unwilling to continue its financial support unless a Creditors' Composition Agreement (Creditors' Agreement) dated September 30, 1975, was accepted by Given's unsecured creditors. Crocker agreed not to foreclose on its collateral if 95 percent of the unsecured creditors agreed to release their claims in exchange for certain amounts set forth in the Creditors' Agreement. That agreement was conditioned upon, among other things, the dissolution of the Plan and the cancellation or other elimination of the preferred stock held by the Plan.

4. It was necessary that the Plan be terminated and the interests of the preferred stockholders be eliminated because the preferred stock was an impediment to any viable refinancing plan that Crocker might wish to effect. Crocker did not believe that it could permit the disbursement of the preferred stock to the Plan participants as that action would create a potentially antagonistic body to deal with in the course of its attempt to continue Given in business. Further, the threat of the preferred stockholders seeking to exercise their accrued dividend rights with respect to future profits would undermine the likelihood of any sale of Given to a third party. Crocker also wanted to terminate the Plan and eliminate the preferred stock because as trustee of the Plan and a substantial secured creditor of Given, it could not fulfill its duties as trustee and at the same time fully protect its interests as a secured creditor.

5. By letter dated January 8, 1976, Crocker resigned as trustee of the Plan. Several corporate trustees were solicited to replace Crocker as trustee but all declined. Since Given was unable to find a corporate trustee, it decided to appoint its President and Chairman of the Board, Howard Given, as successor trustee.

6. At the time of his appointment as trustee, Howard Given and his family owned all the common stock of Given. However, pursuant to the terms of the Creditors' Agreement, the common stockholders of Given were to convey to Crocker an option to acquire, without further consideration, 100 percent of the common stock of Given. In addition, Howard Given and his wife were to convey to Crocker certain property and partnership interests owned by them. In exchange for these conveyances, Crocker was to release Howard Given and his wife as guarantors of Given's secured indebtedness to Crocker. On February 12, 1976, the common stockholders and Crocker agreed to the conveyance of the above property interests and the release of Mr. and Mrs. Given as guarantors of Given's secured indebtedness. However, Crocker and Howard Given agreed that Crocker will have recourse against Howard Given for up to $235,000 for losses resulting from Howard Given's failure to take such action as is necessary to cause the preferred stock to no longer be outstanding or to transfer such stock to Crocker.

7. Eighty-three percent of the unsecured creditors, in dollar amounts of Given have agreed voluntarily to accept, in satisfaction of their unsecured claims against the Company, the terms of the Creditors' Agreement. In order to eliminate those unsecured claims held by non-consenting creditors, Given filed a Chapter XI proceeding under the Bankruptcy Act in the Federal District Court for the Central District of California. After a hearing, the court, in an Order dated March 26, 1976, approved, with one minor modification, the Company's Plan of Arrangement, which incorporates the terms of the Creditors' Agreement. That plan, among other things, divides the unsecured creditors of Given into five classes. Creditors in Classes 1 through 4 are to be paid in full except that Class 4 creditors shall in no event receive more than $500 for each proven claim. Creditors electing Class 4 treatment had aggregate claims totaling $97,400 as of April 27, 1976. The Class 5 creditors, whose aggregate claims as of that date totalled $3.8 million, are to receive the greater of (a) a pro rata share of a $600,000 fund which Crocker is to make available to Given, or (b) fifteen percent (15%) of the amount of their respective claims. Crocker is in no event obligated to fund the Plan of Arrangement with an amount in excess of $600,00. If there are insufficient funds to pay the Class 5 creditors 15% of their respective claims, Given has the right to apply to the District Court to vacate the above order; and upon the vacation of the order, the $600,000 deposited by Crocker shall be returned to Crocker.

8. Howard Given, as trustee of the Plan, proposes to sell, and Crocker proposes to buy, the Given preferred stock held by the Plan. The price to be paid for the preferred stock will be equal to a percentage amount of the $100 par value which shall be the same percentage amount which the Class 5 unsecured creditors ultimately will receive for their proven claims against Given. As a result, under the terms of the sale the preferred stockholders will receive at least $15 for each share of $100 par value stock that they hold. These terms are the same as the terms of the Class 5 creditors arrangement, which were negotiated by parties with adverse interests dealing with one another at arm's length. The price to be paid for the preferred stock represents a better price than any other trustee could have negotiated, because it would treat the preferred stockholders the same as the Class 5 unsecured creditors, although in bankruptcy proceedings the claims of such creditors would take priority over the claims of preferred stockholders.

Notification of the pending exemption will be sent by certified mail to the present employees participating in the Plan, terminated vested employees who have not received their distributions, the one disability retiree presently receiving an annuity, Crocker, and Howard Given (collectively, the interested parties) within eight days of publication in the FEDERAL REGISTER of the notice of the pendency of the exemption. The notification will describe the exemption request and will inform interested parties of their right to submit written comments to the respective agencies or request a hearing within the time provided in the notice. The notification will include a copy of the notice as published in the FEDERAL REGISTER. Copies of the notification will be forwarded to the Department and the Service at the time they are sent to the interested parties.

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General information. The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act which, among other things, require a fiduciary to discharge his duties respecting the plan solely in the interest of the plan's participants and beneficiaries and in a prudent fashion in accordance with subsection (a)(1)(B) of the Act, nor does it affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The pending exemption does not extend to transactions prohibited under section 406(b)(3) of the Act, and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department and the Service must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries, and protective of the rights of such participants and beneficiaries; and

(4) The pending exemption, if granted, will be supplemental to, and not in derogation of, any other provision of the Act and the Code, including statutory exemptions and transitional rules. Furthermore, the fact that a transaction is the subject of an exemption is not dispositive of whether the transaction would have been a prohibited transaction in the absence of such exemption or, though it would have been a prohibited transaction, is exempt by operation of a statutory or other exemption or a transitional rule.

All interested persons are invited to submit written comments on the pending exemption. In order to receive consideration, such comments must be received by the Department on or before September 10, 1976. In addition, any interested person may submit a written request that a hearing be held relating to the pending exemption. Such written request must be received by the Department on or before September 10, 1976, and should state the reasons for the request and the nature of the person's interest in the pending exemption. All written comments and requests for a hearing (preferably six copies) should be addressed to the Office of Employee Benefits Security, Room N-4716, U.S. Department of Labor, Washington, D.C. 20216, Attention: Application No. D-333.

The application for exemption, requests for a hearing and comments will be available for public inspection at the Public Document Room, Office of Employee Benefits Security, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue NW., Washington, D.C. 20216, and at the Internal Revenue Service National Office Reading Room, 1111 Constitution Avenue NW., Washington, D.C. 20224.

Pending Exemption. Based upon the application, hereinabove described, the Department and the Service have under consideration the granting of the requested exemption, under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75-26, 1975-1 C.B. 722, so that the restrictions of sections 406(a) and 406 (b)(1) and (b)(2) of the Act and taxes imposed under section 4975 (a) and (b) of the Code, by reason of sections 4975(c)(1)(A) through (E) of the Code, shall not apply to the sale by the Plan of the preferred stock of Given to Crocker, pursuant to the terms, conditions and representations set forth in the application.

The pending exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 5th day of August 1976.

JAMES D. HUTCHINSON,
Administrator of Pension and Welfare Benefit Programs, U.S. Department of Labor.

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

[FR Doc.76-23466 Filed 8-9-76, 10:50 am]

Occupational Safety and Health Administration

ADVISORY COMMITTEE ON CONSTRUCTION SAFETY AND HEALTH

Meeting

Notice is hereby given that the Advisory Committee on Construction Safety and Health, established under section 107(e)(1) of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333) and section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656), will meet on Thursday, August 26 and Friday, August 27, 1976, starting at 9:00 a.m. in Columbia A Ballroom, Hyatt Regency Hotel, 400 New Jersey Avenue, NW., Washington, D.C. The meeting is open to the public.

The purpose of this meeting is to consider and make recommendations to the Assistant Secretary on the proposed permanent standard for diving operations. Materials provided to members of the committee will be available for inspection and copying at the Committee Management Office, at the address below.

Pursuant to notice published in the FEDERAL REGISTER on July 23, 1976 (41 FR 30414), the Committee met on August 9 and 10, 1976, to consider the proposed permanent standard for diving operations. At that meeting, the Committee requested certain additional materials from the Occupational Safety and Health Administration staff and a brief additional time period to consider the materials submitted to it and to make its recommendations to the Assistant Secretary. The purpose of this meeting is to provide such additional time for the Committee to make its recommendations.

In view of the requirement of section 6(c)(3) of the Occupational Safety and Health Act of 1970 (84 Stat. 1596, 29 U.S.C. 655) that the Emergency Temporary Standard on Diving Operations, published in the FEDERAL REGISTER at 41 FR 24272, be replaced by a permanent standard no later than six months after publication of the emergency standard, and in view of the timely actual notice given to members of the Committee and to those members of the public present at the earlier meeting, it is determined that an emergency exists which makes it necessary and appropriate to shorten by one day the 15 day notice requirement.

Written data, views, or arguments may be submitted, preferably with 20 copies, to the Committee Management Office. Any such submissions received prior to the meeting will be provided to the members of the committee and will be included in the record of the meeting. Since public presentations were made at the earlier meeting, it is not anticipated that there will be further opportunity for such oral presentations. However, if time permits, oral presentations may be scheduled at the discretion of the committee chairman.

Communications may be mailed to:

J. Goodell, Committee Management Office, Department of Labor, Occupational Safety and Health Administration, Third Street and Constitution Avenue, NW., Room N-3635, Washington, D.C. 20210

Signed at Washington, D.C., this 11th day of August 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-23766 Filed 8-11-76;11:01 am]

ADVISORY COMMITTEE ON LONGSHORING SAFETY AND HEALTH

Establishment of Committee

I. *Establishment of Advisory Committee.*—A. *Establishment.* The Secretary of Labor, after consultation with the Director, Office of Management and Budget, having determined that it is in the public interest in connection with the performance of duties imposed on the Secretary by the Occupational Safety and Health Act of 1970, hereby establishes the Advisory Committee on Longshoring Safety and Health, in accordance with the Federal Advisory Committee Act (5 U.S.C. App. I, Supp. II, 1972).

B. *The Committee's objectives and the scope of its activity.* To provide advice to the Secretary of Labor and the Assistant Secretary of Labor for Occupational Safety and Health on the various mechanisms for reducing accidents and illnesses in the longshoring industry.

C. *The period of time necessary for the Committee to carry out its purposes.* Beginning as soon as practical after June 1976, and continuing for two years, subject to renewal.

D. *The official to whom the committee reports.* The Assistant Secretary for Occupational Safety and Health.

E. *The agency responsible for providing the necessary support for the Committee.* The U.S. Department of Labor Occupational Safety and Health Administration.

F. *A description of duties for which the Committee is responsible.* 1. To conduct meetings, research, conferences and studies to determine the causes of longshore accidents and illnesses;

2. To give advice on possible ways of improving data collection on the frequency, incidence, severity and causes of accidents and illnesses as well as general longshore statistics;

3. To determine the influence of factors such as disease and work practices on safety and health in the longshoring industry;

4. To provide advice on enforcement strategies, standards development, training and education and voluntary cooperative efforts which will reduce accidents and illnesses in the longshoring industry;

5. To recommend technological improvement and procedures in the handling of cargo to reduce accidents and illnesses.

G. *The estimated annual operating costs in dollars and man-years for the Committee.* $83,000 and 1.5 man-years of staff support.

H. *The estimated number and frequency of Committee meetings.* The committee will meet 6 to 8 times each year.

I. *Membership.* The Committee shall consist of approximately 5 to 7 members, representing labor, industry and the public. A public member shall serve as Chairperson.

J. *The Committee's termination date.* Two years after the establishment of the committee, subject to renewal.

Signed at Washington, D.C., this 9th day of August 1976.

W. J. USERY, Jr.,
Secretary of Labor.

[FR Doc.76-23726 Filed 8-12-76;8:45 am]

NATIONAL ADVISORY COMMITTEE ON OCCUPATIONAL SAFETY AND HEALTH

Meeting

Notice is hereby given that the Subgroup on Compliance, National Advisory Committee on Occupational Safety and Health (NACOSH), will meet on September 1, 1976 in Room N-4437 A-D, Department of Labor, 3rd Street and Constitution Avenue, NW, Washington, D.C. 20210.

A meeting previously scheduled on August 10, 1976 was canceled due to the threat of severe weather conditions on the eastern seaboard.

The National Advisory Committee was established under section 7(a) of the Occupational Safety and Health Act of 1970 to advise the Secretary of Labor and the Secretary of Health, Education, and Welfare on matters relating to the administration of the Act.

The Meeting will begin at 1 p.m. and will last until approximately 4 p.m. The public is invited to attend.

The Subgroup will complete its recommendations on the definition of repeated violations. The recomendations will address OSHA policy in this area with respect to geographical area and the time within which a prior citation should be considered the basis for a repeated citation. OSHA's present policy is twofold: (1) For employers having fixed establishments, repeated citations are limited to the cited establishment; and (2) for employers having no fixed establishment, repeated citations are based on prior citations occurring anywhere within the same State (however, the geographical scope for maritime is limited to a designated "port area").

For additional information on the Subgroup's agenda, please contact:

Nancy L. Hucke, Committee Management Office, Room N-3635, U.S. Department of Labor, Third Street and Constitution Avenue, NW., Washington, D.C. 20210, (202) 523-8024

Any written data or views concerning this agenda item or suggestions for future agenda items which are received by the Committee Management Office before the meeting, preferably within 20 copies, will be presented to the Subgroup and included in the official record of the meeting.

Anyone wishing to request an oral presentation should notify the Committee Management Office before the meeting. The request should state the amount of time desired, the capacity in which the person will appear, and a brief outline of the content of the presentation. Oral presentations will be scheduled at the discretion of the Subgroup Chairman, depending on the extent to which time permits.

Official records of the meeting will be available for public inspection at the above address.

Signed at Washington, D.C., this 10th day of August 1976.

J. GOODELL,
Executive Secretary.

[FR Doc.76-23727 Filed 8-12-76;8:45 am]

Office of the Secretary

[Secretary's Order 18-76]

AUDIT POLICIES AND RESPONSIBILITIES

Delegation of Authority and Assignment of Responsibilities

1. *Purpose.* To delegate authority and assign responsibility for conducting the audit program of the Department of Labor (DOL).

2. *Authority and directives affected.* a. This Order is issued pursuant to:

(1) The Act of March 4, 1913 (37 Stat. 736; 29 U.S.C. 551; and 5 U.S.C. 301 and 302 (b) (1)).

(2) The Budget and Accounting Procedures Act of 1950, 31 U.S.C. 66a.

(3) Standards for audit of governmental organizations program, activities, and functions, isued by the Comptroller General of the United States, June 1972.

(4) General Services Administration (GSA), Federal Management Circular, FMC 73-2, dated September 27, 1973.

(5) The Federal Procurment Regulations (41 CFR 1-3).

b. Secretary's Orders 24-66 and 36-72 are canceled.

3. *Scope.* This Order applies to the auditing of all program activities for which the DOL has responsibility regardless of the source of funds or whether the activities involved are performed by the Department, by State agencies or their agents, or through contractual, grant, or other arrangements.

4. *Background.* The Secretary of Labor and officials at all levels of the Department have statutory and inherent responsibility for assuring that all resources entrusted to them for DOL programs, regardless of source, are being used: (a) To achieve the purposes for which programs are authorized and funds are made available, (b) economically and efficiently, and (c) in compliance with applicable laws and regulations. Departmental policies and responsibilities are being restated to satisfy such needs and to conform to the auditing concepts and requirements contained in the Comptroller General's "Standards for Audit of Governmental Organizations, Program, Activities, and Functions," (1972) and GSA FMC 73-2 dated September 27, 1973.

5. *Policy.* It is the policy of the DOL to assure that all audit activities within the DOL will be centralized at the departmental level under the Assistant Secretary for Administration and Management. This policy of centralization of audit functions has as its major objective the provision for:

a. Uniformity of audit policies within the Department.

b. One DOL point of contact for (1) the General Accounting Office (GAO), (2) other agencies of the Federal, State, and local governments when cross audits are performed, and (3) private firms or other organizations.

c. Elimination of any duplication of audits when different organizations have dealings with the same grantees, sponsors, or suppliers of service and materials.

d. One organization responsible to the Secretary of Labor for the financial and contract audit functions of the Department and for independent auditing and reporting to the Secretary of Labor.

6. *Responsibilities*—a. *The Assistant Secretary for Administration and Management* is delegated specific authority and assigned responsibility for establishing and maintaining within the Office of the Assistant Secretary for Administra-

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tion and Management (OASAM) an appropriate organization to provide for: (1) The development and maintenance of an effective independent audit program, and (2) The actual conduct on a centralized basis of the required audit functions as an objective service to the Office of the Secretary and the DOL Agencies concerned.

b. *The Director of Audit and Investigation (DA&I), OASAM,* is responsible for providing management with assessments of whether programs are accomplishing their intended objectives with due regard to costs and results; assurances that waste does not occur through mismanagement; and assurances as to fiscal integrity and compliance with statutory intent in the spending of public funds by:

(1) Conducting the Department's audit program in accordance with the "Standards of Audit of Governmental Organizations, Programs, Activities, and Functions" issued by the Comptroller General of the United States.

(2) Establishing such policies, standards, and procedures as are necessary to give effect to the requirements of this Order and laws and regulations governing the Department's audit program.

(3) Maintaining liaison with the GAO, the OMB, other Federal agencies, and State and local governments on audit matters.

(4) Meeting periodically with Agency Heads or Deputy Agency Heads to review audit plans in order to ensure DA&I audit activity in the agency is of greatest possible value to agency management as well as to the Office of the Secretary.

(5) Advising appropriate officials of audit results and issuing audit reports on a timely basis.

c. DOL Agency Heads are responsible for:

(1) Assuring that all Agency employees cooperate fully with auditors in the course of their audit activities.

(2) Promptly reviewing and evaluating audit reports received and making timely responses to the DA&I regarding actions taken or to be taken on audit report findings and recommendations.

Signed at Washington, D.C., this 30th day of July 1976.

W. J. USERY, JR.,
Secretary of Labor.

[FR Doc 76-23734 Filed 8-12-76;8:45 am]

PRIVACY ACT

Systems of Records

Notice is hereby given that the Department of Labor in accordance with 5 U.S.C. 552a(e)(4) and (11), section 3 of the Privacy Act of 1974 (Pub. L. 93-579) ("Act"), proposes to revise notices of systems of records, the notice of which were published on September 8, 1975, (40 FR 41739).

Interested persons are invited to submit written data, views and arguments to Seth Zinman, Associate Solicitor, Division of Legislative and Legal Counsel, Office of the Solicitor, Room N2428, New Department of Labor Building, 200 Constitution Avenue, NW., Washington, D.C. 20210, on or before twenty days from the date of this notice. Written material received from the public will be available for public inspection at the above address during normal business hours.

This notice was prepared to inform the public of a new routine use for the Federal workers' compensation record systems described in this notice. The routine use would authorize the disclosure of workers' compensation case file records to labor unions and other voluntary employee associations of which the claimant is a member which exercise an interest in claims of members as part of their service to the member. Other changes from the notice as previously published are intended to give greater detail or update matters which have changed.

Dated: August 10, 1976.

W. J. USERY, Jr.,
Secretary of Labor.

DOL/ESA-8

System name: Office of Workers' Compensation Programs, Black Lung Benefit Claim File.

System location: U.S. Department of Labor, Employment Standards Administration, Office of Workers' Compensation Programs, Division of Coal Mine Workers' Compensation, Washington, D.C. 20210.

Categories of individuals covered by the system: Individuals filing claims for black lung (pneumoconiosis) benefits under the provisions of Title IV of the Federal Coal Mine Health and Safety Act of 1969, as amended, including miners, and their surviving widows, orphans, dependent parents and siblings.

Categories of records in the system: Personal, medical, financial.

Authority for maintenance of the system: 30 U.S.C. 901 et seq. 20 CFR 715.1 et seq., 20 CFR 720.1 et seq. 20 CFR 725.1 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure to mine operators who have been determined to be potentially liable for the claim and any party providing the mine operator with workers' compensation insurance coverage; State worker's compensation agencies and the Social Security Administration for the purpose of determining offsets as specified under the Act; doctors and medical service providers for the purpose of obtaining medical evaluations, physical rehabilitation or other services, and labor unions and other voluntary employee associations of which the claimant is a member which exercise an interest in claims of members as part of their service to the members.

Storage: Case file documents, both original and copies in manual files.

Retrievability: Coal miner's name and Social Security Number and claimants name when different from miner's must be provided.

Safeguards: Files located in restricted area of a Federal building under guard by security officers.

Retention and disposal: Being determined at this time.

System manager(s) and address: Associate Director, Division of Coal Mine Workers' Compensation, Office of Workers' Compensation Programs, Employment Standards Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room C3520, Washington, D.C. 20210.

Notification procedure: As above.

Record access procedures: As above.

Contesting record procedures: As above.

Record source categories: Claim forms, medical reports, correspondence, investigative reports, employment reports, Federal and State agency records, any other record of document pertaining to a claimant or his dependent as it related to his age, education, work history, marital history or medical condition.

DOL/ESA-9

System name: Office of Workers' Compensation Programs, Black Lung Benefit Payments File.

System location: GAO Building, 5th and G Streets NW., Washington, D.C. 20210; System is accessed from Terminal (Remote 7) located in NDOL, Room C3525, 3rd and Constitution Avenue NW., Washington, D.C. 20210.

Categories of individuals covered by the system: Claimants receiving benefits.

Categories of records in the system: Personal, financial.

Authority for maintenance of the system: 30 U.S.C. 901 et seq., 20 CFR 175.1 et seq., 20 CFR 720.1 et seq., 20 CFR 725.1 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Same as above but without the listing of disclosure to doctors and medical service providers.

Storage: Magnetic tapes.

Retrievability: Social Security Number.

Safeguards: Files located in restricted area of Federal Building under guard by security officers.

Retention and disposal: Being determined at this time.

System manager(s) and address: Associate Director, Division of Coal Mine Workers' Compensation, Office of Workers' Compensation Programs, Employment Standards Administration, U.S. Department of Labor, Room C3520, 200 Constitution Avenue NW., Washington, D.C. 20210

Notification procedure: As above

Record access procedures: As above

Contesting record procedures: As above

Record source categories: Black Lung Benefit Claim Files

DOL/ESA-10

System name: Office of Workers' Compensation Programs, Black Lung Claimant Information File

System location: GAO building, 5th and G Streets NW., Washington, D.C. 20210; system is accessed from terminal (Remote 7) located in NDOL, Room C3525, 3rd and Constitution Avenue NW., Washington, D.C. 20210

Categories of individuals covered by the system: Black lung claimants.

Categories of records in the system: Personal (Name, date of birth, SSN, type claimant, miner's date of death); demographic (state/county, city, Congressional district, zip code), mine employment history, medical disability, initial determination conference results, hearing results.

Authority for maintenance of the system: 30 U.S.C. 901 et seq., 20 CFR 715.5 et seq., 20 CFR 720.1 et seq., 20 CFR 725.1 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Same as above but without the listing of disclosure to doctors and medical service providers.

Storage: 9 Track magnetic tape and punched cards.

Retrievability: Social Security Number.

Safeguards: Located in restricted area of Federal building under guard by security officers.

Retention and disposal: Being determined at this time.

System manager(s) and address: Associate Director, Division of Coal Mine Workers' Compensation, Office of Workers' Compensation Programs, Employment Standards Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room C3520, Washington, D.C. 20210.

Notification procedure: As above.

Record access procedures: As above.

Contesting record procedures: As above.

Record source categories: District Office reports, claim forms, claim files tracking cards.

DOL/ESA-11

System name: Office of Workers' Compensation Programs, Black Lung Medical Treatment Records Files.

System location: U.S. Department of Labor, Employment Standards Administration, Office of Workers' Compensation Programs, Division of Coal Mine Workers' Compensation, 200 Constitution Avenue NW., Washington, D.C. 20210.

Categories of records in the system: Medical and financial.

Authority for maintenance of the system: 30 U.S.C., 901 et seq., 20 CFR 715.1 et seq., 20 CFR 720.1 et seq., 20 CFR 725.1 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Same as above but without the listing of disclosure to doctors and medical service providers.

Storage: Manual File to be transferred to magnetic tape.

Retrievability: Name and Social Security Number.

Safeguards: Located in restricted area of Federal building under guard by security officers.

Retention and disposal: Being determined at this time.

System manager(s) and address: Associate Director, Division of Coal Mine Workers' Compensation, Office of Workers' Compensation Programs, Employment Standards Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room C3520, Washington, D.C. 20210.

Notification procedure: As above.

Record access procedures: As above.

Contesting record procedure: As above.

Record source categories: Medical reports and bills from physician of beneficiary choosing providing medical treatment.

DOL/ESA-12

System name: Office of Workers' Compensation Programs, Black Lung Beneficiaries Profile File.

System location: U.S. Department of Labor, Employment Standards Administration, Office of Workers' Compensation, Division of Coal Mine Worker's Compensation, Washington, D.C. 20210.

Categories of individuals covered by the system: Division of Coal Mine Workers' Compensation beneficiaries

Categories of records in the system: Medical, personal

Authority for maintenance of the system: 30 U.S.C. 901 et seq., 20 CFR 715.1 et seq. 20 CFR 720.1 et seq., 20 CFR 725.1 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Same as above but without the listing of disclosure to doctors and medical service providers.

Storage: Manual files.

Retrievability: Name and Social Security Number.

Safeguards: Files located in restricted area of a Federal building under guard by security officers.

Retention and disposal: Being determined at this time.

System manager(s) and address: Associate Director, Division of Coal Mine Workers' Compensation, , Office of Workers' Compensation Programs, Employment Standards Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room C3520, Washington, D.C. 20210

Notification procedure: As above

Record access procedures: As above

Contesting record procedures: As above

Record source categories: Individual, correspondence, employment records, payroll records, medical reports.

DOL/ESA-13

System name: Office of Workers' Compensation Programs, Black Lung Service Payments File.

System location: GAO building, 5th and G Streets NW., Washington, D.C. 20210; System is accessed from terminal (Remote 7) located in NDOL, Room C3525, 3rd and Constitution Avenue NW., Washington, D.C. 20210.

Categories of individuals covered by the system: Claimants, physicians and medical facilities providing services.

Categories of records in the system: Medical, personal, financial

Authority for maintenance of the system: 30 U.S.C., 901 et seq., 20 CFR 715.1 et seq., 20 CFR 720.1 et seq., 20 CFR 725.1 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Same as above but without the listing of disclosures to doctors and medical service providers.

Storage: Magnetic tapes

Retrievability: Provider number, claimant's SSN.

Safeguards: Files located in restricted area of Federal building under guard by security officers.

Retention and disposal: Being determined at this time.

System manager(s) and address: Associate Director, Division of Coal Mine Workers' Compensation, Office of Workers' Compensation Programs, Employment Standards Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room C3520, Washington, D.C. 20210

Notification procedure: As above

Record access procedures: As above.

Contesting record procedures: As above.

Record source categories: Billings, claim files, medical reports

DOL/ESA-14

System name: Office of Workers' Compensation Programs, Black Lung X-ray Interpretations File.

System location: U.S. Department of Labor, Employment Standards Administration, Office of Workers' Compensation Programs, Division of Coal Mine Workers' Compensation, 200 Constitution Avenue NW., Washington, D.C. 20210.

Categories of individuals covered by the system: Division of Coal Mine Workers' Compensation claimants.

Categories of records in the system: Medical, personal.

Authority for maintenance of the system: 30 U.S.C. 901 et seq., 20 CFR 715.1 et seq., 20 CFR 720.1 et seq., 20 CFR 725.1 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Same as above but without the listing of disclosures to doctors and medical service providers.

Storage: Manual files.

Retrievability: Name and Social Security Number.

Safeguards: Files located in restricted area of a Federal building under guard by security officers.

Retention and disposal: Being determined at this time.

System manager(s) and address: Associate Director, Division of Coal Mine Workers' Compensation, Office of Workers' Compensation Programs, Employment Standards Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room C3520, Washington, D.C. 20210.

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Notification procedure: Same as above.
Record access procedures: Same as above.
Record source categories: Individual's medical records.

DOL/ESA–15

System name: Office of Workers' Compensation Programs, Federal Employees' Compensation Act File.

System location: U.S. Department of Labor, Employment Standards Administration, Office of Workers' Compensation Programs, Division of Federal Employees' Compensation, 200 Constitution Avenue NW., Room S–3229, Washington, D.C. 20210; and District Offices.

Categories of individuals covered by the system: FECA benefits recipients are Federal employees injured or killed while in the performance of duty or suffering from occupational diseases. In case of death, beneficiary records are maintained. In addition to Federal employees the FECA covers volunteers in the Civil Air Patrol, Peace Corps Volunteers, Job Corps Enrollees, Volunteers in Service to America, members of the National Teachers Corps, certain student employees, employees of the Alaska Railroad, members of the Reserve Officers Training Corps, certain law enforcement officers not employed by the United States. Prior to January 1, 1957, the FECA also covered reservists in the Armed Forces of the United States. Also covered are various classes of persons who provide or have provided services to the Government of the United States.

Categories of records in the system: Record includes reports of injury by employee and employing establishment, authorization for medical treatment, medical records, medical and transportation files, compensation payment records, formal order for or against payment of compensation and vital statistics such as birth, death and marriage certificates.

Authority for maintenance of the system: 5 U.S.C. 8101 et seq., 20 CFR 1.1 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure to any third-party named in a claim or representative acting on his/her behalf until the claim is adjudicated and all appeals resolved; Federal agencies which employed the claimant at the time of occurrence or recurrence of the injury or occupational illness; Federal, State or private rehabilitation agencies to whom the claimant has been referred for evaluation of the extent and nature of the disability and/or rehabilitation; physicians making an examinaiton for the United States under 5 U.S.C. 8123(a); medical insurance plans or health and welfare plans which the claimant is covered by in instances when there is evidence of payment by the plan for treatment of a medical condition which is compensable or where there has been payment by OWCP for treatment of a medical condition which is not compensable; and labor unions and other voluntary employee associations of which the claimant is a member which exercise an interest in claims of members as part of their service to the members.

Storage: File cabinets, security files are kept in combination locker file cabinet. In 1976–77, FECA case files will be entered into an automated management information system to be stored on magnetic disks.

Retrievability: Files are retrieved after identification by coded file number which is cross referenced to employee by name, employing establishment, date and nature of injury. Files located in District Offices are identified by master index file, which is maintained in the National Office.

Safeguards: Files are maintained under constant supervision of OWCP personnel during normal working hours—only authorized personnel may handle or disclose any information contained therein. Magnetic disks will be maintained under the constant supervision of Department of Labor personnel and will be locked up at night. Only personnel having security clearance may handle or process security files. After normal working hours, security files are kept in locked cabinets. All files are maintained in guarded Federal buildings.

Retention and disposal: Regular files are retained, retired to Federal Record Centers, and disposed of in accordance with GSA schedule. Security files are disposed of by the submitting agency.

System manager(s) and address: Associate Director, FECA, Room S–3229, NDOL, 200 Constitution Avenue NW., Washington, D.C. 20210.

Notification procedure: As above.
Record access procedures: As above.
Contesting record processing: As above.
Record source categories: Injured employees, beneficiaries, employing Federal agencies, other Federal Agencies, physicians, hospitals, clinics, educational institutions, attorneys, congressman, OWCP field investigations, state government.

DOL/ESA–17

System name: Office of Workers' Compensation Programs, Longshore and Harbor Workers' Compensation Act File

System location: Files are located in District Offices.

Categories of individuals covered by the system: The system maintains records of injury, occupational disease and death of employees working in private industry who are covered by the provisions of the Longshoremen's and Harbor Worker's Compensation Act, as extended.

Categories of records in the system: Records include: reports of injury by employees and employers; authorization for medical care; medical reports, medical and transportation bills; formal orders for or against payment of compensation; vital statistics such as birth, marriage, death certificates; enrollment and attendance records at educational institutions.

Authority for maintenance of the system: 33 U.S.C. 901 et seq. (20 CFR 701 et seq.), 36 DCC 501 et seq., 42 USC 1951 et seq., 43 USC 1331 et seq., 5 USC 8171 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure to the employer at the time of the injury or the onset of the occupational illness and to any party providing the employer with workers' compensation insurance coverage; doctors and medical service providers for the purpose of obtaining medical evaluations, physical rehabilitation of other services; and labor unions and other voluntary employee associations of which the claimant is a member which exercise an interest in claims of members as part of their service to the members.

Storage: The information is maintained as written records and documents in letter size manual files stored in 4 and 5 drawer file cabinets, located in the several District Offices.

Retrievability: Identification is based on coded file numbers, cross-referenced to employee name, date of injury and employer name.

Safeguards: Files are physically maintained under constant supervision of OWCP personnel during working hours. Rooms in which files are maintained are locked during non-business hours.

Retention and disposal: Files are retained in District Offices for a period of five years following closing, after which they are retired to the Federal Records Centers and eventually disposed of in accordance with the GSA records disposal schedule. No lost time reports of injury are destroyed five years after the fiscal year in which they are received.

System manager(s) and address: Associate Director, OWCP, Division of Longshore and Harbor Workers' Compensation, U.S. Department of Labor, 200 Constitution Avenue NW., Room C4315, Washington, D.C. 20210.

Notification procedure: As above.

Record access procedures: Any individual seeking information about a case in which he/she is a party of interest may write or telephone the OWCP District Office and arrangement will be made to provide review of the file, consonant with restriction defined as a routine use.

Contesting record procedures: As above.

Record source categories: The system obtains information from injured employees, their qualified dependents, employers, physicians, medical facilities, educational institutions, attorneys, Members of Congress, state and Federal vocational rehabilitation agencies.

[FR Doc.76–23767 Filed 8–12–76;8:45 am]

[Secretary's Order 17–76]

SECRETARY'S COMMITTEE ON VETERANS' AFFAIRS

Restructuring of Committee and Redefining Its Functions

1. *Purpose.* This Order restructures the Secretary's Committee on Veterans' Affairs and redefines its functions.

2. *Directives affected.* Secretary's Order 5–75 is canceled.

3. *Background.* The Secretary of Labor has the responsibility under the Vietnam Era Veterans' Readjustment Assistance Act of 1974, and the emergency Jobs and Unemployment Assistance Act of 1974, to formulate and monitor the implementation of departmental policies and programs affecting the unemployment, job training, employment or reemployment, and job placement of veterans. The Secretary's Committee was established by Secretary's Order 5–75 to ensure coordination and focus for the various veterans' programs operated throughout the Department.

4. *The Secretary's Committee on Veterans' Affairs.* There is established within the Department of Labor (DOL) a Secretary's Committee on Veterans' Affairs.

a. *Organization.* The Secretary's Committee on Veterans' Affairs shall be chaired by the Under Secretary or in his/her absence by the Vice Chairperson who shall be the Director of the Veteran's Employment Service (VES).

b. *Membership.* (1) In addition to the Chairperson and the Vice Chairperson, the Committee shall be composed of the Assistant Secretaries for Administration and Management; Employment Standards; Employment and Training; Labor-Management Relaeions; Policy, Evaluation, and Research; and the Solicitor of Labor.

(2) The Chairperson shall designate a DOL employee to serve as Executive Secretariat to the Committee.

c. *Meeting Schedule.* The Secretary's Committee on Veterans' Affairs shall meet during the months of January, April, July, and October, with the first meeting held on July 19, 1976. The Chairperson may convene such additional meetings as Committee business may require. Appropriate notice shall be published in the FEDERAL REGISTER well in advance of each meeting date and the meeting shall be open to the public.

d. *Staff Support.* The principal staff support for the Secretary's Committee on Veterans' Affairs shall be provided by the Office of the Director of VES. Other DOL Agencies shall provide appropriate assistance with respect to their functions. The Secretary's Committee may also obtain information and specialized services needed to perform its assigned functions from outside sources.

5. *Assignment of Functions.* The Secretary's Committee on Veterans' Affairs is assigned the following functions:

a. Serve as principal advisory and coordinating group to the Secretary of Labor on matters affecting veterans.

b. Consult with and provide guidance to the appropriate DOL Agencies and the Program and Budget Review Committee (PBRC) on the formulation, implementation or redirection of departmental policies and programs as they affect veterans, especially in the areas of unemployment, job training, employment or reemployment, and job placement.

c. Review the operational effectiveness of departmental plans and programs affecting veterans.

d. Facilitate executive-level communications on veterans' affairs within the Department and with other governmental agencies, veterans' organizations, labor, management, and the Congress.

e. Review and suggest research essential to the implementation of effective departmental programs on behalf of veterans.

f. Coordinate the preparation of any reports concerning veterans' affairs to the Congress which involve the activities of more than one DOL Agency.

Signed at Washington, D.C., this 30th day of July 1976.

W. J. USERY, Jr.,
Secretary of Labor.

[FR Doc.76–23733 Filed 8–12–76;8:45 am]

[TA–W–1,005]

APPAREL SPORTSWEAR, INC.

Investigation Regarding Certification of Eligibility to Apply for Worker Adjustment Assistance

On July 30, 1976, the Department of Labor received a petition dated July 26, 1976, which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the International Ladies Garment Workers Union on behalf of the workers and former workers of Apparel Sportswear, Inc., New York, New York (TA–W–1,005). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with ladies' dresses, pants, jackets, skirts and blouses produced by Apparel Sportswear, Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivisions of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 23, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 23, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd Street and Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 30th day of July 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76–23739 Filed 8–12–76;8:45 am]

[TA–W–1,006]

BETHLEHEM STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On July 30, 1976, the Department of Labor received a petition dated July 21, 1976, which was filed under section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Lackawanna plant, Woodlawn, New York, a subsidiary of Bethlehem Steel Corp., Bethlehem, Pa. (TA–W–1,006). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with structural steel & steel rails produced by Bethlehem Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 23, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment As-

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sistance, at the address shown below, not later than August 23, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd Street and Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 30th day of July 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-23740 Filed 8-12-76;8:45 am]

[TA-W-1,008]

BROWN SHOE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On July 30, 1976, the Department of Labor received a petition dated June 20, 1976, which was filed under section 221 (a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Brown Shoe Co., Steelville, Missouri, a division of Brown Group, Inc., St. Louis, Missouri (TA-W-1,008). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with component parts for shoes produced by Brown Shoe Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 23, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 23, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd Street and Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 30th day of July 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-23742 Filed 8-12-76;8:45 am]

[TA-W-1,009]

GENERAL SHOE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On July 30, 1976, the Department of Labor received a petition dated July 27, 1976, which was filed under section 221 (a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Frankfort, Kentucky plant of General Shoe Company, a division of Genesco, Inc., Nashville, Tenn. (TA-W-1,009). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with leather and synthetic shoes for men and women produced by General Shoe Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 23, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 23, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd Street and Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 30th day of July 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-23743 Filed 8-12-76;8:45 am]

[TA-W-1,004]

INTERNATIONAL SHOE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On July 30, 1976, the Department of Labor received a petition dated July 27, 1976, which was filed under section 221 (a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Hopkinsville, Kentucky plant of International Shoe Co., St. Louis, Missouri, a division of Interco, Inc., St. Louis, Missouri (TA-W-1,004).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's shoes produced by International Shoe Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 23, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 23, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd Street and Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 30th day of July 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-23738 Filed 8-12-76;8:45 am]

[TA-W-1,003]

J. H. BONCK COMPANY, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On July 29, 1976, the Department of Labor received a petition dated July 22, 1976, which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of J. H. Bonck Company, Inc., New Orleans, Louisiana (TA-W-1,003).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's uniform shirts, dress shirts, sport shirts; boys' uniform shirts; and girls' uniform blouses produced by J. H. Bonck Co., Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 23, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 23, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd Street and Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 29th day of July 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-23737 Filed 8-12-76;8:45 am]

[TA-W-1,002]

McKENNA INDUSTRIES, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On July 29, 1976, the Department of Labor received a petition dated June 30, 1976, which was filed under section 221 (a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of McKenna Industries, Inc., Chicago, Illinois (TA-W-1,002).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with the sale and installation of auto stereo radios, auto speakers and home electronics entertainment equipment provided by McKenna Industries, Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 23, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 23, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd Street and Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 29th day of July 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-23736 Filed 8-12-76;8:45 am]

[TA-W-1,007]

QUAKER KNITTING MILLS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On July 30, 1976, the Department of Labor received a petition dated July 26, 1976, which was filed under section 221 (a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Quaker Knitting Mills, Inc., Berlin, New Jersey, a division of Puritan Sportsware, Altoona, Pa. (TA-W-1,007). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's sweaters produced by Quaker Knitting Mills, Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 23, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 23, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd Street and Constitution Avenue, N.W., Washington, D.C. 20210.

V41I158 AUG 13 76 UMI

Signed at Washington, D.C., this 30th day of July 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-23741 Filed 8-12-76;8:45 am]

[TA-W-1,001]

ROCKWELL INTERNATIONAL

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On July 29, 1976, the Department of Labor received a petition dated July 21, 1976, which was filed under section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of the Chicago, Illinois Admiral Group of Rockwell International, Pittsburgh, Pa. (TA-W-1,001).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with monochrome and color television sets produced by Rockwell Internation or an appropriate subdision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 23, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 23, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd Street and Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 29th day of July 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-23735 Filed 8-12-76;8:45 am]

ROUND STAINLESS STEEL WIRE

Investigation Regarding Certification of Eligibility for Adjustment Assistance

On June 14, 1976, the International Trade Commission determined that increased imports of round stainless steel wire are not a substantial cause of serious injury to the domestic industry for purposes of the import relief provisions of the Trade Act of 1974 (41 FR 24779).

Section 224 of the Trade Act directs the Secretary of Labor to initiate an industry study whenever the ITC begins an investigation under the import relief provisions of the Act. The purpose of the study is to determine the number of workers in the domestic industry petitioning for relief who have been or are likely to be certified as eligible for adjustment assistance and the extent to which existing programs can facilitate the adjustment of such workers to import competition. The Secretary is required to make a report of this study to the President and also make the report public (with the exception of information which the Secretary determines to be confidential).

The Department of Labor has concluded its report on round stainless steel wire. The report found as follows:

1. Since April 3, 1975, the effective date of the adjustment assistance program, the Department of Labor has received 10 petitions for certification of eligibility for adjustment assistance involving to a limited degree workers producing stainless steel wire products. To date, the Department has certified nine of these petitions and has not denied any. An investigation is currently in process in the remaining case. Of the estimated potential caseload of about 8,300 workers at plants in this narrow segment of the industry whose workers have been certified, only a small proportion, perhaps about one-fifth, is likely to consist of production workers primarily involved in wire operations. As of April 30, 1976, 5,056 workers at the plants involved in the certifications had applied for adjustment assistance and $3,490,317 had been paid to 2,470 of them. It is not known precisely how many of these workers were primarily engaged in wire operations. Once certified, a large proportion of the displaced workers is likely to draw maximum trade allowances.

2. By the end of March 1976 a total of approximately 1,000 production workers primarily involved in stainless steel wire operations were still on layoff status. About 85 percent of these were at plants whose workers had petitioned the Department. The Department of Labor estimates that about another 600 wire production workers may apply for adjustment assistance at plants which have been certified. Over the next twelve months, five groups, or a total of about 150 workers from smaller and more specialized firms producing stainless steel wire, may apply for certification of eligibility for adjustment assistance. No firms are likely to lay off large numbers of workers in the next year if the current economic upturn continues, and most of the approximately 1,000 workers who are currently on layoff status are likely to be recalled. However, as many as 200 workers may have to seek employment elsewhere since their previous employers are no longer producing stainless steel wire.

3. The unemployed workers are located mainly in Pennsylvania, New York, Maryland, and Indiana. Local unemployment rates in the impacted areas were either at or above the national average and generally exceeded 8 percent in March 1976. Since many of these workers possess special skills, their immediate reemployment prospects are dependent on the fortunes of the specialty steel industry. Even if present industry trends continue, a substantial number of separated workers could remain unemployed over the next few months. Consequently, a number of workers may enroll in training programs and/or consider relocating.

4. The Comprehensive Employment and Training Act (CETA) programs in the impacted areas have sufficient funds to meet the needs of unemployed workers in the near future. However, many training programs have already exceeded expected enrollment levels. The Employment and Training Administration through the State Employment Service has the authority to purchase additional training when CETA funds are not available.

Copies of the Department report containing nonconfidential information developed in the course of the 6-month investigation may be purchased by contacting the Office of Trade Adjustment Assistance, U.S. Department of Labor, 3d Street and Constitution Avenue, NW., Washington, D.C. 20210 (phone 202-523-7665).

Signed at Washington, D.C., this 5th day of August 1976.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary International Affairs.

[FR Doc.76-23744 Filed 8-12-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 117]

ASSIGNMENT OF HEARINGS

AUGUST 10, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 130349, Marvin Stewart, Dba Stewart's Travel Agency, now assigned September 22, 1976, at Frankfort, Ky. will be held in the 4th Floor Conference Room, Bureau of Vehicle Regulation, Department of Transportation, State Office Building.

MC 67485 (Sub-No. 18), Texas Tex-Pack Express, Inc., now assigned September 20, 1976, at Austin, Tex. will be held in Room 557, Federal Building, 300 East 8th Street.

MC-C-8833, Oliver Trucking Company, Inc. V. Eck Miller Transportation Corporation, now assigned September 28, 1976, at Frankfort, Ky. will be held in the 4th Floor Conference Room, Bureau of Vehicle Regulation, Department of Transportation, State Office Building.

MC-C-8975, P.A.K. Transport, Inc. Investigation and Revocation of Certificate, now assigned September 8, 1976, at Boston, Mass., will be held on the Fifth Floor, 150 Causeway.

MC 94742 (Sub-No. 37), Michaud Bus Lines, Inc., now assigned September 13, 1976, at Boston, Mass. will be held on the Fifth Floor, 150 Causeway.

MC 124774 (Sub-No. 94), Midwest Refrigeration Express, Inc., now assigned September 9, 1976, at Boston, Mass., will be held on the Fifth Floor, 150 Causeway.

MC 110563 (Sub-No. 166), Coldway Food Express, Inc., now being assigned September 9, 1976, at Boston, Mass. (2 days) on the Fifth Floor, 150 Causeway.

MC-F 12677, Ward Trucking Corp.—Purchase—Keystone-Lawrence Transfer and Storage Company now assigned September 13, 1976 at New York, New York and will be held in Room 2839, Federal Building, 26 Federal Plaza.

AB 19 (Sub 3), Baltimore and Ohio Railroad Company Abandonment Landenberg Branch, New Castle County, Delaware now assigned September 8, 1976 at Wilmington, Delaware and will be held in the Courtroom, U.S. District Court, 844 King Street.

MC 141344 (Sub 2), Allen Transport Corp. now assigned September 13, 1976, also September 14, 15 and 17 and will be held in Room 1035, Federal Building, 400 8th Street and September 16 in Room 1030, Federal Building, 400 8th Street.

MC 19227 (Sub-No. 223), Leonard Bros. Trucking Co., Inc., now assigned September 27, 1976 at Dallas, Texas; will be held in Tax Court Room 330, U.S. Post Office & Courthouse Building, Bryan & Ervay Streets.

MC 123490 (Sub-No. 16), Chip Carriers, Inc., now assigned September 28, 1976 at Dallas, Texas; will be held in Tax Court Room 330, U.S. Post Office & Courthouse Building, Bryan & Ervay Streets.

MC 73165 (Sub-No. 387), Eagle Motor Lines, Inc., now assigned September 30, 1976 at Dallas, Texas; will be held in Tax Court Room 330, U.S. Post Office & Courthouse Building, Bryan & Ervay Streets.

MC 100449 (Sub-No. 62), Mallinger Truck Line, Inc., now assigned October 4, 1976 at Dallas, Texas; will be held in Room 5A15-17 Federal Building, 1100 Commerce Street.

MC 121281 (Sub-No. 12), Big Mac Trucking Co., now assigned October 6, 1976 at Dallas, Texas; will be held in Room 5A15-17 Federal Building, 1100 Commerce Street.

MC 109821 (Sub 42), H. W. Taynton Co., Inc. now assigned September 27, 1976 at New York, New York and will be held in Room 2805, Federal Building, 26 Federal Plaza, September 28, 1976, Room 2705, Federal Building, 26 Federal Plaza, September 29th and 30th in Room 2839, Federal Building, 26 Federal Plaza and October 1, 1976 in Room 2805, Federal Building, 26 Federal Plaza.

MC 141081, Trailer Car Corp. now assigned September 15, 1976 in New York, New York and will be held in Courtroom A, Room 238, Court of Claims, 26 Federal Plaza.

MC 120477 (Sub 2), International Transport, Inc. now assigned September 20, 1976 in New York, New York and will be held in Room 2805, Federal Building, 26 Federal Plaza, September 21, 22 and 23 in Room 305A, Federal Building, 26 Federal Plaza and September 24, 1976 in Room 2805, Federal Building, 26 Federal Plaza.

MC 141243 (Sub 1), Jaymar Trucking Corp. now assigned September 13, 1976 in New York, New York and will be held in Court Room A, Room 238, Court of Claims, 26 Federal Plaza.

MC 140055, Mays Landing Transportation Co., Inc., now assigned September 9, 1976, at Philadelphia, Pa. will be held in the Tax Court Room 7405, 7th Floor, U.S. Courthouse, 601 Market Street.

MC 30561 (Sub-No. 3), Joseph Ruffin, DBA Ruffin's Motor Freight, now assigned September 8, 1976, at Philadelphia, Pa. will be held in the Tax Court Room 7405, 7th Floor, U.S. Courthouse, 601 Market Street.

MC 105457 (Sub-No. 85), Thurston Motor Lines, Inc., now being assigned September 16, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 118468 Sub-45, Umthun Trucking Co., now being assigned Sept. 20, 1976 (1 day), at New Orleans, La., in a hearing room to be later designated.

AB 3 Sub-8, Missouri Pacific Railroad Company Abandonment Between Olivier and Sorrell, In Iberia And St. Mary Parishes, Louisiana, now being assigned September 22, 1976 (3 days), at Jeanerette, La., in a hearing room to be later designated.

F.D. 26764, Gulf Mobile and Ohio Railroad Company Abandonment between Dwight, Livingston County, and Washington, Tazewell County, Illinois, now assigned September 9, 1976, at Metamora, Ill. will be held at Village Hall, 102 North Davenport.

MC 141511, Robert W. Rettig, Dba Protein Express, now assigned September 13, 1976, at Chicago, Ill. will be held in Room 209, 536 South Clark Street.

MC 123048 (Sub-No. 333), Diamond Transportation System, Inc., now assigned September 14, 1976, at Chicago, Ill. will be held in Room 209, 536 South Clark Street.

MC-F-12737, Jenkins Truck Line, Inc.—Control and Merger—Denny Motor Freight, Inc., and MC 61592 (Sub-No. 383), Jenkins Truck Line, Inc., now assigned September 15, 1976, at Chicago, Ill. will be held in Room 209, 536 South Clark Street.

MC-F 12668, Hyman Freightways, Inc.—Control—Raymond Motor Transportation, Inc. and FD 28126, Hyman Freightways, Inc. now assigned September 20, 1976 (at St. Paul, Minnesota) and will be held in Room 584, Federal Building and U.S. Courthouse, 316 North Roberts Street.

MC 121745 (Sub 2), J. T. Spain and C. D. Spain, dba Spain's Transfer now assigned September 13, 1976 at Bismarck, North Dakota and will be held in the Blue Room, State Capitol Building.

MC 124211 (Sub 275), Hilt Truck Line, Inc. now assigned September 22, 1976 at St. Paul, Minnesota and will be held in Room 584, Federal Building & U.S. Courthouse, 316 North Roberts Street.

MC 141620, Van Bus Delivery Company, dba United Van Bus Delivery now assigned September 13, 1976, at St. Paul, Minnesota and will be held in Room 584, Federal Building & U.S. Courthouse, 316 North Roberts Street.

MC 114457 (Sub 259), Dart Transit Company now assigned September 14, 1976 at St. Paul, Minnesota and will be held in Room 584, Federal Building and U.S. Courthouse, 316 North Roberts Street.

MC 117068 (Sub 62), Midwest Specialized Transportation, Inc. now assigned September 15, 1976 at St. Paul, Minnesota and will be held in Room 584, Federal Building and U.S. Courthouse, 316 North Roberts Street.

MC 118468 (Sub 46), Umthun Trucking Co. now assigned September 16, 1976 at St. Paul, Minnesota and will be held in Room 584, Federal Building and U.S. Courthouse, 316 North Roberts Street.

MC 114457 (Sub 251), Dart Transit Company now assigned September 22, 1976 at St. Paul, Minnesota and will be held in Room 584, Federal Building and U.S. Courthouse, 316 North Roberts Street.

MC 59856 (Sub 65), Salt Creek Freightways now assigned September 27, 1976 at Great Falls, Montana and will be held in the Courtroom, U.S. Post Office Building, 215 First Avenue.

MC 105881 (Sub-No. 51), M. R. & R. Trucking Company, continued to August 31, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 28573 (Sub 35), Burlington Northern, Inc. now assigned September 27, 1976 at Great Falls, Montana and will be held in the Courtroom, U.S. Post Office Building, 215 First Avenue.

No. 36325, Radioactive Materials, Special Train Service, Nationwide, continued to October 5, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-C-8735, Ligon Specialized Hauler, Inc., et al.—Investigation of Operations and Practices, and Revocation of Certificates; MC-F-12631, Ligon Specialized Hauler, Inc.—Investigation of Control —Dixie Truck Line, Inc., et al. and MC 119777 (Sub-No. 245), Ligon Specialized Hauler, Inc., Extension—ITT, now being assigned continued pre-hearing conference, on September 9, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 133689 Sub 70, Overland Express, Inc., now being assigned November 3, 1976 (2 days), at Madison, Wis., in a hearing room to be later designated.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-23712 Filed 8-12-76;8:45 am]

[No. MC-C-9084]

DAILY EXPRESS, INC.

Petition for Declaratory Order

AUGUST 10, 1976.

At the request of William A. Chesnutt, representative for Daily Express, Inc., the time for filing representations in the above-entitled proceeding has been extended from August 16, 1976, to September 20, 1976, no further extensions.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-23716 Filed 8-12-76;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 10, 1976.

An application, as summarized below, has been filed requesting relief from the

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requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before August 30, 1976. FSA No. 43210—*Liquid Fertilizers from Michaud, Idaho.* Filed by Western Trunk Line Committee, Agent, (No. A–2728), for interested rail carriers. Rates on liquid fertilizers, in tank-car loads, as described in the application, from Michaud, Idaho, to points in western trunk-line territory. Grounds for relief—Market competition.

Tariff—Supplement 171 to Western Trunk Line Committee, Agent, tariff 120–L, I.C.C. No. A–4868. Rates are published to become effective on September 10, 1976.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–23717 Filed 8–12–76;8:45 am]

[Notice No. 102]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 10, 1976.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 21623 (Sub-No. 84TA), filed July 29, 1976. Applicant: W. J. DILLNER TRANSFER COMPANY, 2748 West Liberty Ave., Pittsburgh, Pa. 15216. Applicant's representative: William J. Dillner, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulp board*, in rolls, between West Elizabeth, Pa., and one (1) mile thereof, and the plantsite of International Paper Company, located at Waltz Mills, Pa., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: International Paper Company, Waltz Mills, Pa. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, 2111 Federal Bldg., 1000 Liberty Ave., Pittsburgh, Pa. 15222.

No. MC 42487 (Sub-No. 853TA), filed July 29, 1976. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: V. R. Oldenburg, P.O. Box 5138, Chicago, Ill. 60680. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); serving the Nuclear Generating plantsite and facilities of the Tennessee Valley Authority, at or near Hartsville, Tenn., as an off-route point in connection with carrier's presently authorized regular route operations; (1) between Nashville, Tenn., and Fayetteville, Tenn., serving all intermediate points south of Shelbyville, Tenn., without restriction, and serving Fayetteville, Tenn., and points in its commercial zone, as defined by the Commission, restricted to traffic originating at, destined to, or interchanged at points other than Nashville, Tenn., and points in its commercial zone, as defined by the Commission: From Nashville over U.S. Highway 41 to Murfreesboro, Tenn. (also from Nashville over Tennessee Highway 1 to Murfreesboro), and thence over U.S. Highway 231 via Shelbyville, Tenn., to Fayetteville, and return over the same routes; and (2) Between Nashville, Tenn., and Lexington, Ky., serving no intermediate points: From Nashville, over U.S. Highway 31W to Elizabethtown, Ky., and thence over U.S. Highway 62 to Lexington, and return over the same route. Restriction: The authority granted in the last route above is restricted against handling of traffic originating at or destined to points in North Carolina and South Carolina, that part of Tennessee on and east of U.S. Highway 127, and that part of Georgia on and north of Interstate Highway 20, and restricted against the handling of traffic originating at, destined to, or interchanged at Louisville, Ky. Restriction: Service at points in Davidson County, Tenn., is restricted against the transportation of traffic originating at, destined to, or interlined at Louisville, Ky., and points in the Louisville, Ky., Commercial Zone as defined by the Commission. Applicant intends to tack its existing authority with MC 42487 and subs thereto, applicant also intends to interline, for 180 days. Supporting shipper: Tennessee Valley Authority, Traffic Branch, Division of Purchasing, 620 Commerce Union Bank Bldg., Chattanooga, Tenn. 37401. Send protests to: Claud W. Reeves, District Supervisor, 450 Golden Gate Ave., Box 36004, San Francisco, Calif. 94102.

No. MC 95876 (Sub-No. 189TA), filed August 2, 1976. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave. North, P.O. Box 1377, St. Cloud, Minn. 56301. Applicant's representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic conduit, plastic and iron fittings and connections, valves, hydrants, and gaskets, and commodities* used in the installation of plastic pipe and plastic conduit (except commodities as described in Mercer, Extension Oilfield Commodities, 74 M.C.C. 459), from Columbia, Mo., to Fargo, N. Dak.; Alexandria, Minn., and points in Hennepin County, Minn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Clow Corporation, 1211 W. 22nd St., Suite 1002, Oak Brook, Ill. 60521. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg. & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 98952 (Sub-No. 38TA), filed August 2, 1976. Applicant: GENERAL TRANSFER, 2880 North Woodford St., P.O. Box 2203, Decatur, Ill. 62526. Applicant's representative: Paul Steinhour, 918 E. Capitol Ave., Springfield, Ill. 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), from Chicago, Ill., to points in Indiana and Paducah, Owensboro, Henderson, and Louisville, Ky., restricted to the storage facilities of Dry Storage Corporation, located at or near Chicago, Ill., for 180 days. Supporting shipper: Robert G. Eckerly, Manager, Distribution Services, Dry Storage Corporation, 2005 W. 43rd St., Chicago, Ill. 60609. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 107544 (Sub-No. 126TA), filed August 2, 1976. Applicant: LEMMON TRANSPORT COMPANY, INCORPORATED, P.O. Box 580, Marion, Va. 24354. Applicant's representative: Daryl J. Henry (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Natural latex*, in bulk, in tank vehicles, from Charleston, S.C., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, for 180 days. Supporting shipper: Guthrie Industries, Inc., One Woodbridge Center, Woodbridge, N.J. 07095. Send protests to: Danny R. Beeler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 210, Roanoke, Va. 24011.

No. MC 109708 (Sub-No. 66TA), filed July 29, 1976, Applicant: INDIAN RIVER TRANSPORT CO., doing business as INDIAN RIVER TRANSPORT, INC., P.O. Box 966, 908 North NW. Park St., Okeechobee, Fla. 33472. Applicant's representative: James E. Wharton, Suite 811, Metcalf Bldg., 100 S. Orange Ave., Orlando, Fla. 32801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit juices, drink bases, and fruit juice concentrate*, in bulk, in tank vehicles, from points in Florida, to points in Alabama, Arkansas, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Minnesota, North Dakota, South Dakota, Nebraska, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and California, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Coca-Cola Company, Foods Div., P.O. Box 247, Auburndale, Fla. 33880. H. P. Hood, Inc., P.O. Box 979, Dunedin, Fla. 33528. Lykes Pasco Packing Co., P.O. Box 97, Dade City, Fla. 33525. Alcoma Packing Company, Inc., P.O. Box 231, Lake Wales, Fla. 33802. Red Orange Concentrates, Inc., P.O. Box 950, Lakeland, Fla. 33802. Send protests to: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Monterey Bldg., Suite 101, 8410 NW. 53rd Terrace, Miami, Fla. 33166.

No. MC 113855 (Sub-No. 353TA) (Correction), filed July 14, 1976, published in the FEDERAL REGISTER issue of July 26, 1976, and republished as corrected this issue. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-cast stone*, from the plantsite of Stucco Stone Products, Inc., in Napa County, Calif., to points in Montana, Wyoming, North Dakota, South Dakota, Nebraska, Minnesota, Iowa, Kansas, Missouri, New Mexico, Oklahoma, Texas, Wisconsin, Illinois, Indiana, Michigan, Ohio, Kentucky, Pennsylvania, West Virginia, Virginia, Maryland, Delaware, New Jersey, and New York, for 180 days. Supporting shipper: Stucco Stone Products, Inc., P.O. Box 237, Napa, Calif. 94558. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg. & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401. The purpose of this republication is to add the State of Virginia as a destination point in this proceeding.

No. MC 113908 (Sub-No. 379TA), filed August 3, 1976. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale St., P.O. Box 3180, Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar, vinegar stock, vinegar stock concentrate, apple juice, cider, and cider stock*, in bulk, from Belding, Mich., to points in Virginia, for 180 days. Supporting shipper: Indian Summer, Inc., P.O. Box 152, Belding, Mich. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 116763 (Sub-No. 349TA), filed August 3, 1976. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrapping paper, printing paper, and pulpboard*, from the plantsite, warehouse, and storage facilities of Union Camp Corporation, located at or near Franklin, Va., to points in Illinois, Indiana, Kentucky, Michigan, Ohio, and Wisconsin, for 180 days. Supporting shipper: William F. Worrell, Supervisor, Traffic Analysis, Union Camp Corporation, 1600 Valley Road, Wayne, N.J. 07470. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514–B Federal Bldg., 550 Main St., Cincinnati, Ohio 45202.

No. MC 118263 (Sub-No. 62TA), filed August 2, 1976. Applicant: COLDWAY CARRIERS, INC., P.O. Box 2038, Clarksville, Ind. 47130. Applicant's representative: William P. Whitney, Jr., 703–706 McClure Bldg., Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from the plantsite and/or warehouse facilities of Kraftco Corporation, at Champaign, Ill., to points in Maine, New Hampshire, Vermont, New York, Massachusetts, Rhode Island, Connecticut, Pennsylvania, New Jersey, Delaware, Virginia, Maryland, and the District of Columbia, restricted to the transportation of traffic originating at the named origin points and destined to the named destination points, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Kraftco Corp., 500 Peshtigo Ct., Chicago, Ill. 60690. Send protests to: William S. Ennis, District Supervisor, Interstate Commerce Commission, Federal Bldg. & U.S. Courthouse, 46 East Ohio St., Room 429, Indianapolis, Ind. 46204.

No. MC 119399 (Sub-No. 63TA), filed July 30, 1976. Applicant: CONTRACT FREIGHTERS, INC., 2900 Davis Blvd., P.O. Box 1375, Joplin, Mo. 64801. Applicant's representative: David L. Sitton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Minerals, mineral mixtures, feed and fertilizer materials and compounds, and ingredients thereof*, from Galena, Kans., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin, for 180 days. Supporting shipper: Chemical & Fibers Division, Eagle-Picher Industries, Inc., P.O. Box 1328, Joplin, Mo. 64801. Send protests to: John V. Barry, District Supervisor, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 123407 (Sub-No. 321TA), filed July 28, 1976. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feldspar and foundry materials and supplies* (except commodities in bulk), from the facilities of Waterton Sand and Clay, Inc., at Englewood, Colo., to the facilities of Waterton Sand and Clay, Inc., at Lindon, Utah, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Waterton Sand & Clay, Inc., 2810 South Raritan St., Englewood, Colo. 80110. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 123887 (Sub-No. 8TA), filed July 30, 1976. Applicant: L. J. NAVY TRUCKING CO., 2300 Eighth Ave., Huntington, W. Va. 25703. Applicant's representative: John M. Friedman, 2930 Putnam Ave., Hurricane, W. Va. 25526. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from the plantsite of the Falls City Brewing Company, Louisville, Ky., to points in Allen, Ashland, Ashtabula, Athens, Auglaize, Belmont, Carroll, Champaign, Clark, Columbiana, Coshocton, Crawford, Cuyahoga, Darke, Defiance, Delaware, Erie, Fairfield, Franklin, Fulton, Gallia, Geauga, Guernsey, Hancock, Hardin, Harrison, Henry, Hocking, Holmes,

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Huron, Jackson, Jefferson, Knox, Lake, Lawrence, Licking, Logan, Lorain, Lucas, Madison, Mohoning, Marion, Medina, Meigs, Mercer, Miami, Monroe, Morgan, Morrow, Muskingum, Noble, Ottawa, Paulding, Perry, Pickaway, Pike, Portage, Putnam, Richland, Ross, Sandusky, Scioto, Seneca, Shelby, Stark, Summit, Trumbull, Tuscarawas, Union, Van Wert, Vinton, Washington, Wayne, Williams, Wood, and Wyandot Counties, Ohio, and return of empty containers to Falls City Brewing Company, Louisville, Ky., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Ascot Distributors, Inc., 2141 Broadway Ave., Cleveland, Ohio 44115. Falls City Brewing Company, 3050 West Broadway, P.O. Box 1091, Louisville, Ky. 40201. Ohio Wine Imports, 1265½ Crescent, Youngstown, Ohio 44502. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, 3103 Federal Office Bldg., 500 Quarrier St., Charleston, W. Va. 25301.

No. MC 126243 (Sub-No. 16TA), filed August 2, 1976. Applicant: ROBERTS TRUCKING CO., INC., U.S. Highway 271 South, P.O. Drawer G, Poteau, Okla. 74953. Applicant's representative: Prentiss Shelley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from the plantsite and storage facilities of Midland Glass Co., Inc., located at or near Henryetta, Okla., to points in Arkansas, Louisiana, Mississippi, Missouri, New Mexico, Tennessee, and Texas, for 180 days. Supporting shipper: Midland Glass Co., Inc., P.O. Box 557, Cliffwood, N.J. 07721. Send protests to: William H. Land, Jr., 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 126965 (Sub-No. 6TA), filed August 3, 1976. Applicant: CLIFFORD B. FINKLE, JR., 800 Bloomfield Ave., Clifton, N.J. 07012. Applicant's representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, N.J. 08904. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated boxes*, from the plantsite of Westvaco Corporation, at Hoboken, N.J., to Philadelphia, Ft. Washington, West Point, Cornwells Hts., and North Wales, Pa.; *and materials and supplies* used in the manufacturing, processing and distribution of corrugated boxes and returned shipments of corrugated boxes, from above-listed destinations to plantsite of Westvaco, Hoboken, N.J., under a continuing contract with Westvaco Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Westvaco Corporation, 299 Park Ave., New York, N.Y. 10017. Send protests to: Joel Morrows, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 128030 (Sub-No. 108TA), filed August 3, 1976. Applicant: THE STOUT TRUCKING CO., INC., P.O. Box 177, Urbana, Ill. 61801. Applicant's representative: R. C. Stout (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from the plantsite and/or warehouse facilities of Kraftco Corporation, at Champaign, Ill., to points in Maine, New Hampshire, Vermont, New York, Massachusetts, Rhode Island, Connecticut, Pennsylvania, New Jersey, Delaware, Virginia, Maryland, and the District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Kraftco Corp., D.C. Besser, Manager Transportation Services, 500 Peshtigo Ct., Chicago, Ill. 60699. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 129063 (Sub-No. 9TA), filed August 2, 1976. Applicant: JIMMY T. WOOD, P.O. Box 294, Rt. 6, Ripley, Tenn. 38063. Applicant's representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in dump vehicles, between points in Shelby County and Davidson County, Tenn.; and Crittenden County, Ark., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Hugh Young, President, Arkansas Lightweight Aggregate Corp., P.O. Box 1567, West Memphis, Ark. 72301. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Suite 2006, 100 N. Main St., Memphis, Tenn. 38103.

No. MC 133542 (Sub-No. 10TA), filed August 3, 1976. Applicant: FLOYD WILD, INC., P.O. Box 91, Route 2, Marshall, Minn. 56258. Applicant's representative: Samuel Rubenstein, 301 N. 5th St., Minneapolis, Minn. 55403. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cabinets and vanity sets*, in shipper owned or leased trailers, from Cottonwood, Minn., to Regina, Saskatchewan, Canada, via Pembina or Portal, N. Dak., under a continuing contract with Midcontinent Millwork, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Midcontinent Millwork, Inc., 372 St. Peter St., St. Paul, Minn. 55102. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 414 Federal Bldg., and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 133566 (Sub-No. 55TA), filed August 3, 1976. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, Ind. 46947. Applicant's representative: Charles W. Beinhauer, 1224 Seventeenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from the plantsite and warehouse facilities of Kraftco Corp., at or near Champaign, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia, restricted to traffic originating at the named origins and destined to points in the named states, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Kraftco Corp., 500 Peshtigo Ct., Chicago, Ill. 60690. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 134806 (Sub-No. 40TA), filed August 2, 1976. Applicant: B-D-R TRANSPORT, INC., P.O. Box 813, Brattleboro, Vt. 05301. Applicant's representative: Francis J. Ortman, 7101 Wisconsin Ave., Suite 605, Washington, D.C. 20014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brass temperature and pressure relief valves and metal fittings*, from the plant site of Tempstat Division, Robertshaw Controls Company, Hinsdale, N.H., to the warehouse sites of Robertshaw Controls Company, Chicago, Ill., and the facilities of Uni-Line Division, Robertshaw Controls Company, Corona, Calif., and Grayson Controls Division, Robertshaw Controls Company, Long Beach, Calif., under a continuing contract with Tempstat Division of Robertshaw Controls Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Tempstat Division of Robertshaw Controls Company, Monument Drive, Hinsdale, N.H. 03451. Send protests to: David A. Demers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 548, Montpelier, Vt. 05602.

No. MC 134875 (Sub-No. 8TA), filed August 2, 1976. Applicant: JOHN W. SMOOT, P.O. Box 124, Mount Jackson, Va. 22840. Applicant's representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, commodities in bulk, commodities requiring special equipment and commodities injurious or contaminating to other lading), between the plantsites, warehouses and shipping and receiving facilities of Aileen, Inc., at Woodstock and Edinburg, Va., on the one hand, and, on the other, Baltimore, Md. and Washington, D.C., and their respective commercial zones, restricted to traffic having a prior or subsequent movement by air or water, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Aileen, Inc., P.O. Box 8, Woodstock, Va. 22664. Send protests to: W. C. Hersman, District Supervisor, Interstate Commerce Commission, 12th & Constitution Ave. NW., Room 1413, Washington, D.C. 20423.

No. MC 138003 (Sub-No. 11TA) (correction), filed July 19, 1976, published in the FEDERAL REGISTER issue of August 3, 1976, and republished as corrected this issue. Applicant: ROBERT F. KAZIMOUR, 1200 Norwood Drive SE., P.O. Box 2011, Cedar Rapids, Iowa 52403. Applicant's representative: A. J. Swanson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Appliances and air conditioners*, (1) from Louisville, Ky., to points in California, Nevada, Utah, Washington, Oregon and Idaho; (2) from Louisville, Ky., to Clearfield, Utah; and (3) from Clearfield, Utah, to points in California, Nevada, Utah, Washington, Oregon, and Idaho. Restriction: Restricted to transportation performed under a continuing contract for General Electric Company. The service to be performed in (2) and (3) above is restricted to the transportation of traffic moving to or from regional warehouse facilities at Clearwater, Utah, for 180 days. Supporting shipper: The General Electric Company, Building 10, Appliance Park, Louisville, Ky. 40225. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Bldg., Des Moines, Iowa 50309. The purpose of this republication is to correct the restriction in this processing.

No. MC 138469 (Sub-No. 27TA), filed August 3, 1976. Applicant: DONCO CARRIERS, INC., 641 N. Meridian, P.O. Box 75354, Oklahoma City, Okla. 73107. Applicant's representative: Jack H. Blanshan, Suite 200, 205 W. Touhy Ave., Park Ridge, Ill. 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household furniture, mattresses, bed springs, bed frames, pillows, sheets, pillow cases, and bed spreads*, from the facilities of or utilized by Oklahoma Furniture Manufacturing Company, located at or near Guthrie, Okla., to points in New Jersey, Maryland, the District of Columbia, points in Ohio on and north of U.S. Highway 36, points in Michigan on and south of U.S. Highway 10, and points in Pennsylvania on and east of Interstate Highway 83 and on and south of Interstate Highway 78, and Albany and New York, N.Y., and their respective Commercial Zones, and Long Island, N.Y., for 180 days. Supporting shipper: Oklahoma Furniture Manufacturing Company, P.O. Box 700, Guthrie, Okla. 73044. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 Northwest Third St., Oklahoma City, Okla. 73102.

No. MC 142232 (Sub-No. 1TA), filed August 2, 1976. Applicant: BARRETT TEXTILE TRANSPORT INC., P.O. Box 6, 501 Phifer Road, Kings Mountain, N.C. 28086. Applicant's representative: Peter T. Barrett, 2757 Loch Lane, Charlotte, N.C. 28211. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic fiber yarn*, from the plantsite of Fiber Industries, Inc., South Greenville, S.C., to points in North Carolina bound on the North and South by the State lines, on the west by Highways I-40 and I-26, and on the East by Highway U.S. 13 and U.S. 17, under a continuing contract with Fiber Industries, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Fiber Industries, Inc., P.O. Box 10038, Charlotte, N.C. 28237. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Charlotte, N.C. 28205.

No. MC 142288 (Sub-No. 1TA), filed August 2, 1976. Applicant: HAMILTON TRUCKING CO. OF OKLAHOMA, INC., 12612 E. Admiral Place, Tulsa, Okla. 74116. Applicant's representative: C. L. Phillips, Room 248, 1411 N. Classen, Oklahoma City, Okla. 73106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cullet (broken glass)*, in hydraulic dump trailers, from the plantsite of Fourco Glass Co., Harding Division, Ft. Smith, Ark., to Ford Motor Glass Co., Tulsa, Okla., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ford Motor Glass Company, 5555 S. 129th St., East Ave., Tulsa, Okla. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 Northwest Third St., Oklahoma City, Okla. 73102.

No. MC 142323TA, filed August 2, 1976. Applicant: ROBERT R. PETERSON & PATRICIA PETERSON doing business as, PETERSON TRUCKING COMPANY, Box 31, Moline, Kans. 67353. Applicant's representative: Paul V. Dugan, 2707 West Douglas, Wichita, Kans. 67213. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Custom fabricated forms* used in concrete construction *and materials* used in the fabrication of same, between the plantsite of Form Works, Inc., near Altoona, Kans., and points in the United States, under a continuing contract with Form Works, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Form Works, Inc., Box 218, Altoona, Kans. 66710. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 142324TA, filed August 2, 1976. Applicant: JAMES HEDGE, doing business as J. R. ENTERPRISES, 8691 Bel Aire Circle, Westminster, Calif. Applicant's representative: David P. Christianson, 606 South Olive, Suite 825, Los Angeles, Calif. 90014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paints, paint accessories and commodities, materials and supplies* sold in paint stores, from the manufacturing facilities of Standard Brands Paint Company, Inc., in Los Angeles County, Calif., to Standard Brands Paint Company, Inc., stores located in the state of Arizona, under a continuing contract with Standard Brands Paint Co., Inc., for 180 days. Supporting shipper: Standard Brands Paint Co., Inc., 4300 West 190th St., Torrance, Calif. 90509. Send protests to: Mary A. Francy, Interstate Commerce Commission, Bureau of Operations, Room 1321 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-23708 Filed 8-12-76;8:45 am]

[Notice No. 6]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 13, 1976.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-76682. By application filed August 3, 1976, ALLEN'S TRANSFER & STORAGE, 20 Willow Street, Augusta, Maine., 04330, seeks temporary authority to lease the operating rights of Internal Revenue Service (successor in interest of Barrows Transfer & Storage Company, Inc.), under section 210a(b). The transfer to Allen's Transfer & Storage, of the operating rights of Barrows Transfer & Storage Company, Inc., Internal Revenue Service, Successor in Interest, is presently pending.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-23713 Filed 8-12-76;8:45 am]

[Notice No. 7]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 13, 1976.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-76686. By application filed July 22, 1976, JOHN R. RAWLS, an Individual, dba, JOHN R. RAWLS TRUCKING COMPANY, Route 1, Box 305, Capron, VA., 23829, seeks temporary authority to lease the operating rights of Elsie H. Archer, Administrator of the Estate of Earl G. Archer and Emmett M. Powell, Jr. dba Archer and Powell (partnership),

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602 Belt Road, Lawrenceville, VA., 23868, under section 210a(b). The transfer to John R. Rawls, dba John R. Rawls Trucking Company, of the operating rights of ELSIE H. ARCHER, Administrator of the Estate of Earl G. Archer and Emmett M. Powel, Jr., dba Archer and Powell, is presently pending.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-23714 Filed 8-12-76;8:45 am]

[Notice No. 8]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 13, 1976.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-76687. By application filed July 30, 1976, CLINTON SHRUM, an individual, dba, AMBASSADOR COACHES, 212 "A" Street NW., Miami, OK., seeks temporary authority to lease the operating rights of MISSOURI KANSAS AND OKLAHOMA COACH LINES, INC., dba M.K. & O. Lines, 321 South Cincinnati, Tulsa, OK., 74103, under section 210a(b). The transfer to CLINTON SHRUM, Dba AMBASSADOR COACHES, of the operating rights of MISSOURI, KANSAS AND OKLAHOMA COACH LINES, INC., Dba M.K. & O. LINES, is presently pending.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-23715 Filed 8-12-76;8:45 am]

[Notice No. 9]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

AUGUST 13, 1976.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before August 30, 1976. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-76397. By order of August 5, 1976, the Motor Carrier Board approved the transfer to JBH & Associates, Inc., Elwood, Nebraska, of the operating rights in Certificates Nos. MC-59059, MC-59059 Sub-No. 5 and Sub-No. 6, issued July 1, 1968, November 9, 1971, and January 11, 1974, to Arrow Freight Lines, Inc., Grand Island, Nebraska, authorizing the transportation of general commodities, with exceptions, between specified points in Nebraska over described regular routes, and serving the facilities of Western Electric Company, Inc., at or near Underwood, Iowa, in connection with its regular route operations from and to Omaha, Nebr. Richard A. Peterson, P.O. Box 81849, Lincoln, Nebraska 68501, Attorney for Transferor and Robert Munro, 104 W. 16th St., Kearney, Nebraska 68847, Attorney for Transferee.

No. MC-FC-76439. By order of August 5, 1976, the Motor Carrier Board approved the transfer to Bernice Acheson and Fred Acheson, a Partnership, Doing Business as Acheson Trucking, Hillsdale, Wyoming, of the operating rights set forth in Certificate No. MC 104159 (Sub-No. 2), issued by the Commission, April 16, 1947, to Charles Acheson, Hillsdale, Wyoming, authorizing the transportation of (1) livestock, between points and places in Colorado, Nebraska, and Wyoming within 125 miles of Cheyenne, Wyo., including Cheyenne, and (2) coal, livestock feeds, farm machinery, farm equipment and parts thereof, and building materials, except lime, cement, plaster, and containers therefor moving from plants manufacturing such commodities, from points and places in Colorado and Nebraska within 125 miles of Cheyenne, to Cheyenne and points and places in Wyoming within 50 miles of Cheyenne.

Fred Acheson, Box 7, Hillsdale, Wyoming 82060, Representative of Applicants.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-23719 Filed 8-12-76;8:45 am]

[Ex Parte No. 329]

PRELIMINARY STANDARDS, CLASSIFICATION, AND DESIGNATION OF RAIL LINES

Public Hearing

AUGUST 9, 1976.

Pursuant to Section 503(c) of the Railroad Revitalization and Regulatory Reform Act of 1976, Notice is hereby given that the Rail Services Planning Office will conduct hearings on the preliminary report of the Department of Transportation classifying and designating rail lines in the United States.

It is therefore ordered that: 1. The hearing sites are established together with the local contact coordinator who will receive requested appearance times at the respective hearings. The dates below indicate when the hearings commence.

MONDAY, SEPTEMBER 13, 1976

Fort Worth, Texas—5 B 14 Hearing Room, 819 Taylor Street, Fort Worth, Texas.
Contact: June Cole, c/o ICC Office, 9A27 Fritz Garland, Lanham Federal Building, 819 Taylor Street, Fort Worth, Texas 76102. Phone 817/334-2837.
Chicago, Illinois—Hearing Room 204A (September 13), Hearing Room 1743 (September 14-17), 219 South Dearborn, Chicago, Illinois.
Contact: Patricia Roscoe, c/o ICC Office, Everett McKinley Dirksen Building, 219 South Dearborn, Room 1386, Chicago, Illinois, 60604. Phone: 312/353-6124.
Boston, Massachusetts—K. V. Minihan Lecture Hall, C. F. Hurley Building, Government Center, Boston, Massachusetts.
Contact: Elaine Spencer, c/o ICC Office, 150 Causeway Street, Room 501, Boston, Massachusetts 02114. Phone: 617/223-2372.
Washington, D.C.—Hearing Room, ICC Building, 12th and Constitution Avenue NW., Washington, D.C. 20423.
Contact: Laurie Silverman, Rail Services Planning Office, 1900 L Street NW., Washington, D.C. 20036. Phone: 202/254-3900.
St. Louis, Missouri—Moot Court Room, St. Louis University, 211 North Grand Street, St. Louis, Missouri.
Contact: Joyce Ebenreck, c/o ICC Office, 210 North 12th Street, Room 1465, St. Louis, Missouri 63101. Phone: 314/425-4103.
San Francisco, California—ICC Hearing Room, 5th Floor, 211 Main Street, San Francisco, California 94105.
Contact: Maggie Meyer, c/o ICC Office, 211 Main Street, Suite 500, San Francisco, California 94105. Phone: 415/556-5515.
Memphis, Tennessee—Room 978, Federal Office Building, 167 North Main Street, Memphis, Tennessee 38103.
Contact: Ruth Pollard, c/o ICC Office, 100 North Main Street, Suite 2006, Memphis, Tennessee 38103. Phone: 901/521-3437.
Denver, Colorado—Room 158, 721 19th Street, U.S. Customs House, Denver, Colorado.
Contact: Gyda Boyd, c/o ICC Office, 721 19th Street, 492 U.S. Customs House, Denver, Colorado 80202. Phone: 303/837-3162.
Atlanta, Georgia—Court Room 226, U.S. Court House, 56 Forsythe Street NW., Atlanta, Georgia 30303.
Contact: Joyce Stephens, c/o ICC Office, 1252 West Peachtree Street NW., Room 300, Atlanta, Georgia 30309. Phone: 404/526-5371, 5307.

THURSDAY, SEPTEMBER 16, 1976

Kansas City, Missouri—Room 302, Federal Building, 911 Walnut Street, Kansas City, Missouri.
Contact: Helen Miller, c/o ICC Office, 600 Federal Building, 911 Walnut Street, Kansas City, Missouri 64106. Phone: 816/374-5561.
Seattle, Washington—U.S. Customs Court, Room 1057, Federal Office Building, 909 1st Avenue, Seattle, Washington 98174.
Contact: Lorrie Thompson, c/o ICC Office, 858 Federal Building, 915 Second Avenue, Seattle, Washington 98174. Phone: 206/442-5421.
New Orleans, Louisiana—5th Circuit Court of Appeals, 600 Kent Street, New Orleans, Louisiana.
Contact: Linda Copeland, c/o ICC Office, T-9038 Federal Building and U.S. Post Office, 701 Loyola Avenue, New Orleans, Louisiana 70113. Phone: 504/589-6101.
Jacksonville, Florida—Room 100, Florida Public Service Commission, Voyager Building, 2255 Phyllis Street, Jacksonville, Florida 32204.

Contact: Mrs. Jean King, c/o ICC Office, 288 Federal Building, 400 West Bay Street, Building Box No. 35008, Jacksonville, Florida 32202. Phone: 904/791-2551.

MONDAY, SEPTEMBER 20, 1976

Des Moines, Iowa—Room 113, Federal Building, 210 Walnut St., Des Moines, Iowa.
Contact: Krista Bowersox, c/o ICC Office, 518 Federal Building, 210 Walnut Street, Des Moines, Iowa 50309. Phone: 515/284-4416.
Pittsburgh, Pennsylvania—Room 1112, Federal Building, 1000 Liberty Avenue, Pittsburgh, Pennsylvania.
Contact: Henrietta Viasic, c/o ICC Office, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222. Phone: 412/644-2929 or 2924.
Salt Lake City, Utah—Public Library Auditorium 3rd Floor, 209 East 500 South, Salt Lake City, Utah.
Contact: Patricia Allgier, c/o ICC Office, 5301 Federal Building, 125 South State Street, Salt Lake City, Utah 84138. Phone: 801/524-5680.
Detroit, Michigan—Conference Room C, 7th Floor City County Building, No. 2 Woodward Avenue, Detroit, Michigan 48226.
Contact: Erma Gray, c/o ICC Office, 1110 David Broderick Tower Building, 10 Witherell Street, Detroit, Michigan 48226. Phone: 313/226-4966.
Minneapolis, Minnesota—Courtroom No. 2, Federal Building, 316 North Robert Street, St. Paul, Minnesota 55101.
Contact: Marion Cheney, c/o ICC Office, 414 Federal Building & U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minnesota 55401. Phone: 612/725-2326.

THURSDAY, SEPTEMBER 23, 1976

Buffalo, New York—State University at Buffalo, School of Law, North Campus, Buffalo, New York 14260.
Contact: Anne Siler, c/o ICC Office, 910 Federal Building, 111 West Huron Street, Buffalo, New York 14202. Phone: 716/842-2068.
Columbus, Ohio—30 East Broad Street, State Office Tower, Room 2930, Columbus, Ohio.
Contact: Mary White, c/o ICC Office, 220 Federal Building & U.S. Courthouse, 85 Macaroni Boulevard, Columbus, Ohio 43215. Phone: 614/469-5620.

The hearing sites listed were chosen because they are generally located in areas where the report will generate the greatest impact. If a potential witness believes that a hearing should be held in an additional location, he should write to: Alan M. Fitzwater, Director, Rail Services Planning Office, 1900 L Street, N.W., Washington, D.C. 20036. The request must be received by August 23, 1976, and must include (1) an estimate of the number of potential witnesses, (2) a general description of their interest, in the proceeding, and (3) the reason why submitting written testimony is not adequate. The Director of RSPO will decide by September 7, 1976, whether any additional sites will be chosen. The decision will be based upon the information contained in the request and the adequacy of office resources. Persons requesting new sites will be promptly informed of Director Fitzwater's decision.

2. Attorneys have been retained by the Office to provide free legal assistance to communities, users of rail service and other interested parties in the preparation of their testimony on the Department of Transportation Report. The assistance of these attorneys may be obtained pursuant to the hearing rules set forth below.

Interested parties may participate either by appearing in person at one of the hearings or by submitting written comments directly to the Office.

3. The following uniform rules, procedures, and practices for the hearings are established:

(a) Oral testimony will be limited to 10 minutes. Those appearing are encouraged to testify from prepared statements.

(b) Persons who wish to testify at the hearings should call or write the local contact coordinator who is identified in Item 1 of this Notice.

(c) Prospective witnesses will be asked to provide: their name, address, telephone number and business association, if any; the general areas of the report to which their testimony will pertain; and the date and time when they wish to appear. This information will be relayed to an attorney from the Office of Public Counsel. If prospective witnesses need the assistance of an attorney, they should so inform the contact coordinator.

(d) The attorney assigned to the hearing city will schedule all witnesses and either the attorney or the local coordinator will notify prospective witnesses of confirmed hearing appearance times. The attorney will attempt to accommodate prospective witnesses who appear at the hearing without a prescheduled appearance time.

(e) In order to facilitate the creation of a comprehensive and well-organized record, the attorneys will attempt to schedule prospective witnesses according to the general area of interest which their testimony will address.

(f) All written material for the record should be submitted on 8½ x 11" paper in 10 copies at the hearing or sent directly to the Rail Services Planning Office, 1900 L Street, N.W., Washington, D.C. 20036. Statements sent to the Office should arrive no later than October 1, 1976. Since the Office has a very short time for review of the testimony, statements received after October 1, 1976, will be made a part of the record, but may not be reviewed by the Office.

(g) Witnesses with common interests are urged to make joint submissions.

(h) The proceedings are legislative, not judicial in nature. It is designed to elicit public views on the Department's preliminary report. Witnesses will not be required to testify under oath, nor will there be any cross examination or rebuttal testimony. Only questions from the presiding officer and the representative of the Office of Public Counsel will be permitted.

(i) In order to insure that the public is fully informed of the contents of the Report and its possible impacts upon communities and rail users, the usual Interstate Commerce Commission limitations on radio and television coverage during the hearing will be relaxed. The presiding officer will permit live news coverage in the hearing room provided that the conduct of the media representatives and the presence of radio and television equipment do not disturb the orderly conduct of the proceedings. Where courtroom facilities are used, however, the rules of the court regarding media participation will apply. The customary rules of the Commission prohibiting smoking and talking during the hearing will apply.

(j) Hearings will commence on the days specified in Item 1 of this Notice.

(k) Hearings will convene promptly at 9:30 a.m. and adjourn at 5:30 p.m. An evening session will be scheduled on the first day if appearance times are requested. The evening session will commence at 7:30 p.m. and adjourn at 10 p.m. Additional evening sessions may be scheduled at the discretion of the attorney and the hearing officer.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-23709 Filed 8-12-76;8:45 am]

[AB 9 (Sub-No. 2); Finance Docket No. 27719; Service Date Aug. 10, 1976]

ST. LOUIS-SAN FRANCISCO RAILWAY CO.

Abandonment of Service

JULY 30, 1976.

St. Louis-San Francisco Railway Company—Trackage Rights—over Atchison, Topeka and Santa Fe Railway Company line between Augusta, Butler County, and Winfield, Cowley County, Kansas.

The Interstate Commerce Commission hereby gives notice that its Environmental Affairs Staff has concluded that the proposed abandonment by the St. Louis-San Francisco Railway Company of its 34 mile line between Beaumont and Winfield in Butler and Cowley Counties, and the proposed trackage rights over the Atchison, Topeka and Santa Fe Railway Company line between Augusta, Butler County, and Winfield, Cowley County, Kansas, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the two related actions are considered insignificant because the local traffic generated by the line can be diverted to motor carriers without creating significant alternations in highway congestion, ambient noise levels, air quality, or fuel consumption. No definitive land use plans are dependent on the continuation of the subject line. Furthermore, resultant ecological effects of the abandonment would be minor. If trackage rights over the Santa Fe are approved, a decrease in fuel consumption and noise levels should occur. The magnitude of this decrease will be dependent on the amount of bridge traffic which moves over this line.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Com-

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mission, Office of Proceedings, Washington, D.C. 20423; telephone 202–275–7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before September 9, 1976.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceeding and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to the discussion of the presence or absence of environmental impacts and reasonable alternatives.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-23710 Filed 8-12-76;8:45 am]

[Sec. 5a Application No. 64 (Amendment No. 8); Service Date Aug. 10, 1976]

STEEL CARRIERS' TARIFF ASSOCIATION, INC.

Agreement

AUGUST 5, 1976.

The Commission is in receipt of an application in the above-entitled proceeding for approval of amendments to the agreement therein approved.

Filed July 23, 1976, by: Warren A. Rawson (Attorney-in-Fact): Steel Carriers' Tariff Association, 6410 Kenilworth Avenue, East Riverdale, MD 20840; and Thomas M. Auchincloss, Jr. (Attorney for Applicants): Rea, Cross & Knebel, 700 World Center Building, 918 16th St. NW., Washington, D.C. 20006.

The amendments involve: Substantive organizational and procedural changes so as to (1) comply with Ex Parte No. 297; (2) broaden the commodity scope of iron and steel articles and products thereof by the addition of brick and related articles; (3) expand the territorial scope by 15 states and portions of 2 states; (4) revise the carrier membership application form as well as the provisions governing such membership, including cancelation and voluntary withdrawal; (5) permit the board of trustees to fix the time for the annual membership meeting, in lieu of the specific month of April; (6) establish a nominating committee for board of trustee elections; (7) provide for removal of trustees for failure to attend board or tariff committee meetings; (8) allow carrier alternate representation on tariff committee; (9) increase to 15 days (from 7 days) for giving notice of receipt of emergency and of independent action proposals; and (10) make other incidental changes made necessary by the foregoing or for clarification.

The complete application may be inspected at the Office of the Commission in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing on or before September 13, 1976. As provided by the General Rules of Practice of the Commission, persons other than applicants should fully disclose their interest and the position they intend to take with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application, without further or formal hearing.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-23711 Filed 8-12-76;8:45 am]

[Notice No. 136]

TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or certificate or permit	Date of action
Roadway Express, Inc., MC 2202 Sub-427	MC-2202 Sub-437	June 29, 1976
Schneider Transport, Inc., MC 51146 Sub-359	MC-51146 Sub-380	July 10, 1976
Eflex Transportation, Inc., MC 52460 Sub-165	MC-52460 Sub-166	June 8, 1976
Graves Truck Line, Inc., MC 53965 Sub-110	MC-53965 Sub-106	Do.
C. H. Hooker Trucking Co., MC 87379 Sub-12	MC 87379 S-13	July 10, 1976
Rogers Transfer, Inc., MC 108884 Sub-28	MC-108884 S-31	June 10, 1976
Midwest Coast Transport, Inc., MC-111812 Sub-516	MC-111812 Sub-514	June 3, 1976
Indiana Refrigerator Lines, Inc. MC 113651 Sub-186	MC-113651 Sub-182	Do.
Apple Lines, Inc., MC 111632 Sub-83	MC-111632 Sub-82	Do.
Wynne Transport Service, Inc., MC 114725 Sub-71	MC-114725 Sub-72	July 13, 1976
D.b.a. Roadrunner Trucking Inc., MC-115524 Sub-28	MC-115524 Sub-29	Do.
Hirschbach Motor Lines, Inc., MC 117686 Sub-156	MC 117686 Sub-153	June 3, 1976
M. Bruenger & Co., Inc., MC 118142 Sub-91	MC-118142 Sub-87	Do.
Tempco Transportation, Inc., MC 119999 Sub-51	MC-119999 Sub-52	Do.
Hilt Truck Line, Inc., MC 121211 Sub-246	MC-121211 Sub-236	Do.
Road Runner Trucking, Inc., MC 125996 Sub-51	MC-125996 Sub-50	Do.
Pattons, Inc., MC 129516 Sub 37	MC-129516 Sub-36	July 13, 1976
M.S.B.P., Inc., MC-129897 Sub-4	MC-129897 Sub-3	June 29, 1976
Robert V. Markt, MC 133331 Sub-11	MC-133331 Sub-10	June 3, 1976
D.b.a. Piggy Back Cartage Co., MC 133665 Sub 3	MC-133665 Sub-2	June 23, 1976
Celeryvale Transport, Inc., MC 134105 Sub-13	MC-134105 Sub-12	June 3, 1976
Brown Refrigerated Express, Inc., MC 134112 Sub-7	MC 134112 Sub-6	July 15, 1976
Loma Cartage, Inc., MC-135235 Sub-2	MC-135235 Sub-3	July 1, 1976
Wallkill Air Freight Corp., MC 136066	MC 136066 Sub-1	Apr. 28, 1976
Wright Trucking, Inc., MC 136247 Sub-9	MC-136247 Sub-10	July 8, 1976
Robco Transportation, Inc., MC 136786 Sub-78	MC-136786 Sub-69	June 3, 1976
Heavy Hauling, Inc., MC-138076 Sub-3	MC-138076 Sub-4	July 5, 1976
D.b.a. Wisconsin Provisions Express, MC-138512 Sub-11	MC-138512 Sub-13	June 29, 1976
D.b.a. Delight Transportation Co., MC-139057 Sub-2	MC-139057	June 20, 1976
Garrett RV Transport, Inc., MC 139801 Sub-1	MC-139801 Sub-2	July 8, 1976
K & I Distributors, Inc., MC-139837 Sub-3	MC-139837 Sub-2	Apr. 9, 1976
	MC-139837 Sub-4	Mar. 5, 1976
Four Star Transportation, Inc., MC 139850 Sub-3	MC-139850 Sub-2	June 3, 1976
D.b.a. Glen Barney & Sons, MC-139882	MC-139882 Sub-1	July 3, 1976
D.b.a. Art Robinson & Sons, MC-139885	MC-139885 Sub-1	Do.
Walter E. Wiggins, MC-140439 Sub-1	MC-140439 Sub-2	June 14, 1976
Donald W. Cole, MC-140660 Sub-1	MC-140660 Sub-2	July 13, 1976
Bluff City Transportation, Inc., MC 141186 Sub-1	MC-141187 Sub-2	Mar. 31, 1976
Edward Stapelton and Alfred Glessman, MC-141329 Sub-1	MC-141329 Sub-2	June 14, 1976

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-23716 Filed 8-12-76;8:45 am]

federal register

FRIDAY, AUGUST 13, 1976

PART II:

ENVIRONMENTAL PROTECTION AGENCY

EFFLUENT GUIDELINES AND STANDARDS

Coal Mining Point Source Category; Extension of Comment Period

V 41 I 158 AUG 13 76 UMI

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

[FRL 599-8]

PART 434—COAL MINING POINT SOURCE CATEGORY

Extension of Comment Period and Notice of Availability

On May 13, 1976, the Agency published a notice of interim final rulemaking (41 FR 19832) establishing effluent limitations and guidelines for existing sources to be achieved by the application of best practicable control technology currently available for the coal mining point source category. The due date for comments provided in the notice was June 14, 1976.

The Agency anticipated that the document entitled "Development Document for Effluent Limitations, Guidelines and New Source Performance Standards for the Coal Mining Point Source Category," which contains information on the analysis undertaken in support of the regulations, would be available to the public throughout the comment period. Production difficulties delayed the availability of this document. Copies of the document are now available and have been forwarded to those persons having submitted written requests to the Environmental Protection Agency. A limited number of additional copies are available for distribution from the Environmental Protection Agency, Effluent Guidelines Division, Washington, D.C. 20460, Attention: Distribution Officer, WH-552.

This extension and notice of availability is published pursuant to sections 301, 304 (b) and (c), 306(b) and 307(c) of the Federal Water Pollution Control Act as amended 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316(b), and 1317(c); 86 Stat. 816 et seq.; Pub. L. 92-500 (the Act).

Accordingly, the date for submission of comments is hereby extended to September 13, 1976.

Dated: August 9, 1976.

ANDREW W. BREIDENBACH,
Assistant Administrator for Water and Hazardous Materials.

[FR Doc.76-23565 Filed 8-12-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 434]

[FRL 599-7]

COAL MINING POINT SOURCE CATEGORY

Extension of Comment Period and Notice of Availability

On May 13, 1976, the Agency published a notice of proposed rulemaking (41 FR 19841) establishing effluent limitations and guidelines for existing sources to be achieved by the application of best available technology economically feasible, standards of performance for new point sources and pretreatment standards for new sources for the coal mining point source category. The due date for comments was June 14, 1976.

The Agency anticipated that the document entitled "Development Document for Effluent Limitations, Guidelines and New Source Performance Standards for the Coal Mining Point Source Category," which contains information on the analysis undertaken in support of the regulations, would be available to the public throughout the comment period. Production difficulties delayed the availability of this document. Copies of the document are now available and have been forwarded to those persons having submitted written requests to the Environmental Protection Agency. A limited number of additional copies are available for distribution from the Environmental Protection Agency, Effluent Guidelines Divison, Washington, D.C. 20460, Attention: Distribution Officer, WH-552.

This extension and notice of availability is published pursuant to sections 301, 304 (b) and (c), 306(b) and 307(c) of the Federal Water Pollution Control Act as amended 33 U.S.C. 1251, 1311, 1314(b) and (c), 1316(b), and 1317(c); 86 Stat., 816 et seq.; P.L. 92-500 (the Act).

Accordingly, the date for submission of comments is hereby extended to September 13, 1976.

Dated: August 9, 1976.

ANDREW W. BREIDENBACH,
Assistant Administrator for Water and Hazardous Materials.

[FR Doc.76-23567 Filed 8-12-76;8:45 am]

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federal register

FRIDAY, AUGUST 13, 1976



PART III:

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

MILK IN THE APPALACHIAN; CHATTANOOGA, TENNESSEE; KNOXVILLE, TENNESSEE; AND OHIO VALLEY MARKETING AREAS

Decision on Proposed Amendments to Marketing Agreements and to Orders

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Services

[7 CFR Parts 1011, 1033, 1090, 1101]

[Docket Nos. AO-251-A19; AO-266-A21; AO-195-A25; AO-166-A18]

MILK IN THE APPALACHIAN; CHATTANOOGA, TENNESSEE; KNOXVILLE, TENNESSEE; AND OHIO VALLEY MARKETING AREAS

Decision on Proposed Amendments to Marketing Agreements and to Orders

A public hearing was held upon proposed amendments to the marketing agreements and the orders regulating the handling of milk in the Appalachian; Chattanooga, Tennessee; Knoxville, Tennessee; and Ohio Valley marketing areas. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR Part 900), at Knoxville, Tennessee, on June 23–27 and July 7–10, 1975, pursuant to notices thereof issued on April 25 (40 FR 18946) and May 5, 1975 (40 FR 20095).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Administrator on March 12, 1976 (41 FR 11432) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein, subject to the following modifications:

1. Under "1. Merger of orders and expansion of merged marketing area":

a. Paragraphs 6 and 8 are revised.

b. A paragraph is added following paragraph 8.

c. Paragraph 39 is revised and four paragraphs are added following paragraph 39.

d. Paragraph 41 is revised and five paragraphs are added following paragraph 41.

e. A paragraph is added following paragraph 44.

2. Under "2. (a) Milk to be priced and pooled":

a. Under the subheading "Pool plant", paragraph 10, 13, 15, 24 and 35 are revised, a paragraph is added following paragraph 14, three paragraphs are added following paragraph 26, and a paragraph is added following paragraph 33.

b. Under the subheading "Producer-handler", paragraph 9 is revised.

c. Under the subheading "Producer milk", two paragraphs are added following paragraph 17 and paragraph 21 is revised.

3. Under the heading "(c) Class I price", four paragraphs are added following paragraph 5.

4. Under the heading "(d) Location adjustments", eight paragraphs are added following paragraph 12 and nine paragraphs are added following paragraph 15.

5. Under the heading "(e) Partial payments to producers", a paragraph is added following paragraph 15.

6. Under the heading "(f) Base-excess plan", paragraph 11 is revised and four paragraphs are added following paragraph 11.

7. Under the heading "(g) Administrative provisions", a paragraph is added following paragraph 2 and a paragraph is added following paragraph 5.

The material issues on the record relate to:

1. Merger of orders and expansion of marketing area.
2. Order provisions applicable to:
   (a) Milk to be priced and pooled.
   (b) Classification.
   (c) Class I price.
   (d) Location adjustments.
   (e) Partial payments to producers.
   (f) Base-excess plan.
   (g) Administrative provisions.

Findings and Conclusions

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Merger of orders and expansion of merged marketing area.* The marketing area of the proposed order should include all the territory in the presently designated marketing areas of the Appalachian, Chattanooga, and Knoxville orders and in the following 19 counties: Bell, Breathitt, Knott, Knox, Leslie, Letcher, Perry, and Whitley in Kentucky; Carter, Claiborne, Hancock, Hawkins, Johnson, and Unicoi in Tennessee; and Buchanan, Dickenson, Lee, Russell, and Scott in Virginia.

The handling of milk in the proposed marketing area is in the current of interstate commerce and directly burdens, obstructs, and affects interstate commerce in milk and milk products.

The marketing area specified in the proposed order, hereinafter referred to as the "Tennessee Valley marketing area", is comprised of 59 contiguous counties in Georgia, Kentucky, Tennessee, Virginia, and West Virginia.

Most plants that would be fully regulated under the proposed order have Class I sales in two or more of the states of Alabama, Georgia, Kentucky, North Carolina, Ohio, Tennessee, Virginia, and West Virginia. These plants receive milk from farms located in Georgia, Kentucky, Tennessee, Virginia, and West Virginia. Milk not needed for fluid use is routinely moved across state lines to nonpool manufacturing plants.

Marketing conditions in the marketing area adopted herein justify the issuance of a single order to regulate the handling of milk in this territory. This single order is the most appropriate means of effectuating the declared policy of the Act.

A cooperative representing a large majority of the dairy farmers supplying milk to the three markets proposed a single order. It proposed that the marketing areas of the three orders be expanded to include 33 additional counties in four states. The 33 counties are: Bell, Breathitt, Floyd, Johnson, Knott, Knox, Leslie, Letcher, Magoffin, Martin, McCreary, Perry, Pike, and Whitley in Kentucky; Carter, Claiborne, Hancock, Hawkins, Johnson, and Unicoi in Tennessee; Bland, Buchanan, Dickenson, Lee, Russell, Scott, Smyth, and Wythe in Virginia; and Logan, Mingo, Monroe, Summers, and Wyoming in West Virginia. At the hearing, proponent asked that Johnson, Magoffin, Martin, and McCreary counties in Kentucky not be considered for inclusion in the merged marketing area. No testimony was presented and no action is taken with respect to these counties. The cooperative contended that the remaining 29 counties are an integral part of the sales area of handlers now regulated by the three orders, and accordingly they should be included in the defined marketing area.

Handlers proposed and supported a combination of the Chattanooga and Knoxville orders. In support of their proposal the handler spokesmen pointed out the interrelationship of distribution routes of handlers in these two markets. They emphasized that the largest handler under the Chattanooga order is also, in fact, the handler with the largest distribution under the Knoxville order. In their view, the two markets were indistinguishable as separate markets.

At the same time, these handlers opposed the inclusion of the Appalachian order market or any presently unregulated territory in the merger. They contended that there was not a substantial interrelationship between the Appalachian market and the Knoxville and Chattanooga markets. They offered no substantive evidence in support of their position that regulation should not be extended to include any presently unregulated territory. Notwithstanding, their concern over the potential impact of a new plant operation of Flav-O-Rich, Inc. (a wholly-owned subsidiary of Dairymen, Inc.), at London, Kentucky, which is scheduled to be operational in 1976 was clearly evident. This plant by location clearly will be a competitive factor not only in the area covered by the existing orders but also in parts of the additional territory being added where regulated handlers have substantial business.

In their exceptions handlers reiterated their opposition to including the Appalachian order market in the merger. They claimed that the counties of origin of producer milk and the intermarket movements of Class I products establishes a definite line of demarcation between the Appalachian order area and the Knoxville-Chattanooga order area. This handler claim is not supported by the record evidence of the hearing.

When the three orders were promulgated, they regulated the handling of milk in areas that were clearly distinguishable as separate markets for particular handlers and producer groups. Changes in market structures since that time have caused these separately identified areas to become substantially interrelated in both the distribution and procurement of milk. Moreover, it is

reasonable to expect that this interrelationship will become more and more involved in the period ahead.

From a distribution standpoint, the separate marketing area boundaries initially reflected the limits of competition among handlers in the respective areas and there was a minimum of intermarket competition. Since the respective orders were promulgated, however, there has been extensive consolidation of distribution operations. The number of regulated handlers has declined significantly. In 1956, when the most recently promulgated order (Chattanooga) became effective, 42 handlers regulated under the three orders received milk from producers.[1] In May 1975, only 13 distributing plants were fully regulated under the three orders.

The consolidation of distribution facilities has resulted in the growth of intermarket distribution. The largest distributor of fluid milk products in both the Knoxville and Chattanooga markets is regulated under the Chattanooga order. Four handlers regulated under the Appalachian order have distribution in the Knoxville marketing area. One of these handlers has sales in all three markets. Of the three handlers regulated under the Knoxville order, two have sales in the Chattanooga marketing area, one of whom also distributes milk in the Appalachian marketing area.

Some handlers operate regulated plants in more than one of the markets. Pet, Inc., operates two distributing plants regulated under the Appalachian order and one under the Knoxville order. Flav-O-Rich, Inc., operates two distributing plants regulated under the Appalachian order and one each under the Knoxville and Chattanooga orders.

Flav-O-Rich, Inc., is a wholly-owned subsidiary of the proponent cooperative, Dairymen, Inc. (DI), a regional cooperative whose member producers supply more than 85 percent of the milk pooled under the three respective orders. As previously indicated, Flav-O-Rich, Inc., is in the process of constructing a large milk bottling plant at London, Kentucky. It is likely that when the plant becomes operational, Flav-O-Rich will close at least two of its other distributing plants in this area, thereby furthering the trend toward plant consolidation. Although no sales pattern can now be established for such plant, it clearly will have a significant impact on milk marketing throughout the general area now regulated by the three separate orders.

A plant of the size projected for the London plant potentially would be a serious disruptive factor if the separate orders were retained. The anticipated plant closings and consolidation of distribution routes in this plant could have a very profound impact on independent producer returns in the respective markets. In fact, it is possible that because of its anticipated wide area of distribution, the plant would not meet the in-area distribution requirement prerequisite to pooling under any of the respective orders.

The changing sales areas of regulated handlers under the three orders are reflected in their route disposition inside and outside the marketing areas of their respective orders. By 1974, route disposition outside their defined marketing area by handlers regulated under the Appalachian, Chattanooga, and Knoxville orders were 61 percent, 32 percent, and 13 percent, respectively, of their total route disposition.

Although 1974 route disposition within the Appalachian marketing area was only 39 percent of the total route disposition from Appalachian order pool plants, it was 84 percent of the total route disposition in the Appalachian marketing area by all plants.

Chattanooga order pool plants, 68 percent of whose 1974 route disposition was in the Chattanooga marketing area, had 88 percent of the total route disposition sales in the Chattanooga marketing area.

In the Knoxville marketing area, where Knoxville order pool plants had 87 percent of their total 1974 route disposition, only 49 percent of the total route disposition in the Knoxville marketing area was from such plants.

Better highways, improved transportation and refrigeration facilities have made it feasible to move packaged milk over long distances. For example, the predecessor company of a handler regulated under the Appalachian order previously operated a number of smaller plants at various locations in the marketing area. To achieve greater efficiency, the capacity of those plants was consolidated into a single large facility in Bristol, Virginia. Currently, milk processed and bottled in this plant is regularly transported by truck to distribution points as much as 240 miles from the plant.

Handlers who would be regulated by the proposed order are the principal distributors in the 19 additional counties being added to the combined marketing area. These 19 counties are an integral part of the sales area of such handlers.

In 8 of the 19 counties (Leslie, Knott, and Breathitt in Kentucky; Claiborne, Hancock, and Hawkins in Tennessee; and Dickenson and Lee in Virginia) all Class I sales are from plants that would be fully regulated under the merged order.

In 6 of the 19 counties (Bell, Letcher, Knox, Perry, and Whitley in Kentucky; and Buchanan in Virginia) some Class I distribution is made by fully regulated handlers under other Federal orders. However, handlers who would be fully regulated by the merged order have by a wide margin a majority of the total Class I sales in the 6 counties.

In 5 of the 19 counties (Russell and Scott in Virginia; and Johnson, Carter, and Unicoi in Tennessee) some Class I sales are made by handlers who are not fully regulated by any Federal order. However, the limited quantities of milk distributed from such plants in the 5 counties are insubstantial both as a percentage of the total sales in the 5 counties and in terms of the unregulated plants' total sales.

Federally regulated plants must pay the minimum order Class I price on all Class I sales, both within and outside the defined marketing area. Nonfederally regulated plants are not subject to such pricing regulation. Such plants can dispose of milk in unregulated areas that would otherwise be surplus to their operations and use the pricing advantage to take sales away from regulated plants.

If the 19 counties were not included in the marketing area, the federally regulated plants that distribute fluid milk products in these counties would be vulnerable to sales competition from nonfederally regulated plants. Including these counties in the marketing area will contribute to orderly marketing by insuring that any competitive advantage an unregulated plant may have on its sales in the 19 counties would be minimized by the terms of the order applicable to such sales.

When the individual orders were promulgated, many of the producers in the market were members of relatively small cooperatives that confined marketing activities to the local marketing area. The majority of the producers now supplying the separately regulated areas are no longer associated with local market organizations. As previously indicated, more than 85 percent of the producers suplying milk to the three markets are members of DI.

Within a single month, the cooperative may move milk of individual members as producer milk to several plants, each of which is regulated under a different order. This flexibility in directing its members' milk enables it to efficiently carry out its varied arrangements for supplying milk to handlers and disposing of surplus milk. In December 1974, for example, 172 member producers of Tennessee Valley Division of DI each delivered milk to two or more markets. These movements of milk indicate that producers, rather than being associated with the three existing separate markets, are in fact associated with a combined large single market.

Returns from all member milk sold in these markets are collected by the cooperative and reblended to its members. The price each member receives for his milk may or may not be related to the order uniform price announced for the market or markets to which his milk was delivered.

Proponent cooperative operates two plants (other than the distributing plants operated by Flav-O-Rich, Inc., referred to previously) that are used either to supply milk to pool handlers or to assemble milk for shipment off the market when not needed by other pool handlers. The plants, neither of which has manufacturing capabilities, are in London, Kentucky, and Bristol, Virginia, respectively.

Another of the cooperative's plants, in Chattanooga, has receiving, cooling, and storage facilities as well as facilities

[1] Official notice is taken of Federal Milk Order Market Statistics, 1947–56, Statistical Bulletin, No. 248, Issued May 1959 by the Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C.

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for manufacturing butter and powder. This plant, which was pooled under the Chattanooga order prior to August 1974, is now pooled under the Georgia order. It continues to be, however, a major outlet for reserve milk supplies associated with the Appalachian, Knoxville, and Chattanooga markets.

In handling the reserve supplies of these markets, the cooperative may pool milk from dairy farmers received at its plants as producer milk under the order regulating the plant or as a diversion from an other order plant. In the first instance, the regular producers on the market that pooled the reserve milk are forced to carry the burden of the lower-priced utilization for another market's surplus milk. Their uniform price thus is lower than if the reserve milk had been pooled on the market with which it is regularly associated. Under these conditions, a potential exists for development of serious inequities between the cooperative's members and other producers.

Prices received by the cooperative's member producers are not necessarily affected if the cooperative reblends its proceeds from the different markets. However, returns to producers who are not members of the cooperative can be adversely affected by the cooperative's method of pooling the milk received at its plants. Because the proponent cooperative represents the preponderance of producers on the three markets here being considered, it has had the ability to adjust returns to producers among these markets through the manner in which it adjusts its milk movements. It is reasonable to assume that it has followed a practice of adjusting receipts among the markets to maximize the cooperative's share of returns from Class I sales. Merger of the three orders considered here will minimize the potentially disruptive effect that a cooperative's marketing practices otherwise could have in the market.

Of the 40 counties in the present Appalachian, Chattanooga, and Knoxville marketing areas, 27 are in Tennessee, seven in Georgia, three in Virginia, two in West Virginia, and one in Kentucky. Total population of the three areas is 1.83 million (1970 census). The 59-county marketing area proposed for adoption herein is a contiguous area with a total population of 2.25 million. It comprises the basic sales territory within which handlers who would be regulated by the merged order are the principal distributors of milk. No new plants would be brought under regulation through the area expansion proposed herein.

Bristol and Norton, Virginia, are geographically within the respective perimeters of Washington and Wise counties, which are in the marketing area. The cities are, however, independent political units that are not a part of the county government. In view of their independent status, they are listed separately in the attached order as a part of the marketing area.

The order should provide that all territory within the boundaries of the specified counties, including all waterfront facilities connected therewith and all territory occupied by government (municipal, State, or Federal) reservations, installations, institutions, or other similar establisments, if any part thereof is within these counties, should be a part of the Tennessee Valley marketing area. Such provision will clarify any questions that may arise concerning whether a particular territory is included in the defined marketing area.

The West Virginia counties of Logan, Mingo, Wyoming, Monroe, and Summers and the Kentucky counties of Floyd and Pike are not included in the marketing area of the Tennessee Valley order. Of the 7 counties, 5 (Logan, Mingo, Wyoming, Floyd, and Pike) are in the marketing area of the Ohio Valley order. Monroe and Summers are not in the marketing area of any Federal order.

Dairymen, Inc., proposed inclusion of the 7 counties in the merged marketing area. Adoption of its proposal, however, would bring under regulation of the merged order a plant now fully regulated under the Ohio Valley order. While that plant (in Bluefield, Virginia) is within the present Appalachian marketing area and has Class I distribution in the Appalachian marketing area, the major part of its Class I distribution is in the Ohio Valley marketing area. The addition of the 7 counties to the marketing area was requested to insure that the majority of the Bluefield plant's sales were made in the marketing area of the merged order and thus that the plant would become a pool plant under the merged order rather than the Ohio Valley order.

Shifting the 5 counties from the Ohio Valley marketing area was opposed by handlers and by a federation of cooperatives supplying Ohio Valley handlers. they claimed that these counties are an integral part of the sales area of Ohio Valley order handlers and that no charge in marketing conditions had occurred to justify adding these counties to the proposed Tennessee Valley marketing area.

Handlers regulated under the Ohio Valley order are the principal distributors in the 7 counties. Their distribution within each of these counties substantially exceeds that of handlers who would be regulated by the merged order.

DI excepted to the recommended decision's failure to include the Kentucky counties of Pike and Floyd and the West Virginia counties of Mingo and Wyoming in the marketing area. DI claimed that including these counties in the marketing area is necessary to have the Bluefield plant pooled under the merged order rather than the Ohio Valley order. According to DI, the Bluefield plant should be regulated under the merged order because it receives milk from the same supply area as plants that would be pooled under the merged order, is located in the marketing area of the proposed order, and was a regulated plant for 18 consecutive years under the former Bluefield or current Appalachian order.

As provided in the existing orders, and adopted in this decision, a plant's Class I distribution in the marketing area is a primary consideration in determining whether the plant will be pooled under the order. The fact that the Bluefield plant is within the marketing area of the merged order is not, in this instance, relevant in determining its qualification as a pool plant under the order.

The location of the farms from which a plant obtains its supply is not a basis for determining under which order, if any, a plant will be regulated. Handlers under this and other orders are free to obtain their supplies from farms wherever located. Even though the Bluefield plant and other plants that will be regulated by the Tennessee Valley order obtain milk from farms in the same area, other considerations also necessarily enter into any decision as to where the Bluefield plant should be regulated.

When a plant qualifies for pooling under two orders in the same month, the orders' provisions commonly provide for pooling such plant under the order regulating the marketing area in which it has the greater Class I sales. The fact that the Bluefield plant had been regulated for 18 consecutive years under the Bluefield and Appalachian orders cannot in itself be a compelling reason to preclude its being pooled under another order in the marketing area of which it now has more Class I sales.

In view of the above and for reasons previously stated, the Kentucky counties of Pike and Floyd and the West Virginia counties of Mingo and Wyoming should not be included in the marketing area of the proposed order. Accordingly, the DI request for including these counties in the marketing area is denied.

Adding Monroe and Summers counties to the marketing area would regulate a plant at Ronceverte, West Virginia, which is not now regulated by any Federal order. This plant's Class I disposition is limited to 4 West Virginia counties, none of which is in the marketing area of a Federal order. This plant does not compete with regulated handlers for milk supplies and it has negligible, if any, competition for sales with handlers who would be regulated by the merged order. No purpose would be served by including Monroe and Summers counties in the marketing area.

The Virginia counties of Bland, Smyth, and Wythe also should not be included in the Tennessee Valley marketing area. Less than half the Class I distribution in these counties is from plants that would be regulated under the merged order. Distribution in the three counties is predominantly from plants (both other Federal order plants and unregulated plants) whose principal sales territories are in other areas and not in competition with handlers who would be regulated under this order. Regulation of these counties is not necessary to maintain orderly marketing conditions under the merged order.

DI excepted to the recommended decision's failure to include Bland and Smyth counties in the marketing area. Its exception cited the testimony of certain witnesses to refute the recommended decision's finding that "Less than half the Class I distribution in these counties is from plants that would be regulated under the merged order". "These counties" refers to Bland, Smyth and Wythe counties.

The testimony of different witnesses regarding the proportion of each handler's sales in Smyth and Bland counties varied considerably. Although some testimony indicated otherwise, the testimony of a major handler under the order showed that significantly less than half the sales in Bland and Smyth counties were from Federal order plants.

Of the eight plants from which Class I sales are made in Smyth county, two are regulated under the Appalachian order, two under the Ohio Valley order, one under the Knoxville order and three are unregulated. Only two handlers, an Appalachian order handler and an unregulated handler, have Class I distribution in sparsely populated (5,400 population) Bland county.

The three unregulated handlers with distribution in Smyth county (one of whom also has distribution in Bland county) are the same three handlers who distribute in Wythe county (which lies between Smyth and Bland counties). The principal sales of these unregulated handlers are in unregulated territory east of the marketing area where these handlers' plants are located. Even though the Class I sales by unregulated handlers in Smyth and Bland counties are a relatively large proportion of the total Class I sales in these counties, they are relatively insignificant as a percentage of these plants' total Class I sales.

It must be concluded that the principal distribution in Smyth and Bland counties are from the plants of handlers who would not be regulated under the Tennessee Valley order and whose Class I distribution is predominantly outside the marketing area. Accordingly, the DI request to include Smyth and Bland counties in the marketing area is denied.

The Virginia State Milk Commission opposed the inclusion of the five southwestern Virginia counties of Buchanan, Dickenson, Lee, Russell, and Scott (here included in the marketing area), and of the counties of Bland, Smyth, and Wythe, which are not here included.

The Commission's concern was that its regulatory program could be adversely affected if the proposal were adopted. The Commission expressed apprehension that if the eight counties were added to the Federal order marketing area, some plants now regulated only by the Commission would become regulated under the merged order.

Plants regulated solely by the Commission do not distribute milk in the five Virginia counties of Buchanan, Dickenson, Lee, Russell, or Scott, which are included in the marketing area. Consequently, this decision will in no way affect the Virginia State Milk Commission's regulatory program.

The Virginia Milk Commission exception to the recommended decision asserted that inclusion of the five previously enumerated Virginia counties in the marketing area "* * * is not in accordance with the law and the evidence in the case as summarized in its Brief of September 8, 1975, filed in this action and [the Commission] preserves its right to object to the inclusion of the Virginia counties within the defined marketing area of this or any other Federal order in this case or any case that may hereafter arise". Other than its assertion, the Commission's exception contained no statement attempting to disestablish the recommended decision's justification for including the five counties in the marketing area. Accordingly, the Commission's request not to include the five counties in the marketing area is denied for reasons previously stated.

Although some of the route disposition of regulated handlers extends beyond the boundaries of the merged marketing area, it is neither practical nor reasonable to extend the regulated area to cover all areas where a handler has or might develop some route disposition. Nor is it necessary to do so to accomplish effective regulation under the order. The marketing area herein proposed is a practical one in that it encompasses the great bulk of the fluid milk sales areas of regulated handlers.

The cooperative proposing the merger urged that the merged order continue the provisions of the Chattanooga order except for certain modifications. Proponents of other proposals expressed the same view with regard to any order or orders issued as a result of this proceeding.

The provisions of the Appalachian, Knoxville, and Chattanooga orders are essentially similar and, in large part, identical. Because the Chattanooga order, as amended August 1, 1974, was most recently reviewed in its entirety, its format is retained in the merged order.

On the basis of hearing evidence, it is concluded that the order provisions, which are substantially identical in the three orders and for which no proposed changes were offered, are equally suitable for the combined order covering the merged and expanded marketing area. They are adopted for the identical reasons advanced in the decisions adopting such provisions in the respective orders.

The order adopted herein continues the use of the part number for the present Appalachian order, Part 1011. The amended Part 1011, upon issuance, would supersede Parts 1090 and 1101.

Although the present three orders would no longer exist upon the effectuation of the Tennessee Valley order, this merger action is not intended to preclude the completion of those procedures that would otherwise have existed under the separate orders pertaining to milk handled prior to the effective date of the merger. Such procedures, which would need to be carried out after the merger date, include the announcement of certain class prices and butterfat differentials, submission of reports, computation of uniform prices, payment of obligations, and verification activities. The provisions of the merged order would apply only to that milk handled on and after the effective date of the merger.

2. (a) *Milk to be priced and pooled.* It is necessary to designate clearly what milk and which persons would be subject to the merged order. This is accomplished by providing definitions to describe the persons, plants and milk to which the applicable provisions of the order relate.

The following definitions included in the proposed order will serve to identify the specific types of milk and milk products to be subject to regulation and the persons and facilities involved with the handling of such milk and milk products. Definitions relating to handling and facilities are "route disposition," "plant," "pool plant" and "nonpool plant." Definitions of persons include "producer," "handler," "producer-handler" and "cooperative association." Definitions relating to milk and milk products include "producer milk," "fluid milk product," "fluid cream product," "filled milk" and "other source milk." A number of these definitions were of particular issue at the hearing and are discussed below.

Plant. A "plant" definition should be provided to identify the type of milk handling facilities to which the order provisions would apply. A plant would be the land, buildings, facilities, and equipment constituting a single operating unit at which milk or milk products are received, processed or packaged. Separate facilities without stationary storage tanks which are used only as a reload point for transferring bulk milk from one tank truck to another would not be a plant. Similarly, separate facilities used as intermediary distribution points in the disposition of packaged fluid milk products would not be plants.

A "plant" definition is contained in the present Appalachian order and was proposed for inclusion in the proposed merged order.

Since the provisions adopted herein price producer milk at the plant where physically received, guidelines must be provided for determining whether certain milk handling facilities should be considered a plant. It is not intended that a facility used only for reloading milk from one tank truck to another be the pricing point for milk so handled. Neither is it intended that an intermediate storage facility or a distribution point utilized in the marketing of packaged fluid milk products be considered a plant. Such facilities must, of course, be distinguishable from facilities at which milk handled is to be priced.

It is not usual for reload points to have stationary storage tanks for holding milk one or two days. Rather, milk that is moved by tank truck from producers' farms to a reload point is transferred directly to large over-the-road

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tankers for movement to processing plants. Accordingly, the absence of stationary storage tanks (which are used to implement the movement of milk to the market) is a reasonable means of distinguishing a reload facility from a plant.

Pool plant. Essential to the operation of a marketwide pool is the establishment of minimum performance requirements to distinguish between those plants substantially engaged in serving the fluid needs of the regulated market and those plants that do not serve the market in a way or to a degree that warrants their sharing (by being included in the pool) in the Class I utilization of the market. The pooling standards for distributing plants, supply plants, and cooperative balancing plants that are contained in the attached order would carry out this concept under present marketing conditions.

The "pool plant" definition adopted herein sets forth all of the requirements that a plant must meet in order to be defined as a pool plant. Definitions of a "distributing plant" and a "supply plant," were not proposed by the merger proponent and are not provided in the attached order. Reference is made in this decision to such types of plants, nevertheless, since the adopted pooling standards relate to plants performing different types of functions in the market.

A requirement common to all types of pool plants is that the plants be approved by a duly constituted regulatory agency for the handling of milk for fluid consumption. The term "regulatory agency," rather than the term "health authority," which has been commonly used in the present orders for some time, is a more appropriate term at the present time. The agency responsible for approving a plant for the handling of milk for fluid consumption may not always be designated as a health authority. In some states, for example, this function is the responsibility of the State Department of Agriculture.

To qualify as a pool plant, a distributing plant must meet performance standards as to the proportion of its total supply disposed of as Class I milk, including its route disposition in the marketing area. Thus, pool distributing plants would include only those plants significantly engaged in the distribution of fluid milk products. The plant's total Class I utilization must be at least 50 percent of its receipts of fluid milk products from all sources that are approved by a duly constituted regulatory agency for fluid consumption and that are physically received at such plant or diverted therefrom as producer milk to a nonpool plant. Such plant's route disposition in the marketing area must be at least 10 percent of its receipts of fluid milk products, including milk diverted to other plants. As under the present orders, Class I disposition of a plant would be exclusive of any disposition of filled milk.

The pooling requirement that a distributing plant's total Class I utilization be at least 50 percent of its total receipts (in addition to meeting the in-area route disposition requirement), as adopted in this decision, differs from the comparable provision in the Appalachian, Chattanooga, and Knoxville orders. These orders specify that a plant's total route disposition must be at least 50 percent of its total receipts.

It is conceivable that a high Class I utilization plant primarily associated with the Tennessee Valley market might not qualify as a pool plant if it were required to have at least 50 percent of its total receipts as route disposition. This would be true of a plant from which substantial quantities of Class I milk, in addition to its route disposition, were sold to other handlers in this and other markets. Unless such a plant were qualified as a pool plant, the benefit of the bulk of the plant's Class I sales would be lost to the pool and would be reflected in reduced returns to producers sharing in the proceeds of the marketwide pool.

As indicated elsewhere in this decision, when the plant under construction at London, Kentucky, becomes operational it will result in further plant consolidation in the market. It is not known whether this plant, which is wholly owned by Dairymen, Inc., will take over the function of supplying bulk fluid milk products for Class I uses to other plants, which function is now handled by other DI plants. If it does and Class I sales to other plants are not counted in determination of whether the plant meets requirements for pooling, the plant might not qualify as a pool plant. This would occur even though the plant met the pooling requirement with regard to route disposition in the Tennessee Valley marketing area and such route disposition was greater than in the marketing area of any other order under which the plant might qualify as a pool plant in the same month.

In conjunction with the minimum in-area sales requirement herein provided, the provision that a distributing plant's total Class I disposition be at least 50 percent of its receipts is an appropriate factor under conditions in this market. Adoption of this requirement will not change the status of any plant presently doing business under the Appalachian, Knoxville, or Chattanooga orders. It will, however, contribute to future orderly marketing by insuring that any substantial Class I operation primarily associated with the Tennessee Valley market will be fully regulated in the same manner as its principal competitors for Class I sales in the marketing area.

A total of 13 distributing plants are now fully regulated under the three orders. Four are operated by the proponent cooperative. Three proprietary handlers, who operate five fully regulated distributing plants, proposed that the in-area route disposition pooling requirement be 10 percent of a plant's total route disposition. They claimed that a 15 percent rate (which was proposed by the cooperative) would be inappropriate under conditions in the proposed marketing area, in which substantial quantities of milk are distributed from partially regulated distributing plants with Class I sales in several other Federal order marketing areas. Handlers contended that if an in-area route disposition requirement of more than 10 percent was adopted, these presently partially regulated distributing plants could continue to avoid full regulation under a Federal order when it was competitively advantageous to do so, even though they might increase their in-area sales and had a substantial part of their total sales in several Federal order marketing areas.

At the hearing and in its exceptions the cooperative claimed that the 10 percent in-area sales requirement now provided in the Appalachian order recognizes that a substantial part of the route disposition from Appalachian order pool distributing plants is outside the marketing area. Since the marketing area for the proposed order more fully includes the sales area of Appalachian order handlers, the cooperative contended that its proposed 15 percent in-area sales requirement would equate to the 10 percent requirement now applicable to the present smaller Appalachian marketing area.

Operators of two partially regulated distributing plants supported the 15 percent in-area route disposition requirement that the cooperative proposed. They contended that the 10 percent in-area sales factor proposed by fully regulated handlers would unnecessarily limit their sales in the marketing area. In their view, the obligation under the order applicable to partially regulated distributing plants provides an adequate safeguard against their realizing any advantage over fully regulated handlers. They argued further that the 10 percent in-area requirement would be inequitable since the adjacent Georgia order, in which some of the same unregulated plants have route disposition, had a 15 percent in-area route disposition requirement.

A requirement that at least 10 percent of the route disposition from a plant be in the marketing area is now provided in the Appalachian order. The comparable Chattanooga order in-area route disposition requirement is 15 percent. Unlike the Appalachian and Chattanooga orders, the Knoxville order in-area route disposition requirement of 15 percent is based on a plant's total receipts of fluid milk products instead of on total route disposition.

Some handlers excepted to computing a plant's in-area route disposition percentage requirement for pooling on the basis of its total receipts of fluid milk products rather than on total route disposition from the plant. The requirement that a plant's in-area route disposition for pooling be based on a percentage of the plant's total receipts, as provided in the Knoxville order, is predominantly the basis included as an in-area sales pooling standard in Federal orders. It is a more meaningful pooling requirement than an in-area route disposition percentage based on a plant's total route disposition. For example, under a 10 percent in-area route disposition requirement based on a percentage of a plant's total route disposition, a plant with a very high Class I utilization

would not be pooled unless essentially 10 percent of its total receipts were disposed of as route disposition in the marketing area. However, a plant with only 50 percent total route disposition would qualify as a pool plant with but 5 percent of its total receipts disposed of in the marketing area. Under such circumstance, a plant with a relatively low in-area route disposition could substantially exploit the pool as a "pool rider".

The purpose of the pooling standard is to delineate the degree of association with the regulated market that requires full regulation. Clearly, any plant that disposes of at least 50 percent of its receipts as Class I milk and 10 percent of such receipts as route disposition in the marketing area is associated with the local market to a degree that requires full regulation to implement the intent and purpose of the Act. Relating marketing area performance to total milk receipts rather than total route sales will insure a more uniform application of regulation.

DI and a handler, who operates a plant in northern Georgia that is fully regulated under the adjacent Georgia order and a plant in Gadsden, Alabama, that is a partially regulated plant under the Chattanooga and Georgia orders, excepted to the 10-percent in-area route disposition percentage requirement for pooling. The handler reiterated the position he took at the hearing in urging that a 15 percent in-area route disposition requirement be adopted. Unless this change was made, he stated, his Gadsden plant would become a fully regulated plant under the merged order. DI claimed that unless a 15 percent in-area route disposition requirement for pooling is adopted, a plant at Asheville, North Carolina, which is a partially regulated plant under the Appalachian order, would become a fully regulated plant. Based on the record testimony at the hearing it does not appear that the Asheville and Gadsden plants, or any of the other three partially regulated plants now operating in the Tennessee Valley marketing area, will qualify for pooling under the merged order on the basis of their existing distribution. However, some of these plants now have significant distribution in the area of proposed regulation and adoption of a 15 percent in-area sales requirement would enable the operators of such partially regulated distributing plants to increase their Class I sales in the marketing area to a degree that would pose a serious threat to continuing market stability.

If a plant's route disposition in the marketing area is less than 10 percent of its total receipts, the plant would be subject to regulation on only its in-area sales. In this latter case, the plant, with its limited degree of association with the regulated market, is not a major competitive factor for fully regulated handlers whose sales are largely or entirely in the marketing area.

However, to minimize any price advantage that the plant might have on the limited in-area sales, the order would require a pool payment on such sales at the difference between the order's Class I price and uniform price values. As an alternative, the plant could either (1) pay its dairy farmers the classified use value for all receipts or (2) purchase under any Federal order sufficient Class I milk to cover the limited disposition within the marketing area. These payment provisions have been applicable under the marketwide pooling in the three existing orders for many years.

It is necessary, however, that a plant, wherever located, that disposes of 50 percent of its receipts of fluid milk products as Class I and 10 percent or more of its receipts of fluid milk products as route disposition in the marketing area be subject to full regulation on all of its Class I disposition, including that which is outside the marketing area. If only the plant's in-area sales were subject to order pricing, the operator of the plant could assign any value he might choose to his out-of-area sales. He thereby could reduce the average cost of all his Class I milk below that of fully regulated handlers having all their Class I sales within the marketing area. Unless his Class I sales both inside and outside the marketing area were fully regulated under the order, the plant operator in fact would not be subject to effective price regulation. It would not be possible in this circumstance to enforce uniform class prices with respect to those handlers who are in substantial competition with one another. The absence of effective pricing would disrupt orderly marketing conditions within the regulated marketing area and could lead to a complete breakdown of the order.

A plant that does not qualify as a pool distributing plant should be a pool plant in any month in which at least 50 percent of its receipts of milk from dairy farmers approved by a duly constituted regulatory agency for fluid consumption and cooperatives acting as bulk tank handlers is transferred in the form of fluid milk products to pool distributing plants. A plant thus shipping the major portion of its receipts from dairy farmers to pool distributing plants has established its association with the fluid milk market to a degree which justifies its dairy farmer patrons sharing equitably in the higher proceeds of the market's Class I sales.

Because plants which might supply milk to pool distributing plants on a regular basis may be manufacturing plants, it is appropriate that the performance requirements of supply plants be related to receipts of milk direct from dairy farms (including milk received from a cooperative association in its capacity as a handler on bulk tank milk) only. In this manner such a plant is in no way limited in its ability to receive milk from other approved plants for manufacture. This is appropriate since only the milk received from dairy farms would be pooled through the plant and accordingly there is no possibility that the pooling standards would be perverted.

A supply plant that was a pool plant in each of the immediately preceding months of August through March should be a pool plant for the months of April through July, irrespective of its shipments, unless the operator of such a plant elected nonpool status for the plant or the milk received at the plant does not continue to meet the requirements of a duly constituted regulatory agency. In such event the plant appropriately should reacquire pooling status only by meeting the prescribed shipping requirements.

The automatic pooling in April-July for a plant that qualified for pooling in the preceding August-March recognizes that the demand for supply plant milk is usually less in the months of seasonally high production than in other months. Requiring no shipments from those plants with an established association with the market in the heavy production months of April-July will avoid unnecessary, as well as uneconomical, movements of milk to the market for the sole purpose of maintaining pooling qualification for the plant.

The pooling standards for supply plants adopted herein, which were supported by both producers and handlers, are those now provided in the Chattanooga order (and similar to those in the Appalachian order). They are reasonable and appropriate under current conditions in the proposed marketing area. In conjunction with other provisions in the merged order, they will implement the pooling of the milk of those dairy farmers which by performance demonstrated their right to participation in the distribution of the proceeds of the Class I sales of the market and thus will promote orderly and stable marketing conditions. It is not necessary nor appropriate to retain the slightly different and more stringent Knoxville order provisions.

At the hearing and in their exceptions, handlers proposed restricting the provision whereby automatic pooling is accorded in April-July to a supply plant that qualified as a pool plant in the preceding August-March. Under this proposal, automatic pooling would be denied such a plant in any month of April through July in which it received the milk of any dairy farmer whose entire milk production in the preceding August-March had not been received at the same plant. The stated intent of the handler proposal was to prevent the loading of the pool with milk not previously associated with the market and not reasonably needed to supply the market. No testimony was presented, however, to show that such exploitation of the pool had been, or was currently, taking place in the market.

Nevertheless, to preserve the integrity of regulation the order should provide a safeguard against the possibility of such exploitation of the pool. The handler proposal, which would limit the automatic pooling at a plant in April-July to the milk of those dairy farmers whose total production was pooled at the

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same plant in the preceding August–March, is an unusually stringent measure and is not necessary to prevent the pooling of that milk without an established association with the market.

Under conditions in the merged order market, it is appropriate to require that milk pooled by a plant in the months when it has automatic pool status be limited to receipts from dairy farmers who had at least 60 days' production pooled under the order in the preceding August–March. Receipts at a supply plant pooled on the basis of its acquired automatic status, other than from producers, would be other source milk and would not be pooled. Milk from dairy farmers not previously associated with the market (who otherwise qualified as producers under the order) would, of course, be pooled in any month that the supply plant met the shipping requirements for pool plant status for such month.

DI urged in its exceptions that all milk received from dairy farmers in the April–July period at supply plants with automatic pooling status for such months be considered as producer milk. It claimed that excluding from the pool the receipts at such plants from dairy farmers who had less than 60 days' production pooled under the order in the preceding August–March is discriminatory, particularly since the same dairy farmer milk received at a pool distributing plant or a balancing plant in such months would be pooled.

The comparison made by the cooperative points up the need for the provision adopted herein. Distributing plants and balancing plants must qualify for pooling on the basis of each month's performance. Since the quantities of dairy farmer milk such plants may receive in each month of April–July without losing their pool plant status is limited, there is no need to limit their taking on new producers. This is quite different from the situation of a supply plant with automatic pooling in April–July. Such a plant is pooled in these flush production months solely on the basis of its performance in the preceding sesonally low production months of August–March.

The provision for pooling in April–July at a supply plant only the milk of dairy farmers who delivered at least 60 days' production to pool plants in the preceding August–March is predicated on the premise that such dairy farmers have established their role as regular suppliers of such plant. On the other hand, it may reasonably be concluded that other dairy farmers delivering to such supply plant in April–July without an established previous association with the market were in fact supplying the needs of another market in the preceding August–March. The production of such dairy farmers in April–July can reasonably be presumed to be a part of the surplus milk supply of another market and should not share in the Tennessee Valley pool at the expense of producers regularly supplying the market.

The merged order also should provide for pooling any non-distributing plant located in the marketing area and operated by a cooperative as a balancing plant for the regulated market, if during the month at least 60 percent of the producer milk of members of the cooperative is delivered from their farms to pool distributing plants or is transferred to such plants from the cooperative's balancing plant(s). Such pool status should be limited to plants approved by a duly constituted regulatory agency to handle milk for fluid consumption. The plant should not be accorded pool balancing plant status if it meets the pooling standards for a supply plant under any Federal order.

The requirements for pooling a cooperative's balancing plant adopted herein were proposed and supported by the cooperative at the hearing. They are now provided in the Chattanooga order, except that the performance requirement is 50 rather than 60 percent. Handlers opposed a 60 percent performance requirement, urging instead a 70 percent requirement.

To qualify a balancing plant for pooling under the present Appalachian order requires that at least 70 percent of the cooperative's members' producer milk be utilized in Class I at pool distributing plants. The Knoxville order has no provisions for pooling a balancing plant.

Two plants operated by the proponent cooperative have been qualifying as balancing plants under the Appalachian order. These plants, at London, Kentucky, and Bristol, Virginia, supply pool distributing plants to the extent of their requirements and nonpool plants when milk delivered to the balancing plants by the cooperative's producer members is not needed by pool handlers.

The cooperative also has a plant located in the Chattanooga marketing area, which qualified for pooling as a balancing plant under the Chattanooga order prior to August 1974. Subsequently it has been a pool plant under the Georgia order and it is likely that it will continue to be pooled under that order.

The operation of balancing plants in the Appalachian and Chattanooga markets has provided an efficient means whereby the cooperative assembled milk not needed at pool distributing plants for storage and subsequent transfer to pool plants as needed and to outside outlets or in some cases for disposition in manufactured products on the premises. This method of operation provides an efficient means whereby handlers buying milk from the cooperative may adjust their receipts from day to day to fit their bottling needs and at the same time have assurance through arrangements with the cooperative that milk will always be available for fluid use as needed.

Only a cooperative plant located in the combined and expanded marketing area should be eligible for pooling as a cooperative balancing plant. The dairy farms supplying the market are located within or close to the marketing area adopted herein. In this situation, it is only those cooperative plants located in the marketing area that can be expected to serve the market in a way and to a degree which would justify pooling other than on the basis of performance as a supply plant per se.

DI excepted to the requirement that a balancing plant be located in the marketing area. It noted that the plant it currently operates in London, Kentucky, is pooled as a balancing plant under the Appalachian order; and since London is outside the marketing area, that plant would not qualify as a pool plant under the merged order. As stated elsewhere in this decision, it is expected that the DI plant under construction at London will take the place of the present plant, will operate as a distributing plant, and qualify as a pool plant on that basis. It is contemplated that the new plant will be in operation when the order resulting from this decision becomes effective. Since the new plant will replace the present London plant and will not be operated as a balancing plant, no purpose would be served by revising the requirements for pooling that plant to facilitate its being pooled as a balancing plant.

Without the appropriate in-area requirement for a cooperative balancing plant, there would always exist the continuing threat that a multi-market cooperative could use the balancing plant provisions as a mechanism for pool loading to the detriment of nonmember producers associated with the market. Experience in other markets has clearly demonstrated that in the absence of appropriate restrictions with respect to the location of cooperative plants which may be pooled, cooperatives have been successful in acquiring pooling status for certain plants which have had little or no association with the market where pooled. To maintain the integrity of regulation, it is necessary to insure that only milk which by location or performance is reasonably a part of the market's milk supply is pooled. The provisions as here adopted implement this end.

In their exceptions handlers again urged that at least 70 percent of the cooperatives members' producer milk be used in Class I at distributing plants to qualify a balancing plant of the cooperative for pooling. Under present marketing conditions, the Class I utilization precentage of producer milk in the market has been high. It is likely that the cooperatives reasonably could meet an overall performance standard of 70 percent as urged by handlers. However, market conditions change and there still exist in the general production area considerable volumes of milk which have not converted to Grade A. As such milk is converted it reasonably can be expected to seek a share in the Class I proceeds of the market. Since such milk will be of the same quality as that milk now on the market, it must have opportunity to share equitably. To this end, a 60 percent performance requirement is appropriate. This is a more stringent requirement than the overall performance standards adopted for pool distributing and supply plants. Hence, there is no basis for concern that the cooperatives could use the balancing plant pooling requirements to pervert

the intent of the pooling standards. Since the pooling standards for the balancing plant would not be based upon minimum qualifying shipments from the plant to distributing plants, there is always the potential that such a plant could meet the shipping requirements for pooling either in this or another Federal order market. In such event, it is intended that the plant will be qualified as a pool supply plant under the appropriate order rather than as a pool balancing plant under this order.

As a further condition for pooling status, a cooperative balancing plant must be approved by a duly constituted regulatory agency to handle milk for fluid consumption. Such a provision is necessary to assure that the plant can be depended upon for supplemental milk supplies when needed by distributors. Since the merged order would not require a minimum shipment to the market from a cooperative balancing plant, it is conceivable that the plant could neglect to maintain its health approval in which case it would be inappropriate to pool the milk supply since it could not be made available to distributing plants for Class I use. Under such circumstance, there would be no justification for such milk sharing in the pool proceeds.

As a further requirement for pooling a cooperative balancing plant, the cooperative must make a request of the market administrator for pooling status. Only by this means can the cooperative's intention be known to market administrator. Under certain circumstances, a cooperative might find it feasible not to pool a plant in this market, notwithstanding the fact that the plant was eligible for pooling. As long as such plant does not meet the prescribed shipping requirements there is no necessity that it be pooled against the cooperative's wishes.

Nonpool plant. Except to provide that a plant operated by a governmental agency be designated a nonpool plant, the "nonpool plant" definition adopted in this decision is essentially that now contained in the Appalachian, Knoxville, and Chattanooga orders. A governmental agency plant should be defined as a plant operated by a governmental agency from which fluid milk products are distributed in the marketing area. Provision is not now made specifically in any of the three orders regarding their application to a plant operated by a governmental agency.

The University of Tennessee maintains a dairy herd and processing plant in Knoxville. The operator has been exempted from pooling under the present order provisions by virtue of producer-handler status. Because of the limitations being placed on a producer-handler with respect to the amount of priced milk (either pool or other order milk) which may be acquired, it is possible that the University plant may no longer be able to maintain producer-handler status. For this reason, this operation and all similar operations operated by governmental agencies should be exempt from the provisions of the order.

The operations of the University farm and the plant operated in conjunction therewith are for the purpose of carrying out in the public interest a recognized function of the State. These operations are not in the nature of the operations of proprietary handlers whose regulation is necessary to effectuate the intent of the Act.

The milk production and processing carried on at Knoxville are maintained in connection with the research and education functions of the University of Tennessee. They are used and deemed necessary in connection with the various courses given and research done under the auspices of the University.

Information concerning the extent to which other State educational institutions and mental and penal establishments within the proposed marketing area maintain herds and processing facilities to furnish milk to their residents was not presented on the record. However, it is not the normal practice of such institutions to sell milk extensively in commercial channels in competition with proprietary handlers and producers. In any event, they operate within their statutory authority and if indeed they should at any time become a competitive problem, the appropriate remedial action should be through the State Legislature rather than to require full regulation under the order.

It is likely that the University of Tennessee plant (or plants of governmental agencies similarly situated) will at times have production from its farm(s) in excess of its usual requirements. In light of the exempt status here provided, whereby producers generally do not share in the Class I utilization of such operations, it would be inappropriate to permit such institutions to share in the proceeds from the sales of pool milk. Accordingly, the order should provide that milk received at pool plants from such operations be allocated to Class III. Any such milk allocated to Class I at a pool plant would be subject to a compensatory payment at the difference between the Class I and Class III prices. This is identical to the treatment accorded producer-handlers with respect to any sale of milk to pool plants.

The University of Tennessee's milk plant (and plants of similar institutions) may at times find it necessary to purchase supplemental supplies from regulated handlers under the merged order. It may reasonably be expected that purchases in the form of fluid milk products would be made and used for Class I purposes. The order should provide, therefore, that fluid milk products transferred or diverted from pool plants to governmental agency plants be classified as Class I.

To qualify for pooling under the merged order, milk must be received either at a pool plant or by a cooperative bulk tank handler or diverted under specified conditions from a pool plant to a nonpool plant. Because a governmental agency plant would be a nonpool plant, milk received at such plant from sources other than regulated plants and producers under the merged order would not be subject to the provisions of the order. Therefore, milk from producers' farms received at a governmental agency plant could qualify as producer milk under the order only on the basis of its having been diverted from a pool plant. Otherwise, such milk would lose its producer milk status and would not be pooled or priced under the merged order.

Handler. The impact of regulation under an order is primarily on handlers. The handler definition identifies persons who will have responsiblity for filing reports and making payments for milk under the merged order.

Accordingly, the order should designate handler status for the following persons:

(1) The operator of a pool plant;

(2) A cooperative with respect to milk that is diverted for its account;

(3) A cooperative with respect to bulk tank milk picked up at the farm for delivery to a pool plant of another handler;

(4) The operator of a partially regulated distributing plant;

(5) A producer-handler; and

(6) The operator of an other order plant from which milk is disposed of in the marketing area.

Except for a cooperative as a bulk tank handler (which is provided for in the Appalachian order but not in the Knoxville and Chattanooga orders), all of the above are now defined as handlers under the three orders.

A cooperative should be a handler with respect to the milk it receives for its account from the farm of a producer for delivery to a pool plant of another handler in a tank truck owned and operated by, or under the control of, the cooperative. However, should there be a mutual arrangement between the cooperative and the plant operator whereby the latter will be the handler for such milk and will purchase it on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the cooperative need not act in a handler capacity with respect to such milk.

When the milk of any producer is commingled in a tank truck with that of other producers, the identity of the individual producer's milk is lost. The amount of the producer's milk in the truck and the butterfat content thereof can be determined only from measurement of the milk at the farm and from milk samples taken from the farm tank. After the milk has been pumped from the individual producer's farm tank into the tank truck of the hauler and commingled with the milk of other producers, there is no opportunity to measure, sample, or reject the milk of an individual producer.

Much of the milk received at plants that would be pooled under the merged order is picked up at the farm in trucks owned or operated by, or under the control of, a cooperative. In such instances only the cooperative has the opportunity to measure and sample the milk of individual producers that is received at the pool plant. In the absence of any agree-

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ment by the plant operator to be the handler for the milk, the cooperative necessarily must be the responsible handler for the milk as it leaves the farm.

When a cooperative is the handler for farm bulk tank milk, certain accounting and payment procedures should apply under the merged order to such milk. As provided in the attached order, the milk will be considered a receipt of producer milk by the cooperative at the location of the pool plant to which the milk is delivered. The purchase of such milk by the pool plant operator would be treated as an interhandler transfer, but would be classified pro rata with any producer milk that the plant operator may receive. The pool plant operator would be required to settle with the cooperative and the producer-settlement fund for the milk received from a bulk tank cooperative handler in the same way that he makes payment for milk received directly from producers. He would settle with the producer-settlement fund for any difference between the uniform price value and the classified price value for such milk and pay the cooperative the uniform price value for the milk.

The adopted accounting and payment procedure will facilitate administration of the order with respect to matters of financial responsibility and audit adjustments. The pool plant operator processes the milk and distributes it to consumers. It is reasonable, then, that the responsibility for accounting for the utilization of such milk and for its payment be placed directly on the plant operator. Were settlement with the pool to be made by the cooperative, i.e., should the plant operator settle with the cooperative at class prices and the cooperative settle with the producer-settlement fund, an unnecessary third party is involved in the transaction. Also, the adopted procedure will facilitate the handling of audit adjustments that might result from the verification of a plant's utilization of milk. An error in the reported classification of milk at the pool plant, for example, would not require a related adjustment in the cooperative's classification of milk and thus its obligation to the pool for such milk.

A pool plant operator receiving farm bulk tank milk from a cooperative also should be responsible for paying to the market administrator the administrative assessment on such milk. The audit and verification activities of the market administrator relate essentially to the operations of the pool plant where the milk is processed. As in the case of producer milk which he receives from the farm, the plant operator thus should pay his pro rata share of the administrative costs on milk received from the cooperative in its capacity as a bulk tank handler.

When the cooperative assumes its role as the responsible handler on farm bulk tank milk, the pool plant operator may buy such milk on the basis of weights and butterfat tests determined at the plant rather than on the basis of those determined at the farm. Usually, the quantity of milk picked up at the farm slightly exceeds the quantity ascertained as actually received at the plant. In such cases, the difference should be considered as a receipt of producer milk by the cooperative at the location of the pool plant where the milk in the tank truck was delivered. The cooperative should be obligated to settle with the producer-settlement fund and to pay the administrative assessment on the milk involved.

The pool plant operator should be permitted under the merged order to be the responsible handler on bulk tank milk moved by the cooperative from the farm to the plant if both the cooperative and the pool plant operator notify the market administrator that they have agreed to such a handler arrangement and that the plant operator agrees to purchase the milk on the basis of weights and tests determined at the farm. Under this arrangement, the pool plant operator would be responsible for the milk in the same manner as for producer milk that he receives at his plant directly from the farm.

A cooperative also should be a handler with respect to the milk of a producer which is diverted for the account of the association from a pool plant of another handler to a nonpool plant that is not a producer-handler plant. All three orders proposed to be merged provide that a cooperative may act as a handler for diverted milk. Continuation of this handling arrangement will facilitate the movement of milk not needed for fluid use to nonpool plants for manufacturing.

The merged order should afford a cooperative flexibility in the arrangements under which it sells milk to pool plants or disposes of reserve supplies. If it so chooses, a cooperative should be able to pick up the milk of nonmember producers along with the milk of its members for delivery to a pool plant or for diversion to nonpool plants. This procedure will enable the cooperative to act as the marketing agent for a nonmember producer who, although he has not become a member of the cooperative, has contracted with the cooperative to act as the marketing agent for his milk. Nothing in the order would require a cooperative to pick up the milk of nonmember producers. It would provide, however, that when a cooperative does pick up the milk of nonmember producers on trucks under its control it must assume varying degrees of responsibility with respect to such milk, depending on the handling arrangements made.

DI excepted to the wording of the provision whereby a cooperative as the operator of a bulk tank pickup route would be the handler for the milk picked up at the farm of a nonmember producer. The cooperative's exception proposed that a cooperative not be the handler for such nonmember milk unless the market administrator had determined that such nonmember had authorized the cooperative to collect for his milk.

Any contractual arrangement entered into between a nonmember producer and a cooperative as a bulk tank handler picking up milk at such producer's farm is not a matter to require any prior overt action by the market administrator. Involving him in such an arrangement, entered into voluntarily by the cooperative and the nonmember, is unnecessary and would serve no useful purpose.

The Capper-Volstead Act provides the criteria by which cooperative associations are determined to be qualified cooperatives under the Agricultural Marketing Agreement Act. With the adopted handler definition, the merged order would be consistent with that provision of the Capper-Volstead Act which recognizes that cooperatives may "deal in the products of nonmembers" and which limits such dealings to amounts not greater in value than as are "handled by it for members."

If the nonmember producer has contracted with a cooperative to market his milk and collect payment therefor, the cooperative may pay the nonmember in accordance with the contract. If such marketing functions occur in the absence of a contract, the cooperative would be required to pay the nonmember producer not less than the prices prescribed by the order.

Producer-handler. As under the three present orders, the merged order should provide for the exemption of a "producer-handler" from the pooling and pricing provisions of the order.

Experience under the orders has demonstrated that effective regulation can be achieved without the full regulation of those persons who produce, process, and distribute essentially only the milk produced on their own farms and who buy no milk from other dairy farmers or plants other than pool plants and other order plants. Such operations are basically self-sufficient in that they rely primarily on their own farm production and assume the burden of maintaining the necessary reserve supply of milk associated with their fluid-milk operations in disposing of any daily or seasonal surplus they may produce.

As adopted herein, a producer-handler is any person who operates a dairy farm and a processing plant and who receives no fluid milk products from sources other than his own farm production, pool plants, and other order plants. Any such receipts from pool plants and other order plants during the month may not exceed a daily average of 1,500 pounds. A producer-handler may not dispose of any other source milk in the form of a fluid milk product except through the addition of nonfat milk solids to fortify fluid milk products received from his own farm or from pool plants.

To qualify as a producer-handler, such person must provide proof satisfactory to the market administrator that the care and management of the dairy farm and other resources necessary for his own farm production of milk and the management and operation of the processing plant are the personal enterprise and risk of such person.

As long as he retains his exempt status, the only obligation imposed on a producer-handler by the order is to keep records, to file reports with the market administrator and to permit their verification. The purpose of such reports is to permit the market administrator to verify that the operation continues to be one of a bona fide producer-handler. Such reports are necessary regardless of the size of the producer-handler operation.

Under the merged order a producer-handler must provide milk for his processing operation essentially only from his own-farm production. The operations of processors with own-farm production who rely on other plants for substantial supplemental supplies either in bulk or packaged form are not significantly different from the operations conducted by pool handlers. In addition, such individuals do not assume the risk or cost of providing a full supply for their own needs. If such operations are not pooled, the pool does not receive the benefit of their Class I sales but acts as a supply balance by carrying their necessary reserve milk supplies.

Notwithstanding the above conclusion, it is appropriate that producer-handlers be permitted some tolerance for purchasing fluid milk products from other plants. A limitation of 1,500 pounds per day average during the month on a producer-handler's purchases from pool plants and other order plants will insure against unintentional involvement in regulation of producer-handlers as a group while at the same time deterring larger handlers with own-farm production from evading the pooling of such production by seeking producer-handler status.

Except for the limited privilege of using receipts from other order plants as described above, the provisions of the merged order preclude a producer-handler from using other source milk for Class I, except nonfat dry milk used solely to increase the nonfat milk solids content of the fluid milk products he processes. Such provisions are necessary since a producer-handler to retain his status for all practical purposes must carry on a self-contained operation. If such an individual were permitted to reconstitute or otherwise use other source milk as a source of supplemental supplies, there would be no basis for distinguishing the operations of such individuals from the operations conducted by pool handlers. Furthermore, since a producer-handler is not regulated, and therefore does not incur a pool obligation, it is not appropriate that he have access to supplemental supplies other than from fully regulated sources. In the absence of such a requirement, a producer-handler could find it advantageous to reconstitute nonfat dry milk, for example, and sell it in fluid form to consumers. With nonfat dry milk carrying only a surplus milk value, competing regulated handlers would be at a disadvantage on their Class I sales.

As indicated, a producer-handler's exemption from the pooling and pricing provisions is predicated upon the basic self-sufficiency of the total operation. Accordingly, no other person should be permitted to share the risk involved with the operation of a producer-handler's farm or his plant. All resources necessary for his own farm production of milk must be his personal risk. Similarly, all risks associated with the operation of the processing plant must be that of the producer-handler. The risk concept need not extend to the actual distribution on routes of the milk processed by the producer-handler. Experience with the producer-handler provision indicates it is unrealistic and unnecessary to require a producer-handler to have sole responsibility for his route disposition. It must be understood, however, that the restrictions applicable to a producer-handler regarding milk supplies from sources other than his own farm are equally applicable to any distribution facility (including routes) operated by him, an affiliate, or any person who controls or is controlled by him. Any receipts of milk from other than his own farm that are disposed of through such a facility or on such routes will be included as though a receipt at his plant for the purpose of determining his status as a producer-handler.

Producer. The term "producer" defines those dairy farmers who constitute the regular source of supply for the merged order market. The producer definition provided herein is basically that now contained in the three orders.

Producer status under the merged order generally should be provided for any dairy farmer who produces milk approved by a duly constituted regulatory agency for fluid consumption and whose milk is received at a pool plant directly from the farm or is received by a cooperative association as a handler on farm bulk tank milk for delivery to a pool plant. Producer status should also be accorded such a dairy farmer who has an established association with the market and whose milk is diverted to nonpool plants on occasion for surplus disposal.

A producer-handler and a governmental agency, which have exempt status under the merged order, are excepted from the producer definition. In addition, the merged order should preclude the possibility of a dairy farmer being a producer under two orders for the same milk. In this regard, the producer definition should exclude (1) a person for milk diverted to a pool plant under this order from a fully regulated plant under an other order if such person is a producer under the other order for such milk and it is allocated by agreement to Class II or Class III use under this order and (2) a person for milk diverted to an other order plant from a pool plant under this order if any portion of such person's milk is assigned to Class I milk under the other order.

Under certain conditions the producer definition would not include a dairy farmer whose milk is received at or diverted from a supply plant that has automatic pool plant status in any month of April through July. As indicated elsewhere in this decision, such a person who had less than 60 days of his production received at or diverted from pool plants in the preceding August–March period, would not qualify as a producer with respect to the milk from his farm received at or diverted from a pool supply plant with automatic pool plant status in any month of April–July.

Producer milk. The "producer milk" definition is intended to define the milk that would be priced and pooled under the merged order.

As provided herein, producer milk would include the milk received directly from a producer at a pool plant by the plant operator, received by a cooperative as a bulk tank handler, or diverted from a pool plant to a nonpool plant under specified conditions.

Diversions of producer milk from a pool plant to a nonpool plant (except a producer-handler plant) for the account of the handler operating the pool plant are recognized with specified limitations. Similar diversions could be made for the account of a cooperative from the pool plant of another handler.

Diversion provisions are desirable to facilitate the orderly and efficient disposition of the market's reserve milk supplies. It is necessary, however, to safeguard against the association with the market through the diversion process of unneeded milk supplies which are intended solely for manufacturing use. Accordingly, certain limitations should apply to diversions of producer milk to nonpool plants.

No limit should be placed on the number of days that an established producer's milk may be diverted to nonpool plants in the seasonally high production months of April through July. In August through March a producer should be required to deliver at least two days' production (one delivery for a producer on every-other-day pickup) to a pool plant during the month to qualify any remainder of his monthly production as diverted milk.

In addition to the requirement that at least two days' production of a producer be delivered to a pool plant to qualify any remainder of his milk for diversion in the months of August through March, a limitation should be placed on the total quantity of producer milk that may be diverted monthly to nonpool plants by a handler. The total quantity of milk so diverted by a cooperative should not exceed one-third of the volume of producer milk that the cooperative caused to be physically delivered to pool plants during the month. Likewise, the operator of a pool plant that is not a cooperative should be permitted to divert any milk that is not under the control of a cooperative to the extent that the total quantity of milk diverted does not exceed one-third of the producer milk physically received at such plant during the month that is eligible to be diverted by the plant operator.

Any milk diverted by a handler in excess of the quantity limitations should not be producer milk. If a diverting handler does not designate the producer deliveries to nonpool plants that are not

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producer milk, no milk diverted to nonpool plants by such handler during the month should be producer milk.

As provided herein, milk diverted from a pool plant is included in the plant's receipts for purposes of determining whether or not the plant meets the applicable pooling standards. It is necessary under this procedure to safeguard against a pool plant not meeting the pooling standards because too much milk was diverted from the plant by a cooperative, perhaps without timely knowledge of this by the plant operator. Accordingly, whatever quantity of milk diverted by a cooperative from a pool plant of another handler that would cause such plant to become a nonpool plant should not be considered as producer milk.

Under the present Appalachian order unlimited diversions are now allowed in March through July. In August through February not more than 15 days of a producer's milk may be diverted in any month.

The Knoxville order allows unlimited diversions in March–August. At least 4 days' production of a producer must be delivered to pool plants during the month to qualify his remaining production for diversion in any month of September–February. However, the total quantity of milk that may be diverted by a cooperative in September–February may not exceed 35 percent of the total quantity of its members' producer milk physically received at pool plants during the month. Likewise, the total quantity of milk that a proprietary handler may divert from a pool plant during any month of September–February may not exceed 35 percent of the total quantity milk of nonmember producers physically received at his plant during the month.

Under the Chattanooga order unlimited diversions are allowed in December–August. In September–November, the diversion provisions are the same as those described above for the Knoxville order for September–February.

The cooperative proposed that a producer be required to deliver to pool plants during the month 20 days' production in September–February and 10 days' production in March–August to qualify his remaining production for diversion. It also proposed that a cooperative be allowed to divert the total monthly production of individual members without limit in March–August if the cooperative's total diversions are not more than 33 percent of its total producer milk for the month. Under the cooperative's proposal this option would likewise apply to a proprietary handler with respect to his nonmember milk.

A handler proposal would allow unlimited diversions in March–July. In any month of August–February, a producer's milk could not be diverted more than 15 days.

Because of variations in market needs and in production, the milk of each producer may not be needed every day for processing as fluid milk at the plant to which it is customarily delivered. It is necessary, however, that there be a reserve of qualified milk available for the fluctuating needs of handlers serving the market. When the milk of any dairy farmer regularly supplying the market is not needed at the plant to which it is usually shipped, it can be handled most economically by diversion directly from the farm to nonpool manufacturing plants.

A requirement of substantial deliveries of milk of individual producers for establishing diversion eligibility rights would be a deterrent to efficient handling of that milk in excess of handlers' immediate fluid needs. Appropriately, however, a means must be provided for establishing that the milk of individual dairy farmers reported as diverted producer milk has a bona fide association with the market and is, in fact, qualified for fluid use. To this end, it is reasonable to require that two days' production of each producer be physically received at a pool plant in any month of August through March to qualify his remaining production in the same month for diversion as producer milk.

Limiting monthly diversions in August–March by a cooperative to not more than one-third of the producer milk it caused to be delivered to pool plants during the month (and providing similarly for a proprietary pool plant operator for all other producer milk received at his plant) will provide a reasonable safeguard against exploitation of the pool by associating with the market the production of dairy farmers whose milk is not a part of the regular market supply, and which is intended solely for manufacturing uses. The one-third limitation will be adequate to accommodate the efficient disposition of the market's reserve milk supply under existing market conditions.

In April–July, handling of the reserve supplies of the market will be most economically achieved by allowing unlimited diversions (as now provided in designated high production months under the three existing orders). April–July are the months when production for the merged order market are highest relative to Class I needs. Limiting diversions in these months could result in uneconomical shipments of milk from the farms of producers regularly supplying the market to pool plants (from which, in turn, unneeded supplies would have to be shipped to nonpool plants for manufacturing) to acquire pooling status and thus to enable the producers to share equally in the marketwide pool. The diversion provisions adopted herein for April–July will tend to avoid unnecessary interplant shipments in handling the market's reserve milk supplies.

DI excepted to the diversion provisions provided in the recommended decision and adopted herein. It urged that at least 10 days' production of a producer's monthly production be delivered to pool plants to qualify his remaining monthly production for diversion in September–February. For the March–August period, DI's exceptions proposed that at least one day's production of a producer be delivered to a pool plant to qualify his remaining monthly production for diversion. Additionally, DI's exceptions proposed that a cooperative be allowed to divert the total production of individual members without limit in March–August if the cooperative's total diversions are not more than 40 percent of its total producer milk for the month. The cooperative's proposal in this regard would likewise apply to a proprietary handler for his nonmember milk.

Limiting diversions as proposed in the cooperative's exceptions would tend to defeat the primary purpose of the diversion provisions: to facilitate the orderly and efficient disposition of the market's reserve milk supply. Instead of contributing to the efficient handling of producer milk when it is not needed for fluid use, the more restrictive limitations on diversions proposed by the cooperatives in its exceptions would impede the handling of such milk. Accordingly, and for the reasons stated above, the cooperative's proposal in this regard is denied.

All diverted milk should be deemed for pricing purposes to have been received by the diverting handler at the location of the plant to which the milk was diverted. A handler proposal would price diverted milk at the location of the plant from which diverted. Likewise, a cooperative proposal would price milk diverted to a plant within 125 miles of Bristol, Kingsport, Knoxville, or Chattanooga at the location of the plant from which diverted.

The location adjustments are provided in recognition of the greater value of producer milk f.o.b. plants in or near the marketing area as compared to its value at other locations. It is not appropriate to continue pricing milk as if delivered to the pool plant from which diverted (as now provided in the three existing orders).

When producer milk is received as diverted milk at a nonpool plant, its location value is similar to that of milk delivered by producers to a pool plant at the same distance from the market. Pricing milk at the location of the pool plant from which diverted has the effect of subsidizing, at the expense of producers generally, the more distant producers when the latter's milk is diverted to distant manufacturing plants rather than delivered to the market. This is because the distant producers would receive the f.o.b. market uniform price on milk that is not moved to the market and on which the full cost for the farm to market hauling has not been incurred.

A proposal made by handlers at the hearing and in their exceptions, which would exclude from the producer milk definition a cooperative's members' milk disposed of for Class II use under specified conditions, should not be adopted. As proposed, cooperative member milk which the cooperative directed to a Class II use would not qualify as producer milk if the operator of a pool plant regularly purchasing Class I milk from such cooperative had requested, and was unable to obtain, milk for Class II use from the cooperative.

The proponent handler receives about 65 percent of his milk supply from members of a cooperative and 35 percent from nonmember producers. To produce Class II products such handler utilizes both milk received from producers and nonfluid milk products (e.g., nonfat dry milk and condensed milk). He indicated that he preferred the producer milk for making Class II products.

The handler stated that the cooperative had shifted to another plant for Class III use producers whose milk he wanted for Class II use. He expressed the view that the cooperative should supply his Class II needs with direct-delivery milk from member producers' farms before moving milk to another plant for Class III. This same handler has followed the practice of turning back milk to the cooperative during periods of heavy production while keeping the milk of his nonmember producers for Class II uses.

The Class II price under the order is the Class III price plus 10 cents. The Class II classification, like Class III, is a residual use and returns to the producers essentially a manufacturing milk value price.

The prices established under the order are intended to insure an adequate supply of pure and wholesome milk for the fluid market only. It is not intended that milk supplies shall be generated to insure handlers also supplies for other uses. Under usual circumstances, it is reasonable to expect that the available milk supplies in the hands of the cooperative and in excess of fluid needs will be disposed of in those outlets which will return the highest value to the cooperative. There are many considerations which obviously must be evaluated by the cooperative in any determination of how its reserve milk supply will be disposed of. It would be inappropriate to condition the pooling of the market's reserve supply on its availability to proprietary handlers for other than Class I use.

A handler is not restricted with respect to his source of supplies for other than Class I. Similarly, the cooperative should not be restricted in its choice of outlets for member milk with an established association with the market which is not needed for Class I use.

Whether a dairy farmer's milk will qualify for pooling under the order is determined by the performance of the plant to which his milk is delivered in meeting the standards for qualifying as a pool plant. A plant that qualifies as a pool plant does so on the basis of having demonstrated an association with the market based on the Class I utilization of milk handled at such plant; or, in the case of a cooperative operating a balancing plant, on the basis of the total quantity of the cooperative producer-members' milk delivered to pool plants. The utilization of Class II milk at a plant in no way contributes to qualifying a plant as a pool plant. This recognizes that Class II is a residual use that returns to producers a price substantially below that at which they may be expected to produce milk for the fluid milk market.

(b) *Classification.* The uniform classification plan, which became effective August 1, 1974, in the Chattanooga order (and 38 other orders), is an appropriate basis for classifying milk under the merged order and should be adopted for the identical reasons set forth in the Secretary's decision adopting such classification plan. This plan provides for the classification of milk according to use, including rules for determining the classification of milk transferred or diverted from one plant to another. The plan also sets forth a procedure for allocating a handler's receipts of milk and milk products from various sources to his utilization in each class in order to determine the classification of producer milk.

This classification plan was proposed and supported by the cooperative and by other handlers. The cooperative's proposal, however, would have modified the shrinkage provisions by prorating shrinkage up to 2 percent of a plant's producer milk according to the utilization at the plant. Compared to the classification of shrinkage under the uniform classification plan advocated by handlers, this procedure would reduce substantially the quantity of shrinkage eligible for a Class III classification.

The testimony presented by the cooperative at the hearing provided no basis to justify adopting shrinkage classification provisions for the merged order different from those found appropriate for the Chattanooga order (and 38 other orders) by the Assistant Secretary in his February 2, 1974, decision (39 F.R. 8452), of which official notice is taken. Accordingly, the cooperative's proposal for different shrinkage classification provisions is denied.

A hearing was held June 26, 1975, in Washington, D.C., to consider adopting a revised "fluid milk product" definition in the orders (including Chattanooga) containing the uniform classification plan. The specific issue at that hearing concerned including in the fluid milk product definition the skim milk and butterfat in all flavored milk and flavored milk drinks with a nonfat milk solids content of not less than 6.5 percent by weight. A decision was issued July 11, 1975 (40 F.R. 30119), and on August 1, 1975, 37 orders (including Chattanooga) were amended to include the proposed "fluid milk product" definition. It is appropriate for the reasons stated in that decision (of which official note is taken) that the revised fluid milk product definition be included in the order adopted in this decision.

(c) *Class I price.* The Class I price per hundredweight of milk containing 3.5 percent butterfat should be the basic formula price (Minnesota-Wisconsin manufacturing milk price) for the second preceding month plus a Class I differential of $2.10. This is the identical pricing procedure employed under the respective orders. However, the present Class I differentials for the Appalachian, Knoxville, and Chattanooga orders are $2.13, $1.70, and $2.15, respectively.

The $2.10 differential adopted herein would have resulted in an average Class I price of $9.36 for 1974. The actual average Class I prices in 1974 under the Appalachian, Knoxville, and Chattanooga orders were $9.39, $8.96, and $9.41, respectively.

Of the total 1974 Class I utilization of producer milk under the three orders of 848 million pounds, the Appalachian order pooled 452 million pounds, Knoxville 127 million pounds, and Chattanooga 269 million pounds. The weighted average price obtained by applying each order's Class I prices to the pounds of producer milk utilized in Class I under such order is $9.33.

The proponent cooperative contended that a Class I differential of at least $2.15 is necessary to insure the production of adequate supplies for the market and to maintain a reasonable alignment with the Class I prices in other Federal orders. The cooperative's spokesman held that its proposed Class I price was appropriately related to the cost of obtaining milk from the Chicago milkshed, the primary source of supplemental milk supplies nationally.

A handler proposal would have provided a $1.84 Class I differential. Handlers contended that a lower Class I price than that proposed by the cooperative is justified in recognition of the fact that local handlers compete extensively for sales in certain locations with handlers regulated by adjacent Federal orders with substantially lower Class I prices. They cited particularly the lower Class I prices under the Nashville, Ohio Valley, and Louisville-Lexington-Evansville orders.

The Class I price established under an order must be at a level which, in conjunction with other class prices, results in returns to producers high enough to maintain an adequate but not excessive supply of quality milk to meet the fluid requirements, including the necessary market reserves. The Class I price also, insofar as practicable, reasonably must be appropriately aligned with the Class I prices in other competing Federal order markets. It cannot, however, in the public interest be established at a level which exceeds the cost of obtaining milk of acceptable quality and regular availability from alternative sources.

The combined Class I utilization for the three order markets averaged 83 percent of the producer milk pooled in 1974, which is a clear indication of a relatively tight market. In a number of months during the year the combined Class I utilization was more than 90 percent. This tight supply situation necessitated the importation of substantial quantities of milk, particularly during the months of seasonally low production, to meet the Class I needs of the market.

In view of the tight supply situation in this area it would be unrealistic to provide a Class I price level under the merged order below the average price that has been provided under the existing orders. The $2.10 Class I differential adopted herein approximates the

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weighted average of the Class I prices now applicable under the three orders.

The Class I differential on the Chicago Regional order is $1.26. Applying a location adjustment rate of 1.5 cents per hundredweight per 10 miles, which is the relationship on which Federal order prices are generally structured, to the distance from Chicago of 558 miles (the average of the distances from Chicago to Bristol, Knoxville, and Chattanooga) would indicate the need for a differential 84 cents in excess of the Chicago differential. This would result in a Class I differential of $2.10 for the Tennessee Valley marketing area, which is the differential adopted in this decision.

The cooperative excepted to the $2.10 Class I differential adopted in the recommended decision. It held that its proposed $2.15 differential is more appropriate in view of the relatively high Class I utilization of the market. Its exceptions stated that, because the $2.10 differential is 3 cents less than the $2.13 Appalachian order differential and 5 cents less than the $2.15 differential under the Chattancoga order, it is inadequate for the merged order.

Although the Class I differential adopted herein is below that in the Appalachian and Chattanooga orders by 3 cents and 5 cents, respectively, it is 40 cents more than the Knoxville Class differential. The weighted average Class I differential obtained by applying each order's Class I differential to the pounds of producer milk utilized in Class I in 1974 under each of the respective three orders is $2.07, 3 cents less than the $2.10 Class I differential provided herein for the merged order.

The cooperatives' exceptions also stated that a Class I differential of at least $2.15 is justified to compensate for the reduction in returns to producers of 4 to 5 cents that would result by adopting for the merged order the shrinkage provisions now contained in the Chattanooga order rather than those presently included in the Appalachian and Knoxville orders. The cooperative's claim in this regard is without foundation. A realistic appraisal of incorporating the present Chattanooga (rather than Appalachian and Knoxville) order shrinkage provisions in the merged order indicates a net effect on producer returns significantly less than the 3-cent increase (from $2.07 to $2.10) in the Class I differential provided in the merged order (as compared to the weighted average Class I differential under the present three orders).

Handlers' exceptions contended that their proposed $1.84 Class I differential is core justified under conditions in the merged order market than the $2.10 differential adopted in the recommended decision. The lower differential, they argued, is necessary to achieve an appropriate relationship between the Class I prices under the Tennessee Valley order and other orders. Their exceptions suggested that the Class I prices in other orders should be revised upward to relate more appropriately to the Tennessee Valley order.

Consideration must, of course, be given to handlers' concerns with respect to interorder price relationship among competing markets. It is quite apparent that price relationships between the three markets here under consideration and the adjacent Louisville-Lexington-Evansville and Nashville orders have not been structured on the basis of the general thesis of interorder price relationships. The existing unusual price relationships are in large measure reflective of the significant differences in the supply situation and other economic considerations relating to the procurement of milk for those markets. Notwithstanding, it is apparent that with continuing technological developments the competitive situation between these markets is changing significantly.

It is not possible on the basis of this record to in any way modify the Class I price level in the neighboring markets. On the other hand, as previously indicated, it would be totally inappropriate to provide a lower Class I price level for the merged order than that here adopted. This will essentially maintain the relationships which have existed for an extended period of time.

It is essential in the interest of long run market stability that the price level in the Louisville-Lexington-Evansville and Nashville markets be revaluated. In this regard, official notice is taken of the fact that hearings to accomplish this end have already been completed.

(d) *Location adjustments.* Location adjustments must be included in the order to insure an appropriate adjustment of the Class I and uniform prices at plant locations beyond the central market. Such adjustment, insofar as practicable, should be reflective of distance from the central market and the variable costs of moving milk to provide equity of prices as between handlers and equality of returns among producers.

No location adjustment should apply at any plant (1) in the marketing area or (2) east of the Mississippi River and south of the southern boundary of Tennessee or the northern boundary of South Carolina.

At plants outside the above named areas and more than 90 miles from Bristol, Chattanooga, and Knoxville, Tennessee, the location adjustment should be 1.5 cents for each 10 miles or fraction thereof that the plant is from the nearest of such basing points. The mileage for determining the location adjustment should be measured by the shortest hard-surfaced highway distance as determined by the market administrator.

Dairymen, Inc., proposed that location adjustments apply at plant locations 60 miles or more from Bristol, Chattanooga, Kingsport, or Knoxville, Tennessee, at the rate of 12 cents plus an additional 2 cents for each 10 miles beyond 70 miles. As proposed by the cooperative, location adjustments would reduce Class I prices at such plant locations in Kentucky, Tennessee, West Virginia, and Tazewell County, Virginia; and would increase the Class I price at other plant locations in Virginia, in North Carolina, and in states south of Tennessee and North Carolina. The cooperative's spokesman held that the adoption of its proposal would provide an appropriate price of milk for all plants which are, or might become, associated with the regulated market.

A handler proposal would provide no location adjustment at plants (1) in North Carolina, Tennessee, and Virginia; (2) in states south of Tennessee and North Carolina; (3) within 100 miles of the marketing area; and (4) within 350 miles of designated basing points (Bristol, Knoxville, or Chattanooga, Tennessee, or Harlan, Kentucky). At plants located elsewhere, the Class I and uniform prices would be reduced 1.5 cents for each 10 miles beyond 350 miles from the nearest basing point. Proponent handlers contended that such a provision is necessary to provide equity among handlers.

Under the present Appalachian order, location adjustments apply at plants 50 miles or more from the nearer of Bluefield, Welch, or Princeton, West Virginia; Harlan, Kentucky; or Kingsport, Tennessee. The location adjustment reduces the price at such plants at the rate of 10 cents plus an additional 1.5 cents for each 10 miles beyond 60 miles.

The Knoxville order location adjustment reduces the price 15 cents at plants 50 miles or more from Knoxville plus an additional 1.5 cents for each 10 miles beyond 60 miles.

The Chattanooga order location adjustment (applicable only at plants north of the southern boundary of Tennessee and the northern boundary of South Carolina) reduces the price 15 cents at plants more than 65 miles from Chattanooga plus an additional 1.5 cents for each 10 miles beyond 75 miles.

Under each of the respective orders location adjustments are not applicable to plants located within the marketing area. The Class I price adopted herein is established at a level deemed appropriate to obtain adequate milk supplies at plant locations f.o.b. the marketing area. At plant locations outside the marketing area, however, the Class I and uniform prices appropriately must be adjusted to reflect the value of milk at such locations relative to its value f.o.b. the marketing area.

For this reason, the DI proposal to provide location adjustments that would result in higher Class I and blend prices at outlying plants associated with the market but located in Virginia, North Carolina, and other locations generally south of Tennessee, must be denied. To provide such adjustments could only have the effect of limiting outside handlers access to the regulated market. While competitive prices at outside locations, in some situations, may exceed the order prices here provided, it would not be appropriate to assess on outside handlers under the terms of the order a price higher than that assessed on handlers within the regulated market.

An important aspect of fixing location adjustments, particularly for an elongated marketing area such as is provided herein, is to establish basing points which will tend to promote equity of pricing among regulated handlers. In this connection, the basing points for computing location adjustments under the combined and extended order should be Bristol, Chattanooga, and Knoxville, Tennessee. Many of the regulated plants serving the market are in close proximity to these cities, which are the principal population centers in the market. No useful purpose would be served by retaining the additional basing points that have been employed under the Appalachian order or to adopt additional new basing points. The scheme of location pricing here adopted will promote appropriate price alignment as among competing handlers.

Because of the location of plants in the market, and the general overlapping of procurement and distribution areas of competing handlers, it is impractical and unnecessary to provide location adjustments at plant locations in the marketing area or within 90 miles of the three basing points (i.e., Bristol, Chattanooga or Knoxville). Equity as between handlers and among producers will be advanced by providing a single pricing at all locations within this area.

Handlers' exceptions held that no location adjustments should apply at plants located within 110 miles (rather than 90 miles as provided herein) of the nearest basing point. The stated intent of handlers' exceptions is to have no location adjustment apply at London, Kentucky, where the DI plant under construction is scheduled to be in operation before the end of 1976.

As adopted in this decision, the location adjustment applicable at London, based on a distance of between 100 to 110 miles from Knoxville, would be minus 16.5 cents. This minus location adjustment, handlers claimed, would give DI's distribution from the London plant an advantage in competing for sales in the marketing area with distribution from their plants.

At the present time, a fully regulated plant under the Appalachian order at London is subject to a minus 13-cent location adjustment under that order. The lesser value of milk at London relative to its value in the marketing area is also recognized in the location pricing under the Knoxville and Chattanooga orders. The location adjustments applicable at London under the present Knoxville and Chattanooga orders are minus 21 cents and minus 33 cents, respectively.

London is in Laurel County, Kentucky, which borders on both the Louisville-Lexington-Evansville and proposed Tennessee Valley marketing areas. It is approximately 140 miles from Louisville, 160 miles from Bristol, 190 miles from Chattanooga and 100 miles from Knoxville, the principal cities in Louisville-Lexington-Evansville, Appalachian, Chattanooga and Knoxville marketing areas. Handlers regulated under the Louisville order, as well as other order handlers, will be competing for sales with the London plant. It is anticipated that milk from the London plant will be distributed over a wide area, primarily within the proposed Tennessee Valley and Louisville marketing areas. It seems most prospective that the plant will be regulated under the Tennessee Valley order. However, the possibility of regulation under the Louisville order cannot totally be dismissed.

The Louisville order Class I differential at London is $1.49. This compares with a Class I differential at London of $1.935 ($2.10 minus 16.5 cents) as provided in this decision under the Tennessee Valley order. Providing for no location adjustment at London, as proposed by handlers, would widen even further the present disparate spread between the Louisville and Tennessee Valley order Class I prices applicable at London.

London, which is from 100 to 190 miles from the major cities of the Tennessee Valley marketing area is, of course, much nearer than such cities to the lower priced Federal order markets to the north. If no location adjustment were to be applicable at London, as handlers proposed, the London plant (at which the Class I price f.o.b. the marketing area would then apply) would be at a disadvantage in competing in their common sales areas with distribution from plants under the lower priced orders to the north. Also, if no location adjustment were applicable at London, producers in that area could have no assurance of a continuing reliable market since the plant would be at a substantial disadvantage in competition for sales with Louisville order handlers as well as with other Tennessee Valley handlers in the primary sales areas of the respective markets.

The Class I price adopted in this decision is established at a level deemed appropriate to obtain adequate milk supplies at plant locations f.o.b. the market's principal population centers and to insure an appropriate adjustment of Class I prices at plants outside the marketing area. These adjustments reasonably reflect the value of milk at such locations relative to its value f.o.b. the market's principal cities and the variable cost of moving milk to provide equity of prices as between handlers and equality of returns among producers.

Extending the area in which no location adjustment shall apply to 110 miles (rather than 90 miles) from the nearest basing point would tend to defeat the primary purpose for which location adjustment provisions are incorporated in an order; i.e., pricing milk relative to its value f.o.b. the principal population centers in the marketing area. Accordingly, the handler proposal is denied.

For plant locations east of the Mississippi River and south of the southern boundary of Tennessee or the northern boundary of South Carolina, no useful purpose would be served by the application of location pricing.

Historically, the Chicago milkshed has been a major source of supplemental supplies for markets throughout much of the United States, including the markets in this general region. To reflect the variable cost of moving milk from the Upper Midwest to distant markets, Class I prices in Federal order markets are structured to generally increase in relation to the distance from the Chicago milkshed. Substantially, the gradation of prices from market to market from north to south reflects a differential approximating 1.5 cents per hundredweight per 10 miles. This structuring of prices must be recognized in the structuring of pricing under this order in the interest of maintaining orderly marketing in the region.

Prices in markets south of the Tennessee Valley market exceed the price established herein. Milk markets to the south are generally in tight supply, and handlers should not be encouraged by price incentives to procure milk for this market from plants to the south. To do so would encourage uneconomic milk movements. To provide adjustments which would reduce the order price at locations to the south could distort the interorder price alignment among competing plants, which is essential to continuing orderly marketing in the region.

In its exceptions DI held that the recommended decision's justification in providing for no location adjustment at plant locations south of the marketing area is equally applicable with respect to plants located in Virginia and North Carolina. The cooperative was particularly concerned that no location adjustment apply at Lynchburg, Virginia, and Asheville, North Carolina.

The Asheville plant has for many years been a partially regulated distributing plant under the Appalachian order and is expected to continue as a partially regulated plant under the merged order. Since Asheville is less than 90 miles from the nearest basing point in the marketing area, no location adjustment would apply at that plant under the order. The DI exception has apparently assumed that Asheville was more than 90 miles from the nearest basing point.

The Lynchburg plant is a fully regulated plant under the Appalachian order and is expected to be a pool plant under the merged order. Lynchburg is 196 miles from Bristol.

Under the proposed merged order a minus 30-cent location adjustment would apply at Lynchburg. This is comparable to the location adjustment that is now applicable at Lynchburg under the Appalachian order. There was no testimony at the hearing to indicate that the location pricing at Lynchburg has been inappropriate or should be significantly changed.

DI argued that in order to better relate the Tennessee Valley order Class I price at Lynchburg to the Class I price that would be applicable there under the Middle Atlantic order, no location adjustment should be applicable at Lynchburg. The Class I differential in Washington, D.C., under the Middle Atlantic order is $2.78. Under the location pricing of the Middle Atlantic order this differential would be reduced by 27 cents f.o.b. Lynchburg, resulting in a Class I differential applicable at Lynchburg under the Middle Atlantic order of $2.51. The Class I differential at Lynchburg under the Tennessee Valley order is $1.80 (the $2.10 Class I differential minus a 30-cent location adjustment).

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The Lynchburg plant has no distribution in the Middle Atlantic market and does not compete for sales or for its milk supplies with Middle Atlantic order handlers. Its principal competitors are Tennessee Valley order handlers. As indicated elsewhere in this decision, the location pricing under the Tennessee Valley order is based on the value of milk at the principal population centers in the marketing area. Bristol, the nearest of such population centers, is 366 miles from Washington, D.C. Under the location pricing of the Middle Atlantic order this would result in a minus location adjustment of 53.5 cents at Bristol, which reflects more meaningfully the relationship of the Class I prices under the Middle Atlantic and the Tennessee Valley orders.

The Lynchburg plant, which is owned and operated by DI, is considerable distance from the marketing area. All other plant that would be fully regulated under the merged order are in, or in close proximity to, the major population centers in the marketing area. The Class I price f.o.b. Lynchburg under the Tennessee Valley order appropriately reflects the 196-mile distance from Lynchburg to the nearest population center in the marketing area.

The Appalachian, Chattanooga and Knoxville orders all provide for applying location adjustments at plants in Virginia and North Carolina that are outside specified distances from major cities in each of the orders. The Chattanooga order provides that no location adjustments shall be applicable at plants south of the southern border of Tennessee or the northern border of South Carolina, the same as provided in this decision.

The overlapping sales and procurement areas of handlers regulated by the Georgia and Chattanooga orders were recognized when the present Chattanooga order location adjustment provisions were adopted in 1969. The structure of pricing herein adopted will continue essentially the identical interorder price relationships which have existed between Georgia and Chattanooga regulated plants.

DI urged the adoption of a location adjustment rate of two cents per 10-mile distance rate rather than the 1.5 cent rate here adopted. It contended that the present rate, which has been used for an extended period of time, no longer reflects the cost of transporting milk from distant plants to the market. In support of their position, the cooperative introduced data showing actual charges it had paid for the hauling of supplemental milk from Wisconsin to various points in Indiana, Kentucky and Ohio during the fall months of 1974. These data showed hauling rates varying from 1.8 to 2.3 cents per hundredweight per 10 miles. The cooperative also presented information showing substantial price increases in various items affecting transportation costs, such as costs for trucks, tankers and fuel.

Handler representatives acknowledged that transportation costs had increased. However, they urged that 1.5 cent per 10-mile distance be used in any location adjustment provisions to be contained in any order or orders resulting from this hearing. They contended it would be inappropriate to increase the 1.5 cent factor unless it is increased in all Federal orders at the same time.

It is neither appropriate nor necessary to establish higher prices in this market solely to reflect the currently higher transportation costs for moving milk. Such objective can only be accomplished through a general hearing covering all Federal orders. At any such hearing, one of the matters which would have to be resolved would be how this might be accomplished within the limits of the present variation in Class I prices from north to south. Further, if the total difference in prices north to south were to be increased, an important consideration at such hearing would center on how this might be accomplished under the standards of the Act and existing supply-demand relationships. Accordingly, the 2-cent per 10-mile location adjustment rate proposed by the cooperative is denied.

A handler proposal submitted at the hearing would apply location adjustments to the Class I price based on the location where the Class I milk is disposed of instead of at the location of the plant to which milk was delivered from producers' farms. Since the Act specifically provides for the pricing of milk at "the locations at which delivery * * * is made", the proposal is denied.

The merger proponent urged continuation of the order provisions that limit the amount of the location adjustment which may be allowed under certain conditions. When a distant pool supply plant ships milk under an agreed upon Class I classification to a pool distributing plant in the marketing area, the pool obligation of the supply plant operator will usually be the Class I price adjusted for the location of the supply plant. However, to the extent that the distributing plant receiving supply plant milk has also received milk directly from producers to cover its Class I sales, the supply plant operator does not receive the location adjustment credit (equal to the amount of the location adjustment at his plant) otherwise applicable with respect to his pool obligation for the Class I milk so transferred.

The basic concept of this limitation on location adjustment credits should be carried forth under the merged order. A distributing plant operator appropriately should be required to assign his locally produced milk first to his Class I needs. Permitting a handler to bring in distant supply plant milk for Class I use and then to allocate the local supply into lower valued uses would result in subsidizing from the pool, at the expense of reduced returns to producers, the unnecessary transportation of milk to the market. This is because the Class I milk involved would be priced not at the location of the distributing plant but at the supply plant location where the Class I price is lower. This would subvert the intent of the Class I price level at the distributing plant, which is to attract milk to that location for Class I use. It is this price level that must be reflected in returns to producers.

Distributing plants relying on supply plant milk for Class I use should be encouraged to draw such milk from the nearest plant or plants. Otherwise, producers on the market would have their returns lowered through the granting of price credits on milk unnecessarily moved between pool plants for other than Class I use.

In some situations a distributing plant in the marketing area may receive milk from a near-in supply plant under an agreed Class III classification while receiving an equivalent amount of more distant supply plant milk under an agreed Class I classification. Although the more distant plant would be eligible for a location adjustment credit under such circumstances under the provisions adopted herein, such credit should be limited to the lesser credit that would have been applicable to the near-in supply plant milk had it been classified as Class I milk. This procedure serves to restrict the transportation costs which are borne by the pool, and hence all producers, to that necessary to fulfill handler's Class I needs.

(e) *Partial payments to producers.* Handlers should be required to make a partial payment for milk received during the first 15 days of the month from producers and cooperative bulk tank handlers at not less than the Class III price for the preceding month or 90 percent of the uniform price for the preceding month, whichever is higher. The payment should be made on or before the last day of the month with respect to all milk received during the first 15 days of the month from producers who had not discontinued delivery to the handler by the 25th day of the month. Partial payments to cooperatives authorized to collect payment for members should be made two days before the last day of the month.

The Chattanooga order requires a partial payment by the last day of the month for milk delivered during the first 15 days of the month by producers who had not discontinued delivery to the handler before the 25th of the month. The payment rate is the previous month's Class III price. Payments to cooperatives authorized to collect for producer members are due two days earlier than payments to individual producers. Authorized deductions from the partial payment are allowed.

The Knoxville order partial payment provisions are similar to those in the Chattanooga order. However, deductions from the partial payment are not allowed and the payment must be made whether or not a producer had discontinued his shipments to the handler during the month.

The present Appalachian order requires no partial payments for producer milk.

Dairymen, Inc., proposed that handlers be required to make separate partial payments for producer milk received during each of the first two 10-day delivery periods of the month. Under this proposal these payments, at 90 percent of the previous month's uniform price, would be due on the 17th and 27th of the month to individual producers and two days earlier to cooperatives collecting for their member producers. In its post-hearing brief, the cooperative urged that the rate of payment be not less than the previous month's Class III price. The cooperative's proposal would permit authorized deductions to be withheld from the partial payments.

Proponent cooperative's spokesman recognized that its proposed partial payment provisions would increase handlers' costs for milk, but held they are needed to improve the cash flow to dairy farmers. He contended that dairy farmers, faced with increasing production costs and greater demands for cash for purchasing items needed to continue producing milk, urgently need payment for their milk at a higher rate and at more frequent intervals. Higher interest rates in the last two years were cited in particular as justifying more frequent payments to producers.

Handlers proposed a single partial payment to be made by the last day of the month at the previous month's Class III price. Such partial payment would apply to all milk received during the first 15 days of the month from producers who had not discontinued shipping to such handler before the 25th day of the month. Their proposal would permit authorized deductions to be withheld in making such partial payment.

Handlers opposed any requirement for two partial payments on the basis that the reasons cited by proponent for needing more frequent partial payments reflect general business conditions facing handlers and producers alike. Handlers' representatives contended the order should not be changed to recognize producers' problems at the expense of handlers.

Handlers claimed that two partial payments for a large volume of producer milk at a higher rate, as proposed, would significantly increase their costs for milk. In addition to requiring more frequent cash outlays, administrative costs related to making more frequent payments would increase as well, according to their spokesmen. They also contended that adoption of the proposal would impose a burdensome time schedule on handlers during the first 15 days of the month.

The Milk Industry Foundation, a national trade association of milk processors, opposed the proposal for two partial payments and stated that its adoption would result in added costs to handlers. It took the position that any changes to be made in payment dates or procedures should be applicable on a uniform basis in all Federal orders.

Since producers must make cash outlays for their production inputs or, in the alternative, borrow money in the competitive commercial market to cover their production costs, it is readily understandable that they desire prompt payment for their milk. At the same time, it is also understandable that handlers oppose change from traditional market payment practices that would increase their payment costs.

There was no opposition to a requirement that handlers make a partial payment prior to the date for final payment for milk. Although such payments are not now required under the Appalachian order, both producers and handlers regulated under that order supported the adoption of a partial payment provision for the merged and extended order. Under these circumstances, it is concluded that a single advance payment for milk delivered during the first 15 days of the month is appropriate. Such payment should be required on or before the last day of the month (two days earlier if payment is made to the cooperative) for all producers who had not discontinued delivery to the handler before the 25th day of the month. This comports with the traditional payment procedure followed in most milk markets. While the two advance payments requested by the cooperative could, under some circumstances, insure a better cash flow for some producers, this procedure would not over time change the total monies a producer would receive in a 30-day period. In light of the potential additional costs to handlers and an additional administrative cost which would be incurred, there is no compelling justification for the requested two partial payments.

Requiring a partial payment rate (90 percent of the previous month's uniform price) as proposed by the cooperative, will provide assurance to producers of a partial payment closely reflecting the value of their milk deliveries during the first half of the month. In light of the lapse of time between delivery and time of payment, it is desirable that the payment reflect the approximate value of the milk for which payment is being made. The purpose of the change in payment rate to 90 percent of the previous month is to increase the amount of partial payment. It would be inappropriate if the change should result in a lesser payment. Accordingly, it is provided that such payment rate shall not under any circumstance be less than the previous month's Class III price.

In opposing the cooperative's proposal for two partial payments, handlers expressed concern that the likelihood of overpayments to producers who discontinued milk deliveries during the month would be increased. Since the partial payment provisions adopted herein apply only to the first 15 days' deliveries by producers who had not discontinued shipping by the 25th of the month, the likelihood of any overpayments is minimized.

Recognizing that producers may purchase supplies through their handler on credit or arrange with the handler to pay assignments against monies due from their milk proceeds, it is appropriate that the order permit proper deductions from the individual producer payments authorized in writing by the producer.

Although the findings in the recommended decision were that the merged order should permit proper deductions from the individual producer payments authorized in writing by the producer, this was not clearly indicated in the order language in the recommended decision. A handler exception urged that the order explicitly authorize such deductions from payments otherwise due individual producers, particularly with respect to the partial payments for producer's milk delivered during the first 15 days of the month. This is done in the attached order.

(f) *Base-excess plan.* A base-excess plan should not be included in the merged order.

A handler proponent of merging the Chattanooga and Knoxville orders proposed including the Chattanooga order's base-excess plan provisions in any order resulting from this proceeding that would regulate his plant. (Under the Chattanooga order, a daily base is calculated for each producer in accordance with his deliveries in September through January. In the following March through July, a producer is paid a base price for his deliveries that are not in excess of his base and a lower price for any additional milk delivered.) The handler claimed that failure to provide a base-excess plan would result in extreme and costly seasonal production variations.

Dairymen, Inc. (DI), proponent of the three-market merger, although its hearing notice proposal included no base-excess plan, supported inclusion of such a plan in the merged order. The cooperative's spokesman contended that adoption of a base-excess plan would benefit consumers, processors, and producers by encouraging a leveling of seasonal milk production.

One handler opposed including a base-excess plan in any order resulting from the hearing that would involve the Appalachian market. He contended that the Appalachian and Knoxville orders have operated successfully without such a plan. He expressed the view that because the proposed merged order is a high Class I utilization market without a substantial seasonal production problem, a base-excess plan would serve only to restrict entry of new producers into the market in an unnecessary manner.

A base-excess plan has operated under the Chattanooga order since its inception in 1956. Base-excess plans formerly included in the Knoxville and Appalachian orders were terminated [1] in 1968 and 1971, respectively.

In supporting a base-excess plan for the merged order, DI relied upon production data of its member producers to demonstrate the leveling effect of the

[1] Official notice is taken of the order terminating the base-excess provisions in the Knoxville order, effective December 7, 1968 (33 F.R. 8228) and of the order terminating the base-excess provisions in the Appalachian order, effective March 25, 1971 (36 F.R. 5576).

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cooperative-operated base-excess plan on production. Its member producers' daily production for the months of lowest production in each year averaged 88 percent of that for the highest production months in the same year during the most recent seven-year period.

The proponent of a base-excess plan pointed out that the cooperative operates a base-excess plan, and under such circumstances the order should include such a plan so that nonmember producers would receive payment for their milk on the same basis as member producers.

Seasonal variations in total milk production pooled under the three orders are not extreme. In 1974, production per day in August, September and October (the months of lowest production) averaged 86 percent of daily production in March, April and May (the months of highest production). The record provides no indication that a base-excess plan could achieve a more desirable seasonality of production or is needed to maintain the present seasonality of production.

When the base-excess plan in the Appalachian order was terminated in 1971, it was at the request of DI, representing 99 percent of the producers under the order. The basis for the request was that the cooperative had recently adopted a base-excess method of paying producers considerably different from the base-excess plan in the order.

Termination of the Knoxville base-excess plan in 1968 resulted from the request of Tennessee Valley Milk Producers (which later became a part of DI), representing 98 percent of the order's producers. The cooperative then reblended the proceeds from the sale of its members' milk, irrespective of where sold, and paid its members under the Knoxville and Chattanooga orders on the same basis. The request for termination was granted to assist the cooperative in using a uniform base-excess plan in paying its members.

DI, under its base-excess plan operated outside the order, reblends the proceeds from the sale of its members' milk in a number of markets, including the three proposed to be merged. In effect, the reasons for removing the base-excess plans from the Appalachian and Knoxville orders are equally applicable under current conditions as justification for not including a base-excess plan in the attached order.

Notwithstanding, DI and the handler proponent of a base-excess plan excepted to the recommended decision's failure to provide for a base-excess plan. According to DI's exceptions, a base-excess plan is now needed because of changed marketing conditions in the area since the Appalachian and Knoxville base-excess plans were terminated. The principal change in marketing conditions cited by DI is the "considerable nonmember milk" under the Appalachian order now in contrast to the 99 percent of Appalachian order producer milk delivered by DI members when that order's base-excess plan was terminated in 1971.

The proponent handler's exceptions state that a base-excess plan should be included in the merged order because it would have a stabilizing effect on the market, thereby achieving a more complete attainment of the orderly marketing objectives of the Act; because it was maintained continuously in the Chattanooga order for a number of years and is being maintained as a desirable market tool in other Federal orders; and because DI, which represents a majority of the producers on the market, supports inclusion of a base-excess plan under the merged order. The handler's exceptions also contended that a base-excess plan should be included in the order so that cooperative members and nonmember producers would be paid on the same base-excess plan.

The record of this hearing does not support the need for a base-excess plan. The fact that the cooperative operates its own plan, reblending proceeds from the same of its members' milk in a number of markets, necessarily limits the possible effectiveness of a base-excess plan under the order.

Nevertheless, if interested parties desire that further consideration be given to the adoption of a base-excess plan, the matter appropriately should be explored in a new proceeding at a later date. It is not necessary or appropriate to further delay the proceeding for this purpose.

(g) *Administrative provisions.* (1) *Advancing announcement of Class II price.* One handler proposal considered at the hearing would provide that the Class II price for the month be announced by the 5th day of the preceding month and be based on the basic formula price for the second preceding month.

A similar proposal by handlers was denied in a decision issued February 19, 1974 (39 F.R. 8452) concerning classification and other issues in 39 orders, including the Chattanooga order. The present proceeding does not present any changed circumstances that provide a basis for different conclusion with respect to the Tennessee Valley marketing area. The proposal is denied for the identical reasons stated by the Assistant Secretary in his February 19, 1974 decision, official notice of which is taken.

The hearing on which this decision is based was reopened June 2, 1976, at Clayton, Missouri. That hearing, at which amendments to 31 other orders were also considered, was concerned with the "advance" Class II pricing provision resulting from the February 19, 1974, decision referred to above. Should any change in the date for announcing the Class II price as herein provided be made as a result of that hearing, this will be implemented by amendment action.

(2) *Allowing handlers to report on basis of two accounting periods in any month.* Proposals to allow handlers the option of filing two monthly reports of receipts and utilization should not be adopted.

Under proposals submitted by Dairymen, Inc., and by other handlers, a handler could elect to report milk receipts and utilization for any month on the basis of two accounting periods. The present Appalachian order provides for filing two reports if a handler so elects.

A spokesman for proponent handlers testified that permitting two accounting periods within a single month would provide handlers greater flexibility in procuring milk supplies. He maintained that such flexibility would result from being able to more nearly trace the actual use of particular receipts. According to his testimony, this would be of benefit in assuring an adequate supply of milk.

At the hearing and in their exceptions proponent handlers argued that permitting two accounting periods within a single month would provide handlers greater flexibility in procuring milk supplies. They maintained that such flexibility would result from being able to more nearly trace the actual use of particular receipts. According to their testimony, this would be of benefit in assuring an adequate supply of milk.

The claim that an option of filing two reports would benefit handlers was not substantiated by the evidence. Two of the three orders merged in this decision require a single monthly report of receipts and utilization. Throughout the Federal order system the month is the prescribed accounting period. No evidence was presented to show that handlers under the Knoxville and Chattanooga orders have in any way been adversely affected by the lack of the option for split accounting. Additionally, there is no indication that handlers under the Appalachian order have ever utilized the option. The record fails, therefore, to establish that any useful purpose would be served by including the proposed provision in the merged order.

(3) *Interest on overdue accounts.* Proponent cooperative proposed a one-half percent per month interest charge on any unpaid obligation incurred under the order. As proposed, the change would be applied on the first day of the month following the due date and on the first day of each month thereafter until such obligation is paid. The interest provision, as proposed, would apply to money owed by a handler to the market administrator, by the market administrator to a handler, and by a handler to a producer or a cooperative. Proponent claimed such provisions are needed to insure prompt payment of obligations imposed under the order.

Handlers opposed adoption of the cooperative's proposal on the grounds that such provisions are not included, and have not been needed, in the three existing orders. Their spokesmen particularly opposed applying late-payment charges on handler obligations to producers and cooperatives. They express the view that good credit policing by producer cooperatives and others would obviate any need for including such provisions in an order.

There is no indication on the record of any significant delinquencies by handlers on the market in meeting payment obligations to the market administrator or to producers, including cooperatives. We are not aware that there has been, or is, any problem in the matter of payments. Clearly, the proposal presented could not be helpful. To the contrary, the fact that interest charges would not be instituted until the first day of the month following the due date could only encourage handlers to defer payment obligations until the end of the month. This has been the experience with interest charges under Federal orders when a grace period is specifically provided. In addition, (1) an interest charge of one-half percent per month could not be expected to implement payment and (2) there is no practical way in which an interest charge could be effectively administered on handler obligations to producers and cooperatives.

Under the circumstance, it is concluded that no interest provision should be adopted on the basis of this record. If such a provision nevertheless is desired, the matter should be explored in greater depth in another proceeding.

(4) *Merger of the administrative expense, marketing service, and producer-settlement funds.* To accomplish the merger of the three orders effectively and equitably, the reserves in the administrative expense funds that have resulted under the individual orders should be combined. A similar procedure should be followed with respect to the marketing service and producer-settlement fund reserves of the individual orders. Any liabilities of such funds under the individual orders should be paid from the appropriate new fund established under the merged order. Similarly, obligations that are due the several funds under the individual orders should be paid to the appropriate combined fund under the merged order.

The money paid to the administrative expense fund is each handler's proportionate share of the cost of administering the order. It is anticipated that all handlers currently regulated under the individual orders will continue to be regulated under the merged order. In view of this, it would be an unnecessary administrative and financial burden to allocate back to handlers the reserve funds under the individual orders and then accumulate an adequate reserve for the merged order. It is equally equitable and more efficient to combine the administrative monies accumulated under the individual orders and to pay any liabilities against such funds from the consolidated fund of the merged order.

The money accumulated in the marketing service funds of the individual orders is that which has been paid by producers for whom the market administrator is performing services. The producers who have contributed to the marketing service fund of each order are expected to continue to supply milk under the merged order. The consolidation of the reserves in the individual marketing service funds is therefore appropriate in view of the continuation of the marketing service program for these producers under the merged order.

The producer-settlement fund balances in the three orders should be combined so that the producer-settlement fund under the merged order may be continued without interruption. The producers currently supplying the individual markets are expected to continue to supply milk for the merged market. Thus, monies now in the producer-settlement funds of the individual orders would be reflected in the uniform prices of the producers who will benefit from the merged order. The combined fund would also serve as a contingency fund from which money would be available to meet obligations (resulting from audit adjustments and otherwise) accruing under one or the other of the separate funds.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held;

(d) All milk and milk products handled by handlers, as defined in the tentative marketing agreement and the order as hereby proposed to be amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(e) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to milk specified in § 1011.85 of the aforesaid tentative marketing agreement and the order as proposed to be amended.

Rulings on Exceptions

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing Agreement and Order

Annexed hereto and made a part hereof are two documents, a MARKETING AGREEMENT[1] regulating the handling of milk, and an ORDER amending and merging the orders regulating the handling of milk in the aforesaid specified marketing area, which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the Federal Register. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

Determination of Producer Approval and Representative Period

June 1976 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending and merging the aforesaid orders regulating the handling of milk in the aforesaid specified marketing areas is approved or favored by producers, as defined under the terms of the attached order, who during such representative period were engaged in the production of milk for sale within the marketing area defined in the attached order.

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[1] Marketing agreement filed as part of original document.

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Signed at Washington, D.C., on: August 10, 1976.

RICHARD L. FELTNER,
Assistant Secretary.

Order[3] amending and merging the orders, regulating the handling of milk in the Appalachian; Knoxville, Tennessee; and Chattanooga, Tennessee marketing areas

FINDINGS AND DETERMINATIONS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the aforesaid marketing areas. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The Tennessee Valley order, which amends and merges the aforesaid orders and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the Tennessee Valley marketing area, and the minimum prices specified in the Tennessee Valley order, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The Tennessee Valley order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the Tennessee Valley order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to milk specified in § 1011.85 of the attached order.

Order relative to handling. It is therefore ordered that on and after the effective date hereof orders regulating the handling of milk in the Appalachian; Chattanooga, Tennessee; and Knoxville, Tennessee, marketing areas (Parts 1011, 1090, and 1101, respectively) shall be amended and merged into one order. Parts 1090 and 1101 are thereby superseded, and such vacated part designations shall be reserved for future assignment. The handling of milk in the merged marketing area, to be designated as the "Tennessee Valley marketing area" (Part 1011) shall be in conformity to and in compliance with the terms and conditions of the following attached order:

The provisions of the proposed marketing agreement and order amending and merging the aforesaid orders, as contained in the recommended decision issued by the Administrator on March 12, 1976, and published in the FEDERAL REGISTER on March 18, 1976 (41 FR 11432), shall be and are the terms and provisions of this order and are set forth in full herein, subject to the modifications made in §§ 1011.10 and 1011.73.

[3] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

PART 1011—MILK IN THE TENNESSEE VALLEY MARKETING AREA

Subpart—Order Regulating Handling

GENERAL PROVISIONS

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1011.1 General provisions.

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ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

1011.85 Assessment for order administration.
1011.86 Deduction for marketing services.

AUTHORITY: Secs. 1–19, 48 Stat. 31, as amended, 7 U.S.C. 601–674.

Subpart—Order Regulating Handling

GENERAL PROVISIONS

§ 1011.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

DEFINITIONS

§ 1011.2 Tennessee Valley marketing area.

The "Tennessee Valley marketing area", hereinafter called the marketing area, means all the territory within the boundaries of the following counties, including all waterfront facilities connected therewith and all territory occupied by government (municipal, State, or Federal) reservations, installations, institutions, or other similar establishments if any part thereof is within the listed counties:

(a) In Tennessee, the counties of:

Anderson	Loudon
Blount	Marion
Bradley	McMinn
Campbell	Meigs
Carter	Monroe
Claiborne	Morgan
Cocke	Polk
Cumberland	Rhea
Grainger	Roane
Greene	Scott
Hamblen	Sequatchie
Hamilton	Sevier
Hancock	Sullivan
Hawkins	Unicoi
Jefferson	Union
Johnson	Washington
Knox	

(b) In Kentucky, the counties of:

Bell	Leslie
Breathitt	Letcher
Harlan	Perry
Knott	Whitley
Knox	

(c) In Virginia: (1) The counties of:

Buchanan	Scott
Dickenson	Tazewell
Lee	Washington
Russell	Wise

(2) The cities of:

Bristol	Norton

(d) In Georgia, the counties of:

Catoosa	Murray
Chattooga	Walker
Dade	Whitfield
Fannin	

(e) In West Virginia, the counties of:

McDowell	Mercer

§ 1011.3 Route disposition.

"Route disposition" means a delivery to a retail or wholesale outlet (except to a plant) either direct or through any distribution facility (including disposition from a plant store, vendor or vending machine) of a fluid milk product classified as Class I milk.

§ 1011.4 Plant.

"Plant" means the land, buildings, facilities, and equipment constituting a single operating unit or establishment at which milk or milk products (including filled milk) are received, processed, or packaged. Separate facilities without stationary storage tanks which are used only as a reload point for transferring bulk milk from one tank truck to another or separate facilities used only as a distribution point for storing packaged fluid milk products in transit for route disposition shall not be a plant under this definition.

§ 1011.5 [Reserved]

§ 1011.6 [Reserved]

§ 1011.7 Pool plant.

Except as provided in paragraph (e) of this section, "pool plant" means:

(a) A plant that is approved by a duly constituted regulatory agency for the processing or packaging of Grade A milk and from which during the month:

(1) Route disposition, except filled milk, in the marketing area is not less than 10 percent of the total quantity of Grade A fluid milk products, except filled milk, physically received at such plant or diverted therefrom pursuant to § 1011.13; and

(2) The total quantity of fluid milk products, except filled milk, disposed of in Class I is not less than 50 percent of the total quantity of fluid milk products, except filled milk, physically received at such plant or diverted therefrom pursuant to § 1011.13.

(b) A plant, other than a plant described in paragraph (a) of this section, from which not less than 50 percent of the total quantity of milk approved by a duly constituted regulatory agency for fluid consumption that is physically received from dairy farmers (except receipts at such plant by diversion from other order plants) and handlers described in § 1011.9(c) at such plant or diverted therefrom pursuant to § 1011.13 during the month is shipped from such plant as fluid milk products, except filled milk, to pool plants pursuant to paragraph (a) of this section.

(c) A plant that was a pool plant pursuant to paragraph (b) of this section in each of the immediately preceding months of August through March shall be a pool plant for the months of April through July unless the milk received at the plant does not continue to meet the requirements of a duly constituted regulatory agency or a written application is filed by the plant operator with the market administrator on or before the first day of any such month requesting that the plant be designated as a nonpool plant for such month and each subsequent month through July during which it would not otherwise qualify as a pool plant.

(d) Any plant located in the marketing area that is operated by a cooperative association if pool plant status under this paragraph is requested for such plant by the cooperative association and during the month 60 percent or more of the producer milk of members of the cooperative association is delivered directly from their farms to pool plants described in paragraph (a) of this section or is transferred to such plants as a bulk fluid milk product from the plant of the cooperative association, subject to the following conditions:

(1) The plant does not qualify as a pool plant under paragraph (a), (b), or (c) of this section or under the provisions of another Federal order applicable to a distributing plant or a supply plant; and

(2) The plant is approved by a duly constituted regulatory agency to handle milk for fluid consumption.

(e) The term "pool plant" shall not apply to the following plants:

(1) a producer-handler plant;

(2) A governmental agency plant;

(3) A plant qualified pursuant to paragraph (a) of this section which also meets the pooling requirements of another Federal order and from which there is a greater quantity of route disposition, except filled milk, during the month in such other Federal order marketing area than in this marketing area; and

(4) A plant qualified pursuant to paragraph (b) or (c) of this section which also meets the pooling requirements for the month under another Federal order unless such plant qualified as a pool plant pursuant to paragraph (b) of this section for each of the preceding months of August through March.

§ 1011.8 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing, or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is not a producer-handler plant, a governmental agency plant or an other order plant and from which there is route disposition in consumer-type packages or dispenser units in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is not a producer-handler plant, a governmental agency plant or an other order plant and from which fluid milk products are shipped to a pool plant.

(e) "Governmental agency plant" means a plant operated by a governmental agency from which fluid milk products are distributed in the marketing area. Such plant shall be exempt from all provisions of this part.

§ 1011.9 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more pool plants;

(b) A cooperative association with respect to milk of producers diverted for the account of such association pursuant to § 1011.13;

(c) Any cooperative association with respect to milk that it receives for its account from the farm of a producer for delivery to a pool plant of another handler in a tank truck owned and operated by, or under the control of, such cooperative association, unless both the cooperative association and the operator of the pool plant notify the market administrator prior to the time that such milk is delivered to the pool plant that the plant operator will be the handler for such milk and will purchase such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples. Milk for which the cooperative association is the handler pursuant to this paragraph shall be deemed to have been received by the cooperative association at the location of the pool plant to which such milk is delivered;

(d) Any person who operates a partially regulated distributing plant;

(e) A producer-handler; and

(f) Any person who operates an other order plant described in § 1011.7(e).

§ 1011.10 Producer-handler.

"Producer-handler" means any person:

(a) Who operates a dairy farm and a processing plant from which there is route disposition in the marketing area;

(b) Who receives no fluid milk products from sources other than his own farm production, pool plants and other order plants;

(c) Whose receipts of fluid milk products from pool plants and other order plants do not exceed a daily average of 1,500 pounds during the month;

(d) Who disposes of no other source milk as Class I milk except by increasing the nonfat milk solids content of the fluid milk products received from his own farm production or pool plants; and

(e) Who provides proof satisfactory to the market administrator that the

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care and management of the dairy farm and other resources necessary for his own farm production of milk and the management and operation of the processing plant are the personal enterprise and risk of such person.

§ 1011.11 [Reserved]

§ 1011.12 Producer.

(a) Except as provided in paragraph (b) of this section, "producer" means any person who produces milk approved by a duly constituted regulatory agency for fluid consumption, which milk is:

(1) Received at a pool plant directly from such person;

(2) Received by a handler described in § 1011.9(c); or

(3) Diverted from a pool plant in accordance with § 1011.13.

(b) "Producer" shall not include:

(1) A producer-handler as described in any order (including this part) issued pursuant to the Act;

(2) A governmental agency operating a plant exempt pursuant to § 1011.8(e);

(3) Any person with respect to milk produced by him that is diverted to a pool plant from an other order plant if the other order designates such person as a producer under that order and such milk is allocated to Class II or Class III utilization pursuant to § 1011.44(a)(8)(iii) and the corresponding step of § 1011.44(b);

(4) Any person with respect to milk produced by him that is reported as diverted to another order plant if any portion of such person's milk so moved is assigned to Class I under the provisions of such other order; and

(5) A person with respect to any milk that is received at or diverted from a plant that has automatic pool status pursuant to § 1011.7(c) in any month of April through July, unless at least 60 days' production from the farm of such person was producer milk during the preceding August through March or unless such plant is a pool plant for the month on the basis of shipments to pool plants described in § 1011.7(a).

§ 1011.13 Producer milk.

"Producer milk" means the skim milk and butterfat contained in milk of a producer that is:

(a) Received at a pool plant directly from such producer by the operator of the plant;

(b) Received by a handler described in § 1011.9(c); or

(c) Diverted by the operator of a pool plant or a cooperative association from a pool plant to a nonpool plant that is not a producer-handler plant, subject to the following conditions:

(1) In any month of April through July, such milk may be diverted on any number of days;

(2) In any month of August through March, not less than two days' production of the producer whose milk is diverted is physically received at a pool plant during the month;

(3) In any month of August through March, the total quantity of milk so diverted during the month by a cooperative association shall not exceed one-third of the producer milk that the cooperative association caused to be delivered to, and is physically received at, pool plants during the month;

(4) In any month of August through March, the operator of a pool plant that is not a cooperative association may divert any milk that is not under the control of a cooperative association that diverts milk during the month pursuant to paragraph (c)(3) of this section. The total quantity of milk so diverted during the month shall not exceed one-third of the producer milk physically received at such plant during the month that is eligible to be diverted by the plant operator;

(5) To the extent that it would result in nonpool status for the pool plant from which diverted, milk diverted for the account of a cooperative association from the pool plant of another handler shall not be producer milk;

(6) The cooperative association shall designate the dairy farmer deliveries that are not producer milk pursuant to paragraph (c)(5) of this section. If the cooperative association fails to make such designation, no milk diverted by it to a nonpool plant shall be producer milk; and

(7) Diverted milk shall be priced at the location of the nonpool plant to which diverted.

§ 1011.14 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts of fluid milk products and bulk products specified in § 1011.40(b)(1) from any source other than producers, handlers described in § 1011.9(c), or pool plants;

(b) Receipts in packaged form from other plants of products specified in § 1011.40(b)(1);

(c) Products (other than fluid milk products, products specified in § 1011.40(b)(1), and products produced at the plant during the same month) from any source which are reprocessed, converted into, or combined with another product in the plant during the month; and

(d) Receipts of any milk product (other than a fluid milk product or a product specified in § 1011.40(b)(1)) for which the handler fails to establish a disposition.

§ 1011.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form: Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted.

(b) The term "fluid milk product" shall not include:

(1) Evaported or condensed milk (plain or sweetened), evaporated or condensed skim milk (plain or sweetened), formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers, any product that contains by weight less than 6.5 percent nonfat milk solids, and whey; and

(2) The quantity of skim milk in any modified product specified in paragraph (a) of this section that is in excess of the quantity of skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

§ 1011.16 Fluid cream product.

"Fluid cream product" means cream (other than plastic cream or frozen cream), sour cream, or a mixture (including a cultured mixture) of cream and milk or skim milk containing 9 percent or more butterfat, with or without the addition of other ingredients.

§ 1011.17 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted, or modified by the addition of nonfat milk solids), with or without milk-fat, so that the product (including stabilizers, emulsifiers, or flavoring) resembles milk or any other fluid milk product, and contains less than 6 percent nonmilk fat (or oil).

§ 1011.18 Cooperative association.

"Cooperative association" means any cooperative association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have and to be exercising full authority in the sale of milk of its members.

HANDLER REPORTS

§ 1011.30 Reports of receipts and utilization.

On or before the sixth day after the end of each month, each handler shall report for such month to the market administrator, in the detail and on forms prescribed by the market administrator, as follows:

(a) Each handler, with respect to each of his pool plants, shall report the quantities of skim milk and butterfat contained in or represented by:

(1) Receipts of producer milk, including producer milk diverted from the pool plant to other plants;

(2) Receipts of milk from handlers described in § 1011.9(c);

(3) Receipts of fluid milk products and bulk fluid cream products from other pool plants;

(4) Receipts of other source milk;

(5) Inventories at the beginning and end of the month of fluid milk products and products specified in § 1011.40(b)(1); and

(6) The utilization or disposition of all milk, filled milk, and milk products required to be reported pursuant to this paragraph.

(b) Each handler operating a partially regulated distributing plant shall report with respect to such plant in the same manner as prescribed for reports required by paragraph (a) of this section. Receipts of milk that would have been producer milk if the plant had been fully regulated shall be reported in lieu of producer milk. Such report shall show also the quantity of any reconstituted skim milk in route disposition in the marketing area.

(c) Each handler described in § 1011.9(b) and (c) shall report:

(1) The quantities of all skim milk and butterfat contained in receipts of milk from producers; and

(2) The utilization or disposition of all such receipts.

(d) Each handler not specified in paragraphs (a) through (c) of this section shall report with respect to his receipts and utilization of milk, filled milk, and milk products in such manner as the market administrator may prescribe.

§ 1011.31 Payroll reports.

(a) On or before the 20th day after the end of each month, each handler described in § 1011.9(a), (b), and (c) shall report to the market administrator his producer payroll for such month, in the detail prescribed by the market administrator, showing for each producer:

(1) His name and address;

(2) The total pounds of milk received from such producer;

(3) The average butterfat content of such milk; and

(4) The price per hundredweight, the gross amount due, the amount and nature of any deductions, and the net amount paid.

(b) Each handler operating a partially regulated distributing plant who elects to make payment pursuant to § 1011.76(b) shall report for each dairy farmer who would have been a producer if the plant had been fully regulated in the same manner as prescribed for reports required by paragraph (a) of this section.

§ 1011.32 Other reports.

In addition to the reports required pursuant to §§ 1011.30 and 1011.31, each handler shall report such other information as the market administrator deems necessary to verify or establish each handler's obligation under the order.

CLASSIFICATION OF MILK

§ 1011.40 Classes of utilization.

Except as provided in § 1011.42, all skim milk and butterfat required to be reported by a handler pursuant to § 1011.30 shall be classified as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, except as otherwise provided in paragraphs (b) and (c) of this section; and

(2) Not specifically accounted for as Class II or Class III milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid cream product, eggnog, yogurt, and any product containing 6 percent or more nonmilk fat (or oil) that resembles a fluid cream product, eggnog, or yogurt, except as otherwise provided in paragraph (c) of this section;

(2) In packaged inventory at the end of the month of the products specified in paragraph (b)(1) of this section;

(3) In bulk fluid milk products and bulk fluid cream products disposed of to any commercial food processing establishment (other than a milk or filled milk plant) at which food products (other than milk products and filled milk) are processed and from which there is no disposition of fluid milk products or fluid cream products other than those received in consumer-type packages; and

(4) Used to produce:

(i) Cottage cheese, lowfat cottage cheese, and dry curd cottage cheese;

(ii) Milkshake and ice milk mixes (or bases) containing 20 percent or more total solids, frozen desserts, and frozen dessert mixes;

(iii) Any concentrated milk product in bulk, fluid form other than that specified in paragraph (c)(1)(iv) of this section;

(iv) Plastic cream, frozen cream, and anhydrous milkfat;

(v) Custards, puddings, and pancake mixes; and

(vi) Formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers.

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce:

(i) Cheese (other than cottage cheese, lowfat cottage cheese, and dry curd cottage cheese);

(ii) Butter;

(iii) Any milk product in dry form;

(iv) Any concentrated milk product in bulk, fluid form that is used to produce a Class III product;

(v) Evaporated or condensed milk (plain or sweetened) in a consumer-type package and evaporated or condensed skim milk (plain or sweetened) in a consumer-type package; and

(vi) Any product not otherwise specified in this section;

(2) In inventory at the end of the month of fluid milk products in bulk or packaged form and products specified in paragraph (b)(1) of this section in bulk form;

(3) In fluid milk products and products specified in paragraph (b)(1) of this section that are disposed of by a handler for animal feed;

(4) In fluid milk products and products specified in paragraph (b)(1) of this section that are dumped by a handler if the market administrator is notified of such dumping in advance and is given the opportunity to verify such disposition;

(5) In skim milk in any modified fluid milk product that is in excess of the quantity of skim milk in such product that was included within the fluid milk product definition pursuant to § 1011.15; and

(6) In shrinkage assigned pursuant to § 1011.41(a) to the receipts specified in § 1011.41(a)(2) and in shrinkage specified in § 1011.41(b) and (c).

§ 1011.41 Shrinkage.

For purposes of classifying all skim milk and butterfat to be reported by a handler pursuant to § 1011.30, the market administrator shall determine the following:

(a) The pro rata assignment of shrinkage of skim milk and butterfat, respectively, at each pool plant to the respective quantities of skim milk and butterfat:

(1) In the receipts specified in paragraph (b)(1) through (6) of this section on which shrinkage is allowed pursuant to such paragraph; and

(2) In other source milk not specified in paragraph (b)(1) through (6) of this section which was received in the form of a bulk fluid milk product or a bulk fluid cream product;

(b) The shrinkage of skim milk and butterfat, respectively, assigned pursuant to paragraph (a) of this section to the receipts specified in paragraph (a)(1) of this section that is not in excess of:

(1) Two percent of the skim milk and butterfat, respectively, in producer milk (excluding milk diverted by the plant operator to another plant);

(2) Plus 1.5 percent of the skim milk and butterfat, respectively, in milk received from a handler described in § 1011.9(c), except that if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this subparagraph shall be 2 percent;

(3) Plus 0.5 percent of the skim milk and butterfat, respectively, in producer milk diverted from such plant by the plant operator to another plant, except that if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this subparagraph shall be zero;

(4) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other pool plants;

(5) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other order plants, excluding the quantity for which Class II or Class III classification is requested by the operators of both plants;

(6) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received from unregulated supply plants, excluding the quantity for which Class II or Class III classification is requested by the handler; and

(7) Less 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid

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milk products transferred to other plants that is not in excess of the respective amounts of skim milk and butterfat to which percentages are applied in paragraph (b) (1), (2), (4), (5), and (6) of this section; and

(c) The quantity of skim milk and butterfat, respectively, in shrinkage of milk from producers for which a cooperative association is the handler pursuant to § 1011.9 (b) or (c), but not in excess of 0.5 percent of the skim milk and butterfat, respectively, in such milk. If the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this paragraph for the cooperative association shall be zero.

§ 1011.42 Classification of transfers and diversions.

(a) *Transfers to pool plants.* Skim milk or butterfat transferred in the form of a fluid milk product or a bulk fluid cream product from a pool plant to another pool plant shall be classified as Class I milk unless the operators of both plants request the same classification in another class. In either case, the classification of such transfers shall be subject to the following conditions:

(1) The skim milk or butterfat classified in each class shall be limited to the amount of skim milk and butterfat, respectively, remaining in such class at the transferee-plant after the computations pursuant to § 1011.44(a) (12) and the corresponding step of § 1011.44(b):

(2) If the transferor-plant received during the month other source milk to be allocated pursuant to § 1011.44(a) (7) or the corresponding step of § 1011.44(b), the skim milk or butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor-handler received during the month other source milk to be allocated pursuant to § 1011.44(a) (11) or (12) or the corresponding steps of § 1011.44(b), the skim milk or butterfat so transferred, up to the total of the skim milk and butterfat, respectively, in such receipts of other source milk, shall not be classified as Class I milk to a greater extent than would be the case if the other source milk had been received at the transferee-plant.

(b) *Transfers and diversions to other order plants.* Skim milk or butterfat transferred or diverted in the form of a fluid milk product or a bulk fluid cream product from a pool plant to an other order plant shall be classified in the following manner. Such classification shall apply only to the skim milk or butterfat that is in excess of any receipts at the pool plant from the other order plant of skim milk and butterfat, respectively, in fluid milk products and bulk fluid cream products, respectively, that are in the same category as described in paragraph (b) (1), (2), or (3) of this section:

(1) If transferred as packaged fluid milk products, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated under the other order (including allocation under the conditions set forth in paragraph (b)(3) of this section);

(3) If the operators of both plants so request in their reports of receipts and utilization filed with their respective market administrators, transfers or diversions in bulk form shall be classified as Class II or Class III milk to the extent of such utilization available for such classification pursuant to the allocation provisions of the other order;

(4) If information concerning the classes to which such transfers or diversions were allocated under the other order is not available to the market administrator for the purpose of establishing classification under this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the other order provides for a different number of classes of utilization than is provided for under this part, skim milk or butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I milk, and skim milk or butterfat allocated to the other classes shall be classified as Class III milk; and

(6) If the form in which any fluid milk product that is transferred to an other order plant is not defined as a fluid milk product under such other order, classification under this paragraph shall be in accordance with the provisions of § 1011.40.

(c) *Transfers to producer-handlers and transfers and diversions to governmental agency plants.* Skim milk or butterfat transferred in the following forms from a pool plant to a producer-handler under this or any other Federal order or transferred or diverted to a governmental agency plant shall be classified:

(1) As Class I milk, if so moved in the form of a fluid milk product; and

(2) In accordance with the utilization assigned to it by the market administrator, if transferred in the form of a bulk fluid cream product. For this purpose, the transferee's utilization of skim milk and butterfat in each class, in series beginning with Class III, shall be assigned to the extent possible to its receipts of skim milk and butterfat, respectively, in bulk fluid cream products, pro rata to each source.

(d) *Transfers and diversions to other nonpool plants.* Skim milk or butterfat transferred or diverted in the following forms from a pool plant to a nonpool plant that is not an other order plant, a producer-handler, or a governmental agency plant shall be classified:

(1) As Class I milk, if transferred in the form of a packaged fluid milk product; and

(2) As Class I milk, if transferred or diverted in the form of a bulk fluid milk product or a bulk fluid cream product, unless the following conditions apply:

(i) If the conditions described in paragraph (d)(2)(1) (*a*) and (*b*) of this section are met, transfers or diversions in bulk form shall be classified on the basis of the assignment of the nonpool plant's utilization to its receipts as set forth in paragraph (d)(2) (ii) through (viii) of this section:

(*a*) The transferor-handler or diverter-handler claims such classification in his report of receipts and utilization filed pursuant to § 1011.30 for the month within which such transaction occurred; and

(*b*) The nonpool plant operator maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available for verification purposes if requested by the market administrator;

(ii) Route disposition in the marketing area of each Federal milk order from the nonpool plant and transfers of packaged fluid milk products from such nonpool plant to plants fully regulated thereunder shall be assigned to the extent possible in the following sequence:

(*a*) Pro rata to receipts of packaged fluid milk products at such nonpool plant from pool plants;

(*b*) Pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from other order plants;

(*c*) Pro rata to receipts of bulk milk products at such nonpool plant from pool plants; and

(*d*) Pro rata to any remaining unassigned receipts of bulk fluid milk products at such nonpool plant from other order plants;

(iii) Any remaining Class I disposition of packaged fluid milk products from the nonpool plant shall be assigned to the extent possible pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from pool plants and other order plants;

(iv) Transfers of bulk fluid milk products from the nonpool plant to a plant fully regulated under any Federal milk order, to the extent that such transfers to the regulated plant exceed receipts of fluid milk products from such plant and are allocated to Class I at the transferee-plant, shall be assigned to the extent possible in the following sequence:

(*a*) Pro rata to receipts of fluid milk products at such nonpool plant from pool plants; and

(*b*) Pro rata to any remaining unassigned receipts of fluid milk products at such nonpool plant from other order plants;

(v) Any remaining unassigned Class I disposition from the nonpool plant shall be assigned to the extent possible in the following sequence:

(*a*) To such nonpool plant's receipts from dairy farmers who the market administrator determines constitute regular sources of Grade A milk for such nonpool plant; and

(*b*) To such nonpool plant's receipts of Grade A milk from plants not fully regulated under any Federal milk order which

the market administrator determines constitute regular sources of Grade A milk for such nonpool plant;

(vi) Any remaining unassigned receipts of bulk fluid milk products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class I utilization, then to Class III utilization, and then to Class II utilization at such nonpool plant;

(vii) Receipts of bulk fluid cream products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class III utilization, then to any remaining Class II utilization, and then to Class I utilization at such nonpool plant; and

(viii) In determining the nonpool plant's utilization for purposes of this subparagraph, any fluid milk products and bulk fluid cream products transferred from such nonpool plant to a plant not fully regulated under any Federal milk order shall be classified on the basis of the second plant's utilization using the same assignment priorities at the second plant that are set forth in this subparagraph.

(e) *Transfers by a handler described in §1011.9(c) to pool plants.* Skim milk and butterfat transferred in the form of bulk milk by a handler described in § 1011.9(c) to another handler's pool plant shall be classified pursuant to § 1011.44 pro rata with producer milk received at the transferee-handler's plant.

§ 1011.43 General classification rules.

In determining the classification of producer milk pursuant to § 1011.44, the following rules shall apply:

(a) Each month the market administrator shall correct for mathematical and other obvious errors all reports filed pursuant to § 1011.30 and shall compute separately for each pool plant, and for each cooperative association with respect to milk for which it is the handler pursuant to § 1011.9 (b) or (c) that was not received at a pool plant, the pounds of skim milk and butterfat, respectively, in each class in accordance with §§ 1011.40, 1011.41, and 1011.42. The combined pounds of skim milk and butterfat so determined in each class for a handler described in § 1011.9 (b) or (c) shall be such handler's classification of producer milk;

(b) If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk in such product that are to be considered under this part as used or disposed of by the handler shall be an amount equivalent to the nonfat milk solids contained in such product plus all of the water originally associated with such solids; and

(c) The classification of producer milk for which a cooperative association is the handler pursuant to § 1011.9 (b) or (c) shall be determined separately from the operations of any pool plant operated by such cooperative association.

§ 1011.44 Classification of producer milk.

For each month the market administrator shall determine for each handler described in § 1011.9(a) for each of his pool plants separately the classification of producer milk and milk received from a handler described in § 1011.9(c), by allocating the handler's receipts of skim milk and butterfat to his utilization as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk in shrinkage specified in § 1011.41(b);

(2) Subtract from the total pounds of skim milk in Class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in fluid milk products received in packaged form from an other order plant, except that to be subtracted pursuant to paragraph (a)(7)(vi) of this section, as follows:

(i) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(4) Subtract from the pounds of skim milk in Class II the pounds of skim milk in products specified in § 1011.40(b)(1) that were received in packaged form from other plants, but not in excess of the pounds of skim milk remaining in Class II;

(5) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in products specified in § 1011.40(b)(1) that were in inventory at the beginning of the month in packaged form, but not in excess of the pounds of skim milk remaining in Class II. This subparagraph shall apply only if the pool plant was subject to the provisions of this subparagraph or comparable provisions of another Federal milk order in the immediately preceding month;

(6) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk (except that received in the form of a fluid milk product or a fluid cream product) that is used to produce, or added to, any product specified in § 1011.40(b), but not in excess of the pounds of skim milk remaining in Class II;

(7) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk (except that received in the form of a fluid milk product) and, if paragraph (a)(5) of this section applies, packaged inventory at the beginning of the month of products specified in § 1011.40(b)(1) that was not subtracted pursuant to paragraph (a)(4), (5), and (6) of this section;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established;

(iii) Receipts of fluid milk products from unidentified sources;

(iv) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal milk order and from a governmental agency;

(v) Receipts of reconstituted skim milk in filled milk from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2) of this section;

(vi) Receipts of reconstituted skim milk in filled milk from an other order plant that is regulated under any Federal milk order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor-plant; and

(vii) Receipts of milk from a dairy farmer described in § 1011.12(b)(5);

(8) Subtract in the order specified below from the pounds of skim milk remaining in Class II and Class III, in sequence beginning with Class III:

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2) and (7)(v) of this section for which the handler requests a classification other than Class I, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(ii) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2), (7)(v), and (8)(i) of this section which are in excess of the pounds of skim milk determined pursuant to paragraph (a)(8)(ii) (*a*) through (*c*) of this section. Should the pounds of skim milk to be subtracted from Class II and Class III combined exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount:

(*a*) Multiply by 1.25 the sum of the pounds of skim milk remaining in Class I at this allocation step at all pool plants of the handler (excluding any duplication of Class I utilization resulting from

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reported Class I transfers between pool plants of the handler);

(b) Subtract from the above result the sum of the pounds of skim milk in receipts at all pool plants of the handler of producer milk, milk from a handler described in § 1011.9(c), fluid milk products from pool plants of other handlers, and bulk fluid milk products from other order plants that were not subtracted pursuant to paragraph (a)(7)(vi) of this section; and

(c) Multiply any plus quantity resulting above by the percentage that the receipts of skim milk in fluid milk products from unregulated supply plants that remain at this pool plant is of all such receipts remaining at this allocation step at all pool plants of the handler; and

(iii) The pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraph (a)(7)(vi) of this section, if Class II or Class III classification is requested by the operator of the other order plant and the handler, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(9) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in fluid milk products and products specified in § 1011.40(b)(1) in inventory at the beginning of the month that were not subtracted pursuant to paragraph (a)(5) and (7)(i) of this section;

(10) Add to the remaining pounds of skim milk in Class III the pounds of skim milk subtracted pursuant to paragraph (a)(1) of this section;

(11) Subject to the provisions of paragraph (a)(11)(i) and (ii) of this section, subtract from the pounds of skim milk remaining in each class at the plant, pro rata to the total pounds of skim milk remaining in Class I and in Class II and Class III combined at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler), with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, the pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2), (7)(v), and (8)(i) and (ii) of this section and that were not offset by transfers or diversions of fluid milk products to the same unregulated supply plant from which fluid milk products to be allocated at this step were received:

(i) Should the pounds of skim milk to be subtracted from Class II and Class III combined pursuant to this subparagraph exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(ii) Should the pounds of skim milk to be subtracted from Class I pursuant to this subparagraph exceed the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount, beginning with the nearest plant at which Class I utilization is available;

(12) Subtract in the manner specified below from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraph (a)(7)(vi) and (8)(iii) of this section:

(i) Subject to the provisions of paragraph (a)(12)(ii), (iii), and (iv) of this section, such subtraction shall be prorata to the pounds of skim milk in Class I and in Class II and Class III combined, with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, with respect to whichever of the following quantities represents the lower proportion of Class I milk:

(*a*) The estimated utilization of skim milk of all handlers in each class as announced for the month pursuant to § 1011.45(a); or

(*b*) The total pounds of skim milk remaining in each class at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler);

(ii) Should the proration pursuant to paragraph (a)(12)(i) of this section result in the total pounds of skim milk at all pool plants of the handler that are to be subtracted at this allocation step from Class II and Class III combined exceeding the pounds of skim milk remaining in Class II and Class III at all such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which such other source milk was received;

(iii) Except as provided in paragraph (a)(12)(ii) of this section, should the computations pursuant to paragraph (a)(12)(i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class II and Class III combined that exceeds the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(iv) Except as provided in paragraph (a)(12)(ii) of this section, should the computations pursuant to paragraph (a)(12)(i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class I that exceeds the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount beginning with the nearest plant at which Class I utilization is available;

(13) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products and bulk fluid cream products from another pool plant according to the classification of such products pursuant to § 1011.42(a); and

(14) If the total pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk and milk received from a handler described in § 1011.9(c), subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) The quantity of producer milk and milk received from a handler described in § 1011.9(c) in each class shall be the combined pounds of skim milk and butterfat remaining in each class after the computations pursuant to paragraph (a)(14) of this section and the corresponding step of paragraph (b) of this section.

§ 1011.45 Market administrator's reports and announcements concerning classification.

The market administrator shall make the following reports and announcements concerning classification:

(a) Whenever required for the purpose of allocating receipts from other order plants pursuant to § 1011.44(a)(12) and the corresponding step of § 1011.44(b), estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

(b) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products or bulk fluid cream products from an other order plant, the class to which such receipts are allocated pursuant to § 1011.44 on the basis of such report, and, thereafter, any change in such allocation required to correct errors disclosed in the verification of such report.

(c) Furnish to each handler operating a pool plant who has shipped fluid milk products or bulk fluid cream products to an other order plant the class to which such shipments were allocated by the market administrator of the other order on the basis of the report by the receiving handler, and, as necessary, any changes in such allocation arising from the verification of such report.

(d) On or before the 12th day after the end of each month, report to each cooperative association which so requests, the percentage of producer milk delivered by members of such association which was used in each class by each handler receiving such milk. For the purpose of this report the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler.

CLASS PRICES

§ 1011.50 Class prices.

Subject to the provisions of § 1011.52, the class prices for the month per hundredweight of milk shall be as follows:

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.10.

(b) *Class II price.* The Class II price shall be the basic formula price for the month plus 10 cents.

(c) *Class III price.* The Class III price shall be the basic formula price for the month.

§ 1011.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

§ 1011.52 Plant location adjustments for handlers.

(a) For milk received from producers or from a handler described in § 1011.9(c) at a plant that is outside the marketing area and more than 90 miles by the shortest hard-surfaced highway distance as determined by the market administrator from the city halls in Bristol, Chattanooga, and Knoxville, Tennessee, and which is classified as Class I milk subject to the limitations pursuant to paragraph (b) of this section, the Class I price shall be reduced 1.5 cents for each 10 miles or fraction thereof that such plant is from the nearest of the city halls in Bristol, Chattanooga, and Knoxville, except that no adjustment shall be made under this paragraph at any plant that is located east of the Mississippi River and south of the southern boundary of Tennessee or the northern boundary of South Carolina.

(b) For fluid milk products transferred in bulk form between pool plants, a location adjustment credit for the transferor-plant shall be determined by the market administrator for skim milk and butterfat, respectively, as follows:

(1) Subtract from the pounds of skim milk remaining in Class I at the transferee-plant after the computations pursuant to § 1011.44(a)(12) an amount equal to:

(i) The pounds of skim milk in receipts of milk at the transferee-plant from producers and handlers described in § 1011.9(c); and

(ii) The pounds of skim milk in receipts of packaged fluid milk products from other pool plants;

(2) Assign any remaining pounds of skim milk in Class I at the transferee-plant to the skim milk in receipts of bulk fluid milk products from other pool plants, first to the transferor-plant at which no location adjustment applies and then to other plants in sequence beginning with the plant at which the least location adjustment applies;

(3) Compute the total amount of location adjustment credits to be assigned to transferor-plants by multiplying the hundredweight of skim milk assigned pursuant to paragraph (b)(2) of this section to each transferor-plant by the applicable location adjustment rate for each such plant, and add the resulting amounts;

(4) Assign the total amount of location adjustment credits computed pursuant to paragraph (b)(3) of this section to those transferor-plants that transferred fluid milk products containing skim milk classified as Class I milk pursuant to § 1011.42(a), in sequence beginning with the plant at which the least location adjustment applies. Subject to the availability of such credits, the credit assigned to each plant shall be equal to the hundredweight of such Class I skim milk multiplied by the applicable location adjustment rate for such plant. If the aggregate of this computation for all plants having the same location adjustment rate exceeds the credits that are available to those plants, such credits shall be prorated to the volume of skim milk in Class I transfers from such plants; and

(5) Location adjustment credit for butterfat shall be determined in accordance with the procedure outlined for skim milk in paragraph (b)(1) through (4) of this section.

(c) The Class I price applicable to other source milk shall be adjusted by the amounts set forth in paragraph (a) of this section, except that the adjusted Class I price shall not be less than the Class III price.

§ 1011.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month.

§ 1011.54 Equivalent price.

If for any reason a price or pricing constituent required by this part for computing class prices or for other purposes is not available as prescribed in this part, the market administrator shall use a price or pricing constituent determined by the Secretary to be equivalent to the price or pricing constituent that is required.

UNIFORM PRICE

§ 1011.60 Handler's value of milk for computing uniform price.

For the purpose of computing the uniform price, the market administrator shall determine for each month the value of milk of each handler with respect to each of his pool plants and of each handler described in § 1011.9(b) and (c) with respect to milk that was not received at a pool plant as follows:

(a) Multiply the pounds of producer milk and milk received from a handler described in § 1011.9(c) that were classified in each class pursuant to §§ 1011.43(a) and 1011.44(c) by the applicable class prices, and add the resulting amounts;

(b) Add the amounts obtained from multiplying the pounds of overage subtracted from each class pursuant to § 1011.44(a)(14) and the corresponding step of § 1011.44(b) by the respective class prices, as adjusted by the butterfat differential specified in § 1011.74, that are applicable at the location of the pool plant;

(c) Add the amount obtained from multiplying the difference between the Class III price for the preceding month and the Class I price applicable at the location of the pool plant or the Class II price, as the case may be, for the current month by the hundredweight of skim milk and butterfat subtracted from Class I and Class II pursuant to § 1011.44(a)(9) and the corresponding step of § 1011.44(b);

(d) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the pool plant and the Class III price by the hundredweight of skim milk and butterfat substracted from Class I pur-

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suant to § 1011.44(a)(7) (i) through (iv) and (vii) and the corresponding step of § 1011.44(b), excluding receipts of bulk fluid cream products from an other order plant;

(e) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the transferor-plant and the Class III price by the hundredweight of skim milk and butterfat substracted from Class I pursuant to § 1011.44(a)(7) (v) and (vi) and the corresponding step of § 1011.44 (b); and

(f) Add the amount obtained from multiplying the Class I price applicable at the location of the nearest unregulated supply plants from which an equivalent volume was received by the pounds of skim milk and butterfat substracted from Class I pursuant to § 1011.44(a)(11) and the corresponding step of § 1011.44(b), excluding such skim milk and butterfat in receipts of bulk fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handler fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order.

§ 1011.61 Computation of uniform price.

For each month the market administrator shall compute the uniform price per hundredweight for milk of 3.5 percent butterfat content at pool plants at which no location adjustment applies as follows:

(a) Combine into one total the values computed pursuant to § 1011.60 for all handlers who filed the reports prescribed in § 1011.30 for the month and who made the payments pursuant to § 1011.71 for the preceding month;

(b) Add one-half the unobligated balance in the producer-settlement fund;

(c) Add an amount equal to the total value of the location adjustments computed pursuant to § 1011.75;

(d) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1011.60(f); and

(e) Subtract not less than 4 cents nor more than 5 cents.

§ 1011.62 Announcement of uniform price and butterfat differential.

The market administrator shall announce publicly on or before:

(a) The fifth day after the end of each month the butterfat differential for such month; and

(b) The 10th day after the end of each month the uniform price for such month.

PAYMENTS FOR MILK

§ 1011.70 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1011.71, 1011.76, and 1011.77, and out of which he shall make all payments pursuant to §§ 1011.72 and 1011.77: *Provided,* That any payments due to any handler shall be offset by any payments due from such handler.

§ 1011.71 Payments to the producer-settlement fund.

(a) On or before the 12th day after the end of the month, each handler shall pay to the market administrator the amount, if any, by which the amount specified in paragraph (a)(1) of this section exceeds the amount specified in paragraph (a)(2) of this section:

(1) The total value of milk of the handler for such month as determined pursuant to § 1011.60.

(2) The sum of:

(i) The value at the uniform price, as adjusted pursuant to § 1011.75, of such handler's receipts of producer milk and milk received from handlers pursuant to § 1011.9(c); and

(ii) The value at the uniform price applicable at the location of the plant from which received of other source milk for which a value is computed pursuant to § 1011.60(f).

(b) On or before the 25th day after the end of the month each person who operated an other order plant that was regulated during such month under an order providing for individual-handler pooling shall pay to the market administrator an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk in route disposition from such plant in the marketing area which was allocated to Class I at such plant. If there is such route disposition from such plant in marketing areas regulated by two or more market-wide pool orders, the reconstituted skim milk allocated to Class I shall be prorated to each order according to such route disposition in each marketing area; and

(2) Compute the value of the reconstituted skim milk assigned in paragraph (b)(1) of this section to route disposition in this marketing area by multiplying the quantity of such skim milk by the difference between the Class I price under this part that is applicable at the location of the other order plant (but not to be less than the Class III price) and the Class III price.

§ 1011.72 Payments from the producer-settlement fund.

On or before the 13th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1011.71(a)(2) exceeds the amount computed pursuant to § 1011.71(a)(1). If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

§ 1011.73 Payments to producers and to cooperative associations.

(a) Each handler shall pay each producer for producer milk for which payment is not made to a cooperative association pursuant to paragraph (b) of this section, as follows:

(1) On or before the last day of each month, for milk received during the first 15 days of the month from such producer who has not discontinued delivery of milk to such handler before the 25th day of the month, at not less than the Class III price for the preceding month or 90 percent of the uniform price for the preceding month, whichever is higher, less proper deductions authorized in writing by the producer; and

(2) On or before the 15th day of the following month, an amount equal to not less than the uniform price, as adjusted pursuant to §§ 1011.74 and 1011.75, multiplied by the hundredweight of milk received from such producer during the month, subject to the following adjustments:

(i) Less payments made to such producer pursuant to paragraph (a)(1) of this section;

(ii) Less deductions for marketing services made pursuant to § 1011.86;

(iii) Plus or minus adjustments for errors made in previous payments made to such producers; and

(iv) Less proper deductions authorized in writing by such producer: *Provided,* That if by such date such handler has not received full payment from the market administrator pursuant to § 1011.72 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator;

(b) Each handler shall make payment to the cooperative association for producer milk which it caused to be delivered to such handler, if such cooperative association is authorized to collect such payments for its members and exercises such authority, an amount equal to the sum of the individual payments otherwise payable for such producer milk, as follows:

(1) On or before two days prior to the last day of each month for producer milk received during the first 15 days of the month; and

(2) On or before the 13th day after the end of each month for milk received during such month.

(c) Each handler pursuant to § 1011.9(a) who receives milk from a cooperative association as a handler pursuant to § 1011.9(c), including the milk of producers who are not members of such association, and who the market administrator determines have authorized such cooperative association to collect payment for their milk, shall pay such cooperative for such milk as follows:

(1) On or before two days prior to the last day of the month for milk received during the first 15 days of the month, not less than the Class III price for the preceding month or 90 percent of the uniform price for the preceding month, whichever is higher; and

(2) On or before the 13th day of the following month for milk received during the month, not less than the uniform price as adjusted pursuant to §§ 1011.74 and 1011.75, and less than any payments made pursuant to paragraph (c)(1) of this section.

(d) In making payments for producer milk pursuant to this section, each handler shall furnish each producer or cooperative association from whom he has received milk a supporting statement in such form that it may be retained by the recipient which shall show:

(1) The month and identity of the producer;

(2) The daily and total pounds and the average butterfat content of producer milk;

(3) The minimum rate at which payment to the producer is required pursuant to this order;

(4) The rate which is used in making the payment if such rate is other than the applicable minimum rate;

(5) The amount, or the rate per hundredweight, and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer or cooperative association.

§ 1011.74 Butterfat differential.

For milk containing more ro less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.115 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month.

§ 1011.75 Plant location adjustments for producers and on nonpool milk.

(a) In making the payments required pursuant to § 1011.73, the uniform price computed pursuant to § 1011.61 for the month shall be adjusted by the amounts set forth in § 1011.52 according to the location of the plant where the milk being priced was received.

(b) For purposes of computing the value of other source milk pursuant to § 1011.71, the uniform price shall be adjusted by the amount set forth in § 1011.52 that is applicable at the location of the nonpool plant from which the milk was received, except that the adjusted uniform price shall not be less than the Class III price.

§ 1011.76 Payments by handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay on or before the 25th day after the end of the month to the market administrator for the producer-settlement fund the amount computed pursuant to paragraph (a) of this section. If the handler submits pursuant to §§ 1011.30(b) and 1011.31(b) the information necessary for making the computations, such handler may elect to pay in lieu of such payment the amount computed pursuant to paragraph (b) of this section:

(a) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the pounds of route disposition in the marketing area from the partially regulated distributing plant;

(2) Subtract the pounds of fluid milk products received at the partially regulated distributing plant:

(i) As Class I milk from pool plants and other order plants, except that subtracted under a similar provision of another Federal milk order; and

(ii) From another nonpool plant that is not an other order plant to the extent that an equivalent amount of fluid milk products disposed of to such nonpool plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract the pounds of reconstituted skim milk in route disposition in the marketing area from the partially regulated distributing plant;

(4) Multiply the remaining pounds by the difference between the Class I price and the uniform price, both prices to be applicable at the location of the partially regulated distributing plant (except that the Class I price and uniform price shall not be less than the Class III price); and

(5) Add the amount obtained from multiplying the pounds of reconstituted skim milk specified in paragraph (a)(3) of this section by the difference between the Class I price applicable at the location of the partially regulated distributing plant (but not to be less than the Class III price) and the Class III price.

(b) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the value that would have been computed pursuant to § 1011.60 for the partially regulated distributing plant if the plant had been a pool plant, subject to the following modifications:

(i) Fluid milk products and bulk fluid cream products received at the partially regulated distributing plant from a pool plant or an other order plant shall be allocated at the partially regulated distributing plant to the same class in which such products were classified at the fully regulated plant;

(ii) Fluid milk products and bulk fluid cream products transferred from the partially regulated distributing plant to a pool plant or an other order plant shall be classified at the partially regulated distributing plant in the class to which allocated at the fully regulated plant. Such transfers shall be allocated to the extent possible to those receipts at the partially regulated distributing plant from pool plants and other order plants that are classified in the corresponding class pursuant to paragraph (b)(1)(i) of this section. Any such transfers remaining after the above allocation which are classified in Class I and for which a value is computed for the handler operating the partially regulated distributing plant pursuant to § 1011.60 shall be priced at the uniform price (or at the weighted average price if such is provided) of the respective order regulating the handling of milk at the transferee-plant, with such uniform price adjusted to the location of the nonpool plant (but not to be less than the lowest class price of the respective order), except that transfers of reconstituted skim milk in filled milk shall be priced at the lowest class price of the respective order; and

(iii) If the operator of the partially regulated distributing plant so requests, the value of milk determined pursuant to § 1011.60 for such handler shall include, in lieu of the value of other source milk specified in § 1011.60(f) less the value of such other source milk specified in § 1011.71(a)(2)(ii), a value of milk determined pursuant to § 1011.60 for each nonpool plant that is not an other order plant which serves as a supply plant for such partially regulated distributing plant by making shipments to the partially regulated distributing plant during the month equivalent to the requirements of § 1011.7(b) subject to the following conditions:

(*a*) The operator of the partially regulated distributing plant submits with his reports filed pursuant to §§ 1011.30(b) and 1011.31(b) similar reports for each such nonpool supply plant;

(*b*) The operator of such nonpool supply plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for verification purposes; and

(c) The value of milk determined pursuant to § 1011.60 for such nonpool supply plant shall be determined in the same manner prescribed for computing the obligation of such partially regulated distributing plant; and

(2) From the partially regulated distribution plant's value of milk computed pursuant to paragraph (b)(1) of this section, subtract:

(i) The gross payments by the operator of such partially regulated distributing plant, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1011.74, for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated; and

(ii) If paragraph (b)(1)(iii) of this section applies, the gross payments by the operator of such nonpool supply plant, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1011.74, for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated; and

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(iii) The payments by the operator of the partially regulated distributing plant to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant and like payments by the operator of the nonpool supply plant if paragraph (b)(1)(iii) of this section applies.

§ 1011.77 Adjustment of accounts.

Whenever verification by the market administrator of payments by any handler discloses errors made in payments to the producer-settlement fund pursuant to § 1011.71, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, pursuant to § 1011.72, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer or cooperative association for milk received by such handler discloses payment of less than is required by § 1011.73, the handler shall pay such balance due such producer or cooperative association not later than the time of making payment to producers or cooperative associations next following such disclosure.

ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

§ 1011.85 Assessment for order administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to:

(a) Receipts of producer milk (including such handler's own production) other than such receipts by a handler described in § 1011.9(c) that were delivered to pool plants of other handlers;

(b) Receipts from a handler described in § 1011.9(c);

(c) Other source milk allocated to Class I pursuant to § 1011.44(a)(7) and (11) and the corresponding steps of § 1011.44(b), except such other source milk that is excluded from the computations pursuant to § 1011.60 (d) and (f); and

(d) Route disposition from a partially regulated distributing plant in the marketing area that exceeds the skim milk and butterfat specified in § 1011.76(a)(2).

§ 1011.86 Deduction for marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 1011.73, shall deduct 6 cents per hundredweight, or such amount not exceeding 6 cents per hundredweight, as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association.

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall (in lieu of the deduction specified in paragraph (a) of this section), make such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 13th day after the end of each month, pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions and the amount of milk for which such deduction was computed for each producer.

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FRIDAY, AUGUST 13, 1976



PART IV:

DEPARTMENT OF LABOR

Employment Standards Administration

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MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

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DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secertary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders, 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

NEW GENERAL WAGE DETERMINATION DECISIONS

Illinois:
IL76-2080

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Idaho:		
ID76-5066		July 23, 1976.
Indiana:		
IN76-2082;	IN76-2083;	July 2, 1976.
IN76-2084.		
Kansas:		
MO76-4102;	MO76-4103;	Do.
MO76-4107;	MO76-4108.	
Nebraska:		
NE76-4104		June 25, 1976.
Nevada:		
NV76-5069		July 30, 1976.
New Jersey:		
NJ76-3128		Feb. 27, 1976.
North Carolina:		
NC76-1062		May 21, 1976.
Ohio:		
CH76-2041		Apr. 9, 1976.
Texas:		
TX76-4077		May 7, 1976.
Virginia:		
MD76-3225		July 30, 1976.

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State.

Supersedeas decision numbers are in parentheses following the numbers of the decision being superseded.

Hawaii:		
HI76-5048 (HI76-5078)		June 4, 1976.
Illinois:		
IL76-2014 (IL76-2078)		Feb. 13, 1976.
IL76-2027 (IL76-2079)		Mar. 5, 1976.
Massachusetts:		
MA75-2110 (MA76-2099)		Sept. 12, 1975.
MA75-2117 (MA76-2095)		Oct. 31, 1975.
MA75-2118 (MA76-2096)		Oct. 24, 1975.
MA75-2119 (MA76-2097);		Nov. 7, 1975.
MA75-2121 (MA76-2098); MA75-2122 (MA76-2100).		
New York:		
NY75-3016 (NY76-3228)		Feb. 21, 1975.
Ohio:		
AR-3047 (OH76-2092)		Aug. 23, 1974.

Signed at Washington, D.C., this 6th day of August 1976.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

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DECISION NO. IL76-2080

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS:					
Monroe, Randolph, Clinton & Washington Counties	$10.885	.40	.75		
Carpenters, Soft Floor Layers, Millwrights & Piledrivermen					
Montgomery County					
Wagoner, Standard City & North thereof	9.20	.45	.45		
Carpenters & Soft Floor Layers	9.70	.45	.45		
Millwrights & Piledrivermen					
Remainder of County					
Carpenters, Soft Floor Layers, Millwrights & Piledrivermen	10.935	.50	.50		
Greene County					
Whitehall & North Thereof					.02
Carpenters & Soft Floor Layers	8.10	.45	.25		.02
Millwrights	8.35	.45	.25		.02
Piledrivermen	8.60	.45	.25		.02
Bond, Calhoun & Jersey Cos., South of Apple Creek in Greene County					
Carpenters, Soft Floor Layers, Millwrights & Piledrivermen	10.935	.50	.50		
CEMENT MASONS:					
Randolph County	8.30				.02
Greene County	9.155	.35	.52		.02
Clinton County					
Carlyle & East Thereof	9.50				.01
Cement Masons					
Calhoun, Jersey, Monroe, Bond & Washington Cos., & Remainder of Clinton County	10.775	.60	.50		
Cement Masons					
ELECTRICIANS:					
Portion East of Butler Grove, Grisham, Hillsboro & Raymond Twps. in Montgomery County	10.19	.40	12%+.35		.003%

NEW DECISION

STATE: Illinois

COUNTIES: Bond, Calhoun, Clinton Greene, Jersey, Monroe Montgomery, Randolph & Washington

DATE: Date of Publication

DECISION NUMBER: IL76-2080

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.38	.45	.62		.03
BOILERMAKERS	10.05	.65	1.10		
BRICKLAYERS:					
Montgomery County					
Bricklayers, Stonemasons, Cement Masons, Plasterers, Marble-Tile-Terrazzo Workers, Pointers-Caulkers-Cleaners	9.00		.25		
Hillsboro & East Thereof	9.25				
Remainder of County					
Washington County					
South of Hoyleton Road					
Bricklayers, Stonemasons, Cement Bricklayers, Marble-Tile-Terrazzo Workers, Pointers-Cleaners-Caulkers	9.20	.35	.35		
Bond & Clinton Cos., & Remainder of Washington County					
Bricklayers, Stonemasons, Marble-Tile-Terrazzo Workers, Cement Blocklayers, Pointers, Cleaners-Caulkers	10.20	.35	.50		
Calhoun & Jersey Counties					
Bricklayers, Stonemasons, Marble-Tile-Terrazzo Workers	11.20		.75		
Greene County					
Bricklayers, Stonemasons, Plasterers, Blocklayers, Marble-Tile-Terrazzo Workers, Pointers-Caulkers-Cleaners	9.40	.35	.52		.02
Randolph County					
Bricklayers, Stonemasons, Terrazzo Workers, Tile Setters	9.35		.40		
Monroe County					
Bricklayers, Stonemasons, Marble-Tile-Terrazzo Workers, Pointers-Cleaners-Caulkers	9.75		.75	1.00	

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DECISION NO IL76-2080

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS (CONT'D)					
N. W. Part of Montgomery County Monroe County, Red Bud Twp. in Randolph Co., Western ½ of Bond County, Venedy Twp. in Washington County, Remainder of Clinton & Montgomery Counties	$9.87	.40	1%+.30		.2%
Huey, Hoffman & Vicinity in Clinton County., Eastern ½ of Bond County & Remainder of Randolph & Washington Counties	10.28	4%	1%+.65	6%	.03
Calhoun, Jersey & Greene Cos.	10.80	.40	1%+.65		¼ of 1%
IRONWORKERS:	10.99	.40	1%	6%	½ of 1%
Bond, Clinton, Calhoun, Jersey, Monroe, Washington & Randolph Cos., Litchfield, Hillsboro & South Thereof in Montgomery Co.	11.00	.55	.75		
Greene Co; & Remainder of Montgomery County	10.35	.55	.75		.05
LABORERS:					
Clinton County					
Trenton & Vicinity					
Common	10.15		.30		.035
Brick & Plaster Mason Tenders	10.65		.30		.035
Cutting & Burning w/a Torch & Working on the Bottom of Sewer Trenches, etc.	10.40		.30		.035
Dynamite Men	11.75		.30		.035
Carlyle & Vicinity					
Common	10.25		.20		.035
Brick & Plaster Mason Tenders	10.75		.20		.035
Cutting & Burning w/a Torch & Working on the Bottom of Sewer Trenches, etc.	10.50		.20		.035
Dynamite Men	11.85		.20		.035
New Baden & Vicinity					
Laborers	10.15		.40		.035
Brick Mason Tenders & Mortar Mixers	10.65		.60		.035
Cutting & Burning w/a Torch; Chain Saws	10.40		.40		.035
Plaster Tenders	10.65		.40		.035

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DECISION NO IL76-2080

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (CONT'D)					
Montgomery County					
Hillsboro & Vicinity					
Common	$9.95		.50		.035
Brick & Plaster Mason Tenders	10.45		.50		.035
Cutting & Burning w/a Torch & Working on the Bottom of Sewer Trenches, etc.	10.20		.50		.035
Dynamite Men	11.55		.50		.035
Litchfield & Vicinity					
Common	10.25		.20		.035
Brick & Plaster Mason Tenders	10.75		.20		.035
Cutting & Burning w/a Torch & Working on the Bottom of Sewer Trenches, etc.	10.50		.20		.035
Dynamite Men	11.85		.20		.035
Monroe County					
Common	10.55		.25		.035
Air Tool Opr., & Bottom Men on Sewer Trenches	10.80		.25		.035
Mason & Plasterer Tenders; Dynamite Men	11.05		.25		.035
Greene County					
Common	9.95		.50		.035
Brick & Plaster Mason Tenders	10.45		.50		.035
Cutting & Burning w/a Torch & Working on the Bottom of Sewer Trenches, etc.	10.20		.50		.035
Dynamite Men	11.55		.50		.035
Calhoun County					
Common	10.25		.20		.035
Brick & Plaster Mason Tenders	10.75		.20		.035
Cutting & Burning w/a Torch & Working on the Bottom of Sewer Trenches, etc.	10.50		.20		.035
Dynamite Men	11.85		.20		.035
Washington County					
Ashley & Vicinity					
Common	10.25		.20		.035
Brick & Plaster Mason Tenders	10.75		.20		.035
Cutting & Burning w/a Torch & Working on the Bottom of Sewer Trenches, etc.	10.50		.20		.035
Dynamite Men	11.85		.20		.035

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DECISION NO IL76-2080

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (CONT'D)					
Washington County (Cont'd)					
Vicinity of Nashville & Okawville					
Common	$10.15		.30		.035
Brick & Plaster Mason Tenders	10.65		.30		.035
Cutting & Burning w/a Torch & Working on the Bottom of Sewer Trenches, etc.	10.40		.30		.035
Dynamite Men	11.75		.30		.035
Bond County					
Vicinity of Greenville & Sorento					
Common	10.25		.20		.035
Brick & Plaster Mason Tenders	10.75		.20		.035
Cutting & Burning w/a Torch & Working on the Bottom of Sewer Trenches, etc.	10.50		.20		.035
Dynamite Men	11.85		.20		.035
Pochontas & Vicinity					
Common	10.05		.40		.035
Brick & Plaster Mason Tenders	10.55		.40		.035
Cutting & Burning w/a Torch & Working on the Bottom of Sewer Trenches, etc.	10.30		.40		.035
Dynamite Men	11.65		.40		.035
Jersey County					
Common	10.25		.20		.035
Brick & Plaster Mason Tenders	10.75		.20		.035
Cutting & Burning w/a Torch & Working on the Bottom of Sewer Trenches, etc.	10.50		.20		.035
Dynamite Men	10.85		.20		.035
Randolph County					
Chester & Vicinity					
Common	9.95		.50		.035
Brick & Plaster Mason Tenders	10.45		.50		.035
Cutting & Burning w/a Torch & Working on the Bottom of Sewer Trenches, etc.	10.20		.50		.035
Dynamite Men	11.55		.50		.035

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DECISION NO IL76-2080

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (CONT'D)					
Randolph County (Cont'd)					
Sparta & Vicinity					
Common	$10.25		.20		.035
Brick & Plaster Mason Tenders	10.75		.20		.035
Cutting & Burning w/a Torch & Working on the Bottom of Sewer Trenches, etc.	10.50		.20		.035
Dynamite Men	11.85		.20		.035
LATHERS:					
Montgomery Co., & the Northern ½ of Greene County	9.90				
Bond & Washington Counties	9.25				
Southern ½ of Greene County & Remainder of Counties	11.585			.65	.01
PAINTERS:					
Randolph County					
Commercil	8.40				
Industrial	9.00				
Remainder of Counties					
Commercil	10.14	.45	.15		
Industrial	10.39	.45	.15		
PLASTERERS:					
Bond, Washington, Calhoun, Clinton, Monroe & Jersey Cos.	11.425				.01
PLUMBERS & STEAMFITTERS:					
Randolph County	10.35	.30	.70		.04
Hillsboro & North Thereof in Montgomery County	10.91	.35	.55		
Valmeyer & Vicinity in Monroe County; Bond, Greene, Jersey, Calhoun Counties; South & West of Route #127 in Montgomery Co.	11.75	.47	.94	.38	
ROOFERS:					
Washington County	7.20				
Montgomery County:					
Composition	11.63				
Slate-Tile-Precast	11.88				
Remainder of Counties:					
Roofers	8.65	.47	.45	1.00	.03
Kettlemen	6.45	.47	.45	1.00	.03
SHEET METAL WORKERS:					
Calhoun County	8.70	.45	.40		.10
Remainder of Counties	10.68	.25	.25	6%	.02
SPRINKLER FITTERS	11.40	.60	.90		.08

DECISION NO. IL76-2080

ILL-2-PEO-1-2-3

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$ 11.08	.42	.90		.05
GROUP II	10.25	.42	.90		.05
GROUP III	9.60	.42	.90		.05
GROUP IV	9.50	.42	.90		.05
GROUP V	9.25	.42	.90		.05
GROUP VI					
a.	13.23	.42	.90		.05
b.	13.53	.42	.90		.05
c.	11.35	.42	.90		.05
d.	11.85	.42	.90		.05

POWER EQUIPMENT OPERATORS:

GROUP I Cranes, draglines, shovels, skimmer scoops, clamshells or derrick boats, pile drivers, crane-type backhoes, asphalt plant opers. plant opers., ditching machines or backfillers (requiring oilers), dredges, asphalt spreading machines, heavy duty mechanic, ass't. master mechanic, all locomotives, cableways or tower machines, hoists 2 drum or more (where oiler or fireman is required), hoists-2 drum or more (where oiler or firemen is not required) Hydraulic backhoes, ditching machines or backfiller (not requiring oilers) Cherry pickers, overhead cranes, roller (Steam or gas) concrete pavers, excavators, concrete breakers, concrete pumps, bulk cement plants, cement pumps, derrick-type drills, mixers (over 3 bags) and boad oprs., (25' & over), Motor graders or pushcats, scoops or tournapulls, Bulldozers, endloaders or fork-lifts, power blade or elevating graders, winch cats, boom tractors, and pipe wrapping or painting machines, Drills (other than derrick type) 1-dum-hoists, mud jacks, mixers (2 or 3 bags), conveyors (2), air compressors (2), water pumps regardless of size (2), welding machines (2) siphons or jets (2), winch heads or apparatuses (2) and light plants (2), Mixers (under 2 bags),all tractors regardless of size (Stright tractor only), firemen on stationary boilers, automatic elevators, form grading machines, finishing machines, power-sub-grader or ribbon machine, longitudinal floats, boats oprs., (under 25', conveyors (1), distribution pors., on trucks, siphones or jets (1) winch heads or apparatuses (1), light plant (1) mixers (under 2 bags)

GROUP II Air Compressor (1), water pumps regardless of size (1) welding machines (1)

GROUP III Firemen and asphalt spreader oilers

GROUP IV Heavy equipment oilers (truck cranes, dredges, monigans, large cranes, etc.

GROUP V Oilers

GROUP VI
- a. Engineers operating under air pressure
- b. Engineers operating in air over 10 lbs pressure
- c. Oilers operating under air pressure
- d. Oilers operating in iar over 10 lbs pressure

DECISION NO. IL76-2080

ILL-82-TD-1-2-3

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$ 9.60	.55	a14.00		
GROUP II	10.00	.55	a14.00		
GROUP III	10.20	.55	a14.00		

TRUCK DRIVERS

GROUP I: - Drivers on 2 axle trucks hauling less than 9 tons, air compressor and welding machine including those pulled by separate units, truck driver helpers, warehouseman, mechanic helpers, greasers & firemen, pick-up trucks when hauling materials, tools, or man to and from and on the jobs site; Fork lifts up to 6,000 lbs., capacity.

GROUP II: - 2 or 3 axle trucks hauling more than 9 ton, but hauling less than 16 tons; A-frame winch trucks, hydrolifts trucks, or similar equipment when used for transportation purposes; Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units; Ticket writers

GROUP III: - 2,3 or 4 axle trucks haluing 16 ton or more, drivers on oil distributores, water pulls, mechanics & wroking foreman; 5-axle or more combination units; dispatchers

FOOTNOTES

a. Per week Per Employee

MODIFICATIONS P. 1

DECISION NO. ID76-5066 - Mod. #2
(41 FR 30515 - July 23, 1976)
Statewide, Idaho

Change:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Sheet Metal Workers	$12.10	.57	$1.205		.08 + .02

MODIFICATIONS P. 2

DECISION NO. IN76-2082 - Mod. #1
(41 FR 27567 - July 2, 1976)
Allen, Bartholomew, Benton, Dearborn, Delaware, Grant, Marion, Monroe, Tippecanoe, Vanderburgh & Vigo Counties, Indiana

Change:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenters:					
Vanderburgh County:					
Carpenters & Soft Floor Layers	$ 9.65	.40	.35		
Millwrights & Piledrivermen	9.90	.40	.35		
Cement Masons:					
Benton & Tippecanoe Cos.	8.35	.45	.65		
Marion County	9.06	.65	.25		.04
Ironworkers:					
Marion County	10.50	.75	1.10		.05
Benton & Tippecanoe Cos.	9.99	.75	1.10		.02
Lathers:					
Benton & Tippecanoe Cos.	8.89	.55	.35		.01
Plasterers:					
Benton (Eastern 2/3 west to & inc. Boswell, Eark Park, & Raub) & Tippecanoe Cos.	9.50	.55			
Sheet Metal Workers:					
Bartholomew, Delaware, Marion & Monroe Counties	10.80	.55	.60		.08
Truck Drivers:					
Allen County:					
Up to & inc. 1 ton	8.555	i	j		
Sweeper attached & Dist. water wagon	8.855	i	j		
1½ to & incl. 3 tons; fork-lift	8.655	i	j		
Tandem; Double bottoms; low-boys; Tri-axle; winch; boom	8.755	i	j		
Semi	8.705	i	j		
Euclid; Earthmover	9.005	i	j		
Footnotes:					
i. $20.00 per week per employee					
j. $22.00 per week per employee					

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MODIFICATIONS P. 3

DECISION NO. IN76-2083 - Mod. #1 (41 FR 27577 - July 2, 1976) Lake, LaPorte, Porter & St. Joseph Counties, Indiana	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Carpenters:					
Lake, LaPorte & Porter Cos.:					
Carpenters, Piledrivermen, and Soft Floor Layers	$11.33	.50	.57		.05
Millwrights	11.38	.50	.57		.05
Cement Masons:					
Lake County (Hammond Area)	10.79	.85	.55		.03
Ironworkers:					
LaPorte (Remainder of Co.), & St. Joseph Counties	10.40	.65	.80		.01
Painters:					
Lake Co. (Gary Area) & Porter County (North of Highway #6):					
Commercial:					
Brush	9.10	.47	.40		.05
Sandblasting; Spray; Steamcleaning; machine spray stripping	9.85	.47	.40		.05
Paperhanger	9.35	.47	.40		.05
Industrial:					
Brush	10.20	.47	.40		.05
Sandblasting; Spray; Steamcleaning; Machine spray stripping	10.95	.47	.40		.05
Plumbers:					
Lake Co. (Gary Area), LaPorte County (except LaPorte City, Michigan City Trail Creek, & Long Beach); & Porter County	11.20	.50	1.20		.02
Roofers:					
Lake & Porter Counties:					
Composition, Damp & waterproof workers; Slate, Tile & Asbestos	11.86	.55	.35		
Truck Drivers:					
St. Joseph Co. (Building Construction):					
Pick-up	6.69	13.50e	19.50e	f	
Single axle	6.90	13.50e	19.50e	f	
Tandem or fuel	7.01	13.50e	19.50e	f	
Tri axle	7.06	13.50e	19.50e	f	
Semi Trailer	7.11	13.50e	19.50e	f	

MODIFICATIONS P. 4

DECISION NO. IN76-2084 - Mod. #1 (41 FR 27585 - July 2, 1976) Statewide, except Lake, LaPorte, Porter and St. Joseph Counties, Indiana	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Cement Masons:					
Benton, Carroll (Northeast section of Co., south & west to, but not incl. Flora in the eastern section, & south to, but not incl. Rockfield, & west to, but not incl. Yeoman), Cass, Clinton, Fountain, Fulton, Howard, Jasper (excluding northeastern portion of Co., but including Wheatfield), Miami, Montgomery, Newton, Pulaski (excluding northern 2/3 of Co.), Tippecanoe, Warren, & White Cos.	$ 8.35	.45	.65		
Boone, Hamilton (southern ½ of Co., north to the new Rte. Indiana Hwy #32 incl. Noblesville), Hancock (southern & western part, north to but not incl. Wilkinson & east to but not incl. Fortville), Hendricks, Johnson, Marion & Morgan (northern ½ of Co.) Cos.	9.06	.65	.25		.04
Ironworkers:					
Marion County	10.50	.75	1.10		.05
Bartholomew, Boone, (southeastern ½ of Co.), Brown, Clinton (eastern 1/3 of Co.), Decatur (western ½ of Co.), Delaware (southern 2/3 of Co.) Grant (SW Portion), Hamilton, Hancock, Hendricks, Henry, Howard, Jackson (northern ½ of Co) Jennings (northern ½ of Co.), Johnson, Lawrence (northeastern 1/6 of Co.), Madison, Monroe,					

MODIFICATIONS P. 5

DECISION NO. IN76-2084 Cont'd	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Ironworkers (Cont'd):					
Morgan, Owen, Putnam (eastern ½ of Co. excluding Greencastle), Rush, Shelby, & Tipton Cos.	$10.65	.75	1.10		.05

MODIFICATIONS P. 6

DECISION NO. IN76-4102 - Mod. #1 (41 FR 27597 - July 2, 1976) Cass, Clay, Jackson, Platte and Ray Counties, Missouri; and Johnson and Wyandotte Counties, Kansas	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Boilermakers	$10.30	.85	1.00		.02
Lathers	10.60	.40			
Line Construction:					
Zone 1					
Lineman	10.56	.38	1%+.15		½%
Heavy equipment operator	9.83	.38	1%+.15		½%
Groundman	6.97	.38	1%+.15		½%
Groundman (1st year)	5.99	.38	1%+.15		½%
Groundman powderman	7.34	.38	1%+.15		½%
Zone 2					
Lineman	9.25	.45	1%		½%
Cable splicers	9.71	.45	1%		½%
Groundman, over 1 year	5.75	.45	1%		½%
Groundman, 1st year	4.36	.45	1%		½%
Powderman	7.67	.45	1%		½%
Line truck and equipment operators:					
1st year	5.89	.45	1%		½%
2nd year	7.05	.45	1%		½%
Over 2 years' experience	7.67	.45	1%		½%
Plasterers	11.15				
Pipefitters	11.37	.57	1.15		.11
Plumbers	11.64	.65	.80		.11
Roofers:					
Roofers	9.80	.45	.60		.04
Helpers:					
1st 6 months	5.88	.45	.60		.04
2nd 6 months	6.37	.45	.60		.04
3rd 6 months	6.86	.45	.60		.04
4th 6 months	7.35	.45	.60		.04
5th 6 months	7.84	.45	.60		.04
6th 6 months	8.33	.45	.60		.04
7th 6 months	8.82	.45	.60		.04
Sheet metal workers	$11.355	.50	.50		
Soft floor layers	8.36	.40	.60	10%	.08
Sprinkler fitters	11.63	.60	.90		.06

MODIFICATIONS P. 7

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #M076-4103 - Mod. #1 (41 FR 27602 - July 2, 1976) Cass, Clay, Jackson, Platte and Ray Counties, Missouri; and Johnson and Wyandotte Counties, Kansas					
Change:					
Boilermakers	$10.30	.85	1.00		.02
Lathers	10.60	.40			
Plasterers	11.15				
Pipefitters	11.37	.57	1.15		.11
Plumbers	11.64	.65	.80		.11
Roofers:					
Roofers	9.80	.45	.60		.04
Helpers:					
1st 6 months	5.88	.45	.60		.04
2nd 6 months	6.37	.45	.60		.04
3rd 6 months	6.86	.45	.60		.04
4th 6 months	7.35	.45	.60		.04
5th 6 months	7.84	.45	.60		.04
6th 6 months	8.33	.45	.60		.04
7th 6 months	8.82	.45	.60		.04
Sheet metal workers	11.355	.30	.30		.05
Soft floor layers	8.36	.40	.60	10%	.08
Sprinkler fitters	11.63	.60	.90		.06

MODIFICATIONS P. 8

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #M076-4107 - Mod. #1 (41 FR 27621 - July 2, 1976) Franklin, Jefferson, Lincoln, St. Charles, and Warren and St. Louis City and County, Missouri					
Change:					
Carpenters:					
Zone 2 - St. Charles County	$9.70	.50	.70		
Zone 3 - Lincoln and Warren Counties	9.15	.50	.70		
Zone 4 - Jefferson County	9.25	.50	.70		
Zone 5 - Franklin County	8.70	.50	.70		
Lathers	10.975				.01
Plasterers	10.295	.48	.80		.03
Plumbers	10.355	.60	.60	.80	.20
Sheet metal workers	10.29	.51+3%	.71	.82	.04
Tile setters	9.21	.325	.80		
Tile setters helpers	8.58	.325	.40		
Omit:					
Electricians:					
Zone 1 - Franklin, Jefferson, Lincoln and Warren Counties	7.97	5%	1%+3%	15%	1%
Zone 2 - St. Charles County & St. Louis City & County	9.64	5%	1%+3%	15%	1%
Add:					
Electricians:					
Zone 1 - City and County of St. Louis and St. Charles County and on all work where the electrical contract exceeds $10,000.00 in Jefferson, Lincoln, Franklin and Warren Counties	10.30	.55	1%+3%	15%	.10
Zone 2 - All work where the electrical contract does not exceed $10,000.00 in Jefferson, Lincoln, Franklin and Warren Counties	9.64	.55	1%+3%	15%	.10

MODIFICATIONS P. 9

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #M076-4108 - Mod. #1 (41 FR 27624 - July 2, 1976) Franklin, Jefferson, Lincoln, St. Charles, and Warren Counties and St. Louis City and County, Missouri					
Change:					
Boilermakers	$10.45	.85	1.00		.02
Carpenters:					
Zone 2-Contracts $200,000.00 and under	8.70	.50	.70 *		
Zone 4- Contracts under $200,000.00	9.70	.50	.70		
Zone 5-Contracts $200,000.00 and under	9.15	.50	.70		
Lathers	10.975				.01
Plasterers	10.295	.48	.80		.03
Plumbers	10.355	.60	.60	.80	.20
Sheet metal workers	10.29	.51+3%	.71	.82	.04
Tile setters	9.21	.325	.80		
Tile setters helpers	8.58	.325	.40		
Omit:					
Electricians	9.64	5%	1%+3%	15%	1%
Add:					
Electricians:					
Zone 1-City and County of St. Louis and St. Charles County and on all work where the electrical contract exceeds $10,000.00 in Franklin, Jefferson, Lincoln and Warren Counties	10.30	.55	1%+3%	15%	.10
Zone 2-On all work where the electricial contract does not exceed $10,000.00 in Franklin, Jefferson, Lincoln and Warren Counties	9.64	.55	1%+3%	15%	.10
Laborers:					
Zone 4 - Mason tenders	8.25	.50	.50		

MODIFICATIONS P. 10

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. NE76-4104 - Mod.#1 (41 FR 26450 - June 25, 1976 Cass, Douglas, Sarpy, Washington and that portion of Saunders County East of Highway #109 in Nebraska					
Add:					
LINE CONSTRUCTION:					
LINE CONSTRUCTION:					
Linemen	$8.86	.35	1%		1/2%
Cable Splicers	9.26	.35	1%		1/2%
Truck Driver	6.42	.35	1%		1/2%
Equipment Operator	8.33	.35	1%		1/2%
GROUNDMEN:					
(Inexperienced) 1st 6 months	3.01	.35	1%		1/2%
(Inexperienced 2nd 6 months	4.40	.35	1%		1/2%
Thereafter	5.81	.35	1%		1/2%

MODIFICATIONS P..11

DECISION NV76-5069 - Mod. #1
(41 FR 32130 - July 30, 1976)
Statewide (excluding the Nevada Test Site and Tonopah Test Range), Nevada

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Changes:					
Cement Masons:					
Clark, Esmeralda, Lincoln, Nye Counties:					
Cement Masons	$8.90	$1.00	.40	$2.00	.08
Cement Floor Finishing Machine and Color Work	9.15	1.00	.40	2.00	.08
Drywall Installers:					
Statewide except the Counties of Clark, Esmeralda, Lincoln, Nye County (south of Hwy. #6):					
Zone 1: Area within 5 road miles of the following communities - Carson City, Elko, Ely, Fallon, Hawthorne, Lovelock, Minden, Winnemucca; also area within 10 road miles of Reno, Nevada; also the area within 2 road miles of Yerington, Nevada; also Washoe Valley between Reno, Nevada, and Carson City, Nevada, but not including any area further than the foot of the mountains to the east or west side of Washoe Valley; also the area of Stead Air Force Base:	9.60	.65	1.01	1.00	.04
Zone 2: Area outside of Zone 1 and not more than 20 road miles from the above communities:	10.20	.65	1.01	1.00	.04
Zone 3: Area over 20 and not more than 40 road miles from the above communities	10.40	.65	1.01	1.00	.04

MODIFICATIONS P. 12

DECISION NO. NV76-5069 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change (Cont'd):					
Drywall Installers (Cont'd):					
Zone 4: Area over 40 road miles from the above communities	$11.10	.65	$1.01	$1.00	.04
Laborers:					
Remaining Counties:					
Zone 1: Area within 5 road miles of the following communities - Carson City, Elko, Fallon, Hawthorne, Lovelock, Minden, Tonopah, Winnemucca; also area within 10 road miles of Reno, Nevada; also the area within 2 road miles of Yerington, Nevada; also Washoe Valley between Reno, Nevada, and Carson City, Nevada, but not including any area further than the foot of the mountains to the east or west side of Washoe Valley; also the area of Stead Air Force Base; also the Tahoe Basin from the Summit to the Lake:					
Group 1	7.75	.50	.90		.10
Group 2	7.85	.50	.90		.10
Group 3	8.00	.50	.90		.10
Group 4	8.25	.50	.90		.10
Group 5	8.55	.50	.90		.10
Group 6-A	8.55	.50	.90		.10
Group 6-B	8.25	.50	.90		.10
Group 6-C	7.90	.50	.90		.10
Zone 2: Area outside of Zone 1 and not more than 20 road miles from the above communities:					
Group 1	8.35	.50	.90		.10
Group 2	8.45	.50	.90		.10
Group 3	8.60	.50	.90		.10
Group 4	8.85	.50	.90		.10
Group 5	9.15	.50	.90		.10

MODIFICATIONS P. 13

DECISION NO. NV76-5069 (Cont'd)

		Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change (Cont'd):						
Laborers (Cont'd):						
Remaining Counties (Cont'd):						
Zone 2 (Cont'd):						
Group 6-A		$9.15	.50	.90		.10
Group 6-B		8.85	.50	.90		.10
Group 6-C		8.50	.50	.90		.10
Zone 3: Area over 20 and not more than 40 road miles from the above communities:						
Group 1		8.55	.50	.90		.10
Group 2		8.65	.50	.90		.10
Group 3		8.80	.50	.90		.10
Group 4		10.05	.50	.90		.10
Group 5		9.35	.50	.90		.10
Group 6-A		9.35	.50	.90		.10
Group 6-B		10.05	.50	.90		.10
Group 6-C		8.70	.50	.90		.10
Zone 4: Area over 40 road miles from the above communities:						
Group 1		9.25	.50	.90		.10
Group 2		9.35	.50	.90		.10
Group 3		9.50	.50	.90		.10
Group 4		9.75	.50	.90		.10
Group 5		10.05	.50	.90		.10
Group 6-A		10.05	.50	.90		.10
Group 6-B		9.75	.50	.90		.10
Group 6-C		9.40	.50	.90		.10
Plasterers:						
Clark, Esmeralda, Lincoln, Nye Counties		9.98	1.00	.40	1.20	.08
Power Equipment Operators: (Except Piledriving and Steel Erection):						
Remaining Counties:	AREA 1	AREA 2				
Group 1	$8.75	9.90	1.12	2.23	.92	.20
Group 2	9.12	10.27	1.12	2.23	.92	.20
Group 3	9.32	10.47	1.12	2.23	.92	.20
Group 4	9.84	10.99	1.12	2.23	.92	.20
Group 5	10.05	11.20	1.12	2.23	.92	.20
Group 6	10.17	11.32	1.12	2.23	.92	.20
Group 7	10.34	11.49	1.12	2.23	.92	.20
Group 8	10.72	11.87	1.12	2.23	.92	.20
Group 9	10.94	12.09	1.12	2.23	.92	.20

MODIFICATIONS P. 14

DECISION NO. NV76-5069 (Cont'd)

		Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change (Cont'd):						
Power Equipment Operators (Except Piledriving and Steel Erection) (Cont'd)						
Remaining Counties:	AREA 1	AREA 2				
Group 10	11.17	12.32	1.12	2.23	.92	.20
Group 10-A	11.29	12.44	1.12	2.23	.92	.20
Group 11	11.46	12.61	1.12	2.23	.92	.20
Group 11-A	12.54	13.69	1.12	2.23	.92	.20
Sheet Metal Workers:						
Clark, Esmeralda, Lincoln, Nye County (south half), White Pine Counties		10.23	.83	1.60	1.00	.05 + .02

MODIFICATIONS P. 15

DECISION #NJ76-3128 - Mod. #3
(41 FR 8717 - February 27,1976)
Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Sussex, Union & Warren Counties, New Jersey

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Electricians & Cable Splicers:					
Zone 14	$11.00	6%	1% + .25		.02
Line Construction					
Zone 13					
Linemen, line truck operators, equipment operators & cable splicers	11.00	6%	1% + .25		½ of 1%
Groundmen	5.42	6%	1% + .25		½ of 1%

DECISION # NC76-1062 - Mod. # 2
(41 FR-21119 - May 21, 1976)
Buncombe County, North Carolina

Change:

(41 FR-2119 - May 21, 1976) to read:
(41 FR-21119 - May 21, 1976)

MODIFICATIONS P. 16

DECISION #OH76-2041 - Mod. #2
(41 FR 15300 - April 9, 1976)
Statewide, Ohio

Change:
Heavy and Highway

	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates		
Laborers					
Group I	$8.83	8.15	7.72		
Group II	8.955	8.275	7.845		
Group III	9.03	8.35	7.92		
Group IV	9.18	8.50	8.07		
Group V	9.48	8.80	8.37		

Fringe Benefits for all Zone and all classifications

$.55 - Health & Welfare
.40 - Pension
.05 - Apprentice Training

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Ironworkers:					
Zone 4 - Cuyahoga, Erie, Geauga, Huron, Lake, Lorain, Medina & Summit Cos. and Ashtabula Co. except the North-East quarter, and Portage Co., except the Ravena Ordinance Depot	$11.87	.60	.80		.03
Carpenters & Piledrivermen:					
Zone 3 - Ashland, Crawford, Huron, Lorain, Richland and Erie (east of B & O tracks)					
Carpenters	10.36	.50	.80		.04
Piledrivermen	11.60	.67	1.00		.03
Zone 4 - Ashtabula, Cuyahoga & Geauga & Lake Counties					
Carpenters & Piledrivermen	11.60	.67	1.00		.03
Zone 13 - Medina, Portage & Summit Counties					
Carpenters	11.00	.40	.50		.02
Piledrivermen	11.60	.67	1.00		.03

MODIFICATIONS P. 17

DECISION #TX76-4077 - Mod. #2
(41 FR 19024 - May 7, 1976)
Statewide (excluding Dallas-Fort Worth Regional Airport), Texas

Change Area Covered by Various Zones to Read as Follows:

Zone 15 - Brazoria, Fort Bend, Galveston*, Harris*, Matagorda, Montgomery, Waller & Wharton Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dam) & Highway Construction, Incidental Shore Work and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to & including 4 stories)

*Not to be used for Paving & Utilities Incidental to General Building Construction on Galveston Island and work performed on the site of water or sewage treatment facilities in Galveston & Harris Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.

MODIFICATIONS P. 18

DECISION # MD76-3225 - Mod. # 1
(41 FR 32141 - July 30, 1976
Montgomery and Prince Georges Counties, Maryland; Arlington and Fairfax Counties, Virginia

Add:
To location the City of Alexandria, Virginia for Washington Metropolitan Area Transit Authority - Rapid Rail System construction projects only.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.

SUPERSEDEAS DECISION

STATE: Hawaii
DECISION NUMBER: HI76-5078
COUNTIES: Statewide
DATE: Date of Publication
Supersedes Decision No. HI76-5048 dated June 4, 1976, in 41 FR 22739.
DESCRIPTION OF WORK: Building (including single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$9.03	.58	$1.40		.05
BOILERMAKERS	9.15	.40	1.00		.03
BRICKLAYERS; Stonemasons	7.45	.65	.75		.10
CARPENTERS:					
Carpenters; Hardwood Floorlayers; Patent Scaffold Erectors; Piledrivermen; Pneumatic Nailer; Shinglers	8.24	.59	1.35	.80	.06
Millwrights	8.49	.59	1.35	.80	.06
Power Saw Operator (2 HP and above)	8.39	.59	1.35	.80	.06
CEMENT MASONS:					
Cement Masons	8.10	.85	1.00	.30	.10
Trowel Machine Operators	8.25	.85	1.00	.30	.10
DRYWALL APPLICATOR	8.24	.59	1.35	.80	.09
ELECTRICIANS:					
Cable Splicers	9.90	4% + .57	13%+ 1.74	11%	.20
Technicians	9.27	4% + .57	13%+ 1.74	11%	.20
Electricians - Linemen	9.00	4% + .57	13%+ 1.74	11%	.20
Line Equipment Men	8.10	4% + .57	13%+ 1.74	11%	.20
Groundmen	6.75	4% + .57	13%+ 1.74	11%	.20
ELEVATOR CONSTRUCTORS	10.68	.495	.32	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.495	.32	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
FENCE ERECTORS (Chain link)	4.35	.20	.18	.09	.03
GLAZIERS	8.92	.73	.75	.72	.12
IRONWORKERS:					
Bridge; Ornamental; Reinforcing Structural	9.15	.60	.55	.75	.05
LATHERS	9.86	.66	.85		.04
LINE CONSTRUCTION WORKERS:					
Cable Splicers	9.90	4% + .57	13%+ 1.74	11%	.20
Technicians	9.27	4% + .57	13%+ 1.74	11%	.20
Electricians - Linemen	9.00	4% + .57	13%+ 1.74	11%	.20
Line Equipment Men	8.10	4% + .57	13%+ 1.74	11%	.20
Groundmen	6.75	4% + .57	13%+ 1.74	11%	.20

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MARBLE SETTERS	$7.95	.65	.75		.10
PAINTERS:					
Brush	8.81	.62	1.50		.10
Tapers	9.01	.62	1.50		.10
Spray	9.31	.62	1.50		.10
PLASTERERS	8.95	.85	1.00	.15	.16
PLASTERERS' HOD CARRIERS:					
Hod Carriers	7.06	.59	.76	.33	.13
Mortar Mixers	7.26	.59	.76	.33	.13
PLUMBERS: Steamfitters	9.30	.97	1.45	1.01	.15
ROOFERS	8.40	.70	.45		.10
SHEET METAL WORKERS	9.20	3% + .63	1.50	.82	.20 + .02
SOFT FLOOR LAYERS	8.31	.50	.40	.15	.08
SPRINKLER FITTERS	11.26	.60	.90		.08
TERRAZZO WORKERS:					
Terrazzo Workers and Tile Setters	7.95	.65	.75		.10
Terrazzo Base Grinder	7.19	.65	.75		.10
Terrazzo and Tile Helpers	6.14	.65	.75		.10
TRUCK DRIVERS:					
Flatbed	6.93	.65	.50		
Dump, 8 yds. and under; Water truck (up to and including 2000 gals.)	7.20	.65	.50		
Water truck (over 2000 gals.)	7.51	.65	.50		
Tandem, Semi-trailer or Semi-dump	8.16	.65	.50		
Slip-in or Pup	8.48	.65	.50		
End dumps, unlicensed (Euclid, Mack, Caterpillar or similar) Tractor trailer (hauling equipment)	8.59	.65	.50		
RIGGER; WELDERS: Receive rate prescribed for craft performing operation to which rigging or welding is incidental.					

FOOTNOTE:
a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.
PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DREDGING:					
Hydraulic suction dredges; Clamshell dredges; Boat operators; Derricks:					
Leverman	$9.29	.65	$1.70	.70	.15
Operators (Derricks, Piledrivers and Cranes)	9.54	.65	1.70	.70	.15
Assistant Engineer (steam or electric)	8.93	.65	1.70	.70	.15
Welder	8.93	.65	1.70	.70	.15
Boat Operator	8.99	.65	1.70	.70	.15
Deckmate; Barge Mate (seagoing)	8.48	.65	1.70	.70	.15
Winchman (stern winch on dredge)	8.16	.65	1.70	.70	.15
Fireman	7.20	.65	1.70	.70	.15
Oiler; Deckhand (can operate anchor scow under direction of deckmate)	6.93	.65	1.70	.70	.15
Boat Deckhand	6.98	.65	1.70	.70	.15
Leveeman; Bargeman	6.76	.65	1.70	.70	.15
Master Boat Operator	9.29	.65	1.70	.70	.15
LABORERS:					
Group 1:	6.66	.59	.76	.33	.13
Group 1-a:	7.16	.59	.76	.33	.13
Group 1-b:	7.36	.59	.76	.33	.13
Group 1-c:	7.41	.59	.76	.33	.13
Group 1-d:	7.61	.59	.76	.33	.13
Group 2:	6.91	.59	.76	.33	.13
Group 3:	7.11	.59	.76	.33	.13

POWER EQUIPMENT OPERATORS (Except Piledriving and Steel Erection)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1:	$6.65	.65	1.70	.70	.15
Group 2:	6.76	.65	1.70	.70	.15
Group 3:	6.93	.65	1.70	.70	.15
Group 4:	7.20	.65	1.70	.70	.15
Group 5:	7.51	.65	1.70	.70	.15
Group 6:	8.16	.65	1.70	.70	.15
Group 7:	8.48	.65	1.70	.70	.15
Group 8:	8.59	.65	1.70	.70	.15
Group 9:	8.70	.65	1.70	.70	.15
Group 9-A:	8.93	.65	1.70	.70	.15
Group 10:	8.99	.65	1.70	.70	.15
Group 10-A:	9.14	.65	1.70	.70	.15
Group 11:	9.29	.65	1.70	.70	.15
Group 12:	9.65	.65	1.70	.70	.15
Asphalt Paving Group:					
Asphalt Raker	7.20	.65	1.70	a	
Asphalt Roller	8.16	.65	1.70	a	
Asphalt Spreader	8.48	.65	1.70	a	

FOOTNOTE:
a. An employee who has completed two to five years service shall receive a vacation on one week with pay. Each additional year an additional one day vacation with pay; Ten or more years a vacation of two weeks each year; For each year of completed service thereafter to and including fifteen(15) years service, an addition of one day vacation with pay; Fifteen(15) or more years of service, a vacation of three weeks each year with pay.

LABORERS

Group 1: All clean-up work of debris, grounds and buildings; Bridge Laborers; Construction Laborers; Dumpman; General Laborers; Limbers, Brush Loaders and Filers; Maintenance, repair (track and roadbeds)

Group 1-a: Mason Tenders

Group 1-b: High Scaler

Group 1-c: Gunnite Operator

Group 1-d: Powderman

Group 2: Asphalt Shovelers; Cement Dumpers; Choker Setter and Rigger (clearing work); Concrete Chipping; Driller's Helper; Chuck Tender; Outside Nipper; Guinea Chaser (Stakeman); High Pressure Nozzleman - hydraulic Monitor (over 100# pressure) excluding levee work; Loading and unloading, carrying and handling of all rods and materials for use in reinforcing concrete construction; Sloper; All pneumatic, gas and electric tools not listed in Group 1

Group 3: Asphalt Ironers and Rakers; Barko and similar type Tampers; Buggymobile; Chainsaw, Failer, Logloader and Bucker; Concrete Laborers (wet or dry) including Bucket Tender for concrete; Concrete and Magnesite Mixer under 1/2 yard; Concrete Grinder; Concrete Pan Work; Concrete Saw (walking or hand type); Cribbers; Cut Granite Curb Setters; Form Raisers; Header Board; Mortar Mixers (block-brick-masonry); Jackhammer Operator; Jackson and similar type Compactors; Lagging, Sheeting, Whaling, Bracing, Trench-jacking, Hand-guided Lagging Hammer; Magnesite and Mastic workers (wet or dry); Mechanical Drillers not covered elsewhere; Pavement Breakers; Pipelayers, Caulkers, Bander; Pipewrappers, Kettlemen, Potmen and men applying asphalt, Lay-Kold, Creosote and similar type materials; Post Hole Diggers (hand held - gas, air and electric); Riprap, Stonepaver and Rockslinger, including placing of sacked concrete (wet or dry); Rotary Scarifier; Roto-tiller; Sandblasters; Tank Cleaners; Tree Climbers; Vibra-screed (bull float in connection with Laborers' work); Vibrator, Burning, Welding, Signaling, and Rigging in connection with Laborers' work; Concrete Pump Machine; Joy Drill Model TWH-2A, Gardner, Denver DH-143 and similar type drills; Track Drillers, Diamond Core, Wagon Drillers and Davis Trencher T-66 or similar types

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 1: Partsman (heavy duty shop parts room when needed); Repairman Helper

Group 2: Compressor, electrically, diesel or gas powered etc.; Hydraulic Monitor; Material Loader and/or Conveyor Operator (handling building material); Mixer Box Operator (concrete plant); Pump Operator; Spreader Boxman (with screeds); Tar Pot Fireman (power agitated)

Group 3: Oiler; Fireman; Switchman; Brakeman; Deckhand; Tar Pot Fireman; Box Operator (bunker); Locomotive (up to and including 30 tons); Roller (5 tons and under); Screedman (except asphaltic concrete paving); Self-propelled, automatically applied concrete curing machine (on streets, highways, airports and canals); Tugger Hoist, single drum

Group 4: Boom Truck or Dual Purpose "A" Frame Truck; Fork Lift or Lumber Stacker (construction job site); Material Hoist (1 drum); Straddle Truck; Ross Carrier and similar (jobsite); Dinky Operator

Group 5: Concrete Mixer (up to 2 yards); Concrete Pumps or Pumpcrete Guns; Generators, gasoline or diesel driven (100 K.W.); Lubrication and Service Engineer (mobile and grease rack); Towermobile; Welding Machine (gasoline or diesel); Agri-cat (Mini Cat)

Group 6: Combination Loader and Backhoe including Hopto (up to and including 1/2 yard); Concrete Batch Plants (wet or dry); Concrete Saws and/or Grinder (self-propelled unit on streets, highways, airports and canals); Drilling Machinery (not to apply to waterliners, wagon drills or jackhammers); Highline Cable-way Signalman; Loader (up to and including 2½ cu. yds.); Lull High Lift; Pavement Breaker; Maginnis Internal Full Slab Vibrator (on airports, highways, canals and warehouses); Mechanical Finishers (concrete) (large Clary, Johnson Bidwell Bridge Deck or similar types); Mobile Crane Driver; Portable Crushers; Power Jumbo Operator (setting slip forms, etc., in tunnels); Rollers (over 5 tons); Self-propelled Compactor (single engine); Small Rubber-tired Tractors; Trencher (up to and including 6'); Slip Form Pumps (power driven hydraulic, electric, gas, etc., lifting device for concrete forms)

Group 7: Crusher Plant; Dual Drum Mixer; Gradesetter; Hoist (2 drums); Loader (over 2½ cu. yds. up to and including 5 cu. yds.); Mechanical Finishers or Spreader Machine, Asphalt (Barber Greene and similar)(Screedman required); Mine or Shaft Hoist; Pavement Breaker, Truck mounted, with Compressor combination; Pavement Breaker with Compressor Combination (operates 1 or 2); Pipe Cleaning Machine (tractor propelled and supported); Pipe Wrapping Machine (tractor propelled and supported); Pipe Bending Machine (pipe lines only); Self-propelled Elevating Grader Plane; Slusher Operator; Trencher (over 6'); Water Tanker (pulled by Euclid, T-Pulls, DW-10, 20, 21 or similar); Mixermobile (over 5 tons); Small Tractor (with boom D-6 or similar)

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Group 8: Boring Machine; Cast-in-place Pipe Laying Machine; Concrete Batch-Plant (multiple units); Combination Loader and Hydraulic Backhoe (over 1/2 yd to and including 3/4 yd.); Conveyor (tunnel); Engineer, Locomotive (over 30 tons up to and including 100 tons); Finishing Machine Operator (airports and highways); Hydraulic Backhoe (over 1/2 yard to and including 3/4 yd.); Koiman Loader; Mechanic Trench Shield; Mucking Machine; No-joint Pipe Laying Machine; Portable Crushing and Screening Plants; Saurman type Dragline (under 5 yards); Self-propelled Boom type Lifting Device; Stationary Pipe Wrapping, Cleaning and Bending Machine; Surface Heater and Planer; Tunnel Badger; Tri-batch Paver

Group 9: Boom type Backfilling Machine; Combination Mixer and Compressor (gunite); Do-more Loader and Adams Elegrader; Lull Hi-lift (40' or over); Rubber-tired Earthmoving Equipment (up to 12 cu, yds.); Wheel Trencher (over 6')

Group 9-A: Dozers; Heavy Duty Repairman or Welder; Push Cats; Scrapers; Self-propelled Compactor with dozer; Sheep Foot; Tractors; Tractors (with boom, larger than D-6 and similar)

Group 10: Chicago Boom; Hoist (3 drums); Koehring Skooper; Loader (over 5 yards up to and including 12 yards); Locomotive (over 100 tons)(single or multiple units); Power Blade Operator; Rubber-tired Earthmoving Equipment (up to and including 35 cu. yds., Euclid, T-Pulls, DW-10, 20, 21 and similar); Saurman type Dragline (5 yards or over); Soil Stabilizer (P & H equal); Sub-grader (Gurries or other automatic type); Track-laying type Earthmoving Machine (single engine with tandem scraper); Tractor, Compressor, Drill Combination; Tractor (tandem scraper); Tractors (D-9 or equivalent)

Group 10-A: Cranes (not over 25 tons); Power Shovels, Clamshells, Draglines, Backhoes, Grsdealls (up to and including 1 cu. yd.)

Group 11: Automatic Skip Form Paver (concrete or asphalt) (Gradesetter, Screedman required); Cranes (over 25 tons); DW-10, 20, etc. (Tandem); Earthmoving Machine (multiple propulsion power units and two or more scrapers) (up to and including 35 cu. yds. struck "MRC"); Highline Cableway; Lift Slab Machine; Loader (over 12 yds.); Power Shovels, Clamshells, Draglines, Backhoes, Gradealls (over 1 yd. and up to 7 yds.); Power Blade Operator (16 or over); Pre-stress Wire Wrapping Machine; Self-porpelled Compactor (with multiple propulsion power units); Single Engine Rubber Tired Earth Moving Machine (with tandem scraper); Tandem Cats; Tower Cranes, Mobile; Trencher (pulling attached shield); Universal, Liebher, Linden and similar types of tower cranes; Wheel Excavator (up to and including 750 cu. yds. per hour)

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Group 12: Band Wagon (in conjunction with wheel excavator); Derricks; Drill Rigs; Multi-propulsion Earth Moving Machines (2 or more scrapers) (over 35 cu. yds. "struck" MRC); Power Shovels and Draglines (7 cu. yds. and over); Rubber-tired Earthmoving Equipment (over 35 cu. yds. Euclids, T-Pulls, DW-10, 20, 21 and similar); Wheel Excavator (over 750 cu. yds.)

SUPERSEDEAS DECISION

STATE: Illinois COUNTIES: Madison & St. Clair
DECISION NUMBER: IL76-2078 DATE: Date of Publication
Supersedes Decision No. IL76-2014, dated February 13, 1976 in 41 FR 6977
DESCRIPTION OF WORK: Building (Including Residential), Construction.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.38	.45	.62		.01
BOILERMAKERS	10.05	.65	1.10		
BRICKLAYERS:					
Madison County:					
Alton, Wood River & Vicinities					
Bricklayers; Stonemasons; Tile-Marble-Terrazzo Workers	11.20		.75		
Edwardsville, Marine, Highland & Troy					
Bricklayers; Stonemasons, Marble-Tile-Terrazzo Workers, Pointers, Cleaners & Caulkers	10.20	.50	.75	1.00	
Granite City & Vicinity					
Bricklayers; Stonemasons; Pointers-Cleaners-Caulkers					
Building	9.65		.75	1.00	
Residential	8.80		.75	1.00	
St. Clair County:					
E. St. Louis & Vicinity					
Bricklayers; Stonemasons; Marble-Tile-Terrazzo Workers Caulkers-Cleaners-Pointers	10.20	.50	.75	1.00	
Belleville & Vicinity					
Bricklayers & Stonemasons	9.75		.75	1.00	
CARPENTERS:					
Madison County					
Carpenters; Millwrights; Soft Floor Layers & Piledrivermen:					
Building	10.935	.50	.50		
Residential-Up to 4 Family Apartments	9.935	.50	.50		
St. Clair County					
Carpenters; Millwrights; Soft Floor Layers & Piledrivermen	10.885	.40	.75		
CEMENT MASONS	10.775	.60	.50		
ELECTRICIANS:					
Alton & Vicinity in Madison Co.	10.99	.40	1%	6%	.5%
St. Clair Co. & the Remainder of Madison Co.	10.28	4%	1%+.65	6%	.03

DECISION IL76-2078

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTORS:					
Constructors	$9.24	.445	.29	2%+a6b	.02
Helpers	70%JR	.445	.29	2%+a6b	.02
Helpers (Prob.)	50%JR				
IRONWORKERS	11.00	.55	.75		
LABORERS:					
Madison County					
Alton					
Common	9.50	.45	.60		.035
Laying sewer & all sewer work	9.60	.45	.60		.035
Well digging; gunnite machine; gunnite nozzle opr.; rip-rapping	9.75	.45	.60		.035
Wood River					
Common	9.95		.60		.035
Laying sewer & all sewer work	10.05		.60		.035
Well digging; gunnite machine & nozzle operator	10.20		.60		.035
Granite City, Madison, Venice, Nameoki & Mitchell					
Common	9.45	.55	.55		.035
Open Well	9.95	.55	.55		.035
Cutting, Burning & Welding	9.725	.55	.55		.035
Plasterers' & Brickmason Tenders	9.95	.55	.55		.035
Dynamite & Powdermen	10.975	.55	.55		.035
Dynamite & Powdermen Helpers	9.375	.55	.55		.035
Collinsville					
Common	10.05		.50		.035
Burning & Cutting w/a torch (2-men) Raking & Luting asphalt & Power Saw	10.30		.50		.035
Mason & Plasterer Tenders	10.55		.50		.035
Dynamite Men	11.35		.50		.035
Edwardsville					
Common	10.30		.25		.035
Men working in main sewer ditch	10.55		.25		.035
Plaster & Mason Tenders	10.80		.25		.035
Dynamite & Powder Men	11.825		.25		.035
Dynamite & Powder Helpers	10.825		.25		.035

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (CONT'D)					
Glen Carbon					
Common	$9.95		.60		.035
Mason & Plasterer Tenders	10.45		.60		.035
Dynamite Men	11.55		.60		.035
Highland					
Common	9.85		.60		.035
Mason & Plasterers Tenders	10.35		.60		.035
Workmen cutting & burning w/a torch	10.10		.60		.035
Livingston					
Common	10.25		.20		.035
Working on the Bottom of Sewer	10.50		.20		.035
Mason and Plasterer Tenders	10.75		.20		.035
Marine					
Common	10.25		.20		.035
Mason & Plasterer	10.75		.20		.035
Working on the Bottom of Sewer	10.50		.20		.035
Troy					
Common	9.85		.60		.035
Mason & Plasterer Tenders	10.35		.60		.035
Working on the bottom of sewer	10.10		.60		.035
St. Jacob					
Common	9.85		.60		.035
Mason & Plasterer Tenders	10.35		.60		.035
Working in Sewer Trenches	10.10		.60		.035
LABORERS:					
St. Clair County					
E. St. Louis & Vicinity					
Laborers	9.45	.55	.55		.035
Bottom Men on Sewer Work	9.71	.55	.55		.035
Dynamite Men	10.975	.55	.55		.035
Belleville & Vicinity					
Laborers	9.65	.30	.60		.035
Bottom Men on Sewer Work	9.90	.30	.60		.035
Dynamite Men & Powder Men	11.15	.30	.60		.035
Hod Carriers & Plast. Tenders	10.85		.20	1.20	
O'Fallon, Mascoutah, Scott AFB, Shiloh & Lebannon & Vicinity					
Laborers	10.15		.40		.035
Bottom Men on Sewer Work	10.40		.40		.035
Brickmason & Plasterers' Tenders; Mortar Mixers	10.65		.40		.035

DECISION NO IL76-2078

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (CONT'D)					
Freeburg & Vicinity					
Laborers	$9.50	.35	.60		.035
All Sewer Work	9.75	.35	.60		.035
Mason & Plaster Tenders	10.00	.35	.60		.035
Dynamite Men	11.10	.35	.60		.035
New Athens & Vicinity					
Laborers	9.50	.35	.60		.035
Bottom Men on Sewer Work	9.75	.35	.60		.035
Mason & Plaster Tenders	10.00	.35	.60		.035
LATHERS	11.585			.65	.01
LEADBURNERS	9.25	.35		c	.01
PAINTERS:					
Residential - Commercial	10.14	.45	.15		
Industrial	10.39	.45	.15		
Bridges; Grain Elevators, Water Radio & TV Towers; Stacks	10.64	.45	.15		
Spray; Sand & Water Blasting; Steam Cleaning - additional 1.00 per hour					
PLASTERERS	11.425				.01
PLUMBERS & STEAMFITTERS:					
Alton & Northern part of Madison Co., North of Mitchell	11.75	.47	.94	.38	
Granite City; Southern ⅓ of Madison Co., & E. St. Louis & Vic. in St. Clair Co.	10.25	.52	.62	.52	
Belleville & Vicinity	11.01	.34	1.00		
ROOFERS:					
Composition-Slate-Tile	8.65	.47	.45	1.00	.03
SHEET METAL WORKERS	10.68	.25	.25	6%	.02
SPRINKLER FITTERS	11.40	.60	.90		.08
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

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PAID HOLIDAYS (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day; F-Labor Day;
E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:

a. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in bsuiness more than 5 years and 2% of regular hourly rate for employee who has worked in business more than 5 years.

b. Six paid Holidays: A through F.

c. Nine paid holidays, A through F plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work day immediately preceding anf following the holiday

DECISION NO. IL76-2078

ILL-2-PEO-1-2-3

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App Tr.
GROUP I	$ 11.08	.42	.90		.05
GROUP II	10.25	.42	.90		.05
GROUP III	9.60	.42	.90		.05
GROUP IV	9.50	.42	.90		.05
GROUP V	9.25	.42	.90		.05
GROUP VI					
a.	13.23	.42	.90		.05
b.	13.53	.42	.90		.05
c.	11.35	.42	.90		.05
d.	11.85	.42	.90		.05

POWER EQUIPMENT OPERATORS:

GROUP I Cranes, draglines, shovels, skimmer scoops, clamshells or derrick boats, pile drivers, crane-type backhoes, asphalt plant oprs. plant oprs., ditching machines or backfillers (requiring oilers), dredges, asphalt spreading machines, heavy duty mechanic, ass't. master mechanic, all locomotives, cableways or tower machines, hoists 2 drum or more (where oiler or fireman is required), hoists-2 drum or more (where oiler or firemen is not required) Hydraulic backhoes, ditching machines or backfiller (not requiring oilers) Cherry pickers, overhead cranes, roller (Steam or gas) concrete pavers, excavators, concrete breakers, concrete pumps, bulk cement plants, cement pumps, derrick-type drills, mixers (over 3 bags) and boad oprs., (25' & over), Motor graders or pushcats, scoops or tournapulls, Bulldozers, endloaders or fork-lifts, power blade or elevating graders, winch cats, boom tractors, and pipe wrapping or painting machines, Drills (other than derrick type) 4-dum-hoists, mud jacks, mixers (2 or 3 bags), conveyors (2), air compressors (2), water pumps regardless of size (2), welding machines (2) siphons or jets (2), winch heads or apparatuses (2) and light plants (2), Mixers (under 2 bags), all tractors regardless of size (Stright tractor only), firemen on stationary boilers, automatic elevators, form grading machines, finishing machines, power-sub-grader or ribbon machine, longitudinal floats, boats oprs., (under 25', conveyors (1), distribution oprs., on trucks, siphones or jets (1) winch heads or apparatuses (1), light plant (1) mixers (under 2 bags)

GROUP II Air Compressor (1), water pumps regardless of size (1) welding machines (1)

GROUP III Firemen and asphalt spreader oilers

GROUP IV Heavy equipment oilers (truck cranes, dredges, monigans, large cranes, etc.

GROUP V Oilers

GROUP VI
a. Engineers operating under air pressure
b. Engineers operating in air over 10 lbs pressure
c. Oilers operating under air pressure
d. Oilers operating in iar over 10 lbs pressure

DECISION NO. IL76-2078

ILL-82-TD-1-2-3

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$ 9.60	.55	a14.00		
GROUP II	10.00	.55	a14.00		
GROUP III	10.20	.55	a14.00		

TRUCK DRIVERS

GROUP I: - Drivers on 2 axle trucks hauling less than 9 tons, air compressor and welding machine including those pulled by separate units, truck driver helpers, warehouseman, mechanic helpers, greasers & firemen, pick-up trucks when hauling materials, tools, or men to and from and on the jobs site; Fork lifts up to 6,000 lbs., capacity.

GROUP II: - 2 or 3 axle trucks hauling more than 9 ton, but hauling less than 16 tons; A-frame winch trucks, hydrolifts trucks, or similar equipment when used for transportation purposes; Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units; Ticket writers

GROUP III: - 2,3 or 4 axle trucks haluing 16 ton or more, drivers on oil distributores, water pulls, mechanics & wroking foreman; 5-axle or more combination units; dispatcher.

FOOTNOTES

a. Per week Per Employee

SUPERSEDEAS DECISION

STATE: Illinois — COUNTIES: See Below
DECISION NUMBER: IL76-2079 — DATE: Date of Publication
Supersedes Decision No. IL76-2027, dated March 5, 1976, 41 FR 9782
DESCRIPTION OF WORK: Heavy and Highway Construction.

ILL-HH-8

COUNTIES: Bond, Calhoun, Clinton Greene, Jersey, Macoupin, Madison, Monroe, Montgomery, St. Clair & Washington	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS & PILEDRIVERMEN:					
Bond, Calhoun, Greene, Gersey & Madison Counties	$10.935	.50	.50		
Clinton, Monroe, St. Clair & Washington Counties	10.885	.40	.75		
Macoupin & Montgomery Counties	10.935	.50	.50		
CEMENT MASONS:					
Calhoun, Jersey, St. Clair, Washington & Monroe Counties; Western ½ of Clinton County, East to but not including Carlyle; Southern part of Bond County, North to & including Smithboro; Remainder of Madison County	11.875				
Greene, Macoupin & Montgomery Counties; Eastern ½ of Clinton County including Carlyle; the Northern part of Bond County & the Northeastern section of Madison County	10.775	.60	.35		
ELECTRICIANS:					
Portion East of Butler Grove, Grisham, Hillsboro & Raymond Twp. in Montgomery County	10.19	.40	1%+.35		.0035%
Athensville, Scottville, Girard & Areas north thereof in Macoupin Co. N. W. part of Montgomery Co. including Bois D' Arc, Harvel & Pittman Twps.	9.87	.40	1%+.30		.2%
Calhoun, Greene & Jersey Cos; Alton & Vicinity in Madison Co.	10.99	.40	1%	6%	½ of 1%
Eastern ½ of Bond County, Huey, Hoffmen & Vicinity in Clinton County & Remainder of Washington County	10.80	.40	1%+.65		½ of 1%
Monroe & St. Clair Cos; Western ½ of Bond Co., Vendy Twp. in Washington Co., & Remainder of Clinton, Madison & Montgomery Counties	10.28	4%	1%+.65	6%	.35%

DECISION IL76-2079

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
IRONWORKERS:					
Bond, Calhoun, Clinton, Jersey, Madison, Monroe, St. Clair & Washington Cos; Summerville & south thereof in Macoupin Co., & Litchfield, Hillsboro & south thereof in Montgomery County	$11.00	.55	.75		
Greene, Macoupin Co., north of Summerville & north of Litchfield & Hillsboro in Montgomery County	10.35	.55	.75		.05
LINEMEN:					
Eastern ½ of Bond Co. & Remainder of Washington County:					
Linemen & Digging Operator	9.77	.35	1%		.25%
Groundman Equipment Operator:					
Class I	8.34	.35	1%		.25%
Class II	6.83	.35	1%		.25%
Groundman:					
Class "A"	6.23	.35	1%		.25%
1st. 6 Months	5.95	.35	1%		.25%
Northern 1/3 of Macoupin County & Remainder of Montgomery Co:					
Linemen	10.56	.35	1%		.5%
Groundman Equip. Opr.-Class I	9.85	.35	1%		.5%
Groundman Truck Driver-W/Winch	7.38	.35	1%		.5%
Groundman Truck Driver WO/Winch	7.03	.35	1%		.5%
Groundman Class "A"	6.71	.35	1%		.5%
Calhoun, Greene & Jersey Cos; S. W. corner of Macoupin Co; Alton, E. Alton, Wood River & Hartford in Madison County:					
Linemen	10.99	.40	1%	6%	½of1%
Groundman Truck Driver - W/ Winch	10.09	.40	1%	6%	½of1%
Groundman & Groundman Truck Driver	9.79	.40	1%	6%	½of1%
Monroe & St. Clair Cos. Okawville & Vendy Twps in Washington Co. Portion East of Roundtree, Irving & East Fork Twps. in Montgomery Cos. & Remainder of Macoupin and Madison Counties Western ½ of Bond County					

DECISION NO IL76-2079

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINEMEN (CONT'D)					
Linemen	$10.59	4%	1%		.25%
Groundmen Equipment Operator	9.20	4%	1%		.25%
Groundmen Truck Drivers:					
W/Winch and WO/Winch	7.48	4%	1%		.25%
Pick-Up-Jeeps	6.98	4%	1%		.25%
Groundmen	6.93	4%	1%		.25%
PAINTERS:					
Brush	10.14	.45	.15		
Industrial	10.39	.45	.15		
Bridges	10.64	.45	.15		
LABORERS: HEAVY CONSTRUCTION					
St. Clair Co.-Freeburg-New Athens					
Laborers	9.50	.35	.60		.035
Brick & Plaster Mason Tenders	10.00	.35	.60		.035
Workmen cutting & burning w/a torch & working on the bottom of sewer, etc.	9.75	.35	.60		.035
Dynamite Men	11.10	.35	.60		.035
Bond Co. - Pocahontas					
Macoupin Co. - Gillespie					
Washington Co. - Ashley					
Laborers	10.05		.40		.035
Brick & Plaster Mason Tenders	10.55		.40		.035
Workmen cutting & burning w/a torch & working on the bottom of sewer, etc.	10.30		.40		.035
Dynamite Men	11.65		.40		.035
Macoupin Co. - Mt. Olive					
Bond Co. - Greenville					
Clinton Co. - Trenton					
Laborers	10.15		.30		.035
Brick & Plaster Mason Tenders	10.65		.30		.035
Workmen cutting & burning w/a torch & working on the bottom of sewer, etc.	10.40		.30		.035
Dynamite Men	11.75		.30		.035

DECISION NO IL76-2079

LABORERS - HEAVY CONST. (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Madison Co. - Glen Carbon					
Laborers	$9.95		.60		.035
Brick & Plaster Mason Tenders	10.45		.60		.035
Workmen cutting & burning w/a torch and working on the bottom of sewer, etc.	10.20		.60		.035
Dynamite Men	11.55		.60		.035
Macoupin Co. - Carlinville					
Calhoun Co. - Hardin					
Madison Co. - Livingston-Marine					
Laborers	10.25		.20		.035
Brick & Plaster Mason Tenders	10.75		.20		.035
Workmen cutting & burning w/a torch & working on the bottom of sewer, etc.	10.50		.20		.035
Dynamite Men	11.85		.20		.035
Monroe Co. - Columbia					
Common Laborers	10.00	.30	.25		.035
Air Tool Opr; Cooking Mastic; Laying or Caulking Sewer Pipe	10.25	.30	.25		.035
Mason & Plasterer Tenders	10.50	.30	.25		.035
Macoupin Co. - Staunton					
Madison Co. - Troy, St. Jacob & Highland					
Greene Co. - Roodhouse					
Washington Co. - Okawville					
Montgomery Co. - Litchfield & Hillsboro					
Randolph Co. - Chester					
Laborers	9.85		.60		.035
Brick & Plaster Mason Tenders	10.35		.60		.035
Workmen cutting & burning w/a torch & working on the bottom of sewer, etc.	10.10		.60		.035
Dynamite Men	11.45		.60		.035
Jersey Co. - Jerseyville					
Bond Co. - Sorento					
Laborers	10.20		.25		.035
Brick & Plaster Mason Tenders	10.70		.25		.035
Workmen cutting & burning w/a torch & working on the bottom of sewer, etc.	10.45		.25		.035
Dynamite Men	11.80		.25		.035

DECISION NO IL76-2079

LABORERS - HEAVY CONST. (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Randolph Co. - Sparta					
Clinton Co. - Carlyle					
Washington Co. - Nashville					
Laborers	$9.95		.50		.035
Brick & Plaster Mason Tenders	10.45		.50		.035
Workmen cutting & burning w/a torch & working on the bottom of sewer, etc.	10.70		.50		.035
Dynamite Men	11.55		.50		.035
LABORERS: HIGHWAY CONSTRUCTION					
ZONE I					
Area 1-Madison Co. - Alton					
Laborers	9.50	.45	.60		.035
Asphalt Raker, etc.	9.60	.45	.60		.035
Brick Mason Tenders	10.00	.45	.60		.035
Men working on the bottom, etc	9.75	.45	.60		.035
Dynamite Men	11.025	.45	.60		.035
Area 2-St. Clair Co. - New Athens - Freeburg					
Laborers	9.60	.35	.60		.035
Asphalt Raker, etc.	9.70	.35	.60		.035
Brick Mason Tenders	10.10	.35	.60		.035
Men working on the bottom, etc	9.85	.35	.60		.035
Dynamite Men	11.125	.35	.60		.035
Area 3-St. Clair Co. - East St. Louis - Madison Co. - Granite City					
Laborers	9.45	.55	.55		.035
Asphalt Raker, etc.	9.55	.55	.55		.035
Brick Mason Tenders	9.95	.55	.55		.035
Men working on the bottom, etc	9.70	.55	.55		.035
Dynamite Men	10.975	.55	.55		.035
Area 4-Bond Co. - Sorento Jersey Co. - Jerseyville Madison Co. - Edwardsville					
Laborers	10.30		.25		.035
Asphalt Raker, etc.	10.40		.25		.035
Brick Mason Tenders	10.80		.25		.035
Men working on the bottom, etc	10.55		.25		.035
Dynamite Men	11.825		.25		.035

DECISION NO IL76-2079

LABORERS - HIGHWAY CONST. (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Area 5-Clinton Co. - Carlyle St. Clair Co. - Collinsville Washington Co. - Nashville Randolph Co. - Sparta					
Laborers	$10.05		.50		.035
Asphalt Raker, etc.	10.15		.50		.035
Brick Mason Tenders	10.55		.50		.035
Men working on the bottom, etc	10.30		.50		.035
Dynamite Men	11.575		.50		.035
ZONE II					
Area 1-Macoupin Co. - Carlinville Madison Co. - Marine & Livingston - Calhoun Co. - Hardin					
Laborers	10.35		.20		.035
Asphalt Raker, etc.	10.45		.20		.035
Brick Mason Tenders	10.85		.20		.035
Men working on the bottom, etc.	10.60		.20		.035
Dynamite Men	11.875		.20		.035
Area 2-Bond Co. - Greenville Macoupin Co. - Mt. Olive - Clinton Co. - Trenton					
Laborers	10.25		.30		.035
Asphalt Raker, etc.	10.35		.30		.035
Brick Mason Tenders	10.75		.30		.035
Men working on the bottom, etc.	10.50		.30		.035
Dynamite Men	11.775		.30		.035
Area 3-St. Clair Co. - Belleville					
Laborers	9.65	.30	.60		.035
Asphalt Raker, etc.	9.75	.30	.60		.035
Brick Mason Tenders	10.15	.30	.60		.035
Men working on the bottom, etc.	9.90	.30	.60		.035
Dynamite Men	11.175	.30	.60		.035
Area 4-Macoupin Co. -Staunton Greene Co. - Roodhouse Washington Co. - Okawville - Montgomery Co. - Hillsboro & Litchfield Madison Co. - Glen Carbon - Highland - St. Jacob - Wood River - Troy					
Laborers	9.95		.60		.035
Asphalt Raker, etc.	10.05		.60		.035
Brick Mason Tenders	10.45		.60		.035
Men working on the bottom, etc.	10.20		.60		.035
Dynamite Men	11.475		.60		.035

DECISION NO IL762079

LABORERS - HIGHWAY CONST. (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Area 5-St. Clair Co. - O'Fallon - Mascoutah - Washington Co. - Ashley - Bond Co. - Pocahontas Macoupin Co. - Gillespie & Shipman					
Laborers	$10.15		.40		.035
Asphalt Raker, etc.	10.25		.40		.035
Brick Mason Tenders	10.65		.40		.035
Men working on the bottom, etc.	10.40		.40		.035
Dynamite Men	11.675		.40		.035
Area 6-Monroe Co. - Columbia					
Laborers	10.00	.30	.25		.035
Asphalt Rakers, etc.	10.10	.30	.25		.035
Brick Mason Tenders	10.50	.30	.25		.035
Men working on the bottom, etc.	10.25	.30	.25		.035
Dynamite Man	11.525	.30	.25		.035

DECISION NO. IL76-2079

ILL-2-PEO-1-2-3

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$ 11.08	.42	.90		.05
GROUP II	10.25	.42	.90		.05
GROUP III	9.60	.42	.90		.05
GROUP IV	9.50	.42	.90		.05
GROUP V	9.25	.42	.90		.05
GROUP VI					
a.	13.23	.42	.90		.05
b.	13.53	.42	.90		.05
c.	11.35	.42	.90		.05
d.	11.85	.42	.90		.05

POWER EQUIPMENT OPERATORS:

GROUP I Cranes, draglines, shovels, skimmer scoops, clamshells or derrick boats, pile drivers, crane-type backhoes, asphalt plant opers. plant opers., ditching machines or backfillers (requiring oilers), dredges, asphalt spreading machines, heavy duty mechanic, ass't. master mechanic, all locomotives, cableways or tower machines, hoists 2 drum or more (where oiler or fireman is required), hoists-2 drum or more (where oiler or firemen is not required) Hydraulic backhoes, ditching machines or backfiller (not requiring oilers) Cherry pickers, overhead cranes, roller (Steam or gas) concrete pavers, excavators, concrete breakers, concrete pumps, bulk cement plants, cement pumps, derrick-type drills, mixers (over 3 bags) and boad oprs., (25' & over), Motor graders or pushcats, scoops or tournapulls, Bulldozers, endloaders or fork-lifts, power blade or elevating graders, winch cats, boom tractors, and pipe wrapping or painting machines, Drills (other than derrick type) 1-dum-hoists, mud jacks, mixers (2 or 3 bags), conveyors (2), air compressors (2), water pumps regardless of size (2), welding machines (2) siphons or jets (2), winch heads or apparatuses (2) and light plants (2), Mixers (under 2 bags),all tractors regardless of size (Stright tractor only), firemen on stationary boilers, automatic elevators, form grading machines, finishing machines, power-sub-grader or ribbon machine, longitudinal floats, boats oprs., (under 25', conveyors (1), distribution pors., on trucks, siphones or jets (1) winch heads or apparatuses (1), light plant (1) mixers (under 2 bags)

GROUP II Air Compressor (1), water pumps regardless of size (1) welding machines (1)

GROUP III Firemen and asphalt spreader oilers

GROUP IV Heavy equipment oilers (truck cranes, dredges, monigans, large cranes, etc.

GROUP V Oilers

GROUP VI
a. Engineers operating under air pressure
b. Engineers operating in air over 10 lbs pressure
c. Oilers operating under air pressure
d. Oilers operating in iar over 10 lbs pressure

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DECISION NO IL76-2079 ILL-82-TD-1-2-3

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$ 9.60	.55	a14.00		
GROUP II	10.00	.55	a14.00		
GROUP III	10.20	.55	a14.00		

TRUCK DRIVERS

GROUP I: - Drivers on 2 axle trucks hauling less than 9 tons, air compressor and welding machine including those pulled by separate units, truck driver helpers, warehouseman, mechanic helpers, greasers & tiremen, pick-up trucks when hauling materials, tools, or men to and from and on the jobs site; Fork lifts up to 6,000 lbs., capacity.

GROUP II: - 2 or 3 axle trucks hauling more than 9 ton, but hauling less than 16 tons; A-frame winch trucks, hydrolifts trucks, or similar equipment when used for transportation purposes; Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units; Ticket writers

GROUP III: - 2,3 or 4 axle trucks haluing 16 ton or more, drivers on oil distributores, water pulls, mechanics & wroking foreman; 5-axle or more combination units; dispatchers

FOOTNOTES

a. Per week Per Employee

SUPERSEDEAS DECISION

STATE: Massachusetts COUNTY: Barnstable
DECISION NO.: MA76-2095 DATE: Date of Publication
Supersedes Decision No. MA75-2117, dated October 31, 1975 in 40 FR 50906
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy, highway & marine construction.

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Barnstable, Bourne, Falmouth, Mashpee, & Sandwich	$ 9.92	.76	.93		
Remainder of County	10.26	.80	.80		.01
BOILERMAKERS	10.00	.60	10%		.01
BRICKLAYERS: Cement masons; Cement finishers; Plasterers; Stonemasons	10.25	.80	.80		.06
CARPENTERS: Soft floor layers					
All work over $1¼ million uncluding residential	9.30	.50	.65		.02
Work from $1 Million -1¼ million	8.83	.50	.65		.02
Work form $500,000 - 1 million	8.37	.50	.65		.02
Work from $200,000	6.97	.50	.65		.02
Residential up to 4 stories & commercial up to $200,000	6.97	.50	.65		.02
ELECTRICIANS:					
Electrical contracts $12,000.00 & over	9.75	.40	1%+.50		a
Electrical contracts under $12,000.00	7.80	.40	1%+.50		a
ELEVATOR CONSTRUCTORS	10.665	.495	.32	4%+b+c	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.495	.32	4%+b+c	.02
ELEVATOR CONSTRUCTORS' HELPERS (ROB.)	50%JR	.495	.32	4%+b+c	.02
GLAZIERS	8.68	.52	.85		.01
IRONWORKERS	8.73	.55	1.40		.05
LABORERS (BUILDING):					
Laborers; Carpenter tenders; Cement finisher tenders; Wrecking laborers	7.50	.50	.45		.10
Jackhammer op., Pavement breakers; Wagon drills; Aphalt rakers; Carbide, cor drilling machine, Chain saw op.; Pipelayer; Barco type jumping tampers; Laser beam; Concrete pump; Mason tenders; Mortar tar mixers; Ride-on motorized buggy	7.75	.50	.45		.10
Air track; Block pavers; Tampers Curb setters	8.00	.50	.45		.10

DECISION NO MA76-2095

LABORERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Blasters; Powdermen	$8.75	.50	.45		.10
Open air caisson; Cylindrical work & boring crew					
Laborer; Top man	7.50	.50	.45		.10
Helper	7.62	.50	.45		.10
Bottom man	8.25	.50	.45		.10
Driller	8.37	.50	.45		.10
LATHERS	9.25	.45	.55		
LEADBURNERS	9.25	.35		d	.01
LINE CONSTRUCTION:					
Linemen	11.54	.45	1%	e	3/8of1%
Driver - Groundman	8.68	.45	1%	e	3/8of1%
Groundmen	7.38	.45	1%	e	3/8of1%
Equipment Operators	10.85	.45	1%	e	3/8of1%
MARBLE SETTERS: Terrazzo Workers	9.60	.85	.80		
MARBLE SETTERS' HELPERS	8.71	.85	.25		
MILLWRIGHTS	9.65	.60	.65		.07
PAINTERS:					
Brush	8.30	.60	.20		
Structural Steel - 1' to 50' and Spray	9.30	.60	.20		
PILEDRIVERMEN	9.50	.50	.50		
PLUMBERS & STEAMFITTERS					
Bourne, & Sandwich	9.50	.45	.70		.05
Remainder of County	9.15	.76	1.16		.15
ROOFERS:					
Roofers, kettlemen & Waterproofers	9.20	.60	.20		
Roofers' helpers, Class A	8.50	.60	.20		
Roofers' helpers, Class B	5.52	.60	.20		
Mechanic on shingle work	7.36	.60	.20		
SHEET METAL WORKERS	9.48	.95	.45		
SPRINKLER FITTERS	11.38	.60	.90		.08
TERRAZZO WORKERS' HELPERS	9.95		.25		.05
TILE SETTERS	9.60	.85	.80		
TILE SETTERS' HELPERS	8.71	.85	.25		

DECISION NO. MA76-2095

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $1.00 per journeyman Electricians per week

b. Employer contributes 1% basic hourly rate for 5 years or more of service of 2% basic hourly rate for 6 months to 5 years' service as vacation pay credit.

c. 6 paid holidays: A through F.

d. 9 paid holidays: A through F, Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked 45 days during 120 calendar days prior to the holiday & the regular scheduled days immediately preceding and following the holiday.

e. 7 paid holidays: A through F, & Bunker Hill Day, provided the employee has been employed 10 working days prior to the holiday.

MASS-1 - 2-3 L

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
LABORERS:		H & W	Pensions	Vacation	App. Tr.
Class I	$7.50	.60	.70		.10
Class II	7.75	.60	.70		.10
Class III	8.00	.60	.70		.10
Class IV	8.25	.60	.70		.10

CLASSIFICATIONS:

CLASS I
Carpenter tenders, cement finisher tenders, laborers, wrecking laborers

CLASS II
Asphalt rakers, fence and guard rail erectors, laser beam op., mason tender, pipelayer, pneumatic drill op., pneumatic tool op., wagon drill op

CLASS III
Air track op., block pavers, rammers, curb setters

CLASS IV
Blasters, powdermen

1-PEO-1

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
Power Equipment Operators:		H & W	Pensions	Vacation	App. Tr.
CLASS I	$10.61	1.10	.80	a	.02
CLASS II	10.49	1.10	.80	a	.02
CLASS III	8.86	1.10	.80	a	.02
CLASS IV	9.67	1.10	.80	a	.02
CLASS V	7.84	1.10	.80	a	.02
CLASS VI	8.32	1.10	.80	a	.02

CLASS I Cranes, shovels, truck cranes, cherry pickers, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, boring machines, rotary drills, post hole hammers, post hole diggers, pumprete machines, asphalt plant (on site), concrete batching and/or mixing plant (on site), crusher plant (on site), paving concrete mixers, timber jacks, Boom over 150, including jib - additional $.35 per hour; Boom over 185' including jib - additional $.70 per hour; Boom 210' including jib - additional $1.00 per hour; Boom over 250' including jib - additional $1.50 per hour Boom over 295' including jib - additional $2.00 per hour

CLASS II Sonic or vibratory hammers, graders, tandem scrapers, concrete pumps, bulldozers, tractors, york rakes, mulching machines, portable steam boiler, portable steam generators, rollers, spreaders, tamppers (self propelled or tractor drawn), asphalt pavers, mechanics maintenance, paving screed machines, stationary steam boilers, paving concrete finishing machines, cal trucks, ballast regulators, switch tampers, rail anchor machinery, tire trucks (when operated by the employer on the job site)

CLASS III Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), well-point systems (operating and installing), syphones-pulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors, Jackson type tampers, single disphragn pump, lighting plants

CLASS IV Assistant engineers (firemen)

CLASS V Oilers and apprentices (other than truck cranes and gradalls)

CLASS VI Oilers and apprentices on truck cranes and gradalls

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE: a. Holidays: A through F, Washington's Birthday, Columbus Day, Veterans Day, and Patriots Day.

MASS-1-PEO-2-3 F

HEAVY & HIGHWAY CONSTRUCTION: POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$10.61	1.10	.80	a	.02
Hourly premium for boom lenghts including Jib					
Over 150 feet + $ .45					
Over 185 feet + .80					
Over 210 feet + 1.15					
Over 250 feet + 1.75					
Over 295 feet + 2.50					
Group 2	10.49	1.10	.80	a	.02
Group 3	8.86	1.10	.80	a	.02
Group 4	9.67	1.10	.80	a	.02
Group 5	7.84	1.10	.80	a	.02
Group 6	8.32	1.10	.80	a	.02

FOOTNOTE: a. 10 Paid Holidays - New Years' Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, Washington's Birthday, Columbus Day, Veterans Day, & Patriots Day

CLASSIFICATIONS:

GROUP 1
Power Shovels, Cranes, Truck Cranes, Derricks, Pile Drivers, Trenching Machines, Mechanical Hoist Pavement Breakers, Cement Concrete Pavers, Draglines, Hoisting Engines, Three Drum Machines, Pumprete Machines, Uke Loaders, Shovel Dozers, Front End Loaders, Mucking Machines, Shaft Hoists, Steam Engines, Backhoe, Gradalls, Cable Ways, Fork Lifts, Cherry Pickers, Boring Machines, Rotary Drills, Post Hole Hammers, Port Hole Diggers, Asphalt Plant on Job Sute, Concrete Batching and/or Mixing Plant on Job Site, Crusher Plant on Job Site, Paving Concrete Mixers, Timber Jacks

GROUP 2
Sonic or Vibratory Hammers, Graders, Scrapers, Tandem Scrapers, Bulldozers, Tractors, Mechanic Maintenance, York Rakes, Mulching Machines Paving Screed Machines, Stationary Steam Boilers, Paving Concrete Finishing Machines, Grout Pumps, Portable Steam Boilers, Portable Steam Generators, Rollers, Spreaders, Asphalt Pavers, Locomotives or Machines Used in Place Thereof, Tampers, Self Propelled or Tractor Drawn, Cal Tracks, Ballast Regulators, Rail Anchor Machines, Switch Tampers

GROUP 3
Pump (1-3 groupd), Compressors, Welding Machine (1-3 grouped), Generators, Lighting Plants, Heaters (Power Driven) (1-5), Syphons-Pulsometers, Concrete Mixers, Valves Controlling Permanent Plant Air Steam, Conveyors, Wellpoint Systems (Operating and Installing)

GROUP 4
Assistant Engineers (Firemen)

GROUP 5
Oilers (other than truck cranes & gradalls)

GROUP 6
Oilers (on truck cranes & gradalls)

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MARINE CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$10.61	1.10	.80	a	.02
GROUP II	11.61	1.10	.80	a	.02
GROUP III	10.56	1.10	.80	a	.02
GROUP IV	10.49	1.10	.80	a	.02
GROUP V	8.86	1.10	.80	a	.02
GROUP VI	9.67	1.10	.80	a	.02
GROUP VII	7.84	1.10	.80	a	.02
GROUP VIII	8.32	1.10	.80	a	.02

GROUP I - Shovels, cranes, truck cranes, cherry pickers, derricks, pile drivers two or more drum machines, lighters, derrocks boats, trenching, mehcanics hoist pavement breakers, cement concrete pavers, draglines, hoisting engines, pumpcrete machines, elevating graders, shovel dozers, front end loaders, backhoes, gradalls, cable ways, boring machines, rotary drills, post hole hammers, post hole diggers, fork lifts, timber jacks, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant, (on site, paving concrete mixers; Booms over 150' including jib - additional $.45 per hour- Booms over 185' including jib - additional $.80 per hour; Booms over 210' including jib - additional $1.15 per hour; Booms over 250' including jib - additional $1.75 per hour; Booms over 295' including jib additional $2.50 per hour

GROUP II - Master Mechanic

GROUP III - Swinger Engines

GROUP IV - Portable steam boilers, portable steam generators, sonic or vibratory hammers, graders, scrapers, tandem scrapers, concrete pumps, bulldozers, tractors york rakes, mulching machines,rollers, spreaders, tampers self-propelled or tractor drawn, asphalt pavers, concrete mixers with side loaders, mechanics - maintenance, cal tracks, ballast, regulator, switch tampers, rail anchor machines, tire trucks

GROUP V - Pumps, conpressors, welding machines, heaters (power driven), valves controlling permanent plan air or steam, well point systems, augers - powered by independence engines & attached to pile drivers, hydraulic saws, generators, lighting plants, syphons-pulsometers, concrete mixers, conveyors

GROUP VI Assistant engineers (firemen)

GROUP VII - Oilers and apprentices (other than truck cranes and gradalls)

GROUP VIII - Oilers and apprentices on truck cranes and gradalls

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE: a. 10 paid holidays: A through F; Washington's Birthday; Patriots' Day; Columbus Day; & Veterans' Day

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TRUCK DRIVERS: BUILDING AND HEAVY AND HIGHWAY CONSTRUCTION

MASS - 1 - TD - 1-2-3 D

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Station wagons, panel trucks and pick-up trucks	$7.24	.545	.575	a+b	
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift opers.	7.39	.545	.575	a+b	
Three axle equipment and firemen	7.46	.545	.575	a+b	
Four and five axle equipment	7.54	.545	.575	a+b	
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment, Mechanics	7.64	.545	.575	a+b	
Specialized earth moving equipment over 35 tons	7.89	.545	.575	a+b	
Trailers for earth moving equipment, (double hookup)	8.14	.545	.575	a+b	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day, and Patriots' Day, provided an employee works two days of the calendar week in which the holiday falls.

NOTICES

SUPERSEDEAS DECISION

STATE: MASSACHUSETTS
COUNTY: Berkshire
DECISION NO.: MA76-2096
DATE: Date of Publication
Supersedes Decision No.: MA75-2118, dated October 24, 1975 in 40 FR 49950
DESCRIPTION OF WORK: Building construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 9.85	.79	.95		.01
BOILERMAKERS	10.00	.60	.10%		.01
BRICKLAYERS, CEMENT MASONS, MARBLE MASONS, PLASTERERS, STONE MASONS					
TERRAZZO WORKERS & TILE SETTERS					
Twps. of Adams, N. Adams, Cheshire, Florida, Savoy, Clarksburg & Williamstown	9.60				
Twps of Becket, Otis and Sandisfield	9.55	.55	.80		.03
Remainder of County	7.03	.40	.30		
CARPENTERS & SOFT FLOOR LAYERS:					
N. Adams, Clarksburgh, Savoy, Florida, Adams & Williamstown	8.535	.40	.50	.375	.04
Remainder of County	8.64	.55	.65		.04
ELECTRICIANS	9.54	.45	1%+.49		.02
ELEVATOR CONSTRUCTORS	9.71	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROBATIONARY)	50%JR	.445	.29	3%+a+b	.02
GLAZIERS	9.45	.47	.45		
IRONWORKERS: Structural, Ornamental and Reinforcing	9.49	.60	.85		.04
LABORERS (Building)					
Laborers, carpenter tenders, cement finisher tender, & wrecking laborers	7.50	.50	.45		.10
Jackhammer op., pavement breakers, wagon drills, asphalt rakers, carbide core drilling machine, chain saw ops., pipelayers, barco type jumping tampers, laser beam ops., concrete pump ops., mason tenders, mortar mixers, ride-on motorized buggy	7.75	.50	.45		.10
Air track; block pavers; rammers curb setters	8.00	.50	.45		.10
Blasters, powdermen	8.25	.50	.45		.10
LATHERS	9.40	.45	.25		.01
Drywall	8.30	.45	.25		.01
LEAD BURNERS	9.25	.35		c	.01

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DECISION NO. MA76-2096

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
Linemen	$10.16	.40	1%	f	3/8of1%
Equipment Operator	9.48	.40	1%	f	3/8of1%
Driver Groundmen	7.32	.40	1%	f	3/50f1%
MARBLE SETTERS' & TILE SETTERS' HELPERS	8.00				
MILLWRIGHTS	9.65	.60	.65		.07
PAINTERS:					
Brush and Roller	8.82	.50	.35		.03
Spray	11.76	.66	.4667		.04
Swing stage under 40' and steel	9.007	.50	.35		.03
Swing stage over 40' and steel	9.32	.50	.35		.03
PILEDRIVERMEN	9.50	.50	.50		
PLUMBERS AND STEAMFITTERS:					
Adams, Clarkburg, Florida, N. Adams, Savoy, Williamstown, & northern half of Cheshire, New Ashford	8.15	.65	.50	d+c	.05
Becket, Otis, Sandisfield (Plumbers only)	9.68	.68	.85	g	.05
Becket, Otis, Sandisfield, & New Boston (Steamfitters)	9.88	.57	.70	.08	.02
Remainder of County	10.12	5%	.50		.05
ROOFERS:					
Composition, damp & waterproof	9.165	.82	.76		
Slate, Tile and precast concrete	9.82	.82	.76		
SHEET METAL WORKERS	9.41	.85	1.60		.03
SPRINKLER FITTERS	11.38	.60	.90		.08
Welders receive rate prescribed for craft performing operation to which welding is incidental.					

NOTICES

DECISION NO. MA76-2096

PAID HOLIDAYS
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as vacation pay credit.

b. Holidays: A through F

c. Holidays: A through F, Washington's Birthday, Good Friday and Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

d. Holidays: A through F, plus Good Friday, Veterans' Day, Washington's Birthday, and Columbus Day

e. Employer contribution of $1.00 per hour to a savings fund.

f. Paid Holidays: A through F, Washington's Birthday, and Patriots Day providing employee has worked for a period of five (5) working days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday. There is also one floating holiday per year.

g. July 4th and Labor Day provided worker is employed 7 days prior to holiday.

HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I	$ 9.45	.85	.75	a	.05
CLASS II	9.25	.85	.75	a	.05
CLASS III	9.05	.85	.75	a	.05
CLASS IV	8.68	.85	.75	a	.05
CLASS V	8.00	.85	.75	a	.05
CLASS VI	7.55	.85	.75	a	.05
CLASS VII	6.82	.85	.75	a	.05

CLASSIFICATIONS

CLASS I Shovels, Crawler and Truck Cranes, Derricks, Backhoes, Trenching Machines, Elevating Graders, Belt-type Loaders, Gradalls, Pile Drivers, Concrete Pavers, on site Processing Plant (Engineer in charge), Dragline, Clam Shell, Cableways, Shaft Hoists, Mucking Machines, Front End Loader-5½ yards and over, Tower Cranes, Self-propelled Hydraulic Cranes-10 tons and over, Dual Pavers, Automatic Graders-Excavator (C.M.I. or equal), Scrapers towing pan or wagon, Tandem Dozers or Push Cats (2 units in tandem), Welder using semi automatic Welding Machine, Shotcrete Machine, Tunnel Boring Machine

CLASS II Rotary Drill (with mounted Compressor), Compressor House 3 to 6 Compressors), Rock and Earth Boring Machines (exoluding McCarthy and similar drills), Grader, Front End Loaders-4 yards to 5½ yards, Scraper-21 yards and over (Struck Load), Forklifts-7 ft. lift and over or 3 ton capacity and over,, Sonic Hammer Console.

CLASS III Bulldozer, Push Cats, Scrapers-up to 21 yards (struck load) self-propelled or Tractor Drawn, Self-powered Asphalt Paver, Front End Loaders-up to 4 yards, Mechanics, Welders, Well Driller, Pumpcrete Machine, Engineer or Fireman on High Pressure Boiler (on job), Self-loading Batch Plant (on job), Well Point Operators, Electric Pumps used in Well Point system, Tiremen, Pumps-16 inches or over total discharge, Compressors (1 or 2) 900 cu. ft. and over, Powered Grease Truck, Asphalt Roller-10 ton and over, Tunnel Locomotives and Dinkys, Grout Pumps, Hydraulic Jacks (jacking pipe, slip forms, etc.), Boom Truck Self-Propelled Hydraulic Cranes-up to 10 ton

CLASS IV Asphalt Roller-up to 10 ton

CLASS V Hoists, Conveyors, Self-powered Rollers and Compactors, Power Pavement Breaker, Self-propelled Material Spreader, Self-powered Concrete Finishing Machine, Two Bag Mixer with skip, McCarthy and similar Drills, Batch Plant (not self-loading), Bulk Cement Plant.

CLASS VI Compressor (315 cu. ft. to 900 cu. ft., 1 or 2), Pumps 4" to 16" total discharge, Tractor without blade drawing sheeps-foot toller, Rubber tired roller or other type of compactors including machines for pulverizing and aerating soil

CLASS VII Compressor (up to 315 cu. ft.), Small Mixers with skip, Oiler, Pumps up to 4", Grease Truck, Helper on powered Grease Truck, Power Heaters, Welding Machines, A-Frame Trucks, Forklifts-up to 7 ft. lift and up to 3 ton capacity, Hydro Broom, Parts Man (in repair shop), Power Safety Boat.

FOOTNOTES:

a. Paid Holidays: New Year's Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Veterans' Day; Thanksgiving Day and Christmas Day.

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BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I	$ 9.45	.85	.75	a	.05
CLASS II	9.25	.85	.75	a	.05
CLASS III	9.05	.85	.75	a	.05
CLASS IV	8.68	.85	.75	a	.05
CLASS V	8.00	.85	.75	a	.05
CLASS VI	7.55	.85	.75	a	.05
CLASS VII	6.82	.85	.75	a	.05

CLASSIFICATIONS

CLASS I Shovels, Cranes, Hydraulic Cranes 10 ton capacity or over, Draglines, Derricks, Elevators with Chicago Boom, Bakchoes, Gradalls, Elevating Graders, Pile Driving Rigs, Concrete Road Pavers, three drum Hoisting and Trenching Mahines, Belt-type Loaders, Front End Loader-5½ yards or over, Dual Drum Paver, Automatic Grader (i. e. C.M.I.) Combination Back Hoe-Loader-3/4 yard hoe or over

CLASS II Rotary Drill (with mounted compressor), compressor house (3 to 6 compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Graders, Front End Loaders-4 yards to 5½ yards, two Drum Hoists, High Fork Lifts with capacity of 15 feet and over, Scrapers-21 yards and over (struck load), Sonic Hammer Console.

CLASS III Combination Backhoe-Loader-up to 3/4 hce, Bulldozers, Push Cats, Scraper-up to 21 yards (struck load)-self propelled or tractor drawn, Tireman, Front End Loaders-up to 4 yards, Asphalt Paver, Asphalt Roller-10 ton or over, Well Drillers, Mechanics, Welders, Pumpcrete Machines, Concrete Pumps, and similar type pumps, Engineer or Fireman on High Pressure Boiler (on job), Self-Loading Batch Plant, Well Point, Electric Pumps used in Well Point System, Pumps-12 inches and over (total discharge), Compressor (one or two) 900 cu. ft. and over, Powered Grease Truck, Automatic Elevators, (manually or remote controls), Grout Pumps, Boom Truck, Hydraulic Cranes-under 10 ton.

CLASS IV Asphalt Roller-under 10 ton

CLASS V Single Drum Hoist, Self-Propelled Roller, Self-Propelled Compactors, Power Pavement Breakers, Concrete Pavement Finishing Machines, Two Bag Mixers with Skip, McCarthy and similar drills, Batch Plants (not self-loading) Bulk Cement Plants, Self-Propelled Material Spreaders, A Frame Trucks, Fork Lifts ip to 15 feet.

CLASS VI Compressors (one or two) 315 cu. ft. to 900 cu. ft., Pumps-4 inches to 12 inches (total discharge), Tractor (without blade or bucket) Drawing Rollers, Rubber, Tire Roller, Compactors or other machines used for pulverizing, Grading or Seeding.

CLASS VII Compressors (up to 315 cu. ft.), Small Mixers, Pumps (up to 4 inches), Power Heaters, Welding Machines, Conveyors, Oiler, Helpers on Grease Truck, and Grease Trucks with hand greasing equipment

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. Holidays: A through F, Veterans' Day and Columbus Day.

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HEAVY & HIGHWAY CONSTRUCTION LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Class I	$7.50	.60	.70		.10
Class II	7.75	.60	.70		.10
Class III	8.00	.60	.70		.10
Class IV	8.25	.60	.70		.10

CLASSIFICATIONS:

CLASS I
Carpenter tenders, cement finisher tenders, laborers, wrecking laborers

CLASS II
Asphalt rakers, fence and guard rail erectors, laser beam op., mason tender, pipelayer, pneumatic drill op., pneumatic tool op., wagon drill op

CLASS III
Air track op., block pavers, rammers, curb setters

CLASS IV
Blasters, powdermen

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TRUCK DRIVERS: BUILDING AND HEAVY AND HIGHWAY CONSTRUCTION

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Station wagons, panel trucks and pick-up trucks	$7.24	.545	.575	a+b		
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift opers.	7.39	.545	.575	a+b		
Three axle equipment and tiremen	7.44	.545	.575	a+b		
Four and five axle equipment	7.54	.545	.575	a+b		
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment, Mechanics	7.64	.545	.575	a+b		
Specialized earth moving equipment over 35 tons	7.85	.545	.575	a+b		
Trailers for earth moving equipment, (double hookup)	8.14	.545	.575	a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day, and Patriots' Day, provided an employee works two days of the calendar week in which the holiday falls.

SUPERSEDEAS DECISION

STATE: Massachusetts COUNTY: Bristol
DECISION NO.: MA76-2097 DATE: Date of Publication
Supersedes Decision No. MA75-2119, dated November 7, 1975 in 40 FR 52254
DESCRIPTION OF WORK: Building Construction (including Residential), Heavy and Highway Construction and Marine Construction.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Easton	$ 10.26	.80	.80		.01
Remainder of County	9.92	.76	.93		
BOILERMAKERS	10.00	.60	10%		.01
BRICKLAYERS: Cement masons Plasterers & Stonemasons;					
Easton, N. Easton & S. Easton Acushnet, Dartmouth, Fairhaven Fall River, Freetown, New Bedford, N. Dartmouth, Somerset, Swansea, S. Dartmouth, & Westport	9.85	.85	1.15		.06
Remainder of County	10.25	.80	.80		.06
CARPENTERS: Soft floor Layers	9.95	1.10	.80		.06
Easton, N. Easton & S. Easton Attleboro, N. Attleboro & S. Attleboro	9.30	.50	.65		.02
Remainder of County:	10.00	.60	.65		.07
All work over $1½ million including residential	9.30	.50	.65		.02
Work from $1 million - 1½ million	8.83	.50	.65		.02
Work from $5,000 - 1 million	8.37	.50	.65		.02
Work from $2,000 - 500,000	7.44	.50	.65		.02
Residential up to 4 stories & commercial up to $200,000	6.97	.50	.65		.03
ELECTRICIANS:					
Attleboro, N. Attleboro, & Seekonk	9.40	.48	1%+.90		.02
Residential	6.00	.38	1%		.02
Acushnet, Dartmouth, Fairhaven, New Bedford, N. Dartmouth, & S. Dartmouth (electrical contracts $12,000 & over)	9.75	.40	1%+.50		a
Electrical contracts less than $12,000	7.80	.40	1%+.50		a
Residential	5.70	.40	1%+.50		a
Easton:					
Electrical contracts less than $20,000.00	9.15	4%	5%		.5%
Electrical contracts $20,000.00 or more	11.05	4%	5%		.5%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS (CONT'D)					
Residential	$ 6.60	.50	5%		.5%
Fall River, Freetown, Somerset Swansea, & Westport	9.70	4%	1%+.25	4%	½%
Remainder of County	11.09	.75	1%		.1%
Residential	8.10	.50	1%		.1%
ELEVATOR CONSTRUCTORS	10.665	.495	.32	4%+b+c	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.495	.32	4%+b+c	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR	.495	.32	4%+b+c	.02
GLAZIERS: Easton	9.80	.52	.59		.03
Remainder of County	8.68	.52	.85		.01
IRONWORKERS: Easton, Mansfield, N. Easton	9.99	1.00	1.50		.06
Remainder of County	9.43	.70	1.50		.05
LABORERS (BUILDING):					
Laborers; Carpenter tenders; Cement finisher tenders; wrecking laborers	7.50	.50	.45		.10
Jackhammer Op.; Pavement breakers; Wagon drills; Asphalt rakers; Carbide core drilling machine; Cahin saw op.; Pipelayer; Barco type jumping tampers; Laser beam; Concrete pump; Mason tenders; Mortar mixers; Ride-on motorized buggy	7.75	.50	.45		.10
Air Track; Block pavers; Rammers; curb setters	8.00	.50	.45		.10
Blasters; Powdermen	8.37	.50	.45		.10
Open lar caisson; Cylindrical work & boring crew;					
Laborers; Top man	7.50	.50	.45		.10
Helper	8.63	.50	.45		.10
Bottom men	8.25	.50	.45		.10
Driller	8.37	.50	.45		.10
LATHERS	9.25	.45	.55		
LEADBURNERS	9.25	.35		d	.01
LINE CONSTRUCTION:					
Linemen	11.54	.45	1%	e	3/8of1%
Equipment Operators	10.85	.45	1%	e	3/8of1%

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DECISION NO MA76-2097

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION (CONT'D)					
Driver Groundman	$ 8.68	.45	1%	e	3/8of1%
Groundman	7.38	.45	1%	e	3/8of1%
MARBLE SETTERS; Terrazzo Workers	9.60	.85	.80		
MARBLE SETTERS' HELPERS	9.95		.25		
MILLWRIGHTS	9.65	.60	.65		.07
PAINTERS:					
Acushnet, Dartmouth, Fairhaven, New Bedford, N. Dartmouth & S. Dartmouth:					
Brush, Roller	8.30	.60	.20		
Steel (1' to 50') & Spray	9.30	.60	.20		
Remainder of County:					
Brush, Taper	9.46	.72	.85		.04
Steel	11.58	.72	.85		.04
Spray; Sandblasting	10.46	.72	.85		.04
PILEDRIVERMEN	9.50	.50	.50		
PLASTERERS' TENDERS	7.25	.50	.45		.10
PLUMBERS & STEAMFITTERS:					
Easton	9.50	.45	.70		.05
Acushnet, Dartmouth, Fairhaven, Fall River, Freetown, New Bedford, N. Dartmouth, Somerset, S. Dartmouth, Swansea, & Westport	9.90	.76	1.16		.15
Residential	8.91	.76	1.16		.15
Remainder of County	8.97	.60	.73		
ROOFERS:					
Attleboro, Taunton, Mansfield, Easton, Norton, Raynham, & N. Attleboro: journeyman	9.75	.70	1.20		.05
Re-roofing and repair	9.20	.70	1.20		.05
Pitch work	10.75	.70	1.20		.05
Remainder of County:					
Journeyman and Mechanics	9.20	.60	.20		
Helpers Class "A"	8.50	.60	.20		
Helpers Class "B"	5.52	.60	.20		
Mehcnic on shingle work	7.36	.60	.20		

DECISION NO MA76-2097

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SHEET METAL WORKERS:					
Acushnet, Assonet, Dartmouth, Dighton, Fairhaven, Fall River, Freetown, New Bedford, N. Dartmouth, Rehboth, Seekonk, Somerswt, Swanwea, & Westport	$ 9.48	.95	.45		
Remainder of County	9.93	.91	1.05		.06
SPRINKLER FITTERS	11.38	.60	.90		.08
TERRAZZO WORKERS' HELPERS	9.95		.25		.05
TILE SETTERS	9.60	.85	.50		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Employer contribution of 1.00 per journeyman Electricians per week

b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as vacation pay credit.

c. 6 paid holidays: A through F.

d. 9 paid holidays: A through F, Washington's Birthday, Good Friday, & Christmas Eve, providing employee has worked at least 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

e. 7 paid holidays: A through F, & Bunker Hill Day, provided the employee is employed 10 days prior to the listed holidays.

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HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Class I	$7.50	.60	.70		.10
Class II	7.75	.60	.70		.10
Class III	8.00	.60	.70		.10
Class IV	8.25	.60	.70		.10

CLASSIFICATIONS:

CLASS I
Carpenter tenders, cement finisher tenders, laborers, wrecking laborers

CLASS II
Asphalt rakers, fence and guard rail erectors, laser beam op., mason tender, pipelayer, pneumatic drill op., pneumatic tool op., wagon drill op

CLASS III
Air track op., block pavers, rammers, curb setters

CLASS IV
Blasters, powdermen

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators:					
CLASS I	$10.61	1.10	.80	a	.02
CLASS II	10.49	1.10	.80	a	.02
CLASS III	8.86	1.10	.80	a	.02
CLASS IV	9.67	1.10	.80	a	.02
CLASS V	7.84	1.10	.80	a	.02
CLASS VI	8.32	1.10	.80	a	.02

CLASS I Cranes, shovels, truck cranes, cherry pickers, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, boring machines, rotary drills, post hole hammers, post hole diggers, pumpcrete machines, asphalt plant (on site), concrete batching and/or mixing plant (on site), crusher plant (on site), paving concrete mixers, timber jacks, Boom over 150, including jib - additional $.35 per hour; Boom over 185' including jib - additional $.70 per hour; Boom 210' including jib - additional $1.00 per hour; Boom over 250' including jib - additional $1.50 per hour Boom over 295' including jib - additional $2.00 per hour

CLASS II Sonic or vibratory hammers, graders, tandem scrapers, concrete pumps, bulldozers, tractors, york rakes, mulching machines, portable steam boiler, portable steam generators, rollers, spreaders, tamppers (self propelled or tractor drawn), asphalt pavers, mechanics maintenance, paving screed machines, stationary steam boilers, paving concrete finishing machines, cal trucks, ballast regulators, switch tampers, rail anchor machinery, tire trucks (when operated by the employer on the job site)

CLASS III Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), well-point systems (operating and installing), syphones-pulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors, Jackson type tampers, single disphragn pump, lighting plants

CLASS IV Assistant engineers (firemen)

CLASS V Oilers and apprentices (other than truck cranes and gradalls)

CLASS VI Oilers and apprentices on truck cranes and gradalls

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE: a. Holidays: A through F, Washington's Birthday, Columbus Day, Veterans Day, and Patriots Day.

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HEAVY & HIGHWAY CONSTRUCTION:

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$10.61	1.10	.80	a	.02
Hourly premium for boom lenghts including Jib					
Over 150 feet + $ .45					
Over 185 feet + .80					
Over 210 feet + 1.15					
Over 250 feet + 1.75					
Over 295 feet + 2.50					
Group 2	10.49	1.10	.80	a	.02
Group 3	8.86	1.10	.80	a	.02
Group 4	9.67	1.10	.80	a	.02
Group 5	7.84	1.10	.80	a	.02
Group 6	8.32	1.10	.80	a	.02

FOOTNOTE: a. 10 Paid Holidays - New Years' Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, Washington's Birthday, Columbus Day, Veterans Day, & Patriots Day

CLASSIFICATIONS:

GROUP 1
Power Shovels, Cranes, Truck Cranes, Derricks, Pile Drivers, Trenching Machines, Mechanical Hoist Pavement Breakers, Cement Concrete Pavers, Draglines, Hoisting Engines, Three Drum Machines, Pumpcrete Machines, Tko Loaders, Shovel Dozers, Front End Loaders, Backhoe Machines, Shaft Hoists, Steam Engines, Backhoe, Gradalls, Cable Ways, Fork Lifts, Cherry Pickers, Boring Machines, Rotary Drills, Post Hole Hammers, Post Hole Diggers, Asphalt Plant on Job Sute, Concrete Batching and/or Mixing Plant on Job Site, Crusher Plant on Job Site, Paving Concrete Mixers, Timber Jacks

GROUP 2
Sonic or Vibratory Hammers, Graders, Scrapers, Tandem Scrapers, Bulldozers, Tractors, Mechanic Maintenance, York Rakes, Mulching Machines Paving Screed Machines, Stationary Steam Boilers, Paving Concrete Finishing Machines, Grout Pumps, Portable Steam Boilers, Portable Steam Generators, Rollers, Spreaders, Asphalt Pavers, Locomotives or Machines Used in Place Thereof, Tampers, Self Propelled or Tractor Drawn, Cal Tracks, Ballast Regulators, Rail Anchor Machines, Switch Tampers

GROUP 3
Pump (1-3 groupd), Compressors, Welding Machine (1-3 grouped), Generators, Lighting Plants, Heaters (Power Driven) (1-5), Syphons-Pulsometers, Concrete Mixers, Valves Controlling Permanent Plant Air Steam, Conveyors, Wellpoint Systems (Operating and Installing)

GROUP 4
Assistant Engineers (Firemen)

GROUP 5
Oilers (other than truck cranes & gradalls)

GROUP 6
Oilers (on truck cranes & gradalls)

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MARINE CONSTRUCTION

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$10.61	1.10	.80	a	.02
GROUP II	11.61	1.10	.80	a	.02
GROUP III	10.56	1.10	.80	a	.02
GROUP IV	10.49	1.10	.80	a	.02
GROUP V	8.86	1.10	.80	a	.02
GROUP VI	9.67	1.10	.80	a	.02
GROUP VII	7.84	1.10	.80	a	.02
GROUP VIII	8.32	1.10	.80	a	.02

GROUP I - Shovels, cranes, truck cranes, cherry pickers, derricks, pile drivers two or more drum machines, lighters, darrocks boats, trenching, mehcanics hoist pavement breakers, cament concrete pavers, draglines, hoisting engines, pumpcrete machines, elevating graders, shovel dozers, front end loaders, backhoes, gradalls, cable ways, boring machines, rotary drills, post hole hammers, post hole diggers, fork lifts, timber jacks, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant, (on site, paving concrete mixers; Booms over 150' including jib - additional $.45 per hour- Booms over 185' including jib - additional $.80 per hour; Booms over 210' including jib - additional $1.15 per hour; Booms over 250' including jib - additional $1.75 per hour; Booms over 295' including jib additional $2.50 per hour

GROUP II - Master Mechanic

GROUP III - Swinger Engines

GROUP IV - Portable steam boilers, portable steam generators, sonic or vibratory hammers, graders, scrapers, tandem scrapers, concrete pumps, bulldozers, tractors york rakes, mulching machines,rollers, spreaders, tampers self-propelled or tractor drawn, asphalt pavers, concrete mixers with side loaders, mechanics - maintenance, cal tracks, ballast, regulator, switch tampers, rail anchor machines, tire trucks

GROUP V - Pumps, conpressors, welding machines, heaters (power driven), valves controlling permanent plan air or steam, well point systems, augers - powered by independence engines & attached to pile drivers, hydraulic saws, generators, lighting plants, syphons-pulsometers, concrete mixers, conveyors

GROUP VI Assistant engineers (firemen)

GROUP VII - Oilers and apprentices (other than truck cranes and gradalls)

GROUP VIII - Oilers and apprentices on truck cranes and gradalls

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE: a. 10 paid holidays: A through F; Washington's Birthday; Patriots' Day; Columbus Day; & Veterans' Day

TRUCK DRIVERS: BUILDING AND HEAVY AND HIGHWAY CONSTRUCTION

MASS - 1 - TD - 1-2-3 D

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Station wagons, panel trucks and pick-up trucks	$7.24	.545	.575	a+b	
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift opers.	7.39	.545	.575	a+b	
Three axle equipment and firemen	7.44	.545	.575	a+b	
Four and five axle equipment	7.54	.545	.575	a+b	
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment, Mechanics	7.64	.545	.575	a+b	
Specialized earth moving equipment over 35 tons	7.85	.545	.575	a+b	
Trailers for earth moving equipment, (double hookup)	8.14	.545	.575	a+b	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day, and Patriots' Day, provided an employee works two days of the calendar week in which the holiday falls.

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SUPERSEDEAS DECISION

STATE: Massachusetts
DECISION NO.: MA76-2098
COUNTY: Essex
DATE: Date of Publication
Supersedes Decision No. MA75-2121, dated November 7, 1975 in 40 FR 52259
DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartment up to and including 4 stories), heavy, highway, and marine construction

BUILDING, HEAVY, & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.26	.80	.80		.01
BOILERMAKERS	10.00	.60	10%		.01
BRICKLAYERS: STONEMASONS:					
Andover, Soxford, Danvers, Lawrence, Lynn, Lynnfield, Marblehead, Methuen, Middleton, Nahant					
N. Andover, Peabody, Salem, Saugus, Swampscott, & Topsfield	9.90	.70	1.25		.06
Remainder of County	10.60	.65	.60		.06
CARPENTERS & SOFT FLOOR LAYERS:					
Amesbury, Boxford, Georgetown, Groveland, Haverhill, Newbury, Newburyport, Rowley, Salisbury:					
W. Newbury, Lynn, Lynnfield, Nahant, Saugus, and Swampscott	10.00	.60	.65		.07
	10.00	.60	.65		.07
Andover, Lawrence, Methuen, N. Andover, and W. Andover:					
On contracts over $1,500,000	9.90	.60	.65		.02
From $500,000-$1,000,000	8.80	.60	.65		.02
From $200,000-$500,000	7.91	.60	.65		.02
Up to $200,000	7.39	.60	.65		.02
Remainder of County	9.60	.35	.65		
CEMENT MASONS & PLASTERERS:					
Amesbury, Boxford, Georgetown, Groveland, Haverhill, Lawrence Merrimac, Methuen, N. Andover, Slaisbury, & West Salisbury	8.05	.385	.30		
Danvers, Lynn, Lynnfeild, Marblehead, Middleton, Nahant, Peabody, Salem, Saugus, Swampscott, and Topsfield	9.30	.50	.85		.05
Remainder of County	9.45	.60	.60		.05
ELECTRICIANS:					
Andover, Lawrence, Methuen, and North Andover	10.02	.35	1%+.20		.02
Lynn, Lynnfield, Nahant, Saugus, and Swampscott	10.75	.50	1%+1.35		.05
Amesbury, Boxford, Georgetown, Groveland, Haverhill, Merrimac, Newbury, Newburyport, Rowley, Salisbury, & W. Newbury	10.08	.70	1%+.20		.02
Remainder of County:					
Electrical contracts over $30,000	10.05	.85	1%+.26		.02

DECISION NO MA76-2098

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS (CONT'D)					
Remainder of County (Cont'd)					
Electrical contracts					
$30,000 and less	$ 9.55	.85	1%+.26		.02
ELEVATOR CONSTRUCTORS	10.665	.495	.32	4%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.495	.32	4%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	50%JR	.495	.32	4%+a+b	.02
GLAZIERS	9.80	.52	.59		.03
IRONWORKERS	9.99	.55	1.40		.06
LABORERS (Building):					
Laborers, carpenter tenders, cement finisher tenders, wrecking laborers	7.50	.50	.45		.10
Jackhammer ops; pavement breakers; wagon drills, asphalt rakers; carbide core drilling machines; chain saw ops; pipelayers, barco type jumping tampers, laser beam ops, concrete ops, mason tenders, mortar mixers, ride-on motorized buggy ops	7.75	.50	.45		.10
Air track, block pavers, rammers curb setters	8.00	.50	.45		.10
Blaster, powdermen	8.25	.50	.45		.10
Open air caisson, cylindrical work and boring crew:					
Laborers, top man	7.50	.50	.45		.10
Helper	7.62	.50	.45		.10
Bottom man	8.25	.50	.45		.10
Driller	8.37	.50	.45		.10
LATHERS	9.25	.45	.55		.05
LEADBURNERS	9.25	.35		c	.01
LINE CONSTRUCTION:					
Linemen	11.54	.45	1%	d	3/8of1%
Equipment operators	20.85	.45	1%	d	3/8of1%
Driver Groundman	8.68	.45	1%	d	3/8of1%
Groundman	7.38	.45	1%	d	3/8of1%
MARBLE SETTER & TERRAZZO WORKERS	9.60	.85	.80		
MARBLE SETTERS' HELPERS	9.95		.25		
MILLWRIGHTS	10.28	.60	.65		.07

DECISION NO MA76-2098

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Essex, Gloucester, Manchester, & Rockport:					
Brush	6.20	.30			
Spray	6.65	.30			
Roller	6.50	.30			
Amesbury, Androver, Beverly, Boxford, Danvers, Georgetown, Groveland, Hamilton, Haverhill Ipswich, Lawrence, Lynn, Lynnfield, Marblehead, Merrimac, Methuen, Middletown, Newbury, Newburyport, N. Andover, Peabody, Rowley, Salem, Salisbury Saugus, Swampscott, Topsfield, Wenham, W. Newbury:					
New Construction:					
Brush and tampers	9.46	.72	.85		.04
Sandblasters and Spray	10.46	.72	.85		.04
Steel	11.58	.72	.85		.04
Repaint	8.61	.72	.85		.04
PILEDRIVERMEN	9.50	.50	.50		
PLASTERERS' TENDERS:					
Lynn, Lynnfield, Nahant, Saugus, and Swampscott	7.25	.50	.45		.10
PLUMBERS & STEAMFITTERS:					
Andover, Georgetown, Groveland, Lawrence, Methuen, & N. Andover	10.14	.63	.60		.05
Lynn, Lynnfield, Nahant, Saugus, and Swampscott:					
Plumbers	10.25	.70	.60		.03
Steamfitters	10.76	.94	1.00		.07
Remainder of County	9.90	1.05	.47		.05
ROOFERS:					
Haverhill and Lawrence	6.70				
Remainder of County	9.75	.70	1.20		.05
Re-roofing & repair	9.20	.70	1.20		.05
Pitch work	10.75	.70	1.20		.05
SHEET METAL WORKERS	9.93	.91	1.05		.06
SPRINKLER FITTERS	11.38	.60	.90		.08
TERRAZZO WORKERS' HELPERS	9.95		.25		.05
TILE SETTERS	9.75	.70	.80		
TILE SETTERS' HELPERS	8.71	.85	.25		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Employer contributes 1% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as vacation pay credit.

b. 6 Paid Holidays: A through F

c. 9 Paid Holidays: A through F, Washington's Birthday, Good Friday, & Christmas Eve provided the employee has worked 45 full days during the 120 calendar days prior to the holiday & the regular scheudled work days immediately preceding and following the holiday.

d. 7 Paid Holidays: A through F, & Bunker Hill Day provided the employee has been employed 10 working days prior to any 1 of the listed holidays.

e. 9 Paid Holidays: A through F, Washington's Birthday, Columbus Day and Veterans' Day.

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HEAVY & HIGHWAY CONSTRUCTION

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Class I	$7.50	.60	.70		.10
Class II	7.75	.60	.70		.10
Class III	8.00	.60	.70		.10
Class IV	8.25	.60	.70		.10

CLASSIFICATIONS:

CLASS I
Carpenter tenders, cement finisher tenders, laborers, wrecking laborers

CLASS II
Asphalt rakers, fence and guard rail erectors, laser beam op., mason tender, pipelayer, pneumatic drill op., pneumatic tool op., wagon drill op

CLASS III
Air track op., block pavers, rammers, curb setters

CLASS IV
Blasters, powdermen

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BUILDING CONSTRUCTION

Power Equipment Operators:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CLASS I	$10.61	1.10	.80	a	.02
CLASS II	10.49	1.10	.80	a	.02
CLASS III	8.86	1.10	.80	a	.02
CLASS IV	9.67	1.10	.80	a	.02
CLASS V	7.84	1.10	.80	a	.02
CLASS VI	8.32	1.10	.80	a	.02

CLASS I Cranes, shovels, truck cranes, cherry pickers, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, boring machines, rotary drills, post hole hammers, post hole diggers, pumpcrete machines, asphalt plant (on site), concrete batching and/or mixing plant (on site), crusher plant (on site), paving concrete mixers, timber jacks, Boom over 150, including jib - additional $.35 per hour; Boom over 185' including jib - additional $.70 per hour; Boom 210' including jib - additional $1.00 per hour; Boom over 250' including jib - additional $1.50 per hour Boom over 295' including jib - additional $2.00 per hour

CLASS II Sonic or vibratory hammers, graders, tandem scrapers, concrete pumps, bulldozers, tractors, york rakes, mulching machines, portable steam boiler, portable steam generators, rollers, spreaders, tamppers (self propelled or tractor drawn), asphalt pavers, mechanics maintenance, paving screed machines, stationary steam boilers, paving concrete finishing machines, cal trucks, ballast regulators, switch tampers, rail anchor machinery, tire trucks (when operated by the employer on the job site)

CLASS III Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), well-point systems (operating and installing), syphones-pulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors, Jackson type tampers, single diaphragm pump, lighting plants

CLASS IV Assistant engineers (firemen)

CLASS V Oilers and apprentices (other than truck cranes and gradalls)

CLASS VI Oilers and apprentices on truck cranes and gradalls

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE: a. Holidays: A through F, Washington's Birthday, Columbus Day, Veterans Day, and Patriots Day.

MASS-1-PEO-2-3 F

HEAVY & HIGHWAY CONSTRUCTION:

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1	$10.61	1.10	.80	a	.02
Hourly premium for boom lenghts including Jib					
Over 150 feet + $ .45					
Over 185 feet + .80					
Over 210 feet + 1.15					
Over 250 feet + 1.75					
Over 295 feet + 2.50					
Group 2	10.49	1.10	.80	a	.02
Group 3	8.86	1.10	.80	a	.02
Group 4	9.67	1.10	.80	a	.02
Group 5	7.84	1.10	.80	a	.02
Group 6	8.32	1.10	.80	a	.02

FOOTNOTE: a. 10 Paid Holidays - New Years' Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, Washington's Birthday, Columbus Day, Veterans Day, & Patriots Day

CLASSIFICATIONS:

GROUP 1
Power Shovels, Cranes, Truck Cranes, Derricks, Pile Drivers, Trenching Machines, Mechanical Hoist Pavement Breakers, Cement Concrete Pavers, Draglines, Hoisting Engines, Three Drum Machines, Pumpcrete Machines, Uke Loaders, Shovel Dozers, Front End Loaders, Mucking Machines, Shaft Hoists, Steam Engines, Backhoe, Gradalls, Cable Ways, Fork Lifts, Cherry Pickers, Boring Machines, Rotary Drills, Post Hole Hammers, Post Hole Diggers, Asphalt Plant on Job Site, Concrete Batching and/or Mixing Plant on Job Site, Crushor Plant on Job Site, Paving Concrete Mixers, Timber Jacks

GROUP 2
Sonic or Vibratory Hammers, Graders, Scrapers, Tandem Scrapers, Bulldozers, Tractors, Mechanic Maintenance, York Rakes, Mulching Machines Paving Screed Machines, Stationary Steam Boilers, Paving Concrete Finishing Machines, Grout Pumps, Portable Steam Boilers, Portable Steam Generators, Rollers, Spreaders, Asphalt Pavers, Locomotives or Machines Used in Place Thereof, Tampers, Self Propelled or Tractor Drawn, Cal Tracks, Ballast Regulators, Rail Anchor Machines, Switch Tampers

GROUP 3
Pump (1-3 groupd), Compressors, Welding Machine (1-3 grouped), Generators, Lighting Plants, Heaters (Power Driven) (1-5), Syphons-Pulsometers, Concrete Mixers, Valves Controlling Permanent Plant Air Steam, Conveyors, Wellpoint Systems (Operating and Installing)

GROUP 4
Assistant Engineers (Firemen)

GROUP 5
Oilers (other than truck cranes & gradalls)

GROUP 6
Oilers (on truck cranes & gradalls)

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MARINE CONSTRUCTION

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$10.61	1.10	.80	a	.02
GROUP II	11.61	1.10	.80	a	.02
GROUP III	10.56	1.10	.80	a	.02
GROUP IV	10.49	1.10	.80	a	.02
GROUP V	8.86	1.10	.80	a	.02
GROUP VI	9.67	1.10	.80	a	.02
GROUP VII	7.84	1.10	.80	a	.02
GROUP VIII	8.32	1.10	.80	a	.02

GROUP I - Shovels, cranes, truck cranes, cherry pickers, derricks, pile drivers two or more drum machines, lighters, derrocks boats, trenching, mehcanics hoist pavement breakers, cement concrete pavers, draglines, hoisting engines, pumpcrete machines, elevating graders, shovel dozers, front end loaders, backhoes, gradalls, cable ways, boring machines, rotary drills, post hole hammers, post hole diggers, fork lifts, timber jacks, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant, (on site, paving concrete mixers; Booms over 150' including jib - additional $.45 per hour- Booms over 185' including jib - additional $.80 per hour; Booms over 210' including jib - additional $1.15 per hour; Booms over 250' including jib - additional $1.75 per hour; Booms over 295' including jib additional $2.50 per hour

GROUP II - Master Mechanic

GROUP III - Swinger Engines

GROUP IV - Portable steam boilers, portable steam generators, sonic or vibratory hammers, graders, scrapers, tandem scrapers, concrete pumps, bulldozers, tractors york rakes, mulching machines, rollers, spreaders, tampers self-propelled or tractor drawn, asphalt pavers, concrete mixers with side loaders, mechanics - maintenance, cal tracks, ballast, regulator, switch tampers, rail anchor machines, tire trucks

GROUP V - Pumps, conpressors, welding machines, heaters (power driven), valves controlling permanent plan air or steam, well point systems, augers - powered by independence engines & attached to pile drivers, hydraulic saws, generators, lighting plants, syphons-pulsometers, concrete mixers, conveyors

GROUP VI Assistant engineers (firemen)

GROUP VII - Oilers and apprentices (other than truck cranes and gradalls)

GROUP VIII - Oilers and apprentices on truck cranes and gradalls

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE: a. 10 paid holidays: A through F; Washington's Birthday; Patriots' Day; Columbus Day; & Veterans' Day

MASS - 1 - TD - 1-2-3 D

TRUCK DRIVERS: BUILDING AND HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pension	Vacation	App. Tr.
Station wagons, panel trucks and pick-up trucks	$7.24	.545	.575	a+b	
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift opers.	7.39	.545	.575	a+b	
Three axle equipment and tiremen	7.44	.545	.575	a+b	
Four and five axle equipment	7.54	.545	.575	a+b	
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment, Mechanics	7.64	.545	.575	a+b	
Specialized earth moving equipment over 35 tons	7.85	.545	.575	a+b	
Trailers for earth moving equipment, (double hookup)	8.14	.545	.575	a+b	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day, and Patriots' Day, provided an employee works two days of the calendar week in which the holiday falls.

SUPERSEDEAS DECISION

STATE: Massachusetts COUNTY: Franklin
DECISION NO.: MA76-2099 DATE: Date of Publication
Supersedes Decision No. MA75-2110, dated September 12, 1975 in 40 FR 42496.
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 9.85	.79	.95		.01
BOILERMAKERS	10.00	.60	10%		.01
BRICKLAYERS, CEMENT MASONS, PLASTERERS, STONE MASONS, MARBLE, TILE, TERRAZZO WORKERS, CAULKER, AND CLEANER POINTER	9.55	.55	.80		.02
CARPENTERS & SOFR FLOOR LAYERS:					
Erving, Warick, Orange, & N. Orange	10.00	.60	.65		.07
Remainder of County	9.15	.35	.50		.02
Monroe & Monroe Bridge	8.535	.40	.50		.04
ELECTRICIANS: Hawley, Monroe, Rowe	9.54	.45	1%+.49		.02
Remainder of County	9.76	.45	1%+.20		.01
ELEVATOR CONSTRUCTORS	9.71	.445	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	70%JR	.445	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR	.445	.29	3%+a	.02
GLAZIERS	9.45	.47	.45		.005
IRONWORKERS: Structural, Ornamental and reinforcing	9.60	.70	1.50		.09
LABORERS: Building					
Laborers, carpenter and cement finisher tenders, wrecking laborers	7.50	.50	.45		.10
Asphalt rakers, carbide, core drillers, chain saw op., pipelayers jackhammer & paving breaker ops., barco-type jumping tampers, laser beam ops., concrete pump ops., mason tenders, mortar mixers, & ride-on motorized buggy op.	7.75	.50	.45		.10
Air track ops., block pavers, rammers, & curb setters	8.00	.50	.45		.10
Powdermen and blasters	8.25	.50	.45		.10
Open air caisson, underpinning work and test boring crew:					
Bottom man	8.25	.50	.45		.10
Top man	7.50	.50	.45		.10
Driller	8.37	.50	.45		.10
Helper	7.62	.50	.45		.10

DECISION NO MA76-2099

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS	$9.40	.45	.25		.01
Drywall	8.30	.45	.25		.01
LINE CONSTRUCTION:					
Linemen	10.16	.40	1%	b	3/80fl%
Equipment Operators	9.48	.40	1%	b	3/80fl%
Driver groundmen	7.32	.40	1%	b	3/80fl%
MARBLE SETTERS' HELPERS	8.00				
MILLWRIGHTS	10.28	.60	.65		.07
PAINTERS:					
Brush & Roller	8.82	.50	.35		.03
Spray	11.76	.6667	.4667		.04
Swing stage under 40' and steel	9.007	.50	.35		.03
Swing stage over 40' and steel	9.32	.50	.35		.03
PILEDRIVERMEN	9.50	.50	.50		
PLUMBERS & STEAMFITTERS:					
Monroe, Towe and Western part of Charlemont	8.15	.65	.50	c	.05
Organe	9.20	.30	.40	4%	.05
Remainder of County	9.95	.60	.60		.02
ROOFERS:					
Composition, dump waterproof	9.165	.82	.76		
Slate, tile, precast concrete	9.82	.82	.76		
SHEET METAL WORKERS	9.41	.85	1.16		.03
SPRINKLER FITTERS	11.38	.60	.90		.08
Welders receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independnece Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. Employer contributes 4% hourly ratr for 5 years or more of service of 2% of basic hourly rate for 6 months to 5 years of service as Vacation Pay plus six paid holidays; A through F.
b. Holidays; A through F, Washington's Birthday, Patiots Day providing employee has been employed for a period of five (5) working days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday. One floating holiday per year.
c. Holidays: A through F, plus Veterans' Day, Good Friday & Washington's Birthday, plus an employer contribution of $1.00 per hour to a savings fund.

2-PEO-1

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CLASS I	$ 9.45	.85	.75	a	.05
CLASS II	9.25	.85	.75	a	.05
CLASS III	9.05	.85	.75	a	.05
CLASS IV	8.68	.85	.75	a	.05
CLASS V	8.00	.85	.75	a	.05
CLASS VI	7.35	.85	.75	a	.05
CLASS VII	6.82	.85	.75	a	.05

CLASSIFICATIONS

CLASS I Shovels, Cranes, Hydraulic Cranes 10 ton capacity or over, Draglines, Derricks, Elevators with Chicago Boom, Backhoes, Gradalls, Elevating Graders, Pile Driving Rigs, Concrete Road Pavers, three drum Hoisting and Trenching Mahiones, Belt-type Loaders, Front End Loader-5½ yards or over, Dual Drum Paver, Automatic Grader (i. e. C.M.I.) Combination Back Hoe-Loader-3/4 yard hoe or over

CLASS II Rotary Drill (with mounted compressor), compressor house (3 to 6 compressors), Rock and Earth Boring Machines (exluding McCarthy and similar drills), Graders, Front End Loaders-4 yards to 5½ yards, two Drum Hoists, High Fork Lifts with capacity of 15 feet and over, Scrapers-21 yards and over (struck load), Sonic Hammer Console.

CLASS III Combination Backhoe-Loader-up to 3/4 hoe, Bulldozers, Push Cats, Scraper-up to 21 yards (struck Load)-self propelled or tractor drawn, Tiremen, Front End Loaders-up to 4 yards, Asphalt Paver, Asphalt Roller-10 ton or over, Well Drillers, Mechanics, Welders, Pumprete Machines, Conorete Pumps, and similar type pumps, Engineer or Fireman on High Pressure Boiler (on job), Self-Loading Batch Plant, Well Point, Electric Pumps used in Well Point System, Pumps-12 inches and over (total discharge), Compressor (one or two) 900 cu. ft. and over, Powered Grease Truck, Automatic Elevators, (manually or remote controls), Grout Pumps, Boom Truck, Hydraulic Cranes-under 10 ton.

CLASS IV Asphalt Roller-under 10 ton

CLASS V Single Drum Hoist, Self-Propelled Roller, Self-Propelled Compactors, Power Pavement Breakers, Concrete Pavement Finishing Machines, Two Bag Mixers with Skip, McCarthy and similar drills, Batch Plants (not self-loading) Bulk Cement Plants, Self-Propelled Material Spreaders, A Frame Trucks, Fork Lifts ip to 15 feet.

CLASS VI Compressors (one or two) 315 cu. ft. to 900 cu. ft., Pumps-4 inches to 12 inches (total discharge), Tractor (without blade or bucket) Drawing Rollers, Rubber, Tire Roller, Compactors or other machines used for pulverizing, Grading or Seeding.

CLASS VII Compressors (up to 315 cu. ft.), Small Mixers, Pumps (up to 4 inches), Power Heaters, Welding Machines, Conveyors, Oiler, Helpers on Grease Truck, and Grease Trucks with hand greasing equipment

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. Holidays: A through F, Veterans' Day and Columbus Day.

HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CLASS I	$ 9.45	.85	.75	a	.05
CLASS II	9.25	.85	.75	a	.05
CLASS III	9.05	.85	.75	a	.05
CLASS IV	8.68	.85	.75	a	.05
CLASS V	8.00	.85	.75	a	.05
CLASS VI	7.35	.85	.75	a	.05
CLASS VII	6.82	.85	.75	a	.05

CLASSIFICATIONS

CLASS I Shovels, Crawler and Truck Cranes, Derricks, Backhoes, Trenching Machines, Elevating Graders, Belt-type Loaders, Gradalls, Pile Drivers, Concrete Pavers, on site Processing Plant (Engineer in charge), Dragline, Clam Shell, Cableways, Shaft Hoists, Mucking Machines, Front End Loader-5½ yards and over, Tower Cranes, Self-propelled Hydraulic Cranes-10 tons and over, Dual Pavers, Automatic Graders-Excavator (C.M.I. or equal), Scrapers towing pan or wagon, Tandem Dozers or Push Cats (2 units in tandem), Welder using semi automatic Welding Machine, Shotorete Machine, Tunnel Boring Machine

CLASS II Rotary Drill (with mounted Compressor), Compressor House 3 to 6 Compressors), Rock and Earth Boring Machines (exoluding McCarthy and similar drills), Grader, Front End Loaders-4 yards to 5½ yards, Scraper-21 yards and over (Struck Load), Forklifts-7 ft. lift and over or 3 ton capacity and over., Sonic Hammer Console.

CLASS III Bulldozer, Push Cats, Scrapers-up to 21 yards (struck load) self-propelled or Tractor Drawn, Self-powered Asphalt Paver, Front End Loaders-up to 4 yards, Mechanics, Welders, Well Driller, Pumprete Machine, Engineer or Fireman on High Pressure Boiler (on job), Self-loading Batch Plant (on job), Well Point Operators, Electric Pumps used in Well Point system, Tiremen, Pumps-16 inches or over total discharge, Compressors (1 or 2) 900 cu. ft. and over, Powered Grease Truck, Asphalt Roller-10 ton and over, Tunnel Locomotives and Dinkys, Grout Pumps, Hydraulic Jacks (jacking pipe, slip forms, etc.), Boom Truck Self-Propelled Hydraulic Cranes-up to 10 ton

CLASS IV Asphalt Roller-up to 10 ton

CLASS V Hoists, Conveyors, Self-powered Rollers and Compactors, Power Pavement Breaker, Self-propelled Material Spreader, Self-powered Concrete Finishing Machine, Two Bag Mixer with skip, McCarthy and similar Drills, Batch Plant (not self-loading), Bulk Cement Plant.

CLASS VI Compressor (315 cu. ft. to 900 cu. ft., 1 or 2), Pumps 4" to 16" total discharge, Tractor without blade drawing sheepe-foot roller, Rubber tired roller or other type of compactors including machines for pulverizing and aerating soil

CLASS VII Compressor (up to 315 cu. ft.), Small Mixers with skip, Oiler, Pumps up to 4", Grease Truck, Helper on powered Grease Truck, Power Heaters, Welding Machines, A-Frame Trucks, Forklifts-up to 7 ft. lift and up to 3 ton capacity, Hydro Broom, Parts Man (in repair shop), Power Safety Boat.

FOOTNOTES:
a. Paid Holidays: New Year's Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Veterans' Day; Thanksgiving Day and Christmas Day.

MASS-1 - 2-3 L

HEAVY & HIGHWAY CONSTRUCTION LABORERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Class I	$7.50	.60	.70		.10
Class II	7.75	.60	.70		.10
Class III	8.00	.60	.70		.10
Class IV	8.25	.60	.70		.10

CLASSIFICATIONS:

CLASS I
Carpenter tenders, cement finisher tenders, laborers, wrecking laborers

CLASS II
Asphalt rakers, fence and guard rail erectors, laser beam op., mason tender, pipelayer, pneumatic drill op., pneumatic tool op., wagon drill op

CLASS III
Air track op., block pavers, rammers, curb setters

CLASS IV
Blasters, powdermen

MASS - 1 - TD - 1-2-3 D

TRUCK DRIVERS: BUILDING AND HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Station wagons, pansl trucks and pick-up trucks	$6.80	.485	.575	a+b		
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift opers.	6.95	.485	.575	a+b		
Three axle equipment and tiremen	7.00	.485	.575	a+b		
Four and five axle equipment	7.10	.485	.575	a+b		
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment, Mechanics	7.20	.485	.575	a+b		
Specialized earth moving equipment over 35 tons	7.45	.485	.575	a+b		
Trailers for earth moving equipment, (double hookup)	7.70	.485	.575	a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day, and Patriots' Day, provided an employee works two days of the calendar week in which the holiday falls.

SUPERSEDEAS DECISION

STATE: Massachusetts COUNTY: Hampden
DECISION NO.: MA76-2100 DATE: Date of Publication
Supersedeas Decision No. MA75-2122, dated November 7, 1975 in 40 FR 52264
DESCRIPTION OF WORK: Building Construction, (excluding singel family homes and garden type apartments up to and inlcuding 4 stories), heavy and highway construction

7-MASS

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 9.85	.79	.95		.01
BOILERMAKERS	10.00	.60	10%		.01
BRICKLAYERS: Cement masons, Marble masons, Plasterers, Stone masons, Terrazzo workers, and Tile Setters	9.55	.55	.80		.03
CARPENTERS & SOFT FLOOR LAYERS	9.15	.45	.65		.02
ELECTRICIANS:					
Chester, Holyoke, & that portion of Chicopee Township north of the following line: McKinstry Avenie from the Connecticut River to Gratten Street, South on Gratten to Lafayette Street, east on Lafayette to York Street, north on York to McKinstry, east on McKinstry to Grady Road & projects to the Westover Air Force fence & that area north of Westover field	9.76	.45	1%+.20		.01
Remainder of County	8.29	.48	1%+.15	.43	a
ELEVATOR CONSTRUCTORS	9.71	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR	.445	.29	2%+a+b	.02
	50%JR	.445	.29	3%+a+b	.02
GLAZIERS	8.05		.45		.005
IRONWORKERS: Ornamental, Reinforcing, and Structural	9.60	.70	1.50		.09
LABORERS (Building)					
Laborers, Wrecking, carpenters & cement finisher tenders	7.50	.50	.45		
Asphalt rakers, Carbide Core Driller Ops., Saw Ops., Pipelayers, Jackhammer & Paving Breaker Op., Barco-type jumping tampers, Laser Beams op., concrete pump ops., & wagon drill ops., mason tneders, mortar mixers & ride-on motorized buggy ops.	7.75	.50	.45		

DECISION NO MA76-2100

LABORERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air track op., Block pavers, Rammers & curb setters	$ 8.00	.50	.45		
Blasters & powdermen	8.25	.50	.45		.10
Open air caisson, cylindrical work & boring crew:					
Bottom man	8.25	.50	.45		.10
Top man	7.50	.50	.45		.10
Test Boring:					
Driller	8.37	.50	.45		.10
Helper	7.62	.50	.45		.10
LATHERS	9.40	.45	.25		.01
Drywall	8.30	.45	.25		.01
LEADBURNERS	9.25	.35		d	.01
LINE CONSTRUCTION:					
Linemen	10.16	.40	1%	e	3/8of1%
Groundmen, Driver	7.32	.40	1%	e	3/8of1%
Equipment Operator	9.48	.40	1%	e	3/8of1%
MARBLE, MOSAIC, & TERRAZZO WORKERS' HELPERS	8.00				
MILLWRIGHTS	10.28	.60	.65		.07
PAINTERS:					
Brush	8.82	.50	.35		.03
Spray	11.76	.6667	.4667		.04
Swing stage under 40' steel	9.007	.50	.35		.03
Swing stage over 40' & steel					
PILEDRIVERMEN	9.50	.50	.50		.05
PLUMBERS	9.68	.68	.85	g	.05
ROOFERS:					
Composition, damp & waterproofing	9.165	.82	.76		
Slate, tile, precast & concrete	9.82	.82	.76		
SHEET METAL WORKERS	9.41	.85	1.16		.03
SPRINKLER FITTERS	11.38	.60	.90		.08
STEAMFITTERS	9.98	.57	.70	.08	.02

7-MASS

PAID HOLIDAYS:
A-New Year's Day; B-Memeorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. $.30 per man per week

b. Employer contributes 1% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as vacation pay credit.

c. 6 paid holidays: A through F.

d. 9 paid holidays: A through F, Washington's Brithday, Good Friday, & Christmas Eve, provided the employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

e. 9 paid holidays: A through F, provided the employee has been employed for at least 5 days prior to the holiday and is available for work the day before and after the holiday, plus one floating holiday, Washington's Birthday, and Patiots Day.

f. 1 paid holiday: Fourth of July

g. 1 paid holiday: Independence day & Labor Day provided the employee has been employed 7 days prior to the holiday for the same employer

MASS-1 - 2-3 L

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Edu. Tr.
LABORERS:					
Class I	$7.50	.60	.70		.10
Class II	7.75	.60	.70		.10
Class III	8.00	.60	.70		.10
Class IV	8.25	.60	.70		.10

CLASSIFICATIONS:

CLASS I
Carpenter tenders, cement finisher tenders, laborers, wrecking laborers

CLASS II
Asphalt rakers, fence and guard rail erectors, laser beam op., mason tender, pipelayer, pneumatic drill op., pneumatic tool op., wagon drill op

CLASS III
Air track op., block pavers, rammers, curb setters

CLASS IV
Blasters, powdermen

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BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I	$ 9.45	.85	.75	a	.05
CLASS II	9.25	.85	.75	a	.05
CLASS III	9.05	.85	.75	a	.05
CLASS IV	8.68	.85	.75	a	.05
CLASS V	8.00	.85	.75	a	.05
CLASS VI	7.55	.85	.75	a	.05
CLASS VII	6.82	.85	.75	a	.05

CLASSIFICATIONS

CLASS I Shovels, Cranes, Hydraulic Cranes 10 ton capacity or over, Draglines, Derricks, Elevators with Chicago Boom, Bakchoes, Gradalls, Elevating Graders, Pile Driving Rigs, Concrete Road Pavers, three drum Hoisting and Trenching Mahiones, Belt-type Loaders, Front End Loader-5½ yards or over, Dual Drum Paver, Automatic Grader (i. e. C.M.I.) Combination Back Hoe-Loader-3/4 yard hoe or over

CLASS II Rotary Drill (with mounted compressor), compressor house (3 to 6 compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Craders, Front End Loaders-4 yards to 5½ yards, two Drum Hoists, High Fork Lifts with capacity of 15 feet and over, Scrapers-21 yards and over (struck load), Sonic Hammer Console.

CLASS III Combination Backhoe-Loader-up to 3/4 hoe, Bulldozers, Push Cats, Scraper-up to 21 yards (struck Load)-self propelled or tractor drawn, Tireman, Front End Loaders-up to 4 yards, Asphalt Paver, Asphalt Roller-10 ton or over, Well Drillers, Mechanics, Welders, Pumpcrete MachineS, Concrete Pumps, and similar type pumps, Engineer or Fireman on High Pressure Boiler (on job), Self-Loading Batch Plant, Well Point, Electric Pumps used in Well Point System, Pumps-12 inches and over (total discharge), Compressor (one or two) 900 cu. ft. and over, Powered Grease Truck, Automatic Elevators, (manually or remote controls), Grout Pumps, Boom Truck, Hydraulic Cranes-under 10 ton.

CLASS IV Asphalt Roller-under 10 ton

CLASS V Single Drum Hoist, Self-Propelled Roller, Self-Propelled Compactors, Power Pavement Breakers, Concrete Pavement Finishing Machines, Two Bag Mixers with Skip, McCarthy and similar drills, Batch Plants (not self-loading) Bulk Cement Plants, Self-Propelled Material Spreaders, A Frame Trucks, Fork Lifts up to 15 feet.

CLASS VI Compressors (one or two) 315 cu. ft. to 900 cu. ft., Pumps-4 inches to 12 inches (total discharge), Tractor (without blade or bucket) Drawing Rollers, Rubber, Tire Roller, Compactors or other machines used for pulverizing, Grading or Seeding.

CLASS VII Compressors (up to 315 cu. ft.), Small Mixers, Pumps (up to 4 inches), Power Heaters, Welding Machines, Conveyors, Oiler, Helpers on Grease Truck, and Grease Trucks with hand greasing equipment

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. Holidays: A through F, Veterans' Day and Columbus Day.

HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I	$ 9.45	.85	.75	a	.05
CLASS II	9.25	.85	.75	a	.05
CLASS III	9.05	.85	.75	a	.05
CLASS IV	8.68	.85	.75	a	.05
CLASS V	8.00	.85	.75	a	.05
CLASS VI	7.55	.85	.75	a	.05
CLASS VII	6.82	.85	.75	a	.05

CLASSIFICATIONS

CLASS I Shovels, Crawler and Truck Cranes, Derricks, Backhoes, Trenching Machines, Elevating Graders, Belt-type Loaders, Gradalls, Pile Drivers, Concrete Pavers, on site Processing Plant (Engineer in charge), Draglines, Clam Shell, Cableways, Shaft Hoists, Mucking Machines, Front End Loader-5½ yards and over, Tower Cranes, Self-propelled Hydraulic Cranes-10 tons and over, Dual Pavers, Automatic Graders-Excavator (C.M.I. or equal), Acrapers towing pan or wagon, Tandem Dozers or Push Cats (2 units in tandem), Welder using semi automatic Welding Machine, Shotcrete Machine, Tunnel Boring Machine

CLASS II Rotary Drill (with mounted Compressor), Compressor House 3 to 6 Compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Crader, Front End Loaders-4 yards to 5½ yards, Scraper-21 yards and over (Struck Load), Forklifts-7 ft. lift and over or 3 ton capacity and over,, Sonic Hammer Console.

CLASS III Bulldozer, Push Cats, Scrapers-up to 21 yards (struck load) self-propelled or Tractor Drawn, Self-powered Asphalt Paver, Front End Loaders-up to 4 yards, Mechanics, Welders, Well Driller, Pumpcrete Machine, Engineer or Fireman on High Pressure Boiler (on job), Self-loading Batch Plant (on job), Well Point Operators, Electric Pumps used in Well Point system, Tiremen, Pumpe-16 inches or over total discharge, Compressors (1 or 2) 900 cu. ft. and over, Powered Grease Truck, Asphalt Roller-10 ton and over, Tunnel Locomotives and Dinkys, Grout Pumps, Hydraulic Jacks (jacking pipe, slip forms, etc.), Boom Truck Self-Propelled Hydraulic Cranes-up to 10 ton

CLASS IV Asphalt Roller-up to 10 ton

CLASS V Hoists, Conveyors, Self-powered Rollers and Compactors, Power Pavement Breaker, Self-propelled Material Spreader, Self-powered Concrete Finishing Machine, Two Bag Mixer with skip, McCarthy and similar Drills, Batch Plant (not self-loading), Bulk Cement Plant.

CLASS VI Compressor (315 cu. ft. to 900 cu. ft., 1 or 2), Pumps 4" to 16" total discharge, Tractor without blade drawing sheeps-foot toller, Rubber tired roller or other type of compactors including machines for pulverizing and aerating soil

CLASS VII Compressor (up to 315 cu. ft.), Small Mixers with skip, Oiler, Pumps up to 4", Grease Truck, Helper on powered Grease Truck, Power Heaters, Welding Machines, A-Frame Trucks, Forklifts-up to 7 ft. lift and up to 3 ton capacity, Hydro Broom, Parts Man (in repair shop), Power Safety Boat.

FOOTNOTES:
a. Paid Holidays: New Year's Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Veterans' Day; Thanksgiving Day and Christmas Day.

TRUCK DRIVERS: BUILDING AND HEAVY AND HIGHWAY CONSTRUCTION	MASS - 1 - TD - 1-2-3 D				
	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Station wagons, panel trucks and pick-up trucks	$7.24	.545	.575	a+b	
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift opers.	7.39	.545	.575	a+b	
Three axle equipment and tiremen	7.44	.545	.575	a+b	
Four and five axle equipment	7.54	.545	.575	a+b	
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment, Mechanics	7.64	.545	.575	a+b	
Specialized earth moving equipment over 35 tons	7.89	.545	.575	a+b	
Trailers for earth moving equipment, (double hookup)	8.14	.545	.575	a+b	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day, and Patriots' Day, provided an employee works two days of the calendar week in which the holiday falls.

UMI 761 31 SCA 8511 V4

SUPERSEDEAS DECISION

STATE: NEW YORK

COUNTY: BRONX, KINGS, NEW YORK, QUEENS and RICHMOND

DECISION NO. NY76-3228

DATE: DATE OF PUBLICATION

Supersedeas Decision No. NY75-3016 dated February 21, 1975 in 40 FR 7852

DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to an including 4 stories.

R-3-24-31-43-New York-1-C

RESIDENTIAL CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$10.45	1.43	.94	1.25	
Boilermakers	10.57	5%	5%+10%	7%	.02
Bricklayers	10.99	1.13	3.38		.01
Carpenters:					
Carpenters, soft floor layers	10.92	1.25	1.73	.65	.02
Millwrights	10.92	1.25	1.73	.65	.02
Piledrivermen	10.92	1.25	1.73	.65	.02
Cement masons	9.50	1.36	1.13	1.13	.01
Electricians and linemen	12.25	7%	1%+a	5.7%+b	3%
Elevator constructors	10.12	.495	.32+j	c+d	.02
Elevator constructors' helpers	7.59	.495	.32+j	c+d	.02
Elevator constructors' helpers (prob.)	5.06				
Elevator constructors modernization	9.35	.495	.32+j	c+d	.02
Elevator constructors modernization helpers	7.01	.495	.32+j	c+d	.02
Elevator constructors repair	8.50	.495	.32+j	c+e	.02
Elevator constructors repair's helpers	6.38	.495	.32+j	c+e	.02
Glaziers	10.30	.66	1.66	.47	.01
Ironworkers:					
Structural	11.65	1.20	2.70	1.55+i	.06
Ornamental finisher	10.24	.86	2.35	.78	.04
Reinforcing	9.10	.785	1.10+.665	.75	.01
Laborers:					
Asphalt rakers	9.49	1.10	1.00	m	
Asphalt tampers	9.27	1.10	1.00	m	
Asphalt laborers	9.25	1.10	1.00	m	
Cement concrete workers	7.70	.70	1.2025	1.20	
Laborers	8.15	1.30	1.41		
Mason tenders	8.30	.687	1.295		
Plasters' tenders (Kings)	8.20	2.45		.80	
Plasters' helpers (Queens)	9.45	1.40		1.00	
Plasters' helpers (NY-Bronx-Richmond)	7.90	.90	.60	.35	.01
Lathers, metallic	9.10	.785	.665+1.10	.75	.01
Lead burners	10.50	.40	.25	g	.01
Marble setters:					
Carvers	7.55	.63	1.41	f	
Cutters, setters	8.00	.63	1.41	f	
Sawyers, rubbers, polishers	7.17	.63	1.41	f	
Crane Op. & Derrickman	6.93	.63	1.41	f	
Helpers	6.93	.63	1.41	f	

NY-76-3228 P. 2

R-3-24-31-43-New York-1-C

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Painters:					
Brush	$ 8.85	8%%	5%+h	3%	
Spray, spray gun and scafford work	10.74	8%%	5%+h	3%	
Plasterers:					
Kings	9.55	1.10		1.40	.01
Queens	8.70	1.00	.20	1.40	.01
Bronx-NY-Richmond	9.25	1.10	.80	.90	.01
Plumbers:					
Manhattan and Bronx	9.25	1.07	1.86	.72	.06
Kings-Queens	10.01	1.75	1.59	.89	.11
Richmond	9.55	.60	1.98	1.02	.25
Roofers:					
Composition, damp & waterproofers	9.25	1.59	2.45	.65	
Sheet metal workers	11.77	1.715	1.045	.405	.02
Sprinkler fitters	10.07	2.65	1.12	.86	.07
Steamfitters	10.07	2.65	1.12	.86	.07
Stonemasons	10.25	.50	1.00		
Terrazzo workers	9.10	.62	1.95		
Terrazzo workers' helpers	8.84	1.21	1.50		
Terrazzo workers, machine operator	8.99	1.21	1.50		
Tile setters	8.50	.80	2.10		
Tile setters' helpers	7.90	.50	1.27		
Truck Drivers:					
Ready-mix concrete, sand, gravel and asphalt	8.77	.9675	1.92	k+1	
Euclids and turnapull operator	8.825	.9675	1.92	k+1	
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

NY76-3228 P. 3

R-3-24-31-43-New York-1-C

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $7.00 per day to an Annuity & Security Benefit Fund.

b. Holidays: A through F; Election Day; Employee's Birthday.

c. Holidays: A through F; Lincoln's Birthday; Washington's Birthday; Columbus Day; Election Day; Armistice Day.

d. Employees with 6 months or more but less than 5 years service receive 2 weeks vacation, 5 or more years of service receive 3 weeks.

e. Employees with 6 months or more but less than 5 years service receive 2 weeks vacation, 5 or more years but less than 15 years receive 3 weeks, 15 or more years receive 4 weeks.

f. PAID HOLIDAYS: St. Patricks Day.

g. Holidays: A through F; Washington's Birthday; Christmas Eve and Good Friday, providing employee has worked 30 full days during the 90 calendar days prior to the holiday, and regular schedule work days immediately preceding and following the holiday.

h. $4.00 per day contribution for each man to a specialy annuity fund.

i. Paid Holidays New Year's Day & Xmas Day providing the employee works a full half day preceding or following the holiday.

j. Employer contributes $7.00 per day to an Annuity Fund.

k. Holidays: A through F, Lincolns Birthday; Washington's Birthday; Columbus Day; Election Day; Veteran's Day, providing the employee works two days in the calendar week in which the holiday falls and each remaining work day during such calendar week.

l. For each 15 days within the contract year an employee will receive one days vacation with pay, with a maximum vacation of three weeks per year.

m. Holidays: B, C, D & E, Election, Columbus Day, providing employee works at least 1 day in the week in which the holiday occurs.

NY76-3228 P. 4

NY-1-PEO-1-E

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Double drum hoist	$11.07	5%	5%+a	.70 +b	.02	
Stone derrick, cranes, cherry picker	10.92	5%	5%+a	.70 +b	.02	
Hoist, fork lifts, house cars, plaster (platform machine), plaster bucket, plaster pumps, compressors-welding machines (cutting concrete-tank work) paint spraying, sand blasting, and all equipment used for hoisting materials	10.50	5%	5%+a	.70 +b	.02	
Cranes: All types - crawler or truck 100' to 149' boom	11.42	5%	5%+a	.70 +b	.02	
150' to 249' boom	11.67	5%	5%+a	.70 +b	.02	
250' to 349' boom	11.92	5%	5%+a	.70 +b	.02	
350' to 450' boom	12.43	5%	5%+a	.70 +b	.02	
Steel Erection: Three drum derricks	11.34	5%	5%+a	.70 +b	.02	
Cranes, 2 drum derricks, cherry pickers	10.93	5%	5%+a	.70 +b	.02	
Compressors, welding machines	9.94	5%	5%+a	.70 +b	.02	

FOOTNOTES:

a. Employer contributes $.90 per hour to an annuity fund.

b. Paid Holidays: New Year's Day; Lincoln's Birthday; Washington's Birthday; Good Friday (Iron League only); Dedoration Day; Independence Day; Labor Day; Columbus Day; Election Day; Armistice Day; Thanksgiving Day; and Christmas Day providing the employee is employed during the payroll week in which the holiday falls.

SUPERSEDEAS DECISION

STATE: Ohio
COUNTY: Trumbull
DECISION NUMBER: OH76-2092
DATE: Date of Publication
Supersedes Decision No. AR-3047, dated August 23, 1974 in 39 FR 30800
DESCRIPTION OF WORK: Building and Residential Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.74	.45	.70		.02
BOILERMAKERS	11.48	.60	1.00		.03
BRICKLAYERS & STONEMASONS	11.01	.40	.50		.02
CARPENTERS	10.28	.40	.80		.02
Millwrights & Piledrivermen	11.07	.40	.80		.02
CEMENT MASONS (Liberty & Hubbard Townships)	10.57	.50	.50		.01
CEMENT MASONS (remainder of Co.)	10.30	.40			.01
ELECTRICIANS-Liberty & Hubbard Twp.	11.72	.53	5%		.3%
ELECTRICIANS-Remainder of County	11.76	.60	5%		.7%
ELEVATOR CONSTRUCTORS	10.99	.545	.35	4%+a+b	.015
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.545	.35	4%+a+b	.015
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	10.37	.40	.80		
IRONWORKERS	9.77	.40	.85		.07
LABORERS:					
Laborers & Carpenter's tenders	8.09	.55	.40		.05
Burning scrap iron	8.19	.55	.40		.05
Mortar mixers, mason tender, jackhammer (all mech. driven tools, under 4"), spikers, work 7' or more in depth, concrete work	8.21	.55	.40		.05
Hod carrier	8.29	.55	.40		.05
Pipelayer, mucker, power and dynamite man	8.41	.55	.40		.05
Gunniting & sandblasting	8.49	.55	.40		.05
Laser beam operator	8.41	.55	.40		.05
LEAD BURNERS	10.50	.35			.01
LINEMEN, Cable Splicer & Pole-digging equipment operator	12.47	.35	1%		
PAINTERS:					
Commercial brush	10.665	.60	.40		
Commercial spray	11.165	.60	.40		
Industrial brush	10.87	.60	.40		
Industrial spray	11.57	.60	.40		
PLASTERERS	9.65	.50			.03
PLUMBERS AND STEAMFITTERS:					
Liberty & Hubbard Townships	11.49	.45	.80		.01
Remainder of County	10.85	.57	.55		.01
ROOFERS	10.48	.60	.60		.01

DECISION NO OH76-2092

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SHEET METAL WORKERS	$10.75	.40	.40		.03
SOFT FLOOR LAYERS	9.74	.40	.80		.02
SPRINKLER FITTERS	12.05	.60	.90		.08
Welders - receive rate prescribed for craft performing operation to which wleding is incidental.					

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Six paid holidays; A through F

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years, and 2% for employee in business less than 5 years.

c. Includes National Fund fringes.

DECISION NO OH76-2092

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	$11.18	.65	.80		.14
CLASS II	10.49	.65	.80		.14
CLASS III	9.91	.65	.80		.14
CLASS IV	9.50	.65	.80		.14
CLASS V	9.40	.65	.80		.14
CLASS VI	11.45	.65	.80		.14

CLASS I - Asphalt planer heater, Austin western & similar type, Backhoe, Batch plant-portable concrete, Berm builder-automatic, Backfiller w/drag attachment, boat derrick, Boat-tug, Boring mach. attached to tractor, Bullclam, Bulldozer, G.M.I. road builder & similar types, Cable placer & layer, Carrier-straddle, Carryall - scraper or scoop, Chicago boon, Compactor w/blade attached, Concrete spreader finisher comb., Crane, Crane-stationary or climbing, Crane-electric overhead, Crane-side boon, Crane-truck, Crane-tower, Derrick-boom, Derrick-car, Diggers-wheel (not trencher or road widner), Double nine, drag line, Dredge, Drill-Kenney or similar type, Electromatic, Fork lift, Frankie pile, Gradall, Grader-power, Gurry, Gurry-self-propelled, High lift, Hoist-monorail, Hoist-stationary & mobile tractor, Hoist - 2 or 3 drum, Jackall, Jumbo mach., Kocal or Kuhlman, Land-seagoing vehicle, Loader - Elevating, Loader-front end, Locomotive, Mechanic as welder, Metro clip harvester w/boom, Mucking mach., Paver-asphalt finishing mach., Paver-road concrete, Paver-slip form, Place crete mach, Post driver, Power driven pumps and jacks-drilling, Shovel, Spikemaster, Stonecrusher, Tie puller & loader, tie tamper, Tractor-double boon, Tractor w/attachments, Trucks-boom, Truck-tire-assigned to job, Trench mach., Tunnel machine (Mark 21 Java or similar), Whiley

CLASS II - Asphalt plant, Bending Machine, Boring mach., Chip harvester w/o boom, cleaning Mach. - pipeline, type Coating Mach. - pipeline type, Concrete belt placer, concrete finisher, Concrete planer or asphalt, Concrete spreader, Elevator, Fork lift walk behind, Form line mach., Grease truck op., Grout pump, Gunnite mach., Huck bolting Mach., Hydraulic scaffold, Paving breaker, Pipe dream, Pot fireman, Power broom, Refrigeration plant, Sasgen derrick, Seeding Mach., Self-propelled mobile vibrator compactor or roller, Hoist-single drum, Soil stabilizer (pump type), spray cure Mach. - Self-propelled, Staw blower mach., Sub-grader, Tube finisher or broom C.M.I. or similar type of Tugger Hoist

CLASS III - Batch plant-job related, Boiler op., Compressor (125 CFM or over), Curb builder (self propelled), Generator-steam, Jack-hydraulic-power driven, Mixer-concrete, Mulching Mach., Pin puller, Pulverizer, Pump, Road finishing mach. (pull type), Roller, Saw-concrete-self propelled, Signal man, spray cure Mach. - mortar powered, Spreader (Side driver shoulder attachment), Tractor Trencher-form, Water blaster

CLASS IV - Brake man, Compressor under 125CFM, Conveyor, Conveyor 12 feet or under other than servicing brick layers, Deck hand, Drill wagon, fireman, Generator sets, Heaters-portable power (2 to 5), Helper-mechanic, Jacks Hydraulic (Railroad), Ladavator, Roller (walk behind 1 ton or over), Steam jenny, Syphons, Vibrator-gasoline, Welding machines (2) (Fuel burning)

CLASS V - Oiler

CLASS VI - Rigs-pile driving or caisson type

[FR Doc.76-23349 Filed 8-12-76;8:45 am]

federal register

FRIDAY, AUGUST 13, 1976



PART V:

OFFICE OF MANAGEMENT AND BUDGET

BUDGET RECISSIONS AND DEFERRALS, AUGUST 1976

Cumulative Report

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OFFICE OF MANAGEMENT AND BUDGET

CUMULATIVE REPORT ON RESCISSIONS AND DEFERRALS AUGUST 1976

AUGUST 12, 1976.

This report is submitted in fulfillment of the requirements of section 1014(e) of the Impoundment Control Act of 1974 (Pub. L. 93-344). Section 1014(e) provides for a monthly report listing all current year budget authority with respect to which, as of the first day of the month, a special message has been transmitted to the Congress. The report continues the listing of fiscal 1976 actions in accordance with section 204(12) of the Fiscal Year Transition Act (Pub L. 94-274). That Act provides for the transition quarter to be treated as part of fiscal 1976 for purposes of section 1014(e).

This month's report gives the status as of August 1, 1976, of the 49 rescissions and 117 deferrals contained in the first eighteen special messages transmitted to the Congress for fiscal year 1976. These messages were transmitted to the Congress on July 1 and 25, September 10 and 24, October 3 and 20, November 18, December 1, 1975, January 6 and 23, February 6, March 18, April 13 and 26, May 13, July 1, 6, and 28, 1976.

RESCISSIONS (TABLE A AND ATTACHMENT A)

Five recissions totaling $126.6 million in FY 1976 and transition quarter budget authority are presently pending before the Congress. In addition, one rescission of $45 million in FY 1977 budget authority, transmitted on July 29, 1976, is pending before the Congress. Table A below summarizes the status of rescissions proposed by the President as of August 1, 1976. Attachment A below shows the history aid status of each rescission proposed during fiscal year 1976 and the transition quarter.

DEFERRALS (TABLE B AND ATTACHMENT B)

As of August 1, 1976, $3,967.6 million in 1976 budget authority was being deferred from obligation and another $114.8 million in 1976 obligations was being deferred from expenditure. Table B below summarizes the status of deferrals reported by the President. Attachment B below shows the history and status of each deferral proposed during fiscal year 1976 and the transition quarter.

INFORMATION FROM SPECIAL MESSAGES

The special messages containing information on each of the rescissions and deferrals covered by the cumulative report are contained in the FEDERAL REGISTERS of:

Wednesday, July 9, 1975 (Vol. 40, No. 132, Part V).
Wednesday, July 30, 1975 (Vol. 40, No. 147, Part II).
Monday, September 15, 1975 (Vol. 40, No. 179, Part V).
Monday, September 29, 1975 (Vol. 40, No. 189, Part V).
Wednesday, October 8, 1975 (Vol. 40, No. 196, Part VII).
Thursday, October 23, 1975 (Vol. 40, No. 206, Part III).
Thursday, November 20, 1975 (Vol. 40, No. 225, Part VI).
Thursday, December 4, 1975 (Vol. 40, No. 234, Part II).
Friday, January 9, 1976 (Vol. 41, No. 6, Part V).
Wednesday, January 28, 1976 (Vol. 41, No. 19, Part V).
Wednesday, February 11, 1976 (Vol. 41, No. 29, Part VII).
Tuesday, March 23, 1976 (Vol. 41, No. 57, Part V).
Friday, April 16, 1976 (Vol. 41, No. 75, Part VI).
Thursday, April 29, 1976 (Vol. 41, No. 87, Part IV).
Monday, May 17, 1976 (Vol. 41, No. 96, Part VI).
Wednesday, July 7, 1976 (Vol. 41, No. 131, Part III).
Thursday, July 8, 1976 (Vol. 41, No. 132, Part IV).
Monday, August 2, 1976 (Vol. 41, No. 149, Part VI).
Tuesday, August 3, 1976 (Vol. 41, No. 150, Part VI).

DONALD G. OGILVIE,
Acting Director.

Table A

STATUS OF 1976 AND TRANSITION QUARTER RESCISSION PROPOSALS

	Amount (in millions of dollars)
Rescissions proposed by the President	3,455.3
Accepted by the Congress:	
Helium fund (R76-6) 1/	47.5
Access highways to public recreation areas on certain lakes (R76-2) 2/	15.0
Public lands development roads and trails (R76-40) 3/	4.9
National Park Service, road construction (R76-41) 3/	58.5
State Department-Mutual educational and cultural exchange (R76-42) 3/	8.0
Consumer Product Safety Commission (R76-27A) 3/	2.7
Selective Service System (R76-44) 3/	1.8
Total accepted by the Congress	138.3
Rejected by the Congress	3,190.4
Pending before the Congress 4/	126.6
Special Message #16 (transmitted July 1, 1976)	(0.2)
Special Message #18 (transmitted July 28, 1976)	(126.4)

1/ Included in the first 1976 rescission bill (P.L. 94-111).
2/ The Department of Transportation and Related Agencies Appropriations Act (P.L. 94-134) rescinded $25 million under this head and appropriated $10 million under a separate section of Federal-Aid Highway Amendments of 1974 (23 U.S.C. 101).
3/ Included in the second 1976 rescission bill (P.L. 94-249).
4/ Excludes $45,000,000 transmitted to the Congress on July 29, 1976, in the first special message of FY 1977.

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Table B

STATUS OF 1976 AND TRANSITION QUARTER DEFERRALS

2

Amount (in millions of dollars)

OFFICE OF MANAGEMENT AND BUDGET

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Table B

STATUS OF 1976 AND TRANSITION QUARTER DEFERRALS

	Amount (in millions of dollars)
Deferrals proposed by the President	7,894.1
Routine Executive releases (-$4,646.6M) and adjustments (+$1,213.3M) 1/ through August 1, 1976	-3,433.3
Overturned by the Congress 2/	
Agriculture:	
Agricultural Research Service	
Construction (D76-68) (overturned December 4, 1975)	-7.6
Animal and Plant Health Inspection Service	
Construction-Fleming Key animal import center (D76-69) (overturned December 10, 1975)	-6.3
Agricultural Stabilization and Conservation Service	
Agriculture conservation program (D76-70) (overturned December 19, 1975)	-90.0
Farmers Home Administration	
Rural water and waste disposal grants (D76-72) (overturned December 19, 1975)	-50.0
Soil Conservation Service	
Watershed and flood prevention (D76-73) (overturned December 19, 1975)	-22.5
Watershed and flood prevention (D76-95) (overturned April 12, 1976)	-18.0
Resource conservation and development (D76-74) (overturned December 19, 1975)	-5.0
Food and Nutrition Service	
Special supplemental food program (D76-106) (overturned April 12, 1976)	-61.0
Forest Service	
Youth Conservation Corps (D76-101) (overturned March 9, 1976)	-23.7
Corps of Engineers-Civil:	
Revolving Fund (D76-96) (overturned April 14, 1976)	-.7
Health, Education, and Welfare:	
Health Services Administration	
Indian health facilities (D76-39, D76-97) (overturned March 9, 1976)	-14.9
Interior:	
Bureau of Reclamation	
Construction and rehabilitation (D76-13) (overturned December 4, 1975)	-1.0
Bureau of Indian Affairs	
Construction (D76-103) (overturned March 9, 1976)	-10.9

2

	Amount (in millions of dollars)
Justice:	
Law Enforcement Assistance Administration	
Juvenile justice and delinquency prevention (D76-98) (overturned March 4, 1976)	-15.0
EPA: (all overturned December 19, 1975)	
Research and development	
Air research (D76-79)	-2.0
Water research (D76-80)	-4.6
Abatement and Control	
Air control agency grants (D76-81)	-3.8
Water quality control agency grants (D76-82)	-10.0
Clean lakes grants (D76-83)	-15.0
Other Independent Agencies:	
Community Services Administration	
Emergency energy conservation (D76-49) (overturned November 3, 1975)	-16.5
Total, deferrals overturned by the Congress 2/	-378.4
Currently before the Congress	4,082.4 3/

1/ Adjustments include, for example, termination of Agriculture and Health, Education, and Welfare deferrals under the continuing resolution upon approval of associated appropriation acts.

2/ Does not include $10 million in funds reported as deferred by the General Accounting Office and overturned by the Congress on July 10, 1975.

3/ Includes $114.8 million of outlays in two Treasury deferrals--D76-25F and D76-67A.

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STATUS OF RESCISSIONS

FISCAL YEAR 1976 AND THE TRANSITION QUARTER
(Amounts in thousands of dollars)

As of August 1, 1976

Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available	Date Made Available
Executive Office of the President							
Office of Drug Abuse Policy:							
Salaries and expenses	R76-45	250	07-01-76				
Department of Agriculture							
Agriculture Research Service:							
Construction	R76-15	[225]	12-01-75			225	02-24-76
Agriculture Stabilization and Conservation Service:							
Water Bank Act Program	R76-16	[12,500]	12-01-75			12,500 1/	02-24-76
Forestry Incentives Program	R76-17	[18,750]	12-01-75				
	R76-17A	[18,750]	01-23-76			18,750 2/	02-24-76
Farmers Home Administration:							
Rural Water and Waste Disposal Grants	R76-18	[150,000]	12-01-75			150,000 3/	02-24-76
Rural Development Grants	R76-19	[12,344]	12-01-75				
	R76-19A	[12,344]	01-23-76			12,344 4/	02-24-76
Rural Housing for Domestic farm labor	R76-20	[9,375]	12-01-75			9,375 5/	02-24-76
Mutual and self-help housing	R76-21	[12,287]	12-01-75			12,287 6/	02-24-76
Self-help housing land development fund	R76-22	[1,498]	12-01-75			1,498	02-24-76

Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available	Date Made Available
Rural housing insurance fund	R76-23	[10,000]	12-01-75			10,000	02-24-76
	R76-29	[500,000]	01-23-76			500,000	03-18-76
Rural community fire protection grants	R76-24	[4,375]	12-01-75			4,375 7/	02-24-76
Agriculture Marketing Service:							
Payments to States and possessions	R76-25	[2,000]	12-01-75			2,000 8/	02-24-76
Food and Nutrition Service:							
Child nutrition programs	R76-46	9,350	07-28-76				
Special milk program	R76-30	[40,000]	01-23-76			40,000	03-18-76
Forest Service:							
Forest Roads and Trails	R76-4	[25,723]	07-25-75			25,723	10-07-75
Department of Commerce							
Economic Development Administration:							
Economic development assistance programs	R76-31	[4,000]	01-23-76			4,000	03-18-76
Department of Defense-Civil							
Corps of Engineers-Civil:							
Construction, general	R76-32	[3,600]	01-23-76			3,600	03-18-76
Department of Health, Education, and Welfare							
Health Services Administration:							
Health Services	R76-33	[127,804]	01-23-76			127,804 9/	03-18-76
Indian health service	R76-34	[5,294]	01-23-76			5,294	03-18-76

Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available	Date Made Available
Center for Disease Control:							
Preventive health services	R76-35	[7,690]	01-23-76			7,690	03-18-76
Alcohol, Drug Abuse and Mental Health Administration:							
Alcohol, drug abuse and mental health	R76-36	[56,500]	01-23-76			56,500	03-18-76
Health Resources Administration:							
Health resources	R76-37	[69,000]	01-23-76			69,000 10/	03-18-76
Office of Education:							
Elementary and secondary education	R76-9	[220,404]	11-18-75				
	R76-9A	[210,404]	01-23-76			210,404 11/	02-20-76
	R76-47	3,000	07-28-76				
Indian education	R76-38	[15,000]	01-23-76			15,000	03-18-76
School assistance in federally affected areas	R76-10	[220,968]	11-18-75				
	R76-10A	[243,773]	01-23-76			243,773 12/	02-20-76
	R76-48	24,000	07-28-76				
Education for the Handicapped	R76-11	[36,375]	11-18-75			36,375 13/	02-20-76
	R76-49	90,000	07-28-76				
Occupational, vocational, and adult education	R76-12	[14,241]	11-18-75			14,241 14/	02-20-76
Higher education	R76-13	[768,140]	11-18-75			768,140	02-20-76
Library resources	R76-14	[28,975]	11-18-75			28,975 15/	02-20-76
Assistant Secretary for Human Development:							
Child Development and Head Start	R76-5	[7,000]	07-25-75			7,000	10-24-75

Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available	Date Made Available
Grants for the developmentally disabled	R76-39	[2,000]	01-23-76			2,000	03-18-76
Department of Housing and Urban Development							
Housing Production and Mortgage Credit:							
State Housing Finance and Development Agencies	R76-26	[600,000] 16/	12-01-75			600,000	02-24-76
Community Planning and Development:							
Rehabilitation loan fund	R76-28	[60,670]	01-06-76				
	R76-28A	[62,670]	02-06-76			62,670 17/	03-12-76
Department of the Interior							
Bureau of Land Management:							
Public lands development roads and trails	R76-40	[8,800] 18/	01-23-76	4,900 19/	03-25-76	3,900	03-24-76
National Park Service:							
Road construction	R76-41	[58,500] 20/	01-23-76	58,500 19/	03-25-76		
Bureau of Mines:							
Helium Fund	R76-6	[47,500]	07-25-75	47,500	10-13-75 21/		
Department of State							
Mutual educational and cultural exchange activities	R76-42	[8,000]	01-23-76	8,000 19/	03-25-76		
Department of Transportation							
Federal Highway Administration:							
National Scenic and Recreational Highway	R76-1	[90,000]	07-01-75	22/	22/	90,000 22/	04-16-76
Access Highways to Public Recreation Areas on Lakes	R76-2	[25,000]	07-01-75	25,000 23/	11-24-75 23/	23/	11-24-75
Department of the Treasury							
Office of the Secretary:							
Construction, Federal Law Enforcement Train-	[illegible]	[8,665]	07-01-75			8,665	09-23-75

Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available	Date Made Available
Other Independent Agencies							
Community Services Administration:							
Economic Opportunity Program:							
Research and Demonstration	R76-7	[2,500]24/	07-25-75				
Community and Economic Development	R76-8	[7,500]24/	07-25-75				
Community services program	R76-43	[2,500]25/	01-23-76			2,500	03-18-76
Consumer Product Safety Commission:							
Salaries and expenses	R76-27	[5,225]	12-01-75				
	R76-27A	[6,431]	01-23-76			(6,431)26/	02-24-76
				2,656 18/27/	03-25-76	3,775 28/	03-25-76
Selective Service System:							
Salaries and expenses	R76-44	[1,775]	01-23-76	1,775 19/	03-25-76		
TOTAL		126,600 31/		138,331 29/		3,170,383 30/	

1/ $2.5 million of this amount was appropriated for the transition quarter and became available on July 1, 1976.
2/ $3,750,000 of this amount was appropriated for the transition quarter and became available on July 1, 1976.
3/ $25 million of this amount was appropriated for the transition quarter and became available on July 1, 1976.
4/ $2,969,000 of this amount was appropriated for the transition quarter and became available on July 1, 1976.
5/ $1,875,000 of this amount was appropriated for the transition quarter and became available on July 1, 1976.
6/ $2,250,000 of this amount was appropriated for the transition quarter and became available on July 1, 1976.
7/ $875,000 of this amount was appropriated for the transition quarter and became available on July 1, 1976.
8/ $400,000 of this amount was appropriated for the transition quarter and became available on July 1, 1976.
9/ $24,645,000 of this amount was appropriated for the transition quarter and became available on July 1, 1976.
10/ $2,000,000 of this amount was appropriated for the transition quarter and became available on July 1, 1976.
11/ $161,634,000 of this amount became available on July 1, 1976.
12/ $194,265,000 of this amount was proposed for rescission without being withheld.
13/ $35 million of this amount became available for obligation on July 1, 1976.
14/ $4 million of this amount became available for obligation on July 1, 1976.
15/ $10 million of this amount became available for obligation on July 1, 1976.
16/ For 1976, $15 million in contract authority and $15 million to liquidate that contract authority.
17/ $2 million of this amount is an unobligated balance available in the transition quarter.
18/ See deferral D76-12.
19/ P.L. 94-249.
20/ See deferral D76-18.
21/ P.L. 94-111.
22/ See House Report No. 94-496. Deferral of the $90 million was reported to the Congress on September 24, 1975, in D76-55. The funds deferred were released on April 16, 1976, because of Congressional inaction on the related

Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available	Date Made Available

rescission request.
23/ P.L. 94-134, signed November 24, 1975, rescinds the $25 million in R76-2 and makes new appropriations of $10 million.
24/ These funds, provided in P.L. 94-32, lapsed on September 30, 1975. They were reappropriated in P.L. 94-206 which became law on January 28, 1976, and are available for obligation.
25/ Appropriated in P.L. 94-157.
26/ Release as required.
27/ Includes $400,000 of transition quarter funds.
28/ Includes $806,000 of funds appropriated for the transition quarter that became available July 1, 1976.
29/ Total includes R76-2 at $15 million ($25 million rescinded minus $10 million appropriated).
30/ The amounts proposed for rescission in R76-7 and R76-8 ($10 million) and $10 million from R76-2 must be added to the amount made available to derive the total for rescissions rejected by the Congress ($3190.4 million).
31/ Excludes $45,000,000 of funds proposed for rescission on July 29, 1976. This rescission proposal (R77-1) for the Legal Services Corporation consists of funds appropriated for FY 77 and is not included in the totals for the FY 76 and transition quarter reports.

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STATUS OF DEFERRALS

FISCAL YEAR 1976 AND TRANSITION QUARTER
(Amounts in thousands of dollars)

Agency: Funds Appropriated to the President

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 08-01-76
United States Emergency Refugee and Migration Fund	D76-114		15,000	07-28-76					15,000
TOTAL			15,000						15,000

STATUS OF DEFERRALS

FISCAL YEAR 1976 AND TRANSITION QUARTER
(Amounts in thousands of dollars)

Agency: Department of Agriculture 1/

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 08-01-76
Agricultural Research Service Construction	D76-68		7,570	12-01-75 12-05-75		2/	-7,570 3/		0
Animal and Plant Inspection Service Construction	D76-69		6,314	12-01-75 12-15-75		4/	-6,314 5/		0
Foreign Agricultural Service Salaries and Expenses (Special Foreign Currency)	D76-1	[2,232]		07-01-75 05-26-76 07-06-76	-122 9/			-2.110 6/	
	D76-1A		2,110	07-06-76					2,110
Agricultural Stabilization and Conservation Service Commodity Credit Corporation Administrative Expenses	D76-71		2,787	12-01-75 12-18-75	-2,787				0
Agricultural Conservation Program	D76-28	[31,667]		07-25-75 09-10-75				-31,667 6/	
	D76-28A	[31,667]		09-10-75 10-03-75				-31,667 6/	
	D76-28B		63,333	10-03-75 10-21-75				-63,333 7/	0
	D76-70		90,000	12-01-75 12-24-75		-90,000 8/			0

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	House	Senate	Adjustments	Amount Deferred as of 08-01-76
Water Bank Act Program	D76-29	[536]		07-25-75 10-03-75				-536 6/	
	D76-29A		1,072	10-03-75 10-21-75				-1,072 7/	0
	D76-104		8,072	03-18-76 02-24-76	-8,072				0
Forestry Incentives Program	D76-30	[3,750]		07-25-75 10-03-75				-3,750 6/	
	D76-30A		7,500	10-03-75 10-21-75				-7,500 7/	0
Farmers Home Administration									
Rural Water and Waste Disposal	D76-31	[37,500]		07-25-75 10-03-75				-37,500 6/	
	D76-31A		75,000	10-03-75 10-21-75				-75,000 7/	0
	D76-72		50,000	12-01-75 12-24-75		-50,000 10/			0
Rural Housing for Domestic Farm Labor Grants	D76-32	[1,250]		07-25-75 10-03-75				-1,250 6/	
	D76-32A		2,500	10-03-75 10-21-75				-2,500 7/	0
Mutual and Self-help Housing Grants	D76-33	[2,050]		07-25-75 10-03-75				-2,050 6/	
	D76-33A		3,300	10-03-75 10-21-75				-3,300 7/	0
Self-help Housing Land Development Fund	D76-34	[1,625]		07-25-75 10-03-75				-1,625 6/	
	D76-34A		1,625	10-03-75 10-21-75				-1,625 7/	0

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	House	Senate	Adjustments	Amount Deferred as of 08-01-76
Soil Conservation Service									
Watershed and flood prevention operations	D76-73		22,500	12-01-75 12-24-75		-22,500 11/			0
	D76-95		18,000	01-23-76 04-13-76		-18,000 12/			0
Resource conservation and development	D76-74		4,960	12-01-75 12-24-75		-4,960 13/			0
Agricultural Marketing Service									
Payments to States and Possessions	D76-35	[400]		07-25-75 10-03-75				-400 6/	
	D76-35A		800	10-03-75 10-21-75				-800 7/	0
Food and Nutrition Service									
Special supplemental food program	D76-105		61,000	03-18-76 04-13-76		-61,000 14/			0
Forest Service									
Youth Conservation Corps	D76-101		23,680	02-06-76 03-10-76			-23,680 15/		0
Forest Roads and Trails	D76-36	[280,000]		07-25-75 01-22-76 07-06-76	-1,343			-278,657 6/	
	D76-36A		302,682	07-06-76				-35,000 16/	267,682
Expenses, Brush Disposal	D76-37	[27,113]		07-25-75 01-22-76 06-02-76 07-06-76	-2,040 -2,752 9/			-22,321 6/	
	D76-37A		22,321	07-06-76					22,321

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	House	Senate	Adjustments	Amount Deferred as of 08-01-76
Licensee Programs	D76-38	[95]		07-25-75 02-06-76				-95 6/	
	D76-38A		153	02-06-76 06-02-76	-26 9/				127
TOTAL		419,885	777,279		-17,142	-246,460	-37,564	-603,758	292,240

1/ On July 10, 1975, the Senate passed an impoundment resolution requiring release of Youth Conservation Corps funds reported two days earlier by the General Accounting Office as being deferred ($10 million). Funds were released on July 16, 1975.
2/ Impoundment resolution H. Res. 910 passed the House on December 19, 1975, expressing disapproval of this deferral. The funds were released on December 5, 1975, following Senate passage of S. Res. 313.
3/ Impoundment resolution S. Res. 313 passed the Senate on December 4, 1975, rejecting this deferral.
4/ Impoundment resolution H. Res. 911 passed the House on December 19, 1975, expressing disapproval of this deferral. The funds were released on December 15, 1975.
5/ Impoundment resolution, S. Res. 324, passed the Senate on December 10, 1975, rejecting this deferral.
6/ Subsequently incorporated in a supplementary report.
7/ Enactment of P.L. 94-122 (October 21, 1975) ended deferrals of funds provided by the continuing resolution.
8/ Impoundment resolution H. Res. 912 passed the House on December 19, 1975, rejecting this deferral.
9/ This amount became available for obligation on July 1, 1976.
10/ Impoundment resolution H. Res. 914 passed the House on December 19, 1975, rejecting this deferral.
11/ Impoundment resolution H. Res. 915 passed the House on December 19, 1975, rejecting this deferral.
12/ Impoundment resolution H. Res. 1032 passed the House on April 12, 1976, rejecting this deferral.
13/ Impoundment resolution H. Res. 916 passed the House on December 19, 1975, rejecting this deferral.
14/ Impoundment resolution H. Res. 1129 passed the House on April 12, 1976, rejecting this deferral.
15/ Impoundment resolution S. Res. 385 passed the Senate on March 9, 1976, rejecting this deferral.
16/ New contract authority authorized in the Federal Aid Highway Act of 1976 for the Forest roads and trails program is not effective until it is appropriated. The adjustment reduces the deferral in order to correctly reflect the amount of (effective) budget authority deferred.

STATUS OF DEFERRALS

FISCAL YEAR 1976 AND TRANSITION QUARTER
(Amounts in thousands of dollars)

Agency: Department of Commerce

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	House	Senate	Adjustments	Amount Deferred as of 08-01-76
General Administration									
Special foreign currency	D76-106		1,220	03-18-76 03-30-76	-1,220				0
National Oceanic and Atmospheric Administration									
Fisheries Loan Fund	D76-2	[7,252]		07-01-75 11-14-75 02-25-76 07-06-76				-769 1/ -1,489 2/ -4,994 3/	
	D76-2A		5,114	07-06-76					5,114
Promote and Develop Fishery Products	D76-3	[1,355]		07-01-75 12-30-75 02-25-76 07-06-76	-377			-173 1/ +516 4/ -1,321 3/	
	D76-3A		2,197	07-06-76					2,197
Fishermen's Guaranty Fund	D76-75	[152]		12-01-75 02-25-76 07-06-76	-102			(-50 3/	
	D76-75A		153	07-06-76					153
Office of the Assistant Secretary for Science and Technology									
Scientific and Technical research and services	D76-76		1,187	12-01-75					1,187
Maritime Administration									
Ship construction	D76-107	[231,000]		03-18-76 07-06-76				-231,000 3/	
	D76-107A		247,000	07-06-76					247,000
TOTAL		239,759	256,871		-1,699			239,280	255,651

1/ Reflects a revised unobligated balance brought forward from FY 1975.
2/ Reflects a reduction in estimated loan repayments.
3/ Subsequently incorporated in a supplementary report.
4/ Reflects higher estimates of gross receipts from customers duties on imported fishery products.

STATUS OF DEFERRALS

B-7

FISCAL YEAR 1976 AND TRANSITION QUARTER
(Amounts in thousands of dollars)

Agency: Department of Defense, Military

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 08-01-76
Shipbuilding and Conversion, Navy	D76-4		1,793,590	07-01-75					
				09-09-75	-1,793,590				0
	D76-108		2,245,945	03-18-76					
				06-14-76	-873,897 1/				1,372,048
Military Construction, All Services	D76-5	[233,630]		07-01-75					
				06-27-75	-1,582				
				07-29-75	-1,752				
				08-25-75	-15,046				
				09-04-75	-5,515				
				10-06-75				245	
				10-15-75	-34,524				
				10-24-75	-16,415				
				11-03-75	-5				
				11-03-75				3,399	
				12-04-75	-32,798				
				12-09-75	-31,256				
				01-06-76				-98,381 2/	0
	D76-86	[596,074]		01-06-76					
				02-03-76	-4,766				
				02-13-76	-18,609				
				02-17-76	-11,248				
				03-24-76	-53,965				
				03-31-76	-35,653				
				04-05-76	-145,215				
				04-13-76	-48,718				
				04-22-76	-21,410				
				05-14-76	-6,743				
				06-04-76	-2,921				
				06-04-76	-12,891 1/				
				06-11-76	-58,668				
				06-25-76	-1,517				
				06-25-76	-1,517 1/				
				07-06-76				-73,750 3/	
	D76-86A		173,750	07-06-76					
				07-20-76	-3,825				168,408
TOTAL		829,704	4,213,285		-3,234,046			-268,487	1,540,456

1/ This amount became available for obligation on July 1, 1976.
2/ Subsequently incorporated in D76-86.
3/ Subsequently incorporated in a supplementary report.

STATUS OF DEFERRALS

B-8

FISCAL YEAR 1976 AND TRANSITION QUARTER
(Amounts in thousands of dollars)

Agency: Department of Defense, Civil

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 08-01-76
Corps of Engineers-Civil Revolving fund	D76-96		700	01-23-76					
				04-15-76			-700 1/		0
Canal Zone Government Capital Outlays	D76-87		155	01-06-76					
				07-09-76	-155				0
Wildlife Conservation Military Reservations	D76-6	[432]		07-01-75					
				09-19-75				-13 2/3/	
				09-24-75				-31 2/	
				04-12-76				-1 3/	
				06-03-76				-159 3/	
				06-04-76	-13 4/				
				07-06-76				-215 5/	
	D76-6A		215	07-06-76					215
TOTAL		432	1,070		-168		-700	-419	215

1/ Impoundment resolution S. Res. 408 passed the Senate on April 14, 1976, rejecting this deferral.
2/ Reflects the actual unobligated balance carried forward July 1, which is a lesser amount than previously estimated.
3/ Reflects a decrease in anticipated receipts for the year.
4/ This amount became available for obligation on July 1, 1976.
5/ Subsequently incorporated in a supplementary report.

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STATUS OF DEFERRALS

B-9

FISCAL YEAR 1976 AND TRANSITION QUARTER
(Amounts in thousands of dollars)

Agency: Department of Health, Education, and Welfare

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 08-01-76
Health Services Administration									
Health Services	D76-57	[1,082]		10-20-75 01-06-76				-1,082 1/	0
	D76-57A		1,623	01-06-76 01-28-76				-1,623 2/	0
Indian Health Facilities	D76-39		1,000	07-25-75 03-10-76			-1,000 3/		0
	D76-97		13,908	01-23-76 03-10-76			-13,908 3/		0
National Institutes of Health									
National Cancer Institute	D76-58	[7,000]		10-20-75 01-06-76				-7,000 1/	0
	D76-58A		7,000	01-06-76 01-28-76				-7,000 2/	0
National Heart and Lung Institute	D76-59	[2,700]		10-20-75 01-06-76				-2,700 1/	0
	D76-59A		12,700	01-06-76 01-28-76				-12,700 2/	0
National Institutes of Dental Research	D76-60	[518]		10-20-75 01-06-76				-518 1/	0
	D76-60A		518	01-06-76 01-28-76				-518 2/	0

B-10

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 08-01-76
National Institute of Arthritis, Metabolism, and Digestive Diseases	D76-88		2,752	01-06-76 01-28-76				-2,752 2/	0
National Institute of Neurological and Communicative Disorders and Stroke	D76-61	[682]		10-20-75 01-06-76				-682 1/	0
	D76-61A		682	01-06-76 01-28-76				-682 2/	0
National Institutes of General Medical Sciences	D76-62	[2,318]		10-20-75 01-06-76				-2,318 1/	0
	D76-62A		5,812	01-06-76 01-28-76				-5,812 2/	0
National Institute of Child Health and Human Development	D76-63	[1,234]		10-20-75 01-06-76				-1,234 1/	0
	D76-63A		1,234	01-06-76 01-28-76				-1,234 2/	0
Division of Research Resources	D76-89		42,896	01-06-76 01-28-76				-42,896 2/	0
Buildings and Facilities	D76-7		2,164	07-01-75 09-22-75	-2,164				0
Office of the Director	D76-64	[572]		10-20-75 01-06-76				-572 1/	0
	D76-64A		884	01-06-76 01-28-76				-884 2/	0

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Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 08-01-76
Alcohol, Drug Abuse and Mental Health Administration									
Alcohol, Drug Abuse, and Mental Health	D76-40	[3,409]		07-25-75 10-03-75				-3,409 1/	0
	D76-40A	[2,426]		10-03-75 10-20-75				-2,426 1/	0
	D76-40B	[2,753]		10-20-75 01-06-76				-2,753 1/	0
	D76-40C		4,910	01-06-76 01-28-76				-4,910 2/	0
Health Resources Administration									
Health Resources	D76-41		22,000	07-25-75 07-25-75	-22,000				0
	D76-115		4,000	07-28-76					4,000
Office of the Assistant Secretary for Health									
Assistant Secretary for Health	D76-65	[753]		11-18-75 01-06-76				-753 1/	0
	D76-65A		773	01-06-76 01-28-76				-773 2/	0
Scientific Activities Overseas (Special Foreign Currency)	D76-8	[3,652]		07-01-75 04-26-76				-3,652 1/	
	D76-8A		14,319	04-26-76 05-18-76	-2,012 6/				12,307
Office of Education									
Elementary and Secondary Education	D76-51		8,000	09-10-75 10-10-75	-8,000				0
	D76-52		2,968	09-10-75 02-20-76	-2,968				0
School Assistance in Federally Affected Areas	D76-42		68,350	07-25-75 09-10-75				-68,350 4/	0

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 08-01-76
Higher Education	D76-9	[49,040]		07-01-75 07-06-76				-49,040 1/	
	D76-9A		272,616	07-06-76					272,616
Higher Education	D76-43		9,500	07-25-75 09-10-75				-9,500 4/	0
Library Resources	D76-44		10,437	07-25-75 09-10-75				-10,437 4/	0
Social and Rehabilitative Service									
Public Assistance Child Welfare Services	D76-45	[1,000]		07-25-75 10-03-75				-1,000 1/	0
	D76-45A	[2,000]		10-03-75 01-06-76				-2,000 1/	0
	D76-45B		3,000	01-06-76 01-28-76				-3,000 2/	0
Social Security Administration									
Limitation on Construction	D76-54	[14,910]		09-24-75 03-18-76				-14,910 1/	0
	D76-54A		15,098	03-18-76 05-21-76	-2,430 6/				12,668
Special Institutions									
Howard University	D76-10	[8,174]		07-01-75 11-18-75				-8,174 1/	0
	D76-10A	[12,225]		11-18-75 06-29-76 07-06-76	-3,279 6/			-12,225 1/	
	D76-10B		13,526	07-06-76					10,247

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 08-01-76
Assistant Secretary for Human Development									
Research and Training Activities Overseas (Special Foreign Currency)	D76-11	[7,307]		07-01-75 07-25-75				-7,307 1/	0
	D76-11A	[8,307]		07-25-75 07-15-75 11-06-75	-3,665 -390			-4,252 1/	0
	D76-11B	[4,252]		12-01-75 11-24-75 04-22-76 06-01-76 07-06-76	-558 -445 -500 6/			-401 5/ -2,348 1/	
	D76-11C		2,348	07-06-76					2,348
TOTAL		136,314	541,018		-48,411	-14,908		-303,827	310,186

1/ Subsequently incorporated in a supplementary report.
2/ Enactment of P.L. 94-206 (January 28, 1976) ended deferral of these funds provided by the Continuing Resolution.
3/ Impoundment resolution, S. Res. 366, passed the Senate on March 9, 1976, rejecting this deferral.
4/ Enactment of P.L. 94-94 (September 10, 1975) ended deferral of these funds provided by the Continuing Resolution.
5/ Reflects a revised unobligated balance brought forward from FY 1975.
6/ This amount became available for obligation on July 1, 1976.

STATUS OF DEFERRALS

FISCAL YEAR 1976 AND TRANSITION QUARTER
(Amounts in thousands of dollars)

Agency: Department of the Interior

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 08-01-76
Bureau of Land Management									
Public Lands Development Roads and Trails	D76-12	[25,847]		07-01-75 01-20-76 02-06-76	-947			-8,800 1/ -16,100 2/	
	D76-12A	[16,100]		02-06-76 04-13-76				-16,100 2/	
	D76-12B		20,000	04-13-76 06-18-76	-1,100 7/				18,900
Oregon and California grant lands	D76-102	[3,016]		02-06-76 07-06-76				-3,016 2/	
	D76-102A		3,272	07-06-76					3,272
Bureau of Reclamation									
Construction and Rehabilitation	D76-13	[1,030]		07-01-75 07-25-75				-1,030 2/	0
	D76-13A		1,030	07-25-75 12-08-75			-1,030 3/		0
Upper Colorado River Storage Project	D76-14		1,150	07-01-75 01-19-76	-1,150				0
Bureau of Outdoor Recreation									
Land and Water Conservation Fund	D76-15		30,000	07-01-75					30,000
Fish and Wildlife Service									
Federal Aid in Fish Restoration and Management	D76-16		6,330	07-01-75 01-22-76 06-02-76	-1,212 -5,118 4/				0

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Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 08-01-76
Federal Aid in Wildlife Restoration	D76-17		21,470	07-01-75					
				01-22-76	-7,270				
				06-02-76	-3,826				
				06-02-76	-10,374 4/				0
National Park Service Road Construction	D76-18	[238,092]		07-01-75					
				12-15-75	-1,000				
				01-20-76	-34,034				
				06-02-76	-5,700 7/			-58,500 5/	
				07-06-76				-138,858 2/	
	D76-18A		138,858	07-06-76					138,858
Geological Survey Payment from Proceeds, Sale of Water	D76-19	[29]		07-01-75					
				07-06-76				-29 2/	
	D76-19A		30	07-06-76					30
Bureau of Mines Mines and Minerals	D76-110		688	05-13-76					688
Drainage of Anthracite Mines	D76-46	[3,375]		07-25-75					
				07-06-76				-3,375 2/	
	D76-46A		3,725	07-06-76					3,725
Bureau of Indian Affairs Construction	D76-103		10,881	02-06-76					
				03-10-76			-10,881 6/		0

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 08-01-76
Road Construction	D76-20	[68,470]		07-01-75					
				02-06-76				-68,470 2/	0
	D76-20A	[69,339]		02-06-76					
				06-02-76	-28,000 7/				
				06-09-76	-10,000				
				07-06-76				-31,339 2/	
	D76-20B		31,339	07-06-76					31,339
TOTAL		425,298	268,773		-109,731		-11,911	-345,617	226,812

1/ See rescission R76-40.
2/ Subsequently incorporated in a supplementary report.
3/ Impoundment resolution, S. Res. 226, passed by the Senate on December 4, 1975, rejecting this deferral.
4/ This amount became available for obligation on July 1, 1976 for the period July 1, 1976 through September 30, 1977.
5/ See rescission R76-41.
6/ Impoundment resolution, S. Res. 386, passed the Senate on March 9, 1976 rejecting this deferral.
7/ This amount became available for obligation on July 1, 1976.

UMI

STATUS OF DEFERRALS

FISCAL YEAR 1976 AND TRANSITION QUARTER
(Amounts in thousands of dollars)

Agency: Department of Justice

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 08-01-76
Law Enforcement Assistance Administration									
Salaries and expenses	D76-98		15,000	01-23-76 03-11-76		-15,000 1/			0
TOTAL			15,000			-15,000			0

1/ Impoundment resolution, H. Res. 1058, passed the House of March 4, 1976, rejecting this deferral.

STATUS OF DEFERRALS

FISCAL YEAR 1976 AND TRANSITION QUARTER
(Amounts in thousands of dollars)

Agency: Department of Labor

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 08-01-76
Employment and Training Administration									
Grants to States for Unemployment Insurance and Employment Services	D76-109	[15,000]		03-18-76 07-06-76				-15,000 1/	
			18,750	07-06-76 07-28-76	-18,750				0
Advances to the unemployment trust fund and other funds	D76-99	[1,800,000]		01-23-76 06-14-76 07-06-76	-900,000 2/			-900,000 1/	
	D76-99A		900,000	07-06-76					900,000
Departmental Management									
Special foreign currency program	D76-112		136	07-06-76					136
Working Capital Fund	D76-77		977	12-01-75 12-08-75	-977				0
Pension Benefit Guaranty Corporation									
Pension Guaranty Fund	D76-78		[1,431]*	12-01-75 06-02-76				[-1,431]*3/	0
TOTAL		1,815,000	919,863		-919,727			-915,000 [-1,431]	900,136

* Annexed Budget item. Not included in totals. This deferral will not affect budgetary outlays because PBGC is an off-budget agency. However, it will result in reducing Treasury financing needs by $1,431 thousand for FY 1976.

1/ Subsequently incorporated in a supplementary report.

2/ This amount became available for obligation on July 1, 1976.

3/ This deferral represented a retention in the revolving fund balance of an amount proposed by the Corporation for administrative expenses in 1976. No adjustment to the Corporation's proposals has been made for the transition quarter.

UMI

STATUS OF DEFERRALS

FISCAL YEAR 1976 AND TRANSITION QUARTER
(Amounts in thousands of dollars)

Agency: Department of State

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 08-01-76
Acquisition, operation and maintenance of buildings abroad (special foreign currency)	D76-90		2,275	01-06-76					2,275
International Center, Washington, D.C.	D76-66		2,572	11-18-75 05-27-76	-1,861 1/				711
Refugee and Migration Affairs Special Assistance to refugees from Cambodia and Vietnam	D76-85	[28,493]		12-01-75 01-23-76				-28,493 2/	0
	D76-85A		28,493	01-23-76 03-31-76	-28,493				0
TOTAL		28,493	33,340		-30,354			-28,493	2,986

1/ This amount became available for obligation on July 1, 1976.
2/ Subsequently incorporated in a supplementary report.

STATUS OF DEFERRALS

FISCAL YEAR 1976 AND TRANSITION QUARTER
(Amounts in thousands of dollars)

Agency: Department of Transportation

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 08-01-76
Coast Guard Acquisition, Construction and Improvements	D76-21	[707]		07-01-75 01-06-76				-707 1/	0
	D76-91		1,061	01-06-76					1,061
Federal Aviation Administration Construction, National Capitol Airports	D76-92	[8,679]		01-06-76 07-06-76				-8,679 2/	
	D76-92A		9,400	07-06-76					9,400
Civil Supersonic Aircraft Development Termination	D76-22	[7,686]		07-01-75 11-24-75 01-06-76				-6,000 3/ -1,686 4/	0
	D76-93	[2,179]		01-06-76 07-06-76				-2,179 2/	
	D76-93A		2,299	07-06-76					2,299
Facilities and Equipment (Airport and Airway Trust Fund)	D76-23	[75,824]		07-01-75 07-06-76				-75,824 2/	
	D76-23A		82,340	07-06-76					82,340

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Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 08-01-76
Federal Highway Administration									
National Scenic and Recreational Highway	D76-55		90,000	09-24-75					
				04-16-76	-90,000 5/				0
TOTAL		95,075	185,100		-90,000			-95,075	95,100

1/ Subsequently incorporated in D76-91.
2/ Subsequently incorporated in a supplementary report.
3/ P.L. 94-134, signed November 24, 1975, transferred $6 million from "Civil supersonic aircraft development termination" to FAA "Operations."
4/ Subsequently incorporated in D76-93.
5/ The funds were released because of Congressional inaction on the related rescission request, R76-1.

STATUS OF DEFERRALS

FISCAL YEAR 1976 AND TRANSITION QUARTER
(Amounts in thousands of dollars)

Agency: Department of the Treasury

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 08-01-76
Office of the Secretary									
State and Local Government Fiscal Assistance Trust Fund	D76-24	[93,420]		07-01-75					
				07-31-75	-246				
				08-11-75	-18				
				10-01-75	-3,145				
				11-01-75	-41				
				12-01-75	-164				
				01-01-76	-84				
				03-01-76	-5				
				04-01-76	-21				
				05-01-76	-7,433				
				06-01-76	-13				
				07-01-76				+67 1/	
				07-06-76	-1,317			-81,000 3/	
	D76-24A		81,000	07-06-76					81,000
State and Local Government Fiscal Assistance Trust Fund	D76-25	[38,391] 2/		07-01-75					
				09-10-75				-38,391 2/3/	
	D76-25A	[57,587] 2/		09-10-75					
				10-20-75				-57,587 2/3/	
	D76-25B	[75,856] 2/		10-20-75					
				11-18-75				-75,856 2/3/	
	D76-25C	[75,856] 2/		11-18-75					
				01-23-76				-75,856 2/3/	
	D76-25D	[95,017] 2/		01-23-76					
				04-26-76				-95,017 2/3/	
	D76-25E	[113,732] 2/		04-26-76					
				07-06-76				-113,732 2/3/	
	D76-25F		113,732 2/	07-06-76					113,732 2/

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 08-01-76
	D76-67	[11,833] 2/		11-18-75					
				12-01-75	-9,409 2/				
				01-01-76	-693 2/				
				02-01-76	-203 2/				
				04-01-76	-432 2/				
				07-01-76	-91 2/				
				07-06-76				-1,005 2/3/	
	D76-67A		1,096 2/	07-06-76					1,096 2/
Loans to the District of Columbia for Capital Outlay	D76-53	[39,370]		09-10-75					
				07-06-76				-39,370 3/	
	D76-53A		39,370	07-06-76					39,370
TOTAL		132,790BA 468,272O	120,370BA 114,828O		-12,487BA -10,828O			-120,303BA -342,707O	120,370BA 114,737O

1/ Reflects a payment to the fund.
2/ Outlays only.
3/ Subsequently incorporated in a supplementary report.

STATUS OF DEFERRALS

FISCAL YEAR 1976 AND TRANSITION QUARTER
(Amounts in thousands of dollars)

Agency: Energy Research and Development Administration

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 08-01-76
Operating Expenses	D76-116		16,000	07-28-76					
				07-22-76	-16,000 1/				0
TOTAL			16,000		-16,000				

1/ These funds were withheld temporarily pending program determinations. Prior to the actual transmittal of the special message, the funds were released for obligation.

STATUS OF DEFERRALS

FISCAL YEAR 1976 AND TRANSITION QUARTER
(Amounts in thousands of dollars)

Agency: Environmental Protection Agency

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 08-01-76
Research and Development	D76-79		2,000	12-01-75					
				12-22-75		-2,000 1/			0
	D76-80		4,600	12-01-75					
				12-22-75		-4,600 2/			0
Abatement and Control	D76-47		4,000	07-25-75					
				07-23-75	-4,000				0
	D76-81		3,750	12-01-75					
				12-22-75		-3,750 3/			0
	D76-82		10,000	12-01-75					
				12-22-75		-10,000 4/			0
	D76-83		15,000	12-01-75					
				12-22-75		-15,000 5/			0
TOTAL			39,350		-4,000	-35,350			0

1/ Impoundment resolution H. Res. 920 passed the House on December 19, 1975, rejecting this deferral.
2/ Impoundment resolution H. Res. 921 passed the House on December 19, 1975, rejecting this deferral.
3/ Impoundment resolution H. Res. 922 passed the House on December 19, 1975, rejecting this deferral.
4/ Impoundment resolution H. Res. 923 passed the House on December 19, 1975, rejecting this deferral.
5/ Impoundment resolution H. Res. 924 passed the House on December 19, 1975, rejecting this deferral.

STATUS OF DEFERRALS

FISCAL YEAR 1976 AND TRANSITION QUARTER
(Amounts in thousands of dollars)

Agency: General Services Administration

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 08-01-76
Rare Silver Dollar Program	D76-48	[1,790]		07-25-75					
				02-06-76				-1,790 1/	
	D76-48A		1,850	02-06-76					
				06-06-76	-100 2/				1,750
TOTAL		1,790	1,850		-100			-1,790	1,750

1/ Subsequently incorporated in a supplementary report.
2/ This amount became available for obligation on July 1, 1976.

STATUS OF DEFERRALS

B-2

FISCAL YEAR 1976 AND TRANSITION QUARTER
(Amounts in thousands of dollars)

Agency: National Aeronautics and Space Administration

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 08-01-76
Research and Program Management	D76-84		2,900	12-01-75 05-26-76	-2,900				0
TOTAL			2,900		-2,900				0

STATUS OF DEFERRALS

B-28

FISCAL YEAR 1976 AND TRANSITION QUARTER
(Amounts in thousands of dollars)

Agency: Other Independent Agencies

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 08-01-76
Community Services Administration									
Economic Opportunity Program									
Emergency Energy Conservation Services	D76-49		16,500	07-25-75 10-03-75			-16,500 1/		0
Community and Economic Development	D76-50		14,500	07-25-75 07-24-75	-14,500				0
Federal Energy Administration									
Strategic Petroleum Reserve Office									
Strategic Petroleum Reserve	D76-117		299,000	07-28-76	-131,500 2/				167,500
Foreign Claims Settlement Commission									
Payment of Vietnam Prisoner of War Claims	D76-26		11,081	07-01-75					11,081
American Revolution Bicentennial Administration	D76-27		1,000	07-01-75 04-27-76	-1,000				0
	D76-111		500	05-13-76 06-16-76	-500 3/				0
Interstate Commerce Commission									
Payment for directed rail services	D76-94		13,700	01-06-76					13,700
National Science Foundation									
Salaries and expenses	D76-100	[10,000]		01-23-76 07-06-76				-10,000 4/	
	D76-100A		10,000	07-06-76					10,000

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 08-01-76
National Commission on International Women's Year, 1975									
Salaries and expenses	D76-113		4,427	07-06-76					4,427
National Commission on Productivity and Work Quality	D76-56		1,500	09-24-75					
				10-01-75	-600				
				12-09-75	-900				
TOTAL		10,000	372,208		-149,000		-16,500	-10,000	0 206,708
TOTAL, ALL DEFERRALS		4,134,540BA 468,272O	7,779,277BA 114,828O		-4,635,765BA -10,828O	-296,810BA	-81,583BA	-2,932,049BA -457,444O	3,967,610BA 114,828O

1/ Impoundment resolution S. Res. 267 passed the Senate October 3, 1975, rejecting this deferral.
2/ This deferral was reduced to $167,500,000 on July 1, 1976.
3/ This amount became available for obligation on July 1, 1976.
4/ Subsequently incorporated in a supplementary report.

[FR Doc.76-23909 Filed 8-12-76;10:44 am]

UMI 76 31 GCA 8511-14A

RESOLUTION CHART

MICROCOPY RESOLUTION TEST CHART
NATIONAL BUREAU OF STANDARDS-1963-A

100 MILLIMETERS

INSTRUCTIONS Resolution is expressed in terms of the lines per millimeter recorded by a particular film under specified conditions. Numerals in chart indicate the number of lines per millimeter in adjacent "T-shaped" groupings.

In microfilming, it is necessary to determine the reduction ratio and multiply the number of lines in the chart by this value to find the number of lines recorded by the film. As an aid in determining the reduction ratio, the line above is 100 millimeters in length. Measuring this line in the film image and dividing the length into 100 gives the reduction ratio. Example: the line is 20 mm. long in the film image, and $100/20 = 5$.

Examine "T-shaped" line groupings in the film with microscope, and note the number adjacent to finest lines recorded sharply and distinctly. Multiply this number by the reduction factor to obtain resolving power in lines per millimeter. Example: 7.9 group of lines is clearly recorded while lines in the 10.0 group are not distinctly separated. Reduction ratio is 5, and $7.9 \times 5 = 39.5$ lines per millimeter recorded satisfactorily. $10.0 \times 5 = 50$ lines per millimeter which are not recorded satisfactorily. Under the particular conditions, maximum resolution is between 39.5 and 50 lines per millimeter.

Resolution, as measured on the film, is a test of the entire photographic system, including lens, exposure, processing, and other factors. These rarely utilize maximum resolution of the film. Vibrations during exposure, lack of critical focus, and exposures yielding very dense negatives are to be avoided.